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OF THE

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VOLUME XLVIII.

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VOLUME XLVIII, PART XI.

CONGRESSIONAL RECORD.

SIXTY-SECOND CONGRESS, SECOND SESSION.

SENATE.

FRIDAY, *August 9, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore, under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEATHER TRADE IN FRANCE AND SWITZERLAND (H. DOC. NO. 902).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent A. B. Butman, containing the result of his investigations of the shoe and leather trade in France and Switzerland, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

KERCKHOFF-CUZNER MILL & LUMBER CO. (S. DOC. NO. 906).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Navy, reporting under the provisions of the naval act of June 24, 1910, that the Navy Department has considered, ascertained, adjusted, and determined the claim of the Kerckhoff-Cuzner Mill & Lumber Co., owner of dock at San Pedro, Cal., for damages thereto as the result of being struck by the U. S. S. *Preble* on April 19, 1912, and found the sum of $52.30 due the claimant, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House adheres to its amendments to the amendments of the Senate Nos. 2, 3, and 4 to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, and adheres to its disagreement to the amendments of the Senate Nos. 5, 9, 10, and 11 to the bill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 5817. An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana;

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; and

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

PETITIONS AND MEMORIALS.

Mr. O'GORMAN presented a resolution adopted by the board of managers of the New York Produce Exchange, favoring the enactment of legislation extending to the shipper the right of appeal to the Commerce Court from decisions of the Interstate Commerce Commission, which was referred to the Committee on Interstate Commerce.

Mr. WETMORE presented a petition of members of the National Association of State Libraries, praying for the establishment of a national legislative reference bureau at Washington, D. C., which was referred to the Committee on the Library.

REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (H. R. 25073) to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa, reported it without amendment and submitted a report (No. 1023) thereon.

He also, from the same committee, to which was referred the bill (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River," reported it without amendment and submitted a report (No. 1026) thereon.

Mr. PERKINS, from the Committee on Commerce, to which was referred the bill (H. R. 22650) to amend sections 4214 and 4218 of the Revised Statutes, reported it without amendment and submitted a report (No. 1024) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (H. R. 25764) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry, asked to be discharged from its further consideration and that it be referred to the Committee on Public Lands, which was agreed to.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes, reported it without amendment, and submitted a report (No. 1025) thereon.

EXTENSION OF FIRST STREET EAST.

Mr. GALLINGER. From the Committee on the District of Columbia I report back favorably, without amendment, the bill (S. 1068) authorizing the extension of First Street east, and for other purposes, and I submit a report (No. 1022) thereon. If the Senator from Connecticut would kindly give me one minute—the bill will pass in that length of time—I ask for its present consideration.

Mr. BRANDEGEE. Certainly.

Mr. GALLINGER. It is in the usual form providing for street extensions.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNIVERSARY OF FRAMING OF THE CONSTITUTION.

Mr. DU PONT. From the Committee on Military Affairs I report back favorably, without amendment, the joint resolution (H. J. Res. 333) to authorize the loan of obsolete Springfield rifles, and so forth, to the Historical Pageant Committee, Philadelphia, Pa., and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to loan to the Historical Pageant Committee of Philadelphia, Pa., for use in the ceremonies pertaining to the celebration of the one hundred and twenty-fifth anniversary of the framing of the Constitution of the United States, not to exceed 2,000 obsolete Springfield rifles, caliber 45, and such number of obsolete swords or sabers as may be desired and are on hand and available.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CHAMBERLAIN:

A bill (S. 7438) for the relief of Lewis Montgomery (with accompanying papers); to the Committee on Public Lands.

By Mr. KERN:

A bill (S. 7439) granting an increase of pension to James Edwards (with accompanying papers); to the Committee on Pensions.

By Mr. WATSON (for Mr. CHILTON):

A bill (S. 7440) for the relief of P. H. Harper; and

A bill (S. 7441) for the relief of the heirs of John Morgan; to the Committee on Claims.

A bill (S. 7442) granting a pension to Elizabeth S. Ryan; to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 7443) granting a pension to Mary A. Fisher; to the Committee on Pensions.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CLAPP submitted an amendment proposing to appropriate $3,305,257.19, being the net amount of a judgment rendered by the Court of Claims in favor of the Confederated Bands of Ute Indians, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

SPEECH OF ACCEPTANCE OF PRESIDENT TAFT (S. DOC. NO. 902).

Mr. BRANDEGEE. I ask unanimous consent to have printed as a public document the speech of notification of the senior Senator from New York [Mr. ROOT] to the President and the President's speech accepting the nomination for the Presidency by the Republican national convention.

The PRESIDENT pro tempore. The Senator from Connecticut asks unanimous consent that the papers the contents of

which he has stated be printed as a document. Is there objection? The Chair hears none, and it is so ordered.

WORKMEN'S COMPENSATION LEGISLATION (S. DOC. NO. 905).

Mr. SUTHERLAND. I send to the desk an article written by Congressman BRANTLEY, of the House, on the subject of workmen's compensation legislation, and I ask that it be printed as a Senate document.

Mr. SMOOT. I should like to ask the Senator if the article, after having been written, was delivered in the House?

Mr. SUTHERLAND. No; it was not.

Mr. SMOOT. It has never been delivered there?

Mr. SUTHERLAND. It has never been delivered there.

The PRESIDENT pro tempore. The Senator from Utah asks that an article the nature of which he has stated shall be printed as a public document. Is there objection?

Mr. SHIVELY. There was some confusion on this side of the Chamber when the Senator from Utah made his statement. What is the character of the document which he desires printed?

Mr. SUTHERLAND. It is a short article on the subject of workmen's compensation legislation.

Mr. SHIVELY. By whom?

Mr. SUTHERLAND. By Representative BRANTLEY, of the House of Representatives.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and it is so ordered.

SPEECH OF ACCEPTANCE OF GOV. WILSON (S. DOC. NO. 903).

Mr. CULBERSON. I ask to have printed as a public document the speech of acceptance of Gov. Wilson, a copy of which I send to the desk.

The PRESIDENT pro tempore. The Senator from Texas asks that the document which he has stated——

Mr. SIMMONS. I have not the document, but I think the speech of Representative JAMES notifying Mr. Wilson ought also to be printed, just as in the case of the request a little while ago with reference to Mr. ROOT's speech of notification. I ask that that be included, the speech to be furnished by me as soon as I can get a copy of it.

The PRESIDENT pro tempore. Does the Senator from Texas modify his request?

Mr. CULBERSON. I have no objection, of course. I have not, however, the speech of Representative JAMES, nor have I ever seen it.

Mr. SIMMONS. It can be obtained.

The PRESIDENT pro tempore. The request is that the speech of acceptance of Gov. Wilson and the speech of notification by Representative JAMES be printed as a public document. Is there objection?

Mr. POINDEXTER and Mr. JONES addressed the Chair.

The PRESIDENT pro tempore. The Chair is endeavoring to submit a question to the Senate.

Mr. CULBERSON. Mr. President——

Mr. JONES. I was merely going to ask why not have all the speeches of acceptance printed as one document—the speech of former President Roosevelt, of President Taft, and of Mr. Wilson?

The PRESIDENT pro tempore. The question is——

Mr. POINDEXTER. I concur heartily with my colleague's suggestion. I think that would be an excellent plan.

Mr. CULBERSON. I will ask the Senator from Connecticut [Mr. BRANDEGEE] if his request includes printing in the RECORD also?

Mr. BRANDEGEE. Oh, no; I have been informed that it is not usual to so print the speech of a presidential candidate accepting the nomination.

Mr. SMOOT. I wish to say to the Senator that it has already been printed in the RECORD by the extension of the remarks of certain Members of the other House.

Mr. CULBERSON. I ask that the speech of Gov. Wilson and Representative JAMES be also printed in the RECORD, as well as printed as a Senate document.

Mr. SMOOT. Mr. President, I understand the request now is that the notification speech of Senator ROOT——

Mr. BRANDEGEE. That has been granted, Mr. President.

Mr. SMOOT. The proposition is to print both speeches in one document?

Mr. BRANDEGEE. Both in one document.

Mr. SMOOT. The notification speech of Senator ROOT and the speech of acceptance of President Taft?

Mr. BRANDEGEE. Yes; that was my request.

The PRESIDENT pro tempore. The request now is that the acceptance speech of Gov. Wilson and the notification speech of Representative JAMES be printed as a document and also printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The speeches referred to are as follows:

HON. OLLIE M. JAMES'S SPEECH OF NOTIFICATION.

[Speech of Hon. OLLIE M. JAMES, delivered at Seagirt, N. J., August 7, 1912, notifying Gov. Woodrow Wilson of his nomination for President by the Democratic Party.]

Gov. Wilson, the Democracy of this Republic, assembled in national convention at Baltimore on June 25, 1912, was truly representative of the people of this country. They represented a political faith that was born with the Government and founded by the one who wrote the charter of our freedom. The Democratic Party has lived through all the years since then to see the parties that battled against it die in the political arena in which they fought.

REPUBLICAN PARTY, ONCE TRIUMPHANT, NOW TORN.

And now we behold the Republican Party—once militant, united, and triumphant—divided, torn, and disheartened, presenting to the American people a disappearing and dissolving view. And in the melancholy reflection of its leaders we can almost hear them say, "What shall it profit a party if it shall gain all the trusts and lose the common people?"

On the forty-sixth ballot, in perhaps the most memorable and epoch-making convention ever held in our political history, you were unanimously nominated for President by the Democratic Party amid great enthusiasm. No cry of a fraud-controlled convention was heard, no charge of theft-made delegations was uttered, no bribery of delegates debauched that convention, no combination or trade, no bosses' mandate was responsible for your nomination.

But it came to you as untainted as the Nation's honor; it was the unbought, free voice and will of the people's honestly selected delegates. There are no disgruntled Democrats sulking in their tents. The men who contended against you for this prize, the loftiest political station in the world, take their defeat like the brave and seasoned soldiers they are, knowing that all could not achieve it and that the will of the people selected you.

ATTRIBUTES BEFIT HIM FOR GREAT UNDERTAKING.

The Democratic Party believe that you possess in splendid fullness those great attributes of constructive genius, inventive intellect, and resistless will that so transcendently befit you for the great undertaking for which your party has commissioned you. As the Democracy has bestowed upon you its most exalted confidence by naming you for the highest office in the gift of your countrymen, they have done so with an abiding confidence that your service to all the people by striving for equal laws and equal opportunities and in justly apportioning their burdens will meet in full and rounded measure all their hopes and expectations.

The principles for which our party fought and for which we fell in the last campaign have so aroused the public conscience, so touched the popular heart, have become so strong with the masses of the people that they have drawn to the support of the Democratic Party practically all unselfish Americans and have divided into irreconcilable factions the hitherto victorious Republian Party, which in the past triumphed by opposing them.

The Democratic Party is striving to give to all the people a government so just, with laws so righteous, that monopoly can find no hiding place and oppression no haven here; one that will make every citizen for his country a volunteer and every home a fortress against its invaders. We want to approach as nearly as possible to that ideal individualism for which republics were born, where the fruit of every man's toil can be enjoyed by his own family and every man's labor will inure to his own benefit.

NATION'S SAFETY RESTS ON EQUAL LAWS AND HONOR.

The safety and life of this Government, this free Republic, this home of constitutional liberty, rests at last not in its marching armies, nor its mighty navy, nor in its great wealth, but in its equal laws, its national honor, and in the everliving truth that above cottage, hut, and palace alike the ægis of the Constitution rests, which is the spirit of justice, the greatest attribute of God.

Great as is the honor of being President of this splendid Republic, yet the glory is not in the office, not in the fame of having held it, but in the service rendered to the people, by which the public servant is properly judged and which makes immortal the names of those who hold it.

And the people know you would not put the armor on if you did not hope and believe you would see a happier, more prosperous, and a more contented people when you take it off.

We all recognize the mighty task in front of you. Sixteen years of Republican rule have riveted the chains of monopoly,

special privilege, and greed upon every field of industrial and commercial endeavor, upon every market place, upon every avenue of trade.

Trust and monopoly walk with arrogant and brutal tread, fixing with equal insolence and oppression the market of the buyer and the seller. The Republican Party has taught the trusts that it only barks and never bites. Their prosecutions against these outlaws are but a signal to play a rising market, to drive higher the value of the stocks they own, to increase the prices of articles that they sell, and to grant greater dividends to those who are interested in them.

WANT PRESIDENT WHO CAN PROSECUTE MALEFACTORS.

The people call for a President and they believe they have found him in you, who will not alone proceed in chancery against these men who defy the laws, oppress the people, drive men, women, and children to desperation by reason of hunger and deny them the necessaries of life by monopolistic prices; one who will demand that the stripes of the felon shall be placed upon them; one who will give a vigorous and genuine Democratic people's rule enforcement to the criminal laws against malefactors of great wealth.

It will take a giant for this task, a hero's heart, a soldier's courage. Democracy looked this Republic over, and with millions to choose from selected you as the man. No general ever commanded in a greater contest, the successful outcome of which will be prolific of so much good, or failure fraught with so much disaster. The people will be with you. They are going to give you a Congress in sympathy with our cause, which will stand ready to aid you in all patriotic endeavor. The struggling masses everywhere, the toilers in field, shop, and factory; those who make up the great electorate, will stand with you in this contest.

The Democratic Party is the friend of honest business, whether the business be big or little, and is striving to make it impossible for criminal business to destroy legitimate business and oppress the people. The party which held that you had the right by law to tax all the people to give a profit to the favored few, which was the utterance of the Republican national platform of 1908, undertook to put in operation in their convention system the same principle by the committee on credentials giving a majority of votes to one of the candidates which had been taken away from another in order that he might profit by having the nomination.

FOUND GREAT PLEASURE IN USE OF COMMANDMENT.

And yet some of those who have been playing this system for the benefit of the special and favored few at the expense of the American people immediately severed their connection with the Republican Party, and in their distress, defeat, and dismay went to that book which offers a remedy for every wrong, balm for every sorrow, and found to their surprise and delight a commandment uttered centuries ago, "Thou shalt not steal."

This is not new doctrine to our party. We have heard it and demanded its application long ago, not only to conventions, but to the beneficiaries of convention platforms, to tariff taxes, to trusts and monopolies, the legitimate offspring of the protective-tariff system; and if the Republican convention held at Chicago had no other virtue, it caused some of the participants to read the Ten Commandments.

That principle which has divided the Republican Party upon practical application in convention proceedings has caused the American people to come to the Democratic Party, which says, "Thou shalt not steal by taxation, thou shalt not commission trusts and monopolies to steal by taxation," and the American people are allying themselves as never before with this party, which believes that a tax is a governmental agency and can be used only for governmental purposes and collected by the Government itself, and not farmed out to favor-seeking and special-privileged classes.

The American people demand the extirpation of trusts and monopolies, not the plucking of a blossom here and yonder, but that the ax shall be laid at the very root of the tree of special privilege. They demand the application of a just system of taxation that shall meet the immediate and reasonable needs of the Government administered in economy and honesty, that no tax shall be laid either to protect monopoly or to allow them to plunder the people.

TARIFF OUT OF POLITICS AND HANDS FROM POCKETS.

And in answer to the tariff trust-fed barons, who are demanding that the tariff shall be taken out of politics, when they have secured rates higher than ever before, hiding behind each one of them a monopoly that feeds upon labor's toil, we answer and say we will take the tariff out of politics when they take their larcenous hands out the pockets of the American people.

If elected, as now seems assured, it is our hope and belief that your name and administration will be embalmed in the hearts of the people, and that history may record the great truth that you found your country with all the avenues of commerce, the arteries of trade, in the grasp of vicious monopoly, and that you left it free, untrammeled, unshackled by law-protected greed, and no longer dominated by privilege; that you, through your powerful talents and great genius, cast off the monopolies that hold chained the commerce of the country; that you resisted the desperate stand of those money-changers and did so in triumph.

A former President charges the present President with being friendly with certain trusts and failure to prosecute them; the present President charges the former President with being friendly with certain other trusts and failure to prosecute them. I have carefully examined the record of both of their administrations and I am entirely unable to find anything upon which to base a denial of either of their statements.

What the people want, what they demand, is a President who will enforce the law to the utmost letter and prosecute all trusts; not one who is friendly with some and unfriendly with others, but a President friendly to the people and friendly to the law, and unfriendly to no legitimate business. One who will draw the sword of justice and law against all monopoly. For they know the cost of living can not be reduced, relief can not come to the people unless monopoly is destroyed.

The people demand something more than a President who is friendly with the good trusts—which usually means those that divide their loot of the people with their campaign managers—and unfriendly with the bad trusts, generally those that refuse to contribute freely.

KNOW HOW INDUSTRIAL PIRATES HAVE THRIVED.

The people know that all these industrial pirates and monopolistic cormorants have grown up and have been fostered and encouraged by the Republican Party during its control of the Government.

The cost of living has increased enormously during this time; wages have practically stood still. No relief has come to the people, but we are told by the Republican Party that if they are given further control of the Government they will do in the future what they have failed to do in the 16 years of the past—destroy their own creation.

When the Democratic Party passed tariff-reduction measures, so just that the Senate, controlled by the opposition party, could not resist their passage, offering to the people cheaper clothes, to the farmer and laborer cheaper implements with which to toil, cheaper meat and bread to the hungry, reducing the cost of living greatly, privilege made its last desperate stand in the White House and won, by reason of the President's veto of these righteous measures.

The American people desire to turn the White House from a bulwark of privilege into a fortress of justice to the people. The people want one in control there who will not resist the people's will, but who will lead the fight upon their behalf.

NEW JERSEY IN GLORY OF SELF-GOVERNMENT.

New Jersey, two years ago, was one of the most unprogressive States in the Union. Special privilege was strongly intrenched; public-service agencies had become the masters of the people; labor was burdened by laws not only archaic but oppressive; ballot reform was greatly needed; boss rule had both parties by the throat. The people of the great State were themselves really progressive; they wanted a voice to speak for them, a real fighter for the people's rule.

They selected you for this mighty task, nominated upon a platform calling for justice to the people. You were elected by them as their governor. Now we behold New Jersey in the majesty and glory of self-government. In less than two years your master mind, your splendid leadership, your love of the people's rule, your belief that platform promises were to be faithfully carried out, a real bond of honor between the party and the people, broke the chains that bound New Jersey and she stands to-day the redeemed Commonwealth.

The other States of the Union watched your struggle to free the people here and now they are ready to call you to do for the whole Nation what you did for a single State, deliver the Government into the hands of the people.

A committee composed of the permanent chairman of the convention and one delegate from each State and Territory was appointed to inform you of your selection as the nominee of the Democratic Party for President of the United States, and to request you to accept it, and the convention did me the honor to make me the chairman of this committee, charged with such a happy mission.

Therefore, in compliance with the command of that convention, this committee performs that pleasing duty, and as the appointed agent of that great national convention I hand you

this formal letter of notification signed by the members of the notification committee, accompanied by a copy of the platform adopted by the convention, and upon that platform I have the honor to request your acceptance of the tendered nomination. And upon behalf of the Democrats of the whole Republic, who are united, aggressive, and militant, we pledge you their united and earnest support, and may God guide you to a glorious victory in November.

—

GOV. WILSON'S SPEECH OF ACCEPTANCE.

Mr. JAMES and gentlemen of the notification committee: Speaking for the Democratic national convention, recently assembled at Baltimore, you have notified me of my nomination by the Democratic Party for the high office of President of the United States. Allow me to thank you very warmly for the generous terms in which you have, through your distinguished chairman, conveyed the notification, and for the thoughtful personal courtesy with which you have performed your interesting and important errand.

I accept the nominatiion with a deep sense of its unusual significance and of the great honor done me, and also with a very profound sense of my responsibility to the party and to the Nation. You will expect me in accepting the honor to speak very plainly the faith that is in me. You will expect me, in brief, to talk politics and open the campaign in words whose meaning no one need doubt. You will expect me to speak to the country as well as to yourselves.

We can not intelligently talk politics unless we know to whom we are talking and in what circumstances. The present circumstances are clearly unusual. No previous political campaign in our time has disclosed anything like them. The audience we address is in no ordinary temper. It is no audience of partisans. Citizens of every class and party and prepossession sit together, a single people, to learn whether we understand their life and know how to afford them the counsel and guidance they are now keenly aware that they stand in need of. We must speak, not to catch votes, but to satisfy the thought and conscience of a people deeply stirred by the conviction that they have come to a critical turning point in their moral and political development.

IN PRESENCE OF AN AWAKENED NATION.

We stand in the presence of an awakened Nation, impatient of partisan make-believe. The public man who does not realize the fact and feel its stimulation must be singularly unsusceptible to the influences that stir in every quarter about him. The Nation has awakened to a sense of neglected ideals and neglected duties; to a consciousness that the rank and file of her people find life very hard to sustain, that her young men find opportunity embarrassed, and that her older men find business difficult to renew and maintain because of circumstances of privilege and private advantage which have interlaced their subtle threads throughout almost every part of the framework of our present law. She has awakened to the knowledge that she has lost certain cherished liberties and has wasted priceless resources which she had solemnly undertaken to hold in trust for posterity and for all mankind; and to the conviction that she stands confronted with an occasion for constructive statesmanship such as has not arisen since the great days in which her Government was set up.

Plainly it is a new age. The tonic of such a time is very exhilarating. It requires self-restraint not to attempt too much, and yet it would be cowardly to attempt too little. The path of duty soberly and bravely trod is the way to service and distinction, and many adventurous feet seek to set out upon it.

There never was a time when impatience and suspicion were more keenly aroused by private power selfishly employed; when jealousy of everything concealed or touched with any purpose not linked with general good, or inconsistent with it, more sharply or immediately displayed itself.

Nor was the country ever more susceptible to unselfish appeals or to the high arguments of sincere justice. These are the unmistakable symptoms of an awakening. There is the more need for wise counsel because the people are so ready to heed counsel if it be given honestly and in their interest.

GREAT QUESTIONS OF RIGHT AND JUSTICE.

It is in the broad light of this new day that we stand face to face—with what? Plainly not with questions of party, not with a contest for office, not with a petty struggle for advantage, Democrat against Republican, liberal against conservative, progressive against reactionary. With great questions of right and of justice, rather—questions of national development, of the development of character and of standards of action no less than of a better business system, more free, more equitable, more open to ordinary men, practicable to live under, tolerable to work under, or a better fiscal system whose taxes shall not come out of the pockets of the many to go into the pockets of the few, and within whose intricacies special privilege may not so easily find covert. The forces of the Nation are asserting themselves against every form of special privilege and private control, and are seeking bigger things than they have ever heretofore achieved. They are sweeping away what is unrighteous in order to vindicate once more the essential rights of human life; and, what is very serious for us, they are looking to us for guidance, disinterested guidance, at once honest and fearless.

At such a time, and in the presence of such circumstances, what is the meaning of our platform, and what is our responsibility under it? What are our duty and our purpose? The platform is meant to show that we know what the Nation is thinking about, what it is most concerned about, what it wishes corrected, and what it desires to see attained that is new and constructive and intended for its long future. But for us it is a very practical document. We are not about to ask the people of the United States to adopt our platform; we are about to ask them to intrust us with office and power and the guidance of their affairs. They will wish to know what sort of men we are and of what definite purpose; what translation of action and of policy we intend to give to the general terms of the platform which the convention at Baltimore put forth, should we be elected.

The platform is not a program. A program must consist of measures, administrative acts, and acts of legislation. The proof of the pudding is the eating thereof. How do we intend to make it edible and digestible? From this time on we shall be under interrogation. How do we expect to handle each of the great matters that must be taken up by the next Congress and the next administration?

RULE OF JUSTICE FOR TARIFF AND TRUSTS.

What is there to do? It is hard to sum the great task up, but apparently this is the sum of the matter: There are two great things to do. One is to set up the rule of justice and of right in such matters as the tariff, the regulation of the trusts, and the prevention of monopoly, the adaptation of our banking and currency laws to the various uses to which our people must put them, the treatment of those who do the daily labor in our factories and mines and throughout all our great industrial and commercial undertakings, and the political life of the people of the Philippines, for whom we hold governmental power in trust, for their service, not our own. The other, the additional duty, is the great task of protecting our people and our resources and of keeping open to the whole people the doors of opportunity through which they must, generation by generation, pass if they are to make conquest of their fortunes in health, freedom, in peace, and in contentment. In the performance of this second great duty we are face to face with questions of conservation and of development, questions of forests and water powers and mines and waterways, of the building of an adequate merchant marine, and the opening of every highway and facility and the setting up of every safeguard needed by a great, industrious, expanding nation.

These are all great matters upon which everybody should be heard. We have got into trouble in recent years chiefly because these large things, which ought to have been handled by taking counsel with as large a number of persons as possible, because they touched every interest and the life of every class and region, have, in fact, been too often handled in private conference. They have been settled by very small, and often deliberately exclusive, groups of men who undertook to speak for the whole Nation, or rather for themselves in the terms of the whole Nation—very honestly, it may be true, but very ignorantly sometimes, and very shortsightedly, too—a poor substitute for genuine common counsel. No group of directors, economic or political, can speak for a people. They have neither the point of view nor the knowledge. Our difficulty is not that wicked and designing men have plotted against us, but that our common affairs have been determined upon too narrow a view, and by too private an initiative. Our task now is to effect a great readjustment and get the forces of the whole people once more into play. We need no revolution; we need no excited change; we need only a new point of view and a new method and spirit of counsel.

NATION HAS BEEN AT WAR WITHIN ITSELF.

We are servants of the people, the whole people. The Nation has been unnecessarily, unreasonably, at war within itself. Interest has clashed with interest when there were common principles of right and of fair dealing which might and should have bound them all together, not as rivals, but as partners. As the servants of all we are bound to undertake the great duty of accommodation and adjustment.

We can not undertake it except in a spirit which some find it hard to understand. Some people only smile when you speak of yourself as a servant of the people; it seems to them like affectation or mere demagoguery. They ask what the unthinking crowd knows or comprehends of great complicated matters of government. They shrug their shoulders and lift their eyebrows when you speak as if you really believed in presidential primaries, in the direct election of United States Senators, and in an utter publicity about everything that concerns government, from the sources of campaign funds to the intimate debate of the higher affairs of State.

They do not, or will not, comprehend the solemn thing that is in your thought. You know as well as they do that there are all sorts and conditions of men—the unthinking mixed with the wise, the reckless with the prudent, the unscrupulous with the fair and honest—and you know what they sometimes forget, that every class without exception affords a sample of the mixture, the learned and the fortunate no less than the uneducated and the struggling mass. But you see more than they do. You see that these multitudes of men, mixed, of every kind and quality, constitute somehow an organic and noble whole, a single people, and that they have interests which no man can privately determine without their knowledge and counsel. That is the meaning of representative government itself. Representative government is nothing more or less than an effort to give voice to this great body through spokesmen chosen out of every grade and class.

TARIFF HAS BEEN POLITICS INSTEAD OF BUSINESS.

You may think that I am wandering off into a general disquisition that has little to do with the business in hand, but I am not. This is business—business of the deepest sort. It will solve our difficulties if you will but take it as business.

See how it makes business out of the tariff question. The tariff question, as dealt with in our time at any rate, has not been business. It has been politics. Tariff schedules have been made up for the purpose of keeping as large a number as possible of the rich and influential manufacturers of the country in a good humor with the Republican Party, which desired their constant financial support. The tariff has become a system of favors, which the phraseology of the schedule was often deliberately contrived to conceal. It becomes a matter of business, of legitimate business, only when the partnership and understanding it represents is between the leaders of Congress and the whole people of the United States, instead of between the leaders of Congress and small groups of manufacturers demanding special recognition and consideration. That is why the general idea of representative government becomes a necessary part of the tariff question. Who, when you come down to the hard facts of the matter, have been represented in recent years when our tariff schedules were being discussed and determined, not on the floor of Congress, for that is not where they have been determined, but in the committee rooms and conferences? That is the heart of the whole affair. Will you, can you, bring the whole people into the partnership or not? No one is discontented with representative government; it falls under question only when it ceases to be representative. It is at bottom a question of good faith and morals.

TARIFF HAS BEEN USED TO FOSTER SPECIAL PRIVILEGE.

How does the present tariff look in the light of it? I say nothing for the moment about the policy of protection, conceived and carried out as a disinterested statesman might conceive it. Our own clear conviction as Democrats is that in the last analysis the only safe and legitimate object of tariff duties, as of taxes of every other kind, is to raise revenue for the support of the Government; but that is not my present point. We denounce the Payne-Aldrich Tariff Act as the most conspicuous example ever afforded the country of the special favors and monopolistic advantages which the leaders of the Republican Party have so often shown themselves willing to extend to those to whom they looked for campaign contributions. Tariff duties as they have employed them have not been a means of setting up an equitable system of protection. They have been, on the contrary, a method of fostering special privilege. They have made it easy to establish monopoly in our domestic markets. Trusts have owed their origin and their secure power to them. The economic freedom of our people, our prosperity in trade, our untrammeled energy in manufacture depend upon their reconsideration from top to bottom in an entirely different spirit.

We do not ignore the fact that the business of a country like ours is exceedingly sensitive to changes in legislation of this kind. It has been built up, however inadvisedly, upon tariff schedules written in the way I have indicated, and its foundations must not be too radically or too suddenly disturbed. When we act, we should act with caution and prudence, like men who know what they are about, and not like those in love with a theory. It is obvious that the changes we make should be made only at such a rate and in such a way as will least interfere with the normal and healthful course of commerce and manufacture. But we shall not on that account act with timidity, as if we did not know our own minds, for we are certain of our ground and of our object. There should be an immediate revision, and it should be downward, unhesitatingly and steadily downward.

DUTIES MUST BE REVISED TO END SPECIAL FAVORS.

It should begin with the schedules which have been most obviously used to kill competition to raise prices in the United States, arbitrarily and without regard to the prices pertaining elsewhere in the markets of the world; and it should, before it is finished or intermitted, be extended to every item in every schedule which affords any opportunity for monopoly, for special advantage to limited groups of beneficiaries, or for subsidized control of any kind in the markets or the enterprises of the country; until special favors of every sort shall have been absolutely withdrawn and every part of our laws of taxation shall have been transformed from a system of governmental patronage into a system of just and reasonable charges which shall fall where they will create the least burden. When we shall have done that, we can fix questions of revenue and of business adjustment in a new spirit and with clear minds. We shall then be partners with all the business men of the country, and a day of freer, more stable property shall have dawned.

There has been no more demoralizing influence in our politics in our time than the influence of tariff legislation, the influence of the idea that the Government was the grand dispenser of favors, the maker and unmaker of fortunes and of opportunities such as certain men have sought in order to control the movement of trade and industry throughout the continent. It has made the Government a prize to be captured and parties the means of effecting the capture. It has made the business men of one of the most virile and enterprising nations of the world timid, fretful, full of alarms; has robbed them of self-confidence and manly force, until they have cried out that they could do nothing without the assistance of the Government at Washington. It has made them feel that their lives depended upon the Ways and Means Committee of the House and the Finance Committee of the Senate (in these later years particularly the Finance Committee of the Senate). They have insisted very anxiously that these committees should be made up only of their "friends"; until the country in its turn grew suspicious and wondered how those committees were being guided and controlled, by what influences and plans of personal advantage. Government can not be wholesomely conducted in such an atmosphere. Its very honesty is in jeopardy. Favors are never conceived in the general interest; they are always for the benefit of the few, and the few who seek and obtain them have only themselves to blame if presently they seem to be contemned and distrusted.

MAJORITY POORER, THOUGH WAGES HAVE INCREASED.

For what has the result been? Prosperity? Yes, if by prosperity you mean vast wealth, no matter how distributed, or whether distributed at all, or not; if you mean vast enterprises built up to be presently concentrated under the control of comparatively small bodies of men, who can determine almost at pleasure whether there shall be competition or not. The Nation as a nation has grown immensely rich. She is justly proud of her industries and of the genius of her men of affairs. They can master anything they set their minds to, and we have been greatly stimulated under their leadership and command. Their laurels are many and very green. We must accord them the great honors that are due and we must preserve what they have built up for us. But what of the other side of the picture? It is not as easy for us to live as it used to be. Our money will not buy as much. High wages, even when we can get them, yield us no great comfort. We used to be better off with less because a dollar could buy so much more. The majority of us have been disturbed to find ourselves growing poorer, even though our earnings were slowly increasing. Prices climb faster than we can push our earnings up.

Moreover, we begin to perceive some things about the movement of prices that concern us very deeply, and fix our attention upon the tariff schedules with a more definite determination than ever to get to the bottom of this matter. We have been looking into it, at trials held under the Sherman Act and in investigations in the committee rooms of Congress, where men who wanted to know the real facts have been busy with inquiry; and we begin to see very clearly what at least some of the methods are by which prices are fixed. We know that they are not fixed by the competitions of the market or by the ancient law of supply and demand which is to be found stated in all the primers of economics, but by private arrangements

with regard to what the supply should be and agreements among the producers themselves. Those who buy are not even represented by counsel. The high cost of living is arranged by private understanding.

LEGISLATION THAT HAS BEEN MADE FOR THE FEW.

We naturally ask ourselves, How did these gentlemen get control of these things? Who handed our economic laws over to them for legislative and contractual alteration? We have in these disclosures still another view of the tariff, still another proof that not the people of the United States but only a very small number of them have been partners in that legislation. Those few have learned how to control tariff legislation, and as they have perfected their control they have consolidated their interests. Men of the same interest have drawn together, have united their enterprises and have formed trusts; and trusts can control prices. Up to a certain point (and only up to a certain point) great combinations effect great economies in administration, and increase efficiency by simplifying and perfecting organization; but whether they effect economies or not, they can very easily determine prices by intimate agreement so soon as they come to control a sufficient percentage of the product in any great line of business; and we know that they do.

I am not drawing up an indictment against anybody. That is the natural history of such tariffs as are now contrived, as it is the natural history of all other governmental favors and of all licenses to use the Government to help certain groups of individuals along in life. Nobody in particular, I suppose, is to blame, and I am not interested just now in blaming anybody. I am simply trying to point out what the situation is, in order to suggest what there is for us to do if we would serve the country as a whole. The fact is that the trusts have been formed, have gained all but complete control of the larger enterprises of the country, have fixed prices and fixed them high so that profits might be rolled up that were thoroughly worth while, and that the tariff, with its artificial protection and stimulations, gave them the opportunity to do these things and has safeguarded them in that opportunity.

PERIOD OF INFANT INDUSTRIES HAS PASSED.

The trusts do not belong to the period of infant industries. They are not the products of the time, that old, laborious time, when the great continent we live on was undeveloped, the young Nation struggling to find itself and get upon its feet amidst older and more experienced competitors. They belong to a very recent and very sophisticated age, when men knew what they wanted and knew how to get it by the favor of the Government. It is another chapter in the natural history of power and of "governing classes." The next chapter will set us free again. There will be no flavor of tragedy in it. It will be a chapter of readjustment, not of pain and rough disturbance. It will witness a turning back from what is abnormal to what is normal. It will see a restoration of the laws of trade, which are the laws of competition and of unhampered opportunity, under which men of every sort are set free and encouraged to enrich the Nation.

I am not one of those who think that competition can be established by law against the drift of a world-wide economic tendency; neither am I one of those who believe that business done upon a great scale by a single organization—call it corporation, or what you will—is necessarily dangerous to the liberties, even the economic liberties, of a great people like our own, full of intelligence and of indomitable energy. I am not afraid of anything that is normal. I dare say we shall never return to the old order of individual competition, and that the organization of business upon a great scale of cooperation is, up to a certain point, itself normal and inevitable.

BIG BUSINESS NOT DANGEROUS BECAUSE IT IS BIG.

Power in the hands of great business men does not make me apprehensive, unless it springs out of advantages which they have not created for themselves. Big business is not dangerous because it is big, but because its bigness is an unwholesome inflation created by privileges and exemptions which it ought not to enjoy. While competition can not be created by statutory enactment, it can in large measure be revived by changing the laws and forbidding the practices that killed it, and by enacting laws that will give it heart and occasion again. We can arrest and prevent monopoly. It has assumed new shapes and adopted new processes in our time, but these are now being disclosed and can be dealt with.

The general terms of the present Federal antitrust law, forbidding "combinations in restraint of trade," have apparently proved ineffectual. Trusts have grown up under its ban very luxuriantly and have pursued the methods by which so many of them have established virtual monopolies without serious let or hindrance. It has roared against them like any sucking dove. I am not assessing the responsibility. I am merely stating the fact. But the means and methods by which trusts have established monopolies have now become known. It will be necessary to supplement the present law with such laws, both civil and criminal, as will effectually punish and prevent those methods, adding such other laws as may be necessary to provide suitable and adequate judicial processes, whether civil or criminal, to disclose them and follow them to final verdict and judgment. They must be specifically and directly met by law as they develop.

VAST CONFEDERACIES OF BANKS AND RAILWAYS.

But the problem and the difficulty are much greater than that. There are not merely great trusts and combinations which are to be controlled and deprived of their power to create monopolies and destroy rivals; there is something bigger still than they are and more subtle, more evasive, more difficult to deal with. There are vast confederacies—as I may perhaps call them for the sake of convenience—of banks, railways, express companies, insurance companies, manufacturing corporations, mining corporations, power and development companies, and all the rest of the circle, bound together by the fact that the ownership of their stock and the members of their boards of directors are controlled and determined by comparatively small and closely interrelated groups of persons who, by their informal confederacy, may control, if they please and when they will, both credit and enterprise. There is nothing illegal about these confederacies, so far as I can perceive. They have come about very naturally, generally without plan or deliberation, rather because there was so much money to be invested, and it was in the hands, at great financial centers, of men acquainted with one another and intimately associated in business, than because anyone had conceived and was carrying out a plan of general control; but they are none the less potent a force in our economic and financial system on that account. They are part of our problem. Their very existence gives rise to the suspicion of a "money trust," a concentration of the control of credit which may at any time become infinitely dangerous to free enterprise. If such a concentration and control does not actually exist it is evident that it can easily be set up and used at will. Laws must be devised which will prevent this, if laws can be worked out by fair and free counsel that will accomplish that result without destroying or seriously embarrassing any sound or legitimate business undertaking or necessary and wholesome arrangement.

Let me say again that what we are seeking is not destruction of any kind nor the disruption of any sound or honest thing, but merely the rule of right and of the common advantage. I am happy to say that a new spirit has begun to show itself in the last year or two among influential men of business, and, what is perhaps even more significant, among the lawyers who are their expert advisers; and that this spirit has displayed itself very notably in the last few months in an effort to return, in some degree at any rate, to the practices of genuine competition. Only a very little while ago our men of business were united in resisting every proposal of change and reform as an attack on business, an embarrassment to all large enterprise, an intimation that settled ideas of property were to be set aside and a new and strange order of things created out of hand. While they thought in that way, progress seemed impossible without hot contest and a bitter clash between interests, almost a war of classes. Common counsel seemed all but hopeless, because some of the chief parties in interest would not take part; seemed even to resent discussion as a manifestation of hostility toward themselves. They talked constantly about vested interests and were very hot.

BIG BUSINESS MEN ARE SEEING THE LIGHT.

It is a happy omen that their attitude has changed. They see that what is right can hurt no man; that a new adjustment of interests is inevitable and desirable, is in the interest of everybody; that their own honor, their own intelligence, their own practical comprehension of affairs is involved. They are beginning to adjust their business to the new standards. Their hand is no longer against the Nation; they are part of it; their interests are bound up with its interests. This is not true of all of them; but it is true of enough of them to show what the new age is to be and how the anxieties of statesmen are to be eased if the light that is dawning broadens into day.

If I am right about this, it is going to be easier to act in accordance with the rule of right and justice in dealing with the labor question. The so-called labor question is a question only because we have not yet found the rule of right in adjusting the interests of labor and capital. The welfare, the happiness, the energy and spirit of the men and women who do the daily work in our mines and factories, on our railroads, in our offices and marts of trade, on our farms and on the sea, are of the essence of our national life. There can be nothing whole-

some unless their life is wholesome; there can be no contentment unless they are contented. Their physical welfare affects the soundness of the whole Nation. We shall never get very far in the settlement of these vital matters so long as we regard everything done for the workingman, by law or by private agreement, as a concession yielded to keep him from agitation and a disturbance of our peace. Here, again, the sense of universal partnership must come into play if we are to act like statesmen, as those who serve, not a class, but a Nation.

FIRST REGARD MUST BE CARE OF WORKING PEOPLE.

The working people of America—if they must be distinguished from the minority that constitutes the rest of it—are, of course, the backbone of the Nation. No law that safeguards their life, that makes their hours of labor rational and tolerable, that gives them freedom to act in their own interest, and that protects them where they can not protect themselves, can properly be regarded as class legislation or as anything but as a measure taken in the interest of the whole people, whose partnership in right action we are trying to establish and make real and practical. It is in this spirit that we shall act if we are genuine spokesmen of the whole country.

As our program is disclosed—for no man can forecast it ready-made and before counsel is taken of everyone concerned—this must be its measure and standard, the interest of all concerned. For example, in dealing with the complicated and difficult question of the reform of our banking and currency laws it is plain that we ought to consult very many persons besides the bankers, not because we distrust the bankers, but because they do not necessarily comprehend the business of the country, notwithstanding they are indispensable servants of it and may do a vast deal to make it hard or easy. No mere bankers' plan will meet the requirements, no matter how honestly conceived. It should be a merchants' and farmers' plan as well, elastic in the hands of those who use it as an indispensable part of their daily business. I do not know enough about this subject to be dogmatic about it; I know only enough to be sure what the partnerships in it should be and that the control exercised over any system we may set up should be, as far as possible, a control emanating not from a single special class but from the general body and authority of the Nation itself.

WE MERELY HOLD THE PHILIPPINES IN TRUST.

In dealing with the Philippines we should not allow ourselves to stand upon any mere point of pride, as if, in order to keep countenance in the families of nations, it were necessary for us to make the same blunders of selfishness that other nations have made. We are not the owners of the Philippine Islands. We hold them in trust for the people who live in them. They are theirs, for the uses of their life. We are not even their partners. It is our duty, as trustees, to make whatever arrangement of government will be most serviceable to their freedom and development. Here, again, we are to set up the rule of justice and of right.

The rule of the people is no idle phrase; those who believe in it—as who does not that has caught the real spirit of America?—believe that there can be no rule of right without it; that right in politics is made up of the interests of everybody, and everybody should take part in the action that is to determine it. We have been keen for presidential primaries and the direct election of United States Senators, because we wanted the action of the Government to be determined by persons whom the people had actually designated as men whom they were ready to trust and follow. We have been anxious that all campaign contributions and expenditures should be disclosed to the public in fullest detail, because we regarded the influences which govern campaigns to be as much a part of the people's business as anything else connected with their Government. We are working toward a very definite object—the universal partnership in public affairs upon which the purity of politics and its aim and spirit depend.

For there is much for the partners to undertake. In the affairs of a great nation we plan and labor, not for the present only, but for the long future as well. There are great tasks of protection and conservation and development to which we have to address ourselves. Government has much more to do than merely to right wrongs and set the house in order.

WE MUST HUSBAND OUR NATURAL RESOURCES.

I do not know any greater question than that of conservation. We have been a spendthrift Nation, and now must husband what we have left. We must do more than that. We must develop, as well as preserve, our water powers and must add great waterways to the transportation facilities of the Nation, to supplement the railways within our borders as well as upon the Isthmus. We must revive our merchant marine, too, and fill the seas again with our own fleets. We must add to our present post-office service a parcel post as complete as that of any other nation. We must look to the health of our people upon every hand, as well as hearten them with justice and opportunity. This is the constructive work of government. This is the policy that has a vision and a hope and that looks to serve mankind.

There are many sides to these great matters. Conservation is easy to generalize about, but hard to particularize about wisely. Reservation is not the whole of conservation. The development of great States must not be stayed indefinitely to await a policy by which our forests and water powers can prudently be made use of. Use and development must go hand in hand. The policy we adopt must be progressive, not negative, merely, as if we did not know what to do.

With regard to the development of greater and more numerous waterways and the building up of a merchant marine, we must follow great constructive lines and not fall back upon the cheap device of bounties and subsidies. In the case of the Mississippi River, that great central artery of our trade, it is plain that the Federal Government must build and maintain the levees and keep the great waters in harness for the general use. It is plain, too, that vast sums of money must be spent to develop new waterways where trade will be most served and transportation most readily cheapened by them. Such expenditures are no largess on the part of the Government; they are national investments.

AMERICAN SHIPS MUST CARRY AMERICAN GOODS.

The question of a merchant marine turns back to the tariff again, to which all roads seem to lead, and to our registry laws, which, if coupled with the tariff, might almost be supposed to have been intended to take the American flag off the seas. Bounties are not necessary if you will but undo some of the things that have been done. Without a great merchant marine we can not take our rightful place in the commerce of the world. Merchants who must depend upon the carriers of rival mercantile nations to carry their goods to market are at a disadvantage in international trade too manifest to need to be pointed out, and our merchants will not long suffer themselves—ought not to suffer themselves—to be placed at such a disadvantage. Our industries have expanded to such a point that they will burst their jackets if they can not find a free outlet to the markets of the world, and they can not find such an outlet unless they be given ships of their own to carry their goods—ships that will go the routes they want them to go—and prefer the interests of America in their sailing orders and their equipment. Our domestic markets no longer suffice. We need foreign markets. That is another force that is going to break the tariff down. The tariff was once a bulwark; now it is a dam. For trade is reciprocal; we can not sell unless we also buy.

The very fact that we have at last taken the Panama Canal seriously in hand and are vigorously pushing it toward completion is eloquent of our reawakened interest in international trade. We are not building the canal and pouring out millions upon millions of money upon its construction merely to establish a water connection between the two coasts of the continent, important and desirable as that may be, particularly from the point of view of naval defense. It is meant to be a great international highway. It would be a little ridiculous if we should build it and then have no ships to send through it. There have been years when not a single ton of freight passed through the great Suez Canal in an American bottom, so empty are the seas of our ships and seamen. We must mean to put an end to that kind of thing or we would not be cutting a new canal at our very doors merely for the use of our men-of-war. We shall not manage the revival by the mere paltry device of tolls. We must build and buy ships in competition with the world. We can do it if we will but give ourselves leave

EDUCATION IS A PART OF CONSERVATION.

There is another duty which the Democratic Party has shown itself great enough and close enough to the people to perceive, the duty of Government to share in promoting agricultural, industrial, vocational education in every way possible within its constitutional powers. No other platform has given this intimate vision of a party's duty. The Nation can not enjoy its deserved supremacy in the markets and enterprises of the world unless its people are given the ease and effectiveness that come only with knowledge and training. Education is part of the great task of conservation, part of the task of renewal and of perfected power.

We have set ourselves a great program, and it will be a great party that carries it out. It must be a party without entangling

alliances with any special interest whatever. It must have the spirit and the point of view of the new age. Men are turning away from the Republican Party, as organized under its old leaders, because they found that it was not free; that it was entangled; and they are turning to us because they deem us free to serve them. They are immensely interested, as we are, as every man who reads the signs of the time and feels the spirit of the new age is, in the new program. It is solidly based on the facts of our national life; its items are items of present business; it is what every man should wish to see done who wishes to see our present distemper made an end of and our old free cooperative life restored.

We should go into this campaign confident of only one thing—confident of what we want to do if intrusted with the Government. It is not a partisan fight we are entering upon. We are happily excused from personal attacks upon opponents and from all general indictments against the men opposed to us. The facts are patent to everybody; we do not have to prove them; the more frank among our opponents admit them. Our thinking must be constructive from start to finish. We must show that we understand the problems that confront us, and that we are soberly minded to deal with them; applying to them, not nostrums and notions, but hard sense and good courage.

IT IS A CONTEST OF PRINCIPLES.

A presidential campaign may easily degenerate into a mere personal contest and so lose its real dignity and significance. There is no indispensable man. The Government will not collapse and go to pieces if any one of the gentlemen who are seeking to be intrusted with its guidance should be left at home. But men are instruments. We are as important as the cause we represent, and in order to be important must really represent a cause. What is our cause? The people's cause. That is easy to say, but what does it mean? The common as against any particular interest whatever? Yes; but that, too, needs translation into acts and policies. We represent the desire to set up an unentangled government, a government that can not be used for private purposes, either in the field of business or in the field of politics; a government that will not tolerate the use of the organization of a great party to serve the personal aims and ambitions of any individual, and that will not permit legislation to be employed to further any private interest. It is a great conception, but I am free to serve it, as you also are. I could not have accepted a nomination which left me bound to any man or group of men. No man can be just who is not free; and no man who has to show favors ought to undertake the solemn responsibility of government in any rank or post whatever, least of all in the supreme post of President of the United States.

To be free is not necessarily to be wise. But wisdom comes with counsel, with the frank and free conference of untrammeled men united in the common interest. Should I be intrusted with the great office of President, I would seek counsel wherever it could be had upon free terms. I know the temper of the great convention which nominated me; I know the temper of the country that lay back of that convention and spoke through it. I heed with deep thankfulness the message you bring me from it. I feel that I am surrounded by men whose principles and ambitions are those of true servants of the people. I thank God and will take courage.

SPEECH OF ACCEPTANCE OF EX-PRESIDENT ROOSEVELT (S. DOC. NO. 904).

Mr. POINDEXTER. I make a similar request that the speech of ex-President Roosevelt, delivered at the Chicago Progressive convention, August 6, be printed as a public document. I will furnish a copy to the Secretary.

The PRESIDENT pro tempore. The Senator from Washington asks that the speech delivered by ex-President Roosevelt at the Chicago convention relative to his nomination to the Presidency be printed as a public document. Is there objection? The Chair hears none, and it is so ordered.

Mr. POINDEXTER. I make the further request that the speech of Col. Roosevelt, which I have referred to, be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Washington asks that the speech delivered by ex-President Roosevelt at Chicago, and which has been ordered printed as a public document, be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered.

The speech referred to is as follows:

PURPOSES AND POLICIES OF THE PROGRESSIVE PARTY.

To you, men and women who have come here to this great city of this great State formally to launch a new party, a party of the people of the whole Union, the Progressive Party, I extend my hearty greeting. You are taking a bold and a greatly needed step for the service of our beloved country. The old parties are husks, with no real soul within either, divided on artificial lines, boss ridden and privilege controlled, each a jumble of incongruous elements, and neither daring to speak out wisely and fearlessly what should be said on the vital issues of the day.

This new movement is a movement of truth, sincerity, and wisdom, a movement which proposes to put at the service of all our people the collective power of the people, through their governmental agencies, alike in the Nation and in the several States.

We propose boldly to face the real and great questions of the day, and not skillfully to evade them as do the old parties. We propose to raise aloft a standard to which all honest men can repair, and under which all can fight, no matter what their past political differences, if they are content to face the future and no longer to dwell among the dead issues of the past.

We propose to put forth a platform which shall not be a platform of the ordinary and insincere kind, but shall be a contract with the people; and, if the people accept this contract by putting us in power, we shall hold ourselves under honorable obligation to fulfill every promise it contains as loyally as if it were actually enforceable under the penalties of the law.

NO HOPE FOR THE OLD PARTY MACHINES.

The prime need to-day is to face the fact that we are now in the midst of a great economic evolution. There is urgent necessity of applying both common sense and the highest ethical standard to this movement for better economic conditions among the mass of our people if we are to make it one of healthy evolution and not one of revolution. It is, from the standpoint of our country, wicked as well as foolish longer to refuse to face the real issues of the day.

Only by so facing them can we go forward; and to do this we must break up the old party organizations and obliterate the old cleavage lines on the dead issues inherited from 50 years ago.

Our fight is a fundamental fight against both of the old corrupt party machines, for both are under the dominion of the plunder league of the professional politicians, who are controlled and sustained by the great beneficiaries of privilege and reaction. How close is the alliance between the two machines is shown by the attitude of that portion of those northeastern newspapers, including the majority of the great dailies in all the northeastern cities—Boston, Buffalo, Springfield, Hartford, Philadelphia, and, above all, New York—which are controlled by or representative of the interests which, in popular phrase, are conveniently grouped together as the Wall Street interests.

The large majority of these papers supported Judge Parker for the Presidency in 1904; almost unanimously they supported Mr. Taft for the Republican nomination this year; the large majority are now supporting Prof. Wilson for the election. Some of them still prefer Mr. Taft to Mr. Wilson, but all make either Mr. Taft or Mr. Wilson their first choice; and one of the ludicrous features of the campaign is that those papers supporting Prof. Wilson show the most jealous partisanship for Mr. Taft whenever they think his interests are jeopardized by the Progressive movement—that, for instance, any electors will obey the will of the majority of the Republican voters at the primaries, and vote for me instead of obeying the will of the Messrs. Barnes-Penrose-Guggenheim combination by voting for Mr. Taft.

INTERESTS TO BEAT THE NEW PARTY.

No better proof can be given than this of the fact that the fundamental concern of the privileged interests is to beat the new party. Some of them would rather beat it with Mr. Wilson; others would rather beat it with Mr. Taft; but the difference between Mr. Wilson and Mr. Taft they consider as trivial, as a mere matter of personal preference. Their real fight is for either as against the Progressives. They represent the allied reactionaries of the country, and they are against the new party because to their unerring vision it is evident that the real danger to privilege comes from the new party, and from the new party alone.

The men who presided over the Baltimore and the Chicago conventions and the great bosses who controlled the two conventions—Mr. ROOT and Mr. Parker, Mr. Barnes and Mr. Murphy, Mr. PENROSE and Mr. Taggart, Mr. GUGGENHEIM and Mr. Sullivan—differ from one another, of course, on certain points. But these are the differences which one corporation lawyer has with another corporation lawyer when acting for different corporations. They come together at once as against a common enemy when the dominion of both is threatened by the supremacy of the people of the United States, now aroused to the need of a national alignment on the vital economic issues of this generation.

Neither the Republican nor the Democratic platform contains the slightest promise of approaching the great problems of to-day, either with understanding or good faith; and yet never was there greater need in this Nation than now of understanding, and of action taken in good faith, on the part of the men and the organizations shaping our governmental policy.

Moreover, our needs are such that there should be coherent action among those responsible for the conduct of national affairs and those responsible for the conduct of State affairs, because our aim should be the same in both State and Nation—that is, to use the Government as an efficient agency for the practical betterment of social and economic conditions throughout this land.

There are other important things to be done, but this is the most important thing. It is preposterous to leave such a movement in the hands of men who have broken their promises as have the present heads of the Republican organization—not of the Republican voters, for they in no shape represent the rank and file of Republican voters.

These men, by their deeds, give the lie to their words. There is no health in them, and they can not be trusted.

But the Democratic Party is just as little to be trusted. The Underwood-Fitzgerald combination in the House of Representatives has shown that it can not safely be trusted to maintain the interests of this country abroad or to represent the interests of the plain people at home.

The control of the various State bosses in the State organizations has been strengthened by the action at Baltimore; and scant, indeed, would be the use of exchanging the whips of Messrs. Barnes, PENROSE, and GUGGENHEIM for the scorpions of Messrs. Murphy, Taggart, and Sullivan. Finally, the Democratic platform not only shows an utter failure to understand either present conditions or the means of making these conditions better, but also a reckless willingnes to try to attract various sections of the electorate by making mutually incompatible promises which there is not the slightest intention of redeeming, and which, if redeemed, would result in sheer ruin. Farseeing patriots should turn scornfully from men who seek power on a platform which with exquisite nicety combines silly inability to understand the national needs and dishonest insincerity in promising conflicting and impossible remedies.

If this country is really to go forward along the path of social and economic justice there must be a new party of nation-wide and nonsectional principles; a party where the titular national chiefs and the real State leaders shall be in genuine accord; a party in whose counsels the people shall be supreme; a party that shall represent in the Nation and the several States alike the same cause—the cause of human rights and of governmental efficiency.

At present both the old parties are controlled by professional politicians in the interests of the privileged classes, and apparently each has set up as its ideal of business and political development a government by financial despotism, tempered by make-believe political assassination.

Democrat and Republican alike, they represent government of the needy many by professional politicians in the interests of the rich few. This is class government, and class government of a peculiarly unwholesome kind.

RIGHT OF THE PEOPLE TO RULE.

It seems to me, therefore, that the time is ripe, and overripe, for a genuine progressive movement, nation-wide and justice-loving, sprung from and responsible to the people themselves, and sundered by a great gulf from both of the old party organizations, while representing all that is best in the hopes, beliefs, and aspirations of the plain people, who make up the immense majority of the rank and file of both the old parties.

The first essential in the Progressive program is the right of the people to rule. But a few months ago our opponents were assuring us with insincere clamor that it was absurd for us to talk about desiring that the people should rule, because, as a matter of fact, the people actually do rule. Since that time the actions of the Chicago convention, and to an only less degree of the Baltimore convention, have shown in striking fashion how little the people do rule under our present conditions. We should provide by national law for Presidential primaries. We should provide for the election of United States Senators by popular vote. We should provide for a short ballot; nothing makes it harder for the people to control their public servants than to force them to vote for so many officials that they can not really keep track of any one of them, so that each becomes indistinguishable in the crowd around him.

There must be stringent and efficient corrupt-practices acts, applying to the primaries as well as the elections; and there should be publicity of campaign contributions during the campaign. We should provide throughout this Union for giving the people in every State the real right to rule themselves and really and not nominally to control their public servants and their agencies for doing the public business, an incident of this being giving the people the right themselves to do this public business if they find it impossible to get what they desire through the existing agencies.

NO COMMUNITY HAS RIGHT TO DICTATE.

I do not attempt to dogmatize as to the machinery by which this end should be achieved. In each community it must be shaped so as to correspond not merely with the needs but with the customs and ways of thought of that community, and no community has a right to dictate to any other in this matter.

But wherever representative government has in actual fact become nonrepresentative there the people should secure to themselves the initiative, the referendum, and the recall, doing it in such fashion as to make it evident that they do not intend to use these instrumentalities wantonly or frequently, but to hold them ready for use in order to correct the misdeeds or failures of the public servants when it has become evident that these misdeeds and failures can not be corrected in ordinary and normal fashion.

The administrative officer should be given full power, for otherwise he can not do well the people's work; and the people should be given full power over him.

I do not mean that we shall abandon representative government; on the contrary, I mean that we shall devise methods by which our Government shall become really representative. To use such measures as the initiative, referendum, and recall indiscriminately and promiscuously on all kinds of occasions would undoubtedly cause disaster; but events have shown that at present our institutions are not representative—at any rate in many States, and sometimes in the Nation—and that we can not wisely afford to let this condition of things remain longer uncorrected.

We have permitted the growing up of a breed of politicians who, sometimes for improper political purposes, sometimes as a means of serving the great special interests of privilege which stand behind them, twist so-called representative institutions into a means of thwarting instead of expressing the deliberate and well-thought-out judgment of the people as a whole. This can not be permitted. We choose our Representatives for two purposes. In the first place, we choose them with the desire that as experts they shall study certain matters with which we, the people as a whole, can not be intimately acquainted, and that as regards these matters they shall formulate a policy for our betterment.

SHOULD HAVE RIGHT TO VOTE DISAPPROVAL.

Even as regards such a policy and the actions taken thereunder, we ourselves should have the right ultimately to vote our disapproval of it, if we feel such disapproval. But, in the next place, our Representatives are chosen to carry out certain policies as to which we have definitely made up our minds, and here we expect them to represent us by doing what we have decided ought to be done.

All I desire to do by securing more direct control of the governmental agents and agencies of the people is to give the people the chance to make their Representatives really represent them whenever the Government becomes misrepresentative instead of representative.

I have not come to this way of thinking from closet study or as a mere matter of theory; I have been forced to it by a long experience with the actual conditions of our political life.

A few years ago, for instance, there was very little demand in this country for presidential primaries. There would have been no demand now if the politicians had really endeavored to carry out the will of the people as regards nominations for President. But, largely under the influence of special privilege in the business world, there have arisen castes of politicians who not only do not represent the people, but who make their bread and butter by thwarting the wishes of the people.

This is true of the bosses of both political parties in my own State of New York, and it is just as true of the bosses of one or the other political party in a great many States of the Union. The power of the people must be made supreme within the several party organizations.

RESORTED TO THIEVERY TO CARRY POINT.

In the contest which culminated six weeks ago in this city I speedily found that my chance was at a minimum in any State where I could not get an expression of the people themselves in the primaries. I found that if I could appeal to the rank and file of the Republican voters I could generally win; whereas if I had to appeal to the political caste—which includes the most noisy defenders of the old system—I generally lost. Moreover, I found, as a matter of fact, not as a matter of theory, that these politicians habitually and unhesitatingly resort to every

species of mean swindling and cheating in order to carry their point. It is because of the general recognition of this fact that the words "politics" and "politicians" have grown to have a sinister meaning throughout this country.

The bosses and their agents in the national Republican convention at Chicago treated political theft as a legitimate political weapon.

It is instructive to compare the votes of States where there were open primaries and the votes of States where there were not. In Illinois, Pennsylvania, and Ohio we had direct primaries and the Taft machine was beaten two to one. Between and bordering on these States were Michigan, Indiana, and Kentucky. In these States we could not get direct primaries, and the politicians elected two delegates to our one. In the first three States the contests were absolutely open, absolutely honest. The rank and file expressed their wishes and there was no taint of fraud about what they did. In the other three States the contest was marked by every species of fraud and violence on the part of our opponents, and half the Taft delegates in the Chicago convention from these States had tainted titles.

The entire Wall Street press at this moment is vigorously engaged in denouncing the direct primary system and upholding the old convention system, or, as they call it, the "old representative system."

They are so doing because they know that the bosses and the powers of special privilege have tenfold the chance under the convention system that they have when the rank and file of the people can express themselves at the primaries.

NOMINATION OF TAFT GAINED BY FRAUD.

The nomination of Mr. Taft at Chicago was a fraud upon the rank and file of the Republican Party; it was obtained only by defrauding the rank and file of the party of their right to express their choice, and such fraudulent action does not bind a single honest member of the party.

Well, what the national committee and the fraudulent majority of the national convention did at Chicago in misrepresenting the people has been done again and again in Congress, perhaps especially in the Senate, and in the State legislatures. Again and again laws demanded by the people have been refused to the people because the representatives of the people misrepresented them.

Now, my proposal is merely that we shall give to the people the power, to be used not wantonly but only in exceptional cases, themselves to see to it that the governmental action taken in their name is really the action that they desire.

The American people and not the courts are to determine their own fundamental policies. The people should have power to deal with the effect of the acts of all their governmental agencies. This must be extended to include the effects of judicial acts as well as the acts of the Executive and legislative representatives of the people.

Where the judge merely does justice as between man and man, not dealing with constitutional questions, then the interest of the public is only to see that he is a wise and upright judge.

Means should be devised for making it easier than at present to get rid of an incompetent judge; means should be devised by the bar and the bench, acting in conjunction with the various legislative bodies, to make justice far more expeditious and more certain than at present. The stick-in-the-bark legalism, the legalism that subordinates equity to technicalities, should be recognized as a potent enemy of justice.

SHOULD NOT BE ABOVE PEOPLE'S CONTROL.

But this is not the matter of most concern at the moment. Our prime concern is that in dealing with the fundamental law of the land, in assuming finally to interpret it, and therefore finally to make it, the acts of the courts should be subject to and not above the final control of the people as a whole. I deny that the American people have surrendered to any set of men, no matter what their position or their character, the final right to determine those fundamental questions upon which free self-government ultimately depends.

The people themselves must be the ultimate makers of their own Constitution, and where their agents differ in their interpretations of the Constitution the people themselves should be given the chance, after full and deliberate judgment, authoritatively to settle what interpretaion it is that their representatives shall thereafter adopt as binding.

Whenever in our constitutional system of government there exist general prohibitions that, as interpreted by the courts, nullify, or may be used to nullify, specific laws passed, and admittedly passed, in the interest of social justice, we are for such immediate law, or amendment to the Constitution, if that be necessary, as will thereafter permit a reference to the people of the public effect of such decision, under forms securing full deliberation, to the end that the specific act of the legislative branch of the Government thus judicially nullified, and such amendments therof as come within its scope and purpose, may constitutionally be excepted by vote of the people from the general prohibitions, the same as if that particular act had been expressly excepted when the prohibition was adopted.

This will necessitate the establishment of machinery for making much easier of amendment both the national and the several State constitutions, especially with the view of prompt action on certain judicial decisions—action as specific and limited as that taken by the passage of the eleventh amendment to the National Constitution.

DECRYING OF COURTS ENACTED AT CHICAGO.

We are not in this decrying the courts. That was reserved for the Chicago convention in its plank respecting impeachment. Impeachment implies the proof of dishonesty. We do not question the general honesty of the courts. But in applying to present-day social conditions the general prohibitions that were intended originally as safeguards to the citizen against the arbitrary power of government in the hands of caste and privilege, these prohibitions have been turned by the courts from safeguards against political and social justice and advancement.

Our purpose is not to impugn the courts, but to emancipate them from a position where they stand in the way of social justice, and to emancipate the people, in an orderly way, from the iniquity of enforced submission to a doctrine which would turn constitutional provisions which were intended to favor social justice and advancement into prohibitions against such justice and advancement.

We in America have peculiar need thus to make the acts of the courts subject to the people, because, owing to causes which I need not now discuss, the courts have here grown to occupy a position unknown in any other country, a position of superiority over both the legislature and the executive. Just at this time, when we have begun in this country to move toward social and industrial betterment and true industrial democracy, this attitude on the part of the courts is of grave portent, because privilege has intrenched itself in many courts, just as it formerly intrenched itself in many legislative bodies and in many executive offices. Even in England, where the constitution is based upon the theory of the supremacy of the legislative body over the courts, the cause of democracy has at times been hampered by court action.

QUOTES FROM BOOK OF ENGLISH LIBERAL.

In a recent book by a notable English Liberal leader, L. T. Hobhouse, there occurs the following sentences dealing with this subject:

> Labor itself had experienced the full brunt of the attack. It had come, not from the politicians, but from the judges; but in this country we have to realize that within wide limits the judges are, in effect, legislators, and legislators with a certain persistent bent which can be held in check only by the constant vigilance and repeated efforts of the recognized organ for the making and repeal of law.

It thus appears that even in England it is necessary to exercise vigilance in order to prevent reactionary thwarting of the popular will by courts that are subject to the power of the legislature.

In the United States, where the courts are supreme over the legislature, it is vital that the people should keep in their own hands the right of interpreting their own Constitution when their public servants differ as to the interpretation.

I am well aware that every upholder of privilege, every hired agent or beneficiary of the special interests, including many well-meaning parlor reformers, will denounce all this as "Socialism" or "anarchy"—the same terms they used in the past in denouncing the movements to control the railways and to control public utilities.

As a matter of fact, the propositions I make constitute neither anarchy nor Socialism, but, on the contrary, a corrective to Socialism and an antidote to anarchy.

JUSTICE TO WAGEWORKERS.

I especially challenge the attention of the people to the need of dealing in far-reaching fashion with our human resources, and therefore our labor power. In a century and a quarter as a Nation the American people have subdued and settled the vast reaches of a continent; ahead lies the greater task of building upon this foundation, by themselves, for themselves, and with themselves, an American Commonwealth which in its social and economic structure shall be foursquare with democracy.

With England striving to make good the human wreckage to which a scrap-heap scheme of industrialism has relegated her, with Germany putting the painstaking resources of an empire at the work of developing her crafts and industrial sciences, with the Far East placing in the hands of its millions the tools invented and fashioned by Western civilization, it behooves Americans to keep abreast of the great industrial changes and to show that the people themselves, through popular self-government, can meet an age of crisis with wisdom and strength.

In the last 20 years an increasing percentage of our people have come to depend on industry for their livelihood, so that to-day the wageworkers in industry rank in importance side by side with the tillers of the soil.

As a people we can not afford to let any group of citizens or any individual citizen live or labor under conditions which are injurious to the common welfare.

Industry, therefore, must submit to such public regulation as will make it a means of life and health, not of death or inefficiency. We must protect the crushable elements at the base of our present industrial structure.

FIRST CHARGE ON INDUSTRIAL STATESMANSHIP.

The first charge on the industrial statesmanship of the day is to prevent human waste. The dead weight of orphanage and depleted craftsmanship, of crippled workers and workers suffering from trade diseases, of casual labor, of insecure old age, and of household depletion due to industrial conditions are, like our depleted soils, our gashed mountain sides and flooded river bottoms, so many strains upon the national structure, draining the reserve strength of all industries and showing beyond all peradventure the public element and public concern in industrial health.

Ultimately we desire to use the Government to aid, as far as can safely be done, in helping the industrial tool users to become in part tool owners, just as our farmers now are. Ultimately the Government may have to join more efficiently than at present in strengthening the hands of the workingmen who already stand at a high level industrially and socially and who are able by joint action to serve themselves. But the most pressing and immediate need is to deal with the cases of those who are on the level, and who are not only in need themselves, but, because of their need, tend to jeopardize the welfare of those who are better off.

We hold that under no industrial order, in no Commonwealth, in no trade, and in no establishment should industry be carried on under conditions inimical to the social welfare.

The abnormal, ruthless spendthrift industry or establishment tends to drag down all to the level of the least considerate.

SHOULD PLACE BEYOND QUIBBLE AND DISPUTE.

Here the sovereign responsibility of the people as a whole should be placed beyond all quibble and dispute.

The public needs have been well summarized as follows:

1. We hold that the public has a right to complete knowledge of the facts of work.
2. On the basis of these facts and with the recent discoveries of physicians and neurologists, engineers, and economists, the public can formulate minimum occupational standards below which, demonstrably, work can be prosecuted only at a human deficit.
3. In the third place, we hold that all industrial conditions which fall below such standards should come within the scope of governmental action and control in the same way that subnormal sanitary conditions are subject to public regulation and for the same reason—because they threaten the general welfare.

To the first end, we hold that the constituted authorities should be empowered to require all employers to file with them for public purposes such wage scales and other data as the public element in industry demands. The movement for honest weights and measures has its counterpart in industry All tallies, scales, and check systems should be open to public inspection and inspection of committees of the workers concerned. All deaths, injuries, and diseases due to industrial operation should be reported to public authorities.

WOULD ESTABLISH WAGE COMMISSIONS.

To the second end, we hold that minimum wage commissions should be established in the Nation and in each State to inquire into wages paid in various industries and to determine the standard which the public ought to sanction as a minimum; and we believe that, as a present installment of what we hope for in the future, there should be at once established in the Nation and its several States minimum standards for the wages of women, taking the present Massachusetts law as a basis from which to start and on which to improve.

We pledge the Federal Government to an investigation of industries along the lines pursued by the Bureau of Mines, with the view to establishing standards of sanitation and safety; we call for the standardization of mine and factory inspection by interstate agreement or the establishment of a Federal standard.

We stand for the passage of legislation in the Nation and in all States providing standards of compensation for industrial accidents and death, and for diseases clearly due to the nature of conditions of industry, and we stand for the adoption by law of a fair standard of compensation for casualties resulting fatally which shall clearly fix the minimum compensation in all cases.

In the third place, certain industrial conditions fall clearly below the levels which the public to-day sanction.

We stand for a living wage. Wages are subnormal if they fail to provide a living for those who devote their time and energy to industrial occupations.

The monetary equivalent of a living wage varies according to local conditions, but must include enough to secure the elements of a normal standard of living—a standard high enough to make morality possible, to provide for education and recreation, to care for immature members of the family, to maintain the family during periods of sickness, and to permit of reasonable saving for old age.

WOULD PROHIBIT CHILD LABOR.

Hours are excessive if they fail to afford the worker sufficient time to recuperate and return to his work thoroughly refreshed. We hold that the night labor of women and children is abnormal and should be prohibited; we hold that the employment of women over 48 hours per week is abnormal and should be prohibited.

We hold that the seven-day working week is abnormal, and we hold that one day of rest in seven should be provided by law.

We hold that the continuous industries, operating 24 hours out of 24, are abnormal, and where, because of public necessity or of technical reasons—such as molten metal—the 24 hours must be divided into 2 shifts of 12 hours or 3 shifts of 8, they should by law be divided into 3 of 8.

Safety conditions are abnormal when, through unguarded machinery, poisons, electrical voltage, or otherwise, the workers are subjected to unnecessary hazards of life and limb; and all such occupations should come under governmental regulation and control.

Home life is abnormal when tenement manufacture is carried on in the household. It is a serious menace to health, education, and childhood, and should therefore be entirely prohibited. Temporary construction camps are abnormal homes and should be subjected to governmental sanitary regulation.

The premature employment of children is abnormal and should be prohibited; so also the employment of women in manufacturing, commerce, or other trades where work compels standing constantly, and also any employment of women in such trades for a period of at least eight weeks at time of childbirth.

WOULD AVOID RUSH PERIODS OF WORK.

Our aim should be to secure conditions which will tend everywhere toward regular industry and will do away with the necessity for rush periods, followed by out-of-work seasons, which put so severe a strain on wageworkers.

It is abnormal for any industry to throw back upon the community the human wreckage due to its wear and tear; and the hazards of sickness, accident, invalidism, involuntary unemployment, and old age should be provided for through insurance.

This should be made a charge in whole or in part upon the industries—the employer, the employee, and, perhaps, the people at large, to contribute severally in some degree.

Wherever such standards are not met by given establishments, by given industries, are unprovided for by a legislature, or are balked by unenlightened courts, the workers are in jeopardy, the progressive employer is penalized, and the community pays a heavy cost in lessened efficiency and in misery.

What Germany has done in the way of old-age pensions or insurance should be studied by us and the system adapted to our uses with whatever modifications are rendered necessary by our different ways of life and habits of thought.

Working women have the same need to combine for protection that workingmen have; the ballot is as necessary for one class as for the other; we do not believe that with the two sexes there is identity of function; but we do believe that there should be equality of right, and therefore we favor woman suffrage.

WOULD LEAVE VOTE TO THE WOMEN.

In those conservative States where there is genuine doubt how the women stand on this matter I suggest that it be referred to a vote of the women, so that they may themselves make the decision. Surely if women could vote they would strengthen the hands of those who are endeavoring to deal in efficient fashion with evils such as the white-slave traffic, evils which can in part be dealt with nationally, but which in large part can be reached only by determined local action, such as insisting on the widespread publication of the names of the owners, the landlords, of houses used for immoral purposes.

No people are more vitally interested than workingmen and working women in questions affecting the public health. The pure-food law must be strengthened and efficiently enforced.

In the National Government one department should be intrusted with all the agencies relating to the public health, from the enforcement of the pure-food law to the administration of quarantine.

This department, through its special health service, would cooperate intelligently with the various State and municipal bodies established for the same end. There would be no discrimination against or for any one set of therapeutic methods, against or for any one school of medicine or system of healing; the aim would be merely to secure under one administrative body efficient sanitary regulation in the interest of the people as a whole.

THE FARMER AND PEOPLE'S INTERESTS.

There is no body of our people whose interests are more inextricably interwoven with the interests of all the people than is the case with the farmers. The Country Life Commission should be revived with greatly increased powers; its abandonment was a severe blow to the interests of our people. The welfare of the farmer is a basic need of this Nation. It is the men from the farm who in the past have taken the lead in every great movement within this Nation, whether in time of war or in time of peace.

It is well to have our cities prosper, but it is not well if they prosper at the expense of the country.

I am glad to say that in many sections of our country there has been an extraordinary revival of recent years in intelligent interest in and work for those who live in the open country. In this movement the lead must be taken by the farmers themselves; but our people, as a whole, through their governmental agencies, should back the farmers.

Everything possible should be done to better the economic condition of the farmer, and also to increase the social value of the life of the farmer, the farmer's wife, and their children.

The burdens of labor and loneliness bear heavily on the women in the country; their welfare should be the especial concern of all of us. Everything possible should be done to make life in the country profitable, so as to be attractive from the economic standpoint, and also to give an outlet among farming people for those forms of activity which now tend to make life in the cities especially desirable for ambitious men and women.

There should be just the same chance to live as full, as well rounded, and as highly useful lives in the country as in the city.

The Government must cooperate with the farmer to make the farm more productive. There must be no skinning of the soil. The farm should be left to the farmer's son in better and no worse condition because of its cultivation.

AID IN PRODUCTION FOR THE FARMER.

Moreover, every invention and improvement, every discovery and economy, should be at the service of the farmer in the work of production; and, in addition, he should be helped to cooperate in business fashion with his fellows, so that the money paid by the consumer for the product of the soil shall to as large a degree as possible go into the pockets of the man who raised that product from the soil.

So long as the farmer leaves cooperative activities with their profit sharing to the city man of business, so long will the foundations of wealth be undermined and the comforts of enlightenment be impossible in the country communities.

In every respect this Nation has to learn the lessons of efficiency in production and distribution, and of avoidance of waste and destruction; we must develop and improve instead of exhausting our resources. It is entirely possible by improvements in production, in the avoidance of waste, and in business methods on the part of the farmer to give him an increased income from his farm, while at the same time reducing to the consumer the price of the articles raised on the farm.

Important although education is everywhere, it has a special importance in the country. The country school must fit the country life; in the country, as elsewhere, education must be hitched up with life.

The country church and the country Young Men's and Young Women's Christian Associations have great parts to play. The farmers must own and work their own land; steps must be taken at once to put a stop to the tendency toward absentee landlordism and tenant farming; this is one of the most imperative duties confronting the Nation.

The question of rural banking and rural credits is also of immediate importance.

BUSINESS AND CONTROL OF THE TRUSTS.

The present conditions of business can not be accepted as satisfactory. There are too many who do not prosper enough, and of the few who prosper greatly there are certainly some whose prosperity does not mean well for the country.

Rational Progressives, no matter how radical, are well aware that nothing the Government can do will make some men prosper, and we heartily approve the prosperity, no matter how great, of any man, if it comes as an incident to rendering service to the community; but we wish to shape conditions so that a greater number of small men who are decent, industrious, and energetic shall be able to succeed, and so that the big man who is dishonest shall not be allowed to succeed at all.

Our aim is to control business, not to strangle it—and, above all, not to continue a policy of make-believe strangle toward big concerns that do evil, and constant menace toward both big and little concerns that do well.

Our aim is to promote prosperity and then see to its proper division. We do not believe that any good comes to anyone by a policy which means destruction of prosperity; for in such cases it is not possible to divide it because of the very obvious fact that there is nothing to divide.

We wish to control big business so as to secure, among other things, good wages for the wageworkers and reasonable prices for the consumers. Wherever in any business the prosperity of the business man is obtained by lowering the wages of his workmen and charging an excessive price to the consumers we wish to interfere and stop such practices.

We will not submit to that kind of prosperity any more than we will submit to prosperity obtained by swindling investors or getting unfair advantages over business rivals. But it is obvious that unless the business is prosperous the wageworker employed therein will be badly paid and the consumer badly served.

SELF-INTEREST OF THE WAGE EARNER.

Therefore, not merely as a matter of justice to the business man, but from the standpoint of the self-interest of the wageworker and the consumer, we desire that business shall prosper; but it should be so supervised as to make prosperity also take the shape of good wages to the wageworker and reasonable prices to the consumer, while investors and business rivals are insured just treatment, and the farmer, the man who tills the soil, is protected as sedulously as the wageworker himself.

Unfortunately, those dealing with the subject have tended to divide into two camps, each as unwise as the other. One camp has fixed its eyes only on the need of prosperity, loudly announcing that our attention must be confined to securing it in bulk, and that the division must be left to take care of itself.

This is merely the plan, already tested and found wanting, of giving prosperity to the big men on top, and trusting to their mercy to let something leak through to the mass of their countrymen below—which, in effect, means that there shall be no attempt to regulate the ferocious scramble in which greed and cunning reap the largest rewards.

The other set has fixed its eyes purely on the injustice of distribution, omitting all consideration of the need of having something to distribute, and advocates action which, it is true, would abolish most of the inequalities of the distribution of prosperity, but only by the unfortunately simple process of abolishing the prosperity itself.

This means merely that conditions are to be evened, not up, but down, so that all shall stand on a common level, where nobody has any prosperity at all. The task of the wise radical must be to refuse to be misled by either set of false advisers; he must both favor and promote the agencies that make for prosperity, and at the same time see to it that these agencies are so used as to be primarily of service to the average man.

MUST KEEP ANTITRUST LAWS ON THE BOOKS.

Again and again while I was President, from 1902 to 1908, I pointed out that under the antitrust law alone it was neither possible to put a stop to business abuses nor possible to secure the highest efficiency in the service rendered by business to the general public. The antitrust law must be kept on our statute books, and, as hereafter shown, must be rendered more effective in the cases where it is applied.

But to treat the antitrust law as an adequate or as by itself a wise measure of relief and betterment is a sign not of progress but of toryism and reaction. It has been of benefit so far as it has implied the recognition of a real and great evil and the at least sporadic application of the principle that all men alike must obey the law.

But as a sole remedy, universally applicable, it has in actual practice completely broken down; as now applied, it works more mischief than benefit.

It represents the waste of effort—always damaging to a community—which arises from the attempt to meet new conditions by the application of outworn remedies instead of fearlessly and in common-sense fashion facing the new conditions and devising the new remedies which alone can work effectively for good.

The antitrust law, if interpreted as the Baltimore platform demands it shall be interpreted, would apply to every agency by which not merely industrial but agricultural business is carried on in this country; under such an interpretation it ought in theory to be applied universally, in which case practically all industries would stop. As a matter of fact it is utterly out of the question to enforce it universally, and when enforced sporadically it causes continual unrest, puts the country at a

disadvantage with its trade competitors in international commerce, hopelessly puzzles honest business men and honest farmers as to what their rights are, and yet, as has just been shown in the cases of the Standard Oil and the Tobacco Trusts, it is no real check on the great trusts at which it was in theory aimed, and indeed operates to their benefit.

Moreover, if we are to compete with other nations in the markets of the world, as well as to develop our own material civilization at home, we must utilize those forms of industrial organization that are indispensable to the highest industrial productivity and efficiency.

QUOTES FROM BOOK BY UNIVERSITY HEAD.

An important volume, entitled "Concentration and Control," has just been issued by President Charles R. Van Hise, of the University of Wisconsin. The University of Wisconsin has been more influential than any other agency in making Wisconsin what it has become, a laboratory for wise social and industrial experiment in the betterment of conditions. President Van Hise is one of those thoroughgoing but sane and intelligent radicals from whom much of leadership is to be expected in such a matter.

The subtitle of his book shows that his endeavor is to turn the attention of his countrymen toward practically solving the trust problem of the United States. In his preface he states that his aim is to suggest a way to gain the economic advantages of the concentration of industry, and at the same time to guard the interests of the public and to assist in the rule of enlightenment, reason, fair play, mutual consideration, and toleration.

In sum, he shows that unrestrained competition as an economic principle has become too destructive to be permitted to exist, and that the small men must be allowed to cooperate under penalty of succumbing before their big competitors; and yet such cooperation, vitally necessary to the small man, is criminal under the present law. He says:

With the alternative before the business men of cooperation or failure, we may be sure that they will cooperate. Since the law is violated by practically every group of men engaged in trade, from one end of the country to the other, they do not feel that in combining they are doing a moral wrong. The selection of the individual or corporation for prosecution depends upon the arbitrary choice of the Attorney General, perhaps somewhat influenced by the odium which attaches to some of the violators of the law. They all take their chance, hoping that the blow will fall elsewhere. With general violation and sporadic enforcement of an impracticable law we can not hope that our people will gain respect for it.

In conclusion, there is presented as the solution of the difficulties of the present industrial situation concentration, cooperation, and control. Through concentration we may have the economic advantages coming from magnitude of operations. Through cooperation we may limit the wastes of the competitive system. Through control by commission we may secure freedom for fair competition, elimination of unfair practices, conservation of our natural resources, fair wages, good social conditions, and reasonable prices.

Concentration and cooperation in industry in order to secure efficiency are a world-wide movement. The United States can not resist it. If we isolate ourselves and insist upon the subdivision of industry below the highest economic efficiency, and do not allow cooperation, we shall be defeated in the world's markets. We can not adopt an economic system less efficient than our great competitors—Germany, England, France, and Austria. Either we must modify our present obsolete laws regarding concentration and cooperation so as to conform with the world movement or else fall behind in the race for the world's markets. Concentration and cooperation are conditions imperatively essential for industrial advance; but if we allow concentration and cooperation there must be control in order to protect the people, and adequate control is only possible through the administrative commission. Hence concentration, cooperation, and control are the key words for a scientific solution of the mighty industrial problem which now confronts this Nation.

DEMOCRATS OFFER NO WAY OF REMEDY.

In his main thesis President Van Hise is unquestionably right. The Democratic platform offers nothing in the way of remedy for present industrial conditions except, first, the enforcement of the antitrust law in a fashion which, if words mean anything, means bringing business to a standstill; and, second, the insistence upon an archaic construction of the States' rights doctrine in thus dealing with interstate commerce—an insistence which, in the first place, is the most flagrant possible violation of the Constitution to which the members of the Baltimore convention assert their devotion, and which, in the next place, nullifies and makes an empty pretense of their first statement. The proposals of the platform are so conflicting and so absurd that it is hard to imagine how any attempt could be made in good faith to carry them out; but if such attempt were sincerely made it could only produce industrial chaos.

Were such an attempt made, every man who acts honestly would have something to fear, and yet no great adroit criminal able to command the advice of the best corporation lawyers would have much to fear.

What is needed is action directly the reverse of that thus confusedly indicated. We progressives stand for the rights of the people. When these rights can best be secured by insistence upon State rights, then we are for State rights; when they can best be secured by insistence upon national rights, then we are for national rights. Interstate commerce can be effectively controlled only by the Nation. The States can not control it under the Constitution, and to amend the Constitution by giving them control of it would amount to a dissolution of the Government.

WORK OF NATION WOULD BE INEFFECTIVE.

The worst of the big trusts have always endeavored to keep alive the feeling in favor of having the States themselves, and not the Nation, attempt to do this work, because they know that in the long run such effort would be ineffective. There is no surer way to prevent all successful effort to deal with the trusts than to insist that they be dealt with by the States rather than by the Nation, or to create a conflict between the States and the Nation on the subject.

The well-meaning ignorant man who advances such a proposition does as much damage as if he were hired by the trusts themselves, for he is playing the game of every big crooked corporation in the country.

The only effective way in which to regulate the trusts is through the exercise of the collective power of our people as a whole through the governmental agencies established by the Constitution for this very purpose.

Grave injustice is done by the Congress when it fails to give the National Government complete power in this matter; and still graver injustice by the Federal courts when they endeavor in any way to pare down the right of the people collectively to act in this matter as they deem wise; such conduct does itself tend to cause the creation of a twilight zone in which neither the Nation nor the States have power.

Fortunately, the Federal courts have more and more of recent years tended to adopt the true doctrine, which is that all these matters are to be settled by the people themselves, and that the conscience of the people, and not the preferences of any servants of the people, is to be the standard in deciding what action shall be taken by the people. As Lincoln phrased it: "The question of national power and State rights as a principle is no other than the principle of generality and locality. Whatever concerns the whole should be confided to the whole—to the General Government; while whatever concerns only the State should be left exclusively to the State."

HOPELESS TO ATTEMPT CONTROL OF TRUSTS.

It is utterly hopeless to attempt to control the trusts merely by the antitrust law or by any law the same in principle, no matter what the modifications may be in detail. In the first place, these great corporations can not possibly be controlled merely by a succession of lawsuits. The administrative branch of the Government must exercise such control.

The preposterous failure of the Commerce Court has shown that only damage comes from the effort to substitute judicial for administrative control of great corporations.

In the next place, a loosely drawn law which promises to do everything would reduce business to complete ruin if it were not so drawn as to accomplish almost nothing.

As construed by the Democratic platform, the antitrust law would, if it could be enforced, abolish all business of any size or any efficiency. The promise thus to apply and construe the law would undoubtedly be broken, but the mere fitful effort thus to apply it would do no good whatever, would accomplish widespread harm, and would bring all trust legislation into contempt.

Contrast what has actually been accomplished under the interstate-commerce law with what has actually been accomplished under the antitrust law.

The first has, on the whole, worked in a highly efficient manner and achieved real and greater results, and it promises to achieve even greater results, although I firmly believe that if the power of the commissioners grows greater it will be necessary to make them and their superior, the President, even more completely responsible to the people for their acts.

The second has occasionally done good, has usually accomplished nothing, has generally left the worst conditions wholly unchanged, and has been responsible for a considerable amount of downright and positive evil.

MUST BE APPLICABLE TO ALL CONCERNED.

What is needed is the application to all industrial concerns and all cooperating interests engaged in interstate commerce in which there is either monopoly or control of the market of the principles on which we have gone in regulating transportation concerns engaged in such commerce. The antitrust law should be kept on the statute books and strengthened so as to make it genuinely and thoroughly effective against every big concern tending to monopoly or guilty of antisocial practices.

At the same time a national industrial commission should be created which should have complete power to regulate and con-

trol all the great industrial concerns engaged in interstate business, which practically means all of them in this country.

This commission should exercise over these industrial concerns like powers to those exercised over the railways by the Interstate Commerce Commission and over the national banks by the Comptroller of the Currency, and additional powers if found necessary.

The establishment of such a commission would enable us to punish the individual rather than merely the corporation, just as we now do with banks, where the aim of the Government is not to close the bank, but to bring to justice personally any bank official who has gone wrong. This commission should deal with all the abuses of the trusts—all the abuses, such as those developed by the Government suit against the Standard Oil and Tobacco Trusts—as the Interstate Commerce Commission now deals with rebates. It should have complete power to make the capitalization absolutely honest and put a stop to all stock watering.

Such supervision over the issuance of corporate securities would put a stop to exploitation of the people by dishonest capitalists desiring to declare dividends on watered securities and would open this kind of industrial property to ownership by the people at large. It should have free access to the books of each corporation and power to find out exactly how it treats its employees, its rivals, and the general public. It should have power to compel the unsparing publicity of all the acts of any corporation which goes wrong.

REGULATION SHOULD NOT BE BY LAWSUIT.

The regulation should be primarily under the administrative branch of the Government, and not by lawsuit. It should prohibit and effectually punish monopoly achieved through wrong, and also actual wrongs done by industrial corporations which are not monopolies, such as the artificial raising of prices, the artificial restriction of productivity, the elimination of competition by unfair or predatory practices, and the like, leaving industrial organizations free within the limits of fair and honest dealing to promote through the inherent efficiency of organization the power of the United States as a competitive nation among nations, and the greater abundance at home will come to our people from that power wisely exercised.

Any corporation voluntarily coming under the commission should not be prosecuted under the antitrust law as long as it obeys in good faith the orders of the commission.

The commission would be able to interpret in advance, to any honest man asking the interpretation, what he may do and what he may not do in carrying on a legitimate business. Any corporation not coming under the commission should be exposed to prosecution under the antitrust law, and any corporation violating the orders of the commission should also at once become exposed to such prosecution; and when such a prosecution is successful, it should be the duty of the commission to see that the decree of the court is put into effect completely and in good faith, so that the combination is absolutely broken up and it is not allowed to come together again, nor the constituent parts thereof permitted to do business save under the conditions laid down by the commission.

This last provision would prevent the repetition of such gross scandals as those attendant upon the present administration's prosecution of the Standard Oil and Tobacco Trusts.

The Supreme Court of the United States in condemning these two trusts to dissolution used language of unsparing severity concerning their actions. But the decree was carried out in such a manner as to turn into a farce this bitter condemnation of the criminals by the highest court in the country.

NOT ONE PARTICLE OF BENEFIT GAINED.

Not one particle of benefit to the community at large was gained; on the contrary, the prices went up to consumers, independent competitors were placed in greater jeopardy than ever before, and the possessions of the wrongdoers greatly appreciated in value.

There never was a more flagrant travesty of justice, never an instance in which wealthy wrongdoers benefited more conspicuously by a law which was supposed to be aimed at them, and which undoubtedly would have brought about severe punishment of less wealthy wrongdoers.

The progressive proposal is definite. It is practicable. We promise nothing that we can not carry out. We promise nothing which will jeopardize honest business.

We promise adequate control of all big business and the stern suppression of the evils connected with big business, and this promise we can absolutely keep. Our proposal is to help honest business activity, however extensive, and to see that it is rewarded with fair returns, so that there may be no oppression either of business men or of the common people. We propose to make it worth while for our business men to develop the most efficient business agencies for use in international trade, for it is to the interest of our whole people that we should do well in international business. But we propose to make those business agencies do complete justice to our own people.

Every dishonest business man will unquestionably prefer either the program of the Republican convention or the program of the Democratic convention to our proposal, because neither of these programs means or can mean what it purports to mean.

But every honest business man, big or little, should support the Progressive program, and it is the one and only program which offers real hope to all our people, for it is the one program under which the Government can be used with real efficiency to see justice done by the big corporation alike to the wage earners it employs, to the small rivals with whom it competes, to the investors who purchase its securities, and to the consumers who purchase its products, or to the general public which it ought to serve, as well as to the business man himself.

HONESTY AND FAIRNESS ASKED IN BUSINESS.

We favor cooperation in business and ask only that it be carried on in a spirit of honesty and fairness. We are against crooked business, big or little. We are in favor of honest business, big or little. We propose to penalize conduct and not size.

But all very big business, even though honestly conducted, is fraught with such potentiality of menace that there should be thoroughgoing governmental control over it, so that its efficiency in promoting prosperity at home and increasing the power of the Nation in international commerce may be maintained and at the same time fair play insured to the wageworkers, the small business competitors, the investors, and the general public. Wherever it is practicable we propose to preserve competition, but where under modern conditions competition has been eliminated and can not be successfully restored, then the Government must step in and itself supply the needed control on behalf of the people as a whole.

It is imperative to the welfare of our people that we enlarge and extend our foreign commerce. We are preeminently fitted to do this, because as a people we have developed high skill in the art of manufacturing. Our business men are strong executives, strong organizers. In every way possible our Federal Government should cooperate in this important matter.

Anyone who has had opportunity to study and observe first-hand Germany's course in this respect must realize that their policy of cooperation between government and business has in comparatively few years made them a leading competitor for the commerce of the world. It should be remembered that they are doing this on a national scale and with large units of business, while the Democrats would have us believe that we should do it with small units of business, which would be controlled not by the National Government but by 49 conflicting State sovereignties.

POLICY OUT OF KEEPING WITH ALL PROGRESS.

Such a policy is utterly out of keeping with the progress of the times and gives our great commercial rivals in Europe—hungry for international markets—golden opportunities of which they are rapidly taking advantage.

I very much wish that legitimate business would no longer permit itself to be frightened by the outcries of illegitimate business into believing that they have any community of interest.

Legitimate business ought to understand that its interests are jeopardized when they are confounded with those of illegitimate business; and the latter, whenever threatened with just control, always tries to persuade the former that it also is endangered. As a matter of fact, if legitimate business can only be persuaded to look cool-headedly into our proposition, it is bound to support us.

There are a number of lesser, but still important, ways of improving our business situation. It is not necessary to enumerate all of them; but I desire to allude to two, which can be adopted forthwith. Our patent laws should be remodeled; patents can secure ample royalties to inventors without our permitting them to be tools of monopoly or shut out from general use; and a parcel post, on the zone principle, should be established.

PROTECTIVE TARIFF AS A PRINCIPLE.

I believe in a protective tariff, but I believe in it as a principle, approached from the standpoint of the interests of the whole people, and not as a bundle of preferences to be given to favored individuals. In my opinion, the American people favor the principle of a protective tariff, but they desire such a tariff to be established primarily in the interests of the wageworker and the consumer. The chief opposition to our tariff at the present moment comes from the general conviction that certain

interests have been improperly favored by overproduction. I agree with this view.

The commercial and industrial experience of this country has demonstrated the wisdom of the protective policy, but it has also demonstrated that in the application of that policy certain clearly recognized abuses have developed.

It is not merely the tariff that should be revised, but the method of tariff making and of tariff administration.

Wherever nowadays an industry is to be protected it should be on the theory that such protection will serve to keep up the wages and the standard of living of the wageworker in that industry with full regard for the interest of the consumer.

To accomplish this the tariff to be levied should, as nearly as is scientifically possible, approximate the differential between the cost of production at home and abroad. This differential is chiefly, if not wholly, in labor cost. No duty should be permitted to stand as regards any industry unless the workers receive their full share of the benefits of that duty.

In other words, there is no warrant for protection unless a legitimate share of the benefits gets into the pay envelope of the wageworker.

The practice of undertaking a general revision of all the schedules at one time and of securing information as to conditions in the different industries and as to rates of duty desired chiefly from those engaged in the industries, who themselves benefit directly from the rates they propose, has been demonstrated to be not only iniquitous but futile. It has afforded opportunity for practically all of the abuses which have crept into our tariff making and our tariff administration.

LOGROLLING TARIFF DAYS MUST END.

The day of the logrolling tariff must end. The progressive thought of the country has recognized this fact for several years, and the time has come when all genuine progressives should insist upon a thorough and radical change in the method of tariff making.

The first step should be the creation of a permanent commission of nonpartisan experts, whose business shall be to study scientifically all phases of tariff making and of tariff effects. This commission should be large enough to cover all the different and widely varying branches of American industry. It should have ample powers to enable it to secure exact and reliable information. It should have authority to examine closely all correlated subjects, such as the effect of any given duty on the consumers of the article on which the duty is levied; that is, it should directly consider the question as to what any duty costs the people in the price of living.

It should examine into the wages and conditions of labor and life of the workmen in any industry, so as to insure our refusing protection to any industry unless the showing as regards the share labor receives therefrom is satisfactory. This commission would be wholly different from the present unsatisfactory Tariff Board, which was created under a provision of law which failed to give it the powers indispensable if it was to do the work it should do.

It will be well for us to study the experience of Germany in considering this question. The German tariff commission has proved conclusively the efficiency and wisdom of this method of handling tariff questions.

NONPARTISAN BOARD TO SOLVE PROBLEMS.

The reports of a permanent, expert, and nonpartisan tariff commission would at once strike a most powerful blow against the chief iniquity of the old logrolling method of tariff making.

One of the principal difficulties with the old method has been that it was impossible for the public generally, and especially for those Members of Congress not directly connected with the committees handling a tariff bill, to secure anything like adequate and impartial information on the particular subjects under consideration. The reports of such a tariff commission would at once correct this evil and furnish to the general public full, complete, and disinterested information on every subject treated in a tariff bill.

With such reports it would no longer be possible to construct a tariff bill in secret or to jam it through either House of Congress without the fullest and most illuminating discussion. The path of the tariff "joker" would be rendered infinitely difficult.

As a further means of disrupting the old crooked, logrolling method of tariff making, all future revisions of the tariff should be made schedule by schedule as changing conditions may require. Thus a great obstacle will be thrown in the way of the trading votes which has marked so scandalously the enactment of every tariff bill of recent years.

The tariff commission should render reports at the call of Congress or of either branch of Congress and to the President. Under the Constitution Congress is the tariff-making power. It should not be the purpose in creating a tariff commission to take anything away from this power of Congress, but rather to afford a wise means of giving to Congress the widest and most scientific assistance possible, and of furnishing it and the public with the fullest disinterested information.

Only by this means can the tariff be taken out of politics. The creation of such a permanent tariff commission, and the adoption of the policy of schedule by schedule revision, will do more to accomplish this highly desired object than any other means yet devised.

WOULD PLUNGE COUNTRY INTO WIDE DEPRESSION.

The Democratic platform declares for a tariff for revenue only, asserting that a protective tariff is unconstitutional. To say that a protective tariff is unconstitutional, as the Democratic platform insists, is only excusable on a theory of the Constitution which would make it unconstitutional to legislate in any shape or way for the betterment of social and industrial conditions. The abolition of the protective tariff or the substitution for it of a tariff for revenue only, as proposed by the Democratic platform, would plunge this country into the most widespread industrial depression we have yet seen, and this depression would continue for an indefinite period.

There is no hope from the standpoint of our people from action such as the Democrats propose.

The one and only chance to secure stable and favorable business conditions in this country, while at the same time guaranteeing fair play to farmer, consumer, business man, and wageworker, lies in the creation of such a commission as I herein advocate.

Only by such a commission and only by such activities of the commission will it be possible for us to get a reasonably quick revision of the tariff, schedule by schedule—a revision which shall be downward and not upward—and at the same time secure a square deal not merely to the manufacturer, but to the wageworker and to the general consumer.

HIGH LIVING COST GIVEN ATTENTION.

There can be no more important question than the high cost of living necessities. The main purpose of the Progressive movement is to place the American people in possession of their birthright, to secure for all the American people unobstructed access to the fountains of measureless prosperity which their Creator offers them. We in this country are blessed with great natural resources, and our men and women have a high standard of intelligence and of industrial capacity. Surely, such being the case, we can not permanently support conditions under which each family finds it increasingly difficult to secure the necessaries of life and a fair share of its comforts through the earnings of its members.

The cost of living in this country has risen during the last few years out of all proportion to the increase in the rate of most salaries and wages; the same situation confronts alike the majority of wageworkers, small business men, small professional men, the clerks, the doctors, clergymen.

Now, grave though the problem is, there is one way to make it graver, and that is to deal with it insincerely, to advance false remedies, to promise the impossible. Our opponents, Republicans and Democrats alike, propose to deal with it in this way. The Republicans in their platform promise an inquiry into the facts. Most certainly there should be such inquiry.

But the way the present administration has failed to keep its promises in the past, and the rank dishonesty of action on the part of the Penrose-Barnes-Guggenheim national convention makes their every promise worthless. The Democratic platform affects to find the entire cause of the high cost of living in the tariff, and promises to remedy it by free trade, especially free trade in the necessaries of life.

In the first place, this attitude ignores the patent fact that the problem is world-wide; that everywhere—in England and France, as in Germany and Japan—it appears with greater or less severity; that in England, for instance, it has become a very severe problem, although neither the tariff nor, save to a small degree, the trusts can there have any possible effect upon the situation.

In the second place, the Democratic platform, if it is sincere, must mean that all duties will be taken off the products of the farmer; yet most certainly we can not afford to have the farmer struck down.

WELFARE OF TILLER IS ALL IMPORTANT.

The welfare of the tiller of the soil is as important as the welfare of the wageworker himself, and we must sedulously guard both. The farmer, the producer of the necessities of life, can himself live only if he raises these necessities for a profit.

On the other hand, the consumer who must have that farmer's product in order to live, must be allowed to purchase it at the lowest cost that can give the farmer his profit, and everything

possible must be done to eliminate any middleman whose function does not tend to increase the cheapness of distribution of the product; and, moreover, everything must be done to stop all speculating, all gambling with the bread basket, which has even the slightest deleterious effect upon the producer and consumer.

There must be legislation which will bring about a closer business relationship between the farmer and the consumer.

Recently experts in the Agricultural Department have figured that nearly 50 per cent of the price for agricultural products paid by the consumer goes into the pockets not of the farmer, but of various middlemen; and it is probable that over half of what is thus paid to middlemen is needless, can be saved by wise business methods—introduced through both law and custom—and can therefore be returned to the farmer and the consumer.

Through the proposed interstate industrial commission we can effectively do away with any arbitrary control by combinations of the necessities of life. Furthermore, the Governments of the Nation and of the several States must combine in doing everything they can to make the farmer's business profitable, so that he shall get more out of the soil, and enjoy better business facilities for marketing what he thus gets. In this manner his return will be increased, while the price to the consumer is diminished.

URGES ELIMINATION OF MIDDLEMAN.

The elimination of the middleman by agricultural exchanges and by the use of improved business methods generally, the development of good roads, the reclamation of arid lands and swamp lands, the improvement in the productivity of farms, the encouragement of all agencies which tend to bring people back to the soil and to make country life more interesting as well as more profitable—all these movements will help not only the farmer but the man who consumes the farmer's products.

There is urgent need of nonpartisan expert examination into any tariff schedule which seems to increase the cost of living, and, unless the increase thus caused is more than countervailed by the benefit to the class of the community which actually receives the protection, it must of course mean that that particular duty must be reduced.

The system of levying a tariff for the protection and encouragement of American industry so as to secure higher wages and better conditions of life for American laborers must never be perverted so as to operate for the impoverishment of those whom it was intended to benefit.

But in any event, the effect of the tariff on the cost of living is slight; any householder can satisfy himself of this fact by considering the increase in price of articles like milk and eggs, where the influence of both the tariff and the trusts is negligible. No conditions have been shown which warrant us in believing that the abolition of the protective tariff as a whole would bring any substantial benefit to the consumer, while it would certainly cause unheard of immediate disaster to all wageworkers, all business men, and all farmers, and in all probability would permanently lower the standard of living here.

In order to show the utter futility of the belief that the abolition of the tariff and the establishment of free trade would remedy the condition complained of, all that is necessary is to look at the course of industrial events in England and in Germany during the last 30 years, the former under free trade, the latter under a protective system.

During these 30 years it is a matter of common knowledge that Germany has forged ahead relatively to England, and this not only as regards the employers, but as regards the wage earners—in short, as regards all members of the industrial classes.

Doubtless many causes have combined to produce this result; it is not to be ascribed to the tariff alone, but, on the other hand, it is evident that it could not have come about if a protective tariff were even a chief cause among many other causes of the high cost of living.

AGREES THAT TRUSTS ARE RESPONSIBLE.

It is also asserted that the trusts are responsible for the high cost of living. I have no question that, as regards certain trusts, this is true. I also have no question that it will continue to be true just as long as the country confines itself to acting as the Baltimore platform demands that we act.

This demand is, in effect, for the States and National Government to make the futile attempt to exercise 49 sovereign and conflicting authorities in the effort jointly to suppress the trusts, while at the same time the National Government refuses to exercise proper control over them. There will be no diminution in the cost of trust-made articles so long as our Government attempts the impossible task of restoring the flintlock conditions of business 60 years ago by trusting only to a succession of lawsuits under the antitrust law—a method which it has been definitely shown usually results to the benefit of any big business concern which really ought to be dissolved, but which cause disturbance and distress to multitudes of smaller concerns.

Trusts which increase production—unless they do it wastefully, as in certain forms of mining and lumbering—can not permanently increase the cost of living. It is the trusts which limit production or which, without limiting production, take advantage of the lack of governmental control and eliminate competition by combining to control the market that cause an increase in the cost of living.

There should be established at once, as I have elsewhere said, under the National Government an interstate industrial commission, which should exercise full supervision over the big industrial concerns doing an interstate business into which an element of monopoly enters.

Where these concerns deal with the necessaries of life the commission should not shrink, if the necessity is proved, of going to the extent of exercising regulatory control over the conditions that create or determine monopoly prices.

POSSIBLE TO REMOVE DISTURBING ELEMENT.

By such action we shall certainly be able to remove the element of contributory causation on the part of the trusts and the tariff toward the high cost of living. There will remain many other elements. Wrong taxation, including failure to tax swollen inheritances and unused land and other natural resources held for speculative purposes, is one of these elements.

The modern tendency to leave the country for the town is another element, and exhaustion of the soil and poor methods of raising and marketing the products of the soil make up another element, as I have already shown.

Another element is that of waste and extravagance, individual and national. No laws which the wit of man can devise will avail to make the community prosperous if the average individual lives in such fashion that his expenditure always exceeds his income.

National extravagance—that is, the expenditure of money which is not warranted—we can ourselves control, and to some degree we can help in doing away with the extravagance caused by international rivalries.

These are all definite methods by which something can be accomplished in the direction of decreasing the cost of living. All taken together will not fully meet the situation. There are in it elements which as yet we do not understand. We can be certain that the remedy proposed by the Democratic Party is a quack remedy. It is just as emphatically a quack remedy as was the quack remedy, the panacea, the universal cure-all, which they proposed 16 years ago. It is instructive to compare what they now say with what they said in 1896.

WHAT WAS BEING TOLD 16 YEARS AGO.

Only 16 years ago they were telling us that the decrease in prices was fatal to our people, that the fall in the production of gold, and, as a consequence, the fall in the prices of commodities, was responsible for our ills. Now they ascribe these ills to diametrically opposite causes, such as the rise in the price of commodities.

It may well be that the immense output of gold during the last few years is partly responsible for certain phases of the present trouble—which is an instructive commentary on the wisdom of those men who 16 years ago insisted that the remedy for everything was to be found in the mere additional output of coin, silver and gold alike.

There is no more curious delusion than that the Democratic platform is a progressive platform.

The Democratic platform, representing the best thought of the acknowledged Democratic leaders at Baltimore, is purely retrogressive and reactionary. There is no progress in it. It represents an effort to go back; to put this Nation of 100,000,000, existing under modern conditions, back to where it was as a Nation of 25,000,000 in the days of the stagecoach and canal boat. Such an attitude is toryism, not progressivism.

In addition, then, to the remedies that we can begin forthwith, there should be a fearless, intelligent, and searching inquiry into the whole subject, made by an absolutely nonpartisan body of experts, with no prejudices to warp their minds, no object to serve, who shall recommend any necessary remedy, heedless of what interest may be helped or hurt thereby, and caring only for the interests of the people as a whole.

NEED LEGISLATION TO IMPROVE CURRENCY.

We believe that there exists an imperative need for prompt legislation for the improvement of our national currency system. The experience of repeated financial crises in the last 40 years has proved that the present method of issuing, through private agencies, notes secured by Government bonds is both harmful and unscientific.

This method was adopted as a means of financing the Government during the Civil War through furnishing a domestic market for Government bonds. It was largely successful in fulfilling that purpose; but that need is long past, and the system has outlived this feature of its usefulness. The issue of currency is fundamentally a governmental function.

The system to be adopted should have as its basic principles soundness and elasticity. The currency should flow forth readily at the demand of commercial activity and retire as promptly when the demand diminishes. It should be automatically sufficient for all of the legitimate needs of business in any section of the country.

Only by such means can the country be freed from the danger of recurring panics. The control should be lodged with the Government and should be safeguarded against manipulation by Wall Street or the large interests.

It should be made impossible to use the machinery or perquisites of the currency system for any speculative purposes. The country must be safeguarded against overexpansion or unjust contraction of either credit or circulating medium.

NO GREATER ISSUE THAN CONSERVATION.

There can be no greater issue than that of conservation in this country. Just as we must conserve our men, women, and children, so we must conserve the resources of the land on which they live. We must conserve the soil so that our children shall have a land that is more and not less fertile than that our fathers dwelt in.

We must conserve the forests, not by disuse, but by use, making them more valuable at the same time that we use them. We must conserve the mines. Moreover, we must insure so far as possible the use of certain types of great natural resources for the benefit of the people as a whole. The public should not alienate its fee in the water power which will be of incalculable consequence as a source of power in the immediate future.

The Nation and the States within their several spheres should by immediate legislation keep the fee of the water power, leasing its use only for a reasonable length of time on terms that will secure the interests of the public.

Just as the Nation has gone into the work of irrigation in the West, so it should go into the work of helping reclaim the swamp lands of the South. We should undertake the complete development and control of the Mississippi as a national work, just as we have undertaken the work of building the Panama Canal. We can use the plant, and we can use the human experience, left free by the completion of the Panama Canal in so developing the Mississippi as to make it a mighty highroad of commerce and a source of fructification and not of death to the rich and fertile lands lying along its lower length.

In the West, the forests, the grazing lands, the reserves of every kind should be so handled as to be in the interests of the actual settler, the actual homemaker. He should be encouraged to use them at once, but in such a way as to preserve and not exhaust them. We do not intend that our natural resources shall be exploited by the few against the interests of the many, nor do we intend to turn them over to any man who will wastefully use them by destruction and leave to those who come after us a heritage damaged by just so much.

The man in whose interests we are working is the small farmer and settler, the man who works with his own hands, who is working not only for himself, but for his children, and who wishes to leave to them the fruits of his labor.

His permanent welfare is the prime factor for consideration in developing the policy of conservation, for our aim is to preserve our natural resources for the public as a whole, for the average man and the average woman who make up the body of the American people.

Alaska should be developed at once, but in the interests of the actual settler. In Alaska the Government has an opportunity of starting in what is almost a fresh field to work out various problems by actual experience.

The Government should at once construct, own, and operate the railways in Alaska.

The Government should keep the fee of all the coal fields and allow them to be operated by lessees, with the condition in the lease that nonuse shall operate as a forfeit. Telegraph lines should be operated as the railways are. Moreover, it would be well in Alaska to try a system of land taxation which will, so far as possible, remove all the burdens from those who actually use the land, whether for building or for agricultural purposes, and will operate against any man who holds the land for speculation or derives an income from it based, not on his own exertions, but on the increase in value due to activities not his own. There is very real need that this Nation shall seriously prepare itself for the task of remedying social injustice and meeting social problems by well-considered governmental effort; and the best preparation for such wise action is to test by actual experiment under favorable conditions the devices which we have reason to believe will work well, but which is is difficult to apply in old-settled communities without preliminary experiment.

In international affairs this country should behave toward other nations exactly as an honorable private citizen behaves toward other private citizens. We should do no wrong to any nation, weak or strong, and we should submit to no wrong. Above all, we should never in any treaty make any promise which we do not intend in good faith to fulfill. I believe it essential that our small Army should be kept at a high pitch of perfection, and in no way can it be so damaged as by permitting it to become the plaything of men in Congress who wish to gratify either spite or favoritism, or to secure to localities advantages to which those localities are not entitled.

BELIEVES IN NAVY BEING BUILT UP.

The Navy should be steadily built up, and the process of upbuilding must not be stopped until—and not before—it proves possible to secure by international agreement a general reduction of armaments. The Panama Canal must be fortified. It would have been criminal to build it if we were not prepared to fortify it and to keep our Navy at such a pitch of strength as to render it unsafe for any foreign power to attack us and get control of it.

We have a perfect right to permit our coastwise traffic (with which there can be no competition by the merchant marine of any foreign nation—so that there is no discrimination against any foreign marine) to pass through that canal on any terms we choose, and I personally think that no toll should be charged on such traffic.

Moreover, in time of war, where all treaties between warring nations save those connected with the management of the war at once lapse, the canal would, of course, be open to the use of our warships and closed to warships of the nation with which we were engaged in hostilities.

But at all times the canal should be opened on equal terms to the ships of all nations, including our own, engaged in international commerce. That was the understanding of the treaty when it was adopted, and the United States must always, as a matter of honorable obligation and with scrupulous nicety, live up to every understanding which she has entered into with any foreign power.

The question that has arisen over the right of this Nation to charge tolls on the canal vividly illustrates the folly and iniquity of making treaties which can not and ought not to be kept. As a people there is no lesson we more need to learn than the lesson not in an outburst of emotionalism to make a treaty that ought not to be and could not be kept, and the further lesson that when we do make a treaty we must soberly live up to it as long as changed conditions do not warrant the serious step of denouncing it.

If we had been so unwise as to adopt the general arbitration treaties a few months ago we would now be bound to arbitrate the question of our right to free our own coastwise traffic from canal tolls, and at any future time we might have found ourselves obliged to arbitrate the question whether, in the event of war, we could keep the canal open to our own war vessels and closed to those of our foes.

There could be no better illustration of the extreme unwisdom of entering into international agreements without paying heed to the question of keeping them.

On the other hand, we deliberately and with our eyes open, and after ample consideration and discussion, agreed to treat all merchant ships on the same basis; it was partly because of this agreement that there was no question raised by foreign nations as to our digging and fortifying the canal; and having given our word, we must keep it. When the American people make a promise, that promise must and will be kept.

PLACES HIS POSITION CLEARLY BEFORE THEM.

Now, friends, this is my confession of faith. I have made it rather long, because I wish you to know just what my deepest convictions are on the great questions of to-day, so that if you choose to make me your standard bearer in the fight you shall make your choice understanding exactly how I feel; and if, after hearing me, you think you ought to choose some one else, I shall loyally abide by your choice. The convictions to which I have come have not been arrived at as the result of study in the closet or the library, but from the knowledge I have gained through hard experience during the many years in which, under many and varied conditions, I have striven and toiled with men. I believe in a larger use of the governmental power to help remedy industrial wrongs, because it has been borne in on me by actual experience that without the exercise of such power many of the wrongs will go unremedied.

I believe in a larger opportunity for the people themselves directly to participate in government and to control their governmental agents, because long experience has taught me that without such control many of their agents will represent them badly.

By actual experience in office I have found that, as a rule, I could secure the triumph of the causes in which I most believed, not from the politicians and the men who claim an exceptional right to speak in business and government, but by going over their heads and appealing directly to the people themselves.

HIS POWER OBTAINED FROM THE PEOPLE.

I am not under the slightest delusion as to any power that during my political career I have at any time possessed. Whatever of power I at any time had I obtained from the people. I could exercise it only so long as and to the extent that the people not merely believed in me, but heartily backed me up.

Whatever I did as President, I was able to do only because I had the backing of the people.

When on any point I did not have that backing, when on any point I differed from the people, it mattered not whether I was right or whether I was wrong, my power vanished. I tried my best to lead the people, to advise them, to tell them what I thought was right; if necessary, I never hesitated to tell them what I thought they ought to hear, even though I thought it would be unpleasant for them to hear it; but I recognized that my task was to try to lead them and not to drive them, to take them into my confidence, to try to show them that I was right, and then loyally and in good faith to accept their decision.

I will do anything for the people except what my conscience tells me is wrong, and that I can do for no man and no set of men; I hold that a man can not serve the people well unless he serves his conscience; but I hold also that where his conscience bids him refuse to do what the people desire, he should not try to continue in office against their will.

Our Government system should be so shaped that the public servant, when he can not conscientiously carry out the wishes of the people, shall, at their desire, leave his office and not misrepresent them in office; and I hold that the public servant can by so doing, better than in any other way, serve both them and his conscience.

SAYS THE FIGHT WORTH THE MAKING.

Surely there never was a fight better worth making than the one in which we are engaged. It little matters what befalls any one of us who for the time being stands in the forefront of the battle. I hope we shall win, and I believe that if we can wake the people to what the fight really means we shall win. But, win or lose, we shall not falter. Whatever fate may at the moment overtake any of us, the movement itself will not stop. Our cause is based on the eternal principles of righteousness; and even though we who now lead may for the time fail, in the end the cause itself shall triumph.

Six weeks ago, here in Chicago, I spoke to the honest representatives of a convention which was not dominated by honest men; a convention wherein sat, alas, a majority of men who, with sneering indifference to every principle of right, so acted as to bring to a shameful end a party which had been founded over half a century ago by men in whose souls burned the fire of lofty endeavor.

Now, to you men, who, in your turn, have come together to spend and be spent in the endless crusade against wrong, to you who face the future resolute and confident, to you who strive in a spirit of brotherhood for the betterment of our Nation, to you who gird yourselves for this great new fight in the never-ending warfare for the good of humankind, I say in closing what in that speech I said in closing: "We stand at Armageddon, and we battle for the Lord."

PARTY PLATFORMS.

Mr. JONES. Mr. President, I ask that the platforms of the Republican Party, of the Democratic Party, and of the Progressive Party be printed together as a Senate document.

The PRESIDENT pro tempore. The Senator from Washington asks that the platforms of the three parties—the Republican Party, the Democratic Party, and the Progressive Party—be printed together as a public document. Is there objection?

Mr. GALLINGER. Mr. President, I am not going to object, but I should like to inquire whether Debs has yet been nominated.

The PRESIDENT pro tempore. The Chair is unable to give the Senator the information.

Mr. OVERMAN. I am going to object. Each party can print its own platform, and I think this would be an expense to the Government that ought not to be imposed upon it.

The PRESIDENT pro tempore. Objection is made.

THE TARSNEY ACT.

Mr. NEWLANDS. Mr. President, may I ask the chairman of the committee what disposition was made of the amendment, on page 29, striking out the repeal of the Tarsney Act?

Mr. WARREN. The amendment striking out the House provision was agreed to.

Mr. NEWLANDS. Mr. President, the matter will go into conference and the House conferees may adhere to their original proposal, claiming that it is in the interest of economy and efficiency; and I would like, therefore, to say a few words and to present some statistics upon this subject.

In our early history the control of the construction of Federal buildings was given to our Presidents, and Washington, Jefferson, and Jackson personally interested themselves in this work and each endeavored to select the most skillful architect of his day. In 1855 the Office of the Supervising Architect of the Treasury was created by an appropriation in the sundry civil bill, and from that time on it became the custom of Congress to place the construction of public buildings under this office. From this time on there was a gradual depreciation in the character of governmental architecture. The whole business fell, in a measure, under the spoils system, until the American Institute of Architects commenced, in 1875, an agitation for the rectification of these conditions. After a long contention, from 1875 to 1892, during which period many measures for the improvement of the Federal practice relating to architecture were proposed, a bill known as the "Tarsney bill" was introduced by Mr. Tarsney, a Democratic Representative from Michigan, and in 1893, after a full hearing from representative architects from various sections of the country, it became a law. The Tarsney Act is as follows:

TARSNEY ACT.

[Public, No. 77; Fifty-second Congress, second session.]

An act authorizing the Secretary of the Treasury to obtain plans and specifications for public buildings to be erected under the supervision of the Treasury Department, and providing for local supervision of the construction of the same.

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to obtain plans, drawings, and specifications for the erection of public buildings for the United States, authorized by Congress to be erected under the supervision and direction of the Secretary of the Treasury, and the local supervision of the construction thereof by competition among architects under such conditions as he may prescribe, and to make payment for the services of the architect whose plan may be selected out of the appropriations for the respective buildings: *Provided*, That not less than five architects shall be invited by the said Secretary to compete for the furnishing of such plans and specifications and the supervision of such construction: *And provided further*, That the general supervision of the work shall continue in the Office of the Supervising Architect of the Treasury Department, the Supervising Architect to be the representative of the Government in all matters connected with the erection and completion of such buildings, the receipt of proposals, the award of contracts therefor, and the disbursement of moneys thereunder, and perform all the duties that now pertain to his office, except the preparation of drawings and specifications for such buildings and the local supervision of the construction thereof, the said drawings and specifications, however, to be subject at all times to modification and change relating to plan or arrangement of building and selection of material therefor as may be directed by the Secretary of the Treasury.

Approved, February 20, 1893.

Later on Mr. Carlisle, then the Secretary of the Treasury, refused to act under this provision, as the act was not obligatory and its operation was in the discretion of the Secretary. The refusal of the Secretary caused the noted Burnham-Carlisle correspondence, and the matter was taken up for discussion by the technical and daily press in all sections of the United States. Public opinion backed the Tarsney Act.

During Mr. Cleveland's administration the Dockery Commission made a report on the Supervising Architect's Office. The commission recommended competition under the Tarsney Act, as well as the reorganization of the Supervising Architect's Office into a public buildings bureau to represent the Government, and advised that there would be a saving in expense to the Government by giving out the work to private architects at the regular rate of 5 per cent.

Later on, during the administrations of Mr. McKinley, Mr. Roosevelt, and Mr. Taft, the law was fully executed as to buildings involving large appropriations, and the result has been a distinct advance in the character of governmental architecture. The various Secretaries of the Treasury during the last three administrations have expressed their approval of the operation of the act and have declared that it has been successful.

During this time a pressing necessity developed for the organization of a bureau of public buildings and a board of public works. In December, 1909, I introduced in the Senate (S. 3718, 61st Cong., 2d sess.) a bill for the creation of a bureau of the arts and of public buildings and for a council of the arts, and defining their duties. This bill provided that the Office of the Supervising Architect of the Treasury, which had originally been created simply by a provision in a sundry civil

bill, should be thereafter known as a bureau of arts and public buildings, and that the Supervising Architect of the Treasury should be known as the director of arts and public buildings. The bill transferred to this new bureau all the officials, employees, and funds of the Supervising Architect's Office and gave the bureau control of the construction and alteration of all public buildings, including furniture and equipment, and the selection of sites for buildings, monuments, the landscape treatment of public buildings and parks, the selection and installation of statuary and paintings, and all other work of an artistic nature. It also provided for an advisory council, to be known as the council of arts, composed of eminent architects, painters, sculptors, landscape architects, and laymen, to be appointed by the President, to serve without compensation.

This bill was referred to the Committee on the Library, but no action was taken thereon.

At the same session Mr. BARTHOLDT, a Representative from the State of Missouri, and chairman of the House Committee on Public Buildings and Grounds, introduced this bill in the House. No action was taken on the bill, however, either in the Senate or the House.

Later on a bill did pass the Senate and House providing for a commission of arts, and to that extent satisfied the provisions of the original bills introduced by Mr. BARTHOLDT and myself.

The American Institute of Architects has for years been urging the creation of a bureau or ministry of arts and architecture, but as yet its recommendations and efforts have been unavailing.

During this session of Congress the House Committee on Expenditures on Public Buildings made an investigation of the Supervising Architect's office, and on July 19, 1912, made a report criticizing certain features of that office, making a recommendation that the office should be made a bureau of the Treasury Department, insisting that its work had so enlarged as to make it impossible for the Assistant Secretary of the Treasury, with the numerous bureaus and divisions under him which required attention, to give the proper supervision to the work of the Supervising Architect's Office. It also criticized the Tarsney Act and indicated that the work now intrusted to private architects could be as well and as cheaply done by the Office of the Supervising Architect.

At this session of Congress a bill was also introduced in the House by Mr. Cox of Indiana for the repeal of the Tarsney Act. It was referred to the House Committee on Public Buildings and Grounds, and, so far as I am informed, no action appears to have been taken upon it, nor has any action whatever been taken upon the subject by the Committee on Public Buildings and Grounds of the Senate. The opinion, however, of the Secretary of the Treasury was asked regarding this bill, and appears in the following letter:

MARCH 5, 1912.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: In compliance with your request for a report on H. R. 11179, a bill to repeal an act passed February 20, 1893 (27 Stat. L., p. 468), being a bill authorizing the Secretary of the Treasury to obtain plans and specifications for public buildings, etc.; also to repeal section 34 of chapter 383 of Thirty-sixth Statutes at Large, page 699, being an act giving to the Secretary of the Treasury power to employ outside architects, etc., I have the honor to advise you that, in my opinion, the act in question should not be repealed.

I feel most strongly that to make it impossible for the Government to secure the services of the best architectural ability the country affords would be most detrimental to the advancement of Government architecture.

Respectfully, FRANKLIN MACVEAGH,
Secretary.

We find, therefore, that, on the one hand, the Dockery Commission advised the creation of a bureau of public buildings and the construction of all public buildings under private architects, upon the ground both of economy and efficiency; and that, on the other hand, the Committee on Expenditures on Public Buildings of the House, whilst repeating the recommendation of the Dockery Commission as to the organization of a bureau of public buildings, makes a contrary report as to the employment of private architects. And we also find new legislation in the sundry civil bill providing for the repeal of the Tarsney Act; and this, too, apparently without any consideration or recommendation by the Committees on Public Buildings and Grounds of the Senate or House—committees charged with jurisdiction over the matter.

The Senate has stricken out the House provision. The matter goes into conference, and it would seem that comity between the two Houses would require that a matter involving new legislation and a change of existing law, concerning which the two Houses differ, should not be urged unduly by the House conferees. Undoubtedly, many administrative reforms have been accomplished upon appropriation bills; but, clearly, where the House and the Senate differ as to their wisdom, the compulsory failure of an appropriation bill should not be resorted to in order to force through legislation concerning which the two Houses differ and concerning which the powers of the legitimate committees have not been exercised.

I believe, Mr. President, that this whole matter should be left either to the next Congress or, at the most, that a joint commission, composed of Members of the Senate and House, should be appointed to investigate the whole question of the construction of public buildings and to recommend legislation.

But lest it should be necessary to go further and to show that this legislation has no proper basis either with regard to the excellence or to the economy of the work, I have to say that there can be no question but that there has been an immense improvement in public architecture since the adoption of the Tarsney Act. That act introduced the merit system which now rules in public architecture, and has had a material influence in raising the general character of the work done in the Supervising Architect's office upon the minor buildings. The act has been beneficial in its example, both to the States and to municipalities, in securing regulations similar to the provisions of the Tarsney Act.

As to economy, I have to say that until recently the commissions of the Institute of Architects were 5 per cent, and they have recently been raised to 6 per cent because of the higher cost of the services of designers, draftsmen, and employees generally. Some years ago a careful inquiry was made as to what proportion of the 5 per cent really went to the architect for his services and what proportion was spent in subsidiary services and the employment of draftsmen, designers, engineers, etc., and it was found that at least 3 per cent of the 5 per cent was paid out by the responsible architect and that only 2 per cent remained as his compensation.

It has been a matter of contention as to the comparative cost of making plans and specifications in the Supervising Architect's office and in the offices of private architects. A public document (H. Doc. No. 845, 61st Cong., 2d sess.) containing a communication from the Assistant Secretary of the Treasury, includes an analytical statement of the expenditures for the maintenance of the office of the Supervising Architect for the fiscal year 1909, and this has been relied upon as indicating that the cost of planning and specifications was less in the Supervising Architect's office than if the work were placed in the hands of private architects. But the report of a committee appointed by the American Institute of Architects demonstrates that this inference was unwarranted; that the amount expended for planning and specifications by the Supervising Architect's office on work conducted in that office was estimated, not upon the amount actually expended for public buildings during that year, but upon the amount authorized to be expended by completed contracts. It was also demonstrated that it was unfair to take a single year, and that by taking a series of years a more reliable comparison could be made; and, judged by this standard, it was shown by the report of the committee of the American Institute of Architects that the percentage cost of planning and specifications in the office of the Supervising Architect for a period of six years amounted to more than the customary commission paid to private architects.

It is my purpose to ask the Assistant Secretary of the Treasury, under whose control the Supervising Architect's office rests, to make a statement covering a series of years with a view to ascertaining the cost of preparing plans and specifications in the Supervising Architect's office, and I shall present such statement when received to the Senate.

So much regarding the cost. But so far as efficiency is concerned, there can be no question of the great advance that has been made in the architecture of the Nation since the Tarsney Act was passed. The national architecture was exceedingly good under the administrations of Washington and Jefferson and men of their class of culture. Later on the architecture of the country, both public and private, became exceedingly inferior, and there was a restoration to the old standards of art only when the Chicago exposition was created by the matchless skill and genius of the architects of the country who had received the very best training in the École des Arts of Paris.

Since that time and since the passage of the Tarsney Act, which was about the time of the Chicago exposition, there has

been immense improvement in the public art, and the buildings constructed by these architects have been models not only to be followed by the National Government in its future work, but to be followed by States and municipal administrations. I think it would be a great misfortune to repeal that act and to throw over the planning of these magnificent public buildings which we contemplate constructing in the future entirely to the Supervising Architect's Office. The Supervising Architect's Office has been run well under the administration of the late Supervising Architect, and I have no doubt will be run well under the recent appointee. But the salaries of the Government employees are necessarily limited, and it can not be contended for a moment that that office can command the genius or the talent shown in the private architectural offices of the country.

These great architectural offices are not only models so far as the art is concerned, but are models in administration. One has only to go into the office of one of these great architectural firms in New York or Chicago, and he will find numerous employees, consisting of architects, artists, engineers, constructors, and draftsmen whose entire work is conducted with the most admirable system. It seems to me that so far as efficiency is concerned, it would be a great mistake to go back to the old condition of things.

Mr. HEYBURN. I should like to inquire as to the purpose the Senator from Nevada has in view.

Do I understand the Senator is speaking in favor of a national class of architecture, to be applied to public buildings, or a composite of recognized architectural schools?

Mr. NEWLANDS. I am not contending in favor of any school or of any class of architecture.

Mr. HEYBURN. Why, then, inject into the RECORD an article such as is proposed? The result of just that kind of consideration of this question is in evidence now in the Capital here, in one of the more recently constructed buildings. For instance, the museum that is projected over into the Mall. One part of it is Doric, one part Ionic, one part Corinthian in architecture. It looks as though the architect had not been able to determine as to just what he wanted to do. So he included a little of each. We will refine that question, if we keep on in the direction we are going on, so that no two rooms in a public building will belong to the same school of architecture. There will be no recognized architectural system or class or design in any building. They will be composite, resulting in architectural nightmares.

I do not desire to go into an analysis of some of these more recent buildings, except to say they represent nothing in the way of architecture—nothing at all, no school, no class of architecture—and if we are to go on the theories represented by this class of publication we will land nowhere and have no national character to our national buildings.

I should like to see the time come when Congress in providing the money would say, "This building shall belong to a certain class of architecture; it shall be Corinthian, Doric, or Ionic," or whatever may be selected, instead of turning loose the architects, one of one school and another of another, to produce a composite, such as we have down here, so that when a visiting student of architecture inquires, "To what class of architecture does this building belong?" the only answer is, "It depends upon the point of view from which you look at it. If you look at it from the east, it is Doric; if you look at it from the south, it is Corinthian," and so on. The result of the present system is you get such a conglomeration as that in the architecture of a great country.

The theories, such as were referred to by the Senator from Nevada, are leading to this result, and I sincerely hope that, whatever system is adopted, it will result in stamping upon each building some school that shall be peculiar to that building.

Mr. NEWLANDS. Mr. President, I have not been endeavoring to impress my views upon the Senate as to any school of architecture or any particular plan or any particular policy, beyond this, that I am endeavoring to rescue from repeal the Tarsney Act, which provided for securing the plans from noted architects through the country, when considered desirable by the Secretary of the Treasury, through the competitive system, a system which has worked admirably thus far; and as a provision for the repeal of the Tarsney Act was inserted in this bill by the House, and is stricken out by the Senate committee, I assume that might be a matter of contention between the conferees, and I wished to put upon the RECORD some facts regarding the comparative cost of the two systems—one of intrusting these works to architects of distinction, under the competitive system, and the other of confining the planning entirely to the Office of the Supervising Architect of the Treasury.

It seems to me that this whole matter is one that ought to be gone into very carefully by the Committee on Public Buildings and Grounds, as the Senator from Idaho suggests. It ought not to have been inserted in an appropriation bill. The question of architecture and of public works is an important one, which ought to be solved by the proper committees after thorough study and deliberation. For a long time I have urged a bill to that effect, that we should merge the Office of the Supervising Architect of the Treasury into a bureau of architecture and arts, and that we should make the Commission of Fine Arts an advisory council to that bureau, and then that we should ask that bureau, with the aid of the commission, to submit to Congress some consecutive and comprehensive plan not only for planning the public works of the country, but for constructing them according to the advanced methods of efficiency and art. I think, however, that is a matter for the proper committee, to which the Senator from Idaho belongs, and that it ought not to be brought up on an appropriation bill.

I have ventured these remarks with reference both to the question of art and the question of efficiency, in the hope that the House will abandon its contention, or, at all events, that the Senate conferees will insist upon striking out this provision.

Mr. HEYBURN. Mr. President, I desire to take advantage of this occasion to suggest that we have now introduced a new school of architecture, which I would denominate the store-box system. We have it now in the construction of a Red Cross building down here in the ornamental part of the city. It looks something like a lot of store boxes run together with an uneven roof put over them.

Then, again, we have the horse stable, which might be denominated a brick-block class of architecture, right in the midst and under the eye of those coming here to see the beauties of the city, and instead of seeing the beauties of the city they see something that looks like a cross between a livery stable and a chicken house, right here in the Mall, in the ornamental part of the city. I should like to have seen an amendment in this bill which would forbid the construction of those buildings and require them to be removed in the night time.

Subsequently, Mr. NEWLANDS said:

Mr. NEWLANDS. Mr. President, some days since I presented my views with reference to the proposed repeal of the Tarsney Act in the sundry civil bill. I then stated my intention of obtaining from the Treasury Department a statement of the ratio of cost of preparing plans and specifications in the Supervising Architect's Office for the buildings planned, supervised, and constructed by that office and not intrusted to private architects. I present herewith a letter from the Secretary of the Treasury, dated August 6, 1912, inclosing two tables showing the ratio of the cost of the administrative expense of the Office of the Supervising Architect as compared with the total amount disbursed for each fiscal year. It will be observed by reference to the second table, covering the years from 1905 to 1911, that the average ratio of cost of preparing plans and specifications in the Supervising Architect's Office for new buildings not intrusted to private architects was 6.02 per cent, being in excess of even the present commission of private architects. The notes in connection with this table are explanatory.

I ask that the letter and statement be published in the RECORD.

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Without objection, it is so ordered.

The matter referred to is as follows:

TREASURY DEPARTMENT,
Washington, August 6, 1912.

Hon. FRANCIS G. NEWLANDS,
United States Senate, Washington, D. C.

SIR: Referring to letter from this department of July 26, 1912, acknowledging the receipt from you of a report prepared by a committee representing the American Institute of Architects, relative to the cost of architectural service in the Treasury Department, I have pleasure in sending you herewith a statement prepared some years ago showing the expenditures for administrative expenses as compared with the total amounts disbursed by the Office of the Supervising Architect for the fiscal years 1898 to 1908, inclusive.

The statement referred to shows that the average percentage cost as compared with the total amount disbursed during the years named was 7.2 per cent. It is, of course, evident that the total expenditures during the period covered features of work entirely aside from strictly architectural service, as, for instance, expenditures for sites, repairs, and maintenance of buildings already constructed, etc.

In order to arrive at a reasonably close estimate of the cost of strictly architectural service in the Office of the Supervising Architect a table has been prepared covering the expenditures for such service during the fiscal years 1905 to 1911, inclusive, as compared with the

expenditures on account of new buildings for the same period which shows the average cost to be as follows:

	Per cent.
Ratio of cost of administration to work performed as relates to the office proper—items 1 and 4	8.42
Ratio of cost of administration to the total cost of the work—items 3 and 4	6.77
Ratio of cost of office administration as related to new buildings only	6.02

The percentage of cost, as related to new buildings, does not include the cost of field service, such as superintendents of construction, etc., for the reason that in comparing the cost of such service for Tarsney Act work the same charge is made against against buildings designed by private architects as is made against buildings designed in the Office of the Supervising Architect.

The amounts in item No. 7 are determined on the assumption which has been recognized as correct for a number of years in the Supervising Architect's Office, that the proportion of the administrative cost to be allotted as a charge against new construction work, is equal to 65 per cent of the total administrative cost.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

Statement showing expenditures for administrative expenses of the Office of the Supervising Architect for the period from July 1, 1897, to June 30, 1908, together with the percentage of cost of such expenses as compared with the total amount disbursed for each fiscal year of the period.

Items of expenditures.	1898	1899	1900	1901	1902	1903
Compensation of skilled draftsmen, civil engineers, computers, etc	$198,645.07	$172,820.73	$194,347.47	$217,661.16	$231,230.45	$263,293.20
Commissions to architects and fees to judges of competitions	16,400.00	9,800.00	45,532.00	51,459.00	84,671.00	62,946.00
Commissions to disbursing agents	4,100.00	3,900.00	3,650.00	3,100.00	5,302.00	9,605.00
Advertising for bids and proposals	650.00	2,700.00	4,140.00	4,480.00	3,340.00	4,170.00
Office supplies, drafting materials, etc	3,390.00	5,300.00	4,950.00	7,000.00	10,900.00	15,110.00
Traveling expenses of officers and employees	5,750.00	6,900.00	4,400.00	5,100.00	5,360.00	9,800.00
Surveys, levels, shop drawings, etc	192.00	85.00	1,304.00	6,145.00	8,495.00	4,245.00
Plaster models	6,495.00	2,020.00	2,125.00	13,010.00	3,070.00	14,435.00
Mill and shop inspections of steel and iron	295.00	1,400.00	560.00	790.00	1,685.00	3,049.00
Freight, expressage, and cartage	233.00	242.00	585.00	535.00	830.00	1,128.00
Photographs of progress of work	485.00	370.00	430.00	170.00	220.00	179.00
Test pits, borings, etc	1,730.00	890.00	1,240.00	1,975.00	2,100.00	475.00
Telegraphic service in field and office—from 1902					100.00	300.00
Compensation of superintendents of construction, inspectors of public buildings, and temporary technical assistance in the field	109,294.84	98,232.58	102,884.32	128,865.92	134,035.29	143,811.25
Compensation of mechanical labor force and superintendents of repairs at completed public buildings	23,000.00	23,000.00	28,000.00	28,000.00	58,000.00	58,000.00
Rent of offices for superintendents of construction	3,471.00	2,800.00	3,500.00	4,400.00	5,000.00	5,300.00
Office equipment, supplies, etc., for superintendents of construction	1,100.00	839.00	815.00	1,100.00	1,310.00	1,267.00
Stenographic service, typewriting, etc., in connection with field work	632.00	500.00	1,420.00	1,250.00	1,020.00	496.00
Stationery for office and field use	683.00	480.00	888.00	775.00	700.00	660.00
Telephone service for use of superintendents in the field	180.00	180.00	240.00	400.00	160.00	230.00
Light, heat, water, ice, etc., for offices of superintendents and other minor field expenses of a miscellaneous character	1,049.00	2,436.00	660.00	446.00	380.00	292.00
	377,774.91	334,895.31	401,670.77	476,662.08	557,908.74	598,791.45
Percentage of cost as compared with total amount disbursed.						
Total expenditures by fiscal years	3,798,709.15	2,825,899.63	6,512,054.75	6,756,736.07	4,911,393.52	7,206,349.93
Percentage of cost for each fiscal year ..per cent..	10—	12—	6+	7+	11+	8+

Items of expenditures.	1904	1905	1906	1907	1908	Totals.
Compensation of skilled draftsmen, civil engineers, computers, etc	$282,787.44	$296,804.62	$219,727.87	$254,728.39	$297,351.21	$2,629,307.61
Commissions to architects and fees to judges of competitions	79,600.00	95,268.00	80,902.00	91,105.00	92,225.00	709,968.00
Commissions to disbursing agents	15,843.00	15,843.00	15,843.00	13,800.00	10,880.00	101,866.00
Advertising for bids and proposals	4,000.00	4,000.00	4,000.00	3,590.00	4,440.00	39,510.00
Office supplies, drafting materials, etc	12,214.00	12,214.00	12,214.00	7,860.00	15,515.00	106,667.00
Traveling expenses of officers and employees	6,880.00	6,500.00	7,400.00	8,750.00	6,750.00	73,590.00
Surveys, levels, shop drawings, etc	7,985.00	7,385.00	3,655.00	14,805.00	6,145.00	60,441.00
Plaster models	10,700.00	12,690.00	5,500.00	499.00	1,965.00	72,509.00
Mill and shop inspections of steel and iron	3,215.00	5,110.00	4,810.00	1,250.00	2,015.00	24,179.00
Freight, expressage, and cartage	1,030.00	957.00	950.00	1,135.00	1,123.00	8,748.00
Photographs of progress of work	120.00	110.00	100.00	197.00	243.00	2,624.00
Test pits, borings, etc	1,060.00	1,000.00	720.00	590.00	865.00	12,645.00
Telegraphic service in field and office—from 1902	355.00	585.00	690.00	1,100.00	1,340.00	4,470.00
Compensation of superintendents of construction, inspectors of public buildings, and temporary technical assistance in the field	142,139.37	183,453.91	183,338.32	101,605.11	106,777.23	1,434,438.14
Compensation of mechanical labor force and superintendents of repairs at completed public buildings	59,000.00	47,166.94	47,765.37	49,903.00	51,688.37	473,523.68
Rent of offices for superintendents of construction	3,900.00	4,535.00	6,430.00	4,080.00	4,470.00	47,886.00
Office equipment, supplies, etc., for superintendents of construction	1,636.00	1,134.00	955.00	825.00	1,022.00	12,003.00
Stenographic service, typewriting, etc., in connection with field work	990.00	550.00	810.00	2,320.00	2,300.00	12,288.00
Stationery for office and field use	672.00	1,121.00	887.00	825.00	950.00	8,641.00
Telephone service for use of superintendents in the field	180.00	927.00	660.00	660.00	716.00	4,533.00
Light, heat, water, ice, etc., for offices of superintendents and other minor field expenses of a miscellaneous character	465.00	381.00	340.00	220.00	288.00	6,957.00
	634,771.81	697,735.47	597,757.56	559,847.50	609,068.81	5,846,884.43
Percentage of cost as compared with total amount disbursed.						
Total expenditures by fiscal years	10,064,142.17	10,693,611.81	8,673,664.74	10,561,312.00	8,348,417.63	80,352,291.43
Percentage of cost for each fiscal year ..per cent..	6+	7—	7—	5+	7+	7.2

Average fiscal year disbursement for the period of 11 years	$7,304,753.76
Average fiscal year disbursement for administrative expenses for the 11-year period	$531,534.94
Average percentage of cost of administrative expenses during the 11-year period ..per cent..	.72

Expenditures for all purposes, with ratios of cost, for the seven years ending June 30, 1911.

Classification.	1905	1906	1907	1908	1909	1910	1911	Totals and averages.
1. New buildings, extensions, repairs, etc., work of the office proper	$7,453,873.74	$5,000,742.89	$7,055,538.17	$5,902,248.84	$10,015,336.12	$14,778,157.65	$16,726,002.12	$66,931,899.53
2. Cost of construction work by outside architects	2,542,002.60	3,075,164.29	2,945,926.33	1,837,099.98	944,481.57	2,452,774.71	2,487,975.19	16,285,424.67
3. Total cost of all classes of work	9,995,876.34	8,075,907.18	10,001,464.50	7,739,348.82	10,959,817.69	17,230,932.36	19,213,977.31	83,217,324.20
4. Administration—office and field	697,735.47	597,757.56	559,847.50	609,068.81	965,915.06	1,179,973.86	1,025,742.73	5,636,040.99
5. Total expenditures—field and administration	10,693,611.81	8,673,664.74	10,561,312.00	8,348,417.63	11,925,732.75	18,410,906.22	20,239,720.04	88,853,365.19
Ratio of cost of administration to work performed, as related to the office proper—items 1 and 4 ..per cent..	9.36	11.95	7.93	10.31	9.64	7.98	6.13	8.42
Ratio of cost of administration to the total cost of the work—items 3 and 4 ..per cent..	6.98	7.40	5.59	7.86	8.81	6.84	5.33	6.77

Expenditures for construction of new buildings, with ratios of cost, for the seven years ending June 30, 1911.

Classification.	1905	1903	1907	1908	1909	1910	1911	Totals and average.
6. New buildings only, from designs and drawings prepared in the office.....	$5,321,431.23	$1,959,475.93	$837,915.51	$1,257,747.61	$5,622,266.18	$5,172,141.56	$6,916,992.71	$27,087,970.73
7. Administration, salaries and supplies, as related to new buildings (being the cost of preparing plans and specifications)..	201,590.75	151,338.76	171,218.70	203,980.53	285,804.26	331,302.97	287,500.78	1,632,733.75
Ratio of cost of office administration, as related to new buildings only.....per cent..	3.78	7.72	20.43	16.21	5.8	6.41	4.16	6.02

NOTE.—In order that the comparison of the cost of services rendered, as shown in the second of the tables, might be fair, the items taken into consideration were only those embraced in the numbers 18, 19, 21, and 22 of Assistant Secretary Hilles's report of March 23, 1910 (Statement No. 1).

Under the provisions of the Tarsney Act, the architects are required to furnish local supervision, but not ordinary field service, and, therefore, the cost of field service is not taken into consideration. In connection with the buildings constructed by the Supervising Architect's Office, services equivalent to the local supervision under the Tarsney Act are furnished by the supervising superintendents of construction and inspectors, and if the cost of this item, together with the administrative work performed in the Supervising Architect's Office, in connection with Tarsney Act buildings, is taken into consideration, it will further increase the percentage of cost of architectural services under the Tarsney Act buildings. On the other hand, the cost of the service rendered by the Supervising Architect would be increased if that office was charged with rent, light, and other costs which the Tarsney Act architect pays out of his commission, so that one item may be considered as offsetting the other.

The statement covering expenditures for construction of new buildings for the seven years ending June 30, 1911, shows that for the years 1907 and 1903 the ratio of cost of office administration is somewhat beyond the average. This is due to the following causes, briefly stated:

It is well known that there is no regular program for public-building work, as shown by the fact that in 1902, 100 new buildings were provided for, and that in 1903 only 10 were authorized. Over three years afterwards, in 1903, 161 buildings were authorized; in 1908, 209; and in 1910, 231. This uncertainty as to the amount of work to be accomplished necessarily leaves the office in a somewhat embarrassing position, it being necessary in off years, as was the case in 1905 and 1903, to reduce the force and subsequently to increase it in order to meet the requirements of public-building legislation.

In 1907 and 1908 the office force was in process of being built up, and but little real work was done in connection with new buildings, the activities of the office being confined to the acquisition of sites, work on extensions, repairs and maintenance, and the gathering of data upon which to base the preparation of plans.

It must be conceded, in view of the brief résumé above of the conditions as related to the public-building service, that no fair comparison can be made upon the business of a single fiscal year. It is only by taking a period of years embracing fluctuations, so to speak, in the amount of work authorized, together with the other conditions affecting production, that a fair average of the relation of the cost of administration to work performed can be secured.

AMENDMENT OF THE INTERSTATE-COMMERCE ACT.

Mr. CLAPP. I call the attention of the junior Senator from Iowa [Mr. KENYON] to the resolution he has pending.

Mr. KENYON. I ask that the resolution may be laid before the Senate.

Mr. CLAPP. And I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. It is a resolution coming over from a former day. The Chair lays the resolution before the Senate. It will be read.

The Secretary read Senate resolution 372, submitted by Mr. KENYON on the 6th instant, as follows:

Resolved, That the Committee on Interstate Commerce be discharged from the further consideration of the bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," and that the same be laid before the Senate for its consideration.

Mr. KENYON. Mr. President, just a few words in order that Senators may fully understand the resolution which is here presented. I am not going to enter into a discussion of it at this time. If this matter provokes any particular discussion, I will ask unanimous consent that it may go over until some other time, retaining its place, however, because I do not want to delay the consideration of the Panama Canal bill, now before the Senate.

This is a resolution which proposes to discharge the Committee on Interstate Commerce from the further consideration of Senate bill 3345, to amend the Sherman Antitrust Act, which amendment is to strike from the Sherman Antitrust Act fines as to individuals, leaving the fines as to corporations, and making essential in case of conviction under the Sherman Antitrust Act, or pleas of guilty, or pleas of nolo contendere, which is a favorite plea, that jail sentences must be imposed. It is to assist in carrying out the principle that jail sentences are essential to stop combinations in restraint of trade.

I am not, however, going to enter into a discussion of the merits of the matter at this time. Senators may differ as to that, but I am urging that the measure come to the floor of the Senate for discussion and for action. It has been in the committee now for eight months. That ought to be sufficient time. I state this as no criticism upon the committee. It is one of the hardest working committees in the Senate, but I am anxious that the bill shall come here where it can be discussed and passed, and that it do not perish in the committee, and the Sherman Antitrust Act thus be strengthened, as I believe it will be strengthened by this amendment. Fines are farces under the Sherman Act. Jail sentences are the only adequate remedy to stop the formation of great trusts and combinations.

Mr. CLAPP. Mr. President, I think it is only fair to the Senator from Iowa to state that at least, in my opinion, it would be impossible for the committee to agree upon reporting the bill at the present session. I think it should come before the Senate, and I heartily concur in the request of the Senator from Iowa.

The PRESIDENT pro tempore. The question is upon the adoption of the resolution offered by the Senator from Iowa.

Mr. SMOOT. I understand the adoption of the resolution merely brings the bill before the Senate, not to be acted upon at the present time.

Mr. KENYON. Not to be acted on at this time.

Mr. SMOOT. Is it desired to have it lie on the table until it is called up?

Mr. KENYON. It will go to the calendar.

Mr. SMOOT. I have no objection to that course.

Mr. KENYON. If the session extends, as is now apparent, through the delightful summer time and runs into the fall I shall hope to bring it up for action.

The PRESIDENT pro tempore. The question is on the adoption of the resolution.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On August 9, 1912:

S. J. Res. 103. Joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico;

S. 4663. An act granting to the Washington-Oregon Corporation a right for an electric railroad, and for telephone, telegraph, and electric-transmission lines across the Vancouver Military Reservation, in the State of Washington;

S. 4838. An act to amend section 96 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 5545. An act providing for patents on reclamation entries, and for other purposes;

S. 5309. An act to amend section 3 of the act of Congress approved May 14, 1880 (21 Stat. L., p. 140); and

S. 7012. An act to permit the construction of a subway and the maintenance of a railroad under the post-office building at or near Park Place, in the city of New York.

CONSIDERATION OF BILLS ON THE CALENDAR.

Mr. CUMMINS. Mr. President, before morning business closes I desire to make a suggestion. There are some bills upon the calendar which, I think, would provoke no opposition whatever, but they are of great importance and urgency. I think that some understanding ought to be had with regard to a time at which such bills could be taken up and disposed of. I refer to Senate bills. If we do not dispose of them very soon, there will be no opportunity whatever to have them considered in the other House. If no one has anything to suggest in that regard, I ask now unanimous consent for the present consideration——

Mr. BRISTOW. That can not be done. It would be a violation of the unanimous-consent agreement.

Mr. CUMMINS. I did not understand that it would be a violation of the agreement.

Mr. GALLINGER. Mr. President, I will make this suggestion to the Senator: We have always done toward the close of a session precisely what the Senator from Iowa suggests. As we will dispose of the unfinished business this morning, I think

if the Senator from Iowa would ask—I do not know that unanimous consent is necessary—that we should have an understanding that we would go to the calendar to-morrow in the usual way after the routine morning business is disposed of we could clear up all those bills.

Mr. CUMMINS. That course will be entirely satisfactory to me, but my suggestion was for the purpose of reaching an understanding if possible. I have no desire to interfere with the bill now under consideration. At least three bills have been already passed this morning, and there are some on the calendar which are of great public importance.

Mr. GALLINGER. There are many House bills, too, on the calendar that ought to be passed, as well as Senate bills.

Mr. CUMMINS. With the understanding that to-morrow, at the close of the morning business, we will go to the calendar for a sufficient time to dispose of these bills I shall make no effort to bring the measures that I had in mind before the Senate.

Mr. SMOOT. The Senator refers to bills to which there is no objection?

Mr. CUMMINS. I assume that if we were entering into a unanimous-consent agreement that would be necessary, but there are some bills that I want to bring up, no matter whether there is unanimous consent for their consideration or not.

Mr. SMOOT. I should think that it would be very much better, first, to get the Post Office appropriation bill out of the way.

Mr. CULBERSON. Mr. President, on this side of the Chamber we are unable to hear.

Mr. SMOOT. I think it would be much better to get the Post Office appropriation bill passed before taking up any bills on the calendar which are going to lead to lengthy debate. I think myself that there are a great many bills upon the calendar, both House and Senate bills, to which there will be no objection.

Mr. CUMMINS. I think the Senator is right about that. I am not going to insist upon any of the bills which would create debate coming up to defer the consideration of the Post Office appropriation bill, but I think if we had two hours to-morrow we could dispose of a great many of those bills.

Mr. JONES. I suggest that we have an evening session to dispose of unobjected bills on the calendar.

Mr. CUMMINS. That would be entirely satisfactory to me, possibly not to-night, because Senators are rather weary, as we have had two long evening sessions, but to-morrow night it could easily be done.

Mr. CHAMBERLAIN. If we are going to have an evening session I would very much prefer to have it this evening rather than to-morrow. I do not see why we could not dispose of those bills to-night as well as to-morrow night, or even after the morning business to-morrow.

Mr. SMOOT. We may reach a final vote on the Panama Canal bill before 5 o'clock, and if that shall be the case we can take up the calendar immediately after the disposition of that bill this afternoon.

Mr. BRISTOW. I would suggest that we proceed immediately to the unfinished business——

The PRESIDENT pro tempore. The Senator from Iowa has the floor.

Mr. BRISTOW. And let us go on with the calendar as soon as we get through with the unfinished business. We may get through with it in two or three hours.

Mr. CUMMINS. I do not want to disturb the pending bill, but I have some interest in other measures than the pending bill.

Mr. CULLOM. Mr. President, the regular order.

The PRESIDENT pro tempore. Unless there is other morning business, that order is closed.

THE PANAMA CANAL.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Under the unanimous-consent agreement entered into yesterday, the Chair lays before the Senate House bill 21969, known as the Panama Canal bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. BRANDEGEE. Mr. President, may the Secretary read the unanimous-consent agreement which was entered into last evening?

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

It is agreed, by unanimous consent, that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill H. R. 21969, the Panama Canal bill, so called, and that at not later than 5 o'clock p. m. on said day the Senate will proceed, without further debate, to vote upon any amendment that may be pending to the bill, any amendments that may be offered, and upon the bill itself—through the regular parliamentary stages—to its final disposition.

The PRESIDENT pro tempore. The pending amendment is the amendment offered by the Senator from Georgia [Mr. SMITH].

Mr. BRANDEGEE. I will ask that the Secretary be kind enough, in order that the RECORD may show to what certain points made by several Senators who have already spoken upon this bill applied, to read section 11 of the bill as it came from the other House, and then to read what the Senate committee proposes to substitute for a part of section 11, so that the two propositions may stand in juxtaposition in the RECORD.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. Beginning on page 19, line 10, section 11 of the bill as passed by the House of Representatives reads:

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

As proposed to be amended by the Senate committee, section 11 reads:

SEC. 11. That no ship, owned, chartered, operated, or controlled by a railroad company, or in which any railroad company has any interest

whatsoever (by stock ownership or otherwise, either directly or indirectly, through any holding company, or by stockholders or directors in common, or in any other manner), shall be permitted to enter or pass through the Panama Canal if engaged in the coastwise trade between ports of the United States. That any ship of American registry, however owned or controlled, shall be permitted to operate through the canal in transoceanic trade to and from oriental or European countries; said vessel on its way to and from said foreign countries shall be permitted to do a coastwise trade between ports of the United States and intermediate foreign ports: *Provided*, That this shall not be permitted to any ship owned or controlled in whole or in part by any railroad company, except those engaged in said transoceanic trade, nor shall any coastwise trade be done by any such ship unless on a voyage to or from such transoceanic ports, and not to those of Canada, Mexico, or any Central or South American port: *Provided further*, That no such railroad owned or controlled ship shall pass through the canal unless at least 50 per cent of its cargo, in tonnage, is destined to or shipped from oriental or European ports.

Mr. BRANDEGEE. Mr. President, the remaining portion of the section is practically identical with the provisions of the House bill, the only two changes being so inconsequential that I do not feel justified in asking the Secretary to read the remainder of the section.

Mr. President, when I asked the Secretary to read this section so that it might appear in the RECORD I had intended to proceed with a few remarks of my own, having entirely forgotten that when the Senate adjourned last night the Senator from Washington [Mr. POINDEXTER] had the floor. I now yield to him.

Mr. POINDEXTER. Mr. President, I am very glad that at this point the chairman of the committee has placed before the Senate the comparative provisions of the Senate and the House bills with reference to this particular matter of railroad-owned ships, for the reason that when the Senate adjourned last evening I was attempting to show that, while this matter had been debated in the Senate upon the theory that it was a choice between two different methods of excluding railroad ships from the canal, as a matter of fact the issue was between the exclusion of such ships, as would be the effect of the House provision, and the permission to railroad owned and controlled ships to pass through the canal, as would be the effect under the Senate provision.

Mr. SANDERS. Mr. President——

Mr. POINDEXTER. I yield to the Senator from Tennessee.

Mr. SANDERS. It seems to me that it would be well to have stated the amendment of the Senator from Georgia [Mr. SMITH], because, really, that is the amendment before the Senate, as I understand. It will only take a moment.

Mr. POINDEXTER. That has been stated at the desk several times; but I have no objection. However, that is a different matter entirely from what I am discussing at present.

The PRESIDENT pro tempore. In the absence of objection, the Secretary will read the amendment proposed by the Senator from Georgia.

The SECRETARY. On page 19, line 22, in the House provision, after the word "water," it is proposed to insert the words "operating through the Panama Canal," so as to read:

in any common carrier by water operating through the Panama Canal with which said railroad or other carrier aforesaid does or may compete for traffic.

Mr. POINDEXTER. Mr. President, it is difficult to understand why the Senate committee should commence the language of the section now under discussion by prohibiting railroad-owned ships from passing through the canal, when, as a matter of fact, the remainder of the section is an express permission to railroad-owned ships to pass through the canal, with the restriction that they shall be limited to 50 per cent coastwise cargo and that they shall be engaged in the transoceanic trade. If this section had provided simply that railroad-controlled ships should be allowed to pass through the canal on the same terms as other ships, provided 50 per cent of their cargo is transoceanic cargo and that they are engaged in the transoceanic trade, that would have expressed completely and clearly the effect of this section, instead of expressing what is deceptive and misleading in the first half of the section—an absolute prohibition of railroad-owned ships passing through the canal.

It is similar to the question which has been before the country, before the Senate, and before the courts for very many years, as to whether or not the railroads shall be allowed to own coal mines, whether they shall be the owners of the subjects of their transportation, whether they shall be allowed to own electric railroads; in other words, whether they shall be allowed to diverge from the peculiar business of operating steam railroads, for which they have obtained a franchise and under that franchise and with the power which their control of transportation gives them—being necessarily more or less natural monopolies, being monopolies to a certain extent in every case—whether they shall be allowed to take advantage of the power which that franchise gives them to combine, with the control of transportation by rail, transportation by water, operation of coal mines, and transportation by electric roads, thereby extending and broadening the monopoly. This presents the greatest social and economic problem which the country is now called upon to solve.

Mr. President, the question is frankly met by the advocates of the Senate provision. They have not contended in the debate upon this provision that the Senate amendment would prevent railroads from operating ships through the canal. On the other hand, they based their argument upon the defense of the policy of allowing railroads to operate ships through the canal. The argument of Senators who are defending this provision was a defense of the admitted monopoly of water transportation by the railroads of New England. The assertion is made that the people of New England were pleased with the monopoly which the New York, New Haven & Hartford Railroad has of transportation in that section of the country, a monopoly which not only includes steam railroads, but also includes electric railroads, and includes the entire coastwise shipping trade of the New England coast, according to reliable information which I have, although the Senator from Rhode Island [Mr. LIPPITT] claims that there are some particular subjects of transportation, such as coal, which are not within the grasp of this coastwise shipping control of the New York, New Haven & Hartford Railroad.

Mr. President, that is the question. As to the merits of it the people of the Pacific coast have had object lessons; they have had the effect of such a policy upon their business for a generation by which to be guided in considering it. A very good illustration of the manner and means used by the railroads operating jointly with shipping lines to destroy competition is afforded in the case of the steamer *Humboldt*, out of which grew circumstances which went before the Supreme Court of the United States. That was a vessel which was owned by an independent company operating between Seattle, Wash., and Skagway, Alaska. It was competing with the Alaska syndicate, which controls the entire Alaskan-Seattle shipping business, with the exception of this lone vessel. The Alaska syndicate controls the railroads of Alaska. The manner in which they discriminated against the steamer *Humboldt*, the manner in which they attempted to put it out of business to suppress competition, was by refusing to make joint rates for the independent steamer upon business from Seattle to the interior of Alaska over the White Pass & Yukon Railroad upon as favorable terms as they granted to vessels owned by the syndicate. They charged a higher joint rate upon through business from Seattle to the Yukon Valley for goods that were shipped by the *Humboldt* than they did for freight which came over their own lines.

Another means which they used in their effort to drive the *Humboldt* out of business was by discriminating against it in the use of the docks, which the syndicate also controls at Skagway. Still a further means was the inferior service which the syndicate railroad rendered as to freight which was shipped by the independent vessel.

Now, upon the Pacific coast the docking privileges are controlled by the railroads. They have the three methods which I have just mentioned of discriminating in favor of their own ships, should they be allowed to operate them through the canal, as is provided in the Senate amendment. They have the opportunity to grant special privileges upon the docks. They have the opportunity to grant more favorable joint through rates. They have the opportunity to grant quicker and more favorable and better joint service to the ships of their own lines than to those of their competitors.

It was suggested by the Senator from Mississippi [Mr. PERCY], in the able speech which he delivered upon this subject, that the remedy would be to allow foreign ships to enter into the coastwise trade and thereby break down the monopoly. Of course that opens an entirely new field of discussion and involves new interests, but leaving those new interests out of the question, suppose, for the sake of argument, the coastwise trade was open to foreign ships and the monopoly now held by American ships should be released. Independent lines of foreign ships could no more compete with railroad ships in the traffic between New York and San Francisco than could American ships. There would be no substantial difference in the result whether the ships were foreign or whether they were American—with the opportunity for favoritism in the three especial methods which I have mentioned—the railroads giving a preference to their own vessels would secure a monopoly of the business.

There is no way by which the advantages of the Panama Canal as a competing line of transportation, as a competing

route across the continent, could be preserved to the people if the Senate committee amendment to section 11 should be adopted by the Senate.

Mr. President, the Senator from New Hampshire [Mr. GALLINGER] asked the question of some Senator on yesterday who was debating this proposition what was the remedy for this condition, implying that there was no remedy, implying that we should helplessly submit to this suppression of competition through the canal. He frankly favored the unlimited ownership and control by railroads of ships going through the canal, as elsewhere on competing lines, and rather cynically, it seemed to me, asked the question, as if there were no answer, what was the remedy for the destruction of this competition by the railroads owning such ships passing over the competing water line.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield.

Mr. GALLINGER. There was no cynicism whatever in my observation. I think I addressed the interrogatory to the Senator from Kansas [Mr. BRISTOW] touching a certain point of this discussion—I have forgotten what it was, but it was given in good faith—desiring that he should make answer and point out the remedy.

Mr. POINDEXTER. I do not dispute the good faith of the Senator from New Hampshire, but I say it was cynical, as I view it, because it seems to imply at least that the Senator from New Hampshire, who is versed in these questions, knew of no way in which this monopoly could be prevented, and the consequence was that we must submit to it—that it was useless to try to find a remedy for it.

Mr. President, if we are not to prevent the ownership by railroads of vessels on competing water lines, I would perhaps be willing to agree with the Senator from New Hampshire that there would be no way of destroying the monopoly. In the course of time, by strengthening the law—having efficient men administering it, enlarging the powers of the Interstate Commerce Commission, making larger appropriations for its service, so that their agents could be in sufficient numbers in all places where needed to see that the law is enforced—we might by those means preserve a reasonable service and get the benefit of cheap transportation by virtue of the large ships controlled by the railroads. But that is a matter of great doubt. It is a matter which would require a long, tedious experience, a long waiting on the part of the people, in addition to the many years in which they have already waited to get relief from the monopoly of transcontinental freight traffic from which they have been suffering.

But the very idea that the Senator from New Hampshire suggested—that there is no remedy for that monopoly—affords the strongest argument why we should strike at the root of the evil and absolutely prohibit the ownership of competing lines of ships by railroad.

I admit that in addition to that we will still have to strengthen the hands of the Interstate Commerce Commission in order to see that the joint traffic arrangements, covered by the sections of this bill read by the Secretary this morning, between the ships and the railroads are reasonable—that the railroads receive the traffic of the independent lines and carry it to its destination in the interior upon reasonable terms.

The Senator from New Hampshire stated on yesterday, or rather asked one of his colleagues if he knew of anyone in New England who objected to the monopoly of transportation in New England by the New York, New Haven & Hartford Railroad. The Senator from Rhode Island [Mr. LIPPITT] stated that he knew of no one who objected, leaving the impression upon the Senate and the appearance in the RECORD that the people of New England were unanimous in their submission to this gigantic monopoly of the transportation of that section of the country.

Mr. President, of course there are differences of opinion, as was stated, in New England upon this subject. I have a statement from a gentleman of high standing in New England who is thoroughly familiar with this question which is directly antagonistic to the information furnished by the Senators whom I have named as to the attitude of the people of New England with reference to the combination of all water and rail transportation in one ownership. In a letter here from Mr. Brandeis, dated in May, he says with reference to this matter:

> New England will indeed rejoice if the Senate adopts without amendment the provision in the Panama bill which prohibits railroads from owning any interest in any competing steamship or rail and steamship line. This provision would go far toward breaking the intolerable and almost incredible transportation monopoly to which we are subjected.
>
> The New York, New Haven & Hartford Railroad Co. has not only a practical monopoly of the railroads of New England and of the trolleys in a large part of New England, but it has literally monopolized our coastwise traffic on the Atlantic. There is not to-day running south from any New England State any interstate steamship line which is not controlled by the New Haven, either by ownership or stock interest, except the freight line of the Grand Trunk connecting its New London terminal with New York City. The only boat line from New England to the West Indies and the Gulf is represented by a small boat chartered by the Cuba line, with about 3,000 tons capacity, sailing once a month, and even that line a company allied with the New Haven has recently been seeking to acquire. Our water business to the West Indies and the Gulf has to be done via New Haven lines to New York and transshipped there because of the New Haven's alliance with the Atlantic, Gulf & West Indies Co. The latter company also runs one boat a week from Boston to Charleston and Jacksonville.
>
> A comparatively few years ago we had four independent rail and water lines to New York via the Sound—the Fall River Line, the Providence Line, the Stonington Line, and the Norwich Line, and one all-water line—the Metropolitan Line. Not only have all these lines fallen under the domination of the New Haven, but other competing lines established meanwhile—the Joy Line and the Enterprise Line—were bought up or otherwise suppressed. No competitor was too large to be overcome and none too insignificant to be tolerated. Thus the New Haven acquired the lesser steamship lines from Connecticut and Rhode Island ports to New York—the Bridgeport Line, the New Haven Line, the Hartford Line, and the Block Island Line. It purchased the Maine Steamship Co., from Portland to New York; it purchased the line from Boston to Philadelphia.
>
> The passage by Congress of an act prohibiting railroads from owning competing steamship lines would emancipate New England.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. POINDEXTER. I yield to the Senator.

Mr. LIPPITT. The discussion of this question was so exhaustive last night that I do not need to go into it very fully, but I should like to know whether that gentleman is a resident of Maine or of what part of New England.

Mr. POINDEXTER. He is a resident of Boston.

Mr. LIPPITT. I understand the statement he makes is that the New Haven controls all the lines of New England.

Mr. POINDEXTER. I have just read what he says.

Mr. LIPPITT. He speaks of the New Haven road owning all the steamship lines. I understand the New Haven road owns no steamship of any kind running out of Boston and has no interest in any.

He says that in Providence the New Haven road has throttled every form of competition and there is no independent line. I stated to the Senate day before yesterday that I myself saw the New Haven steamers going out of Providence on Monday or Tuesday night, followed within a few hundred feet by the *Lexington*, of the Colonial Line, a ship of practically the same size, operating in competition with the New Haven and with which the New Haven had nothing to do.

It seems to me that when a gentleman says that New England is crying for relief, and when, in support of that contention, he makes the statement that there is no competing line at a time when people can see one and ship by it and are doing it every day, it is not very reliable testimony.

There is a competing line at New Haven, the Stearin Line; there is a line at New London; there is a line at Providence. There is an independent line that runs from Norwich to New York, and has for years, with which the New Haven has nothing to do. I think gentlemen who bring in testimony of that kind as to a fact of that kind, when the evidence is ample that competition does exist, can not represent New England sentiment. New England sentiment can not be founded on misstatements.

Mr. POINDEXTER. I agree with the Senator in that respect, that it can not be founded on misstatements, and I know the Senator from Rhode Island does not intend to make any misstatement. Yet we have been confronted here during this debate by statements made by the Senator from Rhode Island which are in direct conflict with the statements which have been presented to the Senate by officials whose business it was to know these things and to investigate them. So we are confronted by the difficulty of choosing between the statements of the Senator from Rhode Island and the other statements to which I have referred. I am not responsible for either of them. To what extent the Senator from Rhode Island is informed I do not know. I heard the Senator from Rhode Island yesterday, in answer to an inquiry here, make a statement that the Grand Trunk Railroad of Canada owned and operated no line in New England, and yet——

Mr. LIPPITT. I beg your pardon, if the Senator will allow me. He did not hear me make that statement. He heard me make the statement—I have not had time to verify it since, but I have it on very strong authority, and I think it is true—that the Grand Trunk Railroad itself did not have any mileage in New England in its own name. I did not say, and that was

the distinction I was making, that the Grand Trunk Railroad did not own and control railroads in New England. They do. I distinctly stated that they were building a line to Providence, and were preparing to build another line to Boston, and that they own a line, and have for several years, from New London through central Vermont. There is the distinction I made. Of course the Senator does not mean to misrepresent my statement.

Mr. POINDEXTER. Not at all.

Mr. LIPPITT. The idea which I was trying to present was that the Grand Trunk Railroad as the Grand Trunk Railroad was a Canadian railroad operating in Canada and through its ownership of other lines in New England had a very strong influence there; but I think that the practical effect of that is that through those Canadian-owned lines the Grand Trunk is able to take freight from the northern part of New England in bond through Canada to United States Pacific ports. I know they do. They take cotton goods in bond through Canada and land it in Vancouver where they can put it on their ships.

Mr. POINDEXTER. I think that is getting pretty far away from the subject—what the Grand Trunk can do in handling its business. I said nothing about what it does in operating its lines.

Mr. LIPPITT. I was simply trying to indicate to the Senator what I had in mind in making the distinction at all. The distinction is a plain one, and I think I made no misstatement when I said that the operation of the Grand Trunk in New England is through stock-owned railroads and not by the Grand Trunk. That is the point I was bringing out.

Mr. POINDEXTER. I should like to ask the Senator from Rhode Island, in order that there may not be any misunderstanding, if he makes the same distinction with reference to the shipping lines he referred to that he has just made in the case of the Grand Trunk Railroad? Does he make the same distinction with reference to the lines of ships controlled by the New York, New Haven & Hartford Railroad? The Senator stated, in the first instance, that the Grand Trunk Railroad operated no line in New England.

Mr. LIPPITT. No, sir.

Mr. POINDEXTER. What was the Senator's statement?

Mr. LIPPITT. The statement was that the Grand Trunk Railroad itself did not enter into New England.

Mr. POINDEXTER. That the Grand Trunk Railroad itself did not enter into New England—and now the Senator has explained that what he meant was that it came into New England through other lines which it controlled.

Mr. LIPPITT. That is true.

Mr. POINDEXTER. Now, I ask the Senator if he makes the same distinction in the case of the New York, New Haven & Hartford Railroad, when he says they do not operate all coast steamship lines in New England, and means to except from his statement the lines of steamships in which the stock is owned by them?

Mr. LIPPITT. Mr. President, I have stated that over and over again. Certainly the New Haven road controls many railroads through leases and through stock ownership, and steamship lines, through stock ownership, in various parts of New England. The distinction in the case of the New Haven road is not important, because both the New Haven road itself and all its subsidiaries are subject to the Interstate Commerce Commission. The Grand Trunk Railroad of Canada is not subject to the Interstate Commerce Commission. As the Senator knows, the commission can have nothing to do with it in any way, name, or form. They can control its subsidiaries in the United States, but the Grand Trunk Railroad, as I understand it, is Canadian, built by the Canadian Government, and fostered and subsidized by the Canadian Government. The distinction is perfectly plain.

Mr. POINDEXTER. The distinction is plainly made by the Senator. As I understand him, he contends that there is no monopoly of the coastwise lines of vessels in New England by the New York, New Haven & Hartford Railroad, either by direct ownership or indirect ownership.

Mr. LIPPITT. Certainly I do.

Mr. POINDEXTER. If that is his position, he is in direct conflict with the information which I have, and apparently in conflict with the information of the members of the Interstate Commerce Commission, whose testimony he read yesterday and which he quoted to justify the joint ownership of the lines of ships by the railroad company.

Mr. LIPPITT. If the Senator will point out the specific instances in which I am in conflict I will be glad to discuss them, but——

Mr. POINDEXTER. If the Senator will read the RECORD he will find the statement which I have read this morning—of various lines of vessels controlled by the New York, New Haven & Hartford Railroad, as stated by Mr. Brandeis, of Boston, in whose opinion I have confidence, and will see there a specific instance.

Mr. LIPPITT. But I did not quote Mr. Brandeis and I never heard of Mr. Brandeis's testimony.

Mr. POINDEXTER. It has been read this morning.

Mr. LIPPITT. The Senator said a minute ago I was in conflict with the testimony of the Interstate Commerce Commission; I presume that of Mr. Prouty.

Mr. POINDEXTER. Mr. Prouty.

Mr. LIPPITT. I do not know how I can be in conflict with a man when he says that it would be a very unfortunate thing—I am not quoting the exact language—to divorce steamships and railroads in New England, and when for an hour I argued last night the very same proposition, that it would be unfortunate.

Mr. POINDEXTER. I am very much surprised that the Senator does not see, after having pointed out——

Mr. LIPPITT. He says the same thing I do.

Mr. POINDEXTER. You say it would be a misfortune to divorce them?

Mr. LIPPITT. Yes, sir; and he says so.

Mr. POINDEXTER. Then how could they be divorced unless they had been previously joined together?

Mr. LIPPITT. I never said that they were not joined together. I never for a minute said any such thing. What does the Senator mean by making such a statement as that when I have said over and over again that they own some lines, directly or indirectly? It is common knowledge; nobody will deny it.

Mr. POINDEXTER. I certainly am unfortunate, Mr. President, in my understanding of the Senator. Several times this morning I understood him to deny it.

Mr. LIPPITT. There are many lines they do not own, if that is what the Senator means.

Mr. GALLINGER. Will the Senator from Washington permit a single observation?

Mr. POINDEXTER. Certainly.

Mr. GALLINGER. I propounded the question to the Senator from Rhode Island yesterday as to whether in his knowledge there was complaint in New England as to the transportation situation. Of course, I did not mean to intimate that there was not complaint against the New York, New Haven & Hartford Railroad Co. There are complaints against every railroad, I suppose, on the face of the earth. There are always some people who are greatly disturbed, and they are generally people who have little business with the roads. What I meant to imply was that so far as I know—and I represent a manufacturing State that has a large transportation business—business men were not complaining as to the facilities or as to the cost of transportation, and that is precisely what I understand the situation to be. Of course, Mr. Brandeis complains. He is an agitator. He is not a business man. He is a man who is in the limelight always when the question of railroads or steamships or monopolies is suggested, and he is well known in that connection.

Mr. LIPPITT. I know the Senator from Washington has no desire to misstate what I said. I am sure that he——

Mr. POINDEXTER. I am not undertaking to state what the Senator said. I did undertake to state it, and then the Senator corrected me. If there is any correction, the RECORD will show who is inconsistent and who is consistent.

Mr. LIPPITT. I think there must be some little misunderstanding of words between us. The point is that I said there were competing lines that the New Haven road did not own and was not interested in, directly or indirectly, and the Senator perhaps thought that I meant that they did not own those that they were connected with. I can not see it in any other way. At all events, the situation is that there are New Haven lines and there are competing lines owned by other people.

Mr. McLEAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield.

Mr. McLEAN. I should like to have printed in the RECORD at this point—I think it is a good opportunity—the truth with regard to the railroad mileage in New England that is not controlled by the New Haven road.

Mr. POINDEXTER. I do not think I will yield to have that interpolated in the brief remarks that I am making. I would prefer that the Senator put it in at the conclusion of my remarks. I yielded to him with the expectation that he wanted to ask a question or correct some statement that I had made.

Mr. McLEAN. It is just one sentence. It will not take very much time.

Mr. POINDEXTER. I decline to yield for that purpose.

The PRESIDENT pro tempore. The Senator from Washington declines to yield.

Mr. POINDEXTER. Now, in reference to the remarks of the Senator from New Hampshire as to the reliability of the statements of Mr. Brandeis on the question of public opinion in New England in regard to this, I want to quote briefly from a later statement from Mr. Brandeis. I know that the Senator from New Hampshire——

Mr. CLAPP. If the Senator will pardon me, I think there is a little misunderstanding. The Senator from Connecticut [Mr. McLEAN] did not intend it to appear as a part of the Senator's speech, but at this time simply wanted permission to have it printed in the RECORD.

Mr. POINDEXTER. I have no objection to that. I have no objection to any statement that the Senator desires to make with reference to anything I have said. I understood that he was going to take up a different subject.

Mr. CLAPP. No; he did not expect it would appear as a part of the Senator's remarks, I think.

Mr. McLEAN. Not at all.

Mr. POINDEXTER. I would not have any objection to that even. I yield to the Senator for that purpose.

Mr. McLEAN. It is taken from the report of the Interstate Commerce Commission in regard to the railroad mileage in New England:

The Bangor & Aroostook, 599 miles; Grand Trunk in the United States, 584 miles; Canadian Pacific, 198 miles; Boston & Albany, 392 miles.

These are railroad lines in the United States, owned by the roads which I have named, and substantially all in New England.

With regard to the competing navigation lines, as far as I have been able to get information, and I think it is correct, there are competing navigation lines from New York to New Rochelle, Manaroneck, Greenwich, Stamford, South Norwalk, New Haven, New London, Norwich, Providence, and Boston, which include all the ports of any consequence along the coast.

Mr. POINDEXTER. I should like to ask the Senator from Connecticut if he has investigated the question whether they are really competing lines or whether they are controlled indirectly by the New York, New Haven & Hartford Railroad?

Mr. McLEAN. They are lines in which the New York & New Haven Railroad has absolutely no control or ownership whatever.

Mr. POINDEXTER. Has the Senator investigated that?

Mr. McLEAN. I have consulted with the officers of the railroad corporations in regard to the matter and other sources which are considered to be absolutely reliable. I took an interest in this matter from the statement made by the Senator from New York [Mr. O'GORMAN] that every foot of railroad in the United States east of the city of New York is now controlled by one corporation. That was the statement of the junior Senator from New York. I have myself taken no personal interest in this matter, but it seemed to me that that statement could not be correct, and I took occasion to correspond with the officers of the railroad company, and I have no doubt their report is correct.

Mr. POINDEXTER. All I have to say about that is, if the Senator will permit me, while I have a great deal of confidence in the personal character of most railroad officials, the Senator from Connecticut has a great deal more confidence in the reliability of their statements in regard to the business of their railroads than I have if he is basing his conclusions upon the railroad officials' statement in this connection.

Mr. McLEAN. I have no doubt that this statement is absolutely correct.

Mr. POINDEXTER. That is a matter of degree of confidence in the railroad officials giving the real truth in regard to their traffic connections.

Mr. McLEAN. We have a great many honest, reliable men interested in our corporate affairs in New England. We have passed by the period when we look upon our corporations as a danger to our industries. We look upon the railroad in Connecticut not as a combination of freebooters, whose purpose and determination is to injure the interests of the Commonwealth, but we look upon the railroad as a great highway, paid for by the money of the people and constructed for the service of the people to facilitate a division of labor and to reduce the greatest tax we have to bear—the transportation tax. We have had years of experience in this matter in New England. We desire to treat the corporations fairly and we intend to insist that we have fair treatment in return.

Mr. POINDEXTER. I should like to ask the Senator, while he is on his feet, if he knows anything about the Fall River Line, the Providence Line, the Stonington Line, the Norwich Line, and the Metropolitan Line of ships?

Mr. McLEAN. I suppose they are owned by the New Haven road.

Mr. POINDEXTER. Does the Senator know about the Joy Line or the Enterprise Line?

Mr. McLEAN. They are owned by the New Haven road, as I understand.

Mr. POINDEXTER. And the Bridgeport Line?

Mr. LIPPITT. I do not think there is any Enterprise Line now. It went out of existence.

Mr. POINDEXTER. As to the Bridgeport Line, the New Haven Line, the Block Island Line, and the Maine Steamship Co., I will ask the Senator if he is informed about those?

Mr. McLEAN. I think they are controlled by the New Haven road.

Mr. POINDEXTER. Will the Senator tell me the purpose of the New York, New Haven & Hartford Railroad Co. acquiring the ownership of all the lines I have just mentioned if it was not to establish a monopoly to control the business?

Mr. McLEAN. In reply to that, I will call attention to the manner in which this monopoly has treated the city of Bridgeport, about which much was said yesterday afternoon. I think the junior Senator from New York [Mr. O'GORMAN] said that the railroad owned every bit of water front there, and that the city of Bridgeport is subject to the entire control of this extortionate monopoly. I should like to call the attention of the Senate to the fares which are charged to New York from Bridgeport—2 cents a mile by rail and a cent a mile by water, $1.20 by rail and 60 cents by water. The competing navigation lines are there, to be sure; I do not know how serious the competition is; but the fact is that the water lines owned by the railroad do not earn more than 3½ per cent upon the investment. The tax by water is, of course, cheaper from places nearer Bridgeport than it probably would be from Boston and Providence. I cite that as an instance showing that the railroad companies in New England, at least so far as the New Haven road is concerned, have long ago ceased, I think, to look upon the policy of depredation, of mistreating the interests of New England, as in any possible way conducing to the prosperity of the railroad. I think the policy has been entirely changed there. I certainly hope so.

Mr. POINDEXTER. The policy has been changed in that regard, I understand?

Mr. McLEAN. I think so; very much in the last few years. We have had some experiences in Connecticut and in New England generally of railroad competition and monopoly both.

Mr. POINDEXTER. Previous to 10 years ago?

Mr. McLEAN. That is, it has seemed to be such to the people, and I have no doubt there have been good grounds for it; but in recent years I think the whole policy of the railroads has changed with regard to their treatment of the people. I repeat, I hope so and think so.

Mr. POINDEXTER. That is, the railroads have been more reasonable recently?

Mr. McLEAN. I think they realize that it is not for the benefit of the roads from any point of view to do anything except encourage the growth of the communities through which they run.

Mr. POINDEXTER. I should like to ask the Senator from Connecticut if this misconduct of the railroads, to which he refers, from which the people of New England have suffered included the political control of New England by the railroads, or attempts on the part of the railroads to take part in politics, to control the legislatures, and to make and unmake the laws of the States of New England? I should like to ask the Senator if the troubles of New England from railroad depredations, as he says, or extortions, or other misconduct, consisted of what I have just referred to?

Mr. McLEAN. If the Senator will allow me to answer that question in my own way, I will say the corporation is a Connecticut invention, and, like all inventions of value——

Mr. POINDEXTER. They come from Connecticut.

Mr. McLEAN. All those that are useful do. The corporation—that is, the limited-liability corporation—was invented in Connecticut by the general assembly, I think, in 1818. Up to that time the world had never known an association of men organized under a joint-stock agreement where there was no partnership liability. Like other machines we have made in Connecticut, we may have had some trouble with them, but we have got used to them and we intend to run them for the benefit of the people. We have concluded that it is an unwise

governmental policy to limit American opportunity to any special sources of capital.

Mr. POINDEXTER. Does not the Senator believe that the ownership of steamship lines by railroads accomplishes that very purpose—that it does limit American opportunity?

Mr. McLEAN. No.

Mr. POINDEXTER. So far as operating ships is concerned, to a special source of capital?

Mr. McLEAN. No, Mr. President.

Mr. POINDEXTER. Does the Senator believe that independent lines can compete with railroad lines in business which is partly by rail and partly by water—nearly all of which is characterized by those conditions?

Mr. McLEAN. No; we learned long ago, Mr. President, that a four-track road well managed is much better for the public than four single, separate corporations with single-track roads.

Mr. POINDEXTER. I am ready, possibly, under certain conditions, to agree with the Senator on that; but that has nothing whatever to do with the subject we were discussing.

Mr. McLEAN. It seems to me that the principle involved here is one of great importance, and while I had no intention of presuming to present my views at this time, I want to call the Senator's attention to my view, and I think it is the New England view and the view we have followed: You can not reduce the transportation tax to the consumer and to the shipper until you first make it possible that it shall be reduced to the carrier. I think the Senator from Washington will realize that if all the railroad companies in the United States to-day, becoming tired of the burdens which they are bearing—some of them self-imposed, no doubt—but if they should become tired of the burdens they are carrying to-day and should offer to convey these vast properties to the United States at cost and the Government should take the properties and offer to transport freight and passengers free, it would not add one penny to the national income or reduce by one penny the actual cost of transportation. I think the Senator will agree to that.

Mr. POINDEXTER. I do not agree. The Senator from Connecticut said I would agree with him, but I think I do not agree with the Senator on that proposition, although I would regard it as a great calamity for the Government to have——

Mr. McLEAN. The Senator does not get my point——

Mr. POINDEXTER (continuing). To take over the railroads and to operate them, especially if it had to assume that great burden suddenly, as it would have to do under the conditions mentioned by the Senator; but I do believe that if the Government should take the railroads, operate them, and furnish free transportation and free passage it would result in an economic saving, because I think that the expenditure of the Government in operating the railroads and in carrying the freights of the country would be far less than the tax which the people of this country pay annually to the railroads now to the amount of $2,800,000,000, approximately, equal to the entire cost of their Federal, State, and municipal governments.

Mr. McLEAN. I think, Mr. President, that it would double the cost of transportation. If the Senator will pardon me, I should like to follow my point one step further. I believe in the policy of a fair field and no favors. I do not think it would take a very long pencil or a very large slate to demonstrate that but for that policy which so far has been pursued by our Government we would have less than half the railroad mileage we have in this country to-day and transportation rates would be twice what they are to-day. I am surprised that the Senator from Washington should reach a position where he wants to limit the free exercise of the ability of the strongest and ablest men we have, together with their money, in an effort to reduce again and again the cost of transportation by constantly improving the floating machinery that will reduce the cost of the unit of traffic.

Mr. POINDEXTER. There is a difference of opinion between the Senator and myself as to whether or not it would have that result. The Senator believes that monopoly of transportation by the railroads would result in reducing the cost of transportation. I do not believe any such thing. I have seen too much extortion. The people of my section of the country have suffered too long from unjust taxation by railroads and extortionate railroad rates ever to believe that the power to levy such taxes as the railroads see fit, if competition were absolutely suppressed, would result in lowering rates to the people. Furthermore, the question of discrimination and favoritism between individuals and between communities is more serious than that of high rates.

Mr. McLEAN. It is a question of Government ownership or Government control, and I think most of us realize it is coming to one or the other. The wars of the future are bound to be commercial wars, Mr. President, and it is the survival of the fittest. If we win, it will be due to the inventor and to his ally, the venturesome capitalist and the man with brains to direct that capital.

Mr. POINDEXTER. That is very true.

Mr. McLEAN. And, if the Senator will pardon me, they will not win the fight because they love their country or because they love you, but they will win it because they love money, and when this Government——

Mr. POINDEXTER. Just a moment. Is the Senator willing to surrender——

Mr. McLEAN. Allow me to finish——

The PRESIDING OFFICER (Mr. BAILEY in the chair). The rules of the Senate forbid two Senators speaking at the same time.

Mr. McLEAN. This is the first time I have spoken in regard to this matter.

Mr. POINDEXTER. The Senator was asking me a question, as I understood, or, assuming that I was agreeing with certain propositions. I think I have the floor.

The PRESIDING OFFICER. It is not the office of the Chair to say that one Senator shall not yield to an interruption, but, having yielded, the Senator to whom he yielded is entitled to finish his sentence. However, the Senator occupying the floor is entitled to resume whenever he chooses.

Mr. McLEAN. I think the Senator from Washington is very kind to me, Mr. President. I could, of course, elaborate my point of view with regard to this matter at some length. It seems to me very clear that we are not progressing, but that we are going backward. When we lay down a rule in this country that we can not take advantage of our own brains and our own capital it seems to me that we are not progressing in the right direction. It is not the policy that has brought us thus far on the road to success. To my mind the position taken by the Senator from Washington is entirely incorrect.

If the Senator will pardon me for a moment further, I should like to inquire if he does not think that free transportation through the canal, if we could have absolutely free transportation through the canal, would be of great benefit to the mid-continental section of this country? If he does think so, why does he assume that the railroads will not——

Mr. POINDEXTER. I would rather the Senator would not answer his own question for me. I do not know that I would answer it in the same way that he would.

Mr. McLEAN. Well, I should like to have the Senator answer it.

Mr. POINDEXTER. I did not say that I would agree with the Senator on that proposition.

Mr. McLEAN. I wish the Senator would answer the question.

Mr. POINDEXTER. I would say, in answer to the question that the Senator's object of affording free opportunity to capital, free opportunity to brains, free opportunity to ambition, and free opportunity to enterprise is the same object that I have; but the monopolization of the transportation of the country, the discrimination, the favoritism which the railroad company necessarily extends to its own line, instead of affording free opportunity to the people of this country, everlastingly throttles it and prevents the reaping of the fruits of enterprise and of investment which the people of the country otherwise would have in this great occupation. And so the monopoly of transportation would be preserved in private hands, with its consequent horrors of discriminations, tyranny, and extortions, instead of competition bringing to every man and community the same service, proportionate rates, and decent treatment in the operation of a great public utility.

Mr. McLEAN. I am not questioning the history of the situation at all.

Mr. POINDEXTER. It is not history alone, but present conditions also.

Mr. McLEAN. I am asking what will probably happen unless the Government has the power and the intelligence to lay down a rule whereby it can take advantage of its own brains and its own capital? I wish the Senator would answer my question, whether he thinks cheap transportation through the Panama Canal will not be of great benefit to the mid-continental section of this country and to the whole country?

Mr. POINDEXTER. Undoubtedly. Cheap transportation through the canal will be——

Mr. McLEAN. It will be a benefit to Kansas; it will be a benefit to Washington, to the Dakotas, and to all that great northwestern section of the country.

Mr. POINDEXTER. If it is real cheap transportation, if it is not fake and sham cheap transportation, which is so burdened at the terminals by discrimination, so burdened by a failure to make proper connections, and so burdened by failure to receive and exercise equal advantages at the docks of the

seaports so that instead of being cheap transportation it would be high transportation—if all those matters are eliminated, of course, I believe that cheap transportation would be an advantage, and it is for the purpose of obtaining cheap transportation that the canal is being dug.

Mr. McLEAN. We are not going to confess that we can not eliminate that; we are not going to confess that we can not regulate the ownership and use of our water fronts so that they shall be at the disposal of competing navigation lines.

Now, I want to ask the Senator, if it be true that he believes the cheaper we get transportation through the canal the better, why is it that he assumes that the railroads will not agree with him? Every pound of freight that goes through that canal has to be delivered at the seaboard, and when it arrives at the other end of its destination it has to be distributed. This is the first time I have heard that cheap transportation through the Panama Canal can have any other result than to be a positive benefit to the whole country. Why does the Senator assume that the railroads will not agree with him?

Mr. POINDEXTER. The answer to that is so obvious that I am surprised that the Senator should have asked the question. In the first place, if the Senator believes that the railroads are eager for the Panama Canal to be dug and that cheap transportation through it between the Atlantic and the Pacific coasts should ensue, how does the Senator explain the fact that for the last 50 years, or for the last 25 years, we will say, the railroads of this country have been opposing in every way they could, astutely and secretly many times, the construction of the canal?

Mr. McLEAN. It is due to the fact that the railroad managers in the past have been very blind to their real interest.

Mr. POINDEXTER. Oh. It is not what the railroad officials really want, but what the Senator asserts or thinks they ought to want.

Mr. McLEAN. No; I do not believe that any policy which is injurious to the industrial interests of States of this Nation will benefit the railroads that run through those States.

Mr. POINDEXTER. I have often, if the Senator will permit me, had the same thought as the Senator has expressed, that the railroads were shortsighted in antagonizing the people and shortsighted in leaving the freight rates as they were. Their policy of rate making is that the railroad shall receive what the traffic can bear, but they have overworked the theory. It is not so much the ideal condition that we are dealing with or what the railroad companies ought to do in an enlightened self-interest. But the condition which confronts us is to the contrary, and is a shortsighted policy, the extreme of selfishness. It is the attempt on the part of the railroad companies to haul as far as they can and get as much as they can for the time being, and let the future take care of itself. That is their policy. I have heard experts of the railroads swear in court under oath that they had no policy or system of levying rates other than to inquire into the business and find out how much the traffic could stand, and levy the amount which would give to them the greatest possible returns. Their whole system of rates from the East to interior points on the Pacific coast is based on a theory of thousands of miles of totally unnecessary hauls, up and down mountain ranges, through the interior point to the seaport, and from the seaport back to the same interior point.

Mr. McLEAN. If we admit they will take the short-sighted policy. Then it seems to me that unless human nature changes entirely, it will be only a short time before this monopoly of the coastwise trade will be complete. The world is, for purposes of intercommunication gentlemen's agreements, no larger than was the State of Connecticut a hundred years ago. How can the Senator assume that freed from the railroad interest it will not do precisely what every corporation has done? If he is correct in his opinion with regard to them, how can he expect to benefit until that competition has become ruinous? What does he expect they will do—come to some agreement? Then you will have a monopoly without any supervision over it. What must we do then?

Mr. POINDEXTER. We propose, in the first place, to limit the monopoly, so far as possible, by limiting the special privileges and special opportunities, such as would be the result in the case of a railroad line of ships competing with an independent line of ships; and then, in addition to that, when big combinations come, as they must come, notwithstanding the elimination of special privileges, we propose to regulate them reasonably by the Government, so that in case of public utilities they shall be operated primarily in the interest of the public, rather than to pecuniarily reward their promoters.

Mr. McLEAN. Why not begin now?

Mr. POINDEXTER. We are beginning now. I have been a strong advocate of that policy.

Mr. McLEAN. If it is the question of ownership that regulates, why not begin now? If it is a choice of evils, I prefer the lesser.

Mr. POINDEXTER. We have begun, and we can not begin again, because we are in process of regulating that, but I want to say——

Mr. McLEAN. I will repeat that we have had considerable experience with corporations in New England, good and bad ones, and we long ago came to the conclusion that it was possible for the governments, which control these corporations, to establish a rule whereby we could get the benefit of the sources of capital and the brains best adapted and in the best position to produce the best service for the people and to reduce and again reduce the transportation tax; and if conditions are not so in the Northwest I sincerely hope that the Senator from Washington will not feel like inflicting upon New England what I know will be in a measure confiscatory, and will be a great disturbance to our commerce there. It will in no sense work anything but a harm. Conditions may not be perfect, but they are much better than they used to be, and we hope for constant improvement.

Mr. POINDEXTER. I think I will have to decline to yield further if the Senator from Connecticut is now going to take up the Senator from Georgia.

Mr. McLEAN. I agree with the Senator from Washington. I apologize to him and to the Senate. It is so easy for Members of this body to say, and say well, all that needs to be said upon every subject here and elsewhere, that I concluded very early in my career as a Member of this body that I might safely continue indefinitely my membership of silence; and I apologize to the Senator from Washington and I apologize to the people who have to bear the burden of printing the CONGRESSIONAL RECORD.

Mr. BRANDEGEE. Mr. President——

Mr. POINDEXTER. I yield for a question.

Mr. BRANDEGEE. The question I wanted to ask was whether my colleague had obtained permission to print in the RECORD the statistics he proposed to have printed?

Mr. McLEAN. I beg pardon?

Mr. BRANDEGEE. It was whether my colleague had obtained permission to print in the RECORD the figures which he proposes to put into the RECORD?

Mr. McLEAN. I think that everything I desired to have put into the RECORD was put in with the consent of the Senator from Washington. I had nothing but those few items.

The PRESIDING OFFICER. In order that there may be no question about it the present occupant of the chair, who was not occupying the chair at that time, will now state that the privilege will be granted, in the absence of objection. The Chair hears none.

Mr. POINDEXTER. Now, all that has developed in this colloquy which unexpectedly took place between the Senator from Connecticut and myself is his frank admission that he is in favor of the unlimited ownership by railroads of ships doing business through the Panama Canal. So it clears up the question here. In other words, the Senator, to all intents and purposes, throws open the canal to the unrestricted use of the railroads. I wish I could have the satisfied conviction of the Senator from Connecticut that the railroads, even some time in the future, are going to lay aside their policy of selfishness and the policy of taking from the people the greatest possible returns they can get for their service and adopt in place of it an enlightened policy from which they themselves, as well as all the remainder of the interests and all the people of the country, should profit from the general prosperity and the general well-being.

Our experience has taught us another lesson: If the railroads are ever going to adopt a policy of that kind—a fair and liberal and legal attitude toward the people of this country—they will have to be compelled to do so by governmental authority; and we propose to bring to the assistance of governmental authority, so far as we are able to do so, the operation of natural law, the play of free competition to the extent that it can operate where there are no special privileges.

My judgment is that the question of monopoly in this country would be very largely solved—whether the Sherman law were repealed and taken from the statute books or whether it was amended or not amended—if it were possible for the Government to abolish special privilege. The great monopolies of this country have attained their size and force and have been able to perpetrate their extortions upon the people more largely through the favoritism of transportation than in any other way—through special rates, through the ownership of railroads, through the control of means of transportation. So on this particular question the benefits which the Senator says will

come from the Panama Canal can be rendered more likely, can be rendered more secure to the people, by affording a reasonable opportunity for the ships of all the citizens of this country who desire to engage in that business to pass through that canal upon equal opportunities of securing business with any others. This can not be so if railroad ships ply through the canal.

Mr. McLEAN. Mr. President——

Mr. POINDEXTER. I yield for a question or for a correction, but not for a speech.

Mr. McLEAN. The Senator says that railroad ships can render better service than the ships that are not controlled by the railroads. I will ask him if he has not used that expression?

Mr. POINDEXTER. What is that?

Mr. McLEAN. If you have not already used the expression in the debate upon this question that the railroad ships can render better service, and because of that they can win in competition.

Mr. POINDEXTER. I have not used that expression, and I think the Senator has it so much in his mind as a part of his creed upon the subject that he imagines I have said it.

Mr. McLEAN. I wrote it down as you said it, I thought.

Mr. POINDEXTER. But I never used that expression. On the contrary, I think when the railroads will have destroyed competition through the canal instead of rendering better service they will render worse service.

Mr. McLEAN. Did not the Senator say that if the railroads were permited to own the ships they would for the time being render better service?

Mr. POINDEXTER. I did not. The Senator is mistaken about that.

Mr. McLEAN. And so drive all other ships from the canal.

Mr. POINDEXTER. The Senator is entirely mistaken. I said if the transcontinental railroads at the same time owned a line of ships plying between the Atlantic and Pacific, they would favor their own line of ships in three ways. First, by granting them special and favored trade. Second, by granting them special advantages of docks which are controlled and monopolized by the railroads in all the Pacific cities, with the exception of some new docks which are being put in by the city of Los Angeles. In every place they would discriminate in favor of their own line. Even if these two methods which I have described should be prohibited, they would evade the order of the Interstate Commerce Commission in a way which would make it difficult if not impossible to prevent it, namely, by rendering inferior service and slower service upon joint business to the independent lines and good service in connection with their own lines, so that the independent lines would be compelled to go out of business as they have been compelled to go out of business under these conditions heretofore existing on the Pacific coast, in San Francisco and in Seattle.

Mr. McLEAN. I should like to ask the Senator another question. Did he not use this expression—that foreign ships could not stand up and compete with the railroad-owned American ships?

Mr. POINDEXTER. I did use that expression, coupled with the further statement that a foreign ship was an independent. I said that an independent line of foreign ships could not compete with the railroad line for the reason that the railroads would practice the same discrimination against the foreign line. I think they would practice the same discrimination against the foreign lines that they would practice against a domestic line.

Mr. McLEAN. Certainly; but why is it that the Senator thinks the foreign-built ship, which we have been talking about here for some time as being constructed for something like two-thirds of the cost of an American ship, could not stand up against the railroad-owned ships in competition through the Panama Canal?

Mr. POINDEXTER. For various reasons which I have mentioned. In the first place, it is coastwise trade subject to our coastwise regulations as to the employment of seamen and as to operation. They would be subject to practically the cost of operation that our own ships are.

Mr. McLEAN. Oh!

Mr. POINDEXTER. Let me complete my answer to at least one of the many questions which the Senator has asked me. The foreign vessel attempting to compete with a line of ships owned by a railroad doing business between New York and San Francisco, when it takes a cargo on at New York consigned to various points on the Pacific coast, to be distributed from San Francisco to Denver, to Reno, to Sacramento, each destination has to be reached from the line of the Southern Pacific Railroad and its connections. The Southern Pacific Railroad, operating at the same time a line of ships between New York and San Francisco, in a very short time will, by the same means I have described, put out of business its competing line, whether it is owned by foreigners flying the American flag or whether it is under American registry, by discriminations in service and by unequal joint rates and in docking privileges.

Mr. McLEAN. If that be true, why should not the United States continue this line in operation? If it can compete with all the world and reduce the cost of the unit of traffic, why should it not continue?

Mr. POINDEXTER. That is an entirely new proposition which the Senator had not referred to before. I understand him now to be referring to these Government-line ships from New York to Colon.

Mr. McLEAN. Why should we not continue it by putting it under the supervision of a commission which will control the railroad water lines after they have reduced the cost of transportation to compete, not against each other, but against the rates that the Government lays down?

Mr. POINDEXTER. You do not need a Government commission over a Government ship if the Government owns the line of ships.

Mr. McLEAN. You misunderstand me. The Interstate Commerce Commission should watch this development of the navigation business and encourage it in every possible way, and, then, as a result, compel competition against a reasonable rule with regard to rates laid down by the Government.

Mr. POINDEXTER. In answering that question I will say that it goes back to the same subject that was discussed when the interstate-commerce bill was before the Senate; that is, monopoly regulated by a commission, or competition and regulation. I would be glad to see the Government line extended through the canal to the Pacific coast.

I am heartily in favor of extending the powers of the Interstate Commerce Commission. We have a commission now. One of the results of the studies and the knowledge of that commission is that the commission has come to the conclusion that the railroads ought not to be allowed to operate ships through the canal. If you are going to profit by the experience and by the expert knowledge of the commission, that is the course we should adopt.

Mr. McLEAN. I will quote what Commissioner Prouty said of the situation in New England, and especially to Connecticut, as to railroad-owned water lines:

> So, also, I think, if it is possible, the New Haven Railroad ought to be allowed to continue to operate the Sound steamers. I believe it would be unfortunate to compel that road to divorce itself from the New England Navigation Co.

Mr. POINDEXTER. That question was gone over between the Senator from New York [Mr. O'GORMAN] and the Senator from Rhode Island [Mr. LIPPITT].

Mr. McLEAN. I understand that the Interstate Commerce Commission has indicated its unwillingness to take on any more work, and I am not surprised at it. There are many reasons why the present Interstate Commerce Commission should advance that suggestion. I am not ready to admit, however, that there are not brains in this country quite able, under a fair compensation, to take hold of this matter and deal with it, and I believe with the Senator from Washington that we must deal with it sooner or later.

Mr. POINDEXTER. The Senator's assumption that the railroad companies want to see traffic go through the canal, or that they want to see cheap rates through the canal, is so much in conflict with what we absolutely know of the desires of the railroads that it is not necessary to discuss it. The railroad companies do not want to see cheap traffic through the canal. They do not want to see any traffic through the canal. They want to retain the traffic as much as possible to be transported by railways themselves across the country.

Mr. McLEAN. I did not assume anything. I merely stated my view as to the effect of cheap transportation through the canal. They, of course, do not want to transport it for less than it costs. That does not do anybody any good.

Mr. POINDEXTER. I will decline to yield except for a correction or for a statement.

Mr. LIPPITT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Rhode Island?

Mr. POINDEXTER. I will yield for the same purpose, not for an argument, but for a question.

Mr. LIPPITT. The Senator says that the railroads do not want cheap transportation through the canal. Does he know the opinion of all the railroads or simply the transcontinental roads? The railroads on the New England coast, on the Atlantic coast, have every reason to desire cheap transportation. Some railroads may not want it.

Mr. POINDEXTER. The railroads I had specially in mind were the railroads terminating on the Pacific coast, the great

transcontinental railroads. I can imagine that, under some possible conditions, a railroad which had no Pacific coast connection might want cheap traffic through the canal, and I understand the argument of the Senator to be that that would be to the advantage of the Pacific coast.

The trouble about that is that those railroads would be subject to the same absolute control of the transportation by the Pacific coast railroads which control the terminals and distributing lines on the Pacific coast, and could not compete with them, they could not get the business, they could not run their line against lines operated by the Pacific coast railroads unless they formed a combination with them, unless they went in with them and maintained the same rates. That would be the result, and that has always been the result, and the traffic would still move to the West over the railroads at the same rates at present prevailing.

Mr. LIPPITT. I do not think it is necessary to continue the discussion; but I simply want to suggest that when the Senator said all railroads he was going too far.

Mr. POINDEXTER. Mr. President, referring again to the New England conditions, in which I am not interested to the extent Senators from New England are, of course, they illustrate the same problems involved in the canal itself. I have an additional statement here from Mr. Brandeis, of whom I was speaking, and in passing I would say that I have an entirely different opinion of Mr. Brandeis from the characterization of him by the Senator from New Hampshire, I realize that they regard these questions from different points of view. But Mr. Brandeis is a man of ability, intelligence, and character, a successful practicing lawyer, and a man who does not speak without consideration, especially as to facts. I regard his statement of conditions and statement of facts as substantial, and entitled to as much credence as those of any man with whom I am acquainted. His statements are in entire variance with every one of the Senators from New England who has spoken here. He refers to the attitude of New England upon the New York, New Haven, and Hartford monopoly, both as to existence of the monopoly, in the first place, and as to the desire of the people in regard to it in the second place. He says:

In the three years since the dismissal of the Government proceedings—

Proceedings were instituted by the present administration against this monopoly for its dissolution and were subsequently dismissed by the Attorney General—

our people have seen some of the fruits of monopoly and are learning from sad experience. The service on the Boston & Maine had so worsened—

That seems to be a New England word.

Mr. GALLINGER. We never heard it in our part of New England.

Mr. POINDEXTER. I am not familiar with it, but I am satisfied it is a good word.

That Gov. Foss has referred to it as "intolerable," as "deteriorating," and as a "menace to the prosperity of Massachusetts."

Those words are in quotation marks.

On other parts of the New Haven system there are also many complaints of service—

The Senator from Connecticut refers to the improvement of the service obtained from this monopoly of transportation by the New York, New Haven & Hartford Railroad. Mr. Brandeis says:

On other parts of the New Haven system there are also many complaints of service, and there have been many increases of rates and charges, both freight and passenger.

Between 1907 and 1909 our "influential people," and a large part of the community, misled by the delusion of the advantages of the monopoly and Wall Street's glittering promises, were eager for concentration of power in the New Haven. Since then a great revolution of feeling has come, and the community is trying eagerly to find a way of breaking the New Haven monopoly, both by the introduction into Massachusetts of an extension of the Grand Trunk Railroad, and by severing from the New Haven system the Boston & Maine, which had been so recently acquired.

You will see from my inclosed address that I entirely agree with your protest against steam roads owning trolleys. That was distinctly the Massachusetts policy. Unfortunately the New Haven's power with us has been so great that its ownership of certain trolleys in the western part of the State has been legalized, and its control of others is likely to be.

Fourth. In my letter to you of the 25th, insert after the words "West Indies Company," line 5, page 2: "The latter company also runs one boat a week from Boston to Charleston and Jacksonville."

Fifth. Complaints of our railroad service under the monopoly have been so general of late that the Interstate Commerce Commission has ordered an investigation, and Chairman Prouty is to come to Massachusetts to conduct the hearings soon.

Mr. McLEAN. I have no doubt, if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I decline to yield unless for a question or for a correction of some statement.

Mr. McLEAN. If the Senator assumes that I have said that I had not——

The PRESIDING OFFICER. The Senator from Washington declines to yield.

Mr. POINDEXTER. I am going to conclude in a moment. However, I will yield to the Senator if he wants to correct a statement.

The PRESIDING OFFICER. The Senator from Connecticut will proceed.

Mr. McLEAN. The Senator seems to think that I stated we have a special monopoly under our New England railroads. My point, and my only point, is that we have come to the conclusion in New England that it is better to have one corporation under the regulation of the Interstate Commerce and Public Utilities Commissions than to submit to the competition which we had for years. There are many imperfections at present no doubt, and there are causes of complaint no doubt about that, but we believe that we are on a safer and better way to ultimately secure the best service from our public-service corporations than by trying by law to restore competition.

Mr. POINDEXTER. Mr. President, the people of the Pacific Coast States have looked forward to the completion of this canal as affording them not only cheaper means of shipment to and from the East, but a quicker means. Steamers plying between Los Angeles and San Francisco and New York will carry cargoes from those ports much more speedily than the freight trains will carry them. In 14 to 18 days a cargo of freight from Los Angeles or from San Francisco can be delivered in Atlantic ports, when it now takes from 20 to 40 days, according to conditions and contingencies, by rail. It is of the utmost importance to the people of our coast and in my opinion to the people of the entire United States. Nothing should be done which by any possibility would place the control of transportation through the canal in the hands of the railroads, and the only way of preventing it is by prohibiting the railroads from owning the stock in ship lines or from controlling directly or indirectly the ships which will ply through that canal.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield to the Senator.

Mr. GALLINGER. The Senator has been so courteous I will venture to intrude upon his time sufficiently long to ask him a simple question. I notice what Mr. Brandeis said about the New York, New Haven & Hartford and the Boston & Maine Railroads, which are now under one management. Does the Senator understand that there ever was competition between those two roads?

Mr. POINDEXTER. I am not informed particularly as to the Boston & Maine's relations previously with the New York, New Haven & Hartford.

Mr. GALLINGER. It is a simple continuation of the line north, that is all, and they were combined because it was thought it would be an advisable thing to do; and certainly it has not resulted in any oppression to the people. I ask the Senator this question: I suppose that in the magnificent city of Spokane there is railroad competition.

Mr. POINDEXTER. It is a great railroad center, in my judgment the greatest on the Pacific coast; but, notwithstanding that fact, during the greater part of the time since the city has been in existence there has been no substantial railroad competition. There has been an agreement between the various lines.

Mr. GALLINGER. But there is more than one line, of course.

Mr. POINDEXTER. Half a dozen transcontinental lines come in there.

Mr. GALLINGER. Will the Senator tell me what the rate of fare is for passengers through that part of the country?

Mr. POINDEXTER. Two and one-half and three cents.

Mr. GALLINGER. Through this monopoly that has been denounced so vigorously, 2 cents a mile is the rate into New England.

Mr. POINDEXTER. There is no comparison whatever, no similarity at least, between the conditions in New England and the conditions in Spokane and the surrounding country. New England is one of the most thickly populated sections, while the section of the country surrounding Spokane is one of the most thinly settled, although the most rapidly growing of any section in the Union. The city of Spokane itself is only 30 years of age, and it has a population of some 110,000 or 115,000 people.

Mr. GALLINGER. I was in Seattle a few years ago and was rather surprised to have a friend of mine say that they had a population of 65,000 people. I understand that they have over a quarter of a million now. I think the rates of fare will compare very favorably in New England under this monopoly that is talked about with the rates of fare anywhere else in the country. Our fares are reasonable as compared with the fares in any other part of the country.

I wish to make this suggestion. It has been said here that this so-called combination between the railroads and the steamships on the New England coast stifle competition so far as rates are concerned. Now, that is not correct. The rates on the water are very much lower than they are on the land. If the Senator should honor us with another visit to New England—I think he comes there occasionally—and if he will go to the office of the New York, New Haven & Hartford Railroad and ascertain what a ticket will cost him to Boston and then come down on the Fall River Line, those magnificent floating palaces that the New York, New Haven & Hartford operate across the Sound, he will find that water transportation is considerably less than rail transportation; at least that is my experience. So there is not a hard-and-fast combination so far as rates are concerned. That is the truth of the situation.

I thank the Senator for his courtesy. He has been very courteous in yielding to interruptions.

Mr. POINDEXTER. I am very glad to have the information about local conditions in New England which the Senator has given. However, I understand that although the Senator is claiming that there is some competition in New England, the Senator advocates the combination to an unlimited extent; that he is in favor of transportation monopoly as being economically and politically an advantage, and that is the issue really.

Mr. GALLINGER. Mr. President——

Mr. POINDEXTER. I am opposed to that. The question here, however, Mr. President, is not confined to or does not concern, in fact, the combination between different lines of railroad. The question here is whether railroads are to be permitted to go outside of the railroad business, a business which requires a franchise, and to invade the entirely different business of shipping, to be allowed the control of transportation lines by water, which is subject to different laws, subject to entirely different conditions, for which a franchise is not required.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. POINDEXTER. I yield for a question.

Mr. GALLINGER. I appreciate the point the Senator makes, and I would not have alluded to the New York, New Haven & Hartford Railroad had not Mr. Brandeis called attention to the oppressions of that railroad. It was not long ago that billing a carload of lumber, we will say, from Lebanon, N. H., a distance of 140 miles, to Boston we had three or four railroads. They have been consolidated.

Then from Boston to New York the New York, New Haven & Hartford Railroad Co. is practically a continuation of the same line, and that is a consolidation; but it has not destroyed competition, because really no competition existed. I recognize the point the Senator makes, that the real question is the combination of railroads and steamships, and, of course, that is an entirely different question from anything connected with the railroad situation per se.

Mr. POINDEXTER. Mr. President, at the seaports where water competition with the railroads is by the route around the Horn, or has been suppressed altogether, the rates are exorbitant. At interior points near the coast, where there is no water competition, people of the Pacific coast have been subjected to the highest freight rates in the world, considering the circumstances and the service rendered.

I ask permission, without reading them, to incorporate in the RECORD a statement on the subject and brief tables of a few of these rates as recently charged by the Southern Pacific and other roads.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

In 1887 Gov. Pattison, at the close of the long, patient, judicial inquiry by the Pacific Railroad Commission, of which he was chairman, delivered his opinion that the inflated part of the Central Pacific's capital amounted to a tax of $3,000,000 a year upon the shippers of the country.

* * * * * * *

In the 18 years from the completing of the Central Pacific to the commission's report in 1887 the four men of Sacramento had taken from the shippers of the country on this account alone $54,000,000 through the forms of illegitimate toll referred to by Gov. Pattison and above any fair compensation for any service performed.

Southern Pacific interior rates.

From—	To—	Miles.	Carload.		
			Class A, rate per ton.	Class B, rate per ton.	Class C, rate per ton.
Los Angeles	Goshen	241	$11.60	$7.90	$6.90
San Francisco	do	241	7.65	5.20	4.55
Los Angeles	Exeter	241	11.60	7.90	6.60
San Francisco	do	247	8.25	5.65	4.80
Los Angeles	Tulare	231	11.60	7.85	6.60
San Francisco	do	240	8.40	5.70	5.00
Los Angeles	Porterville	224	11.60	7.75	6.60
San Francisco	do	264	9.25	6.00	5.20
Los Angeles	Oil City	179	10.80	6.95	6.30
San Francisco	do	315	10.95	7.75	6.70
Los Angeles	Bakersfield	168	10.00	6.15	5.50
San Francisco	do	303	10.15	6.75	5.90

Transcontinental railroad rates between Pacific and Atlantic ports compared with freight rates from abroad, with tariff duty added.

Commodity.	Average or approximate tariff duty (per ton).	Freight rate from abroad (per ton).	Total import cost (per ton).	Railroad terminal rates (per ton).
Bituminous coal	$0.67	$6.00	$6.67	$6.30
Portland cement	1.60	6.00	7.60	7.00
Steel ingots	8.00	6.00	14.00	12.00
Pig iron	4.00	6.00	10.00	10.00
Structural iron	10.00	6.00	16.00	16.00
Oranges	20.00	3.00	23.00	23.00
Cotton goods	40.00	6.00	46.00	40.00
Low-grade dry goods	40.00	6.00	46.00	60.00

COMMODITY RATES, PER 100 POUNDS, IN CARLOAD LOTS, NEW YORK TO SPOKANE.

Agricultural implements	$1.75
Carpets	2.70
Green coffee	1.38
Crockery	1.49
Glassware	1.98
Pipe, cast iron, etc	1.11½
Paper, envelopes, etc	2.00
Sewing machines	2.35
Canned goods	1.48
Clothing	2.35
Drugs	2.00
Dry goods	1.95
Iron and steel articles	1.25
Musical instruments	2.85
Paints	1.35

Mr. STONE. Will the Senator allow me?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I do.

Mr. STONE. A moment ago the Senator, replying to some observation of the Senator from New Hampshire [Mr. GALLINGER], said that the latter Senator was under the impression that existing railroad transportation conditions in New England are desirable and advantageous from an economic and political standpoint. So far as the economic features are concerned, I can well understand that that opens up a subject which might well be thought of and considered here. But the striking thing in the statement of the Senator from Washington was that these conditions were a political advantage, and I was wondering if the Senator could inform the Senate or inform me at least in what way they were of political advantage and in that way of advantage to whom?

Mr. POINDEXTER. My own opinion, Mr. President, is that it is not of any political advantage to the people. I used the word "political" there in a very broad sense, however, as applied to the social conditions of the people as affected by the laws of the State and the public regulation of these corporations. But, giving the word "political" the narrower sense in which the Senator from Missouri understood it, that opens up a great field of inquiry. If the Senator will read the history of the Southern Pacific Railroad, which has been published, and if he will inform himself of the history of some of the other transcontinental railroads, especially in the earlier days, he will see there the political advantages of the monopoly of the transportation of a section of the country and to whom that political advantage accrued. The government of the State of California for a generation was controlled by the Southern Pacific monopoly, and it was only two years ago in a campaign in which "kicking the Southern Pacific out of politics" was the principal issue—a phrase perhaps not so elegant as it was forcible and effective—that the Southern Pacific Railroad was deprived of its absolute monopoly, not only of transportation, but of the politics of California. It made governors;

it controlled Senators; it controlled legislatures. The same thing has been true in the State of Washington.

I did not intend to open that phase of the question, and I am not going to discuss it; it is a disagreeable subject. Their control extended beyond the legislative and executive branches of the Government, and upon occasions invaded even the sanctity of the courts. The history of the State is blackened by episodes in which the sinister power of railroad monopoly has controlled the decision of cases in which it was interested, even writing and revising the opinion in one instance, at least, before it was promulgated.

We have seen too much of those conditions, Mr. President. We have suffered too long from paying the highest rates in the world not to fear that we will continue under the same conditions if the railroads are allowed to put their lines in effect through the Panama Canal. If a railroad operates a line of ships through the Panama Canal it will be no less than adding another railroad line, or the equivalent of many transcontinental railroads, to the great combination which now exists. It will result in no substantial benefit to the people of those States. Since the time when the pioneers settled in the Sacramento Valley and the Willamette Valley, on the shores of Puget Sound, and in the Spokane country they have been looking forward to a closer union with their brethren on the Atlantic Coast. The means of transportation in those great days when they planted the American Constitution in that new country were crude and insufficient. They have been gradually improving.

We have suffered, perhaps, from many of these things which I have just described because they were incident to the development of a rough country under rough conditions. The conditions have already improved. We are looking forward to further improvement upon the completion of the Panama Canal. The people of that coast expect to be bound closer in time, in social relations, in political connection, in everything that goes to make one nation by the opening up of this great waterway, allowing the free passage of ships without interruption from one ocean to the other across the American continent. I trust that the Senate will not do anything by law and not omit to do anything by law which on the one hand would permit and on the other hand would prevent the neutralization and destruction of the benefits which ought to flow from this waterway.

Mr. HEYBURN. May I ask a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield.

Mr. HEYBURN. Is there in sight any men or combination of men ready to furnish the water transportation through the canal if you eliminate those engaged in railroad enterprises from the possibilities?

Mr. POINDEXTER. They are not in sight at the present time. There are few lines of ships engaged in the coastwise traffic which are not controlled by the railroads. The very policy which those of us who are advocating this House provision are seeking to prevent has resulted in that condition. There are some lines, particularly those plying at some of our southern ports, which are now flying the British flag which, if the Senate provision allowing American registry to foreign-built ships, owned by American citizens, should be adopted, would be flying the American flag, and would be permitted to engage in the coastwise traffic, ships which were built abroad by American money, owned now by Americans, engaged in purely an American business, having their actual home ports in the United States, but now nominally registered and having their homes in a foreign country. If the provisions which have been enacted by the Senate go into effect those ships will be able to engage in this trade. They are many of the finest ships plying in American waters. They undoubtedly would go through the canal and furnish connection between the two coasts.

Mr. HEYBURN. Will the Senator permit me to interrupt him now?

Mr. POINDEXTER. I will yield for a question.

Mr. HEYBURN. I will wait. I wanted to develop a little further the idea that I suggested; but I will not now take up the time of the Senator.

Mr. POINDEXTER. A short time ago a certain gentleman, in view of the early prospect of the opening of the Panama Canal, undertook to organize a company under the present law and establish and finance a line of ships. The same influences to which I have just referred, which have resulted in the domination of existing lines of coastwise ships by the railroads, interfered with the financing of that project and prevented him from perfecting it, and it is not now in existence.

We ought to estimate the conditions which are going to follow the opening of the canal, not upon the state of the law which exists now, but upon the conditions which will result when this bill shall have been passed. What will be the likely development under the removal of the restrictions as to American registry which this bill provides? What will be the result of this very proposition which we are now arguing, which will prevent railroad companies from owning all the lines of ships which the Senator intimates are now controlled by the railroads? That is what we should consider, and not what is the condition when they are permitted to own and monopolize them as at present. The very lines of steamships which the Senator has in mind, no doubt, as being at the present time controlled by the railroads, will have to be surrendered by the railroads when this law goes into effect upon a certain date some 18 months after it is passed. They will then be available to be used in this traffic. The fact that the traffic will be opened to them, that there will be that business for them to do, will afford a market for those ships, and will meet the objection which has been made here, that it is practically a confiscation of valuable property of the railroads to deprive them of a right to own these vessels. They will be able to dispose of them to other people; there will be many enterprising men, who, when the opportunity is afforded, will want to go into this trade. The railroads will be disposing of their ships, and when the railroads realize that they have no right themselves to acquire other ships to operate through the canal, they will have no motive, with their tremendous power in the financial centers of the country, to interfere with the financing of a project to put on an independent line of ships through this canal, as they have done heretofore in the instance to which I have referred.

Mr. President, we have prepared on the Pacific coast to celebrate this event. We do not want to see the result a mockery instead of a benefit; we do not want to see the festival arranged with so much pride and joy, the occasion for which we are preparing an exposition designed to celebrate an important event in the development of our country, one which we had hoped would tend in an equal degree with the invention of railroads themselves, the telegraph, and all the means of communication, to bring still closer together the widely separated parts of the United States—we do not want to see the occasion which we are preparing to celebrate in this great exposition become a mere delusion. We are preparing to celebrate something which, on its face, is a thing of value, but which in reality, if railroads can control the canal, will turn to ashes in our hands.

Mr. McLEAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Connecticut?

Mr. POINDEXTER. I yield to the Senator from Connecticut for a question.

Mr. McLEAN. I sincerely hope that the object of the celebration which the Senator is anticipating will be realized; but I want to ask him if he thinks it is not possible to have that celebration and all the benefits that can come to the western coast by the use of the canal without confiscating from ten to twenty million dollars' worth of property in doing so and discomfiting a whole section of the country in its transportation facilities? Does he not think that the amendment offered by the Senator from Georgia [Mr. SMITH] will accomplish all the purposes necessary for the success of his celebration without bringing to New England precisely the contrary situation?

Mr. POINDEXTER. There is no trouble, Mr. President, about having a celebration; we could have a celebration without the completion of the Panama Canal. There has never been on the Pacific coast any lack of occasions to celebrate or of means of pleasure; there are ample opportunities for that. What I was referring to was that the exposition, which has been planned with so much ambition, with such high hopes for its results upon the country, would be devoted to a delusion.

Mr. McLEAN. The Senator has not answered my question.

Mr. POINDEXTER. I think I have answered it.

Mr. McLEAN. I ask him does he not think he could have the celebration under the operation of the amendment offered by the Senator from Georgia?

Mr. POINDEXTER. We could have it, not because of, but notwithstanding, the amendment offered by the Senator from Georgia.

Under the amendment offered by the Senator from Georgia I admit that the Panama Canal and the immediate conditions which are to obtain there would not be affected, but the benefits which would flow from it to the Pacific coast would be

greatly limited. The same lines of railroad ships at present operating on both coasts would continue to operate. That is a separate and distinct question. We have discussed that. I am in favor of the House provision as it stands, not because of desiring in any way to interfere with the traffic conditions in New England in particular, but because, of course, if you make a fundamental rule of transportation it should be general and not particular in its application; it ought to apply to the whole country, to the Great Lakes, to New England, to the Atlantic seaboard, to the Pacific seaboard, to the canal, and to the rivers of the country. There ought not to be one rule here and another rule there.

Furthermore, the Senator from Connecticut is mistaken if he assumes that New England is united upon this proposition. New England is not united upon this question any more than it is united upon some other public questions upon which many of its Senators here have been agreed. The people of New England can settle that, undoubtedly; but upon the evidence I have introduced I am not impressed with the idea because the Senators from New England who have spoken are all in favor of perpetuating what appears to be a traffic and transportation monopoly in that section that the people of New England are agreed upon the question.

Mr. McLEAN. Of course I have no objection to the experiment which the Senator wishes to try with regard to the Panama Canal, if I can not help myself; that is, limiting the use of the Panama Canal to nonrailroad-owned ships. I would welcome it as a choice of evils only.

Mr. POINDEXTER. I am delighted to know that. I inferred that the Senator would not yield his objection to the exclusion of railroad ships from the canal.

Mr. McLEAN. If the Senator must try that experiment, I accept it as a choice of evils. Although I think it is economically unsound, I would much prefer submitting to it, because it affects no vested rights; it does not touch any of the conditions as they exist.

I should like to have the Senator suggest whether he thinks that divorcement of the Fall River Line, running from Boston to New York, its sale by auction, and the assumption of its control by strangers, would reduce the cost of transportation when, as it is managed to-day, it returns only 3½ per cent to its owners?

Mr. POINDEXTER. I am not so much interested in changing present conditions as I am in establishing a rule to operate from the present time. I do not apprehend any great disaster to any business interest in New England from the necessity of adjusting itself to this rule. It has not been the case heretofore that that would result; and I do not apprehend that the people of New England would suffer an advance of rates. Railroad rates are subject to control by law. The railroads can not put their rates up, they are not allowed to put them up without the permission of the Interstate Commerce Commission, and there is not any bugaboo of that kind that if this monopoly is not allowed to continue, the people will suffer from the increasing of rates. The railroads will not be able to repeat the result of the dissolution of the Standard Oil Co. when the stock of the company increased in value $100,000,000 after the trust was supposed to be destroyed, or the American Tobacco Co., where the price of tobacco increased when the trust was supposed to have been divided into all of its constituent parts, although the stock still remained in the hands of the same individuals who control it as they controlled before. No such condition as that can result; because the railroad is a public utility, and the whole foundation of this legislation is not upon the basis of trust regulation; it is not upon the basis of the power of the Government to interfere with individual operations, but it is the regulation of a public-service corporation; it is the regulation of an agency which is doing Government work.

Railroads are not engaged in a private business. Of course, that is a mere truism, although it is but recently that even the public men of this country have assumed that attitude toward them. We have been in the habit, until recently, of regarding the railroad business as a private business and to resent any attempt to regulate it as interfering with vested property and with private rights, forgetting that the railroad occupies the same position toward the public that the wagon road does, or that the street does, or that any other highway does. That is the basis upon which this law is proposed, and not that it shall interfere with private rights. We do not have to resort to the general-welfare clause of the Constitution; but we are entitled to regulate them under the interstate-commerce clause of the Constitution, and under the proposition that it is a governmental agency; that the railroads are mere agents of the Government; that they are created so by special franchise; that the Government is interested in the performance of Government work; and that in the interest of the people monopoly of the transportation between the two coasts of the country, which now exists by understanding between the various lines, shall not be perpetuated by these lines after the canal is constructed, united or singly operating their own ships through the canal, thereby preventing independent business from flowing through the canal.

I realize that the railroads themselves would perhaps carry a certain class of business through the canal. The traffic of this country between the Atlantic and the Pacific coasts has increased so greatly that in many instances, notwithstanding the youthfulness of the Pacific coast, the railroads have been unable to handle it. A few years ago the traffic of that section was piled at the terminals of the railroads waiting for transportation; the railroads were unable to handle it on account of its amount. Under these circumstances I repeat that there is a certain class of business which the railroads themselves would carry through the canal, but it would not afford competition, and that class of business which the railroads desire and are able to handle would still go by rail. So the railroads would continue the supreme masters of transportation, subject to the comparatively feeble efforts of the Government in the years and generations that it takes to enforce theoretical Government control and bring about reasonable and uniform rates, good and equal service, to abolish special privilege and favoritism, in the operation of this public service, among the people of the country.

Mr. President, that it about all that I care to say. I believe that I have made a correct statement of the position of practically all the people—at least of the great masses of the people—on the Pacific coast on this question.

In conclusion, I desire only to repeat that the Senate amendment, viewed as excluding railroad ships from the canal, is a sham, is a delusion, and will leave them practically unrestricted to operate through the canal with the same freedom that they would have if no regulations whatever on the subject were adopted.

Mr. BURTON. Mr. President, I conjecture that the views which I shall advance will not be approved by a majority of the Senate, but I have so decided an opinion that the legislation proposed in section 11 will not inure to the benefit of the people that I can not forbear to express myself on the subject.

The really effective method of solving this transportation problem is by direct and thorough regulation, allowing any agency for transportation by whomsoever owned to use the Panama Canal, and feel sure that, whatever may be our action to-day, before many years such a plan will be adopted.

Mr. President, we often fall short of understanding the era of evolution in which we live. This is a time of magnificent growth, of great improvement in methods, of large-scale operations which we ought not to destroy or retard, but which we should control in accordance with the public interest. The great difficulty to-day in water transportation, whether on rivers or canals or on the ocean, is a lack of proper cooperation between water carriers and railroads, a refusal to harmonize in the use of the terminals and to divide traffic, thus giving to railroads that portion which naturally belongs to them and to the water that which belongs to it. In much of the public thought on this question there is grievous error.

The people recognize, and very naturally, the exactions and the oppression of railroad companies and large transportation enterprises. Wherever monopoly has been sought or oppression has been practiced, there should be the most severe punishment and all proper regulations should be adopted to prevent any such practice in the future; but we make a great mistake if we allow these excrescences on our commercial life to eclipse our vision of the far greater benefits which may be achieved by a rational management of these different commercial forces and transportation facilities under a comprehensive policy of harmony and of cooperation.

I believe, Mr. President, that under proper regulation it is best for railways to own ships. What are the reasons? In the first place, these great organizations are in the business of transportation; they carry a very large amount of freight; they have their terminals, their freight stations, their sidetracks, all of which subserve the convenience of the public and furnish efficient means not only for the carriage but for the receipt and shipment of freight. On the other hand, water-borne traffic has its advantages under well-defined conditions.

Why ought the railways to be allowed to own ships? There may be said to be three special reasons: First, to carry certain classes of freight more cheaply. This includes coarse or heavy freight, which, even in competition with parallel lines, can be carried at a cheaper cost upon boats. Any well-regulated railway system, if organized on a large scale and if its lines communicate with waterways, might utilize this method of carrying trade.

If this were the sole reason, boat lines independent of railways would naturally take care of the traffic. But there are other reasons. The second is to extend or supplement their lines in cases where traffic would naturally reach its destination partly by a water route. We have an illustration of this condition in case of a shipment of freight from the Atlantic seaboard, from New York or Boston to Chicago and Duluth. A very considerable portion of such freight, however, is carried as far as Buffalo or Erie or Cleveland or some point on the Lakes by rail and then carried the remainder of the way by water, because it is cheaper and, in some respects, more convenient.

There is a third reason, which is the most important of the three, and that is to afford relief in times of congestion. The one vital fact about our transportation which causes so much embarrassment to shippers, and to the railways as well, is the very unequal quantity of freight carried at different seasons of the year and the unequal quantity carried in different years. We have our fat and lean years in traffic. The general tendency is toward an increase in the demands upon our transportation agencies, and it is very important for them to keep pace with those increasing demands. Naturally provision will be made for the average demand; that is, if a railway can be built for $100,000,000 which satisfies the demand for the carrying of freight in ordinary seasons, and that same system, in order to supply maximum demands, would cost $150,000,000, the lesser expense is incurred. Provision will be made only for that traffic which is reliable, which remains constant from month to month and year to year; and in times of unusual traffic the railway or other agency is inadequate to carry the freight.

This seasonal or temporary congestion of traffic constitutes the most important reason for the ownership of ships by railways. I have often used the argument that we should improve our waterways, because it enables boats to carry freight usually carried by railways, at least in times of unusual demand. The answer often made—and it is a very natural answer—is that boats will not be built merely to provide for emergencies; that those who invest in shipping property will not invest unless there is a reasonably steady demand every month of the year, so that whatever line is established may be constantly engaged in the business the year around and year after year.

But in the case of a railway company which carries freight the year round and which provides for transporting the bulk of its traffic by rail, ships can be utilized in times of unusual demand or congestion, and then, in times of slack traffic, they can be used in other ways. That is the advantage possessed by great shipping companies, such as exist at Hamburg, at London, and at Liverpool. They may have no regular route on which absolute reliance is placed for the constant utilization of their boats. When there is an unusual demand from Liverpool to New York, they are used on that line, and when the amount of traffic falls off, those boats can be used to carry freight to the Orient, to South Africa, to South America, and thus they have an inestimable advantage in the shipping trade.

Mr. President, I hazard the prediction that, if railroad-owned ships are prohibited from using the canal, the provision made for shipping will be inadequate and disappointing, because you are confronted with a condition pertaining to the shipping trade which you can not overcome.

A great deal has been said here in regard to the advantage possessed by the railroads. They have had a certain advantage; they have used it in a manner worthy of condemnation, and they are likely to use it in that same manner in the future; but is our Government so impotent, is Congress so lacking in constructive ability that we can not frame laws to meet that situation? It has just been said that the railroad has an advantage, because it may discriminate against independent boats in the matter of forwarding freight to the interior on its lines. We can provide against that class of discrimination by penalties that are absolutely adequate for its prevention. No fair-minded railroad man would oppose any statute that would forbid such unfair practice.

The same is true of the point raised that railroads will show favors in handling freight on the dock. It needs no argument to show that a railway company, being the agency of the public and under the strictest regulations, would not be allowed to show any favor in handling on the docks; that entirely equal treatment would be required whether the goods are received from one of its own boats or from the boats of a private owner.

Again, it is said that they can show discrimination in the promptness of handling and in making connections. I am not willing to admit that the armory of the law is so poor in weapons or that our administrative capacity is so deficient that we can not cause to disappear all such grounds of complaint. There will no doubt be placed on this line through the Panama Canal divers ships owned by private parties. But let us see what might happen. Are we going to do away with advantages to favored shippers by forbidding the transit of railroad-owned boats. Ships allowed to use the canal will pursue the same method which has been pursued by railroads in the past, upon whose course such severe penalties have been visited. These ships are not going to seek the traffic of the small shipper. They will not be actuated by any motive of philanthropy. They will seek the trade of large shippers and will grant rebates, and thereby make it possible to carry the freight of one shipper at a low rate and that of his competitor at a very high rate, for the prevention of which you now have not a syllable of law.

Two things are essential. Two things are sure to come. One is that the supervision and control of the Interstate Commerce Commission will be so enlarged that it will include boats owned by railroads. Otherwise they may be made an instrument to defeat competition. It is plain to see what is the opportunity before them. The main investment may be in the railway. The boat line which they possess or the corporation engaged in shipping which they control through stock ownership may be a mere incident, and they will so control those boats or that company in which they have stock ownership as to drive out of the business those ships which compete. There is the evil. It is of this that everyone complains, and very naturally and very properly.

But with proper regulations and administrative control this can be prevented. To complete what I began to say, not only should this supervision and control be extended to railroad-owned ships, but it should be extended to all boats that run on regular schedules. Outside of these classes there is a large class of what are called tramp ships, bidding always for freight, whose operations promote competition in transportation. We could hardly expect that those should be placed under any governmental supervision, and it is probably the better policy that they should not be. I make bold to say that there is another regulation which is sure to come in our laws relating to transportation, and that is a fixing of minimum rates as well as of maximum rates.

We very much exaggerate the benefit that shippers have, or at any rate which the general public has, from a disastrously low rate in the carrying of traffic. Suppose the rate between two points is $5 a ton. Under the stress of insufficient traffic, or for some other reason, a boat, or we may conceive a railroad, carries over that distance temporarily for $2.50 and then restores the old rate. How does the general public benefit? The consignee to whom the freight is sent regards that as a favorable result for himself, and if that rate is merely temporary, he charges the public with the ordinary rate of $5 and secures to himself the difference. The same rule also applies in regard to shipments by boat. An abnormally low rate, one which is enforced for a short time only, is not of general benefit. I am perfectly aware of the feeling which is natural to all of us that we should place no limit on any disposition to lower rates, but in perfectly adjusted schedules of transportation rates it is just as necessary as a prohibition that railway rates shall not go above a certain maximum.

But there is another result of abnormally low rates. They enable those who are able to maintain them even at a loss for a considerable period to drive others engaged in the business from the field, leaving a monopoly to those who survive.

Under the recommendation of the National Waterways Commission two years ago I introduced in 1910 an amendment to the interstate-commerce act providing that if a railway lowers a rate in competition with a boat line it shall not again raise that rate unless it can be shown that the lower rate was fixed for reasons other than the elimination of competition. The object of that was to prevent what had frequently been done on the Mississippi River and in other places. Whenever a railroad company put down a rate for carrying traffic to a point admittedly below cost of carriage and maintained that rate until competing boat lines were driven out of the business, they then restored the old rate or, in some cases, even a higher rate. There is no reason why the same rule should not apply to a boat line running on regular schedule, especially if it is controlled by a railroad.

Mr. President, we need all the ships we can obtain. There are discouragements and disadvantages enough, and I am not afraid of this bugaboo that the ownership of boats by railway companies will prevent independent owners from engaging in the business. Shipments along any line, by ocean or on land, are multiplied by the facilities afforded. This canal no doubt is going to be an immeasurable benefit to the Pacific coast. The railways will be compelled to readjust their relations with the public if shipping is at hand to do the business. I do not

mean that the canal spells ruin to the railroads by any means. There will be a repetition of what has repeatedly happened. The carriage of freight by new agencies and at cheaper rates, especially by boats, which builds up communities, increases further the variety of traffic, increases passenger traffic, and so, after a few years, the new line goes on doing a very large business and the old line enjoys doing a more profitable business than ever before.

In conclusion I can not omit to express my opinion that this legislation is not for the best interest of the shippers of the country.

Mr. KENYON. Mr. President, I want to ask the Senator a question.

The PRESIDING OFFICER (Mr. JOHNSON of Maine in the chair). Does the Senator from Ohio yield to the Senator from Iowa?

Mr. BURTON. Certainly.

Mr. KENYON. I have been much interested in the remarks of the Senator. If I understand the Senator's position as to railroads, as well as steamship lines, it is that competition is not particularly desirable; that we have reached a point in this country where we must recognize combinations, under proper governmental regulation; that the proper governmental regulation that the Senator believes would work out the problem is the power of the commission to fix a minimum rate as well as a maximum rate in railroad matters, and that the same should be applicable to the steamship situation, and that this would save the objection that is urged to the matter.

I think we are reaching the parting of the ways as to whether we are to stand for competition as a part of our national industrial policy or whether we are to accept combinations as inevitable and place them strictly under the regulation of the Government. I was not assenting in my own mind to the Senator's position.

Mr. BURTON. Certainly not.

Mr. KENYON. I am for competition; but I was interested in the situation.

Mr. BURTON. A railroad is a natural monopoly. If it reaches towns where there is no competition, it has the exclusive power to deliver freight, and there is no way in which you can solve the problem except by Government regulation.

If there is one railroad between two towns, it is a waste of capital to build another, when by doubling the number of tracks one railroad can carry all the freight.

Mr. KENYON. That same idea carried into our industrial situation would be the same, would it not?

Mr. BURTON. As to the industrial situation, I want to say that we exaggerate very much the effect of competition as a regulative or helpful force, but that is an entirely different proposition. Industrial enterprises do not so readily yield to governmental regulation.

Mr. KENYON. I thought the Senator was very courageous, and I think we may have to face that problem. I am in favor of the old-fashioned competition if we can get it. The Senator's theory, it seems to me, would make unnecessary the Sherman antitrust law.

Mr. BURTON. I do not think so. In the fight against monopoly we should provide against all of the methods that have been resorted to to oppress competitors. The law certainly has a field so far as it relates to industrial operations, perhaps also as regards railroads, though certainly to a much more limited extent.

We have been making ineffective efforts, through these many years, in different forms of enterprise to gain something by competition where competition has no place. City councils are very willing to allow a competing telephone line to obtain a franchise. What is the result? Inferior service. You compel people to have both phones. The telephone companies fight until after a time they come together. Each installs expensive wiring in large buildings and locates conduits along the streets. Thus there is waste in the investment, and as I said it does not help anybody, because sooner or later they will come together under the same management.

Mr. KENYON. And raise the rate?

Mr. BURTON. Naturally they will raise the rate because they have to pay interest on the wasted investment, on the duplication; and any commission passing on the rates of the combine would have to take that into account.

I do not want to be understood at all as ignoring the evils of this situation. I would not for a moment advocate allowing any and all ships, whatever their ownership may be, to go through that canal unless the Government controls the situation by adequate regulation, regulation that shall be just to all the people. And it is along that line that I am satisfied we will eventually solve this problem.

Mr. KENYON. How will that regulation be brought about?

Mr. BURTON. I would suppose by enlarging the powers of the Interstate Commerce Commission. I will send to the desk a proposed amendment——

Mr. KENYON. Would there be power now under the interstate-commerce act without further action?

Mr. BURTON. I do not think so. I would first place all railroad-owned ships under the control of the Interstate Commerce Commission. We are sure to come to that at some time; and also boats running on regular schedule. I will ask that the amendment be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Strike out, in section 11, from and including line 15, on page 19, down to and including line 16, on page 21, and insert the following:

That every water carrier engaged in interstate commerce which is owned, controlled, leased, or operated by a railroad company, or in which a railroad company, either by ownership of stock or otherwise, is interested, and any independent water carrier engaged in interstate commerce which operates over a specific route with regular schedules, shall be deemed a common carrier within the meaning of section 1 of the act to regulate commerce, approved February 4, 1887, as amended, and so far as practicable shall be subject to all the provisions of said act.

Restore the word "said" in line 17, page 21.

Mr. BURTON. Of course, I should add just a word, that in the regulation of these independent lines at least there should be a large degree of flexibility in the fixing of rates.

Mr. KENYON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	Lodge	Simmons
Bacon	Cullom	McLean	Smith, Ariz.
Bailey	Cummins	Newlands	Smith, Ga.
Bankhead	Fall	O'Gorman	Smith, Md.
Bourne	Fletcher	Oliver	Smoot
Bradley	Gallinger	Overman	Sutherland
Brandegee	Gronna	Page	Thornton
Bristow	Guggenheim	Penrose	Tillman
Bryan	Heyburn	Perkins	Townsend
Burnham	Johnson, Me.	Pomerene	Watson
Burton	Johnston, Ala.	Reed	Williams
Catron	Jones	Root	Works
Chamberlain	Kenyon	Sanders	
Clapp	Lippitt	Shively	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER], and I desire this announcement to stand for the day.

The PRESIDING OFFICER. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

Mr. TOWNSEND obtained the floor.

Mr. WORKS. Will the Senator from Michigan yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from California?

Mr. TOWNSEND. Certainly.

Mr. WORKS. In the course of some remarks made by me a few days ago I submitted a circular sent out by the Chamber of Commerce of Los Angeles, Cal., asking for an expression of sentiment on the part of its members. I have here a letter from the president of the board of directors of that association that shows the responses that were made, and I ask, as it is very brief, to have it read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

LOS ANGELES CHAMBER OF COMMERCE,
Los Angeles, Cal., July 31, 1912.

Hon. JOSEPH R. KNOWLAND,
House of Representatives, Washington, D. C.

DEAR SIR: It may be interesting to you to know the result of the request for the approval or disapproval of the membership of the Los Angeles Chamber of Commerce of the action of its board of directors in favor of freedom from tolls for American ships passing through the Panama Canal and in opposition to the operation through the canal of ships owned in whole or in part by railway corporations engaged in the coastwise trade.

On July 18 we sent out a circular, copy of which is inclosed, asking the approval or disapproval of our individual membership. Up to this date we have received 1,074 replies. Of these, 1,036 are in approval of the position taken by the chamber and 38 in disapproval.

Very truly, yours,

H. Z. OSBORNE, *President.*

Mr. WORKS. It is very evident that the influence of the Pacific Mail Steamship Co. does not extend to the business men of Los Angeles.

Mr. TOWNSEND. Mr. President, I realize that we have limited time for debate, as we have agreed to vote at 5 o'clock this afternoon, and that the chairman of the committee, who has demonstrated great tact and patience in handling this bill, has occupied very little time in this debate, and he certainly should

be given a full opportunity to be heard. I also realize that it would be most discourteous for me or for anyone else at this time to occupy the attention of the Senate at any considerable length. I am going to confine what few remarks I wish to submit to section 11 of the bill.

It is perhaps well to bear in mind what the title of the bill is. It is as follows: "To provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone."

Mr. President, we have drifted during this long discussion far away from the expressed object of the bill. I understand and appreciate the desire which Senators have, and which I share, of remedying any wrongs which may exist in matters of transportation. I have devoted a considerable portion of my life in Congress to this particular subject, and I think that no man has a greater sympathy for all proper efforts to compel the transportation companies, both rail and water, to render the best service possible to the people which they were chartered to serve than I have.

I have been and am in favor of eliminating railroad-owned boats from the use of the canal. If I could have my way about it I would not simply confine that limitation to boats which compete with the rail carrier, but I would make the prohibition apply to all railroad-owned boats engaged in interstate commerce.

I realize that there are two sides to this question. I understand that men can hold an opposite opinion from the one I entertain and hold it honestly. But there seems to be a well-settled, intelligent opinion throughout the United States that railroads ought to be confined to the purposes for which they were chartered; that they should be confined to the proposition of conducting railroad business proper. We have not always followed that rule, and not all railroads have been limited in their charter rights to that particular thing; but as a general proposition we have endeavored to enforce that principle, and for myself I think it is a wise one.

The railroad is by nature a monopoly. The interests which it serves and the conditions which surround it, both industrial and political, make it a great power in the United States, generally, a power for good, but sometimes a power for bad, and it is impossible for me to comprehend a great monopoly that is not surrounded by possibilities for evil.

Not only because of the general principle would I exclude railroad boats, but because of the peculiar circumstances which surround this particular case, and now I am speaking of the Panama Canal. I may be wrong and I dislike very much to voice a sensational matter which I can not prove, but I am convinced in my own mind that the Panama Canal proposition has been one which has been opposed by the railroads of this country from the time of the conception of the canal. I am satisfied that if we were to give out to the world the statement that the Congress was in favor of allowing railroad-owned boats to operate through the canal we would by so doing effectually discourage private enterprise from constructing new boats, from embarking in commerce through the canal.

We have a new proposition here, so far as any existing conditions are concerned. There are no vested interests now operating through the canal. Whatever is to be done remains for the future, or however it is to be operated remains for the future to determine, because no boats, of course, are passing through there now.

The Senator from Minnesota [Mr. CLAPP] said last evening that if we are to divorce the railroads of the country from the boat lines which they own other than those which propose to go through the canal, we would be doing nothing more in principle than is proposed to be done to the Southern Pacific Railroad, for he insists that this railroad would be compelled to part with all interest in the Pacific Mail Steamship Co. That is not true, as I understand it. The law will not compel the Southern Pacific to part with the Pacific Mail. It will simply say to the Pacific Mail it can not operate through the canal and the Southern Pacific can continue to own this boat line.

Mr. President, I said in the beginning that I think the provisions of the bill should be confined to the Panama Canal. I do not favor the Senate amendment and did not vote for it in the committee. I am favorable to the amendment of the Senator from Georgia to the House bill. I do not believe we are prepared to legislate on this great general proposition of railroad-owned boats.

I do not agree with the junior Senator from New York [Mr. O'GORMAN] that the Committee on Interoceanic Canals have had sufficient information on this subject to enable them to act intelligently upon it. There are great interests involved, and the only object of any kind of legislation should be to serve the people. Unless it can be shown that the divorcement of these railroads from their boat lines is going to result in a better service to the people we ought not to undertake it, and I submit that the great weight of evidence does not support the plan to compel railroads to dispose of their boats.

There has been much dispute as to what the Interstate Commerce Commission has said about this plan, and the dispute arises from the fact I take it that Senators have read disassociated portions of the testimony of Commissioners Prouty and Lane. I think I am stating their position correctly when I say that both these commissioners, while in favor of the general idea that railroads ought not to own boat lines, and that is the general proposition which was set out in the letter of last March to the President, the one that has been laid down through all the testimony of these two commissioners, but both the commissioners insisted that they could not advise the Congress to pass section 11 as it was presented to Congress, for the reason that they did not thoroughly understand it and its possible effects. They agreed that the service of these existing lines on the Sound, in the Southeast, and on the Great Lakes is satisfactory at the present time, is satisfactory to the shippers, and satisfactory to the people, and that any change in that condition would result in detriment to the shipping interests.

Furthermore, Commissioner Prouty says that he thought if the duties prescribed in section 11 were to be placed upon the commission it would be practically more than the commission could perform. He states in answer to the chairman's question, on page 876 of the record, what I shall read. The chairman asked him:

> Suppose the additional duties conferred by section 11 of this bill were conferred upon you, do you think you would have time to attend to them?
>
> Mr. PROUTY. I think, Senator, that the commission is at the present time overworked; and I do not think any additional duties ought to be imposed upon the commission unless necessary.

I submit that the provision of section 11, to which I am objecting, will impose great extra work upon the commission.

I repeat, the commissioner says that the people in New England and on the Great Lakes were not complaining, but were well served at the present time. In corroboration of that, allow me to quote from what he said on page 882 of the record. He says in the conclusion of a long statement:

> So, also, I think, if it is possible, that the New Haven Railroad ought to be allowed to continue to operate the Sound steamers. I believe it would be unfortunate to compel that road to divorce itself from the New England Navigation Co.

Again, in answer to the chairman's question on the same subject, he said:

> Now, Senator, my judgment rather is—and perhaps I have not a sufficient knowledge upon which to base a judgment—that it would deteriorate the service to divorce the Sound steamers from the New Haven road, because that traffic originates at the interior points; it is delivered at an interior point, so to speak, in New York; if it goes west, it goes by some railroad.

On page 883 of the record he testified as follows:

> Mr. PROUTY. I think the best answer to all that is the belief which I know exists on the part of the shippers in New England that they get better service from the New Haven road than if those boats were owned by somebody else. Mr. Mellen is unpopular in New England; those shippers hate him, and do not give him credit for a decent thing when he does it—which is not very often. [Laughter.] Still they will tell you, I believe, if you get them down here, that they want the New Haven road to continue to operate those boats.

That is the statement of Commissioner Prouty in reference to the New England boat lines. I wish to refer to what he said about the Great Lakes. On page 876 is the following:

> Mr. PROUTY. I would not regard the provision which prohibits a railroad from owning competing steamships as the most important provision, if it were made an amendment to the act to regulate commerce. I have always said that, if possible, some distinction ought to be made between a condition which already exists and a condition which is simply to be prohibited for the future. Now, whether that can be done or not I do not know. I think, too, that there is a very wide distinction between allowing a railroad to own a steamboat which merely forms a continuation of its line and allowing it to own a steamboat which is a competitor of the railroad all the way through.

I think we all agree on that proposition.

On page 888 Commissioner Prouty states his views as to conditions on the Great Lakes, and he is satisfied with present conditions. He said:

> Senator TOWNSEND. Yes. And I am especially interested in that last part, which seeks to prohibit railroads from owning boat lines not connected with the Panama Canal, especially applying to the Great Lakes, for instance, I am interested up there. I have been unable to see where any advantage could come to the shippers, to the people who patronize the boats on the Great Lakes, from separating the ownership of the boat lines and that of the railroads as they exist at the present time; and I was wondering if you know of any advantage?
>
> Mr. PROUTY. Well, the business interests of Chicago will tell you that if they could compel the railroads leading from Buffalo to New York and other points in Atlantic seaboard territory to make the same arrangement with their line which is now made with the railroad-boat line, they would put on an independent boat line between Chicago and Buffalo,

which would transact business at a lower rate than is done to-day. But I feel myself that that rate is low enough to-day. It is as low as it can permanently be. But I think that the result to-day—this summer—would be very good if there were any way to compel a connection by a boat line between Chicago and Buffalo with the rail lines from Buffalo to New York on package freight. That boat line would be owned by business men of Chicago, men like Marshall Field & Co.; and of course it would run full and could afford to make a lower rate. The effect of that might be a general reduction in rates; to reduce the lake-and-rail rate from New York to Chicago makes the reduction of the all-rail rate likely. It certainly means a reduction of the water-and-rail rate to St. Louis; it means a reduction in all that territory west of Chicago from the East. But still I should deprecate that thing, if it should be done, because I think those rates are low enough, and railroads ought not to be forced to take rates which are too low.

But what I am getting at is that we have heard no complaint—at least I have not. I have not heard one word of complaint from the Lake region as to the operation of the boats already at work there. I have received communications from shippers and others interested in Michigan protesting against the disturbance of the conditions at the Great Lakes. Commissioner Prouty himself stated that the rates on the Great Lakes were as low as it was reasonable to expect if proper facilities and accommodations were furnished, as they are being furnished now.

Now, why do I mention this when I say I am in favor of the general proposition of railroads not owning steamboat lines? It is because in this bill, at least, there is a distinction. I have said that I have heard of no complaint from the Great Lakes. I have received protests against the enactment of this legislation, and I believe that the proposed enactment would disturb satisfactory conditions and make them worse.

Inasmuch as there is an honest difference of opinion, inasmuch as we are not suffering at the present time from this ownership of boat lines by the railroads on the Great Lakes and in New England, it seems to me to be the part of wisdom for us on this bill to confine ourselves to the Panama Canal, which is the business before us, and let that question be taken up by the proper committee, which in this body is the Committee on Interstate Commerce, which has not considered the question, in order that we may cover all these various points which are in controversy, and which, in my judgment, are not at all connected with the operation and governing of the Panama Canal.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. TOWNSEND. I do.

Mr. BRISTOW. I regret to hear a member of the Committee on Interstate Commerce state that this matter has not been considered at all by the committee, because the committee has had a bill before it for now seven months making exactly this provision. I know it had some hearings on the bill, and I supposed it had given it some consideration.

Mr. TOWNSEND. I know of no real consideration that has been given it. We heard a man by the name of Turner, at the invitation of the chairman of the Committee on Interoceanic Canals. After he had appeared before the latter committee he came before the Interstate Commerce Committee and made a statement similar to the one he had made on the previous occasion.

Mr. BRISTOW. I was present at a meeting of the committee at one time when some other gentlemen were heard on a bill which I introduced and which is now before the Committee on Interstate Commerce making exactly the same provision that is put into this bill. I regret very much, when that bill has been there and there have been hearings upon it, to hear a member of the committee say that it has been given no consideration.

Mr. TOWNSEND. Possibly we may have had some hearings, but we had no consideration of that bill unless it was to receive the evidence of men who appeared before the committee, and I am not familiar with that fact, if it is a fact.

Mr. BRISTOW. Does not the Senator think that a subject of this importance should have been given consideration?

Mr. TOWNSEND. I certainly do. I agree with the Senator on that. I think it is an important question and that it should have been given careful consideration.

Now, Mr. President, without detaining the Senate longer, I simply want to refer to what the Senator from Minnesota said last night, that this was an opportunity to perform some constructive legislation and that we ought to take advantage of it; that we have done nothing worthy in three years, and that it is time we should do something.

In the first place, I want to take exception to the last statement and simply submit that, in my judgment, there has been quite as much constructive legislation during the last three years in the Congress of the United States as was enacted during three years theretofore. The RECORD will disclose that fact.

I also want to insist that there may be a great difference of opinion as to whether this is constructive or destructive legislation. Progressive constructive legislation is not a matter of definition or of declaration, but it is a matter of substance and reality. I think we are performing a piece of great constructive legislation when we apply the principles of section 11 of the bill passed by the House properly amended to the canal proper, and we ought to leave the other question as to railroad-owned boats on the Great Lakes, where no complaint has been made, and where, according to the testimony of the Interstate Commerce Commissioner, the conditions are very satisfactory, in New England, and in the Southeast to future investigation and legislation. They may be much worse if we interfere with them. No harm can be done by allowing this question to be considered on its individual merits, and we should not embarrass this great proposition by what seems to me to be this extraneous ill-considered legislation.

Mr. LODGE. Mr. President, I assume that when this bill passes out of the committee and into the Senate we shall have gone beyond the stage at which debate will be permitted. I desire, therefore, to explain a change of vote which I shall make if it is proposed in the Senate to disagree to the amendment which gave free passage to American ships engaged in foreign trade.

I voted for that amendment, having voted against exempting the coastwise traffic from tolls, because it seemed to me that it was unfair to discriminate between one class of American ships and another. I still feel that it is harsh treatment of our merchant marine, but I have come to the conclusion that if we are going to put ourselves by this bill in a position which is sure to breed international differences we should be in a better position to deal with those differences when they arise, if we confine the exemption from tolls to the coastwise trade.

If I may repeat what I have already said in the Senate, my own belief is that under the terms of the treaty in the words "all nations" the United States is not included. That view is questioned both here and abroad, and I am unwilling by my vote to put the United States in a position where she can be accused by any one of violating the solemn obligations of a treaty, no matter what my personal opinion as to the interpretation of that treaty may be.

The decision to send our ships through the canal free of tolls is bound to raise very serious question with other countries, and I think, diplomatically speaking and with a view to the settlement of those differences which I apprehend, it will be better if we confine the exemption to coastwise ships. I do not myself think that there is any distinction in the treaty between one class of vessels and another. I do not think the language of the treaty recognizes any distinction as to the trade in which a vessel is employed, and yet in actual practice and in law, although not under the treaty, there can be no doubt that a broad distinction exists between vessels engaged in the coastwise traffic into which no foreign ship can enter as a competitor and ships engaged in the foreign overseas trade. I make this statement simply to explain the change of vote which I shall make if I am called upon to vote upon that amendment which was agreed to yesterday, relating to ships in foreign trade.

As I am on my feet, Mr. President, I wish to say a single word in regard to the railroad clause now under consideration. My own belief is that we are making a mistake in preventing any railroad from owning any stock in any vessel which is to have passage through the canal. I think that the Interstate Commerce Commissioners, whatever they may say, and if they are fit for their places, can perfectly well control the rates for freight and passengers through the canal.

It seems to me that it is the part of wisdom to open that canal so as to make it a great encouragement to American commerce and not try to restrict it or use it as a weapon to wound and cripple American interests.

I can not understand, myself, that attitude of mind which is perfectly ready to let the canal remain open, as it must remain open, to railroad-owned ships from other countries and yet prevent any of our railroads from owning a share in any vessel which passes through it. This mental attitude is on a parallel with the readiness which appears so constantly here and elsewhere entirely to disregard the possession of our markets by a foreign syndicate or a foreign trust and at the same time do everything in our power to destroy any business to which the name of trust can be affixed, provided it is American business.

We seem to have no sort of objection to foreign syndicates taking complete control of all our sea-borne trade. The absolute monopoly and control of ocean rates by foreign ship-owning syndicates and combinations has been exhibited here and in the other House over and over again with an array of facts

that can not be questioned. To all this we seem perfectly indifferent; and yet Congress is seized with terrors and tremors if anyone suggests giving any assistance, however indirect, to an American shipowner.

I can not understand this readiness on the part of Congress and of political parties in this country to strike continually at our own business. I recognize as fully as anybody the errors and mistakes of the railroads, the injustices they have committed, and the wrongs they have done; and I believe as thoroughly as anybody in a strong Government control and supervision and regulation. But that is a very different thing from making war upon them as if they were a nest of criminals fit only to be destroyed.

This provision as it comes from the House prevents any railroad from owning any steamship or any vessel for water carriage anywhere in the country. If it becomes the policy of this Government to divorce steamships from railroads, that is a great economic question to be properly and fully considered in its own time and place. But it is utterly wrong to attach such a sweeping change to a bill designed solely to arrange for the management of the Panama Canal.

There are many railroads in this country which have no possibility of competing in any way with the traffic through the Panama Canal, and yet they are to be deprived of the possibility of taking any interest whatever in a steamship line through the canal, although in many cases it is to the railroads, who will be the feeders of the steamships, that we must look for aid in the establishment of lines running from the Atlantic to the Pacific coast and from the Pacific coast to the Atlantic coast. If we prevent them from taking any part or sharing in the development of these great lines, which I hope and trust will be built up, I know that in many cases we shall not have the ships at all.

Mr. President, there is a very grave situation now existing in regard to our railroads. I hold in my hand an article from the New York Times, a newspaper supporting the party to which I am opposed and supporting policies in many respects to which I am also opposed; but this article, which I shall ask to have printed when I have concluded my remarks, is in regard to the conditions of the railroads at the present moment under existing legislation. It is an appeal to Gov. Wilson to give the matter his consideration. The article furnishes facts and conclusions upon which it will be well for all those charged with the legislation and the administration of the affairs of this country to ponder. I shall not repeat them here, but I will call attention to this one fact, that to-day while the gross earnings, owing to the growth of the country, are increasing, the net earnings of the railroads are decreasing.

Mr. President, that is a condition which can not long continue. It will very soon reach the point at which it is impossible to conduct the business of railroad transportation without a loss. The railroads, in order to meet public demands, are obliged to increase their expenditures. They have also been obliged to increase their rates of wages. The organizations of railroad men of this country are managed with great intelligence and discretion, and I believe those at the head of the railroads are, as a rule, glad of the existence of those organizations. The railway conductors, the locomotive engineers, and the firemen are men of unusual character and intelligence. We know how very few strikes occur in that great industry, and it is because the heads of those organizations arrange matters intelligently with the men who manage the railroads. But, Mr. President, it has been necessary to increase the wages of the railroad men. Wages have risen all over the world; with the increased cost of living their wages had to be increased; and the expenses of operating railroads have increased. At the same time the Interstate Commerce Commission either reduces rates or prevents the railroads ever increasing the rates on their freight. That is a condition that can not possibly continue. The only body in existence that will run a railroad at a loss is the Government, which could charge the loss up to the taxpayers. If rates are not made profitable, railroad wages must come down or railroads pass to the Government or go out of business. The figures presented in this newspaper article are of the most serious character, and yet this savage pursuit, this hunting down of the railroads, which has gone far beyond compensation for any errors or sins they may have committed in the past, goes on with increasing force from day to day.

The railroads, Mr. President, are not owned by the men who operate or manage them. Take the great railroad organization in my own State, which has been attacked here to-day, and which is wisely and liberally managed and which shows a real public spirit in its work. That railroad is owned very largely by the people of New England. The multimillionaires own comparatively a small part of it. The stock and the bonds are largely held in the savings banks of New England, and the savings banks represent the accumulated earnings of the working people. They are held by trustees; they are held by charitable institutions. So wise has been the management of the road, which has absorbed some of the old local roads of my State and other States, that its securities are looked upon as trust investments, a safe provision for the widow and the orphan. Those people are certainly entitled to some consideration. They are part of the American people, even if they have some property, and are neither outlaws nor outcasts.

I think also, Mr. President, that we shall not gain in the long run by this blind assault on everything American that has any flavor of business success about it. You can not make the mass of the people of this country prosperous if you destroy all the machinery of prosperity. If the country is prosperous, all benefit; if the country is not prosperous, no one benefits; but we are getting into that state of mind where it seems to be the assumption that if any man or any corporation or anybody has a dollar in the world saved, accumulated, or earned it is prima facie evidence that they stole it, and that the only certificate of honesty is that a man should have nothing in his pocket. Thrift, energy, frugality, hard work, and their fruits are offenses, apparently, under the new dispensation, although they were once regarded as virtues.

Why, Mr. President, the material greatness of this Republic has been made through the enterprise of its business men; and its successful business men to-day, the great body of them, are honest men, working hard, saving money, earning money, helping the country and carrying its burdens of expense. I am no defender or apologist of the men who have made huge sums of money by speculation in stocks, or by trickery or dishonesty gathering in other people's property to enrich themselves. They are an evil and a curse to the country and the cause of most of the troubles under which we are now suffering; but, Mr. President, to extend our condemnation of such men, few in number as they are, and of misconduct of railroads here and there and of the greater industrial combinations to everybody in this wholesale way, and to suppose that all business men, great and small, are engaged in trying to rob somebody, can lead to nothing but disaster. You will end by bringing on ruinous stagnation, which will fall heavily on all the people, and most heavily on those least able to bear it. I make this protest here, quite hopelessly, I have no doubt, but I make it because it is to me painful to the last degree to see such propositions pressed upon this great bill which we are now engaged in considering. This bill is intended to open to the use of the world the greatest triumph of engineering and of intelligence that this century or the past centuries can show, and we seek to disfigure it with assaults upon American interests, American business, and American success. When we are considering such a bill as this, instead of trying to make it worthy of its purpose, we seem to be engaged chiefly in striving to curb American enterprise, to see if we can not ruin some American railroad or how we can hurt some American ship. It seems as if we were seeking to make this bill a seed plot for acts which will germinate into national quarrels. Mr. President, that is not the way to deal with a subject of this kind.

I ask that the article which I send to the desk may be printed in the RECORD.

The PRESIDING OFFICER (Mr. BANKHEAD in the chair). Without objection, the article referred to will be printed in the RECORD.

Mr. ROOT (to Mr. LODGE). Have it read.

Mr. LODGE. I ask that the article may be read, Mr. President.

Mr. SIMMONS. Mr. President, that seems to be quite a lengthy article. We have to vote at 5 o'clock and other Senators want to speak.

Mr. LODGE. Other Senators suggested that the article be read. I will not ask that it be read. I merely ask that it be printed in the RECORD.

Mr. SIMMONS. I have no objection to the article being read, except to save time.

The article referred to is as follows:

WILL THE POLICY OF STARVING THE RAILROADS BE CONTINUED?

Do we need more laws and more Federal orders to hamper and hem in the railroads, or is it now time to take thought how the railroad business of the country may, with good conscience and regard for the public welfare, be delivered from the hard conditions that beset it? We put this question to Woodrow Wilson, Democratic candidate for President of the United States. He is practiced in public affairs, trained in inquiry, accustomed to use facts as stepping-stones to conclusions. If he shall be elected to the Presidency, we know that he will wish to use the powers of his office to promote the general welfare and to provide for the public prosperity. He has the ear of the people. They have listened to many false teachers. Will he teach them the

truth? It is vitally important. We ask that he inquire into the facts, then speak. The largest single business interest of the country is that of the railroads. Hard times for the railroads make hard times for the country.

First, as to the facts. The Interstate Commerce Commission's bulletin of the evenues and expenses of steam railroads of the country for the 10 months of the fiscal year ended April 30 shows that the operating revenues of the country's railroads increased from $2,268,221,494 for the 10-month period a year ago to $2,300,441,752 for the 10 months ending with last April. This is an increase of $32,220,258. But the operating expenses of the roads rose from $1,553,422,947 last year to $1,585,994,725 this year. This is an increase of $32,521,778, or $301,520 more than the gross increase in revenues. To this great increase in operating costs must be added an increase of $9,666,827 in taxes, the taxes levied upon the railroads by the States through which their lines run. These increased costs and taxes much more than offset the increase in gross revenue, insomuch that the operating income of the roads, their net income, which was $628,719,126 in the last year's 10-month period, was only $618,340,085 this year, a loss of $10,379,041.

A business that shows the enormous increase of $32,000,000 in gross in a year ought, if all conditions are sound, to show a very large increase in net. The railroad net diminished more than $10,000,000. It is all summed up in the showing that for each dollar of new business the railroads secured in this 10-month period they had to pay out $1.31. These facts are already well known to the railroad and financial public. We call them to the attention of Gov. Wilson in the hope that he may make them known to the very large general public he addresses. He will not fail to see what these figures mean. He is undoubtedly acquainted already with the chief causes of the increase in railroad-operating costs. Repeated increases in the wages of labor are one cause, a marked rise in the price of the supplies which the railroads must buy is another. It is stated on good authority that on the average it now costs the railroads $1.40 to buy supplies and services which 10 years ago cost them but a dollar.

Nevertheless the Interstate Commerce Commission refuses to permit the railroads to increase their freight charges. In two memorable decisions rendered in February, 1911, one by Commissioner Prouty and the other by Commissioner Lane, the new rate tariffs filed by the railroads east of the Mississippi and those of the farther West and Northwest, increasing the charges for freight transportation, were canceled and ordered withdrawn. The railroads must pay the higher transportation costs reflected in the alarming showing of the commission's report, which we have set forth above; there is no escape from paying them, yet they are forbidden by the commission to provide themselves with additional income out of the only source from which it can come.

These conditions can not continue without imperiling the solvency of many railroads. Already they have impaired the credit of all railroads. It is no longer possible to secure investment capital on favorable terms for railroad uses. Securities that were attractive a few years ago are now practically unsalable, and there have been notable instances of reductions in the rate of dividends. The surplus accumulations of many of the railroads have been invaded for upkeep in some cases and in others dividends, if paid at all must be paid from surplus. But we must assume that all these conditions of the investment market are well known to Gov. Wilson.

This is the case of the railroads—not the whole case, only its structural features, for impressive details might be added without end. But hold, is it the case of the railroads alone? Is it not the case of the country, of the people themselves? The people can not, by their laws and their public policy, take the life blood of this great business interest without impoverishing their own vital current. On that point we beg to submit the opinion of a very high authority, the Railroad Securities Commission, appointed by the President under the act of June 18, 1910, of which President Hadley, of Yale University, was the chairman. We quote from the report of President Hadley's commission, made to the President last November:

"There was a time when the efforts of the banking authorities in most of the States were directed toward getting the discount rates as low as possible. The bank commissioners in those days regarded themselves as the representatives of the merchants who wanted loans. They made little or no attempt to safeguard the stockholders and creditors of the bank. Those were the days of wildcat banking. The country has passed beyond that period—not solely or primarily because it obtained a national banking law, but because it administered that law with due regard to the security of the stockholders and creditors of the bank as well as its customers. We have not developed our ideas of railroad management as far as we have developed our ideas of bank management. The subject is a more complex one. The apparent conflict of interests between the management and the customers is greater with a railroad than with a bank. As a result of this misunderstanding the necessary development of railroad facilities is now endangered by the reluctance of investors to purchase new issues of railroad securities in the amounts required. This reluctance is likely to continue until the American public understands the essential community of interest between the shipper and investor, and the folly of attempting to protect the one by taking away the rewards of good management from the other. * * * As our population grows denser we shall need more and more to approximate European standards of construction by the increased amount of double track, the abolition of grade crossings, the development of station facilities, both for passengers and for freight, and many other improvements scarcely less fundamental. * * * Neither the rate of return actually received on the par value of American railroad bonds and stocks to-day, nor the security which can be offered for additional railroad investments in the future, will make it easy to raise the needed amount of capital. The ratio of interest and dividends to outstanding bonds and stocks of American railroads is not quite 4½ per cent in each case. The average ratio of dividends to the capital of national banks is between 10 and 11 per cent."

Doubtless Gov. Wilson is already familiar with the Hadley report. In view of the great responsibilities which he may presently assume, we can not refrain from urging upon him the attentive study of this invaluable document. Especially is it worthy of study in those passages where it commends the policy of encouraging the creation of reserve funds out of the surplus earnings of railroads. At present we are compelling the railroads to eat into their reserve funds for day-to-day sustenance. We need not here dwell upon the grave consequences of such a policy. The New York Chamber of Commerce recently adopted a resolution urging upon the Interstate Commerce Commission, and upon State railroad commissions, the importance of allowing the railroads such a reasonable return as would attract the money of investors in amounts needed for the development of facilities. The committee of the chamber reported "that competent railroad statisticians have estimated that the sum of $8,500,000,000 will be needed in the next five years to maintain railroad facilities equal to the enormous traffic of the country." If the present policy is continued "the credit of the railroads and their ability to market securities will be impaired and the commerce of the Nation will be crippled."

We are well aware that in advocating a more liberal regulative policy toward the railroads Gov. Wilson would incur some political risk. The state of public feeling toward railroads and other corporations which has been created in the past 15 years by the appeals of agitators and of politicians is one with which he must reckon. But it is the business condition of the country, not a political theory, that confronts him. Our national wealth is at present estimated at $125,000,000,000. The last annual report of the Commissioner of Internal Revenue showed that there are now in the United States 270,000 corporations with more than $88,000,000,000 of issued securities, stocks, and bonds. Nearly two-thirds of the United States' wealth, therefore, is in the form of capital invested in corporate securities. Gov. Wilson has said that he does not understand that it is a proper policy of the Government to make "war" upon business, big or otherwise. War upon corporate business in this country has now for some years been rather actively waged. The consequences are before us. Gov. Wilson is a self-reliant man. The success he has attained thus far in the private and in the public station has not been won by imitation of others or by borrowing the ideas of others. We confidently assume that, if elected President, he will have a policy of his own, and that he will pursue it with intelligence and with courage. We hope he is open minded enough, clear-sighted enough, courageous enough, to attempt the creation of a new and more enlightened public opinion toward business, and particularly toward the business of the railroads. The railroad problem is not only a great one, a most serious one, but, in our judgment, it is the first one to be considered. We trust that Gov. Wilson will favor the country with some illuminating discussion of that problem during the campaign.

The Democratic candidate for the Presidency will not fail to see the practical application of these remarks. They point directly to a change of mind and of heart in the Interstate Commerce Commission—or to a change of men. Should he be elected President, his advisers may tell him that this would be a bold step. In our opinion it would be a timid and unworthy shirking of duty not to take it. The minds of the people must be prepared—that is granted. Nobody is better qualified for this task than Mr. Wilson. The people are already turning from the false teachers and seeking new light. The disastrous consequences of the policies pursued by Republican administrations since 1901 are plain in the view of Gov. Wilson. He can judge whether the party that has been so long in power has strengthened itself, or the reverse. Regulation of the railroads we must have, but regulation is not strangulation. With a sound and consistent policy of his own, President Wilson, should that title come to him, may establish for himself a great reputation and regain for his party the confidence of the people. Will the next administration have a policy of its own, or will it be content to bark into the vacuum created by successive Republican administrations?

Mr. NEWLANDS. Mr. President, we are approaching the completion of the Panama Canal, which is only the commencement of the organization of a great system of waterway transportation throughout the United States, for I regard that canal as a part of our domestic waters, necessary to bring our two coasts together and necessary to the establishment of a complete system of waterway transportation that will involve the utilization of our rivers in the highest degree for the carriage of freight.

We have two classes of transportation—one by railroads, the other by waterways. Both of them are conducted by public servants. The use of the waterways preceded the construction and use of the railways. The development of the railway has gradually driven out the use of the waterway. That can not be objected to, of course, whenever the railways furnish the cheaper and more efficient method of transportation; but it is objectionable when it is the result of destructive methods created by the railways themselves, the purpose of one public servant being to destroy by unfair methods the service of the other public servant. Whenever it is apparent that one public servant is endeavoring by unfair methods and practices to drive the other public servant out of employment, it is the duty of the Government to intervene and see that those practices and methods are discontinued.

As to the relative cheapness and efficiency of these two methods of transportation, we realize, of course, that, so far as quickness of service is concerned, the railway is more efficient, but we all know that as to cheapness of service the railway is not so efficient. The country is interested in maintaining the transportation cost of the country at as low a figure as is consistent with efficiency.

Take, for instance, transcontinental transportation from coast to coast. The lowest tonnage rate from coast to coast is about $15 a ton for a 3,000-mile haul. That charge is hardly compensatory to the railroad. It may cover the bare cost of transportation, but it probably does not yield a profit. The cost of transporting by sea is about $5 per ton for a distance of from 5,000 to 8,000 miles. Sugar, I understand, is transported around the Horn from the Philippine Islands to New York for about $5 a ton. Assuming that, on the average, freight can be transported from San Francisco to New York via the Panama Canal at a cost not exceeding $5 a ton, and assuming that ultimately the tonnage amounts to ten millions per annum, we will have a cost of $50,000,000 annually via the Panama Canal as against $150,000,000 by railroad, a saving of $100,000,000 annually to the American people in the cost of transportation from coast to coast.

The transcontinental railroads have at present that business, and they hope to retain not only what they have, but to secure the largely increasing business of the future.

It is quite natural, therefore, from the standpoint of human selfishness, that they should have for years delayed the construction of the Panama Canal, and that they should now, when it is approaching completion, seek to prevent it from becoming as efficient an instrumentality of transportation as it can be made. So we find, and we have reason to expect, that the policies pursued by the transcontinental railroads in the past are being pursued in the present and will be pursued in the future.

What is the duty of legislators under these conditions? Is it their duty to let this matter rest until time shall demonstrate that the efficiency of the canal has been impaired by the plans of its enemies, or is it their duty, in the exercise of a wise foresight, to provide for the future, and, guided by experience, prevent the practices which have been so injurious and destructive in the past, injurious not only with reference to trans-Isthmian transportation, but which have been injurious upon every waterway in the United States, including our coast lines, enabling railroad carriers, through their ownership or control of water lines, which ought to be competitive, to use them as agents for the destruction of their water competitors, recouping any losses which may be suffered temporarily from the railway treasury, and thus having a source of strength in the general revenues of the railway company that a mere water carrier lacks?

There is but one thing, it seems to me, to do, and that is to prevent the railway carrier from owning or controlling the stock of a competitive water carrier; and, inasmuch as we have the opportunity and are addressing ourselves to the evils of which the trans-Isthmian transportation is only a part, why should we not address our remedy to the entire system of transportation instead of confining it entirely to transportation by way of the Isthmus of Panama?

We do not always have an opportunity of legislating upon these big questions. Direct legislation upon the subject, general legislation upon the subject, is a long time in incubation; it takes a long time to pass through the various legislative processes which finally result in the complete enactment. Here we have an opportunity—nay, the absolute necessity—of correcting this evil in part. Having the opportunity of correcting it in part, we have the opportunity of correcting it in whole, and why should we deny ourselves that opportunity? The House provision does make sweeping provisions correcting this entire evil. It is, in my judgment, reasonable legislation upon the subject, for two years are given in which the railways can adjust themselves to the terms of this bill.

The Interstate Commerce Commission, an administrative tribunal that has the entire confidence of the country—and I may say has won the confidence and support of the railway managers themselves—is appointed a tribunal to determine disputed questions of fact as to whether the lines are competitive or not; and two years, as I have said, is given for accomplishing it.

During that time I have no doubt, if the Interstate Commerce Commission finds the problem so vast, so complicated, and so difficult to unravel as to warrant the extension of time or some modification of the principle involved, there will be opportunity for that commission, as the agent of Congress, exercising its power to regulate commerce under rules laid down by Congress, and having the power of recommendation to Congress given by its organic act, to recommend to us any such modifying legislation as may be necessary.

I do not look for radical results; I do not look for results that will tear apart the transportation system of the country. The Interstate Commerce Commission has never shown a destructive disposition, and I have no doubt that the great powers conferred upon that commission will be exercised wisely and temperately in the future as they have been in the past.

I am always inclined to discount the outcry that is raised against reformatory measures of this kind. Such outcry has attended every effort which Congress has made to remedy the evils of transportation. The direst disaster has been predicted. Disaster was predicted by the railroad managers in 1906, and their predictions so alarmed foreign investors and so alarmed their own stockholders that they played a great part in the great panic and depression in 1907, a panic that was brought on not by our legislation, but by the false alarm created by the railroad managers themselves in their attempts to defeat that legislation. That their predictions were entirely without basis was demonstrated later on, when the railway managers appeared before the Interstate Commerce Commission and admitted that the legislation which we enacted had been beneficial not only for the country, but for the railways themselves, and indicated that they did not desire any backward step in that legislation. You will find such admissions recorded in the hearings of the Interstate Commerce Committee of the Senate.

I am glad to see that the great transportation interests of the country, learning the lesson of experience from that unnecessary panic created by their own outcry, are not engaged now in alarming the country with reference to the effect of this legislation, though we see some indications of what might be a great clamor and outcry on the outside in the hall of legislation, where some are predicting gloom and disaster as the result of these efforts to remedy great evils.

Mr. President, the friends of this kind of legislation are not the enemies of the railways. There is not a sensible legislator who does not realize that regulation must not go to the point of destruction; that in order to secure public service we must not destroy the public servant. Who is there who does not realize that? It is true that certain movements of great railway companies toward large and general extensive increases of rates, simultaneously made as the result apparently of understanding and concert of action, have been resisted both by the administration and by the Interstate Commerce Commission; but that does not mean that as time goes on and it is demonstrated that the operating expenses of the railways, notwithstanding increased efficiency in administration, are increasing as the result of increases in the cost of supplies and the price of labor, the rates will not be so adjusted as to meet that new condition; but it is of the highest importance that we should ascertain first whether the earnings now received are a fair return upon the investments.

As yet the Interstate Commerce Commission has been denied that power. Congress thus far refuses to give it the machinery to ascertain the value of these roads, although the Supreme Court of the United States has determined that the value of the road is one of the factors which must be considered in the determination of rates.

If, therefore, the railways complain that the Interstate Commerce Commission is not proceeding with sufficient speed to take up this question of increased expense and the resulting necessity for increased rates, we must charge them, on the other hand, with a lack of candor and frankness and fairness in thus far withholding from the Interstate Commerce Commission the power to ascertain the value of their property upon which a just determination of this question depends.

So far as concerns water competition as contrasted with railway service, I have to say that the railways need not, in my judgment, fear anything from the full and complete waterway development of the country, because the railway is not adapted to the carriage of bulky and cheap commodities which constitute the chief portion of the traffic of the country, and if the transportation of these cheap commodities—the raw materials—is promoted at reasonable rates, it will result in a development of the country, an industrial development, a manufacturing development which will result in the creation of the manufactured articles, able to pay a higher price for transportation than the railways get from cheap freight.

The railroads of the country prior to the year 1907 were congested by the carriage of raw materials, so much so that the exchanges of the country were temporarily disarranged. Waterways, at least for these cheap and bulky articles of commerce, will relieve that congestion, save enormous expenditures in the future, and throw that burden upon a waterway transportation which can be capitalized and conducted at a very much lower expense.

Germany has the most perfect system of transportation in the world—the waterways of the entire State connected with each other by canals, so that you can go from any portion of Germany to another by water. These waterways are interlocked with railways, and both are interlocked with the great steamship system which promotes foreign commerce. There the services of the three public servants are enlisted to the highest degree—the domestic water carrier and the foreign water carrier and the domestic railway carrier—whilst we in this country have been practically reduced to one—the railway carrier.

The problem which we have before us is the development of the domestic water service, and when that service is once efficiently established upon an enduring basis we will have the over-sea water service established. But that will come subsequent to the full establishment of the service of the domestic water carrier.

Mr. President, I was apprehensive in the consideration of this bill that we had not sufficiently guarded against the foreign railway carrier—the Canadian railway carrier—which, whilst competitive with our domestic railway carriers from

ocean to ocean, is also united in interest with those carriers in the suppression of water transportation by the Isthmus of Panama; and I feared that while prohibiting the ownership by domestic railway carriers of ships engaged in the Panama service, we might leave open the door to the Canadian railway carrier to establish such a service, either by acquiring the ships now owned by the American transcontinental lines or by establishing a new service of its own. I realized that if that was so the purpose of this legislation would be largely defeated.

It was my suggestion, therefore, that in addition to legislating with reference to domestic railway carriers and prohibiting them from owning or controlling the stock of water carriers through the canal, we should legislate against the ships which might be owned or controlled directly or indirectly—probably indirectly—by the Canadian railroad carriers, and that we should forbid such ships the use of the canal.

I am told, however, that the Canadian railway carrier is now subject to the Interstate Commerce Commission and that, as full power over the subject is given to the Interstate Commerce Commission, the Canadian carrier will in that way come under the control of our domestic commission. If that is so, that relieves this legislation of the difficulty which I suggested, and does away with the necessity for the additional legislation which I suggested, but I think this is a matter that requires careful consideration, and that in shaping legislation of this kind we should see to it beyond peradventure that in legislation absolutely correcting this evil, so far as domestic carriers are concerned, we may not permit it to be perpetuated, so far as foreign railway carriers are concerned.

I will say, then, Mr. President, that it is my purpose to support the original provision as it passed the House with reference to the ownership or control by railway carriers, of ships engaged in what should be competitive waterway transportation.

As this canal is now approaching completion, I have a suggestion to make to the committee in charge, and I shall be glad to supplement that suggestion hereafter by an amendment; and that is, that in finishing that great structure we should take into our councils the great men in architecture and in art who have done so much in the way of the artistic development of the country since the Chicago World's Exposition. In ancient times no great structure of this kind was completed without utilizing great men in architecture, sculpture, and painting, and their work has gone down to posterity with the work of the great constructors.

We have been utilizing in the construction of this canal a very plastic material—concrete—which can be molded into any form without additional expense and which can be made attractive in appearance as well as useful in purpose.

There has been a strong movement in this country, almost ignored by Congress, but a movement which has a strong hold upon the American people, in favor of democratizing art. We have seen organized all over the country associations of architects, artists, sculptors, engineers, associations organized in the various States devoted to the arts, including music, national organizations of each one of these associations, and a federation of arts which is bringing them all into cooperative action. They have developed a journalism of their own, devoted to the arts, music, painting, sculpture, and architecture, and they are doing much to impress the public opinion of the country.

America, blessed by nature, with all that is beautiful and attractive to the eye, has deified ugliness in the works and structures of man, and it is only of late years that we have had a renaissance of art, a renaissance of that culture that existed in the time of Washington and Jefferson and which is exemplified in the public structures which they erected.

It seems to me this is an appropriate time to bring the commission of arts, recently organized by national legislation, into cooperation in an advisory way with the Panama Canal Commission, and that they should be called upon to make some suggestions which will enable us to crown this structure with an artistic demonstration so that it will be representative to the nations of the world and to future generations, not only of the constructive genius, but the culture of our time.

I am aware that many think that the arts hardly constitute a part of civilization; that has been the materialistic view which has prevailed; and I have seen smiles upon the faces of some of my friends in the Senate Chamber as I broached this subject. The arts not a part of civilization! Civilization consists mainly of literature and the arts, and art finds its highest work in uniting the beautiful with the useful in such a way as to make art the common heritage of all the people and not confine it to a privileged class.

We find art in Europe democratized everywhere, and it is because of this that the artisans of Europe far surpass American artisans, not in capacity, but in the nice training and culture which produce the highly finished articles that command the highest prices throughout the world. The commonest peasant in France or Germany has access to the accumulations of the ages in art, the accumulated experience in design.

This feeling which has been increasing throughout the country has resulted in the creation of the National Commission of Arts, composed of the great architects of the country, the great artists, the great sculptors, the great constructors, men who have done more in the way of advancement on these lines in the last 20 years than had been accomplished within the entire history of the Republic; men who, receiving the training of the very best schools abroad, have with a practical American genius applied the information which they have received there to the material things of life. These men are not merely great artists, they are great constructors, great administrators.

There are men upon that art commission who are consulted by the great railway men of the country with reference to methods of traffic, particularly the traffic of cities, the great terminal stations that now adorn our country, and enterprises of that kind. In great private enterprises the artist, the engineer, and the constructor are yoked together for effective work. Go into the offices of our leading architects and you will find two or three hundred employees—artists, designers, draftsmen, engineers—all working with perfect system, and so you realize that the men—the so-called artists—on this Commission of Arts are men of great constructive and administrative capacity.

Now, I should like to see something of that kind provided for in this bill. I should like to see that Commission of Arts, which has been appointed and organized for the purpose of giving the President and Congress advice upon these matters, commissioned to visit the Isthmus of Panama and to suggest to the Congress of the United States how that great constructive work can be appropriately crowned by some artistic design that will be a fitting memorial of the spirit and culture of our time.

I hope that the Senate—taking, as I know it always has done, a broad and liberal view of the importance of the art development of the country; of the necessity of seeing to it that our public buildings, structures, and works are of the highest artistic quality—will at all events commission the National Commission of Arts to inquire into this matter and to make a report as to whether the existing work, plastic in character, can be molded into such form as will be attractive to the eye, and also as to what appropriate memorial shall be raised that will exemplify to the nations and to the ages the high development of artistic culture in the United States.

Mr. SIMMONS. Mr. President, I have long been of the opinion that our waterways would continue to be of comparatively little benefit, either as a means of transportation or of regulating railroad rates, unless some method could be devised to prevent the railroads from monopolizing the water as well as the rail transportation. I am in hearty sympathy, therefore, with the proposition to divorce rail from water transportation. I believe the quicker we can, with justice to all interest, devise a just system by which no railroad carrier will be permitted to own any interests in a water carrier, except such as may be necessary to extend its lines, the better it will be for the country at large.

While entertaining these views, Mr. President, I admit the force of the objection that in this bill we are dealing with the Panama Canal and providing legislation for its regulation and operation, and that for this reason it might be better to confine this act to a prohibition of railroad-owned vessels passing through the canal.

Mr. President, on account of my duties in connection with the tariff and with river and harbor legislation, I was not able to be present at the hearings before the Committee on Interoceanic Canals. Although I am ranking minority member, I did not hear the testimony. I was present only at the meeting at which Mr. Lane and Mr. Prouty, of the Interstate Commerce Commission, gave their views to the committee, and at the final executive session at which the amendments submitted to the Senate were adopted. After mature reflection I have reached the conclusion that the Senate committee amendments with reference to the ownership and control by railroads of competing water carriers do not meet the situation as well as the House provisions with respect to this subject.

The House bill provides for the divorcement of rail and water transportation. I am in favor of that, but if it is thought wise to confine the bill to vessels passing through the canal, I hope the amendment offered by the Senator from Georgia [Mr. SMITH] will be adopted and that the principle of divorcing these two methods of transportation will be applied to all vessels passing through the canal.

The problem which confronts us is that of protecting the people against the control by railroads of competing water lines,

with a view to preventing a monopoly in transportation and to provide a workable and effective method of regulating freight rates. That is the evil with which we are dealing, whether our legislation is confined to the canal or is broadened so as to cover water transportation generally. In connection with that question I know of no authority of greater weight than the Interstate Commerce Commission. That is a commission in which the people have great confidence. It has dealt intelligently and, in the main, wisely and with reasonable satisfaction to the people, considering the limited powers possessed, with our great railroad problems. The opinion, therefore, of that board should carry, and I believe does carry, with it great weight and it is important that we should know exactly what it thinks about this question and the problems growing out of it.

The President of the United States seems to have been of that opinion, for on the 12th day of March of this year, when this question had been raised by the House bill, he addressed an inquiry to this board soliciting its opinion upon two propositions. The first was whether in its judgment the transcontinental roads should be permitted to exercise control over vessels passing through the canal, and second, whether, in its opinion, the dangers which the people fear as a result of railroad control could be properly regulated and safeguarded if the commission were invested with plenary power over water rates. That is not the language, but that is the meaning of the letter addressed by the President to the commission. The chairman of the commission, Mr. Prouty, speaking for the commission and answering that inquiry of the President, made the following emphatic statement:

The commission, after consideration, is unanimously of the opinion that if the waterways of this country are to be of any substantial benefit in the way of reducing rates of transportation it is absolutely essential that rail carriers be prohibited from owning or controlling, directly or indirectly, competing water carriers. From our knowledge of what has happened in the past we are of the opinion that this is particularly true of transcontinental railroads and steamships plying in competition with them.

Meeting the other inquiry of the President, the commission declares that the powers of rate regulation would not meet the situation and would not remove the danger which the people justly apprehend.

Here is the statement of the commission in response to this inquiry:

While the Interstate Commerce Commission might, if vested with authority, prevent to some extent the injurious effect of allowing the common ownership over these competing carriers, still the limitations under which we act are such that we do not believe we could secure to the public the same favorable rates which would result from unrestrained competition.

It is argued, and argued with considerable persistence, especially by the Senator from Rhode Island [Mr. LIPPITT], that the views of the commission as expressed in this letter to the President had undergone a change and that this modification of their views was disclosed in the testimony of the chairman of the commission, Mr. Prouty, and of Commissioner Lane, before the Committee on Interoceanic Canals.

It is true, as an examination of the hearings will disclose, that Mr. Prouty in his testimony before the committee did express the opinion that the New Haven road, although it had a monopoly both of water and rail transportation in New England, had not exercised the powers of that monopoly so as to impose upon the people of that section unreasonable rates or for the purpose of denying them efficient service. He did say in connection with the lake transportation system there was no great cause for complaint because of railroad monopoly. In other words, that, so far as these two monopolies were concerned, the one controlling New England transportation and the other controlling lake transportation, the evils which naturally and which generally flow from the monopolization of transportation have not been so pronounced there as in other parts of the country. But there was no modification in their testimony upon the general proposition that wisdom and sound public policy require that there should be a divorcement of railroads from water transportation.

A careful reading of the testimony of these members of the commission before the committee will show there has been no modification by them of the views expressed in the letter to the President. Indeed, they there expressed the same views even more strongly.

Let me read from the evidence of Mr. Prouty:

The CHAIRMAN—

This is the question put by Senator BRANDEGEE, the chairman of the committee, to Mr. Prouty, the chairman of the commission—

Now, suppose we bar out from the canal all the ships that any railroad, domestic or foreign, is interested in; what effect do you think it would have upon the commerce of the country and the operation of the canal?

Mr. PROUTY. Well, my belief is, Senator, that that would eventually be the proper thing to do. I think that the proper thing to do would be to prohibit all railroads from owning ships which ply through the Panama Canal.

This testimony was given in June. The letter was written in March.

I think in that way you would get a healthy competition between water lines plying between the Atlantic seaboard and the Pacific seaboard; probably a healthier competition than you would get in any other way. Now, it is not, in my opinion, a good plan to rely upon any commission, or any court, or anybody else, to do a thing which the forces of commerce and transportation, the competitive forces, will regulate.

Why did Mr. Prouty think that it would be wise public policy to foreclose the opportunity of these transcontinental railroads to control transportation through the canal?

They own and operate lines of rail from the Atlantic to the Pacific coast, from New York to San Francisco, thoroughly equipped and fully adequate to the accommodation of the business of the country. Why then should they want to own water lines running from the same points on the Atlantic to the same points on the Pacific coast?

In other words, why should they go to the expense of tens of millions of dollars to secure a water line which runs in immediate and direct competition with their rail lines, unless, as Mr. Prouty intimates, their purpose is to prevent somebody else, to prevent some hostile interest from getting control of this competing water system, thereby reducing the rates of transportation from Atlantic to Pacific points by rail.

Here is what Mr. Prouty said to the committee upon this subject:

Mr. PROUTY. Well, the railroad is engaged in transporting that traffic by rail from New York or the Middle West to San Francisco. Now, why should it desire to build a steamship? It is not its business to run a steamship.

Again, he says:

It does not seem to me that there is any legitimate reason why the Southern Pacific should desire to put on a water line between San Francisco and New York.

Again, he says:

Now, what I can not understand is this: Why does the Southern Pacific want to own the Pacific Mail Steamship Co.? Why did it ever acquire the Pacific Mail Steamship Co.? It acquired the Pacific Mail simply for the effect it could produce by it on transcontinental rates. That is the only reason.

Senator TOWNSEND. What effect did it have?

Mr. PROUTY. Why, to control the transcontinental rates. It kept up the transcontinental rates. It virtually shut up that line as a competitive line.

Mr. President, there can be no doubt in the world about the object of the Pacific Mail Steamship Co. in its declared purpose to put on a costly line of steamships between New York and San Francisco. More than half the stock of this company is owned by the Southern Pacific Railroad, whose rail line spans the continent from New York to San Francisco.

This company represents the whole transcontinental railroad system and syndicate. It represents the same railroad interest which, years ago, when we were trying to pass a bill to locate and construct an interoceanic canal, fought with all the influence and agencies they could command the adoption and inauguration of that great project, and for many years thwarted and delayed it.

Suppose we shall open the canal to the ships of these great railroad companies. Does anybody suppose for a minute that any private capital will be invested in ships for this trade, or that they could live under such unequal conditions? Have not the railroads wherever they have controlled competitive water transportation succeeded in driving out practically all privately owned ships?

Could we more effectually shut out private capital from the use of this canal than to permit these railroads to carry out their manifest scheme to enter and preempt this traffic? Does anybody doubt, if that is permitted, that there will be no competition and reduction in transportation rates as the result of the vast expenditure of money on the part of the Government in the construction of this great artificial waterway? Does anybody doubt, if that is done, that the great moving purpose which the people of this country had in authorizing the construction of this canal, at an expenditure of $400,000,000, will be defeated?

The advocates of this legislation want to prevent the monopolization of the canal by competitive railroads—that the canal may be used so as to lower transportation and regulate rates. They want this great link between the two oceans to subserve the great public purposes for which it was constructed. That is what they seek to accomplish by this legislation, and it is all we seek to accomplish. And when we seek to do that we are told by the Senator from Massachusetts [Mr. LODGE] that we are trying to strike down the railroads. No, Mr. President, we are not trying to strike down the railroads; we are trying

to keep the railroads from striking down and defeating the great purposes for which the people have made this vast outlay.

During the last quarter of a century the greatest problem connected with our industrial situation has been the question of preserving commercial competition, protecting the people from the monopolization of production, protecting the people from the monopolization of the distribution of the products of industry. That is the great problem with which we have struggled. It has grown, as the years have passed, more and more acute; and to-day, if I understand anything about the signs of the times, the most vital question before the American people, outside of the tariff—and the tariff naturally affiliates itself with this question—the most vital question outside of the tariff before the American people, and the one that is going to exercise the most potential and determining influence in the presidential contest in which we are now engaged, is the question, How are we to preserve the essential principle of competition in our business life?

In my judgment, the party which convinces the people that it is best able to deal with this question, that it is in earnest about this question, and that it can and will solve it in the interest of the people, and restore competition in production, in distribution, in the marketing of the things essential to the life of the people and the prosperity of the Nation, will appeal powerfully to the support of the electorate of the country.

In our efforts to deal with this problem we have adopted various and sundry devices. Years ago we established the Interstate Commerce Commission. Why? Because we discovered that the railroads, always and naturally a monopoly, were using their power of monopoly for the purpose of exacting from the people unjust tribute and excessive rates. We established it for the purpose of correcting that evil; and from time to time we have enlarged its powers with a view to correcting that evil.

A few years ago when it was discovered that, with all the powers of the Interstate Commerce Commission, they were helpless to deal with the situation because of the railroad ownership of such a large percentage of the productive resources of the country, to meet that situation what did we do? We did in principle exactly what the advocates of this legislation insist we shall do now. We passed an act by which we divorced the railroads from production. We are seeking to apply the same principle to meet another phase of the same question and the same evil. With the same general object in view we passed the Sherman antitrust law; and with those two acts we sought, and have been seeking, as best we could, to restore competition in this country, to preserve that essential of prosperity—not the prosperity of the few, but the prosperity of the many. We have not succeeded.

There has been a great movement recently for enlarged expenditures by the Government for the development of our waterways, and we have enlarged these expenditures. Our appropriations now for the purpose of improving our waterways are the largest in our history, and yet the people are not satisfied. They demand that the amount be increased. It is folly to say that this demand comes from what is called the "pork barrel system"—the desire of Members of Congress to secure something for their constituents in order that they may further intrench themselves in their affections.

This movement comes, not from Members of Congress at all—it comes from the people of the country. From one end of the country to the other it finds expression in local associations and national movement—congresses formed for the purpose, not of promoting any project, but for the purpose of impressing upon the country the importance of developing our waterways.

What is the argument that runs through all the demands and resolves of these conventions? What is the argument that is inspiring the people with so much zeal in behalf of enlarged expenditures for the improvement of our rivers and harbors and the construction of canals? Higher than any other consideration or motive is that of utilizing our national waterways to escape from the grasp and the greed of the railroads. The people know perfectly well that if our magnificent system of waterways are thoroughly developed and made to subserve their natural purpose of transportation, and the railroads are not permitted to acquire control of them, the result will be a lowering of rates both by rail and water.

The trouble is, Mr. President, as fast as the people through the expenditure of this money improve these waterways the railroad companies come in and get control of them and defeat the purpose of the expenditure.

When the House of Representatives declared, as they do in this bill, in favor of divorcing the railroads from water transportation, they were simply giving expression to the will of the people, simply providing that these expenditures in the improvement of our waterways and in the building of this canal should not be frustrated and defeated by the railroads acquiring control of them and maintaining on them the same high rates that they now exact on their rail lines.

Mr. President, when it was proposed to construct this canal connecting the two oceans I have no doubt the desire that we should bring the two oceans together for military purposes and for purposes of general use had much to do with it; but I think if the people had not believed that it would furnish a means by which they could escape from the grip and the oppression of the transcontinental railroads, the Isthmian Canal would never have been constructed. Who was here opposing that canal? Who for more than a score of years delayed the beginning of this great work? Was it not the same railroads that are now saying they are anxious to utilize it as a means of transportation in the interest of the people? Why were they trying to defeat it then? Was it not because they knew it would interfere with their monopoly? Why are they seeking now to get control of it? Is it not because they want to continue their monopoly?

We have built that canal at a cost of $400,000,000, a sum that staggers the imagination—the greatest engineering feat of all the ages. It is the property of the people. The question is, Shall we so safeguard and protect that property as to make it an instrument in the accomplishment of the will and purpose of the people in its construction or shall we, by indifference and carelessness, fail to do that and permit the men who fought it, the men who for so many years delayed it, to get control of it and measurably defeat one of the main purposes of its construction? Shall we do that? I hope not.

If we want to secure to the people the full measure of benefit which they have a right to expect from the construction of this great enterprise, there are two ways in which we can do it. One is to make it a free canal for American ships. The other is to exclude from it all vessels owned by competing rail lines.

The railroads are behind this demand for tolls. They favor tolls, whether they are allowed to use the canal or not. The higher these tolls are made the better the railroads will like it.

Suppose you impose a toll of $2 a ton on American commerce passing through the canal. What would be the effect? Would not the transcontinental railroads make the people pay the same amount of tolls in the shape of increased rates upon every pound of freight that they haul across the continent on their rail lines? The amount of domestic tonnage through the canal will be small compared with the transcontinental tonnage, and in that proportion the tolls in the form of high rates paid these railroads will exceed those paid through the canal.

Take these tolls by the water route off, and the rail routes, unless they own the water route also, will have to that extent to come down on the rail rates. With tolls retained, and railroad-owned vessels allowed, the Treasury of the United States would take in a few dollars, but the people would have to pay on the great commerce that crosses the continent five times as much in higher rates to the railroads. The Government would save a few dollars and the people who make up the Government and supply it with all its funds would loose many dollars.

But, Mr. President, whether tolls are charged or not, the people will get but little benefit from the canal in the way of reduced transportation rates, in the way of regulation of freight rates, unless by excluding railroad-owned ships we prevent the railroads from practically taking charge of the great waterway and, by driving out all others, prevent it from being used in competition with them—thus utterly defeating one of the main purposes, if, indeed, not the chief purpose, of its construction.

Mr. President, I have said more upon this subject than I intended to say. I thank the Senate for the flattering attention it has given me.

Mr. SMITH of Georgia obtained the floor.

Mr. HEYBURN. Mr. President——

Mr. SMITH of Georgia. I yield to the Senator from Idaho [Mr. HEYBURN].

Mr. HEYBURN. Mr. President, I appreciate the courtesy of the Senator from Georgia. I desire to say but a few words in regard to this matter. It has been my misfortune that I have not been able to attend all the sessions of the Senate during the time it was under consideration. I shall, therefore, attempt to present in as concise form as possible the suggestions that occur to me.

In the first place, we are not building this canal as an agency to punish violators of the law—violators of the law against monopoly or violators of the laws regarding transportation. Those questions should, as far as possible, be eliminated from the consideration of a measure that is intended, primarily, to provide a system of tolls for the use of this canal. We should

eliminate every thought and suggestion tending or looking to the restraint or punishment of those who use it.

No tonnage or traffic originates on the sea. It originates on the land. The railroads are the agencies that gather up the traffic that is to afford business for this canal. The means by which that business is to be transacted is embodied in the shipping that is to carry this merchandise. To us the most important use served by this canal is that of getting our excess products to the foreign market. In that we find our greatest advantage. Whatever use the canal will best promote, the carrying of our surplus products to the foreign market for sale is that which should first receive our attention.

I would not exclude vessels because they were owned by this or that combination of individuals. The surplus products of the Pacific coast will find their market through the canal to European countries. Much of the surplus product of the Atlantic coast will find its outlet through the canal to the Orient or to the western coast of our own country, or to the western coast of South America. The first question entitled to consideration is the individual benefit derived by the producer of the commodity that is to be carried through the canal, and if we will keep our minds close to that question we will not have time or find it necessary to consider the punishment of those who operate in violation of the law against monopoly. We ought not to reach that question until after the business of this great enterprise is established and well on a solid basis.

Hence I have not been in sympathy with the provision in the House bill which seeks to discriminate against transportation companies because of either the quantity or the character of the property which they own. It is equivalent to a confession of inability on the part of the Government to enforce its laws to apply such agencies as that great canal in doing so.

The Pacific Mail Steamship Co., to-day operating between the Pacific coast and the oriental ports and countries, would doubtless extend its lines so as to include the traffic between the Atlantic States and the Orient, and yet under the restrictions contained in the House bill that line would not be allowed to send its vessels through the canal because, forsooth, a certain railroad company is a large stock owner in the Pacific Mail Co. Do we want to do that? We should be beckoning for business for this canal rather than waving it away. We will not have too much business to insure the solvency of this great enterprise if we take advantage of all that is possible or available. Any discouragement will result in a lessening of the income and a discouragement of the use and operation of this canal.

The railroads are the gatherers of that which must sustain the canal. It does not originate on the shore of either ocean. It originates back in the country and must be brought to the seaports by railroads. They are the natural conveyors of the commodities to be carried through the canal upon ships. Ships that pay toll afford a sure and definite revenue. Our own ships, under the provisions of this bill as it now stands, will pay no tolls, nor should they. The measure carrying that provision will tend to build up American commerce; it will promote the building and operating of ship lines, because they will have that much advantage over the ships owned by other countries. They should have it. It will build up the merchant marine for which the distinguished Senator from New Hampshire [Mr. GALLINGER] has been pleading for so many years. It will give an advantage to Americans because they are Americans, and that is the doctrine which has always appealed to me in the distribution of the rights of our citizens.

I was glad to have the message come to me during my enforced absence from this Chamber that the Senate of the United States, in its conservative wisdom, had spoken for free ships flying the American flag and carrying American merchandise.

It was suggested this morning during the debate that we could get along without ships owned by railroads or controlled by them. Who would build these ships? Are there men standing ready with money, enterprise, and disposition to supply enough ships, independent and outside of those owned or controlled in whole or in part by the railroads, to meet the wants and necessities of commerce? Where are those men who will, as an independent enterprise, furnish the ships—they do not furnish them to-day without the canal—up to the measure of the commerce of to-day? When that canal is in operation, the commerce will be multiplied many times and the necessity for ships will be many times as great as it is to-day. If you divorce the land transportation with the water transportation, you inaugurate a strife between independent operators on the land and on the sea that would always result in more or less business disturbance. The railroads are people. The railroad companies are individuals. Every share of stock is owned by an individual. One might think, listening to some of the discussion here, that a railroad was an impersonal thing, and not a part of our people or their institutions. There is so much clamor—clamor for ulterior purposes—against men because they combine to do that which could not be done except through the combination of men and the means of men that we are apt to be led astray, to be led into false trails. Being once embarked upon, they lead no one knows where, not even those who clamor for these new methods. They seem to be imbued with a spirit of antagonism against the railroads, and upon that spirit of antagonism they are led far from conservative, reasonable lines.

Now, I hold no brief for the railroad companies; neither do I hold any briefs against them. I would be ashamed to stand here and inveigh against the great transportation companies of this country. Take them away as by magic in a night, and you would take away the advancement of generations that represent the growth of this country and its greatness. They are only individual enterprises for the convenience of management formed under the law, not in violation of it, to do that which no individual could do.

Under the provisions of this bill as it comes to us if the railroad, or those controlling it, owned a share of stock in a great ship that is in itself an asset to the commerce of the country, that ship would be put out of business. What good purpose is accomplished by it?

One Senator in speaking this morning suggested that the railroads should divorce themselves from the ownership of the vessel. To what end? Who would become the owners of the ships? In what hour could they be transferred from present corporate existence to a new corporate existence? Are we sure we would gain something by installing a new corporation as owner of the ships and build up a new basis of possible monopoly? It does not appeal to me. The people who do things and produce commodities to be taken to and disposed of in the foreign market have no such feeling as that indicated by the discusion of this bill here to-day. It is enough to take a false promise and reason out into the uncertainty and the unknown conclusions.

I regret that this question has been interjected into a measure that should have been concrete in form, specific, and confined to the real purpose of this legislation—the fixing of tolls. I hope that before the hour of voting arrives the Senators will gather their minds together, centered upon the real question. Adopt the amendment, if you please, which I would not vote for except as a means to a better end, and then strike out the whole provision after you have accomplished what is termed here the "perfection of a bad provision." You can not make it a good provision by amending it. You may express your disapprobation of it through such means, but the thing for the Congress of the United States to do is to eliminate the provision entirely and trust to the enforcement of the laws regulating commerce, regulating transportation lines. Trust to the wisdom of Congress, in the event that the law is found insufficient, to enact laws and to enforce laws that will be sufficient, but do not make a $400,000,000 proposition an instrument of vengeance or a whip to ruin some one who, in the judgment of some one, is violating or may violate the law.

I sincerely hope that when we have finished the consideration of this measure it will contain no provision restricting the use of the canal to either foreign vessels, railroad-owned vessels, or American vessels carrying the American flag. That is my hope. Whether I shall realize it in part or any part of it I can not in this hour say, but all we can do is to speak for the truth, and some day it will find a lodgment in the wisdom of men.

Mr. JONES. Mr. President, I think that railroad-owned ships should be excluded from the Panama Canal. I gave my general reasons for this the other day and I do not intend to repeat them now. The conditions are different from those existing in other sections of the country where business interests have grown up and great industrial organizations formed, and we can exclude these ships from the canal without any damage or without the disturbance of any business conditions or interests.

I desire to say that in the committee—and I think it is not improper to say it here—I offered an amendment in line with, if not almost in the words of, the amendment by the Senator from Georgia to the House section, limiting its operation to the Panama Canal. I did that not only for the reason that I thought railroad-owned ships should be excluded from the canal, but also because I believed that this is such a broad question and one that involves and affects so many sections of the country and such great business interests and has not been given the consideration it ought to receive, and that it would

be best to confine our legislation to the Panama Canal, as that was really the subject that was before our committee, and now before us.

As a general principle I am in favor of divorcing, if possible, the ownership of railroads and steamboats. Railroads should be confined to railroad business, to land lines, and steamship lines should be confined to steamship business.

While that is my general view with reference to the House provision, if it were possible to place in it a provision under which the Interstate Commerce Commission might be vested with discretionary authority and power to extend the time provided in the bill for the separation of water and railroad lines so that no injury would result, I would not see so much objection to it and think I should vote for it.

But when I see practically every Senator from the New England States opposing this measure because of the disturbance it will very likely bring to their business conditions, I am constrained to see considerable force in their position. I am satisfied that they are just as devoted to the interests of their people as I am to mine. I am satisfied that they want conditions there which are for the benefit of their people just as much as I do in my section, and if the people there were suffering from inferior service or unjust exactions by the railroad companies, I am sure there is no one who would more swiftly take up a proposition to correct those ills than they. So while individuals representing different organizations came before our committee denouncing the conditions in that section, I am constrained to defer very largely to the judgment of the representatives of those States as to the course to take at this time on this matter. Members of the Interstate Commerce Commission, as shown by the junior Senator from Michigan, do not think it would be wise to take such action on this bill.

This is also true with reference to the Great Lakes. We have had, as I remember, none of the Representatives or Senators from those States coming here and advocating this particular proposition, but they all seem to be anxious that their business conditions should not be disturbed. They seem to think that the conditions are fairly satisfactory, and I think that added weight should be given to this position on their part, or at least it ought to add considerable importance to it. I do not desire to do anything that would bring greater damage to their business interests or their sections than the good that would come from this legislation, if it were enacted as it passed the House.

Other sections of the country are in the same condition. This simply illustrates that this is a broad question, a large question, and a most important one, and I think we should confine this legislation to the Panama Canal, unless we can get a satisfactory provision extending the time under which the Interstate Commerce Commission, or some body of that kind, can take into account all the conditions that exist in the various sections of this country, so that they can work out what we probably all desire, without disturbing the business and without doing really more harm than good.

There are other provisions in section 11 that I think are really of greater importance—that is, that would bring more real good to the people—than the divorcement even of railroads from water lines, and those are provisions to which the Senate committee has made no amendment whatever. One of them provides that the Interstate Commerce Commission may establish through connection between rail lines and the docks of the water carrier where it is reasonably practicable to do so. I think that will bring about substantial good to the shipping interests of the country and the people of the country. It will secure docking facilities to shipping where none can now be secured. It will destroy one of the greatest means now used to throttle competition.

Then we also provide that the Interstate Commerce Commission may establish through routes and maximum joint rates over a rail-and-water line and determine the conditions under which such lines shall be operated. In other words, we place through rates under the control of the Interstate Commerce Commission and require the rail lines and the water lines to make and furnish connections to and with each other. No more substantial relief to shippers can be secured by legislation than will be secured by this provision.

We also empower the Interstate Commerce Commission to establish maximum proportional rates by rail to and from ports to which their traffic is brought or from which it is taken by a water carrier. We empower the commission to determine upon what traffic these rates shall be laid and the conditions under which they shall apply.

Then, we also empower the Interstate Commerce Commission to require rail lines entering into arrangements with water carriers from a home port to a foreign country for carrying through business to require similar arrangements with other water carriers to such countries or the ports thereof. In other words, if a railway line has a connection with a steamship line to one port in a country and another steamship line desires to carry from that port to that country, the Interstate Commerce Commission may require the railroads to make connection with it. This provision I consider of really greater substantial general benefit to the business of this country than even the general divorcement of steamship lines from the railroad lines.

I am heartily in favor of those provisions. I think they give us substantial constructive legislation, and if we confine this legislation to the matter of railroad-owned ships coming through the Panama Canal, unless we can get a satisfactory provision and get the Interstate Commerce Commission to see that this divorcement is made without the disturbance of business and without great damage to the community and secure the enactment of these provisions into law, we have secured the passage of very great constructive legislation that will bring real benefit to the people of every section of the country without disturbing any business conditions or working any injury to any section of the country.

Mr. BRANDEGEE and Mr. CUMMINS addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BRANDEGEE. I heard the voice of the Senator from Iowa behind me. I was going to make a few remarks. Did the Senator desire to speak? We have only 50 minutes. The Senator from Georgia desires to speak, I understand, briefly.

Mr. CUMMINS. I desire to speak not more than five minutes, probably less than that.

Mr. BRANDEGEE. I will simply state that inasmuch as I have refrained during the course of the debate from making any remarks upon the general features of the bill, I hope that I may be allowed to proceed and close the debate at that time. But I want to accord the Senator from Georgia an opportunity, if he desires to make some remarks.

Mr. SMITH of Georgia. I do not wish more than 10 minutes.

Mr. BRANDEGEE. I yield the floor.

Mr. CUMMINS. Mr. President, I am, and have been ever since I studied the subject, very much opposed to permitting a land carrier to do business by water over a competitive route. But nevertheless I shall support the amendment proposed by the Senator from Georgia, and I do it for one reason, and one only. It is that the House provision does not furnish what I believe to be a workable, fair, just plan for dealing with the existing situation. We have allowed land carriers to become interested in water carriers, and whenever we impose what I believe to be a wise policy upon the country at large we should be careful to so deal with those who have been permitted to enter the business both on land and sea fairly, not only fairly to those who have made their investments but fairly to those who are to be served by the carriers.

One further word. I believe that the House provision is faulty as respects the Panama Canal or any other water line in this respect. It is made unlawful for any common carrier subject to the provisions of the interstate-commerce act to own, to lease, to operate, and so forth, any common carrier by water. A boat is not a common carrier. A ship plying through the canal is not a common carrier any more than a locomotive engine is a common carrier, or a car a common carrier. The common carrier is the animate organization which does the business, whether it be by a partnership, an individual, or a corporation.

The House provision prohibits the land carrier from becoming interested in that distinct organization, and it does not prohibit the land carrier from the ownership or the operation of a boat upon the water, even though it be engaged in competitive business.

In my judgment, if the provision ever comes to the construction of a court it will be held that the Southern Pacific Railroad Co. may own and operate ships through the Panama Canal, although the Pacific Mail Steamship Co. could not operate ships through the canal, because the Southern Pacific Railroad owns a part, possibly a major part, of its capital stock.

I assume that it is the intent that the land carrier shall not only be prohibited from the ownership or interest in a distinct organization which is a common carrier by water, but also that it shall be prohibited from operating the ship itself through the canal. At the proper time I intend to offer an amendment, after the word "traffic," in line 23 of page 19, to insert:

Or any vessel carrying freight or passengers over said water route.

Mr. SMITH of Georgia. Mr. President, I shall vote for the amendment which will be offered by the Senator from Iowa. I think the criticism upon the language of the House is sound, and if intended to reach the subject it is essential also to vote for the provision which he has suggested.

I do not desire to occupy the time of the Senate upon section 11 or the amendments to it. I wish to discuss a subject which can only come up when this bill goes into the Senate. When it is reported to the Senate and section 5 is reached I hope the Senate will reject the Senate amendment to section 5. Section 5 as we have perfected it permits the vessels exclusively engaged in coastwise traffic to go through the canal without paying toll. The Senate amendment also permits vessels belonging to Americans engaged in foreign trade to go through the canal without paying toll. It is to that provision that I beg the attention of the Senate, and I earnestly plead for its rejection.

Mr. President, during the whole history of our country it has been our policy to concede to the owners of vessels of other countries the same privileges in our harbors, the same privileges in our canals that we gave to citizens of our own country owning vessels. That has been the fixed policy, followed even during the days when we had a great merchant marine. We have treaties by which whenever our vessels reach an English port they receive there exactly the same treatment that the vessel owned by an Englishman would receive. We have treaties by which vessels owned by citizens of our country receive exactly the same treatment upon the canals along the lakes owned by Great Britain that Great Britain concedes to citizens of Canada and citizens of Great Britain generally.

Mr. O'GORMAN. Is not the Senator from Georgia aware that the United States permits British vessels to use the canal separating the two countries, at least, to the same extent that Great Britain permits American vessels to use the canals on the Canadian side?

Mr. SMITH of Georgia. Precisely; and I have so stated it. What I stated was that it has been our policy to concede to the vessels of Great Britain the same privileges in our waters that we concede to vessels owned by citizens of the United States; that this is true as to harbors; that this is true as to canals we have built; and that the same policy has been pursued by Great Britain in her harbors and in the canals she owns toward the citizens of America owning vessels that she extends to citizens of Great Britain owning vessels.

What I urge is, that there has been a policy considered wise—and which I believe to have been wise—to facilitate the owners of vessels of either of the countries with the same privileges in the waters of either, and the provision in the Clayton-Bulwer treaty that, if this canal were built, citizens of England owning vessels should go through it upon the same terms that citizens of the United States owning vessels should go through with their vessels is nothing novel. It has been a part of the general policy of our country, and I believe it was a wise policy. What I insist is that such a provision in the present treaty, with reference to this canal, is nothing novel. It is a part of the general policy that has been pursued by the two countries. To-day an American vessel can enter a British harbor with no more restrictions than a vessel owned by a subject of Great Britain would enter an English harbor.

I have drawn the distinction between coastwise vessels and vessels engaged in foreign trade. I have shown that the Supreme Court of the United States has recognized that distinction. We have a treaty that requires the harbors of the United States to admit an English vessel on the same terms that an American vessel is admitted; and yet the Supreme Court of the United States held that coastwise vessels did not fall under that provision, because coastwise vessels involved exclusively a domestic problem and it was applicable, therefore, only to vessels owned by Americans.

I do not press again the proposition that our existing treaty with reference to the canal requires us to extend to a vessel owned by an Englishman the same privileges that we extend to a vessel owned by an American. I have no doubt that that is what it means, but I put the case this time upon even a higher principle. I put it upon the broad policy which has been our universal policy; I put it upon the broad practice that has been our universal practice; and not only our policy and our practice, but the policy and the practice of Great Britain toward the owners of American vessels.

With the provision that we passed yesterday, permitting the purchase of vessels anywhere and the putting of the American flag over them if they are owned by Americans, our merchant marine should grow; and it will need the privileges of equal terms in other countries; it will need, where the dominion of Great Britain is found, the same privileges which she extends to her own vessels.

I urge upon the Senate, when in the Senate we are called upon to vote on this Senate amendment providing that vessels owned by Americans engaged in the foreign trade may pass through without paying tolls, to reject that proposition and to require equal tolls of all persons owning vessels passing through the canal, except, of course, coastwise vessels, and that we treat all coastwise vessels the same. We let them go through free.

I shall not detain the Senate longer. I discussed the treaty yesterday. I do not believe a further discussion of the construction of the present treaty would change a vote. I am not encouraged to believe that Senators are anxious to be bound by it; but even if they are not anxious to be bound by the present treaty, for the broader reason which I have presented, one of sound policy, let us not handicap American vessels by establishing a course which will put an end to the equality of treatment for the owners of American vessels hereafter in foreign waters.

Mr. BRANDEGEE. Mr. President, of course in a bill of this character, with a large number of different topics extending over the range of subjects that it contains, it is absolutely impossible in the space of 30 minutes—at the end of which time we are bound by the unanimous-consent agreement to vote upon the bill and all amendments to its final passage—to do anything more than give the barest superficial attention to the bill.

Mr. President, before I come to the bill itself, referring to what the Senator from Massachusetts [Mr. LODGE] has said in relation to his vote on the question of granting free passage to our vessels engaged in the foreign trade, and what the Senator from Georgia [Mr. SMITH] has just said, I want to state that yesterday I voted to give free passage to our vessels engaged in the foreign trade. I did so because the Senate had already voted to give free passage to our vessels engaged in the domestic trade. I have taken the view that we did not have any right under the treaty to do either; but, inasmuch as we had done one, I thought it was consistent to do the other. I have since thought over the matter, and for the reasons so cogently and succinctly stated by the Senator from Massachusetts I think that whatever trouble may result from the action of Congress upon this question of tolls and the construction of the treaty may be capable of easier adjustment if we can confine the action to our ships engaged in the domestic trade than if we include those engaged in the foreign trade also. I expect to change my vote when the Senator from Georgia introduces his amendment in the Senate and to vote against giving free passage to foreign ships.

Mr. President, we also yesterday went upon record as giving American registry to ships built in foreign lands, provided they were owned and manned by Americans; and Senators have said that they thought that this method would be a long step in the direction of building up our merchant marine. The senior Senator from New York [Mr. ROOT], who voted for it, stated that he thought it would amount to very little, because he thought the expense of operating those ships under American registry would be so great that there would be but little advantage taken of it.

I regret the action that was taken, because I think it is a humiliating spectacle and a humiliating admission to make; and I think we would take very little pride in seeing whatever portion of the American merchant marine might be developed under that system of buying our ships in foreign markets and flying the American flag over them. I think the humiliation of the spectacle would be worse than the deficiency in the American merchant marine for a great nation like this to confess that it can not build its own ships and that it will not, either by subsidy to those ships or by encouragement of its shipbuilding plants, build its own ships. I think we will take very little pleasure in sailing foreign-built ships under the American flag and carrying around upon the ships the label "Made in Germany" or "Made in England."

Mr. President, as I said when I reported this bill from the committee, it has been a matter of deep regret and some concern to me to see this bill, which ought to be devoted entirely to matters in connection with the Panama Canal, sought to be made the float upon which to load the variegated mass of legislation that has been superimposed upon it. Section 11 of this bill, which he have been discussing for the most part to-day, provides that section 5 of the act to regulate commerce shall be amended by adding the paragraph which at an earlier part of the day I put into the RECORD, which states in brief that after the 1st day of July, 1914—less than two years distant now—it shall be unlawful for any railroad company to control or have any interest whatsoever, either by stock ownership or otherwise, directly or indirectly, or by stockholders or directors in common, or in any other manner, with any common carrier by water with which said railroad or other carrier aforesaid does or may compete for traffic.

As has been said by the Senator from Rhode Island [Mr. LIPPITT], his State and other States have for many years—in fact, almost since ancient times—allowed the railroad companies

which they incorporated to engage in the steamboat business. It has been a lawful business. Under that system the entire transportation system of this country has developed. Lines of traffic and communication have been thereunder established and continued. In many portions of the country there is no complaint against it, and it is asserted by the people who are qualified to know from those sections of the country that it is the best system and is rendering the best service that can be devised. In other parts of the country there may be some complaint against that system; but I think it is a very unfair thing to disturb that entire system.

In view of the testimony of the two distinguished members of the Interstate Commerce Commission, one of whom testified that he had furnished to the House committee the basis for section 11, and that they did not think that at the present time Congress has sufficient information to legislate in the manner proposed in this bill. It seems to me it is a very rash proceeding for us, in a jaunty and almost flippant manner, to attach this exceedingly far-reaching and little-understood legislation to this bill, which ought simply to provide for the opening of the canal and the government of the Panama Canal Zone.

Mr. President, there appeared before the Committee on Interoceanic Canals a great many witnesses in relation to this section of the bill. The representatives of the shipyards of the country generally appeared and protested against it; many of the most prominent railroad officials of the country appeared and protested against it; many of the chambers of commerce and boards of trade, notably of New England, filed their most earnest protests against it. So many complications are in view in relation to the interpretations of this clause that it seems to me to be extremely hazardous, in the closing days of this session, with what limited information we have upon the subject, finally to legislate upon it.

The attorney for the Southern Railway system, also a member of a committee representing the great railroads of the country, appeared before our committee and disclosed the situation in his section of the country. Steamboat lines ply from Norfolk to New York, and steamers ply to many other places along the southern coast in which the southern system of railroads have interests. The vice president of the New York Central Railroad appeared and explained the situation in its bearing on that road in connection with its ownership of the Western Transit Steamer Co. on the Great Lakes. In those cases and in the New England States the commissioners themselves admit that the service is probably better than it would be if the railroads were compelled to divorce themselves from the ownership of steamboats.

What is the object of transportation, and what constitutes a good system of transportation? I had supposed that a good system of transportation was such a one as rendered the best service for the cheapest rate. Why, then, if that service is being rendered, should Congress, which is not exclusively a body of transportation experts, set its hand upon an established system in perfect working order designed and carrying out its design to convey the manufactured product of a section of the country like New England from the interior, from the various towns and the mills, which are working up the raw material brought from other sections of the country into the manufactured product, and then distributing it back through all sections of the country—why should we say that that system shall be at an arbitrary date ruthlessly torn asunder when we see nothing but devastation and disaster to come from it?

Mr. President, these are serious questions, and we are serious and responsible men. I yield second place to no man in my desire to apply any remedy to correct any abuse or to bring any common carrier or corporation to obey the law and perform its functions as chartered by the States. Mr. Mellen, president of the New York, New Haven & Hartford Railroad, appeared before our committee and stated—and I had intended to read many extracts from the testimony if I had time to do so, but I have yielded to other Senators—and stated that that road, a consolidation of many small roads in Massachusetts, Rhode Island, and Connecticut, has been a gradual growth. The steamboats were put on first—that was the original method of transportation—then the main shore line was built, and then the laterals constructed up from the coast into the interior where the goods were to be had. That system is a variegated system of small roads, each north and south road getting to a port on Long Island Sound and putting on a line of steamboats, not with the idea of throttling anybody, not with the idea of preventing any competition, but with the idea of bringing the produce of the interior of those States down to the coast line, and then by water, the cheapest and best method of transportation, continuing that service into the great metropolis of the city of New York.

Every one of those steamboat lines is put on, not as a competing line but as an extension of a north and south road into the city of New York. Then, gradually, as those small systems ceased to give the service that was demanded, they were all consolidated, with the consent of the legislatures of the different States, and now a system exists there second to none in this country, with the cheapest rates and the best service, a service that satisfies everybody there, except, of course, there is an occasional complaint and grievance that would exist in a system of that size under any possible circumstance.

People say it is a monopoly. Mr. Prouty says that every railroad is a monopoly, a natural one. The minute you give them the exclusive right of way and they are bound to their own tracks it is in the nature of a monopoly. That is the reason we regulate them by government. Why should we take a steamboat system, in which Mr. Mellen testifies he has invested $25,000,000 of the money of the people, his stockholders, money taken out of the savings banks, the savings of all their lives and put into that system, and say to him that on January, 1914, that shall be disrupted? Who will buy the boats? How can the products of New England be taken into New York? The railroad deprived of the cheap transportation of its water lines would be compelled to start upon what, to establish now, would be a tremendously expensive scheme of condemnation, through built-up towns and cities, to get sufficient track facilities into the city of New York to distribute its goods. As Mr. Mellen says, New York is not one city. It is an aggregation of cities. The different industries are in different sections of the city and the goods they demand must be delivered at the docks in those different sections.

If that disruption should be compelled, who would buy the boats? The railroads own the wharves and the terminal facilities. They own the hoisting and loading apparatus. They run their tracks from their trunk lines and other lines onto the docks. Who would bid for $25,000,000 worth of steamboats on Long Island Sound without piers, without terminal facilities, when the road has, in asking for bids, to advertise that they can not deliver any goods to them? What would they carry and where would they get it? It would create absolute destruction and devastation—I know it—in that section of the country, and I can see from the testimony that to do that with the Pennsylvania Railroad, with its great ferry and lighterage systems, which do or may compete with it, and the New York Central and the Southern Railroad would be worse than throwing a cobblestone into the delicate structure of a splendidly working Corliss engine. The Interstate Commerce Commission say they would take the chance. They would like to see the experiment tried. On what evidence? I do not profess to be a transportation expert, but I would no more make an assertion on the evidence before our committee or that they were able to give us than I would cut off my right hand.

Mr. President, there are difficulties in this bill in almost every section. Here on pages 21 to 23 there is another amendment, amending section 6 of the interstate-commerce act, conferring upon the Interstate Commerce Commission jurisdiction to order or establish physical connections between railroads and steamboats. Anybody who has a mind to buy a steamboat can demand a spur track to a wharf he has hired. The Interstate Commerce Commission can order it done. Wherever a railroad company has been able to get into a small port a good line of steamers to carry the cotton crop of the South to foreign ports, there are provisions here which compel it to grant through bills of lading to any other steamship companies that demand the privilege. If that provision was enforced, it would deprive every small port on the Atlantic Ocean in the South of any chance of ever getting to be a port of any consequence, and would absolutely concentrate in New Orleans the export of the cotton crop of the South, because no steamship company can be induced to come to a small port, no matter how favorably situated it may be, unless it is guaranteed a cargo. The only way to get that is on a through bill from Memphis to Europe over a regular line of steamers, not a tramp steamer that will turn up once in six months, but over a regular line, having regular dates for sailing.

There are provisions equally objectionable, at least, amending two sections of the interstate-commerce act that was fought over here for years before it was even partially perfected. There was no reference of it to the Interstate Commerce Committee of the Senate. There was no chance for the business men of this country to come in and give their views. There was no chance to refer it to a skilled board or a commission of investigators to ascertain the truth and the wisdom of this proposed legislation. This amendment was introduced on the floor of the House in its complete shape. Nobody had a chance to be heard before the House Committee on it. It was put on in a few minutes and sent over here. We have endeavored

to revise it, but you see with what a multitude of things it deals. Now, I am willing at any time, if any Senator will introduce a bill comprehending this subject, to take it up in the Interstate Commerce Committee and discuss it and report and do the best possible thing.

Mr. President, it has been stated that the Canadian Pacific Railroad could not go through the Panama Canal with its ships, because it is under the jurisdiction of the Interstate Commerce Commission. The Canadian Pacific Railroad is voluntarily and pro forma only under the jurisdiction of the Interstate Commerce Commission. Does anybody suppose the Interstate Commerce Commission here can prescribe the rules for the operation of the Canadian Pacific Railroad in Canada? Wherever it comes into our territory it has to file its schedule of rates, or it does so voluntarily. But, Mr. President, it is under its jurisdiction to that extent only.

It is said it does not compete with us. They send daily tremendous amounts of goods in bond right through our country and then market the goods back in the Northwest.

Mr. POINDEXTER. Will the Senator yield for a question?

Mr. BRANDEGEE. I beg the Senator to excuse me. The Senator occupied two hours and a half, after saying he would take 10 minutes, and I as chairman of the committee am limited to 10 minutes before the vote is taken.

Mr. Mellen said:

In the first place, as I have stated, I have not the slightest interest in the Panama Canal from my official position. I do not expect to use it, although I can conceive of conditions under which my company might want to run boats through the canal.

Would it be a great disaster to these people in the West who have been complaining about monopoly and the Southern Pacific domination to have the New York, New Haven & Hartford put on a line of steamships from New York and go through the canal and compete with the Southern Pacific Railroad and exchange the products of the Atlantic and the Pacific coasts? What would the damage be?

Mr. Mellen goes on to say that the Canadians are alive to the opportunity. He has talked to them about it and they are all ready and willing, hoping that we will pass this legislation so that they can go through the canal. Meanwhile there is proposed what I consider very foolish legislation, largely induced by a lot of old inherited rows that have occurred on the Pacific coast, when they were all cutting each other's throats and competing for business, just as the railroads used to do; but those inherited hatreds and bitternesses ought not to prevent the Senate from doing the wise thing.

We ought to open that canal to ships of all nations without requiring a certificate of the ownership of any ship that applies there to go through. Does anybody suppose that a British skipper or a Canadian skipper who comes to the mouth of the canal at night and wants to be put through, perhaps in a storm, can inform some watchman as to all the people who own any interest in that vessel and can satisfy him that no railroad with which he does or might compete has an interest in it? Is it to stop and try a lawsuit there before it can go through the canal? It is perfectly preposterous. That canal ought to be as free as the Atlantic and Pacific Oceans, except to pay the value to the Government of the money it has to expend to put the vessels through. That was the intent of the treaty.

I send to the desk and ask the Secretary to read a letter from Mr. Dearborn, the president of the American-Hawaiian Steamship Co., and then I will make some comments upon it.

The Secretary read as follows:

AMERICAN-HAWAIIAN STEAMSHIP CO.,
New York, June 28, 1912.

Hon. FRANK B. BRANDEGEE,
Chairman Committee on Interoceanic Canals,
United States Senate, Washington, D. C.

DEAR SIR: I beg to call your attention to section 11 of the Panama Canal bill as it was reported out of your committee, particularly this part of its language, viz:

"SEC. 11. That no ship * * * in which any railroad company has any interest whatsoever (by stock ownership or otherwise, either directly or indirectly * * *), shall be permitted to enter or pass through the Panama Canal if engaged in the coastwise trade between ports of the United States"—

for the reason that an interpretation might be made which, applied to the American-Hawaiian Steamship Co., would prohibit the use of the canal by its steamers, on account of the fact that the Tehuantepec National Railway Co. has a substantial minority interest in this company of stock standing in its name.

The Tehuantepec Railway is the link of 190 miles connecting the Atlantic and Pacific fleets of the steamers of the American-Hawaiian Steamship Co.—a substitute for a waterway, and provides the through service of the steamship company between Atlantic and Pacific coast ports.

When the contract was entered into between the railway and the steamship company it became necessary to provide for more ships to enlarge the capacity of the service, and to secure funds the steamship company sold stock of its company to the railway company.

In anticipation of the opening of the Panama Canal at an early date, the American-Hawaiian Steamship Co., which had a year ago a fleet of 17 steamers, has since purchased 1 and is now building 8 additional steamers of a capacity of 10,000 tons each, in all 26 steamers. It will be qualified to transport annually through the canal from a million and a half to two million tons of freight.

This company does not for a moment imagine that there is any intent upon the part of your committee to prohibit it the use of the canal, but can not overlook the possibility of a technical interpretation of this paragraph of the bill, and is therefore submitting to you the situation in the belief that it will result in correcting the language of the bill, so that no doubt will remain of our eligibility for entering the canal trade.

We make the suggestion that the language of the Senate bill be changed, so that any railroad referred to in connection with ownership in a steamship company be designated as one under the jurisdiction of the Interstate Commerce Commission.

Yours, respectfully,
G. S. DEARBORN,
President.

Mr. BRANDEGEE. Now, Mr. President, that is one of the things that shows what sort of legislation we are passing, and we do not see the effect it will have. That is a criticism upon the Senate committee's provision. He admits that the Tehuantepec Railroad Co., a corporation in Mexico, owns a large interest in the stock of his company, which owns 26 of the handsomest steamboats in the American trade, and the House provision only inhibits steamboats which are owned by railroads which are under the jurisdiction of the Interstate Commerce Commission from going through the canal.

Are we to prevent the passage through the canal of our own steamboats, especially the Pacific Mail, a company that has existed for 50 years, no matter what the crimes of its owners years ago may have been, no matter how hard it struggled to control the traffic over the Isthmus of Panama on a little single-track railroad? Are we to throttle this great canal, which should be open to the competition of the world? It is preposterous. Are we to allow the Tehuantepec Railroad Co., which owns an interest in a fleet of 26 magnificent steamers, to use the canal and keep our own out? For whom are we legislating in this American Congress, I should like to know?

Mr. President, we provided that these vessels, carrying 10,000 tons of cargo each, that the Pacific Mail wants to build and run from New York, as shown by that map, through the canal, stopping at San Francisco to discharge passengers and freight, then take on what they can get and go to the Orient, should be allowed to pass through the canal and stop at our own ports. Think of it—having to provide by legislation for your own vessels going from an American port en route to Hongkong to bring back tonnage, provided they did not take over 50 per cent of domestic cargo.

Now, there come from San Francisco 800 telegrams which I hold here, subject to anyone's inspection, from the most prominent business men, representing a majority of the whole Chamber of Commerce of San Francisco, or its voting membership, protesting against that limitation, and I ask at this point the privilege of putting into the RECORD the letter from the chairman of the committee, inclosing the correspondence, and stating that there was no compulsion used in securing any of these dispatches.

The PRESIDENT pro tempore. Permission is granted, in the absence of objection.

The matter referred to is as follows:

SAN FRANCISCO, *July 31, 1912.*

Hon. FRANK B. BRANDEGEE,
Chairman Committee on Interoceanic Canals,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I confirm night lettergram of this date, as per copy herewith. Now have the honor to inclose copy of correspondence referred to. The originals will undoubtedly be filed with the committee of which you are chairman, by Senator PERKINS, and we respectfully ask that they be brought to the attention of your committee.

Thanking you, in anticipation, I am,
Yours, respectfully,
JOHN BARNESON, *Chairman.*

SAN FRANCISCO, CAL., *July 31, 1912.*

Hon FRANK B. BRANDEGEE,
Chairman Committee on Interoceanic Canals,
United States Senate, Washington, D. C.:

As chairman of the committee representing 54 per cent of the voting membership of the Chamber of Commerce of San Francisco, I am to-day wiring Senator PERKINS as follows:

"Referring to your telegram of July 21, sent to Secretary Burks, of the San Francisco Chamber of Commerce, and reply of Mr. Robbins, president, our committee is mailing to-day original correspondence with Mr. Robbins and other documents, which will show that the position taken by him is not correct and that his statements are not supported by the facts. The protest against the attitude of the board of directors of the Chamber of Commerce of San Francisco, in regard to canal legislation, has been signed up to date by 54 per cent of the voting membership of the chamber, and further protests are being received. It is an insult to the membership to even suggest that any coercion or other improper methods have been used in this connection, and as chairman of the committee having this matter in charge I emphatically deny this statement. Am mailing you with the papers a list of the protestants. Will you please file this telegram and these documents with the Senate committee when received."

Am mailing you copies of this correspondence to-night.

JOHN BARNESON.

SAN FRANCISCO, CAL., *July 31, 1912.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.

MY DEAR SENATOR: I confirm night lettergram of this date, as per copy herewith. Now have the honor to inclose the papers referred to, from which you will note the attitude of the committee of the chamber of commerce, which now represents 54 per cent of the voting membership of that body; and in view of the fact that Mr. Robbins has requested that you file with the Senate committee, and thus make part of a public record, his telegram in which he so unjustifiably charges us of signing under coercion from the Pacific Mail Steamship Co. respectfully ask that you file the inclosed papers and the telegram also with the Senate committee.

The inclosed copy of correspondence with Mr. Robbins will show that we tried to get a meeting without avail, and as to the correctness of Mr. Robbins's statements, I respectfully refer you to the inclosed list of the directors of the San Francisco Chamber of Commerce. On receipt of Mr. Robbins's communication advising me that a large number were out of town, I wrote him asking for the names of those who were out of town, and up to this writing have had no reply. However, I took other steps to ascertain, and on the inclosed list a star has been placed opposite the names of those members who were in town, from which you will note that quite a majority, or, at least, a quorum, of directors were in town and could be called together.

Yours, respectfully,

JOHN BARNESON, *Chairman.*

Hon. GEORGE C. PERKINS,
United States Senate, Washington, D. C.:

Referring to your telegram of July 21, sent to Secretary Burks, of the San Francisco Chamber of Commerce, and reply of Mr. Robbins, president, our committee is mailing to-day original correspondence with Mr. Robbins and other documents, which will show that the position taken by him is not correct and that his statements are not supported by the facts. The protest against the attitude of the board of directors of the Chamber of Commerce of San Francisco in regard to canal legislation has been signed up to date by 54 per cent of the voting membership of the chamber and further protests are being received. It is an insult to the membership to even suggest that any coercion or other improper methods have been used in this connection, and as chairman of the committee having this matter in charge I emphatically deny this statement. Am mailing you with the papers a list of the protestants. Will you please file this telegram and these documents with the Senate committee when received?

JOHN BARNESON, *Chairman.*

JULY 27, 1912.

Mr. M. H. ROBBINS, Jr.,
President San Francisco Chamber of Commerce,
San Francisco.

DEAR SIR: I have just been informed that under date of Washington, D. C., July 21, 1912, the following telegram was addressed by Senator GEORGE C. PERKINS to Mr. C. W. Burks, secretary of the Chamber of Commerce of San Francisco:

"I am in receipt of some 800 telegrams from members of chamber of commerce and prominent citizens protesting against limitation coastwise trade Panama Canal bill, which I have presented to Senate and had referred to Committee on Interoceanic Canals for consideration. Kindly inform your members and signers as far as you can conveniently do so."

And that to this telegram the following reply was made by you as president of the Chamber of Commerce of San Francisco:

"Answering your twenty-first. Telegrams referred to are personal from certain members of chamber presumably sent following their signatures to petition circulated by transportation company interested authorizing telegrams to be sent in members' names. They do not represent official action of this chamber. As names and signatures are unknown to us, can not acknowledge as requested. Attitude of chamber of commerce is expressed in its resolution of March 11, copy of which you have. This resolution was unanimously adopted by the board of directors of chamber and represents opinion of a large majority of its members. In obtaining signatures to the petition all influence was exercised on those from whom the Pacific Mail purchases supplies and with whom it has business relations. Please file this communication with the Senate committee and reaffirm chamber's attitude as expressed in the resolution referred to."

In your telegram you make the following statements and charges, either directly or by insinuation:

"First. That improper methods were used in obtaining the signatures which were obtained by the committee of which I am chairman.

"Second. That the names and signatures are unknown to you.

"Third. That they do not represent the official action of the chamber."

First. As chairman of the committee representing a majority of the voting members of the chamber of commerce, and having been an active participant in an endeavor to obtain from these members of the chamber of commerce most directly interested in avenues of transportation and the future upbuilding and welfare of the port of San Francisco an honest expression of their views and that only, I must protest most vigorously against the attack you have made on the honesty and good faith of a majority of the most important members of the body over which you preside. Further, I desire to state, as my opinion, that had the board of directors, before committing the chamber, made an honest effort to obtain the views of the majority membership of the chamber on this question, and then acted in accordance with the decision of the majority, the attitude of the chamber would have been entirely different. As you know, this question was not submitted to the membership prior to the time that the directors committed the chamber on this question, but that, on the contrary, the resolutions passed were simply the opinion and the decision of the board of directors.

Second. You state to Senator PERKINS that the names are unknown to you, thereby endeavoring to convey the impression that the signers are not well-known members of the community and of the chamber. In doing so you totally ignore the fact that the committee waited on you and the board of directors, with an earnest desire to convey their views; have kept in touch, by correspondence, with the chamber since that time; and you know perfectly well that it was possible for yourself or the secretary of the chamber to obtain at any moment from the committee, through myself as chairman, a full list of the names of those members who, disagreeing with the views expressed by the board of directors, desired to place themselves on record before Congress, the arbitrary position taken by the board of directors making this the only course they had left to prevent yourself and the board falsely placing them on record in a body on this most important question.

Third. I take issue with you in your statement that the attitude of your board of directors represents the official action of the chamber. The position your board of directors has taken is at variance with the views of a majority of the voting membership of the chamber. It was taken without reference to this membership and without asking their views or in any way giving them an opportunity to submit their views, and is clearly contrary to same, and therefore does not and can not represent the official action of the membership of the chamber, but, on the contrary, represents only the "official attitude" of the board of directors of the chamber and yourself as president.

The members have been given by the board of directors or yourself no opportunity to pass on this very important question. The action taken has been arbitrarily taken by the board of directors; and has left the membership, in order to be justly represented, no other course but that which they have followed under the committee appointed by them, namely, of protesting individually as members of the chamber of commerce against the false position in which they have been placed by the arbitrary action of their board of directors. Yourself and the board of directors are wholly responsible for this position. The committee was, as it originally expressed itself to you and to the board of directors and on numerous occasions since the original meeting, desirous that the false position in which the membership of the chamber of commerce had been placed by the action of the board of directors should be rectified by the board of directors officially and not force the membership to the necessity of protesting individually.

The records of the protest in my possession and the names of the protestants are sufficient warrant for my saying that you, as president, and your board of directors are not correctly representing the membership in the position you are taking, and that the position assumed by you is wholly unjustifiable and subject to the gravest criticism.

In closing I must again refer to the uncalled-for and unwarranted attack made in your telegram to Senator PERKINS, and which telegram you have asked to be filed and made a public record, on the honesty and business integrity of many of the oldest and best-known mercantile firms of this city, and on their behalf and my own I hereby formally demand that you immediately retract this statement in a telegram to Senator PERKINS, and that such telegram be given equal publicity as has been given to your telegram quoted on the first page of this letter.

Asking that I may have the favor of an early response, I am,

Yours, respectfully,

JOHN BARNESON,
Chairman of Committee.

SAN FRANCISCO CHAMBER OF COMMERCE,
July 29, 1912.

Capt. JOHN BARNESON,
Chairman, 149 California Street, San Francisco.

DEAR SIR: Your letter of July 27, addressed to me as president, is just received.

I have placed the same in the hands of the executive secretary, with instructions to bring it before the board of directors at the next meeting.

Yours, very truly, M. H. ROBBINS, Jr., *President.*

JULY 30, 1912.

Mr. M. H. ROBBINS, Jr.,
President San Francisco Chamber of Commerce,
San Francisco, Cal.

DEAR SIR: I have just received your favor of July 29, replying to mine of the 27th. A meeting of our committee is called for 2 p. m. to-morrow, and it appeals to me that the matter is of sufficient importance to entitle us to some reply from your board, which I can submit at the committee meeting, and request that a special meeting of the board of directors be called, so that we may have a reply by that time, failing which, we will feel at liberty to take such other action as we may deem necessary.

Yours, very truly,

JOHN BARNESON,
Chairman of Committee.

SAN FRANCISCO CHAMBER OF COMMERCE,
San Francisco, July 30, 1912.

Mr. JOHN BARNESON,
Chairman of Committee, San Francisco, Cal.

DEAR SIR: Your letter of even date reached me this afternoon, and as many members of the board of directors are out of the city it is a practical impossibility to call a special meeting within the time you name. It gives me deep regret that I am thus placed in position whereby I can not comply with your request.

Yours, very truly,

M. H. ROBBINS, Jr., *President.*

JULY 30, 1912.

Mr. M. H. ROBBINS, Jr.,
President San Francisco Chamber of Commerce,
San Francisco.

DEAR SIR: Acknowledging receipt of your favor of even date. So that I may be in a position to inform our committee, would you kindly advise me the names of the members of your board of directors who are at present out of the city?

Thanking you in anticipation for this information, I am,

Yours, very truly,

JOHN BARNESON,
Chairman of Committee.

DIRECTORS SAN FRANCISCO CHAMBER OF COMMERCE.

(*) Indicates parties in town.

* W. M. Alexander, * H. H. Allen, C. K. McIntosh, * George C. Boardman, * Paul T. Carroll, *A. B. C. Dohrmann, * John S. Drum, * W. J. Dutton, * M. H. Esberg, * Capt. William Matson, * C. F. Michaels, * W. N. Moore, * M. H. Robbins, jr., Robert A. Roos, *A. L. Scott, * William T. Sesnon, * Joseph Sloss, Frank A. Somers, * James Tyson, Capt. Robert Dollar, William M. Bunker.

Five out of the 21 directors out of town.

Mr. BRANDEGEE. I will ask the senior Senator from California if he has glanced over these telegrams?

Mr. PERKINS. I will state that for 40 years and more I have been a member of the Chamber of Commerce of San Francisco, and twice its president. I am personally acquainted with many of the firms and individuals who signed the dispatches, and I say without reservation that they are gentlemen of the highest character and are men of integrity and reliability. I do not believe any one of them would sign a telegram or a petition or be improperly influenced by any selfish interest. There is no question as to the standing and reliability of the gentlemen signing the telegrams.

Mr. BRANDEGEE. And yet it is claimed that the voting membership of the chamber of commerce has been intimidated by Mr. Schwerin to state what is false.

Mr. CHAMBERLAIN. Mr. President——

Mr. BRANDEGEE. I can not yield at this time. I have only a half a minute, which I want to use myself.

I ask to insert in the RECORD the report of the House Committee on the Merchant Marine and Fisheries, as showing that the real danger of throttling competition through the canal is not from the steamboats owned by railroads, but is from the foreign steamships controlled by rings, combines, pools, and conferences.

The report is as follows:

[House Report No. 632, Sixty-second Congress, second session.]

AMERICAN TRADE AND FOREIGN SHIPPING MONOPOLIES.

Mr. HUMPHREY of Washington, from the Committee on the Merchant Marine and Fisheries, submitted the following report to accompany H. R. 23470:

The Sherman antitrust law invests the several courts of the United States with jurisdiction to prevent and restrain violations of the act, and the Supreme Court has given very broad construction to this enactment. In the Northern Securities case (193 U. S., 197) Justice Harlan, in writing the opinion of the court, said:

"If there was a combination or conspiracy in violation of the act of Congress between the stockholders of the Great Northern and the Northern Pacific Railway Cos., whereby the Northern Securities Co. was formed as a holding corporation, and whereby interstate commerce over the lines of the constituent companies was restrained, it must follow that the court, in execution of that act and to defeat the efforts to evade it, could prohibit the parties to the combination from doing the specific things which, being done, would affect the result denounced by the act. To say that the court could not go so far is to say that it is powerless to enforce the act or to suppress the illegal combination, and powerless to protect the rights of the public as against that combination." (Pp. 356–357.)

In the case of United States *v.* American Tobacco Co. the court held that in order to enable it to award relief coterminous with the ultimate redress of the wrongs which it found to exist it must approach the subject of relief from an original point of view, and stated that—

"We might at once resort to one or the other of the two general remedies—(*a*) the allowance of a permanent injunction restraining the combination as a universality and all the individuals and corporations which form a part of or cooperate in it in any manner or form from continuing to engage in interstate commerce until the illegal situation be cured, a measure of relief which would accord in substantial effect with that awarded below to the extent that the court found illegal combinations to exist; or (*b*) to direct the appointment of a receiver to take charge of the assets and property in this country of the combination in all its ramifications for the purpose of preventing a continued violation of the law, and thus working out by a sale of the property of the combination or otherwise, a condition of things which would not be repugnant to the prohibitions of the act." (221 U. S., pp. 186–187.)

Nevertheless, for the reasons stated in the opinion, the court remanded the case to the circuit court for the purpose of working out a plan or method of dissolving the combination before the court in that case and of recreating out of the elements composing it a new condition honestly in harmony with and not repugnant to the law.

In the equity suits brought by the Attorney General against the North Atlantic shipping pool and the Asiatic shipping pools, respectively, the prayer for relief, among other things, asked the court to adjudge the combination to be illegal and to enjoin the ships employed in the combination from making clearance at the ports of the United States until such combination shall be dissolved. There seems to be no doubt of the power of the Federal courts under the act, as construed by the Supreme Court, to award such relief, if it shall deem it necessary, in order to accomplish the ends of justice, but such relief would be secured under the existing law only by way of injunction against the owners of the ship from making entry or applying for clearance, whereas there is no distinct prohibition against the officials of the United States acting upon such applications. In order to make it perfectly clear that in case of an adjudication that an unlawful combination of shipowners exists in violation of the Sherman antitrust law, a dissolution of that combination may be effectually secured by prohibiting all entry and clearance privileges until the combination is dissolved. This bill makes it unlawful for such vessel or vessels to so enter or clear until the court shall find that the unlawful combination has been dissolved and imposes a penalty upon the vessel which makes entry or clearance in violation of the provisions of such decree. It also authorizes and directs the Postmaster General to cancel any contract for carrying the ocean mails upon satisfactory evidence to him that any vessel performing such service under such contract at the time of performing service is owned, operated, or controlled by any party to such unlawful combination.

The act, therefore, makes more effectual the remedies for violation of the law and will tend to compel foreign shipowners to respect a law which they are now systematically violating.

It is a matter of common knowledge that more than 90 per cent of the over-sea trade of this country is carried by foreign ships that belong to rings, pools, conferences, and combines. Between these ships there is absolutely no competition. Each conference or combine is a complete monopoly. Freight and passenger rates are fixed by agreement. The lines in these combines distribute the business, pool their earnings, and divide their profits. They agree as to the number of vessels that each company shall run. They agree as to the amount of traffic that each line shall carry. They combine to drive out any independent lines. To do this they designate what they call "fighting" ships, and these ships are run over the same course on practically the same schedule as the independent vessels, with instructions to cut rates to any extent necessary to drive the independent line out of business. When this is accomplished the loss sustained is divided among the lines in the combine.

These foreign steamship monopolies also largely dictate the ports of this country through which both freight and passenger traffic shall pass. They also largely control railroad rates in this country, both freight and passenger. Our railroad agents are instructed that they will receive no commission on the sale of passenger tickets from interior points in Europe unless that ticket reads over one of the conference lines of steamships.

These foreign monopolies also practice the rebate system in all its iniquitous and devious ways. The rate that every ton of freight and every passenger must pay to cross the Atlantic Ocean is fixed by written agreement made in advance in Europe. In the fixing of these rates American interests are not considered. Only the interests of the foreign steamship lines are represented.

The foreign steamship combinations carrying our over-sea trade are the most complete monopolies in the world. Being monopolies, their rates are unjust and oppressive. The rates between this country and Europe and between this country and South America are exorbitant and far higher than a fair compensation for the services performed. These combines annually unjustly levy millions upon American commerce. To a great extent they have destroyed our foreign trade, not only by exorbitant freight rates, but by discriminating against us in all the ports of the world in favor of the products of their own country. These lines admit all the charges that have been made against them—that they are in combination to suppress competition; to fix rates; to increase their earnings; to advance the commercial interests of the nation whose flag they fly. They admit that they openly violate our law. Their answer to these charges is that what they do is legal in their own country; that they do not believe in the laws of our country or have any respect for them, and they ask this question: "We are foreign ships belonging to foreign corporations and owe allegiance to a foreign government, and if we do not choose to obey your laws, what are you going to do about it?"

This bill is answer to this impudent and defiant question. This country will not have one law for our own people and another for the foreigner that does business in this country. We are to-day in a most humiliating condition. Our ships have practically disappeared from the sea. Our commerce is at the mercy of foreigners. They dictate the terms upon which it is carried and openly violate our laws. It is not conceivable that this Government stands helpless before this giant foreign monopoly.

It is the unanimous report of the committee that the bill do pass.

Mr. CHAMBERLAIN. I desire to make a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Connecticut declines to yield.

Mr. CHAMBERLAIN. I desire to present a request for a unanimous-consent agreement, and I desire to present it now.

Mr. BRANDEGEE. I make the point of order that under the unanimous-consent agreement no business can intervene at this time.

The PRESIDENT pro tempore. The Chair is bound to sustain the point of order.

Mr. WORKS. Mr. President, in view of the vote that I expect to cast on one or two of these amendments, I think I should explain my position somewhat.

I have declared for the principle that no railroad company should be allowed to own any stock in or have any control over a steamship line. I have been convinced, however, from what has been said here, particularly by the attitude of Senators who represent one section of the country, that it is perhaps unwise to undertake to enforce that rule to its full extent in legislating upon the matter of the Panama Canal. For that reason I shall favor the amendment that is offered here to confine this legislation in this respect to steamers passing through the canal, in view of the fact of the disturbance it may bring about in New England and in conditions there, when all the representatives of that section of the country say they do not desire that any disturbance should result from any legislation at this time, and with the fact in view that there has not been such consideration of conditions there as I think ought to be had before legislating upon this subject to that extent.

The PRESIDENT pro tempore. The hour of 5 o'clock having arrived, the Chair will have the Secretary read the consent order to be executed at this time.

The Secretary read as follows:

It is agreed by unanimous consent that on Friday, August 9, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill H. R. 21969, the Panama Canal bill, so called, and that at not later than 5 o'clock p. m. on said day the Senate will proceed, without further debate, to vote upon any amendment that may be pending to the bill, any amendments that may be offered, and upon the bill itself—through the regular parliamentary stages—to its final disposition.

The PRESIDENT pro tempore. The pending amendment will be read by the Secretary.

The SECRETARY. The pending amendment is the amendment offered by the junior Senator from Georgia [Mr. SMITH], on page 19, line 22, after the words "carrier by water," to insert "operated through the Panama Canal."

The PRESIDENT pro tempore. The question is on the adoption of the amendment just read.

Mr. REED. I desire to have the amendment again read. There was some confusion in the Chamber.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment.

Mr. LA FOLLETTE. I ask for a roll call on agreeing to the amendment.

The PRESIDENT pro tempore. The Senator from Wisconsin demands the yeas and nays on the adoption of the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. WATSON (when Mr. CHILTON's name was called). My colleague [Mr. CHILTON] is absent on account of personal illness. He is, however, paired with the Senator from Illinois [Mr. CULLOM].

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I have transferred that pair to the senior Senator from South Dakota [Mr. GAMBLE], and I vote "yea."

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). My colleague [Mr. GARDNER] is necessarily absent. If present, he would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], but I have an agreement with him that on all questions connected with section 11 that affect the coastwise trade I may be released from that pair. So I will vote. I vote "yea."

Mr. REED (when his name was called). I vote "nay." I wish to say by way of explanation that I have a pair with the Senator from Michigan [Mr. SMITH], but as I interpret his instructions I am at liberty to vote upon this question. As I understand his instructions, he would vote as I do if he were present.

Mr. TOWNSEND. If I may be permitted, the memorandum the Senator has is one I prepared and handed to him. I wish to say, to correct any misunderstanding about the views of my colleague, that the senior Senator from Michigan would vote "yea" on this proposition. I did not understand how the Senator from Missouri would vote.

Mr. REED. I voted "nay." I so interpreted the language of the document the Senator from Michigan [Mr. TOWNSEND] handed me and so interpreted my talk with the Senator from Michigan. However, if there is any doubt whatever in regard to it, I, of course, will take the construction of the colleague of the Senator with whom I am paired. I will withdraw my vote and transfer my pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is unavoidably absent from the city. I can state with a good deal of confidence that he instructed me to say that he would vote "yea" on this proposition if here. Although he did not expect it to come up in just this form, he is in favor of relieving boats other than those going through the Panama Canal from restrictions.

Mr. OVERMAN (when the name of Mr. SMITH of South Carolina was called). I was requested to announce that the Senator from South Carolina [Mr. SMITH] is unavoidably absent, and that he is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. SMOOT (when Mr. STEPHENSON's name was called). The junior senator from Wisconsin [Mr. STEPHENSON] is detained from the city. He has a general pair with the Senator from Oklahoma [Mr. GORE]. If the junior Senator from Wisconsin were present, he would vote "yea."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence I withhold my vote.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. In his absence I refrain from voting.

The roll call was concluded.

Mr. CHAMBERLAIN. I desire to announce a general pair between the senior Senator from Nebraska [Mr. BROWN] and the senior Senator from Oklahoma [Mr. OWEN]. I make this announcement for the day.

Mr. LODGE. I desire too announce the following pairs:

The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN];

The Senator from Kansas [Mr. CURTIS] is paired with the Senator from Arkansas [Mr. DAVIS]; and

The Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER].

Mr. SHIVELY. I desire to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber.

The result was announced—yeas 49, nays 18, as follows:

YEAS—49.

Bacon	du Pont	Myers	Smith, Md.
Bankhead	Fall	Nelson	Smoot
Bourne	Gallinger	Oliver	Stone
Bradley	Heyburn	Overman	Thornton
Brandegee	Johnson, Me.	Page	Tillman
Burnham	Johnston, Ala.	Penrose	Townsend
Burton	Jones	Perkins	Warren
Catron	Lippitt	Pomerene	Wetmore
Clark, Wyo.	Lodge	Root	Williams
Crane	McCumber	Sanders	Works
Cullom	McLean	Simmons	
Cummins	Martin, Va.	Smith, Ariz.	
Dillingham	Massey	Smith, Ga.	

NAYS—18.

Ashurst	Clapp	Kenyon	Reed
Borah	Crawford	La Follette	Shively
Bristow	Culberson	Newlands	Swanson
Bryan	Fletcher	O'Gorman	
Chamberlain	Gronna	Poindexter	

NOT VOTING—27.

Bailey	Dixon	Kern	Richardson
Briggs	Foster	Lea	Smith, Mich.
Brown	Gamble	Martine, N. J.	Smith, S. C.
Chilton	Gardner	Owen	Stephenson
Clarke, Ark.	Gore	Paynter	Sutherland
Curtis	Guggenheim	Percy	Watson
Davis	Hitchcock	Rayner	

So the amendment of Mr. SMITH of Georgia was agreed to.

Mr. REED, Mr. BOURNE, and Mr. NEWLANDS addressed the Chair.

The PRESIDENT pro tempore. The Chair will state that the question is now upon the adoption of the amendment proposed by the committee, striking out the section which has just been amended and inserting the substitute proposed by the committee. If Senators have amendments to the section, they are now in order; otherwise they are not.

Mr. REED. I desire to offer an amendment to the section we have just been amending.

The PRESIDENT pro tempore. That is right. The Senator is in order for that purpose. The Chair has just so stated.

Mr. SMITH of Georgia. I should like to suggest that the Senator from Oregon send to the desk, also to be read, an amendment which he intends to offer to the section, so that we may have the benefit of it.

Mr. GALLINGER and others. One at a time.

The PRESIDENT pro tempore. The amendment which has been offered by the Senator from Missouri will be read.

The SECRETARY. On page 20, line 17, after the word "final," insert the following:

No ship engaged in or permitted by the terms of this act to engage in the coastwise trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, or said sections of the act of August 27, 1894. The question of fact may be determined by the Interstate Commerce Commission upon its own motion or upon complaint filed by any shipper, jurisdiction being hereby conferred to hear and determine such question, or by the judgment of any court of the United States of competent jurisdiction in any case pending before it to which the owners or operators of such ship are parties.

The PRESIDENT pro tempore. The question is on the adoption of the amendment.

Mr. REED. Upon that I ask for the yeas and nays.

Mr. SIMMONS. I think the Senator from Missouri ought to give us a short explanation of the amendment.

Mr. GALLINGER and others. No debate.

The PRESIDENT pro tempore. That is not in order. Nothing is in order except to vote.

Mr. REED. I wish to modify the proposition by inserting after the description of those acts the words "commonly known as the Sherman Antitrust Act and amendments thereto."

The PRESIDENT pro tempore. The amendment will be modified in accordance with the Senator's suggestion.

Mr. REED. I should like to have it read in that form.

Mr. CRAWFORD. An inquiry. Has this amendment been printed?

Mr. REED. The amendment was printed with the exception of the last lines. It was, however, intended to be inserted as printed after the Senate committee amendment. But the body of the amendment has been printed.

Mr. SIMMONS. I ask that it be read again.

The PRESIDENT pro tempore. The Secretary will read the amendment as it has been modified by the Senator from Missouri.

The Secretary read the amendment as modified, as follows:

No ship engaged in or permitted by the terms of this act to engage in the coastwise trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, or said sections of the act of August 27, 1894, commonly known as the Sherman Antitrust Act and amendments thereto. The question of fact may be determined by the Interstate Commerce Commission upon its own motion or upon complaint filed by any shipper, jurisdiction being hereby conferred to hear and determine such question, or by the judgment of any court of the United States of competent jurisdiction, in any case pending before it to which the owners or operators of such ship are parties.

Mr. REED. I want the privilege of amending the amendment further. [A pause.] Now let the last two lines be read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The SECRETARY. The amendment is modified so that the last clause will read:

The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the Senator from Missouri.

Mr. REED. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. JOHNSON of Maine. Mr. President, I should like to have the amendment again stated as it now reads.

The PRESIDENT pro tempore. There having been no response to the roll call, the Secretary will again, without objection, read the amendment as modified.

The Secretary again read the amendment as modified.

The PRESIDENT pro tempore. The question is on the adoption of the amendment as modified, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). Under the transfer of my pair heretofore announced I feel at liberty to vote. I vote "nay."

Mr. LIPPITT (when his name was called). The exemption from the obligations of my pair did not apply to general questions of this kind, so I refrain from voting.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing how he would vote upon this question, I will withhold my vote.

Mr. SMITH of Maryland (when his name was called). Mr. President, for want of sufficient information I decline to vote.

Mr. OVERMAN (when the name of Mr. SMITH of South Carolina was called). I will ask that the announcement I previously made in reference to the Senator from South Carolina [Mr. SMITH] and his pair stand for the day.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and on account of his absence I withhold my vote. I will let this announcement stand for subsequent votes upon this bill during the day.

Mr. WATSON (when his name was called). I again announce my general pair with the senior Senator from New Jersey [Mr. BRIGGS]. On account of his absence, I withhold my vote.

The roll call was concluded.

Mr. REED. I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK], and will vote. I vote "yea."

Mr. TOWNSEND. I again announce that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. I do not know how he would vote on this question if he were present.

The result was announced—yeas 35, nays 28, as follows:

YEAS—35.

Ashurst	Culberson	Nelson	Simmons
Bacon	Cummins	Newlands	Smith, Ariz.
Borah	Gronna	O'Gorman	Stone
Bourne	Johnson, Me.	Overman	Swanson
Brandegee	Jones	Perkins	Thornton
Bristow	Kenyon	Poindexter	Tillman
Chamberlain	La Follette	Pomerene	Townsend
Clapp	Martin, Va.	Reed	Williams
Crawford	Myers	Shively	

NAYS—28.

Bankhead	Crane	Heyburn	Penrose
Bradley	Cullom	Johnston, Ala.	Root
Bryan	Dillingham	Lodge	Sanders
Burnham	du Pont	McLean	Smoot
Burton	Fall	Massey	Warren
Catron	Fletcher	Oliver	Wetmore
Clark, Wyo.	Gallinger	Page	Works

NOT VOTING—31.

Bailey	Foster	Lippitt	Smith, Ga.
Briggs	Gamble	McCumber	Smith, Md.
Brown	Gardner	Martine, N. J.	Smith, Mich.
Chilton	Gore	Owen	Smith, S. C.
Clarke, Ark.	Guggenheim	Paynter	Stephenson
Curtis	Hitchcock	Percy	Sutherland
Davis,	Kern	Rayner	Watson
Dixon	Lea	Richardson	

So Mr. REED's amendment as modified was agreed to.

Mr. NEWLANDS. I offer the amendment, which I send to the desk, which is acceptable to the chairman of the committee.

The PRESIDENT pro tempore. Is it an amendment to the pending section?

Mr. NEWLANDS. It is an amendment to section 4.

The PRESIDENT pro tempore. Then the amendment is not now in order.

Mr. NEWLANDS. Then I withdraw it.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. FALL. Mr. President, I desire to offer an amendment to the amendment which has just been adopted.

The PRESIDENT pro tempore. It is too late to offer an amendment to that amendment. The amendment can be offered as an independent amendment to the section as amended.

Mr. FALL. I offer it as an amendment to the section as amended.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New Mexico will be stated.

The SECRETARY. Following the amendment just agreed to, it is proposed to insert the following:

No ships carrying goods, wares, or merchandise manufactured by any person, company, or corporation which is doing business in violation of any of the provisions of either of the acts of Congress referred to shall be permitted to enter or pass through the canal until such ship and cargo shall have been first examined by the proper officials and a decree of a court of competent jurisdiction shall have been rendered declaring that the owners of the ship have not violated any of the provisions of either of the acts referred to, and until after a decision should have been rendered that no portion of such cargo has been manufactured by any person, corporation, or company violating any of the provisions of said acts.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from New Mexico [Mr. FALL] to the section as amended.

Mr. FALL. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I again announce my pair, but believe that I can make a fair guess as to how my pair would vote if he were present, and I will take the chance of voting. I vote "nay."

Mr. SUTHERLAND (when his name was called). Notwithstanding my pair, I think I will take the liberty of voting upon this question. I vote "nay."

The roll call was concluded.

Mr. ASHURST (after having voted in the affirmative). I should like to inquire how the Senator from Wisconsin [Mr. LA FOLLETTE] has voted?

Mr. LA FOLLETTE. I voted "nay."

Mr. ASHURST. I desire to change my vote to "nay."

Mr. SHIVELY. I again announce that my colleague [Mr. KERN] is unavoidably and necessarily absent from the Chamber. Were he present he would vote "nay." I desire also to have this announcement as to his absence stand for the day.

The result was announced—yeas 0, nays 59, as follows:

YEAS—0.

NAYS—59.

Ashurst	Crawford	Lodge	Pomerene
Bacon	Culberson	McCumber	Sanders
Bankhead	Cullom	McLean	Shively
Borah	Cummins	Martin, Va.	Simmons
Bourne	Dillingham	Massey	Smoot
Bradley	du Pont	Myers	Stone
Brandegee	Fall	Nelson	Sutherland
Bristow	Fletcher	Newlands	Swanson
Bryan	Gronna	O'Gorman	Thornton
Burnham	Heyburn	Oliver	Tillman
Catron	Johnson, Me.	Overman	Townsend
Chamberlain	Johnston, Ala.	Page	Warren
Clapp	Jones	Penrose	Williams
Clark, Wyo.	Kenyon	Perkins	Works
Crane	La Follette	Poindexter	

NOT VOTING—35.

Bailey	Foster	Lippitt	Smith, Ariz.
Briggs	Gallinger	Martine, N. J.	Smith, Ga.
Brown	Gamble	Owen	Smith, Md.
Burton	Gardner	Paynter	Smith, Mich.
Chilton	Gore	Percy	Smith, S. C.
Clarke, Ark.	Guggenheim	Rayner	Stephenson
Curtis	Hitchcock	Reed	Watson
Davis	Kern	Richardson	Wetmore
Dixon	Lea	Root	

So Mr. FALL'S amendment to the section as amended was rejected.

Mr. BOURNE. I offer the amendment which I send to the desk, to follow the amendment adopted on motion of the Senator from Missouri [Mr. REED] to the same section.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just agreed to, at the end of line 17, it is proposed to insert the following:

Provided further, That whenever the Interstate Commerce Commission shall find after hearing, either upon complaint or upon its own motion, that any railroad company engaged in interstate commerce other than through the Panama Canal owns or has an interest, direct or indirect, in the ownership of a line of water transportation which if otherwise owned might compete with any line of railroad owned or operated by said company and that the effect of such ownership is injurious to the public, the Interstate Commerce Commission shall require such railroad company to divest itself of its ownership or interest in such water line or shall require such water line to be operated under such restrictions and regulations as, in the judgment of the commission, shall be necessary to protect the public interest.

After the making of a finding and order by the Interstate Commerce Commission under the authority hereby conferred it shall be unlawful for any railroad company to hold or operate such line of water transportation, except as permitted by such order.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Oregon, which has just been read.

Mr. BOURNE. On that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. FLETCHER. Mr. President, I did not catch where the amendment was to be inserted—whether it was an addition to the section or an insertion.

Mr. BOURNE. It is to be inserted immediately following the amendment of the Senator from Missouri [Mr. REED] just adopted.

Mr. OVERMAN. I desire to inquire if the amendment has been printed?

The PRESIDENT pro tempore. The Chair is informed that it has not been printed.

Mr. OVERMAN. Then I ask that it be again stated.

Mr. LA FOLLETTE. If I understood that amendment correctly, it in effect amends the Sherman Act. I ask to have it again read.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The Secretary again read the amendment of Mr. BOURNE.

Mr. POINDEXTER. A parliamentary inquiry. I should like to ask the Senator from Oregon——

The PRESIDENT pro tempore. The Senator from Washington can not ask the Senator from Oregon. He must ask the Chair.

Mr. POINDEXTER. I will ask the Chair. Does not this amendment in effect repeal the act——

The PRESIDENT pro tempore. The Senator must confine himself to the rule.

Mr. LODGE and others. Regular order!

The PRESIDENT pro tempore. The Senator must propound a parliamentary inquiry only.

Mr. POINDEXTER. I was going to ask as to the effect of the amendment.

The PRESIDENT pro tempore. That is not a parliamentary inquiry.

Mr. OLIVER. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. OLIVER. We are considering a bill to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and an amendment is offered expressly excluding vessels passing through the canal.

The PRESIDENT pro tempore. The Senator must confine himself strictly to the order of the Senate.

Mr. OLIVER. I make the point of order that the amendment is not germane to the subject we are considering and is out of order.

The PRESIDENT pro tempore. The Chair will overrule the point of order in order that the Senate may vote upon the amendment. The question is upon the adoption of the amendment offered by the Senator from Oregon, and upon that the yeas and nays have been ordered. The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). On account of my pair with the senior Senator from Tennessee [Mr. LEA] I withhold my vote.

Mr. McCUMBER (when his name was called). On account of my pair with the senior Senator from Mississippi [Mr. PERCY] I withhold my vote.

Mr. WATSON (when his name was called). I again announce my general pair and withhold my vote.

The roll call having been concluded, the result was announced—yeas 36, nays 25, as follows:

YEAS—36.

Ashurst	Cummins	McLean	Root
Bacon	Fall	Myers	Shively
Borah	Fletcher	Nelson	Simmons
Bourne	Gronna	Newlands	Smith, Ariz.
Bristow	Johnson, Me.	O'Gorman	Smith, Ga.
Bryan	Jones	Overman	Swanson
Chamberlain	Kenyon	Perkins	Tillman
Clapp	La Follette	Poindexter	Townsend
Crawford	Lodge	Pomerene	Works

NAYS—25.

Bankhead	Crane	Martin, Va.	Thornton
Bradley	Cullom	Massey	Warren
Brandegee	Dillingham	Oliver	Wetmore
Burnham	du Pont	Page	Williams
Burton	Gallinger	Penrose	
Catron	Heyburn	Sanders	
Clark, Wyo.	Johnston, Ala.	Smoot	

NOT VOTING—33.

Bailey	Foster	McCumber	Smith, Mich.
Briggs	Gamble	Martine, N. J.	Smith, S. C.
Brown	Gardner	Owen	Stephenson
Chilton	Gore	Paynter	Stone
Clark, Ark.	Guggenheim	Percy	Sutherland
Culberson	Hitchcock	Rayner	Watson
Curtis	Kern	Reed	
Davis	Lea	Richardson	
Dixon	Lippitt	Smith, Md.	

So Mr. BOURNE'S amendment was adopted.

Mr. CUMMINS. I offer an amendment to the House provision.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 19, line 23, after the word "traffic," insert "or any vessel carrying freight or passengers upon said water route," so that it will read:

In any common carrier by water operated through the Panama Canal with which said railroad or other carrier aforesaid does or may compete for traffic or any vessel carrying freight or passengers upon said water route, and in case of the violation of this provision, etc.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Iowa.

The amendment was agreed to.

Mr. NEWLANDS. I offer an amendment to be inserted at the end of section 4, which, I understand, has the approval of the chairman of the committee.

The PRESIDENT pro tempore. It is not now in order. The section under consideration is section 11, and the motion is to strike out the part of it which has been read and to insert an amendment proposed by the committee, and nothing is now in order except an amendment either to the section as contained in the House bill or the paragraph which is sought to be inserted in lieu thereof.

The question now is upon the motion to strike out the provision in the House bill, beginning on page 19, line 10, and extending to the remainder of that page, and on the succeeding page 20, from line 1 to 17, inclusive, as it has been amended by the vote of the Senate, and to insert in lieu thereof the amendment found on page 20, beginning in line 18 and extending to line 16, inclusive, on page 21.

Mr. SIMMONS. I did not understand that that was the motion. I understood that the motion was to strike out, but I did not know there was a motion to insert matter in lieu of the matter to be stricken out.

The PRESIDENT pro tempore. The motion to strike out and insert under the rules of the Senate is not divisible, although it is by general parliamentary law.

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Connecticut will state it.

Mr. BRANDEGEE. Is not the question on agreeing to the committee amendment?

The PRESIDENT pro tempore. The question is necessarily one to strike out and insert, under the rules of the Senate.

Mr. BRANDEGEE. Yes; to strike out the House provision and insert the Senate committee amendment.

The PRESIDENT pro tempore. That is the question before the Senate—to strike out the House provision as it has been

amended and to insert in lieu thereof the amendment proposed by the committee.

Mr. SIMMONS. A parliamentary inquiry. Is that motion divisible?

The PRESIDENT pro tempore. It is not, under the rule of the Senate. It is divisible according to general parliamentary law, but the rule of the Senate is expressly to the contrary.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will state the next amendment.

The SECRETARY. On page 21, line 17, strike out the word "said" and insert the word "the" before the word "act."

Mr. BRANDEGEE. I think that inasmuch as the amendment proposed by the Senate committee has been disagreed to, that the word "said" should be reinstated as in the House print, so that it will read "section 6 of said act," because on the previous page, on page 19, the bill provided——

The PRESIDENT pro tempore. The Senator can not discuss it.

Mr. BRANDEGEE. I move——

The PRESIDENT pro tempore. All that is necessary is for the Senate to vote down the amendment proposed by the committee.

Mr. BRANDEGEE. I hope it will be disagreed to.

The PRESIDENT pro tempore. The Chair will submit the question to the Senate. The question is on the adoption of the amendment found in line 17, on page 20, to strike out the word "said" and insert the word "the."

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will report the next amendment.

The SECRETARY. On page 21, line 17, after the word "commerce" and the comma at the end of the line, insert "approved February 4, 1887."

Mr. BRANDEGEE. It ought to be disagreed to.

The amendment was rejected.

The PRESIDENT pro tempore. The Secretary will report the next amendment.

The SECRETARY. On page 22, line 15, after the word "public" and after the comma at the end of the line, insert "where the public, in the judgment of the commission, will be benefited by such connection."

The amendment was agreed to.

The PRESIDENT pro tempore. The Chair is informed there are on the desk no other amendments by the committee, or amendments offered by any Senator on the floor.

Mr. NEWLANDS. Will it now be in order for me to offer the amendment I suggested?

The PRESIDENT pro tempore. It is now in order for the Senator from Nevada to offer his amendment.

Mr. NEWLANDS. I offer an amendment to section 4, which has the approval of the chairman of the committee.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. At the end of section 4 it is proposed to insert the following words:

> The President, before the completion of the canal, shall cause the Commission of Arts to make report of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

The amendment was agreed to.

Mr. BRANDEGEE. A parliamentary inquiry. Is it in order now to move to strike out a section or should that motion be made in the Senate when the bill gets into the Senate?

The PRESIDENT pro tempore. It depends upon whether it has been previously acted upon as in Committee of the Whole. If it has been acted upon in Committee of the Whole it is not now in order. The Chair does not know to what section the Senator from Connecticut refers.

Mr. BRANDEGEE. I understood the Chair to say that there were no further amendments and that all the sections had been acted upon.

The PRESIDENT pro tempore. The Chair did not say all the sections had been acted upon. If it did, it was an inadvertence. The Chair stated that there were on the desk no other amendments proposed by the committee or any Senator.

Mr. BRANDEGEE. I inquire whether it is in order to submit an amendment to strike out section 11, which has been acted upon?

The PRESIDENT pro tempore. It is not.

Mr. GALLINGER. It will be in order in the Senate.

The PRESIDENT pro tempore. The Chair will state, to be a little more exact, that the part of section 11 which has been acted upon by the Senate can not now again be acted upon as in Committee of the Whole. There are other parts of section 11 upon which there has been no specific action by the Senate. A motion to strike out those parts would be in order. The bill is in Committee of the Whole and open to amendment.

Mr. SMITH of Georgia. I desire to make a parliamentary inquiry. According to the practice, is it necessary while the bill is still in Committee of the Whole to reserve an objection to an amendment which I intend to object to in the Senate?

The PRESIDENT pro tempore. The announcement can be made at any time. It is usually done at the present time, when the bill is about to pass from the Committee of the Whole to the Senate.

Mr. SMITH of Georgia. I thought that was about to take place.

The PRESIDENT pro tempore. The Chair will announce the fact that if there are no further amendments as in Committee of the Whole, the bill will be reported to the Senate, and the Chair will now receive the notice.

Mr. SMITH of Georgia. I desire to reserve an objection to the Senate committee amendments to section 5.

The PRESIDENT pro tempore. The bill is in Committee of the Whole and still open to amendment. If there are no further amendments the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The bill is reported to the Senate with amendments. The Senator from Georgia has given notice of the reservation of the amendment adopted to section 5. With that exception, unless there be objection——

Mr. ROOT. I wish an opportunity to vote upon the provision of the bill as it was reported to the Senate relating to the relief of vessels engaged in the foreign trade from——

The PRESIDENT pro tempore. Will the Senator indicate it by number or section?

Mr. ROOT. I do not know whether it is covered by the reservation made by the Senator from Georgia.

Mr. SMITH of Georgia. That is the reservation I made.

Mr. ROOT. I undestand the reservation covers also the coastwise trade.

Mr. SMITH of Georgia. No; it does not.

Mr. ROOT. I wish an opportunity to vote upon each of those provisions.

The PRESIDENT pro tempore. Will the Senator please indicate by number the section he desires to have the reservation made in?

Mr. ROOT. It is the provision relating to tolls of vessels engaged exclusively in the coastwise trade of the United States in section 5.

The PRESIDENT pro tempore. It is sufficient if all the amendments to section 5 are reserved.

Mr. ROOT. I understood the reservation to cover it.

Mr. LODGE. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Massachusetts rises to a point of order. The Senator will please state it.

Mr. LODGE. Only the legislation exempting coastwise shipping from tolls is a part of the bill as passed by the House and not a reserved amendment. The only thing that can be reserved is the one word "exclusively."

The PRESIDENT pro tempore. That is correct.

Mr. LODGE. But it is open to any Senator to move to strike out those lines.

Mr. ROOT. I move now, Mr. President——

Mr. GALLINGER. I desire to reserve the amendment submitted by the Senator from Missouri [Mr. REED].

The PRESIDENT pro tempore. The Chair will state that the original text of the bill will be open to amendment in the Senate the same as if no action had been taken in Committee of the Whole. The only object in reserving amendments is that the Senate may concur en bloc in amendments not desired to be separately acted upon. The Senator from New Hampshire gives notice of a reservation of the amendment offered by the Senator from Missouri [Mr. REED], which was adopted by the Senate.

Mr. BRISTOW. I desire to have the amendment reserved in line 13, page 6, where the word "exclusively" was inserted. I desire a separate vote on that amendment.

The PRESIDENT pro tempore. The Senator from Kansas gives notice of a reservation of the amendment where the word "exclusively" was inserted.

Mr. SMITH of Georgia. I wish to lessen the number of reservations. The only amendment to which I desire my reservation to apply is the one that commences with the words "No tolls," at the foot of page 6, and ends with the word "conclusive," on page 7, line 13.

The PRESIDENT pro tempore. The Chair will state, in order that there may be no misunderstanding, the notice given by the Senator from Georgia. The Secretary will state it.

The SECRETARY. The amendment is reserved beginning with the words "No tolls," on page 6, line 25, and going down to and including the word "conclusive," on page 7, line 13.

The PRESIDENT pro tempore. The Secretary will state the amendment reserved by the Senator from Kansas [Mr. BRISTOW].

The SECRETARY. The Senator from Kansas [Mr. BRISTOW] reserves the amendment in line 13, page 6, where, after the word "engaged," the word "exclusively" was inserted.

The PRESIDENT pro tempore. The Senator from New York will please state the amendment he desires to have reserved.

Mr. ROOT. I desire to move to strike out the words upon lines 13 and 14, on page 6.

The PRESIDENT pro tempore. That is not an amendment.

Mr. ROOT. It is not. Therefore I move to strike out those words.

The PRESIDENT pro tempore. It will be in order to offer that as an amendment in the Senate.

Mr. ROOT. I thought the bill was in the Senate.

The PRESIDENT pro tempore. It is in the Senate, and the Chair is trying to find out what amendments are to be reserved. Then the Chair will ask for amendments. The Senator from New York does not reserve any amendment which was adopted as in Committee of the Whole.

Mr. LODGE. The Senator from New York desires to make a motion to amend.

The PRESIDENT pro tempore. The time has not arrived when he can so do.

Mr. LODGE. That I know, and there was nothing further for him to say.

The PRESIDENT pro tempore. The Chair was simply inquiring of the Senator whether he reserved action on any amendment adopted as in Committee of the Whole.

Mr. ROOT. So long as the reservation of the Senator from Georgia covers the provision beginning on the last line of page 6; that is, "no tolls," and extending down to the middle of page 7, I make no further reservation.

The PRESIDENT pro tempore. What the Senator has in mind it is not necessary to be reserved, as it is not an amendment but is a part of the original text. The Chair does not misunderstand the Senator. The Secretary will state the amendment reserved by the Senator from New Hampshire [Mr. GALLINGER].

The SECRETARY. The Senator from New Hampshire reserves for a separate vote the amendment offered by the Senator from Missouri [Mr. REED] to come in on page 20, line 17, after the word "final."

The PRESIDENT pro tempore. The question is on concurring in the amendments adopted as in Committee of the Whole not reserved.

The amendments were concurred in.

The PRESIDENT pro tempore. The bill is open to amendment.

Mr. GALLINGER. The question is on the reserved amendments, I suggest.

The PRESIDENT pro tempore. The question will be first upon the several amendments that were reported by the Committee of the Whole and which have been reserved. The first occurring in point of position in the bill is the one reserved by the Senator from Kansas [Mr. BRISTOW], which the Secretary will state.

Mr. BRISTOW. I made that reservation, but prefer first to have the amendment reserved by the Senator from Georgia acted on.

The PRESIDENT pro tempore. If the Senator is not ready to have action on it, the Chair will pass it.

Mr. BRISTOW. I do not care to have it brought up until the other amendment is voted on.

The PRESIDENT pro tempore. Then the question is on the amendment adopted as in Committee of the Whole, beginning on the last line of page 6, with the words "No tolls," and extending to page 7, lines 1 to 13, inclusive, ending with the word "conclusive."

Mr. SMITH of Georgia. On concurring in that amendment I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, a parliamentary inquiry. I desire to know whether this amendment stands as it is printed in the bill in italics or was it amended in Committee of the Whole? Is it to be voted upon now in the same form as printed?

The PRESIDENT pro tempore. The Chair is informed that there was a verbal amendment which the Secretary will report to the Senate.

The SECRETARY. On page 7, line 3, as in Committee of the Whole, the words "and used," after the word "taken," were stricken out.

The PRESIDENT pro tempore. With that exception the Chair is informed the amendment was not otherwise amended. The Secretary will proceed with the call of the roll on concurring in the amendment.

The Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Understanding that he would vote the same way I would on this subject, I will vote. I vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is unavoidably absent from the city. If he were present and permitted to vote, he would vote "yea." He is paired with the junior Senator from Missouri [Mr. REED].

Mr. WATSON (when his name was called). Because of my general pair with the senior Senator from New Jersey [Mr. BRIGGS] I withhold my vote.

The roll call having been concluded, the result was announced—yeas 33, nays 29, as follows:

YEAS—33.

Bourne	Crane	La Follette	Smoot
Bradley	Crawford	Massey	Stone
Brandegee	Cummins	O'Gorman	Thornton
Bristow	Fletcher	Penrose	Townsend
Burnham	Gallinger	Perkins	Warren
Catron	Heyburn	Poindexter	Works
Chamberlain	Johnston, Ala.	Reed	
Clapp	Jones	Sanders	
Clark, Wyo.	Kenyon	Simmons	

NAYS—29.

Ashurst	Fall	Nelson	Smith, Ariz.
Bacon	Gronna	Newlands	Smith, Ga.
Bankhead	Johnson, Me.	Oliver	Swanson
Bryan	Lodge	Overman	Wetmore
Burton	McCumber	Page	Williams
Cullom	McLean	Pomerene	
Dillingham	Martin, Va.	Root	
du Pont	Myers	Shively	

NOT VOTING—32.

Bailey	Davis	Kern	Richardson
Borah	Dixon	Lea	Smith, Md.
Briggs	Foster	Lippitt	Smith, Mich.
Brown	Gamble	Martine, N. J.	Smith, S. C.
Chilton	Gardner	Owen	Stephenson
Clarke, Ark.	Gore	Paynter	Sutherland
Culberson	Guggenheim	Percy	Tillman
Curtis	Hitchcock	Rayner	Watson

So the amendment was concurred in.

Mr. BRISTOW. I have no further interest in the word "exclusively."

The PRESIDENT pro tempore. The insertion of the word "exclusively" will be considered as concurred in in the Senate.

Mr. ROOT. I move to strike out lines 13 and 14, on page 6, that "No tolls shall be levied upon vessels," and so forth.

The PRESIDENT pro tempore. If the Senator will pardon the Chair, there is one other amendment which was reserved, the amendment offered by the Senator from Missouri [Mr. REED] and adopted by the Senate as in Committee of the Whole.

Mr. GALLINGER. Which I desire to have read.

The PRESIDENT pro tempore. The Secretary will read the amendment adopted as in Committee of the Whole.

The SECRETARY. Amendment offered by the junior Senator from Missouri [Mr. REED] and agreed to as in Committee of the Whole, on page 20, line 17, after the word "final," insert:

No ship engaged in or permitted by the terms of this act to engage in the coastwise trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 and 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ships are parties.

Mr. GALLINGER. I ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The question is on concurring in the amendment just read, and on that the Senator from New Hampshire demands the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing what his vote would be on this question, I withhold my vote.

Mr. WILLIAMS (when Mr. PERCY's name was called). I wish to make the statement, and let it stand for the day, that my colleague [Mr. PERCY] is unavoidably absent upon necessary business.

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I again announce the necessary absence of the senior Senator from Michigan [Mr. SMITH]. As has been stated, he has a pair with the junior Senator from Missouri [Mr. REED].

The roll call was concluded.

Mr. DU PONT (after having voted in the negative). I should like to inquire whether the senior Senator from Texas [Mr. CULBERSON] has voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. DU PONT. In that case, as I have a general pair with him, I will withdraw my vote.

Mr. DILLINGHAM. I withhold my vote, because I am paired with the senior Senator from South Carolina [Mr. TILLMAN].

The result was announced—yeas 36, nays 23, as follows:

YEAS—36.

Ashurst	Crawford	Nelson	Simmons
Bacon	Cummins	Newlands	Smith, Ariz.
Borah	Gronna	O'Gorman	Smith, Ga.
Bourne	Johnson, Me.	Overman	Stone
Bradley	Jones	Perkins	Swanson
Brandegee	Kenyon	Poindexter	Thornton
Bristow	La Follette	Pomerene	Townsend
Chamberlain	Martin, Va.	Reed	Williams
Clapp	Myers	Shively	Works

NAYS—23.

Bankhead	Cullom	Lodge	Root
Bryan	Fall	McLean	Sanders
Burton	Fletcher	Massey	Smoot
Catron	Gallinger	Oliver	Warren
Clark, Wyo.	Heyburn	Page	Wetmore
Crane	Johnston, Ala.	Penrose	

NOT VOTING—35.

Bailey	Dillingham	Kern	Richardson
Briggs	Dixon	Lea	Smith, Md.
Brown	du Pont	Lippitt	Smith, Mich.
Burnham	Foster	McCumber	Smith, S. C.
Chilton	Gamble	Martine, N. J.	Stephenson
Clarke, Ark.	Gardner	Owen	Sutherland
Culberson	Gore	Paynter	Tillman
Curtis	Guggenheim	Percy	Watson
Davis	Hitchcock	Rayner	

So the amendment was concurred in.

Mr. ROOT. On page 6, line 13, I move to strike out the words—

> No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

I shall not ask for the yeas and nays on the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from New York will be stated.

The SECRETARY. On page 6, beginning in line 13, it is proposed to strike out the words:

> No tolls shall be levied upon vessels engaged exclusively in the coastwise trade of the United States.

The amendment was rejected.

Mr. BRANDEGEE. I move to strike out section 11 of the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all of section 11, beginning on page 19, line 10, and ending on page 24, line 11.

Mr. BRANDEGEE. I ask for the yeas and nays on that amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). I withhold my vote owing to the absence of the Senator from South Carolina [Mr. TILLMAN], with whom I am paired.

Mr. LIPPITT (when his name was called). On this question I consider myself at liberty to vote and I vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "nay."

The roll call was concluded.

Mr. LODGE. I desire to announce the pair of the senior Senator from Delaware [Mr. DU PONT] with the Senator from Texas [Mr. CULBERSON].

The result was announced—yeas 18, nays 45, as follows:

YEAS—18.

Brandegee	Crane	Lodge	Thornton
Burnham	Fall	McLean	Warren
Burton	Gallinger	Oliver	Wetmore
Catron	Heyburn	Penrose	
Clark, Wyo.	Lippitt	Root	

NAYS—45.

Ashurst	Cummins	Nelson	Smith, Ariz.
Bacon	Fletcher	Newlands	Smith, Ga.
Bankhead	Gronna	O'Gorman	Smith, Md.
Borah	Johnson, Me.	Overman	Smoot
Bourne	Johnston, Ala.	Page	Stone
Bradley	Jones	Perkins	Swanson
Bristow	Kenyon	Poindexter	Townsend
Bryan	La Follette	Pomerene	Williams
Chamberlain	McCumber	Reed	Works
Clapp	Martin, Va.	Sanders	
Crawford	Massey	Shively	
Cullom	Myers	Simmons	

NOT VOTING—31.

Bailey	Dillingham	Hitchcock	Richardson
Briggs	Dixon	Kern	Smith, Mich.
Brown	du Pont	Lea	Smith, S. C.
Chilton	Foster	Martine	Stephenson
Clarke, Ark.	Gamble	Owen	Sutherland
Culberson	Gardner	Paynter	Tillman
Curtis	Gore	Percy	Watson
Davis	Guggenheim	Rayner	

So Mr. BRANDEGEE's amendment was rejected.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. It is proposed to strike out all of section 11 and to insert in lieu thereof a new paragraph as follows:

> That every ship, however owner or controlled, shall be permitted to use the Panama Canal, but the traffic through said canal between ports of the United States and between ports of the United States and ports of adjacent foreign countries shall be, and the same hereby is, placed under the jurisdiction of the Interstate Commerce Commission, with power to said commission to fix the rates to be charged and to make such rules and regulations in regard to said traffic as it may see fit.

The amendment was rejected.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 22, lines 10 to 13, it is proposed to strike out all the words beginning with the word "or," on line 10, and ending with the word "dock" on line 13, and insert in lieu thereof a period; and on page 23, after line 22, to insert a new paragraph, as follows:

> In establishing any through route under any provision of this act the commission shall not require any company, without its consent, to embrace in such route substantially less than the entire length of its railroad and of any intermediate railroad operated in conjunction and under a common management and control therewith which lies between the termini of such proposed through route, unless to do so would make such through route unreasonably long as compared with another practicable through route which could otherwise be established; and in fixing such joint or proportional rates the commission shall not diminish the net revenue previously received by such company as its proportion of a reasonable rate for transportation over such through route.

The amendment was rejected.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. GALLINGER. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DILLINGHAM (when his name was called). Because of my pair already announced, I withhold my vote.

Mr. LODGE (when Mr. DU PONT's name was called). The Senator from Delaware [Mr. DU PONT] is absent. He is paired with the Senator from Texas [Mr. CULBERSON].

Mr. LIPPITT (when his name was called). On account of my pair with the senior Senator from Tennessee [Mr. LEA], I withhold my vote.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], but on this particular question my pair has relieved me from its operation, and I will therefore vote. I vote "nay."

Mr. REED (when his name was called). I again announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I desire to announce the necessary absence of my colleague [Mr. SMITH]. If he were present he would vote "yea."

Mr. WATSON (when his name was called). I again announce my pair with the senior Senator from New Jersey [Mr. BRIGGS], and withhold my vote.

The roll call was concluded.

Mr. WATSON. Again announcing the absence and pair of my colleague [Mr. CHILTON], I desire to say that if present on this vote he would vote "yea."

The result was announced—yeas 47, nays 15, as follows:

YEAS—47.

Ashurst	Crawford	Massey	Smith, Ariz.
Bacon	Cullom	Myers	Smith, Ga.
Borah	Cummins	Nelson	Smith, Md.
Bourne	Fletcher	Newlands	Smoot
Bradley	Gronna	O'Gorman	Stone
Brandegee	Johnson, Me.	Overman	Swanson
Bristow	Johnston, Ala.	Page	Thornton
Bryan	Jones	Perkins	Townsend
Burnham	Kenyon	Poindexter	Warren
Chamberlain	La Follette	Pomerene	Williams
Clapp	McLean	Reed	Works
Clark, Wyo.	Martin, Va.	Simmons	

NAYS—15.

Bankhead	Fall	McCumber	Sanders
Burton	Gallinger	Oliver	Shively
Catron	Heyburn	Penrose	Wetmore
Crane	Lodge	Root	

NOT VOTING—32.

Bailey	Dillingham	Hitchcock	Rayner
Briggs	Dixon	Kern	Richardson
Brown	du Pont	Lea	Smith, Mich.
Chilton	Foster	Lippitt	Smith, S. C.
Clarke, Ark.	Gamble	Martine, N. J.	Stephenson
Culberson	Gardner	Owen	Sutherland
Curtis	Gore	Paynter	Tillman
Davis	Guggenheim	Percy	Watson

So the bill was passed.

Mr. BRANDEGEE. I ask unanimous consent to make a statement. I was not at liberty to do it when we were voting.

I had announced in the open session of the Senate that I intended to change my vote on the question of tolls on our foreign ships. When that vote was put I was confused. I thought we were voting on the amendment of the Senator from Georgia about the word "exclusively," and I voted on the proposition of tolls on foreign ships the same way I did yesterday when I had announced that I intended to change my vote to "nay." It made no difference in the result, but having announced in open session I did not want the vote to stand in contradiction of what I said I wanted to do.

I ask that the bill may be printed with the Senate amendments, as the chairman of the House committee is anxious to get a copy of the bill as finally passed by the Senate.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE COTTON TARIFF.

Mr. SIMMONS. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 25034) commonly known as the cotton bill.

The PRESIDENT pro tempore. The Senator from North Carolina moves that the Senate proceed to the consideration of the bill (H. R. 25034) to reduce the duties on the manufacture of cotton.

The motion was agreed to.

STANDARD OIL AND AMERICAN TOBACCO COMPANIES.

Mr. POMERENE. I ask for the adoption of the order which I send to the desk. Under the rules I understand it must lie over until to-morrow. (S. Res. 375.)

The PRESIDENT pro tempore. The order will be read.

The Secretary read as follows:

Ordered, That the Committee on the Judiciary be, and it is hereby, relieved from further consideration of Senate concurrent resolution 4, declaring it to be the sense of the Senate and of the House of Representatives that criminal prosecutions should be begun against the Standard Oil Co. and the American Tobacco Co. and the other parties and persons who were declared by the Supreme Court of the United States to be violating the criminal provisions of sections 1 and 2 of the Sherman antitrust law, and instructing the Attorney General to institute criminal prosecutions against them where the evidence, in his opinion, justifies said proceedings; and it is

Further ordered, That said resolution be laid before the Senate for its consideration.

Mr. GALLINGER. Let that go over.

The PRESIDENT pro tempore. It will go over under the rule.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4568) granting an increase of pension to Annie R. Schley.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 18960) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913, and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 6 o'clock and 54 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 10, 1912, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 9, 1912.

COLLECTOR OF CUSTOMS.

Cyrus G. Engle, of Mississippi, to be collector of customs for the district of Natchez, in the State of Mississippi. (Reappointment.)

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. William Thomas Stromberg to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 19, 1912, in place of First Lieut. William Edward Wyatt Hall, promoted.

Third Lieut. Leo Charles Mueller to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 19, 1912, in place of Second Lieut. William Thomas Stromberg, promoted.

UNITED STATES DISTRICT JUDGE.

James M. Morton, jr., of Massachusetts, to be United States district judge, district of Massachusetts, vice Frederic Dodge, appointed circuit judge.

REGISTER OF THE LAND OFFICE.

John W. Cook, of Lander, Wyo., to be register of the land office at Lander, vice William T. Adams, term expired.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Lieut. Col. Guy L. Edie, Medical Corps, to be colonel from August 6, 1912, vice Col. William B. Davis, retired from active service August 5, 1912.

Maj. George D. Deshon, Medical Corps, to be lieutenant colonel from August 6, 1912, vice Lieut. Col. Guy L. Edie, promoted.

Capt. Raymond F. Metcalfe, Medical Corps, to be major from August 6, 1912, vice Maj. George D. Deshon, promoted.

Capt. Edwin W. Rich, Medical Corps, to be major from August 7, 1912, vice Maj. William E. Purviance, retired from active service August 6, 1912.

CAVALRY ARM.

Second Lieut. Henry R. Smalley, Fourteenth Cavalry, to be first lieutenant from March 8, 1912, vice First Lieut. Timothy M. Coughlan, First Cavalry, promoted.

Second Lieut. Robert Blaine, Tenth Cavalry, to be first lieutenant from March 17, 1912, vice First Lieut. James Huston, Tenth Cavalry, promoted.

Second Lieut. Luther Felker, Fourteenth Cavalry, to be first lieutenant from March 18, 1912, subject to examination required by law, vice First Lieut. Goss L. Stryker, Thirteenth Cavalry, resigned March 17, 1912.

Second Lieut. Jonathan M. Wainwright, First Cavalry, to be first lieutenant from July 30, 1912, vice First Lieut. Frederick J. Herman, Ninth Cavalry, promoted.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants with rank from August 7, 1912.

Clarence Ralph Bell, of Illinois.
Royal Edwin Cummings, of California.
Halbert Porter Harris, of North Carolina.
Oliver Kinsey, jr., of North Carolina.
George Fairless Lull, of Pennsylvania.
Stephen Harrison Smith, of Virginia.
Edward Thomas Breinig Weidner, of Pennsylvania.
Edward Robert Guinan, of California.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Hayne Ellis and
James H. Comfort.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1912, to fill vacancies:

Archibald G. Stirling and
Roland M. Brainard.

Ensign Joseph Baer to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as an ensign.

POSTMASTERS.

GEORGIA.

Mytilene Cooper to be postmaster at Sylvania, Ga., in place of Walter I. Cooper, resigned.

ILLINOIS.

Frank E. Davis to be postmaster at Arlington Heights, Ill., in place of Frank E. Davis. Incumbent's commission expired April 22, 1912.

Albert D. Housley to be postmaster at Stonington, Ill., in place of Albert D. Housley. Incumbent's commission expired March 25, 1912.

Fred O. Munn to be postmaster at La Grange, Ill., in place of Fred O. Munn. Incumbent's commission expired May 11, 1912.

William Wilson to be postmaster at Palatine, Ill., in place of William Wilson. Incumbent's commission expired January 22, 1912.

KANSAS.

Harvey J. Penney to be postmaster at Hays, Kans., in place of Harvey J. Penney. Incumbent's commission expired January 13, 1912.

MISSOURI.

C. A. Cox to be postmaster at Chaffee, Mo., in place of Elwood Alley. Incumbent's commission expired April 13, 1912.

NEW MEXICO.

Arthur Jay Rolland to be postmaster at Carrizozo, N. Mex., in place of William Reily; admission of Territory as State.

TEXAS.

Benjamin M. Sheldon to be postmaster at Rockport, Tex., in place of Benjamin M. Sheldon. Incumbent's commission expired April 28, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 9, 1912.

REGISTER OF THE LAND OFFICE.

John W. Cook, of Lander, Wyo., to be register of the land office at Lander, Wyo.

POSTMASTERS.

GEORGIA.

Daniel E. McRae, Mount Vernon.

IDAHO.

Walter E. Hood, Elk River.

ILLINOIS.

Frank E. Davis, Arlington Heights.
Frank C. Eckard, Vandalia.
Albert D. Housley, Stonington.
Fred O. Munn, La Grange.
Harry H. Nichols, Maywood.
William Wilson, Palatine.

INDIANA.

Thompson Turner, Walkerton.

KENTUCKY.

Alfred R. Dyche, London.

MISSOURI.

Henry Oehler, Bismarck.

NEW YORK.

Edward J. Monroe, Croghan.

NORTH DAKOTA.

Charles R. Kendall, Granville.

OHIO.

John S. Ellen, Willoughby.

OKLAHOMA.

John L. Morgan, Waurika.
Lincoln D. Trent, Hammon.

VIRGINIA.

Joseph E. Graham, Jonesville.

WEST VIRGINIA.

J. D. Hewett, Bramwell.

WITHDRAWAL.

Executive nomination withdrawn August 9, 1912.

UNITED STATES MARSHAL.

Leslie M. Scott, of Oregon, to be United States marshal for the district of Oregon.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 9, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, in whose presence is life, come now in all the fullness of Thy power and possess our minds and hearts that we may worship Thee in spirit and in truth by the thoughts that we think, the words that we speak, and the deeds that we do. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

RADIO COMMUNICATION.

The SPEAKER. The unfinished business is the bill (S. 6412) to regulate radio communication, and the Clerk will read.

The Clerk read as follows:

USE OF UNNECESSARY POWER.

Fourteenth. In all circumstances, except in case of signals or radiograms relating to vessels in distress, all stations use the minimum amount of energy necessary to carry out any communication desired.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman whether he considers this provision of the bill sufficiently definite, and whether it would be practicable to make it more definite than to say the use of the minimum amount of energy necessary to carry out any communication desired.

Mr. ALEXANDER. I hardly think it is practicable to make it more definite. That regulation is in the language of the Berlin convention. Conditions vary so much that it would be impossible to formulate a definite rule.

Mr. MANN. The gentleman understands that many of these instruments and apparatus for radio communication are adjusted to different amounts of energy. This proposition is to require all stations to use the minimum amount of energy necessary to carry out the communication, which would require a constant adjustment and readjustment of the apparatus. A very serious objection has been made to this provision on the ground that it is practically unworkable. If there was a penalty for it it might be very disastrous.

Mr. ALEXANDER. I do not recall what the specific penalty is, but the fact that it would be, from a practical standpoint, difficult to say what amount of energy they might employ to send a message a given distance is the reason that it is couched in general terms. The radioactivity in the daytime is about 50 per cent of the same energy at night. Daylight seems to dissipate it, and for that reason, in order that the stations might not have any hardships imposed upon them, it was thought the wisest to couch the regulation in general terms so as not to impose a hardship. The great difficulty in formulating all these regulations is to frame them so as not to impose hardships on these companies using wireless telegraphy.

Mr. MANN. Mr. Speaker, I withdraw the pro forma amendment.

The Clerk, proceeding with the reading of the bill, read as follows:

GENERAL RESTRICTIONS ON PRIVATE STATIONS.

Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes at the date of passage of this act shall use a transmitting wave length exceeding 200 meters or a transformer input exceeding 1 kilowatt, except by special authority of the Secretary of Commerce and Labor contained in the license of the station.

Mr. ALEXANDER. Mr. Speaker, on page 10, lines 13 and 14, I move to strike out the words "at the date of the passage of this act."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 10, lines 13 and 14, strike out the words "at the date of the passage of this act."

Mr. MANN. Mr. Speaker, I understand the language in the bill as it passed the Senate would have forbidden any new commercial stations, practically.

Mr. ALEXANDER. I think that is correct.

Mr. MANN. And inadvertently would have created a monopoly, and the gentleman desires to correct that.

Mr. ALEXANDER. Yes. I think the amendment was suggested by the gentleman from Illinois himself.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I want to ask the gentleman from Missouri if there was not to be another amendment to this paragraph. While I should like

to move to strike out the "200 meters and 1 kilowatt" and make them in both places "300," in the interest of the amateur, I understood that there was to be an amendment which various gentlemen had discussed. Does it come in here?

Mr. ALEXANDER. I have an amendment that was agreed to by the representatives of the Department of Commerce and Labor and the Wireless Association of Pennsylvania, which they thought would meet the objection, and which I am going to offer.

Mr. MANN. Does not that come in here?

Mr. ALEXANDER. Page 10, line 17.

Mr. MANN. This is the place.

Mr. ALEXANDER. Yes; it is. I am glad the gentleman called my attention to it. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 10, line 17, end of fifteenth regulation, change period to colon and add:

"*Provided*, That the owner or operator of a station of the character mentioned in this regulation shall not be liable for a violation of the requirements of the third or fourth regulations to the penalties of $100 or $25, respectively, provided in this section, unless the person maintaining or operating such station shall have been notified in writing that the said transmitter has been found upon tests conducted by the Government to be so adjusted as to violate the said third and fourth regulations and opportunity has been given to said owner or operator to adjust said transmitter in conformity with said regulations."

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiograms transmitted. The station on shipboard shall then wait until such shore station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I call attention of the gentleman from Missouri to this situation: This provision requires that the station on the ship shall send its message to the nearest shore station. If the sender of the message desires that the message shall be sent to some other shore station, he can so indicate, in which case the message shall not be sent until the ship is nearest that station.

Take, for instance, a vessel on its way to our station at Guantanamo Bay and Panama. A man desires to send a message, which comes back to the United States. It is perfectly practicable to do that when you are more than half way to Panama. But under the provisions of this paragraph when you are more than half way the station at Panama would be the nearest station and you would be required to send a message to Panama, possibly there to be sent back by wireless to Guantanamo Bay. You could not send a message to Guantanamo or the United States, but you are required to send it to the nearest station, which is Panama. Or you can indicate that it shall be sent to the United States, in which case the message can not be sent until the ship has been to Panama and is more than half way back. I do not see any escape from that conclusion.

Mr. ALEXANDER. I will say that this regulation was taken from the Berlin convention.

Mr. MANN. I understand; but the regulation in a convention for the guidance of operators is quite a different thing from putting it into a statute with a penalty. That messages should ordinarily be sent to the nearest station may be correct. But to require a vessel to send its message to the nearest station when perhaps that station may be an island in the sea, or Panama, where it would have to be sent up there by wireless over the very line that the vessel is traversing seems to me a very roundabout method of sending communications.

Mr. ALEXANDER. Mr. Speaker, it seems to me the provision here gives sufficient latitude. In general it is provided that the shipboard station shall transmit radiograms to the nearest shore station. That is the general regulation.

Mr. MANN. Yes; and then the exception is made in the same paragraph.

Mr. ALEXANDER. And the sender on board the vessel shall have the right to designate the shore station through which he desires to have his radiogram transmitted.

Mr. MANN. Yes. If you stop there, I would not have any question about it.

Mr. ALEXANDER. It is then provided that the station on shipboard shall wait until such shore station shall be the nearest, and that if this can not be done the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations. Now, it seems to me if we strike out, in line 10, the word "only," that would meet the objection. The purpose is to avoid interference, and the framers of the regulation had that in view.

Mr. FOSTER. Mr. Speaker, will the gentleman yield?

Mr. ALEXANDER. Certainly.

Mr. FOSTER. I would inquire what would be the result in leaving out that language, following what the gentleman from Illinois has said, up to that point. Would that interfere with the bill at all?

Mr. MANN. Suppose we leave out the language:

The station on shipboard shall then wait until such shore station shall be the nearest.

That is an absolute requirement.

Mr. ALEXANDER. I have no objection to that at all, because I agree with the gentleman. I can not see any good reason for the requirement in the instance the gentleman mentions. If he will offer that as an amendment, I will accept it.

Mr. MANN. Very well. Mr. Speaker, I move to amend, in lines 7 and 8, page 11, by striking out the language:

The station on shipboard shall then wait until such shore station shall be the nearest.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SECRECY OF MESSAGES.

Nineteenth. Every operator shall be obligated in his license to preserve, and shall preserve faithfully, the secrecy of radiograms which he may receive or transmit; and for failure to preserve such secrecy his license may be revoked by the Secretary of Commerce and Labor.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment by way of substitute for the nineteenth regulation, which I send to the Clerk's desk.

The Clerk read as follows:

On page 12 strike out, after the word "Nineteenth," lines 23, 24, and 25, and on page 13 strike out lines 1 and 2 and insert the following in lieu thereof:

"No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any message transmitted or received by such station except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless legally required so to do by a court of competent jurisdiction. Any person guilty of so divulging or publishing any message, except as herein provided, shall, on conviction thereof, be punishable by a fine of not more than $250, or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court."

Mr. ALEXANDER. Mr. Speaker, this amendment was suggested by a representative of the Marconi Co. He urged that the penalty prescribed by the section as written in the bill is too severe. The regulation in the bill provides that for failure to preserve such secrecy of messages the licensee may have his license revoked by the Secretary of Commerce and Labor. It was urged that it would be preferable, if an offense were committed, that a fine or imprisonment, or both, be imposed. The court could judge of each case on its merits and impose the penalty accordingly. I inserted the following language, however, to the proposed substitute:

Unless legally required so to do by a court of competent jurisdiction.

That is, that he should not divulge the contents of a message unless required to do so by a court of competent jurisdiction.

Mr. MANN. Mr. Speaker, we have recently had an investigation by a committee of the Senate in reference to the *Titanic* disaster, where it seemed to become quite important to question the radio operatives. Under this provision the radio operator could not answer such a question without having his license revoked. I take it the gentleman does not want to have that go into the law.

Mr. ALEXANDER. This amendment provides that if the operator discloses the contents of the message he shall be subject to a fine or imprisonment, or both, unless he is required to disclose the contents of the radiogram in a judicial proceeding. It occurs to me that perhaps that is too restrictive; that the exception should include any authorized investigation, like a congressional investigation.

Mr. MANN. Certainly, it seems to me, it ought to permit Congress to carry on an investigation. Then I ask, further, in reference to that, whether a radio operator who had sent a signal of distress under that provision would be able to communicate that fact to anybody else? It might be very important.

Mr. ALEXANDER. The distress signal is made up of 3 dots, 3 dashes, and 3 dots. That is the distress signal recognized by the international code.

Mr. MANN. I understand; but suppose he had received or sent signals of distress and desired to communicate that fact to some other ship? Under this provision he would have his license revoked if he did so. One ship might send a signal of

distress to an operator and he would not have the right to notify another ship of that fact without having his license revoked.

Mr. ALEXANDER. I do not think that would come within the language of regulation 19 or within the language of the proposed substitute. The regulation relates to radiograms and not to signals. Then, it does not prohibit a party from testifying that he had sent a message; but if he sends a message, he can not disclose the contents of the message itself unless required to do so by a court of competent jurisdiction. In other words, it is just like an ordinary telegram; the secrecy of the message, then, is protected by law, and if he willfully discloses it he shall be subject to punishment.

Mr. MANN. Suppose one ship is in distress and sends a signal of distress to another ship and then sends a radiogram telling where the ship in distress is. That is a radiogram, is it not?

Mr. ALEXANDER. That would be, yes; and it would be delivered to the ship for which it was intended. It would not violate the law.

Mr. MANN. The gentleman would not forbid the other ship from then sending a message, telling where the ship was, and telling that he had received such information. I suppose nobody would pay any attention to it in such a case.

Mr. ALEXANDER. I do not think the regulation would apply to any such case as that.

Mr. McCALL. Why should there be any such provision as that any more than in the case of telegraph operators? Of course the regulations of the company would restrict them from making public messages. Now, why should we have a penal provision here drawn upon lines that might make it necessary for a man sometimes in the public interest to commit a crime?

Mr. ALEXANDER. The telegraph operator has no right to disclose the secrets of a message.

Mr. McCALL. Of course, but we have not a statute of the United States on that subject, have we?

Mr. ALEXANDER. I am not sure whether we have or not.

Mr. MANN. Well, we have not.

The SPEAKER. The time of the gentleman has expired.

Mr. McCALL. I ask that the gentleman's time be extended.

The SPEAKER. The gentleman from Massachusetts asks that the time of the gentleman from Missouri be extended for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. McCALL. I do not know of any statute of the United States that would be in accordance with this. I think if an agent of a company receiving the dispatch, a telegraph operator, discloses the contents the company would be liable for damages to the people who are interested in the transmission of that message and to the man who had paid for it. I do not see why we should have any penal provision here when the practice and custom are so well settled as they are in the case of telegraph operators. The lot of one of these operators is sufficiently hard now without putting criminal statutes in his path.

Mr. ALEXANDER. I will call the gentleman's attention to the fact that this relates to secrecy of messages and is required by the Berlin convention, and we are simply carrying out the provisions of that convention to which we became party by the action of the Senate.

Mr. BURKE of Pennsylvania. Will the gentleman yield?

Mr. ALEXANDER. I will.

Mr. BURKE of Pennsylvania. Does the amendment of the gentleman offered to paragraph 19 strike it out as it stands?

Mr. ALEXANDER. Yes.

Mr. BURKE of Pennsylvania. And substitutes?

Mr. ALEXANDER. Yes.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 5. That every license granted under the provisions of this act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not willfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punishable by a fine of not to exceed $500 or imprisonment for not to exceed one year, or both.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move to strike out the last word, and I would like to ask the gentleman in charge of the bill whether or not the penalty provided in the bill originally and which the Clerk just read will not in some manner conflict with the amendment which the gentleman has just offered?

Mr. ALEXANDER. I think not.

Mr. BURKE of Pennsylvania. And if it does not, what is the necessity of having two classes of penalties when you specify, in line 4, page 13, "for violation of any of these regulations," and so forth, a certain fine and imprisonment? That is all-embracing and very comprehensive and you clearly have a conflict between your provision set out in your amendment and the one originally in the bill.

Mr. ALEXANDER. Mr. Speaker, I desire to offer an amendment to correct that. On page 13, in line 11, after the word "regulations," insert the words "except as provided in regulation 19."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 13, line 11, after the word "regulations," insert "except as provided in regulation 19."

The question was taken, and the amendment was agreed to.

The SPEAKER. Without objection, the gentleman withdraws his pro forma amendment.

There was no objection.

Mr. McCALL. Mr. Speaker, I suggest to the gentleman from Missouri that he prepare an amendment relative to the suggestion made by the gentleman from Illinois. Instead of leaving it a technical crime for an operator receiving a message of danger to transmit it to another ship the law ought to make it his duty to transmit it to another ship, and it seems to me the gentleman is leaving his bill so that a man would have committed a crime and would have to rely upon there not being a prosecution. I think that is very bad policy to carry out. I think if you are going to have anything in the law covering the point you should make it the man's duty to retransmit a message of danger. I think that should be amended.

Mr. ALEXANDER. I will say to the gentleman I do not think the amended section applies to that case at all, but since the gentleman from Illinois calls attention to it I will scrutinize it and, if necessary, I will offer an amendment later; or, if the gentleman has any amendment to suggest, I will be glad to hear it.

Mr. MANN. Mr. Speaker, I move to strike out the last word. I understood that the gentleman was going to strike out, on page 13, lines 9 and 10, the language "which shall be deemed a misdemeanor."

Mr. ALEXANDER. I intend to do that. Mr. Speaker, I desire to offer the following amendment: Page 13, lines 9 and 10, amend by striking out the words "it shall be deemed a misdemeanor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, lines 9 and 10, by striking out the words "which shall be deemed a misdemeanor."

The question was taken, and the amendment was agreed to.

The SPEAKER. Without objection, the gentleman from Illinois withdraws his pro forma amendment.

There was no objection.

Mr. ALEXANDER. I also desire to offer an amendment, in line 16, page 13, by striking out the words, "which shall be deemed a misdemeanor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, line 16, by striking out the words "which shall be deemed a misdemeanor."

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. In line 17, page 13, strike out the word "may" and insert "shall," and after the word "suspended" insert the words "or revoked," so that it will read, "the license shall be suspended or revoked."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 13, line 17, by striking out the word "may" and insert in lieu thereof the word "shall," and insert after the word "suspended" the words "or revoked."

The question was taken, and the amendment was agreed to.

Mr. BURKE of Pennsylvania. Will the gentleman yield? Does not the gentleman wish to make the same amendment, line 11, page 13, after the word "regulations," that he made after the word "regulations," in line 4, on the same page, by inserting the words "except as provided in section 19"?

Mr. ALEXANDER. Mr. Speaker, I offer this amendment, in line 4, page 13, after the word "regulations," insert the words "except as provided in section 19."

The SPEAKER. The Clerk will report the amendment.

Mr. ALEXANDER. Mr. Speaker, I withdraw the amendment.

The SPEAKER. Without objection, the amendment is withdrawn. [After a pause.] The Chair hears none.

Mr. MANN. I think that paragraph relates only to sections 1 and 2.

Mr. ALEXANDER. That is what I thought at first. Mr. Speaker, I withdraw that amendment.

The SPEAKER. The amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

SEC. 7. That a person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent distress signal or call or false or fraudulent signal, call, or radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent distress signal or call shall be a fine of not more than $2,500 or imprisonment for not more than five years, or both, in the discretion of the court, for each and every such offense, and the penalty for so uttering or transmitting, or causing to be uttered or transmitted, any other false or fraudulent signal, call, or radiogram shall be a fine of not more than $1,000 or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense.

Mr. MANN. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Illinois [Mr. MANN] moves to strike out the last word.

Mr. MANN. This section again says:

Any false or fraudulent distress signal or call or false or fraudulent signal, call, or radiogram of any kind.

Would not the gentleman be willing to insert before the word "radiogram" the word "other," so that this would apply only to those things that are in some sort radio communications?

Mr. ALEXANDER. I think that would be well.

Mr. MANN. There might be a question arising at some time. I move to insert, page 14, line 12, before the word "radiogram," and in line 19, before the word "radiogram," the word "other."

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws his pro forma amendment, and offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 14, line 12, by inserting before the word "radiogram" the word "other," and in line 19, before the word "radiogram" the word "other."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 9. That the trial of any offense under this act shall be in the district in which it is committed or in any district in which the offender may be found, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district the trial shall be in the district where the offender may be found or into which he shall be first brought.

Mr. ALEXANDER. Mr. Speaker, I desire to offer an amendment. In lines 7 and 8, page 15, strike out the words "or in any district in which the offender may be found."

The SPEAKER. The gentleman from Missouri [Mr. ALEXANDER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 15, lines 7 and 8, by striking out the words "or in any district in which the offender may be found."

Mr. MANN. Mr. Speaker, if I understand that amendment, it is for the purpose of complying with the constitutional provision that a man shall be tried in the district in which the offense is committed, if it be on land.

Mr. ALEXANDER. Yes. It conforms to the section of the judiciary act, defining the jurisdiction of courts.

Mr. MANN. The Constitution requires it. It seems to have escaped the attention of our friends at the other end of the Capitol.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

SEC. 10. That this act shall take effect and be in force on and after 90 days from its passage.

Mr. ALEXANDER. Mr. Speaker, I desire to offer the following amendment: On line 14, page 15, strike out the words "after 90 days" and insert "four months."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. ALEXANDER].

The Clerk read as follows:

Amend, page 15, line 14, by striking out the words "after 90 days" and inserting "four months."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, this practically concludes the consideration of this bill. There are many things in it which I do not like, but I wish to congratulate the gentleman from Missouri in charge of the bill [Mr. ALEXANDER] and his committee for the very excellent work they have done on this bill as well as on other bills.

I am very much afraid that this bill will have the effect of practically destroying the amateur work in reference to wireless communication. That work, probably, has done as much toward the advancement of wireless communication as any other one thing, or possibly all other things.

There are other people who are opposed to the provisions, and I send to the Clerk's desk and ask to have read a communication given to me by one of the newspaper men representing one of the California papers. I do not know the gentleman from whom this communication comes, or how important it may be to him.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Make every effort to stop bill. My point is not covered by bill referred to Secretary of Commerce and Labor.

Our stations and works with only one wave length, a part and duplex; that is, one station can cover two messages at the same time, while the other station is sending two messages. One operator can be listening for distress signals all the time, if necessary, on a given wave, and there would be no interference from a station a mile away sending messages all the time.

If the bill passes, Marconi could claim that we interfered with him and thus make any end of trouble. As soon as the Government has its powers in Washington complete, we shall be glad to put in our set and show them what we can do. All legislation so far as it affects the system using continuous waves should be held in abeyance until proper knowledge can be placed before Congress.

We now have a complete system for both land and water, the greatest invention of the age. It must not be hampered by legislation passed in ignorance of its requirements.

BEACH THOMPSON,
President of the Federal Wireless Co.

Mr. ALEXANDER. Mr. Speaker, I move to strike out the last word. I received a communication from the same source. I will say that these gentlemen have hid their invention under a bushel. This legislation has been proposed for two or three years past, and hearings were had on a bill to regulate radio communication in the Sixty-first Congress, and a bill was reported from the committee, and this bill has been under consideration for the last five or six months. We never heard from this concern or of their invention until the last few days. They then came in and demanded that this legislation be held up until the department could investigate their invention. The committee did not feel justified in doing so.

Let me call attention to a provision in this bill. On page 5, in section 4, there is this provision:

The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

That provision was inserted so that the Government might avail itself of any discovery that might be made, or avail itself of any instrument that might be perfected to avoid interferences, and if our California friends have such a wonderful invention as they suggest, the Government would be very glad indeed to avail itself of that invention.

Now there is a company at Pittsburgh, the National Electric Signaling Co., which is at work on the same kind of a device. They think they have it nearly perfected. It is under the eye of the department, and the department is only too eager that it may be perfected, because then all these regulations in regard to interferences can be wiped out. Until that is done these regulations are absolutely imperative.

Now, with reference to the effect of this legislation on the development of the art, it is true that objection has been made to this legislation upon the ground that it would interfere with or retard the development of the art of wireless telegraphy by discouraging experiments and inventions. The committee regards this as a groundless fear, and that is the view taken by those who have given the subject careful consideration. Instead of interfering with or restricting or retarding the development of the art, the Government and the Congress would encourage it in all legitimate ways. The most notable progress in the art has been made in Europe and in those countries where the regulation of the art has been under governmental control for several years past.

Mr. McCALL. Mr. Speaker, will the gentleman yield to me?

Mr. ALEXANDER. Yes.

Mr. McCALL. To recur to the nineteenth regulation, on page 12, does the gentleman from Missouri have at hand the provision in the convention of which he spoke?

Mr. ALEXANDER. I have not had time to refer to it.

Mr. McCALL. As I understand the effect of the amendment to that regulation offered by the gentleman from Missouri, it makes the regulation more stringent than it was in the bill as reported, does it not?

Mr. ALEXANDER. I think not. It does not make it any more restrictive.

Mr. McCALL. But as I understand it, you provided a penalty, fine and imprisonment, and this provides a penalty by the revoking of the license.

Mr. ALEXANDER. That is the penalty provided in the bill. The substitute provides a fine or imprisonment, or both. The

punishment will depend upon the gravity of the offense. It may be as low as $1. This was suggested by the Marconi Co., because they said the other penalty was too severe.

Mr. McCALL. I understood the penalty provided in the gentleman's amendment was a fine or imprisonment, and possibly both.

Mr. ALEXANDER. One or both.

Mr. McCALL. Do you strike out the provision in the bill for the revoking of the license and insert the provision which is now proposed?

Mr. ALEXANDER. Yes.

Mr. McCALL. I would suggest that there should be an exception there, so that it would make it the duty of an operator at sea to transmit messages relating to safety of navigation, instead of imposing upon him the burden of committing a technical crime.

Mr. ALEXANDER. If the gentleman will listen while I read the substitute, I think it will do away with his objection.

Mr. MANN. Will the gentleman yield for a question first? Did the gentleman intend to strike out what is now in the bill as paragraph 19?

Mr. ALEXANDER. Yes; and to insert the other in lieu of it.

Mr. MANN. The gentleman did not offer his amendment in that way, and the Clerk has not got it that way, so that had better be corrected.

Mr. ALEXANDER. The language of the amendment is:

On page 12 strike out lines 23, 24, and 25, and on page 13 strike out lines 1 and 2 and insert the following in lieu thereof.

Mr. MANN. The Clerk did not report it that way.

Mr. ALEXANDER. I have a copy of it here.

Mr. McCALL. Will the gentleman read what he proposes to insert in place of what he strikes out?

Mr. ALEXANDER. It reads as follows:

No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless he is required so to do by a court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than $250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court.

Mr. McCALL. I did not understand the amendment as read by the Clerk to be what the gentleman has just stated it to be.

Mr. BURKE of Pennsylvania. Does the gentleman think it ought to be prohibited to deliver a message to an authorized agent? Does not the gentleman think it would be well to provide that the message might be delivered to the person to whom it was addressed or to his authorized agent?

Mr. ALEXANDER. It is expressly stated that he may do that.

Mr. BURKE of Pennsylvania. No; there is no qualification whatever. Your amendment provides that the message must be delivered to the individual alone. It can not be delivered to an authorized agent under the amendment.

The SPEAKER. The question is on agreeing to the amendment to section 10. If the pro forma amendment is withdrawn, the vote will be on the amendment of the gentleman from Missouri.

Mr. ALEXANDER. That amendment provides that the act shall go into effect in 4 months after the passage of the act instead of 90 days.

The amendment was agreed to.

Mr. ALEXANDER. Now, Mr. Speaker, I ask to return to regulation 19, and to the substitute that was offered in lieu of that regulation.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Add the following at the end of line 2, page 13—

Mr. ALEXANDER. Mr. Speaker, there is something that goes before that. I will send the amendment to the Clerk so that it may be correctly reported.

The Clerk read as follows:

On page 12 strike out lines 23, 24, and 25, and on page 13 strike out lines 1 and 2, and insert the following:

"No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless he is required so to do by a court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than $250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court."

Mr. McCALL. Mr. Speaker, I would like to offer an amendment to strike out that regulation entirely. When would it be in order—before the amendment offered by the gentleman from Missouri or afterwards?

Mr. ALEXANDER. That amendment has already been agreed to.

Mr. McCALL. I did not understand that this amendment had been voted on.

The SPEAKER. The Chair did not understand the gentleman's parliamentary inquiry.

Mr. McCALL. I understood that the gentleman was proposing the amendment which has just been read, which would change the nineteenth regulation. Now, I ask if it would be in order before or after the adoption of that amendment to move to strike out the nineteenth regulation?

Mr. ALEXANDER. It is offered as a substitute for the nineteenth regulation as it appears in the bill, and it has been agreed to as a substitute for the nineteenth regulation.

Mr. MANN. I should like to suggest to the gentleman from Missouri that where it says "court" he might insert the words "competent authority," so that it would cover a congressional inquiry or possibly other cases.

Mr. ALEXANDER. The gentleman from Pennsylvania [Mr. BURKE] has an amendment to offer. I ask unanimous consent that it may be considered now.

Mr. BURKE of Pennsylvania. Let the gentleman from Missouri offer it. It is simply to insert the words "or authorized agent."

The SPEAKER. The understanding of the Chair is that this amendment which the gentleman from Missouri now sends up was adopted three or four days ago.

Mr. MANN. Three or four minutes ago.

The SPEAKER. Anyway, it has been adopted.

Mr. ALEXANDER. I move to reconsider the vote by which the amendment was agreed to.

The SPEAKER. The gentleman from Missouri moves to reconsider the vote by which the amendment was agreed to.

The motion was agreed to.

Mr. ALEXANDER. Now, I reoffer the amendment, which I send to the Clerks' desk.

The SPEAKER. The Clerk will report the amendment as offered now.

The Clerk read as follows:

On page 12 strike out lines 23, 24, and 25, and on page 13 strike out lines 1 and 2, and insert the following in lieu thereof:

"No person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station except to the person or persons to whom the same may be directed, or to another station employed to forward such message to its destination, unless he is required so to do by a court of competent jurisdiction. Any person guilty of divulging or publishing any message except as herein provided shall, on conviction thereof, be punishable by a fine of not more than $250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the trial court."

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment to the amendment. After the word "directed" add the words "or to their authorized agent," and after the word "jurisdiction," where it first occurs, add the words "or other competent authority."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend the amendment by inserting after the word "directed" the words "or to their authorized agent," and after the word "jurisdiction," where it first occurs, the words "or other competent authority."

Mr. McCALL. Mr. Speaker, I wish to know when I can move to strike out the whole section. I imagine it would be in order to perfect the provision before the motion to strike out would be in order. I desire to move to strike out the nineteenth regulation, and my question is whether it would be proper to do it before the substitute is perfected.

The SPEAKER. Is the nineteenth regulation the one the gentleman's amendment relates to?

Mr. ALEXANDER. Yes.

Mr. MANN. I think the motion to strike out would come after the paragraph had been perfected.

The SPEAKER. The Chair thinks that is correct. The question is on the amendment to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment to the amendment was agreed to.

Mr. MANN. Now, Mr. Speaker, I think the way the amendment was sent up by the gentleman from Missouri it would strike out the word "nineteenth" in line 23. The gentleman does not desire to do that.

Mr. ALEXANDER. My amendment is or should be to strike out all after the word "nineteenth."

Mr. MANN. I suggest that the gentleman ends this with the words "in the discretion of the trial court." That is not the usual phraseology, but "in the discretion of the court."

Mr. ALEXANDER. Mr. Speaker, I move to strike out the word "trial."

The amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from Missouri to perfect the paragraph.

The question was taken, and the amendment was agreed to.

Mr. MCCALL. Now, Mr. Speaker, I move to strike out the paragraph. I would like to say a few words on that proposition. As I understand it, the amendment as perfected applies to ships at sea, and it might make it a criminal offense for an operator to disclose a message of danger he had received—that is, it would make it a criminal offense if he should send it to another ship. While I imagine that no operator would ever be fined or imprisoned for that act, it seems to me that it is contrary to public policy for us to have a provision in the law which would lead in the opposite direction from what it was a man's duty to go.

That would not look well in an investigation. If the operator was being questioned why he did not send the message, he could point to the act of Congress which made it a criminal offense to divulge that message. I think the gentleman should perfect that proposition. It seems to me that it is an unusual proposition anyway. There is no provision making it a criminal offense for an operator to divulge a telegraphic message sent between the States. That would rest on general principles of right conduct, and parties interested in the message would have a ground of action for damages against the company. I believe there is no more reason why we should thus protect the sending of messages through the air by a penal provision than we should when sending them over the wire. I think the whole paragraph should be stricken out, and certainly in the form in which it is in the bill.

Mr. ALEXANDER. Mr. Speaker, that certainly would be a great error. There is nothing in the amendment that would make it an offense for an operator to disclose a message under the circumstances mentioned by the gentleman from Massachusetts. It is entirely proper that the secrecy of messages should be provided for, and that operators should understand that when they come into the receipt of the message they should not disclose it unless they do so under proper restrictions.

Many commercial transactions may be carried on by wireless. Messages of the very greatest importance to the parties may be involved, and to say that an operator might disclose the contents of such a radiogram without incurring any penalty is not right or fair or just. It would be very dangerous indeed to allow them to do so. The international conference thought it of so much importance that it expressly provided that a regulation of this sort should be adopted by the signatory nations.

The SPEAKER. The question is on the motion of the gentleman from Massachusetts to strike out regulation 19.

The question was taken, and the motion was lost.

Mr. ALEXANDER. Mr. Speaker, I move the previous question on the bill and amendments to final passage.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to say a word. I think there is an error in the distress signal mentioned on page 7, line 17. The signal of distress is "s o s." In the international alphabet or code the letter o is made by a dot, space, and a dot, whereas the "o" as stated in line 17 in the bill is made by three dashes, which are said to represent the figure "5." So that the signal of distress reads in the bill "s 5 s" instead of "s o s."

The SPEAKER. Is the gentleman debating the previous question?

Mr. MARTIN of Colorado. No; I asked unanimous consent.

Mr. ALEXANDER. Mr. Speaker, I will withdraw the motion for the previous question.

Mr. MARTIN of Colorado. I do not make this criticism of my own knowledge, but a gentleman representing the Associated Press called my attenion to it.

Mr. ALEXANDER. I will say that the gentleman connected with the Associated Press had better be sure of his premises. The signal as set out in the bill is the distress call provided by the Berlin convention as the international signal for distress. I do not know what they mean.

Mr. MANN. Mr. Speaker, I think the gentleman from Missouri did not offer the amendment that this act shall not apply to the Philippine Islands. I think he intended to offer it as a new section.

Mr. ALEXANDER. That is correct, Mr. Speaker, and I offer as a new section the following.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

After section 9 add a new section, to be known as section 10, as follows:

"This act shall not apply to the Philippine Islands."

The SPEAKER. The question is on the amendment adding a new section.

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. Now, Mr. Speaker, I move to strike out the figure "10," in line 13, and insert the figure "11."

The motion was agreed to.

Mr. ALEXANDER. Mr. Speaker, I now move the previous question on the bill and amendments to final passage.

The previous question was ordered.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

REGULATION OF RADIO COMMUNICATION.

Mr. ALEXANDER. Mr. Speaker, under the leave granted to me to extend my remarks in the RECORD by inserting the report from the Committee on the Merchant Marine and Fisheries on the bill (H. R. 15357) to regulate radio communication, I wish to make a brief explanation to precede the printing of the report.

H. R. 15357, as reported to the House, is substantially the same in form as Senate bill 6412—just passed by the House with amendments—was in when that bill was reported to the Senate. As I recall, some few amendments to the bill were adopted in the Senate. Others have been agreed to in the House, but none of them materially changing the general scope or provision of the bill. They remove some objections to minor provisions of the bill and perfect it in other regards, hence the report on the House bill, H. R. 15357, may be of some interest to those who may wish a more extended explanation of the provisions of the Senate bill just passed than was given while the bill was under consideration in the House.

[House Report No. 582, Sixty-second Congress, second session.]

REGULATION OF RADIO COMMUNICATION.

Mr. ALEXANDER, from the Committee on the Merchant Marine and Fisheries, submitted the following report, to accompany H. R. 15357:

The Committee on the Merchant Marine and Fisheries, to whom was referred the bill (H. R. 15357) to regulate radio communication, having considered the same, report it to the House, with the following amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Amend by striking out all after the enacting clause and insert the following:

"That a person, company, or corporation within the jurisdiction of the United States shall not use or operate any apparatus for radio communication as a means of commercial intercourse among the several States, or with foreign nations, or upon any vessel of the United States engaged in interstate or foreign commerce, or for the receipt or transmission of radiograms or signals the effect of which extends beyond the exclusive jurisdiction of the State or Territory in which the same are made, or where interference would be caused thereby with the receipt of messages or signals from beyond the jurisdiction of the said State or Territory, except under and in accordance with a license, revocable for cause, in that behalf granted by the Secretary of Commerce and Labor upon application therefor; but nothing in this act shall be construed to apply to the transmission and exchange of radiograms or signals between points situated in the same State: *Provided*, That the effect thereof shall not extend beyond the jurisdiction of the said State or interfere with the reception of radiograms or signals from beyond said jurisdiction; and a license shall not be required for the transmission or exchange of radiograms or signals by or on behalf of the Government of the United States, but every Government station on land or sea shall have special call letters designated and published in the list of radio stations of the United States by the Department of Commerce and Labor. Any person, company, or corporation that shall use or operate any apparatus for radio communication in violation of this section, or knowingly aid or abet another person, company, or corporation in so doing, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $500, and the apparatus or device so unlawfully used and operated may be adjudged forfeited to the United States.

"SEC. 2. That every such license shall be in such form as the Secretary of Commerce and Labor shall determine and shall contain the restrictions pursuant to this act, on and subject to which the license is granted; that every such license shall be issued only to citizens of the United States or to a company incorporated under the laws of some State, and shall specify the ownership and location of the station in which said apparatus shall be used and other particulars for its identification and to enable its range to be estimated; shall state the purpose of the station, and, in case of a station in actual operation at the date of passage of this act, shall contain the statement that satisfactory proof has been furnished that it was actually operating on the above-mentioned date; shall state the wave length or the wave lengths authorized for use by the station for the prevention of interference and the hours for which the station is licensed for work; and shall not be construed to authorize the use of any apparatus for radio communication in any other station than that specified. Every such license shall be subject to the regulations contained herein and such regulations as may be established from time to time by authority of this act or subsequent acts and treaties of the United States. Every such license shall provide that the President of the United States in time of war or public peril may cause the closing of any station for radio communication and the removal therefrom of all radio apparatus, or may authorize the use or control of any such station or apparatus by any department of the Government, upon just compensation to the owners.

"SEC. 3. That every such apparatus shall at all times while in use and operation as aforesaid be in charge or under the supervision of a person or persons licensed for that purpose by the Secretary of Commerce and Labor. Every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States.

Every person so licensed who in the operation of any radio apparatus shall fail to observe and obey regulations contained in or made pursuant to this act or subsequent acts or treaties of the United States, or any one of them, in addition to the punishments and penalties herein described, upon conviction shall suffer the suspension of the said license, and the same shall not be renewed for a period of one year from and after the date of his conviction of any such failure. It shall be unlawful to employ any unlicensed person or for any unlicensed person to serve in charge of the use and operation of such apparatus, and any person violating this provision shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more $100 or imprisonment for not more than two months, or both, in the discretion of the court, for each and every such offense: *Provided*, That in case of emergency the Secretary of Commerce and Labor may authorize a collector of customs to issue a temporary permit, in lieu of a license, to the operator on a vessel subject to the radio ship act of June 24, 1910.

"SEC. 4. That for the purpose of preventing or minimizing interference with communication between stations in which such apparatus is operated, to facilitate radio communication, and to further the prompt receipt of distress signals, said stations shall be subject to the regulations of this section. These regulations shall be enforced by the Secretary of Commerce and Labor through the collectors of customs and other officers of the Government as other regulations herein provided for.

"The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned can ensue.

"The Secretary of Commerce and Labor may grant special temporary licenses to stations actually engaged in conducting experiments for the development of the science of radio communication, or the apparatus pertaining thereto, to carry on special tests, using any amount of power or any wave lengths, at such hours and under such conditions as will insure the least interference with the sending or receipt of commercial or Government radiograms, of distress signals and radiograms, or with the work of other stations.

"In these regulations the naval and military stations shall be understood to be stations on land.

"REGULATIONS.

"NORMAL WAVE LENGTH.

"First. Every station shall be required to designate a certain definite wave length as the normal sending and receiving wave length of the station. This wave length shall not exceed 600 meters or it shall exceed 1,600 meters.

"OTHER WAVE LENGTHS.

"Second. In addition to the normal sending wave length all stations, except as provided hereinafter in these regulations, may use other sending wave lengths: *Provided*, That they do not exceed 600 meters or that they do exceed 1,600 meters: *Provided further*, That the character of the waves emitted conforms to the requirements of paragraphs 3 and 4 following.

"USE OF A 'PURE WAVE.'

"Third. At all stations if the sending apparatus, to be referred to hereinafter as the 'transmitter,' is of such a character that the energy is radiated in two or more wave lengths, more or less sharply defined, as indicated by a sensitive wave meter, the energy in no one of the lesser waves shall exceed 10 per cent of that in the greatest.

"USE OF A 'SHARP WAVE.'

"Fourth. At all stations the logarithmic decrement per complete oscillation in the wave trains emitted by the transmitter shall not exceed two-tenths, except when sending distress signals or signals and messages relating thereto.

"USE OF 'STANDARD DISTRESS WAVE.'

"Fifth. For the purposes of sending signals of distress every station on shipboard shall be so adjusted, except on vessels of small tonnage unable to have plants insuring that wave length, as to permit these signals to be sent with a wave length of approximately 300 meters.

"SIGNAL OF DISTRESS.

"Sixth. The distress call used shall be the international signal of distress . . . — — — . . .

"USE OF 'BROAD INTERFERING WAVE' FOR DISTRESS SIGNALS.

"Seventh. When sending distress signals the transmitter of a station on shipboard may be tuned in such a manner as to create a maximum of interference with a maximum of radiation.

"DISTANCE REQUIREMENT FOR DISTRESS SIGNALS.

"Eighth. Every station on shipboard, wherever practicable, shall be prepared to send distress signals of the character specified in paragraphs 5 and 6 with sufficient power to enable them to be received by day over sea a distance of 100 nautical miles by a shipboard station equipped with apparatus for both sending and receiving equal in all essential particulars to that of the station first mentioned.

"'RIGHT OF WAY' FOR DISTRESS SIGNALS.

"Ninth. All stations are required to give absolute priority to signals and radiograms relating to ships in distress; to cease all sending on hearing a distress signal; and, except when engaged in answering or aiding the ship in distress, to refrain from sending until all signals and radiograms relating thereto are completed.

"REDUCED POWER FOR SHIPS NEAR A GOVERNMENT STATION.

"Tenth. No station on shipboard, when within 15 nautical miles of a naval or military station, shall use a transformer input exceeding 1 kilowatt, nor, when within 5 nautical miles of such a station, a transformer input exceeding one-half kilowatt, except for sending signals of distress or signals or radiograms relating thereto.

"INTERCOMMUNICATION.

"Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively.

"DIVISION OF TIME.

"Twelfth. At important seaports and at all other places where naval or military and private or commercial shore stations operate in such close proximity that interference with the work of naval and military stations can not be avoided by the enforcement of the regulations contained in the foregoing paragraphs concerning wave lengths and character of signals emitted, such private or commercial shore stations as do interfere with the reception of signals by the naval and military stations concerned shall not use their transmitters during the first 15 minutes of each hour, local standard time. The Secretary of Commerce and Labor may, on the recommendations of the department concerned, designate the station or stations which may be required to observe this division of time.

"GOVERNMENT STATIONS TO OBSERVE DIVISIONS OF TIME.

"Thirteenth. The naval or military stations for which the above-mentioned division of time may be established shall transmit signals or radiograms only during the first 15 minutes of each hour, local standard time, except in case of signals or radiograms relating to vessels in distress, as hereinbefore provided.

"USE OF UNNECESSARY POWER.

"Fourteenth. In all circumstances, except in case of signals or radiograms relating to vessels in distress, all stations shall use the minimum amount of energy necessary to carry out any communication desired.

"GENERAL RESTRICTIONS ON PRIVATE STATIONS.

"Fifteenth. No private or commercial station not engaged in the transaction of bona fide commercial business by radio communication or in experimentation in connection with the development and manufacture of radio apparatus for commercial purposes at the date of passage of this act shall use a transmitting wave length exceeding 200 meters, or a transformer input exceeding 1 kilowatt, except by special authority of the Secretary of Commerce and Labor contained in the license of the station.

"SPECIAL RESTRICTIONS IN THE VICINITIES OF GOVERNMENT STATIONS.

"Sixteenth. No station of the character mentioned in regulation 15 situated within 5 nautical miles of a naval or military station shall use a transmitting wave length exceeding 200 meters or a transformer input exceeding one-half kilowatt.

"SHIP STATIONS TO COMMUNICATE WITH NEAREST SHORE STATIONS.

"Seventeenth. In general, the shipboard stations shall transmit their radiograms to the nearest shore station. A sender on board a vessel shall, however, have the right to designate the shore station through which he desires to have his radiograms transmitted. The station on shipboard shall then wait until such shore station shall be the nearest. If this can not be done, the wishes of the sender are to be complied with only if the transmission can be effected without interfering with the service of other stations.

"LIMITATIONS FOR FUTURE INSTALLATIONS IN VICINITIES OF GOVERNMENT STATIONS.

"Eighteenth. No station on shore not in actual operation at the date of the passage of this act shall be licensed for the transaction of commercial business by radio communication within 15 nautical miles of the following naval or military stations, to wit: Arlington, Va.; Key West, Fla.; San Juan, P. R.; North Head and Tatoosh Island, Wash.; San Diego, Cal.; and those established or which may be established in Alaska and in the Canal Zone; and the head of the department having control of such Government stations shall, so far as is consistent with the transaction of governmental business, arrange for the transmission and receipt of commercial radiograms under the provisions of the Berlin convention of 1906 and future international conventions or treaties to which the United States may be a party, at each of the stations above referred to, and shall fix the rates therefor, subject to control of such rates by Congress. At such stations and wherever and whenever shore stations open for general public business between the coast and vessels at sea under the provisions of the Berlin convention of 1906 and future international conventions and treaties to which the United States may be a party shall not be so established as to insure a constant service day and night without interruption, and in all localities wherever or whenever such service shall not be maintained by a commercial shore station within 100 nautical miles of a naval radio station, the Secretary of the Navy shall, so far as is consistent with the transaction of governmental business, open naval radio stations to the general public business described above, and shall fix rates for such service, subject to control of such rates by Congress. The receipts from such radiograms shall be covered into the Treasury as miscellaneous receipts.

"SECRECY OF MESSAGES.

"Nineteenth. Every operator shall be obligated in his license to preserve, and shall preserve faithfully, the secrecy of radiograms which he may receive or transmit; and for failure to preserve such secrecy his license may be canceled.

"PENALTIES.

"For violation of any of these regulations, subject to which a license under sections 1 and 2 of this act may be issued, the owner of the apparatus shall be liable to a penalty of $100, which may be reduced or remitted by the Secretary of Commerce and Labor; and for repeated violations of any of such regulations, which shall be deemed a misdemeanor, the license may be revoked as provided in section 1.

"For violation of any of these regulations, subject to which a license under section 3 of this act may be issued, the operator shall be subject to a penalty of $25, which may be reduced or remitted by the Secretary of Commerce and Labor; and for repeated violations of any such regulations, which shall be deemed a misdemeanor, the license may be suspended as provided in section 3.

"SEC. 5. That every license granted under the provisions of this act for the operation or use of apparatus for radio communication shall prescribe that the operator thereof shall not willfully or maliciously interfere with any other radio communication. Such interference shall be deemed a misdemeanor, and upon conviction thereof the owner or operator, or both, shall be punished by a fine of not to exceed $500 or imprisonment for not to exceed one year, or both.

"SEC. 6. That the expression 'radio communication' as used in this act means any system of electrical communication by telegraphy or telephony without the aid of any wire connecting the points from and at which the radiograms, signals, or other communications are sent or received.

"SEC. 7. That a person, company, or corporation within the jurisdiction of the United States shall not knowingly utter or transmit, or cause to be uttered or transmitted, any false or fraudulent distress signal or call, or false or fraudulent signal, call, or radiogram of any kind. The penalty for so uttering or transmitting a false or fraudulent distress signal or call shall be a fine of not more than $2,500, or imprisonment for not more than five years, or both, in the discretion of the court, for each and every such offense; and the penalty for so

uttering or transmitting, or causing to be uttered or transmitted, any other false or fraudulent signal, call, or radiogram shall be a fine of not more than $1,000, or imprisonment for not more than two years, or both, in the discretion of the court, for each and every such offense.

"SEC. 8. That a person, company, or corporation shall not use or operate any apparatus for radio communication on a foreign ship in territorial waters of the United States otherwise than in accordance with the provisions of sections 4 and 7 of this act, and so much of section 5 as imposes a penalty for interference. Save as aforesaid, nothing in this act shall apply to apparatus for radio communication on any foreign ship.

"SEC. 9. That the trial of any offense under this act shall be in the district in which it is committed, or in any district in which the offender may be found, or if the offense is committed upon the high seas or out of the jurisdiction of any particular State or district, the trial shall be in the district where the offender may be found or into which he shall be first brought.

"SEC. 10. That this act shall take effect and be in force on and after the 1st day of January, 1913: *Provided, however,* That the fourth, fifth, seventh, and ninth sections of this act shall take effect and be in force on and after four months after its passage."

The committee recommends the passage of the bill as amended in the belief that it is a practical measure to help accomplish five important results for the general good of the people of the United States, for the greater safety of life and property at sea, for the national defense, and for the orderly and scientific development of an instrumentality of human progress and civilization. This conclusion has been reached after three months' study of the subject by such time as the members of the full committee could devote to it and by patient hearings by a subcommittee of all interests concerned. The hearings have been printed. During the same period the Senate Committee on Commerce and a subcommittee of that committee have been holding similar hearings and have reached substantially the same conclusions as has your committee in the bill recommended herewith.

The principal purposes of the bill are:

First. To prevent the establishment of a monopoly in the United States by any private corporation in the use of radio communication, or "wireless telegraphy," as it is popularly called. The attempt to establish such a monopoly on a world-wide scale led the maritime nations of the world in 1906 to join in an international agreement, and there is reason to apprehend that an attempt to establish such a monopoly is at least contemplated in the United States.

Second. To promote the most general use of this means of communication without interruption (or "interference," as it is technically called), and thus to insure the full measure of usefulness both to the Government wireless stations, for the establishment of which Congress has voted large sums of money, and to such stations as have been established by commercial enterprise. In the present state of the development of wireless telegraphy such interruptions or "interference" can be prevented only by the observance of regulations which can be framed and carried out only by the exercise of the power of Congress "to regulate commerce with foreign nations and among the several States."

Third. To give the greatest efficacy to the distress calls of vessels at sea and thus enhance the usefulness of a powerful agency for the preservation of human life.

Fourth. To bring the United States into accord with the advance other nations have already made in the use and regulation of radio communication and to carry out the provisions of the Berlin Radiotelegraphic Convention, to which, by the action of the Senate of the United States on April 3, the United States became a party and by which we are honorably bound to carry out in legislation the necessary measures to execute that convention. While the Congress of the United States may to-day be thankful that it was the first parliamentary body to require by the act of June 24, 1910, wireless apparatus and operators on ocean passenger steamships, we must own that in the regulation of radio communication to render it effective we are as yet behind other maritime nations. This bill will bring the United States abreast of all, and in some particulars (pure and sharp wave) in advance of all.

Fifth. To insure to the people of the United States an uninterrupted wireless service 24 hours a day for every day in the year between vessels at sea and the entire Atlantic, Pacific, and Gulf coast lines of the United States and the outlying territories of Porto Rico, the Canal Zone, Hawaii, and Alaska. (A Government system of radio communication for the Philippines has already been established.)

Radio communication is the art of transmission of signals by electrical energy between two points which are not connected by wire or other metallic conductor. The signals are produced by a key like the telegraph operator's key, and consist of dots and dashes of the Morse system, and they are received by a receiver adjusted to the ear like a telephone receiver. Instead of a wire the transmission is effected by means of waves through the ether which travel with the rapidity of light. These waves travel with equal force in all directions from the center just as when a pebble is dropped in a pond undulations extend equally in all directions from the point where it is dropped. Consequently, the signals will be audible to the listener with a receiver at his ear wherever he may stand on the circumference of a circle of which the center is the sending station. This fact is mentioned to show the liability to "interference" with the hearing of messages by wireless telegraphy (or "radiograms") unless the system of sending out and receiving messages is subject to regulation. According to the electrical power used to produce the dots and dashes (which is expressed in kilowatts or in fractions thereof), and according to the adjustment of the apparatus, these waves through the ether may be sent at varying lengths, the lengths ordinarily in use ranging from 100 meters to upward of 6,000 meters for the most powerful apparatus. Roughly speaking, the receiving apparatus and the sending apparatus, to get the clearest results, should be adjusted to the same wave length.

Without referring to the early experiments and history of radio communication, which involve the question of patent rights now pending, it will suffice for practical purposes to state that these waves were experimentally applied for practical telegraphic purposes in 1895 by Marconi, who succeeded in transmitting messages a distance of 2 miles. At the present time messages are sent across the Atlantic by wireless, and the new naval wireless-station building at Arlington will be able to communicate directly with a similar station at the Canal Zone.

The corporations formed abroad to make use of the inventions of Marconi endeavored at the outset to establish a complete monopoly of this system of communication. To carry out this purpose exclusive contracts with governments were sought, and in addition the company undertook to establish a rule that ship or shore stations equipped with Marconi apparatus would not communicate with any other of the several systems already fairly developed. This attitude on the part of the company led to the calling of a preliminary international conference at Berlin in 1903, in which the United States participated. The preliminary conference was followed by a second conference at Berlin in 1906, at which some nations were represented by delegates with plenary power. Although the delegates of the United States were authorized to act only ad referendum, they took an important part in framing the international radio-telegraphic convention.

The principal features of the Berlin convention designed to prevent the establishment of a monopoly are to be found in article 3 of the convention, which reads:

"The coastal stations and the stations on shipboard shall be bound to exchange wireless telegrams without distinction of the wireless-telegraph system adopted by such stations."

And in article 1 of the supplementary agreement, brought about mainly through the efforts of the delegates of the United States, which reads as follows:

"Each station on shipboard referred to in article 1 of the convention shall be bound to correspond with any other station on shipboard without distinction of the wireless-telegraph system adopted by such stations, respectively."

The principle of interchangeability between systems was partially affirmed by Congress in the act of June 24, 1910, to require apparatus and operator for radio communication on ocean steamers in section 2, which reads:

"That for the purpose of this act apparatus for radio communication shall not be deemed to be efficient unless the company installing it shall contract in writing to exchange, and shall, in fact, exchange, as far as may be physically practicable, to be determined by the master of the vessel, messages with shore or ship stations using other systems of radio communication."

This bill, in the eleventh regulation (intercommunication, p. 8), establishes this principle in the following comprehensive language:

"Eleventh. Each shore station open to general public service between the coast and vessels at sea shall be bound to exchange radiograms with any similar shore station and with any ship station without distinction of the radio systems adopted by such stations, respectively, and each station on shipboard shall be bound to exchange radiograms with any other station on shipboard without distinction of the radio systems adopted by each station, respectively."

The section applies to stations open to general public service on the coast and to stations on vessels at sea. It does not, of course, apply to stations exclusively devoted to scientific experiments, to amateur stations, or to private commercial stations which a corporation may establish to maintain communication on its own business between the shore and its ships, such as the stations maintained by the United Fruit Co., to direct its ships where and when to load or unload bananas, and similar purely local communications.

The most important benefit conferred upon mankind by the Berlin convention, as has been repeatedly demonstrated since its adoption generally by nations, is found in the ninth article:

"Wireless-telegraph stations are bound to give absolute priority to calls of distress from ships, to similarly answer such calls, and to take such action with regard thereto as may be required."

The pending bill directly in the fifth, sixth, seventh, eighth, and ninth regulations and indirectly in all the other regulations except the nineteenth is aimed to give efficiency to the article of the Berlin convention just quoted. The particular provision in the bill relating to distress signals applies to all stations whether Government commercial stations open to public service, private commercial stations, scientific stations, or amateurs, and reads as follows:

"Ninth. All stations are required to give absolute priority to signals and radiograms relating to ships in distress; to cease all sending on hearing a distress signal; and, except when engaged in answering or aiding the ship in distress, to refrain from sending until all signals and radiograms relating thereto are completed."

To prevent "interference" the Berlin convention in article 8 provided:

"The working of the wireless-telegraph stations shall be organized as far as possible in such a manner as not to disturb the service of other wireless stations."

And to give effect to this article various regulations were attached to the convention and were recently ratified by the Senate, providing, among other things, in regulation 2 that—

"Two wave lengths, one of 300 meters and the other of 600 meters, are authorized for general public service, and additional wave lengths not to exceed 600 meters or in excess of 1,600 meters."

The intervening wave lengths from 600 to 1,600 meters were reserved by the Governments which participated in the convention, for the use of Government stations. These principles are incorporated in the pending bill.

To carry out the Berlin convention and to give effect to its provisions and regulations it was agreed a system of licensing both stations on shipboard and shore stations open to public business, as well as operators, was necessary.

SECTION 1.

The first section of the bill defines its scope within the commerce clause of the Constitution, and requires all wireless stations, ship and shore, public and private, to be licensed by the Secretary of Commerce and Labor. This section does not give the head of that department discretionary power over the issue of licenses, but in fact provides for an enumeration of the wireless stations of the United States and on vessels under the American flag. The license system proposed is substantially the same as that in use for the documenting upward of 25,000 merchant vessels.

SECTION 2.

The second section recites the particulars of the license and the station, limits the issue of such licenses to American citizens or corporations organized under the laws of some State of the United States, and gives the President power to close or take possession of such stations in time of war or public peril.

SECTION 3.

The third section requires the license of all operators by the Secretary of Commerce and Labor, and restricts the issue of operators' licenses to citizens of the United States. The license of the operator as well as the license of the apparatus itself are subject to regulations, which are set forth in section 4 of the bill.

The second and third sections of the bill, and particularly the fourth section, cover numerous details which in the judgment of some Mem-

bers of the House possibly should have been left to administrative regulation. The committee, however, after careful consideration, has decided to adopt the principle in these sections of expressing in the statute itself precise limitations upon the powers of administrative officers and a precise statement of the obligations which must be assumed by commercial interests and individuals in taking out licenses for stations or as operators. To follow out this principle in some of the regulations, and in the fourth section of the bill in particular, it has been necessary to employ some abstruse scientific terms because the limitations can not be expressed in popular language. These limitations are as much for the benefit of commercial stations as they are for Government stations and do not bear more severely upon one than upon the other. Their aim is to require the use of apparatus which shall secure to the people of the United States the most satisfactory and efficient service. The committee has not felt under any obligation to frame a bill for the protection of antiquated and inadequate apparatus. If such apparatus were harmless, there would be no objection to its use; but when it stands in the way of the use of improved apparatus involving very little additional expense, the committee has preferred to say directly in the bill that improved apparatus shall be used rather than to leave such a question to an administrative officer. The first of the international service regulations provides as follows:

"The choice of wireless apparatus and devices to be used by the coastal stations and stations on shipboard shall be unrestricted. The installation of such stations shall as far as possible keep pace with scientific and technical progress."

The United States should at least keep abreast of this international prescription.

The committee has carefully considered the objection by one or two corporations that the bill will delay scientific progress and has rejected it. Practically all other nations are subject to the regulations of the Berlin convention, yet the scientific development of this art has been at least as rapid in Europe as in America. Similar objections have been raised repeatedly abroad and as often have been rejected and shown to be without warrant. The objection is really an objection to any regulation by Congress. To forestall, however, the possibility of unforeseen or undeveloped improvement, the bill at page 5 provides:

"The Secretary of Commerce and Labor may, in his discretion, waive the provisions of any or all of these regulations when no interference of the character above mentioned shall ensue."

SECTION 4.

The purpose of the regulations of this section as set forth in the first paragraph are: First, the general prevention of interference between stations of all kinds; second, to facilitate all communications by following rules and regulations taken from the Berlin convention; and, third, making special arrangements to further the receipt of distress signals, especially by Government stations which are ordinarily best qualified for getting aid to a vessel in distress on account of well-known Government activities along those lines. The regulations apply to all commercial, experimental, and amateur stations, with the exceptions of regulations 13, 14, and 18, in which Government stations are specifically mentioned. All others are already in effect in a comprehensive set of orders issued by the Navy Department, being necessary, as far as they apply, to the proper conduct of the business of naval ships and stations and to set a good example to commercial stations. The Government stations are generally provided with much more expensive and elaborate apparatus than the commercial stations. These regulations were intended to be sufficiently general to enable all installations at present in use to follow them with a small expenditure of money.

The second paragraph gives the Secretary of Commerce and Labor authority to waive any of the regulations when not necessary to enforce them; that is, when apparatus is developed and used at any place where it can not interfere with the work of other stations, it may be independent of all the regulations except certain ones relating to distress calls from sea. An amateur in the interior of the country may get a license by a simple request if its location and characteristics are such as to make it unnecessary to go into details regarding the type and capabilities of the station.

The third paragraph takes care of the experimentation which may be necessary in the development of apparatus.

On page 6 Government stations referred to in the regulations are defined.

First regulation: This requires the use of a definite wave length which a ship will ordinarily use for sending and on which she may be called with the greatest expectation of her hearing the call. The limitation of this wave length to one below 600 meters or one above 1,600 meters is in accordance with regulations 2 and 3 of the Berlin convention. It is expected that some of the provisions of these two regulations will be changed at the London conference, but there is no proposition to extend the range of commercial wave lengths. All nations have agreed to reserve the range from 600 to 1,600 for Government use in order that the least interference between official business and commercial business will be insured. When interfering signals are much stronger than the signals which a certain station is trying to receive, the chances of communicating on different wave lengths without interference are much less, and the interference is dependent directly on the relative strength of the two incoming signals, which, in turn, depends on the relative power or relative distance of the two sending stations and on the difference of wave length used by them. It being a fact that the greater the difference of wave length the closer the stations can work with one another without interference, and it also being a fact that commercial installations usually are not prepared to use more than one wave length for sending, while Government stations are being fitted to quickly change the sending wave length, the wider the range reserved for Government use the more the difference in wave length between those in use for commercial purposes and those for Government purposes in a given locality that can be obtained. For instance, if merchant ships and shore stations are communicating on a 600-meter wave at a given place, a Government station in the same locality would choose a wave length of, say, 1,500 meters. If commercial stations were using 1,600 meters, all Government stations might use sending wave lengths of 1,000 meters or below.

The following should be noted: That all ships are required by the Berlin convention to use 600 meters or below, and these are the wave lengths most easily obtainable on board ship, since they are suitable for the low power ordinarily used on commercial vessels and for the small and light aerials which they ordinarily carry. These wave lengths are also most suitable for ordinary communication between ship and shore. On the other hand, long-distance work oversea and communication overland requires long wave lengths—that is, wave lengths over 1,600 meters.

Second regulation: This specially reserves the wave lengths of 600 to 1,600 for the use of Government stations and gives commercial installations latitude in regard to choice of wave lengths to be used. It requires also that in sending on these wave lengths the apparatus must be carefully adjusted so as to send signals of a noninterfering character.

Third regulation: This is to prevent a sending station monopolizing too great a range of wave lengths when a certain narrow range would serve just as well. A pure wave is one that has a single "hump" shown in its resonance curve. The signals sent out by the ordinary transmitter in this country at present are sent out simultaneously on two or more wave lengths or bands of wave lengths, only one of which can be received. The other represents loss of energy and interference; that is, the receiving operator can set his receiver so as to get certain signals either at 400 meters or at 600 meters when these signals are sent out by the one transmitter. All transmitters can be adjusted to send at a single wave, or a wave with a single "hump," or a "pure" wave, but the operation is rendered more simple if an additional coil, known as an inductance, is furnished with the ordinary ship and shore station set which at present causes the greatest interference. Samples of "double hump" waves may be seen on pages 43 and 44 of the hearings before the subcommittee of the Senate Committee on Commerce. A pure wave is shown on page 45.

Fourth regulation: This is to require all transmitters to be so adjusted that a certain definite wave length is used, and not a band of wave lengths with more or less indefinite limits. The "broad waves" from a sending station make a number of receivers set for certain distinct wave lengths respond. Sharp waves from a sending station affect one receiver only. Companies operating transmitters not adjusted for sharp waves claim that their work is facilitated because their operators do not have to set their receivers with care. A receiver can be set roughly and the signals received, but since it is possible for any transmitter to be adjusted to send on a definite wave length, the requirement that they should do so tends to the mutual protection of all stations concerned. Pure and sharp waves ordinarily go together, and the adjustment for one, in most circumstances, involves the adjustment for the other. A sharp wave is shown on page 46 of the hearing. The transmitter whose adjustment is shown by curve 3 on page 46 is sending on a definite wave length a little greater than 900 meters in length, and would have to be very close to other receivers to interfere with them if they were trying to receive signals on wave lengths differing very little from 900.

Fifth regulation: By the regulations attached to the Berlin convention the normal wave length for all ships is fixed at 300 meters, and it is desired to specify that distress signals should be sent on that wave. Ships should send distress calls on one wave length so that all stations may know on what wave length to listen for distress calls. As tugs, pilot boats, and small craft generally are not ordinarily fitted with aerials of sufficient size to enable them to send on a wave length of 300 meters an exception is made in their favor.

Sixth regulation: From the Berlin convention.

Seventh regulation: This waives the requirements of the third and fourth regulations in favor of maximum interferences; hence maximum probability of being heard for distress calls.

Eighth regulation: This is to require all ships, except the very small ones, to prepare for sending distress calls over a minimum distance of 100 nautical miles. The expression, "by day," is used on account of the absorption of radio energy by daylight and the reduced daylight ranges of stations as compared with their night ranges resulting therefrom. Since the distance over which signals can be sent and received between two stations depends both for sending and receiving on the effective heights of the aerial wires of the two stations, it was necessary to specify in the last lines that the minimum distance should be between two equal stations. This would result in requiring the minimum distance from the poorest equipped ship, provided she had sufficient height and distance between masts to use a wave length of 300 meters and to permit this distance to be attained.

Ninth regulation: From the Berlin convention.

Tenth regulation: The Berlin convention requires ship installations to use ordinarily not more than 1 kilowatt for communicating with the shore. This regulation is intended to prevent ships unnecessarily interrupting the work of all stations in the neighborhood of great seaports and other places where there is a congestion of wireless business. The term "naval or military station" is used because there are now at all important seaports, with very few exceptions, Government stations which, by this regulation, are themselves protected and protect commercial installations, ship or shore, in their localities. At isolated stations this regulation would prevent unnecessary interruption of the work of the stations concerned, since a ship would ordinarily pass a greater distance offshore than 5 nautical miles, and 1 kilowatt should be sufficient for the ordinary ship to communicate with another or with a shore station over a distance of between 100 and 200 miles by day. One-half kilowatt would ordinarily be good for at least 50 miles over water by day.

Eleventh regulation: This is one of the important basic principles of the Berlin convention and should be put into legislation as early as practicable for that reason.

Twelfth regulation is division of time. Interference can not be prevented by using different wave lengths alone. The power used by the stations in sending and their relative distances from one another are factors. For example, two stations are trying to communicate with each other on a certain wave length. They can do so without interference from other pairs of stations trying to communicate with each other on other wave lengths differing by at least 10 per cent from that used by the first-mentioned stations except when other stations use high power in sending or send out signals when very close to one or both of the two stations first mentioned. The interference with the receiving of one station caused by the sending of another near-by station is the most common, and at all large cities where there are two or more stations operating for governmental or commercial purposes within a few miles of one another, a division of time is necessary. The interference can be avoided sometimes by a very great difference in wave length, sometimes by a difference of wave length and the use of low power by all stations concerned. Otherwise by a division of time. Examples of the necessity of a division of time are afforded by the experience of the navy yards at New York and Philadelphia. These have within a few miles in each of the cities mentioned radio apparatus on the department stores of John Wanamaker, and when these stations are communicating with each other on a wave length of about 1,400 meters neither New York nor Philadelphia can receive from ships of the Navy sending on 600 meters; that is, the near-by interfering stations force oscillations on the receiving aerials of the navy-yard stations, and the more powerful interfering signals drown out the signals desired. It should be noticed that this division of time may be established only when all other means for preventing interference fail. When interference-prevention devices are perfected it will not be necessary to enforce this regulation.

Thirteenth regulation: Government stations to observe division of time. This requires that all Government business must be completed during the first 15 minutes of each hour. No extension provided for except in cases of distress.

Fourteenth regulation: Use of unnecessary power. This is from the Berlin convention.

Fifteenth regulation: Contains general restriction on private stations. This refers to amateurs, of whom there are many thousands in this country.

They would be restricted to comparatively low power and a short wave length which should suffice for all purposes of play or instruction. They would be able to send and receive messages over a large part of a city, depending on the height of the aerial used. Ranges over open country would be greater, and greater still over water. Many operators for commercial and governmental business are being developed by this play. At the same time any amateur who really develops any improvement may be allowed to test same under a special license provided for in the third paragraph at the beginning of section 4.

Sixteenth regulation: Special restrictions in the vicinities of Government stations. This also relates to amateurs and provides for the further reduction in power in the immediate vicinity of a Government station. It is probable that this will not in all circumstances prevent interference with the work of Government stations or commercial stations, but will serve in most cases. Amateurs being mostly schoolboys, they interfere at certain hours regularly.

Seventeenth regulation: Ship stations to communicate with the nearest shore station. This is from the Berlin convention.

Eighteenth regulation: Limitations for future installations in the vicinities of Government stations. The first part of this regulation protects certain naval and military stations from interference by the erection of future commercial stations within 15 nautical miles, as such new stations would compel a division of time in order that the two stations might work without interference. Arlington is mentioned on account of the size and importance of the Arlington station and the nature of its work as the center of the largest system of stations owned by the Government. Two radio stations erected for overland work in the city of Washington have failed on account of lack of business. The Key West station is mentioned specifically because it is a very important point strategically and is now handling, in a very efficient manner, all commercial work of a great number of vessels which pass through the Florida Straits on voyages to Cuba, the Gulf of Mexico, Central America, and the Canal Zone. The United Wireless Telegraph Co. had a station near the Key West naval station with the result that there was constant mutual interference, which was hard to eliminate because a division of time depended on a local agreement only. When the United Wireless station was destroyed the Key West naval station took up the commercial work in order to persuade the United Wireless and other commercial companies not to erect another station on Key West Island, which is too small to accommodate more than one station. Key West may be said to be a frontier station.

San Juan, P. R., is in a very important point strategically for naval purposes. The shipping passing near that port is at present very small, but is expected to be large when the canal opens. It is at present the only radio station on the island of Porto Rico, and it deserves this measure of protection. It is a frontier station.

North Head, Wash., is to be improved at considerable expense during the fall of this year for direct communication with Alaska to cover a possible breakdown of the Washington-Alaskan military cable. Its work at all times will be of such importance that it should not be subjected to a division of time. There is at present a low-powered commercial station at Astoria, about 15 miles distant, but it is hoped that this station will not interfere. The regulation prevents the establishment of more commercial stations within 15 miles.

Tatoosh, Idaho, and San Diego are frontier stations at the northwest and southwest corners of the United States, respectively.

In Alaska the Army has a system of radio stations working in conjunction with its cables and land lines. Of these one is a coast station at Nome, and this station, working with others at St. Michaels and on the Yukon River, eliminate the necessity for a cable between Nome and St. Michaels. Other stations, five in number, have been erected by the Navy Department, and three of them connect the following outlying islands with civilization: Pribilof (Seal Islands), Unalaska (Dutch Harbor), and Kodiak. Two of them cover a portion of the military cable above referred to, viz, that between Cordova and Sitka. A sixth station will be erected this summer on Unalga Island. It will be an important and powerful station. There are a few commercial stations. Most of them work only in summer in connection with the salmon-canning industry. The result is a practical Government monopoly which will hold for many years on account of the fact that operation of commercial stations will be unprofitable for some time except in special circumstances.

In the Canal Zone it is proposed to keep all radio communication in the hands of the Government for the protection of the canal and for the facilitation of the canal business. The Navy proposes to operate a high-power station for direct communication with the Arlington station above mentioned and desires to operate smaller stations in conjunction with those to handle the business of the canal. It already has two stations on the Atlantic side, one of which was erected solely for canal business and the other intended for direct communication with Key West and to handle the business of shipping.

The Navy Department would prefer to open all its coast stations for commercial business under the terms of the Berlin convention, and it is believed that most of this business will eventually be handled by Government stations as the operation of shore stations for communicating with ships at sea is known to be not sufficiently remunerative for commercial enterprise, although various companies may propose to do this for some years yet. The reason for this desire for commercial work is to insure, as far as possible, a continuous flow of work through each naval radio station in order that the personnel and the apparatus may be kept up to the high state of efficiency which comes only from constant use. The Berlin convention requires that the hours of operating of shore stations open for public correspondence between the coast and vessels shall be, as far as practicable, continuous. The average commercial shore station is manned by one, sometimes two, operators and is open during certain hours of the 24 only. Naval coast stations, however, with very few exceptions, have four or five operators and a constant watch is kept day and night for handling of Government business, cases of distress, and in some places commercial business. The last part of regulation 20 allows the Secretary of the Navy to fill in all gaps left by commercial companies. Commercial stations, with the exception of those in the few localities mentioned in the first part of this regulation, may prevent naval stations from handling commercial business by establishing a 24-hour schedule and by working under the Berlin convention. Naval stations are ordinarily 200 miles apart and it would be very easy for a commercial company with sufficient resources to monopolize all the commercial work with ships at sea except in the places specially mentioned, provided they were willing to operate under the terms of the Berlin convention, which requires, among other things, a 24-hour schedule.

Nineteenth regulation: Secrecy of messages. This is required by the Berlin convention and has been urged by commercial concerns at hearings before committees of Congress.

Penalties: The penalties for violation of the regulations are framed according to the method followed in acts of Congress for many years for violations of the navigation laws. For first offenses and minor offenses maximum money penalties are provided, which may be reduced by the Secretary of Commerce and Labor in view of extenuating circumstances. Repeated violations involve cancellation of licenses, and are made misdemeanors, and heavy prison sentences are prescribed for malicious interference and false distress calls.

SECTION 5.

Willful or malicious interference is made a misdemeanor, punishable by a fine of not exceeding $500, or imprisonment for not exceeding one year, or both. (Sec. 60 of the Penal Code of Mar. 4, 1909, provides that anyone who shall interfere with messages over a Government telegraph line shall be subject to a fine of not over $1,000 or not over three years' imprisonment.)

SECTION 6.

Defines radio communication to include telephony when it shall be developed without wires.

SECTION 7.

Makes a false distress call subject to not over $2,500, or imprisonment for not over five years, or both. Any other false or fraudulent signal or message subject to not over $1,000 or imprisonment for not over two years.

SECTION 8.

Foreign ships are already subject to the Berlin radiotelegraphic convention, under which their own nations respectively prescribe penalties for violation of its requirements. This section brings foreign ships within section 4 (certain regulations of this bill not in Berlin convention—3, 4, 8, 10, 16, 20); section 7, false signals; and section 5, penalty for willful interference.

Appendix A shows the shore stations of the United States, naval, military, and commercial, along the seaboard and the Great Lakes, and illustrates the complete system of Government stations established and operated under appropriations by Congress.

Appendix B gives a discussion on wave lengths and interference, by Lieut. Commander D. W. Todd, United States Navy, who, as representative of the Navy Department at the hearings, has been of great assistance to the committee.

APPENDIX A.—*List of wireless stations in the United States and possessions.*

Name and location of station.	Character of station.
UNITED STATES.	
Atlantic and Gulf coast.	
Eastport, Me.	Commercial.
Portland, Me.	United States Navy.
Fort Levitt, Me.	United States Army.
Portsmouth, N. H. (navy yard)	United States Navy.
Amesbury, Mass.	Experimental (Pickard).
Cambridge, Mass., Harvard University	Experimental (Pierce).
Fort Andrews, Mass.	United States Army.
Brant Rock, Mass.	Experimental (trans-Atlantic).
Chatham, Mass.	Commercial.
Chelsea, Mass.	Experimental.
Boston, Mass.:	
Board of Trade	Do.
Navy yard	United States Navy.
Cape Cod, Mass. (2 stations)	Commercial (trans-Atlantic and local).
(South Wellfleet)	United States Navy.
Siasconsett, Mass.	Commercial.
Quincy, Mass.	Do.
Nantucket Shoals lightship	United States Navy.
Newport, R. I. (torpedo station)	Do.
Point Judith, R. I.	Commercial.
Providence, R. I.	Do.
Wilsons Point, Conn.	Do.
New London, Conn.	Do.
Sea Gate, N. Y.	Do.
Sagaponack, N. Y.	Do.
Fire Island, N. Y.	United States Navy.
New York, N. Y.	Commercial.
111 Broadway	Do.
Hotel Plaza	Do.
Herald ship news office, the Battery	Private.
Wanamaker's	Do.
42 Broadway	Commercial.
New York	Experimental.
Brooklyn, N. Y. (navy yard)	United States Navy.
Coney Island, N. Y.	Commercial.
Fort H. G. Wright, N. Y.	United States Army.
Fort Totten, N. Y.	Do.
Fort Wood, N. Y.	Do.
Fort Hancock, N. J.	Do.
Bayonne, N. J.	Commercial.
Atlantic City, N. J.	Do.
Cape May, N. J.	Do.
Camden, N. J.	Do.
Philadelphia, Pa. (2 stations)	Do.
Bellevue-Stratford	Do.
Navy yard	United States Navy.
Wanamaker's	Private.
Cape Henlopen, Del.	Do.
Sparrows Point, Md.	Experimental.
Annapolis, Md. (Naval Academy)	United States Navy.

APPENDIX A.—*List of wireless stations in the United States and possessions*—Continued.

Name and location of station.	Character of station.
UNITED STATES—continued.	
Atlantic and Gulf coast—Continued.	
Washington, D. C.	United States Navy.
Capitol	Experimental (Elliott Woods).
Mills Building	United States Army.
Bureau of Standards	Do.
Arlington, Va.	United States Navy.
Tangier Island, Va.	Commercial.
Arlington, Va.[1]	United States Navy.
Fort Monroe, Va.	United States Army.
Fort Monroe, Va.[1]	
Coast Artillery School	United States Navy.
Norfolk, Va.	Commercial.
Norfolk, Va. (navy yard)	United States Navy.
Virginia Beach, Va.	Commercial.
Beaufort, N. C.	United States Navy.
Diamond Shoals Lightship	Do.
Cape Hatteras, N. C.	Commercial.
Charleston, S. C. (navy yard)	United States Navy.
Savannah, Ga.	Commercial.
Frying Pan Shoals Lightship	United States Navy.
St. Augustine, Fla.	Do.
Jupiter Inlet, Fla.	Do.
Jacksonville, Fla.	Commercial.
Knights Key, Fla.	Do.
Key West, Fla. (naval station)	United States Navy.
Tampa, Fla.	Commercial.
Fernandina, Fla.	Do.
Pensacola, Fla. (navy yard)	United States Navy.
Mobile, Ala.	Commercial.
Fort Morgan, Ala.	Do.
New Orleans, La.	Do.
Naval station	United States Navy.
United Fruit Co.	Private.
Southwest Pass, La. (United Fruit Co.)	Do.
Grand Island, La.	Commercial.
Port Arthur, Tex.	Do.
Galveston, Tex.	Do.
Fort Sam Houston, Tex.	United States Army.[1]
Porto Rico.	
San Juan	United States Navy.
Cuba.	
Guantanamo	United States Navy.
Panama.	
Colon	Commercial.
Colon (Canal Zone)	United States Navy.
Porto Bello	Do.
Boca del Toro	Commercial.
Pacific coast.	
Tatoosh, Idaho, Washington	United States Navy.
Friday Harbor, Wash.	Commercial.
Seattle, Wash.	Do.
Seattle Gas Engine Machine Co.	Private.
University grounds	Commercial.
Roche Harbor, Seattle Gas Engine Machine Co.	Private.
Port Townsend, Wash.	Commercial.
Bremerton, Wash. (Puget Sound Navy Yard)	United States Navy.
Tacoma, Wash.	Commercial.
North Head, Wash.	United States Navy.
Fort Worden, Wash.	United States Army.
Astoria, Oreg.	Commercial.
Marshfield, Oreg.	Do.
Cape Blanco, Oreg.	United States Navy.
Fort Stevens, Oreg.	United States Army.
Eureka, Cal.	Commercial.
Do.	United States Navy.
San Francisco, Cal. (2 stations)	Commercial.
The Presidio	United States Army.
Yerba Buena Island (naval training station)	United States Navy.
Vallejo, Cal. (Mare Island Navy Yard)	Do.
Farallon Islands, Cal.	Do.
San Luis Obispo, Cal.	Commercial.
Point Arguello, Cal.	United States Navy.
Santa Barbara, Cal. (Hotel Potter)	Commercial.
Sacramento, Cal.	Do.
Los Angeles, Cal.	Do.
Examiner	Do.
San Pedro, Cal.	Do.
Avalon, Catalina Island, Cal. (2 stations)	Do.
San Diego, Cal.	United States Navy.
Alaska.	
Cordova	United States Navy.
Dutch Harbor	Do.
Unalga[1]	Do.
Pribilof Islands	Do.
Kodiak	Do.
Sitka	Do.
Ketchikan	Commercial.
Juneau	Do.
Nak Nek	Do.
Karluk	Do.
Kogginung	Do.
Chignik	Do.
Nushagak	Do.
Clarks Point	Do.
Circle City	United States Army.

[1] Projected.

APPENDIX A.—*List of wireless stations in the United States and possessions*—Continued.

Name and location of station.	Character of station.
UNITED STATES—continued.	
Alaska—Continued.	
Fort Egbert	United States Army.
Fairbanks	Do.
Fort Gibbon	Do.
Kotlik	Do.
Nome	Do.
Nulato	Do.
Petersburg	Do.
Fort St. Michael	Do.
Wrangell	Do.
Hawaiian Islands.	
Honolulu	United States Navy.
Nawailliwili, Kausi	Commercial.
Lahaina, Maui	Do.
Kawaikae	Do.
Kuanakakai	Do.
Guam.	
Guam	United States Navy.
Philippine Islands.	
Cavite	United States Navy.
Olongapo[1]	Do.
Jolo	Insular government.
Zamboanga	Do.
Malabang	Do.
Manila	United States Army.
Corregidor Island	Do.
Fort Frank	Do.
Fort Drum	Do.
Fort Wint	Do.
Fort William McKinley	Do.
Great Lakes.	
Buffalo, N. Y.	Commercial.
News Building	Do.
Erie, Pa.	Do.
Ashtabula, Ohio	Do.
Cleveland, Ohio (2 stations)	Do.
Toledo, Ohio	Do.
Detroit, Mich. (2 stations)	Do.
Detroit, Mich. (1 station)	Experimental.
Detroit Journal	Commercial.
Port Huron, Mich.	Do.
Bay City, Mich.	Do.
Saginaw, Mich.	Do.
Mackinac Island, Mich.	Do.
Harbor Beach, Mich.	Do.
Ludington, Mich.	Do.
Isle Royal, Mich.	Do.
Grand Haven, Mich.	Do.
Benton Harbor, Mich.	Do.
Chicago, Ill.	Do.
Congress Hotel	Do.
Milwaukee, Wis. (2 stations)	Do.
Waupaca, Wis.	Private and commercial.
Manitowoc, Wis.	Commercial.
Scandinavia, Wis.	Private and commercial.
Sault Ste. Marie, Mich. (2 stations)	Commercial.
Marquette, Mich.	Do.
Frankfort, Mich.	Do.
Manistique, Mich.	Do.
Calumet, Mich.	Do.
Duluth, Minn. (2 stations)	Do.
Grand Marais, Minn.	Do.
Interior.	
Fort Leavenworth, Kans.	United States Army.
Fort Riley, Kans.	Do.
Fort Omaha, Nebr.	Do.

[1] Under construction.

APPENDIX B.—A DISCUSSION OF WAVE LENGTHS AND INTERFERENCE, WITH SPECIAL REFERENCE TO WAVE LENGTHS MENTIONED IN THE ITERNATIONAL RADIO CONVENTION OF 1906.

[By Lieut. Commander D. W. Todd, United States Navy.]

RECEIVING ONLY INTERFERED WITH.

Any number of stations may send together in a given area, or any number may receive together. The interference of which so much is spoken is experienced by an operator trying to receive from one station while the signals from another are coming in at the same time, jumbling the dots and dashes of the two messages together. The greater the number of stations the greater the confusion. If the signals from two stations which are interfering are of different pitch, a trained operator can read those of one pitch and ignore those of the other. If the desired signals are coming in on a certain wave length and the interfering signals on another, it is possible, under certain restrictions, to so set the receiver (tune it sharply for the wave length desired) to hear the desired signals and cut out the others, or so reduce the strength of the latter as to make them negligible.

COMPARISON BETWEEN WAVE LENGTHS AND TELEPHONE WIRES.

The analogy between the use of different wave lengths for radio communication and the use of several wires for several pairs of telephonic communications is not complete. The ether is more properly one trunk line connecting all stations on which, by means of special

apparatus and careful adjustments, multiplex telephony is possible. Every wave length does not mean a possible exclusive wire for conversation between two persons. For a "pure and sharp" wave it would be subject to the following considerations: (1) With the average high-grade apparatus, two signals of equal intensity must differ in wave lengths by 10 per cent to enable one to be received and the other cut out by the adjustments of the receiver. (2) If the interfering signals are considerably louder or stronger than the signals which one wishes to receive, due to the power of the interfering sending set or its relatively short distance away, a greater difference of wave length than 10 per cent is necessary, which difference depends on the relative intensity of the signal desired and the interfering signal; the greater the difference in wave length between the signal desired and the stronger interfering signal the greater the possibility of eliminating the latter.

VARIOUS CONSIDERATIONS INVOLVING WAVE LENGTH.

The shorter the wave length used the easier it is to get the 10 per cent difference of wave length and the greater the number of communications that can go on in a certain region using a certain range of wave lengths.

The higher the power of the apparatus the longer the wave lengths which it can use readily, i. e., short wave lengths are most efficient for low-power sets and communication over relatively short distances, say, up to 200 miles.

Long waves are necessary for sending over land and for sending a great distance over sea by day.

Long waves not only imply, generally, medium or high power sets, but require a greater spread of aerial wire aloft in order to radiate them efficiently. Hence it is more costly to use long waves. The average commercial set is not costly.

Height of aerial increases range of a station both for sending and receiving, irrespective of power.

SUITABILITY OF TWO WAVE LENGTHS FOR WORK WITH SHIPS.

Since short wave lengths are suitable for low powers and can be more readily cut out, and since low powers naturally cause less interference than high powers, and since the ordinary ship set is a low-power set, the maximum of immunity from interference is obtained by using low powers, short wave lengths, and choosing two that are quite far apart. Three hundred meters is a wave length easily obtained by any ship except the smallest. In fact, most ships nowadays use a longer wave length. Both 300 and 600 meters are easily obtained by a low-power shore station, with sufficient range for communicating with ships passing within 200 to 300 miles. The range of these shore stations working over sea would be much greater if it were not for the fact that short waves suffer much more from absorption by the daylight than do the longer waves, i. e., to cover great distances by daylight one must use long waves.

Wave lengths of 300 and 600 meters were chosen as being sufficiently far apart to permit the establishment of shore stations within a reasonable distance of one another. If fitted with average apparatus, stations about 100 miles apart, using different wave lengths, one 300 and one 600, can work positively without mutual interference. With high-grade apparatus the stations could be nearer. It must be remembered that these stations are operated for communication with ships only, and while the receiving by a shore station on 600 meters would not be interfered with by the sending of the next shore station on 300, the position of a ship sending with reference to a shore station receiving must be considered. The greater the difference in wave lengths between that of the station from which it is desired to receive and the interfering station, the closer the interfering ship or station may be to the station trying to receive without preventing the receipt of the message desired. To avoid possible interference from passing ships, the Berlin convention requires ships to send, ordinarily, only to the nearest shore stations and to use the least amount of power necessary to effect satisfactory communication. The coast station likewise reduces its power.

COAST STATIONS NOT LIMITED TO TWO WAVE LENGTHS.

"Nevertheless each government may authorize the use of any coast station of other wave lengths for the purpose of providing a long-distance service, or a service other than that of general public correspondence." At present the Navy is installing at all stations where transmitters of more than ordinary power are working two kilowatt sets for communication with ships within 200 or 300 miles using short-wave lengths.

SHORE STATIONS OTHER THAN COAST STATIONS RESTRICTED ONLY BY GOVERNMENT RANGE OF WAVE LENGTHS.

Stations not engaged in general public service under the rules of the Berlin convention would not be restricted to 300 and 600 meters, nor would they be required to pay any attention to those wave lengths except in case their working should interfere with the coast stations open for international business.

WIDE RANGE OF WAVE LENGTHS RESERVED FOR THE GOVERNMENT.

Leaving aside the question of radiotelegraphy being more important to the Government than to commerce, and the unanimous agreement of foreign nations to reserve wave lengths from 600 to 1,600 for Government use, the wider the range reserved for the Government, the more chance Government installations have not only to increase in number of communications between its units in a given area but to eliminate commercial interference by choosing wave lengths far removed from those being used by neighboring commercial installations. At present the Navy standard calling wave length is 1,000 meters, which is practically in the middle of the Government's range (those chosen with the hope and expectation that the Berlin convention will finally be ratified). It is a little nearer 600 than 1,600 because it is easier to cut out a short wave than a long wave. In other words, a ship of the Navy at a given place would need only 400 meters difference of wave length to cut out in interfering commercial message near the lower half of the Navy's reservation of wave lengths and might need 600 meters to cut out such a message if the interfering signal were sent on a long wave. The ability of Government stations to use wave lengths far removed from those in use by commercial stations protects mutually both classes of stations from each other, and the advantage is equal.

ABILITY OF STATIONS TO CHANGE TRANSMITTING WAVE LENGTH READILY.

On page 129 of the hearings before the subcommittee of the Committee on Commerce of the United States Senate, March 1, 1912, it is stated:

"It will thus be evident that while two or more ships can successfully work two or more coast stations without interference if allowed to make their own selections of wave lengths so as not to interfere, it will not be possible under the Berlin convention regulations, as this requires the use of a definite and unvarying wave length by each station. As to what would happen in New York Harbor, where a number of stations are established at present, if compelled to work on the prescribed wave lengths—all on one or the other of the two—can best be judged by the character of conversation that results when one's telephone conversation is broken into by the exchange putting in a third party."

The inference is that ships and stations are at present fitted so that they can send any one of a certain range of wave lengths at short notice. While sets of the most modern type do permit this, especially those ordered for the Navy, the ordinary commercial ship and shore station set is more or less inaccurately adjusted for sending one single wave length or band of wave lengths with no provision whatever for changing the wave length or "tune" on which the signals are sent. Receivers, on the other hand, can be very quickly and easily adjusted to any wave length over a wide range. This is the case six years after the Berlin convention was signed, but it is proposed to require stations to be able to send on two or more wave lengths, the matter to be taken up at the London convention. The Berlin convention regulated radiotelegraphy as they found it at that time, and the ratification of the Berlin convention and any legislation for regulation of radiotelegraphy must deal with the subject as we find it to-day, i. e., while it is recognized that a tremendous difference would result from requiring every station, ship and shore, to have high-grade apparatus furnished by certain manufacturing companies, the rights of the greatest operating companies can not be entirely ignored. Certain improvements of their apparatus will be necessary in any event, but to require quick-change features for all transmitters would mean to legislate a great deal of commercial apparatus out of existence. It is extremely difficult for the Navy Department to find the money to modernize quickly its installations and to fit all transmitters for quick change of sending wave length.

OPERATION OVERLAND.

In the hearings the representatives of certain commercial interests frequently refer to the use of radiotelegraphy for overland communication, and it has been stated that they propose to compete with land lines between important points, and have had some negotiations with railroads for breakdown service—when land wires are down through stress of weather or ordinary telegraphic communication is interrupted by strikes. Reference to this working overland is usually connected with the subject of the use of two wave lengths only, i. e., the coast-station wave length of the wireless convention, 300 and 600 meters, and the idea of the wireless confusion in a large city like New York, where a number of commercial concerns are working. It is well known that long wave lengths are necessary for working overland, and there is nothing in the Berlin convention or in pending legislation which would prevent this overland work, provided that the work of stations open to public business with ships at sea or that of Government stations would not be interferred with. The use of wave lengths above 1,600 meters would minimize the chance of interference with the short-wave work of coast stations and ships.

SITUATION IN AND AROUND A LARGE SEAPORT LIKE NEW YORK.

Attempt has been made to bring out with emphasis at the hearings that a number of stations can work together within a relatively small area without interference only under one of the following conditions: (1) That all stations use low power, are as far from each other as possible, and use wave lengths as far apart as possible; (2) that if much power is used in sending, the stations must observe a division of time, i. e., one must not send while others are trying to receive from a distant station; (3) that each station is provided with a heterodyne receiver, promised in 1908 when this subject of ratification was under consideration and now said to be developed by the National Electric Signaling Co., which receiver, should it become a commercial possibility, would have to be purchased from that company. Should this instrument be perfected, all stations in congested areas would have to have them, because the stations provided with them would not have to pay much attention to the transmitting wave lengths used except to keep them definite (sharp and pure) and constant. They would be more or less independent of the length of the wave and it would not have to be chosen with reference to those used by surrounding stations—that is, chosen with much care. A very slight difference would suffice.

D. W. TODD,
Lieutenant Commander, United States Navy.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment House joint resolution 333, to authorize the loan of obsolete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. J. Res. 129) to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SMITH of Michigan, Mr. NELSON, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6453. An act to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899; to the Committee on Naval Affairs.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following title, when the Speaker signed the same:

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 18960. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5817. An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bill and joint resolutions:

H. R. 24023. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. J. Res. 327. Requesting the President of the United States to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene; and

H. J. Res. 346. To correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to its appropriate committee as indicated below.

Senate concurrent resolution 25.

Resolved by the Senate (the House of Representatives concurring). That the Clerk of the House of Representatives be instructed in the enrollment of the bill (H. R. 24023) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to strike out all of the second paragraph of Senate amendments 511, 512, 513, and 514, as agreed to in conference and concurred in by the two Houses, and insert in lieu thereof the following:

"All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose."

—to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives, by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved bills and joint resolution of the following titles:

On August 9, 1912:

H. R. 15509. An act to authorize the construction and maintenance of a sewer pipe upon and across the Fort Rodman Military Reservation at New Bedford, Mass.;

H. R. 21952. An act for the relief of James S. Baer;

H. R. 24450. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 21888. An act providing for the sale of the United States unused post-office site at Perth Amboy, N. J.; and

H. J. Res. 346. Joint resolution to correct an error in an act entitled "An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war," approved June 19, 1912.

THE WOOL SCHEDULE (H. DOC. NO. 903.)

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

On December 20, 1911, I sent a message to the Congress, recommending a prompt revision of the tariff on wool and woolens. I urged a reduction of duties which should remove all the excesses and inequalities of the schedule, but should leave a degree of protection adequate to maintain the continued employment of machinery and labor already established in that great industry. With that message I transmitted a report of the Tariff Board, which furnished for the first time the information needed to frame a revision bill of this character, and recommended that legislation should be at once undertaken in the light of this information.

Despite the efforts which have been made to discredit the work of the Tariff Board, their report on this schedule has been accepted, with scarcely a dissenting voice, by all those familiar with the problems discussed, including active representatives of organizations formed in the interest of the public and the consumer. Importers and merchants, as well as producers and manufacturers, have testified to the accuracy and impartiality of these findings of fact. For the first time in the history of American tariffs the opportunity has been afforded of securing a revision based on established facts, independent both of the ex parte statements of interested persons and the guesswork of political theorists.

My position has been made perfectly plain. I shall stand by my pledges to maintain a degree of protection necessary to offset the difference in cost of production here and abroad, and will heartily approve of any bill reducing duties to this level. Bills have been introduced into Congress, carefully framed and based on the findings of the Tariff Board, which, while maintaining the principle of protection, have provided for sweeping reductions. Such a bill was presented by the minority members of the Ways and Means Committee, which, while providing protection to the woolgrower, reduces the duty on most wools 20 per cent, and the duties on manufactures by from 20 to more than 50 per cent, and gives in many instances less net protection to the manufacturer than was granted by the Gorman-Wilson free-wool act of 1894.

Instead of such a measure of thorough and genuine revision, based on full information of the facts, and with rates properly adjusted to all the different stages of the industry, there is now presented for my approval H. R. 22195, "An act to reduce the duties on wool and the manufactures of wool," a bill identical with the one which I vetoed in August, 1911, before the report of the Tariff Board had been made. The Tariff Board's report fully and completely justifies my veto of that date. The amount of ad valorem duty necessary to offset the difference in the cost of production of raw wool here and abroad varies with every grade of wool. Consequently, an ad valorem rate of duty adjusted to meet the difference in the cost of production of high-priced wools is not protective to low-priced wools. In any case, the report of the Tariff Board shows that the ad valorem duty of 29 per cent on raw wool, imposed in the bill now submitted to me, is inadequate to meet this difference in cost in the case of four-fifths of our total wool clip. The disastrous effect upon the business of our farmers engaged in wool raising can not be more clearly stated. To maintain the status quo in the wool-growing industry, the minimum ad valorem rate necessary, even for high-grade wool in years of high prices, would be 35 per cent.

The rate provided in this bill on cloths of all kinds is 49 per cent. The amount of net protection given by this rate, in addition to proper compensation for the duty on wool, depends on the ratio between the cost of the raw material and the cost of making the cloth. The cost of the raw material in woolen and worsted fabrics varies in general from 50 per cent to 70 per cent of the total value of the fabric. Consequently, the net protective duty, with wool at 29 per cent, would vary from 28.7 per cent to 34.5 per cent. In the great majority of cases these rates are inadequate to equalize the difference in the cost of manufacture here and abroad. This is especially true of the finest goods involving a high proportion of labor cost. One of the striking developments of the last few years has been the growth in this country of a fine goods industry. The rates provided in this bill, inadequate as they are for most of the cloths produced in this country, would make the continuance here of the manufacture of fine goods an impossibility.

Even more dangerous in their effects are the rates proposed on tops and yarns. Tops are the result of the first stage in the making of raw wool into cloth. Yarn is the result of the second stage. Taken in connection with a rate of 29 per cent on wool, and 49 per cent on cloths, the rates of 32 per cent on tops and 35 per cent on yarn, fixed in this bill, seem impossible of justification. They would disrupt, and to no purpose, the existing adjustment, within the industry, of all its different branches. It is improbable in the highest degree that raw wool would be imported in great quantities when the cloth maker can import his tops at a duty of 32 per cent and yarns at a duty of 35 per cent. The report of the Tariff Board shows the difference in relative costs to be uniformly greater than the amount of protection on yarns given by this bill. In a year of low prices, the net protection granted by the proposed rates would not be more than half the difference in costs. The free-wool act of

1894 gave a protective rate of 40 per cent on all yarns over 40 cents a pound in value, with free raw material. The present bill gives only 35 per cent on such yarns with a duty of 29 per cent on the raw material. The great increase in the imports of tops and yarns which would result from the rates in the bill now submitted to me, would destroy the effect of the protection to raw wool and at the same time would be at the cost of widespread disaster to the wool-combing and spinning branches of the industry. The last 15 years has witnessed a great growth of top making and worsted spinning in this country, and the capacity of the plants is now equal to domestic requirements. Under the rates proposed such plants could be continued, if at all, only by writing off most of the investment as a net loss and by a reduction of wages. To sum up, then, most of the rates in the submitted bill are so low in themselves that if enacted into law the inevitable result would be the irretrievable injury to the wool-growing industry, the enforced idleness of much of our wool-combing and spinning machinery, and of thousands of looms, and the consequent throwing out of employment of thousands of workmen.

In view of these facts, in view of the platform upon which I was elected, in view of my promise to follow and maintain the protective policy, no course is open to me but to withhold my approval from this bill. I am very much disappointed that such a bill is a second time presented to me. I have inferred from the speeches made in both the House and the Senate that the members of the majority in both Houses are deeply impressed with the necessity of reducing the tariff under the present act on wool and woolens; that they do not propose to stand on the question of the amount of reduction or to insist that it must be enough necessarily to satisfy the principle of tariff for revenue only, but that they are willing to accept a substantial reduction in the present rates in order that the people might be relieved from the possibility of oppressive prices due to excessive rates. I strongly desire to reduce duties, provided only the protection system be maintained and that industries now established be not destroyed. It now appears from the Tariff Board's report and from bills which have been introduced into the House and the Senate that a bill may be drawn so as to be within the requirements of protection and still offer a reduction of 20 per cent on most wool and of from 20 per cent to 50 per cent on cloths. I can not act upon the assumption that the controlling majority in either House will refuse to pass a bill of this kind, if in fact it accomplishes so substantial a reduction, merely because members of the opposing party and the Executive unite in its approval. I therefore urge upon Congress that it do not adjourn without taking advantage of the plain opportunity thus substantially to reduce unnecessary existing duties. I appeal to Congress to reconsider the measure, which I now return, without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earners out of employment, and which I will promptly approve.

WM. H. TAFT.

THE WHITE HOUSE, *August 9, 1912.*

Mr. UNDERWOOD. Mr. Speaker, the usual course in a veto message is either to take it from the Speaker's desk and pass it at once or to refer it to the committee from which it originally came, but in this instance, as a number of Members who may probably desire to vote on this message if it is taken up to pass it over the President's veto are not present, I would prefer to let it go over until some day next week. I therefore ask unanimous consent that the veto message may remain on the Speaker's table, to be called up at a later date, and that it be printed in the RECORD and as a document.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the message and bill lie on the Speaker's table and that the message be printed as a document and in the RECORD.

Mr. HILL. Mr. Speaker, I would ask if the gentleman from Alabama would give this side of the House the courtesy of at least a day's notice before it is brought up?

Mr. UNDERWOOD. Mr. Speaker, I can not promise that. I will say to the gentleman that I will if I can. The reason I can not promise it is because we have conference reports coming in here all of the time, and it is toward the end of the session, and I have to take this bill up when I can. If I had the opportunity, I would be very glad to comply with the gentleman's request.

Mr. HILL. Of course it can be taken up now, but I understand that the reason it is not is because Members on that side of the House are not present. The same courtesy that would be shown to Members on that side of the House, it seems to me, ought to be shown to Members on this side, that we might at least have reasonable notice as to when it would come up.

Mr. MANN. Mr. Speaker, we will try to have notice on both sides, for the rest of the session, as gentlemen will be requested to be here.

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman that if I have the opportunity to do so I will give notice, but I shall not bind myself to do so, because I do not know what the exigencies of public business will require me to do otherwise.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the message and bill will lie on the Speaker's table and the message will be printed in the RECORD and as a separate document.

EFFICIENCY OF PERSONNEL OF THE NAVY.

Mr. GREGG of Texas. Mr. Speaker, I call up from the Speaker's desk the bill (S. 6453) to amend an act entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March 3, 1899, a similar House bill, H. R. 24225, having been favorably reported by the House committee.

The SPEAKER. The Chair lays before the House the bill S. 6453, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That section 9 of the act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States, approved March 3, 1899, be amended so as to read as follows:

"SEC. 9. That should it be found at the end of any fiscal year that the retirements pursuant to the provisions of law now in force, the voluntary retirements provided for in this act, and casualties are not sufficient to cause the average vacancies enumerated in section 8 of this act, the Secretary of the Navy shall, on or about the 1st day of April of each year, convene a board of five rear admirals on the active list and shall place before said board for its actual consideration and guidance the complete service and medical records of all the officers in the grades of captain, commander, lieutenant commander, and lieutenant.

"Each member of said board shall swear or affirm that he will, without prejudice or partiality, examine the records provided for in this section, having in view the special fitness of officers and the efficiency of the naval service, and that he will faithfully perform the duties imposed upon him by this act and recommend for retirement the officers who are shown to be least efficient as evidenced by these records, and arrange the names of said officers in inverse order of their merit. The board shall keep minutes and a complete record of its proceedings, and this record shall bear the certificate of the senior member of the board, and of the recorder if there shall be anyone serving as such, that it is a complete and a true record, and the findings shall be in writing, signed by all the members, not less than four governing. The record of the proceedings and finding of this board shall be transmitted to the President on or before May 1 of the current year, who shall select from the names submitted by the board the number of officers provided by this act for retirement. In order to provide for discretionary action on the part of the President, the board shall select two officers from each grade in addition to the maximum number from each grade that may be retired during any one year, as hereafter provided for.

"The President shall, as soon after June 30 as may be practicable, make by order the transfers of such a number of officers from the list herein provided for as will cause the necessary vacancies in compliance with section 8 of this act: *Provided*, That not more than five captains, four commanders, four lieutenant commanders, and two lieutenants are so retired in any one year: *Provided further*, That the President shall, through the Navy Department, immediately after the finding of the board shall be submitted to him, and not later than May 1, or as soon thereafter as practicable, notify the officers who have been recommended for retirement by said board, and offer to each the opportunity to submit in writing for the President's consideration any matters tending to show cause why such officer should not be retired: *Provided further*, That no officer whose name appears on the list as submitted to the President by said board shall be eligible for voluntary retirement pending the action of the President in the premises. The promotions to fill the vacancies thus created shall date from the 30th of June of the current year: *And provided further*, That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the pay of the grade from which he was retired."

Mr. MANN. Mr. Speaker, I make the point of order that the bill on the Speaker's table, Senate bill 6453, is not similar to the House bill on the calendar, and that the House bill on the House Calendar is on the improper calendar, and should be on the Union Calendar, and hence it is not in order to take this bill from the Speaker's table at all.

The SPEAKER. The second objection could be very easily remedied, but the first, if it turns out to be correct, can not.

Mr. MANN. The second could not either, Mr. Speaker, if the bill is improperly on the House Calendar.

The SPEAKER. That could be very easily remedied, but the first objection can not be, if it turns out to be the fact.

Mr. MANN. The second objection might be remedied by transferring the bill from the House Calendar to the Union Calendar, but that would not permit this bill to be taken up.

The SPEAKER. Wherein does this bill differ from the House bill?

Mr. MANN. Mr. Speaker, I am about to call it to the attention of the Speaker. This bill coming from the Senate is similar to a bill which was introduced in the House and which was reported to the House with a number of amendments. This

bill does not contain the amendments recommended by the Naval Committee on the House bill. I contend that, under the rule, if a bill is introduced in the House and the committee recommends a lot of amendments which changes to a large extent the bill, and that then the Senate passes a bill like the original bill, without the amendments, it is not a bill similar to the bill on the House Calendar.

The SPEAKER. The Chair will ask the gentleman what happened to the House bill with the committee amendments? Did the House ever pass it?

Mr. MANN. The House has not acted upon it. The committee recommended certain amendments.

The SPEAKER. Did the committee report the House bill with those amendments?

Mr. MANN. It did.

The SPEAKER. And the Senate bill leaves out those amendments?

Mr. MANN. It does.

The SPEAKER. The point of order is well taken, because that rule is a pretty close one. The Chair will be glad to hear the gentleman from Texas, if he has anything to say.

Mr. GREGG of Texas. Mr. Speaker, my understanding of the rule is that if the House bill is substantially the same as the Senate bill then we have a right to call up the Senate bill.

The SPEAKER. The Chair will read the rule to the gentleman:

> But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

Mr. GREGG of Texas. It says substantially the same.

The SPEAKER. That is true; but both of these things must be taken together.

Mr. MANN. Mr. Speaker, I will call the Speaker's attention to an amendment or two and see whether that makes any difference in the bill. Here is one amendment reported by the House to be inserted:

> In the event the President should decide that any one or more officers recommended for retirement should not be retired he shall reconvene the board, which shall proceed as in the first instance, and recommend for retirement the names of an officer or officers in lieu of such officer or officers which the President may decide should not be retired: *Provided further*, That such officer or officers shall be granted the same opportunity to answer as heretofore provided and be given a reasonable time therefor.

I will read another House amendment:

> And in making such selections he shall be governed exclusively by the record of the board and the answer of the officer or officers selected for retirement, and any evidence submitted by such officer or officers in corroboration of such answer, and shall not entertain or consider any other evidence or suggestions from any source whatever.

These amendments go to the very essence of the bill, and they are not in the Senate bill.

The SPEAKER. The Chair thinks that the point of order is well taken, that that amendment is the essential part of the bill. The rule has two conditions. In the first place, the bill must be substantially the same; and, in the second place, it must be a bill that does not necessarily go to the Committee of the Whole House on the state of the Union.

Mr. MANN. On the latter I call the attention of the Speaker——

The SPEAKER. The first is sufficient.

Mr. MANN. I thought, possibly, that the gentleman might ask that it be put upon the proper calendar.

The SPEAKER. The gentleman from North Carolina [Mr. Pou].

Mr. PADGETT. Mr. Speaker, I ask that the bill be transferred to the Union Calendar.

Mr. HOBSON. Why should it be transferred?

Mr. MANN. It says this—

> That any officer retired under the provisions of this section shall be retired with the rank and three-fourths the pay of the grade from which he was retired.

Mr. HOBSON. That is in the Senate bill.

Mr. MANN. It is in both, and it certainly involves a charge upon the Treasury.

Mr. HOBSON. The gentleman realizes they are retired to the grade next higher, and the effect of the bill is not to put a charge upon the Treasury, but to relieve the Government from a charge.

Mr. MANN. It involves a charge upon the Treasury.

Mr. HOBSON. It relieves the charge upon the Treasury. I see no objection to changing, but this causes an officer to be retired in a lower rank instead of a higher rank.

Mr. MANN. I do not think it makes any difference. If it says a man's salary shall be reduced from $2,000 to $1,800, it must be considered in the Committee of the Whole House on the state of the Union.

Mr. HOBSON. If the gentleman will permit, suppose under the existing law an officer were to be paid out of the Treasury, say, a given salary. Suppose under the proposed law that salary should be reduced and would be reduced to a certain extent. That would not be creating an expense on the Government, but it would be a saving to the Government.

Mr. MANN. But it involves a charge upon the Treasury.

Mr. HOBSON. I think it is a reduction of a charge upon the Government, a charge already existing and provided for, but I have no objection to the motion that it be transferred.

The SPEAKER. The gentleman asks unanimous consent to transfer this bill to the Union Calendar. Is there objection? [After a pause.] The Chair hears none. It has been decided over and over again you can not go into a problematical discussion as to whether an item involves a charge on the Treasury or not; it must be shown on its face.

BILLS ON THE PRIVATE CALENDAR.

Mr. POU. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

The SPEAKER. The gentleman from North Carolina moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. I want to ask if it is not in order to-day to consider bills reported from the Committee on War Claims instead of from the Committee on Claims?

The SPEAKER. This is pensions day.

Mr. SIMS. Pension bills not seeming to be pressing, is not the Committee on War Claims in order, since the committee has had a day since the Committee on War Claims?

The SPEAKER. This is one of the Fridays that would be devoted to pensions if there were any pension legislation pending.

Mr. MANN. No committee is privileged to-day—Claims or War Claims. The only privilege is what the committee may give——

The SPEAKER. The committee has a right to fix that matter——

Mr. MANN. When we get into committee.

The SPEAKER. When the House goes into the Committee of the Whole.

ANNIE R. SCHLEY.

Mr. DIFENDERFER. Mr. Speaker, I desire to call up the conference report on the bill (S. 4568) granting a pension to Annie R. Schley.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

S. 4568. An act granting an increase of pension to Annie R. Schley.

The conference report and statement are as follows:

CONFERENCE REPORT (NO. 1149).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill S. 4568, "An act granting an increase of pension to Annie R. Schley," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recedes from its disagreement to the amendment of the House, and agrees to the same with an amendment as follows:

In lieu of the matter stricken out and inserted, insert the words "one hundred;" and the House agrees to the same.

WILLIAM RICHARDSON,
WM. A. DICKSON,
IRA W. WOOD,
Managers on the part of the House.
HENRY E. BURNHAM,
REED SMOOT,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

The conferees on the part of the House on the conference asked by the Senate on the disagreeing votes of the two Houses on S. 4568 report that the conference agreement fixes the amount of pension to be allowed Annie R. Schley at $100 in place of $150 agreed to by the Senate and $75 agreed to by the House; and the Senate recedes from its disagreement to the amendment of

the House, and agrees to the same with an amendment as follows:

In lieu of the matter stricken out and inserted, insert the words "one hundred;" and the House agrees to the same.

WILLIAM RICHARDSON,
IRA W. WOOD,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

BILLS ON THE PRIVATE CALENDAR.

The SPEAKER. The question is on going into the Committee of the Whole House on the state of the Union for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the purpose of considering bills on the Private Calendar, with Mr. RAINEY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of business on the Private Calendar, and the Clerk will call the first bill.

Mr. POU. Mr. Chairman——

Mr. MANN. Mr. Chairman, a parliamentary inquiry. Are there any bills on the Private Calendar reported from the Committee on Pensions or Invalid Pensions or any bills removing political disability or charges of desertion?

The CHAIRMAN. The Chair is advised that there are no bills of that character on the calendar. The Clerk will report the first bill.

The Clerk read as follows:

A bill (S. 2512)——

Mr. SIMS. Mr. Chairman, I wish to move to take up bills reported from the Committee on Claims on the Private Calendar instead of those reported from the Committee on War Claims.

Mr. POU. Mr. Chairman, I had recognition of the Chair to make a motion to take up bills reported from the Committee on Claims, and I understand there was no objection to it.

The CHAIRMAN. The gentleman from North Carolina moves to take up bills reported from the Committee on Claims.

Mr. SIMS. Of course, Mr. Chairman, it makes no difference, for if that motion is voted down then the other will be in order.

The question was taken, and the motion was agreed to.

Mr. MANN. I was going to ask the gentleman, if I may, whether he would not prefer to go through the Private Calendar and take up unobjected bills instead of getting into a discussion of bills earlier on the calendar and never reaching those at the latter end of the calendar.

Mr. POU. Mr. Chairman, I then ask unanimous consent that the bills reported from the Committee on Claims be called, and if there is any objection to the consideration of any particular bill that it go over until the unobjected bills have been disposed of.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina that the bills reported from the Committee on Claims be read, and if there is any objection they shall be passed until the unobjected bills are disposed of?

Mr. POU. That is, that any objection to a particular bill will cause that bill to be laid aside until the complete list has been gone through with on the calendar.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the first bill.

SNARE & TRIEST CO.

The first business on the Private Calendar was the bill (S. 2512) for the relief of the Snare & Triest Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That the claim of the Snare & Triest Co. for reimbursement for all losses to them, including damage to pier growing out of a collision by the U. S. S. Colorado on the night of February 9, 1905, at League Island Navy Yard be, and the same is hereby, referred to the Court of Claims, with jurisdiction to hear and determine the same to judgment: *Provided*, That the petition is filed within six months from the date of this act.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with a favorable recommendation.

Mr. MANN. I think this bill would take considerable time. I shall have to object.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects.

Mr. POU. I ask that the next bill be taken up.

The CHAIRMAN. The Clerk will report the next bill.

HEIRS OF BENJAMIN S. ROBERTS.

The next business on the Private Calendar was the bill (H. R. 4125) for the relief of the heirs of Benjamin S. Roberts.

The bill was read.

Mr. MANN. Mr. Chairman, I make objection to that bill.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects, and the bill will be laid aside. The Clerk will report the next bill.

REIMBURSEMENT OF CERTAIN FIRE INSURANCE COMPANIES.

The next bill on the Private Calendar was the bill (S. 2819) to reimburse certain fire insurance companies the amounts paid by them for property destroyed by fire in suppressing the bubonic plague in the Territory of Hawaii in the years 1899 and 1900.

The bill was read.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects. The Clerk will report the next bill.

GUSTAV A. HESSELBERGER.

The next business on the Private Calendar was the bill (H. R. 15286) for the relief of Gustav A. Hesselberger.

The bill was read.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. Objection is made. The Clerk will report the next one.

G. A. EMBRY.

The next business on the Private Calendar was the bill (S. 183) for the relief of G. A. Embry.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. A. Embry, of Estill County, Ky., the sum of $200 in full compensation for services rendered the United States during the War with Spain.

Mr. POU. Mr. Chairman, I move that this bill be reported favorably and laid aside for the present.

The CHAIRMAN. Without objection, it will be so ordered.

There was no objection.

CATHERINE RATCHFORD.

The next business on the Private Calendar was the bill (S. 4050) for the relief of Catherine Ratchford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of $900 be, and the same is hereby, appropriated for the relief of Catherine Ratchford, because of the death of her son, James Ratchford, on or about the 7th day of August, A. D. 1895, caused by the injuries received by him on or about the 24th day of July, 1895, while an employee of the United States Government, riprapping on the Missouri River, near Leavenworth, Kans., because of the negligent and careless acts of omission of his foreman in using a rotten and defective rope after he had notice of the same, and after they had promised to replace the same.

Mr. POU. Mr. Chairman, I move that the bill be laid aside with favorable report.

The CHAIRMAN. The gentleman from North Carolina moves that the bill be laid aside with favorable report. Is there objection?

Mr. MANN. Mr. Chairman, I would like to ask the gentleman in charge of the bill whether they obtained a report from the department, if they know, in reference to this bill. The report does not seem to indicate that there was any inquiry made of the War Department in regard to it.

Mr. POU. I will say to the gentleman that this is a Senate bill, and it does not appear whether or not there is a favorable recommendation from the department.

Mr. MANN. I am not asking for a favorable recommendation. I think we ought to know from the department whether the accident happened and if they have any record of it.

Mr. HEALD. Mr. Chairman, if the gentleman will permit, the subcommittee that had that bill in charge and passed upon it in the Committee on Claims did have a statement from the department covering the accident. It had been reported, and it was the result of the use of a rope that had been reported as defective. The rope parted and caused the death of young Ratchford, and his earnings at that time were stated by the department to be about $900 a year.

The CHAIRMAN. The Clerk will report the next bill.

Mr. MANN. Mr. Chairman, what became of that last bill?

The CHAIRMAN. It was laid aside with favorable recommendation. The Chair did not hear any objection.

Mr. MANN. I did not hear the Chair put the question.

The CHAIRMAN. Yes. The Chair put the question.

ESTATE OF JOHANNA S. STOECKLE.

The next business on the Private Calendar was the bill (S. 4189) for the relief of the estate of Johanna S. Stoeckle.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representative of the estate of Johanna S. Stoeckle, late of Wilmington, Del., out of any money in the Treasury not otherwise appropriated, the sum of $1,753.99, taxes erroneously collected from said estate under the war-revenue act of June 13, 1898, on legacies passing by the last will and testament of Joseph Stoeckle, he having deceased prior to the passage of the war-revenue act approved June 13, 1898.

Mr. POU. Mr. Chairman, I will say that the bill (S. 4189) for the relief of Johanna S. Stoeckle, Private Calendar 77, has already been provided for in H. R. 24699.

Mr. MANN. Has that become a law?

Mr. POU. It passed the Senate, as I am informed. I do not know whether it is a law.

Mr. MANN. I do not think so.

Mr. POU. The gentleman from Pennsylvania [Mr. AINEY] thinks it has been signed by the President.

Mr. MANN. Was that on the omnibus bill—the bill that was reported recently from the Committee on Ways and Means?

Mr. AINEY. It was not on an omnibus bill. It was reported from the Committee on the Judiciary. It was one of those war-revenue payments, and afterwards the Supreme Court decided that the payments were irregular, and in order to take care of a number of claims of similar character the Committee on Claims determined to introduce a general bill permitting all those claims to be paid by the department direct.

Mr. MANN. The gentleman thinks that bill has become a law?

Mr. AINEY. I understand so. I suggest that this bill be passed over.

Mr. POU. I withdraw it, and move that it be laid aside.

The CHAIRMAN. Without objection, the bill will be laid aside to be reported to the House with a favorable recommendation. The Clerk will report the next bill.

ESTATE OF ELIZA B. HAUSE.

The next business on the Private Calendar was the bill (S. 1508) for the relief of the estate of Eliza B. Hause.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the personal representative of the estate of Eliza B. Hause, late of Philadelphia, in the State of Pennsylvania, out of any money in the Treasury not otherwise appropriated, the sum of $342.08, taxes erroneously collected from said estate under the war-revenue act of June 13, 1898.

Mr. POU. Mr. Chairman, I move that the bill be laid aside, with favorable recommendation.

The CHAIRMAN. Without objection, the bill will be laid aside, with favorable recommendation.

There was no objection.

The CHAIRMAN. The Clerk will read the next bill.

ESTATE OF ANTONIA SOUSA, DECEASED.

The next business on the Private Calendar was the bill (H. R. 2070) for the relief of the estate of Antonia Sousa, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of the naval pension fund, to the estate of Antonia Sousa, deceased, late a musician in the Marine Corps of the United States, the sum of $19.50 per month from March 4, 1886, to April 27, 1892, both inclusive, being the amount of allotment granted to the said Antonia Sousa, by the Secretary of the Navy under section 4756, Revised Statutes of the United States, which was wrongfully withheld from him by the former Commissioner of Pensions, and the necessary amount is hereby appropriated out of the naval pension fund.

With the following committee amendment:

Strike out in lines 6, 7, 8, 9, and 10 the following words: "The sum of $19.50 per month from March 4, 1886, to April 27, 1892, both inclusive, being the amount of allotment granted to," and insert in lieu thereof the words "the sum of $1,431.25, the total amount found to be due the estate of the pensioner."

Mr. MANN. Mr. Chairman, I reserve the right to object.

Mr. GREEN of Iowa. May I ask on what ground the gentleman objects?

Mr. MANN. Yes. The gentleman, of course, knows the case perfectly well. It is to pay the estate of a man a considerable sum of money to which he would be entitled as a pension. That is the strongest side of the case, stating it in favor of the bill. It is claimed that the man while alive was entitled to a pension, which he did not receive, and that the courts had so held in a similar case.

Mr. GREEN of Iowa. In this particular case?

Mr. MANN. Not as to this particular money. It is proposed to pay the money to the estate of the man. Now, the rule as to all pensions is that when the pensioner dies the estate is not entitled to his accrued pension. The pension is for the support of a man, not for the benefit of his estate. If any pensioner dies, his estate is not entitled to the accrued pension, although it may be only a month's pension. Of course as a matter of fact they get it in the way of burial expenses.

Mr. GREEN of Iowa. Will the gentleman allow me to make a little further explanation?

Mr. MANN. Certainly.

Mr. GREEN of Iowa. Mr. Chairman, this money is not, in fact, pension money at all, although it is commonly spoken of as such. This man Antonia Sousa served for a number of years as a musician in the United States Marine Band. Under section 4756 of the Revised Statutes of the United States he was paid a monetary allowance of $19.50 per month for life in lieu of a home in the naval asylum at Philadelphia. The Commissioner of Pensions was directed to pay the same out of the naval pension fund. That is the way it comes to be called pension money, but it is not really pension money at all.

Mr. MANN. I think it is absolutely pension money. It was designed for the support of the man during his life. It is not under the general pension law, that is true.

Mr. GREEN of Iowa. Of course, if there is to be discussion at this time I suppose it ought to be passed over, but at the proper time I can satisfy the committee that this is not pension money at all.

Mr. MANN. That may be. I should want to take about half an hour to discuss it. Therefore I object, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed. The clerk will report the next bill.

JOHN C. SULLIVAN.

The next business was the bill (H. R. 18294) for the relief of John C. Sullivan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to reopen and reaudit the account of John C. Sullivan, of Oswego, N. Y., the contractor for the heating apparatus at Fort Ontario, N. Y., and if it shall appear that an intentional mistake has been made on the part of said Sullivan or on the part of the officers of the War Department, that the amount of the claim found to be justly and equitably due said Sullivan, not exceeding $1,868, be, and the same is hereby, appropriated to pay said claim, out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Page 1, line 7, strike out "intentional" and insert in lieu thereof the word "unintentional."

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 1, lines 10 and 11, strike out "$1,868" and insert in lieu thereof "$1,108.40."

The amendment was agreed to.

The bill was ordered to be laid aside, to be reported to the House with a favorable recommendation.

HENRY W. CARPENTER.

The next business on the Private Calendar was the bill (H. R. 12476) for the relief of Henry W. Carpenter.

Mr. HAY. Mr. Chairman, that is quite a long bill, containing three or four different items, all of which except one have been stricken out by the Committee on Claims. I ask unanimous consent that the bill as amended be read, instead of reading the whole bill.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent that the bill as amended be read and not the whole bill. Is there objection?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the sum of $40.13, the same being the sum to which he was entitled, and which has never been paid, by reason of being compelled to hire quarters out of his private fund while serving the United States naval station, island of Guam, from August 9, 1899, to March 27, 1900, there being no public quarters at that station available for his use.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, this bill as introduced covered a number of items for which this officer desired to be reimbursed. I judge from the action of the committee that it probably gave very careful attention to the subject, because it eliminated all except one item. There is nothing in the report to indicate it. The amount involved is very small, but it seems to me we ought to have something in the RECORD to differentiate this from an ordinary case where a man is entitled either to quarters or commutation of quarters, and the depart-

ment has control of that matter. What is there in this case which makes it necessary for any legislation to be enacted?

Mr. HAY. I will say to the gentleman that this man went to the island of Guam. He was ordered there, and there were no quarters there. He had to rent quarters and he was entitled to commutation. That was not paid by the department in the course of business. I do not know why the department did not pay it, but the department now admits that this money is due to this officer.

Mr. MANN. Where is that admission?

Mr. HAY. It was filed with the papers in the case.

Mr. STEPHENS of Mississippi. Mr. Chairman, it should have been stated in the report, of course. I handled that claim. The gentleman from Virginia is correct. It was recommended by the department that it should be paid now. According to my recollection there were some officers provided for and two or three that were not provided for. This man was among the number that was not provided for. He rented quarters for a small amount.

Mr. MANN. He certainly can not be accused of great extravagance.

Mr. STEPHENS of Mississippi. No; the department held at that time that they were not required to furnish quarters other than those provided for, and there happened to be none provided for this man, and he was forced to rent these quarters, this room or two, and he did rent them. Now, the department recommends that he be paid, reversing themselves on the former decision.

Mr. MANN. I think I shall not object to this bill, though it is one of those bills that frequently come before the House where a man is retired from the active service, goes on the retired list, has very little to occupy his mind, gets to thinking over his service, picks up a point of a pin here and a point of a pin there, so as to make a claim against the Government.

Mr. HAY. I will say to the gentleman that that is not the character of this claimant.

Mr. MANN. That is the character of this claim.

Mr. HAY. This claim was filed before he went on the retired list. He has not got the commutation of quarters that he was entitled to under the law.

Mr. MANN. I will accept the certificate of character offered by the gentleman from Virginia and will not object.

The committee amendment was agreed to, and the bill was ordered to be laid aside to be reported favorably to the House.

HARRY S. WADE.

The next business of the Private Calendar was the bill (H. R. 15181) for the relief of Harry S. Wade.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry S. Wade the sum of $20,000, in full compensation for injuries received by him on May 16, 1911, while in the performance of his duties as an employee of the United States Government, being a machine driller engaged in drilling holes for blasting in connection with the construction of the Celilo Canal, Columbia River improvement, at Big Eddy, Wasco County, Oreg.

With the following committee amendments:

In line 6, page 1, strike out the word "twenty" and insert in lieu thereof the word "five," so that it will read "$5,000."

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentlemen interested in this bill how much they would be willing to put in the bill and pass it?

Mr. LAFFERTY. Mr. Chairman, this bill is right, in the judgment of the committee, and would suit me as the author of the bill. This young man Wade is a legal resident of the district of the distinguished gentleman from Iowa [Mr. GREEN].

Mr. MANN. I suspected as much.

Mr. LAFFERTY. The committee cut down the amount that I put in the bill.

Mr. POU. Mr. Chairman, I will say to the gentleman from Illinois that surely the amount reported in the bill ought not to be considered as excessive in view of the fact that this man has lost the sight of both eyes, except that he is able to distinguish between night and day. His hearing in both ears is greatly impaired, and, practically speaking, the man is gone—almost dead.

Mr. MANN. Mr. Chairman, no amount that we will appropriate will compensate the man for his injury. Recently, in this House, I introduced an amendment to the Panama bill authorizing the President to provide for the adjustment of claims for injuries on the Panama Canal. It was agreed to in the House, and I am happy to say that the Senate overrode the committee, which suggested striking it out, and it remains in the bill.

I am in favor of making compensation to employees. We commenced only two or three years ago to make compensation based on one year's salary. I am perfectly willing to admit that this is wholly inadequate. That was the general law. Then immediately we commenced to have bills brought in to make compensation for one year's salary for accidents occurring before the general law took effect. That lasted for a few months, and then gentlemen commenced to bring in bills providing for a great deal more than one year's salary for accidents that happened before the general law took effect, until now the committee have commenced to bring in bills to compensate the estates of persons who were injured 25 years ago.

Is it to be the policy of Congress now, having adopted a provision to pay one year's salary where a man is injured or loses his life in the service, that because we have entered on that policy we shall go back and pay exorbitant sums to people who were injured a century ago, or a quarter of a century ago? I am not in favor of that and am not willing to accede to it. This, I think, is the largest amount carried in any bill reported by the committee. That the case is a hard case goes without question. In a little while the committee will not distinguish, much less will Congress distinguish, between very hard cases and those that are not very hard. After we commence to pay large sums, in a short time $5,000 will seem small.

Mr. FOWLER. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. FOWLER. I desire to ask the gentleman what amount he would be willing to allow this bill to carry to be considered without objection.

Mr. LAFFERTY. Mr. Chairman, pending that, I think, if the gentleman will allow, I want to make a brief statement. This young man, Wade, came to Oregon a little over a year ago from Iowa. He went to work on Government work on the Celilo Canal at The Dalles, Oregon River. He was sent to work drilling into a solid bank of rock, and he drilled into an old lode that had been there, I understand, for two years or more. He knew nothing of the danger, but the foreman ought to have known it. An explosion took place, with the result stated by the chairman of the Committee on Claims. He is ruined for life. His sight is gone, both eardrums have burst, and he is a charge on his relatives. Under these same circumstances a suit against a private contractor would result in damages far in excess of $5,000.

Mr. OLMSTED. Will the gentleman yield?

Mr. LAFFERTY. With the permission of the gentleman from Illinois, I will.

Mr. MANN. I yield.

Mr. OLMSTED. It seems that this man drilled into the face of a rock where there had already been a shot placed. Could he not have discovered—must there not have been evidence of a drill hole and that a shot had been placed there before?

Mr. LAFFERTY. Many of these shots were put in from the top, and frequently the man could not see where he was drilling.

Mr. POU. I will say that the report shows that while he was engaged in this work his drill ran into an undischarged shot which had been placed in the rock and which it was supposed had been fired.

Mr. FOWLER. That is called a misshot.

Mr. OLMSTED. Would it not be contributory negligence to drill into an old shot without first finding out whether it had been fired?

Mr. POU. I do not know whether he could ascertain whether it had been fired or not unless he had dug away all the earth.

Mr. GREEN of Iowa. Mr. Chairman, I can answer that question, because I investigated this matter very carefully.

Mr. MANN. I will yield to the gentleman from Iowa.

Mr. GREEN of Iowa. There was abundant evidence before the subcommittee showing that there was no way in which this man could know anything about the shot hole that had not been fired. There was water pouring over the face of the cliff, and the shot holes had been drilled at an angle, and he had no way of telling that the drill was going into this place at all. The whole committee, after listening to the evidence submitted by the subcommittee, found that he was entirely without fault.

Mr. GOLDFOGLE. What is the amount appropriated by the bill?

Mr. GREEN of Iowa. Five thousand dollars.

The CHAIRMAN. Is there objection?

Mr. FOWLER. Mr. Chairman, I was trying to find out what the gentleman from Illinois would consent to agree to—what amount.

Mr. MANN. Mr. Chairman, I do not think we ought to pass any of these claims for more than $2,500, and that would probably be two or three times what this man would have been entitled to under the general law.

Mr. FOWLER. Mr. Chairman, by consent of my colleague I desire to say that in mining it is absolutely impossible for a miner to detect or locate a "missed shot," unless he is familiar with it at the time when it failed to shoot or before the shot was attempted to be exploded, or unless he had been informed of it thereafter. I understand that this was an old hole, which had been in existence for two years, and that it was what is known in mining as a "missed shot." Probably the foreman knew nothing about it, and, so far as I understand, there was no knowledge on the part of this claimant whatever. That being the case, he was absolutely without fault on his part, and had he been working for a master he could have gone into court and recovered a judgment commensurate with the injury he sustained. In my opinion, Mr. Chairman, the injury is far in excess of the amount which is denominated in this bill.

Mr. GOLDFOGLE. What is the injury?

Mr. FOWLER. Loss of both eyes and the destruction of the drums of both ears.

Mr. LAFFERTY. And he is a young man?

Mr. FOWLER. Yes.

Mr. GOLDFOGLE. May I ask what his earnings were?

Mr. FOWLER. A little over $600 a year. I am aware, Mr. Chairman, of the fact that we have not been allowing bills in as great sum as the injury would demand or warrant, but I would be very glad if my colleague would permit this claim to be considered by the committee in the sum of $4,000, under the unfortunate circumstances of the case.

Mr. MANN. Mr. Chairman, I think my colleague is in error when he thinks that this man could have gone into a court, if the United States were a private individual, and have recovered anything at all. This was a pure case of accident. I do not think the man was to blame, and neither was the superintendent. Nor was the Government to blame. It is impossible always to know whether a shot has been discharged, and they could not know it in this case. I do not know what the facts may have been, because the committee did not give to the House the information it has secured from the War Department under which this work was being carried on. Doubtless if we had that information complete it would show that no one was really at fault, although the committee intimated that the superintendent was.

Mr. FOWLER. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. FOWLER. Under the common law is it not the duty of the master not only to examine the place where he requires his servants to work, but to make such an examination as would be reasonable under all the circumstances to discover the danger before he puts the servants to work?

Mr. MANN. Oh, very likely; and I have no doubt that that was done. There is no evidence to the contrary.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. GREEN of Iowa. I will say that there was evidence before the committee which tended to show that this same foreman, who was engaged on the work at the time this undischarged shot was put in the rock, had knowledge of that fact, but the committee did not undertake to make that finding, not deeming it necessary under the well-known rule of law that it is the duty of the master to provide the servant with a reasonably safe place in which to work.

Mr. GOLDFOGLE. Where is the evidence that he was not so provided?

Mr. MANN. Mr. Chairman, it is patent to everyone familiar with mining explosions, and all that, that the master does not guarantee against damage by false or premature explosions or the explosion of what was unknown.

Mr. GOLDFOGLE. Or which he could not foresee.

Mr. MANN. Whether he could foresee it or not. That rule is in force in a thousand places in the country all of the time.

Mr. GREEN of Iowa. Mr. Chairman, with all due deference to the gentleman, he has not stated it correctly, by a good deal.

Mr. MANN. I expect that is true.

Mr. GREEN of Iowa. I have had experience in laying down this rule, and I would not ever have undertaken to put it in the way the gentleman states it and expect to be sustained by the Supreme Court.

Mr. LAFFERTY. Mr. Chairman, I will say that as far as I am concerned, as the author of the bill, I am willing to have the amendment the gentleman from Illinois suggests voted upon, and I would prefer to have the bill passed at $2,500 than not to have it passed at all.

Mr. MANN. If that is satisfactory to the committee, and that is understood, I am willing that it should be so.

Mr. GOLDFOGLE. If the gentleman will make it $2,500, I shall have no objection, so far as I am concerned.

Mr. GREEN of Iowa. Of course, the difficulty about making it $2,500 is that the Committee on Claims has a number of other bills here for somewhat similar accidents, and has adopted somewhat the same scale. It would involve not only this bill, but a number of others.

Mr. GOLDFOGLE. Oh, each case must stand upon its own bottom.

Mr. GREEN of Iowa. Yes; but this is the most aggravated case of all.

Mr. MANN. Mr. Chairman, I have seen committees of the House before when nearly every member present had a claim on the calendar, and I know how they vote.

Mr. POU. Mr. Chairman, I feel this way about it: If the man gets $5,000, 5 per cent interest upon that sum would just about keep him, give him a very meager support, and he is almost totally blind and helpless. That is all I have to say about it.

Mr. MANN. Mr. Chairman, I do not think we ought to give these large sums as long as we have a general law on the statute books which fixes the compensation at one year's salary. I am in favor of the compensation act that is pending before the House. It makes a considerable increase, and I hope when that bill becomes a law gentlemen will not think that because it passed, if it does become a law, that it is to be extended back for 25 or 50 years to the heirs of the children or grandchildren or great-grandchildren of people who were injured years ago.

When the committee has a heart so big—I do not blame the head of the committee for his heart—that is brings in a claim 20 or 25 years old, I think it is my duty to prevent the putting in of large sums of money like this.

Mr. GOLDFOGLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GOLDFOGLE. I understood the introducer of the bill to say that he was content to reduce the amount to $2,500. Is there any such amendment pending?

The CHAIRMAN. There is no such amendment pending.

Mr. MANN. Oh, the introducer of the bill did not say $2,500 would be sufficient.

Mr. GOLDFOGLE. I understood him to say——

Mr. LAFFERTY. I said I would not raise any objection to the amendment, although it was not sufficient in my judgment.

Mr. MANN. Let us be perfectly candid about it. You might skin me on one bill, but you could not on the next bill. If you recommend an amendment of $2,500, then——

Mr. LAFFERTY. I prefer to leave it to Mr. GREEN, as he is a citizen of his district——

Mr. GREEN of Iowa. And I would leave it to the chairman of the committee.

Mr. POU. We are fully persuaded and emphatically of the opinion this man ought to have $5,000, but if it is to be $2,500 or nothing, of course we agree to the $2,500.

Mr. GOLDFOGLE. Mr. Chairman, I move an amendment by striking out the words "five thousand" and inserting in lieu thereof the words "two thousand five hundred."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 6, strike out the words "five thousand" and insert the words "twenty-five hundred."

Mr. GREEN of Iowa. Mr. Chairman, reserving the right to object, I wish to say a few words in answer to what the gentleman from Illinois [Mr. MANN] has said in regard to an exorbitant amount being allowed for this claim. This was a claim of $5,000 for the loss of both eyes, the loss of hearing, and suffering for months, which the gentleman thinks is an exorbitant amount. This committee has never been very liberal in these amounts, but as a rule the amount carried has not been one-fourth of what a jury would allow if the case were presented to a court. It is not one-fourth in this particular case. If I am compelled to accept this amendment, I do it under protest, as I do not think it ought to be done.

Mr. FOWLER. Mr. Chairman, my colleague from Illinois [Mr. MANN] expresses the view that he does not think that the Government is responsible at all for this injury. If that were true, then, Mr. Chairman, it would be the duty of every man in this House not only to vote for the amendment to cut down the amount, but to vote against the bill itself. But, Mr. Chairman, under the evidence of the case as heard before the Committee on Claims and as is revealed here by the report of the Committee on Claims, it is perfectly patent on its face that the Government was exceedingly negligent, and that because of this negligence this young man is now in the unfortunate

position of being both blind and deaf. Mr. Chairman, were this case before a court, tried by a jury under the common law of the land, there is no doubt in my mind but what he could recover a judgment at the hands of the jury commensurate with the injury which he has sustained. It is the primary duty of the master to exercise reasonable care to furnish his servant a reasonably safe place in which to work. That is a continuing duty that lasts as long as the relation of master and servant exists, and if the master refuses or neglects to discharge his duty toward his servant in this wise, he is responsible under the law to answer for such damages in whatever sum may be commensurate with the injury which the plaintiff has sustained by virtue of his negligence. The United States in this case stands in the attitude of a master employing its servants to discharge certain duties, and it is evident, Mr. Chairman, that in the performance of these duties, where it is the part of the master to see that the servant has a reasonably safe place to work, it is clear that the Government has not discharged its duty.

Mr. OLMSTED. Will the gentleman yield?

Mr. FOWLER. Another important legal proposition equally applies to the Government in this case, and that is it is the duty of the master to exercise reasonable care to inform his servant of the danger that is connected with his employment. The master did not do so in this case. Another proposition of law which is equally strong and equally applicable to this case is that it is the duty of the master to see that his servant is not exposed to unreasonable danger in the employment in which he is engaged. I now yield to the gentleman from Pennsylvania.

Mr. OLMSTED. I desire to ask the gentleman if he thinks that the same duty of the United States to provide a safe place in which to work would apply to soldiers in the Army?

Mr. FOWLER. I do, sir; in so far as the business in which the soldier is engaged.

Mr. OLMSTED. Would the gentleman be in favor of giving the soldier, wounded as badly as this man was, $5,000?

Mr. FOWLER. I would, sir; and I would pay more than $5,000 if it were left to me.

Mr. GREEN of Iowa. He would get more than that.

Mr. FOWLER. And he would get more, because he would get a pension for life, and now you propose to give this helpless young man $2,500 as complete compensation for his injury.

Mr. OLMSTED. I am not proposing it. I am asking the gentleman.

Mr. FOWLER. Mr. Chairman, I am surprised at the distinguished gentleman from Pennsylvania, with his long record in this House and his illustrious record from his standpoint of politics, to make an application of this character to this unfortunate young man. He ought to stand here in this House and vote for this bill for $5,000, as was reported from this committee.

Mr. OLMSTED. If the gentleman please, I am not opposing this bill; I am favoring the pension of the soldier who gets injured.

Mr. FOWLER. Well, the gentleman can not go any further in that direction than the gentleman from Illinois, because I voted for every bill before this House to pension soldiers, and I do not think there will be one proposed that is too big for me to support here in their behalf, because they saved this country by their devotion, exposing their lives while they were young men in defending the honor of this country, and they ought to be recompensed the balance of their days in a sufficient amount that will take care of them properly during the remainder of their days. [Applause.]

Mr. OLMSTED. I quite agree with the gentleman.

Mr. FOWLER. I would do the same thing for this young man. I would give him $5,000, which is a sufficient sum to give him a very meager support if he could lend it out at the rate of 5 per cent per annum.

Mr. Chairman, I know that my time has expired, and I beg the pardon of the House for having consumed so much time. I thank you.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York, reducing the amount from $5,000 to $2,500. Is there objection? Without objection, the amendment will be laid aside with favorable recommendation. Is there objection to the bill? If not, it will be laid aside with favorable recommendation.

There was no objection.

TRANQUILINO LUNA.

The next business on the Private Calendar was the bill (H. R. 19819) to authorize the payment of $2,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the widow of the late Tranquilino Luna, late a Delegate from the Territory of New Mexico in the Forty-eighth Congress, the sum of $2,000, to be in full for all claims for contest expenses and interest in the election-contest case of Francisco A. Manzanares against the said Luna.

Mr. FOSTER. Mr. Chairman, I reserve the right to object.

Mr. GOLDFOGLE. Mr. Chairman, I would like to have an explanation of the bill made.

Mr. MANN. Mr. Chairman, I object.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed over. The Clerk will report the next bill.

WILLIAM F. NORRIS.

The next business on the Private Calendar was the bill (H. R. 3668) for the relief of William F. Norris.

The Clerk read the bill, as follows:

Be it enacted, etc., That the accounting officers of the Treasury are hereby directed, on application made by William F. Norris, late first lieutenant, Ninth Infantry, United States Army, to readjust the accounts of said William F. Norris and allow the sum thereon, in accordance with the principle of the decision of the Supreme Court of the United States in the Watson case, and to pay him whatever shall be found to be due thereunder out of any money in the Treasury not otherwise appropriated.

Mr. MANN. Mr. Chairman, reserving the right to object, I would like to ask the gentleman in charge of the bill upon what principle this bill is founded.

Mr. POU. Mr. Chairman, the gentleman who made the report is not here. I know nothing further about it than appears in the report, that—

The claimant herein was an officer in the United States Army, having been appointed a cadet at the United States Military Academy July 1, 1868, and graduated therefrom and was appointed second lieutenant, Ninth United States Infantry, June 14, 1872, and resigned June 15, 1881. This claim is based upon the fact that longevity pay, computed on the basis that his military service began on his entering the Military Academy, was never paid to claimant, to which he is entitled under the rulings of the Supreme Court of the United States. The Court of Claims found to be due the claimant the sum of $1,009.20, and decides that it is an equitable one against the United States, but because same was not filed for prosecution before any court within six years from the time it accrued, it was barred.

Mr. MANN. In that last statement, of course, the opinion of the committee is erroneous, because the Court of Claims does not find anything to be due to anybody in these congressional cases. They find that if Congress should apply a certain rule, then the amount involved would be so much.

It is all based upon this proposition: For many years paymasters of the Army and of the Navy, in computing longevity pay, construed the law to be that a man entered the service when he was commissioned in the Army or in the Navy. Subsequently, some years ago, the Supreme Court, in a case that went to that court, held that the service began when the man was appointed as a cadet—or midshipman, as they now call it—at Annapolis or as a cadet to West Point, and that before a man was commissioned in the Navy he was entitled to five years' longevity pay, which he could not commence to draw until a year after it was due him. That is, he would not be commissioned until six years after the beginning of his service or of his term of instruction at the academy. That is being paid now.

Mr. FOSTER. They are paying this longevity beginning with the entrance to the institution?

Mr. MANN. Yes. The longevity pay as now computed begins with the entrance at the academy, but it had not been so construed since the beginning of the longevity pay.

Now, these officers and the estates of the officers—and there are, of course, hundreds and thousands of them—insist that Congress shall waive the statute of limitations, because they are not able to file claims in the Court of Claims now on account of the statute of limitations. They insist that Congress shall waive the statute of limitations and pay them an amount of money which they did not understand they were to get while they were in the service and which Congress did not understand that we were to pay while they were in the service. No one supposed they were entitled to the amount then, while they were serving.

This particular bill is in behalf of one particular individual. A few years ago there was attached to one of the omnibus claims bills in the Senate page after page of these claims, two or three lines long in each case. Of course, if we are to pay one we ought to pay them all, and if we are to pay them all we ought not to commence by paying only one.

I am saying this for the purpose of directing the attention of the members of the Committee on Claims, because I think these cases have seldom come to the House from House committees. Whenever they have been brought before the House they have been brought by Senate amendments. Some of us in the House have had occasion to look into them a number of

times. I think the sentiment of the House is very strongly against reopening all these old claims for the beginning of longevity pay and paying to the estates of these officers if the officers are dead, as most of them are, or to the officers themselves, if they are alive, these amounts based on longevity pay which was not contemplated at the time.

Mr. POU. Mr. Chairman, in view of the explanation of the gentleman from Illinois [Mr. MANN], I will ask that the bill be passed over.

The CHAIRMAN. Without objection, the bill will be passed over. The Clerk will report the next bill.

ESTATE OF WILLIAM B. TAYLOR.

The next business on the Private Calendar was the bill (H. R. 21760) for the relief of the estate of William B. Taylor.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $993.60 to pay the legal representatives of William B. Taylor, late of Morehouse Parish, La., for amount due for carrying the mail on routes No. 7987, Arkansas, and No. 8272, Louisiana, in the year 1861.

Mr. MANN. Mr. Chairman, may I ask for what reason—I do not recall—this man's claim before the Court of Claims was dismissed? Was it owing to the statute of limitations?

Mr. DICKINSON. There is none, except as shown in the report. The report sets out all the facts that the committee had in reference to it.

Mr. MANN. The statement is made twice in the report that Mr. Taylor filed his claim in the Court of Claims, and at the bottom of page 2 of the report it is stated that the claims were dismissed. I presume that was on account of the statute of limitations. It seems by the statement of the auditor that there is a balance due him.

Mr. DICKINSON. The amount shown in the bill appears to be due, as certified by the auditor. All the information that came to the committee is set out fully in the report.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

SAMUEL BUTTER & CO.

The next business on the Private Calendar was the bill (H. R. 20511) for the relief of Samuel Butter & Co.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to reimburse in the sum of $19,732.91 to Samuel Butter & Co., of the city of Boston, Mass., the same being on account of an overpayment by the said Samuel Butter & Co., and in excess of the value of certain condemned property sold and delivered to them by the United States.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask one question, and perhaps two, of the gentleman who introduced this bill.

The claim here is based, largely at least, upon statements made in the book referred to in the specifications, as I understand. This is a claim based upon the proposition that there was not as much copper, and so forth, in the dry dock which was sold at public advertisement, and where the purchaser took it only for the material that was in it, as I understand.

Mr. CURLEY. Yes.

Mr. MANN. One of the strong claims is for copper bolts, and it was stated in this book, I think, that the copper bolts in this dry dock were 2 feet long and 4⅞ inches in diameter, and that these people bid on the dry dock on the basis of getting a large number of copper bolts 4⅞ inches in diameter, which, of course, would contain a very valuable amount of copper. These people being engaged in this kind of business and certainly knowing something about it I should like to ask the gentleman if anyone has ever heard of a copper bolt 4⅞ inches in diameter? Even I, without any special knowledge upon the subject, as soon as I caught that statement, said to myself, "Nobody makes copper bolts of that size. That is clearly an error." No one ever heard of a copper bolt 2 feet in length and 4⅞ inches or nearly 5 inches in diameter, a copper bolt nearly one-quarter as thick as it is long. Copper is very expensive. Does the gentleman really believe his claimants were deceived by an error so gross and palpable as that?

Mr. CURLEY. Mr. Chairman, in answer to the gentleman I will state that I have here the only authoritative work there is on the subject of dry docks. It was published by Charles B. Stuart in 1852. In this particular connection, with relation to the length and character of materials in the bolts, I would state that this reads as follows:

They have 5-foot vertical scarfs, each scarf having 4⅞ inch copper bolts, 2 feet long.

Mr. MANN. I stated that that was in this book and that it was a palpable error. I have read a great many books and reports containing errors, but was not deceived by them. Does the gentleman really believe his claimants were so utterly ignorant that they could believe that the Government or anybody else would use copper bolts by the hundreds or thousands one-quarter as thick as they were long?

Mr. CURLEY. Mr. Chairman, I presume that the interested parties who bid on this contract had the same degree of confidence in a statement made by a Government official, after a careful and thorough examination made by that official, that every other individual has, and in this connection I desire to call the attention of the gentleman from Illinois to the fact that the Navy Department availed itself, not of one source of information, but of two sources of information concerning the quantities of metals in the dry dock—the estimate prepared by Stuart in 1870 and the estimate prepared by the board of survey in January, 1907 (see report of the Committee on Claims, No. 783, p. 8, par. 8). But information contained in the latter and more authentic estimate was withheld from the bidders. Stuart had estimated the iron at 152 tons, and the board of survey, by adding the iron that had been used in the extensive repairs to the dock, increased the estimate to 600 tons. Here the board of sale used the estimate of the board of survey. Stuart had estimated the copper at 146 tons. The board of survey, by deducting the copper which the survey had shown was not in the dock, reduced Stuart's estimate to 100 tons. But here the board of sale was silent. Stuart's higher estimate was held forth as a bait for higher bids, notwithstanding the report of the board of survey.

The report of the board of survey was made 37 years after Stuart had made his computations; it was made in response to directions from the Secretary of the Navy and was based on an examination of the dock itself by officers of the Navy familiar with the original plans and specifications and thoroughly informed as to the repairs and changes that had been made. But, as we have seen, this report was used where the value of the dock was enhanced and ignored where its value was impaired.

A private individual guilty of such conduct would be stigmatized as a deliberate cheat. It is only fair to say that the Navy Department, after first rejecting the claimant's demand for redress, promptly ordered an investigation when the preceding facts were discovered.

Turning now to the disclosures by the board of investigation: That board has shown how Stuart erred in his computations and how the accuracy of his computations was further destroyed by the Government itself; and also how the board of survey made an error in charging nearly 200 tons of iron to the dock which was afterwards taken from the dock and returned into the Government storehouses. The board shows that the Government's agents were guilty of gross carelessness, and that the bidders could not protect themselves against the mistakes that were made.

There were a number of errors in connection with the specifications providing for the sale of this particular dry dock. The Government at one stage of the proceedings sets forth in the specifications that the dry dock contained 600 tons of iron, but during the time that the dry dock was in existence it had undergone repairs at various times, and at one period, in consequence of those repairs, there was removed from the dry dock 200 tons of iron. I do not know what is a fair valuation for such iron, but if it were $12 a ton, there would be $2,400 that the bidders were, perhaps unconsciously, mulcted out of by the Government officials in their specifications.

Take first Stuart's mistake in computing the weight of the copper fastenings. He figured on certain bolts as 2 feet long and 4⅞ inches in diameter, whereas the bolts were 22 inches long and ⅞ inch in diameter. It has been said that a copper bolt 4⅞ inches in diameter is so absurd, and Stuart's error is so obvious, that the bidder himself is to blame for not detecting the error.

If, Mr. Chairman, the bidder's attention is directed to the dimensions of a particular article that he is going to purchase, he bases his judgment on the specifications as set forth in the book to which reference is made.

Mr. GREEN of Iowa. Will the gentleman yield?

Mr. CURLEY. Certainly.

Mr. GREEN of Iowa. If I correctly understand the gentleman from Illinois, he was basing his objection to this claim on the ground that there were no such copper bolts as described. As I understand it, the difference in the size of the bolts actually found was not very great, but there was a difference in the number of bolts and something as to the weight of the bolts.

But the bolts as actually found approximated the size to which the gentleman from Illinois has referred to as impossible.

Mr. MANN. Just this little difference, that it was stated that the bolts were 4⅞ inches in diameter, and when they reached the bolts they were seven-eighths of an inch in diameter. My friend from Iowa thinks that was almost the same size.

Mr. GREEN of Iowa. The gentleman from Illinois is entirely in error if he has read the report——

Mr. MANN. I have read the report. Has the gentleman from Iowa read it?

Mr. GREEN of Iowa. I have.

Mr. MANN. Then the gentleman has evidently forgotten it.

Mr. CURLEY. Now, Mr. Chairman, if I may continue. It has been plainly shown that the bidders were deceived in the specifications with reference to the quantity and character of the material in so far as it applies to copper, the most expensive material in the dry dock. It has been set forth that they were further deceived in relation to the quantity of iron in the dry dock, since 200 tons of it had been removed since the dry dock had been in existence.

Perhaps there is some reason for this criticism, but, nevertheless, the department, by holding forth Stuart's figures and description of the dock, committed the same error as Stuart did; and, furthermore, the Navy Department on March 4, 1852, forwarded to the President of the Senate a report which included a copy of the contract for the floating dock in question, wherein the specifications say that—

> They have 5-foot vertical scarfs, each scarf having 4⅞-inch copper butt bolts 2 feet long.

We should remember that this dock was built many years ago; that it was an immense, unwieldy structure, probably different from anything of the kind theretofore designed. Is it altogether just to hold the bidder blameworthy for an error which is now so obvious, but which was committed by Stuart, a former Engineer in Chief of the Navy, who had before him the plans and specifications for the dock and who says in the preface to his work that—

> Care had been taken to refer constantly to the official records of the Navy Department and the reports of the engineers in charge of the several docks during their construction for valuable and reliable information.

Take next the shortage in the weight of the copper sheathing. Here Stuart's computations were accurate, but the board found that during some of the numerous repairs to the dock a strip of copper sheathing about 4½ feet in width and running all the way around the dock had been removed by the Government. What would be thought of a private individual who held forth Stuart's figures to the bidders after tearing off this strip of copper? Of course, we know that the board of sale did not intend to cheat the bidders, but when it is recalled that the board of survey reduced Stuart's estimate of the weight of the copper in the dock by 46 tons and that the board of sale suppressed that information, how can any fair-minded man permit the Government to keep the money thus improperly obtained?

In other words, the board of survey, after investigation, discovered that this strip of metal of 46 tons had been removed in some stage of the repairing of the dry dock, and when the attention of the board of sales was called to it the board of sales made no reference to it in the specifications submitted and upon which bids were made and received.

Next, Stuart's mistake in describing brass nails as copper nails. The report of the board of survey shows that extensive repairs were made to the dock from time to time. Is it conceivable that these repairs did not disclose to the Government's agents the kind of nails used in the dock? Who, then, should be held responsible for Stuart's mistake? The Government, which held forth his description and thus impliedly warranted his accuracy? Or the bidders, who had no means of ascertaining the facts until after the dock was paid for and delivered?

At last, the iron. We have seen that the estimate of the weight of the iron was taken from the report of the board of survey. The board of investigation found that the board of survey based its estimate upon the records of iron drawn from the storehouse for making repairs, but failed to credit the dock with 394,889 pounds which had been charged to the dock and afterwards returned into the storehouses. Here, again, we ask how it is possible for a fair-minded man to say that the Government should be permitted to keep the money obtained through this mistake? Right here, it might be well to ask those persons who believe that the transaction was one in which neither party knew the actual weight of the metals in the dock, whether it was not the duty of the Government to ascertain those weights and to furnish accurate information to the bidders. That could have been accomplished in such a way as to secure almost accurate results. The computations could have been based on the original plans and specifications, and thus Stuart's errors in the size of the bolts and the quality of the nails would have been discovered. The report of the board of survey, which reduced Stuart's estimate of the weight of the copper by 46 tons, had already disclosed the tearing off of the strip of copper sheathing; and the same records that the board of investigation examined would have shown the quantities of iron taken from the storehouse for the dock and the quantities taken from the dock and returned into the storehouse.

Now, then, Mr. Chairman, this matter was before the Committee on Naval Affairs in 1910, and received unanimous support from that committee. An investigation had been made by the Navy Department, and recommendation favorable to that claim was made by the committee of investigation. A similar favorable recommendation was made by the Secretary of the Navy, and a unanimous report for the payment of the claim by the Committee on Naval Affairs and then by the Committee on Claims.

The highest bid was in the vicinity of $11,000, and all that Mr. Butters asked is the difference between the highest bid submitted by some other person and the amount bid by himself.

Mr. MANN. Is the gentleman willing to make it $11,000 and call it square?

Mr. CURLEY. I fear the gentleman from Illinois has misunderstood me. The highest bid submitted by any other person than himself was $11,000. Mr. Butters asked for the difference between the highest bid by somebody else and the bid submitted by himself; that is, $19,000.

You have seen that Stuart on Dry Docks refutes the statement made in connection with the desire of the bidder to take advantage of the Government, and which plainly indicates that the Government has taken advantage of the bidder. Every person who has investigated the claim feels that it is a just one, and I sincerely trust that the gentleman from Illinois will withdraw his objection and will allow the claim to pass.

I would like to state further that this matter has been under consideration for several years, during which time the bidder in this case has lost the interest on the money tied up unfairly and unwarrantably by the Government.

Mr. MANN. Mr. Chairman, still reserving the right to object, I would like to make an observation. The Government advertised for bids for a dry dock under water. No one could tell exactly what was there until it had been raised, or in some way the water gotten out of it or it gotten out of the water. In advertising for bids, among other things, this statement was made: The dock is built of wood, in one section, about 107 feet by 350 feet in size. It was built in 1851, and it is stated in Stuart's Naval Dry Docks of the United States, and so forth.

Stuart's Dry Docks of the United States was not an official publication, as I think the gentleman from Massachusetts erroneously stated. Reference was made to it as the best information the Government had on the subject. Now, I think that the gentlemen who bid did bid under an erroneous supposition as to the various matters—the amount of copper used in sheathing, the copper nails which they found to be brass nails, and the amount of iron and steel which had been carried away.

But a considerable portion of this claim is based upon the proposition that these bidders were deceived by estimating the amount of copper in the bolts, because it was stated in Stuart's Manual that the bolts were 4⅞ inches in diameter.

No one can make me believe that a man bright enough to bid on any kind of work did not know that that was a mistake. They put in a claim for that item for 57,271 pounds of copper fastenings, which they did not get because the bolts were seven-eighths of an inch in diameter instead of 4⅞. They estimated copper was worth 13.66 cents per pound, which would amount to $7,823.22. When men are bidding on work of this kind they use some care or else accept the responsibility for negligence. Often when they are bidding for something they think they can put in a bid so that if it does not turn out the way they think it ought, they can put in a claim against the Government.

These people knew that there were no copper bolts 5 inches in diameter in that dry dock. Nobody had ever built construction work anywhere in the world with copper bolts 5 inches in diameter and probably never will.

Mr. CURLEY. Mr. Chairman, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CURLEY. I desire to call to the attention of the gentleman from Illinois the report that has been submitted by the Secretary of the Navy, which touches on the possibility of ascertaining the veracity of the statements contained either in the specifications or in Stuart's Manual. The Secretary of the Navy said:

> At the time the dock was offered for sale it was filled with water, and was down so low as to make an examination of her useless for the purpose of ascertaining the probable defects.

Mr. MANN. Mr. Chairman, I would state to the gentleman I just made that statement to the House.

Mr. CURLEY. I desire to call the gentleman's attention more particularly to the fact to show that the only method of ascertaining the amount or character of material was as set forth in Steuart's book, to which reference has been made by the board of sales.

Mr. MANN. Will the gentleman be willing to knock off that copper bolt item? The amount of the bill is $19,732.91. The copper bolts which they claim they lost figure up to $7,823.22, which would leave, if that was taken off, $11,909.69. That is all that they are entitled to.

Mr. CURLEY. Mr. Chairman, I do not feel it would be fair where the company has lost this money and lost it unfairly, through no fault of their own but entirely through the fault of the Government, through misrepresentation on the part of the Government, for the gentleman from Illinois to submit a proposition of that kind, and I do not feel he is doing it seriously.

Mr. MANN. I am very serious, Mr. Chairman. The gentleman really is asking a good deal to have Congress pass a bill giving a man a lot of money where he has bid, knowing as much as anybody else did. He offered a higher bid and got it accepted, and now he crawfishes.

Mr. CURLEY. Mr. Chairman, I have no desire to take advantage of the time accorded me to the disadvantage of somebody else. I want to be absolutely fair with the gentleman from Illinois. I am not authorized to say that they should accept or not accept that offer. Personally, I believe they are entitled to the full amount, as set forth, and I feel that at heart the gentleman from Illinois agrees with me upon that proposition. I do not know whether it would be acceptable to the residents of my district, who have called my attention to this bill. If the gentleman desires to knock off $2,000, I would say let them take that.

Mr. MANN. It is a question whether they are entitled to anything, but I have no doubt in the world that they are not entitled to a claim for the copper bolts.

Mr. FOSTER. This is not an auction sale, is it, now?

Mr. MANN. Not with me.

Mr. CURLEY. How much is that item?

Mr. MANN. Seven thousand eight hundred and twenty-three dollars and twenty-two cents, which would leave a balance of $11,909.69. Which, if they get it, is like picking money off the street.

Mr. CURLEY. Mr. Chairman, I suppose under the circumstances the only thing I can do is to accept the proposition of the gentleman from Illinois, and if it is not acceptable to the persons interested, use my endeavors to have the matter defeated in the Senate.

Mr. MANN. Mr. Chairman, I offer to amend by striking out, in lines 4, 5, and 6, the words "nineteen thousand seven hundred and thirty-two dollars and ninety-one" and inserting in lieu thereof the words "eleven thousand nine hundred and nine dollars and sixty-nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill was ordered to be laid aside with a favorable recommendation.

ROBERT F. SCOTT.

The next business on the Private Calendar was the bill (H. R. 17355) for the relief of Robert F. Scott.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Robert F. Scott, out of any money in the Treasury not otherwise appropriated, the sum of $478.07, the amount due him for retracing and reestablishing old lines in addition to such retracements and reestablishments provided for by and under the notice of letting of contract for public-land surveys No. 416, Montana, July 28, 1902, but required by his special instructions and necessary to the acceptable completion of the work under said contract, but rejected because not covered by the letter of the contract.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, this is not a legal claim, and there are a number of other claims like it.

Mr. LAFFERTY. That was several years ago, and they have all been closed up, I think.

Mr. MANN. I think not. I think that they are not only not all closed up, but there are some of them pending, and they are continually arising; and I would inquire if it is the expectation that we shall continue to pay these claims that are in violation of the law?

Mr. LAFFERTY. Mr. Chairman, this claim for Robert F. Scott was put in by myself at this session, because he is a resident of my district. He came to Portland from Helena, Mont., about two years ago. The bill had been introduced in the Senate six years ago, shortly after the work was done. It passed the Senate, with a favorable report setting forth all of the facts. At that time a letter from the Secretary of the Interior was addressed to the chairman of the Senate Committee on Claims, reciting the circumstances, saying that, while it was not a legal claim against the Government, the facts were submitted for such action as Congress might see fit to take, and a statement was also included that a number of other bills of the same character were pending. It seems to me that all of these other claims have been settled up. The facts in the case, admitted in the Secretary's letter, are as follows: Robert F. Scott took a contract for surveying a large tract of land. He was given a manual of instructions. When he arrived at the scene where the survey was to be made, he found that the marks of the base line or meridian, from which he was to project the lines, were obliterated. Referring to the manual of instructions given him by the Interior Department, he found that it was his duty to retrace these lines, which he did at an expense of $478, for which this bill proposes to reimburse him. Sending in his report with the field notes, the same was approved by the surveyor general in Montana. The Secretary's report incorporated in the House committee's report here shows that his work was satisfactory; that Scott did retrace these lines. Outside of the fact that he is a good surveyor, he is a hard-working man, and has gone on working to make a living for his family for six or eight years, thinking this bill would finally be taken care of by Congress. I took it up in the House, and the Committee on Claims has reported it favorably.

I trust the gentleman from Illinois will not see fit to insist upon his objection. If I thought it would open the way to a large number of other claims, I would not insist upon its being passed; but I think all the other claims have been settled, otherwise they would be here insisting on payment.

Mr. FOSTER. I do not know whether they have been settled, since this report of Secretary Hitchcock shows that there are a number of others of the same kind.

Mr. LAFFERTY. That is in his letter of February 2, 1906.

Mr. FOSTER. Since this letter was written.

Mr. LAFFERTY. That is my impression. I am looking at this just as the gentleman from Illinois was a while ago, and that is that if these other claims had not been settled the claimants would be here clamoring for settlement.

Mr. FOSTER. Maybe they have not such a wide-awake Member of Congress for those claims that this claim has.

Mr. LAFFERTY. I presume any of them are wide enough awake. This was a serious matter of retracing the lines in this case. It is admitted that the man did the work. He hired men to do part of the work—chain carriers, axmen—and furnished their subsistence, and did this work six or eight years ago. The Senate committee at the time stated that he did this work and had not been paid for it. The manual of instructions which he carried into the field required him to do the work, and there were no specifications in the letting of the contract that he would have to do this extra work; but after having gotten out with his camp outfit and his survey crew he could not then afford to turn back. I know the man personally; he has been in Portland for about two years. He is a hard-working man, with a family, and while those things do not cut any figure with a court, I have simply stated them as the facts. This claim has been gone carefully into. I wish to make an observation here, that in the matter of this claim the Committee on Claims have made a favorable report, and while that should not be conclusive and final, it is entitled to great force here in this House. As I say, here is a unanimous report of the committee on this bill. If this bill should be passed over this time, it probably would not be reached again. There is every evidence that it is a just claim against the Government and a moderate claim, a claim coming from a man who works hard every day for his subsistence, and I think it ought to pass.

Mr. MANN. The gentleman, I think, is not giving the man very great advertisement as a surveyor when he says he works by the day to get subsistence. A good surveyor, competent to do this work, ought to be well employed and pretty fairly well off and be working with his head.

Mr. LAFFERTY. I can guarantee that he is employed most every day, and even at that he does not make any more than a living.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

TO ADJUST THE CLAIMS OF CERTAIN SETTLERS IN SHERMAN COUNTY, OREG.

The next business on the Private Calendar was the bill (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg.

Mr. MANN. Mr. Chairman, this is rather a long bill, and I am going to object to it.

Mr. HAWLEY. Mr. Chairman, I hope the gentleman will not object. The bill is reported by the committee——

Mr. POU. Mr. Chairman, I would like to say there are 29 other bills to be considered, and I think we ought to run on through them.

Mr. MANN. Of course, I am going to object to this bill. I would be very glad to reserve the objection if it were not for that.

Mr. POU. When we have finished the unobjected bills the gentleman can take it up very quickly.

Mr. HAWLEY. Does the chairman of the committee think there is any possibility of getting back to it to-night?

Mr. MANN. I should say to the gentleman there is not, but I am not speaking for the committee.

Mr. HAWLEY. Mr. Chairman, this is a very meritorious measure which involves a number of small claims of some 205 people, who went on the land when opened by the Government, and who were encouraged by the authorities of the Government to remain and make their improvements. They were finally ousted as the result of a decision of the Supreme Court, and many of them obtained patents on their entries. The amount for each one is very small, although the total is somewhat large. They acted in entire good faith and under the encouragement of the Government officials.

Mr. MANN. I suspect soon we will have claims from gentlemen that because they have attempted to make homesteads under the Kinkaid Act on 640 acres and found they could not do it the Government ought to pay them back their railroad fares, subsistence, buildings constructed, and for the work they have done—but not yet.

Mr. HAWLEY. I do not think the cases are of the same character.

Mr. LAFFERTY. Has the Government made any misrepresentations under the Kinkaid Act?

Mr. MANN. The Government makes no misrepresentations of any kind to anybody.

The CHAIRMAN. Does the gentleman object?

Mr. MANN. I do.

Mr. POU. Has the gentleman read the report?

Mr. MANN. Yes; carefully; and I have it all annotated all the way through.

WILLIAM HANNUM.

The next business on the Private Calendar was the bill (H. R. 14748) to refund certain taxes paid by the heirs of William Hannum, deceased.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $172.93 to the heirs of William Hannum, deceased, money paid by them as taxes upon distributive shares imposed thereon under the provisions of law, any statute of limitations to the contrary notwithstanding.

The CHAIRMAN. Is there ofjection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

BOLOGNESI, HARTFIELD & CO.

The next business on the Private Calendar was the bill (H. R. 21403) for the relief of Bolognesi, Hartfield & Co.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

J. KENNARD & SONS CARPET CO.

The next business on the Private Calendar was the bill (S. 4007) for the relief of J. Kennard & Sons Carpet Co.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the J. Kennard & Sons Carpet Co., of St. Louis, Mo., a corporation of the State of Missouri, the sum of $2,427.88, the same being the amount of penalties heretofore assessed against and collected from said company on account of customs duties in the months of April, May, July, and August, 1907.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

H. J. RANDOLPH HEMMING.

The next business on the Private Calendar was the bill (H. R. 21506) for the relief of H. J. Randolph Hemming.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed over. The Clerk will report the next one.

LEAVE TO PRINT.

Mr. HOBSON. Mr. Chairman, I rise to ask unanimous consent to print in the RECORD, if it is in order now before we pass on to the consideration of the next bill, an article containing an analysis of the Aldrich monetary plan. It is in line with data I am collecting on that general subject. It is a valuable article, and I hope there will be no objection.

The CHAIRMAN. The gentleman from Alabama [Mr. HOBSON] asks unanimous consent to print in the RECORD an article on the currency question. Is there objection?

There was no objection.

Mr. YOUNG of Michigan. Mr. Chairman, I also ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the gentleman's request?

There was no objection.

Mr. STEPHENS of California. Mr. Chairman, I make the same request.

The CHAIRMAN. The gentleman from California [Mr. STEPHENS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

REPAYMENT OF THE RANSOM OF ELLEN M. STONE.

The next bill on the Private Calendar was the bill (H. R. 2461) to provide for the repayment of the ransom of Ellen M. Stone.

The bill was read.

Mr. GREEN of Iowa. Mr. Chairman, the gentleman from Massachusetts [Mr. ROBERTS], who introduced this bill, is not present to-day, and he desired to have this bill laid over without prejudice, if that is acceptable to the Chairman of the committee.

Mr. FOWLER. Mr. Chairman, I have charge of the bill. I do not want it to be passed over unless somebody objects to it.

Mr. FOSTER. Does the gentleman object to the request of the gentleman from Iowa?

The CHAIRMAN. Is there objection to the consideration of the bill?

Mr. FOSTER. The gentleman from Iowa made a request, I think.

Mr. GREEN of Iowa. I made it on behalf of the gentleman from Massachusetts [Mr. ROBERTS], who introduced the bill.

The CHAIRMAN. Objection to it will accomplish the same result, the Chair will suggest to the gentleman from Iowa [Mr. GREEN].

Mr. FOWLER. Mr. Chairman, I hope the gentleman from Iowa will not object to the consideration of this bill. It has been passed twice by the Senate, and it has been reported to the House by a unanimous vote of the committee. It is a bill which has been agitating the people, not only in one State of the Union but in every part of this country and throughout the entire world.

The CHAIRMAN. Will the gentleman from Illinois [Mr. FOWLER] permit the Chair to put the request of the gentleman from Iowa? The gentleman from Iowa [Mr. GREEN] asks unanimous consent that this bill be passed over. Is there objection to the request of the gentleman from Iowa?

Mr. FOWLER. I object.

Mr. MANN. Mr. Chairman, this bill would take the remainder of to-day and probably all of next Private Calendar day, and therefore I object.

Mr. FOWLER. Mr. Chairman, I trust that the gentleman will not object to the consideration of the bill.

Mr. MANN. I have objected.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] objects. The bill will be passed over. The Clerk will report the next bill.

L. D. HILDEBRAND, ADMINISTRATOR.

The next business on the Private Calendar was the resolution (H. Res. 567) referring the bill (H. R. 15207) for the relief of L. D. Hildebrand, administrator of the estate of John W. Hildebrand, deceased, to the Court of Claims.

The resolution was read.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, ordinarily it is a very easy thing for a committee, and a very proper thing, to refer a bill for a claim to the Court of Claims for a finding of facts. This resolution, by the way, is not in the form complying with the law under which bills are referred to the Court of Claims. We have no authority to refer a bill to the Court

of Claims "to ascertain the amount due, if any." There is no such provision in the law, and hence the resolution would not be effective, if passed, if the Court of Claims followed the law.

However, this bill itself is a bill to reopen a claim of Mr. Hildebrand, who served as a delegate of the Eastern Cherokee Indians in 1876, after he had been paid for his services. I think the gentlemen who reported this bill ought themselves to have given it a little consideration. I do not think they would favor even referring the bill to the Court of Claims. I object.

The CHAIRMAN. Objection is heard. The bill will be passed over. The Clerk will report the next bill.

FRED FOX, JR.

The next business on the Private Calendar was the resolution (H. Res. 568) referring the bill (H. R. 17123) for the relief of Fred Fox, jr., to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 568.

Resolved, That the bill (H. R. 17123) for the relief of Fred Fox, jr., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims to find the amount due, if any, and report the same to Congress.

Mr. MANN. Mr. Chairman, reserving the right to object, I do not see the gentleman here who reported this resolution. I think I am not in error in the belief that the law provides for referring a matter to the Court of Claims only for a finding of facts and conclusions of law.

Mr. POU. Would the gentleman be willing to amend the resolution in that regard?

Mr. MANN. Certainly. I have no objection to the resolution at all.

Mr. POU. I would be obliged to the gentleman if he would make the proper motion.

Mr. MANN. The resolution should read "That the bill (H. R. 17123) for the relief of Fred Fox, jr., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act," and so forth. If the Clerk will send for House resolution 629 he will find the form exactly. I move, Mr. Chairman, to strike out all after the resolving clause and insert the provision that I have read. I think that is satisfactory.

The CHAIRMAN. The gentleman from Illinois [Mr. MANN] offers an amendment, which the Clerk will report.

Mr. MANN. It is to insert, after the word "Claims," in line 3, the words "for a finding of facts and conclusions of law."

The Clerk read as follows:

Amend the resolution by inserting after the word "Claims," in line 3, the following: "for a finding of facts and conclusions of law."

Mr. MANN. Of course, all after the word "Claims," in line 3, should be stricken out. The amendment is to strike out lines 4 and 5 and insert.

The CHAIRMAN. The Clerk will report the amendment again.

The Clerk read as follows:

Amend, by striking out lines 4 and 5 and inserting after the word "Claims," in line 3, the words "for a finding of facts and conclusions of law."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

ERSKINE R. K. HAYES.

The next business on the Private Calendar was the bill (S. 3459) for the relief of Erskine R. K. Hayes.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed, and the Clerk will report the next bill.

HENRY A. V. POST.

The next business on the Private Calendar was the bill (H. R. 17323) for the relief of Henry A. V. Post.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, here is a claim 30 years old, and no information is contained in the report. It proposes to waive the statute of limitations and the statutes in reference to the payment of duties under protest. Certainly, unless there is some reason for it, I shall have to object. There is no reason assigned here.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed, and the Clerk will report the next bill.

SAM MANA.

The next business on the Private Calendar was the bill (H. R. 21195) for the relief of Sam Mana, owner of the schooner *Moi Wahine*, sunk in collision with a Government vessel.

The bill was read, as follows:

Be it enacted, etc., That the claim of Sam Mana, owner of the schooner Moi Wahine, or his heirs, assigns, or personal representatives, which said schooner was injured and sunk by collision with the U. S. lighthouse tender Kukui on the night of the 27th of February, 1911, in the waters of the Pacific Ocean off the island of Maui, Territory of Hawaii, for and on account of the total loss of said schooner Moi Wahine and consequent damages to the owner thereof, may be submitted to the United States district court for the district and Territory of Hawaii, under and in complaince with the rules of the said court sitting as a court of admiralty; and said court shall have jurisdiction to hear and determine said claim or claims and to render judgment thereon upon the same principles and measures of liability and damages as in like cases in admiralty: *Provided, however*, That the investigation of the said claim or claims shall be made upon the following basis:

First. The said court shall find the facts attending the loss and injury to the said schooner Moi Wahine and the resulting damages to her owner or owners.

Second. If it shall appear that the responsibility therefor rests with the said U. S. lighthouse tender Kukui, the court shall then ascertain and determine the amount which should be paid to the owner or owners of the said schooner Moi Wahine, or their heirs, representatives, or assigns, in order to reimburse him or them for the losses and damages so sustained, and shall render a decree accordingly.

SEC. 2. That should said decree be rendered in favor of the owner or owners of said schooner, or their heirs, representatives, or assigns, the amount thereof shall be paid out of any money in the Treasury not otherwise appropriated.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, would the gentleman from Iowa [Mr. GREEN], who reported this bill, have any objection, or would it be proper to strike out the name of the owner, given here as Sam Mana, and simply provide that the claim of the owner be adjudicated?

Then this bill provides not only for an adjudication for the loss of the vessel, but the consequent damages to the owner thereof. We never have allowed that. The House has always declined to allow consequential damages. I notice the bill provides for findings of fact and conclusions of law. If it is to be submitted to the court as an admiralty case, I do not see why the court should not just as well render a judgment. I can not see upon what principle we should allow consequential damages or determine who was the owner of the vessel.

Mr. GREEN of Iowa. The word "resulting," to which the gentleman refers, was not considered by the committee to have the meaning which the gentleman from Illinois attaches to it; but I can see that there might be some misconstruction arising as a result of it, and I think it would be well if that word were stricken out, in accordance with the suggestion of the gentleman, and also the name of the owner. I think both the suggestions that the gentleman makes are good.

Mr. MANN. The question of damages comes in in two or three places. On page 2, lines 11 to 13, if the gentleman will notice, it says:

The said court shall find the facts attending the loss and injury to the said schooner Moi Wahine, and the resulting damages to her owner or owners.

Then below you change the finding of facts into a decree——

Mr. FOWLER. Mr. Chairman, I object to the consideration of this bill and the next one, as they will both take a good deal of time to consider.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed. The Clerk will report the next bill.

OWNERS OF CARGO OF SCHOONER "MOI WAHINE."

The next business on the Private Calendar was the bill (H. R. 21043) for the relief of the owners of the cargo laden aboard the schooner *Moi Wahine*.

The bill was read.

Mr. POU. Mr. Chairman, the gentleman from Illinois [Mr. FOWLER] objects to the consideration of that bill.

The CHAIRMAN. The statement of the gentleman is correct. The bill will be passed. The Clerk will report the next bill.

CATHERINE GRIMM.

The next business on the Private Calendar was the bill (S. 4520) for the relief of Catherine Grimm.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to Catherine Grimm, of Cleveland, Ohio, mother of Otto B. Grimm, late first lieutenant, Signal Corps, United States Army, the sum of $1,200, in full compensation of all claims or demands of the estate of the late Otto B. Grimm.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

FRANK KLEIN.

The next business on the Private Calendar was the bill (H. R. 5769) for the relief of Frank Klein.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Frank Klein, of San Francisco, Cal., the sum of $5,000, on account of the loss of an eye by the explosion of a box of percussion caps while loading the United States Army transport Sherman, in San Francisco Harbor, on the 22d day of September, 1900.

The CHAIRMAN. Is there objection?

Mr. KAHN. I want to offer an amendment.

The CHAIRMAN. There is a committee amendment which will first be reported.

The Clerk read as follows:

Page 1, line 5, strike out the word "five" and insert the word "one."

The amendment was agreed to.

Mr. KAHN. I move to strike out in line 9, page 1, the words "nineteen hundred" and insert in lieu thereof the words "eighteen ninety-nine."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 9, strike out "nineteen hundred" and insert in lieu thereof "eighteen ninety-nine."

The amendment was agreed to.

The bill as amended was ordered to be laid aside to be reported to the House with a favorable recommendation.

WEST KENTUCKY COAL CO.

The next bill on the Private Calendar was the bill (H. R. 13016) for the relief of the West Kentucky Coal Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That there be, and is hereby, appropriated the sum of $3,017.48 for the relief of the West Kentucky Coal Co., of Sturgis, Ky., to pay for one barge of coal, lines, and appurtenances destroyed at Memphis, Tenn., June 25, 1909.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

CHARLES S. JACKSON.

The next business on the Private Calendar was the bill (H. R. 20385) to reimburse Charles S. Jackson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $82 to Charles S. Jackson, late lieutenant, Eleventh Regiment United States Cavalry, to reimburse the said Jackson for the amount paid by him by deduction from his pay as such lieutenant for hire of a mount, equipments, and forage under the order of the chief quartermaster at Atlanta, Ga., dated the 5th day of April, 1910, which said mount and equipments were used by the said Jackson, under the order aforesaid, in connection with progressive military-map work in the Department of the Gulf, to which he had been detailed by proper authority.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

YNCHAUSTI & CO.

The next business on the Private Calendar was the House resolution 643, referring the bill (H. R. 20377) for the relief of Ynchausti & Co. to the Court of Claims.

The Clerk read the House resolution, as follows:

Resolved, That the bill (H. R. 20377) for the relief of Ynchausti & Co., together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of the facts and the amount due, if any, and that the same be reported to Congress.

Mr. MANN. Reserving the right to object, I think this resolution is not in proper form; and I will object for the present.

The CHAIRMAN. The bill will be passed over.

SAMUEL H. DONALDSON.

The next business on the Private Calendar was the bill (H. R. 18894) for the relief of the heirs of the late Samuel H. Donaldson.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the heirs of the late Samuel H. Donaldson, who died from injuries received in the performance of his duties under the appraiser of merchandise at the port of New York, the sum of $5,000.

With the following committee amendment:

In line 8 strike out the words "five thousand" and insert the words "one thousand five hundred."

Mr. MANN. Mr. Chairman, reserving the right to object, I notice that the report does not indicate that this bill was ever called to the attention of the Treasury Department or that the department was asked for a statement concerning the accident. I will ask whether or not, as a matter of fact, they did have a report from the Treasury Department, and whether they have such a report here. It seems to me that where a man has been injured in the Government service and presents a claim for injury, that we ought to have a statement from the service in which he claims he was injured.

Mr. POU. This is one case in which there was no report from the Treasury Department.

Mr. MANN. I think I shall have to object.

Mr. POU. I will state that I have been informed that inquiry was made of the Treasury Department and they had no information about the matter. In all cases wherever a bill is introduced the matter is immediately referred to the department that is supposed to have the information in respect to it.

Mr. MANN. If this man was employed in the Treasury Department, of course they would have some information as to that fact.

Mr. POU. Let the bill be passed over.

LENA SCHMIEDER.

The next business on the Private Calendar was the bill (H. R. 23123) for the relief of Lena Schmieder.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Lena Schmieder, out of any money in the Treasury not otherwise appropriated, the sum of $5,000, in compensation for the loss of her husband, Joseph Schmieder, who came to his death on November 13, 1895, while in the employ of the United States Government, and as a result of such employment, and for the loss of her second husband, Frank Schmieder, who came to his death on July 5, 1907, while in the employ of the United States Government and as a result of such employment.

With the following committee amendments:

On page 1, line 6, strike out the words "five thousand" and insert in lieu thereof the words "one thousand and eighty."

In line 10, after the word "employment," strike out the comma and insert a period; strike out balance of line 10, all of lines 11, 12, 13, and 14.

Mr. MANN. Reserving the right to object, this bill proposes to compensate the lady for the loss of her first husband by accident and then for her second husband by accident. The loss of the second husband occurred in 1907. We might properly make compensation for that under the theory we have adopted, but it was found there was no accident there as far as the Government was concerned, for he was not in the service of the Government when the accident happened. The other loss occurred in 1895, 17 years ago. I think it is going back a little too far to allow these claims 17 years old, and therefore I object.

HENRY HIRSCHBERG.

The next business on the Private Calendar was the bill (H. R. 24081) for the relief of Henry Hirschberg.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $410 to Henry Hirschberg, of St. Louis, Mo., the same being balance due him on salary as inspector of leather goods and hardware for the Indian service.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

JOHN A. GAULEY.

The next business on the Private Calendar was the bill (H. R. 17140) for the relief of John A. Gauley.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John A. Gauley, of Allston, Mass., out of any money in the Treasury not otherwise appropriated, the sum of $1,200, and said sum is hereby appropriated as compensation for personal injuries suffered by said Gauley in the course of his duties as an employee of the War Department at the Watertown Arsenal, Watertown, Mass.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, I would like to inquire whether this bill was referred to the War Department. I do not find any statement to that effect in the report.

Mr. DICKINSON. I have no recollection about it. I know we examined it pretty carefully.

Mr. MANN. It seems to me, with full respect for the committee, that where a man is injured in the Government service and a bill introduced to pay the claim that one of the natural things to do is to make inquiry of the head of that department to get information in regard to the man, and probably in reference to the injury; certainly if there is any negligence on the part of the Government alleged. For the present I object.

FELIX MORGAN.

The next business on the Private Calendar was the bill (H. R. 21849) for the relief of Felix Morgan.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Felix Morgan, of Wirt County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $10,000, to compensate him for

injuries received while in the employ of the Government on the Little Kanawha River, in Wirt County, W. Va.

With the following committee amendment:

In line 7 strike out the words "ten thousand" and insert in lieu thereof "two thousand five hundred," so that it will read "$2,500."

The CHAIRMAN. Is there objection.

Mr. MANN. Reserving the right to object, this bill is to compensate for an accident that occurred 21 years ago. I think that is too far back and therefore I object.

ROBERT H. BURNEY AND C. J. FULLER.

The next business on the Private Calendar was the bill (H. R. 23329) for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and is hereby, authorized to pay, out of any money in the Treasury of the United States not otherwise appropriated, to A. A. Burney, Annie Abernathy, D. E. Taylor, Frank Burney, Lillie Tomlinson, G. W. Fuller, and Beulah Fuller, sole heirs of Robert H. Burney, deceased, late of Texas; and G. W. Fuller and Beulah Fuller, sole heirs of C. J. Fuller, deceased, late of Texas, the sum of $557.55, the amount due the said Robert H. Burney and C. J. Fuller under their contracts Nos. 8749, 8763, 8766, and 8767, for carrying the United States mail prior to the Civil War in the State of Texas, as shown by Senate Document No. 92, Fifty-seventh Congress, second session.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, this is one of the claims for carrying mail many years ago, before the war, I suppose. It was set out in a report submitted to the Senate in the Fifty-seventh Congress, and I would like to inquire of the gentlemen on the committee whether they know, if this claim is allowed, how much will go to the claimants, and how much to the attorney who has taken it up?

Mr. DICKINSON. Mr. Chairman, there has been no attorney before the committee. The bill was introduced by Mr. RANDELL of Texas. It is like the Taylor claim, and it shows that there is that much to the credit of this man who carried the mail, and we have no information other than is set out in this report.

Mr. MANN. I suspect that the attorney did not appear before the committee. Of course I do not know whether there is an attorney or not.

Mr. DICKINSON. I think not.

Mr. MANN. I think there is. As this claim, with a number of others, was set out in a report to the Senate a great many years ago—10 years ago, or such a matter—it undoubtedly has been called to the attention of the claimants by some attorney, who has probably written the claimants that the attorney thought he could get a claim for these parties allowed if he was given 50 or 75 per cent of the claim; and the people, not knowing they had a claim, would do probably as you and I would do if some man would come to us and say if we would give him one-half he would get us some money that we did not know was due us but that he thought was. I think in these claims we ought to put in a provision that the money is guaranteed to go to the claimant and not to the attorney. I have no objection to the bill.

The bill was ordered to be laid aside with a favorable recommendation.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HEFLIN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1068. An act authorizing the extension of First Street east, and for other purposes.

SENATE BILL REFERRED.

Undr clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1068. An act authorizing the extension of First Street east, and for other purposes; to the Committee on the District of Columbia.

WILLIAM H. WILLIS.

The committee resumed its session.

The next business on the Private Calendar was the bill (H. R. 9129) for the relief of the estate of William H. Willis.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of William H. Willis, deceased, the sum of $36.57, in full settlement for transporting the United States mail in 1860 and 1861.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside with a favorable recommendation.

LEO MÜLLER.

The next business on the Private Calendar was the bill (H. R. 22257) for the relief of Leo Müller.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the United States Treasury not otherwise appropriated, the sum of $2,000 to Leo Müller, in full of all claims he may have against the Government for injuries received by him while employed by the United States Reclamation Service, as carpenter, at Leguna Dam (Yuma, Cal.) project, for the loss of a leg and other physical disabilities resulting from said injuries.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object, in this case the claimant has already been paid the amount allowed by the Government under the general law—one year's pay. I am not willing, by unanimous consent or in any other way, if I can help it, to embark the Government upon the plan that it will entirely disregard the general law and make special compensation in every case. We passed a general law for the purpose of avoiding that, and I do not think we ought to start to change it now. I object.

G. W. WALL.

The next business on the Private Calendar was the bill (H. R. 23253) to compensate G. W. Wall, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. W. Wall, of Cheatham County, Tenn., the sum of $625 in full satisfaction of all damages which has been or may hereafter be sustained by him by reason of the overflow of his lands situated in said county and State, and the destruction of his crops on account of the construction of Lock and Dam A on the lower Cumberland River.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, lines 6 and 7, strike out the words "six hundred and twenty-five dollars" and insert in lieu thereof the words "forty-nine dollars and sixty cents."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, in line 8, by striking out the word "has" and inserting the word "have."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I would like now to ask the gentleman from Tennessee [Mr. BYRNS] whether he would object to an amendment on page 2, line 1, by inserting, after the word "him," the words "or by the farm occupied by him," so that it would cover the damages to the man and to the farm occupied by him.

Mr. BYRNS of Tennessee. No, Mr. Chairman; I shall not object to that amendment. This is intended to be in full compensation for all of the damages incurred.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, after the word "him," insert the words "or by the farm occupied by him."

Mr. MANN. There is no certainty here that he even owns the farm.

Mr. BYRNS of Tennessee. I have no objection to the amendment, as I have stated, except, of course, I was under the impression possibly that it might apply to other land, but I reckon not.

Mr. MANN. Oh, no; this settles that it is his farm on which the damage occurred.

Mr. FOSTER. Does he own the farm?

Mr. MANN. Nobody knows.

Mr. BYRNS of Tennessee. He owns the farm.

Mr. MANN. The department did not find that he owned the farm, and I want to cover damages to the farm.

Mr. BYRNS of Tennessee. Mr. Chairman, I have no objection.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

J. E. STEWART.

The next business on the Private Calendar was the bill (H. R. 23254) to compensate J. E. Stewart, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to J. E. Stewart, of Cheatham County, Tenn., the sum of $1,400 in full compensation of all damages which has been or may hereafter be sustained by him by reason of the overflow of his lands situated in said county and State, and the destruction of his crops on account of the construction of Lock and Dam A on the lower Cumberland River.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Lines 6 and 7, page 1, strike out the words "one thousand four hundred" and insert in lieu thereof the words "four hundred and seventy-three."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MANN. Mr. Chairman, I move to amend, in line 8, by striking out the word "has" and inserting the word "have."

The amendment was agreed to.

Mr. MANN. Mr. Chairman, on page 2, line 1, after the word "him," I move to amend by inserting the words "or by the farm occupied by him."

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

LOUISIANA DISTILLERY CO. (LTD.).

The next business on the Private Calendar was the bill (H. R. 12339) to refund certain taxes paid by the Southern Redistilling & Rectifying Co. (Ltd.), of New Orleans, La.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $194.40 to the Southern Redistilling & Rectifying Co. (Ltd.), of New Orleans, La., as a refund payment for excessive duty paid on importation of molasses.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, lines 6 and 7, and line 1, on page 2, strike out the words "Southern Redistilling and Rectifying Co." and insert in lieu thereof the words "Louisiana Distillery Co."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CHARLES A. DAVIDSON AND CHARLES M. CAMPBELL.

The next business on the Private Calendar was the bill (S. 2199) to carry into effect the findings of the Court of Claims in the cases of Charles A. Davidson and Charles M. Campbell.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I object.

ELIZABETH MUHLEMAN AND OTHERS.

The next business on the Private Calendar was the bill (S. 4041) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I object.

C. PERSON'S SONS.

The next business on the Private Calendar was the bill (S. 4032) for the relief of C. Person's Sons.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund, out of any moneys in the Treasury of the United States not otherwise appropriated, to Daniel H. Person, William Person, and Frank P. Person, a copartnership doing business under the name of C. Person's Sons, in Buffalo, N. Y., the sum of $458.83, the same being the amount of duties paid by said firm upon certain whisky imported from Canada to the port of Buffalo on the 12th day of May, 1908, which said whisky was thereafter exported from said port by said firm, the said duties not having been refunded to them.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I do not desire to object——

The CHAIRMAN. Then the bill will be laid aside——

Mr. MANN. Just a moment. I would like to be heard on this bill. This bill is to refund some duties to a man in Buffalo who imported some whisky from Canada. I do not know what kind of whisky it was—probably some whisky with a special title. Under the pure-food law the Department of Agriculture seized the whisky on the ground it was not properly labeled or was misbranded or was adulterated; at any rate that it was not whisky, but ethyl alcohol doctored up to be called some particular brand of whisky. So the whisky was sent back, I believe, for that reason after the man had paid the duty. There is no reason why they should have to pay the duty on this whisky, and I think it is perfectly proper to pay them back. But one of those questions which has not yet been settled is, What is whisky?

Every once in a while, either in the newspapers or some statement from this man or that man, comes a statement that somebody else had dodged that question. I am inclined to think that probably the officials of the Government, possibly with the exception of Dr. Wiley, who is no longer an official, have largely attempted to dodge the question what is whisky. When we passed the pure-food law there was a decided claim on the side of people who were making whisky out of alcohol on the one side and people who claimed they were making straight whisky on the other side, and because of that we were compelled to insert in the pure-food law a sort of Delphic oracle utterance that left somewhat in doubt what the law meant. Ever since they have been trying to determine what is whisky. In this particular case the department determined that this whisky was not whisky, and it was sent back to Canada. Shortly after that, I think by the direction of President Roosevelt, that determination of the department was overridden. Dr. Wiley had started out to claim that whisky must be made from whisky, and that if you mix two kinds of whisky it might be called whisky, but if you mixed ethyl alcohol, pure alcohol, with whisky and added some burnt sugar and flavoring extracts to it it was not whisky and should not be called whisky. President Roosevelt overrode that decision, at least temporarily, I believe; maybe I may be mistaken about that. At any rate the people are still mixing burnt sugar, flavoring extracts, pure, white, tasteless ethyl alcohol, and out of that they make Canadian whisky, Scotch whisky, Irish whisky, rye and bourbon whiskies, and all other kinds of whiskies.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be laid aside with a favorable recommendation.

EUGENE J. O'CONNER AND J. B. SCHWEER.

The next business on the Private Calendar was House resolution 651, a resolution in lieu of H. R. 4496, referring to the Court of Claims the claim of Eugene J. O'Conner and J. B. Schweer.

The Clerk read as follows:

House resolution 651.

Resolved, That the bill (H. R. 4496) for the relief of Eugene J. O'Conner and J. B. Schweer, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims to find and determine the amount due claimants, if any, and report the same to Congress.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, reserving the right to object——

Mr. POU. I was going to ask that this resolution be amended by making it read that it shall be referred to the Court of Claims "for finding of facts and conclusions of law" as amended in the other bill. I move to insert after the word "Claims" the words "for finding of facts and conclusions of law."

Mr. MANN. Usually they add to that the reference to the statutes, but probably it is not necessary. The amendment would be to strike out all after the words "Court of Claims" and insert "for finding of facts and conclusions of law."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, strike out all after the word "Claims" and insert "for finding of facts and conclusions of law."

The question was taken, and the amendment was agreed to.

The resolution as amended was ordered to be laid aside with a favorable recommendation.

REFUND TO NATIONAL CARTAGE & WAREHOUSE CO., NEW YORK.

The next business on the Private Calendar was the bill (H. R. 24137) to refund to the National Cartage & Warehouse Co., of New York City, excess duty.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to refund to the National Cartage & Warehouse Co., of New York City, N. Y., the sum of $91.41 collected on two cases of majolica ware in excess of the actual duty thereon.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Line 6, strike out the words "ninety-one dollars and forty-one" and insert in lieu thereof "ninety-five dollars and forty."

The question was taken, and the amendment was agreed to.

The bill as amended was laid aside with a favorable recommendation.

HANS PETER GUTTORMSEN.

The next business on the Private Calendar was the bill (H. R. 264) for the relief of Hans Peter Guttormsen.

The Clerk read as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the United States Treasury not otherwise appropriated, the sum of $5,000 to Hans Peter Guttormsen, of the city of Kenosha, State of Wisconsin, said sum of $5,000 having been allowed him by the Court of Claims on the 4th day of December, A. D. 1905, as set forth in House Document No. 174 of the Fifty-ninth Congress, first session.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I reserve the right to object. I notice in one case the committee reduced this sum from $5,000 to $1,500 and in another case they did not.

Mr. COOPER. I was told by the chairman of the committee that the amount had been reduced to $1,500. The chairman of the subcommittee, the gentleman from Nebraska [Mr. MAGUIRE], is present.

Mr. MANN. I take it that the intention was to reduce the amount to $1,500.

Mr. MAGUIRE of Nebraska. Yes; to $1,500, instead of $5,000.

Mr. MANN. As the printed bill reads it allows $5,000 and appropriates $1,500. If the intention is to make it $1,500 I shall not object.

Mr. MAGUIRE of Nebraska. It is $1,500; and the committee also amended the bill further and put in a clause at the close providing that there shall be no attorneys' fees. I think that clause ought to go into all these bills where the claim is for personal injury and where the information relative to the claim is available in the departments.

Mr. MANN. I agree with the gentleman about that. Will the gentleman offer an amendment there?

Mr. MAGUIRE of Nebraska. I shall be glad if the gentleman from Illinois will offer an amendment. If not, I shall offer one, in lines 5 and 6, changing the amount from $5,000 to $1,500.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Nebraska [Mr. MAGUIRE].

Mr. MAGUIRE of Nebraska. That is a committee amendment.

The Clerk read as follows:

Amend, page 1, lines 5 and 6, by striking out the words "five thousand" and inserting in lieu thereof "one thousand five hundred."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the amendment will be reported with favorable recommendation.

Mr. MANN. That does not include the other committee amendment?

The CHAIRMAN. No. The Clerk will report the other committee amendment.

The Clerk read as follows:

Amend, page 2, line 1, after the word "session," by inserting the following: "*Provided*, That no agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim any fee or compensation whatsoever."

The CHAIRMAN. The question is on agreeing to the committee amendment that the Clerk has just read.

Mr. COOPER. Mr. Chairman, may I ask the gentleman in charge of the bill a question?

Mr. MAGUIRE of Nebraska. I could not catch the gentleman's remark.

Mr. COOPER. One of the attorneys in this case was at one time a former Assistant Attorney General of the United States, Mr. Pratt, and another was Mr. J. C. Hitt.

Mr. MAGUIRE of Nebraska. I know nothing about the attorneys in the case at all. I think we should insert this clause in regard to cutting out attorneys' fees in all these cases where the information comes directly from the department and an attorney or claim agent is not needed, and that is why it is inserted here. I think the pay should go to the claimants instead of to the claimants and the attorneys.

Mr. MANN. The attorneys did not secure any money for the claimants. It is true that——

Mr. COOPER. They have taken testimony, as I understand.

Mr. MANN. It is true that by some method, unexplainable to me, this matter was referred to the Court of Claims, which could have no jurisdiction to render a judgment, or even intimate what should be paid. Now, if we are going to pay money for the injury, I think—and I know the gentleman thinks—we ought to pay it to those dependent upon the persons injured, and not let this money be used to pay attorneys for services which, though they were rendered, could not have been of much value, however well they may have been rendered.

Mr. COOPER. I did not myself want the case to go to the Court of Claims, but the committee at that time having the bill in charge in the prior Congress insisted on its going there, and there was nothing else to do. It is a very meritorious case.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the bill will be laid aside with favorable recommendation.

There was no objection.

STANLEY H. KUNZ.

The next business on the Private Calendar was the bill (H. R. 21324) providing for the refund of certain duties incorrectly collected on a certain horse.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any moneys in the Treasury not otherwise appropriated, to Stanley H. Kunz, of Chicago, Ill., the sum of $75, being the amount incorrectly collected on a certain horse named C. W. Burt, returned from Canada to the United States through the port of Port Huron, Mich., and entered on entry No. 1772 on August 10, 1911.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. Without objection, the bill will be laid aside with favorable recommendation. The Clerk will report the next bill.

REIMBURSEMENT TO CERTAIN EMPLOYEES, WASHINGTON NAVY YARD.

The next business on the Private Calendar was the bill (H. R. 16449) to reimburse certain employees of the Washington Navy Yard for loss of mechanics' tools by fire.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money in the Treasury not otherwise appropriated, to the employees of the carpenter shop at the Naval Gun Factory, in the city of Washington, D. C., a sum not to exceed in the aggregate $928, for mechanics' tools destroyed in the fire of the said carpenter shop on February 6, 1911, the amount to be received by each individually to be determined by the commandant of the navy yard, and certified by him to the Secretary of the Treasury.

The CHAIRMAN. The Clerk will report the committee amendment.

Mr. MANN. Reserving the right to object, Mr. Chairman, I would like to ask the gentleman from North Carolina [Mr. POU] whether he can state if it is the policy of the Government to insure the private tools owned by its employees in all of the Government shops?

Mr. POU. I will state to the gentleman in reply to that question that these persons were employed in the navy yard, and most of them were compelled to use tools of their own. I do not know why that was. My own judgment is that the Government should have provided these men with the tools necessary in their employment. But the Government not having provided them with tools, and they having been forced to use their own money in the purchase of tools, I think the Government ought to recompense them for the loss of the tools in the event they are destroyed. In other words, I believe the Government should do one of two things: Either provide the men in its employ with tools, or else pay for those tools if they are destroyed in a case like this. I do not know myself what the policy of the Government is, but I simply know that sounds like justice and right.

Mr. MANN. Journeymen mechanics usually have tools of their own, and the best mechanics usually prefer to have tools of their own. If they are employed in the Government service they are paid on that basis. Now, does the Government insure the safety of those tools, and is there any obligation on the part of the Government to recompense persons who lose their tools by fire, without any fault on the part of the Government at all? If we have to do it in one case, we would have to do it in other cases. In this case was it the fault of the Government?

Mr. POU. It was not the fault of the claimants.

Mr. MANN. Was it the fault of the Government?

Mr. POU. It was owing probably to the negligence of some other employees, not of these employees. In the carpenter shop down there the workmen are compelled to furnish their smaller tools. The larger machinery, of course, is furnished by the Government.

Mr. MANN. That is the custom all over the United States.

Mr. POU. The smaller tools must be furnished by the employees themselves.

Mr. MANN. That is in accordance with the usual custom in the trade everywhere.

Mr. MAGUIRE of Nebraska. There is no insurance. I have inquired very carefully into the claims, and there is no insurance on the part of the claimants of these tools and they have received no money for them in any way.

Mr. MANN. I have no doubt that they had no insurance. If I had been one of them I would not have insured. I would have taken the chances on it. They could have insured their tools if they wanted to and they did not. But does the Government insure them, or is there any reason why the Government should insure them?

Mr. MAGUIRE of Nebraska. It would be difficult to insure them. Sometimes there are more of their tools there than at other times. They carry them back and forth. They are workmen.

Mr. MANN. I do not think there would be any difficulty in insuring them. I think this opens up an entirely new policy on the part of the Government, and therefore I object.

The CHAIRMAN. Objection is heard. The bill will be passed over. The Clerk will report the next bill.

LIBBIE ARNOLD.

The next business on the Private Calendar was the bill (S. 2628) for the relief of Libbie Arnold.

The bill was read.

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, this is a bill to pay a claim 16 or 17 years old, for personal injuries, and therefore I object.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed. The Clerk will report the next bill.

CARL KRUEGER.

The next business on the Private Calendar was the bill (S. 104) for the relief of Carl Krueger.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $500 to Carl Kruger, of Denver, Colo., on account of injuries received in the United States mint in the city of Denver, State of Colorado, on February 27, 1906.

With the following committee amendment:

Page 1, line 5, strike out "five hundred" and insert "one thousand five hundred."

Mr. MANN. Reserving the right to object, I should like to ask gentlemen if they will be willing to pass this Senate bill in the form in which it passed the Senate. The Senate bill provides that this man shall be paid $500. He is still working for the Government. The amount carried by the Senate bill would pay him all he would be entitled to under the general law. He was unable to do manual labor for 45 days. He now has a very good Government job, which he will probably keep for life.

Mr. MAGUIRE of Nebraska. I will state to the gentleman that this is a very meritorious claim. The man was working in the mint at Denver, and was injured while in line of duty through no fault of his own. His arm was caught and ran in between a set of rollers, and the surgeons were compelled to amputate it. We think that $500 would be a very meager sum to in any way compensate a man for the loss of his arm.

Mr. MANN. There is no doubt about that. I would not lose my arm for $1,000,000, and would not feel that I was compensated if the Government should contribute $1,000,000, but I would not get a million dollars if I lost both arms and my head besides. This man has a nice job, which he can probably keep as long as he lives.

Mr. MAGUIRE of Nebraska. As far as I am concerned, I would not be willing to accept the small amount suggested by the gentleman.

Mr. MANN. All right; then I object.

The CHAIRMAN. The gentleman from Illinois objects. The bill will be passed, and the Clerk will report the next bill.

W. A. KELLY.

The next business on the Private Calendar was the bill (H. R. 25264) for the relief of W. A. Kelly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $50 to W. A. Kelly, postmaster at West Frankfort, Ill., to reimburse him for postal savings stamps stolen while in the custody of the post office at West Frankfort, Ill.

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, am I correct in believing that under the general law the Postmaster General is authorized to reimburse for losses by theft in a post office under the conditions named in the law, but that that does not apply to postal savings stamps and postal savings funds?

Mr. MAGUIRE of Nebraska. I think the gentleman is correct.

Mr. MANN. That is because the general law was passed before we provided for postal savings banks?

Mr. MAGUIRE of Nebraska. Because the law is not broad enough.

Mr. FOWLER. It is not broad enough to take them in.

Mr. MANN. I do not object.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside to be reported to the House with a favorable recommendation.

MARTIN A. L. OLSEN.

The next business on the Private Calendar was the bill (H. R. 14770) for the relief of Martin A. L. Olsen.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Martin A. L. Olsen, postmaster of the city of De Kalb, Ill., out of any money in the Treasury not otherwise appropriated, the sum of $515, which sum is hereby appropriated for that purpose, to reimburse him for postal savings funds and postal savings stamps which were stolen when the post office at said city of De Kalb, Ill., was burglarized on the 25th day of July, 1911, and which sum was thereby lost without fault on the part of the said postmaster, and which sum has been made good from the personal funds of the said postmaster.

The CHAIRMAN. Is there objection?

There was no objection.

The bill was ordered to be laid aside with a favorable recommendation.

GEORGE HALLMAN.

The next business on the Private Calendar was the bill (H. R. 9125) for the relief of George Hallman.

The Clerk read the bill at length.

The CHAIRMAN. Is there objection?

Mr. MANN. I object.

HENRY G. ROETZEL AND PAUL CHIPMAN.

The next business on the Private Calendar was the bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Henry G. Roetzel and Paul Chipman, partners doing business under the firm name of Roetzel & Chipman, contractors, of Evansville, Ind., the sum of $4,230, and said sum of $4,230 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, in payment of the amount withheld from them as liquidated damages under a certain contract for the construction of concrete walls, etc., at the lock at Grand Rapids, on the Wabash River, entered into by and between the duly authorized officer of the Corps of Engineers, United States Army, representing the United States of America on the one part, and the said Henry G. Roetzel and Paul Chipman, partners doing business under the firm name of Roetzel & Chipman, on the other part, and approved by the Chief of Engineers, United States Army, dated June 2, 1909.

The following committee amendments were read:

On page 1, line 7, strike out the words "five thousand two hundred and three dollars and" and insert in lieu thereof the words "four thousand two hundred and thirty dollars."

In line 8 strike out the words "twenty-two cents."

In line 8 strike out the words "five thousand two hundred" and insert in lieu thereof the words "four thousand two hundred and thirty dollars." Said sum being the amount the claimants paid as penalty for failure to finish contract in specified time.

In line 9 strike out the words "and three dollars and twenty-two cents."

The CHAIRMAN. Is there objection?

Mr. MANN. Reserving the right to object, the report in this case quotes the Senate report. There is no report apparently from the War Department in reference to the matter; at least there is no statement in the report from the War Department. There is no evidence in the report, or any statement upon which the committee bases its recommendation or amendment to reduce the amount, but I judge that the committee must have had information before it, which is not stated in the report, but upon which the amendment is based.

Mr. FOWLER. Mr. Chairman, the committee made the reduction based upon the amount that the Government was required to expend to keep a man at the dam for the extra time over and above the time in which the contract was to be completed. In other words, the contract would have been completed something like three to six months before it actually was completed. Nature prevented its completion by low water. There was to be excavation in the bottom of the river at the dam and the débris and sediment which had accumulated there under the contract was to be carried above and put on the dam. When the low water set in it was absolutely impossible for the contractors to do any work, and they had to wait for high water in order to get the dredge boats in. Now, because of the extra time that the Government was compelled to keep a man there at the dam and was required to expend the difference between the $5,000 and the amount we allowed the deduction was made.

We had that computation made by the War Department and the expense to the Government was deducted.

Mr. MANN. I do not understand where you get the amount named in the committee amendment.

Mr. FOWLER. The War Department furnished that.

Mr. MANN. Where is that?

Mr. FOWLER. It does not appear in the report. We had the report of the War Department on that question, and the War Department submitted the figures and expenses that the Government was compelled to pay because of the extension of the time for the completion of the work.

Mr. MANN. Did the War Department practically recommend the payment of this amount?

Mr. FOWLER. I am not so sure that I can answer that question. It was a Senate bill, passed by the Senate, and the only thing the committee sought to do was to look into the matter and see whether the claim was a just one. We thought it was not just that the Government should pay for the extra man, for keeping the man there for the extension of time, and so we deducted that amount.

Mr. MANN. The contract was advertised for April 1, 1909. Bids were received on May 1, 1909, and the contract approved July 6, 1909, to be completed in 90 days. It was completed August 10, 1910, not 90 days, not quite 90 days over a year, but a good deal more than 90 days after high water, 1910. It did not look to me like a meritorious claim at all. Certainly it ought not to pass without being submitted to the War Department for a statement.

Mr. MAGUIRE of Nebraska. The gentleman understands that this is only the remission of a penalty?

Mr. MANN. I understand the Government retained the money as liquidated damages.

Mr. FOWLER. The penalty under the statute.

Mr. MANN. It is provided in the contract. That is the case often that a man who advertises or contracts to do work in 90 days usually gets a good deal higher price than he would if he was to have it done in a year and 90 days.

Mr. FOWLER. If the gentleman will permit me, the contractors live on the Wabash River and never had any occasion to be engaged in this kind of business before. They are private men not skilled in the business.

Mr. MANN. Local people?

Mr. FOWLER. Local people not engaged in that character of business. They live in a community that I know, and I have known the Wabash Dam ever since it was completed, and I know about the high and low water there. I know it is absolutely impossible to do any work on the Ohio River or the Wabash during the low-water period.

Mr. MANN. I have no doubt of that, but the high-water period occurs long, long before August.

Mr. FOWLER. But this was the low-water period.

Mr. MANN. They did not do the work by a long shot within 90 days after the high water of 1910.

Mr. FOSTER. They were required to take this dirt out and take it through the locks above the dam.

Mr. MANN. They had a high-water period for a good deal more than three months before August, 1910.

Mr. FOSTER. The first was the low water and then came the freshet.

Mr. MANN. But they did not do anything at all in 1909. I am not saying that the claim ought not to be paid. If the matter had been submitted to the War Department, who has charge of it, and they have not recommended against it—may I ask whether they sent any adverse report on it?

Mr. FOWLER. If they made any recommendation against it, I have no knowledge of it.

Mr. MANN. I have no knowledge about it.

Mr. MAGUIRE of Nebraska. There is no adverse report. They simply make no recommendation.

Mr. FOWLER. It was a Senate bill. We tried to get at the facts in regard to it.

Mr. MANN. Mr. Chairman, my distinguished friend has stated several times that it is a bill that was passed by the Senate. I have considerable deference for the Senate, but, like all bodies in the world, once in a while the Senate makes a slip and passes something not quite the way it ought to be, and the fact that the bill has passed the Senate has no special weight with me.

Mr. MAGUIRE of Nebraska. The gentleman notices that we improved on the Senate.

Mr. MANN. Yes.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, lines 7 and 8, strike out the words "five thousand two hundred and three dollars and twenty-two" and insert in lieu thereof the words "four thousand two hundred and thirty dollars."

Page 1, lines 9 and 10, strike out the words "five thousand two hundred and three dollars and twenty-two" and insert in lieu thereof the words "four thousand two hundred and thirty dollars."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

STEPHEN CAMPBELL AND ISAAC OVERDORF.

The next business on the Private Calendar was the bill (H. R. 6722) for the relief of Stephen Campbell and Isaac Overdorf.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Stephen Campbell and Isaac Overdorf, out of any money in the Treasury not otherwise appropriated, the sum of $300 each, and said sum, in all $600, is hereby appropriated as reward for their services in capturing three burglars who attempted to rob the United States post office at Jersey Shore, Pa.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 6, strike out the word "three" and insert in lieu thereof the word "one."

Page 1, line 7, strike out the word "six" and insert in lieu thereof the word "two."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

WILLIAM KAISER.

The next business on the Private Calendar was the bill (H. R. 16127) for the relief of William Kaiser.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William Kaiser the sum of $570.47, the amount lost by him while postmaster at Faribault, Minn., through the failure of the First National Bank of that city.

With the following committee amendments:

Page 6, strike out the words "seventy dollars and forty-seven" and insert in lieu thereof the words "sixty-five dollars and four."

The CHAIRMAN. Is there objection?

Mr. MANN. Mr. Chairman, I object to the consideration of the bill. Reserving the right to object, however, for a moment, I desire to ask the gentleman in charge of the bill whether he has any precedent for the Government paying back to the postmaster money which the postmaster has lost by reason of depositing it in a bank which failed?

Mr. DAVIS of Minnesota. Mr. Chairman, I have, and I will be glad to refer the gentleman to it. I read the following letter:

POST OFFICE DEPARTMENT,
OFFICE OF THE ASSISTANT ATTORNEY GENERAL,
Washington, March 2, 1912.

Hon. CHARLES R. DAVIS,
House of Representatives.

MY DEAR SIR: Replying to your inquiry of the 1st instant, by phone, I beg to inform you that Congress, by the act of June 8, 1896 (ch. 373, 29 Stat. L., 295), authorized the Postmaster General to credit the account of William M. Masi, late postmaster at Cheyenne, Wyo., with the amount of Government funds which he had on deposit in the Cheyenne National Bank when it closed its doors and which was lost by him in the failure of said bank.

There may be other cases of this nature, but they can not readily be located.

Very truly, yours,

R. P. GOODWIN,
Assistant Attorney General.

Mr. MANN. Yes; I have that reference. Is that the only one?

Mr. DAVIS of Minnesota. Mr. Chairman, that is the only one I called for, because the committee asked me if I had any precedent, and I called up the department and it referred immediately to this, and the committee seeming to be satisfied, I went no further. But the gentleman will notice that the Assistant Attorney General says there may be other cases. I conferred with one or two gentlemen who have had long experience on this committee, and while they could not inform me as to any particular case, they said to the best of their recollection there were other cases in recent years of the same kind.

Mr. MANN. Mr. Chairman, I am pretty sure that there has been no case of that sort passed since I have been in Congress, and at that I might be mistaken. I served the Post Office Department as a postmaster, and I distinctly understood that the money was deposited at my own risk.

Mr. DAVIS of Minnesota. If the gentleman will permit, I will explain what this postmaster understands and what I myself understand to be the law.

Mr. MANN. Certainly.

Mr. DAVIS of Minnesota. That a postmaster is prohibited, in fact it might be a misdemeanor, if he deposited his funds in any way other than a First National Bank.

Mr. MANN. Not a misdemeanor and not a First National Bank. The gentleman means a national bank.

Mr. DAVIS of Minnesota. A national bank. As I say, the postmaster understands the law in that respect. He is a very intelligent man. There was not at that time any Government depositary in the city of Faribault, Minn., a city of considerable note, being the former home of Bishop Whipple. The nearest Government depositary at that time was at the city of St. Paul, between 50 and 60 miles away. There was a national bank in the city of Faribault, the First National Bank, considered by the residents, and had been so considered for forty or fifty years, as solvent as the Treasury of the United States. The other men having large business dealings used the First National Bank of Faribault in which to do their business. Mr. Kaiser, the postmaster, did the same. On the 3d day of January, 1905, the doors of the bank were closed. The department was informed of the facts. Almost immediately and within two or three days thereafter an inspector was sent and he investigated the whole situation and made a report to the Government. The reason why a claim was not put in sooner was because of dividends that were expected to follow. Dividends continued to follow until 65⅓ per cent of the $1,620.90, which he had on deposit there, was paid, leaving this balance which we now ask for. I say the law, as I understand it, and as the postmaster understands it, is that he is forbidden to deposit money in any bank other than a national bank. He is permitted where there is no Government depository to deposit in a national bank at his own risk. So says the law.

But the Postmaster General makes a recommendation, as you will notice, on page 2, where he says:

> Inasmuch as the postmaster appears to have complied with the postal laws and regulations, and as the loss appears to have resulted from no fault or negligence on his part, I know of no reason why the relief contemplated by this bill should not be granted.
>
> F. H. HITCHCOCK,
> *Postmaster General.*

Then, upon the suggestion of the committee, I hunted up the precedent for exactly this kind of case. There is certainly no negligence on the part of the postmaster. We are not asking interest; he had to borrow money and paid a large amount of interest to recoup the Post Office Department. This is a question for Congress to determine, and it is certainly an equitable case. The law also provides that in case he had kept this money in his safe, in case of burglary or fire or any other unavoidable casualty, the law permits the postmaster to be reimbursed. Now, a difference between a burglary and a loss in this case where he is guilty of no negligence, where for 10 years he had deposited money in this bank, and where nearly all of the business men did likewise, it can not be said that he was negligent, there being no Government depository.

Mr. MANN. You do not have a Government depository in every city in the United States.

Mr. DAVIS of Minnesota. But usually in places of this size——

Mr. MANN. The postal laws and regulations forbid a postmaster depositing money in anything except a national bank——

Mr. DAVIS of Minnesota. That is what I stated.

Mr. MANN. The gentleman stated it correctly, and he also stated it is deposited in a national bank at the risk of the postmaster.

Mr. DAVIS of Minnesota. True.

Mr. MANN. And it so expressly stated. The gentleman also stated that if a man had kept the money in an unsafe place——

Mr. DAVIS of Minnesota. Or in a safe place ordinarily.

Mr. MANN. In an unsafe place in a safe in his own office where burglars could blow it up that the Government would reimburse him, but if he deposited it in a State bank that may be as sound as the United States if anything happens and he loses the money, or if he deposits it in a national bank, he does it at his own risk.

Mr. DAVIS of Minnesota. But it is permissible to be deposited in a national bank under the law, but he is not permitted to deposit it in a State bank.

Mr. MANN. I was unfortunate enough to be in charge of a post office in a town where there was no national bank, where we always deposited money in the local bank, and I used to get notified about once every month that if I did not stop there would be a change in the post office.

Mr. BURKE of Pennsylvania. If the gentleman will permit, does not the gentleman believe, inasmuch as the national bank is under supervision of the same Government as the branch which this postmaster was serving, and inasmuch as he was using his discretion, and that the loss having occurred in that institution without any negligence on his part, he having done his full duty, there is a distinction in that that would inure to his benefit against a case in which he was depositing funds in a State institution?

Mr. MANN. I do not think anything of the kind. A man ought to be permitted to deposit his money where he pleases and take the chances, and where he does so he places it at his risk. If the Government is to guarantee deposits, then it had better commence with the ordinary citizens who are poor and lose all they have got.

Mr. BURKE of Pennsylvania. That would hardly apply to a man acting in an official capacity——

Mr. MANN. Who is well paid——

Mr. BURKE of Pennsylvania. Who is not well paid for a loss occurring in this manner in a United States institution or a quasi United States institution.

Mr. MANN. I mean to say a postmaster in towns like these are the best-paid Government officials with less work of any class of service that I know of.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

CAPT. JOSEPH HERRING.

The next business on the Private Calendar was the bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired.

The Clerk read as follows:

> *Be it enacted, etc.*, That the sum of $402.30 be, and the same is hereby, appropriated, from any money in the Treasury not otherwise appropriated, for the relief of Capt. Joseph Herring, United States Army, retired, said sum having been paid out of his own personal funds by the said Capt. Herring into the Treasury on account of errors in his returns during his incumbency as acting commissary of subsistence in the year 1900, said error having occurred as set forth in the accompanying documentary evidence, and according to circumstances over which said Capt. Herring had no control.

Mr. MANN. Mr. Chairman, I do not object, but I move to amend, if the gentleman has no objection, by striking out, in line 11, the following language:

> Said error having occurred as set forth in the accompanying documentary evidence, and according to circumstances over which said Capt. Herring had no control.

Of course, there is no accompanying documentary evidence.

Mr. MAGUIRE of Nebraska. That is really useless, and I have no objection to the amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

> Page 1, line 11, strike out the following:
> "Said error having occurred as set forth in the accompanying documentary evidence, and according to circumstances over which said Capt. Herring had no control."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be laid aside with a favorable recommendation.

Mr. MANN. Mr. Chairman, I suggest that there is to be a night session, and it will take a little while to pass these bills in the House.

Mr. POU. If the gentleman will agree to take up just one more of these bills where a man lost his life trying to save the lives of two little children——

Mr. MANN. Well, it is a case of a man serving as driver for the Secretary of War. I do not know there is any obligation upon the part of the Government to recompense the claimant.

Mr. POU. Mr. Chairman, I move that the committee do now rise and report the bills to the House, some with amendments and some without amendments, with the recommendation that the amendments be agreed to and that the bills as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAINEY, Chairman of the Committee of the Whole House, reported that that committee had had under consideration sundry bills on the Private Calendar, and had directed him to report the same back to the House, some with amendments and some without amendments, with the recommendation that the amendments be agreed to and that the bills as amended be passed.

The SPEAKER. The Chairman of the Committee of the Whole House reports that that committee has had under consideration sundry bills on the Private Calendar, and has considered favorably certain bills with sundry amendments and others without amendments, and that he has been directed to report the same back to the House with the recommendation

that the amendments be agreed to and that the bills as amended do pass.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I do not know but that I am taking advantage of the Chair in making it. If the previous question should be considered as ordered on all of these bills, would they come up to-morrow?

The SPEAKER. They would come up to-morrow unless there is some privileged matter which would interfere. Does the gentleman from North Carolina move the previous question on these bills or not?

Mr. POU. I move the previous question on the bills and amendments thereto to final passage.

The SPEAKER. The question is on agreeing to the motion of the gentleman from North Carolina [Mr. POU] for the previous question on these bills and the amendments thereto to final passage.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

Mr. BURKE of Pennsylvania, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of William J. McKeever, Sixty-first Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HANNA, for 10 days, on account of important business.

To Mr. HUGHES of Georgia, for the balance of the week, on account of sickness.

CONTESTED-ELECTION CASE, MAURER AGAINST BARTHOLDT.

Mr. KORBLY. Mr. Speaker, in behalf of the Committee on Elections No. 2 I desire to present a report in the case of Maurer against Bartholdt and ask its immediate consideration.

The SPEAKER. The gentleman from Indiana [Mr. KORBLY], from the Committee on Elections No. 2, presents a report in the contested-election case of Maurer against Bartholdt.

Mr. MANN. Let the resolution be reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 681 (H. Rept. 1168).

The Committee on Elections No. 2 has had under consideration the contested-election case of Charles J. Maurer against Hon. Richard Bartholdt, from the tenth congressional district of Missouri, and begs leave to report as follows:

The allegations of fraud made by contestant were not sustained by the evidence adduced; in fact, no evidence whatever was presented to substantiate the charge.

The allegation that contestee was not a naturalized citizen was not sustained. On the contrary, contestee furnished incontrovertible proof by the presentation of his naturalization papers, legally issued on May 23, 1877, that he is and has been a legal citizen of the United States since that date. Therefore we beg to submit the following resolution for adoption:

Resolved, That Hon. Richard Bartholdt is entitled to his seat as a Representative of the tenth congressional district of Missouri.

The SPEAKER. Is this a unanimous report?

Mr. KORBLY. Yes.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

The SPEAKER. Dr. BARTHOLDT is entitled to his seat.

CONTESTED-ELECTION CASE, GILL AGAINST CATLIN.

Mr. KORBLY. Mr. Speaker, by direction of the Committee on Elections No. 2 I am directed to serve notice to gentlemen on the other side of the Hall that on Monday, immediately after the reading of the Journal, the report on the contested-election case of Gill against Catlin will be called up by the chairman of the committee.

LEAVE TO ADDRESS THE HOUSE.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent that immediately after the reading of the Journal to-morrow I may proceed for one hour.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] asks unanimous consent to proceed for one hour to-morrow immediately after the reading of the Journal. Is there objection?

Mr. MANN. Reserving the right to object, what is the gentleman going to discuss?

Mr. WILSON of Pennsylvania. I am going to discuss the activities of the present House in connection with labor measures.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Speaker, the gentleman from South Dakota [Mr. BURKE] wants 15 minutes.

Mr. POU. Mr. Speaker, I ask unanimous consent that immediately after the gentleman from Pennsylvania [Mr. WILSON] concludes, I may have 25 minutes. I have not taken up any time at this session.

The SPEAKER. The gentleman from North Carolina [Mr. POU] asks unanimous consent that immediately after the gentleman from Pennsylvania [Mr. WILSON] concludes to-morrow, he shall have 25 minutes in which to address the House. Is there objection?

Mr. MANN. I shall not object.

The SPEAKER. The Chair will ask both of the gentlemen a question for his own information and the public good. Would the gentlemen prefer to go on immediately after the Journal is read in the morning, or wait until the House has passed the bills on which the previous question has been ordered?

Mr. MANN. I suggest that the bills be passed first. But that can be done by unanimous consent.

Mr. POU. I will agree to that.

Mr. MANN. Mr. Speaker, was the request of the gentleman from North Carolina granted?

The SPEAKER. Yes.

Mr. MANN. I ask unanimous consent that upon the conclusion of the remarks of the gentleman from North Carolina [Mr. POU] the gentleman from South Dakota [Mr. BURKE] may have 20 minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks that after the gentleman from North Carolina [Mr. POU] concludes his remarks to-morrow the gentleman from South Dakota [Mr. BURKE] shall have 20 minutes. Is there objection?

There was no objection.

RECESS.

Mr. STANLEY. Mr. Speaker, I move that the House take a recess until 8 o'clock this evening, for the purpose of discussing the reports from the committee investigating the affairs of the United States Steel Corporation.

Mr. MANN. That is fixed by the rule.

The SPEAKER. Yes; and nothing else is to be done. The Chair appoints the gentleman from Mississippi [Mr. CANDLER] to preside at the evening session.

The motion of Mr. STANLEY was agreed to; and accordingly (at 5 o'clock and 38 minutes p. m.) the House took a recess until 8 o'clock p. m.

EVENING SESSION.

At the expiration of the recess, the House, at 8 o'clock p. m., resumed its session, and was called to order by the Speaker pro tempore, Mr. CANDLER.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that we take a recess for 10 minutes.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent to take a recess for 10 minutes. Is there objection?

There was no objection.

Accordingly, at 8 o'clock and 1 minute p. m., the House took a recess until 8 o'clock and 11 minutes p. m.

STEEL INVESTIGATION.

The recess having expired, the House resumed its session.

Mr. WILSON of Pennsylvania. Mr. Speaker, the question under consideration before the House is one of the most important questions that has been up for consideration in this Congress. It is a question in which all of the people are interested and we ought to have a full representation on this floor, and I make the point of no quorum present.

Mr. PAGE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from North Carolina will state it.

Mr. PAGE. Was there not an agreement in the House when the order was made for this night session that it was to be for debate only; and, whether or not it was so expressed, was there not an understanding that there was to be no call of the House?

Mr. JACKSON. No other business.

Mr. WILSON of Pennsylvania. Mr. Speaker, there was no understanding that there was not to be a call of the House. It was understood that this was to be a regular meeting of the House, and there ought to be a quorum present, particularly in view of the importance of the question under consideration.

Mr. JACKSON. Mr. Speaker, I hope the gentleman will not insist on his point of no quorum. It will take considerable time to call the roll, and if we can notify the Members by the bell signals we can get the full number here, I think, to listen to the

speeches; and, in any event, most of the Members will read the debate. I think the fact that they are not here to-night does not indicate that they are not interested.

Mr. WILSON of Pennsylvania. Mr. Speaker, so far as the debate is concerned, all those who have anything to say on the subject might just as well insert their remarks in the RECORD as speak to empty benches. I insist upon my point of no quorum.

Mr. JACKSON. That is true, but there was quite a good audience last evening, and there will be more Members come in shortly.

Mr. WILSON of Pennsylvania. There will when we get a call of the House.

The SPEAKER pro tempore. The gentleman from Pennsylvania makes the point of no quorum. The Chair will count. [After counting.] Twenty-eight Members present; not a quorum.

Mr. WILSON of Pennsylvania. Mr. Speaker, I move a call of the House.

Mr. WILLIS. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Ohio moves that the House do now adjourn.

The question was taken, and the motion was lost.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. WILSON] moves a call of the House.

The question was taken; and on a division (demanded by Mr. WILLIS) there were 9 ayes and 15 noes.

So the motion was lost.

[Cries of "Regular order!"]

The SPEAKER pro tempore. The regular order is to proceed with the discussion.

Mr. WILSON of Pennsylvania. I make the point of order that you can not proceed with the discussion when it has developed that there is no quorum present.

Mr. BUCHANAN. Mr. Speaker, I believe that the motion for a call of the House was not understood by those voting on it, and I move a call of the House.

Mr. WILLIS. I raise a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WILLIS. No other business has intervened since the call of the House was voted down, and the motion of the gentleman from Illinois is not now in order.

Mr. BUCHANAN. Mr. Speaker, I move to reconsider the vote whereby the call of the House was voted down.

The SPEAKER pro tempore. The gentleman from Illinois moves to reconsider the vote whereby the call of the House was refused.

The question was taken; and on a division there were—ayes 9, noes 11.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that no quorum is present, and I move that the House do now adjourn.

Mr. ADAMSON. Mr. Speaker, I think the last four or five motions have been dilatory, and gentlemen ought not to have a filibuster going on with the galleries full to hear the oratory. [Laughter.]

The SPEAKER pro tempore. The House can not proceed without a quorum.

Mr. GARDNER of Massachusetts. I move that the House do now adjourn.

The question was taken, and the motion was lost.

Mr. WILSON of Pennsylvania. Now, Mr. Speaker, I move a call of the House.

Mr. WILLIS. Mr. Speaker, I rise to a point of order. The House has twice refused a call of the House, and I make the point of order that the motion of the gentleman from Pennsylvania is dilatory and not in order.

Mr. WILSON of Pennsylvania. There has been an intervening motion to adjourn.

The SPEAKER pro tempore. The Chair overrules the point of order.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that all these proceedings be vacated and that we proceed as if it was now 8 o'clock. I offer my apologies for being so late, and I am sorry the House did not take a recess as it did last night.

The SPEAKER pro tempore. The Chair will state to the gentleman from Massachusetts that a recess of 10 minutes was taken.

Mr. GARDNER of Massachusetts. I ask unanimous consent, Mr. Speaker, to vacate all previous proceedings.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to vacate all proceedings up to the present time. Is there objection?

Mr. WILSON of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Massachusetts if he desires to proceed at this time.

Mr. GARDNER of Massachusetts. That was the understanding with the gentleman from Kentucky when the House adjourned yesterday.

Mr. WILSON of Pennsylvania. I withdraw my objection, Mr. Speaker.

The SPEAKER pro tempore. The Chair hears no objection, and on request of the gentleman from Massachusetts all proceedings up to this time are vacated.

Mr. GARDNER of Massachusetts. Mr. Speaker, before beginning my address, which is going to be more of a discussion of remedies than a consideration of what has taken place in the past, I am going to beg the indulgence of the House if I read merely the summary of the minority report. This is the entire minority report which I hold in my hand, and the summary occupies less than two pages.

First, we divide our summary into two divisions—the findings of fact and the recommendations.

FINDINGS OF FACT.

The four Republican members of the committee are substantially unanimous as to the facts.

We find that J. P. Morgan & Co., underwriters of the syndicate, received sixty-two and one-half million dollars for organizing the United States Steel Corporation.

We find that the corporation was capitalized at fourteen hundred million dollars, of which about one-half was "water."

We find that the average annual earnings of the corporation have been from 11 to 12 per cent on the actual value of its assets.

We find that the corporation controls a little over one-half of the crude and finished steel business of the United States.

We find that the average wholesale price of steel products has fallen off slightly since the corporation was organized.

We find that the corporation and all the independents have an understanding as to prices.

We find that the system of interlocking directorates has insidious consequences and facilitates inside management and the stifling of competition.

We find that the situation as to the iron-ore supply is grave and may become menacing.

We find that labor conditions in certain departments of the steel industry are bad.

Mr. WILSON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Certainly.

Mr. WILSON of Pennsylvania. By what process does the gentleman arrive at his conclusions of the earnings of the Steel Corporation upon the actual value of its investment? Does the gentleman include the reinvestments out of the earnings, the purchases of bonds to be placed in the sinking fund, and items of that kind?

Mr. GARDNER of Massachusetts. We take exactly the same course as is taken by the Commissioner of Corporations, Mr. Herbert Knox Smith, in his report. The gentleman is undoubtedly familiar with the method. The method is this: He takes the actual value of the property in the year 1901 and ascertains the earnings for that year. He then calculates the percentage of increase for that year. The next year he revalues the property, adding all increases in assets, whether they come from increased value of ore lands or from profits turned back into the plant in the previous year. Thus he arrives at the percentage of profits for the second year. He proceeds through the whole 10 years upon that principle and then strikes his average. The Commissioner of Corporations reports an annual average of 12 per cent earnings. We thought it somewhat less, because we thought he had somewhat undervalued the ore lands.

Mr. WILSON of Pennsylvania. Then the Commissioner of Corporations does not include in the profits of the corporation that portion of the profits which the corporation uses for reinvestment purposes and consequently the showing of net earnings would be much less than they actually are.

Mr. GARDNER of Massachusetts. The commissioner professes to include all actual earnings. He finds an average of 12 per cent on the valuation for each of the years—that is, on the actual tangible property for each year.

Mr. WILSON of Pennsylvania. If the gentleman will permit me, I would say that I took occasion about a year ago to go over all of the reports of the corporation and made an analysis of them for myself. I found that including the earnings, the reinvestments, and purchases of bonds, which had been made for

funding purposes, the actual net earnings of the corporation for the nine and three-quarters years of its existence up to that time were a little over $1,400,000,000, more than 10 per cent interest upon the entire stock of the corporation, common and preferred, including the water.

Mr. GARDNER of Massachusetts. That would be about 10 per cent?

Mr. WILSON of Pennsylvania. Yes; not on the actual value of the property, but upon the face value of the stock, making about 20 or 25 per cent upon the actual value of the property.

Mr. GARDNER of Massachusetts. That all depends. The gentleman of course can take his figures. I carry no brief for Herbert Knox Smith. As you all know, he is a leader in the Progressive Party. I am not attempting to defend him; but I say that in spite of the gentleman's bookkeeping on his own account I am inclined to accept the findings of the Commissioner of Corporations.

Mr. WILSON of Pennsylvania. I have not done any bookkeeping of my own. I have taken the report of the bookkeeping of the corporation as given in its annual reports, and there is no getting away from that conclusion.

Mr. GARDNER of Massachusetts. And for all that, the Commissioner of Corporations arrived at an entirely different conclusion.

Mr. STANLEY. Mr. Speaker, will the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. STANLEY. I will say that the statement made by the gentleman from Pennsylvania [Mr. WILSON] is supported by Mr. McRae, a certified accountant.

Mr. GARDNER of Massachusetts. Yes; and anybody who figures in that way and omits compound interest and puts the valuation the gentleman does on the property will arrive at that conclusion. Where we differ is as to the value of the property. I think that the valuation of the Commissioner of Corporations is sound and that the gentleman's is unsound.

Mr. WILSON of Pennsylvania rose.

Mr. GARDNER of Massachusetts. Mr. Speaker, I shall proceed if the gentleman will permit me. He can ask me all of the questions he chooses after I get through.

Mr. WILSON of Pennsylvania. I wanted to bring out the points at this particular time.

Mr. GARDNER of Massachusetts. Very well, Mr. Speaker, I yield to the gentleman once more.

Mr. WILSON of Pennsylvania. I wanted to state at this point that according to the gentleman's own conclusions about one-half of the face value of the stock represents water.

Mr. GARDNER of Massachusetts. Precisely.

Mr. WILSON of Pennsylvania. And if the face value be $1,400,000,000 and the earnings be $1,400,000,000 in 10 years, then there can be no getting away from the fact that 20 per cent has been earned upon the actual value.

Mr. GARDNER of Massachusetts. Oh, I think the gentleman has forgotten compound interest on reinvested earnings. I prefer to take the statement of the Commissioner of Corporations to that of the gentleman from Pennsylvania. The commissioner had all of the material at hand that the gentleman had. We have given a great deal of study to these figures. In saying that I do not mean to say that the gentleman from Pennsylvania has not been giving study to them, but I think on the whole I should rather take the opinion of the recent Commissioner of Corporations, Progressive though he be, than that of the gentleman from Pennsylvania. I submit two tables of figures prepared by the Commissioner of Corporations.

Actual earnings of steel corporation on its total investment as computed by bureau, 1901–1910.

Year.	Net earnings, as shown by annual reports.	Adjustments by corporation in sundry accounts.
1901[1]	$75,006,230.89	
1902	108,534,374.25	−$1,207,886.84
1903	83,675,786.51	− 5,427,540.33
1904	[2]57,791,196.80	+ [2]13,108.34
1905	96,432,595.93	− 99,253.78
1906	125,966,938.13	− 90,501.19
1907	133,244,929.28	− 681,515.52
1908	74,882,529.11	+ 394,034.59
1909	107,773,099.96	+ 548,445.08
1910	116,738,157.80	− 818,182.64
Total	980,045,838.66	− 7,369,292.29

[1] Nine months.
[2] After deducting employees' bonus fund, which in this year was taken out after stating net earnings, but which in other years is deducted before determining the net earnings.

Actual earnings of steel corporation, etc.—Continued.

Year.	Amounts restored to earnings by bureau.			Total adjusted earnings.
	Interest on bonds, mortgages, and purchase-money obligations of subsidiary companies.	Locked-up intercompany profits in inventories.	Excessive depreciation allowances.	
1901[1]	[2]$4,500,000.00	([3])	−$1,765,000.00	$77,741,230.89
1902	6,113,584.34	([3])	8,062,272.00	121,502,343.75
1903	6,553,861.06	([3])	9,354,851.00	94,156,958.24
1904	6,573,146.54	−$1,254,336.48	− 631,165.00	62,491,950.20
1905	6,710,214.73	6,307,189.83	3,480,088.00	112,830,834.71
1906	6,561,478.70	2,739,403.74	8,216,388.00	143,393,707.38
1907	6,492,195.42	9,744,692.51	6,616,572.00	155,416,873.69
1908	7,401,205.18	426,983.85	1,688,543.00	84,793,295.73
1909	7,887,178.18	2,617,395.54	1,981,460.00	120,807,578.76
1910	7,263,453.66	2,751,307.08	1,281,348.00	127,216,083.90
Total	66,056,317.81	23,332,636.07	38,285,357.00	1,100,350,857.25

[1] Nine months.
[2] Approximated; this amount never computed by the corporation.
[3] In these years the intercompany profits in inventories were not deducted by the corporation, and hence need not be restored.

Comparison of investment of steel corporation, with total earnings thereon, as adjusted by bureau, yearly, 1901–1910.

Year ended Dec. 31—	Total investment in tangible property as computed by bureau.	Earnings as adjusted by bureau.	
		Amount.	Per cent.
1901[1]	$698,869,756	[1]$77,741,231	[2]14.8
1902	763,574,919	121,502,344	15.9
1903	806,615,979	94,156,958	11.7
1904	818,238,143	62,491,950	7.6
1905	874,840,920	112,830,835	12.9
1906	947,397,884	143,393,707	15.1
1907	1,078,763,602	155,416,873	14.4
1908	1,090,425,487	84,793,296	7.8
1909	1,146,875,993	120,807,579	10.5
1910	1,186,982,038	127,216,084	10.7
Total		1,100,350,857	
Average	941,258,472	[3]112,856,498	12.0

[1] Nine months, April to December; investment includes additions during this period.
[2] Indicated rate per annum based on actual earnings for 9 months.
[3] Average yearly profits for 9¾ years.

RECOMMENDATIONS.

Mr. Speaker, I shall now proceed with the recommendations which we, the minority, make. We divide our recommendations into three classes. First, constructive legislation. We recommend that all corporations exceeding $50,000,000 in capitalization or valuation must become United States corporations before entering interstate commerce. For smaller corporations United States charters are voluntary.

All United States corporations must be recapitalized at their actual value.

An Interstate Commission of Industry, like the Interstate Commerce Commission, is to be established. Publicity is to be provided for.

When the price fixed by a United States corporation has been found to be unreasonable, the Interstate Commission of Industry must publicly declare that fact and recommend a reasonable price. Interlocking directorates and "holding companies" are forbidden, except when permitted by the Interstate Commission of Industry.

If the foregoing recommendations shall prove insufficient to meet the trust problem, the Interstate Commission of Industry ought to be given a carefully guarded power to decree maximum prices when necessary.

With regard to the proposed palliative legislation, we approve it; but, in our opinion, it does not go to the root of the trust question. Industrial corporations ought not to own common carriers. "Unreasonable restraint of trade" must be defined by law—and we give our approval to the definitions in the Stanley bill, presented with the majority report. The burden of proof of "reasonableness" should be transferred to the defendant when a restraint of trade has been shown to exist. Individuals and States ought to have the opportunity to intervene in Government suits. Provision should be made for extensive powers and instructions for courts when combinations are adjudged illegal. The Stanley bill provides for increased powers, or at all events for powers which have not yet been exercised by the courts. Whether the courts already have those powers or

not is a question on which lawyers disagree. The Stanley bill, however, omits to give the court instructions.

We make the recommendation to the United States Steel Corporation that in the blast furnaces and rolling mills three shifts of men working 8 hours each ought to take the place of two shifts of men working 12 hours each.

DEFINITION.

I do not propose to split hairs over the meaning of the word "trust." When I say "trust" I mean a gigantic business organization of some sort. I do not mean a coalition of separate concerns more or less loosely bound together by some probably illegal agreement as to prices or as to other matters. If a combination among the packers really exists, as alleged, I should call it "the beef pool" rather than "the Beef Trust."

GENESIS OF A TRUST.

Just a few words by way of explanation of the evolution of pools and trusts.

In modern business so-called overhead charges are large. Such charges as insurance, rentals, superintendence, renewals, and depreciation run on whether factories are running full time or half time. The cost of a pattern or a mold is no greater whether it is intended for the production of 1,000 pieces or 10,000 pieces.

The practical experience of many branches of the steel business in the eighties and nineties is illuminating. A number of competitive manufacturers were conducting, for example, the steel-plate business at a fair profit over the cost of production. For one reason or another prices fell. To save his profit each manufacturer tried to meet the situation by increasing his output. Obviously enough, if his overhead and general expenses were not increased, the more articles he could produce the less each article cost him. The inevitable result was a tremendously overstocked market and unremunerative prices. Inevitably a combination to fix prices and apportion sales resulted. From this simple beginning has developed the finished product of the trust.

As Prof. Macrosty puts it:

Starting from the simple combined refusal to trade at a loss and leading up to a position of dominance of an industry scarcely distinguishable from a monopoly.

MARKING TIME.

We have been marking time on the question of the trusts for over 20 years. We are not really dissolving them, nor are we really recognizing them. We are still hesitating at the parting of the ways. Now and then we move a few timid, halting steps one way or the other, when public opinion has so overheated our stance that our tender political feet can no longer bear it.

If we wish to dissolve the trusts, the time has come to say so. If we wish to recognize the trusts, the time has come to be definite about it. Do not misunderstand me as adversely criticizing the bills presented by the Democratic majority of the Stanley committee. In my opinion, substantially all the practices at which those bills are aimed are unfair and ought to be suppressed. Moreover, I entirely agree with the majority that industrial enterprises ought not to own railroads and that interlocking directorates ought to be curbed.

But if every one of the majority's bills introduced by Mr. STANLEY were to be enacted into law to-day we should be no nearer the settlement of the trust question. The majority bills do not spell dissolution. The stock market tells us so plainly enough. If we really wish to break up the trusts, all we have to do is to forbid the concentration of more than a given amount of capital under a single management and then instruct our courts to dissolve existing trusts into corporations within the prescribed size. That will break up the trusts fast enough, but it will not prevent the surviving subdivisions from arriving at a price understanding in a very short time.

MAKE THE TRUSTS BEHAVE.

I do not believe in dissolution as a remedy for the trust problem. I believe that every trust ought to be made a "good" trust. Trusts ought to be made to behave themselves, and they can be made to behave themselves the moment that we have the pluck to recognize them instead of shilly-shallying around the outskirts of the question.

What we need is good, drastic recognition of large industrial units. We have fooled too long with genteel dissolution.

I grant you that in my opinion the American people are not ready for the recognition even of partial monopolies. It is none the less my duty to point out my reasons for coming to the opposite conclusion.

OLD AND NEW STYLES IN BUSINESS MEN.

Most men, if it were possible, would like to see a return of the old system of competition; yes, even of the old system of cut-throat competition. I confess that I am such a man myself. But will dissolution restore old-fashioned competition?

The mere fact that the dissolutions hitherto decreed have been unsatisfactory to the people may, perhaps, be no argument. As I said just now, it is easy enough to draft a law which will really dissolve the trusts; but the soup house is a good deal more likely to follow than is old-fashioned competition. You can lead the modern big business man to competitive conditions, but you can not make him compete.

The pioneer manufacturer would rather fight than eat. His modern successor would rather eat than fight. Formerly the manufacturer armed himself with a tomahawk before he dealt with his rivals. Perhaps in those days one rival lived in Pittsburgh and the other in Chicago. They glared at each other but seldom met, except when one or the other of them wished to buy out at a bargain sale the slaughtered remains of his competitor. To-day big business rivals belong to the same club in New York and call each other "Old man" over the long-distance telephone.

THE HORIZON FOR AMBITION.

Most people believe that the trust system stifles the ambitions of young men; that under modern industrial conditions the employed are more numerous and the masters fewer. To satisfy ambition with the mere prospect of a lordly salary is as difficult a task as to reconcile the lion to captivity with a surfeit of juicy mutton. What man is there who does not hope some day to be his own master? What man is there who is not the better for that hope?

And yet day after day as we listened to the witnesses in the steel investigation, more and more I realized that the owners of these great corporations are not their true masters so much as are the strong-minded, clear-headed men who run the chief departments. The managers of the steel corporation, to be sure, are the servants of 125,000 stockholders and are accountable to those stockholders, just as we Congressmen are the servants of our constituents and accountable to our constituents. For all that, to be the manager of one of the great divisions of the United States Steel Corporation is worthy of any man's ambition, just as it is worthy of any man's ambition to serve 200,000 people in the great historic House of Representatives of the United States.

THE SPUR OF DESIRE FOR GAIN.

You tell me that the recognition and regulation of a monopoly, whether partial or entire, checks at once its desire for improvement and progress. Clearly enough, if a corporation is allowed to earn a certain percentage and no more, it will be a matter of indifference to that corporation whether it clings to old-fashioned ways or whether it seeks to keep pace with the times. Even if adequate regulation should in the future necessitate a limitation on dividends, I can not admit that the dilemma defies solution. Profit-sharing devices, under which corporations and the public both participate in increased earnings, are entirely practicable. The prospect of increased profits surely supplies a motive for improvement. Moreover, it is hardly supposable that the percentage of the annual dividend of a corporation would be more than one of the many lamps which would illuminate the Federal authorities in estimating the reasonableness of any given price.

THE COMPETITIVE FETICH.

Competition, old-fashioned competition, what brutalities have been committed in thy name! The groceryman in the small town, who undersells his competitor till the latter is bankrupt, and the Tobacco Trust, which gives rebates to exclusive purchasers until the small independent surrenders, each of them is but following the practices of mankind ever since competition began.

The majority of the steel investigating committee calls for the restoration of old-fashioned competition, and yet it proposes laws to prevent the incidents of that very competition. Quite rightly, too. These unfair competitive practices are unworthy of the modern business man and ought to be checked; but woe betide the Government which tries to ride two horses going in opposite directions. For years, we have been preaching competition and practicing cooperation. The steel hearings revealed to us officially a series of facts which everyone already knew, to wit, that railroad traffic agreements exist in defiance of the letter of the law; that the Interstate Commerce Commission is aware of those agreements and utilizes them, and that no living man in the country objects. Why? Because those agreements are reasonable and have the tacit approval of the Interstate Commerce Commission. Is there no lesson in favor of recognition and regulation to be drawn from all that?

WILL DISSOLUTION REDUCE PRICES?

Some people believe, or pretend to believe, that the dissolution of the trusts would ultimately mean lower prices. I be-

lieve the contrary, but can not prove it. Prices of steel products such as are sold by the trust have fallen off during the very decade in which the prices of most commodities have rapidly increased. That the Steel Trust has made on an average 12 per cent annually on the actual value of its assets, I think is fairly proved. Enormous as were the profits of promotion and handsome as the corporations earnings have been, I feel that the economies of production consequent upon consolidation have far outstripped the profits to the promoters and owners. In other words, the large profits which the corporation has devoured offset but a limited part of the beneficial economics consequent on consolidation.

ENGLISH MASTERS OF ECONOMIC THOUGHT.

For over half a century Adam Smith and John Stuart Mill have ruled the world. They taught us that competition is the cure for all evil; that the best way to govern is to leave enterprise to work out its own salvation, and that the mere size of an industrial undertaking can not in itself present a monopolistic feature. The economic truth of one age is the exploded fallacy of the next. Economic laws based on assumptions as to the normal size of families are dissolved by a single wave of race suicide. It is a long distance from the "laissez faire" doctrine to the decree of the circuit court in the case of the United States *v.* The General Electric Co. The old laws of competition stand respectfully aside at a family meeting of modern capitalists.

THE NEW SCHOOL.

A new school of economic thought has arisen. I take a little pride in the consciousness that I have a desk in that school, even though Dr. Osler has decreed that my time of life condemns me to wear the foolscap. With very sincere regret I have torn many a page out of Adam Smith and John Stuart Mill. I no longer believe that the nation which is the least governed is necessarily the best governed. I no longer believe in the unlimited freedom of contract between employer and employed. I am definitely of the opinion that the mere bigness of a modern industrial undertaking often gives it a monopolistic character.

Many persons of a conservative turn of mind are to-day hoping against hope that the removal of all unfair advantages and special opportunities out of reach of the trusts will in itself restore competition. They believe that the man with small capital working for his own interests will hold his own, and more too, against the giant corporation managed by salaried officials, if only unfair competitive tactics are eliminated. Ten years ago I shared that belief. To-day I assert that sometimes it is true and sometimes it is not true.

Adam Smith and Mill taught us that unusual profits in any business must necessarily invite competitive capital into that business. Clearly, that was so in the days of small corporations and copartnerships. It is so to-day in industries like cotton manufacturing and shoemaking. But is it true, for instance, in the business of making agricultural machinery, or of producing crude steel?

Mr. STANLEY. Would it interrupt the gentleman if I should ask a question on that point? Does the gentleman believe that it is true in all industries to-day where there is no control of the natural resources; that is, where the combination is open at both ends, that enlarged profits will invite competition?

Mr. GARDNER of Massachusetts. I do not think so. I think in shoemaking, for instance, that mere size would not produce a successful trust unless perchance the packers and leather dealers should take up the business. Every shoemaker has his specialties, one makes ladies' high-class shoes, another makes men's welts, and so forth. If you can not find a market for an unlimited number of shoes from the same patterns, I think it would be difficult to establish a successful trust——

Mr. STANLEY. But there do you bring in the question of patent?

Mr. GARDNER of Massachusetts. No; I said "pattern."

Mr. STANLEY. Excuse me, I thought you said "patent."

Mr. GARDNER of Massachusetts. I believe that even when there is no limited natural resource at the foundation of an industry, even if there is no unreasonable restraint of trade, even if there are no unfair practices, nevertheless a monopoly more or less complete may be created. Take away the control of natural resources, remove all unfair advantages, forbid the industrial ownership of transportation companies, give the small corporation an even start with the big corporation; even then I do not believe that you can restore competition. Mere bigness, I believe, may result in a more or less perfect monopoly.

I know more about the General Electric Co. than about any other of these large combinations which have been under fire. Its Lynn plant is in my county. It has advantages through patents; but I think the fact that it can occupy practically the whole field in certain lines results from the mere bigness of the company.

Demonstrate to the world as much as you choose that the profits of the United States Steel Corporation or those of the International Harvester Co. are unusually large, prove that fact to every capitalist on earth, and do you think that men can be found who will supply the capital to create great competitors in the same fields? The mere fact that the field may supply rich pasture for one elephant by no means indicates that it will supply sufficient pasture for two. In modern business you must fight one elephant with another elephant. [Laughter and applause.] Oh, I know what you are going to say. [Laughter.]

Mr. BOWMAN. The same statement would apply to donkeys. [Laughter.]

Mr. GARDNER of Massachusetts. Of course, a deluge of demagoguery about "the Money Trust" has been poured out upon us. For all that, ask yourselves how far you think a promoter would get in trying to raise the money to parallel some mammoth enterprise of J. P. Morgan & Co. Very likely Mr. Morgan's miraculous power can not be bequeathed to any heir or be grasped by any ruthless successor. Probably his power will die with him. Be that as it may, even the most ardent economist of the old school finds himself strictly on the defensive in the discussion of present-day questions of competition.

Mr. STANLEY. Mr. Speaker, I ask the gentleman to excuse me for interrupting him, but I want to ask my friend from Massachusetts a simple question. Does he believe that J. Pierpont Morgan's miraculous power would be miraculous one hour after the law was honestly and fearlessly executed?

Mr. GARDNER of Massachusetts. Yes; I think it would. I will put it this way: I remember very well, when I was in business myself, before the Spanish War, that brokers used to come into the office to get us to subscribe to new enterprises or to take part in the underwriting of reorganizations. Local brokers or correspondents of the various New York houses would bring into your office some proposition, and say, "Would you care to take $10,000 or $20,000 underwriting for your people?" You would look the list over to see who was taking the underwriting and who was managing it. In those days it was most important to us in Massachusetts to ascertain what Boston people had their names on the list. For instance, if we saw the name of some conservative old investor, we would say, "That must be a pretty good thing, or he would not go into it."

That is all changed now I am told. People in Boston and everywhere else look to see whether Morgan's name is connected with a new undertaking. The reputation which he has secured of making things a success is the force which carries them through with the investing public.

Mr. STANLEY. That, Mr. Speaker, is exactly the crux of the question between us. Would his name have that miraculous power if he operated under the law instead of in defiance of the law?

Mr. GARDNER of Massachusetts. I think it would. Suppose that somebody said to you, "Jones says that the supply of mackerel is increasing," and somebody else said to you, "GARDNER represents the mackerel fisheries, and he says the fish is disappearing." You would be apt to take my opinion. The average Member would say, "On the matter of mackerel, GARDNER'S judgment is generally pretty good. I do not care to invest in a mackerel schooner."

On the same line of reasoning, I think that Morgan's name would carry marvelous weight under any circumstances, irrespective of the stringency or laxity of the law's enforcement. However, that is merely my own opinion, and it is not a question to which I have given more than casual thought.

Probably, I say, Mr. Morgan's power will die with him.

THE REMEDIES OF THE REPUBLICAN MINORITY.

The minority of the steel investigating committee has not thought it well to complicate the trust problem by discussing at the present time the questions arising from price associations, pools, sales' associations, or, indeed, any of the systems embraced under the German word "kartel."

COMPULSORY NATIONAL INCORPORATION AND RECAPITALIZATION.

Leaving out of consideration the palliative legislation offered by the majority—most of which we, the minority, approve—we offer a comprehensive and far-reaching plan of constructive legislation affecting mammoth corporations. We recommend that corporations exceeding in valuation the amount of $50,000,000 shall be compelled to take out an United States charter, first recapitalizing at the actual value of their assets. Fifty millions of assets is the amount suggested tentatively as the standard for compulsory United States incorporation. Perhaps the annual volume of business might be a better standard than the actual valuation.

AN INTERSTATE COMMISSION OF INDUSTRY.

Next we propose the creation of an Interstate Commission of Industry, to be modeled largely on the Interstate Commerce Commission. This commission is to be intrusted with the oversight of all questions relating to the capitalization and accounting of United States corporations. It shall require such publicity in all matters as the public interest shall require, giving as much regard as is possible to the preservation of trade secrets.

It shall be clothed with the power to regulate interlocking directorates, to the end that the baneful practice of one corporation being operated in the interest of some other corporation may come to an end.

THE SIMPLEST ORGANIZATION IS THE BEST.

The minority is strongly of the belief that deception and chicanery in business have been strikingly facilitated by complexity of organization. Any man can readily understand the mechanism of a corporation which has outstanding a million shares of stock of $100 each, all paid in. With very little financial knowledge he can fairly estimate such a company's soundness as an investment. If the company in question is a public-service corporation, the problem which faces the legislator or the commissioner is vastly simplified. Contrast the simplicity of the machinery of such a company with the impenetrable jungle of a "holding" company.

There are plenty of sound reasons against "holding" companies. There are some sound reasons for their existence, especially for temporary purposes of organization, but the verdict must be against them.

We believe that the directors of a corporation ought to be responsible for every act of that organization.

I for one believe that Judge Gary spoke the truth when he said that he was ignorant of the wire pool to which the American Steel & Wire Co. was a party. The American Steel & Wire Co. has its own board of directors, but all its stock is held by the United States Steel Corporation, and the directors of the United States Steel Corporation once a year vote the directors of the subordinate company in and out of office. Unquestionably, the subordinate managers wished to make a strong showing, and probably they concealed their performances for fear that they would be stopped. The point we emphasize is that the United States Steel Corporation could not without the knowledge of its directors have joined in that wire pool, if it had not been a "holding" company.

A mammoth corporation, whose mechanism every man can understand, will not so much excite the public mistrust as a smaller corporation whose construction and operation is shrouded in a web of intricacy.

We therefore propose to clothe the interstate commission of industry with the power to issue permits to "holding" companies only for temporary purposes.

THE FIXATION OF PRICES.

We now come to the question of the fixation of prices by a Government commission. We, the minority, do not contend that this power must necessarily be given to the commission; but we feel that we ought not to shrink from that step if the trusts can be controlled in no other way.

As a matter of fact, we are not far away from price fixation to-day. The price of gas, electricity, and transportation is already fixed by legislatures or commissions. The price of water power will probably soon be controlled in the same way.

Mr. STANLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. STANLEY. Does the gentleman draw no distinction in the fixing of prices between public and quasi-public corporations and strictly private concerns?

Mr. GARDNER of Massachusetts. Yes, indeed; but between quasi-public corporations and private concerns there are many intermediate grades. It is very hard to draw the line.

Mr. JACKSON. Mr. Chairman, may I interpose a question right there?

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Massachusetts. Yes. But I am coming to this question that the gentleman from Kentucky has asked.

Mr. JACKSON. Under the common law and our practice, does not an institution that becomes a monopoly become in a sense a public corporation?

Mr. GARDNER of Massachusetts. Now, it is not such a long step from the kind of control exercised by a water power, which is monopolistic in its nature, to the kind of control exercised by an organization which owns or leases 50 per cent of the highly metallic ore resources of this country. There is a strong monopolistic feature in that situation also. I take it that the principle involved is simple enough. The people are content to let competition fix prices so long as competition can perform that function. When, on the other hand, industries become monopolistic in their nature, as railroads are, for instance, the people refuse to sit quiescent and permit private enterprises to charge all which the traffic will bear. At this point the Nation steps in and puts a commission in control. Obviously, in cases where competition is no longer operative, the people will insist that prices shall be kept within bounds by a governmental agency.

Mr. LAFFERTY. Will the gentleman yield for a question at that point?

Mr. GARDNER of Massachusetts. Certainly.

Mr. LAFFERTY. Do I understand the gentleman to say that the Interstate Commerce Commission at the present time fixes railroad rates?

Mr. GARDNER of Massachusetts. In lieu of those found unreasonable.

Mr. LAFFERTY. Is it not a fact that the Interstate Commerce Commission in its last three annual reports has recited that it is unable to fix basic rates, because it has not been given the power to make physical valuations, and can not therefore——

Mr. GARDNER of Massachusetts. Oh, if the gentleman from Oregon will please not interrupt me with that kind of a question.

Mr. LAFFERTY. If the gentleman can not answer it——

Mr. GARDNER of Massachusetts. I can answer it. Physical valuation is——

Mr. LAFFERTY. Why does not Congress give the Interstate Commerce Commission that power?

Mr. GARDNER of Massachusetts. I can not tell you.

Mr. LAFFERTY. Are you willing to vote for it?

Mr. GARDNER of Massachusetts. Yes; and I have said so on the floor of this House.

Mr. LAFFERTY. I agree with you.

Mr. GARDNER of Massachusetts. I am certain that under present circumstances many of the trusts are more or less monopolies. I am strongly of the opinion that gigantic size, apart from everything else, gives a substantial degree of monopoly to any enterprise. If so, and if it is impossible to dissolve these monopolies or partial monopolies without detriment to the efficiency of our national production, then let us squarely recognize them and mold them into conformity with the public weal.

The Massachusetts railroad law does not give the railroad commissioners the right to fix rates, but only the right to recommend rates. For two decades the system has proved satisfactory. I can not recollect that the railroads ever disregarded a recommendation of the commissioners. Accordingly, the minority proposes that whenever the price charged for any article by an United States corporation shall have been found to be unreasonable, it shall be the duty of the Interstate Commission of Industry to make public announcement of the fact, simultaneously recommending a reasonable price to be charged in its stead.

As to what may ultimately be necessary in the direction of price fixation, it will be well to quote the exact words of our minority report:

> Should the powers which we suggest prove insufficient to enable the Interstate Commission of Industry to exercise a salutary control over United States corporations, we recommend that further legislation be enacted bestowing on the commission a carefully guarded power to fix a maximum price in lieu of any price adjudged to be unreasonable.
>
> We, the minority, are fully alive to the fact that this recommendation runs counter to the time-honored doctrines of the greatest English-speaking political economists of the past. It even runs counter to much historical experience. Nevertheless, we are also aware that the great political economists of the past contemplated no situation such as now confronts us. In this twentieth century combinations, international in their scope, have, by their immense preponderance of power, distorted the operation of general economic laws.
>
> After the most serious deliberation, with a profound consciousness that this doctrine will offend many a deep student of public affairs, with a sincere hope that such a step may not prove necessary, nevertheless it is our belief that we ought not to shrink from violating our traditional policy if experience shall convince us that the trust problem can not otherwise be met.

Mr. HARDY. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. With pleasure.

Mr. HARDY. Did the minority consider the proposition of the advisability of legislation which would forbid these vast enterprises to kill competition by underpricing instead of fixing the maximum price, requiring that they should not be allowed to undersell competitors for the purpose of driving them from the market?

Mr. GARDNER of Massachusetts. We did, indeed. We thought of establishing the power to set maximum and minimum figures, between which extremes the price must fluctuate.

Mr. HARDY. Then, did you think of the idea of requiring the sales of commodities by these vast concerns to be uniform over the whole country?

Mr. GARDNER of Massachusetts. Yes; we approved the bill of the gentleman from Kentucky [Mr. STANLEY], which fairly meets the question. As to the fixation of a maximum and minimum price, I think I am perfectly at liberty to say that we decided not to discuss that question in our report. There was some difference of opinion amongst ourselves. If I recollect rightly, the House of Representatives struck out the provision for a minimum rate when the railroad rate bill was before the House of Representatives.

Mr. HARDY. They substituted, or rather inserted, a provision that if they did reduce the rate they should not be allowed to raise it without permission later.

Mr. GARDNER of Massachusetts. I have forgotten the exact provision.

Mr. HARDY. I think that was the provision.

Mr. GARDNER of Massachusetts. It may be better to move wrongfully than not to move at all after 20 years of marking time.

Mr. STANLEY. Will the gentleman pardon a suggestion—that you have your choice in this matter of moving wrong or of not moving at all.

Mr. GARDNER of Massachusetts. I do not quite understand the gentleman's suggestion.

PHANTOM BOUNDARIES.

We, the minority, believe that State boundaries have been obliterated by mammoth business. We draw the line sharply which separates us from those public men of a bygone school who still believe that the trusts can be controlled or ought to be controlled by the strange entanglement of statutes which issue from the legislatures of 48 different States.

SEEING GHOSTS.

The minority is by no means satisfied that its own proposals are flawless. It believes them to be constitutional, but would not stand aghast if they are otherwise. The trust problem is of sufficient importance to demand a constitutional amendment if necessary to its settlement.

Logicians can easily point out a succession of evils or at least perplexities which must inevitably flow from the adoption of our views. The ink is hardly dry which printed those same prophecies when the Interstate Commerce Commission was created. To him who calls our plan semisocialistic, we might retort by comparing the policy of dissolution to an attempt at turning backward Old Time in his flight.

CONCLUSION.

It may be that civilization is in a cycle of evolution during which socialism's dismal creed must have a trial. It may be that government control will ultimately lead into collective ownership and out of it again. The science of statesmanship requires us to solve the pressing problem, not to stand dumbfounded and inactive because in no direction is the future clear.

The law of change is that men must move. If we can foresee the ultimate goal of each step, so much the better. If we must leap in the twilight, let us strain our eyes to the utmost, and then, trusting to the Almighty, fearlessly choose the direction which seems the best.

That was the way of the fathers.
That shall be the way of the children.

APPENDIX.

INVESTIGATION OF UNITED STATES STEEL CORPORATION.

Mr. GARDNER of Massachusetts, from the Special Committee to Investigate Violations of the Antitrust Act of 1890 and Other Acts, submitted the following views of the minority:

SUMMARY—FINDINGS OF FACT.

That J. P. Morgan & Co. and the underwriting syndicate received $62,500,000 for organizing the United States Steel Corporation.

That the corporation was capitalized at $1,400,000,000, of which nearly one-half was "water."

That the average annual earnings of the corporation have been from 11 to 12 per cent on the actual value of its assets.

That the corporation controls a little over one-half the crude and finished steel business of the United States.

That the average wholesale price of steel products has fallen off since the corporation was organized.

That the corporation and all the independents have an understanding as to prices.

That the system of interlocking directorates has insidious consequences and facilitates "inside management" and the stifling of competition.

That the situation as to iron-ore supply is grave and may become menacing.

That labor conditions in certain departments of the steel industry are bad.

RECOMMENDATIONS.

1. Constructive legislation: All corporations exceeding $50,000,000 in capitalization or valuation must become United States corporations before entering interstate commerce. For smaller corporations United States charters are voluntary.

All United States corporations must be recapitalized at their actual value.

An interstate commission of industry, like the Interstate Commerce Commission, to be established. Publicity to be provided for.

When the price fixed by a United States corporation has been found to be unreasonable, the interstate commission of industry must publicly declare that fact and recommend a reasonable price.

Interlocking directorates and "holding" companies forbidden except when permitted by interstate commission of industry.

If foregoing recommendations shall prove insufficient to meet the trust problem, the interstate commission of industry ought to be given a carefully guarded power to decree maximum prices when necessary.

2. Palliative legislation: Industrial corporations not to own common carriers.

"Unreasonable restraint of trade" defined and burden of proof of "reasonableness" transferred to the defendant.

Individuals and States to have the opportunity to intervene in Government suits.

Extensive powers and instructions for courts when combinations are adjudged illegal.

3. Recommendation to the United States Steel Corporation: That in the blast furnaces and rolling mills three shifts of men, working 8 hours each, ought to take the place of two shifts of men working 12 hours each.

PART I.

FINDINGS OF FACT.

We dispute the findings of fact of the majority without attempting to deal specifically with their allegations. By singling out unusual incidents and unusual evidence, selecting unusual years, unusual prices, and unusual practices as a standard of comparison the majority has created an overdrawn picture portraying diabolical ingenuity and sinister malevolence as the characteristics of the United States Steel Corporation officials.

J. P. MORGAN & CO.

The fact is that a very sharp line of discrimination ought to be drawn between the conduct of the banking house which promoted the United States Steel Corporation and the conduct of the exceedingly competent, although perhaps not altruistic, managers who have subsequently made it a success.

In return for promotion services and risks the firm of J. P. Morgan & Co. exacted $62,500,000 in compensation for itself and the underwriting syndicate which it managed. Such a sum bore no relation whatever to the service rendered, the risk run, and the capital advanced. We do not hesitate to say that this transaction of J. P. Morgan & Co. must stand condemned before the more enlightened business ethics of later years.

HERBERT KNOX SMITH'S REPORT.

For statistical statements and for close analysis of figures the minority mainly relies on the report of Herbert Knox Smith, until recently Commissioner of Corporations. We have examined each table prepared by the commissioner, and with slight variations we are convinced that his figures are correct. Only in the matter of our iron ore resources, as hereinafter noted, do we take serious issue with him.

CAPITALIZATION AND "WATER."

In substantial agreement with the commissioner we find that the United States Steel Corporation was organized in April, 1901, with about $1,400,000,000 capital of which approximately $600,000,000 to $700,000,000 was "water."

AVERAGE EARNINGS.

In substantial agreement with the commissioner we find that the earnings of the corporation for the decade from 1901 to 1910, inclusive, averaged from 11 to 12 per cent annually on the actual value of the property.

PROPORTION OF OUTPUT.

In substantial agreement with the commissioner we find that in 1901 the Steel Corporation produced about 42⅓ per cent of the total output of pig iron of the United States. It produced about 43 per cent in 1910. In 1901 the Steel Corporation produced about 60 per cent of all the crude and finished steel output of the United States. By 1911 its percentage of that output had dropped to a little over 50 per cent.

WHOLESALE PRICES.

The Commissioner of Corporations has as yet published no findings as to the course of wholesale prices for steel products since the organization of the corporation in 1901.

For our facts in this division of the question we rely on the figures given in Hearings Nos. 6, 36, 52, and 63, on the annual reports of the American Iron & Steel Association, on the Iron Ore Manual, and on the Statistical Abstract of the United States.

We find that in the decade from 1901 to 1910, inclusive, the wholesale price of eight representative steel products fell off from an average of $38.80 per ton to an average of $36.11 per ton.

We subjoin a table of Pittsburgh wholesale prices for each year of the decade.

Year.	Steel rails.	Ship plates, Pittsburgh.	Wire nails, Pittsburgh.	Steel bars, Pittsburgh.	Beams, Pittsburgh.	Tin-plate mill.	Bessemer iron, Pittsburgh.	Steel billets, Pittsburgh.	Average.
1910....	$28.00	$32.60	$40.09	$32.03	$32.92	$80.64	$17.19	$25.39	$36.11
1909....	28.00	31.70	40.70	29.56	31.58	78.40	17.41	24.58	35.24
1908....	28.00	36.84	44.35	33.15	36.73	82.88	17.07	26.31	38.17
1907....	28.00	38.08	45.02	35.84	38.08	87.96	22.84	29.23	40.63
1906....	28.00	35.84	41.56	35.39	38.08	88.56	19.54	27.41	39.29
1905....	28.00	35.61	39.42	35.39	35.28	78.40	16.36	24.69	36.64
1904....	28.00	34.52	40.32	29.56	34.49	76.38	13.76	22.08	34.89
1903....	28.00	35.84	44.12	34.94	36.84	89.76	18.88	27.93	39.54
1902....	28.00	35.84	44.57	37.40	35.38	88.03	20.15	30.32	39.96
1901....	27.40	34.87	50.40	32.92	35.39	89.60	15.72	24.13	38.80

COALITIONS IN THE TRADE.

We find that there is a complete accord as to prices between the United States Steel Corporation and all the independents. In general, the United States Steel Corporation sets the prices and the independents follow suit.

Although from time to time so-called "Gary" dinners have been held, we regard these functions as the gastronomic shadow of the price understandings rather than as their substance.

As a matter of common sense, it is obvious that in times of prosperity no "Gary" dinners are necessary to bring about uniformity of steel prices. When orders are satisfactory no independent, unless secretly, would lower prices for the purpose of getting more orders. Obviously, the Steel Corporation could readily distance any independent in a price-cutting race. It needs no interpreter to explain that situation to all concerned. It is equally plain that no independent can raise prices so long as the corporation refuses to do so.

INTERLOCKING DIRECTORATES.

The system of interlocking directorates has insidious consequences which no man can gauge. Yet we venture to say that the evil is not so great to-day as it was five years since. "Inside management" is a term used to express a certain reprehensible practice which a few years ago was all too prevalent in the business world. When in administering the affairs of any corporation, the directors pursue a policy more favorable to their own financial interests than to those of the corporation which they are chosen to represent—to characterize such practices men use the expression "inside management."

Interlocking directorates facilitate "inside management." Interlocking directorates often have been used for the purpose of stifling competition. Yet in many communities it is a distinct advantage not to limit the sphere of usefulness of any business man. We believe that interlocking directorates, like so many other human agencies, are fit subjects for regulation rather than for destruction. We doubt the wisdom of their absolute prohibition unless regulation shall fail to abate the evil.

THE IRON-ORE SUPPLY.

The situation with regard to the iron-ore supply of this country is very serious. Since Herbert Knox Smith made his report, however, two changes for the better have occurred. The Steel Corporation has given notice of the cancellation of its lease of the Hill ore lands, containing approximately 250,000,000 tons of iron ore. Moreover, the most recent report of the Minnesota Tax Commission shows that the quantity of high-grade Lake Superior ore has hitherto been underestimated.

Commissioner of Corporations Smith found that the United States Steel Corporation by ownership or lease controlled about 75 per cent of the high-grade ores of the Lake Superior region. The estimate was made prior to the notice of cancellation of the Hill leases. The commissioner made no estimate of the corporation's proportional holding of southern ores.

Omitting the Hill ore lands, we find that the United States Steel Corporation owns or leases from 50 to 55 per cent of the Lake Superior high-grade ores and owns from 35 to 50 per cent of the ores in the Birmingham district.

This ore situation is grave to-day and in the future may become menacing. Who can doubt that the strength of its position as to ores will prove a potent lever, if used by the corporation, for the exclusion of future competitors from the field of steel making?

THE LABOR SITUATION.

The labor situation in certain manufacturing departments of the steel industry has always been bad, and to-day is bad. As a rule, in the plants of the corporation conditions are better than in the plants of the independents. In the rolling mills and blast furnaces men often have been required to work, or, at all events, remain on more or less exacting duty for 12 hours a day for 7 days in the week. Incredible as it may seem, the fact is indisputable. It is true that a blast furnace must be kept going night and day. If it is extinguished, it is ruined. We believe that the corporation is substantially improving this situation; but we can not forbear from uttering the suggestion that three shifts of 8 hours each ought to take the place of two shifts of 12 hours each. Although, strictly speaking, beyond the scope of our report, we feel that this recommendation to the corporation may with propriety be made.

THE TENNESSEE COAL & IRON CO.

Without injecting into this report a political dispute about former President Roosevelt, it is imposible adequately to discuss the absorption of the Tennessee Coal & Iron Co. by the United States Steel Corporation. As the matter has but little practical bearing on the serious issues of which we are treating, the minority will confine itself to the general statement that its findings relative to the Tennessee Coal & Iron Co. are not in accord with those of the majority.

PART II.

CONCLUSIONS.

We dispute the conclusions of the majority primarily because they are based on the tenacious but antiquated assumption that the true remedy for the evils of industrial combinations lies in their dissolution into greater or lesser subdivisions. Secondarily, we dispute the majority's conclusions in that they fail to suggest adequate means for carrying out their own views. To advocate the present national policy of dissolution while neglecting to suggest appropriate legislation compelling it to be fundamental and thorough is to invite the recurrence of dissolutions unsatisfactory to the people.

TRUE REMEDY LIES IN FEDERAL CONTROL.

While we, the minority, are definitely of the opinion that the true remedy for the trust problem lies in Federal control and in compulsory Federal incorporation, with an unwatered recapitalization, nevertheless we are prepared to admit the possibility, or even probability, that the American people have by no means as yet come to our conclusion.

ONE MORE TRY FOR OLD-FASHIONED COMPETITION.

On the assumption that the American people will insist on one more attempt to restore the competition of bygone days, we sincerely believe that they ought to demand a thorough revision and strengthening of the Sherman Act.

In case the Nation decides to continue the existing policy looking to the dissolution of the trusts, we recommend that instructions to the Federal courts be so extended as to insure the thoroughness and completeness of these dissolutions.

Of the legislation proposed by the majority we have little unfavorable criticism to make other than of its inadequacy to meet the situation. The Nation gasps for the permanent trade wind of constructive measures rather than for the summer zephyr of palliative devices.

However, the principles contained in the bills drafted by the majority are distinctly worthy of commendation, and we give them our approval. But if the policy of dissolution favored by the majority is to be pursued, much additional legislation is required before proper dissolution can be obtained. This legislation the majority has scarcely outlined.

CONSTRUCTIVE LEGISLATION.

If, on the other hand, as we hope, the country should be favorably impressed by the views of the minority, then a series of fundamental legislative changes must be adopted. To the far-reaching constructive measures which we advocate the legislation proposed by the majority may well be added as a desirable embellishment.

(1) We recommend that all corporations or combinations equaling in valuation or in capitalization the amount of $50,000,000, or such other sum as may be determined upon, shall be compelled to acquire a United States charter before engaging in interstate commerce. We recommend that voluntary Federal incorporation shall be provided for lesser organizations. The day has gone by when any niceties of historical policy should be permitted to blind us to the economic obliteration of State lines.

(2) We recommend the establishment of an Interstate Commission of Industry, which shall have control over all corporations operating under a United States charter. This control shall be similar to that which is exercised by the Interstate Commerce Commission over the railroad companies, and shall insure the requisite publicity.

(3) Whenever the price charged by a United States corporation for one of its products shall have been found to be unreasonable by some competent authority, to be determined hereafter, we recommend that it shall be the duty of the Interstate Commission of Industry to make public declaration of the fact and to recommend a price in lieu of that found unreasonable.

(4) We recommend that all corporations when they acquire a United States charter shall be required to recapitalize at an amount not to exceed the true value of their assets. In the valuation of their assets, we recommend that nothing be reckoned for so-called "monopoly" value, or value which arises merely from their exclusive, majority, or substantial control of the industry in which they are engaged.

(5) We recommend that interlocking directorates in United States corporations shall be forbidden except when licensed by the Interstate Commission of Industry.

(6) We recommend that so-called "holding" companies shall be forbidden except when licensed for temporary purposes of reorganization by the Interstate Commission of Industry.

(7) Should the powers which we suggest prove insufficient to enable the Interstate Commission of Industry to exercise a salutary control over United States corporations, we recommend that further legislation be enacted bestowing on the commission a carefully guarded power to fix a maximum price in lieu of any price adjudged to be unreasonable.

We, the minority, are fully alive to the fact that this recommendation runs counter to the time-honored doctrines of the greatest English-speaking political economists of the past. It even runs counter to much historical experience. Nevertheless, we are also aware that the great political economists of the past contemplated no situation such as now confronts us. In this twentieth century combinations, international in their scope, have by their immense preponderance of power distorted the operation of general economic laws.

After the most serious deliberation, with a profound consciousness that this doctrine will offend many a deep student of public affairs, with a sincere hope that such a step may not prove necessary, nevertheless it is our belief that we ought not to shrink from violating our traditional policy if experience shall convince us that the trust problem can not otherwise be met.

PALLIATIVE LEGISLATION.

(8) We concur in the recommendation of the majority that industrial corporations shall be forbidden to own common carriers.

(9) We also concur in the recommendation of the majority that parties injuriously affected by combinations should have access to the courts and the benefit of adequate and sufficient remedies for wrongs. Individuals or a State ought to have the opportunity to intervene in a Government suit.

(10) We also concur in the view of the majority that the legal expression "unreasonable restraint of trade" must be defined, that certain obnoxious practices shall be held to be conclusive evidence of "unreasonableness," that in certain other cases the burden of proof of "reasonableness" must rest with the defendant, and that the courts shall have extensive powers when combinations are adjudged illegal. The majority presents a bill covering these questions. When redrafted so as to attain the ends which it seeks to accomplish, we give it our approval, except as regards section 14. Section 14 seeks to create a rebuttable presumption of "unreasonableness" in cases where a combination controls 30 per cent of the domestic trade in a given article. It may perhaps be true that this bill defines as "unreasonable" a number of acts which the common law already interdicts; but it is well to crystallize these definitions into the form of a statute.

EXTRANEOUS LEGISLATION.

(11) As to the recommendation of the majority to the effect that the Commissioner of Corporations should be required to report to Congress as well as to the President, we forbear to express an opinion until we have had an opportunity to hear the question adequately discussed.

AUGUSTUS P. GARDNER.
HENRY G. DANFORTH.

I concur in the above report except that I believe that the Interstate Commerce Commission and the railroad commissions of the several States are clothed with sufficient power to remedy all evils growing out of the ownership of common carriers by industrial corporations. To forbid such ownership would tend to decrease economy and efficiency on the part of the industrials. Furthermore, I am not convinced that the power to fix prices is necessary to the efficiency of Federal control. Should experience, however, demonstrate that I am wrong in this conclusion I should unhesitatingly favor the granting of such power.

H. O. YOUNG.

Mr. STANLEY. Mr. Speaker, I yield to the gentleman from Maine [Mr. MCGILLICUDDY] such time as he may desire. [Applause.]

Mr. McGILLICUDDY. Mr. Speaker, I am very seriously impressed with the importance of the issues involved in this report. I have listened with unusual interest to the debate upon it on both sides. It is a serious responsibility that faces the membership of this House and Senate, and if you solve the questions that are now before the people of this country you will render a service rarely equaled in its history. [Applause.]

The simple, plain truth about this matter, gentlemen, is that the plain people of this country have been investigating these matters on their own hook, and they know a good deal more about them than some gentlemen seem to think. [Applause.]

They have learned something of the truth in the last few years. Hence the discontent, the unrest that is now plainly manifest throughout the length and breadth of our country. It is not confined to any particular locality or to any particular party. I was much impressed when my friend from Massachusetts said that they had come to the parting of the ways. I should think they had. [Applause.] We have not; we are doing business at the same old stand. [Applause on the Democratic side.] The truth of it is that the people of the country feel that they have been tricked and cheated by some sort of legerdemain that possibly they do not understand, but they feel it just the same. I know that it is a matter that must be approached with candor, fairness, and deliberation, and I am impressed with the idea that it is a matter concerning which no delicacy of sentiment will restrain honest men from laying the naked truth bare to the whole country. [Applause.]

The people of this country have been led to believe that it was a country of equality of opportunity and of privilege, and that was the one reason that made our country what it is. If it had not been for that idea it would be now what it was a hundred years ago—a barren waste.

Now, instead of being a country of equal opportunity and equal privilege, our people find this to be true: that 50 men—mark my words, for they are true—50 men in your great, free American Republic to-day own 40 per cent of all the wealth in our entire United States of America.

When this particular Steel Corporation was established the people soon found out that the directors of that one corporation alone represented one-twelfth of the entire wealth of the United States. It is further true that 5,000 men at that time represented one-sixth of the entire wealth of our country, and 200,000 men out of a population of 90,000,000 own 70 per cent of all the property in the United States, which left 30 per cent to be divided between the other almost 90,000,000 of people.

I remember in the debate here in the special session that some gentleman on this side of the House was talking along these lines, and our distinguished friend, the ex-Speaker of the House [Mr. CANNON], arose and asked a question—which has gotten to be a very prevalent practice in this House, and I do not think a very good one—and he said:

> I want to remind the gentleman that in 1860 the entire wealth of this country was $16,000,000,000, while now it is $125,000,000,000.

The way he said it you would think that we all had an equal share of that $125,000,000,000. But to the average man in this country the truth of it is that it is not so much a question of how much money there is in this country as it is of who has it. [Laughter and applause.]

Now, take the incomes of the people. One family in 20 has an income of only $3,000 throughout the whole country. That is a very modest sum. Two-thirds of the families in the country have less than $900 income. More than one-half have less than $600 a year, and more than 4,000,000 families, or almost one-third of our entire population, have to get along on less than $400 a year. I tell you, these things set the common people to thinking. You can not fool them about it.

Now, I think the report of this committee and the facts inside the covers of the testimony have some relation to these matters. The United States Steel Corporation was formed and began business April 1, 1901. It was capitalized for $1,402,000,000. If you say that quick it does not seem to amount to a great deal; but what does it really represent to me and to you and the country? Why, to me, when I figure it up, that immense capitalization represents all the property, real, personal, and mixed, there is in the States of Maine, New Hampshire, and Vermont put together. Now, that is an awful capitalization for one corporation.

How much of that capitalization was water? I am going to be very conservative, because that is my nature. The evidence taken before this committee by competent witnesses seems to show that there was three-quarters of it water, but I am going to be more conservative than that. I am going to take the figures of the Commissioner of Corporations, and his figures were that one-half of it was water. That is $700,000,000 of water in one corporation. What does that mean? Why, gentlemen, it means that a valuation equal to all the property in my State, including cities and towns and everything we have, went into that one corporation as water—as watered stock.

Mr. RAKER. And poor water at that.

Mr. McGILLICUDDY. Poor water at that, unless you had some of it. Now, then, what was the proposition when they formed a company like that? It was to turn that $700,000,000 of water into money. That is what these trusts are doing. They are making money out of watered stock. If anybody can do that they can make money. They have done it. For doing that, for promoting that corporation, J. Pierpont Morgan & Co. received, according to the figures given by the gentleman from Massachusetts [Mr. GARDNER] to-night and by the Commissioner of Corporations—and I am again going to be conservative—my friend, Mr. STANLEY, will not agree with me, because he thinks it is more, but I think it is enough to open the eyes of the people of the Republic—J. Pierpont Morgan & Co. received as a commission for promoting that corporation $62,500,000.

What does that mean? Why, it means the valuation of the largest city in my State, the beautiful, progressive, and prosperous city of Portland, with 65,000 people in it, all turned over at one moment to the mere promoters of one corporation.

Now, the proposition was to make that water into money. How were they going to do it? There is only one way to do it—you can not fool the people—it was to charge higher prices, extortionate prices, and that is what they have done.

Some of my friends say to me, "The United States Steel Corporation have some independent competition." There is no independent competitor to-day that the United States Steel Co. could not put out of operation as quick as you would snuff a candle when you go to bed, if they wished to. Why did they not put them out of business? Herbert Knox Smith, the Commissioner of Corporations, tells you the reason why. In his letter of submittal giving his report he says this:

> The competition of the independents with the Steel Corporation, so far as prices are concerned, has been modified by the policy of cooperation.

What does the United States Steel Corporation care how many of these weak competitors there are in this country so long as that great corporation can control prices by the policy of cooperation? Just as soon as cooperation ceases benevolent assimilation will take place, and that mighty quick.

Mr. HARDY. Mr. Speaker, will the gentleman yield for a question?

Mr. McGILLICUDDY. Certainly.

Mr. HARDY. Is it not altogether possible that the Steel Trust would not permit of the existence of these alleged independent companies if they were not taking toll from them by way of high prices for their raw material and for their railway freights and in a way making them subordinate to and subservient to the Steel Trust itself?

Mr. McGILLICUDDY. Mr. Speaker, I am glad to hear the gentleman ask the question, because it shows he has been looking into the proposition and understands it intelligently; and that is precisely the fact.

Mr. HARDY. In other words, they are simply working for the Steel Trust.

Mr. McGILLICUDDY. They are working for that corporation, because they can not do anything else. They would like to, but they can not. When the United States Steel Corporation absorbed the Tennessee Coal & Iron Co., thereby getting control of the iron ore in this country, they controlled not only this country but they proposed to control the world. That is what you will hear next. That will be the next move.

Somebody said last evening, "What has the tariff to do with this?" Why, the tariff has got everything to do with it. The tariff is where the foundation was laid. That is where the millions were made in the seventies and eighties and nineties, when the inordinate profits were being made under the high protective tariff of those years, when the American people were asleep and did not know what was happening to them. These trusts are just as legitimate growths from the tariff as the fruit is from the blossom on your trees. Before 1870, the duty was 45 per cent, under the head "Manufactures of steel not otherwise provided for." In 1870 it was changed to 1¼ cents per pound, or $28 per gross ton, 100 per cent on the foreign price—away back in 1870. What was the result? Enormous profits for anybody who went into the business. There is where your cutthroat competition came in that my friend GARDNER speaks about, and kept up. There was such an inordinate profit from it that everybody wanted to go into the steel business and see if they could not get a piece of it. Then, of course, they began, like everybody else that is avaricious and greedy, to cut one another's throats; and they were doing it up to the time when they found it necessary to form the pooling agreement, and I will come to that in a moment. But while they were enjoying those inordinate profits in this country from the great masses of our people what were they doing with the foreigners? In

1880 the price of rails in England was $36 a ton; in America, $67 a ton. Who could not make money? In 1881 in England the price of rails was $31 a ton and in America $61 a ton, a profit of almost 100 per cent.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McGILLICUDDY. Always delighted to.

Mr. GARDNER of Massachusetts. Is not the gentleman forgetting that at that time we were not on a gold basis and that the English prices were in gold and ours in currency?

Mr. McGILLICUDDY. Oh, the gentleman can not lead us back to that "cross of gold." [Laughter.] The profits at that time under your tariff law that your party made were 100 per cent, and that is where Carnegie and the rest of the steel barons made their money. [Applause on the Democratic side.] Those were the days when they made it, and afterwards they mingled it with the water of J. P. Morgan, and now propose to bleed the American public.

Mr. HARDY. Mr. Speaker, will the gentleman permit me to suggest that we were on the gold basis in 1880.

Mr. LOBECK. We were practically on the gold basis from 1875. We resumed on the 1st of January, 1879.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McGILLICUDDY. Yes.

Mr. GARDNER of Massachusetts. Eighteen seventy-eight was the date of the resumption.

Mr. LOBECK. The 1st of January, 1879.

Mr. WILSON of Pennsylvania. Is it not a fact that we were on a gold basis long before that?

Mr. GARDNER of Massachusetts. I should say not until the resumption bill was passed.

Mr. WILSON of Pennsylvania. As a matter of fact, all of our currency was at par.

Mr. GARDNER of Massachusetts. I do not think the gentleman is right.

Mr. McGILLICUDDY. Mr. Speaker, I will let the gentlemen fight that out to-morrow evening, when I have gone home.

Mr. GARDNER of Massachusetts. The gentleman says that the profits were $30 a ton on account of the duty. What was the duty; how much?

Mr. McGILLICUDDY. I am coming to that in a moment. Just be patient and the gentleman will get the whole of it. Listen. Merchant bar iron, English price, $30; United States price, $48.10; tariff duty, $13.44.

Mr. GARDNER of Massachusetts. I asked the gentleman about rails.

Mr. McGILLICUDDY. Wait a moment. The gentleman will get the whole of it. He should be patient. Bessemer billets, $20 in England, $30 here; duty, $6.72, in order to protect the infant industry and help the laboring men here. Bessemer pig iron, $14.36 to England, $19.35 to our people; duty, $4. Bar foundry iron, $11.40 to England; $19.75 to our people, with a duty of $4.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. McGILLICUDDY. Gray forge iron, $11.25 to England.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. McGILLICUDDY. No; $11.25 to England, $19 to our people; duty, $4. Tank plates, $30.91 to England and $38.08 to our people, with a duty of $13.44. Back plates, $50.40 to England, $72.80 to our people; tariff, $29.12.

Mr. GARDNER of Massachusetts. Will the gentleman yield now?

Mr. McGILLICUDDY. Mr. Speaker, I do not think it would be worth while. [Laughter.] I have a table here that was brought out in the gentleman's own hearings, but it is too long for me to read and I will insert it in my remarks at this point.

Mr. John R. Dunlap, writing to the Evening Post of New York, under date of September 8, 1904, says of sales by the United States Steel Trust in England and the United States:

In the spring of 1903 I had occasion to get exact market quotations for various iron and steel products in free-trade England and "protection" America. The quotations were supplied by one of the oldest and most reputable New York firms engaged in iron and steel, and they were as follows, the quotation in each case being for a long ton of 2,240 pounds f. o. b. at Middlesboro and Swansea, England, and f. o. b. Pittsburgh, Pa., the prices being those current during the first half of May, 1903:

	England.	United States.	Tariff duty.
Merchant bar iron	$30.00	$48.10	$13.44
Bessemer billets	20.00	30.00	6.72
Bessemer pig iron	14.36	19.35	4.00
No. 3 foundry iron	11.40	19.75	4.00
Gray forge iron	11.25	19.00	4.00
Tank plates	30.91	38.08	13.44
Black plates	50.40	72.80	29.12

The differences referred to above are shown in the following table, which compares the average mill prices f. o. b. of some of the principle products exported by the United States Steel Corporation since 1906 with the average f. o. b. Pennsylvania mill domestic prices, as reported by the American Iron & Steel Association.

	Average domestic price per gross ton.	Average United States steel export price per gross ton.	Difference per gross ton.[1]
Rails:			
1906	$28.00	$24.42	—$3.58
1907	28.00	28.29	+ .29
1908	28.00	25.80	— 2.20
1909	28.00	23.94	— 4.06
1910	28.00	24.16	— 3.84
Plates:			
1906	35.84	29.84	— 6.00
1907	38.08	33.17	— 4.91
1908	36.84	29.84	— 7.00
1909	31.70	27.50	— 4.20
1910	32.97	29.04	— 3.93
Structural shapes:			
1906	38.48	29.58	— 8.90
1907	38.48	32.48	— 6.00
1908	36.74	29.50	— 7.34
1909	31.58	27.37	— 4.21
1910	32.92	28.42	— 4.50
Tin plates:[2]			
1906	2.69	2.85	—18.91
1907	3.99	3.40	—11.29
1908	3.70	2.98	—15.12
1909	3.50	2.85	—14.56
1910	3.60	3.04	—12.56

[1] Minus (—) decrease; plus (+) increase. [2] Per 100-pound box.

These tariffs were put on for two reasons only. I remember them well, because I was brought up under high protection. I was fed on it from my boyhood up in Maine.

Mr. FARR. Mr. Speaker, the gentleman has apparently prospered.

Mr. McGILLICUDDY. I not only got my eyes opened, but the rest of the people in that State did, and for the first time in 53 years a Democrat was sent here as a Member of Congress from the district that I now have the honor to represent. [Applause on the Democratic side.] You can not fool the people of Maine any more. I am going to say this, however, in justice to our statesmen, that when Blaine and Frye and Dingley advocated a high-protection tariff against the foreign countries they never believed that it was possible to create a monopoly on this side of the tariff wall and destroy home competition. I believe they were honest in what they advocated. But, as I say, the whole idea was to protect the infant industry, mind you, and just think of it! They have kept that infant sucking at the teat ever since, and now the Senate will not allow it to let go of it.

Now, the second class of men that they appealed to was the American laborer, and as long as I have been a voter, and before that ever since I knew enough to go to the political meetings, I used to hear Republican leaders in my State pleading, with tears in their voices, for a high tariff in order to keep up the standard of living and save the wages of the laboring man. Now, let us see. Just as soon as the flower of protection had come into its full blossom in the United States Steel Corporation in 1901 the directors—I do not know they called them directors; they have fancy names for those people, but the executive committee, that is the name—met in New York within six weeks after the company was organized and this is what they said with reference to American labor, and I take it from the records of the United States Steel Corporation. If there are any laboring men here or anybody in sympathy with them let it burn into their hearts forever, the humbug of American labor getting anything out of protection. Here is what a gentleman by the name of Steele, very appropriately named, brought forward as a proposition, and he was a member of the firm of J. Pierpont Morgan & Co., which is still very appropriate. He brought forward this proposition at that meeting within six weeks after the United States Steel Co. was organized, to wit:

That we—

That is, the executive committee of the United States Steel Corporation—

are unalterably opposed to any extension of union labor and advise subsidiary companies to take firm position when these questions come and say that they are not going to recognize it; that is, any extension of unions in mills where they do not now exist; that great care should be used to prevent trouble, that they promptly report and confer with this corporation.

That was what was handed out to union labor as a result of high protection after they had it perfected in a trust. Now,

the laboring people of this country understood what that meant. They knew it well when the United States Steel Co. put it out through Mr. Steele, a member of the firm of J. Pierpont Morgan & Co. "that we are unalterably opposed to any extension of union labor"; the union-labor boys in these mills knew what it meant. [Applause.] And, as my friend STERLING said here last night, and I listened with great seriousness and attention to what he had to say, it is the power they have to crush, and just as soon as they sent that ultimatum out every union laboring man in the United States Steel Corporation understood what it meant, and to-day if there are any of them working in that association they are there still, and mighty still at that.

Mr. BUCHANAN. Will the gentleman yield?

Mr. McGILLICUDDY. Certainly.

Mr. BUCHANAN. Does not the gentleman know since that time by despicable methods they have practically destroyed every labor union working for them in the United States?

Mr. McGILLICUDDY. I know that; of course I know that. Every man who has any sympathy for the laboring man in this country knows it, and with good reason; and we know the result of it, and if I were a laboring man I would do just as the laboring men did there. I would rather give up my life than give up the right and privilege to organize so long as capital claimed the same privilege. [Applause.] When the workingmen give up that right they will become little more than slaves so long as this trust organization continues, and I think they understand it. Now, what is the next step? They had to have somebody and they got somebody, the least part of somebody. These people who in the seventies, eighties, and nineties were going through every Republican State telling the American laborer to vote their ticket; what did they do? What did they do? They put advertisements in the papers reading like this, which appeared on the 14th day of July, 1909, in the Pittsburgh Gazette-Times, as appears in the evidence:

Wanted.—Sixty tin house men, tinners, catchers, and helpers to work in open shops; Syrians, Poles, and Roumanians preferred. Steady employment and good wages to men willing to work; fare paid and no fees charged for this work. Central Employment Bureau, 628 Pennsylvania Avenue.

Not our Pennsylvania Avenue, thank God, but Pittsburgh's.

Mr. WILSON of Pennsylvania. That should be Penn Avenue instead of Pennsylvania Avenue.

Mr. McGILLICUDDY. Following the elimination of union labor, and the introduction of foreign laborers, an investigation was made as to the conditions of laborers, hours of labor, home life, etc. As to the hours of labor, the evidence before the committee was conclusive that long hours prevailed in the iron and steel industry, especially in the unskilled departments. Under the direction of the United States Commissioner of Labor, a very careful and thorough investigation as to the hours of labor in the steel industry has been made. From this official report we quote without comment:

During May, 1910, the period covered by this investigation into the steel industry, 50,000 persons, or 20 per cent of the 153,000 employees of the blast furnaces, steel works, and rolling mills covered by this report, customarily worked seven days per week, and 20 per cent of them worked 84 hours or more a week, which, in effect, means a 12-hour working day every day in the week, including Sunday.

This hardship of 12-hour days and a 7-day week is still further increased by the fact that every week or two weeks, as the case may be, when the employees on the day shift are transferred to the night shift, and vice versa, employees remain on duty without relief either 18 or 24 consecutive hours, according to the practice adopted for the change of shifts. The most common plan to effect this change of shift is to work one shift of employees on the day of change through the entire 24 hours, the succeeding shift working the regular 12 hours when it comes on duty. (See page 2837, hearings.)

While we deem it unnecessary to quote the testimony of other witnesses, it is true, as the testimony shows, that they fully corroborate these statements of the United States commissioner, and, in fact, some of the witnesses are much stronger in their statements.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. McGILLICUDDY. Certainly.

Mr. STANLEY. Does the gentleman know who paid for having that advertisement inserted in the Pittsburgh papers for more than a month?

Mr. McGILLICUDDY. Why, of course, I do; the United States Steel Corporation. I did not think it necessary for me to go into all of these details, but, of course, such is the fact; we all know it. Now, there was a famous French philosopher and political economist that I read when I was a boy, and the words that he said burned into my mind, and they were these:

To rob the people it is first necessary to deceive them; to deceive them it is necessary to persuade them that they are being robbed for their own advantage.

And that has been the policy of these gentlemen. Now, the result in wages may be of interest, and I have a table here, prepared in Pennsylvania—and there certainly will not be any suspicion that Pennsylvania was getting up a table that was favorable to the majority of this committee. Pennsylvania in 1902 to 1909 published through the report of the secretary of internal affairs a table which I will not read but will insert; but I will say this: It shows that in 1909 14,921 men produced 10,721,024 tons of pig iron as against 8,000,000 tons produced in 1902 by 17,000 men.

TABLE SHOWING WAGES IN PENNSYLVANIA.

A most illuminating piece of reliable information on this point is the report of the secretary of internal affairs of the State of Pennsylvania on the production and cost of pig iron, which we quote for the years 1902 and 1909, in order that comparison may be made:

Pig iron in Pennsylvania.

[Report of secretary of internal affairs, 1902, p. 403; 1909, pp. 255–256.]

	1902	1909
Production, gross tons	8,111,642	10,721,024
Realized value	$126,857,231.00	$186,963,842.00
Average realized value per ton	$15.64	$17.44
Value of basic material; ore, scrap ore, cinder only (fuel, limestone, and other expenses not considered)	$61,634,972.00	$89,144,483.00
Same per ton	$7.60	$8.31
Average number of days in operation in 1902	314	300
Total number of workmen employed	17,101	14,921
Aggregate wages paid	$10,191,759.00	$8,762,304.00
Average earnings per year for each man	$595.97	$627.20
Average daily wage	$1.89	$2.09
Cost of labor per ton	$1.25	$0.82
Tonnage per man per day	1.51	2.39

It will be seen from the above report that in 1909, 14,921 men produced 10,721,024 tons of pig iron, as against 8,111,642 tons produced in 1902 by 17,101 men.

Who got the benefit of this enormous increase in production? True, there was some increase in the wages. In 1902 the average earnings per year for each man was $595.97, while in 1909 the average earnings per year for each man was $627.20, an increase per man per year of $31.23. Or, to put it in daily wages, an increase of from $1.89 in 1902 to $2.09 in 1909—an increase of $0.20 per day.

But observe the increase in production and the decrease in cost of labor per ton, "the true measure," according to Mr. Schwab.

In 1902 the cost of labor per ton was $1.25, while in 1909 it was only 82 cents.

Again, observe the tonnage produced per man in 1902 and 1909.

In 1902 the tonnage per man was 1.51 tons, while in 1909 it was increased to 2.39 tons per man.

In other words, not only was the cost of labor per ton reduced from $1.25 to $0.82, but at the same time the tonnage per man produced was increased from 1.51 tons to 2.39 tons.

In 1902 the manufacturers produced 8,111,642 tons of pig iron at a cost of labor per ton of $1.25, while in 1909 they produced 10,721,024 tons of pig iron at a cost of labor per ton of $0.82.

In 1902 the aggregate wages paid to produce 8,111,642 tons of pig iron was $10,191,757, while in 1909 the aggregate wages paid to produce 10,721,024 tons was $8,762,304, a saving to the manufacturers in labor cost of $1,429,455.

Furthermore, the realized value of the 8,111,642 tons produced in 1902 was $126,857,231, while the realized value of the 10,721,024 tons produced in 1909 was $186,963,842, an increase for the manufacturers of $60,106,611 in realized value.

On the other hand, what did labor get in the same period? In 1902 the average earnings per year for each man was $595.97, while in 1909 it was $627.20, an increase per man of $31.23 per year, and, as the table shows, an increase in average daily wage from $1.89 to $2.09, or $0.20 per day. This shows a slight increase per man in wages between 1902 and 1909. But how about the total? In 1902 there were employed 17,101 men; in 1909, 14,921 men, a decrease of 2,180 men employed. In 1902 the aggregate wages paid were $10,191,759; in 1909 the aggregate wages paid were $8,762,304, a decrease in wages paid of $1,429,455.

That these statistics of the report of the secretary of internal affairs are correct is corroborated by Mr. Schwab, former president of the Steel Corporation, by his sworn testimony, on page 1356, as follows:

The CHAIRMAN. The average daily wage in 1902 was $1.89. Is that about the rate for men working around pig iron?

Mr. SCHWAB. Yes; I think so.

The CHAIRMAN. In 1909 it was $2.09?

Mr. SCHWAB. Yes.

The CHAIRMAN. Is that about your average wage?

Mr. SCHWAB. I think so.

The CHAIRMAN. The cost of labor per ton, then, in 1902 was $1.25. Is that about right?

Mr. SCHWAB. Yes, sir.

The CHAIRMAN. And in 1909 it was 82 cents. Is that about right?

Mr. SCHWAB. I should imagine that was about right.

The CHAIRMAN. The tonnage per man per day, which you say is a true measure of the value of a man's work, in 1902 produced 1.51 tons of pig iron and in 1909, 2.39 tons of pig iron. Is that about right?

Mr. SCHWAB. I should judge that was about right.

It is difficult for you, perhaps, to get the point of these figures, but the table will show them, and they are important, because they try to fool the people by making them think that by giving them a few cents extra per day or per month they are giving them higher wages. Work it out by the table.

Now, the average earnings per year for each man in 1902 was $595.97. In 1909 the average earnings of each man was $627.20, an increase of $31.23 cents a year, or 20 cents a day. But observe the increase in production—and there is the point—and the decrease in the cost of labor per ton, not per man. Per ton is the proper basis for figuring. In 1902 the cost of labor per ton was $1.25. In 1909 it was 82 cents.

Now, then, in 1902, the tonnage per day per man was 1.51 tons, and in 1909 it was 2.39 tons per man. You will readily see by a computation that the manufacturers made a saving of $60,106,611. Think of that! Sixty million dollars' difference between 1902 and 1909 in the production of the same number of tons of iron!

What about the laboring man? What does he get? Why, instead of what he got before he gets 20 cents a day more. He got $31.23 a month more. But in the aggregate, by the reduction of force, they received $1,429,459 less than they did before, and the company got $60,000,000 more.

Mr. LOBECK. The gentleman means they got $31.23 a year more, instead of a month?

Mr. McGILLICUDDY. Yes.

Mr. WILSON of Pennsylvania. How does the gentleman figure that 20 cents a day and $31.23 a month?

Mr. McGILLICUDDY. It is 20 cents a day and $31.23 a year. There can not be any mistake about it.

Mr. BUCHANAN. The fact is that labor is receiving a much smaller percentage of what it produces than ever before in that industry?

Mr. McGILLICUDDY. Undoubtedly.

Mr. BUCHANAN. The labor cost of the product is very much reduced.

Mr. McGILLICUDDY. Yes. One thing that I have heard that exists in my country to a great extent is this: The small business men get timid and frightened because the big fellows in Wall Street send out word that there is going to be a panic or a disturbance if you injure business—that is, if you injure big business, and that is the only business they recognize.

Now they do not confine themselves to their own business. They go into other business. For instance, wherever they locate a plant they start a supply store. That is known as the "company's supply store." I do not want to go through all of the figures, but I do want to call your attention to this fact, that wherever they have established those little supply stores, beginning in 1893 with a little subsidiary corporation of $500,000 capital, they have made enormous profits. In the year 1904 that corporation declared a dividend of $250,000, with a capital of $500,000. In 1905 it declared a dividend of $405,000. In 1906 it declared a dividend of $805,000, and in 1907 a dividend of $500,000; in 1908, $320,000; in 1909, $440,000; in 1910, $520,000; or a total dividend in eight years on retail supplies to its employees of $3,490,000.

Now, here is another thing: They say, "We ought to keep business out of politics and politics out of business," and I agree with that. But why don't they do it? That is the very thing that has been raising "Ned" in this whole country.

Now, previous to 1900 the attorneys of the great Carnegie Co. were Knox & Reed. Do you recognize them? Philander C. Knox was the head of the firm. Judge Reed was his partner. Clear up to 1901 they were the attorneys of the Carnegie Co.—the principal subsidiary company of the United States Steel Corporation. Well, in 1900 Mr. McKinley was elected President of the United States. In 1901, March 4, he looked around to see whom he would have for Attorney General. Under the Sherman antitrust law the only man who could prosecute the trusts was the Attorney General. It was mighty important to this proposed Steel Trust, that was going to be formed in about 30 days, who was going to be Attorney General of the United States. It depended on him to prosecute. Who was appointed? Mr. Knox, Mr. Carnegie's former attorney. Mr. Reed, on the same day that Mr. Knox went into the Cabinet, went into the directorate of the United States Steel Corporation. Do you think there was very much danger of any prosecution from that time on? Such is the fact. No prosecution, of course, took place.

I do not want to follow up these political matters, but I shall call attention to just one thing that took place. After that Mr. Roosevelt was a candidate for President, in 1904. He was around, soliciting subscriptions——

Mr. ALEXANDER. Campaign contributions——

Mr. McGILLICUDDY. Yes; campaign funds. I find this as a part of the testimony that was taken in our hearings:

PHILADELPHIA, PA., *September 19, 1904.*

UNITED STATES STEEL CORPORATION.

MY DEAR SIRS: I inclose herewith the Republican national committee's receipt for your subscription to the campaign fund.

Respectfully, yours,

E. T. STOTESBURY, *Chairman.*

Who was he? He was a member of the firm of J. Pierpont Morgan & Co. [Applause.]

I find the next is:

REPUBLICAN NATIONAL COMMITTEE,
Madison Square, New York, September 17, 1904.

Received from United States Steel, $10,000.

C. H. DUEL, *Assistant Treasurer.*

The next that we heard in that testimony of Mr. Roosevelt was when, in 1907, Gary and Frick left New York and came to Washington to tell Mr. Roosevelt about the securities that were in a bank in New York—securities that belonged to the Tennessee Coal & Iron Co. Mr. Roosevelt heard what they had to say in a 20-minute interview, and when they got all through he said he could not see the least possible objection to their taking it over.

Just think of it! And I thought of that last night when I heard my friend from Illinois [Mr. STERLING] talking about the power that these great steel magnates have, that these great trusts have. The idea that two men could leave New York and come to the White House to see the President of the United States and say to him, "We want to take over the Tennessee Coal & Iron Co. as a matter of patriotism." [Laughter.] "We are going to pay for it 100 cents on the dollar, although we do not think it is worth more than 65 cents." And that is the testimony. And do you know that in 20 minutes Mr. Roosevelt surrendered to the trusts and gave them absolute power to take it, so far as he was concerned—the most humiliating surrender that was ever known in this country. He gave himself up to them, heels, skin, and teeth. [Laughter and applause.]

Mr. Speaker, I have taken more time than belongs to me in these matters, but before closing I must inject into the RECORD the following illuminating table showing the extent to which the pernicious system of interlocking directorates has grown. There is much more to be said, but I will allow my friend, the gentleman from Kentucky [Mr. STANLEY], to close the debate, thanking the House for its attention. [Applause.]

STATEMENT SHOWING THE NUMBER OF CORPORATIONS IN WHICH THE DIRECTORS OF THE STEEL TRUST ARE DIRECTORS AND THE AMOUNT OF CAPITAL IN THESE CORPORATIONS.

RÉSUMÉ.

Table of interlacing directorates of directors of Steel Trust.

Name.	Interlacing corporations.	Capital.
George F. Baker	50	$6,072,000,000
Edmund C. Converse	17	624,000,000
Henry C. Frick	11	2,526,000,000
Elbert H. Gary	16	1,585,000,000
Clement A. Griscom	12	1,133,000,000
William H. Moore	13	1,349,000,000
J. Pierpont Morgan	42	2,289,000,000
J. P. Morgan, jr	7	1,224,000,000
Samuel Mathers	11	216,000,000
Gardiner M. Lane	12	481,000,000
George W. Perkins	15	1,959,000,000
Henry Phipps	1	44,000,000
Norman B. Ream	19	2,289,000,000
Percival Roberts, jr	4	777,000,000
Charles Steele	20	2,830,000,000
Daniel G. Reed	15	1,070,000,000
Henry Walters	24	880,000,000
Peter A. B. Widener	8	635,000,000
James H. Reed	10	224,000,000
Robert Winsor	19	491,000,000
Total		28,698,000,000
United States Steel Corporation		1,464,000,000
Grand total		30,162,000,000

The capital account of the Steel Trust and its interlacing directorates is more than $30,000,000,000, or little less than one-third of all the wealth of the country.

The same committee ascertained the positions held by its directors in other corporations, together with the capital of these corporations, from which the following deductions and résumé are made:

George F. Baker was a director. He was also either president, manager, or director of 49 other corporations, having a combined capital

of $6,072,000,000, or nearly one-eighteenth of all the wealth of the country.
Edmund C. Converse held some of these positions in 16 other corporations, having a combined capital of $624,000,000.
William E. Corey had no position in any company outside the trust.
Henry C. Frick was a director in 10 outside companies, having a capital of $2,526,000,000.
Elbert H. Gary had 15 positions in other corporations, having capital of $1,585,000,000.
Clement A. Griscom, 11 corporations, with capital $1,133,000,000.
William H. Moore, 12 other corporations, with capital $1,349,000,000.
J. Pierpont Morgan, 41 companies, with capital $2,289,000,000.
J. P. Morgan, jr., 6 corporations, with capital $1,224,000,000.
Samuel Mathers, 10 companies, capital $216,000,000.
Gardiner M. Lane, 11 companies, capital $481,000,000.
James A. Farrell held no position in any other corporation.
George W. Perkins, 14 corporations, capital $1,959,000,000.
Henry Phipps, 1 other corporation, capital $44,000,000.
Norman B. Ream, 18 corporations, capital $2,289,000,000.
Percival Roberts, jr., 3 companies, capital $777,000,000.
Charles Steele, 19 corporations, capital $2,830,000,000.
Daniel G. Reed, 14 companies, capital $1,070,000,000.
Henry Walters, 23 companies, capital $880,000,000.
Peter A. B. Widener, 7 companies, capital $635,000,000.
James H. Reed, 9 companies, capital $224,000,000.
Alfred Clifford had no position in any other corporation.
Robert Winsor, 18 companies, capital $491,000,000.

Mr. GARDNER of Massachusetts. Mr. Speaker, I think I have about 24 minutes remaining. I ask unanimous consent that the gentleman from Kansas [Mr. JACKSON] be allowed to proceed for 30 minutes.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that the gentleman from Kansas [Mr. JACKSON] be allowed to proceed for 30 minutes. Is there objection?

There was no objection.

Mr. JACKSON. Mr. Speaker, there is no more vital question before this Congress than the question of regulation of trusts and monopolies. I take it that there is no lack of interest on the part of the membership of this House on this question, and the fact that so many Members prefer to sit in the galleries rather than in their seats during this debate is only because it is an evening session. and the galleries are so well filled.

This discussion has certainly been a very interesting one. I hope I shall be pardoned if I say that the only thing that troubles me is that I have been wondering during all of the eloquent speeches that have been made here—and they have been eloquent and learned—how much good was going to result from this investigation. I have been wondering how many important, substantial facts this investigation has revealed to the country that were not known before the investigation began.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. JACKSON. A slight one.

Mr. STANLEY. A very slight one. Before this investigation began the Interstate Commerce Commission had never asked the railroads for a division of their rates. It was never known how much was made by this device. This investigation has developed that by means and under the cover of a division of rates the United States Steel Corporation is to-day receiving not less than $40,000,000 a year in rebates.

Mr. RAKER. Right now?

Mr. STANLEY. Right now.

Mr. JACKSON. Of course, I presume that is more or less a matter of judgment.

Mr. STANLEY. No; it is a matter of record.

Mr. JACKSON. The Interstate Commerce Commission has certainly been one of the most active and efficient governmental bodies that we have ever had.

Mr. STANLEY. Mr. Speaker, I do not wish to interrupt the gentleman, but this was a matter that had not been investigated by the Interstate Commerce Commission—a matter that it was not the duty of the Interstate Commerce Commission under the law to investigate.

Mr. JACKSON. I hope the gentleman will allow me to proceed until I get my statement fully before the House. The Interstate Commerce Commission, of course, can not do everything at once.

Mr. STANLEY. Mr. Speaker, will the gentleman yield for one more question?

Mr. JACKSON. The gentleman has been very kind to me, and I hate to refuse to yield.

Mr. STANLEY. Does the gentleman mean to maintain that under the law as it now exists the Interstate Commerce Commission has jurisdiction of a division of rates?

Mr. JACKSON. I was not discussing the Interstate Commerce Commission, except in reply to what the gentleman has said. I merely had started to say that this seems to be about the third investigation that has been made of the United States Steel Corporation at Government expense. I do not doubt that some additional evidence has been uncovered, and yet the Government has not taken its evidence in its prosecution against the trust, and it will be in its finality only a matter of degree rather than a matter of guilt. It is a little bit like the man who was sentenced in a certain court on a two-count indictment for murder and burglary. The judge sentenced him to be hanged on one count and to be imprisoned 20 years upon the other count; and when the attention of the court was called to the ambiguity of such a sentence the judgment was recalled and the prisoner stood up again and was sentenced upon the first count to be hanged. He politely thanked the judge for having cut 20 years off his sentence. [Laughter.]

The Steel Trust were guilty enough. It makes little difference whether my friend the gentleman from Kentucky [Mr. STANLEY] is right when he says that their property was worth something over $300,000,000 and was capitalized for a billion and a half, in round numbers, or whether Mr. Herbert Knox Smith was correct when he said that the real value was $683,000,000, or whether the other estimates that have been been given here are correct. The whole thing was illegal. It was a crime under the laws of the country and the corporation should have been prosecuted.

But I am only regretting that some of the time and the money which has been given to this investigation during this session was not employed by the same gentlemen as a committee appointed early in the session to draft and bring before the Congress, at a time when it could have been passed, a bill which might have enacted into law some of the things that we will agree should be enacted upon this trust question. But the truth is that some of the mistakes of this present Congress have been the great number of investigations in which we have been engaged.

Mr. STANLEY. Mr. Speaker——

Mr. JACKSON. I can not yield any more, Mr. Speaker. I should like to pursue my argument in my own way.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. JACKSON. Perhaps I am as guilty as the rest of you. I think I have voted for all these investigations. I see now that we ought to have spent more time in actual legislating upon this subject and others.

My friend the gentleman from Georgia [Mr. RODDENBERY], our modern Paul, who comes from Thomasville instead of from Tarsus, has preached to us some about the immigration bill. I think the bill which passed the Senate, after full debate, with only 9 votes against it, should have passed this House, instead of being cut up into smaller bills, which still remain upon our calendar without action.

We should have passed the workmen's compensation act, an act which would have gone far to cure many of the present abuses of trusts and combinations of the country in caring for their helpless victims. We should have passed the antigrain-gambling statute, giving the northern farmer the same relief that we sought to give the southern farmer. We should have given honest consideration to the parcel-post bill at this session, and it could have been done if we had not taken so much time in the investigations. We almost passed some of these. We have been told time and time again by some of these gentlemen that the Democratic caucus was a good thing, so far as it legislated.

Mr. RAKER. Will the gentleman yield right there?

Mr. JACKSON. Not right there, but in a moment. The trouble is the Democratic caucus has failed to legislate upon these important measures that all of the people of the country are interested in. They almost did so, but when they came face to face with this proposition, like Felix of old, they trembled and said, "Go thy way for this time; when I have a more convenient season I will call for you." The record does not show that Felix ever found a more convenient season, but I trust that the Members of this House will be more fortunate than he.

Mr. RAKER. The gentleman spoke in regard to the investigations, and drawing from that the inference that certain legislation named by him has not been enacted. Can the gentleman think of any time when this House was ever delayed by reason of the Members participating in these investigations, at any time or on any occasion?

Mr. JACKSON. I do not care, at this time, to engage in any colloquy with the gentleman, but I remember that the gentleman who manages things on that side brought the Money Trust investigation into the House three times, and each time there was a very lengthy debate on it, when this side was willing to give it all the authority they desired in the first place. But I can not yield any more.

The gentleman who last spoke seemed to intimate by his criticism that ex-Presidents of the country, including President Roosevelt, were to blame, and that the Democratic record upon this trust question was entirely clear. I did not intend to engage in any partisan controversy this evening, but I do want to say that the sins of omission and commission on this question have not been one-sided; that the records of the two parties,

so far as trust legislation and trust transactions are concerned, compare very favorably for the Republican Party.

I think I mentioned on one other occasion here the fact that in 1890, when the first trust legislation was enacted, that the Congress preceding that had been a Democratic Congress. There had been an investigating committee for the purpose of determining what the best thing to do with the trust question. While that committee was sitting a Republican Congress was elected, and that committee reported at the end of the session that they submitted the question for the consideration of the Congress that was then convening—a Republican Congress—showing the confidence that the Democrats always have in the Republican Party.

Mr. LOBECK. Did the Republican Party do anything?

Mr. JACKSON. Yes; the Republican Party, under the leadership of John Sherman, passed the Sherman law, which the Democrats did not have the courage to place on the statute books. [Applause on the Republican side.]

Here is the record of the transaction. I read from the Tribune Almanac, which is taken from Government documents. It gives in detail all of the prosecutions that have been begun under all the administrations since the enactment of the Sherman law.

Summing it all up, we find under Harrison's administration, after the enactment of this law, there were three suits and four bills of equity begun. In Cleveland's administration there were four bills in equity, two indictments, two informations for contempt, or nine suits in all. Of these nine suits, four were suits against labor organizations, commonly referred to as the Debbs suits, leaving five suits begun under the Cleveland administration for prosecution under this law. One of them was the Hopkins case, which was not a trust case at all, but was for the purpose of testing the legality of the live-stock exchange at Kansas City and Chicago. So really only four suits were begun under the Cleveland administration.

There were three suits begun under the McKinley administration following it, and then we come to the administration of President Roosevelt, and under that administration there were 45 suits begun, most of which were successful prosecutions under this law. There were 37 suits begun under the Taft administration.

Mr. SABATH. Will the gentleman yield?

Mr. JACKSON. No; I will not yield. I think I will fully satisfy the gentleman as to what he has in his mind. I will not yield. It is astounding, Mr. Speaker, to me, that all of these gentlemen who have proclaimed so loudly their devotion to the Sherman law, and commend so vigorously and eloquently the prosecutions under it, should have taken so much of their time in abusing the only man who ever did anything to enforce the law. [Applause.]

Mr. SABATH. Will the gentleman yield now?

Mr. JACKSON. I will not yield. The truth is that there never was any consistent, energetic, earnest effort to enforce the Sherman law until Theodore Roosevelt became President of the United States. You might just as well admit it, just as well acknowledge it, as to spend your time trying to throw insinuations and innuendoes and slanders against the man who commenced these suits.

It is no new thing for Mr. Roosevelt to live by the commandment "Thou shall not steal." He dinned it into the ears of officialdom when he was first elected to office in the city of New York. He told the policemen under him about it, and they had a different kind of government in New York City then from what they have to-day. He lived the commandment of "Thou shalt not steal" when he was governor of New York, and he dinned it into the ears of the Army and Navy officers as an officer of the Federal Government. He even dinned it into the ears of Members of Congress until the Nation had a revival of public sentiment that it had never known before.

These prosecutions had been pushed to the limit. No one complained that in 1906 and 1907 the trust laws were not being enforced. These very gentlemen who are to-day criticizing the ex-President for not enforcing the law were traveling over the country abusing him for causing the panic by prosecuting men who were engaged in business, and, as my friend from Pennsylvania [Mr. FARR] suggests, riding on railroad passes. I remember the speeches. I remember a prominent member of my own party, a man who should have supported the President, speaking in what is now my own district, telling about the number of cars that had been busy, the number of engines that had been busy, when Roosevelt began his unreasonable onslaught upon honest business, and how many were idle during the panic of 1907—all because the President had enforced the law. Those were the facts, and, as I say, we had come to the point where prosecutions were endangering the prosperity of the country. The situation was similar to that when another prophet of righteousness arose to trouble those who had forgotten the ways of the Lord.

So Obadiah went to meet Ahab, and told him: and Ahab went to meet Elijah.

And it came to pass, when Ahab saw Elijah, that Ahab said unto him, Art thou he that troubleth Israel?

And he answered: I have not troubled Israel; but thou, and thy father's house, in that ye have forsaken the commandments of the Lord, and thou hast followed Baalim.

Roosevelt said, "Do you expect me to put a ticker in the President's office to run your business?"

Mr. Speaker, these were the conditions that obtained in this country during the panic of 1907. Frequently the charge has come from that side of the House that Roosevelt caused the panic. If he did, he caused it because he prosecuted the men for violating the law, prosecuted until the country trembled, because they threatened to destroy business, and under those conditions we find gentlemen criticizing him because they say he approved the purchase of the Tennessee Coal & Iron Co. stock by the Steel Trust. He did. No one ever disputed that proposition; but somehow or other in all of these discussions I have not heard anybody read what the colonel himself said about it. I want to read that now:

From the best information at my disposal I believed, and still believe that the addition of the Tennessee Coal & Iron property would only increase the proportion of the steel company holdings by 4 per cent, making them about 62 per cent instead of 58 per cent of the total value in the country——

Mr. STANLEY. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. I would rather not yield now while I am reading this extract.

Mr. STANLEY. Will the gentleman yield when he gets through?

Mr. JACKSON. Perhaps I may.

An addition by itself which, in my judgment, concurred in, I might add, not only by the Attorney General, but by every competent lawyer with whom I talked, worked no change in the status of the steel corporation.

Mr. SABATH. Mr. Speaker, will the gentleman inform us from what he is reading?

Mr. JACKSON. Mr. Speaker, I have not yielded to the gentleman.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. JACKSON. To continue:

In my judgment, I would have been derelict in my duty, I would have shown myself a timid and unworthy public officer if in that extraordinary crisis I had not acted as I did act. In every such crisis the temptation is to indecision and nonaction, for excuses can always be found for nonaction, and action means risk and the certainty of blame to the man who acts; but if the man is worth his salt, he will do his duty, be will give the people the benefit of the doubt, and act in any way which their interests demand, and which is not affirmatively prohibited by law, unheeding the likelihood that he himself, when the crisis is over and the danger past, will be assailed for what he has done. Every step I took in the matter was open as day, and was known in detail to all the people. The press contained full accounts of the visit to me of Messrs. Frick and Gary and heralded wildly and with acclaim the results of that visit. At the time the relief and rejoicing over what had been done was well nigh universal. The danger was too imminent and too appaling for men to be willing to condemn those who were successful in saving them from it, but I fully understood and expected that when there was danger no longer, when the fear had been forgotten, attack would be made upon me.

Mr. STANLEY. Mr. Speaker, will the gentleman now yield?

Mr. JACKSON. In just a moment. It is very easy to criticize, it is very easy to say that this thing or that thing was done which should not have been done, but what would these gentlemen have said if the panic had been allowed to continue and the Steel Trust not have been compelled, because the testimony shows in a measure that it was compelled, to buy this stock at at least the market value if not more, and if the President had turned around and prosecuted the men for doing the thing which was preventing the panic?

I now yield to the gentleman from Kentucky.

Mr. STANLEY. Does the gentleman know that the record shows that the market value of that stock immediately preceding the time it was bought was between 150 and 160? Does the gentleman know that by Herbert Knox Smith's report and by the report of Mr. Young, who defended the action of Mr. Roosevelt, instead of increasing the steel holdings 4 per cent, as claimed by Mr. Roosevelt, it increased its fee-simple ore holdings by nearly 100 per cent. The record shows that, undisputed by anybody.

Mr. JACKSON. Mr. Speaker, those are matters largely of opinion. The 58 per cent and the 62 per cent he speaks of is of the amount of the product that the corporation controlled. So far as the market value of the stock is concerned, the testimony shows unequivocally that it did not have any market value; that the sales had been merely nominal; that it was a wrecked concern that was threatening not only to pull down

the men who held it, but that the wreck would have been such that Mr. Morgan himself trembled when he was told that the Schley firm was about to fail.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. JACKSON. Certainly.

Mr. GARDNER of Massachusetts. I want to make what I think is a fair statement. I think it is true that the share of the business of the United States Steel Corporation was not increased more than 4 or 5 or 6 per cent by the acquirement of the Tennessee Coal & Iron Co. On the other hand, what the gentleman from Kentucky [Mr. STANLEY] says is also true, though I should limit his figures somewhat. The value of the Tennessee Coal & Iron——

Mr. STANLEY. I said freehold.

Mr. GARDNER of Massachusetts. Was more on account of that which was under the ground, to wit, its coal and iron reserves, than what was above the ground, and would add to its productive capacity.

Now one word more. I agree with the gentleman from Kansas as to the price at which the United States Steel Corporation bought the Tennessee Coal & Iron Co. Trying to weigh the evidence as best I could, I came to the conclusion that in all probability, if the United States Steel Corporation at that time had been willing to invest that same amount of money in some other way, they could have done it at fully as great a profit.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent that the gentleman from Kansas be allowed to continue until 11 o'clock, the hour of adjournment.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that the gentleman from Kansas be allowed to continue until 11 o'clock, the hour of adjournment. Is there objection? [After a pause.] The Chair hears none.

Mr. JACKSON. Mr. Speaker, it is a serious responsibility when the President of the United States, under our present system, right or wrong, is charged with stopping or allowing a panic to progress, and the gentleman who has just spoken here and criticized very bitterly the conduct of the different administrations and the campaign funds which have been collected by one party, I would like to call his attention to the fact that it was only a short space of time since this panic occurred when a Democratic panic had been on and a Democratic President undertook to stop it. And how did he proceed to stop that panic? Why, I do not need to repeat it here. You all know that he sold bonds out of the Treasury of the Government of the United States, and not only that, but this same man—Morgan—and Belmont got them at a profit of from 10 to 15 per cent, which went out of the Treasury of the United States. I ask to extend in my remarks here an article, which was published at that time, from the New York World, a great Democratic paper, upon that bond issue, showing that this profit went to those men—Morgan and Belmont—one of whom had but recently been a business partner of the President, or connected with him. Now, compare the different manners in which these two Presidents stopped the panic—one practically forcing the Steel Trust, because the officers of that company claimed that they did not want to purchase this stock. I was told by a man from that side of the House, who knows what he is talking about, within the last two or three days, if Mr. Corey had been placed upon the stand in this investigation he would have testified that the United States Steel Corporation was practically forced to take this stock for the purpose of preserving the credit of the country.

Mr. STANLEY. Will the gentleman permit an interruption?

Mr. JACKSON. I will.

Mr. STANLEY. Will the gentleman tell us who forced the Steel Corporation to take this stock?

Mr. JACKSON. The testimony, I think, the gentleman has incorporated here shows clearly that if the panic had been allowed to proceed, in all probability they would have bought the stock, not at 100 or at 90 cents on the dollar, but at 30 or 40 cents on the dollar.

Mr. STANLEY. I do not wish to interrupt the gentleman, but the record shows that the majority of this stock Mr. Gates and others testified was in the hands of men who were not financially embarrassed at all, and the record shows that Mr. Ledyard, who financed the deal, who negotiated with Morgan and with Steele, stated that the men who were holding this stock did not want to give it up; that they were begged and they gave it up with great reluctance.

Mr. JACKSON. I think the testimony fairly shows that there was some objection to their giving it up, and it also fairly shows that it was absolutely necessary that they should give it up, and Mr. Morgan advanced a considerable sum of money, or saw it was advanced to them, when they were making the deal.

Mr. STANLEY. The record does not show Mr. Morgan ever advanced anything.

Mr. JACKSON. I do not mean individually.

Mr. STANLEY. Not by the firm of Morgan & Co.; no intimation of it.

Mr. JACKSON. But he did use his influence, and they received a considerable sum of money, and the gentleman will find that in the evidence.

Mr. STANLEY. Can the gentleman tell me who testified to that effect?

Mr. JACKSON. I can not find it in the record now, but I can take time and I will find it and show it to the gentleman. It is here.

Mr. GARDNER of Massachusetts. I think the gentleman means Mr. Oakleigh Thorne.

Mr. JACKSON. But, Mr. Speaker, we are a long ways from the millennium on this trust question yet, almost as far, I believe, as before this committee was appointed, and that is no criticism upon the committee. We have been traveling over the question, as gentlemen can state, and I think for the most part doing the best we could, but the trouble is we have not made any progress; we have not made any progress really because our methods have been wrong, and while it is perfectly natural for my friend from Kentucky, who has given a great deal of time and earnest study to this matter and enthusiasm to the remedies that he now proposes, I fear we have a long ways yet to go before competition is restored and the evils of the trusts and combines of this country wiped out of our commercial life. I want to call the attention of the House for just a few moments to the headlines of the newspapers of more than 20 years ago. They are published in a book of Prof. R. T. Ely upon the trust question, and here is the way they read, and I want you to read them or listen to them and see if you can recognize them. Here is the way they read:

Black eye for the trusts—Important decision handed down in Chicago. The Standard Oil Trust has resolved upon dissolution.

Pools are hit hard—United States Supreme Court upholds Sherman Act—Decision is a surprise—Virtually declares all traffic agreements illegal—Competition will be open—Managers greatly concerned.

Trusts in a panic—Tobacco combine makes the first important surrender, etc.

Trusts busted—Far-reaching effects of the Supreme Court decision.

Then the professor says:

Familiar friends these, are they not?

Then he adds:

Comment on these utterances of the press is scarcely necessary today. If there is any serious student of our economic life who believes that anything substantial has been gained by all the laws passed against trusts, by all the newspaper editorials which have thus far been penned, by all the sermons which have been preached against them, by all the speeches of politicians denouncing them, this authority has yet to be heard from. Forms and names have been changed in some instances, but the dreaded work of vast aggregation of capital has gone practically as heretofore. The writer does not hesitate to affirm it as his opinion that efforts along lines which have been followed in the past will be equally fruitless in the future.

But there are more recent chapters of history in the Democratic Party on this trust question; the letter of your candidate for President has just been issued, and I beg to introduce on record some of his utterances upon this question.

The general terms of the present Federal antitrust law, forbidding "combinations in restraint of trade," have apparently proved ineffectual. Trusts have grown up under its ban very luxuriantly, and have pursued the methods by which so many of them have established virtual monopolies without serious let or hindrance. It has roared against them like any sucking dove. I am not assessing the responsibility; I am merely stating the fact. But the means and methods by which trusts have established monopolies have now become known. It will be necessary to supplement the present law with such laws, both civil and criminal, as will effectually punish and prevent those methods, adding such other laws as may be necessary to provide suitable and adequate judicial processes, whether civil or criminal, to disclose them and follow them to final verdict and judgment. They must be specifically and directly met by law as they develop.

Then he goes on to describe the Money Trust, which he calls confederacies of credit, and says:

There is nothing illegal about these confederacies, so far as I can perceive. They have come about very naturally, generally without plan or deliberation, rather because there was so much money to be invested and it was in the hands, at great financial centers, of men acquainted with one another and intimately associated in business, than because anyone had conceived and was carrying out a plan of general control.

But summing up his entire conclusions of trusts and combines, he further says:

BUSINESS MEN NOW IN FAVOR OF CHANGES.

Let me say again that what we are seeking is not destruction of any kind nor the disruption of any sound or honest thing, but merely the rule of right and of the common advantage. I am happy to say that a new spirit has begun to show itself in the last year or two

among influential men of business, and, what is perhaps even more significant, among the lawyers who are their expert advisers; and that this spirit has displayed itself very notably in the last few months in an effort to return, in some degree at any rate, to the practices of genuine competition. Only a very little while ago our men of business were united in resisting every proposal of change and reform as an attack on business, an embarrassment to all large enterprise, an intimation that settled ideas of property were to be set aside and a new and strange order of things created out of hand. While they thought in that way, progress seemed impossible without hot contest and a bitter clash between interests, almost a war of classes. Common counsel seemed all but hopeless, because some of the chief parties in interest would not take part—seemed even to resent discussion as a manifestation of hostility toward themselves. They talked constantly about vested interests, and were very hot.

It is a happy omen that their attitude has changed. They see that what is right can hurt no man; that a new adjustment of interests is inevitable and desirable, is in the interest of everybody; that their own honor, their own intelligence, their own practical comprehension of affairs is involved. They are beginning to adjust their business to the new standards. Their hand is no longer against the Nation; they are part of it, their interests are bound up with its interests. This is not true of all of them, but it is true of enough of them to show what the new age is to be and how the anxieties of statesmen are to be eased if the light that is dawning broadens into day.

Here we have the latest official utterances of the Democratic Party on the regulation of the trusts. Can it be that this gentleman whom you have named for your candidate, and who is the author of these statements, claims the credit for having discovered the Money Trust? Can it be that while our Brother STANLEY is charging the octopi in all their various lairs on the theory of dissolution and assumed prosecution, and we, his colleagues are shouting our applause and crying "On, STANLEY, on!" that your candidate at Seagirt, with the ocean breezes fanning his high and noble brow, has concluded that all we need is peace and harmony, and calmly gives us the assurance that henceforth the captains of big industry have concluded to "be good" and there will be no more trouble. This has been our difficulty from the first. As soon as we or any other party had selected an official, charged with the duty of enforcement of the law, it seems in too many cases he weakens and takes counsel from the enemy. I except from this charge, as I have said, Theodore Roosevelt, and him only. The courts, the officers of the law, and even those who claim to be independent in trade and industry refuse to do anything to the trusts that really amounts to anything. They are perfectly satisfied to slap the wrists of the offenders and offer a polite request for better conduct in the future. In the name of "good business" the courts have been careful to leave uninterrupted all the opportunities and means for the continuance of the old combinations and the formation of new ones.

After 20 years of experience with antitrust legislation we find ourselves forced to admit that every great interstate industry of the country is trust controlled and monopoly formed. The startling thing about this is that it is true only of the commerce controlled by the Federal Government of the United States, every other great commercial nation, even to the colonies of Great Britain, have monopoly under control, and State governments succeed fairly well when not hindered by the interstate commerce clause of the United States Constitution in destroying their local commerce. More than a third of all of the wealth of the country is at present settled in combines of some degree or class. I assert the fault in that we do not as the result of our legal procedure attempt to restore competition or to prevent the formation of new trusts. I believe this can be done. The solution lies in the legal principle that any business which attains a monopoly, or seeks to do so, becomes legally charged with a public interest and a subject of public control; the degree and nature of this control is subject to the will of the legislative department of the Government. It may stop at dissolution and control through receivership, or in the case of legal monopoly, though based upon the ownership of the majority portion of the raw materials of any commodity of the country, it may be necessary to regulate by fixing the prices and controlling the practices of the business proceeded against.

I have my ideas about how this can be accomplished; I have discussed them at length before the Judiciary Committee and on another occasion in this House, and it is not necessary to repeat them now, but I will place in the RECORD a recapitulation of the things I think could be done to remedy the situation in the same language I employed upon these other occasions.

To recapitulate, then, legislation to preserve the kind of competition our present industrial development demands should embody all of the ideas I have mentioned. I shall hope that an administration measure of Federal incorporation will be enacted at the coming session, and that Senator LA FOLLETTE'S amendments to the Sherman law will also be passed. In addition to these I shall, by a bill introduced to-day, ask Congress to enact the following measures:

First. To make discrimination in prices and all other favoritism in interstate trade a criminal offense, and to provide that any person injured by such discriminations shall have the right to recover civil damages to the same extent and in the same manner as is provided for the recovery of damages under the trust law. I have been informed that my colleague Mr. CAMPBELL has introduced such a bill at several sessions of Congress, and I hope it will be passed.

Second. To establish procedure by which any citizen injured by a monopoly or combination in restraint of trade may upon complaint made under oath have such monopoly or combination investigated in a summary manner by a board of arbitrators chosen in part each by the complainant, defendant, and the court, and to extend Government control over all industries so investigated when the preliminary report finds the existence of the restraint of trade or a monopoly and such report is approved by the court. Such control shall continue as provided in the next paragraph.

Third. To make every combination in restraint of trade or virtual monopoly in the production or sale of any commodity subject to control as to all its prices and practices by the Interstate Commerce Commission or by the United States district court of the proper district as shall be ordered by the court trying the case until it shall be described by a competent court that such combination or monopoly has been dissolved.

Fourth. The district attorney, under the direction of the Attorney General, shall prosecute criminally all persons connected with the organization or maintenance of any trust, monopoly, or combination revealed by such investigation, and shall institute and prosecute suits in addition to the proceedings provided for in paragraph 2, if necessary to dissolve the trust or monopoly.

Fifth. To provide for an investigation by the President of the effect of customs duties in maintaining unreasonable prices or in tending to monopoly in the commodities produced or sold by any firm found guilty in a preliminary report provided for in paragraph 2, and authorizing the President, if he finds such duties assist such firm in maintaining unreasonable prices or higher prices at home than in foreign markets or in promoting a monopoly, to suspend the collection of such duties and open competition with all the commerce of the world in such commodities. The President should also immediately report his acts under the authority of this trust law and his recommendations to Congress.

Finally, then, what effect will the so-called new rule of reasonable restraint of trade have on such a plan of control?

If a combination, trust, or business of any kind tending to monopoly is ever found which results as a mere incident of a lawful and normal contract undertaken by the parties to it with legal intent—for such was the definition of reasonable restraint of trade set forth by the court—for goodness sake, let us preserve it under porper governmental care and control, for it would be the most notable commercial phenomenon of the century.

The plan of control I suggest would not destroy such restraint of trade, but it would control "good" and "bad" trusts until the courts determined their legality.

Mr. SLOAN. Mr. Speaker, will the gentleman yield a moment?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. JACKSON. Yes.

Mr. SLOAN. I see the gentleman has been making a study of the trust question. Is it not a historical fact that trusts existed for a great many years in free-trade England before we ever heard of their actual existence in America?

Mr. JACKSON. Yes; trusts and monopolies.

Mr. SLOAN. Trusts. Is it not a fact that the two large items of anthracite coal and oil, constituting the basis of two of the greatest so-called trusts of this country, for a great many years have been on the free list, or practically so?

Mr. JACKSON. It is.

Mr. SLOAN. Is it not a fact from the record made that the articles produced by the trust referred to here—the Steel Trust—from its organization in 1901 up to the present time have gone slightly downward in price?

Mr. JACKSON. That is my understanding of the testimony.

Mr. SLOAN. Does the gentleman know of any articles produced by nontrust institutions, for instance, farm products or kindred articles constituting the products of the largest part of American industries that have not manifestly advanced through the same time?

Mr. JACKSON. I think we must all admit that is true.

The SPEAKER pro tempore. The time of the gentleman from Kansas has expired.

Mr. JACKSON. Mr. Speaker, of course we can not prolong this colloquy, but I will say to the gentleman that he is much more familiar with the testimony than I am, and all the state-

ments I have made I have got from his own report. I will be glad to read some of it here, if he will care to listen to it.

Mr. STANLEY. I should be glad to have unanimous consent.

The SPEAKER pro tempore. The gentleman from Kansas desires unanimous consent to proceed for how long?

Mr. JACKSON. Long enough to read this.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. JACKSON. I am reading from page 313 of the majority report:

On the return of Messrs. Frick and Gary from Washington the deal was closed, on the basis of par for the Tennessee Coal, Iron & Railroad Co. stock, which was paid for in second mortgage 5 per cent bonds of the United States Steel Corporation, at their market price at that time, namely, $0.84 of their face value, or figuring the bonds as worth par, about $119.75 for the stock. Messrs. Hanna, Schley, and Gates insisted that the minority stockholders should have the right to turn in their stock at the same price. This was acceded to—all of the minority stockholders took advantage of this option.

Before agreeing to pay par for the Tennessee Coal, Iron & Railroad Co. stock Mr. Gary offered 90 for it. This Mr. Schley refused, on the ground that it would not be sufficient to help him out and that nothing less than 100 would save him.

Mr. STANLEY. Mr. Speaker, not to interrupt the gentleman, he is reading from the report of the gentleman from Michigan [Mr. YOUNG], the only man alive, I presume, who will defend that merger. He is not reading from the majority report.

Mr. JACKSON. Are not the facts stated here true?

Mr. STANLEY. They are not. I do not mean to charge the gentleman from Michigan [Mr. YOUNG] with stating what is not true, but I think he is absolutely in error. The gentleman from Kansas should not state that he is reading from my report when he is reading from the views of the only man on the committee who differs materially with me on the Tennessee Coal and Iron proposition.

Mr. JACKSON. They were published in the same volume, and that was the reason for my error, if I am reading from the views of Mr. YOUNG. I did not know that I was.

Mr. STANLEY. The gentleman from Michigan [Mr. YOUNG] makes a clean issue with me. I do not think the gentleman from Massachusetts [Mr. GARDNER] does.

Mr. GARDNER of Massachusetts. The minority stated that they did not think it was necessary to discuss the Tennessee Coal and Iron question in order to arrive at the conclusions that the House ordered us to arrive at. I am more inclined to agree with the gentleman from Kansas [Mr. JACKSON] than I am with the gentleman from Kentucky. The gentleman from Kentucky [Mr. STANLEY] is absolutely right when he says that Oglesbay had practically no interest in the Tennessee Coal & Iron Co.; that is, that the Trust Co. of North America had practically no interest.

Mr. STANLEY. I did not mean to say that the gentleman from Massachusetts [Mr. GARDNER] agreed with me. I meant to say that the only member of the committee who makes a clean issue with us on that question is the gentleman from Michigan [Mr. YOUNG].

Mr. GARDNER of Massachusetts. I think the gentleman is correct on that. I think Winfield Scott Schley, in contradistinction to the firm of Moore & Schley, was very much more involved than the record shows, and that a good many people were more involved that the record shows. I think probably $11,000,000 or $12,000,000 worth of stock in the Tennessee Coal & Iron Co. was pledged in one way and another. I believe that if the panic had not been stopped that way, it could have been stopped in some other way, but that it would have required some very large capitalists to put their hands very deeply in their own pockets, instead of finding a plan by which there was at all events a silver lining to the cloud. I think the absorption of the Tennessee Coal & Iron Co., while it was not sought by anybody connected with the United States Steel Corporation particularly, on the other hand was greeted by some of them with more or less satisfaction. I do not believe it was necessary to permit this merger in order to stop that panic. I think it could have been stopped by the actual loan of money. I do not know that there is any reason to say that anybody should have put up that money. On the other hand, in justice to President Roosevelt—and I am not especially anxious to do justice to President Roosevelt—I think that the gentleman from Michigan [Mr. YOUNG] is right in saying that he did a courageous thing, from the highest motives. [Applause.]

Mr. STANLEY. Mr. Speaker, what I was objecting to was having the gentleman from Kansas [Mr. JACKSON], under a misapprehension, read as the conclusions of the majority the conclusions of the gentleman from Michigan [Mr. YOUNG].

Mr. JACKSON. I was mistaken in saying I was quoting from the report of the majority. Now, if the gentleman will permit me, I will read the rest of the quotation.

Mr. STANLEY. Yes.

Mr. JACKSON. The two reports are published together, and I did not notice that what I was reading from was from the views of the gentleman from Michigan [Mr. YOUNG].

Mr. STANLEY. It was a very natural mistake.

Mr. JACKSON. He says:

In addition to the stock owned by Schley, or Moore & Schley, or pledged with Moore & Schley, Col. Payne had altogether 25,000 shares of the stock of the Tennessee Coal, Iron & Railroad Co., with a par value of $2,500,000. As soon as the sale went through, this stock was converted into United States Steel Corporation bonds and the proceeds loaned to Moore & Schley, so Moore & Schley obtained an additional $2,500,000 through that deal.

In order to make it certain that Moore & Schley would not fail, Mr. Payne and Mr. Baker, president of the First National Bank of New York City, and one other gentleman tendered $1,000,000 each of first-class securities, to be placed in the hands of Mr. Morgan as security for further loans in aid of Moore & Schley should such further aid become necessary. Mr. Morgan did not find it necessary to draw upon this fund.

Mr. SLOAN. Will the gentleman yield just a moment?

Mr. JACKSON. Yes.

Mr. SLOAN. Does the gentleman find any conflict in the majority's statement, as to the facts stated in Mr. YOUNG's views?

Mr. JACKSON. The gentleman from Kentucky [Mr. STANLEY] says there is a conflict. I take his word for it.

Mr. SLOAN. Is there a direct conflict there in that statement?

Mr. STANLEY. Oh, absolutely.

Mr. SLOAN. As to these particular facts stated by the gentleman from Michigan [Mr. YOUNG]?

Mr. STANLEY. There is no evidence before the committee that Mr. Morgan ever loaned Mr. Schley any money. That is a conclusion of the gentleman from Michigan [Mr. YOUNG].

Mr. SLOAN. What I want to know is whether the things read by the gentleman from Kansas [Mr. JACKSON] are in detail or specifically or in substance denied in your majority report?

Mr. STANLEY. Absolutely, categorically, intensely, vehemently——

Mr. SLOAN. The gentleman can extend his adverbs at his leisure.

Mr. JACKSON. I will read one more statement here.

Mr. Oglebay says that he was not forced to sell and was willing to sell under the conditions that existed.

Now, Mr. Speaker, I will just say this, that I do not care whether this broker's firm was a gambling concern or not. If it were, so much the worse; but it is evident to my mind, both from this report and the report of the gentleman from Kentucky himself, so much as I have read of it, that the high financiers of Wall Street thought it was important that this firm be not allowed to fail, and that because it was not allowed to fail, the panic was stopped then; not three weeks afterwards, not three days afterwards, but at once.

If the gentleman had been in our western country and seen the herds of cattle that were driven into Kansas City and Omaha and sold at one-tenth and one-quarter of their value, representing, in many cases, the earnings of the farmer and the herdsman for years, because of lack of money, he would not have been willing to split hairs about the millions of tons of ore in the ground that might fall into the hands of the Steel Corporation, as long as the trust, admitted by everybody to be illegal, did not have its legal status changed by the arrangement made.

Mr. STANLEY. Does the gentleman know of any high financier not connected with the Steel Corporation, except Mr. Schley, who has ever stated that the purchase of this Tennessee Coal & Iron Co. stock and the relief of Schley stopped any panic?

Mr. JACKSON. I think we all have a common knowledge that it stopped the panic; it was published in the press at the time, and Mr. Morgan was given the credit of it.

The SPEAKER pro tempore. All time has expired.

ADJOURNMENT.

Mr. STANLEY. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 14 minutes p. m.) the House adjourned until to-morrow, Saturday, August 10, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. GOLDFOGLE, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 4978) to

supplement and amend the act entitled "An act to incorporate the North River Bridge Co., and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road," approved July 11, 1890, reported the same with amendment, accompanied by a report (No. 1165), which said bill and report were referred to the House Calendar.

Mr. MICHAEL E. DRISCOLL, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (S. 5659) to supplement and amend an act entitled "An act to authorize the New York and New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey," approved June 7, 1894, reported the same with amendment, accompanied by a report (No. 1166), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26099) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River, in Aitkin County, Minn., reported the same with amendment, accompanied by a report (No. 1167), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HELGESEN: A bill (H. R. 26199) providing additional funds for the erection of a public building at Dickinson, N. Dak.; to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Colorado: A bill (H. R. 26200) granting cities and incorporated towns coal lands for municipal purposes; to the Committee on the Public Lands.

By Mr. RAKER: A bill (H. R. 26201) to establish, equip, and maintain an agricultural experiment station near the town of Dorris, Siskiyou County, Cal., and for other purposes; to the Committee on Agriculture.

By Mr. CARTER: Resolution (H. Res. 677) to print 3,000 copies of Ethnology Bulletin No. 30; to the Committee on Printing.

By Mr. AYRES: Resolution (H. Res. 678) providing additional clerical assistance to the Committee on Enrolled Bills; to the Committee on Accounts.

By Mr. BULKLEY: A resolution (H. Res. 679) requesting the Attorney General to furnish information concerning prosecutions of violations of the campaign publicity act of June 25, 1910; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. KITCHIN: A resolution (H. Res. 680) directing and empowering the subcommittee of the Committee on the District of Columbia to investigate and inquire into the conduct, books, and accounts of the Washington Market Co., etc.; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 26202) granting a pension to Charles Woesner; to the Committee on Pensions.

Also, a bill (H. R. 26203) granting an increase of pension to Robert W. Irvine; to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 26204) granting a pension to Mary Tagg; to the Committee on Invalid Pensions.

By Mr. BULKLEY: A bill (H. R. 26205) to remove the charge of desertion from the military record of Nelson M. Maydole; to the Committee on Military Affairs.

By Mr. DOREMUS: A bill (H. R. 26206) granting an increase of pension to Lewis B. Moon; to the Committee on Invalid Pensions.

By Mr. HEFLIN: A bill (H. R. 26207) for the relief of the estates of Henry A. Hoffman and Reuben Westmoreland, deceased; to the Committee on War Claims.

By Mr. PETERS: A bill (H. R. 26208) to correct the military record of Albert S. Austin; to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURKE of Wisconsin: Paper in support of House bill 26101, granting pension to Lizzie Nichols Wood; to the Committee on Pensions.

By Mr. FORNES: Petition of the Commercial Telegraphers Union of America, at Chicago, Ill., relative to right of telegraph operators to strike; to the Committee on Interstate and Foreign Commerce.

Also, petition of International Association of Machinists, Washington, D. C., against passage of House bill 25305 relative to stop-watch in Government shops; to the Committee on Labor.

Also, petition of H. C. Manie, of Rochester, N. Y., against passage of the Kenyon bill (S. 4043); to the Committee on the Judiciary.

By Mr. HUGHES of New Jersey: Memorial of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LEE of Pennsylvania: Petition of the Commercial Telegraphers Union of America, of Chicago, Ill., relative to right of telegraphers to strike; to the Committee on Interstate and Foreign Commerce.

By Mr. LINDSAY: Petition of the Commercial Telegraphers Union of America, of Chicago, Ill., relative to right of telegraphers to strike; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRAN: Petition in support of House bill 25607, for the relief of B. W. Gladden; to the Committee on Claims.

By Mr. SLOAN: Petitions of citizens of the State of Nebraska favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. TUTTLE: Memorial of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of the Root amendment to immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of Washington Camp, No. 64, Patriotic Order Sons of America; Sherman Council, No. 61, Patriotic Sons of America; Winfield Scott Council, No. 53, Patriotic Sons of America; Washington Camp, No. 26, Junior Order United American Mechanics, all favoring immediate passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *August 10, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. BACON took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MISSISSIPPI RIVER BRIDGE AT MOLINE, ILL.

Mr. CULLOM. I ask unanimous consent to call up the bill (H. R. 25073) to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa. It will take no time except the reading.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED CONSIDERATION OF THE CALENDAR.

Mr. CHAMBERLAIN and others addressed the Chair.

Mr. GALLINGER. Let us have the regular order.

The PRESIDENT pro tempore. The Senator from New Hampshire demands the regular order, which is the presentation of petitions and memorials.

Mr. GALLINGER. I will withhold it for the Senator from Oregon [Mr. CHAMBERLAIN]. I understand he desires to present a request.

Mr CHAMBERLAIN. I wish to suggest a unanimous-consent agreement.

Mr. MARTINE of New Jersey. I wish the Senator from New Hampshire might withdraw his suggestion for the regular order. I should like to ask unanimous consent for the present consideration of House bill 24224, to amend and consolidate the acts respecting copyrights.

The PRESIDENT pro tempore. The Senator from New Hampshire has demanded the regular order.

Mr. MARTINE of New Jersey. I wish he might be induced to reconsider that.

Mr. GALLINGER. I will withdraw it that the Senator from Oregon may make a request. I do not know what it is, but if it is a matter going to lead to discussion——

Mr. CHAMBERLAIN. It will not lead to discussion, I think.

Mr. GALLINGER. Let it be presented, then.

Mr. CHAMBERLAIN. I ask for the unanimous-consent agreement, which I send to the desk.

The PRESIDENT pro tempore. It will be read.

The Secretary read as follows:

It is agreed, by unanimous consent, that immediately upon the conclusion of the routine morning business to-day the Senate will proceed to the consideration of unobjected bills upon the calendar under Rule VIII, and will continue such consideration through the entire calendar: *Provided*, That nothing in this agreement shall interfere with the presentation of conference reports, the naming of managers on the part of the Senate, or the offering of amendments that they may be printed and referred.

Mr. BOURNE. I did not catch the first part of it. May I request that it be read again.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the proposed agreement.

Mr. BOURNE. I do not feel like objecting to the proposed agreement, and yet it is of the utmost importance that consideration should be given to the Post Office appropriation bill that it may go into conference as soon as possible, in case we expect to adjourn at an early date.

The PRESIDENT pro tempore. The matter is not open to debate except by consent.

Mr. BOURNE. I will not object, but I give notice that on Monday I shall move to take up the Post Office appropriation bill, and I shall ask the Senate to continue the consideration of that bill until its passage.

Mr. BRISTOW. I would suggest to the Senator from Oregon that he ask unanimous consent that it shall be taken up immediately after the routine morning business on Monday.

The PRESIDENT pro tempore. There is now a request for unanimous consent, and that must be disposed of before another can be presented. Is there objection to the agreement proposed by the Senator from Oregon [Mr. CHAMBERLAIN]?

Mr. BORAH. Mr. President, unless I can get unanimous consent later to vote upon the Department of Labor bill I will object to this request.

Mr. GALLINGER. I ask for the regular order.

The PRESIDENT pro tempore. The Senator from New Hampshire asks for the regular order, which is the presentation of petitions and memorials.

PUBLIC BUILDING AT SAN JUAN, P. R. (S. DOC. NO. 908).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury recommending an appropriation of $32,000 for the limit of cost for the post-office and courthouse building at San Juan, P. R., etc., which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 183. An act for the relief of G. A. Embry;

S. 1508. An act for the relief of the estate of Eliza B. Hause;

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.;

S. 4032. An act for the relief of C. Person's Sons;

S. 4050. An act for the relief of Catherine Ratchford;

S. 4189. An act for the relief of the estate of Johanna S. Stoeckle;

S. 4520. An act for the relief of Catherine Grimm; and

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas.

The message also announced that the House had passed the bill (S. 6412) to regulate radio communication with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

The message also announced that the House had passed the bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. ADAMSON, Mr. SIMS, and Mr. STEVENS of Minnesota managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 264. An act for the relief of Hans Peter Guttormsen;

H. R. 5769. An act for the relief of Frank Klein;

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf;

H. R. 9129. An act for the relief of the estate of William H. Willis;

H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;

H. R. 12476. An act for the relief of Henry W. Carpenter;

H. R. 13016. An act for the relief of the West Kentucky Coal Co.;

H. R. 14748. An act to refund certain taxes paid by the heirs of William Hannum, deceased;

H. R. 14770. An act for the relief of Martin A. L. Olsen;

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 16127. An act for the relief of William Kaiser;

H. R. 17355. An act for the relief of Robert F. Scott;

H. R. 18294. An act for the relief of John C. Sullivan;

H. R. 20385. An act to reimburse Charles S. Jackson;

H. R. 20511. An act for the relief of Samuel Butter & Co.;

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse;

H. R. 21760. An act for the relief of the estate of William B. Taylor;

H. R. 23253. An act to compensate G. W. Wall, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River;

H. R. 23254. An act to compensate J. E. Stewart, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River;

H. R. 23329. An act for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased;

H. R. 24081. An act for the relief of Henry Hirschberg;

H. R. 24137. An act to refund to the National Cartage & Warehouse Co., of New York City, N. Y., excess duty; and

H. R. 25264. An act for the relief of W. A. Kelly.

ENROLLED JOINT RESOLUTION SIGNED.

The messages also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 333) to authorize the loan of obsolete Springfield rifles, etc., to the Historical Pageant Committee, Philadelphia, Pa., and it was thereupon signed by the President pro tempore.

REPORT OF COMMITTEE.

Mr. SMITH of Arizona, from the Committee on Public Lands, to which was referred the bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz., reported it without amendment and submitted a report (No. 1027) thereon.

REGISTRY OF CERTAIN VESSELS.

Mr. NELSON. From the Committee on Commerce I report back favorably with an amendment the bill (S. 5958) to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or near-by waters and salved by American citizens and repaired in American shipyards, and I submit a report (No. 1028) thereon. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The Senator from Minnesota asks for the present consideration of the bill he has just reported. Is there objection?

Mr. GALLINGER. I will venture to ask the Senator whether this bill broadens the matter of giving registry to wrecked vessels in a particular way?

Mr. NELSON. It is a reenactment of the old statute with much more rigid restrictions. We had a full hearing, and all the shipbuilders and other interests were agreed about the bill.

Mr. GALLINGER. I have great confidence in the Senator's judgment about those matters. I do not object.

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was to strike out, beginning in line 6, page 1, the remainder of the bill, and to insert in lieu thereof the following:

SEC. 4136. The Secretary of Commerce and Labor may issue a register or enrollment for any vessels wrecked on the coasts of the United

States or her possessions or adjacent waters, and when purchased by a citizen or citizens of the United States and thereupon repaired in a shipyard in the United States or her possessions, if it shall be proved to the satisfaction of the Secretary of Commerce and Labor, through a board of three appraisers appointed by him, that the said repairs put upon such vessels are equal to three-fourths of the appraised value of the vessel: *Provided*, That the expense of the appraisal herein provided for shall be borne by the owner of the vessel: *Provided further*, That if any of the material matters of fact sworn to or represented by the owner or at his instance to obtain the register of any vessel are not true there shall be a forfeiture to the United States of the vessel in respect to which the oath shall have been made, together with tackle, apparel, and furniture thereof.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the register and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards."

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 7445) granting an increase of pension to Edward F. Larock (with accompanying papers); to the Committee on Pensions.

By Mr. O'GORMAN:

A bill (S. 7446) granting an increase of pension to Mary E. Smith; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 7447) for the relief of Mary A. Shufeldt; to the Committee on Claims.

SETTLERS ON RECLAMATION PROJECTS.

Mr. BORAH. I introduce a bill, and I wish to say a word in regard to it before it goes to the committee.

The bill (S. 7444) to create a commission on Government reclamation projects was read twice by its title.

Mr. BORAH. Mr. President, just a word in regard to the purpose of the bill that it may not be misunderstood at the time of its introduction.

There has been considerable discussion here in the Senate and a great deal of discussion elsewhere as to the items which have been charged up against the settlers upon the different reclamation projects, and as to whether or not all the items which have been charged up have been properly charged under the law.

There has been, as I say, so much discussion about it that it seems to be necessary to know whether or not it has been properly attended to under the terms of the reclamation act.

This bill creates a commission composed of the chairman of the Senate Committee on Irrigation and Reclamation of Arid Lands, the chairman of the House Committee on Irrigation, and a civil engineer, to audit these accounts and statements and to ascertain whether there have been charges made against the settlers which ought not to have been made.

What I desire to say principally, however, in introducing the bill is that it is not introduced by way of criticism upon the department; it is not to be construed as a charge of malfeasance upon the part of the department.

It is simply for the purpose of ascertaining what charges have actually been made, what charges should be made, and what charges should be eliminated, if any, from the price which has been assessed against the settler.

The PRESIDENT pro tempore. The bill will be referred to the Committee on Irrigation and Reclamation of Arid Lands.

RELIEF OF AMERICAN CITIZENS IN ARIZONA.

Mr. SMITH of Arizona. Mr. President, I introduce a joint resolution, and I accompany it with a telegram. I ask that the joint resolution and telegram be read.

The joint resolution (S. J. Res. 133) appropriating the sum of $20,000, out of money appropriated by Senate joint resolution No. 129, for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico was read the first time by its title and the second time at length, as follows:

Resolved, etc., That out of the money appropriated by Senate joint resolution No. 129, providing transportation for American citizens fleeing from threatened danger in the Republic of Mexico, the sum of $20,000 is hereby appropriated for the subsistence of such American citizens as are now in Arizona, with no home except in the Republic of Mexico and from which they have been driven to the United States.

The PRESIDENT pro tempore. If there be no objection, the telegram sent to the desk by the Sentaor from Arizona will be read.

The Secretary read as follows:

THATCHER, ARIZ., *August 8, 1912.*

Senator MARK A. SMITH,
Washington, D. C.:

Your two wires received. We have relief committees who are taking care of refugees by private contributions. Chairman committee on finance could be placed under bonds to account for any funds that might come into his possession. It is a matter of food and clothing. At this time the situation is so unsettled in Mexico that none seem to want to go to other parts of the country until they are assured that they can not go back to their homes. The burden will get heavy for us soon, as it will cost at least $4,000 per month to house, clothe, and feed these people that we already have. Hope you will be successful in getting relief.

W. W. PACE.

Mr. SMITH of Arizona. Mr. President, I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment.

Mr. GALLINGER. Before the joint resolution is passed, as I recall it the former joint resolution provided transportation, and I should judge from the telegram that these people do not want transportation. They say they want to get back to their homes in Mexico.

Mr. SMITH of Arizona. That is the very purpose of the joint resolution—to provide for them while hungry and helpless by reason of the acts and outrages against them by armed soldiers in Mexico.

Mr. GALLINGER. To send them back to Mexico?

Mr. SMITH of Arizona. No, sir; to give them subsistence until they can get back to Mexico in peace and safety and recover the property of which they have been despoiled.

Mr. GALLINGER. But the former joint resolution, as I recall it, did not provide for giving them sustenance. It provided for transportation alone.

Mr. SMITH of Arizona. It did provide for transportation alone, but there are a great number of these refugees with no place to go to at all. There is no use in transporting them from the places where they are if they can find work there. That they are attempting to do. These people are not mendicants or paupers. They have been driven from Mexico by violence and arms. They are American citizens. They are in exactly the same attitude, as far as surroundings are concerned, as were the sufferers from the floods of the Mississippi River, whose subsistence was bountifully provided for by appropriations from the Federal Treasury. These refugees were driven from their residences by dangers as imminent, as merciless, and as implacable as the unpent waters of that great river. We have done all possible to control the river, but nothing has been done to prevent further outrage on American citizens in Mexico. Of this I will have more to say before adjournment of this session if time can be reasonably secured for that purpose. These refugees are now a charge on the good people of the Gila Valley, as shown by the telegram just read, an expense too great for even their generous charity.

Mr. GALLINGER. We are all, of course, solicitous about people who are in distress, but I have sometimes wondered whether it is a function of the General Government to come to the rescue of all people who are in distress in our great country.

Mr. SMITH of Arizona. So have I.

Mr. GALLINGER. I have grave doubts about it.

Mr. SMITH of Arizona. So have I, Mr. President, as to the general principle, but not in this peculiar case; but the Senator will permit me to say, though I do not like to go into that question at this time unless I find it necessary to give the sad history——

Mr. GALLINGER. If the Senator will not detain the Senate with the recital of the circumstances, I am willing to accept his general statement and I will make no objection to the joint resolution.

Mr. SMITH of Arizona. All right.

The joint resolution was ordered to be engrossed for a third reading.

Mr. SIMMONS. Has the joint resolution passed the stage of objection?

The PRESIDENT pro tempore. It has passed the stage of objection for consideration, as unanimous consent was given that it be considered. It has not passed the stage of discussion or amendment.

The joint resolution was read the third time and passed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. O'GORMAN submitted an amendment proposing to appropriate $4,911.64 for damages to the launch *Winninish*, owned by Le Grand C. Cramer, intended to be proposed by him to the

general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JOHNSTON of Alabama (for Mr. DILLINGHAM), for the committee to investigate the election of William Lorimer, submitted an amendment proposing to pay William Lorimer $35,000 toward counsel fees and other necessary expenses incurred by him in two investigations in the defense of his title to his seat in the Senate as a Senator from the State of Illinois, intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also (for Mr. DILLINGHAM), for the committee to investigate the election of William Lorimer, submitted an amendment proposing to pay to the persons therein named certain sums for services rendered the committee of the Senate making investigation of the election of William Lorimer as a Senator of the United States from the State of Illinois, intended to be proposed to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE COTTON SCHEDULE.

Mr. GRONNA submitted an amendment intended to be proposed by him to the bill (H. R. 25034) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, which was ordered to lie on the table and be printed.

WITHDRAWAL OF PAPERS—DAVID CROCKETT COLLINS.

On motion of Mr. BRADLEY, it was

Ordered, That the papers accompanying the bill (S. 5879) granting an increase of pension to David Crockett Collins, Sixty-second Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

COMMITTEE SERVICE.

Mr. KENYON was, on his own motion, excused from further service upon the Committee on Expenditures in the Department of State.

Mr. GALLINGER submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. KENYON be assigned to service on, and to the chairmanship of, the Committee on Expenditures in the War Department.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on July 10, 1912, approved and signed the following acts:

S. 4180. An act for the relief of Alessandro Comba;

S. 6369. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 6847. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; and

S. 6003. An act authorizing the Secretary of the Treasury to convey to the board of education of New Hanover County, N. C., portion of marine-hospital reservation not needed for marine-hospital purposes.

DISEASES AMONG INDIANS (S. DOC. NO. 907).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

The present conditions of health on Indian reservations and in Indian schools are, broadly speaking, very unsatisfactory. In many parts of the Indian country infant mortality, tuberculosis, and disastrous diseases generally prevail to an extent exceeded only in some of the most insanitary of our white rural districts and in the worst slums of our large cities.

The death rate in the Indian country is 35 per thousand, as compared with 15 per thousand—the average death rate for the United States as a whole. The average death rate in some of the healthiest of our cities is as low as 12 per thousand. No exact figures are yet available for infant mortality among Indians, but field studies now being made show that while proportionately more Indian babies than white babies are born, very many more Indian babies die.

Last year of over 42,000 Indians examined for disease, over 16 per cent of them had trachoma, a contagious disease of the eye, frequently resulting in blindness, and so easily spread that it threatens both the Indian communities and all their white neighbors. It is a disease so serious that at no port of entry in this country is the immigrant with trachoma allowed to land. On the Kiowa, Comanche, and Apache Reservations 71 per cent of the school children have trachoma. The curing of this disease frequently requires years of constant care. Of the 40,000 Indians examined, 6,800 had tuberculosis. On the White Earth Reservation in Minnesota, a house-to-house canvass in 1910 and 1911 revealed that of 3,300 Indians, 600 had tuberculosis. An examination of half the Indians on the Blackfeet Reservation, Mont., shows that one-third of that number have tuberculosis. Of the total population of the Colorado River Reservation, Ariz., 20 per cent have tuberculosis. At the school of the Mescalero Reservation in New Mexico, where climatic conditions are ideal, 5 per cent of the children in school have tuberculosis. Of the 7,000 Indians of the Pine Ridge Reservation, S. Dak., over one-fourth have tuberculosis. Even in southern California at least 10 per cent of the Indians have this dread disease. In addition to these scourges and the special lowering of vitality which exists in these sections where the Indians can procure intoxicants, they are more subject than the average white man to the whole list of acute diseases. Few Indian homes anywhere have proper sanitary conditions, and in many instances the bad condition of their domestic surroundings is almost beyond belief.

As guardians of the welfare of the Indians, it is our immediate duty to give to the race a fair chance for an unmaimed birth, healthy childhood, and a physically efficient maturity.

The most vigorous campaign ever waged against disease among the Indians is now under way. It began in 1909. Prior to that time little attention had been given to the hygiene and health of the Indians. On some reservations, equal in area to a State, there were not more than two physicians, frequently only one. In 1909 tens of thousands of Indians were substantially without any chance to reach a doctor. The Government was startled into a reform in this matter through the discovery that at the Phoenix Indian School, Arizona, more than 65 per cent of the children were infected with trachoma. In response to the showing then made, Congress immediately appropriated an emergency sum of $12,000. Physicians sparsely scattered over the Indian country were then organized as the nucleus of an efficient fighting force, and the fight has been conducted not only on curative but on preventative lines. As the need for this work has become more apparent, congressional appropriations have steadily increased, but even to-day the effective fighting force of the service is so disproportionate to the ground to be covered and the problems to be met that it is impossible to make even a medical survey of the whole field.

The Indian service has under its general supervision 296,000 Indians, and of these it is a conservative estimate to say that 160,000 are still entirely dependent on the Federal medical service. This service has 160 physicians, over a third of whom under their terms of employment devote only a part of their time to Indians. When it is remembered that Indians are so scattered that a physician frequently has to drive a day or more out and a day or more back to reach one family, the inadequacy of such service is plain. While there are many efficient and self-sacrificing physicians in this service, the smallness of the salaries, which average only $1,186 a year, necessarily affects the qualification and ability of the physicians engaged. In spite of adverse conditions thousands of cases of tuberculosis and trachoma are being systematically treated, and serious epidemics of diphtheria, measles, cerebrospinal meningitis, and other infectious diseases have been checked. Hundreds of lives have been saved, and a distinct start has been made in getting fresh air and generally better sanitary conditions into the homes.

The Indian medical service should, therefore, be substantially increased in size, and should be lifted into efficiency through the better men whom as a rule only better salaries can command. Of course this change should take place along carefully planned business lines and without extravagance and after a comparative study of other medical services, National, State, and local.

Through the proper channels is now submitted to Congress an estimate for the Indian medical service for $253,350, accompanied by a detailed statement of the expenditures required. This sum, together with an addition to the amounts which will probably be available in the Indian appropriation bill for the current year, and which were asked for in that bill before all the data now available were at hand, will enable the Indian service to make a complete medical and sanitary survey of the whole field, with a view to curing existing troubles and to the prevention, so far as may be, of their recurrence. With this additional appropriation, if granted by Congress, it is believed that the tide can be turned, that the danger of infection among the Indians themselves and to the several millions of white persons now living as neighbors to them can be greatly reduced, and genuine cooperation with local State boards of health now

already under way can be adequately provided for. It is not expected to build up a highly organized Indian medical service, but rather to put efficient physicians and nurses and field matrons, properly equipped to reach all the Indian families, in the field where service under the best conditions is one of constant self-sacrifice and hardship, but where constant application to those methods which the study of modern hygiene has developed will show results so encouraging as fully to justify the expenditure of the sums herein asked.

WM. H. TAFT.

THE WHITE HOUSE, *August 10, 1912.*

The PRESIDENT pro tempore. In the absence of objection, the message will be referred to the Committee on Public Health and National Quarantine and printed.

Mr. CLAPP subsequently said: I think the message which has just come from the President should be referred to the Committee on Indian Affairs, as that committee will have to deal with that subject. The chairman of the committee is not here, and in his absence I suggest that the message be referred to the Committee on Indian Affairs.

The PRESIDENT pro tempore. In the absence of objection that reference will be made.

THE PANAMA CANAL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRANDEGEE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. BRANDEGEE, Mr. BRISTOW, and Mr. SIMMONS conferees on the part of the Senate.

CAPT. JOSEPH HERRING.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 67) for the relief of Capt. Joseph Herring, United States Army, retired, which was on page 1, in line 11, and page 2, lines 1 and 2, to strike out "said error having occurred as set forth in the accompanying documentary evidence, and according to circumstances over which said Capt. Herring had no control."

Mr. BRADLEY. I move that the Senate concur in the House amendment.

The motion was agreed to.

HENRY G. ROETZEL AND PAUL CHIPMAN.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 998) for the relief of Henry G. Roetzel and Paul Chipman, which were, on page 1, lines 7 and 8, to strike out "$5,203.22" and insert "$4,230," and on page 1, lines 8 and 9, to strike out "$5,203.22" and insert "$4,230."

Mr. SHIVELY. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

RADIO COMMUNICATION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6412) to regulate radio communication, which were, on page 1, line 8, to strike out "receipt or"; on page 1, line 10, to strike out "exclusive"; on page 3, line 5, after "United States," to insert "or Porto Rico"; on page 3, line 6, after "State," to insert "or Territory or"; on page 3, line 7, after "United States," to insert "or Porto Rico"; on page 3, line 24, after "peril," to insert "or disaster"; on page 4, lines 8, 9, and 10, to strike out "every person so licensed for the operation of any radio apparatus on shore shall be a citizen of the United States"; on page 4, line 14, after "them," to insert "or who shall fail to enforce obedience thereto by an unlicensed person while serving under his supervision"; on page 4, lines 15 and 16, to strike out "upon conviction shall" and insert "may"; on page 4, in lines 16, 17, and 18, to strike out "and the same shall not be renewed for a period of one year from and after the date of his conviction of any such failure" and insert "for a period to be fixed by the Secretary of Commerce and Labor not exceeding one year"; on page 4, line 20, after "charge," to insert "or in supervision"; on page 6, at the end of line 14, to insert "Every ship station, except as hereinafter provided, and every coast station open to general public service shall be prepared to use two sending wave lengths, one of 300 meters and one of 600 meters, as required by the international convention in force: *Provided*, That the Secretary of Commerce and Labor may, in his discretion, change the limit of wave length reservation made by regulations first and second to accord with any international agreement to which the United States is a party"; on page 7, to strike out lines 10 to 14, inclusive, and insert: "Fifth. Every station on shipboard shall be prepared to send distress calls on the normal wave length designated by the international conventon in force, except on vessels of small tonnage unable to have plants insuring that wave length."

On page 9, after line 4, as a separate paragraph, insert:

It shall be the duty of each such shore station, during the hours it is in operation, to listen in at intervals of not less than 15 minutes and for a period not less than 2 minutes, with the receiver tuned to receive messages of 300-meter wave lengths.

On page 10, lines 13 and 14, to strike out "at the date of passage of this act."

On page 10, line 17, after "station," to insert: "*Provided*, That the owner or operator of a station of the character mentioned in this regulation shall not be liable for a violation of the requirements of the third or fourth regulations to the penalties of $100 or $25, respectively, provided in this section unless the person maintaining or operating such station shall have been notified in writing that the said transmitter has been found, upon tests conducted by the Government, to be so adjusted as to violate the said third and fourth regulations, and opportunity has been given to said owner or operator to adjust said transmitter in conformity with said regulations."

On page 11, in lines 7 and 8, to strike out "the station on shipboard shall then wait until such shore station shall be the nearest."

On page 12, line 23, after "nineteenth," to strike out all down to and including line 2, on page 13, and insert "no person or persons engaged in or having knowledge of the operation of any station or stations shall divulge or publish the contents of any messages transmitted or received by such station, except to the person or persons to whom the same may be directed, or their authorized agent, or to another station employed to forward such message to its destination, unless legally required so to do by the court of competent jurisdiction or other competent authority. Any person guilty of divulging or publishing any message, except as herein provided, shall, on conviction thereof, be punishable by a fine of not more than $250 or imprisonment for a period of not exceeding three months, or both fine and imprisonment, in the discretion of the court."

On page 13, in lines 9 and 10, to strike out "which shall be deemed a misdemeanor."

On page 13, line 11, after "regulations," to insert "except as provided in regulation 19."

On page 13, line 16, to strike out "which shall be deemed a misdemeanor."

On page 13, line 17, to strike out "may" and insert "shall."

On page 13, line 17, after "suspended," to insert "or revoked."

On page 14, line 12, after "or," to insert "other."

On page 14, line 19, after "or," where it occurs the second time, to insert "other."

On page 15, in lines 7 and 8, to strike out "or in any district in which the offender may be found."

On page 15, after line 12, to insert:

SEC. 10. That this act shall not apply to the Philippine Islands.

On page 15, line 13, to strike out "10" and insert "11."

On page 15, line 14, to strike out "90 days" and insert "4 months."

Mr. BOURNE. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILLS REFERRED.

H. R. 20385. An act to reimburse Charles S. Jackson; was read twice by its title and referred to the Committee on Military Affairs.

The following bills were severally read twice by their titles and referred to the Committee on Finance:

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse; and

H. R. 24137. An act to refund to the National Cartage and Warehouse Co., of New York City, N. Y., excess duty.

The following bills were severally read twice by their titles and referred to the Committee on Claims:

H. R. 264. An act for the relief of Hans Peter Guttormsen;

H. R. 5769. An act for the relief of Frank Klein;

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf;

H. R. 9129. An act for the relief of the estate of William H. Willis;

H. R. 12339. An act to refund certain taxes paid by the Louisiana Distillery Co. (Ltd.), of New Orleans, La.;
H. R. 12476. An act for the relief of Henry W. Carpenter;
H. R. 13016. An act for the relief of the West Kentucky Coal Co.;
H. R. 14748. An act to refund certain taxes paid by the heirs of William Hannum, deceased;
H. R. 14770. An act for the relief of Martin A. L. Olsen;
H. R. 15181. An act for the relief of Harry S. Wade;
H. R. 16127. An act for the relief of William Kaiser;
H. R. 17355. An act for the relief of Robert F. Scott;
H. R. 18294. An act for the relief of John C. Sullivan;
H. R. 20511. An act for the relief of Samuel Butter & Co.;
H. R. 21760. An act for the relief of the estate of William B. Taylor;
H. R. 23253. An act to compensate G. W. Wall, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River;
H. R. 23254. An act to compensate J. E. Stewart, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River;
H. R. 23329. An act for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased;
H. R. 24081. An act for the relief of Henry Hirschberg; and
H. R. 25264. An act for the relief of W. A. Kelly.

STANDARD OIL AND AMERICAN TOBACCO COS.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated by the Secretary.

The Secretary read Senate resolution 375, submitted by Mr. POMERENE on yesterday, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, relieved from further consideration of Senate concurrent resolution 4, declaring it to be the sense of the Senate and of the House of Representatives that criminal prosecutions should be begun against the Standard Oil Co. and the American Tobacco Co. and the other parties and persons who were declared by the Supreme Court of the United States to be violating the criminal provisions of sections 1 and 2 of the Sherman antitrust law, and instructing the Attorney General to institute criminal prosecutions against them where the evidence, in his opinion, justifies said proceedings; and it is further

Resolved, That said resolution be laid before the Senate for its consideration.

Mr. POMERENE. Mr. President, the concurrent resolution referred to in this resolution has been fully discussed on several occasions in the Senate. It had been on the calendar for a considerable time, and it was thought best that it should go to the Judiciary Committee, under the rules of the Senate. For that reason on May 7 I concluded to consent that it should be referred to that committee. Three months have since expired, and still there is no report. It seems to me that it involves a matter that ought to be acted upon. Of course the statute of limitations is running; and the only question, in my judgment, after the Supreme Court of the land has found that the penal statute has been violated by men of the character involved in this litigation, is, Should criminal prosecutions be begun against them the same as against other violators of the law, provided that, in the opinion of the Attorney General, the evidence is such as to justify it? I do not care to discuss the matter further.

Mr. SUTHERLAND. Mr. President, I think the resolution introduced by the Senator from Ohio ought not to pass. The concurrent resolution which the Senator introduced some time ago is pending before the Judiciary Committee.

When I began to speak I did not observe that the chairman of the Committee on the Judiciary was in the Chamber, or I should have yielded to him.

Mr. CLARK of Wyoming. I shall be glad to have the Senator proceed.

Mr. SUTHERLAND. The concurrent resolution has been pending before the Committee on the Judiciary of the Senate, and I do not recall that it has been brought to the attention of the committee, except upon a single occasion, within the last few days.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. The Senator from Utah is in error about that. Possibly he was not present when the resolution was first called to the attention of the Judiciary Committee. If he will permit me, I will state my recollection with regard to it.

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. The resolution to which the Senator from Ohio refers was introduced a year or more ago, when it was sought to be considered without a reference. Thereupon there came a motion to refer it to the Judiciary Committee, which motion was pending here for months. Finally the Senator from Ohio permitted that motion to prevail, or did not contest it, upon, among other things, my assurance that I would do my best to secure a report from the Judiciary Committee upon it. I called the resolution to the attention of the Judiciary Committee on two or three occasions. I am not criticizing the committee at all, but I am simply stating the history of this matter. I think everything has been done that could be done to secure a report from the committee, but the committee did not believe it was wise to report the measure.

Mr. CLARK of Wyoming. Mr. President, I am inclined to believe that I shall have to take issue with the Senator from Iowa [Mr. CUMMINS] on his last statement. The Senator from Iowa has been quite diligent in the presentation of the resolution to the committee. The resolution was on the calendar of the Senate for something like a year. It was then, on motion, referred to the Judiciary Committee, as the Senator from Iowa and the Senator from Ohio [Mr. POMERENE] well know. That committee has been extremely busy, and it has been diligent in the prosecution of its business. At the last meeting of the committee the Senator from Iowa—I think it was the last meeting—called up the resolution and asked for action upon it. I know the Senator from Iowa has done all that he could do to secure that action; but there are certain questions involved in the resolution that would require some time for consideration. So the committee during nearly all of its entire meeting at its last session considered the resolution, but did not arrive at a conclusion. They did not, however, arrive at the conclusion that the Senator from Iowa intimated, that it was unwise to report the resolution, but it went over without action.

If the Senate thinks that the committee has been derelict in its duty, or if the Senate thinks that the resolution should be taken up in the open Senate, of course that is for the Senate itself to declare. I can only assure the Senator from Ohio and the Senate that the committee has no intention of shirking its duty in this matter. It has treated this resolution, as it has treated other resolutions, without particular favor as to putting it to the front, but without any desire to avoid the responsibility of the committee in this particular case.

Mr. POMERENE. If I may ask the Senator from Wyoming a question, can the Senator assure the Senate that a report will be made at this session of Congress, so that the resolution may be acted upon?

Mr. CLARK of Wyoming. The Senator from Ohio is asking for an assurance which, of course, the chairman of the committee can not make any more than could the Senator from Ohio assure the action of a committee of which he might be chairman.

Mr. POMERENE. That might be true; but we usually go to the head of the committee for assurances.

Mr. CLARK of Wyoming. I can only say to the Senator from Ohio that the matter was under consideration when the committee adjourned its last session on Monday last. How long the question will last, of course, I am unable to tell. I can only say to the Senator that the resolution is not being neglected. I can not, of course, give the Senator such an assurance as he asks.

Mr. POMERENE. The Senate acted favorably upon another branch of this same proposition when it passed the bill authorizing an appeal in the American Tobacco Co. case.

Mr. CLARK of Wyoming. Yes.

Mr. POMERENE. It involved the same legal questions that this resolution does.

Mr. CLARK of Wyoming. I will say that the Judiciary Committee reported that resolution after due consideration and it passed the Senate.

Mr. POMERENE. Yes; and it seems to me there is very little difference as to whether it involves a civil question or a criminal one.

Mr. CLARK of Wyoming. As chairman of the committee, I will say, if the Senator will permit me, that the committee will have a meeting on Monday next at half past 10 o'clock, and the committee will be delighted to have the Senator appear before it in behalf of this resolution.

Mr. POMERENE. Does the Senator mean on next Monday?

Mr. CLARK of Wyoming. On next Monday—the day after to-morrow.

Mr. POMERENE. Then, with the consent of the Senate, I will consent that the resolution lie on the table until Monday without prejudice.

The PRESIDENT pro tempore. The Senator asks that the resolution which has been read shall retain its place without prejudice, and that it be now passed over. Without objection, it is so ordered.

Mr. BORAH. Mr. President, has morning business closed?

The PRESIDENT pro tempore. The Chair has not so announced, but was about to do so. If there is no other morning business, morning business is closed.

VOCATIONAL EDUCATION.

Mr. PAGE. Mr. President, for several weeks, and perhaps I might say months, I have been trying very diligently to have the Senate consider Senate bill No. 3, known as the vocational education bill. I feel that I ought not to insist that this bill be taken up to prevent the consideration of bills on the calendar to which there is no objection, and yet I think we have about reached a time when I shall have to make objection in order to get my bill before the Senate. Now, I am going to ask unanimous consent that on Saturday next at 12 o'clock the Senate proceed to the consideration of Senate bill No. 3, with the usual formula which is attached to such orders.

Mr. BORAH. I did not understand the Senator's suggestion.

Mr. PAGE. I ask unanimous consent that Senate bill No. 3, Calendar No. 348, be taken up for consideration on Saturday next immediately after the conclusion of the routine morning business.

Mr. BORAH. One week from to-day?

Mr. PAGE. One week from to-day.

Mr. GALLINGER. Not to interfere with appropriation bills, I will suggest to the Senator.

Mr. PAGE. Not to interfere with appropriation bills.

The PRESIDENT pro tempore. The Senator from Vermont asks that on Saturday next, immedately after the conclusion of the routine morning business, the bill to which he has referred shall be taken up for consideration, with the stipulation that it shall not interfere with appropriation bills or conference reports. Is there objection?

Mr. WILLIAMS. Does that involve the idea that, if we finish with other business and are ready to adjourn, we would have to remain here until Saturday in order to consider this matter?

The PRESIDENT pro tempore. It is not the function of the Chair to construe the resolution.

Mr. WILLIAMS. It seems to me that it would, and I am nourishing the hope that, in view of the President's veto of the woolen bill, in view of the patent fact that all other tariff bills to be sent to him will be vetoed, and of the present condition of business in the Senate, we might be ready to get away from here by next Saturday. If the Senator from Vermont will couple his request with the phrase "unless an earlier adjournment of the Senate shall have been had," so that none of us will be morally bound to resist adjournment in consequence of his request, I shall not object to it.

Mr. PAGE. Mr. President, I wish to say to the Senator from Mississippi that, if there is any possibility of adjourning before Saturday next, I will join with him and with the Senate generally in moving for the adjournment, and I shall be glad, indeed, to have this bill lapse if we should adjourn before Saturday.

Mr. WILLIAMS. I did not hear the Senator; but do I understand that he modifies his request to that extent?

Mr. PAGE. I do; yes, sir.

Mr. WILLIAMS. Very well.

Mr. LODGE. Mr. President, I do not believe we ought to bind ourselves by a unanimous-consent agreement such as that at this late day in the session. If we do, I think we will get into a very awkward position in relation to adjournment. I feel compelled, therefore, to object.

The PRESIDENT pro tempore. The Senator from Massachusetts objects.

Mr. PAGE. I now move that on Saturday next, immediately following the routine morning business, Senate bill No. 3 be made the special order at that time, to be considered until it is finally disposed of.

Mr. SMITH of Georgia. I do not understand the motion.

Mr. LODGE. A motion like that, it seems to me, is not in order.

The PRESIDENT pro tempore. The Senator from Vermont moves to make the bill referred to a special order, which, of course, can be done by a two-thirds vote of the Senate.

Mr. SIMMONS. Does a special order displace the unfinished business?

The PRESIDENT pro tempore. The Chair is of the opinion that the special order will displace the unfinished business, if adopted by a two-thirds vote of the Senate. The question is upon the motion of the Senator from Vermont.

Mr. KENYON. I should like to ask the Senator from Vermont why he does not make it Wednesday or some earlier day? I am inclined to vote for the motion, but it seems to me that Saturday is too late in the week.

Mr. PAGE. Mr. President, nothing would please me better than to make it Wednesday rather than Saturday, but I realize that the coming week will be pretty generally devoted to the appropriation bills and to bills which Senators believe ought to pass under the general-consent rule. So, in order to make it beyond the peradventure of any trouble of that kind, I have named Saturday, with the expectation that if we can adjourn before that time, of course, I would join with others in wishing to adjourn at the earliest possible moment, but if we continue in session until next Saturday, I should like then to have my bill brought forward, and I hope the Senate will favor it.

Mr. BOURNE. Mr. President, I should like to ask the Senator from Vermont if he would modify his request and make it conditional upon whether or not the Post Office appropriation bill has been passed by that time?

Mr. GALLINGER. He has done that.

Mr. PAGE. If the Senator will allow me, I will be very glad indeed to ask that the bill be laid aside at any time when there are any appropriation bills before the Senate.

Mr. GALLINGER. That was a part of the Senator's first request.

Mr. PAGE. That was part of my request, I think.

Mr. SIMMONS. I should like to ask the Senator if he would consent to have his bill laid aside for appropriation bills, would the Senator also consent to have it laid aside for the unfinished business? I take it, from the ruling of the Chair, that his motion would supplant even the unfinished business.

Mr. PAGE. Mr. President, if I can do so without prejudice, I shall be very happy to make that concession.

The PRESIDENT pro tempore. The Chair will have to request that the Senator re-form his request and submit it.

Mr. PAGE. I think I will not make any change in my motion; but I will say to the Senate that if my motion is agreed to and unfinished business should be before the Senate at that time, I will very gladly ask that my bill be temporarily laid aside.

Mr. SIMMONS. Can the Senator do that if his bill is made a special order? I desire to make that inquiry of the Chair.

The PRESIDENT pro tempore. The Chair is of opinion that, unless it is embraced in the special order, it can not subsequently be modified to that extent.

Mr. SIMMONS. That was my impression. In that condition, without any reference to my attitude toward the Senator's measure—and he knows what that is—I shall be inclined to oppose the special order, and I hope it will not prevail. I do not think, after agreeing upon a bill as the unfinished business, we ought to make another order that will displace that bill. The two things seem to me to be inconsistent. I hope that the motion of the Senator in its present form will not prevail.

Mr. SMITH of Georgia. I am not familiar with the effect of a special order of this kind. Does it mean that we would continue the consideration of that bill until it was disposed of?

The PRESIDENT pro tempore. Not unless it was so specified in the order. The special order would relate to the taking up of the matter at that time if it were limited to that extent.

Mr. SMITH of Georgia. Would it, then, continue as unfinished business before the Senate until it was displaced, or would it only apply to that day?

The PRESIDENT pro tempore. If it should be specified for that day only, the Chair is of the opinion that it would only continue for that day. It depends upon the way in which the order is formulated. The Senate is authorized to make any special order it sees fit to make, and to make any provisions in it it sees fit, provided that it is carried by a two-thirds vote.

Mr. SMITH of Georgia. Then I think we ought to ask the Senator from Vermont to put his order in writing so that we can understand exactly what it is. I am most desirous that this bill shall have opportunity for discussion at this session, but there are, I think, a number of important modifications that ought to be made in the bill. It is one of very great importance, and I think it will involve quite a lengthy discussion when we get to it. I think, when the terms of the bill are understood fully by Senators, many Senators will desire to take part in the discussion. I myself would be perfectly willing to see it given a few hours for discussion, but I could not vote for a motion that would make it a special order, and a continuous order, which might greatly interfere with the other business of the Senate.

Mr. SIMMONS. I suggest that the Senator from Vermont redraft his order so as to exempt from its operations appropri-

ation bills, conference reports, and the unfinished business. Then there might be no objection to it.

Mr. BRISTOW. Mr. President, why should we, at the close of a session, with the calendar congested with business, with important appropriation bills pending, and all kinds of controversies likely to be injected into them, make a special order here a week in advance? To mortgage our time by special orders seems to me to be ridiculous, I do not care what the merits of the bill are. If we have time to attend to it, let us take it up and attend to it, but not by a special order a week in advance mortgage the time of the Senate when we do not know what will be pending at that time.

Mr. PAGE. Mr. President, I have been in the Senate for about four years and I have never yet objected to a request for unanimous consent. There have been numerous unanimous-consent days since this bill has been before the Senate, and in every case where unanimous consent was asked I have been patient and said, "Certainly; go ahead." I do not want to interfere with the general business of the Senate, but the time has come when I feel that I must ask that my bill have its rights. I am perfectly willing to say that it shall not come up for consideration until Saturday of next week, or even until the following Monday, if we will have business that will occupy us until that time, or if we can adjourn before that time I am willing that the bill shall go over; but if we are to have a session that will last until week after next I believe the Senate ought to give consideration to this bill, for it is a very important measure.

Mr. BRISTOW. If we are here next Saturday and the Senate wishes to take it up, let us take it up then. We will know then what is pending and we will be able to say what is the most important thing to consider at that time. We can not know now what we ought to consider next Saturday. I would rather consider it now than next Saturday.

Mr. STONE. I rise to a parliamentary inquiry. I inquire whether the motion to fix a special order made by the Senator from Vermont is a debatable motion?

The PRESIDENT pro tempore. The Chair is of the opinion that it is not, except by unanimous consent.

Mr. STONE. Well, I do not give my consent for any further debate.

The PRESIDENT pro tempore. The Chair desires to lay before the Senate the rule of the Senate, which had been overlooked in responding to the inquiry of the Senator from North Carolina [Mr. SIMMONS]. The Secretary will read Rule X in regard to conflicts between a special order and the unfinished business.

The Secretary read as follows:

RULE X.

SPECIAL ORDERS.

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. CUMMINS. Mr. President, I think the bill suggested by the Senator from Vermont is one of the most important that has come before the Senate. I think it would be quite as helpful to the people of the United States as the canal bill that we have just passed, and we ought to vote upon it at this session.

I suggest to the Senator from North Carolina that he propose a unanimous-consent agreement for voting upon the cotton bill, the unfinished business. Can we not agree upon a time for the disposition of that bill?

The PRESIDENT pro tempore. The matter before the Senate now is the motion of the Senator from Vermont [Mr. PAGE].

Mr. STONE. I ask for the regular order.

The PRESIDENT pro tempore. The Senator from Missouri asks for the regular order.

Mr. PAGE. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PAGE. The Senator from North Carolina suggests that my motion, as I understand, would displace the unfinished business. Do I understand that the ruling with reference to that is that the unfinished business would not be displaced?

The PRESIDENT pro tempore. The Chair has just had the rule read from the Secretary's desk.

Mr. PAGE. Then I ask for a yea-and-nay vote, as I understand that it takes a two-thirds vote to adopt the motion.

The PRESIDENT pro tempore. The Senator from Vermont moves that on Saturday next the Senate proceed to the consideration by special order of the bill named by him. As that requires a two-thirds vote the Chair will direct the Secretary to call the roll.

Mr. CULBERSON. A special order at what time of the day on Saturday?

The PRESIDENT pro tempore. Immediately after the morning business was the motion made by the Senator from Vermont. It should have been so stated by the Chair.

Mr. BOURNE. I understood the Senator to say that his motion included the statement that he would give way to the consideration of all conference reports and appropriation bills.

The PRESIDENT pro tempore. The matter will not rest within the control of the Senator from Vermont. It must be ordered now by the Senate in such terms as it desires to have settled.

Mr. PAGE. I think that was a part of my motion.

The PRESIDENT pro tempore. The Secretary will read what appears to be the motion of the Senator from Vermont.

The Secretary read as follows:

That on Saturday, August 17, 1912, immediately upon the conclusion of the routine morning business, not to interfere with the consideration of appropriation bills or reports of committees of conference, the Senate will take up for consideration Senate bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economies in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

The PRESIDENT pro tempore. The question is upon the adoption of the motion. A two-thirds vote being necessary, the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the senior Senator from Idaho [Mr. HEYBURN], and therefore withhold my vote.

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. TOWNSEND (when the name of Mr. JONES was called). The senior Senator from Washington [Mr. JONES] was called from the Senate on official business.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He not being present, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is unavoidably absent from the city and is paired with the Senator from Missouri [Mr. REED].

Mr. SMOOT (when Mr. STEPHENSON's name was called). I wish to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He has a pair with the Senator from Oklahoma [Mr. GORE]. I will allow this notice to stand for the day.

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER], and on account of his absence I withhold my vote.

Mr. SANDERS (when Mr. WARREN's name was called). I have been requested to announce the pair of the Senator from Wyoming [Mr. WARREN] with the senior Senator from Louisiana [Mr. FOSTER].

Mr. WILLIAMS (when his name was called). I have a pair with the Senator from Pennsylvania [Mr. PENROSE], and therefore withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. OVERMAN. I have been requested to announce that the junior Senator from South Carolina [Mr. SMITH] is unavoidably detained at home on important business, and is paired with the Senator from Delaware [Mr. RICHARDSON].

Mr. LIPPITT. I have a pair with the Senator from Tennessee [Mr. LEA], and on that account I withhold my vote.

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER], and will let the announcement stand for the day.

Mr. CULBERSON (after having voted in the affirmative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Indiana [Mr. KERN], and will allow my vote to stand.

Mr. CURTIS (after having voted in the affirmative). I voted thinking my pair with the Senator from Arkansas [Mr. DAVIS] had expired. I find it stands for the day, and I transfer it to the Senator from Washington [Mr. JONES] and let my vote stand.

Mr. SIMMONS (after having voted in the affirmative). I have a pair with the Senator from Minnesota [Mr. CLAPP]. I

understand if he were present, he would vote as I do on this question, and I will therefore let my vote stand.

Mr. LIPPITT. I transfer my pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "nay."

Mr. CHAMBERLAIN. The senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN], and I make this announcement for the day.

Mr. WILLIAMS. I wish to make the announcement, and to let it stand for the day, that my colleague [Mr. PERCY] is necessarily absent and is paired with the Senator from North Dakota [Mr. MCCUMBER].

Mr. LODGE. My colleague [Mr. CRANE] is absent from the city, and is paired with the Senator from Maine [Mr. GARDNER]. I will let this announcement stand for the day.

The roll call resulted—yeas 33, nays 13, as follows:

YEAS—33.

Ashurst	Curtis	Myers	Simmons
Bacon	Dillingham	Nelson	Swanson
Borah	Fletcher	O'Gorman	Thornton
Bourne	Johnson, Me.	Overman	Tillman
Bradley	Johnston, Ala.	Page	Townsend
Bryan	Kenyon	Perkins	Works
Chamberlain	Martin, Va.	Poindexter	
Culberson	Martine, N. J.	Pomerene	
Cummins	Massey	Sanders	

NAYS—13

Brandegee	Fall	Oliver	Wetmore
Bristow	Gallinger	Root	
Burton	Lippitt	Smith, Ga.	
Crawford	Lodge	Smoot	

NOT VOTING—48.

Bailey	Davis	Kern	Richardson
Bankhead	Dixon	La Follette	Shively
Briggs	du Pont	Lea	Smith, Ariz.
Brown	Foster	McCumber	Smith, Md.
Burnham	Gamble	McLean	Smith, Mich.
Catron	Gardner	Newlands	Smith, S. C.
Chilton	Gore	Owen	Stephenson
Clapp	Gronna	Paynter	Stone
Clark, Wyo.	Guggenheim	Penrose	Sutherland
Clarke, Ark.	Heyburn	Percy	Warren
Crane	Hitchcock	Rayner	Watson
Cullom	Jones	Reed	Williams

The PRESIDENT pro tempore. Upon the call of the roll of the Senate, on the question of the adoption of the motion made by the Senator from Vermont to make a special order, the yeas are 33, the nays are 13. No quorum has voted.

Mr. SMOOT. There is no quorum, Mr. President.

Mr. GALLINGER. Let the roll be called.

The PRESIDENT pro tempore. No quorum has voted.

Mr. GALLINGER. Let the roll be called.

The PRESIDENT pro tempore. Does the Senator from New Hampshire suggest the absence of a quorum? What is the motion of the Senator from New Hampshire? The Chair is trying to ascertain.

Mr. GALLINGER. I have an impression that when a vote shows a lack of a quorum, the roll should be called immediately to ascertain whether a quorum is present.

The PRESIDENT pro tempore. Very well.

Mr. GALLINGER. But, if necessary, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will proceed with the call of the roll.

Mr. SIMMONS. I suggest that probably when the names of absent Senators are called it will disclose a quorum.

The PRESIDENT pro tempore. There is no special rule to that effect.

Mr. SIMMONS. Votes might be cast.

The PRESIDENT pro tempore. The Senator from New Hampshire has suggested the absence of a quorum, and the calling of the roll is imperative. The Secretary will proceed to call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martin, Va.	Simmons
Bacon	Cullom	Martine, N. J.	Smith, Ariz.
Bailey	Cummins	Massey	Smith, Ga.
Bankhead	Curtis	Myers	Smoot
Borah	Dillingham	Nelson	Sutherland
Bourne	Fletcher	O'Gorman	Swanson
Bradley	Gallinger	Oliver	Tillman
Brandegee	Johnson, Me.	Overman	Townsend
Bristow	Johnston, Ala.	Page	Wetmore
Bryan	Kenyon	Perkins	Williams
Burton	Lippitt	Poindexter	Works
Catron	Lodge	Pomerene	
Chamberlain	McCumber	Root	
Crawford	McLean	Sanders	

Mr. TOWNSEND. I again announce that the senior Senator from Washington [Mr. JONES] is unavoidably detained on official business.

I also again announce the absence of my colleague [Mr. SMITH]. He is paired with the junior Senator from Missouri [Mr. REED]. I wish this announcement to stand for the day.

Mr. OVERMAN. Mr. President, I rise to a question of order. I desire to inquire whether a quorum is present. I should like to have the Senate go on and do business. If no quorum is present, it seems to me that the motion has failed for want of a quorum. That is parliamentary law. If there is anything in the rules of the Senate to the contrary, I should like to know it.

Mr. GALLINGER. We can not do business without a quorum, of course. That goes without saying.

Mr. TILLMAN. We can not do anything without a quorum.

Mr. OVERMAN. I ask for a ruling on the point I have made.

The PRESIDENT pro tempore. Does the Senator make the point of order that the motion has failed?

Mr. OVERMAN. I do. I say that under the general rule the motion has failed for want of a quorum.

The PRESIDENT pro tempore. The Chair does not think the point is well taken.

Upon the call of the roll of the Senate 53 Senators have answered to their names.

The Chair will again direct the question to be taken on the motion of the Senator from Vermont [Mr. PAGE]. The Secretary will proceed to call the roll upon the adoption of the motion made by the Senator from Vermont to make Senate bill No. 3 a special order for Saturday next under the terms stated in the motion which has been read to the Senate.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I again announce my pair with the senior Senator from Idaho [Mr. HEYBURN]. I will let that statement stand for the day.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. TOWNSEND (when Mr. JONES's name was called). I again announce the necessary absence of the Senator from Washington [Mr. JONES] on official business.

Mr. MCCUMBER (when his name was called). I again announce my pair and withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I do not see him in his seat, and I withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the senior Senator from Maryland [Mr. RAYNER]; but under the arrangement which I have with him with reference to votes which require a two-thirds majority, I am at liberty to vote upon this question. I vote "nay."

Mr. WILLIAMS (when his name was called). I again announce my pair with the senior Senator from Pennsylvania [Mr. PENROSE].

The roll call was concluded.

Mr. CURTIS. I transfer my pair with the Senator from Arkansas [Mr. DAVIS] to the senior Senator from Washington [Mr. JONES] and vote "yea."

Mr. SIMMONS. I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I am advised that if present he would vote as I would on this motion, and therefore I will vote. I vote "yea."

Mr. STONE. I am paired with the Senator from Wyoming [Mr. CLARK] and withhold my vote.

Mr. REED. I announce my pair with the Senator from Michigan [Mr. SMITH], and I withhold my vote.

The result was announced—yeas 33, nays 13, as follows:

YEAS—33.

Ashurst	Curtis	Massey	Smith, Ariz.
Bacon	Dillingham	Myers	Swanson
Borah	Fletcher	Nelson	Thornton
Bourne	Gronna	Newlands	Tillman
Bradley	Johnson, Me.	O'Gorman	Townsend
Bryan	Kenyon	Page	Works
Chamberlain	McLean	Poindexter	
Cullom	Martin, Va.	Pomerene	
Cummins	Martine, N. J.	Simmons	

NAYS—13.

Brandegee	Gallinger	Root	Wetmore
Bristow	Johnston, Ala.	Smith, Ga.	
Burton	Lodge	Smoot	
Crawford	Oliver	Sutherland	

NOT VOTING—48.

Bailey	Davis	Kern	Reed
Bankhead	Dixon	La Follette	Richardson
Briggs	du Pont	Lea	Sanders
Brown	Fall	Lippitt	Shively
Burnham	Foster	McCumber	Smith, Md.
Catron	Gamble	Overman	Smith, Mich.
Chilton	Gardner	Owen	Smith, S. C.
Clapp	Gore	Paynter	Stephenson
Clark, Wyo.	Guggenheim	Penrose	Stone
Clarke, Ark.	Heyburn	Percy	Warren
Crane	Hitchcock	Perkins	Watson
Culberson	Jones	Rayner	Williams

Mr. BAILEY. There is not a quorum. The roll itself makes the point of no quorum. I make the further point that the motion has failed for the lack of a quorum, and that the Senate pass to the consideration of other business.

The PRESIDENT pro tempore. The same point was made by the Senator from North Carolina [Mr. OVERMAN] and was overruled by the Chair, but if the Chair is in error he would be very glad to have the error designated or pointed out in regard to that matter.

Mr. BAILEY. I understand, of course, that——

The PRESIDENT pro tempore. The Chair will state, with the permission of the Senator, that the ruling was made simply as a matter of general impression, not in recollection of any specific precedent or rule to that effect. If the Chair is in error, he would be very glad to be corrected.

Mr. BAILEY. I have little hope, of course, of convincing the Chair that the ruling is erroneous, but I am perfectly satisfied myself that when the motion failed for want of a quorum the only thing the Senate can then do is either to adjourn or to take steps to enforce the attendance of absent Members.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Kansas?

Mr. BAILEY. I do.

Mr. BRISTOW. Since we have nothing to do, I move that the Senate do now adjourn.

Mr. BAILEY. We have much to do, and we are willing to do it. I do not yield for that motion.

The PRESIDENT pro tempore. The Senator from Texas has the floor.

Mr. LIPPITT. Is not a motion to adjourn in order at any time?

The PRESIDENT pro tempore. The Senator from Texas has the floor. The Senator from Kansas did not have the floor to make the motion.

Mr. BAILEY. I yielded to the Senator from Kansas because I thought he intended to interrogate me.

Mr. BRISTOW. I did not desire to take the Senator off his feet, but I simply wanted to emphasize the situation we are in. If we are unable to do business, we are able to adjourn; and if we are not able to do business, I think we ought to adjourn.

Mr. BAILEY. I am ready to adjourn without day.

Mr. PAGE. Will the Senator from Texas yield to me for a moment?

Mr. BAILEY. I will.

Mr. PAGE. In view of the existing situation, I think I have developed about all I care to do at this time, and, with the consent of the Senate, I will withdraw my motion.

The PRESIDENT pro tempore. The Senator from Vermont asks the leave of the Senate to withraw his motion. Is there objection? The Chair hears none, and it is so ordered.

Mr. GALLINGER. I ask for the regular order.

The PRESIDENT pro tempore. The Chair will direct the Secretary to again call the roll to ascertain the presence of a quorum.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Massey	Simmons
Bacon	Dillingham	Myers	Smith, Ariz.
Bailey	Fall	Nelson	Smith, Ga.
Borah	Fletcher	Newlands	Smoot
Bourne	Gallinger	O'Gorman	Sutherland
Bradley	Gronna	Oliver	Swanson
Brandegee	Johnson, Me.	Overman	Thornton
Bristow	Johnston, Ala.	Page	Tillman
Bryan	Kenyon	Perkins	Townsend
Burton	Lippitt	Poindexter	Wetmore
Chamberlain	Lodge	Pomerene	Williams
Clapp	McCumber	Reed	Works
Crawford	McLean	Root	
Cullom	Martin, Va.	Sanders	
Cummins	Martine, N. J.	Shively	

The PRESIDENT pro tempore. On the call of the roll of the Senate 57 Senators have responded to their names. A quorum of the Senate is present.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. SMOOT. I ask unanimous consent that the Senator from New Hampshire [Mr. GALLINGER] be the President of the Senate pro tempore from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

The PRESIDENT pro tempore. The Senate has heard the motion of the Senator from Utah. Without objection, it will be so ordered.

Mr. GRONNA. We can not hear in this part of the Chamber.

The PRESIDENT pro tempore. The Senator from North Dakota not having heard the motion, the Secretary will state it from the desk.

The SECRETARY. The Senator from Utah [Mr. SMOOT] asks unanimous consent that JACOB H. GALLINGER, a Senator from the State of New Hampshire, be President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT submitted the following resolution (S. Res. 376), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

Mr. SMOOT submitted the following resolution (S. Res. 377), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

COOSA RIVER DAM, ALABAMA.

Mr. BANKHEAD. I ask unanimous consent for the present consideration of the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

Mr. SUTHERLAND. I dislike to object to the consideration of that bill, but I intend to object to the consideration of any bill until we have taken up and disposed of the Post Office appropriation bill. I therefore object to the consideration of the bill.

The PRESIDENT pro tempore. The Senator from Utah objects.

Mr. BANKHEAD. Then I move that the Senate proceed to the consideration of the bill, notwithstanding the objection.

The PRESIDENT pro tempore. The Senator from Alabama moves that the Senate proceed to the consideration of the bill, notwithstanding the objection. [Putting the question.] The "noes" appear to have it.

Mr. BANKHEAD. I now ask unanimous consent for the consideration of the bill immediately after the disposition of the bill to which the Senator from Utah [Mr. SUTHERLAND] refers as the reason for objecting to the consideration of this bill.

The PRESIDENT pro tempore. The Senator from Alabama asks unanimous consent that the Senate agree, after the Post Office appropriation bill has been acted upon by the Senate, to proceed to the consideration of the bill to which he refers. Is there objection? The Chair hears none, and it is so ordered.

DEPARTMENT OF LABOR.

Mr. BORAH. I gave notice a few days ago that I would move this morning to take up the bill (H. R. 22913) to create a department of labor, but it is rather apparent to my mind that, considering the conditions in which we find the Senate this morning, it would perhaps be a waste of time to undertake to get that bill up by motion, especially in view of the desire of the Senator from Oregon [Mr. BOURNE] to proceed with the consideration of the Post Office appropriation bill. I therefore desire to prefer a request for unanimous consent that upon next Tuesday, after the routine morning business, the Senate take up the bill to which I have referred, and that we vote upon the bill and the amendments thereto before the close of that calendar day, not, however, to interfere with appropriation bills.

Mr. SMOOT. Or conference reports. Will the Senator accept that suggestion?

Mr. BORAH. Not to interfere with conference reports or appropriation bills.

Mr. GALLINGER. I must object to that, Mr. President.

The PRESIDENT pro tempore. The Senator from New Hampshire objects.

Mr. BORAH. Well, Mr. President, I will ask, Is the Senator from New Hampshire objecting on account of the particular day I have asked to be fixed for the consideration of the bill?

Mr. GALLINGER. Mr. President, I suppose there are 50 and perhaps 100 bills on the calendar as to which Senators would be glad to have special orders made for their consideration. I do not know why we should select this particular bill. It is going to lead to considerable debate, at least it will lead to some debate, and I think the Senator from Idaho had better let it remain a little while on the calendar. It has been there only a few days, and perhaps after a few days more consent for its consideration might be given; but I think this morning that consent ought not to be given. So I object, on the ground that, as I have stated, I think the bill ought to remain on the calendar

a little while longer so that we may look into it and give it more consideration than I at least have been able to give up to the present time. There are half a dozen interests in this country demanding departments. The medical profession want a department; the transportation people want a department; and I apprehend that, while we have a Bureau of Mines now, they will want a department after a little while. It is a very serious question whether we want to enlarge the departments of the Government any further at the present time. I certainly want to look into the matter.

Mr. BORAH. Very well, Mr. President, I realize that it is an important question and may lead to some little discussion, but the fact that the people want a department is not conclusive evidence that they should not have it.

Mr. GALLINGER. That is what the physicians say, that there is no reason why they should not have a department.

Mr. BORAH. The Senator from New Hampshire ought to know the weaknesses of the physicians; I do not.

Mr. GALLINGER. I do not know that there is any weakness about it. I simply question the propriety of it at the present time; that is all. Hence I oppose it.

Mr. BORAH. Mr. President, I am not going to urge the matter this morning, partly on account of the suggestion of the Senator from New Hampshire, as I presume that he will come around in time to support the proposition, as he always does good measures, but principally for the reason that I think it but fair that the Post Office appropriation bill should be gotten out of the way. I do, however, want to suggest that I shall feel constrained to urge the bill at the very earliest opportunity, especially in view of the fact that two of the great political parties have indorsed it, and that it is important that we begin to carry out our platforms if we can.

POLITICAL CAMPAIGN CONTRIBUTIONS.

Mr. DILLINGHAM. At the request of some Senators who are particularly interested in the passage of the bill, I want to give notice that on Monday morning next, following the completion of the routine morning business, I shall ask the Senate to take up and consider the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

TENURE OF PRESIDENTIAL OFFICE.

Mr. BAILEY. Mr. President, I had given notice that at the conclusion of the routine morning business to-day I would move that the Senate proceed to the consideration of the Senate joint resolution (No. 78) to amend the Constitution with respect to the tenure of the presidential office, but I think it is only fair to the Senator from Oregon [Mr. BOURNE] to get out of his way until we can dispose of the Post Office appropriation bill. I therefore give notice that immediately after the Senate has disposed of the unanimous-consent order granted at the request of the Senator from Alabama [Mr. BANKHEAD], I shall move that the Senate proceed to the consideration of that joint resolution, unless some other Senator will relieve me from that necessity. I prefer, of course, that the Senator who introduced the joint resolution or the Senator who reported it should make the motion.

Mr. GRONNA. Mr. President, I want to address myself to the Senator from Texas, if he will listen to me. I had hoped that the Senator from Texas would at least move to take up the joint resolution to which he has referred this morning and explain it to the Senate.

Mr. BAILEY. I shall not do that, for two reasons. In the first place, I think the Senate, in its present frame of mind, would vote the motion down, and I am not sure but that it would be asking too much of the Senate to ask it to delay the consideration of the Post Office appropriation bill any longer. I also refrain from doing it in the hope that the Senator who reported the joint resolution will make the motion, or that the Senator who introduced it will make it, and I feel sure that one or the other will do so.

Mr. GRONNA. I want to say, Mr. President, that I should be very glad to have an opportunity to vote upon the joint resolution; but it will be impossible for me to be here next week. For that reason I suggest that the resolution be called up now.

Mr. CUMMINS. Mr. President, I reported the joint resolution, and I intend to bring it before the Senate at the very first moment at which I think the Senate will be willing to consider it, in view of the other business which is before the Senate.

Mr. WORKS. Mr. President, as the author of the joint resolution has been referred to, I desire to say that I have been anxious to secure consideration for the joint resolution at the earliest possible day. I have deferred, however, as a matter of courtesy, to the Senator from Iowa, who reported it; but I am exceedingly anxious that the joint resolution shall be considered at an early day.

Mr. BAILEY. Mr. President, I recognize, of course, that all the proprieties require that the matter shall be left with the Senator who proposed the joint resolution or the Senator who reported it; I also recognize that either Senator is quite equal to the task of conducting its consideration through the Senate; but I am extremely anxious that it shall be brought, with as little delay as possible, before the Senate, because I am satisfied from conversations with Senators, who have volunteered their opinions, that if it can be brought to a vote, it will command the necessary two-thirds. I desire to see it pass the Senate at this session, so that it may pass the House at the next session and be submitted to the legislatures of the various States which will convene during the next wintertime. In that way it can not affect the election which will be held before the amendment can be made part of the Constitution, and yet it will be voted upon far in advance of the following election, and can not possibly be supposed to have relation to the candidacy of any particular individual.

POST-OFFICE APPROPRIATION BILL.

Mr. BOURNE. I move that the Senate resume the consideration of the Post Office appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The pending amendment will be stated.

The SECRETARY. On page 37, beginning in line 15, the committee amendment is proposed to strike out down to and including line 22, on page 39, and in lieu thereof to insert:

That a joint committee shall be appointed, composed of three members of the Senate Committee on Post Offices and Post Roads, and three members of the House Committee on the Post Office and Post Roads, to be designated by the respective chairmen thereof, to make an inquiry into the subject of Federal aid in the construction of highways, and report at the earliest practicable date, and said committee shall have power to employ such clerical and stenographic assistance as may be necessary and conduct hearings, and for the payment of the expenses of such inquiry there is hereby appropriated the sum of $5,000 to be paid upon vouchers signed by the chairman of said committee.

Mr. SIMMONS. Mr. President, I hope the amendment proposed by the Committee on Post Offices and Post Roads striking out the House provision for Government aid to postal roads and substituting for it a commission will not be adopted. It is said by the opponents of the House plan that the legislation proposed is crude, immature legislation. I do not think so; on the contrary, I think it fully meets the situation. I think it provides a just, equitable, and workable plan for contribution by the Government for the maintenance and upkeep of such roads as it is now using in the discharge of its constitutional duty every day of the week. The opponents of this measure—those interested in its defeat, those who think the Government should confine its assistance to good road building, to building great national highways connecting the great cities of the country—naturally look upon this simple plan as crude and objectionable, because it is not the way they want it done; but, to the people who have to keep up these roads which the Government has organized and established into postal roads and is using in carrying the mails, the plan proposed is an exceedingly direct, simple, and equitable one.

I do not mean to oppose the construction of national highways connecting important centers. These highways will serve an admirable purpose. But the benefits will be far more circumscribed and will bear but remote relation to the postal service.

The plan proposed in the House bill is a plan for the distribution of the governmental contribution, not among a few localities and sections but throughout the whole country wherever there is a postal road; the contribution is to be as broad as the postal service; it is intended to make that service more expeditious and efficient; it is intended to cheapen transportation from the farm to the railroad; it is intended to make the postal service a national service—one in which all the people are equally interested, the burdens to be borne by the people as a whole—without imposing special burdens and hardships upon detached portions of the system. In this connection the Government is asked to do nothing more than to contribute its part to keep up every section of road which it uses in discharging its constitutional duty to supply the people, and all the people, with adequate mail facilities—the people of the country as well as the people of the towns.

Again, Mr. President, the House provision fully meets the constitutional and institutional objections to Government aid to good roads with which its advocates have heretofore been confronted. No one will contend this scheme for Government aid is unconstitutional. No one can contend that it is unconstitutional for the Government to help repair a road it has helped to tear up in performing a duty imposed upon it by the Constitution. It meets the objection that the Government can not aid in the betterment and the improvement of the local highways of the country without trenching upon the reserved rights of the States—without interfering in matters of purely local concern.

These plausible objections have in the past been a real obstacle in the way of this legislation. At length a plan has been worked out which meets completely both of those objections—a plan which nobody can claim is unconstitutional, a plan which nobody can contend will interfere with the reserved rights of the States. But, Mr. President, now that we have reached the point that these threshold objections, so to speak, have been removed, we are confronted with another objection. It is an objection which has become quite common in recent years when it is sought to defeat popular legislation not by direct methods but by dilatory methods.

It is the suggestion so frequently made when all other grounds of opposition to what public sentiment demands have been headed off and silenced—that the Congress is not in possession of sufficient information to enable it to act intelligently and wisely in carrying out the well-known wishes of the people with respect to the matter, and that the only way Congress can get this necessary information is to appoint a commission to investigate the subject and, at its leisure, report and advise Congress as to its rights and its duties and how it ought to proceed in the exercise of its legislative functions with respect to the matter.

Mr. President, I say it has become quite common in this country, when the opposing interests discover that it would be unwise or impossible to defeat the will of the people with respect to proposed legislation by direct methods, to seek to accomplish its defeat by the interposition of an investigating commission.

Mr. BOURNE. If the Senator will permit me, I am sure he does not mean to have anyone infer that the Committee on Post Offices and Post Roads were actuated by the motive of trying to kill off this legislation.

Mr. SIMMONS. Not at all. The Senator should not understand me as impugning the motive or the purpose of the committee. I am simply speaking in general terms of the commission scheme as one that is too frequently invoked in recent years to defeat popular legislation. I am not speaking about the action of the committee in this regard, except in so far as in my opinion the adoption of the amendment it proposes will give encouragement to the dilatory practices I am in general terms deprecating. I know there are members of the committee who favor Government aid but do not indorse the House plan, and think there should be further investigation before action. I am now discussing the subject of investigating commissions in the abstract and not in the concrete.

Mr. President, some time ago, when the agricultural and labor interests of the country, comprising far more than one-half of the electorate of the country, were demanding legislation——

Mr. POMERENE. Mr. President——

Mr. SIMMONS. Just a moment—to restrict immigration and to prevent the annual influx to this country of 300,000 ignorant alien immigrants from the backward nations of Europe, who were being brought here for the purpose of displacing American labor in our railroads and factories, and lowering the scale of American living—when it was ascertained that the sentiment in favor of legislation to accomplish that purpose was so strong that it could not be defeated by direct methods, that legislation was antagonized, in the interests of the steamships and railroads who were largely responsible for this stimulated immigration, and defeated by the substitution for it of a commission to investigate and advise Congress how it should act in the premises. By these dilatory tactics this popular legislation has been delayed and postponed for three long years.

Mr. POMERENE. In connection with what the Senator was saying about the practice of delaying good legislation until after the matter can be investigated by a commission, did the Senator have reference to the information we have in the public prints on the subject of the veto of the wool bill and sundry other bills which provided for the relief of the people in connection with the tariff?

Mr. SIMMONS. I will come to that now. The Senator has anticipated me. I thank him for reminding me, lest I might have forgotten it.

The attention of the Senate has just been sharply attracted to the part the tariff investigating commission is playing in defeating and postponing the demands of the people for relief from onerous tariff burdens.

While the Republican Party was making tariff laws in the interest of the few—tariffs to maintain and increase the profits of the tariff-protected classes—we heard no suggestions that a commission was necessary in order to enable Congress to act. When the Republican Party decided to enter upon the policy of protecting the industries of the country they did not say that they could not frame a schedule which would accomplish that purpose without an investigation by a commission, and from year to year, as the Republican Party has gone on increasing these tariff bounties, no suggestion of that sort was made. As long as revision of the tariff was to be an upward revision, as long as the tariff was being revised to increase the profits of the protected classes, we heard no suggestion that a tariff commission was necessary in order to enable the Republican Party to bestow these special favors so as to intelligently accomplish its purpose.

On the contrary, when revising the tariff upward—it never has revised it in any other way—the Republican Party scouted the idea of a commission. The very suggestion of a tariff commission was odious to it. They would not entertain it for a minute. They heard it with impatience. Such a commission was denounced as a superfluity—as an impeachment of the competency of Congress and the party in control. When, after years of upward revision, they had made these tariff burdens so onerous that the people could not any longer endure them, when the command of the people that these burdens be lightened by a revision of the tariff downward in the interest of the consumers could be resisted no longer, instantly a new light dawned upon the Republican Party and they discovered that though they could revise the tariff upward in the interest of privilege without the aid of a commission it was impossible for them to act intelligently in revising it downward in the interest of the masses without the aid of a tariff commission.

Now, Mr. President, when the Democratic Party, through its majority in the House of Representatives, was intrusted by the people to initiate this downward revision because they had discovered they could not trust the Republican Party to do the job, and when it framed and passed through that body a series of measures, including the wool bill, to give to the people needed relief with respect to the subjects embraced in these bills, and, with the aid of a few Senators on the other side who sympathized with the people in their struggles for relief from the excessive tariff impositions of the Payne-Aldrich law, passed those measures through the Senate and sent them to the President, the Congress and the people are gravely informed by the Chief Executive of the Nation that upon the receipt of the wool bill he had consulted Prof. Emery and his associates on the Tariff Board, and they had applied their yardstick to the bill, and, forsooth, it did not quite measure up to the requirement of their report and that he could do nothing for the relief of the people, as sorry as he was for them.

And so, Mr. President, in this great work of relieving the people of the iniquitous duties of Schedule K, admitted by practically everybody to be unjust, admitted by the President to be excessive, we are unable to do anything because the President's bobtail commission tells him that the bill we passed does not conform to their measurement.

Mr. President, the people have duly considered this matter of Government assistance in keeping up the roads which the Government has officially organized into postal roads and is using to a greater extent, perhaps, than a majority of those who bear the burden of keeping them up use them, and have reached the conclusion that the Government ought to contribute toward their upkeep; and, now, when they come to Congress and ask for legislation to this end, are they to be told that Congress can not legislate about this simple matter—with a plan before it as simple as the A B C's—until we have a commission to junket the country, examine the farmer's roads and make a report, probably four-fifths of which would be a mere compilation of facts and data now in possession of the departments of the Government?

Mr. President, this practice of holding up legislation, legislation that the people are demanding, legislation known to have behind it an overwhelming crystallization of public sentiment, upon the plea that Congress is not competent to act without further information, and that information can be secured only through a commission, despite the mass of information upon almost every conceivable subject that the Government has accumulated, is assuming the proportions of a very great abuse, and, if we do not call a halt, the country will soon

recognize it as a confession of impotency on the part of Congress to act in matters of great concern to the people.

Mr. President, the opponents of the House scheme have told us about the great cost of constructing macadam roads. The Senator from New York and the Senator from Massachusetts have told us about the enormous cost of constructing the magnificent boulevards that run out from the great cities in those States and which the Government, I suppose, uses as postal roads. The Senator from Mississippi told us about the cost of constructing sand-clay roads in Mississippi, where they have not conveniently in juxtaposition, as we have in most other portions of the country, the necessary materials for use in the construction of that class of roads; and they compare these large sums with the small amount it is proposed that the Government contribute annually to roads of this character, and vehemently insist that the amount is too small to do any good—to be of any practical value.

The contention would be sound if this were a proposition for Government contribution to the construction of these roads, but it is not a proposition to aid in road construction at all. There is no proposition before the Senate that the Government shall aid in the construction of any roads. Not one cent can be paid under the House provisions for the building of any road. Before any community can receive a cent from the Government under this bill the road must have been already constructed.

The road must not only be built and in actual use for travel, but it must have been improved, at the expense of the community, to that standard of efficiency and excellence prescribed in the bill. It is not a proposition to assist in road construction; it is a proposition that the Government shall pay a small annual contribution, from $15 to $25 per mile, toward keeping in repair the roads used by it in carrying the rural-delivery and star-route mail, but the Government will not pay a cent for even that purpose until the community has brought the road up to the standard prescribed, and so maintained it for a year.

But it is insisted that, considered as a contribution for maintenance, the small amount proposed to be contributed by the Government will be of no real benefit. I do not pretend to know the cost of maintaining macadam and gravel roads, nor even sand clay roads. It may be that from $20 to $25 per mile per annum is too small an amount to be of great service—as these Senators contend—but I do not think so. I think it will be not only very helpful, but as a beginning it is a reasonable contribution by the Government. But Senators have lost sight of the fact that while there are 2,200,000 miles of highways in this country, there are only about 180,000 miles of those highways that have been improved by the addition of an artificial covering of any kind whatsoever. So the mileage of improved highways by the process of macadam, or gravel, or sand clay, compared with our total mileage of highways, is, relatively speaking, negligible.

Of this total highway mileage only about 1,180,000 is appropriated to the rural-delivery and star-route service. It is not true; but if for the sake of argument it be admitted that every mile of improved highway is now used as a postal route, there would be left of the roads now appropriated by the Government for these purposes 900,000 miles of unimproved roads. They are the ordinary dirt roads of the country, such as the farmers built when they felled the forests and cleared the land into fields for cultivation. In many sections they have not been greatly changed from the original road except, perhaps, as to drainage and as to grade.

If the Government had treated the agricultural interests the same way it has treated the railroad and the manufacturing industries of the country, we would not now have this condition. If it had showered upon the agricultural interests the bounties it has showered upon these other more favored interests, our public highways would compare to-day as favorably, probably, with the highways of the advanced nations of the world as do our manufacturing and our railroad systems. Partly, if not largely, as a result of this discriminatory treatment we find this condition, that while our manufacturing is as advanced as that of any nation in the world, while our railroad system is equal to that of any nation in the world, in the matter of our country highways, which go to the very foundation of the prosperity of agriculture, we are behind any nation, claiming to be a progressive nation, in all the world.

Speaking approximately, only about 10 per cent of our postal roads are improved by costly surface covering; the other 90 per cent is ordinary dirt road.

Now, when we go to determine whether the Government contribution proposed in the bill is large enough to be really helpful are we going to measure the sufficiency of the contribution by the requirements of the 10 per cent of the roads, or are we going to measure it by the requirements of the 90 per cent of the roads, appropriated by the Government to this use? I prefer to determine this question by the requirements of the 900,000 miles, rather than by the requirements of the 180,000 miles.

If Senators think a contribution of $15 per mile per annum for the maintenance of the ordinary dirt highways of the country will not be substantially helpful in keeping these roads in repair, if they think the farmers are not in favor of this legislation, when they go home and make their campaigns in the rural districts they will have a sad awakening. They will find that while the farmer does not consider the contribution adequate, he will be willing to accept it as a beginning. If any Senator here thinks the farmers are not demanding this legislation; that they do not feel that the Government is under legal and moral obligation to aid in the maintenance of these roads; that they are not closely and anxiously watching the attitude of their representatives at Washington upon this question, when he confronts them in the coming campaign he will learn differently.

I do not believe there is any legislation pending in Congress to-day or which has been before Congress in recent years in which the agricultural classes are more interested than this measure. The farmers have an intelligent conception of what their interest demands and what the Government can and should do to promote those interests—they know their power, and they are manifesting a purpose to exert their influence to enforce their rights.

I believe the House provision embodies a plan which will meet with general approval among those who are directly interested, those who live along the line of these postal roads and who have to bear the expense of their maintenance. I believe they will regard this plan as the most feasible and the most equitable, both as concerns the Government and those upon whom the burden of supporting these roads falls.

I do not believe Senators appreciate what an incentive to good-roads work this contribution of $15 per mile per annum to the dirt roads of the country will be. I live largely among the farmers of my State. I am acquainted with rural life. If the Government should decide to make this contribution, I confidently believe that there will be a general movement throughout the country to bring these dirt roads up to the standard of efficiency prescribed in the bill as a condition precedent to the contribution of the money, and the result will be an era of good-roads construction such as has never been seen in this country before. These roads will be speedily ditched on both sides, brought to a crown, and dragged, as the bill requires. When that is done, without any artificial surface covering, the result will be a good road in many sections of the country throughout the whole year, and the benefits which will follow this improvement will suggest the idea of further improvement, eventuating in roads of the highest degree of excellence.

I believe—indeed, I have an abiding confidence—that, small as is the amount to be contributed by the Government, the movement which it will inaugurate, the impetus which it will give to the movement for better roads, will in a relatively short period work a transformation in the present deplorable condition of these rural highways which even the most optimistic would not now regard as possible.

Mr. President, I repeat, let no Senator deceive himself with the idea that this small contribution will not be helpful in maintaining these roads or that the farmer does not believe he is entitled to this aid for this purpose, or that he will look complacently upon the defeat of this provision, which passed the House by such a tremendous majority, and with respect to which he is thoroughly advised.

Mr. GALLINGER. Mr. President, I have been listening to the Senator with a great deal of interest. I have an impression that the farmers of North Carolina will take care of the Senator. They ought to do so.

Mr. SIMMONS. I am much obliged to the Senator for expressing that opinion. I am on very good terms with the farmers of my State, I am glad to assure the Senator, and I think he will do well to keep on pretty good terms with the farmers of his State. They are a very important element of our population.

Mr. GALLINGER. I understand that. The Senator says that the Government is under obligation to make a contribution to the upkeep of the dirt roads of the country because the Government sends a vehicle of some kind over those roads once a day.

What is the proportion of use of any one individual to the entire population which travels over the road?

Mr. SIMMONS. The use is more than that of an average man along the road and many, many times more than most of the people along the road.

Mr. GALLINGER. What proportion does the Senator think the use of that road once a day is to the entire use of the road by any community the Senator can think of?

Mr. SIMMONS. I would not measure that in golden scales. The people along the line of the road have to keep it up. Some are landowners and use it a good deal. Some are tenant farmers and use it very little. Some are farm laborers and do not use it at all. Yet they all have to do the same amount of work to keep it up.

Mr. GALLINGER. I understand that, but if the Senator——

Mr. SIMMONS. If the Senator will let me finish, I said I would not measure the relative use of these roads in golden scales, and, if the Senator will let me proceed, he will see that I do not base my claim for this aid upon the part of the Government solely upon the use by the Government of the road. That, I think, gives the constitutional power. That provides the authority for the Government contribution. I base my contention in part upon the ulterior public objects which are to be accomplished through the constitutional exercise of this power. I shall attempt to show that the benefits to the Government that will result will justify the contribution if it be more than its proportionate share measured by its actual use of the road.

Mr. GALLINGER. I will not interrupt the Senator if he is going to elaborate the question.

Mr. SIMMONS. I am going to elaborate it.

Mr. GALLINGER. But my attention was attracted to the statement of the Senator that the Government would use these roads once a day, and hence the Government was under obligations to make a contribution toward their upkeep. The query in my mind was, if the Government must contribute $15 a mile to these dirt roads in communities where very little attention has been given to roads, what proportion ought the citizens of the county or State or municipality contribute?

Mr. SIMMONS. I will say to the Senator if they are kept up to the standard provided in this bill a great deal of attention would have to be paid to them by the communities.

Mr. GALLINGER. They will be pretty poor roads.

Mr. SIMMONS. I am going to try to show that this is a much broader proposition than that involved in the Senator's suggestion.

Mr. GALLINGER. I wish the Senator in that matter would broaden the roads. I see they are to be but 9 feet wide, hardly wide enough for two wheelbarrows.

Mr. SIMMONS. The people throughout the country have been getting along with these roads and the Government has been geting along with them in carrying the mails. The Senator misunderstands the 9-foot provision in the bill. These roads are generally 18 feet wide. The bill does not require that the entire roadbed shall be kept up to the standard prescribed, but that 9 feet of the bed shall be maintained at that standard. This is in accordance with the common practice to confine the improvement to a part of the roadbed only.

Mr. SMITH of Georgia. I would like to ask the Senator from North Carolina if he would not support an amendment placing class C roads at not less than 14 feet wide?

Mr. SIMMONS. I would have to give that proposition some consideration. The roadbed should be more than 9 feet, but it is not necessary that the whole bed should at all times be maintained to the point of excellence prescribed.

Mr. BRYAN. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Carolina yield to the Senator from Florida?

Mr. SIMMONS. Yes; I will if the Senator insists on it, but I would a great deal rather go on with my argument consecutively.

Mr. BRYAN. I only wanted to ask the Senator one question, and then I will not interrupt him further. Does the Senator think that the proportion of contribution by the Government for the maintenance of class C roads bears a just relation to the amount that is to be contributed to class A? Does it not cost more to maintain a road of the highest class than it does to maintain a dirt road?

Mr. SIMMONS. Mr. President, I have just gone over that. The Senator must not have heard the first part of my argument. I do not wish to go into it again. I am not pretending that the details of this bill are absolutely perfect. I am not much concerned about the details of the measure. What I am concerned about is the principle. I want the principle adopted and applied. We can work out the details afterwards. I am opposed to defeating legislation, valuable legislation, necessary legislation, popular legislation, because some little detail connected with it is not perfectly worked out.

Now, to get back to the line of my argument—I said that the Government was under a moral obligation to contribute to the support, the upkeep of the roads it is using every day. I said it was a legal obligation on the part of the Government to do it as well as a moral obligation.

The opponents of this measure claim the alleged legal obligation of the Government growing out of its use of these roads for postal purposes as a ground for national action is but a flimsy pretext to override the Constitution and to invade the Federal Treasury.

Mr. President, I think I shall be able to show that it is not a pretext at all, but a substantial ground for the exercise of a constitutional power.

When gentlemen on the other side of the Chamber attack legislation which seeks to accomplish a high public purpose as an incident of the exercise of a constitutional power upon the ground that the direct purpose for which there is constitutional power is inconsiderable as compared with the ulterior purpose for which there is no power to legislate, I wish to warn them that if they will investigate the legislation of the Republican Party since the war they will find it full of pretexts for the exercise of constitutional power that are indeed flimsy.

Some time after the war, when we organized our great system of national banks, and those banks wanted to get rid of the State banks of issue that had grown up throughout the country, these national banks came to the Republican Party and asked it to assist them in accomplishing their purpose.

Admittedly, there was no constitutional authority to legislate State banks of issue out of existence. No lawyer could have been found who would have said that there was any such power as that in Congress. But Congress did have power to tax the notes issued by those banks to raise revenue to support the Government.

It had no power to impose that tax, Mr. President, except for the purpose of raising revenue. There was not a man in this country who believed that the imposition of a tax of 10 per cent on these notes would result in raising a single dollar of revenue, though it would suppress the further issue of these State bank notes, and yet that party resorted to that pretext, so flimsy as hardly to be worthy of the name of even an attenuated phrase of that sort, for the purpose of accomplishing the overthrow of State banks of issue.

Again, Mr. President, when it was desired to encourage the dairy business by destroying competition between dairy-made butter and oleomargarine, in order to effect that purpose, which the Government had no right to accomplish by direct legislation, it was accomplished by the pretext of levying a tax for raising revenue, which everybody knew would yield no revenue to the Government.

The whole Republican system of protection is based in large part upon a mere pretext, so far as the constitutional power to levy duties for that purpose goes. I grant that many of the duties levied by the Republican Party under that system result in raising revenue and are intended to raise some revenue, but, Mr. President, what about duties on imports sometimes ranging from 100 to 200 per cent, as in the case of duties imposed on 27 articles of woolens? These high duties prohibit the importation of those articles into this country, and will not result in bringing a dollar to the Treasury, and were not intended to raise a dollar of revenue; and they were purposely made unreasonably high for the purpose of preventing the legislation from accomplishing the only purpose for which there is constitutional power to impose them.

Mr. President, the contention that there is a duty on the part of the Government to contribute to the maintenance of these roads because of the use it makes of them is not a flimsy pretext nor a pretext at all. There is an actual foundation for this demand for contribution growing out of the use of these roads. But Senators intimate, if indeed they do not assert, that the farmers have no right to ask the Government to help keep up these roads that it is helping to tear up with its mail wagons and automobiles, and which it will tear up still more when we inaugurate the rural and the general parcel-post system, by which the Government will become a much greater patron and user of these roads. They say that the farmers ought to accept the service of the Government in supplying them with daily mails as a sufficient consideration for the use of their roads.

Mr. President, let me ask, when did it become the duty of the farmers of this country to furnish the Government the agencies and the medium for its discharge of its constitutional duties? The Constitution confers upon Congress the power to establish post offices and post roads. The power to establish post roads is coequal with the power to establish the post office. This clause of the Constitution not only confers upon Congress power coequal with respect to both, but it confers upon Congress a duty coequal with respect to both. Will anybody here contend that when our cities and our villages and our towns want a post-office building to enable the Government to

discharge its functions with reference to the mails the Government has the right to say to Washington, to say to New York, to say to the smallest hamlet in this country, "If you want a post office established in your community you must provide the post-office building in which the business is to be transacted." If the Government does not have the right to say that and does not say that to the towns and cities in respect to the post-office buildings, why should it say to the farmer, "If you want your rural mails, if you want your star-route mails, if you want any mails at all you must furnish the Government the roads for the transportation and distribution of the mails and keep them in repair."

The cases are absolutely analogous, Mr. President.

The farmer does not say to the Government, "Perform your duty and build your own postal roads." He has not said to the Government, "Build your own roads," but they say to the Government, "If you use our roads in the discharge of this public duty you should help to keep them in condition to economically expedite these mails." He says to the Government, "What you are doing for us in this respect is not done as a matter of favor or grace to us, but in the performance of a duty imposed upon you by the Constitution—a duty which you can not escape—a duty you perform not exclusively for the benefit of the several communities served, but for the benefit of the whole country—for the whole country is interested in every unit of the system—and the whole people should bear the burden, and no community should be shouldered with special or exceptional burdens with respect to it."

The Government is using the railroads to-day to carry the mails, but it is paying a mighty high price for that use. Oh, but, you say, that is simply to pay for the transportation, the operating expenses in connection with the carrying of the mails. No, Mr. President, the price which the Government pays the railroads for carrying the mails is based upon a percentage of profit, not only upon the operating expenses of the road, but upon the original cost of construction and the annual cost of maintenance. The Government is paying the railroads in connection with the transmission of the mails the same per cent of profit which they charge the shipper of freight, a per cent of profit upon the original cost of constructing and maintaining their roadbed. When the farmer comes to Congress and says, "I do not demand anything from the Government as interest upon the original cost of constructing these roads, as it pays in the case of a railroad; all I demand is that the Government should make a reasonable contribution to the annual upkeep of these roads," he is told that this is a flimsy pretext to violate the Constitution and to invade the Public Treasury; that there is no such obligation on the part of the Government and there is no consideration for what he asks.

Mr. President, is not this sort of an answer tantamount to a declaration to the farmers that Congress proposes to treat them differently from the way it has from time immemorial been treating and is now treating the railroads? When the Government refuses to discharge, in such measure as its sense of justice might dictate, this obligation growing out of its use of postal roads, it in effect confiscates the property of the farmer for a public purpose without just compensation; and I contend that this Government has no more right to appropriate the dirt roads of the farmer to a public purpose without just compensation than it has to appropriate the property of the railroads for the same purpose without just compensation. To my mind it involves a horrible injustice—a horrible discrimination.

But, Mr. President, this is not the end of this matter. There are, I believe, about 900,000 miles of these unimproved dirt roads now used as postal roads. What is the expense of carrying our rural mail over these roads in their present miserable condition? A mere calculation will show that the expense is 12 cents a mile. Put these roads in the condition that is required in this bill and they will be reasonably good roads for ordinary travel. There may be a month or two in the winter when they will not be so good, but during the greater part of the season—put to a grade, as this bill requires, put to crown, drained with lateral ditches and dragged—they will be good roads for ordinary travel. If it now costs the Government 12 cents a mile to carry the mails over these roads in their present condition, when improved to the standard of efficiency which will entitle the community to this contribution, the cost would be reduced to not over 8 or 9 cents a mile; in other words, if you raise these 900,000 miles of dirt roads up to the standard of excellence prescribed in this bill, it will reduce the cost of carrying our rural mails about one-third.

What will be the effect of that reduction? How much money is appropriated in this bill for rural mail, I will ask the chairman of the Committee on Post Offices and Post Roads? It is $42,000,000, is it not?

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Carolina yield to the Senator from Oregon?

Mr. SIMMONS. Certainly.

Mr. BOURNE. As I remember, the appropriation is about $47,000,000.

Mr. SIMMONS. So, Mr. President, if by improving these roads to the extent required in this bill, as a condition precedent to receiving the $16,000,000 proposed as the Government contribution, the Government would save one-third of the present cost of the rural service by reducing the cost of its transmission, it would save in the beginning about the amount it pays out in giving the people quicker mail service and better roads. So we would, I say, save very nearly as much in the transmission of the mails as we would pay toward the improvement of the roads. We could, therefore, with one-third less money maintain our present rural service; or with the same amount of money now required we could increase our rural-mail mileage about one-third; and hundreds of thousands of farmers who are to-day denied the benefits of this system—because of this expense—would be given its benefits, and the loneliness and isolation of country life to that extent be relieved and the hardships of country life to that extent be ameliorated.

But, Mr. President, there is still another high public interest which will be advanced and promoted by this legislation. Confessedly, on account of the condition of our dirt roads, the cost of transportation from the farms to the railroad station is thirty times as much per unit as the cost of transportation from the railroad station to the point of ultimate distribution and consumption. It is estimated by the Department of Agriculture that upon that part of their crops which the farmers do not consume, but which they market, they would save, if the roads were put in reasonable condition as the result of reduced cost of transportation from the farm to the railroad station, $300,000,000 a year. Is not that correct, I ask the Senator from Virginia? I think that is the estimate.

Mr. SWANSON. That is the estimate made by the department.

Mr. SIMMONS. The estimate made by the department is that the farmers and consumers of farm products of the country would save, if these roads were put in good condition, $300,000,000 a year on account of the reduced cost of transportation and distribution.

Mr. President, I say the farmers and consumers of farm products would annually save this enormous sum of money, because it is apparent that the consumers of the farm products, as well as the farmer, would share in the benefits of that saving in the cost of transportation from the farm to the railroad station.

What have we done here, Mr. President, during the last two or three years with reference to railroad rates? We have been legislating in season and out of season, with a view of regulating the rates of railroads, the cost of transportation over our railroads. With what purpose? For the purpose of reducing to that extent the cost of distribution in the interest of the ultimate consumer, and for the purpose of reducing the cost of living and the burden on industry. If we can get a small fraction of a dollar per ton off the cost of railroad transportation, to that extent we reduce the cost of living. When the incidental result of legislation will likely eventuate in a saving in freight rates on the necessaries of life to the extent of $300,000,000 per year, which will inure in part to the benefit of the consumers of farm products as well as to the profits of the producers of these products, and work an enormous reduction in the cost of living, I ask is it not a matter of vital public interest which should receive at least persuasive consideration in connection with this scheme of Government aid to rural postal roads?

Mr. President, I started out to take 30 minutes, but I find I have been talking over an hour. There are other phases of this matter I should like to discuss. But because of the parliamentary situation with reference to time, as I can stop here as well as anywhere, in order to save time, and because I am very tired, I will not prolong my remarks further than to express the hope that the motion to strike out the House provision will not prevail.

During the delivery of Mr. SIMMONS's speech,

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. SIMMONS. I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from North Carolina asks that the unfinished business be temporarily laid aside. Without objection, it will be so ordered.

Mr. BOURNE. I ask that the Senate continue the consideration of the Post Office appropriation bill.

Mr. GALLINGER. The bill is up now.

The PRESIDENT pro tempore. Without objection, it is so ordered.

After the conclusion of Mr. SIMMONS's speech,

Mr. MYERS. Mr. President, I want to voice, in a few words, my hearty approval of this road provision. I favor Federal aid to good roads. There seems to be no doubt in the mind of anyone that it is a constitutional field of operation for the Federal Government, and there seems to be no doubt about the constitutionality of this particular provision. I have long favored Federal aid to good roads, and it has been my purpose ever since I have been here to vote, at the first opportunity, for some measure that would afford Federal aid to good roads; and here we have such a provision in a bill which has passed the House and is before the Senate for adoption. This is the first opportunity I have had during my service in this body to vote for a measure granting Federal aid to good roads. I have learned during my service here that if you favor remedial measures for the relief of the people and can not get all you want, it is a good rule to take what you can get. You had better have half a loaf than no loaf at all, and you had better have a few crumbs of relief than to have no relief at all.

I hear Senators upon this floor say that this is not the measure we ought to have; that it is not sufficient; that it is not proper relief; that it does not go far enough and that it does not amount to anything; but I will take the chance of giving some relief to the people, along remedial lines, when I get that chance rather than wait in the vague and indefinite hope of getting something better, when it appears to me that the prospect of getting something better is very uncertain.

It is said that 62 bills have been introduced in this Congress for the purpose of providing Federal aid to good roads. I myself introduced such a bill in the Senate. The ideas therein were formulated by and a draft of it was presented to me by an association which is organized for the furtherance of road work, and, upon looking into it and finding that it met with my approval, I introduced it, but I have never heard of it since. I do not charge the committee to which it was referred with responsibility for nonaction upon it, because I have not had time, in connection with my other duties here, to formulate the facts and data and procure the information necessary, out of respect to that committee, in order to appear before it and make an argument in favor of the bill, much less to make such an argument before the Senate.

I find that duties here in the closing weeks of the session are so multitudinous and pressing that it is impossible to give attention to everything to which a Senator would like to give attention, and therefore the bill that I introduced is still in the committee, through my inability, I am frank to state, to find time to give it proper attention. I hope to do so later, during the lifetime of this Congress; but here we have a provision which has passed the House of Representatives and is now before this body for action. So I am willing, for the time being, to waive urging the adoption of my road measure and to take that which I have now some prospect of obtaining.

I have learned that one measure put upon its final passage before a legislative body is worth forty measures in committee, and I am going to support the measure which is now before the Senate. I am willing to take this proposition just as it comes to me, to analyze it, and to ask myself the question, Is this in line with the relief that the people are demanding and wanting? Is this in line with benefit to the rural communities of the country? Does this go some distance in the direction that I should like to see the Federal Government go? I am willing to take it upon its merits, and to act upon it, without waiting in the vain and vague hope that some other time some other one of the various 62 road measures now before Congress might possibly bestow greater relief upon the people, if we could ever get to it. If this measure is adopted, I know it will afford some relief to the rural communities of this country, but none of the other road measures pending before Congress will ever afford any relief if we never get to them and never get a chance to vote on them. Therefore I am for the aid which is in sight and not for the aid which is not in sight and may never come in sight. So, Mr. President, I give my hearty support to this measure.

I understand, too—and it affords me a great deal of pleasure to say this in connection with the measure, as an additional reason why I feel an interest in it—I understand the ideas of the good-roads provision in the bill before the Senate originate in and emanate from the grand old State of Missouri, the imperial State of the Union, a State of beautiful scenery, with stately mountains, sparkling streams, blue skies, lovely landscapes, fertile fields, noble rivers, grand forests, and an untold sublimity of natural grandeur; a land fair to behold. It is also the land of happy homes, a brave people—there are none better—and of peerless statesmen.

Mr. NEWLANDS. Has not the Senator left out the "magnificent chasms" which have heretofore been referred to as existing in that State? [Laughter.]

Mr. MYERS. Mr. President, I think they have been sufficiently exploited before the Senate without making any further reference to them, but if there are any there they are noble ones. Missouri is a State of grand and noble people, in the forefront of progress and development of every kind, material and intellectual, a State in the van of the movement for good roads, good education, and every other movement for the betterment and elevation of mankind; the State of my nativity, of which I am and ever shall be proud. I am proud to say I have there many friends whom I highly esteem. I am ever ready to give credit to Missouri. But while this road provision originated with the House representation of Missouri, its benefits will not be confined to that State, but it will spread its manifold blessings over every section of the country, and its beneficent effects will be felt in every rural section that has long been overlooked by the National Legislature in legislating for the needs of the people.

In giving this matter some thought and in paying attention, as I have with pleasure, to the arguments for and against it, I have heard it said that this provision is inefficient; that it would be merely a waste of money; that it would amount to nothing; that it is inconsequential; that it does not go far enough. I utterly fail to see the logic of that reasoning. It does not appeal to me; it is not in accord with my experience and observation.

It is said that $15, $20, or $25 a mile is not sufficient; that it will be money merely wasted; that it will be dribbling away the people's money without any resultant benefit. Mr. President, that is palpably poor argument, according to my view. Take a country road. If there should be one mud hole in that road, and if the road supervisor should hire one man to fill up that mud hole and should pay that one man $1 for his work, is that $1 wasted? The money is not wasted; it is of benefit to the road and of benefit to the people who have to travel the road. It is one dollar's worth of benefit. It is worth $1 to the people who travel that road. Of course it is not worth a thousand dollars, but a thousand dollars has not been expended. It is worth every cent that has been expended on the road, if the work was needed and be judiciously done.

Out in my portion of the country I believe they pay a man with a team and a plow or a scraper about $5 per day for work on the roads. Take a given mile of road and let it need repairs and let the road supervisor put one able-bodied man, with a team and a scraper or a plow, on that road, let him do one day's work on that mile of road and pay him $5 for it, by what sort of reasoning, if the work was needed, if the work was properly done, and if the road was improved, can it be contended that the money was wasted? Of course, it may seem a small matter and may appear wasted to people who are in touch with high finance and in the habit of handling millions of dollars, but the judicious expenditure of $5 goes a long way on the roads of rural communities. If $5 worth of work be needed and $5 be thereat spent, you can see an improvement as a result thereof in a mile of country road, and you can feel the improvement, too, when you ride over that road. Let not the people of big things despise little things. Many are the little things that count much for humanity.

Mr. BOURNE. Mr. President, I ask the Senator whether he contends that the expenditure of $5 upon a mile of road in the State of Montana would put that road in perfect condition and maintain it for a year?

Mr. MYERS. No; but it would make the road better than it was before.

Mr. BOURNE. But has the Senator any idea as to what the cost would be per year for the construction and maintenance of the roads in his State?

Mr. MYERS. No, I can not give an accurate estimate; but I may say that to put the average road in Montana in good condition and to keep it in good condition per mile, by the year, would be considerably more than $5, and would be considerably more than $15; but $15 would certainly be a help that the people would appreciate.

Mr. BOURNE. It would be a help just so long as the improvement continued and the road did not wear so that further repairs had to be made, would it not?

Mr. MYERS. Yes.

Mr. BOURNE. Well, how would your road be maintained to come within the classification provided under the House provision which the Senator supports?

Mr. MYERS. By the road districts.

Mr. BOURNE. It would have to be, according to the Senator's contention, in order for the locality to participate in the contribution made by the Government.

Mr. MYERS. Yes; that is my understanding of the bill, and I think, Mr. President, that is one of the greatest arguments in favor of this bill; it is an incentive to good roads; it is an incentive to the people of a district to put their roads in such condition as to receive this aid of $15, $20, or $25 per mile from the Government.

There has been in Montana, as well as all over the country, of late years a very manifest increase of interest in good roads. It is one of the encouraging signs of the times; it is one of the movements for the benefit and uplift of mankind; it is in accord with the progressive ideas and tendencies of this age. This movement is country wide; it is not confined to Montana or to Missouri or to any other State, but it is found all over the country; and while this tendency is most commendable and while its beneficial effects have already been seen I do believe that this provision, this small degree of help afforded to the people, would be an incentive to them and would stimulate that idea of better roads, better homes, better markets, and better modes of life. It would certainly not rebuff or drag it down; it would be a stimulus along the right line and in the right direction, and I think you would see, if this measure were enacted, a very great and quick increase of interest, great as it is already, in the people of the various rural communities of the United States in putting their roads in good condition.

I can see a very great difference in the sentiment of the people of Montana to-day toward roads from what it was 10 or even 5 years ago. Ten years ago the average rural road in my section of Montana was a matter of despair to a man who had to travel over it in a spell of bad weather. The roads were little more than avenues carved out of the country over which you were permitted to travel without artificial obstruction. The obstruction was in the roads themselves. Ten years ago the average country road of Montana received little attention beyond a little plowing and scraping of an indifferent sort. Generally the road supervisor would go out in the fall and plow up the roads so as to be sure to make them muddy and almost impassable for the coming winter.

But to-day the roads are very different. Montana, as a rule, now has excellent roads. To-day in my county there are many miles of rural roads that would immediately, I believe, without any further preparation or work, receive the benefits arising out of this measure—which would immediately be in condition to receive the allowance of fifteen, twenty, or twenty-five dollars per mile.

I know of stretches of road in my county for miles and miles which, I believe, would come up to every requirement of the third class of roads mentioned in this measure, and there is no inconsiderable number of miles of road therein which would come up to the second class; and, with the encouragement offered by this measure, it is not improbable that in some parts of Montana the roads would very speedily, for a considerable number of miles, be made to come under the first class.

I believe that the benefits growing out of the bill that would immediately accrue to some portions of our roads would be a great encouragement to the people of other road districts to put their roads in like condition, so as to get the benefits of this measure. I can not see the force of the reasoning which says the amount allowed is not sufficient to make the roads good entirely without any effort or aid from the people, and therefore it should not be granted to them. I do not want the Federal Government to do all in connection with the roads. The people should do their share, and this bill, if enacted into law, would encourage them to do their share.

I admit that, as regards some of the roads mentioned a few days ago by the Senator from Massachusetts [Mr. LODGE], roads that cost $16,000 a mile to construct and $1,000 per mile per annum to keep in repair, the aid afforded by this measure would be only a drop in the bucket. But, Mr. President, alas, there are few communities in this country, I apprehend, that can boast of such roads; few communities, outside of the populous and highly protected sections of New England, that can boast of any such roads. Where there is one mile of such road in this country, I believe there are hundreds, yea, even thousands, of miles in the rural districts that need every particle of work and benefit that can be gotten for them; and while this allowance would not be more than a drop in the bucket to such exceptional roads, it would be a great benefit to the great majority of our roads over which there is rural free delivery of mail.

I admit that if I owed $500 to a millionaire, it would be a matter of no consequence to him whether or not I paid that sum to him. He would probably never know whether it was paid or not. If it were paid, through his business office, he would probably never know it. If it were not paid, he would probably never feel it; but if I owe 50 cents to a poor laboring man it amounts to something to him whether it is paid or not. There are more people in this country who are in the class of the poor laboring man, to whom 50 cents means something, than there are of the millionaire class. There are more roads in this country in a condition where $15 a mile would mean something than there are roads that it would require a thousand dollars per mile per annum to keep in good repair. The aid proposed in this bill, too, is a debt that the Federal Government owes to the people of the several States for the use of their roads for postal purposes. It is not proposed as a gift. Let the Federal Government pay its just debts.

In fact, in my opinion, this measure would be of relief and of benefit to the very class of people in this country who have received for generations past the least benefit, the least aid, from the legislative branch of this Government, and that is the great mass of the plain, common, struggling people. They are the people who support this Government in times of peace and war. They are the backbone, the muscle, and sinew of this country at all stages and times of its career. They pay the taxes. They constitute the bulk of its population. They are the foundation of manufacturing and all other branches of industry in this country. The farmer and the laboring man are the ones upon whom everything rests in this country, and they are the ones who, in my humble judgment, have received the least consideration at the hands of this Government. This bill would be of aid to the small farmer, to the tenant, who has to haul his produce over the country roads, in the bleak cold of winter and through the blistering heat of summer, in order to get his crops to the market that he may obtain money with which to meet his obligations, pay his taxes, and provide his family with raiment and other necessaries of life. Those are the people who would receive benefit from this bill, and while it is not all of the benefit that they ought to receive it is a beginning in the right direction, and if we never make a beginning we will never make a finish. If there is no beginning, there is no progress.

I say let us adopt this provision as it is. Let us make a beginning in the right direction; and if, after the operation of this law for a few years, it is found that the amount is inadequate and that the Government can afford more for the object, then let us raise the amount. I believe in modest beginnings, and I believe in entering upon a new project conservatively. Let us try this, and see if it works as its advocates believe it will, and if it does, then I say let the good work go on.

The rural delivery of mail in this country was undertaken on a very small scale and in a very modest way. I remember only a few years ago when it was started as an experimental matter, and now it spreads out over this country with all its munificent benefits and reaches in its ramifications to every nook and corner of the country. I remember—and it was only about eight or nine years ago—that I drew the first petition for a rural free delivery route for mail in my county, in Montana. It was an experiment. The people did not know if it would be appropriate or fitting to the country, and to conditions there. The petition was granted, and to-day there is rural free delivery of mail in nearly every community, neighborhood, and district of that county. To-day the people all over that section of the country are receiving the benefits of that function of our Government.

Many doubted the wisdom of it in its experimental stages. Now, who is there who would abandon it on account of the cost thereof? In benefits to the people, in disseminating intelligence, in affording convenience, yea, and profits to this country, it has reached proportions where no man would suggest that it ought to be abandoned on account of the cost thereof.

I believe if this measure is adopted this experiment will prove successful, and that in a few years it will be extended and increased to every section of this country, and that the people of the more populous centers, and the cities even, which do not apprehend they will receive any direct benefit from this measure, will see that it redounds so greatly to the benefit of the great masses of the people and the whole of the people of this country that even they would not brook any suggestion for the curtailment or the abandonment thereof, but that they will cheerfully urge the extension of this class of legislation, so that it will attain to proportions of still greater benefit to the whole country, the whole people, and every section of the country.

Something has been said about this bill merely taking money from the people and giving it back to the people; that you are only taking the people's money away from them and giving it back to them. That is true. I do not gainsay that at all; and I believe it is proper when it may be done with profit to the people. That is the object of all taxation. The object of all taxation is to take a reasonable percentage of the people's money and expend it for the benefit of the whole people; and if the people get back their money, and in addition get profits and benefits from the expenditure, then the people have received back what was taken from them and with it blessings in many fold.

I favor this, and I see no objection in the argument that it merely takes the people's money away from them and gives it back to them. That is the kind of taxation in which I believe—taking the money from all the people and giving it back to all the people. The trouble with legislation in this country has been that the money has been taken from all the people for the benefit of a few of the people. The money has been taken from the many and given to the few, through processes of legislation and tariff exaction. That is the class of legislation to which I object. I say, let us return to the Democratic idea of taking the money from all the people, for the benefit of all the people, and giving it back to all the people, with the benefits to all the people which it carries with it. That very argument is, to my mind, an argument in favor of this bill. This is not legislation which takes from all the people by taxation their hard-earned money and donates it to a few of the people in manufacturing industries, in manufacturing centers. I say, let us embark upon this class of legislation which gives back to all the people, with benefits to all the people and to every section of the country and to the whole country, the money which is taken from them by legislation.

It has been said that this proposed law will result in its operation in requiring a few of the rich States, like New York, which has been mentioned, for instance, to contribute more than their proportionate share of the money to the common fund, and will result in their getting back less of it than the average State; that they will contribute more than they get in return.

Mr. President, the people of this country for generations past have been taxing themselves for the benefit of a few rich States in the eastern section of this country, which have received the benefits that all the people have contributed out of their hard-earned money, and the fact that this proposed law will, in a small degree, take from the centers which have been enriched by unjust legislation at the expense of the whole country and all of the people, and give back to the people some of the money that has been unjustly exacted from them, is the greatest and the grandest argument in favor of this bill that could be presented to me. Too long have the few thrived on the many. Too long have millionaire tariff barons waxed rich and haughty through an iniquitous system of robbery under the thin guise of taxation. Let the rich and pampered strongholds of protection in the East disgorge some of their ill-gotten gains for the benefit of the whole people from whom the money was extorted. Let it go on a hundred years and then the people would not have returned to them a tithe of that of which they have been robbed.

When this law shall be put into operation I believe its benefits will be so manifestly felt in every artery of commerce and in every commercial center of this country, as well as in the rural districts, that after it has been fairly tested the people of the whole country will rise up and put upon it the stamp of their appoval and say "We feel the benefit of this wise legislation in every section of this country, in every pursuit of life, and in every artery of commerce, and we are in favor of the continuance thereof."

But mostly and above all, Mr. President, I favor this because it is a tardy undertaking to do something directly for the backward rural communities of this country that up to this time have been wholly overlooked in the legislation of this country, and which have long been hewers of wood and drawers of water for others, and have received no material benefits in return. It is for them that I am chiefly concerned, and it is for their benefit that I ask that this legislation be enacted into law. Do something for the common people, the plain people, the poor people, the farmers and laborers, those who have long borne the heat and burden of the day without receiving any legislative favors or even simple justice. They are demanding it, and if their demands be not heeded they will some day arise in their might and show they are the greatest power in this country when aroused.

The PRESIDING OFFICER. The bill is in the Senate as in Committee of the Whole. The Secretary will state the pending amendment.

Mr. BOURNE. The question is on the motion to strike out the House provision, beginning in line 15, on page 37, and continuing to line 22, on page 39, and substituting the Senate amendment as set forth in line 23, on page 39, and line 1 to line 9, on page 40.

The PRESIDING OFFICER. That is correct.

Mr. OVERMAN. Mr. President, I do not desire, in the present situation of legislative matters, there being only about nine Senators in their seats, to make a speech, but I do wish to introduce an amendment as a substitute for this section, and in doing so I wish to explain it.

I have always been in favor of State aid to its counties in the matter of building good roads, and of counties to townships and road districts, and I am in favor of Federal aid in constructing and repairing post roads, rural routes, and star routes. Twenty-five years ago, when I was a mere boy, in the Legislature of North Carolina I introduced a bill providing that a great highway should be built through the State north and south and one east and west, with lateral lines. That did not pass, but I did pass a road bill for my county. We had scarcely any good roads. The bill taxed the people 5 cents on a hundred dollars for building roads, and it was very unpopular at first, because the people had not been subjected to taxes for good roads; so much so that a great many said I was politically dead.

But they began to work on the roads with the 5-cent tax and the convicts, and the tax gradually increased from year to year, until to-day we have hundreds of miles of macadamized roads, costing from $2,500 to $3,000 a mile, and the lands along where the macadamized roads run, then selling at from $2.50 to $5 an acre, to-day can not be bought for less than $50 or $100.

The example set by that county has been followed by other counties in the State. Gradually other counties have been doing the same thing, until we have got good roads in our State, and we want more.

I do not like the provision in this bill, because it does not go far enough. It is cumbersome. It proposes to take $750,000 a year to classify, and throw it away, really, and proposes to take $200,000 each year in further classification. It is money thrown away. I think better of the proposition which I submit, to appropriate the sum of $500,000 to each State in this Union, and before the State can get it it must appropriate a similar amount, and before the county can get its share it must appropriate a similar amount, its share, and before the township or road district gets any money it must appropriate its share. What would be the result? Take North Carolina and Virginia, or take Arizona, for example. The Federal Government appropriates $500,000, and before the State can get it it must appropriate $500,000. That gives to each State at once a million dollars. Then the State requires of the county, when it distributes the money, that the county shall pay its appropriate amount, and you have at once two to three million dollars in every State of this Union for good roads, and therefore we could go on building and repairing roads in a systematic manner annually.

As far as concerns the constitutionality of the proposed amendment, I have no doubt, and if we are going to appropriate money for public roads, let us do it through some appropriate method. I therefore introduce this amendment, which I offer and ask to have read by the Secretary.

Mr. BOURNE. As I understand the Senator from North Carolina, he wishes to move the adoption of his amendment as a substitute for the House provision.

Mr. OVERMAN. It is very evident that the House provision is not going to pass. It seems so. If the amendment offered by the committee does pass, and it gets into conference, I offer this amendment as a suggestion, so that if there is a difference between the House and Senate about a plan for working the roads the conferees will have this plan, and even if you can not agree, and strike out all provisions with reference to building roads and adopt the Senate provision appointing a commission, this will be suggestive of a plan which I think is workable.

It is on the same plan as the Morrill educational bill. In other words, it appropriates to the States, and the States build the roads. The Government will have supervision to the extent only that the governor must report to the Secretary of Agriculture and also to the Postmaster General and the Secretary of the Treasury each year in order that the Government

may see that the money is being judiciously and rightfully spent in the State. I ask the Secretary to read the amendment.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. Strike out the House provision commencing on page 37 and ending in line 22, on page 39, and insert:

That there shall be, and is hereby, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State for the building and repairing of good roads for star and rural routes now established, or which may be hereafter established, the sum of $500,000 for the year ending June 30, 1913, and an annual increase of the amount of such appropriation thereafter for 10 years by an additional sum of $25,000 over the preceding year, to be applied only for the building and repairing of good roads for rural and star routes, established or hereafter established: *Provided*, That no State shall receive any of the benefits of this act unless such State or Territory shall appropriate a sum at least equal to the amount herein appropriated for a similar purpose.

SEC. 2. That the sums hereby appropriated to the States for the support and maintenance of good roads for rural and star routes now established, or hereafter to be established, shall be annually paid on or before the 31st day of July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture and the Postmaster General, out of the Treasury of the United States, to the State or Territorial treasurer, or to such officers as shall be designated by the laws of said State to receive the same, and such treasurer shall be required to submit to the governor of each State, and the governor to the Postmaster General and the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received and of its disbursements. The grants of moneys authorized by this act are made subject to the legislative assent of the several States to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the legislature of such State meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. 3. That if any portion of the moneys received by the designated officers of the State for good roads for rural and star routes as provided in this act shall, by any action or contingency, be diminished or lost or be misapplied, it shall be replaced by the State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State, and the governor of each State shall report to the Secretary of Agriculture and the Postmaster General regarding the condition and progress of the road built or repaired, including statistical information in relation to its receipts and expenditures.

SEC. 4. That on or before the 1st day of July in each year, after the passage of this act, the Secretary of Agriculture and the Postmaster General shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for good roads for rural and star routes under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture and the Postmaster General shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of Agriculture and the Postmaster General are hereby charged with the proper administration of this law.

SEC. 5. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor.

SEC. 6. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Mr. BURTON. Mr. President, I hope this amendment will not be adopted nor any amendment pertaining to good roads except the provision recommended by the Senate committee providing for a joint committee of three members of the Senate Committee on Post Offices and Post Roads and three members of the House committee.

If we enter upon this policy of Federal aid to good roads no one can tell where it will end. In the first place, the expense of this class of improvement is absolutely unlimited. It is taking over a branch of public activity which has thus far been left to the State. As regards the expense, one of the officials of the Good Roads Bureau has said that to meet the demand of those who are promoting this plan for improvement of the highways of the country would cost the enormous sum of $25,000,000.

Again, we establish a precedent. If an amount is paid for good roads, why not for education? Why not for the construction of hospitals? Why not for the establishment of parks?

I recognize that there is a strong sentiment in the country for Federal aid. But whatever plan we should adopt should be maturely considered and carefully discussed. Let us understand the problem before we enter upon its solution.

Again I wish to call attention to one very striking feature of the amendment proposed by the Senator from North Carolina. As I understand it, $500,000 is to be allotted to each State. That is, Texas and Rhode Island would receive exactly the same amount. There would be no distinction between New York and Delaware. Each would be entitled to an equal largess from the Treasury if there was a compliance with these conditions. That, in itself, aside from the danger of prematurely entering upon a new policy, would seem to me sufficient to condemn this amendment.

We can not take up this question of aiding in the construction of roads by treating each Commonwealth as a unit without regard to its size or its population or its probable growth. We are compelled to recognize that there are very manifest inequalities in the area of States and in the number of inhabitants.

Mr. OVERMAN. Has not that been done before in the matter of education?

Mr. BURTON. That rests upon an entirely different basis. Only a partial provision is made for education. The law recognizes the existence of one university or one college in each State. Again, the original appropriation for education was made from the sale of public lands and for the purpose of training in agriculture.

Mr. OVERMAN. But each State got the same amount. It was under the Morrill bill, I believe, where $25,000 was distributed to each State, and then there was an increase for a number of years; and we are doing that very thing now.

Mr. BURTON. There is a propriety in recognizing each State as an entity and as a separate unit in that case which does not prevail at all here. It is recognized that even the smallest State has one university or college which might be entitled to aid.

Mr. WILLIAMS. Mr. President, I think this bill is a better one than the House provision. The main reason why I think so is because I think the House provision is about the worst measure I ever read. I want to see the Federal Government help build good roads. One of the constitutional powers of the Federal Government, which it has never exercised, is the power to build post roads. Under the Constitution Congress is granted the power to establish post offices and post roads. Under it we have always, without challenge, exercised the power to build post-office buildings. We have precisely the same power to build post roads. I dwelt upon that the other day a little, citing the authority of John C. Calhoun and some other remarkably strict constructionists.

The Senator from Ohio says if we are going into road building why not into the building of hospitals; why not into education? The reason is plain to a Democrat. The reason is that the Constitution gives us a right to build good roads and does not give us a right in matters of education and hospitals, except in Territories and upon Government reservations and that sort of thing. The Senator might just as well have pursued his absurdum argument—for his object was to make the proposition absurd—by saying, why not the fire department, why not the police, why not a thousand things? The answer is simply because the Federal Government has never been granted power to do these things. So it is not worth while even to discuss that.

Now, so far as this amendment is concerned, I find two great objections to it. The first is that the amount is entirely too large to start off with. If you start off with $23,000,000 right at the jump, without any machinery organized to keep track of it at all, I think you are going too far. I should like to see Congress appropriate about seven millions, and devote one million of it in the North Atlantic States to road building, $1,000,000 to road building in the South Atlantic States, $1,000,000 to the North Central, $1,000,000 to the South Central, $1,000,000 to the north trans-Mississippi between the Rocky Mountains and the river, $1,000,000 to the south trans-Mississippi, and another $1,000,000 to the Pacific slope. My doubt about it is that the appropriation then might be too large.

Mr. BOURNE. As I understand it, the substitute offered by the Senator from North Carolina to the House provision provides for a possible maximum appropriation by the Federal Government of $24,000,000, conditional upon $72,000,000 contributed by the State, county, and district.

Mr. WILLIAMS. I understand that.

Mr. BOURNE. While I have not had an opportunity of studying the amendment carefully, it presents more attractive features to my mind and more cooperative features than the House provision.

Mr. WILLIAMS. In that I agree absolutely with the Senator from Oregon. I think it is in every way superior to the House provision. My main objection to the House provision is that it appropriates $15 a mile to a road in one case and $20 in another case and $25 in another, and then divides it so that each $15 or $20 or $25 must go to 1 mile, and that amount will not do any good on 1 mile. If you put that $15 and $20 and $25 together, it might do some good and might build some roads. It is the same as if you passed a river and harbor bill and appropriated $40,000,000 for the Mississippi River and its tributaries to expend $200 a mile on each mile of navigable water.

Mr. TOWNSEND. If the Senator will permit me, I will say it has occurred to me that the expenditure of the amount of money provided in the bill may absolutely discourage the build-

ing of roads, because if it were known that in a certain district they had $15 a mile it would be quite certain that they would use that $15 in patching up a few holes, and there would be no other money expended on that road.

Mr. WILLIAMS. I will tell you what the effect would be in my State, where they still have the old system of calling out the people of military age to work the roads. In those places it would have no effect at all. Where they have the contract system the board would very probably say, "Jim, we can give you $15 a mile more than we did last year," and he would get the $15 a mile and you would have the same road, and even if you spent it on the road it would amount to nothing.

Mr. GRONNA. Mr. President——

The PRESIDING OFFICER (Mr. ASHURST in the chair). Does the Senator from Mississippi yield to the Senator from North Dakota?

Mr. WILLIAMS. Certainly.

Mr. GRONNA. I believe the Senator from Mississippi is mistaken about the provision in this bill, or at least if he is not, I misunderstood him. None of this money is available; in other words, none of it will be paid to anybody, unless the roads have been constructed.

Mr. WILLIAMS. I understand that.

Mr. GRONNA. It is hardly fair to assume, as the Senator from Michigan said, that we are appropriating a certain amount of money to patch up a few holes. That is not the provision of the House bill.

Mr. WILLIAMS. The Senator did not understand the Senator from Michigan. He was talking about the provision of the House bill.

Mr. GRONNA. I was talking about the provision in the House bill. As I understand the provision in the House bill it is that in a certain part of the country when they build the roads according to its classification then there is available $15, $20, and $25 a mile to be paid by the Government.

Mr. WILLIAMS. I understand that; but all the same it comes back, in fact, to what the Senator from Michigan has said. Notwithstanding these provisions of the House, $15 a mile, for example, will be paid by the Government for a dirt road, and most of the roads are dirt roads. All that is required in the world is that there shall be a ditch on each side and that it shall be thrown up and rounded off 9 feet wide, and the requirement before you pay is that it shall be reasonably passable for wheeled vehicles. There is no road anywhere that is a public road at all that can not draw $15 under the conditions of being reasonably passable for wheeled vehicles. Even the county boards recognize them to be public roads if they answer this description. "Reasonably passable" might mean passable most of the year; it might not mean anything.

Mr. TOWNSEND. In connection with what the Senator has stated I understand it is to be applied to roads already built. If it shall appear to the party in charge that they are in proper condition, then they shall receive this amount of money. There would be an additional sum necessary for the building of the roads, but this sum would be applied to keep the roads in the condition which the bill requires. Its expenditure would not induce the building of any additional good roads. The amount proposed would not induce any attempt at new construction. The object of Federal aid should be to encourage the building of good roads, and therefore it should be applied in an intelligent and proper manner, and the Government should either grant an amount sufficient to build and maintain the roads or else the lesser amount should be granted on condition that the State should appropriate the balance necessary to complete the work.

Mr. WILLIAMS. Absolutely. I understand that under the House provision wherever everybody can report and show that a given mile in Connecticut or Mississippi came up to the standard A they would be entitled to $25 a mile, and if it came up to the standard B it would be entitled to $20 a mile, and if it came up to this universal standard C—and any road could come up to that—it would be entitled to draw $15. There is not a mile of road in the United States that would be constructed by it, and, in fact, neither $25 nor $20 nor $15 would construct a mile of road. It would be frittered away.

This amendment is preferable to the House provision, in my opinion, because although it would cost something it would result in something. The House provision is the maximum expense at the minimum of achievement. As far as I can see, $16,000,000 would go out of the Treasury and no particular good would be done to anybody anywhere.

The other objection which I have to this bill is the distribution, and I want to dwell on that point for just a moment.

Mr. OVERMAN. By that plan each State would have nearly $800,000 to begin with, and then it provides an additional sum for 10 years. It is limited to 10 years. At the end of 10 years every State of the Union would have roads all through it and the Government would be contributing this comparatively small amount.

Mr. WILLIAMS. I think this opens a new vista much preferable to the other one, because the other one was a blind alley; there was no vista to it. But it must be vastly improved before it is going to do much good. We ought not to appropriate so much.

Now, I come to the question of distribution. Under the amendment offered by the Senator from North Carolina each State gets a certain amount of money, as it is now, without further amendment—half a million dollars. Delaware would get it; California would get it; Rhode Island would get it; Texas would get it. Such are the extremes upon contrasts with regard to area. That is not all. New York would get it and New Mexico would get it. Pennsylvania would get it and Arizona would get. Such are the extremes upon contrasts as to population under the bill.

I have been thinking about this for a long time, and I have myself introduced several bills, but each bill became unsatisfactory to me in the course of time and I would introduce another. The more I study about it the more I have concluded that the only practicable method of distribution, although in none of my bills have I thus far suggested it, is to appropriate a lump sum. Then take the area of the United States and see how much per square mile that would carry; and then take the square miles of each State in the Union and calculate what the result would be for that State. Then, after we have done that, take the population of each State and find out how much the bill would carry to some unit of population. Then, when you have done that, reduce that to dollars and find out how many dollars, under the population scheme, would go to each State. After you find out how many dollars would go to each State upon the area basis, then find out how much would go to each State on the population basis in dollars and cents, add the dollars and cents together and divide by two. In that way you would get a distribution basis upon population and area which would not be unfair to anybody.

Mr. OVERMAN. Would you propose, then, to give the State an amount of money according to area and population?

Mr. WILLIAMS. According to joint area and population.

Mr. OVERMAN. How would the State get its share of the appropriation?

Mr. WILLIAMS. The State could get it upon a showing to the proper Federal authority that it had not only appropriated an equal amount, but that it had built the road. When they show that the road costs, say, $50,000, then, upon a proper certification of that fact, the Federal Government would pay them its proportion. It would pay nothing until the road was built. Let the State, in the first instance, build the road and follow it up for the most part with bonds of some sort. That would merely require that the State should go on interest long enough to build the road. I would have a Federal inspector to go over it, and if it came up to the schedule of road required in the bill, then I would give the State a warrant for its money. If any State misused the money, or did not put it to this purpose, or devoted it to some other purpose, that fact would be known and the next year that particular State should not have any. That is one scheme, but I think the best scheme is to provide that a road shall be built, and when a State or a county have built a road and that fact is made clear to the proper authority, and the road comes up to the proper specification, then and then only have the Federal Government pay 50 or 33⅓ per cent of whatever it is.

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from North Carolina?

Mr. WILLIAMS. I yield.

Mr. OVERMAN. I want to ask the Senator if the plan of my amendment has not been the policy of the Government since 1832 in the matter of distribution of funds for the benefit of the people.

Mr. WILLIAMS. The Senator is now confusing two things. At one time in our history Henry Clay fathered and his great popularity procured the enactment of a bill to appropriate to the States, according to population, an undivided surplus in the Treasury; and there was first a free good-roads bill. He introduced a bill on that idea because at that time we had so great a surplus that it looked we could not get away with it. He provided that so much out of the surplus should be returned to each State in proportion to its population. That idea of returning a portion in proportion to population was based on the idea that generally they had paid taxes in proportion to population. But when you come to building a road, and the main object is to build roads, you ought to appropriate somewhat in

proportion to the need of the road and not altogether in proportion to the number of people.

Take a little State like Rhode Island, and upon a population basis it would get a very large amount of money; yet the roads in Rhode Island are hardly greater in mileage, I suppose, than in Yazoo County, Miss., which joins another large county, Hinds. So it strikes me you have to combine population and the area of it in order to arrive at some approximate adjustment. Of course, if the idea is only to divide the surplus and let it go back to the States, as in Henry Clay's scheme, it would be different. There had been a great surplus accumulated, and they did not want it wasted in Washington. Congress reduced taxes and at the same time passed a bill, under the compromise measures, by means of which we gave back to the States, each in proportion to population, a certain amount of the surplus in the Treasury that we thought was uselessly there and above a safe margin for governmental purposes economically administered.

Mr. OVERMAN. Then there was the Morrill bill, which provided so much money of the surplus in each State for schools and experiment stations. They are getting that now.

Mr. WILLIAMS. I know that.

Mr. OVERMAN. It was distributed equally between the States.

Mr. WILLIAMS. But that is different. When you come to appropriate money for educational purposes it is right that you should be guided by the per capita idea, because each individual is to share in the education, but when you come to appropriating for roads you have to consider two things, the area, the territory, the mileage within that State, and the population, both.

I should like to see the Senator from North Carolina redraft his amendment, so as to reduce the amount to about $7,000,000 and provide for its distribution in proportion to area and population jointly, and then I should like to see it have another plan about where the money should go divided into about 17 parts and appropriate divisions of the country.

Mr. OVERMAN. The Senator was not here when I spoke. I did not have any idea whatever that the amendment would be adopted or that the House provision would be adopted, but that when we went into conference—and I am glad the Senator made the speech, because he has made valuable suggestions along the line—the House conferees would take into consideration the plan suggested by the Senator from Mississippi and myself. If they could not agree upon the plan, then the commission is to be appointed, as recommended, and then the commission will have the Senator's idea and mine as herein expressed.

Mr. WILLIAMS. Very well, but a conference committee can not consider anything except matters that are in contest between the two Houses. I suppose, though, that with a matter as broad as the provisions of the House bill and the suggestion made they may consider pretty nearly anything that pertains to roads at all.

Now, one word further, and I shall desist. As to the amount, I said I had no doubt $7,000,000 would be too much to start off with, but there are some things to be said in favor of it as not being too much. It is about half of what a real, good, big *Dreadnought* would cost after it is equipped and ready for the sea. It does seem to me that we might be able to appropriate half that much to start off with. It must be remembered that when we do it we not only invest the money and get a dividend in money returned as a dividend in greater facilities for education and worship and sociability and everything else, but it must be remembered that under the effect of an amendment like this we would get from twofold to threefold benefits for every dollar invested, because if we invested $1 on the share-and-share plan we would have $2 worth of road for the $1 we invested. With the State one-third, the county one-third, the Nation one-third, we would get $3 for each one that the Government had. So you would have the minimum of expense on the maximum of achievement, whereas under the House provision you have the maximum of expense and a minimum of achievement.

Mr. BOURNE. Mr. President, the question I understand is the substitution of the amendment of the Senator from North Carolina for the House provision on good roads.

I desire to state that I shall vote for that substitution, believing that the suggestion of the Senator from North Carolina is an improvement over the House bill; but if the substitute of the Senator from North Carolina prevails I shall then move as a substitute for it the amendment recommended by the committee of the Senate, which is found in italics in the bill.

The PRESIDING OFFICER. The question is on the substitute proposed by the Senator from North Carolina [Mr. OVERMAN].

Mr. SMITH of Georgia. Mr. President, I desire to address myself to that portion of the bill immediately under consideration; but before doing so I wish to send to the Secretary's desk to be read an amendment which I shall offer, on page 21, after line 22, to the text of the House bill, which I hope may be accepted instead of the Senate substitute. I have reference to the blue-tag system. I wish it read now, because it should be printed, although it can only come up for consideration when the bill is in the Senate.

The PRESIDING OFFICER. The Senator from Georgia proposes an amendment, which the Secretary will read.

The SECRETARY. On page 21, after line 22, it is proposed to insert the following proviso:

Provided, That publications admitted to the mails as second-class matter, published biweekly or less frequently, may be carried wholly or partly in fast freight trains whenever deemed practicable by the Postmaster General and at the option of the publishers thereof, and the transportation charges therefor may be paid out of the appropriation for transportation by railroad routes at rates not exceeding the usual freight rates; and on and after January 1, 1913, the rate of postage on such second-class mail matter as may be transported wholly or partly in fast freight trains shall be 1 cent for each pound or fraction of a pound, and the rate of postage on other second-class mail matter, published biweekly or less frequently, transported in the regular mail trains at the option of the publishers thereof and where the transportation of the same wholly or partly in fast freight trains is deemed practicable by the Postmaster General, shall be 2 cents for each pound or fraction of a pound: *Provided further*, That the Postmaster General is authorized to weigh, whenever practicable, the mails diverted from the freight trains to the regular mail trains and from the regular mail trains to the freight trains for a period of not less than 30 successive working days, and ascertain the average daily weight thereof, and readjust the compensation for the transportation of the mails on the railroad mail routes affected.

Mr. SMITH of Georgia. Mr. President, I desire that the proposed amendment be printed. We can not consider it, of course, until the bill is in the Senate, the subject already having been disposed of as in Committee of the Whole. My reason for presenting the amendment at the present time is, I repeat, that it may be printed and go into the RECORD, so that it may receive consideration before it is actually reached in the Senate.

The PRESIDING OFFICER. The proposed amendment will be printed and lie on the table.

Mr. SMITH of Georgia. Mr. President——

Mr. BOURNE. Will the Senator from Georgia permit me to interrupt him a moment?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. SMITH of Georgia. I do.

Mr. BOURNE. What disposition was made of the amendment proposed by the Senator from North Carolina?

Mr. SMITH of Georgia. It has not yet been disposed of, and I am about to address the Senate with reference to the good-roads provision contained in the House bill.

Mr. President, I think there is a serious defect in the House provision with reference to who is to receive the money therein proposed to be appropriated and also with reference to what is to be done with it. There is no direction whatever that the money so received shall be used to make good roads. The officer in charge of the highway is to receive it, but the bill does not provide that he is to receive it in trust and that it must be spent upon the highway under the direction of the duly constituted authorities. There are innumerable overseers throughout the country who have a mile or a mile and a half of road under their authority. As I understand the provision coming from the other House, the officer in charge of the smallest subdivision over a mile would receive the money, and no direction then is given as to its use. The number who might receive the money is too great. The money should be used to improve the roads. To meet that difficulty, I desire to offer an amendment to be inserted at the conclusion of the House provision on this subject. On page 39, line 18, after the words "Postmaster General," I move to insert:

Provided, That no part of funds shall be paid to an officer in any State until the legislative authority of such State shall by law designate the officer or officers to receive it and fix the manner of its use in aid of road improvement, and prescribe safeguards to enforce such use.

I am not suggesting that the general mode of distribution provided for by the other House should be changed; I am only suggesting an amendment which will allow the legislative authorities of the State to name the persons who are to receive the money and to prescribe the way in which the money shall be used in aid of road improvement, and also to provide means to safeguard or to insure that use.

Mr. President, a great many different suggestions have been made about how the National Government can contribute to the improvement of the roads of the country. I believe there is a deep-seated feeling among the majority of the people that the National Government should make some contribution, at least, as a stimulus to road building; and I sympathize with this

feeling. Two lines of thought for the use of national aid to roads can be stated: One is upon the line of contributing to the construction of a few great national highways of a very high character, brought to a perfect state of construction; the other upon the line suggested by the House of Representatives, that the contribution shall not be limited to a few great highways, but shall go to a larger number of roads of an inferior character, and which vastly more of the masses of the people use. I would be glad to see great highways built; but I realize that a far greater number of people will be benefited if we can stimulate the improvement of roads known as class C than in any other way.

The description of roads of class C in the bill is as follows:

Class C shall embrace roads of not less than 1 mile in length upon which no grade shall be steeper than is reasonably and practicably necessary in view of the natural topography of the locality, with ample side ditches, so constructed and crowned as to shed water quickly into the side ditches, continuously kept well compacted and with a firm, smooth surface by dragging or other adequate means, so that it shall be reasonably passable for wheeled vehicles at all times. That whenever the United States shall use any highway of any State, or civil subdivision thereof, which falls within classes A, B, or C, for the purpose of transporting rural or star route mail, compensation for such use shall be made at the rate of $25 per annum per mile for highways of class A, $20 per annum per mile for highways of class B, and $15 per annum per mile for highways of class C.

It has been stated that it would require twenty-two billion—$22,000,000,000—to bring the roads of the Nation up to the standard of class A. Class A, under the bill, is a road composed of shell, brick, or macadam. The mere statement of that proposition produces the unanswerable conclusion that such a system of construction for the roads generally is impossible. Therefore, if we are to limit our contribution to roads that are to be of class A, the contribution will go to a few roads, and the great masses of the people will derive but little benefit from it.

It is perfectly clear that during many generations to come we can not hope that the average road, even that which we class as road C, can be changed to road A—the high-grade macadamized road. Shall we limit our efforts to the very few roads, or is there a way to do a greater public service by turning our attention to a class of road improvement which is possible for the great majority of our roads and that therefore will help the great majority of those who use them? I think it needs no commission to tell us which course we should pursue.

I do not desire the aid of a commission to advise me as to which general policy the National Government shall take up. I commit myself now, without waiting for the report of a commission, to that policy which will seek to improve the great bulk of the roads that may be brought to a reasonable standard of efficiency, which are covered by this bill under class C. We do not need to wait to know something of road construction. The Agricultural Department for several years has been spending large sums of money for this purpose upon the line of inquiry and instruction. Its officials are going out among the people and teaching them how to construct roads of each of these classes as they have never been constructed before. Take class C roads. They are able to teach and they are teaching the managers of the average country road how, with the expenditure of a limited amount of money, vastly to improve their roads. They are teaching the importance of thorough ditching, of thorough surfacing, of thorough draining, of the intermixture at places of different classes of material, consisting often of dirt or sand, and then of dragging the road. These simple lines of attention, scientifically applied, can bring the average country road up to class C and improve its character several hundred per cent, and it can be done with no great outlay of money.

As I understand the scheme of the House bill, the roads that largely will draw from the Treasury are the roads that will be brought to the standard of class C. For any road brought to the standard of class C, used for our rural-route service, the road authorities would receive $15 a year per mile, to be used on the roads where they are brought to the standard prescribed, and, as I have said before, they will draw for roads of class C nearly all of the national contribution.

It has been said that the amount appropriated is not sufficent to build roads of class C. That is not the question; the question is, Will this be a contribution to stimulate the construction of roads of that character all through the country which are worthy of national aid, and will it bring back to the people of this country a full return for the expenditure?

Mr. President, with some national contribution toward these roads, there will be greater attention given to what is taught from the Agricultural Department about how they are to be constructed. If you give nothing but advice, it is frequently not accepted; certainly not as fully as if you not only give advice, but furnish something toward helping to put that advice into practice.

The plan of distribution selected by the House is based upon the use of the roads for the rural routes and the condition of the roads. I am not wedded to a particular plan. I doubt not most men left individually to study the question would suggest separate and diverging plans, but because this would not be perhaps the plan I would select, I am not disposed to decline to support it and wait simply for my own. I think it is clear and intelligible. I think it will be serviceable. I do not think I could support the measure—I certainly would do so with great hesitation—were it not amended so as to give the legislative authorities of the States the right to name the officer who is to receive the money and prescribe the way in which the money is to be used in road improvement. I think the provision as it comes to the Senate is defective in these details; but the principal feature of the provision as it comes from the House is the mode of distribution of the appropriation, and it seems to me about as fair as any that could be devised.

Mr. President, there is great truth in the claim that legislation has naturally turned in directions other than the farm. Most of us live in cities, and we come in contact more with cities than with the country. The farmer as a rule is isolated, and the wants and the real possibilities of serving him along the line of those wants is not as apt to occur to us as they should. I believe this is an opportunity to do something that will bring more return to the people of the entire country than almost anything else we could do, and I believe that it will reach in the direction most neglected.

We have other measures which we are also studying. We have great problems confronting us, which we constantly discuss, upon the subject of the cost of living and the importance of turning more of the people away from the cities into the country. I believe we have pending before us plans of legislation which, if we carry them out, will solve these questions, or greatly help to do so. This is one of them. I believe that we should make provision to carry all the knowledge that has been acquired in our colleges of agriculture and in our experimental stations to the home of the farmer. I believe the vast quantity of accurate information about how to handle the farm, now largely in cold storage, should be taken out and put to service, and that the way to do so is to provide in every State college of agriculture an extension department, which will go to each county in each State, and there, upon the farm, demonstrate the principles, the scientific knowledge, the practical information which experimentation and study have gathered. I believe that we should have in the Agricultural Department the division about which I have spoken—a division of markets—and that information should be there gathered to be furnished the farmer to help bring him closer to the consumer and help teach him better how, diversifying his crops, he may place them in a market where they will bring him a fair return.

I believe that better roads, improved roads, knowledge how to build better roads, the inspiration to construct them, and some help toward building better roads, combined with the other measures to which I have referred, will help bring the results so much to be desired. The fourth important measure is a cheaper mode of transportation from producer to consumer, which, in considerable part, may be accomplished by a properly organized parcel post or express.

These four combined—and they are not impossible undertakings—will do more to solve the problems which confront us than any similar amount of legislation requiring a similar amount of appropriation which, in my opinion, can be adopted.

It is well to urge the young man to go back to the farm or to stay on the farm, but words alone are of little value to bring such results. If we may be able to devise plans to help take away from rural life its isolation, to help give a better chance for industry and intelligence in rural life to bring a just return, to help give a better chance for the man on the farm to furnish his child a good opportunity for preparation for life's burdens and life's joys, if we have intelligence enough to work out these problems and to really do something to improve conditions which now exist, we will make a great contribution to the future of our entire country.

Mr. BOURNE. I desire to send to the desk a request for unanimous consent, which I will ask the Secretary to read.

Mr. OVERMAN. Will the Senator yield to me for a minute before he does that?

Mr. BOURNE. Certainly.

Mr. OVERMAN. I desire to ask, as I understand that the matter is to go over until Monday, that the amendment which I offered to-day may be printed.

Mr. GALLINGER. I desire to make the same request for an amendment I now submit.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The amendments will be printed and lie on the table. The Senator from Oregon asks for the adoption of a unanimous-consent order, which will now be read.

The Secretary read as follows:

That immediately following the routine morning business, on Monday, August 12, the Senate shall proceed to the consideration of the Post Office appropriation bill, and shall proceed to dispose of the section and all amendments relating to appropriations for aid to postal routes, speeches upon this section and amendments being limited to 10 minutes each.

The PRESIDING OFFICER. Is there objection?

Mr. REED. Please report it again. I want to see if it states what day we shall conclude the discussion.

The Secretary again read the request for unanimous consent.

Mr. REED. What is the objection to making that unanimous-consent agreement apply to the entire bill?

Mr. GALLINGER. That is right.

Mr. BOURNE. I would be very glad to have that done.

Mr. REED. It is limited now to one section.

Mr. BOURNE. It is limited simply to the good-roads provision.

Mr. REED. I should like to see it extended. I am not going to object to it in its present form, but I should like to see it extended.

Mr. BOURNE. I am perfectly willing.

Mr. BRISTOW. I would not like see the speeches on any phase of the bill limited to 10 minutes. I am not yet ready to consent to that. I have no objection——

Mr. BOURNE. I should like to have this agreed to.

Mr. GALLINGER (to Mr. BRISTOW). You do not object on the good-roads proposition?

Mr. BRISTOW. No.

Mr. GALLINGER. I am going to ask that the request for unanimous consent be read again. I ought not to do so, perhaps, but I do not quite understand it.

The PRESIDING OFFICER. The Secretary will again read the request for unanimous consent.

The Secretary again read the request for unanimous consent.

Mr. GALLINGER. I think it ought to provide that each Senator should make but one speech. If the Senator is going to limit speeches to 10 minutes, a Senator might talk a half dozen times.

Mr. BOURNE. I should be very glad to accept the suggestion of the Senator, if it is agreeable to the Senate.

Mr. GALLINGER. The Clerk can fix that.

The PRESIDING OFFICER. Is there objection to the order? The Chair hears none, and it is so ordered.

The unanimous-consent agreement was reduced to writing, as follows:

It is agreed by unanimous consent that on Monday, August 12, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department, etc., and will first dispose of the paragraphs relating to the subject of Federal aid in the construction of highways and amendments that may be pending or offered to such paragraphs; and that no Senator shall be permitted to speak more than once or for a longer period than 10 minutes on such paragraphs or amendments relating to Federal aid to roads.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from Georgia.

Mr. BOURNE. No. That goes over, Mr. President. We pass over all of the good-roads provisions until Monday morning——

Mr. GALLINGER. That is right.

Mr. BOURNE. Under the unanimous-consent agreement, and all amendments thereto, and we proceed with the bill on page 40, line 11.

The PRESIDING OFFICER. The Secretary will state the next amendment of the Committee on Post Offices and Post Roads.

The next amendment was, on page 40, line 16, before the word "thousand," to strike out "twenty-five" and insert "fifty," so as to make the clause read:

For blanks, blank books, printed and engraved matter, binding and carbon paper for the money-order service, $150,000.

The amendment was agreed to.

The next amendment was, on page 41, line 13, after the word "twine," to insert "and tying devices," so as to make the clause read:

For wrapping twine and tying devices, $200,000.

The amendment was agreed to.

The next amendment was, on page 41, line 20, before the word "miscellaneous," to strike out "for" and insert "of," so as to make the clause read:

For the purchase, exchange, and repair of typewriting machines, envelope-opening machines, computing machines, copying presses, numbering machines, and of miscellaneous articles purchased and furnished directly to the postal service, $70,000.

The amendment was agreed to.

The next amendment was, on page 41, line 25, before the word "furniture," to strike out "and"; and, in the same line, before the word "repairing," to insert "and map supplies," so as to make the clause read:

Supplies for the Rural Delivery Service, including collection boxes, furniture, satchels, straps, map supplies, repairing satchels, furniture, and map supplies, repairing, erecting, and painting collection boxes in the Rural Delivery Service, $40,000.

The amendment was agreed to.

The next amendment was, on page 42, line 23, before the word "dollars," to strike out "forty-three million three hundred and seventy-five thousand" and insert "forty-seven million," and on page 43, line 1, after the word "substations," to insert: "*Provided further*, That on and after July 1, 1912, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,100 per annum," so as to make the clause read:

For pay of letter carriers, substitutes for carriers on annual leave, clerks in charge of substations, and tolls and ferriage, Rural Delivery Service, $47,000,000: *Provided*, That not to exceed $20,000 of the amount hereby appropriated may be used for compensation of clerks in charge of substations: *Provided further*, That on and after July 1, 1912, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,100 per annum.

Mr. POMERENE. I offer an amendment to the amendment.

The PRESIDING OFFICER. The Senator from Ohio proposes an amendment to the amendment, which will be stated by the Secretary.

The SECRETARY. In line 4, page 43, after the words "per annum," it is proposed to insert:

For a route of 24 miles, with an addition of $30 per year for each mile above 24 miles and a reduction of $30 per year for every mile below 24 miles.

Mr. POMERENE. Mr. President, heretofore I understand the Government has paid $1,074 for each one of these routes. The standard length of each route is 24 miles. At the rates provided in the bill the per mileage cost is about $45. I understand also that there are about 47 per cent of these routes which are in excess of the standard route of 24 miles.

Now, it seems to me that it is not quite just to pay one carrier, who may have to go 28 to 30 miles, the same amount that another carrier may get for a route that is 4 or 5 miles under the standard route.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Kansas?

Mr. POMERENE. I do.

Mr. BRISTOW. The Senator, of course, does not understand that the carrier who delivers a route that is 4 or 5 miles under the standard receives the same as the carrier who has a standard route?

Mr. POMERENE. As I understand—I am not advised as to what has been the rule heretofore—under the present provision of the bill the amount which will be paid him, namely, $1,100 per annum, is the same for routes of all lengths.

Mr. ROOT. "Not exceeding $1,100 per annum."

Mr. BRISTOW. Oh, no. There is a regulation in the department that defines the compensation for the routes under 24 miles, 24 miles being the standard length. The language used in this appropriation is the same as in other appropriations, except the amount here is $1,100 instead of $1,000. There is a deduction for the shorter routes, just the same as there always has been. This does not in any way disturb that regulation.

Now, if the Senator will permit me, 24 miles is the standard route. Some of the routes are longer; that is, where the roads are smooth and easily traveled the department feels itself justified in extending the route when it is necessary to reach a larger number of citizens or patrons.

In some sections of our country, as the Senator knows, a carrier may be able to travel 27, 28, or 29, or probably 30 miles just as easily as in some other sections of the country he would be able to travel 24 miles. So that this latitude of discretion is necessary with the department in order that it may adjust the service equitably.

I know in my own State some routes 30 miles long that impose no greater labor on the carrier than some routes 24 miles long.

Mr. POMERENE. What deduction is made for mileage under the standard route?

Mr. BRISTOW. The exact amount I do not remember, but it is approximately $30. It may be a little more or a little less. There is a certain amount which is allowed for equipment, and so forth, and the shortest route, as I remember, is about 8 or 9 miles, and a deduction is made. It is graduated from 24 miles down. Just the exact number of dollars taken off for each mile I do not remember now.

Mr. POMERENE. The statement which the Senator has made recognizes the correctness of the principle involved in my amendment and indicates that the reduction is approximately $30 per mile for routes actually under the standard of 24 miles.

It seems to me that under all the circumstances, then, this amendment would be advisable. If there is a reduction of $30 a mile or thereabouts for any distance below 24 miles, it seems to me there ought to be an addition on every route above the standard length of 24 miles, and for that reason I suggest the amendment.

Mr. ROOT. Mr. President, I think it is safer to fix this maximum, leaving it to the regulations of the department to make allowance for the carriers who have longer, and to deduct from the carriers who have shorter, routes. I think we would probably compel injustice in many cases if we undertook to fix a hard-and-fast rule, because the amount of labor involved is dependent not only upon the length of the route, but, as the Senator from Kansas has suggested, upon the character of the road which the carrier has to go over, and also upon the number of mail boxes at which the carrier has to stop to open and put the mail into. A carrier might be able to go several miles where there were but few boxes in the same time and with less labor than he could half a mile where there were many boxes.

The adjustment of compensation under this maximum limit that we fix must necessarily be dependent upon circumstances which we can not here take into consideration. Therefore I think the bill as it stands is better.

Mr. GRONNA. I would like to have the amendment offered by the Senator from Ohio read.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. On page 43, line 4, after the words "per annum," insert:

For a route of 24 miles, with an addition of $30 per year for each mile above 24 miles and a reduction of $30 per year for every mile below 24 miles.

Mr. GRONNA. Mr. President, I hope this amendment will be adopted. Every man must know that on a rural route which is more than 24 miles in length it requires more time to deliver the mail than it does over a shorter one.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. GRONNA. Yes, sir.

Mr. BRISTOW. May I inquire of the Senator from North Dakota if that does not depend a great deal upon the general contour of the country and the condition of the roads? If it is a smooth, level road in a flat, level country, can not the carrier make 27 or 28 miles more easily than he could make 24 miles in a hilly country where the roads were rough and up and down hill?

Mr. GRONNA. That may be true during certain seasons of the year, but it is not true, we will say, during the winter months. Take it on the western prairies. Whenever we have heavy snows it takes more time to travel a mile in the snowdrifts and it takes greater effort for the carrier to deliver the mail 1 mile than it does to deliver it 10 miles when the roads are good, and it is absolutely unfair to a new country——

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. GRONNA. Let me finish this statement.

Mr. GALLINGER. Certainly.

Mr. GRONNA. It is absolutely unfair to every new section of our country, and it is a discrimination against a new country to say that there shall be no more salary allowed to a carrier who has to travel 30 to 35 miles, which they often do in my State, than to one who travels 24 miles. In many instances the routes are 33 miles. I say it is wrong to compel that carrier to travel every day over a route 33 miles in length and receive no more pay than the carrier who travels only 24 miles.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. I thank the Senator from North Dakota. I want to ask the Senator from Kansas a question, because of his familiarity with postal matters. I will ask the Senator does the department take into account at all the difference in the character of the roads on different routes?

Mr. BRISTOW. It does, in extending beyond the 24 miles. The 24 miles is the standard route for the ordinary and average road that a rural carrier has to travel. If the road is smooth and the population is sparce, then the department will extend it beyond the 24 miles, in order to get the route, if the extension does not impose hardship upon the carrier. That is the practice of the department now, and has been since the rural delivery system was established.

Mr. GALLINGER. Just one word, if the Senator from North Dakota will permit me.

Mr. GRONNA. Certainly.

Mr. GALLINGER. I sympathize with the Senator's suggestion with respect to the character of the roads in his section of the country, and they apply with equal or more force to my own part of the country where we not only have snowdrifts, but bad hills and rough roads; and it has seemed to me that there might well be by regulation some recognition of that fact.

Again, I will ask the Senator from Kansas this question, if the Senator from North Dakota will permit me.

Mr. GRONNA. Yes; I yield.

Mr. GALLINGER. Is it a fact that in some sections of the country the routes are longer than 32 or 33 miles?

Mr. BRISTOW. Oh, yes. We have a few 35 miles long. Some of them in western Kansas.

Mr. GALLINGER. Getting the same compensation?

Mr. BRISTOW. The same compensation, and the work is no harder on the 35-mile routes in some parts of the State which I represent than in other sections of the State on the 24-mile routes, and there is nothing inequitable about it. There is this great advantage. In establishing a standard route it is desirable to serve a certain population. The former requirement was 100 families.

Mr. GALLINGER. Yes.

Mr. BRISTOW. Now, in the sparsely settled regions of the country—for instance, North Dakota and western Kansas and other parts—unless the department have an opportunity of extending a route beyond 24 miles, they can not get a sufficient number of families, and many routes are now established in that section of the country which would not be if the department did not have that latitude.

I want to assure the Senator that I have no purpose in the world, except to benefit the service as much as I can, and I know that to make this rigid requirement here would be an injury to the Rural Service.

Again the Senator speaks——

Mr. GRONNA. That may be the opinion of the Senator from Kansas, but it is not my opinion at all. I think I know something about the service on rural routes and what the rural carrier has to do.

It is true, as the Senator from Kansas has said, that there are many routes in new countries, in countries where the people own large farms, where it is difficult to get the required number of families in order to establish a rural route, and for that reason you have to go over a great distance, but to say that it is no hardship or that the rural carrier does not have to exert any more effort to travel 30 miles or 35 miles than 24 miles is logic that I can not understand.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. GRONNA. Yes; I do.

Mr. BRISTOW. I should like my friend from North Dakota to travel 25 miles in Virginia over some rural route there and then go over a route in North Dakota and travel 30 miles and tell me which route is the harder.

Mr. GRONNA. I should like to have the Senator from Kansas travel 24 miles in the western country when the thermometer registers 30° below zero, and then tell me what he thinks of the trip and if he would not prefer to travel over the route in Virginia.

Mr. BRISTOW. In reply to the Senator I will say that I have traveled the prairie roads when snow was blowing, and I think I have had a good deal of experience in those regions. I have also driven over rural routes in the State of Texas where the sand is almost as deep as the snow has been in the North. When you undertake to adjust compensation and make it apply to every section of the country on an exact equity it is a physical impossibility. I would rather travel through the snows of North Dakota in the wintertime than through the sands of Texas in the summertime.

Mr. GRONNA. I agree with the Senator from Kansas. Luckily, we have no sand in North Dakota; that is, we have none to spare. But I do not speak simply from a personal experience. I have received hundreds of letters from rural carriers protesting against this adjustment or against the provision.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Oregon?

Mr. GRONNA. Yes; when I finish my statement. I say I have received a great many letters from the rural carriers where their attention has been called to this particular provision. Of course there are hundreds and thousands of them who do not know there is such a provision in the bill, but those whose attention have been called to this particular pro-

vision protest against it. I assert here that you will find 99 per cent of the rural carriers who will protest against this provision.

Mr. BOURNE. Mr. President, may I interrupt the Senator now?

Mr. GRONNA. Yes.

Mr. BOURNE. Will they protest against an increase of 10 per cent in their compensation?

Mr. GRONNA. I realize what that increase is. I am not referring to the increase. I am referring to compelling the rural carrier to travel a 33-mile route for the same pay that the carrier receives who travels on a 24-mile route.

Mr. BOURNE. If the Senator will permit me, the provision in this section of the bill where the amendment is offered by the Senator from Ohio does not change the conditions now existing in any way, shape, or form except to provide an increase of 10 per cent in the present compensation of the rural carrier. Certainly he does not object to that.

Mr. GRONNA. I understand that the amendment offered by the Senator from Ohio provides for the payment of a specified sum per mile for each and every mile above the standard route. If that is not so, then I am mistaken.

Mr. BOURNE. That is true of the amendment of the Senator from Ohio, but I was going to suggest to the Senator from Ohio that he withdraw his amendment and wait until we can come to the consideration of section 9 of the bill. On the information print, page 84, on pages 62 and 63 of the bill, he will find where the House provided for a compensation somewhat different from what the Senator from Ohio has suggested; but the Senate committee believed it was more equitable and just and advisable and administrative to strike it out and make this increase in the compensation so that it would be general in its application. Under the House provision there would be 4 per cent of the rural carriers who would receive no additional compensation whatever.

Mr. GRONNA. I shall support the provision for an increase to the rural carriers. I certainly have no objection to that. Every rural carrier in this country ought to be paid $100 per month.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Florida?

Mr. GRONNA. Yes.

Mr. FLETCHER. As I understand the Senate committee amendment, it fixes a maximum. Below that, I suppose, it is left to the department to grade the payment. In other words, the Senate committee amendment accomplishes exactly what the Senator from North Dakota desires, because if that amendment is adopted it provides an increase for all carriers pro rata, while under the House provision there is no pro rata increase. Under the Senate committee amendment there will be a pro rata increase based on mileage, the maximum being $1,100 a year.

Mr. GRONNA. To be adjusted by whom?

Mr. BOURNE. To be adjusted as they have been adjusted heretofore.

Mr. FLETCHER. By regulations of the department.

Mr. GRONNA. That is the provision I object to. I would rather have it more specific. The amendment offered by the Senator from Ohio states in plain terms what these letter carriers are entitled to receive. We have never opposed any amendment or any provision for a reasonable pay for city carriers. The rural carrier does not receive any more pay than does the city carrier, although he has to furnish his own team, his wagons, and his equipment. It costs something for the maintenance of this equipment. When you make an allowance for the investment that must necessarily be made by the rural carriers, the pay is absolutely insufficient.

Mr. BOURNE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota further yield to the Senator from Oregon?

Mr. GRONNA. I do.

Mr. BOURNE. If the Senator will permit me just in this connection, I should like to say that the point the Senator is making is in favor of the 10 per cent increase, as will be shown by a table here which has been prepared, if the Senator will allow me to read it to him. It is not on the line of the proposed amendment of the Senator from Ohio, because I was not cognizant of what his amendment was, but it is on the line of the provision in the House bill, section 9. It is that the sum of $1,074 per annum shall be paid on the standard route, 24 miles in length; on routes exceeding 24 miles in length the sum of $44.75 per mile per annum for each mile in excess of the 24 miles, and on routes under 24 miles in length a corresponding reduction per mile per annum shall be made.

If the Senator will pardon me just a moment further; the carrier on the short route has to have his vehicle the same as the carrier on a long route, and his overhead charge is the same, regardless of distance traveled. Under the present plan a carrier on a route of 6 miles would receive $440; under the House provision, which I have just indicated, he would receive $440; but under the proposed Senate amendment of a 10 per cent increase to the carrier he would get $484, or $44 in addition to what is provided either by the House or in the present law.

For a route of 16 miles, under the present plan, the carrier receives $700. Under section 9 of the bill, as passed by the House, he would receive $716. But under the proposed Senate committee amendment, with the 10 per cent increase in compensation allowed by the existing law, he would receive $770, or an increase of over $70 more than he receives to-day, or $54 more than under the House provision.

I think, under the amendment suggested by the Senator from Ohio, the carrier would not receive as much as he would under section 9 of the bill as passed by the House.

Mr. GRONNA. Mr. President, I would like to call attention to that provision of the House bill, but I understand there was an amendment reported by the Committee on Post Offices and Post Roads of the Senate providing that the standard route should be 24 miles, and that no allowance would be made to any rural carrier for any distance traveled more than 24 miles.

Mr. BOURNE. I will say to the Senator from North Dakota that the bill, as passed by the House, in section 9 provides that the standard shall be 24 miles; that on a 24-mile standard the carrier shall receive $1,074 per annum; that on routes exceeding 24 miles in length $44.75 per mile would be added; and on routes less than 24 miles that that amount would be deducted.

In the consideration of the bill the Senate committee believed that it is more equitable and better for the service and more equitable and fairer to the carriers themselves, to increase the compensation now received—on the basis of 24 miles from $1,000 to $1,100, which would be a 10 per cent increase to every carrier—and apply it to each one under the adjustment as now made by the department under the existing law.

I have tried to show here in the tables which I have read that the shorter routes would be a great deal more benefited by the adoption of the 10 per cent increase than they would, I assume, by the adoption of the amendment offered by the Senator from Ohio. I can not speak, however, authoritatively on that because I have not worked it out, but I can say authoritatively that the carriers would be better benefited by the adoption of the proposed 10 per cent increase recommended by the Senate committee than by the enactment of section 9 of the bill as it comes from the House.

Mr. GRONNA. Mr. President, I have said that I favor the provision offered by the Senate committee, so far as it goes to increase the compensation, but I believe it is only fair to the rural carrier who travels more than 24 miles, especially when he has to travel as far as 30 or 35 miles, that there should be some additional compensation.

I agree with the Senator from Oregon absolutely that it is a wise provision to increase the pay of all these carriers. They are not receiving any too much. In my opinion they are not receiving enough, but I believe that the Senator from Oregon, having the bill in charge, should make another provision allowing something additional to carriers who have to travel more than 24 miles.

Mr. JOHNSTON of Alabama. Mr. President, I think the Senator from North Dakota is mistaken. He does not appreciate the fact that there is an allowance now for an excess of mileage over 24. There is such an allowance under the regulations of the department. I am very much in favor of this amendment, only I am going to propose, in line 4, on page 43, that the word "one" be stricken out and the word "two" inserted, making the pay $1,200 a year.

These rural carriers render very valuable service to the people of the country. They supply their own horses and vehicles and travel in all weather. I think $1,200 a year, considering the feed of their horses and the wear and tear of their vehicles, is very poor compensation for them.

I move to strike out the word "one," in line 4, and insert "two," so as to read "$1,200" instead of "$1,100."

Mr. GALLINGER. Mr. President, before voting on the question, I want to ask some Senator—and I am sure the Senator from Kansas [Mr. BRISTOW] will give me satisfactory information—to what extent are these carriers now allowed to make a little excess of compensation? At one time they were permitted, as I recall it, to take subscriptions for newspapers, and they made quite a little money in that way, but I think they

are forbidden to do it now. I think they are permitted to carry small packages, are they not?

Mr. BRISTOW. The package business was shut off by an executive order; but I think a year or two ago, where it did not interfere with their business, the department relinquished to some extent that provision and permitted them to take packages.

I do not think they earn much in that way. The purpose of the department was to shut off that source of income altogether and pay them what their services were worth.

Mr. GALLINGER. I did not know just what was the regulation.

Mr. BRISTOW. It led to their soliciting orders for one local merchant against another and getting subscriptions for one newspaper as against another, and there was a good deal of complaint.

Mr. GALLINGER. That is practically cut off?

Mr. BRISTOW. Yes; I think it ought all to be cut off.

Mr. TOWNSEND. As I understand it, when the carriers came under the civil service a year or two ago we cut off absolutely all opportunity for them to earn anything outside of their salaries.

Mr. BRISTOW. That was the intention. It was done, but I understand that there have been a few exceptions made. I do not think any exception should be made, because it will certainly lead to abuse. Formerly it was a very grave abuse, because carriers became the agents for certain commercial houses and for certain newspapers and discriminated in favor of newspapers or stores from which they got a commission for sales made and delivered.

In my opinion the only way to protect the service from the abuse is to make an absolute prohibition, the same as we have against city carriers.

Mr. SIMMONS. I should like to ask the Senator from Kansas a question. His connection with the Post Office Department enables him to give certain information about these matters which the rest of us do not possess. I should like to inquire whether if the Senate committee provision fixing the salary at $1,100 is adopted the regulations with respect to the adjustment and apportionment of the salary would not continue just as now?

Mr. BRISTOW. Oh, yes.

Mr. SIMMONS. We would simply, of course, leave it to the department to adjust the compensation the carriers would receive according to the routes, as is done now.

Mr. BRISTOW. The only change is increasing the compensation of a carrier for the standard route from $1,000 to $1,100, and there will be the same proportionate increase for every carrier in the service.

Mr. SIMMONS. That is all the Senate amendment does?

Mr. BRISTOW. That is all it does.

Mr. SIMMONS. And the House provision——

Mr. BRISTOW. Readjusts the scale of compensation, and I think is not nearly so desirable as the present adjustment made by the department as the result of 15 years' experience.

Mr. SIMMONS. I agree entirely with the Senator.

Mr. POMERENE. After conferring with several Senators, it occurs to me that my amendment probably should be offered later to section 9, and for that reason I will temporarily withdraw it.

Mr. JOHNSTON of Alabama. Then, I ask that my amendment be acted upon.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Alabama to the amendment of the committee.

Mr. BOURNE. Before that is put I should like to have the Members of the Senate know exactly what it means. The adoption of the amendment of the Senator from Alabama means an increase of the appropriation and an added expense to the Government of $3,625,000. The Committee on Post Offices of the Senate, believing that the rural carriers are underpaid and are entitled to greater compensation than they now receive, recommended in this amendment and in the appropriation as suggested an increase of 10 per cent, amounting to $3,625,000. The adoption of the amendment of the Senator from Alabama would mean an increase of 20 per cent in their compensation and an additional necessitated appropriation of $3,625,000 in addition to the $3,625,000 that the Senate committee have recommended over and above what the rural carriers are now receiving.

Mr. CLAPP. I should like to ask the Senator in charge of the bill what the increase is to the carriers in the total amount of the appropriation?

Mr. BOURNE. It depends on the carrier's route. He has 10 per cent increase of compensation over what he receives to-day.

Mr. CLAPP. That is an average of about $100 a year.

Mr. BOURNE. It would be $100 on a 24-mile standard route.

Mr. CLAPP. Mr. President, notwithstanding the increased appropriation, I do not think that is enough. I believe that would leave the average rural-route carrier still underpaid—and it is a matter to which I have given some little study—as to the field part of the work.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Alabama [Mr. JOHNSTON] to the amendment of the committee, to strike out "one" and insert "two" at the place indicated.

Mr. GRONNA. I ask to have the amendment to the amendment again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment.

The Secretary again stated the amendment to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound, the "noes" appear to have it.

Mr. SIMMONS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GRONNA. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Simmons
Bacon	Cummins	McLean	Smith, Ga.
Bailey	Curtis	Massey	Smith, Md.
Bankhead	Dillingham	Nelson	Smoot
Bourne	Fall	Overman	Sutherland
Bradley	Fletcher	Page	Swanson
Bristow	Gallinger	Perkins	Thornton
Burnham	Gronna	Pomerene	Townsend
Burton	Johnson, Me.	Reed	Wetmore
Clapp	Johnston, Ala.	Root	
Crawford	Kenyon	Sanders	
Culberson	Lodge	Shively	

Mr. TOWNSEND. I desire to announce the necessary absence, on public business, of the senior Senator from Washington [Mr. JONES].

The PRESIDENT pro tempore. Forty-five Senators have responded to their names. A quorum of the Senate is not present.

Mr. OVERMAN. I ask that the names of the absentees be called.

The Secretary called the list of absent Senators, and Mr. MYERS, Mr. WARREN, and Mr. MARTINE of New Jersey answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have responded to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, it is manifest that we can not obtain a voting quorum to-day. So I hope that no Senator will demand the yeas and nays; but that if we have a controverted question, he will let it go over so that we may make some progress with the bill.

Mr. SIMMONS. Mr. President, with that understanding, I desire to withdraw my demand for the yeas and nays, and ask that the amendment to the amendment go over until Monday.

Mr. GRONNA. Mr. President, I hope that will not be done. I believe we can decide this question this afternoon.

Mr. LODGE. It is impossible to get a vote on it this afternoon.

Mr. GRONNA. We can vote on it without having a roll call.

Mr. LODGE. By insisting upon a roll call the Senate will be forced to adjourn.

Mr. SIMMONS. If it will meet the views of the Senator from North Dakota, I will withdraw the request for the yeas and nays, and simply ask for a division.

Mr. GALLINGER. That will do the same thing.

Mr. SMOOT. The result will be the same.

Mr. SIMMONS. Very well, Mr. President, I withdraw the request, under the conditions stated.

Mr. GRONNA. Mr. President, a parliamentary inquiry. I ask what is the question before the Senate?

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Alabama [Mr. JOHNSTON] to the amendment of the committee to strike out the word "one" and insert "two," so as to change the salary from $1,100 to $1,200.

Mr. GRONNA. May I ask that the amendment be again stated at the desk?

The PRESIDENT pro tempore. The Secretary will again state the amendment to the amendment, and read the context as it will stand if so amended.

The SECRETARY. On page 43, line 4, before the word "hundred," it is proposed to strike out "one" and insert "two," so as to read:

Provided further, That on and after July 1, 1912, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,200 per annum.

Mr. GRONNA. Mr. President, that does not fix the salary of rural carriers at $1,200 a year; it simply provides that rural carriers shall receive not to exceed $1,200 per annum. I sincerely hope that the Senator from Alabama will redraft his amendment so as to make it conform to the provisions of the bill as it came from the House, fixing the salary of a rural carrier on a standard route at $1,200 per year.

Mr. McCUMBER. Mr. President, if my colleague will allow me, I should like to ask the Senator in charge of the bill what is the minimum amount now paid for rural delivery service?

Mr. BOURNE. According to the report of the Fourth Assistant Postmaster General, the minimum amount now paid is $440.

Mr. McCUMBER. For how many miles?

Mr. BOURNE. That is for over 6 miles and less than 8 miles.

Mr. McCUMBER. Mr. President, I desire to say a few words, but I will wait until my colleague has concluded.

Mr. GRONNA. I yield to the Senator.

Mr. McCUMBER. Mr. President, I wish to say a word about this matter. When the Post Office appropriation bill was before the Senate in 1910 I then offered an amendment, which reads as follows:

That on and after July 1, 1910, all rural carriers now serving daily routes of 24 miles or more shall receive as compensation for such service $1,200 per annum, payable in equal monthly installments; those serving daily routes of less than 24 miles shall receive as compensation such proportion of $1,200 as the miles of the route served by them bear to 24 miles: *Provided*, That fractions of 1 mile shall not be considered in fixing such salary: *And provided further*, That no compensation shall be less than $600.

Mr. President, if I have an opportunity to do so, I purpose to offer that as a substitute for the amendment offered by the Senator from Alabama. My reason for doing so can be explained very briefly.

When one compares the amount that is paid rural carriers with that paid city delivery carriers, which, in most instances, now will run up to $1,200 per annum, and the hours of service, which, under this bill, are fixed for city carriers at not more than eight hours per day, and when one takes into consideration the expenses incumbent upon the rural carriers, he can not help seeing that there is a gross disparity between the amount paid to the city delivery carriers and the amount paid to the rural delivery carriers. That disparity can not be considered as being in any way overcome by what we generally understand to be the higher expenses of living within great cities than in the sections of country where rural delivery is carried on.

Mr. BOURNE. Will the Senator permit me?

Mr. McCUMBER. With pleasure.

Mr. BOURNE. According to the statement of the Fourth Assistant Postmaster General, under whose jurisdiction the rural carriers come, the average time taken by the forty-two thousand three hundred and odd rural carriers now in the employment of the Government is under six hours per day.

Mr. McCUMBER. That means from the time they begin driving until they end driving.

Mr. BOURNE. It is nearer five hours than six hours.

Mr. McCUMBER. That is the time actually expended on the route. That does not include the time expended in preparing the vehicle, the time expended in caring for the animals that are used both in the morning and the evening, and so forth, but only the actual traveling time on the road. Now, all of these items, to be fair, must necessarily be added. The rural carrier must take care of his vehicle. He must take care of his horses or hire somebody else to take care of them, and it requires a certain amount of time for that purpose.

Mr. BOURNE. I will say to the Senator that I have every disposition to be fair, but I want to call to the Senator's attention the fact that prior to July, 1911, the maximum salary of the rural carrier was $900. The appropriation for the year ended July 1, 1912, raised the compensation to a thousand dollars. Now, this bill under the same amendment proposes to raise it another hundred dollars, making it $1,100.

Mr. McCUMBER. The only point is that I should like to have it raised another hundred.

We have the maximum amount, and the amendment which I propose reduces that amount wherever the service is less than 24 miles, but makes the minimum $600 instead of $440, the amount that is paid.

Mr. BOURNE. All the appropriations I have enumerated for the years I have stated are on the basis of a maximum or standard route of 24 miles.

Mr. McCUMBER. Yes.

Mr. NELSON. The question I want to ask, with the permission of the Senator from North Dakota [Mr. McCUMBER], is this: In the law last year we provided an increase in salaries to not to exceed $1,000. Now, is the Senator able to give us any information as to what proportion of the carriers get the thousand dollars?

Mr. BOURNE. I can not give the Senator that information.

Mr. NELSON. Do all who do 24 miles get it?

Mr. BOURNE. Yes; all who do 24 miles receive a thousand dollars, undoubtedly. It is the law.

I will say to the Senator from North Dakota that the amendment suggested by the Senate committee would make a minimum of $484 instead of $600, as he suggests in his proposed amendment.

Mr. McCUMBER. Yes.

I know the Senator from Oregon wants to be perfectly fair, and I desire him to do a little computation in his own mind. I do not need to furnish the figures. But I am quite certain that he is desirous that those who bear the hardships of a delivery in the country, especially in the Northern States, where they must go through all kinds of weather, where they must go whether it is raining or in the mud or in the coldest days of winter, should be treated just as well for a given amount of service as those who deliver in the cities.

Mr. BOURNE. Unquestionably.

Mr. McCUMBER. Unquestionably, says the Senator.

Now, let us see if they are. You make a proper allowance for what a man would have to pay for rent who is in the business of delivering in the city here. I will assume that it is somewhat higher than one would have to pay in the smaller country towns or the places from which the rural carrier starts. We will assume that the city deliverer must necessarily expend more for that particular item. What other expense has he connected with his delivery service? Is there anything that is at all material? His sack wherein to carry the mail is furnished to him by the Government. Everything is furnished by the Government. He is allowed, I understand, transportation upon street cars to the place where he begins his delivery.

Mr. BOURNE. That depends somewhat upon the distance he goes.

Mr. McCUMBER. Possibly it does.

Now, I want to balance that with the expense which must be paid by the rural carrier. We will suppose the rent is even double in the city and that must be made up. You have to take the rent of a stable. He has to keep about four horses to drive 24 miles day in and day out, year in and year out. There is no single team on the face of the earth that will stand 24 miles of driving over all kinds of roads and in all kinds of weather and live through it two years. So experience has demonstrated that it is necessary for him to own or to keep from three to four horses for that delivery. He must make this distance, and he must have his money invested in four horses, on the average, for the full delivery of 24 miles.

On the average one of those horses will die within a period of four years, taking into consideration the work and the average working life of a horse. The carrier must supply a new horse, then, about once in every four years. Then his vehicle will last him possibly a year or two without much repair. But he must make whatever repairs are necessary, and he must, in the first instance, buy the vehicle. Then he must purchase hay; he must purchase oats for those four horses; he must take care of them. For his time in doing that we will charge nothing, however. But we must make our allowance for hay, for oats, for harness, for insurance, for taxes, and all those things which make up the expense; and at the end of the year the net profit of your city deliverer is more than double and probably three times as much as that of the rural deliverer.

Now, we ought to do justice to these men. We ought to treat them all alike, as nearly as it is possible for us to do, and I certainly believe, and I think the Senator will agree with me, that, having to purchase all of this equipment and to maintain it during the year, and to purchase horses as rapidly as one of them fails in efficiency, the rural carrier ought to have at least $1,200 a year, or $100 a month, for the highest service.

The carrier on the shorter route must have at least two horses, and the same number of vehicles that the man who carries the 24 miles has, even if he has only 6 miles to carry. He can not avoid some of those expenses, and after he has kept two horses one year and paid for hay and oats and rental of the farm I should like to ask the Senator, even in a small country place, how much there is left for the salary of the driver himself? Certainly a very meager amount.

For that reason I believe that $600 ought to be the minimum, and with the $1,200 the maximum amount we will at least

approximate doing justice in the treatment between the two classes of public servants, and I am going, at the proper time, to ask for a vote upon this amendment.

Mr. GALLINGER. I will ask the Senator if he has made an estimate as to the increased expenditures by raising the minimum to $600? By raising the maximum it increases the appropriation between six and seven million dollars.

Mr. McCUMBER. Yes.

Mr. GALLINGER. Has the Senator any figures to show what this increase in the minimum would require?

Mr. McCUMBER. I had two years ago, and perhaps I can get the figures, and probably will do so before I get through the debate, showing just what this cost will be. But I might ask, on the other hand, if the Senator has considered what the extra cost was when we raised the salary of the city deliverers to $1,200 a year. That was a very material matter, too, and I do not know, if we are to consider carefully what the additional cost is in one instance, that we ought not, with the same care, to investigate what the additional cost was in the other case.

Mr. GALLINGER. Of course each case must stand on its own merits. I was simply seeking information.

There is this to be said. I have some knowledge on this matter. A man who has two horses on a 6-mile route—sometimes he must have two, but frequently only one—is engaged only three or four hours in the day.

Mr. McCUMBER. I think the time of his service is such, both in the forenoon and in the afternoon, delivering mail and gathering the mail again that he will practically have no time for other service.

Mr. GALLINGER. He gathers the mail as he goes along.

Mr. BRISTOW. The rural carrier makes only one trip a day. He gathers the mail while delivering the incoming mail.

Mr. GALLINGER. Yes; and ordinarily they have other employments. They turn their horses in and they themselves engage in other employments when they get through this particular service for the Government, and they thereby earn quite a bit, both on account of their own labor and that of their horses.

Mr. McCUMBER. I think the Senator will find very few cases where they earn anything in outside work.

I do not care about pressing the matter now, if it is to go over——

Mr. GALLINGER. It is going over.

Mr. McCUMBER. If it is the general idea that we should pass this item and go on with the bill.

The PRESIDENT pro tempore. The question is on the adoption of the amendment offered by the Senator from Alabama.

Mr. GALLINGER. I ask that the matter go over until Monday. It is manifest we will not have a voting quorum this afternoon.

The PRESIDENT pro tempore. Unanimous consent is asked that this item may go over until Monday. Without objection it will be so ordered.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, in section 2, page 44, after line 3, to strike out:

That it shall be unlawful for any person, association, or corporation to enter or deposit or to have entered or deposited into the mails of the United States as second-class mail matter any newspaper, magazine, or other periodical publication of like kind published in the United States, unless such publication shall have plainly printed in a conspicuous place therein the name or names of the managing editor or managing editors, the name or names of the publisher or publishers, and the name or names of the owner or owners, including the name or names of the owner or owners of stock, bonds, or other securities, to the amount of $550 or more, which have been issued or sold by the said person, association, or corporation, owning or controlling such publication, and which may be outstanding: *Provided*, That in the case of newspapers published daily, or daily except Sunday, it shall be sufficient to publish said names once each week on the same day each week; also all editorial or other reading matter published in any such circulating periodical for which money or other consideration is accepted by the publisher or publishers shall be plainly marked "advertisement" or be signed by name or names of the person or persons in whose interest or interests such article is published. Any person, association, or corporation that shall so enter or deposit or have entered or deposited in the mails of the United States any such newspaper, magazine, or periodical publication of like kind in violation of the foregoing provisions shall be guilty of a misdemeanor and be fined in any sum not less than $100 nor more than $1,000 for each offense: *Provided*, That nothing in this paragraph contained shall apply to or include periodical publications published by or under the auspices of fraternal or benevolent societies or orders or trades-unions.

And insert:

That it shall be the duty of the editor, publisher, business manager, or owner of every newspaper, magazine, periodical, or other publication to file with the Postmaster General and the postmaster at the office at which said publication is entered, not later than the 1st day of April and the 1st day of October of each year, a sworn statement setting forth the names and post-office addresses of the editors, publishers, business managers, and owners, and, in addition, the stockholders, if the publication be owned by a corporation, and also the names of bondholders, mortgagees, or other security holders: *Provided*, That it shall not be necessary to include in such statement the names of persons owning less than 1 per cent of the total amount of stock, bonds, mortgages, or other securities. A copy of such sworn statement shall be published in the second issue of such newspaper, magazine, or other publication printed next after the filing of such statement. Any such publication shall be denied the privileges of the mail upon failure to comply with any provision of this paragraph.

That all editorial or other reading matter published in any such newspaper, magazine, or periodical for the publication of which money or other consideration is paid, accepted, or promised shall be plainly marked "advertisement" or "advt." Any editor or publisher printing editorial or other reading matter for which compensation is paid, accepted, or promised without so marking the same shall upon conviction in any court having jurisdiction be fined not less than $50 nor more than $500.

Mr. REED. I wish the chairman of the committee would tell us in a few words the difference between this amendment and the House provision.

Mr. BOURNE. Mr. President, as to the recommendation of the committee, as represented in the italicized portion of the bill, it was believed that the committee amendment made the publicity feature that the House provision endeavored to secure more practical and more easily administered. The same end is attained, in the opinion of the chairman, by the committee amendment that was attempted to be attained in the House provision. The gentleman offering the House provision appeared before the Senate committee for a hearing at his request, and after going over the Senate committee substitute, I think I am justified in stating he was fully satisfied that the Senate committee substitute reaches the main purpose endeavored to be attained by him in the Barnhart bill.

Mr. REED. If I understand the amendment proposed, it requires a publication only once a year.

Mr. BOURNE. Twice a year, under the Senate amendment.

Mr. JOHNSTON of Alabama. In April and October.

Mr. BOURNE. A perusal of the same will show the Senator from Missouri that—

It shall be the duty of the editor, publisher, business manager, or owner of every newspaper, magazine, periodical, or other publication to file with the Postmaster General and the postmaster at the office at which said publication is entered, not later than the 1st day of April and the 1st day of October of each year, a sworn statement setting forth the names and post-office addresses of the editors, publishers, business managers, and owners, and, in addition, the stockholders, if the publication be owned by a corporation; and also the names of bondholders, mortgagees, or other security holders: *Provided*, That it shall not be necessary to include in such statement the names of persons owning less than 1 per cent of the total amount of stock, bonds, mortgages, or other securities.

In the House provision the limit was $550 ownership. The Senate committee suggested 1 per cent. The desire is, as I understand it, and as I believe advisedly, to show accountability of the owner of the paper to the individual so that the public may know to whom the paper is in any way obligated or may have a bias. I think the recommendation of the Senate committee provides for that in a more practical way than is suggested in the bill as passed by the House.

Mr. REED. I thank the chairman of the committee. One further question. I have read this provision somewhat hastily. I did not observe any provision for notice to a newspaper in the event of its failure to file it in the time allowed by law.

Mr. BOURNE. I do not exactly understand the Senator's statement.

Mr. REED. I say that I have looked at the provision very hastily and may have overlooked something, but as I read it the provision is absolute, that upon failure to comply with the terms of this bill a newspaper or periodical shall be denied the use of the mails, and there is no provision for notice before their rights are forfeited. That is the way I have read it. I may have overlooked something.

Mr. CLAPP. Is there any such provision in the House bill?

Mr. REED. I think not.

Mr. President, I am heartily in accord with the provisions of the bill, and in view of the explanation made by the chairman, I am rather inclined to think that the provisions as reported by the Senate committee are as good as the provisions of the House. But while I believe in the rigid enforcement of this measure, I am always opposed to advantage being taken of a mere oversight by anyone. The Post Office Department has some times in the past made rulings which appeared to me to be exceedingly severe. I will not use a harsher term.

I think that in the provision as it is printed it might well happen that the publisher of a newspaper would overlook this provision of the law and through mere inadvertence fail to file the statement. I believe there ought to be a provision requiring some kind of notice to be given to him before his paper would be excluded from the mails.

I therefore suggest as an amendment that the first section at the top of page 46, which reads as follows:

Any such publication shall be denied the privileges of the mail upon failure to comply with any provision of this paragraph—

Be amended so that it shall read:

Any such publication shall be denied the privileges of the mail if it shall fail to comply with any of the provisions of this paragraph within 10 days after notice by registered letter of such failure.

Mr. BOURNE. I will ask the Senator from Missouri if that would not put the department in a position where it would have to have continual espionage rather than the publisher on notice under the law as to what he had to do.

Mr. REED. No, Mr. President; I think it imposes no additional duty or burden upon the department. Before the department can exclude a paper they must find as a fact that the report has not been made. When they do find that, all that is required in addition to their present duties is that they shall send a registered letter to the publisher calling his attention to his failure, and then if he does not comply with that notice the forfeiture of the right to enter the mails follows.

It is always repugnant, Mr. President, to our sense of justice and right to deny a valuable right or privilege merely because of some inadvertence on the part of the person enjoying it. This might work a very great injury. Let us imagine one of the great daily newspapers of the country with a circulation of two or three hundred thousand copies. Some official charged with the duty fails to send a proper statement here to Washington or to file it as required by the bill. Let us imagine that we had a Postmaster General or a Second or Third or Fourth Assistant who was willing to be arbitrary and he would deny that paper the use of the mails. It would be a dangerous thing.

Mr. BOURNE. If the Senator will permit me, I will be very glad to accept his suggested amendment.

Mr. REED. Will the Secretary kindly read it.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 46, after the word "mail," in line 2, strike out the words "upon failure to comply with any provision of this paragraph" and insert "if it shall fail to comply with any of the provisions of this paragraph within 10 days after notice by registered letter of such failure," so that if amended it will read:

Any such publication shall be denied the privileges of the mail if it shall fail to comply with any of the provisions of this paragraph within 10 days after notice by registered letter of such failure.

Mr. GALLINGER. Mr. President, before a vote is taken I wish to ask the Senator from Oregon the origin and purpose of this legislation. What is expected to be accomplished by it, if the Senator knows?

Mr. BOURNE. Mr. President——

Mr. GALLINGER. It is a provision in the bill as passed by the House, I observe. So the Senator is not responsible for that.

Mr. BOURNE. I was going to say that the proposed legislation appeared originally in a House bill, known, as I remember, as the Barnhart bill. I assume the desire is to furnish the public information as to the possible bias of the paper, incident to ownership or incident to obligations of the paper or its owners to individuals.

The Senate committee believed in its investigation of the House bill that the provision of the House would not be practicable or administrative; that there were requirements there which could not possibly be complied with, and in also the desire of furnishing the readers the information as to the individuals to whom the paper was under financial obligations, and that if that information was furnished semiannually and in the method provided in the Senate committee substitute as recommended by the Senate committee the object sought would be accomplished.

Mr. GALLINGER. I thought likely the purpose the Senator has suggested was at the bottom of it. I suppose there is a great dread, perhaps, or anxiety on the part of somebody that some newspaper is controlled by some corporation or plutocrat, of which we hear so much these days, and it was, to use a term of the street, to smoke him out. There may be something in that so far as the great newspapers of the country are concerned. There is nothing in it so far as the ordinary newspaper is concerned, and when it comes to asking the Youth's Companion, the National Temperance Society Magazine, the Humane Society Magazine, the church publications, and the Sabbath school publications to go through this performance I think it approaches the ridiculous, if it does not go beyond it.

I have no interest in it whatever, but it occurs to me it should be confined to newspapers—possibly magazines—but when it goes to the extent of saying periodicals or other publications, requiring all these little publications to file a list of their stockholders and their bondholders and their editors and their proprietors and their business managers—and there are very many hundreds of them in the country—it does not seem to me that it is very wise legislation.

I would suggest to the Senator that if this is passed and goes to conference, as it will, he dwell upon that somewhat before the conferees meet, and see if it would not be wise to limit it.

Mr. CLAPP. Will the Senator pardon me?

Mr. GALLINGER. Certainly.

Mr. CLAPP. I do not care to address myself any distinct remarks on the matter, but in sympathy with the suggestion of the Senator, it seems to me it is unnecessary that the provision should apply to the thousands of weekly newspapers throughout the country.

Mr. GALLINGER. Absolutely.

Mr. LODGE. If it is applied to any newspaper, it ought to apply to all, and especially to those which the Senator mentions.

Mr. CLAPP. But with the thousands of country newspapers throughout the country, to require them to file these statements, it seems to me, is the imposition of a burden without justification.

Mr. BOURNE. What is the great burden, I ask the Senator? Are there so many stockholders of the country newspapers having $2,000 invested? They have to furnish the information only twice a year.

Mr. CLAPP. The average country newspaper——

The PRESIDENT pro tempore. To whom does the Senator from New Hampshire yield?

Mr. GALLINGER. I yield to the Senator from Minnesota.

The PRESIDENT pro tempore. The Senator from Minnesota.

Mr. CLAPP. The country newspaper is not a great financial institution, and I do not think it is fair, unless some great public service is to be obtained by it, to impose upon it the laying bare of its financial condition. That is what it amounts to, without obtaining, in my judgment, any good purpose. It may be that some of the great press of the cities rest upon a different proposition.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Iowa?

Mr. GALLINGER. I yield, Mr. President.

Mr. CUMMINS. There was called to my attention by a publisher one provision in the substitute concerning which I should like the opinion of the chairman of the committee. The amendment requires—

a sworn statement setting forth the names and post-office addresses of the editors, publishers, business managers, and owners, and, in addition, the stockholders, if the publication be owned by a corporation, and also the names of bondholders, mortgagees, or other security holders.

I do not know how many institutions there are of the kind, but I have in mind one in which it would be utterly impossible for the corporation to set forth a list of the bondholders. Bonds are issued under a mortgage, and if they be not registered bonds they pass from hand to hand, sometimes by mere delivery, sometimes by indorsement, without any notice whatever to the corporation which has given the mortgage.

Mr. GALLINGER. Nine times out of ten that is the case.

Mr. CUMMINS. They will be put in the position of either being required to give the names of all the bondholders under the mortgage which has been issued or of being denied access to the mails. I am sure that it was not the intent of the Senate committee to bring about any such result as that.

Mr. LODGE. Mr. President, will the Senator allow me a moment?

Mr. GALLINGER. I yield to the Senator.

Mr. LODGE. I suggest to cure that defect, which is an obvious one, that there be inserted in line 20, before the word "bondholders," the word "registered"; in line 23, before the word "bonds," the word "registered"—"registered bondholders," or holders of "registered bonds."

Mr. SMOOT. I should like to ask whether that would rectify such a condition as the Senator from Iowa spoke of. I suppose 90 per cent of these bonds are made payable to bearer.

Mr. CUMMINS. The amendment might be confined to those cases in which the mortgage provided for a registration of bonds so that the corporation could know that they were the holders of registered bonds. There would be no objection to that so far as I see.

Mr. BOURNE. The Senator from Iowa addressed a question to me as chairman of the committee having the bill in

charge, and I would be glad if given an opportunity of trying to answer the question.

Mr. GALLINGER. I will be pleased to give the Senator an opportunity.

Mr. LODGE. The Senator from New Hampshire had the floor. I do not know why he should be debarred from discussing the question.

Mr. BOURNE. I will say——

The PRESIDENT pro tempore. Does the Senator from New Hampshire yield to the Senator from Oregon?

Mr. GALLINGER. I yield to the Senator from Oregon with pleasure.

Mr. BOURNE. The suggestion made by the Senator from Massachusetts to amend by restricting the condition to registered bonds would unquestionably meet the objection raised by the Senator from Iowa, but I do not believe, replying to his original question, that while it is onerous it is impossible to obtain the information. Whether the bonds are registered or whether they are coupons, they are sold to individuals. The parties handling the bonds know the parties to whom they sell. They have that information. The information is always on the books of the company, if the bonds are registered. If the bonds are not registered, but are coupon, then the coupons have to go through the financial institutions, and, until they are paid, the information can be obtained. It is onerous, undoubtedly.

Mr. CUMMINS. Mr. President——

Mr. BOURNE. I think the suggestion made by the Senator from Massachusetts, if the Senator will pardon me just a moment, to limit it to registered bonds is perfectly satisfactory and will be a good one, but I do not think it is at all impossible under the provision as recommended by the Senate committee of administration.

Mr. CUMMINS. If the interest on every bond issued by any of these corporations was due on the 1st of April and the 1st of October, the corporations might know, at least, who presented the coupons; but the interest does not mature on the 1st of April and the 1st of October. No one can tell what changes have been made in the meanwhile in the ownership of the bonds.

Mr. ROOT. May I suggest also that coupons ordinarily are presented through some bank, and there is no indication of who is the owner?

Mr. SMOOT. And many times coupons are paid by the bank in cash, and no further record is made of them.

Mr. GALLINGER. Mr. President, I rose, as I said, with another thought in mind, although I had intended to call attention to this provision of the bill, recognizing, as I do, that it is utterly impossible to get the names of these bondholders unless the bonds are registered. I had thought that possibly by the insertion of the word "known," making it read "known bondholders," we might cure it to some extent; but I still feel that this provision may well be given careful consideration, and that in our quest—because, I take it, that word exactly embraces the situation—in our quest to discover that some wicked man somewhere is editing a newspaper without it being known to the general public who he is, and hence he promulgates views that could not be attributed to him personally—I say in that quest it seems to me that we ought not by the language of this provision to include all the little publications scattered all over the country, thousands in number, and bother those people, asking them to furnish this unnecessary and foolish information, so far as they are concerned.

What on earth do we want to know who are the owners, the editors, the publishers, the bondholders, and the mortgagees of the humane-society publications? I suppose there are 40 of them in this country. So I think this ought to be reconstructed, to some extent, so as to exclude publications of that kind. I rose simply to call attention to it; and having done so, I will say nothing further at the present time concerning it.

Mr. SANDERS. Why should we put that burden on the larger papers, if it is altogether wrong to put it on the smaller papers? That is the question that occurs to me. It is sometimes far more serious to the larger papers than it is to the smaller ones. Further, about that matter of the registered bonds, I do not think we have any right morally to put a burden upon registered bonds that we find ourselves unable to put on other bonds.

The PRESIDENT pro tempore. The question is on the amendment to strike out and insert.

Mr. SMOOT. Mr. President, what became of the suggested amendment?

Mr. BOURNE. Mr. President, if the Senator will permit me, I desire to make a suggestion and ask the attention of the Senator from Iowa and the Senator from Massachusetts to it. Would it not cure the objection raised if, in line 23 of page 45, which would be page 64 of the "Information print," after the words "or other securities," there were inserted the words "when the holders of the same are unknown," so that it would then read:

That it shall not be necessary to include in such statement the names of persons owning less than 1 per cent of the total amount of stock, bonds, mortgages, or other securities, when the holders of the same are unknown.

Mr. CUMMINS. That would not quite cure it, because it could be applied only to those who held less than 1 per cent of the bonds.

Mr. BOURNE. The purpose is——

Mr. CUMMINS. They are excused entirely, no matter whether they are known or unknown, by the terms of the bill itself.

Mr. ROOT. May I suggest to the Senator from Oregon that he might accomplish his purpose by inserting, in line 20, page 45, before the word "bondholders," the word "known," so that it would read:

And also the names of known bondholders, mortgagees, or other security holders.

Mr. CUMMINS. That will cure it entirely.

Mr. BOURNE. I accept that, Mr. President.

The PRESIDENT pro tempore. There is an amendment pending now on page 46, offered by the Senator from Missouri [Mr. REED], to strike out all of the sentence after the word "mail" and inserting certain language. The question is upon that amendment to the amendment of the committee. The Secretary will again state the amendment to the amendment.

The SECRETARY. In the committee amendment, on page 46, line 2, after the word "mail," it is proposed to strike out the remainder of the sentence and to insert the words "if it shall fail to comply with the provisions of this paragraph within 10 days after notice by registered letter of such failure."

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the committee amendment.

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, after the words "security holders," in line 20, page 45, I wish to suggest an amendment for the purpose of sending it to conference, as it may not be well prepared. I suggest the insertion of the following words:

Provided, That the provisions of this paragraph shall not apply to religious, fraternal, temperance, or other similar publications.

The amendment can then go to conference.

Mr. BOURNE. I accept that, Mr. President.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment.

The amendment was agreed to.

Mr. GALLINGER. Then the word "*Provided*," in line 20, as it is now printed, should be followed by the word "*further*."

The PRESIDENT pro tempore. The amendment will be agreed to, without objection.

Mr. REED. Mr. President, I simply call the attention of the Senator who has offered the last amendment to the fact that "other similar publications" is a pretty general term.

Mr. GALLINGER. If the Senator will permit me, I simply suggested that amendment in order that the matter might go to conference and there could be reconstructed. I wrote it hurriedly.

Mr. REED. I understand that, and I am not going to object to it going in the bill, but I think the conferees ought to have in mind the fact that that term is very general. Under it, just for illustration, publications might be of such a character as really could be made political in their results.

Mr. GALLINGER. The Senator is right.

Mr. REED. For instance, we recently had a great campaign made in this country in favor of certain treaties. The public were entitled to know that that campaign was being financed by a certain man—not that he did not have the full right to speak, but the public had the right to know who, in fact, was speaking. I throw that suggestion out in order that it may go along with the amendment.

Mr. GALLINGER. I think that is right.

Mr. CUMMINS. Mr. President, I desire to ask another question of the chairman of the committee concerning a phrase that has vexed me somewhat. It will be found on page 46, line 6. In order to make my question plain, I will read the part of it in which the words are found:

That all editorial or other reading matter published in any such newspaper, magazine, or periodical, for the publication of which money or other consideration is paid, accepted, or promised, shall be plainly marked "advertisement" or "advt."

What does the chairman of the committee understand to be the scope of the words "other consideration"?

Mr. BOURNE. Anything of value that is exchanged with the the owner of the paper for the space purchased.

Mr. CUMMINS. I fear, however, that the words might be construed much more broadly than that.

Mr. NELSON. If Senators will allow me, that could be cured very easily by inserting the word "valuable" between the word "other" and the word "consideration."

Mr. CUMMINS. Before I even ventured upon a suggestion as to an amendment, I wanted to get fully the idea of the chairman with regard to the words, because I did not want to propose amendments that are not necessary. I can readily see that the amendment now suggested by the Senator from Minnesota would cover what I believe was in the mind of the committee.

Mr. BOURNE. I will be very glad to accept the suggestion of the Senator from Minnesota.

Mr. CUMMINS. For instance, there are considerations of affection, of love, of friendship.

Mr. BOURNE. I can only speak for myself. That did not enter into the consideration of this part of the bill at all; it was simply to meet as far as possible and perfect the idea in the House provision to cover anything that was valuable other than money.

Mr. CUMMINS. Then, the chairman of the committee would have no objection to inserting the word just proposed by the Senator from Minnesota immediately before the word "consideration"?

Mr. BOURNE. None whatever.

Mr. CUMMINS. So that it will read "other valuable consideration."

Mr. NELSON. Mr. President, I think that would be the solution, because the term "valuable consideration" has a well-defined meaning in law.

Mr. CUMMINS. It has a well-defined meaning in law.

Mr. NELSON. I move as an amendment to the amendment the insertion of the word "valuable" between the word "other" and the word "consideration."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 46, line 6, before the word "consideration," it is proposed to insert the word "valuable."

The amendment to the amendment was agreed to.

Mr. NELSON. Mr. President, there was no action taken on the amendment suggested by the Senator from New York [Mr. ROOT] to insert the word "known" before the word "bondholders," at the beginning of line 20. It was suggested; but no vote was taken on it and no action had.

The PRESIDENT pro tempore. The Chair heard the suggestion of the Senator, but did not understand that any formal amendment had been proposed.

Mr. NELSON. I understood that it was offered as an amendment.

Mr. ROOT. I offer it as an amendment to the amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 45, line 20, before the word "bondholders," it is proposed to insert the word "known."

The amendment to the amendment was agreed to.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from Oregon that in lines 7 and 8, on page 46, the word "or" and the abbreviation "advt." be eliminated from the bill. We all know what "advertisement" is when we see it in print. A good many people might not know what that abbreviation meant. I think it is unnecessary, and I move to strike it out.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 46, line 7, after the word "advertisement," in the amendment of the committee, it is proposed to strike out the word "or" and the abbreviation "advt."

The amendment to the amendment was agreed to.

Mr. CLAPP. Mr. President, it would save one amendment in conference if a period were placed after the word "advertisement" in line 7.

The PRESIDENT pro tempore. In the absence of objection that amendment to the amendment will be made. The question now is on agreeing to the amendment of the committee as amended.

Mr. CLAPP. Mr. President, I was necessarily out of the Chamber for a few moments, and I should like to inquire whether any amendment was made limiting the general provision in regard to the publication of the names of owners and others interested in newspapers and periodicals.

Mr. GALLINGER. An amendment was adopted on my motion excluding religious, fraternal, temperance, and other similar publications.

Mr. CLAPP. Then, I should like to have the matter go over. I think we ought to make an effort to exclude the ordinary country newspapers.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the question on the amendment be postponed for the present, to come up on Monday.

Mr. MARTINE of New Jersey. What amendment is that?

The PRESIDENT pro tempore. The committee amendment on pages 44, 45, and 46 to strike out and insert. This is to strike out the matter found on page 44, and also on part of page 45, and insert the matter found on pages 45 and 46 in italics. The Senator from Minnesota asks that that go over, and, without objection, it will be so ordered.

The Secretary will state the next committee amendment.

The next amendment was, under the subhead "Bonds of Navy mail clerks," in section 4, page 47, line 3, after the word "affected," to insert: "*Provided further*, That readjustment made hereunder shall not take effect before July 1, 1912, and shall be for diversions occurring after January 1, 1912," so as to make the section read:

SEC. 4. When, after a weighing of the mails for the purpose of readjusting the compensation for their transportation on a railroad route, mails are diverted therefrom or thereto, the Postmaster General may, in his discretion, ascertain the effect of such diversion by a weighing of such mails for such number of successive working days as he may determine, and have the weights stated and verified to him as in other cases, and readjust the compensation on the routes affected accordingly: *Provided*, That no readjustment shall be made unless the diverted mails equal at least 10 per cent of the average daily weight on any of the routes affected: *Provided further*, That readjustment made hereunder shall not take effect before July 1, 1912, and shall be for diversions occurring after January 1, 1912.

The amendment was agreed to.

The next amendment was, in section 5, page 47, line 8, after the word "after," to strike out "July 1" and insert "March 4, 1913"; and in line 10, before the words "letter carriers," to strike out "next, following the passage of this act," so as to make the clause read:

SEC. 5. That on and after March 4, 1913, letter carriers in the City Delivery Service and clerks in first and second class post offices shall be required to work not more than 8 hours a day: *Provided*, That the 8 hours of service shall not extend over a longer period than 10 consecutive hours and the schedules of duty of the employees shall be regulated accordingly.

The amendment was agreed to.

The next amendment was, in section 6, page 48, line 20, after the words "shall be," to strike out "annually reported to Congress and"; and in line 22, after the word "same," to strike out "or the originals thereof," so as to read:

SEC. 6. That no person in the classified civil service of the United States employed in the postal service shall be removed therefrom except for such cause as will promote the efficiency of said service and for reasons given in writing, and the person whose removal is sought shall have notice of the same and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; and affidavits in support thereof; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for reduction in rank or compensation; and copies of the same shall be furnished to the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same.

The amendment was agreed to.

The next amendment was, on page 48, line 23, to strike out the following proviso:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. MARTINE of New Jersey. Mr. President, I hope the amendment will not prevail.

Mr. LODGE. Let it go over, then.

Mr. MARTINE of New Jersey. I feel that it is a step in the denial of human rights. To my mind to strike out that provision would be a step toward barbarism. "Alone" is, to me, the most hateful word of the English language. I hold that the most unfortunate and most to be pitied mortal in the world is the man or woman who is content to be alone and who would shut himself or herself in his own shell and deny and decline communication with his fellows.

Mr. President, I believe social, fraternal, and benevolent organizations are a blessing to the members thereof and to mankind. Identity with such organizations tends to make better men, better citizens, and better officials. To deny men who may be employed in the Post Office Department this right would be brutal.

In heaven's name, how is an employee who has a legitimate grievance to be heard, or who has a thought for the betterment of himself or his fellows ever to get before Congress if this proviso is stricken out? Mr. President, I can not vote to strike this provision from the House bill. It is a decided step backward; it is toward the Dark Ages; it is brutal and cowardly. My vote shall never be cast in favor of such a step. It is termed the "gag rule," and it is true to the name. A measure of this character is contrary to every American idea. Many of the best measures and devices calculated to make better conditions for the toiler and breadwinner are the direct result of deliberations had in these societies. The notion that the only thoughts discussed at these gatherings are such subjects as are a menace to the State is, to my mind, a most grievous mistake. Senators, I appeal to you, do not vote to strike out this from the bill.

Consider for a moment the situation of the average clerk. I feel it is safe to say that the greater part of the clerks are single men and women, without a home or hearthstone of their own. We—you and I—have our homes and families with whom we may consult on all questions; and to deny these clerks the right and blessings of identification with social and fraternal organizations would be cruel and most unjust. These men are like ourselves, just as true Americans as are we, just as patriotic, and just as jealous of the great postal system that has been built up in our country as we can possibly be.

The argument of the majority of the committee that "discipline demands that petitions should be presented to the department officials" does not appeal to me. Now, it is clear to me that such a course would at once put the petitioner at sword's point with their principals. The right of petition must not be abridged or interfered with. I feel there is no necessity for this extraordinary and drastic course, and I trust the provision may not be stricken out.

Mr. ASHURST. Mr. President, I shall read a few pertinent words:

> Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the Government for a redress of grievances.

That which I have just read is, of course, as all Senators here know, Article I of the first amendment to the Constitution of the United States.

I am opposed to the striking out of this provision from the House bill. Under the Constitution all men have the right freely to speak, peaceably to assemble, and petition the Government for a redress of grievances.

I do not wish at this late hour to burden the Senate with any remarks, but I ask unanimous consent that I may, as a part of my remarks, incorporate in the RECORD an article which I have clipped from La Follette's Weekly, an article entitled "Removing the Gag."

The PRESIDENT pro tempore. Without objection the request will be granted.

The article is as follows:

REMOVING THE GAG.

There is a provision in our Federal Constitution granting to every citizen of the United States the right peaceably to assemble and to petition the Government for redress of grievances. Citizens generally avail themselves of this right. Every session there are presented to Congress great piles of petitions and memorials requesting, in one way or another, a "redress of grievances." This provision of the Constitution does not make exception of citizens who happen to be in the service of the Government. It does not say that all people may petition the Government, except, for instance, the railway mail clerks. Yet that is precisely the effect given to it by both President Roosevelt and President Taft.

THE ROOSEVELT-TAFT "GAG RULE."

On January 25, 1906, President Roosevelt issued from the White House the following Executive order:

"All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments, or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service."

When President Taft entered the White House, he refused to revoke that order. On the contrary, he supported it vigorously by further decreeing that:

"No bureau, office or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of Congress, or to any Member of Congress, for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through, or as authorized by, the head of his department."

AN AFFRONT TO OUR CITIZENS.

Commenting upon these orders in a recent speech in Congress, Representative LLOYD said:

"If no Government employee is permitted to speak, excepting through his department chiefs, and the department chief through the Cabinet officer, then this is an aristocratic Government, dominated completely by the official family of the President. If the principle enunciated in these Executive orders is to be carried to the extreme, then there is no possible way of obtaining information excepting through the Cabinet officers, and if these officials desire to withhold information and suppress the truth or to conceal their official acts it is within their power to do so. This Government will be more popular when its official proceedings are an open book and the conduct of its officials continuously subject to scrutiny and investigation by the people at any time and in any manner the people elect."

These orders of Roosevelt and Taft have come to be known odiously as the "gag rule." Under it faithful and public-serving employees of the Government are gagged by their superiors. Officers like Dr. Wiley, for instance, could not lift their voices in protest against wrongdoing without laying themselves open to the charge of insubordination. Under it a railway-mail clerk could not exercise the ordinary right of an American citizen and protest to Congress at the inhuman and frightfully hazardous conditions under which he may be forced to work by his superior. The "gag rule" is un-American, unjust. It may fit into the scheme of things in a country like Russia, but is entirely antagonistic to the spirit of our institutions. It is a slap at the Constitution and an affront to our citizens.

OVERWORK, "DEATH TRAPS," AND ABUSE.

The "gag rule" worked particular hardship in the case of the railway-mail clerks. Here is a great body of intelligent, hard-worked servants of the Government who have been compelled under the administration of Postmaster General Hitchcock to endure hardships, to suffer affronts, that should not be tolerated in this land of equal rights to all.

The railway-mail clerk is a highly trained man. His business is mechanical, of course, but his memory has to be acute and in constant action. His eyes must be quick and keen in order to catch the addresses with the minimum waste of time. He works under great physical disadvantages, for the train rocks and rolls, the cars jam, the light is generally artificial and unsteady. Under such conditions eight hours is a strong man's limit. Yet Hitchcock, after announcing to the world that he was going to wipe out the postal deficit, set about to do so, not by striving to get a profitable parcel post and to take back from the express companies the business which should rightfully go through the mails, but by working the mail clerks harder and cutting off the number of men in the service. This crippled the service. Case after case arose where mail trains arrived at terminals with huge piles of bags of "unworked" mail. But it cut off a few dollars from the pay roll.

The mail clerks, under such a régime, have reached the breaking point—the limit of sheer physical endurance. Add to that the hazards they are subjected to by being placed in unfit wooden cars and you have a substantial "grievance" which somebody ought to call upon the Government to "redress." As a matter of fact, an old-fashioned wooden car stands about as much chance in case of an accident, between two heavy steel cars, as if it were an eggshell. The men call these cars "death traps."

MURDOCK ON THE RAILWAY POST OFFICE.

Congressman MURDOCK, one of the best-informed Members of the House on matters relating to the postal service, had the following to say about the character of the service demanded of railway mail clerks:

"This Railway Mail Service besides is the finest skilled Government service in the world. It has three characteristics as such: First, its hazards; second, the mental and physical strain put upon the majority of the men who are in it; and third, the skill it demands.

"What are the hazards? Let us see. For instance, it very rarely happens that this Post Office bill is debated here without some current item of news, some tragedy of the day, entering into the consideration of one item in it. Two years ago while we were debating this item, the item in regard to the Railway Mail Service, five men in that service were carried in a snow slide off the summit of the Cascade Mountains to death in the canyon below. A week ago this morning three of the men in the service, working to the very last with the mails, went down with the *Titanic*. The hazard is not exceptional or unusual. It is continuous and ever present. In 1910, 27 men were killed in this service and 527 injured. The year after, the death list went to 12 and the injured list to 719. Now, these men work on the fastest trains in the country, usually in the car which is next to the engine. And usually after every great wreck the name of a postal clerk is in the list of dead and injured.

"What of their skill? There is no skill in the world in governmental service to compare with it. Nearly every railway postal clerk must know something like 10,000 distributions. There are men to-day going out of New York City on fast trains who are distributing letters by towns, cities, and villages in California. The throwing of one letter into one box turns it north across the country over the Northern Pacific; the throwing of it into another box southward over the Santa Fe or the Southern Pacific, to gain in the one instance or the other the matter of an hour or two in delivery. Every man in the Railway Mail Service must keep constantly in touch with every change in schedules, every connection made between trains over the United States.

"What of the strain? There is no service in the world, governmental or other, where the strain exceeds that upon the individual in this service. Let me cite an instance to this committee. The men who run from New York City to Pittsburgh and return travel 888 miles on four hours of sleep. There are several instances like that in the country.

"Here, then, is the greatest hazard, the greatest skill, and the greatest mental and physical strain. This service, at the center of postal things, has grown up during the years not in a haphazard way but largely without thorough reorganization until now."

CONGRESS GETS BUSY.

Denied the right to petition Congress for relief from conditions such as these, the mail clerks determined to protect themselves by organizing. This drew from the administration a series of persecutions almost unparalleled. The men were told, in effect, that activity along these lines would mean the loss of their jobs. Senator LA FOLLETTE took hold of this situation. He addressed letters to all the mail clerks asking for the facts. From the pile of correspondence he received a most appalling mistreatment of Government employees and American citizens is revealed.

When the Post Office appropriation bill came before the House recently a provision was inserted which specifically grants to Government employees the right to present their grievances to Congress or to any Member thereof without subjecting themselves to the danger of reduction in rank or compensation or of removal from the service. It was passed almost unanimously.

Congressman PROUTY commented upon this provision in the following words:

"If the Congress of the United States has no power to thus abridge any portion of our citizenship in their right to petition for redress of grievances, I hardly think that any constitutional lawyer will contend that that right may with impunity be exercised by the executive branch of the Government; and while this Executive order that has been issued in a measure abridges that right, I do not wish to be understood as severely criticizing either of the Chief Executives that promulgated it. It was doubtless designed for a good purpose; but, notwithstanding the great respect that I have for the statesmanship and the wisdom of the President who first promulgated this order, notwithstanding my reverence, almost, for the judicial knowledge and acumen of the illustrious President that repeated the order, I am nevertheless constrained to believe that the founders of our Government had a keener insight into the workings of the human mind and the human soul than those illustrious men. I think our forefathers understood that a liberty-loving, strong, virile humanity would not endure the repression of a right to freely express to the Government their grievances. I am one of those persons who believe that you can never correct discontent, you can never allay agitation, by repressive measures. As far as I have observed the workings in these matters in human life, the more you attempt to check and keep from free expression the more you augment and increase the supposed grievance.

"We must remember that those who are engaged under the civil service of the Government are made of the same flesh, are made of the same blood, and they have the same virile spirit that constitutes American citizenship, and when you deprive them of the constitutional right to present their grievances to the men that have the right and the power to correct them you do not prevent them from taking action, but you simply divert their method of action."

A GOOD SERVICE.

The House did a good service in abolishing the infamous "gag rule." Let the Senate do likewise. This provision should be retained in the Post Office appropriation bill so as to make it impossible in the future for any President, autocratically inclined, to put a bandage over the mouth of any servant of the people.

Mr. REED. I wish to call the attention of the chairman to a clause appearing in this bill as it came from the House. I refer to lines 13, 14, and 15, on page 48:

But no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.

The section undertakes to remedy some of the evils which have existed. It has been the custom in the department to remove a man without assigning a reason and without giving him any opportunity to be heard; and this provision is intended to relieve against that condition; but I think that its value is largely destroyed by the clause which I have read:

But no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal.

That is to say, an officer removes a man; he has made up his mind, or he would not have removed him; and here is a provision that there shall be no hearing except at his discretion.

I recognize that we must give a large discretion to the heads of the departments, but I do not think we should by law cut off the right to a hearing unless it is granted by the very man who may have been misinformed and thus prejudiced against the man employed.

I suggest that we amend the clause so that it will read:

But no examination of witnesses nor any trial or hearing shall be required except in the discretion of the President or of the officer making the removal.

So that in case of some great injustice, at least the Congressman can appeal to the President to grant a hearing. I move to amend by inserting, in line 15, after the word "the" and before the word "officer," the words "President or the."

Mr. GALLINGER. I ask the Senator if he thinks that might not unnecessarily burden the President with these matters. They are important to the clerks; I admit that. I apprehend the officer removing is usually a subordinate, is he not?

Mr. REED. I am not able to answer that question. I think these removals are generally in the name of the Postmaster General himself.

Mr. GALLINGER. In the name of the head of the department?

Mr. REED. Yes; although done by a subordinate and generally without the knowledge of the head of the department.

Mr. GALLINGER. My thought was that if it was in a department, we might put it in the discretion of the head of the department, but if the head of the department had cognizance usually, that would not meet the case. I appreciate that.

Mr. BOURNE. I am glad to accept the suggestion of the Senator from Missouri.

Mr. ROOT. Mr. President, I do not think the change proposed by the Senator from Missouri is necessary. I quite agree with the spirit of it and the purpose he wishes to accomplish, but the heads of the executive departments are far removed necessarily from the personal details of the clerical force in the departments. They are impartial, as the President would be. They come to the consideration of a question of removal as free from any personal knowledge or predeliction as would the President, and the effect of the change would be merely to burden the President with a lot of details which he ought to have attended to for him by the heads of departments.

The President has too much to do now. He can not do it all and do it well. We ought not to put a great number of details upon him. The heads of the departments ought to do this kind of thing.

Mr. REED. Will the Senator from New York pardon an interruption?

Mr. ROOT. Certainly.

Mr. REED. I agree with the idea the Senator expresses, and I thought perhaps we could get to a common understanding by striking out "the officer making the removal" and let the sentence read:

Nor any trial or hearing shall be required except in the discretion of the Postmaster General.

Mr. ROOT. That would be all right.

Mr. REED. I withdraw the amendment I offered, and suggest that in its place.

Mr. ROOT. That is all right, Mr. President.

The PRESIDENT pro tempore. The Senator from Missouri moves to amend by striking out the words "officer making the removal" and substituting therefor the words "the Postmaster General."

Mr. BOURNE. I accept that.

The amendment was agreed to.

Mr. REED. I send to the desk and ask to have read an amendment which I propose to take the place of a portion of the words which the committee propose to strike out in lines 23 to 25, on page 48, and lines 1 to 9, on page 49.

Mr. LODGE. The amendment to which this is offered as a substitute has been passed over, has it not?

Mr. REED. No. The committee now proposes, and we are now considering a proposal of the committee, to strike out all of lines 23 to 25, on page 48, and lines 1 to 9, on page 49. I am now offering this in lieu of the proposition to strike it all out.

Mr. LODGE. I thought that had been passed over. It seems to me that amendment ought to be passed over. It will lead to a great deal of debate.

Mr. SWANSON. Let us see.

Mr. LODGE. I do not ask to have it passed over, but it seemed to me it would be impossible to dispose of it this afternoon.

Mr. BOURNE. I should like to have the amendment printed.

Mr. LODGE. Let it be printed.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. In lieu of the words proposed to be stricken from the bill by the committee, on pages 48 and 49, insert:

The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress or any Member thereof, or to furnish information to either House of Congress or to any committee or Member thereof, shall not be denied or interfered with.

Mr. NELSON obtained the floor.

Mr. REED. Does the Senator from Minnesota desire to offer something in that same line?

Mr. NELSON. I understand this matter is going over. I desire to offer and have printed a substitute for the amendment offered by the Senator from Missouri and for this paragraph in the bill to which it refers.

I want to say in connection with it that a representative of the postal employees, their organization, handed to me this amendment, and indicated to me that the organization was satisfied with the amendment in this form in lieu of the one contained in the bill. I ask to have it read and printed, and then let it go over until we take up this matter again.

Mr. BOURNE. Do I understand——

The PRESIDENT pro tempore. The Senator from Oregon will suspend for a moment until the amendment sent to the desk by the Senator from Minnesota is read. The Secretary will report the amendment.

The SECRETARY. In lieu of the words proposed to be stricken from the bill on pages 48 and 49 insert the following:

Provided, however, That the presenting by any person or groups of persons employed in the postal service of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such persons or groups of persons from said service.

Mr. BOURNE. I simply want to ask the Senator from Minnesota if he requested that section 6 go over?

Mr. NELSON. I did not.

Mr. GALLINGER. I will make that request.

Mr. NELSON. I meant in case it went over.

Mr. GALLINGER. I make that request.

Mr. NELSON. I offered an amendment. It was furnished to me by a representative—I can not recall his name at this moment—who is looking after the welfare of the postal employees. He informed me that as a rule they did not believe in this paragraph in the bill that the Senate committee has proposed shall be stricken out, and they are fully satisfied with the amendment I have offered. In fact, that is the amendment he handed me.

I think that is a proper solution of the question. It leaves it so that postal employees can not form any labor organization, if that is stricken out of the bill, but they can apply either singly or collectively to Members of Congress or Senators for any relief that they may desire, and it shall be no ground for their demotion or in any way affect them in their efficiency records.

Mr. LODGE. Mr. President, this a very important paragraph, and two very important amendments have been offered as substitutes which I think ought to be printed, and we ought to have an opportunity to examine it. I will ask that this amendment be passed over.

Mr. REED. Mr. President, I had the floor.

Mr. LODGE. Of course I do not want to interfere with the Senator from Missouri if he desires to discuss it now.

Mr. REED. I want to take about five minutes to state the reasons for the amendment which I offered in this broad form. I think that the subject matter ought to go over and I will make no objection to that; in fact, we are proceeding on the line of letting matters go over.

Mr. ROOT. Before the Senator from Missouri proceeds, I would be glad to have the amendment that he offered read again so that we may understand the subject matter on which he is to talk.

The PRESIDENT pro tempore. The Secretary will again read the amendment.

The SECRETARY. In lieu of the words proposed to be stricken out by the committee on pages 48 and 49 insert:

The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress, or any Member thereof, or to furnish information to either House of Congress, or to any committee or member thereof, shall not be denied or interfered with.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. The Senator from Missouri has asked that the amendment be printed. It will be so ordered, without objection.

Mr. BOURNE. Mr. President——

Mr. REED. I believe I have the floor.

The PRESIDENT pro tempore. The Senator from Missouri has the floor.

Mr. REED. I do not want to weary the Senate and I will try and be very brief.

Mr. CUMMINS. Will the Senator yield to me for a question to him?

Mr. REED. Certainly.

Mr. CUMMINS. Purely for information. I assume that he is familiar with it and I am not. The House provision says:

That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things—

Naming them—

shall not constitute or be cause for reduction.

Is there any law or order that now makes membership in such an organization cause for dismissal or reduction? I wanted that clearly in my mind, so that I might think it over before we take it up again.

Mr. REED. I was about to answer that very question, and that is the reason why I am imposing upon the good nature of the Senate at this hour. Let me, however, state it in my own way, in order that what I say may be connected.

I intended to call attention to the section of the Constitution to which the Senator from Arizona called attention, and so that it may appear here, I do call attention to article 1, which provides that—.

Congress shall make no law * * * abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

In the teeth of that section, the following Executive order was promulgated January 25, 1906, during the administration of President Roosevelt:

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments or independent Government establishments in or under which they serve, on penalty of dismissal from the Government service.

That order remained in effect, as I am informed, until November 26, 1909, when another Executive order was issued, during the administration of President Taft. That order reads as follows:

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation or for appropriations or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through or as authorized by the head of his department.

Mr. President, if those orders were not printed and if they were not actually in force it would be difficult for me to believe they had ever been issued or promulgated or even dreamed of by any responsible authority of the United States Government. In effect they operate, first, to close the lips of these men who are employed by the Government and deny to them the natural right and the constitutional privilege of expressing their grievances to the legislative branch of the Government. They say to these men who are thus employed, "You shall not express your wrongs or suggest remedies or put forward those things which you believe may be of advantage, and if you do so it is at the peril of dismissal." That is a denial to the men themselves of not only a constitutional but a natural right.

This conclusion can not be escaped by declaring that they have the right to make their appeal through a department head or chief, because if the department head or chief sees fit to suppress the information or the complaint or to cover the grievance from sight the remedy is absolutely denied to these men.

But there is another viewpoint which I desire to present. These Executive orders are calculated in their effect, whether so intended or not, to close the sources of information to Congress itself, to say to all this vast army of 250,000 employees, "You shall not, even at the demand of Congress or a committee of Congress or of a Member of Congress, supply information in regard to the public business."

Mr. POMERENE. Can the Senator inform us whether the Executive order of January 25, 1906, found a place in the recent confession of faith promulgated at Chicago?

Mr. REED. Mr. President, I have not yet had occasion to examine that confession of faith in all of its details and in all of its meanderings. It is so constructed that it might cover every principle of the decalogue and every dream of every socialist or anarchist who has ever been upon this earth. But it professedly has for its basic principle the idea of liberty of speech and an enlargement of human privileges. Yet the man who is running upon that platform and who we understand inspired that remarkable document is the same gentleman who is responsible for the order of January 25, 1906, which denies to citizens of the United States who happen to be in the employ of the Government the right to appear before Congress or its committees and express their grievances or to convey to a Congressman or a Senator information in regard to public service. But I do not intend to go into that.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Iowa?

Mr. REED. I do.

Mr. CUMMINS. I have been familiar with the two Executive orders which have been mentioned by the Senator, but what I did not know and what I should like to know is this: Is there any Executive order which forbids Government employees from organizing among themselves or joining any other organization which has for its purposes their own betterment or advancement? The first part of the paragraph that is stricken out refers to that subject. I have no knowledge about it, and I should like to know.

Mr. REED. I do not have at hand that order. I am not prepared, therefore, to say that an order of that kind does exist, but my information is that that kind of rule has been in force. But I do not state that absolutely. I shall endeavor to ascertain before this bill is finally passed.

But, Mr. President, the order is here and is now in existence which provides:

That no bureau, office, or division chief, or subordinate, in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress for legislation or for appropriations or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any committee of either House of Congress, or any Member of Congress, except through or as authorized by the head of his department.

The effect of these rules, all taken together, has been that the employees of the Post Office Department have been fearful of their right to speak, even to the Congressman from their district, and to suggest to him needed changes.

Mr. President, it will not do for Congress to permit the executive branch of this Government to deny to it the sources of information which ought to be free and open to it, and such an order as this, it seems to me, belongs in some other country than the United States.

Mr. WARREN. Mr. President, I should prefer to see the proviso in section 6 retained, as the House agreed to it, rather than to insert the one proposed by the Senator from Missouri [Mr. REED]. The bill being a Post Office appropriation bill ought to refer perhaps only to the employees of that department. I prefer to accept the House provision and disagree to the amendment proposed by the Senate committee.

I have in mind some of the employees of that department who, I think, ought to be looked after with particular care. I refer especially to the Railway Mail Service. In my opinion the public interests would not be prejudiced nor impaired should section 6 of this bill be adopted in the form in which it came from the House.

The high character of the Railway Mail Service employees; the education, good habits, and standard citizenship of this class of men is a guaranty, to me, sufficient to warrant that no drastic restriction be placed upon them. It is a service made up of good, loyal citizens; and the privilege to organize for mutual benefit in the matter of securing proper compensation and the regulation of hours of labor, in my opinion, would not be abused nor used by them to the detriment of the public service.

The railway mail clerks are, in the first place, a very deserving class of citizens. They must be intelligent, they must be men of standing, and, of course, they must be men of great physical endurance. In order to enter the service they must pass an examination that weeds out those who are inefficient, and in order to keep their places the calls of their profession are such that they must always be alert, able, and industrious.

I should dislike to see legislation that might even indirectly undertake to state that they could not be members of a club or an association, and I would court rather than repel their communications to Congress. A mail clerk starts out from home. He never knows when he is to return on these long routes, especially in the West. Sometimes he is away weeks; I have known it to be months, although when he bade good-by to his wife and his children, going out on his run, he supposed he would be gone not more than three days. Oftentimes days and nights together pass by without opportunity to go to bed. He may simply camp down on mail bags for little snatches of sleep, in the meantime getting all kinds of meals at all kinds of places without preference or regularity, and oftentimes going without meals.

It is my belief that the postal service is entitled to reorganization along the lines proposed by the House bill in section 7, as amended by the Senate committee, which, I believe, makes it practically applicable at once instead of a year later. The proposed plan of reorganization, I understand, establishes grades and salaries consonant with length of service, character and importance of work performed, and the merits of the employees. It provides for the regulation of transfers from one branch of the service to another, and places promotions upon as nearly an equitable basis as can be devised. It properly provides for the payment of travel expenses to postal clerks when on leaves of absence on account of sickness and while on duty after 10 hours from the time of beginning their initial run.

No class of Government employees deserves or is entitled to better treatment at the hands of the Government than the class composed of railway postal clerks.

The service is made up of men who, as a rule, make it a life work. Those entering it do so through the medium of a competitive, practical, mental examination which possibly could not be passed by many Members of this Senate. They are required to undergo a physical examination as searching in respect to accuracy of vision and hearing as that to which a recruit for the Army or Navy is subjected.

Once in the service they become almost isolated from the companionship of their fellowmen. When not in active duty on the railway mail trains they are obliged to study incessantly in order to keep pace with countless changes in mail routes and post offices.

No man in the service can stand still or become stagnant. He must progress; he must either work and study continuously or drop out. He can not give time or attention to any other business or profession. In short, he must devote his full energy to the service. Naturally, in time he becomes unfitted for other lines of business and must make what he has undertaken his life work.

The duties performed by railway postal clerks are among the most important and exacting required of any of our public servants. Upon their accurate and faithful performance depends in a large degree the carrying on of the important transactions of modern business. If the work of the Railway Mail Service were slovenly or carelessly performed, the damage to the business interests of the country could not be estimated. But the work is not carelessly performed. It is carried on with marvelous accuracy and exactitude. A letter missent through the error of a railway mail clerk is now a rarity.

It would be impossible to state or even estimate the aggregate amount of money and other property intrusted daily to the railroad postal clerks of this country. Millions of dollars go through their hands daily in registered packages and otherwise, and the loss through theft or dishonesty is practically nothing.

There is another element in connection with this service which demands our attention, and that is the danger to which postal clerks are constantly exposed while on duty.

If a train on which postal clerks are employed is wrecked, these men rarely escape. The enginemen may have an opportunity to see approaching danger and avoid it. The well-built Pullmans may protect their passengers, but for the postal clerks encaged in cars between the heavy Pullmans and still heavier engine death or injury is almost inevitable when the crash of collision comes or other horrors of railway travel occur.

We have respect and admiration for our soldiers and sailors, who stand ready to risk life and limb for the protection of our Government, but, to my mind, we should have still more respect and admiration for the men of the Railway Mail Service, who risk life every day in the faithful performance of a duty which is essential for the welfare and convenience of the country.

The soldier, if called upon to risk life, goes to battle with the inspiration of martial music, of waving banners, and the comradeship of thousands. There is the excitement of combat as a stimulus.

The postal clerk faces greater risks from day to day, perhaps alone. For him, instead of martial music, there is the shriek of the engine whistle. Instead of waving banners, there are the danger signals of the trainmen. Death comes, not with the excitement and glory of the battle field, but in the commonplace line of daily duty.

Surely to these men we can intrust with safety the right to form associations for their mutual benefit. Surely the Government can afford to be just and generous to them in the matter of compensation. Surely we can safely grant them the privilege of coming to Congress with their petitions without imposing a penalty upon them for so doing.

Mr. CUMMINS. Mr. President, I desire to make a very brief statement of my own view with regard to this matter. The part which is sought to be stricken out has two general objects: The first is to protect the postal employees against the consequences of organization; the second is to repeal the two Executive orders which have been referred to by the Senator from Missouri [Mr. REED]. These are wholly distinct and different things.

I suppose there can be no question whatever with regard to the wisdom of asserting, in some form, the right of Government employees to seek redress and relief through Congress, or to petition to or communicate with Members of Congress, provided always it is carried on in the proper way; but neither the amendment proposed by the Senator from Missouri nor the amendment proposed by the Senator from Minnesota [Mr. CLAPP] covers the first part of this provision which is proposed to be stricken out. I am a believer in the right of Government employees to organize, if they will.

Mr. REED. Mr. President——

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. REED. So that my position may not be misunderstood, I should like permission of the Senator from Iowa to say that my reason for offering a provision to cover this one phase—that is, the right of petition, the right to give information—was that men representing the postal employees, or at least certain of them, stated to me that they believed that the measure as proposed by the other House was in jeopardy and that they would be glad to have such a provision as I have offered adopted. I did not submit to any of them the provision itself, but I tried to embody the idea, and I tried to go further than their request and to make it cover all the employees of the civil service. I mean in the civil service of the Government, not the civil service as the term is technically used sometimes.

Mr. CUMMINS. I am entirely satisfied with either the amendment proposed to be offered by the Senator from Missouri or the Senator from Minnesota, so far as the amendments

go. I wanted to know, however, as the debate proceeded, what had given rise to the first part of this provision. I want to know whether there is any order or any practice in the departments that would prevent employees from forming associations for their own advancement and benefit; if you please, for the increase of their compensation.

I can not conceive why Government employees should be segregated from all the rest of humanity and forbidden to do those things which all the rest of us do in order to accomplish our desires. I think everyone would understand that there are certain consequences of certain labor organizations that could not follow the organization of Government employees; but I am like the Senator from Wyoming [Mr. WARREN], I do not want, by taking out of one part of this provision and supplying for it a substitute and leaving the other untouched and unconsidered, to leave the impression that the Congress is of the opinion that these faithful public servants have not the right to take such measures as seem to them wise and fit and that are peaceful and orderly measures to advance their interests.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. CUMMINS. Certainly.

Mr. CLAPP. I merely want to say that it seems to me that it is infinitely better to leave the House provision just as it is. The Senator from Iowa inquires whether there is any order which prohibits the associations named in the House provision. I think the Senator would find that there is no order in existence that prohibits them; but the employees feel that there is a condition confronting them which at present operates against the formation of clubs or other associations—a sort of occult force, perhaps—and it is to meet that and to make it clear that they shall have the right to form these clubs and associations that this provision which is found in the House bill is asked for.

Mr. CUMMINS. May I ask the Senator from Minnesota whether there has ever been an instance in which an employee has been either demoted or dismissed because of his connection with any union or association or club? I have been told that there are such instances, and I should like to know from those who may have fuller information about it, because if there is nothing in it, if the Government has never proposed in any way to exert this power over the employees to prevent useful, beneficial, and advantageous associations, then, of course, there is no necessity for any legislation upon the subject; but I assume that because such a provision is found here, as proposed by the House, there must be some instances of the kind which gave rise to the proposition.

Mr. CLAPP. Of course, it would be difficult to answer that question, because whoever made the dismissal might assign some other reason for it; but that some of the employees believe that they have been visited with a consequence for the organization of clubs and associations, there is no question in my mind. They have come under my personal observation; they have come to me with their statements of the situation; and while perhaps I would not be warranted in attempting to fathom the purpose of those who dealt with this question, in saying that they were visited with a result or a consequence, they certainly feel that they were; and I, for one, believe it should be put into the law of this country beyond any question that they have the right to organize, and not only they have that right but that all of the employees of the Government have it.

Mr. REED. Mr. President, I think I can shed just a little light on the question the Senator has asked. I have in mind a resident of my own State, a man who has been, I believe, 22 years in the mail service, and during that entire time so far as I know—and I think I am familiar with the facts—has not a black mark against his record; a man of intelligence and of consequence, who was dismissed by an order which simply stated "Dismissed for the good of the service." In company with my colleague [Mr. STONE] we waited upon the Assistant Postmaster General—I believe the Second Assistant Postmaster General, Mr. Stewart. We asked him to furnish us with the reasons why this man had been summarily dismissed.

The only reason that we obtained from him, in something like two hours' time, was that this man was dismissed for the good of the service. We asked him finally if he would not give to the man himself a specification. He stated he would do so, and he did furnish a specification, which read something like this: "You are informed that your conduct has been such that it was deemed for the good of the service that you be dismissed."

The man himself believed that the reason for his dismissal was that he had been a member of an association of railway mail clerks and that by that association a resolution had been adopted indorsing a certain article in a newspaper. He believed, however, that his dismissal was bottomed not alone upon the resolution, but upon the fact that the department was undertaking to suppress all kinds of associations among these men.

That illustrates just what the Senator from Minnesota [Mr. CLAPP] has said—that so long as the department suspends men upon the general ground that the suspension is for the good of the service and refuses to give specifications they can and do remove them without giving any real reason. Many of the men believe that the attempt is being made to break up every effort at every kind of organization, even though it be purely social.

Mr. CUMMINS. Mr. President, I feel sure, in view of what has been said, that the Post Office Department must have communicated its views upon the subject to the committee, and I have no doubt the committee can give us further information upon the subject.

Mr. BRISTOW. If the Senator will observe section 6, he will see that provision is made for just such cases as the Senator from Missouri has outlined. It provides, in brief, that an employee can not be reduced or removed without the cause for which he is reduced or removed being submitted to him in writing and he is given a hearing. I will read it if the Senator is not familiar with it.

Mr. CUMMINS. I am quite familiar with that part of the section.

Mr. BRISTOW. So that before the removal of an employee he is given an opportunity to be heard, and the evil of which the Senator speaks is cured.

Mr. CUMMINS. May I ask the Senator from Kansas whether it is true that the Post Office Department is so much opposed to organization among its employees that it has indicated in any way that any such organization would be followed by dismissal?

Mr. BRISTOW. Not to my knowledge. I know that there are organizations of postal employees, and I do not think such organizations have ever been discouraged. I think that the employees have their annual conventions, at which officers of the department attend. There was some trouble out in Chicago a few years ago, but I am not familiar with the details of it. I think some persons made some complaints, but I do not know what the merits of the complaints were. I do know, however, that there is no objection, or at least such an objection has never been made public, to any of the postal organizations.

Mr. NELSON. Mr. President, will the Senator from Iowa allow me to interrupt him?

Mr. CUMMINS. I yield to the Senator.

Mr. NELSON. I desire to say that I was informed the other day by Mr. P. J. Schart, president of the Railway Mail Association, who called on me and handed me the amendment I have offered, that the Post Office Department has never had any objection to the employees organizing such an association within the line of the service. What the department objected to was postal employees becoming members of what they call outside labor organizations. Mr. Schart informed me that, with the exception of a few radicals, all the railway postal clerks were in favor of striking out the provision of the House bill, because they did not want to be drawn by a few radicals into any of the outside labor organizations, such as the Federation of Labor and organizations of that kind. There is nothing in the rule or practice of the department that has ever hindered postal employees from organizing within the service, and the fact that Mr. Schart is president of the Railway Mail Association indicates that there is such an association and that the department is not hostile to it. I had quite a talk with him to ascertain the facts in so far as I could, and, as I understood him, a large majority—in fact, I should judge from what he told me that over 90 per cent—of the railway employees are opposed to becoming affiliated with any outside labor organization, and that they want nothing in the law that looks to legalizing or authorizing their joining it. They are quite content to have organizations of their own within the service, as they have now, and they are content if they can have an amendment something like that which the Senator from Missouri [Mr. REED] has offered, or like the amendment I have offered, which was prepared by this organization, authorizing them to appeal either singly or collectively to Members of the House of Representatives and to Senators or to the departmental officials for relief in any direction. They are quite content with that, and I think that is ample.

It seems to me that Senators ought to see what a great danger it would be to the postal service—I am speaking by the

sufferance of the Senator from Iowa, who can stop me at any time——

Mr. CUMMINS. I am very glad to yield to the Senator from Minnesota.

Mr. NELSON. I think Senators will realize, on reflection, what a calamity it would be to the postal service if organizations of postal employees affiliated with some radical outside labor organization should go on a strike and "hold up" the Post Office Department. There is no use mincing these matters; we might as well talk plainly. I am in favor of the railway postal employees, many of whom are my friends and acquaintances, being allowed, without restriction, to appeal to Congress collectively or to the Members of Congress individually or to the officials of the department or to the Chief Executive in any form or manner they like, and to form organizations such as they now have within the lines of the service; but we can not shut our eyes to the fact that there are outside agitators who are anxious to draw the postal employees into organizations something like the Federation of Labor, and we ought to protect them from any such calamity as that, a calamity both to them and to the postal service.

Mr. CUMMINS. Mr. President, I have simply been trying to ascertain what this provision was really intended to accomplish, and the senior Senator from Minnesota [Mr. NELSON] has given me a glimpse of the real end. There is therefore no objection to associations composed of the employees themselves; but the objection seems to be to the affiliation of such organizations with other organizations, or the membership of postal employees in any other than an association organized exclusively of Government employees.

Mr. BOURNE. Mr. President——

Mr. CUMMINS. I do not intend to discuss that question. I recognize just as fully as the senior Senator from Minnesota possibly can that a strike among Government employees would be intolerable, and could not be tolerated for a moment, because that would be to sap the foundations of society; it would be to arrest the very functions of the Government; and I do not want to be understood as favoring anything that would lead to a result of that character.

But I am not yet able to see why a postal employee might not want to join some other organization which would be purely fraternal and benevolent and helpful, and I have been trying to find out what the Post Office Department really is trying to prevent. I am very much obliged to the Senator from Minnesota for giving me the view he has. I am not, however, intending to argue the question this afternoon because I understood that we were passing it over anyhow.

Mr. BOURNE. We passed over this section an hour ago.

Mr. CUMMINS. No; I beg pardon. I have been sitting here, and I have heard several applications for the passing over of the section, but I have not heard the order entered, although it may be that it has been.

Mr. BOURNE. I am so informed by the clerk at the desk.

Mr. GALLINGER. I made the request that it go over.

Mr. CUMMINS. Somebody made the request of the Senator from Missouri whether he desired to be heard for a few moments, and out of his discussion has grown all that has followed.

Mr. BOURNE. If the Senator from Iowa will yield to me for a moment, as he has the floor——

Mr. CUMMINS. I will yield the floor, because I have simply been trying to get the real spirit of this provision, and I think I have it now.

Mr. REED. Before the Senator from Iowa yields the floor I want to give him the information he has been seeking. I now have it.

Mr. CUMMINS. I will be very glad to get it.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. To whom does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Oregon, because he first addressed me, but I will yield immediately afterwards to the Senator from Missouri.

Mr. BOURNE. If the Senator will permit me, I was going to give the Senator from Iowa information relative to the position of the department in reference to this matter by reading an extract from a letter from the Postmaster General bearing particularly on section 6. The portion of the letter referring to that reads as follows:

> The language of the proviso in section 6 is equivalent to an invitation to postal employees to organize for the purpose of securing compliance with their demands for improvements in conditions in the hours of labor and compensation therefor, either through Congress or the Post Office Department. That it is intended that this legislation shall make it possible for organization of postal employees to embarrass and hamper the operation of the service in any city throughout the country by calling a strike is inconceivable, and yet it is believed that taking the entire section as a whole such a contingency is not impossible. It is now the rule of the department, under an Executive order issued February 8, 1912, not to remove employees except for just cause, and to give every employee whose removal is recommended an opportunity to be heard. It is the practice to give such employee a copy of the charges in writing and to allow him a reasonable time (10 days) to submit his written defense and such evidence as he desires. Nor is the department opposed to the organization of postal employees, but, on the contrary, it has encouraged such associations so long as they are within the service, and has welcomed their recommendations for the improvement of the service and their own condition, and has done everything in its power to redress their grievances. It does not believe, however, that such associations should be permitted to affiliate with outside organizations that use the strike and the boycott as weapons. Under the first paragraph of section 6, should the employees in a post office, or of some branch of the service, decide to enforce their demands by calling a strike, either in their own interest or that of some outside organization, it would be necessary to give each one notice in writing of the charges against him and to wait a reasonable time for his reply. The consequence of a general strike in the postal service and the resulting paralysis of all business interests are too appalling to contemplate. It is believed, therefore, that the entire section should be stricken from the bill.

The committee did not strike out the entire section of the bill, but struck out the proviso. It had a series of hearings in reference to this matter. The representatives of the postal employees appeared before the committee, and the committee assumed in its action that was taken that the citizen thus employed has a constiutional right to appear before Congress or any Member of Congress or to petition Congress or any Member of Congress on anything appertaining to the general welfare of the country, as any citizen has that constitutional right. But it was believed by the committee that to recognize the right of the individual employee to go over the head of his superior and go to Members of Congress on matters appertaining to his own particular grievances, or for his own selfish interest, would be detrimental to the service itself; that it would absolutely destroy the discipline necessary for good service. The committee, I think, fully appreciated the rights of the employees and desired, as far as possible, to recognize those rights without the absolute destruction of the business in a coordinate branch of the Government.

I have also understood that the Committee on Civil Service, of which the Senator from Iowa is chairman, has this question up in connection with other matters in a study that he was making. Am I correct in that inference?

Mr. CUMMINS. The Senator is correct. Unfortunately the committee has not been able to reach an agreement upon it.

Mr. REED. Mr. President——

Mr. CUMMINS. I now yield to the Senator from Missouri.

Mr. REED. Mr. President, if I heard aright the statement just read by the Senator from Oregon, that these employees are given hearings and are given an opportunity to reply to charges, then I want to say that if that is the rule in the Post Office Department now, it was not the rule a very few months ago in the particular case that came under my individual observation and under the observation at the same time of my colleague [Mr. STONE]. No such opportunity was given, and right in connection with the statements contained in this letter and in connection with the inquiry of the Senator from Iowa, I want to say that since I yielded the floor the following circular, which I understand to be the official circular of the Post Office Department, has been handed to me, and after I read a portion of it I shall send it to the desk to be incorporated in the RECORD:

Railway Mail Service.

(Third division.)

(Comprising Maryland (excluding the Eastern Shore), Virginia (excepting Accomac and Northampton Counties), West Virginia, North Carolina, and the District of Columbia.)

GENERAL ORDER.

[No. 2746. Washington, D. C., Mar. 28, 1911. Two pages.]

OFFICE OF SUPERINTENDENT RAILWAY MAIL SERVICE,
Washington, D. C.

The general order is issued every Tuesday and Friday for the information and guidance of railway postal clerks and postmasters in the third division.

SECRET ORGANIZATIONS OF RAILWAY POSTAL CLERKS.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
DIVISION OF RAILWAY MAIL SERVICE,
Washington, D. C., March 13, 1911.

Mr. C. W. VICKERY,
Superintendent Railway Mail Service, Washington, D. C.

SIR: I am sending you herewith a copy of a letter from the honorable Second Assistant Postmaster General in regard to the reported movement among the clerks to organize lodges of secret organizations in the service.

Please publish the same in your general orders for the information and guidance of the clerks.

Respectfully,

ALEXANDER GRANT,
General Superintendent.

Here is the letter or order:

OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL,
Washington, March 13, 1911.

Mr. ALEXANDER GRANT,
General Superintendent Division of Railway Mail Service.

SIR: Referring to the reports that postal clerks at various points are forming lodges of secret organizations of railway postal clerks, I desire that steps be taken at once to acquaint all in the service that such action is regarded as inimical to the interest of the Government. All clerks when they enter the service take an oath to well and faithfully discharge the duties of the office to which they are appointed and to perform all the duties required of them and to abstain from everything forbidden by the laws in relation to post offices and post roads. It is incompatible with their obligation to the department that they should assume another oath with a secret organization in the service which may at any time interfere with the obligations which they have assumed upon entering the service. This is not to be construed as interfering with any right which a clerk may have of acting personally and individually with reference to organizations outside of the postal service.

You are directed to advise all railway postal clerks as to these principles of employment and views here expressed, and that they shall be governed thereby.

Very respectfully, JOSEPH STEWART,
Second Assistant Postmaster General.

As I understand that, it does mean that the postal clerks of the United States shall not be permitted to form secret organizations, and that it is not limited to an inhibition of their right to form secret organizations which are affiliated with other labor organzations. I send the document to the Senator from Iowa, and I ask then that it be printed in the RECORD.

Mr. BOURNE. The letter I read from is dated May 29, 1912. The order which the Senator read is dated March 28, 1911.

Mr. CUMMINS. It is perfectly clear, not only from the circular or the general order which has just been submitted by the Senator from Missouri, but from the letter of the Postmaster General, that the Post Office Department reserves to itself the right to pass upon the character of the organization to which the postal employee may belong, and without regard to whether it is an association composed wholly of employees or whether it is an association made up of citizens generally.

I do not intend to discuss the matter further now. I think the issue is very clearly made, and it is so clearly made that I, for one, would not be willing to see the first part of this provision stricken out, unless something else is substituted in its stead that would relieve us from the inference that we were willing to perpetuate the present policy of the Post Office Department. I, for one, am not, if it is correctly stated in the circular or the order or in the letter of the Postmaster General. I quite agree that there ought to be no organization of Government employees, whether in the Post Office Department or elsewhere, that would use or could use as a part of its instrumentalities the strike. If the Government can not settle its differences with its employees without the intervention of the strike, then the Government is a failure, and I have no doubt it can introduce other methods of dealing with such a subject. But that is very different from preserving a policy that gives to the Post Office Department the right to supervise the terms of the association or the articles of organization or the objects of the organization, and say that employees can not enter them unless they receive the approval of the Post Office Department.

Mr. BOURNE. As we have had a very long week, with long hours, and I presume Members of the Senate are pretty tired, after yielding to the Senator from New Hampshire, I shall make a motion that the Senate adjourn, to meet at 10 o'clock Monday morning.

Mr. ASHURST. Will not the Senator from Oregon also yield to me to have an order entered for the printing of a document?

Mr. CUMMINS. I yield to the Senator from New Hampshire first.

Mr. GALLINGER. The only purpose for which I rose was to suggest to the Senator from Oregon that he make a request that the bill be reprinted, showing the amendments agreed to and the amendments which have been offered, so that we will have it before us.

Mr. BOURNE. I am very glad to make that request.

The PRESIDENT pro tempore. Without objection, the order will be entered, as stated by the Senator from Oregon.

Mr. ASHURST. Will the Senator from Oregon yield to me to make a request?

Mr. CUMMINS. Yes.

SPEECH OF HON. EDWARD T. TAYLOR.

Mr. ASHURST. Mr. President, I hold in my hand Senate Document No. 722, ordered to be printed on May 27, 1912. It was presented by the Senator from Utah [Mr. SUTHERLAND]. It is the speech of Hon. EDWARD T. TAYLOR, of Colorado, in the House of Representatives on equal suffrage in Colorado. There is to be voted upon in Arizona at the next election a constitutional amendment granting the right of suffrage to the women of that State, and I ask unanimous consent that 5,000 copies of this speech may be reprinted as a Senate document.

Mr. SMOOT. I certainly shall object to the Government printing any more copies of the speech made by Representative TAYLOR, and I do not believe that there is a Senator or a Representative who would agree to the Government printing them after his attention is called to the matter.

There have been very few occasions when speeches delivered in the Senate or in the House of Representatives have been printed as a public document. If we start printing speeches delivered in the Senate and in the House as public documents, and then order them reprinted by the thousands and tens of thousands to be paid for by the Government, I want to say to the Senate we shall have to have a new printing office with a new force, and it will take hundreds of thousands of dollars if the Government is to enter upon this system of printing speeches delivered in the Senate or House of Representatives.

I recognize the fact that the Senator from Arizona is interested in the subject, but——

Mr. ASHURST. I am interested.

Mr. SMOOT. But the speech has been made a public document, and I wish to say that if I had been in the Senate at the time the request was made I would have objected. The speech was delivered in the House of Representatives and printed in the RECORD. If any Senator or Representative wants extra copies, they can get them by paying for them. We have already made it a public document so that it can pass through the mails at the expense of the Government. As to the Government paying for printing public documents, if we open the door there will be no end to it. If this policy is adopted, whenever a speech is delivered in the Senate or House upon any subject that any organization in the country may want to have distributed, they will use this means to have it distributed at the public expense. This document can be sent through the mails already free of charge. If anyone wants to have additional copies printed——

Mr. NELSON. Is it not a fact that if it was a speech delivered in the other House it could be printed at the expense of the Member who delivered it?

Mr. SMOOT. I was just coming to that.

Mr. NELSON. I wish to say further, if the Senator will allow me, that I have had occasion to circulate some of the speeches I have made, but I have never asked the Government to pay for them; I have myself paid for printing them.

Mr. GALLINGER. We have all done that.

Mr. SMOOT. I will just call the attention of the Senate——

Mr. ASHURST. I think Senators are under a misapprehension. It is not one of my speeches. I expect to pay for the printing and distribution of the speeches I inflict on the Senate and the public. [Laughter.]

Mr. SMOOT. If we should adopt such a policy, there will never be an end to it. Of course I would as soon have one of the Senator's speeches printed at the Government Printing Office and at the Government expense as the speech of any other Senator.

Mr. ASHURST. I know that and thank the Senator.

Mr. SMOOT. But the policy is wrong. I would ask the Senate not to grant a similar request made by any Senator.

Mr. ASHURST. Mr. President, I make this request for the reason that another Senator made a similar request and permission was granted, and if the former publication was wrong my asking permission at this time to republish will accentuate the vice of former requests.

Mr. SMOOT. I wish to ask the Senator from Arizona and every other Senator that whenever a speech delivered in the Senate or the House of Representatives is asked to be printed as a public document to object to it, if I am not in the Chamber, because I say without hesitation it should not be.

I have had at least 20 Representatives approach me upon this identical subject, and when I have explained the situation to them there has not been a single one of them who did not say to me, "You are absolutely right."

I hope the Senator from Arizona, after the explanation I have made, will not insist upon his request.

Mr. ASHURST. I could not insist, Mr. President, after the Senator's statement.

Mr. FLETCHER. I wish to say, with reference to the request of the Senator from Arizona, that such a Senate document has already been printed at the request of a Senator. The Senator from Utah requested that a speech should be printed as a public document, and it was ordered printed. We should not make one rule for one side and not apply the same rule to the other side. If we are going to adopt a rule, let us apply

it to both sides. It is not fair that the Senator from Utah should get up here and ask that a speech be printed as a Senate document, and when the Senator from Arizona makes the same request object to it.

Mr. SMOOT. I do not want the Senator from Florida to put me in that position. This speech has been printed as a public document, and I have no objection whatever for any Senator to have it printed at his own expense and sent anywhere he desires under his frank. That privilege is already granted to the document. I wish to say to the Senator, as I said before, I would not care what Senator it was, if I had been in the Chamber when that request was made, I would have objected to printing it as a public document, and I ask every Senator hereafter to do the same.

Mr. STONE. I should like to inquire which side of the women's suffrage question this speech advocates?

Mr. ASHURST. I desire to inform the Senator from Missouri that I would not have asked for the publication of a Senate document in opposition to women's suffrage, as I am an advocate of women's suffrage.

Mr. STONE. I did not know the Senator was an advocate of it. That makes a difference.

Mr. FLETCHER. I do not want to be understood as objecting to the position taken by the Senator from Utah.

Mr. POMERENE. Mr. President, some days ago, on behalf of the ladies of my own State, I petitioned and supplicated the Senator from Utah to permit other copies of that speech to be printed. He then refused that permission, and the only recourse I had was to direct these ladies to his office; and I shall continue to so direct them hereafter.

Mr. SMOOT. And every other Senator can do exactly the same thing. I think I can convince the ladies that the request is absolutely wrong.

EXECUTIVE SESSION.

Mr. BOURNE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened and (at 6 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, August 12, 1912, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 10, 1912.

SURVEYORS OF CUSTOMS.

Charles B. Quinn, of Tennessee, to be surveyor of customs for the port of Memphis, in the State of Tennessee, in place of Joseph T. Spence, whose term of office expired by limitation June 19, 1912.

Charles L. Peacock, of Tennessee, to be surveyor of customs for the port of Chattanooga, in the State of Tennessee. (Reappointment.)

APPRAISERS OF MERCHANDISE.

Rene F. Clerc, of Louisiana, to be appraiser of merchandise in the district of New Orleans, in the State of Louisiana, in place of William P. Luck, resigned.

Frederick A. Higgins, of New York, to be appraiser of merchandise in the district of New York, in the State of New York, in place of Francis W. Bird, resigned.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

Pvt. John Westbrook Churchill, One hundred and sixty-sixth Company, Coast Artillery Corps, to be second lieutenant in the Coast Artillery Corps, with rank from July 22, 1912.

PROMOTIONS IN THE NAVY.

Ensign Richard F. Bernard to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as an ensign.

Ensign Hugh C. Frazer to be an ensign in the Navy from the 8th day of June, 1912, in accordance with the provisions of an act of Congress approved March 7, 1912, to correct an error in the spelling of his name as confirmed on July 16, 1912.

Midshipman Ernest W. Broadbent to be an ensign in the Navy from the 8th day of June, 1912, in accordance with the provisions of an act of Congress approved March 7, 1912.

POSTMASTER.

PORTO RICO.

Roberto H. Todd to be postmaster at San Juan, P. R., in place of Walter K. Landis, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 10, 1912.

PROMOTIONS IN THE NAVY.

The following-named lieutenants to be lieutenant commanders:
Hayne Ellis and
James H. Comfort.

The following-named lieutenants (junior grade) to be lieutenants:
Archibald G. Stirling and
Roland M. Brainard.

Ensign Joseph Baer to be lieutenant (junior grade).

POSTMASTERS.

GEORGIA.

Mytilene Cooper, Sylvania.

NORTH CAROLINA.

Estella Cameron, Rockingham.

VIRGINIA.

Henry B. C. Gentry, Elkton.
James M. Williams, Broadway.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 10, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, without whom nothing is strong, nothing is pure, nothing enduring, since Thy laws are inexorable and Thy will is supreme. Increase our faith and confidence in Thee that we may be wise in our conceptions, firm in our convictions, that the purest, noblest instincts of our being may find their full fruition in obedience to the laws which Thou hast ordained, which express in full measure Thy will, and Thine be the praise forever. Amen.

THE JOURNAL.

The Journal of the proceedings of yesterday was read.

Mr. MANN. Mr. Speaker, before the Journal is approved, I desire to say that in the reading of the Journal I did not hear whether it showed that last night at the evening session a point of no quorum was made and that the proceedings respecting that point of order were afterwards vacated. I notice from the RECORD that during the course of the evening session a point of no quorum was made.

The SPEAKER. The Journal clerk informs the Chair that all of those proceedings to which the gentleman refers were vacated and the proceedings were started de novo. The Journal does not show the vacating of the proceedings.

Mr. MANN. I wish to call attention to that fact.

The SPEAKER. Does the gentleman think that that ought to be a part of the Journal?

Mr. MANN. Mr. Speaker, a point of no quorum was made and the Chair, after counting, declared that no quorum was present. The RECORD shows that subsequently some one asked unanimous consent that all proceedings should be vacated. I am not very particular about what the Journal shows, but I wish to emphatically dissent from the idea that when the House finds itself without a quorum, the Chair having counted and declared there was no quorum present, that thereafter by unanimous consent that finding may be set aside until a quorum does appear.

The SPEAKER. The gentleman is entirely correct, and all the proceedings that happened after that were in the nature of a mass meeting. [Laughter.]

Mr. MANN. That is what I think.

The SPEAKER. The Chair thinks the Journal ought to show what occurred, because the Chair has been as particular as anybody could be about not doing anything at all after the fact has appeared that there is no quorum present. Several times the Chair has been anxious to lay before the House reports from the Committee on Enrolled Bills or a special request of a Member for leave of absence, but has never done it because he thinks the proceedings of the House and the Journal ought to be observed with the utmost integrity. The Chair has always believed that the RECORD itself ought to show exactly what happens in this House, and what is said in the House, and nothing else. The Journal will be corrected accordingly.

The Journal of the proceedings of yesterday was approved.

JUDGMENT AND DECREES, UNITED STATES COURTS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 18017) to amend an act entitled "An act to regulate the liens of judgment and decrees of the courts of the United States," with a Senate amendment thereto.

The SPEAKER. Is there objection?

There was no objection.

The Clerk reported the Senate amendment.

Mr. CLAYTON. Mr. Speaker, I move to concur in the Senate amendment. It merely provides that the act shall take effect on January 1, and not before that time.

The SPEAKER. The question is on the motion of the gentleman from Alabama to concur in the Senate amendment.

The motion was agreed to.

MINORITY VIEWS, CONTESTED-ELECTION CASE, GILL AGAINST CATLIN.

Mr. ANDERSON of Minnesota. Mr. Speaker, I present herewith the views of the minority in the contested election case of Patrick F. Gill against Theron E. Catlin, and ask that it be printed. (H. Rept. 1142, pt. 2.)

The SPEAKER. The gentleman presents the views of the minority in the case of Gill against Catlin. It will be referred to the House Calendar and printed.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HUGHES of Georgia, indefinitely, on account of serious illness.

PRIVATE BILLS PASSED.

The following Senate bills, with and without amendments, reported from the Committee of the Whole House, were considered, the amendments agreed to, and the bills ordered to a third reading, were read the third time, and passed.

S. 183. An act for the relief of G. A. Embry;

S. 4050. An act for the relief of Catherine Ratchford;

S. 4189. An act for the relief of Johanna S. Stoeckle;

S. 1508. An act for the relief of the estate of Eliza B. Hause;

S. 4007. An act for the relief of J. Kennard & Sons Carpet Co.;

S. 4520. An act for the relief of Catherine Grimm;

S. 4032. An act for the relief of C. Person's Sons;

S. 998. An act for the relief of Henry G. Roetzel and Paul Chipman; and

S. 67. An act for the relief of Capt. Joseph Herring, United States Army, retired.

The following House bills and resolutions, some with amendment and some without, were considered, the amendments agreed to, and, where required, the titles amended, the bills ordered to be engrossed and read a third time, read the third time, and passed, and the resolutions agreed to:

H. R. 18294. A bill for the relief of John C. Sullivan;

H. R. 12746. A bill for the relief of Henry Carpenter;

H. R. 15181. A bill for the relief of Harry S. Wade;

H. R. 21760. A bill for the relief of the estate of William B. Taylor;

H. R. 20511. A bill for the relief of Samuel Butter & Co.;

H. R. 17355. A bill for the relief of Robert F. Scott;

H. R. 14748. A bill to refund taxes paid by the heirs of William Hannum, deceased;

H. Res. 568. A resolution in lieu of H. R. 17123 for the relief of Fred Fox, jr., and referring the same to the Court of Claims;

H. R. 5769. A bill for the relief of Frank Klein;

H. R. 13016. A bill for the relief of the West Kentucky Coal Co.;

H. R. 20385. A bill to reimburse Charles J. Jackson;

H. R. 24081. A bill for the relief of Henry Hirschberg;

H. R. 23329. A bill for the relief of the heirs of Robert H. Burney and C. J. Fuller, deceased;

H. R. 9129. A bill for the relief of the estate of William H. Willis;

H. R. 23253. A bill to compensate G. W. Wall, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River;

H. R. 23254. A bill to compensate J. E. Stewart, of Cheatham County, Tenn., for damages sustained by him on account of the construction of Lock and Dam A on the lower Cumberland River;

H. R. 12339. A bill to refund certain taxes paid by the Southern Redistilling and Rectifying Co. (Ltd.), of New Orleans, La.;

H. Res. 651. A resolution in lieu of H. R. 4496 referring to the Court of Claims the claim of Eugene J. O'Connor and J. B. Schweers;

H. R. 24137. A bill to refund to the National Cartage & Warehouse Co., of New York City, N. Y., excess duties;

H. R. 264. A bill for the relief of Hans Peter Guttormsen;

H. R. 21324. A bill providing for the refund of certain duties incorrectly collected on a certain horse;

H. R. 25264. A bill for the relief of W. A. Kelly;

H. R. 14770. A bill for the relief of Martin A. L. Olsen;

H. R. 6722. A bill for the relief of Stephen Campbell and Isaac Overdorf; and

H. R. 16127. A bill for the relief of William Kaiser.

On motion of Mr. POU, a motion to reconsider the votes whereby the foregoing bills and resolutions were passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

The message also announced that the Senate had passed the following resolution (S. Res. 377):

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President, from Monday, August 12, 1912, to Saturday, August 17, 1912, both inclusive.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill and joint resolution of the following titles, when the Speaker signed the same:

H. J. Res. 333. Joint resolution to authorize the loan of obselete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.; and

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 18960. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States, was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

LABOR LEGISLATION.

The SPEAKER. The gentleman from Pennsylvania [Mr. WILSON] is recognized for one hour.

Mr. WILSON of Pennsylvania. Mr. Speaker, the Democratic Party, in its platform adopted at Denver four years ago, made a number of declarations and promises of legislative action favorable to labor and in the interest of the common people generally.

The present Democratic House of Representatives has redeemed every one of those pledges. [Applause on the Democratic side.] It is, therefore, entitled to and should receive the earnest support of every person who is interested in human progress and the solution of the great problem that now confronts us, the problem of the proper distribution of the wealth that is created.

Human ingenuity has solved the problem of production. There is no longer any fear that the world will not be able to produce all that is necessary for the welfare and the comfort of all the people who are able and willing to work mentally or physically. The economic problem we now have to solve is the equitable distribution of the wealth which the physical and mental labor of man has produced. No one has, as yet, found a solution of the problem. Even the gentleman from Wisconsin [Mr. BERGER], who represents a party that claims to have discovered a way to solve the problem, has failed to present to Congress, either by bill or speech, any concrete plan for the consideration of the Members of this House. When our Socialist friends lay down as a premise for their line of reasoning that "every man is entitled to the full social equivalent of what his labor produces," there is not a man on either side of this House who will take exception to it.

Every man is entitled to the full social equivalent of what his labor produces, but the question naturally arises, How is the full social equivalent to be determined and who is to determine it? The Socialists contend that the only way in which a man can secure the full social equivalent of what his labor produces is for the people collectively to own all the means of production, distribution, and exchange; but even if the people owned collectively

the machinery by which production, distribution, and exchange are conducted, the problem of what is the full social equivalent of what a man's labor produces would still remain. Take as an illustration a completed machine, like a locomotive engine. In that engine is the work of the geologist and prospector who located the mineral deposits used in the making of iron and steel; there is the work of the miner and mine laborer in the iron-ore mines, the coal mines, the limestone and feldspar quarries; the woodsman who cut the props used in the mines and ties used on the railroads, and the lumberman who sawed the timber; the railroad man who built and operated the railroad; the shipbuilder and seaman who built and operated the ships which carried the ore down the Great Lakes; the furnace man and the roller; the finisher, the pattern maker, the molder, the machinist, the buffer and polisher, the woodworker, and the common laborer; and, in addition to all of them, there is the skill of the manager and the genius of the inventor. All of these and many others have contributed toward the making of this completed machine ready for use. How is anyone going to determine what the full social equivalent is of the mental and physical labor that each man has contributed toward the building of the machine? Will the inventor receive during the balance of his life, as his share, all of the benefits which his improvement has produced? If his invention increases production in any given industry two or three fold, as has frequently been the case in the past, will all of the increase go to him? Will the manager receive all of the increase brought about by the skill of his management? If they do not, will they be receiving the full social equivalent of what their labor produces, and if they do, will they not be able to build up fortunes greater than has yet been dreamed of and have all the power over their fellows which comes from the possession of such great wealth?

And almost equally important with the question of how the division is to be made is the question of who is to make the division. Shall it be by one man with arbitrary power conveyed to him by the people? Shall it be by all of the people speaking through a referendum, or shall it be by industries, each industry having the power to determine the division for itself and the rate at which it will make exchanges with other industries?

Shall a majority, however small, have the power to say what the division shall be, taking the larger share to themselves and imposing a very much smaller share upon the members of a large minority?

Of still greater importance than the equal distribution of wealth is the question of how the collective control of all the means of production, distribution, and exchange will affect the individual liberty of the people. Will it destroy man's individuality, his initiative, and his independence? Will it subordinate man's intelligence to the dictations, whims, and caprices of some bureau created with power to direct? I do not know how others may feel, but I would rather live on the poorest fare with which life can be sustained and retain my freedom than to live on the fat of the land and be a slave. [Applause.]

These questions have not yet been answered by the Socialist Party, or any of its members, and until they do answer them they can not lay claim to having discovered a method by which the problem of distribution can be solved. While the final solution of the problem has not yet been discovered, every step that is taken, either in the economic field or by legislative action which gives the workers on the farm, in the mine, and the shop the opportunity of securing a larger share of the things their labor has produced, is a step in the direction of the solution of the problem of distribution.

The present House of Representatives has been the most progressive in that line in the history of our country. The first great step taken by this House was when it adopted the present rules of the House and provided that the House itself should select the members of the respective committees and the chairmen thereof instead of leaving it in the hands of the Speaker, who thereby became master of the legislative situation and could dominate Congress at will. By that change alone the lid was lifted from the various committees of the House, and bills were reported and placed upon the calendar in accordance with the judgment of those committees, and the House became a representative body having the privilege of expressing its views upon all questions of vital interest to the people. [Applause on the Democratic side.]

What a change has taken place! The tariff has been considered schedule by schedule separately, each schedule being dealt with purely upon its merit.

The Republican contention that a protective tariff is necessary in order to protect the American wageworker no longer finds sympathetic response in the bosoms of intelligent workingmen. They know now that American wageworkers are the most productive workers in the world, and that the only means by which they have been able to secure even a reasonable share of what their labor produces has been through the power of their labor unions. [Applause.]

The policy of the Republican Party has been to build up a high protective or prohibitive tariff, in order that the employers of labor might be able to sell their goods at exorbitant prices to the consumer, and then depend on the generosity of the employer to give a share of that exorbitant price to the men whom he employs.

The miserable wages paid by the trust in the highly protected woolen industry, as shown by the hearings in the investigation of the Lawrence strike, and the conditions under which the men in the steel industry work 12 hours per day, 7 days per week, with barely enough wages in return to keep soul and body together, has demonstrated to the American wageworker the fallacy of the Republican claims and he can no longer be deceived by the campaign cry of "protection to American labor." [Applause on the Democratic side.]

He knows that everything he has to buy for his little household has been increased in price by virtue of these high and prohibitive tariffs, while the only thing he has to sell—his labor power—is sold in a market that has free trade with all the world except China. The difference between the wages he receives for producing an article and the price he must pay for the same article when bought upon the market are the profits which have gone to make multimillionaires more rapidly than has ever been known in the history of the world.

But these measures are not looked upon as being purely labor measures, although they will, if enacted into law, greatly benefit every man, woman, and child in the country who is not a member of a trust. There are many other measures which have been passed by this House which will benefit all of the people, including wageworkers. Among these are the excise bill, providing a tax upon incomes, so that the wealth of the country will bear a greater share of the burdens of the Government than it has heretofore borne.

The constitutional amendment providing for the election of United States Senators by direct vote of the people will make the United States Senator more responsive to the will of the people.

The publicity bill, so that everyone may know before the election takes place who are are the contributors to the campaign expenses of their representatives.

The parcel-post clause in the Post Office appropriation bill and the provision for the selection of a committee to investigate and report upon a definite plan of parcel post and postal express, so as to bring the rural population into closer touch with the towns to the mutual benefit of both. [Applause.]

But I have not started out for the purpose of discussing these questions of general benefit, though they are interesting and important, but for the purpose of pointing out why, in my judgment, the wageworkers of the United States should cast their lot in the coming campaign with the Democratic Party and elect a Democratic Congress and a Democratic President. [Applause on the Democratic side.]

I desire to present a résumé of the work accomplished by the present House of Representatives in the interest of the wageworkers. In doing so, I would not detract one iota from the credit due to the gentlemen on the other side of the House who have supported any or all of these measures. They are deserving of the highest praise for rising above the policy of their party. But if their party had still been in power and their leaders still sitting on the lid of the committees, as they have done for the preceding 16 years, they would not have had an opportunity of voting upon these bills.

Among the bills recognized as labor measures passed by this House are—

First. The eight-hour bill, extending the operations of the eight-hour law to work done for the Government as well as work done by the Government.

It has been said on the floor of this House that the labor measures we have passed would not give an additional sandwich to any wageworker. This act alone will reduce the hours of labor of hundreds of thousands of workmen, directly or indirectly employed by or for the Government, giving greater opportunity for rest, recreation, and mental development to those who are affected by it. It will do more than that. While men working an eight-hour work day can naturally be more efficient per hour than when working 10 hours, it has never been contended that men can accomplish as much in 8 hours as they can in 10. The shortening of the work day therefore means the giving of employment to thousands of those who are now among the unemployed, giving them an opportunity of earning

a livelihood which they do not now have, and that means not only a sandwich, but a full meal.

Second. The children's bureau bill, to promote the welfare of children and to devise means whereby the necessities of the parents can not be used to retard the development of the children, who are the citizens of to-morrow.

Third. The anti-injunction bill, to protect workingmen during the period of trade disputes, and to give to them the same protection in the courts that other men enjoy. For more than 30 years there has been a tendency on the part of the equity courts to assume legislative power and to declare by injunction certain acts to be criminal during labor disputes that are not criminal at other times, and then try men for committing these crimes without the protection of a trial by jury. That is contrary to the spirit of Democracy, and this House has put its stamp of disapproval on such usurpation on the part of the courts by the passage of the anti-injunction bill.

Fourth. The contempt bill, to provide a trial by jury in the cases of indirect contempt when the acts alleged to have been committed in violation of the orders of the court are of a criminal character, which would otherwise be tried by a judge and jury in our law courts.

Fifth. The Department of Labor bill, creating a department with a Secretary who shall be a member of the President's Cabinet, and who shall have the power of mediation in trade disputes and the right to appoint counciliators in such cases when, in his judgment, it is wise to do so, and while his good offices may be used for the purpose of bringing the contending parties together, he shall have no power to enforce his own views upon either of them.

Sixth. The industrial-commission bill to investigate the entire subject of industrial relations between employer and employee, with a view of ascertaining the best methods of dealing with industrial disputes, so as to protect the rights of all persons directly or indirectly interested.

Seventh. The investigation of the Taylor and other systems of so-called scientific shop management in order that the workingman might be protected against speeding up beyond his normal power. It can not be said that the interests of capital and labor are identical, but they have a mutual interest in securing the largest possible production with the same expenditure of labor. It is only when it comes to a division of that which has been produced that their interests diverge. That is true scientific shop management which secures a larger production with the same expenditure of labor power. The manager who can not secure a proper amount of production without speeding up his workmen beyond a normal and safe rate is not even an efficient manager, let alone a scientific one, and can only be classed as a man driver.

Eighth. The seamen's bill to give freedom to the seamen, provide a standard of skill for seamanship, promote safety of travel at sea, and equalize the operating expenses of foreign vessels with American vessels, so as to build up an American merchant marine without resorting to subsidies.

Ninth. The convict-labor bill requiring the sale of convict-made goods to conform to the laws relative to convict-made goods in the States in which they are sold. There are many States which provide by their laws that all prison-made goods shall be branded as such, and yet when these goods have been made in one State and shipped into another for sale they have not been branded in accordance with the laws of the State into which they have been shipped; customers have been deceived, and an unfair competition maintained with the products of free labor. This bill will remedy that defect and remove a part of this illegitimate competition with free workmen and the manufacturers who employ them.

Tenth. The Bureau of Mines bill, to widen the scope of the Bureau of Mines so that it may be better able to develop methods of preventing accidents in mines and have greater efficiency in rescue work when accidents occur, not only in the coal-mining industry, but in the mineral and miscellaneous mines as well.

Eleventh. The dredge workers' eight-hour bill, to remedy a decision of the Supreme Court that men engaged in dredging work in our rivers and harbors are not laborers and mechanics, but seamen, and therefore did not come within the provisions of the general eight-hour law.

Twelfth. An eight-hour provision included in the fortification bill to apply to civilians engaged in the manufacture of ordnance and powder for the Government.

Thirteenth. An eight-hour provision in the Post Office appropriation bill for post-office clerks and letter carriers.

Fourteenth. An eight-hour provision in the naval appropriation bill making the eight-hour workday apply to workmen employed under the current appropriations.

Fifteenth. A provision in the Post Office appropriation bill removing from post-office employees the gag rule which has been applied by Executive order, issued by President Roosevelt and broadened by President Taft. [Applause on the Democratic side.] This provision would make it possible for postal employees to bring their grievances to Congress without fear of being discharged for doing so. It seems strange, but it is nevertheless true, that Theodore Roosevelt, who has been traveling over the country for months parading himself as the friend of the common people, the farmer, and the wageworker, was the first President of the United States to issue an Executive order denying to the wageworkers employed by the Government the right of petitioning Congress for redress of their grievances unless their petitions had been passed upon and received the approval or consent of the heads of the departments, who may have been responsible for the grievances complained of.

Sixteenth. The phosphorus-match bill to protect the health of workers in the match industry.

Seventeenth. The bill to extend the provisions of the compensation-for-injury act to the employees of the Bureau of Mines.

Eighteenth. The bill to give to official papers of trades unions and fraternal organizations second-class mail privileges.

Nineteenth. A provision in the naval appropriation bill requiring all coal purchased for the use of the Navy to be mined on an eight-hour workday.

Twentieth. The masters and mates' bill to reduce the hours of masters and mates, making it impossible to require them to continue on duty for indefinite periods, as has been the case in the past. It has been shown by the testimony before the Merchant Marine and Fisheries Committee that masters and mates have frequently been required to work 24 hours, and in some instances as high as 60 hours, continuously without a rest. This policy endangers the lives and property intrusted to their care. The bill passed by this House fixes the employment of masters and mates at 9 hours while in a safe harbor and to 12 hours while at sea, a restriction which everyone must admit is in the interest of safety as well as of humane treatment to masters and mates.

Never before in the history of Congress has such a great record been made in the way of progress or for the protection of the great mass of the common people. Yet this position is not a new one for the Democratic Party.

The first eight-hour law ever presented to Congress was introduced by Hon. A. J. Rogers, a Democrat from New Jersey, on February 19, 1866. It was not until two and one-half years later, after the bill had been vigorously championed by Representative Holman and Senator Voorhees, both Democrats from Indiana, that the law was passed providing that—

> eight hours shall constitute a day's work for all laborers, workmen, and mechanics now employed or who may hereafter be employed by or on behalf of the Government of the United States.

In March, 1878, the eight-hour law had become a dead letter, as is shown by the following extract from Circular No. 8 of the Navy Department, dated March 21, 1878. It said:

> All workmen electing to labor 10 hours a day will receive a proportionate increase in their wages.

Relying upon that circular many of them worked 10 hours per day, and yet they were never paid the proportionate increase in their wages which they had been promised. On April 21, 1879, Hon. John Goode, Democrat, of Virginia, offered a joint resolution in the House of Representatives for the enforcement of the eight-hour law. It was reported from the House Committee on Education and Labor with a favorable recommendation. When the resolution came up for consideration, on motion of the gentleman from Illinois, Mr. CANNON, the resolution was laid upon the table. On January 5, 1892, Hon. J. O'Neill, of Missouri, a Democrat, introduced an eight-hour bill, which was referred to the House Committee on Labor. On May 3, 1892, John C. Tarsney, a Democrat, reported a substitute for the O'Neill bill, which was passed by the House on July 1, 1892, and it became a law on August 1, 1892.

The eight-hour legislation passed by the present House is supplemental to that law, making the eight-hour legislation applying to the Government work of the United States the most complete of its kind existing anywhere.

The Committee on Labor was added to the list of committees of the House by the Democrats in 1883. The bill to create a national Bureau of Labor was passed by a Democratic House in 1884 and became a law in 1885. The bill to make Labor Day a legal national holiday was passed by a Democratic Congress in 1894. The bills granting 15 days and then 30 days' leave of absence with pay each year to the employees of the Govern-

ment Printing Office were first introduced by Representative Matson, a Democrat of Indiana.

A great deal has been said during the present Congress on the subject of immigration. Up until 1864 the immigration to the United States was voluntary, and the oppressed of all nations could find an asylum here. In a letter dated March 30, 1864, addressed to the House Committee on Immigration, Hon. William H. Seward, Secretary of State, said:

With abundance of capital and inexhaustible supplies of material, we want only cheaper labor and skill to establish our manufacturing interests on a firm and enduring foundation.

Note the language well, for in it is found the basis of the policy which the Republican Party has followed since that time. A high protective tariff to enable the manufacturers to sell their wares at high prices and then cheaper labor to reduce their cost of production. In July, 1864, immediately after the statement just quoted had been made by the Secretary of State, Hon. John Sherman, Republican, of Ohio, introduced a bill which became a law legalizing the importation of foreign labor under contract. With the passage of that law a change took place in the personnel of the immigration coming to the United States. It is true that thousands still came to this country for the purpose of seeking an asylum from the oppressive conditions existing in their native lands, but for every thousand who came for that purpose there were tens of thousands who were brought here under contract for the purpose of furnishing cheaper labor for the manufacturers at the expense of the American workingman. Through the impetus received under the operations of that law they still continue to come, not merely by the thousands but by the millions. Each additional shipload landed in the United States adds to the keenness of competition amongst the workers. Those who come are not only the competitors of native Americans but are competitors for the same job with millions of foreign subjects and naturalized citizens who have preceded them. To meet that situation Representative Foran, a Democrat of Ohio, in 1884 introduced a bill which was passed by a Democratic House and afterwards became a law, prohibiting the importation of labor under contract. [Applause on the Democratic side.]

There have been many criticisms of Gov. Wilson, the Democratic candidate for President, because of his alleged position on the labor question in his writings. Extracts from them have been taken, garbled, and misconstrued, and a wrong interpretation placed upon them. But actions speak louder than words, and the American workingman is more interested in the acts of Mr. Wilson in his executive capacity as governor of the State of New Jersey than they are in any academic discussion he may have entered into in the past. [Applause on the Democratic side.]

For years the State of New Jersey has been noted as the home of corporations created by the masters of frenzied finance. The State has been dominated by "big business." In that condition Gov. Wilson found it, and in the brief time he has been governor of the State he has, by proper primary laws, restored to the people the power to control their own public affairs. [Applause on the Democratic side.] He has given the wage-workers more favorable legislation than they had ever secured before in any like period in that State. [Applause on the Democratic side.]

Among the many beneficial laws affecting workmen enacted during Gov. Wilson's administration have been the following:

Chapter 24: Fire escape law, amending factory laws and placing New Jersey in the vanguard of States in the protection of workers in factories and workshops.
Chapter 42: Regulating employment agencies and licensing the same.
Chapter 94: Making a misdemeanor the improper influencing of labor representatives or foremen.
Chapter 95: Employers' liability and compensation act.
Chapter 136: Prohibiting the employment of children in mercantile establishments during school hours; providing for a 58-hour week, and prohibiting children under 16 years to work between the hours of 7 p. m. and 7 a. m.
Chapter 198: Appointment of commissioners on old-age pensions and old-age insurance.
Chapter 206: Providing for the safety and health of foundry workers by minimizing drafts and doing away with noxious gases, etc., by exhaust fans in foundries in the State.
Chapter 210: Increasing factory inspectors by the number of 6 (making in all a total of 17), for the better enforcement of factory and workshops laws.
Chapter 243: Eight-hour day on State, county, and municipal work.
Chapter 273: Providing for at least one-half-hour mealtime after six continuous hours of labor.
Chapter 307: A plumber's license act.
Chapter 327: Providing for sanitation in bakeshops, etc., and also compelling the licensing of same.
Chapter 363: Prohibiting the employment of persons under 21 years in first-class cities and under 18 years in second-class cities as telephone or telegraph messengers between the hours of 10 p. m. and 5 a. m.
Chapter 371: A semimonthly pay act for railroad employees.
Chapter 372: Eliminating contract labor in penal institutions and providing for a State-use system.

[Applause on the Democratic side.]

The facts I have stated relative to the history of labor legislation, the activities of this House, and the official acts of the Democratic candidate for President upon questions favorably affecting labor constitute a record of which both the party and its candidate may well feel proud. [Applause on the Democratic side.] Every one of those steps is a step in the direction of the solution of the problem of distribution and exchange. They are not merely promises made for the purpose of securing votes, but acts which speak for themselves, many of them made without any previous promise of fulfillment.

Compare this record with the promises of the Progressive candidate for President, Mr. Roosevelt, viewed in the light of his seven years' occupancy of the presidential chair, where he neither advanced nor attempted to advance the principles relative to labor which he now claims to stand for; where he issued the gag-rule Executive order, fostered the open-shop policy, which every workingman knows means the nonunion shop, and declared against labor's appeal for relief from the unjust and improper use of the writ of injunction by the equity courts.

Compare this record with the record of the Republican candidate for President, the present incumbent, Mr. Taft, who since he issued his first writ of injunction against workingmen during a strike has never had a sympathetic understanding of the needs and rights of the American wageworker. Yet it must be said to his credit that he has made no great claims in that direction. He has stood with his party in its determination to promote the interests of "big business" at the expense of the rest of the people. For a brief time only he wavered on the tariff question. During the campaign four years ago he declared for the revision of the tariff downward. Later he announced that some of the schedules in the Payne-Aldrich tariff bill were indefensible, but he is again back in the fold, standing with his party on that issue.

Compare the promises of these candidates with the record of achievements of the Democratic House and the Democratic candidate for President and you can not evade the conclusion that the Democratic Party is the party of progress, moving forward step by step, as the way becomes clear, to the solution of the great problems which confront mankind [applause on the Democratic side]; moving forward to a condition where swollen fortunes, gathered together through the sweat and worry and privation of the men, women, and children of labor, will be impossible; where poverty will be unknown and those willing to work will be able to secure comfortable homes, all the clothing and food they need or desire, and equal opportunities for themselves and their children for rest, recreation, and mental development with every other person in the land. Yes; I have dreams of the future with its ideal condition of the brotherhood of man, but I hope I shall never allow those dreams to interfere with my efforts to deal properly with the practical necessities of the present. [Applause on the Democratic side.]

The great bulk of the American wageworkers who have studied the question take the same position, and it is with a knowledge of that fact that I have an abiding faith that they will in the coming campaign, in overwhelming numbers, cast their lot with the Democratic Party and its candidate for President, Woodrow Wilson. [Prolonged applause on the Democratic side.]

TARIFF LEGISLATION.

The SPEAKER pro tempore (Mr. WEBB). In accordance with the order made yesterday, the Chair recognizes the gentleman from North Carolina [Mr. POU] for 25 minutes.

Mr. POU. Mr. Speaker, in November, 1910, the people of the United States elected a Democratic majority to this House. The last Democratic House had been elected in 1892. The Republican Party, therefore, for 16 years was in continuous control in the House of Representatives. It might be well to bear in mind just here that a majority in the Senate, and the President as well, during that entire time were of the same political faith.

It is not my purpose to-day to review the legislation of those 16 years of continuous power of our political opponents, but I do propose to review briefly the record of this House of Representatives.

LEGISLATION UNDER OLD RÉGIME.

It is very probable that the rules under which this House enacted legislation during the aforesaid 16 years had much to do with the determination on the part of the people as expressed at the polls in November, 1910. Complaint was widespread; indeed it was well-nigh universal. The Speaker was charged with being an autocrat. It was charged and not denied that a Rules Committee of five, of which he was the chairman, absolutely controlled the fate of all legislation in this body. The individuality of each Member accounted for little. No matter what his convictions, no matter what his experience, no matter how closely the individual Member attended to his

duties, all his efforts to secure legislation amounted to nothing unless he could secure the approval of the all-powerful Committee on Rules.

And right here I shall stop to remind the country that, in the last analysis of things, the Speaker himself was the Committee on Rules. The great power which he exercised gave him such a dominating influence that he was easily able to control the majority membership of this all-powerful body of men. It was repeatedly charged and but feebly denied that the House of Representatives had ceased to be a deliberative body. Those of us who served under that régime can never forget how, day after day, delegations representing large bodies of American citizens appeared before the Speaker appealing to him that this or that particular measure should have consideration by the House.

This condition of one-man rule continued until the House of Representative had ceased to perform its functions as contemplated by the Constitution. It was no longer a representative body. It was here to register the will of one man—the Speaker of the House. It had sunk to that point where, instead of being considered with respect by the American people, it was considered with ridicule and almost, one might say, with contempt. In the light of subsequent events it is not surprising that the people of the Nation decided to make a change. To-day no man charges that the Speaker is all powerful. He enjoys very little patronage. He neither appoints the committees of the House nor attempts to control legislation. Enjoying the respect and esteem of both sides of the Chamber, he is content to perform his duties as the presiding officer of this body, leaving the fate of legislation to the respective committees and to the membership of the House. [Applause on the Democratic side.] There is not a chairman on any one of the great committees who does not wield more power with respect to the fate of legislation than the Speaker of the House.

Our opponents made dire predictions as to the result of this reform. We were told that the House could legislate only with great difficulty if the powers which the Speaker enjoyed under the Republican régime were taken away. We were told that the people of the Nation expected the House to do business, to legislate rapidly; that time should not be wasted in debate; that measures must be forced through by whip and spur, in some instnaces without debate at all; that the membership of the House was too large to take away from the Speaker this autocratic power. I venture to assert to-day that not one of the dire predictions made has come to pass. [Applause.]

The record of legislation passed by this House is certainly larger than that of any House of which I have been a Member, and, if nothing else had been accomplished, I venture to say that this reform alone is sufficient to justify the action of the American people at the ballot box in November, 1910. [Applause on the Democratic side.]

Of course, Mr. Speaker, the great issue between the two parties is the manner in which import duties shall be levied. I shall not detain the House with a discussion of the several tariff bills which have been vetoed by the President or which have passed this body. But I do assert that the pledge of our party to pass certain bills reducing the tariff gradually toward a revenue basis has been fulfilled. Several bills which have been passed received the support not only of this side of the Chamber, but of that side as well. Bills have been passed revising and reducing the metal schedule, the chemical schedule, the woolen schedule, and the cotton schedule, and those in charge of these measures have been careful to report supplemental measures providing revenue to reimburse the Treasury for any revenue it might lose by reason of the enactment of this legislation. It would require too much time to review all of this legislation to-day. Indeed, such review is hardly necessary when one remembers the strong presentation of the chairman of the Ways and Means Committee and other Members of this House in setting forth reasons for the action taken.

ARE WAGES INCREASED BY HIGH TARIFF?

There is, however, just one contention of our political opponents which I would like to discuss briefly. Of course we have all heard for a generation the time-worn Republican cry: "Protection for American labor." This slogan is being worked to-day for all it is worth. During the debates on the respective tariff measures passed by this House and elsewhere the workers of the Nation have been repeatedly warned that the wages they receive are dependent upon the amount of protection against foreign competition afforded by law to the manufacturer. Surely by this time the American workingman has become convinced of the utter fallacy and hypocrisy of this contention. The rate of wages he receives never has depended upon the amount of tariff protection enjoyed by his employer. Such is not the case to-day. If any additional evidence were necessary, it can be found in the hearings before the Rules Committee of this House on the Lawrence strike.

I confess to you, Mr. Speaker, that hearing was a revelation to me. I confess to you that I did not dream such a condition could exist among American workingmen in any line of industry. I had heard this Republican contention so long, I had seen so many bright pictures of prosperity and contentment in the home of the American workingman painted before my very eyes by advocates of the protection cause in Congress and elsewhere, that no one could have induced me to believe that such a condition could exist anywhere as was developed by the hearings on the Lawrence strike.

Here was a great corporation engaged in the woolen manufacture, enjoying all the protection that anyone could ask, enjoying absolute immunity from all competition; yet I venture to assert that nowhere in the United States could there be found the same number of working men, women, and children so poorly paid, surrounded by so few of the comforts of life, as the men, women, and children who were in the employ of this corporation.

I was a member of the Ways and Means Committee when the Payne bill became a law. This same corporation—the American Woolen Trust—had its representative in Washington protesting against any reduction in duties in Schedule K. Those who wish to be put in possession of all the facts should first read the testimony of Mr. William Whitman before the Ways and Means Committee of the Sixty-first Congress, and then read the hearings before the Committee on Rules on House resolutions 409 and 433. Any fair-minded man who will read all of these hearings will, I think, come to two conclusions:

First, that this corporation—the American Woolen Co.—enjoys a protection so high that, practically speaking, all competition is cut off; a protection so high that it has been enabled to make enormous profits; a protection so high that its stock has been largely increased out of the profits of the company.

Second, that this selfsame trust pays a scale of wages to those in its employ so low that they are not even able to buy the necessaries of life, to say nothing of the comforts.

Every voter in the land who loves justice and who despises oppression should read the hearings before mentioned before the Rules Committee. Mr. Speaker, here were men, women, and children who told us that their wages were so low that they could not provide themselves with comfortable clothing in the winter. Few of them knew what it was to be provided with decent clothing at any time. Not only this, but with one accord these people testified that their wages were so low that, as a rule, they lived on bread and sirup, except one day in seven.

I was struck with the testimony of Miss Margaret Sanger. I shall not ask the House to accept my interpretation of her evidence; I shall quote from the hearings themselves. But I want to say to you in advance that the things I shall quote were not disputed, so far as I now recollect. By way of preface, I will remark that conditions in Lawrence were such that numbers of parents were willing and glad to send their children to kind friends in other cities, who had agreed to take care of them while the strike lasted. Some two or three hundred children were therefore sent to New York and Philadelphia.

I shall only pause here to wonder why it was the authorities of the town attempted to prevent the departure of these children. Suffice it to say that such an attempt was made. Why any person in authority should countenance such absurd and senseless action is a mystery which has never been explained.

It was my privilege, Mr. Speaker, to partially conduct the examination of Miss Sanger, from which I quote the following (p. 226, Hearings on House resolutions 409 and 433):

Mr. POU. You are from New York, are you?
Miss SANGER. Yes.
Mr. POU. You were instrumental in taking a number of children away from Lawrence, were you not?
Miss SANGER. Yes.
Mr. POU. I will be obliged to you if you will just go ahead and state in your own way what took place.
Miss SANGER. Well, I helped to take the first section of children, when there was no difficulty in getting them away. We brought them to New York and gave them supper; we took them to the Labor Temple, where people were waiting to take them to their homes; there they had a supper and they were distributed, and that was all there was to that.
Mr. POU. Did you talk with those children about their manner of living in Lawrence and about the food they got?
Miss SANGER. Yes, sir; I am a trained nurse, and I was especially interested in the condition of the children.
Mr. POU. Now, as a rule, is it true that the children of the working people in Lawrence—the class we are investigating now—only got meat once a week?
Miss SANGER. Those were the assertions of not only the children but of the parents that I interviewed.
Mr. FOSTER. How long were you in Lawrence?
Miss SANGER. I was only there one night.
Mr. FOSTER. You say you are a trained nurse?
Miss SANGER. Yes, sir.

Mr. FOSTER. And what was the physical appearance of these children that you took to New York? You know something about how they should look. Were they properly nourished?

Miss SANGER. Well, the condition of those children was the most horrible that I have ever seen.

Mr. FOSTER. Tell the committee something about how they looked.

Miss SANGER. In the first place, there were four little children who had chicken pox that we kept there; we would not allow them to go away; and then one of the children had just gotten over chicken pox, and the father begged us to let the child come; he had one 2 years old and another 3½ years old, I believe, and he begged us to let those children come, because he was a widower and had no wife or anyone to take care of these children; he left them with the neighbors during the day. So I took these little children and we isolated them on the way to New York and when we got there they were placed under the doctor's care. All of these children were walking about there apparently not noticing chicken pox or diphtheria; one child had diphtheria and had been walking around, and no attention paid to it at all, and had been working up to the time of the strike. Out of the 119 children 4 of them had underwear on and it was the most bitter weather; we had to run all the way from the hall to the station in order to keep warm; and only four had underwear.

Mr. FOSTER. You say only four had underwear?

Miss SANGER. Yes.

Mr. FOSTER. What was the character of their outer clothing; was it woolen?

Mr. STANLEY. Were the people working in a woolen mill?

Miss SANGER. Yes, sir.

Mr. STANLEY. Where they make underwear?

Miss SANGER. Yes, sir.

Mr. FOSTER. How about the outer clothing?

Miss SANGER. It was almost in rags; their coats were eaten off as though they were simply worn to shreds.

Mr. FOSTER. Was it woolen clothing?

Miss SANGER. No, sir; I do not think any one of them had on any woolen clothing—that is, to my own knowledge.

Mr. FOSTER. What was their color? Did they seem to be well nourished?

Miss SANGER. They were very much emaciated; every child there showed the effects of malnutrition and all of them, or almost all of them, according to the doctor's certificate that night, had adenoids and enlarged tonsils. They were all examined at the station. We had a little time in the morning and they were examined before they left.

Mr. FOSTER. They all looked pale and thin?

Miss SANGER. Yes. I would like to say that when they had this supper it would bring tears to your eyes to see them grab the meat with their hands and eat it.

Mr. FOSTER. They ate the meat as though they really enjoyed it?

Miss SANGER. Yes; decidedly.

Mr. FOSTER. And you say that there were only 4 out of the 119 that had any underclothing?

Miss SANGER. Yes, sir; and it was the bitterest weather we have had this year.

Mr. FOSTER. And the outer clothing was ragged?

Miss SANGER. In rags. I think perhaps 20 of them had overcoats.

Mr. FOSTER. What kind of shoes did they have?

Miss SANGER. Almost on the ground, except some of the older girls, who had been working in the mills, they had better shoes; but the little ones, who had to depend on others, were in a most deplorable condition.

Mr. FOSTER. Did they have on woolen stockings?

Miss SANGER. I do not think any of them had a bit of wool on their bodies.

Mr. FOSTER. And yet working in woolen mills?

Miss SANGER. Yes, sir.

The CHAIRMAN. Kindly read the letter I now hand you to the committee.

Miss SANGER (reading):

NEW YORK, *February 1, 1912.*

To whom it may concern:

We, undersigned Italian doctors invited to make a preliminary physical examination of the Lawrence strikers' children, verified that all children were of poor physical build, defective, and underfed. The majority of them had enlarged glands; throat, nose, eyes defective and affected. All were poorly clad, even against the rigor of the season.

(And signed by six physicians.)

The CHAIRMAN. Can you read their names?

Miss SANGER. Diamede Petilex, M. D., 56 Mulberry Street; Dr. Exore Jeseau, 175 Worth Street; Dr. Alfredo de Filipi, 56 Mott Street; Dr. Rocco Bellantoni, 373 Broome Street; Dr. J. Loquito, 200 Grand Street, New York City.

The CHAIRMAN. Does that refer to the same children of whom you have been speaking?

Miss SANGER. Yes, sir.

I wish to say, Mr. Speaker, that this statement of Miss Sanger was corroborated by numerous other witnesses. We had before us some 30 or 40 of the employees of the American Woolen Co.; probably there were 20 children present. Never in my entire life have I seen the same number of little boys and girls with a look of hopelessness and suffering so plainly written on their little faces. One had but to look at them to realize at once that they were poorly fed and poorly clothed; that they were accustomed to suffering; that they knew nothing of the joy of childhood; and one was led to wonder how it was possible to expect that these little children could ever develop into normal men and women. They were starting out their poor little lives handicapped; not one of them had anything like an equal chance in the struggle of life. And one was forced to believe that somebody was to be blamed, that something was radically wrong somewhere, when the most highly protected trust in the Nation paid its employees a scale of wages which absolutely deprived them of most of the common necessities of life.

I wish I had time to read more of the evidence which was adduced before the Rules Committee. It is almost enough to wring tears from the eyes of the hardest-hearted man. There were little children barefooted in the cold winter. It will not do to say any other cause except the direst necessity of their parents left them so, because when a man is getting remunerative wages the first person he is going to provide with the comforts of life is his own little child. If there is anything in the world that stimulates man's better self and points him up the way that leads to God, it is the little children that spring up about his feet. Any man who has the instincts of a human being in his heart is going to see that they, first of all, are provided with the comforts of life as well as the necessities. He will deny himself, he may deny his wife, but there is one person of all others that is not going to be denied anything he has the money to pay for, and that is his little helpless child.

I think it would be well right here to refer to the hearings before the Ways and Means Committee of the Sixtieth Congress. On page 5376 I read the following from the examination of Mr. William Whitman, who was, I believe, at that time at the head of this great corporation; at any rate, he was its representative before the Ways and Means Committee. [Reading:]

Mr. COCHRAN. Now, we have arrived at a common point. You have $12,000,000 of tangible, actual property worth intrinsically $12,000,000, and you put in $4,840,000 in cash, so the difference between those figures represents the accumulated profits?

Mr. WHITMAN. Yes, sir.

Mr. COCHRAN. You are paying dividends at the rate of 8 per cent, not merely on $4,840,000 cash that you put in, but on the six millions; is not that so?

Mr. WHITMAN. Yes, sir. We pay dividends on the capital stock, and we have been paying 8 per cent.

On page 5347 I also find the following: [Reading:]

Mr. COCHRAN. I do not quite understand one part of your testimony. I understand you to say that you have now exclusive control of the American market. I mean the producers of flannels and blankets.

Mr. WHITMAN. Of blankets, practically.

Mr. COCHRAN. They have practically exclusive control of the American market?

Mr. WHITMAN. Yes.

In the light of this testimony, Mr. Speaker, as compared with the testimony of Miss Sanger and other witnesses before the Rules Committee in the recent hearings, we begin to get a little insight into the true condition of affairs.

Here is a corporation which one of its officers declares is worth $12,000,000 when only $4,840,000 had actually been paid in. Where did the other $7,160,000 come from? Certainly the head of the concern and his board of directors could not sit in their office and convert $4,840,000 into $12,000,000. Good management on their part, no doubt, helped to bring about this result, but in the last analysis they were enabled to bring about such result only through the instrumentality of the hundreds of workers employed in their mills.

Mr. Speaker, I ask you to consider this picture. Here is the Ways and Means Committee of the House of Representatives in session. The head of the American Woolen Co. is testifying. He is telling the members of that committee that his company has $12,000,000 of tangible, actual property; that that property is intrinsically worth $12,000,000; that his company is paying 8 per cent on $6,000,000; that only $4,840,000 has been paid in cash. Already enjoying a protection ranging from 50 to nearly 200 per cent, he is protesting against any reduction.

And, behold! I now show you another picture. Here is the cottage of one of the workers in Lawrence, Mass., a little 5-room cottage, for which the worker is paying from $8 to $10 per month. The head of the family is receiving between $9 and $10 per week wages. Around his table at mealtime is gathered his family—his wife and his little children. It is a cold, bleak winter day. Not one of them is provided with woolen clothing. With naked feet some of them have come home over the frozen ground. Not one of them is provided with a good overcoat. In rags, cold and shivering, suffering and hungry, they come to their everyday meal. And what does it consist of? I speak not upon my own authority but upon the authority of the undisputed evidence of the witnesses examined in that hearing. Common, coarse bread and sirup; not so much as an ounce of meat; not a single little dainty or relish is found upon the table. Bread and sirup, bread and sirup, bread and sirup forever, except one day in seven when the very cheapest meat that can be bought at the market is served upon the table.

Oh, Mr. Speaker, this is the sort of protection that the Republican Party has given to the workers of this Nation. The contention is and always has been a fallacy and a humbug, and it is time that the conscience of the Nation were awakened to the true condition of affairs. Some of these people were induced to come to this country with fair promises. Postal cards were sent throughout southern Europe with a picture of a factory and a bank; a great stream of people was shown struggling to get into the bank to deposit their surplus earnings, the wages promised were so high. But when these unfortunate people, knowing nothing of our language or customs, being little less

than slaves, were brought to this country, they found that it was bread and sirup forever—bread and sirup with no warm clothing; that they were even made to pay for their drinking water while they worked in the mills. And yet the representatives of this corporation will tell you to-day that they can not do business if the rate of duties under Schedule K is reduced. They will tell you they can not maintain the "American scale" of wages if you tamper with the duties levied; they will tell the American workingman that the protection of the Republican Party protects him first of all. The answer to it all is found in the evidence taken before the Rules Committee. I dare say that if the investigation had been extended, all this talk about the high wages paid in other lines of industry would be found to be a delusion and a sham.

It is not pleasant to talk about this condition of affairs. As Americans we all ought to be ashamed of it. No man should for one minute continue in a political party which preaches such heresy. In the coming campaign, I am glad to say, it will be the paramount issue. We will know whether the American people are to be humbugged and duped longer. The truth is, the manufacturer gets his labor just as cheap as he reasonably can and he sells the output of his mills just as high as he can. Anybody but a lunatic knows that this is so. It is the way men have always acted and probably always will act.

Mr. Speaker, it is admitted on all sides that Schedule K is indefensible. Mr. Taft has said so more than once. It is hard to find a Republican of the stand-pat type even who is willing to deny that Schedule K ought to be revised. In the face of this condition, what is the attitude of the President of the United States? We find him on two different occasions vetoing a compromise measure agreed upon by Republicans as well as Democrats, imposing an ad valorem duty of 29 per cent on raw wool and a duty of 49 per cent ad valorem on woolen cloth. When this bill was first sent to Mr. Taft during the extra session we find him assigning as his reason for vetoing the same that it had been framed before the report of the Tariff Board. We find him now vetoing the same measure on the ground that its low rates would mean destruction to home industries. Also, it was pointed out by the President that in his opinion the bill was framed with disregard to the findings of the Tariff Board. Pray tell us, you gentlemen on the Republican side, who still are willing to defend Mr. Taft and his administration, what sort of a measure your President is willing to sign? He has admitted time and again that Schedule K is indefensible, yet he twice vetoes bills imposing an ad valorem duty of 29 per cent on raw wool and 49 per cent on wool cloth. Mr. Speaker, is Mr. Taft looking simply for an excuse to veto righteous legislation? What is the need of legislation by Congress at all if Mr. Taft is going to veto every measure which is not framed in strict accord with the finding of his Tariff Board? If this is to be the course of the President, then all that remains to be done is to ascertain the findings of his Tariff Board and draw and pass bills in accordance therewith. I firmly believe that he would veto any bill drawn even in this manner which in any degree deprived the trusts and combinations of any degree of the protection demanded by them. And, Mr. Speaker, in the light of this situation we are driven to the conclusion, whether willingly or not, that the Republican contention that the tariff ought to be revised by its friends is a humbug and a sham. The truth is, the tariff should not be revised by its friends, but by the friends of the American people.

But there are other measures, Mr. Speaker, in which the people of the Nation are deeply interested and with which this House of Representatives has been called upon to deal. A political party, to be really great, must make itself a servant, an agency for good for the average man. It must not be the servant of any particular class or set of men. If it is, it is not a truly representative party and does not deserve to be intrusted with power. Political parties ought to be the servants and not the masters of the people. I hope I am a Democrat because I believe that party is striving to make itself an agency for good for the average voter of this land.

It can not be denied that for a generation the Republican Party has been the chosen representative of capital. This must be true because, as long as I can remember, the trusts and corporations of the Nation have, to a very large extent, supported that party. It should be borne in mind that a large majority of our people do not live in our towns, but in the country. More than 53 per cent of our population is still living outside the corporate limits of towns of 2,500 inhabitants and more. And I charge here and now that this very large per cent of the American people has received scant attention at the hands of the party which has enjoyed such a long and continuous lease of power.

GOVERNMENTAL AID TO RURAL HIGHWAYS.

The record of the present House of Representatives should not be judged until it is fully made up; yet the record already made is one to which any Democrat may point with pride. In the Post Office appropriation bill which passed this House a provision was included by which rural highways used by the Government as mail routes are to be improved by Government aid. The majority in this House has not lost sight of the fact that the good-roads question is one of the most important problems of the hour. Both political parties have cooperated in providing daily, except Sunday, mail for millions of our fellow citizens who live outside the corporate limits of the town. I have heard it stated by those who have made a study of the good-roads question that the loss sustained by the American people by reason of the neglect of our rural highways is about half sufficient each year to pay the expenses of the Federal Government. Whether this estimate is exaggerated or not, we all known that millions are lost annually by reason of poorly constructed rural highways. This provision in the Post Office appropriation bill is very important, in that it constitutes the first step taken by either House of Congress in rendering governmental aid to rural highways. Why should not the Government render such aid?

For nearly a century a portion of the taxes paid by the people has been set aside by Congress after Congress for digging out our rivers and improving the harbors of great cities. Since the foundation of the Government $627,000,000 has been thus appropriated. Boston, New York, and other cities I might mention have received millions of dollars in governmental aid. Is it just, is it right, does it accord to every man a square deal to continue to appropriate the people's money in this manner to the utter neglect of the man who lives on the rural free delivery route in the country? Does not this man pay his pro rata part of the taxes, even as the man who lives in the city pays his pro rata part? Upon what principle of justice can the Government continue to help the great city to the utter neglect of the 53 per cent of our population who live outside our cities and larger town?

Mr. Speaker, during its life the Republican Party has done two things for the man who lives in the country. It has taxed him in time of peace and given him a musket when it needs his services in time of war.

It is the duty of the Democratic Party to address itself boldly to the accomplishment of this reform. Hereafter not one single dollar of the people's money should be voted for the digging out of rivers or in the improvement of great harbors unless an equitable and just proportion is also voted to improve our rural highways.

Mr. Speaker, I am proud that this first step has been taken. The Senate may vote to eliminate this provision from the Post Office appropriation bill, but just so surely as the Democrats capture the next House of Representatives, in my humble judgment some such provision will be put back again, and we will continue to fight for this reform until it can be no longer said that the representatives of the American people are voting away millions of dollars to make our cities greater at the expense of the 53 per cent of the people who live along the rural highways, in the small villages, upon the hills, and in the valleys throughout the length and breadth of the land.

PARCELS POST.

Again, it was felt that there was a demand by this same class of our fellow citizens for cheaper transportation of small parcels through the mails. This reform is attended with many difficulties. An experimental parcel post was likewise included in the Post Office appropriation bill, and a commission has been created to study carefully the entire subject and make a report to the December session of this Congress.

And right here I will say that I am authorized to state that the chairman of the Committee on Post Offices and Post Roads expects to be ready with a complete scheme of a national parcel-post system in the form of a bill to be introduced early in the next session of this Congress. At present there are about 15 bills providing for the establishment of a parcel-post system pending before the Committee on Post Offices and Post Roads. No man but an expert is competent to say which one of these bills should be enacted into law. The committee, therefore, pursued the prudent course of waiting until full information can be had.

But, Mr. Speaker, the first step has been taken and the time is not far distant, in my humble judgment, when a complete national parcel-post system will be in operation throughout the United States. And I predict right now that when this system is put into operation the retail merchant in the village will find his trade increasing instead of being injured thereby.

GAMBLING IN FUTURES.

Again, it has been universally believed and charged that the prices of some of our great staple agricultural products were affected by stupendous speculation upon the exchanges in our great cities. I have heard it stated, for instance, that more than 400,000,000 bales of cotton were bought and sold during one year in one city alone. The entire crop of the country during that year was thirteen and one-half million bales, while the number of bales actually sold and delivered in that particular city was less than 300,000 bales. Those who are engaged in the occupation of producing our great agricultural products are entitled to enjoy a price therefor fixed absolutely by the law of supply and demand.

Believing that this principle was sound, Mr. BEALL, a Democratic Member of this House introduced a measure which has recently been passed, providing that instrumentalities of interstate commerce should not be used for the purpose of gambling in a certain product of the farm. The grain producers of the Nation are entitled to the same protection against the effects of speculation as the producers of cotton. This House can well afford to give consideration to additional legislation in this respect before the next session shall have ended.

ABUSE OF WRIT OF INJUNCTION.

During the last few years, Mr. Speaker, repeated efforts have been made to amend the law with respect to the use of the writ of injunction. When the Sherman antitrust law, so called, was enacted by Congress, no one supposed that it could be used as an instrumentality to oppress the workingmen of the Nation. The demand for supplemental legislation to prevent the abuse of the writ of injunction has been well-nigh universal among those who are expecting no benefit from such abuse. In response to this universal and just demand, the Judiciary Committee reported, and this House has passed, a measure which, it is believed, will largely remedy the evil.

And I pause right here to say that the man engaged in agriculture is equally interested in this legislation with the man who works in the factory, for the time may come when the Federal courts will be appealed to to prevent the farmer from cooperating with others engaged in the same occupation to secure just and fair prices for the product of his toil, even as the writ of injunction has been used to prevent the workingmen of the Nation from uniting in a common effort to secure a fair and just rate of wages for their daily toil.

LAW OF CONTEMPT AMENDED.

Likewise, among thoughtful men throughout the land, there has been a demand that the law of contempt now in force in our Federal courts should be amended so that every man charged with the offense of contempt of court not committed in the presence of the court itself should be entitled to have his guilt or innocence passed upon by a jury of his fellow citizens. Who will stand up and say this is not a righteous measure? Against contempt committed in his actual presence the judge should have the right to proceed, but who shall say that the judge himself should be both judge and jury in passing upon the guilt or innocence of a man charged with contempt not committed in his presence? Why should this man not have the benefit of a jury trial? Who can assign any reason? Judges are human, Mr. Chairman; they must battle against their prejudices just as you and I. It remained, however, for a Democratic House of Representatives to pass a measure which, if ratified by the Senate and signed by the President, will forever remedy the abuse of this autocratic power by judges of our Federal courts. [Applause on the Democratic side.]

I have not the time to-day, Mr. Speaker, to review all of the beneficial measures which have been passed by this House of Representatives. I do contend that it has made good; that it has justified the action of the people at the ballot box in the last election. I do contend that the majority, on this side of the Chamber, has made an honest effort to carry into effect pledges made to the people prior to the last election.

PUBLICITY OF CAMPAIGN CONTRIBUTIONS.

The law with respect to publicity of campaign contributions has been amended. Ah, Mr. Speaker, I well remember how I myself was ridiculed by some of the great metropolitan dailies because, more than 10 years ago, I dared to introduce in this House a bill providing for an investigation of the vast fund used to corrupt the American people and to defeat Mr. Bryan in 1896. I said then that the time would come when the conscience of the Nation would be aroused over the debauchery of American elections by the wholesale use of money.

If $2,000,000 was used in bringing about the election of Mr. Taft, how many millions, Mr. Speaker, were used in accomplishing the defeat of Mr. Bryan in 1896? I have heard it said by Republicans that the amount used in 1896 was greater by far than any amount used in any prior or subsequent campaign. I have heard it said that the amount so used probably exceeded $10,000,000. Is this true or not true? Somebody is living to-day who can answer the question.

The wholesale use of money by either political party is wrong. The use of one single dollar in the purchase of votes is a crime against the Nation. But it remained for the Democratic Party to force this reform.

And I pause right here to say that Mr. Bryan occupies a most enviable position in the minds of men of all political parties who love clean methods. Three times defeated for President, he has lived to see reform after reform for which he struggled adopted, not only by men of his own political faith, but by his fellow citizens of the opposite political party.

Also a bill introduced by Mr. LEVER, of South Carolina, extending the activities of the Agricultural Department in practical farm demonstration work has been favorably reported and a rule has been adopted insuring early consideration of this measure in which our fellow citizens engaged in agriculture are so deeply interested.

GAG RULE OF GOVERNMENT EMPLOYEES REMOVED.

I wish to call attention right here to the order of this House with respect to a ruling made by Mr. Roosevelt when President and thereafter affirmed and adopted by President Taft. Without permission of Congress Mr. Roosevelt ruled that the thousands of employees in the service of Government should not petition Congress or any of its Members respecting any measure to better the condition of such employees. Even a constituent of a Member could not call upon the Member and present reasons why any measure in which the employee was interested should pass. This tyrannical ruling is still in force, but the House has incorporated a provision in one of the appropriation bills restoring to the employees of the Government the right enjoyed by other citizens, a right which never should have been taken away. [Applause.]

OTHER IMPORTANT MEASURES.

Mr. Speaker, I will enumerate right here several additional measures which have passed this House: (1) Eight-hour bill, now a law; (2) Children's Bureau bill, now a law; (3) convict labor bill; (4) bill creating department of labor; (5) industrial commission bill; (6) dredgemen's eight-hour bill; (7) a bill to avoid repetition of the *Titanic* disaster and to protect lives of seamen; (8) bill abolishing involuntary servitude by seamen; (9) amendment to Constitution providing for election of Senators by direct vote of the people. All of the foregoing are supplemental to the great tariff measures which I have heretofore mentioned. Surely no one can justly charge that the Democratic Members of this House have been idle or that they have failed to make an honest effort to carry out our pledges to the people. I belive it can be safely said that the calendar of the House Committee on Labor has never been so completely disposed of. Under the Republican régime this great committee, created by the rules of the House to represent the workers of America, was so constituted that all legislation desired by our working men was stifled. How different under the organization of this House by the Democratic Party. A distinguished Representative of organized labor from Pennsylvania [Mr. WILSON] is chairman. Our colleague from Illinois [Mr. BUCHANAN] and other gentlemen who have made a life study of labor questions are given places on that committee. And it is remarkable that the several measures reported out by that committee have received overwhelming support in this body. The measures reported out were so righteous, that not a few of our Republican colleagues felt it their duty to support them.

There are several measures pending which are yet to be considered. To those who would criticize the record of the Democrats of this House of Representatives I would say that it is only fair and just to withhold that criticism until the record of the party in this House is finally made up and ready to pass into history.

CRITICISM NOT FAIR UNTIL RECORD IS COMPLETE.

Suppose there is some particular measure in which some one of our colleagues is particularly interested. What course should he pursue with respect to that measure? Should he stand up in this Chamber and criticize his colleagues because they have failed to do all that he thinks they ought to do? Let the man who would criticize the record of this House remember, first, that the progress of all legislation is more or less slow. Let him not forget that the Republican Party enjoyed complete power in all the departments of the Government for 16 years.

Mr. Speaker, we are all collectively responsible to the people for legislation which either passes or does not pass this House of Representatives. I mean the Democratic membership is

collectively responsible. No Democrat can go home to his people and justify himself by contending, "I fought for this or that measure, but failed."

The Rules Committee has not escaped its share of the criticism. On behalf of the majority members of that committee I wish to say that we have, as best we could, carried into effect what we believed to be the pledges of our party to the people. We have not been able to respond to every demand that has been made upon us, but before the end of the next session the committee calendar will be completely disposed of. I believe that the great power of the Rules Committee should be invoked only when it becomes absolutely necessary to do so, but when such necessity does arise no Democratic member of that committee will be found shirking any responsibility or duty.

Mr. Speaker, I submit that if any gentleman feels it to be his duty to criticize the majority of this House or the majority of any committee for failing to do all which in his judgment ought to be done it is only fair for such gentleman to give credit for all those measures which have received practically unanimous support on this side of the Chamber.

In conclusion I would remind any one of our colleagues who feels disposed to criticize the Rules Committee or any other committee that the record of measures already passed through this House is very much larger than that of any House within my recollection. And why is it, Mr. Speaker, that this Democratic House is called upon to enact into law so many measures. The answer is plain. It is because during 16 years the Republican majority, feeling that it was secure in its power, dared to ignore the voice of the people. We have done much during this session and during the special session called by President Taft, but we have not done all that we expect to do. All men do not think exactly alike upon great questions. We will proceed cautiously and deliberately, but with a determination at all times to carry into effect our promises and pledges to the American people.

And thank God, Mr. Speaker, the old Democratic Party is at last united for the conflict upon which we are now entering. [Applause on the Democratic side.] Whom will the American people choose to lead in the great battle for the restoration of the Government to the people? Shall it be the man whose administration is admitted upon all sides to be a failure? Shall it be either one of the gentlemen who are now supported by certain powerful interests in this Nation? Shall it be either one of the gentlemen who were put forward by certain great interests in the Republican convention at Chicago? I shall not indulge in harsh criticism of anyone, but certain facts are known of all men.

I pause only to remark that if the American people believe one-hundredth part of what either one of these candidates has said about the other, then neither should ever again be elected to occupy the presidential chair.

In the last 10 years, Mr. Speaker, a new figure has loomed up large against the horizon. He is a well-poised, prudent, conscientious leader, faithful in his allegiance to the interest of all the people as God gives him light to see. He is not weak or vacillating when called upon to act. He is not an egotist. He does not brag about his own achievements. He does not think that he is the only American ordained of God to lead the people up to a higher plane. He does not think that when he dies the instrumentality of all righteousness will be buried. He knows little of the lingo of the prize ring. When struck by an antagonist he does not cry for quarter.

Loyal to friend and generous to foe, he himself never strikes below the belt. In honorable, dignified contest for nomination to the greatest office in the world he has never become so desperate as to compare himself to a rat in a corner. It is not one of his characteristics to find pleasure in useless animal slaughter. Those who know him best are strongest for him.

In manner he is a simple gentleman. The son of a clergyman of moderate means, he has fought his way, surmounting many obstacles, to the very top. Being one of the people, he knows of their manner of life, of their necessities, of their privations, of their struggles. He has kindled no fires of hate. He has made no schisms in his own party. He has not arrayed class against class. He believes in equal and exact justice to all, special privileges to none. He believes that the entire procession of the human family ought to move together forward and upward. [Applause on the Democratic side.]

If he is elected President of the United States, as I believe he will be, Woodrow Wilson will be found always performing the duties of that great office in the fear of God. [Loud applause on the Democratic side.]

LEAVE TO ADDRESS THE HOUSE.

Mr. MANN. Mr. Speaker, the gentleman from South Dakota [Mr. BURKE] was given leave yesterday to address the House for 20 minutes. He is detained by attendance on a funeral, and I ask unanimous consent that he be given the right to address the House later in the afternoon when he comes in.

The SPEAKER pro tempore (Mr. WEBB). The gentleman from Illinois asks unanimous consent that the gentleman from South Dakota may have leave to address the House later in the afternoon when he comes in. Is there objection?

There was no objection.

REGULATION AS TO THE OFFICERING AND MANNING OF VESSELS.

Mr. ALEXANDER. Mr. Speaker, under the special order I call up the bill (H. R. 23676) to regulate the officering and manning of vessels subject to the inspection laws of the United States.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4463 of the Revised Statutes of the United States be, and is hereby, amended to read as follows:

"SEC. 4463. Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the Supervising Inspector General, who shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any vessel of the United States subject to the inspection laws is deprived of the services of any number of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage if, in the judgment of the master, she is sufficiently manned for such voyage: *Provided*, That the master shall ship, if obtainable, a number equal to the number of those whose services he has been deprived of by desertion or casualty, who must be of the same grade or of a higher rating with those whose places they fill. If the master shall fail to explain in writing the cause of such deficiency in the crew to the local inspector within 12 hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of $50. If the vessel shall not be manned as provided in this act, the owner shall be liable to a penalty of $100, or, in case of an insufficient number of licensed officers, to a penalty of $500."

SEC. 2. That the board of local inspectors shall make an entry in the certificate of inspection of every ocean-going and coastwise merchant vessel of the United States propelled by machinery, and every ocean-going vessel carrying passengers, the minimum number of licensed deck officers required for her safe navigation according to the following scale:

That every ocean-going and coastwise vessel subject to the inspection laws of the United States shall not be navigated unless she shall have on board and in her service one duly licensed master.

That every ocean-going and coastwise vessel of 1,000 gross tons and over, propelled by machinery, shall have in her service and on board three licensed mates, who shall stand in three watches while such vessel is being navigated, unless such vessel is engaged in a run of less than 400 miles from the port of departure to the port of final destination, then such vessel shall have two licensed mates; and every vessel of 200 gross tons and less than 1,000 gross tons, propelled by machinery, shall have two licensed mates.

That every ocean-going and coastwise vessel of 100 gross tons and under 200, propelled by machinery, shall have on board and in her service one licensed mate; but if such vessel is engaged in a trade in which the time required to make the passage from the port of departure to the port of destination exceeds 24 hours, then such vessel shall have two licensed mates.

That nothing in this section shall be so construed as to prevent local inspectors from increasing the number of licensed officers on any vessel subject to the inspection laws of the United States if, in their judgment, such vessel is not sufficiently manned for her safe navigation.

SEC. 3. That it shall be unlawful for the master, owner, agent, or other person having authority, to require any officer of any vessel to take charge of the deck watch of the vessel upon leaving or immediately after leaving port, unless such officer shall have had the preceding watch off, and no licensed officer on any ocean or coastwise vessel shall be required to do duty to exceed 9 hours of any 24 while in port, including the date of arrival, or more than 12 hours of any 24 at sea, except in a case of emergency when life or property is endangered. Any violation of this section shall subject the person or persons guilty thereof to a penalty of $100.

SEC. 4. That all laws or parts of laws in conflict with this act are hereby repealed.

The following committee amendments were read:

Page 2, lines 9 and 10, strike out the words "of the United States, subject to the inspection laws," and insert the word "such" in line 9 before the word "vessel."

Lines 9 and 10, page 3, strike out the words "every ocean-going and coastwise vessel, subject to the inspection laws of the United States," and the word "not" in line 10, and insert in line 9, after the word "that," the words "no such vessel."

Line 13, page 3, strike out the words "ocean-going and coastwise" and in lieu thereof insert the word "such."

Line 23, page 3, strike out the words "ocean-going and coastwise" and insert the word "such."

Page 4, at the end of line 9, insert the following:

"*Provided*, That this section shall not apply to fishing or whaling vessels or yachts or to motor boats as defined by the act of June 9, 1910, chapter 268 of the Statutes at Large of the United States."

Page 4, line 11, strike out the word "require" and insert instead thereof the word "permit."

The committee amendments were agreed to.

Mr. HARDY. Mr. Speaker, I ask unanimous consent to correct a misprint in the first line on page 2, where the word "her" is printed "ner."

Mr. MANN. It is a defective type.

The SPEAKER. Without objection, it will be corrected.

There was no objection.

Mr. ALEXANDER. Mr. Speaker, in line 4, page 4, after the second word "hundred," I move to amend by inserting the words "gross tons," so that it will read: "That every such vessel of 100 gross tons and under 200 gross tons," and so forth.

The amendment was agreed to.

Mr. HARDY. Mr. Speaker, there is another amendment which I wish to offer, which I will send to the Clerk's desk.

The Clerk read as follows:

Amend, by striking out the words "the preceding watch off," in line 22, page 4 of the bill, and insert in lieu thereof the following: "At least 6 hours off duty within the 12 hours immediately preceding the time of sailing."

The amendment was agreed to.

Mr. HARDY. Mr. Speaker, I move to strike out the last word. I want to make a few observations in connection with this bill, H. R. 23676, known as the Hardy bill, to regulate the officering and manning of vessels subject to the inspection laws of the United States. In the beginning I want to say that this bill comes from the Committee on Merchant Marine by unanimous report, and I have been requested by one of the members of the minority, Mr. HUMPHREY of Washington, to say that he is not here to-day because of unavoidable absence, but that he would like to let it be known that personally he favors the bill. It seems to me that the bill is the complement and rounding out of the seamen's bill, "A bill to abolish involuntary servitude," and so forth, that has been passed by this House. There is this difference, however, between the two measures—that measure was stubbornly contested in many of its features, while there appears to be no objection to this from any quarter whatever. Still some explanation of this bill and its purposes and the reasons in support of it is due the House and the country.

The law at the present time provides that the various boards of local inspectors of steam vessels shall make an entry in the certificate of inspection of every vessel subject to the inspection laws of the United States of such complement of licensed officers and crew as may, in their judgment, be necessary for a vessel's safe navigation, but that is a very general requirement, and it is believed that some standard ought to be prescribed by law, as is done in section 2 of this bill. Furthermore, there is now no provision in the law that regulates the watches of the officers as to how they shall be divided, or the maximum number of hours out of the 24 that an officer may be required to do duty at sea or in port. The absence of any such provision leaves room for great abuse.

The officer while in charge of a watch is responsible according to law for the vessel's safe navigation, and the master is at all times held responsible for the vessel's safety, and in thick or stormy weather or in dangerous waters the master must be on duty.

The officers on the great majority of our merchant ships are required to be on duty every day while at sea from 12 to 14 hours out of every 24 hours, regardless of the conditions of the weather or the length of the voyage, and in a great many instances after a vessel arrives in port the mates are required to superintend the unloading and loading of cargo from 9 to 40 consecutive hours without rest or sleep, and then they are compelled to stand a six-hour bridge watch after the vessel sails before they are relieved from duty.

Section 5344, Revised Statutes, provides that a master or mate by whose misconduct, negligence, or inattention to duty, the life of any person is destroyed shall be deemed guilty of the felony of manslaughter, and upon conviction thereof before any circuit court of the United States he shall be sentenced to pay a fine of not more than $10,000 or to confinement at hard labor for a period of not more than 10 years, or either or both. This apparent or perhaps real negligence or inattention may be the result of such overwork as passes endurance, and such overwork ought not to be permitted.

Section 4449, Revised Statutes, provides that "if any licensed officer shall to the hindrance of commerce wrongfully or unreasonably refuse to serve in his official capacity on any vessel as authorized by the terms of his certificate of license, his license shall be revoked or suspended upon the same proceedings as are provided in other cases of revocation or suspension of such license." This section also, in the absence of any law limiting the hours of work, may and does frequently result in great hardships and injustice.

The law also provides that when any licensed officer's eyesight becomes defective in colors or vision, and also when his hearing becomes defective, his license shall be suspended. We are told that these defects are sometimes caused by long strain and overtasking the physical powers. This bill, by prescribing regular and reasonable hours for labor and watches, seeks to, and does cure the evils which I have pointed out and which are justly complained of.

The only change made in the first section of the bill from the existing law is in the second paragraph, on page 2, line 18, beginning with "providing" and ending with the word "fill," on line 22, page 4. The amendment makes it obligatory on the part of the master in case he has been deprived of the service of any member of his crew by desertion or casualty to ship, if obtainable, a number equal to the number whose services he has been deprived of.

Section 2 of the bill is new and is very important.

The first paragraph of section 2 of the bill makes it obligatory on the part of the local inspector to make an entry in the certificate of inspection of every vessel subject to the inspection laws of the number of licensed officers necessary for a vessel's safe navigation according to the scale as provided in the second, third, and fourth paragraphs of the section. The second paragraph requires that at least one duly licensed master be on board in any case; the third paragraph of section 2 provides that every ocean and coastwise merchant vessel propelled by machinery of 1,000 gross tons or over, and being engaged in a run of 400 miles or over, shall have three licensed mates who shall stand in three watches while such vessel is being navigated. If any such vessel is engaged in a run of less than 400 miles, she is required to have not less than two licensed mates, and every vessel of 200 gross tons and less than 1,000 gross tons, regardless of the distance is required to have two licensed mates.

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. HARDY. Mr. Speaker, I shall not ask for any more time, but will ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. HARDY. So that it may be fully understood, why this legislation is wise under leave to extend I will give a brief outline of some of the more pertinent and convincing evidence, given before the committee, I think it right to say that the committee, in its investigation owes much to the honest, earnest, and intelligent assistance and testimony of Capt. William A. Westcott. Besides his own evidence Capt. Westcott submitted, in the hearings, evidence in letters and sworn testimony of many other ship captains given before inspectors. For example, the evidence before Inspector Birmingham of Capt. Hansen, who swore that he was captain of the steamer *Talloc* and, in substance, that he sometimes worked his men from the time they got in port up to the time of putting to sea again, that being, sometimes, from 2 or 3 o'clock p. m. to midnight, and that then he who had so worked had to go "on the bridge and take the watch." That he had, sometimes, "put in 60 hours at a stretch without any sleep, lots of times 24 hours." The witness stated: "I admit that I can stand 24 hours at a stretch, and many a time I have done 48 hours, and have even done 60 hours." But, he was asked, is it not undermining your constitution and injuring you? and he answered, "Yes; I think it is. I could do it five or seven years ago and I can not do it now. I am 44 years old now and not as young as I was." This testimony seemed to have been dragged from the witness. Here is part of the proceedings before Inspector Birmingham:

By Mr. Westcott:

Q. Well, Captain, do you think that a man after working all day and leaving the port of San Francisco, taking charge of a watch, and a port and a coast that is more crowded than any other port, don't you think the man should be fresh and alert in case of any emergency, and that he should be bright and not be overworked?—A. Yes; I admit that.

By Capt. Birmingham:

Q. (To Mr. Westcott and witness.) I think we understand this case. I am convinced since taking the testimony of several masters and mates that mates are undoubtedly overworked on the occasion of going to sea and taking the bridge, going to sea at night after working all day, then taking the bridge for four or six hours.

That evidence seemed to me to be pitiful. It was accompanied by affidavits from a number of other captains and mates of similar import, who asked that their names be not published; the affidavits are on file.

Not all shipowners have been guilty of such oppression and many—in fact, I think most of them—would gladly welcome this legislation.

From the other side, therefore, of this question, I insert from the testimony of Mr. I. N. Hibberd, of San Francisco, superintendent of one of the steamship lines, taken before the committee on June 6, 1912:

Mr. HARDY. You have not said anything about this other bill, 23676.
Mr. HIBBERD. This bill 23676 is the only bill I am talking about.
Mr. HARDY. You were talking about the seamen's bill.

Mr. HIBBERD. That is it—that bill of Mr. Wilson's is the bill I was talking about.

Mr. HARDY. I thought you desired also to be heard on the bill also introduced by myself with reference to officering and manning the vessels?

Mr. HIBBERD. I did not, Mr. Hardy. I confess I read your bill and I did not think there was anything I objected to in it, as I remember it now.

Mr. HARDY. Your vessels are even more highly equipped than this bill of mine provides?

Mr. HIBBERD. Yes, sir.

Mr. HARDY. You have a master and four mates?

Mr. HIBBERD. We have on all our passenger vessels, except one of the very smallest ones; on our freighters we carry a master and three licensed men.

Mr. HARDY. That is the highest number?

Mr. HIBBERD. Your bill calls for nothing which we are not already doing.

The CHAIRMAN. Does it call for anything not reasonable, do you think?

Mr. HIBBERD. So far as I recollect it now, it does not. I read Mr. Hardy's bill and did not find anything there that I thought was unreasonable enough to criticize.

Mr. HARDY. In fact, the practice required is not quite as onerous as the practice you follow?

Mr. HIBBERD. As far as manning is concerned that is true.

The CHAIRMAN. Is there anything else?

Mr. HIBBERD. No, sir. I have already taken up too much time of the committee. I am much obliged to you for giving me a chance to come and tell my side of the story.

The CHAIRMAN. Just one question at this juncture: Is it your opinion that an ocean-going vessel is sufficiently manned if the captain is required to stand his regular watch and also required to be on watch during foggy and stormy weather?

Mr. HIBBERD. The captain has no right to stand watch on any vessel that goes to sea. The captain is on deck all the time when there is any necessity.

The CHAIRMAN. In foggy weather and stormy weather?

Mr. HIBBERD. Any other time. He is always on the deck when there is any necessity. The captain should never stand any watch. That is my opinion.

I will only add to these citations the following letter which was read before our committee:

STEAMSHIP "HAZEL DOLLAR,"
China Basin, March 17, 1910.

Mr. WESTCOTT.

DEAR SIR: I am in receipt of yours of the 11th instant, and in reply would state that I am only too pleased to do anything that may help raise the status of the profession in general. In the above vessel we carry three officers, and each takes his regular watch of four hours on the bridge—that is, 8 hours out of every 24.

As in most British ships, the chief officer is on duty from 4 to 8; the third officer from 8 to 12, and myself from 12 to 4.

While discharging cargo in port we are on duty while the stevedores are working, but, of course, one officer must remain on board at night; and upon our return to this coast arrangements are made enabling each officer to have a short holiday (on full pay).

The gross tonnage of the vessel is 4,304, and she plies between the Pacific coast and the Orient; the round trip averages about five months. She is certified to carry passengers.

It seems needless to say that the officer who does not get his proper amount of sleep can not possibly be as reliable as the one who does, and when a vessel is in crowded waters it stands to reason that the officer on watch should have a clear head, and this he can not have if he does not obtain his proper rest.

I am pleased to say that there are very few British steamers (personally I know of none) which still have that out-of-date health-breaking system of two watches.

With best wishes for every success in the work you are carrying on, I remain,

Yours, faithfully, HUBERT F. RADFORTH.

I will conclude by simply saying that the whole evidence before our committee conclusively shows that this bill (H. R. 23676) is not only a just and conservative measure, but one greatly needed for safety of navigation and imperatively demanded in the interest of humanity. About its passage there ought to be no two minds and no delay.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

IMPORTATION OF NURSERY STOCK.

Mr. MANN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24119, to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; and, pending that, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Illinois moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 24119, and, pending that, asks unanimous consent that the bill shall be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Clerk will report the bill.

The Clerk read as follows:

SEC. 5. That whenever the Secretary of Agriculture shall determine that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock," as defined in section 6 of this act, may result in the entry into the United States or any of its Territories or Districts of injurious plant diseases or insect pests, he shall promulgate his determination, specifying the class of plants and plant products the importation of which shall be restricted and the country and locality where they are grown, and thereafter, and until such promulgation is withdrawn, such plants and plant products imported or offered for import into the United States or any of its Territories or Districts shall be subject to all the provisions of the foregoing sections of this act: *Provided*, That before the Secretary of Agriculture shall promulgate his determination that the unrestricted importation of any plants, fruits, vegetables, roots, bulbs, seeds, or other plant products not included by the term "nursery stock," as defined in section 6 of this act, may result in the entry into the United States or any of its Terriories or Districts of injurious plant diseases or insect pests he shall, after due notice, give a public hearing, under such rules and regulations as he shall prescribe, at which hearing any interested party may appear and be heard, either in person or by attorney.

Mr. MANN. Mr. Speaker, I ask unanimous consent to have corrected the spelling of the word "hereafter," in line 22, page 4.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The Clerk read as follows:

SEC. 10. That any person who shall violate any of the provisions of this act, or of the rules or regulations herein provided for, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500 or by imprisonment not exceeding one year, or both such fine and imprisonment, in the discretion of the court: *Provided*, That no common carrier shall be deemed to have violated the provisions of any of the foregoing sections of this act on proof that such carrier did not knowingly receive for transportation or transport nursery stock or other plants or plant products as such from one State, Territory, or District of the United States into or through any other State, Territory, or District; and it shall be the duty of the United States attorneys diligently to prosecute any violations of this act which are brought to their attention by the Secretary of Agriculture or which come to their notice by other means.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 9, lines 17 and 18, strike out the words "or of the rules or regulations herein provided for."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 13. That there is hereby appropriated, out of the moneys in the Treasury not otherwise appropriated, to be expended as the Secretary of Agriculture may direct, for the purposes and objects of this act, the sum of $25,000, which appropriation shall become available on July 1, 1912.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 11, lines 12 and 13, strike out the words "which appropriation shall become available on July 1, 1912."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

SEC. 14. That this act shall become and be effective from and after the 1st day of July, 1912, except as herein otherwise provided.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 11, line 15, strike out the word "July" and insert in lieu thereof the word "October."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

RADIO COMMUNICATION ON OCEAN-GOING STEAMERS.

Mr. ALEXANDER. Mr. Speaker, I call up the bill (H. R. 24025) to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 4400 of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

"SEC. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States,

vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title.

"And all foreign private steam vessels carrying passengers to or from any port of the United States to any other place or country shall be subject to the provisions of sections 4417, 4418, 4421, 4422, 4423, 4424, 4470, 4471, 4472, 4473, 4479, 4482, 4488, 4489, 4496, 4497, 4499, and 4500 of this title, and shall be liable to visitation and inspection by the proper officer in any of the ports of the United States respecting any of the provisions of the sections aforesaid.

"That there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality: *Provided*, That the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued."

SEC. 2. That section 4488 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 4488. Every steamer navigating the ocean or any lake, bay, or sound of the United States shall be equipped with such lifeboats, floats, rafts, life preservers, ring buoys, water lights, ring-buoy lights, line-carrying projectiles, and the means of propelling them, as will best secure the safety of all persons on board such vessel in case of disaster, and in addition thereto steamers navigating the ocean shall be provided and equipped with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and every such vessel shall have such lifeboats provided and equipped with suitable boat disengaging apparatus so arranged as to allow such boats to be safely launched while such vessel is under speed or otherwise, and so as to allow such disengaging apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water; and every vessel shall be equipped with a searchlight of sufficient power to be an efficient aid in the safe navigation of said vessel in the nighttime.

"The Board of Supervising Inspectors shall fix and determine by their rules and regulations the character and equipment of lifeboats, floats, rafts, life preservers, ring buoys, searchlights, water lights, ring-buoy lights, line-carrying projectiles and the means of propelling them that shall be used on such vessels, and also the character and capacity of pumps or other appliances for freeing the steamer of water in case of heavy leakage, the capacity of such pumps or appliances being suitable to the navigation in which the steamer is employed, but shall have no discretion whatever with respect to the number of lifeboats on steamers navigating the ocean, such number to be determined solely by the actual capacity of such lifeboats to carry and transport at one time all of the passengers and members of the crew licensed to be carried on board the vessel.

"Every vessel subject to the provisions of this title shall, while in operation, carry one life preserver for each and every person allowed to be carried on said vessel by the certificate of inspection, including each member of the crew. It shall be unlawful for any such vessel to sail from any port of the United States without first obtaining from the local inspectors a certificate specifying the number of passengers and crew licensed to be carried on board, and that such vessel is fully equipped as hereinbefore provided.

"Every captain, owner, and charterer of such vessel, and, when the owner or charterer shall be an association or corporation, every executive officer and every resident general agent of such association or corporation for the time being actually charged with the control and management of the operation, equipment, or navigation of such vessel, who shall knowingly and willfully cause or allow or permit such vessel to sail from any port of the United States without being equipped as hereinbefore provided, and without obtaining the certificate hereinbefore provided, shall, upon conviction, be fined not less than $1,000 nor more than $5,000, and may, in addition thereto, be imprisoned not exceeding 10 years, in the discretion of the court.

"Any person who knowingly or willfully manufactures or sells, or offers for sale, or has in his possession with intent to sell, life preservers containing metal or other nonbuoyant material for the purpose of increasing the weight thereof, or more metal or other such material than is reasonably necessary for the construction thereof, or who shall so manufacture, sell, offer for sale, or possess with intent to sell, any other material commonly used for the preservation of life or the prevention of fire on board vessels subject to the provisions of this title, which articles shall be so defective as to be inefficient to accomplish the purposes for which they are respectively intended and designed, shall, upon conviction, be fined not more than $2,000 and may, in addition thereto, in the discretion of the court, be imprisoned not exceeding five years."

Mr. ALEXANDER. Mr. Speaker, section 3 of the bill has already been enacted into law, and it is hardly worth while reading it. I therefore ask unanimous consent that section 3 may be stricken from the bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to strike section 3 from the bill. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 7, line 24, strike out "Sec. 4," and also strike out the word "act" and insert in lieu thereof the word "section."

The amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I now present the following amendments, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 7, strike out from lines 24 and 25 and line 2, on page 8, the following: "So far as it relates to the Great Lakes, shall take effect on April 1, 1913, and so far as it relates to ocean-going cargo steamers."

And in line 2, page 8, strike out the word "July" and insert in lieu thereof the word "January," so that the section shall read:

"That this act shall take effect on and after January 1, 1913."

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

Mr. ALEXANDER. Mr. Speaker, I ask to have that last section made section 3.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

The SPEAKER. The Clerk will proceed with reporting the committee amendments.

The Clerk read as follows:

On page 2, line 1, after the word "States," insert the word "public."

Page 3, lines 15 and 16, after the word "them," insert "and such other life-saving and fire-fighting devices."

Page 4, line 11, after the word "them," insert "and such other life-saving and fire-fighting devices."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

Mr. ALEXANDER. Mr. Speaker, I offer the following amendment.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, by adding at the end of line 22, page 4, the following words: "and for the purposes of this act seine boats carried by vessels engaged exclusively in fishing shall be held and considered to be lifeboats."

The question was taken, and the amendment was agreed to.

Mr. MANN. There is a provision requiring steamers to have lifeboats, preservers, and so forth. Would that include the ordinary steam tugs?

Mr. ALEXANDER. No; it would not, in my judgment, and that is the opinion of the Commissioner of Navigation.

Mr. MANN. I would ask the gentleman, then, in line 22, page 3, the language occurs—

And every such vessel shall have such lifeboats provided and equipped, etc.

And previous to that, in the same section, in one place it require that "every steamer navigating the ocean or any lake, bay, or sound of the United States shall be," and so forth, and in another place, "steamers navigating the ocean shall be provided," and so forth. I judge that the intention was to make the reference to steamers navigating the ocean or any other such vessel, but I think it is not clear, and if it is the intention, would it not be well to strike out the words "such vessel" and insert "or steamers navigating the ocean," to make it perfectly clear?

Mr. ALEXANDER. Where is that?

Mr. MANN. Page 3, line 22.

Mr. ALEXANDER. Now, going back to line 17, it says, "and in addition thereto steamers navigating the ocean shall be provided with a sufficient number of seaworthy lifeboats to carry and transport at one time every passenger and every member of the crew licensed to be carried on board such vessel, and every such vessel shall have lifeboats provided and equipped with suitable boats' disengaging apparatus." Now, I think instead of "such" there the provision which we intended to apply was that "all vessels be equipped with lifeboat-disengaging apparatus." I think we had better strike out the word "such."

Mr. MANN. Better say "all steam vessels."

Mr. ALEXANDER. That is, every steamer shall have such boats.

Mr. MANN. Better strike out "such vessel" and insert "steamer," so it will read "every steamer shall have." That is the intention, I take it.

Mr. ALEXANDER. Mr. Speaker, I move to strike out the words "such vessel," where it occurs the second time in line 22, page 3, and insert in lieu thereof the word "steamer."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 22, strike out the words "such vessel," where it occurs the second time in the line, and insert in lieu thereof the word "steamer," so that the line will read "and every steamer shall have such lifeboats," etc.

The question was taken, and the amendment was agreed to.

Mr. MANN. On page 4, line 4, where it reads "every vessel shall be equipped with a searchlight with sufficient power," and so forth, I take it the intention is to confine that to the steam vessel——

Mr. ALEXANDER. In the ocean. After the word "every", insert the words "steamer navigating the ocean."

Mr. MANN. Do you want that to apply to the Lakes? If you insert the word "such" that would cover it.

Mr. ALEXANDER Well, after the word "every" insert the word "such."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 4, after the word "every," insert the word "such."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ALEXANDER, a motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA CANAL BILL.

Mr. ADAMSON. Mr. Speaker, the canal bill has come back from the Senate with sundry amendments. It is on the Speaker's table, and I ask unanimous consent to take it up, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Georgia asks unanimous consent to take from the Speaker's table the bill H. R. 21969, the canal bill, to disagree to the Senate amendments and to ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone.

The SPEAKER. The Clerk will report the conferees.

The Clerk read as follows:

Mr. ADAMSON, Mr. SIMS, and Mr. STEVENS of Minnesota.

CONDITION OF HEALTH OF INDIANS ON INDIAN RESERVATIONS (S. DOC. NO. 907).

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Indian Affairs, and ordered to be printed.

The Clerk read as follows:

To the Senate and House of Representatives:

The present conditions of health on Indian reservations and in Indian schools are, broadly speaking, very unsatisfactory. In many parts of the Indian country infant mortality, tuberculosis, and disastrous diseases generally prevail to an extent exceeded only in some of the most insanitary of our white rural districts and in the worst slums of our large cities.

The death rate in the Indian country is 35 per thousand, as compared with 15 per thousand—the average death rate for the United States as a whole. The average death rate in some of the healthiest of our cities is as low as 12 per thousand. No exact figures are yet available for infant mortality among Indians, but field studies now being made show that while proportionately more Indian babies than white babies are born, very many more Indian babies die.

Last year of over 42,000 Indians examined for disease, over 16 per cent of them had trachoma, a contagious disease of the eye, frequently resulting in blindness, and so easily spread that it threatens both the Indian communities and all their white neighbors. It is a disease so serious that at no port of entry in this country is the immigrant with trachoma allowed to land. On the Kiowa, Comanche, and Apache Reservations 71 per cent of the school children have trachoma. The curing of this disease frequently requires years of constant care. Of the 40,000 Indians examined, 6,800 had tuberculosis. On the White Earth Reservation, in Minnesota, a house to house canvass in 1910 and 1911 revealed that of 3,300 Indians, 600 had tuberculosis. An examination of half the Indians on the Blackfeet Reservation, Mont., shows that one-third of that number have tuberculosis. Of the total population of the Colorado River Reservation, Ariz., 20 per cent have tuberculosis. At the school of the Mescalero Reservation in New Mexico, where climatic conditions are ideal, 5 per cent of the children in school have tuberculosis. Of the 7,000 Indians of the Pine Ridge Reservation, S. Dak., over one-fourth have tuberculosis. Even in southern California at least 10 per cent of the Indians have this dread disease. In addition to these scourges and the special lowering of vitality which exists in these sections where the Indians can procure intoxicants, they are more subject than the average white man to the whole list of acute diseases. Few Indian homes anywhere have proper sanitary conditions, and in many instances the bad condition of their domestic surroundings is almost beyond belief.

As guardians of the welfare of the Indians, it is our immediate duty to give to the race a fair chance for an unmaimed birth, healthy childhood, and a physically efficient maturity.

The most vigorous campaign ever waged against disease among the Indians is now under way. I began in 1909. Prior to that time little attention had been given to the hygiene and health of the Indians. On some reservations, equal in area to a State, there were not more than two physicians, frequently only one. In 1909 tens of thousands of Indians were substantially without any chance to reach a doctor. The Government was startled into a reform in this matter through the discovery that at the Phoenix Indian School, Arizona, more than 65 per cent of the children were infected with trachoma. In response to the showing then made, Congress immediately appropriated an emergency sum of $12,000. Physicians sparsely scattered over the Indian country were then organized as the nucleus of an efficient fighting force, and the fight has been conducted not only on curative, but on preventative lines. As the need for this work has become more apparent, congressional appropriations have steadily increased; but even to-day the effective fighting force of the service is so disproportionate to the ground to be covered and the problems to be met that it is impossible to make even a medical survey of the whole field.

The Indian service has under its general supervision 296,000 Indians, and of these it is a conservative estimate to say that 160,000 are still entirely dependent on the Federal medical service. This service has 160 physicians, over a third of whom, under their terms of employment, devote only a part of their time to Indians. When it is remembered that Indians are so scattered that a physician frequently has to drive a day or more out, and a day or more back, to reach one family, the inadequacy of such service is plain. While there are many efficient and self-sacrificing physicians in this service, the smallness of the salaries, which average only $1,186 a year, necessarily affects the qualification and ability of the physicians engaged. In spite of adverse conditions, thousands of cases of tuberculosis and trachoma are being systematically treated, and serious epidemics of diphtheria, measles, cerebrospinal meningitis, and other infectious diseases have been checked. Hundreds of lives have been saved, and a distinct start has been made in getting fresh air and generally better sanitary conditions into the homes.

The Indian medical service should, therefore, be substantially increased in size, and should be lifted into efficiency through the better men whom as a rule only better salaries can command. Of course this change should take place along carefully planned business lines and without extravagance, and after a comparative study of other medical services, National, State, and local.

Through the proper channels is now submitted to Congress an estimate for the Indian medical service for $253,350, accompanied by a detailed statement of the expenditures required. This sum, together with an addition to the amounts which will probably be available in the Indian appropriation bill for the current year, and which were asked for in that bill before all the data now available were at hand, will enable the Indian service to make a complete medical and sanitary survey of the whole field, with a view to curing existing troubles and to the prevention, so far as may be, of their recurrence. With this additional appropriation, if granted by Congress, it is believed that the tide can be turned, that the danger of infection among the Indians themselves and to the several millions of white persons now living as neighbors to them can be greatly reduced, and genuine cooperation with local State boards of health now already under way can be adequately provided for. It is not expected to build up a highly organized Indian medical service, but rather to put efficient physicians and nurses and field matrons, properly equipped to reach all the Indian families, in the field where service under the best conditions is one of constant self-sacrifice and hardship, but where constant application to those methods which the study of modern hygiene has developed will show results so encouraging as fully to justify the expenditure of the sums herein asked.

WM. H. TAFT.

THE WHITE HOUSE, *August 10, 1912.*

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 133. Joint resolution appropriating the sum of $20,000 out of money appropriated by Senate joint resolution No. 129 for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico; and

S. 5958. An act to provide for the registry and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards.

EXPOSITION OF HYGIENE AND DEMOGRAPHY.

Mr. FOSTER. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from the fur-

ther consideration of Senate joint resolution 126, which is at the Clerk's desk, and I ask that it be reported.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate joint resolution 126, authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

The SPEAKER. The Chair wants to make one statement, and that is that the rule provides for a Unanimous Consent Calendar, and the Chair is not disposed to violate that rule any more than any other Member of the House, but there are certain little things which if you do not do them at a particular time there is no use in doing them at all, and this is one of them. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the several Federal bureaus doing hygienic and demographic work are hereby authorized to prepare and install exhibits at the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography, at Washington, D. C., September 16 to October 4, 1912: *Provided*, That such exhibits shall consist of such materials as are now available in such bureaus or can be prepared and installed without requiring any special appropriation for this purpose.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The question was taken, and the joint resolution was agreed to.

ENTRY UNDER BOND OF EXHIBITS OF ARTS, SCIENCES, AND INDUSTRIES.

The SPEAKER. The gentleman from New York [Mr. LEVY] has a resolution on all fours with that offered by the gentleman from Illinois.

Mr. LEVY. Mr. Speaker, I ask unanimous consent for the present consideration of the following bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25806) to provide for the entry under bond of exhibits of arts, sciences, and industries.

Be it enacted, etc., That all articles which shall be imported from foreign countries for the sole purpose of exhibition at expositions of the arts, sciences, and industries and products of the soil, mine, and sea, to be held in expositions to be held by the Merchants and Manufacturers' Exchange of New York, in the buildings in the city of New York owned or controlled by the Merchants and Manufacturers' Exchange, a corporation organized under the laws of the State of New York, upon which there shall be a tariff or customs duty, shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal; and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use; and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign Government, State, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEVY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. STEPHENS of California. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from California [Mr. STEPHENS] asks unanimous consent to extend his remarks in the RECORD. Is there objection.

There was no objection.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5958. An act to provide for the registry and enrollment of vessels built in foreign countries when such vessels have been wrecked on the coasts of the United States or her possessions or adjacent waters and salved by American citizens and repaired in American shipyards; to the Committee on the Merchant Marine and Fisheries.

OREGON & CALIFORNIA RAILROAD LAND GRANT.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 22002) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth.

The SPEAKER pro tempore (Mr. MARTIN of Colorado). The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to call up the bill H. R. 22002. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. May I suggest, Mr. Speaker, that the gentleman from Oregon asks unanimous consent to consider the bill in the House as in Committee of the Whole?

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

Mr. FINLEY. Should not the bill be reported first?

Mr. MANN. I think the title would indicate it. The bill is pretty long.

The SPEAKER pro tempore. It is quite a lengthy bill. There is a substitute to the original bill.

Mr. MANN. Has consent been given to consider it? I do not think it worth while to have it read unless it can be considered.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

Mr. HAWLEY. I ask unanimous consent, Mr. Speaker, that the substitute reported by the committee be read in place of the original bill.

The SPEAKER pro tempore. The gentleman from Oregon asks unanimous consent to report the substitute reported by the committee in place of the original bill. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the substitute.

The Clerk read the substitute, as follows:

Be it enacted, etc., That all claims of forfeiture heretofore or hereafter asserted by the Attorney General on behalf of the United States in or by any and all suits in equity, actions at law, or other judicial proceedings instituted pursuant to the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., be, and the same are hereby, ratified and confirmed and are hereby declared to be of the same force and effect as declarations of forfeiture by the Congress of the United States.

SEC. 2. That none of the lands reverting to the United States by virtue of any right of forfeiture thereto as aforesaid shall be or become subject to entry under any of the public-land laws of the United States, or to the initiation of any right whatever under any of the public-land laws of the United States.

SEC. 3. That no suits in equity, actions at law, or other judicial proceedings shall be instituted pursuant to said joint resolution approved April 30, 1908, that shall involve any lands sold by the Oregon & California Railroad Co. prior to April 30, 1908, unless the same shall be instituted within one year from the date of the approval of this act: *Provided*, That this section shall not be construed to apply to any suits in equity heretofore instituted, nor to any parties thereto, nor to any of the lands involved therein, nor to the institution of any further suits in equity, actions at law, or other judicial proceedings relating to any of the lands that are involved in said pending suits.

SEC. 4. That the Attorney General is hereby authorized to compromise in the manner hereinafter provided any suit heretofore or hereafter instituted pursuant to the provision of said joint resolution approved April 30, 1908, involving lands purchased from the said Oregon & California Railroad Co. prior to September 4, 1908. In any such suit the Attorney General may, in his discretion, stipulate with the defendant or defendants who purchased said lands, or are the successors or assigns of such purchaser or purchasers, that decree shall be entered adjudging that the lands involved therein have been and are forfeited to the United States. Such decree shall recite that the same was entered pursuant to such stipulation. If said purchaser defendant or defendants, or their successors or assigns, shall within six months from the entry of said decree file with the Secretary of the Interior a certified copy of said decree, together with an application to purchase all of the lands adjudged by said decree to have been forfeited to the United States as aforesaid, and shall pay to the Treasurer of the United States the sum of $2.50 per acre for all of the lands so applied for, the Secretary of the Interior shall cause patents to be issued conveying to said purchaser defendant or defendants, and their successors and assigns, all of the right, title, and interest of the United States in and to all of said lands; and such purchase shall operate as a compromise of any and all claims of the United States for waste or trespass upon any of said lands committed by such purchaser defendant or defendants or their successors or assigns, respectively: *Provided*, That the benefits of this section shall not be exercised or enjoyed except in cases where decree shall have been entered pursuant to stipulation entered into as aforesaid: *And provided further*, That the provisions of this section shall not apply to any lands that have not been patented to said Oregon & California Railroad Co.: *And provided further*, That the aforesaid privilege of purchasing said forfeited lands shall not be exercised or enjoyed as to less than all of the lands involved in said suits, respectively, the purpose hereof being to prevent the elimination from any

purchase of any lands from which timber has been removed or upon which any other waste or trespass has been committed, or the elimination of any part whatever of any land from such purchase.

SEC. 5. That the provisions of section 4 of this act shall not be construed to apply to the suit involving approximately 2,360,000 acres, now pending in the District Court of the United States for the District of Oregon, wherein the United States of America is complainant and the Oregon & California Railroad Co., the Southern Pacific Co., Stephen T. Gage, the Union Trust Co., and others are defendants, being designated in the records and files of said court as suit No. 3340; nor shall the provisions of said section 4 of this act be construed to apply to any of the lands involved in said last-described suit; nor to create any rights or privileges whatever in favor of any of the defendants therein.

SEC. 6. That nothing in this act contained, nor action taken pursuant to the provisions of this act, shall be construed as a condonation of any of the breaches of any of the conditions or provisions annexed to any of the grants designated in said joint resolution approved April 30, 1908, nor as a waiver of any of said conditions or provisions, nor as a waiver of any right of forfeiture in favor of the United States on account of any breach or breaches of any of said conditions, nor as a waiver of any cause of action or remedy of the United States on account of any breach or breaches of any of said conditions or provisions, nor as a waiver of any other rights or remedies existing in favor of the United States.

The SPEAKER pro tempore. The question is on the adoption of the substitute.

The question was taken, and the substitute was agreed to.

The SPEAKER pro tempore. The question now recurs on the engrossment and third reading of the bill as amended by the adoption of the substitute.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

QUALIFICATIONS OF PRESIDENTIAL ELECTORS.

Mr. STERLING. Mr. Speaker, I ask consent to print in the RECORD a speech made in 1908 by the gentleman from Alabama [Mr. CLAYTON] on the subject of qualifications of presidential electors. It contains the general principles of law, the Federal statutes, and a good deal of other valuable information.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. STERLING] asks unanimous consent to insert in the RECORD a speech by the Hon. HENRY D. CLAYTON, of Alabama, delivered in the House of Representatives on Monday, April 27, 1908, on the qualifications of presidential electors. Is there objection?

Mr. FINLEY. Reserving the right to object, I would like to ask about what is the length of this speech?

Mr. STERLING. It is of about six pages, I think—good-sized pages. It is not lengthy.

Mr. FINLEY. It is a speech made by the Hon. HENRY D. CLAYTON, of Alabama?

Mr. STERLING. Yes.

Mr. FINLEY. I have no objection.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. As I understand, this has already been printed in the RECORD?

Mr. STERLING. Yes; four years ago it was printed in the RECORD—in 1908.

Mr. FOSTER. I misunderstood the gentleman.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Chair promised to recognize the gentleman from South Carolina [Mr. LEVER], which he will do after he has disposed of a few of these routine resolutions that are necessary.

Mr. FINLEY. I have no objection to the gentleman from South Carolina [Mr. LEVER] being recognized.

The SPEAKER pro tempore. The Chair will now recognize the gentleman from South Carolina [Mr. LEVER].

AGRICULTURAL EXTENSION DEPARTMENTS IN STATE AGRICULTURAL COLLEGES.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. LEVER] moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22871, which the Clerk will report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on agreeing to the motion of the gentleman from South Carolina [Mr. LEVER] that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22871.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. RAKER in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 22871, which the Clerk will report.

The title of the bill was again read.

Mr. LEVER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from South Carolina [Mr. LEVER] asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LEVER. Mr. Chairman, quite a number of gentlemen are desirous of discussing this bill, and on account of the lateness of the evening and it being Saturday, many of them are not here. I therefore move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and had come to no resolution thereon.

FORT LOGAN H. ROOTS, ARK.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to call up the bill (S. 6926) to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill.

The SPEAKER. This is a matter which the United States Government is directly interested in having it passed as soon as possible, so that it can get stone to do certain work. That is the reason why the Chair has recognized the gentleman. Is there objection?

There was no objection.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and hereby is, authorized and directed, upon the payment by the Big Rock Stone & Construction Co., a corporation existing under the laws of the State of Arkansas, of such sum as he may determine to be the reasonable value of the premises, to convey to the said company the following-described portion of the military reservation of Fort Logan H. Roots, near the city of Little Rock, State of Arkansas, to wit:

Beginning at the intersection of section line between sections 20 and 29, township 2 north, range 12 west, with the left bank of the Arkansas River; thence east along section line to the northeast corner of section 29; thence south along east line of section 29, 1,050 feet; thence south 31 degrees 5 minutes east, 1,025 feet; thence south 33 degrees 34 minutes east, 1,036 feet; thence south 54 degrees 30 minutes west, 250 feet to southeast corner of the Big Rock Stone & Construction Co.'s property; thence following the east and north boundaries of said company's property to intersection with left bank of river; thence north along left bank of river to place of beginning; containing 18.75 acres.

Also the following described tract of said reservation, to wit:

Beginning at the said southeast corner of the Big Rock Stone & Construction Co.'s property; thence south 33 degrees 34 minutes east, 350 feet; thence south 54 degrees 30 minutes west to left bank of river; thence north along the river bank to the southwest corner of said company's property; thence north 54 degrees 30 minutes east along said company's property to the point of beginning; containing 2 acres.

SEC. 2. The Secretary of War is hereby further empowered to require, as one of the conditions of the sale herein authorized, that the grantee shall execute a bond to the United States, in such amount and with such sureties as the said Secretary shall prescribe, conditioned that the said grantee shall hold the United States harmless as against any damage that may be done to the part of the premises retained by the United States by any use to which the said grantee may devote that part hereby authorized to be conveyed; and that whenever, in the judgment of the said Secretary, the use to which the said part is being devoted shall interfere with the proper use by the United States of the said remaining part for any of the purposes to which the same is now being devoted, the said Secretary may direct a suspension of such interfering use for such time or with such restrictions as to him shall seem proper.

SEC. 3. That this act shall take effect and be in force from and after its passage and approval.

Mr. JACOWAY. Mr. Speaker, I will state for the benefit of the House that this bill has been unanimously reported by the committee.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading, was accordingly read the third time, and passed.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

On motion of Mr. JACOWAY, a motion to reconsider the last vote was laid on the table.

CLERICAL ASSISTANCE TO COMMITTEE ON ENROLLED BILLS.

Mr. LLOYD. Mr. Speaker, I present a privileged report from the Committee on Accounts.

The Clerk read as follows:

House resolution 678 (H. Rept. 1176).

Resolved, That there shall be paid out of the contingent fund of the House not to exceed $100 for additional clerical assistance to the Committee on Enrolled Bills during the remainder of the present session upon the certificate of the chairman of said committee.

Mr. LLOYD. Mr. Speaker, this is one of the usual resolutions passed just before the close of the session. Heretofore the resolution has provided for $200 and this provides for only $100. That is the only difference between this and prior resolutions.

Mr. MANN. If we were sure this was passed "just before" the close of the session we would be glad to make it $200. [Laughter.]

The resolution was agreed to.

PRINTING IN THE RECORD.

Mr. HENSLEY. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter, together with an editorial by the St. Louis Republic, from one of the leading Republicans of Missouri, who resides in my district. The letter was printed in the St. Louis Republic, and I have been requested to have it put in the RECORD.

The SPEAKER. Is there objection?

Mr. TRIBBLE. Mr. Speaker, reserving the right to object, I should like to ask the gentleman what is the nature of the letter.

Mr. HENSLEY. This letter was written by Hon. B. B. Cahoon, of Fredericktown, Mo., who was a colonel in the Union Army, and has been at all times prominent and a very able Republican leader in Missouri. He was at one time a leading candidate for governor in the Republican State convention, and has always stood high in the councils of his party, and no one enjoys the confidence and esteem of all the people more than he.

Mr. MANN. Is he going to support Wilson?

Mr. HENSLEY. Yes. And he assigns many good reasons why he is going to support Wilson. He also gives many good reasons why he can not support either Taft or Roosevelt.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

Mr. TRIBBLE. I object.

The SPEAKER. The gentleman from Georgia objects.

THE COTTON WORM.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent to have printed in the RECORD, and also published as a House document, Bulletin 164 of the Alabama Agricultural Experiment Station of the Alabama Polytechnic Institute on the cotton worm or caterpillar. I will say to the Members from the cotton States that this is perhaps the most up-to-date and authoritative work on the subject of the cotton worm that has yet been published.

Mr. MANN. Which would the gentleman prefer, printing it in the RECORD or printing it as a House document?

Mr. HOBSON. I should like both.

The SPEAKER. The gentleman asked for both.

Mr. MANN. I know he did; but I do not think we should begin that practice.

Mr. FINLEY. I suggest that the gentleman from Alabama ask to have the document printed in the RECORD.

Mr. HOBSON. Then I will just ask that it be published as a part of my remarks, which I will extend in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD on the subject of the cotton worm or caterpillar. Is there objection?

There was no objection.

CLAIM OF UTE INDIANS.

Mr. MANN. Mr. Speaker, earlier in the afternoon, when the time came which was allotted to the gentleman from South Dakota [Mr. BURKE], unanimous consent was given that he might address the House when he came in, he having been detained by a funeral ceremony. The gentleman is now present.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for 20 minutes.

Mr. BURKE of South Dakota. Mr. Speaker, I want to thank the gentleman from Illinois [Mr. MANN] for his courtesy in requesting that I be granted the time that has been allotted to me, and I also want to thank the House for its courtesy in giving me the time.

When the deficiency appropriation bill was pending in Committee of the Whole I offered an amendment proposing to appropriate $3,500,000 to pay a judgment in favor of the Ute Indians, a final judgment of the Court of Claims, the time for appeal having expired. The amendment that I offered is as follows:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,305,257.19, being the net amount of a judgment rendered by the Court of Claims in favor of the Confederated Bands of Ute Indians, dated February 13, 1911, exclusive of the amount awarded for attorney's fee, pursuant to the provisions of the jurisdictional act aproved March 3, 1909, the same to bear interest at the rate of 4 per cent per annum from and after the date of said judgment, the amount thereof and the interest accruing thereon to be deposited in the Treasury to the credit of said Indians and be held as a trust fund in accordance with the act of June 15, 1880, being "An act to accept and ratify the agreement submitted by the Confederated Bands of Ute Indians in Colorado for the sale of their reservation in said State, and for other purposes.

The amendment was not adopted, though it was practically conceded that it was a proper item for the deficiency bill, and that it has always been the practice for the House to make appropriations for such judgments when properly certified by the Secretary of the Treasury, and this judgment was so certified. There was some discussion upon the amendment, and, by implication at least, it was suggested that the Court of Claims in rendering the judgment had not fully and carefully considered the case, and that possibly amounts claimed as a set-off by the Government should have been allowed and deducted from the amount found to be due the Indians, and it was also implied that the Department of Justice had not been diligent in not appealing the case to the Supreme Court. There was also much criticism indulged in because the attorneys who represented the Indians had been paid a large fee, about $211,000, for their services, and the authority of the Secretary of the Treasury was questioned for having paid the same before an appropriation had been made and before the judgment had been collected. I said at that time, Mr. Speaker, that in regard to this Ute case and in other similar cases where there has been more or less scandal connected with large attorney's fees having been paid on old Indian claims, that Congress itself is more responsible than the departments of the Government or the courts, and I want to reiterate that statement now for the purpose of emphasizing the necessity of discontinuing the practice of providing on appropriation bills, in conference, legislation conferring upon the Court of Claims jurisdiction to try and determine claims without an opportunity for any committee to scrutinize and examine into the merits of them, and without the House having any opportunity to discuss or ascertain what the claim is or how much may be involved.

I have a letter from the Attorney General that was prompted by the debate when my amendment was being discussed in the House, and before I conclude I am going to ask to have it read, and I hope Members will observe carefully what is contained in the letter. It appears by this letter that the amount claimed in the petition subsequently filed in the case, exclusive of all set-offs, to be exact, was $16,624,122.40. The Attorney General calls attention to the fact that in reply to a call upon the Secretary of the Interior a map was prepared and furnished by the Geological Survey showing that a large area of the land that had been included in the forest reservation was underlaid with coal-bearing rocks, the area being 204,510.54 acres, and if classified as coal lands they would be subject to sale at the statutory price, or from $10 to $20 per acre. On a basis of $10 per acre, the value of that much land would have been $22,496,279.54 and there might have been a finding of a value, as the Attorney General states, of "stupendous proportions." As it was, Mr. Speaker, a judgment was entered for $3,305,257.19, and I am satisfied that the Department of Justice not only ably defended the suit, but is to be congratulated that a much larger judgment was not obtained, considering the very large amount that was claimed, and especially in view of the jurisdictional act which directed the Court of Claims in a way I am sure Congress would not have directed had the legislation been considered as it should have been. The Attorney General in this letter goes into much detail with regard to the case, commenting on the jurisdictional act and the facts, and clearly demonstrates that the court could hardly have done otherwise than to have made the findings that were made and in rendering the judgment that was finally entered.

I think, in view of what the Attorney General states with reference to not having appealed from the judgment of the Court of Claims, that he was fully justified and acted for the best interests of the Government in not doing so. He also comments upon the amount that was allowed by the court for compensation to the attorney and again calls attention to the jurisdictional act which directed the court to fix the fee upon a quantum meruit basis without any limitation being fixed. If we pass jurisdictional acts, such as was passed in this case, making it possible for such large amounts to be recovered, the attorneys are entitled to substantial fees, but if I could have my

way the amount beyond which they could not be compensated would always be limited, and if the compensation is limited it will not be possible to obtain legislation by the reprehensible methods that usually have prevailed when an Indian claim has been sent to the Court of Claims. In this case the court said:

It appears that the principal services rendered in this matter were before committees in Congress. Such services can hardly be allowed for on the basis of the professional services of a lawyer, and this fact renders it somewhat difficult to determine the amount properly to be fixed.

I might add that the service usually is not even before committees of Congress, for my observation has been that what is accomplished is done largely by lobbying with a few individual Members and by retaining, on a contingent basis, some one who is known to be close to the particular Member or Senator whose influence is desired. In this particular case it would be quite interesting if we could know just how the $211,000 fee was divided and who the persons are that received a share of it.

The Attorney General's letter also explains how it happened that the attorney got the $211,000 without an appropriation and before the judgment was paid and again shows that because it was authorized by the jurisdictional act passed by Congress, which expressly provided that the compensation awarded to the attorney—

shall be paid to such attorney by the Secretary of the Treasury out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment.

In addition to being desirous of exonerating the Department of Justice and the Court of Claims from any blame in regard to the judgment that was rendered in this case, and the Secretary of the Treasury for paying the large attorneys' fees, I am presenting this letter and have made these few brief observations in the hope that hereafter Congress will adopt a strict rule and refuse to pass any appropriation bill, Indian or otherwise, that contains a provision sending any claim to the Court of Claims, and if such a rule is adopted, I prophesy that attorneys' fees aggregating in the hundreds of thousands of dollars will be a thing of the past, and the Capitol will be less infested by unscrupulous and dishonest lobbyists.

Mr. Speaker, I now ask the Clerk to read, in my time, the letter of the Attorney General.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, August 7, 1912.

Hon. CHARLES H. BURKE,
House of Representatives, Washington, D. C.

DEAR SIR: My attention has been directed to the debate on an amendment offered by you during the consideration of the general deficiency bill in the Committee of the Whole House on July 27 (CONGRESSIONAL RECORD, No. 195, pp. 10383–10385), which amendment was rejected, however, providing for the payment of a judgment rendered by the Court of Claims, dated February 13, 1911, in favor of the Confederated Bands of Ute Indians.

Had I known that the committee who framed the bill desired further information concerning this judgment, I should have been glad to furnish it. I have concluded, however, to take this means of advising you of the actual facts involved so that you may have them, should the subject come again before the House for consideration.

The criticisms directed against the judgment in the debate were:

First. That the court refused to charge the Indians as a set-off against their claim with sums aggregating $2,251,860.86 (see Finding X, p. 454, incorrectly stated in debate as $3,322,305.34), which it found had been expended for their benefit by the United States under treaties of 1863 and 1868, and that no appeal was taken on behalf of the United States from the judgment.

Second. That the court fixed the compensation of counsel for the Indians at 6 per cent of the amount of the judgment, which included $1,250,000 already in the Treasury to the credit of the Indians, and stated that such compensation was for services rendered almost entirely in the work before the committees of Congress.

In order to fully understand the attitude of the court with respect to these questions and the omission of the Government to appeal from the judgment rendered, it is necessary to briefly review the litigation and some of the provisions of the jurisdictional act.

The suit was one in the nature of an accounting brought by the Indians under a provision inserted in the general Indian appropriation act (approved Mar. 3, 1909; 35 Stat., 788–789) conferring special jurisdiction upon the Court of Claims to adjudicate the claims to final judgment, with right of appeal as in other cases and with a direction to the court to allow certain set-offs and counterclaims therein mentioned.

The amount claimed in the petition subsequently filed, exclusive of all set-offs, was $16,624,122.40. Judgment was rendered (less amount of attorneys' fees) for $3,305,257.19, from which it will be seen that the Indians' claims were denied by the court to the extent of over $13,000,000.

An examination of the findings and opinion of the court discloses the fact that the United States established every proposition for which it contended at the trial except one, namely, the right of the Government to charge the Indians with all expenditures made for their benefit under the treaties of 1863 and 1868 (13 Stat., 673, and 15 Stat., 619), upon the ground that no adequate consideration moving from the Indians to the United States had been shown.

The court found the amount of such expenditures under the treaties to be $2,251,860.86, but declined to charge this sum against the Indians for reasons stated in the opinion, as follows:

"While it may be true that the Indian title of the plaintiffs to any territory prior to the treaty of 1863 was not such a title as the defendants would recognize, yet the plaintiffs were located within this territory and had the claim of occupancy of other Indians. Their claim was considered of such importance that the defendants, during the year following the Guadaloupe-Hidalgo treaty, entered into a treaty with them and secured from them a concession for the right of free passage through their territory. (9 Stats., 984.) By the treaty of 1863 (13 Stats., 673) the defendants considered these claims to territorial occupancy of sufficient importance to obtain from them a cession of all "claim, title, etc., to lands within the territory of the United States," excepting certain lands which were set apart to them as their hunting grounds. By the treaty of 1868 (15 Stats., 619) the reservation in question was set apart to the plaintiffs, and by the third article of the treaty the plaintiffs relinquished "all claims and rights in and to any portion of the United States or Territories except" such reservation. Even if we may admit that they had no valid title to any lands, yet they claimed some title and honestly claimed it, and the yielding of such a claim to a party who wishes to purchase it is a good consideration.

"In the case of Sykes *v.* Chadwick (18 Wall., 141) the Supreme Court, in discussing the sufficiency of consideration, said:

"'If any release is deemed requisite to confirm the title of lands with which one has been connected, though by a proper construction of the law he has no interest in them whatever, still such release will be a good consideration for a promise or for the payment of money.'

"Congress from time to time made appropriations of money to the plaintiffs, which, in terms made in pursuance of the treaties of 1863 and 1868 (13 Stats., 560; 17 Id., 457), after such treaty stipulations with the plaintiffs and after such recognition of their validity for more than 40 years, we do do not think the defendants can successfully set up the claim that these payments were made without adequate consideration. Certainly no such claim would ever be made against any people other than Indians. We do not think, therefore, that the plaintiffs are properly chargeable with any payments made to them under and pursuant to the treaties of 1863 and 1868."

It will thus be seen that the possibility of the Government securing an allowance of this sum, or some part of it, as a counterclaim against the Indians presented the only ground for an appeal on behalf of the United States.

The advisability, however, of prosecuting an appeal as to this single item, notwithstanding the large amount involved, presented a very grave question if for no other reason than that it would afford an opportunity to counsel for the Indians by cross appeal to reopen all the various issues decided adversely to the plaintiffs.

The most serious and perplexing problem presented at the trial of the case was with respect to the value to be placed, under the terms of the jurisdictional act, upon 3,199,258 acres of the plaintiffs' former lands which have been withdrawn from sale by Executive proclamations from time to time, beginning in 1891, and are now contained in eight national forests in the State of Colorado.

The jurisdictional act directed the court to include in the judgment rendered "the value of all lands ceded by the said Indians which have been set apart and reserved from the public lands as public reservations, or for other public uses under existing laws and proclamations of the President, as if disposed of under the public-land laws of the United States, as provided by said agreement, and the money due therefor."

Vast areas of these lands are unquestionably of great value, not only for their coal deposits, but also for their mineral wealth, as well as their enormous growth of timber. The jurisdictional act directed the court to render judgment for the value of the lands thus withdrawn as if disposed of under the public-land laws of the United States, as provided by the ratified agreement of 1880. This agreement declared that none of the ceded lands should be liable to entry or settlement except for cash only in accordance with existing law. The cash entries to which, under existing law, the lands were thus subject, were: Preemption and town site, at $1.25 per acre; homestead, at $1.25 per acre; timber and stone, at $2.50 per acre; mineral lands, at $2.50 to $5 per acre; coal lands, at $10 to $20 per acre.

One instance will serve to illustrate the nature of the evidence adduced by the plaintiffs upon the question of value of the land withdrawn. In reply to a call upon the Secretary of the Interior, dated May 12, 1909, a map was prepared and furnished by the Geological Survey, from which it appeared that substantially all of the Battlement National Forest and a large part of the Gunnison Forest are underlaid with coal-bearing rocks. Applying a survey of this field published by the Geological Survey (Bulletin 341 C) to the areas of the ceded lands lying within and forming a part of the forests above named, counsel was enabled to compute upon an apparently conservative basis a total area of 1,112,298 acres of coal land within the ceded limits, which, if disposable under the public-land laws, would essentially be classified as coal lands subject to sale only at the statutory price of from $10 to $20 per acre. It thus became apparent at the outset of the case that the United States was confronted with a possible finding of value under either of the last-named classifications of stupendous proportions. The court, however, adopted the Government's contention and fixed the value of all the ceded lands lying within these forest reservations at a uniform rate, viz, $1.25 per acre, the minimum statutory price for cash entries.

The principal consideration which led to my determination not to take an appeal from the judgment was that in the event of such appeal the plaintiff would have also appealed and thus opened up the case to a contention that certain evidence of value of the lands had been erroneously excluded, which, if admitted, would have resulted in a much larger award than was made. Thus, e. g., a report of an expert board appointed by the Secretary of the Interior from the Geological Survey, which was not admitted in evidence, classified by section, township, and range 204,510.54 acres of the ceded lands lying within the Battlement and Gunnison Forests at a valuation of approximately $22,495,279.54; and the effect of this as evidence of value may readily be imagined.

Under these circumstances and after careful consideration of the findings of fact, opinion, and judgment of the court, it appeared to me that the danger of a larger recovery being enforced against the United States on appeal than that awarded was much greater than the chance of increased advantage to the Government in the higher court. Accordingly I directed that no appeal should be taken from the judgment.

By accepting the decision of the Court of Claims as a final adjudication of the case the following results have been achieved:

The title to 3,199,258 acres of the ceded lands lying within the national forests has been quieted in the United States at the minimum statutory rate of $1.25 per acre.

A long and complicated account between the Indians and the Government, extending from 1863 down to June 30, 1910, has been adjusted and finally settled.

The annuity of $50,000 paid by the Government to the Indians since 1880 is terminated and the credit of $1,250,000 set apart in the Treasury, upon which that annuity has been estimated, has ceased to exist as a trust fund.

The second criticism made in the debate on the proposed amendment appears to have been based upon a misapprehension of fact and also from failure to observe the terms of the jurisdictional act itself under which the case came before the court. That act provides in express terms that upon the rendition of the judgment not only that the credit of $1,250,000, set apart in the Treasury for the benefit of the Indians under the agreement act of 1880, shall cease to exist as a trust fund and that no annuity shall thereafter be estimated or paid therefrom; but, further, that the court should set off against any sum found due the Indians all annuities which they receive under the agreement of 1880 up to the date of rendition of final judgment in the cause, which the court found to be $1,490,075.13, and which amount is accordingly charged against the Indians in the judgment rendered.

It is therefore quite obvious that the compensation of the attorneys for the Indians, which was fixed on a percentage basis on the whole amount of the final judgment, did not include the credit of $1,250,000, set apart in the Treasury and upon which the annuities had been estimated.

While it is true that in a per curiam opinion delivered after the rendition of the judgment upon motion of the Indians' attorneys to fix the amount of fees to be allowed them it was found "that the principal services rendered in this matter were before committees of Congress," and "that such services can hardly be allowed for on the basis of the professional services of a lawyer" (46 C. Cls., 225), it should be observed that the jurisdictional act expressly directs that—

"In rendering judgment herein the court shall fix upon a quantum meruit and set apart just and reasonable compensation to the attorneys on behalf of plaintiffs who have rendered actual services in prosecuting said claim before the committees of Congress and in conducting the said cause before the courts in the name of the attorney of record in the said pending cause or any attorney by him specifically authorized."

It is therefore clear that the court was obliged, under these direct and mandatory terms however unusual in enactments of this character, to consider services before committees of Congress, which, upon the oral argument of the motion to fix fees and in the printed briefs filed in support thereof, counsel for the Indians were able to show extended as far back as 1896.

In the light of this showing and after careful consideration of the whole matter, the court, exercising its best judgment, awarded the attorneys for the Indians 6 per cent of the amount of the judgment, which appears to have been paid to Josiah M. Vale, the attorney of record in the case (under stipulation between plaintiffs' counsel for himself and all other attorneys interested), in accordance with the further direction of the jurisdictional act providing that "said compensation shall be paid to such attorney by the Secretary of the Treasury, out of any money in the Treasury arising from the sale of said ceded lands or from the proceeds of said judgment."

In conclusion, permit me to add that I have this day addressed the foregoing communication to Mr. FITZGERALD, Mr. MANN, and Mr. GILLETT.

Respectfully,

GEO. W. WICKERSHAM,
Attorney General.

LETTER OF HON. B. B. CAHOON.

Mr. HENSLEY. Mr. Speaker, I renew my request to publish in the RECORD the letter of Hon. B. B. Cahoon, which was objected to a little while ago.

Mr. TRIBBLE. Mr. Speaker, I made objection under a misapprehension, and I withdraw my objection.

The SPEAKER. The gentleman from Missouri asks unanimous consent to publish in the RECORD the letter of Mr. Cahoon. Is there objection?

There was no objection.

The letter is as follows:

[Editorial from St. Louis (Mo.) Republic of Aug. 5, 1912.]

"A LIFELONG REPUBLICAN FOR WILSON.

"The Republic regards as of deep significance the communication from B. B. Cahoon, sr., one of the well-known Republican leaders of the State, in which he gives his reasons for supporting Woodrow Wilson for President. There is within the Republican Party a progressive element which has found expression in the Republicanism of such leaders as MURDOCK, NORRIS, and the lamented Dolliver which can be satisfied with neither the timid conservatism of Taft nor the time-serving, made-to-order radicalism of Roosevelt. These men represent the best brain and conscience of the party, and their natural place in the campaign upon which we are entering is with the supporters of Woodrow Wilson. In a letter accompanying his communication, Mr. Cahoon says: 'I feel the need is on us that men who think and feel as I do—independent Republican progressives—should not only have a hearing, but that they should speak out freely.' Such men are finding their way to a place among the supporters of Wilson and Marshall by natural gravitation. We bid them welcome:

"FROM A LIFELONG REPUBLICAN.

"*To the editor of the Republic:*

"These are my reasons for refusing to vote for Roosevelt or Taft and why I mean to vote for Wilson:

"1. While Roosevelt deserves credit for preaching, in generalities, reforms, because thereby he aroused the people from their lethargy and set them to the work of emancipating themselves from the slavery from which they now suffer, because the trusts and the predatory rich have, with the aid of excessive high tariffs—so high they exceed the total labor cost in all manufactured products—destroyed the laws of competition, demand, and supply, yet Roosevelt's promises in nowise comport with his reform performances, for when in power he permitted without a protest the trusts to vastly water stocks in the lawless combinations in restraint of trade, when, under the Sherman interstate-commerce law he could have, as he would had he been a true reformer, enjoined such combinations. No man, save Hanna's vast political assessments in 1896 and 1900 on the predatory rich classes in consideration of permitting them to continue plundering the people, ever controlled in American politics more of that sort of corrupt-election funds than has Roosevelt. He, with Morgan and Perkins's backing, is doing it to-day. For him, then, to pose as a progressive reformer is absurd. He means but to deceive too many good people who are misled by his false protestations of sympathy for the enslaved masses. He simply means to regain power to gratify his vanity. He is so erratic, so unreliable, so untrue, and so outrageous in his political methods, so wedded to notoriety seeking, and so inconsistent as a late-day progressive reformer, that it is sad he is able to deceive so many voters. It is only because they believe he is the embodiment of the reforms they know they must secure to obtain commercial freedom. But truth as to Roosevelt is coming. For one, I do not forget that when LA FOLLETTE, CUMMINS, and other pioneer Progressive Republicans were heroically creating public opinion for the genuine reform that is now to fuse itself into executed laws, Roosevelt had no sympathy or encouragement for them. He seeks now to steal the fruit of their work, to the extent even that in the Chicago convention, when it was put to him by many influential supporters of Taft, who knew he can not be elected, to throw his strength to and thus nominate Hadley or a like progressive reformer, he brutally spurned that offer and thereby placed his coarse selfishness ahead of the harmony and success of the Republican Party and destroyed its only chance to make a winning campaign. On that point he and Taft are dog eat dog. Taft means to run, with inevitable crushing defeat confronting him. Had he been a true Republican, having the success of the party at heart, he, too, would have got out of the way and permitted the nomination of a Progressive Republican, thereby giving us a fighting chance to win.

"Roosevelt's violation of the third-term pledge is consistent with his character. He has no regard for his pledges, and will break them any hour to minister to his ambition. I opposed the third-time nomination of my old commander, Grant, in 1880, as I oppose it now, because the principle is too dangerous to be tolerated by a Republic. Two terms of four years each was long enough for Washington and is long enough for any one to-day. To set, by the third term, a precedent of Diazize-Mexicanize this Government is out of the question. The proposed one term of six years as President is long enough for any man. We utterly refuse to admit the destinies of our country depend on one man; they rest solely on the morality, intelligence, and patriotism of the average American voter, with his voting opinion unfettered by the corrupt manipulation of bosses resulting in such a fraudulent hocus-pocus nomination as was Taft's, whose chief backing, under such boss rule, came from southern delegates who cast no Republican votes. The blind bosses imagine the old days, when men were supposed to vote for yellow-dog candidates, so they had a corrupt party nomination, are still with us. The coming election will open their eyes. Hereafter Presidents will not be nominated as was Taft, in utter disregard of public sentiment. They will be nominated at presidential primaries. This campaign ends boss rule in American politics. It has always been corrupt, always in partnership with the predatory rich, whose special privileges to rob the people the bosses, irrespective of party, conserved. Thereby they lived; thereby they were enriched.

"I refuse to support Taft because he was and is false to the progressive Republican sentiment that nominated and elected him and false to his preelection pledges. He betrayed that sentiment when, immediately on his election, he threw himself into the arms of Aldrich, CANNON, and the reactionaries and sought to persecute real progressive Senators and Congressmen who were in good faith only seeking to carry out the 1908 national Republican platform pledges, especially as to downward tariff revision, consonant with the difference between foreign and domestic cost of manufactured product. Taft's original railroad bill was a pure sell-out to the railroads. His Canadian reciprocity betrayed American farmers, sought to deprive them of all benefit of a protective tariff, and its effect for one year was to cause them to lose 10 cents on each bushel of wheat they sold. Had Taft been firm and but redeemed his own and his party's 1908 pledges and been true to reform progressive Republicanism, the Republican Party would to-day be, as of old, in the ascendency, with this gain:

"He would have sloughed off the Aldrich-Cannon standpat and reactionary Republican bosses and won thousands of progressive Democratic votes while he held the Republican masses. So it is he and Roosevelt have disrupted the Republican Party and destroyed all present hope of victory by it. To vote for Taft is to reward him for all his follies, mistakes, and political crimes. If elected, he would be, as he has been, the tool of the reactionaries in both parties, especially of the high-tariff plunderers, whose excessive profits have been added to for four years past because Taft approved the Aldrich monstrous tariff-revision act and vetoed the lower tariff bills of 1910, not one of which violated the Republican 1908 platform; not one of which but left enough protection to cover the total labor cost in every manufactured article it listed. It will be remembered that the Department of Commerce and Labor several years ago investigated the difference between foreign and domestic cost of production and found the total American labor cost in it averaged about 26 per cent of its wholesale price, which was less than the protection given in every bill Taft vetoed. His admission of ignorance as to that cost difference and asking light as to it by the Tariff Board's findings, which but confirm the progressives' efforts to revise downward the tariff, have been but pretexts to enable him to keep his sell-out pledges and abide his surrender to Aldrich and the reactionaries and to enable the tariff extortionists for four more years to plunder, by their excessive prices, the people; they thereby exacting from them over a billion dollars a year. In short, the money loss to the American people saddled on them by Taft's weak, stupid, or corrupt breaking of his pre-1908 election pledges and our then platform, including the Canadian reciprocity loss to the farmers, has been fully $5,000,000,000—too much money lost to justify our voting for him. Nor have his trust prosecutions resulted in anything but paper trust dissolutions, with increased prices since on all trust products and increased prices of and increased dividends on all so-called divided up trust stocks. The reverse of the restoration of competition has been reached, to say nothing of the restoration of the laws of competition, supply, and demand. In the Tobacco Trust cases Taft's Attorney General, Wickersham, of course with Taft's approval, refused to allow an appeal from the unfair judgment of dissolution and distribution of the assets of the trust. The Government counsel who won the cases condemned that judgment. That proves Taft's administration is a trust buster only to be a trust enricher. Taft's record simply proves he has been a failure and is a political fraud or fool.

"I intend, as do thousands of Republicans, to vote for Wilson, because he stands for all that is good, as neither Roosevelt or Taft do, in our politics; because he represents 95 per cent of the principles we believe in, which principles are approved by 90 per cent of the American voters, irrespective of their past political affiliations; because we believe he will cause to be enacted and enforced the reformatory measures necessary for the emancipation of the American people from the commercial slavery imposed on them by the trusts and the predatory rich; because his nomination was the result of honest public opinion, with Democratic corrupt bosses in the Baltimore convention unhorsed, whereas in the Chicago convention they ruled; and because we believe Wilson is able and patriotic and will restore our Government to our people and divorce it from the rule of the bosses, as heretofore. In this matter our souls are our own, and we have the courage of our convictions. It is not lightly that I, an old Union soldier and a Missouri voting Republican for 44 years, thus, for the first time, resolve to vote against a so-called Republican candidate for President and for the candidate nominated by the Democratic Party. But I clearly see my duty, not alone to the country but even to my own party, to rebuke, by so doing, the infamous methods by which Taft was nominated and his miserable betrayal of the best interests of the American people. Under the chastisement of national defeat, certainly awaiting Taft's candidacy in November, the Aldrich class of corruptionists will be deprived of future political influence and the Republican Party can, and will, in 1916, reorganize, with its honest reformers like LA FOLLETTE, CUMMINS, and Hadley wisely and patriotically leading it, for social and political justice. Therefore, in voting for Wilson, I shall not leave the Republican Party. I shall vote for Wilson expecting to get for the country the same good results that would have followed Hadley's nomination and election as President, if Roosevelt had not at Chicago been the dog in the manger and prevented his nomination.

"As to Missouri politics, believing the rule of Missouri Democracy was for years inimical to the State's good; that the old Democratic guard is still in the saddle and predominates that party in this State, and that Hadley's administration is and has been all that is good and desirable, I shall vote the Republican State ticket, trusting the good done in that administration will be perpetuated under Republican rule.

"B. B. CAHOON, Sr.

"FREDERICKTOWN, Mo., *August 2, 1912.*"

HOT SPRINGS OF ARKANSAS.

Mr. FINLEY. Mr. Speaker, I call up the following privileged resolution.

The Clerk read as follows:

House resolution 639 (H. Rept. 1172).

Resolved, That there be printed as a document 500 copies of the report of the Secretary of the Interior, dated June 7, 1912, and accompanying papers, on H. R. 24737, to authorize the investigation of the physiological and therapeutical effects of the waters of the hot springs of Arkansas and to report upon the application of these waters to the alleviation and cure of diseases.

Mr. MANN. Has this document been printed at all?

Mr. FINLEY. It has not that I know of.

Mr. MANN. Will 500 copies enable the gentleman from Arkansas to send out all he wishes to?

Mr. FINLEY. I think the gentleman will accomplish his purpose, but he can speak for himself. I yield to the gentleman from Arkansas.

Mr. ROBINSON. Mr. Speaker, I introduced the resolution at the urgent request of the Secretary of the Interior. A request has been made several times by the authorities of the Interior Department. I do not expect to distribute it myself, and no motive of that sort moved me in introducing the resolution, ever does, ever has, or ever will. The document will be distributed by the Interior Department, and the gentleman from Illinois may have such reasonable number as he desires.

Mr. MANN. I did not know the gentleman from Arkansas had introduced the resolution. Where is the document?

Mr. FINLEY. I had a copy of the document, which I sent to the Government Printing Office to get an estimate upon. I will say that this matter pertains to the public health, and the Committee on Printing in the House for the last six years—as long as I have been a member of that committee—has always printed matters pertaining to the public health without very much delay.

Mr. MANN. Five hundred copies of the document about the public health will not do much good.

Mr. FINLEY. I will say that that will be obviated. There will be no trouble about that.

Mr. MANN. What is the size of the document?

Mr. FINLEY. About 20 or 30 pages.

Mr. MANN. Does the report show what the cost will be?

Mr. FINLEY. I think the cost will be about $168.

Mr. ROBINSON. It is considerably more than 20 or 30 pages.

Mr. FINLEY. I do not remember how many pages there are.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

TAYLOR SYSTEM OF SHOP MANAGEMENT.

Mr. FINLEY. Mr. Speaker, I call up the following privileged resolution and ask for its immediate consideration.

The Clerk read as follows.

House concurrent resolution 45 (H. Rept. 1173).

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives 10,000 copies of the hearings on the Taylor and other systems of shop management held before the special committee appointed under House resolution 90, passed August 21, 1911, all to be delivered to the superintendent of the document room of the House of Representatives for distribution.

Mr. FINLEY. Mr. Speaker, this resolution speaks for itself, but I yield to the gentleman from Pennsylvania, if he wishes time.

Mr. WILSON of Pennsylvania. Mr. Speaker, as the gentleman from South Carolina says, the resolution speaks for itself. There has been an unusual demand for copies of these hearings coming from efficiency engineers throughout the country, from all classes of colleges and universities that desire to have them in their libraries, and from others who are interested in shop management.

The supply which the committee was authorized to have printed has been exhausted for many months, and there have been requests from scores of Members of Congress for copies which we have been unable to supply.

Mr. MANN. What would be the cost of this?

Mr. WILSON of Pennsylvania. I think about $8,000.

Mr. FINLEY. Eight thousand six hundred and fifty-three dollars and forty-five cents.

Mr. MANN. Is this a joint resolution?

Mr. FINLEY. It is a concurrent resolution.

Mr. MANN. The gentleman expects that there will be an additional number of copies printed for the Senate? This is to print 10,000 copies for the use of the House. Why should they all go to the document room, where Members will not be able to get them?

Mr. FINLEY. Mr. Speaker, I will answer in my own way, unless the gentleman from Pennsylvania wishes to answer the question. I presume there are quite a number of Members of Congress whom it was supposed by the author of the resolution would not be particularly interested in the disposition of the document, and for that reason they were sent to the House document room. Publications of this sort, I will say to the gentleman from Illinois, are not of very great interest in every congressional district of the United States, but they are in many districts, and when they are sent to the document room they are usually disposed of. They are all used and sent out.

Mr. MANN. A report that is on the subject of economy and efficiency, efficiency in shops, I should say would be of general interest throughout the United States. I have no objection, if the gentleman from Pennsylvania [Mr. WILSON] wants to have a large number of these printed, in order to meet demands upon him.

Mr. WILSON of Pennsylvania. The object we had in mind in having them go to the document room was this: That undoubtedly there will be, as there has been, a greater demand for these hearings in districts where the population is largely industrial or commercial, and there would not be the same demand for them in districts where the population is principally agricultural. By having those hearings go to the document room those districts where the greatest demand is for them could be supplied accordingly. That is the only purpose.

Mr. MANN. The document room does not have very good facilities for handling a large number of bulky documents.

Mr. FINLEY. Mr. Speaker, I will say to the gentleman from Illinois that he and I are both well aware that the folding room is the place that is usually loaded down with uncalled-for documents; that is, the Members of Congress to whom they are credited do not send them out. That is not true of the document room. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

COMMISSION ON MILK STANDARDS.

Mr. FINLEY. Mr. Speaker, I call up House resolution 676, authorizing the printing and delivery of 10,000 copies of the "Report of the Commission on Milk Standards, appointed by the New York Milk Committee," which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 676.

Resolved, That there be printed for the use of the Members of the House of Representatives, and delivered to the House document room for distribution, 10,000 copies of the "Report of the Commission on Milk Standards, appointed by the New York Milk Committee," as published in the Public Health Reports, volume 27, No. 19, May 10, 1912.

Mr. FINLEY. Mr. Speaker, I will also call for the reading of the report.

The SPEAKER. The Clerk will read the report.

The Clerk read the report (H. Rept. 1175), as follows:

The Committee on Printing, having had under consideration the House resolution providing for the printing of 10,000 copies of the "Report of the Commission on Milk Standards, Appointed by the New York Milk Committee," reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: On lines 1 and 2 strike out the words "the Members of the House of Representatives and delivered to"; second, on line 3 strike out the words "ten thousand" and insert the words "fifty thousand."

The estimated cost will be $473.14.

Mr. MANN. Mr. Speaker, I am very glad that the gentleman has amended that so as to have more than 10,000 copies.

Mr. FINLEY. The Committee on Printing anticipated the gentleman. This is a very valuable publication, and I am sure that 10,000 copies are entirely too small a number.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On lines 1 and 2 strike out the words "the Members of the House of Representatives and delivered to."

On line 3 strike out the words "ten thousand" and insert in lieu thereof the words "fifty thousand."

The SPEAKER. The question is on agreeing to the committee amendments.

The amendments were agreed to.

LAWS RELATING TO HOMESTEADS.

Mr. FINLEY. Mr. Speaker, I now call up House resolution 573, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 573.

Resolved, That 100,000 copies of the public act entitled "An act to amend section 2291 and section 2297 of the Revised Statutes of the United States relating to homesteads," approved by the President June 6, 1912, and known as the 3-year homestead act, Sixty-second Congress, second session, be printed for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I ask that the Clerk read the report (H. Rept. 1171).

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 573) providing for the printing of 100,000 copies of the 3-year homestead act, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $51.90.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

PROPAGATION OF FRESH-WATER MUSSELS.

Mr. FINLEY. Mr. Speaker, I call up House resolution 483, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 483.

Resolved, That there be printed as a House document 3,000 copies of the publication issued by the Bureau of Fisheries entitled "Studies on the Reproduction and Artificial Propagation of Fresh-Water Mussels," by Prof. George Lefevre and Prof. W. C. Curtis, of the University of Missouri, for the use of the House document room.

Mr. FINLEY. Mr. Speaker, on that I ask that the Clerk read the report (H. Rept. 1174).

The Clerk read as follows:

The Committee on Printing having had under consideration the House resolution (H. Res. 483) providing for the printing of 3,000 copies of the publication issued by the Bureau of Fisheries entitled "Studies on the Reproduction and Artificial Propagation of Fresh-Water Mussels," reports the same back to the House with the recommendation that the resolution be agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

IMMIGRATION COMMISSION.

Mr. FINLEY. Mr. Speaker, I call up Senate concurrent resolution 5, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate concurrent resolution 5.

Resolved by the Senate (the House of Representatives concurring), That there be printed and bound, with accompanying illustrations, for the use of the Senate and House of Representatives, 2,175 copies of the reports of the Immigration Commission, 475 for the use of the Senate, 1,200 for the use of the House of Representatives, 250 for the use of the Senate Committee on Immigration, and 250 for the use of the House Committee on Immigration and Naturalization; and that there be printed 8,000 additional copies of the abstracts of reports of the commission, 1,900 for the use of the Senate, 4,000 for the use of the House of Representatives, 1,250 for the use of the Senate Committee on Immigration, and 1,250 for the use of the House Committee on Immigration and Naturalization.

Mr. MANN. Mr. Speaker, I reserve the point of order on the resolution.

Mr. FINLEY. Mr. Speaker, I ask that the Clerk read the report (H. Rept. 1178).

The Clerk read as follows:

The Committee on Printing, having had under consideration the Senate concurrent resolution (S. Con. Res. 5) providing for the printing of 500 copies of the report of the Immigration Commission and 8,400 copies of the abstracts of the report of the Immigration Commission, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: On line 4, after the word "Commission," strike out the words "two hundred and fifty for the use of the Senate Committee on Immigration and two hundred and fifty for the use of the House Committee on Immigration and Naturalization" and insert the words "five hundred for the use of the Senate and sixteen hundred for the use of the House of Representatives," and that four sets be supplied to all members of the Immigration Commission who are not Members of Congress. On line 8, after the words "abstracts of reports of the Commission," strike out the remainder of the paragraph and insert the following: "Five thousand five hundred for the use of the House of Representatives, two thousand five hundred for the use of the Senate, two hundred for the use of the Committee on Immigration of the House of Representatives, and two hundred for the use of the Committee on Immigration of the Senate."

The estimated cost will be $18,765.40.

Mr. MANN. Mr. Speaker, reserving the point of order upon the resolution, let me ask the gentleman: There have already been ordered printed the usual number of this report, I think?

Mr. FINLEY. Only printed by the Immigration Commission; not otherwise, as I understand.

Mr. MANN. Well, they are in the document room unobtainable, but they are there, and they would not be in the document room unless the usual number had been printed.

Mr. FINLEY. I yield to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. I do not understand there is but one set for each Member obtainable in the document room.

Mr. MANN. I understand; I am not complaining that we are going to order too much printing. They are delivering this report printed in the document now, where Members can not as yet obtain it. They are holding them until it is complete. Now, does the gentleman think ordering printed what purports to be two sets for each Member, but which will not be as much as two sets for each Member of Congress, is enough?

Mr. BURNETT. I do not.

Mr. FINLEY. I will say to the gentleman this will only give each Member of Congress one set.

Mr. MANN. This gives the House 400 and they have already 300, which is not enough to go around, under the usual number.

Mr. FINLEY. The 300 are not provided for in this resolution.

Mr. MANN. I understand that. There are not enough provided for. Is it possible you are only going to provide two sets for each Member for the entire United States? The cost of printing two or three additional sets would not cost very much.

Mr. FINLEY. If the gentleman had paid close attention to the resolution——

Mr. MANN. I did.

Mr. FINLEY. The hearings, etc.——

Mr. MANN. Oh, I understand.

Mr. FINLEY. There are 5,500 copies of that report of the commission for the use of the House of Representatives and 2,500 for the use of the Senate.

Mr. MANN. I do not know how many volumes there will be——

Mr. FINLEY. There will be forty-odd.

Mr. MANN. There will be a great many volumes and it ought to be of some interest or else it never should have been printed. If it is of any interest at all upon as important a subject as that, there ought to be more than one copy for each Member of Congress. I might want to keep my set for my library; certainly there are some people in my district, at least one I know, who would like to have a set and the libraries would desire them.

Mr. FINLEY. This resolution is one of the first passed by the Senate. It is Senate concurrent resolution No. 5.

Mr. MANN. Why not make the number for the House at least 2,500? That will not cost very much more, it will not cost anything but the paper.

Mr. FINLEY. I think the gentleman is mistaken about that. I will say to him if it is found necessary and there is a demand for additional copies, why it will be a very easy matter to have a reprint——

Mr. MANN. Oh, the gentleman is mistaken about that. Here these plates are put upon the press to print 40 volumes, 500 copies. The gentleman sees it will not cost a great deal more to print 500 additional copies—it will be only the paper—but it is different if there is a demand and you have to put it on the press again.

Mr. FINLEY. I said if there is a demand for this publication it would be an easy matter to have a reprint, and at a small cost—at no greater cost than it would cost now.

Mr. MANN. The mere putting of these plates on the press again will cost more than the additional number of copies printed of which I have spoken.

Mr. FINLEY. I am not a printer, but I do not quite agree with the gentleman.

Mr. MANN. I am not, but I have been, and I may be mistaken on that.

Mr. BURNETT. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois offer an amendment to increase the number of copies?

Mr. MANN. I will, if I am recognized for that purpose.

The SPEAKER. The Chair will recognize the gentleman for that purpose now.

Mr. MANN. I move to increase the number for the Senate so as to make it read 500, and for the House 1,500.

Mr. FINLEY. Now, the gentleman means the hearings?

Mr. MANN. Yes; the hearings.

Mr. BURNETT. The whole set.

Mr. MANN. Yes.

Mr. BURNETT. Mr. Speaker, as it originally came from the Senate it only provides for 200 copies for each of the two committees, the Committee on Immigration of the Senate and the Committee on Immigration of the House.

I went before the Printing Committee and I stated I thought it would be very unjust in us, that I did not see why the committees should have all and the Members of the House should have none. Of course, there will be more calls made upon the committees for copies of this, but certainly many calls will be made upon the Members of the House, and my suggestion to the Printing Committee was that we have 40,000—at least 10,000 for the use of the House—and I believe 30,000 volumes of that print could be sold, because I understand there have been requests and demands for this publication from a number of European colleges and universities, and many from all over this country, but upon inquiry of the chairman of the committee it was thought the expense of even printing 10,000 copies of the publication would be perhaps too great. I would like to inquire of the chairman of the committee what idea he has about the cost of printing the number suggested?

Mr. FINLEY. I have no objection to the amendment of the gentleman.

The question was taken, and the amendment was agreed to.

Mr. BURNETT. There is another practical question to which I would like to call attention, and that is whether the plates can not be held and not distributed or broken down so as to have a reprint of this if necessary? I do not believe the number the gentleman asked for is anywhere adequate or will prove to be near adequate.

Mr. MANN. I will say to the gentleman, doubtless a great many people will apply for a complete set, and they ought to be in the libraries where people can read, follow, and consult them.

Mr. BURNETT. Yes; I think so, too.

Mr. MANN. That was the purpose of my amendment.

Mr. BURNETT. I think the Members ought to have one or two. I think there ought to be several copies for them.

Mr. FINLEY. I understood the gentleman's amendment to apply to the number required for the use of the House and the Senate, copies which would go to the Members of these two bodies.

Mr. MANN. Yes.

Mr. FINLEY. And be distributed through the folding room?

Mr. MANN. Yes.

Mr. BURNETT. Yes; I think that is a wise suggestion. I would like to ask the gentleman if the plates could not be retained for a further printing? The gentleman from Illinois says that he was once a printer.

Mr. MANN. Yes. I said the getting out of the plates hereafter would cost more than the additional number of copies to be printed would cost now.

Mr. BURNETT. Does the gentleman's amendment apply to the abstract or to the full sets?

Mr. MANN. My amendment applies to the full sets of hearings.

Mr. FINLEY. I ask that the amendment be reported.

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amend the amendment by striking out the word "one" and inserting in lieu thereof the word "five," and by striking out the word "four" and inserting in lieu thereof the word "fifteen," so that the amendment will read "five hundred for the use of the Senate and fifteen hundred for the use of the House of Representatives."

Mr. FOSTER. Mr. Speaker, I would like to suggest to the gentleman from Illinois and to the gentleman from South Carolina that this arrangement of fifteen hundred would give only about three copies to each Member of the House.

Mr. MANN. Then make it sixteen hundred.

Mr. FOSTER. I suggest that it be made 2,000 copies.

Mr. MANN. Make it sixteen hundred.

Mr. FINLEY. Yes; make it sixteen hundred copies.

The SPEAKER. Without objection, "fifteen hundred" will be changed to "sixteen hundred."

There was no objection.

Mr. BURNETT. There are several members of the commission who are not now Members of the House. That resolution, as it now stands, would make no provision for giving copies to those gentlemen who have gone out. There were three gentlewho were civilians, appointed by the President, and there were two Members of the House, as I remember, Mr. Bennett and Mr. Howell, who were members of the commission and who are not now Members of the House. It strikes me that it would be proper courtesy to those gentlemen not to require them to depend on Members for receiving their copies. I suggest that an equal number be given to the members of the commission who are not now Members of the House as would be accorded to the Members of the House.

The SPEAKER. Let this amendment be disposed of first. The question is on the amendment to the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment to the amendment was agreed to.

The SPEAKER. Now, as to the amendment spoken of by the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I move that four sets be supplied to each member of the commission who is not now a Member of Congress.

Mr. FINLEY. At this time—who are not now Members of Congress?

Mr. BURNETT. Yes; who are not now Members of Congress.

The SPEAKER. The Clerk will report the amendment of the gentleman from Alabama [Mr. BURNETT].

The Clerk read as follows:

Add, at the end of the amendment, the following words: "And that four sets each be supplied to the members of the Immigration Commission who are not Members of Congress."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the amendment as amended by the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next amendment.

The Clerk read as follows:

On line 8, after the words "abstracts of the reports of the commission," strike out the remainder of the paragraph and insert the following:

"Five thousand five hundred for the use of the House of Representatives, 2,500 for the use of the Senate, 200 for the use of the Committee on Immigration of the House of Representatives, and 200 for the Committee on Immigration of the Senate."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is now on agreeing to the amended concurrent resolution.

The question was taken, and the concurrent resolution as amended was agreed to.

HANDBOOK OF AMERICAN INDIANS.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] asks unanimous consent for the present consideration of the resolution, which the Clerk will report.

The Clerk read as follows:

Senate concurrent resolution 2.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of American Indians," of which 1,000 copies shall be for the use of the Senate, 2,000 copies for the use of the House of Representatives, and 500 copies for the use of the Bureau of Ethnology.

Mr. FINLEY. Mr. Speaker, I ask for the reading of the report (H. Rept. 1177).

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Are those to be distributed from the folding room?

Mr. FINLEY. Yes.

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. FINLEY, from the Committee on Printing, makes the following report to accompany Senate concurrent resolution 2:

The Committee on Printing having had under consideration the Senate concurrent resolution (S. Con. Res. 2) providing for the printing of 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of American Indians," reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $3,961.26.

The SPEAKER. The question is on agreeing to the resolution.

Mr. THAYER. Mr. Speaker, I move to amend that resolution by making the number 4,000 for the House and doubling the number named in the resolution for the Senate.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. THAYER].

The Clerk read as follows:

Strike out the word "one" and insert in lieu thereof the word "two," and strike out the word "two" and insert in lieu thereof the word "four," so that the resolution will read, "of which 2,000 copies shall be for the use of the Senate and 4,000 copies for the use of the House of Representatives, and 500 copies for the use of the Bureau of Ethnology."

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from South Carolina a question. Is this the resolution which I introduced?

Mr. FINLEY. This is Senate resolution No. 2.

Mr. MANN. I think I introduced a resolution for printing 10,000 copies. However, I am satisfied with this.

Mr. FINLEY. I have no objection to the gentleman having his day in court.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Massachusetts [Mr. THAYER].

Mr. FOSTER. Mr. Speaker, I would like to inquire of the gentleman from South Carolina what will be the cost of printing this document?

Mr. FINLEY. It is $3,961.26.

Mr. FOSTER. So that this would make it something over $7,000?

Mr. FINLEY. No; it would not be that much. The initial cost is a very large part. I would say it would cost something like $5,000.

Mr. MANN. Is my colleague familiar with the work?

Mr. FOSTER. Yes.

Mr. THAYER. Mr. Speaker, the reason I ask for this increase in the number is that I have already received a great many requests for the book, and I presume the same is true of the other Members of Congress.

The SPEAKER. The question is on agreeing to the amendment of the gentleman from Massachusetts [Mr. THAYER].

Mr. WILLIS. Are these to be distributed through the folding room?

Mr. FINLEY. Certainly.

The amendment was agreed to.

The resolution as amended was agreed to.

THE ROAD HORSE.

Mr. FINLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read House joint resolution 280, to provide for the printing of 100,000 copies of the special report on "The Road Horse," used in Rural Delivery Service, as follows:

Resolved, etc., That there be printed as a House document 100,000 copies of a pamphlet entitled "The Road Horse," as edited and prepared by the Bureau of Animal Industry of the Department of Agriculture, with special application to the selection and management of the road horse used in the Rural Delivery Service; 30,000 copies thereof for the use of the House of Representatives, 20,000 copies thereof for the use of the Senate, and 50,000 copies thereof for distribution through the Post Office Department to rural delivery carriers and other postal-service employees using horses in the transportation and delivery of the mail.

The Clerk read the report of the Committee on Printing, as follows:

The Committee on Printing having had under consideration the House joint resolution (H. J. Res. 280) providing for the printing of 100,000 copies of the special report on the "Road horse," as used in the Rural Delivery Service, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendments: On lines 2 and 3 strike out the words "one hundred thousand" and insert the words "ninety-three thousand"; on line 8, after the word "Service," strike out the semicolon and insert a period, and strike out the remainder of the paragraph; on line 3, after the word "document" and before the word "one," insert the words "for the use of the House document room"; fourth, strike out the enacting clause and in its place insert the word "*Resolved*," and amend the title so as to read "Resolution," making the resolution a House resolution.

The estimated cost will be $500.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to make this suggestion to the gentleman, that instead of trying to convert a House joint resolution into a House simple resolution the committee report a House resolution in lieu of the House joint resolution and that the House joint resolution be laid upon the table. No one can keep track of bills and resolutions of the House in the attempt to convert bills by number into resolutions by different numbers.

Mr. FINLEY. I will say to the gentleman from Illinois that he and I have been here long enough to know that if we undertake to correct every bill, joint resolution, concurrent resolution, and simple resolution that comes to our attention it will take a great deal of time. This certainly accomplishes the purpose and makes it a simple House resolution.

Mr. MANN. The gentleman can simply report a House resolution in lieu of the House joint resolution and ask that the House joint resolution be laid on the table. That disposes of the joint resolution and provides a new simple resolution, which the House can pass.

The SPEAKER. Is the gentleman objecting or not?

Mr. MANN. I am trying to find out whether I am going to object. Unless that is to be done, I will not consent to try to change the character of the resolution.

Mr. FINLEY. I have some doubt as to whether the gentleman's objection will lie or not.

The SPEAKER. This is a request for unanimous consent.

Mr. FINLEY. The reason why I asked unanimous consent is because a certain number of these copies are to go to the Post Office Department.

Mr. MANN. Oh, an objection lies. It can only come up by unanimous consent.

Mr. FINLEY. If it is on the ground that 50,000 copies are to be distributed through the Post Office Department, I think that objection is good. I do not concede that the other ground is a good one. If the gentleman from Illinois wishes to make that objection it is good. I do not concede the other ground, that the resolution as originally introduced was not privileged.

The SPEAKER. Does the gentleman from Illinois object or not?

Mr. MANN. Unless the gentleman offers it as a new resolution, instead of endeavoring to amend a House joint resolution by changing what is after the title, what is in the title, and what is before the title, I shall object.

Mr. FINLEY. If the gentleman makes his objection on the ground——

Mr. MANN. I have not stated the ground of my objection.

Mr. FINLEY. If the gentleman makes it on the ground that a number of these documents are to go to the Post Office Department, his objection lies. Otherwise I do not concede it at all, and I submit my request.

The SPEAKER. If the gentleman from Illinois makes his objection on that ground the Chair sustains the objection.

Mr. MANN. I suppose I can object on any ground I please, as far as that is concerned.

Mr. FINLEY. If it is on the other ground, I think it will be overruled.

The SPEAKER. The Chair will consider it as objected to on that ground.

PUBLIC HEALTH SERVICE.

Mr. ADAMSON. Mr. Speaker, I submit a request for unanimous consent. Senate bill 2117 has been reported by our committee, and a somewhat similar bill passed this House unanimously reported by our committee last year. I ask unanimous consent to take up Senate bill 2117, strike out all after the enacting clause and insert in lieu thereof the following, which I send to the Clerk's desk, and change the title to correspond.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Strike out all after the enacting clause of Senate bill 2117 and insert in lieu thereof the following:

"That the Public Health and Marine-Hospital Service of the United States shall hereafter be known and designated as the Public Health Service, and all laws pertaining to the Public Health and Marine-Hospital Service of the United States shall hereafter apply to the Public Health Service, and all regulations now in force, made in accordance with law for the Public Health and Marine-Hospital Service of the United States shall apply to and remain in force as regulations of and for the Public Health Service until changed or rescinded. The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States, and it may from time to time issue information in the form of publications for the use of the public.

"SEC. 2. That beginning with the 1st day of October next after the passage of this act the salaries of the commissioned medical officers of the Public Health Service shall be at the following rates per annum: Surgeon General, $6,000; Assistant Surgeon General, $4,000; senior surgeon, of which there shall be 10 in number, on active duty, $3,500; surgeon, $3,000; passed assistant surgeon, $2,400; assistant surgeon, $2,000; and the said officers, excepting the Surgeon General, shall receive an additional compensation of 10 per cent of the annual salary as above set forth for each five years' service, but not to exceed in all 40 per cent: *Provided*, That the total salary, including the longevity increase, shall not exceed the following rates: Assistant Surgeon General, $5,000; senior surgeon, $4,500; surgeon, $4,000: *Provided further*, That there may be employed in the Public Health Service such help as may be provided for from time to time by Congress.

Mr. ADAMSON. Mr. Speaker, I want to move to amend by changing the date from July 1 to October 1.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of this Senate bill, and to lay on the table a similar House bill. Is there objection?

Mr. FOSTER. Mr. Speaker, just a moment. This bill which the Clerk has read is the bill which passed the House in the Sixty-first Congress, is it?

Mr. ADAMSON. That is right; it passed this House after an all day's discussion, and was a unanimous report from our committee.

Mr. FOSTER. And it contains the same language that was in the bill at that time?

Mr. ADAMSON. This is the same bill. The only change is in the date of July 1 to October 1, when it shall take effect.

Mr. FOSTER. This next coming October?

Mr. ADAMSON. Yes.

Mr. FOSTER. What increase of appropriation is there? Does it provide for any increase of appropriation?

Mr. ADAMSON. It provides for a much smaller sum than is fixed in the Senate bill. It is the administrative features we want.

Mr. FOSTER. I agree with the gentleman that the bill is of a good deal of importance, and it does have some features not provided for in the present law.

Mr. MANN. This bill gives the longevity pay that they now have in the Navy and the Army, but does not increase the allowances to the men that they have in the Army and Navy.

Mr. ADAMSON. It is a good deal less than the Senate bill provides for.

The SPEAKER. The gentleman from Georgia asks unanimous consent for the present consideration of the Senate bill, and moves to amend by substituting the House bill after the enacting clause.

Mr. ADAMSON. To substitute what the Clerk read for all of the Senate bill after the enacting clause with the date changed from July 1 to October 1.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the amendment.

The amendment was agreed to.

The amended bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes."

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PUBLIC BUILDING AT DENVER, COLO.

Mr. RUCKER of Colorado. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3974) to increase the limit of cost of the United States public building at Denver, Colo.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I told the gentleman from Colorado that I should object to the consideration of this bill in the absence of the gentleman from New York [Mr. FITZGERALD], chairman of the Committee on Appropriations, who told me that he did not desire the bill to come up in his absence.

Mr. RUCKER of Colorado. I want to say, Mr. Speaker, that I do not understand the gentleman from Illinois. The gentleman from Illinois does not mean to say that he told me that he would object to the consideration of the bill?

Mr. MANN. I thought I did. If the gentleman thinks I did not, I will withdraw the statement.

Mr. RUCKER of Colorado. I will ask the gentleman from Illinois if he makes objection at the instance of the gentleman from New York [Mr. FITZGERALD]?

Mr. MANN. I shall not put myself under cross-examination.

The SPEAKER. The gentleman from Illinois is not obliged to answer the gentleman from Colorado. Every man has the right to object to anything called up by unanimous consent without giving a reason.

Mr. RUCKER of Colorado. I want to say that I misunderstood the gentleman from Illinois.

UNITED STATES COURT, EASTERN AND MIDDLE DISTRICTS OF TENNESSEE.

Mr. AUSTIN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 25520) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 107 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 107. The State of Tennessee is divided into three districts, to be known as the eastern, middle, and western districts of Tennessee. The eastern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bledsoe, Bradley, Hamilton, James, McMinn, Marion, Meigs, Polk, Rhea, and Sequatchie, which shall constitute the southern division of said district; also the territory embraced on the date last mentioned in the counties of Anderson, Blount, Campbell, Claiborne, Grainger, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Sevier, Scott, and Union, which shall constitute the northern division of said district; also the territory embraced on the date last mentioned in the counties of Carter, Cocke, Greene, Hamblen, Hancock, Hawkins, Johnson, Sullivan, Unicoi, and Washington, which shall constitute the northeastern division of said district. Terms of the district court for the southern division of said district shall be held at Chattanooga on the fourth Monday in April and the second Monday in November; for the northern division, at Knoxville on the fourth Monday in May and the first Monday in December; and for the northeastern division, at Greeneville on the first Monday in March and the third Monday in September. The middle district shall include the territory embraced on the 1st day of July, 1910, in the counties of Bedford, Cannon, Cheatham, Coffee, Davidson, Dickson, Franklin, Giles, Grundy, Hickman, Humphreys, Houston, Lawrence, Lewis, Lincoln, Marshall, Maury, Montgomery, Moore, Robertson, Rutherford, Stewart, Sumner, Trousdale, Warren, Wayne, Williamson, and Wilson, which shall constitute the Nashville division of said district; also the territory embraced on the date last mentioned in the counties of Clay, Cumberland, Dekalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, and White, which shall constitute the northeastern division of said district. Terms of the district court for the Nashville division of

said district shall be held at Nashville on the second Monday in March and the fourth Monday in September; and for the northeastern division, at Cookeville on the third Monday in April and the first Monday in November: *Provided*, That suitable accommodations for holding court at Cookeville shall be provided by the county or municipal authorities without expense to the United States. The western district shall include the territory embraced on the 1st day of July, 1910, in the counties of Dyer, Fayette, Haywood, Lauderdale, Shelby, and Tipton, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Carroll, Chester, Crockett, Decatur, Gibson, Hardeman, Hardin, Henderson, Henry, Lake, McNairy, Madison, Obion, Perry, and Weakley, including the waters of the Tennessee River to low-water mark on the eastern shore thereof wherever such river forms the boundary line between the western and middle districts of Tennessee, from the north line of the State of Alabama north to the point in Henry County, Tenn., where the south boundary line of the State of Kentucky strikes the west bank of the river, which shall constitute the eastern division of said district. Terms of the district court for the western division of said district shall be held at Memphis on the fourth Monday in May and November; and for the eastern division, at Jackson on the fourth Mondays in April and October. The clerk of the court for the western district shall appoint a deputy, who shall reside at Jackson. The marshal for the western district shall appoint a deputy, who shall reside at Jackson. The marshal for the eastern district shall appoint a deputy, who shall reside at Chattanooga. The clerk of the court for the eastern district shall maintain an office in charge of himself or a deputy at Knoxville, at Chattanooga, and at Greeneville, which shall be kept open at all times for the transaction of the business of the court."

The SPEAKER. Is there objection?

Mr. FOSTER. Reserving the right to object, I would like to inquire of the gentleman from Tennessee if this bill changes the boundaries of certain judicial districts in Tennessee?

Mr. AUSTIN. It does not change the boundaries, it is only the time of holding the Federal courts that it makes a change in.

Mr. FOSTER. Does this provide for any additional officers?

Mr. AUSTIN. None whatever.

Mr. MANN. There is no additional expense put upon the Government.

Mr. FOSTER. Is this satisfactory to the rest of the delegation?

Mr. AUSTIN. Yes; it was reported by my colleague, Judge HOUSTON, who is a member of the Judiciary Committee, and he will verify the statement I have made.

Mr. HOUSTON. Mr. Speaker, this bill makes no change whatever except in the time of holding the courts in the eastern and middle divisions of Tennessee. There is no change in the western division. That is the only object of the bill. It is entirely satisfactory to the courts and it is requested by the presiding judges. It is satisfactory to everybody.

Mr. AUSTIN. And it is for the convenience of the court.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. AUSTIN. Now, Mr. Speaker, I yield to my colleague, Judge HOUSTON, to offer an amendment.

Mr. HOUSTON. Mr. Speaker, I move to amend, on page 4, line 3, by striking out the word "west" and inserting the word "east." This is a copy of the latter part of section 107 without any change whatever, but it appears that it was not called to the attention of the committee until the bill was reported. The word "west" is evidently a mistake. The boundary is fixed at the east bank of the Tennessee River, and by some inadvertence the word "west" is inserted, whereas it should be "east," and that makes it conform to the other part of the same section.

The SPEAKER. The question is on the amendment offered by the gentleman from Tennessee, which the Clerk will report.

The Clerk read as follows:

Page 4, line 3, strike out the word "west" and insert in lieu thereof the word "east."

The amendment was agreed to.

The amended bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. AUSTIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRAGG HILL LAND CO.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19276) authorizing the Secretary of War to convey by deed to D. B. Loveman, or D. B. Loveman, president of the Bragg Hill Land Co., of Hamilton County, a strip or parcel of land in Hamilton County, Tenn., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to convey to D. B. Loveman, or D. B. Loveman, president of Bragg Hill Land Co., by deed in fee simple, a strip of land 15 feet wide off of the reservation, east side of the Crest Road, north end, adjoining north side of the iron fence, from lot 63 to the Crest Road, so as to secure ingress and egress to lots Nos. 63, 64, 65, 66, and 67, Crest Road Government Reservation, all in township 2, range 4, west basis line, Ocoee and Hamilton Counties, Tenn., it being a part of the United States reservation called Bragg Hill Headquarters, as shown in map hereto attached. This conveyance is made for the purpose of correcting the error made in the granting of the reservation and Crest Road by said Loveman and Bragg Hill Land Co. to the Government, by which the lots mentioned were unintentionally cut off from the Crest Road.

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I desire only to say that I thought the House had adopted the rule which required the printing of a Unanimous Consent Calendar so that Members might know what was coming on for consideration. The evils of the former system were apparent, very apparent. I do not think that anybody in the House wishes to go back to the old way of bringing up at haphazard bills for consideration by unanimous consent.

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield for a question?

Mr. COOPER. Yes.

Mr. LAFFERTY. Is it not true that it is impossible to get a bill on the Unanimous Consent Calendar from the Private Calendar? This bill is on the Private Calendar.

Mr. MANN. No; it is not.

Mr. LAFFERTY. My understanding is that that is contrary to the rule.

Mr. MANN. It is not on the Private Calendar.

The SPEAKER. The Chair will state to the gentleman from Wisconsin and to the House practically what he said this morning. The Chair has no more desire to break down that rule than any other Member of the House, but there were four or five matters in which the Government of the United States is interested, and if certain bills or resolutions did not go through it would stop Government work. The Chair made that statement this morning. If matters of that kind address themselves to the good judgment of the House and to the Speaker, well and good, but the Chair took precaution to state that so that if any gentleman wanted to object, he would have an opportunity to do so. The Chair has no disposition to break down that rule.

Mr. COOPER. Mr. Speaker, I knew that, of course.

The SPEAKER. If the Chair had to do it over again, he is inclined to think that he would have shut it off this morning.

Mr. COOPER. I knew the attitude of the Speaker on this subject from what I have heard him say in debate and in private conversation. The former system was absolutely intolerable. At times it presented the greatest opportunity for abuse.

The SPEAKER. The Chair will make one more statement: He refused to recognize any of these gentlemen until, in the first place, they had gone to the minority leader to see if he had any objection. Of course, the Chair does not want to violate the Rules of the House and only desired to help out where it would affect the Government.

Mr. PAGE. Mr. Speaker, I move that the House do now adjourn.

Mr. MOON of Tennessee. Mr. Chairman, I will ask the gentleman to withhold that motion for a moment.

Mr. PAGE. Very well, I will withhold it for a while.

Mr. MANN. Mr. Speaker, I do not think it requires an explanation, but this bill, when reported, was placed on the Private Calendar through a natural, but still an erroneous, reference. It came up on the Private Calendar and was given consideration by the House as a unanimous-consent matter. I had it stricken off the Private Calendar because I did not think it ought to pass on the Private Calendar when it did not belong there. I think no one in the House at that time was opposed to the bill upon its merits, and therefore I stated to the gentleman from Tennessee that I would not object.

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, holding still in reserve my objection for a moment, I simply wish to state that where there is a real Government emergency involved I can well see how there might be unanimous consent asked to consider legislation of a remedial nature. I do not know as to the pending bill and shall not enter any objection to it, after the statement of the gentleman from Illinois as to its having been placed on the wrong calendar and its now being before the House as it is. I wish, however, to give notice that never again will I refrain from objecting to similar matters, except in the case of great emergency, in which the Government of the United States is interested, or where some Member of the House or his family is affected in a serious way. The House is entitled to notice, by printed calendar, of what bills are coming on for consideration.

The SPEAKER. There is no real difference between the gentleman from Wisconsin and the Chair. For instance, not long ago the Chair recognized a gentleman to call up a resolution affecting the flood sufferers in the South. Everybody wanted that resolution to go through, and wanted it to go through immediately. It would not be well to wait until the

time came for the next day for the consideration of bills on the Calendar for Unanimous Consent. The Chair assumed to sit somewhat in the nature of a court of equity in that matter and let the resolution have the right of way.

Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

On page 1, line 4, strike out the word "or" and insert the word "and" in lieu thereof.

On page 2, line 3, after the word "attached," insert the following proviso:

"*Provided*, That the said D. B. Loveman, or D. B. Loveman, president of the Bragg Hill Land Co., cause the park fence of the Chickamauga National Park to be moved the necessary distance under the supervision and to the satisfaction of the park commission, and without expense to the Government."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was engrossed and ordered to be read a third time, was read the third time, and passed.

The title was amended to read: "Authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn."

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 333. To authorize the loan of obsolete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.

ADJOURNMENT.

Mr. PAGE. Mr. Speaker, I renew my motion that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 5 minutes p. m.) the House adjourned until Monday, August 12, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PICKETT, from the Committee on the Library, to which was referred the bill (H. R. 20578) to incorporate the National Society of the Women of the Civil War, reported the same without amendment, accompanied by a report (No. 1169), which said bill and report were referred to the House Calendar.

Mr. RAKER, from the Committee on the Public Lands, to which was referred the bill (H. R. 25878) granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes, reported the same with amendment, accompanied by a report (No. 1170), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. DAVIS of West Virginia: A bill (H. R. 26209) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; to the Committee on the Judiciary.

By Mr. POST: A bill (H. R. 26210) to provide for the application and construction of pension laws; to the Committee on Military Affairs.

By Mr. GREGG of Pennsylvania: A bill (H. R. 26211) for purchase of a site and erection of a public building at Monessen, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SMITH of New York: A bill (H. R. 26212) to amend an act fixing the compensation of certain officials in the customs service and for other purposes; to the Committee on Expenditures in the Treasury Department.

By Mr. RAKER: A bill (H. R. 26213) authorizing and directing the Secretary of War to cause a preliminary examination and survey to be made of the inner channels of Humboldt Bay, Cal., and for other purposes; to the Committee on Rivers and Harbors.

By Mr. WILLIS: A resolution (H. Res. 682) authorizing the printing of a pamphlet entitled "The Road Horse," as edited and prepared by the Bureau of Animal Industry of the Department of Agriculture; to the Committee on Printing.

By Mr. CARTER: A joint resolution (H. J. Res. 349) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' reunion, to be held at Ada, Okla., in September, 1912; to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 26214) to pay E. B. McClelland for services as a House Office Building policeman; to the Committee on Accounts.

By Mr. BRADLEY: A bill (H. R. 26215) granting an increase of pension to Margarett Scott; to the Committee on Invalid Pensions.

By Mr. CURLEY: A bill (H. R. 26216) for the relief of Jeremiah Sexton; to the Committee on Naval Affairs.

Also, a bill (H. R. 26217) for the relief of Edward H. Wheeler; to the Committee on Military Affairs.

Also, a bill (H. R. 26218) for the relief of John Scanlan, alias John Sullivan; to the Committee on Military Affairs.

Also, a bill (H. R. 26219) for the relief of David F. Turnbull, alias David Trunbull; to the Committee on Naval Affairs.

By Mr. DAVIS of West Virginia: A bill (H. R. 26220) granting an increase of pension to Jacob Brock; to the Committee on Invalid Pensions.

By Mr. DANIEL A. DRISCOLL: A bill (H. R. 26221) granting a pension to George W. Nelly; to the Committee on Pensions.

By Mr. FIELDS: A bill (H. R. 26222) granting an increase of pension to James Hunter; to the Committee on Invalid Pensions.

By Mr. GUERNSEY: A bill (H. R. 26223) for the relief of William I. Wood; to the Committee on Claims.

Also, a bill (H. R. 26224) granting an increase of pension to James A. Seamans; to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 26225) granting an increase of pension to John Enright; to the Committee on Invalid Pensions.

By Mr. HAY: A bill (H. R. 26226) for the relief of the heirs of John Wissler, deceased; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 26227) granting a pension to Otho Peterson; to the Committee on Pensions.

By Mr. PAGE: A bill (H. R. 26228) for the relief of E. J. Finch, heir of Patrick D. Gilchrist; to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 26229) for the relief of the legal representatives of Henry Roberson, deceased; to the Committee on War Claims.

By Mr. SPEER: A bill (H. R. 26230) granting a pension to Catharine A. Lunger; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26231) granting a pension to Sena Shoppart; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petitions of Patriotic Order Sons of America and citizens of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GARNER: Petition of citizens of Texas, relative to investigation of certain acts of oppression alleged to have been done in California; to the Committee on the Judiciary.

By Mr. HAMILTON of West Virginia: Petition of Methodist Episcopal Church South, of Grantsville charge, State of West Virginia, favoring passage of Kenyon-Sheppard interstate liquor bill; to the Committee on the Judiciary.

By Mr. HAY: Papers to accompany bill for the relief of the heirs of John Wissler, deceased; to the Committee on War Claims.

By Mr. McGILLICUDDY: Petitions of citizens of the State of Maine, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petitions of citizens of the State of Maine, against passage of a parcel-post system; to the Committee on the Post Office and Post Roads.

By Mr. SULZER: Memorial of Florists' Club, of Philadelphia, Pa., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *August 12, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the order of the Senate of August 10, 1912.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

FUR-SEAL CONVENTION.

Mr. LODGE. Mr. President, I desire to give notice that immediately upon the conclusion of the Post-Office appropriation bill, without interfering with the unfinished business, I shall ask the Senate to take up the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

At this stage of the session, when we ought to do nothing except complete the great supply bills, I am opposed to calling up any new legislation, and I should not ask for the consideration of this bill were it not that it is to carry out a convention with three other countries. We are now behindhand on our pledges made under that treaty, and if this bill does not pass it will leave the United States in a most embarrassing and unfortunate situation. If the convention with England, Russia, and Japan should be abrogated by the other powers owing to failure on our part to fulfill the terms, it will mean the resumption of pelagic sealing and the absolute destruction of the seal herds.

The Committee on Foreign Relations is unanimous in desiring the passage of the bill. There is one amendment which will be debated, but I think not at length. The bill ought to be disposed of before this session of Congress adjourns if we are to keep our faith with foreign countries.

Mr. SMOOT. I call the attention of the Senator from Massachusetts to the fact that there is a special order that, immediately following the disposition of the Post Office appropriation bill, the Senate will proceed to the consideration of Senate bill 7343, to authorize the building of a dam across the Coosa River, Ala. Would not that conflict with the request made by the Senator from Massachusetts?

Mr. LODGE. I have no desire to interfere with that measure. It is for the Senate to say whether our convention with Russia, England, and Japan shall be set aside or not. My only duty is to call it up and lay it before the Senate, and I shall do so at the earliest possible moment.

Mr. SMOOT. I am in full accord with the Senator from Massachusetts.

Mr. LODGE. I know it. I do not want to interfere with the bill for a dam across the Coosa River at all, but I think the convention with three other powers, which we have agreed to and which I have been trying for weeks to get up, ought, for the sake of our good name and good faith, to be disposed of by the Senate before we adjourn.

Mr. LODGE subsequently said: In the notice which I gave this morning immediately after the Senate assembled, I find some Senators did not quite understand what I intended. The notice I give is that if the Post Office appropriation bill shall be disposed of to-day, I shall move, immediately after the routine morning business to-morrow, to take up the seal bill, in order to carry out our convention with Russia, Japan, and England. If the Post Office appropriation bill is not finished to-day, that will be taken up to-morrow immediately after the routine morning business, and I desire to give a similar notice in that case for Wednesday.

I should like those notices to be entered on the calendar.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. I desire to give notice that, immediately following the bill to which the Senator from Massachusetts referred, I shall call up Senate joint resolution No. 78, being a joint resolution proposing an amendment to the Constitution of the United States relating to the election of President.

Mr. KENYON. In connection with the matter referred to by the senior Senator from Iowa, I desire to give notice that I shall ask the Senate to take up and consider the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases.

CUSTOMHOUSE AT BOSTON, MASS. (S. DOC. NO. 915).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, for inclusion in the general deficiency appropriation bill, an item for rent of temporary quarters for the expenses incident to the temporary removal of the force employed in the customhouse at Boston, Mass., during the enlargement, remodeling, or extension thereof, for the fiscal year ending June 30, 1913, $96,000, which was read.

PUBLIC-BUILDING SERVICE (S. DOC. NO. 914).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting copies of Documents Nos. 826 and 873, House of Representatives, Sixty-second Congress, second session, and calling attention to the request contained therein for authority to adjust certain claims which have arisen in connection with the public-building service, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

OFFICE OF INDIAN AFFAIRS (S. DOC. NO. 910).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation in the sum of $47,500 for rent of office and storage room for the Office of Indian Affairs, and for other purposes, in connection with the removal of that office from its present quarters in the Pension Office Building, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

PENSION AGENCY AT PITTSBURGH, PA. (S. DOC. NO. 911).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation in the sum of $2,270 to cover rental of suitable quarters for the pension agency at Pittsburgh, Pa., during the fiscal year ending June 30, 1913, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

JUDGMENTS AGAINST THE DISTRICT OF COLUMBIA (S. DOC. NO. 909).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of appropriation in the sum of $143.25 to pay judgments rendered against the District of Columbia, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

PAY OF SUPERINTENDENTS OF NATIONAL CEMETERIES (S. DOC. NO. 913).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting an estimate of appropriation in the sum of $275 under the title of "Pay of superintendents of national cemeteries" for the fiscal year ending June 30, 1913, to meet the increased pay of the superintendent of the national cemetery at Arlington, Va., etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MAJ. BOYD TAYLOR (S. DOC. NO. 912).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of War submitting a clause for inclusion in the general deficiency appropriation bill authorizing and directing the accounting officers of the Treasury to allow and credit the accounts of Maj. Boyd Taylor, disbursing officer Organized Militia of the District of Columbia, with the sum of $260, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

UTAH INDIAN WAR VETERANS' REUNION.

The PRESIDENT pro tempore presented a communication from Thomas A. Brown, on behalf of the Utah Indian War Veteran Association, extending an invitation to the Senate of the United States to attend the second grand State camp fire and reunion of the Utah Indian war veterans, to be held at Springfield, Utah, August 20 to 23, 1912, which was ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 126) authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

The message also announced that the House had passed a concurrent resolution (No. 45) providing for the printing of 10,000 copies of the hearings on the Taylor and other systems of shop management, etc., in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn.;

H. R. 22002. An act supplementing the joint resolution of Congress, approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.;

H. R. 23676. An act to regulate the officering and manning of vessels subject to the inspection laws of the United States;

H. R. 24025. An act to amend sections 4400 and 4488 of the Revised Statutes of the United States relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers;

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes;

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries; and

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 25073) to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River, between Moline, Ill., and Bettendorf, Iowa, and it was thereupon signed by the President pro tempore.

PETITION.

Mr. WARREN presented a memorial of the Chamber of Commerce of Billings, Mont., remonstrating against the enactment of legislation that shall in any way disturb the present rules and regulations of the United States customs service, which was referred to the Committee on Finance.

REPORTS OF COMMITTEES.

Mr. SUTHERLAND, from the Committee on Public Buildings and Grounds, to which was referred the bill (S. 7106) providing the sum of $80,000 for the erection of a public building at Cheboygan, Mich., reported it with amendments.

Mr. ROOT, from the Committee on the Library, to which was referred the bill (S. 1774) to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear Admiral Charles Wilkes, United States Navy, in the national cemetery at Arlington, Va., reported it without amendment and submitted a report (No. 1029) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. NELSON:

A bill (S. 7448) restoring to the public domain certain lands heretofore reserved for reservoir purposes at the headwaters of the Mississippi River and tributaries; to the Committee on Public Lands.

By Mr. KENYON:

A bill (S. 7449) for the relief of the widow of Thomas R. Faherty; to the Committee on Interoceanic Canals.

By Mr. McLEAN:

A bill (S. 7450) granting an increase of pension to William H. Hall (with accompanying papers); to the Committee on Pensions.

By Mr. BRADLEY:

A bill (S. 7451) granting an increase of pension to William T. Francis (with accompanying paper); to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 7452) granting a pension to Mary P. McIntire (with accompanying papers);

A bill (S. 7453) granting an increase of pension to Ann E. McGrew (with accompanying papers); and

A bill (S. 7454) granting a pension to Emma Z. Gilman (with accompanying papers); to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7455) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River, in Aitkin County, Minn.; to the Committee on Commerce.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. SMITH of Arizona submitted an amendment proposing to appropriate $5,000 to carry out the provisions of Senate joint resolution (S. J. Res. 103) directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico, to determine the amounts due, if any, and to press them for payment, intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

WITHDRAWAL OF PAPERS—JAMES H. MOSER.

On motion of Mr. GUGGENHEIM, it was

Ordered, That the papers accompanying S. 648, Sixty-second Congress, first session, granting an increase of pension to James H. Moser, be withdrawn from the files of the Senate, no adverse report having been made thereon.

DATA RELATING TO ALASKA.

On motion of Mr. SMOOT, it was

Ordered, That the original manuscript of Senate Document No. 882—"Data relating to Alaska"—be withdrawn from the files of the Senate.

RURAL CREDITS IN EUROPE.

Mr. FLETCHER. Mr. President, I give notice that on Wednesday next, immediately after the close of the routine morning business, I shall ask to submit some remarks on the joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe, which, under the conditions, I shall make very brief.

ANNIE R. SCHLEY.

Mr. BURNHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 4568) granting an increase of pension to Annie R. Schley having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: In lieu of the matter stricken out and inserted, insert the words "one hundred"; and the House agree to the same.

HENRY E. BURNHAM,
REED SMOOT,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

WILLIAM RICHARDSON,
WILLIAM A. DICKSON,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2117) to promote the efficiency of the Public Health and Marine-Hospital Service, which were to strike out all after the enacting clause and insert:

That the Public Health and Marine-Hospital Service of the United States shall hereafter be known and designated as the Public Health Service, and all laws pertaining to the Public Health and Marine-Hospital Service of the United States shall hereafter apply to the Public Health Service, and all regulations now in force, made in accordance with law for the Public Health and Marine-Hospital Service of the United States, shall apply to and remain in force as regulations of and for the Public Health Service until changed or rescinded. The Public Health Service may study and investigate the diseases of man and conditions influencing the propagation and spread thereof, including sanitation and sewage and the pollution either directly or indirectly of the navigable streams and lakes of the United States, and it may from time to time issue information in the form of publications for the use of the public.

SEC. 2. That beginning with the 1st day of October next after the passage of this act the salaries of the commissioned medical officers of the Public Health Service shall be at the following rates per annum: Surgeon General, $6,000; Assistant Surgeon General, $4,000; senior surgeon, of which there shall be 10 in number, on active duty, $3,500; surgeon, $3,000; passed assistant surgeon, $2,400; assistant surgeon, $2,000; and the said officers, excepting the Surgeon General, shall receive an additional compensation of 10 per cent of the annual salary as above set forth for each five years' service, but not to exceed in all 40 per cent: *Provided*, That the total salary, including the longevity increase, shall not exceed the following rates: Assistant Surgeon General, $5,000; senior surgeon, $4,500; surgeon, $4,000: *Provided further*, That there may be employed in the Public Health Service such help as may be provided for from time to time by Congress.

And to amend the title so as to read: "An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes."

Mr. FLETCHER. I move that the Senate concur in the House amendments.

Mr. WORKS. Mr. President, I had understood that the only amendment made to the bill was in the way of increasing salaries. I should be glad if the Senator from Florida would allow the matter to stand over until I can look into it a little further. It seems to be quite a radical change of the bill which was originally passed by the Senate.

Mr. FLETCHER. There are some changes, but I think the House amendment is substantially the same as the Senate bill.

Mr. WORKS. If the Senator will allow the matter to lie over until I can look into it, it may be that I shall not desire to object to its consideration.

Mr. FLETCHER. Then I will not press the matter at this time.

The PRESIDENT pro tempore. The matter will lie on the table for the present.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 23676. An act to regulate the officering and manning of vessels subject to the inspection laws of the United States; and

H. R. 24025. An act to amend sections 4400 and 4488 of the Revised Statutes of the United States, relating to the inspection of steam vessels, and section 1 of an act approved June 24, 1910, requiring apparatus and operators for radio communication on certain ocean-going steamers.

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 22002. An act supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., was read twice by its title and referred to the Committee on Public Lands.

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was read twice by its title and referred to the Committee on the Judiciary.

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, was read twice by its title.

Mr. CHAMBERLAIN. That bill is exactly like Senate bill 4468, Order of Business No. 842, on the calendar. I ask that the House bill be substituted on the calendar for the Senate bill.

The PRESIDENT pro tempore. Without objection, that order will be made, and the Senate bill will be indefinitely postponed.

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries, was read twice by its title.

Mr. SMOOT. A similar bill (S. 7339) passed the Senate July 24, 1912. The bill as passed by the House is word for word the same as the bill passed by the Senate on that day. I ask that the House bill be considered now.

The PRESIDENT pro tempore. The Senator from Utah asks now for the consideration of the House bill.

Mr. REED. I do not like to object to that, but I have some protests in regard to the bill. I want to look at them, and I hope the Senator will not press his request.

Mr. SMOOT. Then I ask that the bill go to the calendar. I have not heard of any protests or I would not have asked for immediate consideration of the bill. I ask that it go to the calendar.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the bill be placed on the calendar. Is there objection? The Chair hears none, and it is so ordered

SYSTEMS OF SHOP MANAGEMENT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution of the House of Representatives, which was read and referred to the Committee on Printing:

House resolution 45.

Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House of Representatives 10,000 copies of the hearings on the Taylor and other systems of shop management held before the special committee appointed under H. Res. 90, passed August 21, 1911, all to be delivered to the superintendent of the document room of the House of Representatives for distribution.

POST OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed, and the unanimous-consent agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Monday, August 12, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department, etc., and will first dispose of the paragraphs relating to the subject of Federal aid in the construction of highways and amendments that may be pending or offered to such paragraphs; that no Senator shall be permitted to speak more than once or for a longer period than 10 minutes.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BACON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clark, Wyo.	Martin, Va.	Smith, Ga.
Bacon	Culberson	Martine, N. J.	Smith, S. C.
Bailey	Cullom	Massey	Smoot
Bankhead	Cummins	Nelson	Stone
Bourne	Dillingham	Overman	Sutherland
Brandegee	Fletcher	Page	Swanson
Bristow	Gallinger	Perkins	Thornton
Bryan	Johnson, Me.	Pomerene	Tillman
Burnham	Johnston, Ala.	Reed	Townsend
Burton	Kenyon	Root	Works
Catron	Lodge	Sanders	
Chamberlain	McCumber	Simmons	

Mr. TOWNSEND. I was requested to state that the junior Senator from Minnesota [Mr. CLAPP], the senior Senator from Washington [Mr. JONES], and the junior Senator from Pennsylvania [Mr. OLIVER] are engaged in committee work, and are therefore detained; but I understand that they will come into the Senate if their presence is necessary to make a quorum.

I desire to announce the necessary absence of my colleague [Mr. SMITH of Michigan].

The PRESIDENT pro tempore. Forty-six Senators have answered to their names, not a quorum. Without objection, the list of absentees will be called.

The Secretary called the names of absent Senators, and Mr. OLIVER answered to his name when called.

Mr. SMITH of Arizona, Mr. JONES, and Mr. CLAPP entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present.

The question is on agreeing to the amendment in the nature of a substitute found on page 37, the motion being made to strike out and insert.

Mr. OVERMAN. That is the amendment which I have introduced to perfect the amendment, and it comes first in order.

The PRESIDENT pro tempore. The Senator's amendment was to the text of the bill. The amendment will be read.

Mr. OVERMAN. I have changed the amendment as amended at the suggestioin of some Senators who thought the amount was too large. I call the attention of the chairman of the committee to the amendment.

The PRESIDENT pro tempore. The Chair understands that this is a substitute or recommendation to strike out and insert.

Mr. OVERMAN. Yes.

Mr. SWANSON. I reserve the point of order on the amendment to the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from North Carolina to the amendment will be stated.

The SECRETARY. On page 37, line 15, in lieu of the words proposed to be stricken out by the Senate committee it is proposed to insert the following:

That there shall be, and is hereby, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State for the building and repairing of good roads for star and rural routes now established, or which may be hereafter established, the sum of $250,000 for the year ending June 30, 1913, and an annual increase of the amount of such appropriation thereafter for 10 years by an additional sum of $25,000 over the preceding year, to be applied only for the building and repairing of good roads for rural and star routes, established or hereafter established: *Provided*, That no State shall receive any of the benefits of this act unless such State shall appropriate a sum at least equal to the amount herein appropriated for a similar purpose.

SEC. —. That the sums hereby appropriated to the States for the support and maintenance of good roads for rural and star routes now established, or hereafter to be established, shall be annually paid on or before the 31st day of July of each year by the Secretary of the Treasury upon the warrant of the Secretary of Agriculture and Postmaster General, out of the Treasury of the United States, to the State treasurer, or to such officers as shall be designated by the laws of said State to receive the same, and such treasurer shall be required to submit to the governor of each State, and the governor to the Postmaster General and the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received and of its disbursements. The grants of moneys authorized by this act are made subject to the legislative assent of the several States to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State before the adjournment of the regular session of the legislature of such State meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury.

SEC. —. That if any portion of the moneys received by the designated officers of the State for good roads for rural and star routes as provided in this act shall, by any action or contingency, be diminished or lost or be misapplied, it shall be replaced by the State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State; the governor of each State shall report to the Secretary of Agriculture and the Postmaster General regarding the condition and progress of the road built or repaired, including statistical information in relation to its receipts and expenditures.

SEC. —. That on or before the 1st day of July in each year, after the passage of this act, the Secretary of Agriculture and the Postmaster General shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for good roads for rural and star routes under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture and the Postmaster General shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the next Congress, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of Agriculture and Postmaster General are hereby charged with the proper administration of this law.

SEC. —. That the Secretary of the Interior shall annually report to Congress the disbursements which have been made in all the States, and also whether the appropriation of any State has been withheld; and if so, the reasons therefor.

SEC. —. That Congress may at any time amend, suspend, or repeal any or all of the provisions of this act.

Mr. SWANSON. Mr. President, this is practically a motion to strike out the House provision and to insert what has been read. There is already a motion pending from the committee to strike out the House provision and to insert the amendment offered by the committee. My point of order is that we must first vote on the committee amendment to strike out and insert, instead of the amendment now proposed by the Senator from North Carolina. The motion of the Senator from North Carolina is to strike out the House provision for road improvements and to insert the provision he has offered.

Mr. OVERMAN. Mr. President, this is an amendment to perfect the House provision before the Senate amendment is voted on. That has been held time and again to be in order so as to perfect the text. If my amendment is adopted as stated by the Presiding Officer on Saturday, then the question will come upon the motion of the committee to strike out and insert. That is the parliamentary situation as stated by the Presiding Officer on Saturday.

Mr. BOURNE. Mr. President, I stated on Saturday that as between the two provisions the Senator's amendment and the Shackleford provision as it appears in the House bill, I prefer his for the reason that it provides for cooperation; but I stated further that I should vote against its adoption, because I thought it better to have the committee substitute than either.

Mr. SMITH of Georgia. Mr. President, there is at least one amendment pending to the House provision. I submitted an amendment to the House provision which has been printed, and I think we are first entitled to perfect the House provision before any amendment in the nature of a substitute should be inserted.

Mr. SWANSON. Mr. President, the Senator from Georgia has offered an amendment to the House provision which is to perfect the text. Of course, the Senator from North Carolina is right that the text must be perfected before a motion is made to strike out and insert; but that is not the motion of the Senator from North Carolina. The motion of the Senator from North Carolina is to strike out the House provision and to insert his amendment.

The PRESIDENT pro tempore. The Chair was not informed of the fact that there was any motion pending to perfect the House provision.

Mr. SMITH of Georgia. My amendment has been printed, and I should be glad to have it read.

Mr. OVERMAN. Of course, the amendment of the Senator from Georgia is first in order.

The PRESIDENT pro tempore. Unquestionably the amendment proposed by the Senator from Georgia is first in order and will now be stated.

The SECRETARY. On page 39, line 18, after the words "Postmaster General," it is proposed to insert the following:

Provided, That no part of said funds shall be paid to an officer in any State until the legislative authority of such State shall by law designate the officer or officers to receive it, and fix the manner of its use in aid of road improvement, and prescribe safeguards to enforce such use.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Georgia.

The amendment was agreed to.

The PRESIDENT pro tempore. The Senator from North Carolina [Mr. OVERMAN] now moves to strike out the provision and to insert the matter which has heretofore been read. The question is on that motion.

Mr. OVERMAN. As some Senators were not present when I offered the amendment, I will now explain it.

The PRESIDENT pro tempore. The Chair is constrained to overrule the point of order made by the Senator from Virginia [Mr. SWANSON]. The question is upon the amendment submitted by the Senator from North Carolina.

Mr. OVERMAN. Mr. President, this amendment provides for a cooperative system of working on public roads. If the Government is going to enter upon that operation, it is proposed to provide that the Government shall give $250,000, and before the States shall receive their proportion they shall appropriate a similar amount, which would make $500,000. Then, in dividing the money among the counties of the State, that the counties shall appropriate a certain amount, the townships so much, and the road districts so much. So that they will all be in cooperation with the Federal Government, and the State governments, the counties, the townships, and the road districts will all be contributing, and there will not be a State in the Union which, under this proposed appropriation, will not receive as much as a million dollars for road work, the Government appropriating but $250,000.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Ohio?

Mr. OVERMAN. I do.

Mr. POMERENE. Does not the amendment proposed by the Senator from North Carolina provide that there shall be the same appropriation of $500,000 to each and every State, regardless of its population and regardless of the number or the length of the roads, whether improved or unimproved? In other words, that the State of Delaware and the State of Rhode Island would receive exactly the same amount as would be received by the State of New York, the State of Texas, or the State of Ohio?

Mr. OVERMAN. That is exactly right, except that I have modified the amendment so as to appropriate to each State $250,000 instead of $500,000. I ought to say that that has been the policy of this Government for 75 years or more. In 1832, on motion of Mr. Clay, money was divided in that way, and the money under the Morrill Act in aid of education was divided the same way, and to-day every State, including Delaware and New York and North Carolina and Ohio, are receiving the same amount of money from the Public Treasury for the purpose of education.

Mr. POMERENE. Mr. President, I am not familiar with the Morrill Act; but does it not seem to the Senator that school funds should be distributed per capita rather than given to a State without respect to population?

Mr. OVERMAN. That has not been the policy of this Government. It divides such money equally. Your experiment station to-day in Ohio is getting the same amount as the experiment stations in Delaware and North Carolina. There is only one way to work such a matter out. The State is the unit of this Government. My idea is: If the Government is going to extend aid, give each State the same amount and then let

the States administer the fund. Let the States take the money, let the States appropriate similar amounts, let the counties appropriate, and we will have a working system in which the Government, the road districts, the counties, and the State governments will cooperate.

Mr. POMERENE. I agree with the Senator that every political unit of the State should participate in this movement for good roads. The States should take a hand, as should the counties and the road districts; but at the same time it does seem to me that it is unfair to the great State of New York, the great State of Texas, and the great State of Ohio, that they should get as much and no more than is to be distributed to the small State of Delaware, the small State of Rhode Island, or such States as New Mexico and Arizona, which have substantially no improvements whatsoever so far as public highways are concerned.

Mr. OVERMAN. The State of Delaware has two Senators here and the State of Nevada has two Senators. There is no other way to make such a distribution that I can conceive of. If we should divide the money according to population, New York would get so much more than Delaware and Ohio that it would not be fair. Delaware contributes to this Government as a unit; so does North Carolina; so does New York; so does Ohio; and so do all the other States.

Mr. POMERENE. My thought is now and has been that the Federal Government should do everything it can do for the purpose of encouraging the building of permanent roads.

Mr. OVERMAN. The Senator and I agree on that, except as to the method of distributing the money.

Mr. POMERENE. I think we do, and I hope that some method may be devised whereby we can bring about a just and equitable arrangement.

Mr. JOHNSTON of Alabama. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Alabama rises to a point of order. The Senator will state it.

Mr. JOHNSTON of Alabama. The unanimous-consent agreement provides that no Senator shall speak more than once on this question, or for a longer period than 10 minutes.

Mr. OVERMAN. Have I spoken for 10 minutes?

Mr. JOHNSTON of Alabama. It also provides that no Senator shall speak more than once.

The PRESIDENT pro tempore. The Senator from North Carolina has not as yet exhausted his time.

Mr. JOHNSTON of Alabama. I call the attention of the Chair to the fact that no Senator shall speak more than once nor for a longer period than 10 minutes.

Mr. OVERMAN. Have I spoken more than 10 minutes?

Mr. JOHNSTON of Alabama. The Senator has spoken more than once.

Mr. POMERENE. Mr. President, it has not been my desire to take up the time of the Senator from North Carolina, but I will be obliged in a few moments to leave the Chamber, and I wanted to bring out distinctly what were the provisions of the amendment.

Mr. OVERMAN. I have tried to explain to the Senator. I think if this proposition could go into conference, probably some idea might be suggested along this line which would be better than the House provision.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from North Carolina [Mr. OVERMAN].

The amendment was rejected.

Mr. TOWNSEND. I desire to have read at the desk a letter which I have received with reference to this matter from the Hon. H. S. Earle, for several years road commissioner of the State of Michigan, who I think is perhaps as much interested in the subject as any man of whom I know.

The PRESIDENT pro tempore. Without objection, the letter will be read in the Senator's time.

The Secretary read the letter, as follows:

H. S. EARLE MANUFACTURING CO.,
Detroit, Mich., August 10, 1912.

Hon. CHARLES E. TOWNSEND,
United States Senator, Washington, D. C.

MY DEAR SENATOR: I am in receipt of your telegram which reads as follows:

"Hon. HORATIO S. EARLE,
"Detroit, Mich.:

"House bill provides for Federal aid to roads of $25 per mile for stone, $20 for gravel, and $15 for dirt. Senate proposes to amend by appointing a commission to investigate and report a plan at next session of Congress. What in your opinion should be done? Personally, I believe House provision is worse than useless.

"CHAS. E. TOWNSEND."

In answer to the above you are right in your opinion regarding the matter.

To scatter money, like House bill proposes, all over the United States would be as foolish as to sow a pint of wheat to the acre and expect to get a good crop.

"What is worth doing at all is worth doing well."

The National Government can not afford to become a party to flimsy road building.

Congress should appropriate $200,000 to pay for a preliminary survey and estimate of cost for a great national highway, connecting all States in the Union, and provide for the appointment of a commission to be composed of men of national repute in the work, and they should be given power to employ the best civil engineers for the purpose.

When this report is filed Congress would know how many miles long the whole road would be and how many miles there would be in each State.

Then Congress should pass the necessary enabling act to sell sufficient bonds to raise sufficient money to build this entire road, and also provide for its permanent repair at the expense of the National Government.

It should be completed in five years, and one-fifth of the miles to be built in each State should be built each year.

As a military road, as a post road, as a property value-raising road, and as a sample road it would be of inestimable value to every State.

It would educate in the art of road building hundreds and thousands in every State.

It would be following the precedents established in other civilized countries.

Respectfully, yours,

H. S. EARLE.

Mr. SWANSON. Mr. President, I only wish to take about five minutes.

The amendment offered by the Senator from Georgia [Mr. SMITH] and adopted, eliminates practically all objections which have been urged against the House provision. The House bill provides for the distribution of about $18,000,000 for roads all over the country if they are improved up to certain standards fixed in the bill. The objection has been urged against that provision that it provided no safeguard to see that the money was properly expended in the future for the improvement of roads. That objection has been strenuously urged in the Senate; but the Senator from Georgia has offered an amendment to the House provision, and it has been adopted, which provides that the money shall be paid to a person authorized by the legislature in each State, and the legislature of each State shall pass a law determining how the money shall be spent; so that it is left to the authorities of the State to determine in what manner the amount shall be expended. The State will be authorized to provide, if it so desire, that the money shall be expended on the condition that the county or the local authorities will furnish an equal amount, and the State will have the right to expend that money in permanent road improvement—for the construction of macadam roads—if the State so wishes.

Unless Senators think a State is incompetent to do what is right and wise for road improvement, unless they think the State governments are useless and have proven failures, there can be no objection to the House provision as amended on motion of the Senator from Georgia. If any State receives, say, a million dollars or a half million dollars under the bill as amended, it would be left to the legislative authority of that State to determine how that money should be expended. I have confidence in the wisdom and in the integrity and in the good intentions of the State legislatures, and I believe there will be no waste of the money under the road provision of the House bill as it has been amended.

What will be the advantage that will accrue from the adoption of this measure? In the first place, for the next 12 months every road in the United States must be improved, must be made to conform to a certain standard or condition provided in this bill, in order to obtain the aid provided. For the next 12 months efforts will be made by the supervisors of the roads to get them in good condition, so that their States can receive the Federal aid. I believe if this bill is passed, for the next 12 months in the United States there will be more activity, more energy, and more effort directed toward the improvement of roads than ever existed before. It will be a stimulus. Here is a reward or a prize given to every road overseer in the United States, whether his jurisdiction extends over dirt roads or hard-surface roads or macadam roads. We say to him, in effect, "Improve your roads for the next 12 months, get them in good condition, have them well drained, have them smooth, fill up the mudholes, and if you will keep them so for 12 months, at the end of that 12 months the Government will give you the amount named in the bill." It is an effort to stimulate the local authorities. It is an effort to get the people, by the offer of this prize, to improve their own roads.

But the bill as amended goes further. After that money is paid it is turned over to the officer designated by the State; and the officers in each State must determine the best methods of its expenditure and make provision to see that it is wisely spent in the improvement of the roads. As I have said, with the

amendment of the Senator from Georgia, if we are going to venture into the field of national aid to roads, we have before us a good provision. It is a fair distribution of the money; it is a distribution according to the miles of road used by the Federal Government itself; and it is a just distribution, so far as you can get one. As I have said, it gives stimulation to the local authorities; it is like offering a prize to every road overseer in the United States to get the dirt roads, the hard-surface roads, and the macadamized roads in good condition for 12 months, and then, after the money is given, it is left to the State to see that it is wisely and judiciously spent. With that amendment, it seems to me, all objections that have been urged against the provision have been eliminated and that it is deserving of the support of all those who believe in national aid to good roads.

Mr. McCUMBER. Mr. President, I should like to hear the amendment of the Senator from Georgia read.

The PRESIDENT pro tempore. The amendment has been agreed to; but in the absence of objection it will be again stated.

The Secretary again stated the amendment of Mr. SMITH of Georgia.

Mr. WORKS. Mr. President, I am a great believer in good roads. I believe the National Government should bear its proportionate and reasonable share of the expenses of good roads; but I am not enamored of this proposed measure to that end. I do not think it is the right way for the National Government to enter upon the improvement of public highways. It seems to me that, if the Government is going to act at all and expend the money of the people of this country for good roads, it should be done in the construction of main or national highways, leaving the States and the counties to take care of the smaller or shorter roads.

In California we need no such stimulus as is mentioned by the Senator from Virginia [Mr. SWANSON]. Our people have within the last few months voted $18,000,000 for the improvement of the highways of California. My own county of Los Angeles has voted three and a half million dollars for the improvement of the roads in that county; and other counties in the State have taken like action. I am not disposed, therefore, to vote for the provision of the House bill for the reasons I have stated.

Mr. BRYAN. Mr. President, it seems to me that the advocates of the House provision unwarrantedly assume that they are the only people who are in favor of Federal aid to good roads. I do not believe there is a single member of the Committee on Post Offices and Post Roads who is opposed to Federal aid to good roads, but it seemed to a majority of the committee that there was no occasion to act hastily in the matter.

There were about 40 good-road bills introduced in the House, which were referred to the appropriate committees, and the provision in the House bill as to good roads is a result of a conference by all the gentlemen who had introduced bills upon the subject. No extended examination, no comprehensive study, was given, or is claimed to have been given, to the subject.

The Senator from Virginia [Mr. SWANSON] urges that at this time upon this appropriation bill we enter upon this work. Mr. President, there will be no delay, in view of the fact that there is no opposition to the general principle of Federal aid to roads, if the provision in the House bill be not adopted. It does not become effective until July 1, 1914, and surely we would not suffer much by taking the opportunity during the vacation to have a joint committee of the House and the Senate investigate and look into the various propositions.

During this discussion four or five methods of aid to roads have been presented. The Senator from North Carolina [Mr. OVERMAN] thinks the best plan would be to appropriate by States. Forgetting the difference in population of the States, forgetting the vast difference in the areas of the various States, acting upon the theory that, inasmuch as in the distribution of funds for the advancement of agricultural education we have thus acted, it is stated that therefore it would be proper to do the same thing with reference to roads. If, Mr. President, there was an injustice in the division of the funds appropriated under the Morrill Act, it seems to me that is no argument why we should perpetrate and continue that injustice when we enter upon this great subject of Federal aid to good roads. I simply desire to call the attention of the Senate to the fact that we are not losing any time by not adopting the House provision to-day and simply allowing during the recess an opportunity for the Members of the House and of the Senate—a committee of the two Houses—to investigate the subject and to call before it men who have devoted years of study to this question, and every one of them who has made a statement upon the question is bitterly opposed to the House provision.

The Chief of the Office of Good Roads in the Agricultural Department has placed himself upon record as believing it would be a sheer waste of the money appropriated. The gentleman who wrote the letter to the Senator from Michigan, which was just read, coincides in that view. Now, if they are wrong and the gentlemen who advocate this provision are right, that will be developed in the course of the investigation. Surely when we start upon a matter of such vast importance we can afford to take sufficient time to become acquainted with the facts and the circumstances that will confront us.

Mr. McCUMBER. Mr. President, I shall vote against Federal aid for roads in any State. Every State in this Union has its own peculiar resources. Colorado has its mines of gold and silver and copper. Washington has its vast forests and its products of timber. Each of the Eastern States has its great manufacturing industries. Virginia, Pennsylvania, and Alabama have their wealth of coal and iron, with their wealth-producing industries. Ohio is a great agricultural State as well as a great manufacturing State. The State in which I live has none of those great resources. We have nothing but agriculture. When we tax our own people for our own roads, and we must tax that industry alone, we have none of these other resources on which to levy an assessment for road building.

Here we have a sister Commonwealth, which adjoins the District of Columbia, that has practically no roads worthy of the name, except it be perhaps a few miles here and there near some great city. I am opposed myself to taxing the people whom I represent to pay for the roads in all the States.

Some of these States are nearly 300 years old; and if they have not seen fit to tax their great resources, so great and so manifold, what right have they to ask my State, devoid of their particular resources, to build their roads for them.

Mr. MARTIN of Virginia. Mr. President——

Mr. McCUMBER. I will yield in just a moment. If I go into the Eastern States I find the topography somewhat difficult for road building, and yet I find that those thrifty people have taxed themselves for years and have built their own roads at their own expense; and they have good roads. But my main objection is that under the provision we would tax the people of all the country to make roads in some particular sections of the country, when the people themselves have so far preferred to use the taxes raised by them for other purposes.

I will now listen to the Senator from Virginia.

Mr. MARTIN of Virginia. I simply wanted to inquire of the Senator what State adjacent to the District of Columbia he referred to when he said that it has no roads worthy to be mentioned?

Mr. McCUMBER. I should like very well to be able to travel from here to Arlington, for instance. Here, very close to the city of Washington, if anyone will show me a road fit to travel all seasons of the year between Washington and Arlington, I will be very glad to receive the information.

Mr. MARTIN of Virginia. I will state to the Senator that our roads in Virginia are certainly very poor as a rule. The National Government owes Virginia $125,000 that it loaned the National Government when it constructed the buildings here at the National Capital. The Legislature of Virginia has donated that money for the building of a road where the Senator says, to Arlington, but Congress will not pay the debt. In the meantime if something——

Mr. McCUMBER. I hope, if the United States is owing Virginia anything, the United States will make good its obligations and pay it and let Virginia do whatever she has a mind to with that money—build roads or use it for other purposes. What I object to is that those States which have built their own roads at their own expense should now be called upon to build roads for these States which have not done so. Then, if the people of Virginia want to expend it in roads, all right, and if they desire to expend it somewhere else, all right; but I am somewhat opposed to taxing the people of the State of North Dakota for a road between Washington and Mount Vernon. I should like, at some time, to drive down to the home of the father of our country; be able to drive from the city of Washington that little distance. Yet there is no road by which you can go from Washington to Mount Vernon that is fit to travel over at any season.

Mr. MARTIN of Virginia. The State of Virginia has dedicated this debt due to her from the National Government to that very purpose, to building a road from Washington to Mount Vernon. But I did not rise to go into a discussion of that matter. I wish simply to inform the Senator that he is very much mistaken about what he has said in respect to

Virginia roads. There are very many good macadam roads through the State, and a million dollars have been spent in four counties in one part of the State. They have voted a bond issue of $2,000,000 for road improvements, and immense progress is being made. We are simply asking the National Government to come to our aid and help to carry on the work which we are doing now so generously.

Mr. McCUMBER. There are a great many things in which I should like to have the Government come to our aid in upbuilding my own State. We have no great coal fields which we can tax and no great output of mine or forest. We have no great resources such as they have in the State of Virginia and many of the other States that may be taxed for building roads. Why, then, should my people, who have none of those resources, be taxed to build the roads for the people who have them? For after all, Mr. President, the roads are mainly for the benefit of the people who will use them every day. Our people will not be using the roads to any great extent out in Washington or in Maine or Virginia. We are willing to build our own roads, and build them as well as we can with our available means, and open them to the public of the entire United States, but I confess I do object to help building the roads in Maine or Texas. The people there may not be as desirous of having good roads as our own people, and if they are desirous of it, they have assets that they can tax to raise the funds necessary to build their roads.

But, Mr. President, if we are to go into this matter of road building, let us build a road that we can use. I should like to ask the Senator who has charge of the bill and who has reported this amendment why he limits the width of the road to 9 feet? Two teams could not meet and pass each other without at least the whiffletree striking, when the space is only 9 feet wide. It seems to me that if we are to have Government roads, we should macadamize a portion which may be wide enough to use, unless we are to have sidetracks here and there at which teams can back up to when they meet. The roads should be of sufficient width so that teams can pass each other without inconvenience or crowding.

Mr. SMITH of Georgia. If the Senator will pardon me, this provision was put in by the House, not by the Senate committee. I presume the idea was that if there were 9 feet of public macadam road, it would be graded off at the side, and it would be very easy to use the part of the road which is not so good to turn into to let a team pass.

Mr. SIMMONS. If the Senator will pardon me a moment——

Mr. McCUMBER. Yes.

Mr. SIMMONS. I think that is the common practice with reference to such roads. I think the standard width is 18 feet, but there is a practice which I know is very common in my State, and I think it is very general in other States, to improve by some artificial surface or covering about half of the road, so that during the season of the year when roads are not good by reason of rains or something of that sort the 9 feet are used, but when the roads are good the unimproved part is just as desirable as the improved part.

Mr. McCUMBER. The main object is to have a road which you can use when the conditions are unfavorable to roads. When it is dry and hard you do not need to macadam any of it. The only object of macadamizing a road is that it may be absolutely good at all times, so that you may use it.

Mr. SIMMONS. The Senator overlooks the fact that a clay road during the summer months is as good as a macadam road. During the winter it may be that no part of that clay road is in good condition. Now, they will take an 18-foot road and they improve 9 feet of the road and the 9 feet are in good condition all the year round.

Mr. McCUMBER. Yes; but in the wintertime outside of the 9-foot strip the road is bad and you have to run one wheel of a vehicle over on the bad road every time you meet or pass another vehicle.

Mr. SMITH of Georgia, Mr. MARTINE of New Jersey, and others addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from North Dakota yield, and to whom?

Mr. McCUMBER. I yield to the Senator from Georgia. He was on the floor first.

Mr. SMITH of Georgia. I wish to say to the Senator from North Dakota that I have seen that done in a great many instances and it worked admirably. The macadam part carries the heavy, constant travel, and the portion of the road outside the 9 feet is seldom used except when teams pass. So it is not cut up and becomes muddy and impassable. I know what the Senator desires and what I say is not in criticism of it, but I have seen clay roads built with 9 feet of macadam in the center and they were admirable.

The PRESIDENT pro tempore. The time of the Senator from North Dakota has expired.

Mr. SMITH of Georgia. In rains or in bad weather the other portions would not cut up because the heavy and constant travel went on the 9 feet of macadam road, and the little use of the other portion was merely by teams turning into it. So it practically makes a very good road.

Mr. McCUMBER. I have not used much time so far.

The PRESIDENT pro tempore. The Senator yielded his time to other Senators interrupting.

Mr. MARTINE of New Jersey. Mr. President, in answer to the suggestion of the Senator from North Dakota that 9 feet would be too narrow for a road, I beg to say that the first macadam roads laid in the State of New Jersey were 9 feet, and only 9 feet, and it acted in a very satisfactory way. Of course as the population increases and there is more travel it is desirable to make a width of 15 feet or 18 feet, but the fact is that 9 feet of good macadam road forms a sort of drain or grade for at least 3 feet on the side, and on both sides of the macadam it is generally dry and nice. Then when you turn off one of the wheels stays on the macadam and the other is on this partially dry road, by means of making a drain from the macadam.

I believe that generally throughout the country 9 feet would be fairly sufficient and it would make the expenditure of the money go a longer way.

As to this particular proposition—the road feature of the bill—I do not know that I am altogether in favor of it. We have spent millions of dollars in the State of New Jersey on roads, and I feel really that the States generally should go on and improve their roads. The best way to get good roads is to build them, and many of the States have been very derelict in this matter. Yet every State in the Union is not as fortunately situated as the State of New Jersey with a populous community, and in many instances we would never get good roads in States without rendering them aid by the United States Government.

While in many respects this appropriation seems infinitesimally small, it is a step in the right direction. I believe, notwithstanding the fact that the people of my State have spent millions upon their roads, they would not only condone but commend me for voting for a measure that would give something of the Nation's wealth toward advancing good roads in our country. It would be of great benefit to the people not only for the transportation of their freight and their goods but for methods of social intercourse, and I believe it would enhance the well-being of the people of the United States without regard to the section to which they belong.

Mr. McCUMBER. I offer the following amendment, simply saying in explanation of the amendment that as the country gets older, and as it increases in population, and as these roads are being built at the expense of the Government and will be kept up, they will be the main roads of travel, and therefore they ought to be sufficiently wide for teams to pass easily.

The PRESIDENT pro tempore. The Senator from North Dakota offers an amendment, which will be stated.

The SECRETARY. On page 38, line 5, strike out before the word "feet" the word "nine" and in lieu insert the word "twelve," so as to read:

With a road track not less than 12 feet wide composed of burnt clay, gravel, etc.

The amendment to the amendment was agreed to.

Mr. McCUMBER. The same amendment also should be made in line 22, page 37. I move to strike out "nine" and insert in lieu thereof the word "twelve."

The amendment to the amendment was agreed to.

Mr. BOURNE. Mr. President, the Committee on Post Offices and Post Roads gave very careful consideration of this provision in the House bill. Hearings were held before the committee and a majority of the committee concluded that it was not wise to agree to the House provisions; that insufficient data and material matter had been collected for the committee to come to a conclusion regarding a subject of this importance.

Mr. President, I do not believe in departmental legislation, but I do believe in departmental regulation. In the presentation by the advocates of the enactment of the Shackleford provision, as contained in the House bill, a number of statements have been made and reports read from the Department of Agriculture. I should like before a vote is taken to insert in the RECORD a statement in the hearing before the Committee on Post Offices and Post Roads, on page 265, of Mr. Page, who is at the head of the Bureau of Good Roads in the Department of

Agriculture. The purport of the paragraph is decidedly in opposition to the adoption of the House amendment——

The PRESIDENT pro tempore. The request of the Senator from Oregon to insert certain matter in the RECORD will be agreed to, if there be no objection.

The matter referred to is as follows:

Mr. PAGE. Mr. Chairman, that is a pretty big question, so suppose I present it in this way: Up to the present time about 62 bills for national aid in some form have been presented to this Congress, and they call for very large sums of money. There are a great many of them the results of which have not been considered and the effects of which, I think, would be very dangerous. I consider this measure among the more dangerous. If all the roads of this country—there are about 2,250,000 miles—were constructed in a first-class manner it would cost about $22,000,000,000. That is a very conservative estimate. I think there are only about $16,000,000,000 in the world, and four or five billion of that are unsecured notes. If we were to sprinkle the roads of this country for one summer season with ordinary watering carts and water it would cost about $880,000,000, which is $200,000,000 more than the national revenue. Any plan for the Government to participate seems to me to require a good deal of consideration. I have read all the bills which have been presented for a number of years, and the plan which seems to me to be the most reasonable and practicable for the Government is one for the Government to select a definite system of roads, to be considered from the standpoint of agriculture and commerce, the delivery of the mails, and the national defense, that system not to exceed 1½ per cent of the total mileage of the country. That would give the United States about 33,000 miles of road under this system, which would be the greatest road system under one management in the world. The French have about 23,000 miles. The construction of 33,000 miles of road would require a larger expenditure than I believe the Government could make—that is, to build the roads in sufficient time to suit the general demands of the public. However, if the Government were to adopt this system it could make an agreement with any State that had already improved any portion of this system falling within its limits to take over that portion and maintain it forever afterwards in first-class condition. It could make the same agreement with any State that would in the future build any portion of that system of roads or all of the system falling within that State, the Government to take over the road and maintain it forever afterwards. That would be fair to the older States that have borrowed money and raised it by taxation and have already improved their roads. They would not lose in any way by that, it would be a great incentive for the States which have not spent any money on their roads, and it would be excellent business for them to immediately borrow money and have the portion of the system within their borders constructed according to the Government's standard. I think when this entire 33,000-mile system was completed it would not require over $35,000,000 yearly for maintenance in first-class condition.

That would relieve the Government of an enormous expenditure for construction and you would get definite results. It would give the United States the largest system or unit of road of any country in the world.

Mr. BOURNE.. I should also like to insert in the RECORD a statement from the Postmaster General, contained in his letter of June 21, addressed to the committee, in which he specifically states he is opposed to it on the ground that it would be impracticable.

The matter referred to is as follows:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., June 21, 1912.

Hon. JONATHAN BOURNE, Jr.,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR: I am in receipt of your communication of the 14th instant making certain inquiries with respect to the provision incorporated in the Post Office appropriation bill for the fiscal year ending June 30, 1913, as passed by the House of Representatives, which provides that whenever the United States shall use certain highways for the purpose of transporting rural or star route mail compensation at specified rates per annum for each mile traveled shall be made to the proper State officers.

In reply to your inquiry as to what would be the total expense of classifying the roads, I beg to state that it would undoubtedly be necessary for a representative of the Government to make an inspection of each road sought to be brought within one of the classifications prescribed in the bill. The proposed legislation provides "that any question arising as to the proper classification of any road used for transporting rural or star route mail shall be determined by the Secretary of Agriculture," and, although the bill does not expressly so state, it would seem to follow that not only should all questions as to the proper classification of roads be determined by the Secretary of Agriculture, but that he should also cause the classification to be made.

An estimate of the cost of the initial classification and of subsequent classifications has been made by the Director of Public Roads, Department of Agriculture, and appears on page 5726 of the CONGRESSIONAL RECORD for April 27, 1912. The mileage of the rural and star routes has not changed materially since this estimate was made, and, as the Office of Public Roads is in the possession of far more data pertaining to highways than is this department, I have no reason to doubt the substantial accuracy of the director's estimate that the annual charge to the Government for the use of the roads now traveled by rural and star route carriers would amount to $16,116,500 per annum, exclusive of the cost of classification, which is estimated at $750,000 for the first year and at $200,000 per annum thereafter.

With reference to your inquiry as to whether this work could be done by the present force of inspectors or whether an additional force would be required, I beg to state that no part of the number of inspectors for which provision is now made would be available for assignment to the duty in question. Owing to the vast mileage requiring inspection and the limited time within which the classification would necessarily have to be completed, a large number of additional inspectors would be required. Under the Post Office Department provision is now made for 375 inspectors, exclusive of inspectors in charge, numbering 15, and the entire force is now working at its full capacity. To perform this work within the limited time necessary, if it be intended that it should be done by this department, would require several hundred additional inspectors. As the proposed legislation would take effect July 1, 1913, and as it is prescribed that payment would be made at the end of the fiscal year, the work of inspection could not be properly begun until the date mentioned. It will thus be seen that the actual work of classification would necessarily have to be done within the first six or eight months of the fiscal year beginning July 1, 1913, and would require during that period the unremitting services, it is estimated, of at least 350 inspectors or agents. During the remainder of the same fiscal year a very material addition, which is almost impossible to estimate, to the departmental clerical force would be required for the purpose of tabulating the information submitted by the road inspectors and of presenting it in proper form on which intelligent action could be based.

Inspectors so added to the regular force should be entitled to receive at least $1,500 each, with a per diem allowance not to exceed $3 for expenses of travel.

In this connection, permit me to suggest that if it should be determined to enact the proposed legislation, with its attendant expenses for rental, classification, etc., the committee consider the advisability of providing specifically that none of such expenses be made a charge against the revenues of the Post Office Department. For the first time in many years the department is now practically self-sustaining, and it would be manifestly unfair, in my opinion, to allow such payments, from which no possible benefit to the Government could accrue, to create another deficit in the department's finances and thus possibly cause an indefinite postponement of some postal reforms, such as 1-cent letter postage, for which there is now a widespread public demand.

In conclusion, I desire to call the special attention of the committee to my letter to you under date of May 22, 1912, relating to an amendment intended to be proposed by Senator GORE to the pending Post Office appropriation bill. That letter read, in part, as follows:

"The proposed legislation for which the amendment in question would be substituted, provides, in effect, that certain highways of the several States shall be divided into three classes, according to grade, width, and construction, and that whenever the United States shall use such highways for the purpose of transporting rural or star-route mail compensation, at specified rates per annum for each mile traveled shall be made to the proper State officers. Nowhere in the bill is it prescribed that the money so paid by the Government shall be used for highway improvements, nor is any provision made for cooperation in that regard between State and Government officers. The proposed payments seem, therefore, to amount substantially to a subsidy to be paid by the United States for the use of public highways for the purpose of continuing to the public a service which, although its benefits are recognized and appreciated in every quarter, is even now the source of an apparent loss of many millions of dollars annually.

"Before such loss is further augmented, as would be practically the case if the provision now incorporated in the bill as it passed the House of Representatives were enacted into law, it is believed that the matter of payment by the Government of compensation for the use of public highways by its mail carriers should be made the subject of an exhaustive investigation by a body, constituted either as proposed by Senator GORE or in some other acceptable manner, which would make a careful study of all questions involved and submit a report to Congress which could be made the basis of thoughtful deliberation and intelligent action."

Before reporting the bill, the committee will, of course, give most careful consideration to this matter in all of its phases, but, in amplification of the foregoing letter, I beg to direct atttention to the fact that, by analogy, if the Government is to be called upon to pay for the use of public highways by rural or star-route mail carriers, it is not unreasonable to assume that it will only be a matter of time when it will likewise be called upon to pay for the use of sidewalks by city letter carriers and of streets by mail wagons. One proposal is just as reasonable as the other, and if payment is to be made in the one case a demand that payment be made in the other will be difficult, if not impossible, to deny.

It need not be stated here that this department is in favor of good roads and will heartily indorse any broad, comprehensive plan of road improvement providing for cooperation in that regard, financial or otherwise, between Government and State officers, but I am strongly of the opinion that the proposed legislation, which provides for payments of sums entirely inadequate to produce any tangible or appreciable results, would utterly fail to accomplish the desired end, and would, in effect, constitute nothing more than a useless and indefensible drain on the Treasury of the United States.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster General.

Mr. BOURNE. I would also like to insert in the RECORD a statement from the Secretary of Agriculture as set forth in a letter of June 26, addressed to the chairman of the committee, which I will read, as it is short:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, June 26, 1912.

Hon. JONATHAN BOURNE,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

DEAR SENATOR: In reply to your letter of June 22, asking for information concerning the possible participation of this department in the carrying out of the Shackleford amendment to the Post Office appropriation bill, I have the following statement to make:

(1) There is no available force in this department at present that could be assigned to this work.

(2) The appropriation recommended for the Office of Public Roads for the coming fiscal year is $202,120, all of which is apportioned for special lines of work.

(3) A force of from 250 to 300 trained men would be necessary to classify the post roads as designated in the Shackleford bill. It would be exceedingly difficult, if not impossible, to obtain and organize such a force, the duties of which would occupy such a short period of time.

(4) The cost for the first year for making such a classification would probably be from $750,000 to $1,000,000, and this work would be of an absolutely nonproductive nature.

(5) The cost of continuing this classification after the first year would probably be between $200,000 and $300,000 per year, depending on the demand for the work.

Hoping that I have answered these questions to your satisfaction, I am,

Very respectfully, JAMES WILSON, *Secretary.*

As I understand, Mr. President, the motion is to strike out the House provision as improved by the amendments adopted in the Senate and to substitute therefor the Senate amendment, which motion I sincerely hope will prevail.

Mr. PAGE. May I ask the chairman of the committee a question? Has there ever been a suggestion made that the Government might loan States, towns, and counties a fund for highway purposes at a very low rate, perhaps a 2 per cent rate, instead of assuming the direct burden of building these highways?

Mr. BOURNE. In reply to the inquiry of the Senator from Vermont I will state that I heard such a suggestion. Whether any bill has been introduced I can not state.

Mr. PAGE. My own judgment is that this is too great a proposition to pass upon with such haste as we shall have to pass upon it now, and I am therefore inclined to favor the committee recommendation. I wish to say, however, that I have a great deal of sympathy with the idea that the Federal Government ought, in some way, to stimulate and encourage the building of good roads. It occurs to me that we are now accumulating a large fund by way of the postal savings deposits—I understand it has already reached about $20,000,000, and will, of course, rapidly increase in the future. Would it not be practicable to loan this fund, say to the extent of $300 per mile, on a 2 per cent basis to those sections which wish to borrow it for a highway fund? The interest would be only $6 per mile per year, and if it was thought best to have 1 per cent of the principal paid annually, then the entire expense would be only $9 per mile per year, and if it could be so arranged that the town should pay $6 of this $9, the county $2, and the State $1, it would so divide the expense that it would not be unreasonably burdensome. Let me repeat, I believe the time has come when the Federal Government ought, in some way, to stimulate road building, and I do not know but this is the most practicable way in which to extend Federal aid.

Mr. BOURNE. If the Senator from Vermont will permit me to interrupt him, I will state that was just the idea the majority of the committee had, and that is the reason they offer the substitute now before the Senate, in order to get intelligent ascertainment and conclusion and recommendation of Congress in reference to the action to be taken.

Mr. KENYON. I wish to ask the Senator from Vermont if there is any particular difference between putting the hands in the Treasury for good roads and for vocational education.

Mr. PAGE. It is precisely along the same lines, and I have studied the vocational education question so much that I think I am inclined to be more sympathetic in regard to the matter of roads.

Mr. KENYON. The Senator advocates national aid to vocational education. Most of us agree with him. Why not also national aid to good roads? It is the same proposition.

Mr. PAGE. Nothing pleases me better than to have that matter suggested at this time. The cost of education in this country is $500,000,000 per year. The vocational education proposition only calls for 3 per cent of that sum from the Federal Treasury. In other words, we stimulate and encourage education without taking large sums from the Federal Treasury, as, it seems to me, is contemplated for the benefit of highways by the proposition now before the Senate. From one point of view, the Federal Government would really contribute nothing under the plan I have suggested, but, as a matter of fact, it would furnish money to build these roads at 2 per cent, which is really worth 3 or 4 per cent, and in this way is making a really very important contribution toward this good-roads proposition.

Mr. JOHNSTON of Alabama. I make the point of order that the Senator from Vermont has occupied all his time.

The PRESIDENT pro tempore. The Senator from Vermont is speaking in his own time. However, the first part of his speech was in the time of the Senator from Oregon. The question is on the amendment of the committee as a substitute for the House provision.

Mr. STONE and Mr. SWANSON called for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. I transfer that pair to the Senator from South Dakota [Mr. CRAWFORD] and vote. I vote "yea."

Mr. LIPPITT (when his name was called). I transfer the pair which I have with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH of Michigan] is unavoidably absent from the city. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina. I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. On account of his absence I withhold my vote.

The roll call was concluded.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is paired with the Senator from Arkansas [Mr. DAVIS], that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON], that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN], that the Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY], that the Senator from Delaware [Mr. DU PONT] is paired with the Senator from Texas [Mr. CULBERSON], that the Senator from New Mexico [Mr. FALL] is paired with the Senator from Florida [Mr. BRYAN], that the Senator from Idaho [Mr. HEYBURN] is paired with the Senator from Alabama [Mr. BANKHEAD], that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS], that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH], that the Senator from Michigan [Mr. SMITH] is paired with the Senator from Missouri [Mr. REED], that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE], that the Senator from Rhode Island [Mr. WETMORE] is paired with the Senator from Maine [Mr. GARDNER], and that the Senator from Wyoming [Mr. WARREN] is paired with the Senator from Louisiana [Mr. FOSTER]. I make this announcement to cover all votes for the day.

Mr. BANKHEAD. I have a general pair with the senior Senator from Idaho [Mr. HEYBURN]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE], and I shall vote. I vote "nay."

Mr. BRANDEGEE. Has the junior Senator from New York [Mr. O'GORMAN] voted?

The PRESIDENT pro tempore. The Chair is informed that he has not voted.

Mr. BRANDEGEE. I have a general pair with that Senator, and therefore withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. CULBERSON. I have a general pair with the Senator from Delaware [Mr. DU PONT]. I understand he has not voted, and I therefore withhold my vote. If I were at liberty to vote, I should note "nay."

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH]. I understand that the Senator from Utah [Mr. SUTHERLAND] has a pair with the Senator from Maryland [Mr. RAYNER]. I desire to transfer the pair I have with the Senator from Michigan to the Senator from Maryland, so that the Senator from Utah and I may be permitted to vote. I vote "nay."

Mr. SUTHERLAND. Under the announcement just made by the Senator from Missouri [Mr. REED], I feel at liberty to vote. I vote "yea."

Mr. CHILTON. I desire to announce the pair of my colleague [Mr. WATSON] with the Senator from New Jersey [Mr. BRIGGS].

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Maryland [Mr. SMITH] and vote. I vote "nay."

Mr. BURNHAM. Under the transfer just stated by the Senator from Texas [Mr. CULBERSON], I am at liberty to vote, and I vote "yea."

Mr. JOHNSON of Maine. I desire to announce the unavoidable absence of my colleague [Mr. GARDNER], and to state that he has a general pair with the senior Senator from Rhode Island [Mr. WETMORE]. I make this announcement for the day.

Mr. SIMMONS (after having voted in the negative). I have a general pair with the Senator from Minnesota [Mr. CLAPP]. I transfer that pair to the Senator from South Carolina [Mr. TILLMAN], and will let my vote stand.

Mr. DILLINGHAM. Under the arrangement just announced by the Senator from North Carolina [Mr. SIMMONS], I transfer my pair with the senior Senator from South Carolina [Mr. TILLMAN] to the Senator from Minnesota [Mr. CLAPP] and will vote. I vote "yea."

Mr. SHIVELY. I desire to announce the unavoidable absence of my colleague [Mr. KERN], who, on this vote, as has been stated, is paired with the Senator from Delaware [Mr. RICHARDSON]. I make this announcement for the day.

Mr. JONES. I desire to announce that my colleague [Mr. POINDEXTER] is detained from the Chamber by important business. I do not know how he would vote on this matter if he were present.

Mr. TILLMAN. I am informed, on just entering the Chamber, that the Senator from Vermont [Mr. DILLINGHAM], with whom I am paired, has arranged a transfer of pairs, which is satisfactory to me. I merely desire it to be known that I am present in the Chamber.

The result was announced—yeas 37, nays 21, as follows:

YEAS—37.

Borah	Cummins	Lodge	Sanders
Bourne	Curtis	McCumber	Shively
Bristow	Dillingham	McLean	Smoot
Bryan	Fall	Massey	Sutherland
Burnham	Fletcher	Nelson	Thornton
Burton	Gallinger	Oliver	Townsend
Catron	Guggenheim	Page	Works
Chamberlain	Johnson, Me.	Perkins	
Clark, Wyo.	Jones	Pomerene	
Cullom	Lippitt	Root	

NAYS—21.

Ashurst	Johnston, Ala.	Newlands	Smith, S. C.
Bacon	Kenyon	Overman	Stone
Bankhead	La Follette	Reed	Swanson
Chilton	Martin, Va.	Simmons	
Culberson	Martine, N. J.	Smith, Ariz.	
Hitchcock	Myers	Smith, Ga.	

NOT VOTING—36.

Bailey	Davis	Kern	Richardson
Bradley	Dixon	Lea	Smith, Md.
Brandegee	du Pont	O'Gorman	Smith, Mich.
Briggs	Foster	Owen	Stephenson
Brown	Gamble	Paynter	Tillman
Clapp	Gardner	Penrose	Warren
Clarke, Ark.	Gore	Percy	Watson
Crane	Gronna	Poindexter	Wetmore
Crawford	Heyburn	Rayner	Williams

So the amendment reported by the committee was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, in section 7, page 51, after line 8, to insert:

Transfers to the regular force of the Railway Mail Service may be made, and the needs of the Railway Mail Service with respect to acting, substitute, and temporary clerk service may be supplied, from the clerical force of post offices of the first, second, and third classes, and transfers may be made between the clerical force of the Railway Mail Service and post offices of the first, second, and third classes as the necessities may require, with the consent of the clerk, and the clerical forces of the division superintendents' and chief clerks' offices and terminal railway post offices and transfer services may be supplied either from the Railway Mail Service force, from the post-office force, or as otherwise provided by law or regulations, under such regulations as the Postmaster General may prescribe.

The amendment was agreed to.

Mr. BURTON. Mr. President, I rise to an inquiry as to the order of business. Are the amendments passed over to be first taken up, or is it the intention to go through with the committee amendments to the end of the bill and then return to those passed over?

Mr. BOURNE. Mr. President, I think we will expedite matters more by going through the bill and then returning to the amendments passed over. I would be perfectly willing, so far as I am concerned, if any Senator so desires, to have any amendment in which he is interested taken up for disposition. It is perfectly agreeable to me to do so.

Mr. LODGE. Mr. President, I think the usual, the more orderly way, the better way, is to go through with the bill and then return to the passed-over amendments.

Mr. BURTON. Mr. President, I have no objection to that being done, but the attendance is ample this morning to transact business and to act on the contested amendments.

Mr. SIMMONS. Mr. President, on Saturday we had up and discussed the amendment to increase the compensation of rural carriers, and I am under the impression that there was then an understanding that that matter should go over until this morning, to come up immediately after we disposed of the good-roads provision.

Mr. BOURNE. I have no recollection of an agreement being made of the nature indicated by the Senator from North Carolina. However, if that is his impression, and the amendment was passed over with that idea in his mind and in the minds of others, it is perfectly agreeable to me that we take that up for disposition now.

Mr. SIMMONS. I call the Senator's attention to the fact that the yeas and nays had been ordered on this particular amendment; but, to avoid the difficulty that might grow out of the absence of a quorum, it was passed over. My understanding was that it was suggested that those amendments upon which we could not have a roll call on Saturday evening, because of the absence of a quorum, should go over and be first taken up this morning.

Mr. McCUMBER. Mr. President, I hope the Senator from North Carolina will let some of the other amendments be proceeded with. I agreed to have ready this morning a certain table which I wished to present. That table is being prepared while the debate is proceeding on other matters.

Mr. SIMMONS. Very well; I will be glad to drop the suggestion.

Mr. McCUMBER. I think we can take up the amendment in a short time.

The reading of the bill was resumed.

The next amendment of the Committee on Post Offices and Post Roads was, on page 51, line 23, after the words "nineteen hundred and," to strike out "thirteen" and insert "twelve," so as to read:

After June 30, 1912, clerks in class A shall be promoted successively to grade 3, clerks in class B shall be promoted successively to grade 4, and clerks in class C shall be promoted successively to grade 5, at the beginning of the quarter following the expiration of a year's satisfactory service in the next lower grade.

The amendment was agreed to.

The next amendment was, on page 53, after line 18, to insert:

After June 30, 1912, any clerk in a post office of the first or second class receiving compensation of $800 per annum or more, or in a post office of the third class who has performed continuous service in such office for a period of at least one year next preceding the date of his transfer, shall be eligible for transfer to the Railway Mail Service, and if he is a clerk in a post office of the first or second class his compensation may be increased not exceeding $100 per annum at the time of such transfer, and if he is a clerk in a post office of the third class he may be appointed at not exceeding $900 at the time of such transfer.

A railway postal clerk shall be eligible for transfer to the position of a clerk in a post office of any class.

In the case of a transfer under this law to the Railway Mail Service or to a post office of the first or second class without change in compensation, the time served by a clerk in a given grade prior to transfer shall be counted as a part of the year's service on which the clerk's promotion to the next higher grade may be based.

Acting, substitute, or temporary service in railway post offices may be performed by clerks of first and second class post offices, above the first grade ($600), and by clerks of third-class post offices who have served therein at least one year next preceding the date of temporary detail, who shall receive the same pay as when performing the work of the regular positions: *Provided*, That if their compensation is less than $900 in their regular positions, they may receive $900 in the Railway Mail Service when performing such service, and shall be paid from the appropriation for the Railway Mail Service and be entitled to such travel allowance as is usual to the assignment in the railway post-office line to which detail is made: *Provided further*, That in cases of emergency such service may be performed by clerks of first and second class post offices of the first grade ($600) and by clerks of third-class post offices, if there be any; if none, details may be made from the substitute list of such post offices, and the compensation therefor shall be at the lowest grade of pay of a regular clerk in the Railway Mail Service, with such travel allowance as is usual.

All Railway Mail Service substitutes remaining on the roll after the passage of this act shall be transferred to post offices of the first and second classes nearest to their places of residence, and in the transfer of substitute railway postal clerks to the substitute clerks' roll in first and second class post offices their relative positions thereon shall be determined by the dates when they were placed on the substitute roll of the Railway Mail Service.

Except in emergencies, when no other authorized means are available, clerks in post offices of the third class shall not be detailed for duty in the Railway Mail Service in any capacity, and shall not be transferred to the Railway Mail Service, as authorized by this act, without passing a competitive civil-service examination.

Nothing in this act shall be construed to prohibit the employment of joint employees at a compensation not exceeding $300 per annum, or the employment without additional compensation of regular railway postal clerks to perform such acting, substitute, temporary, or extra service as may be necessary.

The amendment was agreed to.

The next amendment was, on page 56, after line 16, to strike out:

SEC. 8. That hereafter postage shall be paid on matter of the fourth class at the rate of 12 cents per pound, except as herein provided.

That no article, package, or parcel shall be mailable as matter of the fourth class which exceeds 11 pounds in weight.

That on each and all rural mail delivery routes of the United States the postmaster at the starting point of such route shall, until June 30, 1914, receive and deliver to the carrier or carriers of said routes all articles, parcels, or packages not prohibited to the mails by law and falling under the definition of fourth-class matter and not weighing in excess of 11 pounds, for transportation and delivery on said routes; and the carriers shall receive at intermediate points on all rural routes such mail matter of the fourth class for delivery on rural routes only.

That postage shall be paid on all articles, parcels, or packages entitled to transportation under the provisions of this act as matter of the fourth class on rural mail delivery routes only at the following rates: Five cents per pound, and 1 cent per pound for each additional pound or fraction thereof up to and including a total of 11 pounds. That the Postmaster General shall make all rules and regulations nec-

essary and not inconsistent with law to the proper execution of this act, and shall provide for the transportation of farm and factory products as fourth-class matter if not perishable in transportation.

That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcels post or express post a joint committee of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcels post and express post by Senate and House committees and take such other testimony as they deem desirable. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said commission as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress on the first Monday in December, 1912.

And in lieu thereof to insert:

SEC. 8. That hereafter fourth-class mail matter shall embrace all matter not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery.

That for the purposes of this section the United States and its several Territories and possessions, excepting the Philippine Islands, shall be divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of any given unit of area.

The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately 600 miles from the center of a given unit of area.

The fifth zone shall include all units of area outside the fourth zone lying in whole or in part within a radius of approximately 1,000 miles from the center of a given unit of area.

The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

The eighth zone shall include all units of area outside the seventh zone.

That the rate of postage on fourth-class matter weighing not more than 4 ounces shall be 1 cent for each ounce or fraction of an ounce; and on such matter in excess of 4 ounces in weight the rate shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by distinctive postage stamps affixed.

That except as provided in the next preceding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound, or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

For delivery within the second zone, 6 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

For delivery within the third zone, 7 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 9 cents for each additional pound or fraction of a pound.

For delivery within the seventh zone, 11 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound.

That the Postmaster General shall provide such special equipment, maps, stamps, directories, and printed instructions as may be necessary for the administration of this section; and for the purposes of this section and to supplement existing appropriations, including the hiring of teams and drivers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

That the establishment of zones and postage rates of this section shall go into effect four months after its passage.

That all laws and parts of laws in conflict with the provisions of this section are hereby repealed.

Mr. ASHURST. Mr. President, I now offer an amendment to section 8 in the nature of a substitute. I should apologize for the way in which it is presented. It has been drawn very hurriedly by me, with such assistance as I have been able to procure. It is very lengthy and I am loath to ask the Senate to listen to its reading, but I desire for a few moments to address myself to the proposed substitute.

Mr. BOURNE. Mr. President, for the Senate to act intelligently we certainly will have to know what is the nature of the substitute.

The PRESIDENT pro tempore. The Chair will rule that the amendment must be read. The Secretary will read.

The Secretary read the proposed amendment, as follows:

Strike out all of section 8 of said bill and insert the following:

"SEC. 8. That hereafter fourth-class mail matter shall embrace all matter (including farm and factory products) not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, except as hereinafter provided, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter, and not of a character perishable within a period reasonably required for transportation and delivery.

"That for the purposes of this section the United States and its several Territories and possessions, excepting Alaska and the Philippine Islands, shall be divided into units of area 1 degree square (or uniform subdivisions thereof, as the Postmaster General may decide), identical with the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of 11 postal zones, as follows:

"The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle the centers of which are within a radial distance of 200 miles from the center of any given unit of area.

"The second zone shall include all units of area outside the first zone the centers of which are within a radius of 400 miles from the center of a given unit of area.

"The third zone shall include all units of area outside the second zone the centers of which are within a radius of 600 miles from the center of a given unit of area.

"The fourth zone shall include all units of area outside the third zone the centers of which are within a radius of 800 miles from the center of a given unit of area.

"The fifth zone shall include all units of area outside the fourth zone the centers of which are within a radius of 1,000 miles from the center of a given unit of area.

"The sixth zone shall include all units of area outside the fifth zone the centers of which are within a radius of 1,200 miles from the center of a given unit of area.

"The seventh zone shall include all units of area outside the sixth zone the centers of which are within a radius of 1,400 miles from the center of a given unit of area.

"The eighth zone shall include all units of area outside the fourth zone the centers of which are within a radius of 1,600 miles from the center of a given unit of area.

"The ninth zone shall include all units of area outside the fifth zone the centers of which are within a radius of 1,800 miles from the center of a given unit of area.

"The tenth zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of 2,000 miles from the center of a given unit of area.

"The eleventh zone shall include all units of area outside the tenth zone.

"That the rate of postage on fourth-class matter shall be by the pound, as hereinafter provided, except, that where the rate of postage at the pound rate shall exceed the ounce rate now in effect, the rate shall be by the ounce at the rate of 1 cent for each ounce or fraction of an ounce, the postage in all cases to be prepaid by distinctive postage stamps affixed.

"That except as provided in the next preceeding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

"On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city-carrier office, or at any point within its delivery limits, for delivery by carriers, from that office, or at any office for local delivery, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

"For delivery within the first zone, except as provided in the next preceding paragraph, 6 cents for the first pound or fraction of a pound and 2 cents for each additional pound or fraction of a pound.

"For delivery within the second zone, 7 cents for the first pound or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

"For delivery within the third zone, 8 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

"For delivery within the fourth zone, 9 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

"For delivery within the fifth zone, 10 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

"For delivery within the sixth zone, 11 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

"For delivery within the seventh zone, 12 cents for the first pound or fraction of a pound and 8 cents for each additional pound or fraction of a pound.

"For delivery within the eighth zone, 12 cents for the first pound or fraction of a pound, 10 cents for the second pound or fraction of a pound, and 9 cents for each additional pound or fraction of a pound.

"For delivery within the ninth zone, 12 cents for the first pound or fraction of a pound, 12 cents for the second pound or fraction of a pound, and 10 cents for each additional pound or fraction of a pound.

"For delivery within the tenth zone, 12 cents for the first pound or fraction of a pound, 12 cents per pound for each succeeding pound or fraction of a pound up to and including 4 pounds, and 11 cents for each additional pound or fraction of a pound.

"For delivery within the eleventh zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound.

"That the Postmaster General shall provide such special equipment, maps, stamps, directories, and printed instructions as may be necessary for the administration of this section; and for the purposes of this section, and to supplement existing appropriations, including the hiring of teams and drivers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

"That the establishment of zones and postage rates of this section shall go into effect four months after its passage: *Provided, nevertheless,* That on petition of the Postmaster General, or any party competent to file a petition under the acts to regulate commerce, the Interstate Commerce Commission after a full hearing shall have power from time to time to change the rates provided herein for the carriage of parcels to correspond with the cost of the service and to re-form the zones as may seem necessary to promote the marketability of articles shipped, and shall also have power to raise the weight limit and enlarge the classification of articles mailable under this act to correspond with the facilities of the Post Office Department for the carriage of the same from time to time: *And provided further,* That for the carriage of articles of 1 pound and over in weight the compensation payable to the railways or other common carriers shall not exceed the amount payable per ton-mile by any express company or companies to such carrier; and in order to ascertain the amount per ton-mile payable to any such carrier or railway by such express company the Postmaster General shall cause to be weighed, from time to time, the matter carried for such express company by such railway or common carrier and ascertain the compensation payable therefor to such carrier by such express company; and it shall be the duty of such carrier to transport and carry such matter for the Postal Department at the rate of compensation hitherto provided by law, or at the rate of compensation for which it may carry such matter for any express company or companies, if lower, according as the Postmaster General may elect and require such railway or other common carrier to do: *And provided further,* That the Postmaster General shall have power to make such regulations as may be necessary to provide for the collection of the postage payable on any shipment by the consignee or addressee, as well as any sum fixed as the price of such shipment to be paid by the consignee or addressee, and to fix the charges for such service, as also to make rules for the indemnification of shippers for the loss or injury of the articles shipped either by insurance or otherwise, and to require of the railways by appropriate regulations the same facilities and privileges with regard to such shipments as are extended to the express company or companies or other shippers by such railway or common carrier.

"That for the purpose of a full and complete inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post or express post a joint committee of six persons, three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post and express post by Senate and House committees and take such other testimony as they deem desirable. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said commission as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress on the first Monday in December, 1912.

"That all laws and parts of laws in conflict with the provisions of this section are hereby repealed."

Mr. ASHURST. Mr. President, no Senator appreciates more than I do the conscientious and assiduous work of the committee, but I am not in accord with section 8 of this bill.

The PRESIDENT pro tempore. Will the Senator from Arizona suspend for a moment? The hour of 12 o'clock having arrived, the Chair will lay before the Senate the unfinished business. It will be stated.

The SECRETARY. A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be temporarily laid aside.

Mr. STONE. Mr. President, I had intended to submit some remarks to the Senate at this point, but I will waive that for the present in order that the Senator from Arizona may proceed to the conclusion. At the conclusion of his speech I may have something to say on the unfinished business.

The PRESIDENT pro tempore. Without objection, the unfinished business will be temporarily laid aside. The Senator from Arizona will proceed.

Mr. ASHURST. Mr. President, on the 23d of last July the Senator from Maine [Mr. GARDNER] addressed the Senate on an adequate general parcel post. It was a comprehensive speech, and as Senator GARDNER spoke as a direct representative of the organized farmers, I trust Senators generally have given the speech the consideration it deserves. Since then Mr. George P. Hampton, the special legislative representative of the organized farmers, has submitted a memorial to the Senate pointing out the objections the farmers have to the Senate committee's amendments to the parcel-post section of the postal appropriation bill. This memorial, introduced by the Senator from Wisconsin [Mr. LA FOLLETTE], has been printed in the RECORD, and for the convenient use of Senators as Senate Document No. 895. Mr, President, I have read this memorial, and its arguments appeal to me as conclusive. I agree with Mr. Hampton that a parcel-post bill ought to provide for the regultaion of rates, weights, and zones by the Interstate Commerce Commission and for the appointment of a joint committee to continue the investigations as proposed by the House. Furthermore, I feel that a parcel-post bill should provide initial rates at least as favorable as those proposed by Mr. Hampton in his memorial. The rates suggested in the memorial are before us, and the demonstration as to their practicability is, it seems to me, conclusive. I have therefore caused to be prepared a draft of a bill embodying the amendments recommended in the memorial, and have just offered it as a substitute for the Bourne bill—that is, as an amendment to the Senate amendment of section 8 of the postal appropriation bill.

The changes from the Senate committee's amendment to section 8 provided for in these amendments are:

1. Providing specifically for the handling of farm products as urged by the farm organizations by inserting after the word "matter," page 58, line 15, the words "including farm and factory products."

2. Inserting after the word "weight," page 58, line 17, the words "except as hereinafter provided." This change is to bring the wording of the section in harmony with the provisions of administrative regulation of rates and weights, for which I provide further along in my amendment.

3. Inserting after the words "except," page 58, line 23, "Alaska and." I have made this change in order to bring before the Senate the question of whether it is not wise to exclude Alaska from the general provisions of a bill plainly intended for the United States proper.

4. By striking out the words "30 minutes," page 58, lines 24 and 25, and inserting in lieu thereof the words "of one degree," and by inserting after the word "square," page 58, line 25, the words "or uniform subdivisions thereof, as the Postmaster General may decide," and striking out the words "a quarter of," which follow the word "with," on line 25 of the same page. These changes are made to give the administration greater latitude in determining the details of administration than is provided for in the rigid restricton to a quadrangle half a degree square provided for in the Bourne bill. Mr. Hampton in his memorial (S. Doc. No. 895) in reference to this particular feature of the Bourne bill said: "The Robinson plan for determining distances, while admirable in its basic features, is crude and unwieldy in the way the details have been worked out. The evidence is conclusive that it can be greatly simplified and its efficiency increased and the cost reduced. Surely these are matters worthy of final review by a joint committee."

In view of these criticisms, I submit that it will strengthen the bill to give the Postmaster General greater scope in these administrative details. The Interstate Commerce Commission, in working out a similar system for the express companies, provided a chart based upon a degree and a secondary chart of 16 subdivisions of a degree for the local zone, and I think the Postmaster General should be given every opportunity to provide similar modifications in this particular if further investigation should prove such modifications desirable.

The amendments in regard to rates include changing from 8 to 12 zones, making the first zone 200 miles instead of 50 miles, and providing 200 miles as the distance of each succeeding zone up to 2,000 miles. The reason for these changes is set forth in the following, which I quote from the farmers' memorial (S. Doc. No. 895, p. 7):

> The postal railway pay is shown to be about 1 cent (0.01032) per pound for 200 miles. (Report, p. 12.) Why, then, if the country is to be given a square deal, is not 200 miles fixed as the maximum limit of each zone, if the 1 cent increase per pound of transportation costs is to be made the basis of division of the country into zones? One hundred miles would be better, so as to make the change in the larger weights average 5 cents instead of 10 cents or more. If this were done it would provide rates as nearly competitive with the express rates as they could be made under the present railway mail pay, while yielding the Government larger profits than are possible under the Bourne rates.

I have changed the definitions of the zone area of the Bourne bill to eliminate the indeterminate phrases and insert in lieu thereof words positively defining the area and making the center of each square the point for determining whether it shall be reduced or extended from any particular zone.

The local zone of the Bourne bill is left as it stood. It is unqualifiedly indorsed by the farmers, and is unquestionably an improvement on the House rural parcel post proposed.

I have changed the plan of the pending bill regarding the ounce rates by making the bill read that "The rates of postage on fourth-class matter shall be by the pound, as hereinafter provided, except that," and so forth.

The increase in the postage rates by zones is 1 cent except in the ninth, tenth, and eleventh zones, where it has been reduced to bring it within the limit of 12 cents a pound, the

maximum limit. The proper rate for the first pound in the eighth zone would be 13 cents and in the ninth and tenth zones 14 and 15 cents respectively, but they are made 12 cents in each case, but through all the computations for the rates of these zones, 13, 14, and 15 cents are made the theoretical first pound rate in calculating the remainder of the zone rates and the reductions from the theoretical rates are only made in any case to keep the rate within 12 cents a pound.

The next important change in my amendment is the provision for administrative regulation subject to the control of the Interstate Commerce Commission. It was given to me as it stands by Mr. Hampton, and it represents the desire of the farmers, and should be included in any bill passed by this body as it stands, or at least in some modified form that will be in keeping with the spirit of its purpose. I understand that a similar provision was the most popular feature of the Anderson bill which had such a strong support in the House, and it is, I may say, the very essence of the zone plan.

The remaining important part of my amendment is the restoration of the House provision for a joint committee of three Members of the Senate and three Members of the House to continue the investigation and report to Congress at the next session. I emphatically support the farmers in their request for this joint committee, thus affording Congress the opportunity, after the turmoil of the political campaign shall have passed, dispassionately to review the work accomplished and perfect this legislation. My amendments have the merit of approval by the farmers. I have consulted with their representative in drafting them, and if adopted they will mark a great step along the way toward the goal of a parcel-post system equal to that of any country in the world.

Mr. President, I believe the Gardner bill to take over the express companies is the proper, definite, final solution of the parcel-post system, and if I had the opportunity I should vote for that bill. But in the meanwhile I believe it is the duty of the Senate at this session to take some action in keeping with the pledge of the party platforms. All have made pledges in favor of an adequate zone-system parcel post or parcel express, and my amendment, if adopted, will enable every Senator to render the farmers of the country a real service.

My remarks are necessarily fragmentary, and I refer Senators to Senate Document No. 895, the farmers' memorial, as presenting the main argument in support of my amendment, except that I will supplement that argument by asking unanimous consent to insert in the RECORD the following, taken from Mr. Hampton's testimony before the Senate subcommittee hearings on parcel post, December 29, 1911. I quote from volume 3 of the hearings, page 854.

The PRESIDENT pro tempore. Without objection, the request will be granted.

The matter referred to is as follows:

So far as I am aware, Congress has never hesitated to enact legislation providing for the expenditure of large appropriations from the public funds, without any possibility of a direct return, when it has been demonstrated to its satisfaction that the public welfare would be best served by such expenditures. The whole history of Congress is full of such instances, and it is unnecessary for me to cite special cases. Therefore, if it can be shown that the public welfare would be conspicuously served by the establishment of a general parcel post or postal express, which would place this country in that respect on a parity with the most favored nations of the world, even at the cost of a heavy deficit in the first instance, we submit that Congress should not hesitate to enact the necessary legislation without further delay.

The organizations I represent are strongly opposed to wasteful or useless expenditures of the public funds, and desire that the Government shall be economically administered. But they resent this reasonable, businesslike attitude toward public expenditures being construed as niggardliness toward expenditures that are unquestionably necessary in promoting the public welfare. They resent still more strenuously this argument of a possible deficit being made a barrier to the enactment of legislation for the establishment of a modern parcel post, which they are firmly convinced is for the benefit of the consumer, as it will be a potent factor in reducing the cost of living, and it is necessary to give the farmers and rural merchants a square deal. We submit, Mr. Chairman, that this question as to whether there would be a deficit should not deter Congress for a moment from enacting this legislation.

But will there be a deficit? I submit, gentlemen, that no argument yet put forward by any member of the Government has proved that there will be. I concede that no general parcel-post bill based on a flat rate, at any rate proposed, or at a rate that would be of any practical value to the public, could be operated without a loss unless it was extended to the rural districts. The rural delivery is now conducted at a heavy loss. The Postmaster General, in his 1910 annual report, stated that "next to the heavy loss resulting from low postage on second-class mail, the principal inroad into the profits of the postal service is that made by the excessive cost of rural delivery." I presume this committee has an official estimate of what the aggregate of that loss is.

The profit of operating a general parcel post at any rate that could be safeguarded from the competition of the express companies would wipe out the loss on the rural routes, and if the operation of such a general parcel post in the urban districts should be at a loss corresponding to the present deficit on the rural routes, the net results would be no increase in the present loss in postal revenues. If the parcel-post profits from the rural districts should be larger than the deficit in the urban districts, as would most probably be the case, then there would be a net profit to the Government.

Mr. Chairman, the farmers have been largely blamed for the deficit in the postal revenues, owing to the enormous deficit in operating the rural delivery, but we affirm that the blame is unjust and protest against it. We admit the heavy deficit, but have pointed out to Congress again and again, and now point out, that a parcel post or postal express—an indispensable necessity to the dwellers on the rural routes—would wipe out that deficit. The responsibility for this deficit, Mr. Chairman, rests squarely on Congress. And we say, further, that if the opposition in Congress to the establishment of a general parcel post based on consideraion for the expenditure of the public funds is sincere, that it is the duty of Congress at this session to grapple with this problem of deficit in operating the rural routes, and enact legislation that will wipe it out. The legislation we are here to ask you to recommend to Congress will do it.

Mr. ASHURST. Before I resume my seat, I desire to state that a sense of duty has impelled me to offer this amendment and to say what I have in support thereof, and I have done so in the belief that if the amendment which I have proposed should be adopted it would give the country a much more efficient and serviceable parcel-post system than would the present section 8 of the bill, notwithstanding section 8 has the approval of the Senator from Oregon [Mr. BOURNE], whose valuable services to the public are fully appreciated.

The PRESIDENT pro tempore. The question is on the substitute proposed by the Senator from Arizona [Mr. ASHURST].

Mr. REED. I should like to have the substitute read.

The PRESIDENT pro tempore. It is very long.

Mr. REED. Very well; I waive my request.

The PRESIDENT pro tempore. The question is on agreeing to the substitute proposed by the Senator from Arizona.

The substitute was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the committee, which has been read.

The amendment was agreed to.

The next amendment of the Committee on Post Offices and Post Roads was, on page 62, after line 18, to strike out:

SEC. 9. That from and after the 1st day of July, 1912, the compensation of rural letter carriers for carrying the mail six days each week on Standard routes of 24 miles in length shall be the sum of $1,074 per annum, to be paid monthly; and on routes exceeding 24 miles in length, the sum of $44.75 per mile per annum for each mile in excess of 24 miles; and on routes under 24 miles in length, a corresponding reduction of compensation per mile per annum shall be paid; on routes carrying the mail three days of each week of the same length as above, the pay shall be one-half the compensation there provided: *Provided, however,* That because of the compensation herein provided no rural letter carrier shall receive less salary than before the passage of this act.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the continuance of the establishment, maintenance, and extension of postal savings depositories, on page 65, line 6, after the word "section," to insert "*And provided further,* That out of the sum appropriated in this section shall be paid the following: Director, $5,000 per annum; assistant director, $2,500 per annum; accountant, $2,500 per annum; 1 clerk, class 5, $2,000 per annum; 5 clerks, class 4, $1,800 per annum; 5 clerks, class 3, $1,600 per annum; 8 clerks, class 2, $1,400 per annum; 19 clerks, class 1, $1,200 per annum; 38 clerks, $1,000 per annum; 55 clerks, $900 per annum; three messengers, $720 per annum; 1 laborer, $660 per annum; 3 pages, $480 per annum. And authority is hereby delegated to the Postmaster General to increase the number of clerks and employees in the various classifications above enumerated as the development of the postal savings bank business demands," so as to read:

That the Postmaster General shall select and designate the post offices which are to be postal savings depository offices, and shall appoint and fix the compensation of such superintendents, inspectors, and other employees as may be necessary in conducting, supervising, and directing the business of such offices, including the employees of a central office at Washington, D. C., and shall prescribe the hours during which postal savings depository offices shall remain open. He shall also from time to time make rules and regulations with respect to the deposits in and withdrawals of moneys from postal savings depositories and the issue of pass books or such other devices as he may adopt as evidence of such deposits or withdrawals. The provisions of the act approved June 25, 1910, are hereby modified accordingly. The unexpended balance of the appropriation for the fiscal year 1912 of $500,000 made by section 5 of the act approved March 4, 1911, for the postal savings system, is hereby reappropriated and made available during the fiscal year 1913 for the purposes mentioned in this section: *And provided further,* That out of the sum appropriated in this section shall be paid the following: Director, $5,000 per annum; assistant director, $2,500 per annum; accountant, $2,500 per annum; 1 clerk, class 5, $2,000 per annum; 5 clerks, class 4, $1,800 per annum; 5 clerks, class 3, $1,600 per annum; 8 clerks, class 2, $1,400 per annum; 19 clerks, class 1, $1,200 per annum; 38 clerks, $1,000 per annum; 55 clerks, $900 per annum; 3 messengers, $720 per annum; 1 laborer, $660 per annum; 3 pages, $480 per annum. And authority is hereby delegated to the Postmaster General to increase the number of clerks and employees in the various classifications above enumerated as the development of the postal savings bank business demands.

The amendment was agreed to.

The next amendment was, on page 66, after line 18, to insert:

SEC. 14. That the provisions of section 8 of the act making appropriations for the District of Columbia approved June 26, 1912, shall not apply to the appropriations provided by this act.

The amendment was agreed to.

The next amendment was, on page 66, after line 22, to add as a new section the following:

SEC. 15. That the Postmaster General may expend for the service of the Post Office Department during the month of July, 1912, a greater amount than as the sum of one-twelfth of the appropriations made for the fiscal year 1912 bears to the whole of the appropriations of said fiscal year, notwithstanding the provisions of the joint resolution extending appropriations for the necessary operations of the Government under certain contingencies, approved July 1, 1912: *Provided*, That the total expenditures under this act for the whole of the fiscal year 1913 shall not exceed the amounts hereby appropriated.

The amendment was agreed to.

The PRESIDENT pro tempore. The amendments that have been passed over will now be considered. The first amendment will be stated.

The SECRETARY. On page 12, line 16, after the word "pay," insert "and for payment of services in excess of eight hours."

Mr. BRISTOW. That is the amendment that I hope will be disagreed to, because it makes a provision for overtime which will be a very embarrassing provision if it is made. It changes an existing condition, and it will lead to very great expenditure and an increase in the appropriations, in my judgment.

Mr. JOHNSTON of Alabama. I suggest to the Senator that this amendment ought to be considered after section 5.

Mr. BOURNE. If the Senator from Kansas is correct in his contention that this is not necessary as supplemental legislation, providing section 5 remains in the bill, I will be very glad in conference to have it stricken out.

Br. BRISTOW. Referring to section 5, my purpose was to undertake to amend section 5.

Mr. BOURNE. Will not the Senator just allow this to go over?

Mr. BRISTOW. I am perfectly willing to let it go over.

Mr. BOURNE. And we will return to it in case section 5 should be amended.

The PRESIDENT pro tempore. Without objection the amendment will be passed over. The next amendment will be reported.

The SECRETARY. On page 12, line 18, strike out "seventy-five" and insert "fifty," so that if amended it will read:

And to provide for the promotion of 50 per cent of the clerks in first-class post offices from the fifth to the sixth grade, etc.

The PRESIDENT pro tempore. The amendment was agreed to. The next amendment will be stated.

The SECRETARY. In line 20, strike out "seventy-five" and insert "fifty," so that it will read:

And for the promotion of 50 per cent of the clerks in second-class offices from the fourth to the fifth grade.

The amendment was agreed to.

The SECRETARY. On page 12, line 23, in the total, strike out "eight hundred and seventy-eight" and insert "seven hundred and fifty."

The PRESIDENT pro tempore. Without objection——

Mr. SMITH of Georgia. One moment, Mr. President. I want time to see what the amendment is. What page is that?

The PRESIDENT pro tempore. Page 12.

Mr. SMITH of Georgia. I did not hear the page or the paragraph.

The PRESIDENT pro tempore. On page 12, lines 23 and 24.

Mr. SMITH of Georgia. All right.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be read.

The SECRETARY. The next amendment passed over is on page 17, where the committee proposes to insert a new paragraph beginning on line 9:

The Postmaster General is hereby authorized to pay, in his discretion, rewards to postal employees whose inventions are adopted for use in the postal service, and for that purpose the sum of $10,000 is hereby appropriated: *Provided*, That not to exceed $1,000 shall be paid for one invention.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. On the same page, line 16, after the word "pay" and the comma, insert "and for services in excess of eight hours."

Mr. BRISTOW. That will go over the same as the other amendment.

The PRESIDENT pro tempore. Without objection, the amendment will be passed over for the present.

The SECRETARY. In line 18 strike out "seventy-five" and insert "fifty," so as to read:

And for the promotion of 50 per cent of the letter carriers in first-class post offices from the fifth to the sixth grade, etc.

The amendment was agreed to.

The SECRETARY. In line 20 strike out "seventy-five" and insert "fifty," so as to read:

And for the promotion of 50 per cent of the letter carriers in second-class offices from the fourth to the fifth grade.

The amendment was agreed to.

The SECRETARY. In lines 22 and 23 strike out "eight hundred and two thousand one hundred and seventy-five" and insert "seven hundred and forty thousand," so as to read:

City Delivery Service, $32,740,000.

The amendment was agreed to.

The SECRETARY. On page 18, line 4, after the word "carriers," insert "and for services in excess of eight hours."

The PRESIDENT pro tempore. This amendment will be passed over for the present, without objection.

Mr. BRISTOW. That is right.

Mr. BOURNE. What amendment is passed over on page 18?

Mr. LODGE. Another eight-hour amendment.

Mr. BOURNE. All right.

The PRESIDENT pro tempore. The Senator is right. The next amendment will be stated.

The SECRETARY. On page 43, line 1, after the word "substations," insert:

Provided further, That on and after July 1, 1912, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,100 per annum: *Provided further*——

Mr. McCUMBER. I move as a substitute for the committee amendment what I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota proposes an amendment, which will be stated.

The SECRETARY. In lieu of the matter proposed to be inserted insert:

Provided further, That on and after September 1, 1912, all rural carriers now serving daily routes of 24 miles or more shall receive as compensation for such service the sum of $1,200 per annum, payable in equal monthly installments; those serving daily routes of less than 24 miles shall receive as compensation such proportion of $1,200 as the miles of the routes served by them bears to 24 miles: *Provided further*, That fractions of 1 mile shall not be considered in fixing such salary: *And provided further*, That no compensation shall be less than $600.

Mr. SMITH of Georgia. Before the question is put on the substitute I move to amend the committee provision by inserting "twelve hundred" instead of "eleven hundred."

The PRESIDENT pro tempore. That amendment is already pending.

Mr. BOURNE. That was offered by the Senator from Alabama [Mr. JOHNSTON] and is pending, I will say to the Senator from Georgia. Is the Senator from North Dakota prepared to state, for the information of the Senate, what the cost will be to the Government by the adoption of the substitute he offers for the committee's amendment?

The PRESIDENT pro tempore. The question will first be put on the amendment submitted by the Senator from Georgia.

Mr. SMITH of Georgia. The Senator from Alabama offered it before I did. So it is the amendment of the Senator from Alabama.

Mr. McCUMBER. Mr. President, what I desire to say will be as applicable to the amendment offered by the Senator from Alabama [Mr. JOHNSTON], or the Senator from Georgia [Mr. SMITH], as it is to the matter to which I desire to present the amendment. So, with the permission of the Senate, I desire to explain the effect as well as the purpose of my amendment.

The PRESIDENT pro tempore. The Senator is recognized.

Mr. McCUMBER. Mr. President, I have several times called attention to the great disparity between the fees that are paid for rural delivery and the fees that are paid for urban delivery. I desire wherever an opportunity affords to overcome this great disparity. I desire wherever it is possible to do so to bring the wages of the rural carrier or Government employees employed in the service outside of the cities to a standard that they will approximate as near as possible the wages paid in the great cities. I appreciate the fact, Mr. President, that the cost of living in the greatest cities is somewhat more expensive than in the little towns from which rural service starts, but I also understand the cause of that greater expense. It is brought about by the same thing which I am trying to remedy, namely, the greater the pay that is given in all lines of industry in the great cities the greater the standard of pay, the higher the cost of living, and the higher the cost of rental, and

the result is that you get a congestion of people in the great cities that ought to be distributed over the entire country. Just as soon as you have a wage-earning capacity in employments outside of the great cities equal to that within them, you will have answered the oft-repeated question of what to do with the congestion within the great cities.

Population will always drift to where it will receive the greatest remuneration for a given number of hours of labor, and if the remuneration in the country is equivalent to that in the city the country will build up to a far greater extent than is possible under present conditions and relieve the city of the excessive cost of living as well as its congestion.

Let us remember also, Mr. President, that the high cost of living, so termed, in the great cities is not due entirely to the excessive cost of the necessaries of life over that in the country, but due to a great extent to the greater opportunities for spending the wages earned in the cities. I say with absolute confidence that the net earnings of a rural carrier is not one-third on the average of the net earnings of those carrying the mails and delivering them within the limits of the great cities. I say it is not one-third of the amount.

Now, Mr. President, there ought to be a change. There is no reason in the world why we should pay those within the city limits a net profit for their services of about three times the amount that is paid to those in the country.

In 1909 I had occasion to look into this matter quite extensively.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from North Carolina?

Mr. McCUMBER. I yield.

Mr. SIMMONS. I am going to ask the Senator if he does not think that the actual physical labor of a rural carrier, who has to traverse 24 miles a day delivering the mail, is much greater than the physical labor of a city carrier distributing the mail during the day in a city?

Mr. McCUMBER. The hardships and the physical labor of the rural carriers are very much in excess of those imposed upon the letter carriers in the cities, as I will show before I am done with the subject.

So that we may take up this matter in its order, Mr. President, I have prepared a number of tables. The first one is the present schedule of salaries of rural carriers, showing the number of carriers of each grade, the length of the route, and the rate of pay. I will ask that this may be printed in the RECORD as a part of my remarks. I simply call attention to the fact that the total number of carriers who carry the mail over 24 miles is 29,143, which, I think, is about 47 per cent of the entire number.

The PRESIDENT pro tempore. Without objection, the request of the Senator from North Dakota will be granted.

The table referred to is as follows:

Present schedule of salaries of rural carriers, showing number of carriers in each grade.

Length of route.	Rate of pay.	Number of carriers.
4 and 5 miles	$400	2
6 and 7 miles	440	10
8 and 9 miles	480	77
10 and 11 miles	520	186
12 and 13 miles	560	270
14 and 15 miles	600	372
16 and 17 miles	700	569
18 and 19 miles	800	1,185
20 and 21 miles	900	3,246
22 and 23 miles	960	6,774
24 miles and over	1,000	29,143

Mr. McCUMBER. Mr. President, I also desire to present a table taken from the Rural Free Delivery News of February 10, 1910, showing the average net earnings of rural letter carriers after providing and maintaining the equipment necessary for the performance of their duties for six months ending December 31, 1909, compiled from expense statements furnished by carriers in practically every congressional district in which rural delivery service is in operation. They are given here by States, and I will ask that this table be inserted as a part of my remarks. I will simply call attention to a few of these figures. For Alabama, net earnings for six months, $188, or $32 per month; for Arkansas, $177.08, or $29.51 for each month.

Mr. BOURNE. That is on the basis of a salary of $1,000 per year?

Mr. McCUMBER. That is on the basis of the present law providing for a maximum of a thousand dollars per year.

For California it is $234.76, or $39.13 per month.

Without going over all of the figures, the net earnings, as given during that time, were on the average of $189 for each carrier, or $31.50 a month. Multiplying that by 12 you will get the average yearly compensation of $378. I ask that this table may also be printed as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the order will be made.

The table referred to is as follows.

(From Rural Free Delivery News.)

Statement showing the average net earnings of rural letter carriers after providing and maintaining the equipment necessary for the performance of their duties for six months ending Dec. 31, 1909. Compiled from expense statements furnished by carriers in practically every congressional district in which Rural Delivery Service is in operation.

State.	Net earnings for six months.	Average per month.
Alabama	$188.00	$32.00
Arkansas	177.08	29.51
California	234.76	39.13
Colorado	258.28	43.05
Connecticut	137.85	22.97
Florida	39.69	6.62
Georgia	184.79	30.79
Idaho	230.30	38.38
Illinois	220.00	36.00
Indiana	207.00	34.50
Iowa	185.00	31.00
Kentucky	206.33	34.39
Kansas	204.00	34.00
Louisiana	150.10	25.02
Mississippi	169.00	28.15
Montana	237.50	39.59
Maine	195.20	33.00
Maryland	143.00	24.00
Massachusetts	163.25	27.20
Michigan	190.40	32.00
Minnesota	207.40	35.00
Missouri	176.17	29.36
New Hampshire	188.80	31.47
New Jersey	175.49	29.25
North Carolina	167.00	28.00
North Dakota	166.00	27.66
Nebraska	254.80	42.46
New York	203.74	33.95
Ohio	244.70	40.78
Oklahoma	181.86	30.31
Oregon	171.06	28.51
Pennsylvania	211.56	35.26
South Carolina	177.51	29.58
South Dakota	167.00	28.00
Tennessee	180.00	30.00
Texas	177.90	29.65
Utah	240.31	40.05
Vermont	173.00	29.00
Virginia	178.34	30.00
Wisconsin	205.08	34.16
Washington	136.42	22.74
West Virginia	223.25	37.20
Average	189.00	31.50

Number of changes in the carrier service:	
December, 1909	484
December, 1908	344
Increase (40 per cent)	140

Mr. BOURNE. Was that the average on a basis of 24 miles or the average on a basis of the carriers from 6 to 30 miles?

Mr. McCUMBER. On the basis of all.

Mr. BOURNE. I would ask the Senator, in that connection, whether he thinks that statement would be exactly fair and just, without the explanation that some of these routes would be only 6 miles and some 8 miles long, and that the carrier's time consumed would probably not be over two hours?

Mr. McCUMBER. The average, however, is about 24 miles; so that would necessarily be——

Mr. BOURNE. The average on 42,000?

Mr. McCUMBER. Yes; about 27 per cent of the routes over 24 miles.

Mr. BOURNE. Does the Senator mean to say that of the forty-two thousand three hundred and odd carriers in the United States a majority of them travel over 24 miles?

Mr. McCUMBER. I said 47 per cent. There is 47 per cent of them by number which, I think, the records show travel over 24 miles.

Mr. BOURNE. I can not dispute the statement of the Senator, but I simply say it is a great surprise to me.

Mr. McCUMBER. I gave the number. There are some forty-odd thousand employees altogether. The number employed on routes of 24 miles and over is 29,143. Therefore, over 47 per cent of the entire number carry the mail more than 24 miles.

Mr. BOURNE. What is the date of the paper from which the Senator is reading?

Mr. McCUMBER. This is taken from the last statement.

That is not all, Mr. President. I have here another table that is based upon my own information, obtained by writing to all of the rural delivery letter carriers in the State of North Dakota. This was in 1909, at a time when they were receiving $900 for the longest route. I want to go over a few of these, so as to give the Senate an idea of just what the net earnings of rural carriers are. I take these from the whole number, those which I think will better represent the average. I thought we could deal with the matter by individual cases and understand it better than we could by taking the general average. I first take the reply of F. H. Minor, of Wahpeton, N. Dak., my home town. I asked for the capital invested and for the cost of maintenance, and I find that F. H. Minor gives the following under the heading of "Capital invested":

Four horses, $500; 1 buggy, $75; 1 mail wagon, $75; harness, $75; sleigh, robes, horse blankets, etc., $40; total, $720.

Cost of maintenance: Hay and grain for horses, $550; horseshoeing, repairs, etc., $70. Total, $620.

Having considerable personal knowledge of the life of horses and vehicles, I have allowed a depreciation on horses, buggies, and so forth, of about 20 per cent a year. That gives the average working life of a horse at over five years; and from the best information I can get from all of the carriers that is about right. Then, on this capital invested there would be a depreciation of $144, which, added to the $620 expense, would make the total of expenses $764. As the carrier receives $900, that would give him a net earning of $236, or $19.66 a month. I want to ask Senators candidly what they think of a proposition that will pay one man here in the city of Washington $1,200 a year, or $100 a month, and pay a rural carrier, who must go out in the country under all conditions, a net earning of $19.66 per month?

Mr. BOURNE. I will say to the Senator, if he will permit me——

Mr. McCUMBER. Gladly.

Mr. BOURNE. The average compensation for the city carriers and the city clerks is $1,069.

Mr. McCUMBER. It is $1,069 now, but it is under a law which allows an increased amount after a given length of service. I think after two or three years' service the maximum amount is paid. They are graded according to the length of service, and soon, under the operation of the law, all will receive $1,200.

Mr. BOURNE. No; the Senator is mistaken. Unless the law may have been changed the average would be the same, unless by law we increase the compensation.

Mr. McCUMBER. I do not think the average will remain the same, because the letter-carrying service is somewhat recent; but I think that in a very few years there will be ten drawing the maximum salary where one will be drawing a smaller salary.

I will take the next case, and we will see how the cases approximate each other. The next is the case of Clarence Peterson, at Napoleon, N. Dak. That is about 200 miles from the place I have already given.

Capital invested: Four horses, $600; 1 buggy, $75; 1 cart, $20; cutter, robes, blankets, harness, and so forth, $50; total invested, $745.

Maintenance: Feed for horses, $480; horseshoeing and repairs, $60; depreciation—that is given here at $100—$640. Therefore depreciation should not be deducted in this case.

I will take another case—passing over a few—that of Thomas J. Seegardson, of Carpio, S. Dak.

Capital invested: 4 horses, $400; 1 wagon, $85; sleigh, $25; harness, $30; buggy, $75; total investment, $615.

Maintenance: Feed for horses, $420; horseshoeing, and so forth, $120; total expense, $540.

Add your 20 per cent depreciation of $123 and you would have an expense of $663, or a net earning of $337, or $28.08 a month.

Mr. President, many items are not taken into consideration here, such as taxes and insurance, that would still further decrease the amount of the net earnings in the rural districts. I will take only one case more, that of William J. Devany, of Devils Lake, N. Dak.

Capital invested (in this instance he uses only 3 horses): 3 horses, $450; mail wagon, $65; cutter, $30; robes, harness, and so forth, $56; total, $601.

Maintenance: Feed for horses, $432; shoeing horses, $36; total, $468.

Add 20 per cent for depreciation, or $120, and you have a total expenditure of $668 and net earnings of $392, or $32.62 per month, out of which he must also pay the taxes and other little necessaries, such as extra clothing, and so forth, that are needed in the wintertime.

Mr. President, I ask that this table may be printed as a part of my argument.

The PRESIDENT pro tempore. Without objection, that order will be made.

The table referred to is as follows:

S. H. Minor, Wahpeton, N. Dak.

CAPITAL INVESTED.	
4 horses	$500.00
1 buggy	75.00
1 mail wagon	75.00
Harness	75.00
Sleigh, robes, horse blankets, etc	40.00
Total	765.00
MAINTENANCE.	
Hay and grain for horses	550.00
Horseshoeing, repairs, etc	70.00
Total	620.00
Depreciation	144.00
Total expense	764.00
Net earnings	236.00
Net per month	19.66

Clarence Peterson, Napoleon, N. Dak.

CAPITAL INVESTED.	
4 horses	$600.00
1 buggy	75.00
1 cart	20.00
Cutter, robes, blankets, harness, etc	50.00
Total	745.00
MAINTENANCE.	
Feed for horses	480.00
Horseshoeing and repairs	60.00
Total	540.00
Depreciation	149.00
Total expense	689.00
Net earnings	311.00
Net per month	25.83

H. G. Rasmussen, Wahpeton, N. Dak.

CAPITAL INVESTED.	
4 horses	$500.00
1 mail wagon	75.00
1 buggy	25.00
1 sleigh	10.00
Harness, blankets, robes, etc	60.00
Total	670.00
MAINTENANCE.	
Feed for horses	480.00
Repairs	60.00
Total	540.00
Depreciation	134.00
Total expense	674.00
Net earnings	326.00
Net per month	27.17

Thomas J. Seegardson, Carpio, N. Dak.

CAPITAL INVESTED.	
4 horses	$400.00
1 wagon	85.00
Sleigh	25.00
Harness	30.00
Buggy	75.00
Total	615.00
MAINTENANCE.	
Feed for horses	420.00
Horseshoeing, etc	120.00
Total	540.00
Depreciation	123.00
Total expense	663.00
Net earnings	337.00
Net per month	28.08

William J. Devany, Devils Lake, N. Dak.

CAPITAL INVESTED.	
3 horses	$450.00
Mail wagon	65.00
Cutter	30.00
Robes, harness, etc	56.00
Total	601.00
MAINTENANCE.	
Feed for horses	432.00
Shoeing horses	36.00
Total	468.00
Depreciation	120.00
Total expense	608.00
Net earnings	392.00
Net per month	32.62

P. J. Johnson, Fairdale, N. Dak.

CAPITAL INVESTED.	
4 horses	$500.00
1 buggy and 1 sleigh	100.00
Harness	50.00
Total	650.00

MAINTENANCE.	
Feed for horses	$405.00
Horseshoeing, repairs, etc	56.00
Robes, blankets, etc	10.00
Total	471.00
Depreciation	130.00
Total expense	601.00
Net earnings	399.00
Net per month	33.25

Baylor H. Trawick, Souris, N. Dak.

CAPITAL INVESTED.	
4 horses	$500.00
1 buggy	40.00
1 sleigh	25.00
Harness	25.00
Total	590.00
MAINTENANCE.	
Feed for horses	392.00
Shoeing and repairs	180.00
Total	572.00
Depreciation	118.00
Total expense	600.00
Net earnings	400.00
Net per month	33.33

Mr. McCUMBER. Mr. President, I have but one more statement along this particular line. I have a letter here from one who was previously engaged in the business of rural delivery in 1910, but is now out of the business because he could not make his expenses. I want to call attention to a portion of his report to the department, a copy of which he sent me, which was made for the month of December, 1910.

On December 2 he described the roads as "soft-snow roads." I know in that particular country what that means. It is very heavy soil and really is almost impassable at times under such conditions. The next date given is December 7—"snowdrifts." That condition must have lasted for several days. On December 16 I find "severe snowstorm; too dangerous to go out." On the 18th, "snowdrifts." On December 21, "drifted roads; snowstorm"; December 22, "drifted, unbroken roads"; on the 23d, "drifted roads"; on the 24th, "roads drifted"; on the 25th, "wind and snow"; on the 27th, "blizzarding"; on the 28th, "snow-clogged roads"; on the 29th, "exhausted team"; on the 30th, "drifted roads"; and on the 31st, "soft-snow grade."

That gives a general idea of some of the conditions that must be contended against by the rural mail carriers, and those who know anything about their work will appreciate the difficulties they have to overcome in getting around the country, especially in the wintertime. Owing to the condition of the roads the rural carrier must necessarily have missed some days, and for those days the amount due him was deducted. I do not know that the same rule prevails now. I also found at the time I made the examination that if, for instance, the roads were so impassable that the carrier could not reach every mile of his route, or if a bridge was out, or any other difficulty existed, there was deducted from his earnings a proportionate amount of that day's salary on the basis of the actual miles traveled, compared with the number of miles on his route; but when the roads were so bad in certain sections that he had to drive around and go 10 miles farther in order to make his delivery, no extra compensation was given him. It may be possible that that character of injustice has now been remedied, but it had not been a year or so ago.

Mr. President, I have been asked what extra cost my amendment would involve. I have here another table, showing the length of routes in the United States, the present rate of pay, the proposed rate of pay under my amendment, the number of carriers on June 30, 1912, the total amount paid at the present rate, and the total required by the proposed amendment. Under the present rate of compensation—$400 for the shortest route of 4 and 5 miles, of which there are only two, $440 on 10 other routes, and $480 on 77 other routes—the total amount required under the present law is $40,430,020. If the salaries of rural carriers are increased so that the lowest amount would be $600 and the highest amount $1,200, as provided in the proposed amendment, the total amount required would be $48,396,800, or a difference of $7,966,780. I understand that under the Senate committee amendment which is proposed to this bill, increasing the maximum for rural carriers to $1,100, there would be added an expense of about $3,500,000——

Mr. BOURNE. Three million six hundred and twenty-five thousand dollars.

Mr. McCUMBER. Three million six hundred and twenty-five thousand dollars. Deducting that from the $7,966,780, we would have as the extra cost of this amendment the sum of $4,341,780.

Mr. President, I know of no place in the service where three or four million dollars can better be appropriated than to increase the compensation to the carriers of our rural mail, when we consider that to-day, measured by their net earnings, they are the most grossly underpaid employees of the Government. I therefore hope that the amendment will be adopted. I ask that this table be made a part of my remarks.

The PRESIDENT pro tempore. Without objection, that order will be made.

The table referred to is as follows:

Length of route.	Present rate of pay.	Proposed rate of pay under McCumber amendment.	Number of carriers June 30, 1912.	Total amount pay, present rate.	Total amount required by proposed amendment.
4 and 5 miles	$400	$600	2	$800	$1,200
6 and 7 miles	440	600	10	4,400	6,000
8 and 9 miles	480	600	77	36,960	46,200
10 and 11 miles	520	600	186	96,720	111,600
12 and 13 miles	560	650	270	151,200	175,500
14 and 15 miles	600	750	372	223,200	276,900
16 and 17 miles	700	850	569	398,300	483,750
18 and 19 miles	800	950	1,185	948,000	1,125,650
20 and 21 miles	900	1,050	3,246	2,921,400	3,408,300
22 and 23 miles	960	1,150	6,774	6,506,040	7,790,100
24 miles and over	1,000	1,200	29,143	29,143,000	34,971,600
				40,430,020	48,396,800
					40,430,020
Increased cost					7,966,780

Mr. SMITH of Georgia obtained the floor.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. SMITH of Georgia. I yield to the Senator from Oregon.

Mr. BOURNE. I was going to ask the Senator from North Dakota if in his amendment he also embodied the increase in the total appropriation to cover the $4,341,780, which will be added, so as to take care of the amendment, if adopted?

Mr. McCUMBER. No; if my amendment should be adopted it would necessitate a further amendment to increase the total amount by about four and a half million dollars.

Mr. SIMMONS. Mr. President, before the Senator from North Dakota takes his seat——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. SMITH of Georgia. If the Senator only wishes to ask a question, I will yield to him.

Mr. SIMMONS. I do not know that I fully understand another feature of the amendment of the Senator from North Dakota. As I heard it stated at the desk, it provides that the maximum salary on a route of 24 miles shall be $1,200.

Mr. McCUMBER. One hundred dollars a month.

Mr. SIMMONS. Then, the amendment provides that there shall be a reduction on the shorter routes, upon a mileage basis, according to the pay allowed per mile for the 24-mile maximum route?

Mr. McCUMBER. Yes; provided that no carrier shall be paid less than $600 per year, or $50 per month.

Mr. SIMMONS. In other words, a carrier on a 12-mile route would only be allowed $600.

Mr. McCUMBER. Yes; $600 would be the very lowest. The amount would range from $1,200 to $600, $600 being paid on a 12-mile route.

Mr. SIMMONS. For every mile less than 24 you take off $50?

Mr. McCUMBER. Yes.

Mr. SIMMONS. In other words, therefore, you regulate the pay of the carrier on a route of any less than 24 miles by the number of miles. You make that the basis of the calculation.

Mr. McCUMBER. The proportion would be as the number of miles actually traveled bear to $1,200.

Mr. SIMMONS. Fifty dollars a mile. Does not the Senator think under that arrangement of fixing the compensation where the route is not up to the maximum, upon no other basis than the number of miles traveled, it is rather a hard rule? The department does not adjust it in that way now. Under the present law and under the House proposition the department would adjust the compensation not absolutely upon the mileage basis, but would take other things into consideration as well as the number of miles to be traveled. To make clear what I have in mind, the carrier who has to travel only 15 miles a day may have to incur an expense almost as great as the car-

rier who travels 20 miles a day. The carrier who travels only 12 miles a day will incur, I think, in almost every instance much more than half the expense of the carrier who travels 24 miles per day. Therefore, it does not seem to me quite equitable and just to regulate the matter purely upon the basis of the number of miles traveled. The department does not seem to have adopted that fixed and hard rule. It considers the number of miles to be traveled in fixing the rate of compensation where it is not a maximum route, and considers other things as well. Does not the Senator think that is a more equitable and a more just plan of regulating the compensation where the route is not a maximum route?

Mr. McCUMBER. No, Mr. President; on the whole I think not. In nearly every section of the country where we have rural delivery there will be some causes that will make the travel very disagreeable. In some sections it would be hilly; in other sections exceedingly cold; in other sections the roads would, perhaps, be rather muddy and hard to travel; and in other sections there might be other causes to cause delay and make the work harder.

Mr. SIMMONS. That is just the point at issue, with the additional point that if you take a 20-mile or a 24-mile route——

Mr. SMITH of Georgia. We can not hear the conversation, Mr. President.

Mr. SIMMONS. I was suggesting that if you compare a 24-mile route, which is the maximum route, with a 20-mile route no carrier could serve his patrons on a 20-mile route with one horse. It would take practically two horses to properly cover that route, and it would take only two to make the 24-mile route.

Mr. McCUMBER. Yes; it would take three, I think.

Mr. SIMMONS. The expense probably to the carrier on the 20-mile route will be just as great as the expense to the carrier who makes the 24-mile route; and it does not seem to me that it would be just to leave out of consideration the fact that the expense of serving the lesser route would be practically as great as the expense of serving the longer route.

Mr. McCUMBER. My idea in offering the amendment, Mr. President, was that the line that would be drawn would be between $600 and $1,200. There are very few routes of less than 12 miles, and the proportion would be made between the 12-mile route and the 24-mile route, and not between the 1-mile route and the 24-mile route.

Mr. SMITH of Georgia. Mr. President, when the Senator from North Carolina interrupted to ask a question of the Senator from North Dakota I was just about to address the Senate for the purpose of explaining the difficulty the committee had in undertaking to reach a satisfactory basis for the classification of payments to rural carriers. We thought carefully over the mileage plan, and reached the conclusion that the mileage plan alone could not be used to determine the pay. The number of patrons to be served for a particular length of route largely contributes to the increase of the work of the carrier. The kind of road used affects the service of the carrier; and there are other elements besides distance which should be considered in fixing the compensation of the carrier.

We have adopted, as in Committee of the Whole, a parcel-post provision; the other House has already adopted the rural parcel post; and beyond any question the Senate will agree with the House in adopting the rural parcel post. Under the rural parcel post the amount of service and the amount of labor placed upon a carrier who drives for 12 miles might be just as great as that placed upon the carrier who drives 24 miles. The amount of transportation of freight that falls on him might be sufficient to justify his being paid as much as a carrier who simply drives twice as far. So that, the committee concluded, after full conference with the Post Office Department and with officers of the service who knew the details of the work of the different carriers, that we would not be adopting an equitable plan if we undertook to adopt solely the plan of distances as the basis of compensation.

Mr. JONES. Mr. President, did the committee consider the proposition of providing a fixed amount for subsistence, say, $150 or $200 a year?

Mr. SMITH of Georgia. No; we had so much that was new that we did not feel justified in going into that plan at the present time.

Mr. JONES. Does not the Senator think that would really be a more just plan, because, as I think the Senator suggested a moment ago, the expense of conveyances, horses, and so forth, is a fixed expense, and very nearly the same whether the route is a long one or a short one?

Mr. SMITH of Georgia. I think, Mr. President and Senators, that the department itself can look at all of these features of the work in fixing a compensation for the present, and that eventually we will have to modify our system so as to make a specific allowance for the expenses that fall on the carriers.

Mr. JONES. It has seemed to me that if we could allow about $200, without probably making an increase in the salary, it would be a more just and equitable adjustment of this matter.

Mr. SMITH of Georgia. We concluded that we could not ourselves establish a fixed basis and that it was safer at present to leave it to the department, simply increasing the amount of the yearly compensation.

Mr. JONES. Yes; but we do not allow the department now to fix any amount for subsistence. As I understand, the carriers get a fixed salary on the basis of the length of the route.

Mr. SMITH of Georgia. When we struck out the provision in regard to the length of the route, we allowed the department a discretion in fixing the compensation not limited by the length of the route.

Mr. JONES. So that the department may take into account in fixing that compensation the expense to which the carrier is subjected?

Mr. SMITH of Georgia. Entirely so.

Mr. JONES. Well, I think we are proceeding in the right direction.

Mr. SMITH of Georgia. We thought it would be hardly just to fix the salary according to distance.

Mr. BOURNE. I will state furthermore, Mr. President, that the committee were governed in their action somewhat by the fact that the Post Office Department has appointed from among its officials a commission to study this particular question, to see if a more equitable and just method of determination as to the rates to be paid for services rendered could be arrived at than the one now prevailing, and we thought it wise to wait the conclusion of their ascertainment and the submission of their report.

Mr. SMITH of Georgia. I wish to give my support, however, to the proposition that, instead of $1,100, the maximum salary for rural carriers shall be $1,200. I agree fully with the conclusions reached by the Senator from North Dakota upon that subject.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. SMITH of Georgia. Yes.

Mr. McCUMBER. May I call the attention of the Senator from Georgia to the fact that in drawing this amendment I assumed that the department will still continue to make the division as to compensation in the future as it has done in the past under exactly the same kind of a law, except that the maximum would be larger. Under the present law those carriers who have 5 miles to travel receive $400; 7 miles, $440; 9 miles, $480; 11 miles, $520; 13 miles, $560; 15 miles, $600; 17 miles, $700; 19 miles, $800; 21 miles, $900; 23 miles, $960; and 24 miles and over, $1,000. I simply wanted to call the attention of the Senator to the fact that this scale of salaries is made entirely upon a mileage basis and does not take into any consideration whatever the question of the condition of the roads and the many things the Senator would leave for the department, and I am assuming that the department will do just exactly the same in the future as it has done in the past.

I desire to call the attention of the Senator to another thing; which is, that under the present condition a carrier on a 15-mile route would receive $600. Those who would receive $600, I would leave practically as they are; but on routes from 15 to 24 miles and up to 30 and 35 miles I would increase the compensation by gradations which the Postmaster General would have authority to establish under my amendment; so that those traveling 24 miles and over would receive $1,200. Only 917 in the entire service, according to the report of the Postmaster General, are serving routes of less than 17 miles.

Mr. SMITH of Georgia. I am in favor of increasing the maximum to $1,200. I have no question that with the parcel post and the rural parcel post the amount of work upon the carriers will greatly increase, and I have no doubt the returns to the Government from the parcel-post service of the rural carriers will more than amount to the entire increase that has taken place since that service has been organized. I think $1,200 should be made the maximum salary. I myself believe that it is wise to leave a latitude with the officers of the department in adjusting the plan of compensation upon the amount of work done as well as for the distance traveled. I doubt the wisdom of restricting it simply according to distance.

I shall vote for the report of the committee, first having voted for the amendment offered by the Senator from Alabama to increase the amount of compensation to $1,200 instead of $1,100. I am sure that the additional parcel-post work which will be

done by the rural carriers will put work upon them far beyond the increase of compensation which we are giving them, and will bring back to the Government far more from their work than the additional compensation proposed to be allowed. I think the rural carriers ought to have $1,200 instead of $1,100.

Mr. McCUMBER. Has the Senator any minimum salary provided for in his amendment?

Mr. SMITH of Georgia. No. I propose to vote for an increase from $1,100 to $1,200. That was the amendment of the Senator from Alabama. I offered a similar amendment, but found he had already offered it. I would not object to a minimum.

Mr. McCUMBER. I think the Senator from North Carolina [Mr. SIMMONS] was correct when he said the carrier on a minimum route must necessarily have teams and vehicles, and so forth, and that he will be put to such expense that $50 a month ought to be the minimum salary.

Mr. SMITH of Georgia. I think there ought to be a minimum salary of $600 and a maximum of $1,200, and I will be glad to vote for such a minimum. It is only as to the question of how we shall work out the amount of compensation that the Senator from North Dakota and I differ. I doubt the wisdom of limiting it entirely to a mileage basis.

Mr. McCUMBER. Then the Senator practically agrees with me upon fixing a minimum and maximum salary?

Mr. SMITH of Georgia. I do.

Mr. McCUMBER. Would it not, then, be well to let my amendment go through and let the committee of conference work out a method of determining how the payments should be made between the maximum and the minimum?

Mr. SMITH of Georgia. I think it may be well to amend it so as to make the maximum $1,200 and the minimum $600. That can be done very easily.

Mr. SIMMONS. If the Senator from Georgia will yield to me, I wish to state that under the present law we fix the maximum compensation. The law now provides that it shall not be more than $1,000, I believe. The department have construed that as authorizing them to adjust the compensation for lesser distances. I suggest to the Senator from North Dakota that if he would simply provide in his amendment a maximum compensation and a minimum compensation, eliminating the remainder of his amendment, the department could, and would, as it has done before under similar conditions, fix the compensation not altogether upon the basis of mileage, but consider other items which enter into the matter.

Mr. McCUMBER. I think the suggestion is a pretty good one, and I will modify my proposed amendment, with the consent of the Senate, to conform to that suggestion.

Mr. SMITH of Georgia. While the modification is being made, I only wish to add that mileage will less and less be a just basis of compensation as the rural parcel-post delivery increases, because the amount actually transported in connection with the parcel post will enter more largely into the amount of work required from the carriers.

Mr. BOURNE. Mr. President, the assumption is that the contract made by the rural carrier is that he is going to have a load equal to his capacity for carrying. In case a period is reached where the load exceeds that, additional carriers will have to be put on; so I do not see why we should take into consideration, in the increase of compensation here proposed to rural carriers, the probable increase in packages they may carry under the parcel post. The facts are that the rural carriers to-day, on an average, carry about 24 pounds of packages, and the facts also are, according to computations made by the department, that a rural carrier could carry 150 pounds. If the mail carrier should carry 50 pounds instead of 24 pounds, in my opinion he would not be entitled to any increased compensation because of that fact.

Mr. McCUMBER. I will modify my amendment, and ask that it be read as modified.

The PRESIDENT pro tempore. The Secretary will read the amendment as modified.

The SECRETARY. On page 43, in lieu of the amendment proposed by the committee, beginning in line 1, after the word "substations," it is proposed to insert the following:

Provided further, That on and after December 1, 1912, all rural carriers now serving a daily route of 24 miles or more shall receive as compensation for such services the sum of $1,200 per annum, payable in monthly installments: *Provided further*, That fractions of 1 mile shall not be considered in fixing such salary: *And provided further*, That no compensation shall be less than $600.

Mr. TOWNSEND. Did I understand the Senator from North Dakota to say that there are rural routes in the country not exceeding 5 miles in length?

Mr. McCUMBER. The report shows 2 who are serving routes which are indicated as 5 miles in length, 10 serving routes that are indicated at 7 miles, and 77 at 9 miles. On those of 5 miles the rate is fixed at $400; on those at 7 miles, at $440; and on those at 9 miles, at $480.

Mr. TOWNSEND. Do I understand the Senator to now urge that a man carrying mail on a 5-mile route shall receive not less than $600?

Mr. McCUMBER. I do not think there are many of those routes; but if he has to go only 5 miles he has to have an equipment, and taking the equipment that is necessary for him in that 5-mile service into consideration and the cost of maintenance of horses, and so forth, he could not afford to do it for less than $50 a month.

Mr. TOWNSEND. Mr. President, I am in sympathy with the proposition to increase the salary of the rural carrier to $1,200 a year as the maximum at this time; but I think it would be very unjust and unfair to those who carry the longer routes to pay to the man who goes but 5 miles $600. I think the present arrangement is much better, much more equitable.

I appreciate as fully as the Senator from North Dakota does the expense which the carriers are put to in preparing themselves to make their trips and in the upkeep of their equipment. I am very much inclined to the proposition suggested by the senior Senator from Washington [Mr. JONES], namely: Leave the carrier's salary as at present, but give the man whose route is 18 miles or more in length $200 a year for subsistence, and allow the one whose route is less than 18 miles $100 annually for subsistence. This would in fact increase the compensation of the shorter route men $100 and that of those who make the longer trip $200. There certainly is that difference in cost of equipment and upkeep.

My own experience is that those on the short routes do not require the same equipment as the others, and there the carriers may engage in other kinds of business. This increase would fairly meet the expense of the short-distance carrier, as his duties occupy only a portion of the day. But on the other routes, where the whole time of the carrier is required, they should receive more pay for their work. If this subsistence was established now, then hereafter in considering this question we would simply deal with the salary of the carrier. An allowance for horses and vehicles should be made, but it must be evident that the equipment required by the long-route man is much greater than that necessary to the short-distance man.

As I said, I am in sympathy with the amendment, and I believe twelve hundred dollars is not too great compensation for the standard route, but I can not bring myself to agree to the statement of the Senator from Georgia that the prorating of that compensation among the carriers on less than standard routes is a matter which ought to be left to the discretion of the Post Office Departmnet. I think there might be just criticism of that method. It would give an opportunity for some very arbitrary rules to be adopted by the department in reference to the distribution of the salary. Favoritism might be practiced. I would prefer, if we are going to make an increase of $200 a year, to leave it to be distributed under existing rules, so that each carrier will know exactly what he is going to receive.

I may be mistaken in what the Senator from Georgia stated, but if I understood him correctly he said that under the present law the Post Office Department uses its discretion. That is not my understanding of the matter.

Mr. SMITH of Georgia. The Senator misunderstood me. I did not make that statement, because I do not know.

Mr. TOWNSEND. My understanding is that the salary now is prorated among the carriers according to the distance which each one of them travels. If we are going to increase the pay, as we ought to increase it and as I want to increase it, I should like to have it understood that the salary is to be distributed exactly as is the existing salary.

It seems to me that we ought to increase the salary $200 based upon the present condition of distribution, not fixing a minimum of $600 or changing the order of the department in reference to its payment.

Mr. McCUMBER. I understand that the Senator, then, admits that the present carrier serving only 5 or 6 miles has to have a certain equipment.

Mr. TOWNSEND. Surely.

Mr. McCUMBER. He has to have almost the same equipment that one would need driving 24 miles.

Mr. TOWNSEND. I hope the Senator did not understand me to say that, because I did not.

Mr. McCUMBER. What I want to get at is this: Considering the equipment a carrier would be compelled to have, I suppose at least one horse and buggy and the care and expense of that, what would the Senator say would be a reasonable compensation for the very shortest route of 5 miles?

Mr. TOWNSEND. I am not prepared to state that. I am satisfied that it should be in proportion to what is paid for the 24-mile route. I would be willing, in fact, to allow him something for maintenance and such a proportionate increase in salary as his route is to the standard route.

Mr. McCUMBER. Then the Senator——

Mr. TOWNSEND. Wait a moment; let me answer that. I would be willing to allow something for maintenance, but the man who would drive a 5-mile route would not devote that horse and wagon, certainly not the horse, exclusively to the mail business; he would use it for something else. That is the experience of all of the carriers who have driven short routes that I know anything about. So I say that the present method of distribution is very equitable for those exceedingly short-route men.

Mr. McCUMBER. Mr. President, there is nothing in the bill which provides for any allowance to be made for maintenance. The Senator's argument would have considerable force, of course, if a proper allowance was to be made for maintenance, and that allowance would depend upon the length of service on the assumption that the carrier who travels 5 miles would not need as expensive an equipment and the cost of maintenance would not be so great as if he were compelled to drive 24 miles. But taking the whole proposition in the bill it seems to me that there ought to be a minimum. In looking over the report on the Post Office appropriation bill I find from the tables to which I have already referred that there were only 2 who are serving routes of 4 and 5 miles and that there were only 10 who were serving routes of 6 and 7 miles. When you get above that to 8 or 9 miles a day there is not much time for any other character of business to give your attention to the balance of the time; it really requires one man with his team one day. Therefore it does seem to me that we ought to have a minimum and the minimum ought not to be less than $600.

Mr. TOWNSEND. If I understand the Senator correctly, under existing law a man who carries the mail about 12 or 13 miles gets somewhere near $600.

Mr. McCUMBER. If he carries it 14 to 15 miles he receives $600.

Mr. TOWNSEND. Under the proposed law, if we increase the salary to $1,200, then a man who carries 8 or 10 miles would probably get $600, and the man who carries a less distance would get more than he is receiving now. What I am contending for is that on the very short routes $600 is too much, considering that $1,200 is all that is paid for the carrier on the 24-mile route, and the man who carries on the 5-mile route can make money in doing something else, devoting himself to some other kind of business, while the carrier on the 24-mile route can devote himself to nothing else.

Mr. McCUMBER. May I call the Senator's attention to the fact that outside of 12 routes the minimum is $480? That is only $120 less than $600. The maximum is to be $1,200. If we add $200 to the maximum, I think we can well add $120 to the minimum.

Mr. TOWNSEND. But you add something to the minimum by your $200 increase. You add something to the minimum amount under the present rule of distribution.

Mr. McCUMBER. But the Postmaster General will properly apportion that amount between the several services. The only difference is the addition on the $600 of $120 more than what may be said to be the minimum, with the exception of those 12 cases. We add $200 to the minimum. Between those rates I think we can get nearly adequate justice.

Mr. TOWNSEND. I do not want to delay the Senate, but I want to make myself clear by saying that under the present method of distribution if we increase the maximum salary $200, making it $1,200, the minimum man is going to receive more than he is receiving now, the same as your maximum man, and I think it but just to let it be distributed according to the existing rules of the department. The men who devote all their time to the rural service should be paid properly for that service, and those who give only a portion of their time should also be paid for the time and service they render, and subsistence should be allowed according to equipment required. There is no definite proposition for subsistence pending, so the best we can now do is to increase the salary proportionately, based on the increase of $200 per annum to the carrier on the 24-mile route.

Mr. BOURNE. Mr. President, I would be glad to accept the amendment of the Senator from North Dakota, provided this further proviso be added to it——

Mr. JOHNSTON of Alabama. I think the amendment I offered is first to be considered, perfecting the text of the committee amendment.

The PRESIDENT pro tempore. The Chair will inquire of the Senator from Georgia [Mr. SMITH] if he presses the amendment he submitted. Does the Senator from Georgia desire the amendment he suggested to be acted upon?

Mr. JOHNSTON of Alabama. I suggested it, and the Senator from Georgia offered exactly the same amendment I had previously offered.

Mr. SMITH of Georgia. I should not have offered it. The Senator from Alabama offered it. I gave my support to the amendment of the Senator from Alabama.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Alabama to the amendment. It will be stated.

The SECRETARY. On page 43, line 4, before the word "hundred" strike out "one" and insert "two," so as to read:

Letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,200 per annum.

Mr. JOHNSTON of Alabama. Mr. President, I want to say just a word. This does not make any change as to how it shall be distributed. It leaves the regulations as they are now in the department. When traveling longer distances and where the difficulties are greater the carriers receive a greater compensation and the others are diminished.

I wish to say further that we have the rural parcel post already in the bill. That has been adopted by the House and the Senate in one form or another, and it will very largely increase the earnings of the Government, and this increase is nothing but just. I hope the amendment will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Alabama to the amendment.

Mr. McCUMBER. I simply wish to say in explanation that I will vote for the amendment, as it is to perfect the committee amendment, but after it is carried I shall then ask for a vote upon my amendment, which would be a substitute, the only difference being, of course, that one fixes a maximum and my amendment fixes both a minimum and a maximum.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Alabama to the amendment.

The amendment to the amendment was agreed to.

Mr. McCUMBER. I offer my amendment now as a substitute for the amendment as amended.

The PRESIDENT pro tempore. The proposed substitute submitted by the Senator from North Dakota will be stated.

The SECRETARY. In lieu of the proposed amendment on top of page 43 insert the following proviso:

Provided further, That on and after September 1, 1912, all rural carriers now serving daily routes of 24 miles or more shall receive as compensation for such service the sum of $1,200 per annum, payable in equal monthly installments: *Provided further*, That fractions of 1 mile shall not be considered in fixing such salary: *And provided further*, That no compensation shall be less than $600.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Dakota.

The amendment was agreed to.

Mr. BOURNE. Now, I ask consideration of the amendment that I send to the desk, to follow the one just adopted.

The PRESIDENT pro tempore. The Senator from Oregon moves an amendment in addition to the amendment just agreed to.

The SECRETARY. It is proposed to add to the amendment just agreed to the following proviso:

Provided further, That after the taking effect of this act the Postmaster General shall establish and promulgate rules and regulations for the letting of contracts for the carrying of mails on rural routes as near as may be upon the same plan of advertisment and contract now provided by law for the star-route service, no contract to provide a compensation in excess of $1,200 per annum.

Mr. SIMMONS. I think that is a proposition to go back to the old star-route service and nothing else.

Mr. TOWNSEND. May I ask to have the amendment again read? I did not understand it.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

Mr. SIMMONS. Mr. President, I do not desire to enter upon any discussion of the amendment, but the palpable effect of the adoption of the amendment would be to substitute on most of the rural free-delivery routes in the country the old star-route system.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Oregon.

The amendment was agreed to.

Mr. CLAPP. On page 46 an amendment was adopted on Saturday, at the suggestion of the Senator from New Hampshire [Mr. GALLINGER], which reads as follows:

Provided, That the provisions of this paragraph shall not apply to religious, fraternal, temperance, or other similar publications.

I move, at the suggestion of the Senator from New Hampshire, as it was through his suggestion I first proposed the amendment, that, after the word "temperance," the word "scientific" be inserted.

Mr. POMERENE. Is the Senator reading from the reprint?

Mr. CLAPP. I am reading from the RECORD of Saturday's proceedings; but in the bill itself, of which I have a copy, it appears on page 45.

The PRESIDENT pro tempore. The amendment, which was agreed to, will be stated.

The SECRETARY. On page 45, line 20, after the word "holders," the following proviso was inserted:

Provided, That the provisions of this paragraph shall not apply to religious, fraternal, temperance, or other similar publications.

It is proposed, after the word "temperance," to insert the word "scientific," so as to read:

Provided, That the provisions of this paragraph shall not apply to religious, fraternal, temperance, scientific, or other similar publications.

The PRESIDENT pro tempore. The amendment agreed to will, without objection, be reconsidered. It is reconsidered. The Senator from Minnesota now moves to amend it by inserting the word "scientific" after the word "temperance." The question is on agreeing to the amendment.

Mr. OLIVER. I should like to have the Senator from Minnesota or some other Senator explain the reason for exempting these publications from the provision. If any one class of publications is required to uncover and show up its ownership, why not apply it to all classes of publications just as well? I do not see any reason for making exemptions of any class. Let them all tell who their owners are and in whose behalf they are published.

Mr. CLAPP. Mr. President, of course I am for one opposed to the entire Senate amendment.

Mr. OLIVER. And so am I. I am opposed to the entire provision.

Mr. CLAPP. I think we are invading a domain there that we can well let alone. But I assume that the underlying purpose of the committee amendment was to have the public know what the influences were which might actuate the attitude of the press, including the magazines.

Now, assuming that that might become the law, it seems very plain to some of us that especially as to religious, fraternal, and scientific journals even that reason could not apply, and Saturday, on the suggestion of the Senator from New Hampshire, the amendment which has been referred to was adopted. I propose, as soon as the present amendment is considered, to offer another amendment enlarging the exemptions, but in discussing it with the Senator from New Hampshire, and at his suggestion, I first offered the amendment including the word "scientific."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Minnesota to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection the amendment as amended is agreed to.

Mr. CLAPP. It is not agreed to yet.

The PRESIDENT pro tempore. The Senator has a further amendment?

Mr. CLAPP. Yes. It is still before the Senate. Now, I move to strike out the period after word "publications" and to insert a comma and the following:

or weekly newspapers of less than 5,000 circulation.

Mr. BOURNE. Mr. President——

Mr. CLAPP. Just a moment, if the Senator please. As I have already stated, I am opposed to this whole provision, but it does seem to me if there is any force in the suggestion that lies at the bottom of the committee amendment it can have no reasonable application to the thousands of average weekly papers throughout the country; and in order that there may be a line drawn I merely propose to insert the words "of less than 5,000 circulation."

I do not care to discuss it further.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The amendment to the amendment will be first reported.

The SECRETARY. At the end of the amendment just stated, following the word "publications," and before the period, insert the following:

Or weekly newspapers of less than 5,000 circulation.

Mr. BRISTOW. I can not understand, if it is desirable from the standpoint of the public interest to know the owner of a newspaper, why the ownership of the weekly newspaper should not be just as public as of a daily; a local paper as a metropolitan paper. If the purpose is to develop who owns the paper, why it is not necessary that the ownership of the weekly paper within its sphere of influence should not be known the same as the ownership of the daily paper within its sphere of influence.

Mr. CLAPP. In the first place, I take it that ordinarily the community knows practically who own the local weekly paper. While this whole provision, to my mind, is obnoxious, it seems to me particularly so as to the small paper, because, disguise it as you may, it goes somewhat to the financial status of the paper.

Many of these papers are, I think it is fair to say, struggling, so far as finances are concerned. Nobody claims for a moment that great interests are behind them. I concede their potency in molding public sentiment, but there is no suggestion that behind the ordinary country newspaper there is any great interest. I shall vote to take this whole amendment out when we come to it, but it does seem to me to require the publisher of a small weekly paper to publish who may be interested in it, who may hold its obligations, if they happen to be in the form of a trustee obligation, is carrying this matter too far.

Mr. BRISTOW. I am not discussing the merits of the general proposition as to whether it will be effective or not; but it is just as injurious to the public welfare for an influence to own a large number of small papers as one large paper, and probably more so.

I have known weekly papers in my time that have been acquired to serve a certain purpose by interests that were not interested in the welfare of the community where they owned the paper.

Whether or not this method will have any influence in correcting the evil of acquiring papers throughout the country in order to promote certain ideas or for certain purposes I am not now discussing, but to make the exception of a weekly paper seems to me like being wholly unjustified, because if it is to correct an evil it ought to correct that evil just as well as the one relating to the larger papers.

Mr. CLAPP. I do not believe any evil exists to any great extent. I know in my own section of the country the local press is independent, and I believe that the metropolitan press in my section of the country is independent. I put the distinction more upon the ground that in the last analysis this goes somewhat to the credit of these institutions. While it probably in the case of a great journal would not embarrass its credit at all, yet a man who was working along trying to run a country newspaper might be seriously embarrassed by it. It seems to me it is a burden we have no business in putting upon any of them, and especially upon the small country newspapers.

That is all I care to say on the subject.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

Mr. OLIVER. On page 45, line 16, after the word "year," I move to insert "on blanks furnished by the Post Office Department."

Mr. BOURNE. I accept that amendment.

Mr. OLIVER. Then I move, on line 18——

The PRESIDENT pro tempore. The Senator will please permit the Chair to have the amendment submitted by him stated.

The SECRETARY. On page 45, line 16, after the word "year," insert the words "on blanks to be furnished by the Post Office Department."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. OLIVER. Then, on the next line, I move to strike out the word "editors" and insert the words "managing editor."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 45, line 17, strike out the word "editors" and insert the words "managing editor."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

Mr. HITCHCOCK. I should like to ask the Senator from Pennsylvania the purpose of using the words "managing editor."

Mr. OLIVER. Because I take it the purpose of this provision is to fix the responsibility. In every newspaper establishment of any size in large cities there are a large number of writing editors. I do not think the law contemplates that everybody who is connected with the writing force of a paper shall

have his name published in these reports. The managing editor is the responsible editor of the newspaper; everything that goes into the newspaper is supposed to be supervised by him; and the publication of the name of the managing editor alone I think would be sufficient to accomplish the purposes that are sought.

Mr. HITCHCOCK. I think the purpose of the Senator from Pennsylvania is admirable. He intends to include, for instance, the night editors, the city editors, and certain editors of the various departments. Each paper has an editor, and it also has a managing editor. A managing editor is responsible, generally speaking, for what appears in the news column, and the editor is responsible for what appears upon the editorial page. I suggest that he change the amendment so that it will read "the editor and managing editor."

Mr. OLIVER. I am perfectly willing to have that substituted.

Mr. HITCHCOCK. Those are the two men in authority.

The PRESIDENT pro tempore. The question is upon the amendment as modified.

The amendment as modified was agreed to.

Mr. OLIVER. On the same line, I move to strike out the word "publishers" and insert the word "publisher," using the singular number.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 45, line 17, strike out the word "publishers" and insert the word "publisher."

Mr. HITCHCOCK. I should like to make an inquiry. What is meant by the word "publisher"? Does the Senator mean if the newspaper is published by a corporation the name of the corporation?

Mr. OLIVER. That is what I would understand.

Mr. BOURNE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. OLIVER. Certainly.

Mr. BOURNE. Provision is already made in the Senate substitute for the stockholders and officers and the security holders of the corporation. It would apply simply where there is not a corporation ownership, but was held by individuals.

Mr. HITCHCOCK. In many newspapers there is no such official as the publisher. The publication is by a corporation, and the corporation has a president, of course. Does the Senator mean the president of the corporation?

Mr. BOURNE. That is provided for, as the Senator will see from a perusal of the substitute, so called, by the Senate committee. This is where they are held by individuals, one or more, who may be publishers of the periodical.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Pennsylvania yield to the Senator from Missouri?

Mr. OLIVER. For what purpose does the Senator from Missouri desire me to yield.

Mr. REED. I ask that the amendment which the Senator from Pennsylvanoia just offered be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 45, line 17, strike out the word "publishers" and insert the word "publisher."

Mr. REED. Mr. President, when the Senator is through——

Mr. OLIVER. I yield to the Senator from Missouri.

Mr. HITCHCOCK. I think, as a matter of fact, to make that definite and certain it should be "publisher or owner."

Mr. OLIVER. I rather think that the Senator from Nebraska is right, that it would be better to put in "publisher or owner" and strike out the words "business manager," because in ordinary newspaper practice, as I understand it, at least it is so in our section, the publisher and the principal owner are considered as the same person. When we speak of the publisher of a newspaper we mean the principal owner of the newspaper. I only wanted in some way, definitely, to fix the proper way of complying with the provisions of the law, if it should become a law.

Mr. HITCHCOCK. If the Senator from Pennsylvania will permit me, I believe the transposition of these words would possibly bring order out of the provision. After the word "editor" have it followed by "publisher and owner, business manager," and so forth.

Mr. OLIVER. I suggest that the words "business manager" are entirely unnecessary there. For instance, with the paper in which I am interested there is no such officer as business manager. It is not a definite term at all. If you include the publisher and the owner that will be sufficient. The business manager, if there is one, is simply a salaried man at any rate. I do not see why his name should be included. I only want to secure a phraseology which as nearly as possible will cover all the principal elements of newspaper publications all over the country.

Mr. HITCHCOCK. The real difficulty is that the practice varies in different regions. As the Senator from Pennsylvania says, some papers have no business manager. The paper that I am interested in has no business manager. Some papers have no publisher except the corporation that publishes it. Others have a known publisher. It ought to be phrased in such a way as to cover each publication.

The law reuires the publication to adopt a title that is known at the time, and I thought by making the phraseology something like this it would be covered: After "post-office address of the editor," say "publisher, owner, or business manager." Then if there were no publisher the business manager would take the place.

Mr. OLIVER. With the consent of the Senate, I will modify my amendment.

Mr. HITCHCOCK. If the Senator will allow me to give it again, perhaps in a better form, I will suggest, after the word "editor," the words "publisher, owner, or business manager."

Mr. OLIVER. That is satisfactory to me.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The amendment as modified will be stated.

Mr. REED. That is not satisfactory to me for different reasons.

The PRESIDENT pro tempore. The proposed amendment will be stated.

The SECRETARY. On page 45, line 17, after the amendment just agreed to, strike out the words "publishers, business managers" and insert "publisher, owner, or business manager."

Mr. REED. As the bill is now drawn it uses the plural—"editors, publishers, business managers, and owners." The plural employed in this form includes the singular, so if there is one editor his name must be furnished, if there are two or more they must be furnished. If there is one publisher and that fact is stated, it fully satisfies the requirements of the law, but if there be two or more, then their names should appear.

I think the bill as now drawn absolutely covers the case and will embarrass no one. A newspaper that has but one business manager will state that fact, and a newspaper that has but one publisher will state that fact, but if the newspaper should happen to have two publishers, then they will be required to set forth their names.

Mr. HITCHCOCK. Will the Senator permit me?

Mr. REED. To limit it as suggested would make it so that if there were two business managers or the management of the business office was divided that would not necessarily be stated. If there was more than one proprietor or owner, then the fact would not have to appear. It sometimes happens that there is a partnership in the control and ownership of the newspaper. The language as it is now, I think, absolutely covers the case. Nobody will be embarrassed by it.

Mr. HITCHCOCK. I think the Senator will realize the impossibility of what he suggests. If there is a partnership, then the partnership is the publisher. There are not two publishers; there is only one publisher. That is the partnership.

Mr. REED. But if the partnership is an entity, like a corporation, or two or more people doing business under some sort of firm name, it is essential that those names should appear. The principal purpose of this bill is to advise the public as to just who is owning the paper. The partnership may operate under a third name; it may operate under the name of John Smith & Co., and yet the partners may be named Jones and Jackson and Thompson. The very purpose is to search back of the name and get the names of the real publishers and owners. That is the very reason of it. In a corporation we have nothing but the corporate name, and hence the bill proposes to go back into the question of stock ownership and copartnership. It could be truthfully stated that the paper is published by the Smith Publishing Co. That might be a copartnership, and it might be composed of half a dozen men, and the very fact that the public desires to know might be concealed back of that partnership name. I think the bill is all right as it is.

Mr. HITCHCOCK. Mr. President, so far as the Senator's point relating to publishers is concerned, I believe, on second thought, he is correct; but he is obviously wrong when he applies his argument to editors. Any newspaper of considerable size has an editor, a managing editor, a telegraph editor, a night editor, a city editor, a sporting editor, a society editor, and a number of other editors, and it is obvious that it is not the purpose of this proposed law to require the names of all

those editors to be inserted. Therefore, so far as the editorial control is concerned, all that is required is to know the editor and the managing editor, the one who controls the editorial page and the other the news pages of the paper. So far as the publishers are concerned, if it is desired to get at the names of those in a partnership publishing a newspaper, possibly the Senator has stated his point well; but, so far as I am concerned, I think the amendment might be so changed as to leave a possibility of securing that result.

Mr. OLIVER. Mr. President, will the Senator yield to me for a moment?

Mr. REED. In a moment. Replying to what my friend the Senator from Nebraska [Mr. HITCHCOCK] has said, if it is conceded by the Senator that the names of publishers ought to appear for the reasons I gave, and to the question he presents in regard to the editors, I will say that I am not so certain that the Senator is correct about that. One of the greatest evils, in my opinion, of the newspaper business—and, like all other great business ventures, it is liable to have some evils attached to it—is the fact that the public do not know, and can not find out, who is responsible for the articles that appear; they do not know who the editors are—who the writers are. The paper is owned by perhaps a great corporation; it speaks as by authority, and you never get back to the individual responsibility of the man who wrote the article. I question very much whether the public is not entitled to know just who it is who gives expression to the various sentiments printed and the statements that are put forth. The newspaper world, I think, will not complain of that; I do not see how they can justly complain of that. Every man ought to be willing to stand back of any assertion he makes or of any argument which he puts forth.

Mr. HITCHCOCK. Would the Senator, for instance, carrying his argument to its legitimate conclusion, if it should be necessary, then, not only require the names of the editors of all the departments in the newspaper, but the names of the reporters who write the articles as well?

Mr. REED. I am not sure, sir, but it would be an excellent reform if every man who put anything into a newspaper had to sign it.

Mr. HITCHCOCK. That would be the legitimate conclusion of the Senator's argument.

Mr. REED. But that would be somewhat revolutionary; and not being a practical newspaper man, as is the Senator from Nebraska, and not wanting to get into a field where I would be without experience, I am not prepared to say that should be done; but when a person achieves enough distinction on a newspaper to be known as an editor, the fact that he is an editor, it seems to me, could well be printed in the newspaper. It does not take much printer's ink nor much space on the large papers to print the names of the editors or to furnish them in these statements.

There may be about this bill some things that on test will be found to be objectionable; and if they are, I should be quite willing to assist in remedying them; but I believe the bill has been pretty carefully drawn, and that it ought to be passed about as it is on this subject.

The PRESIDENT pro tempore. The question is on the amendment to the amendment submitted by the Senator from Nebraska, which will be again stated.

The SECRETARY. On page 45, in lines 17 and 18, it is proposed to strike out the words "publishers, business managers, and owners" and to insert the words "publisher, owner, or business manager."

Mr. HITCHCOCK. I think the word "owner" in the amendment to the amendment should be "owners."

The PRESIDENT pro tempore. The modification in the amendment to the amendment will be made. The question is on the amendment to the amendment as modified.

The amendment to the amendment was rejected.

Mr. OLIVER. Mr. President, beginning on page 45, in line 20, of the amendment of the committee, in my print of the bill, I move to strike out all after the word "corporation," down to and including the word "holders," in line 21.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 45, beginning in line 20, it is proposed to strike out of the committee amendment the following words:

And also the names of known bondholders, mortgagees, or other security holders.

Mr. OLIVER. Mr. President, my reason for proposing this amendment is because I think in the case where a newspaper property is bonded in the regular way, it is impossible for the owners to know who all of the bondholders are, so that the publication of the facts called for would only partially convey the information that is desired.

Mr BOURNE. Mr. President——

Mr. OLIVER. If the Senator will indulge me a moment, I will say that I do not think it is fair to compel the owner of a property to disclose the fact that he has a mortgage on his property; it is of no interest to the public; and this makes provision requiring him to publish who are the owners of the property and who are behind the property. I do not think it ought to cover the bonds or mortgages on his newspaper property.

Mr. BOURNE. Mr. President, the amendment yesterday adopted cures the defect mentioned by the Senator from Pennsylvania in the beginning of his remarks by the substitution of the word "known," so that it now reads:

Also the names of known bondholders, mortgagees, or other security holders.

Mr. OLIVER. I do not think, Mr. President, that a publisher should be compelled to disclose to the public the fact that he owes money or that he has a mortgage on his property, and to publish it twice a year. I think it is invading the domain of private business and private business rights. I do not think that that provision ought to be in the bill. I think as long as the owner publishes the names of his stockholders and of the owners, it ought to stop there. There is no necessity for publishing the names of the mortgagees twice a year, publishing the fact that he has a mortgage on his property. It is not right and it is not fair.

Mr. BOURNE. Mr. President, to determine the accountability of the newspaper to the individual, if any such exists, other than to the owner himself, I believe that it is desirable and necessary to have the provision as in the Senate amendment, namely, the names of the known bondholders, mortgagees, or other security holders, because the obligation might not be to the stockholders, but might be to the security holders. The purpose of the provision, as I understand, in its initiation in the other House, which is concurred in by the Senate committee, is to show what the bias is or what the accountability may be, directed to what individual, as governing possibly the publishers of the paper.

Mr. OLIVER. Mr. President, I do not see that the fact that a newspaper owes money to a bank, a savings bank, for instance, should make that savings bank the dictator of the policy of that newspaper, and for that reason I do not think that this provision ought to be insisted upon.

Mr. REED. Mr. President, the provision works no hardship. Under the law of practically every State it is the duty of every holder of a mortgage to record that instrument in order that there shall be notice to all the world of the fact of its existence. In many States the withholding of such an instrument from the record is held to be a fraud upon the creditors of the party giving the mortgage. So the information will already be upon record by all those proprietors of newspapers who propose to treat the public fairly by recording mortgages which exist, and it will apply principally to those newspapers which have secret mortgages.

If we intend to carry out the purpose of this proposed law, which is that the people who read the newspapers shall be advised of the control back of the newspapers, then we all understand that that purpose will be rendered impotent if we do not inquire into who it is who holds the mortgages and securities of the paper, because under that is frequently covered the real control of a newspaper. It is not inquiring into private business. Every newspaper that is published and has the use of the mails is engaged in a public business in one sense. The Government of the United States is carrying its publications for much less than the real cost. The newspapers have certain rights under the law which are not granted to the ordinary citizen. Therefore I say if we are going to pass a law, let us do it so that the public will know who are the real owners and proprietors of the paper and what influences there are which may control the paper, because they control the financial life of the paper.

Mr. STONE. Mr. President, I want to make one additional observation along the line suggested by my colleague [Mr. REED] and others who have spoken in agreement with him.

I was struck by the remark of the junior Senator from Pennsylvania [Mr. OLIVER] that if a national bank or a savings bank should loan money to the publisher of a newspaper it did not follow, and ordinarily would not follow, that the bank would control the policies of the publication. I am not so sure of that. Let me state a case that I believe does not infrequently occur. Suppose, for example, that over in the great State of Pennsylvania some man was a candidate for governor or Senator or for any other important office, and some potential newspaper in

that State was advocating his nomination or election, or opposing it, taking the side of an opposition candidate; and suppose that paper should say harsh and even libelous things concerning the candidate to whom it was opposed. If it should so happen that the candidate it was supporting was a large creditor of the publishing company, that he had loaned it money, that he was the holder of its securities to an extent that he had the newspaper within his power, would it not be well that the public addressed day after day by such a publication should know that fact?

Mr. OLIVER. Mr. President, to that I will answer that if any individual or any institution should loan money to a newspaper with the purpose of controlling its policies, they would take very good care to conceal that fact by not making the mortgage a subject of record. A bond secured on a mortgage upon newspaper property is a matter of public record, and everybody can see it who goes to the records. The objection that I raise to this provision is that it compels a man who owns a newspaper property to twice a year publish to the world the fact that he has a mortgage on his property—no matter to whom. If his creditors aim to control his policy, his creditors can very readily conceal the fact that they are his creditors, so that it need not be published in this way.

Mr. REED. Mr. President, I take it from the Senator's remarks that he thinks it is a very embarrassing thing to have the fact published that a mortgage exists. Yet does not the Senator know that the newspapers are making a regular business of printing lists of mortgages which are recorded by other people and placing that fact before the public every day?

Mr. OLIVER. Mr. President, to put a mortgage on one's property is no disgrace, and it is published ordinarily when the mortgage is put on record; but that is a very different thing from having the statement repeated twice a year during every year of a newspaper's life. I do not think the Congress of the United States ought to place any industry under such a ban.

Mr. REED. Mr. President, just a word. The whole truth about the matter is—and we must face it—that in many instances newspapers are controlled in their policies upon important matters by those holding bonds and mortgages. There is nothing more common than for some man to be put forth as the nominal owner and editor and manager of a paper which is in fact owned and controlled by some financial power back of him. The Senator says that that will be concealed. That is true; it may be concealed. It is also true, however, that the true owner may be concealed; that misstatements may be made in regard to any of these matters about which we propose to require statements; but, because misstatements may be made in some instances is no reason for failing to require information to be given; and if misstatements are made, then somebody will have been guilty of bad faith and the remedy will be at hand.

The PRESIDENT pro tempore. The question is upon the amendment offered by the Senator from Pennsylvania to the amendment of the committee as amended.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question recurs upon the committee amendment as amended, in the nature of a substitute for the House provision.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The SECRETARY. On page 48, at the beginning of line 23, after the word "same" at the end of line 22, it is proposed to strike out "or the originals thereof: *Provided, however*, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress, or any Member thereof, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service."

Mr. REED. Mr. President, I desire to send to the desk and have read for the information of the Senate two letters which were handed to me this morning by the gentlemen whose signatures they bear, with the request that they be presented to the Senate. In doing this I am simply complying with the request and not assuming any further responsibility, except to say that these gentlemen came to me as representatives of the associations they claim in their letters to represent.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary read as follows:

NATIONAL ASSOCIATION OF LETTER CARRIERS,
OFFICE OF THE PRESIDENT,
Washington, D. C., August 9, 1912.

Hon. JAMES A. REED,
United States Senate.

MY DEAR SENATOR: I desire to respectfully inform you that the amendment introduced by you on Saturday to section 6 of the Post Office appropriation bill or the amendment offered by Senator NELSON, which are substantially the same, meet with the hearty approval of the National Association of Letter Carriers. Assuring you of my appreciation, and also of those whom I have the honor to represent, in your efforts to grant the right of appeal to postal employees, I beg to remain,

Very sincerely, yours, WILLIAM E. KELLY, *President.*

—

RAILWAY MAIL ASSOCIATION,
OFFICE OF THE PRESIDENT,
Washington, D. C., August 10, 1912.

Hon. JAMES A. REED,
United States Senate.

MY DEAR SENATOR: Referring again to our interview of a few days ago on the Post Office appropriation bill, with special reference to section 6, permit me to say that the employees in the postal service are gratified with the attitude of the House and the Senate committee toward our appeal for the right of a hearing and defense in case of removal or reduction. This provision in section 6 is very desirable and will serve to protect the employees against arbitrary removals or reductions. It will afford an opportunity to know on what grounds the employee is to be removed or demoted, and will further allow opportunity to make a defense.

We had hoped that the Senate would retain that part of the proviso under this section granting postal employees the right to petition Congress, or any Member thereof, for a redress of grievances. As indicated to you during our interview, we still hope that something may be done either on the floor of the Senate or in conference to secure to us this privilege, or rather, this right.

In the proviso stricken out in section 6 there is a proposition which encourages affiliation with outside organizations and the formation of organizations among Government employees without restriction. It is this particular feature of the proviso that seems to have complicated matters and is probably responsible for most of the opposition to the entire proviso. We who are in the service desire to make it clear that we have never urged, and do not now urge, that Congress should by legislation encourage Government employees to form organizations or affiliations with outside organizations, whose aims and policies might at some time or other force us into an embarrassing attitude toward our sworn duty to the Government. We would prefer to have the organization feature eliminated, but would like the substance of the last half of the proviso (stricken out by the committee) restored, granting us the right of appeal to Congress.

We have organizations now in each branch of the postal service organized to promote the efficiency of the service, to advance the welfare of the employees, and to pay benefits in case of accident, sickness, or death. These organizations are quite free from outside interference or domination, are controlled by men in the service, and are able to meet every legitimate need from an organization standpoint.

The men of our service are willing to trust Congress for an equitable adjustment of grievances that may arise from time to time, provided Congress is properly advised as to service conditions. With the "right of appeal" these organizations or individual members thereof will be able to give information to Congress regarding the needs of the service without fear of demotion or removal. Except among a very limited number there is no demand from the men actually in the service for that part of the proviso of section 6 which would subject the postal service and eventually the civil service itself to the dangers of secret organizations and outside affiliations and interference.

We are satisfied from our interview with you that you understand our position accurately. The amendments submitted by you and Senator NELSON to-day are substantially the same and are in accord with the hopes and desires of the men of our service as expressed to you in person several days ago. We have no doubt that you and Senator NELSON will be able to reconcile the phraseology of the amendments proposed so that our friends who believe we should have the right to petition Congress may unite in support of an acceptable amendment that will meet the end in view.

Assuring you of our appreciation of the interest you have manifested in this matter, I am,

Very sincerely, P. J. SCHARDT,
President Railway Mail Association.

The PRESIDENT pro tempore. The Chair will call the attention of the Senate to the fact that there are two distinct amendments apparently printed as one. The first amendment is simply to strike out the words "or the originals thereof." It has no relation to the proviso which follows. The Chair will first put the question on that amendment.

Mr. JONES. Mr. President, just a moment. On April 10, 1911, I introduced a bill covering very much the same subject included in section 6.

The PRESIDENT pro tempore. Will the Senator allow the Chair to put the question on striking out the four words "or the originals thereof." They have no relation to the proviso.

Mr. REED. I do not understand that. I have been trying to follow it, but have been unable to do so.

The PRESIDENT pro tempore. If the Senator will examine the original bill, on page 48, line 23, he will see that the words "or the originals thereof," proposed to be stricken out, have no relation to the amendment which follows, striking out the proviso.

Mr. REED. I understand now.

The PRESIDENT pro tempore. The question is on agreeing to the amendment striking out those words.

The amendment was agreed to.

Mr. JONES. Mr. President, as I was about to say, on April 10, 1911, I introduced a bill in the Senate covering very much the same proposition involved in section 6. I desire to have printed in the RECORD so much of the bill as I have not marked out to show that the provision that is part of section 6 is almost verbatim the provision of the bill to which I refer.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

And no person holding a position under the civil-service laws shall be removed therefrom except for such cause as will promote the efficiency of the service and for reasons given in writing, and the person whose removal is sought shall have notice of the same, and of any charges preferred against him, and be furnished with a copy thereof, and also be allowed a reasonable time for personally answering the same in writing; but no examination of witnesses nor any trial or hearing shall be required except in the discretion of the officer making the removal; and copies of charges, notice of hearing, answer, reasons for removal, and of the order of removal shall be made a part of the records of the proper department or office, as shall also the reasons for any change in rank or compensation; and copies of the same shall be furnished the person affected upon request, and the Civil Service Commission also shall, upon request, be furnished copies of the same or the originals thereof.

Mr. JONES. While I am on my feet I simply desire to say that I am heartily in favor of the amendment suggested by the Senator from Missouri [Mr. REED] or that suggested by the Senator from Minnesota [Mr. NELSON] with reference to the formation of organizations of postal employees. I intended to put in the RECORD substantially the same letter the Senator from Missouri has had read.

Mr. POINDEXTER. I should like to ask the Senator from Missouri what his amendment is? It does not seem to be printed.

The PRESIDENT pro tempore. The amendment of the Senator from Minnesota [Mr. NELSON], which was first submitted, will be stated, and then the amendment offered by the Senator from Missouri [Mr. REED] will be stated.

Mr. REED. My amendment was first, I think, Mr. President.

The PRESIDENT pro tempore. Then the Senator's amendment will be first stated.

Mr. REED. I desire to make a parliamentary inquiry. Are we now to vote upon the question of whether we will strike out the House provision as the first proposition?

The PRESIDENT pro tempore. That is the proposition of the committee, but the text of the House bill can be amended.

Mr. REED. Mr. President, the amendment that I offered was really intended to be offered in the event that the House provision was stricken out and to take the place of it. The Senator from Washington has asked for an explanation of this amendment. I call his attention to the fact——

Mr. CRAWFORD. Mr. President, can we not have both amendments stated from the desk, so that we may know what they are?

The PRESIDENT pro tempore. That will be done upon request of the Senator. The two amendments will be stated.

The SECRETARY. The amendment proposed by Mr. REED is in lieu of the words proposed to be stricken from the bill, on pages 48 and 49, to insert the following:

The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress or any Member thereof or to furnish information to either House of Congress or to any committee or Member thereof shall not be denied or interfered with.

The amendment proposed by Mr. NELSON is in lieu of the words proposed to be stricken from the bill, on pages 48 and 49, to insert the following:

Provided, however, That the presenting by any person or groups of persons employed in the postal service of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. REED. Mr. President, if it is possible to do so, I should like to see the vote first taken on whether we will strike out the House provision.

The PRESIDENT pro tempore. That is entirely proper. The Senator can withhold his amendment until that motion is acted upon.

Mr. POINDEXTER. Mr. President, so far as I can understand, the amendment offered by the Senator from Missouri does not protect the postal employees in the right to form associations for the improvement of the conditions of labor; in other words, it would leave stricken out of the bill that portion of the House provision of section 6 relating to organizations. The clerks have an organization now and have had for some time, apparently with the consent of the Post Office Department. It is obvious that the right to form such associations is a great advantage to the employees. There are many things which need to be called to the attention of the department which can not be called to the attention of the department by individuals. The only way in which they can properly be presented is through some organization, and because of the fact that the amendment of the Senator from Missouri—which really is proposed as a substitute for section 6—does not protect the employees in the right to form such associations, even as to those which they now have, and would leave the employees subject to be disciplined for remaining members of associations, it seems to me the provisions of the House bill in this respect ought to be retained and that the motion to strike out ought to be voted down.

Mr. REED. Mr. President, just a word. I know the Senator from Washington does not want to put me in any different light than the true one. I have already stated that I desired to offer this amendment of mine in the event that the House provision was stricken out, and I asked that the vote be taken first upon the question as to whether it should be stricken out. I prepared the amendment I offered because I wanted at least to preserve to these men the right of petition to Congress. I do not know that the Senator and I are at all at variance, but I would not want to be put in the position of having offered this amendment with a view of denying to these men the right of organization.

While I am on my feet, I want to say that some four men claiming to represent these organizations—I have had read here the letters from two of them—stated to me that they believed their right to petition Congress might be jeopardized by insisting upon the House proposition as it came here, and for that reason they desired to wait. One or two of them went to the extent of saying they did not desire the right to organize as contemplated by the House bill, and went further and stated that they now did have organizations that were not being interfered with; but there are others who have come to me since and have stated that they do desire the House provision and that they feel that their rights are being impinged upon by departmental orders. One of those orders I read into the RECORD on Saturday. All I am now asking is that the Senate shall vote upon the question as to striking out the House provision. If that motion is carried and if the provision is stricken out, I then desire to offer the amendment which has been read.

Mr. JONES. Mr. President, I desire to offer an amendment to the House text by inserting after the word "employees" in line 25, page 48, the words I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the word "employees," in section 6, line 25, on page 48, it is proposed to insert "not affiliated with any outside organization."

Mr. JONES. Mr. President, that recognizes the right by law of these employees to form associations within the service, and I think it meets the desires of practically all of the leaders of the various organizations. It will also, as I think, remove any objection to adopting the House provision.

The PRESIDENT pro tempore. The question is on the amendment offered by the Senator from Washington to the text of the House bill.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin rise to address himself to the amendment of the Senator from Washington?

Mr. LA FOLLETTE. I desire to address myself to the section before it is amended in any respect.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, I know of no reason why a different rule should apply to the employees in the Post Office Department and in the postal service from that in any other department of the Government. As I understand, there are at present in a number of the departments of the Federal Government regular union organizations of employees affiliated with the Federation of Labor. Experience shows that this organizing of Government employees has not resulted in disturbance of any kind or been conducive to strikes, or that it has in any manner been detrimental to the service.

Senators will remember that some two years ago there was a great deal of friction and trouble in the postal service. It arose, as I understand it, from an effort on the part of the Postmaster General to impose additional extraordinary service upon railway postal clerks and other employees in the postal service, in order that his department might make an exceptional record for economy.

This departmental decree of 1910, which became known as the "take-up-the-slack" order, so changed the conditions under which the men in the service had to labor that there was general complaint; and notwithstanding the Executive regulation which had been issued by former President Roosevelt and President Taft, known as the "gag order," those complaints reached Members of the House and Senate early in 1911. There was a general suspension of the promotions to which the men in this service were entitled under the law, and as I say, to the very great hardship of the men and to the detriment of the service, extra and extremely burdensome duties were laid upon them.

There was a reduction in the force, and the withholding from the crews of the usual complement of helpers. Notwithstanding Congress had made provision for the appointment of additional post-office clerks and carriers to meet the increase in the business due to the expansion of the country, the Postmaster General arbitrarily refused to make these appointments and fill these positions.

The result of this policy which placed a premium on inefficient service was not only dissatisfaction on the part of the employees, but it brought a general complaint from business men over the country because of delays in the delivery of mail. The cutting down of the forces that handled the mails upon some of the principal railway post-office routes, the failure to provide sufficient help in the post offices, and the failure to supplement the existing carrier forces with additional men, resulted in throwing such an additional burden upon the men in the service that they were not able to handle the mail of this country with the expedition demanded by the people and to which they are rightfully entitled. It was a daily occurrence to have great quantities of "stuck mail" piled upon the trucks of transfer stations such as Pittsburgh, and for such mail to be carried "unworked" from Pittsburgh to New York and back to Pittsburgh again.

I cite that as typical of the condition existing on many of the heavy mail routes throughout the country.

I regret, Mr. President, that I have not been able to tabulate a mass of information which I gathered upon this subject with the purpose of ascertaining exactly the conditions and of presenting a digest of that material to the Senate at the proper time. I mailed a series of questions to all of the railway mail clerks whose addresses I was able to obtain. I sent out, I think, something like ten, twelve, or fifteen thousand circulars. I have the replies. The matter is very interesting, and would be very instructive, I am certain, if it was in form to be presented to the Senate. It reveals the fact that the conditions in this service are probably more arbitrary than in any other branch of the civil service.

I will say, in passing, that I incurred the displeasure of the Post Office Department in making this investigation and my mail was subjected to an espionage that was almost Russian in its character. Letters addressed to me were opened in violation of the postal laws. I have here before me [exhibiting] a package of envelopes, a few out of hundreds, bearing evidence that the mail was rifled and the contents of the envelopes examined by some one presumably who was hostile to the purpose which I had in seeking information.

It was, Mr. President, because of the condition which the Postmaster General forced upon the men under him that dissatisfaction broke out in an aggravated way in the tenth division of the Railway Mail Service on the Tracy and Pierre railway post office. I do not know whether reference has been made to that matter in this debate. I do know that it engaged the attention of some of the committees that have charge of this subject of legislation, and that everywhere it was characterized by the officials as a strike on the part of the employees.

I contend, Mr. President, that, as is abundantly shown by the testimony, it was nothing of the sort. With the provisions of section 6 just as passed by the House enacted into law, I can not conceive that it would be possible for any organized opposition to the Post Office Department or to the Government to go to the point of open rebellion. Indeed, I think the conditions which arose in that particular district would have been obviated if the men had been organized and had the benefits that go with organization.

Second Assistant Postmaster General Stewart, referring to this trouble before the House Committee on Reform in the Civil Service, stated that railway post-office clerks on the Tracy-Pierre line struck. Mr. Van Dyke, president of the tenth division of Railway Mail Association, an organization recognized by the department, in answer to the questions of the committee, said that these men had signed a protest to the chief clerk, in which they made a statement that they could not work under the heavy and extra duties imposed upon them in the run. They said they did not think the department should ask them to do that work, and that they could not take the run out. For this threat they were suspended.

Mr. Van Dyke was asked by Mr. YOUNG, a member of the committee, if these men quit their jobs, and to this question he replied: "No, sir; they refused to do the extra work and the chief clerk suspended them without trying to placate them."

Mr. Van Dyke, in his testimony, called attention to the fact that 20 men on the Elroy and Tracy line committed exactly the same offense, that of signing a statement refusing to fill an extra helper run after a set date, and in their case the department filled the vacancy. Mr. TALCOTT of the committee asked this question:

Mr. TALCOTT. The cases were not exactly the same?
Mr. VAN DYKE. They refused to go out after a certain date; the two cases are parallel.
Mr. DIES. No; the 10 actually quit work and the 20 only threatened to quit.
Mr. VAN DYKE. The men on the Tracy-Pierre line did not quit; they threatened to quit; the same action.

As a result of the conditions in which the men in the Railway Mail Service found themselves, those in the northwest section, in February, 1911, organized what was known as the Brotherhood of Railway Postal Clerks, and it was after this organization was completed that the department issued its orders against secret organizations of postal employees.

Mr. President, I ask leave to print, without detaining the Senate to read, that order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The order referred to is as follows:

General Order No. 1170, issued from the office of the superintendent on Tuesday of each week, for the information and guidance of postal clerks, postmasters, and all concerned.

NORMAN PERKINS, *Superintendent.*

SECTION 1. GENERAL.

POST OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL,
Washington, March 13, 1911.

Mr. NORMAN PERKINS,
Superintendent Railway Mail Service, St. Paul, Minn.

SIR: I am sending you herewith a copy of a letter from the honorable Second Assistant Postmaster General in regard to the reported movement among the clerks to organize lodges of secret organizations in the service.

Please publish the same in your general orders for the information and guidance of the clerks.

Respectfully,

ALEX. GRANT,
General Superintendent.

POST OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER GENERAL,
Washington, March 13, 1911.

Mr. ALEX. GRANT,
General Superintendent Division of Railway Mail Service.

SIR: Referring to the reports that postal clerks at various points are forming lodges of secret organizations of railway postal clerks, I desire that steps be taken at once to acquaint all in the service that such action is regarded as inimical to the interests of the Government. All clerks when they enter the service take an oath to well and faithfully discharge the duties of the office to which they are appointed and to perform all the duties required of them and to abstain from everything forbidden by the laws in relation to post offices and post roads. It is incompatible with their obligation to the department that they should assume another oath with a secret organization in the service which may at any time interfere with the obligations which they have assumed upon entering the service. This is not to be construed as interfering with any right which a clerk may have of acting personally and individually with reference to organizations outside of the postal service.

You are directed to advise all railway postal clerks as to these principles of employment and views here expressed and that they shall be governed thereby.

JOSEPH STEWART,
Second Assistant Postmaster General.

Mr. LA FOLLETTE. Prior to the issuance of this regulation and the "take-up-the-slack order" of the Postmaster General there was general dissatisfaction in the civil service of the Government, not confined to the Post Office Department, because of the two Executive orders, one issued by former President Roosevelt and the other by the present Executive. These orders the Senate is familiar with, and I will not take the time of the Senate to read them, but will print them in connection with my remarks without reading.

Following is the order issued by President Roosevelt January 25, 1906:

All officers and employees of the United States of every description, serving in or under any of the executive departments or independent Government establishments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence or attempt to influence in their own interest any other legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments, or independent Government estab-

lishments in or under which they serve, on penalty of dismissal from the Government service.

THEODORE ROOSEVELT.

The order issued by President Taft, under date of November 26, 1910, was as follows:

It is hereby ordered that no bureau, office, or division chief, or subordinate in any department of the Government, and no officer of the Army or Navy or Marine Corps stationed in Washington, shall apply to either House of Congress, or to any committee of either House of Congress, or to any Member of Congress, for legislation, or for appropriations, or for congressional action of any kind, except with the consent and knowledge of the head of the department; nor shall any such person respond to any request for information from either House of Congress, or any Committee of either House of Congress, or any Member of Congress, except through, or as authorized by, the head of his department.

WILLIAM H. TAFT.

Mr. LA FOLLETTE. I understand that under date of February 8, 1912, this Executive order was modified to provide that employees be not removed except for just cause and to give every employee whose removal is recommended an opportunity to be heard; and also providing that the heads of departments shall forward to Congress petitions received from employees.

These Executive orders denying the right of petition to men in the public service, the action of the department as set forth in the Stewart letter, the experiences of the men in the railway mail and other branches of the service, who were reduced or dismissed or their condition made so onerous that they were forced to resign because they declined to sever their connection with the organizations of which they were members and which had for their object the betterment of labor conditions—all this created a just demand for legislation of the character contained in section 6 of this bill.

In a debate on Saturday the Senator from Iowa [Mr. CUMMINS] asked if there had ever been an instance in which an employee had been either demoted or dismissed because of his connection with any union, association, or club.

As an answer to that question I desire to place in the RECORD the examination of George W. Nichols, of Cleveland, Ohio. Mr. Nichols was 22 years in the Railway Mail Service. His only offense, so far as the record shows, was his joining the Railway Postal Clerks' Protective Association. He was examined by his superiors in order to ascertain whether he was a member of that association, and the questions and answers as taken down at the time are as follows:

Q. Are you a member of the Railway Mail Clerks' Protective Association?

Knowing that the answer to that question would cost him his position, he replied:

I decline to answer. I consider this a private affair.
Q. This is a secret organization, is it not?—A. Yes; I suppose so.
Q. It is composed entirely of postal clerks?—A. I do not know.
Q. Have you attended any meeting?—A. I decline to answer.
Q. This association affiliates with the American Federation of Labor, does it not?—A. Do not know.
Q. Do you decline to answer any and all questions concerning this association and the matter of your membership with it on the grounds that it is no concern of the department?—A. I do.

He was further questioned by his chief clerk at Cleveland, Ohio, March 30:

I have called your attention to the letter from the honorable Second Assistant Postmaster General, under date of March 13, 1911, defining the attitude of the department with relation to the formation of secret organizations within the Railway Mail Service.
Q. You are a member of the Postal Clerks' Protective Association, are you not, Mr. Nichols?—A. Yes.
Q. You have been nominated for office and your name placed upon the ballot?—A. I suppose so; yes.
Q. What office, may I ask?—A. I think it was trustee.
Q. The ballots that were sent out are returnable April 1, are they not?—A. I don't remember.
Q. Now that you have been made acquainted with the position of the department with relation to organizations of the character of the Postal Clerks' Protective Association, which I understand is a secret organization, please say what your future policy will be with regard to membership in that organization and performance of duties of the office for which you have been nominated, if elected.—A. Well, I take the ground that that letter of Mr. Stewart's is entirely beyond his authority; that he has no right to make any such regulations. My position is such that I don't intend to withdraw.
Q. You will serve as an officer of that organization if elected?—A. I certainly will—if I remain in the service. I've got to the point that I don't care whether I stay or not, as far as that's concerned.
Mr. FORMANEK. That will be all.

Following this examination of Mr. Nichols came this order of removal:

RAILWAY MAIL SERVICE.

REMOVAL.

The removal and the discontinuance of the pay of George W. Nichols, railway postal clerk, class 5, with pay at the rate of $1,400 per annum, between New York, N. Y., and Chicago, Ill., are hereby ordered.
For conduct detrimental to the welfare of the service. Pay office: Cleveland, Ohio. Date of order: April 4, 1911. Form 2417. 5-3527. E. M. K.

POST OFFICE DEPARTMENT,
SECOND ASSISTANT POSTMASTER GENERAL,
DIVISION OF RAILWAY MAIL SERVICE,
Washington.

SIR: An order removing you and discontinuing your pay as a railway postal clerk has been issued, as indicated on the reverse side of this sheet.

Respectfully,
G. F. STONE,
Acting General Superintendent.

To GEORGE W. NICHOLS,
Railway Postal Clerk, Cleveland, Ohio.

April 6, received. (Through office of Div. Supt., R. M. S.)

There was no complaint, Mr. President, that Mr. Nichols did not perform the duties of his office strictly in accordance with the rules and regulations of the department. There was no complaint that his personal conduct was in any respect detrimental to the service. He was removed from the public service after 22 years of faithful performance of duty simply because he joined an organization of railway mail clerks against which the department brought no charge but of which it was not in favor.

The Railway Postal Clerks Protective Association is affiliated with the American Federation of Labor; the Brotherhood of Railway Post-Office Clerks is not affiliated with the American Federation of Labor; but the ban of the department seems to reach both organizations.

I will now place in the RECORD a letter which I received from St. Paul, but I withhold the name, because to publish it would endanger the position of the writer:

ST. PAUL, MINN., ——, *1911.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SIR: Since answering your inquiries regarding conditions in Railway Mail Service, and the attitude of the Post Office Department against our organization, I must now supplement my answers to questions 1 and 2, as follows:

Yesterday, 18th instant, I was ordered to call at the office of Division Superintendent Alex. Grant, who insisted that in accordance with letter of Assistant Postmaster General Stewart, it was my duty to withdraw at once from the National Brotherhood of Railway Postal Clerks; that failure to do so would be considered as insubordination; and that the "department" was determined to break up such organization. I answered that I had a clear idea of my duty in that regard and besides had good sound legal advice to the effect that the Post Office Department had no right to prohibit us from organizing.

Mr. GRANT. Then I am to understand that you are a union man—you believe in union?

Answer. Yes, sir; I do believe in union principles and believe that they would be for the best interest of the public, the clerks, and also the officials of the Post Office Department.

Mr. GRANT. Well then I see that you and I can never agree on that subject. You understand that anyone who takes such a stand against the department is liable to get hurt, and you'll have no kick coming.

With this veiled threat he dismissed me from further interview.

I answered, "Very well, Mr. Grant, we all perfectly understand your powers under the 'gag rule,' but always have denied, and will deny, the right and constitutionality of that rule."

I understand that numbers of clerks are being daily called to his office and talked to in practically the same manner, a little variation now and then, depending on their attitude.

I want to submit, Mr. President, another letter. This letter was written from Boston, Mass. It calls attention to the case of Mr. Quackenbush, removed from service because he persisted in being a candidate for an office in the Railway Mail Service contrary to the wishes of the department. I have had this letter copied, and I will ask the Secretary to read the copy I send to the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BOSTON, MASS., *April 12, 1911.*

HONORABLE SIR: Undoubtedly you have received many letters of grievances from railway mail clerks, of the hardships they have had to endure by the action of the department in its line of the so-called economy plan.

Our cause as so represented has been presented by men from the Railway Mail Association who were not of the rank and file and could or did not present the cases of those who were the greatest sufferers.

Of those who lately appeared before the Post Office Committee to represent our cause one was the national president, one was the national secretary, and the third the president of first division, Railway Mail Association.

The first, since that interview, it is rumored, has been taken care of; the second, the secretary, holds a lucurative position at Portsmouth and not in the Railway Mail Service; the last, the president of the first division, Railway Mail Association, rumor has it, has been connected with post-office inspector's office here at Boston. How could these men, who had their own individual interest at stake, represent the rank and file of those who had been the greatest sufferers?

There are many of those who have been less fortunate who could tell many things of privations and reductions along these lines, could they be heard without fear of reprimand or something worse.

Men of long service, not only in the mail service but in the service of their country, and those who from injuries received on the road after a partial recovery being assigned to some light duty, have been made to feel that they have indeed labored in vain. The order of continuing in service 12 consecutive days of the messenger service on the Boston, Springfield and New York railway post office, which previously had been 6 days on and 6 off.

And this a veteran of 42 years of service on the road as well as a veteran of the Civil War.

The reduction in salary and grade of the clerks in charge of the dormitories at Harrisburg and Boston.

The former twice reduced, as stated by A. C. Walton, brought about "by his not keeping his mouth shut."

The one in charge of Boston Dormitory reduced in rank from class 2 to class 1 with a loss of $400 salary, and that order issued over the signature of Alex. Grant, made forcible by a rubber stamp and apparently by no other order.

And this, a veteran of the service as well as a veteran of the Civil War, assigned to a position as clerk of dormitory after a partial recovery from injuries received while in performance of duty on the road as mail clerk and after suffering nearly three years as a result from his injuries.

These conditions have not been removed nor many others which were happily enjoyed previous to the present conditions.

From the information given by our representative, A. C. Walton, we were told if we remained quiet all would be well.

How were those promises kept? When President Walton was asked: "What have you to tell us that has been promised to better our condition?" "That I am not at liberty to tell, as my talk with the officials was confidential." And this from our representative. What that talk meant and what object he had in view has been made plain, as two efficient clerks have been made to feel, by a summary removal without any warning. Civil service, notwithstanding, still survives, a laughing farce and a cruel mockery.

The cause of their removal is laid to their too active part at a meeting recently held by the R. M. A., at which President Walton presided, and at which it is supposed some remarks were made by these two clerks relative to the gag rule, or the right of appeal.

Now the solution as we see it is that the clerks were removed at the suggestion of A. C. Walton—from the fact that one of these men, C. H. Quackenbush, is a candidate against A. C. Walton's reelection as president, and from whom he feared defeat.

From the fact that A. C. Walton, since his return from Washington, has been a constant visitor at the post office inspector's office, and the clerks have been summoned to appear and sign papers, whether or no that at any time they had loaned money to any of the officials of this department; that some one else must be made to suffer for too active part in bringing about his defeat.

Clerk H. W. Strong, of the Boston and Springfield railway post office, was asked by A. C. Walton to make a statement relative to a slight altercation between him and C. H. Quackenbush, which occurred some four years ago or more. He did not give it.

Clerk C. H. Quackenbush is our choice because he is upright, straightforward, and manly, and has been elected by a large majority.

If there ever was a man whose acts while in the capacity of friend and foe needed probing it is this same A. C. Walton. No clerk feels that his position is safe who stands in his way.

If retribution could be wrought upon this man, whom we look upon as a Judas, there are men who could be found to show him up in all his false colors.

This man, it is rumored, sought to have the clerks attend a meeting of the American Federation, and caused inspectors to be posted to mark all mail clerks who should attend.

In the name of liberty and all it implies, freedom of thought, speech, and all that belongs to an American citizen, the right to act, speak, and think without the fear that should he so act or speak he might be smartly dealt with.

Remove from us these fears by your influence and these 10,000 railway mail clerks will rise up and call you thrice blessed, and in them you will find an everlasting and grateful people.

I have called attention to the fact that the department has placed its ban upon the brotherhood, which is a nonaffiliated society, and also upon the Railway Mail Clerks' Protective Association, which is an organization affiliated with the American Federation of Labor. The department officials take the ground that they do not object to organizations of men employed, provided they have no outside affiliation. Now, I have shown clearly in the case of the brotherhood, which has no outside affiliations, that the department is opposed to it, and the only organizations of postal employees which the department seems to favor are those which are dominated by the officials of the Post Office Department. This has been the case with the Railway Mail Clerks' Association. The head of that organization is now either in the galleries or lobbies, or possibly interviewing some Member of this Senate. His name is Peter J. Schardt, and his home is in Milwaukee, Wis.; and he is, so far as the Railway Mail Clerks' Association is concerned, absolutely under the domination of the department.

In this connection the officials of the department represent the department, and as such they have endeavored to and have influenced the election of officers of the organizations of employees. They directly influenced the election of Mr. Schardt, and in support of that statement I want to submit a letter of E. C. Olwin, assistant chief clerk at Grand Forks, N. Dak., which was introduced in the House hearings, and has not been controverted or explained:

GRAND FORKS, N. DAK., *March 25, 1911.*

DEAR BROTHER CLERK: The ballots for the coming division election will be mailed to each member of the association soon, and I wish to call your attention to a few things connected with association affairs in connection with the candidates for division president.

You are no doubt aware of the fact that Van Dyke is the "Brotherhood" candidate for division president, and we can not now afford to have two organizations in the Railway Mail Service, both working for the same ends, but one in harmony with the department and the other antagonistic to the department. I believe the R. M. A. is in a better position now to get what the clerks deserve in the way of better pay, better hours, better cars, etc., than ever before, and by continuing the present organization I believe we will accomplish all we desire in the course of another year or two.

The department and Congress recognize the R. M. A. as the official organization of the railway postal clerks and will not recognize the "Brotherhood," and it is a certainty that if the "Brotherhood" is allowed to gain control of the R. M. A. we will lose all the prestige and influence that we have gained by fair and honest dealing with the department.

We will never gain anything by antagonizing the department, and past experience has proved that everything Congress has done for us has been recommended by our department officials, and it has been proved by past experience that Congress will not grant us anything that has not been recommended by the department.

Our association may have been too easy in the past, and I believe we should adopt a more aggressive campaign for the future and in presenting our grievances to the department be prepared to convince them that our claims are just and that we are properly entitled to them.

We know that our present vice president, P. J. Schardt, is the man best fitted to conduct our national affairs for the next year, and a vote for Van Dyke means a vote against Schardt.

We have a candidate for division president who will meet all the requirements, is a sound, level-headed man, quiet in demeanor, but with a determination to do whatever he undertakes to do, and who will not try to tear down the present R. M. A., but who will do his best to make it stronger and more effective. That man is Mr. O. E. Johnson, of the Chi. & Minn. R. P. O., and a vote for him means a vote for Schardt and for a better and stronger R. M. A., and, incidentally, a vote to better our own condition, not by antagonizing the department, but by working in harmony with them.

Think these things over before casting your vote, for I am sure if you do you will vote for Johnson.

Fraternally, yours, E. C. OLWIN.

I believe Mr. Schardt is the gentleman who furnished the Senator from Minnesota with the information which he communicated to the Senate and with the amendment which he offered.

Mr. President, the purpose of maintaining this organization among these clerks is to better their condition, to enable them to present as an organization their grievances. And the domination of such organization by the officials of the Post Office Department is an adroit means of destroying its efficiency as an instrument to benefit the employees which it represents.

And as a further evidence of the influence which the department exerts in the control of these organizations I want to submit the statement made to the House Committee on Reform in the Civil Service by Oscar F. Nelson, president of the National Federation of Post Office Clerks.

That organization represents some 4,000 post-office clerks. I think it is something like six or seven years old. It is affiliated with the American Federation of Labor. There has never been a strike or anything approaching a strike through the influence of this organization. Its services have been effective. It has brought about the classification of clerks in that department under the civil-service laws of the country, as I shall show in a moment. The head of the department, the president, is not in the service. He was dismissed as a clerk from the Chicago post office. He had been particularly efficient. He had just a few weeks before his dismissal received a promotion to the highest salary possible in the service in which he was employed.

The cause for his dismissal was that he gave publicity to the insanitary conditions existing in some part of the post-office building in Chicago where the clerks were required to perform their services. He had made every possible effort to secure a remedy for those conditions. Being unable to do so he furnished some facts to the press of Chicago, and publication was made of the conditions. They were simply horrible. He was not driven to take this course until four deaths had occurred right in that office from contagious disease contracted as a result of the insanitary conditions. The public health officers of Chicago, as soon as their attention was called to the conditions, condemned the situation as they found it; and yet this young man, one of the brightest fellows I have met, was removed from the service because he had given publicity to these outrageous conditions. In his testimony or statement made to the House committee is found the following:

I want to submit to you the facts in connection with the passage of the classification bill that the letter carriers in the post offices are now working under. In 1906 our national organization was formed.

That is one of the organizations that does not enjoy the favor of the Post Office Department.

At that time the postal service throughout the country and the post-office clerks throughout the country were dissatisfied with the conditions that they were working under. These conditions had never been realized in Chicago until 550 resignations were made from the service within the period of six months. The civil-service secretaries and examiners throughout the country wrote to Washington stating that they could not get men to take the examination for the positions because there were no classifications of salaries. The clerks started at $50 per month and never knew when they would be promoted. It was absolutely necessary to go out and secure political aid and influence in order to get promotions.

In Chicago they could not get men to take the jobs, and the postal service, or Mr. Hitchcock, recommended the passage of the classification law. He called in the president of the clerks' association and told him he would recommend the passage of the classification law. He said, "It is not going to be what the boys want, but it is the best that we can do for them, and I want you to see that the clerks of the country are satisfied with the classification recommended by the department." He said, "I am going to recommend a classification law which will provide a maximum entrance salary of $600 and $100 automatic promotion until a $1,000 salary is reached." The carriers at that time—and since, I believe, 1884 or 1886—had been working under a classification law which provided $600 for the first year, $800 for the second year, and $1,000 for the third year. They had felt

during all that time the increased cost of living, and their organization had made a request of the department that they recommend a classification which would give them $1,200 per annum. The president of the National Letter Carriers' Association came to Washington to secure, if possible, the adoption of the amendment. This was during the session of the winter of 1906 and 1907. Mr. Hitchcock, who was then First Assistant Postmaster General, became aware of the fact that Mr. Holland, the president of the National Letter Carriers' Association, was in Washington attempting to influence legislation along the lines that I have mentioned—that is, to secure an amendment to the classification bill. He immediately ordered Mr. Holland to return to his post of duty, and Mr. Holland, not being desirous of leaving the interests of the letter carriers here in Washington, had some Congressmen wait on Mr. Hitchcock, and these Members of Congress appealed to Mr. Hitchcock that Mr. Holland be allowed to remain in Washington during the session. Mr. Hitchcock told these Members of Congress to send Mr. Holland to him and he would have a talk with him. Mr. Holland came in to see him one day and Mr. Hitchcock said: "I will allow you to remain in Washington on one condition." Mr. Holland said "What is it?" Mr. Hitchcock said "On the condition that you will not be a candidate for reelection for national president of the National Letter Carriers' Association." Mr. Holland agreed to this and was allowed to remain here in Washington for the purpose of influencing the legislation I have spoken of.

Mr. PUJO. Was he drawing his salary during that time?

Mr. NELSON. No, sir; a substitute was working in his place, and he received no salary; he was on leave of absence without pay. The classification bill was passed; that law classified the salaries of the clerks and carriers, and made the positions transferable and interchangeable. As I said, that law was passed, and the clerks and carriers were appreciative of it; and at the convention of the Letter Carriers' Association, which took place the following September, Mr. Hitchcock was invited to be present, and he was also invited to attend the clerks' association convention. When Mr. Hitchcock came to Canton, Ohio, and found the letter carriers unanimous in their recommendation and indorsement of Mr. Holland, he immediately ordered Mr. Holland suspended from the service.

Of course the clerks felt very grateful to Mr. Holland. He had been instrumental in securing, as they believed, the passage of this classification legislation—

When he went into the convention hall to address the carriers' association he refused to accept the hand of the president and addressed the carriers without addressing the president. By this action he practically snubbed and insulted the representative of the carriers' association. The carriers realized that something was wrong, and they held a conference with Mr. Holland. Mr. Holland then recalled his promise to Mr. Hitchcock not to become a candidate for reelection.

Mr. DIES. Was he a candidate for reelection?

Mr. NELSON. He had not told the carriers that he would not accept a reelection, but it was simply the unanimous sentiment of the delegates to the convention that Mr. Holland should be reelected. The delegates then held a caucus among themselves and finally told Mr. Holland that they thought he ought to withdraw from the race for reelection; that he ought not to stand for reelection in view of his promise, because they realized that it was absolutely necessary to have the good will of the department. Mr. Holland also realized this and refused to be a candidate for reelection.

It is perfectly apparent, Mr. President, from what I have submitted to the Senate, that the department desires to maintain a check upon the organization not alone because of the control which it gives over the presentation of grievances of the employees to Congress or to the Executive, but also because of the political prestige which it secures by such control. These organizations hold conventions; the Postmaster General or his representative is present, and as a result there is always a laudatory resolution passed expressing the gratification of the particular organization with the administration of the department and expressing confidence in the official who is present representing the administration.

These resolutions are used in the political campaigns which follow. The presence of the officials of the department at such gatherings always prevents free discussion, as the men are fearful if they express their real sentiments with reference to the conditions in the department or of the rules under which they must work they will bring upon themselves the displeasure of the department and be punished by demotion or separation from the service.

This may appear to Senators as an exaggeration, but in this connection I desire to call attention to the case of a railway postal clerk who, in pursuance of his plain duty, reported the unsanitary condition of cars in which he was compelled to work on the Great Northern road. This is his letter—I withhold his name for the same reason that I have withheld others:

ST. PAUL, MINN., ——, *1911.*

Hon. ROBERT M. LA FOLLETTE,
Washington, D. C.

HONORABLE SIR: Your circular letter under date of March 31 received, and I take pleasure in returning same filled up as requested. In connection with this I beg leave to call your kind attention to the severe discipline which I am undergoing at the hands of the department.

I was reduced from class 5, at $1,500, to class 4, at $1,300, account my sanitary reports of the cars in which I work. I was reduced without a hearing or any papers in the case. I have exhausted my every effort to be reinstated and have failed. The department asked for these reports; insisted on getting them as good or bad; if bad, to state briefly in what respect. I gave the information asked for to the best of my knowledge and belief.

Supt. Perkins informed me personally that the Great Northern Railway people were responsible for my reduction; that they had taken up my report with the department at Washington direct, and I am now living in fear of another reduction at the hands of the department or the pleasure of the railroad company. In connection with this paragraph I will add that it will be necessary for me to take another voluntary reduction to a side line, as I am not physically able to do class 4 work on our line.

Mr. President, to permit a department head to pass judgment as to what society, association, club, or form of organization an employee shall be allowed to join is equivalent to permitting him to control the organization and directly tends to foster a bureaucracy.

Any Senator who has been told by an officer of an existing postal organization "that the employees do not want the provision that provides for the right of membership in any society, association, club, or other form of organization retained in this section" has good reason to question the sincerity of such a representative of the employees, because certainly the retention of such provision in this section can do no harm. It does not compel the employees to join any particular organization or any organization at all; it simply protects them in their right to join any society, association, club, or other form of organization the same as every other citizen does.

It is possible that a representative or officer of a postal employees' organization who states "that the employees want that provision stricken out"—if he is in the service and under the control of the department—has in a roundabout way been advised by some department official to make such request. Certainly no one can imagine why an officer or representative of the employees should request that such provision should be stricken out.

The Senator from Minnesota [Mr. NELSON] in the debate on Saturday upon the authority of Mr. Schardt asserted that 90 per cent of the men employed in the Railway Mail Service were opposed to the restitution of the proviso to section 6 which has been stricken out by the committee.

I believe, Mr. President, that I am in a position, from the correspondence which I have had with some twelve or fifteen thousand of these railway clerks, to say that that statement is utterly without foundation; but even if the statement be true, I do not believe that it is a reason for striking out the paragraph. That proviso is as follows:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

I believe that this proviso should not have been stricken out by the committee. It simply provides a guaranty to the employees of the postal service of the rights which they have under the Constitution and the laws of the country and a right which should never have been questioned by the department.

This paragraph would never have been inserted in the bill had it not been for the unwarranted interference of department officials with the freedom of the men to join whatever organizations or to form such organizations as they saw fit. When the department endeavored, by the order of the Second Assistant Postmaster General, to put these organizations under the ban of the Government the department assumed a power which it does not possess. There is nothing in the law giving to the Postmaster General or his assistants or to the President power to say what organization an employee of the Government may join and what organization he may not join. To assert such a power is to strike a blow at individual liberty.

The postal employee is at all times responsible to the head of the department and subject to disciplinary action for any violation of rules or regulations, whether he be a member of an organization or not, and the department head should not be permitted to go further than that in his supervision of the employee.

I know that there has been instilled into the minds of Senators and others a great fear that legislation of this character will open the door to new dangers. The representatives of the department before the Post Office Committee of the Senate and other committees of Congress have pictured the dangers of a "strike" on the part of employees of the Government. They misrepresented the facts in regard to the case of the men on the Tracy-Pierre line to make it appear that there was a precedent for a strike against the Government. I have demonstrated from the records that instead of striking those men were suspended and in that suspension a gross injustice was done to these men as they were discriminated against and men who were guilty of indentically the same action—that of protesting against the performance of extra work, of doing the work of another man whom the department refused to appoint simply because it desired to make a showing of economy—were permitted to remain in the service and their demands acquiesced in. It appears under the circumstances that the Tracy-Pierre men were suspended or dismissed merely as an object lesson and to make the postal employees everywhere feel that they were

to be subjected to punishment without redress and that so far as they were concerned a reign of terror prevailed.

The Senator from Iowa [Mr. CUMMINS] was correct in the statement that he made when he said:

If the Government can not settle its differences with its employees without the intervention of the strike, then the Government is a failure.

The denial to these employees of the right to form these organizations, the curtailment of their right to petition Congress, and lay before the Members of either House the grievances which they have against the department might lead to conditions which would become so intolerable as to goad men to desperate action; but I can not conceive of a strike against the Government in any branch of its service so long as the constitutional guaranties of all of the employees are in full force and effect.

The denial to these employees of the right to affiliate with outside organizations, even outside labor organizations, is a contradiction of the action of the Post Office Department and of the action of other departments of the Government. Men employed in the Government Printing Office and in the Bureau of Printing and Engraving are members of the Typographical, the Pressmens, Bookbinders, Stereotypers, and Lithographers Unions. The men employed in the navy yards are members of unions. There is a local union of the employees of the Geodetic Survey. The stationery engineers and firemen employed in the Government plants in this and other cities are members of unions. And all of these organizations of employees in these varied Government activities are affiliated with the American Federation of Labor. Why, even the National Federation of Post Office Clerks, an organization which has been in existence since 1906, has, with the express permission of the Post Office Department, been affiliated with the American Federation of Labor. For the information of Senators on this point I desire to direct attention to a statement taken from an Associated Press dispatch in which former Postmaster General Cortelyou and the present Postmaster General were quoted upon this point:

Employees can form all the unions they desire; there is nothing in civil-service regulations to prevent them, but it is understood that the department will insist on loyal service from each employee as an individual and without any thought of his affiliation with any organization.

That is the true rule. And a department which can not maintain such relations with its employees and permit them to connect themselves with whatever associations they may choose to join is a badly managed department of government.

Mr. Hitchcock, then the First Assistant Postmaster General, at the same time issued the following statement:

There is no postal regulation which prohibits the employees of the department from joining organizations of this kind (referring to unions), but there is an Executive order, issued January 31, 1902, which directs that employees of the Government shall neither directly nor indirectly, through associations, make any attempt to have their rate of compensation increased.

He referred, of course, to Executive orders, against which so much complaint has been made. Of course, Mr. Hitchcock merely stated a fact which everybody understood and is familiar with—that up to that time there was no order prohibiting these men from joining associations. It was only when Mr. Hitchcock was desirous of making the showing of economy in the department, to which I have referred, and imposed upon the employees in the Railway Mail Service extraordinary and burdensome labors creating friction in the department, that this order was made.

The employees of municipal governments all over the country are organized and affiliated with other organizations. Ninety per cent of the school-teachers of Chicago are members of their own affiliated organization.

Notwithstanding all of this organization and the sore grievances which many of these employees have suffered at the hands of the General Government and municipal government, I have not and I do not believe that anyone else has ever heard of a strike against the Government.

I believe that this proviso should be restored to the bill and that it should be restored without the addition of any special legislation denying to these men the right to strike. While I do not believe that there will ever be a strike against the Government, still I do not want written into the laws of this country a direct prohibition of this right, as affecting any of the employees of the Government. Men do not strike and endure the resulting suffering and privation unless they have expectation of accomplishing some beneficial result.

The only condition under which there is any possibility of a strike occurring in the Government service is in the event of an Executive order interfering with some of the natural or constitutional rights of the employees. But where the workmen have the right or the privilege of appealing to the legislative branch of the Government for relief, having a knowledge that relief can come only through a majority of both branches of the legislature and the approval of the President, and that a strike can not create such majorities, there is not the remotest possibility that a strike would ensue, even though their grievances are not remedied when brought to Congress.

The greatest strikes which have occurred in the United States have taken place when the men involved in them were not members of labor unions or where a very small portion of them were trade-unionists.

The great railway strike of 1877 occurred when less than 10 per cent of the men were organized. In the great bituminous miners' strike of 1894, where 240,000 coal miners were involved, less than 20 per cent of them were members of the union.

In 1897, in the second great bituminous coal miners' strike, where over 300,000 miners were involved, less than 20 per cent of them were members of their organization.

In the anthracite strike of 1900, 143,000 men quit work, and yet only 8,000 of them were members of organized labor.

Two years later, when what is known as the great anthracite strike occurred and 147,000 men came on strike, less than 25,000 of them were organized.

The recent strikes in the Westmoreland coal fields of Pennsylvania, and the textile workers of Lawrence, Mass., and the garment workers of New York and Chicago, were spontaneous uprisings against intolerable conditions without any previous organization of labor having existed in their midst. Organization followed the strikes, but did not precede them.

The impression has been given that the American Federation of Labor is an organization that accomplishes its ends by means of strikes; but the American Federation of Labor has no authority to declare strikes. It does not assume any jurisdiction over trade affairs. It is simply a congress of the different trade-unions of the United States. Each trade-union has complete trade autonomy. Each trade deals with its own trade disputes without interference by any other trade or by the American Federation of Labor.

Affiliation with the American Federation of Labor would not in any manner tend toward creating strikes or strike conditions. On the contrary, when any trade organization brings its grievances to the attention of the American Federation of Labor it only does so for counsel and advice. And it has been the invariable practice of the officials of the American Federation of Labor to advise the trade affected to exhaust all other means to adjust their disputes before resorting to strikes.

The American Federation of Labor is a great organization, having great responsibilities, and there is nothing which tends more toward conservatism in handling trade disputes than responsibility. It follows, then, that affiliation with the American Federation of Labor, instead of tending to produce strikes, has a tendency to prevent them. It is a well-known fact to students of the labor movement that labor organizations have prevented more strikes than they have ever authorized.

In the best-organized industries in the United States trade disputes are generally adjusted by mutual conference. This fact does not get into the newspapers and does not become generally known, while the strikes, being the exception rather than the rule, attract attention, and from that grows the assumption that labor organizations are institutions created for the purpose of promoting strikes.

The assumption that because a trade-union is affiliated with the American Federation of Labor it would be compelled to engage in a sympathetic strike in order to assist some other labor organization whenever it was deemed advisable by the American Federation of Labor is a misapprehension of the facts. The American Federation of Labor has no power to authorize or order one trade organization to strike in sympathy with and for the assistance of another. No trade organization can be ordered on strike except with the consent of its own members, and the laws of trade-unions very frequently require that the vote of the members of the union necessary to authorize a strike must be two-thirds of the entire membership.

Mr. President, I believe that the provisions of section 6 of the House bill are wholesome; I believe they will make for good order and good service in the Post Office Department; I believe they will be conducive to contentment in the service, and that they will afford an orderly means for these men to make their grievances known, both to the department and to Congress, to secure the removal of any injustice under which they may be suffering. I believe that it will be a great mistake to strike out any portion of the House provision, and I trust the Senate will vote to preserve it.

Mr. STONE. Mr. President, I desire to make some remarks. I had intended to say what I have to say this morning when the unfinished business, which is the tariff measure, was laid before the Senate, but at that time the Senator from Arizona [Mr. ASHURST] was addressing the Senate on some provision

of the Post Office appropriation bill, and not desiring to interfere with him I postponed what I have to say.

I think this is an opportune occasion to say something about the President's veto of the wool bill and about that illusive but potential quantity known as a Tariff Board, and I think I had as well speak now as later. I shall not detain the Senate long, but I have something that I desire to say and I am going to say it now.

Mr. President, I am going to criticize the President. But as preliminary to what I purpose saying and to acquit myself of personal or partisan prejudice, I desire to remark, in passing, that personally I am a friend of the President. Personally I hold him in high, even affectionate, esteem. I believe him to be a high class man, with ideals and impulses naturally good. I believe him to be a patriotic American, devoted to the institutions of his country and the welfare of his people; and I believe that if he should be left to follow the bent of his own judgment and inclination he would seek with singleness of purpose to promote the public weal. But, unfortunately, he is so environed by political exigencies, and is so harrassed and confused by the advice and importunities of political partisans, and by interests to which his party is obligated, that frequently, as in this instance, he permits himself to be overpersuaded and to follow a course of conduct which somehow I do not believe has the free sanction of his deliberate judgment. Instead of leading he too often permits himself to be led, and becomes more the servant of a party faction and of special interests than of the people. He too often furnishes a shining example of a good man going wrong. So much for that.

I come now to the immediate matter in hand—this veto. It is well, briefly, to recall the more pertinent and important facts connected with this legislation that the exact situation may be before our minds. Mr. Taft was the candidate of the Republican Party for President in 1908. At that time he had behind him a united, confident, aggressive party. During the campaign of that year Mr. Taft declared in numerous public speeches that the public interests imperatively required the revision of our tariff laws, and that that revision should be made for the purpose of materially reducing the duties on importations. He took the position, which was a correct position, that the existing duties—those prescribed in the Dingley law—were so much too high that they afforded an almost free opportunity for the organization of industrial trusts and combinations in this country, and that they were unduly oppressive and heavy on American consumers. He took occasion at one time, I think more than once, to especially denounce the rates of duty levied under the Dingley law on wool and woolen fabrics. He was reported to have declared that the wool schedule, Schedule K, was absolutely indefensible. These utterances, Mr. President, stood unchallenged as the doctrine of his party, and was so accepted by the American people. The Democratic Party in that campaign, as it had for many years before, contended that the then existing tariff law was nothing less than a statutory shelter for monopoly, and advocated an immediate and radical revision downward. It seemed as if Mr. Bryan, the Democratic candidate, and Mr. Taft, the Republican candidate, were speaking very nearly the same language in 1908. I am sure that both were then speaking what they thought. Mr. Taft was elected President in November, 1908, and was inaugurated on March 4, 1909. With an apparent purpose of keeping faith with the people and carrying out his pledge the new President assembled Congress in extraordinary session a few weeks after his induction into office for the purpose of revising the tariff law. We sat here all through the heated months of that year considering that subject. Out of it came what is known as the Payne-Aldrich law. During the consideration of that measure, taking up schedule after schedule, there was a long spirited and sometimes acrimonious debate. It was a great fight we had in both Houses of Congress. The Republicans had a large majority in both Houses, and in this Chamber their forces were led by a no less conspicuous man than the former Senator from Rhode Island [Mr. Aldrich]. The bitterness of the fight resulted in dividing the Republicans into factions, one faction known as "regulars" and the other as "insurgents." There were all kinds of conferences and all kinds of plotting to bring about results. These conferences and this plotting was not only between Republican Senators themselves, but extended to outside interested parties, and even to the White House. A tremendous pressure was brought upon everybody, and undoubtedly upon the President, by those who were opposed to any substantial reduction in tariff rates. I am sorry to say that it is generally believed, and with too much reason, that the President yielded to this pressure and lost a splendid opportunity to assert a leadership that would have made him strong in the confidence and hearts of the people. He did not seem to be able to withstand the pressure upon him, and to assert the courage of his convictions. Instead of leading along the path of his own choice, he weakened and followed the leadership of others. That was a pitiful mistake he made. He signed the Payne-Aldrich bill when he ought to have vetoed it. He not only signed it, but afterwards, like one boasting of a conscious sin out of the hope of giving to it a better face, he publicly declared that it was the best tariff law ever written into the statutes of the country. We had the disappointing spectacle of the President applauding a law which in no wise voiced the promises he had made to the people, but, on the contrary, utterly ignored them. I say this because this Payne-Aldrich law instead of reducing tariff taxes on the average materially increased them.

Of course the people looked upon this performance with disfavor, regarding it as a party betrayal of public confidence. At the next election—1910—the people registered their protest by electing a Democratic House and by displacing a number of Republican Senators with Democrats. Shortly after that election, in April, 1911, the President called Congress together again in extraordinary session for the special purpose of considering a reciprocal trade agreement tentatively made between the President and Secretary Knox on the one hand and the Canadian Government on the other hand. But after the Congress assembled, the Democratic House concluded to take up the tariff question in addition to the Canadian reciprocity agreement, holding to the view that our people were more concerned in our domestic affairs than they were even in the question of Canadian reciprocity, important as that was. The Republicans of both Houses had ignored their promises to the people respecting tariff revision, and the people turned them out of power and installed a Democratic House. This House determined to keep faith with the people and to take advantage of this first opportunity to demonstrate that they intended to do so. Accordingly they passed some important tariff revision bills, among them a bill revising Schedule K, materially reducing the Payne-Aldrich duties on wools and woolen manufactures. This House bill, with some amendments, was passed by both Houses during that extra session and sent to the President. He vetoed it. He vetoed it on the ground, distinctly stated, that a certain executive body, which he styled a Tariff Board, had not completed certain investigations they were making into the woolen schedule, and had not, therefore, reported upon their work. Every effort made by Democrats during that session to reduce tariff duties was stubbornly resisted in both Houses by the great body of Republican Senators and Representatives, and because of that opposition and the opposition of the President to the legislation passed, that session of Congress ended without accomplishing any practical result.

Congress met again in regular session last December. By that time the Tariff Board had completed their investigations into the wool schedule and had delivered their report to the President. At the opening of the Congress in December the President transmitted that report to the legislative branch of the Government. The Democratic House proceeded at once to again take up the work of revising the tariff and passed several bills, among them another bill revising the wool schedule. That bill was sent to the President some 10 days ago, and again he disapproved it. It is that veto I purpose to discuss.

Mr. President, this résumé is sufficient to call to our minds the pertinent historical facts connected with this matter. Let me now state this particular case in as concrete a form as I can:

1. As a candidate in 1908, the President declared emphatically that the duties on wool and woolens were so high as to be indefensible, and that they should be substantially reduced; and in this declaration he was in accord with the contention of the Democratic Party.

2. The Republican Congress of 1909 passed the Payne-Aldrich bill, which, instead of reducing duties as a whole, increased them; and that law left the old Dingley duties on wool and woolens practically unchanged.

3. The President approved this Payne-Aldrich bill, thereby making it a law, and afterwards declared that it was the best tariff law ever enacted in this country.

4. The President vetoed the Democratic wool bill passed at the extraordinary session of last year, which bill materially reduced taxation, and vetoed it on the sole ground that his Tariff Board had not reported.

5. The President has just vetoed another Democratic bill, passed at this session, reducing the exorbitant duties on wool and woolen manufactures, and vetoed it this time on the ground that the bill did not conform to the recommendations of his so-called Tariff Board.

Mr. President, I desire to express my opinion about this much vaunted Tariff Board. What is it, anyhow? How was it created, and what is the legitimate scope of its authority? I think the country is entitled to an intelligent answer to these questions. How was it created? What is its genesis, and from what law does it derive its existence and authority? In one of the sections of the Payne-Aldrich law of 1909 it is provided that the general tariff rates prescribed by that law shall be the minimum rates to be charged; then the law goes on to provide that an additional rate of 25 per cent ad valorem shall be charged upon all importations from all countries until the President of the United States, after investigation, shall discover and determine whether any particular country is discriminating against the United States in its tariff and fiscal policies; and that whenever he finds that there is no discrimination against us by any particular country, that he shall thereupon issue a proclamation to that effect, and that thereafter importations from that country shall be subject only to the general or minimum rates prescribed by the law, thus remitting the additional charge of 25 per cent. The general rate is designated as the minimum rate, while the general rate plus the 25 per cent ad valorem is described as the maximum rate. The reason for this provision of law is apparent, and there is no need to detain the Senate by any further explanation of it. Now, at the very tail end of this section fixing these minimum and maximum rates, and containing the provision authorizing the President to examine into the facts with respect to each country and to make the necessary proclamation with reference thereto, occurs this provision:

To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, *the President is hereby authorized to employ such persons as may be required.*

It is upon this provision of law which I have quoted that the so-called Tariff Board enjoys its right to exist. The President was not authorized to appoint a Tariff Board, in the sense in which the term is generally understood, but was merely authorized "to employ such persons as may be required" to enable him to find out whether any foreign country was discriminating in any way within the purview of this law against the United States, so that he might know when and where to apply the maximum or the minimum rate of tariff taxation on importations. That is all there is to this Tariff Board, at least in the beginning. But let us follow the development of this scheme about a tariff board a little further. In pursuance and under the authority of this provision of law the President appointed three gentlemen to make the investigations provided for and to report to him. This was to be purely an executive board, to be appointed by the President to get information for his special use. These appointees did not constitute a board for anything. They were merely individual appointees, appointed to go about under the direction of the President to gather information for his advisement. Later on the President, backed by a number of Republican Senators and Representatives, conceived the idea of creating by law a permanent tariff commission, clothed with power to make examinations into the various tariff schedules, so as to find out and report upon questions relating to the cost of materials, labor, and so forth, in manufactured products, both in this country and other countries. Bills to establish such a commission were introduced, but the Congress refused to pass any of them. Thereupon the President proceeded arbitrarily to make a tariff board of his own. The President referred to this matter in his message of August 17, 1911, vetoing the wool bill of that year, in this language:

I took advantage of a clause in the Payne-Aldrich bill—

The clause I have quoted—

enabling me to create a board of three members and directing them to make a glossary and encyclopedia of the terms used in the tariff and to secure information as to the comparative cost of production of dutiable articles under the tariff at home and abroad.

Subsequently the President informed Congress that he had added two members to this Tariff Board—two Democratic members. Mr. President, I regard this act of the President as a plain usurpation of power. We have heard much about the arbitrary methods of Mr. Roosevelt when he was President. We were disposed to excuse many of his extraordinary performances on the ground of ignorance on his part of the correct constitutional functions of the Executive. But we can not offer that excuse for Mr. Taft. I am aware that after the passage of the Payne-Aldrich law the Congress slipped into appropriation bills certain provisions intended to give some slight color of authority for what the President had assumed to do, in spite of the refusal of Congress to create a tariff commission. I will here quote the provisions of the sundry civil appropriation bills of 1911 and 1912 covering this subject. I quote first from the act of 1911:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production as are authorized by said act—

As are authorized by said act—

and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, $250,000.

The act of 1912 is in this language:

To enable the President to secure information to assist him in the discharge of the duties imposed upon him by section 2 of the act entitled "An act to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, and the officers of the Government in administering the customs laws, including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production, as are authorized by said act, and including the employment of such persons as may be required for those purposes; and to enable him to do any and all things in connection therewith authorized by law, or if a Tariff Board be established by law then for the purpose of meeting the expenditures authorized by the law, $225,000, together with the balance unexpended July 1 next of the appropriation made for these purposes for the fiscal year 1911.

The Tariff Board, if established by law, shall make report to each House of the Congress on the wool and woolen schedule not later than the first Monday in December, 1911.

The provision in the Payne-Aldrich law for enforcing which these appropriations were made authorized the President to appoint such persons as he deemed necessary to make the investigation required by that act for the purposes set forth in that act, and which I have already outlined; but the sundry civil bill of 1911 contained these words, "including such investigations of the cost of production of commodities, covering cost of material, fabrication, and every other element of such cost of production," etc.; and the same provision was carried into the sundry civil bill of 1912, with the further provision that the appropriation made by that bill should be used to pay the expenses of a Tariff Board in the event a Tariff Board should be established by law, thereby clearly recognizing that no such board had been established by law. And right here I wish to say that every man of experience in congressional legislation knows full well how comparatively easy it is to stick into appropriation bills things that have no proper place in such bills and which ought to be kept out of them. It is a sad commentary on the work of Congress, but it is true that as a rule appropriation bills represent little more than the judgment of appropriation committees and that they ordinarily receive less careful attention on the floor of the Senate and House than almost any other bills considered by Congress.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Georgia?

Mr. STONE. Certainly.

Mr. BACON. I desire to make a suggestion as to the impression made upon me during the time I have had the opportunity of being a Member of this body, and that is that the Senator does not go quite far enough when he says that appropriation bills register the judgment of the Appropriations Committee. I go still further and say that about four-fifths or nine-tenths of that judgment of the Appropriations Committee is drawn from—I started to say "the dictation," but I will not use so strong a term as that—but from the recommendation, which is almost invariably followed, of the executive departments. They really make out the appropriation bills by telling the legislative branch what to do and what to appropriate, and the appropriation is generally made in such aggregate sum that Congress, when the matter is presented for their consideration, do not know what they are in fact doing. We have a half page, with a dozen different subjects enumerated in one long paragraph and winding up with a lump appropriation, "in all, $1,500,000." Then it is left to the department to distribute that $1,500,000, according to its own sweet will, among the various subjects—more of it here or less there, as it may suit the convenience or judgment of the departmental officers.

Mr. STONE. Mr. President, what the Senator says is quite true. He has been here longer than I have been and longer than most of us have been, but what he says accords with the experience and knowledge of nearly every Senator serving in this Chamber. Moreover, it is a fact that these bills are usually considered and finally disposed of in the closing hours of a congressional session. The two Houses are nearly always at loggerheads on numerous items in all the important appropriation bills, and these bills, as a rule, are the result of the action agreed upon by the conferees of the two Houses by way of settling their differences. Hence, it often happens that unwise and ill-considered provisions creep into these bills.

Mr. President, this motherless Taft Tariff Board—I can not call it a bastard, for it has a father—has already cost the Public Treasury over a half million dollars. The Government

has never possessed a piece of official machinery which has proved itself to be at once so useless and so expensive. At the present session the Democratic House of Representatives refused to make any further appropriation for its continuance, and because of this it has been given out that the President would veto the sundry civil bill when it reaches him. If this occurs, we will stand face to face with this novel proposition, that the President, having arbitrarily and substantially without legal authority undertaken to establish a permanent tariff commission, a thing Congress refused to establish, will now veto one of the great appropriation bills if Congress refuses to appropriate $200,000 or more to support it.

Mr. President, we are up to this proposition: That the President has arbitrarily assumed to create a tariff board and to select and appoint the men constituting that board, without even submitting their names to the Senate for confirmation, and that he now insists upon Congress recognizing it as a permanent institution, whether Congress approves of it or not. This board is essentially purely an Executive board, organized by the President and wholly under his control. Shall Congress close its eyes to this unauthorized act of the President and obey his behest?

Mr. President, during the campaign of 1908 Mr. Taft was a bold, outspoken advocate of tariff reduction, especially of reductions on wool and woolen fabrics. When, last year, we passed a reduction bill and sent it to him he vetoed it on the sole ground that this self-styled Tariff Board of his creation had been directed by him to make certain investigations covering wool and woolen manufactures, and that the board had not yet reported and would not report before December following. Well, the board reported in December, and the President transmitted the report to Congress. After reading this report and having the benefit of the information and recommendations of the board, the Congress passed another reduction wool and woolen bill; and now the President returns that bill, vetoed on the ground that the bill was not, in his judgment, framed on the lines of and in accordance with the report and recommendations of this board. In the first instance the President vetoed a bill because the board had not reported, and in the second instance he vetoes a bill because the bill does not conform to the board's report. Mr. President, if this were not a really serious matter it would be funny. Who are these gentlemen of the Tariff Board that their opinions should be entitled to such reverence by Congress and the President? I would not say a word offensive to them, nor have I any reason to; but I think it is fair to say that there is nothing we know about them that would give us occasion to accept their ipse dixit as a matter of course. The Congress is supposed to represent the people of the United States; and in these two Houses there are now, as there have always been, men of wide learning and experience in affairs of this nature and who are supposed to have some capacity for performing the duties laid upon them by the Constitution and their constituencies. But the President would make the Congress but an echo of a tariff board of his own sole creation and appointment. To my mind that view is utterly intolerable. I do not believe that the people of this country expect or desire their Representatives in Congress to revise the tariff laws in that way. Why, sir, there is nothing new or especially strange about tariff laws. Congress has been passing such laws for a hundred years and more. Congress has access to almost all possible avenues of information. I need not enlarge upon that, for everyone is familiar with it. And, after all, is there any Senator here willing to depend upon and blindly follow the recommendations of this board? I read the very able and exhaustive report made by the House Ways and Means Committee when the bill the President has just vetoed was first reported to the House. That committee, after fully examining the report of this Tariff Board, expressed themselves as having little confidence in its accuracy or its value. I desire at this point to quote an extract from that report.

I will ask leave to insert the extract in my remarks, without reading, as it is somewhat extensive, simply saying that the Ways and Means Committee of the House, by its vote, discredited the report.

The PRESIDENT pro tempore. Without objection, permission is granted to insert the extract.

The matter referred to is as follows:

1. The theory of applying tariff duties according to the difference in the cost of production in this and in foreign countries, upon which the board has projected and prepared its report, is entirely erroneous and untenable. Furthermore, if this theory could have been systematically and carefully applied, it would not have afforded trustworthy results for guidance in preparing tariff legislation.

2. The board's report is fragmentary and incomplete, and rests on an incorrect statistical basis. Hence it has no claims to confidence for the results set forth therein, even should the reliability of the theory of the cost of production be conceded.

3. Those persons who are willing to overlook the lack of theoretical soundness and of statistical accuracy, will find the data of the report too fragmentary and incomplete to admit of conclusions with reference to rates of tariff duty. Even under the most favorable interpretation of the report, conclusions as to duties can be reached for only a few paragraphs of the wool schedule, and for these paragraphs it is not possible to formulate definite conclusions, because the figures vary widely, and seriously lack uniformity and comparability. So much is this the case that justification is apparently afforded in the report for rates that are in conflict with one another. It is thus seen that the report leaves the question of the tariff duties on wool as much unsolved as before the Tariff Board was formed.

4. So far as conclusions can be drawn from the board's report, it furnishes nothing to justify any change in the rates proposed in H. R. 11019. With full recognition of the incomplete, fragmentary, and unsatisfactory nature of the data, and with full admission of the inadequate and unreliable basis afforded for computations, the following table may be regarded as setting forth, as well as it is possible to do, the conclusions as to the rates of duty justified by the report.

Comparative equivalent ad valorem rates of duty in 1910 and 1911 with those of H. R. 22195, together with the rates computed from the Tariff Board report, as equalizing cost of production.

Item.	Ad valorem rates, per cent.			
	Equivalent computed from imports of—		H. R. 22195.	Computed from Tariff Board report.
	1910	1911		
Unmanufactured wool	44.31	42.20	20	0–25
Noils, wastes, shoddies, mungo, flocks, etc., and all other wastes or rags composed wholly or in part of wool, n. s. p. f.	38.96	34.99	20	0–25
Combed wool or tops	111.73	(1)	25	5–30
Wool and hair advanced in any manner, n. s. p. f.	86.33	89.93	25	5–30
Combed wool or tops, and wool and hair advanced, etc.	105.19	1 89.93	25	5–30
Yarns made wholly or in part of wool	82.38	76.61	30	12–45
Cloths, knit fabrics, felts not woven, and all manufactures of wool, n. s. p. f.	97.11	95.26	40	32–70
Blankets and flannels	95.57	93.66	30 and 45	(2)
Dress goods, women's and children's; coat linings, Italian cloths, bunting, and similar goods, n. s. p. f.	102.85	102.11	45	32–70
Clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, etc.	81.31	78.06	45	32–70
Webbings, gorings, suspenders, braces, bandings, etc.	87.06	84.76	35	(2)
Carpets and carpeting	60.65	61.62	25–50	(2)

1 Combed wool or tops not reported. 2 No data furnished by Tariff Board.

In making the computations from which have resulted the rates shown in Table 15, as justified by the Tariff Board's data, the most expensive and difficult conditions indicated by the data as attending production have been employed with a view to being more than just in the conclusions. As will be observed from the figures shown, the necessity of protection to equalize the difference in the cost of production beyond the rates carried by H. R. 11019 exists in but few instances, and these are in all probability the result of the high costs which have been presented and used by the board in the computations.

5. In preparing H. R. 11019 of last session and H. R. 22195 of this session no intentional provision was made for protection, the endeavor being to reduce and adjust rates so as to produce the largest amount of revenue consistent with the proper consideration of the consumer. It is believed that the rates of this bill approach very closely, at least, to the best revenue-producing points, and these rates should, if enacted into law, permit such quantities of imports as will effectively regulate domestic prices. Such competition would be an important service to the people, as it would encourage increased consumption and production by making more nearly normal the conditions of supply and demand. The report of the Tariff Board, so far as it admits of conclusions, shows that the rates which meet the consumer's needs also sufficiently satisfy those of the producer.

Mr. STONE. Mr. President, I do not think it necessary to proceed at greater length with my discussion of this subject. The President said in his veto message last year that he though it would be the part of wisdom to delay tariff legislation until the Tariff Board had reported. When he transmitted the report of the board in December he expressed the hope that Congress would then proceed to enact a law reducing duties on wool and woolens. Here is what he said:

I now herewith submit a report of the Tariff Board on Schedule K. The board is unanimous in its findings. On the basis of these findings I now recommend that the Congress proceed to a consideration of this schedule with a view to its revision and a general reduction of its rates.

Congress took him at his word and passed such a bill. Now he vetoes that bill on the ground, as I have several times said, that it is not in accordance with the recommendations of the board. He says that according to the Tariff Board the duty on wool should not be less than 35 per cent ad valorem, whereas the bill fixed the duty at 29 per cent ad valorem. The President ignores the judgment of Congress out of a tender consideration for the judgment of five men, unknown to fame, whom he had appointed to make an investigation under his authority.

I am sorry to say it, for I like the President, but it looks too much as if the President was playing politics. He is a candidate for reelection and he is beset by numerous embarrassments. As a candidate his position is difficult. Tariff revision is uppermost in the public thought. Gov. Wilson declares for a sane revision downward in accordance with his party platform, and the bull moose is roaring for a radical cut in all the schedules. With Wilson to the fore—calm, self-possessed, masterful—marching on triumphantly, and with the wild Bull Moose roaming and roaring promiscuously, what can a standpat candidate do? To whom can our distressed and anxious protected monopolies turn for succor if not to the President, and to whom can the President turn if not to them? The protected interests, rich and powerful, know how to fight for a continuance of the advantages they have long enjoyed. They exercise a mighty influence in the political as well as in the industrial affairs of the country. I am genuinely sorry to say that it looks as if the President has been weak when he should have been strong, and yielded when he should have been firm. I can not but think that he will discover before many moons that weakness at a crucial period is always a fatal blunder. But after all this is only another sad example of a good man going wrong.

Mr. BOURNE. Mr. President, I send to the desk a proposed unanimous-consent agreement, which I ask to have read and submitted to the Senate.

The PRESIDENT pro tempore. The proposed agreement will be read.

The Secretary read as follows:

It is agreed by unanimous consent that on Tuesday, August 13, 1912, immediately upon the conclusion of the routine morning business the Senate will proceed to the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and that not later than 4 o'clock p. m. on said day the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendments that may be offered, except that anyone offering an amendment shall be allowed five minutes to explain the same, and the chairman of the committee or any Senator shall have a like time to discuss such amendment, and upon the bill itself through the regular parliamentary stages to its final disposition.

The PRESIDENT pro tempore. Is there objection to the proposed unanimous-consent agreement?

Mr. REED. Let it be read again. We could not hear it in this part of the Chamber.

The PRESIDENT pro tempore. The proposed agreement will be again read.

The Secretary again read the proposed agreement.

Mr. CLAPP. May I inquire if that means that any Senator assigned by him, referring to the chairman.

Mr. BOURNE. No.

Mr. CLAPP. Then it should be any one Senator, I think.

Mr. BOURNE. It is "any Senator."

Mr. CURTIS. Mr. President, I was not in when the order was read. I should like to know if it interferes in any way with demanding a separate vote in the Senate. I want to ask for a separate vote——

The PRESIDENT pro tempore. It will not interfere at all with the right of a Senator when the bill goes into the Senate. Is there objection?

Mr. BAILEY. I just came in the Chamber, and I should like to know what the request is.

The PRESIDENT pro tempore. The proposed agreement will be again read.

Mr. BACON. As Senators can not be here all the time, I think we should get a quorum present in order that the proposed agreement may be known to all.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Massey	Simmons
Bailey	Fletcher	Myers	Smith, Ariz.
Bankhead	Gallinger	Nelson	Smith, Ga.
Borah	Guggenheim	Oliver	Smith, S. C.
Bourne	Johnson, Me.	Overman	Smoot
Bradley	Johnston, Ala.	Page	Stone
Brandegee	Jones	Perkins	Sutherland
Bristow	Kenyon	Poindexter	Swanson
Catron	La Follette	Pomerene	Thornton
Chamberlain	Lodge	Reed	Warren
Clapp	McCumber	Root	Williams
Cullom	McLean	Sanders	
Cummins	Martine, N. J.	Shively	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present. The proposed unanimous-consent agreement submitted by the Senator from Oregon [Mr. BOURNE] will be again read.

The Secretary again read the agreement, as follows:

It is agreed by unanimous consent that on Tuesday, August 13, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and that not later than 4 o'clock p. m. on said day the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendments that may be offered, except that anyone offering an amendment shall be allowed five minutes to explain the same, and the chairman of the committee or any Senator shall have a like time to discuss such amendment, and upon the bill itself—through the regular parliamentary stages—to its final disposition.

The PRESIDENT pro tempore. Is there objection to the agreement? The Chair hears none.

THE CALENDAR.

Mr. SMOOT. I move that the Senate proceed to the consideration of the calendar, under Rule VIII, and that it consider bills to which there is no objection.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of the calendar, under Rule VIII, considering only unobjected bills.

Mr. CUMMINS. I suggest to the Senator from Utah to change his motion, so that instead of calling all the bills under Rule VIII the Secretary call the roll of Senators and allow each Senator a chance to bring up a bill or two bills.

Mr. SMOOT. I think there would be objection to that course. It will not take very long to pass over bills to which there is objection. Then, if we can not get through to-night with the calendar, when we proceed again we will commence at the point where we left off.

Mr. CUMMINS. The result will be that those bills early on the calendar will receive consideration, and those bills late on the calendar will not.

Mr. SMOOT. I would say to the Senator the next time the calendar is considered I will be in favor of starting just where we left off this morning and then no one will have an advantage over another. That is the way we have done in the past, and I think it is the proper way. I ask that the question be put on my motion.

Mr. LODGE. I make no objection to the motion, but I only desire to say that before the Senate adjourns it will be necessary to have a short executive session, as I have a report that it is necessary to make to-day.

The PRESIDENT pro tempore. Is there objection to the motion of the Senator from Utah?

Mr. PAGE. Mr. President, I think, before I consent to a unanimous consent of that kind——

Mr. SMOOT. I have not asked unanimous consent. I have made a motion that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. PAGE. And to act on bills to which there is no objection?

Mr. LODGE. To act on unobjected bills.

Mr. PAGE. I do not know that I ought to consent to that, although I think I have a right to insist now upon my former contention——

Mr. SMOOT. The motion is not debatable.

The PRESIDENT pro tempore. Except by unanimous consent.

Mr. SMOOT. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah.

The motion was agreed to.

The PRESIDENT pro tempore. The Secretary will state the first bill on the calendar.

The SECRETARY. A bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. OVERMAN. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 2151) to authorize the Secretary of the Treasury to use at his discretion surplus moneys in the Treasury in the purchase or redemption of the outstanding interest-bearing obligations of the United States was announced as next in order.

The PRESIDENT pro tempore. The bill has been three times read. It is before the Senate as in Committee of the Whole. If there be no amendment, it will be reported to the Senate.

Mr. WILLIAMS. I wish to ask the Senator from Utah whether that bill was reported from the Finance Committee.

Mr. SMOOT. The bill was reported from the Finance Committee favorably, and it has been on the calendar nearly the whole of the session. I will state that the Senator from Idaho [Mr. HEYBURN] has objected to it several times. There is a full report on it.

Mr. WILLIAMS. I asked the question because I do not remember that the bill was ever discussed there. Perhaps I was not present.

Mr. SMOOT. The Senator was not present if he does not remember it.

Mr. SMITH of Georgia. I understood that there was objection to the consideration of the bill.

The PRESIDENT pro tempore. Does the Senator from Georgia object?

Mr. SMITH of Georgia. I do.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 256) affecting the sale and disposal of public or Indian lands in town sites, and for other purposes, was announced as next in order.

The PRESIDENT pro tempore. The bill has been read in full and certain amendments of the Committee on Indian Affairs have been agreed to. If there be no further amendment, the bill will be reported to the Senate.

Mr. BACON. Saying a bill has been read and amendments agreed to, and so forth, gives little information, unless the Senator in charge of the bill will give a little statement about it. I do not desire to unnecessarily object.

Mr. SUTHERLAND. It is a bill the Senator from Georgia has objected to heretofore.

Mr. BACON. It is the same bill?

Mr. SUTHERLAND. The same bill.

Mr. BACON. I object again, then, Mr. President.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

The bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, was announced as next in order.

Mr. REED. I object.

The PRESIDENT pro tempore. Objection is made.

The bill (S. 5076) to promote instruction in forestry in States and Territories which contain national forests was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2234) to provide for a primary nominating election in the District of Columbia, at which the qualified electors of the said District shall have the opportunity to vote for their first and second choice among those aspiring to be candidates of their respective political parties for President and Vice President of the United States, to elect their party delegates to their national conventions, and to elect their national committeemen was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. OVERMAN. Let it go over under Rule IX.

Mr. BORAH. What bill is that?

Mr. OVERMAN. It is a bill providing for primary nominating elections in the District of Columbia. It is too late now to have a primary election.

Mr. BORAH. As the author of the bill is not present I do not think the bill should go to Rule IX.

Mr. OVERMAN. Very well.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2051) to promote the efficiency of the Life-Saving Service was announced as next in order.

The PRESIDENT pro tempore. The bill has been once read.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The PRESIDENT pro tempore. If there be no amendment the bill will be reported to the Senate.

Mr. WILLIAMS. Let us hear the bill read before we pass upon it.

The PRESIDENT pro tempore. The bill will be again reported.

The Secretary read the bill.

Mr. REED. I think the bill had better go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 5728) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Osage Nation of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

Senate resolution (S. Res. 242) directing the Committee on Post Offices and Post Roads to inquire into and report to the Senate whether post-office inspectors are being sent through the country to influence postmasters to aid in the election of delegates for or against any candidate for the Presidency, etc., was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911, was announced as next in order.

Mr. LODGE. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, was announced as next in order.

Mr. CHAMBERLAIN. May I ask that that bill and the six following bills may go to the foot of the calendar.

Mr. SMOOT. I suggest to the Senator, why not let those bills go to the calendar under Rule IX?

Mr. CHAMBERLAIN. They may for the present.

The PRESIDENT pro tempore. There are seven of them reported by the Senator from Oregon.

Mr. CHAMBERLAIN. I am perfectly willing to have them passed over and go under Rule IX.

The bills referred to were placed under Rule IX, as follows:

A bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851.

A bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851.

A bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851.

A bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851.

A bill (S. 4536) to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 8, 1851.

A bill (S. 4537) to provide for a final settlement with the Nucquee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 7, 1851.

The bill (S. 3316) to repeal an act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, was announced as next in order.

Mr. WILLIAMS. I ask that that may go over.

The PRESIDENT pro tempore. The bill will go over.

ANDREW H. RUSSELL AND WILLIAM R. LIVERMORE.

The bill (S. 284) for the relief of Andrew H. Russell and William R. Livermore was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the Court of Claims is hereby authorized to take jurisdiction over the certain claim of Col. Andrew H. Russell and Col. William R. Livermore on account of the alleged infringement by the United States of their patent, No. 230823, dated August 3, 1880, for a magazine firearm, and make findings and conclusions of fact and law and report the same to the Senate in regard to the following matters, to wit:

Said court shall ascertain and determine and report whether said Andrew H. Russell and William R. Livermore would have any lawful claim for damages or compensation against the United States on account of any such alleged infringement if the United States were an individual or private corporation, and if so, the amount of such damages or compensation; also whether the alleged invention upon which said claim is based was known or used by others in any foreign country before the alleged invention or discovery thereof was made by either the said Andrew H. Russell or the said William R. Livermore; also whether the manufacture by the United States of a certain magazine firearm, known as the Krag-Jörgensen rifle, under a certain license from the Krag-Jörgensen Gewaerkompagni, of Christiania, Norway, was an infringement of the patent No. 230833 for a magazine firearm granted to said Andrew H. Russell. The court is further authorized, with other testimony which may be submitted by either side, to receive and consider, subject to objections as to its competency and materiality, the testimony already taken in the certain suit brought in the United States Circuit Court for the District of Massachusetts by Andrew H. Russell and William R. Livermore and dismissed for want of jurisdiction: *Provided*, That the Krag-Jörgensen Gewaerkompagni shall receive such notice of the hearing of said claim as the court shall direct, and the said Krag-Jörgensen Gewaerkompagni shall be permitted

to appear at said hearing and to be represented by counsel, within such reasonable time as shall be limited by the court, and shall be allowed to submit testimony and to be heard as one of the parties to the inquiry.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4840) to carry into effect the judgment of the Court of Claims in favor of the contractors for building the U. S. battleship *Indiana* was announced as next in order.

Mr. OVERMAN. That and the next three bills are adverse reports. I ask that they may go over.

The PRESIDENT pro tempore. The bills will be passed over.

DIVISION OF MARKETS.

The bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SMITH of Georgia. All I desire to do now is to substitute for the text of the bill reported by the committee the exact text that was embodied in the appropriation bill which the Senate approved with one change, and that change increased the salary of the chief of this division to $4,000. I should like to have that amendment adopted to-day, and then let the bill pass over.

The PRESIDENT pro tempore. Has the Senator the amendment that he proposes to submit?

Mr. SMITH of Georgia. Yes, sir. I send it to the desk.

The PRESIDENT pro tempore. The bill will be considered as in Committee of the Whole and open to amendment. The Senator from Georgia offers an amendment, which will be read.

Mr. WARREN. I understand the Senator from Georgia to say it is in the exact language of the provision heretofore adopted, with a possible addition.

Mr. SMITH of Georgia. With only one change.

Mr. WARREN. Will the Senator tell us what that change is?

Mr. SMITH of Georgia. The change is, as I stated, an increase in the salary from $3,000 to $4,000 for the chief of the division. The Secretary of Agriculture stated to the committee that he could not procure a suitable chief of division for less than $4,000, and he objected to the provision as we had it in the agricultural appropriation bill because he could not get the man he wanted for a salary of $3,000.

Mr. SMOOT. The Senator just offers the amendment to perfect the bill, not to have consideration to-day?

Mr. SMITH of Georgia. That is all. After the amendment is adopted I shall ask that the bill go over.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment to the bill, which will be read.

Mr. SMITH of Georgia. It is to strike out all after the enacting clause and insert.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause and insert:

That hereafter there shall be in the Bureau of Statistics, in the Department of Agriculture, a division to be known as the division of markets. The chief of said division shall receive a salary of $4,000 per annum, and the assistant chief a salary of $2,500 per annum. There shall also be in said division such special agents, clerks, and other employees as may be necessary to fulfill the duties thereof in or out of the District of Columbia.

SEC. 2. That the Chief of the Bureau of Statistics shall have power and authority to make, through the division of markets, under the direction of the Secretary of Agriculture, investigation as to the systems of marketing farm products, cooperative and otherwise, in practice in various sections of the United States and in foreign countries, and shall collect data in reference thereto. The information and data thus collected shall be distributed to farmers, farmers' organizations, and societies of consumers throughout the various agricultural sections of the country and made available for the use of any individuals or organization, either by the circulation of printed bulletins and telegrams or by information given personally by special agents of said bureau. It shall also be the duty of the Chief of the Bureau of Statistics to make, through the said division of markets, and under the direction of the Secretary of Agriculture, investigation of demands for farm products in various trade centers and the current movement of such products, giving specific data as to the supply, normal demand, and price thereof, with the view of furnishing information as to the best available markets, which information shall be distributed under the direction of the Secretary of Agriculture.

SEC. 3. That it shall be the duty of the Chief of the Bureau of Statistics to collect, through the said division of markets, by any expeditious method, as by telegraph, telephone, mail, or otherwise, compile, and report to farmers, farmers' organizations, and societies of consumers daily bulletins or telegraphic reports of such information and statistics as will enable them to adopt plans of marketing that may facilitate the handling of farm products at a minimum cost: *Provided*, That when such reports or statistics are requested to be furnished by telegraph or telephone, or methods other than the United States mail, the person or association making such request must advance the fee for the cost of transmission, which shall be deposited to the appropriation for the maintenance of the said division of markets. It shall be the duty of the Secretary of Agriculture to make an annual report to Congress regarding the work of the said division of markets, with any recommendations that may enable Congress to enact any additional necessary legislation.

SEC. 4. That the Secretary of Agriculture shall make all necessary arrangements for offices and supplies for the use of said division of markets, including office equipment, rent in or out of the District of Columbia, stationery, telegraphing, and all other necessary expenses. The compensation of clerks and employees not otherwise specifically provided for in this act shall be fixed by the Secretary of Agriculture subject to the restrictions of existing law.

SEC. 5. That the sum of $50,000, or so much thereof as may be necessary, is hereby appropriated for the expenses of such division, to be available during the fiscal year ending June 30, 1913.

The amendment was agreed to.

Mr. SMITH of Georgia. Now I should like to have a reprint of the bill.

The PRESIDENT pro tempore. The bill will be reprinted as amended and go over.

BILLS PASSED OVER.

The bill (S. 5186) to incorporate the Brotherhood of North American Indians was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 461) conferring jurisdiction on the Court of Claims to hear, determine, and render judgment in claims of the Ponca Tribe of Indians against the United States was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5917) relating to procedure in United States courts was announced as next in order.

Mr. OVERMAN. In the absence of the Senator from Maryland [Mr. RAYNER], I ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 118) granting an increase of pension to Harriet Pierson Porter was announced as next is order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

MEDICAL DEPARTMENT OF THE NAVY.

The bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PERKINS. I ask that the report on that bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report referred to is as follows:

Mr. POINDEXTER, from the Committee on Naval Affairs, submitted the following report, to accompany S. 5719:

The Committee on Naval Affairs, to whom was referred the bill (S. 5719) to increase the efficiency of the Medical Department of the United States Navy, having considered the same, report thereon with a recommendation that it pass.

The bill has the approval of the Navy Department, as will appear by the following communication:

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, January 23, 1912.

MY DEAR SENATOR: I have the honor to invite your attention to the fact that in time of war or in any of the many emergencies that may occur in time of peace the department is unable to call together a number of surgeons (beyond those now in the service) whose fitness is established and is a matter of record. This deficiency in those necessary medical resources was remedied for the Army by an act approved April 23, 1908 (35 Stat., 68), thus placing the seal of congressional approval and recognition upon the corresponding need of that branch of the military service. The results obtained from the provisions of that act are so satisfactory that this department feels it imperative to request similar legislation for the Navy.

As stated in the report of the Surgeon General of the Navy for 1910, the creation of a medical reserve corps would add enormously to the resources of the Medical Department in the matter of assured efficiency at all times. It would also offer the possibility of affiliating prominent physicians, surgeons, hygienists, and laboratory workers with the Navy and bring the benefit of this advice in medical problems within convenient official reach.

It would also be a means of interesting the medical profession throughout the country in the Navy and thus immeasurably widen the circle from which to recruit the Medical Corps with young men of promising ability. Any one of the larger medical centers of the country could furnish a sufficient number of well-qualified young physicians to fill the existing vacancies in the regular service, but the inducements which the Navy is now able to offer are not sufficient to attract them.

The creation of a reserve corps would rectify this difficulty under which the service is now laboring by making it possible to offer to candidates a position with adequate pay and allowances during the period of about a year before they become eligible for commissions.

The institution of such a corps would mean:

1. That the Medical Department of the Navy will be placed in close contact with eminent members of the profession throughout the country—a fact already accomplished in the Army—enabling it to call them into consultation and to profit by their advice when occasion requires.

2. It would give elasticity to a corps that, while adequate in peace, is of necessity inadequate for war.

3. It would render it possible to educate a large number of the civilian branch of the profession along the special lines required in the service, so that when called upon they would be able to respond and take up their duties without additional instruction.

4. It would make service in the Navy as attractive as that in the Army—the enactment of this legislation making the candidates, if previously found qualified for the reserve corps, available for detail to duty at the Naval Medical School, which would graduate them into the regular service.

5. No increase in expenditure of money would be required, except when the emergencies contemplated, and for which provision would thus be made, do arise, and when the members of the reserve may be temporarily ordered to active duty.

The Surgeon General of the Navy, under date of January 17, 1912, states as follows:

"The necessity for a medical reserve corps for the Navy is urgent. If authorized, it will put the Naval Medical Corps in close touch with the medical profession of the country at large, and in time of peace enable the Navy to always have a large eligible list of candidates for the regular corps. The importance of this will be obvious in view of the fact that, while the authorized strength of the Naval Medical Corps is 345, there are now 47 vacancies, and the crippling effect of this shortage is felt throughout the entire service in time of peace. In war our present personnel would prove totally inadequate, and if we are to avoid a stupendous breakdown in the care of the sick and wounded the legislation herein recommended, which would provide an adequate, trained reserve, and in all probability fill the vacancies in the regular corps, is considered an absolute necessity.

"In conclusion, particular attention is invited to the fact that the great benefits to be secured by this bill are practically without expense to the Government in time of peace. While a great number of the most prominent physicians and surgeons in the country would become commissioned officers in the Naval Medical Reserve Corps, they would draw absolutely no pay from the Government except when actually employed on active duty, and such assignments are not ordinarily contemplated, except in war or when hostilities are imminent."

The department believes that every effort should be made to increase the resources and efficiency of the Medical Department, especially in this legitimate and economical manner.

The matter is recommended to the committee's favorable consideration.

Faithfully, yours,

G. V. L. MEYER.

The CHAIRMAN COMMITTEE ON NAVAL AFFAIRS,
United States Senate.

The following is an extract from the report of the Surgeon General of the Navy for 1910 (see p. 655, Rept. Sec. Navy, 1910):

"This subject has been so fully discussed in recent annual reports and the need for a medical reserve corps for the Navy was so ably argued by the department in communications to the last Congress that space need not be taken for reiterating the advantages which should follow the organization of such an auxiliary to the Medical Department. A subsidiary, but for the time being important, result of the establishment of a reserve corps for the Army may be quoted from the annual report of the Surgeon General of the Army for 1909:

"'The distinguished physicians who head the Medical Reserve Corps have been a potent factor in this result (the increase in number of candidates commissioned in the Medical Corps from 10 to 29 in one year), many of them through the interest created by their being members of the Army medical service, interesting themselves in obtaining desirable candidates, principally from the medical schools and hospitals with which they are personally associated. In fact, if no other benefit resulted to the Army from commissioning the leaders of the medical profession of the country in the Medical Reserve Corps, it is safe to say that the desirable candidates obtained by and through them demonstrate the wisdom of such action.'"

BILLS PASSED OVER.

The bill (S. 1) to establish a department of health, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5169) authorizing the Ponca Tribe of Indians to intervene in the suit of the Omaha Indians in the Court of Claims, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 6497) to protect migratory game and insectivorous birds in the United States was announced as next in order.

Mr. REED. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

PROCEDURE IN UNITED STATES COURTS.

Mr. OVERMAN. Mr. President, I raised objection to the consideration of the bill (S. 5917) relating to procedure in United States courts. In view of an amendment, which I understand is to be offered to that bill, I withdraw my objection to its consideration.

Mr. OLIVER. Mr. President, I think we should go on with the calendar. I object.

Mr. LODGE. It is usual, if objection is withdrawn, to take up a bill which has been passed over.

Mr. BACON. I would inquire, in order that the time of the Senate may not be needlessly consumed, whether the bill has been amended so far as to exclude from it the criminal features?

Mr. ROOT. I propose to offer an amendment which will exclude the criminal features from it.

Mr. BACON. I was going to say that the objection I had to the bill was the incorporation into it of the feature as to decisions in criminal cases. I have no objection to it as to civil cases.

Mr. ROOT. That was also the objection of the Senator from Maryland [Mr. RAYNER], and an amendment to meet that objection will be offered.

Mr. WILLIAMS. Reserving the right to object, I should like to ask the Senator from New York, for information, how the bill will operate and what he means by the criminal features having been withdrawn?

Mr. ROOT. This is a bill to establish the rule in civil cases which is applied now by the best judges so far as they have authority to apply it; that is to say, that no case shall be sent back for a new trial upon a technical error not affecting the merits. It is a reform which ought to have been made years ago. It has been made in most of our States, and is working satisfactorily. The want of it is one of the principal causes of complaint about the delays in the administration of justice.

Mr. WILLIAMS. That is already the practice in my State, both in civil and criminal cases, and I should be very glad to see the change made.

Mr. BACON. If I remember the bill correctly, it goes a little further than that, and it was for that reason I was not willing to have it applied to criminal cases. It applies also to the admission or the exclusion of evidence which in the opinion of the court would not, if admitted, or if a contrary ruling had been made, have affected the result. While I was willing that it should apply in civil cases, I was not willing that it should apply to criminal cases, because it would be impossible for anyone to tell what would be the effect of the exclusion or admission of evidence upon the jury, which is to be the judge of the effect of such evidence.

Mr. REED. I would not be willing to have a bill of that importance taken up under the five-minute rule.

The PRESIDENT pro tempore. The bill will go over.

BILLS PASSED OVER.

The bill (S. 3463) to establish a bureau of national parks, and for other purposes, was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal—was announced as next in order.

Mr. SUTHERLAND. Let that bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5455) to establish a system of wireless telegraphy in the Philippine Islands was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 1231) for the relief of the heirs of John W. West, deceased, was announced as next in order.

Mr. SMOOT. Has an amendment to the bill striking out interest been reported?

The PRESIDENT pro tempore. The Chair understands not.

Mr. SMOOT. Then I ask that the bill go over.

The PRESIDENT pro tempore. The bill goes over.

The bill (S. 5955) for the relief of certain retired officers of the Navy and Marine Corps was announced as next in order.

Mr. BRISTOW. I ask that that bill go over.

The PRESIDENT pro tempore. The bill goes over.

PHARMACISTS IN THE NAVY.

The bill (S. 2795) to promote pharmacists to the grade of chief pharmacists in the Navy was announced as next in order.

Mr. LODGE. The provisions of that bill have been embodied in an appropriation bill, and I ask that the bill be indefinitely postponed.

The PRESIDENT pro tempore. Without objection, the bill will be indefinitely postponed.

INDIAN ALLOTMENTS.

The bill (H. R. 1332) regulating Indian allotments disposed of by will was considered as in Committee of the Whole.

The Secretary read the bill.

Mr. SMOOT. Let that bill go over, Mr. President.

Mr. JONES. I should like, before the bill goes over, to offer an amendment to it and have it adopted, and then let the bill be passed over, because I do not want to feel obliged to be here when the bill is further considered.

The PRESIDENT pro tempore. If there be no objection, the amendment proposed by the Senator from Washington will be stated.

The SECRETARY. On page 1, line 10, after the word "allotment," it is proposed to insert "held under trust or other patent containing restrictions on alienation," so as to read:

That section 2 of an act entitled "An act to provide for determining the heirs of deceased Indians, for the disposition and sale of allotments of deceased Indians, for the leasing of allotments, and for other purposes," approved June 25, 1910, be amended to read as follows:

"SEC. 2. That any persons of the age of 21 years having any right, title, or interest in any allotment held under trust or other patent containing restrictions on alienation, or individual Indian moneys or other property held in trust by the United States shall have the right prior to the expiration of the trust or restrictive period, and before the

issuance of a fee simple patent or the removal of restrictions, to dispose of such property by will, in accordance with regulations to be prescribed by the Secretary of the Interior," etc.

The amendment was agreed to.

The PRESIDENT pro tempore. The bill having been objected to, will now go over.

RETIREMENT OF CIVIL-SERVICE EMPLOYEES.

The bill (S. 5863) for the retirement of employees in the civil service, and for other purposes, was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill goes over.

BILLS OF LADING.

The bill (S. 957) relating to bills of lading was announced as next in order.

Mr. SMOOT. I understood that the Senator from Ohio was interested in that bill.

Mr. POMERENE. Mr. President, this bill was originally introduced by the Senator from Minnesota [Mr. CLAPP]. It was reported out of committee, but I expect to offer a substitute for the bill (S. 6810), which I have not before me, though I would be very glad to have the bill taken up. I understand that a majority of the committee are willing to accept the substitute for the bill originally reported.

Mr. SMOOT. As the bill may lead to debate, I ask that it go over.

The PRESIDENT pro tempore. The Senator from Utah asks that the bill go over.

Mr. CLAPP. If the Senator will pardon me a moment, so that it may not embarrass the bill if it is reached in my absence, I desire to say that, as chairman of the committee, I am heartily in favor of the substitute being adopted when the bill is reached.

Mr. SMOOT. If the bill is not going to lead to any discussion, I have no objection to its being considered at the present time.

Mr. CLAPP. Of course, I can not answer as to whether or not it will lead to discussion.

Mr. OLIVER. I suggest that the substitute bill be offered and adopted, so that we may have it before us when the bill again comes up for consideration.

Mr. POMERENE. I now offer the substitute for the bill.

The PRESIDENT pro tempore. The Senator from Ohio offers an amendment, which will be stated.

Mr. POMERENE. The amendment was reprinted under date of July 24, 1912, there having been some modifications made to it as originally offered some time before that, principally affecting the criminal provisions of the statute.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. SMOOT. Do I understand the Senator to say that the amendment has been reprinted as modified?

Mr. POMERENE. It has been so printed. My substitute bill was reprinted with the amendments which were agreed upon by the friends of the measure. It is that reprint that I have sent to the desk.

Mr. CUMMINS. Mr. President, I am in favor of the substitute rather than of the original bill; but I feel that it is due to an absent Member of the Senate to say that there is one member of the Interstate Commerce Committee who is not in favor of the substitute as against the original bill. The Senator from Arkansas [Mr. CLARKE], as it will be remembered, is very anxious to be heard upon the original bill. I hardly know what to say about it, but I submit that fact to the Senator.

Mr. POMERENE. As I understand the position of the Senator from Arkansas, it is this: The bill introduced by the Senator from Minnesota [Mr. CLAPP], which was reported from the committee, seeks to correct the rule of law as contained in the Friedlander case. For the information of Senators, I will say that it will be remembered that the Supreme Court held in that case that the railroad company would not be liable on its bill of lading which was issued by a freight agent without the receipt of the goods by the freight agent. In that respect the substitute bill contains in substance the provisions of the Clapp bill, which was reported by the committee; but, in addition to that, we seek to codify the rules of law relating to the rights and liabilities of the shipper and the common carrier, as well as the indorsees and assignees.

In that respect the bill was originally prepared by the committee on uniform legislation of the American Bar Association, and it has been adopted by 10 of the sovereign States of the Union, they being among the principal commercial States of the Union. As I understand, the objection of the Senator from Arkansas was that he feared that if the larger and more comprehensive bill were introduced and should pass the Senate, it would be less likely to pass through the House than the shorter bill. I do not understand that the Senator from Arkansas has any material objection to the bill itself. If he has, I am not advised of it.

Mr. CUMMINS. Mr. President——

Mr. LODGE. Mr. President, it is evident that this bill will lead to a great deal of debate, and I ask that it go over.

The PRESIDENT pro tempore. The bill will be passed over.

Mr. CUMMINS. Before the bill goes over, I desire to say a further word. The substitute offered by the Senator from Ohio [Mr. POMERENE] is a very good bill and ought to become the law; but, as he has stated, the Senator from Arkansas [Mr. CLARKE] feared that, if it were substituted, it would not pass the House on account of its length and the number of subjects which it embraces. I think the Senate ought to take up the bill now or fix some time for taking it up for consideration. I do not want to be understood as being in the way of its consideration, but I thought it was only fair to the Senator from Arkansas to state what I have stated.

The PRESIDENT pro tempore. Objection is made, and the bill will go over.

Mr. POMERENE. I move that the bill be taken up, notwithstanding the objection.

The PRESIDENT pro tempore. Under the unanimous-consent agreement that can not be done.

COTTON FUTURES.

The bill (S. 4654) to regulate contracts for the future delivery of cotton was announced as next in order.

Mr. SMITH of South Carolina. Mr. President, I should like to make a statement with reference to that bill. A bill of similar nature has passed the House and has come to the Senate, where it has been referred to the Committee on the Judiciary. I am not going to ask that this bill be taken up now, because I would prefer the House bill to be reported by the committee; but I want to make this statement, because I believe the provisions of this bill are of such vast importance to the producers of cotton that unless in the next few days that bill is reported in some form I shall ask for the consideration of the bill now on the calendar.

The PRESIDENT pro tempore. The bill will go over.

BILL PASSED OVER.

The bill (S. 6109) for the protection and increase of State game resources was announced as next in order.

Mr. SMOOT. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

OMNIBUS CLAIMS BILL.

The bill (H. R. 19115) making appropriation for payment of certain claims in accordance with findings of the Court of Claims, reported under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker Acts, was announced as next in order.

Mr. CRAWFORD. I ask that that bill go over.

Mr. WILLIAMS. Mr. President, do I understand that House bill 19115 has been objected to?

The PRESIDENT pro tempore. The Chair understands that it was objected to by the Senator from South Dakota.

Mr. WILLIAMS. Then I give notice that I shall object to all the claims bills upon the calendar.

Mr. CRAWFORD. Mr. President, if I may have permission to say a word, I desire to say to the Senator from Mississippi that before adjournment I expect to give notice with reference to calling up that bill. I do not think it will be possible for us to dispose of the bill in the closing days of the session, but I expect to give notice of a motion to consider that bill in the early days of the next session. I hope the Senator will not press his objection to other claims bills on the calendar.

Mr. WILLIAMS. Why can not we get unanimous consent now for its consideration on the first day of the next session.

Mr. President, this is the situation: Numberless bills have been sent to the Court of Claims. They are southern war claims of one kind and another, many of them deserving of consideration and many of them absolutely rotten. So far as they are not sound, I do not want any of them granted. I have by heredity and by environment no particular sympathy with a man of the South who was loyal to the Federal Government during the war. I am not prejudiced on that side.

Mr. CRAWFORD. Will the Senator allow me?

Mr. WILLIAMS. These claims come here, go to the committee, and the committee, I understand, strikes out half or more of them upon the ground of laches, on the ground that these people did not earlier urge their claims, when in many

cases they were unable to do so. The committee does that after the Court of Claims——

Mr. SUTHERLAND. I ask for the regular order.

Mr. WILLIAMS. A Federal tribunal provided by the Federal Government sits upon the claims and makes favorable findings.

Mr. CRAWFORD. Will the Senator permit me?

The PRESIDENT pro tempore. The regular order has been demanded.

Mr. CRAWFORD. I desire to say a word to save time. We are anxious to dispose of claims that will not provoke discussion, and I want to assure the Senator from Mississippi that there is absolutely no disposition on the part of the chairman of the Committee on Claims to delay the consideration of the omnibus claims bill. I will join with the Senator at any time when it will not obstruct the consideration of cases which will not create discussion in endeavoring to secure an agreement upon some day when that bill shall be called up early in the next session. I do not believe that we ought to go into it now.

Mr. WILLIAMS. Can we not agree upon a date right now?

Mr. CRAWFORD. It will take too much time, I fear, but I assure the Senator I will agree to have it called up at the earliest possible moment in the next session.

Mr. WILLIAMS. Very well, then; I believe in the Senator's good faith and will let the bill go over.

Mr. POINDEXTER. Mr. President, I understand the objection of the Senator from Mississippi relates to war claims only. There are some bills——

Mr. WILLIAMS. Oh, no; I have come to this point——

Mr. POINDEXTER. Allow me to say merely a word. There are some bills providing for claims which have no connection whatever with the particular matter which the Senator referred to as the general ground of his objection.

Mr. WILLIAMS. Mr. President, for the present I have withdrawn my objection upon the assurance of the Senator from South Dakota, but I give notice that if we can not get a fair consideration of these claims at the next session—let it go over until then—then no claims shall go through by unanimous consent.

The PRESIDENT pro tempore. The regular order has been demanded. The Secretary will state the next bill on the calendar.

BILLS PASSED OVER.

The bill (S. 6744) to provide for the purchase of an extension to the site and the erection of a Federal building in Las Vegas, N. Mex., was announced as next in order.

Mr. CATRON. Let that bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will be passed over.

The joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The joint resolution will be passed over.

The bill (S. 4584) to promote the efficiency of the Naval Militia, and for other purposes, was announced as next in order.

Mr. BORAH. I ask that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 5069) to promote the efficiency of the enlisted personnel of the United States Navy was announced as next in order.

Mr. BRISTOW. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (H. R. 14925) to amend an act to parole United States prisoners, and for other purposes, approved June 25, 1910, was announced as next in order.

Mr. LODGE. Let that bill go over.

Mr. BACON. Mr. President, I hope the Senator will pardon me for asking that that bill may be considered. It seems to me a matter of some urgency at the present time.

Mr. LODGE. That bill will require a good deal of discussion before it becomes a law.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 93) to establish a botanical laboratory at Denver, Colo., was announced as next in order.

Mr. OVERMAN. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4958) to accept the cession by the State of Washington of exclusive jurisdiction over the lands embraced within the Mount Rainier National Park, and for other purposes, was announced as next in order.

Mr. JONES. That is quite a lengthy bill, and I will not ask to take the time of the Senate to-day to consider it.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 1485) for the relief of William Mullally was announced as next in order.

Mr. POMERENE. I suggest that that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

DESTITUTE, INFIRM, AND AGED PARENTS.

The bill (S. 2451) providing against the abandonment of destitute, infirm, or aged parents was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia, with an amendment to strike out all after the enacting clause and insert:

That whoever, being an adult resident of the District of Columbia and possessed of or able to earn means sufficient to provide maintenance, shelter, food, care, and clothing for his or her parent or parents within said District who is or are destitute of means of subsistence and unable, either by reason of old age, infirmity, or illness, or otherwise, to support himself or herself, neglects or refuses to maintain and supply such parent or parents with necessary maintenance, shelter, food, care, and clothing, shall be punished by a fine of not more than $500 or be imprisoned in the workhouse of said District at labor for not less than three months nor more than one year, or by both such fine and imprisonment; and should a fine be imposed, it may be directed by the court to be paid in whole or in part to such parent or parents or to the custodian of such parent or parents: *Provided*, That before the trial, with the consent of the defendant, or after conviction, instead of imposing the punishment hereinbefore provided, or in addition thereto, the court, in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, shall have the power to make an order, which shall be subject to change by it from time to time as circumstances may require, directing the defendant to pay a certain sum weekly for the space of one year to the parent or parents, or to the custodian of such parent or parents, or to an organization or individual approved by the court as trustee, and to release the defendant from custody on probation for the space of one year upon his or her entering into a recognizance to the District of Columbia, with or without sureties, in such sum as the court may direct. The condition of the recognizance shall be such that if the defendant shall make his or her personal appearance in court whenever ordered to do so within the year, and shall further comply with the terms of the order and of any subsequent modification thereof, then the recognizance shall be void, otherwise of full force and effect. If the court be satisfied by information and due proof, under oath, that at any time during the year the defendant has violated the terms of such order, it may forthwith proceed with the trial of the defendant under the original charge, or sentence him or her under the original conviction, or enforce the original sentence, as the case may be. In case of forfeiture of a recognizance and enforcement thereof by execution, the sum recovered may, in the discretion of the court, be paid in whole or in part to the parent or parents, or to the custodian of such parent or parents.

SEC. 2. That proof of the circumstances or of neglect to furnish such parent or parents in destitute or necessitous circumstances necessary and proper food, clothing, or shelter shall be regarded as prima facie evidence that such neglect is willful.

SEC. 3. That it shall be the duty of the superintendent in charge of the workhouse of the District of Columbia, in which any person is confined on account of a sentence under this law, to certify at the end of each week the number of days' labor performed by said person so confined, and upon said certification the proper authorities of the District of Columbia shall pay over to the parent or parents, or to the custodian of such parent or parents, for the support of such parent or parents, a sum equal to 50 cents for each day's labor performed by said person so confined; and all expenditures under the provision of this act shall be made and accounted for in the same manner as are other expenditures of the District of Columbia.

SEC. 4. That in any case where a parent has been or shall be committed to the Government Hospital for the Insane, and such parent is indigent or is in destitute or necessitous circumstances, the foregoing provisions of this act shall apply: *Provided, however*, That in such cases the money collected as hereinbefore set forth shall be paid over and disbursed to the proper authorities of the District of Columbia toward the care and maintenance of the said insane person at the Government Hospital for the Insane.

SEC. 5. That the juvenile court of the District of Columbia is hereby given jurisdiction in all cases arising under this act, and shall have the powers necessary to carry this act into effect. Prosecutions under this act shall be had in the name of the District of Columbia upon information by the corporation counsel of the District of Columbia or any of his assistants.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 4355) to incorporate the National Institute of Arts and Letters was announced as next in order.

Mr. WILLIAMS. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 4356) incorporating the National Academy of Arts and Letters was announced as next in order.

Mr. STONE. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2344) to pay the balance due the loyal Creek Indians on the award made them by the Senate on February 16, 1903, was announced as next in order.

Mr. NELSON. Let that go over.

The PRESIDENT pro tempore. The bill will be passed over.

The bill (S. 2845) to acquire certain land in Washington Heights for a public park, to be known as McClellan Park, was announced as next in order.

Mr. MARTINE of New Jersey. Let that bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

Calendar No. 762, being a motion by Mr. POINDEXTER that the Senate Committee on Interstate Commerce be discharged from

the further consideration of S. 3297 to abolish the Commerce Court, etc., and that said bill be placed upon the calendar, under Rule VIII, for consideration by the Senate, was announced as next in order.

Mr. POINDEXTER. I ask to have that go over until the next session of Congress.

The PRESIDENT pro tempore. Does the Senator desire to have it transferred to Rule IX?

Mr. POINDEXTER. I should like to have it remain on the calendar under Rule VIII until the next session of Congress.

The PRESIDENT pro tempore. The motion will be passed over.

MEMORIAL TO A. W. BUTT AND F. D. MILLET.

The joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet was considered as in Committee of the Whole.

Mr. STONE. I understand that this monument, or whatever it may be, does not entail any expense on the United States.

Mr. ROOT. On the contrary, it is a simple drinking fountain, which the Government gets for nothing upon merely the condition that a tablet or some similar inscription be put upon it to these two Government officers.

Mr. STONE. I do not like to stand in the way, and I would not, of any memorial of this kind in honor of men who have died in discharge of duties that any gentlemen would have performed, only I wanted to be sure that the expense of it was not imposed upon the Government.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SUITS BY ATTORNEY GENERAL.

The bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc., was announced as next in order.

Mr. OLIVER. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over.

SCHOOL LANDS IN WYOMING.

The bill (H. R. 21221) making a grant of lands for school purposes in block 31, town site of Powell, Shoshoni reclamation project, Wyoming, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE P. CHANDLER.

The bill (S. 2953) to grant an honorable discharge to George P. Chandler was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and to insert:

That in the administration of the pension laws George P. Chandler, who was a private of Company F, One hundred and ninety-first Regiment Pennsylvania Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 27th day of September, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of George P. Chandler."

INCREASE OF PENSIONS.

The bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was announced as next in order.

The Secretary proceeded to read the bill.

Mr. REED. How many names are on the bill, Mr. President?

The PRESIDENT pro tempore. The Chair is informed that there are 26 separate names.

Mr. REED. Let it go over.

The PRESIDENT pro tempore. It will go over.

Mr. SMOOT. Did the Senator object to the consideration of the pension bill?

The PRESIDENT pro tempore. The Senator from Missouri has objected to the bill, and it goes over under the objection.

JOINT COMMISSION ON PUBLIC HIGHWAYS.

The joint resolution (S. J. Res. 106) creating a Joint Commission on Public Highways, and for other purposes, was announced as next in order.

Mr. OVERMAN. Inasmuch as the Post Office appropriation bill contains a provision of this kind, I ask that the joint resolution be placed on the calendar under Rule IX.

The PRESIDENT pro tempore. Without objection, that order will be made.

DEBORAH B. ROMAN.

The bill (S. 3132) granting a pension to Deborah B. Roman was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, before the words "assistant surgeon," to insert the word "acting," and, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Deborah B. Roman, widow of Horace H. Roman, late acting assistant surgeon, United States Army, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 7030) to provide for a permanent supply of coal for use of the United States Navy and other governmental purposes to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes, was announced as next in order.

Mr. SMOOT. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

The bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as next in order.

The Secretary proceeded to read the bill, and read to line 20, on page 5.

Mr. SMOOT. I ask the Senate to disagree to the amendment of the committee proposing $30, in line 19, page 5, and to make it $36. It is the pension to Richard J. Burges.

Mr. OVERMAN. Why give some $36 and others $30?

Mr. SMOOT. I will give the reasons for so doing.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. The Senator from Utah will suspend until the bill is read through.

Mr. SMOOT. Yes; let it be read through and then we will take up the amendments of the committee.

The Secretary resumed the reading of the bill.

Mr. OVERMAN. Before the bill is read any further, let me ask why are we pensioning soldiers now at $30 a month, when we have a general pension law?

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The Chair again appeals to Senators to permit the bill to be read through.

Mr. OVERMAN. I object to the bill until I understand it.

The PRESIDENT pro tempore. The Senator from North Carolina objects. The bill will go over.

The bill (S. 6896) to reopen and extend certain letters patent granted to Richard B. Painton; to insert certain claims in said letters patent dated May 9, 1899, was announced as next in order on the calendar.

Mr. NELSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, was announced as next in order.

Mr. MARTINE of New Jersey. That bill has been read. I hope that we may have unanimous consent to put it on its passage.

Mr. SUTHERLAND. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

MEMORIAL RED CROSS HEADQUARTERS.

The joint resolution (S. J. Res. 95) providing for a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War, was announced as next in order.

Mr. WILLIAMS. Mr. President, reserving the right to object, I should like to ask the Senator from New York [Mr. ROOT] if he would not be willing to strike out the word "loyal," and to strike out the provision requiring the commandery of the State of New York to subscribe an additional sum of $300,000?

I will state my reason for putting the question. I think we have about reached the stage in our national history when we might erect a monument to commemorate the services and sacrifices of the women of the United States during the Civil War upon both sides and do it as a Government without requiring any commandery on either side to contribute one-half of the money.

Mr. ROOT. Mr. President, the joint resolution has been reported in this form both in the Senate and in the House. It was favorably reported by the House committee some time ago. It is based upon an actual offer by the military order of the Loyal Legion of $300,000 which they have provided for this purpose. I should not feel justified in agreeing to a change which might deprive them of the subscription which has already been made. That is the very basis of the measure.

Mr. WILLIAMS. Mr. President, still reserving the right to object, I want to say that it seems to me that the time must come some day when on both sides of Mason and Dixon's line we are willing to forget that we were divided, willing to begin to remember that this is a reunited country, willing to begin to remember that the soldiers who fought under the stars and bars were just as much American soldiers as those who fought on the other side; that during the war there existed two congeries, formerly united, but the time being disunited, States, and afterwards coming together and re-forming the old United States.

I remember in the beginning of this session in mapping out the military park in the State of Mississippi there had been appropriated a half million dollars to commemorate the valor and constancy of the Federal Navy; and when it was suggested that one-half of that amount—mapping out a military park, now, which ought to be a history of actual events—should be appropriated to commemorate the valor and constancy of Confederate sailors, objection was made, and there could not be gotten even a yea-and-nay vote upon the question.

If seems to me, if we are going to talk about a reunited country, it is about time we were becoming a reunited country. During the war there was no United States. There were disunited States. It was a war between the States. Except in Missouri and Kentucky and east Tennessee and north Alabama, it was not even a civil war. A part of the United States were upon one side and a part of the United States were upon the other side, formerly and afterwards constituting the United States.

Mr. BORAH. Mr. President——

Mr. WILLIAMS. When it comes to contributing money out of the Federal Treasury it seems to me that it is about time we were beginning to remember that the bloody chasm about which so much oratory has been spread abroad and about which so many affected tears have been shed has been——

Mr. SUTHERLAND. Mr. President, I ask for the regular order.

Mr. WILLIAMS. I shall not object to the consideration of the joint resolution, but I reserved the right to object merely to inject these remarks. I think the joint resolution ought to pass.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution which had been reported from the Committee on the Library with amendments.

The first amendment of the Committee on the Library was, on page 1, line 5, before the word "hundred," to strike out "three" and insert "four," so as to read:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000 as a part contribution to the acquisition of a site and the erection thereon of a memorial in the District of Columbia to commemorate the services and sacrifices of the loyal women of the United States during the Civil War.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 6, after the words "taken by," to insert "and the building erected thereon shall be the property of the United States"; and in line 11, after the words "United States," to insert "subject to such further direction and control as may be provided by law," so as to make the section read:

SEC. 5. That the title to the site procured shall be taken by and the building erected thereon shall be the property of the United States, but the American National Red Cross shall at all times be charged with and be responsible for the care, keeping, and maintenance of the said memorial and grounds without expense to the United States, subject to such further direction and control as may be provided by law.

The amendment was agreed to.

The next amendment was, on page 3, after line 13, to insert as a new section the following:

SEC. 6. That should the commission created in section 4 of this act be unable to acquire a suitable site at a price deemed by the commission to be fair, it is authorized to institute condemnation proceedings, in accordance with the provisions of the act of Congress approved August 30, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, ch. 837).

The amendment was agreed to.

Mr. BACON. Mr. President, I simply want to say one word with the permission of the Senate. I think the joint resolution is open to criticism in one feature, and I hope it may be corrected at some time. It is really intended to furnish a home for the Red Cross Society. That is the purpose of it. I do not think anything which has that for the purpose and which will be perpetuated in that shape should have a sectional feature connected with it. I think everybody ought to join in that. If we wish to erect a monument to the loyal women of the United States, I have no objection in the world, and I will vote for it; but I do not think the Red Cross Society, which is intended for something altogether different from the commemoration of anything that occurred in war, which is intended to alleviate the horrors of war, to bind up wounds and to soothe suffering of all kinds, should be chosen as the subject to connect with it something which shall relate to the Civil War. That is my objection to the joint resolution.

I have no objection to a monument being raised to the loyal women of all the United States. I am ready to accord them all honor, all praise, and all homage; but I do think there is a gross inconsistency in this. The Red Cross Society is something which is not only not sectional of the United States but it is world-wide, and I think it is grossly inconsistent to connect the two purposes.

I am not going to object, but I do wish that Senators who are interested in this matter would take that view of it. I am perfectly willing that the two should be separated. I am willing to give $400,000 for one and $400,000 for the other, but they ought not to be connected. They have no legitimate connection, Mr. President. On the contrary, they have a very strong disassociation and incongruity. The Red Cross belongs as much to the South as it belongs to the North. It belongs as much to those who wore the gray as to those who wore the blue, and there is no possible propriety in connecting the two.

I repeat, I am not going to object, but Senators could get the measure through in the other shape just as well, and they could get it through by to-morrow. I wish very much that they would take that suggestion.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

MARY J. MANNING.

The bill (H. R. 7672) for the relief of Mary J. Manning was considered as in Committee of the Whole. It proposes to pay to Mary J. Manning $334.49, being the amount of money paid by J. H. Mitchell as surety on the bail bond of one Thad Manning, which money was paid under a mistake of fact, the said Thad Manning being dead at the date for which judgment was rendered against his said surety, the said money having been collected by said J. H. Mitchell from said Mary J. Manning, the widow of said Thad Manning, by the sale of certain of her property, which had been conveyed by mortgage for the purpose of indemnifying the surety, J. H. Mitchell.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

VOLUNTEER FORCES.

The bill (S. 2518) to provide for raising the volunteer forces of the United States in time of actual or threatened war, was announced as next in order.

Mr. BACON. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

ROBERT E. BURKE.

The bill (H. R. 4113) for the relief of Robert E. Burke was considered as in Committee of the Whole. It proposes to pay to Robert E. Burke, of Brooklyn, N. Y., $4,340.70, as reimbursement for expenses actually incurred by him in connection with his duties as United States customs inspector at the port of New York.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT AND CIRCUIT JUDGES.

The bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," was announced as next in order and was read.

Mr. REED. Let me ask for information. Is that merely to codify or does it involve changes in the law?

Mr. BRANDEGEE. The bill simply gives an additional judge in the northern district of the State of Illinois and deprives the seventh circuit court of a circuit judge. It is a House bill, unanimously reported by the House Judiciary Committee, and passed by the House. The testimony is that they do not any longer need four circuit judges in that circuit, but are very much in need of an additional district judge.

Mr. REED. The title was misleading. In view of the explanation of the Senator, I have no objection.

Mr. WILLIAMS. Reserving the right to object, I wish to ask the Senator from Connecticut a question. If I caught the bill aright, it creates an additional judge in the State of Mississippi, does it not?

Mr. BRANDEGEE. No; in the State of Illinois.

Mr. WILLIAMS. I thought an additional judge in Mississippi also.

Mr. BRANDEGEE. No; the bill in order to create the additional district judge in the State of Illinois rehearsed the entire existing section as it now is in the judicial code, making that one amendment.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on the Judiciary with an amendment, in section 2, page 3, line 14, after the word "circuit," to insert:

The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or serving in the Commerce Court, or otherwise, as provided for and authorized in other sections of this act.

So as to make the section read:

SEC. 2. That section 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be amended so as to read:

"SEC. 118. There shall be in the second and eighth circuits, respectively, four circuit judges, in the fourth circuit two circuit judges, and in each of the other circuits three circuit judges, to be appointed by the President, by and with the advice and consent of the Senate. They shall be entitled to receive a salary at the rate of $7,000 a year each, payable monthly. Each circuit judge shall reside within his circuit. The circuit judges in each circuit shall be judges of the circuit court of appeals in that circuit, and it shall be the duty of each circuit judge in each circuit to sit as one of the judges of the circuit court of appeals in that circuit from time to time according to law: *Provided*, That nothing in this section shall be construed to prevent any circuit judge holding district court or serving in the Commerce Court, or otherwise, as provided for and authorized in other sections of this act."

The amendment was agreed to.

The next amendment was to strike out section 3, in the following words:

SEC. 3. That hereafter, before the President shall appoint any district, circuit, or supreme judge, he shall make public all indorsements made in behalf of any applicant.

Mr. REED. I should like to hear the clause about the Commerce Court again.

Mr. BRANDEGEE. I will explain to the Senator about that. That is the exact language in the existing law, or the Judicial Code.

Mr. REED. I understand. Now we are trying to abolish the Commerce Court and have passed a bill to that effect. If we reenact this bill after we have acted upon the other bill, this becomes the latest law. I want to know what the language of the bill is in order that I may know whether it would conflict with the action already taken.

Mr. SUTHERLAND. This will not in any manner affect that question. If we continue the Commerce Court, of course nothing should be put in motion to prevent a judge from serving on it; if we get rid of the Commerce Court, this will not authorize the judge to sit in a court that does not exist.

Mr. REED. Will the Senator give me the language? That is what I wanted.

Mr. BRANDEGEE. The language is:

That nothing in this section shall be construed to prevent any circuit judge holding district court,

And so on.

Mr. REED. That is satisfactory.

Mr. BRANDEGEE. That is existing law.

Mr. BACON. I beg pardon, but I do not understand the proposition, and I should like to have some Senator explain it.

Mr. BRANDEGEE. I will explain, then, as briefly as I may, Mr. President. In amending this section of the law I think the House inadvertently did not amend the section as amended. There had been an amendment as to this section approved January 13, 1912, this year; the House bill was passed a few days after that, and the Senate amendment simply adds what the House had omitted, namely, the amendment to the law.

Mr. BACON. Does it relate especially to the Commerce Court?

Mr. BRANDEGEE. No. The proviso in the existing law, which was the amendment approved January 13, 1912, is as follows:

Provided, That nothing in this section shall be construed to prevent any circuit judge holding district court or serving in the Commerce Court, or otherwise, as provided for and authorized in other sections of this act.

If we repeal the Commerce Court act, there will be no Commerce Court for a district judge to sit in; and if, after that, it is desired to amend this to meet that situation, of course it can then be done; but the object of this bill is, without changing a single word of the existing law, simply to amend those sections of the existing statute so as to make one more district judge for the northern district of Illinois and to cut down the number of circuit judges from four to three. That is the sole operation of the bill. I have been through it very carefully and compared it, word for word, with the existing statute.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee, which has been stated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend sections 1 and 118 of the act of March 3, 1911, entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' as amended January 13, 1912."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the concurrent resolution of the Senate numbered 2, providing for the printing of 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of the American Indian," with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the concurrent resolution of the Senate numbered 5, authorizing the printing of 500 copies of the reports of the Immigration Commission, etc., with amendments, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 67. An act for the relief of Capt. Joseph Herring, United States Army, retired;

S. 183. An act for the relief of G. A. Embry;

S. 998. An act for the relief of Henry B. Roetzel and Paul Chipman;

S. 1508. An act for the relief of the estate of Eliza B. Hause;

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.;

S. 4032. An act for the relief of C. Person's Sons;

S. 4050. An act for the relief of Catherine Ratchford;

S. 4189. An act for the relief of the estate of Johanna S. Stoeckle;

S. 4520. An act for the relief of Catherine Grimm;

S. 4568. An act granting an increase of pension to Annie R. Schley;

S. 6412. An act to regulate radio communication;

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States"; and

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

PRESERVATION OF FORT M'HENRY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6354) to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War, and to authorize its partial use as a museum of historic relics, which were: On page 1, line 6, after the word "Department," to strike out all down to and including the word "prescribe" on page 2, line 2, and insert: *Provided*, That nothing in this act shall interfere with the present use of the piers now erected upon said fort grounds nor the erection by the Government of another pier thereupon for Government purposes with necessary ingress and egress thereto," and to amend the title so as to read: "An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War."

Mr. WARREN. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HANDBOOK OF THE AMERICAN INDIAN.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 2) providing for the printing of 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology entitled "Handbook of the American Indian," which were, in line 2, to strike out "three" and insert "six"; in line 5, to strike out "one" and insert "two"; and in line 5 to strike out "two" and insert "four."

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

REPORTS OF IMMIGRATION COMMISSION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 5) authorizing the printing of 500 copies of the reports of the Immigration Commission, which were, in line 3, to strike out "five" and insert "twenty-one"; in lines 4, 5, and 6, to strike out "250 for the use of the Senate Committee on Immigration and 250 for the use of the House Committee on Immigration and Naturalization" and insert "500 for the use of the Senate and 1,600 for the use of the House of Representatives"; in line 8, after "commission," to strike out the remainder of line 8 and all of lines 9, 10, 11, and 12 and insert "5,500 for the use of the House of Representatives, 2,500 for the use of the Senate, 200 for the use of the Committee on Immigration of the House of Representatives, and 200 for the use of the Committee on Immigration of the Senate, and that four sets be supplied to all members of the Immigration Commission who are not now Members of Congress."

Mr. SMOOT. I move that the Senate concur in the House amendments.

The motion was agreed to.

FUTURE CONSIDERATION OF THE CALENDAR.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

Mr. CUMMINS. Will the Senator from Massachusetts withhold the motion for a moment?

Mr. LODGE. Certainly.

Mr. CUMMINS. I desire to ask that when we resume the consideration of the calendar we resume it at the point at which we now leave off.

The PRESIDENT pro tempore. The Chair thinks that probably an agreement to that effect would be necessary.

Mr. LODGE. In that case an agreement to that effect will be necessary to govern our action when we take up the calendar again.

The PRESIDENT pro tempore. Does the Senator from Iowa ask unanimous consent to that effect?

Mr. CUMMINS. I do.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that when the calendar is again under consideration——

Mr. LODGE. For unobjected bills——

The PRESIDENT pro tempore. For unobjected bills, that the bill next after the one just acted upon shall be considered first, and that the calendar shall be considered from there on to the end.

Mr. CRAWFORD. What bill is that?

Mr. OVERMAN and Mr. LODGE. It is Calendar No. 816.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

DISTRICT COURT IN TENNESSEE.

Mr. SANDERS. I ask the Senator from Massachusetts to withhold his motion for a minute in order that I may ask unanimous consent for the present consideration of Senate bill 7252. It simply provides for changing the time of holding court for the eastern district of Tennessee, beginning with September. The bill should be acted upon at once, and I feel confident it will only take a minute to pass it.

Mr. LODGE. Mr. President, I shall make no objection to the consideration of the bill referred to by the Senator from Tennessee, but I shall object to others. It is very late. I think we ought to have an executive session.

The PRESIDENT pro tempore. The Senator from Tennessee asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 7252) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. WILLIAMS. I do not know that I have any objection to the consideration of this bill, but I do have an objection to stopping the consideration of the calendar and then taking up some one bill out of its order. I shall therefore object to the present consideration of the bill.

The PRESIDENT pro tempore. Objection is made.

EXECUTIVE SESSION.

Mr. LODGE. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 6 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 13, 1912, at 10 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 12, 1912.

UNITED STATES DISTRICT JUDGE.

James M. Morton, jr., to be United States district judge, district of Massachusetts.

COLLECTOR OF CUSTOMS.

Cyrus G. Engle to be collector of customs for the district of Natchez, in the State of Mississippi.

APPRAISER OF MERCHANDISE.

Rene F. Clerc to be appraiser of merchandise in the district of New Orleans, in the State of Louisiana.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. William Thomas Stromberg to be first lieutenant.

Third Lieut. Leo Charles Mueller to be second lieutenant.

PROMOTIONS IN THE NAVY.

Ensign Richard F. Bernard to be a lieutenant (junior grade).

Ensign Hugh C. Frazer to be an ensign.

Midshipman Ernest W. Broadbent to be an ensign.

POSTMASTERS.

ALABAMA.

Joe Ray McCleskey, Boaz.

MISSOURI.

C. A. Cox, Chaffee.

OKLAHOMA.

W. H. Staggers, Wakita.

WEST VIRGINIA.

Chesley S. Harper, Webster Springs.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 12, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven be merciful unto us, bear with our infirmities, forsake us not, but punish us when we do wrong and make our hearts rejoice with gladness when we do right, that the trend of our life may be ever upward and onward toward the goal of the perfected manhood, in Christ Jesus our Lord. Amen.

The Journal of the proceedings of Saturday, August 10, 1912, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, Mr. BURNETT was granted leave of absence for the day on account of sickness.

HANDBOOK OF AMERICAN INDIANS.

Mr. FINLEY. Mr. Speaker, I move to reconsider the vote whereby Senate concurrent resolution No. 2 was passed. There is an error in the amendment, which I wish to correct.

The SPEAKER. The gentleman from South Carolina moves to reconsider the vote whereby Senate resolution No. 2 was passed.

Mr. MANN. Without having the title of the resolution reported, to what does it relate?

Mr. FINLEY. It relates to the handbook of American Indians.

The question was taken, and the motion to reconsider was agreed to.

Mr. FINLEY. Now, Mr. Speaker, on line 2 of the printed resolution I move to strike out the word "three" and insert the word "six," so it will read "6,500 copies." That is necessary in order to make the number of copies authorized printed correspond with the number of copies authorized to be distributed.

Mr. MANN. It is to make the total correspond with the amendment for printing for the House on Saturday.

Mr. FINLEY. Yes.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, line 2 of the resolution, by striking out the word "three" and inserting the word "six," so it will read "six thousand five hundred."

The question was taken, and the amendment was agreed to.

The resolution as amended was agreed to.

IMMIGRATION COMMISSION.

Mr. FINLEY. Mr. Speaker, I move to reconsider the vote whereby Senate concurrent resolution No. 5 was agreed to on Saturday for the same reason.

The SPEAKER. The gentleman from South Carolina moves to reconsider the vote whereby Senate resolution No. 5 was agreed to.

The question was taken, and the motion was agreed to.

Mr. FINLEY. Mr. Speaker, in line 3, after the word "illustrations," I move to strike out the word "five" where it reads "five hundred" and insert the words two thousand one," so it will read "two thousand one hundred." That is necessary in order to conform with the amendments adopted.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in line 3, the word "five" and insert in lieu thereof the words "two thousand one."

The question was taken, and the resolution was agreed to.

The resolution as amended was agreed to.

"THE ROAD HORSE."

Mr. FINLEY. Mr. Speaker, I call up the following privileged resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 682 (H. Rept. 1179).

Resolved, That there be printed as a House document 93,000 copies of a pamphlet entitled "The Road Horse," as edited and prepared by the Bureau of Animal Industry of the Department of Agriculture, with special application to the selection and management of the road horse used in the Rural Delivery Service, of which 50,000 copies shall be for the use of the House of Representatives and 43,000 copies for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

The Clerk read as follows:

Report to accompany House resolution 682.

The Committee on Printing, having had under consideration the House resolution (H. Res. 682) providing for the printing of 93,000 copies of the special report on "The Road Horse," as used in the Rural Delivery Service, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $500.

Mr. FOSTER. I would like to ask the gentleman from South Carolina if this provides for a distribution through the folding room or through the document room?

Mr. FINLEY. It provides both; 50,000 copies shall be for the use of the House of Representatives and 43,000 copies shall be for the use of the House document room.

Mr. FOSTER. I would suggest to the gentleman, does not the gentleman think these ought to be distributed through the folding room? This is a matter, I take it, of considerable importance, and we will have possibly a great many calls for a document of this kind.

Mr. FINLEY. I will answer the gentleman. I think if he will think for a moment he will conclude that it is not necessary to place them all in the folding room. The city Members have no use for them.

Mr. FOSTER. I think the gentleman is probably mistaken. I think Members are interested in the horse, probably not to as great an extent as people in the country, but still——

Mr. FINLEY. Well, they are more interested in automobiles.

Mr. MANN. Will the gentleman yield for a question?

Mr. FINLEY. Certainly.

Mr. MANN. A similar resolution on Saturday, if I remember correctly, provided for a certain number for the House and a certain number for the Post Office Department.

Mr. FINLEY. Yes.

Mr. MANN. Now, is it the intention in this case that these 43,000 printed for the House document room shall include part of them to be used by the Post Office Department?

Mr. FINLEY. Well, I can not answer that question definitely.

Mr. MANN. I have no objection to that.

Mr. FINLEY. Well, substantially I imagine that will be done.

Mr. MANN. And the 50,000 will go to the folding room to be distributed among the Members.

Mr. FINLEY. I will say this: Every rural carrier in my district will want to get one of them, and——

Mr. FOSTER. Would not the gentleman be willing to make it 75,000 to go into the folding room?

Mr. FINLEY. There are 42,000 rural carriers, and I think if the gentleman——

Mr. FOSTER. I understand that; but I think the Members will be called on for this document.

Mr. FINLEY. I will say to the gentleman that that matter has been carefully gone over by people who are interested in it. In fact I was requested earnestly by Government officials to secure this publication. The gentleman will be able to secure all the copies he wishes.

Mr. MANN. You can not increase the number of copies. They have reached the limit.

Mr. FOSTER. It seems to me we ought to have more of these through the folding room than the number that are going to the document room. There are pretty nearly as many going to the document room as will go to the folding room to the credit of Members. I know, so far as I am concerned, that I could use a good many more copies than my quota would be of this fifty thousand.

Mr. MANN. I will give the gentleman a portion of mine.

Mr. FOSTER. I thank the gentleman; that satisfies me.

Mr. FINLEY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the House resolution.

The question was taken, and the House resolution was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BRANDEGEE, Mr. BRISTOW, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 6412. An act to regulate radio communication;

S. 67. An act for the relief of Capt. Joseph Herring, United States Army, retired; and

S. 998. An act for the relief of Henry C. Roetzel and Paul Chipman.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6412. An act to regulate radio communication;

S. 4189. An act for the relief of the estate of Johanna S. Stoeckle;

S. 998. An act for the relief of Henry C. Roetzel and Paul Chipman;

S. 67. An act for the relief of Capt. Joseph Herring, United States Army, retired;

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

S. 4568. An act granting an increase of pension to Annie R. Schley;

S. 4520. An act for the relief of Catherine Grimm;

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.;

S. 1508. An act for the relief of the estate of Eliza B. Hause;

S. 4050. An act for the relief of Catherine Ratchford;

S. 4032. An act for the relief of C. Person's Sons;

S. 183. An act for the relief of G. A. Embry; and

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa; and

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States."

CONTESTED ELECTION CASE—GILL AGAINST CATLIN.

Mr. HAMILL. Mr. Speaker, I desire to call up the following privileged resolution from the Committee on Elections No. 2, and send it to the Clerk's desk to be read.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] calls up a privileged resolution from the Committee on Elections No. 2, which the Clerk will report.

The Clerk read as follows:

House resolution 666.

Resolved, That Theron E. Catlin was not elected a Representative from the eleventh district of Missouri in the Sixty-second Congress.

Resolved, That Patrick F. Gill was duly elected a Representative from the eleventh district of Missouri to the Sixty-second Congress, and is entitled to the seat therein.

Mr. MANN. Mr. Speaker, I raise the question of consideration on the resolution.

The SPEAKER. The gentleman from Illinois [Mr. MANN] raises a question of consideration. Those in favor of considering this resolution will say "aye"; those opposed, "no."

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Speaker, I make the point that there is no quorum present.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-two gentlemen are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

Mr. MANN. That is not necessary.

Mr. UNDERWOOD. The gentleman is correct.

The SPEAKER. It is an automatic call. The Doorkeeper will close the doors, the Sergeant at Arms will notify the absentees, and the Clerk will call the roll. When the roll is called those in favor of considering this resolution at this time will answer "yea"; those opposed will answer "nay." It is the case of Gill against Catlin.

The question was taken; and there were—yeas 137, nays 42, answered "present" 23, not voting 188, as follows:

YEAS—137.

Adair	Doughton	James	Rothermel
Aiken, S. C.	Estopinal	Johnson, Ky.	Rucker, Colo.
Akin, N. Y.	Evans	Kitchin	Russell
Alexander	Faison	Konig	Sabath
Allen	Fergusson	Korbly	Saunders
Ansberry	Ferris	Lee, Pa.	Sharp
Ashbrook	Fitzgerald	Lever	Sims
Bathrick	Flood, Va.	Levy	Sisson
Beall, Tex.	Floyd, Ark.	Lewis	Smith, N. Y.
Blackmon	Gallagher	Lindbergh	Smith, Tex.
Booher	Garrett	Linthicum	Stanley
Borland	George	Littlepage	Stedman
Buchanan	Godwin, N. C.	Lloyd	Stephens, Nebr.
Bulkley	Goeke	Lobeck	Stephens, Tex.
Burke, Wis.	Goodwin, Ark.	McCoy	Stone
Burleson	Graham	McDermott	Sulzer
Byrns, Tenn.	Gray	McKellar	Sweet
Candler	Gregg, Pa.	Maguire, Nebr.	Taggart
Carlin	Gregg, Tex.	Martin, Colo.	Talcott, N. Y.
Carter	Hamill	Moon, Tenn.	Thayer
Claypool	Hamilton, W. Va.	Morrison	Townsend
Clayton	Hamlin	Moss, Ind.	Tribble
Cline	Hammond	Neeley	Turnbull
Connell	Hardy	Oldfield	Tuttle
Covington	Hayden	O'Shaunessy	Underhill
Cullop	Heflin	Padgett	Underwood
Curley	Helm	Page	Watkins
Davenport	Henry, Tex.	Pou	Webb
Davis, W. Va.	Hensley	Rainey	Whitacre
Dent	Holland	Raker	Wilson, Pa.
Denver	Howard	Ransdell, La.	Witherspoon
Dickinson	Hughes, N. J.	Rauch	The Speaker.
Dixon, Ind.	Hull	Reilly	
Donohoe	Jackson	Robinson	
Doremus	Jacoway	Roddenbery	

NAYS—42.

Ainey	French	La Follette	Sterling
Anderson, Minn.	Gardner, Mass.	Longworth	Switzer
Austin	Green, Iowa	McLaughlin	Utter
Bartholdt	Greene, Mass.	Mann	Volstead
Burke, Pa.	Harris	Miller	Warburton
Cooper	Helgesen	Morgan	Wedemeyer
Crumpacker	Howell	Morse, Wis.	Willis
Dodds	Humphrey, Wash.	Olmsted	Wood, N. J.
Driscoll, M. E.	Kendall	Payne	Young, Kans.
Farr	Kennedy	Rees	
Foss	Kinkaid, Nebr.	Smith, J. M. C.	

ANSWERED "PRESENT"—23.

Adamson	Dwight	Hay	Slayden
Anthony	Finley	Humphreys, Miss.	Sparkman
Broussard	Fornes	Johnson, S. C.	Steenerson
Campbell	Foster	Lafferty	Talbott, Md.
Danforth	Glass	Lee, Ga.	Thomas
Davis, Minn.	Haugen	McCall	

NOT VOTING—188.

Ames	Dyer	Lamb	Prouty
Anderson, Ohio	Edwards	Langham	Pujo
Andrus	Ellerbe	Langley	Randell, Tex.
Ayres	Esch	Lawrence	Redfield
Barchfeld	Fairchild	Legare	Reyburn
Barnhart	Fields	Lenroot	Richardson
Bartlett	Focht	Lindsay	Riordan
Bates	Fordney	Littleton	Roberts, Mass.
Bell, Ga.	Fowler	Loud	Roberts, Nev.
Berger	Francis	McCreary	Rodenberg
Boehne	Fuller	McGillicuddy	Rouse
Bowman	Gardner, N. J.	McGuire, Okla.	Rubey
Bradley	Garner	McHenry	Rucker, Mo.
Brantley	Gillett	McKenzie	Scully
Brown	Goldfogle	McKinley	Sells
Browning	Good	McKinney	Shackleford
Burgess	Gould	McMorran	Sheppard
Burke, S. Dak.	Griest	Macon	Sherley
Burnett	Gudger	Madden	Sherwood
Butler	Guernsey	Maher	Simmons
Byrnes, S. C.	Hamilton, Mich.	Martin, S. Dak.	Slemp
Calder	Hanna	Matthews	Sloan
Callaway	Hardwick	Mays	Small
Cannon	Harrison, Miss.	Mondell	Smith, Saml. W.
Cantrill	Harrison, N. Y.	Moon, Pa.	Smith, Cal.
Cary	Hartman	Moore, Pa.	Speer
Catlin	Hawley	Moore, Tex.	Stack
Clark, Fla.	Hayes	Mott	Stephens, Cal.
Collier	Heald	Murdock	Stephens, Miss.
Conry	Henry, Conn.	Murray	Stevens, Minn.
Copley	Higgins	Needham	Sulloway
Cox, Ind.	Hill	Nelson	Taylor, Ala.
Cox, Ohio	Hinds	Norris	Taylor, Colo.
Crago	Hobson	Nye	Taylor, Ohio
Cravens	Houston	Palmer	Thistlewood
Currier	Howland	Parran	Tilson
Curry	Hughes, Ga.	Patten, N. Y.	Towner
Dalzell	Hughes, W. Va.	Patton, Pa.	Vare
Daugherty	Jones	Pepper	Vreeland
Davidson	Kahn	Peters	Weeks
De Forest	Kent	Pickett	White
Dickson, Miss.	Kindred	Plumley	Wilder
Dies	Kinkead, N. J.	Porter	Wilson, Ill.
Difenderfer	Knowland	Post	Wilson, N. Y.
Draper	Konop	Powers	Woods, Iowa
Driscoll, D. A.	Kopp	Pray	Young, Mich.
Dupré	Lafean	Prince	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye."

So the House determined to consider the case.

Mr. ADAMSON. Mr. Speaker, has the gentleman from Minnesota, Mr. STEVENS, voted?

The SPEAKER. He is not recorded.

Mr. ADAMSON. As I am paired with that gentleman, and as he was inadvertently, urgently, and unexpectedly called out of the House, I withdraw my affirmative vote and answer "present."

Mr. McCALL. I am paired with my colleague, Mr. PETERS, and I vote "present."

The SPEAKER. On this vote the yeas are 137, the nays 42, and 23 have answered "present," which makes a quorum. The Chair orders the Clerk to enroll the names of Messrs. CATLIN, CAMPBELL, ANTHONY, and LAFFERTY, who were in the Hall and did not vote, which makes a total of 202 Members present. The motion to consider this case is carried.

Mr. MANN. With reference to noting the presence of the gentleman from Missouri, Mr. CATLIN, I suggested to him that he should not vote, not even "present," as it was a matter involving himself personally, and I doubt whether a quorum which would require his presence to make it would be sufficient.

The SPEAKER. The Chair orders the Clerk to strike off the name of Mr. CATLIN, because he being the contestee, of course it puts him in a very awkward predicament, and the Chair does not wish to do him an injustice. The Doorkeeper will open the doors. Further proceedings under the call are dispensed with.

The Clerk announced the following pairs:

For the session:

Mr. SLAYDEN with Mr. TILSON.
Mr. FOSTER with Mr. KOPP.
Mr. ROUSE with Mr. HAYES.
Mr. MCGILLICUDDY with Mr. GUERNSEY.
Mr. SHEPPARD with Mr. BATES.
Mr. BURGESS with Mr. WEEKS.
Mr. COLLIER with Mr. WOODS of Iowa. (Transferable on request of either party.)
Mr. ADAMSON with Mr. STEVENS of Minnesota.
Mr. FINLEY with Mr. CURRIER.
Mr. RIORDAN with Mr. ANDRUS.
Mr. GLASS with Mr. SLEMP.
Mr. FORNES with Mr. BRADLEY.
Mr. BARTLETT with Mr. BUTLER.
Mr. HOBSON with Mr. FAIRCHILD.

From Saturday for the balance of the session:

Mr. BROUSSARD with Mr. YOUNG of Michigan.

From Thursday for the balance of the session:

Mr. BELL of Georgia with Mr. LANGHAM.

Until further notice:

Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. MACON with Mr. WILSON of Illinois.
Mr. LINDSAY with Mr. SAMUEL W. SMITH.
Mr. MCHENRY with Mr. VARE.
Mr. YOUNG of Texas with Mr. TOWNER.
Mr. WILSON of New York with Mr. TAYLOR of Ohio.
Mr. WHITE with Mr. SULLOWAY.
Mr. STEPHENS of Mississippi with Mr. STEPHENS of California.
Mr. STACK with Mr. ROBERTS of Massachusetts.
Mr. SMALL with Mr. RODENBERG.
Mr. SHERWOOD with Mr. ROBERTS of Nevada.
Mr. RICHARDSON with Mr. PRINCE.
Mr. POST with Mr. PRAY.
Mr. PEPPER with Mr. POWERS.
Mr. PATTEN of New York with Mr. PORTER.
Mr. MURRAY with Mr. PLUMLEY.
Mr. MOORE of Texas with Mr. PICKETT.
Mr. MAHER with Mr. PATTON of Pennsylvania.
Mr. LAMB with Mr. MOORE of Pennsylvania.
Mr. KONOP with Mr. MONDELL.
Mr. KINDRED with Mr. MCKINNEY.
Mr. HARRISON of New York with Mr. MCKINLEY.
Mr. HARRISON of Mississippi with Mr. MCCREARY.
Mr. FRANCIS with Mr. LAFEAN.
Mr. FOWLER with Mr. KNOWLAND.
Mr. ELLERBE with Mr. KAHN.
Mr. DUPRÉ with Mr. HOWLAND.
Mr. DANIEL A. DRISCOLL with Mr. HENRY of Connecticut.
Mr. DIFENDERFER with Mr. HEALD.
Mr. DICKSON of Mississippi with Mr. GRIEST.
Mr. DAUGHERTY with Mr. FORDNEY.
Mr. CRAVENS with Mr. FOCHT.
Mr. COX of Indiana with Mr. DANFORTH.
Mr. CONRY with Mr. COPLEY.
Mr. CALLAWAY with Mr. CANNON.
Mr. BROWN with Mr. BURKE of South Dakota.
Mr. BRANTLEY with Mr. BOWMAN.
Mr. AYRES with Mr. BARCHFELD.
Mr. LEGARE with Mr. LOUD.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. FIELDS with Mr. LANGLEY.
Mr. RUCKER of Missouri with Mr. DYER.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. EDWARDS with Mr. DALZELL.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. LITTLETON with Mr. DWIGHT.
Mr. COX of Ohio with Mr. ANTHONY.
Mr. RUBEY with Mr. HAWLEY.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. PETERS with Mr. MCCALL.
Mr. KINKEAD of New Jersey with Mr. NYE.
Mr. SHERLEY with Mr. HAUGEN.
Mr. HUGHES of Georgia with Mr. MATTHEWS.
Mr. BOEHNE with Mr. FULLER.
Mr. ANDERSON of Ohio with Mr. SIMMONS.
Mr. TAYLOR of Colorado with Mr. AMES.
Mr. DIES with Mr. HIGGINS.
Mr. JONES with Mr. DE FOREST.
Mr. LEE of Georgia with Mr. MOTT.
Mr. TAYLOR of Alabama with Mr. HARTMAN.
Mr. REDFIELD with Mr. SPEER.
Mr. PALMER with Mr. HILL (with mutual privilege of transfer).
Mr. HOUSTON with Mr. MOON of Pennsylvania.
Mr. GARNER with Mr. HINDS.
Mr. CLARK of Florida with Mr. HAMILTON of Michigan.
Mr. SCULLY with Mr. BROWNING.
Mr. GUDGER with Mr. HUGHES of West Virginia.
Mr. PUJO with Mr. MCMORRAN.

For this day:

Mr. BURNETT with Mr. DRAPER.

On this vote:

Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

From August 10 until August 13 noon:

Mr. THOMAS with Mr. GARDNER of New Jersey.

From August 9 until August 13 noon:

Mr. GOLDFOGLE with Mr. CALDER.

The SPEAKER. The gentleman from New Jersey [Mr. HAMILL] is recognized.

Mr. HAMILL. Mr. Speaker, I want to know if I can secure an agreement with the gentleman from Minnesota [Mr. ANDERSON] about the time to be consumed in this discussion?

Mr. ANDERSON of Minnesota. How much time does the gentleman suggest?

Mr. HAMILL. How much time does the gentleman on the other side suggest?

Mr. ANDERSON of Minnesota. I think we shall need at least four hours on this side.

Mr. HAMILL. That, of course, is absolutely unreasonable. The whole case could be very well discussed in three hours, giving an hour and a half on each side. However, we do not want to be rigorous in our insistence, and we are perfectly willing to allow more time than that if the gentlemen want it.

Mr. ANDERSON of Minnesota. I suggest that this is an important matter, not only from the viewpoint of those who are particularly interested, but from the viewpoint of the country, and I do not think debate ought to be cut off, particularly in view of the fact that the majority report contains absolutely nothing with reference to the facts in the case.

Mr. HAMILL. Of course the gentleman will bear in mind that it might reasonably be taken as a reflection on the desire of gentlemen on the other side to prolong this case, because they were instrumental or seemed to be instrumental in breaking a quorum, and thus consuming about an hour's time that could well have been given to discussion.

Mr. MANN. The gentleman's party has sixty-odd majority in the House, and it is up to his side to have a quorum.

Mr. HAMILL. That is all very well; but if gentlemen take the high and patriotic stand that the gentleman has suggested, of service and importance to the country, I think the gentlemen on that side ought to vindicate their assertions.

Mr. MANN. We think we are serving the country.

Mr. UNDERWOOD. Mr. Speaker, I want to suggest to the gentleman from Minnesota that we wish to vote to-day, and if we can agree on five hours of general debate, three hours on that side and two on this, I think that would be a reasonable time.

Mr. MANN. I think that the gentleman from Minnesota had better agree to that proposition—three hours on this side and two hours on the other side.

Mr. ANDERSON of Minnesota. I shall not object to that.

Mr. HAMILL. Then, Mr. Speaker, I ask unanimous consent that the debate shall continue for five hours, three hours to be controlled by the gentleman from Minnesota [Mr. ANDERSON] and two hours by myself; that at the expiration of that time all discussion shall cease, the previous question shall be considered as ordered, and the vote taken on the resolution.

Mr. MANN. We may want to offer a substitute.

Mr. HAMILL. And we will agree to that.

Mr. MANN. With the understanding that the minority has the right to offer a substitute.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that debate on this resolution shall close at the end of five hours, three hours to be controlled by the gentleman from Minnesota [Mr. ANDERSON] and two hours by himself, at the end of which time the minority shall have the right to offer a substitute, and that the previous question shall be considered as ordered on the resolution and substitute, and the vote immediately taken.

Mr. MANN. As I understand the request, Mr. Speaker, it is that there shall be three hours of debate on this side, controlled by the gentleman from Minnesota, and two hours on that side, so that interruptions will not come out of the time.

The SPEAKER. That is correct.

Mr. RAKER. Mr. Speaker, reserving the right to object, I want to ask the gentleman from New Jersey whether or not the two resolutions are not to be voted on separately. In other words, the resolution declaring the election of Mr. Catlin illegal, and the one declaring that Mr. Gill was legally elected?

Mr. MANN. There will be a separate vote demanded.

The SPEAKER. The rule of the House is that where there are two substantive propositions and they can be separated without the mutilation of one, a separate vote will be granted. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. HAMILL. Mr. Speaker, this resolution refers to the contested-election case now pending of Patrick F. Gill against Theron E. Catlin. The resolution embodies two distinct propositions. The first is that Mr. Catlin, the contestee, be declared not entitled to a seat in the Sixty-second Congress as a Member from the eleventh congressional district of Missouri. The second proposition is that Mr. Gill, the contestant, be declared entitled to a seat in this Congress from the district I have mentioned for the reason of his having been legally elected thereto. In presenting this case to the attention of the House the committee need hardly mention the fact that they are not actuated by reasons which are in any way personal. It is not of the slightest interest to the committee, as such, whether Theron E. Catlin or Patrick F. Gill shall occupy the seat in this Congress from the eleventh congressional district of Missouri. Moreover, the members of the committee feel that the House will readily appreciate the highly disagreeable duty the making of this report has imposed upon them.

But the character of this House must be kept free from corruption and Members must come here as the honest choice of their constituencies rather than as the beneficiaries of crooked election methods if this, the popular branch of Congress, is to retain the confidence of the people and preserve its usefulness to the country. In the opinion of the committee the present case reveals a situation where evident justice demands the adoption of the resolution offered. We propose to-day to lay before you the facts on which our opinion is based, and having thus discharged our duty in the premises submit the entire matter to the judgment of this House.

Mr. Speaker, on the 8th day of November, 1910, an election was held in the city of St. Louis, at which, among other officers, were elected Members of the House of Representatives. The eleventh congressional district comprises a part of the city of St. Louis, and in this district Mr. Catlin was the Republican nominee for Member of Congress, for which office he was opposed on the Democratic ticket by Mr. Gill. On the face of the returns Mr. Catlin appeared to be elected by a total vote of 20,089. This result was subsequently corrected by a recount, making his total vote 19,937. The total vote returned for Gill was 18,612, thus giving Catlin an ostensible majority of 1,325.

Now, the action of the committee in reporting to the House that contestee should be deprived of his seat is based upon two main grounds. The first ground is that the contestee Catlin expended more money than is allowed by the statutes of Missouri; in other words, that he violated the corrupt-practices act of the State of Missouri. He did this not personally, but through the agency of another, for whose acts he is responsible, because the agent acted with the knowledge and with the connivance and by the direction of the contestee.

The second ground is that, admitting for the sake of argument what we do not consider to be true—that there was no connivance on the part of Catlin in the violation of the corrupt-practices act—nevertheless a proper recount of the ballots cast in the eleventh congressional district of Missouri, eliminating in accordance with a precedent laid down in this House those parts of the territory comprised within the eleventh district, where the vote was so permeated with fraud as to make it impossible to say for which candidate the ballots had been cast—I say, eliminating those parts of the district affected in the manner I have mentioned under the authority of the precedent referred to which was laid down by the party of which the contestee is a member, the committee find a clear majority in favor of the contestant. So that, therefore, on the second ground the contestant is entitled to his seat and the contestee loses his seat, simply because the contestant received the majority of votes; that is to say, the contestant receives the majority of votes legally cast and properly counted.

We propose to consider these two grounds for action in the order in which I have stated them.

In the first place, let us consider the violation of the corrupt-practices act of Missouri, to which violation the committee has determined the contestee was a party, and for the consequences of which he should be held responsible.

Section 6046 of the Revised Statutes of Missouri, 1909, contains the following:

> No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely: For 5,000 voters or less, $100; for each 100 voters over 5,000 and under 25,000, $2; for each 100 voters over 25,000 and under 50,000, $1; and for each 100 voters over 50,000, 50 cents, the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment, contribution, or expenditure, or promise or agreement or offer to pay, contribute, or expend any money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

The amount which a candidate can expend in Missouri in a contest for Congress is proportioned upon the number of votes cast at the preceding general election for the same office, and in this case it is practically agreed upon by both sides that the amount which legally could be expended by the contestant or the contestee, respectively, was $662. There is a further section of the statute of Missouri which provides that whenever the party who runs second in the contest considers he was unjustly deprived of the office for which he contended he may apply to the attorney general, and on his relation the attorney general begins a proceeding to oust the person who obtains the seat—that is to say, the person to whom the certificate of election has been issued upon the face of the returns. After that is done another section declares that the seat which is thus vacated goes to the candidate having the second highest number of votes, provided no charge is made against him that he has been guilty of an infringement of any statutes which would make him ineligible to take the office. In other words, if the person holding the seat has been elected unfairly and the next highest person has been without question fair in the conduct of his election, then that person receiving the next highest number of votes is given the seat by virtue of the proper proceeding. Those are the statutes of the State of Missouri governing the situation.

Mr. SWITZER. Mr. Speaker, will the gentleman yield?

Mr. HAMILL. Mr. Speaker, I am willing to yield to the gentleman, but I would like to say that at this time my purpose is to make a very full opening of the case to the House. However, I yield to the gentleman.

Mr. SWITZER. Mr. Speaker, does the gentleman contend the statutes of Missouri automatically give the seat to the contestant?

Mr. HAMILL. I say that under the statutes of Missouri he is entitled to the seat in the circumstances I relate by means of a legal proceeding.

Mr. SWITZER. Is not the gentleman aware that that part of the statute has been held to be unconstitutional by the highest court of Missouri?

Mr. HAMILL. If it were declared to be unconstitutional that fact need not necessarily have any bearing upon the right of this House to follow it in the seating of a Member. The principle involved is that the statute marked out a way which was acceptable to the people of Missouri; that the contestant accepted the provisions and the obligations of the statute,

whereas the contestee violated them, and that we, in justice, ought to follow the principle laid down in the statutes. Besides, I wish to say that except in the case of appointments by the governor I am not aware that this statute has been declared to be unconstitutional.

Mr. DICKINSON. Mr. Speaker, may I interrupt the gentleman to call attention to the decision of the supreme court? The language of the court is:

> The provision for awarding office to unsuccessful candidates is unconstitutional as to offices in which the governor alone has power to fill vacancies.

That is the reason, because it takes away from the governor the right to fill the vacancy; but that would not apply to a Congressman, where the governor can not fill the vacancy.

Mr. HAMILL. I am familiar with the case which the gentleman cites, and if it is to that case the gentleman from Ohio refers, which applies only where the governor is deprived of his right under the Constitution, then I deny his statements that the Supreme Court of Missouri has declared this section to be unconstitutional.

These sections of the Missouri statutes form, as I have said, the first basis on which the committee believes the House should declare vacant the seat of the contestee. We do not say that the contestee openly violated the provisions of the corrupt-practices act. In the statement which he filed showing his expenses in the election he keeps within the $662 limit; but the money was expended by another, for whose conduct the contestee is responsible, of whose acts the contestee had undeniable knowledge, and of which he was fully cognizant. Daniel Kirby is a lawyer of high repute for ability in the city of St. Louis. He is, so I understand, the friend of the father of Theron Catlin. This Daniel Kirby received from the father and the brother of contestee a sum in excess of $10,000, amounting to about $10,200, all of which came from the father and the brother of the contestee, with the exception of $250 contributed by one Chester Kern, who is described as a friend of Theron Catlin. Now, if Daniel Kirby and the elder Catlin, together with the brother of the contestee, Daniel K. Catlin, with or without this man Kern, had formed themselves into a committee under the laws of the State of Missouri and expended this money openly, and if after doing so they had filed a statement showing exactly what they had done with the money, we do not concede that there would be any right for the contestant to attack the seat of the contestee merely upon the ground of the violation of the corrupt-practices act. But the evidence shows to us that they did not expend it openly; they did not make reports as required by the statutes of Missouri.

They refused to do so because they wanted to expend this money for purposes such as would not bear the light of day, to put it into channels the decency and the legality of which they could not acknowledge. They knew that if the contestee had knowledge of what they were doing he then would be responsible for the violation of the corrupt-practice act, and so they devised a most ingenious scheme. They expended this money, and then when brought to book for the violation of the statute came in brazen-facedly and said they, indeed, had expended it, but that the contestee had not the slightest notice, had not the scintilla of knowledge that they were expending any money in his behalf; and besides that, Mr. Kirby did not believe this act applied to congressional candidates. Gentlemen of the House, remember that in running through this record we have taken our conclusions from the circumstances as proved. I do not want you to believe for a moment that either Daniel Kirby, astute counselor at law, adept in finding ways and means to violate the statute that preserves the purity of elections in Missouri; I do not want you to believe that the contestee, Theron Catlin, Harvard graduate, attorney at law, experienced in politics by reason of service on political committees and membership in the State legislature—that either of these men openly admit the contestee had knowledge of the vast expenditures that were being made. Oh, no; but crime will out. It will inevitably reveal itself, and the very shifts and devices to which the contestee and his agents resorted to raise the appearance of innocence on his part merely entrap him and show more clearly that he was undoubtedly cognizant of what was going on.

Theron Catlin, they tell us, was in complete ignorance of these expenditures. And this claim is adhered to in spite of the fact that there was common gossip around St. Louis that Catlin money was being expended; that Catlin money was easy, and that it could be procured by anyone who would represent himself as being able to do anything in the interest of the candidate. The candidate's father knew it, his brother knew it, his sister knew it, and everybody in St. Louis knew it—everybody knew of it except this piece of angelic mold, this helpless innocent, who could not perceive the obvious, and who was unable to see the money expended when it was being poured out lavishly before his open eyes.

Now, do not let me be understood as reflecting upon the mental caliber of the gentleman from Missouri whose seat it is my painful duty to appeal to the House to vacate. I am not making these charges of my own accord. I am merely endeavoring to show to this House the attitude in which his friends try to place him to enable him to evade this statute. Instead of placing him on the plane upon which I believe he belongs, that of an intelligent, capable, discerning man, they, in vainly attempting to show his innocence, reduce him to the level of a sickening simpleton who could not understand what was plainly apparent to anybody of ordinary perception and observation. It is because I do not believe he possesses the kind of mentality his friends ascribe to him, or that he is such a man, that I am convinced he did know that these funds were being expended in his behalf. Now, let us, in the first place, raise a very natural query regarding this matter of the expenditure of the money. Gentlemen, what honest reason could the father and the brother of Theron Catlin and this man Kirby have for concealing from the candidate the fact that they were going to expend $10,000 in his behalf? If they had formed themselves into a political committee, they could have done it openly and above board. They could have expended the money, filed their statement, and no man could take issue with them for doing so. No man, in fact, could inquire why they valued a congressional seat so highly that they were willing to expend so great an amount of money in order to capture it. But it is because they wanted to make a secret fund, that could be spent in ways that would not bear the light, that they refused to associate themselves into a committee, and it was because they knew what the consequences would be of knowledge and connivance on the part of the contestee that they pretended the contestee was ignorant of the whole proceeding. Their plea practically is: "Well, we admit we may have done wrong and may have violated the statute, but as to this candidate, do not touch him, because he knew nothing about our actions in violating the corrupt-practices act of the State of Missouri." Now, gentlemen, that plea on their part will not hold water, as the facts of the record will show plainly and convincingly.

Consider some facts in this case. Around the headquarters of the candidate in St. Louis there was maintained, at great expense, an electrically illuminated sign, bearing a portrait of the candidate, surrounded by incandescent lights, and kept up during the whole time of the campaign. It must have occurred to the contestee to ask where the money came from that paid for it. Then the contestee went carefully through the different wards of the city. He visited saloons and places where refreshments are sold—among other resorts places called "lid clubs," and other places of entertainment. He invited those present to partake of refreshments, and introduced himself to them and looked for their support as a candidate for Congress. In the first place, he went to these resorts with men whose known means were small and who were well recognized as men who could not bear the expense of treating; in fact——

Mr. ANDERSON of Minnesota. Will the gentleman yield at that point?

Mr. HAMILL. I will not yield at this point. Then significantly enough whenever a time came to pay for the drinks or refreshments suddenly the contestee vanished and got out into the automobile and there waited until his guardian and guide came out afterwards, took his place beside him, when they whirled away to another place to go through the same performance. At another time the contestee was present when the very judges and clerks of election of the third ward of St. Louis were bribed. I say bribed in this case, and in my judgment it does amount to bribery. A man by the name of Reichman, the treasurer of the contestee's election committee, in the presence of the contestee offered prizes——

Mr. ANDERSON of Minnesota. Did the gentleman read the evidence on that?

Mr. HAMILL. I have read the evidence as the gentleman will find if he consults the RECORD. As I was saying, offered prizes of $15, of $10, and of $5, first, second, and third prizes, respectively, for the judges and clerks who would return the highest number of votes in favor of Catlin. In the evidence one witness had such a sense of humor that he said they must have been only "joshing," and that he considered it all as a joke, but considering the circumstances and the amount of money placed at the disposal of the contestee's backers, I ask you gentlemen, do you consider it was a joke or a serious offer?

Mr. ANDERSON of Minnesota. Will the gentleman yield at that point?

Mr. HAMILL. Not until I finish my presentation of these incidents. The contestee was present when an attempt was made to bribe a Democratic worker of the name of Tom Leonard, and seduce him from his allegiance to Gill in favor of Catlin. An offer was made to him in the presence of the contestee to give him $400 of Catlin money if he would work in favor of Catlin. Then on another occasion the contestee went through the district with a man of the name of Hank Weeke, if I recall the name correctly, and this man spent at certain places something like $40, treating people with refreshments, and the contestee reimbursed him for this expenditure on that day. It is true in the evidence the contestee said in one place he thought his congressional committee was expending the money, but if that is so, why did not he turn to the man who spent the $40 and direct him to the congressional committee for reimbursement rather than pay it personally. On another occasion he reimbursed, in the sum of $25, another man who had expended it for refreshments in his behalf.

And now, gentlemen, let me draw your attention to a singular and prominent instance which shows the studied purpose on the part of the contestee to put himself physically in such a position that it would be difficult to get the evidence on him, of the expenditure of money and of his connivance in the matter.

A dinner was held at the residence of the father of the contestee. The different workers of the party were invited to it. Mr. Kirby was present at the dinner. The contestee sat down to the dinner with the company, as was highly proper. They partook of the dinner. In the first place, let me impress upon you the fact that they came there in order to discuss the candidacy of Theron E. Catlin, to determine ways and means of carrying Catlin to success. They were his backers, and they were there for mutual consultation as to how best they could serve him.

After the dinner was over some one said, "Now, let us get down to business." Immediately on the remark being made the contestee rises as if shot, runs away from the table, and waits until the business is transacted. Think of it. Here is a man sitting at a conference, in the issue of which he is most vitally and particularly concerned, a conference called for his especial benefit, and when some one says, "Let us get down to business" he rises immediately and gets away until his own business is transacted, and then comes back to the company, meeting them in the hall after the discussion of his affairs was over.

The conference lasted 15 minutes or thereabouts; not more than 20 minutes; and Mr. Kirby naively said that they considered how much work and how many workers they needed in order to properly canvass the district in the interest of Catlin. In other words, you may reasonably presume that Mr. Kirby distributed at that time, when the contestee was designedly absent, the quid pro quo, the inspiration that would cause these workers to properly canvass the district in the interest of the contestee.

Then, was not this man Kirby the agent of the contestee? He said in his evidence that he had always stated he wanted to represent the father of the contestee and the brother of the contestee, and that under no circumstances would he be considered as representing Theron E. Catlin. But in the course of his conversation with some Catlin workers he made this remark, or some statement like this: "Gentlemen, I do not want you to do anything wrong in this campaign, because the contestee would rather be defeated than that anything wrong should be done to further his prospects of election."

Out of that little piece of evidence—and we can not get it any more explicitly from a man of such a high degree of astuteness—and taking into consideration the other facts that are proven, can we not reasonably come to the conclusion that this man, the contestee, knew that the money was being expended by Kirby in his behalf, that Kirby was his agent in making the expenditures, and that therefore Catlin is responsible for the acts of Kirby?

Let me read you this:

It is fundamental—

This is a quotation of law—

It is fundamental that one may, by affirmative acts and even by silence, ratify the acts of another who has assumed to act as his agent.

That is taken from Clark & Stiles on the Law of Agency, volume 1, page 264. It is further laid down that—

Although as a general rule a principal must have full knowledge of all the facts, * * * yet the principal can not purposely remain ignorant where the means of information is within his control, so as to escape the effect of his acts that would otherwise amount to a ratification. (Clark & Stiles on the Law of Agency, vol 1, p. 339.)

And this man did not actually remain ignorant, nor could he possibly be ignorant of what was going on, although he tried to put himself in situations which might lend color to his statement that he was ignorant of the fact that money was being expended by Kirby in his behalf. The idea, which seemed to agitate the minds of this precious coterie, who were employed in the interest of Catlin, was this: You can violate every statute set up by the people to keep their elections free from corruption; you can walk into Congress in defiance of every rule of decency; you can perpetrate the most flagrant fraud and bribery; and then you can delude the House of Representatives notwithstanding their right to be the judge of the qualifications and the election of their own Members, provided you only employ a lawyer who has the requisite ability, acuteness, and disposition for the work demanded.

Now, gentlemen, let us consider the second basis on which we believe the contestee is not entitled to his seat, and that is, as you will probably recall, because there was fraud and corruption to a great extent in certain portions of this district; that the fraud and corruption so honeycombed and permeated two of the wards of the district that the committee was compelled to eliminate these two wards in calculating what number of votes should be given for either of the two parties.

We took this action under authority of a rule laid down in this House in the case of Wagner *v.* Butler. Butler was a Democrat, who was elected from a district in Missouri adjoining, I undertand, the very same district in which this contest arose. There was fraud alleged in the conduct of the election and on this ground his Republican opponent, Wagner, contested his seat.

The committee found fraud in certain precincts, and, as they said, being unable to determine just what votes were fraudulent and what were honest, they eliminated these certain precincts from the calculation and gave the seat to Mr. Wagner.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield there?

Mr. HAMILL. Yes; I yield.

Mr. ANDERSON of Minnesota. The gentleman, of course, remembers that in the Wagner-Butler case there was proven a conspiracy between the election judges, the precinct committeemen, and the candidate himself?

Mr. HAMILL. Yes.

Mr. ANDERSON of Minnesota. And the gentleman doubtless remembers that ten or twelve thousand out of 25,000 voters did not reside at the addresses at which they registered; that there was fraud in every single one of those precincts, proven before the committee in the investigation that was made, and that in spite of that, the committee did not attempt, as your committee attempts, to throw out entire wards, but merely threw out the precincts in which fraud occurred?

Mr. HAMILL. I thank the gentleman for the suggestion. If I had made the same remark I could not have said anything that would have so helped my side of the case, as gentlemen will see as I go on.

The gentleman talks about judges of elections being corrupted. The judges and clerks who officiated in the third ward of the city of St. Louis were the ones whom Reichman bribed by offering prizes of $15, $10, and $5, respectively, in order to have them return the highest vote for Catlin.

Mr. ANDERSON of Minnesota. Mr. Speaker——

Mr. HAMILL. I will not yield any further. The gentleman must pardon me.

The SPEAKER pro tempore. The gentleman declines to yield.

Mr. HAMILL. It was in the third ward that Reichman, the treasurer of the contestee's campaign, was working in collusion with Brogan, the Democratic committeeman from that ward, in the interest of the contestee.

In the eighteenth ward we find that one Hank Weeke, who was acting in the interest of the contestee, confederated and combined with James J. Sheehan, the former Democratic committeeman, who presumably was acting for contestant and who selected the judges and clerks of the eighteenth ward, and working with him openly in the interest of the contestee. Weeke and Sheehan and the contestee were seen going around together to different places, introducing Catlin to the people and soliciting their support, although Sheehan was pledged to the contestant.

Furthermore there were 2,000 unnaturalized voters registered and voted in this district.

Mr. ANDERSON of Minnesota. I should like to ask the gentleman to point out the evidence of any condition of that sort.

Mr. HAMILL. It is admitted in the pleadings of the contestee that there was 2,000 votes of unnaturalized persons cast, but it is contended by his counsel that these votes were cast in favor of the contestant. Three-fourths of this foreign,

unnaturalized vote resided in the third and eighteenth wards of the city of St. Louis. It is said these 2,000 votes were cast for the contestant. Let us consider whether it is probable this was or was not the fact. It was manifestly improbable that they should have been cast for contestant. In the first place, all the control of the machinery of election was in the hands of the party of the contestee. In the second place, consider that it was, of course, impossible to run down every one of these different cases and determine for whom the ballots of all were cast. The contestant was, however, able to ferret out 311 of these cases, where persons who were not entitled to vote did actually cast their ballots, and every one of the 311 ballots were shown to have been cast in favor of the contestee.

Mr. ANDERSON of Minnesota. Will the gentleman yield?

Mr. HAMILL. No. I will not yield until I finish, and then I will ask the gentleman to use up some of his time. Now, considering that every unnaturalized vote which was investigated was proved to have been cast in the interest of the contestee, we could, I think, with a good deal of justice have concluded that the 2,000 ballots were cast rather for contestee than for contestant, and recorded them that way. But we took a fairer course than that. Rather than have the slightest imputation of injustice rest upon us in this matter, and in order to avoid the slightest charge that we were dealing with the contestee otherwise than impartially, we had resort to this principle laid down in a case heard before a committee of this House, when the contestee's own party were in the majority of the committee. That principle is that instead of counting the ballots for either candidate the proper thing to do, considering the impossibility of separating the vote, was simply to eliminate this territory from the district altogether, and then count the ballots cast in the remaining parts of the district, and give the election to the man who was shown to have a majority on that basis of calculation. Pursuing this course, we arrived at the following results. Let me first, however, read the words in which that former committee stated the principle which we followed. They said:

> There was such manifest fraud and gross irregularity in each of these precincts that it is absolutely impossible to ascertain what votes, if any, were honestly cast and counted.

That was the language of the committee in the case of Wagner against Butler. Following the authority of that committee, the present committee adopts this language as its own and follows the principle therein enunciated.

On the computation of votes this course leads to the following result: The total vote cast for contestee was 20,089, from which we deduct 152 as corrected by a recount, thus making his full vote 19,937. The vote cast for Catlin in the third ward amounted to 2,621 and in the eighteenth ward to 2,704, making the aggregate vote of both wards 5,477. This latter amount deducted from the total of the district reduces his full vote to 14,612

Pursuing the same course with Gill, we arrive at the following result: The vote returned for him in the whole district amounted to 18,612. Under the principle relied on, add together the vote of the third ward, 1,747, and the vote of the eighteenth ward, 1,905, making a result of 3,652. The latter amount, when deducted from Gill's total vote in the district, reduced his total to 15,043.

Comparing, therefore, the votes of both candidates, the committee finds that Gill possesses a majority of 431 votes.

The committee, therefore, after careful and patient study and investigation of this case, determines that the contestee is not entitled to the seat he holds and that the contestant, having been lawfully elected, is entitled to the seat.

The committee therefore recommends for adoption the resolution which I have sent to the Clerk's desk to be read.

Now, gentlemen, we have not hastily come to this conclusion, nor have we done so with any amount of willingness. We have reached this conclusion reluctantly, unwillingly, and only as the result of the most painstaking consideration, bearing in mind the enormous responsibilities that rested upon us. For we clearly realized that if we reported to this House an unjust proposition to deprive this man of his seat we would not only be inflicting a grievous injury upon him but we would be doing a great wrong to the people of the eleventh congressional district of Missouri. But, however unpleasant this duty has been, we know that it will be approved, not merely because it is correct but because it establishes a principle and a policy which this House ought faithfully to follow. [Applause on the Democratic side.] We should relentlessly rout from the floor of this House any man who comes into it as a Member whose election has been trafficked for and who carries a certificate of election that is tainted with financial corruption. [Applause on the Democratic side.]

The great trouble to-day with the legislatures of this country is that, unfortunately, the people too often have had good reason to suspect their integrity. Men have come into legislative place who were not elected by the untrammeled votes of their constituents, but who were put there by illegal methods as the representatives of some coterie who had a larger amount of money to spend than the contending candidates.

It is for that reason that we see to-day such legislative propositions as the referendum, the initiative, and the recall, and other innovations which the people in their disgust at the corruption of legislators have devised in order to obtain legislation that would be in the popular interest. We believe that this contest and the action which we anticipate this House will take on it will do more than anything else to uphold the reputation and the dignity of this Chamber before the people of the country. It is, I say, not merely a question whether Theron Catlin shall be declared not entitled to a seat and Patrick F. Gill chosen to take his place; it is a question whether the membership of this House shall be a membership sent here by the free voice of the people, or whether we are to have men who can be elected by the unlimited and illegal use of money. I want a legislature where men, not money; where brains, not bullion; where character, and not cash, shall be the test of fitness for public office. [Applause.]

And so, believing in the full confidence of the justice of the position which this committee takes, I present to you in the name of the committee this resolution, knowing well that having regard to the integrity of this House and to your own oath of office and to the interests of right and justice you will unhesitatingly sustain it. [Applause.]

Will the gentleman from Minnesota now use some of his time?

Mr. BURKE of Pennsylvania. Before the gentleman yields the floor, will he yield to me?

Mr. HAMILL. No; we have only two hours for debate on this side, and I have now used an hour. Your side has three hours, and you have as yet used none of your time.

Mr. BURKE of Pennsylvania. The gentleman did not yield during the discussion, and I want to ask him a question.

Mr. HAMILL. No; I can not yield. I ask the gentleman from Minnesota to use an hour and a half of his time.

Mr. BURKE of Pennsylvania. Does the gentleman decline to answer a question which he referred to in his own argument?

Mr. HAMILL. I absolutely decline for the reason I have stated.

Mr. ANDERSON of Minnesota. Mr. Speaker, if I may persuade the Members of the House to come down out of the clouds of innuendo and suspicion into which they have been led by the eloquence of the gentleman from New Jersey [Mr. HAMILL], I want to discuss for a few moments the naked facts of this case. I may say in passing while we are talking about suspicions, I always suspect the man who is long on oratory to be short on facts. Eloquence has ever been a poor substitute for logic.

I do not intend to make a speech on this case. I am only going to tell you the story of the events which led up to this contest. Before I go into that let me say that the majority report contains absolutely nothing of the facts of the case. The minority report was available for the first time about 11 o'clock this morning. It comports with the police court and other unfair methods which have characterized this case all the way through, that the case should have been called up before the ink was dry on the minority views.

In order to understand the events which led up to this contest it is necessary to appreciate the relationship and character of those who had to do with these events. At the time of the campaign in 1910 Theron Catlin was 32 years old. He was a graduate of Harvard University and Law School, and had had practically no business or legal experience. His political experience had been confined to one term in the State Legislature of Missouri, occasional contributions to the campaign committee of his ward, and a membership in the ward committee of his ward. He was in no sense a ward politician. He was unknown in the district. I mention these facts because they gave rise to the necessity of the advertising campaign which was subsequently conducted in his behalf.

In addition to this he was saddled with that presumption which always arises in the case of a millionaire's son, that he was a snob and a "silk stocking." This gave rise to the necessity of his going around among the social clubs in his district extending his acquaintance therein.

Theron Catlin was the son of Daniel Catlin, a man 73 years old, a retired millionaire tobacco manufacturer of St. Louis. Daniel Catlin was not a politician. He had never held a political office in his life. He was and is a business man. Theron Catlin was the brother of Daniel K. Catlin, whose business

consisted in the main of assisting his father in his numerous interests. He was also in no sense a politician, never having held a political office.

There is one other person whom it is necessary to introduce in order to understand the facts in this case, and that man is Daniel Kirby. Kirby was a well-known, highly-respected lawyer, standing at the top of the St. Louis bar. He has been, and I think is yet, a law partner of Charles Nagel, the present Secretary of Commerce and Labor. Against him, so far as the record shows and as admitted by all in the case, there is absolutely not the slightest suggestion that he was other than a man of high character and of unimpeachable reputation for truth and veracity.

In addition to these persons there were nine members of the congressional committee. This congressional committee was not the personal committee of the candidate. It was not selected by him, but its members were elected by the voters in their respective wards at the primaries.

Daniel Catlin, Theron's father, and Daniel K. Catlin, his brother, both maintain summer homes at Dublin, N. H. They occupied the homes during the entire summer of 1910 from early in July up to the last week in October. That fact is important because it absolutely disproves the allegation of intimate association during the campaign between Theron Catlin and his father and brother.

During the early part of September, 1910, Daniel Kirby was in the East on a vacation trip. He took occasion during that trip to visit with Daniel K. Catlin, at Dublin, N. H. I may say, in passing, that Kirby had been for many years on intimate terms with the Catlin family, although he had never at any time represented any member of the Catlin family as counsel. While this visit was going on Daniel K. Catlin and Kirby paid a visit to Daniel Catlin, the father, at his home. There, after some preliminary conversation, and along toward the time when Daniel Kirby and Daniel K. Catlin were about to go home the question of Theron Catlin's candidacy came up. Kirby volunteered, by reason of his long friendship for the Catlin family, recognizing that Daniel and Daniel K. Catlin knew absolutely nothing about political campaigns, to see that any money which they might want to contribute to Theron's campaign was properly and legally expended.

Daniel Catlin, recognizing his own position, recognizing that he had no political experience, accepted the offer. There was some conversation as to the amount that would be necessary to be expended for advertising and getting out registration, and so on. My recollection of the testimony is that the amount suggested as the minimum amount was about $7,000.

I had desired to go into the testimony in this case, especially the testimony with reference to this particular visit, and in my judgment it is important and should convince any fair-minded man that there was absolutely nothing in this visit of the Lorimer slush fund or the bathroom performance. But the short time allowed me will not permit of extended reading of the evidence. Therefore I will only state the facts. Kirby came there of his own motion. The conversation which took place with reference to Theron's campaign was an incident of the visit and nothing more. This visit is doubly important, for if there was any conspiracy to bribe and debauch the electorate of the eleventh congressional district its inception was at that meeting. So far as my reading goes there has never been a case of wholesale bribery and corruption in an election without a conspiracy between candidates and election officials.

I say that no one can read the evidence and believe that Daniel Kirby, of the St. Louis bar, Daniel Catlin, and Daniel Catlin's son, in the father's own home, in the presence of his daughter, the sister of the candidate, conspire to debauch the electorate of the eleventh congressional district. It does not comport with our understanding of human action. So right at the inception we start out with good motives—with good purposes.

Shortly after this visit, Kirby was about to return home, and telephoned to Daniel K. Catlin that he desired $1,000 with which to start the campaign and to get out the registration. In St. Louis they have three days of registration about the middle of September. It was for this purpose that Kirby desired the first installment of money. Subsequently six additional checks were given by Daniel Catlin either to Daniel K. Catlin, and through him to Mr. Kirby, or to Mr. Kirby direct. These checks aggregated the sum of $10,200. They were used by Mr. Kirby, as he testified, at various times during the campaign, and to me it seems an indication that Kirby's testimony with reference to how this money was expended was true, that the funds were required from Daniel Catlin by Daniel Kirby at such times and in such sums as he, Kirby, actually needed them for the purposes for which he intended to use them. In other words, there was no big bribery fund, no slush fund hung up, with which the voters might be bribed or other corrupt practices indulged in. Of this $10,200 Kirby testified, and his testimony is accepted by the contestant in this particular, that $400 was expended for a press agent, whose duty it was to write reports and news items for the newspapers. Three hundred and fifty dollars was expended for cards, posters, and dodgers, to be used at ward meetings and through the district during the campaign. Fifty dollars was expended for stereopticon slides, $50 for ward meeting advertising, hall rent, and so forth; $1,300 in employing canvassers, whose duty it was to use their efforts in securing a full registration. I want to say in this connection that at the time of this campaign the prohibition issue was up in Missouri. That had a very large effect upon the registration.

Daniel Catlin, as the testimony shows, was very much interested in this issue. He was a very large property holder in the city of St. Louis, and he felt that if prohibition was passed in the State it would depreciate the value of his property. He was very anxious, therefore, to have out a full registration of all nationalities in St. Louis, believing that especially the Germans, as he testified, would vote against prohibition. This money, therefore, was not altogether expended in the interest of Theron Catlin, and I may say in passing that in addition the testimony shows that every dollar of it was expended not alone in Theron Catlin's interest but was expended for the whole Republican ticket in the district.

Mr. HAMMOND. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Certainly.

Mr. HAMMOND. Did Mr. Kirby superintend the disbursing of all this money of which the gentleman speaks?

Mr. ANDERSON of Minnesota. Yes.

Mr. HAMMOND. Thirteen hundred dollars of it, I understand, was expended to secure registration lists?

Mr. ANDERSON of Minnesota. Yes; to secure registration of voters.

Mr. HAMMOND. When those lists were obtained with whom were they deposited?

Mr. ANDERSON of Minnesota. Lists?

Mr. HAMMOND. Yes; the registration lists.

Mr. ANDERSON of Minnesota. Later on I expect to explain, if I have the time, the system of registration that obtains there.

Mr. HAMMOND. Mr. Speaker, if the gentleman will pardon me, were the registration lists when they were obtained, for which the $1,300 was expended, given to the congressional committee?

Mr. ANDERSON of Minnesota. I think the gentleman misunderstands me. The $1,300 was expended in employing persons who would get out the voters—bringing in persons to register.

Mr. HAMMOND. I understand. I would like to ask the gentleman another question, though perhaps I may anticipate him. Were there any registration lists secured by Kirby—lists of voters?

Mr. ANDERSON of Minnesota. No. The registration was an official act performed by a Democratic judge and a Democratic clerk and by a Republican clerk and by a Republican judge at the registration period. These men were employed to get out and bring persons in to secure a full registration, because the law provided that no person could vote who was not registered. They desired a large registration, a large vote, because prohibition was an issue, and they believed by getting out all the voters they would gain both against the prohibition issue and in behalf of Theron E. Catlin.

Mr. HAMMOND. Just one more question. What connection was there between the candidate's congressional committee and Mr. Kirby?

Mr. ANDERSON of Minnesota. None whatever, except that Mr. Kirby expended the funds which he received from Daniel Catlin, the father of the contestee in this case, through the members of the city and congressional committees. The city committees, as I have already intimated, were elected by the voters of the wards, and they were ex officio members of the congressional committee. Mr. Kirby used these members of the congressional committee to disburse the money through the different precincts for the purposes of which he testified, and the testimony shows that in every instance he specified when he paid over any money to any member of the city or congressional committee the purpose for which it was to be expended and how it should be expended in every instance. He kept a string on it, as it were, in order to make doubly sure that it was used for legitimate purposes.

Mr. HAMMOND. Who was the treasurer of the congressional committee?

Mr. ANDERSON of Minnesota. George Reichman.

Mr. HAMMOND. And it was through him that the money that Kirby received was disbursed?

Mr. ANDERSON of Minnesota. Not all of it. Kirby made a contribution to the congressional committee of $1,400, which all went through George Reichman, but the balance of the money, except that paid for advertising, and so forth, was distributed among the members of the congressional and city committees by Kirby as an individual, acting for Daniel Catlin, the father of the contestee.

Mr. HAMMOND. The treasurer, Mr. Reichman, reported $1,400 as received from Kirby, or $1,000.

Mr. ANDERSON of Minnesota. He reported $1,000.

Mr. HAMMOND. But he did receive $1,400?

Mr. ANDERSON of Minnesota. I understand the evidence so shows. I am frank to say that I can not explain it, except that I am so informed. It is not a matter of record. I want to be perfectly fair about it. Let me conclude. Mr. Reichman says that it was merely an oversight upon his part. He was a member of a number of political committees, and he had charge of the funds of the city and the congressional committee, and had a great many affairs. He says that among all these affairs which he had to attend to during the campaign this $400 was overlooked. Now, the record shows $1,400 was contributed by Kirby——

Mr. HAMMOND. And that is all the money Kirby received?

Mr. ANDERSON of Minnesota. No.

Mr. HAMMOND. Which was disposed of through the congressional committee received from the Catlins.

Mr. ANDERSON of Minnesota. The entire amount, as near as I understand, was in the neighborhood of $7,000. There were other expenses for advertising, and so forth.

Mr. HAMMOND. Does the evidence show that the candidate, Catlin, thought this was spent in accordance with the congressional work being done?

Mr. ANDERSON of Minnesota. Well, the evidence shows there were only one or two meetings of the congressional committee. The testimony shows that Catlin went out with members of the committee; that they took him around and introduced him at various places in their particular precincts and wards, but there is absolutely no evidence in the record that any man at any time during the campaign ever said to Theron Catlin that his father was spending money or that Kirby was spending money or that anybody else was spending money in his behalf. Nothing of that kind was intimated by anybody. There is not a scintilla of direct evidence that anybody brought to Theron Catlin the knowledge that money was being expended by any one, except the congressional committee.

Mr. HAMMOND. Was there a fair inference that the candidate Catlin knew that the congressional committee was expending in that contest a sum amounting to from $5,000 to $7,000?

Mr. ANDERSON of Minnesota. I do not think so. There is no inference of that kind. I want to point out in that connection that if it was true the congressional committee was spending $6,000 to $7,000, they had a perfect right to do it. It was not unlawful for any person or political committee to spend money legitimately, nor was there any limitation upon the amount any committee or any person, other than the candidate himself, might lawfully spend.

Mr. HAMMOND. As I understand the gentleman, he deducts from the evidence that there is no fair inference that the candidate Catlin knew that between $5,000 and $7,000 was being expended in his behalf?

Mr. ANDERSON of Minnesota. I will say there is not only no such inference, but there is direct testimony of four persons—Daniel Catlin, D. K. Catlin, Irene Catlin, and Kirby—who did know of Daniel Catlin's expenditures and who testified directly that they never spoke to Catlin about it; that they believed he did not know about it; that he never knew that his father was spending money or that money was being spent by anybody except by the congressional committee. Now, I desire to say to the gentleman that although the chairman of the committee declined to yield to me I want to be very fair about the matter, because I am not in the position in the case of the juryman who said, "I believe the cuss is guilty, but they have not proved it." I believe absolutely that Mr. Catlin is innocent of both corrupt dealing in his election and of knowledge of unlawful expenditures.

Mr. HAMMOND. Is there any evidence in the case that the candidate Catlin, or, rather, did the candidate Catlin give evidence in the case?

Mr. ANDERSON of Minnesota. Yes.

Mr. HAMMOND. Did he state at any time that he did or did not know that a large amount of money was being expended, whether lawfully or unlawfully?

Mr. ANDERSON of Minnesota. The testimony shows that he stated that he looked to his committee to handle the financial part of the campaign; that he paid no attention to it whatever; that he knew nothing about it. It has been the custom there, as he says and as is admitted, for the congressional committee to solicit funds and dispose of them, and he paid no attention whatever to that part of the campaign.

Mr. HAMMOND. I thank the gentleman very much.

Mr. ANDERSON of Minnesota. Now, if I may proceed with the argument which I had in mind in regard to the objects for which money was spent. Twenty-four hundred dollars was spent for the employment of canvassers and electioneers on election day. There were 123 precincts in this district, so that would amount to about $20 a precinct. Then, there was $2,300 spent for the purchase of 35,000 American flags and for the distribution of these flags through the district. These flags bore a streamer with the legend "Vote for Catlin for Congress." There was $1,000 spent for advertising in the Jewish, Bohemian, and Russian newspapers. There were $350 spent for pictures, signs, banners, and so forth, at the Catlin headquarters and elsewhere. Twenty-five dollars was paid to each of nine congressional committeemen for the hire of automobiles on election day. Fourteen hundred dollars was contributed by Kirby to the congressional committee. There were $315 paid Con Maloney for going over the district and electioneering and determining the status of the campaign in the various precincts, making a total of $10,140 spent by Kirby in the campaign. I want to point out at this point that this testimony is corroborated by the testimony of F. W. Beckman, a member of the congressional committee. The contestant put Beckman on the stand with a view of following out these expenditures, and in every instance the testimony of Beckman corroborates the testimony of Kirby as to how this money was distributed and as to the purposes for which it was used. Now, Beckman was the only member of the congressional committee who was called by the contestant. If the contestant in this case does not admit, if he did not accept the testimony of Kirby as being true as to the purposes for which this money was expended, the duty—the burden—was upon him to produce the rest of the congressional committee who might be expected to testify to the contrary. It is the "reductio ad absurdum" for contestant to accept the testimony of Kirby as to the amount of money spent, deny it as to the purposes for which it was spent, and then make no effort to contradict it by witnesses, who it is admitted knew the facts and could be produced to testify.

Now, the gist of the case, the nub of the case, is in this question, Shall the expenditure of Theron E. Catlin's father, Daniel Catlin, be charged to Theron E. Catlin, so as to make his expenditure exceed the amount he could legally spend? That is the nub of this case. That is the only theory upon which the majority can oust Catlin. If it can not be shown as a matter of law that $10,200 contributed by Catlin's father should be charged to Theron E. Catlin and taken into consideration in determining the question whether he, Theron E. Catlin, exceeded the amount of expenditure allowed by law, then this case absolutely falls to the ground. I refer now to the statute quoted by the majority. Without reading it in full, it provides that—

> No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely—

And so forth.

In this case the limit prescribed was $662.

Now, the Supreme Court of the State of Missouri has held that statute to be penal in its nature, and therefore to be strictly construed. I defy anybody to read that statute and come to any conclusion other than that it amounts to nothing more than a limitation upon the personal expenditures of the candidate. I defy anybody to show anything in that statute that makes it apply to anyone except the candidate himself.

But we are not obliged to rest upon the statute alone. We may have recourse to the law as a whole. In addition to this section, the Missouri law provides, as I have already stated in answer to inquiries, for the election of a congressional committee. It provides that this congressional committee shall have a treasurer, who shall keep an account and make a statement. Now, in this case both Gill and Catlin had a congres-

sional committee. Both of these committees expended a sum which, if added to the personal expenditures of the candidates themselves, would have taken them over the prescribed limit of $662. But, obviously, the committee does not consider that this expenditure by the congressional committees should be added to the expenditure of the candidates, because if that is done, it will damn the case of the contestant as well as that of the contestee. In other words, if the expenditure of Gill's congressional committee is added to his own expenditures, he will have exceeded the limit fixed by law.

But, with a peculiar and, it seems to me, a vicious inconsistency, the majority of the committee contends that while the expenditures of the congressional committee shall not be added to the expenditures of the candidates, yet the expenditures of other political committees and of other persons with whom the candidate had no official connection, and concerning the expenditures of which he could know nothing, should be added to his expenditures. There is no difference in law between the congressional committees and other political committees. Both are required to have a treasurer to keep an account and file a statement; so that if the expenditures of the congressional committee shall not be added to those of the candidate, it is absolutely and absurdly inconsistent to contend that the expenses of other political committees and other persons with whom the candidate had no legal relation whatever shall be charged to him, thus taking him over the legal limit. Yet that is the position of the committee.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, will the gentleman yield for just one question?

Mr. ANDERSON of Minnesota. Yes.

Mr. MICHAEL E. DRISCOLL. This statute provides that the expenditures shall be declared unlawful if in excess of the amount mentioned. What is the penalty? Does the court find that the election is void?

Mr. ANDERSON of Minnesota. No. The law provides for a proceeding in the nature of quo warranto, by which the defeated candidate, or the candidate having the next highest number of votes, can go into court and show that the person receiving the highest number of votes has violated the corrupt-practices act. The act further provides that if that showing is made, the person receiving the highest number of votes shall be ousted, and that no certificate of election shall be issued to him, but that the certificate of election shall be issued to the person receiving the next highest number of votes.

Mr. MICHAEL E. DRISCOLL. It provides a penalty for the violation of the law, does it not?

Mr. ANDERSON of Minnesota. Yes; it provides for a penalty of fine and imprisonment.

I want to say, while I am on that question, that the committee, after making a long and careful investigation of this case, in all its phases, say that the section of the statute to which I have just referred, providing for the ousting of a candidate who has violated the corrupt-practices act and the issuing of the certificate to the person receiving the next highest number of votes is constitutional.

This statement is, to say the least, extremely unfortunate. It has the additional infirmity of being absolutely untrue. In the case of the State ex inf. *v.* Towns (153 Mo., 91) the Supreme Court of the State of Missouri holds that section which provides for the issuance of a certificate of election to the person receiving the next highest number of votes, after the ouster of the person receiving the highest number, is unconstitutional, and no action can be predicated upon that statute here, if we are to follow the very rule which the majority of the committee contend we shall follow.

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield for a question?

Mr. ANDERSON of Minnesota. Yes; I yield.

Mr. LINTHICUM. Was not that decision of the court in reference to the appointment to offices which the executive filled in case of vacancies, and the ground of it was that you could not take away from the executive the power of appointment?

Mr. ANDERSON of Minnesota. No. The court declared that section of the statute to be unconstitutional, for the reason that it did take away from the governor the power of appointment, and for the additional reason that no man can be elected to an office who does not receive a plurality of the uncorrupted votes.

Mr. SIMS. Mr. Speaker, may I ask the gentleman a question for information?

Mr. ANDERSON of Minnesota. Yes; but I will ask the gentleman to make it short.

Mr. SIMS. Is it section 6046 of the Revised Statutes of the State of Missouri that the gentleman refers to as the law preventing expenditures other than personal expenditures in certain cases?

Mr. ANDERSON of Minnesota. Yes; I think so. I do not recollect the exact section of the statute.

Mr. SIMS. I saw that section mentioned in the report. I did not know.

Mr. OLMSTED. Mr. Speaker, if it will not interrupt the gentleman, I should like to ask him a question.

Mr. ANDERSON of Minnesota. Certainly.

Mr. OLMSTED. Did I understand the gentleman to say that the Supreme Court of Missouri had declared that act unconstitutional?

Mr. ANDERSON of Minnesota. In part.

Mr. OLMSTED. As being in conflict with its own constitution or with the Federal Constitution?

Mr. ANDERSON of Minnesota. In conflict with its own constitution; but my recollection is that the Supreme Court of the United States has once held that no man can be elected to an office who has not received a plurality of the uncorrupted votes cast in that election.

Mr. OLMSTED. Is it not plain that under the Federal Constitution no State could require that any man should sit in this body who had received only a minority of the votes in his district?

Mr. ANDERSON of Minnesota. Yes.

Mr. OLMSTED. I should like to call the attention of the gentleman also to the fact that in the case of Smith *v.* Brown, reported in Second Bartlett, page 395, this House decided that a man was not entitled to his seat on a minority vote where the man receiving the majority vote was ineligible.

The same was decided in Commonwealth *v.* Cluley by the Supreme Court of Pennsylvania, reported in Fifty-sixth Pennsylvania State Reports, page 270, the opinion being written by Mr. Justice Strong, who afterwards sat in the Supreme Court of the United States.

The same thing was also decided by the Supreme Court of California in Saunders *v.* Haynes, reported in Thirteenth California, 145.

The Senate of the United States, in the case of Joseph C. Abbott, from North Carolina, decided that, the man receiving the majority vote being ineligible, the receiver of the minority vote could not be entitled to the benefit of the election.

Mr. ANDERSON of Minnesota. I think that is undoubtedly the law. I do not think there is any doubt whatever about it.

Now, the majority of the committee propose to write into the law of Missouri a new provision to the effect that if the candidate had knowledge of expenditures by other persons than himself, those expenditures shall be added to his own; and if these expenditures, added to his own, exceed the limit fixed by law, that they shall invalidate his election.

There is absolutely nothing in the law of Missouri or any other law which warrants the committee in writing this provision into the law.

But it is perhaps worth while to direct attention to some of the things upon which the committee rely to show knowledge on the part of Theron Catlin of these expenditures.

In the first place, it is alleged that Theron Catlin had access to his father's books and accounts in the safe, and therefore had opportunity, at least, to find out that his father was expending money in his behalf. This argument, of course, overlooks the fact that if Theron Catlin had gone all through his father's books he would have found there absolutely nothing which would have indicated to him that his father was spending a dollar in his campaign.

Mr. KORBLY. Will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes; I will be more courteous than the gentlemen of the majority were to me. I will yield.

Mr. KORBLY. He would have found the check for $1,000 drawn in favor of Mr. Kirby, would he not?

Mr. ANDERSON of Minnesota. Yes.

Mr. KORBLY. Would not that have put him on notice of the object in inviting Mr. Kirby to that dinner?

Mr. ANDERSON of Minnesota. Absolutely not at all; and there is not a particle of evidence to the effect that Catlin ever went near those books during the entire campaign. There is absolutely not a line of evidence. As a matter of fact, counsel for contestant spent several weeks going over these books and found nothing which he thought worthy of placing in this record. If counsel for contestant, who, I may say, was extremely partisan in this case, found nothing in the books which excited his suspicion, it would hardly be fair to assume that Theron Catlin would have found anything there to excite his suspicions.

Again, it is charged that on the Wednesday before election, I believe, a dinner was held at the Catlin home at which the nine members of the congressional committee were present, with Catlin's father, Kirby, and himself. It is charged that the ex-

penses of the campaign were talked over. This was denied by every man who was present and who testified; denied by Kirby, denied by Catlin's father, denied by Catlin himself. If the members of the majority and of the minority of this House are to believe that the question of finances was discussed at this dinner, they must believe that these nine men, having been invited to dinner at the Catlin home, violated the hospitality of their host, and debauched his dinner table by engaging in a vile conspiracy to corrupt the election in the eleventh congressional district; they must believe they did this atrocious thing in the actual physical presence of Catlin's sister and Catlin's mother, with the connivance and consent of Catlin himself and of his father. It may be that gentlemen on the other side can believe that. For myself I can not, in the face of direct testimony to the effect that the finances of the campaign were never discussed at that dinner.

Again there is in connection with this dinner one incident which it seems to me shows very conclusively that Theron Catlin knew absolutely nothing about Kirby's connection with this campaign.

Catlin had asked his father if he could have this congressional committee out at the house, and his father suggested that he bring them out to dinner. Catlin did not invite Kirby. He invited the nine members of the congressional committee, but did not invite Kirby, for the very obvious reason that he did not know that Kirby had anything to do with this campaign. He did not know anything about that. If he had known that Kirby was representing his father and spending money to aid in his election, certainly he would have invited Kirby to the dinner on his own motion. He did not invite Kirby until the day previous to the dinner after everybody else had been invited. Then one of the members of the committee by the name of Goldstein met Catlin on the street and asked him if he had invited Kirby to the dinner. Catlin said "no, he had not invited him." Goldstein said, "I wish you would invite him. I would like to have him there," and Catlin invited him. It seems to me this incident shows beyond any question Catlin's innocence with reference to Kirby's connection with his campaign. That it shows Catlin's absolute lack of knowledge that Kirby was doing anything in the election.

Mr. SIMS. May I ask the gentleman a question?

Mr. ANDERSON of Minnesota. Yes; I do not care to yield for argumentative interruptions, but I am glad to yield if I do not make the facts clear.

Mr. SIMS. I just want to ask the gentleman if it would make any difference whether or not the money was corruptly expended to debauch the election; that is to say, was the limitation to be on the use to which it was put or on the amount?

Mr. ANDERSON of Minnesota. There was no limitation which an individual other than the candidate could expend.

Mr. SIMS. The candidate himself could not expend over a certain amount?

Mr. ANDERSON of Minnesota. Not over $662.

Mr. SIMS. But the gentleman's position is that anybody else might expend any amount.

Mr. ANDERSON of Minnesota. That is my position.

Mr. LLOYD. The gentleman means if the candidate had no personal knowledge of it.

Mr. ANDERSON of Minnesota. I do not think that the personal knowledge of the candidate cuts any figure.

Mr. LLOYD. If he knows that the money was spent he is bound to account for it.

Mr. ANDERSON of Minnesota. Even if he has knowledge and fails to account for it it has nothing to do with the legality of his election.

Mr. LLOYD. About that the gentleman is entirely mistaken.

Mr. ANDERSON of Minnesota. I am not mistaken; I am entirely correct. If the gentleman's proposition is correct there is not a Member of the House from the State of Missouri that holds his seat legally—not one.

Mr. DICKINSON. Will the gentleman yield for a question?

Mr. ANDERSON of Minnesota. Yes.

Mr. DICKINSON. May I ask, if the gentleman's theory is the law and is correct, how does he explain that the candidate for Congress, in this instance Theron E. Catlin, was required to make this kind of an affidavit: "I, Theron E. Catlin, being duly sworn"——

Mr. ANDERSON of Minnesota. Oh, Mr. Catlin did make that affidavit and nobody in this case has questioned its accuracy or truth.

Mr. DICKINSON. But I wanted to call the gentleman's attention to the latter part of it, where he says "to the best of my knowledge and belief by any other person or persons in my behalf, wholly or in part, in endeavoring to secure in any way"——

Mr. ANDERSON of Minnesota. Yes; that is in accordance with the statute; the affidavit was filed by Mr. Catlin, as it was by every other candidate.

Mr. DICKINSON. Does the gentleman claim that if Mr. Catlin knew that large amounts of money had been expended in his behalf by others that he could make this affidavit which he did make and be entitled to his seat legally?

Mr. ANDERSON of Minnesota. I say that if he had knowledge that money was to be spent by other persons, and knew who the persons were and the amount expended, it was his duty to put them in the affidavit, but whether he did or not does not affect his title to a seat in this body.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. ANDERSON of Minnesota. Yes.

Mr. COOPER. In my judgment the construction of the Missouri law by the gentleman from Minnesota is correct. This is the language of the statute: "No candidate for Congress," and so forth, "shall by himself or by an agent, or any person or committee," and so forth. Notice that word "by." The Missouri law prohibits a "candidate" from doing certain things either "by himself" or "by any person, agent, or committee." A candidate does not do an act "by" another person, or "by" a committee unless he authorizes that person or committee to do it. If another person does the act of his own accord it is not the act of the candidate, nor is it done "by" him. The candidate does it by another person only when the candidate authorizes that person to act in his behalf. How do gentlemen evade that? A statute might prohibit any person or committee from doing certain things on behalf of a candidate. That would be one thing; but it is an entirely different thing when the statute prohibits, as it does, only the candidate from doing certain things "by" another person or "by" a committee.

I think the construction put upon the statute by the gentleman from Minnesota is correct.

Mr. ANDERSON of Minnesota. There are some general considerations to sustain the legality of this election. In the first place, fraud is never presumed; fraud must always be proved. Good faith is always presumed, and in the absence of proof fraud is taken to be nonexistent.

There were in the eleventh congressional district 9 State senatorial districts and 16 legislative districts. In every one of these districts contests were had before the State legislature and the State senate, both of which were Democratic by substantial majorities. These contests involved the same ballots, the same voters, the same judges of election, the same clerks of election, and, in a large measure, the same statement of facts as are in issue in this case. And yet in every one of these contests the legality of the election was sustained by the Democratic majority.

Again, in this election—and I want to explain right here about the ballots in the State of Missouri. There they have a party ballot. The Republican ballot comes at the top, the Democratic ballot next, the Socialist next, and they are attached at the top and perforated so that the voter can tear off any ballot he wishes. He takes the bunch of ballots, goes to the booth, tears off the one he wants to vote, marks it, and hands the judge of election the ballot he wants to vote and also the ballots which he has not marked.

The stub of the ballot is thrown into the sack at one side and the ballot he votes is placed in the box. Now, these ballots are numbered in such a way that it is possible to tell who cast the ballots. If you go through the record you will find a record of the vote, showing just who voted for Catlin and who voted for Gill and their addresses. So that in every instance, if there was anything about a ballot that suggested fraud, it was possible to go to the voter who cast it and get his testimony.

Now, the contestant in this case picked out the names of 4,000 men who had voted for Catlin and sent out canvassers over the district to determine whether these voters resided at the places from which they registered at the time of the election. The testimony of the canvassers was that out of the 4,000 names which they examined and into which they made investigation 96 could not be found living at the place from which they registered. Subsequently the contestee brought in 65 of the 96 and they testified in this case, so that as the case stands to-day there are 31 ballots cast by persons who did not reside at the places from which they registered—31 altogether. Can this be said to be evidence of wholesale fraud and illegal voting?

Again, there was a recount of every ballot in this election. I direct your attention at this point to the record. Here, for instance, is a memorandum of the ballots, with the number of the ballot at the top of the first column, the initials of the judges in the second column, the person for whom the ballot

was cast in the third, the number on the face of the ballot showing whether it was a Democratic or Republican ballot in the fourth, and a fifth column headed "Remarks." If you go down the list, which contains 85 names, you will find no notations in the column of remarks, indicating that there was not an irregular ballot in the whole 85. Go across to the other page and there are indicated three irregular ballots in the column headed "Remarks." On the back of one ballot the notation shown is the name of Bernard O. Spreckels, and on the back of another are the initials of the man who cast the ballot, and in another case it is marked "duplicate." There are 3 irregularities—3 out of 85. The first two indicate that the voter wrote his name or initials on the back of the ballot. So you can go through the entire record and you will find that the number of irregularities in this election was less than in the average election held anywhere. This demonstrates that there was no fraudulent voting or fraudulent counting, for in every instance the contestant could produce the person casting the ballot. The recount showed a total difference of 142 votes from the returns. As many errors were made in favor of Gill as were made in favor of Catlin, showing that there was no conspiracy to fraudulently count the ballots. In addition to the contests before the State legislature there were contests for State superintendent of schools, for another State officer, and for justice of the State supreme court brought by Democrats against Republicans who had been declared elected. In all three of those instances the supreme court, having all of the testimony before it, having all of the ballots before it, having in mind that the election involved the same voters, the same ballots, the same judges, the same clerks, and the same statement of facts as in this case, found absolutely no fraud in the election. This was a Democratic supreme court. If the Supreme Court of the State of Missouri had done what the majority of the committee in this case did, if they had rejected the returns in the third and eighteenth wards of the eleventh congressional district, the Democratic candidate for judge of the Supreme Court of the State of Missouri would have received the highest number of votes. They found no fraud in the third or the eighteenth wards which would warrant them in taking that action.

Mr. KORBLY. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Certainly.

Mr. KORBLY. The case that the gentleman talks about did not involve the expenditure of this excessive amount of money at all?

Mr. ANDERSON of Minnesota. No; it did not involve the expenditure of this money, except in this way: If this money was used to corrupt voters, to bribe voters—if it was used to corrupt judges of elections or clerks of election—it corrupted them just as much, so far as the justices of the supreme court were concerned, as it did with reference to Theron Catlin. The same question of fraud was involved in both cases.

Mr. HARDY. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. HARDY. In these other cases, however, the judgeship, when there was no connection between the candidates and the expending of money, the evidence as to the expending of money by the friends of the contestee here would not have been admitted, would it?

Mr. ANDERSON of Minnesota. So far as the expenditure of money by Catlin in excess of the legal limit is concerned, I am frank to say, and I have been entirely frank all through this case, that it had absolutely nothing to do with the case to which I have referred.

Mr. HARDY. And could not have been before the court.

Mr. ANDERSON of Minnesota. No. It was not before the court, so far as I know, but there is a charge in this case of absolute and wholesale fraud permeating from one end to the other of this district. That fraud could not have existed so as to invalidate the election of Mr. Catlin, so as to have given the election to Mr. Gill, and not have tainted the election of these other three persons against whom contests were brought.

Mr. HARDY. But the point is that it could not have been proven in that case. The evidence of money spent in this case was not admissible in that case.

Mr. ANDERSON of Minnesota. Of course it could be proven, because the question of fraud was a question in that case, as in this.

Mr. HARDY. As to the illegal voters, but not as to the spending of money.

Mr. ANDERSON of Minnesota. Yes; the same question of fraud was involved. The question of expenditures in excess of the legal limit was not involved.

Mr. McCALL. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. McCALL. That decision would effectually dispose of one branch of the case, where the committee, on account of these so-called unnaturalized voters, threw out some thousands of votes.

Mr. ANDERSON of Minnesota. Absolutely.

Mr. McCALL. It would dispose of that feature of the case absolutely.

Mr. ANDERSON of Minnesota. Absolutely. The court did have that question up and disposed of it adversely to the contentions of the contestants.

Mr. TALCOTT of New York. Did I understand the gentleman to say that the case involved the question of the regularity of the voters of the eighteenth ward?

Mr. ANDERSON of Minnesota. Absolutely so. It was contended in the case before the Missouri Supreme Court, for instance, that there were irregularities in this respect, that the clerks of election had failed to write "Yes" in the column headed "Qualified voters," and the court held that that was a mere irregularity, not going to the legality of the elections. Insomuch as the question of the 2,000 votes of unnaturalized persons has been brought up at this point, I desire to briefly refer to it. I have here a copy of the register of voters in the city of St. Louis. This is the form used for registering voters in the St. Louis election. Beginning at the left-hand side, the legends at the top of the perpendicular columns are as follows:

"Residence, name, line number, nativity, color, age in years, occupation, term of residence (precinct, city, and State), native, naturalized, declaration of intention, by act of Congress, qualified voter, date of application to be registered, erased line number, voted," and underneath "voted" is "one, two, three, four, five, six," for whatever election the voter had voted at.

Then comes a column entitled "Remarks," and under that "Date of papers, court issuing same, why disqualified and erased, date of transfer," and so forth, and at the extreme right a place for the signature of the voter. When the voter goes to the precinct to register he is asked the necessary questions and these various columns are filled in. Occasionally a clerk makes an error.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDERSON of Minnesota. Mr. Speaker, I shall proceed for 15 minutes additional. The voter having come to the precinct to register, he is asked the necessary questions and these columns are filled out. Then he signs on the right-hand side opposite the line in which the information is contained. The contestant, in rebuttal, mind you, when the contestee had no opportunity to meet the testimony, produced the secretary of the board of election commissioners of the city of St. Louis, who testified as follows:

Q. Turn to ward 27, precinct 4, line 127, under the letter H.—A. I find on line 127 of the original registration of ward 27, precinct 4, the name of Adolph Holkmler (Nolkenler); residence, 5023 Terry Avenue; nativity, German; date of registration, September 22, 1910; but I fail to find any record showing in and to what court he became naturalized or naturalization papers were issued to him.

In other words, the clerk failed to put in this column under "Remarks" the name of the court in which the voter was naturalized, and upon this evidence it is claimed 311 persons who were not naturalized citizens voted in the election. In this way 311 names were written into the record. There is not a line of testimony that these voters were not actually naturalized. None of them were called to the stand by the contestant, and the contestee had no opportunity to call them to the stand. He was even denied the right of cross-examination, so that when contestant got these 311 names in the record they stood there as unnaturalized, although there had been no direct evidence that they were not in fact naturalized.

Mr. HAMLIN. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Minnesota. Yes.

Mr. HAMLIN. Is it not true that the contestee admits in his pleadings that there were 2,000 unnaturalized voters permitted to register and vote?

Mr. ANDERSON of Minnesota. Absolutely not.

Mr. HAMLIN. Will the gentleman permit me just to read a line from the answer of the contestee?

Mr. ANDERSON of Minnesota. I will not. I will explain that if the gentleman insists upon getting me out of the thread of my argument.

Mr. HAMLIN. But the gentleman was discussing that point.

Mr. ANDERSON of Minnesota. The notice of contest contains an allegation on the part of the contestant that 2,000 unnaturalized persons voted in the election and voted for Mr. Catlin. The notice of contest asked that the ballots be opened in the wards in which Mr. Catlin had a majority. It did not ask that all of the ballot boxes be opened. Mr. Catlin in his answer asks that all of the ballot boxes be opened, courting the

fullest investigation of the ballots, and as a counter allegation to that of the contestant alleged that 2,000 unnaturalized persons voted in the election and that these unnaturalized persons voted for Mr. Gill. The gentleman from Missouri, taking the allegation of the notice of contest, or the petition, and the allegation in the answer, attempts to make of the allegation in the answer an admission on the part of the contestee that 2,000 unnaturalized persons did in fact vote in the election. Those are the facts in the case.

Mr. HAMLIN. Will the gentleman permit me to read just two lines——

Mr. ANDERSON of Minnesota. If the gentleman is going to tell the whole story he can tell it in his own time.

Mr. HAMLIN. But the record simply states that the contestee avers that 2,000 unnaturalized voters voted.

Mr. ANDERSON of Minnesota. It does aver—it is a direct allegation, not an admission, and must be proven.

Mr. HAMLIN. It is an attempt on his part——

Mr. ANDERSON of Minnesota. No; I say it is a direct allegation. I am surprised that any man who claims to be a lawyer should try to construe it as an admission. It is both absurd and unfair. Now, let us just for a moment consider where these 311 persons voted who it is claimed were unnaturalized. I made an investigation of the record for the purpose of determining in what wards these votes of unnaturalized persons were cast. I find 378 names written in the record in the manner in which I have just stated. Some of these showed irregularities other than the failure to state in the proper column the court in which the person was naturalized. Of these 378 I have mentioned 34 were cast in ward 2, 49 in ward 19, 78 in ward 20, 96 in ward 4, 23 in ward 2, 66 in ward 27, 13 in ward 18—the smallest number—and 19 in ward 3—the next lowest number. In the eighteenth and third wards, having the lowest and next lowest number of irregularities, it is proposed to throw out the returns for illegality. It appears that 96 of these irregularities occurred in ward 4, which Gill carried with a majority of 341; 66 in ward 27, which Gill carried with a majority of 148; 78 in ward 20, which Gill carried by a majority of 724. So you will see that if any wards are to be thrown out for these irregularities wards 4, 27, and 20, which were carried by Gill, should first be thrown out.

Now, I want to take up as briefly as I can some of the specific allegations of fraud in this case. There are two specific allegations of fraud in the third ward. The allegation is made that prizes were offered to judges and clerks of election in the third ward. Francis H. Evers was the principal witness produced by contestant in support of this charge. Evers, however, reversed himself on cross-examination. Here is the cross-examination:

Q. Mr. Evers, as I remember your testimony before, you testified that an offer was made by Mr. Reichman of $15, $10, and $5 to the clerks in the precincts returning the highest votes for Mr. Catlin—$15 each on the Republican ticket?—A. No; I don't believe I testified that way.

Q. That is the way you testified, and it is so reported.—A. No; I did not say those prizes were for clerks.

Q. Who were the prizes for, then?—A. I don't know.

Q. And you saw what the newspapers said quoting you?—A. The papers said that I said they offered prizes for election judges and clerks for the highest votes for Catlin.

Q. And you did not say it?—A. No; I did not.

Q. Do you know of any prizes having been given to anybody in that district?—A. No.

August Borcherding, who also testified in support of the charge, stated on cross-examination that the suggestion made was that prizes be given to precinct committeemen getting out the highest vote for Catlin and not to judges and clerks. These two witnesses gave all the testimony that was given in support of the charge. I may say the testimony shows that the present committeemen met with the judges and clerks of election on the Saturday before election at the courtroom of Justice of the Peace George Reichman. Judge Reichman, committeeman of the third ward, first gave instructions to the judges and clerks and afterwards to the present committeemen. While these instructions to present committeemen were being given, Henry Pins, a committeeman, in a "joshing" way suggested that prizes should be given to the precinct committeemen securing the highest number of votes for Catlin. Now, there is considerable distinction between prizes for precinct committeemen and prizes to judges and clerks of election. One would be lawful; the other unlawful. As a matter of fact, no prizes were offered to anybody. Pins says the suggestion was made in a "joshing" way, and his testimony is corroborated by others present at the meeting. A man by the name of Olson, another by the name of Linnemeyer, and two others, all of whom testified that this suggestion was made by Pins in a "joshing" way and referred to precinct committeemen and not to judges and clerks. So that this charge of bribery of judges and clerks in the third ward absolutely fails. There is nothing to it. It is disproved by the great preponderance of evidence. Even the men who testified to it in the first place on cross-examination took back everything they had previously said.

Mr. LINTHICUM. Did not Mr. Evers and Borcherding testify to the offer of prizes to judges and clerks?

Mr. ANDERSON of Minnesota. On direct examination, but they took it back on cross-examination.

Mr. LINTHICUM. But they testified that on direct examination.

Mr. ANDERSON of Minnesota. Yes; they did.

Mr. LINTHICUM. And also testified Mr. Catlin was present at the time.

Mr. ANDERSON of Minnesota. Yes; but they took it back. I can not say they took back what they said about Catlin being present, but Catlin himself swears that he was not present. They did take back what they said with respect to prizes being offered to judges and clerks, and unquestionably the preponderance of evidence shows that the prizes, if offered at all, were offered to committeemen and not to judges and clerks.

Mr. LINTHICUM. It is not a further fact that it was Mr. Reichman, who is called a judge, but he was a justice of the peace, who offered these prizes?

Mr. ANDERSON of Minnesota. He did not offer the prizes, and there is no testimony to that effect.

Mr. LINTHICUM. Did not some of these witnesses say he offered prizes?

Mr. ANDERSON of Minnesota. If they did so they took it back, as the cross-examination shows. Now, along the line of the charge of corruption occurring in the third ward——

Mr. AINEY. Will the gentleman yield for a question?

Mr. ANDERSON of Minnesota. I would like to get through.

Mr. AINEY. This is right along the inquiry made. Was there any evidence in the record that any prizes were actually paid?

Mr. ANDERSON of Minnesota. Absolutely none. It is not claimed by anyone that prizes were paid. The only claim made is that prizes were offered.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. ANDERSON of Minnesota. I will proceed for 15 minutes more.

There was another charge of bribery which, it is alleged, effected the vote in the third ward.

This was the attempted bribery of Thomas J. Leonard. The testimony shows that one Carten, in company with a man by the name of Thomas J. Leonard, met one Doc Reynolds on a street in St. Louis some time during the campaign. Carten stopped to talk with Reynolds, but Leonard proceeded on out of hearing. Reynolds asked Carten if he was working for Gill, and he said "no." Then he asked Carten if Leonard was working for Gill, and Carten said he did not know. The rest of the conversation was to the effect that Carten asked Doc Reynolds what there was in it for Leonard if he would get out and work for Catlin, to which Carten alleges that Doc Reynolds replied, "Four or five hundred dollars."

Now Doc Reynolds sleeps on a bleak hillside, under 6 feet of sod, in the State of Missouri. He slept there when this testimony was taken, his lips sealed by the angel of death. I do not know who he was, and I do not care very much who he was; but the fact remains that he could not be produced to meet the slanders that Carten brought against him. Carten, so the evidence shows, within two years prior to giving this testimony, was an inmate of an insane asylum, located a short distance outside the city of St. Louis, as a result of hard drinking.

Leonard swears that he did not hear the conversation between Carten and Reynolds; that all he knew of it was what Carten subsequently told him. All agree that nothing was ever done in consummation of the conversation, if it actually occurred.

Personally, I believe that Carten deliberately lied. I do not believe that there is a word of truth in his testimony. I do not believe that any man who reads the record can come to the conclusion that he speaks the truth. I do not believe that he told the truth. On the contrary, I believe that he deliberately lied, and lied because he knew the man against whom he lied could not be produced to tell the truth.

But even if we should accept the testimony at its face value, it does not prove that any man was bribed in the election or that any vote was corruptly cast by reason of the offer that was made. So that the proposition of the majority of the committee to throw out this ward is absolutely absurd on its face. There is nothing to it.

Mr. RAKER. Mr. Speaker, will the gentleman yield to a question there?

Mr. ANDERSON of Minnesota. Yes; but make it very short.

Mr. RAKER. Yes. I have read this from the gentleman's report, and I would like to get correct information upon it: "It is nothing but a limitation upon the amount that the candidate may expend out of his own money."

Mr. ANDERSON of Minnesota. I have already gone over that.

Mr. RAKER. I know that. It is suggested also that there is no limitation upon the committee?

Mr. ANDERSON of Minnesota. Absolutely none.

Mr. RAKER. The question I desire to ask is, Was Kirby a member of the congressional committee?

Mr. ANDERSON of Minnesota. He was not. As I said before, what was contemplated by the law was that the congressional committee or any other persons who associated themselves together in the interest of the candidate should be considered as a committee. All that was required of any of them was that, on the demand of five electors, they should make a statement of expenses. That was all that was required of Kirby. The demand was never made, and Kirby's failure to file a statement in any event could not affect in any way the election of Catlin.

Now, in the eighteenth ward, they charged the corruption of William J. Sheehan and others. William J. Sheehan was a former Democratic committeeman of the eighteenth ward. He was succeeded by a man by the name of Byrne, I think, after a very bitter fight. There is evidence in the record of a great deal of feeling between Byrne and Sheehan, which largely accounts for the action of Sheehan in this particular instance.

Now, it is claimed that Hank Weeke, who was the Republican member of the congressional committee for the eighteenth ward, was seen to drive up to a polling place, take out of his pocket a wallet, and hand to William J. Sheehan a bunch of bills; that afterwards Sheehan gave $5 to a fellow named Murphy, and $2 to John C. Russell, with instructions to go and work for Catlin and Miller, Miller being, as I remember, a Democratic candidate for judge of the court of criminal correction. There is absolutely nothing in the record which shows the character of the transaction between Sheehan and Weeke. For all that the record shows, Weeke may have been paying Sheehan a debt. Nothing is shown to the contrary. There is absolutely nothing to connect the money that Weeke gave to Sheehan with Catlin.

Again there is no effort to follow the money which Weeke gave to Sheehan in order to show what Sheehan did with it. The only evidence is that Sheehan did give to those men—Thomas Murphy and John C. Russell—$5 and $2, respectively. I want briefly to refer to the evidence of these two men. Murphy testified on cross-examination as follows:

Q. You were not induced by the $5 to vote for Mr. Catlin and Mr. Miller, were you?—A. No; he told me when he gave me the $5 to go and work for Mr. Catlin and Mr. Miller and get all my friends.
Q. You did that, did you?—A. No, sir.
Q. Then you were not corrupted by it, were you?—A. No.
Q. It did not influence you to vote for anybody, did it?—A. No.
Q. And you took his money and never told him you would not do it?—A. I never told him anything. I accepted his money and bid him good-by.
Q. And used the money yourself?—A. Yes.
Q. You did not let him know you thought he was doing anything wrong in giving you the money?—A. I never told him anything at all. I just accepted it. I always do. I never refuse money.

[Laughter.]

From which I think is a fair inference that Mr. Murphy is not only a financier, but a philosopher, and that he was not corrupted. The testimony of Russell was to the same effect. He had already voted when he got the $2 from Sheehan. He testified that he had voted for Gill. In fact, both of these men voted for Gill. Neither one of them ever did vote in consideration of the payment that was made by Sheehan to each one of them. So it seems to me that that charge absolutely falls, especially in view of the consideration which is involved in the relationship between Byrne and Sheehan, which would make Sheehan have it in for Gill, because the Byrne faction, assisted by Gill, ousted Sheehan from the position of committeeman in that ward.

Now, there is a charge of intimidation. Singularly enough this incident took place in the twenty-sixth ward. It is the only instance of intimidation suggested in this case. It appears that Arthur Davis, who, it is claimed, was under indictment, though the record does not show it, came with five other men to the third precinct of the twenty-sixth ward and asked for ballots, which were given, and they went into the booths. Subsequently Arthur Davis was found in the booth with a fellow by the name of Redding. The judge of election immediately told him he must not do that; that he must get into his own booth, indicating the care with which the judges of election enforced the law in that precinct.

While they were marking their ballots, I. Joel Wilson, who was then assistant prosecuting attorney of the city of St. Louis, stood in the door, and Davis, having marked his ballot, brought it over and asked Wilson if he wanted to see it, to which Wilson replied "no." Then the five of them proceeded to cast their ballots, taking them over to the judges, who put them in the ballot box. That is the sum total of the evidence in that instance. The substance of the charge is that the presence of Wilson was intimidating to these men, although it is shown by the evidence that his presence there was accidental, or casual, at least. It is claimed that it especially intimidated Arthur Davis, who, it is said, was under indictment. It is not claimed that anyone of the men did not vote, because the record shows that they all did vote. It is not shown that a single other person was prevented from voting by Wilson's presence. There is absolutely nothing to the charge.

But if there were anything to this charge it would furnish a basis for throwing out the twenty-sixth ward and not the third and eighteenth. Of course, the majority of the committee do not suggest throwing out the twenty-sixth because of this alleged act of intimidation occurring there, for the very obvious reason, and I presume from their viewpoint it is a good one, that Gill had a majority in that ward. Of course, if Catlin had had the majority this would have furnished the same basis for throwing out that ward that it furnishes in the third and eighteenth wards.

I shall not go further into the action of the committee in throwing out these two wards, except to refer briefly to what is said in the minority views with reference to the case which the majority have cited in support of their action.

Everyone who was here durng the famous Horton-Butler contest and the famous Wagner-Butler contest knows that there were developed in those cases conditions of bribery, corruption, and conspiracy the like of which has perhaps never before been found in any election.

I want just briefly to refer to some of the frauds that were found in the Wagner-Butler case, relied upon by the majority of the committee in this case as the precedent for their action. In that case it was shown that a gigantic conspiracy existed between the candidates, the judges and clerks of election, and the precinct workers. In the first place, in the Wagner-Butler case the House and the committee only rejected the precincts in which specific fraud, tainting the entire election in the precinct, was definitely proved. They did not attempt the wholesale elimination of entire wards, as the majority here propose. In that case actual conspiracy to defraud, which included election judges, election clerks, precinct workers, and the candidate himself, was found by the committee. No such conspiracy is even charged in this case. There were organized gangs of repeaters; organized gangs intimidating voters; and in many instances actual violence.

Fraud was found in 63 out of 116 precincts, and as to 41 of these precincts the committee found, after an actual investigation and recount of the ballots themselves in each precinct, it was impossible to determine the true and lawful vote, and therefore the returns from these precincts should be rejected. In the Wagner-Butler case registered letters were mailed to the registration addresses of 25,179 voters. Of this number 12,608 were returned with the indorsement that the parties could not be found at the addresses given. Of the 25,179 names appearing on the officially published registry list, 16,045 did not appear in the city directory. The majority further said in that case that 4,669 of the registered letters bore the indorsement that the parties to whom they were addressed had "removed." Of this 4,669 names, 245 graced the pages of the St. Louis city directory; 425 persons voted in one ward where 205 were registered; 676 voted in another ward where 169 registered. In all, although the law of Missouri expressly provided that no person should vote who was not duly registered, in the 63 precincts referred to 3,017 ballots were cast for Butler and 636 for Wagner by persons whose names did not appear upon the official registry list.

In other words, there were over 4,000 ballots cast by persons whose names did not appear on the registry list. Think of that in comparison with the 31 names alleged and proved in this case to have been cast by persons who could not actually be found at the addresses from which they were registered.

A further comparison of the Wagner-Butler case shows that in one precinct 25 ballots were cast for which there was no corresponding registration, all of which were counted for Butler. In another 45 names were voted and counted twice for Butler and one was voted and counted three times for Butler. In other words, so open was the fraud in that case that the persons repeating did not even take the trouble to vote under other names. They voted twice and three times under the same name.

In another precinct 77 ballots were missing, although the registry lists showed them to have been cast. In this precinct Butler received 237 votes and Wagner 21. In another precinct 62 persons appear to have voted whose ballots were not found in the box. In yet another precinct, 488 persons appear to have voted. Of this number 472, including 45 repeaters, voted for Butler and 14 for Wagner. Three hundred and thirty-two persons voted in this precinct whose names were not on the official registry list.

These are but samples of the frauds that were found in every one of the 41 precints rejected in the Wagner-Butler case.

By comparison with the case which we have under consideration, it seems to me that the frauds proven in the Wagner-Butler case demonstrate absolutely that the facts alleged, proven, and unproven, in this, admitting them all, are not sufficient to warrant the action suggested and proposed by the majority.

Now, I anticipate before we get through this case that some one will suggest that we are authorized to disregard the law and vote on the basis of our own consciences and our own judgment. If we applied the same rule to the conduct of human action everywhere we would be a Nation without law and a people without fixed responsibilities. If every man's conscience was perfect, if every man had implicit faith in other men's consciences, liberty and government might be automatic, and we might expect justice to be automatically the result of government. But so long as men fear others, so long as they fear themselves, as long as they square their actions by the rule of supposed public sentiment, as long they clothe themselves in the cloak of assumed virtue, they will find it necessary to lay down definite and fixed rules by which human conduct shall be judged. We who are assuming the rôle of judges, laying aside our legislative capacity in this case, must judge it upon the law as we find it. We are not warranted here in making law. Theron Catlin was elected under the laws of the State of Missouri, and by those laws he is entitled to have the legality of that election decided.

As I have stated before, I am not defending him because I take the position of the juror who says "I believe the cuss is guilty, but they have not proved it." I do not believe they have in this case placed the stain of guilt upon the hands of Theron Catlin or traced guilty knowledge to his bosom. So far as I can find—and I have read the record with great care—there is absolutely nothing in the case which warrants the drastic, partisan, prejudiced action proposed by the majority. Beside the action which is proposed in this case the steam roller is a toy wagon. I do not believe that there was ever in this House an action proposed which had behind it as little of actual facts, of actual proof, as this case has behind it; not one. I feel that we who are assuming the rôle of judges ought to act as judges—impartially—laying aside partisan prejudices and partisan feelings, to do justice in the case as we find it upon the facts. [Applause.]

Under the leave to print extended in connection with the debate in this case I desire to place in the RECORD excerpts of the testimony as to the specific charges of fraud, bribery, and corruption charged by contestant. The evidence is as follows:

WHAT HAPPENED AT DUBLIN, N. H.

Daniel Catlin, being duly sworn, testified as follows:

Direct examination by Mr. Early:

Q. You may state your full name, please?—A. Daniel Catlin.

Q. What is your age, Mr. Catlin, and place of residence?—A. I am past 73; my residence is No. 21 Vandeventer Place.

Q. How long have you lived in the city of St. Louis?—A. Over 60 years.

* * * * * * *

Q. Where were you in the summer of 1910?—A. At my summer home in Dublin, N. H.

Q. What time did you go to your summer home at Dublin, N. H.?—A. The fore part of June. I don't know the date. Perhaps the 8th or 10th; somewhere along there.

Q. And when did you return to St. Louis?—A. Well, I don't know the date, but somewhere along about the 18th or 20th of October.

Q. Were you in Dublin, N. H., during that entire period?—A. I was there all the time.

Q. Did you meet Mr. Dan Kirby during your stay at Dublin, N. H., in the summer of 1910?—A. He was up there; yes. He was up there visiting my son, who has a house near me.

Q. What is your son's name, on whom Mr. Kirby called at that time?—A. Daniel Kaiser Catlin.

Q. Did you have any conversation with Mr. Kirby with reference to the matter of the approaching campaign?—A. I did.

Q. State, if you please, what that conversation was.—A. I spoke to him about my son's campaign. I told him I regretted that he was going to run.

Q. That is, for what office?—A. For Congress.

Q. In the eleventh congressional district?—A. In the eleventh congressional district.

Q. Was there anything said with reference to the approaching of registration day by Mr. Kirby to you?—A. He said that he thought it was a good thing for him to run; that it would give him a chance to mix up and get acquainted with the people in that district, and it would be a benefit to him.

Q. Well, was there anything said about the prohibition issue, and the necessity of getting out a large vote—a large registration?

* * * * * * *

Q. State, as nearly as you can, the conversation that took place between yourself and Mr. Kirby at the time that you mention, at Dublin, N. H., relative to this subject concerning which you have been speaking?—A. Mr. Kirby said that it was an off year, and it was very essential to get out a large vote all over the State and city; that there was some question of prohibition, and that he thought it was a very dangerous thing; that out in the State they seemed to have gone wild on the subject. I asked him if he thought there was any danger of its carrying, and he said there was.

Q. State all that was said, as nearly as you can recall.—A. I told him that I was very much interested as I was a large property holder in the city of St. Louis, and if prohibition carried, it would be a detriment to the whole State, and there would be a depreciation in property and everything that I had here.

Q. Do you recall anything further in regard to the wisdom of getting out a full vote at this particular time?—A. He said that it was very essential to get out all the German vote; that wherever you find a German, whether he was a Democrat or Republican, that he was against prohibition.

Q. Do you recall anything further that was said?—A. He said that he thought by getting all the Germans registered it would be a help to defeat prohibition in the city of St. Louis.

Q. Was there anything said by Mr. Kirby with reference to rendering any assistance to your son Theron in his campaign at this particular conversation?—A. He said it would require money to hire men to bring out the vote; to get them to register. That is about the sum and substance of what he said in regard to that.

Q. Was there anything said by Mr. Kirby as to his doing anything himself in regard to this matter?—A. He said that he would look after it himself.

Q. Had you had any active experience in politics prior to that time in the way of being a candidate for office, or anything of that kind?—A. I never have been a candidate for office in my life.

Q. Had you taken any interest in political campaigns?—A. There is not a Republican campaign that has been held in the city of St. Louis for the last 40 years that I have not been a contributor to it. There has not been a congressional campaign in the city of St. Louis, either in the tenth or the eleventh district, that I have not contributed to and used all my influence to carry it for the Republican Party.

Q. Where was your son Theron, if you know, at this particular time, Mr. Catlin?—A. He was in St. Louis.

Q. Was he in Dublin, N. H., during the summer of 1910?—A. Only early in the month of July.

Q. About how long did he remain?—A. I think only about two weeks. I don't recollect exactly, but it was a very short time.

Q. In this conversation with Mr. Kirby, you mentioned the matter of employment of people to get out the registration and expenses in connection with the campaign. Was there anything said as between yourself and Mr. Kirby at that time in reference to the question of expenditures which might become necessary in getting out the registration and in the subsequent campaign in the event that your son was nominated for Congress?—A. Yes, sir.

Q. Now, just tell us, as nearly as you can, what was said on the subject.—A. He said that he would look after the campaign—that is, the money part of it. I told him that I would under no circumstances pay one dollar to any ward politician in St. Louis, but having known Mr. Kirby for a number of years as an honest man, I had implicit confidence in what he would do, and he volunteered to see that what money I put up was properly expended to bring out the vote, and see that it was properly registered, and to advertise my son in a proper manner as a candidate for Congress, in case he would run.

Q. Was anything said as to the amount that it might become necessary to expend, during any part of your interview with Mr. Kirby?—A. Well, he told me—as near as I can recollect—he said that to run a campaign for Congress the minimum was about $7,000, and he asked me if he should ask my friends to contribute toward that amount. I told him no, that I could afford to pay for it, and I didn't want him to receive a dollar from the general congressional committee or any individual or friend of mine or of Theron's.

Q. Well, what, if anything, did you do after that with respect to paying over money to Mr. Kirby for the purposes which you have mentioned?—A. He told me that when he got home he would start men out to see that they were properly registered; that he had had a good deal of experience in politics, and knew that I had none, and he would see that the money was properly expended.

Q. About how long have you known Mr. Daniel N. Kirby?—A. Oh, intimately, I should say for about 12 or 15 years. He was a frequent visitor at the house. I had known him socially.

Q. Now, after that time did Mr. Kirby make any calls upon you for contributions?—A. I told him that any money that he wanted for legitimate purposes that I would pay, and that when he got home he could call on my son D. K., who would give him what money was needed, or what money he asked for, up to a certain amount. There was not any amount mentioned, but I supposed by that that the limit would be somewhere about $7,000.

Q. You mentioned "D. K." Do you mean your son D. K.?—A. Yes, sir; Daniel Kaiser Catlin.

Q. Did you have any further conversation with Mr. Kirby relative to the manner in which any moneys that you gave would be expended that you recall?—A. I told him that under no circumstances would I spend one dollar for any illigitimate purposes; that I would sooner see my son in overalls, stemming tobacco, as his father had done before him, than to be elected by a dishonest and corrupt vote.

(Direct examination.)

Q. Will you tell us, in your own words, as fully as you can, all that was said at that conversation concerning the subject mentioned?—A. Mr. Kirby and myself went over to call on my father and his family. I do not remember whether we saw the other members of the family first or not, but toward the end of our visit, Mr. Kirby, my father, and myself were alone; and in the course of our conversation we discussed my brother's candidacy for Congress in a general sort of way. Mr. Kirby asked—I do not know that he asked, but he referred to the fact that neither father nor myself had ever taken any active part in politics, and that we were more or less ignorant and inexperienced in political matters. He then volunteered, in view of this fact, to offer his services in furthering my brother's candidacy for Congress and doing whatever he could to promote his interests. He told my father and me that at the coming election it was likely that the question of prohibition would come up, and that in his opinion it was important to get out a full registration in order to defeat that movement. He thought it would be detrimental to the State to have it go prohibition, and especially detrimental to St. Louis. My father agreed fully with what Mr. Kirby said with respect to that and felt, inasmuch as he was a large property holder in St. Louis, that he himself was personally interested

in the movement. And he told Mr. Kirby that he wanted him to use every proper and legitimate effort to get out the registration, whether they were Democrats, Republicans, or German, or Irish, or any other nationality. He wanted the election to represent the true voice of all the people on such an important matter as prohibition was. Father told Mr. Kirby, as I remember it, also, that he had always contributed toward the various Republican campaigns in St. Louis, and that naturally also he wanted to contribute toward his son's; that he appreciated Mr. Kirby's offer, and that he was accepting it because he had the utmost confidence in Mr. Kirby's honesty, integrity, and judgment. He knew that if Mr. Kirby spent any of the campaign money for any purpose that purpose would be one which was both proper and legitimate.

Q. Was there anything said concerning the matter of soliciting contributions from the friends of your father to a fund for promoting the campaign of your brother, the contestee?—A. There was.

Q. What was said on that subject?—A. Mr. Kirby asked my father if he would like him (Mr. Kirby) to solicit contributions from my father's friends and from some of the more influential voters in my brother's congressional district. My father said that he would not; that he felt he was able to pay for the proper and legitimate expenses of my brother's campaign himself, and he did not wish to be indebted to his friends for aiding his son in the campaign.

Q. Was that all of the conversation that you recall which occurred at that time?—A I think that is the sum and substance of it. I do not remember anything more that was very material.

Q. Where was your brother, Theron, at the time that this conversation occurred?—A. He was in St. Louis.

Q. Was he in Dublin, N. H., at all during the summer of 1910 or fall of that year?—A. He was.

Q. About what time was he there?—A. It was in the early part of the summer; I think early in July—the first part of July.

Q. About how long did he remain?—A. I think about a fortnight—10 days or a fortnight. I do not remember the exact number of days.

HOW THE MONEY WAS SPENT.

Daniel N. Kirby, being duly sworn, testified as follows:

Direct examination by Mr. Barrett:

Q. Please state your name, residence, and occupation.—A. Daniel N. Kirby; 4142 Morgan Street is my residence—St. Louis; I am a lawyer, a member of the firm of Nagel & Kirby.

* * * * * * *

Q. How much did you contribute to the congressional committee of the eleventh district, Mr. Kirby?—A. I made no contribution—I spent no money for Mr. Catlin as agent or representative in any way. The money that I referred to in the last answer, and all money that I handled or spent, was spent not as the agent or representative, but because of the fact that I had volunteered to some of his friends to see that any money which was expended by them, voluntarily on their part, was properly disbursed for the proper purposes. I contributed in that way about $1,400 that went to the congressional committee of the congressional district. That is my recollection.

* * * * * * *

A. I will try to classify in answer to your question, the purposes—the different kinds of purposes—for which I spent the money, in furtherance of Theron E. Catlin's campaign. My plan was to introduce him as widely as possible to the voters in that district—advertise him as extensively as possible—and to further that purpose I employed a press agent, whose work was to write up the press notices and write up the advertisements and to see the different political editors of the various newspapers, so as to see that the notices were inserted, so far as he could get them inserted, advertising Mr. Catlin's candidacy, and the meetings that Mr. Catlin held or attended, and the speeches that he would make, and any political gossip that was going around that was favorable to his candidacy. Do you want to know what that cost me?

Q. Yes; you may state the cost of that.—A. Well, I paid the press agent, the man that I employed—I paid him about $400.

A. I paid out for the posters—and all these other kinds of advertising, outside of the newspapers advertising—posters and cards and dodgers for ward meetings, and advertising like that, not advertising in the newspapers themselves, about $350.

Q. Now, Mr. Kirby, what was the cost of these transparent slides and the amount that you paid to the various picture shows for displaying the slides on their curtains?—A. I have no recollection as to the number, but to the best of my recollection as to the amount, I think it was over $50.

Q. Now, can you give the names and amounts paid to any persons to defray the expenses of ward meetings?—A. No, I don't remember, except to this extent: I remember in one case I paid about between $50 and $54 or $55 on a printing bill which had been incurred by a ward organization in advertising the different candidates on the Republican ticket, including Mr. Theron E. Catlin.

Q. Did you pay any money to any member of the congressional committee, in the eleventh district other than the amount that you contributed to the organization, through its treasurer?—A. Yes, I gave money to the Republican city committeemen who represented the different wards which had precincts in the eleventh congressional district; I did that with specific instructions as to what they were to do with it; before I gave them the money I called them together and told them that I was going to represent some gentlemen who were interested in promoting the candidacy of Theron E. Catlin, and I told them that I did not represent Theron E. Catlin's candidacy, and I would not represent him. I told them that I would have certain money to spend, and that I was going to determine the amount that would be spent; that I had had experience in politics, and I was chairman—I told them this—of the executive committee of the precinct organization in my own ward, and had been for a great many years, and I know what it cost to conduct a campaign properly, and I told them there was not going to be any barrel tapped in promoting Mr. Theron E. Catlin's campaign for Congress in the eleventh congressional district; and that there was not going to be a dollar spent by me or through me except for the purposes which I considered proper and in amounts which I considered reasonable for the needs and the proper conduct of the campaign in that district; I told them further that I intended, in working with them as committeemen in the different wards, to furnish a reasonable amount of money to meet what I regarded and would regard from time to time as the reasonable needs of the district for the purpose of properly advertising the candidate, but that I was not going to throw away any money, and that I was not going to buy a single vote, and I was not going to make any trades, and that I did not want anybody who worked with me or worked under me to do anything of that kind. I told them that the candidate would rather be defeated than to have anything done on his behalf that might—or by anyone else, who was trying to help him—of which he would be ashamed afterwards if the fullest possible light was thrown on it. And then I took up with them the amount which I was willing to hand to them at that time as committeemen in charge of the different wards for the purpose of seeing that a full vote was registered. I had previously had instructions from Mr. Daniel Catlin, father of the candidate, Theron E. Catlin, to spend money with reference to registration, without regard to whether we were sure that the people who registered were Republican voters or not. We figured, and it was our judgment—I told the father of the candidate that the fuller registration we could get out, especially in view of the fact that the campaign for State-wide prohibition was on, and that the district was full of German-American citizens, most of them who liked their glass of beer, and did not want to be denied the privilege of getting it when they wanted it—that I thought the more of the stay-at-home—the ordinary stay-at-home—vote we could get out in the district and get registered the more would be the Republican gains, and the result proved that my estimate was correct. For the purposes of registration I turned over money to the Republican committee, who represented the different wards which had precincts in the eleventh congressional district. I turned over to them, and used in that way, approximately $1,300.

Q. Will you state the amount that you gave to each committeeman for that purpose?—A. No; I can not tell you the amount that I paid each committeeman.

Q. Can you state the aggregate sum that you gave to them?—A. I can give you, with a fair degree of accuracy, what the total amount was that I spent in that way; I can not tell you the total amount that I gave to any one committeeman.

Q. Well, give the aggregate amount.—A. I gave—paid—to the different members of the city committee, for the purpose of employing workers, who were to work for Mr. Catlin's campaign on election day, about $2,400; I figured that, from my own experience, in my own ward, as I had worked different parts of St. Louis, that in order to get out the Republican vote properly, and canvass all the precincts properly, during the whole of a long election day, it would take an average of from three to four, and in some precincts perhaps five men; on an average say four men to a precinct that would do the work thoroughly, because I gave instructions that the work was to be done thoroughly; that I wanted the workers on election day to compare the registration lists, of which they could get copies, with the names of the men who voted, as the men voted, so as to keep an account of the Republican voters in the district who had not voted, and then to go from house to house, and telephone, and do everything else they possibly could to get the Republican registered voters to come in and vote at the polls on election day. My instructions, when I paid the ward committeemen, and the men for the doing of the work, was substantially the instructions that I gave them at the time of the registration. I told them I would not spend a dollar for the purchase of a vote, and would not spend a dollar for the making of a trade—trading votes—and I would not sanction or permit the trading of any votes; that I would not spend money for anything except printing bills, and other bills, where we had to buy materials, or rent halls, or hire bands, etc.—I would not pay for services of any kind, except actual work being done in the canvassing of the different precincts, and paying men for taking their time to actually do the work.

Q. What was the sum of money that you paid to the city congressional committeemen for the distributing of those flags? First, I want to know what it cost for the flags, and then the sum of money which you contributed to the committeemen; that is, the congressional committeemen, who were also city committeemen; you understand that? That the congressional committeeman is a city committeeman—they are the same?

* * * * * * *

Q. About how much?—A. The flags cost me $700; I can't give you that—you asked that—but I can't give you even approximately the amount of that, because I was never informed of exactly how much of the money I furnished to those committeemen from the different wards, for that and other purposes, was, in fact, used for that purpose.

Q. How much did you contribute to the committeemen for the purpose of distributing the flags, and other purposes, that you have suggested?—A. I paid them about $2,300 in all, for all of the labor, all of the work, all of the campaign, and visiting work which was done between the registration day and the election day. The distribution of flags was not the only work or service for which I needed the help of the workingmen in every precinct in the different wards. Our plan of campaign was to have the candidate, Mr. Theron E. Catlin, actually meet in person just as many of the voters in his congressional district as he had time to meet. I thought the best way in which he could meet those voters, and make friends with as many as he had time to meet, would be by going through the congressional district.

Q. Now, Mr. Kirby, did you pay out any other sums of money for any other purposes at any other time than those that you have already detailed in your testimony?—A. Yes; I paid for advertising in the newspapers, in entertainment programs, in church programs—church fair programs—in the negro newspapers, the Jewish newspapers, in the Bohemian newspapers, the Russian newspapers—if there is any other kind of newspapers they escaped me—I don't know it. Up there in that district, in the different parts of the district, those papers all circulate, I believe; and I used them, with the exception of the large morning dailies in St. Louis; I have no recollection that we advertised in them; our advertisements in them were through the services of Mr. Lewis, who was the press agent who wrote the notices for that and the political notes, rather than what was in the advertising column. Now, altogether, for newspaper advertising of that kind, I spent about a thousand dollars.

Q. How much did you pay Mr. Haller?—A. I paid Mr. Haller altogether for that, and some other painting—I think he painted some signs or banners—some other signs in addition to the portrait—my best recollection is that it was $70 or $80; the total amount that I paid him for all of that headquarters' work, the signs and banners and lights and so forth, at headquarters was about—well, $300 or $350. Not in excess of $350.

Q. Now, Mr. Kirby, did you expend any other sums of money out of this fund?—A. Yes; I spent money for the hire of automobiles on election day for the use of the committeemen in the different wards.

Q. That is to say, you paid each one $25?—A. Yes; I paid them $25—allowed them that for hiring automobiles.

Q. That would be $225 all told?—A. Yes; about $225 or $250. I think there was one of them who wanted two, I am not quite sure about that, Mr. Barrett; I know one of the committeemen asked for two; whether it was in the twenty-sixth or twenty-seventh ward, I don't know—where the votes are more scattered, and the precincts and voting places are far apart, where we found it most congested, be-

cause of the fact that the voters had moved in in great numbers—they had 1,600 or 1,700 voters in some of the precincts, and there was a long distance to cover; I know one of the men said that he would want two. Whether he got two automobiles or not I don't remember; I spent altogether about $250 for automobiles.

TESTIMONY AS TO LACK OF KNOWLEDGE ON THE PART OF THERON E. CATLIN AS TO HIS FATHER'S EXPENDITURES.

Theron Catlin. Cross-examination, by Mr. Barrett:

Q. You don't know what transpired in the meeting?—No, sir; I do not—father and I left.

Q. Sir?—A. I don't know.

Q. Did they tell you anything about it?—A. I never heard a thing about it.

Q. Never heard a thing about it?—A. No, sir.

Q. Did your father or brother ever tell you anything about the amount of money they expended?—A. Never mentioned it; I never knew a thing about it until it came out.

Q. Did you sister say anything to you about the money?—A. No, sir; it was never mentioned.

Q. And the members of your family, except your brother, Daniel K. Catlin—they were all at this meeting that was held in your house?—A. At this meeting my father and mother and sister were there.

Daniel Catlin, sr. Cross-examination, by Mr. Barrett:

Q. Any moneys that you paid out to your son on account of your son's campaign, have you charged it up against him in any way?—A. I haven't paid out any.

Q. Sir?—A. I haven't paid out any.

Q. Well, this $10,000?—A. Oh, you mean that?

Q. Yes.—A. Why, no. It is charged up to me.

Q. I say, have you charged it up against your son?—A. Have I?

Q. Yes. In the nature of an advancement?—A. Why, of course, not. My son never would have heard that I had given this money if it hadn't been for this contest.

Direct examination of Daniel K. Catlin by Mr. Early:

Q. Was your brother Theron E. Catlin, the contestee in this case, present at any conversation between yourself and your father, or between yourself and Mr. Kirby, at which the subject of expenses of the campaign was mentioned?—A. He was not.

Q. Do you know whether or not the contestee, Theron E. Catlin, knew anything of these expenditures being made by Mr. Kirby at any time?

The WITNESS. No; he did not know.

Q. I ask you whether you know or not?

A. Of my knowledge they were never mentioned.

Direct examination of Irene Catlin Allen:

Q. Did you ever discuss with your brother at any time the expenditures?—A. With whom?

Q. With your brother, the contestee.—A. Before the election he told me he was only allowed to spend some several hundred dollars, and was going to stay well within that limit. That was the only time he ever mentioned money to me.

Q. How did that conversation arise, Mrs. Allen, between you and the contestee at that time?—A. It was before the nomination. He was talking about what he would have to do, and the speeches he would have to make, and so forth. I asked him if the campaign would cost money, and he said he was allowed to spend so much.

Q. How much did he say?—A. Some several hundred dollars; I do not remember—some four or five hundred dollars.

Q. That was the only conversation you had with him?—A. That is the only conversation relative to money I ever had with him.

Direct examination of Daniel Kirby by Mr. Barrett:

Q. During all this time, while you were spending this money in the furtherance of Theron E. Catlin's candidacy, you were doing it at the request and acting for the father and the brother of Theron E. Catlin, I understood you to say?—A. Well, I was doing it as a volunteer, having gone to them in the beginning, and having offered them my services, thinking that I might be of personal service to them, because of the fact that I knew that they were totally inexperienced in politics, that they had no idea of what the reasonable amount would be to expend for reasonable needs of the campaign, or spend it in the right way or for legal purposes, and I thought I could be of service to them, by helping them out to the extent of my judgment and experience, and in that way I would be of help to them; they accepted my voluntary offer of service, and after that time I spent their money to further the campaign.

Q. You were acting for them, for the son and for the father?—A. I was acting entirely for them and not for Theron E. Catlin, who was the candidate—with whom I had no relation of any kind during the campaign with reference to any expenditures of money, and as far as I know, and as far as my information goes, I do not believe he knows to this day just who contributed to his campaign, or what anybody contributed to his campaign—or just where I got the money.

Q. Did you receive any money from Theron E. Catlin?—A. Not a dollar.

Examination by Mr. Early:

Q. Was the subject of campaign expenses on the part of Theron E. Catlin ever mentioned by you, or by anyone in your presence, at a time at which Mr. Catlin was present?—A. No; at no time in the presence of Mr. Theron E. Catlin did I ever take part in or hear any conversation relative to campaign expenses.

Q. Did you ever say anything to Mr. Theron E. Catlin with reference to his consent in the making of any expenditures which you have detailed here to-day?—A. I did not.

Q. Have you ever discussed the subject of expenses with Mr. Theron E. Catlin at all during the campaign?—A. I never had; had no talks with him whatever on the subject.

Q. Did you have any way of knowing, Mr. Kirby, as far as you are aware, the amount of moneys which you may have spent in the time that you were expending them, or at any other time?—A. He did not.

Q. Did he ever ask you to represent him in any way in the matter of the conduct of his campaign?—A. He did not.

Q. Did you have any authority from him, in any respect, to do or not do anything whatsoever, from the commencement of his candidacy until after the polls had closed in November, in this election?—A. No, sir; nothing at all.

I want to qualify one of my last answers by saying that, as I testified before, I think once or twice throughout the campaign I did speak to him about subjects that I thought it would be well for him to discuss in the meetings when he made speeches campaigning through the district, to this extent—I asked him at different times how the campaign was coming on, and what kind of crowds attended the meetings, and what interest voters seemed to take in his campaign, but that is the extent of my talks with him.

Q. That is what you were doing, and all that you ever did was done at the instance and request of his father and his brother, Daniel Catlin and Daniel K. Catlin, and friends of Theron E. Catlin?—A. Yes; I represented, for the purpose of spending such money as they chose to hand me for that purpose, his father and his brother and Mr. Chester H. Kern, separately, without any agreement between them, as far as I know.

Daniel Catlin:

Q. Did you at any time tell your son Theron of your conversation with Mr. Kirby as to these expenditures?—A. I never spoke to him in my life—never spoke to him about it during the campaign. He knew nothing about it then, and he would not have known anything about it now only for this contest.

THE ATTEMPTED BRIBERY OF THOMAS J. LEONARD.

Thomas J. Leonard, being duly sworn, testified as follows:

Direct examination by Mr. P. T. Barrett:

Q. State your name, residence, and occupation.—A. My name is Thomas J. Leonard; I reside at 5581 Easton Avenue; I am 39 years of age.

Q. What is your business or occupation?—A. Liquor dealer; retail liquor dealer.

Q. Mr. Leonard, are you acquainted with Mr. Theron E. Catlin, the contestee in this case?—A. I have met him a few times.

Q. Did you meet him prior to the 8th day of November, 1910, or during the campaign for the election of Congressman of the eleventh district?—A. Well, I met him on election day, and possibly a week or 10 days or 2 weeks before that. While I wasn't in the party, I was right close to where Mr. Catlin was with a party of friends.

Q. Where did you meet him on the occasion that you refer to as 10 days or 2 weeks prior to the election?—A. Myself and Mr. Carten were walking up Easton Avenue, and there was a gentleman named Reynolds—I always knew him as Doc Reynolds—he halloed out that he wanted to see us, and I said I couldn't stop to talk to him, and I walked on. I didn't know Reynolds very well; just had a passing acquaintance with him.

Q. When was that?—A. Well, that was, I guess, about two weeks before election—10 or 12 days—I don't recall just exactly.

Q. Where was it?—A. That was at Francis and Easton Avenue.

Q. On the sidewalk?—A. Yes; on the sidewalk.

Q. What conversation was had there?—A. I walked away when the conversation was had. I walked on. I didn't stop at the place. Mr. Carten related to me something after he came on.

Q. Did you hear any of the conversation between Carten and Catlin?—A. No, sir.

Q. Or with Reynolds?—A. No, sir.

Q. Did Reynolds say anything to you?—A. Oh, nothing, only just "How do you do?" Something in that way; I just know him to talk to, that is all.

Q. Did Mr. Catlin say anything to you on this occasion that you refer to, about 10 days or 2 weeks prior to the election?—A. No, sir.

Q. Anything said about money?—A. No, sir.

Q. Was anything said about your working for or in the interest of his candidacy?—A. No, sir; nothing said, except what I learned through Carten.

Q. What did Carten tell you?—A. Carten told me that Mr. Reynolds would bring Mr. Catlin out some night—that he would like to meet me. I said, "Well, I couldn't agree to do anything like that. Gill is a poor man, and I am a Democratic committeeman."

Q. Was there anything said about money?—A. Yes.

Q. What was it?—A. Well, it was intimated that possibly I could get money if I wanted to make an engagement to work for Catlin.

Q. How much? Was any sum suggested?—A. Oh, yes. Mr. Reynolds said maybe there was $400 or $500 in it if I could get my ward club to go out and hustle for this fellow.

Q. Did the suggestion include the idea that you were to work for Catlin—that you were to vote and work for Catlin?—A. I wasn't near enough to hear what arrangements were spoken of.

Q. Did you accept the offer?—A. No, sir.

Cross-examination by Mr. Newton:

Q. Who is this Mr. Reynolds?—A. Why, Mr. Reynolds always lived in the old twenty-first ward. I don't known how you could identify him. He worked at one time in the license collector's office at the city hall.

Q. Does he live in that ward now?—A. I don't know where he is, only I saw him around Grand and Franklin Avenue or Spring.

Q. How long since you saw him?—A. I never saw him since that night.

Q. As to what the conversation was between the parties you don't know, except what Carten told you?—A. That is all.

Q. You didn't hear any conversation between them?—A. No; none at all?

Q. I want to ask you a question or two more. You say that you are the Democratic committeeman for the twenty-seventh ward?—A. Yes, sir.

Q. How long have you been Democratic committeeman there?—A. Well, I was first elected in the central committee some time in June or July, about, and I took charge of that ward. The ward was redistricted, and I was elected at the August primaries.

Q. What were you doing on election day? Did you go to any of the precincts?—A. I visited all the precincts; yes, sir.

Q. Did you leave any money there to buy dinners with for the Democratic judges and clerks?—A. I gave the precinct committeeman money to buy dinners with the night before election.

Q. How much did you give them?—A. I believe I gave them $15 or $20. I don't remember exactly the amount.

Q. $15 or $20 for the whole ward?—A. No; for each precinct; that is, to pay the challengers and buy the dinners and suppers for the precinct men.

Q. You gave them for that ward at least $150 for the 10 precincts?—A. Oh, yes.

Q. To be used on election day?—A. Yes, sir.

Q. And $5 of that was to go to the judges and clerks?—A. In some precincts it was all right to feed them and in some precincts it was not, and I left it to the committeeman. Some would buy the dinners and some the suppers; there were watchers and challengers and others, and there would be policemen there. I believe it was customary to feed them. There was altogether 12 men. In some places it was customary to buy the supper.

Q. Usually the Republicans paid for one meal for both parties and the Democrats paid for the other meal?—A. Yes, sir.

David Carten, being duly sworn, testified as follows:

Direct examination by Mr. Barrett:

Q. State your name, age, residence, and occupation.—A. David Carten, 5579 Easton Avenue. I am a painter.

Q. What is your age?—A. Thirty-five.

Q. Did you meet Mr. Catlin about 10 days or two weeks prior to the election of November 8, 1910?—A. Well, I met Mr. Reynolds; there were two or three gentlemen standing talking a few feet away; Mr. Reynolds wanted to know what I was doing down there, if I was working for Mr. Gill, and I told him no. He says, "Call Tom back," and I says, "No, we are in a hurry"—by "Tom" he meant Mr. Leonard; he says, "If you see Tom tell him there is about $400 or $500 in this thing if you see Catlin, and I want you to arrange a meeting for him."

Q. Was Mr. Catlin there at the time?—A. Well, I don't know Mr. Catlin.

Q. Would you recognize Mr. Catlin by his photograph picture?—A. Well, I don't know as I would.

Cross-examination by Mr. Newton:

Q. You say he wanted you to arrange with Leonard?—A. I say he wanted me to tell Leonard, to arrange with Leonard to meet Catlin.

Q. Tell us exactly what language he used, what he said.—A. I will tell you as near as I can. He wanted to know if I was working for Gill, and I said no, and then he wanted to know how Leonard was, and I told him I didn't know, and he says, "Do you think you could arrange for him to meet Catlin?" and I said, "I don't know," and he says, "Will you ask him," and I says, "Yes," and I says in a joshing way, "What is in it?" He says, "$400 or $500."

Q. You were joshing?—A. I said that to him in a joshing way. I says, "What is in it?" and he says "$400 or $500."

Q. You said, in a joshing way, "What is in it?"—A. Yes.

Q. And he said "I guess $400 or $500"?—A. Yes.

Theron E. Catlin, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. What is your name?—A. Theron E. Catlin.

Q. Are you Congressman-elect from the eleventh congressional district?—A. I am.

Q. Do you reside in that district?—A. I do.

Q. Where do you reside, Mr. Catlin?—A. No. 21 Vandeventer Place.

Q. How old are you?—A. Going on 33—32 now.

Q. During the testimony of the contestant, one David Carten testified on behalf of the contestant in the case, and in that testimony he stated that he saw you with some man by the name of Reynolds, on Easton Avenue in this city, and he contended that Reynolds intimated that he would give a certain sum of money to Leonard, the Democratic committeeman; I will get you to state whether or not you ever read Carten's testimony.—A. Yes; I read Carten's testimony.

Q. I will ask you to state whether or not there is any truth in that testimony.—A. None whatever.

Q. I will ask you to state whether or not you ever met Carten or ever heard of him or knew who he was until this testimony.—A. Never heard tell of him or knew of him until he testified.

Q. Were you at any time during the campaign upon Easton Avenue, at Francis, or any other point on Easton Avenue with anybody by the name of Reynolds?—A. I was not.

Q. Was any offer ever made, directly or indirectly, to give Leonard, or any other Democratic committeeman, any money to help you in your campaign?—A. There was not.

Q. As far as you know?—A. Not as far as I know.

Q. Do you know Leonard?—A. I do not; I would not know him if I saw him.

Q. Now, do you know a man named Doc Reynolds?—A. I do not.

Q. Did you ever see him before the campaign, or did you see Doc Reynolds during the campaign ending November 8, 1910?—A. Who is Doc Reynolds?

Q. I ask you; don't you know him?—A. No, sir; I don't know him.

Q. Never saw him?—A. Not that I know of.

Q. Never were around during the campaign with Doc Reynolds?—A. Why, no.

Q. And you say you don't know Dave Carten?—A. I do not.

Q. You don't know Tom Leonard?—A. Tom Leonard, I see, testified that he met me in the legislature; if he did, I don't remember; I wouldn't know the man if I saw him.

Q. Did you ever hear tell of him in the campaign?—A. Yes; I went into his saloon once, but he wasn't there; I knew there was such a person.

Q. You knew there was such a person as Tom Leonard?—A. Yes.

Q. You wouldn't know Carten?—A. I never heard of Carten; never heard of the man until he testified.

George W. Rinkle; cross-examination by Mr. Newton:

Q. How long have you known Carten?—A. I guess 30 or 35 years. I have known him since a little boy.

Q. You knew him when in the saloon business?—A. Yes, sir.

Q. Did you ever know of his drinking?—A. I knew him when he was drinking.

Q. Knew of his drinking excessively a few years ago?—A. He did at one time.

Q. Don't you know he got to a point where he had to be taken care of because of his excessive drinking?—A. I knew he went to St. Vincent's at one time; I don't know that he went for that.

Q. That is an asylum?—A. I heard that he was taken there.

Q. Taken to an asylum?—A. Yes, sir.

Q. About how long ago has that been?—A. A couple of years ago.

Q. About two years ago?—A. Of course, not exact.

Q. To an insane asylum?—A. It is out about 2 miles west of Wellston.

Q. About 2 miles west of Wellston?—A. Yes.

Q. That is about 2 miles from where you live out there?—A. Yes, sir.

Q. Out in the country?—A. Yes, sir.

Q. That is a private insane asylum owned by some church or something?—A. I don't know how that is.

Q. But it is an asylum—an insane asylum?—A. Yes.

Q. Do you know how long he was confined out there?—A. I do not.

ALLEGED CORRUPTION OF WILLIAM SHEEHAN AND OTHERS.

Thomas Murphy, being duly sworn on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your name?—A. Thomas Murphy.

Q. You are a resident of the eighteenth ward?—A. Yes.

Q. When you were around on election day did you see any of the committeemen around?—A. Yes.

Q. Who did you see? State their names.—A. Mr. Weeke.

Q. Hank Weeke?—A. Yes.

Q. He is the Republican congressional committeeman for the eighteenth ward?—A. Yes.

Q. Where did you see him?—A. I saw him at Twenty-fifth and Dodier.

Q. Was anybody with him?—A. Well, yes.

Q. Who?—A. I can not say who was with him. There was, I ain't sure, two or three men in an automobile.

Q. Two or three men in an automobile who drove up to Twenty-fifth and Dodier?—A. Yes.

Q. Where were you?—A. Standing on the corner of Twenty-fifth and Dodier.

Q. Anybody with you?—A. Yes.

Q. You may state what was said and done and what happened.—A. Well, I saw Mr. Weeke get out of this automobile and he walked across the street to where Mr. Sheehan was. Mr. Sheehan was not talking to us.

Q. What Mr. Sheehan is that?—A. James J. Sheehan.

Q. Was he formerly Democratic committeeman for the eighteenth ward?—A. Yes.

Q. Was he a candidate for Democratic committeeman in the August primary?

(Counsel for contestee objects to the question as leading.)

A. No, sir; I do not think.

Q. Was he candidate for committeeman in August and was beaten?—A. Yes.

Q. Go ahead.—A. And he, Mr. Sheehan, left us to walk over to him, just a few steps away, and I saw Mr. Weeke hand him some money.

Q. Hand Mr. Sheehan some money?—A. Yes.

Q. What did Mr. Weeke take out—did you see what quantity the money was?—A. Well, no, sir; I saw him take a pocketbook which was one of those long pocketbooks like.

Q. A long pocketbook?—A. Yes.

Q. Where did he take it; from the inside coat?—A. I never took notice. I saw the money given to Sheehan.

Q. Was it more than one bill?—A. More than one; looked like several bills.

Q. You could not see the denominations?—A. Yes.

Q. And then what did Weeke do?—A. Well, he left; went away in his automobile again.

Q. What, if anything, did Sheehan do?—A. Well, Sheehan just got us fellows together and talked to us to do all we could to work in any way we could for Catlin and Miller, and handed me $5.

Q. Gave you $5?—A. Yes.

(Counsel for contestee objects to this testimony and moves that it be stricken out on the ground it is not rebuttal testimony.)

Q. Who do you mean by us fellows?—A. McCaffery and John Russell.

Cross-examination by Mr. Newton:

Q. You took the $5, did you?—A. Yes.

Q. Did you vote for Catlin and Miller?—A. No, sir.

Q. Then you were not corrupted by the $5? Were you corrupted by that $5?—A. I do not understand you.

Q. You were not induced by the $5 to vote for Mr. Catlin and Mr. Miller, were you?—A. No; he told me when he gave me this $5 to go and work for Mr. Catlin and Mr. Miller and get all my friends.

Q. You did that, did you?—A. No, sir.

Q. You did not do that?—A. No, sir.

Q. Still you took his $5?—A. Yes.

Q. You knew at that time you would not do it and did not intend to do it?—A. Yes; I accepted the $5. I did not work for them.

Q. Then you were not corrupted by it, were you?—A. No.

Q. It did not influence you to vote for anybody, did it?—A. No.

Q. Did you tell him when you were taking this amount of money and put it in your pocket and used it for your use at that time that you did not intend to vote for either of the men he asked you to vote or work for?—A. No, sir.

Q. You did not vote for either of them?—A. No.

Q. What did you say that Sheehan said to you when he gave you $5?—A. He told me—he gave me $5 and said, "Here, you go down and do all you can for Catlin and Miller."

Q. Miller was a candidate for judge?—A. Yes.

Q. Of the court of criminal corrections?—A. Yes.

Q. To do all you could?—A. Yes; and get all my friends to work the same way.

Q. Did he think you were his friend?—A. Yes.

Q. And you took his money and never told him you would not do it?—A. I never told him anything. I accepted his money and bid him good-by.

Q. And used the money yourself?—A. Yes.

Q. You did not let him know you thought he was doing anything wrong in giving you money?—A. I never told him anything at all. I just accepted it. I always do. I never refuse money.

Q. You take all you can get?—A. Yes.

Q. It does not make any difference what conditions are attached to it?—A. No, sir.

John C. Russell, of lawful age, being produced, sworn, and examined on the part of contestant, in rebuttal, deposeth and saith:

Direct examination by Peter T. Barrett, Esq.:

Q. Your name?—A. John C. Russell.

Q. Where do you live?—A. 2341 University Street.

Q. What ward do you reside in?—A. The eighteenth.

Q. Were you in the eighteenth ward on November 8, 1910?—A. Yes, sir.

Q. Do you know anyone around Twenty-fifth and Dodier Streets?—A. Yes, sir.

Q. Did you meet any committeemen there?—A. I saw Hank Weeke.

Q. Where?—A. At Twenty-fifth and Dodier.

Q. You may state what was said and done.—A. I went over there in a carriage. I saw Weeke offer to hand Jim Sheehan some money.

Q. Do you know how much money he gave him?—A. No, sir; I do not.

Q. Where did he take the money from?—A. Took it out of his pocket.

Q. Did you see the denomination of the bills?—A. No, sir.

Q. What kind of money was it?—A. Greenbacks—paper money.

Q. Were there several bills?—A. Oh, yes; several bills. He had them in his hand.

Q. How did Weeke come there—in a carriage?—A. No, sir; I think he had an auto nobile.

Q. After he had given Sheehan the money, what did he do?—A. Why, he went away then.

Q. Went away in his automobile?—A. Well, yes; I think he did.

Q. Did you speak to him or he to you?—A. Yes, to Weeke.

Q. Did he say anything to you?—A. No, sir; he didn't say anything to me. He gave Thomas Murphy a $5 bill.

Q. What did he say when he gave Murphy the $5 bill?—A. I didn't hear. I understood from Murphy that he told him——

Q. I meant, did Sheehan say anything to you?—A. Not exactly. He gave me $2 to see what I can do with it.
Q. He gave you $2 to see what you can do with it?—A. Yes.
Q. Did he say anything to you about using your influence working for him?—A. No, sir.

Cross-examination by Mr. Newton:

Q. You don't know where Weeke got the money?—A. No, sir.
Q. Did you hear what, if anything, Weeke said to Sheehan when he gave him some money?—A. No, sir; I was too far away, about 50 feet away.
Q. Was Murphy near?—A. Murphy standing at the corner talking to the crowd.
Q. How far was Murphy away from you?—A. I guess about 5 or 6 feet.
Q. Then he was nearly 50 feet away from Sheehan and Weeke?—A. Yes, sir.
Q. You don't know what he gave the money for?—A. No, sir; I don't.
Q. He gave it to him out on the open streets; everybody saw it?—A. Yes, sir.
Q. You did see it and the whole of the rest could?—A. Yes, sir.
Q. He did it out openly, in broad daylight?—A. Yes.
Q. Sheehan took it and put it in his pocket?—A. Yes.
Q. What is it Sheehan said when he gave you the $2?—A. "See what you can do with it."
Q. That didn't influence you in any way?—A. No, sir.
Q. It didn't buy your vote?—A. I voted in the morning.
Q. You had already voted at that time?—A. Yes, sir.
Q. Did he ask you whether or not you had voted?—A. No.
Q. What did you do with the money?—A. Stuck it in my pocket with the rest of the money I had.
Q. Where did you get the rest of the money?—A. I made it working.
Q. You put it in with the rest of your money, spent it with the rest of your money, did you?—A. Yes, sir.
Q. Did you do anything at all for it that day?—A. No; I went home.

Leo McCaffrey, being duly sworn on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your full name?—A. Leo McCaffrey.
Q. Where do you reside?—A. 2513a St. Louis Avenue.
Q. Do you reside in the eighteenth ward?—A. Yes, sir.
Q. Were you around on the 8th of November, 1910—election day?—A. Yes.
Q. Did you meet any of the committeemen?—A. I met Mr. Weeke.
Q. Where did you see him?—A. Met him over there at Twenty-fifth and Dodier Streets, right across the street from the polls.
Q. Who was with Mr. Weeke at that time?—A. Well, he drove up in an automobile and jumped out of the automobile and ran across the street and met Mr. Sheehan.
Q. Tell us what happened.—A. Met Mr. Sheehan, called Mr. Sheehan aside and talked to him; whatever he said, I don't know, and he pulled out his pocketbook, a long pocketbook, and pulled out money and gave him several bills. I can not tell how much they were; and got through and went over to the polls, and whatever was done, I don't know.
Q. Who went to the polls?—A. Mr. Weeke. Whatever was done there, I don't know. They called Mr. Murphy and myself, and Mr. Sheehan gave Mr. Murphy some money and gave Russell money. Mr. Murphy gave Russell some money.
Q. Do you remember what his name is?—A. John Russell.

(Counsel for contestee objects to this testimony for the reason it is not rebuttal and is not admissible under the statutes governing contested-election cases)

Q. What did he say, if anything, to Mr. Murphy and Mr. Russell when he gave them the money?—A. He handed him the money and told him to go down and work for Catlin and Miller.
Q. Sheehan was formerly the Democratic committeeman, was he not?—A. Yes.
Q. And was looking to be reelected Democratic committeeman at the August primary?—A. Yes.

(Counsel for the contestee objects to the leading character of the question.)

Q. Was he elected?—A. No, sir.
Q. He was beaten?—A. Beaten.
Q. Did you take any hand?—A. No, sir.
Q. Were you interested with Burns?—A. No, sir.
Q. Were you interested with Sheehan in any of his fights?—A. No, sir.
Q. You were interested with Burns?—A. No, sir; nobody.

Cross-examination by Mr. Newton:

Q. And you were not influenced by any money?—A. No.
Q. You voted for Mr. Gill, did you?—A. I voted.
Q. Did you vote for Mr. Gill?—A. Of course I voted for Mr. Gill.
Q. You voted the straight Democratic ticket?—A. Yes.

The record further shows that Mr. John F. Byrne, the Democratic committeeman from the eighteenth ward, was the treasurer of contestant's committee and a close personal friend of contestant (Rec., 1606); that one James J. Sheehan was the predecessor of the said John F. Byrne as Democratic committeeman for the said eighteenth ward; that the said Bryne and his friends, after a bitter contest, had wrested the political power from Mr. Sheehan (Rec., 2086), and that much feeling existed between them, and it would be only natural for Sheehan to be opposed to contestant, who had Byrne, Sheehan's rival, as his treasurer.

ALLEGED INTIMIDATION OF ARTHUR DAVIS AND OTHERS.

John T. Gleason, a witness of lawful age, being produced, sworn, and examined on the part of the contestant, deposeth and saith:

Direct examination by Mr. Moore:

Q. State your name.—A. John T. Gleason.
Q. Did you serve as an election official in the election on November 8, 1910?—A. Yes, sir; in charge—Democratic judge.
Q. What precinct?—A. Third precinct, twenty-seventh ward—twenty-sixty ward.
Q. Are you acquainted with Arthur Davis?—A. I am.
Q. Did he vote in that precinct?—A. He did.
Q. On that day?—A. He did.
Q. Did he come to the polling place alone, or with anyone?—A. Six or seven came to the polling place together.
Q. Do you remember who they were?—A. Arthur Davis, Richard Davis, his brother, Chris Davis, Redding——
Q. How do you spell that?—A. R-e-d-d-i-n-g—Will Redding, William Redding, John Heffernan, and a man by the name of Dowd—I disremember his first name—O'Dowd, I think it is—they are all registered from the same place except the two Reddings——
Q. They are all registered from the same place—did they come there together?—A. Yes.
Q. What did Arthur Davis do?—A. He came in and give his name and got his ballot and went over to the booth and Will Redding got his ballot next and they were in the adjoining booths together, and I was waiting on the other persons coming in and giving the ballots, when I discovered Arthur Davis was in Redding's booth talking to him. I told him he'd have to stop that; that if he wanted information he'd have to come to the table with the judges, and with that he lifted Redding's ballot and walked over to I. Joel Wilson—I discovered him standing at the door——
Q. (Interrupting.) Inside the door?—A. Inside the door—inside the polling place.
Q. And what did he say?—A. He come up with the ballots in his hand and asked Mr. Wilson if he wanted to look at them. Mr. Wilson said "No." I said, "You have no right to show them to Wilson or anyone else." With that he threw them on the table, and I turned to the Republican judge, J. Lewis Hall, and says, "Lewis, this ain't right;" and we called him back, and he says, "There's my ballot"——
Q. (Interrupting.) Who says this?—A. Arthur Davis says, "My ballot is there," and we called Redding over, and he took his ballot and went back into the booth with it again, and come back with it folded, and went out.
Q. What was Wilson doing in the polling place?—A. I don't know—just came in there—dropped in there with several other gentlemen.

Cross-examination by Mr. Newton:

Q. Do you know whether or not the ballots were counted as they were polled?—A. Everything was regular; counted fair and regular.
Q. Was this the only irregularity you saw that day?—A. That's about all.
Q. Everything else went off perfectly regular?—A. Yes; I think so.
Q. As a matter of fact, every voter that came in that day did have an opportunity to prepare a secret ballot—that's the only exception?—A. Yes; he's the only one that done that.
Q. But you do know, as a matter of fact, that all the voters except this one did prepare the ballot in secret?—A. Yes.
Q. And that those ballots were honestly counted and cast?—A. Yes.
Q. And, so far as you know, there was no irregularity that day at those polls?—A. Yes; that's the only thing the entire day.

Charles L. Geraghty being duly sworn on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your name?—A. Charles L. Geraghty.
Q. Your address?—A. 1417 Euclid Avenue, St. Louis, Mo.
Q. Where is your place of business?—A. 4821 Easton Avenue.
Q. Did you meet Mr. Josephs on the 8th of November, 1910 last?—A. Yes.
Q. Where?—A. My office.
Q. What time of the day?—A. About 8 o'clock in the evening.
Q. After the election?—A. Yes.
Q. What is his full name?—A. I do not know.
Q. What is his business?—A. He is a clerk in some of the courts, around the four courts, the three C's, the court of criminal correction.
Q. Was anybody present with you?—A. Well, there was Mr. Lavin there, James Lavin, and Mr. Werner, and one or two others—now, I don't remember; I forget who they were.
Q. Please state what was said and done.—A. Well, he came in after the election.
Q. That is, by him you mean Josephs?—A. Yes. Mr. Josephs.

Mr. NEWTON. I object to this, unless it is shown to be in rebuttal of the testimony heretofore given on the part of the contestee.

Q. Go ahead.—A. He came in and says "Well, we fixed you all right." I said, "Yes." He said, "We voted every son-of-a-gun's brother that was under indictment." I said, "That is good." And he said, "We got them Davises in line. We did not have to wait all day for them to vote. They stay around the polling place until about 5 o'clock in the afternoon and we got in a machine and got some man by the name of Wilson, Joe Wilson, Joel Wilson, to come across, and it seems like he had some things in his office, and they had to come in and vote."
Q. Did you have anything to do with raising any campaign funds for the congressional race in the eleventh district?—A. Yes; I raised some money.
Q. How much did you raise?—A. Three hundred dollars.
Q. What did you do with it?—A. I gave it to our committeeman, Mr. Patrick.
Q. John Patrick?—A. Yes.
Q. You did not spend any yourself?—A. No.
Q. You do not know what disposition was made of it?—A. I do not.

Cross-examination by Mr. Newton:

Q. You say that some man by the name Josephs told you that they had voted men under indictment?—A. Yes.
Q. Who was under indictment, who was voted on that day?—A. Well Mr. Davis was the one he had reference to.
Q. Is that the only one you know of?—A. The only one I know of at that time; the only one he said. I don't know of anybody else.
Q. You do not know of anybody else in the district?—A. No; that is all I know.
Q. Do you know whether the Davis indictment was pending?—A. That I can not tell you.
Q. You do not know he was indicted?—A. No.
Q. You can not swear any information was pending against him?—A. I can not swear.
Q. All you know is the evening of the election day Josephs said what you say he said?—A. Said, "We voted Mr. Davis, and got him in line all right."
Q. The extent of the influence according to his statement, extended only to the one party, Davis?—A. That is all.
Q. That is all you know about it?—A. That is all.
Q. Even according to his statement you do not know whether his statement is true or not?—A. I can not say that.
Q. Do you know of any person who voted out there who had not the right to vote in the eleventh district?—A. No; I can not say that I do.

James A. Lavin, being duly sworn, on behalf of the contestant, deposes and says:

Direct examination by Mr. Barrett:

Q. What is your full name?—A. James A. Lavin.
Q. Did you meet a Mr. Josephs?—A. Yes.
Q. In the office of Charles Geraghty, on November 8, 1910?—A. Well, I was there when Mr. Josephs came in. I was not even introduced to him. I was sitting in the office at the time.

Q. What was said and done at that time?—A. Well, this man, as I understood, I heard Mr. Geraghty say, "Hello, Josephs"; I think that is the way it took place, and I just glanced around, and he immediately made the remark referring to politics; he said, "Well, Charlie, I have told you we would get away," words to that effect; he says, "We went down the line with all the boys." So Mr. Geraghty says, "What do you mean?" He said some of these fellows they held back for some time from the polls and we went and cut loose; and I think Mr. Wilson, that is the name, he came up, and I stopped from reading the paper to listen to what he said; and he says, "We got all the boys; indictments did not stop us; we got them all to cast their ballots"; and he says, "we lined the Davises up"; I think it was Davis, or words to that effect I do not know what more took place. So after that he left, and I said to Mr. Geraghty, "Who was this man?" He said his name was Josephs. I said he came out very broadly as to dishonest things. Mr. Geraghty said, "Yes; he is a politician"; so I says, "What is his business?" Mr. Geraghty said something in the court of criminal correction, or a clerk there. That is all I know.

THE GIVING OF PRIZES TO JUDGES AND CLERKS.

Francis H. Evers, being duly sworn, testified as follows:

Direct examination by P. T. Barrett, Esq.:

Q. State your name.—A. Francis H. Evers. Twenty-seven. Real estate agent. Republican clerk.

Q. Did you attend a meeting at Judge Reichman's court a night or two prior to that election?—A. I did.

Q. And that was a meeting, I believe, of all the Republican judges and clerks of that ward?—A. Well, it included the Republican workers, you know, ward workers.

Q. What ward was that?—A. Third ward.

Q. Who was the Republican committeeman for that ward?—A. George W. Reichman.

Q. He is also treasurer for the Republican congressional committee for the eleventh district?—A. I don't know about that.

Q. He is also the Republican congressional committeeman for that ward?—A. I believe he is.

Q. Did Mr. Reichman make an offer of prizes at that meeting?—A. Well, there was some prizes offered.

Q. He offered the two judges and clerks returning the highest vote from their precinct for Catlin the sum of $15 each in cash, didn't he?—A. Well, I don't remember just what those prizes were. I remember it was $15 for the precinct showing the best return, $10 for the next best, and $5 for the third best; but I don't know just all that was for.

Q. But those prizes were to go to the judges and clerks?—A. Yes, sir.

Q. And not for any other person?—A. No, sir.

Q. And it was paid on the best return for Catlin?—A. I am not sure about that.

Q Mr. Catlin was present there when Mr. Reichman made those offers?—A. He was.

Q. And it was within his hearing and presence?—A. It was.

Q. He did not make any objections to it, did he?—A. No.

Cross-examination by Mr. Early:

Q. Mr. Catlin wasn't being represented, so far as you know, by Mr. Reichman in any of these matters, was he?—A. As far as I know, no.

Q. Mr. Reichman was simply speaking for the Republican organization, was he not, so far you knew?—A. So far as I knew, yes, sir.

Francis H. Evers, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. You testified, I believe, some time last month?—A. I did.

Q. On behalf of the contestant, Mr. Gill, in this contest?—A. Yes, sir.

Q. Over in the Houser Building in this city?—A. I did.

Q. You gave some testimony there regarding some remark made by Mr. Reichman, regarding prizes?—A. Yes, sir.

Q. What remark was it that Mr. Reichman made up there that night?—A. I don't remember it exactly.

Q. You don't remember that remark?—A. No, sir; he made a number of remarks.

Q. What remark did he make there regarding prizes?—A. He offered prizes, $15, $10, and $5.

Q. He offered prizes to whom?—A. I don't remember.

Q. Was that a meeting of judges and clerks, or precinct committeemen?—A. I have forgotten.

Q. You have forgotten?—A. Yes, sir.

Q. Don't you know that the precinct committeemen were together that night, and that Mr. Reichman was calling upon them to name the watchers and challengers, and so forth?—A. The watchers and challengers were appointed that night; yes, sir.

Q. And they were appointed by the precinct committeemen?—A. I don't know who appointed them.

Q. That is, they were suggested by the precinct committeemen, were they not?—A. I don't know. They were suggested by the men present.

Q. Will you say now that that offer was made to precinct committeemen, judges, or clerks?—A. I can't say.

Q. For whom did you vote for Congress in the last election?—A. I voted for Gill.

Q. Do you remember betting on Gill's election?—A. Yes, sir; and I paid my bet the day after election.

Q. You bet, and paid the bets?—A. Yes, sir

Q. How much did you bet?—A. Didn't bet any money. I bet a bottle of champagne, and I gave him $2 for a half bottle.

Cross-examination by Mr. Barrett:

Q. Prior to the time that you testified on behalf of the contestant in this case, did not Mr. George Reichman call on you before you testified in this case?—A. No; I spoke to him in the car. I met him there.

Q. Did he speak to you about your testimony?—A. Yes, sir.

Q. He told you what you were to testify to, didn't he?—A. Yes, sir.

Q. What did you say to Mr. Reichman?—A. Oh, he asked only if I had been subpœnaed, and I replied that I had. He suggested that I tell the truth and have no hesitancy about speaking of any money matters.

Q. Did he say something about precinct men?—A. No, sir.

Q. Mr. Evers, as I remember your testimony before, you testified that an offer was made by Mr. Reichman of $15, $10, and $5 to the clerks in the precincts returning the highest vote for Mr. Catlin—$15 each on the Republican ticket?—A. No; I don't believe I testified that way.

Q. That is the way you testified, and it is so reported.—A. No; I didn't say that those prizes were for the clerks.

Q. Who were the prizes for, then?—A. I don't know.

Mr. Evers recalled.

By Mr. Barrett:

Q. The report that you said the election judges were paid any money or offered any money, was not true?—A. I said I did not know what those prizes were for.

Q. And you saw what the newspapers said, quoting you?—A. The papers said that I said they offered prizes for election judges and clerks for the highest votes for Catlin.

Q. And you didn't say it?—A. No; I did not.

By Mr. Newton:

Q. Do you know of any prizes having been given to anybody in that district?—A. No.

August Borcherding, being duly sworn, testified as follows:

Direct examination by Mr. Barrett:

Q. State your name, age, residence, and occupation.—A. My name is August Borcherding; I reside at 1310 Warren; my occupation—I am not doing anything just now.

Q. What is your age?—A. Sixty. I will be 61 the 20th of July.

Q. You are 60 past?—A. Yes, sir.

Q. Did you officiate in the election that was held in the eleventh congressional district, on the 8th day of November, 1910?—A. Yes, sir.

Q. In what capacity?—A. Judge.

Q. Republican or Democrat?—A. Republican.

Q. At what ward and precinct?—A. Third, ninth precinct.

Q. Did you attend the meeting that was held at Reichman's court a night or two prior to the election?—A. I did.

Q. And Mr. Reichman made an offer of prizes to the judges and clerks, didn't he?—A. He did; yes, sir.

Q. And when he made that offer Mr. Catlin was present?—A. He was present.

Q. And he made no objection to it?

Q. And the offer of prizes was as follows: $15 to the judges and clerks returning the highest vote for Mr. Catlin?—A. Yes, sir.

Q. $15 each?—A. Yes, sir.

Q. To the judges and clerks returning the second highest vote for Catlin, $10 each in cash, and to the two judges and clerks returning the third highest vote for Mr. Catlin, $5 each?—A. Yes, sir.

Q. Did Mr. Reichman visit that polling place on election day?—A. He did.

Q. Did Mr. Reichman leave some money there?—A. Yes, sir; I seen him leaving money there.

Q. To whom did he give it?—A. If I recollect right, he gave it to——

WITNESS (continuing). If I recollect right, he gave it to Mr. Conway, if I remember right, and Mr. Conway turned it over to Mr. Summers.

Q. Who is Mr. Conway?—A. The Democratic clerk of that precinct.

Q. Do you remember the amount?—A. I think it was $10.

Q. And was that $10 wrapped up and tied with a rubber band?—A. Yes, sir.

Q. And had Mr. Catlin's card inclosed in it?—A. I don't know anything about that. I don't think it was, because it didn't look that way to me.

Cross-examination by Mr. Early:

Q. You did not see Mr. Catlin hand anybody any money, did you?—A. Not a thing.

Q. Not a cent?—A. No.

Q. You never heard Mr. Catlin say that Mr. Reichman had any authority to represent him at any time, did you?—A. Not at all.

Q. This $10 that was given was for the ward workers, wasn't it?—A. It was given, if I remember distinctly, for their meals.

Q. That was the purpose for which this money was given?—A. That is what he announced to us. He said, "Boys, here is $10. There is the money for your meals."

Q. And that is what you understood that this money, the only money that you saw passed, was passed for? Was for the purpose of buying or paying for the judges' and clerks' meals?—A. The meals; that is all that Mr. Reichman announced.

Q. Mr. Reichman never asked anybody to accept the money, or offered any money, in your presence to corrupt any votes, did he?—A. No.

Q. He said nothing about your influencing anybody's vote, did he?—A. No.

Q. And, as far as you know, was the election in your precinct conducted honestly and fairly?—A. I am pretty sure that we conducted the election as square as we knew how.

Q. You did the best that you could, did you?—A. The best to our knowledge.

Q. Did you burn up any ballots, or refuse to count any that were cast?—A. Never.

Q. Do you know of anything of that sort being done?—A. No, sir.

Q. Do you know of any votes cast for Mr. Gill being counted in your precinct for Mr. Catlin?—A. No.

Q. Do you know of a dollar or a cent being spent for the purpose of corruptly influencing any vote in your precinct?—A. I do not.

Q. And you never heard of Mr. Catlin offering anybody any money?—A. Never in my presence.

Q. So far as you know, he never did, did he?—A. Never did in my presence.

Q. And if there was any money corruptly spent, you don't know it?—A. Don't know anything about it.

Q. Did the Democratic committeemen receive a like sum, or about the same sum, from the same source, for the same purpose—of buying meals?—A. From the Democratic side?

Q. Yes.—A. I think they did.

Q. Did you see it?—A. I believe it was $5 that passed from the Democratic committeeman.

Q. And that always prevailed at the elections with either party, did it not, that the judges and clerks were furnished their meals by the committeemen?—A. Yes, sir; on election day—not on revision day or any other day—but on election day and the primaries.

Q. That was done by both committees?—A. As a rule, yes, it was.

Cross-examination of August Borcherding resumed by Mr. Early:

Q. These prizes that were offered there at the meeting, they were offered to the precinct committeemen, were they not, for getting out the voters?—A. How is that?

Q. These prizes that you have spoken of that you say were offered, they were offered, were they not, to the precinct committeemen?—A. I don't know; I don't know anything about that. I heard there was an offer.

Q. You don't know that?—A. I don't know where they came from. I don't know where they should go to.

Q. You don't know whether they were offered to the judges and clerks, or whether they were offered to the committeemen?—A. As I

understood it, it was for the precinct that had the highest vote. I didn't make any head out of it at the time.

Q. It was spoken to the precinct committeemen, wasn't it?—A. How is that?

Q. That was a meeting of the precinct committeemen, wasn't it?—A. Well, it seemed that way.

Q. Republican precinct committeemen?—A. It was that way; it was called by the board.

Q. That was a meeting, wasn't it—this offer was made at a meeting of the precinct committeemen?—A. Yes, sir.

Q. That is the same meeting that was spoken of by Mr. Evers, wasn't it?—A. Yes, sir.

Q. And that is the only offer that you ever heard that was made—was at the precinct committee meeting?—A. Yes; that is all.

Henry Pins, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. What is your name?—A. Henry Pins.

Q. Where do you live?—A. 1409 Clinton Street.

Q. What is your occupation?—A. Clerk in the license commissioner's office.

Q. Did you hold any official position prior to the election held on the 8th of November, 1910?—A. Yes, sir.

Q. What was it?—A. License inspector in the commissioner's office.

Q. Did you hold any position with reference to the political organization in the ward?—A. I was precinct committeeman.

Q. What precinct?—A. The twelfth precinct, third ward.

Q. Were you present at any meeting held in Judge Reichman's court prior to the election?—A. Yes, sir.

Q. What night was it held?—A. I think it was Saturday night prior to the election.

Q. What, if anything, was done with reference to making rules for the election that night?—A. Mr. Reichman instructed all of the men to get up early and see that the judges were at the election polls, and not to be fooled as they were once before, not to pay any attention to any letter with his name signed to it, that they shouldn't pay any attention at all to any letters, and that everybody was to be there.

Q. What, if anything, was done with reference to calling the roll of the precincts?—A. Why, they called them down the line, from 1 to 17. They were all present.

Q. What, if anything, was done there by anyone, or what was said, if anything, regarding prizes?—A. That was after the meeting was all over, and we were all sitting there joshing, and I said it would be a good idea to give $10 to the one bringing in the returns first, and Mr. Wade said, "We ought to make it $15, that we would get that as quick as we would get $10."

Q. What did the others say?—A. They all laughed about it. That is all that was said.

Q. Were there any prizes offered by Judge Riechman to anyone?—A. No, sir.

Q. That is the sum total of what was said about prizes, is it?—A. Yes, sir.

Robert Olsen, being duly sworn, testified as follows:

Direct examination by Mr. Early:

Q. You may state your name.—A. Robert Olsen.

Q. What ward and precinct were you in on November 8, 1910?—A. First precinct, third ward.

Q. Were you at a meeting at Judge Reichman's court two or three days before the election of November 8, 1910?—A. Yes, sir.

Q. What kind of a meeting was that, Mr. Olsen?—A. I understood it to be a meeting of the precinct workers.

Q. What time did you get there?—A. Shortly after 8 o'clock.

Q. What happened after you got there?—A. Well, the meeting was called to order, and Mr. Reichman began giving instructions to the judges and clerks not to pay any attention to any letters or notices to them on the morning of election, and that he would give no notices out; if he had any messages to deliver, he would be at the polls on election morning and deliver them himself. So after that he went on with other instructions. After that we dismissed the judges and clerks, told them that that was all. Then they started in with the precinct workers, selecting the challengers and watchers.

Q. What was said and done there as nearly as you can recall?—A. Well, each precinct committeeman was asked to place a name or two names for challenger and watcher, and I was selected as a challenger in the first precinct.

Q. Did you hear anything said there about prizes or anything of that character, to workers, and if so state what was said and by whom?—A. I heard Mr. Pins make a remark——

Q. Where does he live?—A. I don't know; somewhere on Clinton Street, I think—I am not positive. I don't know his address. He said that they should make an offer to give the precinct men or man bringing in the quickest returns $10, and some one in the crowd, who it was I don't know, said, "You better make it $15"; and it was laughed off and passed on as a joke. Nothing more was done that evening.

Q. During that time did you see Mr. Catlin in the room?—A. No, sir; I did not.

Q. Was he in the room at any time while that conversation was going on?—A. I did not see him.

Q. As a matter of fact, do you know of a cent, or of any prize offer being paid either before the election or after the election?—A. No, sir; I do not.

Q. You received nothing?—A. No, sir.

Emil Alexander, being duly sworn, testified as follows:

Direct examination by Mr. Newton:

Q. What is your name?—A. Emil Alexander.

Q. What ward and precinct do you live in?—A. Third ward, fourth precinct.

Q. Do you remember attending a meeting in Judge Reichman's two or three days prior to the election, which was held on November 8, 1910?—A. I remember attending a meeting there. I think it was a day or two previous to the election of November 8.

Q. Do you remember what night in the week it was?—A. Well, I am not positive whether it was Saturday night or Monday night. It was a day or two previous to the election.

Q. You may state who was present at that meeting.—A. Well, there were a number of people present at the meeting. I don't just remember all who were there. I heard there was a meeting of precinct committeemen, a precinct meeting to be held at George Reichman's court, and I happened to be in the neighborhood, and I dropped in.

Q. What were you at the election?—A. I was a clerk.

Q. A Republican clerk?—A. Republican clerk; yes, sir.

Q. You heard of this precinct committee meeting?—A. I heard that there was to be a meeting of the precinct committee at Judge Reichman's court.

Q. Did you go in?—A. I stepped in for a while; yes, sir.

Q. What took place there?—A. The meeting had already convened when I got there, and they were calling the precincts in order to see whether the representative was there for each and every precinct.

Q. Who were they calling for each precinct?—A. The precinct committees.

Q. What, if anything, were they doing with reference to the election; with regard to instructions, or anything of that sort?—A. Well, I didn't hear all the instructions. I stepped out of the room; stepped in and stepped out several times. They had finished calling the numbers and precincts in the ward, and I stepped in again, and I heard Mr. Pins saying something about a prize that ought to be offered to the precinct returning the largest number of votes.

Q. Offered to whom? The judges and clerks or precinct committeemen?—A. It was a suggestion that was made; I don't know who he was directing it to; he was just suggesting it.

Q. From whom do you say that suggestion came?—A. That came from Mr. Pins.

Q. It didn't come from Mr. Reichman, then?—A. No, sir; I heard that remark come from Mr. Pins.

Q. Was there any offer by Mr. Reichman of any prizes?—A. The judge said that would be a pretty good idea, and we laughed. They all laughed.

Q. Did they regard it seriously?—A. No; I think they considered it as a joke.

Mr. BARRETT. I object to that as suggesting to the witness.

Q. What do you say?—A. From their actions, I considered it a joke.

Q. Did you hear of any offers of prizes made to any of the judges or clerks?—A. There wasn't any made to me, and I didn't hear of any made to anybody else. I was one of the clerks of election, and there was no offer made to me, and I did not hear of any other judge or clerk being offered any.

Mr. HAMILL. Mr. Speaker, I would like to make some arrangement about the disposition of the remaining time. As we have the right to begin and the right to reply, we want a reasonable time in which to make that reply. I make this suggestion that we go on for half an hour, and then the gentlemen on the other side consume the balance of their time, and that will give us just a half an hour in which to reply.

Mr. ANDERSON of Minnesota. Does the gentleman expect to have more than one speech in his reply?

Mr. HAMILL. I do not know.

Mr. ANDERSON of Minnesota. It is hardly fair to complete the argument on this side, and then have half a dozen speeches on that side.

Mr. HAMILL. So long as we do not limit the gentleman to the number of speeches on his side I do not think he can complain.

Mr. ANDERSON of Minnesota. I think the custom is for the proponents of the resolution to conclude with one speech.

Mr. HAMILL. Whatever the custom is we are willing to abide by it.

Mr. ANDERSON of Minnesota. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has 1 hour and 45 minutes.

Mr. HAMILL. Mr. Speaker, I yield 15 minutes to the gentleman from Indiana [Mr. KORBLY].

Mr. KORBLY. Mr. Speaker, this case naturally divides itself into two parts, and for the few moments allotted to me I shall endeavor to discuss but one part of the case.

There is no dispute about the facts, as far as I am concerned; it is just a question of conclusion, and I will begin by directing the attention of the House to a letter which one of the counsel for the contestee was kind enough to send me through the mail yesterday. It is as follows:

WASHINGTON, D. C., *August 3, 1912.*

Hon. C. A. KORBLY,
House of Representatives, Washington, D. C.

DEAR SIR: Your attention is respectfully invited to the accompanying extracts from the Washington Post and Washington Times of recent date:

"Patrick Gill, Democratic contestant in the eleventh Missouri district, was defeated by a plurality of 2,500 in the Democratic primaries Tuesday.

"Theron E. Catlin, Republican contestee, was renominated without opposition in the Republican primaries on the same day.

"The foregoing result was attained at a direct primary. It is a true expression of popular sentiment at home, where the people, Democrats and Republicans alike, know the facts.

"The registered will of the people vindicating Mr. Catlin and repudiating Mr. Gill confirms the judgment of the Democratic Supreme Court and Legislature of Missouri in dismissing all Democratic contests of Republican State officials elected at the same time the election in the eleventh congressional district was held and by the same election officials, registration and naturalization, in that district.

"The Democratic State contests were dismissed because of lack of evidence of fraud or corruption in every congressional district of Missouri, including the eleventh district.

"Can the majority report of Election Committee No. 2 be justified or honestly sustained in the light of these and all other facts in the case?"

Very truly, yours,

E. C. BROKMEYER,
Associate Counsel for Mr. Catlin.

Now, it might have occurred to Mr. Brokmeyer that in view of the rosy prospects for Republican success at the coming election there might have been several candidates in the district seeking the nomination. As a matter of fact, there were three candidates seeking the nomination on the Democratic ticket, and Gill went down. Democratic prospects brought out the candidates. As one of the committee, I am not very much

impressed with the argument adduced in this irregular way by the counsel for the contestee.

Now, as I have said, this case naturally divides itself into the question whether or not Catlin is entitled to his seat; and then, if it is decided that he is not, whether or not Gill is entitled to the seat. On the first branch of the case I desire to make a few observations. The corrupt practices act of the United States, like its prototype, the corrupt practices act of Missouri, had for its purpose the giving to the public of knowledge concerning the use of money in elections.

The contestee in this case, who is only 32 years old, who is only a graduate of Harvard University, whose experience is limited to one term in the Missouri Legislature, called to his assistance, directly or indirectly, one of the most astute lawyers in the State of Missouri, and one time partner, if you please, Mr. Speaker, of the present Secretary of Commerce and Labor. It was through this astute lawyer that the money—$10,200—was expended. I will take the minority report. I do not have to go to the record to read:

> The testimony in this case shows that the contestee spent, in securing his election, the sum of $551. The maximum amount which he could legally expend under the law of Missouri was $662, and it is not claimed that the contestee personally exceeded the limit in his personal expenditure. But the evidence further shows that the father of the contestee, Daniel Catlin, expended, to secure the election of his son, the sum of $10,200.

If there is anything proven clearly in this case it is that the spirit of the corrupt practices act of Missouri and the spirit of the corrupt practices act of the United States was violated, for—I quote again from the minority report this excerpt from the testimony of the contestee's father:

> My son would never have heard that I had given this money if it had not been for this contest.

Can the gentleman from Minnesota [Mr. ANDERSON], can the gentlemen from the other side of the House, have any doubt on the proposition that it was the intention of the parties to these transactions that the dear public should never know about what took place? The contestee can not be allowed to close his eyes to what took place. At the time the dinner was to be given at the home of Mr. Catlin's father, Mr. Goldstein came to the contestee and asked him whether or not he had invited Dan Kirby, and he answered that he had not, and Goldstein said, "Then I want you to have him there," and Mr. Catlin invited him. Why should he invite Dan Kirby, the great lawyer and astute politician, to his home? Kirby did not even live in his district. Yet he invites him to his dinner table, together with his manager, Mr. Goldstein, and eight or nine members of his campaign committee.

They sit down to dinner, and when the dinner is over the astute lawyer and politician, who seems to have been brought into the case to show the contestee how to evade the law, said to him, "Let's get down to business. I think you better leave the room." This contestee, living under the same roof with his father, who gave $10,200, eating at his breakfast table, having office room in his office, access to his books, was not put upon notice by this suggestion that a man outside the district should be invited to the party councils at his father's board! When he was invited to leave the room, he meekly obeyed. He avoided means of knowledge. It will not do for the contestee and it will not do for the father and the brother and the sister and the other parties to this dinner to say that money matters were not discussed. That would be to overthrow the very evident purpose that was apparent through the whole transaction, that they desired to expend $10,200 in bringing about the election of Theron E. Catlin, and not have anybody known anything about it. [Applause on the Democratic side.] I prefer for my part, as a judge in this case, to disregard the statements of interested people and to give credence to the facts that speak so forcibly and eloquently.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. KORBLY. Yes.

Mr. ANDERSON of Minnesota. I would like to call the gentleman's attention to his position before the committee. The gentleman during the hearings of the committee said:

> There is no question if a sufficient number of votes to vacate the election were fraudulently obtained, but if he put in ten and that would not change the result, I am free to say as a judge in a case that I would not regard it.

Has the gentleman changed his mind since then?

Mr. KORBLY. I have not. If this money had been spent by strangers to the contestee I would not undertake to hold him responsible, unless enough votes were corrupted to change the result, but for him to have one, two, three, four of the people with whom his everyday life is cast, a party to the thing, and then undertake to say to the American people or to me as a judge in this case that he knew nothing about it and that his intentions were good is not very convincing nor persuasive.

Mr. ANDERSON of Minnesota. Will the gentleman point out why his father or any of his relatives would stand in a different position with reference to the law of Missouri than any other person would?

Mr. KORBLY. The statute is clear. It says he shall not spend himself or by or through others. He can not escape the conclusion that these men were acting for him as his agents. They came out of his house. They were practically of his rooftree and hearthstone. He can not do by another what the law will not allow him to do himself, and so far as the case in the Missouri court deciding the questions involved at this bar are concerned, I wish to say that the expenditure of $10,200 by the relatives of this contestee was not in any wise whatsoever involved. This case is on trial at the bar of this House. This is the proper tribunal, and what has been done and what has been said about it elsewhere can not and will not be allowed to control the action of this court.

Mr. RAKER. Mr. Speaker, will the gentleman yield for a question?

Mr. KORBLY. Certainly.

The SPEAKER pro tempore (Mr. SHARP). The time of the gentleman from Indiana has expired.

Mr. RAKER. I am seeking light and information.

Mr. KORBLY. But my time is gone.

Mr. RAKER. I know it has gone, but this is important to get an answer.

Mr. KORBLY. I yield if I may have the time.

Mr. HAMILL. I yield two minutes more to the gentleman.

Mr. RAKER. I understand in section 646 of the Revised Statutes there is a provision that the candidate must make a statement and can expend only so much money.

Mr. KORBLY. That is my understanding.

Mr. RAKER. And under a section following it provides that a committee may spend money for a candidate.

Mr. KORBLY. Yes.

Mr. RAKER. It says two or more persons. Is there any provision of the Missouri law that one man may go out, voluntarily and by himself, relative or otherwise, spend money for the candidate without violating the law?

Mr. KORBLY. In answer to that I will say to the gentleman that in this instance two or more men did it, because Mr. Catlin turned the money over to Mr. Kirby. It was the act of two people, and they are constituted a committee by the law. They did not report and did not intend to report.

Mr. RAKER. They made no report?

Mr. KORBLY. None whatever.

The SPEAKER pro tempore. The time of the gentleman from Indiana has again expired.

Mr. HAMILL. Mr. Speaker, I yield 15 minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I dislike very much to enter upon a case of this kind. I especially like to see young men enter public life and take a part in affairs relating to the National Government, their various States, counties, and municipalities. I feel that the gentleman from Missouri, Mr. Catlin, under other circumstances might have been a very valuable Member of this House—a man of sufficient means to take the time to come here and devote his services and energy to this work, a graduate of Harvard who, no doubt, is abundantly able to cope with the various matters that come before this body for action and with time and ability to give them proper and thorough consideration; but under the circumstances and in view of the testimony and facts contained in the record in this case I have been constrained to agree that he ought to be unseated and that his opponent, Mr. Gill, ought to be seated.

I can not agree that a man can enter upon an election, that more than $10,000 can be expended on all sides of him, and that the candidate can go through that election, hearing and seeing what the money has purchased, and knowing that the wheels and machinery of the election are turning around with great rapidity, and knowing that much advertising is being done on his behalf—I can not but believe that a man of his ability, a man of his experience, a graduate of the great university of Harvard, could not go through an election of that kind without knowing something about where the money came from. Why, Mr. Speaker, 35,000 American flags with white streamers were placed in the hands of all the school children of the district with "Vote for Catlin for Congress" on them. An electric sign was displayed in Catlin's candidacy with his photograph. Men went about soliciting votes and getting everybody they could interested in his election.

Then we find that this money was being provided by those of his own household, and that all of the members of his

family knew of it and sanctioned the expenditure, and that the brother of contestee, his sister, and the attorney for the family all knew that his father was giving the money and his attorney, Daniel E. Kirby, was attending to the affair, all going about doing what they could to elect Theron E. Catlin to Congress. I can not but believe that some information must have sifted through and informed him that money was being expended in his behalf. I realize that a certain amount of money must be expended in every election. I realize that certain advertising must be done for candidates, and especially new candidates, by way of advertising in the newspapers of the city or of the State, and by flags, if you please, and otherwise. I realize all of these facts, but the Missouri law provides a way in which that could be done, and that way was through a committee, which must account for money received and expended, and in this case they did not even constitute themselves a committee, but expended the money without making any report whatever, and with the evident intention of evading the law. I say that while I realize a certain amount of money must be expended, there is a legitimate way to do it; there is a legitimate way to account for it, so that the people could have full knowledge and information of what had been done.

The testimony in this case shows that an arrangement was entered into by Daniel Catlin, the father; Daniel K. Catlin, the brother, and Daniel E. Kirby, a prominent lawyer, by which money was to be furnished Mr. Kirby by the father, and that he was to expend the same in procuring the election of Theron E. Catlin to Congress. From all the testimony it would appear that Mr. Kirby was trying to avoid violating the corrupt-practices act of Missouri, which provides that not more than $662 could be expended by the candidate or others in his behalf, and for that reason it would appear that the contestee was to be kept in ignorance of the expenditures so made under this arrangement. We find that at the dinner given at the house of Daniel Catlin, at which the workers and Mr. Kirby and the contestee were present, as soon as the festivities were over some one remarked, "Let us get down to business," and immediately the contestee retired, and after his retirement the question of money was discussed.

Why did the contestee, who should have been the one the most vitally interested, leave the room at this juncture? Could it have been for any other purpose than to remain in ignorance of the money question? His sister, who lived at home with her father and the contestee, knew of the money being furnished by her father. The check books of the father were at all times accessible to the contestee, and showed plainly the payments to Mr. Kirby.

When the contestee visited the various saloons in the district he entered with one of his congressional committee, but when it came time to settle he left and entered his automobile, asking, as he states, nothing of what the visit had cost nor who had settled, except that on one or two occasions, when he settled with his committeeman for the expenditure. Can any one explain why he took this course, other than to remain in ignorance.

When the judges and clerks of election were called to meet at the offices of his friend and committeeman, Justice Reichman, the night before the election, when prizes of $15, $10, and $5 were offered to those obtaining the largest number of votes for Catlin, two of the witnesses testify in their examination in chief that the contestee was present and must have heard the speech of Reichman and also the offers made by him to those judges and clerks, and was certainly put upon notice, being a lawyer and a business man, that such action was improper, to say the least. And one would naturally suppose that he would desire to know from whence such a large sum of money for the district was to come.

I know the gentleman from Minnesota states that these witnesses disputed that, and say they did not tell the facts upon examination in chief, but we are entitled to rely upon their testimony before the examiner in chief as much as their cross-examination, and, I may say, more so. Mr. Speaker, it seems to me that in view of these facts, in view of the fact that a large sum of money was being expended and not being accounted for, and in view of the fact that the legislature of which the gentleman was at one time a member has provided means for expending money and means for accounting for the money so expended, I am convinced that the contestee was fully informed, and certainly had sufficient legal knowledge to know that he should comply with the law. As to the seating of Mr. Gill, we find that three-fourths of the unnaturalized voters in that district lived in the third and eighteenth wards. We find that 2,000 unnaturalized persons voted in that election, and it is so admitted by the contestee. It was impossible to trace the whole 2,000, but we were able to trace some 311 of those votes and, while the contestee averred in his answer that those votes were cast for Mr. Gill, we find by tracing those votes directly from the ballot to the poll register, that each and every one of them had voted for Mr. Catlin, and the committee determined that if out of 2,000 votes 311 had been traced and each and every one of them had voted for Mr. Catlin, it was but fair to assume that the whole 2,000 had voted for him and that those two wards ought to be cast out. Therefore the committee voted to cast out the third and eighteenth wards, and by computation we find that the majority for Mr. Gill would be about 431.

Now, Mr. Speaker, in conclusion, I wish to say that I, personally, do not believe that the question of an election ought to rest upon the question as to whether the candidate had himself purchased his election, but no man or men should be allowed to purchase it for him. I think in the Lorimer case, at the other end of the Capitol, very little money, if any, was ever traced directly to Mr. Lorimer; but it was shown that other persons did the buying, of which he was the beneficiary.

Mr. COOPER. Will the gentleman yield?

Mr. LINTHICUM. In a moment. The fact that some one who is a candidate or somebody in his interest purchased the election for him ought to be enough to invalidate it, and why? Because if persons are made to know that an election purchased by the candidate himself or some third party for him will be invalidated, then the third party will never purchase an election, knowing it to be corrupt and a useless purchase. So I say in this case that granting Catlin did not allow any facts to sift through to him, and though he did not know of the purchase of this election by his family, his father, his sister, and brother, and counsel, it seems to me it is not fair that he should occupy a seat upon the floor of this House, but that the law and likewise the spirit of the law should be enforced.

Mr. COOPER. The gentleman speaks of 311 of the votes being the votes of unnaturalized citizens?

Mr. LINTHICUM. Yes.

Mr. COOPER. It is a fact, is it not, that when they consulted the ballots and the registry books they could tell exactly that these voters voted for Catlin, and that they investigated those 311 votes?

Mr. LINTHICUM. Yes. It is also shown, as I remember it, that they could take the registration books and compare the vote with the registration books and find out exactly for whom the voters had cast their ballots, and they found that out of the 311 each and every one had voted for the contestee.

Mr. ANDERSON of Minnesota. Is not the gentleman aware of the fact that none of these 311 persons were called in to testify?

Mr. LINTHICUM. No; they were not called in.

Mr. ANDERSON of Minnesota. Was it proved that these men were naturalized or unnaturalized?

Mr. LINTHICUM. They went upon the registration books as unnaturalized.

Mr. ANDERSON of Minnesota. I want to call the attention of the gentleman to the fact that the nativity of the voters was given, but that under the column devoted to remarks they neglected to state the places where they had been naturalized, and so far as the evidence shows there was no evidence to indicate that these people were not naturalized.

Mr. LINTHICUM. I believe some of them claimed they were naturalized by act of Congress. They were omitted and are not included in the 311. The reason why the whole 2,000 were not investigated was that there was not sufficient time in which to do it.

Mr. ANDERSON of Minnesota. Most of this evidence was brought in in rebuttal?

Mr. LINTHICUM. Yes; but I do not think it matters much whether it was brought out in the examination in chief or in rebuttal.

Mr. ANDERSON of Minnesota. I think it is very important.

Mr. BURKE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Maryland yield to the gentleman from Pennsylvania?

Mr. LINTHICUM. I yield.

Mr. BURKE of Pennsylvania. The committee did find upon investigation that 311 of these votes were cast improperly, and as a consequence they threw out 2,000 votes of the same class?

Mr. LINTHICUM. The committee found that 2,000 unnaturalized voters had voted in that district who ought not to have voted. The committee was able in the allotted time to investigate only 311 of those cases, and of those 311 who were found to have voted improperly every one of them was found to have voted for the contestee.

Mr. BURKE of Pennsylvania. If the committee found that 311 had voted improperly, why should you go behind that and

find that in addition to the 311 who had voted improperly 1,689 more votes should be placed in the same classification? Would it not have been sufficient to have simply shown that 311 had voted illegally?

Mr. LINTHICUM. I say it was found that 2,000 voted illegally and that 311 were traced and were found to have voted for Catlin.

Mr. BURKE of Pennsylvania. As a consequence of that, however, they threw out the entire vote, in the aggregate 9,100 votes, and you say in your report that that was done because the committee found that there were 2,000 unnaturalized citizens who voted in the entire congressional district?

Mr. LINTHICUM. I will say that in addition to that the committee believed that the judges were bribed in the third ward, and that the Democratic and Republican committeemen worked in the interest of Mr. Catlin, both in the third ward and in the eighteenth ward.

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. LINTHICUM. I will, as soon as I get through with this colloquy with the gentleman from Pennsylvania.

Mr. BURKE of Pennsylvania. Was there evidence supporting the allegation of bribery of election officers?

Mr. LINTHICUM. Certainly; evidence showing that prizes were offered to the judges of election for the highest vote cast for Mr. Catlin.

Mr. BURKE of Pennsylvania. But that is not within the subject of controversy here.

Mr. LINTHICUM. I beg the gentleman's pardon. Prizes were offered in that ward by the justice of the peace elected by the people to the judges and clerks of election in the presence of contestee.

Mr. BURKE of Pennsylvania. But these bribes were not offered to the election officers?

Mr. ANDERSON of Minnesota. Mr. Speaker, I believe we ought to have a quorum here while this case is under consideration. I make the point that there is no quorum present.

The SPEAKER pro tempore. Evidently there is not a quorum present.

Mr. HAMILL. Mr. Speaker, I move a call of the House.

The SPEAKER pro tempore. The gentleman from New Jersey moves a call of the House. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

Mr. BURKE of Pennsylvania. Mr. Speaker, I move that the House adjourn.

Mr. HAMILL. Mr. Speaker, I make the point of order that a roll call is now in progress.

Mr. BURKE of Pennsylvania. I move that the House do now adjourn.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BURKE] moves that the House do now adjourn. The question is on agreeing to that motion.

The question was taken, and the motion was rejected.

The SPEAKER pro tempore. The Clerk will call the roll.

Mr. ANDERSON of Minnesota. Mr. Speaker, I see that Members are returning, and I therefore withdraw the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I have just come into the Hall. Did the Chair announce that there was no quorum present?

The SPEAKER pro tempore. The Chair did.

Mr. UNDERWOOD. Then I suggest that the roll call proceed. It is too late to withdraw the point.

The Clerk proceeded to call the roll, when the following Members failed to answer to their names:

Adamson	Burke, Wis.	Davidson	Garner
Akin, N. Y.	Burnett	De Forest	Gillett
Ames	Byrnes, S. C.	Dickson, Miss.	Glass
Anderson, Ohio	Calder	Dies	Goldfogle
Andrus	Callaway	Draper	Gould
Ansberry	Cannon	Driscoll, D. A.	Gudger
Anthony	Cantrill	Driscoll, M. E.	Guernsey
Ayres	Cary	Pupré	Hamilton, Mich.
Barchfeld	Catlin	Dyer	Hanna
Barnhart	Clark, Fla.	Edwards	Hardwick
Bartlett	Collier	Ellerbe	Harrison, N. Y.
Bates	Conry	Esch	Hartman
Bell, Ga.	Copley	Estopinal	Hayes
Berger	Covington	Fairchild	Heald
Boehne	Cox, Ind.	Fields	Helgesen
Borland	Cox, Ohio	Finley	Henry, Conn.
Bradley	Cravens	Focht	Higgins
Brantley	Crumpacker	Foss	Hinds
Brown	Currier	Francis	Hobson
Browning	Dalzell	Fuller	Houston
Burgess	Daugherty	Gardner, N. J.	Hughes, Ga.
Hughes, W. Va.	Matthews	Riordan	Talbott, Md.
Humphrey, Wash.	Mays	Roberts, Mass.	Talcott, N. Y.
Humphreys, Miss.	Mondell	Roberts, Nev.	Taylor, Ala.
Jones	Moon, Pa.	Roddenbery	Taylor, Colo.
Kindred	Moore, Tex.	Rodenberg	Taylor, Ohio
Knowland	Mott	Rothermel	Thistlewood
Konig	Murdock	Rouse	Tilson
Konop	Murray	Rubey	Towner
Kopp	Nelson	Rucker, Colo.	Townsend
Lamb	Norris	Rucker, Mo.	Turnbull
Langham	Nye	Saunders	Vare
Langley	Palmer	Scully	Volstead
Lawrence	Patten, N. Y.	Sheppard	Vreeland
Legare	Patton, Pa.	Sherley	Warburton
Lenroot	Pepper	Sherwood	Watkins
Lindsay	Peters	Simmons	Webb
Littleton	Pickett	Sims	Weeks
Loud	Post	Slemp	Whitacre
McCreary	Powers	Small	White
McGillicuddy	Pray	Smith, S. W.	Wilder
McGuire, Okla.	Prince	Smith, Cal.	Wilson, Ill.
McHenry	Pujo	Smith, N. Y.	Wilson, N. Y.
McKenzie	Rainey	Speer	Wood, N. J.
Macon	Randell, Tex.	Stack	Young, Mich.
Madden	Redfield	Stephens, Cal.	Young, Tex.
Maher	Reyburn	Stevens, Minn.	
Martin, S. Dak.	Richardson	Sulloway	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

The SPEAKER. The roll call shows 200 Members present, a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. UNDERWOOD. Mr. Speaker, I ask leave to make a statement.

The SPEAKER. The gentleman from Alabama asks unanimouse consent for one minute to make a statement. Is there objection?

There was no objection.

Mr. UNDERWOOD. On account of the congested condition of the public business it will be necessary for us to complete this case to-night. I hope that the Members of the House will remain here so that there will be a quorum, and no further delay in the transaction of business.

Mr. ANDERSON of Minnesota. Mr. Speaker, I yield 40 minutes to the gentleman from Ohio [Mr. SWITZER].

Mr. SWITZER. Mr. Speaker, in reply to the contention of the gentleman from Maryland [Mr. LINTHICUM] that there were 2,000 illegally registered voters in the third and eighteenth wards of the eleventh congressional district of Missouri, the district from which Mr. Catlin was elected as a Representative in Congress, I desire to say that there is no evidence, in or out of the record, to show that there were 2,000 illegally registered voters upon the list. There is not a scintilla of evidence showing that number. The only illegally registered voters were 31 in number. True, it is shown that there was a defective registration of 2,000 voters, but a defective registration does not make an illegal registration. I desire to say to the gentleman that before you prove that a vote cast and counted is illegal you must show something more than the mere fact that there was a defective registration. In other words, a man may be defectively registered and yet be a legal voter; and on that proposition there is no need for me to waste much time in argument. That question was decided by this House in the Broad Seal case from New Jersey in the Twenty-sixth Congress in 1840. This House then laid down this rule:

A vote being received as sound, the mere fact that a voter is an alien does not compel the party claiming it to prove the naturalization.

That was laid down as a rule in that case and has been followed ever since; and the mere fact that some clerk has left off the name of the court or something else from the registration list, while it makes a defective registration, does not make out of that alien-born, whose name is enrolled there, an illegal voter.

See report of the majority of the committee in the Broad Seal case on pages 1032 and 1033, Hinds' Precedents, volume 1, as follows:

A minority of the committee were of opinion that it was sufficient for the party objecting to the vote to prove that the voter was alien born, and that the burden of proof was thereby thrown upon the party for whom the vote had been rendered at the poll to prove that the voter had been naturalized. And it was urged with great earnestness that to adopt any other rule of evidence would be to depart from the plainest principles of law and reason—to impose upon the party objecting to a vote the proof of a negative, and a negative, too, which nothing short of searching of every court of record having common-law jurisdiction, a clerk, and seal, and in the Union could possibly establish.

Without minutely criticizing the argument, it is deemed proper to inquire to what practical consequences the rule would lead if it be fully admitted; for the proposition is to be taken, not as a mere abstract annunciation of the order of proof, but as practically applicable to the decision of cases of contested election in the House of Representatives.

The committee, as the organ of the House, have a positive affirmative proposition to adjudge and declare before a sitting Member can be

displaced on a single vote received for him at the polls can be ejected from the ballot box. Before a Member is admitted to a seat in the House, something like the judgment of a court of competent jurisdiction has been pronounced on the right of each voter whose vote has been received; and in order to overturn this judgment it must be ascertained affirmatively that the judgment was erroneous. Prima facie, it is to be taken that none but the votes of qualified voters have been received by officers whose sworn duty it was to reject all others. This principle will be found to have been solemnly and unanimously declared by the committee, as a basis of future action, soon after entering upon the investigation of this case. (See Rept. No. 506, p. 46.)

It is not sufficient that there should exist a doubt as to whether the vote is lawful or not; but conviction of its illegality should be reached, to the exclusion of all reasonable doubt, before the committee are authorized to deduct it from the party for whom it was received at the polls.

Will the mere naked fact that a voter was alien born, in the absence of all other proof, produce such conviction on any candid mind? Is it not already answered, or rather, is not even a presumption from that fact alone precluded, by the judgment at the polls? All foreigners from birth are not disqualified from voting, but only a certain class. Are we to presume that the voter, whose vote has been received by the officers of the election, to be of the disqualified or the qualified class? The question is answered by the unanimous resolution of the committee already referred to, as well as by the reason and analogy of the case.

The committee can not believe that the House of Representatives would eject a Member from his seat upon the mere proof that every man of his constituents was alien born. It is not apprehended that, after an election has been regularly held, the House would even consider an investigation necessary upon a petition which alleged no other fact. * * *

* * * The proper season to demand such proof is at the polls. There the voter is the actor; he comes forward claiming to exercise a right, and there he should prove his qualification. Where the case assumes the form of a contested election between other parties, the disqualification must be made out by the party seeking to overthrow the right of the sitting Member thus acquired at the polls.

Mr. RAKER. Will the gentleman yield right there? I have asked the question two or three times, and I will ask the gentleman, Is there any evidence in this record that these men were actually aliens and were unnaturalized?

Mr. SWITZER. I will answer that in this way: My recollection is that the registration list shows that there were 2,000 persons registered in those two wards who were of alien birth, Germans, Jews, or other aliens, giving their places of birth. But the registration list does not show in what courts they were naturalized or that they had naturalization papers.

Mr. RAKER. Did the committee in any instance in regard to any one man that voted determine, as a matter of fact, that he man was not or was naturalized?

Mr. SWITZER. No; I never heard such a proposition advanced when I was present in the committee, but I was not present at all the meetings.

Mr. RAKER. Then, from the record no one can say that a man was nor or was naturalized?

Mr. SWITZER. No; except 31. They sent out a list of names of 4,000 voters from the whole congressional district, not from the two wards, and out of 4,000 they were unable to find 31 persons whose names appeared on the registration rolls, and by that sort of negative evidence we concede that likely out of the 2,000 alien born who were defectively registered that 31 of them voted for Mr. Catlin and were illegal voters, and that these votes should be deducted from Mr. Catlin's vote; but that does not change the result.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SWITZER. Yes.

Mr. LINTHICUM. Let me read from page 15 of the record, section 53——

Mr. SWITZER. Oh, I can not allow the gentleman to read in my time; I have only 40 minutes. I say that if you will take the time to read the pleadings, and I doubt whether many gentlemen have read this record and the pleadings, although it seems to me it is a serious enough matter that gentlemen ought to read the pleadings and the testimony, especially when you vote to unseat a man. I desire to say that in the matter to which the gentleman from Maryland refers, that while the contestant in his notice avers that there were 2,000 voters that illegally registered and voted for Catlin, the contestee in his answer specifically denies it, so that it throws the burden of proof upon the contestant.

Mr. LINTHICUM. Will the gentleman yield?

Mr. SWITZER. No; I can not yield. The contestee goes further and makes a subsequent averment in his answer and says that there were 3,000 voters illegally registered under assumed names and in various ways in this district that voted for Gill. That is another set of voters. That is not the set of voters mentioned in the contestant's notice of contest that voted for Catlin. Recollect that these 2,000 men, these foreign-born voters, lived in that ward. So there is no admission in the pleadings; that is a stretch of the imagination. It is specifically denied by the contestee, and he makes a counter averment that 3,000 were illegally registered who voted for Gill, and the contestant filed no denial of that averment. You might say that that was an admission on the part of the contestant, but it would be unfair. The truth of the matter is both parties must produce evidence to support the allegations of the notice of contest and the answer thereto, if I understand the law correctly.

But I do not want to get too far away from the main purpose that I started out on. This House has decided that you must prove something more than the mere fact that an alien born has been defectively registered; you must go further and prove that that man was not a naturalized citizen at the time he voted. Not only that, but the Supreme Court of Missouri, following, I suppose, this decision, has settled this case. That is the very question that came up in the Supreme Court of Missouri, and that court held that a defective registration, some neglect, something left undone by a clerk, as failing to record the name of the court issuing the naturalization papers to the voter or to note that the voter was naturalized, would not disqualify the judges from accepting the vote of the person who appeared and answered to the name on the roll.

I notice that the majority in their report admonish us to follow the statutes and decisions of the proper officials of States in this matter, and if you are going to do that, that disposes of the whole 2,000 claimed to be illegally registered votes. The Supreme Court of Missouri has passed on that question, and, as I said, these men are legally entitled to vote. Before you have the right to reject a vote cast by an alien born because of defective registration, merely showing him to be foreign born, you must not only show that he is not now naturalized, but you must show for whom he voted.

Now, in reply to the contention of the gentleman that Theron Catlin had knowledge of the large expenditure of money during his campaign, that the congressional committee was invited to his father's residence, and that he was present with them, I would inquire of the gentleman what is the purpose of a congressional committee? Why did the statutes of Missouri provide for the election of a city committee which, by virtue of its office in the respective districts throughout the State and cities, would become a congressional committee? Why, it was for the very purpose of looking after the interest of the party candidate.

Mr. LINTHICUM. Daniel Catlin and Daniel Kirby were not members of any congressional committee.

Mr. SWITZER. Daniel Catlin and Daniel Kirby were not members of a congressional committee, but by a stretch of the imagination you might say that they were a voluntary committee under the statutes of Missouri. But whether they were a voluntary committee or not, or just individuals, did not they have the right to expend an unlimited amount of money providing they expended it in a legal way?

Mr. LINTHICUM. Could they expend any money without accounting for it through the courts of Missouri?

Mr. SWITZER. Daniel Catlin could because there is no law under the statutes of Missouri that requires him to make an accounting. If you call Catlin and Kirby a voluntary association, then it was their duty to have selected a treasurer and kept books and accounts and filed a publicity statement under the statutes of Missouri. But if they failed to do that, or if they refused to do that, what right have you to penalize Theron Catlin because of some violation of the law on the part of his father or Mr. Kirby or of some stranger of whom he had no knowledge? I can not understand that sort of reasoning.

Improper acts by a candidate's friends without his participation are of effect only so far as they are shown to have actually affected the result.

In absence of evidence to incriminate him a returned Member is presumed innocent as to acts of agents of his party. (See Duffy *v.* Mason (New York), 46th Cong., sec. 944.)

But the gentlemen say that there were 35,000 flags circulated in the district. That is the evidence; but there is no evidence that Catlin saw one of these flags. But suppose he did, would not he have the right to assume that a congressional committee whose function was to solicit and collect funds and expend them in the interest of a candidate for Congress, had likely procured and distributed them, and that it was being done in a proper and legitimate manner and in conformity with the statutes of Missouri?

Why certainly. Are you going to turn Theron Catlin out because his father or Mr. Kirby bought 35,000 flags and distributed them in that district? But the gentleman says, turn him out, because Theron Catlin knew that this congressional committee were taking an active interest in his behalf, and yet that was their function. You would not have a committee that would not evince some interest in your candidacy during a campaign, would you? I can not understand the reasoning of the gentleman. He says that the mere fact that this committee had a meeting at Theron Catlin's father's house and that he was there present with them was notice to him, Theron, that his father was spending money in his behalf. How was it? There is something to be proved. The burden of proof is upon

the contestant. They say they do not believe the father, the brother, the sister, and the contestee on these matters, because they are interested; but what evidence have you of these transactions except what you have got out of interested parties, if you call these people interested? You have no other evidence of the expenditure of money of the $10,200, except as it has been given to you by Daniel Kirby, who was the agent and attorney of Daniel Catlin. You have no other evidence.

Mr. GOEKE. Mr. Speaker, will the gentleman yield for a question?

Mr. SWITZER. Certainly.

Mr. GOEKE. Was candidate Catlin in a position to know that his father and brother were spending large sums of money for him?

Mr. SWITZER. Why, the minority of this committee believe that he was not.

Mr. GOEKE. I am asking the gentleman what his opinion is.

Mr. SWITZER. I am of the minority, and I am with them upon that proposition. I do not believe that he knew, and to convince the gentleman I will put this question to him: Suppose the gentleman's son were a candidate for Congress in that district and the gentleman was a wealthy man—and probably he may be as wealthy as Mr. Catlin—and he had a notion to assist his son and knew that his son could only expend $662, especially after consulting with an attorney of high standing that attorney had advised him that he could spend legally any amount of money he wanted to provided that he did not let his son know it, and he was doing that; would he not have done just as Daniel Catlin or any other father would have done for his son?

Mr. GOEKE. May I answer that question?

Mr. LINTHICUM. Mr. Speaker, will the gentleman yield?

Mr. SWITZER. One at a time, please. Recollect that this is my first introduction to a debate in this House.

Mr. GOEKE. I would like to answer the question that the gentleman put to me. If I had a son, under the circumstances that the gentleman has detailed, and he would not have discovered that I was spending large sums of money to buy him a seat in Congress, I would disown him.

Mr. SWITZER. The gentleman might do that; but listen to the facts and then make up your mind, not upon what somebody will do who is prejudiced or because somebody will mistreat his own child, or something of that kind. Some people do. Look at the facts. In the summer of 1910 Daniel Catlin was in New Hampshire at his summer home. Theron Catlin was in Missouri, at St. Louis. I will ask gentlemen to follow me just a few moments. The father was in New Hampshire, and he stayed there until just a few days before the election, I think 10 or 12, the very last part of October, before he came home. How could Theron Catlin have access to any checks or stubs of checks that the father gave when he was in New Hampshire? How was Theron Catlin associating with his father at his father's house in St. Louis when that father was in New Hampshire? I do not know whether the father was purposely staying there or not, and I do not care if he did not want to see his son. If he did not want to have his son have knowledge of the matter, that was his business.

Knowing the fact that Daniel Catlin did not get home until the latter part of October, and knowing that Mr. Catlin, having had the advice of an eminent lawyer, knew that he should not notify his son that he was spending any large sum of money in his son's behalf, when the old gentleman came home it would not be expected that he would break his neck to tell his son.

Mr. HAMILL. Mr. Speaker, will the gentleman yield?

Mr. SWITZER. I desire to say that I am speaking now in defense of Theron Catlin. It does not matter what the old gentleman was doing, so long as the old gentleman was not violating the law, and you can not put your finger upon a scintilla of evidence that shows that Daniel Catlin violated any section of the law of the State of Missouri, nor Theron, either.

Mr. HAMILL. Why should not the father, being a highly honorable man, a citizen of high social and civic standing, have regard for the spirit that regards publicity of campaign contributions as desirable and form himself and his attorney into a committee and let the public know that he was spending $10,000?

Mr. SWITZER. I can not give the reasons. I have given you what I thought the reasons were. I do not care what actuated the father. The fact is that he did not notify the son, and the fact is that he testified that he did not notify the son; the son testified that he did not; the brother testified that he did not. Mr. Kirby testified, and they all testified, and in the face of that affirmative evidence to the contrary, you are going to say that he had notice? If he had heard of some stranger spending two or three hundred dollars or a thousand dollars in his behalf, he would have to go out with a club, I suppose, and stop him, or something of that kind. That is about the sum and substance of this kind of argument. Why, the gentleman himself asked the attorney for contestant whether he meant to say that if a candidate finds that somebody is spending money in his behalf that candidate must go and stop him. He put that question to one of the counsel himself, it so surprised him. Of course, he would not do such a thing, and you would not do such a thing, nor I, especially if you learned that that man is spending the money for a legitimate purpose.

Mr. HAMILL. Will the gentleman yield for another question, and then I promise not to interrupt him again?

Mr. SWITZER. One more question.

Mr. HAMILL. Is it not a fact that under the law the father and the attorney and the brother could have constituted themselves a committee?

Mr. SWITZER. I have said so once.

Mr. HAMILL. And could have expended the money and then obeyed the law and 30 days after the election filed a report, and the son need never have known that a dollar was being expended for him until 30 days after his election?

Mr. SWITZER. They thought they could, I suppose, but they did not, and what right have you to penalize Theron Catlin——

Mr. HAMILL. Does the gentleman remember——

Mr. SWITZER. By kicking him out of his seat?

Mr. BARTHOLDT. Will the gentleman yield for a moment? It seems to me the gentleman from New Jersey is giving his whole case away. He insists in his majority report that he must have known, and now he says he did not need knowledge which——

Mr. SWITZER. I will not yield any further.

Mr. HAMILL. The logic of the gentleman is very bad.

Mr. SWITZER. But upon this question of notice, and I have given this considerable attention and a good deal of hard study, not maybe as much as some other gentlemen in this House, but I say upon this question of notice, if Theron Catlin did have notice his father was expending this large sum of money in his behalf and for a legitimate purpose, for which the record shows it was expended, he has not violated any of the corrupt-practices act of the State of Missouri by not including in his publicity statement or oath thereto the fact that his father had expended the sum of $10,000, or an amount unknown to him. I want you first to understand that the minority believe that Theron Catlin swore to the truth that he had no notice, but even if he had notice, it was not a violation of any section of the corrupt-practices act. If there was no State statute on the subject you certainly would not oust him; but because of the publicity statute, which is loosely thrown together, it is claimed by the majority of the committee that it is necessary for Theron Catlin to have included this amount or made some mention of it in his publicity statement.

If gentlemen will just give me their attention for a few minutes, I will probably be a little slow and perhaps a little worrysome upon this subject, but it seems to me like this is one of the crucial places in this case; it seems to me that the proposition is to oust this contestee upon a mere claimed technicality which, in my opinion, does not exist in the statute. If you will read Clark and Skyles on the "Law of Agency," which the majority side bring forward in support of their contention, you will find that in order to establish agency by ratification the alleged agent must have assumed to contract in the name of the man who is claimed to be his principal, and if the knowledge of that fact comes to the principal afterwards, and he does not disclaim it, it would be a ratification, but recollect that the evidence in this case shows conclusively that Daniel Catlin acted for himself and used his own money and never at any time acted in the name of his son. He stated distinctly on numerous occasions that he was acting for himself and not for his son. So there can be no such thing as a ratification in this case. Why, you can not bind me by going out and doing something I have not requested directly or indirectly, but if you do it in my name and then knowledge comes of that fact to me and I make no disclaimer, after a long lapse of time sometimes that becomes a ratification. But that is not this case.

AGENCY BY RATIFICATION.

See Clark and Skyles on "Agency," section 75, which, in part, reads as follows:

Agency of parent for child: The mere relationship of parent and child does not of itself make the parent the agent of the child to manage or dispose of his property or for any other purpose, whether the child is a minor or of full age. * * *

A majority of the committee quoted from page 339 of Clark and Skyles on "Agency," volume 1, laying down the following principle of law, to wit:

Although, as a general rule, a principal must have full knowledge of all the facts, as we have seen before, yet the principal can not purposely remain ignorant where the means of information is within

his control so as to escape the effect of his acts that would otherwise amount to a ratification.

But this principle of law is qualified by another principle of law to be found on page 340, paragraph C, which reads as follows:

Act must be performed on behalf of the principal.

It must be remembered, also, that the doctrine above discussed applies only to unauthorized acts performed in the name of the assumed principal. "The general doctrine that one may, by affirmative acts, and even by silence, ratify the acts of another who has assumed to act as his agent is not disputed. It is illustrated by many cases to be found in the books, and set forth by all the text writers upon the law of agency. But the doctrine properly applies only to cases where one has assumed to act as agent for another, and then a subsequent ratification is equivalent to an original authority."

I desire to call your attention to this publicity statute. I think all who have followed this case agree that the expenditure allowed of $662 is a personal expenditure solely of the candidate for office in this case, but there is a publicity statement required of a candidate for Representative in Congress. Now, if you will just give me your attention for a few moments, I will read just a portion of it, as I do not desire to weary you. This is an extract of this statute 6047, and it says this: The candidate shall file a statement in writing setting forth in detail—

All sums of money, except all sums paid for actual traveling expenses, including hotel or lodging bills, contributed, disbursed, expended, or promised by him—

Recollect, by him—

and, to the best of his knowledge and belief, by any other person or persons in his behalf, wholly or in part in endeavoring to secure or in any way in connection with his nomination or election to such office or place.

Now, if you exclude that clause "contributed, disbursed, expended, or promised by him," and I want to call attention that in the brief of these gentlemen I do not know why they put a semicolon after "contributed," when the statute has a comma. I do not know whether it is intentional or not. There is not a semicolon after the word "contributed" in this statute. I say, "contributed, disbursed, expended, or promised by him" is the clause that is used and there is a comma after the word "him," and when you do that I think you have to say that the money expended by the contestee and the other qualifications means his own money and no other money. If you exclude this clause that statute is meaningless, and you can not make any sense out of it. If you include it, necessarily the section refers to and means the candidate's money. If you will read the title to that statute it will show you it relates to personal expenditures of the candidate under section 6046. The title shows it, and the construction put upon it by the contestant himself shows it. If you will go to the contestant's publicity statement that he filed in St. Louis, a copy of which appears in the record, you will find that he did not mention any money other than the money that he was allowed to spend under the law, and if you will take the time to read the record you will find that upon one occasion John Y. Patrick, I believe, was at his own house, and a check for $260, given by the treasurer of the Democratic committee, was broken up and distributed by contestant, giving his individual checks of $20 each to 13 committeemen.

You say you traced this money home. You will trace it to the home of the contestee. You say you traced this money to his father's house, where the contestee slept and where he boarded. What about this $260? It is traced to Gill's house.

Recollect that the man who gave the check does not deny it. Recollect that he never filed a publicity statement. Recollect that this was traced to Gill's house, and in the presence of all of those committeemen he, by his own hand, issued 13 checks to them. It is not denied. He can not deny it. Four or five witnesses testified to it. It is admitted. But when Mr. Gill files his publicity statement does he say anything about this transaction? No.

Why, gentlemen, that is the way to construe it. That is the way they all construe it in Missouri. What reason is there for him to say anything about money that somebody else expends? The law provides the means for making that public. The way is this: That the committee appointed or elected shall have a treasurer, and that treasurer shall make a statement and file it before the clerk of deeds or some other designated official of the county. Recollect that is the construction put upon this publicity act by the contestant himself. Recollect that the Legislature of Missouri recognized that to be the construction, because they provided a method by law for these other persons to make publicity statements, and it would be foolish for the contestee, if he found out what they were doing, to include in his statement all the other publicity statements that might be made in this district by candidates of the ticket on which he is running. It would be foolish.

Now, gentlemen, it seems to be clear that if you are going to say that Catlin made a defective publicity statement you must also say that Gill made a defective publicity statement, and what right have you to seat him if you unseat Catlin? Recollect this can not be gainsaid.

If you will take the trouble to read the report, you will see it is established by four or five witnesses. Gill does not go on the stand. The man that gave the $260 check does not go on the stand, and I suspect that the man who got the $260 check came right back to about the source where that $260 check started.

I suspect that in place of $20 going to each committeeman of that ward, $20 went to each of the 123 committeemen of the entire district. But, of course, you have no right to cast a man out on that. But you would have just as much right to do that as you would have to base your action on such far-fetched inferences and presumptions as are advocated by gentlemen on the other side of the Hall. If making a defective or false publicity statement is going to damn Catlin, how can you seat Gill?

Gentlemen, take the time to read the publicity statement of Byrne, treasurer of the Democratic congressional committee. That publicity law provides that he should file a statement of receipts and expenditures—not in just that many words, but to that effect. But that treasurer does not show by his statement that he received any money from anybody. He has got no receipts, and he has got only two items of expenditure. One is an item of $250 to some committeemen, not naming them—and the law says he should name them—and the other item is $300 for sundries.

So they say that Catlin did not include in his statement the $60 that was spent for drinks and refreshments. But he states in his testimony that he did. And I presume that it is included in "et cetera" appearing in the $381 item, the last item of his statement. And it is as permissible for him to include drinks and refreshments under this head as it is for Mr. Gill to set out in his statement of $150 item of "refreshments for club," without detailing the kind of refreshments; or for Mr. Byrne, treasurer of the Democratic committee, to set out in his publicity statement a $300 item to "sundries," which would include most anything, and, of course, beer, whisky, and so forth. Gentlemen, recollect there are many saloons and hundreds of clubs in this district; and the record discloses that the contestant, Gill, personally spent money freely in the saloons of this district.

Mr. HOWARD. Mr. Speaker, will the gentleman yield?

Mr. SWITZER. I can not yield on account of lack of time.

The SPEAKER. The gentleman declines to yield.

Mr. SWITZER. Recollect that Byrne did not comply with the law. Recollect that Byrne was treasurer of the Democratic congressional committee. If the acts of a committee or of a stranger or of a father, who are making legitimate expenditures, can condemn a candidate and can be considered grounds for ousting him from his seat, you will have to leave out Mr. Gill.

The SPEAKER. The time of the gentleman has expired.

Mr. SWITZER. I would like to have five minutes more.

Mr. ANDERSON of Minnesota. Mr. Speaker, I yield five minutes additional to the gentleman.

The SPEAKER. The gentleman from Ohio [Mr. SWITZER] is recognized for five minutes.

Mr. SWITZER. So, gentlemen, there being no law on the statute books of the State of Missouri prohibiting Daniel Catlin or anybody else in that district from expending all the money that they can legitimately expend in the candidacy of a person running for Congress, and this record failing to show that a single voter was corrupted; that a single vote was cast outside of the 31 that should not have been cast—and that, of course, would not change the result—the record showing these facts, why should you say that because the father spent, through an attorney, money which he believed could be legitimately spent, the son should be ousted? The father employed an attorney whom he thought was an honorable man, and whom he believed knew the law, as he himself testifies, because he did not want to do anything contrary to law. He got the best legal advice and the best legal talent he knew in St. Louis, and he did everything he could to protect himself. That man has done everything in a perfectly legitimate way. But the majority of the committee assume, apparently, that because $10,000 was expended somebody was corrupted. That is not the law. You must show that some votes were corrupted.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from California?

Mr. SWITZER. Yes.

Mr. RAKER. In section 6046 of the Revised Statutes of the State of Missouri I see this language——

Mr. SWITZER. The amount to be expended by a candidate is determined.

Mr. RAKER. The law provides:

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election——

Mr. SWITZER. You need not go further. In the case of a candidate for Congress the amount prescribed is $662.

Mr. RAKER. Does not that apply to all committees?

Mr. SWITZER. No. It applies only this far: If a candidate gives $200 to the congressional committee, he must state it in his publicity statement. Mr. Catlin did that. He says in his publicity statement that he gave his congressional committee $100. What was the use for him to set out what the congressional committee had expended? He sets out what he gave them, and they are supposed to set out in their publicity statement what they solicited, collected, and disbursed in his candidacy.

And recollect that the function of that committee was to work for Catlin and not for anybody else; and because they were working for Catlin is no evidence that he should presume that they were expending money illegally in his behalf, or money that was coming from his father, any more than money they collected from some other rich man who might be his friend. It appeared that another man did give $250, one Chester Kern, a lawyer there. And it seems that Catlin's father never knew until the contest came up that this man Kern had contributed $250. But if the congressional committee received it, they should make their publicity statement.

But I say, gentlemen, that some of these decisions go this far, that a conspiracy to bribe and the receiving of money and giving it to the voter does not vitiate an election beyond the actual votes shown to be affected. See Bowen *v.* Buchanan, Fifty-first Congress; also see the following authorities as to rejecting whole wards or individual votes:

First. Broad Seal case (sec. 801, Hinds' Precedents): An election being honestly conducted, the reception of illegal votes does not vitiate the poll.

Second. Threet *v.* Clark (Alabama), Fifty-first Congress, section 1025: Although there may be evidence establishing a conspiracy to defraud, it is still necessary to show effects in order to change the result.

Third. Hill *v.* Catchings (Mississippi), Fifty-first Congress, section 1039: In a district shown to be permeated by fraud and intimidation the contestant must still show sufficient effects to change the result.

Fourth. Chalmers *v.* Morgan (Mississippi), Fifty-first Congress, section 1035: Where the examination so far as made showed fraud, but not sufficient to change the result, the House declined to presume fraud as to other boxes which might change the result.

Fifth. Wise *v.* Young (Virginia), Fifty-fifth Congress, section 1102: Although the fraud in a district may be extensive, the House prefers to purge the return rather than declare the seat vacant.

Sixth. Walker *v.* Rhea (Kentucky), Fifty-sixth Congress, section 1118: The mere existence of frauds and irregularities do not vitiate an election if not shown to be sufficient to change the result. (See also, Horton *v.* Butler (Missouri), 57th Cong., sec. 1122; Wilson *v.* Lassiter (Virginia), 57th Cong., sec. 1127.)

The mere existence of frauds and irregularities do not vitiate an election if insufficient to affect the result.

Seventh. Watson *v.* Black (Georgia), Fifty-third Congress, section 1055: Bribery being proved, the House deducted the tainted votes, but did not reject the whole.

You have got no right, because some stranger or a father, or brother, bribes some voters, to throw out a whole ward. You would merely throw out the votes that were bought, would you not?

But not a single act of bribery has been proven in the pending case.

Something has been said about prizes being offered by the Republican congressional committeeman, Reichman, to the Republican judges and clerks of election of his ward. But the man who made this statement took it back on cross-examination, and it is clearly established by seven or eight other witnesses that the talk about prizes was merely a joking remark made by a man named Pins.

No evidence whatever that anybody took this joke seriously and ever acted upon it, or that any judge or clerk ever got a prize, or ever expected to receive one. And yet the majority membership of the committee propose to oust the contestee upon such flimsy testimony of corruption, and the fact that the registration list of voters for the third and eighteenth wards of this congressional district discloses a defective registration of 2,000 persons, alien born; because of the failure of the registry clerks to note on the registration book whether or not these persons were or were not naturalized. This matter was passed upon by the Supreme Court of Missouri, which held that all of these identical persons who voted were legal voters and that the same were legally counted.

The disfranchisement of the 9,000 voters of these two wards by throwing out the entire vote upon this so-called "evidence," thereby overturning the decision of the Supreme Court of Missouri and disregarding the long and well-established precedents of this House, would manifest a determined purpose to turn Theron Catlin's plurality of 1,394 votes into a majority of 431 for Patrick Gill, and brand such action as a deliberate, outrageous throttling of the will of the people of the eleventh congressional district of Missouri, concerning which they would undoubtedly speak in no uncertain tones through the ballot box next November. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman has again expired.

Mr. ANDERSON of Minnesota. I yield five minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, it is impossible to make an argument of this important matter in five minutes; but I wish to call attention to some things that seem to me to be of importance. I notice that in quoting the law relating to expenditures in election cases in Missouri the majority in their report have left out a line which has great significance and is very important. I hold in my hand the revised statutes of the State of Missouri for 1909, upon the title page of which it is declared that it was "revised and promulgated by the forty-fifth general assembly." Section 6046 begins in this way:

SEC. 6046. Amount to be expended by candidate—how determined.

That is not a headline or side note inserted by a compiler or printer. It is the language of the legislature itself explaining and defining and limiting the scope and purpose of the section. That is part of this enactment of the legislature and, taken in connection with what follows, shows clearly that what is forbidden is the expenditure of more than a graduated scale—in this instance amounting to $661—by the candidate himself, either directly or through the agency of another. It must be the candidate's own expenditure, made either in person or through another. It must be the candidate's own money. When you inject into the case expenditures made, not by a candidate, but by his cousins and his sisters and his aunts or his father or his uncles or his brothers or by strangers, you inject something which is not found in the act of assembly. It is not made illegal for persons other than the candidate or those acting as his agents to expend more than $661.

Suppose Theron Catlin's father did expend $3,500 for flags to be distributed among school children. Is the distribution of the American flag among school children illegal in Missouri? Even if it were illegal, if done as it was done by others and not by Theron Catlin, how does it affect Theron Catlin's right to a seat in this House? They say, "But do you suppose he did not know it?" The evidence is that he did not know that his father and brother were expending money; but suppose he did know it. This statute applies only to money expended by the candidate. He may either expend it himself or through his agent or some other person, but it must be his expenditure. It must be his money. I have not heard even a claim made in this argument that Theron Catlin expended a cent in excess of five hundred and some odd dollars, or that there has been any expenditure of his money in excess of the legal amount.

So much on that point. Then they have thrown out, according to the majority report, some 9,000 votes, disfranchising two whole wards. The reason they give is that certain precincts were thrown out in the Wagner-Butler case some years ago.

Why, the law is, Mr. Speaker, that when a return is shown to be fraudulent and it can not possibly be ascertained how many legal votes, if any, were cast in the precinct, you throw out the precinct. In the Wagner-Butler case ballots that were cast at the election were not in the box when it was opened. They had been fraudulently abstracted and other ballots put in their places outnumbering the persons whom the poll books showed to have voted. You could not tell how many honest votes were cast in a number of districts, consequently those districts were cast out. This is not such a case. There is no evidence, as I understand it, that these 2,000 alleged unnaturalized persons voted for anybody. They say they pursued only 311 of them. It is the easiest thing in the world under the statutes of Missouri to ascertain if there was fraud in that particular. When a man votes his name is put in a poll book, and the number upon his ballot is the same number as the one opposite his name in the poll book. All you have to do is to open the ballot box, take out a ballot, look at the number, compare it with that number in the poll book, and you know at once the name of the

voter and the name of the candidate for whom he voted. Why did they not do that?

Mr. SWITZER. They did that.

Mr. LINTHICUM. Mr. Speaker——

Mr. OLMSTED. Mr. Speaker, I must decline to yield. I have only a moment left.

The SPEAKER. The gentleman declines to yield.

Mr. OLMSTED. If any number of unnaturalized foreigners voted it was the easiest thing in the world to find for whom they voted. They found no illegal votes, and yet they threw out two wards—9,000 votes. In the whole history of Congress there is no precedent for such an outrage. We are sitting here as judges. I appeal to gentlemen upon the other side who wish to do justice. I submit to them that the unseating of this Member is not at all justifiable. I wish I had more time to elucidate my views. This act of the General Assembly of Missouri applies only to money expended by the candidate. Had it been the intention to forbid the expenditure of more than a certain sum by anybody else, the legislature could readily have found apt words to express its intention. It is not even pretended that Theron Catlin spent any money improperly, or that he spent one cent more than the law permitted.

On the other branch of the case there is, if possible, even less basis for this proposed action. The vote of a precinct can not lawfully be thrown out and the precinct disfranchised unless the return has been proved fraudulent, and it is impossible to ascertain how many legal votes, if any, were cast. Here the return has not been proved fraudulent, and if it had been it would be perfectly easy to determine just what unnaturalized foreigners did vote and for whom they voted.

It is easier under the statutes of Missouri than under the statutes of any other State that I have had occasion to examine. If they had looked at these ballots they could have told for whom the votes were cast.

Mr. SWITZER. They did look at them.

Mr. OLMSTED. If they did not look at them, there is no justification for throwing out those wards. If they did look at them there is still less, for they found no fraudulent votes save 31, which would not affect the result.

The burden is upon the contestant to prove any foreign-born person voting was not naturalized. This was not done. Before a single vote can be taken from Catlin it must be shown that it was illegal and that it was cast for him. There is no proof upon either point, but without evidence and without even a decent pretext you propose to throw out more than 9,000 votes. If there were a single dishonest vote among them it could easily have been shown. It was the duty of the contestant to prove it. He has not done so, but the honest voters of two whole wards are to be disfranchised and their honest votes not counted. The unseating of Theron Catlin, upon the facts of this case, will be a monumental outrage, a travesty upon justice, and a disgrace to the party which exercises its strength to perpetrate such an infamy.

Mr. ANDERSON of Minnesota. I yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

[Mr. COOPER addressed the House. See Appendix.]

Mr. HAMILL. Mr. Speaker, that is the most amusing argument that, I think, has ever been offered to this House, certainly the most peculiar construction of this statute that has been so far made. It is, of course, very much in favor of the contestee in this case. The difficulty with it is that it outrages the plain reading of the statute, in the first place; and, in the second place, it disagrees totally and absolutely with the construction put upon it, not only by the committee and the contestant and his attorneys but also by the contestee and his attorneys.

Mr. ANDERSON of Minnesota. Oh, I ask the gentleman to yield there.

Mr. HAMILL. I will not yield until I make one other statement.

Mr. ANDERSON of Minnesota. I say if the gentleman says that that is my construction of the law, he says something that is not true.

Mr. HAMILL. Very well. Then I commiserate with the gentleman upon the fact that he construes it as my friend from Wisconsin [Mr. COOPER] does.

Mr. COOPER. Mr. Speaker, will the gentleman permit a question?

Mr. HAMILL. Oh, if we had lots of time, I would be delighted to yield in this discussion.

Mr. COOPER. The gentleman heard the law and the title of the statute read by the gentleman from Pennsylvania [Mr. OLMSTED]?

Mr. HAMILL. Oh, gentlemen, we have got to get down to some theory of things in this case. The law is as follows:

> No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely.

He shall not pay more than a certain amount proportioned on the number of votes cast at the preceding election. In this instance it would make $662, and so satisfied is the contestee and his attorneys that this is the proper reading of the statute that they have labored diligently to show the fact that Theron Catlin expended something like $550, through himself, and that he never expended a single dollar through any agent whatever.

Mr. COOPER. That is the exact point I make. You must prove the agency. That is the point I make, exactly.

Mr. HAMILL. We did prove the agency, as the gentleman could have seen had he listened to the discussion. Let me show you how Theron Catlin knew that Daniel Kirby was managing his campaign. If you will read the minority report, I think on page 13—though I will not be sure of the page—you will find that Nat Goldstein, in talking to Theron Catlin about the dinner, said to Theron, "Why don't you invite Dan Kirby?" and Theron said, "No; you invite him." Nat evidently thought that Kirby would get the impression that he was going to milk him [laughter on the Democratic side], and so he said to Catlin, "No; you tender him the invitation to come here"; and Theron Catlin invited him. If Theron Catlin did not know that Dan Kirby was managing his campaign, how did it ever occur to him to consider that of all men Dan Kirby, any more than John Smith or John Jones, was so necessary a factor that he ought to be invited to take his place and sit down at a conference of a congressional committee?

Mr. COOPER. Will the gentleman permit a correction? He is misstating the evidence.

Mr. HAMILL. Oh, well, we have read the evidence.

Mr. COOPER. I have it right here.

Mr. HAMILL. And a gentleman who considers it for five minutes of course thinks he knows more than one does who has considered it for five months.

Mr. COOPER. Will the gentleman permit an interruption?

Mr. HAMILL. Certainly.

Mr. COOPER. The gentleman said that Mr. Goldstein said to Theron Catlin, "Have you invited Kirby?" and Theron said, "No; you invite him."

Mr. HAMILL. Yes.

Mr. COOPER. But that is not the evidence. This is the evidence:

> I had occasion to see Nat, and he said, "Did you invite Kirby to this dinner?" I said, "No."

Mr. HAMILL. Who is talking?

Mr. COOPER. Theron Catlin.

> I said no. He said: "I would like to have Kirby there. Please ask him."

Mr. HAMILL. That is, Goldstein said to Catlin?

Mr. COOPER. Yes; but that is not what the gentleman said. [Laughter on the Democratic side.]

Mr. HAMILL. Oh, yes.

Mr. COOPER. Do not dodge it. I have seen a lot of lawyers practice law in justice courts just as the gentleman is doing. [Laughter.]

Mr. HAMILL. And I have seen a lot of misguided gentlemen so uncertain that they can argue themselves into a correct position, even if it is not the one they want to assume.

Mr. COOPER. Wait a minute. Goldstein said——

Mr. HAMILL. Oh, the gentleman may tell it any way he likes and we will all agree with him whatever way he tells it.

Mr. COOPER. He said——

Mr. HAMILL. Who, Nat? [Laughter on the Democratic side.]

Mr. COOPER. Yes. He said to Catlin, "I would like to have Kirby there. Please ask him."

Mr. HAMILL. That is precisely what I said.

Mr. COOPER. It is not what the gentleman said at all. [Laughter on the Democratic side.]

Mr. HAMILL. Oh, well——

Mr. COOPER. Oh, well. It is not a laughing matter on an important thing of this kind to have evidence deliberately misstated.

The SPEAKER pro tempore. The time of the gentleman from New Jersey has expired.

Mr. HAMILL. I have the time, and I will take another minute of my time to say that the only laughing matter consisted in the remarks of the gentleman from Wisconsin.

Mr. ANDERSON of Minnesota. Mr. Speaker, how much time has the gentleman on the other side remaining?

The SPEAKER pro tempore (Mr. McCOY). Nineteen minutes, and the gentleman from Minnesota has 30.

Mr. ANDERSON of Minnesota. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri [Mr. BARTHOLDT].

Mr. BARTHOLDT. Mr. Speaker, I yield three minutes of my time to the gentleman from Massachusetts [Mr. McCALL].

Mr. McCALL. Mr. Speaker, in the Fifty-fourth Congress it happened that I was the chairman of a Committee on Elections. We had some 15 cases referred to that committee. Twelve of those cases were decided in favor of Democrats. That committee had upon its membership one of the best lawyers I have served with here, the gentleman from Missouri, Mr. De Armond. It had the distinguished gentleman from Virginia [Mr. JONES]. I have long had the notion that the action of that committee helped establish the rule of justice in this House instead of partisanship in deciding contested-election cases. I fear that if you unseat the contestee in this case you will take a long step backward toward establishing the rule of political thievery in dealing with election contests. I have examined this evidence somewhat, and it seems to me that if the committee of which I have spoken had followed the rule that you establish here we might easily have taken a half dozen seats of those Democrats whom we permitted to serve in this Hall.

The gentleman proves agency by mere knowledge. As one of my colleagues remarked, we know the gentleman is making a speech, but that does not make him our agent.

Mr. ALLEN. Will the gentleman yield?

Mr. McCALL. I have only three minutes, and the gentleman must admit that one can hardly argue a case in that time. Look at the way they threw out votes; look at the cool manner in which they would disfranchise the great city of St. Louis, the greatest city upon this continent west of the Mississippi. Why, they threw out 9,000 votes, and how did they do it? They say there were certain illegal votes in certain wards. In the two wards where there was the least number of illegal votes they threw them out because they voted for Catlin, and yet the wards which had the greatest number of illegal votes, and which voted for the contestant, were permitted to remain and were counted for him. Why, it will be a perfect travesty upon justice, gentlemen, if you shall decide this contested election case upon the flimsy grounds which are presented in the majority report. [Applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. BARTHOLDT] has 27 minutes.

Mr. BARTHOLDT. Mr. Speaker, this proceeding takes place under the constitutional provision which makes each House of Congress the sole judge of the qualifications of its Members. Consequently we are sitting as judges and not as partisans. Yet we find that the majority and minority reports have been adopted by strict party votes. Surely a sad commentary on the ability of Members of Congress, when acting in the capacity of judges, to divest themselves of the instincts of partisanship.

If I were to hearken to the voice of my party I would, instead of loudly protesting against a proposed act of cruel injustice, remain silent in my seat and let the Democratic majority do their worst, in order that the Republicans might not only be supplied with a new and effective campaign issue, but also be assured for a long term of years and until the outrage is forgotten of absolute ascendancy in the eleventh congressional district of Missouri. As some of the older Members, including the honored Speaker of the House, will remember, this is exactly what happened 29 years ago when Charles F. Joy, a Republican, although elected by an honest majority in the same district, was driven from his seat in a Democratic House because of a mere technicality. That act of injustice was perpetrated by a Democratic majority over the protest of all the Republicans and of 26 of the most prominent Democratic Members, including the late Judge De Armond, from Missouri, and as a result the eleventh district remained safely Republican for the following 10 years, electing and reelecting the same Charles F. Joy, who had been so unjustly ousted, four times in succession. And it is not too much to say that the outrage then committed against the electorate of that district greatly increased the momentum with which Missouri traveled in an opposite political direction until she found herself a "mysterious stranger" in the company of the great Republican States of the Union.

In the present instance the contemplated action of the majority has already had its political effect in the district. Mr. Catlin has been unanimously renominated without opposition, and consequently without effort or expense on his part, while Mr. Gill was repudiated by the voters of his own party by 2,300 majority, and this in spite of the fact that the majority report, with all its unproven allegations of fraud and corruption, had shrewdly been timed for publication for the evening before the primary and was so published by the Democratic evening and morning papers a few hours before the voters went to the polls. Now, if the people had actually believed Mr. Gill to have been the victim of Republican fraud and corruption, would they not have been disposed to stand by him? Instead, they nominated another Democrat, and one comparatively unknown, and it is worthy of note that out of a total of 22,812 votes cast at the primary Mr. Catlin received a clear majority, to wit, 11,753, while Mr. Gill could muster only 3,337. It may fairly be said, therefore, that the people themselves have passed upon the merits of this contest. Shall the people rule or will this House undertake by arbitrary decisions to correct the popular will?

But, Mr. Speaker, I do not regard a vote on a contested-election case as a party question, hence I raise my voice in protest against the palpable attempt of the present majority to make it such and to drive a Member of this House from the seat to which he was fairly and honestly elected by a majority of the voters of his district. In his able speech the gentleman from Minnesota [Mr. ANDERSON] has covered the ground fully and proved to the satisfaction of every fair-minded man, I believe, that the conclusions set forth in the majority report are not justified either by the evidence or the facts in the case. I shall not go over the same ground again, but let me briefly recapitulate.

It is conceded that Mr. Catlin's father contributed $10,200 to the Republican campaign fund, placing it in the hands of Mr. Daniel N. Kirby, a prominent member of the St. Louis bar and a friend of the Catlin family. Mr. Kirby's character and knowledge of the law was a sufficient guaranty to the elder Catlin that no improper use would be made of the money, and, indeed, according to Mr. Kirby's accounts, not one dollar of the money was used for improper or illegitimate purposes. But, says the majority report, Mr. Catlin, the son and candidate, knew of this contribution, hence he violated the State law, which limits campaign expenditures of candidates, and thus forfeited his seat. How easy! The burden of proof, mind you, is on the contestant, but no scintilla of evidence was adduced to substantiate the charge. In other words, the knowledge of the contestee is a mere assumption. On the other hand, we have the sworn statements of the father, of Mr. Kirby, of the brother, and of Mr. Catlin himself that the latter had no knowledge whatever of his father's contribution. "He would have never known it but for this contest," says the gentleman, in so many words, and his reputation and character as one of the oldest and most highly respected citizens of St. Louis vouchsafe the truth of the statement. What the contestant did know was that money was being spent by the congressional committee in his behalf and in behalf of other candidates, but that knowledge does not make him amenable to the corrupt-practices act. Under that act it must be proven that it was his money and that it was expended for him by his agents, and there is no such proof.

In this connection permit me to call attention to the character of our political committees. Their members are not appointed by the candidates, but they are State appointees, and represent their wards not only on the congressional committee but on the city, senatorial, legislative, and judicial committees as well. It is customary that these committees collect a campaign fund, and the law limits neither their collections nor their expenditures. The money expended by the members of these committees is not spent for congressional candidates alone, but for all candidates running on the party ticket at the time, and the practice is the same with both parties. If Mr. Catlin, as is probably the case, saw members of his committee spend any money, it was money collected from all sources and expended for the benefit of all candidates running on the Republican ticket. And, as I have already stated, every cent of the money spent by Mr. Kirby is accounted for, and it was expended for legitimate purposes only.

In order to connect Mr. Catlin with his father's contribution, counsel for contestant tried to convince the committee that the money was advanced to contestee. But if you will look up page 66 of the hearings you will find that counsel failed in his effort. Chairman HAMILL, in addressing counsel, says:

> If you could show it (the money) was an advance there would not be the slightest difficulty in fixing the blame upon Catlin. That is where we do not get evidence.

Well, Mr. Speaker, they surely tried to get the evidence, for they examined all the check books and stubs of old Mr. Catlin for the whole period in question, but that fact is carefully kept

from the record. Why? Because they could find nothing to connect contestee in any way with the transaction. So I say again the contestant has utterly failed in furnishing the needed proof, and the allegation in the majority report of Mr. Catlin's knowledge is as unsupported as would be my assertion here and now that Mr. Gill knew his own committee was spending money in excess of a reasonable limit. As a matter of fact, it was common gossip at the time that the Democratic committee did have an exceptionally large campaign fund in 1910; as large as was that of the Republican committee. And if the mere knowledge on the part of candidates of the expenditure of money by committees would bring them within the scope of the Missouri law Mr. Gill would be disqualified the same as Mr. Catlin.

The failure of contestant to prove by positive evidence that Mr. Kirby was acting as contestee's agent in the expenditure of the fund furnished by the older Catlin naturally destroys the ground upon which this contest is based. The majority of the committee knew this full well, therefore they took up the allegations of fraud and corruption, flimsy as they were. And they did this for another reason. It was discovered that while they might risk a recommendation to unseat Catlin on account of his father's campaign contribution, they could not seat Gill on that ground because of a decision of the Missouri Supreme Court. The statute does provide that the contestant in such a case shall be given the office, but this provision was declared unconstitutional by a Democratic supreme court.

Mr. HAMILL. Will the gentleman yield for just a short question?

Mr. BARTHOLDT. Yes.

Mr. HAMILL. It was not because of any law of Missouri. It was simply because McCreary on Elections holds that in this country in order to seat your man it is not enough that the other man is unseated, but that he have a majority of the vote. That is not the law of Missouri.

Mr. BARTHOLDT. That was very lucidly stated by the gentleman in his argument.

Mr. HAMILL. I am glad of it.

Mr. BARTHOLDT. Strange to say, the majority report contains the misleading statement that this provision had been held constitutional. But, Mr. Chairman, I do not wish to reflect on the committee. I know how reluctant the majority were to make the report they did, but they were under constant and strong pressure from the outside. They were called upon to save the face of the Democracy of Missouri. When after the last election the Democrats raised the cry of fraud because the Republicans had carried St. Louis by an unprecedented majority, owing, of course, to the prohibition amendment, and when the most searching investigations failed to disclose any evidence of fraud, the Democratic leaders became desperate. The contests in Congress were their last straw, and so Mr. Catlin is to be made a scapegoat in order that at least one scalp might be exhibited to the contributors to the contest fund as a return for their good money. Fortunately, not only the outraged electors of the eleventh district and of Missouri, but the people of the whole country, are witnesses to the transaction.

It is wonderful with what degree of circumspection the majority of the committee proceeded in this matter! They throw out the vote of two whole wards, Republican wards, of course, in order to obtain a majority of 431 for the contestant. Although there was not a scintilla of evidence to sustain the allegation of fraud, they propose to completely disfranchise the voters of the third and the eighteenth wards, nearly 9,000 in number, and to correct and subvert the people's will by a vote of this House. It is now generally conceded that the election of 1910 was the fairest and squarest we ever had. A Republican governor had been elected in Missouri whose solemn pledge and paramount purpose was to secure honest elections, and to-day it is the proudest boast of the Republicans of my State that he has completely succeeded in his well-meant efforts in that direction. This fall we shall appeal to the people for their continued confidence on account of this great and beneficent achievement of a Republican State administration. Remember that every St. Louis vote cast in that election was officially recounted and compared with the poll books, and the difference between the original count and the recount was barely sufficient to change the result in a single precinct. As I said before, immediately after the election the Democratic State committee raised the cry of fraud, and finally a commissioner was appointed, a prominent Democrat, to investigate the matter. He reported to the supreme court that no proof of fraud had been adduced, and the Democratic judges of the supreme court, in an elaborate decision, approved his findings. And more than that, contests for the legislative seats comprised in this district were instituted, and a Democratic legislature seated the Republican contestees in senate and house by an overwhelming vote, so that at last it is admitted on all sides that the election of 1910 was free from fraud and corruption and as honest as any election ever held. And I wish to call attention to another important fact. The Republican candidates for the supreme court were elected by very small majorities and consequently their Democratic opponents began a contest which resulted in a most searching investigation. The majority of the court depended upon the outcome, and you can imagine better than I can tell you how much there was at stake for the Democratic Party in saving its Gibraltar. If they had thrown out those two wards, which it is proposed to throw out here, they would have elected the Democratic judges, but with all their partisan zeal and despite the assurance that a Democratic majority of the court would pass upon the proposition, nobody, not even the intensely partisan counsel of the Democratic contestant, had the temerity to breathe such a monstrous wrong. Rather than go to such an extremity and invite the resentment and condemnation of the people without regard to party the leaders dropped the contests and allowed control of the supreme court to pass into Republican hands. Oh, yes, there were scruples here, too, but evidently they were overcome, and so with a few strokes of the pen and a party vote in this House 9,000 voters in my city are to be disfranchised.

What about the allegations of fraud and corruption? During the contest proceedings contestant secured copies of all the ballots and poll books of the district and sent out fraud hunters armed with the names and addresses of all the 20,000 voters who had voted for contestee. These fraud hunters reported that 31 out of the 20,000 could not be found, and that was six weeks after election. This, gentlemen, is seriously mentioned as proof of fraud; in reality is it not rather evidence of the contrary when in a large city, with a constantly shifting population, it was possible to run down 19,969 men out of 20,000 at the localities from which they had voted six weeks previously? But this is one of the reasons assigned for throwing out the two wards. In justification of this action it is pointed out that a Republican House in deciding the Butler contests had also thrown out parts of the district. The fact is that in the Butler case the Republican contestant had proved 13,000 fraudulent votes. That was the time when St. Louis was helpless in the hands of ballot box-stuffing mob, and when Democratic election crimes became so appalling that they resulted in the overthrow of the so-called "Old guard" and the election of a reform governor. Yet, in 1900, while the House unseated Butler, it refused to seat the contestant, and in 1902 Butler was unseated for the short term on account of the 13,000 fraudulent votes, but seated for the long term. The committee then threw out a number of precincts where it was absolutely impossible to ascertain the honest vote, but never dreamed of throwing out whole wards and disfranchising their 9,000 honest voters. A comparison of the present contest with the Butler contests could have suggested itself only to a man desperately in need of facts upon which to base his case, and will be looked upon as an affront to the citizenship of the eleventh district.

The next allegation is that 2,000 unnaturalized residents had voted at the election. This was thoroughly gone into in the supreme court contests, and you will be astounded when you hear the real facts. It appears that the clerks who attended to the registration of voters had, in a number of instances, neglected to fill out all the columns of the registration sheet. They asked whether a man was a qualified voter and whether he was duly naturalized, but they failed to ask in what court the naturalization papers had been obtained. Three hundred and eleven such omissions were discovered, whereupon contestant jumped to the conclusion that there were 2,000 such cases in the district, and the majority report boldly declares:

> It is unquestionably established that 2,000 unnaturalized residents were registered in the district, and that they voted at this election.

Not one of those 311 men was summoned as a witness, for if they had been it would have been discovered that they were duly naturalized citizens and therefore qualified voters, and in fact the registration lists show that they are, only the courts issuing the papers were not given owing to the neglect of the clerks. This whole matter is disposed of by a decision of the supreme court, which says that the failure of an election official to perform his duty shall not operate to disfranchise a voter.

All the testimony, by the way, with regard to the unnaturalized voters was taken in rebuttal and the contestee was given no chance to answer it. For four days he had constantly endeavored to do so, but he was waved aside with one excuse or another. On the last day an adjournment had been taken until 2 o'clock p. m., and it was understood that during that afternoon he should be given an opportunity to cross-examine

witnesses, but notary and counsel failed to appear until 6 o'clock, when the former peremptorily declared the hearing closed.

The allegations of corruption have no better foundations than those of fraud. The eighteenth ward is to be thrown out because Hank Weeks, a Republican committeeman, gave money to one James J. Sheehan asking him to do what he could for Catlin and Miller who was a candidate for the criminal court. Sheehan thereafter handed $5 to Thomas Murphy and $2 to John C. Russell:

The record wholly fails to show—

Says the minority report—

that the money was given for any corrupt purpose; that anyone was corrupted by it; that it was contestant's money; that he was responsible for it or even knew of it.

Murphy testified the money had not influenced him in any way, and Russell stated he had already voted when he received the $2. But on account of these $7 the whole vote of the eighteenth ward is to be thrown out.

The third ward is to be thrown out because one Evers testified that prices of $15, $10, and $5 had been offered to judges and clerks of election for the three precincts showing the highest vote for Catlin. This evidence was afterwards recalled, or rather Evers testified he had never said the men were judges and clerks. The fact is that at a meeting of the precinct committeemen and judges and clerks of election, one Pins made the jocular remark, after the judges and clerks had left, that prices should be offered to the precinct workers, but Judge Riechmann, the committeeman who addressed the meeting giving instructions, did not respond to the suggestion. Such prices to precinct workers have often been offered by the party organizations, and there is, of course, nothing wrong in giving them, but in this particular case it happens none were offered or given.

Mr. Speaker, this is the whole case of Gill against Catlin in a nutshell. If the Democratic majority of this House can afford on such flimsy ground to drive a Member from the seat to which he was honestly elected by over 1,300 majority, let them take the responsibility, but I venture to say that this will not be the end of it. This case will be again tried before a higher tribunal. It will be taken before the people in this campaign and made an issue in every district of Missouri and elsewhere. And in connection with it we shall tell another story, the story of the Missouri gerrymander. The Republicans have carried Missouri three times in succession, in the presidential elections of 1904 and 1908 and in the State election of 1910. It is evident, therefore, that out of 16 Members on this floor that party should have a representation of at least one-half, but instead it has but 3 Representatives out of 16. And now we are to be robbed of one of the three simply because the Democrats have the majority and the power to do it. The ousting of Mr. Catlin is to be made a party question, owing to pressure from certain Missouri leaders, who boldly declared not long ago that if out of three contested seats they took one they were according us a most generous treatment. But I predict the people will resent this double disfranchisement and agree with the St. Louis Globe-Democrat when it says:

Missouri Republicans are robbed of half the congressional representation to which they are entitled, and the Democratic House is planning to steal what little is left. Playing politics like this will boom Republicanism in the State.

The SPEAKER. The gentleman from New Jersey has 19 minutes remaining.

Mr. BARTHOLDT. Will the gentleman from New Jersey yield me one minute?

Mr. HAMILL. I will yield one minute to the gentleman.

Mr. BARTHOLDT. I want to say in conclusion, turning to my young friend and colleague from Missouri, that even if he is ruthlessly driven out of this House to-day, let him take comfort and take courage, because, as sure as the flag floats over the dome of this Capitol, he will come back. [Applause on the Republican side.]

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HAMILL. I will object to that just now, for this reason: The gentleman from Minnesota and myself had a sort of agreement that we would ask unanimous consent for all those who speak in this discussion to have five legislative days within which to print and extend their remarks in the RECORD.

Mr. MANN. Why not make the request now?

Mr. HAMILL. I will yield to the gentleman from Minnesota.

Mr. ANDERSON of Minnesota. Mr. Speaker, I ask unanimous consent that all persons who have spoken on the resolution and who will speak on it may have five legislative days in which to extend remarks in the RECORD on the subject of the resolution.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that all gentlemen who have or shall speak on this case may have five legislative days in which to extend remarks in the RECORD on the resolution itself. Is there objection?

There was no objection.

The SPEAKER. The gentleman from New Jersey has 19 minutes remaining.

Mr. HAMILL. I yield the balance of my time to the gentleman from Missouri [Mr. HAMLIN].

Mr. HAMLIN. Mr. Speaker, before I commence what I intend to say in reply to gentlemen who have spoken in favor of the contestee in this case, I feel it my duty to the Committee on Elections No. 2, in view of what the gentleman from Massachusetts said a few moments ago, to make this statement of fact. I am not a member of that committee and therefore speak impartially.

I find by the record furnished me that that committee has had pending before it the following contested election cases:

Mauer against Bartholdt.

Kinney against Dyer.

Prolio against Legare.

Gill against Catlin.

That makes four cases. They have only reported to this House the unseating of one man who holds the commission in the first instance. So that the charge which the gentleman from Massachusetts seeks to make or to have inferred against this committee is unjust, unfair, and not warranted by the facts. I feel it is due to the committee to make that statement.

Mr. McCALL. Will the gentleman yield?

Mr. HAMLIN. Yes.

Mr. McCALL. I based what I said on the report of the committee also and the grounds upon which this seat was to be taken.

Mr. HAMLIN. I am sure that the gentleman from Massachusetts will modify his remarks now that he has been informed as to the actual record made by this committee.

Now, Mr. Speaker, I am proud that I come from a State that was one of the first to adopt a corrupt-practices act in order to protect the ballot and the people. A condition had grown up in the State of Missouri and perhaps almost as bad as my colleague from St. Louis, Dr. BARTHOLDT, describes, and it is especially unfortunate for him that that bad condition is confined to the city of St. Louis, his home. The good people throughout the State who believe in an honest ballot felt that it was necessary to enact some law to compel the people down in St. Louis to hold fair and honest elections. This is real progressive legislation for which Democrats stand.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. HAMLIN. I regret that I can not, for I have only a few minutes. The Missouri Legislature, Democratic, passed a corrupt-practices law, intending to prevent men of large means from buying their elections, the main section of which reads as follows:

No candidate for Congress or for any public office in this State, or in any county, district, or municipality thereof, which office is to be filled by proper election, shall, by himself or by or through any agent or agents, committee, or organization, or any person or persons whatsoever, in the aggregate pay out or expend, or promise or agree or offer to pay, contribute, or expend, any money or other valuable thing in order to secure or aid in securing his nomination or election or the nomination or election of any other person or persons, or both such nomination and election, to any office to be voted for at the same election, or in aid of any party or measure, in excess of a sum to be determined upon the following basis, namely: For 5,000 voters or less, $100; for each 100 voters over 5,000 and under 25,000, $2; for each 100 voters over 25,000 and under 50,000, $1; and for each 100 votes over 50,000, 50 cents, the number of voters to be ascertained by the total number of votes cast for all the candidates for such office at the last preceding regular election held to fill the same; and any payment, contribution, or expenditure, or promise, or agreement, or offer to pay, contribute, or expend any money or valuable thing in excess of said sum, for such objects or purposes, is hereby declared unlawful.

It is conceded that under this statute only $662 could be expended in this congressional district.

It seems to me this statute could not be any plainer—that the candidate must not expend beyond the above limit himself or permit anybody else to expend for him a sum in excess of the above limit if he knows of that fact. Of course, I can see that if the candidate does not know it he would not be bound by what some one might do in his behalf and without his knowledge or consent.

Now, the gentleman from Missouri, the contestee in this case, understood perfectly well that he could not expend himself, or through an agent or anybody else, by his knowledge or with his consent, a sum in excess of $662 in this campaign.

Mr. COOPER. The gentleman from Missouri keeps putting in the word "permit"; there is no such word used in the statute.

Mr. HAMLIN. I can not yield, Mr. Speaker. I say, with his knowledge or consent. And Mr. Catlin, the contestee, under-

stood the law to be just as I have outlined it, because on the 11th day of November, 1910, following this election, he filed an affidavit in accordance with this same statute, in which he used this language:

I, Theron E. Catlin, being duly sworn, on my oath say that I was a candidate for Representative to the Congress of the United States in the eleventh congressional district of Missouri and at the primary election held on August 10, 1910, and that the following is a true and complete list of all sums of money contributed, disbursed, expended, or promised by me, and to the best of my knowledge and belief by any other person or persons in my behalf, wholly or in part, in endeavoring to secure, or in any way in connection with, my nomination or election to said office or offices or in connection with the nomination or election of any other person at said election.

He understood that the law meant that he could not expend an amount in excess of $662, either by himself or through another. He can not possibly get away from that construction now. Every man who holds a commission in this House from the State of Missouri, including my genial friend from the tenth St. Louis district, Mr. BARTHOLDT, filed an affidavit similar to the above, because it is the form that we all use in the State of Missouri; the law requires it.

Now, gentlemen, I want to call your attention to this fact, and I can only outline a few important points in this case: Did Theron Catlin know that $10,500, in addition to the five hundred and some odd dollars which he admits he spent, was expended to bring about his election? It is admitted that that amount of money was expended. Did he know it? I undertake to say that every man here will do violence to his intelligence to even intimate that he does not believe, under the testimony, that Theron Catlin knew that this money was expended for him and in his behalf. Of course he knew it.

His father and brother put up the money. He lived with his father. The testimony shows that he had access to his father's books, to his check book and stubs.

His father testified that he kept a record of his expenditures, even of the ordinary household expenses, and this son had access to his books. He knew the money was being expended. He was riding around in automobiles with the men who were expending this money, and they were spending $35, $40, and $75 a day here and there at the saloons and clubs. Where was the money coming from? He said he did not expend it. His father was a multimillionaire, and any man must know that he must have known that his father was putting up this money. Of course, the only conclusion that can be reached is that there was a studied purpose on the part of the Catlins to put Theron in a position where he could say that he did not actually know that his father was putting up this money; but this is an evasion which the law will not permit. The gentleman from Wisconsin says that they employed Mr. Kirby, who was able to tell them how they could evade the law. He does not state it just in those words, but that is the substance of it and that is what it means. I agree with him entirely. Kirby was employed by the Catlins to tell them how to evade the corrupt-practices act of Missouri and secure the office by purchase. He said he employed a lawyer, who said to Theron Catlin, "You can not spend above a certain sum, which is $662, in the eleventh congressional district"; but Kirby was able to tell the father of the candidate how more money could be expended and evade the law, and that was the purpose of the whole thing. They said, "We will not let Theron know, we will make him close his eyes and shut his ears"—become one who has eyes but see not and ears but hear not.

You will recall that Theron Catlin invited this man Kirby to a dinner given at his father's house just before the election, and after they had eaten dinner somebody said, "We want to talk a little business." Who were there? Reichman, the treasurer and chairman of the contestee's committee, and some of his lieutenants, and this man Kirby, the elder Catlin, and the candidate. They said, "We want to talk a little business." Theron, the candidate, immediately got up and left the room. Why? If my friend from Missouri [Mr. BARTHOLDT] and my friend from Wisconsin [Mr. COOPER] have put the proper construction upon the law, it would be no violation for the old man to spend $10,000 or $20,000 to elect his boy to Congress, and there would have been no necessity for them to invite the candidate to leave the room while they talked over their plans; but they realized that they were scheming to violate the law. They knew it as well as they knew that they lived, and they said, "We do not want you to know anything about this, Theron, and you go out in the other room."

He got up and marched out and they talked about 15 minutes; and yet that boy, being a candidate, vitally interested, was not consulted and never asked a living soul what they were talking about. I recollect once in this House when the lamented Cushman, who afforded this House much amusement when he was a Member, told a story, and I think that story is applicable to the case in hand. It was about a fellow out West, who was found with a good many cattle gotten in too short a time. They waited on him and said to him that he had more cattle than he ought to have in such a short time. They took him down the road to a tree and put a rope around his neck and threw it up over a limb. They then asked him if he had anything to say before he shuffled off this mortal coil. He said: "Well, gentlemen, I expect I am more vitally interested in this matter than anybody else, but I will swear that I do not believe I am as enthusiastic over it as some of the balance of you." That appears to be the way of Theron Catlin. He was more vitally interested in what they were talking about than anybody, but he did not display any enthusiasm. He never even asked how much money they were using in his campaign, or who was paying it out, or what was being done with it. Tell me that he did not know that his father was expending this money that was being used for his benefit? I tell you that you absolutely do violence to your own intelligence when you say that. It is too plain for further discussion.

My friend from Missouri [Mr. BARTHOLDT] brings into this argument a matter entirely foreign to this case. He says that in a late primary Patrick Gill, the contestant in this case, was defeated for renomination and that Theron Catlin was overwhelmingly renominated. He argues from that that the people of the district have passed on what happened two years ago. Let us see. The evidence shows that two years ago part of this $10,500 was used in securing the services of one James J. Sheehan, who was then Democratic committeeman in one of those wards, that he was paid money by Catlin's friends. He worked for Catlin, also a man named Parker, and half a dozen others of the so-called leading Democrats. Those fellows did not want Pat Gill to bring this contest. Why? If these facts were developed, it would lay bare their treachery and reflect upon them just as much as it does upon Theron Catlin, and even more. They were playing to be Patrick Gill's friends. They had taken Catlin's money and had broken their word to Gill. They did not want this contest brought. They were afraid of it. One of the fellows who ran against Gill for nomination at the previous primary, M. C. Early, turns up as one of Catlin's attorneys in this contest, so that you see Patrick Gill——

Mr. ANDERSON of Minnesota. Mr. Speaker, will the gentleman yield?

Mr. HAMLIN. I decline to yield.

Mr. ANDERSON of Minnesota. I want to ask the gentleman if that is in the record?

Mr. HAMLIN. So that you see how it was. Patrick Gill was 1,000 miles from the scene of action, with Catlin on the ground working for renomination, these so-called Democrats being aroused over this contest case and knowing that it would expose their perfidy, and of course they were not for Pat Gill for renomination, and I am surprised that he carried the third ward, one of those wards where we allege these frauds were committed.

They say that there is no evidence here of any fraud, and I want to make just this one reply to my friend from Missouri. He talks about the State contests out there. He will not rise in his place and say that in any of those State contests was this question of the violation of the corrupt-practices act involved. It was not. It was not involved in any of those cases. This is the first contest in Congress that has been brought which is based on the corrupt-practices act of the State of Missouri. Interrupting one of the gentlemen this afternoon, I stated that the contestee in this case had admitted that there were 2,000 illegal voters permitted to register and vote—unnaturalized citizens—and that he was bound by his pleadings and could not now be permitted to deny that proposition. Here it is, on page 15 of the record:

Further answering, contestee avers that in said eleventh congressional district a large number of foreign-born persons, to wit, 2,000, through mistake or error or oversight on the part of the registration judges or clerks, were permitted to register as voters who were not legally entitled to register and vote at said election.

On the next page he says that there are 3,000 more who had declared their intentions more than five years before this time, but had never taken out their final papers, and that consequently they were not legal voters.

There are one or two other things. I can not take up the argument consecutively, because erroneous statements made on the other side ought to be corrected in the presence of this House. For instance, there comes to my mind now that the charge was made, I believe by the gentleman from Ohio [Mr. SWITZER], that Mr. Gill gave his checks and split up a certain check of $350, giving his checks for $20 each to different parties. That is true; but my good friend from Ohio did not tell the whole truth. That money had no connection with the cam-

paign of Patrick Gill. It was money given to a member of the city committee by the treasurer of the city committee, all in a lump sum. This city committeeman wanted to use some of this money, and the bank was closed. He went to Pat Gill and asked him to split it up by check for him. I will read the testimony:

Q. Now, at the time Mr. Patrick gave you that check he explained that he had received a check from Mr. Menne, treasurer of the city committee, but not having time to get it cashed he gave Mr. Gill the check for the entire amount and asked Mr. Gill to make out checks for the individual members of the committee, and ain't that their checks? Isn't that right?—A. He made an announcement there which, in substance, was practically that what you stated. He said that he had called the meeting, and that he had received his portion of the money from the city central committee for distribution to the city central committee——

Q. To the precinct men?—A. Yes; to the precinct committee organization; and that he had not had time to get it cashed; and that he asked Paddy Gill to furnish him with money for the meeting which he had called for that night.

Mr. DICKINSON. It has no connection with Gill's campaign?

Mr. HAMLIN. Absolutely no connection with the congressional campaign, and yet the gentleman from Ohio seizes upon that as a reflection upon the contestant in this case. There is one thing which I feel proud of so far as Patrick Gill is concerned. With all of this money back of this contest on the part of the contestee, unlimited, with all the testimony that can be found, not one single syllable has been found that reflects upon the conduct or character of Patrick Gill. [Applause.] Now, Mr. Speaker, there is another thing to which I wish to call attention. Ever since I began to look into this case I find, I think, about the rankest and worst fraud I know of having been perpetrated anywhere was that adopted on the night I believe before the election, when there was a meeting called of the Republican judges and clerks. Think of it now, men who were appointed to act in that high capacity invited to a certain place, to Reichman's office, and Mr. Catlin, the candidate, accompanied Reichman there, and in the presence of Theron Catlin, who may be blind to some things, but he is certainly not deaf, Reichman made an offer of cash prizes of $15, $10, and $5 to the Republican judges and clerks who should show the biggest vote for Catlin the next day. My God, think of it, the people of this country will not tolerate such methods. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired; all time has expired.

Mr. ANDERSON of Minnesota. Mr. Speaker, I offer a substitue for the resolution, which I send to the Clerk's desk.

The SPEAKER. The Chair will call attention to the fact that there are two resolutions. The Clerk will first report the resolution.

The Clerk read as follows:

House resolution 666.

Resolved, That Theron E. Catlin was not elected a Representative from the Eleventh District of Missouri to the Sixty-second Congress.

The SPEAKER. The Clerk will now report the substitute.

The Clerk read as follows:

Resolved, That Theron E. Catlin was elected a Representative from the Eleventh District of Missouri to the Sixty-second Congress and is entitled to the seat therein.

The SPEAKER. The question is on the substitute.

The question was taken and the Speaker announced the noes seemed to have it.

Mr. ANDERSON of Minnesota. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 70, nays 122, answered "present" 19, not voting 179, as follows:

YEAS—70.

Ainey	Foss	Lindbergh	Sells
Anderson, Minn.	French	Longworth	Sloan
Austin	Good	McCall	Smith, Saml. W.
Barchfeld	Green, Iowa	McKinney	Speer
Bartholdt	Griest	McLaughlin	Sterling
Bowman	Hamilton, W. Va.	Mann	Sullaway
Burke, S. Dak.	Harris	Miller	Switzer
Cannon	Haugen	Moore, Pa.	Taylor, Ohio
Cooper	Helgesen	Morgan	Utter
Copley	Hill	Morse, Wis.	Warburton
Crago	Howell	Needham	Wedemeyer
Crumpacker	Kendall	Olmsted	Willis
Curry	Kennedy	Pickett	Wilson, Ill.
Danforth	Kent	Porter	Wood, N. J.
Davis, Minn.	Kinkaid, Nebr.	Prouty	Woods, Iowa
Dodds	Lafean	Rees	Young, Kans.
Farr	Lafferty	Reyburn	
Fordney	La Follette	Rodenberg	

NAYS—122.

Adair	Ansberry	Booher	Burleson
Aiken, S. C.	Ashbrook	Borland	Byrns, Tenn.
Akin, N. Y.	Bathrick	Buchanan	Candler
Alexander	Beall, Tex.	Bulkley	Carlin
Allen	Blackmon	Burke, Wis.	Carter
Claypool	Goeke	Levy	Shackleford
Clayton	Goodwin, Ark.	Lewis	Sharp
Cline	Graham	Linthicum	Sisson
Connell	Gray	Littlepage	Smith, N. Y.
Cullop	Gregg, Pa.	Lloyd	Smith, Tex.
Curley	Gregg, Tex.	Lobeck	Stedman
Davenport	Hamill	McCoy	Stephens, Miss.
Dent	Hamlin	McDermott	Stephens, Nebr.
Denver	Hardy	McKellar	Stone
Dickinson	Harrison, Miss.	Maguire, Nebr.	Sweet
Difenderfer	Hayden	Martin, Colo.	Taggart
Dixon, Ind.	Heflin	Moss, Ind.	Thayer
Donohoe	Hensley	Neeley	Townsend
Doremus	Holland	Oldfield	Tribble
Doughton	Howard	O'Shaunessy	Turnbull
Evans	Hughes, N. J.	Padgett	Tuttle
Faison	Hull	Page	Underhill
Fergusson	Jackson	Pou	Underwood
Ferris	Jacoway	Rainey	Watkins
Fitzgerald	James	Raker	Webb
Flood, Va.	Johnson, Ky.	Ransdell, La.	Whitacre
Floyd, Ark.	Kitchin	Rauch	Wilson, Pa.
Gallagher	Konig	Reilly	Witherspoon
Garrett	Korbly	Robinson	The Speaker
George	Lee, Pa.	Roddenbery	
Godwin, N. C.	Lever	Russell	

ANSWERED "PRESENT"—19.

Adamson	Fornes	Lee, Ga.	Smith, J. M. C.
Broussard	Foster	McMorran	Sparkman
Campbell	Hawley	Moon, Tenn.	Talcott, N. Y.
Dwight	Humphreys, Miss.	Morrison	Thomas
Finley	Johnson, S. C.	Parran	

NOT VOTING—179.

Ames	Edwards	Konop	Redfield
Anderson, Ohio	Ellerbe	Kopp	Richardson
Andrus	Esch	Lamb	Riordan
Anthony	Estopinal	Langham	Roberts, Mass.
Ayres	Fairchild	Langley	Roberts, Nev.
Barnhart	Fields	Lawrence	Rothermel
Bartlett	Focht	Legare	Rouse
Bates	Fowler	Lenroot	Rubey
Bell, Ga.	Francis	Lindsay	Rucker, Colo.
Berger	Fuller	Littleton	Rucker, Mo.
Boehne	Gardner, Mass.	Loud	Sabath
Bradley	Gardner, N. J.	McCreary	Saunders
Brantley	Garner	McGillicuddy	Scully
Brown	Gillett	McGuire, Okla.	Sheppard
Browning	Glass	McHenry	Sherley
Burgess	Goldfogle	McKenzie	Sherwood
Burke, Pa.	Gould	McKinley	Simmons
Burnett	Greene, Mass.	Macon	Sims
Butler	Gudger	Madden	Slayden
Byrnes, S. C.	Guernsey	Maher	Slemp
Calder	Hamilton, Mich.	Martin, S. Dak.	Small
Callaway	Hammond	Matthews	Smith, Cal.
Cantrill	Hanna	Mays	Stack
Cary	Hardwick	Mondell	Stanley
Catlin	Harrison, N. Y.	Moon, Pa.	Steenerson
Clark, Fla.	Hartman	Moore, Tex.	Stephens, Cal.
Collier	Hay	Mott	Stephens, Tex.
Conry	Hayes	Murdock	Stevens, Minn.
Covington	Heald	Murray	Sulzer
Cox, Ind.	Helm	Nelson	Talbott, Md.
Cox, Ohio	Henry, Conn.	Norris	Taylor, Ala.
Cravens	Henry, Tex.	Nye	Taylor, Colo.
Currier	Higgins	Palmer	Thistlewood
Dalzell	Hinds	Patten, N. Y.	Tilson
Daugherty	Hobson	Patton, Pa.	Towner
Davidson	Houston	Payne	Vare
Davis, W. Va.	Howland	Pepper	Volstead
De Forest	Hughes, Ga.	Peters	Vreeland
Dickson, Miss.	Hughes, W. Va.	Plumley	Weeks
Dies	Humphrey, Wash.	Post	White
Draper	Jones	Powers	Wilder
Driscoll, D. A.	Kahn	Pray	Wilson, N. Y.
Driscoll, M. E.	Kindred	Prince	Young, Mich.
Dupré	Kinkead, N. J.	Pujo	Young, Tex.
Dyer	Knowland	Randell, Tex.	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "nay."

So the substitute was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. HELM with Mr. GREENE of Massachusetts.

Mr. SAUNDERS with Mr. MCCREARY.

Mr. Cox of Indiana with Mr. HEALD.

Balance of the day:

Mr. HAY with Mr. KAHN.

Mr. SIMS with Mr. PAYNE.

On this vote:

Mr. MOON of Tennessee with Mr. BURKE of Pennsylvania.

Mr. DAVIS of West Virginia with Mr. MICHAEL E. DRISCOLL.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. HAMMOND (against) with Mr. PETERS (for).

Mr. HOWLAND (for) with Mr. HENRY of Texas (against).

Mr. PARRAN. Mr. Speaker, how am I recorded? I do not remember voting on this proposition.

The SPEAKER. The gentleman is recorded as "present."

Mr. PARRAN. All right, sir; but I did not hear my name called.

Mr. ADAMSON. Mr. Speaker, I voted "nay," but I find that my pair is not here, and therefore I would like to change my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ADAMSON, and he answered "Present."

Mr. FOSTER. Mr. Speaker, I voted "nay" on this vote. I am paired with the gentleman from Wisconsin, Mr. KOPP. I desire to vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. FOSTER, and he answered "Present."

The result of the vote was announced as above recorded.

The SPEAKER. The substitute is lost. The question recurs on the resolution.

Mr. MANN. Mr. Speaker, I ask for a division of the question.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks for a division of the question, and he is entitled to it. The Clerk will report the first part of the resolution, so that Members will know how to vote.

The Clerk read as follows:

Resolved, That Theron E. Catlin was not elected a Representative from the eleventh district of Missouri in the Sixty-second Congress.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. ANDERSON of Minnesota. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of the resolution will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 121, nays 71, answered "present" 16, not voting 182, as follows:

YEAS—121.

Adair	Difenderfer	Hughes, N. J.	Reilly
Aiken, S. C.	Dixon, Ind.	Hull	Robinson
Akin, N. Y.	Donohoe	Jackson	Roddenbery
Alexander	Doremus	Jacoway	Russell
Allen	Doughton	James	Shackleford
Ansberry	Evans	Johnson, Ky.	Sharp
Ashbrook	Faison	Kitchin	Sims
Bathrick	Fergusson	Konig	Sisson
Beall, Tex.	Ferris	Korbly	Smith, N. Y.
Blackmon	Flood, Va.	Lee, Pa.	Smith, Tex.
Booher	Floyd, Ark.	Lever	Stedman
Borland	Gallagher	Levy	Stephens, Miss.
Buchanan	Garrett	Lewis	Stephens, Nebr.
Bulkley	George	Linthicum	Stone
Burke, Wis.	Godwin, N. C.	Lloyd	Sweet
Burleson	Goeke	Lobeck	Taggart
Byrns, Tenn.	Goodwin, Ark.	McCoy	Thayer
Candler	Graham	McKellar	Townsend
Carlin	Gray	Maguire, Nebr.	Tribble
Carter	Gregg, Pa.	Martin, Colo.	Turnbull
Claypool	Gregg, Tex.	Moss, Ind.	Underhill
Clayton	Hamill	Neeley	Underwood
Cline	Hamlin	Oldfield	Watkins
Connell	Hammond	O'Shaunessy	Webb
Covington	Hardy	Padgett	Whitacre
Cullop	Harrison, Miss.	Page	Wilson, Pa.
Curley	Hayden	Pou	Witherspoon
Davenport	Heflin	Rainey	The Speaker
Dent	Hensley	Raker	
Denver	Holland	Ransdell, La.	
Dickinson	Howard	Rauch	

NAYS—71.

Ainey	French	Lindbergh	Rodenberg
Anderson, Minn.	Good	Longworth	Sells
Austin	Green, Iowa	McCall	Sloan
Bartholdt	Greene, Mass.	McKinley	Smith, Saml. W.
Bowman	Griest	McKinney	Speer
Burke, Pa.	Hamilton, W. Va.	McLaughlin	Sterling
Burke, S. Dak.	Harris	Mann	Sulloway
Cannon	Haugen	Miller	Switzer
Cooper	Helgesen	Moore, Pa.	Taylor, Ohio.
Copley	Hill	Morgan	Utter
Crago	Howell	Morse, Wis.	Warburton
Crumpacker	Kendall	Needham	Wedemeyer
Curry	Kennedy	Olmsted	Willis
Danforth	Kent	Pickett	Wilson, Ill.
Davis, Minn.	Kinkaid, Nebr.	Porter	Wood, N. J.
Dodds	Lafean	Prouty	Woods, Iowa
Fordney	Lafferty	Rees	Young, Kans.
Foss	La Follette	Reyburn	

ANSWERED "PRESENT"—16.

Adamson	Foster	Lee, Ga.	Parran
Broussard	Hawley	McDermott	Smith, J. M. C.
Dwight	Humphreys, Miss.	McMorran	Sparkman
Finley	Johnson, S. C.	Morrison	Talcott, N. Y.

NOT VOTING—182.

Ames	Boehne	Campbell	Dalzell
Anderson, Ohio	Bradley	Cantrill	Daugherty
Andrus	Brantley	Cary	Davidson
Anthony	Brown	Catlin	Davis, W. Va.
Ayres	Browning	Clark, Fla.	De Forest
Barchfeld	Burgess	Collier	Dickson, Miss.
Barnhart	Burnett	Conry	Dies
Bartlett	Butler	Cox, Ind.	Draper
Bates	Byrnes, S. C.	Cox, Ohio	Driscoll, D. A.
Bell, Ga.	Calder	Cravens	Driscoll, M. E.
Berger	Callaway	Currier	Dupré
Dyer	Hinds	Mondell	Scully
Edwards	Hobson	Moon, Pa.	Sheppard
Ellerbe	Houston	Moon, Tenn.	Sherley
Esch	Howland	Moore, Tex.	Sherwood
Estopinal	Hughes, Ga.	Mott	Simmons
Fairchild	Hughes, W. Va.	Murdock	Slayden
Farr	Humphrey, Wash.	Murray	Slemp
Fields	Jones	Nelson	Small
Fitzgerald	Kahn	Norris	Smith, Cal.
Focht	Kindred	Nye	Stack
Fornes	Kinkead, N. J.	Palmer	Stanley
Fowler	Knowland	Patten, N. Y.	Steenerson
Francis	Konop	Patton, Pa.	Stephens, Cal.
Fuller	Kopp	Payne	Stephens, Tex.
Gardner, Mass.	Lamb	Pepper	Stevens, Minn.
Gardner, N. J.	Langham	Peters	Sulzer
Garner	Langley	Plumley	Talbott, Md.
Gillett	Lawrence	Post	Taylor, Ala.
Glass	Legare	Powers	Taylor, Colo.
Goldfogle	Lenroot	Pray	Thistlewood
Gould	Lindsay	Prince	Thomas
Gudger	Littlepage	Pujo	Tilson
Guernsey	Littleton	Randell, Tex.	Towner
Hamilton, Mich.	Loud	Redfield	Tuttle
Hanna	McCreary	Richardson	Vare
Hardwick	McGillicuddy	Riordan	Volstead
Harrison, N. Y.	McGuire, Okla.	Roberts, Mass.	Vreeland
Hartman	McHenry	Roberts, Nev.	Weeks
Hay	McKenzie	Rothermel	White
Hayes	Macon	Rouse	Wilder
Heald	Madden	Rubey	Wilson, N. Y.
Helm	Maher	Rucker, Colo.	Young, Mich.
Henry, Conn.	Martin, S. Dak.	Rucker, Mo.	Young, Tex.
Henry, Tex.	Matthews	Sabath	
Higgins	Mays	Saunders	

The SPEAKER. The clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "aye," as above recorded.

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. MOON of Tennessee with Mr. SIMMONS.

Mr. BROWN with Mr. MONDELL.

Mr. MCDERMOTT with Mr. FARR.

On this vote:

Mr. HENRY of Texas (in favor) with Mr. HOWLAND (against).

The result of the vote was then announced as above recorded.

The SPEAKER. The question is on agreeing to the last resolution.

Mr. ANDERSON of Minnesota. I ask that the resolution be reported.

The Clerk read as follows:

House resolution 666.

Resolved, That Patrick F. Gill was duly elected a Representative from the eleventh district of Missouri to the Sixty-second Congress and is entitled to the seat therein.

Mr. ANDERSON of Minnesota. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 79, answered "present" 23, not voting 184, as follows:

YEAS—104.

Aiken, S. C.	Dixon, Ind.	James	Robinson
Alexander	Donohoe	Johnson, Ky.	Rothermel
Allen	Faison	Kinkead, N. J.	Russell
Ansberry	Fergusson	Kitchin	Sabath
Ashbrook	Ferris	Konig	Shackleford
Bathrick	Flood, Va.	Korbly	Sharp
Beall, Tex.	Floyd, Ark.	Lee, Pa.	Sisson
Blachmon	Gallagher	Lever	Smith, N. Y.
Booher	Garrett	Levy	Smith, Tex.
Borland	George	Lewis	Stedman
Buchanan	Godwin, N. C.	Linthicum	Stephens, Miss.
Burke, Wis.	Goodwin, Ark.	Lloyd	Stephens, Nebr.
Burleson	Graham	Lobeck	Stone
Byrns, Tenn.	Gray	McCoy	Sweet
Candler	Gregg, Pa.	McKellar	Taggart
Carlin	Hamill	Maguire, Nebr.	Thayer
Carter	Hamlin	Martin, Colo.	Townsend
Claypool	Hardy	Neeley	Tribble
Clayton	Harrison, Miss	Oldfield	Turnbull
Connell	Hayden	O'Shaunessy	Underhill
Cullop	Heflin	Post	Underwood
Curley	Hensley	Pou	Watkins
Davenport	Howard	Rainey	Whitacre
Dent	Hughes, N. J.	Ransdell, La.	Wilson, Pa.
Denver	Hull	Rauch	Witherspoon
Dickinson	Jacoway	Reilly	The Speaker

NAYS—79.

Ainey	Difenderfer	Howell	Moore, Pa.
Akin, N. Y.	Dodds	Jackson	Morgan
Anderson, Minn.	Doughton	Kendall	Morse, Wis.
Austin	Evans	Kennedy	Moss, Ind.
Barchfeld	Fordney	Kent	Needham
Bartholdt	Foss	Kinkaid, Nebr.	Olmsted
Bowman	French	Lafean	Pickett
Bulkley	Good	Lafferty	Prouty
Burke, Pa.	Green, Iowa	La Follette	Raker
Burke, S. Dak.	Greene, Mass.	Lindbergh	Rees
Cannon	Griest	Longworth	Reyburn
Cooper	Hamilton, W. Va.	McCall	Rodenberg
Copley	Hammond	McKinley	Sells
Crago	Harris	McKinney	Sloan
Crumpacker	Haugen	McLaughlin	Smith, J. M. C.
Danforth	Helgesen	Mann	Smith, Saml. W.
Davis, Minn.	Hill	Miller	Speer

Sterling	Utter	Willis	Woods, Iowa
Switzer	Warburton	Wilson, Ill.	Young, Kans.
Taylor, Ohio	Wedemeyer	Wood, N. J.	

ANSWERED "PRESENT"—23.

Adair	Farr	Johnson, S. C.	Page
Adamson	Finley	Lee, Ga.	Roddenbery
Broussard	Foster	McDermott	Sims
Davis, W. Va.	Hawley	McMorran	Sparkman
Doremus	Holland	Morrison	Webb
Dwight	Humphreys, Miss.	Padgett	

NOT VOTING—184.

Ames	Edwards	Konop	Randell, Tex.
Anderson, Ohio	Ellerbe	Kopp	Redfield
Andrus	Esch	Lamb	Richardson
Anthony	Estopinal	Langham	Riordan
Ayres	Fairchild	Langley	Roberts, Mass.
Barnhart	Fields	Lawrence	Roberts, Nev.
Bartlett	Fitzgerald	Legare	Rouse
Bates	Focht	Lenroot	Rubey
Bell, Ga.	Fornes	Lindsay	Rucker, Colo.
Berger	Fowler	Littlepage	Rucker, Mo.
Boehne	Francis	Littleton	Saunders
Bradley	Fuller	Loud	Scully
Brantley	Gardner, Mass.	McCreary	Sheppard
Brown	Gardner, N. J.	McGillicuddy	Sherley
Browning	Garner	McGuire, Okla.	Sherwood
Burgess	Gillett	McHenry	Simmons
Burnett	Glass	McKenzie	Slayden
Butler	Goeke	Macon	Slemp
Byrnes, S. C.	Goldfogle	Madden	Small
Calder	Gould	Maher	Smith, Cal.
Callaway	Gregg, Tex.	Martin, S. Dak.	Stack
Campbell	Gudger	Matthews	Stanley
Cantrill	Guernsey	Mays	Steenerson
Cary	Hamilton, Mich.	Mondell	Stephens, Cal.
Catlin	Hanna	Moon, Pa.	Stephens, Tex.
Clark, Fla.	Hardwick	Moon, Tenn.	Stevens, Minn.
Cline	Harrison, N. Y.	Moore, Tex.	Sulloway
Collier	Hartman	Mott	Sulzer
Conry	Hay	Murdock	Talbott, Md.
Covington	Hayes	Murray	Talcott, N. Y.
Cox, Ind.	Heald	Nelson	Taylor, Ala.
Cox, Ohio	Helm	Norris	Taylor, Colo.
Cravens	Henry, Conn.	Nye	Thistlewood
Currier	Henry, Tex.	Palmer	Thomas
Curry	Higgins	Parran	Tilson
Dalzell	Hinds	Patten, N. Y.	Towner
Daugherty	Hobson	Patton, Pa.	Tuttle
Davidson	Houston	Payne	Vare
De Forest	Howland	Pepper	Volstead
Dickson, Miss.	Hughes, Ga.	Peters	Vreeland
Dies	Hughes, W. Va.	Plumley	Weeks
Draper	Humphrey, Wash.	Porter	White
Driscoll, D. A.	Jones	Powers	Wilder
Driscoll, M. E.	Kahn	Pray	Wilson, N. Y.
Dupré	Kindred	Prince	Young, Mich.
Dyer	Knowland	Pujo	Young, Tex.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye," as above recorded.

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. GREGG of Texas with Mr. CURRY.

Mr. CLINE with Mr. KNOWLAND.

Mr. DAVIS of West Virginia with Mr. VREELAND.

Mr. SMALL with Mr. VARE.

Mr. FITZGERALD with Mr. FULLER.

The result of the vote was then announced as above recorded.

SWEARING IN OF A MEMBER.

Mr. PATRICK F. GILL, from the eleventh Missouri district, appeared at the bar of the House, escorted by Mr. LLOYD, and took the oath of office prescribed by law.

EXTENSION OF REMARKS.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting the speech that was made by the Hon. OLLIE JAMES as permanent chairman of the Baltimore convention.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD by printing the speech of the Hon. OLLIE JAMES as permanent chairman of the Baltimore convention.

Mr. LAFFERTY. Reserving the right to object, will the gentleman consent to include a request that I be permitted to print in the RECORD a short speech by Jane Addams?

Mr. LLOYD. I do not object to the gentleman making that request.

The SPEAKER. Let us first dispose of the request of the gentleman from Missouri. Is there objection?

There was no objection.

The SPEAKER. Now the gentleman from Oregon [Mr. LAFFERTY] asks unanimous consent to extend his remarks in the RECORD by printing a short speech by Jane Addams. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including an address by William H. Kellar, one of the delegates to the Republican national convention that nominated Mr. Taft at Chicago.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend remarks in the RECORD by printing the speech of W. H. Kellar, one of the delegates to the Chicago convention. Is there objection?

There was no objection.

SPEECH OF COL. GOETHALS AT MILITARY ACADEMY (H. DOC. NO. 904).

Mr. MANN. Mr. Speaker, I ask unanimous consent to have printed as a House document a speech delivered by Col. Goethals to the graduating class at the Military Academy at West Point, with an introduction by the superintendent of the academy. (H. Doc. No. 904.)

The SPEAKER. The gentleman from Illinois asks unanimous consent to have printed as a House document a speech by Col. Goethals with an introduction by the superintendent of the academy. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Tuesday, August 13, 1912, at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26232) to extend the provisions of the existing pension laws to the Enrolled Militia of Pennsylvania which cooperated with the forces of the United States during the Civil War and to provide for the issuance of certificates of honorable discharge to certain officers and men serving in the same; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 26233) for the study and eradication of pellagra; to the Committee on Agriculture.

By Mr. HAUGEN: A bill (H. R. 26234) to change the name of oleomargarine to margarin; to change the rate of tax on margarin; to make margarin and other substitutes for dairy products subject to the laws of any State or Territory into which they may be transported; to afford the Internal Revenue Bureau means for the more efficient detection of fraud and for the collection of revenues; to repeal an act defining butter and imposing a tax upon and regulating the manufacture, sale, importation, and exportation of oleomargarine, approved August 2, 1886, with amendments thereto; to the Committee on Agriculture.

By Mr. MANN: A bill (H. R. 26235) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city; to the Committee on Interstate and Foreign Commerce.

By Mr. FERRIS: A bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.; to the Committee on Indian Affairs.

By Mr. JACKSON: Joint resolution (H. J. Res. 350) proposing an amendment to the Constitution relative to the manner of amending the Constitution of the United States; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 351) proposing an amendment to Article V of the Constitution relative to the manner of amending the Constitution; to the Committee on the Judiciary.

Also, joint resolution (H. J. Res. 352) proposing an amendment to the Constitution, Article I, section 9, relating to taxation; to the Committee on the Judiciary.

By Mr. GREGG of Pennsylvania: Resolution (H. Res. 683) to print 5,000 copies of "Report on the Miners' Strike in Bituminous Coal Field in Westmoreland County, Pa."; to the Committee on Printing.

By Mr. RAKER: A resolution (H. Res. 684) providing for printing of hearings on oleomargarine bills; to the Committee on Printing.

By Mr. HOBSON: A resolution (H. Res. 685) authorizing the printing of 70,000 copies of a bulletin entitled "The Cotton Worm or Caterpillar"; to the Committee on Printing.

By Mr. HUGHES of New Jersey: A resolution (H. Res. 686) directing the Secretary of the Navy to furnish the House of Representatives with certain information relative to the construction of four torpedo boats and two battleships authorized in the naval appropriation act of March 4, 1911; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURLEY: A bill (H. R. 26237) for the relief of Murty Lyons; to the Committee on Naval Affairs.

Also, a bill (H. R. 26238) for the relief of Thomas F. Rose; to the Committee on Naval Affairs.

Also, a bill (H. R. 26239) granting a pension to Catherine Moran; to the Committee on Pensions.

Also, a bill (H. R. 26240) granting a pension to Elizabeth A. Clifford; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26241) granting a pension to Catherine Daley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26242) granting a pension to Margaret A. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 26243) granting a pension to George C. Haven; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26244) granting a pension to Daniel Sullivan; to the Committee on Pensions.

Also, a bill (H. R. 26245) granting a pension to Arthur W. Cook; to the Committee on Pensions.

Also, a bill (H. R. 26246) granting a pension to Edward Harrington; to the Committee on Pensions.

Also, a bill (H. R. 26247) granting a pension to John L. Howell; to the Committee on Pensions.

Also, a bill (H. R. 26248) granting an increase of pension to Milo J. Proctor; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26249) granting an increase of pension to John V. Meade; to the Committee on Pensions.

Also, a bill (H. R. 26250) granting an increase of pension to Frederick A. Emery; to the Committee on Pensions.

Also, a bill (H. R. 26251) granting an increase of pension to John H. Tyler; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 26252) granting a pension to Wilbur K. Baker; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26253) granting a pension to Tony Judd; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26254) granting a pension to Lincoln Mothersbaugh; to the Committee on Invalid Pensions.

By Mr. HAUGEN: A bill (H. R. 26255) granting a pension to Elizabeth Cumming; to the Committee on Invalid Pensions.

By Mr. HOLLAND: A bill (H. R. 26256) for the relief of the legal representatives of Seth Foster, John Foster, John Tunis, D. Gordon, William J. Hardy, and Thomas A. Hardy; to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 26257) granting an increase of pension to William A. Watson; to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 26258) granting a pension to Charles Schmidt; to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 26259) granting a pension to Harriet M. Deuel; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 26260) granting a pension to Alma A. Shephard; to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 26261) granting an increase of pension to Maggie E. Van Wert; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Memorial of Grand Council of Ohio, Order of United Commercial Travelers of America, favoring change in the date of our national elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. DYER: Petition of committee on railway mail pay, relative to pay of railway mail and House Document No. 105; to the Committee on the Post Office and Post Roads.

Also, petition of the American Mining Congress, favoring appropriation for Bureau of Mines; to the Committee on Appropriations.

Also, petition of H. McGee Alexander Lodge, No. 3, Ancient Free and Accepted Masons, of St. Louis, Mo., relative to appropriation for celebration of fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

By Mr. FORNES: Memorial of Newport News Chamber of Commerce, relative to shipbuilding industry in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: Petition of District Lodge No. 44, International Association of Machinists, Washington, D. C., relative to House bill 25305, against the stop watch for Government shops; to the Committee on Labor.

By Mr. GUERNSEY: Petition of citizens of the fourth congressional district of the State of Maine, favoring regulation of express rates, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. KINKEAD of New Jersey: Petition of citizens of Jersey City, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Memorial of Inventors' Guild at New York City, relative to change in patent laws; to the Committee on Patents.

Also, memorial of National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill relative to change in patent law; to the Committee on Patents.

Also, petition of International Association of Machinists, Washington, D. C., favoring passage of House bill 25305, relative to stop watch in Government shops; to the Committee on Labor.

Also, memorial of the National Guard Association of the State of New York, favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, memorial of First Battalion Field Artillery, Virginia Volunteers, of Richmond, Va., favoring passage of the militia pay bill; to the Committee on Military Affairs.

Also, memorial of St. Augustine Board of Trade of St. Augustine, Fla., favoring passage of bill providing for city park for St. Augustine; to the Committee on the Public Lands.

Also, petitions of New York Typographical Union, No. 6, and Allied Printing Trades Council of New York State, and Humphreys Homeopathic Medicine Co. of New York, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. McGILLICUDDY: Memorial of Friends of New England, at Vassalboro, Me., favoring passage of the Kenyon-Sheppard bill and advocating enforcement of prohibitory laws; to the Committee on the Judiciary.

By Mr. WILLIS: Petition of Grand Council of Ohio of the Order of United Commercial Travelers, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, petition of Grand Council of Ohio of the Order of United Commercial Travelers, favoring a change in the day for holding of national elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. WILSON of New York: Memorial of the Commercial Telegraphers Union of America, of Chicago, Ill., relative to right of telegraphers to strike; to the Committee on Interstate and Foreign Commerce.

SENATE.

TUESDAY, *August 13, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. SMOOT and by unanimous consent, the further reading was dispensed with and the Journal was approved.

UNITED STATES MARINE HOSPITAL, NEW YORK (S. DOC. NO. 918).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting certain information relative to the situation in connection with the United States Marine Hospital at New York City, N. Y., and requesting that an appropriation of $22,000 be made to extend the limit of cost for the completion of the building, etc., which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (S. 2117) to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes, and it was thereupon signed by the President pro tempore.

PROTECTION OF AMERICAN CITIZENS IN MEXICO.

Mr. SMITH of Arizona. I present resolution adopted at a mass meeting of citizens of Graham County, Ariz., which I ask may be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the resolution was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

SAFFORD, ARIZ., *August 4, 1912.*

To Hon. MARK A. SMITH,
Hon. HENRY F. ASHURST, and
Hon. CARL HAYDEN,
Washington, D. C.:

As nearly 3,000 Americans have been forced to leave their homes in Chihuahua and Sonora on account of the violent acts of the revolutionists within the past 10 days and are now being taken care of in different parts of the United States, and as the homes and property of these people are at the mercy of the different bands of revolutionists overrunning that part of the country, with no means of protection, and not daring to return under threats of violence, and as several hundred of the refugees are here in the Gila Valley now seeking assistance and protection from the flagrant outlawry that has been heaped upon them, we, the citizens of Graham County, in mass meeting assembled at Safford, ask that you use your utmost efforts in an endeavor to induce the Federal Government to protect the American citizens now residing in the Republic of Mexico, and also the homes and property of those who have been forced to come to the United States for the preservation of their lives.

Viewing the situation from close quarters, we deem the situation very grave, and while we do not advocate United States intervention at this time, we do believe that the Government is fully warranted in demanding that the Mexican Government give proper protection to United States citizens and property belonging to them; then in case this demand is not complied with to compel its recognition.

The refugees from revolutionary depredations can not remain long in the United States, for the reason that everything they own is in the Republic of Mexico, and they must be cared for by their friends or sympathetic citizens until they can return to their homes in Mexico, and we are firmly convinced that the sooner the United States Government gives the Government of Mexico to understand that it must protect American citizens, or that we will do it for them, the better it will be, not only for the unfortunates who have just left Mexico, but also for the human race in general.

Yours, truly,

Z. C. PRINA,
Mayor Town of Safford.

DERRICK SCOW "EDNA."

Mr. CRAWFORD. I ask that the Committee on Claims be discharged from the further consideration of the letter from the Secretary of the Treasury, transmitting a letter from the Acting Secretary of the Navy relative to the claim of the owners of the derrick scow *Edna* for damages arising out of the collision with the navy-yard tug *Hercules* in the harbor at Norfolk, Va., on March 12, 1912, in the sum of $183.76, and that it be referred to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FLETCHER:

A bill (S. 7456) extending to the Port of Pensacola, Fla., the privileges of section 7 of the act approved June 10, 1880, governing the immediate transportation of dutiable merchandise without appraisement; to the Committee on Commerce.

By Mr. CULLOM:

A bill (S. 7457) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city; to the Committee on Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 7458) granting an increase of pension to James P. Bartlett (with accompanying paper); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 7459) granting a pension to George S. Parker (with accompanying paper); to the Committee on Pensions.

INQUIRIES OF INTERSTATE COMMERCE COMMISSION.

Mr. KENYON submitted the following resolution (S. Res. 378), which was ordered to lie on the table and be printed:

Resolved, That the Committee on Interstate Commerce be, and is hereby, requested to inquire into and make investigation of the practical operation and enforcement of the act to regulate commerce passed in 1887, and the acts amendatory thereof and supplementary thereto, particularly (1) as to the progress made by the Interstate Commerce Commission in devising a more practicable and equitable scheme of rate making; (2) what proof is required respecting challenged rates; (3) what burdens are imposed upon the public in attempts to secure relief; (4) to investigate the practice of carriers with respect to unjust discriminations between localities and between commodities and class freight; (5) to consider the practicability and advisability of Congress prescribing maximum and minimum rates on low-grade commodities moving in large volume; (6) to discover the present evils not reached by existing statutes and the necessity for and recommendation of additional legislation to correct abuses found to exist; (7) to investigate the ownership and control of water fronts, harbors, and wharves upon the seacoasts, on navigable streams, and at lake ports by the railroads and the effect of such ownership and control upon the public welfare; (8) to investigate the ownership, control, operation, use, and practices of terminal railroads and whether said terminal railroads are aids or hindrances to commerce; and (9) to recommend such additional legislation which said investigation may suggest as being necessary to correct abuses or untoward conditions found to exist.

SMITH-LEVER AND PAGE BILLS.

Mr. SMITH of Georgia. I have a paper which I wish to present to the Senate. It is an article by Eugene Davenport, dean and director of the College of Agriculture and Experiment Station, University of Illinois, on the Smith-Lever and Page bills. While I do not agree with all the views he takes, yet he suggests a line of thought that may aid us in preparing some amendments to the Page bill, and I think it would be well to place it in the RECORD—it is short—that Senators may use it before we reach the discussion of that bill.

There being no objection, the paper was ordered to lie on the table and to be printed in the RECORD, as follows:

THE SMITH-LEVER AND THE PAGE BILLS.

Both these bills aim to benefit agriculture, but in ways that are very different, both in their immediate results and in their final effects upon the educational policy of the country. Some of these differences are worth special mention at this time.

The Smith-Lever bill is simple and direct. It aims at that form of extension work which teaches by the method of actual field demonstration. It assumes that the talking stage is past and the doing stage is here; and it provides for field demonstrations by a plan which will prevent the development of a gigantic political machine, such as is the inevitable consequence of some of the other plans proposed for aiding the farmer. This is avoided by placing the responsibility upon the State colleges of agriculture, where it belongs, and not upon Federal bureaus, exposing the service to scheming politicians seeking Federal positions.

The Page bill is open to the following serious criticisms:

1. The extension work is in the form of extension departments of the colleges, not of actual field demonstrations.

2. This bill proposes a subsidy to induce existing high schools to add agriculture, trades and industries, and home economics to their courses of study. The feature is a good one, but the amounts involved are so small as to be insignificant—about $400 per school for the introduction of these diverse subjects, all expensive.

3. When the contribution is so minute, the Federal control necessarily involved amounts to little else than pestiferous interference. This item should be 10 or 20 times as large to be at all effective.

4. This bill is dangerous to the public-school system at another point in that it establishes an entirely separate system of federally controlled industrial schools of secondary grade in both city and country having no connection with the public schools. Such schools must either duplicate the nonindustrial studies of the public schools or else offer inferior instruction. In the one case it is expensive; in the other it makes a cleavage between the children of industrial people and those of others; and in either case it is dangerous to our democratic institutions as well as demoralizing to our school system. What is needed is not a new system of schools but the completion of those already in existence by the addition of industrial departments.

5. The district agricultural high school herein provided (not fewer than 7 nor more than 15 for a State like Illinois) covers a territory so large as to require the children to leave home—this at an age (14 to 16) at which children should be at home nights. Such schools are therefore practically out of reach of the masses. It will be said that such schools are for older people, but when the high schools are equipped to teach vocational subjects we shall see fewer children dropping out, and the class of young men and women needing schooling at an age when they ought to be at work will disappear.

6. The amounts devoted to these district schools would far better be devoted to the encouragement of consolidation among the small one-room country schools, and the gradual upbuilding of secondary schools with departments of agriculture and home economics, such schools being from the first a part of the general public-school system.

7. The district experiment station is unnecessary and a step backward in research work in agriculture. What is needed is local demonstration, not duplication of experiments. Research is not a matter of locality in most cases, and when it is the people of the experiment station should be free to go wherever the conditions are favorable for the experiment and leave when they get through. The bill fails to distinguish between research, which is costly and should be concentrated, and demonstration, which is comparatively inexpensive and should be scattered.

8. In both district agricultural schools and experiment stations the States are called upon to carry the cost of real estate and buildings, and to pay the expense of all nontechnical instruction—an outlay that will check rather than develop the general course of agricultural education.

Altogether, the Page bill aims well, but its details are not well considered. It aims at too many things, and too many features will be found to work badly. It seems to be drawn to please diverse interests rather than to accomplish a set purpose, and should be divided.

Two, perhaps three, great advances are needed for agriculture: One is the form of extension work provided in the Smith-Lever bill; the other is the subsidization of existing secondary schools for industrial training, as Congress a half century ago subsidized collegiate instruction in agriculture and mechanic arts. Experience has shown that whatever was necessary in the beginning, it is not now necessary to locate this instruction in separate institutions of collegiate grade; no more is it necessary in institutions of secondary grade.

Let Congress pass the Smith-Lever bill and study further into the Page bill.

E. DAVENPORT.

UNIVERSITY OF ILLINOIS, *June 3, 1912.*

Mr. PAGE. In connection with the paper just presented by the Senator from Georgia, I ask permission to have inserted in the RECORD a letter from myself addressed to the editor of the Country Gentleman stating briefly the history of the Page vocational education bill.

There being no objection, the letter was ordered to lie on the table and to be printed in the RECORD, as follows:

WASHINGTON, D. C., *July 27 1912.*

To the EDITOR OF THE COUNTRY GENTLEMAN,
Philadelphia, Pa.

MY DEAR SIR: You have kindly sent me an article on the Page vocational education bill and asked that I answer the objections made

thereto by Dean Davenport, of the Illinois College of Agriculture. I am happy to comply with your request, but before doing so, or rather as a part of my reply, I must state briefly the history of the Page bill.

That bill was originally introduced in the Senate on the 6th day of April, 1911, and referred to the Committee on Agriculture and Forestry. That the bill as then introduced was crude, loosely drawn, and properly obnoxious to many of the criticisms made thereon by Dean Davenport I will frankly admit. Its fundamentals I then believed and still believe to be absolutely sound.

The Committee on Agriculture and Forestry, after a brief discussion, decided that some one must assume the burden of investigating the laws of the several States with a view to determining what amendments must be made to the original Page bill to make it properly articulate with State laws and State conditions, and inasmuch as I had introduced the bill the committee placed that burden upon my shoulders. I feel compelled to make this explanation because the criticism of Dean Davenport is founded entirely upon the original bill as introduced by me in April, 1911, and not upon the present bill.

During the summer and fall of 1911, in obedience to the command of the Committee on Agriculture and Forestry, I entered into correspondence with the superintendents of public instruction of every State in the Union, with the governor of every State, with the president of every State agricultural college, with State boards of education, with leading educators, and indeed with the editors of the leading agricultural and trade papers of the country.

As a result, on the 26th day of February, 1912, a substitute bill was offered by me in which almost every one of the features of the bill which Dean Davenport has criticized were eliminated. Let me illustrate:

One of his objections to the Page bill is to the research work at the branch stations authorized to be established in connection with the district agricultural schools which the original bill provided for. It may be said in this connection that on the 14th, 15th, and 16th of December last a meeting of educators was held at Washington, at which were present President Thompson, of the Ohio State Agricultural College; Dean Russell, of the Wisconsin State Experiment Station; Dr. Connell, president of the Oklahoma State Agricultural College; Dr. Claxton, United States Commissioner of Education; Hon. Willet M. Hays, Assistant Secretary of Agriculture, Washington, D. C.; Mr. G. G. Dawe, of the Southern Commercial Congress; and other leading educators.

The whole question of research work at these branch stations was thoroughly discussed, and, with practical unanimity, the idea of such research work was eliminated. I quote the language of the original bill to which Dean Davenport's criticism applies:

"And the Secretary of Agriculture is hereby authorized to give the schools and branch experiment stations designated in this act such advice and assistance as will best aid them in carrying out the provisions of this act in relation to instruction and research in agriculture, home economics, and rural affairs, and to issue reports on methods of research, education, and demonstration in agriculture and home economics."

The rewritten bill eliminates entirely every suggestion of research and limits the work to field tests and breeding. Let me quote from the rewritten bill:

"'Branch station' shall mean a branch of a State experiment station conducting field tests and breeding work and located on a district agricultural high-school farm."

It must be remembered that the provision in the original bill above quoted, in which the word "research" is used twice, was one of the features to which President Thompson and Dean Russell most strenuously objected, and it was largely because of their objection that every suggestion of research was abandoned in the rewritten bill and the work at these branch stations limited to the conducting of field tests and breeding.

From what I have stated above it can be readily seen that Dean Davenport has never taken the trouble to familiarize himself with the results of the long months of painstaking labor put into this matter by myself and others, and that had he done so he would never have written the criticism upon the Page bill to which you call my attention and invite an answer.

In support of this theory let me refer to another criticism made by Dean Davenport in his article in the Country Gentleman. He refers in his objection No. 3 to the Federal control, which, he says, is little less than "pestiferous interference." As the bill was originally drawn it is possible that there might have been some ground for this criticism, but the replies received by me from the different States called my attention to this obnoxious feature of the bill, and to relieve the measure of this objection a new clause was incorporated in the act which provided for what was known as a State board for vocational education, which should have "all necessary power to cooperate with the Secretary of the Interior in the administration of the provisions of this act relating to schools of secondary grade and the training of teachers."

And it was provided that this board for vocational education for each State should adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan. Indeed, the bill goes so far as to say that the moneys received by any State for any purpose under the provisions of the act shall be distributed after the manner specified in the act, or—and this provision should be especially noted—"such money shall be distributed on some other basis and according to some other plan previously adopted by the board for vocational education or by legislative authority."

Dean Davenport will find upon reading this bill that nearly every feature of the original measure which he has seen fit to criticize has been eliminated, and when he says, as he does in his article, that this bill is dangerous to the public-school system, in that it establishes an entire system of Federally controlled industrial schools, he is making a statement which he probably would not have made had he read the bill in its present form and noted how fully and perfectly the autonomy of the States had been protected by providing for a State board of vocational education to control the funds appropriated by this act.

It is but fair to say that Dean Davenport makes one objection which has not been eliminated. It is this:

"The district agricultural high schools herein provided (not fewer than 7 nor more than 15 for a State like Illinois) covers a territory so large as to require the children to leave home—this at an age (14 to 16) at which children should be at home nights. Such schools are therefore practically out of reach of the masses. It will be said that such schools are for older people, but when the high schools are equipped to teach vocational subjects we shall see fewer children dropping out."

Dean Davenport is respectfully referred to the district agricultural school in my own State, Vermont, which demonstrates absolutely that he is wrong in his contention. This bill is not a mass of impracticable ideas brought together hastily and without proper consideration. The experience of the several States of the Union which have these district agricultural high schools has been carefully studied, and the results prove conclusively that they are practical; and I shall be pleased to refer Dean Davenport or any other inquirer to several States of this Union which are working out this matter of district agricultural high schools very satisfactorily. I refer to the Vermont school because I am better acquainted with that school than I am with those of the other States; but there is no possible question as to the practicability of this class of schools.

In my judgment, these district agricultural schools will prove to be the college of the farmer boy. It is a well-known fact—and no one knows it better than Dean Davenport—that our agricultural colleges have not brought about the results contemplated by Senator Morrill, the author of the agricultural-college bill.

That they have given us an army of trained experts, who have done a wonderful work in the Department of Agriculture and elsewhere where trained experts are needed, is all the tribute necessary to the great work being done by Dean Davenport and his associates in the agricultural colleges. Without their work I do not know what the condition of our country would be to-day; but we certainly could not proceed with the supplemental work contemplated by this bill had these agricultural colleges not been established through the foresight and wisdom of that grand old man of Vermont, Justin S. Morrill.

I yield to no one in my admiration for Dean Davenport and what his colleges and experiment stations are doing for the country. But the trouble is that those schools are of little avail in staying the great tide from country to city, and we must have an intermediate school where the boy, with no other preparation than that which is received by him in the rural schools, may go and receive that training and inspiration which will make him a practical farmer. I quote from my speech in the Senate of June 5 as to the results which it is believed will follow the establishment of these schools:

"The district agricultural schools will send back to the farms hundreds of thousands of boys to join with the father, who, meanwhile, has been educated by the farm or college extension work provided for by the bill, and together they would join in vitalizing, stimulating, and energizing that more intelligent and more profitable farm management of which our country to-day stands in such great need."

It is difficult to understand why a broad-minded educator like Dean Davenport should not enthusiastically urge not only the appropriation of the $3,000,000 for the benefit of the secondary schools in rural sections, but also that other $3,000,000 which is designed to stimulate and encourage the district agricultural high schools to be established under the provisions of this bill.

The appropriation for these rural schools, supplemented as it is by the appropriation for the district agricultural high school, will do more for the welfare of the rural communities of this country than any other plan or scheme thus far evolved; and I sincerely believe that when Dean Davenport has looked at the whole field from a broader viewpoint he will join with me not only in asking for the appropriation for the rural school but also for the district agricultural high school.

The two combined only call for 6 cents per capita per annum from the National Treasury, and they favorably affect every rural community from the Atlantic to the Pacific, from Canada to the Gulf, and together they will, in my judgment, constitute the steps in our rural educational life which will lead the brightest of our farmer boys in large numbers up to the great agricultural colleges like the one over which Dean Davenport so ably presides.

I may be pardoned in this connection for saying that since the original bill—the one which Dean Davenport so appropriately criticizes—was introduced, I have probably written nearly 4,000 letters to leading educators in every section of the country, asking for suggestions of amendment which would perfect the original Page bill and make it practicable and workable.

I do not wish to be misunderstood about this matter. In no case have I yielded any fundamental principle upon which the bill is founded, but with patient, painstaking, industrious labor I have drawn upon the ablest and most broad-minded educators of this country for advice and assistance, and the result, as it seems to me, is a bill which largely meets the ideas of the great educators of the type of Dean Davenport.

He seems to have foreseen just how a good bill should have been drawn, and the fact that the shape in which it is now drawn so thoroughly coincides with his broad-minded views is one of the best evidences, to my mind, that the Page bill is a good bill.

I am compelled to disagree with Dean Davenport in one important particular. He says:

"In both district agricultural schools and experiment stations the States are called upon to carry the cost of real estate and buildings and to pay the expense of all nontechnical instruction—an outlay that will check rather than develop the general course of agricultural education."

Dean Davenport has stated the exact truth as to the purpose of the Page bills, for it does design to do exactly what he says. Appeal after appeal has come to me from different sections of the country urging that the Federal Government pour its treasures into the laps of the States in such a way as to bear the whole or a larger part of the expense of the great educational work which the Page vocational education bill seeks to accomplish. To yield to this pressure would have been to sacrifice one of the important fundamentals of the bill, and I repeat in no instance has a single important fundamental been abandoned.

The Federal Government should not assume the general burdens of education in the States, but it should rather cooperate with the States, to the end that instead of there being 48 separate and distinct systems, in no way coordinated, the Federal Government should proceed to point the way—to blaze the trail, so to speak—leaving it for the States themselves in their own good time to accept one, two, three, or all the provisions of the bill at their own option and in their own good way, in no manner hampered, except by the proviso that if they accept of this bounty of the Government, they shall satisfy the Secretary of the Interior that they will carry out the spirit, intent, and the purpose of the bill.

In closing, Dean Davenport gives me credit for being a well-meaning man. He says:

"Altogether, the Page bill aims well, but its details are not well considered."

Inasmuch as I have shown beyond the possibility of a doubt that Dean Davenport did not, when he made this criticism, know what these details are, I think I may be excused for omitting to answer any of his generalizations. I have, at more length than I intended, taken up and answered his several criticisms, as given in the Country Gentleman of July 13, and have endeavored to reply to them in no critical or captious spirit, because I realize that by inadvertence Dean Davenport has made a criticism of a measure as to the contents of which he was not sufficiently advised.

Very truly, yours,

CARROLL S. PAGE.

INDIAN APPROPRIATION BILL (S. DOC. NO. 919).

Mr. CHAMBERLAIN. At the request of the acting chairman of the Committee on Indian Affairs I present a conference report on the Indian appropriation bill (H. R. 20728) and ask that it be printed in the RECORD.

The PRESIDENT pro tempore. The report will be read.

The Secretary proceeded to read the conference report.

Mr. CHAMBERLAIN. Inasmuch as it is to be printed in the RECORD I do not see any necessity to have it read.

The PRESIDENT pro tempore. The report will be ordered printed in the RECORD, without objection.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 12, 13, 16, 18, 27, 34, 35, 38, 39, 42, 43, 50, 52, 56, 59, 63, 64, 65, 70, 72, 76, 77, 88, 89, 90, 91, 92, 95, 99, 108, 109, 115, 125, 127, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 152, 153, 154.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 14, 15, 17, 24, 30, 31, 33, 40, 44, 45, 46, 47, 51, 53, 54, 55, 58, 62, 66, 74, 78, 79, 80, 81, 82, 84, 85, 97, 98, 110, 116, 117, 118, 119, 120, 121, 124, 128, 136, 144, 145, 148, 149, 151, 155, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and twenty-five"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and twenty"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and eighty." After the word "dollars," in line 11, page 5, insert the following: ": *Provided*, That out of the above amount the following expenditures shall be made, to wit: $30,000 for the construction of buildings for agency headquarters on the Coeur d'Alene Reservation in Idaho; $10,000 for general repairs and improvements at the Yankton Agency in South Dakota; $15,000 for improvements at the Fort Bidwell School in California, as follows: $7,000 for the erection and construction of a water and electric-light system, $3,000 for sewerage system, $3,000 for a steam laundry, and $2,000 for complete heating system of the school and accessory buildings"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 8 of the proposed amendment, after the word "to," strike out the word "twenty" and insert in lieu thereof the word "fifteen"; in line 8 of the proposed amendment, after the word "and," strike out the word "twenty-five" and insert in lieu thereof the word "twenty"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-two"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., $5,000.

"To enable the Secretary of the Interior to make an investigation of the conditions on the Papago Indian Reservation in Arizona with a view to determining the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands and the development of a water supply for domestic and stock purposes, $5,000: *Provided*, That the Secretary of the Interior shall cause surveys, plans, and reports to be made, together with an estimated limit of cost of said project, and shall submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make an investigation of the conditions on the White Mountain or San Carlos Indian Reservation in Arizona, with respect to the necessity of constructing, for the use of the Indians, suitable bridges across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, $1,000, and the Secretary of the Interior is hereby authorized and directed to cause surveys, plans, and reports to be made, together with an estimated limit of cost of construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make an investigation of conditions on the Yuma Reservation, in California, with respect to the necessity of constructing, for the use of the Indians, a bridge across the Colorado River between Fort Yuma, Cal., and the town of Yuma, Ariz., $1,000, and the Secretary of the Interior is hereby authorized and directed to cause plans, surveys, and reports to be made, together with an estimated limit of cost of said bridge, and to submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 2 of the Senate amendment, after the word "Reservation," strike out the word "thirty-three" and insert in lieu thereof the word "twenty-five;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,362.62"; on page 11 of the bill, in line 13, strike out the first two words of said line, to wit, "and third"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Indians," insert the words "in full settlement"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirty-eight"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "appropriated," strike out the word "for" and insert in lieu thereof the words "to complete"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: After the word "Congress," in line 12 of the proposed amendment, strike out the colon and insert in lieu thereof a period; strike out the remainder of said amendment; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,600"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-eight"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 3 of the amendment, after the word "attorney," strike out the word "four" and insert in lieu thereof the word "two"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty thousand"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,000"; in line 10, page 20, of the bill, strike out the words "hundred and fifty dollars"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand five hundred"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: After the word "dollars," in line 4 of the proposed amendment, strike out the words "for erection of hospital building and equipment of same, $25,000"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three thousand five hundred"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "7,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94 and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,500"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June 17, 1910, entitled 'An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes,' and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payments at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited: *Provided further*, That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: After the word "sale," at the end of said amendment, insert the following: ": *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under elxsting law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: After the word "lands," in line 2 of the proposed amendment, insert the following: "but not including royalties on coal and asphalt"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make the appraisement and sale hereinafter provided, $5,000: *Provided*, That the

houses and other valuable improvements, not including fencing and tillage, placed upon the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations in Oklahoma, by private individuals, while in actual possession of said land and prior to February 19, 1912, and not purchased by the Indian nations, shall be appraised independently of the surface of the land on which they are located and shall be sold with the land at public auction at not less than the combined appraised value of the improvements and the surface of the land upon which they are located. Said improvements shall be sold for cash, and the appraisement and sale of the same shall be made under the direction of the Secretary of the Interior, and 95 per cent of the amount realized from the sale of the improvements shall be paid over under the direction of the Secretary of the Interior to the owner of the improvements and the appropriation hereinbefore made for this purpose shall be reimbursed out of the 5 per cent retained from the sale of the said improvements: *Provided*, That any improvements remaining unsold at the expiration of two years from the time when first offered for sale shall be sold under such regulations and terms of sale, independent of their appraised value, as the Secretary of the Interior may prescribe: *Provided further*, That persons owning improvements so appraised may remove the same at any time prior to the sale thereof, in which event the appraised value of the improvements and land shall be reduced by deducting the appraised value of the improvements so removed: *Provided further*, That this section shall not apply to improvements placed on said lands by coal and asphalt lessees for mining purposes, but improvements located on lands leased for mining purposes belonging to, or heretofore paid for by, the Choctaw and Chickasaw Nations shall be appraised and the appraised value thereof shall be added to the appraised value of the land at the time of the sale: *Provided further*, That where any cemetery now exists on the said segregated coal and asphalt lands, the surface of the land within said cemetery, together with the land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery, and where a church was in existence on said lands on February 19, 1912, land not exceeding 1 acre for each church, may, in the discretion of the Secretary of the Interior, be sold to the proper party, association, or corporation, under such terms, conditions, and regulations, as he may prescribe, provided application to purchase the same for such purpose is made within 60 days from the date of the approval of this act."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: After the word "resold," in line 7 of the proposed amendment, strike out the colon and insert in lieu thereof a period, and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the amendment insert the following: ", to June 30, 1913"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, $17,500: *Provided*, That the said sum shall be available whenever a like amount is appropriated and made available by the town of Sulphur, Okla., for the same purpose: *Provided further*, That whenever said appropriation is made by the town of Sulphur, Okla., the entire amount, or so much thereof as may be necessary, of the total appropriation made by this act and the town of Sulphur, Okla., shall be expended under the direction of the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 13 of the proposed amendment, after the word "family," strike out the period and insert a colon and the following: "*Provided*, That before such payment shall be made the heirs or legal representatives of said John W. Noble and R. V. Belt shall sign a receipt in full for all claims for the services above specified and file the said receipt with the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: After the word "Huff," in line 18 of the proposed amendment, strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That before such payments shall be made in full said Albert J. Lee shall sign a receipt in full for all claims for services as herein specified and file the same with the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the purpose of reimbursing the trust funds of the Kickapoo community in Mexico, said fund having been created under the provisions of the act of Congress of April 30, 1908 (35 Stat. L., p. 89), for expenses necessarily incurred in defending said community, its funds, lands, and members from fraud, the Secretary of the Treasury is hereby authorized and directed to pay the sum of $41,000 to such person or persons as may be authorized to receive the same by a majority of the council of said community, which is now composed of the following-named persons, to wit: Okemah, Jim Deer, Pah ko tah, Owue mah them, and Wah peche quah: *Provided*, That the authorization herein mentioned shall be an instrument in writing, duly acknowledged in the United States."

And the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sent to the First National Bank of Douglas, Ariz., checks payable to the order of the individual Indian owners who are members of the band of Mexican Kickapoo Indians now resident in the Republic of Mexico, for and in the amount of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the said Mexican Kickapoo Indians."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lines 7 and 8 of the proposed amendment, after the word "than," strike out the words "February 1, 1913," and insert in lieu thereof the words "December 1, 1912"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of War is hereby authorized to remove to and establish on the Mescalero Apache Indian Reservation, in New Mexico, all persons now held as Apache prisoners of war on the Fort Sill Military Reservation, in Oklahoma, who may desire to go to said Mescalero Apache Reservation. The desires of said Indians shall be ascertained by a commission of two persons, one a representative of the War Department and one a representative of the Interior Department, to be selected by the heads of said departments, respectively. The personal effects, including horses, cattle, farm implements, and household goods of those electing to remove to said Mescalero Apache Reservation, shall also be removed and delivered to the respective owners on that reservation. The proportionate share of those removed in the common property of the tribes or bands shall be segregated and administered for their common benefit. The Secretary of War may, in his discretion, if he deems it advisable, sell either the individual or common property, and pay over the proceeds of such sales to the Secretary of the Interior, to be by him invested in property suitable in character for the use and benefit of those whose property is sold.

"That immediately upon the arrival and establishment of said Indians on the said reservation they shall be released from the status of prisoners of war and shall thereafter be and remain under the jurisdiction of the Secretary of the Interior, upon equal footing in all respects with other Indians belonging on said reservation.

"That the Indians of the band electing to stay in Oklahoma may remain on the Fort Sill Military Reservation in their present status until further provision is made for them. The Secretary of the Interior is authorized to purchase land of deceased Kiowa, Comanche, and Apache Indians to the amount of not to exceed 80 acres for each of the Apache prisoners of war who remain in Oklahoma and desire land in severalty: *Provided*, That as fast as said Indians are so allotted they shall be released from the status of prisoners of war and shall thereafter be and remain under the jurisdiction of the Secretary of the Interior: *Provided further*, That lands so purchased shall be held in trust for said Indians by the United States for the period of 25 years, except that fee patent may issue at any time, in accordance with rules and regulations governing Indian allotments generally.

"That Martin Grab, E. L. Welch, and the heirs of George Wrattan, white men who have resided among and rendered valuable services to these Indians for many years, shall be entitled to the same benefits under this act as the Indians themselves.

"That for the purpose of removing and establishing said Indians on the Mescalero Apache Indian Reservation there be, and hereby is, appropriated the sum of $100,000, or so much thereof as may be necessary, to be used under the direction of the Secretary of War; and for the purpose of purchasing lands for those remaining in Oklahoma there be, and hereby is, appropriated the sum of $100,000, to be expended under the direction of the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven"; in line 20, page 28, after the first word, "dollars," insert: ": *Provided*, That $4,000 of this amount shall be used in the construction and maintenance of an irrigation system for the use of said school"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-three"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-two thousand five hundred"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to expend the unexpended balance, which is hereby reappropriated, of the appropriation of $15,000, or so much thereof as may be necessary, appropriated by the act approved March 3, 1911 (36 Stat. L., 1074), 'for the purpose of constructing a bridge across the Duchesne River at or near the town of Theodore, Utah,' for the purpose of straightening the said Duchesne River at or near said bridge, with a view to protecting said bridge."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For cash payment to the Confederated Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, $100,000, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said Confederated Bands of Ute Indians, dated February 13, 1911."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable, and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project, and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto."

And the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,170"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Wisconsin," strike out the word "nine" and insert in lieu thereof the word "seven"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five thousand and twenty-five"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to investigate the necessity or advisability of constructing wagon roads on the Shoshone Indian Reservation, Wyo., the cost thereof to be reimbursed out of the proceeds of sale of surplus lands of such reservation, and to report thereon to Congress on the first Monday in December, 1912, in which report he shall submit specific recommendations in respect to the kind of roads to be constructed, their location and extent, together with an estimate of cost therefor."

And the Senate agree to the same.

MOSES E. CLAPP,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.
JNO. H. STEPHENS,
C. D. CARTER,
Managers on the part of the House.

Mr. CHAMBERLAIN. I also ask to have the report printed as a document, that it may be distributed among Senators.

The PRESIDENT pro tempore. That order will be made.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On August 10, 1912:

S. 7195. An act to authorize the Great Northern Railway Co. to construct a bridge across the Missouri River.

On August 12, 1912:

S. J. Res. 129. Joint resolution to provide transportation for American citizens fleeing from threatened danger in the Republic of Mexico.

On August 13, 1912:

S. 7163. An act authorizing the State of Arizona to select lands within the former Fort Grant Military Reservation and outside of the Crook National Forest in partial satisfaction of its grant for State charitable, penal, and reformatory institutions.

INTERNATIONAL EXPOSITIONS (S. DOC. NO. 917).

The PRESIDENT pro tempore laid before the Senate the following message from President of the United States, which was read and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed:

To the Senate:

I transmit herewith a report by the Secretary of State, with accompanying papers, furnishing, so far as is known to the

Department of State, the information requested in the resolution adopted by the Senate on July 13, 1911, concerning invitations extended to the United States to participate in expositions in foreign countries and invitations extended by the United States to foreign countries to participate in expositions held in the United States.

WM. H. TAFT.

THE WHITE HOUSE,
Washington, August 13, 1912.

PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Mr. FLETCHER. I ask the Chair to lay before the Senate the amendments of the House of Representatives on Senate bill 2117.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 2117) to promote the efficiency of the Public Health and Marine-Hospital Service.

Mr. FLETCHER. I move that the Senate concur in the amendments of the House.

Mr. BURTON. I should like to ask about that bill. Is it a substitute for the various measures which are pending here for a consolidation of the different agencies pertaining to public health?

Mr. FLETCHER. No; it does not involve those bills.

Mr. BURTON. Then what is the object of this bill?

Mr. FLETCHER. It is a bill passed by the Senate some time ago, which went to the House. It has been amended in the House, and I now ask for an agreement with the House. It increases to some extent the salaries of the health officers.

Mr. BURTON. Does it change their duties or responsibilities?

Mr. MARTIN of Virginia. I will say to the Senator from Ohio that it supersedes those bills and makes them unnecessary at present. It entirely removes them from present consideration. There are various health bills. One is the Owen bill, and there are a number of bills of that sort. They are very voluminous measures. This supplants them and makes them unnecessary, certainly for the present.

Mr. BURTON. Does that mean that there would be no occasion for the passage of any of those bills if this passes?

Mr. MARTIN of Virginia. None whatever, in my judgment. I do not mean that there may not be occasion for legislation to better the service at a future time, but certainly there is no necessity for the consideration of those bills at present.

Mr. BURTON. Is it not true that as the bill passed the Senate formerly it was merely a measure increasing or readjusting salaries?

Mr. MARTIN of Virginia. It is chiefly that. There is a slight increase in salaries, but not making them equal to that of the same officers in the Army or Navy.

Mr. BURTON. As it comes back from the House it is a measure taking the place of a bill for a department of public health.

Mr. MARTIN of Virginia. In my judgment, it does.

Mr. BURTON. It seems to me it ought to be discussed somewhat if it is a measure of such far-reaching importance.

Mr. MARTIN of Virginia. It does not interfere with any Senator presenting those other bills if he sees fit to do so. It simply increases to a very small degree the officers in this service. Then there are some other slight matters that are of immaterial consequence. It relieves a very great injustice and hardship under which these men have been laboring for some years. After it has passed the House and been very generally agreed on by the different schools of medicine, and by the Senator from California [Mr. WORKS], who is very much opposed to some of these measures, but is willing to see this bill passed, after a close examination, so that all the schools of medicine which have been at variance are willing to concede this measure of justice, I sincerely hope it may be granted at this time.

Mr. BURTON. Has there been any hearing from those who advocate the department of public health?

Mr. MARTIN of Virginia. There has been.

Mr. BURTON. On this particular bill?

Mr. MARTIN of Virginia. On the subject but not on the particular bill, but this particular bill is the outcome of those hearings, and an evolution from those various bills which have heretofore been so much discussed.

Mr. BURTON. I take it the passage of this bill would in no way prevent the taking up of a comprehensive measure along the lines suggested in the Owen bill.

Mr. FLETCHER. I do not think so.

Mr. MARTIN of Virginia. It could not possibly interfere with that.

Mr. BURTON. I do not feel like objecting or taking time for discussion. It seems to me, however, that this measure comes before us under rather singular circumstances, and that its scope has been very much enlarged by the action of the House.

Mr. MARTIN of Virginia. The scope has been very much reduced.

Mr. FLETCHER. It will rather reduce it. If the Senator will allow me, I will state the effect of the bill.

The present salaries of the officers of the Public Health and Marine-Hospital Service are as follows:

Surgeon General	$5,000
Assistant Surgeon General	2,900
Surgeon	2,500
Passed assistant surgeon	2,000
Assistant surgeon	1,600

The proposed scale of salaries is less than that allowed officers of the Army and Navy. The bill does not increase the commutation allowed the officers. The present commutation is far less than that allowed officers of the Army and Navy.

The bill does not increase the functions of the service, but merely grants specific authority for work which is now being performed under general laws.

That is the whole scope and effect of the measure. It passed the Senate and has come back from the House and is here in regular order.

Mr. WORKS. Mr. President, I was instrumental yesterday in having this bill passed over until to-day in order that I might look more carefully into its provisions.

The bill as it passed the Senate was simply a bill to increase the salaries of the surgeons in the medical service, to which I had no objection whatever. As it came from the House it has certain provisions relating to the authority of the bureau, some of which are objectionable to me, but I concluded after an examination of the bill that I would not oppose a concurrence in the amendments of the House under the circumstances.

I am, as the Senate knows, very earnestly opposed to the passage of what is known as the Owen bill. This bill has one or two provisions in substance the same as those contained in the Owen bill, but they are not of a serious character, and I think they are practically providing by law doing what the department is actually doing at the present time.

Certainly, Mr. President, I have no disposition to cripple the service in any way whatever, and I did not oppose the Owen bill upon such grounds as that, but I did oppose it on the ground that it was making such extensions of the service as I thought were unreasonable and unnecessary and in violation of the rights of some of the people of this country. This measure I do not regard as trespassing upon those rights and therefore I have consented without further objection to allow the action to be taken as proposed.

The PRESIDENT pro tempore. The Senator from Florida moves that the Senate agree to the amendments made by the House of Representatives.

The motion was agreed to.

THE POST OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore. The morning business is closed, and the unanimous-consent agreement will be stated.

The Secretary read as follows:

It is agreed by unanimous consent that on Tuesday, August 13, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and that not later than 4 o'clock p. m., on said day, the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendments that may be offered, except that anyone offering an amendment shall be allowed five minutes to explain the same, and the chairman of the committee or any Senator shall have a like time to discuss such amendment, and upon the bill itself—through the regular parliamentary stages—to its final disposition.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Washington [Mr. JONES], which was under consideration on yesterday, will be stated.

The SECRETARY. On page 48, in the committee amendment, amend the part proposed to be stricken out by adding after the word "employees," on line 25, the words:

Not affiliated with outside organizations.

So that, if amended, it will read:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees not affiliated with

outside organizations having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Washington.

Mr. SMITH of South Carolina. Mr. President, I am not going to take the time of the Senate to discuss this, only to say one word. I do not believe it is within the province or the right of the United States Senate or any other legislative body, because of the employment of an American citizen, to attempt by legislation to restrict his rights. I believe that a postal employee has as much right, as an American citizen, to join what he pleases and act as he pleases as any Senator on this floor. He has a right to join the Masons; he has a right to join the Knights of Pythias; he has a right to join any organization. Because we desire certain service of certain individuals, why should we restrict their rights as American citizens and say that they can not join a certain labor organization?

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Kansas?

Mr. SMITH of South Carolina. I do.

Mr. BRISTOW. There is no objection, as I understand it, from any source for a postal employee to join any organization if the membership of that organization does not affect undesirably his service as a Government officer. I can not understand why objection should be made to an order of the department prohibiting an officer of the department from belonging to an association if the belonging to that association is detrimental to the public service.

Mr. SMITH of South Carolina. We might as well say what church he shall belong to if the tenets of that church affects him, in our judgment, adversely.

Mr. BRISTOW. It is an entirely different proposition, and if the Senator will permit me——

Mr. SMITH of South Carolina. It is different in name, but not in principle.

Mr. BRISTOW. One is whether or not he shall belong to an organization and affiliate with an organization if such affiliation will result in detriment to the public service and thereby lessen his value as a public servant.

Mr. SMITH of South Carolina. Then, I reply to the Senator from Kansas, you should legislate against an organization the membership of which renders any man unworthy of a position in the Government of the United States.

Mr. BRISTOW. Mr. President, it is not desired here to legislate against any organization whatever, but to leave the department officials free to enforce proper discipline in the public service. That is all that is desired.

Mr. MARTINE of New Jersey. Who will be the judge of that, I will ask?

Mr. BRISTOW. The department officials charged with the responsibility of administering the affairs of this Government are to be the judges, and not a Member of Congress, because it is not his function to interfere with the executive departments, unless they do an unlawful thing, and then he has a lawful remedy.

The PRESIDENT pro tempore. The Chair will suggest to Senators that under the unanimous-consent agreement the five-minute rule is in operation.

Mr. SMITH of South Carolina. I understand.

The PRESIDENT pro tempore. Senators will remember that in yielding, because they lose their time when they yield to another Senator. The Senator from South Carolina has the floor.

Mr. SMITH of South Carolina. I want to ask the Senator from Kansas [Mr. BRISTOW] this question: Is this not an indirect way of saying that membership in certain labor organizations is dangerous to governmental affairs?

Mr. BRISTOW. It is not.

Mr. SMITH of South Carolina. Then why would you preclude them from membership in such organizations?

Mr. BRISTOW. I would not preclude them unless that membership and their relation to the organization interferes with the public service. Neither, as I understand it, will any Post Office Department official; and if he does he goes beyond his authority or beyond proper administration; and because some departmental official may have done that does not justify the enactment of a law which might bother or interfere with the service at some other time when a departmental official is undertaking to do his duty in the protection of the public service.

Mr. SMITH of South Carolina. Just one sentence, and I shall have nothing further to say. It seems to me a subterfuge and an indirection to lay restrictions on one class of public servants that we do not lay on every citizen of the United States when it comes to a question of a man's rights as a citizen. I, for one, shall not vote for any measure that insinuates that we are incompetent to deal with the subject directly, but must go indirectly to do that thing.

The PRESIDENT pro tempore. If the Senator will permit the Chair, the Chair desires to make a correction in the statement he just made. Upon examining the terms of the unanimous-consent agreement it appears that the five-minute rule does not apply until the hour of 4 o'clock has been reached. The Senator from South Carolina will proceed.

Mr. SMITH of South Carolina. Mr. President, I do not care to go into any fuller discussion of the question. Every fair-minded Senator on this floor knows that the only criterion by which we are to measure public service is efficiency. We can promote and demote on that basis, but it comes with a sinister meaning to me when the Senate of the United States and the lawmaking bodies of this country begin to lay legal restrictions upon the rights of the individual citizens. We have no right to inject that here.

If we believe that certain labor organizations are beginning to menace this country and to have a bad influence upon its citizenship, then it is our duty to ferret that out and prohibit the organizations that threaten the welfare of this country and not to be cowardly enough to say to certain officials of the Government, "You shall not affiliate with these men or with these organizations." Give them the full liberty of all institutions, of all societies in this country, and then promote or demote them according to their personal efficiency or deficiency.

I would prefer to see all reference to membership in any society stricken from any bill that we are seriously to discuss. My position would be that according to the employee's efficiency should he be promoted and according to his inefficiency should he be demoted. I for one, so long as these organizations exist, so long as they are struggling against what they consider the inequalities amongst men, so long as they organize for self-protection, shall not stand here and by indirection inveigh against these organizations.

It is cowardly to do so. If we believe they are detrimental to the best interests of the American Government let us come out in the open and say so and pass legislation to dissolve their organizations. But as they are not detrimental to the Government I for one shall not stand upon this floor and by indirection say that the employees of the United States Government must come out from amongst them, that the members of these labor organizations are not worthy to have in their midst employees of the American Government. And you dare not say it. But that is what you are saying in this bill. I do not propose to sit quietly and see this injustice done. We are practically saying that in order to keep our Government pure and uncontaminated from these organizations, we will not allow an employee of the Government to belong to them. It is a shame on the United States Senate; it is cowardice and it is a subterfuge.

Mr. JOHNSTON of Alabama. I desire merely to say a few words. I am informed, and I think very reliably so, that the amendment proposed by the Senator from Washington [Mr. JONES] is entirely acceptable to the employees of the Government. I do not think that my information is incorrect. They believe that this does not restrict their liberties in any way whatever in the line suggested by the Senator from South Carolina [Mr. SMITH]. I shall, therefore, take pleasure in voting for the amendment.

Mr. CULBERSON. Mr. President, may I ask that the amendment be again stated? I did not undertsand it.

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. On page 48, line 25, after the words "postal employees," it is proposed to insert the words "not affiliated with any outside organization," so that it will read:

That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. SMITH of Georgia. Mr. President, I shall vote against all this legislation, because I do not think it ought to come in on an appropriation bill. This is brought in just as was brought in on an appropriation bill the effort to change the term of service of civil-service clerks. The relation of the Government to our civil-service employees, if it is to be modified, should be modified by broad legislation, carefully prepared and applicable to all the departments. This effort to put in a little dab here and another little dab there with reference to employees of particular departments is utterly demoralizing to our general civil-service law. We ought not to have put anything in another appropriation bill about the tenure of office of civil-service clerks; and we ought not to have anything in this bill about the civil-service relations of the Post Office Department other than such provisions as would be applicable to all the departments. If we would leave these subjects out of the appropriation bills and broadly undertake to amend and perfect our civil-service law through one bill on that subject, we might hope to have intelligent, useful, and valuable legislation; but so long as we seek by these little specks here and there to interfere with the civil service, we will not improve it and we are likely to injure it.

The PRESIDENT pro tempore. The question is upon the amendment of the Senator from Washington [Mr. JONES].

Mr. SMITH of South Carolina. Before the vote is taken I should like to say, in this connection, that if some other Senator does not do so, I shall draft an amendment to this provision prohibiting the heads of departments from discriminating against or punishing any employee who exercises his right as a citizen to petition Congress or any Member of Congress, and that upon testimony to the effect that he has exercised such right as an employee he shall not suffer any evil consequences therefrom at the hands of the head of any department.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHILTON. Before the vote is taken, I should like to have the amendment again stated.

The PRESIDENT pro tempore. The Secretary will again state the amendment.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the senior Senator from Idaho [Mr. HEYBURN], and therefore withhold my vote.

Mr. BRYAN (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. BURNHAM (when his named was called). I have a general pair with the junior Senator from Maryland [Mr. SMITH]. In his absence, I withhold my vote. If at liberty to vote, I should vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. PENROSE (when his name was called). I am paired with the junior Senator from Mississippi [Mr. WILLIAMS]. As I observe he is not in the Chamber I shall refrain from voting; otherwise I should vote "yea."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK], and therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a pair with the senior Senator from Maryland [Mr. RAYNER]. I transfer that pair to the Senator from Massachusetts [Mr. LODGE] and will vote. I vote "yea."

Mr. SWANSON (when his name was called). I should like to inquire whether the junior Senator from Nevada [Mr. MASSEY] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. SWANSON. I have a general pair with the junior Senator from Nevada. I transfer that pair to the senior Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN], who is not present. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. PENROSE. I will transfer my pair with the junior Senator from Mississippi [Mr. WILLIAMS] to the senior Senator from New Mexico [Mr. CATRON] and will vote. I vote "yea."

Mr. OVERMAN. I am requested to announce that the senior Senator from Louisiana [Mr. FOSTER] and the junior Senator from Louisiana [Mr. THORNTON] are unavoidably detained from the Senate.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I understand that he has not voted. I will transfer that pair to the junior Senator from Michigan [Mr. TOWNSEND] and vote. I vote "yea."

Mr. CULBERSON (after having voted in the negative). I will transfer my pair with the Senator from Delaware [Mr. DU PONT] to the junior Senator from Louisiana [Mr. THORNTON] and permit my vote to stand.

Mr. CHAMBERLAIN. I desire to announce that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN]. I ask to have this announcement stand for the day.

Mr. JONES. I desire to announce that the junior Senator from Michigan [Mr. TOWNSEND] is detained from the Senate on important business.

Mr. LA FOLLETTE. I desire to announce that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. I think I can state from his conversation with me that, if present, he would vote "nay" upon this amendment.

Mr. STONE. I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Maine [Mr. JOHNSON] and will vote. I vote "nay."

Mr. CURTIS. I am requested to announce the following pairs:

The Senator from Massachusetts [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS];

The Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY];

The Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE];

The Senator from Rhode Island [Mr. WETMORE] with the Senator from Maine [Mr. GARDNER]; and

The Senator from Colorado [Mr. GUGGENHEIM] with the Senator from Kentucky [Mr. PAYNTER].

I ask that this announcement may stand for the day.

The result was announced—yeas 20, nays 31, as follows:

YEAS—20.

Bourne	Burton	Jones	Root
Bradley	Crawford	Nelson	Sanders
Brandegee	Dillingham	Oliver	Smoot
Briggs	Gallinger	Overman	Sutherland
Bristow	Johnston, Ala.	Penrose	Works

NAYS—31.

Ashurst	Cummins	Martine, N. J.	Simmons
Bacon	Curtis	Myers	Smith, Ariz.
Borah	Fletcher	Page	Smith, Ga.
Chamberlain	Hitchcock	Perkins	Smith, S. C.
Chilton	Kenyon	Poindexter	Stone
Clapp	La Follette	Pomerene	Swanson
Culberson	McLean	Reed	Tillman
Cullom	Martin, Va.	Shively	

NOT VOTING—43.

Bailey	du Pont	Lea	Richardson
Bankhead	Fall	Lippitt	Smith, Md.
Brown	Foster	Lodge	Smith, Mich.
Bryan	Gamble	McCumber	Stephenson
Burnham	Gardner	Massey	Thornton
Catron	Gore	Newlands	Townsend
Clark, Wyo.	Gronna	O'Gorman	Warren
Clarke, Ark.	Guggenheim	Owen	Watson
Crane	Heyburn	Paynter	Wetmore
Davis	Johnson, Me.	Percy	Williams
Dixon	Kern	Rayner	

So the amendment of Mr. JONES was rejected.

The PRESIDENT pro tempore. The question now is upon the amendment of the committee to strike out.

Mr. BOURNE. Mr. President, I send to the desk an amendment recommended by the National Civil Service Reform League of New York. I will state, for the information of Senators, that in the study of the House bill, I, as chairman of the committee, subpœnaed to appear before the committee Mr. Edward J. Cantwell, secretary of the National Association

of Letter Carriers, purporting to represent a membership of 28,200. I also subpœnaed to appear before the committee Mr. Frank T. Rogers, president of the United National Association of Post Office Clerks, representing a membership of 22,000. The reason for subpœnaing these gentlemen was that an Executive order prohibits them from communicating with Members of Congress regarding legislative matters, and I desire to give them an opportunity of appearing before the committee and submitting to the committee any complaints or suggestions that they might have to make in reference to the administration of the Post Office Department. I submitted to both these gentlemen the proposed amendment recommended by the National Civil Service Reform League, and they both stated that in their opinion the amendment would be perfectly satisfactory to the members of their associations.

Mr. President, I do not think any Member of Congress is a better friend of labor than I am. There may be far abler Members, but I believe thoroughly in organized labor, just as I believe in the permissive organization of capital; but I believe that those organizations should be responsible to the police force of the Government. I do not believe, however, that any American citizen should put any organization ahead of his duty and fealty to the Government itself.

In all organized society, in my opinion, there are three great forces struggling for supremacy—the religious force, the commercial force, and the police force of the Government. In my opinion, to be curative and successful, society must be the coordination of these three forces, with the police force of the Government supreme and superior to the other two forces.

I send to the desk the amendment referred to and will ask that the Secretary read it.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 48, line 23, it is proposed to change the proviso so as to read:

That membership in any society, association, club, or other form of organization, composed of postal employees only, which is not secret nor affiliated with any outside organization and which may have for its objects, among other things, improvements in the conditions of labor of its members, including hours of labor and compensation therefor, and leaves of absence, or the presenting of any grievance or grievances to the Congress or any Member thereof, by any person or groups of persons employed in the postal service, shall not constitute or be cause for reduction in rank or compensation, or removal of such person or groups of persons from said service.

Mr. ROOT. Mr. President, it seems to me that the action of the Senate upon the proposed amendment will in effect be a declaration either that persons employed in the public service of the United States have authority to strike against the Government, or that they shall not have that authority. I can give no other construction to the amendment which is proposed to the bill as it came from the House as compared with the amendment now proposed by the chairman of the Senate committee.

The Senator from South Carolina I think is mistaken in the idea that to forbid postal employees to become members of any general association which involves in its rules and order of discipline or obligation to respond to the conclusions of the whole body by striking is equivalent to a condemnation of such an organization. It may well be that an association formed for the purpose of purging and bringing about improvement in the conditions of labor men in their relations of contracts with other citizens, natural or corporate persons, may be praiseworthy, may be entitled to commendation; and I think that such organizations are entitled to commendation, and at the same time we can not permit the same rules, the same discipline, the same obligations to be applied to the bringing of coercion upon the Government of the United States.

Mr. SMITH of South Carolina. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from South Carolina?

Mr. ROOT. I yield.

Mr. SMITH of South Carolina. Then the Senator proposes by his line of argument that the Government shall recognize another government within this Government, and in order to avoid a conflict with that government that it shall prohibit its employees by law from membership in that other government. Do we not go upon the assumption that all Government employees have the same relation to the Government regardless of what society or organization they are affiliated with, and whenever and wherever they shall be inefficient we deal with them as a Government against a citizen. Therefore if a strike should come we would just remove the strikers from their places, if necessary, and move along, as the Government is the supreme authority.

Mr. ROOT. Mr. President, this proposed legislation recognizes the existing facts. I propose simply that we should not close our eyes to what the facts are and to the real meaning of the legislation. The facts are that there are great and powerful organizations among the wage earners of the country which have accomplished and are accomplishing beneficent effects through the discipline that is established for the direction and the guidance of their members in their relations with the contracting employers of labor. The fact is that we can not permit that same discipline to be turned against the public service of the United States.

Why, sir, here will be the greatest of all labor organizations, the people of the United States and we should not permit men who assume a public duty toward all the people, when they accept employment under the statutes that we enact, to assume an obligation that imposes upon them the duty to turn against their country the forces of coercion. They are at liberty when in private employment to turn against their contracting employers.

Mr. SMITH of South Carolina. Will the Senator from New York allow me to ask him one question, which seems to be a logical deduction from his line of argument? His argument leads inevitably to the logical conclusion that he looks upon certain labor organizations as very dangerous to this Government, and a member thereof is not worthy to be a Government employee, and by legislation of Congress would forbid him membership therein.

Now, if that be true, would it not be more in keeping with the spirit that should govern here to enact such legislation as to prohibit such organizations in this country, rather than to go at it indirectly and forbid employees of the Government from joining such an organization?

I take it that the right of a citizen or a number of citizens to band themselves together for the purpose of bettering their condition is an inherent right. If the wages the Government pays its employees are not sufficient, they would not necessarily strike against the Government, but would petition this body for a redress of their grievances. Even now the heads of departments are denying these employees, individually and collectively, to appear before their Congressmen and their Senators to lay their grievances before them. They can not do it now if the testimony before our committee is to be taken as true for fear that the executive or the administrative heads of departments shall demote them or turn them out incontinently.

I say that the right of petition, the right to petition for redress of wrongs, the right to lay imaginary or actual grievances before this body is a right that is now guaranteed to every citizen.

Further than that, I believe if we have an organization in this country that menaces the welfare of the private citizen or the private business it menaces the Government as well. They each and all are subject to the Government in a political sense.

We have no right to stand here and say by indirection that certain organizations are so pernicious in their influence, in their by-laws and rules and regulations that a governmental employee can not become a member of them without menacing the welfare of the Government.

In conclusion I want to say, Mr. President, that if the practice of our departments had been such that each individual employee had the right to go when he suffers for redress without let or hindrance and have a full and fair hearing given we would not have been called upon for this legislation.

The difference between organized capital and organized labor is that organized capital uses dollars, organized labor makes use of labor. Strikers have no right to burn or to commit murder.

Mr. ROOT. Mr. President, may I ask the Senator whether he is now referring to postal employees?

Mr. SMITH of South Carolina. I am referring to postal employees.

Mr. ROOT. Does the Senator say that they have a right to do the things that he is now describing?

Mr. SMITH of South Carolina. I do not. I say that no member of a labor organization has that right. But I say that, without the right proposed in this bill, or by some such legislation as is now proposed, he is liable to suffer an injustice. When an employee of the Government believes he is not treated fairly and goes to the legislative department or to his Congressman or Senator and asks that his case be heard and that righteousness and justice shall be meted to him, for that employee to be summarily dismissed from the service for exercising this right is an outrage. Is that American? Is that a republican form of government? When denied this right, what is there left for him?

Take your labor organizations. When they come and plead that they are not receiving sufficient for the labor that they are expending upon work and ask for a raise of wages, history is full of the fact that they are arbitrarily turned down. Their requests have not been heard. Strikes have followed. Blood has been shed. Yet all the sins have been visited upon the defenseless head of those who did not have money sufficient to buy position and power. You know that is true and I know that it is true. I would rather arbitrate and let justice and equity prevail. If you do not do this, it will work itself out in disaster. If you incorporate a false principle in this law, it will work itself out in disaster.

Mr. ROOT. The Senator from South Carolina argues with his customary eloquence and earnestness upon the features in which these two propositions agree and he passes over with scant reference the matter of difference between the two. The amendment proposed by the chairman of the committee affords to these postal employees full opportunity to organize, full opportunity to petition Congress, full opportunity to inform Members of Congress of all the wrongs and all the causes of complaint that they have. The difference between the two propositions is that one gives to them these rights that are adequate, ample, complete for the redress of all the wrongs that may be done in their relation to the Government, and the other adds the right to ally themselves with labor organizations or organize for the purpose of dealing with private contracts and to put themselves under a discipline that involves and implies the right to strike against the Government, and by striking to paralyze the operations of the Government. That is the difference.

Mr. SMITH of South Carolina. Mr. President——

Mr. ROOT. And we can not vote against this proposal of the chairman of the committee without voting that the postal employees of this Government shall have a right to stop the mails and to coerce the Government of the United States by obeying the discipline of a great labor organization ordered for the purpose of compelling an improvement of conditions by striking.

Mr. SMITH of South Carolina. I should like to ask the Senator from New York if he considers the privilege of striking illegal?

Mr. ROOT. I consider that striking is not a privilege, but a right as between citizens, a right by laborers against corporations, a right on the part of an employee against an employer, but there is no right as between an employee who has assumed duty to the public and the Government of his country. It will be a sorry day when the Senate of the United States puts upon the statute book a virtual assertion that there is such a right.

Mr. SMITH of South Carolina. Mr. President, I have but one word to say and then I am through with this discussion. We as a legislative body can punish any infraction of the law both as to corporations and individuals. If any individual employee or any organized body of employees of the Government should break the law, we are preeminently the body to meet that issue. It is the right of the individual to quit work when he does not think he has sufficient pay, providing his contract does not preclude the possibility of that right. This is a fundamental principle of our law. When they have made a contract we can hold them by that contract, but we have no right to say to them, "In the exercise of your relationship to the Government you shall not join any and every organization in this country that is legal."

Mr. ROOT. Mr. President, I should like to put a direct question to the Senator from South Carolina. Does the Senator think that the postal employees of the United States may have the right to strike against the Government?

Mr. SMITH of South Carolina. I believe the postal employees of the United States Government, unless they shall enter into a contract with the Government so that they shall relinquish certain rights, if they do not think they are getting sufficient compensation, can quit when they please, but I do not say they have a right to menace the Government.

Mr. ROOT. Then the Senator believes that they have a right to strike?

Mr. SMITH of South Carolina. I believe they have the right, if that is a strike, yes.

Mr. ROOT. The Senator believes they should have a right to strike. Then, Mr. President, we are meeting squarely the question, Shall these postal employees of the United States have a right to strike against the Government? Next the question will be, Shall the naval employees and the military employees of the United States have the right to strike against the Government, and next the question will be, Have we a Government?

Mr. SMITH of South Carolina. I make this qualification: The employees of the Government differ in their relation to the Government from Army and Navy. One is under civil law, the others under military law. The civil employee has the right to resign or quit when he chooses. I am not denying him that right, nor would the Senator from New York, either.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question?

Mr. SMITH of South Carolina. Certainly.

Mr. SUTHERLAND. The Senator says, as I understand, very emphatically that he thinks the postal employees of this country have the right to strike.

Mr. SMITH of South Carolina. No; understand me——

Mr. SUTHERLAND. Let me finish my question, because the Senator undoubtedly said the postal employees of the country have a right to strike. He now proposes to retain in the bill a provision which amounts to an invitation to these organized employees of the Government to affiliate themselves with the American Federation of Labor.

Mr. SMITH of South Carolina. The Senator can not put that in my mouth, nor was it my statement.

Mr. SUTHERLAND. That it might authorize them to do that, then.

Mr. SMITH of South Carolina. Yes; but that does not invite. Stick to the text.

Mr. SUTHERLAND. I think myself it amounts to an invitation to do it.

Mr. SMITH of South Carolina. The Senator states what he thinks and not what I think.

Mr. SUTHERLAND. The Senator proposes to leave in this bill a provision which, I think, constitutes a direct invitation to organizations of the postal employees to affiliate themselves with the American Federation of Labor, a great and powerful organization. One of the great weapons which that organization and all labor organizations use—and I am not complaining about that in their contests with their employers—is the sympathetic strike. A strike is inaugurated, for example, upon a railroad for higher wages and affiliated organizations are invited to strike against their employers in order to bring pressure upon the railroad company to increase the wages or to accede to the demands of its employees.

Now, does the Senator from South Carolina think that we ought to pass legislation here which will enable the American Federation of Labor to call upon the postal employees of this Government, as an affiliated organization with them, to engage in a sympathetic strike against the Government of the United States in order to bring pressure to bear upon private employers to accede to the demands of their employees?

Mr. SMITH of South Carolina. I will ask the Senator from Utah a question. The Federation of Labor is organized under the laws of the United States, is it not?

Mr. SUTHERLAND. Let the Senator answer my question and I will answer his.

Mr. SMITH of South Carolina. I am answering the Senator's question by asking a question that is an explanatory exegesis of it. As the Senator from Utah, by indirection, by logical deduction, says that there is an organization in America in which membership unfits a man for Government employment. Does not the Senator say that?

Mr. SUTHERLAND. The Senator from South Carolina can not put those words into my mouth.

Mr. SMITH of South Carolina. Then, why does the Senator want to prohibit them?

Mr. SUTHERLAND. I did not say anything of the kind, and the Senator knows I did not mean anything of the kind.

Mr. SMITH of South Carolina. Then, why prohibit membership in that organization?

Mr. SUTHERLAND. I would not prohibit it. I have no objection to postal employees affiliating themselves with private labor organizations, if I may use the expression, if they be not subject to the calls of those private labor organizations to engage in a sympathetic strike against the Government.

Mr. SMITH of South Carolina. For what reason?

Mr. SUTHERLAND. For the reason I state.

Mr. SMITH of South Carolina. Very good. Then the logical sequence is that membership in these organizations, organized and chartered under the laws of the United States, is detrimental to the Government.

Now, just a final word. Why do we not, then, pass a law prohibiting the pernicious feature of the strike? Why do we not eliminate by national legislation those things, both on the side of capital and on the side of labor, that bring about the pernicious influence? Why do we not guarantee by law to every citizen, whether he be a capitalist or whether he be a

laborer, the full right of every other citizen, without attempting to come here and by indirection say: "You can not belong to the Knights of Labor; you can not belong to the American Federation of Labor"?

I am not standing here asking that there shall be an open door to rapine, to plunder, and to murder, but I am pleading for the right of every American citizen.

Mr. SUTHERLAND. If the Senator from South Carolina will pardon me, he is talking about something that none of us disagree with him about. The question I submitted to the Senator from South Carolina was whether he thought the Government of the United States ought to authorize associations of postal employees to affiliate themselves with the great private labor organizations of the country in such way that they might be called upon to engage in a sympathetic strike against the Government of the United States. Does the Senator think we ought to do that?

Mr. SMITH of South Carolina. I tell you what I do say: You have the question to the exact point that we have been striving to elucidate. Do not forbid them membership, but hold them directly to their contract with the Government, and if at any time any member or body of them see fit to petition us and come and ask redress they shall have that right to have that redress.

Mr. SUTHERLAND. I do not object to that. Does the Senator know what happened in France very recently when the Government employees by a strike brought the Government to a standstill?

Mr. SMITH of South Carolina. I do happen to know——

Mr. SUTHERLAND. Does the Senator think that was a fortunate condition for the French Government?

Mr. SMITH of South Carolina. I do not care to compare America and American citizens with the effervescent spirit of the French people nor with their traditions.

Mr. REED. Mr. President——

Mr. BACON. I should like to ask a question.

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. REED. I yield to the Senator from Georgia.

Mr. SMITH of South Carolina. Have I the floor or have these Senators?

The PRESIDENT pro tempore. The Chair will call Senators' attention to the fact that under the rule no Senator can speak more than twice on the same subject on the same day without the consent of the Senate.

Mr. SMITH of South Carolina. I just want to make an explanation while I am on my feet, Mr. President. I said what might perhaps be misunderstood, and that was to the query of the Senator from New York [Mr. ROOT]. I said that I believed that the employees of the Government have the right to strike. Now, my modification of that I want to emphasize. They have the right, if they do not think they are getting just compensation, under the terms of their contract, to quit work and appeal for higher wages, or for redress of grievances, if they think they suffer them; but I am not standing here to be put in a position that it is attempted to put me in—that I believe in violence in strikes. I believe in the right of individuals to assert their individuality.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Carolina yield to the Senator from South Dakota?

Mr. SMITH of South Carolina. I do.

Mr. CRAWFORD. This permission to join other labor organizations, if we adopt it, has no exceptions to it. They might become members of the American Federation of Labor, or they might become members of the Industrial Workers of the World, or they might become members of the Structural Iron Association. They might join Hayward's miners union. They might come under the influence which does exist in some quarters and in some organizations that these contests are nothing more nor less than war. They openly state that it is war and that the taking of human life in it is justified because it is war; that the blowing up of bridges, the destruction of great buildings, the blowing of human lives into human atoms, is justified because it is war. Now, are we to have no discipline? In great organizations of the Government, in operative forces like the Railway Mail Service, are we to have no discipline?

Mr. SMITH of South Carolina. May I ask the Senator a question?

Mr. CRAWFORD. If men in these organizations who may have good records as far as the performance of their particular duties is concerned are nevertheless affiliated with influences outside that may have the effect of arousing a spirit of mischief, making a rebellion all along the line, is the head of the department to have no power of discipline? Does the Senator want to break down and put into chaos everything like discipline in these forces?

It seems to me, if the Senator please, we come right down to the clean-cut issue under the amendment offered as to whether or not the Senator wants to be frank and come out and say that he favors giving these men the right to join any forces and make any alliances and participate in meetings sympathetic or otherwise. We might as well face the real issue in the controversy. I have no hesitation in saying that I shall refuse by any vote of mine to put the Government into such a position as that.

Mr. SMITH of South Carolina. The Senator who has just taken his seat has reiterated and drawn sharply the issue again that labor organizations are unfitted to become the recipients of membership from Government employees.

Mr. CRAWFORD. The Senator is not fair in any such statement as that. I called attention to the particular things that are matters of common knowledge, and we play the part of a coward if we do not look them squarely in the face and admit that they do exist. I do not say that they are not noble organizations, valuable organizations, with rights that are protected, and that we are glad they exist. But these others exist also.

I said in the start that we make no distinction between the one and the other—whether it is the Industrial Workers of the World or men who use dynamite or your legitimate, lawful, and useful organizations. If they can join one, they can join the other, and the department can not question their right to do it.

Mr. SMITH of South Carolina. Then the Senator will agree with me, I hope, that rather than go by this indirection let us take the organization that he mentions as being so corrupt and dangerous and prohibit such organizations under the law of the United States.

Mr. CRAWFORD. My contention is that instead of our undertaking to individualize and specialize by legislation here each one of them we should leave some power, some discretion, some authority in the executive departments and the heads of the executive departments to pass upon the question whether or not the affiliation of these operating forces in the Government with certain outside organizations are or are not in the interest of the public. We should not take away all discretion and apparently, by our affirmative action here, invite these men to join any organization of whatsoever kind that they may decide is promotive of the best interests of their order.

Mr. SMITH of South Carolina. Mr. President, I have not made any assertion to lead any Senator to believe that if there is an organization whose by-laws, rules, and constitution are detrimental to the interests of the individual and the body politic, that there should not be adequate legislation to eradicate it, but so long as such organizations are legalized, so long as they are looked upon as legal organizations, we have no right to restrict the membership of any American citizen if he sees fit to join them. I have not stood, nor do I stand here to plead that the heads of the departments should not have the power to execute and administer the law as we pass it. What I am saying is that we have no right to give the power into the hands of any one man or the head of any department to say that a man shall be demoted if he complains, or that he shall be turned out of office if he joins legal organizations, and to give an official the discretionary power to say which are pernicious and which are not pernicious. Let us by law say which are pernicious and which are not; let us by law say what shall be organized and what shall have the right and sanction of the law and what shall not, and not leave it to the head of a department to say to what organization I may belong and what shall determine by fitness or my unfitness, without my having the right to go before a competent jury and place my case, and prove or fail to prove my contention. I shall not be put in a false position. I say that if there exist in this country organizations that are a menace to our Government, a menace to the character and morals of our people, we should stamp them out, and then as to those that do exist and are legalized under our law, we should give every American citizen the right to become a member thereof without the interference of the heads of the departments.

Mr. REED. Mr. President, I think some of us are getting blood in our heads without reason. To begin with, if I understand the situation, there is no such organization, central and representative or direct, as has been described here in part in this debate; that is to say, there is no rule among labor organi-

zations requiring them to indulge in sympathetic strikes. There is no obligation taken by any member of any labor organization that I know of that requires the members of that organization to respond to a call for a strike, unless that call comes from the head of their own organization, to settle grievances that exist in their own craft or calling.

I will state it again, in order that there may be no misunderstanding. As I understand, if there is such an organization as the Carpenters' Union, the members may be required to obey the mandate of their own officers in order to obtain a redress for grievances they suffer; but if the bricklayers have a trouble, a disturbance, a grievance, there is no obligation upon the carpenters to join the bricklayers in their strike. That is done at times, but it is done not because of the existence of any obligation but because the members of one organization sympathize with the members of another and come to their assistance voluntarily.

Another word by way of preliminary. There may be in this country anarchists and lawbreakers who have organized and call themselves by some labor appellation, but they are not labor organizations, they are anarchistic organizations, and you have no more right to charge them up to legitimate labor organizations than you have the right to charge to the Christian religion the enormities which are sometimes perpetrated by a society of cranks or criminals who have adopted the name of a religious organization. That is not the right way to argue this question.

The great labor organizations of the country are composed of law-abiding citizens. They are engaged in a great work for the upbuilding and the protection of their members; they settle thousands of difficulties where they strike once; and every year they are becoming more conservative and less inclined to violence. That is the plain cold truth of the matter.

When we come to employees in the postal service of the Government, it requires a wide stretch of the imagination to believe that they will ever engage in the kind of conduct which the Senator from South Dakota [Mr. CRAWFORD] characterizes so vigorously; and I think the Senator from New York [Mr. ROOT], with all his great learning and ability——

Mr. CRAWFORD. Mr. President——

Mr. REED. In a moment—was inclined to take an extreme view of the situation; and yet I agree with him that it would be absolutely intolerable if the people of the United States were some morning to find all of the postal facilities of the Government paralyzed and business at a standstill.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. REED. Will the Senator let me conclude just this thought, and then I will gladly yield?

Mr. CRAWFORD. Very well. I have no desire to interrupt the Senator.

Mr. REED. I will yield to the Senator in a moment.

This bill is applicable only to postal employees; and we are told here this morning that, if it should pass, an unspeakable condition would exist. The bill arises out of the fact that certain orders were issued by the heads of the Post Office Department. Those orders were very stringent, and, I think, very arbitrary. The fact is, however, that in many other departments of governmental employment the men have no such restrictions upon them. The printers in the Government Printing Office are nearly all of them members of the Typographical Union; the pressmen are nearly all of them members of the Pressmen's Union; and the mechanics in our navy yards are many of them members of the unions which control in the branch of mechanics in which they are employed. There has never been any interference with them; and hence they have never asked any legislative relief. There has never been any strike or any lockout or any disturbance, either direct of sympathetic, and the horrible picture that has been painted here, if it were a real impending danger, would have been realized as a fact long ago if these men were the kind of men who would indulge in a senseless and useless warfare upon the Government that has always stood ready to treat them fairly.

Now, I yield to the Senator from South Dakota.

Mr. CRAWFORD. I desire to say, Mr. President, that the Senator himself has offered a substitute to the section which I can most heartily and cordially support. So far as the organization of railway employees is concerned and their right to come to Congress with their grievances and have a hearing, I think there is no difference in the attitude of Senators on this floor; but I ask, when the proposal is made that all of these things shall be absolutely secure, and when it comes freely as a communication from these employees themselves that that is all they ask, why should we go so far here as to take away all power, discretion, and authority from the heads of the departments to pass upon the question at any time as to whether or not affiliation with an outside organization may not be detrimental to good government and to discipline in the service?

Mr. REED. Mr. President, what I said was merely by way of attempting, so far as I could in my weak manner, to clear up some of the statements that have been made and get at the real situation. I do not believe that the danger exists which some Senators see looming big before us; but, lest the danger may exist, and in order that there may be no question as to the right of these men to organize, and in order to obviate the dangers which the Senator from New York and others think are impending if Government employees are permitted to organize, I have prepared an amendment which I propose to submit as a substitute for the one proposed by the Senator who has charge of the bill.

Mr. OVERMAN. Let it be read now.

Mr. REED. If I am allowed at this time to offer it—and I think under the parliamentary situation I am—I desire to offer it as a substitute for the amendment.

The PRESIDENT pro tempore. A Senator has offered a substitute for the text of the bill and another substitute would not now be in order.

Mr. OVERMAN. The Senator can have it read.

Mr. BOURNE. I should like to have the amendment read.

Mr. REED. I will read it. I wish Senators would take the bill and follow the reading to see if there is any objection to the language. I begin at the word "provided," in line 23, of the House provision.

Mr. CRAWFORD. On page 48?

Mr. REED. On page 48.

Provided, however, That membership in any society, association, club, or other form of organization of postal employees, not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike against the United States, having for its objects—

And so forth. In order that Senators may get it, I will read it again. I propose to make the clause read:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees—

Thus far I follow the text of the House provision. At that point I add these words:

not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike against the United States.

I ask the Senator in charge of the bill if he will not accept that in lieu of his amendment?

Mr. BOURNE. Will the Senator kindly read the last part? I did not quite catch it.

Mr. REED. "Not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike against the United States."

Mr. MASSEY. Mr. President——

Mr. BOURNE. The last I heard was "imposing an obligation or duty." What follows that?

Mr. REED. "Upon them to engage in any strike against the United States."

That amendment, Mr. President, eliminates the one objection that has been urged, as I understand. It permits these men to organize as they see fit in their own way, provided they shall not tie themselves up to an outside organization which imposes or may impose an obligation or duty to strike and to tie up the business of the United States.

Mr. MASSEY, Mr. BOURNE, and Mr. SUTHERLAND addressed the Chair.

The PRESIDENT pro tempore. The Senator from Nevada first addressed the Chair. Does the Senator from Missouri yield to the Senator from Nevada?

Mr. REED. For the moment I will yield to the chairman of the committee, and afterwards to the Senator from Nevada.

Mr. BOURNE. Mr. President, I was going to ask the Senator from Missouri whether he did not think it would be better to make a direct prohibition against striking against the United States? Would not that cure everything?

Mr. REED. At the present time the department has assumed a right to prohibit certain organizations, and it claims it can do so as a disciplinary right. I apprehend, unless it is denied to the department by law, it will continue to do so. This amendment proposes to give the employees permission to organize, provided they do not associate themselves with organizations which require them to strike.

Mr. BOURNE. If the Senator will permit me, I have not the slightest objection to the employees belonging to any

organization they see fit, provided legislative action is taken prohibiting striking against the United States or interfering with the operations of the Government. I want to give the greatest possible protection to the personal liberty of every citizen, but I do hold and contend that it is absolutely necessary, in order that every citizen may have the protection of the Government, that the Government's strong arm should be held up in every way. It is simply that that I am trying to bring about.

Mr. REED. Mr. President, I know the Senator in charge of the bill is not one of the men who ever would want to curtail human liberty. I think the amendment I have suggested fully meets the objection, and I submit it for what it is worth. I now yield to the Senator from Nevada.

Mr. MASSEY. Mr. President, I desire to say that I do not believe the language of the amendment of the Senator from Missouri [Mr. REED] meets the objection that has been raised to the amendment now pending before the Senate. I apprehend there is not in existence any labor organization that imposes an obligation upon the part of its members to strike against the United States; but the limitation in the amendment offered by the Senator from Missouri does not meet a condition that actually exists under labor conditions in this country. I apprehend that, so far as the several organizations are concerned, it has never been necessary, and is not necessary now, to incorporate either into their constitutions or other instruments which define their rights or the rights of their several members an obligation not to strike against the United States, because they have not been employed as an organization, and, as an organization, have no employment, contractual or otherwise, with the United States. Strikes may arise in different organizations against employers which might possibly involve other organizations carrying a membership of employees of the Government.

Mr. President, I want at this time to say that we are getting a little bit heated over this discussion; that we are disposed to talk about the rights of the citizen and the rights of the Congress to legislate as though the rights of the citizen and the rights of Congress under the Constitution were not in harmony. I apprehend there can be no controversy about the proposition that there are certain things Congress can not do. It can not take my property without giving me an opportunity to be heard in a court of justice; it can not take from me my liberty without a hearing and a trial.

There are certain inalienable rights carried into the Constitution that this Congress can not dispose of; but we must not lose sight of the additional fact that the Government of the United States, within the scope and function of legalized government, can do anything in the way of legislation for the purpose of carrying out successfully the functions of government; in other words, the Constitution of the United States provides for a postal establishment; and this Congress, with the approval of the President of the United States, can pass legislation that will efficiently and successfully control the postal department, even though in that legislation it might be necessary to exclude from the employment of the Post Office Department a person who belongs to a union. Although their rights and the rights of the Government are mutual, this Government can not surrender any of its sovereignty or its functions of government to anybody.

In this connection I desire to say, Mr. President, that, so far as labor unions are concerned, people have a right to organize in unions, to unite in unions for the purpose of uplifting themselves in their employment, for the purpose of securing better hours, for the purpose of securing higher wages, for the purpose of higher development, and for many other purposes; but no organization has a right to carry into its organization or into its obligations anything that would cripple the administration of the Government in any of the lines provided for by the Constitution, either in a navy yard, in the Navy Department, in the Post Office Department, or in any of the other departments of the Government; and whenever this Congress recognizes the right by legislation, directly or indirectly, of an individual or a collection of individuals, by concerted action, to interfere with or to disturb the administration of governmental affairs such as are directly provided for by the Constitution and must exist if we are to have government at all, they have recognized the right of revolution, and it means revolution.

I want to say to the Senate that I am quite willing that there shall be crystallized into legislation by the Senate the right of all or any of the employees in any branch of the Government service to organize for their mutual interest, benefit, and protection within the lines of their employment under the Government. I want to say further that I am quite willing that there shall be written into the law of this country a provision securing the right of every citizen, no matter what his occupation may be, whether he be an employee of the Government or whether he be an humble citizen without employment, to come to Congress with his grievances; but a right to be heard by Congress for any alleged wrong, a right to be heard by Congress upon any matter involving his uplift, is a constitutional right that need not to be carried into the laws of this country. They can come here in twos or threes or hundreds if they desire and we have to hear them, and if they have a wrong it ought to be remedied.

Believing this, I shall vote against any measure that would extend, except with limitations so as to protect the Government in the administration of its affairs, the right of employees to belong to unions or organizations which might—not which shall, but which might—involve the administration of any one of the departments of the Government; but I shall be willing to extend to the employees of this Government the right to organize, the right to maintain organizations for the purpose of uplifting, benefiting, and helping them in their vocation in life and in all matters in which they are interested so far as home life and individual life may be concerned.

The PRESIDENT pro tempore. The Chair will take the liberty of stating that the Chair understood the Senator from Missouri [Mr. REED] to offer a complete substitute for the House provision. Upon further examination, however, the Chair has discovered that the Senator's amendment is to perfect the House provision, and hence is in order.

Mr. REED. Mr. President, just a word. I would have been through long ago, but I have yielded to other Senators. I think this amendment covers the very difficulty which has been suggested. Nobody has proposed that these men engaged in the Government service should not be allowed to organize, but a fear has been expressed that they may affiliate their organization with some outside organization, and that that outside organization might require a strike. The amendment simply permits them to organize, but says in effect that they must not affiliate themselves with an outside organization which may call upon them to strike. I think the amendment cures the difficulty, and I move its adoption.

Mr. BRISTOW. Mr. President, the orders of the department which have been read seem to have given rise to this argument for the legislation that is proposed. The law as it is now does not prohibit any Federal employee from belonging to any association that he desires to join. He is as free as any other citizen, and I think he ought to be as free as any other citizen as far as the law is concerned.

The department officers during recent years have believed that the membership of certain organizations on the part of postal employees would be detrimental to the public service. They may have been right. They may have been wrong. If they were right, there is no occasion for this legislation. If they were wrong, it is an administrative mistake that will be cured with the passing of the officials who made it.

It seems to me that it is unwise because some departmental official may have imposed a hardship upon some Government employee, because he may have exercised in an improper way an authority which it is necessary that he should have, does not justify the taking from him of that authority. The exercise of this authority improperly is a reflection upon that official, and he suffers from it.

The section as reported from the Senate committee makes ample provision to protect the subordinate officer in the future from such mistakes as have been presented here. It has been said that railway postal clerks have been removed improperly and not given a proper hearing. I am inclined to think that in some instances that is true, but that can not be repeated, because provision is made here, and they will have ample hearings in the future. No departmental official hereafter will have the authority to commit the wrong that is alleged to have been committed in the past, because the subordinate official by this bill is given a means of redress.

But it is proposed now to go a step further and to incorporate in the law a provision which forbids the departmental official from exercising any discipline whatever under certain circumstances. It might be that postal employees may belong to all the labor organizations in the country and no harm come from it. And it might happen that very grave harm would come from it. Why not leave the law as it is? They have the right now to belong to labor organizations. If evil should result to the public service by virtue of such connection with a labor organization let the executive department remedy the evil when

it occurs, if evil there be, and not take from them the power to remedy it if it should occur. There has been a great deal of discussion here in regard to labor organizations. I do not think there is a Senator here who will not concede that organized labor is necessary for the promotion of the welfare of the industrial workers in this and every other country. It is absolutely essential. It has resulted in a great improvement to the workers in our great industries. It is absolutely and essentially a fundamental right that all laborers have and nobody would take it from them.

But let me submit an illustration. Suppose that a controversy should come up between some great industry and its employees and they should strike. Do Senators think that it would be a proper function for a Government officer to be a member of or affiliated with the striking organization any more than to be a member of the industrial concern and exercise the power of the Government to suppress the strike? Should not the Government official be absolutely independent of that controversy, whether he is a policeman, a soldier, or a postal official? He handles the mail of the striking employees as well as the employer, and should he be connected with either organization? He is a Government official performing the functions of the Government and should be absolutely independent of both.

In my opinion, the very welfare of our country depends in the future upon such an impartial administration of our affairs between these contending forces. Personally I believe that there should be laws provided for the settlement of all industrial controversies without strikes. We have to have some system of administration of arbitration by which these industrial quarrels may be settled equitably to the men themselves as well as the employers. A strike is a wasteful and revolutionary process. It imposes a tremendous expense and burden on the strikers, paralyzes the industries, and injures thousands and tens of thousands of innocent people. The interests of the country and of every citizen demand that such controversies should be eliminated from our industrial affairs, and that must be done by the Government itself, in my opinion.

It seems to me that the Senate committee amendment which strikes out all this provision in regard to officials belonging to these various organizations should prevail, leaving the rights of the individual citizen as they are now.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. JONES. The Senate committee has not only stricken out the provision with reference to the forming of organizations, but has also stricken out the clause allowing the members, either individually or by clubs, to present their grievances to Congress. Does the Senator think there ought to be any objection to adopting some provision like that with reference to the presentation of grievances?

Mr. BRISTOW. I have not the slightest objection to it, but I think it is unnecessary. I think they have that right now, and that to refuse them that right is an unwarranted and arbitrary exercise of Executive authority which can not be justified and should not be justified.

Mr. JONES. I agree with the Senator.

Mr. BRISTOW. It is taking from them a right which they have, and no Executive can do it without suffering discredit throughout the entire country.

Mr. JONES. I think that is the right so far as the right to petition, yet there have been Executive orders issued that practically take it away, and in practical effect they do not have that right. I think they ought to have it, and I think we ought to declare by law that they shall have it. I understand that that is the real proposition those representing the Government employees ask for

Mr. BRISTOW The Senator from Washington is correct as to that. The postal employees do ask that they have this right, which they think has been taken from them.

No one can criticize more severely than I an Executive order that would take from a man what is his fundamental constitutional right as a citizen of the United States. That can not be defended, and merits nothing but condemnation. If the Senate thinks it is necessary in order to protect Federal employees for some Executive authority to incorporate such a provision as that, I shall not object to it, but I do not think it is necessary. I think that abuses occasionally occur.

Mr. JONES. We have had an order similar to that in effect for seven or eight years.

Mr. BRISTOW. I have no objection to correcting that at all.

Mr. JONES. I think we ought by legislation to make that impossible. I agree with the Senator from Kansas with reference to this other provision; I believe we ought to cut all that out, but I do believe that we ought to substitute that part of the House provision allowing these grievances to be presented. Then I think that these employees will be reasonably well satisfied with the other part of the section adopted by the Senate committee and the House provision.

Mr. BRISTOW. I desire to say in closing that I resent the insinuation by the Senator from South Carolina [Mr. SMITH] that anyone who opposes or who favors the Senate committee amendment is reflecting upon the character of labor organizations. It is an unwarranted insinuation that is not justified by anything that has been said on this floor. As far as I am concerned, neither the Senator from South Carolina nor anyone else would go any further to help the wage earners than I would to relieve them from the burdens of life or to make life more enjoyable for them.

Mr. SMITH of Georgia. Mr. President, I shall only in a word speak of the entire difference between the question of an employee of the Government and an employee of any private corporation or private body of men.

No one or very few to-day question the propriety of the organizations of laboring men and of trade-unions. Where the relation is that between private citizens or corporations and employees, contests for advancement by the employees involve matters of private contract, and we may view with deep interest and without legal interference the struggle between the two.

When, however, it comes to the proposition of a Government employee, his employment is fixed by law, his rights are established by statute. As to the Government employees in the post office, even their compensation, their hours of labor, their entire status is established by acts of Congress. If they should organize a strike, they would be organizing an effort to overthrow law. They would be acting in utter disregard of those provisions for Government service that may have been established by law.

We do not question their right to come to Congress by petition and ask for a change of law, but they occupy an utterly different relation to their positions from employees holding private employment. The very Government depends upon the service of those employed by the Government, and any kind of patriotism requires that changes of their rights shall come solely through modification of law.

I do not see how we could tolerate for a moment the idea that one employee in the Government civil service any more than an employee in the military or naval service of the Government should become a part of an organization the object of which was by quitting work or by any other course, except by petition to the lawmaking powers of the Government, to interfere with existing conditions.

Any effort to change existing conditions except by a change of law is revolutionary. The difference between the two relations is so unmistakable that the warmest friends of the laboring man and the labor-union man who sympathizes frequently with the strikers that they may conduct, to obtain for them by contract fairer treatment, turns to the relation of the employee of the Government and recognizes that the employee of the Government has his right to go to an impartial tribunal, the representatives of the whole people, who will determine, by legislation, what shall be his rights. I feel sure that no Senator would for a moment countenance any organization or movement that would tolerate the thought of organizing a strike by Government employees.

Mr. CUMMINS. Mr. President, as we are touching now rather a fundamental proposition I ask for the reading of the amendment proposed by the Senator from Oregon.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. As a substitute for the amendment proposed by the committee, strike out pages 48 and 49 in the House text and insert:

Provided, however, That membership in any society, association, club, or other form of organization composed of postal employees only, which is not secret nor affiliated with any outside organization and which may have for its objects, among other things, improvements in the conditions of labor of its members, including hours of labor and compensation therefor and leaves of absence, or the presenting of any grievance or grievances to the Congress or any Member thereof by any person or groups of persons employed in the postal service, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. CUMMINS. Mr. President, when the discussion upon this subject closed Saturday evening I was disposed to think that the amendment proposed by the Senator from Missouri [Mr. REED] would meet the difficulty, and that the right of

free appeal to Congress and to Members of Congress might restore to these employees all the privileges which American citizens are entitled to exercise; but since the question has been definitely raised, since we are called upon apparently to decide whether the Government employees shall be permitted to organize themselves into associations, and inasmuch as now to accept the amendment proposed as a substitute for the House provision would be to declare that the Postmaster General shall have the right to decide what organization his employees shall enter, there can be but one answer to that question, so far as I am concerned.

I agree that to strike—and by a strike I mean the concerted cessation of work by employees in order to accomplish a purpose which they have in view—is inadmissible so far as the Government is concerned. I agree that an organization composed of the 240,000 civil-service employees of the United States which would contain as a part of its articles of association or faith or creed that all these employees might be called upon to quit the service of the United States if full justice in a particular instance was not granted to one of them or to some of them would be little less than treason against the people of the country.

I agree that an association of postal employees which would declare as a part of its articles of organization that they would all leave the service at a given time and thus render the Government helpless unless a grievance were remedied would be intolerable, and I agree that employees ought not to be permitted to enter an organization of that sort. They ought not to be permitted to continue in the employment of the Government with an agreement of that kind. I make a distinction, as has been made here, between the service of the United States and the service of a private enterprise.

Mr. BOURNE. May I interrupt the Senator?

Mr. CUMMINS. I yield.

Mr. BOURNE. Do I understand the Senator from Iowa to state that the amendment I sent to the desk gave dictatorial powers to the Postmaster General in the way of determining in reference to the classification of these different organizations?

Mr. CUMMINS. I did not characterize the amendment of the Senator from Oregon at all. I did not attempt to construe it or interpret it. I said that inasmuch as the question had been raised whether these employees should have the right to enter organizations composed of Government employees, and inasmuch as it was proposed to deny to these employees the right to enter such an organization, if that organization proposed to affiliate with any other I could not be content with the declaration stated in the amendment proposed by the Senator from Missouri. That is what I meant to state.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. ROOT. I think, perhaps, I do not correctly understand the precise point to which the Senator from Iowa is directing his remarks. It may be because I misunderstand the situation. Let me ask the Senator, Is it not correctly understood two things are permitted under the amendment now before the Senate by the chairman of the Committee on Post Offices and Post Roads; one, that the postal employees are now at liberty to form organizations among themselves for the improvement of their condition, with all the rights of representation, of petition, of expressing and explaining their grievances, that any organization can have? I understand that there is a national organization, and there are some thirty-odd State organizations; that they are organized among themselves.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. If I rightly understood the Senator from New York, I want to correct the statement he has just made. The Post Office Department has not only discouraged the formation of some of these organizations, but has in fact prohibited employees from joining them. The department disapproves of organizations which it does not control. The associations especially in favor with the department are those the action of which it does control. This control is effected through the officers of the organizations, who are department favorites. Through the influence of the department, easily exerted upon the membership of these associations, these favorites are elected as its officers. Through these officers the department dominates the organizations. It is the business of these officers to discourage the efforts of the employees to press their grievances upon the department. I base this statement, Mr. President, on information obtained directly from the employees of the Railway Mail Service—information based upon thousands of letters which have come to me from these men.

Mr. ROOT. Mr. President, I can not enter into that.

Mr. LA FOLLETTE. If the Senator will permit me, furthermore the department has enforced not only the letter of the Executive orders prohibiting employees from submitting a statement of their grievances to Members of Congress, but I have hundreds of letters citing instances where these employees have been disciplined, have been barred from the advancement to which they were entitled in the service, have been reduced in rank, and have in some cases been dismissed from the service because they have dared to exercise rights which belong to them and to all men under the Constitution, whether in the public service or out of it.

Mr. ROOT. Mr. President, I can not enter upon that field, because I have not prepared myself for it by searching for evidence. My statement did not apply to that field; it applied to the amendment proposed by the chairman of the committee, the Senator from Oregon [Mr. BOURNE]. Has the Senator a copy of it?

Mr. CUMMINS. I have it. I was about to proceed to comment on it.

Mr. ROOT. I was trying to get my own mind clear on the subject, and it seemed to me there were two things which were permitted by the amendment proposed by the Senator from Oregon—one, the organization of the postal employees for all the purposes which are proper to organization, to better their condition, and by proper means secure improvement of the terms of their contract with the Government; and the other, I understand to have been stated here without contradiction, that individual employees are not prevented from belonging to any labor organizations.

It has been stated here that men in the Printing Office are members of the Typographical Union; that whatever their callings may be, no obstacle is interposed against being members of the labor organizations of their trades and callings.

So the only thing that seems to me to be at issue here, and it is put in issue by the contrast between the amendment proposed by the chairman of the committee and the House provision, and I think also the contrast between it and the proposal of the Senator from Missouri, is whether the postal organization permitted, allowed by law, with the existence of which the Postmaster General is forbidden to interfere, shall be permitted to affiliate themselves, as organizations, with the great national organizations, the chief purpose of which is to promote and make possible and successful strikes against employers.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. I yield.

Mr. LA FOLLETTE. I dislike to break in upon the argument of the Senator from Iowa; but, since it is directly in point, I want to call the attention of the Senator from New York to an order issued by the department, signed by Joseph Stewart, Second Assistant Postmaster General, and addressed to railway postal clerks, which, in plain terms, prohibits an employee in that service from joining any secret lodge, union, or organization within their own ranks. I read the language:

> Referring to the reports that postal clerks at various points are forming lodges of secret organizations of railway postal clerks, I desire that steps be taken at once to acquaint all in the service that such action is regarded as inimical to the interest of the Government.

Here is a prohibition direct from the department addressed to the clerks in the Railway Mail Service against their becoming members of lodges organized within the service. It will thus be seen that the railway mail clerks are not free to form organizations even within their own ranks.

Mr. President, the real opposition to the House provision, which is so pronounced here, is directed against the American Federation of Labor. We might as well use plain terms. Some of these associations of Post Office Department employees desire to become affiliated with the Federation of Labor. There never has been an intimation that these brotherhoods or lodges of employees in the Post Office Department should affiliate with any organization other than the American Federation of Labor. And, sir, the American Federation of Labor never in the whole course of its existence has ordered a strike. It has no authority to order strikes.

I should like to take just a minute or two more, if the Senator will permit——

Mr. CUMMINS. I yield.

Mr. LA FOLLETTE. Why should objection be made to associations or unions of railway mail clerks becoming affiliated with the Federation of Labor? No other department of the Government has raised such objection. We have regularly organized unions of employees in several of the other departments. All of these unions have for years been affiliated with the American Federation of Labor. It has never advised, it never will seek to induce a strike of Government employees. It is raising a false issue in this discussion to argue that the legislation proposed in section 6 of the House bill opens the door for strikes against the Government on the part of Government employees.

Sir, I do not want to see any language incorporated in this bill upon which at some future time may be predicated legislation against strikes in private employment. That will be the effect, if it is not the purpose, of the effort to write into this bill a provision against strikes on the part of Government employees.

Men employed in the Government Printing Office and in the Bureau of Printing and Engraving are members of the typographical, the pressmen's, bookbinders', stereotypers', and lithographers' unions. In the navy yard unions have been organized. There is also a union in the Geodetic Survey.

For years these unions of Government employees have been affiliated with the American Federation of Labor. No strike in these organizations has ever been heard of.

As I suggested yesterday, this proposed legislation is the direct result of the arbitrary and tyrannical conduct of the Post Office Department in denying the men the right to associate themselves with organizations independent of those which the department sanctions.

The chairman of the committee has called attention to the fact that he summoned before the committee Cantwell and Rogers, officers of the Letter Carriers' Association. There are certain organizations of employees in the department which are officered by men who are in high favor with the department officials. The Letter Carriers' Association is one of those organizations.

I read to the Senate yesterday a letter from a Post Office Department official seeking to control the elections in one of these organizations, and it is for that reason, Mr. President, and because they have been controlled and because the officials have been used to suppress the appeals of the members of the organization to redress grievances; it is for that reason that these other organizations of postal employees have been formed.

Mr. ROOT. May I asked the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. Yes.

Mr. ROOT. Do I correctly understand the Senator as taking the position that we ought to carefully guard against having anything introduced into our legislation which might be construed hereafter as denying the right of the postal employees to strike?

Mr. LA FOLLETTE. Oh, no. I am not to be trapped by the Senator from New York.

Mr. ROOT. Mr. President——

Mr. LA FOLLETTE. Wait a moment.

Mr. ROOT. I will not wait until I say to the Senator that he ought to withdraw that remark. He has no right to make it.

Mr. LA FOLLETTE. Mr. President, I sat here in my seat and listened to the Senator from New York as he drew the Senator from South Carolina [Mr. SMITH] into an admission of his position which was not justified by what he had said and which the Senator from South Carolina himself was compelled to withdraw.

Mr. President, this whole argument has proceeded upon the false basis that the effect of this House provision was to open the door to a sanctioning of strikes on the part of employees of the Government who are members of these organizations.

Mr. ROOT. Mr. President, do I understand that the Senator from Wisconsin——

Mr. CUMMINS. I have the floor.

Mr. ROOT. Declines to withdraw his remark?

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. The Senator from Iowa has the floor.

Mr. ROOT. I stand upon a question of personal privilege.

Mr. LA FOLLETTE. Well, Mr. President.

Mr. CUMMINS. I should like to be heard.

Mr. LA FOLLETTE. If it is offensive personally to the Senator——

Mr. ROOT. It is offensive.

Mr. LA FOLLETTE. I will modify it.

Mr. ROOT. It is offensive and unjustified.

Mr. LA FOLLETTE. Well, I will modify it, and I will let it stand with the reference which I have made to the colloquy which took place between the Senator from New York and the Senator from South Carolina.

Mr. ROOT. Mr. President, may I again put the question, then, What is the position of the Senator from Wisconsin with regard to the rights of postal employees to strike?

Mr. CUMMINS. Mr. President, inasmuch as the personal matter has passed——

Mr. LA FOLLETTE. Will the Senator permit me?

Mr. CUMMINS. I desire to resume as soon as I can the suggestions that I was making.

The PRESIDENT pro tempore. The Senator from Iowa is entitled to the floor.

Mr. CUMMINS. I will yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Just to make answer to the question of the Senator from New York. I do not believe in and I would not vote for or support any legislation which could be construed as sanctioning strikes on the part of Federal employees. I will not trespass further on the time of the Senator from Iowa.

Mr. CUMMINS. Mr. President, no apology is needed on the part of anyone. Little remains, however, for me to say with respect to the matter. I will return to the position I was endeavoring to state when interrupted.

I have just said that any organization of Government employees that had for its purpose a concerted strike against the Government itself would, of course, be intolerable, and no one would insist upon the privilege of such organization.

Let us see just where we are, because I entirely agree with the Senator from Wisconsin [Mr. LA FOLLETTE] that there has been a false issue raised before the Senate and before the country. The issue is not whether we shall give to Government employees the privilege of striking or invite them to strike, but the question now is whether any organization to which they belong may affiliate or form any relation with any other organization. We have passed two of the difficult questions. Apparently it is now conceded that the Executive order which forbade Government employees making their wants known to their own Government or to the Members of Congress was ill advised, tyrannical, and arbitrary, and that it ought to be abrogated by legislation at the earliest possible moment. It is now also admitted that the construction that may well be given to some orders of the Post Office Department and the attitude of the department toward the organization of the employees needs correction at the hands of Congress just as completely and just as fully as does the Executive order which denied the privilege of the presentation of grievances of any kind, petitions of any kind, from the employee to the Government unless they passed through the hands of the department. That is a great step in advance, I agree.

But, let us see now what the amendment of the Senator from Oregon proposes. First, let us analyze the House provision, which is: "That membership in any society, association, club, or other form of organization" shall not be the occasion for dismissal or "for reduction in rank."

The amendment proposed by the Senator from Oregon is:

That membership in any society, association, club, or other form of organization, composed of postal employees only, which is not secret nor affiliated with any outside organization, etc.

That is the only difference between the House provision and the proposition now made by the chairman of the committee. They both propose that there shall be liberty of membership in an organization of employees. I mean liberty of membership in organization and the right to organize among the employees themselves, but the House provision does not forbid an organization so formed from affiliating itself with some other organization. The provision of the Senator from Oregon, the chairman of the committee, does prohibit any relation between the association of Government employees and any other association which, we will assume, is composed of other than Government employees.

Senators, as it seems to me, we can not afford to declare to the people of the United States that an association of postal employees organized for proper purposes, organized to strengthen the sympathy that ought to exist between men working for their living, organized for the purpose of bettering the condition of the men who compose it, can not sustain any relation whatsoever to any other organization having the same purposes, the same high objects for the members who belong to it. I agree that there may be such a relation between an organization of postal employees and an organization of other men that might be detrimental to the public service, but are we to

declare here that there shall be no relation whatsoever with any association? That prohibition might destroy in a large measure the usefulness of the postal organization.

I agree with the Senator from Wisconsin [Mr. LA FOLLETTE] that this is directed solely toward the American Federation of Labor. If that be true, then will some one tell the Senate why it would destroy the usefulness or impair the efficiency of postal employees if an organization which they had brought together should bear some relation to the Federation of Labor or should be affiliated with it? The Federation of Labor has many high, lofty aims; it has many exalted standards of conduct; it may declare some principles in which we do not agree, but the prohibition, general, sweeping, complete, that an association of postal employees shall not be affiliated with the Federation of Labor or with any other association seems to me to deny to men the commonest privileges which free men ought to demand and ought to enjoy.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Oregon?

Mr. CUMMINS. I do.

Mr. BOURNE. Do I understand the Senator from Iowa to ask the question why I introduced the amendment?

Mr. CUMMINS. Mr. President, I put the question generally. I do not ask it specifically of the Senator from Oregon. I would, however, be glad to have an answer, either now or at any appropriate time.

Mr. BOURNE. I would be glad to answer the Senator now.

Mr. CUMMINS. Very well; I shall be very glad to hear the Senator.

Mr. BOURNE. Mr. President, as I previously stated, this was an amendment suggested by the National Civil Service Reform League. In offering the amendment, I so stated. I further said that the proposed amendment had been submitted to the officers of two of the associations—to Mr. Cantwell, secretary of the National Association of Letter Carriers, representing 28,200 members out of approximately 29,000 employees in that branch of the service, and to Mr. Frank T. Rogers, president of the United National Association of Post Office Clerks, representing some 22,000 members. I understood, in conversation with them, that this proposed amendment would, in their opinion, be perfectly satisfactory to the members of their respective organizations.

While, as I have previously stated, I believe I am as good a friend of organized labor as any man in Congress, I think it is my duty to read to the Senate from the hearings of the Committee on the Reform of the Civil Service in the House of Representatives on House bill 5970——

Mr. CUMMINS. Mr. President, would the Senator from Oregon think me discourteous if I suggested that that be put in at some time in connection with observations of his own? My remarks have already been somewhat disconnected by the remarks of others.

Mr. BOURNE. Of course the Senator from Iowa has the floor. I should not have ventured to interrupt him, but that I understood he asked me a question in reference to the proposed amendment. I was simply trying to answer that question. I shall be very glad to discontinue my remarks if they interfere in any way with the continuity of the Senator's address.

Mr. CUMMINS. I am perfectly willing that the Senator shall make any remarks he desires to make, but if it is a long hearing, I do not care to make that a part of my speech; that is all.

Mr. BOURNE. It was merely two affidavits in these hearing that have a direct bearing on this subject.

Mr. CUMMINS. Very well, I will yield to the Senator for that purpose.

Mr. BOURNE. The first affidavit is as follows:

STATE OF MASSACHUSETTS, *County of Suffolk, ss:*

I, A. C. Walton, being duly sworn, do hereby deposed and say that since last December it has been a matter of general conversation among the clerks of the First Division Railway Mail Service that the benefits to be derived by the Railway Mail Clerks' Association, should they unite with the American Federation of Labor, would be that in case the clerks desired to strike against the Government they would have the moral support of the federation, and that the federation would levy an assessment of 10 cents upon every member of federated labor to support the striking clerks.

These have been the only inducements that I have heard discussed among all the clerks with whom I have had a conversation about this matter. My position as president of the association has naturally brought me in contact with a large number of clerks, and there has been no other question in the minds of any, as far as I know, but what the above were the inducements given out for affiliation.

A. C. WALTON,
Railway Postal Clerk.

Subscribed and sworn to at Boston, Mass., this 4th day of May, A. D. 1911.

LAWRENCE LETHERMAN.

The other affidavit of similar purport I ask to have inserted in the RECORD without reading, so as not to further interrupt the remarks of the Senator from Iowa.

The PRESIDENT pro tempore. Permission to do so will be granted in the absence of objection. The Chair hears none.

The affidavit referred to is as follows:

STATE OF MASSACHUSETTS, *County of Suffolk, ss:*

I, H. F. Tebbetts, being duly sworn, do hereby depose and say that on the 22d day of last March, at a called meeting between members of the Railway Mail Association of the first division and Frank H. McCarthy, organizer of the American Federation of Labor, in their hall at 987 Washington Street, Boston, Mass., the said Frank H. McCarthy stated that if the First Division Railway Mail Association became a part of the American Federation of Labor, the latter body would not at any time order the Railway Mail Association to strike, but should the Railway Mail Association desire to strike, they would receive the moral support of the American Federation of Labor, and that the American Federation of Labor would assess every member of federated labor in the United States 10 cents each, the amount collected to be turned over to the Railway Mail Association to aid them in their strike.

He stated, also, that in comparison with the American Federation of Labor the Railway Mail Association was very small, and, consequently, their political influence was small in proportion, and in view of an Executive order prohibiting political activity on the part of the Railway Mail Association they (the Railway Mail Association) were prevented from working in their own interests, either with Congress or its individual Members, but should they affiliate with the American Federation of Labor, with its 2,000,000 members and its vast political machine, measures could be put through Congress in which the Railway Mail Association were vitally interested.

H. F. TEBBETTS.

Subscribed and sworn to at Boston, Mass., this 4th day of May, A. D. 1911.

C. E. JENNINGS, *Post-office Inspector.*

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I will yield for a question.

Mr. MARTINE of New Jersey. No; I thought the Senator had concluded. I beg his pardon.

Mr. CUMMINS. The Senator from New Jersey might well think that, for I have been on my feet so little of the time since I began my speech.

Mr. President, there is but one reply to the affidavit just read by the Senator from Oregon, and that is a very conclusive reply. If any organization of postal employees does not desire to affiliate with any other organization, there is nothing to compel it to do so. It requires a vote of a majority, I assume, of all the members of an association to enable it to affiliate with any other association, and if a majority of the postal employees do not desire the affiliation, it would not take place, just as it is true with the Brotherhood of Locomotive Engineers, one of the most notable, one of the best, one of the most efficient labor organizations in the country. It does not affiliate with the American Federation of Labor; but if anyone were to say to the Brotherhood of Locomotive Engineers, "You shall not affiliate with the American Federation of Labor," I believe there would be that instant rebellion which arises naturally in the heart of every American when an unjust command is put upon him.

Mr. BOURNE. Mr. President——

Mr. CUMMINS. I yield to the Senator from Oregon.

Mr. BOURNE. I simply desire to ask a question of the Senator from Iowa. Is it his opinion that it would require a vote of a majority of any organization for a single individual member of that organization to join any other organization he saw fit?

Mr. CUMMINS. Mr. President, the Senator from Oregon is now passing to another ground. We are not dealing here with the individual membership of the postal employees in other organizations. I say that no single individual can join the American Federation of Labor. It is not an association composed of individuals; it is an association composed of organizations. Admittance to it, as I have been informed and believe, comes solely through the official action of other organizations. Of course, a postal employee might apply for membership in some other labor organization, but he could not apply for individual membership in the American Federation of Labor, if I correctly understand its organization. But we have here a provision which, according to common consent, applies only to postal associations; and the sole question is whether we should put a prohibition upon the association to which an employee may belong, and forbid it from forming any relation with an outside organization. I do not believe that to do so is the exercise of power in a discriminating way. There may be some organizations with which we ought not to permit a postal society any affiliation or association, but nothing of that kind is contemplated, and I do not know how such relation could be brought about; but to declare positively, without qualification, that there can be no relation be-

tween an association of Government employees and any other association is, in my opinion, not only in the last degree unwise, but I believe it goes beyond the governmental power.

Mr. BOURNE. Mr. President, before the Senator takes his seat, I should like to ask him whether he would favor a direct prohibition against postal employees striking against the Government or interfering in any way, to the detriment of the general welfare, with the handling of the mail?

Mr. CUMMINS. Mr. President, I answer, with frankness, that there could be no prohibition against an individual striking, because when an individual strikes, it is merely a retirement from the service. There can be no strike in the proper sense of the word save through concert and cooperation. If the Senator means to ask if I believe that a postal association, with a provision in its rules that all members should strike upon the command or direction of its officers, after having gone through a certain procedure to ascertain the wishes of its members, I say I am not in favor of allowing an association of that sort among Government employees, because I do not believe that the strike is the remedy for Government employees. I believe if they can not secure justice from their Government for any grievance or any wrong done to them, then the Government is a failure, and we need not look beyond that disaster.

Mr. BOURNE. Well, if the Senator will permit me, the idea has occurred to my mind of the possibility, though not the probability, if there were, for instance, 28,000 mail carriers; if they were receiving on an average $1,069 a year, and they wanted to have their salaries increased to an average of $1,200 or $1,300, or $1,400 a year, would it be conducive to good government or to the welfare of the citizens, as a whole, that the employees should have a right to consult with each other and notify the individual in charge of the particular department that they would as a body walk out unless they received the additional compensation, no matter how just the demand might be?

Mr. CUMMINS. Mr. President, the question of the Senator from Oregon is plainly divisible. The same answer could not be made to both divisions. It would be clearly inimical to the public service to permit an association of those employees that had for part of its plan of procedure the concert of action, to which the Senator refers, and through which its members would leave the Government employment in a body. That is my answer to the first division.

The second division of the Senator's question is answered in this way: I do not believe that the thousands of employees ought to concert together, even if they have no association prior to the concert, for the purpose of making a united demand upon the Government for an increase in salary, accompanied with a threat that unless the demand be granted they would leave the service in a body. I think that such concert of action, carried to such results, is not in accordance with their relations to their Government and their duty to the people whom they serve.

Mr. BOURNE. If the Senator will permit me just one more question, suppose there were no threats, but actions, and they all resigned?

Mr. CUMMINS. Oh, Mr. President, if they all resigned because they were led to do that believing that it was for their individual interests, no one could complain, for the individual has the right, I think, above any power of the Government, to leave the civil service at any time he desires so to do.

The rule of the civil service is not the rule of the Army or the Navy. The two services are founded upon entirely different bases, as I believe, and I think there is no obligation upon the part of an individual—that is, no obligation that can be enforced—to remain in the civil service of his Government if he desires to leave it.

Mr. MARTINE of New Jersey. Mr. President, I expressed my views on this question largely some days ago, but I desire to say again that I shall oppose these amendments, for, in my judgment, they trench upon human rights. I believe the postal service can not suffer by passing this measure as it came from the House.

I want to say that I feel that it is a most gross assumption upon the part of the Senator from New York [Mr. ROOT] when, in his address, he gave expression to the opinion that this would tend to induce postal employees to turn against the country. I insist that experience is to the contrary. The employees of our Government and our labor organizations are quite as ready to maintain and defend the glory and honor of this country as any other class of citizens, and, as I asserted the other day, the statement that they might band together simply for purposes that would be a menace to the Government is most ungenerous and unfair.

I want to impress upon my fellow Senators that these men simply because they are in the postal employ, have not ceased to be American citizens. They are as much American citizens to-day as we are; they are just as loyal and just as patriotic as we are. They have the same promptings and the same desires, the same hopes and the same anticipations; and I feel that it is unjust and ungenerous to debar these men from the privilege of aligning themselves with such societies or organizations as in their own judgment and manhood they may see fit to join to best advance their interests.

Moreover, for a hundred years we have gone on fairly well in advancing postal matters and will continue to advance. The door has been open to them, except for the comparative recent interference on the part of the heads of the Post Office Department, to join such societies as they may desire. We are to-day as safe and free from disorder in such lines as we ever were; and I hold there is no reason in the world for pressing this measure any further.

I am not afraid of the postal employees. I would as quickly trust them with my money or my life as I would any other class of citizens. I know hundreds of them, and have known them for 25 years. I will say that, while I have not been in the employ of the Government, it has been my good fortune to have been exceedingly close with the railway postal organization ever since I was 21 years old. I voice their claims, not for mean and selfish ends, but because, as I said a day or two ago, I believe that organization tends to make them better men, better citizens, better farmers, better officers, and that the country will be better advanced by maintaining them; and this eternal attempt to hold them up to ridicule and to the horror of our fellow citizens I say is unjust, ungenerous, and unfair.

What is the proposition that has produced so much discussion and so much debate here? I can not imagine any fair-minded man in the land opposing it. Just let us read the provision of the bill as it came from the House of Representatives. It is as follows:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees having for its objects, among other things, improvements in the condition of labor of its members, including hours of labor and compensation therefor and leave of absence, by any person or groups of persons in said postal service, or the presenting by any such person or groups of persons of any grievance or grievances to the Congress or any Member thereof shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

In heaven's name, what is there in that provision that we need cavil over? To deny them that would be to deny that they should be good citizens, that they should exercise their own conscience and their own judgment in their affiliations. We have had no evil from them, nor do I think we shall have.

I shall vote against the original amendment offered by the Senator from Oregon [Mr. BOURNE] and the substitute offered by the Senator from Missouri [Mr. REED] and I shall vote to sustain the provision as it came from the House. I can see no evil in it; I can see it only advancement and good to the general welfare of the employee, and so feeling, I am willing to be recorded in that way.

Mr. CLAPP. Mr. President, I want to simply say a word. It seems to me that this debate has taken a very wide range, and a great deal of time has been spent in discussing matters which, from the makeup of American citizenship, are not probable and not even possible. No one would deprecate the thought of a strike against the Government more than I would, but I shall vote against every amendment to the House provision, because, as I construe this provision, in the light of our experience with the postal employees, there is no suggestion of a strike; and that idea is only suggested for the purpose of injecting into this discussion something that ought not to be in the discussion at all. Nor will I permit any man to define for me my attitude toward the strike because of my attitude toward these amendments.

I am not going to take the time of the Senate, nor do I feel it incumbent upon me, to pay a tribute to the employees of the Post Office Department. The railway mail clerks are a class of men who daily take their lives in their hands; they have contributed to building up an efficiency in that department that is the marvel of the age; and I will not vote for any amendment that carries with it the suggestion that, under any circumstances, the employees of this Government would strike against the Government. There is absolutely nothing in the history of the various departments in the relation of the employees in those departments to their service that warrants any such suggestion. So, without for one moment recognizing that we could

ever tolerate the thought of a strike against the Government, I shall vote against every amendment which seeks to brand the employees of this Government as having within their purpose the possibility under any circumstances of striking against their Government.

Mr. REED. Mr. President, in view of the affidavit read by the Senator from Oregon [Mr. BOURNE], I ask unanimous consent to be permitted to modify the amendment which I submitted.

The PRESIDENT pro tempore. That is the Senator's right.

Mr. REED. I desire to add, after the word "strike," the words "or proposing to assist them in any strike," so that the amendment will read as follows:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike, or proposing to assist them in any strike against the United States.

And so forth.

Mr. WILLIAMS. Mr. President, I know of nothing in the nature of our institutions that makes a man who enters into the civil service of the United States a slave. I know of nothing that can bind him to involuntary servitude; I know of nothing that exempts him from the operation of the rules of the Constitution in favor of the freedom of assembly and the freedom of petition. All citizens are guaranteed the right peaceably to assemble and to address the Government, to petition the Government for a redress of grievances. That means, I take it, any part of the Government except, perhaps, the judiciary, whose functions are totally out of line with that sort of thing. A man can not address a petition to the Government of the United States; it would have to be addressed to the President or to a department or to Congress or to some particular Senator or some particular Representative.

I think we are making a good deal of a mountain out of a molehill. There is no danger of any civil employees of the Federal Government striking. They are getting about from 30 to 40 per cent more than they could get for like work anywhere else; they are not fools, and they know that as well as you do. They will use their rights if they are left uninfringed—I do not believe that Congress could infringe them; I believe that the courts would hold that whatever Congress did in that connection was invalid; but even if Congress could infringe them they would hold their rights uninfringed, subject to their own common sense. When they are receiving from 30 to 40 or 50 per cent more than they would get for like work in private employment, getting shorter hours, getting 30 days' sick leave whether they are sick or not, and 30 days more in addition to the sick leave, they "know a good thing when they see it," and they are not going to strike; but if they wanted to strike they have as much right to strike against the Government of the United States—which in that sense is not a Government at all, but simply an employer—as have any other employees. They have just exactly the same rights with regard to the Government when the Government is an employer that they have with regard to me or to you.

Some analogy has been sought to be drawn between the civil employees and those in the naval or military service. There can be no such analogy for a very simple reason. The civil employees of the Government are subject to the civil law, while men who have enlisted in the Army or the Navy are subject to martial law, and a direct exception has been made in the Constitution with regard to those who are subject to martial law. It seems to me that the freer we leave these people, the better. In fact, it is my idea that the freer we leave everybody, the better. These men have the right to form associations if they wish to do so; they have the right to affiliate with other associations if they so wish; they have the right peaceably to assemble if they so wish; they have the right, if they wish to do so, to petition me for redress of grievances, or to petition you or anybody else, or any part of the Government, and I do not see why Congress should be "putting its finger in the pie."

If 10,000 of these employees did conclude to quit work at any time, then, after they had quit, the rights of sovereignty would come into bearing. If they undertook to intimidate other people to prevent them from accepting employment, then the Government would have the right to speak, and to speak in thunder tones, and it would speak in thunder tones, if necessary with Cavalry and Infantry and Artillery. But that is a different proposition.

This proposition is simply the proposition of their having the right to quit work, either 1 of them by himself, or 3 of them after a previous conversation, or 10,000 of them after a previous meeting and resolution. That, as I understand and as I take it, is their constitutional right; and if we pass a law to prevent it, in my opinion, it would not be worth the paper it is written on; but if we had the power to pass it, I would be opposed to passing it because it would be a useless infringement of liberty.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment of the Senator from Missouri [Mr. REED] as modified. [Putting the question.] The Chair is in doubt.

Mr. OVERMAN. I ask for the yeas and nays.

Mr. WILLIAMS. What is the amendment?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to amend the text of the House bill, on page 48, line 25, after the word "employees," by inserting "not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike or proposing to assist them in any strike against the United States," so that if amended it will read:

Provided, however, That membership in any society, association, club, or other form of organization of postal employees not affiliated with any outside organization imposing an obligation or duty upon them to engage in any strike or proposing to assist them in any strike against the United States having for its objects, etc.

The PRESIDENT pro tempore. The Senator from South Carolina has demanded the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the Chamber. I transfer that pair to the Senator from New Mexico [Mr. CATRON] and vote. I vote "yea."

Mr. McCUMBER (when his name was called). I will announce my pair with the senior Senator from Mississippi [Mr. PERCY]. I will transfer that pair to the junior Senator from North Dakota [Mr. GRONNA] and vote. I vote "yea."

Mr. REED (when his name was called). I transfer my pair to the Senator from Arkansas [Mr. CLARKE] and vote "yea." My pair is the Senator from Michigan [Mr. SMITH].

Mr. SMITH of South Carolina (when his name was called). I am paired with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote. I vote "yea."

Mr. STONE (when his name was called). I have a standing pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Maine [Mr. JOHNSON] and vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER]. On account of his absence, I refrain from voting.

Mr. OVERMAN (when Mr. THORNTON's name was called). I was requested to announce that the senior Senator from Louisiana [Mr. FOSTER] and the junior Senator from Louisiana [Mr. THORNTON] are unavoidably detained from the Senate. I will let this announcement stand for the day.

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the junior Senator from Tennessee [Mr. SANDERS] and vote "yea."

Mr. LIPPITT. I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the Senator from South Dakota [Mr. GAMBLE]. I vote "yea." I will also state that my colleague [Mr. WETMORE] is necessarily absent.

Mr. LODGE. I desire to announce that my colleague [Mr. CRANE] is absent from the city. He is paired with the Senator from Arkansas [Mr. DAVIS]. If my colleague were present, he would vote "yea."

Mr. SMOOT. I desire to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He is paired with the Senator from Oklahoma [Mr. GORE]. If the Senator from Wisconsin were present, he would vote "yea."

Mr. TOWNSEND. I desire to announce the necessary absence of the Senator from Michigan [Mr. SMITH]. I will state that he is paired with the junior Senator from Missouri [Mr. REED].

Mr. CULBERSON. In view of my general pair with the Senator from Delaware [Mr. DU PONT], I withhold my vote.

Mr. BRYAN. I am paired with the Senator from New Mexico [Mr. FALL], and therefore withhold my vote.

Mr. SMITH of Arizona. I announce that my colleague [Mr. ASHURST] is detained from the Chamber on important business.

The result was announced—yeas 49, nays 7, as follows:

YEAS—49.

Bacon	Fletcher	Nelson	Smith, Ariz.
Bourne	Gallinger	Newlands	Smith, Ga.
Bradley	Guggenheim	O'Gorman	Smith, Md.
Brandegee	Hitchcock	Oliver	Smith, S. C.
Briggs	Johnston, Ala.	Overman	Smoot
Bristow	Jones	Page	Stone
Burnham	Lippitt	Penrose	Swanson
Burton	Lodge	Perkins	Tillman
Chamberlain	McCumber	Pomerene	Townsend
Chilton	McLean	Reed	Works
Crawford	Martin, Va.	Root	
Cullom	Martine, N. J.	Shively	
Dillingham	Massey	Simmons	

NAYS—7.

Borah	Cummins	La Follette	Williams
Clapp	Kenyon	Poindexter	

NOT VOTING—38.

Ashurst	Curtis	Heyburn	Sanders
Bailey	Davis	Johnson, Me.	Smith, Mich.
Bankhead	Dixon	Kern	Stephenson
Brown	du Pont	Lea	Sutherland
Bryan	Fall	Myers	Thornton
Catron	Foster	Owen	Warren
Clark, Wyo.	Gamble	Paynter	Watson
Clarke, Ark.	Gardner	Percy	Wetmore
Crane	Gore	Rayner	
Culberson	Gronna	Richardson	

So Mr. REED's amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the substitute submitted by the Senator from Oregon [Mr. BOURNE].

Mr. REED. I offer the following amendment, to follow the provision of the House which is proposed to be stricken out by the Senate amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 49, line 9, after the word "service," insert:

The right of persons employed in the civil service of the United States, either individually or collectively, to petition Congress or any Member thereof, or to furnish information to any House of Congress or to any committee or Member thereof, shall not be denied or interfered with.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. REED].

The amendment was agreed to.

The PRESIDENT pro tempore. The question is now upon the amendment in the nature of a substitute submitted by the Senator from Oregon [Mr. BOURNE], which will be stated.

The SECRETARY. In lieu of the matter proposed to be stricken from the bill by the committee insert the following words:

Provided, however, That membership in any society, association, club, or other form of organization composed of postal employees only, which is not secret nor affiliated with any outside organization and which may have for its objects, among other things, improvements in the conditions of labor of its members, including hours of labor and compensation therefor, and leaves of absence, or the presenting of any grievance or grievances to Congress, or any Member thereof, by any person or groups of persons employed in the postal service, shall not constitute or be cause for reduction in rank or compensation or removal of such person or groups of persons from said service.

Mr. BOURNE. In view of the perfection made by the Senator from Missouri to the House provision, I will ask consent to withdraw the suggested substitute which has just been read.

The PRESIDENT pro tempore. Without objection the substitute is withdrawn.

Mr. POINDEXTER. If it is not too late, I ask for the yeas and nays on the amendment proposed by the Senator from Missouri [Mr. REED]. As I understand the amendment, it has the effect of striking out of the bill altogether the House provision allowing the right of employees to organize.

Mr. LODGE. Not at all.

Mr. REED. The Senator is mistaken. It is an addition to the House provision.

Mr. POINDEXTER. The printed amendment which I have here says to insert in lieu of the words stricken out.

Mr. REED. That is not the way it was offered. I offered it to go in at the end of the House provision.

Mr. LODGE. The Senator from Missouri withdrew that amendment and offered it to the text.

Mr. POINDEXTER. Very well. I was going by the printed amendment.

The PRESIDENT pro tempore. The question is on striking out the provision of the House bill as reported by the committee. [Putting the question.] The noes have it, and the motion is not agreed to.

Mr. SMITH of Georgia. I desire to move to reconsider that portion of the bill adopted in Committee of the Whole known as the parcel post so that we may have the opportunity to discuss it. A number of Members desire to make some inquiries and to present some views upon it. It seems to me that it would be better to do it at this time. I move to reconsider the vote by which the amendment was agreed to.

Mr. JONES. Before leaving section 6 I wish to offer a further amendment.

Mr. SMITH of Georgia. It will only take a moment to reconsider and give us a chance for discussion.

Mr. JONES. I shall not discuss it. I simply wish to offer this amendment. In line 9 I move to strike out the words "in the postal service," so as to make the provision apply to all members of the classified service as well as of the postal service.

Mr. LA FOLLETTE. If I understand the effect of the amendment last adopted, offered by the Senator from Missouri, it covers exactly that. It broadens the whole provision.

Mr. LODGE. The amendment offered by the Senator from Missouri would cover the whole service.

Mr. JONES. The first part of this section relates to the removal of members from the classified service, and by the language of the bill it applies only to those in the postal service. The last amendment does not cover that.

Mr. SMITH of Georgia. I do not yield the floor further to the Senator from Washington.

The PRESIDENT pro tempore. The Chair is of opinion that section 6 having been under consideration it is proper first to consider amendments to that section. The amendment submitted by the Senator from Washington will be read.

The SECRETARY. On page 49, line 4, strike out the words "in said postal service."

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Washington.

The amendment was agreed to.

Mr. JONES. It will be necessary, in view of the adoption of that amendment, to reconsider the amendment striking out in the bill, lines 18 and 19, the words "officer making the removal" and inserting "the Postmaster General." I move to reconsider that.

Mr. BOURNE. Will the Secretary kindly read the clause so that we can have the information as to the proposed amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. On page 48 the Senate, as in Committee of the Whole, has already agreed to an amendment, in line 15, striking out the words "officer making the removal," and inserted in lieu the words "the Postmaster General," so that it reads:

But no examination of witnesses nor any trial or hearing shall be required except in the discretion of the Postmaster General.

Mr. JONES. With a view of extending this to the classified service, we should not accept that amendment.

Mr. LODGE. The object was to give to the head of the department.

Mr. BAILEY. The officer making the removal.

Mr. LODGE. It ought to be limited to the heads of departments.

Mr. JONES. I am willing to accept that.

Mr. BOURNE. I think as it is in the bill it necessarily must be the head of the department.

Mr. LODGE. I think it ought to be the head of the department.

Mr. BAILEY. If only the head of the department can remove, then this covers it. If anybody else can remove, then it ought to be a limitation on him just the same.

Mr. JONES. I ask to reconsider the vote by which the Senate adopted the amendment recommended by the committee, and that the amendment of the committee be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the motion to reconsider the vote by which the amendment was agreed to.

The motion to reconsider was agreed to.

Mr. JONES. I ask that the amendment be disagreed to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was rejected.

The PRESIDENT pro tempore. This restores the House bill.

Mr. SMITH of Georgia. I move to reconsider the action of the Senate in reference to the parcel post, so that we may have an opportunity as in Committee of the Whole to discuss it. It is the most important legislation, perhaps, in the entire bill.

We passed it without a word, and I think it ought to be brought before the Senate.

The PRESIDENT pro tempore. The Senator from Georgia moves to reconsider the vote by which the amendment was agreed to.

Mr. BACON. Mr. President, I hope that motion will prevail. I was out of the Chamber yesterday morning with other Senators to attend a meeting of the Judiciary Committee, and I think a number of other Senators were also absent on conference committees and duties of that kind. I was never more surprised in my life when I came back into the Chamber after a short absence and was told that this important matter had been passed in the Senate without a word, except a short speech of a few minutes by the Senator from Arizona [Mr. ASHURST], and without a roll call or anything else.

I really want the matter brought again before the Senate because I want the information myself. Here is a committee that has been two or three months considering this question, hearing testimony and discussing it, and it comes in and hangs up that map, a map which I have been looking at for two or three weeks past with the greatest curiosity and anticipation, expecting the day to come when that Chinese puzzle would be solved for us and we would know something about it. I speak for myself, and I presume other Senators are in the same position on this most important piece of legislation. I supposed Senators would be called on to say something about it and to explain it.

The Senator's report, of course, is very elaborate and all that, but that does not give the information which one gets in a discussion in the Senate where there is an interchange of views. I hope that this matter may be taken up and that other matters which are in the bill which may not be of so much importance may be given the go-by, at least until this parcel-post matter shall be brought before the Senate and some little explanation given of it. There has been no information given to those who did not have the opportunity which the committee had of hearing testimony on it and considering it for the past month. We have only two hours left and I think at least one hour ought to be given to this question.

Mr. BOURNE. Mr. President, about a year has been devoted to the study of the problem presented by the proposed enlargement of our present parcel-post system as represented by the fourth-class mail privilege. In order to show that ill-advised action has not been taken, I shall explain at length what action has been taken on the part of the Senate and its Committee on Post Offices and Post Roads with a view to securing satisfactory information upon which to base legislation.

Mr. OVERMAN. The explanation of this part of the bill is fully set out in the report?

Mr. BOURNE. Fully. If the Senator will permit me, I will go on to explain to the Senator from Georgia [Mr. BACON] that every Member of the Senate has had full opportunity to get all the information the Senate committee had after its study of the subject.

On the 16th of June, 1911, the Senate adopted Senate resolution No. 56, a copy of which I will ask to be inserted in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The resolution referred to is as follows:

Resolved, That the Committee on Post Offices and Post Roads is hereby authorized and directed, by subcommittee or otherwise, to inquire into and report to the Senate at the earliest date practicable what changes are necessary or desirable in the postal system of the United States or in laws relating to the postal service, and particularly with reference to the establishment of a parcel post, and for this purpose they are authorized to sit during the sessions or recesses of Congress, at such times and places as they may deem desirable or practicable; to send for persons and papers; to administer oaths; to summon and compel the attendance of witnesses; to conduct hearings, and have reports of same printed for use; and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expense in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

Mr. BOURNE. Under authority and direction of that resolution the following subcommittee was appointed: Senator BOURNE, chairman; Senators PENROSE, BRIGGS, BRISTOW, BANKHEAD, SWANSON, and BRYAN.

On the 18th of August, 1911, I directed to the Secretary of State a letter reading as follows:

UNITED STATES SENATE,
COMMITTEE ON POST OFFICES AND POST ROADS,
August 18, 1911.

The honorable the SECRETARY OF STATE.

MY DEAR MR. SECRETARY: I inclose herewith copy of Senate resolution 56, adopted by the Senate June 16, 1911. Under authority of same I am taking preliminary steps for the collation of obtainable data in re parcel post as it is now in operation in foreign countries. I would respectfully request your cooperation in this matter and would ask you to kindly instruct the diplomatic representatives of the United States in countries operating a parcel or package post to obtain from the several countries to which they are accredited the fullest possible information with respect to such parcel or package post. Such information should consist chiefly of an abstract of the law and the rules and regulations governing the operation of the parcel post; the weight limit of parcels; the rate or rates of postage; the greatest dimensions of parcels accepted for mailing; whether delivery of parcels is made to the residence of the addressee or to some intermediate point, such as the nearest post office or railway station, and if to an intermediate point, what are the particulars concerning the rate of postage, and what means are used to notify the addressee that a package awaits him at such intermediate point; a statement of the revenue and expenditure and the amount of parcel-post business transacted during a term of 10 years; a statement showing the additional postal equipment, if any, made necessary by the establishment of a parcel post; a statement showing in what particulars the transportation of parcels differs from the handling of letter mail, and whether the operation of the parcel post has caused any delay or difficulty in the prompt and satisfactory treatment of letter mail; a schedule of the articles which may or which may not be sent by parcel post; a statement describing any opposition which may have been manifested before or since the establishment of the parcel post; information as to whether any common carriers exist similar in any way to the American express companies, and, if so, a brief of their nature and their relation to the Government; whether the Government operates the railroads in whole or in part and, where it does, full information showing the bearing which this fact has on the operation of the parcel post; a statement showing the attitude of the people with reference to the parcel post, and what benefits, if any, have resulted from its operation to the people at large; where two or more rates exist dependent on speed of transportation, such as I understand exist in France, full information is desired; specific information as to whether shopkeepers in small towns claim that the parcel post militates against them and in favor of the large departmental or city stores.

I would appreciate it greatly if you would cause this information to be procured with the greatest possible dispatch and could give me some indication as to approximately when it will be available.

Yours, very sincerely,

JONATHAN BOURNE, Jr., *Chairman.*

Replies were received from 43 countries, giving quite fully the information desired.

Mr. BRANDEGEE. Mr. President, I rise to a parliamentary inquiry. It is whether the Senator understood that the motion to reconsider had prevailed and that the matter is now before the Senate.

Mr. BOURNE. I did not so understand.

The PRESIDENT pro tempore. The motion has not been put to the Senate.

Mr. BOURNE. The motion has not been put. I was simply replying to the Senator from Georgia in reference to the inferential criticism that hasty action had been taken on the part of the Senate. I was trying to demonstrate to the Senator from Georgia that no hasty action had been taken, but, on the contrary, that the Senate and the country pretty generally have been advised as to the information the Senate committee had obtained bearing upon the subject.

Mr. BRANDEGEE. I did not realize whether the Senator was arguing the question on the theory that it had been reconsidered or whether he was leading up to opposing the motion to reconsider.

Mr. BOURNE. I was addressing myself particularly to the Senator from Georgia, in answer to his expression of wonder at the action that had been taken upon the subject.

As a parliamentary inquiry, Mr. President, I would ask if there is any necessity for the reconsideration of the vote by which the Senate amendment was adopted in the Committee of the Whole? As I understand, at any time prior to the hour of 4 any Senator has the right to address the Senate upon any subject contained in the bill, and after the hour of 4 any Senator has a right to offer any amendment that he sees fit to the bill or any portion of the bill and to address the Senate for a period of five minutes, and any Member of the Senate has a right to occupy a similar length of time in support or opposition to an amendment or any provision in the bill. Am I correct in such an understanding?

The PRESIDENT pro tempore. The Senator is correct, and yet the Chair feels constrained to put the motion to reconsider, it having been made. That is the proper parliamentary motion.

Mr. BOURNE. Then am I to understand I am out of order in my attempted explanation to the Senator from Georgia?

The PRESIDENT pro tempore. No; not at all. The Senator can discuss the question. The motion to reconsider is a debatable question.

Mr. BOURNE. As I said, Mr. President, replies were received from 43 countries having a parcel-post service. A report was prepared, under my direction as chairman of the subcommittee, giving the information obtained regarding the practical operation of these parcel-post systems. Copies of that report and of a comparative statistical chart were sent to every Member of the Senate. I hold in my hand a copy of the parcel-post chart. The book that I have here presents the reports obtained from all foreign countries having a parcel post, secured, as I explained, through the assistance of the Department

of State. Hearings were held during the months of November and December, 1911, and January, February, and March, 1912. All parties interested in the subject were, upon application, given an opportunity to be heard.

Among the organizations that were represented at the hearings were the National Association of Retail Grocers, National Hardware Association, United Order of Commercial Travelers of America, National Federation of Retail Merchants, National Wholesale Dry Goods Association, National Retail Hardware Association, Tri-State Vehicle and Implement Dealers' Association, State Business Men's Association of Connecticut, Baltimore Credit Men's Association, Wholesale Clothiers' Board of Trade, National Association of Retail Druggists, Society of American Florists and Ornamental Horticulturists, Farmers' National Committee on Postal Reform and the Postal Express Federation, Connecticut State Grange, Postal Progress League, American Library Association, New England Educational Association, Legislative Committee of the National Grange, State Grange of Michigan, Retail Dry Goods Association of New York, American Poultry Association, Knights of Labor, Associated Retailers of St. Louis, Mo., Women's Trade-Union League, Farmers' National Congress, National Dairy Union, and Farmers' Educational and Cooperative Union of America. These organizations represent practically every interest that would be affected by parcel-post legislation.

The result of these hearings was printed in four volumes, which I hold in my hand, making an aggregate of 1,159 pages. Copies were sent to every Member of the Senate, and were furnished to the public upon application.

On May 16, in order to get a concrete plan before the Senate, I introduced a bill (S. 6850) presenting a plan based upon the information gathered during the months of investigation and study, and upon the information received from other countries having a parcel post in operation. I wish also to state that during the constructive work on the parcel-post bill the Post Office Department rendered all the assistance in their power to the subcommittee in its study.

After the introduction of the bill referred to, the committee requested the Post Office Department to give its views relative to the purposes and provisions of the bill. On May 18 the chairman of the committee received the following letter from the Postmaster General:

OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., May 18, 1912.

Hon. JONATHAN BOURNE, Jr.,
Chairman Committee on Post Offices and Post Roads,
United States Senate.

MY DEAR SENATOR: Replying to your letter of the 16th instant, with which you inclose a copy of Senate bill 6850, entitled "A bill to establish a parcel-post system and to fix rates of postage on certain classes of mail," I have to inform you that the bill has been carefully considered, and its contents, scope, and purpose are approved by this department.

The bill has four distinctive features which, in my judgment, should commend it not only to Congress but to the public as well, namely, (1) the consolidation of the fourth and the third classes of mail matter; (2) the establishment of a cheap and simple rural route and city delivery parcel post; (3) the division of the United States and its possessions into six appropriate postal zones, based upon a quarter of the area formed by the intersection of parallels of latitude and meridians of longitude; and (4) the fixing for delivery within these zones of a graduated scale of postage rates based upon the cost of handling and transportation.

The consolidation of the fourth and the third classes of mail matter will greatly facilitate the administration of the postal service by simplifying the schedule of postage rates and lessening the labor of classification, weighing, and distribution.

The delivery of parcels to the limit of 11 pounds on all rural routes and within the delivery limits of free carrier offices will effect both an economy and a public convenience, as it will enable the inhabitants of the rural sections to use the mails for the transportation of the various small products of the farm, garden, and orchard, and at the same time to have delivered to them many of the smaller articles of necessity purchased in the towns without the time and expense incident to a trip of several miles for a trifling purchase.

The establishment of units of area of invariable dimensions on the basis of latitude and longitude will give a fixed starting point from which may be reckoned the distance of transportation and the rates of postage to be charged for the service performed. Representations of these areas upon appropriate maps, supplied by the Government, showing the location of the post offices and the limits of the several zones, will enable the postmasters to determine the necessary postage charges and to make proper dispatch of the mails.

The various scales of charges fixed for the several zones are based upon the actual cost of handling and transportation, and will enable the public to send through the mails parcels to the limit of 11 pounds at the cost of the service rendered. This will be a great improvement upon the present system which fixes similar rates for all distances. The effect of this measure will be not only to lessen the cost of transportation but to stimulate the general trade in small wares, and also to increase the postal revenue and pave the way for other postal reforms.

In my judgment the proposed measure will benefit all classes of the people except those carriers now engaged in the business of transporting small wares. While the patronage of these will be lessened, it will have the effect to limit their business to the more weighty freight, which is distinctly the business of such carriers.

I trust that this measure may have early consideration by the Congress and be speedily enacted into law.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster General.

Mr. President, the bill thus favorably reported upon by the Post Office Department was taken as the basis of action on the part of the committee. To my mind, one of the strongest features in the bill, from a standpoint of desirability rather than of necessity, was the consolidation of the third and fourth class mail matter. Under existing law the third-class mail rate is 1 cent for each 2 ounces; on the fourth-class the rate is 1 cent an ounce. The bill I have referred to proposed a consolidation of the third and fourth classes of mail matter with a general flat rate of 1 cent an ounce up to 4 ounces and pound rates on parcels above 4 ounces, the rates varying under a zone system according to distance.

A tremendous protest arose on the part of many citizens of the country against the consolidation of the third and fourth classes of mail matter because of the proposed increase of the rate on printed matter. There would be an apparent doubling of the rate on circular and other printed matter, as the proposed rate was 1 cent an ounce instead of 1 cent for 2 ounces.

In view of this opposition and because the committee did not believe that the consolidation was vital, although highly desirable, we eliminated from the bill the consolidation of the third and fourth class, and in the bill as recommended to the Senate as a substitute for the House provision only fourth-class matter is affected.

In the study of the question before the committee two general propositions presented themselves to our minds, namely, that the postal service is in a way distinct and separate from any private service, and that there are two activities, one conducted entirely by the postal employee and the other assisted in by private enterprise. One is the handling service and the other the transportation service.

The committee believed, therefore, that if they could obtain information that would enable them to reach a conclusion as to what the cost to the Government is for these two activities they could then construct and frame a scientific bill.

There are two charges, one a handling charge and the other a transportation charge. By the handling charge I mean the pick-up or collection and the delivery. The cost is the same to the Government if the pick-up of the letter or parcel is made in Washington and the delivery made in Georgetown or Baltimore or Philadelphia or San Francisco, because that activity is performed solely by the governmental employee.

The First Assistant Postmaster General, Dr. Grandfield, upon request of the chairman of the committee, stated to the committee that the cost of handling a pound of fourth-class matter in the way of the pick-up and delivery, eliminating the transportation cost, other than the screen-wagon service and the transportation performed by the Government employee himself, is a fraction under 3 cents a pound. There is but very little additional expense in picking up and delivering a 2-pound package or a 3-pound package or a 4-pound package over a 1-pound package, up to the limit of the carrying capacity of the carrier or conveyance.

In the hearings before the subcommittee Mr. John L. Newbold was called. He is the president of the Merchants' Transfer & Storage Co. here in Washington. He said that he would be very glad to enter into a contract with the Government to handle all parcel-post or fourth-class mail matter and deliver it here in the city of Washington, within a radial distance of 7 miles, at 5 cents a package up to 25 pounds weight.

In view of the figures presented by the First Assistant Postmaster General as to the estimated cost of handling 1 pound of fourth-class matter, the pick-up and delivery cost being 3 cents, and in view of Mr. Newbold's statement before the committee and further evidence received from New York that it would cost in New York, within 25 miles of radial distance a little over 5 cents a package, with a 25-pound weight limit, the committee believed they were perfectly safe in fixing upon a handling charge of 5 cents for the first pound and an addition of 1 cent for each additional pound up to 11 pounds. A 5-cent charge is 66 per cent above what the department estimates it costs for that service to-day. Therefore, to be safe, we started with a charge of 5 cents for the first pound and 1 cent for each additional pound, and adopted that handling charge in framing the bill that I introduced on the 16th of May.

On rural routes and in the city delivery the handling charge covers the transportation charge, according to the committee's idea, because the governmental employee must perform the whole service. He collects the packages and delivers them. Hence the committee felt justified in making the rate for all

rural routes, and in all city deliveries outside of rural routes, 5 cents for the first pound and 1 cent for each additional pound.

When we started in on the study of the subject, it seemed perfectly simple to me to work out a plan by which the cost could be determined, a cost sheet provided and worked out on the basis of the distance traveled. There are some 60,000 post offices in the United States. The first thought that came to my mind was to take a map and draw a circle around each post office, representing a distance of 50 miles or 100 miles or any number of miles that might be desired, but on investigation I soon discovered the impracticability of the idea, for the reason that to make such a presentation a map 10 feet long and 10 feet wide, with 60,000 post offices printed on it, would be like engraving the Lord's prayer on the head of a pin.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Oregon yield to the Senator from Michigan?

Mr. BOURNE. I do.

Mr. TOWNSEND. It seems to me that this discussion is entitled to the consideration of the Senate, and I therefore ask for a quorum.

The PRESIDING OFFICER. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	McCumber	Shively
Bacon	Cullom	McLean	Simmons
Bailey	Cummins	Martine, N. J.	Smith, Ariz.
Bankhead	Curtis	Nelson	Smith, Ga.
Borah	Dillingham	O'Gorman	Smith, Md.
Bourne	Gallinger	Oliver	Smith, S. C.
Bradley	Hitchcock	Overman	Smoot
Brandegee	Johnson, Me.	Page	Sutherland
Briggs	Jones	Perkins	Tillman
Bristow	Kenyon	Pomerene	Townsend
Bryan	La Follette	Reed	Warren
Burton	Lippitt	Root	Williams
Chamberlain	Lodge	Sanders	

The PRESIDING OFFICER. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from New Jersey?

Mr. BOURNE. I do.

Mr. MARTINE of New Jersey. Mr. President, I am obliged to be absent for a little while. I have received a number of telegrams, and I desire to present them and ask that they be entered in the RECORD. They are telegrams protesting against the so-called "blue tag" in postal matters.

I desire to say that I am in hearty accord with the proposition set forth in the Bourne parcel-post proposition, and at the same time that I am opposed to any semblance of a "blue-tag" system as to our mail matters.

Mr. BACON. Before the Senator from New Jersey concludes, I will suggest that I presume the Senator simply wants the telegrams noted; that he does not want them printed.

Mr. MARTINE of New Jersey. I simply want them noted, giving the substance and the signatures of the telegrams. I want the signers to know that I have not been derelict in presenting them.

The PRESIDING OFFICER. Without objection, the telegrams will be noted.

The telegrams referred to, protesting against doubling the rates on transportation of publications by mail and what is known as "the blue-tag system," from publishers in different sections of the country, were signed as follows:

The New Idea Publishing Co., publishers of Woman's Magazine, of New York; The Hide and Leather Journal, Chicago, Ill.; The Cosmopolitan Magazine, The Good Housekeeping Magazine, Hearst's Magazine, Motor, and Motor Boating, of New York City; The Motor Age, of Chicago, Ill.; The American Lumberman, of Chicago, Ill.; The Standard Fashion Co., publishers of The Designer, of New York City; The Office Appliance Co., of Chicago, Ill.; The Butterick Publishing Co., publishers of The Delineator, of New York City; The Dowst Bros. Co., publishers of National Cleanser and Dyers, of Chicago, Ill.; of E. R. Shaw, of Chicago, Ill.; and of the Porter Hodgson Co., of Chicago, Ill.

Mr. BOURNE. Mr. President, the next idea that came to my mind as a plan of ascertainment of rates to be charged on distance transported was to make each State a unit; but on realization that the State of Texas, with two hundred and sixty thousand and odd square miles, and Massachusetts, with eight thousand and odd square miles, would have the same rate within the respective units, I could readily see that injustice would be done to the citizens of the smaller State, because the citizen of the State of Texas could, under such a plan, have a package carried for him ten times the distance that the citizen of Massachusetts could. Furthermore, another objection was the possibility of the changing of State lines.

The next consideration was that of making each county a unit. The same objection applies to counties that applies to States. The next idea was the use of the degrees of latitude and longitude, which are fixed, never changing. This plan was most attractive; but on working it over we met the difficulty that if we made degrees the unit of ascertainment of rates to be charged on distance traveled, a citizen living just outside the degree, just over the line, if you please, would have to pay a greater rate than the citizen living inside the degree, but sending a distance of over 80 miles diagonally across the degree.

Here was a knotty problem to be overcome. Mr. J. H. Robinson, of the Fourth Assistant Postmaster General's Office, suggested that he could solve that difficulty. Upon inquiry as to how it could be done he said, "Divide the degrees into quadrangles 30 minutes each way and give to the citizen in each quadrangle the right to send to any other citizen in the same quadrangle or any adjacent quadrangle at the lowest rate." That suggestion was sound, and, in accordance with my request, a chart of the United States was prepared dividing the United States into quadrangles of a quarter of a degree—that is, 30 minutes east and west and 30 minutes north and south, giving to nine of these quadrangles a radial distance of about 50 miles. The chart referred to is here at the rear of the Senate Chamber. These subdivisions [indicating] are all numbered. Each represents a quarter of a degree, and every post office in each one of these quadrangles has the same index number. For instance, here in the State of Pennsylvania, in quadrangle numbered 4968, as I remember, there are some 252 post offices, that being the quadrangle that has the greatest number of post offices of any, I believe, in the United States. A number here [indicating] are crossed off, which indicates that at the present time there are no post offices within these quadrangles, but under this general plan it is immaterial how many post offices may be abolished or how many new ones created, they always fit into the general plan.

In conjunction with this chart the idea occurred to me to prepare a directory, like a telephone directory, if you please; to have the States arranged in alphabetical order, with thumb indices; then under each State to have the post offices arranged in their alphabetical order, and opposite each post office the index number of the quadrangle in which the post office is located, so that the citizen coming into the post office with his package, with the name of the addressee on it, showing the State and post office, as it must do, the postmaster could, in less time than 20 seconds, quote to the citizen the rate that he would have to pay under this plan, if adopted. The postmaster would turn with the thumb index to the State; he would run down the State list to the post office; he would see the index number of the post office; and would note it immediately on his index chart, which he would have before him, showing which zone the office is in, and he would know the rates in that zone.

In the bill as I introduced it on the 16th of May I provided for six zones and seven rates. In the bill as recommended by the committee, which is now before the Senate, there are eight zones and nine rates. The chart now before the Senate was based on the bill that I introduced on the 16th of May; but, for the purpose of illustration, I think I can make as clear to the Members of the Senate the purpose of the chart and the method of the operation of this system, if put into law, as I could if the chart had been drawn according to the eight zones provided for in the bill recommended by the committee.

First, take a town in Kansas. This quadrangle [indicating] is No. 2721. Take that as a unit. Any citizen has the right to send at the first-zone rate a package to any post office in that quadrangle, or to any office in any adjacent quadrangle, at the lowest zone rate, but he has not the right to send farther than an adjacent quadrangle at that rate.

Beyond the first zone, which is composed of the central quadrangle and the eight adjacent quadrangles, the other zones are indicated by lines following quadrangle boundaries and approximately at given distances from the central quadrangle.

The department estimates that it costs to haul 1 pound 50 miles 2.58 mills. In my bill (S. 6850) for the first zone of 50

miles I took 5 cents for the overhead or handling charge, allowing under the estimate furnished by the Government therein a profit to the Government of 66⅔ per cent. I added a cent per pound for the transportation charge, although that gives the Government about 300 per cent profit over the amount that it costs the Government to haul that 1 pound 50 miles.

Mr. President, it was the desire of the committee and of myself to establish a system that we were satisfied would be absolutely self-supporting, and at the same time believing in the principle of giving our citizens increased facilities over those they now enjoy under the fourth-class mail privilege of sending 4 pounds anywhere in the United States at an expense of 1 cent an ounce. So we recommended that rate in the bill to which I have referred.

In the hearings we had, and from numerous letters and telegrams received, it was found that the country merchants, the traveling men's associations, the city merchants, and all the affiliated organizations were very much opposed to the enlargement of the parcel-post system as represented under the fourth-class mail privilege. None of their representatives who appeared before the committee were able to substantiate by concrete demonstrations or illustrations how they would be injured. To my mind it was simply evidence of the timidity of humanity and the disinclination of anybody willingly to assent to a change unless he is convinced that that change is going to benefit him directly or unless he is convinced that in surrendering something he now has he is going to receive in his participation in the general welfare incident to the change more than he gives up.

To minimize this opposition the committee increased the rate 9 cents on 11 pounds for the 50-mile zone, making the rate 35 cents for 11 pounds, instead of 26 cents as in the bill introduced on the 16th of May, the rate being for the first pound 5 cents, and then 3 cents for every additional pound. It was believed that this increase would make a higher barrier, if you please, and minimize the possibility of the mail-order house breaking into the territory of the country merchant within the 50-mile zone.

I call the attention of Senators to another point, which I will ask them to bear in mind. It is desirable to make 12 cents a pound the maximum charge for any distance, that being the charge at which any resident of this country can send 11 pounds to any point in other countries—and the committee was of the opinion that we would not be justified in charging for sending parcels within our own country more than we charge for sending to other countries. We then have a latitude of only 7 cents between the 5 cents taken as the handling or pick-up charge. Consequently, we can divide the country scientifically into only seven zones, providing we add an additional charge for every additional zone distance traveled, because you can not deal with fractions of a cent.

Mr. OVERMAN. Would the Senator object to giving me a practical illustration of how it would work in that zone? Take the quadrangle No. 2, between the States of North and South Carolina.

Mr. BOURNE. That is in Virginia.

Mr. OVERMAN. Virginia and North Carolina.

Mr. BOURNE. Any citizen at any post office in this quadrangle [indicating on the map]—I do not know how many post offices there are in that quadrangle, but assume for the sake of the argument there are 50——

Mr. OVERMAN. What would it cost to send an 11-pound package in that quadrangle?

Mr. BOURNE. It would cost, under the bill as recommended by the Senate committee, 15 cents to send 11 pounds to any citizen on a rural route; it would cost 15 cents to send the 11 pounds to any citizen within the city, providing the package initiated and ended in the city; and it would cost 35 cents to send to any post office within the radial distance of 50 miles.

Mr. OVERMAN. Take Raleigh, N. C., and Richmond, Va. What would it cost to send a package between those cities?

Mr. BOURNE. I can not tell the Senator—this map was prepared for a particular quadrangle.

Mr. OVERMAN. North Carolina is in zone No. 2, and so is Richmond, Va.

Mr. BOURNE. I will state, for the information of the Senator, that this general plan, so far as dividing the country into 3,500 units is concerned, is the same for every post office in every quadrangle.

Mr. OVERMAN. Take 11 pounds from Richmond——

Mr. BOURNE. If the Senator will permit me, I think I can make clear to his mind the working of this plan. Each unit or each one of these index quadrangles will have an index chart of its own, drawn for and applied to the post offices within that quadrangle. For instance, the 252 pest offices here [indicating] would all have exactly the same rate and exactly the same index card.

Mr. OVERMAN. I see in zone No. 2 there is only one quadrangle. What does that mean? Outside of that quadrangle there are a great many post offices.

Mr. BOURNE. I was going on to explain. This chart was prepared, as I said, for the bill that I introduced on May 16, which provided zones of 50 miles, 200 miles, 500 miles, 1,000 miles, 2,000 miles, and all over that were in the sixth zone. All post offices here [indicating] would have the 50-mile rate, which, according to my bill, was 5 cents for the first pound, 1 cent for each additional pound for the overhead charge, and then the addition of a cent per pound for transportation, which would be 26 cents for the 50 miles. Then from any post office here [indicating] to this distance [indicating]—which is a radial distance of approximately 200 miles—from any point in this quadrangle the overhead charge would be 5 cents for the first pound and 2 cents for every additional pound.

Mr. OVERMAN. I understand that; but from the center of that quadrangle it is 200 miles to the limit of the quadrangle.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Texas?

Mr. BOURNE. I do.

Mr. BAILEY. I merely wanted to ask if it takes the Senator from Oregon this long to explain it to the Senator from North Carolina, how long would it take the average postmaster to explain it to the average customer?

Mr. BOURNE. Mr. President, if the Senator from Texas will allow me, I can answer that very quickly.

Mr. BAILEY. He will have to do better, then, than he has with the Senator from North Carolina.

Mr. BOURNE. What the citizen wants to know when he brings his package in is what he has got to pay. With the use of this plan any man who has intelligence enough to be postmaster and intelligence enough to make and sign his reports can give the information in less than 20 seconds.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. BOURNE. Yes.

Mr. McCUMBER. If I understand the Senator correctly, each post office will have a separate chart, and there will be as many different charts as there are post offices?

Mr. BOURNE. That is right.

Mr. McCUMBER. Each post office will have a chart with that post office in the center, or nearly in the center, of the quadrangle, and that will be surrounded with the circles which constitute the zone?

Mr. BOURNE. Yes.

Mr. McCUMBER. By some such lines as appear on that chart on the wall. So, all that would be necessary would be to know where the place was and look to see in which zone it was located.

Mr. BOURNE. All the postmaster would have to do would be, as I have explained, to simply look for the State in his directory, which has a thumb index and is alphabetically arranged, and find the name of the post office and its index number. Then he refers to his chart and finds the zone that the addressee's post office is in, and his rate down here in the left-hand corner [indicating].

Mr. BAILEY. But if the post office happened to be closed, he would have to wait until the next morning before he could mail his package, because it would certainly require the postmaster to explain it to him and to tell him the charge.

Mr. BOURNE. Would that be, do you think, an insurmountable objection in view of the fact that he would have a reduction in rate of from 25 per cent to 88 per cent over the charges that he now has to pay?

Mr. BAILEY. No; but I think when we come to depend upon the Government for everything we want done we will get used to waiting. The inevitable result of this governmental dependency is patience that unfits the people for the real work of life.

Mr. GALLINGER. The Senator speaks of the patrons turning to the directory. Does the Government furnish a directory for each post office?

Mr. BOURNE. I will state in that connection, in reply to the inquiry of the Senator from New Hampshire, that I had estimates and bids secured. It will cost the Government $41,000 to secure 300,000 copies of the directory giving the name of every post office and its index number, and 300,000 copies of

index charts, all the same so far as the quadrangles are concerned, but different so far as the zone arrangements are concerned applicable to each quadrangle, each quadrangle having a different zone arrangement. The assumption is that there will be two index charts, one inside the post office in the postmaster's room or at the stamp window and one outside for the citizen to himself examine and confirm the information that might be given him at the window.

The presumption is that a good many citizens using the package or fourth-class mail privilege extensively will buy from the Government, at a profit if you please, the index chart and the directory, so that they could make up their packages under the charges established by law and send them assembled to the post office.

I will say that at my request about a dozen railroad and express company representatives came to see me in order that I might explain to them the operation of this plan, and they said that no express company or railroad company anywhere in the world to their knowledge had ever evolved such a scientific and practical working plan for rate ascertainments on the distance traveled as this plan proposes. At the present time it often takes the tariff experts of the express companies, in the ascertainment of rates to some out-of-the-way point, five minutes to quote the rate to a patron. I again state that any man having intelligence enough to be postmaster can, in my opinion, quote a rate to any citizen under this plan in less than 20 seconds.

This distance [indicating] is 50 miles from this square here [indicating], this is 200, and this 500, then 1,000, and then 2,000. The rates are constructed scientifically for the first four zones on the basis of the cost to the Government, the handling charge first ascertained and then the transportation cost added to it. Beyond that the rates are not scientifically applied, because we are not justified in charging more for domestic service than we charge for domestic and foreign combined. Consequently, under the adoption of this plan, in the last two zones the Government would lose slightly on the business handled; but on the last two zones, according to the data submitted by the Second Assistant Postmaster General, less than 13 per cent of the fourth-class mail business is now handled, and over 53 per cent of the business is handled within the first three zones, which gives a decided profit to the Government.

Mr. President, as I stated, we recommended the rate of 5 cents for the first pound and 1 cent for every additional pound on rural routes and city deliveries, on the theory that this handling charge covered the transportation charge, because the Government employee did both the transportation and the handling.

We have to-day in the United States some forty-two thousand three hundred and odd rural routes. According to the information submitted by the department, there are about 100 of these that are carrying the full loads or working at the peak of their capacity. The remainder are carrying an average of 24 pounds each. The department reports that in their judgment, upon a conservative estimate, the rural carrier could carry 150 pounds.

Mr. GALLINGER. Mr. President, I have observed recently in the Rural Free Delivery News, I believe it is, which comes to me regularly, that a great many of the rural carriers are now using motor cycles. Could they carry any such amount in weight as that on one of those motor cycles? I think not. Judging from what that trade paper says, if we may call it a trade paper, the use of motor cycles in certain sections of the country is becoming very common, and the use of motor cycles of various kinds is becoming very common on the post routes.

Mr. BOURNE. Mr. President, replying to the inquiry of the Senator from New Hampshire, I would state that, so far as weight is concerned, unquestionably they could carry 150 pounds; but so far as volume is concerned, that would depend entirely upon the material sent, and probably they could not carry it.

Mr. GALLINGER. My inquiry related both to weight and volume, of course.

Mr. BOURNE. But the contract made with the rural carrier is not on the use of a motor cycle, but upon the performance of the work up to his capacity. If the business was greater than he could carry on a motor cycle, then he would have to secure a vehicle.

There is an apparent waste of 84 per cent in the carrying capacity on the part of the rural carrier to-day.

Under the international parcel post, which has 11-pound maximum weight limit, and under the British parcel post, having a maximum 11-pound weight limit, it is found that the average of the packets is from 3 to 4 pounds.

I think it is perfectly safe to assume that the average, if we increase our weight limit to 11 pounds, would be between 3 and 4 pounds, because I can not see any difference, in the way of population and density, ownership of railroads, postal facilities, that would change the percentage. Thus we could have the rural carrier carrying 32 packages more than he does at an average rate of 8 cents, assuming the weight would be of an average between 3 and 4 pounds. The Government would then receive $37,000,000 more in receipts than it does receive to-day, without the additional expense of a single cent in the way of increased vehicle or additional carrier.

Understand, I do not claim that each individual carrier will be furnished parcels to transport equal to his carrying capacity, but I do say that there is a waste capacity of $37,000,000 that the Government will utilize in part, at least, under the adoption of this plan and at these rates.

The bill introduced May 16 last had a second zone for 200 miles.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Minnesota?

Mr. BOURNE. Certainly.

Mr. CLAPP. I do not make the inquiry to embarrass the Senator. I do not know how long the Senator intends to keep on his feet, but the criticism is made, and made with a good deal of force, that the rates prescribed by the committee are in excess of the express rates. I understand that the Senator has not touched on that subject. Necessarily I have been absent from the Chamber some moments. I would suggest that a good many Senators desire to have that phase of the question discussed, if it suits the convenience of the Senator.

Mr. BOURNE. Mr. President, every Senator has been furnished with a copy of the committee report, Report No. 955, in which, from page 5 to page 18, is given an explanation as to the methods and reasons for the construction of the bill and the changes made by the committee. In my opinion the rates for the first two zones, as recommended by the committee, are greater than what the cost will be to the Government, but it was believed in the adoption of these rates that a protection would be given to the locality, to the country merchant, so that his field, if you please, would not be invaded, he having strongly in his mind the idea that the parcel post was going to be a special privilege for the mail-order house.

I have no claim for the committee or myself that this is a perfect bill in any way. I do claim that it is the most scientifically and practically constructed plan, based on cost and a simplified method of ascertainment of charges, ever devised. I do claim that it is a decided improvement over the present flat-rate plan, and that it proposes a reduction in postage charges of from 25 per cent to 88 per cent over the existing cost to the citizen.

Mr. CLAPP. On a short haul?

Mr. BOURNE. On the average; yes, on all hauls. Under the bill as recommended by the Senate committee 5 pounds transported on a rural route would cost the patron at the present rate of 16 cents per pound, or 1 cent an ounce, 80 cents. Five pounds would cost on the rural route, at the parcel-post rate, 9 cents, a reduction of 71 cents, or 88 per cent over the present cost.

On the 50-mile zone the cost now would be 80 cents. The cost under the proposed bill would be 17 cents, a reduction of 63 cents, or a reduction of 79 per cent.

On the 150-mile zone the citizen now has to pay 80 cents to have 5 pounds transported. Under the proposed bill the citizen would pay 22 cents, a reduction of 58 cents, or a reduction of 72 per cent.

On the 300-mile zone the citizen now would have to pay 80 cents to have 5 pounds transported. In the proposed bill he would pay 27 cents, a saving of 53 cents, or a saving in percentage of 66 per cent.

On the 600-mile zone the citizen now has to pay 80 cents for 5 pounds. Under the proposed bill he would have to pay only 32 cents, or a saving to the citizen on that distance of 48 cents and in percentage a saving of 60 per cent.

On a 1,000-mile zone 80 cents he has to pay to-day. Under the proposed bill 37 cents is all it would cost him, or a saving of 43 cents.

Upon a 1,400-mile zone he pays 80 cents to-day. Under the proposed bill he would pay 46 cents, or a saving of 34 cents.

On the 1,800-mile zone 80 cents he has to pay to-day. Under the proposed bill it would be 51 cents, or a saving of 29 cents; and over 1,800 miles 80 cents he has to pay to-day, and under

the proposed bill 60 cents, a saving of 20 cents, or a 25 per cent reduction.

Mr. REED. Would it interfere with the Senator's elucidation of the bill to also tell us now how the rates compare with express rates?

Mr. BOURNE. Every Senator has before him or can get a copy of Report No. 955, in which that comparison is given; but it must be remembered that the Interstate Commerce Commission, which has been three years in their study of this question, have quoted tentative rates, the adoption of which they recommend. They have set the 9th of October for a hearing. It does not necessarily mean that the rates are going into effect.

The rates that I have quoted are much less than the present express rates. For instance, on the 50-mile zone the parcel-post rate is 5 cents for 1 pound, and from that to 35 cents for 11 pounds. The express rate is 25 cents for 1 pound, and 30 cents for 11 pounds. So the proposed parcel-post rate on the 50-mile zone is greater for the last 2 pounds than the present express rate. The parcel-post proposed rate up to 6 pounds, inclusive, is much less than the present express rate or the proposed express rate.

But suppose, Mr. President, that the express rate in some cases is lower than the proposed parcel-post rate, what difference does it make to the citizen? He is getting the benefit of the lower rate whichever way it comes, whether through the express company or through the Post Office Department. The general welfare is benefited in the reduction of rates; it is immaterial whether reduced under the direction of the Interstate Commerce Commission on the part of the express companies or under legislation on the part of Congress relative to the postal service.

The comparative table, to which I have referred, is here inserted in the RECORD. Senators should bear in mind that the express rates quoted are on shipments out of New York, where the rates are the lowest in the country. The rate is very materially higher on shipments from western cities, and particularly between two small towns, especially if the shipment be over two lines.

	Not over 1 pound.	Not over 2 pounds.	Not over 3 pounds.	Not over 4 pounds.	Not over 5 pounds.	Not over 6 pounds.	Not over 7 pounds.	Not over 8 pounds.	Not over 9 pounds.	Not over 10 pounds.	Not over 11 pounds.
50 miles:											
Present express rate from New York	$0.25	$0.25	$0.25	$0.30	$0.30	$0.35	$0.35	$0.35	$0.35	$0.35	$0.35
Proposed express rate from New York	.21	.21	.21	.22	.22	.22	.23	.23	.24	.24	.24
Original Bourne parcel-post bill	.06	.08	.10	.12	.14	.16	.18	.20	.22	.24	.26
Amended Bourne parcel-post bill	.05	.08	.11	.14	.17	.20	.23	.26	.29	.32	.35
100 miles:											
Present express rate from New York	.25	.30	.30	.30	.35	.35	.35	.40	.40	.40	.40
Proposed express rate from New York	.21	.22	.22	.23	.23	.24	.24	.25	.25	.26	.26
Original Bourne parcel-post bill	.07	.10	.13	.16	.19	.22	.25	.28	.31	.34	.37
Amended Bourne parcel-post bill	.06	.10	.14	.18	.22	.26	.30	.34	.38	.42	.46
150 miles:											
Present express rate from New York	.25	.30	.30	.35	.40	.40	.40	.45	.45	.45	.45
Proposed express rate from New York	.21	.22	.23	.23	.24	.25	.26	.26	.26	.27	.28
Original Bourne parcel-post bill	.07	.10	.13	.16	.19	.22	.25	.28	.31	.34	.37
Amended Bourne parcel-post bill	.06	.10	.14	.18	.22	.26	.30	.34	.38	.42	.46
200 miles:											
Present express rate from New York	.25	.30	.35	.35	.40	.45	.45	.50	.50	.50	.55
Proposed express rate from New York	.21	.22	.23	.23	.24	.25	.26	.26	.27	.28	.29
Original Bourne parcel-post bill	.07	.10	.13	.16	.19	.22	.25	.28	.31	.34	.37
Amended Bourne parcel-post bill	.07	.12	.17	.22	.27	.32	.37	.42	.47	.52	.57
250 miles:											
Present express rate from New York	.25	.30	.35	.35	.40	.45	.45	.50	.50	.50	.55
Proposed express rate from New York	.21	.22	.23	.24	.25	.26	.27	.28	.29	.29	.30
Original Bourne parcel-post bill	.08	.12	.16	.20	.24	.28	.32	.36	.40	.44	.48
Amended Bourne parcel-post bill	.07	.12	.17	.22	.27	.32	.37	.42	.47	.52	.57
300 miles:											
Present express rate from New York	.25	.30	.35	.40	.45	.50	.50	.55	.55	.55	.60
Proposed express rate from New York	.21	.22	.23	.24	.25	.26	.27	.28	.29	.30	.32
Original Bourne parcel-post bill	.08	.12	.16	.20	.24	.28	.32	.36	.40	.44	.48
Amended Bourne parcel-post bill	.07	.12	.17	.22	.27	.32	.37	.42	.47	.52	.57
350 miles:											
Present express rate from New York	.25	.30	.35	.40	.45	.50	.50	.55	.55	.55	.60
Proposed express rate from New York	.22	.22	.24	.25	.26	.27	.28	.30	.32	.32	.33
Original Bourne parcel-post bill	.08	.12	.16	.20	.24	.28	.32	.36	.40	.44	.48
Amended Bourne parcel-post bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68
400 miles:											
Present express rate from New York	.25	.30	.35	.40	.45	.50	.55	.55	.60	.60	.65
Proposed express rate from New York	.22	.23	.24	.25	.26	.28	.29	.30	.32	.33	.34
Original Bourne parcel-post bill	.08	.12	.16	.20	.24	.28	.32	.36	.40	.44	.48
Amended Bourne parcel-post bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68
500 miles:											
Present express rate from New York	.25	.30	.40	.45	.50	.55	.55	.60	.60	.60	.65
Proposed express rate from New York	.22	.23	.24	.26	.27	.29	.30	.32	.33	.35	.36
Original Bourne parcel-post bill	.08	.12	.16	.20	.24	.28	.32	.36	.40	.44	.48
Amended Bourne parcel-post bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68
600 miles:											
Present express rate from New York	.25	.35	.45	.50	.55	.60	.60	.70	.70	70	.75
Proposed express rate from New York	.22	.23	.25	.27	.28	.30	.32	.34	.35	.37	.39
Original Bourne parcel-post bill	.11	.18	.25	.32	.39	.46	.53	.60	.67	.74	.81
Amended Bourne parcel-post bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68
650 miles:											
Present express rate from New York	.25	.35	.45	.55	.60	.70	.70	.75	.75	.75	.85
Proposed express rate from New York	.22	.24	.25	.27	.29	.31	.33	.34	.36	.38	.40
Original Bourne parcel-post bill	.11	.18	.25	.32	.39	.46	.53	.60	.67	.74	.81
Amended Bourne parcel-post bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
750 miles:											
Present express rate from New York	.25	.35	.45	.55	.60	.70	.70	.75	.75	.75	.85
Proposed express rate from New York	.22	.24	.26	.28	.30	.32	.34	.36	.38	.39	.41
Original Bourne parcel-post bill	.11	.18	.25	.32	.39	.46	.53	.60	.67	.74	.81
Amended Bourne parcel-post bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
900 miles:											
Present express rate from New York	.25	.35	.45	.55	.60	.70	.70	.75	.75	.75	.85
Proposed express rate from New York	.23	.24	.27	.29	.31	.33	.35	.38	.40	.42	.44
Original Bourne parcel-post bill	.11	.18	.25	.32	.39	.46	.53	.60	.67	.74	.81
Amended Bourne parcel-post bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
1,000 miles:											
Present express rate from New York	.25	.35	.45	.60	.70	.80	.80	.90	.90	.90	1.00
Proposed express rate from New York	.23	.25	.27	.29	.32	.34	.36	.39	.41	.43	.46
Original Bourne parcel-post bill	.11	.18	.25	.32	.39	.46	.53	.60	.67	.74	.81
Amended Bourne parcel-post bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
1,150 miles:											
Present express rate from New York	.25	.35	.45	.60	.70	.85	.85	1.00	1.00	1.00	1.10
Proposed express rate from New York	.23	.25	.28	.31	.34	.36	.39	.42	.45	.47	.50
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.10	.19	.28	.37	.46	.55	.64	.73	.82	.91	1.00
1,200 miles:											
Present express rate from New York	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Proposed express rate from New York	.23	.26	.29	.32	.34	.37	.40	.43	.46	.49	.53
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.10	.19	.28	.37	.46	.55	.64	.73	.82	.91	1.00

	Not over 1 pound.	Not over 2 pounds.	Not over 3 pounds.	Not over 4 pounds.	Not over 5 pounds	Not over 6 pounds.	Not over 7 pounds.	Not over 8 pounds.	Not over 9 pounds.	Not over 10 pounds.	Not over 11 pounds.
1,250 miles:											
Present express rate from New York	$0.30	$0.35	$0.45	$0.60	$0.75	$0.90	$0.90	$1.00	$1.00	$1.00	$1.15
Proposed express rate from New York	.24	.26	.29	.32	.35	.39	.42	.45	.48	.51	.54
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.10	.19	.28	.37	.46	.55	.64	.73	.82	.91	1.00
1,500 miles:											
Present express rate from New York	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Proposed express rate from New York	.25	.28	.32	.36	.40	.44	.48	.52	.56	.60	.65
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,600 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.20	1.20	1.50
Proposed express rate from New York	.25	.29	.33	.38	.42	.47	.51	.56	.60	.64	.69
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,700 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.20	1.20	1.50
Proposed express rate from New York	.25	.30	.34	.39	.44	.49	.54	.58	.63	.68	.73
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,800 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.25	1.25	1.50
Proposed express rate from New York	.26	.30	.35	.41	.46	.51	.56	.61	.66	.71	.77
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
1,850 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.25	1.25	1.50
Proposed express rate from New York	.26	.31	.36	.42	.47	.53	.58	.64	.69	.74	.80
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
1,900 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.25	1.25	1.50
Proposed express rate from New York	.26	.31	.37	.43	.48	.54	.60	.65	.71	.76	.82
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	84	.96	1.08	1.20	1.32
2,000 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Proposed express rate from New York	.27	.32	.38	.44	.50	.56	.62	.68	.74	.80	.87
Original Bourne parcel-post bill	.12	.22	.32	.42	.52	.62	.72	.82	.92	1.02	1.12
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,100 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Proposed express rate from New York	.27	.33	.39	.46	.52	.59	.65	.72	.78	.84	.91
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	96	1.08	1.20	1.32
2,150 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Proposed express rate from New York	.27	.33	.40	.46	.53	.60	.66	.73	.79	.86	.93
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,300 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Proposed express rate from New York	.28	.34	.41	.49	.56	.63	.70	.77	.84	.91	.99
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,400 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Proposed express rate from New York	.28	.35	.42	.50	.57	.65	.72	.80	.87	.95	1.02
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,500 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Proposed express rate from New York	.28	.36	.44	.51	.59	.67	.75	.83	.91	.98	1.06
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,600 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Proposed express rate from New York	.29	.36	.45	.53	.61	.69	.77	.85	.94	1.02	1.10
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,750 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Proposed express rate from New York	.29	.37	.46	.55	.63	.72	.81	.89	.98	1.06	1.15
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,850 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Proposed express rate from New York	.29	.38	.47	.56	.65	.74	.83	.92	1.01	1.09	1.18
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	72	.84	.96	1.08	1.20	1.32
2,950 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Proposed express rate from New York	.30	.39	.48	.57	.67	.76	.85	.95	1.04	1.13	1.23
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
3,000 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Proposed express rate from New York	.30	.39	.49	.58	.68	.77	.87	.96	1.06	1.15	1.25
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
3,200 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.64
Proposed express rate from New York	.31	.40	.51	.61	.71	.81	.91	1.02	1.12	1.22	1.35
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.23
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	72	.84	.96	1.08	1.20	1.32
3,300 miles:											
Present express rate from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Proposed express rate from New York	.31	.41	.52	.62	.73	.83	.94	1.04	1.15	1.25	1.36
Original Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
Amended Bourne parcel-post bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32

The following presents in concise form the zone distances and rates of the original Bourne bill and of the amended bill:

	First pound.	Each additional pound.	11 pounds.
ORIGINAL BOURNE BILL.			
Rural routes and city delivery	$0.05	$0.01	$0.15
50-mile zone	.06	.02	.26
200-mile zone	.07	.03	.37
500-mile zone	.08	.04	.48
1,000-mile zone	.11	.07	.81
2,000-mile zone	.12	.10	1.12
Over 2,000 miles	.12	.12	1.32
AMENDED BOURNE BILL.			
Rural route and city delivery	.05	.01	.15
50-mile zone	.05	.03	.35
150-mile zone	.06	.04	.46
300-mile zone	.07	.05	.57
600-mile zone	.08	.06	.68
1,000-mile zone	.09	.07	.79
1,400 mile zone	.10	.09	1.00
1,800-mile zone	.11	.10	1.11
Over 1,800 miles	.12	.12	1.32

In the study of the parcel-post problem we have given consideration to every plan of parcel post that has been submitted. There are three general plans advocated—first, the flat rate per pound, regardless of distance; second, the zone system, in which the rate varies according to distance; third, Government ownership of the express companies.

I believe the flat-rate system unscientific, inequitable, and impracticable as applied to packages such as we expect to transport under parcel post. It is unscientific because it disregards distance. In the transportation of letters, where the individual pieces are small, distance is of little consequence; but this is not true of packages of merchandise. It is inequitable because it charges the shipper for short distances an excessive rate in order to counterbalance the low rate for the shipper for long distances. It is impracticable because the high rate for the short distance will practically prohibit the use of the service for transportation of goods of low value.

Government ownership of express companies I deem unwise and unnecessary. It tends toward paternalism and bureaucracy. In my opinion governmental ownership should only be adopted as a dernier resort, where regulation has been demonstrated to be a failure.

Private competition must result in vitalization of governmental operations. Governmental competition with private enterprise must also result in decreased cost to the public whenever the Government can operate as cheaply and efficiently as a private individual.

Government ownership is unnecessary because the Government already has a more complete organization for distribution than is possessed by all the express companies in the United States combined. We can develop and extend our present organization with the growth of the service as experience shows it is needed. Government acquisition of the express companies is unwise because it would involve the purchase of a large amount of property for which we have no practical use and would necessitate payment of a considerable sum for the good will of the express companies, which, so far as the Government is concerned, has no monetary value. It is also unwise because the Government at the present time should undertake only the handling of moderate-sized packages, leaving the larger packages to be handled by express companies or by freight. I see no advantage that could be gained from the enactment of a Government-ownership law that will not be gained by the enactment of the parcel-post measure I have offered.

Excessive express charges can and should be corrected by the Interstate Commerce Commission. It has power to regulate express as well as other transportation rates. For the last 20 months the Interstate Commerce Commission has been investigating the express companies, at an expense to the Government of about $200,000. Presumably their report will be completed and published within the next few months.

Many protests have been received from country and city merchants, jobbers, and traveling men on the theory that the parcel post would militate against their business and specially benefit what are known as the catalogue and mail-order houses.

At the hearings it was testified by the representative of one of the largest mail-order houses of the United States that in point of value 82 per cent of the catalogue business is shipped by freight, 10 per cent by express, and 8 per cent by mail. In other words, though they get their orders by mail, they ship the goods chiefly by freight. There can never be a mail or express rate competitive with the freight rate, hence it is apparent that only the 10 per cent of the business of the mail-order and catalogue houses which is now carried by express would be carried by mail and thus brought into closer competition with the business of the local merchants. In Chicago, which is credited with being the largest mail-order city in the United States, the total business of the mail-order houses was $140,000,000 last year. Only the goods to the value of $14,000,000, now shipped by express could come into closer competition with the retail merchants. This business the local merchants must already compete with, for it is now being shipped by express.

If the city merchant is sound in his argument against parcel post on the ground that it will enlarge his competition with the mail-order houses, then he would also have just cause for complaint if the Interstate Commerce Commission should order a lowering of express rates. In my opinion, the city merchant has no right to complain if there be established a parcel-post rate sufficient to cover the actual cost to the Government, and varying with the distance of transportation.

Although the rates proposed in the Senate committee's substitute are on some weights and zones somewhat higher than the express rates proposed by the Interstate Commerce Commission, it should be remembered that the service rendered by the postal system is much more extensive than the service rendered by the express companies. For instance, the charge made by an express company for a 200-mile haul covers the transportation of a package only from one town to another, without any rural service and with a limited city delivery service. On the other hand, the Government, under this proposed parcel-post system, will take a parcel from a farmer's home on a rural route, carry it to town, transport it 200 miles over rail routes, and then, if desired, deliver it to another farmer out on another route. In other words, when parcel-post rates are compared with express rates there should also be a comparison of the character of service rendered. We believe that, with all elements duly considered, the parcel-post charges will compare favorably with express charges, present or proposed.

For 40 years the American people have been demanding a parcel post, having in mind an extension of the postal service to cover the handling of small parcels at rates which will enable the purchaser and consumer to deal directly, where so desired. Under a flat-rate system the rate must be so high as to be prohibitive of much of the short-distance traffic that should be accommodated. Such a rate has not been contemplated by the public in its discussion of this subject. Neither has the public had in mind Government ownership of express companies nor the absorption of the heavy transportation business handled by express companies at the present time. We have endeavored to provide the service, for which there has been a general demand.

We do not submit this substitute as being perfect in all its provisions, but believe that it is approximately scientific in its plan and that a committee appointed at the beginning of the summer vacation, while a political campaign is in progress, would not, in the four months allotted for the work, add anything of material importance to the information already gathered by a subcommittee of this committee in the investigation which has been conducted during a period of over 11 months, or that such a committee would be able to devise a better plan than that which we respectfully submit.

Objection is made to this substitute because it does not expressly enumerate articles of farm produce which shall be mailable by parcel post. As will be seen by reference to the language of the measure, this service will provide for the transportation of all commodities not now carried as first, second, or third class mail, within the weight and size limit and not injurious to the mails or postal employees.

Other criticisms of the bill are that it provides an 11-pound limit, that it does not include a collect-on-delivery system as to both postage charges and price of the article shipped, that it does not provide for insurance or indemnification, that the rates are higher than the indicated cost of the service requires, that the administrative branch should be given authority to change rates and zones, that the present compensation of railroads for transportation of the mails is excessive, which excess must be a burden on the parcel-post service.

As already stated, the committee fully realizes that this substitute is not perfect, and we believe that some of the additional features suggested should be and later will be incorporated in the parcel-post service. We believe, however, that in thus extending the postal service we should not undertake so many innovations as to embarrass the Post Office Department. The matter of compensation of the railroads if of great importance, and the Committee on Post Offices and Post Roads has directed the introduction of a bill providing a new basis of payment de-

signed to cover the actual cost to the railroads, with a reasonable profit. This subject is too complicated to dispose of at this session, but it is expected the bill will be before Congress for action at the session beginning in December.

When the parcel-post service has once been inaugurated, details such as insurance, collect on delivery, reduction of rates, increased weight limit, etc., can be rapidly added as experience indicates the character of new service that should be provided. The Post Office Department is satisfied as to the practicability of the parcel-post system recommended by the committee, and will lend every effort to make it a success.

Advocates of Government ownership of express companies look at the advantages that are to be gained by Government operation of these enterprises but overlook some of the adverse circumstances which are of great importance. It is true that under Government operation much of the work of accounting and auditing would be eliminated. On the other hand, the investigations of the Interstate Commerce Commission show that the average compensation of employees of the express companies is from $40 to $50 per month, this compensation being paid to clerks and drivers, who are required to have sufficient ability to ascertain and quote express rates under the complicated system now in use. This work requires as high order of ability as the mere delivery of letters. I do not hesitate to say that if these employees were taken over by the Post Office Department their compensation would be increased to an average of $90 per month, or approximately double what it is at the present time. There are no exact statistics as to the present number of express employees, but a special report of the Census Bureau in 1907 shows that there were at that time 79,284, of which number, it is estimated by statisticians in the Interstate Commerce Commission, 50,000 were in the exclusive employ of express companies and the remainder jointly employed by railroads and express companies.

The large increase in the expense of operating express companies under Government ownership is mentioned as an incident that should be taken into consideration by those who anticipate a tremendous reduction in rates by Government ownership of the express companies. In view of the fact that practically all service performed for the Government costs more than service performed for private enterprises, it is doubtful whether Government ownership would, on the whole, result in any lower cost of service. In our opinion the best service in point of both efficiency and cost would be obtained through the regulation of express rates by the Interstate Commerce Commission and the correlation of an efficient parcel post.

Whatever a man's views as to the desirability of Government ownership of express companies, there should not be in that respect any reason why he should oppose the extension of our present postal service in the handling of fourth-class matter. The total routes covered by the express companies aggregate approximately 258,000 miles, while the mail routes cover 435,000 miles, not including over 1,000,000 miles of rural routes. If the express companies were taken over to-day and their operation continued under the present organization until the system could be amalgamated with the Post Office Department, there would still be 177,000 miles of post routes without the parcel service.

We believe that a perfect parcel-post system must be the result of development determined by experience resultant from general adoption, and that it is highly important to establish at once a foundation for such a system by enacting at this session of Congress a parcel-post provision based upon rates varying with distance and sufficiently high to be safely self-supporting.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. BOURNE. With pleasure.

Mr. BRISTOW. I would suggest that the express rates as compared there are the express rates from New York, and the express rates between interior points of the country, between the small towns, are in many cases very much higher than the express rate there. It is universal application of these rates that will result in the reduction of express rates between the small communities throughout the entire country, and is more practical than the transfer from one railroad to another.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oregon yield to the Senator from Ohio?

Mr. BOURNE. I do.

Mr. POMERENE. I understand that the Interstate Commerce Commission divides the country into different zones, and the one zone including the State of New York includes practically all of the territory east of the Mississippi River.

Mr. BRISTOW. If the Senator will excuse me, I was not speaking of the proposed rate by the Interstate Commerce Commission, but the rates that now prevail. The Senator will remember that these proposed rates have not gone into effect, and we do not know when they will.

Mr. POMERENE. We have pretty good reason to believe that they will go into effect.

Mr. BRISTOW. Of course, that is for the future. If the rate is lower than the Government can afford to carry, the people will get the benefit of it as the Senator has stated.

Mr. POMERENE. If the Senator will permit me, the rates contained in the present Bourne bill for the 11-pound package are very largely in excess of the rates now prevailing of the express companies.

Mr. BRISTOW. I think the Senator is entirely mistaken about that. In some instances it is; in others it is not.

Mr. POMERENE. The table contained in the Bourne report to the Senate shows it.

Mr. BRISTOW. I was calling the attention of the Senator to the fact that if he compares the express rates out of New York it would be much cheaper than it would be between the smaller towns in the States outside.

If the Senator will excuse me, I have an engagement soon on a conference committee, and I wish to explain the chart.

Mr. POMERENE. I shall have something to say on the subject later.

Mr. BRISTOW. I will explain how it works. The chairman of the committee has very kindly had a map prepared here. The center of that zone is Salina, Kans. Under the rates in this bill an 11-pound package delivered from the Salina office to any citizen of the city by carrier or to any patron of the office on a rural route will be 15 cents for 11 pounds, 5 cents for 1 pound, and 1 cent for each additional pound, making 7 cents for 3 pounds, and so forth. It is a service which the people do not now have. There is no way by which a local merchant can send by mail without paying 16 cents a pound or a cent an ounce to get out to his customers either in town or on a rural route. If he sends a package weighing 11 pounds now under the present conditions to a patron on a rural route it would cost $1.76, while 11 pounds under the Bourne bill will cost 15 cents.

The first zone now is the 50-mile zone. Lincoln, Kans., is in this [indicating] quadrangle, 35 miles from Salina. The merchant at Lincoln, Kans., has this 15-cent rate out of his town on a rural route—15 cents for 11 pounds. If the merchant at Salina desires to send a package to Lincoln or to a customer on a rural route out of Lincoln, it will cost him 5 cents for the first pound and 3 cents for each additional pound, or 35 cents for the 11 pounds It would cost him 20 cents more than it costs the merchant in Lincoln, because the merchant at Salina deposits his package in the mail; it is taken to the railroad and put on the rail, and there taken to Lincoln over the railroad. At Lincoln it is taken out on the rural route, and for this additional service the bill charges him 20 cents additional over what is the charge on the local route.

Under the present rate, when a merchant in the city sends a package on the rural route out of Lincoln he has to pay $1.76 for that 11 pounds; this bill gives him that service for 35 cents. So he gets for 35 cents that which under the present law would cost him $1.76. This is a great reduction.

Mr. SMOOT. Does the Senator know what the express charge would be?

Mr. BRISTOW. From Salina, Kans., to Lincoln, 35 cents.

Mr. SMOOT. It is just the same?

Mr BRISTOW. It is just the same; but the Government takes the package and delivers it in the country, probably 20 miles, to a customer, which the express company can not do.

Now, you must consider that it is an expense to maintain that delivery system. This Government undertakes to give the people a service which they do not have, which is given without infringing on anybody's rights.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Arizona?

Mr. BRISTOW. I do.

Mr. ASHURST. I should like to ask the Senator from Kansas if the bill confers plenary power upon the Postmaster General in his discretion to reduce the rates at any time?

Mr. BRISTOW. It does not.

Mr. ASHURST. Why not?

Mr. BRISTOW. I do not think that that should be placed in the hands of the Postmaster General. I think the power should be retained in Congress, and I think the postal rates should be fixed by Congress and not by executive officers.

Mr. ASHURST. The Senator from Kansas possesses a vast fund of information on this question, but it occurs to me, in view of the fact that we are establishing these zones and about

3,500 quadrangles, it would be almost impossible, or at least impracticable, for Congress by a hard and fast law to fix rates that shall be charged and thus leave no discretion upon the Postmaster General to prevent inequality or injustice.

I expect to vote for this bill. I think it would be a radical change in favor of this section if discretion should be vested with the Postmaster General or with the Interstate Commerce Commission to reduce rates and increase weights.

Mr. BRISTOW. I think it better for us to adopt the present plan, which has been worked out with a great deal of care. The chairman of the committee has been working on it now for a year certainly, and it is very desirable service, and if the rates are too high Congress can reduce them later. I think it is much better to start with them too high than too low, for they can be much more easily reduced than raised.

Mr. ASHURST. If the Senator will indulge me long enough, I will say that no one appreciates more than I do the assiduous labor of this committee, and in making the statement I do not intend in any way to deprecate its great work, but it appeals to me with some force that the suggestion which I have made should be followed.

Mr. BRISTOW. Now, continuing, take the merchant at Salina, Kans., sending a package to Lincoln. He will pay 35 cents or 20 cents more for 11 pounds than the Lincoln merchant would pay.

Topeka is in the second zone, which is a zone covering a radius of 150 miles. If the merchant at Topeka city would send a package to Salina to a customer there he would pay 6 cents for the first pound and 4 cents for each additional pound, or 46 cents for 11 pounds, 31 cents more than the charge made to the local merchant for delivery on the rural route. If the Topeka merchant sought to send a package to Lincoln, Kans., it would cost him 46 cents, Lincoln being in the second zone from Topeka, and it would cost the Salina merchant 35 cents. That is, the Topeka merchant would pay 11 cents more than the Salina merchant, because the Government gives him more service, and for that additional service 11 cents additional is charged.

So the citizens of Salina, in the territory adjacent to their city, have an advantage over the merchant at the distant city, which they ought to have, because the Government gives the merchant at the distant city larger service.

Kansas City is in the third zone. The rate to Lincoln would be 57 cents, or 22 cents more than from Salina, or 11 cents more than from Topeka.

Chicago is in the fourth zone. The Chicago rate would be 8 cents for the first pound and 6 cents for each additional pound, or 68 cents. The merchant or any citizen of Kansas City would get into Salina or into Lincoln for 57 cents. From Chicago it would be 68 cents.

Kansas City in competing in her territory with Chicago has the advantage there because of her proximity to the people living in that vicinity.

That explains the relation of the rates in the bill to the business of the small merchant in the small town to his large competitor in the large commercial center. The charges are based upon the service that is rendered. Every man is charged by the Government for the service that the Government gives him in an equitable and reasonable proportion.

Mr. SMOOT. Mr. President——

Mr. BRISTOW. If the Senator will just excuse me I will be glad to answer him in a few moments. Now, what does the citizen get? As the Senator from Oregon [Mr. BOURNE] has explained, the citizen who lives on a rural route out of Lincoln gets a service he does not now have. He can send a package into town weighing 11 pounds for 15 cents, 1 pound for 5 cents, 2 pounds for 6 cents, 3 pounds for 7 cents, and so forth. It would now cost him $1.76 for the 11 pounds, or 16 cents a pound.

That is a prohibitory rate, and this is a very desirable facility for him to have.

The merchant at Salina in getting into this surrounding territory within 50 miles has a rate of 35 cents for 11 pounds as against $1.76 which he now would have to pay for merchandise aggregating that weight. At Kansas City the rate is 46 cents, or $1.30 less than he now has to pay. From Chicago it is 68 cents, or $1.08 less than the citizen would now have to pay for the same service under the present law. So that these rates are worked out so as to equitably proportion the charges as between the merchants in the various communities, and also giving the people a facility which they do not now have and at a very reasonable cost.

Now, something has been said in regard to the increased charges on the large packages by mail over what is charged by the express companies. On small packages that is not true—the 1, 2, 3, 4, 5, and 6 pound packages. Within these short zones the express company, of course, does not handle the business and can not handle the business at the rate which the Government can, but when you get to the large packages, heavy express, the facilities of the Government are not such as to conveniently handle the heavy packages, because it overloads the mail wagons, and you would congest a lot of freight into a mail wagon, which, in my judgment, would interfere with the mails.

There are some who advocate taking charge of the express companies, the condemnation and absorbing of the express companies, and doing the express business. I am not ready to advocate that policy.

Mr. REED. May I ask the Senator another question?

Mr. BRISTOW. Certainly.

Mr. REED. Is it true, as some have suggested, that under the bill the long haul may be thrown upon the Government and the short and more lucrative hauls taken advantage of by the express companies?

Mr. BRISTOW. No; that can not be under this bill. That would be the case under what is known as the flat rate. There has been a proposal before Congress to make a flat rate—that is, 8 cents a pound for the parcel post. That would be 8 cents a pound from Salina to Lincoln, or 88 cents for an 11-pound package; the same from New York to Lincoln—88 cents. I do not think there is anything that justifies that system of rate making an express business.

When you are handling letters at 1 cent or 2 cents, of course you have got to have the flat rate, because you can not divide a cent and segregate the charge; it is not practicable. But when you get into the express business it seems to me you may charge for handling packages and this freight in proportion to the service rendered. Then, if the Senate will pardon me in taking so much time, it costs the Government about a cent for 250 miles to haul a pound. That is, we pay the railroad company about a cent for hauling a pound 250 miles, and if you have 8 cents a pound for a flat rate, after you get out a certain distance you are hauling everything at a loss. Of course the Government would get all of that hauled at a loss and very little for the short haul, where it was done at a profit.

Mr. SMITH of Georgia. On a very long haul it would lose; on a short haul it would not lose at all.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. In my investigation of the rates I have come to the same conclusion nearly as the Senator from Kansas, and that is that on packages up to 6 pounds the express rates and the rates provided in the bill are about equal, but under 6 cents a pound the bill provides rates very much less, and over 6 pounds when it reaches the second or third or fourth zone they are considerably higher.

Mr. BOURNE. That is the proposed rate; they have not gone into effect.

Mr. SMOOT. I mean the present rate.

Mr. BOURNE. The present express rate.

Mr. SMOOT. The present express rate—for instance, take the present express rates from Chicago to Salina. The present rate is a little less than 68 cents, as provided in the bill, on 11 pounds.

Mr. BRISTOW. That is right.

Mr. SMOOT. If it were 5 pounds or anything less than 5 pounds, then the rate provided in the bill is very much less than the present express rate.

Mr. BRISTOW. Just a minute, and then I will yield the floor. That is true where you have got a direct haul on the main line; but here is Lincoln—here is the little town of Gypsum, within a radius of 50 miles of Salina. They are on two different railroads. The rate on 11 pounds from Lincoln to Gypsum is about 50 cents, because of the transfer. That is the express rate. Under this system the postal rate will be 35 cents, because the Government will handle it, and there will not be that extra charge for transfer. It is all one with the Government, and the people in these small communities will receive a very great advantage in their communication with each other by having a very much reduced rate not only on small packages but large packages as well.

Mr. SMOOT. That is perfectly correct. The Senator will remember I said in the second and third and fourth zones, but in this zone it is not the case—that is, within the zone itself—but when it reaches beyond the zone then packages at 6 cents a pound are cheaper by express than by the rates provided.

Mr. BRISTOW. I now yield the floor. I have taken more time than I intended.

Mr. POMERENE. Mr. President, I dislike very much to be put in the attitude of opposing the bill as it has been presented. The Senator from Oregon frankly and candidly does not claim for his bill perfection, and I trust I may be pardoned for trying to point out a few of the imperfections contained in the bill as I see them.

There have been two propositions before Congress. One is the parcel post, so called, as it is contained in the bill. In the other branch of Congress they have been considering a parcel post and an express post. I am free to say that when the thought of an express post was first suggested to my mind it did not meet with very much approval, but I believe it is worthy of very great consideration. In view of the fact that this is new legislation so far as the United States is concerned, and in view of the fact that it has not been perfected, as I feel Senators themselves who are supporting this measure will concede, and in view of the fact that there is certainly merit enough in the express-post bill to justify its further investigation, and in view of the further fact that, as I understand by the provisions of this bill, it is not going into effect until January 1, it seems to me that the Congress ought to make haste slowly upon this proposition and get all the information that is available, in order that we may ascertain what the respective merits of the two systems are and whether either system which may be adopted can be improved.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. I do.

Mr. BOURNE. I should like to ask the Senator from Ohio what additional information he thinks could be obtained, other than that which has already been obtained by the committee, other than the information incident to the adoption and the demonstration of results?

Mr. POMERENE. If the Senator will pardon me, as I go along I think I will point out some of the particulars in which I think this matter can be improved upon.

In the first instance, just a word on the subject of the express post. We know, for instance, that the contracts between the express companies and the railroad companies provide that about 47.53 per cent of the rates which are collected by the express company must go to the railroad. I believe that to be excessive. That affects the rates which must necessarily be charged by the express companies in order that they may do a living business. Investigations in the other House show further that the ton-mile rate now charged the Government for its mail is 13.2 cents, while the express companies' cost is only 7 cents a ton-mile. I refer to these facts simply to show the necessity of investigating further into this subject.

It is not going to cost very much to condemn the express companies. It is estimated that it will cost only $15,000,000. We already have a limited express in the way of our rural routes and our star routes. It seems to me that these different elements can be so combined with the express company properties as to form an effective instrumentality which will lead to the cheapening of rates.

Mr. OVERMAN. May I ask the Senator from Ohio a question?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from North Carolina?

Mr. POMERENE. I yield.

Mr. OVERMAN. Why should we condemn the express companies if we put this post express into effect? Why may we not run it ourselves without condemning any other property?

Mr. POMERENE. We could. I am not prepared to say definitely what should be done; but I submit that we are simply considering this question in its infancy. Under the proposed rate for the larger weights we will be charged more under the parcel-post bill which is now under consideration than we are being charged by the express companies themselves.

While upon the subject I want to call the attention of the Senate to a table which I have prepared, and I have taken the figures from Report No. 955, submitted by the Senator from Oregon [Mr. BOURNE]. They are taken from the table on page 19 and the exhibit thereto attached.

The table shows that the charges for the transportation of an 11-pound package from New York City, under the present express rate, is for the most part smaller than it will be under the Bourne bill. The charges under the schedule of rates which has been prepared by the Interstate Commerce Commission is a substantial reduction of the present express rates. The charges contained in the present Bourne bill under consideration are greatly in excess of the rates which were contained in the original Bourne bill submitted. If Senators care to refer to that report they will find that for an 11-pound package, carried a distance of 100 miles from New York, the present express rate is 40 cents; the proposed express rate, or rather the rate fixed by the Interstate Commerce Commission, will be 26 cents, a difference of 14 cents; while the original Bourne rate was 37 cents.

The pending Bourne bill makes that rate 46 cents, or, in other words, the present Bourne bill rate is 6 cents higher than the present express rate and 20 cents higher than the rate fixed by the Interstate Commerce Commission. Take an 11-pound package which is shipped a distance of 150 miles; under this table the express rate from New York is 45 cents, the Interstate Commerce Commission rate is 28 cents; the original Bourne bill rate is 37 cents; and the pending Bourne bill rate is 46 cents. An 11-pound package shipped 200 miles from New York under the present law costs 55 cents.

The interstate-commerce rate is 29 cents; the original Bourne bill rate is 37 cents; and the pending bill rate is 57 cents; in other words, the Interstate Commerce Commission reduced the express rate 26 cents, because it thought the present express rate excessive. The pending Bourne bill increased the rate over the original Bourne bill 20 cents, and made it 2 cents in excess of the present express rate, which is held by the Interstate Commerce Commission to be 26 cents excessive.

Mr. President, I do not care to take up the time to analyze this entire report, but I ask permission to print as a part of my remarks the table which I have prepared and which is taken from the exhibits which are attached to the Bourne report.

The PRESIDENT pro tempore. Without objection, the order will be made.

The table referred to is as follows:

Table showing charges for transportation of 11-pound package from New York City under the present express rate in column 1, the proposed express rate fixed by the Interstate Commerce Commission under column 2, the original Bourne parcel-post bill rate under column 3, and the pending Bourne parcel-post bill under column 4.

Miles.	Col. 1.	Col. 2.	Col. 3.	Col. 4.
50	0.35	0.24	0.26	0.35
100	.40	.26	.37	.46
150	.45	.28	.37	.46
200	.55	.29	.37	.57
250	.55	.30	.48	.57
300	.60	.32	.48	.57
350	.60	.33	.48	.68
400	.65	.34	.48	.68
500	.65	.36	.48	.68
600	.75	.39	.81	.68
650	.85	.40	.81	.79
750	.85	.41	.81	.79
900	.85	.44	.81	.79
1,000	1.00	.46	.81	.79
1,150	1.10	.50	1.12	1.00
1,200	1.15	.53	1.12	1.00
1,250	1.15	.54	1.12	1.00
1,500	1.35	.65	1.12	1.11
1,600	1.50	.69	1.12	1.11
1,700	1.50	.73	1.12	1.11
1,800	1.50	.77	1.12	1.32
1,850	1.50	.80	1.12	1.32
1,900	1.50	.82	1.12	1.32
2,000	1.60	.87	1.12	1.32
2,100	1.60	.91	1.32	1.32
2,150	1.60	.93	1.32	1.32
2,300	1.60	.99	1.32	1.32
2,400	1.60	1.02	1.32	1.32
2,500	1.60	1.06	1.32	1.32
2,600	1.65	1.10	1.32	1.32
2,750	1.65	1.15	1.32	1.32
2,850	1.65	1.18	1.32	1.32
2,950	1.65	1.23	1.32	1.32
3,000	1.65	1.25	1.32	1.32
3,200	1.65	1.32	1.32	1.32
3,300	1.65	1.36	1.32	1.32

Mr. POMERENE. The table shows, for instance——

Mr. BOURNE. Mr. President——

Mr. POMERENE. Just a moment. The table shows in column 1 the present express rate; in column 2 the express rate which has been fixed by the Interstate Commerce Commission; in column 3 the rates in the original Bourne bill; and in column 4 the rates in the present Bourne bill. Now I yield to the Senator from Oregon.

Mr. BOURNE. I was going to ask the Senator from Ohio if he has considered the fact that the citizen is benefited? What difference does it make to the citizen whether his goods are carried by the express company or the Post Office Department, provided he gets a lower rate? He is benefited to the extent of the reduction in the rate and the increased efficiency of the service, is he not?

Mr. POMERENE. Mr. President, the limited time which I have will not permit going into details, but, as I understand it, for the first few miles the rates which are suggested in the bill under consideration are less than the express rates, but when we go to these longer distances of 100 miles or 150 miles or 200 miles the rates are in excess of the present express rates. I do not understand, that being so, how the citizen can be benefited by being charged by the Government a greater rate than he is obliged to pay to the express company at the present time.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Oregon?

Mr. POMERENE. I do.

Mr. BOURNE. If that is so, he would simply use the express company instead of using the Post Office Department.

If the Senator will please permit me for a moment further, I wish to say that the bill has been built upon the basis of the cost to the Government under the best obtainable data, in the opinion of the committee, of leaving a profit to the Government, so that the enlargement would not show a loss to the Post Office Department at the end of the year. The bill does give a reduction of from 25 per cent to 88 per cent over existing rates, and it furnishes for small packages a much better and increased activity than the Government now gives the citizen.

Mr. POMERENE. I concede that the reduction in rates is very considerable when it comes to shorter distances; but that is not true when it is applied to longer distances.

Mr. BOURNE. It gives a 25 per cent reduction. Is not that pretty good?

Mr. POMERENE. Not on the longer distances.

Mr. BOURNE. Absolutely.

Mr. POMERENE. Not for the small-weight packages.

Mr. BOURNE. For packages of any weight. It gives 25 per cent reduction over the present existing rates on the fourth-class mail matter—12 cents a pound as against 16.

Mr. POMERENE. I think if the Senator will examine his own figures, contained in his own table, he will find my position is right; and I say that with all due respect.

Mr. BOURNE. The Senator from Ohio is certainly mistaken. I say that the proposed rate of 12 cents a pound on the long distance is a reduction of 25 per cent over the present rate of 16 cents a pound, or 1 cent an ounce.

Mr. POMERENE. Is the Senator from Oregon now speaking of the post-office rates?

Mr. BOURNE. I am speaking of a reduction of the proposed rates over the existing post-office rates.

Mr. POMERENE. It is possible, when the Senator and I understand each other, that we do not differ.

Mr. BOURNE. Well, I do not think we do.

Mr. POMERENE. In comparing the proposed postal rates with the express rates, the Senator is trying to defend his present measure by showing that it is preferable to the present post-office rates. When I say that, I want to yield all deference and all honor to the Senator for the very great work that he has been doing and the very good work which he has done.

Mr. SMITH of Georgia. Will the Senator from Ohio allow me to ask him a question?

Mr. POMERENE. I will.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Delaware?

Mr. POMERENE. I do.

Mr. DU PONT. I ask unanimous consent, if the bill under consideration is completed before 6.30 p. m., that at that hour, or earlier, the Senate will take a recess until 8.30 p. m., the evening session to be devoted to the consideration of the Army appropriation bill.

Mr. SMITH of Georgia. Regular order, Mr. President. We can not spare any time just now from this bill.

The PRESIDENT pro tempore. The regular order is demanded. The Senator from Ohio will proceed.

Mr. POMERENE. I yield to the Senator from Georgia, who desires to ask me a question.

Mr. SMITH of Georgia. I ask the Senator from Ohio if he understands the position of the chairman of the committee to be—I am stating it as I understand it—that the committee did not fix the rates just as they wanted to fix them; but they undertook to ascertain how much certain hauls cost the Government for certain weights, and they undertook to fix the rates based upon what it is now costing the Government for transportation, and to give the public, therefore, the benefit of a low rate wherever the present cost to the Government would justify it, and where the cost to the Government would not justify it, to let them look out and find cheaper transportation somewhere else. I believe I state it correctly.

Mr. POMERENE. I think I understand the Senator's position; but, while we are dealing with this subject, it seems to me we ought to present a better bill to Congress on the subject, and pass a bill which, with our present knowledge upon the subject, will be as perfect as human intellect can make it.

Mr. SMITH of Georgia. When you knew what it was costing the Government for the haul, would you fix a rate which you knew would involve a loss?

Mr. POMERENE. No. However, I do not know that I am prepared to go into all the details of this matter now; but I do feel that the present rates which the Government pays to the railroad companies are excessive, and I think that matter ought to be investigated further than it has been.

Mr. BOURNE. Mr. President, will the Senator permit me?

Mr. POMERENE. Yes.

Mr. BOURNE. A bill has been introduced under the direction of the committee to take up that particular question. That has, however, nothing to do with the present subject of the parcel post. That is a matter of railway pay and transportation. As I understand, a commission, administrative in character, if my memory serves me rightly, has been about six years working on that question and trying to evolve a better plan of determination as to railway mail pay than the one now in existence. It was the opinion of the Second Assistant Postmaster General, who informed me that he was a member of that commission, that by the adoption of the plan proposed there would probably be a saving to the Government of some $9,000,000 in pay. The Government now pays in round numbers about $50,000,000. It is the purpose of the committee to take up that question. The purpose of introducing the bill was to get the subject before the country and before the people in interest, so that they could prepare themselves at the next session of Congress to go on with the consideration of that particular phase of the matter.

Mr. POMERENE. I am admonished that the time is extremely short, and for that reason I am going to be much briefer than I had anticipated.

I want to call the attention of the Senate to a table showing the comparisons of cost between the express rates fixed by the Interstate Commerce Commission and the rates provided for in the present Bourne bill, which is to be found on page 4 of Senate Document 895, and which has been prepared by Mr. George P. Hampton, secretary of the Farmers' National Committee on Postal Reform. I ask permission to insert this table with the explanatory notes accompanying it. It is as follows:

This table shows that—

For 8-pound packages, 50 miles distance, the Bourne rate is 26 cents and the express rate 23 cents.

For 11-pound packages, same distance, the Bourne rate is 35 cents, express rate 24 cents.

For a 6-pound package, distance 150 miles, Bourne rate is 26 cents, express rate 24 cents.

For the 11-pound package, same distance, the Bourne rate is 46 cents, the express rate 26 cents.

For a 5-pound package, 300 miles, the Bourne rate is 27 cents, the express rate 25 cents.

For an 11-pound package, same distance, the Bourne rate is 57 cents, express rate 30 cents.

For the 5-pound package, distance of 600 miles, the Bourne rate is 32 cents, the express rate 27 cents.

For 11-pound package, same distance, the Bourne rate is 68 cents, the express rate 35 cents.

For a 4-pound package, distance of 1,000 miles, the Bourne rate is 30 cents, the express rate 28 cents.

For an 11-pound package, distance 1,000 miles, the Bourne rate is 79 cents; express rate, 41 cents.

For a 4-pound package, distance 1,400 miles, Bourne rate is 37 cents; express rate, 32 cents.

For an 11-pound package, same distance, Bourne rate is 100 cents; express rate, 53 cents.

For a 4-pound package, 1,800 miles, the Bourne rate is 41 cents; express rate, 38 cents.

For an 11-pound package, same distance, the Bourne rate is 111 cents; express rate, 69 cents.

For a 4-pound package, 1,800 miles and over, the Bourne rate is 48 cents; express rate, 45 cents.

For an 11-pound package, 1,800 miles and over, the Bourne rate is 132 cents; express rate, 89 cents.

For all packages of intermediate weights between the figures I have given, the Bourne rates are greater than the express rates in substantially the same proportion as the figures just given.

The comparisons referred to are as follows:

The Bourne bill rates and corresponding express rates ordered by the Interstate Commerce Commission for express rate zone No. 1.

Pounds.	Outer limits of zones in miles.							
	50		150		300		600	
	1	2	1	2	1	2	1	2
1	05	....	06	....	07	....	08	....
2	08	....	10	....	12	....	14	....
3	11	....	14	....	17	....	20	24
4	14	....	18	....	22	24	26	26
5	17	....	22	23	27	25	32	27
6	20	22	26	24	32	26	38	28
7	23	23	30	24	37	27	44	30
8	26	23	34	25	42	28	50	31
9	29	24	38	25	47	29	56	33
10	32	24	42	26	52	29	62	34
11	35	24	46	26	57	30	68	35

Pounds.	Outer limits of zones in miles.								
	1,000		1,400		1,800		All above 1,800.		
	1	2	1	2	1	2	1	2	2
								Miles.	*Miles.*
1	09	....	10	....	11	....	12	2,000	3,000
2	16	....	19	....	21	....	24	.....	.....
3	23	26	28	29	31	33	36	39	49
4	30	28	37	32	41	38	48	45	59
5	37	30	46	34	51	42	60	51	68
6	44	32	55	37	61	47	72	57	78
7	51	34	64	40	71	51	84	64	88
8	58	36	73	43	81	56	96	70	97
9	65	38	82	46	91	60	108	76	107
10	72	39	91	49	101	64	120	82	116
11	79	41	100	53	111	69	132	89	126

Column 1, Bourne bill rate.
Column 2, express rate on the average.
Express-rate zone No. 1 includes all territory east of the Mississippi River north of Washington, D. C., the southern boundary of Ohio, Indiana, Missouri, except Michigan north of Grand Rapids, Wisconsin north of Milwaukee, and Minnesota.
All the Bourne rates below the line dividing the table into two parts are higher than the express rates, making competition with the express companies impossible.

Mr. POMERENE. Mr. President, in view of the fact that for exceedingly small packages the rates provided in the pending bill are very much higher than the express rates, I do not see how the farmers and the public generally are to be benefited by these particular rates, though I concede that they are benefited by the rates provided for smaller packages than 5 pounds and for the shorter distances.

Mr. President, the parcel-post proposition was first advocated in behalf of the farmers. They are the men particularly whom we seek to benefit, and this provision ought to be put in such shape that the Government would be inviting the use of the parcel post by the people of the country rather than to estrange them from it.

For this reason it occurs to me further that this provision ought to be amended so as to provide, first, for the transportation of larger packages. I am advised that the German Government transports packages up to 110 pounds. If we are to give the farmer the opportunity to market the produce of his farm it is not giving to him very much advantage to send a 4 or 5 pound package; it is the transportation of the larger weights, 10, 12, 15, and 25 pounds, which would be a benefit to him.

Again, in nearly all of the countries of the world, I think, except England, there is a provision for "collect on delivery" for the charges and for the price of the goods which are transported. It seems to me something should be provided along that line and that there should also be a plan for the insurance of the safety of the packages.

Another proposition: There is evidently, as has been disclosed by this debate, a very great uncertainty as to what are proper charges for this service. We are without experience in that behalf in this country. This bill provides a hard-and-fast rate, which can neither be increased nor decreased by the Post Office Department. It is my belief that it will be much better to fix certain maximum rates and give the Post Office Department the right to change them so as to make the service self-supporting, but not a source of revenue above that mark.

I desire to ask the chairman of the committee does he understand that this bill provides for the shipment of farm produce?

Mr. BOURNE. Mr. President, if the Senator will read the bill he will find that it provides for everything not carried in the first, second, or third class mail.

Mr. POMERENE. I remember the language of the bill. It, in effect, provides that mailable matter which is not included in the first three classes may be sent by parcel post; but I understand also that the department has placed a construction upon that, and a reference to the Postal Guide will show that perhaps there are not more than two or three farm products which have ever been regarded as mailable matter. I do not say that the Senator may not be justified in placing the construction upon this bill which he does, and which he intended, because he has so said; but, at the same time, as casting a doubt upon the construction which he places upon it, I am admonished by the other fact that the committee have stricken out of the House measure an express provision for the transportation of farm products.

Mr. BOURNE. Mr. President, the bill provides:

SEC. 8. That hereafter fourth-class mail matter shall embrace all matter not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight, nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter, and not of a character perishable within a period reasonably required for transportation and delivery.

In all the conferences which I have held—and they have been quite numerous—with the four Assistant Postmasters General, we frequently talked in reference to the benefits that would accrue to the farmers on account of the improved transportation facilities for the carrying of garden produce and things of that kind—eggs, poultry, asparagus, celery, lettuce, and so forth. It was certainly my expectation that, under the provisions of the bill, all those products of the farm under the weight limit would be carried at the prices charged.

If the Senator will permit me just one moment further, I ask permission to insert in the RECORD, in connection with the remarks I have previously made, portions of the report on the Post Office appropriation bill, Calendar No. 837, in order to perfect, so far as the record goes, the report on this particular subject.

The PRESIDENT pro tempore. Without objection, permission is granted.

Mr. POMERENE. Mr. President, there is another branch of this subject which I intended to discuss, but the Senator from Georgia [Mr. SMITH] desires to speak, and I yield to him. I owe him an apology for occupying as much time as I have.

Mr. SMITH of Georgia. Mr. President, the House bill provides that fourth-class matter shall be charged 12 cents a pound, except where the reduced rate is given for the rural-route service. Now, then, if we adopt that measure we have a flat 12 cents a pound rate for the entire United States.

Let us see what the effect would be upon short distances. For a distance of 50 miles under the House provision 5 pounds would cost 60 cents. Eleven pounds would cost $1.32. The distances in which the farmer is principally interested, the distances in which the great majority of the people are principally interested, are the 50 miles and the 150 miles distances. It is the opportunity for the farmer to reach the near-by small city as well as his county-seat town with the smaller products raised on the farm that will benefit him. This will furnish the opportunity for the sale of the diversified products of the farm. Where does he buy most of the small articles that he uses? Either in his town which his rural route will reach or in some neighboring city 50 and 150 miles off.

I believe the distances of haul which will serve the people, the farmer, the merchant, and the public generally are the short distances. I believe they are more concerned and will derive more benefit from the facilities to be had from rural routes from a 50-mile radius and from a 150-mile radius than they will from the great distances. This House provision with a flat rate loads down the short haul so that the service can not be used.

There has been an effort made to create the impression with many people that the flat-rate system is the wise rate and is one which they should advocate. Investigation has satisfied me that a flat-rate system would be utterly destructive of the service and of no value to the masses of the people. If you make this flat rate high enough to cover the average expense which the Government has in the haul, you must make it something like 12 cents a pound, the rate fixed by the House, and putting it at such a rate it is prohibitive for all short distances. If you make it low enough only to pay the cost to the Government for the short distances, then the long haul will be had at very enormous loss, and the Treasury of the Government will almost be exhausted. There are two elements of cost in the mail service, one the handling element, the other the transportation element. When the weight is slight, the handling element becomes the main feature of cost. As the weight increases, the transpor-

tation element becomes the main feature of cost. You can haul a letter weighing only an ounce all over the country for a small cost, the weight is so little that the handling cost is the principal element of expense. The average weight of a letter is the third of an ounce. That would be 48 to a pound. It would be 528 to an 11-pound package. So in an 11-pound package the element of weight is 528 times as important as in the average letter. Therefore the transportation cost is 528 times of as much importance in an 11-pound package as it is in the average letter.

The large element of cost when the package is of substantial weight is the transportation, depending upon distance. The Government now pays something like a cent a pound for 200 miles. When you go into the weight of a substantial character you must differentiate on account of distance or else you will furnish service at too high a cost to the short distances or the short distances being placed low enough your long distances will be so fixed that you will be doing this at a frightful loss.

So, Mr. President and Senators, it seems to me that in any plan for a parcel post where you allow 11 pounds hauled you must fix your rates according to distances. You can not afford to haul everywhere for the same price, for the cost to the Government of the long haul is very much greater than it is for the short haul.

In the effort to work out the system of rates I am sure the chairman of the committee gave great labor and great thought and consulted freely those interested in the matter to aid him in reaching rates. He was unable to fix them arbitrarily. It was essential that he should consider the rates the Government is paying for transportation and make our parcel-post rates conform to the cost to the Government of the particular haul, so that if possible the service might be rendered to the public without a loss to the Government. With experts the chairman sought to work out a system which would give a fair charge for handling and practically the exact charge to the Government for the increased cost of transportation. So the original figures of the chairman were fixed. The committee worked them over, amended them, and increased them.

Now I am going to ask the Senate to amend two of the rates laid down on page 61, first in line 7 and second in line 10. The rates fixed for 50 miles are, first, 5 cents as a charge for the first pound and then 3 cents for each additional pound. I think 2 cents for each additional pound is sufficient. I am satisfied that the cost to the Government will be covered by that increase. For 150 miles the increase is 4 cents for every additional pound after the first pound. I am going to ask that it be made 3 cents per extra pound. These were the figures in the original bill of the chairman of the committee. Our investigation satisfied us, and the views of the Post Office Department satisfied me, that for those rates we can afford to give the service.

Mr. BRISTOW. I certainly can not, because I believe it would result in the Government carrying express matter at a loss. I call the attention of the Senator from Georgia to this fact, that since the committee agreed unanimously on the rates now contained in the bill the Senate has added $8,000,000 practically in one item to the expenditures of the Government in the delivering of mail on rural routes. When you fix the rates below what is safe, you run the risk of being confronted in the future with the handling of these packages at a dead loss, and you will have another proposition more detrimental to the service than that confronting us now in handling second-class mail, where we have been handling it at much less than cost. We can not raise rates when they are once established. I beg the Senator from Georgia not to take the chance of putting the rates below what might be the cost. It is easy to reduce them some other year, when we know from practical experience what the cost is going to be.

Mr. SMITH of Georgia. Mr. President, I have said what I wanted to say, and I shall not detain the Senate longer. I desire to withdraw my motion to reconsider. My object in making it was to provoke discussion. I felt that the chairman of the committee ought to discuss this subject, and I knew that other Senators desired to do so, and I wanted the RECORD to contain their views.

The PRESIDENT pro tempore. The hour of 4 o'clock having arrived, the further consideration of the bill will be under the five-minute rule. The first amendment passed over will be reported.

The SECRETARY. The first amendment of the committee passed over is on page 12, line 16, after the word "pay." At the end of the line the committee proposed to insert:

And for payment of services in excess of eight hours.

So that the paragraph will read:

Substitutes for clerks and employees absent without pay and for payment of services in excess of eight hours.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. BRISTOW. Mr. President, that is the provision which authorizes overtime. I think that overtime would be a very expensive and a very dangerous experiment for us to undertake at present. Overtime is not permitted by the carrier service, and I do not think we ought to change the system now, because it will lead inevitably to the piling up of great overtime bills. The Government some time ago was overcharged over three and a half million dollars for overtime in a period of a little over three years until the policy of permitting overtime was abolished.

Mr. SMOOT. In addition to what the Senator from Kansas has already said, which I agree to heartily, not only will there be in the future claims against the Government, but millions of dollars of claims will be brought here by employees claiming that they have already served overtime.

Mr. BOURNE. Mr. President, if the second paragraph of section 5 in the bill remains in then it is important that the italicized portion of the Senate amendment just read, "for pay of services in excess of eight hours," goes in.

I trust the motion of the Senator from Kansas to strike that out will not be agreed to. It is supplemental to the second paragraph of section 5. That was agreed to yesterday as in Committee of the Whole, although, of course, it is subject to amendment or change now or when the bill is reported to the Senate.

Mr. BRISTOW. If the Senator would rather we would pass on that paragraph first, I will move to strike that out of the bill so that we may get a vote on it.

Mr. BOURNE. This is drawn upon some of the legislative features in the bill. I think it would facilitate the time of the Senate and be a more intelligent way of acting if, by unanimous consent, we pass to section 5, because we can not act on some of these supplemental matters intelligently until action is taken either that we approve the Senate agreement to the House provision or else that we amend it.

The PRESIDENT pro tempore. The Chair will suggest that section 5 has already been agreed to.

Mr. BOURNE. That is what I said; and it is open, as I understand it, to amendment when it comes into the Senate.

The PRESIDENT pro tempore. Undoubtedly.

Mr. BOURNE. So I would ask the Senator if he would simply file the objection and let us adopt the Senate amendment just read by the Secretary, because that is absolutely necessary if section 5 of the second paragraph remains in the bill.

Mr. SMITH of South Carolina. I just want to call attention to the fact that in the hearings before the committee it was brought out that if we allow overtime it would make for the more efficient service, greater expedition on account of the men who have charge now knowing more how to meet the exigencies of the case than to ask an outsider; that while it might cost less it would be a detriment to the service.

It was also brought out if we provide an eight-hour law it is absolutely ineffective and rendered null and void if there is not a penalty attached to any overtime that might accrue. So, unless there is provision made for the payment of overtime, the eight-hour law will amount absolutely to nothing.

I have here some decisions of the Supreme Court, but it is sufficient for me to call attention to the fact that it has already been decided. For that reason the Post Office Committee of the Senate, when they adopted the eight-hour law, made a provision that the present employees might work overtime and receive compensation.

Before I take my seat I should like to say the main objection was that these men would avoid carrying out their full time in order to get the overtime. I do not think that that is any argument at all, for the reason that the rule for efficiency for promotion and demotion is in operation. A man who does not render efficient service renders himself liable to discharge from the service for inefficiency.

So I hope the provision as it is now in the bill will remain there.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee. [Putting the question.] The noes appear to have it. The noes have it.

Mr. SMITH of South Carolina. I ask that the vote be taken again.

Mr. BRISTOW. If it would be agreeable to the chairman of the committee, why not reconsider informally the vote by which section 5 was adopted? Then I will move to strike out the paragraph that relates to overtime, and we can adjust it. If it is left in, this amendment can follow along.

Mr. BOURNE. That course is agreeable to me.

Mr. LODGE. There was no vote on the clause which the Senator proposes to strike out.

The PRESIDENT pro tempore. The Senator from Kansas asks unanimous consent that the vote whereby certain amendments in section 5 was agreed to be reconsidered. Without objection——

Mr. REED. What is that amendment?

Mr. BRISTOW. I will explain it.

The PRESIDENT pro tempore. The Senate, on reconsidering that vote, did not act upon the section as a section. The Senator can offer an amendment to that section at the present time.

Mr. BRISTOW. I move that lines 17, 18, 19, 20, and 21, on page 47, be stricken out.

The SECRETARY. On page 47, strike out lines 17 to 21, inclusive, which read:

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

Mr. BRISTOW. The purpose of this amendment is to prevent overtime employment in the postal service. There is at present no overtime permitted. There is an eight-hour law that relates to carriers in the city service, and it has been in operation for many, many years, but carriers are not allowed to work overtime, because when they were allowed to work overtime they became a very great burden to the department, there being time from 10 minutes to an hour a day that was charged up as overtime. Disputes arose between the carriers and the department; it went into the court; and finally, after years, the Government paid something over $3,000,000 to cover the overtime controversies, the carriers in the courts enforcing the payment. They have a right to extra pay if they work overtime. This provision simply permits overtime. If the carriers or the clerks are not permitted to work overtime, then the substitutes who are on the list waiting for appointment when vacancies occur are called upon to perform the service when it is in excess of what the regular employees can do in the limited eight-hour service.

I think it is much better for the service to have the substitute employed during the overtime than to have the regular carriers work the overtime. There will be a desire, of course, on the part of the carriers to get more pay and to work overtime, but the policy of the eight-hour day is an eight-hour day and not a nine or ten hour day. It is eight hours' work for eight hours' pay and to prevent overtime. I do not think the Government ought to go into the overtime business or recognize overtime as a legitimate part of the eight-hour system.

Mr. BRANDEGEE. Why does the Senator think it better to employ these substitutes than to have the regular men finish out whatever extra work the emergency may call for?

Mr. BRISTOW. In my opinion it would be cheaper in the end, and then it makes the position of substitute more desirable. So when one who wants to enter the service gets on the substitute list he is given occasional employment. It is like the street railway service. There are substitute motormen and substitute conductors. They get some work occasionally. It makes the position of substitute more desirable and they get a better class of men waiting for final appointment. I think it is better for the service. That is my judgment.

Mr. BRANDEGEE. Who decides, under the language of this bill, "that in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service," and so forth, may work overtime? Who decides whether an emergency exists or not?

Mr. BRISTOW. The postmaster or the department. The postmaster would have to decide it, doubtless.

Mr. BRANDEGEE. I assume he is the man who is best qualified to know whether an emergency does exist or not. If, in his judgment, it does exist, and if the service requires it, why should not the letter carrier be allowed to perform the needed service for the benefit of the service?

Mr. BRISTOW. The experience of the department when they permitted that was that it was very expensive and became very troublesome. Then there is the man on the substitute list never getting anything to do. In this case it becomes a desirable position to hold. When the service is congested with heavy mail the substitutes can be called upon, as they ought to be called upon, to do this extra work. The postmaster, instead of permitting overtime in the eight hours, will simply call on the substitute.

Mr. SMITH of Georgia. I ask the Senator if when they work overtime they are allowed to receive pay for it?

Mr. BRISTOW. No.

Mr. SMITH of Georgia. The business is being conducted successfully without overtime?

Mr. BRISTOW. Certainly.

Mr. SMITH of Georgia. And economically?

Mr. BRISTOW. Yes, sir.

Mr. SMITH of Georgia. The substitutes are used to advantage?

Mr. BRISTOW. Certainly.

Mr. BRANDEGEE. Is it so that whenever an emergency, which implies an unexpected condition of things, exists there is some substitute at hand?

Mr. BRISTOW. There are substitutes on every list of letter carriers, and the postmaster now calls upon the substitutes under our eight-hour system. The postmaster draws on the substitute list to do this extra work.

Mr. BRANDEGEE. Of course I suppose if there is such a thing as a substitute list the substitutes ought to be given a chance, but my question is if there is any unanticipated emergency suddenly arising which requires him to work 10 or 15 minutes or half an hour overtime, if the service is required in the opinion of the postmaster, the regular men should not be allowed to go on and finish it and get pay without summoning any extra men to do that work.

Mr. BRISTOW. If the Senator will permit me, the postmaster now calls on the substitute to do this additional work. That is the way it is conducted now.

The PRESIDENT pro tempore. The time of the Senator from Kansas has expired. The question is on the motion of the Senator from Kansas.

Mr. BOURNE. Mr. President, I shall oppose by my vote the motion made by the Senator from Kansas for this reason: The first paragraph of section 5 provides for the 8 hours out of 10. Gen. Grandfield, First Assistant Postmaster General, was at the committee hearing when we had this subject under discussion. The Post Office Department itself, I think, were unanimously opposed to the adoption of the whole of section 5 and proposed a substitute for that which the committee did not see fit to adopt, but a majority of the committee approved of section 5 as in the House bill.

Yet Gen. Grandfield says that if the 8 hours out of 10 provision were included in the first paragraph of section 5, and was enacted, it would be better to have the second paragraph stay in the bill from a standpoint of service to the community.

He could not give the estimate as to what the cost to the Government would be by cutting out the second paragraph, but he did give the estimate as to what the additional cost would be to the Government by the adoption of the whole of section 5, namely, that $3,087,538 greater appropriation would have to be put in the bill than was put in the bill by the House. He thought that probably with the elimination—and the Senator from Kansas will correct me if I am wrong in my memory of the statement—of the second paragraph, which the Senator has just asked to have stricken out, we might save the Government some money, but that in his judgment it would interfere with the efficiency of the service, and he preferred if the first paragraph of section 5 was put in the bill, that the second paragraph should remain in, as making the provision more administrative.

Mr. JOHNSTON of Alabama. Will the Senator permit me to ask him a question? If these emergencies arise they have to have some one to do the work?

Mr. BOURNE. That is true.

Mr. JOHNSTON of Alabama. Do you not think that those who are skilled employees could do the work quicker and better than substitutes?

Mr. BOURNE. I do.

Mr. JOHNSTON of Alabama. Therefore it would, in the end, cost the Government less money. I do not think there can be any doubt that it would be economical to the Government to adopt the provision in the second paragraph of section 5.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Kansas [Mr. BRISTOW].

The amendment was rejected.

The PRESIDENT pro tempore. The amendment passed over will now be considered.

The SECRETARY. On page 12, line 16, after the word "pay," at the end of the line, insert "and for payment of services in excess of eight hours."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BOURNE. On page 4, line 3, I should like to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 4, line 3, strike out the words "in the," before the words "District of Alaska," and insert in lieu thereof "in connection with the Postal Service of the."

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. The next amendment is, on page 17, line 16——

Mr. POMERENE. The amendment proposed by the committee of the Senate, on page 12, lines 17, 18, 20, and 23, I asked to have passed over.

The PRESIDENT pro tempore. Those amendments were all agreed to, the Chair will suggest.

Mr. BOURNE. They were all agreed to yesterday.

Mr. POMERENE. That must have occurred while I was engaged before the Judiciary Committee. Can I have the privilege of raising the question in the Senate?

The PRESIDENT pro tempore. The Senator will have that privilege.

The SECRETARY. On page 17, line 16, after the word "pay," at the end of the line, insert "and for payment of services in excess of eight hours."

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 18, line 3, after the words "letter carriers," to insert "and for services in excess of eight hours."

The amendment was agreed to.

The PRESIDENT pro tempore. That completes the consideration of the bill, so far as the committee amendments are concerned. The bill is still before the Senate, as in Committee of the Whole, and open to amendment.

Mr. ASHURST. I send to the Secretary's desk an amendment which I propose.

The PRESIDENT pro tempore. The Chair will state to the Senator from Arizona that this is an amendment to an amendment already agreed to as in Committee of the Whole and will not be in order until the bill goes to the Senate.

Mr. ASHURST. Very well.

Mr. BOURNE. Mr. President, I send an amendment to the desk, which I suggest should come in on page 21, line 20.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 21, line 20, after the word "dollars," it is proposed to insert:

Provided, That hereafter the employees of the mail-bag repair shop in Washington, D. C., and Chicago, Ill., and the employees of the mail-lock repair shop in Washington, D. C., may be allowed 30 days' annual leave of absence.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Oregon.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT pro tempore. The first question is upon concurring in the amendments made as in Committee of the Whole.

Mr. SMITH of Georgia. I wish to reserve some amendments. I desire to reserve, on page 21, an amendment adopted as in Committee of the Whole and to offer as a substitute for that an amendment which was printed August 10.

I also desire to reserve the question on the rate to which I referred in the parcel-post debate, applicable to the 50 and 150 mile distances.

The PRESIDENT pro tempore. The amendments will be reserved.

Mr. CURTIS. I desire to reserve the amendment on page 43, which was agreed to, providing for the delivery of mail on rural routes by contract.

Mr. BRISTOW. I desire to reserve the amendments relating to overtime, which I have just discussed. I want a roll call on those amendments.

Mr. SWANSON. I understand the senior Senator from Kansas [Mr. CURTIS] has reserved the amendment in connection with the amendment made as in Committee of the Whole for letting the rural delivery routes under contract?

The PRESIDENT pro tempore. He has.

Mr. SWANSON. That is an amendment which I also desire to have reserved.

Mr. POMERENE. I desire to reserve the right to offer certain amendments referred to on pages 12 to 17, and also certain amendments to the parcel-post provision.

The PRESIDENT pro tempore. That provision is already reserved, and the other amendments to which the Senator refers will also be reserved.

Mr. CUMMINS. I desire to reserve the third paragraph of the Senate committee amendment on page 55.

Mr. SWANSON. Mr. President, I see the Senator from North Carolina [Mr. SIMMONS] is here. As to the provision of the bill for the improvement of public roads, I see no occasion for having another roll call of the Senate on it, as we had one as in Committee of the Whole. The Senator from North Carolina, however, desires to offer an amendment to the provision as passed by the Senate. I will reserve that amendment to give the Senator from North Carolina an opportunity to offer his amendment to the amendment substituted by the Senate.

The PRESIDENT pro tempore. The amendment will be reserved.

Mr. SIMMONS. Mr. President, in addition to that reservation I want to reserve the right to move to strike out the amendment offered by the chairman of the committee providing for letting the contracts for carrying mail on the rural routes to the lowest bidder.

The PRESIDENT pro tempore. That has already been reserved.

Mr. SIMMONS. I was not in the Chamber when it was reserved.

Mr. BOURNE. I send to the desk, and should like to have adopted, an amendment to correct a clerical error in the bill.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Oregon will be stated.

The SECRETARY. On page 26, line 2, it is proposed to strike out the word "twelve" and to substitute in lieu thereof the word "eleven," so as to read "provisions of the act of March 4, 1911."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to; and, without objection, the amendments other than those reserved, which were agreed to as in Committee of the Whole, will be concurred in in the Senate. The first reserved amendment will be stated.

The SECRETARY. The first amendment, reserved by Mr. BRISTOW, is on page 12, line 16, after the word "pay," where the committee reported to insert "and for payment of services in excess of eight hours"; also on pages 17 and 18 the amendments in which the same words occur.

The PRESIDENT pro tempore. Without objection, the question will be taken jointly on the three amendments.

Mr. BRISTOW. I move to strike out the second paragraph of section 5 of the bill. If that is stricken out, then, of course, there will be no objection to striking out the other portions I have referred to. If it is in order, I move to strike out, on page 47, lines 16, 17, 18, 19, 20, and 21, and I ask for the yeas and nays on that proposition.

The PRESIDENT pro tempore. The language of the bill in that regard will be stated.

The SECRETARY. On page 47 it is proposed to strike out all of lines 16, 17, 18, 19, 20, and 21, which read as follows:

That in cases of emergency, or if the needs of the service require, letter carriers in the City Delivery Service and clerks in first and second class post offices can be required to work in excess of eight hours a day, and for such additional services they shall be paid extra in proportion to their salaries as fixed by law.

The PRESIDENT pro tempore. The Senator from Kansas asks for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. BOURNE. Mr. President, before the calling of the roll I should like to reiterate that I shall vote against the proposition of the Senator from Kansas [Mr. BRISTOW] to strike out the second paragraph, because, as I previously stated, I believe that it will militate against the efficiency of the service if the first paragraph in section 5 be left in and the second paragraph stricken out. I repeat, therefore, that I shall vote "nay."

The PRESIDENT pro tempore. The roll will be called.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the senior Senator from Idaho [Mr. HEYBURN], and I therefore withhold my vote.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I therefore withhold my vote.

Mr. BRYAN (when his name was called). I have a general pair with the Senator from New Mexico [Mr. FALL], which I transfer to my colleague [Mr. FLETCHER], who is necessarily absent on business of the Senate, and vote. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote.

Mr. GUGGENHEIM (when his name was called). On account of the absence of the senior Senator from Kentucky [Mr. PAYNTER], with whom I have a general pair, I withhold my vote.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the Senator from South Dakota [Mr GAMBLE], and will vote. I vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer that pair to the Senator from New Jersey [Mr. MARTINE], and will vote. I vote "nay."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). The senior Senator from Michigan [Mr. SMITH] is unavoidably absent. As has been stated, he is paired with the junior Senator from Missouri [Mr. REED]. If he were present, my colleague would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote. I vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. THORNTON], and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Maryland [Mr. RAYNER], with whom I am paired, I withhold my vote.

Mr. CURTIS. I am requested to announce the pair of the Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN]; the pair of the Senator from Massachusetts [Mr. CRANE] with the Senator from Arkansas [Mr. DAVIS]; the pair of the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE]; and the pair of the Senator from Rhode Island [Mr. WETMORE] with the Senator from Maine [Mr. GARDNER].

The roll call was concluded.

Mr. McCUMBER. I have a general pair with the senior Senator from Mississippi [Mr. PERCY], but I am informed that, were he present, the Senator from Mississippi would vote the same way as I purpose to vote. So I will vote. I vote "nay."

The result was announced—yeas 20, nays 40, as follows:

YEAS—20.

Bristow	Dillingham	Newlands	Shively
Bryan	Gallinger	O'Gorman	Smith, Ga.
Chamberlain	Hitchcock	Overman	Smith, Md.
Cullom	Kenyon	Perkins	Smoot
Cummins	Martin, Va.	Root	Stone

NAYS—40.

Ashurst	Clapp	McLean	Sanders
Bacon	Crawford	Massey	Simmons
Borah	Curtis	Myers	Smith, Ariz.
Bourne	Johnson, Me.	Nelson	Smith, S. C.
Bradley	Johnston, Ala.	Oliver	Swanson
Brandegee	Jones	Page	Tillman
Burnham	La Follette	Penrose	Townsend
Burton	Lippitt	Poindexter	Warren
Catron	Lodge	Pomerene	Williams
Chilton	McCumber	Reed	Works

NOT VOTING—34.

Bailey	Dixon	Guggenheim	Richardson
Bankhead	du Pont	Heyburn	Smith, Mich.
Briggs	Fall	Kern	Stephenson
Brown	Fletcher	Lea	Sutherland
Clark, Wyo.	Foster	Martine, N. J.	Thornton
Clarke, Ark.	Gamble	Owen	Watson
Crane	Gardner	Paynter	Wetmore
Culberson	Gore	Percy	
Davis	Gronna	Rayner	

So Mr. BRISTOW's amendment was rejected.

Mr. BRYAN. Mr. President, I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Will the Senator from Florida withhold his amendment until the reserved amendments are acted upon?

Mr. BRYAN. This applies to the provision now before the Senate.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 47, lines 20 and 21, it is proposed to strike out the words "paid extra in proportion to their salaries as fixed by law," and to insert in lieu thereof the words "allowed compensatory time on one of the six days, Sunday excepted, following the day on which they perform such service."

Mr. BRYAN. Mr. President, it will be observed that in the paragraph immediately following provision is made for overtime work of employees on Sunday. Instead of allowing pay for overtime, the provision as to those employees is that they shall be given during the following week time to compensate for the overtime on Sunday. The amendment I offer would have the same effect as applied to overtime on a week day.

Mr. President, as stated by the Senator from Kansas, the principle of the eight-hour law is for the benefit of both the employer and the employee to keep the employee from working more than eight hours a day. If that be the object, certainly it is very poorly accomplished by this provision as it now stands, because you provide that if he works more than eight hours he shall be paid more money. Clerical work is different from manual labor. No business man would submit for one moment that his stenographer, who works less than eight hours on one day because business happened to be slack, should be paid the day's salary and if there was a little more business than usual the next day and that man had to stay half an hour or an hour longer that he should then be paid in proportion to his day's salary for the extra hour's work. That is this provision. At least one of the men who appeared before the committee stated that it was not the object of the men he represented to receive extra compensation. Their object was to secure 8 hours' work within 10 hours. The Senator from South Carolina says that the provision would be ineffective unless there was some penalty. Very well; if the employees do not want more pay, but want to be assured that they shall not be compelled to work beyond eight hours, a provision to protect them to the effect that if they are compelled to work beyond eight hours, because of the necessity of the service, because of the lateness of the mails at any particular day, that shall be made up to them within six days, will accommodate them, and the Government will be saved, I think, an enormous amount of claims that will come in for overtime work.

Mr. SMITH of Georgia. Mr. President, as was stated by the Senator from Florida, all men engaged in commercial affairs know that frequently their clerical force for a day or two work over hours, and then the effort soon thereafter is made to compensate them by giving them some leisure to take the place of it. If we are going to build up the Post Office Department and enable it to do for the people of this country what we hope it may do; if we are going to build up in the Post Office Department a proper rural-route service and a parcel-post service, we must regard business principles when it comes to the expenses of conducting that department. If we will not regard them, then we ought to abandon any idea of the Post Office Department doing anything but carrying letters. If we can not apply to the methods of the department the principles that would be employed in a bank or in any mercantile house and give the employees leisure within six days, instead of paying extra compensation every time they work an hour over eight hours, we can not conduct the business in an economical manner so as to justify any enlargement of it.

I shall support the proposed amendment of the Senator from Florida because it gives us a chance through this department to serve the people who are not in office. We have somebody else to consider besides the men who hold the offices. We have the great body of the people throughout the country to consider, and if we are going to make the Post Office Department and the other departments serve the people out of office, we must have some regard to expense and fairness, and if the employees work a little more than eight hours on one day and you give them the time back within six days, then it is everything that would be asked anywhere else, and it ought to satisfy them here.

Mr. BOURNE. Mr. President, I shall vote for the suggested amendment of the Senator from Florida.

Mr. SMITH of South Carolina. Mr. President, I should like to ask the chairman of the committee if the question of overtime and the payment for overtime does not have particular reference to the time when there would be a rush of business, namely, the holidays? Under this provision you propose to give compensatory time to the individual within six days; you propose by law to make it obligatory upon the Post Office Department to give these men a compensatory time for overtime. Suppose a man should work overtime one hour on Monday, and the very next week there was an extraordinary rush and he could only work seven hours, then a substitute would have to be found for that one hour. You compensate him for his time. He takes that hour out and the service suffers by the loss. So that my idea is to pay the employees for their time and allow no compensatory time, but let the department pay for the service, because we must pay for it in the long run, anyway.

Mr. BOURNE. Mr. President, the viewpoint which the Senator from South Carolina has just presented is well worthy of careful consideration, and, as at present advised, I shall vote for the Senator's amendment.

Mr. BRISTOW. Mr. President, I desire to say that I shall support the amendment of the Senator from Florida, because I think it meets better than the amendment that is suggested the condition that confronts the department. Monday is a very heavy day in the Post Office, because there is an accumulation of mail, and it may be necessary in handling the business for the clerks or carriers to work more than eight hours. But if they do they are entitled to that overtime, whatever it is. Sometimes during the week or on Saturday there might be a

light day, and they could have time off on Saturday if they desired. So the service will be adjusted. It will not be too rigid and it will be economical and certainly satisfactory to the employees. It could not be otherwise.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The reserved amendments will be stated in their order.

The SECRETARY. On page 12, line 16, after the word "pay," insert "and for payment of services in excess of eight hours."

Mr. BRISTOW. That amendment is unnecessary now, the Senate having adopted the amendment of the Senator from Florida.

The PRESIDENT pro tempore. The question is on concurring in the amendment.

The amendment was nonconcurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On pages 17 and 18 words of the same character are inserted.

The PRESIDENT pro tempore. Without objection, the amendments will be nonconcurred in. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is on page 12, relative to the transfer of clerks and carriers from one grade to a higher grade.

The PRESIDENT pro tempore. This amendment the Senator from Ohio [Mr. POMERENE] reserved.

Mr. POMERENE. I offer the following amendment.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. The amendment of the committee agreed to was, in line 18, to strike out "seventy-five" and in lieu insert "fifty," and in line 20, to strike out "seventy-five" and insert "fifty," on page 12. It is now proposed to restore the original words.

The PRESIDENT pro tempore. The Senator from Ohio need not offer an amendment. The question will be taken affirmatively upon inserting "fifty," and if that is voted down it restores the original text.

Mr. POMERENE. That is before the Senate now?

The PRESIDENT pro tempore. It is before the Senate now.

Mr. POMERENE. I ask that the amendment be nonconcurred in for this reason: It provides for the promotion of 50 per cent of the employees from one grade to another who may be entitled thereto by reason of efficiency. The House provision provided for the promotion of 75 per cent of those who might be entitled thereto by reason of efficiency. Many injustices, I am advised, are perpetrated because of the fact that employees who may be equally entitled to this promotion will not always secure it. If, for instance, there were three who were entitled to promotion under the provision of the bill, only one of them could be promoted and the other two could not be. It seems to me that it gives an opportunity for a show of favoritism to the employee. I do not mean to say that favoritism is shown, but it seems to me that where two men are entitled to promotion, their record for efficiency being the same, they ought to be treated alike.

For this reason it seems to me if we would increase the percentage of those who might be promoted it would serve to bring about good feeling in these offices. For that reason I ask for the approval of the House provision.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole reducing the per cent from 75 to 50.

Mr. BOURNE. I thought the Senator from Ohio sent an amendment to the desk.

The PRESIDENT pro tempore. It was not necessary. The vote will be taken affirmatively.

Mr. SMITH of Georgia. I hope the chairman will explain to the Senate that the bill as reported to the Senate contains an increase of higher-class clerks in another part under a plan recommended by the department, and with that change in the classification of clerks it was the opinion of the department that this 50 per cent was better than the 75 per cent provided for by the House. There is an increase of grading of the clerks that really gives them as much promotion.

Mr. LODGE. Let me ask the Senator a question before he takes his seat. In one word, it distributes the promotions more equitably, does it not?

Mr. SMITH of Georgia. That was the plan of the department.

Mr. BOURNE. It holds out to the employee an opportunity by reason of demonstrated efficiency, and is strongly recommended by the department and recommended by the committee.

Mr. BRISTOW. To illustrate, the bill increases the number of clerks who receive, we will say, $1,500 a year. If there are a hundred additional clerks, I do not remember the exact number allowed, at a salary of $1,400, we will say, then the clerks who are now getting $1,300 will be promoted into the 100 additional places, leaving 100 vacancies in the $1,300 grade, and then 100 $1,200 clerks will go up, and then 100 $1,100 clerks will go up, and so on. So very many more promotions will be made under the system recommended by the Senate committee than under the bill as it came from the House. The Senate committee has liberalized these promotions and provided for the promotion of a great many more people than the House did, and it does it in a better way.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole, reducing the number from 75 per cent to 50 per cent.

The amendment was concurred in.

Mr. MYERS. I move to reconsider the vote by which the amendment offered by the Senator from Florida [Mr. BRYAN] was adopted a few minutes ago. The yeas and nays had been called for, and it was supposed by some Senators that they were ordered. The vote was taken when Senators were talking, and I do not think half a dozen Senators voted on the amendment.

The PRESIDENT pro tempore. Will the Senator withhold his motion until the other reserved amendments are acted on?

Mr. MYERS. Certainly.

The PRESIDENT pro tempore. The next reserved amendments will be stated.

The SECRETARY. The Senator from Ohio [Mr. POMERENE] also reserved three amendments, on page 17, which relate to the transfer of letter carriers from one grade to another and the total amount to be paid.

Line 18, page 17, "for the promotion of 75 per cent of the letter carriers."

The committee amendment struck out "75" and inserted "50," and, in line 20, it struck out "75" and inserted "50."

The PRESIDENT pro tempore. The question is, on concurring in the amendment.

Mr. BOURNE. The same argument and line of reasoning applies to this as to the previous amendment which the Senator from Ohio reserved.

The amendment was concurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. On page 21, the Senator from Georgia [Mr. SMITH] reserved an amendment relative to inland transportation by railroad routes to which he offers a substitute, to read as follows:

Provided, That publications admitted to the mails as second-class matter, published biweekly or less frequently, may be carried wholly or partly in fast freight trains, whenever deemed practicable by the Postmaster General, and at the option of the publishers thereof, and the transportation charges therefor may be paid out of the appropriation for transportation by railroad routes at rates not exceeding the usual freight rates; and on and after January 1, 1913, the rate of postage on such second-class mail matter as may be transported wholly or partly in fast freight trains shall be 1 cent for each pound or fraction of a pound, and the rate of postage on other second-class mail matter, published biweekly or less frequently, transported in the regular mail trains at the option of the publishers thereof, and where the transportation of the same wholly or partly in fast freight trains is deemed practicable by the Postmaster General, shall be 2 cents for each pound or fraction of a pound: *Provided further*, That the Postmaster General is authorized to weigh, whenever practicable, the mails diverted from the freight trains to the regular mail trains and from the regular mail trains to the freight trains for a period of not less than 30 successive working days, and ascertain the average daily weight thereof and readjust the compensation for the transportation of the mails on the railroad mail routes affected.

Mr. SMITH of Georgia. Mr. President, the Post Office Department undertook to provide a plan for the transportation of periodicals by fast freight. It undertook to classify them as between those that carried news and those that did not. I do not sustain the classification the Post Office Department made. It caused a good deal of friction. It was an effort, however, by the Post Office Department to save the Government some of the great loss that comes from carrying second-class mail at a cent a pound when it costs the Government several cents a pound to carry it.

The Senate committee, to rectify the wrong, abolished all transportation by fast freight and carries it all back into the mail service. It appeared that the Government was about to save through this fast freight something over $2,000,000 a year in the administration of the Post Office Department. To put it back now, with all the fast mail requiring a weekly reweighing, which costs $750,000 more, and abolishing the blue-tag system, costs the Government annually two million and a half dollars, and it would cost in addition $750,000 more.

Now, for remailing. The suggestion of this amendment is that periodicals published not more frequently than every two weeks can have their option to be sent by fast freight or to go by mail, as they see fit. If they elect to go by fast freight they will travel at a cent a pound, the present rate. If they elect to go by mail they will pay 2 cents a pound, which is still less than half of what it costs the Government to carry them by fast mail.

I desire now to send to the desk the report of the Post Office Department upon this amendment. I am not very hopeful of its adoption. I have received telegrams since I offered it and published it in the RECORD from men whom I esteem very highly urging me to abandon it; from friends of mine who own periodicals, who protest that it is wrong, who protest that they ought to have a full hearing before it is adopted. I repeat what I have heard from them in substance, because I would not conceal that in any sense from the Senate, but I think their position is unreasonable. I think if we leave them the privilege of the fast mail at about one-third of what the transportation of the fast mail costs they ought not to complain. I dislike to see this effort of the department to save over $2,000,000 a year just thrown aside. I am willing myself to stand up, even if I am alone, to commend an effort of economy by the department, though I do not think the department practices it in a very wise way.

Mr. POINDEXTER. I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Georgia desire to have the paper read?

Mr. SMITH of Georgia. I want the letter from the Post Office Department read; it is only 2 pages.

Mr. POINDEXTER. What would be the effect in cost to the Government if that portion of the Senator's amendment which allows the periodicals to be shipped by freight were retained and no increase made in the rate of periodicals shipped by fast express?

Mr. SMITH of Georgia. They would all go by mail then. If you offer them two routes at the same price they would take the best route. You have got to discriminate in price because they would take the cheaper route. I am advised there are very few who are still protesting against the cheap route.

Mr. POINDEXTER. I understood the proposition was that the department classify the papers and require some of them to go by freight.

Mr. SMITH of Georgia. I am satisfied that each of the departments would arbitrarily classify them. Paying the same amount of money they ought to be entitled to the same service if they want it.

The PRESIDENT pro tempore. The time of the Senator from Georgia has expired, but if there is no objection, the letter sent to the desk will be read. Without objection, the letter will be read.

The Secretary read as follows:

POST OFFICE DEPARTMENT,
OFFICE OF THE POSTMASTER GENERAL,
Washington, D. C., August 9, 1912.

Hon. HOKE SMITH,
United States Senate.

MY DEAR SENATOR: I am in receipt of the draft of the amendment you propose to offer to the pending appropriation bill for the service of the Post Office Department with respect to the transportation of certain second-class periodical publications in fast freight trains, which you handed to the Second Assistant Postmaster General, with request for an expression of the department's opinion thereon.

The amendment in question reads as follows:

"*Provided*, That publications admitted to the mails as second-class matter, published biweekly or less frequently, may be carried wholly or partly in fast freight trains, whenever deemed practicable by the Postmaster General, and at the option of the publishers thereof, and the transportation charges therefor may be paid out of the appropriation for transportation by railroad routes at rates not exceeding the usual freight rates; and on and after January 1, 1913, the rate of postage on such second-class mail matter as may be transported wholly or partly in fast freight trains shall be 1 cent for each pound or fraction of a pound, and the rate of postage on other second-class mail matter, published biweekly or less frequently, transported in the regular mail trains at the option of the publishers thereof and when the transportation of the same wholly or partly in fast freight trains is deemed practicable by the Postmaster General, shall be 2 cents for each pound or fraction of a pound: *Provided further*, That the Postmaster General is authorized to weigh, whenever practicable, the mails diverted from the freight trains to the regular mail trains and from the regular mail trains to the freight trains for a period of not less than 30 successive working days, and ascertain the average daily weight thereof, and readjust the compensation for the transportation of the mails on the railroad mail routes affected."

In the opinion of the officers of the department, this provision is entirely practicable. It provides for the transportation of periodicals published biweekly or less frequently in fast freight trains when deemed practicable by the Postmaster General, but leaves it to the option of the publisher whether he will elect to have the publication transported in that manner or in the regular mail trains. If transported in fast freight trains the rate of postage is to be 1 cent a pound or fraction of a pound. If it is practicable to transport such publication in fast freight trains and the publisher elects to have his periodical transported in regular mail trains, the rate of postage is to be 2 cents a pound or fraction of a pound. The provision authorizing payment for transportation at the regular freight rates will obviate the complicated method of adjusting pay now necessarily followed for these particular shipments. Furthermore, the provision authorizing the Postmaster General to weigh the diverted mails whenever practicable will enable him to restore to the regular mail trains periodicals which have been carried in freight trains without the necessity of reweighing all the mails on the routes affected. It will also enable him to make changes from freight to regular mail and from regular mail to freight trains as the preference of the publisher may be made known.

If this amendment becomes law it is believed that but few publishers whose periodicals are now transported in fast freight trains will elect to have them carried in the regular mail trains and pay the higher rate of postage. It is impracticable to estimate the probable weight of the publications which would be restored to the regular mail trains under these circumstances. It is believed, however, that $100,000 would cover the additional cost of transportation and weighings of the periodicals restored, and therefore that with the enactment of this provision the item for inland transportation by railroad routes as reported by the Senate committee could be reduced $2,290,000, and that the item for railway post office car service as reported by the Senate committee could be reduced $204,000. The respective amounts added by the Senate committee were intended to make provision for the cost of the restoration of the second-class matter in question to the regular mail trains. Furthermore, it should not be overlooked that should the amendment be adopted the substantial saving made by the department will be continued in the future.

Yours, very truly,

FRANK H. HITCHCOCK,
Postmaster General.

Mr. SMITH of Georgia. I ask the Secretary to read the accompanying memorandum.

The Secretary read as follows:

AUGUST 10, 1912.

Memorandum of items of saving that will be effected by this provision under the amounts stated in the bill.

For additional cost of transportation of blue-tag matter (difference between cost at freight rates and cost at regular mail rates), additional cost for one year's increase in mails which must be paid if a reweighing is had, and the cost of reweighing the mails in the second and third contract sections	$2,390,000	
Less (for necessary reweighings and cost of possible diverted mails under the provision suggested)	100,000	
		2,290,000
Cost of additional car space		204,000
Total saving		2,494,000

Mr. GUGGENHEIM. Mr. President, the Senator from Georgia has expressed the object of the amendment, in my judgment, very clearly and very tersely. As a member of the Committee on Post Offices and Post Roads I was in favor of the amendment at the time it was considered there, and for one I should like to see the amendment adopted now, for I regard it as an amendment of great advantage to the Post Office Department.

Mr. JONES. I wish to ask the Senator from Georgia what specific publications the amendment applies to; that is, whether weekly or biweekly.

Mr. SMITH of Georgia. Biweekly.

Mr. JONES. Why does it not apply to the weekly publications?

Mr. SMITH of Georgia. They do not any of them go by fast-mail freight now. There is no system of fast freight that can handle the weekly papers, unless with very few exceptions, I understand.

Mr. JONES. Why not give those exceptions the opportunity, anyhow?

Mr. SMITH of Georgia. Because we have left all the weekly papers at 1 cent a pound.

Mr. BRISTOW. Mr. President, I hope the amendment will not prevail, because I can not see why the Outlook should have the privileges of the mail at 1 cent a pound and the Review of Reviews be charged 2 cents a pound simply because the Outlook is printed once a week and the Review of Reviews once a month. They are publications of the same general character. It is manifestly, to my mind, unjust to penalize a publication because it is published every two weeks instead of every week.

Why should Collier's Weekly be given the mail privileges at 1 cent a pound and the Review of Reviews or some similar publication that is not printed every week or every two weeks be charged 2 cents a pound? If we are going to increase the rate on second-class mail it should apply the same to all publications. You can not make an equitable segregation, in my judgment. The Post Office Department has tried it and utterly failed. They tried to make the segregation from the standpoint of the news, declaring that a publication that had current news should go in the fast mail trains, and if it did not contain what was called current news it could go in the freight trains; and the opinion of each individual as to what was news varies in just the proportion as to the number of individuals. So the blue tag has become one of the odious things to the postal history of the United States.

In my judgment the amendment offered by the Senator from Georgia would be just as impracticable. If we are going to raise the rate on second-class matter let us take hold of it and raise it on all—on the weekly, the daily, and the monthly publications all alike.

Mr. GUGGENHEIM. It was shown in the hearings that a great many of the periodicals were, in fact, under the blue-tag system. This was not mentioned by the Senator from Kansas.

In regard to the discrimination, if the periodicals wish to have their editions published weekly they will have the privilege. Therefore they would be under no disadvantage.

Mr. BRISTOW. I should like to ask the Senator from Colorado if he can name a single publisher who is in favor of the blue-tag system. If so, I should like to have it in the CONGRESSIONAL RECORD.

Mr. GUGGENHEIM. I refer the Senator from Kansas to the hearings which are published.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia [Mr. SMITH]. [Putting the question.] The ayes appear to have it.

Mr. GUGGENHEIM. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I therefore withhold my vote. I will let that announcement stand for the balance of the day.

Mr. BRYAN (when his name was called). I again announce my general pair with the Senator from New Mexico [Mr. FALL]. I transfer that pair to my colleague [Mr. FLETCHER] and vote. I will let this announcement stand for the afternoon. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I will withhold my vote.

Mr. GUGGENHEIM (when his name was called). On account of the absence of my pair I am obliged to withhold my vote.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. During his absence, not knowing what his vote would be, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I am paired with the senior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from Louisiana [Mr. THORNTON] and vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER] and withhold my vote on account of his absence. I will not repeat this announcement, but will let it stand for any other votes to-day.

The roll call was concluded.

Mr. REED. I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. MARTINE] and vote "yea."

Mr. LIPPITT. I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let that announcement stand for the day. I vote "yea."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the Senator from Delaware [Mr. RICHARDSON]. I wish this announcement to stand for the rest of the day.

The result was announced—yeas 29, nays 28, as follows:

YEAS—29.

Bacon	Johnston, Ala.	Page	Smith, Md.
Borah	Lippitt	Perkins	Stone
Burnham	Lodge	Reed	Tillman
Burton	McLean	Root	Warren
Chilton	Martin, Va.	Sanders	Williams
Crawford	Nelson	Shively	
Gallinger	Oliver	Simmons	
Johnson, Me.	Overman	Smith, Ga.	

NAYS—28.

Ashurst	Chamberlain	Jones	Poindexter
Bourne	Clapp	Kenyon	Pomerene
Bradley	Cullom	Massey	Smith, Ariz.
Brandegee	Cummins	Myers	Smith, S. C.
Bristow	Curtis	Newlands	Smoot
Bryan	Dillingham	O'Gorman	Swanson
Catron	Hitchcock	Penrose	Townsend

NOT VOTING—37.

Bailey	du Pont	Kern	Smith, Mich.
Bankhead	Fall	La Follette	Stephenson
Briggs	Fletcher	Lea	Sutherland
Brown	Foster	McCumber	Thornton
Clark, Wyo.	Gamble	Martine, N. J.	Watson
Clarke, Ark.	Gardner	Owen	Wetmore
Crane	Gore	Paynter	Works
Culberson	Gronna	Percy	
Davis	Guggenheim	Rayner	
Dixon	Heyburn	Richardson	

So the amendment of Mr. SMITH of Georgia was agreed to.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. The next amendment reserved is on page 37—the good roads amendment—reserved by Mr. SWANSON.

Mr. SIMMONS. Mr. President, that amendment was reserved by the Senator from Virginia for me. I send to the Secretary's desk an amendment which I propose to come in after line 9, on page 40. This amendment, I desire to state, was prepared by the Senator from Alabama [Mr. BANKHEAD] and myself.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 40, after line 9, it is proposed to insert:

That there is hereby appropriated the sum of $1,000,000, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of Agriculture in cooperation with the Postmaster General in improving the conditions of roads to be selected by them over which rural delivery is or may hereafter be established, such improvement to be for the purpose of ascertaining the increase in the territory which could be served by each carrier as a result of such improvement, the possible increase of the number of delivery days in each year, the amount required in excess of local expenditures for the proper maintenance of such roads, and the relative saving to the Government in the operation of the Rural Delivery Service, and to the local inhabitants in the transportation of their products by reason of such improvement: *Provided*, That the State, or the local subdivision thereof in which such improvement is made under this provision, shall furnish an equal amount of money for the improvement of the road or roads so selected. Such improvement shall be made under the supervision of the Secretary of Agriculture.

SEC. 2. That the Secretary of Agriculture and the Postmaster General are hereby directed to report to Congress within one year after the ratification of this act the result of their operations under this act, the number of miles of road improved, the cost of same, and such other information as they may have acquired in connection with the operation of this act, together with such recommendations as shall seem wise for providing a general plan of national aid for the improvement of postal roads in cooperation with the States and counties, and to bring about as near as possible such cooperation among the various States as will insure uniform and equitable interstate highway regulations.

Mr. SIMMONS. Mr. President, I desire to say to the Senate that this is not offered as a substitute for the Senate amendment adopted on yesterday providing for the appointment of a joint committee to make inquiry into the subject of Federal aid in the construction of highways, but it is proposed as a supplemental proposition. The information which the Congress will secure through the amendment adopted on yesterday will be only such as the members of that commission, which is to be composed of Members of the House and of the Senate, will be able to gather after an examination of the highways of the country and such information as they can pick up. The amendment which I propose is for the purpose of obtaining practical experimental information, to be gathered by the Department of Agriculture and the Post Office Department, in the work of actually constructing highways here and there throughout the country in cooperation with the local communities.

Of course, it is intended that the Government officials will make their selections in various sections of the country where conditions are different. For instance, in my own State there is a great variety of conditions which affect the subject of road construction. In the mountainous country there is one condition which entails many difficulties in connection with road construction; in the Piedmont section there is another condition; and in the coastal section there is still a different condition. In order to obtain experimental knowledge it is necessary that they should construct some roadways in all three of these sections of that State.

There are different physical conditions in the West from those existing in the South with reference to this matter, and different physical conditions in the East from those which exist in the West. Therefore the amendment which I have offered authorizes them to experiment here and there in the different portions of the country so as to bring out the difficulties with reference to road construction, for the purpose of obtaining experimental information, first, as to the cost of construction; then as to the best methods for the application of Government aid; and for the further purpose of ascertaining what is the best process for cooperation between the Government and different localities concerned. Then, Mr. President, the amendment further provides that after this small sum of money—a million dollars—has been expended in this experimental way and this information is obtained, these two departments shall report to Congress, giving us the benefit of all the information they have obtained in connection with these experiments, and with the further requirement that they shall report a comprehensive plan for Government cooperation with the States, counties, and other communities in the work of improving the postal highways.

Mr. President, one further observation and I will have concluded: The Government in recent years, in undertaking any

great work of national importance in connection with the functions of the Government——

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. SIMMONS. I desire to say that I trust the Senator from Alabama [Mr. BANKHEAD] may be able to finish the explanation which I was making. He can speak in his own time, and I have no doubt is ready to do so.

Mr. BOURNE. Mr. President, I hope this amendment will not be adopted. The Senate yesterday by a decisive vote struck out the provision in the House bill known as the Shackleford bill and adopted a substitute, creating a joint commission for a study of this question and providing for a report to Congress at the earliest possible date. It seems to me that the amendment just offered by the Senator from North Carolina is unnecessarily premature; that no good would result commensurate with the amount of money that would be expended, and that, if it were adopted, there would be no necessity for the adoption of the committee amendment providing for the creation of a joint committee to make a study of this question.

Mr. SIMMONS. Mr. President, may I interrupt the Senator?

Mr. LODGE. I ask for the regular order.

The PRESIDENT pro tempore. The Senator from North Carolina has a right to interrupt the Senator from Oregon in his own time.

Mr. SIMMONS. The Senator has taken his seat, and I will not interrupt him.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina.

The amendment to the amendment was rejected.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is at the top of page 43, the proviso that was inserted at that point yesterday relative to the Rural Delivery Service, reserved by the Senator from Kansas [Mr. CURTIS].

Mr. CURTIS. I should like to have the amendment stated.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. Two amendments were inserted at this point, one on motion of the Senator from North Dakota [Mr. MCCUMBER].

Mr. CURTIS. I reserved the one offered by the chairman of the committee.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. On page 43, the following amendment was inserted on motion of Mr. BOURNE:

Provided further, That after the taking effect of this act the Postmaster General shall establish and promulgate rules and regulations for the letting of contracts for the carrying of mails on rural routes as near as may be upon the same plan of advertisement and contract now provided by law for the star-route service, no contract to provide a compensation in excess of $1,200 per annum.

Mr. CURTIS. Mr. President, I hope that amendment will not be concurred in. It is surely a step backward. Any person who has had any experience with the system under which contracts are let for the carrying of the mails on star routes knows that the service provided is very poor. The present rural service is not what it should be, simply because the carriers have not had sufficient pay; but to return to the contract service would mean to give to the people poor service. I hope the amendment will not be concurred in.

Mr. SWANSON. Mr. President, this is a renewal of the old fight we had at the beginning of the Rural Delivery Service. An effort was made at that time to provide for a contract service. There is a vast difference between a rural-delivery carrier and a star-route carrier. A star-route carrier, unless on request of the patrons, carries the mail in a sealed pouch, but the rural-delivery carrier is like a carrier in a city. He has personal control of the mail; he is intrusted with it; and if he is not a man of character, a man of standing, and a worthy man, no one wants him to handle his mail individually. If you make this a contract service it will simply result in destroying the present character of it. I have no doubt you could get the work done for less money, but who is going to pass on the character of the man who is merely the lowest bidder and, therefore, secures the contract?

It will certainly be impossible under such a system to secure the character of men in the Rural Delivery Service whom you desire to handle your mail; and I hope the Senate will refuse to concur in the amendment.

Mr. BAILEY. I desire to inquire if the debate is proceding on an amendment offered in the Senate or is it proceeding on an amendment adopted as in Committee of the Whole?

The PRESIDENT pro tempore. This amendment was agreed to as in Committee of the Whole. The question now is, Shall it be concurred in in the Senate?

Mr. BAILEY. I submit that that is not debatable.

Mr. SWANSON. It is debatable for five minutes.

Mr. BAILEY. It is not, Mr. President.

Mr. WILLIAMS. The unanimous-consent agreement allows five minutes' debate.

Mr. BAILEY. It is five minutes on an amendment offered, but not one minute on an amendment that comes over after having been agreed to as in Committee of the Whole.

Mr. LODGE. That is correct.

Mr. BAILEY. I have no objection to the discussion, but I merely thought it was not exactly right to have two Senators opposed to an amendment occupy the time, when really, under the rule, the question is not debatable at all.

Mr. SWANSON. Mr. President, I am through anyway; but, if necessary, I should move to amend by striking out the last word and get five minutes more.

The PRESIDENT pro tempore. The question is upon concurring in the amendment.

Mr. SMITH of Georgia. We really did not consider that amendment as in Committee of the Whole, and we can not afford to put it in the bill.

Mr. MCCUMBER. Mr. President, we voted yesterday to fix the rate of compensation of rural carriers at from $600 to $1,200 per year. Now, this is wholly inconsistent with the provision which we adopted after considerable debate. The amount which we provided in the bill by our amendment was thought to be reasonable and just to all alike.

Mr. BAILEY. Mr. President, I have never known a unanimous-consent agreement to be violated. I make the point of order that this matter is not debatable.

The PRESIDENT pro tempore. The Chair sustains the point of order, according to the strict interpretation of the unanimous-consent agreement.

Mr. MCCUMBER. I should like to be heard upon the point of order.

The PRESIDENT pro tempore. The Senator can now be heard.

Mr. MCCUMBER. It is rather useless to be heard after the Chair has announced what his ruling would be, but I submit, Mr. President, the unanimous-consent agreement allowed five minutes' debate on all amendments offered, and the amendment under discussion was offered to this bill.

Mr. LODGE. The amendment was agreed to yesterday.

The PRESIDENT pro tempore. The Senator from North Dakota is in error. The question is on concurring in the amendment.

The amendment was not concurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is the one reserved by the Senator from Iowa [Mr. CUMMINS], the third paragraph on page 55, relative to the competitive civil-service examination for clerks in post offices transferred to the Railway Mail Service.

Mr. CUMMINS. Mr. President, I shall not insist upon a yea-and-nay vote on that amendment.

The PRESIDENT pro tempore. The question is on concurring in the amendment.

The amendment was concurred in.

The PRESIDENT pro tempore. The next reserved amendment will be stated.

The SECRETARY. The next reserved amendment is that reserved by Mr. SMITH of Georgia, relative to the parcel-post provision, section 8 of the bill.

Mr. LODGE. Mr. President, I desire to inquire if the question is on an amendment that has been adopted as in Committee of the Whole?

The PRESIDENT pro tempore. It is.

Mr. LODGE. Then, I submit that it is not debatable.

Mr. BAILEY. I understood the Senator from Arizona [Mr. ASHURST] sent to the desk an amendment to that section some time ago.

The PRESIDENT pro tempore. The amendment will be stated.

Mr. MYERS. Mr. President, have we finished the consideration of the committee amendments?

The PRESIDENT pro tempore. We have not as yet. The Senate is now considering one.

Mr. SMITH of Georgia. This is an amendment to the committee amendment?

The PRESIDENT pro tempore. Does any Senator desire to offer an amendment to the amendment?

Mr. SMITH of Georgia. I have stated that I would offer an amendment to the amendment, and I offer it now.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment.

Mr. ASHURST. Mr. President, at the appropriate time, under the rule, I desire to offer an amendment to section 8 which would be in the nature of perfecting that amendment.

The PRESIDENT pro tempore. The appropriate time will be after the Senator from Georgia has offered his amendment.

Mr. SMITH of Georgia. I move to amend the amendment, in line 7, page 61, by striking out the word "three," before the word "cents," and inserting the word "two."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 61, in the committee amendment, line 7, before the word "cents," it is proposed to strike out "three" and in lieu thereof to insert "two," so as to read:

For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound or fraction of a pound and 2 cents for each additional pound or fraction of a pound.

Mr. BAILEY. Mr. President, I desire to say a few words after the Senator from Georgia has explained his amendment, if he desires to do so.

Mr. SMITH of Georgia. Mr. President, the effect of this amendment is for a 50-mile distance to make the increased cost for each additional pound 2 cents instead of 3 cents. The amendment of the Senate committee charges 5 cents for the first pound and 3 cents for each additional pound. My proposed amendment makes the charge 2 cents for each additional pound. I am satisfied 2 cents will cover the cost to the Government. Two cents for each additional pound was the amount in the original Bourne bill. I think the short distance is the most important one to the majority of the people, and this will clearly cover the cost and save the criticism that has been made about the rates proposed exceeding the express rates.

Mr. LODGE. If I may ask him the question, does the Senator propose to follow up this amendment by reducing the rates throughout the zones?

Mr. SMITH of Georgia. I propose to make it apply to the first and second zones.

Mr. LODGE. I mean does the Senator mean to amend further so as to reduce the rate in all the other zones?

Mr. SMITH of Georgia. I will move to amend in the second zone also—just those two zones.

Mr. LODGE. But not beyond the second?

Mr. SMITH of Georgia. Not beyond the second. Just those two short zones, because it is in those two short zones that we seem to have exceeded the express rate.

Mr. BAILEY. Mr. President, I had intended to occupy some time in opposition to this general scheme of a parcel post, but it so happened that members of the committee desired to address the Senate and I did not think it gracious to interfere with them. I must, therefore, content myself with a mere statement of the fact that I am opposed to the entire proposition, because it marks another wide departure from what I consider the fundamental principles of good government. It abolishes the distinction long recognized between mail matter and merchandise and reduces the United States to a common carrier for hire. Not only is it to be a common carrier over the railways of the country, but it is to become a drayman in the towns and cities throughout the United States.

When the Constitution authorized the Congress of the United States to establish post offices and post roads the meaning of those terms was well understood, and carrying the mails had long been accepted as a governmental function; but now, sir, we are asked to extend that service until the mail carriers of the United States will be delivering at the homes of our people hams, eggs, lard, salt, and molasses. But, sir, while this amendment makes the General Government a common carrier to only a limited extent, it is but the beginning, and we shall see it extended in the years to come. Just as the small packages now carried in our mails have been used as an argument to justify the transmission of these larger parcels, so these larger parcels will be advanced as an argument in favor of still larger ones. It will prevail, for when you abandon the distinction between mail and freight and consent to make the Government of the United States a common carrier, then the whole question henceforth resolves itself into a mere matter of detail. There is no principle which can deny the Government the right to carry the farmer's cotton to the manufacturer while asserting its right and duty to carry the manufacturer's cotton goods to the farmer.

I can not bring myself to believe that it is the office of the Government to serve the people in this capacity. I can not yield to the entreaty heard on every side that we shall render this service to the people. Sir, I believe in the old doctrine under which people rendered a certain service, and only a certain service, to the Government; and under which the Government rendered a certain service, and only a certain service, to the people. I agree that it is the duty of the Government to secure the people in their sacred and inalienable rights of life and liberty, and that it is the further duty of the Government to secure the people in their rights of property, but when that has been accomplished, then all government beyond it becomes an interference with the growth and development of the individual citizen.

I grant you that the Government can serve the people until they will come to depend upon its service; I grant you that the Government can do for the people what they ought to do for themselves until they will look to the Government instead of to themselves for what they want; but under no system like that will we ever rear a race of men and women like those who have made this country an example and an inspiration to all the world. The Government can go on serving the people until the people forget how to serve themselves. That may make life easy, but it will not make a nation great. Sir, it is the struggle of men to serve themselves that alone can make them fit to maintain a free government; and a people who day after day and year after year look to their government for assistance finally so enervate themselves, so enfeeble their character, so waste their strength, that the government under which they live can not expect them to save it.

Mr. ASHURST. Mr. President, I desire to consume five minutes in reply to the Senator from Texas [Mr. BAILEY]. Ben Jonson once said that Lord Bacon's speeches were nobly censorious. The Senator from Texas [Mr. BAILEY] is nobly censorious when he speaks, but great as is his ability, he has regarding this question proceeded upon an erroneous hypothesis.

The Senator from Texas would have the Senate and the country believe that the liberties of the American people are endangered the moment the Government begins to deliver, through the mail, packages of over 11 pounds in weight.

I once read a boy's essay entitled, "What is our Government?" In his essay the boy said:

Our Government is a sovereignty which can dig canals but can not build railroads; a sovereignty which can build warships but not peace ships; a sovereignty which can build navy yards but not stockyards; a sovereignty which can deliver mail matter but not express matter.

The Senator may regard it as somewhat presumptive on my part to differ from him, but as an eminent private citizen once said, "The humblest person when clad in the armor of a righteous cause is greater than all the hosts of error which ablest man can bring."

When the Pacific railroads were built, they were granted subsidies of various kinds by Congress. Congress was extremely liberal in aiding in the construction of these railroads and granted to them every alternate section of public land 40 miles on either side of their lines of definite location. The grants were made with the idea in view that the roads would be useful to the Government in transporting troops, munitions of war, and mail, and in the debates that attended these subsidy bills reference was made to the Constitution of the United States, which granted the power to Congress "to establish post offices and post roads." If such a strained construction could be placed upon the Constitution as to enable Congress to grant to the railroad companies vast areas of the people's land, surely the liberties of the American people will not be destroyed nor will the Constitution of the United States in any wise be impaired if the Congress should now, under that same clause of the Constitution which authorizes Congress "to establish post offices and post roads," provide for a delivery to the citizens of the United States of packages, packets, and express matter weighing from 11 to 100 pounds.

I am certain I may justly observe without the extravagance of flattery that the Senator from Texas [Mr. BAILEY] is an eminent constitutional lawyer, and I shall now read for his consideration a short excerpt from a book entitled "Social Reform and the Constitution," written by Dr. Goodnow, professor of administrative law at Columbia University. I read from page 234, as follows:

The United States Government is also authorized by the Constitution to adopt a policy of public ownership as a necessary and proper means for carrying into effect any power conferred upon it by the Constitution. Thus it may construct and probably operate *means of transportation* like wagon roads and canals. Inasmuch as Congress is the judge as to what are necessary and proper means, it is difficult to find any constitutional objection to a policy of public ownership, provided it is adopted as a means to carry into effect a power granted by the Constitution, such as the power to regulate commerce. Thus, there is no obstacle to be found in the United States Constitution to a policy of government ownership on the part of either the State or the United States Governments. (Indiana *v.* United States, 148 U. S., 148; Wilson *v.* Shaw, 204 U. S., 24; McCulloch *v.* Maryland, 4 Wheaton, 316.)

Even if public ownership be unauthorized by the Constitution, and I do not now discuss that, surely, in view of these deci-

sions there can be no doubt as to the power of the Congress to enact a law permitting the delivery of packages and packets, frequently called express matter.

In the case of Ex parte Jackson (96 U. S., 727) the Supreme Court of the United States explicitly held that "the power to establish post offices and post roads * * * since the foundation of our Government has been construed to authorize not merely the routes over which mail shall be carried, but *what* should be carried and its weight and form."

The PRESIDENT pro tempore. The time of the Senator from Arizona has expired.

Mr. BRISTOW. Mr. President, I regret very much that the Senator from Georgia has offered this amendment. As he knows, the committee has spent weeks and months in working out what we thought was the best possible system. The amendment as reported in the bill, as I understand it, was the unanimous action of the committee. I had not the slightest idea that the Senator from Georgia had changed his mind until he offered the amendment this afternoon.

It is admitted by all that with the present rate after the distance of 2,000 miles is reached the Government in carrying the packages carries them at a loss. In the committee I sought to have the zones increased so that there would be 12 instead of 8 and making the maximum charge 16 cents a pound instead of 12 cents a pound. But the committee refused to consider that favorably, because it was of the opinion that since the rate on foreign parcels between our country and other countries was 12 cents, we should not have any rate for domestic parcels of more than 12 cents. So we have fixed the rates, and on the long distance the packages must be carried at a loss. What the cost is of carrying the packages for the short distances can not be actually ascertained. It must be an estimate and the estimate must be based upon the expenses of the service at the present time or in the past.

Granting that the rate suggested by the Senator from Georgia would maintain the service, which I doubt seriously, the bill, as I said during the afternoon, has added to the expense of the delivery approximately $8,000,000 in a single item. In the postal service we do not increase the expense in proportion to the revenue. The increase of the expenditure of the postal department is largely a matter of political concern. We did not add $8,000,000 to the expenditures for rural delivery, because we could not get carriers for the salary that is now paid, but because the Senate wanted to pay the carriers more than they are now receiving.

Those increases are likely to occur at any time during any session of Congress, and, when these rates are once established, then you will have very great difficulty and impose very great injustice in certain cases if you increase them, because the business becomes adjusted to that rate. By the amendment that was offered by the Senator this afternoon, and which the Senate adopted, the rate on certain second-class publications is raised from 1 cent to 2 cents per pound. You are imposing a very great burden upon certain publications that, in my judgment, will destroy the profits of a number of publications and put out of business a number of publishers of magazines. It becomes then a matter of grave concern. In establishing the new service, why is it necessary to put the rates below what we know are safe and sound? Why do you take the chance of being confronted in the future with a loss in handling packages, as we are to-day, confronted with a loss in handling second-class matter? What is the occasion for it? If we find from experience and practice that the rate is too high, it can be reduced, but it is very difficult to raise a rate. A reduction confers a favor on the man whose business has been established, because it lessens his expense; but an increase imposes an additional expense for which he has not made any preparation.

I sincerely trust that this amendment, which, in my judgment, will launch the Government into an expenditure for the carrying of packages which will ultimately result in a loss, will not be adopted.

Mr. WILLIAMS. Mr. President, one position taken by the Senator from Kansas is absolutely unwarranted by anything in the amendment or by anything in the course of possible argument concerning the amendment. It is the idea that any monthly magazine would be put out of business by the adoption of the amendment. The owners of the magazines have their choice under the amendment to choose whether or not they shall pay a 2-cent rate by mail or pay a cent rate and go by fast freight. So unless the proprietors of the magazines or the men who are authorized by the magazines to look out for the mail matter choose to go by fast freight they can not be forced under the amendment to go by fast freight. I will ask the Senator from Georgia if that is correct or not.

Mr. SMITH of Georgia. The amendment the Senator refers to has already been disposed of. The amendment now pending proposes to lessen somewhat the cost of the parcel post on a 50-mile distance. The Senator from Kansas brought the amendment we had already passed into this argument, and I suppose misled the Senator from Mississippi into supposing that that was still the amendment under consideration.

Mr. WILLIAMS. The Senator from Mississippi humbly confesses that he was entirely misled. It has not been the first time in his life that he was misled by the Senator from Kansas. It was not very long ago when he was misled by him. I thought from the Senator's argument that that was the matter under discussion, and I wanted to express a view of constructive statesmanship concerning it. Now I find that, much to my own humiliation, I have been discussing something in the air, which amounts to nothing.

Mr. SMITH of Georgia. Mr. President, I desire to rise to a matter of personal privilege for just a moment.

The PRESIDENT pro tempore. The Senator will state it.

Mr. SMITH of Georgia. The Senator from Kansas stated that we unanimously agreed to this increase in the committee. That is true, but I do not think because I agreed to it in the committee if I subsequently concluded that it could be improved by a change it would not be proper to suggest a change in the Senate. I did agree to it there, and it was unanimously agreed to.

Mr. BOURNE. Mr. President, I find myself in a most embarrassing situation. The rates proposed by the Senator from Georgia are the rates that I had in the bill I prepared and introduced on the 16th of May for the first two zones, with the exception that in my bill the second zone was 200 miles. The zone in the bill now before the Senate is 150 miles.

I attempted, and I think successfully, even at the risk of the charge of egotism, to demonstrate that those rates would be self-supporting upon the basis of the construction of the bill and the best obtainable data bearing upon the problem which in my opinion was worthy of adoption in coming to the conclusion. The committee increased the rates, as has been shown and demonstrated here before the Senate.

I am chairman of the committee. The vote was unanimous, I voting myself for the increased rate on these two zones, and I shall now vote against the amendment offered by the Senator from Georgia, because I believe that it is my duty as a temporary representative here of the committee to do so. But I do not want to be put in the attitude of stating that I do so because I believe the rates suggested by the Senator from Georgia would incur a loss to the Government.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia [Mr. SMITH]. [Putting the question.] The noes appear to have it.

Mr. SMITH of Georgia. I call for the yeas and nays. It is a very important matter.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I have a general pair, as I have stated, but upon this vote I have been released from my pair. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. He is not in the Chamber, and I withhold my vote.

Mr. LA FOLLETTE (when Mr. GRONNA's name was called). For the Senator from North Dakota [Mr. GRONNA], I desire to state that he is unavoidably absent, and that if present he would vote for this amendment.

Mr. GUGGENHEIM (when his name was called). On account of my general pair I withhold my vote. I desire this announcement to stand for the balance of the day.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. REED. I again announce my pair with the senior Senator from Michigan [Mr. SMITH] and the transfer of that pair to the Senator from New Jersey [Mr. MARTINE]. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). As I said before, the senior Senator from Michigan [Mr. SMITH] is unavoidably absent. I do not know how he would vote on this proposition, although as to the general question he is favorable to the so-called parcel-post bill. He is paired with the junior Senator from Missouri [Mr. REED].

Mr. SMITH of South Carolina (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "yea."

Mr. STONE (when his name was called). I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Louisiana [Mr. THORNTON] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], who is absent. I withhold my vote. Were he present I would vote "nay."

Mr. BRYAN. Under my pair, as transferred, I vote "nay."

Mr. JOHNSON of Maine. I wish to announce the unavoidable absence of my colleague [Mr. GARDNER]. He is paired with the senior Senator from Rhode Island [Mr. WETMORE].

The result was announced—yeas 22, nays 33, as follows:

YEAS—22.

Ashurst	Martin, Va.	Pomerene	Smith, S. C.
Bacon	Myers	Reed	Stone
Chilton	Newlands	Shively	Swanson
Johnson, Me.	O'Gorman	Simmons	Williams
La Follette	Overman	Smith, Ariz.	
Lippitt	Poindexter	Smith, Ga.	

NAYS—33.

Borah	Chamberlain	Kenyon	Root
Bourne	Clapp	Lodge	Sanders
Bradley	Crawford	McLean	Smoot
Brandegee	Cullom	Massey	Townsend
Bristow	Cummins	Nelson	Warren
Bryan	Curtis	Oliver	Works
Burnham	Gallinger	Page	
Burton	Johnston, Ala.	Penrose	
Catron	Jones	Perkins	

NOT VOTING—39.

Bailey	Dixon	Heyburn	Richardson
Bankhead	du Pont	Hitchcock	Smith, Md.
Briggs	Fall	Kern	Smith, Mich.
Brown	Fletcher	Lea	Stephenson
Clark, Wyo.	Foster	McCumber	Sutherland
Clarke, Ark.	Gamble	Martine, N. J.	Thornton
Crane	Gardner	Owen	Tillman
Culberson	Gore	Paynter	Watson
Davis	Gronna	Percy	Wetmore
Dillingham	Guggenheim	Rayner	

So the amendment of Mr. SMITH of Georgia was rejected.

Mr. SMITH of Georgia. I consider that vote applicable to both amendments, the same principle is involved; and I will not prolong the session further by pressing the other amendment.

Mr. POMERENE. On page 62, after line 18, I move to insert the amendment which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. On page 62, after line 18, at the end of the section insert:

For the purpose of perfecting and extending the facilities of the parcel post hereby provided for, and for the purpose of inquiring into the advisability and propriety of adding thereto an express post, a committee of 10 persons shall be appointed, composed of five Senators, to be named by the President of the Senate, and five Representatives, to be named by the Speaker of the House of Representatives, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post and express post by the Senate and House Committees on Post Offices and Post Roads, and take such other and additional testimony as they may deem desirable.

The Postmaster General and the Interstate Commerce Commission shall furnish data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of said committee $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated.

The committee shall report to the Congress on the first Monday in December, 1912.

Mr. POMERENE. Mr. President, if any one thing has been made apparent I do not believe I overstate it when I say that the rates which have been adopted are largely a matter of experiment. There has been a good deal of conflicting evidence in the reports which have been presented by the House and by the Senate committee as to whether we should adopt a parcels post or an express post. This is a new proposition in the United States, considering it from a legislative standpoint. Our citizens are without practical experience upon the subject. The purpose of the amendment is evident. It does seem to me that we ought to have some further investigation of this subject with a view to ascertaining what we shall do with respect to additional legislation upon it. I do not care to occupy the time of the Senate further.

Mr. LODGE. I desire to make a point of order against the amendment, that it is general legislation and not contemplated either in the House provision or in the Senate amendment. It is not embodied in either of them.

Mr. BAILEY. Unless the Chair is ready to rule against the point of order, I would like to be heard a moment.

The PRESIDENT pro tempore. The Chair prefers to have the matter discussed.

Mr. BAILEY. Then, Mr. President, of course, the Senator from Massachusetts will be entitled to the first word, but as I only wish to say a word, and being on the floor, I will do that now. If we regard the substance and not the mere phraseology, the two propositions are the same, and the proposition of the Senator from Ohio is more logical than the other, because in the one case you mix the mail and the merchandise obviously to the disadvantage of both, while in the case proposed by the Senator from Ohio you perform a service as a common carrier for merchandise, and you will perform it independently of the governmental function of a mail carrier.

Now, the very necessity of the mail service compels a limitation upon the length and upon the bulk of these packages. There can be no logic in saying that the Government may carry my neighbor's mail within the limitation of 11 pounds because it is 71 inches long and shall not carry my mail, no heavier, because it happens to be 73 inches long. The matter of inches is made material only because the length interferes with a totally different service. I have no hesitation in saying that if the Government of the United States has to step down from its high place as a sovereign and become a common carrier for hire I would prefer to see it perform that service in the manner and in the character which insures the best performance of it.

Mr. POMERENE. Mr. President——

Mr. LODGE. If the point of order is going to lead to debate, I withdraw it.

The PRESIDENT pro tempore. The Chair is prepared to rule on the point of order. At the same time the Chair feels that courtesy to Senators would require him to hear Senators further upon the point of order.

Mr. LODGE. I withdraw my point of order in the somewhat vain hope that we may reach a vote on the amendment.

The PRESIDENT pro tempore. The point of order is withdrawn. The question is on the amendment submitted by the Senator from Ohio. [Putting the question.] The noes appear to have it.

Mr. POMERENE. I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Ohio asks for the yeas and nays. Is the demand seconded? [After a pause.] Not a sufficient number.

Mr. BAILEY. I demand that the other side be counted so that we can see if a fifth of those present have seconded the call for the yeas and nays.

The PRESIDENT pro tempore. Those opposed to ordering the yeas and nays will rise and stand until they are counted or raise their hands. [After a pause.] Seven have seconded the demand for the yeas and nays and there are 39 in the negative. The yeas and nays are not ordered. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Has the Senator an amendment he desires to offer to this provision?

Mr. HITCHCOCK. I have an amendment I desire to offer to the original bill.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. BAILEY. Mr. President, what amendment are we voting on?

The PRESIDENT pro tempore. On the parcel-post amendment.

Mr. BAILEY. I ask for the yeas and nays on that.

The yeas and nays were ordered.

Mr. McCUMBER. Mr. President, I have refrained from taking five minutes' time in the discussion of any of the amendments in order that I might occupy a few moments on the final passage of this proposition.

Mr. President, the platform of each of the great political parties declares unequivocally in favor of a parcel-post system. When both, or all of the great political parties of this country declare for a proposition, and especially if such proposition be new, we can feel sure that the subject so declared will be crystallized into a law. The country stands pledged to-day for a parcel-post system, and a parcel-post system the country will have.

The matter then resolves itself into a question of what kind of a parcel post shall be established. The local merchants in almost every little town in the country view the subject with fear and disfavor. They fear the commission houses of the great cities with their cash system will put them with their credit system out of business. The farming element of the country on the other hand demands greater facilities and a broader field for their purchases.

As a protectionist, as one who believes in building up and sustaining our local interests, I want no law that will work disaster to the country merchants, nor do I want a law that would hamper the opportunities of the farmer. I believe that in this Bourne bill a system has been worked out that will benefit both and harm neither. This bill should provide a rate

for carriage that will be equitable and just. It should provide for a rate that will vary according to the length of the haul so that each parcel will carry a charge that will approximately pay the expense of carrying for the particular distance required.

The system adopted gives the rural merchant a great advantage over the city commission house, and especially is this true in those States having no very large cities. If we are to have a parcel post, that should be the case. In this bill the rural merchant can not complain that the charges are not as just and equitable as could be devised.

On the other hand, the farmer who desires to secure his goods from a far-off city is only charged what is presumed to be the actual expense of carrying, and he can hardly ask for more than that. The advantage over the express companies, especially within the first zone of 50 miles, is very great, as will appear from the table which I here present:

	Not over 1 pound.	Not over 2 pounds.	Not over 3 pounds.	Not over 4 pounds.	Not over 5 pounds.	Not over 6 pounds.	Not over 7 pounds.	Not over 8 pounds.	Not over 9 pounds.	Not over 10 pounds.	Not over 11 pounds.
50 miles:											
Present express rate from New York	$0.25	$0.25	$0.25	$0.30	$0.30	$0.35	$0.35	$0.35	$0.35	$0.35	$0.35
Proposed express rate from New York	.21	.21	.21	.22	.22	.22	.23	.23	.24	.24	.24
Original Bourne parcel-post bill	.06	.08	.10	.12	.14	.16	.18	.20	.22	.24	.26
Amended Bourne parcel-post bill	.05	.08	.11	.14	.17	.20	.23	.26	.29	.32	.35

I have made two other computations which I have reduced into the form of tables, showing what the express rates will be as proposed by the Interstate Commerce Commission and what the parcel-post rates will be. I make these tables a part of my remarks that those in my own State who are desirous of obtaining the information at the present time may understand just what the comparative charges are.

One table shows the comparative rates from St. Paul to Bismarck and the other from Chicago to Bismarck. In both of these tables it will be observed that for any package below 5 pounds there is a decided advantage in favor of the parcel post, even for these long distances, while in the short distances, which take in the rural deliveries, the rates under this parcel-post bill are only a small percentage of the express rates. And it must also be remembered that the rural parcel-delivery service is a service which, up to the present time, does not exist, and that the rural service must be confined exclusively to the postal department, as the express companies can not afford to deliver in the country.

We must also remember that while on parcels above 5 pounds on the long distances the express charges are less than the parcel-post charges, in all of these cases the customer has the right to take the cheaper method of conveyance. On small packages the farmer has an advantage in using the mails on all routes and on all distances, long or short. On large packages his advantage will be best subserved by using the express on the long hauls. On the rural service he has advantages which he can not have and never has had without this bill.

The great advantage to the local merchant under this bill is in his ability to deliver to the country customer at a very small expense, and in this he has a most decided advantage over his competitor, the commission house of the great city.

This is the initial step in the matter of parcel deliveries by the Post Office Department. The law, if enacted, starts out on the right principle, that of basing the charge on the actual service performed and in accordance with the length of the haul. After the law shall be in operation it can be amended as to rates to conform to the just requirements of the service.

The PRESIDENT pro tempore. The Senator's time has expired.

Mr. McCUMBER. I ask, Mr. President, that the two tables to which I have referred may be inserted in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, the tables will be inserted.

The tables referred to are as follows:

Proposed rates from St. Paul to Bismarck, N. Dak., Bismarck being in the fourth zone from St. Paul, according to Bourne postal bill.

(Distance, approximately 500 miles.)

BOURNE PARCEL POST BILL.

	Cents.
1-pound package	8
2-pound package	14
3-pound package	20
4-pound package	26
5-pound package	32
6-pound package	38
7-pound package	44
8-pound package	50
9-pound package	56
10-pound package	62
11-pound package	68

EXPRESS RATES PROPOSED BY INTERSTATE COMMERCE COMMISSION.

1-pound package	23
2-pound package	25
3-pound package	27
4-pound package	30
5-pound package	32
6-pound package	34
7-pound package	37
8-pound package	39
9-pound package	42
10-pound package	44
11-pound package	46

Proposed rates from Chicago to Bismarck, N. Dak., Bismarck being in the fifth zone from Chicago, according to Bourne postal bill.

(Distance, approximately 1,000 miles.)

BOURNE PARCEL POST BILL.

	Cents.
1-pound package	9
2-pound package	16
3-pound package	23
4-pound package	30
5-pound package	37
6-pound package	44
7-pound package	51
8-pound package	58
9-pound package	65
10-pound package	72
11-pound package	79

EXPRESS RATES PROPOSED BY INTERSTATE COMMERCE COMMISSION.

1-pound package	24
2-pound package	27
3-pound package	30
4-pound package	34
5-pound package	37
6-pound package	41
7-pound package	44
8-pound package	48
9-pound package	51
10-pound package	54
11-pound package	58

The PRESIDENT pro tempore. The yeas and nays have been ordered upon the so-called parcel-post amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I again announce my pair and withhold my vote.

Mr. BRYAN (when his name was called). Again announcing my pair and its transfer, I vote "yea."

Mr. BURNHAM (when his name was called). On this vote I am released by my pair and will vote "yea."

Mr. PAGE (when Mr. DILLINGHAM's name was called). My colleague [Mr. DILLINGHAM] has been obliged to leave the Chamber. He is paired with the senior Senator from South Carolina [Mr. TILLMAN]. I make this announcement for the rest of the day.

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON], who is not in the Chamber. I therefore withhold my vote. If he were present, I should vote "yea."

Mr. JOHNSON of Maine (when Mr. GARDNER's name was called). I again announce the unavoidable absence of my colleague [Mr. GARDNER] and his pair with the senior Senator from Rhode Island [Mr. WETMORE].

Mr. GUGGENHEIM (when his name was called). I have consent of my general pair to vote upon this proposition, and therefore will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I again announce my general pair with the senior Senator from Mississippi [Mr. PERCY]. As he is absent and I do not know how he would vote, I am compelled to withhold my vote. I ask that this announcement may stand for this and any subsequent vote upon this bill.

Mr. REED (when his name was called). I again announce the transfer of my pair with the Senator from Michigan [Mr. SMITH] to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). I again announce the unavoidable absence of my colleague [Mr. SMITH of Michigan]. I will state that if he were present he would vote "yea."

Mr. SMITH of South Carolina (when his name was called). Again announcing my pair with the Senator from Delaware [Mr. RICHARDSON] and the transfer of that pair to the Senator from Indiana [Mr. KERN], I will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I therefore withhold my vote.

The roll call was concluded.

Mr. DU PONT. My colleague [Mr. RICHARDSON], as already announced, has a general pair with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "yea."

Mr. LA FOLLETTE. For the Senator from North Dakota [Mr. GRONNA] I again announce his unavoidable absence from the Senate. If he were present, he would vote "yea."

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is detained from the Chamber, but is paired, as already stated by the Senator from Missouri [Mr. STONE], with that Senator.

Mr. CLAPP. The junior Senator from California [Mr. WORKS] was necessarily obliged to leave. If he were present, he would vote "yea."

Mr. BANKHEAD. I transfer my pair with the senior Senator from Idaho [Mr. HEYBURN] to the Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. OVERMAN. I desire to announce that the Senator from Louisiana [Mr. FOSTER] and the Senator from Louisiana [Mr. THORNTON] are both unavoidably detained. If they were present, they would respectively vote "yea."

Mr. BAILEY. I have a general pair with the Senator from Montana [Mr. DIXON], which I have observed for more than two months. I am so certain that my vote would not make any difference in this matter and I am so anxious to have it recorded that I will disregard, instead of transferring, that pair and will vote. I vote "nay."

Mr. CHILTON. I desire to announce that my colleague [Mr. WATSON] is unavoidably absent. He is paired with the senior Senator from New Jersey [Mr. BRIGGS].

The result was announced—yeas 54, nays 2, as follows:

YEAS—54.

Ashurst	Clapp	McLean	Root
Bacon	Crawford	Martin, Va.	Shively
Bankhead	Cullom	Massey	Simmons
Borah	Cummins	Myers	Smith, Ariz.
Bourne	Gallinger	Nelson	Smith, Ga.
Bradley	Guggenheim	Newlands	Smith, S. C.
Brandegee	Hitchcock	Oliver	Smoot
Bristow	Johnson, Me.	Overman	Swanson
Bryan	Johnston, Ala.	Page	Tillman
Burnham	Jones	Penrose	Townsend
Burton	Kenyon	Perkins	Warren
Catron	La Follette	Poindexter	Williams
Chamberlain	Lippitt	Pomerene	
Chilton	Lodge	Reed	

NAYS—2.

Bailey	Curtis

NOT VOTING—38.

Briggs	Fall	McCumber	Smith, Mich.
Brown	Fletcher	Martine, N. J.	Stephenson
Clark, Wyo.	Foster	O'Gorman	Stone
Clarke, Ark.	Gamble	Owen	Sutherland
Crane	Gardner	Paynter	Thornton
Culberson	Gore	Percy	Watson
Davis	Gronna	Rayner	Wetmore
Dillingham	Heyburn	Richardson	Works
Dixon	Kern	Sanders	
du Pont	Lea	Smith, Md.	

So the amendment was concurred in.

The PRESIDENT pro tempore. The bill is in the Senate and still open to amendment.

Mr. HITCHCOCK. I offer the amendment which I send to the desk.

The SECRETARY. On page 48, line 15, after the amendment adopted inserting the words "Postmaster General," it is proposed to insert:

And no demotion made since October, 1910, without notice of charges and without an opportunity to answer the same, shall be continued longer than October 1, 1912, except upon the procedure herein provided to be had in cases of removal.

Mr. HITCHCOCK. Mr. President, section 6 is intended, as I understand, to put a stop to a practice that prevailed toward the close of the year 1910 and the first part of the year 1911, when the Post Office Department, in attempting to enforce its so-called "slack order," disciplined a number of post-office employees in a manner which is now considered to be unjust, and which the Congress in the future proposes to prevent by law. As I understand, some time after the "slack order" was issued, the President himself issued an order which is very similar in its terms to section 6 of this bill. That order put a stop to further demotions made without an opportunity for the men to present their defense and without an opportunity being given them even to hear the charges made against them. Nevertheless, there were, and are now, some 23 men who are the victims of that unreasonable practice and who are still suffering from the demotions so incurred.

This amendment which I offer is intended to provide that, unless the department reinstates them on the 1st of October next, they shall be given an opportunity to meet the charges, such opportunity having heretofore been denied them. I hope that the amendment, which is designed to correct the injustice to these men who were the victims of a practice that we all now concede is wrong, may be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment. [Putting the question.] By the sound the "noes" appear to have it.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The noes have it, and the amendment is rejected.

Mr. HITCHCOCK. Mr. President, the Senator from Missouri was endeavoring to get the floor.

The PRESIDENT pro tempore. The Chair begs pardon.

Mr. HITCHCOCK. I refrained from voting on that account.

The PRESIDENT pro tempore. The Chair did not observe that the Senator from Missouri was endeavoring to get recognition.

Mr. REED. I had risen before the Chair had put the motion, and addressed the Chair to have the amendment again stated.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again stated the amendment.

The PRESIDENT pro tempore. The Chair will again put the question. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. HITCHCOCK].

The amendment was rejected.

Mr. MYERS. Mr. President, I ask that my motion to reconsider the vote by which the amendment offered by the Senator from Florida [Mr. BRYAN] was adopted be now put before the Senate; and, in order to enlighten the Senate upon the subject to be voted upon, I ask that the amendment be read.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 47, lines 20 and 21, an amendment was agreed to as in Committee of the Whole on motion of Mr. BRYAN, to strike out "paid extra in proportion to their salaries as fixed by law" and insert "allowed compensatory time on one of the six days, Sunday excepted, following the day on which they perform such service."

Mr. MYERS. Mr. President, it seems to me, in all fairness, that the motion to reconsider the vote by which that amendment was adopted ought to carry, because that is an important matter. It was argued as extensively as it could be under the rules that are prevailing to-day. Several Senators spoke for it and several others against it; but when it came to a vote I do not believe six Senators, all told, voted one way or the other. The Senator from Florida [Mr. BRYAN] demanded the yeas and nays, but not in a very loud tone of voice, and I assume, of course, that the Chair possibly did not hear the demand; but some of us here supposed that a second for the demand would be called for, and we intended to second the demand and get a yea-and-nay vote. However, some little conversation was going on and a second was not called for. There was a good deal of confusion at that time, and some of us who desired to vote for or against the amendment did not have the privilege of voting understandingly on the amendment; and the motion was put and carried with two or three votes, I think, all told, and we did not know that it had been put at all.

Mr. BRYAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Florida?

Mr. MYERS. Certainly.

Mr. BRYAN. I should like to inquire of the Senator from Montana where he was when that vote was taken?

Mr. MYERS. I was here waiting for a second for the demand for the yeas and nays. The Senator from Florida did not withdraw his demand for the yeas and nays.

Mr. BRYAN. I saw the amendment was adopted, and so I did not call for the yeas and nays.

Mr. MYERS. The motion had been put without a second being called on the demand for the yeas and nays. There was a good deal of confusion, and some of us who wanted to vote on the amendment did not have the opportunity of voting, and

really I have not had the privilege of voting on the amendment. Therefore I think it ought to be reconsidered, and then let Senators vote as they please on the adoption of the amendment, so as to give us the right to vote.

The PRESIDENT pro tempore. It is proper that the Chair should say that the Chair did not hear the demand for the yeas and nays.

Mr. BRYAN. Mr. President, it was not the fault of the Chair. I did not demand the yeas and nays. I was sitting in my seat and I said "We will ask for the yeas and nays;" but I reconsidered the matter of calling for the yeas and nays. The Chair was not at fault at all.

Mr. MYERS. That is the only way of demanding the yeas and nays that I know of—to say "I demand the yeas and nays."

Mr. BRYAN. I did not demand the yeas and nays of the Chair, but merely made the remark among those who were near me and were speaking of it.

Mr. JOHNSTON of Alabama. Mr. President——

Mr. MYERS. I yield to the Senator.

Mr. JOHNSTON of Alabama. I should like to ask the Senator if he voted for the amendment?

Mr. MYERS. No; I did not vote at all. I did not have an opportunity of voting.

Mr. CRAWFORD. I make the point of order that the Senator from Montana can not interpose a motion to reconsider when he did not even vote on the question.

The PRESIDENT pro tempore. The point of order is well taken. The Senator from Montana did not vote in the affirmative.

Mr. REED. Mr. President, I think the Chair is in error about that. There was no record vote, and where there is no record vote it occurs to me that anyone can move to reconsider.

Mr. LODGE. I make the point of order that under the unanimous-consent agreement debate is out of order on a motion to reconsider.

The PRESIDENT pro tempore. The Chair will put the motion of the Senator from Montana to reconsider the vote. There was not a record vote, and so the Senator has the right to make the motion. The question is on agreeing to the motion of the Senator from Montana to reconsider the vote by which the amendment of the Senator from Florida [Mr. BRYAN] was agreed to. By the sound the "noes" appear to have it.

Mr. MYERS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRYAN (when his name was called). Again announcing my pair and its transfer, I will vote. I vote "nay."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As he is not in the Chamber, I withhold my vote.

Mr. BRYAN (when Mr. FLETCHER'S name was called). I desire to announce that my colleague [Mr. FLETCHER] has been absent this afternoon on official business.

Mr. OLIVER (when Mr. LIPPITT'S name was called). The junior Senator from Rhode Island [Mr. LIPPITT] has been compelled to leave the Chamber on official business.

Mr. OLIVER (when his name was called). I have a general pair with the junior Senator from Oregon [Mr. CHAMBERLAIN], who is not in the Chamber. I will transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE], and will vote. I vote "nay."

Mr. REED (when his name was called). I make the same announcement as heretofore of my pair with the Senator from Michigan [Mr. SMITH] and the transfer. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and its transfer to the Senator from Indiana [Mr. KERN]. I vote "yea."

Mr. STONE (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. CLARK] and withhold my vote.

Mr. TILLMAN (when his name was called). I have a pair with the Senator from Vermont [Mr. DILLINGHAM]. I do not know how he would vote. I therefore withhold my vote.

The result was announced—yeas 22, nays 29, as follows:

YEAS—22.

Ashurst	Hitchcock	Newlands	Shively
Bacon	Johnson, Me.	O'Gorman	Simmons
Brandegee	Kenyon	Page	Smith, Ariz.
Burton	La Follette	Poindexter	Smith, S. C.
Chilton	McLean	Pomerene	
Curtis	Myers	Reed	

NAYS—29.

Bankhead	Crawford	Massey	Smith, Ga.
Borah	Cullom	Nelson	Smoot
Bourne	Cummins	Oliver	Swanson
Bradley	Gallinger	Overman	Townsend
Bristow	Johnston, Ala.	Penrose	Williams
Bryan	Jones	Perkins	
Catron	Lodge	Root	
Clapp	Martin, Va.	Sanders	

NOT VOTING—43.

Bailey	Dixon	Kern	Smith, Mich.
Briggs	du Pont	Lea	Stephenson
Brown	Fall	Lippitt	Stone
Burnham	Fletcher	McCumber	Sutherland
Chamberlain	Foster	Martine, N. J.	Thornton
Clark, Wyo.	Gamble	Owen	Tillman
Clarke, Ark.	Gardner	Paynter	Warren
Crane	Gore	Percy	Watson
Culberson	Gronna	Rayner	Wetmore
Davis	Guggenheim	Richardson	Works
Dillingham	Heyburn	Smith, Md.	

So the motion to reconsider was not agreed to.

Mr. BOURNE. I send to the desk an amendment and ask to have it read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On line 17, page 29, strike out "or" and insert, after the words "substitute railway postal clerk," the words "or post-office inspector," so that it will read:

Which shall be exempt from the payment of debts of the deceased, to the legal representatives of any railway postal clerk, substitute railway postal clerk, or post-office inspector.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

PORT BOLIVAR, TEX.

Mr. REED. On the 8th instant, from the Committee on Commerce, I reported back favorably without amendment the bill (H. R. 22199) to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State. I call the attention of the Senator from Texas to the bill.

Mr. BAILEY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOSA RIVER DAM, ALA.

Mr. LODGE, Mr. BANKHEAD, and others addressed the Chair.

The PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. LODGE. I move that the Senate now adjourn.

Mr. BAILEY. There is a special order. I hope the Senator from Massachusetts will wait.

Mr. LODGE. I withdraw the motion with great pleasure, if the special order is to be taken up.

Mr. BANKHEAD. The Senate has now been in session for the past nine hours. It may be that the Senate would prefer that Senate bill 7343, to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river should go over until to-morrow morning, to be made a special order immediately after the morning business has been concluded. If that can be agreed to, I would have no objection.

Mr. LODGE. I have no objection. I think it ought to go over.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

FUR-SEAL CONVENTION.

Mr. LODGE. I desire to say in addition that when the measure relating to the Coosa Dam is disposed of, I shall then call up House bill 16571 to ratify the convention with Russia, England, and Japan in regard to fur seal.

VOCATIONAL EDUCATION.

Mr. PAGE. I wish to give notice that on Wednesday, August 14, at the close of the consideration of the so-called seal bill, I will ask the Senate to consider and dispose of Calendar No. 348, Senate bill 3, to cooperate with the States in encouraging instruction in agriculture, the trades, and industries, and home economics in secondary schools, and so forth.

THE PANAMA CANAL—FOREIGN-BUILT SHIPS.

Mr. LODGE. I move that the Senate adjourn.

Mr. WILLIAMS. I ask the Senator who moved to adjourn to withdraw the motion for one minute while I state a question of personal privilege.

Mr. LODGE. Certainly; I yield for that purpose.

Mr. WILLIAMS. The other day I offered an amendment to the Panama Canal bill (H. R. 21969), which was adopted, to admit to American registry ships engaged in foreign commerce. In some way or other, I do not know how, the amendment as adopted by the Senate has been changed upon the record. As I moved the amendment it was that "foreign-built ships, to engage only in foreign commerce, should be admitted to American registry." As it was reported in the Senate proceedings it was that "foreign-built ships, built only to engage in foreign commerce, should be admitted to American registry." It would seem that one word would not make much difference, but one word in that case does make a great deal of difference.

As I proposed the amendment and as it was adopted we might have gone out on the high seas and bought the tramp ships or other ships at any time and provided that they were engaged only in the foreign commerce they would be entitled to American registry. But under this provision, as some clerk or employee of the Senate has changed it in some way—and I do not charge that they have done it with any object at all in view; I suppose it was a mere accident—it reads, "built only to engage," so that no foreign-built ship engaged in foreign commerce could fly the American flag under the provision as it appears in the RECORD, unless it had been built only to engage in foreign commerce. In other words, no ship afloat now could be bought to engage in the foreign commerce, which was totally contradictory of the amendment as it was passed by the Senate.

I might, perhaps, make a motion to bring the measure back to the Senate in order that it might be corrected, but I do not want to do that, because I know that the records of the Senate show I am correct in the statement I have made. I merely wanted to make this explanation in order that the Senate conferees might be duly informed as to what the Senate actually did. What the Senate actually did was to adopt an amendment, which I would read, but some one has taken it from my desk. The amendment was that all laws preventing the admission to American registry of foreign-built ships to engage only in the foreign trade were repealed, and to that was added subsequently an amendment proposed by the Senator from New Hampshire [Mr. GALLINGER], now in the chair, to which I agreed, putting upon an equal footing as regards the mail subventions all ships built in foreign yards and the ships built in American yards for the foreign trade.

I thought it proper to make that announcement in order that the Senate conferees would understand the situation.

Mr. PENROSE. I move that the Senate adjourn.

The motion was agreed to; and (at 7 o'clock and 2 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 14, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 13, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Infinite and eternal Spirit, author of life, intelligence, and purity, help us with firmer grasp to lay upon those things which are eternal, that by an adequate use of things temporal we may be prepared for whatsoever awaits us in the life that now is and in the life beyond the confines of earth. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

FEDERAL INCORPORATION.

Mr. GARDNER of Massachusetts. Mr. Speaker, I wish to present a request for unanimous consent. I am about to introduce two measures providing for Federal incorporation, one of them drafted by Mr. Justice Charles F. MacLean, of the New York Supreme Court, and the other drafted by Mr. Blackburn Esterline, of the Department of Justice, in cooperation with myself.

I ask unanimous consent to print on the front of each bill the name of its author. Otherwise there is likely to be very great confusion.

I take no responsibility for Mr. Justice MacLean's bill. It represents his views, not mine. At the same time I do not wish to introduce it "by request." I wish to introduce it and to print on the front of it, "Drafted by Mr. Justice Charles F. MacLean." On the other bill I wish to show the fact that it is drafted by Mr. Blackburn Esterline in consultation with me. That is my request.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that when he introduces two certain bills which he names he may print on the front page of each bill the words, "Drafted by ———." Is there objection?

Mr. FITZGERALD. Mr. Speaker, reserving the right to object, where would we end if this practice were once started, and every Member who wanted to distinguish the product of his own brain from that of somebody's else brain should desire to print the announcement, "Drafted by Mr. ———?"

Mr. GARDNER of Massachusetts. Mr. Speaker, I should think——

Mr. FITZGERALD. These bills are numbered, and the fact can be made known that a bill of such a number is one bill and a bill of another number is another bill. These bills are printed for the use of the House in accordance with a well-settled practice, and I doubt very much the propriety or advisability of putting anybody's name on a bill except that of whoever introduces it; certainly not the name of anyone who is not a Member of this House.

Mr. GARDNER of Massachusetts. Let me say to the gentleman that that is all very well in theory. As a matter of fact the minority report of the steel committee is going to have a good deal of circulation among college professors and others. They may perhaps ask for the Gardner bill on Federal incorporation. In reply it is quite as likely that the MacLean bill would be furnished instead of the Gardner bill.

Mr. FITZGERALD. The gentleman can obviate that in one of two ways, either by introducing only one bill, which will represent his own views, or by leaving instructions that whenever anybody requests the Gardner bills, all of them shall be sent, with the notice that the receiver of them can take his choice.

Mr. GARDNER of Massachusetts. Does the gentleman seriously object to this?

Mr. FITZGERALD. I very seriously object to printing the name of some outsider, not a Member of this House, upon bills introduced into the House.

Mr. FOSTER. Let me ask the gentleman this question, Is it not a rule of the House that Members have a right to introduce bills by request?

Mr. GARDNER of Massachusetts. And wash my hands of it like Pontius Pilate. I should never think of introducing a bill prepared by a justice of the Supreme Court of the State of New York and of marking it "by request." That is as much as to say, "I consider this bill of no importance." That is my very reason for asking this unanimous consent, because I do not want to introduce the MacLean bill "by request."

Mr. BURKE of Pennsylvania. Can not the gentleman obviate the difficulty by introducing only one bill?

Mr. GARDNER of Massachusetts. A justice of the Supreme Court of New York asked me to introduce the bill. It is not the bill that is recommended by the minority of the steel committee. I can not say to Mr. Justice MacLean, "I decline to introduce your bill."

Mr. FITZGERALD. Why not?

Mr. GARDNER of Massachusetts. When a member of the supreme court asks the gentleman from New York to introduce a bill, does he generally like to say, "No; I shall not do it"?

Mr. FITZGERALD. In the first place, members of the supreme court seem not to be overanxious to ask me to introduce bills. I never introduce a bill into this House that I personally do not favor, and it would be much better if all Members of the House would make it a rule not to introduce bills unless they were willing to advocate them. That should be the theory upon which legislative bodies should act.

Mr. GARDNER of Massachusetts. That may be so. Never mind about the theory. Here is a practical question. Here is a justice of the supreme court of the gentleman's State. First he went to a Member upon the Democratic side of the House and asked him to introduce this bill. This Member said that the bill did not represent his ideas, but that the minority of the steel committee had declared in favor of Federal incorporation. I was called into consultation. I suggested to the Member on the other side of the House that I should be glad to introduce the bill "by request." He said, "Please do not do that. You know what consideration the House gives and what people usually think is meant when you introduce a bill 'by request.'"

Mr. UNDERWOOD. Mr. Speaker, I must ask for the regular order. I have no objection to the gentleman's request being submitted, but I do object to a discussion of the matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

Mr. FITZGERALD. Mr. Speaker, I object.

SPEECH OF HON. THERON AKIN, OF NEW YORK.

Mr. RUCKER of Missouri. Mr. Speaker, I move to strike from the RECORD a speech inserted by the gentleman from New York [Mr. AKIN] under leave to print, which appears in the RECORD of Saturday, August 10, 1912, on pages 11548, 11549, 11550, 11551, and 11552 and the first column of page 11553. I was not on the floor of the House on Saturday last, but I understand that these remarks were inserted under leave to print. The speech was not delivered upon the floor of the House. If it had been no doubt some statements contained therein would have been challenged then and there. My information is that possibly the bulk, if not the entire speech, was furnished by a man who was recently disconnected from the public service, and who has a grievance against the chief of the bureau in which he formerly served. It is evident that the purpose of this insertion in the RECORD is to use a congressional frank to flood the country with matters derogatory to the administration of public affairs and to the detriment of a trusted public officer. Not only that, but, Mr. Speaker, in these remarks inserted in the RECORD, which were not delivered, there is language used that is a severe criticism of certain Members of the House who have had and discharged official duties in connection with the matter referred to in this alleged speech. I therefore move that the matter contained in the pages I have cited be stricken out.

Mr. FITZGERALD. Mr. Speaker, I have not read the speech; will the gentleman kindly indicate the grounds on which the motion is made?

Mr. RUCKER of Missouri. I desire to be entirely frank, and will say to the gentleman from New York that I reached town only a few hours ago. I have not myself read the speech, but I have been informed by gentlemen who have read it that the speech contains serious charges of maladministration in office of the Chief of the Weather Bureau and of misappropriation of money appropriated for the proper expenditures of that office, and all of these matters had previously been investigated by the Committee on Expenditures in the Agricultural Department, and that that committee found there was no basis whatever upon which to predicate any such charges or any of them.

Mr. FITZGERALD. Mr. Speaker, as I stated, I have not read the speech, and the gentleman from Missouri states that he has not read the speech, but makes this motion upon the ground that he is informed that the speech contains certain charges of maladministration and misappropriation of money against some official in a bureau of the Government, which have, after investigation, been demonstrated to be untrue. Yet, Mr. Speaker, if that be ground to strike a speech from the RECORD, placed there by a Member who wishes to bring to this House charges of maladministration against some official of the Government, and the speech is stricken out upon the statement that some committee has investigated the matter and found the charges to be untrue, although the matter has not, that I am aware of, ever been reported to the House, then it is asking this House to exercise a very great censorship over this RECORD.

Mr. RUCKER of Missouri. Mr. Speaker, I will call the gentleman's attention to the fact that the speech was not delivered upon the floor of the House, but inserted under leave to print.

Mr. FITZGERALD. Mr. Speaker, I have not much sympathy with many things put into the RECORD in that way, but having been inserted into the RECORD, there are certain well-defined reasons on which the House should act to exclude a speech. I doubt the advisability of asking Members who have hardly had an opportunity to examine the speech to vote upon a motion to strike it from the RECORD, particularly as the gentleman himself states that he has not read it.

Mr. UNDERWWOOD. Mr. Speaker, I have not read the speech, but I have heard comments upon it. I have not had a chance to read it. I understand this speech has been printed in the RECORD, was not delivered upon the floor of the House; that it contains matters that if published in the newspapers would be libelous as to gentlemen who are Members of the House, for it reflects upon their character. I do not think the House ought to let a matter of this kind go unnoticed, and yet I recognize the force of the suggestion made by the gentleman from New York [Mr. FITZGERALD] that the House ought to give careful consideration to the matter. I therefore ask unanimous consent that the gentleman from Missouri [Mr. RUCKER], the gentleman from New York [Mr. FITZGERALD], and the gentleman from Illinois [Mr. MANN] be appointed a committee of three to report to the House to-morrow morning as to whether this speech should be stricken from the RECORD.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I call attention to the fact that the gentleman who inserted the speech is not in the House. It is a question whether in a matter of this kind notice ought not to be given to a Member who is thus brought to public notice in the House. It is a question whether this subcommittee should not give notice to the gentleman in order that he may at least have an opportunity to make a statement, if he cares so to do.

Mr. UNDERWOOD. I will state to the gentleman from Pennsylvania that of course the object of acting at once in the matter is because if it is not acted upon at once it will go into the permanent RECORD. If it is an improper speech, it ought not to be placed in the permanent RECORD. Appointing a special committee will give the gentleman from New York an opportunity to appear before that committee.

Mr. MOORE of Pennsylvania. Mr. Speaker, I entirely agree with the suggestion that a committee should be appointed. But as the matter stood prior to the request of the gentleman from Alabama, we had only the suggestion from the gentleman from Missouri [Mr. RUCKER] that the speech was one which was improper for publication in the CONGRESSIONAL RECORD. We did not have anything on the other side from the gentleman who inserted the speech. As a matter of fairness to a Member accused, it seems to me that he ought to be notified by the committee, or that he might have been notified by the gentleman from Missouri [Mr. RUCKER] before the matter was introduced in the House.

Mr. SHACKLEFORD. Does not the gentleman think this committee will be fair to the gentleman named?

Mr. MOORE of Pennsylvania. Of course the committee will be fair. Now, a suggestion. Suppose the gentleman from Missouri [Mr. SHACKLEFORD] had made a violent speech somewhere in his district and had, by leave to print, gotten it in the RECORD, where it was found to have reflected upon somebody, and a Member had arisen on this side and asked that his speech be expunged from the RECORD. Does not the gentleman think some one on that side would have arisen and said he thought the gentleman from Missouri ought to be present?

Mr. SHACKLEFORD. Having been done, the only thing is for the committee to give a hearing.

Mr. MOORE of Pennsylvania. I am merely submitting it because I think the gentleman from New York [Mr. AKIN] should have notice.

Mr. MANN. Mr. Speaker, if this committee is to be appointed, I ask the Chair to substitute the name of the gentleman from Massachusetts [Mr. MCCALL] in place of my name, because I do not desire to serve.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the Chair appoint the gentleman from Missouri [Mr. RUCKER], the gentleman from New York——

Mr. FITZGERALD. Mr. Speaker, I was about to suggest that the gentleman from Alabama suggest some one else in my place, as I have so much to do I can not serve.

Mr. UNDERWOOD. I suggest the gentleman from North Carolina [Mr. PAGE].

Mr. LEVER. Mr. Speaker, I desire to add an amendment to the resolution proposed by the gentleman from Alabama. I suggest that the gentleman include also a speech from this same gentleman, on page 11344, which is a severe reflection upon governmental officials, and I suggest the gentleman include that speech in the matter of investigation.

Mr. UNDERWOOD. Mr. Speaker, I then ask unanimous consent that both speeches be included in the inquiry of the committee consisting of the gentleman from Missouri [Mr. RUCKER] and the gentleman from North Carolina [Mr. PAGE] and the gentleman from Massachusetts [Mr. MCCALL], to report to the House at as early date as practicable whether these speeches should remain in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the gentleman from Missouri [Mr. RUCKER], the gentleman from North Carolina [Mr. PAGE], and the gentleman from Massachusetts [Mr. MCCALL] be appointed a committee to investigate both of these speeches and report as soon as practicable. Is there objection? [After a pause.] The Chair hears none, and the Chair appoints the gentlemen named.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 284. An act for the relief of Andrew H. Russell and William R. Livermore;

S. 5719. An act to increase the efficiency of the Medical Department of the United States Navy;

S. 2451. An act providing against the abandonment of destitute, infirm, or aged parents;

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis David Millet;

S. 2953. An act for the relief of George P. Chandler;

S. 3132. An act granting a pension to Deborah B. Rowan; and

S. J. Res. 95. Joint resolution providing for a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 21221. An act making a grant of lands for school purposes in block 31, town site of Powell, Shoshone reclamation project, Wyo.;

H. R. 7672. An act for the relief of Mary J. Manning; and

H. R. 4113. An act for the relief of Robert E. Burke.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 17595. An act to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and a concurrent resolution of the following titles:

S. 6354. An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War, and to authorize its partial use as a museum of historic relics;

S. Con. Res. 2. Concurrent resolution providing for the printing of 3,500 copies of Bulletin No. 30, in two parts, of the Bureau of American Ethnology, entitled "Handbook of the American Indian;" and

S. 2117. An act to promote the efficiency of the Public Health and Marine-Hospital Service.

The message also announced that the Senate had agreed to the amendments of the House to Senate concurrent resolution No. 5, "Reports of the Immigration Commission."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 4568) granting an increase of pension to Annie R. Schley.

SENATE BILLS AND JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and joint resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 284. An act for the relief of Andrew H. Russell and William R. Livermore; to the Committee on Claims.

S. 5719. An act to increase the efficiency of the medical department of the United States Navy; to the Committee on Naval Affairs.

S. 2451. An act providing against the abandonment of destitute, infirm, or aged parents; to the Committee on the District of Columbia.

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis David Millet; to the Committee on the Library.

S. 2953. An act for the relief of George P. Chandler; to the Committee on Military Affairs.

S. 3132. An act granting a pension to Deborah B. Roman; to the Committee on Pensions.

S. J. Res. 95. Joint resolution providing for a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War; to the Committee on the Library.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming;

H. R. 7672. An act for the relief of Mary J. Manning; and

H. R. 4113. An act for the relief of Robert E. Burke.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 2117. An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes; and

S. 6354. An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War.

THE WOOLEN SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to take from the Speaker's table, and move to pass notwithstanding the President's veto, the bill H. R. 22195, the wool bill.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 22195) to reduce the duties on wool and manufactures of wool.

The SPEAKER. The gentleman from Alabama asks unanimous consent to take from the Speaker's table the bill accompanied by the veto message, and the question is, Will the House on reconsideration agree to pass the bill the objections of the President to the contrary notwithstanding?

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from New York [Mr. PAYNE] as to a division of time. Does the gentleman desire to discuss the question? [Cries of "Vote!"]

Mr. PAYNE. As far as I am concerned I do not care for any time.

Mr. UNDERWOOD. We desire some discussion on this side. I suggest to the gentleman that we have two hours, to be equally divided between the two sides.

Mr. PAYNE. I shall not object to that, of course, if the gentleman desires time.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that debate on this motion shall be for two hours, one half of the time to be controlled by the gentleman from New York and the other half by myself.

The SPEAKER. The gentleman from Alabama asks unanimous consent that debate on this proposition be confined to two hours, one half to be controlled by himself and the other half by the gentleman from New York [Mr. PAYNE]. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. HULL].

Mr. HULL. Mr. Speaker, the recent message of the President vetoing the bill to reduce the taxes on wool and woolen goods conveys to Congress and to the country the sad intelligence that special privilege in its most vicious form is still strongly intrenched at the White House. The message harks back to the once triumphant but evil days of standpatism. It disregards the earnest and honest plea of 90,000,000 consumers and hearkens alone to the siren voice of greed and graft. This latest tariff veto performance of the President is Bourbonism run mad. Its keynote is "standpatism," and its manifest purpose is the continued partnership of the Government with privilege. At the beginning of his administration, the President led the country to believe that he sincerely favored relief to the people by a real reduction of tariff taxation. But his late conduct belies all his former professions. He complacently vetoes one honest tariff reduction bill after another and calmly assures a tax-ridden people that "their yoke is easy, and their burden is light." He is content that they should remain "hewers of wood and drawers of water," while the Woolen Trust continues to fatten off their hard earnings. This shifting of his position will prove a staggering blow to the hopes of millions of confiding citizens, who have trusted and honored him in the past. However, this course is in keeping with the uniform action of his party heretofore. For 40 years the Republican Party has never touched the tariff but to raise the average rate upon competitive imports. Its tariff-revision record is a record of excuses, evasions, subterfuges, and delays.

Mr. Speaker, the President has had three splendid opportunities to lop off the prohibitive and extortionate rates of Schedule K. When he signed the Payne bill and thereby perpetuated this schedule in all its hideous and hoary infamy he meekly announced that it was the best that could be done at the time. A year ago when he vetoed the bill making an honest reduction of this schedule, he haltingly offered the worse than no excuse that its revision should await the report of his so-called Tariff Board. And in this connection let me call attention to the ingenious effort of the President in effect to transfer to the Executive Department the constitutional function of Congress to originate and pass bills to raise revenue. After his board had finally reported on the wool schedule, Congress passed the pending bill which, in its judgment, is amply sustained by the findings of the Tariff Board in so far as they are accurate. Thereupon the President returns the bill with his veto in which he announces the startling policy that Congress shall enact no tariff legislation with his consent unless it conforms to the findings of his board as construed—not by a majority of both Houses of Congress, but by himself upon the advice of his board. According to press reports, when the pending bill reached the President, he immediately sought the counsel of Prof. Emory, president of the board, and who evidently reflected the views of the majority of the board. The result of this conference was

the immediate announcement by the President that Congress was in error and that the bill was not justified by the board's findings and must therefore be vetoed. And, Mr. Speaker, the President, with surprising presumption, has specified with particularity the precise rates that Congress shall adopt in lieu of those contained in the vetoed bill. At this point the name of Mr. James B. Reynolds naturally comes to our mind. We recall the manner in which Mr. Cortelyou was transferred from the position of corporation inquisitor to another position in which he "fried the fat" out of the same corporations for campaign purposes. Mr. Reynolds as one of its members is reported to have been the dominating factor in the preparation of the Tariff Board's report on the wool schedule. Since that time it is understood that he has been transferred to a position on the Republican national committee that he might "fry the fat" out of the woolen manufacturers for use in the present campaign. And yet, Mr. Speaker, this is a "nonpartisan Tariff Board." Should this stand-pat Republican executive policy be adopted Congress would become a mere automaton to register the will of the President and his board in the enactment of tariff laws.

Mr. Speaker, it is with regret that I call attention to the fact that the stand-pat press of the country has for sometime confidently predicted a Presidential veto of any or all bills making an honest reduction of the tariff, and intimating that campaign contributions would be contingent upon such vetoes. The veto has arrived as per schedule.

Mr. Speaker, the President has set his face like flint against any real reduction of Schedule K. In so doing he has been obliged to assume three remarkable and unenviable attitudes: First, he ingloriously retreats from his former position in which he bitterly denounced the woolen schedule as "indefensible" and clamored for its speedy revision. Second, to prevent its just revision, he now sets his judgment up against that of Congress and the country as to what the Tariff Board's report shows. Third, he is driven to invoke the exploded and repudiated economic fallacy that the difference in the cost of production here and abroad shall first be determined and the rates made to equal the same. He well knows, everybody knows, that such difference in cost is impossible of determination; that it differs in different countries, in different sections of the same country, in different factories, and in the same factories at different periods of the year.

Mr. Speaker, in his further effort to evade and postpone real revision of this schedule of the tariff the President in a vague and general way announces that the wool schedule shall not be revised except along the line of protection—yes, stand-pat protection, that created all our trust evils and that has fastened upon this country extortionate prices upon every necessity of the people. [Applause on the Democratic side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HULL. May I have five minutes additional?

Mr. UNDERWOOD. I yield five minutes additional to the gentleman.

Mr. HULL. Mr. Speaker, this announcement of the President will bring joy to the Woolen Trust and to a few big flockowners and to those mill owners now under indictment for unlawful importation of foreign labor to supplant domestic labor in their mills, but it will carry woe and disappointment to the millions of families of this country who are unable to pay the trust prices upon the woolen garments which they must wear. They know that this means to them the cold and privations of another year, that they must shiver, half clad, through another winter in order that the Woolen Trust may continue to increase its already excessive profits. The President as a last subterfuge proposes that the duty on wool shall be reduced from 40-odd to 35 per cent, and he makes the cool announcement that 35 per cent would be ample protection, but that a duty of 29 per cent, which this bill proposes, would be absolutely ruinous to the woolen industry of the country.

He comes to the finished product. The rate he suggests with respect to cloths as the basis are absolutely of no value or effect with respect to real tariff revision. For instance, the maximum duty on woolen cloths is now 149 per cent. The President thinks that is somewhat excessive, and he proposes that it be reduced 20 per cent, leaving it at 120 per cent upon every such woolen garment worn by our 90,000,000 of American citizens. This is a monstrous proposition. We have no imports under our present prohibitive rates in this schedule except as to those articles purchased by the very wealthy people of the country, and the reduction proposed in this message would still leave the rates entirely within the prohibitive zone. They would be equally acceptable to the Woolen Trust and to the other woolen interests seeking protection.

Now, Mr. Speaker, I take it that a political exigency has moved the President to pursue this stand-pat course in the hope of political favors to come. I would remind him that the present-day Republican Party does not receive at the hands of the public that high estimate that it once received. This party, by reason of a long period of prostitution at the hands of special privilege, has become so corrupt that even men like Bill Flinn and Perkins and McCormick and Dan Hanna have felt obliged to take their noses in one hand and their grips in the other and march out of its ranks in search of a purer atmosphere. [Applause on the Democratic side.] And whenever a party permits the atmosphere which surrounds it to become so foul that the hardened and deadened olfactories of men like Flinn and Perkins can no longer endure it, no finite mind can fathom the depth of its degradation, and its promises as a pawn to the Woolen Trust would be worth very little in November.

Mr. Speaker, Schedule K places a very heavy tax on every article of woolen clothing worn by every man, woman, and child in the United States. They have been demanding a reduction of these taxes for 30 years. There is but one method by which it can now be done, and that is to pass this bill over the veto of the President. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, will the gentleman from New York [Mr. PAYNE] consume some of his time?

Mr. PAYNE. Mr. Speaker, I send up to the Clerk's desk to have read in my time the veto message of the President. I think we can get a little information from that.

The SPEAKER pro tempore (Mr. STANLEY). The Clerk will read.

The Clerk read as follows:

To the House of Representatives:

On December 20, 1911, I sent a message to the Congress, recommending a prompt revision of the tariff on wool and woolens. I urged a reduction of duties which should remove all the excesses and inequalities of the schedule, but should leave a degree of protection adequate to maintain the continued employment of machinery and labor already established in that great industry. With that message I transmitted a report of the Tariff Board, which furnished for the first time the information needed to frame a revision bill of this character, and recommended that legislation should be at once undertaken in the light of this information.

Despite the efforts which have been made to discredit the work of the Tariff Board, their report on this schedule has been accepted, with scarcely a dissenting voice, by all those familiar with the problems discussed, including active representatives of organizations formed in the interest of the public and the consumer. Importers and merchants, as well as producers and manufacturers, have testified to the accuracy and impartiality of these findings of fact. For the first time in the history of American tariffs the opportunity has been afforded of securing a revision based on established facts, independent both of the ex parte statements of interested persons and the guesswork of political theorists.

My position has been made perfectly plain. I shall stand by my pledges to maintain a degree of protection necessary to offset the difference in cost of production here and abroad, and will heartily approve of any bill reducing duties to this level. Bills have been introduced into Congress, carefully framed and based on the findings of the Tariff Board, which, while maintaining the principle of protection, have provided for sweeping reductions. Such a bill was presented by the minority members of the Ways and Means Committee, which, while providing protection to the woolgrower, reduces the duty on most wools 20 per cent, and the duties on manufactures by from 20 to more than 50 per cent, and gives in many instances less net protection to the manufacturer than was granted by the Gorman-Wilson free-wool act of 1894.

Instead of such a measure of thorough and genuine revision, based on full information of the facts, and with rates properly adjusted to all the different stages of the industry, there is now presented for my approval H. R. 22195, "An act to reduce the duties on wool and the manufactures of wool," a bill identical with the one which I vetoed in August, 1911, before the report of the Tariff Board had been made. The Tariff Board's report fully and completely justifies my veto of that date. The amount of ad valorem duty necessary to offset the difference in the cost of production of raw wool here and abroad varies with every grade of wool. Consequently, an ad valorem rate of duty adjusted to meet the difference in the cost of production of high-priced wools is not protective to low-priced wools. In any case, the report of the Tariff Board shows that the ad valorem duty of 29 per cent on raw wool, imposed in the bill now submitted to me, is inadequate to meet this difference in cost in the case of four-fifths of our total wool clip. The disastrous effect upon the business of our farmers engaged in wool raising can not be more clearly stated. To maintain the status quo in the woolgrowing industry, the minimum ad valorem rate necessary, even for high-grade wool in years of high prices, would be 35 per cent.

The rate provided in this bill on cloths of all kinds is 49 per cent. The amount of net protection given by this rate, in addition to proper compensation for the duty on wool, depends on the ratio between the cost of the raw material and the cost of making the cloth. The cost of the raw material in woolen and worsted fabrics varies in general from 50 per cent to 70 per cent of the total value of the fabric. Consequently, the net protective duty, with wool at 29 per cent, would vary from 28.7 per cent to 34.5 per cent. In the great majority of cases these rates are inadequate to equalize the difference in the cost of manufacture here and abroad. This is especially true of the finest goods involving a high proportion of labor cost. One of the striking developments of the last few years has been the growth in this country of a fine goods industry. The rates provided in this bill, inadequate as they are for most of the cloths produced in this country, would make the continuance here of the manufacture of fine goods an impossibility.

Even more dangerous in their effects are the rates proposed on tops and yarns. Tops are the result of the first stage in the making of raw wool into cloth. Yarn is the result of the second stage. Taken in connection with a rate of 29 per cent on wool, and 49 per cent on cloths, the rates of 32 per cent on tops and 35 per cent on yarn. fixed

in this bill, seem impossible of justification. They would disrupt, and to no purpose, the existing adjustment, within the industry, of all its different branches. It is improbable in the highest degree that raw wool would be imported in great quantities when the cloth maker can import his tops at a duty of 32 per cent and yarns at a duty of 35 per cent. The report of the Tariff Board shows the difference in relative costs to be uniformly greater than the amount of protection on yarns given by this bill. In a year of low prices, the net protection granted by the proposed rates would not be more than half the difference in costs. The free wool act of 1894 gave a protective rate of 40 per cent on all yarns over 40 cents a pound in value, with free raw material. The present bill gives only 35 per cent on such yarns with a duty of 29 per cent on the raw material.

The great increase in the imports of tops and yarns which would result from the rates in the bill now submitted to me would destroy the effect of the protection to raw wool and at the same time would be at the cost of widespread disaster to the wool combing and spinning branches of the industry. The last 15 years has witnessed a great growth of top making and worsted spinning in this country, and the capacity of the plants is now equal to domestic requirements. Under the rates proposed such plants could be continued, if at all, only by writing off most of the investment as a net loss and by a reduction of wages. To sum up, then, most of the rates in the submitted bill are so low in themselves that if enacted into law the inevitable result would be the irretrievable injury to the wool-growing industry, the enforced idleness of much of our wool combing and spinning machinery, and of thousands of looms, and the consequent throwing out of employment of thousands of workmen.

In view of these facts, in view of the platform upon which I was elected, in view of my promise to follow and maintain the protective policy, no course is open to me but to withhold my approval from this bill. I am very much disappointed that such a bill is a second time presented to me. I have inferred from the speeches made in both the House and the Senate that the Members of the majority in both Houses are deeply impressed with the necessity of reducing the tariff under the present act on wool and woolens; that they do not propose to stand on the question of the amount of reduction or to insist that it must be enough necessarily to satisfy the principle of tariff for revenue only, but that they are willing to accept a substantial reduction in the present rates in order that the people might be relieved from the possibility of oppressive prices due to excessive rates. I strongly desire to reduce duties, provided only the protection system be maintained, and that industries now established be not destroyed. It now appears from the Tariff Board's report, and from bills which have been introduced into the House and the Senate, that a bill may be drawn so as to be within the requirements of protection and still offer a reduction of 20 per cent on most wool and of from 20 per cent to 50 per cent on cloths. I can not act upon the assumption that the controlling majority in either House will refuse to pass a bill of this kind, if in fact it accomplishes so substantial a reduction, merely because members of the opposing party and the Executive unite in its approval. I therefore urge upon Congress that it do not adjourn without taking advantage of the plain opportunity thus substantially to reduce unnecessary existing duties. I appeal to Congress to reconsider the measure, which I now return, without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earners out of employment, and which I will promptly approve.

WM. H. TAFT.

THE WHITE HOUSE, *August 9, 1912.*

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. GREEN].

Mr. GREEN of Iowa. Mr. Speaker, theories may be discussed, doubted, or disputed, but facts can not be set aside or disregarded. The plain, cold, indisputable fact is that the manufacturers of this country were not able to operate their business under the Wilson bill. Since that time wages have risen, as estimated, from 25 to 35 per cent, but every other material besides the wool that they use in their manufacture has increased in price, and the plain, cold, hard fact is that this bill does not give the manufacturer anything like the protection that the Wilson bill did.

With the exception of wool and yarns, the protection all through this bill is less than that given by the Wilson bill. The Wilson bill gave on cloth that is valued to exceed 50 cents per pound a protection of 50 per cent. Cloth valued at 50 cents per pound would include practically all wool cloths and nearly all the finer finished goods of a mixed character. This bill gives 49 per cent on cloth and makes an additional expense to the manufacturer of 29 per cent on the wool which he uses, which the Wilson bill gave him free.

On all of the small manufactures made of wool, such as webbings, gorings, suspenders, embroideries, and the like, the Wilson bill gave 50 per cent, with free wool. This bill gives 49 per cent. On clothing valued at above $1.50 a pound, which would include practically all of the all-wool clothing that would come in, the Wilson bill gave 50 per cent. This bill gives only 49 per cent, and keeps the 29 per cent tax on wool.

On women's and children's goods the same schedule applies; 50 per cent under the Wilson bill, and 49 per cent under this bill, and the Wilson bill gave the added advantage of free wool. On ladies' apparel the same rule again applies, and all through there was a great advantage in the Wilson bill to the manufacturer over the rates given in this bill.

On blankets the rates indeed in this bill are higher than those given in the Wilson bill, but not sufficient to make up for the 29 per cent which the manufacturer must pay on his wool under this bill. Blankets under the Wilson bill paid between 25 and 35 per cent. Under this bill the duty is 38 per cent.

On carpets there is a still more marked difference. It is true that on the expensive grades of Aubusson, Moquette, and Axminster carpets the rates in this bill are higher than those of the Wilson bill, but even on these the rates are not sufficient to make up the difference upon the wool. But when we come to tapestry Brussels and ingrain carpets the Wilson bill gave even higher protection, with free wool, than is given in this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GREEN of Iowa. Can I have two minutes more?

Mr. PAYNE. I yield to the gentleman two minutes in addition.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. GREEN] is recognized for two minutes more.

Mr. GREEN of Iowa. Mr. Speaker, the people of the United States may not always be able to figure out these schedules or understand these rates, but they can understand the effects of the Wilson bill, and they can determine for themselves whether the manufacturing business of this country can be carried on under this bill when it could not be carried on under the Wilson bill.

I have spoken of the effect on manufacturing, but my chief concern is not for the manufacturer, although I believe he should be treated fairly. If the manufacturer can not run his mills, the mill hand can not get his wages. If the mill hand does not get his wages, he can not buy the farmer's produce. If the farmer can not sell his produce, he can not buy the merchant's goods. The vicious circle that under the Wilson bill paralyzed every kind of trade and business and threw the laborer out of employment will then be complete, and the days of 1894 will again return. The American people remember them. [Applause on the Republican side.]

Mr. PAYNE. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has 41 minutes remaining.

Mr. PAYNE. I yield 10 minutes to the gentleman from Rhode Island [Mr. UTTER].

Mr. UTTER. Mr. Speaker, for one who has observed with some care the action of the Democratic majority since the beginning of this Congress it has been exceedingly difficult to understand the policy which has been followed on tariff legislation. Coming into this House with a majority, as they did, on a promise to reduce the tariff, they seem to have persistently and consistently followed a policy to prevent its reduction. Indeed, it seems to me that the time has now come when the people can well say to that party, as was said a long while ago to a certain individual, "Your actions speak so loud that we can not hear your words." [Applause on the Republican side.] The pretensions that you gentlemen on that side of the aisle have made are belied by your actions; the promises you have made have been discounted to the public by your actions; and now, as though to put a climax on the whole thing, you once more enact a bill which has met previous defeat, and I must conclude that you have repassed it with the expectation that it will again meet defeat.

Everybody who knows anything about public matters knows that legislation is dependent upon the President as well as upon the body which originates such legislation. The Constitution not only places upon the President the responsibility but also the duty of vetoing or approving legislation. Therefore for a legislative body to deliberately bring legislation to the President which it knows before it has been framed will meet with a veto is an act of insincerity that the people can readily understand.

This bill that we now have before us is a bill that has twice been before the President. There may have been some excuse at first for the hope that he would sign it. At this time, however, there can be no excuse whatever for any such anticipation. He himself has said, directly and positively, that he stands on a tariff principle which this bill violates. He himself has repeatedly said that he stands for a tariff policy which this bill attacks. He himself has said, and the people believe in him, that he has confidence in a system which this bill does not favor, but which it opposes. Yet once more we were asked to put up to the President a bill that we knew he would not approve, and now we are asked once more to pass that bill over his veto.

There was a bill offered to this House which the President would have approved. It was the bill offered by the minority as a substitute for the bill which has been returned without the President's signature. That bill was framed with regard to the principles for which he stands, and yet it was a marked reduction in tariff rates in many particulars.

Mr. WARBURTON. Will the gentleman yield?

Mr. UTTER. Yes.

Mr. WARBURTON. How do you know he would have approved it?

Mr. UTTER. If the gentleman will wait, I will try and prove it to him.

Mr. WARBURTON. May I make one suggestion? He has said many and many a time that the wool schedule was indefensible, and that there should be a very material reduction in it.

Mr. UTTER. I do not want the gentleman to take up my time. What I say is that the insincerity of this action is proven in two or three ways. It is proven, first, by the fact that this House knew before this bill was sent to the President that it would not be approved. It is the same bill that was passed last year. It comes back without a change in it, and it is proposed to put it up to the President once more. He himself has said that he will favor a discreet revision of the tariff, but he has never at any time said he would favor a revision that would seriously injure an American industry. [Applause on the Republican side.] Therefore, when we go to the people and tell them that a bill has been sent to the President and that he has disapproved it because he believed it would injure an industry in certain of its branches, we can not protect ourselves from the charge of insincerity by asserting that he has at some time said he is in favor of a general reduction. The very fact that this bill has for the second time been put up to the President is proof positive of the insincerity of the whole thing.

In the second place, it was well said by the gentleman from New York [Mr. HARRISON], on the other side of the aisle, a few days ago, that if he were to have his way he would not continue to disturb business by threatening tariff legislation, but he would wait until such time as the party on that side of the aisle was in control, and then would pass a bill of its own manufacture and incorporating its own ideas. But here you have presented to the President a bill that does not carry the ideas professed by the people on the other side of the aisle; a bill that does not carry the ideas of the people on this side of the aisle; a bill that does not carry the ideas of anybody. It is nothing more or less than an effort to embarrass the President by hereafter declaring that he was offered a tariff bill making an apparent reduction in rates and yet a bill which he disapproved. The insincerity of the move is seen from the very first.

In the third place, the President himself has said that he was in favor of a bill that would properly reduce the tariff. He said in his veto message, that was read to the House only this morning, in so many words:

> My position has been made perfectly plain. I shall stand by my pledges to maintain a degree of protection necessary to offset the difference in cost of production here and abroad, and will heartily approve of any bill reducing duties to this level. Bills have been introduced into Congress, carefully framed and based on the findings of the Tariff Board, which, while maintaining the principle of protection, have provided for sweeping reductions. Such a bill was presented by the minority members of the Ways and Means Committee, which, while providing protection to the woolgrower, reduces the duty on most wools 20 per cent, and the duties on manufactures by from 20 to more than 50 per cent, and gives in many instances less net protection to the manufacturer than was granted by the Gorman-Wilson free-wool act of 1894.
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> In view of these facts, in view of the platform upon which I was elected, in view of my promise to follow and maintain the protective policy, no course is open to me but to withhold my approval from this bill.

Mr. WARBURTON. May I interrupt the gentleman?

Mr. UTTER. No. The gentleman from Alabama [Mr. UNDERWOOD] said, when this bill was before the House a few days ago, that should it become a law it would produce larger imports of the manufacturers of wool by $32,177,000 and of the entire woolen schedule to the amount of $63,495,000. And how? Simply because more goods were to be manufactured abroad and brought in here, and the bringing in of $32,177,000 more manufactures of wool, or of $63,495,000 of wool and woolen manufactures, would mean $63,495,000 less values produced in this country. [Applause on the Republican side.]

Mr. WARBURTON. May I interrupt the gentleman?

Mr. UTTER. Not now.

Mr. WARBURTON. Just one question.

Mr. UTTER. Not now. I want to call attention also to this fact: If there had been a sincere effort on the part of the Democracy to reduce the tariff on wool, then, instead of standing by something that they knew would not be approved, they would have taken something that they had every reason to know would be approved. Men in business, men in active life, know that if they can not get all they want they better get what they can; and when a party undertakes to send a bill like this to the President, with the knowledge that the President will veto it, they are fooling themselves, not the people.

Mr. WARBURTON. Will the gentleman yield for just one question?

Mr. UTTER. No.

Mr. WARBURTON. Would he have——

Mr. UTTER. I decline to yield. If there is any fixed party policy back of the repeated passing of this bill and of the sending it to the President, it must rest on the hope that the people can be deceived into believing that the promise of getting something cheap is the fulfillment of party promises to reduce the tariff. But the people will not be so easily deceived. They have not yet forgotten their experiences of the past. It seems to me that the whole thing can be illustrated by a short story. A man went to a butcher and asked him what was the price of sausage. The butcher said the price of sausage was 14 cents. "But," replied the man, "I can buy sausage of Smith for 10 cents." "Then, why don't you buy sausage of Smith for 10 cents?" asked the butcher. "Because," said the man, "Smith hasn't got any now." "Well," said the butcher, "if I didn't have any sausage, I would sell them for 10 cents, too." [Laughter.]

So the Democracy is undertaking to tell the people that it will give them something cheap, but it does not give them anything to buy with. It does not tell the people that by making things cheap it will probably also cause that which is to be bought to be manufactured elsewhere. The policy of the Republican Party is not only to buy things cheap, but to buy things made by American people in American manufacturing establishments and to take pride in American industry. [Applause on the Republican side.] Mr. Speaker, I yield back the balance of my time.

Mr. WARBURTON. Now will the gentleman answer a question?

Mr. PAYNE. Now will the gentleman from Alabama occupy some of his time?

Mr. UNDERWOOD. I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I desire to congratulate my colleague, the gentleman from New York [Mr. PAYNE], on his eloquence and the persuasive speech he made in support of the President's veto. [Laughter and applause on the Democratic side.] It consisted in having read at the Clerk's desk the veto message of the President. I appreciate the fact that my colleague believes that the message would speak more eloquently and effectively than he could himself, because the President approved one bill which bore the name of the gentleman from New York, and in this message commends to Congress another bill prepared by the gentleman from New York.

Mr. WARBURTON. May I interrupt the gentleman?

Mr. FITZGERALD. No. The chief characteristic of the bill approved by the President in his message, and which he begs Congress to remain in session to enact, is that it increases the rates of duty on the cheaper grades of goods and takes off the burden by reducing the duty on the higher-priced goods, which are used not by the poor but by the rich.

I desire to call attention to the remarkable versatility of the President. This identical bill was sent to him last August, and in his message vetoing it he makes the following statement:

> I was elected to the Presidency as the candidate of a party which, in its platform, declared its aim and purpose to be to maintain a protective tariff by the imposition of such duties as will equal the difference between the cost of production at home and abroad, together with a reasonable profit to American industries.

He received the same bill one year later, just a few days ago, and in his message vetoing this bill he makes this statement:

> My position has been made perfectly plain. I shall stand by my pledges to maintain a degree of protection necessary to offset the difference in cost of production here and abroad, and will heartily approve of any bill reducing duties to this level.

What about reasonable profit to the American industries upon which he placed so much stress in the other message? How about the Republican platform? The President in his first message and in this message keeps reiterating that he was elected on a platform which promised a certain measure of protection, and the platform of 1908 adopted by the Republican Party declares that—

> In all tariff legislation the true principle of protection is maintained by the imposition of such duties as will equal the difference between the cost of production at home and abroad, giving a reasonable profit to American industries.

That was the ground on which the President vetoed the first bill. The Republican platform of 1912 declares—

> That the import duties should be high enough, while yielding a sufficient revenue to protect adequately an American industry and wages.

In other words, by an ingenious change of language the American manufacturer is notified that the Republican Party still proposes that his profits shall not be curtailed while the declaration is framed in such a way as to deceive the American consumer. That is apparent from the President's message, because, while the platform declares for protection of the industry and

wages—and when they differentiate between industry and wage they mean profit—the President has only stated that he will stand by his pledge and maintain a degree of protection necessary to offset the cost of production here and abroad.

In this message the President further states:

Despite the efforts which have been made to discredit the work of the Tariff Board, their report on this schedule has been accepted, with scarcely a dissenting voice, by all those familiar with the problems discussed, including active representatives of organizations formed in the interest of the public and the consumer.

There is a striking absence of any reference to organizations formed in the interest of the manufacturer, and I know of none legitimate in character formed in the interest of the consumer and made public which have indorsed the Tariff Board's report.

Importers and merchants—

He proceeds—

as well as producers and manufacturers, have testified to the accuracy and impartiality of these findings of fact.

Mr. Speaker——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FITZGERALD. Will the gentleman give me a little more time?

Mr. UNDERWOOD. I yield the gentleman three minutes more.

Mr. FITZGERALD. Mr. Speaker, I took occasion to put in the RECORD an analysis of the Tariff Board's report on Schedule K by Samuel S. Dale, editor of the Textile World's Record, of Boston, a leading authority upon textile industries of the United States. The gentleman from Connecticut [Mr. HILL] knows him and knows that he is competent to pass on the Tariff Board's report. The President is not. He appointed the board in order to furnish him with information by which he could determine how he could act, lacking, as he has repeatedly admitted, sufficient information himself. Mr. Dale, if I am not misinformed, at one time was associated with the Taraiff Board in an advisory capacity, but, like another gentleman, as disclosed the other day, he left them in disgust. I shall put some extracts in the RECORD, and also submit some figures which the Tariff Board gave as to cost.

Mr. Dale said:

No better proof of the impossibility of determining cost for the purpose of applying the difference in cost formula to the revision of tariffs is required. The board attempts to avoid this difficulty, as in the case of tops, by assuming a full output. Thus, on page 646:

"In view of this difficulty the Tariff Board has adopted a general rule of figuring all costs on the basis of full normal output, as in the case of tops."

This is assuming a condition that never prevails for any considerable time throughout the industry. Moreover, the question arises, How did the board revise the cost returns received so as to determine the result that would have been actually reached if the mill had been doing something that it was not doing?

On page 650 the report says:

"Figures of cost were secured in England from various manufacturers on actual samples, and in the second column in the table below are given the figures which represent the average of the various calculations.

"From this it is evident that the board obtained from 'various manufacturers' in England estimates of cost of certain grades of worsted yarn. These estimates were averaged by some unexplained process and the results tabulated on page 650 for the purpose of comparison with the figures obtained from American mills and revised by the board at Washington. That is the result, or rather lack of result, attained by the board in investigating the cost of the material, white worsted yarn, which of all the multitudinous products of wool manufactures offered the least difficulty in such an inquiry."

Again, speaking of the yarn material for a yard of cloth:

These figures do not represent the cost in any mill either in this country or abroad. They result from some undisclosed system of estimating, based on arbitrary prices for foreign and domestic yarns. Such calculations do not come up to the level of ordinary guesswork.

He concludes this very illuminating paper with the statement:

In conclusion I desire to express my keen regret at having found these statements of fact in the report deficient and the conclusions generally erroneous.

This is the information upon which the President urges that legislation be framed. Unless a bill be drafted along the lines indicated in the report shown by Mr. Dale to be utterly worthless the President will not approve a bill.

Mr. Dale is stated to be the most competent man in the United States to pass on the work of the Tariff Board. The President, for whose benefit this board was appointed, because he confessed he was unable to determine for himself what the rates should be, because he had no information, in speaking of this report, says:

For the first time in the history of American tariffs the opportunity has been afforded of securing a revision, based on established facts, independent both of the ex parte statements of interested persons and the guesswork of political theorists.

The President in his Winona speech said that the woolen schedule was an indefensible schedule; that it had not been revised because the combination of woolgrowers in the West and woolen manufacturers in the East had prevented any change being made in it, and he states in one of his messages that he has repeatedly declared it to be indefensible. He now expresses his regret that Congress has not complied with the recommendations of this report and legislated in accordance with it.

Mr. Speaker, the truth of the matter is that the President is thinking only of the manufacturer and those who have been earning profits at the expense of the American people as a result of Republican legislation. This bill has been drawn to afford relief to the great mass of the people, the consumers of the land, and it is in their interest alone that it was passed, and not for the benefit of the beneficiaries of Republican tariff legislation. Twice Congress, with deliberate judgment, with Houses hostile to each other politically, has agreed upon this bill, and twice the President has interposed to deny relief to the public in order that these ill-gotten profits of the manufacturer may be protected. I appeal from the President of the United States in this matter to the good sense of this House and to the American people, who understand fully the situation. I am convinced that the results will not be such as to justify his vetoes. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, there is an absolute irreconcilable difference between the policies of the Republican Party and the policies of the Democratic Party. I am a Republican and believe in the policies of that party. One of the policies of that party, and the most important one from an economic standpoint, is the protective system. The gentleman from Alabama, the leader of the majority, candidly says that this bill is framed without any regard whatever to protection, that it is intended to be a bill for revenue, and announces clearly and intelligently that he does not favor in this legislation or in any legislation which he supports anything that will protect American labor. How are you going to reconcile the difference between the gentleman and his party and me and my party? You voice it in your platform upon which your candidate, Mr. Wilson, stands. You say there is no power under the Constitution to levy a protective duty, and it was on that principle, that doctrine, that the southern portion of the country refused to submit to the will of the majority, and we had as a result that great struggle, and in your Confederate constitution you wrote in express words that no duties should be levied for protection.

You passed this bill once before and sent it to the President. He vetoed it. Do you think you are making your position any stronger by sending it to him again? He vetoed it, thank God, and he vetoed it because if it had passed it would have been destructive not only of the flockmaster but to the hundreds of thousands of people with small flocks of sheep, and it would have been destructive to a great army of people who are engaged in doing the labor to make the textiles. If, perchance, your fond prophecy shall materialize, and you shall come into full power, what is going to be your policy? Your candidate for the Presidency makes a very artful speech of acceptance. He says, in substance, to the New Jersey manufacturer and the New York and New England manufacturer and to the great Middle West manufacturer in my own State—it being the third State in manufacturing, as it is first in agriculture—"Oh, we will be very careful; oh, we will not do it all in one minute; we will cut off the tail of the dog only an inch at a time, so that it will not hurt him." [Laughter.] But he also accepts the nomination upon the Baltimore platform, which declares that protection is unconstitutional and pledges legislation for a tariff for revenue only.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. PAYNE. Mr. Speaker, I yield the gentleman one minute more.

Mr. CANNON. Mr. Speaker, if the Democratic Party comes into power the country would be infinitely better off if you would not kill the industries of the country by inches, but would write your policies upon the statute books. Of course, that might not fool the people up in Massachusetts and New England and New Jersey and New York and Illinois; and, therefore, you think to temporize. You are right or you are wrong. We are right or we are wrong. Let us be manly. The Republican Party stands for adequate protection, high enough even to prevent dumping. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that all gentlemen who speak on this veto message have leave to extend their remarks in the RECORD for five legislative days.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who have spoken or who may

speak upon this veto message may have five legislative days in which to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I yield 12 minutes to the gentleman from Alabama [Mr. HEFLIN]. [Applause on the Democratic side.]

The SPEAKER. The gentleman from Alabama is recognized for 26 minutes. [Applause on the Democratic side.]

Mr. HEFLIN. Mr. Speaker, the Republican Party obtained the last presidential election under false pretenses. [Applause on the Democratic side.] The Payne-Aldrich tariff law is an open, notorious, and willful violation of the solemn pledges made by that party to the American people. [Applause on the Democratic side.] It was conceived in a conspiracy with trust magnates and tariff barons and born in the star chamber of special privilege. [Applause on the Democratic side.] Its provisions bristle with injustice to the American consumer. It is a license to rob and plunder the American people. [Applause on the Democratic side.]

The woolen schedule was so outrageous and oppressive that the President explained its presence by saying that the Woolen Trust was so powerful and influential that it was impossible for a Republican Congress to reduce the tariff on woolen goods. [Applause on the Democratic side.] The people cried out against the entire law. They strongly condemned the woolen schedule. [Applause on the Democratic side.] And then this same Republican President made a confession; he declared that the woolen schedule of the Payne-Aldrich tariff law was inexcusable and indefensible. [Applause on the Democratic side.]

Mr. Speaker, in 1910 the people expressed their disapproval of the Payne-Aldrich tariff law and repudiated the Republican Party. [Applause on the Democratic side.] A Democratic House was elected and immediately set itself to the task of reducing the tariff tax, of relieving the people of the burden of unjust and oppressive taxation. [Applause on the Democratic side.] One of the first bills reported to this House was one to reduce the tariff tax on woolen goods. The bill passed the House and, by the aid of insurgent Senators, it passed the Senate. It then went to the White House, and the same Republican President who had denounced the woolen schedule, declaring it inexcusable and indefensible, employed the veto power to defend it. [Applause on the Democratic side.] He struck down a bill that would have carried relief and happiness to millions of the American people. [Applause on the Democratic side.] The people were sorely disappointed and justly indignant, but the cohorts of the Woolen Trust were happy, and its president expressed pleasure at the President's veto and congratulated him upon his courage. [Applause on the Democratic side.]

Mr. Speaker, there was great rejoicing among the privileged classes and the trust magnate was in supreme command at the White House. [Applause on the Democratic side.] The people turned away from this scene sad and despondent. Again, at this session of Congress, we passed the woolen schedule. Again it passed the Senate and again it reached the White House.

Mr. Speaker, when that bill, fraught with so much good and carrying so much relief to the people of the United States, reached the President—in spite of his former veto—men, women, and children looked with hope to the White House. [Applause on the Democratic side.] They had felt the chill of three winters under the woolen schedule of the Payne-Aldrich tariff law. [Applause on the Democratic side.] They had suffered and shivered in the cold, and disease and death had come to many of their loved ones; and now they hoped and prayed that the President would approve the bill. [Applause on the Democratic side.] In their anxiety and hope they saw cheaper clothing and they could almost feel the warmth and comfort that would come with the President's approval of that measure. [Applause on the Democratic side.] They looked longingly to the White House, Mr. Speaker, but they looked in vain, and when the news of the President's veto reached them they were disappointed and exceedingly unhappy. [Applause on the Democratic side.] They knew by bitter experience what the coming winter had in store for them [Applause on the Democratic side.] And with heavy hearts they turned, awe-stricken, from the scene and exclaimed: "God of our fathers, how long will the American people submit to the open and bold defiance of their registered will?" [Applause on the Democratic side.] How much longer will tariff barons and trust magnates be permitted to rob and plunder the American people? [Applause on the Democratic side.]

Mr. Speaker, the President may shut his eyes to the suffering and distress caused by the Payne-Aldrich tariff law. He may turn a deaf ear to the pitiful appeals of men, women, and children who must shiver in the cold because of his veto of this woolen bill. [Applause on the Democratic side.] He may, by the unwise and improper use of the veto power, postpone the day of their deliverance from the evils of special privilege, from the distress, misery, and tyranny of this robber tariff law, but, thank God, he can not long delay it. [Applause on the Democratic side.]

The handwriting is upon the wall. I appeal to the Members of this House to pass this bill over the President's veto. [Applause on the Democratic side.] Our cause is just. A long-suffering people are indignant and determined, and, thank God, the day of their deliverance is near at hand. [Loud applause on the Democratic side.]

The SPEAKER pro tempore. The gentleman yields back one minute.

Mr. UNDERWOOD. I will ask the gentleman from New York to consume the balance of his time. There will be only one more speaker on this side.

Mr. PAYNE. How much time have I remaining?

The SPEAKER pro tempore. Twenty-seven minutes.

Mr. PAYNE. I yield 10 minutes to the gentleman from Connecticut [Mr. HILL].

Mr. HILL. Mr. Speaker, there is not the slightest use in attempting to befog this question. It is a clear, straight-out, open, clean-cut issue between protection and free trade, for a tariff for revenue only is nothing but free trade with a handicap. The President of the United States has sent a message to Congress in which he says that he will approve a bill drawn at a lower rate of duty than the one that he has vetoed if it is drawn on protection lines. But the Democratic Party insists that the veto shall be overridden and that there shall be no legislation except on their own terms. Gentlemen, the responsibility is upon you. One branch of the legislative power says there shall be no reduction of the duty on Schedule K unless it is made on free-trade lines.

That is the issue. There is no use trying to disguise it. If the Members of the House will look in the RECORD when this bill was under discussion before they will find a speech by the gentleman from Alabama [Mr. UNDERWOOD], in which he placed the rates of this bill and the bill which was voted for by the Republicans, on the importations of 1911 side by side, one giving a rate for his measure of 31 per cent, the other giving a rate for the Republican measure of 36 per cent on the importations of that year. But he was fair enough to state at the beginning that it applied only to all-wool goods.

If he had applied the cotton proviso of the Republican bill to the importations of that year, the reduction by the Republican bill in the aggregate would have been at least 7 or 8 per cent below the rate of the bill which he drew and which is now under consideration. It is not a question of rates, but of the method of their application. It is simply a question of protection or free trade.

At the very foundation of this industry lies the wool duty, and it was a matter of common talk at the time that the first Democratic caucus was held that there were 47 men on that side of the House who stood for a duty on wool, and because that 47, added to the Republican membership, would have prevented legislation putting wool on the free list, they were compelled to put a duty on wool. But in doing it they declared their sentiments, and this is what they said. I read from the RECORD:

Resolved, That the bill revising Schedule K, as presented to this caucus by the majority Members of the Ways and Means Committee, is not to be construed as an abandonment of any Democratic policy.

They were actually for free trade then. They are actually for free trade now, and I appeal to those 47 Members, who will have to go back to their constituents and meet this issue fairly and squarely, to meet it here on this floor. They can not escape by dodging the issue. It will meet them.

No man reaches mature life in this world without having some great opportunity placed before him to stand for principle rather than for expediency, and I want to read to those 47 men a statement that was made many, many hundreds of years ago, when the question of expediency was put up against honor and even against life. I read from the book of Esther:

Then Mordecai commanded to answer Esther—

And I want the gentleman from Colorado and the Democratic gentlemen from the Western States, from California and other wool-growing States of the West, to listen to this statement:

Then Mordecai commanded to answer Esther. Think not with thyself that thou shalt escape in the King's house more than all the Jews, for if thou holdest thy peace at this time, then shall there arise deliverance and enlargement from another place, but thou and thy house shall be destroyed, and who knoweth but that thou art come to the kingdom for such a time as this?

And this might apply to others beside Democrats on that side of the House. What was Esther's answer? She sent back word that she would stand upon principle, and said:

I will go in unto the King, and if I perish, I perish.

But she did not perish. She won out [applause], and there was a day of gladness and rejoicing for her and all of her people.

I say to you, protectionists on this side of the Chamber, "Stand by your principles." If you do not, you will not be saved because you are in the king's house just now. It is a question of protection and free trade. Let me prove it to you. A few days ago a delegation visited Seagirt, N. J., and a statement was made by a prominent Democrat to Dr. Wilson, declaring that he believed that a certain person whose party platform called for protection now was actually for free trade. He added:

But I want to say to you, Gov. Wilson, even if we forfeit this election, we ought to stand for what we believe is right.

What was the answer? Said the Doctor:

I am complimented by your allegiance, and I want to assure you that, while I think this is a very high personal compliment, I take it to myself simply that I, for the present at any rate, represent the earnest desires and purposes of the Democratic Party.

Said he:

It seems to me we are standing in the presence of something higher than allegiance to the Democratic Party.

That is from your candidate. [Applause on the Democratic side.]

Another delegation came along, and he said this to them, referring to another subject:

The Democratic Party is now placed under a peculiar responsibility. It has to prove that it is the worthy instrument of that zeal on the part of the people of the United States. If it does not prove it now, it will never be given another chance to prove it.

"It will never be given another chance." Only a few days ago he said that there was "no indispensable man." I say to Dr. Wilson that the fate of Democracy does not rest on him. Four years from now CHAMP CLARK and OSCAR UNDERWOOD will be found leading the hosts of Democracy, no matter what happens to Dr. Wilson now or what may be the outcome of this presidential election. [Applause.]

Mr. HUGHES of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HILL. Not now. Their opportunity will not be gone. [Renewed applause.] It does not rest with him to insist that the people of the United States shall stand for free trade, as expounded by one who has believed in it and taught it all his life, and that if they do not accept that or anything else now, the opportunity of Democracy is gone forever. I honor the men on that side of the House who stand for the principles in which they believe. I am for true protection. I believe in "an honest dollar and a chance to earn it." That was the motto of William McKinley, and with it as his battle cry the American people gave him a splendid victory over William Jennings Bryan, who made the Democratic platform of to-day, and who will try again to raise the money issue if his candidate is successful now.

I believe in protection to American industry from start to finish. You do not. [Applause.] You do not believe in it at all. You believe in free trade, no matter how much you disguise it. We will meet you at Philippi in November. [Applause.]

Mr. WARBURTON. May I interrupt the gentleman?

Mr. HILL. Oh, no. I commend to you also the message which Mordecai sent to Esther, "Think not with thyself that thou shalt escape in the King's house." That will not protect you. You have got to stand on principle and go to your constituents and say, "I will stand by my principles; and if I perish, I perish." [Applause.]

Mr. WARBURTON. I submit, Mr. Speaker——

The SPEAKER. The gentleman from New York [Mr. PAYNE].

Mr. WARBURTON. I submit that——

The SPEAKER. The gentleman from Washington has not the floor.

Mr. WARBURTON. May I make a suggestion?

The SPEAKER. The gentleman will have to get time either from the gentleman from New York [Mr. PAYNE] or from the gentleman from Alabama [Mr. UNDERWOOD].

Mr. PAYNE. I yield three minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, the whole pretense on the part of the majority side of this House to enact legislation for the honest revision of the tariff is the most consummate farce that has been enacted in this House in modern years. I have reached the conclusion that gentlemen on the other side of the aisle at no time have had any purpose, intention, or desire to revise the various tariff schedules. They are nursing the whole subject for use in the campaign.

In the summer of 1911, in the first session of this Congress, this bill in identically the same terms went through the two Houses of Congress, went to the President, and was vetoed by him on the ground that there was no way of finding out, no way of ascertaining whether it would be destructive to the woolen industries of the country. From the arguments made in support of the measure it would have been not only disastrous but absolutely destructive of that industry, because men who advocated it boasted of the fact that it had eliminated every vestige of protection from the wool tariff.

The Tariff Board had made no report at that time. Since then it has. The Congress has had access to that great report, which shows thorough research upon this question for eight months. The minority members of the Ways and Means Committee presented a bill to the House at this session conforming strictly to the report, reducing the duty on wool on an average of 45 per cent. Gentlemen on the other side of the aisle knew well enough that if that bill had gone through the two Houses of Congress it would have become a law. There was an opportunity to reduce the tariff on wool 45 per cent. That was rejected, and they have resurrected and brought out the same old cadaver that went to the administration dissecting table last August, the same identical bill, and presented it again to the President, and it has met the same fate as it did before. They have not changed it an iota, they have not even galvanized it or deodorized it, and yet they pretend to desire its enactment. They knew the President would disapprove the bill when they passed it. They were careful to defeat all bills they thought would be approved by the President and persisted in supporting a measure they knew was impossible. They are not fooling anybody but themselves. It is true the people want the wool schedule revised, but for what? Not merely for the sake of having it revised, but for the purpose of having it fairly and intelligently readjusted. The people do not want a revision that will close the woolen mills of the country and throw several hundred thousand men and women out of employment, but they do want a revision that will afford our own industries reasonable protection, and no more. They demand that all unnecessary duties be removed, that all above a reasonable protection basis be reduced to that basis. This bill was made without any regard to the report of the Tariff Board and without any concern about the fate of the American woolen industry. They are utterly indifferent about the welfare of the laborers of our woolen mills. Only one conclusion can be reached and that is that the Democratic side of the House has sedulously striven to frame a measure that could not become a law, and yet they will proclaim with lusty lungs their undying fidelity to the cause of the "peepul." Every maneuver they have made in the way of tariff revision has been to mislead the country and to promote their own individual political fortunes. A shame on such trifling with the important affairs of the country.

Mr. PAYNE. I yield 10 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, a few days ago I read a very interesting news item in a Washington newspaper. This news item recounted how a considerable number of the inhabitants of a Canadian village, visiting the city of Ogdensburg on the American side of the St. Lawrence on a holiday occasion, were arrested on their return to their native heath, and found to be in possession of large quantities of woolen dress goods, clothing, and like American material purchased on the American side and smuggled into Canada. As I read that item, I thought how unfortunate it was for those poor, misguided Canadians, who thus brought themselves within the meshes of the law and were threatened with jail sentences, how unfortunate it was that they had not heard the speech of the gentleman from Alabama [Mr. UNDERWOOD], the majority floor leader, the other day when he called our attention to the alleged outrageous prices, the vastly enhanced cost of woolen goods in the United States, above their cost in other regions, where Republican tariff legislation is not upon the statute books. Those ladies and gentlemen—I understand there were some ladies among the smugglers—were still more unfortunate in that they had not heard the impassioned eloquence of the other gentleman from Alabama [Mr. HEFLIN], who a few moments ago made us fairly shiver, even in the present temperature of the atmosphere, as he told us of some people—I do not know where they live; probably he does not; somewhere in this blessed land—who have been shivering for three long and cold winters, as he assured us, because they were unable to buy woolen goods at the high

prices fixed, he tells us, by Republican tariff legislation. If these misguided——

Mr. WARBURTON. Will the gentleman yield?

Mr. MONDELL. I will not. I will yield to a free trader or I will yield to a protectionist. If these poor, misguided——

Mr. WARBURTON. Mr. Speaker——

The SPEAKER. The gentleman from Wyoming refuses to yield. The gentleman must not interrupt without permission.

Mr. MONDELL. These poor, misguided Canadians, uninformed by the gentleman from Alabama [Mr. HEFLIN] or the other gentleman from Alabama [Mr. UNDERWOOD], were foolish enough to come from Canada with her preferential British tariff into the highly protected market of the United States and take their chances on a jail sentence in order to buy woolen goods on the American side of the line. How unfortunate that they had not been advised by our friends on the other side that these goods were much higher on our side of the line than on theirs.

Mr. Speaker, we have reason again to thank God that we have in the White House an honest, courageous President who believes in the principles and policy of protection to American labor and American manufactures. Our Democratic friends imagine that they are going into this campaign riding two horses going in opposite directions. They would be the most disappointed people in the world if the President were to sign this bill. Nothing would be so regrettable, from their standpoint, as to have the question of the tariff on wool eliminated from the campaign. They hope to go into the campaign declaring that the President has vetoed a wool bill that would have given relief to the poor people of these United States who wear woolen goods, and then, on the other hand, where conditions are not such as to make their claims based on this bill wise they expect to read from the ladylike speech made by their candidate for the Presidency when at Seagirt the other day he discussed the great question of the tariff. Says Prof. Wilson in his speech of acceptance, discussing the tariff:

> When we act we should act with caution and prudence, like men who know what they are about, and not like those in love with a theory.

So, in the consuming centers, far from the flocks and herds of the farms and ranches——

Mr. WARBURTON. Will the gentleman yield?

The SPEAKER. Does the gentleman from Wyoming yield?

Mr. MONDELL. I do not. I will yield either to a Republican or a Democrat.

The SPEAKER. The gentleman declines to yield.

Mr. MONDELL. Far from the hum and whir of the machinery of our factories and our mills, they will declare that if it had not been for the President we would have had cheaper woolen goods.

And out on the plains of Wyoming and on the farms in Ohio and Michigan and in the factory towns they hope to have creep into the hearts of the people the soft and soothing words of the Sage of Seagirt, to the effect that the tariff should be revised with caution and prudence, and not as you are doing today, like those in love with a theory.

It is true that there are some Republicans, real Republicans, who voted for the bill which the President has vetoed. We know how it came about. A wool bill was brought in by gentlemen on that side, drawn without reference or regard to its effect upon American industries, the effect of which would have been to wipe out the sheep-growing industry in the Nation and close down the mills and the factories manufacturing their products. It went to another body, and in that body men who believed in protection substituted another bill for it, not the sort of a bill I would care to vote for, and yet believed by the men who presented it to be fairly protective. It came back, and when the Democratic conferees in conference abandoned the claim which you made earlier in the session that you would not stand for a bill containing any protection, you finally reached an agreement with gentlemen who were so anxious to reduce Schedule K that, believers in protection though they are, they were willing to take chances on duties which they probably themselves believed to be dangerously low. And so when the bill came here for the final vote, it received the votes of a few men on this side who believe in protection and who hoped—and, I fear, hoped against their judgment—that the rates might be high enough to warrant their voting for the measure in preference to the present law, which they consider too high.

But no one anywhere who believes in a protective tariff can consistently vote to pass this bill over the President's veto, no matter how anxious he may be to make some reductions in Schedule K. The President has pointed the way for the revision of this schedule to rates as low as they can be placed without destroying industries. The bill prepared by the Republican members of the Ways and Means Committee can be presented at once. We can pass it this afternoon; the Senate will accept it, and the President will be glad to sign it. It contains very considerable reductions from the present rates. If relief is needed, as you say, it will bring relief, and the President invites you to the work. We stand ready to do our part, and if you really wanted to fairly revise Schedule K you would not hesitate. The trouble is you do not want to revise the schedule; you want to agitate.

Mr. PAYNE. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the Democratic platform recently adopted at Baltimore contains this statement:

> We declare it to be a fundamental principle of the Democratic Party that the Federal Government under the Constitution has no right or power to impose or collect tariff duties except for the purpose of revenue.

The Republican platform recently adopted at Chicago contains this provision:

> We hold that import duties should be high enough while yielding a sufficient revenue to protect adequately American industries and wages.

These are the two flags flying at the front of the ranks in this campaign. [Applause on the Republican side.] This bill is framed upon the Democratic platform, meets with the approval of the Democratic side of the House, because it is not protective to American industries or American wages and is for revenue only.

It has met with the disapproval of a Republican President in favor of the principles of the Republican platform and of protection to American industries and American wages. There is no halfway house between the two. [Applause on the Republican side.] No protection Republican can afford to vote for this tariff-for-revenue bill. We do not ask those who believe that the Federal Government has no power to impose a tariff as an aid to American industries to vote against the bill. We hope that you will stand to your colors, and I hope that those who claim to be protectionists on this side of the aisle will have the courage to put their claims into a vote and sustain the protection Republican platform and Republican principles. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, when I regard the veto messages the President of the United States is now sending to the Congress I can not refrain from a sense of pity. I think the gentleman who is sending these messages to us is a man of affable manners, honest in personal character, with a desire to do what he believes to be right, but he sits on his gilded throne at the White House and reminds one of the last of the Bourbon Kings of France—he still believes in the kingly power of the Republican Party.

Mr. Taft has not found as yet that his party's old-time rival and opponent is marshaled in the field and is marching upon his political columns. He has not as yet realized that discord, disunion, and treason have broken out in his own ranks, and that even the Swiss guard that patrols the doors of the palace can no longer be depended upon for loyalty to the throne.

Yet he sits apparently undisturbed while the people demand their rights, and he fires these paper shots in opposition to their wishes, believing that he can dam back the tidal wave of popular opinion with a veto message sent to Congress. [Applause on the Democratic side.] He is not even consistent in the position he takes. When he was elected to the Presidency he led the people of the United States to believe that he was in favor of a revision of the tariff downward. He called on the gentleman from New York [Mr. PAYNE] to send him a tariff bill that would redeem his campaign pledges. The tariff bill he received from the gentleman from New York was a repudiation of every Republican campaign pledge of 1908, and, more than this, the President of the United States and the gentleman from New York were both repudiated by the American people in the election of 1910. [Applause on the Democratic side.]

Now, the President has sent you a message upholding his kingly power and seeking to destroy legislation twice sent to the White House in favor of the masses of the people, and says: "No; I will not sign this bill. I will not approve a bill repealing the woolen schedule of the Payne Tariff Act which reduces taxes that I admit are cruelly high. No; I will not approve of that bill, but I commend you to my partner in the crime of 1909, a partner who, with me, enacted the tariff bill that the American people repudiated in 1910, and if you pass his new bill I will sign that." [Applause on the Democratic side.]

This is the message the President sends to the Representatives on the floor of this House of a free American people. The lines have divided on that side of the Chamber. A Progressive Party and a Republican Party stand in conflicting columns. It is for you on the other side of this Chamber to now take your position with respect to this battle line. The

Republican Party, through the message of your President, through the speeches and the actions of your leaders, is proclaiming to-day that you believe still in the old-time principle of protection, as you call it, which means the maintenance of the tariff rates of the Dingley bill and of the Payne tariff bill which the people have repudiated.

This new Progressive Party on your side is demanding a revision of the tariff in the interest of the people. Here are the two roads and here is the dividing line. We Democrats ask you to-day to make your record at that desk and tell your constituents whether you stand with the gentleman from New York and the President of the United States for a repudiated stand-pat tariff policy, or whether you are going to stand with the Democratic Party and the La Follette party, in favor of a revision of this tariff downward. [Applause on the Democratic side.]

This House has proved itself during this Congress sensitively responsive to the demands of the people for a reduction in the present high cost of living. Immediately upon the convening of this Congress in April, 1911, the Ways and Means Committee applied itself vigorously to the preparation of a bill reducing the duties of the wool schedule, which the President had so often referred to as "indefensible." This bill was prepared after a thorough consideration of all available data which the committee assembled with regard to woolgrowing and wool manufacturing. The measure was passed by Congress and sent to the President in August of last year. Notwithstanding the prerogative and responsibility given in the Constitution of the United States solely to the House of Representatives to originate and to devise measures of this character, the President promptly vetoed the bill, assigning as his reason for doing so that the Tariff Board, which had been appointed by him and which was responsive solely to him, had not completed an investigation which it was making for him and had not advised as to what revision of this schedule was necessary. Thus, notwithstanding his admission of the indefensible rates of the schedule and the responsibility resting solely upon Congress to provide the legislation covered by this measure, the President took the responsibility of vetoing this bill and of thereby continuing excessive rates on wool clothing to an extent of extra taxes on consumers of at least fifty millions of dollars a year.

But the Tariff Board finally reported, and its data were transmitted to Congress by the President in his message of December 20, 1911. These data were carefully analyzed by the Ways and Means Committee, and the analysis failed to reveal anything that required a single change in the rates fixed in the bill which the President had vetoed in August, 1911. Hence the same measure, after careful consideration of the Tariff Board's data by both Houses of Congress, was returned to the President at this session of Congress, and he has seen fit to again veto the action of Congress in reducing the indefensible rates of the wool schedule, claiming as his reason for vetoing it that the findings of the Tariff Board have not been properly interpreted by Congress. The President has, wittingly or unwittingly, blinded himself to the fact that the wool report of the Tariff Board has been thoroughly discredited by economists, statisticians, and practical students. The theory by which this Tariff Board made its wool investigation and projected its report is that of adjusting tariff rates on the basis of the difference in the cost of production at home and abroad. This theory has even been publicly repudiated by the Tariff Board itself.

Notwithstanding admissions by the board and by the President that the theory of adjusting tariff duties set forth in the Republican platforms of 1904 and 1908 was impracticable in operation, the Tariff Board, under the direction of the President, has spent during the three years of its existence $550,000 of the people's money in operating on a theory which both the President and the board in the beginning knew and admitted to be false, impracticable, and worthless. The repudiation of this theory of fixing tariff duties on the basis of the difference in the cost of production at home and abroad is based upon the following clearly defined reasons:

First. The ascertainment of costs is in practice impossible. No board or commission has the power to demand cost statements from manufacturers or producers, and if it had, it could not, in the light of the above statement of the President, secure truthful data. Moreover, there is no way of obtaining statements of any kind from foreigners.

Second. If all manufacturers here and abroad were willing to throw open their books in an honest and impartial way, it would be of no service, because cost accounting is not always practiced by producers, and where it is practiced there is little or no agreement in the treatment of different elements of costs.

Third. If there were a perfect system of cost accounting in every manufacturing plant producing a given article throughout the world, knowledge of comparative costs in certain countries would be of no service, since costs in every competing country would have to be known before any conclusions could be arrived at as to what tariff rate was needed to protect a given country against the competition of others.

Fourth. If all these facts were known for every country, the difficulty would still be just as great as previously, unless it were known whether a duty were to be imposed for the purpose of equalizing cost between the best, the poorest, or the average, or the normal establishments in the several countries; otherwise the information about costs would be useless as a basis of tariff duty.

Fifth. To utilize a general cost analysis as a basis for tariff rates, it would be necessary to know the manufacturer's intentions with reference to the fixing of prices, because of the fact that many commodities are produced in groups or as by-products. It would also be necessary to know that the manufacturer had no disposition to establish "export prices" at rates lower than those that would be dictated by the cost of production.

For these and other valuable reasons the cost-of-production theory is both practically impossible and theoretically unsound as a basis for the establishment of tariff duties. Even the Republican Party has abandoned the theory, as evidenced by the fact that it was discarded and omitted in framing the Chicago platform of 1912. In hanging on to this thoroughly disreputed theory the President lags in the rear of progressive thought if the public is to take seriously the statement of his wool veto message.

The President undertakes to interpret the findings of the Tariff Board, and, because, as he asserts, the duties of the wool bill have not been fixed in accordance with his interpretation, the compromise wool bill is rejected. Who has made this interpretation? It is the work of a partisan board working on a partisan and impracticable theory. At the President's elbow stood a member of the Tariff Board who has placed his own interpretation on the board's findings, and the expression of this individual must be accepted instead of the carefully matured views of a large number of the Members of this House who have given much time, not only to the material submitted by the Tariff Board, but to all other available data concerning the wool industry in this and in other countries. Now, let us see what the actual conditions are. The following table may be regarded as setting forth, as well as it is possible to do, the conclusions as to the rates of duty justified by the Tariff Board report, compared with the rates of the present law and of the bill which the President has seen fit to veto:

Comparative equivalent ad valorem rates of duty on the imports of 1911 with those of H. R. 22262 and H. R. 22195, together with the rates computed from the Tariff Board report as equalizing cost of production at home and abroad.

Item.	Computed from imports, 1911.	Minority bill, H. R. 22262.	Bill vetoed, H. R. 22195.	Computed from Tariff Board report.
UNMANUFACTURED WOOL:				
Classes 1 and 2—	*Per cent.*	*Per cent.*	*Per cent.*	*Per cent.*
On the skin	43.67	28.99	29.00	0–25
Not on the skin	45.69	30.66		
Scoured	72.61	41.49		
Class 3	37.58	Free.	.....	.....
Noils, wastes, shoddies, mungo, flocks, etc., and all other wastes or rags composed wholly or in part of wool, n. s. p. f.	34.99	7–52	29.00	0–25
Combed wool or tops	(1)	(1)	32.00	5–30
Wool and hair advanced in any manner, n. s. p. f	89.93	27.03	32.00	5–30
Yarns made wholly or in part of wool	76.61	45.45	35.00	12–45
Cloths, knit fabrics, felts not woven, and all manufactures of wool, n. s. p. f	95.26	73–74	49.00	32–70
Blankets and flannels	93.66	54–58	38.00	(2)
Dress goods, women's and children's, coat linings, Italian cloths, bunting, and similar goods, n. s. p. f	102.11	74.11	49.00	32–70
Clothing, ready-made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, etc	78.06	69.86	49.00	32–70
Webbings, gorings, suspenders, braces, bandings, etc	84.76	62.87	49.00	(2)
Carpets and carpeting	61.62	30–50	30–50	(2)

[1] No data. [2] No data furnished by Tariff Board.

The figures shown here as resulting from an interpretation of the Tariff Board report when brought into comparison with the bill vetoed by the President justly condemn his veto action and clearly show his lack of appreciation of the people's demand for cheaper clothing.

It is hardly necessary at this time to go into the details of the statistics of this bill further than as shown in this table, but it is amazing how the President could have sent to this Congress two messages in such conflict as to the facts. A year ago he repudiated and vetoed this bill because, as he said, he did not have information on which to sign a woolen bill. He signed, without information, the Payne bill, carrying its 90 per cent of protection, but he could not sign a bill reducing that 90 per cent to 48 per cent protection without the expert information of his clerks. As already stated, the facts of the Tariff Board report, so far as they went, sustained in the main our position, and we sent the same tariff bill back to the President, with the honest hope and expectation that if he meant what he said and was in favor of an honest revision of the tariff and was willing to take facts presented by his board he would then approve this bill and at least give some relief to the American people. But what do we find? Right at the beginning of his veto message he says he disapproves this bill because the tax levied on raw wool is not high enough to protect the wool industry of the United States. This is his language:

In any case, the report of the Tariff Board shows that the ad valorem duty of 29 per cent on raw wool, imposed in the bill now submitted to me, is inadequate to meet this difference in cost in the case of four-fifths of our total wool clip. The disastrous effect upon the business of our farmers engaged in wool raising can not be more clearly stated. To maintain the status quo in the wool-growing industry, the minimum ad valorem rate necessary, even for high-grade wool in years of high prices, would be 35 per cent.

This gentleman, who signed one of the highest tariff bills that was ever written in reference to the woolen schedule, now repudiates the acts of the men who have been sent here by the American people to legislate for them. He appeals to Congress, and what does he say?

I appeal to Congress to reconsider the measure, which I return without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earner out of employment.

He also says in this message that he approves of the bill presented by the gentleman from New York [Mr. PAYNE] when the revision of the wool bill was last before this House. Facts are facts, although the President of the United States does not seem willing to recognize them. He does admit that this bill carries 29 per cent ad valorem on raw wool. The ad valorem equivalents shown by the Tariff Board's report, worked out by experts, and presented heretofore in these remarks, show that 25 per cent ad valorem would cover even the wools that were embraced in the Ohio flocks, which they claimed needed protection. That is what his own board shows, and yet we, as a compromise in this bill, gave 29 per cent. He says that we must send him a bill calling for 35 per cent ad valorem, and yet he approves of the rates that are fixed in the substitute offered by the gentleman from New York [Mr. PAYNE].

If you will refer to the CONGRESSIONAL RECORD of April 2, 1912, pages 4026 to 4028, you will find a comparison of the rates of that bill worked out on the imports of 1911. That comparison shows the tax levied by the Payne substitute bill, which the President approves, would be 28.99 per cent ad valorem on wool on the skin, or the same rate as in the bill vetoed by the President.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. PAYNE. If that is correct, and you desire to reduce the duty on wool from the present law, why do you not accept this bill, then, and we will all be happy. [Applause on the Republican side.]

Mr. UNDERWOOD. If that were the only iniquity in the gentleman's bill, there would not be much difficulty, but I know, and the gentleman knows, that if it were not for a situation which commands him otherwise he would be glad to put raw wool on the free list for his industries. What he wants to do is to protect the American manufacturer to an extent to which he is not entitled to protection. [Applause on the Democratic side.]

Referring again to the table of comparative taxes shown elsewhere in these remarks, it will be seen that there are two rates on unmanufactured wool in that bill: Wool on the skin, 28.99 per cent, and not on the skin, 30.66 per cent, compared with a straight ad valorem of 29 per cent in the bill which has been vetoed, and yet he sends this message to Congress and tells the American people that we are about to destroy the wool-growing industry and at the same time commends to our gracious consideration the bill of the gentleman from New York, while the rates on this item practically conform to ours. I ask you when the American people understand these facts, and they are facts, you can not deny, can there be any question as to what their decision will be?

Mr. PAYNE. Mr. Speaker, but I do deny them and have denied them time and again, and the rate shown by the Tariff Board calls for a duty of at least 35 or 36 per cent on wool.

Mr. UNDERWOOD. Mr. Speaker, the gentleman has never denied the figures to which I have referred in the RECORD, worked out by the experts by applying the rates to the imports of 1911.

Mr. PAYNE. Worked out by what experts?

Mr. UNDERWOOD. The experts of the committee.

Mr. PAYNE. I never saw the figures of the experts of whom the gentleman speaks, but I have seen the figures of the experts of the Tariff Board, experts who were equally competent; and I have figured it out a little myself.

Mr. UNDERWOOD. The gentleman from New York knows perfectly well that one of the clerks in the committee who does much of this figuring was employed by the gentleman himself in the last Congress. [Applause on Democratic side.]

Mr. PAYNE. I did not know that fact.

Mr. UNDERWOOD. Then the gentleman is blind, for he confronts the clerk every time he walks into the committee room.

Mr. PAYNE. The committee in the last Congress confined itself to no one expert.

Mr. UNDERWOOD. No; and I think it probably would have been better if it had discarded some of the experts it did have. It is too bad, Mr. Speaker, that the facts put the gentleman from New York and the President of the United States in such an unenviable position in their efforts to destroy this bill.

An illustration of the inconsistency of the data of the Tariff Board and worthlessness of their conclusions is afforded by the following excerpts from page 11, volume 1, of their report:

In the western United States the capitalization per head of sheep (exclusive of land) is $5.30, upon which a gross profit of 6.2 per cent was realized during the 12 months under review.

The board adds further:

The interest rate in that region ranges from 8 to 10 per cent per annum.

If this be a truthful statement, why do not those persons who have invested their money in sheep sell them out and loan their funds at 8 to 10 per cent? Does the board think for a moment that this country will believe that the sheep barons of the West are philanthropists serving the country and the people by maintaining at a loss an American industry? No; the truth must be that the shepherds of the West have imposed upon this overcredulous Tariff Board, just like the American Woolen Co. and similar interested trust factors have engrafted their views into the overcredulous minds of Republican tariff makers until the consumers in this country are seriously burdened and oppressed with the high and exorbitant prices of woolen clothes.

The President picks out the duty on tops as representative of the improper manner in which Congress has, in his opinion, failed to conform to the findings of the Tariff Board. I can not do better in answer to his criticisms here than to quote the following from the analysis of the Tariff Board report by Mr. S. S. Dale, editor of the Textile World Record, of Boston, Mass., and who was for some time employed by the Tariff Board as their leading wool expert:

The report gives a comparative statement of the domestic cost of converting wool into tops but makes no attempt to give the cost of raw material. It is evident, however, that the difference in the total cost of a wool product must be known in order to apply the difference in cost principle in fixing tariff rates. The omission of any important item of cost makes the comparison worthless for that particular purpose. In the case of worsted tops the board has omitted the item of raw material. The variations in the cost of raw material, not only for tops but for other forms of wool manufactures, are so great from grade to grade and from time to time that its determination is impossible. This impossibility in the case of wool fabrics was recognized and frankly stated by the board, page 628, in these words: "The question of raw material was eliminated altogether, since this is such a fluctuating element." That is true of worsted tops as well as cloths. Turning to the board's investigation of the conversion cost of tops, attention is called to the fluctuating and uncertain elements involved as outlined on pages 640 and 641 of the report. Admitting these fluctuations and uncertainties does not eliminate them, and they alone would thwart the purpose of the inquiry. But on top of all these factors the board informs us, page 641, that the mill records disclose "the widest divergencies" in the conversion cost of worsted tops:

"In attempting to arrive at the cost of tops from a consideration of actual mill records for a given period of time, we have found the widest divergencies, due to the difference in output. For a six months' period in one mill the average cost of production for all tops was only 4.28 cents per pound, while for another six months' period in the same mill, running upon practically the same quality of tops, the actual average was 9.37 cents per pound. In the first period, however, the output was about three and one-half times the output in the second period. In the first case the mill was running overtime, and in the second case much of the machinery was idle, while the fixed and overhead charges continued the same."

The Tariff Board attempts to meet this situation by assuming a theoretical production on the basis of a full running time. This, however, is assuming a condition that is never found to prevail throughout the industry or continuously in any combing plant.

If so much emphasis had not been placed on the difference-in-cost theory, we might profitably stop here and accept the evidence disclosed by worsted tops as conclusive that the theory can not be applied to the revision of Schedule K. As far as tops are concerned we find that an item constituting approximately 90 per cent of the total cost has been omitted entirely, because it could not be determined, while the items making up the remaining 10 per cent are subject to "the widest divergencies." The conclusion is unavoidable that the board has not determined the difference between the domestic and foreign cost of tops.

Now, when you come down to the real crux of the proposition, by which the gentleman from New York and the President of the United States in this holy partnership seek to deprive the people of the United States of legislation in the people's interest on this important question, you want to put an enormous profit in your rate for the manufacturer. [Applause on the Democratic side.] You do not care anything about the sheep raiser on the plains of Wyoming or Montana, you do not care anything about the small manufacturer, but you are determined when it comes to the top industry to maintain enormous rates that will make enormous prices and guarantee enormous profits to watered capitalization throughout the United States.

I wish to call further attention to a few features of the bill prepared by the minority members of the Ways and Means Committee and which the President so heartily approves. When carpet wools are used in the manufacture of the cheaper clothing for the poor—and such is the case to some extent—the duty on this wool would be increased by the minority bill from 4 cents per pound, the rate of the present law, to 7 cents per pound, which is an increase of 75 per cent. This is certainly a very serious "joker" on the poor people of this country. As might be expected this measure, which has the President's approval, is not a revision in the interest of the consumer. Cheap clothing is taxed more than expensive clothing. Instead of carrying the 18 cents tax per scoured pound of the wool into the cloth, Mr. Taft would advance the scoured pound to 25 cents—that is, the weight of the wool content—and then add 35 per cent ad valorem as an additional tax. What is this equal to? Work it out on the importations for 1911 and it is found that the cheap cloth valued at not more than 40 cents per pound is equal to 105.42 per cent. On the higher grades of goods valued at 70 cents per pound that bill places the tax of 26 cents per pound on the wool content and 55 per cent ad valorem, which works out to an equivalent ad valorem rate of 49.72 per cent. This is consistent with what has been the former practice of the Republican tariff makers. The entire cost of production is covered by 100 per cent, yet they go above that for the cheaper class of goods and add 5 per cent additional; when they come to the expensive grades of goods worn by the wealthy, the tax figures out 49.72 per cent. The people are asked to take this character of adjustment as a relief from the present law, and the President says he will allow no more.

It is clear that the minority bill which the President praises was framed with little or no reference to the findings of the Tariff Board. The board secured and published no information on blankets, but notwithstanding this, the President is willing to fix a rate on the blanket paragraph. In 1910 there were 1,849 pounds of blankets imported, valued at $640. These paid duties of $598. The minority bill would tax these blankets at the equivalent ad valorem rate on the imports of 1911 of 103 per cent, compared with 93 per cent under the present law in 1910. Evidently the President is willing to favor an upward but not a downward revision of the tariff.

On the cheaper grades of flannels—those worn by the poor—valued at not more than 40 cents a pound, the President's bill would put 23½ cents a pound on the wool content and 20 per cent ad valorem. Work it out on the imports and it is found that 82.21 per cent is placed on these flannels, compared with 38 per cent in the compromise bill which the President has vetoed. When you come to the higher class of flannels valued at over 70 cents per pound the President would put 23½ cents per pound on the wool content and 30 per cent ad valorem. This works out to an equivalent tax of 57.8 per cent, compared with 82 per cent on the cheaper grades of flannel.

On women's dress goods the rate in this compromise bill, which the President has vetoed, is 38 per cent, and on some of the higher-grade goods the rate is as low as 31 per cent, but on the cheaper grades of women's dress goods your rates go up to 112 per cent. [Applause on the Democratic side.] You are doing like you always do, legislating in the interest of the rich and laying the burden of your taxes on the helpless poor. [Applause on the Democratic side.] Throughout the bill which the President advocates the ad valorem rates work out to a higher tax on cheap wearing apparel than on expensive apparel. Now, think of the presumption of the President in asking intelligent representatives of a free people, clamoring for tariff revision, to compromise on such a bill.

Mr. PAYNE. What expert told you that?

Mr. UNDERWOOD. In the bill which the President—and we know what he stands for—he does not "stand at Armageddon and battle for the Lord" [applause on the Democratic side], but he sits at the White House and battles for the gentleman from New York. Mr. Taft has made his interpretations; the people will next make theirs, and surely the "mills of God grind slowly, yet they grind exceeding small." [Loud applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired; all time has expired.

APPENDIX.

The criticisms of the public press of the President's wool veto are very pronounced, as will be seen from the following representative editorial excerpts:

[From the New York Evening Post, Aug. 9, 1912.]

RELIEF AGAIN VETOED.

President Taft's veto, for the second time, of a bill reducing the duties on wool and woolen manufactures, is a proceeding hard to explain and still harder to justify. He may be acting from a sincere sense of duty, but it will be difficult to make the country believe it. People can not have failed to notice the suggestive articles which have appeared in the Boston Herald and other protectionist newspapers, confidently predicting a presidential veto of any bill altering the wool duties, and frankly connecting it with the exigencies of the campaign. The intimation was clear that the protected manufacturers demanded a veto as a condition precedent to campaign contributions. We do not say that this has been a motive with Mr. Taft, but it has obviously been such in the minds of his compaign managers. The veto will go before the country violently under suspicion that it was written for political effect.

The President, to be sure, gives his reasons, but they are far from convincing. Last year, when he vetoed substantially the same measure, he had at least one argument—the Tariff Board had not completed its investigation of the wool schedule. Until it had done so, President Taft affirmed, he would not depart from the principle that Congress must wait for expert guidance in reducing the tariff. It seemed at the time that he should have been willing to give the consuming public the benefit of the doubt, especially when it was a case of cutting down high duties which he himself had pronounced "indefensible." But he preferred to side with the beneficiaries of Schedule K. He told us that we could get no relief till the report of the Tariff Board was in hand. Well, it came at last, and, when it did, left the Payne-Aldrich rates on wool not a leg to stand on. It showed how duty after duty levied in Schedule K was prohibitive or extortionate. Without recommending any specific reductions—that was not its function—it presented a mass of statistics and analyses which rendered it certain that large reductions could be made without harming anybody but monopolists, and greatly to the advantage of the purchasers of clothing and blankets and carpets. These conclusions the President now accepts, as he could not avoid doing, but by some mysterious process of deduction he seeks to show that the duties proposed in the vetoed bill are a shade or a fraction too low here and there, and hence would mean injury to the woolgrowers and actual disaster to the woolen manufacturers.

A brief comparison of the figures will show on what slippery ground the President chooses to stand. He declares that the reduction in duties on raw wool ought not to exceed 20 per cent. A bill making such a cut he says he would promptly approve. But what is the amount of the reduction which he vetoes? The percentages, based on the actual importations of last year, were given to the Senate by Mr. LA FOLLETTE. On clothing wool the ad valorem rate under the existing tariff figures out at 44.5 per cent. The duty which the President vetoes is 29 per cent. But 20 per cent off 44.5 would leave the rate at 35 per cent. How does Mr. Taft know that this would mean safety, while 29 per cent would mean ruin? Especially how does he know it, in view of the fact that at least one-fifth of all the wool grown in this country is a by-product, the sheep being raised for the profit derived from mutton? The comparisons might be extended all up and down Schedule K. For example, on "combed wool or tops and on wool or hair advanced in any manner beyond the washed or scoured condition," the Payne-Aldrich duties range from 73 to 252 per cent. Will Mr. Taft seriously maintain that no more than 20 per cent can be taken off those monstrous rates without, as he says, causing "irretrievable injury to the woolgrowing industry"? The thing is absurd on its face. If a 20 per cent reduction from 252 could be endured, it is certain that one of 25 or 30 or even 50 could be.

Another excuse which the President gives is that he was elected on a platform pledging him to "maintain a degree of protection necessary to offset the differences in cost of production here and abroad." But that little protectionist dodge of 1908 has now been completely discredited—so much so that the Republican platform of this year shamefacedly abandoned it entirely. And the one thing that did more than anything else to destroy the notion that you can frame a tariff on the basis of cost of production at home and abroad was precisely the wool report of the Tariff Board. Again and again in that document was the admission made that trustworthy figures showing the true cost of production could not be obtained. Thus, in reference to wool by-products, noils, and the various wastes the board explicitly said: "No comparison as to the cost of production of such products can be made." Again and again in the report do we find phrases about there being "fluctuating" elements and "the widest divergencies," which made anything like an accurate determination of the cost of production impossible. Yet the President in his veto leans upon this theory, which skilled economists and experienced business men knew from the first to be hollow, and which his own Tariff Board was forced to admit to be a broken reed.

The force of inconsistency could hardly go further. President Taft, to be sure, asserts that he is anxious to secure reduced wool duties, and urges Congress to stay in session until it can frame a bill which he will sign. But there is a shorter way. Let Congress pass the bill over his veto.

[From the Baltimore Sun, Aug. 10, 1912.]

Mr. Taft stands firm behind a high tariff wall. He will make his fight from the citadel of protection. We had hoped for his own sake, as well as that of the country, that he would sign the modified and moderate tariff bills which have been sent to him by Congress. They

are not all the people have the right to demand, but, like the half loaf, they would have been better than nothing at all, and would have afforded a measure of relief to millions of people oppressed by the high cost of living.

But Mr. Taft refused to help them. He bends all his energies and all his mind to finding an excuse for standing by the protected interests instead of the unprotected people.

The President's present course gives final proof that nothing need ever be expected from him in aid of tariff revision, despite the protestations in his veto message that he wants to sign the proper kind of wool bill. He would sign no bill presented to him that would give any real relief. He is now and forever allied with those who think they ought to have a perpetual license to pluck the American consumer. Those who vote for him will do so with the full knowledge that Mr. Taft will not lift his little finger to lighten popular burdens if lightening those burdens means lessening even in the slightest degree the enormous profits of the New England mill owners and other favorite and favored sons of the high tariff system.

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[From the New York Times, Aug. 10, 1912.]

The President has vetoed for the second time a bill reducing duties on wool and woolens. It was passed avowedly to "put him in a hole," and, as politicians reason, that was a shrewd thing to do. We don't like this work of tariff legislation; it is too much on the order of the old "trick and dicker," with a slight difference in methods. The device, however, is a sign that the politicians realize the existence of a deep, popular desire to have the tariff reduced, and that is important. The issue having been made up the President's veto will be considered in deciding it. We don't think it will strengthen the protectionist party. In it, in substance, Mr. Taft says: "You can have no reduction of the tariff on wool that does not meet my notion of what the Tariff Board's report recommends." But the report of the Tariff Board is so vague, confusing, and pointless that no two persons are likely to have the same notion of it. The voters who want a real reduction of the tariff will not consent to be put off until a majority of the Congress and the President can interpret alike a report of this sort. The impression on the public mind will be that the position of the President is an excuse for not seriously reducing the tariff. This impression will be confirmed by Mr. Taft's insistence on the absurd principle of tariff duties equal to the difference in costs at home and abroad. It is entirely impracticable to fix any such difference correctly. The Tariff Board does not do it and can not do it. It admits that there is no definite cost here or abroad. That costs differ widely as between different factories or farms in the same section, as between the product of the same farm or factory, in one year and another. No uniform or accurate or complete record of costs is made, the manufacturers and growers do not know what real costs are. In the great body of cases they could not find out. Foreign costs are actually difficult to ascertain. Now, to say that the consumer shall be taxed to meet the difference between two unknown quantities is, logically, an absurdity and morally impudent.

Mr. Taft could not very well help vetoing the wool tariff bill again. When it was first presented to him he might have signed it with credit to himself and without injury to business or industry. Such action at this time would largely have taken the tariff out of politics, which is, of course, desirable. But he didn't see his way plain to take that action. He must suffer the consequences. His second veto does not strengthen him. It rather weakens him. But, in our judgment, it will tend, on the whole, to bring nearer a real and sound reduction of the tariff.

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[From the Springfield Daily Republican, Aug. 10, 1912.]

In his second veto message the President urges that the Tariff Board's report does not justify so great a cut in the duties as the bill carries. He feels obliged to insist on such a reduction only as would still leave the wool tariff on a protective basis. A certain bill to which he refers, drafted by the minority of the Ways and Means Committee, represents the views of himself and his party, and that bill Mr. Taft announces he would sign. It is the only bill, in his opinion, which covers adequately the difference in the cost of production here and abroad. The cost of production theory, however, has been so far discredited in the Tariff Board reports, under the searching analysis of economists and tariff experts, that the Republican platform this year omitted all reference to it. The question of what percentages ad valorems are sufficient for the wool-growing and woolen-cloth industries is one for specialists to quibble over and selfish interests to quarrel over. Senator LA FOLLETTE is a protectionist, and he indorses this bill which the President has now vetoed twice. Other protectionists differ among themselves as to what the reduction in the duties should be. Should there be no relief whatever to the people because the doctors can not agree upon the precise number of pills? The President is severely consistent perhaps—although he did not wait for reports by the Tariff Board when negotiating a trade agreement with Canada—yet the consumer continues to be the victim of an "indefensible" tariff schedule.

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[From the New York World, Aug. 10, 1912.]

These are Mr. Taft's days of grace. In them is presented his last chance. How is he improving them? By vetoing and by threatening to veto the moderate nonpartisan bills passed by Democrats and Republicans in Congress to reduce in some measure the cost of living. It is a sorry ending of a career that might have been honorable if not distinguished.

A year ago he withheld his approval of these bills on the ground that in the absence of reports from the Tariff Board he and Congress lacked knowledge. This year he kills reform because he fears that it is ill considered and goes too far.

Is this pique, is it partisanship, or is it plain obstinacy? It is not principle. How are we to explain these acts of a man who did not hesitate to sign the outrageous Payne-Aldrich revision upward and who needed no advice from a Tariff Board when he drove Canadian reciprocity through Congress? He has done the things he promised not to do and failed to do the things he repeatedly promised he would do. Three times in three years he has proved false to his pledges and false to the people. He broke faith with them quickly. He has disobeyed and defied them since. It is only to the greedy interests that write tariffs and grow rich upon their extortions that he has proved true.

Surrounded on all sides by enemies, critics, and friends estranged, he is loyal in nothing but his unfailing service to a privileged class which, like his administration, is doomed. * * *

Mr. Taft might have made himself the Sir Robert Peele of America. He might have linked his name forever with a reform that cheapened the food and clothing of the people. The country was ready for it. The country demanded it.

[From the Philadelphia Ledger, Aug. 10, 1912.]

WOOL MEN ELATED AT REVISION VETO.

[Special telegram to the Public Ledger.]

BOSTON, *August 9.*

New England woolen manufacturers were elated to-night on learning that President Taft had vetoed the wool tariff bill. It was fear of a reduction of the duties that caused the Lawrence strike, making the Lawrence mills cut wages when hours were reduced by a State law. Leaders of the woolen industry were apprehensive that if the wool bill became a law it would be necessary to cut wages, with the probable consequence of another strike.

William Whitman, president of the National Association of Wool Manufacturers, said to-night that the action of the President was pleasing to him personally and to all men engaged in the industry in Boston, the greatest wool market in the world.

Theodore Justice, of Philadelphia, a retired wool importer, who is in Rockport for the summer, said that President Taft realized that if he had not exercised the veto he would have had the responsibility of destroying an industry.

"President Taft," he said, "well knows that whenever the duties have been reduced on wool the number of flocks of sheep have diminished and the supply of flesh food has decreased, and there has been an increase in the cost of living. The President also knows that everything that is produced in a wool factory is cheaper now than ever before and that wages paid by woolen mills are greater than ever before."

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[From the Philadelphia Ledger, Aug. 10, 1912.]

HELD FOR USING ALIEN LABOR—WEALTHY MILL OWNER CHARGED WITH VIOLATING FEDERAL STATUTES.

BOSTON, *August 9.*

Francis Vernon Willey, of Bradford, England, son of Francis Willey, formerly lord mayor of that city, was arrested here to-day on a charge of conspiring to bring English operatives into this country in violation of the contract-labor law.

Willey is treasurer of the Barre Wool Combing Co., of Barre, Mass., and is a member of the firm of Francis Willey & Co., wool manufacturers, of Bradford and Boston.

Mr. Willey was taken into custody in the Federal building after he had testified at the hearing before United States Commissioner Grinnell of Arthur T. Saville, of Bradford, charged with importing English mill operatives.

Willey is alleged to have conspired with Saville on July 25 to bring immigrants into this country from Montreal in violation of the contract-labor law. Three immigrants were arrested at Newport, Vt., where they are being detained by immigration officials.

While Mr. Willey was on the witness stand to-day he admitted that a cablegram sent to him referred to people who were coming into this country.

Mr. UNDERWOOD. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The question is, Will the House, on reconsideration, agree to pass the bill the objections of the President to the contrary notwithstanding?

The question was taken; and there were—yeas 174, nays 80, answered "present" 10, not voting 126, as follows:

YEAS—174.

Adair	Faison	Kinkead, N. J.	Rucker, Colo.
Adamson	Fergusson	Kitchin	Russell
Aiken, S. C.	Ferris	Konig	Sabath
Akin, N. Y.	Finley	Korbly	Saunders
Alexander	Fitzgerald	Lafferty	Shackleford
Allen	Flood, Va.	La Follette	Sharp
Anderson, Minn.	Floyd, Ark.	Lee, Ga.	Sherley
Ansberry	Fornes	Lee, Pa.	Sims
Anthony	Foster	Lever	Sisson
Bathrick	Fowler	Levy	Sloan
Beall, Tex.	Gallagher	Lewis	Smith, N. Y.
Blackmon	Gill	Lindbergh	Smith, Tex.
Booher	Glass	Linthicum	Stanley
Borland	Godwin, N. C.	Littlepage	Stedman
Brown	Goeke	Lloyd	Steenerson
Buchanan	Goodwin, Ark.	Lobeck	Stephens, Miss.
Bulkley	Graham	McCoy	Stephens, Nebr.
Burke, Wis.	Gray	McKellar	Stephens, Tex.
Burleson	Gregg, Pa.	Maguire, Nebr.	Stevens, Minn.
Burnett	Gregg, Tex.	Maher	Stone
Byrns, Tenn.	Hamill	Martin, Colo.	Sulzer
Candler	Hamilton, W. Va.	Miller	Sweet
Carlin	Hamlin	Moon, Tenn.	Taggart
Carter	Hammond	Morrison	Talbott, Md.
Claypool	Hardy	Morse, Wis.	Talcott, N. Y.
Clayton	Harrison, Miss.	Moss, Ind.	Thayer
Cline	Haugen	Neeley	Thomas
Connell	Hay	Norris	Townsend
Conry	Hayden	Oldfield	Tribble
Cooper	Heflin	O'Shaunessy	Turnbull
Covington	Helgesen	Padgett	Underhill
Curley	Helm	Page	Underwood
Davenport	Henry, Tex.	Patten, N. Y.	Warburton
Davis, Minn.	Hensley	Post	Watkins
Davis, W. Va.	Holland	Pou	Webb
Dent	Houston	Rainey	Whitacre
Denver	Howard	Raker	White
Dickinson	Hughes, N. J.	Ransdell, La.	Wilson, Pa.
Difenderfer	Hull	Rauch	Witherspoon
Dixon, Ind.	Jacoway	Rees	Woods, Iowa
Donohoe	James	Reilly	Young, Kans.
Doremus	Johnson, Ky.	Robinson	The Speaker
Doughton	Jones	Roddenbery	
Evans	Kent	Rothermel	

NAYS—80.

Ainey	Burke, S. Dak.	Crumpacker	Dwight
Austin	Butler	Curry	Fairchild
Barchfeld	Calder	Danforth	Farr
Bartholdt	Campbell	De Forest	Focht
Bowman	Cannon	Dodds	Foss
Bradley	Copley	Draper	French
Burke, Pa.	Crago	Driscoll, M. E.	Gardner, Mass.

Gardner, N. J.	Kinkaid, Nebr.	Mott	Smith, Saml. W.
Good	Lafean	Needham	Speer
Green, Iowa	Longworth	Olmsted	Sterling
Greene, Mass.	McCreary	Parran	Sullowav
Griest	McKinley	Payne	Switzer
Harris	McKinney	Pickett	Taylor, Ohio
Hill	McLaughlin	Plumley	Towner
Howell	McMorran	Porter	Utter
Howland	Mann	Prouty	Wedemeyer
Humphrey, Wash.	Matthews	Reyburn	Weeks
Kahn	Mondell	Rodenberg	Willis
Kendall	Moore, Pa.	Sells	Wilson, Ill.
Kennedy	Morgan	Smith, J. M. C.	Wood, N. J.

ANSWERED "PRESENT"—10.

Ashbrook	Fordney	Johnson, S. C.	Sparkman
Browning	Hawley	Rucker, Mo.	
Estopinal	Humphreys, Miss.	Slayden	

NOT VOTING—126.

Ames	Edwards	Lamb	Pujo
Anderson, Ohio	Ellerbe	Langham	Randell, Tex.
Andrus	Esch	Langley	Redfield
Ayres	Fields	Lawrence	Richardson
Barnhart	Francis	Legare	Riordan
Bartlett	Fuller	Lenroot	Roberts, Mass.
Bates	Garner	Lindsay	Roberts, Nev.
Bell, Ga.	Garrett	Littleton	Rouse
Berger	George	Loud	Rubey
Boehne	Gillett	McCall	Scully
Brantley	Goldfogle	McDermott	Sheppard
Broussard	Gould	McGillicuddy	Sherwood
Burgess	Gudger	McGuire, Okla.	Simmons
Byrnes, S. C.	Guernsey	McHenry	Slemp
Callaway	Hamilton, Mich.	McKenzie	Small
Cantrill	Hanna	Macon	Smith, Cal.
Cary	Hardwick	Madden	Stack
Clark, Fla.	Harrison, N. Y.	Martin, S. Dak.	Stephens, Cal.
Collier	Hartman	Mays	Taylor, Ala.
Cox, Ind.	Hayes	Moon, Pa.	Taylor, Colo.
Cox, Ohio	Heald	Moore, Tex.	Thistlewood
Cravens	Henry, Conn.	Murdock	Tilson
Cullop	Higgins	Murray	Tuttle
Currier	Hinds	Nelson	Vare
Dalzell	Hobson	Nye	Volstead
Daugherty	Hughes, Ga.	Palmer	Vreeland
Davidson	Hughes, W. Va.	Patton, Pa.	Wilder
Dickson, Miss.	Jackson	Pepper	Wilson, N. Y.
Dies	Kindred	Peters	Young, Mich.
Driscoll, D. A.	Knowland	Powers	Young, Tex.
Dupré	Konop	Pray	
Dyer	Kopp	Prince	

During the calling of the roll,

Mr. CANNON. Mr. Speaker, I ask for order. The House is not in order. Members can not hear their names as they are called by the Clerk. I ask that the rule be enforced touching the appearance of Members at the Clerk's desk.

The SPEAKER. The rule is that Members shall not come to the Clerk's desk at any time, especially when the roll is being called. The House will be in order. Gentlemen will take their seats and refrain from conversation.

At the conclusion of the roll call the Clerk announced the following pairs:

On all questions affecting vetoes by the President:

Mr. MACON and Mr. LEGARE with Mr. LOUD.

Mr. MOORE of Texas and Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. YOUNG of Texas and Mr. EDWARDS with Mr. DALZELL.

Mr. KONOP and Mr. FIELDS with Mr. LANGLEY.

Mr. ANDERSON of Ohio and Mr. GARNER with Mr. HINDS.

Mr. TUTTLE and Mr. Cox of Ohio with Mr. NYE.

Mr. CULLOP and Mr. SCULLEY with Mr. BROWNING.

Mr. MURRAY and Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. BOEHNE and Mr. CLARK of Florida with Mr. HAMILTON of Michigan.

Mr. CALLAWAY and Mr. HARDWICK with Mr. MOON of Pennsylvania.

Mr. REDFIELD and Mr. HUMPHREYS of Mississippi with Mr. LAWRENCE.

Mr. PUJO and Mr. PETERS with Mr. MCCALL.

Mr. BRANTLEY and Mr. SHEPPARD with Mr. BATES (ending Wednesday).

Mr. TAYLOR of Alabama and Mr. BARTLETT with Mr. HARTMAN.

Mr. FRANCIS and Mr. SLAYDEN with Mr. TILSON.

Mr. HUGHES of Georgia and Mr. GARRETT with Mr. FORDNEY.

Mr. MCHENRY and Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. CANTRILL and Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. DAUGHERTY and Mr. ELLERBE with Mr. CURRIER.

Mr. BROUSSARD and Mr. BURGESS with Mr. YOUNG of Michigan.

Mr. DICKSON of Mississippi and Mr. DANIEL A. DRISCOLL with Mr. SLEMP.

Mr. SMALL and Mr. STACK with Mr. VARE.

Mr. COX of Indiana and Mr. TAYLOR of Colorado with Mr. AMES.

Mr. SHERWOOD and Mr. PALMER with Mr. HENRY of Connecticut.

Mr. LITTLETON and Mr. DIES with Mr. HIGGINS.

Mr. HOBSON and Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. HARRISON of New York and Mr. BELL of Georgia with Mr. LANGHAM.

Mr. ROUSE and Mr. CRAVENS with Mr. HAYES.

Mr. AYRES and Mr. MCDERMOTT with Mr. PATTON of Pennsylvania.

Mr. DUPRÉ and Mr. GEORGE with Mr. FULLER.

Mr. GOLDFOGLE and Mr. GOULD with Mr. SIMMONS.

Mr. LAMB and Mr. KINDRED with Mr. MCGUIRE of Oklahoma.

Mr. PEPPER and Mr. WILSON of New York with Mr. STEPHENS of California.

Mr. LINDSAY and Mr. BARNHART with Mr. PRAY.

Mr. ESTOPINAL (against) with Mr. ROBERTS of Massachusetts (to sustain).

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. ASHBROOK with Mr. KOPP.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. RUBEY with Mr. HAWLEY (Mr. HAWLEY reserves the right to vote on all measures pertaining to his State).

The SPEAKER. All gentlemen who are not before the desk for the purpose of recording their votes will please take their seats.

Mr. BROWNING. Mr. Speaker, I find I am paired with Mr. CULLOP and Mr. SCULLY. I voted "nay." I wish to withdraw my vote and answer "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. BROWNING, and he answered "Present."

Mr. ESTOPINAL. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded as voting "yea."

Mr. ESTOPINAL. I am paired, and I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. ESTOPINAL, and he answered "Present."

Mr. LEVY. Mr. Speaker, I did not hear my name called.

Mr. MANN. Mr. Speaker, the gentleman was not in the Hall.

The SPEAKER. There is no use to get excited about that.

Mr. MANN. I do not propose to.

The SPEAKER. Was the gentleman in the Hall on the first roll call?

Mr. LEVY. No, sir.

The SPEAKER. And on the next roll call was the gentleman in the Hall listening?

Mr. LEVY. Yes. I heard the Clerk call down among the M's.

The SPEAKER. Was the gentleman in the Hall?

Mr. LEVY. Yes; I was right up in the Hall, inside the railing, among the seats.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LEVY, and he voted "yea."

Mr. LEWIS. Mr. Speaker, I would like to be recorded.

The SPEAKER. Was the gentleman inside the Hall, listening?

Mr. LEWIS. I was at the door of the cloakroom, if that embraces the Hall.

The SPEAKER. The gentleman knows whether it is inside the door or not.

Mr. LEWIS. I do not know what the interpretation of the word "Hall" is, whether it embraces the cloakroom or not.

The SPEAKER. The only question the Chair has a right to ask is whether the gentleman was in the Hall, listening, when his name was called.

Mr. LEWIS. I can not answer that, Mr. Speaker.

Mr. WARBURTON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WARBURTON. I think a man has the right to vote.

The SPEAKER. The Chair is not entertaining arguments on the subject. The question is, Was the gentleman in the Hall, listening, when his name was called?

Mr. LEWIS. I can not answer otherwise than that I was standing in the door of the cloakroom waiting, and did not hear my name called, owing to the noise and other interruptions. I was listening for it and waiting.

The SPEAKER. The Chair thinks that brings the gentleman within the rule, although it is a close shave. [Laughter.]

Mr. MANN. Does the Chair rule that that brings the gentleman within the rule?

The SPEAKER. It is hard to tell. Suppose the question arose if the gentleman from North Carolina [Mr. KITCHIN], standing where he is now, was in the Hall or not. That is about a parallel case to the Lewis case. The Chair, from his own eyesight, would decide that Mr. KITCHIN was inside of the Hall.

Mr. MANN. Yes; but that does not decide the case of the gentleman from Maryland. The Chair can not see the gentleman from Maryland, to know where he was.

The SPEAKER. That is absolutely true, but——

Mr. MANN. I think the rule——

The SPEAKER. The gentleman says he was in the door of the Hall, listening for his name to be called.

Mr. MANN. But the gentleman himself has to answer the question in the affirmative, under the rule, and to say that he was in the Hall listening for his name; and if he is unwilling to do that, it does not seem to me the Chair can decide it.

The SPEAKER. The Chair thinks that the gentleman from Illinois [Mr. MANN] states the rule correctly; and really the only question that the Chair is expected to ask of a Member is whether he was in the Hall listening.

Mr. JAMES. But, Mr. Speaker, the gentleman from Maryland says that he was back there at the door and listening. That is in the Hall.

Mr. MANN. He knows whether he was in the Hall. Let him answer the question.

The SPEAKER. It rests entirely with the gentleman from Maryland. If he says he was in the Hall listening, the Chair will have his name recorded. If he was not, he is not entitled to have it recorded.

Mr. OLMSTED. Mr. Speaker, he must have been in the Hall, listening, when his name was called.

The SPEAKER. He says he was listening.

Mr. JAMES. He says he was standing there for that purpose.

The SPEAKER. What does the gentleman from Maryland himself say?

Mr. LEWIS. Under the interpretation of the Speaker, I should say I was in the Hall listening for my name.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. LEWIS, and he voted "yea."

Mr. LAFFERTY. Mr. Speaker, I was present when my name was called the first time and missed it, but stepped out and then came back in again.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. LAFFERTY, and he voted "yea."

Mr. JOHNSON of South Carolina. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. GILLETT, and I desire my name to be called again.

The SPEAKER. How did the gentleman vote in the first place?

Mr. JOHNSON of South Carolina. I voted "present." I desire to remain silent and protect the pair.

Mr. JAMES. He merely withdraws his vote.

Mr. JOHNSON of South Carolina. I desire to remain silent and protect my pair.

Mr. MANN. The gentleman can vote "present."

The SPEAKER. The Chair is trying to get this record straightened out, and for that purpose has asked the gentleman how he voted in the first instance.

Mr. JOHNSON of South Carolina. I voted "present."

The SPEAKER. How does the gentleman desire to vote now?

Mr. JOHNSON of South Carolina. I desire to withdraw my vote.

The SPEAKER. But the gentleman can not do that. The Chair can count the gentleman just as well as if he voted "present." The gentleman has a perfect right to vote "present." A Member can not withdraw his vote absolutely, because the Chair will count him if it is necessary.

Mr. HAUGEN. Mr. Speaker, I voted "present" with the understanding that I was paired. I find I am not, and I wish to be recorded as voting "yea."

Mr. SLAYDEN. Mr. Speaker, I voted "yea," but I have discovered that I am paired with the gentleman from Connecticut [Mr. TILSON], and I wish to withdraw my vote yea and to vote "present."

Mr. OLMSTED. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. What is the gentleman's parliamentary inquiry?

Mr. OLMSTED. If I correctly understood the gentleman from Oregon [Mr. LAFFERTY], he said that he was in the House when his name was called the first time, but did not vote, and that when it was called the second time he was not in the Hall. My inquiry is whether he was entitled to vote.

The SPEAKER. If that is what he said, he was not entitled to vote.

Mr. LAFFERTY. That is not what I said. I said I was in the Hall when my name was called the first time, but failed to catch it, and then stepped out; and when I came in again my name had just been passed on the second roll call.

The SPEAKER. That is what the Chair understood the gentleman to say.

Mr. MANN. That is the same thing.

The SPEAKER. No; there is a difference. The gentleman from Pennsylvania [Mr. OLMSTED] said, as the Chair recalls, that the gentleman from Oregon said he was in the Hall of the House when his name was called the first time and did not vote and then went out. Now, that would imply that he was in the House and heard his name called and did not vote.

Mr. OLMSTED. That was my understanding and the understanding of other gentlemen around me.

The SPEAKER. There is no question of veracity at all.

Mr. LAFFERTY. I am willing to leave it to the notes of the Official Reporter as to what I said. If I said what the gentleman from Pennsylvania says I said, I will withdraw my vote.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "yea."

Mr. MANN. Mr. Speaker, would it be proper to ask for a recapitulation of the vote?

The SPEAKER. It depends on how close it is. If it is a close vote, the Chair will order a recapitulation.

Mr. OLMSTED. Mr. Speaker, I would like a distinct ruling upon the proposition when a man is in the House the first time his name is called and does not vote, even conceding that he did not hear his name, but he knows he did not vote, is he entitled to vote after the roll call when, instead of voting on the second roll call, he leaves the House?

Mr. CLAYTON. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Pennsylvania is making a parliamentary inquiry.

Mr. OLMSTED. If he is absent during the second roll call, can he come back into the House afterwards and still vote?

The SPEAKER. The Chair does not know that there is any rule about it, but the practice has been that the Speaker asks the Member who wants to vote whether he was in the Hall listening when his name was called. If he says yes, he is entitled to vote.

Mr. OLMSTED. He has not yet said that he was listening for it. He said he did not catch it.

Mr. LAFFERTY. I think the statement bears the interpretation that I was listening the first time, and this is the first time I have ever had occasion to vote at the conclusion of the roll call when I have failed to answer the first time and was present but was not right in the Hall the second time.

Mr. OLMSTED. I should like very much to have a ruling on that question.

Mr. MANN. I do not think the Speaker is called upon to make a ruling, nor do I believe that the rule requires that a man must be in the Hall when his name is called both times in order to be entitled to vote.

The SPEAKER. The Chair agrees with the gentleman. There are 174 Members voting to pass the bill over the President's veto. There are 80 Members voting against it. There are 10 present who did not vote at all. Two-thirds having voted in the affirmative, the Chair is of the opinion that it is those Members only who vote that are to be considered, and therefore that this bill is passed over the President's veto. [Applause.]

Mr. CANNON. Mr. Speaker, I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CANNON. Does the Journal show that 10 Members of this House voted "present"?

The SPEAKER. It will show it in the morning. It will show that 174 voted in the affirmative, 80 in the negative, and 10 "present."

Mr. CANNON. And the Chair holds that the 10 present do not constitute a part of the House?

The SPEAKER. The Chair rules, if this point is to be ruled upon, that they constitute a part of the House for the purpose of making a quorum. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Speaker, I call the Speaker's attention to the precedent in the Fourth of Hinds, sections 3537 and 3538.

The SPEAKER. The Chair has just examined the precedents, and they do not carry out the footnote. [Applause on the Democratic side.]

Mr. GARDNER of Massachusetts. It says "the two-thirds vote required to pass the bill is two-thirds of the Members present, Fourth of Hinds, 3537 and 3538, with a footnote.

The SPEAKER. The Chair took pains to hunt that up; he made up his mind that if there were two decisions on one side and none on the other, he would follow them.

Mr. GARDNER of Massachusetts. That is from the syllabus.

The SPEAKER. It is from the syllabus, and the syllabus misled whoever made the book.

Mr. GARDNER of Massachusetts. Being a constitutional question, I hope the Chair will amplify his decision.

The SPEAKER. There were 174 votes one way and 80 votes the other, and 174 is more than twice as much as 80.

Mr. GARDNER of Massachusetts. In view of the very clear statement on page 82 of the Manual, I appeal from the decision of the Chair.

Mr. UNDERWOOD. I move to lay the gentleman's appeal on the table.

The SPEAKER. What is the gentleman's citation?

Mr. GARDNER of Massachusetts. It is on page 82 of the Manual.

The SPEAKER. I know where the citation is, but what are the sections referred to?

Mr. OLMSTED. It is section 101.

Mr. GARDNER of Massachusetts. And the precedents are found in Hinds' Precedents, volume 4, sections 3537 and 3538.

Mr. MANN. If the gentleman from Massachusetts will allow me to make a suggestion in that connection——

Mr. UNDERWOOD. Mr. Speaker, I desire to call the attention of the gentleman to the fact that there is nothing before the House. The gentleman from Massachusetts rose to a parliamentary inquiry, and he appealed from the decision of the Chair on a parliamentary inquiry.

The SPEAKER. The Chair does not think the gentleman from Alabama states the case exactly as it is. The gentleman from Massachusetts evidently arose to try and persuade the Chair to change his decision, but the Chair adhered to his original opinion, and it was from his original decision that the gentleman appealed, and the gentleman from Alabama moves to lay the appeal on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, inasmuch as it was my motion to which the gentleman refers, I want to say that when an answer to a parliamentary inquiry is given it does not preclude the raising of a point of order.

Mr. UNDERWOOD. If the gentleman will yield a minute, I do not care to cut him off from the right to discuss the point, but I would like to come to a decision as to how much time it will take.

Mr. GARDNER of Massachusetts. I only ask for sufficient time to consult the text of the decisions.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. A while ago the Speaker announced, when the gentleman from Illinois inquired if the Journal would show that 10 Members were present, that it would show that they were present the next morning. Is there any authority under the Constitution or any rule for the Journal to show anything except the names of those who voted "aye" and those who voted "no," in accordance with section 7, Article I?

The SPEAKER. There may not be any authority except the uniform practice of the House.

Mr. HENRY of Texas. The Constitution is squarely against it.

The SPEAKER. Against what?

Mr. HENRY of Texas. Against recording those who vote "present." It reads this way:

> But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively.

The SPEAKER. That is exactly what the Chair was going to read to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, what the gentleman has read has nothing to do with recording those present on the Journal. Mr. Speaker, the Constitution requires those voting for and against the bill to be recorded in the Journal. The Constitution does not affect the rules of the House in reference to recording those present.

The citation of the gentleman from Massachusetts, which the gentleman from Massachusetts has referred to in the Manual, which provides that the count shall be based upon those present, is a citation made to distinguish between counting two-thirds of those present and two-thirds of the entire membership of the House. The reading of the Constitution is, "If approved by two-thirds of that House it shall become a law." And the first question which arose in reference to a veto was whether that meant two-thirds of those present, meaning thereby those who voted, or two-thirds of the entire membership of the House. For instance, to-day the bill would not be passed if the Constitution required two-thirds of the entire membership of the House, and it was ruled that the language of the Constitution requiring that it should be approved by two-thirds of that House did not require two-thirds of the entire membership, and it was for that purpose that the citation was put in the Manual.

The citations in Hinds' Precedents are to carry out that theory that it requires two-thirds of those present, meaning those voting. It has invariably been so held. The practice in the House every day on the passage of bills, and there is no distinction beween the passage of a bill in the first instance and the passage of a bill over the veto of the President, except in the number required, is that those voting for a bill are counted on one side and those voting against the bill are counted upon the other side; and the only purpose for which those answering present are counted is to make up a quorum.

Mr. CANNON. Mr. Speaker, will the gentleman yield for a question?

Mr. MANN. Certainly.

Mr. CANNON. Suppose two Members had voted to pass a bill over the veto and one Member had voted against and enough to make a quorum had answered present, would the bill be passed?

Mr. MANN. It would, and we pass bills every day when there is not a single soul voting aye or no, a quorum being present, and the Journal shows that the House passes the bill, and I have repeatedly seen bills passed when only one Member voted aye, and have sometimes seen them defeated when only one man voted no.

Mr. CANNON. If the gentleman will allow me, that is not upon all fours with this case, because the Journal shows the number that voted and the number that did not vote and the number who were present.

Mr. MANN. But the Reed rule itself expressly provides, not merely for answering "present," but for counting a quorum when gentlemen are in the Hall and gentlemen answer "present," and then the majority who vote decides the question.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to withdraw my appeal.

Mr. JAMES. Then there is nothing pending before the House.

Mr. MANN. Mr. Speaker, I ask the Speaker to have the vote recapitulated.

The SPEAKER. The Chair will state the position that the present Speaker has always taken upon the question of recapitulation. He held the same position when he was upon the floor of the House, and he takes it now and always will, that if the vote is close enough to raise a doubt about whether it is really a full expression, there ought to be a recapitulation of the matter.

Mr. MANN. Mr. Speaker, while I think the Speaker is correct in his ruling, yet if the Speaker were wrong, the vote will be fairly close, and, therefore, I think the vote ought to be recapitulated.

The SPEAKER. That is true. Before that recapitulation the Chair begs leave to state his own views about the question that is now before the House. I do not know that it is necessary at all, but still the gentleman from Massachusetts wanted the Chair to elaborate his opinion.

Mr. OLMSTED. Mr. Speaker, may I be permitted just a minute before the Chair rules?

The SPEAKER. Yes. The Chair has already ruled, and is not going to change his ruling, but is going to give the reasons for it.

Mr. OLMSTED. I understand. The Constitution provides that when a bill has been vetoed by the President it shall be returned, with his objections, to that House in which it originated, and be there reconsidered, and that—

> if, after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

In impeachment proceedings the Senate may convict with "the concurrence of two-thirds of the Members present." That is the language of the Constitution. But in the case of a veto the language is "two-thirds of that House." I incline to the belief that the framers of the Constitution meant two-thirds of all the Members, but concede that in 1845, and again in 1856, it was held to mean two-thirds of those present. (4 Hinds, 3537–3538.) Now, in order to declare this bill passed, you will have to go one step further, and hold that it means two-thirds of those voting, although less than two-thirds of those present. That has never yet been ruled in a veto case. We have been

very particular in the rules of the House to provide accurately where we mean two-thirds of those voting and not two-thirds of the entire membership or two-thirds of those present. Thus, in Rule XXVII, we provide that the Speaker may entertain a motion to suspend the rules, but that—

no rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present.

That is the rule for suspension of rules in the House, but it does not apply to a constitutional vote to pass a bill over the veto of the President. The total membership of this House is 394. Two-thirds of that would be 263. The number present is 264. Two-thirds would be 176. But there have been cast only 174 votes in favor of the passage of the bill. The Constitution contemplates that every Member present shall vote. Ten Members merely answered "present." Does that fact enable less than two-thirds of those present to pass the bill? I question whether it has received the vote required by the Constitution.

Mr. CLAYTON. Mr. Speaker, if the Chair will indulge me for a moment, I desire to state that the ruling of the Chair is correct. This question is determined by the Constitution and not by any rule of the House. The Constitution says:

But in all cases—

Of veto—

the votes of the Houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the Journal of each House respectively.

That is the constitutional and mandatory way of voting in such cases. No vote, except it be yea or nay, can be counted in determining the decision of the House. That is the way it is determined—by a yea and nay. If you take into the count those answering "present," you might count them as having voted in the negative and attempt in an unauthorized way to sustain the veto. They have voted neither way. The only way that a Member can vote upon this proposition and have his vote counted and entered on the Journal is to vote either yea or nay. [Applause.]

Mr. OLMSTED. Mr. Speaker, will the gentleman yield for a question?

Mr. CLAYTON. If I may have the permission to answer it.

Mr. OLMSTED. It is simply this: If there were a quorum present and on a resolution to pass a bill over a veto of the President only the gentleman from Alabama and myself should vote "aye" and another man vote "no," would the motion be carried?

Mr. CLAYTON. No; a quorum to do that must be present, if that question is raised.

Mr. OLMSTED. But I say a quorum being present, could the vote of the gentleman from Alabama and my own, as opposed to one other gentleman, pass the bill over the President's veto?

Mr. CLAYTON. There must not only be a quorum present, but a quorum voting on the proposition. I do not think a veto can be overruled by a sub silentio vote. The voting up or down of the proposition must be determined by a yea-and-nay vote, not by a mere notation of the presence of some Members. The answer "present" of a Member is not more than the notation of his presence. The answer "present" is not recognized in the Constitution as a vote on overruling or sustaining a veto. The vote must be yea or nay, and "present" can not be counted in either the affirmative or negative. A quorum made up of yea-and-nay votes in this case has voted, and the decision of the Chair is correct.

Mr. FITZGERALD. Mr. Speaker, I think there is sufficient doubt about this question to make it important that the House should not dispose of it hurriedly or without proper consideration. As the Speaker has rendered his decision, I do not wish to argue against his ruling, but I do wish to express some views, which, although not positive convictions, may well be considered. I sincerely trust that the Speaker has accurately construed the constitutional requirements. Unless in the discussion which may ensue it appears somewhat conclusively that he is in error, I shall support his contention in whatever subsequent manner the question may arise. The questions that have arisen heretofore in the House have been, as has been stated, as to whether the two-thirds required was two-thirds of the entire membership of the House or two-thirds of the House as constituted at the time the vote is taken. This House as at present constituted is not of the Members who on the question are recorded as voting "yea" or "nay," but it is my impression that it is constituted of the Members who record themselves "yea" or "nay" and those answering "present," and who have made their presence known in a manner that can not be eliminated from the records of the House.

Mr. HILL. Mr. Speaker, I would like to ask the gentleman a question.

Mr. FITZGERALD. Just one moment. I have hurriedly examined some of the commentaries upon the Constitution. Watson, in his history of the Constitution. in its application and construction, calls attention to the fact that this question has never been considered by any Federal judicial tribunal; but the Supreme Court of Wyoming, in Brown *v.* Nash, in the first Wyoming, has held that, under the constitutional provision, "two-thirds of the members of each house" (without specifying whether it is two-thirds of the members-elect or two-thirds of the members present) must vote for a bill before it can be passed over the governor's veto meant that the vote of two-thirds of the members actually present was necessary, and that two-thirds of the members voting were not sufficient when other members of the body are present.

That portion of paragraph 2, of section 7, of Article I of the Constitution, which is pertinent to the question, is as follows:

If, after two-thirds of that House (to which the bill has been returned by the President with his objections) shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House, respectively.

The question here depends entirely upon what is meant by "two-thirds of that House."

It has been long and definitely settled that two-thirds of the entire membership of the House is not required in such instances. In Mason on the Veto Power, it is pointed out—page 117—that the original proposal was "two-thirds of each branch of the National Legislature." "This phrase," he states, "could only mean," he says, "two-thirds of all the Members in each branch of Congress." When the resolution was taken up by the committee of detail the wording was changed, so that a bill to become a law in spite of the veto must be passed by two-thirds of each House. The change in the wording is significant, for in the Constitution the word "House" is in such connection used as synonymous with "quorum."

The question seems to have been definitely settled in the Senate in 1856, when a veto of President Pierce came up for reconsideration. Mr. Mason says that "the 31 votes cast in favor of passing the bill over the President's objections made two-thirds of the Members present, but not two-thirds of the total number of Senators." It was declared to be sufficient to pass the bill, and this precedent has since been accepted.

It did not determine, however, whether those actually present but not voting should be counted. Even to-day in the Senate only Senators voting "yea" or "nay" are counted to make a quorum. A different rule prevails in the House, and the Supreme Court has upheld Speaker Reed's ruling that Members present and refusing to answer may be noted on the Journal as present and counted to make a quorum.

Mr. Speaker, let us assume there were present in the House 197 Members—a quorum—and 131 voted in favor of the proposition and 60 voted against it and 6 answered "present." What would be the result? A quorum being present, two-thirds of those voting would have voted in the affirmative. Would such a vote be "two-thirds of the House"? Is it sufficient that two-thirds of those who vote, a quorum being present, or does it require two-thirds of those who are present? The question is not free from doubt. If the "House," as used in the paragraph of the Constitution already quoted, consists, a quorum being present, of the Members actually present and whose presence is disclosed, then two-thirds of the House requires an affirmative vote of all recorded, whether in favor, against, or merely as present. Suppose the vote were 174 ayes, none in the negative, and 90 present, would that be two-thirds of the House? I think it is unfortunate, perhaps, that the question came up without Members having had an opportunity to look carefully into the question. It would have been desirable to have done so. If 197 Members constitute a quorum, and if 131 Members vote "aye" and 60 Members vote "no" and 6 members answer "present," there would not be two-thirds of a quorum voting in favor of the passage of the bill. If the Members voting "present," are to be in such an instance counted to constitute the House, and the votes necessary to make the two-thirds are lacking and necessitates the counting of those answering "present," should they not be counted in this instance also? I do not believe that the rule can be any different under the different circumstances indicated.

Mr. JAMES. Will the gentleman yield for a question?

Mr. FITZGERALD. I will.

Mr. JAMES. If the position of the gentleman is correct, then the gentleman's holding would cause the 10 Democrats who are in favor of passing the bill over the veto, who have voted "present" here by reason of having a pair with Republicans who were opposed to the passage of the bill over the veto, doing the very thing they did not want to do; that is, of voting to sustain the veto and against the passage of the bill over the veto, which would be done by indirection—in answering "present" upon the question of the veto when the purpose was to stand one vote off against the other.

Mr. FITZGERALD. I do not know that that enters into the question. The only question involved is whether under the Constitution of the United States the necessary number of Members have voted to pass this bill, the objection of the President to the contrary notwithstanding. It does not make any difference——

Mr. JAMES. If the gentleman will permit, the gentleman confuses the Constitution with the rules of the House. The Constitution does not say anything about keeping a notation of or recording those "present," but says that the yeas and nays shall be called and that those voting "aye" shall be recorded and those voting "no" shall be recorded. There is nothing said about the recording of anybody "present," which merely means that a Member is in the Chamber, but not voting upon the question under consideration.

Mr. FITZGERALD. I simply suggested this question. One hundred and ninety-seven Members are required to constitute a quorum. One hundred and thirty-one vote aye and 60 vote no, and then the 5 additional necessary to constitute a quorum vote present. This gives a two-thirds vote of those voting. Is it two-thirds of "the House"?

Mr. JAMES. The Constitution does not say anything about persons answering "present." The Constitution says "if after such reconsideration two-thirds of that House shall agree to pass the bill," and so forth. Now, how do you determine it? The Constitution says, "But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting 'for' and 'against' the bill shall be entered on the Journal of each House, respectively." The record which determines the fate of the veto is the aye and nay vote, and that shows the quorum. There is nothing said about recording those present.

Mr. FITZGERALD. The question arose under that language whether it was two-thirds of the entire membership of the House or two-thirds of a quorum, and it was determined that it did not mean two-thirds of the entire House. It now comes to be determined whether such a vote as has been recorded is two-thirds of "the House" as required by the Constitution. I am not certain which is the correct construction. It is unfortunate that the Speaker is called upon unexpectedly to rule upon so important a matter. Having some doubt as to what the correct ruling should be, I shall be content with this hasty expression of some impressions received without pressing them as positive convictions.

The SPEAKER. The gentleman from Illinois asks for a recapitulation of the vote, and under the circumstances of the case the Chair thinks he ought to have it. [Applause.]

The Clerk recapitulated the names of those voting.

CONTESTED ELECTION CASE, M'LAIN AGAINST BOWMAN.

Mr. ANSBERRY. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 1 in the contested election case of McLain against Bowman.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Mr. ANSBERRY, from the Committee on Elections No. 1, reported the following resolution:

House resolution 687 (H. Rept. 1182).

"Resolved, That Charles C. Bowman was not elected a Representative in the Sixty-second Congress from the eleventh district of Pennsylvania, and is not entitled to a seat therein."

Mr. ANSBERRY. Mr. Speaker, I further desire to give notice that immediately after the reading of the Journal on Saturday I shall call up the report for the consideration of the House. The minority, of course, will have opportunity up to that time to file their report.

The SPEAKER. The gentleman from Ohio [Mr. ANSBERRY] gives notice that he will call up this report on Saturday, immediately after the reading of the Journal. Without objection, the report will be printed and referred to the House Calendar.

There was no objection.

Mr. MANN. Mr. Speaker, I think the minority desire time in which to file their views. Will the gentleman give until Saturday?

Mr. ANSBERRY. Yes; until Saturday.

Mr. MANN. I ask unanimous consent that the minority have until Saturday in which to file their views.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the minority of the Committee on Elections No. 1 may have until Saturday in which to file their views. Is there objection?

There was no objection.

LEAVE TO ADDRESS THE HOUSE.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to address the House for one hour to-morrow, immediately after the reading of the Journal.

The SPEAKER. The Chair will remind the gentleman that to-morrow is Calendar Wednesday.

Mr. MANN. I suggest to the gentleman from Kentucky that he can take the floor to-morrow and address the House for an hour in his own right.

The SPEAKER. Does the gentleman withdraw his request?

Mr. STANLEY. I withdraw the request.

Mr. WARBURTON. Mr. Speaker, I announce that I shall want an hour to-morrow, immediately after the gentleman from Kentucky [Mr. STANLEY] addresses the House, or immediately after the reading of the Journal, on the question of the contests in the Republican national convention in the State of Washington.

Mr. MANN. I suggest to the gentleman from Washington [Mr. WARBURTON], as I did to the gentleman from Kentucky [Mr. STANLEY], that, unless the House cuts him off, he will have the right to take the floor in his own right to-morrow for an hour without getting consent now.

The SPEAKER. The gentleman from Illinois is correct.

AGRICULTURAL EXTENSION.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; and pending that I would like to see if I can arrange with the other side for a division of time.

Mr. HAUGEN. How much time is desired by the gentleman?

Mr. LEVER. I think that by not taking any time myself we can conclude the debate on this side in an hour's time.

Mr. HAUGEN. I have numerous requests here. I could not agree to that.

Mr. LEVER. What suggestion does the gentleman make?

Mr. HAUGEN. I really have no suggestions. There are a number of gentlemen who have requested time. I suggest that we proceed, and I will ascertain what time is desired and possibly we can arrange an agreement later.

Mr. LEVER. I would much rather reach an agreement, because this bill is not privileged against conference reports and such things, and we will get jammed up presently and not be able to pass the bill.

Mr. MANN. The gentleman does not need to worry about that.

Mr. HAUGEN. I have no desire to delay the proceedings of this House nor the passage of this bill, but I believe, in justice to Members here who wish to address the House on that bill, that they ought to be given an opportunity.

Mr. LEVER. How would an hour and a half on a side do?

Mr. MANN. I suggest to the gentleman from South Carolina that before he closes the general debate on the bill some one ought to take the floor and explain what the bill is, because I daresay not a dozen gentlemen in the House outside of the committee that reported it know what the bill is, and I am not sure that the members of the committee know very accurately. After the provisions of the bill have been explained, then you can tell better how much time is desired.

Mr. LEVER. The gentleman from Illinois is very much mistaken about his proposition. There is not a bill pending in this House which has had more consideration at the hands of the press and the public than this bill.

Mr. MANN. Oh, I understand that; but I am saying that Members do not know the terms of the bill and it ought to be explained before you try to cut down the time. I think myself when they learn what is in the bill there will be a lot of gentlemen who will want to speak in favor of it.

Mr. LEVER. I am sure of that. How about an hour and a half on a side?

Mr. MANN. Oh, no; let us go ahead this afternoon.

Mr. HAUGEN. I think we can gain time by going on now.

Mr. MANN. We may get through without any trouble.

Mr. HAUGEN. And then we can arrange an agreement, I think.

Mr. LEVER. I suggest to the gentleman from Iowa that we run along this afternoon, and I give notice that the next time we consider the bill I will endeavor to close debate.

Mr. HAUGEN. I have no desire to delay the proceedings of the House.

Mr. LEVER. Mr. Speaker, we have agreed to run along this evening with the general debate, with the understanding that as soon as we can, when this bill is next considered, we will endeavor to reach an agreement as to limitation of the debate. I ask that the gentleman from Iowa control one half the time and that I control the other half.

Mr. FOSTER. We could not agree to that.

The SPEAKER. The gentleman from Illinois objects. The question is on the motion of the gentleman from South Carolina.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, with Mr. RAKER in the chair.

The Clerk began the reading of the bill.

Mr. TRIBBLE. Is the bill being read for the purpose of amendment, or is it receiving its first reading?

Mr. MANN. The first reading of the bill was dispensed with.

Mr. TRIBBLE. That is my understanding; that the first reading of the bill was dispensed with.

The CHAIRMAN. That is the recollection of the Chair. The gentleman from South Carolina [Mr. LEVER] is recognized for one hour.

Mr. LEVER. Mr. Chairman, I will try to explain the provisions and purposes of this bill. The title of the bill sets out rather clearly what is intended to be accomplished by its provisions. It is a bill to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

In 1862, 50 years ago, the first comprehensive recognition of agriculture was given by the Federal Government by the enactment of what is known as the first Morrill Act.

That act was signed by President Lincoln, and under its provisions has been built up a system of agricultural colleges the like of which can not be seen in any other country in the world. No country of which I have any knowledge can boast of such an efficient system of agricultural colleges. [Applause.] It was found that the difficulty with the agricultural colleges was that those who were teaching the boys who came within their doors were themselves lacking in that scientific information necessary to the better preparation of these young men for the great profession of agriculture.

And so, therefore, the agricultural thinkers of the country concluded that the system of agricultural colleges was not complete unless there could be built up in connection with them and working in conjunction with them a system of agricultural experiment stations whose purpose and duty it should be to do research work with a view of developing scientific truths, both for the purpose of agricultural colleges and for the purpose of aiding agriculture itself. The result was that in 1887, 25 years after the passage of the Morrill Act, the Hatch Act was passed establishing agricultural experiment stations, the objects of which were to aid in diffusing among the people of the United States useful and practical information on subjects connected with agriculture and to promote scientific investigations and experiments respecting the principles of agricultural science.

Under that act, fostered by the "Great Commoner" from Missouri, has grown up the agricultural experiment stations in this country, one of which is located in each of the several States and several in our island possessions.

No man not familiar with agricultural conditions, no man who is not acquainted with the history of agriculture in this country can measure the splendid work of these institutions. No man can judge, unless he has investigated the subject most thoroughly and accurately, the enormous benefits to this country which have come from the establishment of these experiment stations.

In 1890 the second Morrill Act was passed, the purpose of which was the further endowment of agricultural colleges, appropriating to each State and Territory $15,000 for the year ending June 30, 1890, an annual increase in the amount of these appropriations of $1,000 a year for 10 years, making a permanent annual appropriation under this act of $25,000.

The second Morrill Act, like the land-grant act of 1862, was to be applied for the purpose of instruction in agriculture, or, to be more accurate, was intended as a further endowment of the agricultural colleges then in existence.

In 1906 came the Adams Act, which provides additional appropriations for the maintenance and support of the various State experiment stations increasing this appropriation, until now each of the experiment stations receives the sum of $30,000 annually, to be applied only to pay the necessary expenses of conducting original research and experiments dealing directly with the agricultural industry of the United States.

Following that, in 1907, the Nelson amendment was passed for the further endowment of agricultural colleges, giving to each State and Territory for that year the sum of $5,000 in addition to the sum previously appropriated, an annual increase of $5,000 for five years, after which the annual sum to be paid to each State and Territory shall be $50,000, to be applied annually for the purpose of agricultural colleges as defined and limited in the first Morrill Act.

Thus we see, Mr. Chairman, that the Federal Government has been rather liberal in its treatment of agriculture. And yet when we bear in mind the fact that not much over 10 per cent of the total appropriations of this Government are devoted to agriculture, I do not know that we can claim for ourselves very much liberality in that respect.

Mr. MOSS of Indiana. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. MOSS of Indiana. Did I understand the gentleman to say 10 per cent or 1 per cent?

Mr. LEVER. The Country Gentleman, a most reliable agricultural paper, some time ago made the statement that only 1 per cent of the appropriations of the country, State and Federal, went to the promotion of agriculture. Since 1862 we have expended through our experiment stations and the agricultural colleges the sum of $67,908,433.15.

The agricultural colleges teach theories, and necessarily reach a very limited number of people. Experiment stations furnish the scientific truths to the agricultural colleges and to agriculture itself, but unfortunately the difficulty in the past has been that we have not been able to take out to the people themselves, the great body of the people, the mass of individual farmers, and their families, the truths and theories taught in colleges and the scientific facts developed at the experiment stations.

We have been collecting information, and as it were damming it up in a great reservoir, until now I think it will not be disputed that we have within our agricultural colleges and experiment stations gathered together as much agricultural information as any country under the sun. As I suggested a moment ago, the difficulty has been and is that we are not getting this information out to the people as rapidly as people demand or as the emergency of the situation requires.

The agricultural thinkers of the country have been at work on a proposition for a long time to find some way of disseminating the information that has been accumulated for 50 years to make it available to the people of the United States, and this bill which I have had the honor to introduce is really the combined efforts of the best agricultural thinkers and seeks to establish the missing link between the man on the farm and the demonstrated methods of the colleges and experiment stations.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. KINKEAD of New Jersey. I want to ask my friend if under his bill, which I heartily agree to in relation to the establishment of the agricultural extension department, whether it would be permissible to offer an amendment proposing the sum, say, of $50,000 a year, to cooperate with the State of New Jersey in the mosquito extermination that has been so successfully carried on by our State for the past four years?

Mr. LEVER. Such an amendment, I think, would be permissible, but I do not think it would be in order on this bill.

Mr. TOWNER. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. TOWNER. There have been inquiries made regarding the line of the gentleman's bill as compared with that of the Senate bill of Mr. PAGE. Would it comport with the gentleman's address to inform the House something of the nature of the two respective bills?

Mr. LEVER. I would prefer to go on with the line of my discussion of the sections of the bill as I come to them, and later on I may be willing to discuss the other proposition.

Mr. CLINE. Will the gentleman yield?

Mr. LEVER. Yes.

Mr. CLINE. I would like to inquire whether the appropriation in the gentleman's bill is confined strictly to the agricultural schools, or whether it takes in a broader field of the vocational school.

Mr. LEVER. This bill of itself is strictly confined to agricultural colleges established under the land-grant act of 1862.

Mr. TRIBBLE. I would like to ask the gentleman a question.

Mr. LEVER. I will yield to the gentleman from Georgia.

Mr. TRIBBLE. The bill provides for the demonstration work to reach the farmers and not the boys in the colleges?

Mr. LEVER. Mr. Chairman, as I was saying when interrupted, this bill seeks to disseminate the information that we have been gathering, and to disseminate it in the most practical way, so that the farmer who has eyes may see and who has ears may hear. I have known farmers all of my life. I was born and reared on a farm myself, and have practically what little investments I have in agricultural land now. I know how conservative the farmer is. I know how hard it is to get him to accept new theories. The farmer has been humbugged so much and for so long a time that he looks with suspicion upon any new proposition that comes into the community. I got the idea contained in this bill from the work that is being done in a more or less crude way in the Southern States by the Department of Agriculture at this time.

This bill proposes that we shall take the information we have been gathering and take it out to the farm, with the farmer, and demonstrate to him upon his own farm, by a system of comparison with his own methods, that the methods of the agricultural colleges and experiment stations and the Department of Agriculture and the most up-to-date farmers throughout the country are better methods than he employs. That is the only way in which you can possibly reach the farmer upon that proposition. We have been trying to reach him for years and years with the lecture, with the printed bulltin, with the agricultural newspapers and farmers' institutes; but the man who ordinarily can be reached with the printed bulletin or with the lecture or with the agricultural newspaper is the man who does not need this information that is proposed to be carried out to him in this bill, because he gets it from these other sources. The man we desire to reach is the small farmer, the man who does not read the bulletins, the man who has no confidence in book farming, the man who does not take an agricultural paper. We want to reach the little fellow out on the farm who needs the help. [Applause.]

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. LEVER. Certainly.

Mr. MOORE of Pennsylvania. Mr. Chairman, I am intensely interested in educating the young man upon the farm. Following the gentleman's explanation of his bill, I have been unable to gather whether it is proposed to train youth in the habits and occupations of the farmer. It appears to be for the dissemination of literature, and so forth.

Mr. LEVER. Mr. Chairman, I will say to my friend from Pennsylvania that the purpose of this bill is to carry the information more largely to the adult farmer than to the farm boy or the farm girl; but we take it that if we can teach the adult farmer the best methods of agriculture, the boy, the son of this adult farmer, necessarily must absorb the information that is being given.

Mr. MOORE of Pennsylvania. But would the appropriation provided for in the bill looking to Federal aid and cooperation with the States in any way aid in the education of a boy in the practical work of the farm?

Mr. LEVER. Except as I have stated, except as being an example of good farming, which is an education in itself.

Mr. MOORE of Pennsylvania. May I ask one more question, so as to be put right, because I want to join the gentleman and all on his side in the passage of any bill which will aid in education on the farm and induce young men to go on the farm or to stay there. Do the agricultural colleges already in existence give practical training to young men who desire to go on the farm?

Mr. LEVER. Yes; the agricultural colleges are doing a great work in the training of young men for actual agriculture, but the difficulty about it is that so few of the boys can go to the colleges, so few of the boys do go to the colleges, and there is an impression in the land, and it is justified to some extent, that these agricultural colleges are not teaching agriculture to the boy, but are teaching mechanical arts and engineering, and the like of that.

Mr. MOORE of Pennsylvania. That is the point in my mind now.

Mr. LEVER. I will clear that proposition up.

Mr. MOORE of Pennsylvania. Will the gentleman permit me to give him this illustration, and then he will understand my point. I know a boy, perhaps a hundred boys, who would like to go upon the farm, who would like to understand farming, who would like to be successful farmers. Will they be aided in any way if I should support the passage of a bill of this kind?

Mr. LEVER. Undoubtedly so.

Mr. MOORE of Pennsylvania. I would like to get more information upon that point.

Mr. DAVIS of Minnesota. Mr. Chairman, will the gentleman yield?

Mr. LEVER. In just a moment. I want to show the gentleman from Pennsylvania how this bill will help his boys. The gentleman from Pennsylvania knows that we have in the Department of Agriculture what is known as the Farmers' Cooperative Demonstration Work, for which we have been appropriating in an effort to defeat the boll weevil. This work has been in existence since 1904. I desire to read to the gentleman what Mr. Bradford Knapp, in charge of this work, has to say about this, and I think that will answer the gentleman's question, because this bill seeks to do in a more comprehensive and scientific way for all of the country what is being done in a less comprehensive and more crude way in the Southern States.

Mr. MOORE of Pennsylvania. I will say that if the gentleman can devise any way by which we can induce the young men to go out on the farm, even to giving them free education in the practical work of farming I would be very glad to join with him in that work.

Mr. LEVER. Mr. Chairman, I will say to the gentleman that there never will come a time in this country when we will get the boys to go back to the farm or to stay on the farm unless we can devise through State or Federal legislation some way to make farm life profitable and happy.

Mr. MOORE of Pennsylvania. Mr. Chairman, I agree with the gentleman there.

Mr. LEVER. And this bill proposes to do that. Let me read what we are doing in the South:

> First, the personal contact of the instructor with the farmers receiving instructions; secondly, the participation of the farmer receiving instruction in the actual demonstration of the lesson to be taught; thirdly, the certainty of success under normal conditions of the method advocated.

Now, the first proposition is the personal contact of the instructor with the farmers receiving instructions. There will be located in each agricultural college of the country a practical farmer who can receive instructions and impart them. He will have perhaps 40 or 50 farmers located all over and about the county. He will visit these farmers from time to time and come into personal contact with them. He says to one of them: "Mr. Smith, I want you this year to take an acre of land and plant it in cotton here, and I want you to take another acre and plant it in cotton right beside this acre, and I want you to farm this acre as I tell you to farm it, and I want you to farm this other acre as you have been usually farming it according to your own method. If my method works out better than yours, you will adopt my method; if not, I will adopt your method and try to have other farmers put it in operation." The result has been that through the instructions of the Department of Agriculture we have been able almost to double the yield of cotton in South Carolina in these demonstration plats as against the average yield of the State. If the gentleman will permit me, I will read that. In 1907, for instance, in the State of Oklahoma the average yield under demonstration methods for seed cotton in pounds was 628.7, while the average for the State was 504 pounds. In the State of Louisiana the average under demonstration methods, the methods proposed by this bill, is 1,063 pounds, as against the general average of 522 pounds. Take the State of Mississippi; the average there under demonstration methods is 1,045 pounds, as against 510 under the general average. Take the State of Georgia; the average under demonstration methods was 1,510 pounds of seed cotton, as against 732 pounds under the old system. Take South Carolina—she is first in everything—the average yield under demonstration methods was 1,569 pounds, while under the old method the general average for the State was 795 pounds.

These figures which I hold in my hand, showing the results of this work in all of the Southern States, both with respect to cotton and corn, demonstrate beyond any question the value of better methods in increasing crop production. These results have not been worked out on one isolated plat or experiment, but represent the average production from a number of acres in every county in each of the States where this work is being done. The number of acres by States and the average yield by demonstration methods and the average under the old methods are shown in these statistics, which have been furnished me by

the department, and which I shall insert into the RECORD as a part of my remarks, for the information of the House:

COTTON.

Summary for three years, 1909, 1910, and 1911, crop records under farmers' cooperative demonstration work.

[Compared with average yields for the States represented and for the United States.]

States.	Average yields under demonstration methods (pounds seed cotton).			Bureau of Statistics figures for the States (pounds seed cotton).		
	1909	1910	1911	1909	1910	1911
East Texas	690.6	826.1	1,074.5			
West Texas	547.5	578.4	699.4			
All of Texas	633.3	710.4	849.9	375.0	447.0	576.0
Oklahoma	527.7	708.1	628.7	441.0	585.0	504.0
Louisiana	757.8	785.5	1,063.5	390.0	390.0	522.0
Arkansas	844.6	915.3	946.7	459.0	525.0	558.0
Tennessee	(Began in 1911.)		1,672.9			744.0
Mississippi	1,115.7	933.5	1,045.0	471.0	519.0	510.0
Alabama	1,138.4	1,220.2	1,442.9	426.0	474.0	669.0
Florida	597.5	572.0	840.4	330.0	330.0	384.0
Georgia	1,303.9	1,298.0	1,510.0	552.0	522.0	732.0
South Carolina	1,204.9	1,249.3	1,569.2	630.0	636.0	795.0
North Carolina	1,238.2	1,332.7	1,591.5	630.0	681.0	861.0
Virginia			1,414.3			912.0
Averages for States represented	906.1	858.9	1,081.8			
Averages for United States				503.6	512.1	624.6

CORN.

Summary for three years, 1909, 1910, and 1911, crop records under farmers' cooperative demonstration work.

[Compared with average yields for the States represented and for the United States.]

States.	Average yields under demonstration methods (bushels).			Bureau of Statistics' figures for the States (bushels).		
	1909	1910	1911	1909	1910	1911
East Texas	28.4	34.1	21.4			
West Texas	21.8	31.5	23.1			
All of Texas	25.4	32.8	22.3	15.0	20.6	9.5
Oklahoma	26.0	24.1	13.0	17.0	16.0	6.5
Louisiana	30.8	35.2	28.6	23.0	23.6	18.5
Arkansas	30.6	36.8	32.9	18.0	24.0	20.8
Tennessee	(Began in 1911.)		46.6			26.8
Mississippi	36.9	41.6	32.4	14.5	20.5	19.0
Alabama	33.2	41.4	46.3	13.5	18.0	18.0
Florida	21.0	23.0	30.9	12.6	13.0	14.6
Georgia	34.4	35.4	39.2	13.9	14.5	16.0
South Carolina	36.1	41.0	39.2	16.7	18.5	18.2
North Carolina	40.0	43.4	42.6	16.8	18.6	18.4
Virginia	41.0	46.5	41.9	22.3	25.5	24.0
Averages for States represented	31.7	35.3	33.2	16.7	19.3	15.8
Averages for United States				25.9	27.7	23.9

COTTON.

Summary showing total production and value of increase crop records under farmers' cooperative demonstration work, 1911.

States.	Number of demonstrations.	Number of reported acres.	Average yield per acre, pounds seed cotton.	Total yield, pounds seed cotton.	Value of increase above State average on acres reported.
East Texas	951	8,023	1,074.5	8,620,399	$120,024.08
West Texas	1,171	11,972	699.4	8,373,440	44,296.40
Oklahoma	845	9,317	637.9	5,942,952	37,454.34
Louisiana	1,675	33,022	1,063.5	35,120,291	536,277.28
Arkansas	1,588	14,912	946.7	14,117,613	173,873.92
Tennessee	110	249	1,672.9	416,561	6,939.63
Mississippi	864	4,162	1,045.0	4,349,347	66,800.10
Alabama	1,999	8,531	1,377.4	11,749,916	196,639.55
Florida	403	1,294	840.4	1,087,538	35,429.72
Georgia	1,555	7,427	1,510.0	11,215,115	173,346.18
South Carolina	1,574	7,371	1,569.2	11,566,537	171,228.33
North Carolina	885	3,612	1,591.5	5,748,664	79,175.04
Virginia	21	107	1,414.3	151,325	1,612.49
Total and average	13,641	109,999	1,081.8	118,459,698	1,643,097.06

CORN.

Summary showing total production and value of increase crop records under farmers' cooperative demonstration work, 1911.

States.	Number of demonstrations.	Number of reported acres.	Average yield per acre.	Total yield.	Value of increase above State average on acres reported.
			Bushels.	*Bushels.*	
East Texas	545	3,539	21.4	75,663	$33,691.28
West Texas	582	4,246	23.1	98,165	46,196.48
Oklahoma	273	1,777	13.0	23,066	8,085.35
Louisiana	1,216	16,783	28.6	479,798	128,755.81
Arkansas	1,241	10,783	32.9	354,600	91,332.01
Tennessee	72	232	46.6	10,805	2,983.52
Mississippi	625	3,797	32.4	123,145	36,641.05
Alabama	1,600	5,639	46.9	264,416	127,103.06
Florida	435	1,339	30.9	41,389	17,460.56
Georgia	1,382	5,119	39.2	200,640	98,591.94
South Carolina	1,672	5,958	39.2	231,874	112,579.38
North Carolina	1,727	4,868	42.6	207,471	96,581.12
Virginia	1,021	2,800	41.9	117,247	36,596.00
Total and average	12,390	66,880	33.2	2,228,279	836,597.56

COTTON AND CORN.

Summary showing total production and value of increase crop records under farmers' cooperative demonstration work, 1911.

States.	Number of demonstration plats.	Number of reported acres.	Value of increase above State average on acres reported.	Number of additional demonstrators and cooperatives not reporting.
East Texas	1,496	11,562	$153,715.36	1,100
West Texas	1,753	16,218	90,492.88	8,000
Oklahoma	1,118	11,094	45,539.69	500
Louisiana	2,891	49,805	665,033.09	3,500
Arkansas	2,829	25,695	265,205.93	13,000
Tennessee	182	481	9,923.15	119
Mississippi	1,489	7,959	103,441.15	3,181
Alabama	3,599	14,170	323,742.61	5,000
Florida	838	2,633	52,890.28	1,100
Georgia	2,937	11,911	271,938.12	3,000
South Carolina	3,246	13,290	283,807.71	600
North Carolina	2,612	8,480	175,756.16	5,371
Virginia	1,042	2,907	38,208.49	2,122
Total	26,031	176,202	2,479,694.62	46,593

No attempt has been made to estimate the effect of the work upon the balance of the demonstrators' crops or upon the crops of their neighbors.

In addition to the work reported above, this office conducted the work of 56,480 boys in the boys' corn clubs and 3,500 girls in the girls' canning clubs during 1911.

Mr. PICKETT. Would the gentleman be kind enough to insert in his remarks his list of tables?

Mr. LEVER. I have stated that I would do this. Not only that, but you can not get the farmer interested in these propositions unless you make him a part of the work itself. You can go out into a community and deliver your lectures and hold your institutes and have your agricultural trains go through the country, and the farmer will stand up and listen, but perhaps not 10 per cent of them will put into operation upon their own farms the wholesome truths that they have heard from these lectures. I think my friend from Indiana [Mr. Moss] will agree to that proposition. This system makes the farmer himself a party to this demonstration and therefore keeps him interested in the proposition.

Mr. MOORE of Pennsylvania. I think the gentleman has not quite got my point. The Government of the United States aids in the education of boys to go into the Navy. It aids boys to an education to fit them to go into the Army, and aids in the education of boys in other directions. I would like to see incorporated in this bill, if possible, governmental aid, or State aid by cooperation with the Government, of the boy who wants to learn scientific farming. That is the point I was making.

Mr. LEVER. I will answer my friend's question when I get to the third proposition.

Mr. DAVIS of Minnesota. If the gentleman will permit an interruption. I presume he is aware I have taken some interest in this branch of agricultural education for a number of years.

Mr. LEVER. I know the gentleman has been very active.

Mr. DAVIS of Minnesota. And have had a bill before the gentleman's committee for five or six years along this line—along the line somewhat suggested by the gentleman from

Pennsylvania [Mr. MOORE]. Now, if the gentleman will bear with me, as he is an enthusiast and he wants the information, I know the gentleman's time is limited, but if the gentleman will permit me to make a suggestion now and ask his opinion in regard to it——

Mr. LEVER. Yes.

Mr. DAVIS of Minnesota. I agree with all the gentleman has said—that industrial education is the best thing in the world not only for the agriculturist but for the soil. I agree to that. I agree also with what the gentleman said that the Government has invested many millions of dollars, approaching $100,000,000, along these lines, and that the vast amount of scientific, technical information is now stored in the minds of a few men. The difficulty, as the gentleman has well stated, is to get it to the agriculturist proper. Now, the proposition in the bill is to send out, as it were, individuals to the individual farmer and teach the old men how to do a certain thing. Now, I would like to ask the gentleman if he expects to revolutionize farming in the United States from a scientific standpoint by simply sending one agent for a county—and there are a large number of agricultural counties in the United States—send one man there to enlist, as it were, each individual farmer?

If such is the case, how many agents of the Government will be required, and where is the gentleman going to get this vast army of agents, qualified to teach them scientifically? It is true that you might go out and tell a farmer, "You plant an acre of corn this way, and another the old way, and see what the difference is next year." Then perhaps you ought to teach him horticulture; you ought to teach him plant breeding; you ought to teach him stock breeding; you ought to teach him fertilizing. That all goes along with scientific agriculture. And so I say now that if you limit your experiments to one individual, in each of the 3,000 agricultural counties in the United States, you will be forever, disjointedly and disconnectedly teaching scientific agriculture in all its various branches throughout the United States, and it would be like sending a special agent to every county to teach each man mathematics, whereas they could be aggregated just as well in a district school or a county school, with a competent teacher. The old ones would not come there, but the young ones would, under a scientific system of teaching agriculture along the same lines as the Page bill, which is almost a copyw of the so-called Davis bill, which has slept six years in the Committee on Agriculture and upon which I have been unable to get a report one way or the other. Of course, the theory of that bill is along the line of the gentleman from Pennsylvania, to teach the youth scientific farming, and then as he progresses he will teach his father and future generations.

I am going to vote for the gentleman's bill, but I really think the gentleman is going at it in a somewhat impractical manner, and in a way that will produce the least ultimate benefit to the great agricultural interests of the United States.

Mr. LEVER. Of course, the question submitted by the gentleman is a very important question.

Mr. DAVIS of Minnesota. The most important question that can be considered by Congress.

Mr. LEVER. I do not know but that the gentleman is right on that proposition, but the gentleman will realize this fact, that the bill now under consideration is the completion of a system already in operation, while the gentleman's bill is the beginning of a new idea with respect to Federal aid to State schools, high schools, common schools, and normal schools.

Mr. DAVIS of Minnesota. I will tell the gentleman what it is, in brief. This vast storehouse of knowledge is contained in the heads of a few scientists, graduates from the agricultural colleges.

I will state to the gentleman that less than 7 per cent of the children of the United States ever enter the high schools at all, and less than 2 per cent ever get any higher education at all. Hence, 93 per cent, the toilers who substantially produce the wealth of this country, are practically uneducated. It is to bridge over that chasm from the common school, in which 93 per cent of the youth of this country is educated to the college that led me to introduce my bill, and led Senator PAGE to introduce his, to educate the youth of the land. The gentleman from South Carolina says his plan is a completion. I say it is simply another additional step, but a short one.

Mr. LEVER. Mr. Chairman, I was about to say that the third proposition involved in this demonstration work, as we know it in the South, is that the farmer himself shall be made to know beyond a doubt that it is successful. As I stated a while ago, the farmer has been humbugged so often, that unless you demonstrate beyond a doubt that you have a system of your own that is better than his, and which will bring the results that you claim for it, the farmer is not going to accept it.

Now, what has been accomplished in the South? Here is where we reach some of the boys that my friend from Minnesota is interested in, and in whom I am interested, too.

Mr. DAVIS of Minnesota. I am interested in all of them.

Mr. LEVER. So am I. Speaking of this demonstration work, Mr. Knapp continues: "From a small beginning, with but few trained men in the field, it has grown, developed, and been systematized into a great movement for the wide dissemination of agricultural knowledge for the man, the wife, the boy, and the girl on the farm. To-day it is directly instructing practically 100,000 farmers, 75,000 farmers' boys, and 25,000 farmers' girls. The farmers are divided into two classes—the one class called the 'demonstrators,' whose farms are actually visited by an agent once in every 30 days during the crop-growing season, or practically 8 to 10 times each year, and even more; the other, called 'cooperators,' are grouped around about the farm of the demonstrator, and are called together upon it for the purpose of coming into contact with the agent and receiving personal instruction. Briefly stated, it seeks to press home such lessons as the better drainage of the soil, the deeper and more thorough preparation of soil for planting, the value of better seed, how to produce it, how to select it and keep it pure, the testing of seed before planting, the proper spacing of plants to suit the plant, soil, and climate, the value of intensive cultivation during the growing season for conservation of moisture, the importance of humus in the soil, and the use of barnyard manure, farm refuse, and commercial fertilizers, the value of crop rotation and winter cover crops on southern farms, for maintenance and building up of fertility, the use of more horse power and less hand power, and the accomplishment of more work in a day, the use of better tools for the same purpose, the great importance of live stock as a part of the permanent system of agriculture, the production of all home supplies of food required for men and animals on the farm, and the keeping of an account in order to know whence the profits and whence the loss in the farm operations."

And I say without hesitation, and my colleagues from the Southern States will bear me out, that since the inauguration of this system, in 1904, it has worked an absolute revolution in agriculture in the South. [Applause.] We are having better farming in the South to-day than we have ever had, and better farming means better living, and better living means more happiness, and more happiness means better citizenship; and I say to you that back of a great deal of the improvement in conditions in the South is this propaganda, and upon that idea is based this bill.

Mr. DAVIS of Minnesota. I should like to ask the gentleman a question there. The only question is as to how to put the idea into the best practical use. The gentleman has lived on a farm. Does he not know that it is pretty hard to get old farmers to go to a school, or to get them to spend their time listening to an agent sent to instruct them?

Mr. LEVER. We are taking the school to those old farmers. That is the point.

Mr. DAVIS of Minnesota. You send a man to the farmer. Now, does not the gentleman think the same amount of money put into the education of boys, when they are young, when their minds are capable of retention, teaching them scientifically—that the same amount of money, both Federal and State, would ultimately work for the greater good of the community than to teach a few of the older men something?

Mr. LEVER. We are not now quarreling about the provisions of the gentleman's bill. What we want to do now is to pass this proposition. The thing we desire right now is to do the practical thing. The practical thing is the passage of the bill before the House.

Mr. CONNELL. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. CONNELL. I did not hear the first part of the gentleman's remarks. I should like to ask him for information—if the system of farmers' institutes by the States, where a lecturer or a teacher is sent out by the State, prevails to any extent throughout the South the same as it does in other States?

Mr. LEVER. Yes; we have a good deal of that in the South, and it is doing good work.

Mr. CONNELL. Is the instruction contemplated by this bill independent of all that?

Mr. LEVER. This is in cooperation with that.

Mr. CONNELL. It does not stop any State work?

Mr. LEVER. Not at all. As I will explain to the gentleman when I come to a discussion of the various sections of the bill, that the State is required to put up an amount of money equal to that given to it.

Mr. CONNELL. Can the gentleman remember offhand how many agricultural colleges there are in the Southern States?

Mr. LEVER. There are two of such colleges in each of the Southern States, one for the whites and one for the blacks, and the total is 28.

Mr. CONNELL. In my State of New York we are all the time using farmers' institutes. They go to the farmers with them. I had the great privilege, when I was home a while ago, of attending a farmers' gathering where two representatives of the State came to teach the farmers and talk to them about bettering their conditions and about keeping accounts of their farming; and if you could have listened to that debate and have heard the manner in which the men who were tied up in farming all their lives and who were in the milk-producing business, and all that, wanted the State representatives to tell them some practical things you would have been very much interested. It was very interesting to listen to the kind of information that the farmers already had, but which they did not seem to have applied until it was pointed out to them how it could be done.

Mr. LEVER. That is the exact point. You may talk to the farmer until you are blue in the face and furnish him food for thought in every word, but unless you actually demonstrate the truth the farmer is not going to accept it.

Mr. CONNELL. In other words, the farmer is "from Missouri."

Mr. LEVER. He is "from Missouri."

Mr. HAMLIN. All good men are.

Mr. LEVER. Mr. Chairman, I have tried to give as succinct but at the same time comprehensive statement as possible, regard being had for interruptions, of the methods and results of the demonstration work as it is now carried on in the South and as is contemplated to be carried on in the future through the agricultural colleges of the several States under the provisions of this bill. For the information of the House I shall insert at this point a recent bulletin of the Department of Agriculture showing the wonderfully beneficent and fruitful results obtained last year in South Carolina, where I am familiar with the conditions and have every reason to believe in the correctness of the statements.

The matter referred to is as follows:

DEMONSTRATION WORK IN SOUTH CAROLINA—INTERESTING REPORT BY BRADFORD KNAPP, HEAD OF UNITED STATES FARM DEMONSTRATION WORK—SOME COMPARATIVE FIGURES.

"Demonstration work in South Carolina has been advancing year by year both in acreage under cultivation and in increase of yields obtained under demonstration methods over those obtained under ordinary methods," says Bradford Knapp, head of the United States farm demonstration work, in a bulletin issued giving the detailed results of the work in all of the States of the South.

A complete summary of the bulletin shows as follows:

	Cotton.	Corn.
Number of demonstrators	1,574	1,672
Number of acres reported	7,371	5,958
Average yield per acre	[1] 1,569.2	[2] 39.2

[1] Pounds. [2] Bushels.

The Bureau of Statistics in its preliminary estimate, December 11, 1911, gives the average yield of seed cotton for South Carolina in 1911 as 795 pounds per acre from 2,627,939 acres, and of corn as 18.2 bushels per acre from 1,790,000 acres.

With cotton 1,574 demonstrators reported on 7,371 acres, an average of 4.7 acres for each demonstrator, an average yield of 1,569.2 pounds of seed cotton per acre and a total of 11,566,537 pounds. The average yield of cotton in South Carolina as estimated by the Bureau of Statistics, December 11, 1911, was 795 pounds. Thus it appears that the demonstration methods produced an increase of 97.4 per cent, or 774.2 pounds per acre above the State average, which at $3 per hundred amounts to $23.23 per acre, or $171,228.33 on 7,371 acres.

CORN DEMONSTRATORS.

With corn 1,672 demonstrators reported on 5,998 acres, an average of 3.6 acres for each demonstrator, an average yield of 39.2 bushels of shelled corn per acre, and a total of 233,584 bushels. The average yield of corn in South Carolina in 1911 as reported by the Bureau of Statistics was 18.2 bushels per acre. This shows an increase under demonstration methods of 115.4 per cent, or 21 bushels per acre, which at 91 cents per bushel amounts to $19.11 per acre, or $113,857.38 on 5,958 acres.

Combining results on these two crops, we find a total of $285,085.71, representing the value of increased production of cotton and corn in South Carolina due to demonstration methods on 13,329 acres reported for the year 1911.

In addition to the work reported above there were about 600 demonstrators and cooperators in South Carolina in 1911, following demonstration methods, from whom no reports were received. No attempt has been made to estimate the effect of the work upon the balance of the demonstrators' crops or upon the crops of their neighbors.

Demonstration work in South Carolina has been advancing year by year both in acreage under cultivation and in increase of yields obtained under demonstration methods over those obtained under ordinary methods.

In 1910 there were 1,048 cotton demonstrators reporting on 3,821 acres an average yield of 1,249.3 pounds of seed cotton per acre. In 1911 there were 1,574 demonstrators reporting on 7,371 acres, an average yield of 1,569.2 pounds per acre.

With corn in 1910 there were 1,114 demonstrators reporting on 3,357 acres an average yield of 41 bushels of shelled corn per acre. In 1911 there were 1,672 demonstrators reporting on 5,958 acres an average yield of 39.2 bushels per acre.

Mr. PICKETT. Does the work contemplated in the pending bill take the place of the work now being conducted by the Agricultural Department, or does such work continue, and will this be supplementary?

Mr. LEVER. It will depend very largely upon the attitude of the Agricultural Department. My own judgment is that the kind of work now being done in the South, this demonstration work, is really a work that ought to be done under local influence and environment. The Department of Agriculture should deal with those bigger, broader, more regional problems than is possible to be dealt with by a State agricultural college. The Agricultural Department would probably turn over its organization in the South to the agricultural colleges, but would maintain a force, and do a greater amount of good, to study in a broader way the larger problems of agriculture. The colleges, the experiment stations, and the Department of Agriculture would continue to collect information, develop theories, and suggest methods, while these new agencies created in this bill would be charged with the duty of distributing these to the man upon the farm. Embalmed information is of no service to the country; it is to vitalize this information and make it available to those who need it that we are seeking.

Mr. YOUNG of Kansas. This work here would take the place of the field work now being conducted?

Mr. LEVER. I think in a large measure it would.

Now, Mr. Chairman, this extension work I have been speaking of is by no means confined to the Southern States, and is not entirely new to this country. It has been in operation a good many years in a larger or smaller degree, but I wish now to call the attention of the committee to the results accomplished in European countries by this same system of demonstration and extension teaching. Every up-to-date European country has what is known as extension work. I submit a brief summary of the work as carried on in these countries.

The high estimation in which extension teaching is held in foreign countries is shown by the following sentence from the Right Hon. Horace Plunkett, who was a member of the committee of the English Parliament appointed to visit continental countries and make investigations and report upon the various systems of agricultural education there in use. He says:

If there is one feature of agricultural education which, having been tested to the utmost in every country of the world, has stood that test better than any other, it is the itinerant instructor.

BRITISH EMPIRE.

In Canada the Dominion department of agriculture has undertaken to aid the Provinces in their agricultural education extension work and to encourage them to further self-effort.

In Great Britain the Government made its first grant to the several district (State) colleges of agriculture for extension work in 1888. Each college organizes and directs the extension work in its own district. The county councils also make appropriation to aid such work in their respective localities. The board of agriculture, which corresponds to our United States Department of Agriculture, is head of the entire system.

AUSTRIA.

According to the Austrian minister of agriculture, the instruction in agriculture to farming people above school age by means of extension teaching is regarded as an important factor in the education of its rural people and the development of its agricultural resources. This instruction is mostly given by itinerant instructors paid from the Government treasury. The Government annually gives very large subsidies to the various Provinces for extension work in agriculture. The itinerant instructors appointed by the Government also study the wants and needs of the farmers, gather statistics, and keep the Government informed respecting all agricultural conditions.

BULGARIA.

The Government supports the three agricultural colleges and the three experiment stations, all of which employ itinerant teachers for the sole purpose of conducting extension teaching in agriculture among farming people beyond the school age.

DENMARK.

Within the past 30 years agriculture in Denmark has risen from about the lowest to the highest place among the countries of Europe. This remarkable progress was brought about chiefly by the effectiveness with which the Government was able, through organizations among farmers, to aid them with expert advice, technical instruction, and material support along extension lines as a supplement to the regular college or school work. At the head of the entire educational system of the country is

the Royal University, at Copenhagen, while the agricultural work centers in the Royal Agricultural and Veterinary College, at Copenhagen, an institution controlled and supported entirely by the Government. Below this are the 21 agricultural schools of the country. In addition there are 4 experiment stations, with over 500 experimental fields scattered over the country. Then there follow the numerous high schools devoted chiefly to agriculture; then also the common schools; and, finally, there are the numerous cooperative societies among the adult farming people, which form a system of itself and embraces nearly 4,000 organizations, covering all phases of agricultural activity. In addition there are also 107 local agricultural societies.

The Government aids all these organizations and employs a large number of experts as itinerant instructors, who devote their entire time to extension teaching in agriculture, and in addition local organizations also employ itinerant instructors, who are paid partially by Government funds. Thus the Government of Denmark is behind the agricultural education extension work and is its moving spirit and financial aid.

FRANCE.

In the comprehensive system of public instruction in France provision is made for compulsory instruction in agriculture in the normal schools of each of the 87 civil departments. In these schools are educated the teachers for the lower-grade schools, and hence agriculture, which is also required to be taught in all schools regardless of grade, is thus provided with a supply of teachers. The Government provides at its own expense a professor of agriculture for each of the 87 departments, and requires him to devote a certain amount of his time to agricultural extension teaching and demonstration among the adults on the farms. His traveling expenses are also paid by the Government. There are also numerous special professors of agriculture, who likewise are also required to devote a certain amount of time to agricultural extension work among the people on the farms. Thus the French Government has provided for and directly financed the very thorough and comprehensive system of agricultural education extension teaching among its rural people.

HUNGARY.

The Government, through its minister of agriculture, employs and maintains a large force of itinerant lecturers, employed by the year, solely for the purpose of giving instruction in agricultural subjects to adult rural people on their farms. The Government also carries on each year 80 model or demonstration farms at various places to aid in the instruction of its farming people.

ITALY.

The Government contributes two-fifths of the salaries and expenses of maintaining itinerant chairs of agriculture in each Province or district. These itinerant chairs are for the sole purpose of conducting extension teaching in agriculture to the adult farming people on their farms by the means of lectures, personal advice, demonstrations, correspondence, and so forth, and to foster cooperative and other agricultural societies and organizations, gather statistics, and learn the needs and wishes of the rural population.

HOLLAND.

Each of the 11 Provinces in Holland has a state professor of agriculture supported entirely by the Government. His duty is to direct and control the agricultural interests in his Province, including itinerant or migratory school work, which is extension teaching, and reaches the adult farmer in his home.

GERMANY.

Each Province has a chamber of agriculture established by law as representative of the agricultural interests in that Province. The Government subsidizes these chambers and they conduct the agricultural education extension work, which is thorough and comprehensive, and reaches all classes of the adult farming population.

RUSSIA.

The itinerant extension teaching in agricultural subjects in Russia is under the direction of the department of agriculture at St. Petersburg. No special force for extension work is employed, but the Government pays the salaries and expenses of those regular college and school instructors who are called upon to do such work.

BELGIUM.

Agricultural education extension teaching in Belgium is financed and managed entirely by the Government, which annually spends large sums of money for this special method of reaching and influencing its rural population. The Government maintains a large number of extension supervisors, who are under the jurisdiction of the minister of agriculture through the inspector general of agriculture and the director general of the rural office. Besides the 34 chief extension supervisors there are a large number of assistants. The entire time of the 34 chief extension supervisors and their assistants is devoted to the instruction of the adults on the farms of the country by means of lectures, personal visits, inspection and advice, correspondence, and demonstration plats. The extension supervisors assist the farmers in matters pertaining to agriculture and country life, including the marketing as well as the production of farm products, the improvement of the home, live stock, and crops, and the land itself; further cooperative societies and their organizations among farming people for selling, for purchasing, and for credit and insurance; keep in close touch with them, and ascertain their desires, wishes, and needs; act as intermediaries between them and the Government; gather agricultural statistics and endeavor to improve all agricultural conditions and products. Twenty-five years ago the agriculture of Belgium was in a most deplorable and discouraging condition. The Government then established this system of extension work in agriculture, which in this brief period has completely revolutionized this foundation of all industries and government, and has placed Belgium at the front rank among agricultural nations.

Mr. STANLEY. Will the gentleman yield?

Mr. LEVER. With pleasure.

Mr. STANLEY. Does the gentleman intend to insert in his remarks comparative tables showing the yield in this country and Belgium and France and other countries?

Mr. LEVER. I would be glad to do that, and I would be glad to discuss it.

Mr. STANLEY. I do not care to raise any discussion about it, but it bears out the truth of what the gentleman is saying, that lands that have been cultivated since the days of Charlemagne now produce 50 bushels of wheat to the acre, while our virgin soil does not produce but about one-half of that amount.

Mr. LEVER. That is true, and with the permission of the committee I shall insert at this point some exceedingly pertinent and interesting facts bearing directly upon the suggestion of the gentleman from Kentucky, which have been compiled and summarized by the National Soil Fertility League:

Our population increased 21 per cent in the last 10 years.
Our farm acreage increased 4.2 per cent in the last 10 years.
We produce 7⅓ bushels of wheat per person.
We consume, including seed wheat, about 6⅓ bushels per person.
In 1900 we had 40.5 per cent as urban population.
In 1910 we had 46.2 per cent as urban population.
With a population of 93,000,000 home consumption takes 98 per cent of corn and 91 per cent of wheat. In 50 years our population will be 200,000,000. How shall we feed them?

Belgium's progress.

	1885	1910	Gain.
			Per cent.
Wheat, average yield per acre (bushels)	24.54	38.55	57
Oats, average yield per acre (bushels)	49.75	81.45	63.8
Rye, average yield per acre (bushels)	23.84	36.69	53.4
Barley, average yield per acre (bushels)	38.25	57.57	50.5

Their farmers, in the last 12 years, have trebled their savings-bank accounts.

Germany's progress.

	1885	1910	Gain.
			Per cent.
Wheat, average yield per acre (bushels)	22.4	29.5	31.6
Oats, average yield per acre (bushels)	39.2	53.4	36
Rye, average yield per acre (bushels)	19	27.2	41
Barley, average yield per acre (bushels)	27.8	36.2	30

On soil cropped for centuries.

Denmark's progress.

In a generation Denmark rose from poverty to thrift and prosperity. They raise an average of 40 bushels of wheat per acre.

THE UNITED STATES.

The average yield per acre.

Wheat (bushels)	14.3
Oats (bushels)	30
Rye (bushels)	15.8
Barley (bushels)	25.5
Corn (bushels)	33.4

Our averages now are lower than the lowest for Belgium and Germany 25 years ago. They have advanced.

These figures show not only what we may accomplish by a systematic effort to improve agricultural conditions, but they bring home in a most striking manner the important fact that must give grave concern to every economist that consumption in this country is not far behind production and is rapidly overtaking it. As is suggested the time is not far distant, if conditions are not improved, when our export trade in agricultural products, with the exception of cotton, will completely

cease, and we shall be brought face to face with the problem of producing sufficient foodstuffs to meet the demands of our increasing nonproductive classes. No man charged with the responsibility, such as is given to a Representative in Congress, can fail when the facts are brought to him to appreciate the situation and set about to find relief for it. To my mind there is not a more far-reaching problem in this country, except it be the problem of finding such a system of distribution of farm products as will bring closer together the producer on the one hand and the consumer on the other, to the end that the exorbitant burden of distribution may be reduced to the very minimum.

Mr. TOWNER. Will the gentleman yield?

Mr. LEVER. I will.

Mr. TOWNER. In the statement just made by the gentleman, he says that this work of demonstration will be carried on by demonstrators in the community and on the farm—as I think the gentleman expressed it, "on the farmer's own farm." Now, reading section 2, which seems to provide for this work, I find that the only requirement is "to give instruction and practical demonstrations in agriculture and home economics to persons not resident in said colleges in the several communities." Does the gentleman think that is sufficiently definite to carry out the idea that the gentleman expressed?

Mr. LEVER. If the gentleman will read the bill more carefully he will find a provision which makes it obligatory that 75 per cent of the money appropriated shall be used for these demonstrations. That is found on page 4 of the bill in the proviso.

Mr. TOWNER. I understand that, but that is not my thought. This would provide that the amount of money might be spent by a gentleman who went down and made the demonstration, not on the farm, but by lectures, and the way lectures and demonstrations are given now by these special agents——

Mr. LEVER. Let me call the gentleman's attention to the provision on page 4:

And provided further, That in each State which shall assent to the provisions of this act there shall be expended each year for field instruction and demonstrations not less than 75 per cent of all moneys available under the provisions of this act.

So it would leave only 25 per cent available for the purposes that the gentleman has mentioned. We were careful to protect the bill and to have the money not wasted in talk. We have reached the point now of showing and doing instead of talking.

Mr. TOWNER. I agree with the gentleman's point of view, and as I understand, the gentleman thinks the statement made in the bill for field demonstration would be sufficient?

Mr. LEVER. I am sure it would be.

Now, Mr. Chairman, this bill has not been hastily considered. It has not been thrown together without regard for what was intended, nor have those who have been interested in it most intimately neglected to get the information of the agricultural thinkers of this country. With the permission of the Chair and the committee, I propose to print in the RECORD expressions from the presidents of many agricultural colleges in the United States, every one of them favoring the idea of this bill.

COMMENTS ON LEVER AGRICULTURAL BILL BY LEADING EDUCATORS AND AGRICULTURAL THINKERS.

ARIZONA.

A. H. Wilde, president of the University of Arizona:

I believe the bill would admirably supplement the present agencies used by the Government for agricultural education. There must be many people in the country unable to leave their homes for education of any sort. Their only resource for agricultural education would be lectures of itinerant lecturers and the extension work and literature of the colleges.

CALIFORNIA.

Benjamine I. Wheeler, president of the University of California:

I have been looking over the bill presented by Mr. LEVER regarding agricultural extension work, and I am convinced that it is on the whole the best of all agricultural measures, good as they are, which have been presented in these recent years. It means real help for the masses of our people.

CONNECTICUT.

C. L. Beach, president State Agricultural College:

My personal opinion is that the carrying of the latest scientific knowledge to the working farmer is one of the most important duties of the land-grant colleges. I sincerely hope that this bill will have favorable consideration by the present session of Congress.

COLORADO.

C. P. Gillette, director State Agricultural College Experiment Station:

I have examined the bill carefully and believe it should pass Congress. If it is passed, I believe it will be a great benefit to the agricultural interests of the country and consequently to the country as a whole.

DELAWARE.

George A. Hurd, president Delaware College:

Delaware College is greatly interested in the passage of the bill to establish schools for university extension in the several States of the Union. This will supplement the several Morrill bills by furnishing the people of the State the proper instruction that will lead them naturally to the agricultural college. I believe it is a move in the right direction to make agricultural knowledge both widespreading and far-reaching. I hope the law will be enacted.

FLORIDA.

Director P. H. Rolfs, Agricultural Experiment Station:

This bill, as I understand it, is in direct line with what was advocated by the Southern States Agricultural Workers' Association in their meeting at Nashville last October, and has the same foundation principles that were indorsed by the Association of Agricultural Colleges and Experiment Stations at the Columbus meeting in November. It is also in direct line with the recommendation from the Association of Farmers' Institute Workers, which also met in Columbus in November. Prof. William D. Hurd, Massachusetts Agricultural College, Amherst, was made chairman of a committee of this last association to take up this matter. I think Prof. Hurd will have taken up this matter with you and written you personally in regard to it. Your bill, therefore, is in line with the national gatherings of agricultural workers, which should have very considerable weight in the matter of passing it through Congress.

GEORGIA.

Andrew M. Soule, president University of Georgia:

I inclose you herewith a copy of a resolution passed at the recent meeting of a conference on extension teaching in agriculture held in Nashville, Tenn., in association with the Southern Commercial Congress. This meeting was attended by 200 representative leaders of agricultural thought and education from every Southern State. In 18 years' experience, I have never seen so representative a gathering of this class brought together before. They were unanimously and enthusiastically in favor of the measure which you have introduced and will lend it their heartiest support. These expressions from so representative a body of leaders will no doubt be of interest and encouragement to you at this time.

The resolution above referred to is as follows:

Resolved, That the conference on extension teaching in agriculture hereby unanimously indorse and urge the passage of H. R. 18160 and its companion measure, Senate bill 4563, by the present session of Congress. This measure is calculated to carry into effect more completely than any measure yet devised constructive educational work among the farmers of the United States. It will enable the agricultural colleges to take the scientific information relating to agriculture accumulated through their researches to the farmers in an acceptable form, and will unquestionably stimulate production, inspire our farmers, and improve rural conditions socially and educationally. The remarkable service rendered the people of the United States through the agency of the agricultural colleges and experiment stations will be repeated on a larger and more efficient scale through the establishment of a definitely endowed system of extension teaching in agriculture. The fact that the colleges are now ready to carry the provisions of this measure into effect, coupled with a Nation-wide interest in the maintenance and development of our agriculture upon a permanent basis, justify us in urging immediate consideration and passage of this fundamental measure.

Dr. Soule again says:

I assure you that the people of the South are thoroughly behind you in this matter, and if this measure can be passed, it will be regarded by the people of the United States as one of the finest pieces of constructive legislation which has ever been enacted for the welfare of our farmers and the advancement of our agriculture.

HAWAII.

John A. Gilmore, president College of Hawaii:

I am quite convinced that the Congress could make no more lasting or advantageous investment for the people than through the support of education and demonstration that will increase agricultural efficiency and the proper attitude toward the conservation of soil resources.

IDAHO.

Dr. McLean, president of the University of Idaho:

I have read the bill through carefully, and believe it will accomplish the desired result, namely, to bridge the 20 years' gap that now exists between scientific agriculture as developed in the experiment station and actual agriculture as practiced on the farm.

INDIANA.

P. E. Goodrich, president National Hay Association:

The old method of teaching agriculture does not seem to be nearly so efficient as it should be. Except in a few instances, our main field crops are less to-day than they were 20 years ago. Especially is this true in grass crops, clover, alfalfa, etc. We feel, therefore, that the only way to make any permanent progress is to establish a man in each vicinity who can learn the actual conditions and show those who are making failures with their methods the difference from those who are making a success.

ILLINOIS.

Eugene Davenport, dean of the College of Agriculture:

I speak of it (demonstration idea) because the term "agricultural extension" in the present state of evolution means principally talk, attendance upon farmers' institutes, conduct of special trains, etc. This has been going on for so long that I think we ought to have passed, very largely, the evangelistic state of agricultural development, and what is really needed is to settle down to the work of demonstration in the various localities of the several States, the findings of the experiment station of that State, and the recent contributions to agricultural knowledge from other sources of information.

KANSAS.

R. H. Faxon, chairman Conservation Commission:

I certainly am distinctly in favor of the Lever bill. I believe it will be a remarkably strong and favorable advancement in the cause

of agriculture. I like that expression, "Applied science is the hope of agriculture." It assuredly is.

E. H. Webster, dean State Agricultural College:

I think that this bill meets with the approval of the Association of Agricultural Colleges and Experiment Stations, and that, if organized through its officers and proper committees will give such assistance as may be necessary to secure its passage. I think the bill is drawn in excellent shape and will do a wonderful amount of good in many of the States that are not now spending money in extension work.

KENTUCKY.

M. A. Scovell, director Experiment Station, State University:

It seems to me the bill is about in as perfect shape as it could be.

MAINE.

Robert J. Aley, president University of Maine:

I feel that such a bill enacted into law will make it possible for us to do great good to the people of our State.

Chas D. Woods, director Agricultural Experiment Station:

I have conferred with the college of Agriculture here and find that they approve of all of the items of this bill. I should be glad to do anything that you may suggest in any way to advance the chances of this measure becoming a law.

MARYLAND.

R. W. Sylvester, president State Agricultural College:

The people of Maryland are heartily in favor of the passage of this bill; in fact, it seems to me that every State, Territory, and dependency of our country should heartily support this bill. Our experiment stations have accumulated a vast amount of information, and it needs only now that this information should be gotten through extension work provided for by our National Congress. The man who secures the passage for such a bill will make a reputation for himself equal to that of Senator Morrill and Senator Nelson in securing the passage of the Morrill and Nelson Acts.

T. B. Symons, State Entomologist:

It meets with my hearty approval, and I should imagine that it has a much greater chance of passage than the Page bill, on account of its simplicity and appropriations required. I will do what I can to push the matter in this State.

MONTANA.

J. M. Hamilton, president State Agricultural College:

I am heartily in favor of this movement, and I believe that the provisions of this bill will meet the approval of all the interest concerned. The experiment stations are creating a scientific agricultural practice, but the agricultural colleges are able to instruct but a small portion of the future farmers. If the work of the experiment stations is to reach any considerable part of the men on the farms, it must be carried to them by an extension department.

F. B. Lindfield, director State experiment station:

I am pleased to learn that you are beginning an active campaign for the consideration of your bill, making an appropriation for extension work at the various agricultural colleges. Considering the needs of our western country, such an appropriation would be a great help in enabling us to bring to our people on the farms, and also to our young people of the rural communities, the very best ideas and agricultural practices as adapted to our peculiar conditions.

MISSOURI.

F. B. Mumford, dean College of Agriculture, State University:

The Lever bill has my unqualified approval. In my judgment, the great problem at present is to get the farmers to put in practice the systems of farming and methods of agriculture that have already been discovered. If this can be accomplished, the production throughout the country may be increased—perhaps doubled in 10 years.

NEW MEXICO.

W. E. Garrison, president College of Agriculture:

The measure known as the Lever bill in the House and the Hoke Smith bill in the Senate seems to me the most desirable of all measures now pending before Congress for the advancement of agricultural interests. The one greatest need at the present time is the extension of agricultural teaching to the farmers. There are other needs also * * * but none of these is so urgent, none is so unanimously indorsed by all interests, and none lies so clearly within the scope of the legitimate activity of the Federal Government as the promotion of extension teaching in agriculture. The Lever-Smith measure should have the support of every person who is interested in the agricultural development of the Nation.

NORTH CAROLINA.

J. B. Dudley, president Agricultured College (colored):

To my mind, it would be difficult to exaggerate the advantages, possibilities, and far-reaching effect of this prospective legislation. It would certainly prove a powerful agency in helping the colleges and the people in the rural sections of our country.

NEW YORK.

George Peabody:

I write to express to you my great interest in the development of agriculture and my understanding that this bill is approved by the leading agricultural organizations and by the Farmers' Union of Georgia, in which I am greatly interested.

L. H. Bailey, director State College Agriculture, Cornell:

I think that this bill is a meritorious measure.

NEW JERSEY.

W. H. S. Demarest, Rutgers College:

I am glad to express to you my emphatic indorsement of this measure and my earnest hope that it will be passed.

A. E. Burnett, dean College of Agriculture:

This bill has my hearty approval and support. It is exactly in line with the resolution passed by the American Association of Agricultural Colleges at its meeting in Columbus, Ohio, last November. This bill should have the support of all of the agricultural colleges and experiment stations which were represented at that meeting.

OKLAHOMA.

James A. Wilson, director State Experiment Station:

In traveling over the country during the past year I find people generally are just awakening to the importance of the industrial system of education which began in a very small way half a century ago; and in talking with men engaged in the larger pursuits throughout the country I find that they are a unit with regard to the importance of pushing further legislation right along the line of your bill.

OREGON.

W. J. Kerr, president State Agricultural College:

I have examined the bill carefully and heartily approve all its provisions.

PENNSYLVANIA.

Edwin E. Sparke, president State College:

I beg to say that this college is anxious to assist you in every possible manner. At the meeting of the State board of agriculture held in Harrisburg last week the following resolution was adopted:

"*Resolved*, That we heartily indorse Senate bill No. 4563 (Smith bill), supplemental to the acts for Federal support of State agricultural colleges and experiment stations, providing for national appropriations for giving instructions and demonstrations in agriculture and in home industries and economics, applicable to rural life to persons not connected with said colleges, but residents of the State. We believe that such legislation will vastly improve the condition of rural communities by disseminating practical information, and we call upon Congress to enact the same into law."

C. J. Tyson, secretary State Horticultural Association:

I take this opportunity to especially commend the bill introduced by you and to assure you of the interest and support of this association. This is a matter of immediate need and far-reaching advantage to the agricultural interests of the country. I sincerely hope that it may become a law.

RHODE ISLAND.

Howard Edwards, president State College:

I heartily approve your bill and have no criticism to make. I am anxious to do whatever is possible in aid of the passage of this measure.

SOUTH DAKOTA.

A. A. Brigham, principal State College of Agriculture:

We here in South Dakota, both of the college and of the farming community, are anxious to have legislation in support of agricultural extension. House bill No. 18160 seems to fill the need.

James W. Wilson, Agricultural Experiment Station:

I have read this bill clear through and believe it would be a good move on the part of Congress.

SOUTH CAROLINA.

J. N. Harper, director State Experiment Station:

I think your bill an excellent one, and I sincerely hope that it will become a law, and will do everything in my power to urge it along.

W. M. Riggs, president Clemson Agricultural College:

I think your bill an excellent one, and I sincerely hope that it will say that I consider it one of the most important pieces of constructive legislation since the Hatch Act. There is no question but that the great need to-day is dissemination of agricultural information among our rural people. The colleges are doing a great work in an educational way, but this particular phase of the work is needed to round out and complete the educational structure.

UTAH.

E. D. Ball, director experiment station:

It seems to be by far the best and most satisfactory bill that has been presented on this subject; and I assure you of my heartiest support in every possible way.

WEST VIRGINIA.

E. D. Sanderson, dean and director College of Agriculture:

I fail to find anything that I can criticize in this measure, and it has my most hearty support.

WYOMING.

H. G. Knight, director University of Wyoming:

I have looked over the bill very carefully, and wish to say I consider it a very satisfactory bill. I will give it such support as I may.

In addition to that this bill has the indorsement of every farmers' organizations in our section of the country, and by all say that the Farmers' Union of the South, which is the largest farmers' organization in our section of the country, and by all odds the most influential, unhesitatingly indorses the purposes of this bill.

What is true of the Farmers' Union of the South is true of the National Grange of the North, East and West, whose representative appeared before the Committee on Agriculture, stating that he represented 1,000,000 people, and he unhesitatingly and emphatically indorsed the provisions of this bill. I have here some resolutions which I desire to place in the RECORD, one from the International Dry-Farming Congress indorsing this bill, another from the Conference on Rural Progress, another from the Maine Federation of Agricultural Colleges, another from the Association of County Superintendents of Education of South Carolina, another from the Manufacturers and Merchants' Association of Georgia. There is another from the Grain Growers' Convention of North Dakota, another from the Wisconsin County Life Association, a telegram from the American Bankers' Association, representing 12,500 banks, and then a memorandum prepared for the President of the United States by Dr. Galloway, submitted to the President by Secretary Wilson, and is explicitly commended by the President in

his address at the Kansas City Conservation Congress, in this language:

The welfare of the people is so dependent on improved agricultural conditions that it seems wise to use the welfare clause of the Constitution to authorize the expenditure of money for improvement in agricultural education and leave to the States and private enterprise general and other vocational education. The attitude of the Government in all this matter must be merely advisory.

It is now proposed to organize a force of 3,000 men, one to every county in the United States, who will conduct experiments within the county for the edification and education of the present farmers and of the young embryo farmers who are being educated. It is proposed that these men shall be partly paid by the county, partly by the State, and partly by the Federal Government; and it is hoped that the actual demonstration on the farms in the county—not agricultural stations or schools somewhere in the State—but in the county itself, shall bring home to the farmers what is possible to do with the very soil that they themselves are engaged upon.

It is my pleasure, as secretary of the International Dry-Farming Congress, to call to your serious attention the following expression of the farmers of the United States through their delegates assembled at the sixth session of this congress in Colorado Springs, October last:

"Agricultural extension: This congress believes that the agricultural extension work carried on by the various State agricultural colleges has demonstrated itself to be the most effective means for the dissemination of valuable information to the farmers and to the farmers' wives, and since these agricultural colleges receive no Federal aid for this work, we therefore urge upon the Congress of the United States the passage of the Lever bill, the principles of which have been indorsed by the Association of Agricultural Colleges and Experiment Stations, which bill is now pending before the United States Congress and which provides for appropriations to be used for the extension work in farmers' institutes, in movable schools of agriculture, upon demonstration farms, and for similar work in the various States. This congress further urges that the Congressmen from the various States represented by this congress be not only requested, but urged, to aid in the immediate passage of this bill."

A study of this agricultural extension work will at once reveal the great good accomplished thereby for the farmer and will make plain his attitude in thus urging the passage of the Lever bill in order that this work may not only be continued, but may be made broader and more comprehensive than is at present possible.

Trusting that you will give this bill your careful study and deserving support, I am

Very truly, yours,

JOHN T. BURNS,
Executive Secretary-Treasurer.

At a meeting of the New England Conference on Rural Progress, March 8, at the offices of the State board of agriculture, statehouse, Boston, the following resolutions were unanimously voted:

"Recognizing the latent possibilities of the New England States for agricultural development, especially along certain high-class specialized lines, and realizing that this development can be most speedily and effectively brought about through well-organized extension teaching in agriculture, the New England Conference on Rural Progress—representing more than 70 organizations interested in rural life—to-day assembled in convention in the city of Boston, would respectfully urge upon Congress the necessity and advisability of passing legislation granting Federal funds for the development of extension teaching in agriculture. Of the bills now before Congress, we believe Senate bill 4563 and H. R. 18160 to be the wisest and most practical forms of legislation yet proposed."

The delegates represent the agricultural colleges, the experiment stations, the State granges, and various special agricultural live stock, dairying, and other organizations and agencies of New England.

Yours, very respectfully,

JAMES A. MCKIBBEN,
Secretary New England Conference on Rural Progress.

In our State we have a Federation of Agricultural Associations. The writer of this letter happens to be its secretary. At the annual meeting held Wednesday, March 6, the Lever bill was indorsed and the Secretary instructed to convey the wishes of the federation that it receive the support of Congress and a passage at the present session. I need only add that this federation comprises every State and county wide agricultural association, department, and institution in our State, including the State Grange, the College of Agriculture, the Maine Agricultural Experiment Station, and the department of agriculture.

Yours, very truly,

LEON S. MERRILL.

Resolved by the Association of County Superintendents of Education of South Carolina assembled in conference at Winthrop College July 11, 1911, That we unanimously indorse House bill No. 11542, "to establish agricultural extension departments in connection with the agricultural colleges and experiment stations in the several States receiving the benefits of an act of Congress approved March 2, 1887," and that we further indorse the work of Hon. A. F. LEVER in preparing and introducing this measure. The association urges upon the South Carolina delegation in Congress the support of this bill in the hope that the policy therein set forth may soon be put into operation not only in this State, but in all the States of the Union.

O. H. GASQUE,
President County Superintendents' Association.

This association wishes to add its word to the many expressions of support which have no doubt come to you concerning the House bill No. 18160, known as the Lever bill.

We regard it as supremely important that this legislation be passed as a means for placing before the individual farmers the instruction in agriculture which is so necessary for the development of our country.

Very truly,

WILSON M. HARDY,
Secretary of Manufacturers and Merchants' Association of Floyd County, Ga.

A resolution was adopted at the Tri-State Grain Growers' Convention indorsing the passage of your bill, and as president of the convention I sent copies of the resolution to the Members of both Houses in Minnesota and the two Dakotas. I trust the bill will find favor with both Congressmen and Senators, and become a law.

Very truly, yours,

J. H. WORST,
President Tri-State Grain Growers' Association of North Dakota.

At the Second Wisconsin Country Life Conference, February 1–2, 1912, Madison, Wis., the following resolution was unanimously adopted by the conference association, representing all the varied interests of country life and rural progress in all parts of Wisconsin:

"*Resolved,* That it is the sentiment of this conference association that we urge our Representatives in Congress to support the bill 'To establish agricultural extension departments in connection with the agricultural colleges in the several States,' etc." (House bill No. 18160; Senate bill No. 4563.)

I take pleasure in acquainting you with representative Wisconsin sentiment on this measure.

Respectfully, yours, C. J. GALPIN, *Secretary.*

BRIAR CLIFF LODGE,
Briar Cliff Manor, N. Y., May 8, 1912.

Hon. Mr. LEVER,
Member Committee on Agriculture,
House of Representatives, Washington, D. C.:

The following resolutions were unanimously adopted by the members of the executive council of the American Bankers' Association in session here to-day, and are respectfully referred to you for favorable consideration:

"Whereas at least 20 State bankers associations in as many different States are appointing or have standing committees working for agricultural development and education; and

"Whereas the American Bankers' Association of 12,500 banks had shown its deep interest in agriculture and these efforts in its behalf by appointing a standing committee on agricultural development and education; and

"Whereas these committees and associations are working for the field demonstration bills now before Congress: Therefore be it

"*Resolved,* That the executive council of the American Bankers' Association hereby recommends to the Congress of the United States now in session the adoption of legislation and liberal appropriations in aid of such work."

ARTHUR REYNOLDS,
Chairman Executive Council of the American Bankers' Association.

In addition to the above resolutions of indorsement, I submit the memorandum prepared for the President of the United States, referred to already by Secretary of Agriculture Wilson, upon the bill in question, as follows:

REGARDING NEED FOR AGRICULTURAL-EXTENSION WORK, WITH PARTICULAR REFERENCE TO THE LEVER BILL (H. R. 18160).

For 25 years or more there has been accumulating in this country a vast amount of agricultural information, secured as the result of investigations of the United States Department of Agriculture, the State experiment stations, and other organized agricultural bodies. Up to a few years ago it was generally believed among educators and others that the most satisfactory way of getting this information to the people was through the dissemination of bulletins and circulars, agricultural institute work, and other similar agencies. For the past 8 or 10 years there has been felt the growing need of taking the information secured as a result of scientific investigations and experiments directly home to the farmer on the land. Eight or nine years ago this idea was put into practical effect by the United States Department of Agriculture in meeting an emergency in the South caused by the invasion of the boll weevil. As a result of this farmers' cooperative demonstration work throughout the southern States great good has been accomplished and experiment-station workers, educators, and others have seen the necessity of further extending work of this kind.

From time to time during the past three or four years bills have been introduced in Congress having for their object agricultural-extension work, and upon these bills there has been considerable discussion. Public sentiment has gradually been crystallizing on the matter, until now we have before us in H. R. 18160, known as the Lever bill, a concrete proposition in regard to carrying the results of agricultural knowledge directly to the man on the land.

In brief, this bill provides for the establishment under each agricultural college of each State of the Union an agricultural-extension department for the purpose of giving demonstrations in agriculture and home economics, and it is to do this by imparting the information at hand through the medium of field demonstrations, publications, and in other ways.

It is proposed, in brief, to appropriate for each State the sum of $6,000 to inaugurate this agricultural-extension work. It is proposed further to make lump-fund appropriations, beginning in 1914, of $300,000 and increasing at the rate of $300,000 each year until 1923, when the sum appropriated will amount to $3,000,000 annually for the work in view.

Each State, in order to be entitled to any part of the additional lump-fund appropriations must establish an extension department in its college or colleges and provide for the support of this work an annual sum equivalent to the amount received from the Federal Government under the act. It is claimed by this plan that by 1923 it will be practicable to have a thoroughly competent agricultural adviser in nearly every county in the United States, whose work it will be to organize the farmers, conduct demonstration work, and in other ways bring directly home to the farmer on his own farm knowledge which will be of inestimable value to him, the expense of the work to be shared in part by the Federal Government and in part by the States.

Unquestionably such a plan if properly carried out would result in great good and would do much toward making useful and available the rapidly growing store of knowledge developed along agricultural lines.

There is appended hereto the findings of a committee appointed by the Association of Agricultural Colleges and Experiment Stations to consider the whole question of Federal appropriations for extension work in agriculture in the United States. This committee reported in 1910, and in 1911 it practically reaffirmed its former conclusions.

The matter referred to is as follows:

Your committee recommends the adoption of the following resolutions as expressive of the views of this association on the subject of Federal appropriations for extension work.

I. That we again emphatically indorse the plan of Federal appropriations for extension work in agriculture in the several States, including demonstration and field instruction.

II. That in view of the present remarkable growth of interest in this work, and the need of a Nation-wide development of popular education in agriculture, we believe that congressional legislation granting aid to the States for this purpose is at the present of pressing importance for American agriculture, and the most approved method of reaching the masses of the people with the best ideals and practices of scientific agriculture.

III. That we reiterate our approval of a bill substantially embodying the principles of the bill indorsed by this association one year ago, and including the following provisions:

(1) An initial appropriation to each land-grant college for extension work in agriculture and rural life, irrespective of State appropriations for that purpose.

(2) Additional graduated appropriations, after a period of two years, to these land-grant colleges which have a definitely organized extension service, conditional on, at least, equal State appropriations for similar purposes with such maximum as Congress may determine.

IV. That the executive committee be urged to use every legitimate means to secure the passage of such legislation at the coming session of Congress.

In addition to these resolutions of indorsement, the agricultural press of the country, without exception, so far as I know, is unanimously in favor of this bill. More than that, I want to say to my Democratic associates that if they are doubting the wisdom of this proposition, or feel any inclination to vote against it, it would be well for them to take their book of party platforms to-night and take a glance at the Baltimore platform, which declares:

We recognize the value of vocational education, and urge Federal appropriations for such training and extension teaching in agriculture in cooperation with the several States.

Gov. Wilson, in his speech of acceptance, emphatically indorsed the idea in the following language:

There is another duty which the Democratic Party has shown itself great enough and close enough to the people to perceive, the duty of the Government to share in promoting agricultural, industrial, vocational education in every way possible within its constitutional powers. No other platform has given this intimate vision of a party's duty. The Nation can not enjoy its deserved supremacy in the markets and enterprises of the world unless its people are given the ease and effectiveness that come only with knowledge and training. Education is part of the great task of conservation, part of the task of renewal and perfected power.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. HAUGEN. Mr. Chairman, if I may be recognized I will yield the gentleman sufficient time in which to close.

Mr. TRIBBLE. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended for 10 minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MOORE of Pennsylvania. Did the gentleman have any indorsements of the bill from Pennsylvania agricultural colleges?

Mr. LEVER. I think I have. I will look.

Mr. MOORE of Pennsylvania. I will not press that question now.

Mr. LEVER. Just one moment. There is one from Edwin E. Spark, president of the State College, in which he says that he is anxious to assist in every possible manner, and further states that the State board of agriculture, at a meeting held in Harrisburg last week, adopted a resolution indorsing a Senate bill which is identical with mine.

Mr. MOORE of Pennsylvania. May I ask the gentleman if he knows whether any of the colleges to which he has referred have farm lands upon which the youth attending the colleges are actually employed in practical farming?

Mr. LEVER. I think practically every agricultural college has some lands upon which they work out their theories.

Mr. MOORE of Pennsylvania. The gentleman may have gathered from the questions I put to him awhile ago that it is the practical side of the question in which I am particularly interested. There is a farm school in the State of Pennsylvania where the boys are taught the chemistry of the soil and the chemical properties of milk and those other products that the people take from the farm. I want, if possible, to direct the gentleman's attention to the necessity for the practical training of the youth, as much as for the scientific training of the lecturer or expert who goes about teaching farming.

Mr. LEVER. I think there is no disagreement between the gentleman and myself on that proposition. The only disagreement possible would be as to the method by which they can be reached.

Mr. MOORE of Pennsylvania. The bill provides that at least 75 per cent of the money so appropriated by the Government of the United States or by the States shall be applied for field instruction and demonstrations, and that would seem to be lecturing.

Mr. LEVER. Oh, no; not at all. On the contrary, that provision was put into the bill for the very purpose of seeing to it that the money provided by this bill should not be used for lectures and the running of agricultural trains, and the like of that, but that there should be put into every agricultural community practical demonstrations of the best methods of agriculture. The remaining 25 per cent would go to extension work proper and to the teaching of home economics.

Mr. MOORE of Pennsylvania. But at least 75 per cent must be applied to that purpose alone.

Mr. LEVER. Yes.

Mr. MOORE of Pennsylvania. So that there would be only 25 per cent available for the actual education of youth or other expenses.

Mr. LEVER. That will go for the purpose of conducting lectures and for carrying out the idea of the bill for instruction in home economics; but the purpose in the mind of those of us who are pressing this bill is that it shall be made obligatory upon the agricultural colleges to take out from themselves and from the experiment stations of the various States the information that they have been gathering together for 50 years and put it on the farm in a practical way with the farmer himself.

Mr. MOORE of Pennsylvania. If I am able to be here when the bill is read under the five-minute rule, I shall attempt to direct the gentleman's attention to the practical side of it by amendment.

Mr. LEVER. I will be very glad to have the gentleman do that.

Mr. Chairman, my time is practically exhausted. I have been interrupted so much that I have not been able to discuss the bill section by section, but I hope to be able to do that when the bill is considered under the five-minute rule, nor have I been able to discuss the matter in such a connected way as I had hoped to do.

Mr. Chairman, in conclusion I wish for a moment to direct your attention to the popular slogan "Back to the farm," which has caught the fancy of the unthinking and won the favor of those who know little of the actual conditions as they exist upon the farm. Those who so incessantly preach this doctrine seem to imagine that farm life is easy and that those who engage in this profession need only to own a piece of land and a team to reap unimaginable profits. There never was a more mistaken idea. The poet has sung and may continue to sing of the beauties of pastoral life, and no one is willing to say that there is any profession which brings to those engaged in it more of the real joys of life than come to one who has mastered the theories and best practices of the profession of agriculture, but I wish to emphasize this thought: As far as I am concerned, I have small sympathy and less patience with this "back to the farm" cry unless and until it is assured that farming is to become a profession affording to those who engage in it inducements not less attractive than is afforded to those who engage in the other professions of life. I do not hesitate to say that you will never, nor should you try to, induce the boy to go back to the farm until you have made it absolutely conclusive to him that the farm affords him a profession that is as profitable as he can find in the city or in the many other pursuits of life. I have no sympathy with this slogan unless you can show me that the boy who goes back to the farm shall have as many advantages on that farm in the way of education, the means of transportation, a good home, and the refining influences of society as may be possible to the boy of the city. [Applause.] Let those who sing of the beauties of farm life—and I think I have a full appreciation of them—not fail to remember the burdens and the drudgery, the toil, the ceaseless application, the long hours of labor, the isolation, the inconstancy of the weather, and the uncertainty of returns upon the investment incident to this vocation.

If you will make farming profitable, if you will make it enable him who engages in it to have as comfortable a home as can be had in a city for the same expenditure, if you will enable him to give his boy and his girl an equal showing in the world with the boy and the girl of the city, then I join you in the cry of "Back to the farm." I am pleading through this bill for such a revolution in agricultural conditions, for such a reformation in the home life of our farmers as will make agriculture as a calling profitable and country life attractive. Through the work contemplated by this bill we expect to increase the bank accounts of the farmer, to put him into position to have better roads, better schools, better churches, better homes. [Applause.]

Mr. Chairman, we are spending hundreds of millions of dollars annually for the national defense. Our Army and Navy constitute one of the heaviest burdens upon the taxpayers of

the land. We appropriate in one year for the support of the Army more than double the amount we have expended in aid of agriculture through agricultural colleges and experiment stations in the last 50 years; we put into one battleship, whose length of life does not exceed 20 years, almost as much as we appropriate for the support of the entire Department of Agriculture, and three times as much as we give to this department for work connected solely with agriculture. It may be a wise policy; I am not willing to put my judgment against the combined wisdom of so many eminent statesmen; but I do desire to suggest as emphatically as I may be able that the surest defense this Nation has as against foreign invasion is the prosperity and contentedness of its great agricultural classes. And more than that, Mr. Chairman, I am willing to venture the prediction that if representative government in this country is to be preserved unimpaired to the future it will be through the conservatism and patriotism of the American farmer. Let us not forget that every dollar invested in a thought is a dollar that lives on forever, because thought is immortal; that every dollar invested to demonstrate a fact lives through eternity, for facts demonstrated are imperishable. [Loud applause.]

Mr. MANN. Mr. Chairman, I hope that the gentleman will move that the committee do now rise.

Mr. LEVER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. RAKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges, etc., and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. SHARP was granted leave to withdraw papers accompanying H. R. 20815, without leaving copies of same, no adverse report having been made thereon.

EXTENSION OF REMARKS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from South Carolina? [After a pause.] The Chair hears none.

ADJOURNMENT.

Mr. LEVER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 29 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, August 14, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the resolution (H. Res. 418) directing the Committee on Public Buildings and Grounds to inquire into appliances, etc., for the protection of buildings, etc., at the Government Hospital for the Insane, reported in lieu thereof the joint resolution (H. J. Res. 354) to enable the Secretary of the Interior to legally fix and determine the ownership of and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane, and to determine such other questions as are provided in the resolution, accompanied by a report (No. 1181), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DICKINSON, from the Committee on Claims, to which was referred the bill of the House (H. R. 5221) granting a pension claim to Joseph Hunter, reported the same without amendment, accompanied by a report (No. 1180), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 15242) granting a pension to Samuel L. Meddaugh; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 14842) granting a pension to R. M. Bass; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 15540) granting a pension to Anna Danisiewicz; Committee on Invalid Pensions discharged, and referred to the Committtee on Pensions.

A bill (H. R. 19730) granting a pension to Ella May Richardson Foster; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18072) granting an increase of pension to John H. Helser; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19701) granting an increase of pension to Harvey J. Batcheler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 19697) graning a pension to Mary E. Pearce; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 18254) granting a pension to Joseph W. Blackburn; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22516) granting a pension to Jennie E. Howell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21638) granting a pension to Isabell Kelley; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22840) granting a pension to Naomi Landers; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23856) granting a pension to Ernest H. Hill; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22852) granting a pension to Wilbur J. Patterson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20363) granting an increase of pension to Aminda Space; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20256) granting a pension to Samuel B. Swartz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22558) granting an increase of pension to Clyde N. Gregson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20473) granting a pension to Albert Ross; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21278) granting a pension to Delia May Prempert; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21394) granting a pension to Ellen A. Kelly; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20726) granting an increase of pension to John S. Alexander; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20412) granting a pension to Daniel Driscoll; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25121) granting a pension to William W. Hartigan; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25900) granting a pension to William Griffin; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25693) granting a pension to Anna Pearce; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24033) granting a pension to Margaret A. Warren; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24212) granting a pension to Bettie Howard Unthank; Committee on Invalid Pensions discharged and referred to the Committee on Pensions.

A bill (H. R. 25942) to correct military record of Wilson Rice; Committee on Invalid Pensions discharged, and referred to the Committee on Military Affairs.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. ROBERTS of Massachusetts: A bill (H. R. 26262) authorizing the Secretary of War to pay for one-half of the construction of a sidewalk at Fort Banks, Mass.; to the Committee on Military Affairs.

By Mr. SIMS: A bill (H. R. 26263) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS of Texas: Joint resolution (H. J. Res. 353) concerning the release and payment of individual Indian moneys; to the Committee on Indian Affairs.

By Mr. BURNETT: Joint resolution (H. J. Res. 354) to enable the Secretary of the Interior to legally fix and determine the ownership of and title to the fire-alarm system and appliances, apparatus, and connections heretofore placed and installed in the Government buildings of the Government Hospital for the Insane and determine such other questions; to the Committee of the Whole House on the state of the Union.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BRADLEY: A bill (H. R. 26264) for the relief of Watson B. Dickerman, administrator of the estate of Charles Backman, deceased; to the Committee on Claims.

By Mr. BORLAND: A bill (H. R. 26265) granting a pension to Charles Devalut; to the Committee on Pensions.

By Mr. BROWNING: A bill (H. R. 26266) granting an increase of pension to James H. Hurt; to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 26267) granting an increase of pension to Martin E. Rundell; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 26268) granting a pension to Arabella S. Russell; to the Committee on Invalid Pensions.

By Mr. GRAHAM: A bill (H. R. 26269) granting a pension claim to Joseph Hunter; to the Committee on Claims.

By Mr. LAFFERTY: A bill (H. R. 26270) granting a pension to Elizabeth A. Shull; to the Committee on Pensions.

By Mr. McKINLEY: A bill (H. R. 26271) granting a pension to Mary Ellen Thornton; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 26272) for the relief of Patrick Bolan; to the Committee on Military Affairs.

By Mr. SHERWOOD: A bill (H. R. 26273) granting an increase of pension to Albert S. Bloomer; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26274) granting an increase of pension to Julia Russell; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of Juan F. Rodriguez, of Arecibo, P. R., relative to commission to appraise properties of the Government of Porto Rico; to the Committee on Insular Affairs.

Also (by request), petition of Indians of the State of Oklahoma, against appropriation for hospitals, etc.; to the Committee on Indian Affairs.

By Mr. BOWMAN: Petition of citizens of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. DIFENDERFER: Petition of citizens residing on land abutting on the Delaware River above Bristol, including Penns Manor, for improvements to be made for protection of life and property; to the Committee on Rivers and Harbors.

By Mr. DRAPER: Memorial of National Board of Trade, relative to tolls for vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. FORNES: Memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PALMER: Petition of Bishop Rowe, of Alaska, signed by parishioners of St. Johns Protestant Episcopal Parish, East Mauch Chunk, Pa., relative to relief for natives of Alaska; to the Committee on Territories.

By Mr. PATTEN of New York: Memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PORTER: Petition of Charles Gibson and 170 other citizens of the twenty-ninth Pennsylvania congressional district, favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WILLIS: Memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

SENATE.

WEDNESDAY, *August 14, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. McCUMBER and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DISEASES AMONG INDIANS (S. DOC. NO. 920).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an estimate of appropriation in the sum of $253,350 for the purpose of increasing the efficiency of the medical and sanitary work among the Indians, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 22195) to reduce the duties on wool and manufactures of wool, with his objections thereto, the House of Representatives proceeded in pursuance of the Constitution to reconsider the same and had passed the bill by a two-thirds vote the objections of the President to the contrary notwithstanding.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 6354. An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War;

H. R. 4113. For the relief of Robert E. Burke;

H. R. 7672. An act for the relief of Mary J. Manning; and

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition signed by a large number of business men of Sapulpa, Okla., praying that an appropriation be made for the retention of the district Indian agent in that city, which was ordered to lie on the table.

Mr. CULLOM presented petitions of the Trades and Labor Assembly, of South Chicago; of the Central Trades and Labor Council, of Joliet; of the Federated Newspaper Trades, of Chicago; of the Trades and Labor Assembly, of Decatur; of the Trades and Labor Council, of Danville; of the Trades and Labor Assembly, of O'Fallon; and of the Tri-City Central Trades Council, of Granite City, all of the State of Illinois, praying for the enactment of legislation providing for the better protection of American seamen, which were referred to the Committee on Commerce.

He also presented a petition of the Wholesale Grocers' Exchange, of Chicago, Ill., praying for the enactment of legislation providing for the marking of food packages in terms of weight, measure, or numerical count, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of members of the Master Binders and Rulers' Club, of Chicago, Ill., and a memorial of the Allied Printing Trades Council, of Springfield, Ill., remonstrating against an increase of the rates on third-class mail matter, which were ordered to lie on the table.

He also presented petitions of Local Unions No. 154, of Lincoln; No. 247, of Blue Island; and No. 200, of Galesburg, all of the Cigarmakers' International Union of America, in the State of Illinois, praying for the enactment of legislation exempting from internal-revenue tax cigars furnished employees by the manufacturers thereof, which were referred to the Committee on Finance.

Mr. PERKINS presented telegrams in the nature of petitions of the chamber of commerce and of the Citrus Protective League, of Los Angeles; of A. J. Cook, State commissioner of horticulture; and of the California Fruit Distributers, of the chamber of commerce; and of the Jobbers' Association, of Sacramento; and of the Limone Ira Co., of Santa Paula, all in the State of California, praying for the enactment of legislation to regulate the importation of nursery stock and other plants and plant products, and to establish and maintain quarantine districts for

plant diseases and insect pests, which were ordered to lie on the table.

Mr. OLIVER presented a petition of the Woman's Christian Temperance Union of Johnstown, Pa., and a petition of the Woman's Christian Temperance Union of Beaverdale, Pa., praying for the enactment of legislation prohibiting the sale of intoxicating liquors in Government buildings and ships, which were referred to the Committee on Public Buildings and Grounds.

Mr. GALLINGER presented telegrams in the nature of petitions from George H. Reed, Charles T. Page, C. C. Garland, and sundry other citizens of Concord; of George H. Eames and sundry other citizens of Keene; D. H. Goodell and sundry other citizens of Antrim, all in the State of New Hampshire, praying for the passage of the so-called Kenyon interstate liquor bill, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (S. 2666) granting an increase of pension to William P. Clark, reported it with amendments (S. Rept. 1030).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 14770) for the relief of Martin A. L. Olsen, reported it without amendment and submitted a report (No. 1031) thereon.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY.

Mr. SMOOT, from the Committee on Printing, reported the following concurrent resolution (S. Con. Res. 26), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 654, Sixty-first Congress, second session, entitled "Biographical Congressional Directory," of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

INDIAN LAWS.

Mr. SMOOT, from the Committee on Printing, to which was referred S. Res. 282, to print the manuscript of laws, etc., relating to Indian affairs, submitted by Mr. CLAPP on April 12, 1912, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved, That the manuscript of the laws, agreements, Executive orders, proclamations, etc., relating to Indian affairs, be printed as a Senate document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. HITCHCOCK:

A bill (S. 7460) granting an increase of pension to Joseph D. Iler; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7461) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; to the Committee on Commerce.

By Mr. McLEAN:

A bill (S. 7462) granting an increase of pension to Marshall D. House (with accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Georgia:

A bill (S. 7463) for the relief of the heirs or estate of Wilson W. Whitaker, deceased (with accompanying paper); to the Committee on Claims.

By Mr. CURTIS:

A bill (S. 7464) for the relief of the estate of Levi Fellers, deceased; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 7465) granting an increase of pension to Henry McClure (with accompanying papers); to the Committee on Pensions.

By Mr. CRAWFORD (for Mr. GAMBLE):

A bill (S. 7466) granting an increase of pension to Carl W. Carlson (with accompanying paper); to the Committee on Pensions.

A bill (S. 7467) for the relief of George H. Grace; to the Committee on Post Offices and Post Roads.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. CURTIS submitted an amendment proposing to appropriate $500 to purchase not to exceed 10 acres of land for an agency site for the Potawatomi Indian School, Kansas, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. ASHURST submitted an amendment granting authority to use a certain unexpended balance by the State of Arizona, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

THE METROPOLITAN COACH CO.

Mr. JONES submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co. having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House, and agree to the same.

W. L. JONES,
WILLIAM L. KENYON,
Managers on the part of the Senate.
JOHN H. ROTHERMEL,
C. O. LOBECK,
JULIUS KAHN,
Managers on the part of the House.

The report was agreed to.

COMMISSION ON RURAL CREDITS IN EUROPE.

Mr. FLETCHER. Mr. President, I ask that the joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe, which was introduced by the Senator from Nevada [Mr. NEWLANDS] on the 8th instant and is on the table, be laid before the Senate pending a motion to refer.

The PRESIDENT pro tempore. The Chair lays the joint resolution before the Senate. Does the Senator from Florida move to refer it?

Mr. FLETCHER. I desire to submit some remarks on the joint resolution.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Massey	Smith, Ga.
Bacon	Cummins	Nelson	Smith, S. C.
Bailey	Dillingham	O'Gorman	Smoot
Bankhead	Fletcher	Overman	Stone
Borah	Gallinger	Page	Sutherland
Bourne	Hitchcock	Penrose	Tillman
Bristow	Johnston, Ala.	Perkins	Townsend
Bryan	Kenyon	Poindexter	Works
Burnham	Lodge	Pomerene	
Burton	McCumber	Sanders	
Chamberlain	Martin, Va.	Simmons	

Mr. TOWNSEND. I desire to state that I received a telegram this morning from the senior Senator from Michigan [Mr. SMITH], stating that on account of serious illness in his family he can not be here. I wish this announcement to stand for the day.

The PRESIDENT pro tempore. Forty-one Senators have answered to their names—not a quorum. The roll of the absentees will be called.

The Secretary called the names of absent Senators, and Mr. CATRON and Mr. OLIVER answered to their names when called.

Mr. BRANDEGEE, Mr. CLAPP, Mr. JONES, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-seven Senators have answered to their names—not a quorum.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. BRADLEY entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. SMOOT. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

Mr. FLETCHER. I ask that the joint resolution may be read.

The PRESIDENT pro tempore. The Secretary will read the joint resolution.

The Secretary read the joint resolution, as follows:

Whereas the Department of State of the United States detailed, upon the application of the Southern Commercial Congress, David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy, to direct a conference on agricultural finance held under the auspices of the Southern Commercial Congress in Nashville, Tenn., April 1 to 6; and

Whereas 27 States were represented through delegates in the conference; and

Whereas resolutions were unanimously adopted providing for an American commission to go abroad for the investigation of rural credits in Europe; and

Whereas the Southern Commercial Congress will send the commission abroad, composed of delegates from all States of the United States, to report to the International Institute of Agriculture (which, under treaty, is supported by the Government of the United States) at the time of the meeting of the general assembly of the International Institute of Agriculture, May, 1913: Therefore be it

Resolved, That the Congress of the United States, in recognition of the valuable service to be rendered the United States in the investigation of the European systems of agricultural finance, hereby indorses the proposed American commission and invokes for it the diplomatic consideration of the countries to be included in the itinerary.

Mr. FLETCHER. Mr. President, the Southern Commercial Congress was organized for the purpose, primarily, of advancing the material interests of the 16 Southern States, and as indicative of its broad spirit and extended lines of endeavor adopted as its slogan "A greater Nation through a greater South!" Realizing that unique conditions existed in the South, where serious interruption had for a time checked continuous development and where peculiar problems had to be met, it was conceived that some aggressive and constructive effort to make known the possibilities and opportunities to be found there and to push forward and emphasize the agricultural, industrial, commercial, climatic, and educational advantages in that region was a work which was called for and should be followed by rich results.

Accordingly, in an altruistic spirit, having nothing of its own to buy or sell, no ends to accomplish but the general good, that organization has been putting forth its energies along the various directions suggested, and already an enthusiastic awakening has taken place, land values have increased, new capital and new enterprises have been attracted, the unequaled natural resources and material advantages are becoming more justly prized and more widely known, misconceptions as to climate and social conditions are being swept away, accurate information is taking the place of ignorance and misinformation regarding what is called the South, in other portions of the country and abroad, and the day of unprecedented progress dawns.

Without attempting to set forth the practical results already accomplished, which but blaze the way for greater and more substantial achievements in the future, this organization is recognized by those acquainted with its purpose and endeavors and by the various departments of the Government as being engaged in a patriotic public work, in a practical way, for the accomplishment of desirable ends, and their cooperation is cordially extended.

It is now reaching out to promote friendly relations and commercial intercourse with Latin-American countries, and shaping routes and channels of trade which the Panama Canal will open up to us.

The Southern Commercial Congress holds an annual convention where the various subjects which affect the prosperity of the country and the welfare of the people are considered. Its last convention was held in Nashville, Tenn., April 9–10, this year. By permission of the State Department our minister to Denmark, Mr. Maurice Francis Egan, came across the ocean to explain to the people of this country the system of dairying as practiced in Denmark, and after addressing that convention he spent some weeks lecturing to agriculturists on that important subject.

Likewise, authorized by the State Department, Mr. David Lubin, of California, delegate of the United States to the International Institute of Agriculture, with headquarters at Rome, Italy—the institute participated in by 50 nations under treaty—came to this country to attend and address the convention of the Southern Commercial Congress and to conduct a conference on rural credits held in Nashville, April 1–6 last.

The institute had issued publications on the rural cooperative credit system in operation in certain European countries, and these had come to the notice of the Southern Commercial Congress, which took the matter up with Mr. Lubin last January and succeeded in bringing him to this country to guide and direct the conference on the subject mentioned and to address the congress. Twenty-seven States were represented at the Nashville conference, as shown by the minutes of the proceedings, which I will ask to affix as part of my remarks and mark Exhibit A.

The PRESIDENT pro tempore. Without objection, permission is granted.

Mr. FLETCHER. Resolutions were adopted, as the minutes show, and steps have been taken in accordance therewith.

To investigate foreign systems of cooperative agricultural finance and the adaptability of some such system to the needs of this country, the Southern Commercial Congress will send to Europe in May, 1913, a national commission. This commission will comprise two delegates from each State. It will report to Mr. David Lubin, American delegate, International Institute of Agriculture, Rome, Italy, and, accompanied by Mr. Lubin, will tour the European countries. The commission will report the result of its investigations to the Fifth Annual Convention of the Southern Commercial Congress, which will be held in Mobile, Ala., in September, 1913, about the time of the opening of the Panama Canal.

In the meantime the Southern Commercial Congress has commissioned Edwin Chamberlain, of San Antonio, Tex.; Clarence Poe, of Raleigh, N. C.; and George Woodruff and Frederick K. Woodruff, of Joliet, Ill., to make a preliminary investigation while they are in Europe this summer of agricultural cooperation and cooperative credit systems in Ireland, England, France, Germany, and Denmark. This subcommittee will report to the Southern Commercial Congress prior to the departure of the full committee.

DELEGATE LUBIN'S REPORT.

At the regular monthly meeting of the permanent committee of the International Institute of Agriculture, May 11, 1912, Mr. Lubin made his report, which has been printed as a Senate document, being No. 855. This report was published in the languages of the 50 nations that, under treaty, comprise the International Institute of Agriculture.

WIDESPREAD INTEREST IN AGRICULTURAL FINANCE.

While the Southern Commercial Congress is given credit for the initiative in making an organized effort for the study of European rural credits, it should be understood that throughout the United States and in many countries of the world intense interest is centered on this subject for the solution of economic problems in the interest of the masses of the people who live in rural communities. The American Bankers' Association has appointed a committee composed of ex-Gov. Myron T. Herrick, of Ohio, recently appointed ambassador from the United States to France; B. F. Harris, president of the Illinois Bankers' Association; and Edwin Chamberlain, of San Antonio, Tex. This committee will also investigate the subject.

Secretary Knox, of the Department of State, has commissioned five ambassadors in Europe to make a study of and report to the department on the subject of agricultural finance. Ambassador Herrick is the chairman of this commission.

It is a notable fact that the National Republican Party, in convention in Chicago, adopted a plank pledging an investigation of agricultural finance. The following plank was written in the Democratic national platform by the Democratic convention recently in session in Baltimore:

Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore we recommend that an investigation of agricultural credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States.

There is no more important question confronting the American people to-day than that of agricultural credits. It is basic, as the solution of the problem means relief for the American farmer and the uplift of the entire rural population of the United States. Farmers of the United States pay exorbitant interest on their loans, whereas in countries where cooperative societies are organized money is secured at from 2 to 4 per cent. In Germany alone in 1909 the total business done under the Raiffeisen system was 6,537,075,959 marks—$1,557,293,580. In 1910 the total business done under the Schulze-Delitzsch popular banks system was 13,566,182,463 marks—$3,231,801,035.

It will not do to say Europe can teach us nothing regarding agriculture or suggest to us what would be greatly to the advantage of our farmers.

Mr. Eugene H. Grubb, in World's Work for August, says that "American farm practice is 50 years behind European farm practice." He speaks of "Lord Rosebery's feat of growing 55 long tons—2,000 bushels, or more than 121,000 pounds—of potatoes to the acre on land that has been cultivated for a thousand years." He has studied the European methods and says, "I have increased my yield of potatoes from 100 bushels to 400 bushels an acre; my yield of oats from 40 bushels to 100 bushels an acre; and wheat from 25 bushels to 50 bushels. And I have eliminated crop failure from my experience."

Dr. Wiley is reported as saying that "American farmers are cheating themselves out of $1,500,000,000 a year by using in-

ferior methods of cultivation, and at the same time are contributing materially to the cost of living. In agriculture we are fully 50 years behind Europe, and the better utilization of our farm resources is one of the most important problems before the country."

One thing which will make farming more attractive and contribute immensely to disenthrall the farmer and place him on the new highway of progress will be the adoption of the cooperative idea and putting into effect some such plan as that which rescued the agriculturists of Europe at a time when they were much more in need of encouragement than are the farmers of the United States.

In 1848, when distress prevailed throughout Europe and the money lenders held the poor in their grasp, that system of cooperative credit, which was to influence the agricultural world beyond all estimate, was devised. Raiffeisen and Schulze, German burgomasters, led the way. They were pioneers in the organization of credit societies which brought relief to the people.

Two systems were evolved. The Raiffeisen banks are purely agricultural banks, small farmers and agricultural laborers forming their membership.

The Schulze banks are situated in urban districts chiefly, embracing small men of every class, and are commonly called now "town banks."

Without attempting to examine the two systems in detail, I should imagine we would be more particularly interested in the cooperative credit banks which Raiffeisen established. He worked among the German farmers who were deeply in debt and paying usurious interest, and he solved the problem of agricultural credit by utilizing the personal pledge of the small farmer, supported by the guaranty of his neighbors. Without subsidy or assistance from the State or other aid these banks have met the demand not only in Germany, Belgium, Italy, Austria, Prussia, France, and other countries of Europe, but wherever they have been tried, with unquestioned success.

From a small beginning midway through the nineteenth century, which these courageous pioneers, Raiffeisen and Schulze, made, there has developed "a vast system of more than 15,000 separate offices of which over 13,000 are of the Raiffeisen type." In 1908 we are informed these banks held over $400,000,000 in current accounts and savings, while they had granted over $250,000,000 credit, and during the year of the panic, 1907, while the Imperial Bank was demanding 7 per cent interest, the cooperative banks maintained a rate of 4 per cent. Some cooperative societies have become successful agents for the sale of farm products and the purchase of supplies at wholesale.

German husbandry has been benefited beyond calculation.

Wherever our farmers are prosperous we want to keep them so; wherever they are not, we want to help them to become so.

Agriculture is not only our most important industry, but it is the basis of all others.

Germany may boast of her military supremacy; England may claim first place in the naval world, but America surpasses them all in the commercial world.

Our national prosperity rests on our power to produce what we need. We shall be in a position of supreme power among the nations of the world when they must come to us or go hungry and unclothed.

That nation which produces a surplus of prime necessities of life, which the other nations must have, is in position to dictate, without bullying, in times of peace or war, armed only with the weapon of trade and will not likely need any other.

The European cooperative rural credit systems which we shall examine and endeavor to apply here are substantially in the hands of farmers, operated by farmers, for farmers.

Clearly and persistently this must be borne in mind. The research and study it is proposed to make and the data it is desired to collect and collate and utilize are intended primarily for the advantage and benefit of the American farmer.

Closely related to, if not actually identified with, agricultural finance in the countries of Europe is the practice of cooperative effort by those engaged in agricultural pursuit. We find that course pursued by the dairymen of Denmark in a way which has made that industry, under marked adverse conditions, one of greatest importance.

In Holland, Ireland, and to some extent in England, the cooperative societies have accomplished most satisfactory results.

In France such societies are strengthened by the Government's aid. We have noted how cooperative endeavor has solved the problem of the German agriculturists.

It is believed that the commission which will go to Europe next May, and under the guidance of Mr. Lubin will spend some 70 days in the countries where the most successful and well-tried cooperative systems are in operation, will extend its inquiry beyond the subject of credits and finance, and into the realm of marketing crops, procuring supplies, and other subjects affecting the farmers. It is believed a study of the methods employed there, the practices of prosperous agricultural communities, and especially the subject of agricultural finance, will enable that commission to report facts and findings from which can be devised and formulated a workable plan and system adapted to this country, in a practical way, of inestimable value to all our people, and particularly to those who live nearest the fountain of life in the divine economy.

In 1872 the German Landwirtschaftsrat was formed to look after the interests of agriculture. It is composed of 74 members (25 for Prussia and 49 for the German States), elected by the central associations and is officially recognized by the Imperial Government and the governments of the several States as the representative of the interests of German agriculture. It grew out of the agricultural associations which exist throughout Germany. It addresses itself direct to the chancellor or to the Imperial Parliament on the subject of legislative or administrative measures affecting the interests of agriculture. It publishes a yearbook and fortnightly review and weekly and even daily reports, giving information on prices in each province and throughout the country and abroad, and distributes these to all agricultural associations. We shall have occasion to look into the workings of that system and see whether some adaptation of it not already covered by the splendid service of our Department of Agriculture may not be practicable and useful in the United States. There is every reason to believe that development may be not the least important in this undertaking.

The Southern Commercial Congress will take care of the total expenses of the commission and make all arrangements for the tour and study. In order to give the commission its proper standing with and insure its proper recognition by governments it will come in contact with, it is thought the adoption of the resolution proposed by the Congress of the United States would be in order.

The United States is in no way responsible for the commission; incurs no obligation in connection with it or its service. It is a voluntary commission, raised by the Southern Commercial Congress, will bear its own expenses, and devote its time and labors to the work; and as that work is intended solely for the public good, it is entitled to such encouragement by the Congress of the United States as will promote its strength and add to its usefulness. As to the personnel of the committee, it will be the purpose to observe the injunction of Mr. Lubin, to wit:

> We may materialize a committee, but that committee may be composed of exploiting bankers, and that would be a sad error; or the committee may consist of sight-seeing dilettantis, and that would be a grievous mistake; or it might be formed of cantankerous cranks, and that would be disgraceful; or it may be so loosely coherent as to render it a heterogeneous mob, and that would mean chaos.
>
> We have a good cause—a cause now indorsed by the two great political parties in our country; by a very large proportion of the people of our country; by the economic and political needs of our country; and we have a sufficient basis of facts in the European systems to justify the efforts we have in hand.

In this connection, I ask to attach as a portion of my remarks a circular issued by Mr. Lubin, which has just come to hand, designated as Exhibit B.

The PRESIDENT pro tempore. Without objection, that order will be made.

EXHIBIT A.

CONFERENCE ON AGRICULTURAL FINANCE CONDUCTED BY THE SOUTHERN COMMERCIAL CONGRESS, NASHVILLE, TENN.

The conference on rural banking systems of Europe, called by Senator Duncan U. Fletcher, of Florida, president of the Southern Commercial Congress, met in Nashville, Tenn., April 1 to 6, 1912.

The conference organized with the following officers: Chairman, G. Grosvenor Dawe, managing director of the Southern Commercial Congress; secretary, Clarence J. Owens, secretary-treasurer of the Southern Commercial Congress. The following delegates enrolled:

Hon. David Lubin, American delegate, International Institute of Agriculture, Rome, Italy.

Mr. G. Grosvenor Dawe, managing director, Southern Commercial Congress.

Dr. Clarence J. Owens, secretary-treasurer, Southern Commercial Congress.

Mr. J. D. Eggleston, jr., superintendent public instruction, Richmond, Va.

Mr. Olaf Olsen, assistant cashier First National Bank, Boston, Mass.

Mr. B. F. Harris, president Illinois Bankers' Association, Chicago, Ill.

Mr. George A. Hubbell, president Lincoln University, Cumberland Gap, Tenn.

Mr. Harvie Jordan, president Farmers' Gin Compress & Cotton Co., Atlanta, Ga.

Mr. C. F. Meek, district manager the United States Mercantile Co., Nashville, Tenn.

Mr. Warren H. Wilson, superintendent Presbyterian Department of Church and Country Life, New York, N. Y.

Mr. T. G. Garrett, manager and examiner Nashville Clearing House, Nashville, Tenn.

Mr. F. M. Mayfield, secretary Tennessee Bankers' Association, Nashville, Tenn.

Mr. L. R. Neel, editor Southern Agriculturist, Nashville, Tenn.
Mr. A. P. Foster, secretary Nashville Industrial Bureau, Nashville, Tenn.
Mr. Jackson Davis, State superintendent of rural schools, Richmond, Va.
Mr. F. M. King, Chicago, Ill.
Mrs. Willoughby Williams, Southern Agriculturist, Nashville, Tenn.
Mr. Charles H. Reiffeisen, real estate dealer, Sedalia, Mo.
Mr. J. C. Hardy, president Mississippi Agricultural and Mechanical College, Agricultural College, Miss.
Mr. George P. Phenix, vice president Hampton Institute, Hampton, Va.
Mr. F. W. Gist, United States Department of Agriculture, Nashville, Tenn.
Dr. H. B. Frissell, Hampton Institute, Hampton, Va.
Mr. T. S. Settle, State supervisor rural schools, Richmond, Va.
Mr. Harlan Updergraff, United States Bureau of Education, Washington, D. C.
Mr. E. C. Brooks, Trinity College, Durham, N. C.
Mr. D. H. Hill, president Agricultural and Mechanical College, East Raleigh, N. C.
Mr. James C. Harris, No. 1707 West End, Nashville, Tenn.
Mr. Clarence H. Poe, editor Progressive Farmer, Raleigh, N. C.
Mr. George B. Horton, Adrian, Mich.
Mr. Harris, Nashville, Tenn.
Mr. George W. Simon, No. 174 Second Avenue, New York, N. Y.
Mr. J. H. Binford, Department of Public Instruction Richmond. Va.
Hon. Watt T. Brown, State senator, Ragland, Ala.
Mr. John Lee Coulter, Bureau of Census, Washington, D. C.
Mr. Dan T. Hughes, Danville, Ga.
Mr. E. D. Sanderson, dean West Virginia University, Morgantown, W. Va.
Mr. Thomas Cooper, Fargo, N. Dak.
Mr. John F. Sinclair, Board of Public Affairs, Madison, Wis.
Mr. W. D. Bentley, Yukon, Okla.
Mr. Fulton Smith, Memphis, Tenn.
Mr. C. H. Littrel, Fourth National Bank, Nashville, Tenn.
Mr. A. C. Adams, Nashville, Tenn.
Mr. J. A. Burruss, Harrisonburg, Va., president State normal school.
Dr. S. C. Mitchell, president University of South Carolina, Columbia, S. C.
Mr. John A. Rogers, Smith Co., Gainesville, Ala.
Mr. J. C. Caldwell, real-estate dealer, Lakefield, Minn.
Mr. C. O. Davidson, wholesale grocer, Boise, Idaho.
Mr. Frank O. Watts, president First National Bank, Nashville, Tenn.
Mr. W. F. Procter, Tybee, Tex.
Mr. A. H. Benson, Washington, D. C.
Mr. Leland J. Henderson, Pensacola, Fla.
Mr. Walter H. Page, editor World's Work, Garden City, Long Island, N. Y.
Mr. E. C. Branson, president normal school, Athens, Ga.
Mr. Henry J. Bowdoin, Baltimore, Md.
Mr. Theo. Price, Price Co., New York, N. Y.
Mr. Julius Smith, secretary Pennsylvania Rural Progress Association, Pennsdale, Pa.
Mr. C. R. Titlow, director agricultural extension work, Morgantown, W. Va.
Mr. T. J. Brooks, Atwood, Tenn.
Mr. W. L. English, State agent Department of Agriculture, Clemson College, S. C.
Mr. W. H. Lippold, educational secretary Young Men's Christian Association, Louisville, Ky.
Mr. Charles G. Maphis, professor of secondary education University of Virginia.
Mr. H. H. Williams, extension department Texas Agricultural and Mechanical College, College Station, Tex.
Mr. C. M. Evans, superintendent extension work Agricultural and Mechanical College, College Station, Tex.
Mr. O. B. Martin, Department of Agriculture, Washington, D. C.
Miss Jesse Fields, superintendent of schools, Clarinda, Page County, Iowa.
Mr. J. J. Vernon, dean College of Agriculture, University of Florida, Gainesville, Fla.
Mr. H. D. Tate, State agent farm demonstration work, Memphis, Tenn.
Lilian W. Johnson, Central High School, Memphis, Tenn.
Dr. J. F. Duggar, director experiment station, Auburn, Ala.
Mr. J. L. Quicksall, United States Department of Agriculture, Waco, Tex.
Mr. F. M. Jeffords, Boys' Demonstration Clubs, Little Rock, Ark.
Mr. Herbert Myrick, president Orange-Judd Co., Springfield, Mass.

The following letter from Mr. Lubin, addressed to the managing director of the Southern Commercial Congress, was read:

ADAPTATION AND ADOPTION OF THE RAIFFEISEN SYSTEM OF RURAL CO-OPERATIVE CREDIT IN THE UNITED STATES.

(Proposal of a committee of inquiry for that purpose. Correspondence with the Southern Commercial Congress.)

INTERNATIONAL INSTITUTE OF AGRICULTURE,
Rome, Italy, January 11, 1912.

To the MANAGING DIRECTOR SOUTHERN COMMERCIAL CONGRESS,
Southern Building, Washington, D. C.

DEAR MR. DAWE: I am in receipt of your valued letter of December 26 on the subject of the Raiffeisen system, and wish to say that I have given the same my careful attention. As the subject of this correspondence is of keen interest to several sections of the United States, I shall take the liberty of framing this reply as a public letter.

You say:

"I have now consulted with the executive officers of the Southern Commercial Congress and write you more fully than I was able to do in my letter of the 4th of November.

"That phase of cooperative rural life which is involved in the Raiffeisen system is basic; for it shows the farmers how they can be their own regenerators. Consequently, as we are very seriously addressing ourselves to the task of stimulating efficient rural life in the South, our survey of cooperative systems would be incomplete unless we familiarize the thought of the South with the wisdom of Europe as it has been shown through the pioneer work of Raiffeisen."

Since the institute has sent out its publications on the Raiffeison system (3 volumes in 1910 and 10 volumes in 1911) inquiries are reaching it from all sections of the United States. The inquiries come from the agricultural press, the leading universities, the farmers' institutes, members of the grange, cooperative associations, State institutions, etc. They all express keen interest in the question of cooperative rural credit, and inquire for further data and suggestions with a view to advancing and introducing the Raiffeisen system to meet the needs of the various sections. And now comes your great organization, with an outspoken recognition of the importance of this Raiffeisen system for the economic revival of the South, and, after consulting your executive officers, you suggest that I "be present" at your congress at Nashville, Tenn., on April 8, 9, and 10, "to take the initial step" toward its introduction into America.

Upon consideration it would appear, however, that the question is more complexed than it seems to be at first sight. While the adoption of the Raiffeisen system in the United States would be of incalculable economic benefit to the American people, we must not be unmindful of the grave and serious dangers besetting the path in an attempt to bring this about. There is the danger of untried enthusiasm; of hasty, ill-advised progress thrust forward on receptive minds; and, last but not least, the danger of cunning, cupidity, and downright dishonesty. All of these dangers should be placed in relief and extreme care should be taken to employ the right means toward the desired end.

No mere address delivered from a platform, no mere reading of printed reports, can suffice to obviate the dangers above referred to, and to insure the safe introduction into the United States of the European systems of cooperative rural credits.

There is, however, a way which suggests itself to me as at once conservative, effective, and safe; and that is to follow in the footsteps of the recess committee. The recess committee, formed in 1896, consisted of a number of leading Irishmen who were looking for similar economic ends for Ireland to those which are occupying the attention of your organization in the interest of the Southern States. Their first step was to form a committee of inquiry to travel through the several continental countries where the Raiffeisen and similar systems were in operation; and to make a thorough personal investigation and study of same with a view to adapting them for introduction into Ireland.

The recess committee, consisting of 22 members, was accordingly formed, under the leadership of Sir Horace Plunkett, and as the result of its inquiries in the principal European countries, it was able, in about four months, to hand in to the secretary of state for Ireland a report embodying a scheme for legislation and administration which called for the adoption of the Raiffeisen system of cooperative rural credits. This report has been the starting point toward the economic upbuilding of modern Ireland, resulting in 1908 in the existence of 268 cooperative credit banks in Ireland, as shown by the "Bulletin of the International Institute of Agriculture."

The action of the recess committee, just referred to, offers a valuable example; one which, if followed by the Southern Commercial Congress, would enable it to pioneer the way for the introduction of the Raiffeisen system in the South, thereby supplying, as you say in your letter, the basic means through which "the farmers of the South could be their own regenerators."

Let, then, the Southern Commercial Congress arrange for a representation of at least two members from each of the 16 Southern States affiliated to its organization, making a minimum representation of 32 members. Let these 32 members meet at a time and place to be designated, when the subject of the Raiffeisen system may be taken up, and a motion discussd for the appointment of a committee of inquiry to visit the continental countries of Europe, devoting, say, two months to the study of the Raiffeisen system in the countries in which it is in operation, and then proceed on to Rome and continue its studies for another month in the International Institute of Agriculture. The result of these investigations should then be embodied by the committee in the form of a report to the Southern Commercial Congress.

This report could then be given out for public discussion, and would afford a safe and sound basis for a conclusion, a conclusion for final action.

Now, you ask me to attend your congress at Nashville, Tenn., to present the Raiffeisen system, and you further say:

"If, in addition to addressing the congress in Nashville, you should desire to make an extended tour through the South, explaining more in detail the wonderful propaganda you are carrying on, I believe such a trip to America would be regarded as of value in the extreme; for you would be conferring a benefit upon a region that is ready to learn, but that has been very largely, since the time of the war, set aside from the main line of national development."

In replying to this invitation, allow me to again draw your attention to the following statements in my letter to you of November 18, ultimo, wherein I said:

"My duties here to the institute are too important to allow of my employing the time necessary for going and coming, unless it be made clear that so doing would result in greater service than remaining here. * * * If it could be arranged to bring up the Raiffeisen matter for consideration before your Congress, it would offer a good reason for my accepting a formal invitation."

With this end in view, I now make you the following proposals:

First. That the Southern Commercial Congress arrange for a meeting of a select committee of its members representing the 16 Southern

With this end in view, I now make you the following proposals:

Second. That said select committee hold a special session for a week, exclusively for the purpose of considering the Raiffeisen and other European systems of rural cooperative credits, and introduce and vote on a motion for the appointment by the Southern Commercial Congress of a traveling committee of inquiry for the purposes already outlined in this letter.

If your association or its executive committee decide to act on this proposal, I shall be glad to come on, mainly for the purpose of attending the sessions of the said select committee. In addition to this function, I would also, with the approval of your executive committee, attend your meeting in Nashville to address it on the subject under discussion, and would, furthermore, comply with your request to present the matter to the people in an "extended tour through the South," as suggested in your letter.

In view of the widespread and general interest taken in the issue before us, it may not be out of place for me to suggest that if your organization act on this proposal it should invite the presence and participation at the meetings of the proposed select committee of representatives from the National Grange, the National Farmers' Congress, representation from the Department of Agriculture and the Department of Commerce and Labor (officially or semiofficially appointed), economists from the leading universities, representatives of the Nebraska Rural Life Commission (appointed by the Nebraska Legislature), the Trans-Mississippi Congress, the Irrigation Congress, the Dry-Farming Congress, and similar organizations.

Or, if it be not deemed expedient or practicable for representatives of these bodies to be present at this proposed session of the select committee, I would then suggest that the committee appointed as the result of its deliberations be authorized to subsequently add to its number representatives of such organizations as those I have named.

It must be obvious to all who give thought to the matter that the action here proposed—the calling of the select committee by the Southern Commercial Congress, the appointment of the committee of inquiry, its investigations in Europe, its report, and the publicity which all this would engender—must tend toward the solution of the question at issue in the most prudent, conservative, and effective manner.

Such action would not alone be calculated to bring about the best results, but it would also be of great value in preventing mistakes, mistakes that would be likely to prove grievous and dangerous to the economic interests of the people; and it would be especially valuable in preventing attempts by incapables, whilst tending effectively to ward off that army of rapacious and dishonest adventurers who are always eager to avail themselves of the opportunities afforded them by any overhasty or ill-judged initiative, especially so when exerted in such a new field as that of starting in the United States the European systems of rural cooperative credits.

Awaiting the decision of your committee on the proposal I have made, I remain,

Yours, very truly, DAVID LUBIN,
Delegate of the United States,
International Institute of Agriculture, Rome, Italy.

Hon. David Lubin, American delegate to the International Institute of Agriculture, Rome Italy, prior to his departure from Rome published the following notice from the International Institute of Agriculture:

THE RAIFFEISEN SYSTEM—ITS ADOPTION IN THE UNITED STATES.

The inclosed leaflet is a brief summary of information on the Raiffeisen and other European systems of rural cooperative credit published by the International Institute of Agriculture, Rome, Italy.

The keen interest awakened in these systems by the regular publications of the institute has widened the circle of inquirers to an extent which renders this brief summary of the information necessary.

It will also serve as a ready memorandum at the meeting to be held under the auspices of the Southern Commercial Congress at Nashville, Tenn., in the early part of April, 1912, when these systems are to be brought up for consideration and action.

The Southern Commercial Congress has called a special session of a select committee of representatives from various sections of the Union to meet the American delegate to the International Institute of Agriculture for the exclusive consideration of the Raiffeisen and other European systems of rural cooperative credit. Said select committee is to introduce and vote on a motion for the appointment of a traveling committee of inquiry to investigate the operation of those systems in Europe. The result of these investigations is to be embodied in the form of a report for public discussion, so as to afford a safe and sound basis for final action toward the introduction or adaptation of these systems in the United States.

DAVID LUBIN,
Delegate of the United States,
International Institute of Agriculture, Rome, Italy.

Upon the organization of the conference Mr. Lubin, who was present by permission of the Department of State to guide the deliberations of the body in the study of the question of agricultural finance, submitted as a basis of study the following outline of the European cooperative credit systems:

An outline of the European cooperative credit systems.

INTRODUCTION.

Since the early part of the nineteenth century European farmers have been struggling against adverse economic conditions. Chief among the difficulties against which they have had to contend has been the competition of new countries of immense territory and virgin soil, which, owing to the improvement in the means of transport, have been able to flood the markets of Europe with agricultural produce. Even in the most perishable products the competition has been severe, for the development of cold storage has enabled them to be brought to Europe from the most distant parts of the world.

To make headway against this competition an economic transformation has been necessary, comparable to the transformation which has taken place in industry. The European farmers have accordingly reorganized not only their technical but their business methods.

The new business methods, which have spread all over Europe and have been adopted even by the new countries (the United States and the British colonies), as well as by Asiatic countries, such as India and Japan, consist in the main in the application of cooperation and mutuality—combined efforts and the acceptance of mutual obligations—to the various branches of the business of agriculture, of which the following are the most important:

(1) The provision of capital.
(2) The purchase of agricultural requirements.
(3) The preparation and sale of agricultural produce.
(4) Farm insurance.

It is with the application of cooperative and mutual methods to the provision of capital that we are here concerned, and we will endeavor to trace not only the principles of cooperative credit, but the methods in which those principles have been applied in various countries.

The main principle underlying all forms of cooperative credit is that if a group of persons combine to furnish a collective guaranty they can, on the security of that guaranty, obtain money at lower rates of interest than they could obtain it individually.

The collective guaranty may be that of real property. A number of landowners may obtain capital on the security of a collective mortgage of their lands. This is the basis of German Landschaften, one of the oldest forms of cooperative credit institutions.

Or, again, the collective guaranty may be a personal one. A number of persons may obtain capital by making themselves jointly responsible for its repayment. Such liability may be unlimited or limited.

Unlimited liability is a fundamental part of the Raiffeisen system, but in the Schulze-Delitzsch system the liability of the members of the group is usually limited. Where the members are landowners the collective personal guaranty becomes indirectly a property guaranty.

Upon such guaranties capital may be obtained in a variety of ways. In Germany the Landschaften issue bonds, but the Raiffeisen banks derive their working capital mainly from the deposits they are able to attract. In France the rural banks depend mainly upon capital advanced by the State. In all countries the credit societies are able to obtain capital from the larger banking institutions or from the investing public. derive their working capital mainly from the deposits they are able to lend it to one another at a rate of interest only slightly in excess of the rate which they pay collectively. This requires two conditions—(1) that the expenses of management shall be small in proportion to the business done, and (2) that the risk of loss shall be reduced to a minimum.

Where the business is very large, the expenses are not proportionately high, even if the undertaking be conducted on ordinary commercial lines, as we shall see in the case of the Schulze-Delitzsch banks. Where, however, the business is small there must be no attempt to pay high dividends and the management must be largely voluntary. In the banks formed on the Raiffeisen system (which are individually small, though in the aggregate they do an enormous business) the payment of dividends is either prohibited altogether, or it is limited to a small percentage, while the management is almost entirely gratuitous.

To reduce the risk of loans to members, many safeguards have been devised which are adopted to varying extents in the different systems.

Where the members are landowners and can give mortgages of their property, it is only necessary to insure that the amount of the loan shall be fully secured by the mortgage, allowing for any possible depreciation in the value of the property. Loans on mortgage are, however, an inconvenient form of credit, where capital is only required for a comparatively short period, and the following are the principal safeguards for loans given on personal security:

(1) That loans are only made to members of the group and that only persons known to be trustworthy are admitted.

(2) That membership is confined to persons residing within a small district and that, therefore, the members are personally known to one another.

(3) That the members being mutually responsible, it will be to the interest of all members to keep an eye upon a borrower and to see that he makes proper use of the money lent to him.

(4) That, in like manner, it is to the interest of all members to help a member when he is in difficulties.

(5) That the borrower is required to find sureties or give other collateral security for the repayment of the loan.

(6) That the borrower binds himself to apply his loan to a specific purpose which will bring in a monetary return sufficient to enable him to repay the sum borrowed, to pay the interest charged, and to leave a profit for himself.

It is not to be supposed that the whole of these safeguards are adopted in all cases. Loans, for example, are sometimes given on the borrower's mere note of hand, without any collateral security. The fixing of the application of the loan, again, is most important where the borrowers are small cultivators unaccustomed to commercial methods, and is usually relaxed as their economic education becomes more advanced. We thus find it more generally insisted upon by the Raiffeisen banks in Austria and Italy, where they are of more recent introduction than in Germany, where the members have now become familiarized with the commercial uses of credit.

We shall now see how these principles are applied in practice. In the survey which follows of agricultural cooperative credit in various countries we shall begin with Germany, since it was in that country that the three most important forms of cooperative credit—the Raiffeisen banks, the Schulze-Delitzsch banks, and the Landschaften—were originated. We shall then deal with Austria and Italy, in which countries the systems adopted are mere modifications of the German systems, and it will only be necessary for us to indicate in what respects they depart from the German model. Then will follow chapters on France, where cooperative credit is based largely upon an elaborate system of State aid, and Belgium, where we shall note the existence of a form of organization not found in other countries. The last two chapters will relate to Great Britain and Ireland, where cooperative credit is not as yet highly developed, and to British India, where it has been promoted directly by the Government.

CHAPTER I.

RURAL BANKS IN GERMANY—THE RAIFFEISEN SYSTEM.

In the first half of the past century the small farmers and small artisans of Germany, who could not have recourse directly to capitalists or to banks, suffered severely at the hands of the usurers, from whom they procured the credit which was indispensable to the exercise of their business. The seriousness of the situation, rendered more acute by the economic transition which was taking place, and was bringing with it a great and urgent need of credit, was clearly recognized by two men, who have deserved well not only of Germany but of the whole civilized world, by devising and putting into practice the best methods of remedying the evil. These were Frederick William Raiffeisen, burgomaster of Weyerbusch, and Francis Frederick Schulze, better known by the name of Schulze-Delitzsch. The former was the originator of the rural cooperative banks, which have spread into all civilized countries, the latter of the urban popular banks.

These two forms of cooperative banks, although somewhat different in their organization, are based on the common fundamental principle of organizing the would-be borrowers themselves in order that they may obtain by combination the credit facilities which they would have sought individually in vain.

Such cooperation has made possible, on the one hand, the collection among the members themselves, in the form of shares or of small deposits, of a considerable amount of capital, which serves to supply the credit requirements of their fellow members. On the other hand, the cooperative credit societies, being regularly managed and subject to rigorous supervision, have been able to procure credit on favorable terms from outside sources of capital.

The credit given by the Raiffeisen banks, which are rural in character, and by the Schultze-Delitzsch, which are mainly urban, is usually personal credit. Although they occasionally grant loans on mortgage for long periods, they generally confine themselves to the making of loans for comparatively short periods (in the Raiffeisen banks usually for one year, with a maximum of three or five years; in the Schulze-Delitzsch banks, three or six months) on personal security or on the security of personal property.

Loans on mortgage for long periods are, however, granted by another type of cooperative credit society, of which we shall have occasion to speak later, viz, the Landschaften and Ritterschaften. These are associations formed by landowners with the object of obtaining credit for land improvement by the issue of mortgage bonds.

We shall describe in this chapter the organization and working of the Raiffeisen banks.

1. ORGANIZATION OF THE RURAL BANKS.

The fundamental principles of the Raiffeisen system are:

(1) Unlimited liability of the members.
(2) A restricted area of operations.
(3) Gratuitous management.

To these principles, which he wished to be always applied with the utmost rigor and without allowing any exception, Herr Raiffeisen added a body of moral and educational doctrines.

In addition to the rural banks which follow strictly the Raiffeisen principles, and are combined in a national federation with headquarters at Neuwied (now removed to Berlin), there have also arisen other organizations which, although adopting the fundamental ideas of Raiffeisen, have not accepted the excessive strictness of his rules, and have treated as superfluous the mystical doctrines which he had introduced into cooperation. The societies of this type, after having long

hesitated between a separate organization and the Schulze-Delitzsch Federation, were finally collected under the guidance of William Haas into a separate national federation, which had its headquarters first at Offenbach and then at Darmstadt.

The former of these federations became affiliated to the National Federation in 1904, and to indicate the rapid development of the rural banks we may here state that the number of societies embraced within the National Federation increased from 10,786 in 1904, with a membership of 954,000 and a total business (incoming and outgoings) of 2,400,000,000 marks (a mark is equivalent to 0.238 dollar or 0.0489 pound sterling), to 12,614 in 1909, with a membership of 1,163,000 and a total business of 4,456,000,000 marks.

Certain differences (not, however, very serious) continue to exist between the pure Raiffeisen banks and the societies established on less strict lines. We shall have occasion to speak of these differences in outlining, as we now proceed to do, the leading features of the organization of the Raiffeisen banks. The statements are based upon the reports of the National Federation and the figures relate (except where the context otherwise indicates) to the year 1909 and to the 12,614 rural banks embraced within the National Federation in that year.

Membership.—The members are farmers, usually peasant-proprietors. The 12,614 rural banks existing in 1909 numbered in all 1,163,186 members—that is, an average of 92 members per bank. The number of members per bank varies considerably, however, in different regions, the highest average being in Westphalia, where it reaches 160 members per bank. The minimum number required by the legal constitution of the banks is 7, and some of the recently-formed banks have exactly this number of members. The highest number of members contained in any one bank is 1,400, but this is a very exceptional case.

Liability.—The principle maintained by Raiffeisen was that of the unlimited joint and several liability of the members. While for other forms of rural cooperation the system of limited liability is increasingly adopted, the system of unlimited liability is still regarded in Germany as the system best adapted to rural cooperative credit. Of the banks existing in Germany 92 per cent are based upon unlimited liability and about 8 per cent upon limited liability. A fractional percentage of the banks were based upon an intermediate system, known as the system of unlimited liability to make supplementary payments.

Shares.—Raiffeisen commenced by excluding shares altogether, in order to avoid any danger of capitalistic speculation and, in fact, up to 1876 none of his banks had shares.

Being obliged in that year to comply with the imperial law which compelled cooperative societies to have foundation capital, he sought to evade the law as far as possible and fixed the shares at a maximum value of 10 marks. The Darmstadt Federation, on the other hand, recommended comparatively large shares, but in no case higher than 500 marks. In very few cases, however, does the value of the share exceed 100 marks.

In 1909 the average paid-up capital per member amounted to 19 marks. But in this regard also there are great differences as between different regions. The necessity of forming a foundation capital is, in fact, not so great in the case of the exclusively agricultural banks, the operations of which are guaranteed by the lands of the members, as in the case of banks which can only offer a personal guaranty.

Thus in Rhenish Prussia and Hesse, which are mainly industrial, the average paid-up share capital is respectively 103 and 86 marks, while on the other hand, the average is lowest in other regions, such as Westphalia and Oldenburg, where it hardly reaches 4 or 6 marks.

In the societies where the liability is unlimited a member can not take more than one share; in societies with limited liability, however, ha may taken many. The value of the shares and, in the latter case, also their number, are fixed by the rules. The shares are repayable to the members upon withdrawal from the society, and interest is paid upon them at a rate which must not in any case exceed the interest which borrowers pay upon loans from the society.

Entrance fees.—The pure Raiffeisen system does not admit of any entrance fees, as being contrary to the lofty conceptions of mutual responsibility which inspired Raiffeisen's propaganda. Raiffeisen wished that his banks should be open to anyone who required to have recourse to them. The Darmstadt Federation, however, allows small entrance fees, which are immediately carried to the reserve fund.

Area of operations.—Another fundamental principle of the Raiffeisen system is that the area of operations should be limited to a commune or a parish. The system of the rural banks is, in fact, founded on mutual confidence and collective liability; the members must not only know each other personally but must also be able to see from day to day the manner in which their money is employed.

Management.—The organization of the rural banks being, so to speak, familiar and friendly, their management is very simple. The administrative functions are divided between the committee of management, the council of supervision, and the general meeting. The executive work is carried out by the treasurer, who is often the only employee of the bank, and in any ease is responsible for the work of the other employees.

The general meeting appoints the committee of management, the council of supervision, and the treasurer. The conduct of the business is intrusted to the committee of management, upon which often sit the best educated persons of the district, such as the schoolmasters or priests; for these, however, actual farmers are being more and more substituted.

The committee of management usually give their services gratuitously. This, too, is one of the principles of the pure Raiffeisenism, which, however, permits in any case the remuneration of the treasurer. The Darmstadt Federation also allows the committeemen to be paid for their services when the business of the bank is fairly large.

In 1909 the expenses of management amounted, on the average, to the modest sum of 638 marks per bank. Here, too, one finds marked differences between the various federations. In Ermland, in East Prussia, and in West Prussia the average expenses of management are rather high, ranging from 1,200 to 1,400 marks. The lowest average is found in the Upper Palatinate, where it is 244 marks. If again we consider the general expenses in proportion to the total business done (i. e., the sum of the incomings and outgoings), we find an average percentage of 0.18, with a maximum of 0.53 per cent in the Nassau Federation (Frankfort on the Main) and a minimum of 0.04 per cent in Schleswig-Holstein.

2. THE BUSINESS OF THE RURAL BANKS.

Let us now examine first the sources from which the rural banks draw their working capital and then the methods of advancing the capital so obtained to their own members. We shall thus follow the complete cycle according to which the business of the rural banks is conducted.

Working capital.—The capital which the banks have at their disposal for making loans to their members is composed of the shares paid up by the members, the reserve fund accumulated in previous years, the savings deposits and deposits on current account, and, lastly, the sums which the bank procures by means of loans from central cooperative banks, other banks, or private individuals.

In the balance sheet, the working capital is approximately the same as the total liabilities. It is true that in the total liabilities are also included items, such as bills issued, which appear in equal amounts on both sides of the balance sheet, and figures relating to certain operations (e. g., property deposited, payments, etc.) which are not part of the capital at the disposal of the bank. However, not being able to eliminate such items, and taking into consideration that they are comparatively unimportant in the case of the rural banks, we can consider the working capital as being roughly equivalent to the total liabilities.

The total liabilities amounted in 1909, for the whole of the German Empire, to 1,900,000,000 marks, being an average of 153,000 marks per bank and 1,664 marks per member. These averages varied between rather wide extremes. The average per bank reached almost half a million marks in the Ermland Federation, while it was as low as 67,000 marks in the Grand Duchy of Baden. The average per member was highest in Rhenish Prussia (the Bonn Federation), where it reached 3,000 marks, and lowest in the Grand Duchy of Baden, where it was 700 marks.

Let us now analyze the total working capital according to the items which compose it:

	Marks.	Percentage of the total.
Share capital	22,358,433	1.2
Reserve	50,981,069	2.6
Deposits on current account	189,077,842	9.8
Savings deposits	1,455,618,456	25.2
Other liabilities	217,487,462	11.2
Total working capital	[1] 1,935,523,262	100.0

[1] $461,089,632, or £94,744,821.

Under the head of "Other liabilities" are included, besides other items, the sums which the banks have procured by loans from banks and individual capitalists.

The share capital together with the reserve funds form the banks' own capital; the remainder is capital from outside sources. Following this simpler classification we find that the former amounts to 73,339,502 marks, or 3.8 per cent of the total, and the latter to 1,862,183,760 marks, or 96.2 per cent.

These figures suggest some interesting considerations. We see, first of all, that the rural banks succeed in carrying on an enormous business on the foundation of an extremely slender capital. The current accounts and savings deposits furnish, however, the greater part of the working capital, viz, 85 per cent of the total. As against this the loans from third parties only form a relatively small figure, which demonstrates the capacity of the rural banks to provide, for the most part, by the ordinary means, for their operations without having recourse, to too great an extent, to loans from outsiders. Out of nearly 2,000,000,000 marks placed at the disposal of the farmers, only 11.2 per cent was furnished by outsiders, while 88.8 per cent was provided by the savings and deposits of the farmers themselves or of the local public.

To the capital of the society we have referred when speaking of the shares; of the reserve fund we shall speak when dealing with the distribution of the profit. We need only remark here that the capital obtained from outside sources is twenty-five times as large as the societies' own capital (share capital and reserve). This proposition is generally considered too high. There is a tendency, therefore, at present to increase the value of the shares, raising it to 50 or 100 marks, in order to provide the rural banks with a wider margin to cover possible fluctuations in the deposits.

In regard to the deposits it should be noted that savings deposits may be made either by members or by nonmembers, but that deposits on current account can only be made by members. In 1909 the savings deposits averaged 115,000 marks per bank. In the various federations this average reached a maximum of 447,000 marks in the Ermland Federation and was lowest in Federation of Alsace-Lorraine, where it was 43,000 marks. The averages of the deposits on current account were lower, being 22,905 marks per bank and 247 marks per member. The highest averages were found in the Grand Duchy of Hesse, viz, 84,466 marks per bank and 684 marks per member, and the lowest in the Federation of Posen (No. II) and in the Raiffeisen Federation of Alsace-Lorraine, being, respectively, 4,398 marks and 4,643 marks per bank and 49 marks and 27 marks per member.

We have said that 11 per cent of the working capital is drawn from outside sources. These include the central cooperative banks, the banking institutions, and the private individuals with whom the rural banks contract debts by means of banking operations. Since the development of the central banks, however, the business of this kind with other banks or with private individuals has greatly diminished. It will be more convenient to speak of the business done with the central banks when we are dealing with these latter, but we may here remark that since the working capital of the central banks is formed to a large extent by the funds received from the local rural banks the proportion of the money provided by the farmers themselves to be employed in loans for the benefit of agriculture is really even larger than would appear from the figures previously given.

The granting of loans, etc.—The business of the banks consists, for the most part, in making advances to members. Surplus money is deposited with the central banks or invested in banking operations with third parties. With regard to the loans to members, we will speak first of their character and then of the security upon which they are made.

The rural banks make loans of two kinds, viz, loans on current account and loans for fixed periods. At the end of 1909 the loans to the members outstanding were thus classified:

	Marks.	Percentage of total.
Loans on current account	425,995,403	28.3
Loans for fixed periods	1,082,445,388	71.7
Total loans outstanding	1,508,441,791	100.0

The loans on current account were, therefore, about a third of the total loans. In all the banks there is a tendency to extend the practice of giving loans on current account. This is generally the most convenient form of loan for the members, for whom the small rural bank serves as banker, just as the great banking institutions do for the merchants and manufacturers of the city. But this form of loan requires a higher economic education in the members and more advanced social conditions.

The members guarantee the fulfillment of their obligations to the bank by finding sureties, by the deposit of valuables (share certificates, etc.), by giving a mortgage or by their mere promise. The finding of sureties is the form of security usually preferred.

The period of the loans varies from six months to two or three years and even more in exceptional cases.

Various other arrangements have been thought out to diminish the risk of the loans granted by the rural banks. Thus, for example, the law relating to cooperative societies lays it down that the general meeting shall fix the maximum limit beyond which loans must not be made to the members, whatever may be their financial position or whatever the security offered.

The principal safeguard, however, for the success of the rural banks lies in their very constitution. The limited area of operations and the nature of rural life make it possible, for each member to keep an eye upon the affairs of his fellow members, in which, moreover, he is directly interested, so that he can easily judge at any moment of their solvency and of the manner in which they are utilizing the money obtained from the bank.

Profits.—The object of the rural banks is to give credit to their members on favorable terms and not to make a commercial profit.

The Raiffeisen system, accordingly, does not admit of any distribution of dividend, all the profits realized being carried to the reserve fund or to the creation of institutions of public utility. The Darmstadt Federation, on the other hand, allows a distribution of dividend on the shares, which, however, must not exceed the maximum rate of interest charged to borrowers.

In 1909 the net profit realized by the rural banks was more than 7,000,000 marks. This is sufficient evidence of the flourishing condition of these institutions. Of this enormous profit only a small fraction was distributed as dividend. Ir no case, in fact, did the dividends distributed exceed 4 per cent of the paid-up shares, and in many cases no dividends at all were distributed. In this manner the banks are continually strengthening their financial position. This is demonstrated by the steady increase of the reserve funds. In a single year, from 1908 to 1909, the aggregate reserve fund was increased by 7,000,000 marks, while the profits realized at the end of 1908 were about 8,000,000 francs. Thus seven-eighths—that is, 87 per cent—of the profits made in that year were carried to the reserve.

3. STATISTICS OF THE RURAL BANKS.

The following statistics will show, better than it can otherwise be indicated, the great development in Germany of the rural banks, which were so modestly initiated in 1862.

We give first a table relating to the number of banks legally established in Germany, as shown by their registration in the Gazette of the Empire.

TABLE I.—*Number of rural banks in Germany on June 1 in each year from 1890 to 1910.*

	Number.
1890	1,729
1891	2,134
1892	2,647
1893	3,040
1894	3,850
1895	4,872
1896	6,391
1897	7,612
1898	8,595
1899	9,208
1900	9,793
1901	10,487
1902	11,121
1903	11,750
1904	12,477
1905	13,181
1906	13,635
1907	14,096
1908	14,709
1909	15,158
1910	15,517

We now give some figures showing the business done by the 12,614 rural banks embraced in the National Federation in 1909. It should be noted that while the figures in the preceding table are derived from information which the societies are bound by law to publish, the following figures are privately collected by the federations (of which we shall give an account presently), and more particularly by the National Federation.

TABLE II.—*Business done by the rural banks in 1909.*

	Aggregate figures.	Average per bank.
Number of banks of which particulars are given	12,614	
Membership	1,163,186	92
	Marks.	*Marks.*
Total business done (incomings and outgoings)	[1] 4,456,161,532	353,271
Total liabilities	1,935,523,262	153,442
Paid-up share capital	22,358,433	1,773
Reserve funds	50,981,069	4,042
Deposits in hand at end of year	1,644,696,298	130,387
Loans outstanding at end of year	1,508,441,791	119,584
Loans granted during the year	[2] 901,227,744	71,446

[1] $1,061,568,167, or £218,131,310. [2] $214,694,794, or £44,115,544.

4. THE FEDERATIONS AND CENTRAL INSTITUTIONS OF THE RURAL BANKS.

(We adopt here a distinction which is not in general use in English. The word "federation" will be employed to indicate a central organization of cooperative societies for such purposes as propaganda, education, supervision, and mutual defense. By "central institution" we shall mean a central organization of cooperative societies for business purposes.)

The rural banks felt from the beginning the need of combination amongst themselves for common purposes. The need was twofold. On the one hand, a common organization was required to direct the movement and to give it uniformity; on the other hand, there was need of central institutions which might equalize the need of credit of the individual banks, supplying them with money when required and employing their surplus funds.

For the first of these objects the federations were formed; for the second, the central institutions.

(a) The federations.—The federations of cooperative societies are unions formed for propaganda, education, and mutual defense. They embrace not only rural credit societies, but rural cooperative societies of every kind.

We have already mentioned the existence of two great federations which embrace the whole Empire within their sphere of operations—the Federation of Agricultural Cooperative Societies, with headquarters at Neuwied, founded by Raiffeisen in 1877, and the National Federation of German Agricultural Cooperative Societies, which was founded in 1883, and has its headquarters at Darmstadt. For a long time these led a separate existence, each propagating its own ideas; sometimes, too, there was hostility between them. Finally, in 1905, the Neuwied Federation became affiliated to the National Federation of Darmstadt. There is now, therefore, a single organization, the National Federation of Darmstadt, which embraces a very large majority of the German agricultural cooperative societies. It contained on June 1, 1910, no less than 18,962 cooperative societies, including 78 central cooperative societies, 12,894 cooperative credit societies, 2,077 cooperative distributive societies, 2,028 cooperative dairies, and 1,885 cooperative societies of other kinds.

The national federation is, in reality, composed of provincial federations. In fact, only five cooperative societies, of which four are central institutions, are directly affiliated to the national federation, while all the rest are indirectly attached to the national federation by being affiliated to the respective provincial federations. These are federations which embrace the cooperative societies in a defined portion of the territory of the Empire, and which, although affiliated to the national federation, enjoy a large degree of autonomy.

Besides the work of instruction, organization, and propaganda, they fulfill the very important function of inspection, assigned to them by the law of 1889. For this purpose they employ inspectors, who, by frequent visits, supervise the management and the conduct of the business of the affiliated societies.

To indicate the importance of the provincial federations, it is sufficient to say that of the 23,845 rural cooperative societies existing in Germany in 1910, no less than 21,830 (i. e., 92 per cent) were organized in federations. The number of provincial federations affiliated to the national federation is 41. Besides these, there are some independent federations which embrace a limited number of cooperative societies and of which the most important is the Federation of Wurtemberg, containing, 1,383 cooperative societies in 1908.

(b) The central banks.—As we have already indicated, the second method of centralizing rural banks and cooperative societies in general is the formation of central banks. Between these and the federations there is no confusion of functions, but they mutually support one another. The central banks undertake the provision of capital for the rural banks and the utilization of their surplus funds, when they have any, always keeping in touch with the corresponding federation, to which they are usually linked by the fact that the same persons manage the business of both institutions. Further, the central banks, as a rule, only admit cooperative societies which already belong to the federation of their province.

The provincial central banks are cooperative societies with limited liability. The Bank of Darmstadt alone is a company with liability limited by shares, having been founded before the law of 1889 allowed the formation of central cooperative societies composed of other cooperative societies.

In 1910 there were affiliated to the national federation 36 provincial central banks, of which 35 were distributed throughout the various regions of Germany, and one was in the German colony of Southwest Africa.

Speaking broadly, it may be said that the central banks fulfill the same functions for the rural banks which the rural banks fulfill for their members.

As in the case of the rural banks, the working capital is furnished by the share capital, by the deposits of the cooperative societies, and by the sums which they procure by loans from the general central banks, or the Prussian Central Bank (of which we shall speak presently) and from other banks, or private bankers. In like manner as we have seen in the case of the separate rural banks, the most important part of the working capital is formed by the deposits of the members. This is clearly shown by the following table, which indicates the working capital of the provincial central banks at the end of 1909:

	Marks.	Percentage of total.
Paid-up capital	21,493,532	8.2
Reserve funds	4,321,500	1.6
Deposits of the members	187,345,775	71.3
Loans from the general central banks and the Prussian Central Bank	19,047,687	7.2
Loans from other banks or from private individuals and liabilities in respect of bills	28,616,979	10.9
Other items	1,990,123	.8
Total	[1] 262,815,596	100.0

[1] $62,609,191, or £12,864,953.

From these figures we see that of the working capital of the provincial banks 9.8 per cent is formed by the funds of the banks themselves (share capital and reserve), 71.3 per cent by deposits, and 18.9 per cent by loans contracted with third parties. If we compare these percentages with the corresponding figures for the rural banks, we shall see that the funds of the banks themselves, though representing in both cases only a small proportion of the total available capital, is appreciably higher in the central banks than in the rural banks, while the proportion of the deposits is less and of the loans from third parties greater. Accordingly the central banks, by regulating the rate of interest, endeavor to increase the amount of the members' deposits, and thus to lessen the necessity of having recourse to outside sources of capital.

The central banks utilize their working capital in making loans to the cooperative societies either in the form of advances on current account or of loans for fixed periods. The first kind is by far the most usual, unlike what we have seen in the case of the rural banks. This is explained by the fact that the central banks are dealing with economic organisms which are more developed, and therefore better adapted to this more advanced form of credit. At the end of 1909 the provincial central banks had about 182,000,000 marks outstanding on loan, of which 173,000,000 marks (that is, 95 per cent) were loans on current account and 9,000,000 marks (5 per cent) loans for fixed periods. The remainder of the capital was invested in securities or in discounting bills of exchange, or deposited with the general central banks or with other banks or private bankers.

Besides the provincial banks of which we have spoken, there are also two general central cooperative banks which, unlike the provincial banks, have a sphere of operations which is not limited to that of a provincial federation, but extends over the whole Empire. These are the Central Agricultural Loan Bank of Germany, with headquarters at Berlin, which was founded by Raiffeisen in 1876 and until recently had its headquarters at Neuwied, and the National Bank for Cooperative Societies, with headquarters at Darmstadt, established in 1902 by the national federation. Both of these banks are companies with liability limited by shares.

The Darmstadt bank deals almost exclusively with the 36 provincial central banks. To the Berlin bank, on the other hand, are affiliated 4,399 rural banks of the pure Raiffeisen type scattered over the whole of Germany. The loans granted to members amounted, in the case of the Berlin bank, to 74,600,000 marks (of which 2,000,000 were loans for fixed periods) and in the case of the Darmstadt bank to about 11,000,000 marks, all being loans on current account.

The following table gives aggregate statistics of the provincial banks and separate statistics of the two general banks for the financial year 1909:

TABLE III.—*Business done by the provincial banks and the two general banks in 1909.*

	Aggregate figures for the provincial banks.	National Bank for Cooperative Societies (Darmstadt).	Central Agricultural Loan Bank of Germany (Berlin).	Aggregate figures for provincial and general banks.
Number of banks of which particulars are given	36	1	1	38
Membership	10,987	50	4,399	15,436
Sum guaranteed by the liability of the members	*Marks.* 266,830,500	*Marks.* 5,000,000	*Marks.* 8,581,000	*Marks.* 280,411,500
Total business done (incomings and outgoings)	4,913,786,468	836,082,752	787,206,739	[1] 6,537,075,959
Total liabilities	262,815,593	17,658,896	91,523,183	371,997,675
Paid-up share capital	21,493,532	5,000,000	8,581,000	35,074,532
Reserve funds	4,321,500	8,602	712,416	5,042,518
Deposits from local cooperative societies in hand at end of year	187,345,775	9,922,413	80,379,645	277,647,833
Loans to local cooperative societies outstanding at end of year	182,503,114	10,703,101	74,673,826	267,880,041
Loans granted during the year	732,715,881	191,479,143	[2]	[3] 924,195,024

[1] $1,557,293,580, or £319,993,100.

[2] The amount of the loans granted by the Central Agricultural Loan Bank of Germany is not stated in the statistics published by the national federation.

[3] Exclusive of the amount of loans granted by the Central Agricultural Loans Bank for Germany, $220,196,170, or £45,239,803.

CHAPTER II.

POPULAR BANKS IN GERMANY—THE SCHULZE-DELITZSCH SYSTEM.

The rural banks and their central banks are not the only cooperative societies in Germany which provide agriculture with personal credit; we must also take account of the popular banks on the Schulze-Delitzsch system. (We employ the expression "popular banks," although this is not the title usually adopted in Germany, where they are known as "savings and loan banks." English writers usually describe them as "urban banks," but we avoid this title, as we are considering the banks in relation to agriculture. The title "popular banks," given in Italy to the Luzzatti banks, seems equally appropriate for the Schulze-Delitzsch banks upon which the Luzzatti banks were modeled.)

These banks, which were formed before the rural banks and served as models for the first banks founded by Raiffeisen, assisted largely at the beginning of the cooperative movement to combat usury, even in the country. Even now, notwithstanding the great development of the rural banks, they are largely utilized by farmers, many of whom belong, as we shall now see, to the banks themselves.

While Raiffeisen adapted cooperation to the needs and to the mental attitude of the farmers, Schulze-Delitzsch devised organizations specially suited to the needs and economic character of town dwellers. The Schulze-Delitzsch banks have, therefore, unlike the rural banks, a large range of business in an extended area of operations; they accumulate a considerable quantity of capital and they distribute fairly high dividends. They do not follow the principle of unpaid management; on the contrary their management is rather costly and is conducted on strict business lines. They are very often based on limited liability and they carry on a series of banking operations which the rural banks only undertake exceptionally, if at all. In fact, their business approaches more closely than that of the rural banks to banking business properly so called.

The greater number of the Schulze-Delitzsch banks are affiliated to a general federation, of which we shall speak in due course. The number of banks affiliated to this federation increased from 904 in 1901 to 939 in 1910, while the membership increased during the same period from 527,000 to 600,000; the loans granted in 1901 amounted to 2,525,500,000 marks, while the loans granted in 1910 amounted to 4,015,900,000 marks.

There exist also a certain number of independent banks, unattached to the federation. Of 1,035 banks which furnished particulars of their working in 1910 to the federation 939 were affiliated to the federation and 96 were independent of it. The particulars which follow refer exclusively (except where otherwise indicated) to the 939 banks affiliated to the federation.

1. ORGANIZATION OF THE POPULAR BANKS.

There are marked differences between the popular banks and the rural banks, both in regard to the character of the members and to the size of their shares.

Membership.—The average membership of the popular banks in 1910 was 639, a figure considerably higher than the average for rural banks.

Whilst the rural banks draw their members exclusively from farmers, the Schulze-Delitzsch banks include members of various occupations. This is, indeed, a fundamental principle of the system, which regards an equitable representation of the various occupations and social classes as a factor making for the stability and prosperity of the popular banks.

In the following figures are shown, by percentages, the different classes which composed the membership of the popular banks at the end of 1910:

	Per cent.
1. Independent agriculturists (farmers, etc)	26.57
2. Wage-earning agriculturists (laborers, etc.)	2.41
3. Artisans	23.03
4. Merchants, manufacturers, etc	19.72
5. Workmen, apprentices, and wage earners generally	10.55
6. Professional men, civil servants, clerks, etc	8.93
7. Persons living on pensions or possessing independent means	8.79
	100.00

The class most largely represented are the independent agriculturists, who are usually farmers cultivating small or medium-sized holdings. Next come the artisans. These two classes together furnish about half the total membership. Considering the members from the point of view of social status, we may say that the popular banks contain principally persons belonging to the lower middle classes, without, however, excluding either the working classes or the persons who, like civil servants, manufacturers, etc., occupy a higher economic and social position.

Liability.—In 1910, out of a total of 939 banks, 567 (that is, 60.3 per cent) were based on unlimited liability and 372 on limited liability.

Although the system of limited liability is steadily increasng, unlimited liability is still considered the best system on which to establish popular banks in districts which are not yet familiar with cooperative credit.

Shares.—The shares of the members are, as we have already remarked, rather high. The general congress of the popular banks of 1896 recommended that the shares should be at least 300 marks. A subsequent congress recommended for banks with limited liability a minimum of 500 marks, limiting the liability of the members to three times the amount of the shares. At present the average share capital per member is 360 marks, but there is a constant tendency to increase it. In 1882 the average was 223 marks, increasing successively to 226 marks in 1892 and to 276 marks in 1902, finally reaching the present figure. It may be anticipated that this tendency will continue in the future, in view of the desire to insure for the popular banks a greater stability and independence.

2. THE BUSINESS OF THE POPULAR BANKS.

Working capital.—The aggregate working capital of the popular banks was nearly 1,500,000,000 marks at the end of 1910, giving the truly remarkable average of 1,500,088 marks per bank. This average, which shows the financial importance of the popular banks, is the result of a continuous upward movement. In 1886 it was only 617,000 marks; in 1898 it rose to 800,000 marks and in 1902 it reached the million. In the last 20 years the aggregate funds at the disposal of the popular banks has therefore been trebled.

Examining the sources from which these funds are derived, we find the following figures in 1910.

	Marks.	Percentage.
Share capital	216,330,103	14.8
Reserve funds	94,187,564	6.5
Capital from outside sources	1,145,014,688	78.7
Total working capital	[1] 1,455,532,355	100.0

[1] $346,743,897, or £71,249,028.

The proportion of the banks' own funds (21.3 per cent) is therefore appreciably higher than in the case of the rural banks. The sources of information at our disposal do not distinguish between the funds derived from deposits and those obtained from third parties. The sum stated as "capital obtained from outside sources" includes, therefore, the savings or deposits on current accounts as well as the sums which the banks obtain from other institutions or from private individuals by contracting loans at sight or for fixed periods against acceptances or mortgages of their property.

Banking operations.—Speaking broadly, the Schulze-Delitzsch banks carry on every kind of banking business.

Their primary object is, however, that of granting loans for short periods to their members. For this purpose they used 4,000,000,000 marks in 1910, of which at the end of the year, 1,200,000,000 marks were still outstanding.

In regard to the period of the loans, we find that of the sums advanced during the year 41.5 per cent were on current account. The remainder was lent for fixed periods by means of discounting bills of exchange or giving loans on pledge or on mortgage. This last form of loan is, however, from the very nature of the popular banks, comparatively rare; at the end of 1910 the loans on mortgages amounted to scarcely 10 per cent of the total loans granted.

Where special guaranties, such as pledges or mortgages, are not given, the loans are guaranteed by sureties or by acceptances, sureties being usually preferred. A small number of loans are granted without guaranty of any kind.

Surplus funds are deposited with other institutions or invested in securities of first-class bills (bankers' acceptances), which represent the safest means of realization in case of any unforeseen eventuality. At the end of 1910 the popular banks possessed 61,000,000 marks deposited with other institutions, 98,000,000 marks in securities, and

22,000,000 marks in first-class bills, making a total of 181,000,000 marks of easily realizable assets. They also possessed 51,000,000 marks in real property, including office buildings and property acquired as the result of loans not repaid.

Profits and losses.—The gross profits realized in the year 1910 amounted to more than 76,000,000 marks. Of this sum 43,000,000 marks was required to pay the interest on the capital obtained from outside sources. The gross profit represented 5.23 per cent of the working capital; the sums paid, however, by way of interest on the capital obtained represented only 3.76 per cent of the working capital. The popular banks have therefore been able to procure the funds which they employ at a rate which is not too high and to realize a moderate margin of interest. From this margin must still be deducted the management expenses, which exceeded 12,000,000 marks. This was equivalent to 16.51 per cent of the total gross profits and to 0.09 per cent of the total business done (incomings and outgoings).

The net profit available for distribution, after deduction of interest on borrowed capital, depreciation, and the various losses, exceeded 18,000,000 marks, representing 8.6 per cent on the share capital.

The greater part of the net profit was distributed as dividends; the remainder was carried to the reserve funds, or, to a small extent, devoted to objects of public utility. The rate of dividend distributed varies considerably from bank to bank, ranging generally from 5 to 7 per cent of the paid-up share capital. There were, however, 19 banks which distributed a dividend of more than 10 per cent and 1 in which a 25 per cent dividend was paid.

3. STATISTICS OF THE POPULAR BANKS.

The popular banks for which statistics for the year 1910 are available are shown in the following table:

	Number of banks.	Number of members.	Number of members who have taken part in the credit business.
Affiliated to the national federation	939	600,387	358,649
Not affiliated to the national federation	96	44,955	23,394
Total	1,035	645,342	382,043

It is worth noting how these banks really apply cooperative principles in relation to their members. More than half of the members took advantage, during the course of the year, of the credit facilities which they offered.

The following table contains particulars of the business done by the popular banks in the year 1910:

TABLE IV.—*Business done by the popular banks in 1910.*

	Banks affiliated to the national federation.	Banks not affiliated to the national federation.	Total.
	Marks.	*Marks.*	*Marks.*
Total business done (incomings and outgoings)	12,912,128,660	654,053,803	[1] 13,566,182,463
Total liabilities	1,477,195,299	100,338,847	1,577,529,146
Paid-up share capital	216,330,103	19,413,932	235,744,035
Reserve funds	94,187,564	5,523,311	99,710,875
Loans outstanding at end of year	1,201,862,882	83,907,985	1,285,770,867
Loans granted during the year	4,015,920,815	175,841,173	[2] 4,191,761,988

[1] $3,231,801,035, or £664,071,338. [2] $998,581,640, or £205,188,822.

4. FEDERATIONS AND CENTRAL INSTITUTIONS OF THE POPULAR BANKS.

(a) Federations.—The great majority of the Schulze-Delitzsch banks are affiliated to provincial federations (32 in number), which in turn are affiliated to the General Federation of German Cooperative Societies.

The provincial federations include, besides the urban cooperative credit societies, cooperative distributive societies, cooperative productive societies, and cooperative building societies. In 1911 the federations embraced 1,514 cooperative societies, of which 973 were credit societies, 290 distributive societies, 63 productive societies, and 188 building societies.

(b) Central institutions.—For the popular banks the need of central banks has not been felt so strongly as for the rural banks. The popular banks have, in fact, by their very nature, greater facilities for obtaining access to the open money market, and the promoters of the movement even hold that to be bound closely to specific central banks would be a hindrance rather than an advantage to the development of their business. Up to now three provincial federations have established central banks. These banks are companies with limited liability. Their importance is not great.

To equalize the funds of the popular banks there exists a special section of a private bank—the Dresden Bank—with which the cooperative societies have current accounts so as to facilitate the movement of their funds and to equalize the various debits and credits. The same institution also serves to facilitate the cashing of bills and checks, which are immediately honored and credited to the respective accounts. In the year 1910 the total value of the bills cashed was 748,000,000 marks.

CHAPTER III.

THE PRUSSIAN CENTRAL BANK FOR COOPERATIVE SOCIETIES AND OTHER STATE BANKS IN GERMANY.

We have had occasion to refer to the Prussian Central Bank. This bank, which itself is in no wise cooperative, is a State institution which serves not only the rural cooperative societies, but also the popular banks and the savings banks.

Founded by the law of July 31, 1895, it received from the Prussian Government an initial foundation capital of 5,000,000 marks, which has been successively increased to 20,000,000 marks in 1896, to 50,000,000 marks in 1898, and finally to 75,000,000 marks in 1909. This capital has been furnished by the State by means of the deposit of Prussian consolidated stock at 3 per cent. The affiliated banks can further contribute to the increase of the foundation capital by taking shares.

Although placed under the direct control of the State, the bank is an independent corporate body, with its own administration, composed of a committee of management, appointed for life by the King, assisted by a council of experts, consisting of representatives of the cooperative societies, chosen by the King. The functions of the council of experts are merely consultative.

The object of the bank is to provide working capital for the following institutions:

(1) Central banks (not for the cooperative societies separately) of any kind of cooperatiove societies legally established; not only, therefore, for the provincial or general central banks of the rural banks, but also of every other kind of cooperative society.

(2) The loan banks attached to the cooperative land-credit institutions (landschaftliche Darlehenskassen).

(3) The provincial or communal personal-credit institutions.

(4) The public savings banks.

From all these institutions the bank also receives deposits on current account or savings deposits.

At the end of 1909 the bank had business relations with 52 central cooperative banks, of which 19 were rural and 33 urban. Besides these it counted amongst its ordinary clients 8 loan banks attached to land-credit institutions; 6 provincial-credit institutions, etc.; 744 public savings banks and 684 other corporate bodies or individuals.

The means for carrying out its objects the bank derives from the 78,000,000 marks intrusted to it by the Government, from the deposits of the affiliated corporations, and from loans contracted with other banks.

The bank can not lend to cooperative societies individually, but only to unions of cooperative societies or to central banks composed of local cooperative societies. It fixes for every central bank a maximum limit of credit, based upon the financial condition of the bank, of the societies which compose it, and of their members. Within these limits loans are granted according to the available capital and to the guaranties offered.

In regard to the form of the loans they are either given on current account, on the security of bills of exchange (which the bank discounts), or against the deposit of goods or securities. The following are the most important particulars relating to the working of the bank during the year 1909:

	Marks.
Total business done (incomings and outgoings)	15,197,809,000
Total liabilities	199,725,926
Paid-up share capital	76,400,000
Reserve funds	5,400,000
Deposits in hand at end of year	102,740,303
Loans to cooperative societies and similar institutions outstanding at end of year	40,279,662
Loans granted to cooperative societies and similar institutions during the year	737,268,000

In several other States of the Empire similar institutions have been founded on the model of the Prussian Bank and endowed with capital out of the public treasury, either gratuitously or at a low rate of interest. We may mention amongst these the Central Bank of the Agricultural Cooperative Societies of Bavaria, which received a grant of 100,000 marks and advances of 4,000,000 marks, and the Agricultural Bank for the Cooperative Societies of the Kingdom of Saxony, to which advances of 6,000,000 marks were made at various times.

CHAPTER IV.

COOPERATIVE LAND CREDIT SOCIETIES IN GERMANY—"LANDSCHAFTEN" AND "RITTERSCHAFTEN."

Besides the cooperative banks of which the preceding chapters give a summary, there is another very characteristic form of cooperative credit in Germany, that of the Landschaften and Ritterschaften, cooperative institutions, organized generally for a Province or some other administrative unit. Their object is to obtain for their members the credit they require for land improvement by means of bonds guaranteed by the landowners of the Province collectively. The foundation of the first of these German institutions goes back to the end of the eighteenth century. There are now 25.

It is in Prussia, and above all in the five eastern Provinces, the ancient nucleus of the monarchy, that they have always flourished best. Even to-day, 18 are in Prussia and 10 of these in the five eastern Provinces. The bonds issued by the 10 Landschaften in the eastern Provinces in 1908–9 amounted to a total of 1,633,135,940 marks. (Not counting the new Institute of Credit for Brandenburg, which only issues bonds of the Central Landschaft.)

This is a sufficient proof of the usefulness and of the vitality of this form of cooperative credit, but it will give an even better idea of the important part played by the Landschaften and Ritterschaften to state that the total bonds in circulation, issued by the Landschaften in Prussia, amounted to 2,742,344,385 marks ($653,294,429, or £134,239,113) in 1909, while the total amount of bonds issued by other German institutions, more or less of the same type, was 787,855,425 marks ($187,686,697, or £38,565,913) at the same date.

In other terms, this form of cooperation furnished German agriculture in 1909 with a total of loans on mortgage of more than 3,490,199,810 marks. This is a considerable sum, which it would obviously not have been easy to obtain from the private and purely capitalist banks, and above all at so low a rate of interest, for these societies are satisfied with an interest which does not generally exceed 3½ to 4 per cent.

1. COOPERATIVE LAND CREDIT SOCIETIES FOR LARGE ESTATES IN PRUSSIA.

In Germany, the first of these societies was founded in Prussian Silesia. After the Seven Years' War (1756–1763), the great military King and administrator, Frederick II of Prussia, saw that this Province, formerly rich and flourishing, was in a deplorable condition. The continual wars, the successive alterations of the currency, and the high price of land, followed by an alarming fall in its price, had almost ruined the landowners.

In 1767 a Berlin merchant, named Büring, presented to the King a scheme for an administrative and financial innovation, based upon the fact that it is the soil itself which represents the greatest part of the nation's wealth. He showed that the land is an asset, and that to obtain for the farmer the credit he required, it was enough to give this asset currency, according to the expression of the day. It was, in fact, an anticipation of the fundamental principle underlying the "assignats" which he wished to put in practice in favor of the proprietors of the "noble" estates. (In German "Rittergüter." They are the estates belonging to the "Ritterschaft"; that is, the nobility and landed gentry. Such estates were originally held by military serv-

ice and the proprietors had manorial jurisdiction and certain administrative privileges.) To surround these new mortgage bonds with sufficient guaranties and also to gain the confidence of the capitalist, he depended on the principle of cooperation, and proposed to the King to combine the noble proprietors of Silesia in a compulsory cooperative society in which, in exchange for the duties they would have to fulfill, they should be granted the enjoyment of certain privileges.

This scheme of Büring's, at first rejected by the minister, Von Hagen, was accepted in its entirety in the royal decree of August 29, 1769. The regulation of July 9, 1770, combined in compulsory cooperative societies the noble landowners of each principality of Silesia. The union of these societies formed the Generallandschaft of Silesia.

The success obtained by this system was more than satisfactory. The Generallandschaft of Silesia has now been in existence for 140 years, and during that time its energy has permitted it to overcome and almost to avoid the difficulties which generally arise in enterprises of this nature where the interests of the State and those of individuals have to be reconciled. It has been able also to obtain for its members sufficient credit, and always at a rate of interest far lower than that paid in countries and districts where this system of cooperation does not yet exist.

Encouraged by these results, several other Provinces soon followed the example of Silesia.

On June 15, 1777, the "Kur- und Neumärkische Landschaft" for the nobility of the Province of Brandenburg was created by royal charter.

Other charters established one in each of the following Provinces: In Pomerania, on March 13, 1781; in West Prussia, on April 19, 1787, and in East Prussia, on February 16, 1788.

In 1821 the Landschaft of Posen was founded. It was, however, dissolved in 1877 and the New Association of Credit (founded in 1857) took its place.

These Landschaften, to which the title of "old-established" is given to distinguish them from the others, have all a semiofficial character. On the one hand, the inspection of their business is conducted by the State, which generally intrusts it, in the first instance, to the president or perfect of the Province, and, secondly, to the Prussian minister of agriculture. On the other hand, they possess certain prerogatives usually reserved to the State; thus, for example, in case of nonpayment, they have the right to proceed to the administration of the mortgaged lands or to compulsory sale by auction, without recourse to the law courts.

The employees of the Landschaften are indirect employees of the State, and generally they have authority to sign certain public documents.

These Landschaften have constitutions varying considerably from each other, being adapted to the special needs of their Province or to those of the moment of their foundation. They have, however, this in common, that each has a committee of management and a general assembly of landowners. The syndics—that is to say, the members of the committee of management having legal knowledge—receive pay. The other members of the committee and of the general assembly are landowners, who receive only an annual indemnity corresponding to their traveling and incidental expenses.

Four of the five old-established Landschaften, those of Silesia, of Brandenburg, of Pomerania, and of West Prussia, are decentralized. In other words, they are composed each of several cooperative societies or of several almost independent administrative sections. In Silesia each of these cooperative societies disposes of a separate fund, and the engagements undertaken are for this reason covered by a double guaranty, first by the society of the principality and then by the Landschaft of the Province.

The 5 Landschaften of which we have spoken were formed directly by the State. Of the 10 other societies of this type in Prussia, 9 were formed by the Provinces, and 1 by private initiative. Three Landschaften, formed in Hanover before its union with Prussia, differ from the other Landschaften in that they do not issue bonds, but obtain directly from capitalists the money which they require to lend to their members.

The societies formed by the Provinces did not enjoy the legal advantages enjoyed by the old-established Landschaften. Not till the Prussian law of August 3, 1897, were their legal rights extended. This law also conceded to all the Landschaften that should be founded before the 1st of January, 1900, the privileges of forced administration of estates, of forced sales, and even of the seizure of the movable property of the debtor in case of an estate already mortgaged having deteriorated. These privileges had, however, to be conceded by royal decree in each new case.

The same law recognized the bonds of the Landschaften as a trustee investment.

When we consider the whole class of Landschaften we see that they have in their organization and in the management of their affairs certain features in common. The total number of landlords of a district collectively grant a loan to the proprietor applying for it, the object of the loan being stated in detail in the application. He can not be refused this demand. His land serves as security to the Landschaft.

To be quite safe, and not to risk losses, the body of proprietors do not grant loans exceeding a certain percentage of the value of the land, varying with the Provinces and according to the method of fixing the rate of interest. As the body of landlords possess real estate of enormous value, but have seldom large sums of money at their disposal, they have to get from third parties the sums needed for loans to the landowner borrowing. For that they have recourse indirectly to the capitalists, offering them, as investments for their money, bonds issued by the collective group. In order to render the negotiation of this paper easier for the lenders, special banks have been instituted in connection with the Landschaften dealing with this business, under the control of the society itself and without any intention of making a profit. The profits go to the Landschaft as such. Formerly it was the mortgaged land that served as security under a secondary security of the Landschaft. To-day this is no longer the case. The capitalist who has bought the bonds and is the creditor of the borrowing landowner has nothing to do with him. He receives his interest from the Landschaft and the whole of the estates of the Province forms his security.

This general security of the "Kreditverbundenen" (credit leagues) was not, however, considered sufficient. To protect the legitimate interests of the creditors as well as those of the other guarantors, a complicated system was elaborated. First, the value of each property in need of a loan had to be estimated by competent employees of the Landschaft. Generally they contented themselves with the valuation of the revenue made for the land tax and they granted loans to the extent of fifteen times this net revenue. Only in exceptional cases, for example, when the proprietor wanted to burden his land beyond a certain degree, he must even to-day, at his own expense, get a special valuation made of the present worth of his land.

At first most of the Landschaften only gave mortgages for one-half of the estimated value. Now they generally go as far as to give them for two-thirds of the value. Land already burdened with other mortgages can not receive any loan from the society. The Landschaften, however, help proprietors when, in order to obtain a loan, they desire to pay off previous mortgages.

Except in the case of the three institutions of Hanover, the loans are not granted in money, but in bonds.

The interest the debtor must pay the Landschaft is generally from one-half to 1 per cent higher than what the Landschaft itself pays its creditors.

This difference serves to cover the expenses of administration, to constitute special funds created in the interest of all the members of the society, as well as for the creation of reserve funds and for the gradual extinction of the debt. The Landschaft generally renounces its right of calling up the money it lends, but the debtor can always repay the money borrowed. Generally this repayment takes place by gradual extinction, which is often even obligatory for a certain proportion of the debt. The sums so repaid must be considered at the same time as reserves in case of possible losses to be incurred.

Nowadays the tendency is to decrease these various guarantees. Perhaps they are no longer necessary. The new Landschaften, for instance, no longer have the general guaranty. In the Mark and in Neuvorpommern the security is limited to the whole of the lands really mortgaged. In other Provinces there are special reserve funds, or rather the obligation for the proprietors to pay in case of need a certain fraction, generally from 5 to 10 per cent, of the sum borrowed. Consequently, we find in these Landschaften the principles sometimes of the cooperative society with unlimited liability and sometimes of the cooperative society with limited liability.

The public accepts the bonds of all these institutes with equal readiness, for the form taken by the security offered does not affect their credit.

The total circulation of bonds issued by the Prussian Landschaften increased from 469,407,530 marks in 1866 to 2,507,164,675 marks in 1906 and 2,742,344,385 marks in 1909. This would seem to represent an astonishing increase of debts on mortgage, but it is difficult to know whether, before the landowners availed themselves of the credit offered on such easy terms by the Landschaften, their properties were already burdened with other debts, perhaps on less favorable conditions, or if their debt is of more recent origin. It is noteworthy also that while the increase of the debt recorded in the Landschaften books has increased fivefold in the 40 years from 1866 to 1906, in the same period the funds for its extinction have increased from 20,512,945 marks to 169,901,635 marks, or in the proportion of 1 to 8. This mode of extinction, besides, was unknown to the old-established Landschaften and was only introduced in the last century. It may, therefore, be expected that this progress will continue.

The rate of interest on the bonds has always been very moderate. Issues at the rate of 5 per cent were only made from 1868 to 1878, a period of trouble and unrest, in spite of abundance of capital. Generally there has been a very marked tendency to follow the conditions of the market and as soon as possible to reduce the interest on the bonds. In 1901 we no longer find bonds at 4½ per cent. Those at 3½, 3⅜, and 3 per cent increase already in 1896 in proportion as those at 4 per cent decrease, though the latter show a further increase in 1901.

The bonds have always been well received on the national market. To open the international market to them in 1873 certain Landschaften, with the authorization of the Government, founded a Central Landschaft for the Prussian Provinces, with its headquarters at Berlin. The Landschaften that now form part of it are allowed to issue provincial bonds and also bonds of the Central Landschaft. In issuing these last, however, they are bound to observe certain rules as to the method of valuing the lands.

The bonds of the Central Landschaft were well received on the exchanges, where they had almost the same standing as the Imperial and Prussian bonds, but, generally speaking, the Central Landschaft had not the success that was expected. That was due, no doubt, to the fact that the societies already had a sufficiently large clientele or that they did not wish to have their liberty of action interfered with. Its issue of bonds up to the end of 1909, amounting to 437,814,250 marks, was rather less than that of the Landschaft of East Prussia alone, which reached the figure of 443,839,850 marks.

2. LANDSCHAFTEN FOR SMALL ESTATES IN PRUSSIA.

Although the Landschaften and Ritterschaften were at first exclusively intended for supplying the needs of the nobles' estates, which were generally of considerable size, some of them have extended their credit facilities to small proprietors and peasants. This was the case with the Landschaften of East Prussia and of Silesia. This latter issues special bonds for peasants' lands.

Others founded separately, with special funds, new Landschaften and new institutes. Most of the new societies, such as those of Westphalia and Posen, were, moreover, from the start meant to represent both classes.

Since these new institutions only wish to serve the farmer, there is always a limit to the minimum value of land that can be mortgaged. This limit corresponds to that amount of land on the produce of which the owner can live. Generally it is required that it produce a net income calculable for the land tax at a minimum from 75 to 150 marks. In Silesia they go below this limit and are content that the land be reckoned as bringing in from 15 to 30 marks.

To make it easier and less complicated for the peasants, instead of their having to go to the central office the Landschaft of East Prussia periodically sends employees of its own into the villages, previously notifying their advent. These employees give all necessary information gratuitously and receive applications for loans. The Landschaften have, generally speaking, also had good results in their work on behalf of the peasants, but there still remains much more to be done in the future.

3. LANDSCHAFTEN IN THE OTHER STATES OF GERMANY.

The example set by Prussia has been followed in some other States. Thus a credit association for the nobles' estates of the two Mecklenburgs was founded in 1818 at Rostock on the model of the old-established Landschaften. On December 13, 1825, the credit association for Wurttemberg was founded at Stuttgart. It is the only semiofficial

institution of the kind to be found in south Germany. Others were subsequently formed in the Kingdom of Saxony and in the Duchy of Brunswick.

Only a few of these institutions possess much importance, and all conform more or less closely to the type of Landschaften already described.

4. PRIVATE INSTITUTIONS OF THE LANDSCHAFTEN TYPE.

Besides the semiofficial Landschaften there are two private institutions of a similar kind.

These are:

1. The National Society of Mortgage Credit, formerly at Stettin, and now in Berlin, founded under rules dated March 3, 1870, and August 11, 1871.

2. The Bavarian Agricultural Bank, at Munich, founded on December 2, 1896.

Both are, in the eyes of the law, private cooperative societies. The first is a cooperative society in which the liability of the members is unlimited, while in the second their liability is limited.

The Berlin association also grants loans upon town lands. The total number of loans of every kind to the credit of this society in 1907 was 651, for a total sum of 20,367,673 marks ($4,852,085), which gives an average of 31,268 marks per loan.

The Bavarian bank grants loans to communes and to country landowners. At the date of its foundation it received from the Bavarian State the grant of a loan on favorable conditions of 1,000,000 marks. It is also in enjoyment of another loan, at reduced interest, and a subsidy for the expenses of its management. The total number of loans of every kind outstanding at the end of 1907 was 14,675, amounting to 91,397,893 marks ($21,773,244).

These two institutions are most important, particularly in presenting a new method, which permits the farmers, and especially the small farmers, to obtain a large share of the advantages given by the Landschaften.

The Bavarian Agricultural Bank, particularly, has had excellent results and under circumstances of some difficulty, if we consider how the land is parceled out in small holdings in south Germany, and especially in Bavaria. Between 1897 and 1907 the Bavarian bank granted 14,583 loans on mortgage to a total amount of 103,367,250 marks. Of these, 287 loans were on mortgage of holders less than 1 hectare in extent, 8,653 between 1 hectare and 10 hectares, 5,605 between 10 hectares and 100 hectares, and 38 over 100 hectares. These figures indicate how well it has been able to adapt itself to the needs of different classes of agriculturists.

CHAPTER V.

COOPERATIVE AGRICULTURAL CREDIT IN AUSTRIA.

In Austria both the Raiffeisen and the Schulze-Delitzsch system have been adopted as means of giving personal credit to the agricultural population. The Raiffeisen banks are, however, in relation to agriculture, much the more important.

Cooperative credit societies began to be formed in Austria about 1850, and they had at first the character of mutual aid societies. Toward 1870 the earliest societies on the Schulze-Delitzsch system were formed, the majority were based on unlimited liability.

At first the cooperative credit societies developed slowly, and up to 1860 only 15 had been formed. After this they began to be formed more rapidly, reaching the number of 943 in 1872. Then again followed a period of slow increase, the number only rising to 1,363 in 1888. At this period, however, the Raiffeisen system began to be promoted, and the cooperative credit societies increased rapidly in number. At the end of 1906 they had reached 7,886; in 1909 they had risen to 10,097, and in 1910 to 10,893.

1. THE RURAL BANKS.

The Raiffeisen banks, first formed in 1886, began to be promoted rapidly in 1889, reaching the number of 7,631 in 1911.

The Raiffeisen banks in Austria being modeled upon those of Germany it is sufficient to remark that each member is required to take a share, which varies in amount from 10 to 20 crowns (a crown is equivalent to $0.2026 or £0.0416), but the liability of the members is unlimited. At the beginning of November, 1911, the Austrian Government presented to Parliament a bill for modifying the law relating to cooperative societies. The main purpose of this bill is to substitute for the present form of unlimited liability the system of unlimited liability to make supplementary payments. The difference between the two systems consists in the fact that, according to the new proposals the creditor would not be able to have direct recourse, in case of the liquidation of the bank, to any particular member to demand the payment of the sum which remains due to him; it would be the society which would be responsible to the creditor and it would have the right to demand pro rata payments from the members until the creditors were completely satisfied.

The interest paid on the shares is equal to that paid on the savings deposits.

The working capital of the banks is formed by the shares, the savings deposits, and the loans which the banks obtain from the central banks. The Raiffeisen banks have been very successful in attracting savings deposits. In Bohemia alone, the sums deposited by boys and servants occupied in agriculture amounted in 1908 to 5,588,078 crowns.

Many banks required the applicant for a loan to declare the purpose which it is to serve; sometimes it is provided that if a member applies a loan to any other than the declared object, he shall be excluded for a time (or, in case of a second offense, forever) from receiving further loans.

The profits are carried entirely to the reserve fund which, in case of the dissolution of the society, is devoted to some work of public utility.

As in Germany, the Austrian rural banks are affiliated both to central banks, with which they deposit their surplus funds, or from which they obtain loans when required, and to federations, which look after their interests.

The establishment of Raiffeisen banks is greatly encouraged by most of the provincial governments, which make grants of from 200 to 300 crowns for the initial expenses and loans for long periods without interest. In 1909, for example, the Diet of Galicia placed at the disposal of the provincial government a sum of 2,000,000 crowns for the benefit of the cooperative credit societies. Ten years later the Diet established the Provincial Bank for Cooperative Credit Societies at Leopoli, by which the fund is now administered.

The following figures will give an idea of the development of the Raiffeisen banks since 1900:

	1900	1904	1907
Number of banks	2,906	4,557	5,880
Number of members	261,589	504,589	725,666
Number of loans granted	59,531	108,886	.....
Amount of loans outstanding at the end of the year.....crowns..	122,501,009	258,532,000	[1] 428,242,262
Amount of deposits.....do....	155,281,000	335,620,000	556,319,345

[1] $86,772,253, or £17,829,986.

In 1890 there was one Raiffeisen bank for every 131,294 inhabitants; in 1900, one for every 9,002; in 1902, one for every 6,884; and in 1910 one for every 4,018 inhabitants.

2. THE POPULAR BANKS.

It is not necessary to speak at length of the popular banks, since they have only a minor importance as far as agriculture is concerned. Until the formation of the Raiffeisen banks, the Schulze-Delitzsch banks afforded credit to farmers to a considerable extent, but now the Raiffeisen banks have almost completely taken their place. Even up to now the Schulze-Delitzsch banks make loans for fairly large amounts to farmers known to be of good financial standing; the small loans of a few hundred crowns required by the peasants are made exclusively by the Raiffeisen banks. Only in Bohemia, in Moravia and in Galicia are the Schulze-Delitzsch banks at all numerous amongst the farmers and serve to supply their needs.

At first in the Schulze-Delitzsch banks unlimited liability was the rule, but from 1882 onward this was less and less frequently adopted, and now new banks are founded almost exclusively with limited liability. In 1910 there were 2,674 banks with limited liability and 588 with unlimited liability.

Of 2,323 Schulze-Delitzsch banks which furnished particulars of their working in 1908, the membership was 1,479,047; the share capital, 158,000,000 crowns; the loans granted during the year, 1,757,000,000 crowns ($356,010,748, or £73,153,183); the loans outstanding at the end of the year, 1,704,000,000 crowns ($345,271,664, or £70,946,514); the deposits in hand, 1,587,000,000 crowns; the loan capital 234,000,000 crowns; and the reserve funds, 94,000,000 crowns.

CHAPTER VI.

COOPERATIVE AGRICULTURAL CREDIT IN ITALY.

The principal agricultural cooperative credit institutions in Italy are the rural banks and the popular banks. The former are modeled on the Raiffeisen banks and were introduced into Italy by Leone Wollemborg; the latter are modeled on the Schulze-Delitzsch banks, adapted to the special circumstances of Italy by Luigi Luzzatti. The principles upon which these two forms of credit society are based have, therefore, been already described, and we will confine ourselves to indicating how they are organized and how they operate in Italy.

1. THE RURAL BANKS.

Rural banks were first advocated in Italy in 1880, but it was only in 1883 that Wollemborg, after a series of lectures and publications, succeeded in founding the first rural bank at Loreggia, in the Province of Padua, with 30 members. In 1884 other banks were founded at Cambiano di Castelfiorentino, at Trebaseleghe, and subsequently in other parts of Venetia. The banks formed by Wollemborg and his associates were unsectarian in character, but from 1892 onward many banks were formed as a result of the propaganda of the Catholic party with a sectarian character. These have steadily increased in number and now form the largest group of rural banks in Italy. In fact, out of 1,800 rural banks, about 1,200 are sectarian. The Catholic banks are found chiefly in Venetia, in Bergamasco, in Emilia, and in Sicily.

While the rules of all the rural banks insist upon honesty and good character as a condition of becoming a member, the Catholic banks insist also upon certain religious observances, or, at any rate, upon respect for religion.

The liability of the members is unlimited. This is found, in Italy as elsewhere, to prevent the misuse of loans by compelling the members to keep an eye upon one another; it also gives the bank the confidence of the public which deposits its savings.

For their sphere of operations the rural banks restrict themselves to a commune, to a portion of a commune, or to a parish.

As a rule the rural banks have no real initial capital. They receive savings deposits from both members and nonmembers (chiefly the latter), on which they pay an interest varying from 3½ to 4 per cent. It is the deposits which furnish the means for making loans, and only in so far as the deposits are insufficient do the rural banks have recourse to other sources of capital. On December 31, 1910, the aggregate amount of the deposits held by rural banks was 60,000,000 francs. (A franc is equivalent to $0.1929, or £0.0396.) In process of time the banks create a capital of their own, formed of the small payments made by the members upon entrance, or upon taking out their first loan.

The loans, which are generally made on the security of bills, are of two kinds. They are either for short periods, not exceeding 2 years, or for longer periods, extending to as much as 10 years. The first kind are ordinarily renewed every 3 months; the second are repaid by installments. The interest on loans for long periods is slightly higher than the usual rate of interest on loans, which varies between 5½ and 7 per cent. The difference between the interest charged on loans and the interest paid on deposits covers the management expenses and enables a reserve fund to be built up, which, in the event of the dissolution of the society, is devoted to some object of public utility.

The societies enjoy certain exemptions from taxation. Thus their notes, bills, etc., are exempt from taxation for 10 years and until the capital of the bank reaches 30,000 francs.

There are no recent statistics embracing all the rural banks, unsectarian or Catholic, in Italy. The latest official statistics, collected by the minister of agriculture, industry, and commerce, gives the financial position of 1,257 banks out of 1,886 existing on October 31, 1905. This shows that of total liabilities amounting to 46,665,607 francs ($9,004,450, or £1,850,239), 32,499,462 francs were in respect of deposits, while 4,855,456 francs were in respect of loans on current account and 6,392,654 francs of loans on the security of bills. The

loans outstanding were as follows: On bills, 33,464,274 francs; on mortgage, 897,493 francs; on simple note of hand, 369,041 francs; on current account, 5,978,556 francs; total, 40,709,364 francs ($7,855,152, or £1,614,080).

Since 1906 no official statistics have been published, but the National Federation of Italian Rural Banks, which has its headquarters at Rome, has compiled a list of rural banks and agricultural cooperative credit societies in existence on December 31, 1911, from which it appears that there were then 1,855, of which about one-third were unsectarian and the remainder Catholic.

Though complete statistics are wanting, there exist partial statistics, compiled by regional or provincial federations, from which we take the following figures:

Name of federation.	Date to which the figures refer.	Number of affiliated rural banks of which particulars are given.	Membership.	Loans outstanding.	Deposits in hand.
				Francs.	*Francs.*
Federation of the Rural Banks of the Province of Bologna	June 30, 1911	80	6,505	2,263,762	2,608,945
Federation of the Rural Banks of Romagna	Dec. 31, 1910	57	4,723	2,909,040	2,823,671
Federation of the Catholic Economico-Social Associations of the Province of Parma	do	39	3,771	2,033,892	1,683,000
Economico-Social Federation of the Catholics of the Diocese of Adria	do	52	3,945	2,595,424	1,795,004

2. THE POPULAR BANKS.

Unlike the rural banks, which carry on their work in country districts and have a restricted area of operations, the popular banks are formed in urban centers and have a large field of operations. In the popular banks, too, the liability of the members is limited.

They preceded the rural banks, but even after the appearance of the latter they continued to be of service to agriculture in various ways. Not only do they lend money directly to farmers, but they make advances at low rates of interest to agricultural syndicates, agricultural cooperative societies, and even to the rural banks.

The popular banks are composed of members belonging to many different classes; large and small farmers, farm laborers, artisans, small shopkeepers, clerks, and professional men. But the larger number of members belong to the lower middle classes; 23 per cent are artisans or small shopkeepers and 22 per cent small farmers. Clerks and professional men form 17 per cent and the percentage of the other classes of members is much smaller than these.

The value of the shares also varies greatly; it ranges from a minimum of 5 francs up to 100 francs, the maximum allowed by the commercial code; the lower values are the more usual.

The paid-up share capital is usually but little less than the subscribed capital, because many banks allow the payment by installments of the shares subscribed.

The banks work in the first place with the capital which comes in spontaneously, the shares and the deposits, and, secondly, with money which they obtain by rediscounting their bills or contracting loans.

As to the deposits, they are of various forms. The humbler classes, not used to business methods, intrust their savings to the banks as savings deposits; the commercial and industrial classes prefer to lodge money on current account and to withdraw it by means of checks; the workmen's unions and mutual-aid societies deposit funds not immediately required for fixed periods and draw good rates of interest. This variety in the deposits contributes to give elasticity to the operations of the popular banks. The interest paid on deposits varies from 3 to 4 per cent.

The Italian popular banks give credit principally in the four following forms: Loans on the security of bills or the discount of bills; loans against the deposit of securities, goods, or valuables; loans on guaranteed current account; and loans for holding over delivery of securities. In order to increase the capital at their disposal they have the greater part of their bills rediscounted by larger institutions. Against this must be set, however, the bills which they themselves rediscount for other smaller popular banks and for rural banks.

The rate of interest on loans is usually from 4 to 6 per cent. Sometimes it is less than 4 per cent, and there are cases in which it is as much as 7 or 8 per cent.

The latest official statistics of the popular banks relate to the 10 years from 1899–1908. From these we find that in 1908 there were 736 popular banks; of these 690, which furnished the particulars of their working, had a paid-up capital of 98,310,108 francs and reserve funds amounting to 57,354,279 francs. The total deposits in hand at the end of the year were 971,167,644 francs and the capital obtained from outside sources (other banks and private capitalists, etc.), 230,152,110 francs. This gives a total working capital of 1,356,984,141 francs ($261,839,430, or £53,802,887). The loans outstanding at the end of the year amounted to 881,502,350 francs ($170,091,946, or £34,950,572) and the profits during the year to 13,679,929 francs.

CHAPTER VII.

COOPERATIVE AGRICULTURAL CREDIT IN FRANCE.

The first experiments in agricultural credit in France date back to the middle of the past century, but its real development only begins after the promulgation in 1884 of the law on professional syndicates.

In 1894 the law which instituted local agricultural mutual credit banks gave a powerful impetus to agricultural credit, and in 1899 the law on regional banks, which authorized the giving of State aid, consolidated agricultural credit in France into an organic system which to-day spreads over the whole country.

The characteristics of this system are the following: Decentralization, mutuality, organization according to occupation, and State aid. Its object consists, in the first place, in supplying farmers with the means necessary for carrying on the ordinary agricultural operations by means of loans for short periods; in the second place to facilitate cooperative societies and individual farmers in carrying on operations extending over long periods.

Besides the cooperative credit encouraged by the State there exist also various minor groups of cooperative institutions which have wished to remain entirely independent and which rely solely on their own resources.

1. STATE-AIDED COOPERATIVE CREDIT.

The fundametal laws which regulate the State-aided system of agricultural cooperative credit are those of November 5, 1894, and of March 31, 1899.

The former instituted the local mutual agricultural credit bank; the latter the regional bank, which groups together the local banks of a given district, either the region, the department, or a special area determined by its agricultural characteristics.

The State has placed at the disposal of the regional banks, in order that they may in their turn finance the local banks, considerable sums, which the Bank of France is bound to pay to them as a condition of the renewal of its privileges. The law of November 17, 1897, in fact, laid it down that the Bank of France must advance to the State, without interest, for the whole period of its concession (that is, to the end of 1920), a loan of 40,000,000 francs, and that it must also make an annual payment (calculated according to the business done) which must not be less than 2,000,000 francs, and is, in fact, between 3,000,000 and 5,000,000 francs. These sums form the State fund, out of which the agricultural credit system is aided.

(a) The local banks.—The local banks may be composed either of the whole or of a part of the members of one or more agricultural syndicates, or of the members of one or more mutual agricultural insurance societies. The object of this provision is to strengthen their characteristic of mutuality and solidarity and to facilitate mutual acquaintance and confidence amongst the persons composing the credit society.

The objects of a local credit society are to facilitate or to guarantee the operations either of the societies mentioned or of the members.

The local banks have a restricted area of operations, limited to the commune, the canton, or the village. The formalities of registration are reduced to a minimum, and they are exempted from certain taxes.

Their initial capital is formed by shares ("quotes-parts"), subscribed exclusively by the members; it is sufficient if one-fourth is paid up. The shares, which are generally of the value of 20 or 40 francs each, do not give any right to dividend, but bear a fixed rate of interest which must not exceed 4 per cent. The societies can receive deposits with or without interest.

As to the liability of the members, the law allows the utmost latitude to the societies to decide its character and extent by their rules, according to local conditions. In the majority of cases the societies have decided that their members shall be liable up to the amount of the shares subscribed. Some have fixed upon a wider liability, either unlimited liability of all the members, such as is found in the Raiffeisen banks, or unlimited liability of a certain number of members (for example, the members of the committee of management), or a liability extending to two, three, or four times the nominal value of the shares of each member. Amongst the promoters of these societies, however, there is now manifest a tendency to adopt unlimited liability as the best safeguard for healthy cooperation.

The society is managed by a council and by a committee, which generally comprises a president, a vice president, and a secretary. As soon as it is established it becomes affiliated to the regional bank of the department. To do this it must subscribe for a certain number of shares in the regional bank. It is then admitted to partake in the credit facilities afforded by the regional bank, which discounts its bills or grants loans to it to form its working capital.

In the first case, when a member applies for a loan from the local bank it requires him to sign a bill, which is then sent to be discounted to the regional bank, which immediately forwards the amount applied for, less the discount. In the second case, the regional bank grants to the local bank a loan which is usually proportionate to the amount of the shares subscribed. The local bank, when it does not immediately require the money so obtained, deposits it with the savings bank and withdraws from time to time such sums as may be necessary.

The first system, which is simpler and allows of a greater measure of control by the regional bank over the affiliated societies, is adopted in the great majority of cases. Thus, for example, in 1910 the regional banks discounted bills to the amount of 67,000,000 francs and only granted loans of 1,250,000 francs.

The rate of interest on the loans must naturally be higher than the discount required by the regional banks. The latter being 3 per cent, the greater interest demanded by the local banks does not usually exceed 4 per cent. The margin of 1 per cent serves for the payment of the expenses of management and for the formation of the reserve fund.

As to the size of the loans, in some societies the sums which may be advanced to members are proportionate to the shares which they have subscribed, and may be ten, fifteen, or twenty times their amount. In other societies it is laid down that the loan shall not exceed a fixed sum, 1,000 or 2,000 francs, according to the kind of cultivation prevailing and to the solvency of the applicant.

There are different kinds of guarantee, varying according to circumstances. Certain banks insist in every case upon a surety or a "warrant" or upon the deposit of securities. Others only require such guarantees when the loan is of a certain amount. If the object of the loan is the purchase of live stock, the animals must always be insured.

The period of the loans varies, according to the nature of the operations to be undertaken, from three months to a year. The period of the bills varies according to the period of the loan and according to the system adopted by the regional bank to which the local bank is affiliated. Many regional banks only allow bills of three months, with two, three, or four renewals; others allow bills for a period equal to that of the loan. In the case of renewals an installment is almost always required.

At least three-fourths of the profits of the society are allocated to the formation of a reserve fund until that fund is equal to half the paid-up-share capital. The balance, if the general meeting so decide, may be divided amongst the individual members in proportion to their dealings with the society.

When a society is dissolved, the reserve fund and other assets are divided amongst the members in proportion to their shares unless, as is generally the case, the rules have provided for their application to some work beneficial to agriculture.

The local banks have spread rapidly since 1900, as the following figures indicate:

Year.	Number of local banks.	Membership of local banks.
1901	309	7,998
1905	1,335	61,874
1910	3,338	151,621

The following figures give an idea of the business done by the local banks in recent years:

	1909	1910	Increase.
Number of local banks	2,983	3,338	355
Membership	133,382	151,621	18,239
	Francs.	*Francs.*	*Francs.*
Subscribed capital	13,111,206	14,210,598	1,099,392
Paid-up capital	8,470,754	9,916,611	1,455,857
New loans granted during the year (exclusive of renewals)	63,742,093	[1] 70,533,340	6,791,247
Loans outstanding at the end of the previous year	40,126,197	42,671,323	2,545,126
Total	103,868,290	113,204,663	9,336,373
Repayments received	60,889,309	61,388,806	499,497
Loans outstanding on Dec. 31	42,978,981	[2] 51,815,857	8,836,876

[1] $13,609,893, or £2,796,567. [2] $9,998,226, or £2,054,440.

The official reports do not indicate the capital of the local banks separately, nor the business done by them, but limit themselves to giving such particulars for the groups of local societies affiliated to each central bank. From these data, however, it is evident that the capital of the local banks is not very large, and the same may be said of their reserve funds. The statistics give no information regarding the deposits, but it may be assumed that they, too, are not very large in amount.

The interest paid on the shares varies from 2 to 5 per cent; the rate of discount from 3 to 5 per cent.

(b) The regional banks.—The agricultural credit banks of the second degree, called regional banks, are regulated by the law of March 31, 1899. They receive from the State, out of the funds furnished by the Bank of France, loans without interest, up to the amount four times their paid-up capital, for a period of five years, subject to renewal. If, for example, there are in a department 10 local banks which have each subscribed 10,000 francs, their shares form an initial capital of 100,000 francs for the regional bank; the Government will then make an advance of 400,000 francs.

A special committee, nominated by the minister of agriculture, distributes such sums amongst the regional banks, and a body of inspectors supervises their working.

The regional banks are based upon the same principles as the local banks, and they enjoy the same privileges. They are composed of local banks and of individual farmers, but two-thirds of the shares are reserved by preference to the former. The local banks usually pay up their shares in full; the individual members as a rule only pay up one-fourth. Each member is liable up to the amount of the shares subscribed. The committee of management of a regional bank is elected from the representatives of the local banks.

The law limits the interest on the shares to a maximum of 5 per cent and fixes the maximum of the deposits which the regional banks can receive and the bonds which they may issue at three-fourths of the amount of the securities which they hold.

The regional banks can, moreover, have their bills rediscounted by the Bank of France or other credit institutions.

The profits are carried to the reserve fund, which serves, in due course, to repay the State loans.

To the primary object of the regional banks have in recent years been added others, namely, the making of loans to cooperative societies for the production and sale of agricultural produce and of loans to individual farmers for the acquisition and improvement of small holdings. For these purposes special advances are made by the State to the regional banks out of the fund provided by the Bank of France.

The number of regional banks has increased from 9 in 1901 to 66 in 1905 and 96 in 1910.

The State has placed at the disposal of the regional banks in the period 1900–1910 the following sums:

	Francs.
1900	612,250
1901	2,611,210
1902	1,304,337
1903	1,858,262
1904	5,437,969
1905	5,430,301
1906	3,717,530
1907	5,800,157
1908	8,750,717
1910	9,825,260
1911	11,386,815

On December 31, 1910, the regional banks had at their disposal State loans to the amount of 57,177,425 francs, of which 50,442,585 had been advanced to them for the purpose of financing the local banks. Sixty-seven of the regional banks received advances not exceeding 250,000 francs; 33 sums varying between 250,000 francs and 1,000,000 francs and 15 sums between 1,000,000 francs and 4,000,000 francs.

The working capital at the disposal of the regional banks in 1910 for the financing of local banks was 71,423,930 francs (as compared with 61,823,926 francs in 1909) and may be thus classified:

	Francs.
Paid-up capital	15,912,801
Reserve funds	2,868,544
State advances	40,442,585
Mean amount of deposits	2,200,000
Total	71,423,930

The subscribed capital amounted in the aggregate in 1910 to the sum of 17,493,225 francs. Of this sum about two-thirds is represented by the shares subscribed by the local banks. In the separate banks the paid-up capital ranged from a minimum of 7,175 francs to a maximum of 1,021,400 francs; about half have a paid-up capital of less than 100,000 francs.

The interest paid upon the shares varies from 3 to 4 per cent.

The aggregate amount of deposits received by the regional banks up to December 31, 1910, was 16,500,000 francs, the average amount of the deposits in hand being about 2,200,000.

The discounts and loans made in 1910 by the regional banks, in accordance with the law of 1889, including renewals, reached the sum of 130,865,263 francs, as compared with 123,222,174 francs in 1909. The majority of the regional banks (55) have adopted a rate of discount of 3 per cent.

The general expenses amount to 0.32 per cent of the loans.

Without taking into account the renewals, the following figures show the loans made by the regional banks, etc., in 1910, as compared with 1909:

	1910	1909
	Francs.	*Francs.*
Direct loans for working capital	1,251,220	[1] 1,480,180
Loans in the form of discounts of new bills	66,957,353	[2] 61,262,856
Loans outstanding at the end of the previous year	40,971,508	38,022,643
Total	109,180,081	100,765,679
Repayments received during the year	59,887,572	59,502,992
Loans outstanding at the end of the year	49,292,509	[3] 41,262,683

[1] $285,611, or £58,687. [2] $11,821,090, or £2,429,003. [3] $7,961,919, or £1,636,019.

If to the loans for short periods are added those for long periods advanced to cooperative societies and individual farmers, we have the following figures:

	Francs.
Loans for short periods	109,180,081
Loans to cooperative societies	2,284,265
Loans for long periods to individuals	864,190
Total ($21,674,564, or £4,453,699)	112,328,536

To the end of 1910, 131 cooperative societies had received 4,405,840 francs in loans at rates of interest varying from 1 to 2 per cent.

(c) General results.—The general results achieved in the first decade in which the system of State-aided agricultural credit has been in force are most satisfactory. The local banks are constantly increasing and respond ever better to the new needs of agriculture. In the period from 1900 to 1910 they have placed about 384,000,000 francs at the disposal of farmers; the 2,000,000 francs advanced in 1900 have risen to 70,000,000 francs in 1910.

It is noted, however, that many regional banks, trusting too much to State aid, are not sufficiently careful to make the quinquennial repayments of the loans advanced by the State, and neglect to form resources of their own, other than the sums carried automatically to the reserve, by making efforts to attract deposits. The remark also applies to some of the local banks. In view of this, closer Government supervision is recommended, and meanwhile the ministry of agriculture has reorganized and strengthened the service of inspection.

2. INDEPENDENT COOPERATIVE AGRICULTURAL CREDIT.

We have seen that, besides the State-aided cooperative credit banks, there exist cooperative credit institutions which have wished to remain independent of any financial aid from the State. Let us examine briefly the character and results of the principal groups of these societies:

(a) Rural banks of the Raiffeisen-Durand type.—The rural banks promoted by Louis Durand are modeled on the pure Raiffeisen type, and are markedly catholic in character. Their members take no shares and receive no dividend. For their working capital they avail themselves of deposits, loans from members and others, and the accumulated profits which form the reserve. When the reserve fund reaches a fourth of the capital deemed necessary for the working of the society, the rate of interest on loans is reduced to a figure just sufficient to cover the general expenses.

Loans are only granted to members, who are usually small proprietors or tenant farmers, for a definite purpose. They are granted on personal security or on mortgage, often for rather long periods, with repayment by annual installments, at a rate of interest varying from 3½ to 4½ per cent. The interest paid on deposits varies from 2½ to 3½ per cent. The members are liable to the full extent of their possessions for the debts of the bank.

The rural banks have adopted the commune as their sphere of operations, and are combined in regional or diocesan groups, called central banks, which, besides acting as propagandist and supervising bodies, receive the surplus capital of the richer banks and pass it on to those which have need of it. The rural banks are also affiliated to a central federation, the Central Union of Rural and Workmen's Banks with Unlimited Liability, with headquarters originally at Lyon, but now at Paris.

In 1893 the number of the Durand banks was 17; in 1905 it had risen to 443. The statistics for 1910 give their number as 672, but the Union states that this does not include all the existing banks.

The 672 banks of which particulars are given contained 28,279 members, did a total business (incomings and outgoings) of 19,241,933 francs, collected 11,300,450 francs in deposits, and granted 9,396 loans; their total assets amounted to 12,569,915 francs and their profits to 49,124 francs. The business of the banks is based almost

entirely upon deposits; they obtained only a small sum (935,000 francs) from the central banks.

(b) Mutual banks of the Rostand type.—With the idea of directing local savings to local work, Eugène Rostand urged the Savings Bank of the Bank of Rhone, of which he was president, to establish local mutual banks and to finance them with loans. The law of 1895, which authorized the savings banks to allocate part of their funds to agricultural credit, permitted the bank to advance 20,000 francs to the local banks by way of loans.

In the period from 1894 to 1909 there were thus created 22 banks. The Savings Bank of Marseille granted them in 1909 loans to the amount of 45,000 francs. From 1901 to 1909 the Rostand banks had distributed 1,142,663 francs to farmers.

(c) Other cooperative agricultural credit societies. Amongst the cooperative credit institutions which have risen through private initiative we may mention the cooperative credit banks of the Alpes-Maritimes, promoted by Rayneri, and the Popular Bank of Mentone. These follow the unlimited-liability system, and are to-day combined in the Regional Bank of Mentone.

There also exist some isolated credit institutions which act in complete independence, such as the Mutual Credit Society of Senlis (Oise), which granted loans in 1908 to the amount of 438,888 francs, and the Agricultural Bank, founded in 1898, at Boulogne-sur-Mer, which up to 1909 has discounted bills to the value of 1,734,000 francs.

(d) The urban popular banks and agricultural credit.—In France there are some popular banks of the Schulze-Delitzsch-Luzzatti type. They are fairly numerous in the south, and are combined in the Federal Centre of Popular Credit managed by M. Rayneri. Although primarily intended for the industrial and commercial middle classes, they encourage agricultural credit in a variety of ways. Of late a new tendency has manifested itself to bring about closer relations between the urban and rural cooperative credit institutions.

CHAPTER VIII.

COOPERATIVE AGRICULTURAL CREDIT IN BELGIUM.

Not many years ago the Belgian farmers in general, and more particularly the small farmers, were absolutely without any credit institutions to which they could have recourse to obtain capital on equitable terms. In 1884, however, a law was passed with the object of providing them with credit facilities.

Under this law the General Savings Bank was authorized to employ a part of its funds in making loans to farmers and to agricultural cooperative credit societies. The loans to farmers were to be made through the medium of a special kind of association known as "comptoirs," which we shall describe later. The results of this law were, however, disappointing. A few "comptoirs" were formed, but very little use was made of the credit facilities which the law provided.

1. THE RURAL BANKS.

It was generally felt, therefore, that a better system of agricultural credit was required, and the Abbé Mellaerts set himself to adapt the Raiffeisen system to local circumstances and to the requirements of the Belgian laws. As the law stood the rural banks were obliged to take the form of cooperative societies, since it was requisite that they should have the power of admitting new members and of varying the capital without the legal formalities with which commercial companies were obliged to comply. But, contrary to the strict Raiffeisen principles, the law dealing with cooperative societies did not allow such societies to dispense with foundation capital nor to make their reserve funds indivisible. In order not to depart too far from the Raiffeisen model, the Abbé Mellaerts decided that the shares should be very small (2 francs); that the dividend payable on the shares should not exceed the rate of interest charged on loans; and that there should be two reserve funds, the "real reserve," composed of the share payments and entrance fees, and the "conditional reserve," to which the net profits should be placed. The "real reserve" should serve to pay possible losses, and in the event of the dissolution of the society any sum still standing to this reserve should be distributed amongst the members. The "conditional reserve," on the other hand, should be returned, in case of dissolution, to the central bank from which the society had borrowed its working capital.

Except for these slight modifications, the rural banks in Belgium follow closely the Raiffeisen system.

Notwithstanding the difficulties and prejudices which had to be overcome, the rural banks spread rapidly over the country. The first was formed by the Abbé Mellaerts at Rillaer in 1892, and in 18 years no less than 643 banks were established.

The following figures relate to the year 1909:

Number of banks furnishing information		458
Membership		25,762
Paid-up share capital	francs	72,071
Loans granted in 1909 ($803,262, or £165,055)	do	4,162,911
Loans outstanding on Dec. 31, 1909 ($2,110,292, or £433,624)	francs	10,936,597
Deposits received in 1909	do	9,742,693
Total working capital, including deposits in hand Dec. 31, 1909	francs	22,020,786
Reserve fund	do	440,707

2. THE CENTRAL BANK.

All the rural banks in Belgium are affiliated to regional central banks, which are cooperative societies with limited liability. Only recognized local banks and the persons who are intrusted with the management can become members of the central banks. The latter are nominated by the general meetings.

Each member subscribes for one share of the value of 100 francs and is liable up to the amount of 1,000 francs. The dividend on the shares is fixed at 3 per cent and the balance of the profits is carried to the reserve.

The central banks in Belgium, besides accepting deposits from and making loans to local banks, supervise their management and inspect their accounts. They not only make loans directly to the local banks, but guarantee loans made to them by the General Savings Bank, which, in conformity with the law of 1894, set aside a sum of 1,000,000 francs to be lent at 3½ per cent interest to rural banks affiliated to a central bank and guaranteed by it. The General Savings Bank has also agreed to accept on deposit from the central banks at 3 per cent interest the sums which they are not able to employ in lending to the local banks.

Where a central bank guarantees a loan made to a local bank, the General Savings Bank allows it a commission equal to one-twelfth of the interest charged.

There are seven central banks in Belgium, the most important of which is that of Louvain, known as the "Boerenbond." In 1910, out of the 643 Raiffeisen banks in Belgium, 304 were affiliated to the Boerenbond. For several years past the Boerenbond has been practically independent of the assistance of the General Savings Bank, having received sufficient deposits to enable it to grant all the loans applied for by the local banks. In 1910 it granted loans to the total amount of 225,000 francs.

Recently, with the object of extending its utility and to find a safe investment for its capital, the Boerenbond has organized a system of land-improvement credit.

3. THE "COMPTOIRS AGRICOLES" AND THE POPULAR BANKS.

As we have already indicated, the rural banks are not the only institutions in Belgium which provide credit facilities for agriculturists, the "comptoirs agricoles," formed in virtue of the law of 1884, having the same object. The "comptoirs agricoles" are small corporate bodies, consisting of at least four persons, which guarantee the loans granted to individual farmers by the General Savings Bank, receiving a small fraction of the interest as commission.

From 1884 to 1909 only 16 "comptoirs" were formed in the whole of Belgium. On December 31 of the latter year there were 3,605 loans outstanding guaranteed by the "comptoirs," 684 of which had been granted in 1909. Only 104 of these 684 loans were less than 1,000 francs in amount, so that it is clear that the "comptoirs" serve rather the large farmers than the small holders. The "comptoirs," in fact, do not care to guarantee small loans, as they do not find such business sufficiently remunerative. It is, too, less hazardous to make loans to large farmers who own their land than to small farmers who can not furnish adequate security.

Not the least difficulty in the way of forming "comptoirs" is that of finding men who, for such a slender return, are willing to undertake the liability of acting as sureties.

Another form of agricultural credit to be met with in Belgium is the popular bank of the Schulze-Delitzsch type. In the whole country, however, there are only two such banks, which are mainly concerned with agricultural credit—those of Goe-Limbourg and Argenteau. In 1909 these two banks granted 40 loans of the total value of 50,436 francs.

CHAPTER IX.

COOPERATIVE AGRICULTURAL CREDIT IN GREAT BRITAIN AND IRELAND.

In Great Britain the number of agricultural cooperative credit societies which has been formed is comparatively small, but in Ireland such societies are more numerous.

Cooperative credit was introduced into Ireland by the Irish Agricultural Organization Society, aided by grants from the Congested Districts Board for Ireland and, subsequently, from the Department of Agriculture and Technical Instruction for Ireland.

In England and Wales credit societies were promoted first by the Agricultural Banks' Association and afterwards by the Agricultural Organization Society. The latter in recent years has received grants from the board of agriculture and from the development commissioners.

With few exceptions the form of society adopted has borne a close resemblance to the Raiffeisen banks of Germany. The area of operations is limited to a parish or to two or three adjoining parishes. The members are elected by the committee. Loans are only given to members and for reproductive purposes approved by the committee. There are no shares, but the liability of the members is unlimited. Each member pays a small entrance fee.

In some cases "guarantee members" have been admitted whose liability is limited to a specified sum, but this practice is rare.

A small number of agricultural credit societies in which the liability of the members is limited has been formed in Ireland, but the societies of this kind do not seem likely to increase.

In Ireland the credit societies have obtained working capital from the following sources:

1. Deposits of members.
2. Advances from local landowners or other persons interested in the well-being of the farmers.
3. Advances from the Congested Districts Board for Ireland and the Department of Agriculture and Technical Instruction for Ireland.
4. Loans from the ordinary joint-stock banks.

The last named is now the most important source of capital. Nearly all the large Irish banking companies have recognized that the cooperative credit societies can serve as auxiliaries to them, doing business with a clientele which the large banks can not reach without their intervention. They have, accordingly, consented to advance money to the credit societies at moderate rates of interest.

Proposals have been made for establishing a central bank in Ireland, but the need is not a pressing one.

In England and Wales greater difficulties have been experienced in obtaining working capital. The large banking companies have not recognized the credit societies, and no Government department has made advances of money to them. The Central Cooperative Agricultural Bank (Ltd.) has been formed to assist the societies in finding capital. This is a cooperative society, with limited liability, containing both individual members and society members. Before obtaining advances from the central bank a credit society must take at least five shares of the value of £1 each. The central bank also receives deposits from societies which have surplus capital not immediately required for lending to members. As yet the transactions of the central bank have been on a very small scale.

The rate of interest charged by credit societies to their members is usually in the neighborhood of 6 per cent. Sometimes they are able to lend at lower rates than this, but in Ireland the Irish Agricultural Organization Society urges the credit societies to charge even more than 6 per cent in order quickly to build up a reserve fund.

The following are the latest available statistics of the agricultural credit societies (1) in Ireland and (2) in England and Wales:

TABLE I.—*Statistics of agricultural cooperative credit societies in Ireland in 1909.*

Number of societies	234
Membership (26 societies failed to furnish returns of membership)	18,422
Loan capital	£32,780
Deposits	£23,688
Total capital	£56,469
Amount of loans granted (48 societies failed to furnish returns of loans granted. These include societies which had either not commenced working or had not yet worked for 12 months (and so had not yet had an annual audit) on Dec. 31, 1909)	£57,640
Number of loans granted	9,213
Loans outstanding	£55,292
Expenses	£593

Net profit	£554
Reserve fund	£3,559

TABLE II.—*Statistics of agricultural cooperative credit societies in England and Wales in 1910.*

Number of societies (of these societies, 9 either furnished no returns or reported that they had as yet done no business. The remaining figures relate to 31 societies)	40
Membership	663
Loan capital	£1,028
Deposits	£548
Amount of loans granted	£1,390
Number of loans granted	119
Loans outstanding	£1,421
Expenses	£34
Net profit	£64
Reserve fund	£270

CHAPTER X.

COOPERATIVE AGRICULTURAL CREDIT IN BRITISH INDIA.

In British India the promotion of cooperative credit, both rural and urban, has been undertaken directly by the State. The cooperative credit societies act, passed in 1904, authorized the appointment by the various provincial governments of officials known as registrars of cooperative credit societies, with wide powers for the promotion and supervision of credit societies.

For the "rural" societies, defined as societies in which not less than four-fifths of the members are agriculturists, the broad lines laid down are those of the Raiffeisen system, but considerable latitude is allowed.

Save with the special sanction of the provincial government, the liability of the members of "rural societies" must be unlimited. All profits must be carried to the reserve fund until it has reached a certain proportion of the total liabilities and until the rates of interest on loans have been reduced below a certain percentage.

In practice the great majority of the rural societies are societies with unlimited liability, but some societies with limited liability have been formed. Even where the liability is unlimited, members are usually required to take shares besides paying an entrance fee. Loans are almost always for reproductive purposes, but loans for other purposes are occasionally allowed.

The progress made since the passing of the act of 1904 has been rapid. On June 30, 1910, there were in India 3,145 rural societies, 321 urban societies, and 32 "central" societies.

The so-called "central" societies, of which the object is to provide capital for the local societies (rural and urban), show great diversity of character. In some cases they are strictly federal, consisting solely of affiliated local societies. In such central societies the liability of the society members is usually limited to a certain multiple of the shares which they have taken up in the central society. A type of central society also exists in which the liability of the society members is unlimited.

Other central societies contain both individual members and affiliated societies, while yet others contain only individual members.

The following tables contain the principal statistics for 1909–10 of the rural and central societies:

TABLE I.—*Number, membership, loans granted, etc., 1909–10.*

	Rural societies.	Central societies.
Number of societies at end of the year	3,145	32
Membership at end of the year	165,560	3,740
	Rupees.[1]	*Rupees.*
Amount of loans granted to members during the year	[2] 5,434,457	190,902
Amount of loans granted to other societies during the year	201,606	1,469,750
Amount of loans to members outstanding at end of the year	5,991,865	295,601
Amount of loans to other societies outstanding at end of the year	170,106	1,973,422
Net profit during the year	274,368	52,939

[1] A rupee is equivalent to $0.324, or £0.66. [2] $1,761,676, or £362,297.

TABLE II.—*Sources of capital, June 30, 1910.*

	Rural societies.	Central societies.
	Rupees.	*Rupees.*
Loans from nonmembers	1,082,697	889,223
Loans from other societies	2,787,798	85,797
Loans from Government	596,194	60,374
Share capital	923,677	445,448
Deposits by members	977,236	829,892
Reserve fund	205,446	11,373

The latter table is interesting as showing to what a large extent the societies have become independent of advances from Government in finding the necessary working capital. It will be remarked that for the rural societies the principal source of capital is "other societies"—that is, not only central societies, but urban societies and other rural societies. The money provided by the members themselves in shares or in deposits also forms a considerable percentage of the working capital, and the societies have been able to obtain money largely from the general public.

In the case of the central societies it is not possible to distinguish between the capital provided (as shares or as deposits) by individual members and society members, but a large proportion of the capital is provided by the two classes of members together, and another large proportion is obtained from the general public. The amount which the central societies have obtained from the Government is comparatively trifling.

Thus, while the initiative in forming societies has been taken by the Government, the societies are very far from being dependent upon the Government for the working capital which they require.

CONCLUSION.

In the foregoing chapters we have seen that in different countries and in different circumstances cooperative agricultural credit has developed along different lines.

In no respect are the differences more remarkable than in the source of the capital. In Germany the Landschaften obtain the capital they require from the investing public by the issue of bonds. The Raiffeisen banks, too, are almost independent of advances from the State; they find nearly all their working capital in the deposits of members and others and in the loans which they obtain from their central banks and from other banking institutions. In France, on the other hand, it is the State which finds the bulk of the capital for the cooperative banks.

Great variations, too, may be remarked in the liability of the members. While the principle of mutual responsibility is always carried out to a greater or less extent, the liability of the members ranges from the unlimited liability of pure Raiffeisenism to a liability limited to the nominal value of the shares. It seems, however, that unlimited liability, or a near approach thereto, is found by experience to be the soundest basis of cooperative credit, especially where the borrowers are small cultivators.

Again the methods of granting loans and the security demanded vary greatly. The effort to reduce risk of loss is everywhere apparent, but there is a tendency to relax precautions which prevent the system from being elastic. This can, it is clear, be most safely done when the uses of credit are better understood. Where stop-gap borrowing has been prevalent, for instance, credit societies must naturally insist upon the borrower binding himself to apply his loan to a reproductive purpose. In time, however, the credit societies themselves so far educate their members that they only borrow money for investment as capital in their business, and more elastic forms of loan, such as loans on current account, become more usual.

In introducing cooperative credit into any country or agricultural district where it has not been previously practiced it is necessary to take the social and economic conditions into account. It must be inquired: Who are the persons for whom the credit facilities are intended? Are they large farmers or small cultivators? Are they proprietors of the lands they cultivate or only tenants? Are they all approximately upon the same social and financial level or are there wide differences between them? Do they require the loans for long periods for making permanent improvements or for short periods for use as working capital? Are they accustomed to borrowing for reproductive purposes or have they borrowed chiefly for stop-gap purposes? Are they already heavily indebted?

Upon the answers to these questions will depend, to a large extent, the form of cooperative credit to be adopted. The most important consideration is whether the capital is required by landowners for improving their property or by farmers to carry on the ordinary operations of cultivation. In the former case the German Landschaften furnish a model which should not be difficult to adapt to the circumstances of any other country. In the latter case the Raiffeisen system, or some modification of it, is generally the best, but in advanced economic conditions a modification of the less paternal Schulze-Delitzsch system might, perhaps, be adopted with advantage.

It is also important to inquire whether the persons for whom it is desired to provide credit facilities are approximately on the same social and financial level or if there are wide differences between them. It can not be expected, for example, that large farmers will generally be willing to join with small farmers in a society where the liability of the members is unlimited. Where there are great differences of financial status, some limitation of the liability must be adopted in order that it may not press too heavily upon the more well-to-do members.

To attract deposits, the best and most elastic source of capital, a credit society must be founded on a basis which will inspire public confidence and make the risk of a general withdrawal of deposits almost negligible. In large societies it may be possible to keep a considerable proportion of liquid assets, but, speaking generally, the funds of a credit society must, for the most part, be employed in making loans to members on terms which do not admit of their being readily realized. Where credit societies are numerous and are combined together to form central banks a greater elasticity is obtained in this respect.

The security which suffices to attract deposits usually suffices also to enable a credit society to obtain advances from banking institutions or capitalists. In availing itself of this source of working capital a credit society must so conduct its business as to be able to repay the money when it becomes due. It can not, for instance, borrow money for one year and lend it out for two. This, however, is a question of common sense in doing business which does not affect the form of organization.

We conclude this brief study of agricultural cooperative credit with the warning that the systems which we have described have been devised with the object of bringing credit facilities, such as exist in advanced commercial communities, within the reach of persons who individually were not able to obtain them. It is not to be supposed that the adoption of any such system will appreciably diminish the rate of interest at which a person can borrow money who can offer substantial security and has direct access to banks or capitalists.

The following letter from Mr. Louis Dop, vice president of the International Institute of Agriculture, and delegate of France, was read:

"The organization of agricultural credit, whatever be the system adopted, implies the recognition of certain fundamental principles. In fact, the various systems which may be adopted are but the result of the application of these fundamental principles. Therefore a clear explanation and right understanding of these principles is essential to success.

"I would draw Mr. Lubin's special attention to this point as the American people should clearly understand that the solution they will give to the problem of agricultural credit will depend on the nature of the principles from which they start.

"Granted this premise I deem it essential for all who wish to work in the field of agricultural credit to define clearly the distinctive characteristics of this kind of credit.

"The distinctive feature of agricultural credit may be treated under three heads.

"First, the juridical; second, the economic; third, the social.

"If due consideration be given to these three aspects of the question, the United States will be able to solve the problem of agricultural credit for the American people in the most satisfactory manner.

"First. Let us first examine the question from the juridical standpoint. In all countries agricultural credit is classified, from a juridical point of view, according to the nature of the security offered. Until recently most writers and economists who made a special study of agricultural credit, defined it, from a juridical standpoint, as personal credit, i. e., credit granted on personal security guaranteed by movable property.

"This was the generally recognized definition of agricultural credit. But this definition, which I believe a mistaken one, has been almost set aside as the result of the several studies which I have published on

this question. Thus, in 1897 I published a study on agricultural credit, in which I pointed out that it was inaccurate to limit the definition of agricultural credit to those transactions which embraced exclusively personal credit, made on the security of crops, implements, etc.; in short, on the security of the personal estate of the farmer.

"In 1901, when I published my chief work on agricultural credit, I again studied this juridical aspect of the question, and I think I proved what is now accepted as a fact by all modern jurists, that agricultural credit embraces not only personal credit but all credit transactions made for the purpose of carrying out agricultural improvements, whether these improvements refer to movable property, such as machinery, implements, live stock, crops, or whether they refer to the amelioration of the estate itself, of the land, which is the primary source of all production.

"Thus, in my opinion, agricultural credit embraces not only personal credit, but also real estate credit. That is to say, agricultural credit is credit granted not only on the security of crops, implements, machinery; in short, on all forms of personal security, but also credit granted on the security of the land itself. In short, agricultural credit, juridically defined, extends to all credit transaction which aim at the improvement of the farm.

"Mr. LUBIN. Then you refer to mortgage credit?

"Mr. DOP. No; not specifically. A distinction used formerly to be drawn between mortgage, or land credit, and personal agricultural credit. I maintain that even mortgage credit, which is secured by the land, comes under the head of agricultural credit, because, when you make a loan to a farmer or landowner the money is generally borrowed for agricultural improvements, which may consist in improving the estate itself; for instance, by irrigation, drainage, and other works carried out to increase the yield of the soil or in the purcahse of live stock, machinery, or agricultural implements. Therefore all these transactions should be considered juridically as agricultural credit transactions.

Second. I will now define agricultural credit from an economic standpoint. This standpoint is important and even essential in organizing agricultural credit. For the problem of agricultural credit arises from the desire to improve the general status of farming, increase production, and insure the greater prosperity of the agricultural classes.

This point of view has guided the action of most Governments which have undertaken the organization of agricultural credit. And as far as agricultural credit is concerned, the economic standpoint is in direct relation with the general prosperity of the country.

The best solution of this problem, from an economic standpoint, will be that which will take into due consideration the general status of the country, its commerce, its industries, and the special conditions governing its agricultural production. In short, from an economic standpoint, agricultural credit is one of the essential branches of the political economy of a country.

Third. I will not pass in review the social aspect of the question.

From a social point of view, agricultural credit is one of the essential elements in the prosperity of a country, for the increased prosperity of the farming and rural population will increase the prosperity of the State as a whole, and national revenue will grow, and the status of the rural population will improve.

So true is this that most countries which have organized a system of agricultural credit have faced the problem more from the point of view of its social than of its economical and juridical bearings; and most of the writers who have dealt with this question conclude that a sound system of agricultural credit is a valuable factor in the conservation of the State. For, by keeping the rural population on the land, by enabling it to realize profits, by safeguarding it from exploitation by speculative concerns, its independence and prosperity is secured. It is attached to the fundamental principles of the State, and interested in the progress of the various branches of national production.

Therefore, a country, government, individual, or economist interested in the organization of agricultural credit must study the problem from these several points of view—the juridical, the economic, and the social.

In my opinion, it would be a gross error to believe that agricultural credit can be judged by the same standard as ordinary commercial credit.

Let us examine commercial credit. This form of credit is based on the volume of business done by the merchant. The credit of the merchant increases in proportion as his business prospers, and as the value of the security he can offer increases. The measure of his credit will therefore be determined by the importance of his business, by the excess of his assets over his liabilities.

But the characteristic feature of agricultural credit, the bases on which it rests, is quite different. Of course credit is always credit; that is to say, it is a proof of confidence given to an institution or an individual; but the nature of such credit differs widely. In the case of agricultural credit, the main point taken into consideration is the personality of the borrower, his labor capacity, his power of production, his family traditions, the confidence he inspires in his neighbors. In short, all the personal and moral qualities which distinguish a man from his fellows are studied.

In the case of commercial credit these personal qualities, though they have their value, are but secondary considerations. The banker who gives credit to a merchant is primarily interested in his balance sheet. If a firm is not making a profit, it will not obtain credit, and the greater the difficulties besetting the merchant, the smaller the credit facilities afforded him.

But, in the case of agricultural credit, personal qualities have the upper hand, provided the banker or the credit association recognize that the working capacity of the borrower, and the returns that work can earn, place him in a position to return the loan within a more or less lengthy period. It is on the strength of these personal qualities that a certain measure of credit can be granted to the farmer.

These considerations are essential, for they show that in giving a sound organization to agricultural credit one must not consider merely the wealth or the general credit capacity of the individual, but the system selected must give due importance to personal qualities and be adapted to the character, customs, and general laws of the country in which it is to operate.

For these reasons I have always maintained that, in my opinion, the organization of agricultural credit is, above all, the outcome of social consideration, and that its aim and purposes are to improve the social status of the individual, the district, the country.

I am confirmed in the justice of this opinion, for examination of the history of the organization of agricultural credit in the different countries in which it is in operation shows that it has been modeled and adapted in accordance with the customs and national legislation of each.

Let us glance at some of the systems now in operation. Take, for instance, the Raiffeisen and the Schulze-Delitsche system of Germany, and the Luzzatti banks in Italy. Each of these systems have taken as basis of its organization the characteristics and customs of the people it is intended to serve.

What is the main characteristic of the Raiffeisen system?

The spirit of association. What has made it possible to introduce successfully this system in Germany? The fact that the spirit of association is a characteristic German trait. This is exemplified by the saying that whenever two Germans meet it is to form an association.

These details, which may seem puerile, are nevertheless important, for they show that the spirit of association is at the basis of the German character. And this spirit of association has come into play in the field of agriculture as in all other spheres of economic activity in Germany.

These Raiffeisen credit associations are, as you know, based on the spirit of cooperation, of reciprocity, of each of their members. A certain number of persons come together and decide that they will found an agricultural-credit bank, based on the solidarity of the members, with unlimited liability. As this system is in harmony with the special customs and characteristic traits of the German, it is only natural that it should have attained a very high degree of development in a short time, and that it works successfully, because it corresponds to the fundamental essence of the German character.

The deduction to be drawn is that in organizing agricultural credit the first thing to take into consideration is the mental outlook, the customs of the country in which it is to work.

The Schulze-Delitsche system differs little in essentials from the Raiffeisen system. In the Schulze-Delitsche rather more importance is given to the commercial side than in the Raiffeisen, but both systems are based on the spirit of reciprocity, of solidarity of the members, and they have been successful in Germany because the spirit of association is highly developed in the German. And thus Germany has had at its service a system adapted to its customs and national character.

I shall now compare the German system with that of a country in which the national character is somewhat different. I will take the case of France. The Frenchman is more independent in character; individualism and personal rights play a more important part in France than they do in the case of the Germanic people. In fact, this spirit of independence and individualism make the French somewhat similar in character to the English, in whom individualism prevails over all other considerations.

Nevertheless the spirit of association is well developed in France, for the great advantages derived from it abroad has become known.

Several attempts were made to organize agricultural credit in France as the result of private initiative, as in the case of the banks of the Rhone and of the southeast, based on the Raiffeisen system. But the results obtained by these private efforts were inconsiderable, for the French are so individualistic that they can never make up their minds to join an association unless the safety of the transaction is fully guaranteed by official authorities.

Nevertheless the organization of agricultural credit in France has been based on thoroughly scientific principles, which have led to very satisfactory results in a short time. These results are due to the fact that the political, religious, and social bias which distinguished the earlier efforts made in France in this direction have been entirely set aside.

The agriculturists of France, interested in the organization of agricultural credit, have been anxious, above all, that the organization should be in the hands of the agriculturists themselves. And this because some 40 or 50 years ago attempts were made to organize agricultural credit by ordinary commercial banks. But the efforts made by these banks failed, because they looked principally after their own interests and not after those of the agriculturists, and the French farmers said: "We require a system of agricultural credit organized in the interest of agriculture, in our interests, and which shall yield no illigitimate profits to speculators or outsiders who draw dividends on what ought to go to our advantage."

The main difficulty in organizing such a system of agricultural credit was due to the fact that private capital, bank capital, was unwilling to invest in agricultural credit, as the interest earned on such transactions was insufficient.

It was, therefore, necessary to find a system by which, while securing the lender against loss, the farmers could obtain the requisite capital at a very low rate of interest, and which would also make it possible for agricultural credit to be organized for the benefit of agriculturists themselves and not for the benefit of the capitalists.

To insure these results and to make sure that agricultural credit should remain exclusively in the hands of agriculturists, it was decided that it should be organized exclusively by the agricultural unions (syndicate agricoles). These unions, in accordance with the act of April 5, 1884, consisted exclusively of agriculturists.

Mr. LUBIN. Are these unions corporations or free associations?

Mr. DOP. Free associations, but legally recognized under the act of 1884. All syndicates or unions, including those which are not agricultural, are required to observe the provisions of this act.

Mr. LUBIN. But are they corporations or free associations? If several commercial houses work together they form a free association, but if these firms decide to form a corporation, they have to ask for a charter, and they become mutually responsible for their transactions. Limited liability companies, in short.

Mr. DOP. No; these unions are not that. The law of 1884 is a general law regulating the formation of unions or syndicates. Persons belonging to the same profession, farmers, workmen, etc., have the right to form a professional syndicate, as long as they conform to certain regulations laid down in the act of 1884.

Mr. LUBIN. Then they are trades-unions?

Mr. DOP. Yes; trades-unions. It is the same thing. Any association conforming to the provisions of the act of 1884 can form a union. These unions may be formed by merchants, workmen, or farmers, but the members must all belong to the same calling. That is their characteristic features. Consequently agricultural credit in France has taken as its basis these unions formed exclusively of farmers.

Mr. LUBIN. Are these unions incorporated? Can they sue at law?

Mr. DOP. Yes; they are incorporated.

Mr. LUBIN. Are they unlimited-liability associations?

Mr. DOP. Most of the agricultural unions which open credit banks are unlimited-liability associations. But this is determined in each case by their statutes. These syndicates all have to conform to the common law. When a syndicate organizes an agricultural credit bank, the basis of the bank is the syndicate, and formation of the bank subjects all the members of the syndicate to unlimited liability. But it must be remembered that each of these agricultural banks formed by an agricultural syndicate or union draws up its own by-laws, and the

by-laws provide either for limited or unlimited liability of members. Great freedom is left to each of these banks. The system most generally adopted is that of unlimited liability, but in some cases provision is made for limited liability.

The essential point to which I wish to draw Mr. Lubin's particular attention is the following, which I believe to be of great importance for any country anxious to introduce a system of agricultural credit: In France agricultural credit is limited exclusively to agriculturists, and the attention of those who organize these credit associations is mainly concentrated on the exclusion from the benefits and profits accruing from these associations of all parties who are not directly engaged in farming.

On the other hand, in other countries, and more especially in Germany, the Raiffeisen or Schulze-Delitsche systems sometimes admit persons who are not agriculturists. As a result the character of these associations, which was at first agricultural, may be transformed, and agriculturists end by playing only a very secondary part. This is the main point which I wish to emphasize.

You thus see that the spirit of freedom and individualism of the French farmer finds a free play in his right to regulate according to his wishes the by-laws of each of these agricultural credit associations.

You are already acquainted with the broad lines of the organization of agricultural credit in France. The system is both scientific and practical. Scientific, because the organization is uniform, and regulated by organic laws applicable to all similar associations. You know that at the basis of this system are the local credit associations. The first step in the organization is the local rural bank, formed by an agricultural syndicate or union. This means that the local agricultural credit bank is formed exclusively of farmers, as only agriculturists can belong to an agricultural syndicate.

You will have seen by the last number of the Institute's bulletin the nature of the business transacted by these local banks. After the local banks come the regional or district banks of agricultural credit, which generally, step by step, centralize the agricultural credit business for a whole region. We have not yet got the national bank of agricultural credit, but the Bank of France discounts the bills of the farmers, backed by two signatures. The Bank of France itself, under the terms of the act of 1897, by which its charter was renewed, is bound to place at the service of agriculturists a sum of 40,000,000 francs.

Mr. LUBIN. Is that Government money?

Mr. DOP. It is money obtained from the profits realized by the Bank of France. The Bank of France is not a Government bank; it is a bank authorized by Government and which obtains its charter from the State. It is an official bank, but not a State bank. And this bank, the Bank of France, has given an initial sum of 40,000,000 francs.

Mr. LUBIN. In short, this is a subsidy which the bank pays the Government and which the Government uses for the benefit of agriculture.

Mr. DOP. Yes; the Government made the renewal of the charter of the Bank of France conditional on the payment of a subsidy of 40,000,000 francs to be used for the benefit of agriculture, and besides these forty millions the Bank of France is required to set aside, for the purpose of agricultural credit, an annual sum deducted from its profits; and this sum, which is variable in amount, was 2,000,000 francs to begin with, and now amounts to 4,000,000 francs a year.

Mr. LUBIN. Has this money got to be repaid to the Bank of France?

Mr. DOP. This money is to be repaid to the Bank of France at the end of a certain number of years as fixed by law. It is to be repaid by the agricultural credit banks. The money is loaned to these banks free of interest. I will not go into the details of this organization, as they are described in the bulletins of the institute.

What I wish to emphasize about this system is the following:

First. Private initiative, free associations, as represented by the agricultural syndicates or unions, is at the basis of this system of agricultural credit.

Second. To promote this spirit of association and to insure its yielding result of value to agriculture, the State intervenes by granting subsidies, so that this organization complies with the formula, "Help yourself and heaven will help you."

The State only grants its subsidy when private initiative has already founded the bank.

Third. The State makes sure that this organization does not depart from the duties intrusted to it, and that it confines itself strictly to agricultural credit transactions, as required by its statutes, by means of a special bureau of agricultural credit attached to the ministry of agriculture.

This bureau controls, by means of frequent inspections, the business transacted by the regional and local banks. In organizing this service the State was guided by the need of safeguarding agriculturists against imprudent action and of watching over these organizations to see that they do not degenerate into commercial or speculative institutions.

As we have seen, the French system, by combining private initiative with State aid, offers the advantage of giving full scope to private initiative, only intervening when this private initiative has already produced results.

Another important point which should be noted about this system is the very low rate of interest on the loans made to the agriculturists, varying from 2 per cent to a maximum of 4 per cent. This interest may never exceed that charged by the Bank of France for its commercial transactions.

These are the distinctive features of the agricultural credit operations in France. I will now give a rapid glance at the various purposes which this credit is designed to meet.

In the beginning such credit was only granted for such purposes as the purchase of farm requisites or stock required for the improvement of a farm. This was personal credit for agriculturists. In the beginning loans for such purposes were made for short terms—90 days, or 3 months at the most. But it was soon seen that the periods for which the loans were made were altogether too short for agricultural purposes, and the next step was to organize long-term credit to individuals, for periods of three, four, five, and six months, according to the nature of the transaction.

Here is a concrete example: A farmer wants a loan of 200 francs to buy sheep. If the loan is only granted for three months, the farmer is unable to increase the weight of his sheep to such an extent as to be able to sell them at a profit. He has to wait for them to grow, for the weight of meat to increase, for the wool to grow, and all this requires several months. The farmer is therefore unable to repay his loan until he has sold his sheep at a profit due to their increased weight or to the sale of their wool. I quote this instance to show that as a rule, in the case of agriculture, short term loans are insufficient and long-term credit must be provided for.

But agricultural credit in France is not restricted to loans made for the purchase of live stock, farm requisites, or other movable goods. Recent laws have extended these transactions to include land credit.

Thus the acts of 1909 and 1910 authorize the regional associations, and even the local associations, to make loans to farmers for the purchase of a homestead; such loans may amount to as much as 8,000 francs, repayable in 25 years. This is a form of land credit. I wish to lay emphasis on this form of credit, as it is characteristic of the French system, and no provision is made for it under the Reiffeisen system.

Such land-credit transactions are, however, restricted to providing the means to the farmer to become owner of his own homestead.

Besides this, agricultural credit, which at first was only granted to individuals, is now extended to collective bodies; that is to say, to associations formed to carry on a specific business, such as cooperative associations; thus, agricultural credit, which was individual to start with, has become collective.

For instance, a cooperative association is formed to run a winery, or to sell wheat collectively on the best terms. Well, the regional and local agricultural credit banks which grant loans to such associations no longer grant loans to the individuals composing them, but to the cooperative association in its corporate capacity.

This is another innovation and improvement introduced by the French system of agricultural credit, and such collective credit can also be granted for long as well as for short terms.

The above are the general remarks which I wished to place before Mr. Lubin as a basis for his study, so as to make it clear that, in considering the problem of agricultural credit, three points should be kept in mind:

1. In my opinion, a system of agricultural credit can only be practical, effective, and beneficial to the farmer if it is organized exclusively of farmers.

2. It is essential that such credit organizations be quite independent of speculators, i. e., of bankers who transact business with a view to personal profit.

3. That the farmer and agriculturist, who form these credit associations, must realize thoroughly that they are combining for reciprocal benefits, that they are not entering a profit-making business, but rendering each other a mutual service.

The deduction to be drawn from these three points is that the rate of interest charged for the loans made to the farmers must be the lowest current in the section. The rate of interest may vary from a minimum of 2 per cent to a maximum of 5 per cent, which should never be exceeded. The rate within these limits will depend on the length of time for which the loan is made.

In examining which system is most likely to be adaptable to the needs of the United States several points must be borne in mind.

The first question which comes up is the following:

Does the United States wish to plan an organization extensible to the country as a whole, or does it wish to organize State by State or district by district? Whatever be the answer to this question, and in all cases, the agricultural, political, economic, and social status of the territories to which the system is to be applied will have to be taken into careful consideration.

I am convinced that it is absolutely essential to give due weight to the habits of the agricultural population to be served. The organization selected should be adaptable to the daily life of the people. It is therefore impossible to state, a priori, what system is likely to be best suited to the United States. The answer depends on the way in which the organizers conceive this organization.

As far as my knowledge of America goes, I am led to the following conclusions:

1. If the American people wish to plan a national organization I consider that the National Congress should enact general legislation regulating the organization of agricultural credit, laying down the broad outlines and general principles on which such credit should be based. When once these general principles have been determined by law, it would be the duty of each State legislature to adapt them to local requirements, and to the habits, commercial usages, and economic status of the rural population of each State.

This would insure a very flexible system, which could be adapted to the needs of the various environments, whilst at the same time the interests of the rural population would be protected by the recognition of general fundamental principles enacted by law. This would, perhaps, make it possible to safeguard the cooperative credit movement from possible attempts on the part of financial organizations and trusts to get it in its power, and to convert them into purely business concerns.

2. Should the United States not intend to plan a national organization and should it be left to the farmers themselves to take the initiative in this direction, I should then conclude in favor of what is known in France as "organizing from below." In this case I should advise that in such township, in each rural center, an association of farmers be formed on the lines of the agricultural syndicates or of the Raiffeisen banks, but such organizations should always be formed by the farmers themselves. If the population amongst which such associations are formed is largely of Germanic origin it would then probably be preferable to adopt the Raiffeisen system; but if this organization is to be formed in the Southern States, where the Anglo-Saxon and, to some extent, the French spirit predominates, as in Louisiana, it is then probable that the tendencies of the population will be more individualistic.

In this case it would be preferable to follow the French plan and to form associations, consisting exclusively of farmers, which would organize local agricultural credit banks, and these local associations would federate into a central association for a whole district or State.

Such, in its main outlines, is the organization which I can foresee without a thorough study of the environments, legislative, judicial, and administrative conditions of the territories in which such an organization is to be started.

In my opinion, as a committee of inquiry is to be appointed, it is not opportune now to study one system rather than another. I think that Mr. Lubin's efforts should be directed mainly on having the fundamental principles which should underlie any system studied, and then, afterwards, the details of the system best suited to local needs can be taken up for consideration.

If I were at the Nashville convention of the Southern Commercial Congress I should say: We wish to organize agricultural credit for the United States on a sound basis; well, questions of detail in application will be thrashed out by practice, but we should start at once to study the general outline which will fit in with the condition under which farming is carried out in America, and with the character of our people, and when we have done this it will then be time to ask. Should we work for a system founded on the free initiative or local associations, or is national legislation required? All questions of detail can safely be left to be worked out subsequently.

LOUIS DOP,
French Delegate,
International Institute of Agriculture, Rome, Italy.

The following letter from his excellency Hon. Prof. Louis Luzzotti to Mr. David Lubin on agricultural cooperative credit and its introduction into the United States was read:

ROME, *March 11, 1912.*

Hon. DAVID LUBIN,
Delegate of the United States,
International Institute of Agriculture, Rome.

MY DEAR LUBIN: You will express to the honorable delegates of the Southern States my profound regret at my inability to accept their cordial and most interesting invitation; but when one's country is engaged in a war, those who have held positions of grave responsibility in the State are not at liberty to leave it; they must remain at their post in the Chamber of Deputies and do their duty.

Ever since 1862 I have worked in the field of agricultural and land-mortgage credit, and I have had occasion, both out of the Cabinet and when in it, to spread ideas and promote institutions of various kinds, and it would have been a delightful task for me to discuss these questions with the Southern Commercial Congress. The best advice is that which results from actual observation of facts and from the generalizations deduced therefrom.

Just as each country has its special needs, arising from its own peculiar conditions, so, in the field of agrarian economics, each country organizes special forces and adopts special forms, but the same fundamental laws govern all the various types.

Now, the fundamental needs of agriculture are three:

1. Land-mortgage credit, based on the actual value of the estate or holdings, and bearing a certain ratio to that value.

2. Agricultural credit, i. e., credit granted to the farmer on his personal security for the improvement of his farming business.

3. Lastly, a form of credit which stands halfway between land-mortgage credit and agricultural credit, but which extend over a certain number of years.

Agricultural credit comprises loans for transactions which are completed within a year and which do not require the security offered by the land itself. But in carrying out such work as a change of cultures, improvements by means of irrigation, and such like, long-term credit is required, and often the double guarantee of both personal security and that of real estate.

Now, experience teaches that financial institutions for agricultural credit, that is to say, institutions promoted by financiers with a view to dividends rather than to the assistance of agriculture, do not secure the desired results. Their titles proclaim them the protectors of agriculture and agriculturists; in reality they aim at exploiting rather than assisting them.

If I were asked by the Southern States (which, from what you have told me, my dear Lubin, have the good fortune to come last and to profit by the experience of others) to advise an effective system, I should say exclude speculation and create mutual land-mortgage credit associations, mutual agricultural credit associations, linked with the State and with other public bodies which should grant them adequate and timely assistance.

A sound system of land-mortgage credit, one suited to meet the requirements both of the wealthy and the poor, both of large and small landowners, should, as is the case with the German, Austrian, and Australian systems, have as its basis land registers, from which the legal and economic status of each estate or holding can always be clearly ascertained.

These mutual associations of landowners would issue bonds on the joint security of their lands, bonds which could be purchased by the State and other public bodies. In Italy the savings banks, which are autonomous, prosperous, and flourishing institutions, and which have not to declare dividends, as they are impersonal corporate bodies, have for years past transacted and still transact land-mortgage credit business and purchase and sell mortgage bonds. An ideal organization would be that of mutual land-mortgage credit associations, connected up with savings banks, savings banks assisted and watched over by the State.

A whole scheme of legislation would have to be drafted for this purpose. The Federal Government could and should include among the various investments to which it gives its preference in placing the people's savings deposits the purchase of such land-mortgage bonds issued by mutual associations or by autonomous savings banks.

By the side of these mutual land-mortgage credit associations there should be mutual agricultural credit associations, agricultural cooperative banks for medium and large transactions, small rural banks for loans on personal security made to really poor people.

Such agricultural cooperative banks, organized on the basis of unlimited or limited liability, or on immediate systems between the unlimited and the limited, already extend throughout the European countries; and I, who have visited them nearly all and made use of them in my studies, should have had great pleasure in dissecting and analyzing these agricultural specimens before your Congress. But I may not do so, nor do I wish to write this letter in the tone of a university professor, which is always somewhat stilted, for your Congress consists of men who are studying facts with a view to the good of agriculture—that is to say, of eminently practical people.

I will only venture to give you one piece of advice—avoid high rates of interest. Agriculture, even the most flourishing, can not bear them.

Of course there is a half-way house between a profit-making speculation and loosing money, but it should always be borne in mind that the institutions we are considering are not ordinary financial institutions, but institutions for the redemption of agriculture.

If it is their duty to educate the farmer, who is often at fault on this point, to the need for punctuality in payments; it is also their duty to afford credit on conditions which by granting fair and reasonable terms for interest and repayment will abolish the usury exercised by others without replacing it by a usury of their own.

By working along these lines, which combine sound business principles with a soul of goodness, the Americans, who are now the last to enter the field, will soon succeed in surpassing us, and thus become the first.

Europe is accustomed to this spectacle in all fields of economic activity, and she has taken to applauding and admiring what she can not and does not wish to prevent.

I grasp your hand with fraternal affection, dear Lubin, and remain,

Yours, faithfully,

LUIGI LUZZATTI.
Italian Delegate International Institute of Agriculture.

RESOLUTIONS OF NASHVILLE CONFERENCE.

Herewith is a statement and resolution on the Raiffeisen and other systems of cooperative rural banking; a report of the special committee to the conference on the European systems of rural finance; a resolution commending other agencies making investigations of the European systems of finance; a resolution recognizing the valuable services of the King and Government of Italy; a resolution of thanks to Hon. David Lubin, American delegate to the International Institute of Agriculture, Rome, Italy; and a letter to the Senate and House of Representatives of the United States relative to the value of the English edition of the publications of the International Institute of Agriculture:

STATEMENT AND RESOLUTION ON RAIFFEISEN AND OTHER SYSTEMS.

This conference, consisting of representatives from 26 States of the Nation, was called into being by the Southern Commercial Congress in order that we might deliberately consider the evident weakness of rural finance in the United States, and in order that we might study, in advance of the general meetings of the congress, the various European systems of cooperative rural banking that have had so beneficial effects abroad. We consider it part of our function to make a recommendation to the directors of the Southern Commercial Congress, and to do so we reduce the recommendations to the form of a resolution:

Whereas the solution of the problems of rural finance lies at the basis of every attempt to improve rural conditions; and

Whereas the latent wealth of the farmer can only become active wealth through the possibilities of credit freely obtainable on the basis of his character and his assets; and

Whereas there are in operation in Europe the following systems and their variants, namely, Raiffeisen, Schulze-Delitzche, and Landschaften; and

Whereas these systems have during their existence greatly stimulated rural finance in these European countries; and

Whereas we are convinced that the system should be further studied by the United States: Therefore be it

Resolved, That we recommend to the directors of the Southern Commercial Congress that a select committee on rural finance investigation, consisting of one or more, but preferably two, members from each State of the Union, go to Europe in the summer of 1912, under the general management of the Southern Commercial Congress and under the administrative management of an executive committee, to be elected by the members of the select committee, and under by-laws to be adopted by the committee as a whole; be it further

Resolved, That the daily findings of the select committee shall be recorded in such form that each member may return to his State possessed of one copy of said findings for publication and use in his State, and that a second copy be given to the Nation through publication, to be recommended to the Congress of the United States for general distribution; and be it further

Resolved, That we preferably recommend two members from each State for the reason that when the committee returns there will be in each State two men well informed on the whole subject and locally interested in solving the problems of rural finance as presented by the State of their residence, and for the additional reason that a large committee, bringing many minds to bear upon the phases of one subject, can be expected to produce greater national good than would be possible from investigation by a small committee not individually representative of the States of the Nation and in a measure unacquainted with the varying needs of the various sections.

REPORT OF THE SPECIAL COMMITTEE.

Your committee considered three questions to be transmitted to the directors of the Southern Commercial Congress as recommendations from our conference as a whole:

First. How shall the proposed select commission of investigation be selected?

Second. How shall it be financed?

Third. When shall it take the tour of investigation?

First. We regard the directors of the Southern Commercial Congress, by reason of having taken the initiative, as having the authority to select the members of the committee to come from the following States: Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia, feeling confident that the directors will have the interest of the committee's successful mission at heart. We also expect the officials of the Southern Commercial Congress to correspond in all other States with agricultural colleges, the agricultural press, agricultural interests represented by farmers' organizations, and other active thinkers on rural problems, in order to secure from these suggestions as to the two men of each State best fitted for the investigation.

Second. We recommend that the directors of the Southern Commercial Congress in each Southern State act as the nucleus of a State committee to raise funds within each State for the purpose of sending two members of the committee from each such State, and appoint additional committeemen from each State. We also recommend that in States outside the South the nucleus of effort within each State be formed by those with whom the officials of the Southern Commercial Congress correspond. We also recommend that our conference, before adjournment, meet in executive session to place in the hands of the directors of the Southern Commercial Congress our personal suggestions as to important and appropriate men in each State.

Third. We recommend that the period covered by the select committee of investigation be preferably from June 15 to September 15, or as near to such dates as may be practicable, said variation of dates to be based only upon the failure of steamship sailing dates to coincide with the above. We also recommend that the select committee of investigation sail direct to Naples, report to the International Institute of Agriculture at Rome, and then visit Italy, Austria-Hungary, Germany, Denmark, Ireland, and such other points as may be deemed necessary.

We are convinced that the plan adopted by our conference is essential. We can not make this clearer than by quoting from the resolution passed by our conference yesterday: "A large committee, bringing many minds to bear upon the phases of one subject, can be expected to produce greater national good than would be possible from investigation by a small committee not individually representative of the States of the Nation and in a measure unacquainted with the varying needs of the various States."

Transcending the limit of our instructions we wish, however, to place before the conference as a whole an emphatic opinion: We believe that in view of the vital relation of the whole subject of rural finance to the welfare and increasing development of American agriculture, and in view of the brief time at the disposal of the select committee of investigation its membership must be strictly held to those whose hearts are in the subject and who will be willing to reserve sightseeing for a more appropriate occasion.

INDORSEMENT OF OTHER AGENCIES.

The subject of cooperative agricultural finance is so vast, its importance is so great, the whole matter is so new to the American people, and the conditions under which these cooperative banking institutions will have to cooperate in the different States are so varied that the problem is worthy of the deepest study by a number of agencies. We observe with pleasure that some of the States are already taking action along this line. We are especially gratified that the Congress of the United States has under advisement the appointment of a national commission upon farm finance to employ experts for making elaborate inquiry into all the details of cooperative land mortgage banks and cooperative rural credit unions and to report thereon for the common good. We welcome all these and similar efforts, and the proposed select committee on rural finance to be appointed by the Southern Commercial Congress will be prompt to cooperate with any and all of the other agencies concerned in the same line of investigation.

TRIBUTE TO THE KING OF ITALY AND THE ITALIAN GOVERNMENT.

Whereas the International Institute of Agriculture was established at Rome, in 1905, upon the initiative of His Majesty Victor Emanuel III, King of Italy, who provided it with land and buildings and is contributing with princely generosity toward its work in addition to the official support and participation therein by Italy, by the United States, and by 48 other Governments, together representing 95 per cent of the world's area and 98 per cent of the world's population; and

Whereas it is now realized that the International Institute of Agriculture is doing a work of incalculable value to the world as a whole, and to the United States of America: Now therefore be it

Resolved, That the Southern Commercial Congress, in convention assembled, with 24 States represented, voices the sentiments of the American people in hereby recognizing the valuable services of the King and Government of Italy in making possible that great world federation for progress, the International Institute of Agriculture.

We trust that the institute may continue to be increasingly successful in securing international cooperation in world crop reports, in disseminating agricultural intelligence, in promoting cooperative agricultural finance, in fostering more economic distribution of the world's agricultural production, and in facilitating better understandings between the peoples of the earth.

APPRECIATION OF HON. DAVID LUBIN.

Whereas the inception and organization of the International Institute of Agriculture, with headquarters at Rome, Italy, was largely the result of the foresight and untiring energies of Hon. David Lubin, of California; and

Whereas his persistent efforts induced the recognition and cooperation of the United States with leading European countries to foster and support this splendid institution in the interest of international agriculture, which is proving of vast benefit to this country through the gathering and publication of important data relating to the world's agricultural crops, and foreign agricultural credits, which are now commanding the serious attention of American farmers: Therefore be it

Resolved, That the delegates from all sections of the American Union at present in attendance upon the annual conference of the Southern Commercial Congress, at Nashville, Tenn., desire to hereby convey to the Hon. David Lubin an expression of their full appreciation of his earnest and valued labors in behalf of the Agricultural interests of American farmers, and to indorse and congratulate the wisdom of the United States Department of State in appointing and retaining the Hon. David Lubin as American delegate to the International Institute of Agriculture, Rome, Italy.

LETTER TO UNITED STATES SENATE AND HOUSE OF REPRESENTATIVES.

The conference on the Raiffeisen and other European systems of cooperative rural banking, held under the auspices of the Southern Commercial Congress, now in session and attended by delegates from Massachusetts to North Dakota and from Minnesota to Texas, earnestly asks reconsideration of the vote of the House throwing out item of $5,000 in diplomatic and consular bill for the cost of editions in English of publications of International Institute of Agriculture at Rome.

These publications are of incalculable value to the American farmer, as shown by the increasing demand from individual farmers and numerous other organizations.

The official language of the International Institute is French; the American farmers can not read French; so provision must be made for English editions or else the valuable work of the International Institute of Agriculture is lost to the American farmer.

We respectfully submit that it is unwise to vote some $18,000 for the support of the institute and then vote down the smaller appropriation which should go to make the work of the institute available to the American people.

Interpreting the needs and wishes of the American farmer through their delegated representatives here assembled, we submit that it would be much more desirable to increase the proposed $5,000 to $10,000 than to vote down the lesser amount.

If additional evidence is needed to show the value of these publications, we have it in the hearty indorsement in favor of this measure by the honorable Secretary of State, the honorable Secretary of Agriculture, and the honorable Secretary of Commerce and Labor. We earnestly hope that the $5,000 appropriation will be granted for the purpose desired, and that if possible the amount be increased to $10,000, so that a larger number of American people may be benefited by the vastly important labors of the International Institute of Agriculture.

A resolution was unanimously adopted extending thanks to the officers of the conference.

The statement and all resolutions above referred to were submitted to the committee on resolutions of the Southern Commercial Congress, reported on favorably, and unanimously adopted by the Congress in regular convention assembled.

The resolutions, as directed, were submitted to the board of directors of the Southern Commercial Congress in annual session and were unanimously approved. The managing director of the congress was instructed to take immediate steps to carry out the spirit of the resolutions.

Respectfully submitted.

CLARENCE J. OWENS,
Secretary-Treasurer Southern Commercial Congress.

APRIL 13, 1912.

EXHIBIT B.

We recommend and urge an authoritative investigation of agricultural credit societies and corporations in other countries, and the passage of State and Federal laws for the establishment and capable supervision of organizations having for their purpose the loaning of funds to farmers. (*Platform, Republican Party.*)

Of equal importance with the question of currency reform is the question of rural credits or agricultural finance. Therefore we recommend that an investigation of agricultural credit societies in foreign countries be made, so that it may be ascertained whether a system of rural credits may be devised suitable to conditions in the United States. (*Platform, Democratic Party.*)

Last year I made some investigations, which I am continuing here at the request of the Department of State, and as a result of all this I have arrived at the firm conviction that the establishment of a rural credit system or systems is an imperative need. There is nothing so important to-day before the American people, in my opinion—not even excepting the currency reform. Consequently, I shall most earnestly welcome your commission on its visit to Europe. I should be pleased to know your plans at as early a date as possible, in order that I may be in Paris to receive you. (Myron T. Herrick, American Ambassador to France, to the Managing Director of the Southern Commercial Congress.)

SELECT COMMITTEE TO GO ABROAD.

Acceptances of membership on the select committee, which will go abroad next May to study the European systems of cooperative agricultural credit, are now being received by Dr. Clarence J. Owens, managing director of the Southern Commercial Congress, Southern Building, Washington, D. C.

The select committee, national in scope, will undertake one of the most important investigations ever projected in this country, for it will bring back information regarding the European cooperative rural credit systems, suggesting modes for their adaptation suited to meet the needs of the American farmer. The importance of these systems is indicated in the table given below.

The select committee is the outgrowth of a conference held under the auspices of the fourth annual convention of the Southern Commercial Congress, April 1–6, in Nashville, Tenn., participated in by representatives of 27 States.

On invitation the American delegate to the International Institute of Agriculture at Rome, Italy, was present and explained the European systems from the publications of the institute. The conference resolved that an investigation of these systems should be made by an American committee, all with the end in view to their adaptation and adoption in the United States.

The select committee goes abroad next May, under the auspices of the Southern Commercial Congress. It will start from New York, direct to Rome, Italy, via Naples. It will arrive in Rome at the time when the General Assembly of the International Institute of Agriculture will be in session. The select committee will thus meet some of the most important experts on the European rural credit systems, who come as delegates to the sessions of the general assembly. Some of these experts will be asked to accompany the committee on its European tour.

On its return to the United States, the select committee will make a preliminary report to the fifth annual convention of the Southern Commercial Congress, at Mobile, Ala., 1913. The full report of the committee will be submitted to the people of the United States in accordance with paragraph 7 of the resolutions adopted at the Nashville conference, which reads as follows:

"The daily findings of the select committee shall be recorded in such form that each member may return to his State possessed of one copy of said findings for publication and use in his State, and that a second copy be given to the Nation through publication to be recommended to the Congress of the United States for general distribution."

The Southern Commercial Congress is now taking steps to have a bill introduced into each State legislature, providing for the expenses of two delegates to the select committee. In those States in which the legislatures will not be in session in time to allow of this—the State legislatures of the following States will not be in session at a date permitting of applying to them for appropriations for the traveling expenses of delegates to the select committee: Alabama, Arizona, Florida, Kentucky, Louisiana, Maryland, Mississippi, New Mexico, Oregon, Virginia—the funds are to be raised by public subscription. The collective funds thus obtained will be employed by the Southern Commercial Congress to cover traveling and hotel expenses of the delegates from New York back to New York, and expenses incurred for interpreters, stenographers, printing, mailing, etc.

In order that the select committee may receive official recognition in Europe it is necessary that the credentials of State delegates be from the State governments, and the credentials of national delegates (delegates at large) from the National Government.

For publications on the European cooperative rural credit systems address the American delegate, International Institute of Agriculture, Rome, Italy.

Correspondence in relation to the select committee, its membership, credentials, etc., should be addressed to the managing director, Southern Commercial Congress, Southern Building, Washington, D. C.

The following official figures, taken from an "Outline of the European Cooperative Credit Systems," published by the International Institute of Agriculture, show the number of institutions, their membership, and their total turnover for the three main systems in operation in Germany alone in 1909–10.

German cooperative credit institutions in 1909–10.

	Rural Raiffeisen.	Central Raiffeisen.	Schulze Delitzsche.	Landschaften type.
Number of institutions	15,158	38	1,035	25
Number of members	1,163,186	15,436	645,342	(1)
Total turnover	$1,061,568,167	$1,557,293,580	$3,231,801,035	$840,981,126

[1] Bonds in circulation.

Mr. FLETCHER. Mr. President, with the consent of the Senator from Nevada [Mr. NEWLANDS], I move that the joint resolution be referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

INDUSTRIAL COMMISSION.

The PRESIDENT pro tempore. Morning business is closed.

Mr. BORAH. Mr. President, before the Senator from Alabama [Mr. BANKHEAD] takes up his matter, I want to prefer a request, which will take but a moment. I ask unanimous consent to consider House bill No. 21094, being an act to create a commission on industrial relations, and the amendments thereto, and vote upon the same on Thursday morning after the routine morning business.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Is there objection to the request?

Mr. SMOOT. The Senator from North Carolina [Mr. SIMMONS] is not in the Chamber, but I understand he desires to take up the cotton bill immediately after the morning business to-morrow. I also understood that there was to be a unanimous consent asked for the taking up of that bill.

Mr. BORAH. I have preferred a request for unanimous consent.

Mr. SMOOT. In view of the absence of the Senator from North Carolina, I shall object to the request.

Mr. SIMMONS. Mr. President, I was not present when the suggestion was made, and I do not know what it is.

Mr. SMOOT. Mr. President, in answer to the request for unanimous consent by the Senator from Idaho that we take up the bill referred to by him for consideration immediately after the routine morning business to-morrow, I simply called attention to the fact that I understood the Senator from North Carolina desired to take up the cotton bill to-morrow after the routine morning business, and as the Senator from North Carolina was out of the Chamber, I objected to the unanimous-consent agreement.

Mr. SIMMONS. I was in the cloakroom when the request was made, and I am sorry I was not here.

The PRESIDENT pro tempore. Does the Chair understand that the Senator from Utah objected?

Mr. SMOOT. I objected, Mr. President, but I want it understood in this way, that I am not objecting to the consideration of the bill——

The PRESIDENT pro tempore. The Senator can not make a conditional objection.

Mr. SMOOT. I was only going to explain it, Mr. President. If I can not do that, then I object.

Mr. SIMMONS. I desire to say that I will object if it will interfere at all with the consideration of the cotton bill to-morrow after the routine morning business.

Mr. BORAH. I do not believe it will interfere with that bill.

Mr. SIMMONS. I do not mean after the routine morning business, but immediately after the morning hour.

Mr. BORAH. I have preferred this request for consideration of the matter referred to immediately after the routine morning business.

Mr. SIMMONS. I have no objection at all to that bill if it does not interfere with the unfinished business, which ought to be taken up at 12 o'clock.

Mr. BAILEY. Is that the bill to create another Cabinet officer?

Mr. BORAH. No, sir.

The PRESIDENT pro tempore. The proposed unanimous-consent agreement will be stated from the desk. It has not yet been stated.

The Secretary read the proposed agreement, as follows:

It is agreed by unanimous consent that on Thursday, August 15, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21094) to create a commission on industrial relations, and before adjournment on that calendar day will vote upon any amendment that may be pending, any amendments that may be offered, and upon the bill, through the regular parliamentary stages, to its final disposition.

Mr. LODGE. Mr. President, I have no desire to prevent a unanimous-consent agreement being reached on this bill so far as the bill itself is concerned, but I am in charge of the fur-seal bill, which involves the carrying out of a convention with three other powers. We are now behindhand with our payments, and the situation is such that if we do not dispose of the bill it will be left to other powers to abrogate the treaty, as, technically, they could do. If we should lose the treaty, it would mean the resumption of pelagic sealing. I had hoped that we might dispose of that bill to-day, in which case it would not be in the way of the Senator from Idaho; but if the bill for the Coosa Dam is to take a long time, it may be impossible to reach the bill to which I refer to-day, and I do not like to mortgage the time ahead so that I can not get at that bill.

Mr. BORAH. I will modify my request so as to make it simply to take up the bill immediately after the routine business to-morrow morning, without the further request that we vote upon it. I think we can dispose of it in 20 or 30 minutes. I will not undertake to mortgage the entire day by that request, and the latter portion of the request can be stricken out if I can simply have consent to consider it to-morrow morning.

The PRESIDENT pro tempore. Is there objection to the request as modified?

Mr. SIMMONS. Mr. President, I understand that it would not interfere with the unfinished business?

The PRESIDENT pro tempore. Not at all. Is there objection? The Chair hears none, and the order is entered. The special order, which is——

Mr. LODGE. I was going to speak when the Chair put the question. If we can not dispose of the fur-seal bill to-day, I shall feel bound to move to take it up to-morrow and try to get the Senate to dispose of it at the earliest possible moment. I do not want to interfere with the other bill, but I can not consent to an agreement which deprives me of the right to make that motion. I do not know whether the agreement was modified so that I could do that or not.

The PRESIDENT pro tempore. The agreement as modified was that the bill should be taken up immediately after the routine morning business.

Mr. BORAH. If the Senator from Massachusetts simply desires to make a motion to take up the bill, this agreement would not interfere with his doing it.

Mr. LODGE. If I retain that right, very well. I will try to have the fur-seal bill disposed of to-day.

COOSA RIVER DAM, ALA.

The PRESIDENT pro tempore. The Chair lays before the Senate the special order, which is Senate bill 7343.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river, which had been reported from the Committee on Commerce with amendments.

Mr. BURTON. Mr. President, I desire to offer an amendment.

The PRESIDENT pro tempore. The Chair would suggest to the Senator from Ohio that there are amendments recommended by the committee, and that those should be acted on first.

Mr. BURTON. Very well; after those amendments are disposed of I shall offer an amendment.

The amendments of the Committee on Commerce were, on page 1, line 5, before the word "maintain," to strike out "and," and after the word "maintain" to insert "and operate"; in line 7, before the word "place," to strike out "the" and insert "a," and after the word "place" to strike out the words "selected by the engineers of the United States for the location of Lock and Dam No. 18 on said river and situated 7½ miles, more or less, above the city of Wetumpka, on said river, and all works incident thereto in the utilization of the power thereby developed" and insert "suitable to the interest of navigation about 7½ miles above the city of Wetumpka," so as to make the bill read:

Be it enacted, etc., That the Alabama Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, are authorized to construct, maintain, and operate a dam across Coosa River, in the State of Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The PRESIDENT pro tempore. That completes the committee amendments.

Mr. BURTON. I ask that the amendment I send to the desk be read.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. At the end of section 1 insert the following proviso:

Provided, That the rights here conferred shall not be assigned or transferred except upon the written consent of the Secretary of War: *And provided*, That the Federal Government reserve the right to control the charges for service to consumers in the event that the public interest may so require.

Mr. BURTON. Mr. President, I think the bill as amended by the addition of the committee amendment does not sufficiently safeguard the public interest. I can find no fault with the author of the measure, because the bill in the form in which it was introduced conforms to regulations pertaining to dams in navigable streams which have usually been adopted by Congress. But the time has come when we should adopt more stringent rules in granting these privileges. Even the amendment which I have offered does not go far enough.

On this general subject I will say, Mr. President, that concerning no subject of legislation is there a more imperative need of a definite and comprehensive policy than in relation to the development and control of water power.

There are in this country something over 30,000,000 primary horsepowers, of which only about 5,500,000 have already been developed, much of this being the smaller developments in the more settled communities. The total amount of horsepower developed in the United States, according to the best estimates, is about 31,500,000—5,500,000, as I have stated, being supplied by water and 26,000,000 by steam.

The importance of this may be illustrated by the statement that about 340,000,000 tons of coal is consumed per annum in the creation of power. The total production of coal, both bituminous and anthracite, in the United States is about 500,000,000 tons annually. So, according to the best figures, two-thirds of the annual production is used for the development of power, while 30,000,000 horsepower of undeveloped water power, or a quantity nearly equal to the total amount of that now developed by all prime movers, is running to waste.

By the construction of reservoirs and other works necessary for the control of stream flow, there is a possible water-power development of one hundred and fifty to two hundred million horsepower. The magnitude of this industry is almost beyond comprehension. It will probably eventually become an industry of greater magnitude than any ever yet developed in this country, requiring not millions but billions of dollars for its control. Besides its enormous magnitude, this industry will become fundamental to many other industries which depend upon power for their operation and success. The possibility of a control of the business of the country through the agency of water power is more imminent than any other form of control ever attempted in the history of human endeavor. If the Federal Government is to exercise the control that it ought to exercise and must exercise to protect the public interest, further delay is very much to be regretted.

The need of an adequate governmental policy and the imminent danger that this great natural resource might fall into the hands of private interests for their exploitation has been realized by both President Roosevelt and President Taft, each of whom withdrew from entry many of the most valuable water-power sites on the public domain. Each of them did this with an express statement that they had no intention of preventing the development of these water powers for the benefit of the public interests, but felt compelled to withdraw them until such time as Congress should formulate a policy under which they could be developed in accordance with the public interests. To carry out this policy consistently, the officials of the Forest Service were instructed to cruise for water-power sites in order to forestall their location and exploitation for private gain. In the meantime special interests, in order to reap the harvest of the last of our great natural resources, have been grabbing for these water-power sites with a greed hardly paralleled in the history of this country, which has already suffered enough from the exploitation of our national resources.

The House Committee on Interstate and Foreign Commerce has recently reported out an omnibus water-power bill, carrying a total of 10 projects.

The House not long ago commendably killed in summary fashion one such bill, and the President felt called upon to veto another which succeeded in running the gantlet of both Houses.

About three years ago Congress created the National Waterways Commission, and among the subjects referred to it for consideration was that of water power. The commission investigated this matter very thoroughly, calling before it officers of the Government having charge of public lands and the supervision of navigable streams, and also those interested in the development of water powers. As a result of these hearings, I introduced, nearly three months ago, water-power bills intended to establish something like a water-power policy, which would adequately protect the public interests and at the same time make possible the development of water power. The only way this great national resource can be conserved and rendered beneficial to the people is to use it. It is the one unrivaled natural resource the present use of which in no way diminishes its supply or its use by future generations.

Mr. President, I ask leave to print in my remarks, as I do not desire to detain the Senate by reading them, first the dam act of 1910, which expresses the present policy of the Government on this subject, and then Senate bill 6795 and Senate bill 6796. No. 6795 pertains to water power on the public lands. No. 6796 applies to water power developed in navigable streams.

The matter referred to is as follows:

[Public, No. 246. H. R. 24375.]

An act to amend an act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906.

Be it enacted, etc., That the act entitled "An act to regulate the construction of dams across navigable waters," approved June 21, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That when authority has been or may hereafter be granted by Congress, either directly or indirectly or by any official or officials of the United States, to any persons, to construct and maintain a dam for water power or other purpose across or in any of the navigable waters of the United States, such dam shall not be built or commenced until the plans and specifications for such dam and all accessory works, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject have been submitted to the Secretary of War and the Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans and specifications for any dam to be constructed under the provisions of this act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans or specifications either before or after completion of the structure unless the modification of such plans or specifications has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving the plans, specifications, and location for any dam such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions: *Provided further*, That in acting upon said plans as aforesaid the Chief of Engineers and the Secretary of War shall consider the bearing of said structure upon a comprehensive plan for the improvement of the waterway over which it is to be constructed with a view to the promotion of its navigable quality and for the full development of water power; and, as a part of the conditions and stipulations imposed by them shall provide for improving and developing navigation, and fix such charge or charges for the privilege granted as may be sufficient to restore conditions with respect to navigability as existing at the time such privilege be granted or reimburse the United States for doing the same, and for such additional or further expense as may be incurred by the United States with reference to such project, including the cost of any investigations necessary for approval of plans and of such supervision of construction as may be necessary in the interests of the United States: *Provided further*, That the Chief of Engineers and the Secretary of War are hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of this act which shall receive any direct benefit from the construction, operation, and maintenance by the United States of storage reservoirs at the headwaters of any navigable streams, or from the acquisition, holding, and maintenance of any forested watershed, or lands located by the United States at the headwaters of any navigable stream, wherever such shall be, for the development, improvement, or preservation of navigation in such streams in which such dams may be constructed.

"SEC. 2. That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built in accordance with the provisions of this act, a suitable lock or locks, booms, sluices, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation.

"SEC. 3. That the persons constructing, maintaining, or operating any dam or appurtenant or accessory works, in accordance with the provisions of this act, shall be liable for any damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam or accessory works, subject to the provisions of this act, shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe, and for failure so to do in any respect shall be deemed guilty of a misdemeanor and subject to a fine of not less than $500, and each month of such failure shall constitute a separate offense and subject such persons to additional penalties therefor.

"SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary for public use, and, in the event of any such revocation by Congress, the United States shall pay the owners of any dam and appurtenant works built under authority of this act as full compensation, the reasonable value thereof, exclusive of the value of the authority or franchise granted, such reasonable value to be determined by mutual agreement between the Secretary of War and the said owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties: *And provided also*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided or Congress shall otherwise direct: *Provided, however*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States, or by any State, to construct a dam in or across a navi-

gable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants.

"SEC. 5. That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding $5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons and recovery had for such expense in any court of competent jurisdiction. Said provision as to recovery of expense shall not apply wherever the United States has been previously reimbursed for such removal; and the removal of any structures erected or maintained in violation of the provisions of this act or the order or direction of the Secretary of War or the Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this act the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches.

"SEC. 6. That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such act be commenced within one year and completed within three years from the date of the passage of such act.

"SEC. 7. That the right to alter, amend, or repeal this act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions.

"SEC. 8. That the word 'persons' as used in this act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. The word 'dam' as used in this act shall be construed to import both the singular and the plural, as the case demands."

Approved, June 23, 1910.

A bill (S. 6795) [as amended] to control the development of water power and the use of public lands in relation thereto, and for other purposes.

Be it enacted, etc., That the Attorney General, the Secretary of the Interior, and the Secretary of Agriculture shall, for the purposes herein provided, jointly formulate and publish uniform rules and regulations for the use of public lands. The head of the executive department having jurisdiction and control of lands to be occupied and used in accordance with the provisions of this act and in conformity to the rules and regulations to be formulated by virtue of the provisions of this section is hereby authorized to lease any part of the public lands of the United States, reserved or unreserved, including national forests, national parks, national monuments, Indian, military, and other reservations, including the District of Alaska, for a period not longer than 50 years, for the purpose of constructing, maintaining, and operating thereon dams, canals, ditches, pipe lines, flumes, tunnels, conduits, reservoirs, power plants, transmission lines, and other works necessary or convenient to the development, generation, transmission, and utilization of hydroelectric or other water power, which lease shall be irrevocable, but which shall become null and void upon breach of any of its terms. Each such lease shall be issued, as herein provided for, by the head of the executive department having control of the public lands to be used and upon a finding by him that such proposed lease is in harmony with the public interest and, if within any public forest, park, monument, or reservation, consistent with the purposes for which such forest, park, monument, or reservation was created: *Provided*, That transfer of jurisdiction over lands included in any lease from one department to another shall not affect the validity of the lease, but administration and control of the lease in relation to such lands shall be transferred to the department having jurisdiction of the land.

SEC. 2. That the rules and regulations made in pursuance of this act, and each lease granted thereunder, shall provide for prompt and full development and continuous operation of the water power; for a reasonable rate of rental and the terms of payment of the same; for negotiations for a renewal not more than 10 nor less than 5 years prior to the expiration of the lease; for the valuation of and compensation for the physical properties upon the termination of the lease; for accurate reports to be made to the head of the department having jurisdiction and control, in such form and manner as may be prescribed, covering all items of cost, rates of service, and profits, together with all other information which may be required; for the control of capitalization and bonded indebtedness; and such other conditions and requirements as may be necessary to fully protect the public interest.

SEC. 3. That in case the Government shall itself take over the properties of any of these lessees under the provisions of this act, or shall make or transfer its lease to other parties upon the expiration of the lease, it shall pay or require its new lessee to pay the reasonable valuation of all properties taken over or transferred, which shall include all works, equipment, structures, and other physical property created or acquired, valuable and serviceable in the generation and transmission of electrical power, including the transmission system from generating plant to initial points of distribution, and which are dependent in whole or in part for their usefulness upon the continuance of the lease herein provided for, but shall not include or take into consideration any properties or values whatsoever not specifically mentioned in this section. Such reasonable values shall be determined by mutual agreement between the head of the department having jurisdiction and control and the lessees, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties. The rule for determining the value shall be the cost of replacing the structures necessary and convenient for the development and transmission of hydroelectric or other water power by other structures capable of developing and transmitting the same amount of marketable power with equal efficiency.

SEC. 4. That any lands included in any proposed lease under the provisions of this act shall, from the date of filing the application for such lease, be reserved from entry, location, or other disposal under the laws of the United States: *Provided*, That rights of way contemplated by this act or as provided by any laws of the United States may be approved, and prospecting, entering, or patenting of lands under the mineral-land laws may be allowed so far as the same will not impair, prejudice, or destroy the use of the lands for water-power development, generation, and utilization; it being the intent of this section that, in so far as possible, lands valuable for water power and for mining shall be used for both purposes, the water power, however, being the dominant use: *Provided further*, That upon the rejection of an application or the termination of any lease either by expiration or violation of its terms, unless the lands be again leased within reasonable time, the President of the United States may restore such lands to their prior status.

SEC. 5. That any lease issued under this act shall not be assignable or transferable except upon the written consent of the head of the executive department having jurisdiction of the land.

SEC. 6. That in respect to every lease issued under authority of this act the Federal Government reserves the right to control the charges for service to consumers in the event that the laws and authority of the States or municipalities where the service is being rendered prove inadequate to protect the public interest.

SEC. 7. That all lands of the United States valuable for the development, generation, and utilization of water power are hereby reserved from all entry, and the head of the executive department having jurisdiction and control of such lands shall proceed, as rapidly as may be, to select, designate, and list the same, and shall publish such lists; and after such publication the lands so listed may be opened by the President to location, settlement, entry, and disposition under the appropriate public-land laws only upon the express conditions that all rights to the occupancy and use thereof for the purpose of developing, generating, and utilizing water power are reserved in perpetuity exclusively to the United States, which reserved right shall be expressed in the patent; but the President may, in his discretion, revoke such designation at any time as to any lands not under lease: *Provided*, That the holder of any lease under this act shall be liable, in the case of public lands not designated hereunder, to any settler thereon for any injury or damage which he may sustain on account of the erection or maintenance of works authorized under this act; and in the case of lands designated hereunder, to any settler, owner, or occupant for the agricultural value of the lands and for any injury or damage to improvements or crops lawfully existing thereon.

SEC. 8. That nothing contained in this act shall be construed as in any way exempting or relieving any lessee from full and complete compliance with all laws and regulations made by or under the authority of any State or Territory to whose jurisdiction it is subject.

SEC. 9. That the regulations authorized by this act, and any alterations and amendments thereof, shall be transmitted to Congress as soon as practicable, and each head of an executive department affected by this act shall annually make a report to Congress of each lease issued or terminated during the year, together with a tabulation of all existing leases, as to name and address of lessee, term of years, location and amount of land occupied, capacity of plant, rate and amount of rental charge, and such other facts as Congress may require.

SEC. 10. That it is the intent of this act to promote the development of water power, as being the only means of conserving this valuable natural resource, and to provide reasonable security for the capital necessarily invested therein, and allow a fair return upon such investment and at the same time safeguard the users of the power so developed from extortion, and to fully protect the public interest.

SEC. 11. That all acts and parts of acts inconsistent herewith are hereby repealed.

A bill (S. 6796) to amend section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906," approved June 23, 1910, and to repeal said original section.

Be it enacted, etc., that section 4 of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906.' approved June 23, 1910, be, and the same is hereby, amended to read as follows:

"SEC. 4. That all rights acquired under this act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail, after receiving reasonable notice thereof, to comply with any of the provisions and requirements of the act or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War, including the payment into the Treasury of the United States of the charges provided for by section 1 of this act: *Provided*, That Congress may revoke any rights conferred in pursuance of this act whenever it is necessary in the interest of navigation, and in the event of any such revocation by Congress the United States shall compensate the owners in the manner hereinafter provided: *Provided further*, That the authority granted under or in pursuance of the provisions of this act shall terminate at the end of a period not to exceed 50 years from the date of the original approval of the project under this act, unless sooner revoked as herein provided: *Provided further*, That no grant issued in accordance with the provisions of this act shall be assignable or transferable except upon the written consent of the Secretary of War: *And provided further*, That at any time not more than 10 years prior to the expiration of such grant it may be renewed for another period of not more than 50 years, or the grant may be made or transferred to other parties. In case the grant is not renewed to the original grantees or is revoked as herein provided, the Government shall pay or require its new grantee to pay, as full compensation, the reasonable value of the improvements and appurtenant works and property created or acquired under the authority of this act or in connection therewith, useful and convenient for the generation of hydroelectric or hydromechanical power, and including the transmission system from generating plant to initial points of distribution, but shall not include any other property or value whatsoever; such reasonable value shall be determined by mutual agreement by the Secretary of War and the owners, and in case they can not agree, then by proceedings instituted in the United States circuit court for the condemnation of such properties; the rule for determining the value shall be the cost of replacing the structures necessary for the development and transmission of hydroelectric power by other structures capable of

developing and transmitting the same amount of marketable power with equal efficiency, together with the fair value of all other properties herein defined, to which a bonus of not more than 10 per cent may be added: *Provided*, That in respect to every grant the Federal Government reserves the right to control the charges for service to consumers in the event that the laws and authority of the States or municipalities where such service is being rendered prove inadequate to protect the public interest: *Provided also*, That this limitation shall not apply to any corporation or individual heretofore authorized by the United States or by any State to construct a dam in or across a navigable waterway, upon which dam expenditures of money have heretofore been made in reliance upon such grant or grants."

SEC. 2. That said original section 4 be, and the same is hereby, repealed.

Mr. BURTON. I may say that, according to the present outlook, the development of water power on the public lands assumes greater importance and is a problem of greater magnitude than the development of water power in navigable streams.

While the attempts at water power grabbing are still being pursued, and bills for that purpose find a place on the calendar, these important bills which I have introduced, although having the approval of practically all the officials whose duty it is to administer the laws relating to the public domain and navigable rivers, remain undisposed of. It is impossible for the officers having to do with public lands, under the existing state of the laws, to grant any rights which will permit the development of water powers on the public domain and at the same time protect the public interests, not having at hand weapons of legal authority to safeguard such interests. While waiting for Congress to frame suitable laws, they have been obliged to practically refuse the use of any public land and thus have prevented any water power development whatever.

There are within the public domain probably from ten to fifteen million horsepower, and of this barely 300,000 have been developed.

By a comparison of these figures, even taking the smaller estimate of 10,000,000, the fact that barely 300,000 have been developed emphasizes the importance of early action upon this subject.

The difficulties encountered in making developments upon the public domain are fully set forth on page 38 of the final report of the National Waterways Commission.

I ask unanimous consent to have printed a brief portion of the report.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. BURTON. I will read only those portions which explain the most serious difficulties in the way of any development of this industry.

Because of the lack of legislation properly safeguarding the public interest, the Federal Government has withdrawn from entry many valuable power sites in the public domain, and has been forced, when granting permits for constructions in the forest reserves or upon public lands, to impose conditions so severe that few large developments have been undertaken. Likewise in the case of navigable streams outside the public domain, the lack of a fixed policy has left uncertain the extent and nature of the control which the Government intends to exercise, with the result that few developments have taken place.

As a result of the existing chaotic condition of the laws and the multiplicity of jurisdictions involved, water-power development has been subject to an exceedingly vexatious and unnecessary handicap. Under the present state of the laws, if a company should wish to make a development within any of the national forest reserves, it must first appropriate the water in accordance with the laws and regulations of the State in which the forest reserve is located.

Here the report seeks to enumerate the difficulties in the way. A company or individual—

must first appropriate the water in accordance with the laws and regulations of the State in which the forest reserve is located.

It must then submit its plans to the Department of Agriculture for approval. If the plans are approved, upon the payment of a certain fee, a permit will be granted. As power sites are very apt to be located in places remote from the point at which the power may be utilized, it is generally necessary to build transmission lines of considerable length. Should these transmission lines leave the forest reserve and traverse other portions of the public domain, another permit, imposing similar conditions, must be secured from the Interior Department.

That is, so far as the use of forest reserves is concerned, permission must be obtained from the Agricultural Department. If the use of the public lands is involved, permission must be obtained from the Interior Department.

The situation is still further complicated in the event that the lines must cross an unperfected homesteader's entry. Under the present provisions of law neither the Government nor the homesteader can legally grant permission to cross the claim. Furthermore, if the stream on which the development is to be made happens to affect navigation, plans must also be submitted to the War Department for approval, and, finally, the right to construct the dam must be secured by an act of Congress. The permits which the Secretary of Agriculture and the Secretary of the Interior are allowed by law to grant are revocable at will, unassignable, unmortgagable, and subject to interference by the location of mining claims and the transfer of lands from one jurisdiction to another. It hardly need be said that this condition is so intolerable as to practically prevent any extensive water-power development within the public domain.

Mr. President, there is no form of enterprise in which future developments point to concentration more than in the case of water power. Transmission lines are now in use which make the power created by one development available over an area of 125,000 square miles. It is desirable also that different sources of water power be ultilized under one management, because oftentimes in one watershed there will be a scarcity of water while in another there will be an abundance, because also of operating economies, and, further, as an insurance against a total breakdown of the service.

Along with this is the tendency to concentration which would inevitably raise the most urgent necessity for governmental control so as to prevent monopoly and safeguard the public interest.

There are two features in the amendment which I have proposed. The first is to the effect that no assignment of this privilege shall be made without the consent of the Secretary of War. This enables a public official to prevent the building up of a monopoly by scrutinizing the object of the assignment. The second provides that if the public interests shall require it the Federal Government shall have the right to control the prices which must be paid by the consumer. This second requirement, as well as the first, is of the utmost importance. We will be failing in our duty to the people if we allow these great natural resources to be possessed by private owners without governmental control of rates.

No one can tell what may happen in the course of years. Within 50 years, perhaps—possibly within a much shorter time—the control of water power may be absolutely necessary for the orderly management and development of the industries of the country. The creation of power by falling water instead of by steam may, as the supply of coal becomes less available or as the price increases, be absolutely essential.

The two bills which I have introduced contain no provisions which involve any undue restraint. They have, as I maintain, as their first object the protection of the interest of the public, but they will also make possible the orderly development of this vast natural resource, offering a field for the investment of millions of dollars of capital. I may say to the Senate that after long hearings before the Waterways Commission, in which Government officials whose duty it is to administer laws involving the question of water power had an important part, the terms of this bill were substantially agreed upon. One subject to which the commission gave a great deal of consideration was the length of the franchise to be granted.

Four different forms of franchises may be mentioned. First, a franchise which is revocable at will. The officials of the Department of Agriculture and of the Interior do not feel that they are authorized to grant any permits for the use of lands in the public domain, except those which are revocable at will. It is plain to see that no extensive development can occur under such circumstances. At the same time censure, which I think has been unwarranted, has been visited upon these officials, because they have felt that under the terms of the law they could go no further than to award revocable permits.

The next form of franchise is that which may be called an indeterminate grant. By some it is termed a possession during good behavior. The difficulty about this kind of a grant is that it is practically perpetual, or revocable according to the disposition of the legislators and administrative officers.

The third form is the perpetual franchise. I do not believe the perpetual franchise would find many advocates in this Chamber. By the dam act of 1910, relating to navigable streams, the term of the grant was limited to not more than 50 years. That is the law now—50 years is the maximum.

The fourth form of franchise, which the Commission recommends, provides a 50-year franchise with the provision that if it is terminated at the end of that time the Government shall pay to the owners of the franchise the fair cost of replacing their plant, including transmission lines, without, of course, making any allowance for the franchise.

This provision, Mr. President, safeguards the public, because it prevents monopoly in perpetuity; and in the next place, because it deals fairly with those who make the developments. There is a very substantial reason from the standpoint of the public why compensation should be offered at the end of the term. If the rights of the grantees are absolutely forfeited at the end of 50 years, they will inevitably charge the public in their rates of service an amount sufficient within 50 years to amortize the plant in addition to paying all the costs of operation and afford a reasonable profit. The dam and the appurtenances and transmission lines are constructions of a permanent nature, and are permanently useful.

It is not at all probable that the Government would in any case pay from its Treasury the value of the dam and appurtenances, but if the franchise is granted to another than those who hold it under the first grant, those who have the second grant would be required to pay for fixtures taken over.

There is a further recommendation in the report of the commission, namely, that at the end of 40 years those who possess it may enter into negotiations with a view to an extension. The object of that provision is to prevent deterioration of the plant by neglect, as will inevitably happen if those who hold the power franchise feel that at the end of 50 years they must surrender it, and that therefore it would not be worth their while to maintain the plant in a high grade of efficiency or to make necessary extensions and repairs.

Now, there is another subject, Mr. President, which has been very much discussed and concerning which I wish to read a brief recommendation from the Secretary of War, made with reference to this very bill:

> The principle which should govern the granting of these permits have been laid down by the National Waterways Commission. Before this bill is passed I think it should be amended so as to give to the Secretary of War authority to exact proper compensation for the right thus created and to apply it to the future improvement of the navigation of the river by other dams.

The theory of that recommendation is as follows: When a river which is to be developed for navigation contains rapids which afford valuable water power, the Government, in its policy of improving navigable streams, should receive compensation for that water power which will aid it in the development of navigation in other reaches of the stream as well as at the rapids themselves. In other words, it is not fair to place a stream which flows through a level country and which can be improved at comparatively small expense on the same footing with another stream which traverses a mountainous country and which must be improved by the construction of numerous locks and dams at enormous expense. Those who enjoy that water power should contribute toward the navigability of the stream as a whole.

In the legislation which has already been enacted, the act of 1910, it is provided that on the order either of the Secretary of War and the Chief of Engineers or that of Congress, whoever has the privilege of erecting a dam in a navigable stream must place there a lock as well. That provision is a very just one, and I confidently predict that it will be enforced more and more in the future.

Mr. President, we have come to the time when we must lay down some comprehensive policy on this subject. In the past numerous franchises have been given for the construction of dams where the sole object was to hold them for speculation.

So far as lies in my power I shall in the future object to the granting of these franchises unless the public interests are safeguarded, unless we act with a proper realization of the importance of this problem. It is important enough at present and it is sure to assume far greater importance in the future.

We ought not to turn over these privileges to any grantee who can transfer them to a company seeking a monopoly of the Nation's water power.

We ought not to make another grant unless it contains a reservation that the Government, through proper agencies, may control the charges to the public. That question may ordinarily be left with safety to the States and local communities; but when they fail to act, or when this development of water power assumes that magnitude which it is sure to assume, it will become essential that the Federal Government, which controls interstate commerce and which more and more must exercise its supervision over these great agencies, shall control the prices at which water is to be furnished to the consumer.

Mr. President, I trust the amendment will be adopted.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Ohio yield to the Senator from Oregon?

Mr. BURTON. I do.

Mr. CHAMBERLAIN. I should like to ask the Senator from Ohio a question before he takes his seat.

Mr. BURTON. I yield; certainly.

Mr. CHAMBERLAIN. Does the Senator from Ohio not think that the bill, if it should pass in its present form, would still leave to the State the power of regulating the rates to be charged by the water company?

Mr. BURTON. I do not; at least it is not so clearly stated in the bill. The power to alter, amend, or repeal has its well-defined limitations; and even if we have reserved that power, we ought expressly and in unequivocal language to enunciate our policy upon this subject.

Mr. BORAH. Mr. President, the Senator from Ohio says that the power to alter, amend, or repeal has its well-understood limitations. What is the limitation to the power to repeal?

Mr. BURTON. That question has been very much discussed. The power must be exercised within the limitations of the Constitution. You can not absolutely wipe out the value of property under the right to alter, amend, or repeal.

Mr. BORAH. If we put into this charter the right to amend it, to alter it, or to repeal it, everyone who acquires a right under the charter acquires it with that clause impressed upon his contractual and property rights, and the Government may repeal it at any time it sees fit. True, the Government may be and would be under certain obligations as to the distribution of proceeds, but there would be no question that under this provision the Government could put an end absolutely to the right to use and enjoy this franchise, and could do so without assigning any reason for its action. We may wipe it out of existence entirely. We may terminate all right of the grantees or their assigns to enjoy any rights now granted. I think it a wise provision. I am opposed to granting any corporate right, any corporate charter, or any franchise without reserving this power of altering, amending, and repealing it. I would go further and provide for an absolute forfeiture of all charter or franchise rights when the powers granted were being used in violation of law—a forfeiture clause which would enable private citizens to enforce it in the courts upon showing made that the powers were being so used.

Mr. BURTON. I can not agree with the Senator from Idaho in that assertion.

In the next place, it would leave it to litigation to determine whether this regulation of rates was not an interference with the rights of property. I have no thought that the Government or any State agency would ever exercise this power unreasonably, but under the right to alter, amend, or repeal you throw the door open for litigation.

Another thing. If you mean that, why not say so in your bill and not leave it to the future action of Congress? Who knows what Congress in the future will do? We have our responsibilities to fulfill now and we ought not to leave it to the uncertain action of the future.

Mr. BORAH. Of course, no one knows what Congress in the future will do; but it is to be presumed that we shall transmit some of our wisdom to posterity and that they will act quite as wisely as we do. There can be no doubt, however, as a legal proposition, of our power to act under this clause of the bill. It has been decided very often, and I did not suppose it was open to controversy.

Mr. BANKHEAD. Mr. President, I desire to ask the Senator from Ohio if he has any further amendments that he desires to offer to this bill?

Mr. BURTON. I have no others. As I have said, I do not think these two go as far as we should; but, in view of our past policy, I do not feel like offering other amendments. I think there should be attached to this bill the provision contained in Senate bill 6796 for an adjustment between the grantee or the licensee and the Government at the end of 50 years. I think the Senator from Alabama will agree with me that that would be favorable, rather than unfavorable, to the grantee.

Mr. POINDEXTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BANKHEAD. I do.

Mr. POINDEXTER. In order that all the questions arising on this bill may be discussed at the same time, I should like to now offer the amendment which I send to the desk.

The PRESIDING OFFICER. There is one amendment pending.

Mr. POINDEXTER. I ask unanimous consent to submit the amendment and to have it read.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will state the amendment for the information of the Senate.

The SECRETARY. It is proposed to add after section 1 a new section, as follows:

> The said power company, its successors, and assigns shall pay to the United States 1 per cent of the net profits derived from light, heat, power, or other proceeds of said work, to be ascertained and collected by the Secretary of War.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. The Senator from Alabama has the floor. Does he yield to the Senator from Idaho?

Mr. BANKHEAD. I yield.

Mr. BORAH. Would the Senator from Washington be willing to modify his amendment so that these proceeds as paid shall be paid to the treasury of the State in which the power site is located? I am quite in favor of regulation and control, but I want the States to have the benefit of the natural resources of the State. I do not now express any opinion as to the power of the National Government to regulate rates.

Mr. POINDEXTER. At the suggestion of the Senator from Idaho, I will modify the amendment by adding to it the following words:

And one-half of all such collections made by the Secretary of War shall be paid by him into the treasury of the State of Alabama.

The PRESIDING OFFICER. The Chair would suggest that the amendment is not before the Senate, but has been merely read for information.

Mr. BANKHEAD. Mr. President, I do not intend to consume very much of the time of the Senate in the discussion of this measure. I shall endeavor to present to the Senate the common-sense, practical view of it, the business view of it.

In 1872 the Government undertook the improvement of the Coosa River. During the 40 years that have expired since that time $1,600,000 have been appropriated, or $48,000 per annum. The appropriations for this river have gone off of the river and harbor bills on two separate occasions at the instance of the distinguished Senator from Ohio [Mr. BURTON], because he said that the commerce of the river would not justify the expenditure.

On every occasion when he has interposed an objection to the improvement of this river in the ordinary way, he has suggested: "You people down in Alabama ought to help yourselves in the improvement of this river; you ought to make some arrangement by which power on this river could be developed in connection with its navigation; when you do that and come to Congress, I stand ready to give you all the aid I can."

Three years ago, Mr. President, the river and harbor bill contained an item directing a survey of this river along the lines suggested by the Senator from Ohio; that is, that a complete survey should be made looking jointly to the navigation and development of the power on the river. That survey has been made; it is an exhaustive one. The engineers recommend cooperation between the Government and the State or the private individuals, as the case may be, in the development of power and navigation. That report fixed one of the locks and dams to be constructed on that river with a view to its navigation at this identical point, known as Lock 18. When the survey had been submitted, the Government, through its authorized officials, invited cooperation, invited corporations or individuals to appear before its officer in Montgomery and submit propositions by which this power might be developed jointly with the navigation of the river.

Mr. President, this dam is located on a stretch of that river 126 miles long, entirely nonnavigable; and if we are to proceed to the improvement of that river navigation as we have proceeded, according to the appropriations made it will require something over 400 years to improve it in order that you may carry even a raft over it.

Mr. President, the State of Alabama chartered what is known as the Alabama Power Co. and authorized the construction of this dam. The State of Alabama reserved the right to regulate this corporation. The State of Alabama, through its public-service commission, is regulating all matters of this sort wherever occasion requires; and we blieve, Mr. President, that the State of Alabama is the only authority that can regulate matters of this sort.

What do these companies propose to do? They propose to construct this dam at their own expense, the estimate being $1,622,000—that is the Government engineers' estimate—and all they ask for this initial outlay, this vast sum, a sum greater, Mr. President, than the Government of the United States has expended on that river in 40 years—they propose in one year or in 18 months to expend this amount, construct this dam, and all they ask is to be permitted to use the surplus water, if there is any water there beyond the uses of navigation. They say, "Let us have that, because we have expended money enough to be equal to $6.50 a horsepower for every horsepower created every year as long as the water runs." That is the simple proposition here. What right has the Government——

Mr. POINDEXTER. Mr. President, will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. BANKHEAD. Certainly.

Mr. POINDEXTER. Will the Senator inform the Senate about how many horsepower they contemplate developing?

Mr. BANKHEAD. Ten thousand.

Mr. POINDEXTER. I understand the Senator to say that the value is estimated at $6.50 per horsepower per year?

Mr. BANKHEAD. I said that the cost of this dam at 4 per cent per annum is equal to a charge of $6.50 on every horsepower created. That is what I said.

Mr. POINDEXTER. What does the Senator estimate as the commercial value of the horsepower developed?

Mr. BANKHEAD. Oh, Mr. President, that would depend largely upon where this power was situated.

Mr. POINDEXTER. I mean in this particular case.

Mr. BANKHEAD. I am not an expert in matters of that kind, but I should like to have the Senate bear in mind——

Mr. POINDEXTER. I should like, if the Senator will pardon me——

Mr. BANKHEAD. Certainly.

Mr. POINDEXTER. The Senator, of course, is familiar with the cost of developing power by other means in this locality—the cost of coal—and undoubtedly the company to whom this franchise would be granted have estimated the value of the horsepower. I should like very much, in the consideration of this bill, if the Senator, either now or before a vote is taken on it, would give us at least approximately an estimate of the value per horsepower of the power to be developed there.

Mr. BANKHEAD. Mr. President, I should like to have the Senate bear in mind the fact that this dam is located in the midst of the cheapest coal fields in the United States, perhaps in the world. Not only that, but gas is being produced at coke ovens in Birmingham at a cost of 4 cents a cubic foot, and all these elements of heat and power of course come directly in contact and competition with the power created at this dam. I do not know definitely what is the cost of producing a horsepower with coal, and nobody else can tell, because the conditions vary. It depends upon the cost of the coal; it depends upon the cost of transportation; it depends upon the quality of the coal; it depends upon the machinery used for burning the coal; but all that cuts no figure here.

We have heard, Mr. President, a great deal said in this discussion and in other discussions about the conservation of the natural resources of the country. Here is the greatest conservator of resources that has even been presented to the Senate. Why? In the first place, it provides for navigation; in the second place, it conserves the water and creates power; in the third place, it conserves the forests. Why, Mr. President, if you would burn wood enough in this community to create 10,000 horsepower a day, you would burn up the whole country around; it would go up in smoke, and that would be the end of it. It conserves the coal; it supplants coal, a commodity which is gradually increasing in price and becoming more scarce. Not only that, Mr. President, but, under the plan proposed here and the arrangement made, it conserves the soil. The purpose of this company is to manufacture; and every horsepower they are to create will be used for the purpose, and that alone, of manufacturing an indispensable ingredient in fertilizing the lands of this country. This is to be a nitrogen plant to manufacture nitrogen. Without it you can not manufacture a high-grade fertilizer, and without fertilizers you can not sustain the crops and you can not keep up the yield.

I venture the assertion, Mr. President, that if we were to discontinue the use of fertilizers and nitrogen in our cotton production there would be a falling off of one-half the entire crop; they are indispensable. The time is very near when the grain fields of this country must be liberally fertilized if we are going to produce sufficient food in this country for our rapidly increasing population.

Where does this nitrogen, so necessary to cotton production, come from? It is imported from Chile. The Chilean Government has imposed an export tax of $11.50 on each ton, and the Chilean Government is receiving 60 per cent of its entire revenue from this source; and we are told the supply is rapidly being exhausted. Where are you going to get your supply?

Not only do we conserve timber and coal and water and soil, but we go further; we conserve the air, the atmosphere from which this nitrogen is taken by a process known and patented and used in all the old countries of the world. They are all manufacturing this stuff necessarily.

A few years ago a company went down on the Tennessee River and sought an opportunity to construct a dam to maintain a nitrogen plant there and cooperate with the Government in connection with navigation. Congress said, "No; we will wait. We have not quite reached the time when we can have some uniform plan by which our rivers can be improved and our power developed." What was the result? They said, "We will pull up." And they did pull up and went over to Canada, across the river at Niagara, where they established their plant. They are manufacturing this product there now, and we are paying $4 a ton on it to go in our soil down in Alabama.

Mr. JOHNSTON of Alabama. Four dollars a ton freight.

Mr. BANKHEAD. I mean, of course, that the freight is $4 a ton. The cost of this product in Chile is about $46, with freight added, so that, if it gets much higher, it will be prohibitive; and what we want to do is to manufacture it at home. We have all the power necessary, and, God knows, we have all

the air necessary, and I have sometimes thought that if we would turn a little of the wind that I have observed in this Chamber into that industry we would have an inexhaustible supply out of which we could make this product. [Laughter.]

I am just about through. I want to read, however, very briefly from a message sent to the Senate by the President of the United States. This message is on conservation of national resources, and I want briefly to read what the President says bearing directly upon this question. After discussing the subject, he says:

> The opinion is held that the transfer of sovereignty from the Federal Government to the Territorial governments as they become States included the water power in the rivers except so far as to the ownership of riparian proprietors.

Then he adds:

> I do not think it necessary to go into a discussion of this somewhat mooted question of law. It seems to me sufficient to say that the man who owns and controls the land along the stream from which the power is to be converted and transmitted owns land which is indispensable to the conversion and use of that power.

Further down he says—and then I am through with this discussion—

> In considering the conservation of the natural resources of the country, the feature that transcends all others, including woods, waters, minerals, is the soil of the country. It is incumbent upon the Government to foster by all available means the resources of the country that produce the food of the people. To this end the conservation of the soils of the country should be cared for with all means at the Government's disposal.

That is exactly what we are proposing to do, Mr. President, and that is all we are proposing to do. We deny absolutely that the Government of the United States has any interest in or control over the navigable waters of Alabama, except for the purposes of navigation. The Government has expended no money there to create power. This company is the riparian owner. Who else can go down there and take possession of their property and convert it to their own use? It is an attempt, Mr. President, on the part of Congress to invade a sovereign State by some sort of hook or crook or process and confiscate the property of the citizen.

Mr. BURTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Ohio?

Mr. BANKHEAD. Certainly.

Mr. BURTON. Does the Senator from Alabama deny the absolute right of the Federal Government, whenever its permission or refusal determines whether or not a privilege shall be exercised, to impose such conditions as it pleases in the public interest?

Mr. BANKHEAD. I absolutely deny that, except as to navigation.

Mr. BURTON. I should like to ask the Senator from Alabama another question. Did he vote for the Panama Canal bill that passed here a few days ago?

Mr. BANKHEAD. I did not.

Mr. BURTON. I am very glad to hear the Senator from Alabama give a negative answer in reply to that question. There is a provision in that bill to the effect that boats of American registry engaged in foreign trade may pass through the canal without payment of tolls upon conditions imposed.

Mr. BANKHEAD. Oh, Mr. President, that has nothing to do with this question.

Mr. BURTON. The owners must be ready to turn over their boats to the Government in case of war or emergency. That is one illustration of the conditions the Government may attach.

Mr. BANKHEAD. That has nothing on earth to do with this question, and no application to it at all.

Mr. BURTON. It is exactly parallel to this question.

Mr. BANKHEAD. That is navigation on the sea, and there is no riparian owner there, so far as I know.

Mr. BURTON. But we must determine the powers of the Federal Government by general principles. There was a case, within a very few days, in which permission was coupled with a condition, absolutely asserting the right of the Federal Government to attach to a right granted or permission given any condition it pleases.

Mr. BAILEY. The Federal Government owns the Panama Canal absolutely.

Mr. BANKHEAD. That argument does not apply here at all. The question here is whether or not the Government of the United States has the right and the power to go down into Alabama, confiscate the property of her citizens, and apply it to its own use, because the property along these rivers, according to all the decisions of the courts, according to the message of the President, who himself is a great judge, belongs to the riparian owner; and nobody, neither the Government nor the States nor anyone else, can deprive him of it without his consent, except, Mr. President, for the purpose of navigation.

Mr. BURTON. To come to something fundamental, the Senator from Alabama concedes that the permission of the Federal Government is necessary in order to enable this dam to be built; otherwise, why are they here?

Mr. BANKHEAD. Of course, Mr. President, on a navigable river you can not construct a dam that interferes with navigation, and the Government must see to it that the navigation is not interfered with. This bill provides that that shall be done; that this dam shall be constructed under the direction and supervision of Government engineers in aid of navigation, not of power.

Mr. BURTON. Mr. President, does not the Federal Government, in giving the right to construct dams, in every case require that fishways be inserted in the dam? What do fishways have to do with navigation?

Mr. BANKHEAD. I do not know that that is done. I know that there are 10 dams on the Black Warrior River, and there are no fishways there. It ought to be done, but it has nothing to do with navigation; it has something to do with the preservation of a food supply.

Mr. BURTON. This provision relates to something very much more important than the preservation of fish for a food supply; it relates to the protection of the people against monopoly and exorbitant charges.

I should like to ask the Senator from Alabama another question. Is it not true that, in case we allow a bridge to be built across a navigable stream, it is made a condition that troops and munitions of war of the United States may pass thereon under certain conditions? Is it not also made a condition in many bridge bills that other railway companies, in case it is a railway bridge, may cross it on terms fixed by the Federal Government?

Mr. BANKHEAD. Oh, Mr. President, that has no application here. The Senator has got out on the dry land, and is talking about railroad bridges.

Mr. BURTON. I maintain that it is exactly applicable.

Mr. BANKHEAD. The railroad bridge must be built so as not to injure navigation.

Mr. BACON. Will the Senator permit me to ask the Senator from Ohio a question?

Mr. BANKHEAD. Certainly.

Mr. BACON. Although those conditions are imposed as to the free transit of troops and other matters in which the Government is interested, does the Senator from Ohio think the Government has the right to impose that condition?

Mr. BURTON. I do.

Mr. BACON. To require it?

Mr. BURTON. I do.

Mr. BACON. I should like the Senator to point out where the authority for any such power is to be found.

Mr. BURTON. In that broad, general authority which exists whenever a right is granted to attach conditions thereto.

Mr. BACON. Does the Senator mean to say unlimited conditions?

Mr. BURTON. Yes; unlimited conditions.

Mr. BAILEY. Not in derogation of the right of other people or the rights of the State.

Mr. BACON. The Senator from Ohio is right only to this extent: The Government has a right to attach a condition which will not interfere with the right of the exercise of a power, but no other condition. In other words, when it comes to the obstruction of a navigable stream the Government has the right to attach a condition, and that is a matter of power in the Government, not simply a matter of convenience or agreement. The Government has an arbitrary right to attach as a condition anything which is necessary in order that the great purpose of the exercise of the power shall not be defeated and that the navigation shall not be interfered with. It may do so by consent; it may do so by agreement; but the Government has no power to attach any condition, except such condition as is necessary for the proper preservation of the exercise of that power with such appliances as it adopts for the execution of the power.

Mr. BURTON. With the greatest respect to the Senator from Georgia, to whom I always listen with the utmost interest, I differ with him entirely.

But it is not necessary to go so far as he enunciates. This is but an incident and an assertion of the manner in which this privilege may be exercised. I happen to have before me a decision of the Supreme Court of the State of Illinois in a case in which the condition was attached for the payment of a mileage tax of $500 per mile in a grant by a city for the construction of a State railway. After accepting the ordinance,

the grantee attempted to repudiate the condition on the ground that it was one the municipality had no power to impose. The court held that the condition was valid, saying:

Even though it might be held that the condition upon which the permit or license was granted to the defendant railway company was ultra vires, the city not having the power to impose it, nevertheless, the ordinance having been accepted by the company with the condition attached, agreeing thereby to perform it, it became a valid contract between it and the city, the validity of which the defendant is now estopped to deny.

I do not recall the volume, but there is a decision of the Supreme Court of the United States, rendered by Justice White before he was promoted to the position of Chief Justice.

Mr. BACON. Will the Senator permit me right there? Suppose a party would come to Congress and ask authority to construct a toll bridge across a navigable stream. The only authority which Congress has is to require that that toll bridge shall be so constructed as not to interfere with navigation, and it is the judge of what will or will not interfere with navigation. But upon the application of a citizen for authority to construct a toll bridge across a stream, does the Senator think the Government would have the constitutional authority to say, "Yes; you can do it, but you must pay half the tolls to the Government?"

Mr. BURTON. It would have that power. I must most fundamentally differ with the Senator as to the condition of granting consent. Of course it is not conceivable that the right would be exercised in such a case as that the Senator mentions. I was about to refer to the decision of Justice White. Congress passed a bill for the payment of a certain claim of the State of Maryland against the Federal Government, and attached to that bill a condition that no fee be paid to any attorney for collecting it. The attorney, who had rendered very valuable service, who had secured the payment of the claim, made application to the auditor of the State of Maryland for his fee, notwithstanding the inhibition, on the ground that Congress had no right to impose it. The case came here to the Supreme Court, and it was held that whether that were a condition in accordance with the general rights relating to the subject, the bill having passed on that condition, it was nevertheless binding, and no fee could be collected.

Mr. BANKHEAD. Mr. President, I have said about all I care to say on this subject.

Mr. POINDEXTER. Before the Senator sits down I wish to ask him a question.

Mr. BANKHEAD. I merely wish to read one short extract from the conservation message of the President. I should like to have the attention of the Senator from Ohio to it.

Mr. BURTON. I beg pardon.

Mr. BANKHEAD. I am going to read an extract from the President's conservation message, sent to Congress, and I wish the Senator to hear it:

It is exceedingly difficult to frame a statute to retain Government control over a property to be developed by private capital in such manner as to secure the governmental purpose and at the same time not frighten away the investment of the necessary capital.

Now, hear:

Hence it may be necessary by laws that are really only experimental to determine from their practical operation what is the best method of securing the result aimed at.

Now, Mr. President, that is all I care to say. I will answer the Senator from Washington.

Mr. POINDEXTER. I should like to ask the Senator how far this location is from the city of Birmingham and what is the status of the country as to the market for the power.

Mr. BANKHEAD. There is absolutely no demand for this power except for the purpose I have stated, the matter of the manufacture of nitrogen, and the American Dynamite Co. has a contract with the Alabama Power Co. to take every horsepower it produces for 25 years for that purpose. They are 30 miles from Birmingham.

I should like to have a vote on the amendment now, if agreeable to the Senator.

Mr. POINDEXTER. Mr. President, I am heartily in accord with the amendment offered by the Senator from Ohio. I would prefer that he would make a modification of the amendment providing that the power of the Federal Government to regulate the rates should only be exercised in case the State governmnt failed to exercise it.

Mr. BAILEY. Both governments could not possess the power.

Mr. BURTON. I drew the amendment in a different form at first, providing for Federal control in case power was not adequately exercised by the State or municipality, but it seems to me the form in which it was introduced was more general and better. I drew the amendment in this form:

In the event that the laws and authorities of the State or municipalities where such service is rendered prove inadequate to protect the public interest.

So far as I am concerned I shall be just as willing that the latter amendment be adopted. I stated in my remarks that it was presumed that in the first instance the State would control, but when they failed to act or when this problem assumes the greater magnitude which makes the transmission of power a matter of interest to commerce, the Federal Government might intervene.

Mr. BAILEY. Would the Senator permit me to ask him a question before he sits down?

Mr. BURTON. Certainly.

Mr. BAILEY. I was curious to know where he found an authority for the doctrine that a State possesses a power, but if it failed to wisely exercise that power it then passes to the Federal Government. I remember a speech delivered at the city of Pittsburgh several years ago which announced a doctrine of that kind, which rather startled the country. I am not surprised that the Senator in front of me is approving it, but I am rather surprised that the Senator from Ohio is now approving that doctrine.

Mr. BURTON. In the first place, the right to control would be reserved under this amendment as a condition of the grant, and the Federal Government might refrain from exercising that power at its option until a case arose when in the judgment of its duly constituted authorities the right should be exercised.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. SIMMONS. I ask unanimous consent that the unfinished business be laid over until the measure now before the Senate is disposed of, and then I shall ask the Senate to take up the cotton bill for consideration.

Mr. PENROSE. Before unanimous consent is given, I should like to have, and I think the Senate would like to have, some information as to how long the present measure will take. A number of Senators have expected the cotton bill to come up this morning about this hour.

Mr. BAILEY. I do not think it will take an hour.

Mr. SIMMONS. Probably it will not take more than 15 or 20 minutes.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that the unfinished business be laid aside until the measure now before the Senate is disposed of.

Mr. LODGE. Before that is done, I think we ought to have some agreement as to a vote on this bill.

Mr. PENROSE. If we could have an agreement to vote on it at 12.30, I would not object.

Mr. POINDEXTER. I object.

Mr. LODGE. Then I object to temporarily laying aside the unfinished business.

The PRESIDENT pro tempore. The Senator from Massachusetts objects. The unfinished business is before the Senate.

Mr. BAILEY. Mr. President, I was under the impression that this being a special order after we entered upon the consideration of this bill we should proceed with it until disposed of, just as we entered upon the consideration, as a special order, of the Post Office appropriation bill. I do not think the demand for the regular order can displace the unanimous-consent agreement.

The PRESIDENT pro tempore. The Chair will state that on that point neither the rules of the Senate nor the precedents are very clear, and yet the Chair is clearly of opinion that the unfinished business does displace a special order, and will so rule.

Mr. BAILEY. It is probably true that if it were made a special order by a vote of the Senate then the unfinished business would displace it, but not in the case of a unanimous-consent agreement.

Mr. BACON. No, Mr. President, the rule is exactly the reverse of that. It is Rule X, I think.

The PRESIDENT pro tempore. It is Rule X.

Mr. BACON. It expressly provides for the contrary.

Mr. BAILEY. I thank the Senator for the correction. I guarded myself by saying that it was probably true. When the Senate gives its consent unanimously to take up a measure and proceed with it I feel very sure that there the matter must be disposed of before it could be displaced in this way.

Mr. LODGE. Mr. President——

Mr. BAILEY. The anxiety of the Senator from Massachusetts to dispose of the fur-seal matter is a perfectly natural and proper one, but it is not greater than this matter which relates almost entirely to Alabama and whose Senators have been waiting here for days to try and dispose of it.

Mr. LODGE. I desire to call attention to the fact that in regard to the Coosa River bill we are not acting under a unanimous-consent agreement, but under a special order.

Mr. BAILEY. A special order made by unanimous consent.

Mr. LODGE. Very well, whether made by unanimous consent or agreed to by a two-thirds vote, it remains a special order.

Mr. BAILEY. Everything is a special order that is made by unanimous consent.

Mr. LODGE. One moment, if I may be allowed to finish my sentence. Whether it is a unanimous-consent agreement or a special order I think there is a distinction between them; but whether one or the other, the only agreement made was that it should be taken up immediately on the disposition of the Post Office appropriation bill. There was no agreement that it should be proceeded with through the parliamentary stages to a final disposition. There is not a word about it in the special order. The agreement was to take it up, and that has been done.

I have not desired to throw the slightest obstacle in the way of the disposition of the Coosa River bill, but I do think at this stage of the session, if we can not reach a reasonable agreement as to time, it is not quite fair, with all the great matters—appropriation bills and so on—pressing, to make an agreement to go on with all this discussion of the conservation of natural resources on this bill, which may be protracted indefinitely. I venture to think that the carrying out of the convention with three other countries in which we are now in default in our payments is a matter quite as important as the improvement of any river in the United States.

Mr. BAILEY. Mr. President, the Senator from Massachusetts can provoke no controversy with me with that statement. I think the most important thing with nations as well as with individuals is to meet their engagements. But the Senator, I think, overestimates the debate which this measure will provoke. I believe the Senator from Washington [Mr. POINDEXTER] desires to be heard, but I am sure he does not desire to be heard to any such length as will interfere with the disposition of the bill. If he will give us the opportunity I think we can agree on a reasonable time.

Mr. LODGE. If an agreement can be made on a reasonable time, I shall not interpose the slightest objection, but I want some end to the debate. If a vote can be taken at 1 o'clock——

Mr. BAILEY. I ask unanimous consent that the vote on the pending matter shall be taken at 1 o'clock.

Mr. PENROSE. Or earlier if possible.

Mr. BAILEY. Not later than 1 o'clock.

Mr. SIMMONS. I assume that the debate will not last more than half an hour.

Mr. LODGE. I would make it not later than 1 o'clock. That is a fair request.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that the consideration of the special order be continued and that a vote be taken upon the bill not later than 1 o'clock this afternoon. Is there objection?

Mr. POINDEXTER. I object.

Mr. BAILEY. What time would the Senator consent to?

Mr. POINDEXTER. So far as my consent is necessary I will consent to proceeding now with the consideration of the bill and to set a future time, but I will not consent to a limitation of the discussion to a brief period because it is a question of national importance. It does not simply involve the Coosa River. It involves every other similar situation in the United States, most of them being in the western country, for the reason that every precedent that is established is set up as a rule of action in every subsequent bill that comes up in Congress. For that reason it ought to be thoroughly discussed and the principles involved in it ought to be thoroughly understood by the Senate before it acts.

Mr. BAILEY. I can understand how the Senator would want to present his views fully, and I assume that what the Senator desires is an opportunity to present his views. I understand that there is no disposition to discuss it by other Senators. I want the Senator to have such time as he thinks necessary. Surely, I have no desire to abridge his freedom of speech or his opportunity to debate the matter.

Mr. BACON. I should like to ask the Senator from Washington if he can conclude the presentation of his argument within an hour, and I would ask if anyone else would want to speak?

Mr. MASSEY. I should like to have about 10 minutes, not more than that, on the Coosa River bill.

Mr. SIMMONS. If we can not fix an hour I shall demand the regular order, and it does not seem to be possible for us to do so.

Mr. NEWLANDS. In order that there may be no misunderstanding, in reply to the statement of the Senator from Texas, I will state that it is my desire to address the Senate for about 10 minutes upon this bill.

Mr. BAILEY. And the other Senator from Nevada wants about that time.

Mr. BORAH rose.

Mr. BAILEY. The Senator from Idaho desires some time.

Mr. BORAH. I do not desire to delay the bill unless some amendments are put on, and if they are put on there will not be any chance of passing it at this session.

Mr. BAILEY. I understand how the Senator feels about the amendment of the Senator from Ohio, and, of course, if that should be adopted, I would understand that he would want to discuss it.

Mr. BANKHEAD. I should like to say that if the amendment of the Senator from Ohio is adopted I will ask unanimous consent to withdraw the bill as a special order.

Mr. BAILEY. I am going to make one more effort. I ask unanimous consent that the vote on the bill be taken not later than 1.30 o'clock.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that the consideration of the bill be continued, and that a vote be taken upon it not later than 1 o'clock and 30 minutes this afternoon. Is there objection?

Mr. POINDEXTER. I object.

The PRESIDENT pro tempore. The Senator from Washington objects.

Mr. PENROSE and Mr. LODGE. The regular order.

The PRESIDENT pro tempore. The unfinished business is before the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives in which it originated the bill (H. R. 18642) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, with his objection thereto, the House has proceeded in pursuance of the Constitution and reconsidered the same, and had passed the bill by a two-thirds vote the objection of the President to the contrary notwithstanding.

THE COTTON SCHEDULE.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25034) to reduce the duties on manufactures of cotton.

Mr. PENROSE. Mr. President, ordinarily there might have been an effort made to get the Republicans of the Senate together upon a cotton bill, but this very long session has elapsed, and we are on the point of adjournment; and there was no indication of any purpose on the part of the Members of the House to take up the cotton schedule at the present session until this bill came to the Senate a few days ago. It is obviously impossible for the majority members of the Finance Committee, with the prospect of an adjournment of Congress, it is hoped, at some period next week, to go into this very complicated schedule. The Tariff Board, it is true, has reported upon the cotton schedule, and an effort similar to that which was made on the wool schedule would have been made in this instance to present a bill to the Senate showing reductions in some of the items, and most of them perhaps, of the cotton schedule, but it is felt to be unreasonable to expect the Republican members of the committee to take such action at this time. Had the House given any intention early in the session of a purpose to bring up cotton legislation we would have been in better shape to take the action to which I have referred.

Under the circumstances, the majority members of the committee have no bill to present to the Senate. I want to be careful in saying that I represent but a majority of the Republican members of the Finance Committee in making this statement; but we are ready to act upon the bill as it comes from the House.

In this connection I have a brief statement upon the hosiery paragraph, which I will not detain the Senate by reading, but which I will ask to have printed as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The statement referred to is as follows:

RELATING TO HOSIERY.

HOW EUROPEAN MANUFACTURERS DESTROY THE INTENT OF OUR TARIFF LAWS.

The attention of the Senate is requested to a few remarks I wish to make on a phase of the tariff question of vital importance to wage earners and manufacturers, more important, possibly, to wage earners, as the facts I desire to present are an ever present menace to the high wages they receive under the Republican policy of adequate protection to American labor and industry.

At all times, especially following a change in our tariff laws, whereby rates of duty are increased, foreign manufacturers make a generally successful effort to reduce the cost of merchandise they export to this

country. This, coupled with changes made in the administration of the law by our customs officials, reduces the rate of protection to a point where American manufacturers find it very difficult to compete and pay the high wages demanded by wage earners in America, thus destroying the intent of Congress.

Interesting facts connected with the hosiery trade have been brought to my attention recently, proving conclusively by official records that American manufacturers of hosiery have never received the rate of protection written in the Payne law.

It should be explained that the class of hose the foreign value of which is $1 or less per dozen pairs, retailing at 25 cents per pair, is the chief competitive class, and German manufacturers of hosiery have reduced the value of this class sufficiently to eliminate the advance in duty of 20 cents per dozen pairs written in the Payne law, thus destroying the intent of Congress.

From 1898 to August, 1909, the class of hose valued at $1 or less per dozen pairs, with few exceptions, entered the American market, duty paid, at $1.59 per dozen pairs, but immediately following the passage of the Payne law, foreign manufacturers of hosiery began a systematic reduction in the value of this class of hose, until in May, 1912, there were imported thousands of dozens at $1.56 per dozen pairs, duty paid, 3 cents per dozen pairs less than they were imported for at any time during the operation of the Dingley law, thus destroying the intent of Congress.

If foreign manufacturers can continue to land this grade of hosiery in this country, duty paid, at $1.56 per dozen pairs, hosiery mills must close or reduce wages, and should the Underwood or Hill cotton-tariff bill become the law, the result, as shown by the figures following, would insure immediate disaster to the hosiery trade in America.

	Rate of duty.	Foreign value per dozen.	Duty.	Landing value, duty paid.
	Per ct.			
Underwood bill	40	$0.75	$0.30	$1.05
Hill bill	50	.75	.375	1.125

After making careful estimates American manufacturers of hosiery claim that it costs them $1.769 to manufacture one dozen pairs of this grade of hose, and are willing to give Members of Congress every opportunity to investigate this claim.

During the operation of the Payne law some hose of this class have been imported at a value above $1.56 per dozen pairs but none at $1.79, the value at which they should be imported, duty paid, to give American manufacturers of hosiery the advance in duty of 20 cents per dozen pairs, as intended by Congress in passing the Payne law. In the debate on the Underwood and Hill cotton-tariff bill in the House of Representatives on August 2, 1912, Hon. SERENO E. PAYNE strongly defended the rates of duty on hosiery incorporated in the Payne tariff law and insisted that the report of the Tariff Board on the cotton schedule submitted no facts justifying a change in hosiery rates of duty.

It can be said without fear of contradiction that Mr. PAYNE during the revision of the Dingley law made a thorough investigation of hosiery costs both here and abroad.

That German manufacturers of hosiery are closely watching tariff legislation in this country confidently expecting a reduction in rates of duty which will allow them to control our market is indicated by the following quotation from the leading trade paper in Chemnitz:

[From the Deutsche Wirker Zeitung, May 23, 1912.]

"England also operated at a some more lively rate in the local market and in America and placed nice orders in fine-gauge qualities. This was taken as proof that America, if fashion so wills, is not entirely independent of the Saxon production. Optimists went so far that America—that is, the United States—would eventually have to buy Saxon staple articles, as the new election in all probability promises to bring about a change in the tariff in our favor."

Another quotation from the same German paper, of May 16, 1912, shows the German hosiery manufacturers fear competition from Japan fully as much as American manufacturers do:

"In Japan may arise a rather important competitor to our stocking industry. At the local board of commerce was shown a collection of Japanese manufacture marked with prices which would not cover the cost of production if they had to be made here. We do not consider them equal to our product. The material is inferior, but a low price is for certain countries often the only factor, and therefore it is to be feared that the large business we are doing at present in countries like Turkey in Asia and Egypt, etc., can be torn from our hands."

From time to time, as the facts reach me, I shall call the attention of the Senate to similar cases in connection with other industries where the intent of Congress has been destroyed.

Being in possession of these facts, hosiery workers and manufacturers have just reason to be alarmed at a further reduction in the rates of duty on hosiery and may well hesitate before casting their votes in the coming election in favor of a party pledged to revise the cotton schedule downward on a "tariff-for-revenue-only" basis.

Cost of producing one dozen pairs of fashioned hose retailing at 25 cents, 35 cents, and 50 cents per pair.

[These figures have been prepared under the supervision of the Hosiery Manufacturers' legislative committee, C. H. Brown, chairman.]

	25 cents.	35 cents.	50 cents.
YARN PER DOZEN PAIRS.			
Main yarn	$0.525	$0.84	$1.19
Splicing yarn	.08	.09	.17
Looping yarn	.002	.002	.002
Seaming yarn	.007	.008	.008
	.614	.94	1.37
LABOR PER DOZEN PAIRS.			
Knitting legs	.19	.23	.27
Knitting feet	.10	.125	.15
Topping	.05	.07	.08

Cost of producing one dozen pairs of fashioned hose retailing at 25 cents, 35 cents, and 50 cents per pair—Continued.

	25 cents.	35 cents.	50 cents.
LABOR PER DOZEN PAIRS—continued.			
Looping	$0.065	$0.07	$0.08
Seaming	.07	.08	.09
Mending	.04	.05	.05
Turning	.005	.005	.005
Winding	.02	.03	.05
Boarding	.04	.06	.07
Pressing	.01	.01	.01
Pairing and packing	.05	.06	.07
General expense	.10	.10	.10
Mill expense	.125	.15	.175
	.865	1.04	1.20
SUNDRY ITEMS OF EXPENSE PER ONE DOZEN PAIRS.			
Dyeing and singeing	.105	.10	10
Bands and labels	.004	.005	.006
Packing cases	.01	.01	.01
Paper boxes	.05	.06	.075
Commission	.055	.076	.10
Discount	.046	.062	.083
Seconds	.013	.045	.08
Freight	.007	.007	.007
	.290	.365	.461
Total cost per dozen	1.769	2.345	3.031
Manufacturer's profit	.081	.105	.319
Wholesale price	1.85	2.45	3.35
Middleman's profit	1.15	1.75	2.65
Retail price	3.00	4.20	6.00

The following article appeared in the Washington Star on July 29:

"GERMANY FOR HIGH TARIFF—MERCHANTS INSIST ON PROTECTIVE SCHEDULES, SAYS HERR SYDOW.

[Foreign correspondence of the Star.]

"BERLIN, *July 15, 1912.*

"Herr Sydow, the Prussian minister of commerce, stated in his speech at Crofeld that German merchants and manufacturers insist upon the maintenance of a high protective tariff as the sheet anchor of German trade.

"In the course of a trip through the industrial regions the minister declared that it had been borne in upon him from all sides that the German business world sees its salvation in 'the highest possible tariffs on the goods of foreign competitors and the most liberal terms for the export of German goods.'"

While Germany is agitating the question of a higher tariff at home her manufacturers boldly attempt to influence tariff legislation in other countries, especially in America, and in this connection, I think, letters in my possession should be printed in the RECORD, showing, as they do, that German manufacturers have sent to this country a large amount of money with explicit directions as to how it should be used to obtain a revision of our tariff downward, even stating the rate of duty on bronze powders, which would give them control of this market.

Mr. NEWLANDS. May I ask the Senator from Pennsylvania what bills the majority of the Republicans of the Finance Committee are ready to present to Congress for immediate action?

Mr. PENROSE. Does the Senator refer to tariff legislation?

Mr. NEWLANDS. Yes; to tariff legislation.

Mr. PENROSE. There is no tariff legislation now pending before the Finance Committee. No legislation of that character can originate in the Senate. All that we can do is to await the action of the House of Representatives.

Mr. NEWLANDS. The Senator well knows the Republican Party now is divided into two factions, the stand-pat and the progressive, and that the legislation which has been produced as the result of the joint efforts of the Democrats and the Progressive Republicans has been vetoed by the President.

Mr. SIMMONS. Mr. President, there is so much confusion in the Chamber that we are unable to hear anything that the Senator is saying.

The PRESIDENT pro tempore. Senators will please refrain from audible conversation in the Chamber and take their seats.

Mr. NEWLANDS. I was stating, when interrupted, that the Senator from Pennsylvania is aware of the fact that the dominant party is divided into two factions, the stand-pat and the progressive; that the legislation which has been presented by the Democratic Party regarding the tariff has been defeated by the action of this body; and that the legislation which has been the result of the joint efforts of the Democrats and the Progressive Republicans has been vetoed by the President. He is also aware of the fact that the President has indicated a willingness to present to Congress certain bills which have been framed or are to be framed pursuant to the findings of fact of the Tariff Board, and that it is possible to have those bills enacted into law.

I wish to ask the Senator from Pennsylvania, the chairman of the Finance Committee, what bills making a revision of the

tariff the stand-pat element of the Republican Party is willing to present for immediate action by Congress, so that they can receive the approval of the President, with a view to giving the people of the United States some measure of reduction in excessive tariff duties, which they have been demanding?

Mr. PENROSE. Mr. President, the majority of the Republican members of the Finance Committee have presented two bills to the Senate. One is the sugar schedule, embodying their ideas of what would be a safe reduction and a modification of the schedule, and at the same time afford an adequate protection to the growing industry, particularly of beet-sugar raising in the United States. It appears to be impossible to get the House of Representatives even to consider the Senate amendments on the sugar schedule.

The Republican Members, or a majority of them, presented a wool bill to the Senate, which failed of passage owing to well-known conditions existing in this body. That bill embodied the views of the majority of the Republican Members on the committee and of the Senate on the wool schedule, indicating a very substantial reduction in the rates of that schedule, and being about as far as the Republicans are willing to go at this time. The measure was one which not only afforded very substantial reductions, but at the same time seemed to the committee to give adequate protection from the Republican point of view to the industries affected.

The Senate can not originate tariff legislation. We must await the action of the House. Five or six months elapsed without any indication at the other end of the Capitol that it was contemplated bringing up the cotton schedule, and all we could do has been to wait. I do not want to criticize the other body, and I do not criticize it at this time. I am simply stating a fact.

Mr. NEWLANDS. Am I to understand then, Mr. President, that the dominant portion of the Republican Party is ready to present only two bills—the sugar bill and the wool bill?

Mr. PENROSE. I have already stated, Mr. President, the position——

Mr. NEWLANDS. How about the steel bill?

Mr. PENROSE. The position of the majority, as I understand it, of the Republican members of the Senate and of the President is that it is only incumbent on us to take up tariff revision where the Tariff Board has made a report. That report has been made in the case of the wool schedule and the cotton schedule.

Mr. NEWLANDS. May I ask regarding the steel schedule. Has any bill been prepared?

Mr. PENROSE. No bill has been prepared on the steel schedule. That was a schedule where admittedly very great reductions were made in the Payne bill. The schedule was not in any way taken up by the Tariff Board. No data, such as the trend of thought indicates should be had before revision is made, was available on the metal schedule, and the Senator well knows that no effort was made to present a bill.

Mr. NEWLANDS. May I ask whether the dominant faction of the Republican Party is ready to present a bill on the cotton schedule?

Mr. PENROSE. I have already explained to the Senator that we are not ready to present a bill on the cotton schedule; neither is it reasonable to expect us to present a bill on the cotton schedule, as every Senator knows.

Mr. NEWLANDS. The findings of the Tariff Board have been made with reference to that.

Mr. PENROSE. They have been made, and five months elapsed without any indication being given on the part of the Members of the House of Representatives that it was their intention to send a cotton bill to the Senate. It is well known, Mr. President, to every Senator and to every Member of the House that after the appropriation bills are passed there will not be a quorum held in Washington in either branch of Congress.

Mr. NEWLANDS. My only purpose is to inquire what tariff reduction is within immediate reach by some understanding between the Senate and the House and the President, all of whom profess to be for a reduction, but all of whom as yet have been unable to agree as to the precise reduction that should be made.

I understand the Senator to say that the Republican Party is prepared to act upon two schedules—the sugar schedule and the wool schedule. I ask the Senator what is the average reduction in existing conditions made by the wool schedule, both on the raw wool and on the manufactured material?

Mr. PENROSE. Mr. President, I am unwilling to go into a discussion with the Senator from Nevada as to the wool bill; it is not before the Senate.

Mr. NEWLANDS. Can the Senator answer regarding the sugar schedule?

Mr. BRISTOW. Mr. President——

Mr. NEWLANDS. I will cease interrogating the Senator from Pennsylvania, and I shall not take up the time of the Senate in the discussion of this matter. Does the Senator from Kansas wish to make an inquiry?

Mr. BRISTOW. The Senator made an inquiry about the sugar bill. I desire to say that the House refuses to accept the sugar bill as passed by the Senate, and there seems to be no hope of getting it passed. As the Senator from Nevada knows, it makes very material reduction; it takes out of the present law features that have been complained of very bitterly by the Democratic Party as well as by a number of the Republicans, and I think it would be well, if the Senator will permit me to suggest it, if we are to have legislation that will meet the Executive approval to reduce duties, any energy the Senator from Nevada can exercise on his friends in the House of Representatives to get them to pass the sugar bill will bring about a result which he desires very much, and which I think would be of great benefit to the country and in exact harmony with the Democratic Party's declaration in their platform as well as in the letter of acceptance of their candidate, Mr. Wilson.

Mr. NEWLANDS. Mr. President, it is not my intention to enter into any discussion of this matter at the present time. I simply wished to ascertain what bills the dominant faction of the Republican Party with which the President is identified is willing to present with a view to their immediate passage. It seems to me in view of the fact that the people of the United States demand a reduction of duties, in view of the fact that the House of Representatives desires a reduction of duties, the fact that the Senate of the United States desires a reduction of duties, the fact that the President of the United States desires a reduction of duties, it would be a signal failure of representative government if we fail to secure some reduction in duties at this session of Congress.

Mr. PENROSE. Mr. President——

Mr. NEWLANDS. If the Senator will just permit me to complete my sentence. There is a method of bringing the Senate and the House into agreement where they disagree through conferees appointed by both Houses. There is as yet no method provided by law or by custom for bringing the President, the House, and the Senate into agreement where they disagree with reference to an important matter of legislation. It seems to me it is highly desirable that some machinery should be provided and the very method which we have adopted with reference to bringing the House and the Senate into agreement could be availed of with a view to bringing the President into agreement with both Houses. That would be a committee of conference of which three should be appointed by the Senate and three by the House with a view to conferring with the President upon the important subject of bringing these three important bodies, charged with responsibility, in agreement, when they all agree that some relief should be immediately afforded.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. NEWLANDS. Certainly.

Mr. LODGE. I merely desire, if the Senator will permit me, to call his attention to the fact that the Senate appointed a committee to confer with President Madison and President Madison then took the ground that the President could not confer with committees of the Houses; that he could communicate only with the Senate of the United States or with the House of Representatives, or both; that he could not recognize the committees, and I think he was absolutely right.

Mr. NEWLANDS. I am inclined, Mr. President, without an examination of the authorities at all, to say that I think it is absolutely wrong. It does not seem to be the practical thing at all, where three bodies charged with responsibility by the people for legislation upon certain subjects with reference to which relief is necessary, where the people and all three bodies agree that relief is necessary—that there should not be some practical business method by which they could be brought into conference and into agreement. We already have an indication from the President of the United States in a message that he is willing to go into an agreement, for he makes an offer of certain legislation. So far as I am concerned, I am prepared to accept an offer of any legislation that will reduce the intolerable burdens of the tariff now existing.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. DU PONT. I ask unanimous consent that the Senate take a recess not later than 6 o'clock to-day, to reconvene at 8 o'clock, the evening session to be devoted to the consideration of the Army appropriation bill.

Mr. PENROSE. Exclusively.

Mr. DU PONT. Exclusively. It is very important that that measure should be acted upon, because it will lead to protracted discussion in conference and will take a great deal of time. While that discussion is going on in the conference other measures can be considered in the Senate.

Mr. SIMMONS. What does the Senator desire taken up?

Mr. DU PONT. The Army appropriation bill.

Mr. JOHNSTON of Alabama. I want to say that I hope very much that will be done. It will expedite the public business, and I think it will hasten the adjournment of Congress. The bill will have to go to conference. It has come from the other House just exactly as they originally passed it, and it comes back to the Senate from our committee just as it did before. I think in 30 minutes we would be prepared to send the bill to conference.

Mr. LODGE. I desire to say that I hope the request will be granted. It will enable us to dispose of the Army appropriation bill this evening.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent that at 6 o'clock this evening the Senate take a recess until 8 o'clock, the evening session to be devoted exclusively to the consideration of the Army appropriation bill.

Mr. BACON. I do not object to the bill being taken up just as soon as it can be reached. I am willing to come here at the early hour of 10 o'clock, after having been engaged every day very much earlier than that in other matters, and to devote the whole day up to 7 o'clock, if Senators wish, to public business; but, Mr. President, with our experience last week, it is too much to ask Senators who devote their whole time here from 10 o'clock in the morning until 7 o'clock at night after that to come back. If we remain in session until 7 o'clock to-night the work can be done.

Mr. LODGE. The object can be accomplished by a motion, but I think it is a great deal better that we should have an agreement. We certainly are all interested in getting the bill passed, and I think that there should be some consideration shown to each of us.

Mr. BACON. There is no trouble, Mr. President, about the bill being taken up, I presume, at some time during the day, if it is so desired. I presume the regular order will be laid aside now if the Senator desires that the Army appropriation bill be taken up.

Mr. LODGE. Oh, no, the regular order can not be laid aside now.

Mr. DU PONT. I will say to the Senator from Georgia that I have made every effort to have the regular order laid aside, but no one will yield. The consideration of the pending measure is insisted upon on both sides of the Chamber, and I can see no other way by which the Army appropriation bill can be considered, except in the manner in which I have suggested.

Mr. LODGE. Mr. President, it seems to me a most reasonable request, and it will facilitate business.

Mr. BACON. Mr. President, it is not an unreasonable request that this bill should be expedited, and I am in sympathy with that. The only suggestion I am making is that we can probably, without a night session, accomplish the object desired. That is the only objection I have to it. I want the bill taken up, discussed, and disposed of.

Mr. JOHNSTON of Alabama. If we can pass it without a night session, we will do so.

Mr. PENROSE. I hope the Senator from Georgia will not object.

The PRESIDENT pro tempore. Is there objection?

Mr. McCUMBER. Mr. President, I have no objection to taking up and disposing of the appropriation bills as rapidly as possible. There is a bill, however, which has been before the two Houses very much longer than the Army appropriation bill; one which, I presume, we can dispose of to-day, and which ought to be disposed of, because we are behind in the payments provided by that bill. I refer to the pension appropriation bill that is again before the Senate. It reached the Senate a month or two before the Army appropriation bill, and, under the circumstances, I feel that we ought to try to get at that and dispose of it. I think Mr. President, we have now reached a point where we can probably agree and I wish to get a vote on the measure this afternoon. If we get through with this other matter before 6 o'clock or 7 o'clock, and can take a vote upon the proposition, which I will make, then I will agree with the Senator to vote for an evening session, but at present I will have to object to the agreement being made.

The PRESIDENT pro tempore. Objection is made. The reading of the bill will be proceeded with.

Mr. JOHNSTON of Alabama. Who made the objection?

The PRESIDENT pro tempore. The Senator from North Dakota [Mr. McCUMBER].

Mr. JOHNSTON of Alabama. Then, I shall object to the consideration of the pension appropriation bill.

The PRESIDENT pro tempore. Objection is made. The reading of the bill will be proceeded with.

Mr. SIMMONS. Mr. President, the bill which is now before the Senate is identical in its provisions, except as to the date when it shall become effective, with the cotton bill which passed the House during the special session of Congress and which was acted upon by the Senate and vetoed by the President. The chief reason given by the President for his veto was that there had been no report upon the cotton schedule by the Tariff Board. Since the last session of Congress and since the veto by the President that board has made its report, and it has been transmitted to Congress by the President, with the recommendation that Congress proceed to the consideration of this schedule, with a view to the revision and reduction of its rates. The House, after taking that report into consideration and making a very careful analysis of it, reached the conclusion that there was nothing in the report that called for any change in the bill which it had passed at the last session, and therefore the Ways and Means Committee rereported the old bill and it was passed and is now before the Senate.

Mr. President, in that connection I will ask, without reading, to incorporate in the RECORD as an appendix to my remarks an analysis of the report of the Tariff Board upon the cotton schedule.

The PRESIDENT pro tempore. Without objection, permission is granted.

Mr. SIMMONS. Mr. President, it is proper that I should state briefly, and in general terms, the extent to which this bill, if it shall become a law, will reduce existing rates upon the manufactures of cotton. The bill contains only 14 paragraphs. The average reduction of rates made in these paragraphs is about 44 per cent. The average ad valorem rate upon the manufactures of cotton under the present law is 48.12 per cent. The average rate in the pending bill is 27 per cent. Referring to it more specifically and by paragraphs, in the first paragraph, which relates to cotton thread, carded yarn, combed yarn, warps or warp yarn, and so on, the present duties average 32 per cent; the duties in the House bill are 14.11 per cent. On spool thread of cotton, crochet, darning and embroidery cotton, and so on, embraced in paragraph 2, the present duties are 26.63 per cent, and in the bill 15 per cent.

On cotton cloth, not bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, and so on, the present duties are 42.46 per cent, while those in the bill are 24.51 per cent.

On handkerchiefs or mufflers composed of cotton, whether in the piece or otherwise, and whether finished or unfinished, embraced in paragraph 6, the present duties are 50 per cent, and the proposed duties 30 per cent.

On plushes, velvets, velvetines, corduroys, and all pile fabrics, cut or uncut, and so on, embraced in paragraph 8, the present duties are 54.33 per cent, and the proposed duties 30 per cent.

On curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is a component material, embraced in paragraph 9, the present duties are 50 per cent, and the proposed duties 35 per cent.

On stockings, hose, and half hose, embraced in paragraph 10, the present duties are 30 per cent, and the proposed duties 20 per cent.

On stockings, hose, and half hose, known as the seamless stocking, embraced in paragraph 11, the present duties are 71 per cent and the proposed duties from 35 to 40 per cent, according to value.

On shirts and drawers, pants, vests, union suits, combination suits, and so on, embraced in paragraph 12, the present duties are 59 per cent, and the proposed duties 30 per cent.

On bandings, belting, bindings, bone casings, cords, garters, ribbons, and so on, embraced in paragraph 13, the present duties are 36.97 per cent, and the proposed duties from 15 to 25 per cent, according to value.

On cotton table damask and manufactures of cotton table damask, embraced in paragraph 14, the present duties are 40 per cent. and the proposed duties 25 per cent.

On towels, bath mats, quilts, blankets, polishing cloths, wash rags, sheets, and batting, embraced in paragraph 15, the present duties are 45 per cent, and the proposed duties 25 per cent.

On articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton or of which cotton is the component material of chief value, not specially provided for, embraced in paragraph 16, the present duties are 45 per cent. and the proposed duties 30 per cent.

Mr. President, this matter has been so thoroughly discussed in the other branch of Congress during this and at the special

session of 1911, and it was so fully discussed here during the special session, that I do not think, in view of the conditions which now obtain and the anxiety of all Members of the Senate and of the House to act upon these matters as quickly as possible and with as little discussion as possible, there is any necessity for any further elaboration of the general purpose of this bill than the statement I have made as to the reductions.

The amount of imports of cotton manufactures now is about $28,000,000. It is estimated that under the stimulus that would be given by the reduction of rates in this bill there would be an increase in those importations, running them up to about $39,000,000. There will not be quite so much revenue from this source as under the present law, because of the reductions made, but the amount of revenue lost will not be more than about $3,000,000.

Mr. POMERENE. I should like to ask the Senator whether he has in mind what the present revenues are derivable from this schedule?

Mr. SIMMONS. I can furnish the Senator with that. The revenues under the present law are about $13,673,801. It is estimated that under this bill the revenues will amount to $10,509,000.

APPENDIX.

ANALYSIS OF TARIFF BOARD'S REPORT—SCOPE OF ANALYSIS.

The following discussion of the Tariff Board's report on cotton manufactures deals with (1) the theoretical basis upon which the report is founded; (2) the character of its data, statistical methods, and the qualities which entitle it to confidence, or the reverse; and (3) interpretation of the board's report and the attempt to apply the same to the tariff situation. The first of these phases of the discussion demands no elaborate treatment inasmuch as the ideas involved in it have already been presented by the committee in its report on the wool bill (H. R. 22195). (H. Rept. No. 455, 62d Cong., 2d sess.)

COST-OF-PRODUCTION THEORY.

As in the report on wool and manufactures of wool, so in its report on cotton manufactures, the board technically accepts the theory that the tariff is in some way dependent upon or related to the cost of producing the goods, and a considerable portion of the cotton report consists of a study of costs of producing cotton yarns and fabrics. The investigation of the board was conducted chiefly in the United States, although some data purporting to show foreign costs are presented in the report. A new element in the form of the analysis of prices has been projected by the board; these and its study of trade conditions are both factors in the problem which received no considerable attention in the report on wool and manufactures of wool. This change in method will be considered hereafter. At this point it is necessary to note, first, that, notwithstanding the shift to the price basis of study, the board adheres to the comparative cost-of-production theory as a basis for fixing tariff duties, and the larger part of its report consists of an analysis of what is called costs, or, more correctly stated, money expenses of production.

In the committee's report on the wool bill, H. R. 22195 (H. Rept. No. 455, 62 Cong., 2d sess.), some familiar economic reasoning was reviewed bearing upon the cost of production theory as a regulator of tariff duties. What was said in that report applies with equal force to the use of the same theory with regard to rates of duty for cotton manufactures. The remarks made in that report with reference to the abstract basis of the cost of production theory, the relationship between prices and costs, variations in costs, the importance of ascertaining accurate comparative costs, and the general futile character of this mode of inquiry are applicable to the report of the Tariff Board on manufactures of cotton. All that was said on these subjects in discussing the report of the Tariff Board on wool and manufactures of wool is equally applicable to the report on cotton manufactures in so far as the report is based upon the theory of comparative costs of production.

EVASION OF TARIFF ISSUE.

It was pointed out in House Report No. 455 (62d Cong., 2d sess.) that the Tariff Board report on wool was not in reality a tariff document. This comment is also applicable to the report on cotton manufactures, though the latter contains much more material than the former concerning rates of duty and the method by which they have been levied. However, nowhere in the report is there any recommendation as to the proper course to be pursued in adjusting the tariff, the reader being left to draw his own conclusions as to this from the data presented. As in the report on wool, the board has nothing to say respecting the duties as affecting capital or labor, the profits of the manufacturing concerns engaged in the industry, and practically nothing relative to the general influence of the present tariff on the status of the industry. The Tariff Board report, now before Congress, consists of two parts. One part contains the President's message, letter of submittal, summary of findings, and a so-called "glossary," in which are given definitions of the terms used in tariff legislation; matter relative to production, importation, consumption, and processes of manufacture in the United States and in other countries. The other part consists of a study of the relative costs of production, prices, and wages for the cotton industry. The board adds that this investigation has been conducted "with special reference to the existing rates of duty," a description not fully borne out by a careful examination of the text.

VALUE OF REPORT.

Part 1 will be of service to the public in explaining the terminology of the tariff and the significance of the existing rates. It contains little that was not already available to any Member of Congress who chose to avail himself of the facilities at hand. It is essentially a clerical or library compilation from printed sources, and as such affords little of service to the practical legislator other than its convenient form. Much of the material has been given in an even more complete manner in the report of the Ways and Means Committee to accompany H. R. 12812 (H. Rept. No. 65, 62d Cong., 1st sess.). A considerable portion of the board's report has been prepared by drawing upon technical works relating to cotton manufactures. Part 2 deals with the cost of producing cotton yarn in the United States and in England, and the cost of producing fabrics in these countries. It includes a study of the cost of finishing cloth and putting it through different processes, such as bleaching, dyeing, mercerizing, and the like. It also includes a study of cotton-mill efficiency, the wages of employees in the industry, and a section is devoted to knit goods. Detailed figures are given in the appendices, but consideration of these appendices may be omitted in view of the fact that they supply merely the material upon which the board has drawn in presenting its general discussion. The portion of the report which should receive attention is found on pages 349 to 666. A considerable portion of the material, even in this part of the report, consists of figures that are not required for the discussion. Much of the material has practically been covered in another form in the reports on the cotton industry made during the last two years by the Immigration Commission and by the Bureau of Labor. The total amount of data, therefore, comprised within the pages named must be materially cut down, if one desires to ascertain the exact scope of the report, which is new and worthy of detailed study at this time.

SOURCE OF COST DATA.

The Tariff Board is specific in furnishing the names of the American mills from which data were obtained during the cotton investigation, and notwithstanding that these data are presented in a way not to involve publishing the facts as to any particular mill (each mill being referred to by a number, so that identification of the data would be impossible), yet the board has failed to furnish similar information with reference to the alleged costs it obtained from mills in England. The board presents alleged costs for seven different yarn manufacturing plants in the Lancashire district, the mills being numbered from 1 to 8, and the data being presented according to the mills as thus numbered. Having been officially requested by the Ways and Means Committee for the names of the mills thus considered in England on the same basis as given for the United States, the Tariff Board has declined to comply with the request. This is on the stated ground that the information from abroad was obtained under seal of confidence and in a way that prohibits the board from making the facts known in any manner that would result in publicity. The absence of any statement in the report concerning the methods that were adopted in getting the costs from these mills naturally raises a question as to whether they were obtained in the same manner as in the United States. In response to an inquiry addressed by the chairman of the Ways and Means Committee to the chairman of the Tariff Board, Chairman Emery does not state that the English mill costs were obtained by the agents of the board. His language is:

"The manufacturing costs of yarn in the English mills were taken directly from the books of the mills by sworn chartered accountants and checked by another set of sworn chartered accountants."

Who the chartered accountants referred to were and whether they were or were not in the employ of the board is not indicated, but the inference may be that none of them were employed by the board and that the figures which are offered as representing costs in the English mills were not obtained directly from the books by persons over whom the board had control.

In his reply to the letter of the chairman of the Ways and Means Committee, Chairman Emery continues his explanation of the way in which these data were computed, as follows:

"The cost figures secured by these chartered accountants for a complete year's operation were transferred to our schedule forms as used for American mills, except that productive and nonproductive labor, which are given separately for the American mills, were combined under one head—'labor'—in the English mills."

Apparently, therefore, the schedules were not filled out directly from the mill books, and it is thus obvious that serious doubt exists as to the nature of the yarn cost figures which are said to have been obtained in England by the Tariff Board. Should, however, these costs be accepted as correct, their comparability is open to the following objections:

1. The board does not state the year to which the data for England relate, nor does it advise whether that year was identical with the year for which information was obtained from American mills.

2. The board fails to state whether the mills in England were running full time; or, if not, whether the data were reduced to a basis of full-time operation; or whether the hours during which those mills worked were comparable with the operation of the selected mills in the United States.

3. The fact that the board states that the figures for the English mills did not distinguish between productive and nonproductive labor, as was done in the American mills, introduces a distinct element of noncomparability into the returns.

4. The mills in the United States from which the yarn costs were obtained appear to have been mills that were engaged both in spinning and weaving. This was not the case with the English mills, which it is understood were devoted to yarn production exclusively.

Inasmuch as the English cost computations shown are worked out to four decimal places, and as a variation in any one of the points above enumerated would very largely affect a computation nominally so close as this, it must be admitted that the data are not entitled to the credence as a basis for the ascertainment of comparative yarn costs in the two countries which the board apparently reposes in them. Since these costs are the only ones given in the report that profess to have been obtained direct from books, the conclusion is inevitable that the report does not afford any data whatever on actual costs in foreign countries, certainly none that has been obtained upon a basis identical with, or even closely similar to, that which was adopted in the United States. It is therefore impossible to accept as final the conclusions of the board on this subject.

With reference to the source of information for the cloth costs, it appears that the board has followed the sample method adopted by it in the wool report—that is to say, it has taken selected cloth samples and obtained figures from representative makers with reference to the cost of producing cloths of the kinds indicated. These costs were obtained by representatives of the board from the mills visited in connection with the general cost investigation. In the case of every mill investigated all the costs incurred in the production of its products were noted. The costs of the cloths were worked out, as explained in the report of the board, independently of the mill's own figures. Granting that the data thus obtained were the best that could be secured under the sample method, it does not appear that any considerable value should be assigned to them. Experience shows that such estimates of costs on samples are seldom satisfactory, and the board's report itself indicates how misleading they must have been for any tariff purpose, since in the cost of many samples a low and high cost is stated, the variation between the two being in many instances very wide.

It may be said that this variation corresponds to the actual variation of costs found in mills of different efficiency, but there is no authority for asserting that this is the case, since the variation may quite as easily arise from the circumstances under which the given mills were being operated; that is, whether on full time or part time, and whether with efficient or inefficient machinery. Unless it were known to what mills the costs thus afforded relate, it would be out of the question to regard them as accurately indicating actual costs of manufacture in the United States. Still less could such costs for foreign countries be regarded as trustworthy. For these reasons, therefore, the authority upon which the cost data on cloths were secured must be regarded as exceedingly unsatisfactory, and hence the conclusions based on them must be rejected or treated with great caution.

USE OF PRICE FIGURES.

It should, moreover, be noted in examining the cotton report of the Tariff Board that the board has made a marked departure from the methods employed in the wool report. In the latter the discussion was primarily based upon supposed cost figures which had been obtained from selected mills or which had been secured with reference to chosen samples of cloth. The theory acted upon was that the proper rate of duty to be levied upon a given article could be determined by ascertaining the cost of production of that article at home and abroad and computing the difference as a percentage on the foreign money costs thus stated.

In the cotton investigation the board recognized that the data with reference to costs are insufficient and that it would be impossible to base findings upon these cost returns. Hence, recourse is had to price figures to establish the relative position of various countries with reference to competition in specified products. As the board expresses it (p. 11):

"For tariff purposes, however, valuable conclusions may be drawn from a comparison of relative prices under competitive conditions in this and other countries and from a comparison of duties with domestic production costs."

This means that since, as the board states it (p. 11), "in the matter of turning yarn into woven fabrics the board was unable to secure such detailed foreign-cost figures as in the case of spinning," it has been obliged to abandon the cost idea entirely, and "for tariff purposes" it draws its conclusions by comparing prices under competitive conditions and by ascertaining the relationship between rates of duty and domestic costs of production. This method has always been employed by careful legislative committees in dealing with the tariff. These committees have sought to secure data with reference to prices through official sources and by the aid of special agents. They, moreover, have sought to obtain facts as to domestic costs by interrogating manufacturers and by obtaining, from the latter, estimates with reference to the sums for which they could produce given articles of manufacture under existing conditions; then on the strength of these data the effort has been to make the proper adjustment of duties.

In accepting this same plan the Tariff Board has practically abandoned the object for which President Taft stated it had been created, namely, to ascertain the cost of production at home and abroad, and consequently the amount of tariff duty required to place the domestic producer on an equal competitive basis with the foreigner, and at the same time afford the American manufacturer a reasonable profit. The question presented, then, in determining the value of the board's report as compared with what has been done on the same subject on former occasions, is whether the board has obtained more and better price data than were obtained by committees of Congress working independently. The fact remains that the board has made a wide departure from the theory upon which its former reports have been prepared, and in examining the cotton report care should be taken to segregate those conclusions which are based upon its new method of investigation from those arising from the use of the old cost of production plan.

COMPETITIVE STATUS AS TO RAW MATERIAL.

Little or nothing need be said of the position of the cotton industry with regard to raw material in the United States and in foreign countries. In this respect the problem of the cotton industry is very widely at variance with that discovered in the wool and woolen investigation. There is no duty on raw cotton in the United States and none in England, the latter country being, as the board points out, our principal competitor. As the board plainly states (p. 8):

"In the cost of raw material there is practically no advantage possessed by either country. Any general difference in price between England and the United States is less than occurs from mill to mill or month to month in either country."

That being true, England, our principal competitor, may be taken as having substantially as favorable access to raw material as the United States—both countries being regarded in their entirties; special cases where an advantage of location exists, as in the case of our southern cotton mills, being neglected.

YARNS.

The fundamental work done by the Tariff Board in connection with the limited analysis of cost of production in the United States and in England, undertaken by it in its report, is found in the section dealing with comparison of conversion costs of warp and filling yarns as found in various mills in England and the United States. Yarn is the first step away from the raw material and toward the finished product. The conversion costs which the board studied are those which it took from 7 English yarn mills. The 7 English mills are compared with 28 American mills. "For this comparison," says the board (p. 415), "we have selected warp yarns Nos. 28, 30, 36, 40, and 50, and filling yarns Nos. 26, 36, 38, 40, 50, 60, and 70. The costs on each count of yarn is given as found in 4 or more of 7 English mule spinning mills and in 2 or more of 28 American mills for which comparable data were secured." The question may arise at the outset why these particular English mills were selected for representative costs.

On this point unfortunately the board furnishes no information, thereby subjecting its report to the same character of criticism to which the wool report was liable. In fact, the board even admits that the basis thus taken for the study of comparative costs in yarn mills was not satisfactory. It points out that the English mills vary in size from 80,000 to 120,000 spindles each, while the American mills vary from 25,000 to over 500,000 spindles. All the English mills were in Lancashire, and therefore only a short distance apart; they pay wages that are more or less standardized and are subject to the same general conditions as to proximity to fuel, to raw materials, to selling markets, etc. The American mills are scattered over an extensive area of country, have no standard of wages, and work under very diverse conditions. The 7 English mills are all modern and well equipped, while many of the American mills are old, one being equipped with spinning and weaving machinery 60 years old. This evidently did not prove a satisfactory basis for the study of comparative costs, inasmuch as there was no selection of mills in either country with a view to the choice of establishments which could fairly be placed upon the same footing of industrial efficiency. It is not surprising therefore to find very wide variations in costs in the different mills. In Table 127 (p. 418), which gives the ring-spun yarn conversion cost in American mills, it appears that the cost of 26's ran from $0.026438 to $0.047417 per pound.

Here is a cost variation between mills of nearly 80 per cent. In the case of the finer yarns like variations are observable. No. 40 yarn ranged from $0.045110 to $0.074911 per pound, a variation in cost of about two-thirds. The same is true of other mills, which vary widely in the different districts of the United States. The board remarks (p. 419) that "the most striking feature about the costs given for the English mills is the very small range of costs for each number of yarn as compared with that found in the case of the American mills." The range in conversion cost was about 13 per cent in the case of all yarns for which cost data were secured in England. Bearing this point in mind, it is not difficult to account for the variation in conversion cost between the United States and England. There is no reason why the cost in the two countries should show any considerable degree of correspondence; and the board itself apparently recognizes this, inasmuch as in the table on page 409 it undertakes to present only the comparison of costs calculated for the most efficient American mill and the most efficient English mill for which data were available. The difference in costs is thus based upon the difference existing between the two most efficient mills of which the board had knowledge, one being in England and the other in the United States.

This would be much more satisfactory if there were information as to how efficient the mill selected in each country as the basis of comparison actually was as compared with other mills in the same country. But, as already noted, there is no way of ascertaining such facts from the board's report. It can not be known whether the seven or eight mills studied in England were more or less efficient than the average, unless it be stated how these mills were chosen by the board, nor can any conclusions be reached as to the judgment shown in obtaining representative mill costs. This, as already seen, applies with special force to the study of average costs, but it also applies in the same way to the comparison of costs at the most efficient mill chosen in either country. The board finds, on the basis of these comparisons, that the difference in conversion costs between the two countries as expressed in the form of a percentage of the English manufacturing cost in no case runs higher than 12 per cent. The board goes on to say (p. 423):

"It would be improper to give a difference based on the average costs for the mills in each country, since in the English mills are not included the highest-cost mills of England, but only a group of uniformly efficient mills, while an average of the figures for the United States would be, in some cases, made misleading by the inclusion of a disproportionate number of old mills operating at high cost."

It would appear, therefore, that the board practically accepts the idea that tariff duties should be based upon the difference in cost between the most efficient mills in the United States and Great Britain. But this, obviously, is a view which has not been worked out in practice, unless it be true that the mills selected by the board in Great Britain are the most efficient mills existing in that country, a statement which is not even remotely substantiated.

From the foregoing review of the board's figures, it is seen that the whole comparison between the yarn costs in the United States and Great Britain is based upon comparisons between two groups of mills, one in the United States, including a variety of mills, the other in England, including a small number of mills, and all said to be of high efficiency. This is simmered down to a comparison of costs in the most efficient mills shown for each country; and between these there is a difference in total conversion cost of cotton into yarn of less than 12 per cent of the total foreign cost expense (p. 423). It is important to note the extreme slenderness upon which this cost comparison is based, inasmuch as this basis is used by the board for the purpose of building up a large structure of cost comparisons for which no figures are available. The board says (p. 423):

"Comparison can be made between mills of any grade of efficiency from the detailed figures of English and American costs given below, and making the proper allowance for the additional 89 per cent to be added to labor and 34 per cent to works expense to allow for cost of spooling, reeling, and packing. Thus it is possible to compare the difference between the highest-cost mill in England and the highest-cost mill in the United States, or the lowest-cost mill in England with the highest-cost mill in the United States, and so on."

Again the board says (p. 425):

"Since the general ratio of the English costs to the American costs in yarn making has already been shown, an interesting comparison can be made between the duty on these yarns and the total conversion cost in the United States. It is obviously true that if the purpose is to compare duties with the difference in the cost of production here and abroad, this comparison can be made if we have the general ratio of foreign conversion cost to the domestic, and the ratio of the duty to the domestic conversion cost. * * * Thus if the English conversion cost is 50 per cent of the American conversion cost, then a duty which is 50 per cent of the American cost would offset the difference in cost of production. Or, if the English cost is 70 per cent of the American cost, this difference would then be offset by a duty which is 30 per cent of the American cost."

This appears to be an effort to establish a general cost relationship between the many kinds of yarn manufacture based upon the cost relationship which has been established for the yarns produced in certain specified mills. Of course this could be true only in the event that there was the same general relationship between various classes of mills in regard to their production. There is no basis whatever for any such assumption.

SEGREGATING YARN COSTS.

In its analysis of the cost of production of yarns the board undertakes to show the costs of a great variety of yarns of various numbers (pp. 398–426). When it comes to a discussion of cotton manufacturing in England, it seeks to present the detailed costs for the various numbers of yarns on a comparative basis. Before accepting any of these figures it is necessary to inquire how the segregation of costs between the different numbers of yarns was made. This point is met on page 377 of the board's report, where the board described the methods followed in the investigation. Of this it simply says:

"The next question requiring explanation is 8, yarns produced. The total quantity of yarn produced during the period under investi-

gation was taken, giving the quantity of each number (size) yarn, whether warp or filling, and the selling value, if the yarn was produced for sale."

This does not afford any information as to how the segregation of costs was made, and the board goes on as follows:

"With these data at hand the agents were in a position to ascertain accurately for themselves the cost of each kind of yarn rather than to merely accept the companies' own estimates of their costs. In cases where the pay of the employees engaged in the production of roving and of yarn was at a piece rate—that is, so much per hank of a given size of yarn—the direct labor cost of turning out a pound of every kind of yarn produced by the mill can be readily computed. In most mills, however, drawing-frame tenders and spinners are paid, not by the hank, but per side, a side of a spinning frame having anywhere from 152 to 240 spindles, and the spinner tends a certain number of sides. Nor is there always an accurate record kept of the output of each employee from week to week. A common practice in cotton mills is to estimate the cost of spinning on a so-called average number basis."

Then the board enters upon a further explanation as to why these methods of computation are not satisfactory and the description of the processes which it employed in apportioning costs among the different numbers of yarn. Of this it is sufficient to say that, according to the board's own statements, the method used by it in the process of computation is not that which is commonly employed in cotton mills, while the process of computation actually followed by the board is open to very severe criticism at several points; for example, the method of distributing works expense and fixed charges is apparently a machine-rate basis, the fixed charges being divided upon the assumption that the output of yarn per spindle may be taken as fairly indicating the relative proportion of the fixed charges which it ought to bear or which should be apportioned to it.

There is no positive warrant for such a method of comparison, and the adoption of it renders practically impossible a direct comparison with conditions in England, because of the difference in the systems of spinning employed. Moreover, the character of the mills studied in the United States varies greatly and was by no means analogous to that of the English yarn mills examined. For this and other similar reasons no confidence whatever can be placed in the United States costs of the different yarns as stated by the Tariff Board, while still less confidence can be placed in any comparisons between the cost of such yarns in the United States and the costs of similar yarns in England.

CONCLUSIONS AS TO YARNS.

From the analysis of comparative yarn costs for England and the United States as set forth by the board it may be concluded:

1. Comparing the most efficient mills in the United States and in Great Britain, the total conversion cost of yarn in England varied from 65 to 79 per cent of the American conversion cost (p. 9).

2. The cost of manufacturing yarn in an English mill is 72 per cent of the cost, exclusive of material, in an American mill (p. 9).

3. There are greater cost variations on a given number of yarn in certain mills of the United States than exist between given mills in the two countries.

4. In the case of nearly all yarns given there were domestic mills whose highest conversation cost was from 50 to 100 per cent greater than the lowest conversion cost.

5. The poorer mills in the United States are in much greater need of protection against the more efficient mills in this country than are our mills against the mills of Great Britain.

6. The difference in conversion costs between the two countries varies from 3.8 per cent to 11.9 per cent of the total cost of production in England, including raw material (p. 9).

Table 1 shows yarn costs in the United States and England, together with the ad valorem rate of duty necessary to equalize differences in costs.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

The Secretary read the bill, as follows:

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subject to the payment of duties at the rates thereinafter provided; that is to say:

1. On cotton thread and carded yarn, combed yarn, warps or warp yarn, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, on all numbers up to and including No. 50, 10 per cent ad valorem; on all numbers above No. 50 and up to and including No. 100, 15 per cent ad valorem; on all numbers above No. 100, 20 per cent ad valorem. On cotton card laps, roping, sliver, or roving, 10 per cent ad valorem. On cotton waste and flocks, manufactured or otherwise advanced in value, 5 per cent ad valorem.

2. On spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, or in skeins, cones, or tubes, or in any other form, 15 per cent ad valorem.

3. On cotton cloth, not bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 15 per cent ad valorem; containing yarn the highest number of which shall exceed No. 50 and shall not exceed No. 100, 20 per cent ad valorem; containing yarn the highest number of which shall exceed No. 100, 25 per cent ad valorem. On cotton cloth, when bleached, dyed, colored, stained, painted, printed, or mercerized, containing yarn the highest number of which shall not exceed No. 50, 20 per cent ad valorem; containing yarn the highest number of which shall exceed No. 50 and shall not exceed No. 100, 25 per cent ad valorem; containing yarn the highest number of which shall exceed No. 100, 30 per cent ad valorem.

4. The term cotton cloth, or cloth, wherever used in the paragraphs of this act, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton, in the piece or cut in lengths, whether figured, fancy, or plain, and shall not include any article, finished or unfinished, made from cotton cloth. In the ascertainment of the value, upon which the duties imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof shall be included.

5. On cloth composed of cotton or other vegetable fiber and silk, whether known as silk-striped sleeve linings, silk stripes, or otherwise, of which cotton or other vegetable fiber is the component material of chief value, and on tracing cloth, 30 per cent ad valorem; on cotton cloth filled or coated, all oilcloths (except silk oilcloths and oilcloths for floors), and cotton window hollands, 25 per cent ad valorem; on waterproof cloth composed of cotton or other vegetable fiber, whether composed in part of india rubber or otherwise, 25 per cent ad valorem.

6. On all handkerchiefs or mufflers composed of cotton, whether in the piece or otherwise and whether finished or unfinished, 30 per cent ad valorem.

7. On clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, made up or manufactured, wholly or in part, by the tailor, seamstress, or manufacturer, and not otherwise specially provided for in this act, 30 per cent ad valorem; on shirt collars and cuffs, of which cotton is the component material of chief value, 25 per cent ad valorem.

8. On plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, except flax, and on manufactures of articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fabrics composed of cotton or other vegetable fiber, 30 per cent ad valorem.

9. On curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value, tapestries, and other Jacquard figured upholstery goods, composed wholly or in chief value of cotton or other vegetable fiber; on any of the foregoing, in the piece or otherwise, 35 per cent ad valorem.

10. On stockings, hose and half-hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, and not otherwise specially provided for in this act, 20 per cent ad valorem.

11. On stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, on all of the above composed of cotton or other vegetable fiber, finished or unfinished, 40 per cent ad valorem. On men's and boys' cotton gloves, knitted or woven, 35 per cent ad valorem.

12. On shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description, made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including stockings, hose, and half-hose, composed of cotton or other vegetable fiber, 30 per cent ad valorem.

13. On bandings, beltings, bindings, bone casings, cords, garters, ribbons, tire fabric or fabric suitable for use in pneumatic tires, suspenders and braces, tapes, tubing, and webs or webbing, any of the foregoing made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, whether composed in part of india rubber or otherwise, and not embroidered by hand or machinery, spindle banding, woven, braided, or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber, loom harness, healds, or collets made of cotton or other vegetable fiber, of which cotton or other vegetable fiber is the component material of chief value, boot, shoe, and corset lacings made of cotton or other vegetable fiber, and labels, for garments or other articles, composed of cotton or other vegetable fiber, 25 per cent ad valorem; on belting for machinery made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, 15 per cent ad valorem.

14. On cotton table damask, and manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this act, 25 per cent ad valorem.

15. On towels, doilies, bath mats, quilts, blankets, polishing cloths, mop cloths, wash rags, sheets, and batting, any of the foregoing made of cotton, or of which cotton is the component material of chief value, 25 per cent ad valorem.

16. On all articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton or of which cotton is the component material of chief value, not specially provided for in this act, 30 per cent ad valorem.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

The PRESIDENT pro tempore. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. KENYON. Mr. President, I desire to propose, at the request of the Senator from North Dakota [Mr. GRONNA], the amendment which I send to the desk, to be inserted at the close of the bill as a new section.

The PRESIDENT pro tempore. The Senator from Iowa, in behalf of the Senator from North Dakota [Mr. GRONNA], submits an amendment, which will be stated.

The SECRETARY. At the end of the bill it is proposed to add a new section, as follows:

SEC. 4. That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. SIMMONS. What is that amendment, Mr. President?

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again stated the amendment.

Mr. SIMMONS. I understand; that is all right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, I offer an amendment in the nature of a substitute for the House bill.

The PRESIDENT pro tempore. The Senator from Wisconsin offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out all after the enacting clause of the bill and insert:

That the act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909, be, and the same is hereby, amended by striking out all of the paragraphs of Schedule I of section 1 of said act, from 313 to 332, inclusive of both, and inserting in place thereof the following:

1. Cotton card laps, sliver, roving, or roping, 5 per cent ad valorem.

2. Cotton waste and flocks, manufactured, or manufactures of, 10 per cent ad valorem.

3. Cotton yarns, in the gray or otherwise, not advanced beyond the condition of singles by grouping or twisting two or more single yarns together, not exceeding No. 40, 7½ per cent ad valorem.

Exceeding No. 40 and not exceeding No. 80, 10 per cent ad valorem.

Exceeding No. 80, 15 per cent ad valorem.

4. Cotton yarn or thread not otherwise provided for, in the gray or otherwise, advanced beyond the condition of singles by grouping or twisting two or more single yarns together; and cable-laid yarns or threads, in the gray or otherwise, made by grouping or twisting two or more twisted yarns or threads together, shall be subject to the same rates of duty as the single yarns from which they are made, and in addition thereto 5 per cent ad valorem.

Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, shall be dutiable at the same rates of duty as the single yarns from which they are made.

5. Cotton cloth, plain woven, in the gray, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing not more than 5 square yards to the pound, 5 per cent ad valorem.

Containing more than 5 and not more than 7½ square yards to the pound, 10 per cent ad valorem.

Containing more than 7½ square yards to the pound, 15 per cent ad valorem.

6. Cotton cloth, fancy woven, in the gray, or bleached, dyed, colored, stained, painted, printed, mercerized, or otherwise finished, containing figures produced by various weaving devices known as dobby, drop-box, leno, lappet, swivel, or any other name except Jacquard, 20 per cent ad valorem.

7. Cotton cloth woven by means of the Jacquard attachment, not otherwise provided for, 25 per cent ad valorem.

Cotton table damask, 25 per cent ad valorem; manufactures of cotton table damask, or of which cotton table damask is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

8. Cloths containing silk or artificial silk, in which cotton is the component material of chief value, shall be subject to the same rates of duty as cotton cloths of similar weave, and in addition thereto 5 per cent ad valorem.

9. Cotton cloths filled or coated, in whole or in part, including oil-cloth of cotton; waterproof cloths composed of cotton or in which cotton is the component material of chief value, 20 per cent ad valorem.

10. Handkerchiefs or mufflers of cotton, in the piece or otherwise, finished or unfinished, hemstitched or not, not specially provided for, shall pay the same rate of duty as the cloth of which they are made, and in addition thereto 5 per cent ad valorem.

11. Plushes, velvets, and all pile fabrics made of cotton, or of which cotton is the component material of chief value, whether the pile covers the entire surface or not:

Uncut, 15 per cent ad valorem.

Cut, in whole or in part, 40 per cent ad valorem.

Provided, That manufactures or articles in any form, including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, or other pile fabrics composed of cotton, or of which cotton is the component material of chief value, shall be subject to the same rates of duty as the fabrics from which they are made.

12. All articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value; cotton reps, Jacquard-figured tapestry, and Jacquard-figured upholstery goods, weighing over 6 ounces per square yard, made of cotton, or of which cotton is the component material of chief value, 40 per cent ad valorem.

13. Stockings, hose, and half hose, made wholly or in part on knitting machines or frames, commercially known as seamless, composed of cotton, or of which cotton is the component material of chief value, 20 per cent ad valorem.

14. Stockings, hose, or half hose, made wholly or in part on knitting machines or frames, or knit by hand, and commercially known as full-fashioned, composed of cotton, or of which cotton is the component material of chief value, valued at not more than $2 per dozen pairs, 50 per cent ad valorem; valued at more than $2 per dozen pairs, 60 per cent ad valorem.

15. All underwear of every description, made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not otherwise provided for, composed of cotton, or of which cotton is the component material of chief value, valued at not more thon $1.50 per dozen garments, 20 per cent ad valorem.

Valued at more than $1.50 per dozen garments and not more than $3 per dozen garments, 30 per cent ad valorem.

Valued at more than $3 per dozen garments and not more than $6 per dozen garments, 40 per cent ad valorem.

Valued at more than $6 per dozen garments, 45 per cent ad valorem.

16. Men's and boys' gloves, knitted or woven, composed of cotton, or of which cotton is the component material of chief value, 50 per cent ad valorem.

17. Tire fabric or fabric suitable for use in pneumatic tires, made of cotton, or of which cotton is the component material of chief value, 25 per cent ad valorem.

18. Bone casings, garters, suspenders and braces, webs, webbings, and tubing, any of the foregoing composed wholly or in chief value of cotton, or of cotton and india rubber, and not embroidered by hand or machinery; spindle banding, woven, braided, or twisted lamp, stove, or candle wicking, loom harness, healds or collets, boot, shoe, and corset lacings, labels for garments or other articles; composed of cotton, or of which cotton is the component material of chief value, 30 per cent ad valorem.

Belting for machinery made of cotton and india rubber, or of which cotton is the component material of chief value, 20 per cent ad valorem.

19. Clothing, ready-made, and articles of wearing apparel of every description, wholly or partly manufactured, not specially provided for, composed wholly or in chief value of cotton, 30 per cent ad valorem.

20. All articles made from cotton cloth, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for, 30 per cent ad valorem.

21. The term cotton cloth wherever used in the paragraphs of this schedule, unless otherwise specially provided, shall be held to include all woven fabrics composed wholly or in chief value of cotton, in the piece or cut in lengths, and shall not include any article finished or unfinished made from cotton cloth.

SEC. 2. That the last clause of paragraph 347 of said act of August 5, 1909, is hereby amended so as to read as follows:

Waterproof cloth composed of vegetable fiber other than cotton, whether composed in part of india rubber or otherwise, 10 cents per square yard and 20 per cent ad valorem.

SEC. 3. That paragraph 347 of said act of August 5, 1909, is hereby amended by adding the following proviso:

Provided, That none of the foregoing shall apply to coated or filled cotton cloth, or articles made therefrom.

SEC. 4. That paragraph 348 of said act of August 5, 1909, is hereby amended so as to read as follows:

Shirt collars and cuffs, composed of linen, or of which linen is the component material of chief value, 40 cents per dozen pieces and 20 per cent ad valorem.

SEC. 5. That paragraph 349 of said act of August 5, 1909, is hereby amended by striking out therefrom the words "webs and webbings."

The PRESIDENT pro tempore. The question is on agreeing to the amendment, in the nature of a substitute, offered by the Senator from Wisconsin.

Mr. KENYON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Iowa suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	La Follette	Root
Bacon	Crawford	Lodge	Sanders
Bailey	Cullom	McCumber	Simmons
Bankhead	Cummins	Martin, Va.	Smith, Ga.
Borah	Curtis	Massey	Smoot
Bourne	Dillingham	Myers	Stone
Bradley	du Pont	Nelson	Sutherland
Brandegee	Fall	Oliver	Thornton
Briggs	Fletcher	Overman	Tillman
Burnham	Gallinger	Page	Townsend
Burton	Guggenheim	Penrose	Warren
Catron	Johnston, Ala.	Perkins	Williams
Chamberlain	Jones	Pomerene	Works
Chilton	Kenyon	Reed	

Mr. THORNTON. I wish to announce that the senior Senator from Louisiana [Mr. FOSTER] is necessarily absent.

The PRESIDENT pro tempore. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. LA FOLLETTE. Mr. President, I am not going to take the time of the Senate at this late day in the session for any extended discussion of this schedule. I shall not consume time by going into a detailed explanation of the amendment I have just offered.

On August 22, 1911, the President vetoed precisely the bill which is presented to the Senate and under consideration and for which I have offered an amendment in the nature of a substitute. That bill is identical with the bill now presented, excepting a change in the date. The President in his veto message of that bill at that time said:

> When the reports of the Tariff Board upon these schedules are received, the duties which should be imposed can be determined upon justly and with intelligent appreciation of the effect that they will have both upon industry and upon revenue.

The President's chief reason for withholding executive approval of the bill as set forth in his message at that time was lack of information enabling him to pass upon the rates fixed in the bill as it reached him.

As soon as the Tariff Board completed its investigation of Schedule I, the cotton schedule, the President transmitted the findings of that board to Congress with a message, from which I wish to read a few lines:

> I now transmit a report of the Tariff Board on Schedule I (cotton manufactures). In this report, also, the board is unanimous in its findings. On the basis of the report I now recommend that the Congress proceed to a consideration of this schedule, with a view to its revision and a reduction of its rates.
>
> I base this recommendation on the declaration of the platform on which I was elected—that a reasonable protective tariff should be adjusted to the difference in cost of production at home and abroad.

And the President transmits this report to Congress as a suitable and fit finding upon which Congress may proceed to legislate, to redeem the pledges upon which he and a Republican Congress were elected.

Now, Mr. President, the amendment which I have presented was drafted by the Tariff Board in accordance with its findings in this report, and offered in the House of Representatives by Congressman HILL, of Connecticut, a Republican member of the Committee on Ways and Means.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. I do.

Mr. REED. I want to know if I correctly understood the Senator. I understood him to say that this amendment which he now offers was actually drawn by the Tariff Board.

Mr. LA FOLLETTE. I so stated.

Mr. REED. Has it come to this, in the progress of events, that the power which the Constitution vested in the House of Representatives to originate revenue measures can not be exercised until a Tariff Board appointed by the President shall have reported; and, second, that Congress must follow its recommendation; and, finally, that that board is to completely usurp the functions and powers of Congress and actually prepare the bill? If that is true, then I want to know how much is left of the constitutional power of Congress to originate revenue measures.

Mr. LA FOLLETTE. Mr. President, if my friend, the Senator from Missouri, had given me the opportunity to say so, he would have learned that this bill was drawn by the Tariff Board at the request of a Republican member of the Ways and Means Committee of the House of Representatives who introduced it. I apprehend that the Senator from Missouri has solicited the assistance of experts in and out of the employ of the Government in the preparation of bills and amendments which he has from time to time introduced, without for a moment thinking that he was surrendering his high prerogative as a Member of the Senate of the United States.

Mr. REED. Mr. President——

Mr. LA FOLLETTE. Pardon me. I was particularly addressing myself to Senators upon this side of the Chamber. I am aware that the Democratic Members of the Senate are generally opposed to and have generally voted against the establishment of a tariff commission. Upon their theory of the fixing of customs duties upon a revenue basis they do not require to the same extent the services of a Tariff Board, although I have always believed that the services of a Tariff Board or commission, if rendered under such complete authority as to make them effective, would be found very helpful in framing a tariff bill upon a strictly revenue basis.

Pursuant to the recommendations of the President and to the suggestions which he made in his message, when he vetoed the cotton bill, about a year ago, this Tariff Board had completed its investigations and arrived at conclusions which were transmitted to the Congress of the United States, and, according to the President's view, were sufficiently thorough and accurate to be the basis of a recommendation upon his part that there should be instituted a revision of the duties upon the cotton schedule in accordance with that recommendation.

Mr. REED. Will the Senator from Wisconsin pardon another interruption?

Mr. LA FOLLETTE. Certainly.

Mr. REED. What I said ought not to be construed by the Senator or anyone else as a criticism of the Senator because he brings in here a bill written by the Tariff Board. What I meant to emphasize, if I could, was the fact that under the policy of the President this board has been given a supreme power, if not authority, and that we are drifting to a position to-day that is utterly untenable.

Now, I make this distinction: It is true that any Senator or Representative has the right to call upon any expert for information in regard to facts, and when he has received those facts to use them in the preparation of a tariff bill. There is no objection to that; it has always been done; but it was not until the creation of this Tariff Board that we were told two things: First, that Congress did not possess the necessary wisdom to ascertain the facts itself and must obtain those facts from the Tariff Board alone, and, second, that we must follow the conclusions and recommendations of the Tariff Board or substitute their judgment for the judgment of Congress.

Now, it seemed to me that we had gone just a step farther. The Tariff Board puts its conclusions in the form of a bill and passes that bill over to Congress or to a Congressman, and the proposition now is, on the part of the President, "take that which my board has agreed to or take nothing."

Now, I can understand how in that extremity a Senator will adopt it in the hope to get something through, but I submit to Senators it is an act of outrageous usurpation and abuse of the veto power, and that all Members of both bodies ought to resent it.

Mr. LA FOLLETTE. Mr. President, the substitute which I have offered here was introduced in the House of Representatives by Congressman HILL, of Connecticut, a Republican member of the Ways and Means Committee. Mr. HILL in offering it as a substitute for the Democratic bill, after stating that he believed it to be his duty to support legislation in accordance with the platform of the party upon which he was elected and, as applied to this particular subject, to support legislation which measured the difference in the cost of production in this and competing foreign countries, goes on to say:

> Feeling my own unfitness for the work, I called to my assistance several of the experts who had conducted the investigation, and after many weary days of careful study a new Schedule I was constructed, which, if the report of the Tariff Board as to American costs is correct, is protective in every item and yet is in strict accord with the Republican platform as to the elimination of excessive duties, while still preserving the security against foreign competition to which American producers and wageworkers are entitled.

Mr. President, the investigation conducted by the Tariff Board, upon which this bill was drawn, was, I think, more thorough and more scientifically exact than that made in respect to any one of the other schedules investigated. It was especially conducted by the tariff expert of the board, the chief statistician, Mr. N. I. Stone. Of this investigation Mr. Emery, the president of the board, has this to say in a letter addressed to Mr. HILL:

> THE TARIFF BOARD,
> *Treasury Building, Washington, May 25, 1912.*
>
> Hon. EBENEZER J. HILL,
> *House of Representatives, Washington, D. C.*
>
> MY DEAR MR. HILL: Referring to your questions in conversation with Mr. Cowgill regarding the accuracy of the cost figures in our cotton report and your request that a statement be made in writing, I beg to say that in all instances where reports were obtained from cotton-manufacturing companies the results of our cost extensions were carefully examined by the officers of the mill before the report was forwarded to the Tariff Board. This examination was complete, and went into each detail of the extensions rather than merely to have the officers sign their names without making a close examination. The cost-extension figures were carefully compared with the cost extension made by the mills, and all the reports forwarded to the board were agreed by the officers of the company and representatives of the board to be correct. As to the accuracy of these extensions, I wish to state that the total expenditures of the company were carefully checked to agree with the figures published in their annual financial statement. Using these sums as a basis, we then made up our own cost statement according to our own methods, which we believe to be accurate and not merely the accepting of the company's own estimates of cost.
>
> In one instance a company was doing an $8,000,000 annual business; after the costs had been extended for this company and the total number of yards of each kind of goods multiplied by the cost per yard as shown by the report, the figures checked within $8.33 of the total amount of money expended by this company in manufacture during the year for which the costs were taken. In another case, by the same method, the variation amounted to $332. The greatest variation in any of the reports was in the case of a company doing a $2,000,000 annual business where, by multiplying the number of yards produced by the cost per yard ascertained by us, the difference amounted to $3,500. But this difference would not affect the costs in the sixth decimal place.
>
> In every case the companies agreed, after a careful examination, that our costs were correct, and in some few cases the mills have adopted our cost extensions in toto, while in others our system of extensions has been adopted at least in part.
>
> These facts I believe fully justify the statement that the most accurate costs possible have been obtained.
>
> Very truly, yours,
>
> HENRY C. EMERY, *Chairman.*

I read that because it comes from the president of the board and shows with what thoroughness this investigation of the cotton industry was conducted. It shows that when they had ascertained the cost of producing the different articles of manufacture in these cotton industries, their cost figures received the approval of the owners and managers of the mills.

So much for the report. Now, Mr. President, we have the statement of a member of the Ways and Means Committee that this bill which he presented in the House was drawn with the assistance of the board's experts—the very men who made this investigation.

Mr. President, this bill is strictly in accord with the tariff pledge of the Republican Party made in its platform in 1908, and I am wholly unable to see how any Republican can justify opposition to the bill as presented.

Mr. PENROSE. Will the Senator permit me?

Mr. LA FOLLETTE. Certainly.

Mr. PENROSE. Does the Senator construe anything in the attitude or the report of the Tariff Board to favor ad valorem duties?

Mr. LA FOLLETTE. Mr. President, the Tariff Board, in its report upon this cotton schedule, say that the duties to be applied in dealing with cotton manufactures should be ad valorem duties.

The Senator from Pennsylvania knows, of course, that he never voted for a revision of the woolen schedule without voting for ad valorem duties on all of the manufactured products in that schedule. The only specific duties in Schedule K are those which are supposed to measure the compensatory duties.

Mr. PENROSE. I had printed in the RECORD when the wool bill was up a full statement on the ad valorem proposition, to which I will refer the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, if the Senator will pardon me, I am just wondering whether he read it before he presented it, for I have been examining it, and I will say to the

Senator from Pennsylvania that it is a very good argument for ad valorem duties.

Let me just quote a little from this——

Mr. TOWNSEND. Did the Republican members of the Ways and Means Committee favor this bill?

Mr. LA FOLLETTE. I have not looked up the record, but the Senator from Pennsylvania said to me a moment ago here, and I think he will not object to my repeating the statement in answer to this question, that all of the Republican members of the Ways and Means Committee voted for this bill when Mr. HILL offered it as a substitute in the House, although I believe they did not vote for it when Mr. HILL offered it as a substitute in the Committee on Ways and Means.

Mr. PENROSE. I am informed it is correct, though of course such things are not supposed to be matters of public knowledge, that no member of the Ways and Means Committee supported Mr. HILL's bill. It is his individual production and is repudiated by every manufacturer, so far as I know, in the cotton business.

Mr. TOWNSEND. If I may be permitted, I have just been looking over the list of the vote, and I find every Republican member of the Ways and Means Committee voted for this bill as a substitute for the House bill.

Mr. PENROSE. On the floor of the House, it is true, unfortunately, they did vote for the measure. The RECORD is calculated to deceive persons who read it as to their real attitude, but I betray no confidence when I state that the Republican members of the Ways and Means Committee were not in accord with the measure in the committee.

Mr. LA FOLLETTE. We have the fact now in the RECORD. In the seclusion of the committee room the Republican members of the Ways and Means Committee did not support this measure drawn in accordance with the report of the Tariff Board, but when it came to making a record in the House of Representatives they all supported it.

Now, Mr. President, just a word. I am making use of Mr. HILL's speech, and I want to give him full credit for the very great ability and industry which he has brought to this important subject.

Mr. PENROSE. No one else wants any credit for the bill except Mr. HILL.

Mr. LA FOLLETTE. The Senator from Pennsylvania says no one but Mr. HILL wants any credit for this bill. Mr. HILL's Republican colleagues on the committee wanted the credit of supporting the bill, or they would not have voted for its passage in the House.

Mr. President, I pause to remark that some of the troubles in which the Republican administration finds itself involved to-day are due to the fact that a few standpat Republican leaders insist upon maintaining duties at the highest possible point, regardless of the fact that all of the economies of cheapened production cry aloud for a thoroughgoing reduction of the tariff. It is this course that is bringing the protective system into disrepute before the whole country.

I remember during the tariff debate of 1909 on the cotton schedule there was an extended controversy as to whether or not duties should be increased on account of mercerization. We had a spirited contest here upon that subject. I presented to the Senate at that time receipted bills showing the cost of mercerization in English mills and the cost of mercerization in the mills of this country. I contended that we were able to mercerize cotton goods in this country as cheaply as they were mercerized in England. The Senator from Massachusetts [Mr. LODGE] and other Senators on this side of the Chamber who contended for higher duties upon cotton goods insisted that there should be an increase of duty on account of mercerization, and duty was increased to 1 cent per square yard.

Mr. President, in order to show the relation of the extra duty on account of mercerization to the cost of mercerization the Tariff Board, in its report on cotton, arranged a table (see p. 503 of the report) showing the labor cost and the total cost of mecerization on the square-yard basis. I quote this from the text of the report:

> As will be seen from the table, the labor cost of mercerizing cotton fabrics varies from less than 0.08 of 1 cent to less than 0.11 of 1 cent per square yard, while the total cost of mercerizing varies from more than 0.53 of 1 cent to over 0.72 of 1 cent per square yard.
>
> The extra duty on account of mercerization is 1 cent per square yard. That is to say, the duty is from 9 to 12.5 times the total labor cost of mercerizing and from 1.4 to nearly 2 times the total cost of mercerizing.

There never has been any pretext that duties should measure more than the difference in the cost of production. The contention has been that that difference in cost is due to the higher wages paid in this country than in competing countries. When the correct measure of protection is applied it should only be sufficient to meet the difference in that cost. But the Payne-Aldrich tariff bill put a duty on mercerization which, according to the Tariff Board's figures, is from 9 to 12½ times the total labor cost of mercerization and from 1.4 to 2 times the total cost of mercerizing—labor and everything else included.

I have had no opportunity to ascertain whether the receipted bills that I presented when the Payne-Aldrich bill was pending are in accord with these figures, but my recollection is that they substantially agree with this statement.

Against that evidence there was merely the assertion on this floor of those who were promoting the higher duties in the Payne-Aldrich bill that an extra duty of 1 cent per square yard for mercerization was required to protect American industry. The contention was backed up by the ex parte statements of those who were to be benefited by these excessive duties. And now we have the humiliation of a report by a board of experts under a Republican administration, appointed by a Republican President, transmitted to Congress with a message of indorsement by a Republican President, which shows that that increase was from nine to twelve times as high as it should have been.

That is but one of the many defects in the work of Congress under the leadership of these ultraprotectionists.

Mr. President, I want to see the protective system maintained in this country. I want to see it maintained upon a basis that measures the difference between the conditions surrounding labor here and in competing countries. I have just this theory about it—the theory which all men have who view it from my standpoint—that labor with us lives at a higher level than it does in any of the competing countries; that except for artificial interference the product goes to the market at the cost level which is somewhat in agreement with the level at which the labor lives that produces the article.

If we produce in this country at a higher level than they produce abroad, unless our duties measure the difference in labor cost, the foreign product, flowing into this country at a lower level, must either pull the labor of this country down to its level or take the American market away from American producers. I want to see the product of the labor which lives at the lower level, when it comes to the customhouse, meet a duty that will raise it to the level of the American labor cost of production.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I do.

Mr. TOWNSEND. This morning the chairman of the Finance Committee gave as a reason for bringing in no bill on this subject the fact that the House had not presented it earlier, which appealed to me in a way; but still I should like to ask the Senator from Wisconsin if it is not true that the measure which he has now offered as a substitute was presented by a Republican of the Ways and Means Committee and was so considered in the House, and that it is in as good a condition for us to consider here as the Democratic measure which is to be acted upon this morning?

Mr. LA FOLLETTE. That is most certainly true. In fact, the bill which we term the Democratic bill comes to us exactly as it passed the House of Representatives a little more than a year ago.

Mr. POMERENE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do.

Mr. POMERENE. Will the Senator advise us as to what the average reductions are?

Mr. LA FOLLETTE. I was just about to do that, Mr. President. Before coming to that I want to read one or two brief comments on ad valorem duties from the report of the Tariff Board. I read from page 18:

> It is probably impracticable to adopt a purely specific system of duties on woven fabrics. No feasible scheme of classifying and describing fabrics in terms corresponding to differences in conversion cost has yet been worked out.

On page 73 of the report they say, further:

> So far as the motive for undervaluation is concerned, it is more powerful under the scheme adopted in the present law—

That is the Payne-Aldrich law—

> than it would be under a straight ad valorem tariff.

On page 74 of the cotton report they say, further:

> A system which puts a specific rate on an ad valorem basis seems to combine the evils of both systems.

Then I offer for the consideration of the Senate this quotation from the opinion given three years ago by a member of the New York Board of Appraisers. He says:

> It is respectfully urged upon the committee that lines of demarcation dependent on value as in this case should be eliminated so far as possible from the tariff act. The fact that a few cents increase in

the value of commodities raises the amount of the duty levied 125 to 150 per cent, as sometimes occurs in this paragraph, is a great incentive to fraud. In such cases the unscrupulous merchant enjoys an extraordinary advantage over the scrupulous one. The incentive to undervalue is so great and the difficulty of precise ascertainment of the actual market in these goods, which constantly fluctuates, render satisfactory and just administration almost impossible.

Now, Mr. President, just one word about these bills. I will state the difference in general averages and then submit the proposed amendment to the consideration of the Senate.

The average duty of the cotton schedule under the present law, reduced to ad valorem, is 48 per cent. The average duty of the Democratic bill is 27 per cent. The average duty of the bill which I offer as a substitute is 25 per cent, or 2 per cent lower than the Democratic bill.

To put it in another way, the amendment I offer, if adopted, will give greater relief from the excessive duties of the present law than the bill presented by the Democratic majority in the House, which is now before the Senate, and for which I have offered this bill as an amendment.

I have not been able, Mr. President——

Mr. POMERENE. If it is not unduly disturbing the Senator——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I yield.

Mr. POMERENE. Will he be kind enough to designate the articles or the classes upon which his rates are lower than the rates in the Democratic House bill?

Mr. LA FOLLETTE. I have reduced that to tabulated form in so far as the similarity of the classifications and the paragraphs of the two bills will permit. I want to say to the Senator from Ohio that there are certain duties in my proposed amendment that are higher than the duties of the Democratic bill. Those higher duties are upon the more highly finished products; those in which there is a higher production cost, because of the larger element of labor entering into the production. With reference to these products, if the industry is to be fairly protected, somewhat higher duties are required than those fixed in the Democratic bill.

I have this criticism to make of the Democratic bill: So far as I can judge, it has been made without investigation upon any basis, revenue or otherwise. Manifestly, when you take the report of the Tariff Board and consider the cost of production, there are many duties in the Democratic bill that are absolutely prohibitory and would therefore cut off all revenue.

Now, Mr. President, answering more in detail the question of the Senator from Ohio [Mr. POMERENE], paragraph 1, cotton thread, in that paragraph up to and including No. 50 the Democratic rate is 10 per cent, and the rate in the amendment which I offer 7½ per cent.

Because the classification is not exactly the same, it is a little difficult to institute an exact comparison. But comparing the yarns described in the Democratic bill as Nos. 50 to 100 with the yarns described in the amendment which I have offered as Nos. 40 to 80, the rate in the Democratic bill (Nos. 50 to 100) is 15 per cent, and in the amendment I propose (Nos. 40 to 80) 10 per cent; above 100 in the Democratic bill the rate is 20 per cent, and above 80 in the amendment which I have offered, 15 per cent.

Cotton card, laps, roving, and so forth, in the Democratic bill carries a rate of 10 per cent; in the amendment which I have proposed, 5 per cent.

Cotton waste, manufactured or otherwise advanced, in the Democratic bill is 5 per cent; in the amendment which I have presented, 10 per cent.

Spool thread, crochet, embroidery, and so forth, in the Democratic bill is 15 per cent; in the amendment which I have presented they take the same rates of duty as single yarns. In both it is a lower rate of duty.

In the next paragraph it is impossible to make a comparison, because they are differently framed.

The rate on cotton cloth, not bleached, dyed, etc., not exceeding No. 50, in the Democratic bill is 15 per cent; and in the amendment which I have presented, provided the cloth contains not to exceed 5 square yards to the pound, the rate is 5 per cent.

The rate on cotton cloth not exceeding No. 100, in the Democratic bill, is 20 per cent; and in my amendment, provided the cloth contains more than 5 and not to exceed 7½ square yards to the pound, the rate is 10 per cent.

The rate on cotton cloth exceeding No. 100, under the Democratic bill, is 25 per cent; in the amendment which I have proposed, provided the cloth contains more than 7½ square yards to the pound, the rate is 15 per cent.

It is not possible to further extend the comparison because of the difference in classification of the two bills. I will say in a general way that it was the purpose of Mr. Hill, and the experts of the Tariff Board working with him, to fix these duties at the lowest possible level, leaving just enough to measure the difference in the cost of production between this country and our principal foreign competitor. That enabled them to go much lower on a large number of items in the cotton schedule than the rates in the tariff bill prepared one year ago by the Democratic Ways and Means Committee, without any information whatever as to production cost. For some reason or other they have not seen fit—I do not know why—to be guided by or to make use of this information which has been gathered and which, I think, is altogether the most valuable document produced by the Tariff Board, the most thorough and most complete. I think anyone who will examine it will have that conviction forced upon him. I can not understand the point of view of a committee—I care nothing about the political phases of the question—that ignores this information in adjusting duties. It is quite as essential to regard the production cost in adjusting duties upon a revenue as upon a protective basis. Otherwise you may fix duties so high as to absolutely shut out foreign goods by making rates prohibitory.

It seems to me, with due deference to the able members of the Democratic Ways and Means Committee of the House, that if they had made use of this information they could have very much reduced the duties in the Democratic bill, thereby not only cutting off excessive protection but reaching a basis where the duties would be productive of some revenue. As I have before stated, many of the rates in the Democratic bill are so high that unquestionably they would absolutely shut out importations.

The bill is unscientific. It is neither a tariff-for-revenue-only nor a protective measure; and yet, Mr. President——

Mr. NEWLANDS. Mr. President——

Mr. LA FOLLETTE. Just a moment. Yet, Mr. President, while I am in public life, I am going to do the best I can, according to the lights I have, to serve the public interest. I do not believe it is in the public interest to strike down the industries of this country. But, as I said a year ago in presenting the amendment to the cotton schedule and the amendment to the wool schedule, the reductions there proposed were reductions which could be made from the high duties then, and now, in existence without imperiling a single industry in this country.

Mr. President, I have been very much gratified in comparing the bill which I presented one year ago with the report of the Tariff Board on the woolen industry and on the cotton industry to find that I was easily within the line of adequate protection at that time. Those bills, if I could have inspired the confidence of my Republican associates here, should have received their support and should have been passed as presented. The President, in his veto of the wool bill this year, asserts that the duties upon raw wool should be as much as 35 per cent; that a 35 per cent duty would be protective. That was the duty fixed in the bill which I offered in the Senate a year ago, and for which I could get no Republican support outside of seven or eight votes upon this side. As a matter of fact, a critical study of the Tariff Board report on wool and woolens shows that a duty of 29 per cent on raw wool is protective and that the duties on the manufactures of wool fixed in the bill reported by the conference committee, both last year and this, and vetoed by the President, were fairly and justly protective.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Nevada?

Mr. LA FOLLETTE. I do.

Mr. NEWLANDS. I ask the Senator from Wisconsin whether the so-called Hill bill received the support of the associates of Mr. HILL of the Republican Party in the Ways and Means Committee of the House of Representatives?

Mr. LA FOLLETTE. I will say, Mr. President, that, judging from the CONGRESSIONAL RECORD, it did. I find upon the roll call when Mr. HILL's bill was presented to the House as a substitute for the Democratic bill, that it received the votes of his Republican associates upon the Ways and Means Committee.

Mr. NEWLANDS. Will the Senator inform us as to what the average percentage of the Hill bill is as compared with the Democratic bill?

Mr. LA FOLLETTE. It is 25 per cent as against 27 per cent, the average of the Democratic bill.

Mr. NEWLANDS. That is, on the average?

Mr. LA FOLLETTE. That is the average.

Mr. NEWLANDS. The Senator has been a very close student, as we all know, of tariff matters, and I have no doubt he has carefully examined the report of the Tariff Board. I should like his expression of opinion as to whether the findings of that board represent the conclusions of fair-minded

and capable men or whether they seem to be distorted by either interest or prejudice.

Mr. LA FOLLETTE. Mr. President, I have very great respect for some of the work of that board and for some of the members of that board; I do not like to indulge here on the floor in any personal criticism of gentlemen who are not present and can not answer for themselves. There have been reports on some of the tariff schedules made by that board with which I can not bring myself to agree. I might go further than that, but I prefer not to do so at this time and in this place.

Mr. NEWLANDS. The Senator from Wisconsin will realize my purpose in asking the question. I imagine that few of the Senators and few of the Members of the other House, for that matter, have had time to look over the Tariff Board report, and, knowing that the Senator has given a great deal of time and study to this question, I for one would largely rely upon his view as to the accuracy of those findings. I agree with the Senator that whatever action we take, whether upon the protective basis or the revenue basis, it is very important that we should ascertain the facts. We ourselves have not the time to ascertain the facts, and therefore the obligation rests upon us to see that some impartial board is organized that will inquire into the facts. I was desirous of having the Senator's opinion as to the findings, particularly with reference to this cotton schedule. Is the Senator satisfied with those findings?

Mr. LA FOLLETTE. I do not hesitate to say, Mr. President, that the investigation of the cotton schedule has been more thorough and scientific than any other schedule reported by the board. I think anyone who examines the report on cottons will be impressed particularly with the accuracy and thoroughness of the investigation of the cotton schedule.

I do not think, Mr. President, that I ought to take the time of the Senate further than to add, with respect to cotton yarns, that the Tariff Board finds the difference in the cost of production between this and competing countries to be from 3 to 11 per cent (without noting the fractions). On cotton cloth the board says:

> In the case of a large variety of plain goods the labor cost of turning yarn into cloth in the United States is not greater, and in some cases is lower than in England.

That is absolutely so.

I am thoroughly convinced, Mr. President, that duties in excess of those fixed in the amendment which I have offered here could not be justified on the principle upon which we base our support of a protective tariff. I want the opportunity to vote for a bill that is consistently protective, reducing the duties to the difference in the costs of production, as indicated.

I want to say now that, if the substitute fails to carry, I shall vote for the Democratic bill. It is not a consistent bill; its duties are not related; some of them are so high as to be prohibitory; in a few of the paragraphs they are lower than they ought to be to be protective; but, taken all together, if it were to be enacted into law it would be a great relief to the people of this country from the extortionate duties which are fixed by the Payne-Aldrich tariff law.

The PRESIDING OFFICER. The question is on the amendment submitted by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Utah suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Reed
Bacon	Cummins	McLean	Sanders
Borah	Curtis	Martin, Va.	Shively
Bourne	Dillingham	Myers	Simmons
Bradley	du Pont	Nelson	Smith, Ariz.
Brandegee	Fall	Newlands	Smith, Md.
Briggs	Gallinger	O'Gorman	Smith, S. C.
Bristow	Guggenheim	Oliver	Smoot
Bryan	Johnson, Me.	Overman	Stone
Burnham	Johnston, Ala.	Page	Sutherland
Catron	Jones	Penrose	Thornton
Chamberlain	Kenyon	Perkins	Townsend
Chilton	La Follette	Poindexter	Warren
Culberson	Lodge	Pomerene	

The PRESIDING OFFICER. Fifty-six Senators have answered to their names, and a quorum of the Senate is present. The question is upon the amendment in the nature of a substitute submitted by the Senator from Wisconsin.

Mr. SIMMONS. On that I ask the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not in the Chamber. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. As he is absent, I withhold my vote.

Mr. MASSEY (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON]. If he were present, I should vote "nay."

Mr. REED (when his name was called). I transfer my pair with the senior Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK]. I transfer that pair to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], and, on account of his absence, I withhold my vote.

Mr. MARTIN of Virginia (when Mr. SWANSON's name was called). My colleague [Mr. SWANSON] is unavoidably absent from the city. He is paired with the junior Senator from Nevada [Mr. MASSEY]. I make this announcement in relation to all votes taken to-day.

Mr. WARREN (when his name was called). I have a general pair with the Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. In his absence, I will withhold my vote. I make this announcement for the day.

Mr. BRANDEGEE. I am requested to announce the pair of the junior Senator from Rhode Island [Mr. LIPPITT] with the senior Senator from Tennessee [Mr. LEA].

Mr. LA FOLLETTE. I am requested to announce, for the junior Senator from North Dakota [Mr. GRONNA], that he is unavoidably absent, and that if present he would vote "yea."

Mr. CHAMBERLAIN. I desire to announce for the day that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. CURTIS. I am requested to announce that the senior Senator from Rhode Island [Mr. WETMORE] is paired with the junior Senator from Maine [Mr. GARDNER].

The result was announced—yeas 14, nays 46, as follows:

YEAS—14.

Borah	Crawford	Kenyon	Townsend
Bourne	Cummins	La Follette	Works
Bristow	Fall	Nelson	
Clapp	Jones	Poindexter	

NAYS—46.

Ashurst	Curtis	Newlands	Simmons
Bacon	Dillingham	O'Gorman	Smith, Ariz.
Bradley	du Pont	Oliver	Smith, Ga.
Brandegee	Gallinger	Overman	Smith, Md.
Bryan	Guggenheim	Page	Smith, S. C.
Burnham	Hitchcock	Penrose	Smoot
Burton	Johnson, Me.	Perkins	Stone
Catron	Johnston, Ala.	Pomerene	Thornton
Chamberlain	Lodge	Reed	Tillman
Chilton	McLean	Root	Williams
Culberson	Martin, Va.	Sanders	
Cullom	Myers	Shively	

NOT VOTING—34.

Bailey	Fletcher	Lippitt	Smith, Mich.
Bankhead	Foster	McCumber	Stephenson
Briggs	Gamble	Martine, N. J.	Sutherland
Brown	Gardner	Massey	Swanson
Clark, Wyo.	Gore	Owen	Warren
Clarke, Ark.	Gronna	Paynter	Watson
Crane	Heyburn	Percy	Wetmore
Davis	Kern	Rayner	
Dixon	Lea	Richardson	

So Mr. LA FOLLETTE's amendment was rejected.

The PRESIDENT pro tempore. If there are no further amendments, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. SIMMONS. I desire to reserve the amendment as to the repeal of certain parts of the reciprocity act.

The PRESIDENT pro tempore. The question is on concurring in the reserved amendment made, as in Committee of the Whole, which the Secretary will state.

The SECRETARY. The Senate, as in Committee of the Whole, adopted an amendment to add to the bill a new section, to be known as section 4, as follows:

> SEC. 4. That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. SMOOT. Mr. President, do I understand the amendment only covers sections 1 and 3 of the reciprocity act?

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again stated the amendment.

Mr. SMOOT. I should like to ask the Senator from North Carolina if the amendment as voted on as in Committee of the Whole did not repeal the whole Canadian reciprocity act?

Mr. SIMMONS. It repealed all of it, except that part of it which relates to print paper, pulp wood, and wood pulp—in other words, it repealed that part of it which has never gone into force and effect, and retained that part of it which is now in force. It is along the lines of the Bacon amendment.

Mr. SMOOT. I believe the sentiment of the Senate has been expressed a number of times upon that amendment, and it has generally included the repeal of the whole act. I shall ask for the yeas and nays on this amendment, if it is proposed only to repeal sections 1 and 3.

Mr. PENROSE. It may not be necessary to call for the yeas and nays.

Mr. SMOOT. Very well.

The PRESIDENT pro tempore. The question is on concurring in the amendment.

Mr. STONE. I desire simply to say that I am personally opposed to the repeal of any part of the reciprocity act.

The PRESIDENT pro tempore. The question is on concurring in the amendment made as in Committee of the Whole. [Putting the question.] By the sound the noes appear to have it; the noes have it, and the amendment is not concurred in.

Mr. SIMMONS. Do I understand the Chair to declare that the amendment was not concurred in?

The PRESIDENT pro tempore. That was the decision of the Chair.

Mr. SIMMONS. I do not think the Senate understood the question.

The PRESIDENT pro tempore. The Chair will again put the question.

Mr. BORAH. Mr. President, I understand the Senator from Utah asked for the yeas and nays.

Mr. SMOOT. I said that I should call for the yeas and nays, but withdrew the request until on a viva voce vote the result was declared by the Chair. Then, if the result had not been as stated by the Chair, I intended to ask for the yeas and nays.

The PRESIDENT pro tempore. The Chair will again put the question. [Putting the question.] By the sound the noes appear to have it.

Mr. SIMMONS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. McCUMBER. I think it would be well to have that amendment read again, so that we may all understand its purport.

The PRESIDENT pro tempore. The amendment made as in Committee of the Whole will be again stated.

The SECRETARY. As in Committee of the Whole an amendment was adopted at the end of the bill to add a new section, as follows:

SEC. 4. That sections 1 and 3 of the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and are hereby, repealed.

Mr. OLIVER. Mr. President, is it in order at this time to move an amendment to the amendment?

The PRESIDENT pro tempore. It is.

Mr. OLIVER. I move to strike out the words "sections one and three of," in line 1, and to substitute the word "is" for the word "are," before the word "hereby," in the last line.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to strike out the words "sections one and three of"; also to strike out the word "are" and to insert the word "is" in lieu thereof in the last line; so as to read:

That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. [Putting the question.] By the sound the "ayes" appear to have it.

Mr. SIMMONS. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. STONE. Mr. President, let me understand exactly what the question is.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Pennsylvania [Mr. OLIVER] to the amendment adopted as in Committee of the Whole.

The Secretary will again state the amendment to the amendment.

The SECRETARY. In the amendment adopted, as in Committee of the Whole, it is proposed to strike out the words "sections 1 and 3 of," in the first line, and in the fourth line, before the word "hereby," to strike out "are" and insert "is," so that if amended it will read:

SEC. 4. That the act entitled "An act to promote reciprocal trade relations with the Dominion of Canada, and for other purposes," approved July 26, 1911, be, and is hereby, repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I transfer my general pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I am compelled to withhold my vote.

Mr. MASSEY (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON]. If he were present I should vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I transfer the pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). Again announcing my pair with the Senator from Maryland [Mr. RAYNER], I withhold my vote on account of his absence.

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BANKHEAD. I transfer my pair with the Senator from Idaho [Mr. HEYBURN] to the senior Senator from Florida [Mr. FLETCHER], and will vote. I vote "nay."

The result was announced—yeas 29, nays 31, as follows:

YEAS—29.

Borah	Cullom	Jones	Root
Bourne	Cummins	Lodge	Sanders
Bradley	Curtis	McLean	Smoot
Brandegee	Dillingham	Nelson	Thornton
Burnham	du Pont	Oliver	Townsend
Burton	Fall	Page	
Catron	Gallinger	Penrose	
Crawford	Guggenheim	Perkins	

NAYS—31.

Ashurst	Culberson	O'Gorman	Smith, Ga.
Bacon	Hitchcock	Overman	Smith, Md.
Bankhead	Johnson, Me.	Poindexter	Smith, S. C.
Bristow	Johnston, Ala.	Pomerene	Stone
Bryan	Kenyon	Reed	Tillman
Chamberlain	Martin, Va.	Shively	Williams
Chilton	Myers	Simmons	Works
Clapp	Newlands	Smith, Ariz.	

NOT VOTING—34.

Bailey	Foster	Lippitt	Smith, Mich.
Briggs	Gamble	McCumber	Stephenson
Brown	Gardner	Martine, N. J.	Sutherland
Clark, Wyo	Gore	Massey	Swanson
Clarke, Ark.	Gronna	Owen	Warren
Crane	Heyburn	Paynter	Watson
Davis	Kern	Percy	Wetmore
Dixon	La Follette	Rayner	
Fletcher	Lea	Richardson	

So Mr. OLIVER's amendment to the amendment was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from Iowa [Mr. KENYON] for the Senator from North Dakota [Mr. GRONNA], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GUGGENHEIM (when his name was called). I again announce the transfer of my pair, and I will vote. I vote "yea."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I am informed by his colleague that he would probably vote "nay" upon this amendment, and I should vote "yea." He being absent, I am compelled to withhold my vote.

Mr. MASSEY (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON]. If he were present, I should vote "yea."

Mr. REED (when his name was called). I transfer my pair with the Senator from Michigan [Mr. SMITH] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called.) I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer it to the Senator from Indiana [Mr. KERN] and will vote. I vote "nay."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from New Jersey [Mr. MARTIN] and will vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). On account of the absence of the Senator from Maryland [Mr. RAYNER], with whom I have a pair, I withhold my vote.

Mr. WARREN (when his name was called). I again announce my pair as heretofore mentioned.

The roll call was concluded.

Mr. SHIVELY. My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the Senator from Delaware [Mr. RICHARDSON]. I will let this announcement stand for the day.

Mr. LODGE. I desire to announce the pair of my colleague [Mr. CRANE], who is absent from the city, with the Senator from Arkansas [Mr. DAVIS]. I will let this announcement stand for the day.

Mr. McCUMBER. I think my colleague [Mr. GRONNA], if present, would vote "yea" on this proposition, and I therefore transfer my pair with the senior Senator from Mississippi [Mr. PERCY] to the junior Senator from North Dakota [Mr. GRONNA]; that is, just upon this one proposition.

Mr. LA FOLLETTE rose.

Mr. McCUMBER. Unless the Senator from Wisconsin has information to the contrary.

Mr. LA FOLLETTE. I will say to the senior Senator from North Dakota that the junior Senator from North Dakota would vote for this amendment. Indeed, the junior Senator from Iowa [Mr. KENYON] in offering it, did so on behalf of the junior Senator from North Dakota.

Mr. McCUMBER. Assuming that he would do so, I will make the transfer and vote. I vote "yea."

Mr. BANKHEAD. I transfer my pair with the Senator from Idaho [Mr. HEYBURN] to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

The result was announced—yeas 51, nays 9, as follows:

YEAS—51.

Ashurst	Crawford	Kenyon	Pomerene
Bacon	Cullom	Lodge	Root
Bankhead	Cummins	McCumber	Sanders
Borah	Curtis	Martin, Va.	Shively
Bourne	Dillingham	Myers	Simmons
Bradley	du Pont	Nelson	Smith, Ariz.
Brandegee	Fall	Newlands	Smith, Ga.
Bristow	Gallinger	O'Gorman	Smith, Md.
Burnham	Guggenheim	Oliver	Smoot
Burton	Hitchcock	Page	Thornton
Catron	Johnson, Me.	Penrose	Townsend
Chamberlain	Johnston, Ala.	Perkins	Works
Clapp	Jones	Poindexter	

NAYS—9.

Bryan	Overman	Smith, S. C.	Tillman
Chilton	Reed	Stone	Williams
Culberson			

NOT VOTING—34.

Bailey	Foster	Lippitt	Smith, Mich.
Briggs	Gamble	McLean	Stephenson
Brown	Gardner	Martine, N. J.	Sutherland
Clark, Wyo.	Gore	Massey	Swanson
Clarke, Ark.	Gronna	Owen	Warren
Crane	Heyburn	Paynter	Watson
Davis	Kern	Percy	Wetmore
Dixon	La Follette	Rayner	
Fletcher	Lea	Richardson	

So the amendment offered by Mr. KENYON on behalf of Mr. GRONNA was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT pro tempore. The question is, Shall the bill pass?

Mr. SIMMONS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. MASSEY (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON], and withhold my vote. If he were present, I should vote "nay."

Mr. REED (when his name was called). I again announce my pair with the Senator from Michigan [Mr. SMITH] and the transfer of the pair to the Senator from Arkansas [Mr. CLARKE]. I vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and transfer it to the Senator from Indiana [Mr. KERN] and will vote. I vote "yea."

Mr. STONE (when his name was called). I again announce my pair with the Senator from Wyoming [Mr. CLARK]. I transfer it to the Senator from New Jersey [Mr. MARTINE] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and withhold my vote on account of his absence.

Mr. WARREN (when his name was called). On this question I have a pair with the Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BANKHEAD. I announce my pair with the Senator from Idaho [Mr. HEYBURN], which I transfer to the senior Senator from Florida [Mr. FLETCHER] and will vote. I vote "yea."

Mr. MARTIN of Virginia. The pair of my colleague [Mr. SWANSON] has been announced. I simply desire to say that if he were present, he would vote "yea."

Mr. JOHNSON of Maine. I wish to announce the unavoidable absence of my colleague [Mr. GARDNER], and the fact that he is paired with the senior Senator from Rhode Island [Mr. WETMORE]. If my colleague were present, he would vote "yea."

Mr. TOWNSEND. I have heretofore announced the necessary absence of my colleague [Mr. SMITH], and I wish to say that if he were present, on this question he would vote "nay."

Mr. GUGGENHEIM. I transfer my pair as heretofore announced and vote. I vote "nay."

Mr. LA FOLLETTE. I announce for the junior Senator from North Dakota [Mr. GRONNA] that he is unavoidably absent. If he were present, he would vote "yea."

Mr. SMOOT. I desire to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE].

The result was announced—yeas 36, nays 19, as follows:

YEAS—36.

Ashurst	Crawford	Myers	Smith, Ariz.
Bacon	Culberson	Newlands	Smith, Ga.
Bankhead	Cummins	O'Gorman	Smith, Md.
Borah	Hitchcock	Overman	Smith, S. C.
Bristow	Johnson, Me.	Poindexter	Stone
Bryan	Johnston, Ala.	Pomerene	Thornton
Chamberlain	Kenyon	Reed	Tillman
Chilton	La Follette	Shively	Williams
Clapp	Martin, Va.	Simmons	Works

NAYS—19.

Bradley	Dillingham	McLean	Root
Burnham	Gallinger	Oliver	Sanders
Burton	Guggenheim	Page	Smoot
Cullom	Jones	Penrose	Townsend
Curtis	Lodge	Perkins	

NOT VOTING—39.

Bailey	Dixon	Kern	Rayner
Bourne	du Pont	Lea	Richardson
Brandegee	Fall	Lippitt	Smith, Mich.
Briggs	Fletcher	McCumber	Stephenson
Brown	Foster	Martine, N. J.	Sutherland
Catron	Gamble	Massey	Swanson
Clark, Wyo.	Gardner	Nelson	Warren
Clarke, Ark.	Gore	Owen	Watson
Crane	Gronna	Paynter	Wetmore
Davis	Heyburn	Percy	

So the bill was passed.

FUR-SEAL CONVENTION.

Mr. LODGE. I move that the Senate proceed to the consideration of the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. With the permission of the Senator from Massachusetts, the Chair will lay before the Senate a message from the President of the United States.

Mr. LODGE. Certainly.

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States (S. Doc. No. 921) which was read:

To the Senate and House of Representatives:

Under the fur-seal convention entered into by the United States with Great Britain, Japan, and Russia on the 7th of July, 1911, which was approved by the Senate on July 24, 1911, and ratified on December 12, 1911, this Government agreed to pay the sum of $200,000 to Great Britain and the sum of $200,000 to Japan when the convention went into effect; and in my message to Congress of December 7, 1911, the attention of Congress was especially called to the necessity for legislation on the part of the United States for the purpose of fulfilling the obligations assumed under the convention. In view of the omission of Congress up to the present time to adopt any legislation to carry out the obligations of this Government under this convention, it becomes incumbent upon me again to call the

subject to the attention of Congress and to urge the importance of enacting at the earliest possible moment, and at this session of Congress, the legislation necessary to enable this Government to make the payments to Great Britain and Japan as required by this convention, and also to fulfill its other obligations thereunder in so far as legislation is necessary for that purpose.

The international conference at which the convention under consideration was agreed upon was held at the urgent invitation of the United States, and the acceptance of that invitation by the other parties was secured only after protracted negotiations and at the repeated request of the United States, and, notwithstanding these circumstances, the United States is now the only one of the four parties to the convention which has failed to adopt any legislation for the purpose of giving effect to the obligations imposed by the convention.

In this connection I desire also to call briefly to the attention of Congress the question of the policy to be pursued by this Government with reference to the regulation of the fur-seal herds within the jurisdiction of the United States. The convention reserves to the United States the right at any time and from time to time to suspend altogether the taking of sealskins on the islands and shores within its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner, times, and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number. This, therefore, is a subject which may properly be dealt with by Congress, and it is essential in dealing with it not only to fulfill the obligations imposed upon the United States by the letter and the spirit of the convention, but also to consider the interests of the other parties to the convention, for their cooperation is necessary to make it an effective and permanent settlement of the fur-seal controversy.

Ever since the question of land killing of seals was subjected to scientific investigation, soon after the fur-seal controversy arose nearly 25 years ago, this Government has invariably insisted throughout the protracted and almost continuous diplomatic negotiations which have ensued for the settlement of this controversy that the progressive diminution of the herd was due to the killing of seals at sea, and that if pelagic sealing was discontinued the polygamous habits of the seals would make it possible to kill annually on land a large number of surplus males without detriment to the reproductive capacity of the herd and without interfering with the normal growth of the size of the herd. The position thus taken by the United States has always been put forward and relied on by the United States in urging that an international agreement should be entered into prohibiting pelagic sealing; and it is obvious that one of the considerations which induced Great Britain and Japan to enter into this convention prohibiting their subjects from pelagic sealing was the expectation that the position thus taken by the United States was well founded and that the skins falling to the share of those Governments from the land killing of seals, as provided for in this convention, would compensate them for abandoning the taking of sealskins at sea.

With these considerations in mind, I feel called upon to suggest the inadvisability of adopting legislation, the effect of which is to require this Government to suspend altogether the killing of seals on land before it has actually been proved by the test of experience and scientific investigation that such suspension of killing "is necessary to protect and preserve the seal herd." The other Governments might justly complain if this Government should deprive them of their expected share of the skins taken on land by prohibiting all land killing unless we can show by satisfactory evidence that this source was adopted as the result of changed conditions which justify a change in our former attitude on the subject. In this connection it should be noted that, since the fur-seal business has been taken over by the Government and no private interests are now concerned in making a profit out of it, there is no urgent necessity for imposing by legislation stringent limitations upon land killing. Legislation on this subject, therefore, may well be postponed until after the enactment of legislation necessary to give effect to our obligations under this convention.

It must also be remembered that this convention runs for a fixed period of only 15 years and can be terminated at the end of that period by any of the parties, so that it is of the utmost importance that this Government should deal with this subject not only in a way which will satisfy the other parties interested that they are receiving their fair share of the increase of the herd resulting from the cessation of pelagic sealing, but also in such a way as to enable this Government to demonstrate that the killing of the surplus male seals on land is not detrimental to the welfare of the herd. It is evident, however, that this question can not fairly be tested if land killing and pelagic sealing are both prohibited at the same time, and it would be most unfortunate if we should lose the opportunity, which is now presented for the first time by virtue of this convention, of demonstrating by the test of actual experience the soundness of the position maintained by us throughout the controversy, and upon the soundness of which depends the permanent solution of this question in the manner provided for in this coven-tion.

WM. H. TAFT.

THE WHITE HOUSE, *August 14, 1912.*

The PRESIDENT pro tempore. The message from the President of the United States will be printed and lie on the table.

Mr. LODGE. I yield to the Senator from North Dakota [Mr. MCCUMBER] for a conference report upon an appropriation bill. I ask that the unfinished business be temporarily laid aside for that purpose.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the action of the House of Representatives on House bill 18985, the pension appropriation bill, which will be stated.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 8, 1912.

Resolved, That the House adheres to its amendments to the amendments of the Senate Nos. 2, 3, and 4, and that the House adheres to its disagreement to the amendments of the Senate Nos. 5, 9, 10, and 11 to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MCCUMBER. Mr. President, that the Senate may be apprised of the parliamentary status of this bill, I think it necessary for me to make a brief explanation of its condition.

The bill was passed by the House, reported by the Senate committee, and amended by that committee, which amendments were agreed to by the Senate. The bill then went to the House and the House refusing to concur in the Senate amendments asked for a conference and appointed their conferees. Upon the message coming to the Senate the Senate insisted upon its amendments, agreed to the conference asked by the House, and appointed conferees for that purpose.

The matter was under discussion for about two months by the committee of conference of the two Houses, and we were unable to come to an agreement upon the one proposition, that of the abolition of the pension agencies and other amendments which related directly thereto. Finally, the conferees of the two Houses agreed to report as far as they had proceeded in respect to their agreement and to report the particular portions on which they were unable to agree. Each body then again took the matter under consideration. The Senate voted, on the motion of the chairman of the conferees on the part of the Senate, to insist upon its amendments and ask for a further conference. This was carried and the Senate again appointed conferees.

When this message reached the House no action was taken on it for some time, but finally the House took action in the shape of the report which has just been read to the Senate. In other words, they do not reappoint their conferees, and by their action the rights of the conferees of the House are abolished, as I understand the status there, and the House acted directly upon the subject matter. In their action they adhere to their attitude in the first instance, but agree upon certain amendments.

The effect of those amendments is to continue the life of the agencies until December 31, 1912. Having no conferees to discuss the matter with, it was necessary for the conferees on the part of the Senate, or at least one of them, to see what terms could possibly be made with the House in the matter of an agreement. I think the House will be willing at this time to make an amendment which will conform to this proposition, that the agencies shall be continued until the 31st day of January, 1913; that all the agencies, instead of the 17, shall then be abolished, and that the work shall thereafter be performed wholly within the Pension Bureau. This would require, of course, the necessity of a disbursing clerk to be appointed by the Secretary of the Interior, who would hold the same position as other important clerks, except that his duties would be practically the same as those of the pension agent in the city of Washington.

There are two reasons why, if we are going to abolish the agencies, all should be abolished and a disbursing clerk be appointed within the bureau. One reason is that upon the death of the agent there would be no other appointment made without the confirmation of the Senate, and this might be delayed a time. Another reason is that the clerks in the pension agencies are distinct from those in the Pension Office. The ap-

propriation that is made for clerk hire in the Pension Office in the city of Washington could not be carried, under the construction placed by the commissioner, and I think he is right, to the payment of clerks in the agencies.

Therefore I have drafted a number of amendments. I think the only way now that we can get at it, inasmuch as the House has no conferees, is for the Senate to ignore its action heretofore taken in the appointment of conferees and to act directly upon the bill itself. I have therefore prepared certain amendments, which I will ask the Senate to agree to.

I desire to say, Mr. President, that I am of the same opinion I have been as to this method of forcing a legislative proposition through either House. The method I refer to, of tacking the proposition to an appropriation bill, is certainly pernicious, where one of the Houses is opposed, and positively opposed, to the legislation. The only way that this legislation could possibly be secured would be upon an appropriation bill. In other words, in plain English, it means that we will starve the soldiers until those who feel that they would like to retain the agencies in order to get the appropriations for the soldiers will agree to the abolition of the agencies. We are now nearly a month behind. It will require at least $10,000,000 to pay what was due on the 4th of August. Many of the soldiers who are dependent entirely upon this pension are writing the department and writing other Senators asking for speedy action upon this appropriation bill. It is heeding their requests, rather than acting upon my own judgment and wish, that I have concluded to ask the Senate to concede the abolition of the agencies.

Before I do that, Mr. President, to show that the Grand Army of the Republic still adhere to former resolutions concerning the agencies, I ask that there may be printed in the RECORD a resolution adopted by the national encampment of the Grand Army of the Republic at its forty-second national encampment; also a resolution adopted by the Department of Maine, of the Grand Army of the Republic, and also of the Department of Pennsylvania. I will not ask that they be read.

The PRESIDENT pro tempore. Without objection, the request will be complied with.

The matter referred to is as follows:

Resolution adopted by national encampment Grand Army of the Republic.

Resolved, That the members of the forty-second national encampment of the Grand Army of the Republic, for themselves and for all whom they represent, respectfully and earnestly appeal to our President to withhold his approval from any plan of consolidation of agencies which may, and likely will, work inconvenience and hardship to the aged and infirm survivors of the Civil War and their dependents, who prayerfully petition that our President will let "well enough alone" and preserve present methods and policy in the payment of pensions, which have won the approval for over 30 years of expert officials and patriotic citizens.

The national encampment of the Grand Army of the Republic, assembled at Toledo, Ohio, in forty-second annual session, expressing, they are certain, the opinion of the entire membership of the organization, respectfully and earnestly suggests to the President that he withhold approval of the plans proposed for abolishing the present system of payments of pensions through the pension agencies.

We firmly believe that the change proposed will not be more economical, and that it can not fail to work hardship and inconvenience upon thousands of aged and infirm pensioners accustomed for so many years to the present improved system, which insures prompt correction of errors through well-known and reliable bonded agencies and secures prompt payment of money due when most needed.

—

Resolution adopted by the Department of Maine, Grand Army of the Republic.

Resolved, That the Department of Maine, Grand Army of the Republic, at this, its forty-first annual encampment, do individually and collectively wish to express its sincere thanks for and appreciation of the active and energetic manner with which our Senators and Representatives have labored in behalf of the retention of the pension agencies throughout the United States; and

Whereas the retention of these agencies is to be a matter for the President of the United States to decide: Therefore be it

Resolved, That this encampment do hereby most respectively request our Senators and Representatives in Congress to use their good offices with the President to retain these long-established agencies for the benefit of the thousands of pensioners in this and other States.

Resolved, That a copy of these resolutions be forwarded to each of the Senators and Representatives and a copy to the national encampment.

—

Resolution adopted by the Department of Pennsylvania, Grand Army of the Republic.

Resolved, That the thanks of the Department of Pennsylvania, Grand Army of the Republic, be extended to the Senators and Members of Congress who by their influence defeated the proposition to abolish the pension agencies as now located throughout the country. These agencies were established, not only for the payment, but also for the convenience of the veterans, their widows and orphans, and the consolidation of these agencies at Washington would, in our opinion, result in real hardship to the pensioners. Hence, the Grand Army of the Republic of Pennsylvania tenders the thanks and gratitude of every pensioner in this department to those Members of Congress whose votes defeated the scheme of consolidation of the agencies.

Mr. McCUMBER. I think that the only way to deal with this matter is to now take it up by propositions of amendment, taking each one separately rather than to ask for a vote on all the amendments at once. I therefore move that the Senate recede from its amendment numbered 5. The amendment numbered 5 is for examination and inspection of pension agencies and the appropriation made therefor. If we abolish the agencies, of course we will not need that.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the Senate recede from the amendment which he has stated and which will be reported by the Secretary.

The SECRETARY. On page 3, after line 2, the following:

For examination and inspection of pension agencies as provided by the final provision of the act of August 8, 1882, amending section 4876 of the Revised Statutes, $1,500.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from North Dakota.

The motion was agreed to.

Mr. McCUMBER. I move as a substitute for the House amendment to the amendment of the Senate:

That the Senate recede from its amendment No. 5.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter inserted by said House amendment insert the following:

"For salaries of 18 agents for the payment of pensions, at the rate of $4,000 per annum each, during the first 7 months of the fiscal year 1913, $42,000.

"For salary of 1 disbursing clerk for the payment of pensions, to be selected and appointed by the Secretary of the Interior, at the rate of $4,000 per annum, during the last 5 months of the fiscal year 1913, $1,666.67; and from and after the 31st day of January, 1913, there shall be one disbursing clerk in the Bureau of Pensions, to be appointed as aforesaid, and who shall receive a salary at the rate of $4,000 per annum; and section 4778 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions and section 4780 of the Revised Statutes of the United States authorizing the establishment of agencies by the President of the United States are hereby repealed, to take effect from and after the 31st day of January, 1913, and the existing pension agencies are abolished from and after said date."

Mr. SHIVELY. Mr. President, as I understand the Senator's proposed amendment, it postpones the abolition of the agencies for about one month; that is, the House amendment fixed the abolition of these agencies on the 31st day of December of this year, and the proposed amendment fixes the time of the abolition of the agencies the 31st day of January next.

Mr. McCUMBER. That is correct. There is only one month's difference.

Mr. SHIVELY. In the next place, it creates the position of disbursing agent here at Washington at a salary of $4,000 per year. In the third place, it provides the necessary appropriation for the agencies pending their abolition.

Mr. McCUMBER. The Senator is correct.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from North Dakota.

The motion was agreed to.

Mr. McCUMBER. I now move that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 3 and agree to the same with an amendment as follows:

In lieu of the matter inserted by said House amendment insert the following:

"For clerk hire and other services at 18 pension agencies during the first seven months of the fiscal year 1913 and in the office of the disbursing clerk for the payment of pensions during the last five months of the fiscal year 1913, and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $375,000, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the office of the disbursing clerk for the payment of pensions and the amounts to be paid to each."

Mr. LODGE. Mr. President, I merely desire to ask the Senator from North Dakota a question. In all these agencies there are clerks. In the total, I suppose, there are a considerable number of clerks. They are all in the classified service; they have all been appointed in the regular way; and it seems to me that it would be a great hardship if they could not be employed here to do the work for which the additional clerks would be required. I do not think others ought to be taken freshly from the civil-service register and put into their places. I think they have a prior claim to employment, if they desire to come here.

Mr. McCUMBER. Mr. President, in the amendments which I propose there is nothing whatever that deals with that subject, for the reason that I did not consider it as at all necessary. After being in the classified service under the Interior Department, they, of course, would be immediately transferable to another bureau in that department; and I assume that, having the right to hold a position as long as there are positions under the classified service, the department would be compelled to give them a transfer if they should request it. I understand that to be the law now. But if we thought it

necessary, of course, we could provide—and I am certain that the House would have no objection—that all the clerks in these agencies, upon the abolition of the agencies, should be immediately transferable to the Bureau of Pensions. I assume, however, that they will go there without an express provision to that effect.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota [Mr. MCCUMBER].

The motion was agreed to.

Mr. MCCUMBER. I now move that the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 4 and agree to the same with an amendment as follows:

In lieu of the matter inserted by said House amendment, insert the following:

"For rent of pension agency at New York, N. Y., during the first seven months of the fiscal year 1913, $2,479.17, or so much thereof as may be necessary."

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota.

The motion was agreed to.

Mr. MCCUMBER. I now move that the Senate further insist on its amendments numbered 9, 10, and 11.

The motion was agreed to.

Mr. SHIVELY. What were the amendments included in the Senator's last motion, if the Senator please?

Mr. MCCUMBER. My last motion was that the Senate still further insist on its amendments numbered 9, 10, and 11. We have already agreed to a correction.

Mr. SHIVELY. That is all right.

Mr. MCCUMBER. This, I believe, covers the subject.

The PRESIDENT pro tempore. The Chair has some doubt as to the parliamentary situation. Has the Senator from North Dakota presented a conference report?

Mr. MCCUMBER. I can hardly call it a conference report, for it was a message that came over from the other House. It has not come as a conference report, but as an act of the House.

The PRESIDENT pro tempore. So that the papers will now be returned?

Mr. MCCUMBER. The papers are to go back to the other House.

The PRESIDENT pro tempore. They are to be returned to the other House, with the amendments.

FUR-SEAL CONVENTION.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

Mr. LODGE. I ask that the bill be now read. There is only one amendment reported by the committee to it.

The PRESIDENT pro tempore. The bill will be read as requested.

The Secretary read the bill.

The PRESIDENT pro tempore. The amendment reported by the Committee on Foreign Relations will be read.

The SECRETARY. On page 8, after line 2, the Committee on Foreign Relations report an amendment to strike out the following:

SEC. 11. That the Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. And the Secretary of Commerce and Labor shall likewise have authority to determine the number of fur seals to be taken annually on the Pribilof Islands, or any other islands or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States, to which any seal herds hereafter resort, and to direct the taking of the same: *Provided, however,* That no seals shall be killed in the fiscal year beginning July 1, 1912, except such as may be necessary for food purposes only: *And provided further,* That no seals shall be killed at any time except 3-year-old males not needed for breeding purposes: *And provided further,* That the number of 3-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds to be reserved for breeding purposes in each year ending August 1 shall not be fewer than the following: In 1913, 2,000; in 1914, 2,500; in 1915, 3,000; in 1916, 3,500; in 1917, and in each year thereafter until 1921, inclusive, 4,000; and in 1922, and in each year thereafter until 1926, inclusive, 5,000; to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000.

And in lieu thereof insert:

SEC. 11. That from and after the approval of this act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of 10 years, and shall be, and is hereby, declared to be unlawful; and all punishments and penalties heretofore enacted for the illegal killing of fur seals shall be applicable and inflicted upon offenders under this section: *Provided,* That this prohibition shall not apply to the annual killing on the Pribilof Islands of such male seals as are needed to supply food, clothing, and boat skins for the natives on the islands, as is provided for in article 11 of said convention; the skins of all seals so used for food shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: *Provided further,* That at the expiration of the said 10 years' suspension of all commercial killing as above provided, said killing may be resumed under authority of the Secretary of Commerce and Labor: *Provided, however,* That the number of 3-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds, to be reserved for breeding purposes, in each year ending August 1, shall not be fewer than the following: In 1922, and in each year thereafter until 1926, inclusive, 5,000. The Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000.

Mr. LODGE. Mr. President, when I reported this bill to the Senate——

Mr. ROOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from New York suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cummins	Myers	Smith, Ga.
Bankhead	Curtis	Nelson	Smith, Md.
Bourne	Dillingham	Newlands	Smith, S. C.
Brandegee	Fletcher	O'Gorman	Smoot
Briggs	Gallinger	Oliver	Stone
Bristow	Hitchcock	Overman	Sutherland
Burnham	Johnson, Me.	Penrose	Thornton
Burton	Johnston, Ala.	Perkins	Warren
Catron	Kenyon	Pomerene	Williams
Chamberlain	Lodge	Root	Works
Clapp	McCumber	Sanders	
Crawford	Martin, Va.	Shively	
Cullom	Massey	Simmons	

The PRESIDENT pro tempore. Forty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. LODGE. Mr. President, when I reported this bill to the Senate some months ago, I stated that the committee was unanimously in favor of the bill and of the necessity for the enactment of legislation of this character, but that they differed in regard to the amendment which was proposed striking out section 11 and inserting a new section.

The difference between the section stricken out and the section proposed really can be reduced to a single point. The House of Representatives in their bill made a closed season for the first year and after that allowed a limited killing of young bulls, increasing the limit somewhat from year to year. Of course, it remains entirely closed as to females. A majority of the Foreign Relations Committee of the Senate changed this by proposing that there should be a closed season of 10 years for all seals, preventing the killing of young bulls at all during that period. That is the point of difference between the provision of the House and the provision suggested by the majority of the Committee on Foreign Relations.

Mr. President, I desire, first, to call the attention of the Senate to the purpose and the necessity of this act. We made a treaty with Great Britain, Japan, and Russia, which was sent in on July 22, 1911, and was ratified by the Senate shortly

after that time. The purpose of that treaty was the abolition of pelagic sealing. The United States for many years, ever since the decision of the Arbitral Tribunal of Paris, has been laboring to get an agreement with these three nations for the abolition of pelagic sealing, believing that it was owing to pelagic sealing that the herd was being rapidly extinguished. Therefore the purpose of this treaty was one for which the United States had long labored, and of course the object was, having got rid of pelagic sealing, to rehabilitate the herds. We agreed, under the treaty, to make certain payments to Great Britain and Japan in compensation for the skins which they would lose by the stopping of pelagic sealing, that money to be refunded as the killing was committed with the gradual rehabilitation of the herds.

That pledge or promise to pay $200,000 to both Japan and England is now nearly seven months overdue. It is within the power of either of those countries, if they choose to take advantage of this delay in action on our part, to abrogate those treaties. The abrogation of the treaties would lead to a resumption of pelagic sealing and the extinction of the herds in a very short time. I merely mention that to bring home to the Senate the very great importance of immediate action upon this bill—action before this session of Congress closes.

Mr. WILLIAMS. I should like to ask the Senator from Massachusetts what is the cause of the seven months' delay?

Mr. LODGE. Simply the delay of Congress in passing the bill; that is all.

Mr. WILLIAMS. Delay in both Houses.

Mr. LODGE. Chiefly here; and I ought to add that Great Britain, Japan, and Russia have all passed the necessary legislation to fulfill their part of the treaty, while we, who have sought this treaty and labored for it for years, are the only Nation of the four behindhand with their legislation.

I mention that to show the present condition and the need of immediate action. It has no bearing on the question of the closed season, which is the matter in difference between the majority of the Committee on Foreign Relations and the House of Representatives. I ought to say, further, in order to show the condition in which we are now in relation to the other signatories of this treaty, that two of the most important signatories regard the adoption of a closed season of 10 years as a breach of the treaty in spirit, although not technically so. We have the right under the treaty to establish a closed season, and if it became necessary they would cheerfully concede it; but they hold that we should not establish a long closed season, preventing entirely the killing of young bulls, until at least the purpose of the treaty had been thoroughly tested. That is what has been the contention of the United States throughout—that if we could stop pelagic sealing the herds would revive.

Mr. President, they take the view that a period of 10 years——

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Vermont?

Mr. LODGE. Certainly.

Mr. DILLINGHAM. I should like to ask the Senator from Massachusetts a question. I understand that by this treaty we make provision for paying each one of these nations a sum equivalent to their loss in case we establish a closed season. Have any representations been made by them; and if so, by whom?

Mr. LODGE. The nations which have unofficially made representations on this point are Great Britain and Japan, which are the two principally in interest.

Mr. DILLINGHAM. Unofficially?

Mr. LODGE. Unofficially, but directly. They have fulfilled all their obligations. What they desire from all the herds—our herd, Russia's herd, Japan's herd, if it can be done without injury to the herd—are skins and money; and their proposition is that we should not make a closed season for so long a period as 10 years, which is two-thirds the life of the treaty, until, at least, we have discovered whether the herds would not revive under the abolition of pelagic sealing.

They do not deny at all our right to do it, but they say it is contrary to the spirit of the treaty.

Mr. DILLINGHAM. Is it not true that that was one of the objects in making the treaty, and was arranged for, and by the terms of the treaty is not the right recognized in our Government to make a closed season if it sees fit?

Mr. ROOT. Not if it sees fit.

Mr. LODGE. Not if we see fit, but if found necessary. Moreover, I know perfectly well that while we have the technical right to a closed season for 15 years, they would regard it as entirely in violation of the spirit of the treaty.

The Senator and the Senate will do well to remember that if they choose to take advantage of technicalities they are justified in abrogating these treaties to-morrow.

Mr. DILLINGHAM. I did not make the inquiry for the purpose of controverting any position the Senator from Massachusetts may take, but to bring out clearly what is the condition.

Mr. LODGE. I am obliged to the Senator from Vermont. I know that was his purpose. This is a case where it is not desirable to stand too much on technicalities.

I have tried to define the situation as regards this law in its relation to the treaties and the difference which has arisen between the majority of the Committee on Foreign Relations and the House of Representatives. I stated there was a difference of opinion in the committee. I am one of those who think that the House bill is correct. The House held very elaborate hearings on this subject. They went into it with the utmost thoroughness. Their chairman, Mr. SULZER, of New York, has been a great many times in Alaska and in these islands, and has personal familiarity with the whole question. The committee, without any distinction of party, of course, by a large majority, reported this bill and carried it through the House, defeating the amendment which is now proposed by the majority of the Foreign Relations Committee. I think that the House, relying upon the testimony they took, are correct in their bill. I think that is the bill which ought to be passed.

I may also say, that so far as I have been able to learn, the scientific men of the country, with only one exception—Prof. Hornaday, of New York—are unanimously in favor of the House bill, which also has the approval of the Commissioner of Fisheries, who has been many years in that important office and has given this matter great attention.

That is the situation. I do not propose to argue in detail now the question of the effect of the method proposed by the House or the need of an absolutely closed season on the young bulls lasting for so long a period as 10 years. But I think we ought to follow the example of the House and test the proposition which we have been arguing and insisting upon to all these nations for all these years, and not legislate in a way which they may regard as a violation of the spirit of the treaty until we have shown that, as the treaty says, it is necessary to do so.

We must remember that the life of this treaty is only 15 years. It is most desirable that we should go on so far as possible in entire harmony with the other three signatory nations, in order that we may have the treaty renewed, and that this may be the permanent abolition of pelagic sealing. It is hoped and believed that under the influence of the four signatory powers this may be extended to include other countries and protect the seal herd elsewhere—in the Southern Hemisphere. To continue 15 years and then be abandoned would return us to pelagic sealing, and I have no question that the continuance of pelagic sealing means the very prompt extinction of the herd.

That is the situation as it stands between the Houses. That, briefly, is the difference between the amendment proposed by the majority of the Committee on Foreign Relations and the measure proposed by the House; and I do not desire to detain the Senate further, because I know how much we have to do, and I shall say nothing further.

Mr. POMERENE rose.

Mr. LODGE. I yield to the Senator from Ohio.

Mr. POMERENE. It is just for a question. I understand it to be the Senator's judgment that the policies provided in the House bill will not check the increase in the young seals.

Mr. LODGE. It is my belief that it will lead to an increase. I share that belief with many experts on the subject. But, however that may be, if we find at the expiration of a year that the destruction of a limited number of surplus bulls is going to prevent the increase in the herd, it will be perfectly easy for us at any moment to make a closed season, and we shall then be justified by the facts. We are not now.

Mr. TOWNSEND. Have we not had an example which illustrates the wisdom of the argument of the Senator from Massachusetts? I refer to the period during the years 1891, 1892, and 1893, when we had a sort of modus vivendi, as I understand, which gave an open season during that time, and it was discovered that the destruction which the Senator referred to actually did take place, and the herd was not increased but decreased at the end of three years, due to the very reason the Senator has mentioned—the destruction of the cows and the calves on the rookeries.

Mr. LODGE. On the rookeries. I think that has been the experience, and it is fully set forth in the House report.

Mr. HITCHCOCK. Mr. President, I think a statement of this case should be made at the outset, so that it may appear

that the majority of the Committee on Foreign Relations in proposing a closed season of 10 years during which no seals shall be killed upon the Pribilof Islands, except those necessary for the food of the natives, have no intention of violating, either in spirit or in letter, the terms of the treaty, but are attempting effectively to carry out the spirit of the treaty in the only way in which it can be carried out.

The Senator from Vermont [Mr. DILLINGHAM] has called attention to the fact that the treaty specifically provides in consideration of the promise by the United States that we will give to Japan 15 per cent of all the seals killed upon the Pribilof Islands, and to Canada 15 per cent of all the seals killed upon the Pribilof Islands, those countries will stop pelagic sealing, so far as they are concerned, and they also agree, together with Russia, that the United States shall reserve to itself absolutely during the terms of this treaty the power to kill or not to kill seals upon those islands. So much for the statement that we propose to violate the treaty in letter or in spirit. It is not true. We merely propose to exercise our rights under it.

Now I want to say a word in reply to what the Senator from Massachusetts [Mr. LODGE] has said, that we, the United States, are in default in respect to this treaty. It is true the treaty provided for the payment of $200,000 to Great Britain and $200,000 to Japan upon the ratification of the treaty or within a reasonable time thereafter, and it is true that more than a year has elapsed, due to the delays of legislation, without provision for the payment of that money. But I want to call attention to the fact that that default is not necessarily the fault of Congress. Congress was entitled to a reasonable time within which to consider the legislation for carrying out these treaties. A simple joint resolution could have been passed on suggestion of the administration providing for the payment of this money to those countries, and we would not have been in default.

Because the bill providing legislation has been delayed by the exigencies of legislation, and particularly by the control of those who had it in charge, we are now said to be in default to Japan and are held responsible because we are trying to enact legislation that will be permanent and effective. It is not the fault of those who seek to protect the seals, but the neglect of the administration.

The Senator from Massachusetts says that the destruction of the herd of seals on the Pribilof Islands in the past has been due to pelagic sealing, and he implies that it has been solely due to pelagic sealing. History disproves that statement. Pelagic sealing did not begin to any extent until the early eighties. When Russia had the Pribilof Islands, and she had them until 1868, she had an experience similar to what we have gone through. The killing of the male seals from those islands under the Russian sovereignty went on very much as it has gone on under our administration, and public-spirited men in those days protested to the Russian Government that the seal herd was being destroyed, and men in high places in the Russian Government insisted on that destruction just as men in high places in the Government of the United States to-day are insisting on that destruction. I can read here, if it be necessary, a letter written in 1872 by a Russian upon the islands, in which he recites the historical efforts of public-spirited men a century ago to put a stop to the reckless butchery of seals on the Pribilof Islands, because the herd had been so decimated that it at that time produced only about the same as is annually produced by our herds to-day.

Mr. SHIVELY. Will the Senator permit me? He says the letter was written in 1872.

Mr. HITCHCOCK. The letter was written in 1872, and it related to the knowledge of that Russian and to the knowledge of his father, who before him had lived upon the islands. I believe, as I have referred to the letter, it may not be out of place to read it, because it shows a striking parallel between the Russian and the American situation. He recites how the friends of the seal, the friends of this great interest, had petitioned the Russian Government to put a stop to the decimation of the herd. After setting forth the representations at the Russian capital made by Capt. Yahnovsky, he says:

> Why was his advice ignored? Ah, Mr. Elliott, Capt. Yahnovsky was high in the court circles of St. Petersburg. He did not have so much influence, however, as others who were there, too. The times were getting hard for the company. It was failing to make money by reason of the failure of the sea-otter chase. It needed money badly to meet the demands of the investors in its stock who were also members of the Imperial Government. That is the cause of Yahnovsky's failure to have his way. Baronov was getting old and worried over the loss of money to the company, so he was removed. His successors were also worried about money. So instead of resting these seals, in 1820 they resumed the killing and continued to get everything that they could secure up to the close of 1821.

Since that time in our American history efforts of public-spirited Americans to put a stop to the butchery of our valuable seal herd on the Pribilof Islands have been interfered with and defeated by men high in Government place and in political influence at Washington.

It is not altogether the pelagic sealing which has destroyed the herd in the Pribilof Islands from time to time. It is the desire to kill by those who make money out of it, coupled with the political favor which they have possessed to enforce their right to kill.

Pelagic sealing was not known until the early eighties, and yet the Russian herd, by killing, was reduced to such an extent that in 1834 Russians were forced to stop the killing. From 1834 to 1844 the Russians gave a 10 years' rest to the herd and restored it. When that period of rest began she was killing as many seals as we are killing to-day—about 12,000 a year.

What was the result of that period of rest which Russia gave to her herds from 1834 to 1844? The result was that natural causes produced natural effects. The herd revived, its numbers multiplied, and when, in 1844, the killing was resumed it was found possible by care to increase and continue the killing up to the time Alaska was sold to the United States. At that time Russia was killing without injury to the herd as many as 60,000 seals a year. When we took the herd we took it with over 4,000,000 seals in those islands.

What has become of those 4,000,000 seals in that time? We are told that pelagic sealing has decimated the herd. Ah, there is something more than pelagic sealing. Two highly profitable contracts to favored lessees have done their part to ruin that herd. In that period 2,000,000 seals were killed under the leases and 1,000,000 skins have been sold by pelagic seal hunters. The first contract began in 1870 and expired in 1890, and the second contract began in 1890 and expired in 1910.

Referring to this last contract I want to say to the Senator from Massachusetts that the killing under the last lease, which ran from 1890 to 1910, was under the supervision and advice of the very men he quotes and refers to here as authorities, scientists, and naturalists. When that last lease went into effect we had a million seals upon the Pribilof Islands. When the lease expired in 1910 the highest claim was 140,000, in 1911 the highest claim was 131,000, in 1912 it is 127,000.

Mr. LODGE. Had not pelagic sealing been going on all that time?

Mr. HITCHCOCK. Pelagic sealing began in 1884, substantially. There were cases of pelagic sealing before that, but there was no organized pelagic sealing upon a large scale until the early eighties. But the Senator can not charge the entire decimation of that herd to pelagic sealing, as I shall show. In the first place, I have shown that the Russian herd was decimated in the same way by similar leases to favored contractors before pelagic sealing was heard of.

Mr. LODGE. The Senator is perfectly well aware that the Russian herd was destroyed very largely by the Japanese during the war with Russia, when they got upon the islands and killed cows and bulls indiscriminately?

Mr. HITCHCOCK. I have no such knowledge. I will ask the Senator what year the destruction took place.

Mr. LODGE. During the Japanese war. It was in 1905, was it not?

Mr. HITCHCOCK. I am talking about the period when Russia owned the Pribilof Islands—a hundred years ago.

Mr. LODGE. I did not know the Senator was speaking of so early a date.

Mr. HITCHCOCK. The Russian herd was yielding no profit. The slaughter had been so great that when the year 1834 was reached Russia had to suspend the killing.

Mr. LODGE. The Senator is also aware that from 1820 to 1835 the Russians killed bulls and cows indiscriminately?

Mr. HITCHCOCK. The Senator is mistaken.

Mr. LODGE. I think not.

Mr. HITCHCOCK. I have read all the Russian records that are available, and they state without equivocation that the Russians killed male seals only.

Mr. LODGE. The authority I went on is found in the report of the House committee:

> The vital principle that females should be exempt from slaughter and never disturbed on land was recognized in 1835 for the first time, and thereafter enforced, at first partially and finally rigorously. With these restrictive measures in operation the herd gradually increased.

There is no doubt, I think, of that fact.

Mr. HITCHCOCK. The statement is nothing but a dictum of Members of the House of Representatives, but the Russian record shows the contrary.

Mr. LODGE. It is the finding of a committee that has taken testimony, and I think they are pretty well informed.

Mr. HITCHCOCK. I have examined that testimony and much more, and the testimony shows that the Russians killed males only until they were forced by the decimation of the herd to kill yearlings, which we are doing now, and when you kill yearlings you can not tell whether you are killing males or females.

Mr. WILLIAMS. I wish to ask the Senator from Nebraska in this connection, Is it not true that as late as 1903, under the management of the very authorities called upon to regulate the killing of the males, under this very management they were killing females on the islands?

Mr. HITCHCOCK. That is true; and it is true that they killed females last year.

Mr. WILLIAMS. Did not the Senator from Minnesota [Mr. NELSON] say that he saw them caught in the act?

Mr. HITCHCOCK. That is true.

Mr. WILLIAMS. Now, we are called upon to trust to these very people under a regulation to kill only males, when the evidence has been before us that under like regulations in the past they permit the killing of females.

Mr. HITCHCOCK. That is true.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. HITCHCOCK. I do.

Mr. ASHURST. I should like to know the name of the party or parties who have been guilty of this alleged violation of the law.

Mr. HITCHCOCK. I will set it forth. The control of the killing of the seals of the Pribilof Islands is vested at the present time in the Department of Commerce and Labor. Until 1903 it was in the Treasury Department. In the Department of Commerce and Labor the supervision of the killing of seals upon the Pribilof Islands comes under the jurisdicton of Mr. Bowers, Director of the Bureau of Fisheries. Mr. Bowers, be it said, was appointed to his present office at the request of Senator Stephen B. Elkins, then a Senator of the United States and a large owner in this lessee company, which was killing seals at a rate which was destroying the herd; and during the whole of Mr. Bowers's administration all of his advice has been to kill, his disposition has been to kill, all of his discretion has been to permit the lessees to kill, and it has gone on in spite of the efforts of Congress to restrain, and in spite of the fact that a senatorial committee, unexpectedly visiting Alaska, caught the lessees in the act of killing, in violation of the law, not only yearlings but females as well.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. Yes.

Mr. LODGE. Do I understand that at the time when killing was done under companies in the East the Commissioner of Fisheries had control of it?

Mr. HITCHCOCK. Yes, sir.

Mr. LODGE. I do not so understand. I thought the Government of the United States had control now.

Mr. HITCHCOCK. The Government of the United States has control now, and has had for two years.

Mr. LODGE. Exactly.

Mr. HITCHCOCK. And during those two years the killing has gone on with just as disgraceful butchery as was done under the lease system.

Mr. LODGE. That is a very controverted point.

Mr. HITCHCOCK. It is a point which I can prove. The Senator speaks of testimony taken in the House of Representatives. I will tell him testimony was taken in the House of Representatives during the last few weeks before the committee to investigate the fur-seal industry, of which Congressman ROTHERMEL, of Pennsylvania, is chairman. The testimony before that committee has proved that in 1910 of 12,920 seals killed 7,773 of them were baby seals killed in violation of law; seals less than 2 years old, mere yearlings. Killed why? Because there were no others to kill; because the herd is at such a decimated stage that they are not able to find seals of older age to kill.

Mr. LODGE. I should like to ask the Senator who gave that testimony?

Mr. HITCHCOCK. That testimony was dragged out of Mr. Lembkey, the Government agent upon the islands, who was forced to come there and admit that 7,773 seals were killed in 1910, among them small pups and extra small pups measuring less than 35½ inches in length. There is no doubt about that. The testimony was dragged from him unwillingly, and it proves conclusively that the same kind of killing which the Senator from Minnesota saw on a small scale is now in progress in those islands on a large scale.

Mr. LODGE. I should like very much to hear the Senator read Mr. Lembkey's testimony of the killing.

Mr. WILLIAMS. Page 441.

Mr. HITCHCOCK. There is a good deal of it. I think I have it in briefer form.

Mr. LODGE. I should like to hear what he said about the killing of young seals.

Mr. HITCHCOCK. Mr. Lembkey, Mr. Bowers, and all the other Government employees—the expert advisers whom the Senator from Massachusetts refers to—were unwilling witnesses. It has been necessary to corkscrew out of these witnesses by cross-examination in the shape of admissions the testimony which has been important, and so it is necessary to read considerable in order to get a comparatively small amount.

Mr. Lembkey was asked these questions:

During the season of 1910, Mr. Lembkey, under your directions, 12,920 fur seals were killed on the seal islands of Alaska. Is that true?

Mr. LEMBKEY. That is the approximate number. I do not remember now without my notes.

Mr. ELLIOTT. In round numbers, 12,920.

Mr. LEMBKEY. All right; in round numbers.

Mr. ELLIOTT. You say you made no record of the measurements of them at all?

Mr. LEMBKEY. No, sir.

Mr. ELLIOTT. Where did you send those 12,920 skins?

Mr. LEMBKEY. I beg your pardon.

Mr. ELLIOTT. Those 12,920 skins—where did you send them?

Mr. LEMBKEY. Where did I send them?

Mr. ELLIOTT. Yes.

Mr. LEMBKEY. I brought them with me to San Francisco and there placed them on cars of the Southern Pacific Railway Co.

Mr. ELLIOTT. And they went to London——

Mr. LEMBKEY. So far as I know.

Mr. ELLIOTT. Under your certificate?

Mr. LEMBKEY. No; they did not go to London under my authority, at any rate.

Mr. ELLIOTT. Well, under your certificate as "seals not taken under 2 years of age"?

Mr. LEMBKEY. I made no certificate to that effect to the factors. I certified to the department——

Mr. ELLIOTT. That they were "not taken under 2 years of age"?

Mr. LEMBKEY. Yes, sir; I certified that they were not under 2 years of age.

Mr. ELLIOTT. And they went to London by the department's orders?

Mr. LEMBKEY. I do not know just why you said that they went under a certificate from me. That is not exactly right. I did not make any certificate at the time the skins were shipped.

Mr. ELLIOTT. At any rate, they were the same skins?

Mr. LEMBKEY. Oh, yes; they were the same skins.

Mr. ELLIOTT. That is what I am getting at.

Mr. LEMBKEY. All right.

Mr. ELLIOTT. When they arrived in London they were sold as the catch that you had made during the summer of 1910 on the seal islands of Alaska?

Mr. LEMBKEY. I believe so.

* * * * * * *

Mr. ELLIOTT. You know they were sold there, though you were not present?

Mr. LEMBKEY. I have a general idea that they were sold there; yes, sir. I was so informed.

Mr. ELLIOTT. You know before they were sold they were classified, do you not?

Mr. LEMBKEY. I was also informed that they were classified. Naturally they are.

Mr. CRAWFORD. Now, I ask the Senator who is the man whose testimony he is reading?—so that we can understand the matter better.

Mr. HITCHCOCK. He is the Government agent at the Pribilof Islands, under Mr. Bowers, head of the Fisheries Bureau in the Department of Commerce and Labor. He is the man who immediately supervises the butchery.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. I do.

Mr. NELSON. And Mr. Lembkey was also there when the lessees were in control.

Mr. HITCHCOCK. That is true, just as Mr. Bowers has been here at the head of the bureau.

Mr. LODGE. That has been repeated, I think, almost enough. Mr. Bowers never had anything to do with the seal fisheries until they were put under his control in 1908——

Mr. HITCHCOCK. In 1903.

Mr. LODGE. In 1908, by the Secretary of Commerce and Labor. I have taken pains to inquire and to ascertain.

Mr. HITCHCOCK. I want to assure the Senator from Massachusetts that the fisheries were put under the bureau of the Department of Commerce and Labor in 1903.

Mr. LODGE. But not under the Commissioner of Fisheries.

Mr. HITCHCOCK. Will the Senator state under whom they were? They must have been under some bureau in the department.

Mr. LODGE. They were put under the control of the Secretary of Commerce and Labor and were not transferred to the Commissioner of Fisheries until 1908—in December, I think.

Mr. HITCHCOCK. Well, he appears in the records as being the one to whom the matter went, and I think the Senator from Massachusetts will find that he is mistaken in the date.

Mr. LODGE. I have that information directly from the department.

Mr. HITCHCOCK. I think the Senator will find that he is mistaken. I think he will find that Mr. Bowers is on record as participating in decisions as to the killing before 1908. I do not think there is any question that he has been in control of the killing since 1903. To continue the testimony:

Mr. ELLIOTT. A classification of the 12,920 fur-seal skins.
Mr. LEMBKEY. Of skins sold in what year?
Mr. ELLIOTT. On December 16, 1910, by the Lampsons. Have you not got it?

This had to be brought out by a series of cross-examinations to procure evidence out of this Government agent.

Mr. LEMBKEY. There is a catalogue of those skins right here, but the classifications are not combined. It is impossible for me to state at the present time just how many middling pups and just how many small pups are included in that classification.
The CHAIRMAN. You will produce the information.
Mr. LEMBKEY. Here it is. I have it right here. I did not know I had it, but I find it among my papers.

I want to say that is a sample of the testimony the man was giving—unwilling testimony, testimony before an authorized committee of the House of Representatives—trying to get at the facts, and this man and his superiors trying to cover them up.

Mr. LEMBKEY. A summary of the classification of the 12,920 salted fur-seal skins of the catch of 1910, sold by Lampson & Co., is as follows: Smalls, 132; large pups, 995; middling pups, 4,011; small pups, 6,205; extra small pups, 1,528; extra small pups, 11; faulty, 38.

If the Senator from Massachusetts is not aware that "small pups and extra small pups" are yearlings, I can prove that fact.

Mr. LODGE. I am aware of the precise contrary; that on the London market small pups are classified as 3 years old. Those are classified as "small pups."

Mr. HITCHCOCK. Let us continue this investigation of Mr. Lembkey.

Mr. LODGE. I think that correction may as well be made also.

Mr. HITCHCOCK. What is the Senator's correction?

Mr. LODGE. I say that on the London market, in the trade, "small pups" is the classification for 3-year-old skins. I think the Senator will find that out.

Mr. HITCHCOCK. I think the Senator is entirely mistaken. A 3-year-old is no longer a pup.

Mr. LODGE. Very well.

Mr. HITCHCOCK. I can demonstrate it to him by the testimony of Mr. Fraser, to whom the skins were sent.

Mr. LODGE. I am using the trade signification.

Mr. HITCHCOCK. The Senator is entirely mistaken; absolutely so. The trade, on the other hand, defines "small pups and extra small pups" as pups having a certain length and weight.

Mr. LODGE. I am not talking about extra small pups; I am talking about small pups.

Mr. HITCHCOCK. I also am talking about small pups.

Mr. LODGE. I say "small pups" on the London market is a term for 3-year-olds.

Mr. HITCHCOCK. We will continue this testimony.

Mr. LODGE. I know the Senator keeps saying that I am mistaken. Produce the London market trade, and see whether on that I am mistaken. If I am, I will gladly withdraw my statement.

Mr. HITCHCOCK. I can produce the testimony.

Mr. LODGE. I want the London dealers' statement to that effect, and it is impossible to produce it.

Mr. WILLIAMS. If the Senator from Nebraska will pardon me, Mr. Lembkey here says that—

The weight of a small pup classified in London as such is 6 pounds 2 ounces, and the weight of an extra small pup is classified in London as 4 pounds and 15 ounces.

Mr. LODGE. Those are the skins.

Mr. HITCHCOCK. A large amount of testimony has been taken by the committee, and it is a little difficult to refer to anything on short notice, but I have a tabulated statement that I have myself made.

Mr. WILLIAMS. Before the Senator goes on in connection with Mr. Lembkey's testimony, here on page 441 of this hearing before the Committee on Expenditures in the Department of Commerce and Labor in the House, I wish to say that Mr. Lembkey himself testified that of the catch that year, which was 12,900, 7,733 were small and extra small pups.

Mr. HITCHCOCK. And Mr. Lembkey admitted, when bound down to it, that those were yearlings, according to the statement which he made.

Mr. LODGE. I want to hear that statement of Mr. Lembkey's read. I do not want to be told of it. I want to hear it.

Mr. HITCHCOCK. Possibly I can produce it. Here it is:

Mr. ELLIOTT. Now you are prepared to state that 8,004 of them were "small pups" and "extra small pups," are you not?
Mr. LEMBKEY. Seven thousand seven hundred and thirty-three of them, according to this summary, are the skins of small pups and extra small pups.
Mr. ELLIOTT. Very well. Now, you say, Mr. Lembkey, that you have no knowledge or understanding of the method by which the Lampsons have classified that catch of 12,920 skins?
Mr. LEMBKEY. Nothing, except from a statement of Lampson & Co., which you mentioned some time ago as appearing in the records of the Paris tribunal of arbitration.
Mr. ELLIOTT. Have you read the testimony of Mr. Fraser before this committee, on page 30 of Hearing No. 1?

I will say that Mr. Fraser was the factor who received the skins from the Government of the United States. He was a partner in the greatest fur-trading house in the world. His testimony was as follows on the page referred to in the hearings:

The CHAIRMAN. When you say "breadth," what do you mean?
Mr. FRASER. The width of the skin. Middling smalls, weight, 11 pounds 1 ounce; length, 46 inches; breadth, 32¼ inches. Smalls, weight 9 pounds 2 ounces; length, 39¾ inches; breadth, 29 inches. Large pups, weight, 7 pounds 13 ounces; length, 38¾ inches; breadth, 26 inches. Middling pups, weight, 7 pounds; length, 35½ inches; breadth 25½ inches. Small pups, weight, 6 pounds 2 ounces; length, 33¾ inches; breadth, 23¼ inches. Extra small pups, weight, 4 pounds 15 ounces; length, 30 inches; breadth, 21¾ inches.

But to resume with Mr. Lembkey's testimony:

Mr. LEMBKEY. He is not our representative at all. He is simply the universal auctioneer of skins of all kinds in the world. When skins are to be sold they go to Lampson & Co. He is no more the official agent of the United States than any other broker, if there were other brokers of skins.
Mr. ELLIOTT. He is merely the "broker"?
Mr. LEMBKEY. The broker.
Mr. ELLIOTT. The broker is your agent, is he not?
Mr. LEMBKEY. He is the factor because he takes charge of the goods themselves.
Mr. ELLIOTT. Mr. Fraser is quoted by you in your testimony as saying that none of these skins——
Mr. LEMBKEY. Mr. Fraser was quoted by me, sir?
Mr. ELLIOTT. By the Lampsons.
Mr. LEMBKEY. I do not remember of having quoted Mr. Fraser at all.
Mr. ELLIOTT. Do you not recite Mr. Lampson's certificate of weight of skins in your testimony, showing that none were taken under 2 years of age?
Mr. LEMBKEY. I cited the London weights of skins which were published in volume 8, page 908, of the proceedings of the Paris Tribunal of Arbitration, at Paris.
Mr. ELLIOTT. Then you cited those which were published in these hearings?
Mr. LEMBKEY. Yes, sir; they were mentioned in these hearings.
Mr. ELLIOTT. Why did you not cite the measurements, Mr. Lembkey?
Mr. LEMBKEY. As I stated to the committee I knew nothing whatever about the measurements.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. I shall be glad to get the definition of a yearling, when the Senator reaches it; but I want to call the attention of the Senate to the fact that the House bill forbids the killing of any seal under 3 years old, and all this discussion is dealing with a condition that the House bill stops.

Mr. HITCHCOCK. I should like to ask the Senator what good it will do to put in the House bill, or in the Senate bill, or in any other bill, a prohibition against the killing of seals under 3 years old when the department is now violating the prohibition against the killing of yearlings and females?

Mr. LODGE. Mr. President, the remedy of the Senator from Nebraska for the present condition of things—which I do not think he correctly states in all respects—appears to be to leave that uncorrected by law which the House bill does correct.

Mr. NELSON. Will the Senator from Nebraska yield to me?

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Minnesota?

Mr. HITCHCOCK. Yes.

Mr. NELSON. What the Senator from Massachusetts asserts we ought to do by law, we have attempted to do by the act of April 21, 1910. It was provided in section 1 of that act:

And provided further, That male seals only shall be killed, and that not more than 95 per cent of the 3-year-old male seals shall be killed in any one year.

There is an express limitation confining the killing to 3-year-old seals. What is the good of reenacting legislation so long as you have such administration as we have had for the last two years?

Mr. LODGE. If that is true, then the fault is in the agent, who should be removed.

Mr. NELSON. The fault is in Mr. Bowers and the department here. That is the plain English of it. The fault is in the execution of the law. We may enact a law time and again, but it will do no good so long as we have such officials.

The PRESIDENT pro tempore. Senators will address the Chair and get permission to interrupt.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Mississippi?

Mr. HITCHCOCK. Yes.

Mr. WILLIAMS. In connection with the statement of the Senator from Massachusetts about the skins of yearling and 3-year-old seals, I find that Mr. Lembkey testifies:

Mr. Fraser states—

Fraser is the man to whom the skins were handed over, or consigned, or something of that kind—

Mr. Fraser states that small pups—

That is, the skins—

Mr. Fraser states that small pups measured 33¾ inches in length.

Those are the pups which he classes as "small pups." I find on the next page, page 442, that Lembkey says:

The length of a yearling seal on the animal would be, from the tip of the nose to the root of the tail, 39½ inches, in one instance.

What he calls "small pups" were 33¾ inches, and he says that a yearling would measure as much as 39½ inches, so that they must have been the skins of yearlings.

Mr. LODGE. Those are the dry, trimmed skins, as measured in London.

Mr. HITCHCOCK. Would the Senator measure them green and allow them to shrink afterwards? That was all gone into before the committee; and it was demonstrated exactly what the length should be of a skin taken from an animal of a certain age.

Without attempting to go into the different pages from which I have culled this testimony, if the Senator will permit me, before I yield I should like to read this statement of the sizes of the yearlings, the 2-year-olds and over:

Seals killed, 1910.

	Number.	Length of skin.	Age.
		Inches.	*Years.*
Smalls	132	39¾	2 or 3
Large pups	995	38¾	2
Middling pups	4,011	35½	2
Small pups	6,205	33¾	1
Extra small pups	1,539	30	1
Faulty	38	.....	.....
Total	12,920		

Yearlings, 7,744.

There is no use for the Senator from Massachusetts——

Mr. WILLIAMS. The size in inches which the Senator has stated refers to the skin.

Mr. HITCHCOCK. To the skin after it has been taken off.

Mr. WILLIAMS. These figures show the length of the small pup to be 33¾ inches.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from New York?

Mr. HITCHCOCK. I do.

Mr. ROOT. I rise merely to ask the Senator from what he is reading. What was the paper from which he was last reading?

Mr. HITCHCOCK. I was reading from a tabulated statement that I had made up by taking the testimony of Lembkey, of Fraser, and others who testified before the committee. Fraser testified as to the technical designation; Lembkey testified as to the sizes. Lembkey testified that he had measured three yearlings and found them on an average 39½ inches long. He said when you take skins off you leave 3 inches on, so that the average size of a 1-year-old skin salted was 36½ inches, and yet——

Mr. ROOT. It was the Senator's own statement of his conclusion, and not anybody's evidence.

Mr. HITCHCOCK. Lembkey testified that a 1-year-old had at a minimum a skin whose length would be 36½ inches, and the records show that 7,733 of the skins were 33¾ inches, and some of them were as low as 30 inches.

Mr. WILLIAMS. If the Senator will pardon me, I will read just what Lembkey says:

Mr. LEMBKEY. The length of a yearling seal on the animal would be, from the tip of the nose to the root of the tail, 39½ inches in one instance and 36½ in another instance—

This is from the hearings before the House committee.

Mr. ROOT. What page?

Mr. WILLIAMS. This is on page 442. On the next page of the hearings before the House committee Mr. Lembkey said:

If it was—

Meaning the animal—

39½ inches long it would leave it—

That is, the skin—

If it was 39½ inches long it would leave it 36½ inches. That is, all the animal from the tip of the nose to the root of the tail would be 39½ inches long. Three inches off that would leave 36½ inches.

And on page 442 he says, as I read a moment ago, that the length of a yearling seal on the animal would be 39½ inches; that in removing it you lose 3 inches, which would leave the skin 36½ inches; and on the page preceding he admits that 7,733 skins were less than 36½ inches, which, according to him, is the length of the skin of a yearling.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. HITCHCOCK. I do.

Mr. SMOOT. Did I understand the Senator to say that the 7,733 seals which were slaughtered were baby seals and pups?

Mr. HITCHCOCK. That is true.

Mr. SMOOT. And the reason for that slaughter was because there were no other seals to get?

Mr. HITCHCOCK. I assume that was the reason.

Mr. SMOOT. Mr. President, I want to call the Senator's attention to the fact that now on the islands there are a little over 11,000 head of 3-year-old males, and it would not be necessary to keep more than 1,000 of those males for breeding purposes, as I take it for granted the Senator will admit——

Mr. HITCHCOCK. Mr. President——

Mr. SMOOT. And if that is the case——

Mr. HITCHCOCK. No; that is not the case.

Mr. SMOOT. That may not be. I can say, however, that I have a statement here from Mr. Bowers giving the number of 3-year-old males on the islands for this year, and it is a few over 11,000. He says:

Not to exceed a thousand of these will be needed for breeding purposes. The remaining 10,000 can be safely killed.

I take it that Mr. Bowers is informed as to the number of 3-year-olds on the islands. I merely wanted to call the Senator's attention to the fact that if that is the case they could have killed 7,733 of the 3-year-olds and it would have been an advantage to the herd, if Mr. Bowers is correct.

The only time I have heard Mr. Bowers say he was in favor of the killing of seals upon the islands was in connection with the fact that he thinks it is better to kill the males—the 3-year-old males, the surplus males—and he has never to my knowledge recommended the killing of a female seal upon the islands.

Mr. HITCHCOCK. I should like to believe that the census which has been taken or which they claim to have taken of the islands has some little reliability, but I have absolutely no faith in the statement made by Mr. Bowers on this subject or any other. Mr. Bowers has indulged in an amount of lobbying at this time and on other occasions, always with the object of procuring the killing of seals. He has in the letters which he has written to Senators and in his efforts to buttonhole Senators in and around this Chamber and by sending his subordinates to them, sought to do away with this effort to protect the seals. The action he has taken is not new. He has pursued the same policy since 1903, when the seals came under his jurisdiction, and the seals have diminished year by year.

Mr. LODGE. I have asked directly of the department, and the fact is that the seals did not come under the Bureau of Fisheries until 1909.

Mr. HITCHCOCK. I think before I get through I shall demonstrate that the Senator from Massachusetts is in error.

Mr. LODGE. Then the department is misleading.

Mr. HITCHCOCK. I do not know whether the department is misleading the Senator——

Mr. LODGE. The Bureau of Fisheries did not have anything to do with the islands until 1909.

Mr. HITCHCOCK. During the period of the lease, which expired in 1910, some Government authority was charged with the enforcement of the law; some Government authority had to supervise the operations of the lease. That was in the Treasury Department, in 1903.

Mr. LODGE. Certainly until 1903 it was in the Treasury Department.

Mr. HITCHCOCK. And then it was transferred to the Department of Commerce and Labor.

Mr. LODGE. He did not put it in the Division of Fisheries until 1909.

Mr. HITCHCOCK. What division was it under?

Mr. LODGE. It was in the Treasury.

Mr. HITCHCOCK. With what bureau was Lembkey associated?

Mr. LODGE. I suppose he was the agent of the department. There was no bureau of seal fisheries.

Mr. HITCHCOCK. Lembkey was the agent of the department, but he was under the Bureau of Fisheries.

Mr. DILLINGHAM. Mr. President, I have no personal knowledge as to when this work was transferred to the Bureau of Fisheries, but I think that the Secretary of Commerce and Labor had the direct oversight of the matter for several years after 1903, because I remember distinctly that I had several interviews with the different Secretaries relating to this matter for at least three or four or five years after 1903, and during that time was never referred to Mr. Bowers.

I remember that when Mr. Cortelyou was Secretary of that department I had several interviews with him, and through him special examination was made of conditions in the Pribilof Islands, and some plan was attempted to be formulated at that time by which we would know just how many of each class of seals there were on the islands. I do not know when the order was made turning it over to the Bureau of Fisheries, but I do not think it was made in 1903.

Mr. LODGE. That order was made at the close of 1908, as the Senator from Vermont says, when it went from the Treasury to the Department of Commerce and Labor, and in the Department of Commerce and Labor, as in the Treasury, it was under the Secretary, and the agent was the agent of the department. That always was the organization, as I remember.

Mr. HITCHCOCK. It is a minor matter in any event.

Mr. LODGE. It may be a minor matter, but we have too many assertions made here without evidence.

Mr. HITCHCOCK. I am willing to assume that the Senator is correct and that I am in error, and transfer the responsibility from Bowers to his superiors in the Department of Commerce and Labor. Somebody was to blame for permitting the butchery to go on and the killing of the herd. Somebody was to blame for permitting that company to loot a great public interest while the Government was practically paying the expense of caring for it, while the Government was paying a large part of the expense of protecting it, paying the expense of having revenue cutters in those waters, when that great company earned a profit estimated at between five and six million dollars in twenty years and destroyed the herd, for the herd is a mere shadow of what it once was.

Mr. CRAWFORD. What I should like to get in my mind clearly is the issue here. The report is very scant, and without having had an opportunity to read any of the House hearings it is a little difficult for those of us not connected with the committee to get clearly the issue here.

Is the difference in this: That in the House bill they do not propose to stop the taking of these animals, but propose to permit the taking of a certain number of males of a certain age, while the amendment of the Senate committee is to absolutely stop it altogether for the period of 10 years?

Mr. LODGE. That is it.

Mr. CRAWFORD. That is the issue?

Mr. HITCHCOCK. The Senator has stated it substantially——

Mr. CRAWFORD. Is the difficulty with the House proposal that these people, who might conserve the herd if they would obey the license given to them, abuse that license and instead of taking 3-year-olds take babes and those that it is the wish to protect?

Mr. LODGE. That is the argument upon which the House bill is based, that the present law has been disregarded by the agent there; that it has not been followed out.

Mr. CRAWFORD. If you permit these people to go into the herd and take males of a certain age, how in the world are you going to insure against their taking what it is intended they should not take? Where is the protection? How are you going to prevent the abuse?

Mr. LODGE. The solution, I should suppose, is to get trustworthy agents, if these are untrustworthy.

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. HITCHCOCK. I do.

Mr. NELSON. I desire to call the attention of the Senator from South Dakota to the language in the House provision. I read from page 8, lines 14, 15, 16, and so on:

> And the Secretary of Commerce and Labor shall likewise have authority to determine the number of fur seals to be taken annually on the Pribilof Islands, or any other islands or shores of the waters mentioned in the first article of said convention and subject to the jurisdiction of the United States, to which any seal herds hereafter resort, and to direct the taking of the same.

Now that gives him authority right along——

Mr. LODGE. I hope the Senator will read the proviso which limits it.

Mr. NELSON. And the amendment suggested by the majority of the committee, without criticizing it, seems to me to present an anomaly in that the Senator who has charge of the bill opposes what his own committee reported.

Mr. LODGE. That is very frequently done. The Senator from Connecticut [Mr. BRANDEGEE] opposed several in connection with the Panama Canal bill. I announced it when I reported it.

Mr. NELSON. By section 11 it is proposed to close land killing and pelagic killing, to stop it altogether for 10 years; to do exactly what the Russians found it necessary to do between 1834 and 1844.

Mr. HITCHCOCK. I did not catch the Senator's statement.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Delaware?

Mr. HITCHCOCK. I yield for a question.

Mr. DU PONT. I ask the Senator to yield to me for a moment.

Mr. HITCHCOCK. For what purpose?

Mr. DU PONT. In order that I may ask for a unanimous-consent agreement. That is all.

I ask unanimous consent that the Senate shall take a recess at 6 o'clock and meet again at 8 o'clock this evening for the purpose exclusively of considering the Army appropriation bill.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent——

Mr. HITCHCOCK. I should like to ask what will become of the consideration of this bill if we have not finished it by the time proposed for the taking of the recess.

Mr. LODGE. It is the unfinished business. It will go over until to-morrow.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent——

Mr. OVERMAN. Why should we have a night session?

Mr. LODGE. I hope unanimous consent will be granted.

Mr. OVERMAN. Why not take up the matter to-morrow after the morning business?

Mr. JOHNSTON of Alabama. Mr. President——

The PRESIDENT pro tempore. Senators are quite in the habit of interrupting the Chair when he is about to submit the request of a Senator. The Senator from Delaware asks unanimous consent——

Mr. OVERMAN. I had to ask the Senator for information before I could determine whether or not I would object.

The PRESIDENT pro tempore. The Senator from Delaware asks unanimous consent that at 6 o'clock this evening the Senate take a recess until 8 o'clock, the evening session to be devoted exclusively to the consideration of the Army appropriation bill.

Mr. OVERMAN. I will ask the Senator if we can not dispose of that in the morning hour to-morrow. It will not take long, I understand.

Mr. DU PONT. I think it very doubtful, with so many conflicting bills in the morning hour, whether we can dispose of the Army appropriation bill. I should like to call the attention of the Senate to a question——

Mr. BACON. I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Georgia will state his point of order.

Mr. BACON. It is that under the rule of the Senate the Senator from Delaware has no right to interrupt the Senator from Nebraska to submit the request.

The PRESIDENT pro tempore. The Chair overrules the point of order.

Mr. BACON. I should like to have the rule read.

The PRESIDENT pro tempore. The rule will be read.

Mr. BACON. I think it is Rule VII.

Mr. STONE. Regular order!

The PRESIDENT pro tempore. Rule VII will be read.

The Secretary read as follows:

> It shall not be in order to interrupt a Senator having the floor for the purpose of introducing any memorial, petition, report of a committee, resolution, or bill. It shall be the duty of the Chair to enforce this rule without any point of order hereunder being made by a Senator.

Mr. LODGE. It is perfectly clear that the request for unanimous consent is not included within the inhibition of the rule.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Delaware? The Chair hears none, and it is so ordered.

Mr. HITCHCOCK. Mr. President, I want to refer briefly to the scientific men quoted by the Senator from Massachusetts, although he does not give their names, who have been considered as the advisers of the administration in the treatment of this seal herd. On every occasion we have been met with the statement that these great scientists, by their advice to the Government, would be able to provide such rules and regulations as would enable the herd to preserve itself and increase in number in a better way than if nature were allowed to take its course.

I have already referred to the Russian experience. That Russian experience proved beyond a doubt that no amount of supervision and regulation——

Mr. LA FOLLETTE. I ask that we may have order. It is impossible to hear the Senator.

The PRESIDENT pro tempore. The Senator from Wisconsin makes the point of order that the Senate is in disorder, and the point is well taken. Senators will preserve order.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. The Senator was alluding to the scientists to whom I referred. I was not referring to persons in the bureau. I was referring to men like Henry Fairfield Osborne, of the Museum of Natural History in New York, probably the greatest authority on mammals in the world, who has absolutely no interest in it whatever except the interest of a man of science, and President Jordan, of California, and others, who have written me—men of that character. I was not referring to persons in the department.

Mr. HITCHCOCK. I am afraid the Senator will not be able to convince anyone who has read the testimony before the Rothermel committee in the House of Representatives that the scientists who came forward on behalf of the butchers were without interest.

Mr. LODGE. I think the list of these people whom the Senator refers to as interested and whom he calls butchers, composing the board which serves without salary, might as well go in. They are Prof. David Starr Jordan, president Stanford University; Dr. C. Hart Merriam, late chief United States Biological Survey; Dr. Leonard Stejneger, head curator United States National Museum; Dr. F. A. Lucas, director American Museum of Natural History, New York; and Dr. C. H. Townsend, director of New York Aquarium.

I think it is pretty hard to throw all these men aside as butchers, and in addition, Mr. Henry Fairfield Osborne, who is somewhat better known than most people here.

Mr. HITCHCOCK. I am very glad the Senator has put those names in the record, for I shall feel at greater liberty to refer to them.

Take the first one—David Starr Jordan, president of Stanford University. There is a strange significance in the fact that every one of these experts who has made an earnest effort in the direction of this butchery through all these years has some relation to gentlemen interested in the butchery. One of the partners in the corporation which is guilty of destroying this herd is a trustee of the Leland Stanford University, or was a trustee.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. Does the Senator mean to imply that Mr. Jordan is under the influence of a member of a company, now extinct, under the corrupt influence; that he is not honest; that he is not an honest man, giving an honest opinion? He may be wrong, but I have never heard him charged with dishonesty.

Mr. HITCHCOCK. I am not making the charge.

Mr. LODGE. The Senator is making the implication.

Mr. HITCHCOCK. I shall use my own language and make my own implications.

Mr. LODGE. I only wanted it known if the Senator is responsible——

Mr. HITCHCOCK. I will state now my point. In 1890 a contract was made, a company was formed, for the purpose of acquiring the lease of the Pribilof Islands and the monopoly of seal killing. It consisted chiefly of two wealthy furriers on the Pacific coast, Isaac and Herman Liebes. They took unto themselves two men prominent in the political world for the purpose of having influence at Washington. One of those men was Stephen B. Elkins, who soon became United States Senator, and the other was D. O. Mills.

Now, I undertake to say that that company, composed of those men and one or two others, during all that 20 years plundered that seal herd. I undertake to say that they used their influence here at Washington for the purpose of securing the privilege of plundering without let or hindrance.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Massachusetts?

Mr. HITCHCOCK. I do.

Mr. LODGE. Is that company now in control? Have they anything on earth to do with this bill?

Mr. HITCHCOCK. If the Senator will permit me——

Mr. LODGE. Did they not pass out of existence years ago?

Mr. HITCHCOCK. I will state the facts, and the Senator can draw his own conclusion.

Mr. LODGE. Certainly. I know what the facts are. The facts are the company ceased to have anything up there at all. That is all old matter about the companies. Nobody is discussing the companies.

Mr. HITCHCOCK. I wish to say to the Senator that the company still has on deposit here in the department a $500,000 bond which it has some interest in, a bond which ought to be sued upon, for the reason that the company violated the law and used its influence here with high officials at Washington to continue the violation of the law while destroying the herd. I have here in my desk a photographic copy of the half-million-dollar bond that is on deposit in the department, and it is good. I will read the names of the signers of this bond. I might read the whole bond. It is as follows:

Know all men by these presents:

That we, the North American Commercial Co., a corporation duly established by law of California and having its usual place of business at San Francisco, in said State, by I. Liebes, of San Francisco, its president, duly authorized by a resolution of its board of directors, passed January 4, 1890, as principal, and Darius O. Mills, of the city and State of New York; Lloyd Tevis and Herman Liebes, of the city of San Francisco, State of California; and Stephen B. Elkins, of Elkins, State of West Virginia, as sureties, are held and firmly bound unto the United States of America in the full and just sum of $500,000, lawful money, to be paid to the said United States; for which payment, well and truly to be made, we jointly and severally bind ourselves, our successors, heirs, executors, and administrators, and each of them, firmly by these presents. Signed with our hands and sealed with our seals and dated this 12th day of March, in the year of our Lord 1890.

The condition of this obligation is such that whereas the Secretary of the Treasury has on the day of the date hereof made with said North American Commercial Co. a written lease, under the provisions of chapter 3 of title 23 of the Revised Statutes of the United States, now if the said North American Commercial Co. shall truly and faithfully abide by and observe all laws and requirements of Congress and the regulations of the Secretary of the Treasury, made and to be made by authority of law, touching the subject matter of taking of fur seals and of disposing of the same, and shall well and truly pay all rentals, taxes, dues, and other sums of money accruing to the United States under said lease, and perform all other considerations connected therewith, and generally shall truly and faithfully abide by and perform all the covenants and agreements in said lease to be by them performed, then this obligation to be void, otherwise to remain and be in full force and virtue.

NORTH AMERICAN COMMERCIAL CO.,
By I. LIEBES, *President.*

Attest:

H. B. PARSONS,
Assistant Secretary.
DARIUS O. MILLS.
LLOYD TEVIS.
HERMAN LIEBES,
By D. O. MILLS,
Attorney in fact.
STEPHEN B. ELKINS.

Now, Mr. President, inasmuch as this has been brought out at this time, I want to say that that bond was violated. That company went on those islands and instead of killing the seals in accordance with law, it was caught repeatedly killing them in violation of the law, and therefore is liable to the Government, in part, for the destruction of that herd. Not only that, but I. Liebes and Herman Liebes, the president and other officer of this company, had, during the period of this lease, contrary to law, engaged in pelagic sealing themselves. It is one of the scandalous chapters in our history that they, with their influence, used the Department of State to compel the Russian Government to pay Mr. Liebes something like $50,000 for the seizure of a pelagic sealing vessel named *J. Hamilton Lewis* in 1891, although before this lease was signed and when there was a suspicion that the Liebes were pelagic sealers and violators of the law upon the high sea, in order to get this lease Liebes was forced to make an affidavit and file it with the Secretary of the Treasury at that time. Notwithsanding that fact, notwithstanding the fact that he said in his affidavit that he was not interested in pelagic sealing or engaged in the outlawed traffic, the fact was later developed that he owned the *J. Hamilton Lewis*, and in connection with the other Liebes was engaged, under cover, in pelagic sealing. When Russia

seized the vessel and confiscated it there arose the necessity for Liebes to reveal his interest if he was to recover from Russia. He proved his ownership of the vessel and secured the money through the instrumentality of the Department of State at that time.

It was a scandalous proceeding to have our Department of State exact from Russia a $50,000 penalty for attempting to enforce the law just as we were attempting to enforce the law against pelagic sealing. That pelagic sealing by the head of the company which had the lease to kill seals on the Pribilof Islands was a violation of the terms of this bond. Liebes had no right as president of this company, in violation of law, to engage in pelagic sealing any more than he had the right to kill female seals or yearling seals, as the Senator from Minnesota [Mr. NELSON] saw his agents doing upon the island.

It may seem to be a little out of the way, but I refer to one of the scientists the Senator from Massachusetts has named—Prof. Townsend. Prof. Townsend was one of the men who was sent to Russia to assist Liebes in securing that $50,000 from Russia for the seizure of the *J. Hamilton Lewis*. Prof. Townsend knew that Liebes was engaged in pelagic sealing. Prof. Townsend knew from his experience on the Pacific Ocean that the pelagic sealing carried on was largely by Liebes, who was interested in this contract with the Government. Yet he did nothing to protect the Government of the United States, although he was an employee and had that knowledge. He is one of the scientists referred to here as worthy of consideration.

Prof. Townsend has done other things. Prof. Townsend urged that the lease be renewed when it expired in 1910, and, if necessary, I can put his letter into the RECORD. So did the so-called and much-lauded advisory board. Townsend's letter went to Mr. Bowers, and Mr. Bowers sent it to Mr. Nagel, and with it he transmitted a letter from the fur-seal dealer, Frazier, who wanted the lease renewed, and Townsend urged that it be renewed, because he said the fur-seal trade needed the product which would come from the renewal of the lease.

Is Prof. Townsend a man who should be considered a disinterested adviser of the Government of the United States? Who is Prof. Townsend now? Another strange coincidence happened. Prof. Townsend is employed by one of the associations in New York of which D. O. Mills was the trustee. There is a strange coincidence that always seems to connect these Government experts with the men who are interested in the killing. It is a strange thing that these Government experts are always urgent in their advice in favor of killing, always for killing; never in favor of preservation.

I realize that it is possible under normal conditions to kill surplus males among the seals on the Pribilof Islands, but it is not possible to do so when you have decimated the herd to the point of extinction. There comes a time when you have got to stop, and that point has been reached, as is shown here, when, in 1910, of the 12,000 killed more than half of them were yearlings, and it was only for the obvious reason that they could not get older seals. They were killed in violation of law. When they killed yearlings, they necessarily killed without knowing whether they were male or female.

These great scientists have argued that you can kill 95 per cent of the male seals upon the Pribilof Islands, figuring that as the seal is a polygamous animal the 5 per cent remaining will be sufficient for propagation. That loses account altogether of the great law of nature which has provided for a struggle between the males of a wild race, a struggle in which the strong, the courageous, and the virile survive and procreate, driving off the cowards and the weaklings. Unless you permit a sufficient number of male seals upon the islands not only to serve for the natural purposes of propagation but also to carry on that struggle which nature has provided, you will have a degenerate race, and you are getting now a degenerate race of seals because you have nothing left but a comparatively few males to serve the purposes of nature.

It is well known that in Europe to-day if you visit the old castles you will find the antlers of deer that can not be matched now. Why? Because the hunters of Europe have been killing off the males. They spare the females but they kill the males; they become scarce and the natural conflict between the males has died out and the race of deer has degenerated. That is true in the West. It is true with the elks; it is true with the antelopes. You can not get to-day the elk horns that you got a number of years ago when the elk were plentiful and when the great battles between the males demonstrated which sire was proper to survive and to be the father of the new race.

So it is with these seals. Nature has provided that the female becomes a breeding animal at the age of two years, but the male not until he reaches 6 or 7 years of age is able to fight his way on the breeding ground, and for that very reason it is necessary to stop the butchery of the males that is now going on. You have got them reduced to such a dangerous line at the present time that you have no surplus males with which to carry on that conflict under nature's law to breed up a herd. You have degenerate sires.

Mr. President, there have been many attempts by committees of the Senate, by committees of the House, by the House as a body, and by the Senate as a body, and by Congress as a whole, to protect this interest. But those attempts have never been cooperated with by the administration here. At all times the company interested, or the individuals interested, have apparently had more influence with the administration than Congress.

I think, Mr. President, for the present this is all I care to say, although it may be that I shall take leave to add something later.

Mr. SMOOT. Before the Senator takes his seat I should like to ask him how he explains the fact that the treaty between Japan and Russia to-day requires that a certain percentage of all the surplus males in each year be killed. They go so far in the treaty as to name the number allowed; in Japan there are 6,500 and in Russia there are 18,000, and under the treaty if the males exceed that number, respectively, they are compelled to kill them. If the Senator's argument is correct, certainly the treaty between Japan and Russia in relation to seals is wrong. I should like to ask the Senator how he explains that fact, because it is a recent treaty.

Mr. HITCHCOCK. My judgment is that possibly the Russian islands or the Japanese islands are not of sufficient extent to maintain a herd greater than the amount named, or that the two countries have no desire to maintain a herd of greater extent. At the present time on the islands they have nearly as many seals as are named in the treaty. Their herd has not been decimated as our herd has been decimated. On the other hand, the American herd at the present time numbers only 100,000, while it should number 4,000,000. There is much more need, if we are to preserve this very valuable interest, for us to permit nature during the next 10 years, or other period that may be agreed upon, to do the work of restoration.

I think that answers the question. The fact is that at the present time, with ruin staring us in the face and destruction in view, we are killing 12,000 seals a year. The value on the market is about $360,000 a year. If we will give a rest for a period of 10 years, we can in all probability begin the killing of, say, 60,000 seals a year and secure revenue of possibly $2,000,000 a year from that source. We have a resource of tremendous possibilities up there, whereas the Japanese herd and the Russian herd are necessarily small.

Mr. SMOOT. I wish to say to the Senator that in my investigation of the reasons why the surplus males are destroyed by Japan and Russia, it is because they claim that if the males were not destroyed it would only be a few years until they would destroy themselves, and that there would be hardly a seal that would be killed that would be of any market value.

Mr. HITCHCOCK. I should like to ask the Senator if he believes that?

Mr. SMOOT. I think, myself, that if there was a surplus——

Mr. HITCHCOCK. Has the Senator ever heard of a wild race destroying itself?

Mr. SMOOT. I think, Mr. President, it is entirely different with this. I think there are wild animals that would destroy themselves in a very few years. Take any animals—sheep, for instance.

Mr. HITCHCOCK. I am talking about wild animals. There is a vast difference.

Mr. SMOOT. The same principle applies in the sheep herd that would apply in the seal herd; and it would not take many years until they were run out absolutely. I think the same principle applies here to the herd of seals. I believe Russia thinks so, that Japan thinks so, and that is why each compels the killing of the males if they exceed a certain number.

Mr. HITCHCOCK. No; there is no compulsion there. It is a matter of treaty that after the Russian herd exceeds 18,000 or after the Japanese herd exceeds 6,500 they shall kill a certain small percentage—I think 5 per cent—of the whole. That is for the reason that they are partners in the business and have an interest with the seals that are killed; but we, in order to protect our herd, refused to enter into such a contract. We specifically reserved the right to stop all killing during the period of the treaty, but it is only proposed to do so for 10 years.

Mr. NELSON. Will the Senator from Nebraska yield to me a moment?

Mr. HITCHCOCK. Yes, sir.

Mr. NELSON. I desire to say in reply to the interrogatory of the Senator from Utah, if I understand him correctly, that

when Pribilof discovered those islands there was a big seal herd there, and there were no scientists like Dr. Jordan or these other men to kill off a part of these males. The theory of these scientists is that the only way you can keep the herd growing is to kill off 95 per cent of the males and leave the other 5 per cent to look after the females. Long before these scientists announced this doctrine they grew and flourished. If we read the history of the early explorers we find that the great West and the States of Tennessee and Kentucky and the States of Wisconsin and Minnesota were full of buffaloes.

Large herds roamed all over that country and kept increasing year by year, but there were no scientists around to advocate the destruction of the males. [Laughter.] So, if we look to nature all around, we can find nature adjusting itself to the conditions regardless of the scientists. When Solomon said—I believe it was Solomon—that there was nothing new under the sun he was mistaken, for he had not heard from Dr. Jordan and the other scientists.

Mr. TOWNSEND. Mr. President——

Mr. HITCHCOCK. Before I yield the floor, I want to say, in further answer to the Senator from Utah [Mr. SMOOT], that the seal is among the very wildest animals known, so far as their habits are concerned. They leave the Pribilof Islands between the 1st and 10th of November, and they travel some 5,000 miles apparently without landing anywhere or coming in contact with civilized or barbarous man, so far as we know. In the month of May they begin to return. The bulls come first and haul themselves up on to the breeding ground. That is during the month of May; and it is at that time that the fights occur; it is at that time that the males battle for positions upon the big breeding ground. The fighting is all done before the females come; the fighting is all over before a pup appears upon the ground; yet these scientists, who have been quoted by the administration here, have claimed that females were killed, the pups were trampled upon by the fighting bulls, and that, therefore, the bulls should be slaughtered. That has been an excuse and a pretext for the killing of males when no better reason could be found; but during the month of May the bulls are on the ground; they have their fights, and the fights are all over by the 10th of June. Then the females begin to arrive; the whole herd begins to arrive, as a matter of fact, and the females begin to take their place upon the breeding ground. The females do not draw up upon the land until they are driven ashore by the pains of parturition. After they have given birth to their pups upon the shore, after they have selected a harem in which they are to place themselves, the breeding occurs; and it is all over within a matter of two weeks; the births have occurred; and all the breeding for the whole year has occurred. Yet it is assumed that you must compare this life with the domestic life of the sheep or some other animal where the breeding may occur throughout the whole year—an entirely different situation. The seal herd is a herd that is beyond control and beyond the ken of man for most of the months in the year; and, as the Senator from Minnesota [Mr. NELSON] has well said, these herds were in their glory and at their greatest number long before these scientists came upon earth and told how we might kill, kill, kill, in order that a few men might make millions at the expense of the public.

Mr. TOWNSEND. Mr. President, there seems to be a very wide difference of opinion among Senators who have spoken on this question. I have given considerable time and attention to it, and I confess that I have been greatly surprised by the statement of the Senator from Nebraska [Mr. HITCHCOCK], though I do not wish to reflect upon his honesty or sincerity.

While I have devoted much study to this subject, I am not posing as an expert nor as an authority on fur seals; but, as I understood the Senator's remarks, they have been so at variance with my understanding of the facts I feel that I ought at least to express my views.

If what the Senator has charged against Government representatives is true, we should abolish the closed season for officially killing those agents rather than establish a closed season for fur seals. It does not affect the theory of the House provision because some officer has been derelict in his duties or has in fact been criminal in his official conduct.

The Senator has truly said that the seals collect at the breeding season on the Pribilof Islands. I do not agree with him, however, that the males come there in advance and do all their fighting before the females arrive. I think that can not be established by the facts. The fighting also occurs when the females reach the islands.

Mr. HITCHCOCK. Oh, Mr. President, I dislike to interrupt the Senator, but I assure him that he is not able to find a single person who has been upon the Pribilof Islands at that time who will dispute the statements which I have made.

Mr. TOWNSEND. I have to beg the Senator's pardon, but I have talked with men who are very familiar with the seals and their habits.

Mr. HITCHCOCK. Will the Senator state to what men he refers?

Mr. TOWNSEND. I refer first to the secretary or the president of the Agricultural College in Kansas. At any rate he is a public official of great learning. He has had much experience in the arctic country, and has carefully studied the habits of fur seal. I do not now recall his official position, but I remember his statements on this interesting subject.

Mr. BRISTOW. I think, possibly, the Senator refers to Prof. Dyke, who is connected with the State University of Kansas.

Mr. HITCHCOCK. I took the trouble to look at the record of the so-called Government scientists, Mr. Jordan and Prof. Townsend, and all the others, and not one of those men was upon the islands through the period I have described; that is, from the beginning of the season to the close of it.

Mr. TOWNSEND. I see there is very little likelihood of our agreeing on this matter, for evidently we have obtained our information from different sources. I desire, however, to express my own opinion, based upon such information as I have been able to obtain, the source of which I believe to be entirely authoritative and reliable.

I believe, notwithstanding the statement of the Senator from Nebraska, that these fights do occur when the females are on the islands and during the breeding season. The female comes to the island in the spring for the purpose of depositing her young, and within a week or 10 days thereafter she is served by the male. During this mating season, which at the same time is the birth season, the thousands of heated males fight each other and tear the females, and thousands of the newborn pups are trampled and crushed to death. After dropping her pup and after being bred by the bull the cow goes out to sea for food and sometimes goes several hundred miles before she returns to her young. The younger males, during this mating season, huddle together in certain parts of the islands, and instead of being the wildest animal, as described by the Senator from Nebraska, they become as tame as and more docile than most domestic animals. At these times and under these conditions those surplus males are killed with clubs, and those selected males which for their strength and size are known to be the fittest breeders are preserved. The official approaches these young males and clips the hair or fur from the top of their heads so that they can be distinguished and saved from slaughter. The young males are clearly distinguishable from the females. The bulls do not mature for breeding purposes before the age of about 5 years, while the cows breed at 2 or 3 years of age. The young, immature bulls congregate by themselves, and there is no mistaking them from the cows.

Now, the great wrong in regard to pelagic sealing is the killing of the cow seals after they go to sea. If the female is killed before she is delivered of the young, two seals are killed and, in addition, the potential value of the female for the years to come is destroyed. It is known, and was known when this treaty was entered into, that citizens of Russia and Japan and certain Americans were engaged in pelagic sealing. Pelagic sealing is killing seals in the open sea. The treaty was entered into for the purpose of discontinuing that practice. It provides, among other things, that of the seals killed under the instruction of the United States 15 per cent shall go to Russia and 15 per cent to Japan. This clearly shows that some seals were to be killed. All the signatory powers contemplated that this would be done. It was to be done, however, by the United States and for the preservation of the seal herd. Such killing could not be indulged and such preservation secured by any other method than by killing the surplus bulls. They can be properly killed, and if they are not so killed it is because of the fault of the Government officials, and we should deal with them.

The question naturally arises whether killing off the surplus males is going to conduce to the growth of the seal herds. The Senator from Minnesota [Mr. NELSON] becomes facetious when he announces that the laws of nature governing procreation can not be improved upon; that reducing the number of males will not tend to increase the seal herds. This statement is disproved by all our experience in reference to plants, fish, and animals. I contend, Mr. President, that in this respect seals are quite like our domestic stock. The seal is a polygamous animal. One bull is sufficient to 25 cows. No farmer thinks of rearing all his male calves as bulls. No one thinks of rearing all his male sheep as rams. The farmer selects his strongest, most perfect males for breeding purposes, and all the rest are altered. A

multiplicity of polygamous males would not only destroy each other, but they would weaken the females and destroy the very young. Man can determine from among the seals on the islands the strong ones and preserve them.

I believe it is a fact—and I have never supposed it was disputed before—that the males did tear the cows to pieces in their fights and destroy pups a few days old. I still maintain that the breeding takes place between the birth of the pups and a very few days thereafter, not to exceed two weeks.

I do not believe that all these scientists are corrupt men. Such a statement seems monstrous to me, and I am sorry that the necessity for argument should seem to require such statements. I know that the men who have made a study of those conditions are telling us the truth. They can have no possible excuse for doing otherwise. But if there is corruption in the administration of our laws in the Pribilof Islands we ought to deal with the men who are violating the trust that has been reposed in them. The great object contemplated by the proposed treaty is the preservation of the seal herds and the failure, real or imaginary, of officers to perform their duties should not distract our attention from that object.

There is another matter, Mr. President, which I mentioned a little while ago. This Senate plan was tried between the years 1891 and 1894. There was a modus vivendi entered into between the nations whereby there was to be an absolute closed season, so far as the killing of fur seals on land was concerned, and at the end of the season—and I do not believe this can be disputed—at the end of the season the islands were found overstocked with males, and the herds had not materially increased during the closed period.

Mr. SMITH of Arizona. How long was that season?

Mr. TOWNSEND. Three years.

Mr. DILLINGHAM. Is the Senator sure that there was an agreement for the suspension of the killing during that time? I ask the question because I find that in a report I made on the subject in 1904 I said:

> In 1893 an agreement was made by the United States and Great Britain for the control of pelagic sealing, limiting the periods and localities in which seals may be taken by this process, and in 1897 Congress passed an act prohibiting the taking of any fur seal in the waters of the Pacific and north of the thirty-fifth degree of north latitude, and including Bering Sea, by citizens of the United States.

I have forgotten if it is a fact that there was an agreement for the cessation of the killing of seals on land.

Mr. TOWNSEND. I am sorry that I do not have my authority here. I gathered from the Department of Commerce and Labor that this agreement was in existence during those years of 1891, 1892, and 1893, and it was claimed then that a closed season would cause the seal to multiply and that the herd would materially increase. The result, however, was directly opposite to what was anticipated. The herd did not increase.

Mr. DILLINGHAM. Mr. President, if the Senator will allow me, I do not say that that is not true, and I am inclined to think there was some such agreement, because, on looking further at the figures of the number killed on the islands, I find that during 1892 and 1893 there were only between seven and eight thousand killed on the islands during those two years, against a very much larger number in other years.

Mr. ROOT. Mr. President, I think there was an agreement early in 1892, as a part of the arrangement which resulted in the Bering Sea arbitration, and I think you will find——

Mr. DILLINGHAM. I am inclined to think so myself.

Mr. ROOT. That the agreement involved on one side a cessation of pelagic sealing and on the other hand a cessation of land killing, except enough for food and similar purposes.

Mr. DILLINGHAM. But, as a matter of fact, during those two years, when there were killed on the island only 7,511 and 7,396, there were taken in the pelagic catch 46,000 and 30,000, respectively.

Mr. TOWNSEND. Mr. President, there is another thing that ought to be borne in mind with reference to pelagic sealing: Not only is there indiscriminate killing, without any regard to whether the seals are pups, or cows, or bulls, but I believe the records will disclose that where they are killed at sea not over one in five of those that are killed are recovered—the balance either sink at once upon being shot or else, being wounded, get away and die—so that the actual number that are killed and recovered in pelagic sealing, great as that is, represents only a small portion of the total number of the seals killed by that process.

I repeat that we have entered into a treaty with these countries to stop pelagic sealing. Russia and Japan have proceeded upon that agreement in good faith. Japan has purchased the schooners that the Japanese sealers were using in connection with their sealing. I am informed that Russia has done the same in reference to her subjects. If it is also true, as it is, that there is a provision in the treaty whereby Russia and Japan are to receive 15 per cent each of the seals that are killed, and none are killed, certainly it would result in a misunderstanding between these signatory powers.

Mr. SHIVELY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Indiana?

Mr. TOWNSEND. I do.

Mr. SHIVELY. I think, if the Senator will examine the treaty, he will find that that contingency is provided for. He will find that the United States is given express authority under the treaty to create a closed season, but whether the season is closed or whether it is open the United States appropriates this advance sum of $200,000 to Russia and $200,000 to Japan. The United States Government can have a closed season or the United States Government can go on killing, but when we do kill, then we retain the skins and repay ourselves out of the kill. The 15 per cent accrues only when we are killing. There is not anything in that part of the treaty that prevents us from having a closed season.

Mr. TOWNSEND. Mr. President, I am obliged to the Senator from Indiana for calling my attention to that. I might have overlooked it. But——

Mr. SHIVELY. Now let me call the Senator's attention to article 10 of the treaty, which provides:

ARTICLE 10.

The United States agrees that of the total number of sealskins taken annually under the authority of the United States upon the Pribilof Islands or any other islands or shores of the waters mentioned in article 1, subject to the jurisdiction of the United States, to which any seal herds hereafter resort, there shall be delivered at the Pribilof Islands at the end of each season 15 per cent gross in number and value thereof to an authorized agent of the Canadian Government, and 15 per cent gross in number and value thereof to an authorized agent of the Japanese Government: *Provided, however,* That nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them, as may seem necessary to protect and preserve the seal herd or to increase its number.

Mr. SMITH of Arizona. If the Senator will permit me, in that provision of the treaty the United States reserves the absolute right to have a closed season whenever it pleases.

Mr. TOWNSEND. There is no doubt about that.

Mr. ROOT. But, Mr. President, we must show that it seems necessary to protect and preserve the seal herd or increase its number. It is not an arbitrary power.

Mr. TOWNSEND. The Senator from New York anticipated my answer. But it is all right. If I understand correctly the treaty, the United States Government is not to have a closed season except it finds it necessary to do so. I do not think it necessary to have a 10-year closed season. The history of the sealing business shows that it is not necessary.

From all this I conclude that the primary object of the proposed treaty is to prevent pelagic sealing, to the end that the seal herd may be preserved and enlarged. Through an actual experience by this Government of three years—1891 to 1894—the plan proposed by the Senate amendment has been disproved, and the theory presented in the House bill is corroborated. The fault, if there be a fault, lies in the administration of the law. If it is true that our officials are corrupt, we should deal with that situation. I do not say they are corrupt, because I believe they are not, but certainly there has been enough said on the Senate floor to-day to put the Senate and the Government on notice, and the charge or intimation being so serious, it should not be overlooked.

That the principle adopted in the House bill is correct I have no doubt. I am satisfied that a surplus of males during the breeding season, and congregated as they necessarily are on those islands, is a menace to the increase of the seal herd.

I do not attempt to answer the statement of the Senator from Nebraska [Mr. HITCHCOCK], that the great professional authorities who approve the House provision are corrupt or influenced by improper and unworthy motives. These men are too well known and too secure in their reputations to need defense from me. If I were inclined to deal in innuendo, or if I were looking for improper motives for men's action, I might suggest the counter charge that the Victoria sealing combine and its reputed representative, Mr. Elliott, who has lobbied for the Senate provision for months, were not an altogether disinterested party to this controversy. It is not impossible for me to imagine that their interests may be striving to secure a closed sealing season in order to induce the Russian and Japanese schooners to return. I can discover many indications which warrant such a thought to the suspicious. If I were to draw on my imagination and try to find some unjust and improper

motive, I could find plenty of excuse to give it free rein. But I prefer to discuss this question upon its merits, and say, if there be wrong, if laws governing fur sealing are not being administered properly by the department, we should deal with those matters, and not be diverted from the real object before us. I believe it is safe to rely on our scientific, experienced experts, especially when their judgments are corroborated by reason and common sense. The Department of Commerce and Labor, which has this matter in charge, recommend the provision of the House bill and protest against the Senate amendment. There ought to be no doubt as to what we should do in the premises, and I certainly trust the pending amendment will be defeated.

Mr. McCUMBER. Mr. President, I have listened to these arguments and I have listened in vain to find one answer satisfactory to me to this question: If we preserve all the females and a sufficient number of males, what is the necessity of preserving more of the males than are necessary for breeding purposes? If about as many males as females are born, why preserve the males for a longer period than is necessary for the purpose of development? Why not dispose of them in order to secure the remuneration from the sale of hides?

The Senator from Minnesota [Mr. NELSON] thinks that nature does these things better than any man can. But I am satisfied that the preaching of the Senator from Minnesota will hardly square with his practice on his own farm. If half the lambs he raises are bucks, I doubt whether he would preserve all of them. I think he would keep only enough for breeding purposes, and would dispose of the others at a time when they would bring the greatest sum; and so with the seal herd. Not only, in my opinion, should we dispose of all the surplus males at a time when we can secure the best price for their pelts, but we should sell them in order to prevent them from destroying each other, and if not killing each other, at least so marring the fur and the hide that it is scarcely salable.

I do not pretend to be an expert, and when I call for expert testimony I am not going to measure the qualities of the individuals, so far as they relate to being good or bad. I care little whether the man making the argument is a wicked or a good man. I am influenced more by the character of his argument than I am by his character.

I do not want to go into the question which has been raised here about Mr. Bowers. Mr. Bowers has written a letter which appeals to me, and I am going to have the letter read in the Senate, because I think it bears directly upon the question and because I think it presents a clear and lucid argument.

I am also going to ask that there be read a letter from Charles Sheldon, chairman of the Committee on Preservation of Wild Life, a member of the Boone and Crockett Club. I think the arguments in both of these letters are sound, and I ask that the Secretary read each of them. Upon the conclusion of their reading I will yield the floor.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, August 1, 1912.

Hon. PORTER J. MCCUMBER,
United States Senate.

SIR: I have the honor to again invite your attention to the bill (H. R. 16571), pending in the Senate, to give effect to the convention signed July 7, 1911, by Great Britain, Japan, Russia, and the United States for the preservation of the fur-seal herds of the north Pacific.

The bill has not yet been acted upon in the Senate, but I understand it will probably come up for consideration within the next few days.

You will recall that I addressed to you, on or about March 19 last, a letter in which I set forth some of the reasons why the bill should pass without any provision for a close season, as is proposed in the Hitchcock amendment. I shall be glad if you will again give careful consideration to the statements contained in that letter. Every argument against any restriction on the killing of surplus male seals as set forth in that letter still holds, and some of them even more strongly than they did six months ago. Reports recently received from the Pribilof Islands state that the number of breeding bulls present on the rookeries this summer and the number of half bulls or waiting bulls are more than are necessary for breeding purposes; and the number of 3, 4, and 5 year old bulls that are being saved, and which will become breeding bulls in one, two, and three years, is more than ample after allowing for the natural mortality. Advices from Japan are to the effect that that Government is killing the usual proportion of the surplus males in the Japanese herd, although that herd numbers fewer than 6,000 seals of all classes. The American herd numbers about 130,000. Attention is called to the important fact that the treaty requires Japan and Russia to kill a certain percentage of their surplus males each year if the herds exceed 6,500 and 18,000, respectively.

That the herds have become greatly depleted is admitted by all; that the depletion was the result of the killing of female seals in the sea by the pelagic sealers and the consequent starvation on the land of the pups thus left motherless is recognized by everyone who has ever visited the seal islands except Henry W. Elliott, a man whose interests appear to be in pelagic sealing rather than in the preservation of the seal herd. Those who oppose the killing of surplus males say that man can not improve on the methods of nature. If that be true, we should stop all our agricultural, horticultural, and stock-raising operations; all our fish-cultural work; all our irrigation operations.

The fur seals are as much under man's control as are the herds of cattle and the flocks of sheep on the ranges in the Western States. They are even more fully under man's control than are the shad, whitefish, salmon, or any other fish that is propagated artificially. No stockman would think of saving for breeding purposes all his male sheep, cattle, horses, or hogs; he will save only such as are needed for that purpose and market the rest when they will bring the largest money return. This is precisely what should be done with the surplus male seals.

The Bureau of Fisheries has no interest whatever in the matter other than the welfare of the herd. The employees of the bureau who have immediate charge of fur-seal matters are men who have had many years' experience and are entirely competent to handle the herd intelligently. They should not be hampered by restrictions as to the details of management. The bureau's agents never have killed any except surplus males not needed for breeding purposes, and they will not under existing law; and the agents on the islands are in a better position than anyone else to determine how many surplus males there are each year and how many should be killed. If at any time the agents should find that a scarcity of breeding males is threatened they will do no killing; on the other hand, so long as the agents find an excess of male life they should be permitted to kill a safe proportion of that excess.

A close season even for one year or two years, when there is an excess of male seals, would not only serve no useful purpose, but it would be unwise from a business point of view, as the following illustration will demonstrate:

The number of 3-year-old males on the islands in 1913 will probably be something over 11,000. Not to exceed 1,000 of these will be needed for breeding purposes. The remaining 10,000 can be safely killed. If they are not killed in 1913, they will never be killed, because in 1914 they will all be 4-year-olds, which are commercially less valuable and are never killed. When 5 years old they will have practically no commercial value. Therefore, if the excess males are not killed when 2 or 3 years old, they, in their fourth and fifth years, become valueless commercially and, being surplus males, they will be of no use for breeding purposes. They are a total loss as certainly as would be a crop of potatoes that are allowed to remain in the ground more than one season.

In view of these considerations, it is hoped you will oppose any provision which prohibits the killing each year of a safe proportion of the surplus male seals, and that you will support the bill substantially in the form in which it passed the House.

Respectfully,

GEORGE M. BOWERS, *Commissioner.*

Mr. WILLIAMS. I should like to ask the Senator to whom this letter was addressed?

Mr. McCUMBER. Both letters were addressed to me.

Mr. WILLIAMS. The letter was addressed to you by the Commissioner of Fisheries?

Mr. McCUMBER. Yes.

Mr. WILLIAMS. Did he write to other Senators, or do you not know?

Mr. McCUMBER. I understand other Senators on the Committee on Foreign Relations received the same letter.

Mr. WILLIAMS. I wanted to see how far he considered it his duty to take the place of the President in advising Congress.

The PRESIDENT pro tempore. There is another letter which will be read.

The Secretary read as follows:

BOONE AND CROCKETT CLUB,
OFFICE OF SECRETARY,
New York, April 4, 1912.

Hon. PORTER J. MCCUMBER,
United States Senate.

DEAR SIR: Permit me, on behalf of the Boone and Crockett Club, to direct your attention to Senate Calendar 446, Report 501—Preservation and Protection Fur Seal, etc.

This report (to accompany H. R. 16571) relates to a bill to give effect to a treaty for the suppression of pelagic sealing. It proposes an amendment which we believe not only to be unfavorable to the effective ratification of this important treaty, but detrimental to the restoration of the seal herd.

The Boone and Crockett Club has long been interested in the fur-seal matter, and its views are in accord with those of the advisory board of the fur-seal service. At a meeting held January 25, 1912, the club passed a resolution to the effect that the treaty should be ratified without amendment, and that the Secretary of Commerce and Labor was well advised in his management of the seal islands.

Permit me to point out that when the Russians restored the depleted herd they had been killing females on land, as well as males, while under the American régime surplus males only have been killed. There is no reason whatever for comparing the present situation, which was brought about by pelagic sealing, with the killing of females by the Russians on the land. When they gave the seal islands a 10-year rest, they could have increased their herd more rapidly if they had removed a large proportion of the male stock. It was not the stopping of simply land killing that caused the herd to increase, but the stopping of female killing; the saving of the extra males was only a detriment.

A total cessation of killing of males for 10 years, or even 5 years, would result in flooding the breeding grounds with superfluous fighting males, which would cause an unnecessary loss of new-born pups and nursing females. These animals are highly polygamous, and the breeding grounds are now controlled by a moderate number of mature males, each of which serves numerous females. The females are densely massed at the breeding season, and a division of the breeding grounds into a greater number of small harems by an increase in males would result in continuous and injurious fighting among the latter.

The expansion of the seal herd will be very slow if all the surplus males are allowed to break into the breeding grounds. The herd can be increased faster by restricting the number of bulls. There are about 40,000 breeding females in the herd to-day, and the reason we

have this number is due to the fact that the number of males has consistently been kept down while the female stock was being depleted during many years of pelagic sealing. The herd is now smaller than ever before, and in this fact there lies a special danger, which would not be so great if the herd were a little larger.

In a very few years our restricted and massed breeding grounds will surely be overswept with furious fighting males. If the herd as a whole were larger, its chances for recovery under the wasteful methods of nature would be more probable, but with hordes of unmanageable males it is possible that the tide may turn the wrong way.

We hope that when this bill comes up in the Senate the danger which threatens the seal herd through a too rapid increase in males may be made known and that you will assist in making this fact clear.

The Secretary of Commerce and Labor has long had associated with him an "advisory board of the fur-seal service," composed of scientific men who have all made repeated visits to the Pribilof Islands and have devoted much study to the fur-seal question. This board, which serves without salary, consists of Dr. David Starr Jordan, president of Stanford University; Dr. C. Hart Merriam, late Chief United States Biological Survey; Dr. Leonhard Stejneger, head curator United States National Museum; Dr. F. A. Lucas, director American Museum of Natural History, New York; and Dr. C. H. Townsend, director New York Aquarium. Mr. Edwin W. Sims, Solicitor of the Department of Commerce and Labor, who has visited the islands, and Postmaster General Hitchcock are also members.

All of these men, after full investigation, agree that there is a loss of pups and females when the surplus males are allowed to enter the breeding grounds. Their opinions have never been questioned by any naturalists of reputation and are sustained by the British naturalists who visited the Pribilofs with them. There is, in fact, only one man who has been on the Pribilof Islands who is in favor of a 10-year close season on males, and he is H. W. Elliott, who has not been there for over 20 years.

The statement in the first paragraph on page 2, Report 501, "that all authorities agree," etc., is wholly incorrect. On the contrary, all authorities, with the exception of the one mentioned, who have studied this subject on the Pribilof Islands are already on record that a close season on males at the present time would be highly injurious.

The principle of voluntary expert advice for a Government department in a matter of this kind is one that should be fostered rather than discouraged. The treaty should be ratified without amendment, although the slight amendments of the House bill are perhaps unobjectionable.

All opinions based on the unanimous advice of the real experts emphasize the conclusion that it would be inadvisable to pass an amendment for a close season on male seals. Such action would also deprive the Government of an annually increasing revenue, beginning at $400,000 and in 10 years amounting to $10,000,000.

I am inclosing a list of members of the Boone and Crockett Club. I am, sir.

Very respectfully, yours,

CHARLES SHELDON,
Chairman Committee on Preservation of Wild Life, Boone and Crockett Club.

Mr. ROOT. Mr. President, I wish to make some remarks upon the pending bill. I observe that the hour of 6 o'clock has arrived, and if it is agreeable to the Senate, I will wait until to-morrow.

The PRESIDENT pro tempore. The bill will become the unfinished business to-morrow.

In accordance with the unanimous-consent agreement, the hour of 6 o'clock having arrived, the Senate will now take a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m. on the expiration of the recess.

Mr. SMOOT. The evening session is held under a unanimous-consent agreement to consider the Army appropriation bill.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. DU PONT. I ask that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The Secretary will proceed to read the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Military Affairs was, under the subhead "Office of the Chief of Staff," on page 2, line 3, after the word "stationery," to insert "typewriters and exchange of same," so as to read:

Army War College: For expenses of the Army War College, being for the purchase of the necessary stationery, typewriters and exchange of same, office, toilet, and desk furniture, textbooks, books of reference, scientific and professional papers and periodicals, printing and binding, maps, police utensils, employment of temporary, technical, or special services, and for all other absolutely necessary expenses.

The amendment was agreed to.

The next amendment was, under the subhead "Office of the Chief Signal Officer," on page 5, line 13, after the words "balloons and," to strike out "airplanes" and insert "aeroplanes"; in line 24, before the word "dollars," to strike out "three hundred and seventy-five thousand" and insert "three hundred and fifty thousand"; in line 25, before the word "dollars," to strike out "seventy-five thousand" and insert "one hundred thousand"; and, on page 6, line 1, after the words "repair of," to strike out "airplanes" and insert "aeroplanes," so as to make the clause read:

Signal Service of the Army: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons and aeroplanes, including their maintenance and repair; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; fire control and direction apparatus and material for field artillery; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, $350,000: *Provided, however,* That not more than $100,000 of said amount shall be used for the purchase, maintenance, operation, and repair of aeroplanes and other aerial machines.

The amendment was agreed to.

The next amendment was, on page 6, line 12, after the word "dollars," to insert "*Provided*, That the Secretary of War is authorized and directed to reduce the tolls on Alaska cable and telegraph messages to 50 per cent of the present rates during a period of six months from and after July 1, 1912, and then to fix such rates as he may deem warranted by the business developed during said period of reduced rates," so as to make the clause read:

Washington-Alaska military cable and telegraph system: For defraying the cost of such extension and betterments of the Washington-Alaska military cable and telegraph system as may be approved by the Secretary of War, to be available until the close of the fiscal year 1914, from the receipts of the Washington-Alaska military cable and telegraph system that have been covered into the Treasury of the United States, the extent of such extensions and the cost thereof to be reported to Congress by the Secretary of War, $50,000: *Provided*, That the Secretary of War is authorized and directed to reduce the tolls on Alaska cable and telegraph messages to 50 per cent of the present rates during a period of six months from and after July 1, 1912, and then to fix such rates as he may deem warranted by the business developed during said period of reduced rates.

The amendment was agreed to.

The next amendment was, under the subhead "Pay of officers of the line," on page 6, line 26, before the word "dollars," to strike out "six million eight hundred and ninety-three thousand nine hundred and eight" and insert "seven million seven hundred thousand seven hundred," so as to make the clause read:

For pay of officers of the line, $7,700,700.

The amendment was agreed to.

The next amendment was, on page 7, line 5, before the word "dollars," to strike out "one million five hundred and twenty-four thousand one hundred and twenty" and insert "one million seven hundred and sixty-seven thousand one hundred and twenty"; and in the same line, after the word "dollars," to strike out "That no money appropriated by this act shall be paid to any officer for any period during which he shall have been detached for any duty of any kind for more than four of the preceding six years from the organization in which he is commissioned, unless such continuous detachment from such organization for more than four years shall have been specifically authorized by law" and insert "*Provided*, That hereafter in time of peace no officer of the line shall be detached nor permitted to remain detached from his regiment or corps who has not served for at least two years of the preceding period of six years prior to such detachment with the regiment or regiments of Cavalry, Field Artillery, or Infantry, or with the organizations of the Coast Artillery Corps, to which he shall have been assigned by the War Department; but this shall not apply to officers detailed in the Ordnance Department, the Bureau of Insular Affairs, as authorized by the acts of Congress approved June 25, 1906, and March 23, 1910, or to any officer on duty in connection with the construction of the Panama Canal until the same shall have been formally opened; and, in the discretion of the President, up to the 1st day of January, 1914, it shall not apply to any officer on duty with the Philippine Constabulary; and hereafter no officer below the rank of major shall be detailed as Chief or as Assistant Chief of the Philippine Constabulary, and no other officer shall hereafter be assigned to duty therewith, except as specifically provided for by law," so as to make the clause read:

For additional pay to officers for length of service, to be paid with their current monthly pay, $1,767,120: *Provided*, That hereafter in time of peace no officer of the line shall be detached nor permitted to remain detached from his regiment or corps who has not served for at least two years of the preceding period of six years prior to such detachment with the regiment or regiments of Cavalry, Field Artillery, or Infantry, or with the organizations of the Coast Artillery Corps, to which he shall have been assigned by the War Department; but this shall not apply to officers detailed in the Ordnance Department, the Bureau of Insular Affairs, as authorized by the acts of Congress approved June 25, 1906, and March 23, 1910, or to any officer on duty in connection with the construction of the Panama Canal until the same shall have been formally opened, nor shall it be held to apply in the case of any

officer detached as a student at a service school; and, in the discretion of the President, up to the 1st day of January, 1914, it shall not apply to any officer on duty with the Philippine Constabulary, and hereafter no officer below the rank of major shall be detailed as Chief or as Assistant Chief of the Philippine Constabulary, and no other officer shall hereafter be assigned to duty therewith except as specifically provided for by law.

Mr. CHAMBERLAIN. I desire to suggest an amendment to the amendment. I have already spoken to the chairman about it. In line 25 I move to strike out the words "nor shall it be held to apply in the case of any officer detached as a student at a service school" and to insert at the end of the amendment:

Provided, That duty as a student officer at a service school within the continental limits of the United States shall not be construed as detached service within the meaning of the preceding proviso.

Mr. DU PONT. I accept that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, under the subhead "Pay of enlisted men," on page 8, line 13, before the word "dollars," to strike out "fifteen million eight hundred and thirty-two thousand" and insert "sixteen million two hundred and thirty-two thousand nine hundred and fifty-four"; in the same line, after the word "*Provided*," to strike out "That no part of the appropriation in this act for the pay of officers and enlisted men shall be paid to any officer or enlisted man in active service for any period of time lost by him on account of diseases which are the result of his own intemperate use of drugs or alcoholic liquors or other misconduct" and insert "That any officer or enlisted man in active service, who shall be absent from duty on account of disease resulting from his own intemperate use of drugs, or alcoholic liquors, or other misconduct, shall not receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War: *Provided further*, That, for the purpose of utilizing as an Army Reserve the services of men who have had experience and training in the Regular Army, in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who having been found physically qualified for the duties of a soldier, shall reenlist in the line of said Army or in the Signal Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period, but no bounty in excess of $300 shall be paid to any person under the terms of this act," so as to make the clause read:

For pay of enlisted men of all grades, including recruits, $16,232,954: *Provided*, That any officer or enlisted man in active service, who shall be absent from duty on account of disease resulting from his own intemperate use of drugs, or alcoholic liquors, or other misconduct, shall not receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War: *Provided further*, That, for the purpose of utilizing as an Army Reserve the services of men who have had experience and training in the Regular Army, in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who having been found physically qualified for the duties of a soldier, shall reenlist in the line of said Army or in the Signal Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period, but no bounty in excess of $300 shall be paid to any person under the terms of this act.

Mr. PAGE. This language seems to grate on my ear a little. It says "that any officer or enlisted man in active service * * * shall not receive pay." Would it not be better English to say "no officer shall receive pay"?

Mr. O'GORMAN. Under the suggestion made by the Senator from Vermont, I move, in line 18, to strike out the word "any" and insert the word "no," and that the word "not," in line 21, be stricken out.

Mr. DU PONT. I accept that amendment.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 8, line 18, before the word "officer," strike out "any" and insert "no," and in line 21, after the word "shall," strike out the word "not."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, on page 10, line 3, before the word "dollars," to strike out "one million five hundred and thirty-five thousand" and insert "one million six hundred and thirty-five thousand," and in the same line, after the word "dollars," to strike out "*Provided*, That on and after the 1st day of July, 1912, there shall be 10 regiments of Cavalry, and no more, in the United States Army, and that the officers who shall be rendered supernumerary by this reduction in the number of Cavalry regiments shall be retained in service, and shall be assigned to vacancies in their respective grades as such vacancies shall occur in the Cavalry, or, in the discretion of the President, to such vacancies in their respective grades as shall occur in any other arm of the service: *Provided further*, That all officers of Cavalry made surplus by such reduction shall be transferred proportionately to the Infantry, Field Artillery, Coast Artillery, Cavalry, according to their relative commissioned personnel strength; and that the officers so transferred shall take rank in the branch to which transferred according to length of commissioned service: *And provided further*, That no officer shall be reduced in grade; and the Secretary of War is directed to carry out the provisions of this act," so as to make the clause read:

For additional pay for length of service, $1,635,000.

Mr. WILLIAMS. I ask for a division on that amendment. That is the amendment to strike out the provision of the House for the reduction of the Cavalry force. I do not care to take up the time of the Senate. On a previous occasion I stated why I thought the Cavalry force ought to be reduced.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee. [Putting the question.] The ayes appear to have it.

Mr. WILLIAMS. I withdraw the demand for a division.

The amendment was agreed to.

The next amendment was, under the subhead "Hospital Corps," on page 12, line 22, before the word "dollars," to strike out "eight hundred and fifty thousand" and insert "nine hundred and forty thousand," so as to make the clause read:

For pay of enlisted men, $940,000.

The amendment was agreed to.

The next amendment was, on page 12, line 24, before the word "dollars," to strike out "one hundred and sixty thousand" and insert "one hundred and sixty-five thousand," so as to make the clause read:

Additional pay for length of service, $165,000.

The amendment was agreed to.

The next amendment was, under the subhead "Pay to clerks, messengers, and laborers at headquarters of divisions, departments, posts commanded by general officers, and office of the Chief of Staff," on page 13, line 7, before the word "clerks," to strike out "Fourteen" and insert "Fifteen," so as to make the clause read:

Fifteen clerks, at $1,800 each per annum.

The amendment was agreed to.

The next amendment was, on page 13, line 9, before the word "clerks," to strike out "Fourteen" and insert "Sixteen," so as to make the clause read:

Sixteen clerks, at $1,600 each per annum.

The amendment was agreed to.

The next amendment was, on page 13, line 11, before the word "clerks," to strike out "thirty-five" and insert "forty," so as to make the clause read:

Forty clerks, at $1,400 each per annum.

The amendment was agreed to.

The next amendment was, on page 13, line 13, before the word "clerks," to strike out "sixty-eight" and insert "seventy-four," so as to make the clause read:

Seventy-four clerks, at $1,200 each per annum.

The amendment was agreed to.

The next amendment was, on page 13, line 15, before the word "clerks," to strike out "seventy" and insert "seventy-two," so as to make the clause read:

Seventy-two clerks, at $1,000 each per annum.

The amendment was agreed to.

The next amendment was, on page 14, line 3, before the word "messengers," to strike out "sixty" and insert "seventy-one," so as to make the clause read:

Seventy-one messengers, at $720 dollars each per annum.

The amendment was agreed to.

The next amendment was, on page 13, line 13, before the word "dollars," to strike out "three hundred and three thousand two hundred and forty" and insert "three hundred and thirty-two thousand three hundred and sixty," so as to make the clause read:

In all, $332,360.

The amendment was agreed to.

The next amendment was, under the subhead "Retired enlisted men," on page 18, line 3, after the word "dollars," to insert "*Provided*, That in computing length of service for retirement credit for double time for foreign service shall not be given to those who hereafter enlist," so as to make the clause read:

For pay of the enlisted men of the Army on the retired list, $2,150,000: *Provided*, That in computing length of service for retirement credit for double time for foreign service shall not be given to those who hereafter enlist.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous," on page 18, line 11, after the word "dollars," to insert "*Provided*, That the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War," so as to make the clause read:

For pay of one Superintendent Nurse Corps, $1,800: *Provided*, That the superintendent shall receive such allowances of quarters, subsistence, and medical care during illness as may be prescribed in regulations by the Secretary of War.

Mr. O'GORMAN. In line 13, I suggest that the comma be omitted after the word "subsistence."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 19, after line 5, to strike out:

For pay of 10 contract surgeons, at $1,800 each per annum, $18,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 7, to insert:

For pay of contract surgeons, $13,800.

The amendment was agreed to.

The next amendment was, on page 19, line 23, after the word "Army," to insert "*Provided further*, That hereafter the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army," so as to make the clause read:

For traveling expenses of Army paymasters' clerks and expert accountant of the Inspector General's Department, $19,500: *Provided*, That hereafter Army paymasters' clerks and the expert accountant, Inspector General's Department, shall receive mileage at the same rates and under the same conditions as is provided by law for officers of the Army: *Provided further*, That hereafter the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army.

The amendment was agreed to.

The next amendment was, on page 20, line 20, before the word "dollars," to strike out "four hundred and seventy thousand" and insert "five hundred thousand," so as to make the clause read:

For commutation of quarters to commissioned officers, dental surgeons, and veterinarians on duty without troops at stations where there are no public quarters, $500,000.

The amendment was agreed to.

The next amendment was, on page 20, line 22, before the word "dollars," to strike out "eight hundred thousand" and insert "nine hundred thousand"; and in the same line, after the word "dollars," to insert "*Provided*, That hereafter when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive 2 cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment," so as to make the clause read:

For travel allowance to enlisted men on discharge, $900,000: *Provided*, That hereafter when an enlisted man who is enlisted on or after July 1, 1912, is discharged from the service, except by way of punishment for an offense, he shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment, or to such other place within the continental limits of the United States as he may select, to which the distance is no greater than from the place of discharge to place of enlistment; but if the distance be greater he may be furnished with transportation in kind and subsistence for a distance equal to that from place of discharge to place of enlistment, or, in lieu of such transportation and subsistence, he shall, if he so elects, receive 2 cents a mile, except for sea travel, from the place of his discharge to the place of his enlistment.

The amendment was agreed to.

Mr. DU PONT. Mr. President, the quotation marks and dashes in line 13, on page 22, are the result of a clerical error, and they should be stricken out. I move that amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Delaware will be stated.

The SECRETARY. On page 22, line 13, before the word "when," it is proposed to strike out the dash and the quotation marks, and after the word "law," in the same line, it is proposed to strike out the dash and the quotation marks, so as to read:

For mileage to officers, dental surgeons, veterinarians, and contract surgeons, when authorized by law, $500,000.

The amendment was agreed to.

The next amendment of the Committee on Military Affairs was, on page 22, after line 14, to insert:

For additional 10 per cent increase on pay of officers on foreign service, $266,000.

The amendment was agreed to.

The next amendment was, on page 22, after line 17, to insert:

For additional 20 per cent increase on pay of enlisted men on foreign service, $700,000: *Provided*, That hereafter the laws showing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama.

The amendment was agreed to.

The next amendment was, under the subhead "Philippine Scouts," on page 25, line 16, after the word "fund," to insert:

Provided, That section 3620, Revised Statutes, as amended by the act of Congress approved February 27, 1877, shall not be construed as precluding Army paymasters from drawing checks in favor of the person or institution designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or in Alaska, or the Canal Zone, Panama, or en route thereto, if the pay account has been deposited for payment on maturity in conformity with such regulations as the Secretary of War may prescribe: *Provided further*, That payment by the United States of a check on the indorsement of the indorsee specified on the pay account shall be a full acquittance for the amount due on the pay account.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to strike out:

Encampment and maneuvers, Organized Militia: For paying the expenses of the Organized Militia of any State, Territory, or of the District of Columbia, which may be authorized by the Secretary of War to participate in such encampments as may be established for the field instruction of the troops of the Regular Army, as provided by sections 15 and 21 of the Act of January 21, 1903, entitled "An Act to promote the efficiency of the militia, and for other purposes," to be immediately available and to remain available until the end of the fiscal year 1914, $1,350,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 18, to insert:

Equipment of Coast Artillery, armories, Organized Militia: Dummy gun and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars, and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia, $275,000: *Provided*, That the foregoing appropriation, and any other appropriations heretofore made for that purpose, shall remain available until the end of the fiscal year 1914.

The amendment was agreed to.

The next amendment was, under the subhead "Subsistence Department," in the item of appropriation for the purchase of subsistence supplies, on page 30, line 6, after the words "in all," to strike out "$8,605,273," and insert "$8,988,867.42," and in line 12, after the word "fund," to insert "*Provided*, That hereafter the provisions of section 5 of the act of June 30, 1906 (34 Stats., p. 763), shall not be construed to apply to the Subsistence Department," so as to read:

In all, $8,988,867.42, to be expended under the direction of the Secretary of War, and accounted for as "Subsistence of the Army," and for that purpose to constitute one fund: *Provided*, That hereafter the provisions of section 5 of the act of June 30, 1906 (34 Stats., p. 763), shall not be construed to apply to the Subsistence Department.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster's Department," in the item of appropriation for "Regular supplies, Quartermaster's Department," on page 33, line 16, before the word "dollars," to strike out "*Provided further*, That no part of this appropriation shall be expended for the installation of an electric lighting plant at Fort Niagara, seven million

four hundred and fifty-six thousand seven hundred and seventy-three" and insert "seven million eight hundred and sixty-five thousand six hundred and eighty-eight," so as to read:

Provided, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid, $7,865,688.

The amendment was agreed to.

The next amendment was, on page 33, line 20, before the word "dollars," to strike out "four thousand" and insert "six thousand," so as to make the clause read:

For the purchase of the necessary instruments, office furniture, stationary, and other authorized articles required for the equipment and use of the officers' schools at the several military posts, $6,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for incidental expenses, Quartermaster's Department, on page 35, line 12, before the word "dollars," to strike out "one million seven hundred and thirty-six thousand three hundred and thirty-seven" and insert "two million," so as to read:

Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmith's tools and materials, horseshoes and blacksmith's tools for the Cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army, and at military posts, and not expressly assigned to any other department, $2,000,000.

The amendment was agreed to.

Mr. BACON. Mr. President, I was not in when the order was taken as to the method to be pursued in relation to the consideration of the bill. I do not know whether amendments other than committee amendments are now in order.

Mr. DU PONT. Committee amendments are to be first considered, I will say to the Senator from Georgia.

Mr. BACON. I know they are now being considered, but I wish to know whether there has been any order for that.

The PRESIDENT pro tempore. The bill is being read for amendment, committee amendments to be first considered.

Mr. BACON. Of course I shall not ask to have that changed now, though I think it is an objectionable practice. I think the bill ought to be perfected as we go along. I have an amendment which I wish to offer at the proper place, but of course I shall not ask for the regular order to be varied.

Mr. O'GORMAN. Other amendments have been received.

Mr. BACON. I am informed that other amendments have been received. This, I think, concludes the part of the bill which relates to the pay of the Army, does it not?

Mr. DU PONT. We have passed that point.

Mr. BACON. For the pay and supplies of the Army?

Mr. DU PONT. We are in the provisions for the subsistence department now—the Quartermaster's Department—the provision for the pay of the Army having been passed.

Mr. BACON. Mr. President, I will send the amendment to the desk, which I shall offer, and I ask to have it read. I shall not offer it, however, until the chairman of the committee signifies his readiness for it to be acted upon, though I wish that it may be read at this point.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be read. Will the Senator from Georgia indicate at what point he desires the amendment inserted?

Mr. BACON. I ask that the amendment now be read, but under the suggestion of the Senator from Delaware I shall not ask that it be now considered. I have not done so simply because the Senator from Delaware was uncertain as to whether the amendment should come in here or at another place. I am perfectly willing that the amendment should be acted upon at such time as may be preferred, but I desire it to be now read in order that it may be in view, so that when the proper place is reached the amendment may be considered.

Mr. DU PONT. As soon as committee amendments have been completed, I shall then invite the Senator from Georgia to offer his amendment, which he has sent to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

Except as herein provided or specifically otherwise provided by statute, the money herein appropriated for the pay and supplies of the Army shall be used only for the pay and supplies of the Army on duty in the United States and in the territory subject to the laws and jurisdiction of the United States; and no part of the money herein appropriated shall be used for the pay or supplies of any part of the Army of the United States employed, stationed, or on duty in any country or territory beyond the jurisdiction of the laws of the United States or in going to or returning from points within the same: *Provided*, That this prohibition shall not apply to cases of emergency within the discretion of the President arising at a time when the Congress of the United States is not in session.

The PRESIDENT pro tempore. The amendment will lie on the table for the present.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was in the item of appropriation for purchase of horses for Cavalry, Artillery, Engineers, etc., on page 36, line 13, after the words "United States Military Academy," to insert:

Provided further, That not to exceed $500 of the money herein appropriated is authorized to be expended under the direction of the Secretary of War for the purchase of not less than five cups, to be awarded to horse breeders, to encourage breeding of horses suitable for military purposes.

Mr. KENYON. Mr. President, I desire to object to this amendment unless it is explained in some way by the chairman of the committee. It provides, as I understand, for the giving of cups for the encouragement of horse breeding.

Mr. DU PONT. I will say that that amendment has been proposed upon the recommendation of the War Department in view of the increasing need of finding suitable horses for Cavalry mounts. It appears that nearly all the horses bred in the United States are heavy draft horses, Percherons, which are entirely unfit for military purposes; and it was supposed this would be an incentive to the farmers to breed another type of horses, and that in the end it would be advantageous to the Government. I will say to the Senator from Iowa, however, that a similar provision went out in conference before, and I have no doubt this will go out.

Mr. PAGE. Mr. President, in answer to the inquiry of the Senator from Iowa [Mr. KENYON], I desire to say that a very benevolent and public-spirited gentleman in Vermont, Hon. Joseph Battell, has given to the Government a fine stock farm at Middlebury or Weybridge, in Vermont, upon condition that the Morgan horse shall be there bred. At a meeting before the Committee on Agriculture a few weeks ago, I think it was, Chief Rommel, of the Bureau of Animal Industry, who said that it was quite essential that something be done to stimulate and encourage the production of a better class of horses for the military service, and that the farm at Middlebury was doing good work along these lines. I think the idea is to offer the farmers of Addison County, Vt., where the farm is situated, and who have a fine class of Morgan stock, a cup or premium of some kind in order to promote the breeding of a better class of horses for the Army.

Mr. KENYON. Does the Senator think that the presentation of a decorated cup would stimulate the breeding of better horses?

Mr. PAGE. Most assuredly; just as premiums offered in county fairs promote a better class of stock everywhere.

Mr. KENYON. That may be true in Vermont. We need no such governmental encouragement in Iowa.

Mr. WILLIAMS. Mr. President, I am unalterably opposed to the United States Government going into the horse-breeding business or the horse-show business or acting as Lady Bountiful to give prizes for the best horses at horse shows.

Mr. DU PONT. I will say to the Senator from Mississippi that I will accept the amendment if he will move to strike that out.

Mr. WILLIAMS. Very well. I move to strike the amendment out.

The PRESIDENT pro tempore. It is not necessary to move to strike it out. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Military Affairs was, on page 37, line 4, before the word "dollars," to strike out "two hundred and seventy-five thousand" and insert "three hundred thousand," so as to read:

Provided further, That the accounting officers of the Treasury are hereby authorized and directed to remove any suspensions or disallowances in the accounts of quartermasters for the fiscal years 1910, 1911, and 1912, for the purchase, care, and foraging of horses, because of age, sex, or size, and for the purchase of seeds, machinery, and for labor and other expenditures in connection with the raising of forage at remount depots, from appropriations of the Quartermaster's Department, $300,000.

The amendment was agreed to.

The next amendment was, in the item of appropriation for the maintenance of barracks and quarters, on page 39, line 17, before the word "dollars," to strike out:

Provided further, That of the amount herein appropriated the sum of $25,000 shall be immediately available for the construction of barracks and quarters: *Provided further*, That no part of this appropriation shall be expended at any Army post which the Secretary of War has decided or may decide to abandon in the interest of the service: *Provided further*, That no part of this appropriation shall be expended

at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell: *Provided further*, That the Secretary of War be, and he is hereby, authorized to transfer and convey to the State of Texas, for the purpose of a State tuberculosis sanitarium, such portion of Fort Clark Military Reservation, not to exceed 640 acres, in the State of Texas, as the governor of the State or his representative and the President of the United States or his representative may agree upon: *Provided*, That should the State of Texas in any event refuse or fail to use or shall abandon the property herein authorized to be conveyed, or any portion thereof, for the purposes designated, then such land and property shall revert to the United States and become a part of the public domain thereof, $1,621,389.

And to insert:

One million seven hundred and seventy thousand.

Mr. WILLIAMS. Mr. President, I do not want to raise any question about that amendment now. The matter will go to conference; but I do express the hope that in conference the Senate conferees will consent to abolish some of the Army posts, at any rate. The War Department advises that for the most part they are doing no good; but, owing to the fact that we have no quorum here to-night, I do not want to make any points on the bill that can be avoided. I merely want to express that hope.

Mr. MYERS. Mr. President, I must object to that suggestion to the Senate conferees and hope that the Senate conferees, whoever they may be, will not take it seriously or act upon it. I believe that when the Senate solemnly adopts an amendment to a bill the Senate conferees are supposed to and are thereby instructed to stand for the Senate amendment. If the Senate conferees are going to exercise their discretion or choice, whim, or preference to abolish some of these forts, I should like to see the Senate conferees before they act on the matter and learn what their views are. I think that those of us who are interested should be entitled to be heard before they propose to say this fort shall have money and that fort shall not have, and all in the dark of some secret conference room where nobody knows what is going on. It would be a whimsical exercise of legislative power; and I believe that the Senate conferees, whoever they may be, ought to stand for all the Senate amendments, particularly when they come to some one particular Senate amendment they ought to stand for all of that amendment or for none of it, and not go to slicing up and accepting some parts and rejecting others. I merely want to utter this word of protest to show that I am not in accord with the ideas of the Senator from Mississippi [Mr. WILLIAMS] in this regard, and hope that the conferees, whoever they may be, will stand by their orders from the Senate.

Mr. WILLIAMS. Before the Senator from Montana takes his seat I should like to ask him a question.

Mr. MYERS. Certainly.

Mr. WILLIAMS. Does the Senator from Montana think that none of these Army posts ought to be abolished—not even one of them?

Mr. MYERS. Yes; I differ from the War Department in that particular.

Mr. WILLIAMS. Then the Senator thinks that not a single one of them ought to be abolished?

Mr. MYERS. That is what I think.

Mr. WILLIAMS. Not even one?

Mr. MYERS. Not even one.

Mr. WILLIAMS. Well, if that is the case, of course, what the Senator has said is very logical, because if none of them ought to be abolished then, of course, the Senate conferees ought not to agree to abolish any of them; but I think, if the Senator will look at the Army posts that are proposed to be abolished—I have not counted them—he will agree with me there are some of them at any rate that are absolutely useless for any purpose under the sun.

Mr. MYERS. I know of none that is useless. At any rate, if any of them are to be abolished I think the Senate ought to do the abolishing; that it ought to be done in the open Senate, where the matter can be discussed, and not by a set of conferees, in the dark closet of a secret conference room, sorting out some that they will keep and others that they will abolish.

The PRESIDENT pro tempore. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The next amendment was, on page 39, line 17, after the word "dollars," to insert:

Provided, That of the sum herein appropriated not exceeding $20,000 may be expended for construction of an assembly building for the post at Fort Leavenworth, Kans.

The amendment was agreed to.

The next amendment was, on page 39, line 20, after the word "Kansas," to strike out "*Provided further*, That no part of the sum appropriated by this act shall be used to convert a mobile Army post of less grade or size than a regimental post into a regimental post or a regimental post into a brigade post."

The amendment was agreed to.

The next amendment was, in the item of appropriation for the transportation of the Army and its supplies, on page 43, line 2, before the word "dollars," to strike out "ten million seven hundred and twenty-three thousand five hundred and twenty-eight" and insert "eleven million two hundred and fifty thousand," so as to read:

For the purchase and repair of ships, boats, and other vessels required for the transportation of troops and supplies and for official, military, and garrison purposes; for expenses of sailing public transports and other vessels on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific Oceans, $11,250,000.

The amendment was agreed to.

The next amendment was, on page 43, line 12, before the word "dollars," to strike out "five hundred and ninety-eight thousand five hundred and fifty-seven" and insert "nine hundred and nineteen thousand six hundred," so as to read:

Roads, walks, wharves, and drainage: For the construction and repairs by the Quartermaster's Department of roads, walks, and wharves; for payment of extra-duty pay to enlisted men employed in opening roads and in building wharves; for the pay of employees; for the disposal of drainage; for dredging channels and for care and improvement of grounds at military posts and stations, $919,600.

The amendment was agreed to.

The next amendment was, on page 43, line 11, after the word "dollars," to strike out:

Provided further, That no part of this appropriation shall be expended at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allan, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

And insert:

Provided, That $70,000 of the sum herein appropriated may be used for the purchase of the tract of land now being leased from Mr. George W. Brackenridge for target and drill purposes, consisting of 310 acres, more or less, lying just north of the newly purchased ground of the military reservation of Fort Sam Houston, Tex., and extending to the county road recently completed around the reservation: *Provided further*, That $22,000 of the amount herein appropriated may be expended to macadamize the roadway upon the Government property between the United States Government experimental farm and the Arlington National Cemetery, in the county of Alexandria, Va.: *Provided further*, That $44,000 of the amount herein appropriated may be used for constructing a public road from a point near the southern end of the new Highway Bridge across the Potomac River to a convenient point on or near the southern boundary line of the Arlington Reservation, and, following said boundary line, as near as practicable, to the old county road, which passes centrally through the Arlington Reservation; thence along said road, improving and repairing it, to the northern boundary of the reservation; and that the Secretary of War is hereby authorized and directed to purchase or acquire by condemnation such piece or parcel of land as may be necessary for the construction of said road from the new Highway Bridge to the Arlington Reservation, said piece or parcel of land not to exceed 4 acres: *And provided further*, That $3,600 of the sum herein appropriated may be used for completing the macadamizing of the road between the city of Vancouver and the barracks at Vancouver Military Post: *Provided further*, That $30,000 of the amount herein appropriated, or so much thereof as may be necessary, may be used for draining and filling swamps within the Government reservation on Constitution Island, United States Military Academy, West Point, N. Y.

Mr. JONES. I desire to offer an amendment, to be inserted in line 3, page 44.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 44, line 3, after the word "reservation" it is proposed to insert:

Provided further, That $25,750 of the amount herein appropriated may be expended for the purchase of lands necessary and suitable for a target range at Vancouver Barracks, Wash.

The amendment to the amendment was agreed to.

Mr. FLETCHER. I desire to offer an amendment.

The PRESIDENT pro tempore. The Senator from Florida offers an amendment to the amendment, which will be stated.

The SECRETARY. Following the words "New York," on page 45, line 4, insert:

And provided further, That $50,000 of the amount herein appropriated, or so much thereof as may be necessary, may be used for filling in the ponds and low lands of Fort Taylor Military Reservation, at Key West, Fla.

Mr. KENYON. Mr. President, speaking for myself, I should like some information as to why the sum of $50,000 is to be appropriated for that purpose and $25,000 for a rifle range in Washington, when there are no facts before the Senate on the subject.

Mr. FLETCHER. I will say to the Senator that my amendment has been recommended by the War Department. This is an estimate furnished by the Quartermaster General of the

expenditure necessary to fill in low lands, ponds, and low places in the reservation at Key West.

The reservation there consists of some 62.8 acres, and the War Department has recommended that those low places be filled in in order that the sanitary conditions of the reservation may be improved and that these breeding places for mosquitoes may be done away with. The matter is considered by the department to be urgent, and it is so considered by the health authorities of Key West and of the State.

Mr. BRANDEGEE. If all these amendments are to be inserted, I should like to know how the total amount will be affected.

Mr. DU PONT. It will be affected very slightly. Fifty thousand dollars will have to be added, and the $25,000 for the target range at Vancouver Barracks will come out of the amount proposed to be appropriated.

Mr. BRANDEGEE. What I desire to know is what will be the amount of the appropriation in toto.

Mr. DU PONT. Nine hundred and nineteen thousand six hundred dollars.

Mr. JONES. Permit me to suggest that the amendment I offered provides that the amount shall come out of the fund of $919,600 already appropriated.

Mr. JOHNSTON of Alabama. The appropriation is provided on the previous page.

Mr. JONES. The committee amendment provides that of the appropriation embraced in this paragraph, $70,000, may be used at Fort Sam Houston, and my amendment merely provides that of the sum proposed to be appropriated the amount mentioned in my amendment may be used for the purpose specified.

Mr. BRANDEGEE. I simply wanted to know whether, if amendments are put on here as they may be offered for other sums and other purposes than were taken into consideration in the making up of the bill, when the amounts in the bill are calculated with reference to what the bill as reported recommends to be done, it would necessitate a further appropriation or a revision of all the other items of appropriation.

Mr. DU PONT. All the totals will be revised in conference to conform.

Mr. WARREN. I think this is what the Senator from Connecticut asks about: If a certain amount is stated in a paragraph, and a Senator offers an amendment to pay for a specific purpose a certain amount of that sum, whether the total should be increased accordingly, increasing the bill that much. Of course it must be that way.

Mr. BRANDEGEE. What I wish to know is whether it involves appropriating that much more, because the amendments in the form in which they have been offered, it seemed to me, provided that out of the sum appropriated there should be so much expended, and if that was so, it would necessitate adjusting the proportionate amount of the specific items to the entire sum.

Mr. WARREN. The total will have to be raised. The additional amount added in amendments will have to be added to the total of the appropriation under that particular head.

Mr. BRANDEGEE. If it is to be added to the total, then it is not out of the amount "appropriated herein," but is out of the total as it is going to be revised?

Mr. WARREN. Yes.

Mr. BRANDEGEE. That is, it amounts to an increase.

Mr. WARREN. Certainly. Now, if the Senator from Washington had offered his amendment to pay it out of that sum, it would necessitate raising the total amount.

Mr. JONES. I worded my amendment just exactly as the committee worded its amendment.

Mr. WARREN. But in each case the amount in the committee amendment is added to the total.

The PRESIDENT pro tempore. The question is on the amendment of the Senator from Florida.

The amendment to the amendment was agreed to.

Mr. WARREN. I understand that carries with it the addition of that amount to the total.

The PRESIDENT pro tempore. The clerks will correct the totals.

The next amendment was, on page 45, line 15, after the word "dollars," to strike out:

Provided, That no part of this appropriation shall be expended for permanent improvements at any of the following-named Army posts: Fort Apache, Boise Barracks, Fort Brady, Fort Clark, Fort George Wright, Fort Jay, Fort Lincoln, Fort Logan H. Root, Fort McIntosh, Fort McKenzie, Madison Barracks, Fort Meade, Fort Niagara, Fort Ontario, Fort Wayne, Whipple Barracks, Fort William Henry Harrison, Fort Yellowstone, Fort Ethan Allen, Plattsburg Barracks, Fort Robinson, Fort Missoula, Fort Logan, Fort Douglas, and Fort D. A. Russell.

And insert:

Provided, That not exceeding $1,000 of the sum herein appropriated, together with the unexpended balance, which is hereby reappropriated, of the appropriation in the Army appropriation act approved March 3, 1911, for the improvement of the Crow Creek or Fort D. A. Russell Target and Maneuver Reservation, Wyo., may be expended by the Secretary of War, in his discretion, in the acquirement by purchase or condemnation proceedings of certain tracts of land required for the maneuvering of troops and other military purposes lying within the limits of the aforesaid reservation.

Mr. POMERENE. Mr. President, I desire to ask a question for information. I notice that in the proposed amendment $1,000 is appropriated, together with the unexpended balance, but there is nothing to state what that amount is.

Mr. DU PONT. I will ask the Senator from Wyoming, who is perfectly familiar with the details, to answer that.

Mr. WARREN. It may be $90 or it may be a thousand dollars. In the purchases that were made under the original appropriation they fell short somewhere from $800 to $1,000. The exact amount is not yet certain, because one or two cases have been in court, and the award has been made, but some of the little expenses have not been covered; $1,000 is the limit of additional appropriation.

Mr. POMERENE. I did not rise to make any objection to the amendment, except as to the indefiniteness of it.

Mr. WARREN. The original appropriation was $100.000, and that has been exhausted within a few dollars, and the total expenditure will run, when the matter is closed up, anywhere from $105,000 to $108,000 altogether.

The amendment was agreed to.

The next amendment was, on page 46, after line 9, to insert:

Construction and maintenance of military and post roads, bridges, and trails, Alaska: For the construction, repair, and maintenance of military and post roads, bridges, and trails in the District of Alaska, to be expended under the direction of the board of road commissioners described in section 2 of an act entitled "An act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the District of Alaska, and for other purposes," approved January 27, 1905, as amended by the act approved May 14, 1906, and to be expended conformably to the provisions of said act as amended, $125,000.

The amendment was agreed to.

The next amendment was, on page 47, line 7, before the word "dollars," strike out "four hundred and fifty thousand" and insert "six hundred thousand," so as to read:

Barracks and quarters, Philippine Islands: Continuing the work of providing for the proper shelter and protection of officers and enlisted men of the Army of the United States lawfully on duty in the Philippine Islands, including repairs and payment of rents, the acquisition of title to building sites, and such additions to existing military reservations as may be necessary, and including also shelter for the animals and supplies, and all other buildings necessary for post administration purposes, $600,000.

The amendment was agreed to.

The next amendment was, on page 48, line 5, before the word "dollars," to strike out "four million eight hundred and thirteen thousand two hundred and seventy-one" and insert "five million four hundred and thirty-one thousand seven hundred," so as to make the clause read:

Clothing and camp and garrison equipage: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning when necessary; for equipage, and for expenses of packing and handling and similar necessaries; for a suit of citizen's outer clothing, to cost not exceeding $10, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge; for indemnity to officers and men of the Army for clothing and bedding, etc., destroyed since April 22, 1898, by order of medical officers of the Army for sanitary reasons, $5,431,700.

The amendment was agreed to.

The next amendment was, on page 50, after line 22, to insert:

For settlement of claims for damages to and loss of private property belonging to citizens of the United States, Hawaii, and the Philippine Islands, $32,616: *Provided*, That hereafter the Secretary of War is authorized to consider, ascertain, adjust, and determine the amounts due on all claims for damages to and loss of private property when the amount of the claim does not exceed the sum of $1,000, occasioned by heavy gun fire and target practice of troops, and for damages to vessels, wharves, and other private property found to be due to maneuvers or other military operations for which the Government is responsible, and report the amounts so ascertained and determined to be due the claimants to Congress at each session thereof through the Treasury Department for payment as legal claims out of appropriations that may be made by Congress therefor.

The amendment was agreed to.

The next amendment was, on page 51, after line 12, to insert:

For the payment of claims of Indians and other claimants for the value of improvements made by them upon lands subsequently included in the Fort William H. Seward Military Reservation, $2,384.

The amendment was agreed to.

The next amendment was, on page 51, after line 17, to insert:

For reimbursement to one officer and certain enlisted men of the Army the money value of clothing worn out by them in the summer of 1910 while fighting forest fires in the Northwest, $15,862.08.

Mr. OVERMAN. I should like to inquire of the chairman of the committee how many enlisted men were engaged in fighting fires.

Mr. DU PONT. I can not state directly, but my impression is that only one company—probably 40 or 50 men.

Mr. OVERMAN. And is it proposed to give $15,000 to only one company for fighting fires?

Mr. DU PONT. I may be wrong in the number of men, but they were ordered out for the purpose, and the loss was sustained.

Mr. OVERMAN. It is too indefinite to appropriate for certain soldiers fighting fire $15,000.

Mr. DU PONT. The item was sent to us by the War Department in a rather indefinite way.

Mr. JOHNSTON of Alabama. I will state to the Senator from North Carolina that the estimate was sent down; that an appraisement was made by a board of officers of the loss sustained, and it included a great many fires and a great many men, certainly more than one company.

Mr. DU PONT. I was mistaken in supposing that it was only one company.

Mr. JOHNSTON of Alabama. I thought the Senator was mistaken.

Mr. OVERMAN. Where were these soldiers located?

Mr. JOHNSTON of Alabama. In the West.

Mr. DU PONT. In the Middle West.

Mr. JOHNSTON of Alabama. Where the fires occurred.

Mr. DU PONT. They were located in Montana, Idaho, South Dakota, Oregon, and Washington.

Mr. OVERMAN. Where the fires took place?

Mr. DU PONT. Yes, sir.

Mr. OVERMAN. Can the Senator give any idea about how many men there were?

Mr. DU PONT. I can now tell the Senator. I was totally wrong. There were 1 officer and 1,203 enlisted men. I see it stated here in the hearings.

Mr. OVERMAN. Over $100 apiece that we propose to pay them.

Mr. BRIGGS. Do I understand that if $15,000 is paid to 1,203 men it will total $100 apiece?

Mr. OVERMAN. Something over $10 apiece.

The amendment was agreed to.

The reading of the bill was continued to page 52, line 3.

Mr. DU PONT. In page 53, line 3, after the word "hospitals," I move to insert a comma.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment of the Committee on Military Affairs was, under the subhead "Engineer Department," on page 54, line 14, before the word "expenses," to strike out "unforseen" and insert "unforeseen," so as to make the clause read:

Engineer depots: For incidental expenses for the depots, including fuel, lights, chemicals, stationery, hardware, machinery, pay of civilian clerks, mechanics, and laborers, extra-duty pay to soldiers necessarily employed for periods not less than 10 days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for lumber and materials and for labor for packing and crating engineer supplies; repairs of and for materials to repair public buildings, machinery, and for unforeseen expenses, $20,000.

The amendment was agreed to.

The next amendment was, on page 55, line 7, after the word "laborers," to insert "compensation of civilian lecturers and payment of tuition fees of student officers at civil technical institutions,," and in line 17, before the word "expenses," to strike out "unforseen" and insert "unforeseen," so as to read:

Engineer School, Washington, D. C.: Equipment and maintenance of the Engineer School at Washington Barracks, District of Columbia, including purchase of instruments, machinery, implements, models, and materials for the use of the school and for instruction of engineer troops in their special duties as sappers and miners; for land mining, pontoniering, and signaling; for purchase and binding of professional works and periodicals of recent date treating of military and civil engineering and kindred scientific subjects for the library of the United States Engineer School; for incidental expenses of the school, including fuel, lights, chemicals, stationery, hardware, machinery, and boats; for pay of civilian clerks, draftsmen, electricians, mechanics, and laborers; compensation of civilian lecturers and payment of tuition fees of student officers at civil technical institutions; for extra-duty pay to soldiers necessarily employed for periods of not less than 10 days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, telegraph operators, telephone operators, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers; for repairs of and materials to repair public buildings and machinery; for unforeseen expenses; for travel expenses of officers on journeys approved by the Secretary of War and made for the purpose of instruction.

The amendment was agreed to.

The next amendment was, under the subhead "Ordnance Department," on page 57, line 3, after the words "Chief of Ordnance," to strike out "$300,000" and insert "$337,118.30, of which amount the sum of $118.30 shall be used for the reimbursement of the Ordnance Department on account of the loss of arms, arm chests, and screw drivers, issued to the Post Office Department," so as to make the clause read:

Ordnance service: For the current expenses of the Ordnance Department, in connection with purchasing, receiving, storing, and issuing ordnance and ordnance stores, comprising police and office duties, rents, tolls, fuel, light, water, and advertising, stationery, typewriters and adding machines, including their exchange, and office furniture, tools, and instruments of service; for incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance stores; and for publications for libraries of the Ordnance Department, including the Ordnance Office, and payment for mechanical labor in the office of the Chief of Ordnance, $337,118.30, of which amount the sum of $118.30 shall be used for the reimbursement of the Ordnance Department on account of the loss of arms, arm chests, and screw drivers, issued to the Post Office Department.

The amendment was agreed to.

The next amendment was, on page 57, line 21, before the word "dollars," to strike out "two hundred and fifty thousand" and insert "three hundred and fifty thousand," so as to read:

Ordnance stores—Ammunition: Manufacture and purchase of ammunition and materials therefor for small arms for reserve supply; ammunition for burials at the National Soldiers' Home in Washington, D. C.; ammunition for firing the morning and evening gun at military posts prescribed by General Orders, No. 70, Headquarters of the Army, dated July 23, 1867, and at National Home for Disabled Volunteer Soldiers and its several branches, including National Soldiers' Home in Washington, D. C., and soldiers' and sailors' State homes, $350,000.

The amendment was agreed to.

The next amendment was, on page 58, line 11, before the word "dollars," to strike "seven hundred and forty thousand" and insert "eight hundred and seventy-five thousand," so as to read:

Small-arms target practice: Ammunition, targets, and other accessories for small-arms and machine-gun target practice and instruction; marksmen's medals, prize arms, and insignia for all arms of the service; and ammunition, targets, target material, and other accessories may be issued for small-arms target practice and instruction at the educational institutions and State soldiers' and sailors' orphans' homes, to which issues of small arms are lawfully made, under such regulations as the Secretary of War may prescribe, provided the total value of the stores so issued to the educational institutions does not exceed $30,000, $875,000.

The amendment was agreed to.

The next amendment was, on page 58, line 16, before the word "dollars," to strike out "six hundred thousand" and insert "seven hundred thousand," so as to make the clause read:

Manufacture of arms: For manufacturing repairing, procuring, and issuing arms at the national armories, $700,000.

The amendment was agreed to.

The next amendment was, on page 58, line 24, before the word "dollars," to strike out "seven hundred thousand" and insert "seven hundred and fifty thousand," so as to make the clause read:

Ordnance stores and supplies: For overhauling, cleaning, repairing, and preserving ordnance and ordnance stores in the hands of troops and at the arsenals, posts, and depots; for purchase and manufacture of ordnance stores to fill requisitions of troops; for Infatnry, Cavalry, and Artillery equipments, including horse equipments for Cavalry and Artillery, $750,000.

The amendment was agreed to.

The next amendment was, on page 59, line 17, before the word "dollars," to strike out "one hundred thousand" and insert "two hundred thousand," so as to make the clause read:

Automatic machine rifles: For the purchase, manufacture, and test of automatic machine rifles, including their sights and equipments, to be available until the close of the fiscal year ending June 30, 1914, $200,000.

The amendment was agreed to.

The next amendment was, on page 60, line 4, before the word "dollars," to strike out "seven hundred and seventy thousand" and insert "one million two hundred and fifty thousand," and in line 6, before the word "available," to strike out "immediately available and to remain," so as to read:

Field Artillery for Organized Militia: For the purpose of procuring field artillery material for the Organized Militia of the several States, Territories, and the District of Columbia, without cost to the said States, Territories, or the District of Columbia, but to remain the property of the United States and to be accounted for in the manner now prescribed by law, the Secretary of War is hereby authorized, under such regulations as he may prescribe, on the requisitions of the governors of the several States and Territories or the commanding general of the Militia of the District of Columbia, to issue said artillery material to the Organized Militia; and the sum of $1,250,000 is hereby appropriated and made available until the end of the fiscal year 1914 for the procurement and issue of the articles constituting the same.

The amendment was agreed to.

The next amendment was, on page 60, after line 20, to insert:

Ammunition for Field Artillery for Organized Militia: For procuring reserve ammunition for Field Artillery for the Organized Militia of the several States, Territories, and the District of Columbia, $500,000.

The amendment was agreed to.

The next amendment was, at the top of page 61, to insert:

There is hereby appropriated, out of any money in the United States Treasury not otherwise appropriated, the sum of $33,000 to reim-

burse the government of the District of Columbia for the site acquired for a reformatory for the District of Columbia, which site is hereby transferred to the Secretary of War for such purposes as may be authorized by law, and the jurisdiction now vested in the Commissioners of the District of Columbia over said site, being that certain parcel of land in the county of Fairfax, State of Virginia, known as "Belvoir" or the "White House" tract, containing 1,500 acres, is hereby transferred to the Secretary of War: *Provided*, That the Secretary of War may, in his discretion, authorize the Commissioners of the District of Columbia to use such of the clay deposits on said site as may be required in the brick manufacturing plant in the Workhouse Institution at Occoquan, Va.: *And provided further*, That the sum herein appropriated is hereby made available for the purposes contained in the District appropriation act approved March 31, 1909, under the title of "sites for reformatory and workhouse," as amended by the provision contained in the urgent deficiency act approved August 5, 1909; and the provision contained in the act approved March 31, 1909, that the two tracts of land to be acquired as sites for a reformatory and workhouse shall be widely separated; and all laws and parts of laws in conflict herewith are hereby repealed.

The amendment was agreed to.

The next amendment was, on page 62, after line 2, to strike out section 2, as follows:

SEC. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments hereafter accomplished five years shall be counted as an enlistment period in computing continuous-service pay.

The amendment was agreed to.

The next amendment was, on page 62, after line 6, to strike out section 3, as follows:

SEC. 3. That all laws and parts of laws authorizing increase of the pay of commissioned officers and enlisted men of the Army serving beyond the limits of the States comprising the Union, and the Territories of the United States contiguous thereto, are hereby repealed to the extent to which such increase of pay is authorized by such laws.

The amendment was agreed to.

The next amendment was, on page 62, after line 12, to strike out section 4, as follows:

SEC. 4. That the office establishments of the Quartermaster General, the Commissary General, and the Paymaster General of the Army are hereby consolidated and shall hereafter constitute a single bureau of the War Department, which shall be known as the Quartermaster Corps, and of which the Chief of the Quartermaster Corps created by this act shall be the head. The Quartermaster's, Subsistence, and Pay Departments of the Army are hereby consolidated into and shall hereafter be known as the Quartermaster Corps of the Army. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the Quartermaster Corps in the manner and to the extent to which they now apply to the Quartermaster's, Subsistence, and Pay Departments, and the provision of said sections of said act relative to chiefs of staff corps and departments shall, so far as they are applicable, apply to all offices and officers of the Quartermaster Corps with rank above that of colonel. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the Quartermaster Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred. The noncommissioned officers now known as post quartermaster sergeants and post commissary sergeants shall hereafter be known as quartermaster sergeants; the Army paymaster's clerks shall be known as pay clerks, and each of said noncommissioned officers and pay clerks shall continue to have the pay, allowances, rights, and privileges now allowed him by law: *Provided*, That no details to fill vacancies in the grade of major in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 11, and thereafter the number of officers in said grades shall not exceed 46; and no details to fill vacancies in the grade of captain in the Quartermaster Corps shall be made until after the number of officers of that grade shall be reduced by 31, and thereafter the number of officers of said grade shall not exceed 100; and whenever the separation of a line officer of any grade and arm from the Quartermaster Corps shall create therein a vacancy that, under the terms of this proviso, can not be filled by detail such separation shall operate to make a permanent reduction of one in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That whenever the Secretary of War shall decide that it is necessary and practicable, regimental, battalion, and squadron quartermasters and commissaries shall be required to perform any duties that junior officers of the Quartermaster Corps may properly be required to perform, and regimental and battalion quartermaster and commissary sergeants shall be required to perform any duties that noncommissioned officers or pay clerks of the Quartermaster Corps may properly be required to perform: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of the Quartermaster's, Subsistence, or Pay Departments shall hereafter be performed by such officer or officers of the Quartermaster Corps as the Secretary of War may designate for the purpose: *Provided further*, That there shall be a Chief of the Quartermaster Corps, who shall have the rank of major general while so serving, and who shall be appointed by the President, by and with the advice and consent of the Senate, from among the officers of said corps and in accordance with the requirements of section 26 of the act of Congress approved February 2, 1901, hereinbefore cited: *Provided further*, That when the first vacancy in the grade of brigadier general in the Quartermaster Corps, except a vacancy caused by the expiration of a limited term of appointment, shall hereafter occur, that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That the Quartermaster Corps shall be subject to the supervision of the Chief of Staff to the extent the departments hereby consolidated into said corps have heretofore been subject to such supervision under the terms of the existing law.

Mr. LODGE. In order to perfect the part proposed to be stricken out, I send an amendment to the desk and ask that it be read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. At the end of line 23, on page 63, after the word "occurred," it is proposed to insert the following proviso:

Provided, That every permanent officer of the consolidated corps on the active list and below the grade of colonel who has lost in relative rank, through the inequalities of promotion and the operation of separate promotion within the three departments prior to the passage of this act, may, in the discretion of the President and subject to examination for promotion as prescribed by law, be advanced to higher grades in the consolidated corps, up to and including the grade of colonel, in accordance with the rank he would have been entitled to hold had promotions been lineal and on one list throughout the three departments consolidated by this act since the date of his entry into the department to which he permanently belongs: *Provided further*, That officers advanced to higher grades under the terms of the preceding proviso shall be additional officers in those grades.

Mr. LODGE. Mr. President, I offer that amendment to this portion of the bill which it is proposed to strike out and which I suppose will be agreed to in conference, as it was before, in some form. I offer it in the hope of curing a very serious injustice to three or four officers now in the Commissary Department. It affects only three or four officers, but it is none the less very unjust and should not be allowed to pass without proper consideration.

In the Commissary Department there are the three or four officers I have spoken of, one of whom is personally known to me and others are personally known to the junior Senator from New York [Mr. O'GORMAN]. The officer I have particularly in mind entered the Army during the Spanish War, was wounded in Cuba, and served in the Philippines. He has been in the Army ever since and has a most excellent record.

Two years ago we enlarged the Quartermaster's Corps by some 29 additions, I think. Under the bill as it stands, when they are consolidated, owing to an enlargement of the Quartermaster's Corps, these officers in the Commissary Department will find themselves put back to such an extent as almost to be deprived of promotion before they are very elderly men. They find themselves put back behind men who have entered the Army since they have and who have seen no such service as they have.

The consolidation ought to be so arranged, as it can be under this amendment—which I did not trust myself to prepare, but had it prepared at the department, so that it might be exact—that they shall have the lineal rank in the consolidated corps. I have been unable to see any good argument against it or to hear any. I think it is an injustice that ought not to be permitted. I want simply to have it submitted to the conferees.

Mr. JOHNSTON of Alabama. Do I understand the Senator to say that four officers are affected by his amendment?

Mr. LODGE. I think there are only three or four. There may be five. I know the number is very small. They are officers in the Commissary Department. As I said, the junior Senator from New York knows about a similar case to the one I have mentioned, and there are two or three others.

Mr. O'GORMAN. Mr. President, I have but a word to say in connection with this proposed amendment. It is a fact that three or four officers of the Army, who have served for many years, believe that a serious injustice will be done to them if the bill is passed as it is proposed. I think they have good reason for believing that an injustice is being done them, and the only way we can relieve them from suffering the injustice is to adopt the amendment proposed by the Senator from Massachusetts.

Mr. WARREN. I suppose the Senator knows that this, with the other provisions, will have to be subject to action by the conferees.

Mr. LODGE. I understand that it will be subject to the conference, and I thought if it was put in by the Senate it is possible that the House conferees might give it some attention.

Mr. WARREN. I think it should have attention.

Mr. LODGE. The Senator from Wyoming I know in the last conference took up this matter and did all he could in their behalf, although it was not in the bill then. He tried to get a modification, and I am hoping that in bringing the matter in in this way the House conferees may be persuaded to do justice to these three or four officers. It does no injustice to anybody. It does not put them over the heads of anyone who has had longer service.

Mr. WARREN. I only want to suggest that probably it will be necessary to change the form of it, because under one con-

struction which has been given it adds about $191,000 a year. Of course we do not want to do that. Under another construction it adds still more. We want to protect the men the Senator has in mind.

Mr. OVERMAN. It adds how much to the bill?

Mr. WARREN. Under one statement other officers would be affected, and to reach all it would add about $190,000.

Mr. OVERMAN. Do I understand that the amendment increases the appropriation?

Mr. LODGE. It does not increase it at all.

Mr. WARREN. If it can be confined to the three or four officers, in fact, the increase would be very sight.

Mr. OVERMAN. I understood the Senator to say that it might add $190,000 to the bill.

Mr. WARREN. I said, under one statement made here, if these men are thus protected, and others are protected accordingly, it would then amount to $190,000 and something.

Mr. LODGE. I have been assured by the War Department that there are no other cases.

Mr. OVERMAN. We ought to be certain about it. We ought to know the facts.

Mr. LODGE. It affects only three or four officers.

Mr. OVERMAN. I have no objection to it if it does not add to the appropriation.

Mr. LODGE. Of course, it does not add $190,000. It makes no material difference. They simply get the lineal rank.

Mr. OVERMAN. If it were proposed to put something in the bill for these four men, adding $190,000, I should be opposed to it.

Mr. LODGE. Of course I would not suggest any such thing. If this is done they get the promotion of other men who entered the Army after them. It does not add to the expense, but only gives these men the place in rank they are entitled to have.

Mr. OVERMAN. I hope the conferees will see that it is taken care of and carry out the idea suggested by the Senator from Massachusetts. With that understanding I will vote for it.

Mr. JONES. Mr. President, I simply want to add to what the Senator from Massachusetts said by stating that the case of one of the officers affected has been called to my attention. He was in the service at Seattle. I have a letter here, but I can not find it in my desk now. If I find it later I shall put it in the RECORD. In that letter it was stated that if the bill was passed the way the organization is provided for here, officers over whom he had served for more than 20 years would have promotion ahead of him, and of course that ought not to be permitted.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection, the amendment as amended is agreed to.

The next amendment was, at the top of page 66, to strike out section 5, as follows:

SEC. 5. That as soon as practicable after the creation of a quartermaster corps in the Army not to exceed 4,000 civilian employees of that corps, receiving a monthly compensation of not less than $30 nor more than $175 each, not including civil engineers, superintendents of construction, inspectors of clothing, clothing examiners, inspectors of supplies, inspectors of animals, chemists, veterinarians, freight and passenger rate clerks, employees of the classified service, employees of the Army transport service and harbor-boat service, and such other employees as may be required for technical work, shall be replaced permanently by not to exceed an equal number of enlisted men of said corps, and all enlisted men of the line of the Army detailed on extra duty in the quartermaster corps or as bakers or assistant bakers shall be replaced permanently by not to exceed 2,000 enlisted men of said corps; and for the purposes of this act the enlistment in the military service of not to exceed 6,000 men, who shall be attached permanently to the quartermaster corps and who shall not be counted as a part of the enlisted force provided by law, is hereby authorized: *Provided*, That the enlisted force of the quartermaster corps shall consist of not to exceed 15 master electricians, 600 sergeants (first class), 1,005 sergeants, 650 corporals, 2,500 privates (first class), 1,190 privates, and 45 cooks, all of whom shall receive the same pay and allowances as enlisted men of corresponding grades in the Signal Corps of the Army, and shall be assigned to such duties pertaining to the quartermaster corps as the Secretary of War may prescribe: *Provided further*, That the Secretary of War may fix the limits of age within which civilian employees who are actually employed by the Government when this act takes effect and who are to be replaced by enlisted men under the terms of this act may enlist in the quartermaster corps: *Provided further*, That nothing in this section shall be held or construed so as to prevent the employment of the class of civilian employees excepted from the provisions of this act or the continued employment of civilians included in the act until such latter employees have been replaced by enlisted men of the quartermaster corps.

The amendment was agreed to.

The next amendment was, on page 67, after line 16, to strike out section 6, as follows:

SEC. 6. That the office establishments of The Adjutant General, the Inspector General, and the Chief of Staff of the Army are hereby consolidated, and shall hereafter constitute a single bureau of the War Department, which shall be known as the Bureau of the General Staff, and of which the Chief of Staff shall be the head. The Adjutant General's and Inspector General's Departments of the Army are hereby consolidated and merged into the General Staff Corps. The officers of said departments shall hereafter be known as officers of said corps and by the titles of the rank held by them therein, and, except as hereinafter specifically provided to the contrary, so far as the officers hereby transferred to the General Staff Corps, and the offices held by them, may be affected, the provisions of sections 26 and 27 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," are hereby extended so as to apply to the General Staff Corps in the manner and to the extent to which they now apply to The Adjutant General's and the Inspector General's Departments; but nothing in said sections shall be held to apply to any officers of the General Staff Corps except the officers transferred to that corps from The Adjutant General's and Inspector General's Departments by the terms of this act, and nothing in said sections or in this act shall be held or construed so as to nullify or change any of the provisions of existing law as to the detail of officers for duty as Chief of Staff, or as to the period for which officers so detailed may serve, and no officer who shall have served four years as Chief of Staff shall, except in case of emergency or in time of war, be eligible for further service as Chief of Staff until after he shall have served for at least two years with the line of the Army or on such other duty not pertaining to the General Staff Corps as the President may direct. The officers now holding commissions as officers of the said departments shall hereafter have the same tenure of commission in the General Staff Corps, and as officers of said corps shall have rank of the same grades and dates as that now held by them, and, for the purpose of filling vacancies among them, shall constitute one list, on which they shall be arranged according to rank. So long as any officers shall remain on said list any vacancy occurring therein shall be filled, if possible, from among such officers, by selection if the vacancy occurs in a grade above that of colonel, and, if the vacancy occurs in a grade not above that of colonel, by the promotion of an officer who would have been entitled to promotion to that particular vacancy if the consolidation of departments hereby prescribed had never occurred: *Provided*, That, except as otherwise specifically provided in this act, after the consolidation of bureaus, departments, and corps hereinbefore provided for shall have been effected, no details to fill vacancies in the grade of colonel in the General Staff Corps shall be made until the number of officers of that grade in said corps shall have been reduced by 3 and thereafter the number of officers of said grade in said corps shall not exceed 10; and no details to fill vacancies in the grade of lieutenant colonel in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 4, and thereafter the number of officers of said grade in said corps shall not exceed 14; and no details to fill vacancies in the grade of major in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 7, and thereafter the number of officers of said grade in said corps shall not exceed 25; and no details to fill vacancies in the grade of captain in the General Staff Corps shall be made until after the number of officers of that grade in said corps shall have been reduced by 11, and thereafter the number of officers of said grade in said corps shall not exceed 10; and whenever the separation of a line officer of any grade and arm from the General Staff Corps shall create therein a vacancy that, under the terms of this proviso, can not be filled by detail such separation shall operate to make a permanent reduction of 1 in the total number of officers of said grade and arm in the line of the Army as soon as such reduction can be made without depriving any officer of his commission: *Provided further*, That such duty or duties as are now required by law to be performed by any officer or officers of The Adjutant General's or Inspector General's Department shall hereafter be performed by such officer or officers of the General Staff Corps as the Secretary of War may designate for the purpose: *Provided further*, That when a vacancy in the grade of major general shall occur among the officers hereby transferred to the General Staff Corps that vacancy shall not be filled, but the office in which the vacancy occurs shall immediately cease and determine: *Provided further*, That officers now holding commissions as officers of either of the departments hereby consolidated with the General Staff Corps may at any time, in the discretion of the President, and shall, whenever they shall have served four years as members of said corps, be detached therefrom and assigned to duty with the line of the Army, or to such other duty not pertaining to the General Staff Corps as the President may direct, and they shall not be returned to duty in said corps until they shall have served for two years under detachment therefrom except in cases of emergency or in time of war, and during their detachment from said corps their places therein may be filled by the selection and detail, under such regulations as the President may prescribe, of line officers having the same rank, respectively, as the officers whose places said line officers are to fill: *Provided further*, That officers of the line of the Army who are now, or who shall hereafter be, detailed for service in any staff corps or department under the provisions of section 26 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," may at any time, in the discretion of the President, be relieved from such service and returned to duty with the line: *Provided further*, That, in order to expedite the reduction of the number of officers of the consolidated General Staff Corps to the limit contemplated by this act, officers who now hold commissions as officers of either of the departments hereby consolidated with the General Staff Corps, and who are eligible for retirement from active service under any laws existing at the date of the approval of this act, shall, upon their own applications, and may, in the discretion of the President, be retired from active service: *Provided further*, That all officers of the line of the Army now detailed for service in either of the departments hereby consolidated with the General Staff Corps shall be relieved from duty in said corps at the expiration of their present periods of detail, or sooner if the President shall so direct, and all officers hereafter detailed for service in said corps shall be relieved therefrom at the expiration of four years of such service, or sooner if the President shall so direct, and no officer who shall have served for four years under detail in said corps shall be eligible for further service therein until after he shall have served at least two years with the branch of the Army in which commissioned, except in case of emergency or in time of war: *Provided further*, That hereafter, when any officer shall, under the provisions of section 26 of the act of Congress approved February 2, 1901, entitled "An act to increase the efficiency of the permanent military establishment of the United States," be appointed or reappointed to an office with rank above that of colonel his appointment to said office and his acceptance of the appointment shall not create a vacancy in the arm, corps, or department from which he shall be appointed, but he shall retain therein the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office unless he shall be reappointed thereto.

The amendment was agreed to.

The next amendment was, on page 73, after line 12, to strike out section 7, as follows:

SEC. 7. That hereafter no vacancies occurring in the grade of major general in the line of the Army shall be filled until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers of said grade shall not exceed four; that hereafter no vacancies occurring in the grade of brigadier general in the line of the Army shall be filled until after the number of officers of that grade shall have been reduced by five, and thereafter the number of officers of said grade shall not exceed eleven; and for the purposes of this act general officers not commissioned as officers of any of the staff corps or departments of the Army shall be regarded as general officers of the line: *Provided*, That hereafter the number of officers above the grade of colonel who shall be members of the General Staff Corps under the provisions of section 3 of the act of Congress approved February 14, 1903, entitled "An act to increase the efficiency of the Army," shall be two: *Provided further*, That hereafter service as a cadet of the United States Military Academy or as a naval cadet or midshipman shall not be counted in computing for any purpose the length of service of any officer of the Army: *Provided further*, That hereafter service as a cadet, naval cadet, or midshipman at either the United States Military or Naval Academies, exclusive of the sea service as prescribed by law upon completion of the academic course and preliminary to final graduation at the latter institution, shall not be counted in computing for any purpose the length of service of any officer of the Army.

The amendment was agreed to.

The next amendment was, on page 74, after line 14, to strike out section 8, as follows:

SEC. 8. That the appropriations herein provided for the several departments consolidated under this act shall be available for the consolidated corps herein created.

The amendment was agreed to.

The next amendment was, on page 74, after line 17, to strike out section 9, as follows:

SEC. 9. That nothing in this act shall be held or construed so as to separate any officer from the Army or to diminish the rank now held by him, and that all laws and parts of laws, so far as they are inconsistent with the terms of this act, be, and they are hereby, repealed.

The amendment was agreed to.

Mr. OVERMAN. I wish to ask the Senator from Delaware, in charge of the bill, what is the amount of the total appropriation carried by the bill?

Mr. DU PONT. I would state to the Senator from North Carolina that, as reported to the Senate, the bill carries $94,042,630.98.

Mr. OVERMAN. How does that compare with last year's bill?

Mr. DU PONT. In last year's bill the amount appropriated was $92,587,785.97.

Mr. OVERMAN. The amount carried by the bill, as passed by the House of Representatives, is something over $87,000,000, and you have added $6,000,000, making $94,000,000. So, really, the bill carries $2,000,000 more than the bill of last year?

Mr. WARREN. About a million and a half more.

Mr. DU PONT. About a million and a half more.

Mr. JOHNSTON of Alabama. The House left out the provision for the Cavalry.

Mr. BACON. I send an amendment to the desk in a modified form, and ask that it may be read. I presume that as good a place as anywhere for it to come in will be at the end of the bill.

Mr. DU PONT. I ask that the amendment may be read.

The PRESIDENT pro tempore. The Senator from Georgia submits an amendment, which will be stated.

Mr. BACON. I presume that usually the repealing clause is separate, but in this case it is made a part of the sentence. I do not know how to insert my amendment without making a change in that particular.

Mr. DU PONT. Does the Senator from Georgia inquire where the amendment should be inserted?

Mr. BACON. I would put it at the close of the bill.

Mr. DU PONT. I should say it would be best to put it on page 60, after line 25.

Mr. BACON. Very well; make it a new paragraph.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. On page 60, after line 25, it is proposed to insert:

Except as herein provided or specifically otherwise provided by statute the money herein appropriated for the pay and supplies of the Army shall be used only for the pay and supplies of the Army on duty in the United States and in the territory subject to the laws and jurisdiction of the United States; and no part of the money herein appropriated shall be used for the pay or supplies of any part of the Army of the United States employed, stationed, or on duty in any country or territory beyond the jurisdiction of the laws of the United States or in going to or returning from points within the same: *Provided*, That this prohibition shall not apply to cases of emergency within the discretion of the President arising at a time when the Congress of the United States is not in session. In every case when, while Congress is not in session as aforesaid, any part of the Army shall be ordered for duty into any country or territory beyond the jurisdiction of the laws of the United States, it shall be the duty of the Secretary of War to report to the Congress at the beginning of the next ensuing session the authority for such order, the number and designation of the troops so ordered on duty in said foreign country, and the operation of said troops under said order; and no part of the money herein appropriated shall be used for the pay and supplies of said part of the Army remaining in said foreign country beyond the term of 10 days after the beginning of the next ensuing session of Congress unless expressly authorized thereto by act of Congress.

Mr. LODGE. Mr. President, I make the point of order on the amendment that it is clearly general legislation changing existing law, and not reported by any standing or select committee.

Mr. BACON. Mr. President, I thought I had the floor.

Mr. LODGE. I do not think anyone can hold the floor on a point of order; at least I never saw it done here.

Mr. BACON. Possibly not.

The PRESIDENT pro tempore. The Senator from Georgia.

Mr. BACON. I have very little to say about the amendment, although possibly on another occasion I might have a good deal to say about it. I simply wish to explain the purpose of the amendment.

Mr. President, we have come to a stage where the executive department orders the Army of the United States into foreign countries, not only without the authority of Congress, not only when Congress is not in session, but when Congress is in session, and without even communicating the fact to Congress. We have now in China I do not know how many troops, but I suppose from what I have seen in the newspapers at the time that they were sent from Manila—which, by the way, was done, if I recollect aright, while Congress was in session, without a word to Congress about it.

Mr. DU PONT. I can say to the Senator from Georgia that there are eight companies there—two battalions.

Mr. BACON. Eight companies, amounting, I presume, to about 800 or a thousand men.

Mr. President, there is not on the statute books a line or a letter which authorizes the sending of those troops into China. They have been there ever since some time last winter or probably in the early part of the winter; I do not recollect accurately about that; it is given out that they are guarding a railroad—guarding a railroad under no treaty, under no statute law or treaty law, simply a pure act of the executive department, under the authority of the War Department alone or under the direction of the President of the United States.

Mr. President, the authority to send a thousand men implies the authority to send 10,000 men or 50,000 men; and unless we are to abdicate the functions of Congress, it is time, in my opinion, when that matter should be brought to an issue. It should be determined whether or not in this country, under a government of law, as it should be, and not of men, it is competent for the Executive or the officers under the Executive to order soldiers, a part of the Army of the United States, into a foreign country, not only without the authority of Congress, but without even deigning to inform Congress of the fact. I understand that those troops are in China under some agreement that was entered into by military officers after the Boxer War about what particular part each Government represented by troops there should afterwards play in the arrangement which they made for the purpose of thereafter preserving peace in that country. If we had made a treaty to that effect, there would have been the authority of treaty law; but there was no treaty and never any suggestion of a treaty.

I may be mistaken, but I do not remember even that there was ever a communication of the Executive sent to Congress at the time we had the Army operations in the Boxer War, a time, I think, when the present Senator from New York [Mr. ROOT] was Secretary of War, if I am not mistaken in my recollection.

I do not, of course, question the propriety in that emergency of the Government acting in a way which was necessary for the protection of the lives, to say nothing of the property of our legation there and of our citizens who were there under its protection, but I did say at the time that I thought it had been carried beyond the warrant of law. While I recognize that in that case there was an emergency and it was an impossibility to assemble Congress, there was no time to wait, and there should have been a rescue. I recollect very distinctly that there were after that time the most elaborate preparations made in the way of providing quartermaster's supplies, ordnance stores, commissary stores, and all the supplies and paraphernalia of a regular invading army as if for a lengthy or permanent occupation of China, and I recollect very distinctly having something to say about that in the Senate. I think it was at the time when we had one of the Philippine bills up when there was a proposition to clothe the President of the United States with absolute autocratic power in the Philippines, and I took occasion to animadvert upon that.

But that is past history; it is done and over, and there is the palliating feature about it that, while it might have been carried too far, and the power then exercised was greater than the law warranted, yet it had its origin in what was a proper proceeding. I can not be misunderstood as to that. But now, speaking for the present, the sending of troops at a time when they are not there for the purpose, unless it may be considered an indirect purpose, of protecting our legation—I presume it might be said that in guarding the railroad they are keeping up means of communication—but whatever might be the necessity for that, Mr. President, I do insist that the power, when exercised, to send troops, a part of the Army of the United States, into a foreign country, to stay there for months, if not a year or more, is one which should not be exercised without the facts being submitted to Congress for the approval of Congress and in order that the Congress might inquire into it, so that the matter might then proceed in pursuance of law.

If this were the only instance, it would not be so important that we should have legislation of this kind; but we are having almost every day in the newspapers mention of the fact of the use of the Navy of the United States and the quasi naval force, to wit, the marines, in foreign countries. That can not be dealt with in this bill, and I do not offer anything in this bill to affect that; but, if I do not change my mind very much, the next time we have any naval legislation, I do propose to attempt to engraft on the bill some such provision as I have in mind.

Mr. CHAMBERLAIN. Mr. President——

Mr. BACON. If the Senator will pardon me a moment, that is a very much more difficult question than this is, because of the frequent necessity to land marines for the temporary purpose of protecting consulates and American citizens, and so forth, in times of violence and disorder; and that is going to be a very much more difficult proposition than this to differentiate between cases that are justifiable and those that are not justifiable. I am not going into that subject at all; but I say it emphasizes the departure of the executive department of the Government from what I conceive to be a course authorized by law.

It has not only been done in the case of the Army which I have instanced, but, as I have said, almost every day we have in the newspapers an account of the use of the marines, not for the temporary purpose of protecting consulates, but for the purpose of taking part between contending forces in foreign countries. I recollect, Mr. President, two or three years ago that we had an account in the newspapers of two transports full of soldiers, or marines, I presume they were—I have forgotten about that, but I think they were marines—two transports full of marines going down the Chesapeake Bay, bound for Central America, for the purpose either of taking part in some of the controversies in that country or overawing some of the combatants. We have had instances of marines being sent in that menacing way, and we have instance after instance where they have actually taken part in some controversy in a foreign country.

Mr. SMITH of Arizona. Not in Mexico.

Mr. BACON. I will come to that when it arises, but that is not the present matter I have in mind. I can conceive of a violation of law in going into Mexico as well as anywhere else.

The amendment which I propose does not go so far really as I should like to see it go, but I have stood on what I consider to be the conservative side in yielding to the Executive discretion in cases of emergency requiring immediate action when Congress is not in session.

We see in this morning's paper that we now have a lot of marines, not on the seacoast, not protecting consulates, but in the interior of a foreign country laying down the law to the combatants. "You shall fight here only, and you shall not fight there." That is absolutely war, or would be if it were a country capable of resisting an act of war. Everybody knows that. It is an act of war to invade another country, and it is no less an act of war when a weak and feeble and impotent country is invaded than when the powerful Empire of Germany or of Great Britain should be invaded. It stands on exactly the same footing; and what we would not dare to do with either one of those two great powers we are constantly doing with our weaker neighbors.

The time was when it was thought that the use of the Army to invade a foreign country was something never to be dreamed of, except it was done under the authority of Congress; but now, forsooth, when we take up the newspapers in the morning we are told about these things, about which we are not in any manner consulted, about which we are not even given the poor courtesy of information. It is a question whether these acts of war shall be performed in obedience to the order of the Secretary of State, and every day we have columns of such news, as if it were a recognized power in the State Department to say whether or not one county should be invaded or another, or whethter sides should be taken by the armed forces of the United States in the upholding of one faction or the putting down of another.

Mr. CHAMBERLAIN. Mr. President, I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. Certainly. I am sorry I forgot to yield to the Senator sooner.

Mr. CHAMBERLAIN. I merely want to ask the Senator if he knows how many men in the Army of the United States are now on foreign soil and how long they have been maintained there? The Senator may have stated it, but I do not recollect that he has.

Mr. BACON. I have no definite information except that which was given a few moments ago by the Senator from Delaware [Mr. DU PONT]. He said there were eight companies—two battalions—in China. That is a portion of the Army. Of course, the other matter of the marines would not be affected by this amendment, and could not be affected in this bill; but hardly a week passes that we do not have some item in the newspapers of the Secretary of State exercising the powers of Congress in what is tantamount to a declaration of war, and which would result in war except that the power is exercised in the case of feeble and impotent countries that can not make war with us.

Mr. President, the Senator from Massachusetts [Mr. LODGE] says this is general legislation. I very respectfully differ from the learned and honorable Senator in that regard. Here is a bill appropriating money for the Army, and there is nothing in the amendment which I have offered which does not relate to the payment of money except perhaps the direction to the Secretary of War that he shall make a certain report. It is a limitation on the appropriation, and nothing more. It does not appropriate any additional money; it does not divert any money; it does not conflict with any law; it is the law now, possibly not found in any express statute, but the law that the Army of the United States belongs to the territory of the United States and can not go to a foreign country without the authority of Congress, because to send it to a foreign country is an act of war, and the power to declare war is expressly by the Constitution limited to the action of Congress.

The amendment is simply a limitation upon the use of the money; it does not decrease it in any way; it simply provides that the money is appropriated for the Army of the United States operating in the United States—which I say is the law now—and that it shall be used only in the United States. I repeat that the sending of the Army outside of the United States is unlawful.

It simply says that this money shall not be used except in a case where the Army is employed as the Constitution of the United States says it shall be employed; because when the Constitution of the United States says that the power to declare war rests exclusively in Congress, it necessarily negatives such use of the Army as is by every writer on international law stated to be, not simply a declaration of war, but an act of war; for it is an act of war to send an army into a foreign country.

I understand the Senator from Massachusetts [Mr. LODGE] says that it is not estimated for. If I understood him correctly, that was his statement.

Mr. LODGE. I did not. I said it is not reported from any standing or select committee.

Mr. BACON. It is not necessary, Mr President, that it should be. As I say, with the possible exception of that part of it which requires the Secretary of War to make a certain report, there is not a legislative feature in it, so far as the change of law is concerned. It simply places a limitation upon the appropriation for the Army, and everybody knows I do not wish to take any money away from the Army. I know that the officers and men of the Army will not think I wish anything of that kind, because I have been somewhat active on the other side of that question in my efforts to do what I conceive to be justice to the officers and men of the Army. I simply do not desire that an illegal use shall be made of the Army.

Mr. President, this amendment is guarded in this particular. If Congress is in session it is an easy matter for the Executive to bring to the attention of Congress any matter which makes it important that troops be sent into a foreign country; and under our methods a joint resolution can be passed by both Houses in one day, which will give the necessary authority. There need be no delay about it; so that while Congress is in session there is to my mind no possible excuse for the Executive sending the Army into a foreign country without first seek-

ing the authority of Congress. The President of the United States recognizes that, and I applaud him for it.

During the Mexican troubles the President has said repeatedly—I think he has said it publicly, although I am not sure of that, but he has certainly said it officially to Members of the Senate with whom he has consulted, not simply individually, but to some of us collectively when he has had us present at these conversations and conferences—that he would not assume the authority to send troops into Mexico without the authorization of Congress. I say I applaud him for it, and I am not specially criticizing the President for this act, because it is along the line of things which have been submitted to by Congress so long that it has come to be regarded as one of the executive functions; and if an executive function can by use be so enlarged as to give an irresponsible and uncontrolled power over the Army, then every principle and theory of our Government falls to the ground, because if there is anything in the framework of our Government which was sought to be most carefully guarded it was any use of the Army by executive authority other than the uses prescribed and authorized by law.

Mr. President, as I say, while Congress is in session there can be no possible trouble or difficulty. No case can possibly arise while Congress is in session in which the persons or the property of citizens of the United States can be endangered without the opportunity of the use of the Army for their protection, because in one day the fact can be communicated to Congress, and in that one day the necessary authority can be given. On the other hand, when it comes to the question of what shall be done in a case of emergency when Congress is not in session, I have gone further than I think would really be required. I think except in a very extreme emergency, such as the Boxer case, for instance, Congress ought to be called together. In these days of telegraphs and railroads Congress can easily be assembled in five or six days.

But waiving that, this amendment proposes that in case of emergency, within the discretion of the President of the United States, while Congress is not in session, he is authorized to proceed, and there is no prohibition upon his doing so.

The only subsequent provisions are those requiring that there shall be a report to Congress. I would have laid that duty upon the President, but I do not think we can dictate to the President what he shall say to Congress. That is a constitutional function; but it is within our power to require the Secretary of War to do it. I grant that possibly to that extent there may be a question of order about it, and if necessary, that part of the proposed amendment can be eliminated; but the balance of it is nothing on earth but a limitation upon an appropriation which we are making, and the limitation which fixes the 10-day term after the meeting of Congress is simply for the purpose of enforcing the contemplated function to be performed by Congress, that the authority shall be given by Congress before it shall be exercised. When it is exercised at a time when Congress is not in session, then when Congress does assemble, unless that authority is given by Congress, the order must end within 10 days, which gives ample time for its consideration and determination by Congress; and if Congress does not sanction it, then the troops shall come back to this country, where they belong.

Mr. LODGE. Mr. President, I have not the slightest intention of discussing the question of troops in China or marines in Nicaragua, if that is what was meant, or anything of that sort.

There are certain great general statutes, not appropriation bills, which fix the pay of the Army. This is a proposal to put a limitation upon those statutes, to add to those general statutes. It seems to me it is very clearly legislation, and I make the point of order.

Mr. ROOT. Mr. President, before this matter is disposed of I wish, not to argue the question which has been suggested by the Senator from Georgia [Mr. BACON], but to express my dissent from the position he takes.

In my judgment, there is no law which forbids the President to send troops of the United States out of this country into any country where he considers it to be his duty as Commander in Chief of the Army to send them, unless it be for the purpose of making war, which, of course, he can not do.

Doubtless Congress could by law forbid the troops being sent out of the country; doubtless Congress has not done it; and I apprehend that any Congress that undertook to do it would find that there would be a general protest from the people of the United States against depriving the Commander in Chief of the Army of the power to protect our citizens under those circumstances which exist widely throughout the world in countries whose governments have not the power to maintain order within their jurisdiction. From time immemorial it has been the practice of civilized nations to send troops into those countries whose governments were too feeble or to ill organized, too deficient in power to enforce their laws and to protect foreigners. From time immemorial it has been the practice for civilized nations to render protection to their own citizens, to their own consuls, to their own ministers, ambassadors, and legations. That was the situation in China in the summer of 1900, when the minister of the United States, the members of his legation, and the American citizens who gathered there for safety were surrounded by an armed force which the Government of China professed itself unable to control. Our troops went just far enough and not one step further than was necessary to preserve them from murder.

And now, if I am not mistaken, Congress has appropriated money for the specific purpose of building quarters in Peking, to be used for the housing of troops who shall be stationed there to prevent a recurrence of that most deplorable condition.

It is the unanimous judgment of the men who saved the legations in Peking in 1900, of the officers who had command of the troops who rendered that great service to civilization, that the way to prevent a recurrence of that condition is to keep open the communication between the embassies and legations in Peking and the seacoast. And I say, sir, there is no law, and I do not believe there ever will be a law, to prevent the Commander in Chief of the Army and Navy of the United States from rendering that service which, through all civilization, has been rendered by every nation that is entitled to the loyalty of its citizens, in giving them the protection required by self-respect.

Mr. BACON. Mr. President, the Senator begs the question. I am not saying and have not said anything in derogation of the duty to use the Army for the protection of our citizens and our officials whenever it is necessary to do so; but the question is where the authority rests.

Mr. ROOT. The authority rests with the Commander in Chief of the Army.

Mr. BACON. I differ with the Senator from New York in regard to that, as I have already said.

Mr. ROOT. It is limited solely by his constitutional incapacity to make war. To send troops into those countries which have not the capacity to maintain order and which are incapable of protecting foreign citizens is not making war. We made no war upon China in 1900, and we are making no war in China to-day, for what we do is with the consent of China.

Mr. BACON. Mr. President, the Senator has repeated what he has already said, and I shall endeavor to answer him, if he will permit me.

I say, without the fear of contradiction, that the invasion of any country by the armed forces of another country is an act of war, and the only reason why it results in war in some cases and does not so result in other cases, is because in some cases the invaded power has the ability to resist it and to make war; and in other cases, as in those which we have immediately in contemplation, the invaded power is feeble and impotent and can not make war. But the Senator will not dispute the fact that, by every rule which is found in any book on international law, the invasion of any country by the armed forces of another country is an act of war.

When the Senator says that the power rests with the President of the United States, limited only by his inability to make war, he begs the question, because that is the very point, that he is making war, although there may be no battles fought. He is doing that which will cause a battle if the other party resists, and he is doing that which, according to the Senator's own definition of his power, is denied to him. He is denied the right to make war, and the sending of troops into another country is an act of war.

But, Mr. President, I have endeavored carefully to exclude anything which would interfere with the proper exercise of the power of this Government in cases of emergency, in order that no harm may come to citizens who need protection. Under this amendment it would be perfectly competent, when Congress was in session, to get immediate authority from Congress; and if an emergency arises when Congress was not in session, it is expressly provided that the President can send troops. But who can justify the executive department in sending a regiment of troops to China and keeping them there, perhaps for a year or more, without even informing Congress of the fact?

If he can send a regiment to China, he is doing it in the exercise of an unlimited discretion; and if the discretion is unlimited, it can be exercised at any time, and on any occasion when he sees fit to exercise it. And if he can send troops to one country, he can send them to another country. I assert that it is absolutely at war with every principle of this

Government to say that the President of the United States can maintain a regiment in China without authority from Congress, and without even communicating the fact to Congress.

The Senator says there have been occasions, which he illustrates by the present status in Peking, when it has been necessary to keep troops in a foreign country. If so, is there any difficulty in having that fact recognized by Congress? And if it can be done without the authority of Congress, in one case, what is to prevent its being done in every other case? And if it can be done with one regiment, why can it not be done with 10? I say, Mr. President, it is absolutely inconsistent with our institutions, and what is proposed in this amendment is no hardship.

The Senator from New York says there would be a resentment on the part of the people in this country against the idea that opportunity for the protection of our officials or our citizens should be withdrawn. That is an unwarranted conclusion. There is not a line or a letter in this amendment which would interfere in any way, either when Congress was in session or when it was not in session, with endeavoring to protect, to the fullest extent of the power of the Army of the United States, every official and every citizen who might be endangered in a foreign country. There is no such thought or purpose or tendency in the amendment. The sole purpose is to keep the power where it belongs.

Mr. President, I deny the assertion of the Senator that the great office of the Commander in Chief of the Army of the United States clothes him with any power except in cases of emergency. I speak of sending armed forces into a foreign country without the authority of Congress. It is not necessary that there should be a law prohibiting it. It is necessary that there should be a law authorizing it, for the Constitution of the United States prohibits it when it denies to the President of the United States the power to make war.

Mr. President, this may not be accomplished on this occasion. The attendance in the Senate is thin. I will not say there is no quorum here, because that might necessitate a roll call, although it is possible there is none; but I want to put Senators on notice now that this is a matter which will not down, whether or not it now goes on the statute books. It is a matter which will be agitated—the power of the executive department to order the Army into foreign countries, to do what I think may be stated without extravagance to be an abuse of the rightful power which exists. Within its proper limitations it must frequently be exercised to land marines; but I refer to the abuse of it in the landing of troops which are not designed for that purpose, and whose landing is designed to take part in the internecine strifes in those countries, the landing and transportation in the interior of which is designed to set up one faction and put down another. The history of it within the past few years does not leave any doubt about that. We know that in one of the South American countries one Government was practically overthrown and another set up by reason of the interference of the Government of the United States. We know the fact that one of those factions held the customhouse, and that faction had given some bond secured by the customs, and some of those bonds happened to be held by some of our people in the United States; and when the adverse party got into power the Navy and the Marine forces of the United States were used, and moved the customhouse so that they could collect the entries at some other place; and the Army and Marine forces of the United States were used for the purpose of maintaining that as a customhouse in order that tolls might be collected and paid over to these bondholders. Everybody recollects all about that.

Mr. President, that is simply one of many instances. If any man had kept the clippings in the newspapers about the interference in foreign countries in the landing of marines for the purpose of taking part in strifes in those countries, he would have a pretty large volume now, and it would make very interesting reading.

But I do not design to detain the Senate with it now. I think the amendment is strictly in order, and for that reason I have offered it in good faith.

The PRESIDENT pro tempore. The Chair is prepared to rule on the question of order. Waiving for the time being the question whether a mere limitation upon an appropriation is obnoxious to the rule, the Chair finds this language in the amendment:

> In every case when, while Congress is not in session as aforesaid, any part of the Army shall be ordered for duty into any country or territory beyond the jurisdiction of the laws of the United States, it shall be the duty of the Secretary of War to report to the Congress at the beginning of the next ensuing session the authority for such order, the number and designation of the troops so ordered on duty in said foreign country, and the operation of said troops under said order.

Mr. BACON. I will modify the amendment by striking out those words.

The PRESIDENT pro tempore. The Chair feels constrained to hold that that language is manifestly general legislation, and that the point of order is well taken.

Mr. BACON. I appeal from the decision of the Chair, Mr. President.

The PRESIDENT pro tempore. The Senator from Georgia appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. BACON. I may have misunderstood the Chair. Did I understand the Chair to rule on the entire amendment?

The PRESIDENT pro tempore. The Chair ruled on the amendment as it is now before the Chair.

Mr. BACON. Then I understand the Chair did not rule on the amendment with those words stricken out?

The PRESIDENT pro tempore. The Chair has not had that amendment.

Mr. BACON. I beg the Chair's pardon.

The PRESIDENT pro tempore. The Chair ruled upon the amendment. If the Senator presents another amendment, the Chair will rule upon it.

Mr. BACON. I have a right to modify my amendment, and I modify it by striking out the words just read by the Chair.

The PRESIDENT pro tempore. The Chair is of the opinion that the amendment as modified, which is simply a limitation upon the appropriations of the bill now under consideration, is in order, and the question is upon the amendment.

Mr. BACON. I wish to say that I think the Chair ruled correctly in both cases. I think the amendment was out of order with that language in it.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Georgia. [Putting the question.] The noes appear to have it.

Mr. BACON. There are manifest reasons why I do not call for a division. I wish to repeat the notice I gave to Senators, that this is not the last of it.

The PRESIDENT pro tempore. The noes have it, and the amendment is disagreed to. The bill is still in Committee of the Whole, open to amendment.

Mr. OLIVER. I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After line 6, on page 26, insert:

> Range for Field Artillery target practice: The sum of $50,000, or so much thereof as may be necessary, appropriated by public resolution approved July 8, 1912, for the expenses of the Organized Militia in participating in encampments with regular troops for field instruction, may be used for the acquisition, by purchase or condemnation, of the necessary land for a suitable range for Field Artillery target practice—the land to be of such general character as to permit its use for the instruction of troops of other arms, to be located within the eastern military division, and to be so situated as to present a high degree of available for concentration of Field Artillery.

Mr. WARREN. I make a point of order on that amendment. It is not estimated for and has not the recommendation of any committee.

The PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to be heard on the point of order?

Mr. OLIVER. I think I will not ask to be heard.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. STONE. I desire to ask the chairman of the committee a question. I see, on page 26 of the bill, the House provision appropriating to pay "the expenses of the Organized Militia of any State," and so forth, "which may be authorized by the Secretary of War to participate in such encampment as may be established for field instruction of the troops of the Regular Army" is stricken out. Why was it stricken out?

Mr. DU PONT. I will say to the Senator from Missouri it was stricken out because it is embodied in a joint resolution which was approved the 8th day of July, 1912. It has already passed and is now a law.

Mr. STONE. It is already provided for?

Mr. DU PONT. It is already provided for.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DU PONT. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 9 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 15, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 14, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Eternal and everliving God, our heavenly Father, we thank Thee for the sublime faith which in all the past has brought men to Thy feet in prayer, where they have found strength, consolation, hope, and guidance; for every thought evolved, for every truth discovered, which holds us close to Thee and makes for righteousness in the soul. Grant that each of us may be able to say, now and always, "Surely goodness and mercy shall follow me all the days of my life, and I shall dwell in the house of the Lord forever." Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, with amendments, bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913.

The message also announced that the Senate had passed, without amendment, bill of the following title:

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 654, Sixty-first Congress, second session, entitled "Biographical Congressional Directory," of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, the following concurrent resolution was taken from the Speaker's table and referred to the Committee on Printing:

Senate concurrent resolution 26.

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate Document No. 654, Sixty-first Congress, second session, entitled "Biographical Congressional Directory," of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bill and joint resolution of the following titles:

On August 10, 1912:

H. R. 18960. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1913.

On August 13, 1912:

H. J. Res. 333. Joint resolution to authorize the loan of obsolete Springfield rifles, etc., to the historical pageant committee, Philadelphia, Pa.

SPEECHES OF HON. THERON AKIN, OF NEW YORK.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to ask if it is in order now for the special committee appointed by the Chair yesterday to report on the speeches of Hon. THERON AKIN of New York, to make a report?

The SPEAKER. This is Calendar Wednesday, and, strictly speaking, the Chair supposes it would not be in order; but if it is a short matter, pertaining to the conduct of the House, the Chair is inclined to entertain it, unless there is objection. If it is going to precipitate any considerable debate, the Chair would not feel as though he ought to entertain it to-day.

Mr. AKIN of New York. Mr. Speaker, reserving the right to object, I would like to know something of the contents of the report—what there is of it.

Mr. RUCKER of Missouri. Mr. Speaker, I ask that the report be read at the desk. The gentleman will then perceive its contents.

The SPEAKER. The Clerk will read the report. The House will then determine whether we shall proceed with it or not.

The Clerk read as follows:

The special committee appointed to consider certain "Extensions of remarks" printed in the RECORD of August 8 and August 10, 1912, under leave to print, by THERON AKIN, a Representative from the State of New York, submit the following report:

The committee having considered the said "Extensions of remarks," and having heard Mr. AKIN concerning the same, are of opinion and find that the printing of the said "Extensions of remarks" in the RECORD constitutes an abuse of the privilege to print granted by the House. The said "Extensions of remarks" contain personal imputations upon Members of the House and reflections upon officers of the executive department of the Government which amount to charges of inefficiency and misconduct, and in some respects are libelous in character. The committee can not believe that in granting leave to print remarks the House of Representatives intended to permit its RECORD to be made a vehicle for personal attacks upon Members of the House, upon officers of the Government, or upon private citizens. The committee report the following resolution and recommend its passage by the House:

Resolved, That the "Extensions of remarks" by THERON AKIN, printed on pages 11344, 11345, 11346, and 11347 of the RECORD of August 8, 1912, and on pages 11548, 11549, 11550, 11551, 11552, and 11553 of the RECORD of August 10, 1912, be, and the same hereby are, ordered expunged from the RECORD.

W. W. RUCKER.
ROBERT N. PAGE.
SAMUEL W. MCCALL.

The SPEAKER. Is there objection?

Mr. AKIN of New York. Yes; I object.

Mr. BUTLER. Object to what—the expunging?

The SPEAKER. Objection is made.

VETO MESSAGE—THE IRON AND STEEL SCHEDULE (H. DOC. NO. 908).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return, with my objections, H. R. 18642, a bill entitled "An act to amend an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,'" approved August 5, 1909.

This bill provides for a complete revision of Schedule C of the tariff law, relating to metals and manufactures of metals. In committee and in the consideration of the majority who passed the bill the important part of it seems to have been the basic manufactures of iron and steel, and most of the information which was obtained and discussed was in reference to that manufacture. The truth is that iron and steel as primary products are less than one-third in value of the subject matter covered by it; and that there may be no misunderstanding in regard to this, I present, as an appendix, a table prepared by the Census Bureau showing that included in Schedule C are 59 allied industries of sufficient importance to justify separate classification, study, and report by the Census Bureau, all of which are directly affected by the bill under consideration.

If only the primary products of iron and steel were affected by this bill, or if they constituted the larger part of the values involved in Schedule C, the consideration of the bill for purposes of approval or disapproval would be easier, but it is not within my power to separate these various industries. The bill is presented to me as a whole and must be approved or disapproved as a whole.

The table furnished showed that "foundry and machine-shop products," which are secondary products of the iron and steel industry, are made by more than 13,000 competing establishments, with an invested capital of more than a billion and a half dollars, with more than half a million wage earners employed, and producing nearly a billion and a quarter dollars in value of products annually. Every dollar of this capital and every workman employed in the industry is directly affected by the bill, and I can not find, either in the report of the Committee on Ways and Means of the House or, to any extent, in the discussion of the schedule, that serious consideration has been given to the effect of this revision on this particular branch of the industry, and the same thing is true of more than two-thirds of the industries covered by the schedule.

It appears in the discussion of this revision now presented to me for consideration that no public hearings have been given by the Ways and Means Committee of the House, on the ground that it would thereby cause delay. The Ways and Means Committee avowed that the principle of protection had not been considered, but that in framing the present revision of the metal schedule the committee had "adopted the general principle of reducing all duties to a revenue basis, so far as practicable, except in those cases where more cogent considerations than those relating to the fiscal policy of the Government dictated the transfer of given items to the free list." This makes a clear-cut issue between the protective policy and that of a tariff

for revenue only, and without fuller information, therefore, I am obliged to treat this bill as a revenue bill, and one in which the consideration of preserving the industry by maintaining a tariff necessary to do so had little weight. There is nothing to show me that the duties provided in the bill will equal the difference in the cost of production here and abroad in the great lines of industries, and that the wages of workmen will not be reduced by a measure which avowedly discards entirely the principle of fair protection. It should be noted that the labor employed in the secondary industries, which has had so little consideration in this bill, is in a large measure high-grade, skilled labor, commanding a high level of wages.

This schedule was included in the general tariff revision of 1909, at which time public hearings were given, attended by importers, domestic producers, employees, and consumers, and the rates then on many of its items were heavily cut, ranging from 10 to 75 per cent, and it would seem now that a thorough study of each one of these separate industries should at least be made, that the Executive and Congress as well might act wisely and intelligently upon them, in order to avoid a further revision at an early date when the facts concerning them could be ascertained.

The products of many of these industries affected by this bill do not enter directly into the daily consumption of the people. The consumers of these products are, to a large extent, manufacturers using these articles in further processes of production. There is no evidence of any widespread demand from such consumers for a revision of the rates on these articles, and for this reason a sufficient time may well be taken to give the study to the respective industries which their importance would seem to demand.

I am not prepared to say that there are no items in this schedule which might not well be reduced, but the general average ad valorem rate of duty under it, taken as a whole for the year 1911, is 32.03 per cent, as against 37.97 per cent in 1896 under the Wilson law, or an apparent reduction of 15.6 per cent of the Wilson duties. The Dingley rates for this schedule in 1909 were 38.09 per cent, showing a reduction in 1911 for the present law of 15.9 per cent of the Dingley rates. Indeed, there is no year since 1883 when the Government statistics show as low an ad valorem rate of duty for this schedule as is shown in 1911, and it does not appear that schedule statistics were kept prior to 1883, so that no comparison can be made prior to that time.

There is little logical relation between the reductions made by this bill in the schedule. For example, steam engines and machine tools in the present law are dutiable at 30 per cent. In this revision steam engines are reduced to 15 per cent, and the whole machine-tool industry is put on the free list, without any reason whatever being given in the report of the Ways and Means Committee in either case for such action.

The term "machine tools" has already been the subject of much litigation, and its scope should be clearly defined before the great variety of articles which it now seems to cover are placed on the free list.

The expansion of our foreign trade would seem to demand that a transfer to the free list, like the one made in this bill, of such an enormous range of undetermined products and the opening of the best market in the world to free and unrestricted competition should not be made without at the same time at least securing, as is the case now of specified agricultural implements, the privilege of a like free entry into the markets of our competitors.

It is further difficult to understand by what process of reasoning it is possible to justify a transfer to the free list of a great line of finished articles, while nearly every one of the crude products from which they are made are retained on the dutiable list.

A bill for a complete revision of this schedule was presented to me a year ago in the extra session of this Congress. Many increases and decreases of rates are now made from those named in the former measure. The changes are not explained and indicate the hasty method pursued in the preparation of both. Is it not fair to ask, either on the basis of protection or revenue, which was right?

On the whole, therefore, I am not willing to approve of legislation of this kind, which vitally affects not only millions of workingmen and the families dependent on them, but hundreds of millions of dollars' worth of stocks of goods in the hands of storekeepers and distributors generally, without first providing for a careful and distinterested inquiry into the conditions of the whole industry.

From the outset of my administration I have urged a revision of the tariff based on a nonpartisan study of the facts. I have provided the means for securing such information in the appointment of a Tariff Board. Their thorough work, already completed on several schedules, has justified my confidence in this method. The principle is indorsed by chambers of commerce and boards of trade in almost every city of importance in the country. The proposed bill has not been framed on the basis of any such study of the industry.

Avowedly its rates are fixed with no consideration of anything but revenue. The principle of protection is disregarded entirely, and, therefore, it is not too much to say that the effect of these sweeping changes on the welfare of those engaged in these varied industries has been disregarded.

WM. H. TAFT.

THE WHITE HOUSE, *August 14, 1912.*

APPENDIX.

Totals for metals and manufactures of.

[Department of Commerce and Labor, Bureau of the Census. E. Dana Durand, director.]

[Census of Manufactures: 1909.]

Industry.	Number of establishments.	Capital.	Wage earners (average number).	Wages.	Value of products.
Total	28,119	$4,965,624,394	1,481,494	$901,471,865	$4,626,890,528
Automobiles, including bodies and parts	743	173,837,111	75,721	48,693,867	249,202,075
Babbitt metal and solder	109	7,418,015	897	560,804	19,767,935
Bicycles, motorcycles, and parts	95	9,780,102	4,437	2,908,199	10,698,567
Brass and bronze products	1,021	109,319,224	40,618	23,677,383	149,989,058
Cars, steam-railroad, not including operations of railroad companies	110	139,804,667	43,086	27,135,222	123,729,627
Cars, street, railroad, not including operations of railroad companies	14	14,167,999	3,583	2,176,949	7,809,886
Cash registers and calculating machines	50	27,224,063	7,465	5,311,890	23,708,326
Clocks and watches, including cases and materials	120	57,500,469	23,857	12,944,169	35,196,842
Copper, tin, and sheet-iron products	4,228	217,532,108	73,615	39,500,794	199,824,218
Cutlery and tools, not elsewhere specified	959	67,379,841	32,996	17,581,244	53,265,757
Electrical machinery, apparatus, and supplies	1,009	267,844,432	87,256	49,381,145	221,308,563
Electroplating	461	2,324,025	2,717	1,652,315	4,509,559
Enameling and japanning	108	2,879,995	2,125	921,667	3,315,694
Engraving and die sinking	253	1,448,960	1,308	821,472	2,249,861
Files	57	10,412,762	4,158	1,977,877	5,691,203
Firearms and ammunition	66	39,377,094	14,715	8,427,249	34,111,564
Fire extinguishers, chemical	31	526,959	195	126,728	754,165
Foundry and machine-shop products	13,253	1,514,332,273	531,011	321,520,917	1,228,475,148
Galvanizing	46	4,197,392	1,447	786,7[illegible]	7,338,330
Gas and electric fixtures, and lamps and reflectors	619	36,835,455	18,861	10,393,0[illegible]	45,057,372
Gold and silver, leaf and foil	88	1,183,690	1,383	636,967	2,630,500
Hand stamps and stencils and brands	361	2,439,418	1,651	951,814	3,073,025
Horseshoes, not made in steel works or rolling mills	19	1,396,209	293	166,278	1,014,576
Instruments, professional and scientific	263	11,723,619	4,817	2,925,087	10,503,601
Iron and steel, blast furnaces	208	487,580,659	38,429	24,606,530	391,429,283
Iron and steel, steel works and rolling mills	446	1,004,735,111	240,076	163,200,758	985,722,534
Iron and steel, bolts, nuts, washers, and rivets, not made in steel works or rolling mills	108	20,250,388	11,345	5,793,243	24,484,907
Iron and steel, doors and shutters	29	3,044,831	1,601	874,340	3,005,685
Iron and steel forgings	172	27,754,630	8,168	5,003,181	20,293,440
Iron and steel, nails and spikes, cut and wrought, including wire nails, not made in steel works or rolling mills	57	8,897,704	2,765	1,352,5[illegible]	8,191,620
Iron and steel pipe, wrought	28	22,266,161	6,817	3,963,075	30,886,270

Totals for metals and manufactures of—Continued.

Industry.	Number of establishments.	Capital.	Wage earners (average number).	Wages.	Value of products.
Lead, bar, pipe and sheet	33	$20,587,288	802	$510,047	$9,144,930
Locomotives, not made by railroad companies	16	52,059,567	14,909	8,914,266	31,582,302
Needles, pins, and hooks and eyes	49	6,705,118	4,638	2,064,378	6,694,095
Pens, fountain, stylographic, and gold	65	3,120,971	1,225	711,795	4,738,693
Pens, steel	5	803,783	699	230,030	576,696
Phonographs and graphophones	18	14,363,361	5,199	2,840,503	11,725,996
Safes and vaults	42	8,944,434	3,343	2,071,762	8,490,541
Saws	96	14,854,667	4,832	2,856,291	11,535,631
Scales and balances	87	10,182,707	3,559	2,186,230	8,785,642
Screws, machine	43	3,728,071	1,667	970,088	3,014,112
Screws, wood	11	9,569,972	3,464	1,453,932	6,198,955
Sewing machines, cases, and attachments	47	33,103,704	19,296	11,102,026	28,262,416
Silverware and plated ware	183	46,758,876	16,610	10,281,761	42,228,547
Smelting and refining, lead	28	132,310,220	7,424	5,430,652	167,405,650
Smelting and refining, zinc	29	27,759,853	6,655	4,210,341	34,205,894
Smelting and refining, not from the ore	89	13,834,487	2,147	1,281,124	28,072,041
Soda-water apparatus	63	8,588,937	1,797	1,239,450	6,555,597
Springs, steel, car and carriage	54	8,783,779	3,196	1,852,917	9,005,362
Stereotyping and electrotyping	174	3,825,833	2,850	2,312,104	6,383,694
Stoves and furnaces, including gas and oil stoves	576	86,943,849	37,130	22,944,279	78,853,323
Surgical appliances and artificial limbs	324	11,044,827	4,241	2,128,927	12,399,314
Tinplate and terneplate	31	10,994,813	5,352	3,314,874	47,969,645
Tinfoil	10	2,504,942	683	303,711	3,418,818
Typefounding and printing materials	122	6,792,912	2,026	1,190,720	4,703,506
Typewriters and supplies	89	26,308,688	9,578	6,221,423	19,718,767
Vault lights and ventilators	37	606,708	327	227,761	956,720
Wire	56	60,157,073	18,084	10,315,722	84,486,518
Wirework, including wire rope and cable	611	34,969,588	12,348	6,331,158	41,937,952

Mr. UNDERWOOD. Mr. Speaker, the message of the President is a matter of highest privilege, and I presume under the circumstances of to-day its consideration presents a new question. The Constitution requires the House to vote on a veto message of the President when it comes before the House. I know it is a new question, and the Chair may want to decide it. It is new as to whether the consideration of the veto message would take precedence over Calendar Wednesday on a motion to pass the bill over the President's veto.

I move that the bill amending the iron and steel schedule be passed notwithstanding the objections of the President. [Applause on the Democratic side.]

Mr. MANN rose.

The SPEAKER. Has the gentleman from Illinois [Mr. MANN] any suggestion?

Mr. MANN. A point of order, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Under the decision of the House on a former occasion, that a constitutional question could not be raised on Calendar Wednesday to supersede the regular order of business, is it in order now to dispose of the President's veto?

Mr. UNDERWOOD. Mr. Speaker, I think the precedent that the gentleman refers to is not applicable to this case. That was a question as to whether a constitutional question could be raised on Calendar Wednesday. This is a mandate of the Constitution, that the House shall vote on a veto message of the President. True, I admit that the House can, if it desires to do so, pass it over to another day. But it being a mandate of the Constitution that we shall accept or reject a veto, the contention I make is that the rules of the House that are adopted from time to time can not change a direct mandate of the Constitution, and therefore it is in order.

Mr. MANN. Well, Mr. Speaker, the provision in the Constitution to the effect that the House, upon receiving a veto message, shall reconsider the vote by which the bill was passed, and that it shall be put upon its passage again was long ago held not to require an immediate vote, and it was long ago held that it was in the power of the House to refer the veto message and the accompanying papers to a committee, or to postpone the consideration and final vote upon the proposition. It is not material to me. I would just as lief, so far as I am concerned, have a vote now as at any other time on the matter. But I think the Speaker ought to be careful in making a ruling in reference to a matter concerning Calendar Wednesday. The Constitution does not require an immediate vote, and that matter has been settled. It seems to me that under the rules of the House the question is to be brought before the House in accordance with the rules of the House.

It is certain that the House could now, by vote, postpone the consideration of the veto message. Then the question is whether the House has not by rule postponed the consideration of it. The Speaker will remember that his predecessor ruled that it was in order to take up privileged business on Calendar Wednesday, and the House overruled the Speaker; and, if my recollection serves me correctly, the distinguished gentleman now occupying the Speaker's chair and the distinguished gentleman now the floor leader on the Democratic side voted to overrule the Speaker and to declare that Calendar Wednesday was holy and could not be invaded by any privileged matter, constitutional or otherwise.

Do the exigencies of the present case require these gentlemen to reverse their former holdings?

Mr. UNDERWOOD. Mr. Speaker, I agree with what the gentleman from Illinois [Mr. MANN] has said, that it has been held repeatedly heretofore that it is in the power of the House to postpone action on a veto message coming from the President; but it is a mandate of the Constitution that the House shall act on this message. If we admit as a precedent that a veto message can not be acted on upon Wednesday, it might at some time bring this House to a condition where it could not act on a veto message at all. It might be that Calendar Wednesday was the last day of a session; that the message came in on Calendar Wednesday, and, although a majority wanted to act on the measure one way or the other, they might not be able to command the two-thirds vote to set aside Calendar Wednesday.

Mr. MANN. Will the gentleman yield for a question?

Mr. UNDERWOOD. Yes.

Mr. MANN. The gentleman will recall that the rule in reference to Calendar Wednesday provides that it shall not be in effect during the last two weeks of the session, so that if there was a decision to adjourn on a particular day the rule with reference to Calendar Wednesday would not be in force.

Mr. UNDERWOOD. As the gentleman is aware, we might have reached the point of an agreement for a dissolution on Calendar Wednesday, so that there would be no "last two weeks of the session."

Mr. MANN. That would be wholly within the power of Congress. We are not compelled to vote on a veto message. There are some veto messages now before the House that have not been voted upon and may never be, and there have been many cases where veto messages have never been voted upon.

Mr. UNDERWOOD. The proposition that I maintain, Mr. Speaker, is that this being a mandate of the Constitution and of the highest privilege, is higher than the rules of the House, and that those rules can not govern. If we had no rules, it would be in order for me to move to pass this bill notwithstanding the veto of the President, and there is no rule that this House can make that can deprive me of my privilege and my right under the Constitution of the United States to make this motion, because it is granted to me, not by the rules of this House but by the Constitution of the American people. Therefore, I contend that, the rules of the House to the contrary notwithstanding, the motion to pass this bill over the President's veto is in order.

Mr. CANNON. Mr. Speaker, there are privileged questions and questions of privilege. This is a privileged motion founded in the Constitution. I recollect very well the ruling that I made while I was Speaker of the House touching the consideration of a question based on the Constitution, which arose upon

a motion, or a question of consideration raised by the gentleman from Indiana [Mr. CRUMPACKER]. After discussion, the ruling of the Speaker was by a majority vote of the House reversed. I am here now as a Member of the House, without any question personal to myself in the premises—what is behind us is behind us—and without any regard to that overruling, but purely as a Member of this House, concerned in the orderly transaction of its business and in the preservation of the Constitution. I am satisfied that the House was in error when it overruled the Speaker on a former occasion. Two wrongs do not make a right, two precedents or a dozen do not sanctify an error or a mistake. If this be a privileged question, having its foundation in the Constitution, then it is higher than any rule of this House that contravenes that privileged question; and although the former decision might have been made by some other individual than myself then occupying the Speaker's chair, I should feel about it just as I feel now. Therefore, I believe the motion of the gentleman to be higher than any rule of this House, the tendency of which is to halt its consideration, and that the motion is in order.

Mr. NORRIS. Mr. Speaker, I believe that we could safely assume that if the motion of the gentleman from Alabama [Mr. UNDERWOOD] presented a question of constitutional privilege it would certainly be in order, regardless of any rule of the House. The discussion thus far has assumed that it was established that the ruling referred to, which happened in March, 1910, contained a constitutional question. I was here at the time the former Speaker was overruled, when he held that a motion from the Committee on the Census had a constitutional privilege. In my judgment that question did not present a matter of constitutional privilege. I did not believe then, and do not believe now, that the question at that time presented by the gentleman from Indiana [Mr. CRUMPACKER] was a question of constitutional privilege. And therefore, believing that, I was opposed to the ruling of the Speaker and voted to overrule him at that time, but I did it on my belief that the question presented was one not of constitutional privilege. I think it is conceded that this question is a constitutional question and is presented by the Constitution. So that, as I look at it, the case that has been cited as a precedent is not in reality a precedent at all.

Mr. CRUMPACKER. Will the gentleman yield?

Mr. NORRIS. Yes.

Mr. CRUMPACKER. I will ask the gentleman if he does not remember that the day after Calendar Wednesday the question again arose as to whether legislation providing for a decennial census was privileged under the Constitution notwithstanding the rules, and the Speaker of the House, in view of the decision of the House the day before, submitted that question to a decision of the House, and the House, by almost a unanimous vote, decided that the pending proposition bearing upon the taking of the decennial census had a privilege under the Constitution, notwithstanding the rules, on every day of the week except Calendar Wednesday.

Mr. NORRIS. The gentleman states the matter correctly. On the day following, when this ruling was made by the Speaker—on Thursday—the question was again presented by the gentleman from Indiana, and the House did decide that the question presented by the gentleman was one of constitutional privilege. There is not any doubt about that.

Mr. CAMPBELL. Then the understanding was that it was not a constitutional question on Wednesday, but it was a constitutional question on Thursday?

Mr. NORRIS. That was the legal effect of what the House did. The House decided on Thursday that it was a question of constitutional privilege.

Mr. MANN. Mr. Speaker, I agreed at the time with the ruling of Mr. Speaker CANNON, and I still do, but it is idle to say, as the gentleman from Nebraska has just said, that the House did not determine the matter that Calendar Wednesday overrode the question of the Constitution. On Wednesday the House declared that the matter was not in order because it was Calendar Wednesday, and on the next day it declared it was in order because it was a constitutional question. It could not come before the House as a matter of privilege unless it was a constitutional question, and the House declared that it was a constitutional question on Thursday, and if it was a constitutional question on Thursday, it was on the day before. The House declared on the day before that it would not permit that matter to be injected into Calendar Wednesday.

Nor was that all. The gentleman from Nebraska presented as a constitutional question a proposition to amend the rules of the House, and voted as a majority of the House voted, that the proposition to amend the rules of the House was a constitutional question.

Mr. NORRIS. I would like to call the gentleman's attention to the fact that the action which I took at that time was based on the action of the House in deciding that it was a constitutional question, and I assumed that it decided correctly and acted accordingly.

Mr. MANN. The gentleman voted that his proposition presented a constitutional question. The Democratic side of the aisle voted that a proposition to change the rules was a constitutional question. Subsequently, after the election had been held and gentlemen on the Democratic side had paraded the country from one end to the other declaring that under Cannonism you could not present a proposition to the House, the gentlemen reversed their action, and declared that a proposition to change the rules was not a constitutional question. And now, having made use of the same talk throughout the country, I take it that the House is again prepared to reverse itself, and the Democratic side of the House is ready to declare that the vote which they passed two years ago holding that Calendar Wednesday could not be superseded by a constitutional question, is again to be overridden, and now that they are in control they can bring up any old thing on Calendar Wednesday and call it a constitutional question and sustain its consideration.

Mr. CRUMPACKER. Mr. Speaker, in my judgment this question occupies identically the same status as the question which was decided by the House two years ago in relation to census legislation. The Constitution imperatively requires Congress to take a census of the population of the country once in every 10 years, and under that constitutional provision the Speakers of the House of Representatives on several occasions have decided unequivocally that proposed legislation for the purpose of carrying out the constitutional mandate was privileged under the Constitution, notwithstanding the rules of the House.

Census legislation has no privilege under the rules of the House, and if it has any privilege at all it is under the Constitution. My judgment is that census legislation is privileged under the Constitution, notwithstanding the rules. My judgment also is that the motion of the gentleman from Alabama is privileged to-day under the Constitution, notwithstanding the rules. But the House, in March, 1911, decided otherwise—that, in effect, the pending motion can not be entertained by the House to-day without reversing the decision of the House upon the census legislation two years ago.

It was argued with some degree of plausibility then that the House had a right to fix reasonable rules for the consideration of even constitutional questions, and the provision of the rule establishing Calendar Wednesday made it absolutely out of order to consider any other matters except those enumerated in paragraph 4 of the rule, and that that was a declaration on the part of the House that questions that carried a constitutional privilege could not be considered as a matter of right on Calendar Wednesday.

Of course every Member of the House knows that it would have been in order for the gentleman from Alabama to move to refer this question to the Committee on Ways and Means under the rules of the House. The House is not obliged to take up a veto message the moment it comes from the President and is read from the Clerk's desk. The House has a right to establish reasonable and practicable rules for the consideration of even constitutional questions.

But what I want to impress on the Speaker is that the pending motion occupies identically the same status that the census question occupied two years ago. If there had been any question about that, in the absence of a decision of the House, it was then decided that the census bill was privileged under the Constitution, notwithstanding the rules, but that the House had a right to make rules even for the consideration of questions carrying constitutional privilege, and that the effect of the calendar rule was and is to exclude the consideration of all measures not included within the rule except by a two-thirds vote of the House.

That is the situation. That question was decided deliberately by an almost unanimous vote of the House the day following the overruling or reversing the decision of the Speaker. If that decision is to stand, it is decisive of the present question.

Mr. BURKE of Pennsylvania. Mr. Speaker, it seems to me that this is one of the most important questions that this House can be called upon to settle, and when a plain mandate of the Constitution declares that the House "shall proceed to dispose of" the veto, it is utterly preposterous to assume that the House by a mere rule of procedure can interpose an objection sufficiently strong to defeat the purpose of the Constitution. If we can do that in this House——

Mr. BUTLER. But the House has done it.

Mr. BURKE of Pennsylvania. No matter what the House has done. If it has done so, I am sure that it has done wrong.

Mr. BUTLER. Are not the precedents of the House of any consequence, may I ask the gentleman?

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Pennsylvania. Yes.

Mr. HILL. Is the gentleman aware that a veto came in here on last Friday, and that at the will of a single man, simply because there were a large number of absentees upon that side of the House, it was laid over until the following Tuesday?

Mr. BURKE of Pennsylvania. In that case the gentleman from Alabama made a motion affecting the disposition of that particular veto message of the President.

Mr. HILL. Oh, not at all. It was simply left upon the Speaker's table until he saw fit to bring it up.

Mr. BURKE of Pennsylvania. In this case by a mere rule of the House it is assumed to prevent that which it is declared by the Constitution we must do. If we can do this in this case, then by a mere rule of the House we can prevent the Congress of the United States from meeting on the first Monday of December, because the English language speaks no more plainly in one instance than it does in the other.

Furthermore, it might by a mere rule circumvent the people in a matter of supreme importance at a most critical time—in the selection of a President of this Republic. The only statute ever enacted by Congress, to my knowledge, affecting a particular legislative day pertains to a Wednesday.

The act of February 3, 1792, relating to the election of a President provides that—

> The Congress shall be in session on the second Wednesday in February succeeding every meeting of the (presidential) electors.

On that day they shall count the electoral vote, and if a majority is not apparent for any presidential candidate, the House shall proceed under the Constitution to elect the President.

Under the Calendar Wednesday rule, as interpreted by its sponsors, it would be impossible for the House to perform this duty as prescribed by the Constitution and by the act of Congress already mentioned.

The House may, it is true, enact rules for its own procedure, but they must not violate the Constitution or a law enacted by both Houses and signed by the President.

I hope the Chair will overrule the point of order and that we may proceed at once to a consideration of this veto message.

The SPEAKER. The Chair is ready to rule.

Mr. UNDERWOOD. Mr. Speaker, before the Chair rules, allow me one word. I wish to say that when the motion was up to which the gentleman from Indiana [Mr. CRUMPACKER] refers there was some question raised in the House as to whether it really was a constitutional question. Upon the question of overruling the Chair, which has been referred to here, when the rules of the House were changed I did not hesitate to say, when the question was under debate, before the vote was taken, that it was a parliamentary revolution, and I have said so repeatedly since.

Mr. MANN. Not the vote on this proposition.

Mr. UNDERWOOD. No.

Mr. MANN. Is this another case of parliamentary revolution?

Mr. UNDERWOOD. Not at all; but when the vote was taken when the Speaker was overruled, and he was taken from the Committee on Rules, gentlemen on the floor of this House know that I stated that in my judgment it was a parliamentary revolution, but that it was a parliamentary revolution of right, because it was the only way that this House could govern itself.

Mr. MANN. But if the gentleman will pardon me, that statement was made with reference to the ruling that a change in the rules was a constitutional question.

Mr. UNDERWOOD. I say it was.

Mr. MANN. That was not the Calendar Wednesday proposition.

Mr. UNDERWOOD. I am not saying it was the Calendar Wednesday proposition. Some gentleman has referred to it here.

Mr. MANN. I referred to it myself. I wanted to know if there were two revolutions. We have had an admission that there has been one.

Mr. UNDERWOOD. No; I think the gentleman from Illinois recollects that I stated it was a revolution at that time.

Mr. SIMS. But the gentleman did not call it so at the time the Norris resolution was up.

Mr. UNDERWOOD. I stated on the floor, in debate, in the only speech I made upon the subject, that it was a parliamentary revolution.

Mr. SIMS. The gentleman is mistaken as to when the Norris resolution was up. The gentleman from Alabama took the opposite position at that time.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Tennessee probably knows more about what I said than I do myself.

Mr. SIMS. I think the RECORD will bear me out.

Mr. UNDERWOOD. All I have to say in answer now is that there is no question about this; that it is not only a constitutional mandate, but it is a constitutional privilege, and it seems to me beyond any question that no man can contend that a rule of this House can deprive any Member of the House of a privilege he has in the House under the Constitution of the United States. [Applause.]

Mr. FITZGERALD. Mr. Speaker, if the Chair will bear with me, I wish to call the attention of the Chair to what happened on the 16th of March, 1910. On that day, which was a Wednesday, the gentleman from Indiana [Mr. CRUMPACKER] called up House joint resolution 172, a resolution of constitutional privilege. It was a joint resolution affecting the census, and the gentleman from Indiana contended that it was privileged under the Constitution, regardless of the rules of the House. The gentleman from Illinois and myself made the point of order that under the rules of the House it was not in order on Wednesday, unless the House had previously dispensed with business in order under the rule establishing Calendar Wednesday, by a two-thirds vote. Mr. Speaker CANNON held that under the Constitution the matter was privileged, and that the gentleman's motion was in order. I appealed from the decision of the Speaker, and the matter was debated at some length. Finally, the House by a vote of 112 to 163 overturned the ruling of the Speaker and held that the motion was not in order as a matter of constitutional privilege.

The SPEAKER. When was that vote taken?

Mr. FITZGERALD. Upon the 16th day of March, 1910. The following day the gentleman from Indiana called up the same resolution as a matter of privilege under the Constitution, and the House decided it was a privileged matter under the Constitution, and in order upon any day of the week except Calendar Wednesday. The House, under the Constitution, has the right to frame rules for its procedure. Under the rules of the House the question of consideration shall not be put on any question unless it be demanded. If it were not for that rule, under the parliamentary practice under which the House proceeds whenever any motion is submitted to the House, the question as to whether the question shall be considered would first be put by the Speaker, and unless it were determined by a majority vote that the question should be considered it would not be considered by the House at all. This is in effect what is known as a second. So far as Calendar Wednesday is concerned, the House by rule has practically determined, unless by a vote of two-thirds of the Members affirmatively recorded, that no business except business of a designated character shall be in order on that day.

Calendar Wednesday was set aside, after great agitation, to protect the Members of the House in their decision to put aside at least one day in which business on the calendars should be considered without the interference of privileged business in the House. It had been a matter of complaint for years that by manipulation of matters of privilege bills upon the calendars, in which a great majority of the House were interested, could not be considered because matters which were privileged were continually being called up. On Calendar Wednesday, except in the manner provided by the rule upon a motion to dispense with business in order under the rule, no other business can be taken up as being privileged or because the Constitution provides certain matters shall be done; otherwise it is possible to prevent the utilization of Wednesday in the manner provided by the rule and intended by the House. Immediately after the establishment of Calendar Wednesday the House on two occasions decisively determined it would not tolerate any business intervening with the business the House had determined should be considered upon that day. The rule of the House does not say that matters which arise under the Constitution shall not be considered on this day, but the rule in effect says that business of any character except that designated in the rule shall not be considered on that day, unless two-thirds of the House shall so determine. Suppose this motion of the gentleman from Alabama is made, that notwithstanding the objection of the President this bill be passed. Any Member of the House has the right to raise the question of consideration. A majority voting not to consider the bill, whether privileged under the Constitution or not, it could not be submitted to the House. The House has provided that a two-thirds vote shall be a requisite to proceeding to the present consideration of business on Wednesday other than that provided in the rule. Therefore, under this rule if a vetoed bill can be considered or a motion to pass a bill vetoed by the President can be considered, or any other matter of alleged privilege, as an election case involving the right of a Member to his seat, a

number of matters might be injected here on Calendar Wednesday on the theory that they were privileged under the Constitution, and in that way Calendar Wednesday would be destroyed. Whether this rule has worked out as many Members hoped, whether it has been as beneficial as desired, there is no doubt, Mr. Speaker, that it has relieved the situation in the House, and I believe it unwise to take any position that would permit the injection on any grounds whatever, even under the plea of privilege under the Constitution, of any business except in accordance with the rule.

Mr. BURKE of Pennsylvania. Will the gentleman permit me a question? Suppose an election of the President of the United States were thrown into this House? Does the gentleman mean to say that in the face of the provision of the Constitution that we shall proceed to an election of a President that the rule of Calendar Wednesday would prevent our taking that action?

Mr. FITZGERALD. I mean to say the House could determine by a majority vote that it would not proceed to do so, regardless of what the Constitution ordained. The House has decided by its rules that on this day certain business shall be in order, and it is in order to consider any other business if, on a motion supported by a two-thirds vote, it is so decided.

The SPEAKER. Has the gentleman concluded?

Mr. FITZGERALD. I simply wish to say further, in reply to the contention that it is a matter of privilege under the Constitution that a motion to adjourn is in order. If it were carried, that would prevent consideration. A motion to lay on the table is in order. A motion to refer to a committee is in order, and the House, by its rules, has decided that it may dispose in different ways of these matters. I believe it unwise to make a ruling that would make it possible to encroach upon Calendar Wednesday, except in the manner provided by the rule, and I shall not assent to such action.

Mr. RODDENBERY. Will the gentleman yield for a short question?

Mr. LONGWORTH. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LONGWORTH. Suppose that in this case immediately after the reading of a presidential veto message a motion is made to immediately consider that message, would a motion to postpone consideration be in order?

The SPEAKER. The Chair thinks it would, although he has not inquired into the rule on that question.

Mr. SHERLEY. Mr. Speaker, if the gentleman will permit, I have examined the decisions, and there are any number of them to the effect that, the motion having been made to reconsider the vote on a measure vetoed by the President, it was in order to move to postpone to a certain day, or to lay on the table, to commit to a committee, and to adjourn. The mandate of the Constitution that the House should reconsider its vote on a vetoed bill, it has been held, did not deprive the House of the right of determining when and the manner by which it could reconsider. In one instance the matter was postponed until the next day for the veto message to be printed.

The SPEAKER. Will the gentleman from Ohio suspend for half a minute? The statement that had been made by the gentleman from Kentucky [Mr. SHERLEY] is absolutely correct, and there is one further statement that he might have made that goes the whole length, and that is, as a matter of fact, any motion pertains to it, and it can go to the next session.

Mr. LONGWORTH. Then, a motion to immediately consider would not forestall any motion to postpone?

The SPEAKER. It does not postpone by any motion——

Mr. CANNON. Or, in other words, the majority of the House can do whatever it chooses and consider whatever it pleases.

Mr. SHERLEY. That does not follow at all. The real question here is not whether the motion to reconsider being up certain other motions may be made touching it, but whether the motion to reconsider is of such a privilege that it would require the Chair to consider it, in spite of the rules of the House to the contrary. That is the question at issue.

The SPEAKER. The truth about what the House did in the spring of 1910 as to the question of constitutional privilege raised on the census bill by the gentleman from Indiana [Mr. CRUMPACKER] was stated correctly by the gentleman from Alabama [Mr. UNDERWOOD]. It is not necessary for us to forget everything we know in order to arrive at a conclusion about this matter. The very same men who are arguing this matter here to-day participated very largely in those debates. The transaction which is referred to, on motion of the gentleman from Indiana [Mr. CRUMPACKER], was just simply part and parcel of a general parliamentary revolution, on which the majority of this House had made up its mind it was going to enter. The present occupant of the chair stated that on the floor of the House in words as plain as the English language could make it—that it was a revolution in which we were engaged and that there was no use to mince words about it. So did the gentleman from Alabama [Mr. UNDERWOOD] and others. We never made any pretense that our proceedings were other than revolutionary in a parliamentary sense.

The gentleman from Alabama [Mr. UNDERWOOD] got at the meat in this matter when he said that acting on a President's veto is one of the most important matters that come before the House.

The Chair is still in doubt whether the Crumpacker resolution is of constitutional privilege or not, but the Chair has no doubt whatever that this proposition now pending to act on this veto message is bottomed on a constitutional mandate. The language of the Constitution is:

> If he approve, he shall sign it; but if not, he shall return it with his objections to the House in which it shall have originated, who shall enter the objections at large on the Journal and proceed to reconsider it.

What the gentleman from Kentucky [Mr. SHERLEY] said is absolutely true, that the very same motions which apply to any other matter before the House apply to this; that is, to postpone, and so forth. And the Chair thinks the Chair has demonstrated by his whole course here that he is as jealous of preserving the sanctity of Calendar Wednesday as any other Member of the House. It has been pretty well observed, and, as the gentleman from New York [Mr. FITZGERALD] said, while it has not accomplished all the good expected and hoped for, it has done a good deal of good.

But to say that a question of great constitutional importance like this shall not be passed on on Calendar Wednesday might mean, in certain contingencies, a very serious injury, or at least a grievous inconvenience to the Government of the United States or to the American people. For example, the law of the land is that on the second Wednesday in February the two Houses of the Congress shall meet in joint session to count the electoral vote for President and Vice President, and the framers of that statute were so careful and so wise as to direct that on that day the Congress must be in session—a most extraordinary and drastic provision; and certainly nobody will seriously contend that notwithstanding the rule establishing Calendar Wednesday the Congress could not proceed to discharge one of its most important duties.

The Chair does not know whether or not the gentleman from Pennsylvania [Mr. BURKE] remembered the case that put the idea in his mind, but he touched on another question of great importance. In the winter of 1876–77 Mr. Speaker Randall, one of the greatest Speakers that ever occupied the chair, overruled point after point that was justified to be made by the rules of the House, and forced to a conclusion the election of a President of the United States as being a matter of the supremest importance; and the passions of that day having subsided, history has vindicated him for what at the time was denounced as being a high-handed proceeding and a bold usurpation of power.

The Chair is of opinion that action on this veto is by a constitutional mandate, and that it has precedence of the business of Calendar Wednesday. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, those who were revolutionists three years ago seem to be reactionaries now, and in order to show that I shall appeal from the decision of the Chair.

The SPEAKER. The gentleman from Illinois [Mr. MANN] makes an appeal from the decision of the Chair.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Alabama moves to lay the appeal on the table. The question is on agreeing to that motion. Those in favor of tabling the appeal will vote "aye"; those opposed will vote "no."

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. The Clerk will call the roll. Those in favor of tabling the appeal will answer "yea" when their names are called; those opposed will answer "nay."

The question was taken; and there were—yeas 240, nays 10, answered "present" 7, not voting 132, as follows:

YEAS—240.

Adair	Bathrick	Bulkley	Cannon
Adamson	Beall, Tex.	Burke, Pa.	Carter
Aiken, S. C.	Blackmon	Burke, S. Dak.	Claypool
Akin, N. Y.	Booher	Burke, Wis.	Clayton
Alexander	Borland	Burleson	Connell
Allen	Bowman	Burnett	Conry
Ansberry	Bradley	Butler	Covington
Ashbrook	Brantley	Byrns, Tenn.	Crago
Austin	Brown	Calder	Crumpacker
Ayres	Browning	Campbell	Curley
Bartholdt	Buchanan	Candler	Danforth

Davenport	Hamlin	McDermott	Saunders
Davis, Minn.	Hammond	McKellar	Scully
Davis, W. Va.	Hardy	McKinley	Sells
De Forest	Harrison, Miss.	McKinney	Shackleford
Dent	Hay	McLaughlin	Sharp
Denver	Hayden	McMorran	Sherley
Difenderfer	Heflin	Maguire, Nebr.	Sims
Dixon, Ind.	Helm	Maher	Sisson
Dodds	Henry, Tex.	Mann	Sloan
Doremus	Hensley	Matthews	Smith, J. M. C.
Doughton	Hill	Miller	Smith Saml. W.
Draper	Holland	Mondell	Smith, Tex.
Driscoll, D. A.	Houston	Moon, Tenn.	Speer
Driscoll, M. E.	Howard	Moore, Pa.	Stanley
Estopinal	Howell	Morgan	Stedman
Evans	Howland	Morrison	Stephens, Miss.
Fairchild	Hughes, N. J.	Moss, Ind.	Stephens, Nebr.
Faison	Hull	Mott	Stephens, Tex.
Farr	Humphrey, Wash.	Murray	Sterling
Fergusson	Jacoway	Needham	Stevens, Minn.
Ferris	James	Neeley	Stone
Finley	Johnson, Ky.	Norris	Sulloway
Flood, Va.	Jones	Oldfield	Sulzer
Floyd, Ark.	Kahn	Olmsted	Sweet
Focht	Kendall	O'Shaunessy	Switzer
Fornes	Kennedy	Padgett	Taggart
Foss	Kent	Page	Talcott, N. Y.
Foster	Kinkaid, Nebr.	Patten, N. Y.	Taylor, Ohio
Fowler	Kinkead, N. J.	Patton, Pa.	Thayer
French	Kitchin	Payne	Thomas
Gallagher	Konig	Pepper	Towner
Gardner, N. J.	Korbly	Pickett	Townsend
George	Lafean	Plumley	Tribble
Gill	Lafferty	Porter	Turnbull
Glass	La Follette	Post	Underhill
Godwin, N. C.	Lawrence	Pou	Underwood
Goeke	Lee, Ga.	Rainey	Utter
Goldfogle	Lever	Raker	Vare
Good	Levy	Ransdell, La.	Watkins
Goodwin, Ark.	Lewis	Rauch	Webb
Graham	Lindbergh	Rees	Wedemeyer
Gray	Linthicum	Reilly	Weeks
Green, Iowa	Littlepage	Robinson	Whitacre
Gregg, Pa.	Lloyd	Roddenbery	White
Gregg, Tex.	Lobeck	Rodenberg	Willis
Griest	Longworth	Rothermel	Wilson, Ill.
Hamill	Loud	Rucker, Colo.	Wilson, Pa.
Hamilton, Mich.	McCall	Russell	Witherspoon
Hamilton, W. Va.	McCreary	Sabath	Young, Kans.

NAYS—10.

Anderson, Minn.	Fitzgerald	Jackson	Warburton
Anthony	Haugen	Morse, Wis.	
Cooper	Helgesen	Steenerson	

ANSWERED "PRESENT"—7.

Hawley	Martin, Colo.	Sparkman	Woods, Iowa
McCoy	Slayden	Talbott, Md.	

NOT VOTING—132.

Ainey	Dies	Humphreys, Miss.	Prouty
Ames	Donohoe	Johnson, S. C.	Pujo
Anderson, Ohio	Dupré	Kindred	Randell, Tex.
Andrus	Dwight	Knowland	Redfield
Barchfeld	Dyer	Konop	Reyburn
Barnhart	Edwards	Kopp	Richardson
Bartlett	Ellerbe	Lamb	Riordan
Bates	Esch	Langham	Roberts, Mass.
Bell, Ga.	Fields	Langley	Roberts, Nev.
Berger	Fordney	Lee, Pa.	Rouse
Boehne	Francis	Legare	Rubey
Broussard	Fuller	Lenroot	Rucker, Mo.
Burgess	Gardner, Mass.	Lindsay	Sheppard
Byrnes, S. C.	Garner	Littleton	Sherwood
Callaway	Garrett	McGillicuddy	Simmons
Cantrill	Gillett	McGuire, Okla.	Slemp
Carlin	Gould	McHenry	Small
Cary	Greene, Mass.	McKenzie	Smith, Cal.
Clark, Fla.	Gudger	Macon	Smith, N. Y.
Cline	Guernsey	Madden	Stack
Collier	Hanna	Martin, S. Dak.	Stephens, Cal.
Copley	Hardwick	Mays	Taylor, Ala.
Cox, Ind.	Harris	Moon, Pa.	Taylor, Colo.
Cox, Ohio	Harrison, N. Y.	Moore, Tex.	Thistlewood
Cravens	Hartman	Murdock	Tilson
Cullop	Hayes	Nelson	Tuttle
Currier	Heald	Nye	Volstead
Curry	Henry, Conn.	Palmer	Vreeland
Dalzell	Higgins	Parran	Wilder
Daugherty	Hinds	Peters	Wilson, N. Y.
Davidson	Hobson	Powers	Wood, N. J.
Dickinson	Hughes, Ga.	Pray	Young, Mich.
Dickson, Miss.	Hughes, W. Va.	Prince	Young, Tex.

So the motion to lay on the table the appeal from the decision of the Chair was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. MCGILLICUDDY with Mr. GUERNSEY (on all questions except battleships, free tolls, and interstate shipment of intoxicating liquors).

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Mr. SLAYDEN with Mr. TILSON.

Mr. SHEPPARD with Mr. BATES.

Mr. ROUSE with Mr. HAYES.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. COLLIER with Mr. WOODS of Iowa.

Until further notice:

Mr. DUPRÉ with Mr. MCGUIRE of Oklahoma.

Mr. ELLERBE with Mr. MCKENZIE.

Mr. FRANCIS with Mr. MOON of Pennsylvania.

Mr. GARNER with Mr. NYE.

Mr. GARRETT with Mr. FORDNEY.

Mr. GOULD with Mr. MURDOCK.

Mr. HARDWICK with Mr. PRAY.

Mr. HUGHES of Georgia with Mr. PRINCE.

Mr. HUMPHREYS of Mississippi with Mr. PROUTY.

Mr. KONOP with Mr. REYBURN.

Mr. LEGARE with Mr. ROBERTS of Massachusetts.

Mr. MOORE of Texas with Mr. ROBERTS of Nevada.

Mr. REDFIELD with Mr. VREELAND.

Mr. SHERWOOD with Mr. WILDER.

Mr. SMITH of New York with Mr. WOOD of New Jersey.

Mr. YOUNG of Texas with Mr. SIMMONS.

Mr. LAMB with Mr. STEPHENS of California.

Mr. TUTTLE with Mr. POWERS.

Mr. DIES with Mr. KNOWLAND.

Mr. DONOHOE with Mr. HINDS.

Mr. DICKINSON with Mr. HIGGINS.

Mr. DAUGHERTY with Mr. HEALD.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. CULLOP with Mr. HARRIS.

Mr. COX of Indiana with Mr. HANNA.

Mr. CLINE with Mr. FULLER.

Mr. CLARK of Florida with Mr. CURRY.

Mr. CANTRILL with Mr. CURRIER.

Mr. CALLAWAY with Mr. COPLEY.

Mr. BURGESS with Mr. CARY.

Mr. BOEHNE with Mr. BARCHFELD.

Mr. BARNHART with Mr. AINEY.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. RUBEY with Mr. HAWLEY. (Mr. HAWLEY reserves the right to vote on all measures pertaining to his State.)

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. CARLIN with Mr. SLEMP.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. BARTLETT with Mr. GREENE of Massachusetts.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. EDWARDS with Mr. DALZELL.

Mr. MARTIN of Colorado with Mr. KOPP.

Mr. LITTLETON with Mr. DWIGHT.

Mr. PALMER with Mr. HENRY of Connecticut.

Mr. FIELDS with Mr. LANGLEY.

Ending August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. MONDELL. Mr. Speaker, not hearing clearly, I think I answered "yea" when the name of Mr. BARCHFELD was called. Later, when my name was called, I failed to hear it.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. MONDELL, and he voted "yea."

The SPEAKER. Is the gentleman from Pennsylvania, Mr. BARCHFELD, here?

Mr. MONDELL. I think so. I heard the last syllable of the name, and, not knowing what stage of the roll call had been reached, I mistook it for my name.

The SPEAKER. The Clerk will strike off Mr. BARCHFELD'S vote.

On this question the yeas are 240, the nays are 10, present 7. The decision of the Chair stands as the judgment of the House, and the question is——

SWEARING IN OF A MEMBER.

Mr. MANN. Mr. Speaker, I desire to present a matter of privilege. On the 30th of July an election was held in the first district of Vermont, to elect a Member of the House to succeed Mr. David J. Foster, deceased.

Mr. UNDERWOOD. Mr. Speaker, I rise to a point of order, that there is a question pending before the House, which the Speaker was about to state, and that it is of the highest privilege.

Mr. MANN. The gentleman can object to this. I am about to make a request for unanimous consent.

Mr. UNDERWOOD. I did not understand that. I thought the gentleman was going to submit a privileged motion.

Mr. MANN. No. At the election held in the first district of Vermont Mr. FRANK L. GREENE was elected. While the cer-

tificate has not been received here, there is no contest over the election, and in accordance with numerous precedents in the House I ask unanimous consent that the Member elect, Mr. GREENE, may now take the oath of office.

The SPEAKER. The gentleman from Illinois [Mr. MANN] states that the late Mr. Foster's successor was elected on a certain day, and that while the certificate has not arrived there is no dispute about the fact, and he asks that the Member elect be sworn in. Is there objection?

There was no objection.

Mr. GREENE of Vermont presented himself at the bar of the House and took the oath of office.

VETO MESSAGE—THE IRON AND STEEL SCHEDULE.

The SPEAKER. The question is, Will the House, upon reconsideration, agree to pass the iron and steel bill, the objections of the President to the contrary notwithstanding?

Mr. UNDERWOOD. I desire to address the House for a short time, and will ask the gentleman from New York [Mr. PAYNE] how much time he desires to occupy in debate on this question?

Mr. PAYNE. I think I am ready for a vote now. How much time does the gentleman propose to use?

Mr. UNDERWOOD. I am prepared to suggest that we divide an hour between us.

Mr. PAYNE. All right.

The SPEAKER. What is the agreement as to time?

Mr. UNDERWOOD. I ask unanimous consent that the debate on this motion be confined to one hour, at the end of which time the previous question shall be considered as ordered, one half the time to be controlled by the gentleman from New York, the other half by myself.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the debate on this veto be confined to one hour, half of it to be controlled by himself and half by the gentleman from New York [Mr. PAYNE], and that at the end of the hour the previous question be considered as ordered. Is there objection?

There was no objection.

Mr. LEVY. Mr. Speaker, pending this question, I ask to bring up a question of personal privilege.

The SPEAKER. The matter that is up now is a question of the highest privilege.

Mr. LEVY. Pending this, may I ask a question?

The SPEAKER. The question that is up now is a question of the highest privilege, and you can not have two questions of privilege up at once.

Mr. UNDERWOOD. Mr. Speaker, the President of the United States has determined to prevent if possible the Congress from legislating in reference to tariff bills. Again he has returned, with his veto, a bill passed by both Houses of Congress revising downward the duties on metals. There is a remarkable thing about this bill that the country should know. This bill has passed a Democratic House, receiving not only Republican votes in this House, but in the Senate, where a majority of the Members, when elected, held allegiance to the Republican Party. This bill passed with only two slight amendments—one reducing the duty on pig iron and allied products from 8 to 6 per cent, while the other reduces the duty on the ferroalloys from 15 to 10 per cent. I therefore judge that the controlling majorities in the two branches of the Congress, many of them belonging to different political parties, were in unison as to the wisdom of this legislation.

It is unusual that a bill amending an entire tariff schedule can pass the two Houses without material amendments; this bill has been practically approved by both Houses with only two small and unimportant amendments, and those amendments are not cited among the objections the President of the United States brings against this bill.

In both of the veto messages the President has recently sent to the Congress he has said that the reports fail to show that an investigation had been made with reference to particular items.

Mr. Speaker, the President did not direct his Tariff Board to investigate the iron and steel schedule. That was a question for him to determine. No fault rests upon us. But the fact is—although he says nothing about it in this message—he instructed the Bureau of Corporations to make a full and complete investigation of the iron and steel schedule, and in his veto message of the cotton schedule of 1911, to which bill was attached by the Senate a metal-revision amendment, he stated that the Bureau of Corporations was engaged in an investigation of the iron and steel industry, and that the Congress should wait until it had received that report.

Before this bill was passed by this House the report of the Bureau of Corporations on this particular schedule was before the Ways and Means Committee. That report is the rsult of an investigation ordered by the Executive, and an investigation available to the President, if he desired to use it.

He had more. He had the investigation of the Bureau of Corporations, a voluminous report, printed in two volumes, going into details in respect to all these questions. He also had reports from the Immigration Commission in reference to the questions of labor involved, as well as reports from the Bureau of Labor. In addition to all this, when this bill reached his hands he had the thorough and complete report of the committee appointed by this House to investigate the so-called Steel Trust, going largely into the details of this question; an investigation he was willing to accept when he ordered his Attorney General to file proceedings against the United States Steel Corporation. Yet he wishes to repudiate the legislation of this Congress with respect to the metal schedule, because, as he says, there had been no investigation. What of the investigation when he signed the Payne-Aldrich bill? He had all the information before him when this bill was presented to him that he possessed when he signed that bill. [Applause on the Democratic side.] But he is not willing to accept all or any of these investigations when the Congress of the United States asked him to revise the iron and steel schedule downward in the interest of the people of the United States. [Applause on the Democratic side.] He says there were no public hearings; none were asked for on this schedule. There were ample public hearings in connection with the Payne bill in 1909; they were all printed and are of record. The facts brought out at that time apply as well to-day as they did three years ago when he signed the Payne bill.

You can come to but one conclusion in reference to these vetoes, which is that the President has determined that no one shall revise the tariff except the "standpat" element of the Republican Party. [Applause on the Democratic side.] And unless he can get a bill that is O. K'd by the gentleman from New York and the colleagues of his particular faith, the President will not let us legislate on the subject if he can help it.

He says in his message:

> A bill for the complete revision of this schedule was presented to me a year ago in the extra session of this Congress. Many increases and decreases of rates are now made from those in the former measure. Changes are not explained, indicating hasty preparation of both.

Mr. Speaker, a statement of that kind in an important public document is not only lamentable but pitiable. [Applause on the Democratic side.] He vetoes a public measure because in the lapse of a year's time the Congress had made some changes in the rates in a bill, which he said himself ought not to be signed, and because we changed the rates and have not communicated to him our reasons for the change of rates in the two bills it, forsooth, must receive his veto. Certainly, upon due reflection, the President would not send to the Congress of the United States that statement as a reason for defeating the will of the American people as expressed by their representatives in the Congress of the United States. [Applause on the Democratic side.] It seems, though, that he is unable to wander far afield from his home State. On yesterday we had a message before this Congress vetoing a revision of the woolen schedule, and, forsooth, the principal question that was involved and stressed in that message was the amount of duty that should be levied to protect sheep raising in Ohio. In the message which the President sends to-day he names among his objections the fact that certain items are, as he thinks, improperly placed on the free list; among these items are machine tools, which are largely made in the State of Ohio.

The President of the United States should realize that in writing these great legislative measures, these revenue measures, we can not legislate for any one State; the domain of our legislation must reach to the farthest walls of the Republic.

The following table presents an *analysis of important items* of the free list of the metal bill (H. R. 18642), and fully explains the action of the Ways and Means Committee and of the House in recommending the removal of these articles from the dutiable to the free list. The items shown are barbed fence wire, nails, tacks, cash registers, machine tools, printing presses, typewriters, sewing machines, and so forth. This country is as to these goods preeminently an exporting country, and we can not under any circumstances expect to materially increase imports and secure from these articles any considerable amount of duties. Our domestic production of these goods amounts to more than $182,000,000 annually; our exports to nearly $33,000,000; our domestic consumption to about $152,000,000, while our imports are less than $300,000, and the duties in 1911 were less than $85,000.

Production, imports, exports, and consumption for 1910 and duties for 1911 of the leading articles of the free list of the metal bill (H. R. 18642).

Articles.	Production.	Imports.	Exports.	Consumption.	Duties (1911).
Barbed fence wire, etc...	$13,882,000	$605	$4,322,311	$9,560,294	$1.00
Cut nails, etc.....	2,218,000	877	407,904	1,810,973	166.00
Horseshoe and hob nails, etc.....	2,207,000	2,162	.....	2,209,162	221.00
Wire nails, etc.....	29,320,000	209	1,705,026	27,615,183	52.00
Horse and mule shoes, etc.....	7,523,000	105	.....	7,523,106	1,764.00
Cut tacks and brads, etc.	5,255,000	22	613,004	4,642,018	.16
Cash registers[1].....	23,708,000	533	2,920,517	20,788,517	596.00
Machine tools.....	[2]50,000,000	177,000	[3]5,000,000	45,177,000	57,324.00
Printing presses.....	(4)	30,001	2,065,299	(4)	8,503.00
Typewriters and supplies.....	19,719,000	838	8,239,510	11,480,328	180.00
Sewing machines.....	28,262,000	76,964	7,513,852	20,825,112	15,833.00
Total.....	182,094,000	289,316	32,787,423	151,631,693	84,640.66

[1] Census classification for production is: Cash registers and calculating machines.
[2] Variously estimated at from $50,000,000 to $100,000,000.
[3] Classification under which machine tools are exported is: Metal-working machinery (including metal-working machine tools). Under this classification the exports in 1911 were $9,627,000. Hence estimate of $5,000,000 seems conservative.
[4] No data.

The items that are on the free list in this bill which the President complains of consist of articles like barbed fence wire, which we are exporting, not importing. Under the present act in 1911 the amount of barbed wire imported into the United States amounted to 160 pounds, valued at $4, producing the munificent revenue to the Government of $1. And yet the President is fearful that this industry may be overslaughed and that the protection to prevent 160 pounds of barbed wire being imported into the United States may be jeopardized by this bill, notwithstanding the fact that he has recently fined the same makers of barbed wire for entering into a trust combination for the violation of the Sherman antitrust law. [Laughter and applause on the Democratic side.]

In the case of cash registers, of which we have a monopoly under the patent laws, there are no importations. Printing presses we ship to the farthermost parts of the world. Typewriters we furnish to the people of all the countries of the world. Sewing machines we sell in the Orient for a third of the amount they are sold to the American consumer. Machine tools, made in Cincinnati, Ohio, we are selling in competition with the greatest maker of machine tools in the world.

As shown in the above table, there were about $50,000,000 of machine tools made in the United States in 1910, and the imports of machine tools for 1910 amounted to $177,000. Fifty million dollars worth manufactured and $177,000 worth imported, not one-half of 1 per cent. In the fiscal year of 1912 we exported $12,000,000 worth of machine tools, or $1,000,000 worth a month, and imported less than $200,000 worth.

Of the $12,000,000 worth of machine tools exported last year to the markets of the world, a large proportion of them went into the markets of Germany in competition with the principal manufacturers of machine tools outside of the United States. More than that, I understand that these same manufacturers of machine tools give to the purchasers of such tools in Germany a discount of 5 per cent more than they give the American consumer.

The freight rate and the insurance rate to get into that market must amount to at least 5 per cent, so as a matter of fact we ship machine tools from the United States to Germany, discount and pay tariff taxes to the amount of not less than 10 per cent of the value of the product, and compete with them in their home market. Is there any reason why we should maintain a prohibitive duty for that industry, which brings to the Government of the United States practically no revenue?

Mr. STANLEY. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. STANLEY. I desire to suggest to the gentleman at this point that the Clariton Steel Co., one of the greatest makers of tool steel in the world, is in a combination with the United States Steel Corporation by which they agree not to compete with each other, and that the whole transaction is set up in the petition filed by the Department of Justice.

Mr. UNDERWOOD. Mr. Speaker, I desire gentlemen to mark this before they vote to give the relief the people demand. The Government of the United States some years ago sent experts abroad to investigate the iron and steel business and the machine industry. The gentleman from New York [Mr. PAYNE] is familiar with the report of Mr. Pepper and other experts on this subject. The President says that he is not informed. He ignores the information that his own experts brought to the Ways and Means Committee. He does not say one word about that in his veto message, but the gentleman from New York will not deny that the report of these experts showed that machine tools made by American manufacturers were being exported in large quantities and sold in every country of Europe. They were found to be sold not only in every European country, but in equal competition with foreign manufacturers, where in countries like Germany the American machine tool had to pay an adverse tariff rate before it was introduced in the competitive market. The same thing is true of many other items in this bill.

The American manufacturer of iron and steel commodities to-day is exporting in large quantities his products into the Canadian market and paying an adverse tariff of a third more than his British competitors, and yet the President says that we will jeopardize this industry and that we will injure American labor if this bill be passed. Does it lie in his mouth to say that we will jeopardize the interests of American labor when this Congress has passed more legislation in the interest of that labor than any other Congress in the history of this Government? [Applause on the Democratic side.] Does it lie in his mouth to say that the American laborer engaged in the iron and steel industry has ever received a dollar's advance in his wage by reason of this protective tariff? You know and I know that the iron and steel industry in many of its branches pays a remunerative wage, but we all know that this is largely due to the compact labor organizations which maintain these rates of wages. In those branches of the iron and steel industry where there is no labor organization, but little better wages are paid to the laborers here than in the markets of Europe.

Mr. JACKSON. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Yes.

Mr. JACKSON. In this connection I would like to have the gentleman's judgment, because I know it is good, both as to details of iron manufacture and the question of tariff. Will the gentleman now give us his judgment as to whether this bill carries sufficient duties to equal the difference in the cost of labor at home and abroad? I have not heard all that the gentleman has said and perhaps he has already answered that question.

Mr. UNDERWOOD. Mr. Speaker, I will answer the gentleman's question. The average duties that are levied in this bill amount to 22.40 per cent. The average cost of labor in the entire iron and steel industry is 19 per cent of its cost. Nobody will contend that the price paid for labor in this country is more than double the price paid for labor in Germany and England, our two real competitors. There is no use going into other countries, because they are not competitors. If that be the case, then one-half of the labor cost equals the difference between labor here and abroad. Ten per cent would equal the difference in labor cost at home and abroad. This bill gives on an average a tariff rate of 22 per cent.

I reserve the balance of my time.

Mr. PAYNE. Mr. Speaker, the gentleman from Alabama was asked a question as to whether the rates in this bill would equal the difference in the cost of labor here and abroad and he said he would answer the question. What did he say? That the average rates in the bill are 22 per cent, and that the average labor cost is 19 per cent, and that half of that would be less than 22 per cent. He does not say that it is a protective measure. He will not say that. It is made simply for revenue. The average cost of labor in making a ton of pig iron may be 9 per cent. The average cost of labor in making machine tools may be 40 per cent. Nine per cent may equal the difference between the cost of conversion in making pig iron, but an average of that kind would not do a man any good who was engaged as a skilled laborer in making machine tools.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman yield for a question?

Mr. PAYNE. Yes; I will yield for a question now.

Mr. UNDERWOOD. When the machine-tool trade sell a large portion of their product in the country of their principal competitor, does not that of itself demonstrate that there is no difference in the cost?

Mr. PAYNE. Mr. Speaker, the gentleman knows that machine tools sold abroad are sold because of their peculiar adaptability to certain lines of work, and because we make better machine tools in that line. In other lines we meet their competition, and we have to have the difference in the cost of production here and abroad to maintain our own factories. Right there I desire to say that I was surprised at the insinuation of the gentleman from Alabama that because some of these machine tools were made in Ohio that therefore the President might be inclined to look after them and to veto the bill. He knows that they are made all over the United States as well as in Ohio. Even my genial friend from Brooklyn [Mr. REDFIELD] tells about machine tools that he makes down in our State; and at

the same time he tells about being over at the Pyramids and talking about the price of sewing machines in the Orient, when he meets a man over there and asks him what they sell sewing machines there for and is told so much. Of course he did not give us a history of the man or his name or anything like that, as he failed to do in similar illustrations, but nevertheless that enabled the chairman of the Committee on Ways and Means to come in here and say that they are selling sewing machines abroad for a third of what they are selling them here.

The gentleman says that the laborers get higher wages because of the labor organizations. The gentleman talks about labor organizations securing good wages. Why, gentlemen seem to think all they have to do is to organize and then, no matter whether the manufacturer gets his money back or not, that wages are bound to go up. A man can not pay higher wages here than his competitor pays unless he can get more out of his goods, unless that labor is protected. He has to have the money to pay the wages with; if he does not, his business will go down and he will fail and he will stop his factory. Well, that is a simple matter of economics that never seems to have entered the brain of my friend from Alabama. Suppose his people strike down there for higher wages and they are selling his staple made abroad for less than he can produce it. What will he say to the people who strike? He will say, "Well, I can not get the money to pay higher wages with." We do not pretend these things work automatically, but that you make up the difference in cost, and that is bound of itself and without any action it insures, on the part of the workman, an increase of his wages. A man has got to demand good wages, and not only that but often to have an organization behind him to get the higher wages. I believe in labor organizations, but they can not get the higher wages unless the man who employs him gets the money with which to pay the higher wages. The gentleman talks about the immense amount of information he got from the Stanley committee. Well, it might help him to make a tariff-for-revenue-only bill; it might help him.

What difference does it make about "the average per cent of duty"? The average per cent of duty in the present law is much less than that under the Wilson law, and yet the Wilson law was not constructed on the line of protection, on the line of making up the difference in cost on the article, except as it was amended in the Senate, and on many articles the duty was too low and factories were closed. It is a matter of history. The average rate of duty in the present law is lower than that of any law in the history of the country, except for a period of five years only; lower than any average duty in the last 50 years—18.83 per cent for the year 1912—and yet it has not resulted in closing a factory, or injured any farmer, or prevented any man from working in a factory or on the farm. Why? Because we went to work to make up the difference in cost here and abroad in making up the duty and we worked out that according to the information we had then, which we studied and which seems to be all the information the gentleman has accumulated since, except that from the Stanley committee. According to the members of that committee, they did not go into this question as to the difference in wages and cost of goods. He speaks about the census work. Well, the census work was more in the line of social conditions.

It was not the getting of piece prices or piece cost of labor with any of these people, but the weekly wage and what they had to pay out in order to live—the social conditions. It did not relate at all to the cost of goods; simply the daily wage, and you can not tell anything about the difference in the cost of labor until you get the cost per piece as we got it as far as we were able in the Ways and Means Committee in the limited time we had. We made a revision of the metal schedule that was according to the evidence and the difference of cost of wages. The Senate mutilated it in some particulars, some of which we had to accede to, but when the bill came from the committee to the House the metal schedule was as low as it could be made according to the information we had, simply making up the difference in the cost of wage.

Now, Mr. Speaker, the gentleman yesterday, as an illustration of his fairness, called up an old table on my wool bill, which I presented as a substitute here, and said that an expert had figured it out and the percentage was way up in the 60's or 70 per cent. The gentleman has not told the whole truth. The table he published in his former speech, and the expert said he could not get at a percentage of the duty on these women's and children's goods. Why? Because he did not know the amount of wool or the proportion of wool in those goods. That schedule was carefully drawn, and it allowed compensation equal to the value of the wool in those goods. Some of them had 50 per cent of wool, some of them less than that, and the gentleman had an expert figure it up as the average per cent of duty, figuring the duty on wool equal to the whole weight of the article, cotton and all, and comes in here and talks about fairness! When you take out the cotton and assess the compensatory only on the weight of wool, it is lower than his schedule on that very item of cheaper goods, as I demonstrated when the bill was before the House. And that was his alleged reason for not accepting that bill. The gentleman is mistaken. It was lower on other items than his bill, and the reason he could not accept it was because when the expert figured it out he figured all the cotton in the goods as wool and allowed a compensatory duty of 25 cents a pound on the wool and on the cotton, both contrary to the provisions of the bill and contrary to the practice under the bill if it became a law.

Mr. Speaker, how much time have I consumed?

The SPEAKER pro tempore (Mr. THAYER). The gentleman has consumed 12 minutes.

Mr. PAYNE. I yield five minutes to the gentleman from Ohio [Mr. LONGWORTH].

Mr. LONGWORTH. Mr. Speaker, the gentleman Alabama [Mr. UNDERWOOD] a little while ago in referring to the motives of the President in vetoing this bill did not, I think, make as fair a statement as he almost invariably does. The gentleman in so many words said that one of the principal reasons that led the President to veto this bill was because by it machine tools are placed on the free list and because machine tools are principally made in Cincinnati. Now, this statement is entirely unfair or else it illustrates the absolute lack of information which the chairman of the Ways and Means Committee has upon that subject.

As a matter of fact, there is scarcely a more diversified industry in this country than the machine-tool industry. They are made—I would not like to say positively for fear of exaggerating, not having looked up the question for some time—but I think in nearly half of the States in this country. I know that they are largely made in New York, Massachusetts, New Hampshire, Connecticut, Illinois, and Pennsylvania. A full hearing was given to gentlemen engaged in manufacturing machine tools before the Finance Committee of the Senate, they having been unable to secure a hearing before a committee of this House, and anyone who will take the pains to read those hearings will become convinced that there has been no more unjust, unreasonable, and absolutely foolish thing done in any of the tariff bills that have passed this House than the placing of machine tools upon the free list. Now, in the first place, why was it done? What theory is involved in placing this, one of the most highly finished products of American industry, upon the free list and leaving a considerable duty upon every single article that goes into their manufacture? It is not free trade, because a free trader would take the duties off of the raw material. It is not a tariff for revenue, because by putting the article on the free list you have destroyed the revenue. It is not protection, because the result would be to utterly destroy the industry in this country. It can not be justified by any known theory of tariff making. It is neither flesh, fowl, nor good red herring.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. LONGWORTH. With pleasure.

Mr. UNDERWOOD. It was anticipated in writing the present law. We put gun barrels on the free list and left quite a duty on pig iron.

Mr. LONGWORTH. Gun barrels is a good argument to use in this instance. It is about as good an argument as the gentleman from Kentucky [Mr. STANLEY] awhile ago used, when he said that the tool steel was now in a combination. The gentleman would never have made that remark if he had known that tool steel and machine tools are as absolutely different one from the other as any two things can be.

Mr. STANLEY. The gentleman did not say tool steel. He said the Crucible Steel Co., a large maker of tool steel.

Mr. LONGWORTH. The gentleman said tool steel.

Mr. STANLEY. Can not the gentleman distinguish between the statement that a large maker of tool steel is in a combination and that steel tools are in it?

Mr. LONGWORTH. Does the gentleman know what machine tools are?

Mr. STANLEY. Certainly.

Mr. LONGWORTH. What are machine tools?

Mr. STANLEY. A tool used in a machine, of course.

Mr. LONGWORTH. Absolutely not. It is nothing like it. Machine tools, I will say to the gentleman, because if he has not got the information it is time that he had it——

Mr. STANLEY. A tool used in making a machine is also a machine tool.

Mr. LONGWORTH. I will tell the gentleman, so that he may have no further misapprehension about the subject. The gentleman says it is a machine that is used in making tools. Of course, it is no such thing, but it is not altogether remarkable that the gentleman from Kentucky should be wrong, considering the fact that the majority of the Ways and Means Committee have but a vague and hazy idea of what machine tools really are. I do not blame the gentleman from Kentucky [Mr. STANLEY] for not being able to get an accurate definition.

I blame him for being able to give no definition at all. Even the Treasury Department officials have not yet fully decided what machine tools are. Generally speaking, they are ordinarily considered to be machinery for working metals, but they have also been held to include machines for woodworking, and machines for polishing stone, and for other purposes. Under these definitions it may be that you are going a good deal further by this proposition than you intended. If future decisions are going to hold that woodworking machinery is to come in free, for instance, you are going to damage other great industries that you have perhaps not contemplated.

There is no theory in the world under which this proposition can be justified. The gentleman from Alabama [Mr. UNDERWOOD] has enunciated two theories under which it is proper to put a highly manufactured article on the free list and leave a duty on all the intermediate products. One is where it is a monopoly or protected by patents. How is it with the machine-tool industry, Mr. Speaker? There is no industry in this country in which there is sharper competition—competition in a very large number of the States in the Union. There has never been a suggestion of any combination. Out of the many millions invested in machine-tool concerns, I do not believe that there is one which has a capitalization of over a million dollars, and they run down to a very modest capitalization amounting in a very large number of concerns to not more than $25,000. It is perhaps the furthest away from a monopoly or a possible monopoly of any important industry in this country.

The other is where the article is largely exported, and the gentleman from Alabama says that machine tools have been and are now being exported in large quantities. Now, that is true to an extent, Mr. Speaker, but it is not true when you insinuate, as the gentleman from Alabama does, that its export is a very large proportion of its annual product. At the most, and under any figures, it is not much over 10 per cent, and the majority can not prove it to be otherwise.

Mr. UNDERWOOD. I will state to the gentleman that I have the figures here since I started to make my speech showing the export of the machine-tool business. Last year there was sold to the domestic trade $40,000,000 worth. They exported $12,000,000 worth of machine tools, or an average of $1,000,000 worth a month, and their total importations were less than $200,000. That is the report of the Treasury Department.

Mr. LONGWORTH. I dislike very much to disagree with the gentleman, but the annual domestic production is very far in excess of $40,000,000. I disagree absolutely with the gentleman, but I do not want to dispute with him here. But leaving out that phase of the question, the fact is that machine tools were originally a purely American industry, and it is true that up to recent years the simpler kinds of machine tools, like shapers and drills and things of that sort, were largely exported. But it is also true that to-day not a single one of these simple machine tools is exported from this country, and, on the contrary, a very large number come in annually from Germany and other countries. The only exports to-day of the machine-tool industry are products of the very highest quality, the most difficult of machine tools to manufacture; and anyone who will take the trouble to examine closely into the matter in the hearings will find——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LONGWORTH. Will the gentleman from New York [Mr. PAYNE] give me two minutes more?

Mr. PAYNE. How much time have I left, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. PAYNE. I will give the gentleman two minutes.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. LONGWORTH] is recognized for two minutes more.

Mr. LONGWORTH. Anyone who will take the trouble to examine the hearings before the Finance Committee of the Senate will see by actual demonstration that to-day the Germans are in actual competition with us even in the very high qualities of machine tools. They are importing into this country, and with a duty of 30 per cent, precisely the same machine that is made in this country. What would happen if that duty were removed entirely?

It all comes down, gentlemen, to this proposition, that you are, by putting machine tools on the free list, absolutely coming down to the question of the wages of labor. You need not consider here the question of a reasonable profit to the manufacturer. You are getting down now to the difference between the wages here and abroad, and the result, and the only result, of free machine tools must be to utterly destroy the machine-tool industry of this country, or, at the very best, to reduce by 50 per cent the wages of the men employed in making them by those concerns which may perchance survive.

If it is to be the policy of the Democracy to penalize great American industries because, by American energy and enterprise, they have been able in the past, before other nations could find out their methods of manufacture, to export a reasonable amount of their annual product; if it is to be Democratic policy that those people, those Americans, are to be penalized for being successful, we must look forward with dismay to the time when this House shall have with it a sympathetic Senate and a sympathetic President, and shall be able to enact into law such measures as this, for then inevitably will our factories be transferred abroad and our workingmen relieved from further employment in this country. [Applause on the Republican side.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PAYNE. Mr. Speaker, I want to ask the gentleman from Alabama [Mr. UNDERWOOD] if he has more than one speech?

Mr. UNDERWOOD. I yield to the gentleman from New York [Mr. REDFIELD].

Mr. REDFIELD. Mr. Speaker, about two weeks ago my office received an inquiry from the city of Ghent, in Belgium, for certain machinery, upon which a price was asked. Belgium has its own supplies of coal and iron, and the cheapest-paid labor in Europe.

It did not occur to me that that was a serious obstacle against selling there. A price was quoted, and on last Monday the order was received and is now in process of execution. Since the order was received, I asked my officers if they had given to that man their lowest figure? They said no, because upon the first transaction it was not thought best to go to the extreme. Consequently, we have to-day quoted him 10 per cent lower than the price at which we sold him, and the present reduced price is as high or higher than the price in the American market. [Applause on the Democratic side.]

Mr. UNDERWOOD. Will the gentleman from New York [Mr. PAYNE] consume the balance of his time?

Mr. PAYNE. I yield the balance of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. How much time is there remaining?

The SPEAKER pro tempore. Six minutes.

Mr. PAYNE. I had 10 minutes and yielded 2 minutes. That left 8 minutes.

The SPEAKER pro tempore. The gentleman yielded two minutes more. He has six minutes remaining.

[Mr. CANNON addressed the House. See Appendix.]

The SPEAKER The time of the gentleman has expired. The gentleman from Alabama has three minutes.

Mr. UNDERWOOD. Mr. Speaker, gentlemen on that side of the House are not willing to take our statement in reference to the condition of American labor. I wish to call attention to a statement in reference to the condition of American labor in the iron and steel industry, published in the minority report on the investigation of the United States Steel Corporation, signed by Hon. AUGUSTUS P. GARDNER and Hon. HENRY G. DANFORTH. (H. Rpt. 1127, pt. 2, 62d Cong., 2d sess.)

The labor situation in certain manufacturing departments of the steel industry has always been bad, and to-day is bad. As a rule in the plants of the corporation conditions are better than in the plants of the independents. In rolling mills and the blast furnaces men are often required to work or at all events remain on more or less exacting duty for 12 hours a day for 7 days in the week. Incredible as this may seem, the fact is indisputable.

[Applause on the Democratic side.]

This is the statement published in the records of this House within the last month from the gentlemen on that side of the House, and yet your President and you gentlemen who stand by the old time, standpat Republican principles are insisting that you must maintain this tariff, not for protection to the American manufacturer, but that you must uphold labor conditions in the iron and steel business; labor conditions that you have been protecting by a Republican tariff since the Civil War, and gentlemen on your own side of the House state that these conditions are indefensible. [Applause on the Democratic side.]

The gentleman from Illinois has stated on this floor to-day that I am not in favor of passing this bill. The gentleman from Illinois is not sincere in that statement. He makes it in the heat of debate. He would not challenge the fact that I am not fairly representing my constituency when I vote to reduce the duties in the iron and steel schedule. [Applause on the Democratic side.]

Mr. CANNON. Will the gentleman yield?

Mr. UNDERWOOD. I have only two minutes.

Mr. MANN. The gentleman from Alabama took up half of the time of the gentleman from Illinois.

Mr. UNDERWOOD. Well, I will yield to the gentleman.

Mr. CANNON. While the gentleman desires the passage of this bill, if he will be honest with himself he must confess that he never expected that it would be vitalized into law, and never would have introduced it if he supposed that it would be vitalized into law.

Mr. UNDERWOOD. Mr. Speaker, it was my duty as chairman of this committee to endeavor to get honest legislation for the American people written on the statute books of this country. Until yesterday I admit that I had a doubt as to whether we could pass through the Senate of the United States bills overriding the veto messages, but a new light has broken on Congress, a light that has been reflected from the sentiment of the great masses of the American people, and yesterday we saw it exemplified and voiced by gentlemen on that side of the House through the passage over the President's veto of the bill revising the duties on wool and wool manufactures. [Applause on the Democratic side.]

I wish to call attention to another feature of the high protective policy and to the demand of consumers for consideration in connection therewith. Under the cover of high duties combinations in the industries covered by the metal schedule of the tariff act have grown up and taken control of our home markets. Exorbitant prices are being exacted of domestic consumers. Many American goods are sold cheaper abroad than at home. Thus, our citizens who have generously taxed themselves for the benefit of these industries are by them seriously oppressed. Many domestic industries because of prevailing conditions are weakened and discouraged. Unprotected exporters, whether manufacturers or farmers, are compelled to pay higher prices for materials, machinery, and supplies than are paid by their foreign competitors. Hence, instead of encouraging our home industries, the protective policy is encouraging foreign industries. Largely for this reason many important manufacturing establishments founded and carried on by American capital have in recent years been located abroad instead of in the United States. In a recent English publication entitled "Sixty Years of Progress and Fiscal Policy," by Brassey, I find the following suggestive statement:

> The Singer Sewing Machine Co. has established itself at Kilbowie, near Glasgow, the Babcock & Wilcox Co. at Renfrew. The Westinghouse Co. has erected enormous works in the Manchester district. The Chicago Tool Co. has built a plant at Fraserburgh, near Aberdeen. The Western Electric Co., of Chicago, is interested in extensive factories in London, Paris, Antwerp, and Berlin. The General Electric Co. has recently constructed a large new factory at Rugby, in England. The Hoe Co. is making printing presses in London, where also the American Linotype Co. is making machinery. The Draper Co. has built a textile-machinery works in Lancashire.

It is the conviction of those who have carefully investigated this matter that not less than $50,000,000 of American money is now invested in European plants devoted to the manufacture of American goods, including sewing machines, machine tools, boilers, engines, mining machinery, and so forth. Says a high Republican authority in commenting upon this condition:

> This will necessarily result in a large diminution of an export trade in American manufactures. Instead of making American electrical apparatus, cotton looms, all kinds of machine tools, etc., to ship abroad for sale, our manufacturers will increasingly produce these wares abroad for their foreign trade, and the statistics of our exports will be correspondingly reduced.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CANNON. I ask unanimous consent to extend my remarks in the RECORD, as I was cut off for want of time.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that gentlemen who have spoken on the bill may have leave to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all those who have spoken on the bill may have leave to extend their remarks in the RECORD.

Mr. UNDERWOOD. Mr. Speaker, as there seems to be other gentlemen here who want to express themselves on the bill, I ask unanimous consent that all gentlemen in the House may have five legislative days in which to extend remarks on the subject of the bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent that all Members may have five legislative days to extend remarks on the subject of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may have leave to extend my remarks in the RECORD.

The SPEAKER. Is not the gentleman included in the blanket permission?

Mr. MANN. Yes; but that is limited to five days, and I do not know whether I can do it within that time or not.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the same reason.

The SPEAKER. The gentleman from Illinois, Mr. MANN, and the gentleman from Illinois, Mr. CANNON, ask unanimous consent to extend their remarks in the RECORD without being confined to the five legislative days. Is there objection?

Mr. BURKE of Pennsylvania. Mr. Speaker, reserving the right to object, I want to ask if this includes the discussion of the rule for Calendar Wednesday?

The SPEAKER. The Chair thinks that it does. Is there objection to the request of the gentlemen from Illinois?

There was no objection.

The SPEAKER. The question is, Will the House, on reconsideration agree to pass this bill the objection of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 174, nays 83, answered "present" 2, not voting 132, as follows:

YEAS—174.

Adair	Fergusson	Kinkaid, Nebr.	Reilly
Adamson	Ferris	Kinkead, N. J.	Robinson
Aiken, S. C.	Finley	Kitchin	Roddenbery
Akin, N. Y.	Fitzgerald	Konig	Rothermel
Alexander	Flood, Va.	Korbly	Russell
Allen	Floyd, Ark.	Lafferty.	Sabath
Ansberry	Fornes	La Follette	Saunders
Ashbrook	Foster	Lee, Ga.	Scully
Ayres	Gallagher	Lee, Pa.	Shackleford
Bathrick	George	Lever	Sharp
Beall, Tex.	Gill	Levy	Sherley
Blackmon	Glass	Lewis	Sims
Booher	Godwin, N. C.	Lindbergh	Sisson
Borland	Goeke	Linthicum	Sloan
Brantley	Goldfogle	Littlepage	Smith, Tex.
Brown	Goodwin, Ark.	Lloyd	Stanley
Buchanan	Graham	Lobeck	Stedman
Bulkley	Gray	McCoy	Steenerson
Burke, Wis.	Gregg, Pa.	McDermott	Stephens, Nebr.
Burleson	Gregg, Tex.	McKellar	Stephens, Miss.
Burnett	Hamill	Maguire, Nebr.	Stephens, Tex.
Byrns, Tenn.	Hamilton, W. Va.	Maher	Stone
Candler	Hamlin	Moon, Tenn.	Sulzer
Carter	Hammond	Morrison	Sweet
Claypool	Hardy	Morse, Wis.	Taggart
Clayton	Harrison, Miss.	Moss, Ind.	Talcott, N. Y.
Cline	Haugen	Murray	Thayer
Connell	Hay	Neeley	Thomas
Conry	Hayden	Norris	Townsend
Covington	Heflin	Oldfield	Tribble
Curley	Helm	O'Shaunessy	Turnbull
Davenport	Henry, Tex.	Padgett	Underhill
Davis, Minn.	Hensley	Page	Underwood
Davis, W. Va.	Holland	Patten, N. Y.	Watkins
Dent	Houston	Pepper	Webb
Denver	Howard	Peters	Whitacre
Difenderfer	Hughes, N. J.	Post	White
Dixon, Ind.	Hull	Pou	Wilson, Pa.
Donohoe	Jackson	Rainey	Witherspoon
Doremus	Jacoway	Raker	Woods, Iowa.
Doughton	James	Ransdell, La.	Young, Kans.
Driscoll, D. A.	Johnson, Ky.	Rauch	The Speaker
Evans	Jones	Redfield	
Faison	Kent	Rees	

NAYS—83.

Anthony	Fairchild	Lafean	Pickett
Austin	Farr	Lawrence	Plumley
Barchfeld	Focht	Longworth	Porter
Bartholdt	Foss	Loud	Rodenberg
Bowman	French	McCall	Sells
Bradley	Gardner, Mass.	McCreary	Smith, J. M. C.
Browning	Gardner, N. J.	McKinley	Smith, Saml. W.
Burke, Pa.	Good	McKinney	Speer
Burke, S. Dak.	Green, Iowa	McLaughlin	Sterling
Butler	Greene, Vt.	McMorran	Stevens, Minn.
Calder	Griest	Mann	Sulloway
Campbell	Hamilton, Mich.	Matthews	Switzer
Cannon	Harris	Miller	Taylor, Ohio
Cooper	Hawley	Mondell	Towner
Crago	Heald	Moore, Pa.	Utter
Crumpacker	Howell	Morgan	Vare
Danforth	Howland	Mott	Wedemeyer
De Forest	Humphrey, Wash.	Needham	Weeks
Dodds	Kahn	Olmsted	Willis
Draper	Kendall	Patton, Pa.	Wilson, Ill.
Driscoll, M. E.	Kennedy	Payne	

ANSWERED "PRESENT"—2.

	Martin, Colo.	Talbott, Md.	

NOT VOTING—132.

Ainey	Bell, Ga.	Carlin	Cullop
Ames	Berger	Cary	Currier
Anderson, Minn.	Boehne	Clark, Fla.	Curry
Anderson, Ohio	Broussard	Collier	Dalzell
Andrus	Burgess	Copley	Daugherty
Barnhart	Byrnes, S. C.	Cox, Ind.	Davidson
Bartlett	Callaway	Cox, Ohio	Dickinson
Bates	Cantril	Cravens	Dickson, Miss.

Dies	Helgesen	Macon	Rucker, Mo.
Dupré	Henry, Conn.	Madden	Sheppard
Dwight	Higgins	Martin, S. Dak.	Sherwood
Dyer	Hill	Mays	Simmons
Edwards	Hinds	Moon, Pa.	Slayden
Ellerbe	Hobson	Moore, Tex.	Slemp
Esch	Hughes, Ga.	Murdock	Small
Estopinal	Hughes, W. Va.	Nelson	Smith, Cal.
Fields	Humphreys, Miss.	Nye	Smith, N. Y.
Fordney	Johnson, S. C.	Palmer	Sparkman
Fowler	Kindred	Parran	Stack
Francis	Knowland	Powers	Stephens, Cal.
Fuller	Konop	Pray	Taylor, Ala.
Garner	Kopp	Prince	Taylor, Colo.
Garrett	Lamb	Prouty	Thistlewood
Gillett	Langham	Pujo	Tilson
Gould	Langley	Randell, Tex.	Tuttle
Greene, Mass.	Legare	Reyburn	Volstead
Gudger	Lenroot	Richardson	Vreeland
Guernsey	Lindsay	Riordan	Warburton
Hanna	Littleton	Roberts, Mass.	Wilder
Hardwick	McGillicuddy	Roberts, Nev.	Wilson, N. Y.
Harrison, N. Y.	McGuire, Okla.	Rouse	Wood, N. J.
Hartman	McHenry	Rubey	Young, Mich.
Hayes	McKenzie	Rucker, Colo.	Young, Tex.

So (two-thirds having voted in favor thereof) the bill was passed.

The Clerk announced the following additional pairs:

On the metal schedule (affecting veto by the President):

Mr. HILL (to sustain veto) with Mr. WARBURTON and Mr. HELGESEN (against) on the veto by the President of the metal schedule.

Mr. CARLIN and Mr. LENROOT (in favor) with Mr. ANDERSON of Minnesota (against) on veto by the President of steel bill.

Mr. COLLIER and Mr. RUCKER of Colorado (in favor) with Mr. PROUTY (against) on veto by the President of the metal schedule.

Mr. MOORE of Texas and Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. CALLAWAY and Mr. HARDWICK with Mr. MOON of Pennsylvania.

Mr. FRANCIS and Mr. SLAYDEN with Mr. TILSON.

Mr. SMALL and Mr. GOULD with Mr. GREENE of Massachusetts.

Mr. MCHENRY and Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. DAUGHERTY and Mr. ELLERBE with Mr. CURRIER.

Mr. CANTRILL and Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. BROUSSARD and Mr. BURGESS with Mr. YOUNG of Michigan.

Mr. WILSON of New York and Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. DUPRÉ and Mr. SHEPPARD with Mr. BATES.

Mr. BOEHNE and Mr. CLARK of Florida with Mr. AINEY.

Mr. HUGHES of Georgia and Mr. GARRETT with Mr. FORDNEY.

Mr. TAYLOR of Alabama and Mr. BARTLETT with Mr. HARTMAN.

Mr. LINDSAY and Mr. BARNHART with Mr. PRAY.

Mr. TUTTLE and Mr. COX of Ohio with Mr. NYE.

Mr. ANDERSON of Ohio and Mr. GARNER with Mr. HINDS.

Mr. KONOP and Mr. FIELDS with Mr. LANGLEY.

Mr. YOUNG of Texas and Mr. EDWARDS with Mr. DALZELL.

Mr. LAMB and Mr. KINDRED with Mr. MCGUIRE of Oklahoma.

Mr. ROUSE and Mr. CRAVENS with Mr. HAYES.

Mr. HARRISON of New York and Mr. BELL of Georgia with Mr. LANGHAM.

Mr. HOBSON and Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. ESTOPINAL (against) with Mr. ROBERTS of Massachusetts (to sustain veto). (On all vetoes.)

Mr. SHERWOOD and Mr. PALMER with Mr. HENRY of Connecticut.

Mr. COX of Indiana and Mr. LITTLETON with Mr. DWIGHT.

Mr. CULLOP and Mr. DICKINSON with Mr. HIGGINS.

Mr. DICKSON of Mississippi and Mr. FOWLER with Mr. SLEMP.

Mr. MACON and Mr. LEGARE with Mr. STEPHENS of California.

Mr. DIES and Mr. TAYLOR of Colorado with Mr. AMES.

Mr. RUBEY and Mr. SMITH of New York with Mr. WOOD of New Jersey.

Mr. HUMPHREYS of Mississippi and Mr. PUJO with Mr. ROBERTS of Nevada.

The SPEAKER. Mr. Clerk, call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Yea."

Mr. BROWN. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Did the gentleman vote when his name was called?

Mr. BROWN. Mr. Speaker, I voted on the first roll call, but they did not get my name.

The SPEAKER. The gentleman's name has been recorded.

Mr. HAUGEN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat and listening when his name should have been called?

Mr. HAUGEN. Mr. Speaker, I was in my seat and listening.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of Mr. HAUGEN, and he answered "Yea."

Mr. FOWLER. Mr. Speaker, I desire to know how I am recorded.

The SPEAKER. The gentleman is not recorded.

Mr. FOWLER. Mr. Speaker, I desire to cast my vote in the affirmative.

The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?

Mr. FOWLER. I had just stepped out on a call, Mr. Speaker.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. TALBOTT of Maryland rose.

The SPEAKER. For what purpose does the gentleman from Maryland rise?

Mr. TALBOTT of Maryland. Mr. Speaker, I am paired with my colleague, Mr. PARRAN. If he were present, I would vote "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The Speaker is not certain whether he should ask unanimous consent to read a carefully prepared opinion on a parliamentary question, on a day subsequent to rendering a brief opinion on that question, but to be on the safe side he will do so. Is there objection?

There was no objection.

The SPEAKER. The Chair has a precedent for that. Mr. Speaker CANNON did it once.

The Chair thinks that the question which was decided yesterday is of such far-reaching importance that he owes it to himself, as well as to the House and to future Speakers, to restate his opinion after an examination of the authorities. The parliamentary question in issue was this: On a roll call on passing a bill over the President's veto, in determining whether two-thirds have voted for it, should those answering "present" be taken into consideration or excluded therefrom?

The Chair has accepted the suggestion of the gentleman from Massachusetts [Mr. GARDNER], for whose knowledge of parliamentary law the Chair has very great respect, and that is to give a more elaborate opinion than just simply announcing a decision one way or the other. The importance of the question demanded and has received closest examination. The situation about it is this: Touching the passage of a bill over the President's veto, or the attempt to pass it, the constitutional provision is as follows:

> Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it; but if not, he shall return it with his objections to that House in which it shall have originated—

In this case the House of Representatives—

> who shall enter the objections at large on their Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.

The Chair could very well adopt the remarks of the gentleman from Illinois [Mr. MANN] as his opinion. The Chair takes it that no Speaker is ever going to render an opinion for partisan political effect which he can not stand by whenever the same kind of a question arises again, whether it goes against his political friends or foes.

The first point in the excerpt from the Constitution which attracts attention in this case is "if after reconsideration two-thirds of that House," and so forth. There have been all sorts of contentions about what constitutes "the House." Some gentlemen of eminent ability have contended it means all the Members elect and qualified; others have contended it means simply a quorum, and several decisions, not on this particular question of passing bills over the President's vetoes, but on questions practically involving the same question as to the count, have been rendered, but finally it has come to be accepted that "the House" does not mean all the Members elected and qualified, but only a quorum. The full membership of the present House is 394, a quorum of which is 198; but there are four vacancies, reducing the membership to 390, of which 196 constitute a quorum. That is proposition No. 1.

The second constitutional proposition is stated in these words:

> But in all such cases the votes of both Houses shall be determined by the yeas and nays—

That is, in veto cases—

> And the names of the persons voting for and against the bill shall to be entered on the Journal of each House respectively.

The Chair answered the inquiry of the gentleman from Illinois [Mr. CANNON] inadvisedly, that the names of those present ought to be in the Journal. The Constitution does not require

any such thing. The Chair has investigated that matter since, and it is entirely immaterial whether the names of the 10 gentlemen who answered "present" go in the Journal or not. The Constitution does not provide for a Member voting "present," but the rules of the House, in order to eke out a quorum, have provided that they can vote "present." They have to answer "aye" or "nay" on the roll call in order to be counted on passing a bill over the President's veto. That is the requirement of the Constitution, and if the contention were on a proposition which required only a majority it would be the same way. In fact, that is one unvarying rule of procedure whenever the roll is called on any proposition. The Chair announces: "So many 'ayes,' so many 'nays,' so many 'present'; the 'ayes'—or 'nays,' as the case may be—have it." Those voting "present" are disregarded, except for the sole purpose of making a quorum.

In this case 174 Members voted "aye," 80 voted "no," and 10 answered "present"; 174 plus 80 equal 254, a quorum, without counting the 10 who answered "present." One hundred and seventy-four is more than two-thirds of 254.

These 10 gentlemen were here simply for the purpose of making a quorum. It is clear that to count them on this vote would be to count them in the negative, and the Chair does not believe that any such contention as that is tenable. The Chair holds that, if there is a quorum present on a roll call to determine whether the House will agree to pass a bill over the President's veto, and two-thirds of those voting vote "yea," that is sufficient and is a compliance with the constitutional requirement.

To show that the view expressed by the Chair is correct, there is a fact dehors the record which tends to clarify the situation. Of the 10 Members who answered "present," 7 were Democrats and 3 Republicans. Of course every one of the 7 Democrats, if not paired, would have voted "aye"; so that to have counted in the 7 Democrats who answered "present" in determining the two-thirds would have put them down as voting "no," precisely opposite to the way they would have voted, which amounts to a reductio ad absurdum.

The Chair has hunted up the authorities. There are several of them, but there is no use in citing but one. I take it that political friend and foe alike will admit that when the Hon. Thomas B. Reed expressed an opinion he expressed it so one could understand what it meant, and therefore I will read section 7027, volume 5, Hinds' Precedents, and this is the headline or syllabus:

The vote required on a joint resolution proposing an amendment to the Constitution is two-thirds of those voting, a quorum being present, and not two-thirds of the entire membership. On May 11, 1898, Mr. John B. Corliss, of Michigan, called up the joint resolution (H. Res. 5) proposing an amendment to the Constitution providing for the election of Senators of the United States.

The question being taken on the passage of the resolution, there were—yeas 184, nays 11, and the Speaker announced that the joint resolution was passed, two-thirds having voted in favor thereof.

Mr. EBENEZER J. HILL, of Connecticut, called attention to this clause of the Constitution:

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments"; and made the point of order that the vote required was two-thirds of the entire membership, not two-thirds of a quorum.

Mr. Speaker Reed said:

"The question is one that has been so often decided that it seems hardly necessary to dwell upon it. The provision of the Constitution says 'two-thirds of both Houses.' What constitutes a House? A quorum of the membership, a majority, one-half and one more. That is all that is necessary to constitute a House to do all the business that comes before the House. Among the business that comes before the House is the reconsideration of a bill which has been vetoed by the President; another is a proposed amendment to the Constitution; and the practice is uniform in both cases that, if a quorum of the House is present, the House is constituted, and two-thirds of those voting are sufficient in order to accomplish the object. It has nothing to do with the question of what States are present and represented, or what States are present and vote for it. It is the House of Representatives in this instance that votes and performs its part of the function. If the Senate does the same thing, then the matter is submitted to the States directly, and they pass upon it.

"The First Congress, I think, had about 65 Members, and the first amendment that was proposed to the Constitution was voted for by 37 Members, obviously not two-thirds of the entire House. So the question seems to have been met right on the very threshold of our Government and disposed of in that way."

It turned out in the evolution of things that when Mr. Speaker Reed made his ruling that he had the right to count the Members who were present and who would not vote, it created a great deal of bitterness, the question finally got into the Supreme Court of the United States, and in the case of the United States *v.* Ballin, in One hundred and forty-fourth United States Supreme Court Reports, this question is gone into, Mr. Justice Brewer rendering the opinion of the Supreme Court. He gives a statement of the matters in controversy:

That the Journal of the House of Representatives shows the facts attending the passage of the act of May 9, 1890, thus:

"The Speaker laid before the House the bill of the House (H. R. 9548) providing for the classification of worsted cloths as woolens, coming over from last night as unfinished business, with the previous question, and the yeas and nays ordered.

"The House having proceeded to the consideration and the question being put,

"Shall the bill pass?

"There appeared: Yeas 138, nays 0, not voting 189.

"The said roll call having been recapitulated, the Speaker announced, from a list noted and furnished by the Clerk, at the suggestion of the Speaker, the following-named Members as present in the Hall when their names were called and not voting, viz:

(Here follows an aphabetical list of the names of 74 Members.)

"The Speaker thereupon stated that the said Members present and refusing to vote—74 in number—together with those recorded as voting—138 in number—showed a total of 212 Members present, constituting a quorum present to do business; and, that the yeas being 138 and the nays none, the said bill was passed."

Mr. Justice Brewer delivered the opinion of the court. He said inter alia:

Two questions only are presented: First, was the act of May 9, 1890, legally passed; and, second, what is its meaning? The first is the important question. The enrolled bill is found in the proper office, that of the Secretary of State, authenticated and approved in the customary and legal form. There is nothing on the face of it to suggest any invalidity. Is there anything in the facts disclosed by the Journal of the House, as found by the general appraisers, which vitiates it? We are not unmindful of the general observations found in Gardner *v.* The Collector (6 Wall., pp. 499, 511), "that whenever a question arises in a court of law of the existence of a statute, or of the time when a statute took effect, or of the precise terms of a statute, the judges who are called upon to decide it have a right to resort to any source of information which in its nature is capable of conveying to the judicial mind a clear and satisfactory answer to such question; always seeking first for that which in its nature is most appropriate, unless the positive law has enacted a different rule." And we have at the present term, in the case of Field *v.* Clark (143 U. S., p. 649), had occasion to consider the subject of an appeal to the Journal in a disputed matter of this nature. It is unnecessary to add anything here to that general discussion. The Constitution (Art. I, sec. 5) provides that "each House shall keep a Journal of its proceedings"; and that "the yeas and nays of the Members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal." Assuming that by reason of this latter clause reference may be had to the Journal, to see whether the yeas and nays were ordered; and if so, what was the vote disclosed thereby; and assuming, though without deciding, that the facts which the Constitution requires to be placed on the Journal may be appealed to on the question whether a law has been legally enacted; yet, if reference may be had to such Journal, it must be assumed to speak the truth. It can not be that we can refer to the Journal for the purpose of impeaching a statute properly authenticated and approved, and then supplement and strengthen that impeachment by parol evidence that the facts stated on the Journal are not true, or that other facts existed which, if stated on the Journal, would give force to the impeachment. If it be suggested that the Speaker might have made a mistake as to some one or more of these 74 Members, or that the Clerk may have falsified the Journal in entering therein a record of their presence, it is equally possible that in reference to a roll call and the yeas and nays there should be a like mistake or falsification. The possibility of such inaccuracy or falsehood only suggests the unreliability of the evidence and the danger of appealing to it to overthrow that furnished by the bill enrolled and authenticated by the signatures of the presiding officers of the two Houses and the President of the United States. The facts, then, as appearing from this Journal, are that at the time of the roll call there were present 212 Members of the House, more than a quorum; and that 138 voted in favor of the bill, which was a majority of those present. The Constitution, in the same section, provides that "each House may determine the rules of its proceedings." It appears that in pursuance of this authority the House had, prior to that day, passed this as one of its rules:

"RULE XV.

"3. On the demand of any Member, or at the suggestion of the Speaker, the names of Members sufficient to make a quorum in the Hall of the House who do not vote shall be noted by the Clerk and recorded in the Journal, and reported to the Speaker with the names of the Members voting, and be counted and announced in determining the presence of a quorum to do business." (H. Jour., p. 230, Feb. 14, 1890.)

The action taken was in direct compliance with this rule. The question, therefore, is as to the validity of this rule, and not what methods the Speaker may of his own motion resort to for determining the presence of a quorum, nor what matters the Speaker or Clerk may of their own volition place upon the Journal. Neither do the advantages or disadvantages, the wisdom or folly, of such a rule present any matters for judicial consideration. With the courts the question is only one of power. The Constitution empowers each House to determine its rules of proceedings. It may not by its rules ignore constitutional restraints or violate fundamental rights, and there should be a reasonable relation between the mode or method of proceeding established by the rule and the result which is sought to be atttained. But within these limitations all matters of method are open to the determination of the House, and it is no impeachment of the rule to say that some other way would be better, more accurate, or even more just. It is no objection to the validity of a rule that a different one has been prescribed and in force for a length of time. The power to make rules is not one which once exercised is exhausted. It is a continuous power, always subject to be exercised by the House, and within the limitations suggested, absolute and beyond the challenge of any other body or tribunal.

The Constitution provides that "a majority of each (House) shall constitute a quorum to do business." In other words, when a majority are present the House is in a position to do business. Its capacity to transact business is then established, created by the mere presence of a majority, and does not depend upon the disposition or assent or action of any single Member or fraction of the majority present. All that the Constitution requires is the presence of a majority, and when that majority are present the power of the House arises.

But how shall the presence of a majority be determined? The Constitution has prescribed no method of making this determination, and it is therefore within the competency of the House to prescribe any method which shall be reasonably certain to ascertain the fact. It may prescribe answer to roll call as the only method of determination, or require the passage of Members between tellers and their count as the sole test, or the count of the Speaker or the Clerk and an announcement

from the desk of the names of those who are present. Any one of these methods, it must be conceded, is reasonably certain of ascertaining the fact, and as there is no constitutional method prescribed and no constitutional inhibition of any of those and no violation of fundamental rights in any, it follows that the House may adopt either or all, or it may provide for a combination of any two of the methods. That was done by the rule in question, and all that rule attempts to do is to prescribe a method for ascertaining the presence of a majority and thus establishing the fact that the House is in a condition to transact business.

As appears from the Journal, at the time this bill passed the House there was present a majority, a quorum, and the House was authorized to transact any and all business. It was in a position to act on the bill if it desired. The other branch of the question is whether, a quorum being present, the bill received a sufficient number of votes; and here the general rule of all parliamentary bodies is that when a quorum is present the act of a majority of the quorum is the act of the body. This has been the rule for all time, except so far as in any given case the terms of the organic act under which the body is assembled have prescribed specific limitations, as, for instance, in those States where the constitution provides that a majority of all the members elected to either house shall be necessary for the passage of any bill. No such limitation is found in the Federal Constitution, and therefore the general law of such bodies obtains.

* * * * * * *

Summing up this matter, this law is found in the Secretary of State's office, properly authenticated. If we appeal to the Journal of the House, we find that a majority of its Members were present when the bill passed, a majority creating by the Constitution a quorum, with authority to act upon any measure; that the presence of that quorum was determined in accordance with a valid rule theretofore adopted by the House; and that of that quorum a majority voted in favor of the bill. It therefore legally passed the House, and the law as found in the office of the Secretary of State is beyond challenge.

LEAVE TO PRINT.

Mr. GREGG of Pennsylvania. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the speech of Gov. Woodrow Wilson delivered at the meeting of the Federation of the Democratic Clubs, at Harrisburg, June 15, 1911, together with the introductory remarks made by the Hon. A. MITCHELL PALMER, a Member of this House.

The SPEAKER. The gentleman from Pennsylvania [Mr. GREGG] asks unanimous consent to have the speech made by the Hon. Woodrow Wilson on June 15, 1911, at Harrisburg, Pa., with prefatory remarks by the Hon. A. MITCHELL PALMER, printed in the RECORD.

Mr. MANN. Reserving the right to object, I would like to know if that speech was omitted from the book printed in the RECORD yesterday by the gentleman from Texas [Mr. BURLESON] including a whole lot of speeches?

Mr. GREGG of Pennsylvania. I am not familiar with that fact.

Mr. MANN. It contained a half dozen or more speeches.

Mr. GREGG of Pennsylvania. If it is already printed I will not ask to have it reprinted.

The SPEAKER. Is there objection?

There was no objection.

QUESTION OF PERSONAL PRIVILEGE.

Mr. LEVY. Mr. Speaker, I rise to a question of personal privilege, and ask that the Clerk read the article which I send to the Clerk's desk.

The SPEAKER. How long is it liable to take?

Mr. LEVY. Only a few minutes.

Mr. MANN. What is it, Mr. Speaker?

The SPEAKER. The gentleman from New York [Mr. LEVY] rises to a question of personal privilege, and says it will take only a minute or two to read the clipping which he has sent to the Clerk's desk. The Clerk will read.

The Clerk read as follows:

"COME OUTSIDE," SAYS LONGWORTH TO LEVY—BITTER DISPUTE ON FLOOR OF HOUSE OVER WOOL BILL LEADS TO CHALLENGE BEING HURLED AT NEW YORKER.

WASHINGTON, *August 13.*

NICHOLAS LONGWORTH and Representative JEFFERSON LEVY, of New York, had an altercation on the floor of the House to-day, during which Mr. LONGWORTH invited Mr. LEVY "to come outside with him," where they would settle their differences.

The trouble arose during the vote on the wool bill overriding the President's veto.

LEVY came into the Chamber late and, insisting on his right to have his vote for the bill recorded, told Speaker CLARK that he had been in the Chamber when his name was called but had not heard it.

"Why," exclaimed LONGWORTH, "I saw you coming in here just a minute ago, and it was after the roll call had been completed!"

"You are mistaken," said LEVY hotly. "I was in the Chamber as I have stated."

Walking toward LEVY, the Ohio Congressman, with flushed face, retorted, "I saw you coming into this Chamber just as I have said. Let us go outside and we can settle this question."

LEVY declined the challenge.

Mr. LEVY. Mr. Speaker, that statement is untrue and unjust to my colleague from Ohio [Mr. LONGWORTH] as well as myself. [Applause.]

Mr. LONGWORTH. Mr. Speaker, while I somewhat regret that the gentleman has seen fit to dignify such an utterly absurd story by rising to a question of privilege, I want to say his statement is absolutely accurate. Whatever the gentleman and I may have conversed about yesterday, it was a conversation absolutely private. The gentleman made a statement to me which I was not aware of before, and, of course, his word is not to be doubted. If I had issued an invitation for the gentleman from New York to "come outside" yesterday, it would have been for an entirely different purpose. [Laughter and applause.]

PRINTING OF REMARKS.

Mr. LEE of Georgia. Mr. Speaker, I ask unanimous consent to print in the RECORD an address delivered by my colleague, Mr. BRANTLEY, at Marietta, Ga., on the 12th day of August, 1912, at the unveiling of a monument to the late Senator Clay.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I have a request of the same kind and will not object——

The SPEAKER. What is the request?

Mr. MOORE of Pennsylvania. My request is to print in the RECORD the official statement as to the contest for seats in the Republican national convention of 1912, showing the disposition of them by the national committee, by the committee on credentials, and by the convention itself.

The SPEAKER. Is there objection?

Mr. CLAYTON. Will this settle the title of President Taft to the nomination? [Laughter on the Democratic side.]

Mr. MANN. No. We will settle that at the polls. [Applause on the Republican side.]

CHANGE OF REFERENCE.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent for a change of reference of Senate bill 3132, granting a pension to Deborah B. Roman, from the Committee on Pensions to the Committee on Invalid Pensions.

Mr. MANN. Is that a private bill?

Mr. DANIEL A. DRISCOLL. Yes.

The SPEAKER. It is a Senate bill, but it is a private bill also. Without objection, it will be so ordered.

There was no objection.

THE COMMERCE COURT.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a letter printed in the Philadelphia Ledger from the pen of Henry S. Drinker, jr., a brilliant young member of the Philadelphia bar, on the value of the Commerce Court. Mr. Drinker has already achieved an enviable reputation, both as a practitioner and publicist, and whatever he writes is well worthy of serious consideration.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent to print in the RECORD an article in a newspaper by a Philadelphia lawyer on the Commerce Court. Is there objection?

There was no objection.

Following is the letter referred to:

[From the Philadelphia Public Ledger, Tuesday, Aug. 13, 1912.]

COMMERCE COURT OF GREAT VALUE—PHILADELPHIA LAWYER SHOWS PREJUDICE AGAINST IT TO BE UNWARRANTED, AND HOPES FOR SALVATORY ACTION OF THE PRESIDENT.

To the Editor of the Public Ledger:

SIR: During the past few years it has been the fashion to criticize the courts; the yellow newspapers, the muckraking magazines, and the office-seeking demagogues have vied with one another in denouncing judges and decisions. The public clamors for more.

The many haphazard laws that are continually being thrown into our statute books, filled with emasculating amendments and with ambiguous compromise provisions, are all blamed, not on the legislators who frame them and whose duty it is to put them in unassailable form, but on the judges whose duty it is to interpret them as they are written and not as the court thinks they should have been written.

The most popular outcry of all those directed against certain of the courts is that they favor the special interests against the common people.

No court has come in for more of this adverse criticism than the Commerce Court. Entirely aside from the proceedings against Judge Archbald—which every fair-minded person must admit form no argument against the existence of the court in which he happens to be a member—the public seems to regard the Commerce Court as having consistently opposed and hampered the Interstate Commerce Commission in its effort to secure justice for the public from the railroads. The general impression seems to be that the public would now be better off if the Commerce Court were abolished and we were to go back to the old system under which appeals—or proceedings in the nature thereof, which for convenience I will call appeals—were taken from the commission's decisions to the various district and circuit judges all over the country.

Influenced by public opinion, and with a desire to humiliate the present administration, Congress has practically agreed to abolish the Commerce Court. This it proposes to do not directly by repealing the act creating it, but indirectly by withdrawing from the general appropriation bill the funds with which to keep the court going. As the Constitution requires the continuance of all Federal judges in office during good behavior, the Commerce Court judges are to be retained as circuit judges. It is only the expense of the clerks, offices, etc.—less than $40,000 a year—that is to be done away with.

One way to judge whether the decisions of the Commerce Court have unduly favored the railroads is to read them and to compare them with the decisions in similar cases rendered by the circuit courts before the Commerce Court was created.

From 1887 until 1910 58 orders of the commission came before the circuit courts for review. Twenty-five of the 58 cases ended in the lower courts. In these the commission's order was sustained in 6 and reversed in 19. The other 33 were appealed to the Supreme Court, the lower court having decided 12 of them in favor of the commission and 21 against it. The Supreme Court decided the 33 cases appealed to it, 9 in favor of the commission and 24 against it. In the lower courts the decisions against the commission prior to 1910 were therefore 39 out of 58, or 67 per cent. Those of the Supreme Court 24 out of 33, or 73 per cent, and the ultimate decisions by both courts 43 out of 58, or 74 per cent.

The act provided expressly no appeal by a shipper who had been denied relief by the commission, and all the above decisions against the commission were therefore decisions in favor of the railroads and against the shippers.

Twenty-four final decisions by the Commerce Court have so far been officially reported. Of these 2 concerned merely the jurisdiction of the court, the validity of the commission's order not being passed on. Of the 22 remaining the commission's order was sustained in 12 and reversed in 9, the order in the other cases being sustained in part and reversed in part.

These 9 reversals by the Commerce Court, however, were by no means all cases in which the order of the commission had been in favor of a shipper and against a railroad. In 3 of the 9 the commission had decided in favor of the railroad, and it was the shipper who appealed to the Commerce Court to set the order aside. The latter court for the first time construed the act as providing for appeals by shippers as well as by railroads and annulled the 3 orders of the commission as unduly favoring the carriers.

Two more of the 9 reversals were cases in which the Commerce Court merely continued decrees previously issued by the circuit courts. These should not be charged against the Commerce Court in contrasting its decisions with the previous circuit court cases.

Out of 24 final decisions by the Commerce Court we therefore have but 4 cases, original with it, in which an order of the commission in favor of a shipper was held to be invalid.

The Supreme Court has recently passed on 5 of the decisions by the Commerce Court and has defined its jurisdiction fully and conclusively. Two of these were cases in which the Commerce Court had assumed jurisdiction to hear appeals by shippers to whom the commission had refused relief. The Supreme Court denied this power to the Commerce Court. This is doubtless a defect in the act, but certainly should not be blamed on the Commerce Court.

In 2 other cases the Supreme Court reversed the Commerce Court and in 1 sustained it.

Every new lower court expects to have the majority of appeals from its decisions reversed at first. The only way for a new court to determine whether or not it possesses a doubtful power is to exercise it, so that the question may be determined by the Supreme Court at once and conclusively. The Interstate Commerce Commission was reversed in all but 2 of the first 23 cases in which it sought the aid of the courts to enforce its order.

The Commerce Court has cut down the time from the filing of the suit with it to the final decision in the Supreme Court from two years and one month (the average of 16 cases) to less than a year. The most elaborate case decided by it—the Intermountain rate case—was begun in October, decided in November, and argued in the Supreme Court in February. It is not possible so to expedite these cases through the circuit courts under the old system, as the law has already provided 12 other classes of favored cases in these courts equally important to interstate commerce cases.

The railroad problems presented in these cases are usually novel, intricate, and technical. It is most essential to have them passed on by judges who are experts in this branch of the law and who, by experience, are already familiar with the practical aspect of the question presented. This is especially important in applications for temporary injunctions to restrain the commission's orders, in which there is usually no time for extensive study, evidence, or investigation.

The Commerce Court will soon develop into a body of trained experts, competent and able to decide quickly, and at the same time thoroughly, our most involved railroad questions. It will also prevent the great diversity of opinion possible by leaving these questions to the 126 different district and circuit judges scattered all over the land.

The original interstate commerce act and each of its nine successive amendments have presented new and difficult problems of law and procedure, which any cracker-box philosopher could doubtless solve offhand, but which will probably puzzle our best lawyers and judges for some time to come. The creation of the Commerce Court was a wise and helpful step in the solution of these problems. Its jurisdiction has been accurately defined, its period of apprenticeship is over, and it is prepared to do efficiently the useful work for which it is so well fitted and so necessary. To abolish it thus underhandedly, in the spirit of spite which Congress has adopted toward it, would be most unwise.

It is hoped that the President will stand firm and by his veto preserve a court which, if only allowed to continue until the present unreasoning agitation subsides, is sure to prove of the greatest value to the country.

HENRY S. DRINKER, Jr.

PHILADELPHIA, *August 8, 1912.*

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a statement which appears in the New York Times of last Sunday regarding the illegal sale of poisoned meats in the States of New Jersey and New York.

The SPEAKER. The gentleman from New Jersey [Mr. KINKEAD] asks unanimous consent to print in the RECORD an article from the New York Times on the illegal sale of poisoned meats in the States of New Jersey and New York. Is there objection?

Mr. MANN. Mr. Speaker, I do not object, but I want to know if the gentleman desires to print in the RECORD that article from last Sunday's New York Times in connection with the speech which the gentleman made a few weeks ago?

Mr. KINKEAD of New Jersey. No.

The SPEAKER. Is there objection?

There was no objection.

Mr. EVANS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an analysis of the Roosevelt speech in accepting the Progressive nomination for the Presidency. It will take about half of one column of the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. EVANS] asks unanimous consent to extend his remarks in the RECORD by printing an analysis of Col. Roosevelt's speech. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, by whom is the analysis made? Are we to commence now having printed in the RECORD or as documents the speeches of the various candidates for the Presidency, and insert also in the RECORD everybody's analyses and criticisms of those speeches?

The SPEAKER. Anybody can shut out any of these publications by objecting.

Mr. MANN. I do not know what the request is.

The SPEAKER. The gentleman from Illinois will please restate his request.

Mr. EVANS. The request I made is to insert in the RECORD one-half of a column of editorial from the Chicago Daily Journal.

The SPEAKER. The gentleman from Illinois [Mr. EVANS] asks unanimous consent to extend his remarks in the RECORD by printing a certain article from the Chicago Daily Journal. Is there objection?

There was no objection.

Mr. CONNELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, in order that I may include a speech delivered in Congress in 1848 by Andrew Johnson on the veto power.

The SPEAKER. The gentleman from New York [Mr. CONNELL] asks unanimous consent to extend his remarks in the RECORD, to include a speech made in 1848 by Andrew Johnson on the veto power.

Mr. OLMSTED. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if it was ever published before?

Mr. CONNELL. I have seen only one copy of it, Mr. Speaker, and that is in the Library over here, and by itself. I never saw it in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech delivered by Attorney General Wickersham to-day.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD by inserting a speech delivered by the Attorney General. Is there objection?

Mr. EVANS. Mr. Speaker, reserving the right to object, I would like to know how long that speech is. [Laughter.]

Mr. MANN. It is longer than the editorial that the gentleman will insert, and a great deal more valuable. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the so-called Hepburn bill on Federal incorporation, no copies being available; also the Hearst bill on Federal incorporation, and also to extend my remarks in any other way that I may see fit. [Laughter.]

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD by printing the Hepburn bill and the Hearst bill, and also in any other way that he sees fit. [Laughter.] Is there objection?

Mr. FOCHT. Mr. Speaker, reserving the right to object, I desire to extend my remarks in the RECORD by adding the Dillingham bill on immigration.

The SPEAKER. Let us take up these things one at a time. Is there objection to the request of the gentleman from Massachusetts [Mr. GARDNER]?

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. GARDNER]?

There was no objection.

Mr. AKIN of New York. I ask unanimous consent, Mr. Speaker, to extend my remarks in the RECORD by printing the farewell address of George Washington. [Laughter.]

The SPEAKER. The gentleman from New York [Mr. AKIN] asks unanimous consent to extend his remarks in the RECORD by printing the farewell address of George Washington. Is there objection?

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

Mr. FOCHT. I would like the gentleman to withhold.

The SPEAKER. The regular order is demanded. The regular order is the reading of the President's message. The Chair will recognize the gentleman from Pennsylvania [Mr. FOCHT] later.

FUR-SEAL REGULATIONS (S. DOC. NO. 921).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Senate and House of Representatives:

Under the fur-seal convention entered into by the United States with Great Britain, Japan, and Russia on the 7th of July, 1911, which was approved by the Senate on July 24, 1911, and ratified on December 12, 1911, this Government agreed to pay the sum of $200,000 to Great Britain and the sum of $200,000 to Japan when the convention went into effect; and in my message to Congress of December 7, 1911, the attention of Congress was especially called to the necessity for legislation on the part of the United States for the purpose of fulfilling the obligations assumed under the convention. In view of the omission of Congress up to the present time to adopt any legislation to carry out the obligations of this Government under this convention, it becomes incumbent upon me again to call the subject to the attention of Congress and to urge the importance of enacting at the earliest possible moment, and at this session of Congress, the legislation necessary to enable this Government to make the payments to Great Britain and Japan as required by this convention, and also to fulfill its other obligations thereunder in so far as legislation is necessary for that purpose.

The international conference at which the convention under consideration was agreed upon was held at the urgent invitation of the United States, and the acceptance of that invitation by the other parties was secured only after protracted negotiations and at the repeated request of the United States, and, notwithstanding these circumstances, the United States is now the only one of the four parties to the convention which has failed to adopt any legislation for the purpose of giving effect to the obligations imposed by the convention.

In this connection I desire also to call briefly to the attention of Congress the question of the policy to be pursued by this Government with reference to the regulation of the fur-seal herds within the jurisdiction of the United States. The convention reserves to the United States the right at any time and from time to time to suspend altogether the taking of sealskins on the islands and shores within its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season and the manner, times, and places of taking them as may seem necessary to protect and preserve the seal herd or to increase its number. This, therefore, is a subject which may properly be dealt with by Congress, and it is essential in dealing with it not only to fulfill the obligations imposed upon the United States by the letter and the spirit of the convention but also to consider the interests of the other parties to the convention, for their cooperation is necessary to make it an effective and permanent settlement of the fur-seal controversy.

Ever since the question of land killing of seals was subjected to scientific investigation, soon after the fur-seal controversy arose, nearly 25 years ago, this Government has invariably insisted throughout the protracted and almost continuous diplomatic negotiations which have ensued for the settlement of this controversy that the progressive diminution of the herd was due to the killing of seals at sea, and that if pelagic sealing was discontinued the polygamous habits of the seals would make it possible to kill annually on land a large number of surplus males without detriment to the reproductive capacity of the herd and without interfering with the normal growth of the size of the herd. The position thus taken by the United States has always been put forward and relied on by the United States in urging that an international agreement should be entered into prohibiting pelagic sealing; and it is obvious that one of the considerations which induced Great Britain and Japan to enter into this convention prohibiting their subjects from pelagic sealing was the expectation that the position thus taken by the United States was well founded, and that the skins falling to the share of those Governments from the land killing of seals, as provided for in this convention, would compensate them for abandoning the taking of sealskins at sea.

With these considerations in mind, I feel called upon to suggest the inadvisability of adopting legislation the effect of which is to require this Government to suspend altogether the killing of seals on land before it has actually been proved by the test of experience and scientific investigation that such suspension of killing "is necessary to protect and preserve the seal herd." The other Governments might justly complain if this Government should deprive them of their expected share of the skins taken on land by prohibiting all land killing unless we can show by satisfactory evidence that this source was adopted as the result of changed conditions which justify a change in our former attitude on the subject. In this connection it should be noted that, since the fur-seal business has been taken over by the Government and no private interests are now concerned in making a profit out of it, there is no urgent necessity for imposing by legislation stringent limitations upon land killing. Legislation on this subject, therefore, may well be postponed until after the enactment of legislation necessary to give effect to our obligations under this convention.

It must also be remembered that this convention runs for a fixed period of only 15 years and can be terminated at the end of that period by any of the parties, so that it is of the utmost importance that this Government should deal with this subject not only in a way which will satisfy the other parties interested that they are receiving their fair share of the increase of the herd resulting from the cessation of pelagic sealing but also in such a way as to enable this Government to demonstrate that the killing of the surplus male seals on land is not detrimental to the welfare of the herd. It is evident, however, that this question can not fairly be tested if land killing and pelagic sealing are both prohibited at the same time, and it would be most unfortunate if we should lose the opportunity, which is now presented for the first time by virtue of this convention, of demonstrating by the test of actual experience the soundness of the position maintained by us throughout the controversy and upon the soundness of which depends the permanent solution of this question in the manner provided for in this convention.

WM. H. TAFT.

THE WHITE HOUSE, *August 14, 1912.*

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent that the Post Office appropriation bill (H. R. 21279) be reprinted with the amendments of the Senate numbered.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] asks unanimous consent that the Post Office appropriation bill be reprinted with the Senate amendments numbered. Without objection, it is so ordered.

There was no objection.

DISTRICT COURTS OF THE UNITED STATES.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," and to disagree to the Senate amendments and ask for a committee of conference.

Mr. MANN. Mr. Speaker, I do not desire to object, but I do not think we ought to start in to do that on Calendar Wednesday. The gentleman can do it at any other time.

Mr. CLAYTON. I merely ask to disagree to the Senate amendments to the bill, and ask for a committee of conference.

The SPEAKER. Is there objection?

Mr. MANN. It will take time. I hope the gentleman will not insist upon it.

Mr. CLAYTON. I do not think it will take any time on this proposition.

Mr. MANN. I do not know what the bill is. Two gentlemen have given notice of their desire to address the House, and there is a Democratic caucus called to meet at 5 o'clock.

Mr. CLAYTON. Not on this proposition, which is merely to disagree to the amendments of the Senate and ask for a committee of conference.

The SPEAKER. Does the gentleman object?

Mr. MANN. I object to taking up anything from the Speaker's table on Calendar Wednesday.

WIDOWS OF SPANISH WAR SOLDIERS.

The SPEAKER. The gentleman from Illinois objects. The unfinished business coming over from last Calendar Wednesday is the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection. The House will resolve itself into the Committee of the Whole House on the state of the Union——

Mr. CRAGO. Mr. Speaker, before going into Committee of the Whole House on the state of the Union for the consideration of this bill, inasmuch as this is a unanimous report and there is no minority report, I should like to know if we can agree with anyone who opposes the bill as to the time for general debate.

Mr. SHERLEY. Mr. Speaker, I demand the regular order.

The SPEAKER. The regular order is demanded. The House automatically resolves itself into the Committee of the Whole House on the state of the Union, and the gentleman from Alabama [Mr. CLAYTON] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union. The unfinished business is the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection.

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Kentucky [Mr. STANLEY] is recognized for one hour.

Mr. CRAGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CRAGO. Does the gentleman propose to talk on the bill under consideration?

Mr. MANN. The Chair can not tell that yet.

The CHAIRMAN. The Chair has no information on the subject, but the Chair assumes that the gentleman from Kentucky will bring himself within the rule. Certainly if he transcends any rule, it is quite competent for the gentleman who propounds the inquiry to raise a parliamentary objection to the gentleman from Kentucky proceeding except in order.

Mr. STANLEY. Mr. Chairman, I propose to take up the thread of the debate on the reports submitted by the committee investigating the affairs of the United States Steel Corporation where I left it at the last session at which this subject was under consideration.

I wish in the beginning to emphasize the fact that the secret of the power of large consolidations producing vast tonnages of heavy freight is to be found in their control of transportation facilities.

There has been much talk about amendments to the Sherman Antitrust Act and to other antitrust legislation, and there is pressing need of amendment of the Sherman Act, but you will never obtain relief from the dominance of such concerns until you have solved the question of their control of common carriers.

The secret of the Standard Oil's power was in its control of freight rates. The secret of the Beef Trust's power was in the operation of private cars. The steel corporation's power over the industry and its inordinate profits is to be traced to its dominance of transportation by land and water. The committee has recommended that no industrial association shall own a common carrier, that the steel corporation shall not own or operate any railroad or other quasi public corporation, and that the business of carrying and the business of producing freight shall be separate and distinct in this country now and forever; and when that is done the power of the steel corporation will be broken, and competition will be restored in the steel industry of the United States. [Applause.]

I call the attention of this House to one of the greatest steamship and railway systems in the world, controlled absolutely, as if it were a common tramway, by a single corporation.

Here is a map of the richest and most celebrated ore range in the world—the Mesabi Range. In this narrow strip, about 80 miles from Lake Superior, is a body of a billion tons of ore lying parallel with the surface of the earth and mined as if it were a great bed of gravel. I simply call your attention to this map in order that you may clearly understand this situation. In the large map the Mesabi Range is reproduced on a smaller scale.

It is in round numbers a thousand miles by the course of traffic from the ore beds to the coal fields of the steel corporation. The coke comes from the Connellsville region and the greater portion of the ore from the Mesabi Range. This ore is transported 80 miles from the range to Lake Superior, then across Lakes Superior, Huron, and Erie to what are called the lower Lake ports, and from thence transported to the furnaces in Ohio and Pennsylvania.

To give you some idea of the volume of this traffic, if you were to pile near this Mesabi Range all the cotton grown in the South, all the tobacco in Kentucky, Tennessee, Virginia, and the Carolinas; all the corn, over 300,000,000 bushels of it, in Illinois; all the wheat of the Dakotas, it would not amount to 70 per cent of the tonnage transported in six months over the roads that run from the Mesabi Range to Lake Superior. You can take the tonnage of all the freight transported on the Ohio River, which is greater than that of any other stream on earth, and it will not equal more than one-third of the tonnage carried on these two short railroads. All the streams in the United States combined do not transport in a year a greater tonnage than comes from this range over the roads of the steel corporation alone.

All the foreign traffic in and out of New York Harbor is not equal to one-half of it. Thirty million tons of ore pass along the declivity of this muskeg swamp between the Mesabi Range and the head of Lake Superior. Forty-five million tons are transported over this course along the Lakes to the lower Lake ports.

Now, it is a marvel to me that this matter has escaped the attention of lawmakers.

I do not marvel so much that it escaped the attention of the Interstate Commerce Commission, as that the Federal Government should have permitted common carriers over whom it has absolute and plenary jurisdiction, that are dedicated from their very use and their very nature to the best interests of the public, to be operated by these great corporations as if they were private property. Not only that, but the harbors and the passes in these Lakes, at a cost of millions of money, have been dredged year after year, not for the ordinary traffic on the Lakes, but for the sole use and benefit of the steel industry, especially the United States Steel Corporation.

Let us see the effect of the ownership and operation of these roads on the industry generally. The average freight train in the United States every time it travels a mile makes $2.80. These roads travel a gradual incline; that is, the range is 900 feet above the lakes. Start a freight train on the range, it will almost run down of itself. A single locomotive carries on the Great Northern 125 cars of 50 tons burden each. One locomotive on the Duluth, Missabe & Northern, or the Duluth & Iron Range, will carry from 75 to 80 cars, and that means $50 for every mile they travel at 80 cents per ton.

The average earning for a mile of a road in a year for all other roads in this country is from $8,000 to $11,000. The average earnings of these roads is from $40,000 to $50,000. The average rate of profit for all roads in the United States, says Judge Prouty in a recent decision, is about 7 per cent, which is amply sufficient; but these roads earn from 100 to 350 per cent per annum.

I could carry the illustrations further. Take all the railroads in the United States, and their expenses are 66⅔ per cent of the gross receipts, 100 per cent more than the operating expenses of these roads.

Now, let us see the effect of this condition of affairs on the independents.

These roads carry the ore not only for the steel corporation but for their competitors. Until recently they charged 80 cents per ton; it costs less than 30 cents a ton to transport the ore. There is a difference of a dollar on 2 tons of ore, the amount necessary to make 1 ton of pig iron. That dollar is taken from the pockets of the independents and put into the pockets of the steel corporation. That means that it costs every other concern outside of the steel corporation shipping over these roads $2 a ton more to manufacture pig iron on account of the fact that the steel corporation owns them. It costs the United States Steel Corporation $3 a ton less to assemble its material at the blast furnace than it does the independents. I have here a statement of a skilled accountant, Mr. MacRae, who made an able and elaborate report to the committee, and he deserves eternal credit for his courage, capacity, and indefatigable energy and indomitable honesty in working for one long year digging into the truth of this affair. This House and the country are also indebted to Mr. Wooley for invaluable service rendered this committee. Assisted by Mr. Mannington, he has spent months in unraveling the tangled and complicated skein of this corporation's control of transportation lines, and this was only a part of his great service.

Had this committee simply filed the exhaustive and masterly report of F. J. MacRae and the findings of Robert Wickliffe Wooley, including his analysis of the intercorporate relations of the directors of the steel corporation, the total amount appropriated for this investigation would have been well spent.

I take this occasion to acknowledge my sincere sense of obligation to the clerks to this committee. Their duties were necessarily exacting and onerous and were performed by Messrs. Hunter and Bestor, and last, but not least, by Miss Mahler, who succeeded them in that position, with rare energy and capacity.

Mr. SABATH. Will the gentleman yield?

Mr. STANLEY. I will, for a question.

Mr. SABATH. Do I understand the gentleman to state that these railroads are owned by the Steel Trust?

Mr. STANLEY. Absolutely. I am going into this very briefly before I come to the question of legislation proposed by this committee by which it shall be unlawful for the steel corporation or any other industrial organization to own or operate a common carrier. There is nothing in the report of Mr. MacRae or in the investigation of this committee to indicate that the United States Steel Corporation manufactures any more cheaply than its competitors. In other words, if you assemble at a

blast furnace the ore and the coke and the limestone, the steel corporation can not convert it into the multifarious forms in which the iron and steel are used by the ultimate consumer a cent cheaper than can the Bethlehem, Lackawanna, Jones & Laughlin, or any other large steel company. And yet the profits of the steel corporation exceed its competitors 100 per cent.

As stated in MacRae's report:

"For the last 10 years the net profits per ton of steel produced by the steel corporation have ranged between $10 and $16 per ton, the latter figure having been reached in the first few years of the company's existence. For the last year the net profit per ton has not been much over $12. On the basis of present prices the net is close to $11.

"While the net earnings per ton of steel produced by the steel corporation has ranged between $10 and $16 per ton, the independent steel companies have not fared so well. Several of the independents have not been able to show much over $4 per ton. The highest was approximately $7 per ton, by a small western independent company, whose properties represent actual cash paid in."

Charles Schwab claims that one-third of the cost of producing iron and steel is in the transportation. The Steel Corporation is, on the average, receiving in this country from its manipulations of common carriers $50,000,000 a year in rebates. It is amazing that this House should for 16 years have remained indifferent to this appalling condition. In it is vested the absolute and unquestioned power to regulate interstate commerce and to prevent these abuses, and yet the party in power during all that time has never proposed or enacted a law designed to prevent this flagrant misuse of public highways.

Mr. AUSTIN. Will the gentleman yield?

Mr. STANLEY. I will yield for a question.

Mr. AUSTIN. I would like to ask the gentleman in reference to the cost of producing iron and steel. Was any proof taken by the committee on that point?

Mr. STANLEY. Worlds of it.

Mr. AUSTIN. Does the Steel Corporation admit the statement?

Mr. STANLEY. It does not admit or deny anything. There is no question about that statement. There is a world of information on that subject. There is no more difference between the cost of operating two blast furnaces than there is between two self-binders in a field. One's machine is like another. They are not covered by patents, and all the large concerns employ similar processes in smelting ore.

I wish now very briefly to show this committee the operation of a road that earns over 600 per cent of the Steel Corporation; and yet we talk about the Interstate Commerce Commission controlling freight rates. Here is a map of the Pittsburgh, Bessemer & Lake Erie Railroad, starting from Conneaut and Erie. Fifty-one per cent of its stock is owned by the Steel Corporation. One of its terminals is at the docks at Conneaut. Into Conneaut Harbor no ore vessels come except those owned by the corporation. The docks are the private property of that corporation for all practical purposes. The Government spends millions in dredging such harbors. This road had $10,000,000 of common stock and $2,000,000 of preferred stock. The Steel Corporation bought 51 per cent of that stock at from 10 to 15 cents on the dollar. When that was done the corporation constructed a short "cut-off," this road running from O. K. Junction to Cremis, a distance of 8 miles, and capitalized it at $500,000, and that road leased the entire system. Then the corporation entered into an arrangement with the Union Railroad by which that line was given a division of rates, 20 cents a ton, on all traffic originating on the Bessemer & Lake Erie, although this line is a pure plant facility, intended only to reach the steel company's plants. According to Senator Oliver's estimate it costs only 26 cents a ton to transport the whole distance from Conneaut to Pittsburgh. That was for the purpose of taking as much as possible from the earnings of the road with stockholders outside of the Steel Corporation, and as a result of this 99-year lease of the 334 per cent per annum earned in dividends in 1910 the 49 per cent of stock held on the outside received $224,994, and 51 per cent, or the corporation, received $3,728,357.

Coal transported from the Connellsville coal region passes through Pittsburgh and Youngstown, where the independents and competitors of the corporation have blast furnaces and steel mills; and from that point it is also transported to Chicago for the Gary and other corporation plants. The rate from the Connellsville region to the independents is 100 per cent higher than it is on the same coke carried on the same lines the rest of the way to Chicago. When it gets to Chicago the coke is delivered to two railroads, one the Indiana Belt and the other the Chicago, Lake Shore & Eastern. Both roads perform identically the same service, go from the same points to the same points, and carry the same material. The Indiana Belt receives 10 cents a ton for that haul, and the railroads pay to the Elgin, Joliet & Eastern, owned by the Steel Corporation, 40 cents a ton for identically the same service. On all shipments out of Chicago the corporation exacts from the railroads running into that city from 15 to 25 per cent of the through rate on all shipments, with the result that the Steel Corporation can sell its finished products $5 or $6 a ton less than any of its competitors, although the cost of manufacture is the same. This is the sword of Damocles held over all competitors, forcing them to meet at Gary's dinners, like industrial vassals, and sell at just the price that corporation dictates.

This is practically admitted by Judge Gary, and so capable a judge as Julian Kennedy expresses the opinion that the ownership of common carriers gives to the steel corporation the power of life and death over all its competitors.

"The CHAIRMAN. Mr. Kennedy, have you anything further to say?

"Mr. KENNEDY. There was one statement I wanted to make as bearing on this matter of transportation, that occurs to me in looking over the history of the case. There is a statement here of Mr. Gary having testified December 18, 1908, and in answer to the question as to whether he could put the price down and put other people out of business, Mr. Gary said:

"'Quite likely; that may be true. I will not say that it is not true. I will not say that in the competition we could not drive a good many of our competitors out of the business.

"'Mr. CLARK. Now, another thing.

"'Mr. GARY. It is not because of a hold on the market.

"'Mr. CLARK. What is it, then?

"'Mr. GARY. It is because of our ability to produce cheaper and because of our ownership in the independent concerns, such as the railroads, the steamship lines, etc., which gives a large credit from the United States Steel Corporation's standpoint.'

"Showing that transportation lines, in Mr. Gary's opinion, are important factors.

"Mr. BARTLETT. That is from the tariff hearings in 1908?

"Mr. KENNEDY. Yes, sir.

"The CHAIRMAN. As I understand it, you are of the opinion, if by any method we could force the common carriers of the country to treat all industrials exactly alike, the advantage of the steel corporation over its competitors would be practically eliminated?

"Mr. KENNEDY. To a great extent. I think Mr. Gary has always been very reasonable and very honest to his competitors, but some other man in the future, some other king might rise who knew not Joseph, and it would really be better that no one company has as large an inside hold on the others.

"The CHAIRMAN. If the steel corporation chose to do it, with its present weapons, could it destroy its competitors?

"Mr. KENNEDY. I think it could; yes."

Why, my colleagues, I have had men worth millions, in Chicago and elsewhere, come to me, like Nicodemus, by night, and say, "You are doing a great work—we are in fact the industrial slaves of this gigantic concern, and I will tell you all I know about it. This use of our railroad systems ought to be stopped, but for God's sake do not say I told you—my doors will be closed and my business will be ruined."

Can we remedy it? Why, these are our roads, not theirs. If there is anything settled beyond doubt or controversy it is that the Federal Government has absolute, exclusive, unquestioned, plenary power over interstate commerce. We can take charge of all the railroads and steamship lines in the United States if we care to. We can exclude whomsoever we will. We may include whomsoever we will. We can prescribe what terms we will. The control of highways not only in this country but among all English-speaking people has always been a governmental function, and when a private concern operates a highway there is no difference in its legal status, there is no difference between its responsibility to the public and that of a stock company operating a turnpike—one collects tolls and the other makes tariffs. And we can determine the tolls and fix the tariffs and prescribe all other conditions upon which and under which any individual or corporation shall enter interstate commerce, much less own it.

I will not take the time of this patient committee at this late hour in reading law books. I intended to quote you quite a number of precedents, but I will cite only a few from innumerable decisions. In the case of Gibbons against Ogden, familiar to you all. Chief Justice Marshall held:

"We are now arrived at the inquiry, What is this power? It is the power to regulate; that is, to prescribe the rule by which commerce is to be governed. The power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. If, as has always been understood,

the sovereignty of Congress, though limited to specified objects, is plenary as to those objects, the power over commerce with foreign nations and among the several States is vested in Congress as absolutely as it would be in a single Government, having in its constitution the same restrictions upon the exercise of the power as are found in the Constitution of the United States."

Mr. Justice Bradley, in the case of Stockton against Baltimore, declared:

"We think that the power of Congress is supreme over the whole subject [interstate commerce], unimpeded and unembarrassed by State lines or State laws; that in this matter the country is one and the work to be accomplished is national; and that State interests, State jealousies, and State prejudices do not require to be consulted. In matters of foreign and interstate commerce there are no States."

No corporation has the moral or legal right to dominate the public highways, burdening the consumer and shackling competitors by exorbitant rates on its own lines, or unfair and inordinate allowances and divisions from other roads.

Jeremiah Black, 20 years ago, in the greatest effort of his life, completely exploded the time-worn sophistry that a corporation can exercise an absolute and unrestricted control over a public highway simply because it may own the means by which that highway is operated. He declared in an address, delivered before the judiciary committee of the Pennsylvania Legislature in 1883, that—

"On the other hand, the corporations deny that they owe any responsibility to the State more than individuals engaged in private business. They assert that the management of the railroads being a mere speculation of their own, these thoroughfares of trade and travel must be run for their interests, without regard to public right. If they take advantage of the power to oppress the labor and overtax the land of the State; if they crush the industry of one man or place to build up the prosperity of another; if they plunder the rich by extortion or deepen the distress of the poor by discriminating against them, they justify themselves by showing that all this was in the way of business; that their interest required them to do it; that if they had done otherwise their fortunes would not have been so great as they are; that it was the prudent, proper, and successful method of managing their own affairs. This is their universal answer to all complaints. Their protests against legislative intervention to protect the public always take this shape, with more or less distinctness of outline. In whatever language they clothe their argument, it is the same in substance as that with which Demetrius, the silversmith, defended the sanctity of the temple for which he made shrines: 'Sirs, ye know that by this craft we have our wealth.'"

* * * * * * *

"I aver that a man or corporation appointed to do a public duty must perform it with an eye single to the public interest. If he perverts his authority to purposes of private gain, he is guilty of corruption, and all who aid and abet him are his accomplices in crime. He defiles himself if he mingles his own business with that intrusted to him by the Government, and uses one to promote the other. If a judge excuse himself for a false decision by saying that he sold his judgment for the highest price he could get, you cover his character with infamy. A ministerial officer, like a sheriff, for instance, who extorts from a defendant, or even from a convict in his custody, what the law does not allow him to collect, and puts the surplus in his pocket, is a knave upon whom you have no mercy. You send county commissioners to the penitentiary for consulting their own financial advantage to the injury of the general weal. When the officers of a city corporation make a business of running it to enrich themselves at the expense of the public, you can see at a glance that they are the basest of criminals. Why, then, can you not see that the officers of a railway corporation are equally guilty when they pervert the authority with which they are clothed to purposes purely selfish? A railroad corporation is a part of the civil government as much as a city corporation. The officers of the former, as much as the latter, are agents and trustees of the public, and the public has an interest precisely similar in the fidelity of both. Why, then, should partiality or extortion be condemned as criminal in one if it be tolerated as fair business when practiced by the other?"

No man is a greater stickler for State rights than am I, but by taking jurisdiction of this matter, through the power vested by the interstate clause of the Constitution in the Federal Government we preserve the rights of the States. With all due deference to the eminent lawyers who have addressed themselves to this subject, they have totally failed to distinguish between an interstate corporation and interstate commerce. There is no such thing as an interstate corporation. An individual engaged in interstate commerce is just as subject to the laws governing interstate commerce as an interstate corporation. The traveling man does not become an interstate individual. He remains a citizen of a State, but the conduct of his business, in so far as it affects interstate commerce, is subject to any regulation of that commerce by the United States. A stock company is liable in the same way. A private corporation doing business entirely within, is subject only to the jurisdiction of that State. Congress has absolutely no authority to take any control over it whatever. It is absurd to claim that the Federal Congress can lay its hand upon a corporation engaged strictly in intrastate business. So long as it does not enter the channels of the interstate commerce it is beyond the jurisdiction of the Federal Government. Whenever the Federal Government has incorporated an institution it has always because it discharges some national and public function. As long as it is in private business, the Government can take no jurisdiction over it and the Supreme Court never will permit Congress, if it so desired, to override State laws and take jurisdiction of a private business because that private business may at some time engage in interstate commerce. The jurisdiction of the Federal Government ceases when the business ceases to be interstate, and it may be invoked only when it again enters interstate commerce. There is a difference as wide as the ocean between the business of a strictly intrastate concern and the commerce which is incident to that business. As stated by Mr. Farrar—

"Manufacture and production end before commerce begins, and form no part of it. They are completely under the control of the State when manufacture and production take place and are therefore beyond the commercial power of the Federal Government, as the court said, speaking through Justice Leman in Kidd *v.* Pearson (126 U. S., 22):

"'No distinction is more popular to the common mind or more clearly expressed in economic and political literature than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and transportation incident thereto constitute commerce.'"

"The demand of the people is for that degree of industrial peace which is not incompatible with fair and healthy commercial competition, not a peace of Warsaw made by desolating legislation; nor yet the Pax Romana of the all-conquering imperial trust. Nor do they intend to heed the plaintive voice of the spokesman for the modern Cyclops, 'monstrum horrendum informe, ingens,' asking the Federal Government to take it in its arms and coddle it, tell it what to do, and 'to fix prices.'"

Verily, extremes meet, and the monopolist and the socialist reach a common ground. For government to fix the prices of merchandise bought and sold in commerce is utterly beyond the power of any legislative body in America; and our free, democratic society, based on the independence of the individual and the development and protection of individual rights, would have to be shattered to its foundations and a new social order built up before any such proposition could be maintained.

Such a power necessarily implies the right to fix the price of human labor, not only because the price of the products of labor can not be fixed without indirectly fixing the proportion of the price that labor shall receive, but also because, as the liberty of the merchant, the producer, and the manufacturer is as great as the liberty of the laborer, a power great enough directly to shackle their liberty is great enough directly to shackle his liberty. No free people will ever submit to any such doctrine. It is the socialism of Marx and Engel, pure and simple, and may find its justification in their celebrated manifesto, but not in any of the records or documents that consecrate the rights and the political beliefs of the American citizen, undefiled by the social leprosy engendered in the ghettos of an oppressed race and in the hovels of a peasantry whose ancestors were adstricti glebis for a thousand years and who themselves are still the hewers of wood and drawers of water for an overbearing class of oligarchic land monopolists.

May not we now add to the description of the modern Cyclops from which has come this cry for the Government "to fix prices," the balance of the Virgilian bexameter just quoted, and say of it "cui lumen ademptum"? For surely the light of American liberty does not shine for it.

If under the commercial power the Congress could charter corporations to mine, manufacture, and produce, then we should have Federal mines and Federal factories, Federal wheat farms, Federal cotton plantations, Federal truck gardens, and Federal poultry yards. These corporations could enter the States with-

out their consent and acquire and hold their soil against their public policy and even against their prohibitory laws. And this is the reductio ad absurdum of the whole matter, because if there is any question beyond dispute it is that a State has absolute dominion over her own soil, and no part of it can be held or owned without her consent, except by the Federal Government, or its instrumentalities for public purposes, under its sovereign power of eminent domain.

A Federal private business corporation, with the power to manufacture and produce, existing outside of the District of Columbia or a Territory or an insular possession of the United States, is therefore as complete a legal absurdity as the fabled creature, woman above and fish below, is a physiological absurdity. "Risum teneatis amici?"

Mr. Robert R. Reed, of New York, to whom I am forever indebted for his kind and valued assistance in the preparation of bills intended to prevent the misuse and operation of common carriers by industrials, has cogently stated both the unwisdom and unconstitutionality of this scheme of Federal incorporation:

"But apart from all this the proposition is of very doubtful constitutionality. The Federal power to create or, indeed, to license corporations will, I believe, be upheld only upon the assumption that it is necessary to the power of regulating commerce. And, of course, it is not necessary if commerce can be completely regulated without it, if everything that could be effected under the disputed power can be effected under existing powers as to which there is no dispute. The power to regulate commerce does not include the power to regulate all business dependent on commerce. Moreover, Congress can not limit or impair any of its own express constitutional powers, and an irrevocable charter, license, or power given to any corporation would limit pro tanto the power to regulate commerce. Congress has not licensed and should not license any corporation, combination, or monopoly. It should remain free to prohibit and exclude."

Now, I claim that this Congress can absolutely control this character of monopoly by its control of interstate commerce and never touch the jurisdiction of the State over the corporation in enforcing any regulation it sees fit to make.

Mr. LOUD. Is not that railroad of which the gentleman has spoken entirely in one State, that of Minnesota?

Mr. STANLEY. Well, I do not care if it is only in one county; that does not affect this discussion. The commerce is not in one State.

Mr. AUSTIN. And also the Pennsylvania Line, to which the gentleman called attention.

Mr. STANLEY. The courts have held it to be interstate commerce time and time again. The gentleman is making a contention which the steel corporation does not make for itself. This corporation came into court and claimed that these roads were engaged in interstate commerce. This committee has suggested that you can control the corporation, you can control the trust engaged in interstate commerce without giving it a Federal charter. When you do give it such a charter you will have broken down the last barrier existing between the State and the Nation. Your State courts are gone, your State rights are dead. These 48 sovereignties will have nothing left but their police power and have no more dignity than a magisterial district. In a recent and able discussion of this subject—in fact, the first ringing challenge to the President's proposal to solve existing evils by Federal incorporation—that learned and accomplished jurist, the Hon. FINIS GARRETT, of Tennessee, declared:

"Mr. Chairman, the second section of the sixth article of the Constitution of the United States provides;

"'This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.'

"If, therefore, such Federal corporations as the President advocates can be created, they will, under this section, as it has again and again been interpreted and applied by the courts, be supreme above State regulation and law. They can enter a State without so much as saying 'by your leave' and carry on their business, their agents snapping their fingers contemptuously at State law and rules. The States can have no authority, can exercise no control, can impose no terms save such as the discretion and grace of the Federal Government allow them. 'If it please you, O Federal Government,' the States must say, 'we would do this or that, make this regulation or that for your creatures, your corporations that have been given life by your law; if it please you not, however, why, not our will, nor our wisdom, but yours be exercised.' How vast the sweep of the proposed policy! How tremendous the change which will be wrought if it be consummated!"

Then will we have turned our backs upon the magnificent edifice erected by Jefferson for the preservation intact of the sovereignty of these sister States, the perpetuation of our liberties and our institutions. This sacred temple erected by his genius, and preserved by the wisdom of sages and the blood of heroes, shall not be defaced by any boisterous iconoclast from Sagamore Hill, or undermined by the federalistic heresies of a complacent reactionary in the White House. We will never surrender the sacred and sovereign powers of our State courts and legislatures to some select bureau here in Washington. What are the evils incident to this condition of affairs?

Senator WILLIAMS, in a letter addressed to Mr. Robert R. Reed and published September 27, 1910, said:

"I can imagine nothing more dangerous to the American Republic than control of great corporations by a Federal bureau subject in its turn to a political administration of either party, excluding or admitting participation in business substantially at the whim and caprice and by the favoritism or enmity of the head of the bureau, influenced by Senators, Speakers, and Presidents, whose 'pull' would be in favor of 'good trusts' and whose frowns would be for 'bad trusts.' In such a case 'good' would come to mean subservient. The remedy is to exclude trusts from interstate commerce, but to exclude them not by the fiat of a bureau (which in the last analysis is a man influenced by other men and acting secretly, with subordinates forbidden to give out information), but to exclude them by fiat of law, providing that corporations having charters conferring powers broad enough to establish monopoly or near monopoly and unlimited in the interest of the public shall be excluded. * * * Your remedy seems to be the right one—efficient, sufficient, operating in the open and by force of prescribed law."

Exclude industrials from the ownership and operation of the public highways—there is your remedy, and your only remedy.

Eighteen billions are now invested in railways in the United States, and one or more of the directors of the Steel Corporation sit at the head of the table upon the directorates of carriers capitalized at $10,000,000,000.

This corporation holds the railroads in the hollow of its hand and they dare not complain under this domination. Interlocking directorates gave the steel corporation absolute mastery over your railroads. Make it mandatory that no industrial concern shall engage in interstate commerce unless it writes into its own charter the plain and unequivocable statement that its directors are not directors in any railroad or transportation company; that no stockholder in any such company shall vote his stock if he is directly or indirectly interested in any mining or manufacturing enterprise shipping over the railroad in question. Force the president or some other responsible officer of the corporation to swear to this statement before permitting it to engage in interstate commerce. You can without making such a provision exclude whom you please from interstate commerce. Who will deny your right to exclude a manufacturing corporation which refuses to comply with so reasonable a condition? These huge consolidations can be compelled to write their own charter restrictions controlling their conduct in such matters. They are now governed in 99 cases out of 100 by laws written by themselves, not by the laws which you enact. We now say to all corporations "within a certain limit you may write your own laws." Have these great corporations, doing an interstate business, write into their charters certain prohibitions beyond which they can not go.

First, you should prohibit any corporation from engaging in interstate commerce having directors in common with any competing concern; second, that such corporation shall not own the stock of another corporation, and that no other corporation shall own its stock; third, that it is not overcapitalized; fourth, that it does not buy and sell its own stock; and, finally, a provision to which this committee has given its consent, which compels the filing of a statement in some bureau of this Government, duly verified by the oath of some responsible officer, that the foregoing statements are true.

Then you can not corrupt the bureau. It is merely the custodian, as a county clerk is the custodian of a record; and if a false affidavit is filed you can easily punish the maker of such affidavit for perjury. You can provide here pains and penalties, fine and imprisonment for the corporation or its officers who engage in interstate commerce in violation of any of the enumerated prohibitions.

If this Democratic House had done no better work than organize the committee which has recommended this legislation

it would have deserved the gratitude and confidence of the country. The time is coming shortly when a Congress shall correct these abuses, a Congress which has never been the beneficiary of these guilty interests. [Applause on the Democratic side.] The time is coming shortly when we shall sit in judgment on, not an old friend but a public enemy, from whose dirty hands we have never been fed.

It has never given us campaign contributions. It has never been cheek by jowl with our candidate for President or with our Representatives in Congress. Our candidate for the Presidency in 1912 can well meet this corporation's smile, he "ne'er was ruled by thee." He will be elected untrammeled, with a sincere desire to serve the plain people. I tell you that without Federal incorporation, without breaking down the barriers erected by the States, and without infringing on their authority and jurisdiction, we can and we shall solve this problem.

And when the legislation suggested by this committee is enacted into law, these unearned and illegitimate profits of the United States Steel Corporation will be impossible. That corporation will dissolve itself. It will not be necessary to invoke the Sherman Antitrust Act. [Applause on the Democratic side.]

Now, I wish to call the attention of the committee to another matter. We have recommended that the Bureau of Corporations shall report to Congress as well as to the President. Do you know that when we shall have revealed the whole story of the relations between the Bureau of Corporations and other departments of this Government it will make the most interesting, and yet the most salacious, narrative that has been printed in many a year? For years and years—and I speak advisedly—Mr. Herbert Knox Smith has come before Congress, before the House, before the Senate, before select committees, with his finger on his lips, and has stubbornly refused to tell those bodies, clothed with inquisitorial powers, any of the terrible secrets reposed in him. We have spent thousands and tens of thousands of dollars. This investigating committee expended $39,000, when it could have done with $29,000—yes; with half of that—if only Herbert Knox Smith had turned over to us the information he had. When he was asked about the Tennessee Coal & Iron deal he stood mute before that Senate committee, and during all that time he was giving full and complete information to the emissaries of the United States Steel Corporation, and I have the proof of it in black and white. [Applause on the Democratic side.] I have it here, and I will read it if any member of the committee demands it.

Let us see what actually happened. Several years ago Senator Hansbrough introduced a resolution in the Senate to investigate the Harvester Trust. The Department of Justice employed Mr. Burdette T. Townsend to look into that affair. He filed the most comprehensive and conclusive indictment I have ever seen drawn against one of these interstate corporations, as you call them, and I think I have some experience. He charged that the Harvester Co. was receiving rebates from the Steel Corporation; the existence of interlocking directors serving the Harvester Trust and the United States Steel Corporation at the same time; that the Harvester Trust was robbing the farmers of this country of millions of dollars every year; that the corporation was organized by J. Pierpont Morgan & Co., at a profit of over $5,000,000; that it was conceived in sin and born in iniquity.

If the Harvester Trust had not sold a single reaper or binder or mower, it would have been proceeding in violation of law. He explained how the Harvester Co. had practically the same finance committee as the United States Steel Corporation; how the Steel Corporation sold steel for the manufacture of wagons and parts of harvester machines and twine binders so much lower to the Harvester Trust than to any other manufacturing concern that the agricultural-implement people came to the Steel Corporation and remonstrated with them, but in vain; how this conspiracy had put the small makers of wagons and agricultural implements out of business.

When that whole matter was about to be investigated, these twin trusts sent a man down here from New York who had earned the deathless gratitude of the Republican Party by his princely contributions to its corruption funds.

The minority report of Messrs. GARDNER and DANFORTH forbears "to express an opinion until we have had an opportunity to hear the question adequately discussed." A short review of the operations of the Bureau of Corporations and the transactions of the heads of that department with captains of high finance and industry will probably leave them no longer in doubt as to the advisability of making it incumbent on the Commissioner of Corporations to take the Senate and House of Representatives into his confidence to the same extent at least as his councils have previously been shared by "malefactors of great wealth." Government by commission as now conducted by the Bureau of Corporations is more than pleasing to the interests, and they are to-day more enthusiastic than ever in their advocacy of an extension of the same.

For several years the chief intermediary between big business and those who were invested by the executive department with the duty of investigating it was this same Mr. George W. Perkins. To pry into the secrets of a bureau clothed with plenary inquisitorial powers and directed to reveal the results of its investigations only upon the order of the President of the United States and to keep the interests most concerned advised as to the progress of a presumably secret inspection of their affairs and the probable results and attitude of the officers of the law, who were supposed to report its violations to the President only, was at best an invidious task for which Mr. Perkins had previously demonstrated his perculiar fitness.

For years this fanatically ardent partisan had broken through all the restraints which deter better men and had unhesitatingly sacrificed every other obligation to society and to himself in the secret service of his party. In 1904 Mr. Perkins, in his eagerness to aid his party and his hero, Mr. Roosevelt, actually donated $50,000 of other people's money to the good cause, and for this eminent service he was arrested under a warrant charging him with grand larceny. I do not wish to say anything disparaging about Mr. Perkins, but I will read what Chief Justice Cullen, of the court of appeals of New York, said about him.

Judge Cullen, in People ex rel. Perkins and Moss (187 N. Y. Repts., 434), said:

"The crime, if there was any in this case, commenced when the original agreement was made between the relator and the President, by which the money of the company was to be appropriated to the use of Bliss," the campaign treasurer, "and the method was adopted for the purpose of concealing such appropriation."

In discussing this affair, the court said:

"With the immense business carried on by the corporation, policies issued in every part of the country and to persons of every political party, both the relator and the President must have well known that the universal assent of the policy holders, the only thing which could have justified, even morally (not legally), the payment to Bliss could never be obtained, and that at all times a substantial minority would be opposed to such payment. * * * In the present case no one will doubt that had a clerk taken from the company's till a sum of money to give to the Republican club of his ward it would have been larceny. * * * If he knew the illegality of his act, and his intention was solely to benefit either Mr. Bliss personally or the political organization which he represented, he was guilty of larceny."

That is the thing that recommended this man to the especial favor and the high consideration of the President of the United States, and Mr. Herbert Knox Smith when he presented his credentials as minister plenipotentiary and envoy extraordinary of the Harvester Trust, the Steel Trust, and the firm of J. P. Morgan & Co. [Applause on the Democratic side.]

Mr. SABATH. Will the gentleman yield?

Mr. STANLEY. I can not yield now. For weeks here in Washington he oscillated between the Bureau of Corporations and the White House with the familiarity of a friend and the insolence of an ally. At the same time I have here the records showing that same man was keeping the Steel Corporation posted and closely in touch, and that he had the assurance from the Commissioner of Corporations that, whether Congress recommended it or not, he would not move a peg; that he would not proceed with that investigation; and Judge Gary reported to his own board of directors that "quite likely in some respects we may be traveling very near the line between propriety and impropriety." "Still," says Judge Gary, "you may be more or less disturbed without reason. At the last session of Congress a resolution was passed by both Houses asking the commissioner to investigate the United States Steel Corporation; the commissioner did not pay any attention to that resolution, etc. The finance committee [of which Mr. Perkins was chairman] has been in close touch with the matter all the time; we have been in frequent and almost constant communication with Commissioner Garfield and more or less with the President." [Applause on the Democratic side.]

At the same time the Commissioner of Corporations, Mr. Smith, writes the President that—

"he (Perkins) concluded with great emphasis with the remark that if after all the endeavors of this company and the other Morgan interests to uphold the policy of the administration and to adopt their methods of modern publicity this company was

now to be attacked in a purely technical case, the interests he represented were going to fight.

* * * * * * *

"It is, says the Commissioner of Corporations, a very practical question whether it is well to throw away now the great influence of the so-called Morgan interests, which, up to this time, have supported the advancel policy of the administration, etc."

In other words, a bureau chief dares to advise the President of the United States that he must not prosecute the harvester company and the steel corporation because the harvester company, the Steel Corporation, and J. P. Morgan & Co. are very useful to this administration and he can not afford to antagonize them by enforcing the laws he took a solemn oath to impartially execute.

Mr. TOWNSEND. Has the gentleman heard that the same Mr. Perkins is now financing Mr. Roosevelt's present campaign?

Mr. STANLEY. The very same person. Who were these policy holders to whom Judge Cullen referred? The most pathetic and helpless figures in all this vale of tears, the young mother, clad in the black habiliments of woe, prostrate upon the new-made grave of her once loving lord, orphans wailing the name of father above the silent dead. He robbed the widow of her slender patrimony; he tore from the pinched fingers of childhood its last morsel of bread. They who did it—

"They are not man; they are not woman;
They are not brute; they are not human;
They are ghouls."

[Applause on the the Democratic side.]

Perkins to-day has escaped the penitentiary by the skin of his teeth for having picked the pockets of a shroud for the use and benefit of the Republican Party. [Applause on the Democratic side.]

Mr. MANN. Will the gentleman yield?

Mr. STANLEY. I will yield to the gentleman from Illinois.

Mr. MANN. Was it in this fine judicial temper that the gentleman acted on the special committee?

Mr. STANLEY. Exactly. I admit an abhorrence for larceny that is instinctive. It abides while assuming the dignity of a judge. I would not barter an inherent detestation for perfidy and theft for any honor on earth, and God pity the man who can contemplate that kind of pilfering without an honest and unutterable indignation. [Applause on the Democratic side.]

They say that this party of progressive capitalism is about to tour the country singing psalms, between the tirades of Roosevelt and the platitudes of Perkins. Good Lord deliver us! Imagine Theodore Roosevelt and George W. Perkins leading in a revival. [Applause on the Democratic side.] There is nothing like it in all the history of the church since the days of Annanias and the unrepentant thief on the cross. [Applause on the Democratic side.] It is a fact, LA FOLLETTE has charged it and they have not denied it, that a million dollars was contributed by the steel corporation officials to start this political Punch and Judy performance, lately pulled off at Chicago, in which these fantastic figures Roosevelt, Perkins, McCormick, and the rest of them, play their little parts, find their exits and their entrances, and take their cues from an insolent combination of political and financial highbinders, one of whom did not hesitate to rob a grave for the Republican campaign fund of 1904, and is now intrusted with the duty of providing provender for the bull moose. I would suggest as a battle hymn for this political camp meeting a modification of the war cry of the Turkish janizaries: "Allah! Allah! Mammon is Allah; there is no God but Mammon and Morgan is his prophet!" [Applause on the Democratic side.]

Do you believe that had the Commissioner of Corporations advised the President of the United States that in the absorption of the Tennessee Coal & Iron Co. he was not eliminating a competitor but was eliminating competition; had he told him what he knew, and I have extracts from the records showing what he knew or ought to have known.

In the North you have the Bessemer process. From the Mesabi Range come the Bessemer ores. The time had come for the passing of Bessemer steel and for the upbuilding of the basic process, when the open-hearth furnace would in a great measure supersede for all practical purposes the Bessemer converter. The Tennessee Coal & Iron Co., that young, rapidly growing, and prosperous concern, headed by Gates, Hanna, Ogilby, and Topping, and the rest of them, had already forced the steel corporation to write into its books that "it was up against it good and strong." Knowing these things would he have consented to have the last chance of competition in the steel business in the United States destroyed forever? Would he have consented to have the South and all her industries, as far as the steel is concerned, laid prostrate under the iron heel of this industrial bandit, had he known the truth? It is almost unbelievable.

You talk of the dangers that confront this Republic. Why, a few days ago I read the story of where a band of murderers invaded a court room in Virginia, and where they shot down the judge on the bench, and we recall it with horror; and yet, what did it amount to after all? It was but the death of a man. There lay a butchered hero prone upon the bench he had adorned, like a victim upon the altar. But above that piece of mangled earth, wrapped in its gory cerements, arose like a transfiguration the dread and immortal chancellor, his ermine purified by the blood that dappled it. Before the outraged majesty of the law these crude criminals fled in terror, hiding in the passes of the mountains or cowering in a felon's cell awaiting an ignominious death. [Applause.]

Suppose that instead of this wild resort to insane and futile violence they had approached this judge with fair promises of wealth and power. Suppose they had said, "Judge, if you will permit us to make counterfeit money, if you will permit us to make moonshine whisky, riches and honor and place and power shall be yours; we will support your administration; it will be strengthened, our friends will stand by you and make you all-powerful in politics. If you attempt to enforce the law against these friendly and puissant influences, we will fight—possibly start 'a panic' "—and the judge had been seduced by this secret attempt to debauch the clean and fearless execution of the law. Ah, then would that court have been stained and defiled indeed. There would have been no violence, but it is the silent prostitution of high officials, without noise or notice, that is most deadly, more to be feared and abhorred than all the tumult and brutal murders of a hundred bands of mountain marauders. Then would the sacred temple of justice itself have been polluted, and he who wore the dishonored ermine held in unspeakable contempt.

I do not know what honeyed words Frick and Gary poured into the ear of an attentive President in that 20-minute conference. If they had chosen to play the tempter, as did Lucifer to our crucified Redeemer, if they pictured to his wondering gaze their vast and unknown dominion over railway systems—mines and mills, banks and bankers, jurists and legislators, and an army of 200,000,000 men—they could have revealed a vista of wealth and power more vast than met the Savior's gaze from the mountain top. All they said we do not, probably will never, know. One thing only is certain—Roosevelt took the same relative position that the Savior assumed toward the devil, except that the Savior said, "Go, get thee behind me, Satan," and Roosevelt said, "I will stand in front of you, oh Steel Trust. [Laughter and applause on the Democratic side.] I will silence popular clamor, I will paralyze the strong arm of the law, I will make justice a pariah. If you, with your multiplied millions will follow and finance a blatant truculent, capricious demagogue in his lust for office and for autocratic and ruthless power." [Applause on the Democratic side.]

I anticipate as a result of the legislation suggested by this committee a new era in our industrial life. I firmly believe that there is nothing in all the history of the past quite so shameful as the confession that we are so degenerate or the law so impotent that monopoly and extortion can no longer be curbed or controlled.

Read from the hearings. Read from the statement of Carnegie that this corporation is so strong that it can successfully fix prices and defy the law. Gary suggests legislation by which he proposes to regulate himself. We are advised that the day of competition is passed, and we must recognize the existence of a lawless oligarchy we can no longer hope to control. Years ago Carnegie wrote:

"Such is the law, such has been the law, and such promises to be the law for the future; for, so far, no device has yet been devised that has permanently thwarted its operation, given freedom of competition, and all combinations or trusts that attempt to exact from the consumer more than a legitimate return upon capital and services write the charter of their own defeat. We have many proofs that this great law does not sleep, and that it will not be suppressed. * * * It is not in the power of man to exact for more than a brief season, and a very brief season, indeed, unusual profit upon actual capital invested, either in transportation or manufacture, so long as all are free to compete, and this freedom, it may safely be asserted, the American people are not likely to restrict."

When he was before the committee I asked him:

"Do you hold those views now?

"Mr. CARNEGIE. Yes; and don't you think those are pretty good views?

"The CHAIRMAN. I think those views ought to be written on tablets and placed in every library that you erect as a memorial

of your good judgment at the time you wrote them, and your better judgment now, if you still hold those views.

"Mr. BEALL. And as a memento of what used to be."

"The CHAIRMAN. A tribute to a dead age.

"Mr. GARDNER. Does that situation still continue in the steel business?

"Mr. CARNEGIE. Oh, you know it does not. I believed that competition would continue. I discovered that it had ceased.

* * * * * * *

"Mr. BEALL. Do you believe the age of competition has passed?

"Mr. CARNEGIE. I believe there is no competition and has not been.

"Mr. BEALL. Why? In your judgment why is there no competition?

"Mr. CARNEGIE. Because they have been able to sit down and agree to fix prices and to maintain them. That is the reason.

"Mr. BEALL. In your judgment that is the situation to-day that has destroyed the competition and nullified this law that you referred to in this article.

"Mr. CARNEGIE. Certainly.

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"Mr. REED. I do not object to Mr. Carnegie's capacity as an expert to form judgment on the fact; but I simply base my objection on the ground that he has already said he did not know the facts of to-day.

"Mr. CARNEGIE. Some facts I do not know of to-day, and others are patent to the world.

"Mr. BEALL. That is, you do not know when they meet or how they agree, but you can read signs that prove to your mind that they meet somewhere and somewhere agree.

"Mr. CARNEGIE. That is obvious, I think, to the least intelligent reader of the newspapers, and yet I think it is not denied.

* * * * * * *

"Mr. BEALL. Is it not a fact that the reason you are now suggesting this appeal to the Government is that in the last 10 or 12 years we have witnessed such a growth in these great corporations that they have now grown so strong and so great that it is the Government, and the Government alone, that is strong enough to face them upon the battle field?

"Mr. CARNEGIE. That is my opinion.

"Mr. BEALL. That the only agency that can control them, that can combat with them, is the power of the Federal Government?

"Mr. CARNEGIE. That is my opinion, and it is not recently formed.

"Mr. BEALL. And that before corporations of this kind and combinations of this kind—both existing, as you think—the consumers of this country are absolutely helpless.

"Mr. CARNEGIE. Yes; they are at the mercy——

"Mr. BEALL (interposing). They are at the mercy of these corporations?

"Mr. CARNEGIE. Certainly. You will find this as strongly stated as I can state it in this statement which I have prepared."

Let us no longer take counsel of the craven or the sycophant, forever canting that we can not eradicate monopoly; that we can not prohibit this character of plunder; that we must forever suffer these industrial corsairs to prey upon the sea of commerce. There was a day when, though kings bowed their titled heads before Algerian pirates, we had not a cent for tribute, and I thank God that on this side of the Chamber, at least, and among those who sent us here the spirit of Decatur is not dead. [Applause.] We will no longer pay tribute to organized plunder. Those who have coerced Presidents and despoiled an empire shall within six short months realize that justice is swift, omnipotent, and blind; and that under a new régime, under the ægis of a new party, the law in its majesty, in its dignity, without passion, without variableness, without the shadow of turning, but with stern and pitiless justice toward the high and the low—the law, it shall be obeyed. [Applause on the Democratic side.]

Mr. CRAGO. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CLAYTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17470, and had come to no resolution thereon.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 4113. An act for the relief of Robert E. Burke;

H. R. 7672. An act for the relief of Mary J. Manning; and

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshone reclamation project, Wyo.

THE SUGAR SCHEDULE.

Mr. UNDERWOOD. Mr. Speaker, I desire to present a privileged report. I bring back to the House the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," known as the sugar bill, and report therewith a total disagreement on the part of the conferees. There is no written report here, but the House conferees and the Senate conferees were unable to reach an agreement. I do not think it is possible to reach one. We have possession of the papers. I do not care to act on them, but the Senate may desire to act further. I do not want to bring on a vote or any contest this evening, and I ask unanimous consent to make a motion that the House do further insist upon its disagreement to the Senate amendments, so that the papers may go back to the Senate.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the House further disagree to the Senate amendments on the sugar bill.

Mr. MANN. Mr. Speaker, I suggest to the gentleman that he ask unanimous consent to consider the bill and then make that motion.

Mr. UNDERWOOD. It is in order to consider it, because there is no conference report.

Mr. MANN. But it would not be in order to consider it to-day.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent for the present consideration of the Senate amendments to the sugar bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent for the present consideration of the Senate amendments to the sugar bill. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I now move that the House do further insist upon its disagreement to the Senate amendments.

The motion was agreed to.

On motion of Mr. UNDERWOOD, a motion to reconsider the last vote was laid on the table.

LAND-GRANT BILL.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent to insert in the RECORD a letter which I have addressed to Senator CHAMBERLAIN, touching the bill H. R. 22002, the land-grant bill.

The SPEAKER. The gentleman from Oregon asks unanimous consent to insert in the RECORD a letter. Is there objection?

Mr. JAMES. Mr. Speaker, the gentleman says that it is addressed to Senator CHAMBERLAIN. Mr. CHAMBERLAIN is a Member of the Senate. I suppose the letter is not in any violation of any of the rules of the House?

Mr. LAFFERTY. It is a letter in relation to the merits of a bill which passed the House on Saturday last and has now gone to the Senate.

Mr. JAMES. If it is a letter which does not reflect on the Senator I have no objection.

Mr. LAFFERTY. It is a letter bearing on the merits of the bill H. R. 22002—the land-grant bill.

The SPEAKER. Is there objection?

There was no objection and it was so ordered.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 9 minutes p. m.) the House adjourned until to-morrow, Thursday, August 15, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FERRIS, from the Committee on Indian Affairs, to which was referred the bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co.

to construct a railroad across certain lands in Comanche County, Okla., reported the same with amendment, accompanied by a report (No. 1183), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAINEY, from the Committee on Ways and Means, to which was referred the bill (H. R. 23112) to extend the limits of the port of entry of New Orleans, La., reported the same without amendment, accompanied by a report (No. 1184), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. McKINLEY (by request): A bill (H. R. 26275) changing the name of the office of United States commissioner to that of United States Commissioner's Court, and defining the jurisdiction thereof; to the Committee on the Judiciary.

By Mr. BYRNS of Tennessee: A bill (H. R. 26276) for the study and eradication of pellagra; to the Committee on Appropriations.

By Mr. SULZER: A bill (H. R. 26277) to establish a United States Court of Patent Appeals, and for other purposes; to the Committee on the Judiciary.

By Mr. RUCKER of Missouri: A bill (H. R. 26278) to amend an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911; to the Committee on Election of President, Vice President, and Representatives in Congress.

By Mr. STANLEY: Resolution (H. Res. 688) authorizing the printing of the majority and minority reports of the committee to investigate violations of the antitrust act; to the Committee on Printing.

By Mr. VARE: Joint resolution (H. J. Res. 355) authorizing the Secretary of the Navy to open the Philadelphia Navy Yard for the admission of visitors on Sundays; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H R. 26279) granting the Fifth-Third National Bank of Cincinnati, Ohio, the right to use original charter No. 20; to the Committee on Banking and Currency.

By Mr. FAIRCHILD: A bill (H. R. 26280) granting an increase of pension to Maria E. Wilson; to the Committee on Invalid Pensions.

By Mr. HAYDEN: A bill (H. R. 26281) granting a pension to Bert O. Brown; to the Committee on Pensions.

By Mr. McGILLICUDDY: A bill (H. R. 26282) granting an increase of pension to Jean L. Peabody; to the Committee on Pensions.

By Mr. OLMSTED: A bill (H. R. 26283) removing the charge of desertion from the record of the late Jeremiah Albright; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 26284) for the relief of Thomas J. Smith; to the Committee on War Claims.

Also, a bill (H. R. 26285) for the relief of the heirs of Madison A. Pitman, deceased; to the Committee on War Claims.

Also, a bill (H. R. 26286) to remove the charge of desertion from the military record of James Brake; to the Committee on Military Affairs.

By Mr. RUCKER of Colorado: A bill (H. R 26287) granting a pension to John E. Karns; to the Committee on Pensions.

Also, a bill (H. R. 26288) granting an increase of pension to Jerome B. Greenslate; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of Andre Fourchy, San Francisco, Cal.; William W. Latham, Portland, Oreg., both relative to proposed legislation for the reorganization of the United States Life-Saving Service; to the Committee on Interstate and Foreign Commerce.

By Mr. ALLEN: Memorial of Laundrymen's National Association, relative to placing label on manufactured articles; to the Committee on the Judiciary.

Also, memorial of United Commercial Travelers' Association, favoring changing day of election from Tuesday to Monday; to the Committee on Election of President, Vice President, and Representatives in Congress.

Also, memorial of United Commercial Travelers' Association, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

By Mr. ASHBROOK: Evidence to accompany the special bill for the relief of Galon S. Ruston (H. R. 24501); to the Committee on Invalid Pensions.

By Mr. AYRES: Memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. BRANTLEY: Petition of Woman's Auxiliary to the Protestant Episcopal Church in the parish of St. James, Frederica, Ga., relative to improvement in conditions for natives of Alaska; to the Committee on the Territories.

By Mr. BUTLER: Memorial of West Chester Camp, No. 673, Patriotic Sons of America, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. FULLER: Petition of Jacob Haish Co., of De Kalb, Ill., against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of Rockford Wholesale Grocery Co., of Rockford, Ill., favoring uniform weight and measure branding bill; to the Committee on Interstate and Foreign Commerce.

Also, petition of International Association of Machinists, favoring passage of House bill 25305, relative to stop-watch in Government shops; to the Committee on Labor.

By Mr. GOLDFOGLE: Petition of New Seattle Chamber of Commerce, of Seattle, Wash., favoring passage of House bill 357, relative to investigation of foreign and domestic fire insurance companies; to the Committee on Interstate and Foreign Commerce.

Also, memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of committee of wholesale grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. HARTMAN: Memorial of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of Root amendment to the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. LEVY: Petition of the Shorthand Club of New York (Inc.), against passage of the Slemp bill (H. R. 4036), relative to official reporters for United States district courts; to the Committee on the Judiciary.

Also, petition of committee of wholesale grocers of New York City, favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, petitions of Simpson-Crawford Co. and the Fourteenth Street Store, of New York City, against the passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of the Commercial Telegraphers' Union of America, at Chicago, Ill., relative to right of operators to strike, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of Allied Printing Trades Council of New York City, against passage of the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

Also, petition of 4,000 Spanish War veterans, favoring passage of House bill 17470, for pension for widows and minor children of Spanish War veterans; to the Committee on Pensions.

Also, petition of Sample & Co., of New York City, against passage of the amended Kenyon bill (S. 4043); to the Committee on the Judiciary.

Also, memorial of National Board of Trade, relative to preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. REILLY: Memorial of National Board of Trade, relative to preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. REYBURN: Memorial of State Council of Pennsylvania, Order of Independent Americans, Philadelphia, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of New York: Petition of Frontier Association of Customs Inspectors of the United States of America, favoring passage of House bill 26212, relative to increase in pay; to the Committee on Ways and Means.

SENATE.

THURSDAY, *August 15, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. LODGE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

THE PANAMA CANAL.

Mr. BRANDEGEE. I present a conference report on the disagreeing votes of the two Houses on the so-called Panama Canal bill. I ask that it may be printed in the RECORD, and also that the bill as it will stand, if the conference report were agreed to, may be printed in the RECORD. I also ask that the bill as it will stand, if the conference report were agreed to, may be printed in bill form and distributed on the desks of Senators, so that they may have it in convenient form before them when the matter is called up for action.

The PRESIDENT pro tempore. Without objection, the report will be received and printed as requested.

The report and bill are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 48, 50, 51, 53, 54, 55, 56, 57, 58, and agree to the same.

That the Senate recede from its amendments numbered 10, 14, 28, 47, 49, 63.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In line 9 of the amendment, after the word "and," insert the words "govern the"; in lines 23 and 24 of the amendment strike out the colon after the word "qualified," and strike out the words, "*Provided*, That he be subject to removal at the will of the President"; in line 27 of the amendment strike out the word "and," and after the word "operation" insert a comma and the words "and protection." In the first line of the last paragraph of the amendment strike out the words "The President"; capitalize the letter "b" in the word "before"; in the same line and line 2 of the paragraph strike out the words "shall cause the commission of arts to" and insert in lieu thereof the words "the commission of arts may"; and in the same line, after the word "report," insert the words "to the President"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out all of the two said Senate amendments and insert in lieu thereof the following:

"That section 4132 of the Revised Statutes is hereby amended to read as follows:

"'SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than 5 years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, that such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirement of said act.'"

And the Senate agree to the same.

That the House recede from its disagreement to the following part of Senate amendment 16: "nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal," and agree to the same with the following amendment: Insert, in lieu of the words just quoted, the words "nor be less than the equivalent of 75 cents per net registered ton"; and that the Senate recede from that part of its amendment numbered 16 striking out the words "The toll for each passenger shall not be more than $1.50.

Amendment numbered 17: That the Senate recede from its amendment numbered 17, and agree to the same with an amendment as follows: Strike out, in line 3 of the amendment, the word "alleged." In lines 10, 11, and 12 of the amendment strike out the words "off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out of the amendment the words "the allowance and prosecution of"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amendment the word "and" and insert in lieu thereof the words "or the"; and on page 12, line 11, of the bill, after the word "judge," insert the word "thereof"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Strike out of the amendment the words "his assistants" and insert in lieu thereof the words "may appoint one assistant when necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Insert after the word "canal" the words "or elsewhere"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Insert after the word "route" the words "or elsewhere"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the words "ship engaged in or" and insert in lieu thereof the word "vessel"; in lines 1 and 2 of the amendment strike out the words "by the terms of this act"; in line 2 of the amendment, after the word "coastwise," insert the words "or foreign"; add to the amendment the following: "Suit may be brought by any shipper or by the Attorney General of the United States"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every

case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter."

Transpose the order of amendments 61 and 62, so that amendment numbered 61 follows amendment numbered 62.

And the Senate agree to the same.

JOSEPH L. BRISTOW,
F. M. SIMMONS,
Managers on the part of the Senate.
W. C. ADAMSON,
T. W. SIMS,
Managers on the part of the House.

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized by treaty with the Republic of Panama to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purpose for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until the courts provided for in this act shall be established.

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed, governed, and operated through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, operation, and protection of the Panama Canal and Canal Zone shall be appointed by the President or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States; that upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Before the completion of the canal the Commission of Arts may make report to the President of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. That section 4132 of the Revised Statutes is hereby amended to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel, not used or intended to be used for trade, admitted to American registry pursuant to this section, shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.' That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery, and all articles necessary for their outfit and equipment, may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General, under the act of March 3, 1891, entitled 'An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce,' so long as such vessels shall in all respects comply with the provisions and requirements of said act. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce, the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual mainte-

nance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton as nearly as the same may be determined, nor be less than the equivalent of 75 cents per net registered ton. The toll for each passenger shall not be more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters."

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited, and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation.

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co. if said company was responsible for said injury, as the case may require. And after such method and schedule shall be provided by the President, the provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, subject to the international convention and the act of Congress to regulate radio communication, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal, and for other purposes. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States. The President is also authorized to establish, maintain, and operate, through the Panama Railroad Co. or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone, and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided, all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court, with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100 or imprisonment not exceeding 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 10 of this act, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official, seal, and the fees to be charged and collected by them.

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases, of offenses arising under section 10 of this act, all causes in equity, admiralty, and all cases at law involving principal sums exceeding $300, and all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district court or the judge thereof shall also have jurisdiction of all other matters and proceedings not herein provided for, which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, the District Court of the Canal Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said district. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, and until their

successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office, nor serve on any official board or commission, nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, and may appoint one assistant when necessary, who shall receive salaries to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence, or during any period of disability or disqualification from sickness or otherwise to discharge his duties, the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of $5,000 per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein, as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the District Court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution or any statute, treaty, title, right, or privilege of the United States is involved and a right thereunder denied, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way, to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the district court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 20 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder, and shall be punished accordingly.

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic, or any vessel carrying freight or passengers upon said water route or elsewhere; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final. If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common carrier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where

the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interior points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall extend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

SEC. 14. That this act shall be known as, and referred to as, the Panama Canal act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved.

PUBLIC-LAND SERVICE (S. DOC. NO. 922).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting additional estimates of appropriations for the administration of the public-land service for the fiscal year ending June 30, 1912, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

INDIAN-DEPREDATION CLAIMS (S. DOC. NO. 925).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, a list of judgments rendered by the Court of Claims in favor of claimants in Indian-depredation cases for which no appropriation has heretofore been made, amounting to $11,388, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF JUDGMENTS (S. DOC. NO. 924).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, a list of judgments rendered by the Court of Claims against the United States, amounting to $31,619.41, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

CIRCUIT AND DISTRICT COURTS (S. DOC. NO. 926).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, a list of judgments rendered against the United States by circuit and district courts, amounting to $9,748.04, which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

LIST OF CLAIMS (S. DOC. NO. 923).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 8th instant, a list of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, amounting to $138,830.88, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

The message also announced that the House had passed a joint resolution (H. J. Res. 356) to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse; and

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of sundry assistants to superintendents of construction, United States life-saving stations, praying for the adoption of certain amendments to the bill (S. 5173) to promote the efficiency of the Life-Saving Service and the bill (S. 7061) to create the coast guard by combining therein the existing Life-Saving Service and Revenue-Cutter Service, which was referred to the Committee on Commerce.

He also presented the petition of Henderson M. Powers, of Lancaster, Pa., suggesting certain plans for the improvement of the Mississippi River, which was ordered to lie on the table.

Mr. BURNHAM. I present three telegrams in the nature of petitions from various citizens of Antrim, Concord, and Keene, N. H., urging the passage of the so-called Kenyon interstate liquor bill. I ask that the telegrams be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

ANTRIM, N. H., *August 13, 1912.*

Hon. H. E. BURNHAM,
Washington, D. C.:

Please urge passage of Kenyon interstate liquor bill.

EX-GOV. D. H. GOODELL.
HENRY A. HURLIN.
LEANDER PATTERSON.
S. S. SAWYER.
WILLIAM E. CRAM.
Col. R. C. GOODELL.

CONCORD, N. H., *August 13, 1912.*

Hon. H. E. BURNHAM,
United States Senate, Washington, D. C.:

We hope you will urge passage of Kenyon interstate liquor bill.

GEORGE H. REED.
CHARLES T. PAGE.
C. C. GARLAND.
C. C. SCHOOLCRAFT.
J. H. C. BROWN.
J. H. ALBIN.
JOHN C. THORNE.
G. W. HILL.
ARTHUR BOOTH.
B. F. ADAMS.
ELWYNN L. PAGE.

KEENE, N. H., *August 13, 1912.*

Senator H. E. BURNHAM,
Washington, D. C.:

Keene wants Kenyon interstate liquor bill enacted. Work hard for New Hampshire good.

GEORGE H. EAMES. I. J. DUNN.
W. L. GOODNOW. R. E. FAULKNER.
H. O. WARDWELL. W. A. CARLETON.
H. E. FAY.

Mr. PERKINS presented a telegram in the nature of a petition from members of the California Fruit Growers' Exchange, praying that an appropriation be made for the establishment and maintenance of quarantine districts for plant diseases and insect pests, etc., which was ordered to lie on the table.

He also presented a resolution adopted by the Chamber of Commerce of San Francisco, Cal., favoring the enactment of legislation to promote the efficiency of the American merchant marine, which was referred to the Committee on Commerce.

Mr. CHILTON. I present three telegrams in the nature of memorials, which I ask may be printed in the RECORD.

There being no objection, the telegrams were ordered to lie on the table and to be printed in the RECORD, as follows:

CLEVELAND, OHIO, *August 15, 1912.*

Senator CHILTON, *Washington, D. C.:*

International typographical convention discussed postal changes. We protest against freighting second-class matter and against any increase in rates.

R. A. BRYANT, *Morgantown, W. Va.*

—

CLEVELAND, OHIO, *August 15, 1912.*

Senator CHILTON, *Washington, D. C.:*

International typographical convention discussed postal changes and protest against freighting second-class matter and against an increase in rates.

N. J. BAUM, *Huntington, W. Va.*

—

CLEVELAND, OHIO, *August 15, 1912.*

Hon. W. E. CHILTON,
Senate, Washington, D. C.:

International Typographical Union, in convention, discussed postal changes. We protest against freighting second-class matter and against any increase in rate.

J. L. BOSWELL,
Secretary Huntington Union.

REPORTS OF COMMITTEES.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 20362) granting a pension to Catherine Wise, reported it without amendment and submitted a report (No. 1035) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 7455) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River, in Aitkin County, Minn., reported it with an amendment and submitted a report (No. 1036) thereon.

Mr. JONES, from the Committee on Claims, to which was referred the bill (S. 7427) for the relief of Edgar Allan, jr., reported it without amendment and submitted a report (No. 1037) thereon.

Mr. WILLIAMS, from the Committee on Military Affairs, to which was referred the bill (S. 6616) to provide for the protection of national military parks, reported it with amendments and submitted a report (No. 1038) thereon.

Mr. DU PONT, from the Committee on Military Affairs, to which was referred the bill (S. 7288) to authorize the transfer of First Lieut. Sydney Smith from the retired to the active list of the Army, reported it with an amendment.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 24266) to authorize the sale of burnt timber on the public domain, reported it with an amendment and submitted a report (No. 1039) thereon.

Mr. BRIGGS, from the Committee on Military Affairs, to which was referred S. Res. 160, providing for an investigation of the management of the Branch National Home for Disabled Volunteer Soldiers, Santa Monica, Cal., reported it with amendments and submitted a report (No. 1040) thereon.

He also, from the same committee, to which was referred the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., reported it with amendments.

INVESTIGATION OF THE PATENT OFFICE.

Mr. BRANDEGEE. From the Committee on Patents I report back favorably without amendment the joint resolution (H. J. Res. 337) requesting the President to cause an investigation of the Patent Office and to make a report with recommendations to Congress, and I submit a report (No. 1034) thereon. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution.

Mr. CLAPP. Mr. President, I should like to ask the Senator from Connecticut if the President has not already the authority and power proposed to be conferred by the joint resolution?

Mr. BRANDEGEE. Mr. President, the joint resolution was reported unanimously by the House Committee on Patents and passed by the House. I think that the President would have authority to ask his Commission on Efficiency to investigate and report upon conditions in any department specified in the joint resolution, but I assume that what is desired is to have an examination made of such a character as if it entailed expense, they may get the necessary appropriation, and this authorizes an expenditure of not to exceed $10,000 for the purpose. I assume that is the reason the joint resolution is necessary.

I will say, in connection with the subject, if the Senator from Minnesota will permit me, and in answer to his question, that there is an elaborate report which I am going to ask to have printed in the RECORD, explaining the object and purpose of the joint resolution. It is the House committee's report.

I think everybody knows that the Patent Office has had very little improvement made in it for many years, and if anybody will read the report, he will see that conditions prevailing there certainly deserve a careful inquiry. The joint resolution, as will appear by the letters printed in the House report, is earnestly advocated by the Secretary of the Interior and the Commissioner of Patents. If anybody cares to examine the report, he will see, among other things, that the papers and the titles to millions and millions of dollars' worth of property in this country secured by patent are reposing upon shelves in the Patent Office without the slightest protection from fire, and in case of their destruction there would be chaos in that business. I have only a superficial knowledge of the matter, but I am suggesting to the Senate what I see in the report, and of what the chairman of the House committee has informed me. Our committee did not have a session or a hearing on the matter, because the House report was so elaborate, but six out of the seven members of our committee have been polled and have signed a favorable report upon the joint resolution. It is by their instruction that I have reported it.

Mr. CLAPP. Mr. President, my suggestion did not go to the advisability of this inquiry at all. There are two methods by which the inquiry can be made; one is by Congress, or either House of Congress, and the other is by the President, with his board of efficiency, or whatever that board is called. I am not much of a stickler for a close, accurate finding of the relation and line between the executive and legislative branches of the Government, nor am I the champion of the cause of the present Executive, but it does strike me as a very unusual course for Congress to direct the President of the United States to make an examination and investigation of this character. We can make it through committees; we can make it through a commission; and the President can make it through his commission. While it may not be a most vital matter, it does strike me as a very peculiar action on the part of Congress. I simply call the attention of the chairman to that.

Mr. SANDERS. Mr. President, I am very much interested in this subject, but have not had an opportunity to examine the House report to which the Senator from Connecticut [Mr. BRANDEGEE] refers. I wish to say in this connection, however, that the Patent Office is a very much neglected branch of this Government. It is self-sustaining, and not only that but it pays a revenue into the Treasury of the United States over and above its expenses and is entitled to more consideration than it has heretofore had.

The remark by the acting chairman of the committee as to the value of the records that are contained in the Patent Office in an unprotected manner is really startling.

In addition to that the services rendered at the Patent Office are very inadequate to the importance of the subject. Patents are granted without sufficient examination because the office is not properly organized. It has got to be so now that a patent is little more than a right to action in the courts, while there ought to be sufficient examination of the application for patent and sufficient work bestowed upon every branch of that service to make the patent stand for something and be worth more, and incidentally to avoid a great deal of misunderstanding that occurs on account of the inadequate work of the department. Many persons are led to believe that they have valuable patents for inventions because the patent has been hung on some unimportant feature of the consideration, when, as a matter of fact, the patent is of no value at all. That leads to great disappointment, and often to litigation and many unfortunate conditions.

As to the matter of procedure, I have not had time to inquire, but I am in favor of an examination of the Patent Office and its work and for a radical improvement at the earliest possible date.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BRANDEGEE. I ask that the House report on the joint resolution, with certain features of it that were adapted to the House situation and that are not adapted to the Senate situation eliminated, may be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, that order will be made.

The report submitted this day by Mr. BRANDEGEE is as follows:

The Committee on Patents, having had under consideration House joint resolution 337, requesting the President to cause an investigation of the Patent Office and make a report with recommendations to Congress, submits the following report, with a unanimous recommendation that the resolution do pass:

The purpose of the resolution is to secure in ample time for action at the next session of Congress concrete recommendations concerning a reorganization of the administration of the Patent Office from a responsible authority, based upon a careful study of the problems involved by qualified experts.

The reports of the Commissioner of Patents to the Secretary of the Interior and the Congress show that in his judgment the present organization of the Patent Office is inadequate to handle properly the increasing business of the office. Your committee believes that the conditions is such as to justify a thorough investigation of the suggestions made by the commissioner to the effect that both salaries and working space are inadequate. Such investigation, in order to become the foundation of a comprehensive plan for the improvement of the efficiency of the bureau, should be made with a greater regard for details than would be practicable in an investigation by a congressional committee. Such an investigation is within the general scope of the duties of the accountants and experts heretofore employed by the President to inquire into the methods of transacting public business of the Government in the executive branch, popularly known as the Commission on Economy and Efficiency. It is submitted that such a commission, already organized and having already had some experience in the investigation of the conduct of Government business, is better qualified for the proposed work than any special commission which might be organized for the express purpose. The reference of this matter to the existing organization will also avoid the possibility of duplication of effort, inasmuch as it is by existing law within the jurisdiction of this body to investigate the Patent Office.

A complaint frequently made against the Patent Office is that patents are frequently issued on applications that do not state real inventions. Issuance of such patents of doubtful validity, and occasionally of no validity, has a bad effect on the industrial development of the country in two ways. On the one hand, the owner of a questionable patent has a color of right to prevent others from using some machine, device, combination, or process which may in fact have been more or less widely known before the patent was ever applied for; and this may result in the manufacturer, through fear of infringement, abandoning the use of an idea which in justice he should have had the right to use. It may result in his paying a royalty which he ought not to have been obliged to pay, and it may result in his being subjected to the expense of defending an infringement suit based upon a patent which never should have issued. On the other hand, the issuance of a large number of patents of questionable validity creates in the public mind such a distrust of patents that the real inventor finds his patent to some extent discredited in public opinion, and finds in the courts no such presumption of validity as to allow him an injunction for infringement until after the merits of his patent have been passed on by the court. Your committee believe that our patent system can far better serve its purpose of stimulating invention and industry if the examinations in the Patent Office can be made so rigid as practically to prevent the issuance of patents except for real inventions. It is the purpose of this investigation to ascertain to what extent this can be done by improvement of the administration of the Patent Office.

The Patent Office for some years has been a self-sustaining institution; that is to say, the fees collected have been more than sufficient to pay every expense of the bureau. Inasmuch as the office now receives only $15 for the preliminary fee on an application for patent and $20 for final fee on the issuance of a patent, it is confidently believed that every expense necessary to bring the office to the highest efficiency, even including the cost of erecting a new building, should that prove desirable, can be met by a comparatively slight increase in Patent Office fees. This would not be in any sense a burden on the inventor, since he would be fully compensated by the better quality of patents which could be issued after more rigid examination. The resolution directs the attention of the investigating body to this phase of the problem and calls for recommendations to meet all proposed expenses out of increase of fees, so that the improvement can be made without any expense whatever to the Treasury.

The present resolution states the scope of the proposed investigation of the Patent Office at once more broadly and more specifically than the scope of the general investigation of all executive offices is stated in the existing law. It also requests presidential recommendations on this important subject at a specific date which will allow time for thorough consideration before the expiration of the present Congress.

THE WHITE HOUSE,
THE PRESIDENT'S COMMISSION ON ECONOMY AND EFFICIENCY,
Washington, July 22, 1912.

Hon. ROBERT J. BULKLEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your request for an estimate of the expense to be incurred in making an investigation and report by December 10, 1912, on the administration of the Patent Office, as contemplated by House joint resolution 337, we beg to state that until the investigation of the present methods, personnel, equipment, and building is commenced it is difficult to estimate the number of employees that will be needed in order to complete the work by the date named in the resolution.

The following is an estimate prepared from our knowledge of the Patent Office and its present methods, personnel, etc.:

Estimated expense of investigation of Patent Office, Aug. 10 to Dec. 10, 1912.

Securing a descriptive report, in detail, of the administration of the office, including present methods, personnel, equipment, building, etc., said report to be the basis for consideration of changes to be recommended, and to accompany the report to be submitted to Congress, employment of experts and clerical force	$3,000
Conducting hearings and securing the critical and constructive views of members of the patent bar, Patent Office officials, and others	2,000
Preparation of an analysis of the facts, criticisms of existing conditions, and constructive recommendations by the member or members of the President's Commission on Economy and Efficiency assigned to work upon this inquiry, including clerical and stenographic assistance	2,500
Preparation for submission to Congress of the recommendations of the commission as to changes in law, increase in appropriations, additional building accommodations, etc	1,000
Miscellaneous expenses, such as printing blanks and circulars, travel of employees and expert witnesses, stationery, etc	1,500
Total	10,000

Respectfully,

F. A. CLEVELAND, *Chairman.*

The reasons for the passage of this resolution are well stated by the Secretary of the Interior in the following letter indorsing the resolution:

DEPARTMENT OF THE INTERIOR,
Washington, July 22, 1912.

Hon. ROBERT J. BULKLEY,
House of Representatives, Washington, D. C.

MY DEAR MR. BULKLEY: My attention has been directed to the joint resolution (H. J. Res. 337) authorizing an investigation of the administration of the Patent Office, with a view to determining whether or not the present methods, personnel, equipment, and building of said office are adequate for the performance of its functions, taking into consideration the present character and volume of business and also such increase in complexity or volume as may be reasonably expected in the future, and to make such recommendations in connection therewith to Congress as may be deemed necessary to enable the Patent Office to discharge its functions in a thorough and economical manner.

I have consulted the Commissioner of Patents in regard to this investigation and I indorse his opinion that an investigation of this character would be of the greatest value. The commissioner has repeatedly, in his fiscal reports to the Secretary of the Interior and annual reports to Congress, invited attention to the inadequacy of the present quarters and equipment and also the insufficiencies of force and salaries to enable the office to perform its business in a prompt and efficient manner, and he will be glad to furnish any and all information required by such an investigating committee and to cooperate with them in every way which will lead to a complete and careful investigation of the present methods, personnel, equipment, and building, as well as in respect to necessary changes of the patent laws.

The present building which houses the Patent Office is not fireproof and is piled high with tons of inflammable matter comprising the secret archives of that bureau. Much of this material is stored in wooden cases and upon open shelves, subject to the ravages of time and other destructive agents. There are also recorded in that office the deeds of all assignments of titles of invention, which are of the greatest value in determining the ownership of valuable patents and the loss of which, by fire or otherwise, would be a tremendous blow to the commercial interests of the country. Conditions have been growing worse from year to year, and the limit of congestion has been reached. In the effort to obtain more room for storage of Patent Office records and for the transaction of business, rooms in the basement have been cleaned out for the storage of records, and several of such rooms have been floored for the use of examining divisions. The District fire department and other officials have pronounced the building unsafe as to fire, and the engineers of the War Department have said that the walls should be lightened of their great weight, especially in the northwest corner of the building.

The commissioner reports that the scientific library is in need of thorough reorganization. That branch is of great importance to inventors and to the office, the number of volumes having reached between forty and fifty thousand of scientific works which are constantly searched by interested people, as well as by the examining corps in the conduct of their work of examining applications for patents. These volumes should be thoroughly digested so that the subject matter will be readily accessible. This will result in the saving of much time and expense.

It is necessary that additional translators be provided, in view of the constant and rapid increase in the number of foreign patents, in order that the same may be classified and promptly sent to the various examining divisions to be used as references in the examination of applications for patents. Translations of such patents are not only made for the examining corps but for inventors and others, and the receipts for such translations would easily pay the salaries of the additional force.

The commissioner states that, although the salaries of the examiners employed in the Patent Office have been increased during his incumbency in the office of commissioner and he has been able by this means to check to a certain degree the great number of resignations, he is still unable to hold as great a percentage of these specially trained men as is desirable to attain the best possible efficiency. Owing to the rigid examination necessary to pass in order to enter the examining corps, it is made up almost exclusively of men who have graduated from various technical schools and universities. After entering the office nearly all take courses of law in the Washington law schools, and, in fact, many have knowledge of law before entering the office. After they have become experienced in the practice of the Patent Office many accept offers made to them by established law firms or corporations. The constantly changing force of course necessarily reduces the efficiency of the office, since it takes considerable time for a new man to learn the class of inventions which have been assigned to him and the practice of the Patent Office in respect to the applications.

At the present time the entire number of American patents, which exceeds a million, is undergoing a reclassification, about half of the

work having been completed. It is necessary that additional force be given to speedily terminate the classification of the United States patents and also to reclassify the foreign patents, of which there are between two and three million, as well as to digest and classify the forty or fifty thousand volumes of scientific and technical works in the library above referred to. When this work is completed an enormous benefit will accrue to the inventors and manufacturers of the country and to the public. The work of examination of applications for patents will be simplified and such patents as are granted will have a much greater degree of validity.

Certain changes in the patent laws which relate to the simplification and expedition of the work of the Patent Office and to the safeguarding of the records of the office have been from time to time suggested by the commissioner in his annual report to Congress.

The proposed investigation will receive the hearty commendation not only of the inventors but also of the manufacturers, chemical, electrical, and other engineering associations throughout the country, each of which has, within the last few years, been taking increased interest in the welfare of the patent system and of the Patent Office.

I approve a most thorough investigation of the facts upon which the recommendations of the commissioner are based and welcome all suggestions of changes which will result in the increased efficiency and economy of the system, and especially such as will result in the reduction of the issuance of patents of doubtful validity.

In conclusion I wish to assure you that all efforts to advance the efficiency of the patent system will receive my most hearty support and also the support of the Commissioner of Patents.

Very respectfully,

WALTER L. FISHER, *Secretary.*

OREGON & CALIFORNIA RAILROAD CO. SUITS.

Mr. CHAMBERLAIN. From the Committee on Public Lands I report back favorably, without amendment, the bill (H. R. 22002) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth. I ask to have it substituted for the bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth, which is now on the calendar. The House bill practically is the same as that reported to the Senate by the Committee on Public Lands with one or two sections eliminated, so that the lands will be withdrawn in case of forfeiture.

Mr. BORAH. I desire to ask the Senator from Oregon to what the bill relates?

Mr. CHAMBERLAIN. It has reference to suits in Oregon against the Oregon & California Railroad Co.

Mr. BORAH. I have no objection to its consideration.

Mr. LODGE. Mr. President, I will not object to the consideration of this bill, but I think we ought to go on and dispose of the unfinished business at the earliest moment, and I shall object to the consideration of any other bill.

Mr. CHAMBERLAIN. Mr. President, I hope the Senator will not object.

Mr. LODGE. I said I should not object to this bill, but I gave notice that I would object to the consideration of any other bill, for I think we ought to get to the business of the Senate and dispose of it.

The PRESIDENT pro tempore. A similar bill, which is on the calendar, has been heretofore read, and, if there be no objection, the reading of the bill will be dispensed with. The Chair hears no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. The bill (S. 5885) supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth, being calendar No. 768, will be indefinitely postponed.

EVAN URNER RINEHART.

Mr. SMITH of Maryland. I am directed by the Committee on Naval Affairs, to which was referred the bill (S. 7267) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart, to report it with an amendment, and I submit a report (No. 1033) thereon. I ask unanimous consent for its present consideration. I hope the Senator from Massachusetts will not object.

Mr. LODGE. Mr. President, if I agree to one bill, there may be twenty more bills just as meritorious as this for which consideration will be asked, and it will be hours before we get to the important business of the Senate.

Mr. SMITH of Maryland. I will state to the Senator from Massachusetts that if this bill does not pass at this session it will be of no use. There is only a matter of six months remaining in which the beneficiary can be admitted to the Naval Pay Corps.

Mr. LODGE. Mr. President, if I can have unanimous consent to take up the fur-seal bill at the conclusion of the routine morning business and dispose of it to-day, at some hour to be fixed, I will interpose no objection.

Mr. BORAH. I desire to get unanimous consent for the consideration of a bill which will only take a very short time, and I do not want to consent to anything that will cut it out entirely.

Mr. SMITH of Maryland. The bill for which I have asked consideration is to extend the age limit in the case of a young man who has served in the Navy for six years, and has been disabled on account of his hearing. The department wants to put him in a position where he can be appointed in the Pay Corps, and the limit is only a year from last February.

Mr. LODGE. I have no objection to the Senator's bill, and I think the Senator is aware of that; but I want to dispose of the unfinished business. The unfinished business will come up regularly at 12 o'clock, and, if I can get an agreement to vote on it, I will postpone it until the time it regularly comes up, and let other bills be considered meantime.

Mr. BORAH. Do I understand that the Senator is only going to take up the unfinished business at 12 o'clock? I thought he wanted to take it up at the close of the routine morning business.

Mr. LODGE. My desire is to take up the bill now, but if Senators wish to occupy the hour and a half between now and 12 o'clock, and I can get an agreement to vote on the fur-seal bill after it comes up in its order, that will satisfy me and will enable Senators to get up unobjected bills which they desire to have passed. I therefore ask that when the unfinished business is taken up—if it is not taken up before 12 o'clock—that a vote be taken on the bill and any amendment to it not later than 3 o'clock to-day.

Mr. HITCHCOCK. Mr. President, the Senator from Indiana [Mr. SHIVELY] expects to speak after the Senator from New York [Mr. ROOT] has concluded. The Senator from Indiana is not here, and so I will suggest to the Senator from Massachusetts that he withhold his request until the Senator from Indiana is here. I think there will only be one or possibly two speeches on this side.

Mr. LODGE. Mr. President, if we take up the unfinished business at 12 o'clock and agree to vote not later than 4 o'clock—I will make it 4 o'clock—surely there can not be any more time than that desired. There can not be a disposition to carry the bill over.

Mr. HITCHCOCK. No; I think there is no intention to do that, but it might so happen that, owing to the length of the speech of the Senator from Indiana——

Mr. SHIVELY entered the Chamber.

Mr. LODGE. The Senator from Indiana is now present, and he can answer for himself. I will say to the Senator from Indiana that, in order to allow Senators an opportunity to dispose of some unobjected bills during the morning hour, I was making a request that when the fur-seal bill came up as the unfinished business at 12 o'clock, there should be an unanimous-consent agreement that we should vote on the bill and amendments not later than 4 o'clock. That will allow four hours. I know of no one except the Senator from New York and the Senator from Indiana who desires to speak on the bill.

Mr. SHIVELY. Mr. President, the proposition allows four hours for debate—that is, we proceed to vote at 4 o'clock.

Mr. LODGE. Yes. I will say that I am very anxious to get the bill disposed of, not only because we are approaching the end of the session, but I want to give an opportunity to the Senator from Alabama [Mr. BANKHEAD], who has been very considerate in this matter, and to other Senators who have bills, to get up their bills if possible. I do not want to be blocking all other business; and it seems to me we ought to dispose of the fur-seal measure. As I have said, I know of no one except the Senator from New York and the Senator from Indiana who desires to be heard.

Mr. ROOT. Mr. President, it is difficult to state how long we are going to be or how much time we will probably take. I certainly shall not wish to take more than an hour, and I hope to occupy a good deal less time than that.

Mr. SHIVELY. Mr. President, there is no disposition, of course, on the part of myself or anyone else on this side to delay this matter, but it does seem that just now there is considerable haste in regard to it. I presume, however, that can be accounted for because of the state of the public business in the Senate. The Senator from New York [Mr. ROOT] says he thinks he will not have occasion to occupy the floor more than an hour. Some little certainty in regard to that will make some difference about the proposed agreement. I certainly do not wish to undertake to foreclose other Senators, and I do not know how many Senators may want to address the Senate on this question.

The PRESIDENT pro tempore. Is there objection?

Mr. SHIVELY. I do not wish to object; but if there are other Senators present who desire to enter into this debate, I assume they will say so.

The PRESIDENT pro tempore. The Chair hears no objection, and that order will be entered.

Mr. LODGE. The bill will be taken up at 12 o'clock.

Mr. BACON. Mr. President, in regard to the unanimous consent just granted, I should like to know whether it was in the usual form which embraces amendments. I do not know that anything was said about that.

Mr. LODGE. I said the bill and amendments.

Mr. BACON. I did not hear the Senator. Will that include any amendment that may be offered?

Mr. LODGE. As a matter of fact, there is only one amendment pending, and I doubt if there will be many amendments offered, but I was careful to say "the bill and amendments," as the Chair noticed.

Mr. SHIVELY. Including pending amendments?

Mr. LODGE. Amendments pending and to be offered—the usual request. If I did not say it, I intended to do so.

The PRESIDENT pro tempore. The Senator from Maryland [Mr. SMITH] has reported a bill from the Committee on Naval Affairs and has asked unanimous consent for its present consideration. The title of the bill will be stated.

The SECRETARY. A bill (S. 7267) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Naval Affairs with an amendment, in line 4, after the word "waived," to insert the words "for one year," so as to make the bill read:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Evan Urner Rinehart in consideration of his previous naval service.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PERSONNEL OF REVENUE-CUTTER SERVICE.

Mr. NELSON. I am directed by the Committee on Commerce, to which was referred the bill (S. 7461) construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908, to report it favorably without amendment, and I submit a report (No. 1032) thereon. The bill contains only a few lines, and the committee were unanimously in favor of it. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that in computing the length of service which shall entitle a warrant or petty officer to longevity pay under the eighth section of the act approved April 16, 1908, entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," all service rendered under the official designation of "pilot" in the Revenue-Cutter Service shall be included.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

COMMISSION ON RURAL CREDITS IN EUROPE.

Mr. SMITH of Georgia. I am directed by the Committee on Agriculture and Forestry, to which was referred the joint resolution (S. J. Res. 132) providing for an American commission for the investigation of rural credits in Europe, introduced on August 8 by the Senator from Nevada [Mr. NEWLANDS], and upon which the Senator from Florida [Mr. FLETCHER] addressed the Senate yesterday, to report it favorably without amendment. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

REFUND OF CUSTOMS DUTIES.

Mr. CULLOM. From the Committee on Finance, I report favorably without amendment the bill (H. R. 21324) providing for the refund of certain duties incorrectly collected on a certain horse. It is a small bill involving only $75, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Stanley H. Kunz, of Chicago, Ill., $75 incorrectly collected on a horse named C. W. Burt, returned from Canada to the United States through the port of Port Huron, Mich., and entered on entry numbered 1772 on August 10, 1911.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLASSIFICATION OF FREIGHT.

Mr. CUMMINS. Mr. President, I do not want to take up the morning hour with any request for the consideration of any bill on the calendar, but there is a bill here which is of great importance as well as of great urgency. It is a bill to give additional power to the Interstate Commerce Commission in regard to the classification of freight. It has been reported, without dissent, from the Committee on Interstate Commerce. I do not believe there will be any objection to it from any source, and I ask unanimous consent that the bill be taken up to-morrow at 4 o'clock and that we then proceed to its consideration.

The PRESIDENT pro tempore. Will the Senator kindly state the calendar number and number of the bill?

Mr. CUMMINS. The calendar number is 872, Senate bill 6099, to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910.

Mr. PENROSE. Will the bill lead to much discussion?

Mr. CUMMINS. I do not think it will lead to any discussion; I think it will be passed in five minutes.

Mr. PENROSE. Then, why should we not take it up this morning after the morning business is concluded?

Mr. CUMMINS. There seems to be some objection to that, but I will be glad to have it taken up then.

Mr. PENROSE. Then, I ask for the regular order—which will not take more than a few minutes—reports of committees.

Mr. CUMMINS. Very well.

The PRESIDENT pro tempore. Reports of committees are still in order.

THE SUGAR SCHEDULE.

Mr. PENROSE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 21213) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909 (placing sugar on the free list), having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the conferees have been unable to agree.

BOIES PENROSE,
H. C. LODGE,
JOSEPH L. BRISTOW,
J. W. BAILEY,
F. M. SIMMONS,
Managers on the part of the Senate.

O. W. UNDERWOOD,
FRANCIS BURTON HARRISON,
CLAUDE KITCHIN,
SERENO E. PAYNE,
SAMUEL W. MCCALL,
Managers on the part of the House.

Mr. SIMMONS. I ask that the conference report lie on the table.

The PRESIDENT pro tempore. The conference report will lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRIGGS:

A bill (S. 7470) for the relief of William H. Jennings (with accompanying papers); to the Committee on Military Affairs.

By Mr. MCLEAN:

A bill (S. 7471) granting an increase of pension to Mary J. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 7472) increasing the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R. (with accompanying papers); to the Committee on Public Buildings and Grounds.

Mr. POMERENE. I introduce a bill to amend section 1 of "An act to regulate commerce." The present act covers the subject of transportation of oil by freight lines. The purpose

of this act is to extend it to natural and artificial gas and water.

The bill (S. 7469) to amend the act to regulate commerce as amended June 29, 1906, April 13, 1908, and June 18, 1910, was read twice by its title and referred to the Committee on Interstate Commerce.

FOREIGN EMPLOYMENT OF UNITED STATES FORCES.

Mr. BACON. I introduce the bill which I send to the desk, and ask to have it read.

The PRESIDENT pro tempore. The Senator from Georgia introduces a bill, which he asks to have read. Without objection, the bill will be read.

The Secretary proceeded to read the bill.

Mr. McCUMBER. Mr. President, was unanimous consent asked for the reading of the bill?

The PRESIDENT pro tempore. The Senator from Georgia requested that the bill be read.

Mr. McCUMBER. Has it just been introduced or is it a bill just reported?

Mr. BACON. It is entitled to be read.

Mr. McCUMBER. In full on the first reading?

Mr. BACON. Undoubtedly; bills are only read by title by consent.

Mr. McCUMBER. Without reference to a committee?

Mr. BACON. Yes; bills are only read by title by consent.

Mr. McCUMBER. I ask the Senator if he only wishes the bill read or whether he wishes it acted upon?

Mr. BACON. I do not wish it acted upon now, of course. I wish it read, though, in order that it may go into the RECORD, and then I shall have one word to say about it.

Mr. McCUMBER. If we are going to take up the time reading long bills, we shall have very little left to dispose of bills on the calendar.

Mr. BACON. This is not a long bill; it is a short bill. I have not occupied one second of the Senate's time this morning.

Mr. CRAWFORD. I want to prefer a request, which under the circumstances I think is a very reasonable one.

The PRESIDENT pro tempore. The reading of the bill has not been concluded.

Mr. CRAWFORD. Very well; I thought it had.

The Secretary resumed and concluded the reading of the bill, which is as follows:

A bill (S. 7468) to prescribe the authority for the use or employment of the Army in any country or territory beyond the jurisdiction of the sovereignty and laws of the United States, to limit the same, and for other purposes.

Be it enacted, etc., That except as herein provided or as specially otherwise provided by statute the money appropriated by law at any time for the pay and supplies of the Army shall be used only for the pay and supplies of the Army on duty in the United States and in the territory subject to the laws and jurisdiction of the United States; and no part of the money thus at any time appropriated shall be used for the pay or supplies of any part of the Army of the United States employed, stationed, or on duty in any country or territory beyond and not subject to the jurisdiction and laws of the United States unless in going to and returning from points within the same: *Provided,* That this prohibition shall not apply to cases of emergency, within the discretion of the President, arising at a time when the Congress of the United States is not in session.

SEC. 2. In every case when, while Congress is not in session as aforesaid, any part of the Army shall be ordered for duty into any country or territory not subject to and beyond the jurisdiction of the laws of the United States, it shall be the duty of the Secretary of War to report to the Congress at the beginning of the next ensuing session the authority for such order, the number and designation of the troops so ordered on duty in said foreign country, and the operations of said troops under said order; and no part of the money thus at any time appropriated by law shall be used for the pay and supplies of said part of the Army remaining in said foreign country beyond the term of 10 days after the beginning of the next ensuing session of Congress, unless expressly authorized thereto by act of Congress.

Mr. BACON. Mr. President, I do not expect to occupy any of the time to-day on any subject, and I will, with the permission of the Senate, detain it two minutes.

I offered an amendment last night to the Army appropriation bill which was almost identical in terms with the bill I have just introduced. Because of the fact that there was no quorum present last night, I could not press it to a final conclusion without seriously inconveniencing the business of the Senate, and therefore I refrained from doing so and submitted to the apparent rejection of the amendment upon the sound without any call for the yeas and nays. I announced at the time that it would not be the last of it; that I intended to continue to press this measure, as I considered it to be an important one. I believe, however, that the newspaper reports represent me as saying exactly the opposite to the effect that I would not be heard on it again. I said in as emphatic terms as I could that I would be, and that that would not be the last of it.

I simply desire to state in this connection what may be in a measure a repetition, and very briefly, that this measure is not to be misrepresented or misunderstood. It has been sought to discredit it by the suggestion that the purpose was to remove from the authorities the power to protect the persons and property of citizens in foreign countries. There is nothing further from the design of this bill. On the contrary, it makes special provision for such protection under all circumstances that may arise.

The only purpose of the bill is to define the authority by which such measures of protection shall be undertaken and to properly limit the exercise of that authority against abuses of the power thus given.

I alluded last night to the fact that every day we have newspaper accounts of the use of the Army or the Navy, including the Marine Corps, in what I consider to be unlawful use in foreign countries, and I instanced several cases in which it had occurred. We have another one this morning, in which it is stated in the press telegrams that in a foreign country, with which we are at peace, the soldiers of the Marine Corps, and officers, too, of course, were actually engaged in battle on yesterday, not simply protecting consuls but taking a part in a battle between contending armies there. For that purpose there were marched into the interior of that country hundreds of armed men of our Marine Corps. The newspapers yesterday morning said there were going to be 350 more of them sent there. They were actually engaged in battle as sharpshooters on one side of a conflict of arms in that country.

I merely mention that to show the importance of this measure. Of course nobody supposes that at this session of Congress anything can be accomplished in the attempted passage of the bill, but it will survive until the next session, when possibly something may be accomplished.

Possibly I am too apprehensive in such matters, but I regard it as a serious matter. I think that if such things as these are to continue, if the armed forces of the United States are to be sent into foreign countries at every whim and caprice of the head of a department, and the Army and Navy of the United States are to be toys and playthings for them to sport with, the time may not be far away when it may be a grave question of inquiry whether serious infractions of the laws of the country, and even of the Constitution, the fundamental law, are made by some of those clothed with power.

I ask that the bill be read the second time and referred to the Committee on Military Affairs.

The bill was read the second time by its title and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. BRIGGS submitted an amendment proposing to appropriate $1,200 to pay W. M. Palmer for detail service in charge of enrolled bills, United States Senate, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying papers, referred to the Committee on Appropriations.

Mr. LODGE submitted an amendment proposing to appropriate $254,266.76 to reimburse the State of Massachusetts for money expended as interest and as premium for gold wherewith to pay such interest on bonds issued in 1863 for the purpose of strengthening the harbors and fortifying the coast, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

WITHDRAWAL OF PAPERS—EMMA A. POLAND.

On motion of Mr. PENROSE, it was

Ordered, That the papers accompanying the bill (S. 1575, 62d Cong., 1st sess.) granting a pension to Emma A. Poland be withdrawn from the files of the Senate, no adverse report having been made thereon.

WITHDRAWAL OF PAPERS—JOSEPH H. RICHARDSON.

On motion of Mr. BRIGGS, it was

Ordered, That leave be granted to withdraw from the files of the Senate certain papers accompanying the bill (S. 7155, 62d Cong., 2d sess.) to increase the pension of Joseph H. Richardson, no adverse report having been made thereon.

COMMITTEE ON THE PANAMA CANAL.

Mr. BRANDEGEE. I offer the resolution which I send to the desk.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 379) was read, as follows:

Resolved, That the name and title of the Committee on Interoceanic Canals be changed to the "Committee on the Panama Canal."

Mr. BRANDEGEE. I ask for the present consideration of the resolution.

The PRESIDENT pro tempore. Is there objection?

Mr. CULBERSON. Let it be read again.

The Secretary again read the resolution.

Mr. CULBERSON. I have no objection to it.

The resolution was considered by unanimous consent and agreed to.

INQUIRIES OF INTERSTATE COMMERCE COMMISSION.

Mr. KENYON. I introduce a resolution to perfect a former resolution (S. Res. 378) I introduced. It will take but a second. I introduce the following as section 2 of the resolution introduced by me Tuesday. It is merely to perfect the resolution, which I ask may stand as a part of the resolution. It need not be read.

The PRESIDENT pro tempore. The Senator from Iowa will send the perfected resolution to the desk, which will be received and printed.

THE CONSTITUTION OF THE UNITED STATES.

Mr. SMITH of Georgia. A few weeks ago the Senate authorized the printing as a public document of an article by Hon. Hannis Taylor upon the contribution of Pelatiah Webster in the preparation of the Constitution. There are several errors in the print. I ask that 100 copies be reprinted for the use of the Senate.

Mr. SMOOT. Do I understand the Senator in his request to limit the number of copies to 100?

Mr. SMITH of Georgia. I have limited it to 100 for the document room.

Mr. SMOOT. If that limit is made I have no objection to it.

The PRESIDENT pro tempore. Without objection, the order is made.

POSTAL ROADS.

Mr. POMERENE. During the discussion in the Senate on the subject of good roads the Senate adopted a section in the Post Office bill (H. R. 21279) providing for the appointment of a commission of three Senators and three Representatives to investigate the subject and make report to Congress.

In the State of Ohio on September 3 there will be submitted to the people a proposed amendment to the Constitution authorizing the issuance of $50,000,000 of bonds for the purpose of constructing a system of intercounty wagon roads. I have a copy of that amendment here with some explanatory notes showing the per capita cost to the taxpayers and the percentage of the cost which will be borne by city and village real estate, by farm property, by public-service corporations, by banks, and by personal property.

I also have a communication which is being sent out by friends of the measure which contains a short extract from the address of Gov. Harmon upon that subject. I have also an article from a magazine called "Better Roads" showing the benefits to be derived from this system.

With the hope that this may be of some aid to that commission and also advance the cause of good roads generally throughout the country and particularly in my own State, I ask permission that these papers may be printed in the RECORD. I do not ask that they be read unless the Senate so desires.

There being no objection, the matter referred to was ordered to lie on the table and to be printed in the RECORD, as follows:

PROPOSED AMENDMENT TO THE CONSTITUTION OF OHIO TO EXTEND STATE BOND LIMIT TO $50,000,000 FOR INTERCOUNTY WAGON ROADS.

"ARTICLE 8.

"SEC. 1. The State may contract debts to supply casual deficits or failures in revenues or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed $750,000; and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever: *Provided, however*, That laws may be passed to contract debts and authorize issues of bonds to an amount which in the aggregate of all issues shall not exceed $50,000,000 for the purpose of constructing, rebuilding, improving, and repairing a system of intercounty wagon roads throughout the State. Not to exceed $10,000,000 of such bonds shall be issued in any one year, and there shall be levied and collected annually by taxation an amount sufficient to pay the interest on said bonds and to provide a sinking fund for their redemption at maturity, and laws shall be passed to provide for the maintenance of said roads. Such wagon roads shall be determined under general laws, and the cost of constructing, rebuilding, improving, repairing, and maintaining the same shall be paid by the State. The provisions of this section shall not be limited or controlled by section 6, of article 12."

Section 1, article 8, of the constitution limits State indebtedness to $750,000.

This amendment raises the limit of indebtedness for the specific purpose of constructing, rebuilding, improving, and repairing a system of intercounty wagon roads to $50,000,000, and, if adopted, will authorize legislation providing for an issue of State bonds not to exceed in the aggregate of all issues $50,000,000. Not more than $10,000,000 in bonds can be issued in any one year. The cost of constructing and maintaining this system of intercounty wagon roads shall be paid by the State, and provision shall be made for the redemption of said bonds. The object is to authorize and empower the State to construct and maintain an intercounty system of permanent wagon roads, the cost of which shall be levied upon the entire tax duplicate.

Based upon statistics given by the Ohio tax commission and computing interest and sinking-fund charges on $50,000,000 at 3½ per cent on 35-year bonds issued in amounts of $5,000,000 each year, the proportion of the tax on account of such bonds borne by the different classes of property within the State will be as follows:

	Duplicate.	Proportion.
		Per cent.
Real estate in cities and villages	$2,544,547,115	41.0
Farm lands	1,676,590,965	27.1
Public utilities	912,862,833	14.7
Banks	174,693,439	2.8
Personal property	891,437,728	14.4
State tax duplicate	6,202,132,080	100.0

Average per capita cost per year, 53 cents.

Average annual tax on each $1,000—	Cents.
For first 10 years	26½
For next 10 years	43
For the last 10 years	20

To the voters of Ohio:

Your attention is invited to the good-roads amendment to be voted upon at the special election on September 3, and to some reasons why you should vote for it.

It was adopted by the constitutional convention after a more prolonged and exhaustive discussion than was given to any other proposition, and by many it is regarded as meaning more to the well-being of the State of Ohio than any other of the proposed amendments.

GOV. HARMON'S STATEMENT.

In an address before the constitutional convention Gov. Harmon said:

"The existing limitation of State indebtedness should not be changed except with respect to building a system of good roads.

"The need of this is great and the cost too heavy to be borne by present taxation.

"The improvement is permanent, and its benefits are not confined to those who make it.

"So the expense may well be spread over a period of years by issuing bonds under a careful limit of amount, with proper provisions for a sinking fund."

The proposed method of building roads by a bond issue, which Gov. Harmon recommended, will not destroy the low-tax-rate idea, to which the people of the State seem to be committed, and preserves to the counties, townships, and road districts their local funds. The campaign for indorsement by the people of the proposal at the polls has been started. It is a true progressive movement. Spreading the interest and sinking fund charges over a term of years will fix a charge not to exceed three-tenths of 1 mill. Undoubtedly the investment of $50,000,000 during the next 10 years will be the greatest asset ever added to the State by internal improvements. It will increase farm values, give employment to men, stimulate many kinds of industry, and begin an era of prosperity throughout the State. The most important part of the proposal is the stipulation that the State shall pay all the cost of these roads, thus leaving to the counties and townships the control and use of county and township road funds for construction and upkeep of local roads.

[From Better Roads.]

YOU SHOULD VOTE FOR THIS AMENDMENT—

If you are a farmer, because your farm will increase in value; you can raise more profitable crops; your cost of haul will be lower; you can market your products when prices are best; your children can get to school; your family can attend church; your physician will be in closer touch with you; your boys and girls will stay on the farm; you will have better mail service, better social life, and happier conditions all about you.

If you are a merchant, because good roads will enlarge your trading radius and make possible for purchasers to reach you every day in the year.

If you represent a chamber of commerce or board of trade, because public roads are commercial feeders to the cities, and every improvement of these roads means a greater prosperity to the cities through increased agricultural productions and greater stimulus to all industries.

If you are a day laborer, because a large per cent of the cost of construction of public roads goes to labor.

If you are a highway official, because you are striving for a better method of road construction and maintenance and more efficient road administration.

If you are interested in railroads, because improved wagon roads mean greater production, consequently more traffic, prevent freight congestion, bring you more industries, more tourists, and larger dividends.

If you are an automobile user, because you can get the benefit of your machine every day in the year; your repair bills will be lower; longer and better tours will be possible at all seasons of the year.

If you are a dealer in farm products and implements, because you can receive the products and deliver the implements at all times of the year.

If you are an automobile manufacturer, because every mile of improved roads means a greater demand for both pleasure and commercial cars, increases wealth, and consequently the power to purchase your machines.

If you are a publisher or editor, because improved roads make wider circulation possible, increase advertising by stimulating commercial enterprises, and because road improvement is the most important economic question of the day.

If you are a manufacturer of road machinery or road materials, because road improvement means more business for you.

If you are a proprietor of a hotel, because improved roads mean more tours and more commercial travel.

If you are a banker, because good roads will increase agriculture, commerce, manufacture, deposits, depositors, and dividends.

If you are a minister of the gospel, because good roads will make it possible for you to visit the people and for the people to reach your meetings.

If you are a traveler or a tramp, because good roads are more attractive than mudholes.

If you are a father or a mother, because your children can get to the public schools, the Sunday school, the mass, and the church.

If you are a progressive citizen, because you can not progress so long as your State and Nation remain in the mud.

CLAIMS AGAINST MEXICO.

Mr. SMITH of Arizona. I present a letter addressed to the Secretary of State from attorneys representing claimants against the Mexican Government for damages occasioned by the killing and wounding of American citizens on American soil by armed soldiers in Mexico firing across the international boundary line. I ask that the letter be printed in the RECORD and referred to the Committee on Foreign Relations.

There being no objection, the letter was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

AUGUST 8, 1912.

The honorable the SECRETARY OF STATE,
Washington, D. C.

SIR: The undersigned are the attorneys representing Mrs. Celia Griffiths, widow of William R. Griffiths, and the attorneys of Mr. A. R. Chandler, father of Walter H. Chandler. Both the said Griffiths and the said Chandler were killed in the streets of the city of El Paso, Tex., on May 8, 1911, by shots fired into the United States from Mexico during the attack on the city of Juarez, by the forces under the command of Francisco I. Madero, now President of the Republic of Mexico.

The claims of our clients were presented to the Department of State, Washington, D. C., by letter of date August 2, 1911. Thereafter the Department of State informed us that the United States disclaimed jurisdiction and could do no more than advise the claimants to appeal to the Government which injured them for such relief as it might see fit to grant.

On the 26th day of September, 1911, we directed a letter to your excellency in which we stated, among other things, the following:

"Though we greatly fear that Mexico will follow the precedents established by all the countries of Latin America during the last hundred years and which are better known to the department than to ourselves, the helplessness of our necessitous clients compels them to accept advice which under the circumstances is nothing less than a command.

But they here now solemnly protest; that they do so under compulsion; that Mexico is not the judge of the fact or of the gravity of the wrongs which it has inflicted on citizens of the United States upon the territory of the United States; that they do not voluntarily submit themselves to the jurisdiction of Mexico, but are, as it were, thrust therein; that whatever may be the decision of Mexico they will refuse to accept the same as res judicate unless the same be consistent with justice, as to which that decision is not even prima facie evidence; that if after those delays which consume the very hopes of the friendless that decision shall be adverse, as all experience but not a sense of the groundlessness of their complaint makes them fear will be the case, they will still entreat the protection of that Government to which they owe allegiance and ask that Government to ignore the judgment which the wrongdoer has rendered in favor of himself."

Thereafter, on February 3, 1912, your excellency again communicated with us in reference to these claims. We answered the said communication on the 12th day of February, 1912, from which said letter we quote the following extracts:

"We protest with as much energy as respect for a great department of the Government of our country and for ourselves will permit against the advice contained in those letters, that our clients, without the moral support or even the manifested sympathy of the Government of their native land, should bargain with the subordinate agents of Mexico as to the price of the blood of a husband or of a son, and if unsuccessful as shopmen of such wares as that should, equally unattended and unsupported, journey through a thousand miles of desert and a hundred warring bands, to whom nothing is sacred and the name American is an invitation to outrage, in order that they may present to a foreign Government, the desolator of their homes, claims which had not received the countenance of their own.

"We greatly doubt if to this good hour the archives of the State Department at Washington contain even a formal expression of Mexican regret for the violation on the 8th, 9th, and 10th days of May, 1911, at El Paso, Tex., of American sovereignty and the destruction of American life on American soil, and it was only after Mr. SMITH had introduced his resolution that Mexico awoke to the fact that it had representatives at the scenes of slaughter, who might confer with the victims, and she then proposed to avail herself of it, not as a means of discharging her duty and of binding up the wounds which she had inflicted, but as the basis of a device to gain additional time and to frustrate the efforts of an American Congressman to obtain redress for his countrymen."

We now desire to present to your excellency the fact that the instructions of your department have been carefully and diligently followed, that as such attorneys we first presented the claims to the Department of State, then upon direction of the department we presented same to the consulative claims commission, acting through Ambassador Wilson at Mexico City. We thereafter, upon the further instruction of the department, presented same to Mr. Llorente, Mexican consul in this city, and that thereafter, upon further direction and instruction from the department, we presented the said claims to Mr. D. A. Richardson, special counsel for the Mexican Government investigating the said claims.

We respectfully represent that on yesterday, in response to a communication of the Mexican consul appearing in local papers, we called at the consulate, and were there advised by Mr. Llorente, the Mexican consul, that the Mexican Government had made an award in the two cases herein referred to in the sum of $2,000 each. We protested against the inadequacy and unjustness of the amount awarded and in behalf of our clients refused to accept same in adjustment of their claims, informing the consul that we reserved our right to appeal to our Government from the decision rendered by Mexico.

Mr. Llorente informed us that the decision of Mexico in awarding damages in these cases was arrived at from a precedent established by the United States Government. We cited to him the fact that the case he had in mind was that of a Mexican citizen who was under indictment and arrest, charged with the commission of a felony, and who sought to effect his escape from the officers of the law, and that the death of the Mexican citizen in that instance occurred without the territorial jurisdiction of the Government of Mexico; that, upon the other hand, the cases he was now considering were those of American citizens who were shot to death under the shadow of the American flag, on American soil, and they were not charged with the commission of any crime nor were they endeavoring to effect their escape from the officers of the law.

His reply was that it was immaterial to him or to his Government what the facts in the various cases might be; that the American Government had placed the sum of $2,000 as a price of a Mexican life; that a Mexican was as good as an American; and that an American was worth no more than a Mexican.

We now desire to represent to your excellency that we have exhausted all methods suggested by you; that Mexico has exhibited the spirit we anticipated eight months ago and has followed the course we suggested it would follow in our communication directed to you and herein referred to. Therefore, in behalf of our clients, we herewith direct this appeal to the American Government, most respectfully praying that our Government will do those things which it deems necessary to require the Government of Mexico to effect a just and equitable adjustment of these claims, which it has passed upon and found to be meritorious, but in which it refuses to make a just settlement.

Respectfully,

COLDWELL & SWEENEY.

CAMPAIGN CONTRIBUTIONS.

Mr. CULBERSON. I ask unanimous consent that immediately after the conclusion of the routine morning business on Saturday the Senate take up for consideration Calendar No. 892, being the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

Mr. PENROSE. I object to that bill coming up at this time.

The PRESIDENT pro tempore. The Senator from Pennsylvania objects.

Mr. CULBERSON. Mr. President, I give notice that at the time named I will move to take up the bill for consideration.

LAWS OF THE PHILIPPINES (S. DOC. NO. 927).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying paper, referred to the Committee on the Philippines and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a set of the laws enacted by the Second Philippine Legislature during its second session, from October 16, 1911, to February 6, 1912, inclusive, and also certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, *August 15, 1912.*

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 356. Joint resolution to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," was read twice by its title and referred to the Committee on Appropriations.

WOOL AND METAL TARIFF MEASURES.

Mr. SIMMONS. Mr. President, I desire to ask unanimous consent that to-morrow, Friday, immediately after the routine morning business, the Senate will proceed to reconsider House bill 22195, the wool bill, and that a vote be taken thereon before 2 o'clock; and that immediately after the termination of action by the Senate on the wool bill the Senate will proceed to reconsider House bill 18642, commonly known as the metal bill, and that the vote be taken thereon not later than 5 o'clock.

The PRESIDENT pro tempore. The Senator from North Carolina asks unanimous consent that on to-morrow, immediately after the routine morning business has been disposed of, the Senate shall proceed to reconsider House bill 22195, which is known as the wool bill; and that a vote be taken thereon not later than 2 o'clock, and following that, the Senate shall proceed to the reconsideration of House bill 18642, the vote to be taken thereon not later than 5 o'clock. Is there objection?

Mr. CUMMINS. I could not quite hear the agreement proposed. Is consent asked for the consideration of a motion to reconsider?

The PRESIDENT pro tempore. It is simply a parliamentary procedure in acting upon the bills vetoed.

Mr. SIMMONS. The Constitution says that when a bill vetoed by the President is sent here from the other House the Senate shall proceed to reconsider.

Mr. CUMMINS. It is simply a question, then, as to whether the bill will become a law notwithstanding the disapproval of the President. I have no objection to that, but——

Mr. SIMMONS. I adopted the language of the Constitution.

Mr. CUMMINS. It seems to me the time fixed for that is altogether too late. I assume that it will not lead to any debate.

Mr. PENROSE. It is "not later than 5 o'clock."

Mr. SIMMONS. The Senator will observe that I fixed it not later than 2 o'clock on the wool bill and I provided——

Mr. CUMMINS. There are other bills that we are very anxious to have considered, and——

Mr. SIMMONS. The Senator does not let me finish. I provided that immediately after we had finished the consideration of the wool bill the Senate should then take up the consideration of the metal bill, and that a vote should be taken on that bill not later than 5 o'clock. We may get through with both bills before 2 o'clock.

Mr. CUMMINS. That would practically consume the day, and I do not believe, in view of the situation, we ought to take a whole day on those bills.

Mr. SIMMONS. What does the Senator suggest? I do not think that the time will be required, and I do not think we would use any more time than was absolutely necessary.

Mr. CUMMINS. If the Senator from North Carolina will propose to dispose of both during the forenoon, I would have no objection, but I am not willing that we should take up the whole day on those matters, which ought to be determined by a vote rather than by debate.

Mr. SIMMONS. I do not think under the form I have presented the request that any more time will be taken than is absolutely necessary. If we get through with the wool bill by 12 o'clock, as I think we will, then we would, under the order, immediately proceed to the consideration of the metal schedule bill. I will change it, however, to meet the view of the Senator, and propose that we vote by 12 o'clock on the first bill and by 2 o'clock on the second bill.

Mr. McCUMBER. Why can not the Senate proceed to vote not later than 11 o'clock upon one and not later than 12 o'clock upon the other?

Mr. CUMMINS. That would be satisfactory to me.

Mr. McCUMBER. We have debated the bills at length.

Mr. SIMMONS. If the Senator will permit me, I would not like to agree to limit the time on the wool bill, as that would oblige us to vote upon it immediately after the routine morning business. The routine morning business may take up two-thirds of the time between 10 and 11. The Senator from Wisconsin [Mr. LA FOLLETTE] I think desires to make some observations, and that might leave him no time.

I will agree, however, that we change the order and take up the metal bill first and vote on that by 11 o'clock to-morrow, and then take up the wool bill. How much time does the Senator from Wisconsin suggest on the wool bill?

Mr. LA FOLLETTE. I have not any suggestion to make about it. I am going to call up and ask to have the veto message and the bill laid before the Senate to-morrow at 2 o'clock.

Mr. SIMMONS. What did the Senator say?

Mr. LA FOLLETTE. I say I shall ask to have the bill laid before the Senate to-morrow at 2 o'clock.

Mr. SIMMONS. I was asking unanimous consent to take up the steel bill.

Mr. LA FOLLETTE. I have no objection to that.

Mr. SIMMONS. I also included the wool bill. If the Senator does not desire the wool bill included in the request, I will then let my request be as to the steel bill.

Mr. SMOOT. I should like to know of the Senator from North Carolina whether there is any agreement reached as to pairs, and if not, whether we can agree upon the question of pairs.

Mr. SIMMONS. The Senator from Virginia [Mr. MARTIN] has had that matter in charge.

Mr. SMOOT. Then I will ask the same question of the Senator from Virginia.

Mr. MARTIN of Virginia. Mr. President, it is an entire mistake to say that I have that matter in charge or have anything to do with it.

Mr. SIMMONS. I beg pardon of the Senator. I meant to say——

Mr. MARTIN of Virginia. I am not criticizing the Senator. I merely want to explain that the matter of pairs is a matter between those who enter into the arrangement of pairs. It must be fixed by the Senators themselves. I would consider myself interfering with a matter that I had no right to interfere with—a matter of honor between Senators and absolutely personal to them. As far as I know, it has been so regarded during my service in the Senate.

I do not intend to express any opinion, to make any criticism, or any suggestion as to what shall be done as between Senators who have entered into an agreement to pair. When those who have paired find the arrangement unsatisfactory, they made it themselves and they must unmake it themselves. I would feel that I would subject myself to criticism if I should undertake to interfere in respect to an agreement as to pairs between two Senators. Whenever a Senator is dissatisfied with the arrangement he has made in respect to his pair it is his duty to communicate with the Senator with whom he has his agreement. It is his privilege to cancel it when he sees fit. If he sees fit to disregard it, that is a matter which concerns his honor and his understanding of the agreement. I have no authority over it. I do not feel that I ought to make even a suggestion in respect to it.

Mr. SMOOT. Of course it is a situation that does not occur very often. We are here near the close of the session with a great many Senators absent. I thought perhaps we could have some arrangement made whereby on the votes to be taken, where there are pairs, the minority side could arrange for another pair.

Mr. MARTIN of Virginia. We can not arrange for pairs. That arrangement must be made by the Senators themselves. I realize the position in which the Senator considers the question to be, but it has been made by other Senators. There are Senators on the floor who have felt that there ought to be some change where a two-thirds vote is required and the wires were open to them and they have communicated in a few hours and adjusted it either by an agreement or by canceling the pairs. I can not interject myself into the arrangement. I have not any right to do it and I am not willing to do it. Every Senator must take care of the matter of his pair according to his own wishes and his own judgment as to what is right.

Mr. LODGE. On the matter of treaties in the past—I refer to those things that have been most recent in our experience—there was no question about giving two for one where a two-thirds vote was required. There was a general understanding that the Senator voting on the side of one-third was entitled to a double pair. It was the understanding that if he did not receive a double pair he was at liberty to vote. They have always given double pairs on treaties, and on some of the vetoes which I have looked up, as on the Fitz-John Porter case, and one or two others, double pairs were given the same way. It has been a matter of general understanding always that the Senator voting on the minority side was entitled to his double pair. Unless there is some such general understanding, I am afraid it will be impossible to arrive at an agreement.

Mr. MARTIN of Virginia. I dislike to say anything more, but I must take issue with the Senator from Massachusetts. That may have been his understanding, but, so far as I am advised, there has been no understanding one way or the other in the Senate. Each Senator must understand it as he sees fit.

Mr. LODGE. That is very well, but to have it understood that if a Senator demands a double pair and then disregards his general standing pair, if he does not receive it, puts on him a burden that is hardly fair. The general understanding about double pairs I have never before seen questioned.

Mr. MARTIN of Virginia. I have never seen such a question raised. I have been here for 17 years, and I never heard the suggestion before.

Mr. LODGE. It was raised on the Hay-Pauncefote treaty.

Mr. MARTIN of Virginia. It is a matter which each Senator has during the present session determined for himself. If he feels at liberty to violate his pair it is for his sense of honor to determine whether he will do it or not. If he is not satisfied with it there is ample time for him now to use the wires and adjust the matter with his pair or cancel the pair. The Senate rules do not recognize pairs. It is peculiarly a personal matter between Senators.

Mr. LODGE. I do not refer to the rules.

Mr. MARTIN of Virginia. As to saying there was an understanding in the Senate one way or the other, as to when a Senator violates his pair, that is entirely unknown to me. I have never known such an understanding since I have been in the Senate.

Mr. LODGE. That is the precise point, when the Senator uses the word that a Senator is to violate his pair. It has never been considered a violation of the pair where a Senator was entitled to a double pair. That was the universal understanding at the time of the treaty, and when the minority over there, the Senator from Texas [Mr. BAILEY] and others, asked for double pairs they were always given. That was the general understanding. Nobody ever considered that it was a violation of the pairs. There was no suggestion of it.

Mr. MARTIN of Virginia. The Senator put his understanding as the universal understanding of the Senate. It can not be universal as long as I am a Member of the Senate.

Mr. LODGE. I am not——

Mr. MARTIN of Virginia. If the Senator will let me get through; it can not be said that it is universal as long as I am a Member of the Senate. I have no such opinion. I never heard

of such an understanding. I do not believe to-day there is any understanding one way or the other about it in the Senate. It is a matter which each Senator must settle for himself and must adjust with his pair. There is no understanding that a Senator may violate his pair. It is for him to determine the matter and to stand by the arrangement. If he wants to correct it he must negotiate with the Senator with whom he has a pair.

Mr. BRIGGS. Mr. President, I am compelled, in view of the remarks made by the Senator from Virginia, to object to fixing a time.

The PRESIDENT pro tempore. Objection is made.

CLASSIFICATION OF FREIGHT.

The PRESIDENT pro tempore. The morning business is closed.

Mr. POMERENE. I ask the Chair to lay before the Senate Senate resolution No. 375.

Mr. BORAH. There is a unanimous-consent agreement on the calendar.

The PRESIDENT pro tempore. The resolution to which the Senator from Ohio refers was laid over without prejudice, and undoubtedly he has a right to ask that it be laid before the Senate.

Mr. CUMMINS. Mr. President, I have been attempting to secure recognition for some time. It is evident that we can not call up any more bills this morning and I do not want to interfere with the unanimous-consent agreement or even to infringe upon it.

I again ask unanimous consent that to-morrow at 4 o'clock the Senate proceed to the consideration of Order of Business 872, the bill (S. 6099) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910, it being the bill to which I referred a few minutes ago. I promise the Senate that if we take up this bill and it involves any considerable debate I will not resist a motion to displace it with some other business.

Mr. CLAPP. I wish to ask the Senator from Iowa if he would have any objection to this. I desire to express my sympathy with him as to the importance of the bill, for which he now has asked consideration. There is also another bill reported from the same committee that is a very important bill. I do not think it will lead to any debate. With his permission, I should like to include in the order that, following the disposition of the bill referred to by the Senator from Iowa, the Senate proceed to the consideration of Order of Business 651, the bill (S. 957) relating to bills of lading, and see if we can not dispose of both those subjects in one afternoon.

The PRESIDENT pro tempore. The Chair is of opinion that the request of the Senator from Iowa will have to be submitted as an independent proposition. Is there objection to the request made by the Senator from Ohio?

Mr. CRAWFORD. Mr. President, I do not desire to object to the request of the Senator from Iowa, because I am in entire sympathy with his having that hearing, but I give notice now that the deserving cases on this calendar that have been kicked along here for speeches on all sorts of subjects are going to have a chance to be considered, or I shall object to every single request from this time on for unanimous consent. We can not attend to business on this calendar and listen to long speeches; and I am going to insist on the calendar having some attention.

Mr. POMERENE. Mr. President, I do not want to seem discourteous, but I believe my matter has the right of way.

The PRESIDENT pro tempore. The Chair will put the request of the Senator from Iowa. Is there objection?

Mr. LA FOLLETTE. I do not wish to interpose an objection to the request of the Senator from Iowa, and I will not do so if he will so modify his request that the bill named therein, instead of at the time fixed in the request as submitted, would be taken up upon the disposition of the wool bill and the veto of the President.

Mr. CUMMINS. I named that hour because I assumed before the day was over we would have a unanimous-consent agreement upon the wool bill and it would terminate before that hour. I do not want to interfere with that.

Mr. LA FOLLETTE. I apprehend not. I do not know that the debate over the wool bill will take a half an hour or 15 minutes, but it may run along beyond the two hours. If it should get into such a position before the Senate and be brought up against the unanimous-consent agreement of the Senator from Iowa to take up this bill at exactly 4 o'clock, it would have to be cut off.

Mr. CUMMINS. I am willing to modify my request by saying subject to the disposition of the wool bill.

Mr. LA FOLLETTE. I think that undoubtedly the Senator will be able to get it up much earlier.

The PRESIDENT pro tempore. Is there objection? The Chair hears none.

STANDARD OIL CO. AND AMERICAN TOBACCO CO.

The PRESIDENT pro tempore. The resolution of the Senator from Ohio is before the Senate, and it will be read.

The Secretary read Senate resolution 375, submitted by Mr. POMERENE on the 9th instant, as follows:

Resolved, That the Committee on the Judiciary be, and it is hereby, relieved from further consideration of S. Con. Res. 4, declaring it to be the sense of the Senate and of the House of Representatives that criminal prosecutions should be begun against the Standard Oil Co. and the American Tobacco Co. and the other parties and persons who were declared by the Supreme Court of the United States to be violating the criminal provisions of sections 1 and 2 of the Sherman antitrust law, and instructing the Attorney General to institute criminal prosecutions against them where the evidence, in his opinion, justifies said proceedings; and

Resolved further, That said resolution be laid before the Senate for its consideration.

Mr. SUTHERLAND. I understood the Presiding Officer to declare that morning business had closed. We have a unanimous-consent agreement which I understand necessarily precedes everything else. It is that immediately upon the conclusion of the routine morning business we shall proceed to the consideration——

Mr. POMERENE. Will the Senator speak a little louder? I am not able to hear him.

Mr. SUTHERLAND. I was simply reading the unanimous-consent agreement, which is that "immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 21094) to create a commission on industrial relations." I make the point of order that that is the only business in order.

The PRESIDENT pro tempore. In answering the suggestion of the Senator from Utah, the Chair will say that this is a resolution that was submitted; that upon the request of the Senator from Ohio it was passed over without prejudice on two former occasions, and that under the usual rule it would come up on the call of the Senator. The Chair is of the opinion that it is properly before the Senate.

Mr. POMERENE. Mr. President, Senate concurrent resolution No. 4 was referred to the Judiciary Committee on May 7. I am advised that on Monday of this week, after consideration in the committee, a motion was made to indefinitely postpone, and that was defeated. Another motion was made to report it adversely, and that was defeated. Another motion was made to report it back to the Senate without any recommendation, and that was defeated.

Under these circumstances it seems to me that the Senate ought to have the right to act upon the pending resolution, and I am inclined to insist upon it, because I feel keenly that if due respect is to be shown to the law it must be enforced. That is the sentiment which prevails, I think, with all good citizens. On this matter there is no less authority than the Attorney General himself. In an article printed in the Century Magazine of February he says, with reference to this law:

> There is, of course, some genuine discontent with the Sherman law, but I suspect most of it arises not so much from any real uncertainty as to its meaning as from a realization of that meaning.

And I think that that is the trouble with the defendants in these cases.

On page 620 the Attorney General further says:

> On the other hand, the faithful and rigid enforcement of the Sherman law will soon demonstrate the folly of trying to carry on a business which is not legitimate.

That is my doctrine; and if this law had been enforced as it ought to have been we would not have the trust question with us now.

Again he says, in answer to those who speak of the repeal or the amendment of the Sherman law, on page 621:

> There is, in my judgment, no occasion to amend the Sherman law. That law is effective as it stands.

The President himself in his tour throughout the Northwest, on October 27, 1911, said, in a speech delivered before the Hamilton Club in Chicago, as follows:

> I would rather cut off my right hand than to do anything to disturb the business of the country, especially with a motive of cultivating political success. But we have a condition of lawlessness to deal with. We have had it for 20 years. Men have gone on organizing combinations in violation of the antitrust law on the theory that it either could not or would not be enforced. The Supreme Court has held that this lawlessness must be stamped out. There is no discretion in the Executive to suspend any single statute.

If that is true, it must apply to every provision of the statute.

Continuing, the President said:

> It is his duty to enforce the law and to direct the prosecution of those who violate it. * * * There is only one way that I know of

to cure the corporations that are suffering from contagion and disease, and that is to eradicate the disease. The law will be enforced to the letter.

President Taft, in his speech in Chicago, October 28, 1911, on the subject of the enforcement of the Sherman law, said:

It is not within my discretion as an executive officer to suspend any statute that stands upon the statute books. I am here under my oath taken to defend the Constitution and the laws of the United States, to enforce the law, and when I find it violated, to prosecute or direct prosecution of those who violate it.

It seems to me that with this construction as to the character of the duties to be performed by the President and the Attorney General they ought not now to hesitate in the enforcement of the criminal provisions of this law after the Supreme Court of the United States has declared that these provisions have been violated.

I shall not attempt to discuss the matter further, except to say that when it comes to the question of the constitutional authority of the Senate to adopt a resolution of this kind the Senate passed a bill providing for the appeal in the American Tobacco Co. case, and just this morning a bill was passed directing the Attorney General to adjust certain pending legislation. If we have the power to instruct in any one class of cases, it seems to me we have in the other; and I therefore insist upon the adoption of the resolution.

Mr. SUTHERLAND. Mr. President, I do not know whether I made myself clear in making the point of order which I did. I understood the Chair declared that morning business was closed. There is upon the calendar a unanimous-consent agreement that immediately upon the conclusion of the routine morning business the Senate will proceed to the consideration of House bill 21094. According to my information there is nothing more sacred than a unanimous-consent agreement. According to my understanding nothing can take precedence of a unanimous-consent agreement. The time having arrived when the unanimous-consent agreement should be taken up, the Senate has nothing else to do except to proceed with the consideration of it.

If the Senator from Ohio had called up his resolution during the continuance of the morning business, there might have been reason for saying that he could proceed with it, but the morning business having been concluded, it seems to me it is to ignore the unanimous-consent agreement to permit this business to intervene.

I again make the point of order, Mr. President, that there is nothing in order at this time but to proceed with the consideration of House bill 21094.

The PRESIDENT pro tempore. The Chair, in justification of his own action, will state that the Senator from Ohio [Mr. POMERENE] came to the Chair and made inquiry about the resolution, and the Chair suggested to him that upon the conclusion of the morning business his resolution would be in order. Resolutions going over have always been considered to be a part of the morning business. Inadvertently the Chair did state that morning business was closed, and it was with the understanding that the Senator from Ohio should be recognized to call up his resolution. The resolution was laid over by unanimous consent to retain its place on the calendar, the Senator having the right to call it up at any morning session during the morning hour. The Chair believes that, under the circumstances, it was no transgression of the rule, and feels constrained to overrule the point of order.

The Chair will add, if there is any fault it was on the part of the Chair in not recognizing the Senator from Ohio before inadvertently announcing the close of morning business.

Mr. SUTHERLAND. Mr. President, to my mind the resolution which was presented by the Senator from Ohio [Mr. POMERENE] July 26, 1911, and from the consideration of which the pending resolution seeks to discharge the Judiciary Committee is one of the most remarkable propositions that has been presented to either House of Congress. The concurrent resolution to which he has referred reads as follows:

Whereas the Supreme Court of the United States in the case of The Standard Oil Co. of New Jersey and others against The United States decreed, in effect, the Standard Oil Co. of New Jersey and 33 other constituent organizations and 7 individual defendants have united together to form and effect a combination, and as such conspired to monopolize, and have monopolized, and are continuing to monopolize a substantial part of the commerce among the States, in the Territories, and with foreign nations in restraint of interstate trade and commerce, in violation of sections 1 and 2 of the Sherman antitrust law; and

Whereas the Supreme Court of the United States in the case of The United States of America against The American Tobacco Co. and others, and in the case of The American Tobacco Co. and others against The United States, in effect decreed that the said the American Tobacco Co. and its codefendants, corporate and individual, had formed and maintained a combination in restraint of trade, and that they were engaged in an attempt to monopolize and in a monopolization within the first and second sections of the Sherman antitrust law; and

Whereas under the provisions of said act if the said parties or persons, or any of them, or anyone for them or anyone aiding or abetting them, have entered into or continued any contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States, in the Territories, or with foreign nations, or have monopolized or attempted to monopolize or combine or conspire with any person or persons to monopolize, any part of the trade or commerce as aforesaid, they are amenable to criminal prosecution; and

Whereas no criminal prosecutions have been begun against any of the said parties or persons: Therefore be it

Resolved by the Senate (the House of Representatives concurring), First. That it is the sense of the Senate and of the House of Representatives that criminal prosecutions should be begun against any or all of said parties or persons who shall have, in the opinion of the Attorney General, violated the criminal provisions of said statute.

Second. That the Attorney General of the United States be, and he is hereby, instructed to institute criminal prosecutions against said parties or persons for said violations, if any, where the evidence, in the opinion of the Attorney General, shall justify such proceedings.

Mr. President, if this resolution is to be construed literally as it reads it is absolutely inane; it means nothing; it amounts to nothing unless it be a mere slur upon the office of the Attorney General of the United States; and I do not understand that it is the business of Congress to indulge in that sort of thing. The language of the resolution is:

That criminal prosecutions should be begun against any or all of said parties or persons who shall have, in the opinion of the Attorney General, violated the criminal provisions of said statute.

Congress is asked to solemnly pass a resolution directing the Attorney General to do what the law already commands him to do, namely, to institute a criminal prosecution under this law if, in his opinion, the facts will warrant such a prosecution. If, in the opinion of the Attorney General, this statute has been violated and he, nevertheless, refuses to prosecute, then this resolution is entirely out of place, and the proceeding which Congress should take should be one begun in the other House, and instead of being a mere resolution directing him to institute a prosecution, it should be a proceeding for the impeachment of that officer. If it is not his opinion that the statute has been violated, then this resolution ought not to be passed and no action at all should be taken. Evidently it is not the opinion of the Attorney General that the statute has been violated or he would have instituted the prosecution, provided he had believed that facts could be obtained which would probably result in a conviction.

Mr. President, I object to this resolution, and I understood it to be the sense of the majority of the Committee on the Judiciary that it was objectionable, because it undertakes to invade the province of a separate and independent department of the Government. The Constitution very wisely divides the several general governmental functions of the Government among the three several departments—the judicial, the legislative, and the executive departments. The Constitution provides that the legislative power shall be exercised by the Congress of the United States, and by that affirmative declaration effectually inhibits Congress from exercising anything but legislative power. It is true that in the Constitution there are specific provisions which authorize, in certain instances, Congress to exercise judicial power. It exercises the judicial power in impeachment cases; it exercises judicial functions when passing upon the right of its Members to their seats; but, except where specific provision is made in the Constitution, the grant to Congress of the legislative power is absolutely exclusive. Congress has no authority, as Congress, to do anything except to pass laws. Will anybody contend that this resolution is a law? A resolution directing the Attorney General to institute a prosecution for the violation of a law is not a law; it is purely the exercise of an executive function.

The Constitution declares as emphatically with reference to the executive power, that the executive power shall be vested in the President; and the President, unless the Constitution expressly confers some portion of the executive power upon another branch of the Government, is the sole possessor of the executive power of the United States. One of the executive powers—and it so happens that it is one of the executive powers which are enumerated in express words in the Constitution—is that the President "shall take care that the laws be faithfully executed." So when Congress passes a general statute providing that certain acts shall constitute a criminal offense, Congress has exercised its function; Congress has then passed a law; and it devolves not upon Congress but upon the executive department of the Government to see that that law is executed. It is no business of Congress, any more than it is the business of citizens generally, to oversee the execution of the laws which they make.

If the power to pass laws and the power to execute laws were vested in the same body, the result of it would be what it has always been in the history of this world—a despotism—because whenever the body which makes the law also under-

takes to execute it and undertakes to construe it we have, under the guise of interpretation and under the guise of execution, the making of special laws or of special edicts. That would be the result here, and the result of any attempt to determine that a particular law passed by Congress had been violated and to direct that a specific prosecution should be instituted.

We have no machinery in Congress that investigates these questions. Congress is not a grand jury; Congress is a law-making body; and yet we are called upon here, first of all, to make up our minds that probably this statute has been violated. It may have been violated, but I for one do not know whether or not the circumstances are such that the Attorney General ought to institute this prosecution; and I doubt very much whether there is anybody here who, if he were the Attorney General of the United States, upon the information which he now has, would undertake to institute this prosecution. I imagine that any Member of the Senate, if he were Attorney General and were charged with this responsibility, would want to investigate it a little further.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SUTHERLAND. I do.

Mr. POMERENE. The Senator from Utah says he does not know whether or not the statute has been violated. The Supreme Court in the American Tobacco Co. case says particularly that by the undisputed facts in the record the law has been violated. It seems to me that is pretty fair evidence upon which to base the conclusion.

Mr. SUTHERLAND. Mr. President, I do not recall precisely what the Supreme Court has said in the Tobacco case, but certainly the Senator from Ohio would not claim that a grand jury would be warranted in finding an indictment upon the declaration which the court had made—the Supreme Court of the United States or any other court—in a civil proceeding.

Mr. POMERENE. Mr. President, most certainly I do not so claim; but I do claim that the evidence upon which the Supreme Court says the statute has been violated—and it makes that statement based upon undisputed facts—would justify an inquiry by the grand jury.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I yield to the Senator from Iowa.

Mr. KENYON. I wish to ask the Senator from Ohio if the Supreme Court indicated that the evidence was sufficient to warrant a conviction in a criminal case, or merely that the act had been violated and the evidence was sufficient as to civil cases?

Mr. POMERENE. I assume that they were deciding a civil case at the time, but if the Senator will permit me to read a sentence from the opinion in the Tobacco case I will do so. The court says:

> In stating summarily, as we have done, the conclusions which, in our opinion, are plainly deducible from the undisputed facts, we have not paused to give the reasons why we consider, after great consideration, that the elaborate arguments advanced to affix a different complexion to the case are wholly devoid of merit.

Mr. KENYON. Pardon me just a moment.

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I yield.

Mr. KENYON. I have discovered that it is quite different in securing convictions under the criminal features of the Sherman law from what it is to secure dissolution in civil actions, for it would require much more evidence in any criminal case, especially under the Sherman Act. Juries do not seem to be willing to regard it the same as they do other statutes, and I have had somewhat of a painful experience in trying to enforce the criminal features of that act. I am in favor, nevertheless, of every effort to enforce the criminal features of that act, and I believe it is the only method of curbing the trusts; but I am not in favor of this resolution in its present form, directing the Attorney General merely to do his duty. As the Senator from Utah [Mr. SUTHERLAND] suggests, if he has not done his duty, the remedy is somewhere else. I believe, from my experience with the Attorney General, that there is no man who has ever brought to the discharge of his duties in connection with the Sherman Antitrust Act and its enforcement the same capacity and courage as has the present Attorney General of the United States.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Ohio?

Mr. SUTHERLAND. I yield to the Senator.

Mr. POMERENE. Mr. President, it does seem to me, in view of the fact that there has been one case in New York in which a jury refused to convict and another case in the city of Chicago in which a jury refused to convict, that we are hardly justified in making the statement that it is impolitic to begin litigation of this character because juries will not convict. It seems to me that it would be more appropriate to come in and ask to repeal the criminal provision of the statute or insist upon the abolishment of the jury system in this class of cases.

Mr. KENYON. Mr. President, I do not wish to intrude upon the time of the Senator from Utah——

Mr. SUTHERLAND. I yield to the Senator.

Mr. KENYON. But I do not want the Senator from Ohio to put me in a false position as to that. If I have any hobby in the world, it is the enforcement of the criminal features of the Sherman Act. I am not in favor of repealing the law against murder or horse stealing because, forsooth, some murderers and horse thieves escape. I was merely calling attention to the enforcement of the criminal features of that act. The Attorney General is in a position to know, I think, better than we are all the facts, and this resolution certainly is an inference, at least, that he is not performing the duties of his office. I have introduced a bill here, for which I hope I will have the Senator's support, striking fines out of the Sherman Act, so that in case of conviction or in case of certain pleadings the court will be compelled to send the defendants to jail. Suppose you prosecute the Standard Oil Co. and the court assesses a fine. It is a farce; it does not amount to anything; the fine is merely transferred to the back of the consumer; but I do think that for the Senate to pass a resolution that instructs an officer such as the Attorney General merely to do his duty is rather a farce.

Mr. SUTHERLAND. I should like to ask the Senator from Ohio whether he thinks that to direct a prosecution of a violator of a general law is an executive function or a legislative function?

Mr. POMERENE. Mr. President, primarily the duty to prosecute is an executive function, but the departments are so correlated that the legislative branch of the Government is constantly giving directions and instructions by statute as to what shall be the jurisdiction and what shall constitute the duties of executive officials; and if we have the right to pass such a statute, we also, in my judgment, have the right to pass a resolution calling the attention of the Attorney General to a particular case and directing him, not absolutely, but directing him in the event that the evidence justifies it, to begin the prosecution.

Mr. SUTHERLAND. Why leave it to the opinion of the Attorney General? If the Senator is entirely certain that the statute has been violated and there is sufficient justification for the prosecution of these offenders, why not, if we have the power, instruct the Attorney General in positive terms to institute this prosecution?

Mr. POMERENE. Mr. President, I recognize the fact that he must investigate this evidence. To this day we have not an expression of opinion from the Attorney General that he can not get the evidence or that the evidence does not exist whereby these men can be convicted; but the Supreme Court has made a finding in this case. That finding was in the civil branch of the the case it is true and I recognize the difference in the degree of proof which is required between a civil and a criminal case. I recognize also that there is a possibility that he may have given an immunity bath to some of these men, but that is no reason why we should not pass this resolution and have some information upon the subject.

Mr. SUTHERLAND. The Senator from Ohio knows very well that the Attorney General has investigated this case. He has investigated the facts of this case, because it was he who instituted the prosecutions to which the Senator refers, in which the decisions of the Supreme Court were made. That being so, is it not perfectly clear that the Attorney General is not of opinion that criminal prosecutions could be maintained?

Mr. POMERENE. Mr. President——

Mr. SUTHERLAND. Let me submit to the Senator, if the Attorney General is not of that opinion, then the Senator must conclude that the Attorney General has violated his oath of office and ought to be proceeded against by impeachment.

Mr. POMERENE. Mr. President, will the Senator say to the Senate that the Attorney General is of the opinion that the criminal provisions of the statute has not been violated?

Mr. SUTHERLAND. The Senator from Utah will not say anything about it, because he does not know.

Mr. POMERENE. Then, Mr. President, why does the Senator draw the conclusion that the Attorney General is probably of

the opinion that the criminal sections of the law have not been violated?

Mr. SUTHERLAND. Because, Mr. President, the ordinary presumption is that an officer will do his duty, and the Attorney General is no exception to that rule. It is to be presumed—and Congress has no business, without evidence to the contrary, to assume otherwise—that the Attorney General, having investigated this case, is of the opinion that no prosecution should be instituted; otherwise, as I have already stated, he would be amenable to another proceeding.

Mr. POMERENE. In view of the findings of the Supreme Court, I am inclined to believe that the Senator's presumption is rather violent.

Mr. SUTHERLAND. Does the Senator mean to say that he thinks the Attorney General has violated his oath of office?

Mr. POMERENE. Does the Senator press the question?

Mr. SUTHERLAND. My question was a perfectly plain one.

Mr. POMERENE. Then, it is my belief that he has not done his duty.

Mr. SUTHERLAND. Then, why does not the Senator present a resolution instructing him to do it. If the Senator thinks the Attorney General is of the opinion that these people ought to be prosecuted and that he has deliberately declined to do his sworn duty, why does not the Senator present a resolution to that effect?

Mr. POMERENE. The point has not been reached when it is necessary, in my judgment, to take such violent measures.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. I yield to the Senator.

Mr. KENYON. It is interesting in that connection, when the charge is made that the Attorney General has not done his duty, to know that in the administration of his office there have been 39 indictments under the Sherman Act and 27 bills in equity, a total of 66 cases, which is more than all the cases, criminal and civil, brought under all the administrations since the law was enacted. In the administration of President Roosevelt, who I imagine the Senator from Ohio would not question had done his duty, there were 18 bills in equity and 25 indictments, a total of 43; in the administration of President McKinley there were 3 bills in equity and not a single criminal prosecution; in the administration of President Cleveland—and during a portion of that time the governor of the State of the Senator from Ohio was Attorney General and had charge of these matters—there were 2 indictments brought under the Sherman Act, 4 bills in equity, and 2 informations for contempt, making 8 altogether. So that the present Attorney General has secured 39 indictments as against 2 in the administration of President Cleveland. He has certainly tried to do his duty.

Mr. SUTHERLAND. Can the Senator from Iowa state how many convictions have resulted?

Mr. KENYON. Out of all these cases?

Mr. SUTHERLAND. In those 39 cases.

Mr. KENYON. The only jail sentence that has been imposed since the Sherman law was enacted has been under the administration of the present Attorney General, in the Turpentine Trust case, commonly known as the Naval Stores case, where two gentlemen were convicted on trial, the decision affirmed by the Circuit Court of Appeals, and the case is now in the Supreme Court of the United States upon a writ of certiorari. That is the only jail sentence imposed under this act. There have been a large number of pleas, I will say to the Senator from Utah, of nolle contendere, in which fines have been imposed.

Mr. SUTHERLAND. How many convictions altogether?

Mr. KENYON. I do not think I can say. There have been a large number. For instance, in the Wire Pool Trust case in New York there were 66 who pleaded nolle contendere and were fined, the Government insisting on a jail sentence. In the Glass Trust case at Pittsburgh there were 16 who entered the same plea, and were fined, the Government and the Attorney General insisting on jail sentences.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I yield.

Mr. BORAH. In view of the fact that we have wandered away from the real question at issue into the records of the different administrations with reference to the enforcement of this law, all of which records will receive their encomiums during the coming political discussion, I wonder if the Senator from Ohio would not be willing to ask that the resolution go over without prejudice and give me 15 minutes in which to pass a good measure.

Mr. POMERENE. Mr. President, I realize that the Senator from Idaho has a unanimous-consent agreement to take up the matter he has in mind, and I am willing that the resolution shall go over under the conditions suggested.

Mr. SMOOT. Mr. President——

Mr. SUTHERLAND. I am quite willing to do that; but I simply want to make this final observation, that, if Congress has the power to pass a resolution of this kind, or ought to pass a resolution of this kind, it can be done in any kind of a case. Whenever we hear that somebody has violated the post-office laws or committed a murder or done anything else under a Federal statute, it would be perfectly proper to come in here and introduce a resolution to have that man prosecuted, but I undertake to say that that is not the function of Congress at all.

Mr. KENYON. Mr. President, before the Senator closes, I want to suggest to the Senator from Ohio and urge that he strike out a portion of his resolution. If he would strike out the second paragraph instructing the Attorney General to institute criminal prosecutions, so that the resolution would be merely an expression of the sense of the Senate, I would be glad to support it. I believe in criminal prosecutions of the officers of Standard Oil, and believe guilt must be made personal; but I do not believe in insulting the Attorney General of the United States, especially an Attorney General who has done more than any Attorney General ever did to put life into the Sherman Act.

Mr. SUTHERLAND. I ask that the resolution go to the calendar.

The PRESIDENT pro tempore. That will be the order, in the opinion of the Chair, if it is not concluded this morning.

Mr. POMERENE. Do I understand that the Senate has agreed to take up the matter of the Senator from Idaho and let this resolution go over without prejudice?

The PRESIDENT pro tempore. The Senate has not. The Senator's request that it shall go over without prejudice has not been submitted. Did the Senator make that request?

Mr. POMERENE. I made that request.

Mr. SMOOT. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. SUTHERLAND. I ask that the resolution go to the calendar.

The PRESIDENT pro tempore. It will go to the calendar unless it is concluded by 12 o'clock.

Mr. SUTHERLAND. I intend to proceed with the discussion unless the Senator from Ohio is willing to have the resolution go to the calendar.

Mr. BORAH. If it is proceeded with until 12 o'clock, what will be its fate?

The PRESIDENT pro tempore. It will go to the calendar.

Mr. SUTHERLAND. I think the Senator from Ohio had better let it go to the calendar. It will go there anyhow.

Mr. POMERENE. Then, the Senator from Utah insists upon his objection?

Mr. SUTHERLAND. Certainly, I insist upon it; I do not make objections unless I intend to insist upon them.

Mr. POMERENE. I understood it was the senior Senator from Utah [Mr. SMOOT] who made the objection to its being passed over until to-morrow, preserving its place.

Mr. SUTHERLAND. I also objected. Several Senators objected.

Mr. SMOOT. The Senator from North Dakota joined me in the objection, and I certainly shall object unless the resolution goes to the calendar.

Mr. POMERENE. The purpose is quite apparent, and, as the resolution is now in the archives of the Judiciary Committee and the Senator from Utah insists that he is going to talk until after the morning hour has expired, I do not know that anything is gained by keeping the Senator from Idaho out of his place.

The PRESIDENT pro tempore. The resolution will go to the calendar.

INDUSTRIAL COMMISSION.

Mr. BORAH obtained the floor.

Mr. BRANDEGEE. Will the Senator from Idaho yield to me?

Mr. BORAH. I can not, because I have only 10 minutes in which to do business. Mr. President, I now ask to take up the bill the consideration of which was fixed by unanimous-consent order for this time.

The PRESIDENT pro tempore. Under the unanimous-consent agreement referred to by the Senator from Idaho [Mr. BORAH] the Chair lays before the Senate the bill (H. R. 21094) to create a commission on industrial relations.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. BORAH. I ask unanimous consent to dispense with the first reading of the bill, that the bill be read for amendment, and that the committee amendments be first acted upon.

Mr. NELSON. I should like to hear the bill read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. NELSON. I waive the request as to the further reading of the bill.

The PRESIDENT pro tempore. The bill will be read for amendments, and the committee amendments will be first stated.

The first amendment of the Committee on Education and Labor was, in section 3, page 2, line 23, before the word "years," to strike out "three" and insert "two," so as to read "two years."

Mr. BORAH. On further consideration by the committee we desire to have the amendment disagreed to.

The amendment was rejected.

The next amendment was, on page 3, section 4, line 25, after the word "usefulness," to insert: "into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry," so as to make the section read:

SEC. 4. That the commission shall inquire into the general condition of labor in the principal industries of the United States, including agriculture, and especially in those which are carried on in corporate forms; into existing relations between employers and employees; into the effect of industrial conditions on public welfare and into the rights and powers of the community to deal therewith; into the conditions of sanitation and safety of employees and the provisions for protecting the life, limb, and health of the employees; into the growth of associations of employers and of wage earners and the effect of such associations upon the relations between employers and employees; into the extent and results of methods of collective bargaining; into any methods which have been tried in any State or in foreign countries for maintaining mutually satisfactory relations between employees and employers; into methods for avoiding or adjusting labor disputes through peaceful and conciliatory mediation and negotiations; into the scope, methods, and resources of existing bureaus of labor and into possible ways of increasing their usefulness; into the question of smuggling or other illegal entry of Asiatics into the United States or its insular possessions, and of the methods by which such Asiatics have gained and are gaining such admission, and shall report to Congress as speedily as possible with such recommendation as said commission may think proper to prevent such smuggling and illegal entry. The commission shall seek to discover the underlying causes of dissatisfaction in the industrial situation and report its conclusions thereon.

The amendment was agreed to.

The next amendment was, on page 4, section 5, line 15, after the word "thereof," to strike out:

Provided, That no person employed hereunder by the commission shall be paid compensation at a rate in excess of $3,000 per annum.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE PANAMA CANAL.

Mr. BRANDEGEE. The chairman of the Committee on Interstate Commerce in the House has informed me that they made some clerical errors in the paging of the conference report on the Panama Canal bill, and I ask unanimous consent, as will be done there, to withdraw it temporarily to correct those errors. They are not errors in substance, but simply as to the paging.

The PRESIDENT pro tempore. Without objection, the request made by the Senator from Connecticut will be agreed to.

ARKANSAS & MEMPHIS RAILWAY CO.

Mr. MARTIN of Virginia. I ask unanimous consent for the present consideration of the bill (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

Mr. CRAWFORD. I must object to the request. All of these cases have practically the same rights here in these closing days, and I am going to object and insist upon the calendar being taken up and giving to each case the attention it is entitled to receive.

Mr. MARTIN of Virginia. I hope the Senator from South Dakota will not object. This is a matter in which the Senator from Arkansas [Mr. CLARKE] is very much interested. He left here, and he wrote back about it. It is a matter of local concern, and will not take five minutes.

Mr. CRAWFORD. If the Senate will only do it, every case on the calendar can receive attention.

Mr. MARTIN of Virginia. The Senator allowed a half a dozen to go through, and I wish he would allow this. I hope he will not draw the line on this little local bill.

Mr. CRAWFORD. I have not drawn the line on this bill. I began some time ago.

Mr. MARTIN of Virginia. If this bill is not passed at once, there is no possibility of its getting through the House.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. CRAWFORD. I object.

The PRESIDENT pro tempore. Objection is made.

I. S. ROGERS AND J. L. WORTHLEY.

Mr. SMOOT. I move that we proceed with the consideration of the calendar, beginning with Calendar No. 816, being the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley.

The PRESIDENT pro tempore. As the Chair remembers, there is a unanimous-consent agreement to that effect.

Mr. SMOOT. Yes; that is, bills as to which there is no objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley. It proposes to appropriate $750 to reimburse I. S. Rogers and J. L. Worthley for money paid to the proper officers of the court as bondsmen for U. G. Copeland.

Mr. CULBERSON. Is there a report of a committee on that case?

The PRESIDENT pro tempore. There is.

Mr. CULBERSON. I ask that it be read.

The Secretary read the report, submitted by Mr. MARTINE of New Jersey, July 17, 1912, as follows:

The Committee on Claims, to whom was referred the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley, have given the same careful consideration, and beg leave to submit a report with the recommendation that the bill do pass.

House Report No. 767, Sixty-second Congress, second session, is adopted and made a part of this report, as follows:

"The Committee on Claims, to whom was referred the bill (H. R. 7650) for the relief of I. S. Rogers and J. L. Worthley, having considered the same, report thereon with a recommendation that it do pass with the following amendment:

"In line 3, page 1, strike out the words "one thousand" and insert in lieu thereof the words "seven hundred and fifty."

"The claimants, I. S. Rogers and J. L. Worthley, were sureties on the bail bond of one U. G. Copeland, who was bound thereby to appear before the United States Court of the Eastern District of Arkansas on the first day of the April term of court in 1905; that the said U. G. Copeland did not appear at said term of court, and subsequently the bond for his appearance was declared forfeited, and later the judgment was entered against I. S. Rogers and J. L. Worthley, sureties thereon, for the sum of $1,000. On February 7, 1907, the full amount of $1,000 was paid to the Government by I. S. Rogers and J. L. Worthley, sureties, each paying $500.

"It appears that subsequently U. G. Copeland was apprehended, tried, and sentenced to the Federal penitentiary at Atlanta, Ga., the expense to the Government, however, in getting said U. G. Copeland from Texas to Arkansas being $250, which amount is deducted from the amount paid by the sureties.

"The affidavits of I. S. Rogers and other affidavits are hereby made a part of this report, together with the letter of the United States district attorney for the eastern district of Arkansas, under date of January 24, 1912."

OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF ARKANSAS,
Little Rock, Ark., January 24, 1912.

The ATTORNEY GENERAL, *Washington, D. C.*

SIR: Replying to the communication of the Hon. W. R. Harr, Assistant Attorney General, under date of January 19, 1912, initials "W. R. H., H. S. R., File No. 52132–11," making inquiry as to the payment by U. G. Copeland's sureties of the amount of his recognizance, I have the honor to reply:

(1) The amount of the bond was $1,000.

(2) The full amount of $1,000 was paid by two of his sureties, namely, I. S. Rogers and J. L. Worthley, each paying $500.

(3) Payment was made on February 7, 1907.

(4) Copeland was subsequently arrested, convicted, and sentenced to the Atlanta penitentiary, where he now is.

Respectfully,

WM. G. WHIPPLE,
United States Attorney.

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DEPARTMENT OF JUSTICE,
Washington, D. C., January 27, 1912.

Hon. EDWARD W. POU,
Committee on Claims, House of Representatives.

SIR: In further reply to your letter of the 17th instant, I have the honor to transmit herewith a copy of a report received from the United States attorney at Little Rock, Ark., furnishing all the information available with respect to the payment of the forfeited bail bond of U. G. Copeland by his sureties, I. S. Rogers and J. L. Worthley.

This information is not sufficient to enable the department to express any opinion upon the merits of the claim.

For the Attorney General.

Respectfully,

W. R. HARR,
Assistant Attorney General.

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DEPARTMENT OF JUSTICE,
Washington, January 19, 1912.

Hon. EDWARD W. POU,
Committee on Claims, House of Representatives.

SIR: The department is in receipt of your circular letter of the 17th instant, inclosing a copy of bill H. R. 7650, for the relief of I. S. Rogers and J. L. Worthley.

You request that copies of all the papers on file here bearing upon the subject be forwarded, together with an expression of my opinion as to the merits of the claim.

It has been necessary to call upon the United States attorney for the eastern district of Arkansas for a report showing all the facts, and as soon as it is received I will be pleased to communicate with you further about the matter.

For the Attorney General.

Respectfully,

W. R. HARR,
Assistant Attorney General.

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[In the matter of H. R. 7650, for the relief of I. S. Rogers and J. L. Worthley.]

AFFIDAVIT OF I. S. ROGERS.

My name is I. S. Rogers, and I am the same I. S. Rogers whose name is mentioned in the title of this bill. I am a resident of Phillips County, Ark., and have been for a number of years. On the 10th day of March, 1905, I, together with J. L. Worthley and W. B. Dalzell, executed a bond in the sum of $1,000 to the Government for the appearance of one U. G. Copeland, a deputy United States marshal of this district, for his appearance before the United States district court at Little Rock, Ark., who was charged with the offense of violating section 5438 of the Revised Statutes of the United States. He had been bound over by E. R. Crum, a United States commissioner of the court at Helena, for his appearance to the next term of the United States district court at Little Rock. At the time fixed for his appearance he appeared before the court at Little Rock, and upon motion the case was continued, and in the interim between the continuance of said cause and the next term of the court he had fled the country. A forfeiture was taken on the bond and afterwards judgment rendered against the sureties on said bond. That so soon as I and J. L. Worthley discovered that Copeland was a fugitive from justice we caused postals to be printed offering a reward of $150 for the apprehension of said Copeland, which said postals were placed in the hands of the sheriff of this county and by him sent broadcast through the country.

I finally had a letter from the sheriff of Greene County, Tex., advising me of the whereabouts of the said Copeland, which information I imparted to the United States authorities, who captured him, brought him to Little Rock, where he was tried and convicted.

After the rendition of the judgment against Worthley and myself, we paid the same, without execution, to the proper authorities.

I desire to state that both Worthley and myself are men of moderate means and can ill afford to lose this amount of money.

I. S. ROGERS.

Subscribed and sworn to before me this 24th day of May, A. D. 1911.

[SEAL.] S. A. McGUIRE,
Notary Public in and for Phillips County, Ark.

My commission expires December 8, 1914.

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AFFIDAVIT OF E. R. CRUM.

I am acquainted with all the parties mentioned in the above affidavit and know of my knowledge that the facts set forth in the above affidavit are true.

E. R. CRUM.

Subscribed and sworn to before me this 24th day of May, A. D. 1911.

[SEAL.] S. A. McGUIRE,
Notary Public in and for Phillips County, Ark.

My commission expires December 8, 1914.

—

AFFIDAVIT OF F. F. KITCHENS.

I, F. F. Kitchens, state on oath that at the time mentioned in the affidavit of I. S. Rogers, I was sheriff of Phillips County, Ark., and I personally know that the facts mentioned in his affidavit are true.

F. F. KITCHENS.

Subscribed and sworn to before me this 24th day of May, A. D. 1911.

[SEAL.] S. A. McGUIRE,
Notary Public in and for Phillips County, Ark.

My commission expires December 8, 1914.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIRECTION OF WORK OF GOVERNMENT EMPLOYEES.

The bill (S. 6172) to regulate the method of directing the work of Government employees was announced as the next bill in order.

Mr. BURTON. I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

F. W. THEODORE SCHROETER.

The bill (S. 1154) for the relief of F. W. Theodore Schroeter was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, to strike out "$1,635.20" and insert "$1,397.76," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to F. W. Theodore Schroeter, out of any funds in the Treasury not otherwise appropriated, the sum of $1,397.76, to compensate him for injuries received while in the employ of the Government of the United States on the Penama Canal September 28, 1907.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LAND AT JONESVILLE, MICH.

The bill (H. R. 16191) to convey certain real estate in the village of Jonesville, Hillsdale County, Mich., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FUR-SEAL CONVENTION.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which is House bill 16571.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

The PRESIDENT pro tempore. The Senator from New York [Mr. ROOT] is entitled to the floor.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Texas?

Mr. CULBERSON. Just to give notice of a motion.

Mr. ROOT. I yield.

Mr. CULBERSON. This morning I gave notice of a motion to consider the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons. I now enter that motion, which is that to-morrow, immediately after the routine morning business, I will move that the Senate take up for consideration this bill, my purpose being to make the motion now and ask that it lie over until to-morrow.

Mr. McCUMBER. Mr. President, a parliamentary inquiry. I want to know the force and effect of a notice that a motion is entered. If the motion is made and not acted upon, I presume that motion will be pending. If it is not made, I can not see anything which is gained by noticing it beforehand.

Mr. CULBERSON. I enter the motion now and ask that it lie over until to-morrow.

Mr. McCUMBER. I make the point of order that no motion can be made now under our unanimous-consent agreement. It can not be entered.

The PRESIDENT pro tempore. The Senator from New York yielded to the Senator from Texas. The Senator from Texas has entered the motion. The Chair is of opinion that it will have little efficacy with other business before the Senate; but the Senator enters the motion. The Chair thinks he has a right to do that.

Mr. McCUMBER. Does the Chair hold that a Senator, even by the consent of another Senator, can displace a unanimous-consent agreement to the extent of entering a motion pertaining to other business? If he can, it seems to me we have to that extent at least violated the unanimous-consent agreement.

The PRESIDENT pro tempore. It is a usual violation then, and it has not great force.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from New Jersey?

Mr. ROOT. I do.

Mr. MARTINE of New Jersey. I desire to ask the Chair if it is possible for me to ask unanimous consent for the consideration of the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909?

The PRESIDENT pro tempore. It is not in order. The Senator from New York will proceed.

Mr. ROOT. Mr. President, we have before us in the bill to give effect to the fur-seal treaty a very narrow and simple question. It arises upon the difference between the provisions adopted by the House of Representatives to regulate the carrying on of a business undertaking, of which the United States is the principal owner, and a different provision suggested by a majority of the Senate committee. The business is the care and protection of the seal herd upon the Pribilof Islands, belonging to the United States, and the slaughter of a portion of the male seals each year and the sending of their skins to market. That is the business. It is a brutal business, Mr. President, at the best.

The Senator from Nebraska [Mr. HITCHCOCK] has dwelt much upon the butchery that occurs upon the seal islands. Many times, if my memory serves me, a score of times, during his argument he referred to the men who are acting as agents for the Government in carrying on the business as butchers, apparently stigmatizing them by that distinction. Well, sir, they are butchers. That is the business. You can not take and sell sealskins without killing the seal, and the business of taking and selling sealskins is butchery as much as the business of turning cattle into beef or sheep into mutton. It is a bloody and revolting business, and if you are to stop the butchery you must stop the business.

But no one proposes that the United States shall cease to secure for the benefit of its people and of the world the supply

of clothing of fur that comes from carrying on this business. All that we are undertaking to do is to regulate it, and the butchery must go on. It is as much butchery to kill a 3-year-old or a 4-year-old seal as it is to kill a 2-year-old or a 1-year-old seal. There is no distinction of sentiment or of sympathy. The sole question is at what age shall seals be killed and to what number and extent shall they be killed, and when and how shall they be killed, in order that the business may be properly conducted.

Mr. President, let me state what the physical situation is, and then state the difference between the two proposals. The physical situation is that the United States owns certain islands in the Bering Sea which are the resort of these animals whose fur is useful and valuable. They were bought from Russia in 1867 with the rest of Alaska, and the herd, which formerly consisted of several millions, has gradually decreased until there are now about 130,000 seals resorting to the islands.

For 25 years the United States has contended that the decrease in the herd has been occasioned by pelagic sealing. We held, in 1892, a great arbitration in Paris in which we invoked judgment practically against the rest of the world to stop the pelagic sealing. The judgment in that arbitration went against us in the main, upon the ground that we had no control over the waters of the Bering Sea; that these animals were as free to be taken by all mankind as the fish swimming in the high seas, and that our claim to prevent other nations from engaging in pelagic sealing could not be maintained as a matter of international law.

But the tribunal established a series of regulations which at the time were supposed to be adequate to confine or prevent pelagic sealing, so that it would no longer result in the decrease of the seal herd. Those regulations proved to be insufficient, and we have year by year during all the 20 years that have succeeded been endeavoring to secure new agreements, new treaties, new regulations under which the practice of pelagic sealing should be stopped or restricted. We have at last secured an agreement which will accomplish that.

Now we turn to the situation upon the islands. About two years ago a lease of the sealing privilege to a commercial company expired. The Government very properly refused to continue the lease and undertook then to carry on the business of taking and selling sealskins through its own agency. By a statute passed in 1910 we undertook to regulate the business of killing upon land, and the regulations included in that statute in substance prohibited first the killing of any female seal; second, the killing of any seal less than 1 year old.

I call the especial attention of the Senate to that. Under the law as we prescribed it in 1910 male seals might be killed, under regulations by the Secretary of Commerce and Labor, which were not less than 1 year old. Then there was a provision that they might not be killed by firearms or other disturbing means and a provision that they could be taken for food for the natives.

Under that statute the Secretary of Commerce and Labor made regulations which somewhat further restricted the killing. He provided that no seal should be taken having skins weighing less than 5 pounds and none having skins weighing over 8½ pounds. It is under that statute and those regulations that we have been proceeding.

Now, Mr. President, it is useful to have in mind certain other facts about these seals. The seal lives about 12 years. The fur of the seal is useful only up to the time that it is about 5 years of age. After that its further life is of no consequence as the life of a fur-bearing animal. The bulk, the vast majority, of the seals that are useful for fur are the seals of 3 years of age. Although the fur of seals of 2 years and of 1 year is useful, nevertheless the great body is the 3-year-old seal, and after it passes that, the next year, the fourth year, or when it is 4 years old, the fur is inferior, and when it becomes 5 it is practically useless.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. I do not want to interrupt the Senator, but I think he overlooks the fact that under the law of 1910 only male seals of 3 years old should be killed. The limitation as to 1-year seals was simply in reference to food for the natives. I call his attention to the proviso in section 1 of the bill.

Mr. ROOT. The provision I will read. Section 7 of the act provides:

That section 1961 of the Revised Statutes of the United States and section 178 of the act of March 3, 1899, be amended to read as follows:

"It shall be unlawful to kill any female seal or any seal less than 1 year old at any season of the year, except as above provided.

Mr. NELSON. Will the Senator allow me to call his attention to the proviso in section 1 of that act?

Mr. ROOT. I have not the act before me. I have only a quotation made in the report.

Mr. NELSON. Allow me to quote it. It is very brief.

Mr. ROOT. I shall be obliged to the Senator.

Mr. NELSON. Perhaps I had better read the whole section; it is not long:

That the Secretary of Commerce and Labor shall have power to authorize the killing of fur seals and the taking of sealskins on the Pribilof Islands, in Alaska, under regulations established by him prescribing the manner in which such killing shall be done and limiting the number of seals to be killed, whenever he shall determine that such killing is necessary or desirable and not inconsistent with the preservation of the seal herd: *Provided, however,* That under such authority the right of killing fur seals and taking sealskins shall be exercised by officers, agents, or employees of the United States appointed by the Secretary of Commerce and Labor, and by the natives of the Pribilof Islands under the direction and supervision of such officers, agents, or employees, and by no other person: *And provided further*—

And this is what I want to call the attention of the Senator to:

And provided further, That male seals only shall be killed and that not more than 95 per cent of 3-year-old male seals shall be killed in any one year.

That other provision about killing 1-year-olds and 2-year-olds is simply for the killing of food for the natives, not for commercial purposes. This law limited it to the killing of strictly 3-year-olds and none younger, except for the purposes of food for the natives.

Mr. ROOT. I do not so understand it, but whatever it was is perhaps not so important as the question what it is proposed to be made. It certainly was construed as not limiting the killing to 3-year-old seals, but permitting the killing of all male seals above 1 year old.

Now, the House proposed to further limit the killing by this provision:

Provided, That no seals shall be killed—

And I will say that the Senator from Minnesota inadvertently omitted this in the statement made yesterday as to what the provisions of the House bill were. The House bill provides——

Mr. NELSON. I did not quote from the House bill, I suggest to the Senator.

Mr. ROOT. That may have been so. The bill, as passed by the House, provides that—

The Secretary of Commerce and Labor shall have authority to determine the number of fur seals to be taken annually on these islands * * *. *Provided, however,* That no seals shall be killed in the fiscal year beginning July 1, 1912, except such as may be necessary for food purposes only.

That is, the first restriction that is imposed is the closed season for one year.

And provided further, That no seals shall be killed at any time except 3-year-old males not needed for breeding purposes.

That is the second provision, which, according to my reading of the statutes and the construction that has been placed upon them by the department, further limits the seals to be killed so that only 3-year-old seals can be taken.

And provided further, That the number of 3-year-old males selected from among the finest and most perfect seals of that age, found on the hauling grounds, to be reserved for breeding purposes in each year ending August 1 shall not be fewer than the following: In 1913, 2,000; in 1914, 2,500; in 1915, 3,000; in 1916, 3,500; in 1917, and in each year thereafter until 1921, inclusive, 4,000; and in 1922, and in each year thereafter until 1926, inclusive, 5,000.

That is, through the entire period of the treaty which this act is designed to put into effect. That is to say, Mr. President, the House provision stops killing entirely for the first year. It limits the killing to 3-year-old seals by unquestionable language, and it requires that there shall be done with this herd just what every farmer does, what every cattle raiser does with his cattle, with his sheep, with whatever domestic animals he is raising—that is, that the females shall all be preserved, and that there shall be selected from the males each year a sufficient number of the finest and best to keep up the productivity of the herd.

Now, Mr. President, so long as we are to engage in this butchering business let us engage in it in a common-sense and practical way and apply the reason and the experience and the sense which we apply to our own affairs. It is just as absurd to say that no male seals shall be killed for the next 10 years as it would be to say that no farmer in the United States shall send to the butcher a bull calf for the next 10 years. There is no more sense in one than there would be in the other.

That, sir, is the House provision. The majority of the Senate committee propose instead of that to stop killing altogether for 10 years. There are some very clear and positive reasons why that should not be done. In the first place, it would be

entirely useless. The preponderance of evidence, the opinion of the men who have studied the subject most thoroughly, the opinion of the great majority of the men who have been up to the islands and have studied the habits of the fur seals, is that it would not only be useless but it would be worse than useless, because the accumulation of a great mass of the bull seals upon these little islands, with their fighting and their struggling for the possession of the harems would trample down the females, would trample down the young pups, would create confusion and turmoil and strife and disorder that would be injurious to the herd. That is the opinion of the majority.

Observe, Mr. President, that for nine years after the killing period allowed in the House bill the seals will continue to live, and every year there will be fed into this mass of superfluous bull seals upon the islands one-half of all the seals of each successive annual generation. So there would be not merely the bulls of one year but nine times that number remaining. I say the preponderance of the testimony is that it would be injurious. There is no testimony whatever to show that it would be of any advantage—absolutely none.

Reference has been made to the fact that in 1835 the Russians found their herd depleted, and they established a closed season for 10 years. Mr. President, that is a mistake. The Russians in 1835 stopped the killing of female seals and they reduced the number of seals that they killed, and gradually increased it, until in 1867, when we took the islands over, they were able to kill 70,000 seals in a single year. The lesson to be learned from the Russian experience is that the depletion of the fur-seal herd comes from the killing of female seals, which the House provision absolutely prohibits and which our law now absolutely prohibits.

As I have said, we have for 25 years been arguing and furnishing evidence for all the world that it was the killing of female seals that was depleting this seal herd. The great objection to pelagic sealing is that it is the females which are killed to a greater extent than the males. The Russians up to 1835 were killing indiscriminately males and females.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. ROOT. I yield.

Mr. HITCHCOCK. I should like to ask the Senator to give his authority for that statement. I think it is utterly without foundation.

Mr. ROOT. I will give it. I quote first from the report of the House committee, which was a very thoughtful and painstaking report, made after very full hearing and examination and cross-examination of witnesses. Mr. President, let me say that while the House committee reached their conclusions upon a full hearing of witnesses, the Senate Committee on Foreign Relations never heard a witness or gave a hearing, except that they heard the Secretary of Commerce and Labor, whose statements were all the other way.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Minnesota?

Mr. ROOT. Certainly.

Mr. NELSON. Does the Senator from New York not know that the committee which went to Alaska in 1904 made a report on this subject?

Mr. ROOT. I do.

Mr. NELSON. And that finally that committee suggested the form of a treaty in 1905 to the State Department, and that the State Department actually adopted the report suggested by that committee in 1905?

Mr. ROOT. Mr. President, I know that the committee which went to Alaska made a report; and I am going to appeal to the Senate in a few minutes to preserve the good faith of the United States under a treaty made upon the basis of that report, and I am going to appeal because I made the offer on the basis of that report, signed by the Senator from Minnesota [Mr. NELSON], the Senator from Vermont [Mr. DILLINGHAM], and the Senator from New Hampshire [Mr. BURNHAM]. Let me now finish upon this and I will return to that subject.

In making my answer to the Senator from Nebraska [Mr. HITCHCOCK], I say I quote from the very painstaking and careful report of the House committee, in which they say:

> It is now confidently asserted that, with a complete cessation of seal killing in the open ocean, and the consequent immunizing of the breeding females from slaughter, the Pribilof seal herd will rapidly increase in numbers. It can be cited, in confirmation of this belief, that following the year 1835, when the Russians first recognized the principle of noninterference with the females, the Pribilof herd gradually increased during a period of 35 years to several millions in 1867.

In 1835 the Pribilof herd reached a condition of numbering not more than 250,000.

> The situation in that year became so alarming that all killing was prohibited except 6,480 nursing pups for natives' food and 100 bachelors or young males.

At another point in the report the committee say:

> Also the vital principle that females should be exempt from slaughter and never disturbed on land was recognized in 1835 for the first time and thereafter enforced, at first partially and finally rigorously. With these restrictive measures in operation the herd gradually increased, contemporaneously with a gradually increasing killing of surplus young males for skins, until in 1867, the year of the cession, the Russians took 75,000 skins and the seal herd again numbered millions.

Mr. DILLINGHAM. Mr. President, if the Senator from New York will allow me, at that time they had reached the number of 4,700,000, if I remember correctly.

Mr. ROOT. I refer to page 114 of the hearings before the House committee, in which there appears a quotation taken from a report of Mr. Elliott, the chief supporter of the closed-season idea—a quotation from Sir George Simpson's Overland Journey Around the World in 1841 and 1842, in which he says:

> Some 20 or 30 years ago there was a most wasteful destruction of the seal, when young and old, male and female, were indiscriminately knocked on the head. This imprudence, as anyone might have expected, proved detrimental in two ways: The race was almost extirpated and the market was glutted to such a degree—at the rate for some time of 200,000 skins a year—that the prices did not even pay the expense of carriage.

Mr. Elliott continues with his statement:

> Also, that though the tardy recognition of the fact that females should not be slaughtered was made on the Pribilof Islands shortly prior to 1841–42, yet suitable management of the business had not been made, inasmuch as all classes, "as a whole," were driven to the killing grounds.

There is a further statement from Mr. Elliott on page 115, in which he quotes from a manuscript letter dealing with the number of sealskins shipped in 1847, and a contemporaneous letter, and says:

> This is interesting, because it is the record of the first killing on the seal islands when the female were entirely exempted from slaughter.

It appears also in the testimony before the House committee that—

> The first evidence of recuperation was not well seen on the rookeries until 1840. By 1844 a killing of 20,000 young males, surplus males, was easily and safely made. This killing was slightly increased annually thereafter, so that by 1857 a killing of 60,000 to 72,000 was easily and safely made.

And by 1867 there was a larger number. So, I say, there is no evidence whatever that there is any utility——

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. ROOT. Certainly; I will yield for a question, but I desire to finish this statement.

Mr. HITCHCOCK. I desire to ask the Senator whether he has fully answered my question as to what evidence was presented before the House committee that the Russians killed the females and males indiscriminately. Is that all?

Mr. ROOT. No, sir; I have not undertaken to give all the evidence, and I can not stop the progress of my remarks to make an exhaustive compilation of evidence. I have quoted the finding of facts of the House committee which heard the testimony, and I have referred to testimony which sustains that finding of facts, and that is far enough to go.

Mr. President, let me restate my proposition, that upon the difference between the House provision restricting the killing and the proposed provision making the 10-year closed season, the preponderance of testimony is that the closed season would be injurious, and there is no testimony whatever of any value which shows that there is anything to be gained by departing from the ordinary natural course which is followed by all stock raisers of killing each year the surplus males and reserving enough males to continue the propagation of the herd.

But, sir, there are other considerations than the simple business consideration which we ought to have in mind.

Mr. McCUMBER. Mr. President, will the Senator from New York allow me to ask him a question here in regard to a matter which I myself do not fully understand?

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from North Dakota?

Mr. ROOT. Certainly.

Mr. McCUMBER. It bears directly upon the proportion of males that ought to be preserved. The question is this: When do the males reach the age at which they can be used for breeding purposes? I have been informed that while the female will breed at about two years, the male does not reach the age at which he can be used for that purpose until he is about 6 years of age.

Mr. ROOT. When he is about 6 years of age; yes.

Mr. McCUMBER. Then, instead of providing for a certain definite number of males each year, why should not there be a provision that they simply reserve a percentage of the entire number so that they would always bear the proper relation to the number of females?

Mr. ROOT. As I understand, the practice which has been fixed in the House bill is based upon a percentage calculation. It is a simpler rule to give the men who are there than to require them to estimate the percentage; that is to say, the people familiar with the herd and who have been on the spot, starting with the number of males and the number of females now, and taking the regular ratio of increase of the two, fix these numbers as giving the requisite percentage, with a large margin over for safety, and it is worked out in the tabulated statements which appear in the voluminous testimony.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. Yes.

Mr. CUMMINS. I should like to ask the Senator from New York two questions, and if his argument, as he has laid it out, will answer the questions, he need not pause to answer them now. I suppose I betray my ignorance, somewhat, in asking them.

The first question is, What is there to prevent any other nation than those with whom we have treaty obligations from entering the business of pelagic sealing? Second, What right, if any, have the nations with which we have treaties upon the subject, upon the Pribilof Islands to take any seals at all from our territory? I should like to have those two questions answered.

Mr. ROOT. Those questions I shall answer in the remarks that I am just approaching.

Mr. President, I have made some statements regarding the long-standing controversy about the pelagic sealing by other countries. The Bering Sea arbitration in 1892 defeated our contention that we were entitled to prevent the other nations of the earth from taking seals, and established the regulations that proved to be unsatisfactory and insufficient. Let me simply add to that a statement regarding the number of seals that, upon the best statistics which can be obtained, appear to have been destroyed by pelagic sealing; that is, the shooting of the seals in the water.

You have already been told many times that in the autumn the seals leave the islands and go far to the south, as much as 5,000 miles away. Of course, when they first leave the islands they are near together, and they spread out as they go farther away. About 1881 some enterprising gentleman, running a whaler, discovered that it was possible, by getting up near the islands, to shoot the seals as they were leaving the islands and going into the water. From 1881 down the number of vessels engaged in taking seals in the water increased and the number of seals taken increased, so that the figures ran along like this: In 1881, 10,000—I give the round numbers—they ran along to 15,000; 16,000; 23,000; 28,000; 30,000; 26,000; 29,000; 10,000; 59,000; in 1892, 46,000; in 1893, 30,000, in 1894, 61,000; in 1895, 56,000. Then they somewhat decreased. We are talking now about land killing on a much smaller scale. There were 12,000 killed last year on land, while in 1894 there were 61,000 seals killed in the water. The evidence is that from 60 to 80 per cent of those were female seals, and every female seal, when she went to sea left a pup on land, a pup which died from starvation because of the mother's death, and every female killed was pregnant with young at the time, so that three lives were killed. Then, for all the seals that were taken and enumerated in the returns, there were many that sank and could not be recovered, so that it is probable that for 60,000 seals taken by the pelagic sealers, two or three times 60,000 seals were killed. The decrease of the seal herd through this process was rapid and disastrous, and we came to the conclusion that unless we could get some agreement to stop it we might as well give up the idea of continuing the herd.

Mr. CUMMINS. I do not think the Senator from New York quite understood my question.

Mr. ROOT. I am going to answer the Senator's question. In 1904, I think it was, a committee of the Senate went to Alaska and they made a very full and elaborate report. In that report they recommended the offering of an inducement to Great Britain to do what she had theretofore always refused to do; that is, make some more effective arrangement for the prevention of pelagic sealing. Coming into the office of Secretary of State in the summer of 1905, I found this report, and I made to Great Britain the offer which that report recommended, which was to give to her an interest in the land killing in consideration of her stopping pelagic killing. The report, I think, recommended an offer of 25 per cent, and I believe the offer made to Great Britain was 20 per cent. That began the negotiations. They hung for a considerable time. In the meantime the Japanese came into the pelagic sealing business, and they came in in a more disastrous way even than the Canadians, for the Canadians were subject to certain regulations established by the Bering Sea tribunal. There was a closed season and there was a limit within which they were not to come and kill seals; but the Japanese were not subject to such restrictions, and they sent their ships right up to the 3-mile limit and surrounded the Pribilof Islands, so that they were shooting the seals when they were near together, before they had diverged out in the great spread of ocean to which they went for their food. When the Japanese through their superior facility and freedom from restrictive regulations began to take away the profits of the restricted Canadian sealers, then we came to an agreement between Canada and the United States, in a treaty that was made and confirmed by the Senate, and under which we were to give 20 per cent—that is, a one-fifth interest in the land killing—to Canada in consideration of her stopping pelagic sealing. That treaty had a clause, however, which looked to the making of a broader agreement between the United States and Russia and Japan, in order that all four nations surrounding the North Pacific and engaged in any way in the fur-seal business, either on land or on sea, might unite. Accordingly, we entered upon negotiations for the broader treaty, and that broader treaty was finally agreed upon and was signed on the 7th of July, 1911. The Senate advised its ratification on the 24th of July, 1911, and ratifications were exchanged at Washington December 12, 1911. Under that treaty we made Great Britain and Japan partners in the business of taking and selling sealskins. We gave to each of them, in consideration of their stopping pelagic sealing, 15 per cent; a little taken off from Canada's share, you perceive, and a little more added on to Japan's share. So that we have got to consider the conduct of this business not as a business which we are carrying on ourselves without obligations to anyone else, but we have got to consider it with reference to the rights of our partners.

The agreement between us reserves to us the right to determine a very important question of fact. After agreeing to give this 15 per cent of the land killing, the treaty provided:

Provided, however, That nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction, and to impose such restrictions and regulations upon the total number of skins to be taken in any season, and the manner and times and places of taking them, as may seem necessary to protect and preserve the seal herd or to increase its number.

That vests in us the power; but, Mr. President, that is a power which we are bound to exercise in good faith for the benefit of the partnership, and we are bound to exercise it so that we can show to our partners that we have exercised it for their benefit as well as for our own.

The length of the treaty is 15 years. At the end of 14 years either party can terminate it. Fourteen years from next December is the limit of the fixed period of the treaty. Consider the situation that we are in toward our copartners. We have said to them: "If you will give up pelagic sealing and prohibit your people from engaging in it, we will give you for 15 years an interest in the land killing more valuable than the pelagic killing—15 per cent to Canada and 15 per cent to Japan of this valuable business on land—in compensation for keeping your citizens away from the pelagic killing." Now, Mr. President, it is proposed that for two-thirds of that time we should take away from them all the profits except $10,000 a year, in order that after the expiration of the time we may have a great herd for our own benefit.

The treaty also contains a provision regarding the payment of a percentage of interest upon the Japanese seal islands to the United States and Canada, and the payment of an interest in the seal business on the Russian islands to Japan and Canada, and in each of those there is reserved the right to regulate and, if necessary, to stop the killing; but it is provided that during the last 10 years of the term of this convention not less than 5 per cent of the total number of seals will be killed annually, "provided that said 5 per cent does not exceed 85 per cent of the 3-year-old male seals hauling in such year."

That was what was provided as between Russia and Japan and Canada. They gave this power to limit when it was necessary; but they prohibited the exercise of this power for the last 10 years beyond a certain proportion.

When it came to the United States, they relied entirely upon our good faith. They relied upon our sense of honorable obligation not to stop the killing that was to give to them the

consideration for their contract, not to stop, unless it was necessary, the killing which was to give to them the profit we held up to them as of more value than pelagic sealing.

Every sense of honorable obligation, every sense of self-respect, requires that we shall not stop this killing—cut off this profit from these copartners of ours, who trusted in our honor and good faith—unless we are ready to prove by a demonstration that it is necessary. We can not prove it, for every officer of the United States who has ever had anything to do with this business is on record to the effect that it is not necessary. Every head of a scientific institution in the United States who has studied the subject, every man who for the last 20 years has been upon the Pribilof Islands, has lived there and studied the subject, is against it. Our Fisheries Commissioner has declared against it; our House of Representatives has declared against it; our Secretary of Commerce and Labor has declared against it——

Mr. HITCHCOCK. Mr. President——

Mr. ROOT. Not yet; and we can not maintain that contention which is essential to the preservation of our self-respect and our good name among the peoples of the earth in stopping this killing now for two-thirds of the time of this treaty, because we can not prove that it is necessary for the preservation of the seal herd.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Nebraska?

Mr. ROOT. I do.

Mr. HITCHCOCK. Does not the treaty in Article X state specifically that we reserve the right to stop the killing for the purpose of increasing the herd?

Mr. ROOT. I just read that to the Senate.

Mr. HITCHCOCK. No. The Senator stated that we could not stop the killing unless it was necessary, and unless we could demonstrate that it was necessary, to preserve the herd.

Mr. ROOT. Oh, well.

Mr. HITCHCOCK. I ask the Senator if Article X does not state specifically that we have the right to stop the killing for the purpose of increasing the herd?

Mr. ROOT. What we have to show is that the stopping of the killing is necessary to protect and preserve the seal herd or to increase its number; and I read those words to the Senate.

Mr. HITCHCOCK. We have the absolute right, reserved under the treaty, to put a stop to the killing, not merely for the purpose of preserving the herd but for the purpose of increasing it.

Mr. ROOT. Of course we have.

Mr. HITCHCOCK. Whatever our interest is in increasing it is the interest of Canada and Japan, who are the beneficiaries of the increase to the same extent.

Mr. ROOT. Suppose we stop the killing for 15 years?

Mr. HITCHCOCK. This treaty is not a 15-year treaty. It is intended to be a treaty in perpetuity. Only the parties have a right to discontinue it at the end of 15 years, and unless they do discontinue it it will continue.

Mr. ROOT. How do we know, and how do they know? We have a right to give notice at the end of 14 years to discontinue the treaty. Any party has that right. It is a treaty that lasts 15 years, and only so much longer as all the parties are willing to make it last.

Now, Mr. President, we must have something more than sentiment to allege when we are charged with taking away from our copartners during this limited period their profit for two-thirds of the time. We can not do it. We can not maintain our position by talking about butchers. We can not maintain our position by saying that we have had bad administration there. We can not go before the world and assert that we are incapable of maintaining honest administration there. If the men who have been there have killed smaller pups than they ought to have killed, if they have transgressed the regulations imposed by Congress in the law, then they should be removed and punished. What position would we be in if we were to say, "We have stopped this killing because we can not find Americans who will obey the law in following the restrictions necessary for preservation"? I dare say there has been bad administration; I know nothing about it; I know it is disputed and has been the subject of excited controversy; I dare say there has been, and I dare say also there has been great exaggeration of it.

But that is neither here nor there. We have this business to conduct, and we are under obligations to our copartners to conduct it and to conduct it honestly, to impose reasonable regulations, but not to stop the killing unless we can show it is for the preservation or increase of the herd; and we can not show it.

There is one other consideration which we ought to keep in mind, and that is the consideration of historic consistency. We have been contending for 25 years that it was the pelagic sealing which was depleting the herd and not the land killing, and upon that contention we have secured a treaty with three of the great nations of the earth. And can we now, with credit, turn around and say, "It is the land killing that is depleting the herd; we can not regulate the land killing so that it will not deplete the herd"? It would be a complete reversal of the national attitude, a declaration to the world that we were wrong or insincere in all the contentions which we have waged; that we were wrong; that Mr. Carter and Mr. Edward J. Phelps and Mr. Frederick Coudert and those great Americans who pleaded before the international tribunal in Paris in 1892 were endeavoring to fool and deceive the tribunal.

How can we with self-respect abandon that historic attitude in which our Nation has stood for so many years at the very instant when through our contention we have secured this treaty to accomplish our desires?

Mr. President, I feel keenly upon this subject for the reason that relying upon the report of the Senator from Minnesota [Mr. NELSON], whose words I always trust, and the Senator from Vermont [Mr. DILLINGHAM], than whom no safer guide lives, I made the offer to substitute an interest in this valuable business in the place of the profits of pelagic sealing, and I should be humiliated to see the Congress of the United States, without justice, without being able to support itself by demonstrating the fact, which we have the power to decide, without being able to show that we do decide it in good faith, withdraw the greater part of those profits from the nations which have entered into contract with us.

Let me say one other thing, in answer to the question by the Senator from Iowa. That was about other nations. It is true that the contracts which we now have are incomplete. We have brought in all the great maritime nations which surround the north Pacific—Canada, the United States, Russia, and Japan—and under the treaty not only do those nations prohibit their citizens from pelagic sealing, but the benefit of their ports is to be denied to all persons who engage in pelagic sealing. But something more was needed, and we have relied upon the good will, upon the comity of other nations not to enter into this trade or rather not to give the benefit of their flag to allow recreant Americans, Canadians, or Japanese, who are willing by device to frustrate the policy and the laws of their own country, to engage in this traffic.

We have relied, I say, upon the comity and good will of other countries; and, sir, if instead of proceeding in good faith and friendship to carry out this treaty in accordance with its spirit, as well as with its letter, we have become involved in dissatisfaction and discord, that reliance will fail and, of course, these agreements will not be continued, even if they are not now denounced, pelagic sealing will be revived, the seal herd will be destroyed, and this effort which has been made now and has been brought so near to successful conclusion can never be repeated. It is the last effort. If it fails the seal herd will go, and, Mr. President, it is not within the power of man to draft an agreement, it is not within the power of man by signature and seal, by acknowledgment and affidavit, to hold nations or men together in contract relations that will be successful unless they have the spirit of fairness and good faith in carrying them out.

Mr. President, we are now to determine whether this quarter of a century of effort to save the seal herd and this supply of utility to mankind is to succeed or to fail. Success depends upon following the mature and wise conclusions of the House. Failure would, in my judgment, be certain if we adopt the amendment proposed.

Mr. NELSON. Mr. President, before I proceed to discuss this matter—and I shall discuss it only in a brief and perfunctory way and more in the form of a narrative than of argument—I merely wish to express surprise at the argument of the Senator from New York [Mr. ROOT], which implied that if we had a closed season for ten or more years we would not be within our treaty rights.

Let me call attention to article 10 of the treaty:

Provided, however, That nothing herein contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands or shores subject to its jurisdiction.

That is a part of and is incorporated in the treaty, and the same condition holds in respect to Japan and Canada or Great Britain. All these nations, these three nations, that were thus interested in the fur-seal matter, did expressly reserve the right to stop land killing if they saw fit, and how can the Senator in the face of those treaty provisions say it would be

a breach of good faith if we went on and stopped land killing for a limited period.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly.

Mr. WILLIAMS. Before the Senator leaves that point, I wish to call his attention to the language on page 6 of the treaty, where it is expressly provided for just exactly this contingency, and where it is expressly agreed between the parties that in case the United States shall conclude to stop the killing, the other countries shall accept during the year during which the killing has been stopped the sum of $10,000 apiece as satisfaction.

If the Senator will permit me, I will read it so that it may go in his speech right here:

> The United States further agrees that the British and Japanese share, respectively, of the sealskins taken from the American herd under the terms of this convention shall be not less than 1,000 each in any year, even if such number is more than 15 per cent of the number to which the authorized killing is restricted in such year, unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of $10,000 annually in lieu of any share of skins during the years when no killing is allowed.

That is on the next page of the treaty, after what the Senator from Minnesota read.

Mr. NELSON. I thank the Senator from Mississippi for bringing in those paragraphs of the treaty, in addition to what I read. For the sake of saving time I quoted only one paragraph, a paragraph that is similar to these paragraphs, both in respect to the Japanese and Canada or Great Britain.

So that it is inscrutable to me how any Senator in the face of those treaty provisions can contend for a moment that we would violate our sacred obligations by having a closed season of 5 or 10 or more years.

But, Mr. President, I intend to give a brief narrative, and to speak more in the form of a narrative than of argument, of what has come to my knowledge in connection with this matter and of the condition of the fur-seal herd on those islands.

The Pribilof Islands were discovered in 1786 or 1787. Within a year or two after that the Russians began to kill the seals. They at first limited the killing to land killing. Afterwards they did some pelagic killing, but to a very slight extent. Nearly all of it was land killing. They found, to their sad experience, that as they went on killing the herd it kept growing less and less.

In 1805 the herd had become so depleted that they failed to catch more than a limited number, and they resorted to a closed season practically for about four or five years. But the time was too limited, and in spite of that the herd did not increase. They tried the same thing in 1805 to 1807. They suspended killing for a time, but still the herd did not increase much. Finally, the herd kept on diminishing and diminishing until it was palpable and plain to the Russians that there would be nothing left of the herd unless they absolutely stopped all killing.

So in 1834 the decree went forth, the order was made, and it was lived up to, that there should be no killing for the next 10 years. And what was the result? During that closed season of 10 years the herd kept on growing and growing until it became almost as good as it was at the time they first discovered it. And that seal herd, when we got possession of the islands, while there are various estimates as to the number, was probably in the neighborhood of 4,000,000 head. As I say, there are various estimates. When the lessees first took possession of the islands under contract with the United States it was estimated by those who examined into the question that there were from four million to four million and a half seals on the islands, and the lessees continued to operate the islands, to catch and kill seals until 1910, and by that time the herd had been reduced to about 150,000 head—from four million and a half, during the period of the lessees.

Now, when the Russians had the closed season, and during the Russian régime, there was no such a thing as pelagic sealing. Pelagic sealing of any consequence did not come in until after the beginning of the eighties, and I might say in connection with pelagic sealing, it was the opinion of some out in the West—and there is some evidence in the RECORD to show it—that while pelagic sealing was carried on under the Japanese and the British flags, yet really American capital and Americans were at the bottom of it, and the evidence shows that the lessees were interested in it at that time and no one knows how much longer.

In 1903 a subcommittee of the Committee on Territories went up to investigate conditions in Alaska. That committee consisted of the senior Senator from Vermont [Mr. DILLINGHAM], as chairman, the Senator from New Hampshire [Mr. BURNHAM], the Senator from Colorado, Mr. Patterson, and myself. We were at the Pribilof Islands. We examined the herd. We took pains to ascertain the methods of operation and killing, and on our return from those islands, after investigating conditions there, in our report, a very able report, prepared by the Senator from Vermont, but, by one of those anomalies that happen at certain times in legislation, made by the chairman of the committee, the Senator from Indiana, Mr. Beveridge, although it was really the report of the Senator from Vermont [Mr. DILLINGHAM] the conclusion of the committee is thus stated:

> The committee therefore recommend that a suspension of all killing by the lessees of the seal islands be made at once and indefinitely, and that the Government of the United States shall attempt to reopen and conclude negotiations with the Government of Great Britain looking to a revision of existing rules and regulations which govern the taking of seals in the open waters of the north Pacific Ocean and Bering Sea, and to enter upon negotiations with the Governments of Russia and Japan, to the end that all pelagic sealing may be stopped; and if after a reasonable length of time the Government fails to secure a proper revision and enforcement of such rules and to conclude such negotiations, then the Secretary of Commerce may, with the approval of the President, reduce the surplus female life of the herd on the Pribilof Islands to 10,000.

The idea of our committee was that the only way to preserve the herd was to stop, absolutely, land and pelagic killing; that it was the duty of our Government to try to negotiate by treaty with Russia, Japan, and Canada, or Great Britain, so as to stop pelagic sealing, and if we could not succeed in doing that, as a last resort and in order to drive those other countries into it, to kill off everything except 10,000, so that there would not be much, either on land or sea, for anybody.

After we made our report, so far as I know, no efforts were made in the department to negotiate a treaty. There had been negotiations before that, but no effort was then made. I am not aware that when we made our report of 1904 any negotiations were at that time pending with any of the nations to stop pelagic sealing. Finally three of our committee addressed a letter to the Secretary of Commerce and Labor, under whose jurisdiction the seal industry had been placed by the act of 1903, establishing a Department of Commerce and Labor, and here is what we said:

DEAR SIR:——

Mr. OVERMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Carolina?

Mr. OVERMAN. I think this is an important matter, and we ought to have a quorum present.

The PRESIDING OFFICER. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	McCumber	Sanders
Bacon	Curtis	McLean	Shively
Bailey	Dillingham	Martine, N. J.	Smith, Ariz.
Bankhead	du Pont	Massey	Smith, Ga.
Bourne	Fall	Myers	Smith, S. C.
Bradley	Fletcher	Nelson	Smoot
Briggs	Gallinger	O'Gorman	Stone
Bryan	Guggenheim	Oliver	Sutherland
Burnham	Hitchcock	Overman	Tillman
Catron	Johnston, Ala.	Page	Townsend
Chamberlain	La Follette	Penrose	Warren
Clapp	Lippitt	Perkins	Williams
Crane	Lodge	Root	Works

The PRESIDING OFFICER. The Chair desires to state that the senior Senator from Washington [Mr. JONES] is detained on official business. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senator from Minnesota will proceed.

Mr. NELSON. Mr. President, when my remarks were interrupted by a roll call I was proceeding to state that it was on the initiation of this subcommittee that the negotiations for a treaty were again opened. If there had been any earlier negotiation years before in respect to pelagic sealing, those negotiations had actually collapsed and were dead. At the time our committee returned from Alaska there was nothing done or attempted to be done by the State Department.

In the report of the committee, to which I have called attention and from which I quoted, we recommended the actual stoppage of all land killing. We recommended the negotiation of treaties with these countries for the purpose of stopping pelagic sealing, and in case we failed in that, that then we should reduce the herd to 10,000 in order that there might be left for the pelagic sealers nothing to expect from the continuance of the herd. Nothing seemed to have been done. Noth-

ing was done that I know of, either by the State Department or the legislative department. In our report, the report prepared by the Senator from Vermont [Mr. DILLINGHAM], there is a statement which I shall read. After giving the total of the catch of fur seals on the Pribilof Islands from 1870 down to 1901, the report states:

Under the Russian management hunting the seal was systematically carried on annually from 1817 down to 1834. It appears that the number taken by them in 1817 was 60,188, but that the number taken by them thereafter annually decreased year by year, until in 1834 only 100 young males and some 3,000 pups for the natives' food were taken, for, in order to prevent the complete extermination of the herd, the Russians were compelled to stop all commercial slaughter. It is said in the Russian Record "that only 8,000 young seals, male and female, were left alive to breed on the island of St. Paul" at the close of the season of 1834. The slaughter having ceased—

And, mind you, there was no Prof. Jordan around in those days—

The slaughter having ceased the herd then increased rapidly and to such an extent that after the islands were acquired by the United States in 1867, and as late as 1874, it appears that a survey of the herds was ordered by Congress, and it was found that there were then on the Pribilof Islands 4,700,000 fur seals of all ages—bulls, cows, and pups.

Senators can see that there is no stronger argument than this object lesson of the result of the experiment of the Russians. They carried on sealing on those islands from the time they were discovered in 1787 down to 1834, with two slight intervals of recuperation, until the herd was literally exterminated and then closed it for 10 years. They had none of these scientists to kill off the males, but after closing it the herd grew until it was a herd of over four and a half million. Then after we leased it to these lessees killing went on year by year until in 1910, when the final lease terminated, there were not over 150,000 seal left of the 4,700,000.

During the period of Russian control, when the herd was being exterminated, from 1800 down to 1834, pelagic sealing as it afterwards occurred did not exist, so that the herd was literally destroyed by land killing.

Mr. President, as I said, so far as I know the State Department took no steps in this matter for a good many years until our committee suggested a plan to them. I find in the hearings before the Committee on Foreign Affairs, January 3, a letter from our committee. I was about to read it. It is a letter to the Secretary of the Department of Commerce and Labor, under whose jurisdiction the Alaska seal fisheries have been placed. It is a letter to him inclosing a memorandum and suggesting the form of the negotiation and the form of a treaty. I want to say to Senators that the treaty as afterwards negotiated was in substance and in form, with two slight modifications, exactly what we suggested to the department at that time. But the negotiations went on by such a slow process that during the pendency of the negotiations through indirect sources I found that the Canadian Government were ready to negotiate on the basis of what we recommended. But nothing was done.

No treaty appeared in the daylight until the year after the lease had expired. Our recommendation, which was afterwards incorporated in the treaty, was made in 1905. No treaty saw the daylight until the year following the termination of the lease in 1910.

Mr. DILLINGHAM. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. NELSON. I yield to the Senator.

Mr. DILLINGHAM. I think the Senator has overlooked one fact. By a joint resolution of Congress—a joint resolution introduced by myself—which was approved April 8, 1904, the President was requested to begin such negotiations.

Mr. NELSON. I thank the Senator very much for calling my attention to it. It is a long time ago, but what he states, of course, is absolutely true. We tried in various ways as high privates in the Senate here to bring these negotiations to a focus and to stop land killing. But killing went on. Finally Dr. Hornaday, of New York, the head of a club—I forget the name of it—a naturalist who used to be here in the city in charge of the Museum—I know him very well—a first-class man, took up this subject in an endeavor to stop this slaughter of the seal, this extermination of the herd. He called the attention of the committee of this body to it, and then the Senator from Montana [Mr. DIXON], after holding hearings and investigating the subject and after hearing Dr. Hornaday, introduced a bill here to stop as far as could be done in that way this land killing, to protect the herd and to terminate the lease.

When that bill was first brought up for consideration we were told on the floor of the Senate—I do not quote the language—that this is a sacred matter of diplomacy; that you would stop negotiations; that the bill should be referred to the Committee on Foreign Relations. That was the cry set up at that time. If my memory does not fail me, I think the Senator from Massachusetts [Mr. LODGE] was one of the gentlemen who at that time urged that this was such a sacred subject that we must refer the bill to the Committee on Foreign Relations and get their indorsement before we could do anything.

Mr. HITCHCOCK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Nebraska?

Mr. NELSON. Certainly.

Mr. HITCHCOCK. I wish to ask the Senator from Minnesota whether there had been, prior to the time he is now referring to, negotiations between our State Department and Great Britain looking to a treaty to put a stop to pelagic sealing.

Mr. NELSON. Prior to 1910?

Mr. HITCHCOCK. I understand the Senator was referring to an earlier date.

Mr. NELSON. There had been some negotiations along prior to that, but until the time our committee returned from Alaska and made its report, and for some time back, no negotiations were pending.

Mr. HITCHCOCK. Can the Senator state what became of the negotiations that were pending between Great Britain and the United States at the time of the death of Secretary of State Hay? It seems that there were some negotiations prior to that time. I notice that in the Canadian Parliament they were discussing something of that sort; but after Secretary of State Hay died all the negotiations between the two countries seem to have been abandoned.

Mr. NELSON. That is true, as I understand it.

Mr. DILLINGHAM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Vermont?

Mr. NELSON. I yield to the Senator.

Mr. DILLINGHAM. I understand the plan suggested by the subcommittee of the Committee on Territories, in their report to the Secretary of Commerce and Labor, was transmitted to the State Department and became the subject of Secretary Hay's contention, and that he was engaged along that line of work. I do not know how far he had carried it, but I know he was engaged to quite a considerable extent in consultation with gentlemen interested in the matter previous to his death.

Mr. HITCHCOCK. Can the Senator state whether after that time the State Department carried on these negotiations or what became of them?

Mr. DILLINGHAM. I am unable to state in detail what became of them. We have the statement of the Senator from New York [Mr. ROOT] this morning that after he assumed that office he took up the work, and he himself made the proposition to Great Britain which eventually took the form of a treaty; but as to when he took it up or how he took it up I am not informed.

Mr. NELSON. What the Senator from Vermont stated a moment ago has refreshed my memory. He is absolutely correct. Our recommendation for treaty negotiations, in fact the plan that was outlined by us and sent to the Secretary of the Department of Commerce and Labor, was sent to the Secretary of State and he was engaged in the negotiations. I remember distinctly, since the Senator has called my attention to it, that upon one occasion I conferred with Secretary Hay orally on the subject. But before the negotiations had proceeded far, Secretary Hay died, and what was done in the meantime I do not know. I knew nothing about it until the treaty emerged here in 1911.

Mr. HITCHCOCK. I find the matter was referred to, for instance, in the Canadian Parliament in the year 1908, and at that time Canada seemed to be perfectly willing to proceed with a treaty with the United States for the purpose of putting a stop to pelagic sealing.

Mr. NELSON. I understand, Mr. President——

Mr. HITCHCOCK. If the Senator will permit me, I will quote from what appears in the Toronto Globe of February 22, 1908:

Hon. Mr. Scott said that Canada was ready to take the matter up whenever there was a proposition from the United States. There had been no such proposal up to the present.

It looks as though there must have been a number of years following the death of Secretary Hay when for some reason or other the United States made no effort to put a stop to pelagic sealing by such a treaty as has been recently negotiated.

Mr. NELSON. I am not prepared to charge that that is so, but I have a suspicion that the matter was in suspense for some reason. I was informed at the same time through indirect sources that the British minister here at that time was favor-

able substantially to the plan as suggested by the House committee. I think that even at that early day, when Secretary Hay took up the matter, and immediately subsequent there was no serious objection from the British Government or from the Canadians to the plan outlined by the committee, because our plan contemplated a provision for paying the pelagic sealers to get them out of the way.

As to the negotiations, I am not familiar with the slow progress of diplomacy. Gentlemen who have served with me here and who have sometimes noted the hot and riotous character of my remarks can readily see that I would not be suitable for a place in the diplomatic service. But the negotiation went along its slow and dilatory way. A queer thing about it, and I say it without intending to reflect upon anybody, was that the treaty never saw the daylight, never was sent here to the Senate, until a year following the expiration of the lease to the fur sealers. Our subcommittee had started it in 1905. We did all we could.

Now, coming back to where I stopped a moment ago, when the Senator from Montana [Mr. DIXON] introduced his bill here and attempted to bring it up for consideration, as I said, we were met with the holy cry that this was a dangerous thing; that the bill ought to be referred to the Committee on Foreign Relations; that we were treading on holy ground, the ground of diplomacy; and it was sought to sidetrack the bill, like many other measures before that. On that occasion, I recollect now distinctly, I made a few plain remarks in my rural style. The bill went over until the next morning, and the idea of referring that bill to the Committee on Foreign Relations was abandoned. We finally passed the bill. At the time we passed the bill we were given to understand by the executive officers of the Government who had charge of its administration that it was their design to stop substantially all land killing except what was needed as food for the natives. They asked us for a special appropriation to take care of the natives, and if Senators will look up the record, they will find that we appropriated $150,000 to make provision for the natives on account of the suspension of land killing. But what was the result? The last year the lessees had the lease they killed about 14,000 seals. The next year, in 1910, after we had passed this law and supposed we had given the poor fur seal a little rest, they killed over 12,000.

I wish the American people could know all the ins and outs of this fur-seal business. There is another curious incident in this connection, and I will show it by the record. It is that when the lease was about expiring an effort was made in the Bureau of Fisheries through officials of that bureau to get the lease renewed. Let me read from the record of the hearings. Here is a gentleman by the name of Barton W. Evermann. He writes to the Commissioner of the Bureau of Fisheries what I shall read. I may say that while the Bureau of Fisheries was not put into full charge of the fur-seal business until 1908, yet as early as 1906 they were directed by the Secretary to investigate and send experts to Alaska. In the meantime they had appointed a sort of advisory committee, consisting of these skilled scientists we hear so much about, among whom was the gentleman named by the Senator from Massachusetts yesterday, Mr. Townsend. I will read this correspondence and Senators can see how anxious they were to have the lease renewed:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, December 16, 1909.

The COMMISSIONER—

That is, the Commissioner of Fisheries—

The Washington Star of December 10 last announced that the Campfire Club of New York had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result—

Now listen—

As the result of this movement, on December 7, three resolutions were introduced by Senator DIXON, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal-island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use—

Those are the experts, the scientists, if you please—

their influence with such members of the Campfire Club as they may be acquainted with, with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

Here is a letter from Mr. Townsend, one of the scientists referred to by the Senator from Massachusetts yesterday:

NEW YORK AQUARIUM,
Battery Park, New York, January 31, 1910.

Hon. GEORGE M. BOWERS,
Commissioner Bureau of Fisheries,
Washington, D. C.

DEAR SIR: As a member of the fur-seal advisory board of your department and one always interested in matters pertaining to the fur-seal industry, I wish to call your attention to an important letter received from Mr. Alfred Fraser, which is inclosed herewith.

I have known Mr. Fraser for many years and have every confidence in his knowledge of this subject, as well as his entire sincerity. During the many years that the subject of the fur-seal fishery has been before our Government authorities he has supplied freely important statistics of the fur-seal trade. He has been the principal American buyer of sealskins in this country, and has been in the business for a lifetime.

There can be no doubt—

Now, listen to this—

There can be no doubt that a reduction in the number of sealskins now coming from the Pribilofs would be most injurious to the sealskin trade.

Then, further:

It is to be hoped that the Pribilof Islands will be re-leased this year, and that a small supply of skins will be kept available to the fur trade. The reasons for this are strongly set forth in Mr. Fraser's letter.

It is also important that the Treasury Department be requested to reconsider the matter of duty on sealskins.

There are some other matters not germane, a brief paragraph, which I shall not stop to read. This is signed by Chief Scientist C. H. Townsend, and is dated January 31, 1910. The correspondence which I have quoted shows what an effort these gentlemen were then making—who are now the brothers and dear friends of the fur seal—to have the lease continued to the lessees in order that they might keep on depleting and destroying the herd. If that lease had been renewed for only five years, at the rate the lessees were going on with the killing, there would not have been as many seals left as the Russians had in 1834 when they quit sealing.

Here is another argument in connection with that. Here is Mr. Fraser's letter to which Mr. Townsend referred, and I want to read it to you. This letter is written to Mr. Townsend. You can see on what holy grounds they put this question. This is Fraser's letter, dated January 28, 1910:

OFFICE OF ALFRED FRASER,
New York, January 28, 1910.

Dr. CHAS. H. TOWNSEND,
New York Aquarium, Battery Park.

He was evidently around where aquatic animals prevail—

DEAR SIR: Referring to our conversation of the 12th instant, and in reply to your inquiries, I beg to state that I deem it of the greatest importance that the taking of fur-seal skins on the Pribilof Islands should not be discontinued—

Now, listen to this:

for unless a supply of skins from these and the Commander Islands—

Those are Russian islands—

can be kept up, I am of the opinion that the sale of sealskin garments will be greatly reduced or will cease. The number of skins taken off Cape Horn, the Cape of Good Hope, and Lobos Island has decreased very materially of late years.

What worried them about this matter was that Mr Fraser, Mr. Townsend, and the Bureau of Fisheries coincided in the opinion that the use of fur-seal garments would cease, which would be a deplorable calamity, and therefore the killing should go on. I will read a little further from this scientist. It is interesting, and when I approach him I want to say to my colleagues that I do so with all the due humility as an old farmer ought to proceed in these matters:

In the sales of December last no Lobos Island skins were offered, nor had any advice been received of last year's catch.

Within the last two years a considerable number of seal has been taken in the Southern Ocean, but it is fair to suppose that this supply will soon be exhausted. Should the supply of sealskins of fine quality, say, Alaskas, Copper Island, and South Sea, be exhausted or stopped temporarily, the workmen engaged in the unhairing, shaving, etc., of the skins, which require skilled labor, would be driven to take up other work and lost sight of, and in the event of a renewal of the supply it would be difficult, if not impossible, to find men capable of doing the necessary work on them, and the education of unskilled workmen would result in the spoiling of a great many skins.

In other words, two important grounds were advanced by Mr. Fraser. One was that if we did not let the killing and butchery go on the use of fur-seal garments would go into a decline and we would have to use the skins of raccoons, minks, and muskrats. The other was that the men who were engaged in the dressing of sealskins might have to abandon it and dress the skins of minks, muskrats, and other fur-bearing animals. Notwithstanding that desperate effort to get the lease renewed, they went on killing. We supposed when we passed the law of 1910 that, except for food purposes for the natives—and for that purpose they generally kill yearlings or 2-year-

olds—after we had appropriated $50,000 the killing would cease, but it did not cease.

Those men were saturated with the gospel of Fraser and Townsend, and so they proceeded to kill nearly as many seals in 1910 and in the following year as they had during the time of the lessees, for it would never do to have the American people grow unaccustomed to wearing sealskins.

Mr. President, this was a clear violation of the law of 1910, which, through the efforts of the Senator from Montana [Mr. DIXON] and the Camp Fire Club, under the lead of Dr. Hornaday, we succeeded in passing. That law was perfectly plain. In the first section of it is the following proviso:

And provided further, That male seals only shall be killed and that not more than 95 per cent of 3-year-old male seals shall be killed in any one year.

That was the limitation—that nothing but 3-year-olds should be killed. The Senator from New York quoted from another paragraph of the law, and I will quote that, and you will see what there is in it. It is as follows:

It shall be unlawful to kill any female seal or any seal less than 1 year old at any season of the year, except as above provided—

The words "above provided" refer to the paragraph in section 1 which I have read—

and it shall also be unlawful to kill any seal in the waters adjacent to the Pribilof Islands, or on the beaches, cliffs, or rocks where they haul up from the sea to remain.

The Senator from Nebraska [Mr. HITCHCOCK] showed in his argument yesterday that of this number of twelve thousand and odd seals killed, over half of them—and if I am mistaken the Senator from Nebraska will correct me—over half of them, or over 7,000, were below 3 years old; that they were yearlings.

Mr. HITCHCOCK. They were merely yearlings.

Mr. NELSON. They were yearlings.

Mr. WILLIAMS. To be exact, if the Senator will pardon me, the number was 7,733.

Mr. NELSON. That is correct. Out of over 12,000 killed, in their zeal to provide fur for the American people, so that furs would not go out of fashion, they had the audacity, in the face of this law, to go on and kill over 7,000—nearly 8,000—of the young fur-seal pups not more than a year old.

Mr. HITCHCOCK. Mr. President, I think the Senator may go further, and I think he can fairly say that it was not possible, by reason of the greatly depleted herd, to get as many as 12,000 seals without taking babies.

Mr. NELSON. The Senator is correct. There is no limit to this iniquity; I can not go far enough in that matter.

In the face of such a law, what is the use of passing other laws? These people are perfectly lawless. There are somewhere in the neighborhood of 200 natives on the island of St. Paul, the main island, and I think somewhere around 100, though I am not entirely sure, on the island of St. George. I do not think on the two islands together there are over 300 natives to be taken care of. It has been the practice in the fall, the latter part of the season, after the general killing season for commercial purposes is over, to drive up young seals and have them killed for the purpose of food for the natives. The natives will salt the seal meat down, make corned beef of those young seals, and keep it for the winter.

When we visited the islands they were very anxious to show us their method of killing. So they were kind enough to drive up a herd of young pups, yearlings, and 2-year-olds, if I am correct. They grow slowly, slower than those famous hogs that were driven into the sea. You can imagine how difficult it is to separate one class of sheep from another in a bunch of many thousands. As I was saying, however, they went down, rounded up a little group, and slowly drove them up at a snail's pace to the killing grounds. Then they proceeded to kill, in order to give a demonstration to the great committee of the United States Senate. The killing is done by a big, heavy, wooden club small at one end like a fork handle with a big chunk at the other. They knock the seal on the head and stun him. After he is stunned, they stick him as one would stick a hog. I stood by and noticed particularly that there were two females in the lot. The men were supposed to kill nothing but males; but when I called their attention to it, they denied it; they shook their heads at first, but I made them turn the beast over and made it so plain to them that they could not ignore it. In that little bunch there were only two females, but I cite the instance for the purpose of showing how difficult it is to distinguish among young seals when you drive them up to where you separate the males from the females, and that you are just as apt to kill those of one sex as those of the other. I venture to say that of the 7,000 or more young seal pups, to which the Senator from Mississippi [Mr. WILLIAMS] and the Senator from Nebraska [Mr. HITCHCOCK] have referred, in view of our experience and what I saw there, half of them were female seals instead of being male seals.

In this connection, let me quote some testimony relative to this matter and bearing upon it. Mr. Lembkey has been the chief—vulgar people might say "the chief cook and bottle washer"—up there, but I would say the representative of the Government up there looking after the seal question. I read from the hearings in the House:

The CHAIRMAN. How many did you kill last year?
Mr. LEMBKEY—

He is a Government employee—

Mr. LEMBKEY. We killed 12,920.
Q. How many had the old fur company killed the year before?—A. They killed 14,000 and something.
Q. What was the youngest seal you killed—what age?—A. Two years old.
Q. The statement has been made that it is hardly possible to distinguish the male and the female at that age?—A. At 2 years old?
Q. Yes. What is your opinion?—A. There is considerable difficulty in distinguishing the young males and females. There is considerable difficulty in distinguishing the male and the female yearling. They are both of the same size and general formation. It is almost impossible for anybody not an expert to pick them out and distinguish between them, and it is rather difficult even for an expert; but of the 2-year-olds the females are not on the hauling grounds; they are on the breeding rookeries for their initial impregnation. The 2-year-old males, on the other hand, are on the hauling-out grounds.

And so forth.

That corroborates what I have said, and that is why this killing is so dangerous. I am not criticizing the head of the Department of Commerce and Labor, because I think he was misled into this attitude and action by his subordinates, the head of the Bureau of Fisheries, and the corps of scientists who surrounded him; but in the face of the legislation which we adopted in 1910, after a struggle and a hard fight, what do you think of a bureau of Government officials who have the audacity, in the face of that law, to kill not only 3-year-old males, which the law authorized, but to go on and slaughter yearlings and 2-year-olds to the number of over 7,000? At that rate, unless we intervene and stop it, those scientific gentlemen will soon have the herd exterminated.

These scientists apparently think they are wiser than the laws of nature. Before we had these scientists, buffalo, in countless thousands, roamed over the plains of my State, the State of the Senator from Iowa [Mr. CUMMINS], and all of the Western States. The herds were exterminated by reckless killing; but before that extermination set in those herds grew and wandered over the plains, there being then no Jordans and no Townsends to protect those herds against undue growth. Now, these gentlemen tell us about the fur seal in Alaska, and they say that fur-seal herds can never grow unless you kill 95 per cent of the males. [Laughter.] Before we knew these scientists, before their doctrine became the gospel of the Bureau of Fisheries, that herd, under the laws of nature, protected by a closed season under the Russians, had grown to be a herd of between four and five million seals. Just think of a herd attaining that size without the aid of these scientists! [Laughter.]

I am afraid I am taking up too much time, and though this subject is most interesting, I desire to be brief. These negotiations have pursued a peculiar and sinuous course. The attitude of the Bureau of Fisheries, as you have seen from what I have said, has been hostile and adverse. We who believe in restoring that herd as it ought to be, we who believe in that gospel, have been met at all points for the last eight or nine years with obstruction in one form or another. Senators will pardon me for being somewhat emphatic in this matter, but it comes near to my heart, and when I see Government officials, such as we have in the Bureau of Fisheries, bid defiance to the laws of Congress and ignore the legislation that we have passed I can not help feeling resentment.

What occasion was there for killing those young pups after we had appropriated $50,000 extra to take care of the natives of those islands, and did it at the instance and on the recommendation of the department, because they said if you stop all this killing you will have to make provision for taking care of the natives? We did make provision for them, but of what avail was it? Nearly 13,000 seals were killed the ensuing year, almost as many as were killed under the lessees and with a more disastrous result than under the lessees, because more than half of them were yearlings, immature pups, that never ought to have been killed for any purpose, except, perhaps, a limited number for food for the natives.

If you ask me why I believe in a closed season, I say I believe in it, first, because the Russians demonstrated its value. They were compelled, when the herd was nearly exterminated, to resort to a 10-year period of closed season, and we know the result of that. The result of that experiment on the part of Russia was to restore and replenish that herd, so that when

we came into possession of Alaska we had over 4,000,000 seal there.

Another reason why I am in favor of a closed season is this: If you will allow this killing to go on, it is utterly useless, from what I saw at the islands, to provide that they shall separate one class from the other and preserve them. If they resort to killing the 2-year-olds and yearlings, it is utterly impossible in any efficient manner to segregate the two sexes and kill the one and preserve the other. It is futile.

Why should we have such intense zeal here against the closed season? What is the object of continuing the killing? Why not have a closed season? We have reserved that right in the treaty, in spite of what the Senator from New York has said; Russia reserved it in respect to the Commander Islands. Japan reserved it; and Canada and Great Britain reserved the right to stop land killing; we have all reserved it, and provision is made for compensation in case land killing is suspended. How, in the face of those provisions in the treaty, can any Senator say that it would be a violation of treaty rights and our plighted faith to adopt a closed season? Mr. President, it is inscrutable to me, but the ways of Providence are sometimes difficult to fathom.

Mr. President, there is much more that I might say on this subject, for, as I have said, it is near to my heart; but I am aware that there are other Senators who desire to be heard and I think the Senate has been very patient with me. I want to say, in conclusion, to my colleagues in the Senate, that if you believe in restoring the seal herd to what it once was, in preserving it, in avoiding its extermination, as the buffalo has been exterminated in this country, then vote for the Senate amendment providing for the 10-year closed season. Let us try the experiment. It will prove, Senators, that we can restore that herd; and when it is restored, if we then resort to judicious killing, we will have an income that will be a profit and advantage to the United States, and I might say to these professors, that policy will probably restore the use of seal fur in this country.

Mr. SHIVELY. Mr. President, the general aspects of the pending legislation have been thoroughly canvassed by the Senators who have spoken. My purpose is to direct emphasis to certain questions of fact which have become distinctly material to the issue presented by the bill before the Senate. The history of the seal life in our northwestern waters is a long story. It is a pathetic story. Suffice it to say that now, for the second time in the known vicissitudes of that seal life, the question is squarely presented whether the remnant of the once numerous herd shall be rescued from extinction and the herd restored, or shall the process of killing be permitted to go on to the swift and certain extermination of what is left of it.

Before entering on the merits of this question I must be allowed to protest against the bringing into this controversy of a feature that manifestly does not belong here. I refer to the suggestion, or rather the assertion, made by the senior Senator from Massachusetts [Mr. LODGE], that the closed season for the seal herd provided by the Senate amendment to the House bill is not regarded with favor by the foreign-contracting parties to the treaty, and that the adoption of such closed season will endanger the treaty itself. The Senator volunteered the information that this intelligence was a matter of "unofficial communication," or of "unofficial information." Occasionally we hear it whispered about this Chamber that in the event this bill or that bill passes, the President will veto it. This is done either out of a spirit of mere idle conjecture and gossip, or for the purpose of influencing votes on this floor. Whether one or the other, neither is creditable to the Senate, and certainly the Senate should never be influenced in its action by such predictions.

Now, for the manifest purpose of influencing the vote on this bill, the practice is extended, and we are openly asked to believe that by an unofficial communication, by unofficial information, unofficial notice, or some form of unofficial ultimatum it has been made known that unless we forego the closed-season period prescribed in the Senate amendment the other high contracting parties will renounce the treaty and that all the labor leading up to that important convention will have been in vain. This suggestion, made to the Senate in the last hours before the vote is to be taken, is entitled to no weight whatever. It does not come to us in the way that commends it on questions of our international relations to serious consideration; and especially is this true when the suggestion itself is directly in the face of the plain provisions of the treaty. The treaty speaks for itself, and the situation should remain clear from confusing factors which are not in it and do not belong to it.

The Committee on Foreign Relations had this bill before it for weeks. It was given careful consideration. By a large majority the committee adopted the amendment now under discussion and reported the bill with this amendment. The situation has not changed since that time, unless it be that the urgency for the enactment of the amendment into law has increased. I shall not go into the terms of the treaty at this point further than to ask, How could Great Britain complain of a closed season when by the words of the treaty payment of so much per year to her on behalf of Canada is expressly provided for in the event of a closed season? Why should Japan complain when by the treaty like payment to that Government is provided in the event of a closed season? What ground of objection could any of the parties to the treaty have to a closed season when each has subscribed to it in palpable contemplation of a closed season as a means of saving and increasing the herd? And yet the senior Senator from New York [Mr. ROOT] imports into this debate the specter of violated treaty obligations to terrify us from adopting the provision for a closed season.

The bill before us is a measure to give full force and effect to the provisions of the treaty. What was the fundamental purpose of the treaty? To stop the destruction and to conserve and increase seal life in the northwestern seas. This destruction of the seal herd is due to commercial killing for the profit there is in seal fur. For many years the herd was decimated by both pelagic or sea killing and killing on land. By the covenants of the treaty Great Britain, Russia, Japan, and the United States expressly prohibit pelagic killing. These provisions have gone into effect. They have nobly accomplished the purpose of these four Governments which control the sea situation with reference to seal life. There is to-day no such thing as pelagic sealing. This being accomplished, the remaining question is that of so carrying out the other provisions of the treaty as to save the respective treaty interests in the herd from extinction by killing on land.

Right at this point in the controversy the opponents of a closed season magnify the wickedness and superior importance of pelagic killing as a factor in the problem and belittle the consequence of land killing. Pelagic killing does mean a maximum loss of seal life with a minimum of profit and is indefensible. But it is killing that reduces the herd, whether the killing is done at sea or on land. Twice in the history of the herd has the herd come near the vanishing point. The first time was in 1834 and the second is at this hour. Prior to 1880 there was no such thing known as pelagic killing. Through all the years of the domination of the herd by the Russian Government the killing was done on the land, and only on the land. Of the millions composing the seal herd when first discovered, only a few thousand were left in 1834. That there was no pelagic sealing in those times is not disputed, but admitted on all sides, and settles the question whether the herd may be exterminated by killing on land as well as by killing at sea.

But no sooner is the decimation of the herd prior to 1834 by killing on land admitted by the opponents of the closed season than they vehemently assert that it was the indiscriminate killing of female seals that destroyed the herd and not the killing of the male. Here again they are mistaken. The official literature of the Russian Government and lay testimony on the subject disprove the contention.

I read from a review by Dr. Elliott of Yanovsky's official report to the Russian Government in 1820, this review having been called forth by one of the reports of Dr. Jordan in which the latter ignored this Russian official report in accounting for the diminution of the Russian herd:

> I bring this period in to show that the present loss of life on the fur-seal rookeries of the seal islands of Alaska is not the first experience of the kind which has been recorded by white men, or rather since this life came into the supervision and control of white men in 1786–87; prior to that date these breeding grounds had been undiscovered by either savage or civilized men.
>
> The Russian records show that from 1817 down to 1834 the supply of choice young male seals was constantly growing less and less as each year followed the other; they show that no such method of killing these seals at sea, now so well known to us as "pelagic sealing," was known to white men or practiced by them or by the Alaskan natives during the entire period of Russian ownership and control, ending in 1867; they show that this remarkable shrinkage of the herd from 1817 down to 1834 was due entirely to overdriving and culling of young male seals; they show that 14 years before the utter collapse of the herd took place this result of ruin was announced by an official investigator, who urged in 1820 that steps be taken then to avert the disaster; and they show that in spite of this clear note of warning and remonstrance the greed and the avarice of a Russian board of directors overruled Yanovsky's appeal; then they show that the end was reached in 1834, just as he had predicted under date of February 25, 1820, saying:
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> "* * * that every year the young bachelor seals are killed and that only the cows, 'seecatchie' and 'polseecatchie,' are left to propagate the species. It follows that only the old seals are left, while if any of the bachelors are left alive in the autumn they are sure to be killed next spring. The consequence is that the number of seals obtained diminishes every year, and it is certain that the species will, in time, become extinct."

This review closes with these words:

Veniaminov, with all the records of the work in his possession, and living at the time, says deliberately that this collapse of the fur-seal herd on the Pribilof Islands, culminating in 1834, was due entirely to "excessive" and "wicked killing" of the young male life ("Zapieska," etc., vol. 2, p. 568, St. Petersburg, 1842); and Yanovsky predicted it, in 1820, as certain to come unless the culling and killing of choice young males was stopped.

Mr. LA FOLLETTE. I wish to ask the Senator from Indiana at some point in his reference to the report to give the date when it was made.

Mr. SHIVELY. The commentary on the report from which I have been reading appears in full on pages 1614 and 1615 of the CONGRESSIONAL RECORD of 1903, in the proceedings of February 2 of that year.

Mr. DILLINGHAM. Does that relate to the report of the investigation made by Jordan and Thompson?

Mr. SHIVELY. It manifestly relates to a report or reports made prior to 1903.

Mr. DILLINGHAM. In that year, I think, the census was taken of the seals on the islands, and it showed that there were only about 450,000 out of 4,700,000 on the islands in 1870.

Mr. SHIVELY. Yes; 450,000. And since that time the herd has been reduced to less than one-third of that number. The Jordan report referred to was of date 1898. The review of that report from which I read was made in 1899.

No, Mr. President, the persistent assertion that it was the killing of females that was the primary and principal cause of the destruction of the Russian herd is without substance. It was not the killing of females but the killing of seals, and especially the killing of the males, that was alleged as the destructive agency. The pretense that you can kill 95 per cent of the males and not destroy the herd has no support in the history of seal life. All the evidence available from that history is to the contrary. Little is said in the historical literature of the herd about the killing of females. The Russian sealers had an almost superstitious respect for the mother seals. In their operations they scrupulously avoided the breeding grounds. The killing of the males is the loud note in the accounts of the loss of seal life. Prior to 1834 the Russian Government devised all sorts of regulations. Every expedient was resorted to to so regulate and control the killing as to preserve and recover the herd. The commercial beneficiaries of the slaughter were then, as now, prolific of expedients to prevent a closed season. But all other resources failed, and the Russian Government was confronted by a direct choice between the practically total extinction of the herd and a closed season.

In 1834 a closed period of 10 years was ordained. It was established and enforced. Nature was allowed a free course. The herd rapidly revived and multiplied. Having been permitted to increase into the millions, the Russian Government then allowed killing in some years, even from 60,000 to 75,000 per year. When once restored to its ancient strength, the taking of this number seems to have had no decimating effect on the herd from year to year. From the remnant of the herd left in 1834, its numbers, when we came into possession of the islands in 1867, or rather when our first census of the herd was taken, between 1872 and 1874, had risen to 4,700,000. The destruction of the herd was not due to pelagic sealing, as in that day there was no such sealing. It was not primarily due to the killing of females, but to the improvident killing of the males. The restoration was not due to efforts at regulating the killing, but to the total cessation of killing for a period of years. With the herd at its present low state, the closed period is the only remedy that gives any promise of preservation or recovery.

There is another contention put forward against a closed season that merits some attention. This is the claim that unless a large percentage of the bachelor seals are killed the bull seals become so numerous and crowded on the rookeries that in their terrific fighting among themselves they "tear the cows to pieces and trample the pups to death." This contention has been seriously insisted on by every Senator who has spoken against the closed season. I challenge any one of them to make good on that claim. In all the inquiry and investigation into the causes of the decline of the herd when under Russian domination, no one ever made such a discovery. Nor is it justified by the official literature of our own Government on the subject since we came into possession of the herd—unless it be since this immediate controversy began. The notion that destruction of the female seals or the pups results from such alleged cause is a myth. The thing does not exist as a fact. It is a part of the cloud of fiction that has been made to envelop this controversy to confuse the real issue.

Mr. TOWNSEND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Indiana yield to the Senator from Michigan?

Mr. SHIVELY. I do.

Mr. TOWNSEND. Does the Senator mean to say that there can be no proof advanced or presented that the contention which has been made in that respect is true?

Mr. SHIVELY. I do not know what has been conjured up within the last two years on the question. What I do say is that the history of seal life, the evidence in regard to its vicissitudes, will not disclose that the fighting upon the islands is a serious cause of the depletion of the herd through death of the cows or the pups.

Mr. TOWNSEND. May I quote from Mr. Elliott, who has been before committees many times, and who has been here advocating this matter? He says in his monograph, on page 38—it is very brief, and I should like to read it.

Mr. SHIVELY. I yield to the Senator for that purpose.

Mr. TOWNSEND. Prof. Elliott says:

I have seen two bulls dash at each other with all the energy of furious rage, meeting right in the midst of a small pod of 40 or 50 pups, tramp over them with all their crushing weight, bowling them out right and left in every direction by the impetus of their movements.

That is the statement he makes in his monograph, at page 38.

Mr. SHIVELY. That was an instance of fighting in the immediate presence of the pups so rare and exceptional as to attract special attention. But while that was an exceptional instance of fighting among the bull seals in the presence of the pups, where is the evidence even in that instance of injury to the pups? In the monograph itself and in concluding the last sentence of the paragraph just quoted, and as a part of that sentence, Prof. Elliott adds these words:

without injury to a single one, so far as I could see.

Of course, there is furious fighting among the bull seals, but it is seldom that this takes place in the presence of the mother seals or pups, and even then not to their serious injury.

Mr. DILLINGHAM. Will the Senator allow me?

Mr. SHIVELY. Certainly.

Mr. DILLINGHAM. I think I can explain the matter. Anybody who is acquainted with the habits of the seals knows that in the spring of the year these large males, the leaders, the six-year olds, come first to the island. They take their places on the rookeries—mark out the boundaries of their possessions as clearly as you would mark out the yard in front of your house. The young males go off by themselves in another part of the island. They are called the bachelor herd. The females come after the males have taken their places on the rookeries, and when they come the males capture them as they approach the shore. They make up families of 25 or 50, who belong to their harems, so to speak.

Occasionally a fight does take place between the great leaders. When it does, then some of the older males who are out in the bachelor quarters get into the fight, and the old fellow's place is taken by the seal who becomes the victor.

Mr. SHIVELY. The Senator has been on the islands. He visited the islands as a Senator, to look into the seal situation and other questions connected with our northwestern possessions. Now, I ask the Senator if it is not the fact that the male seals arrive at the islands first, that the lines of the harems are marked out and possession of them contested for before the female seals arrive, and that it is this period that constitutes the real fighting season?

Mr. DILLINGHAM. That is the real fighting season.

Mr. SHIVELY. The real fighting season is between the time of the early arrival of the male herds at the islands and the later arrival of the schools of female seals.

Mr. DILLINGHAM. I think that is true, and yet it is between the leaders of the herds.

Mr. SHIVELY. Moreover, Mr. President, many of the scientists whose names have been invoked in this debate in favor of open killing seasons testified at the hearings before the House committee in 1911 on this bill. Were the claim true that crowding and fighting among the bull seals on the islands destroy the cows and the pups, there was the time and place to submit clear and convincing proofs of so vital and important a fact. Where in all the pages of those hearings does Dr. C. Hart Merriam, who visited the islands in an official capacity, support the contention? Dr. F. A. Lucas went officially to the islands in 1896 and 1897 expressly to investigate the causes of mortality among the pups, and at the hearings before the committee in 1911 testifies that he never "saw a pup trampled to death by a bull." Dr. C. H. Townsend was officially associated with that seal life for 15 years. He made 10 trips to the islands and filed many reports with the Treasury Department. He is no longer in the service, but is showing a lively interest, manifestly from the commercial side, in preserving without interruption the right to kill. Where does he or Dr. Stejneger or Dr. Evermann or any of the other scientists who appeared before the committee

submit a word of testimony in support of the claim? Then there is Lembkey. He is the "practical man" on the islands. For 13 years he has been the agent of the Government in active supervision of the killing. Neither in his testimony before the committee nor in any of his reports to the Government in all these years does he in a single instance give credit to this contention, and in his report of 1905 he expressly discredits it.

But aside from the absence of direct evidence in support of this claim is the incurable weakness inherent in the claim itself. The millions of bulls in the herd of 4,700,000 on the islands when we came into possession had been pups themselves. The millions of cows had been pups. The herd had risen to these millions from a few thousand in 1834. How about the decimating slaughter of cows and pups from crowding and fighting among the bulls in all those years of increase and multiplication? For every seal coming to the islands in 1834 there were 40 seals crowding the islands in 1872. Did the tearing and trampling process reduce the proportions of the herd from 1 in 1834 to 40 in 1872? The whole contention is too spurious to mislead anyone who prefers not to be misled.

Of course, this contention is invented and pressed to justify the continued killing of what is glibly called "surplus males," on the theory that we can thus make profit from the herd and increase it at the same time. There is nothing new in this theory. The whole policy of Russia prior to 1834 with reference to this seal life was woven about it, to the continued depletion and threatened extinction of the herd. Even closed seasons of from one year to one instance, I believe, of four years, were intermittently resorted to, which, by reason of their brevity, failed of results. It was the 10-year closed period that revolutionized the situation and started the herd to its later magnificent proportions.

The law of seal life has not changed. The seal is no more a domestic animal now than when the herd was first discovered in the eighteenth century. The seal now, as then, is absolutely independent of man in its food, shelter, and in all its movements, habits, and habitations. For many months of the year the herd is at sea thousands of miles from the Pribilof Islands and beyond any possible control by man now, just as it was then. After these months at sea the male herds return to the islands now, just as they did then. Some weeks later the female herds arrive now, just as they did then. Between the times of these arrivals the male seals 6 years old or over struggle for places on the breeding ground now just as they did then. The fighting means the "survival of the fittest" now just as it did then, and as no other test can mean. The infirm, the defective, the cowardly retire. The strong, the virile, the courageous remain. If that seal life is to be preserved and increased it will not be done by ignoring the law of its existence. With the present depleted state of the herd, to permit the opponents of a closed season to call the seals they want to kill "surplus males" and then proceed to kill them is to extinguish what remains of the herd.

I shall not stop to quarrel with the scientists who have given countenance to the theory of killing the "surplus males." I have defended them from some of the stupid follies wrongfully ascribed to them in this Chamber. Their theory is only a theory. It is a theory in this Chamber, a theory around these lobbies, a theory in the Department of Commerce and Labor, a theory on the Pribilof Islands, and never aught but a theory on the islands. Despite the fact that the Department of Commerce and Labor asked for and received an appropriation of $50,000 to take care of the natives on the islands on the termination of the lease in 1910 on the theory that all killing was to cease for a time, that department in that year proceeded to kill and did kill 12,920 of the little remnant of the herd left. By the official statement sent from London, where the skins were marketed, 7,733 of these seals were "small pups and extra small pups." The following year 12,008 more were killed. The theory of killing "surplus males," even if sound, has nothing to do with the case. The evidence is convincing that if, under present conditions, killing at all is allowed it means killing without regard to age or sex or numbers or the merciless depletion and destruction of the herd.

The closed season is the only remedy—not one year, as proposed by the bill as it came from the House. The one, two, or three year closed season is only temporizing and trifling with the question. The ravenous desire to kill, to kill, and to kill, so apparent in the frantic efforts by those in charge of this seal life to retain the right to kill, could await the termination of a short period. Sever the commercial influence, that presses in on this legislation from London by way of New York and the Department of Commerce and Labor, from the life of the herd and recovery will be swift. Dissolve this entirely sordid connection and give the herd a rest. At the end of 10 years you can begin with a clean slate. The atmosphere will have cleared, the clamor to kill will have ceased, and you can then adopt and enforce reasonable regulations under which profit may be realized from the herd without reducing its numbers or menacing its life.

In opposition to the closed season the senior Senator from New York [Mr. ROOT] makes an eloquent appeal to the Senate in behalf of the scrupulous observance of our treaty obligations. Faithful observance of treaty obligations should always be a good theme to conjure with. I apprehend that no Senator in this Chamber will allow the Senator from New York to go before him in recognizing the sacred character of treaty obligations. But no lurid picture of the fate that befalls nations which do not faithfully observe treaties should be permitted to terrify the Senate into seeing things in this treaty that plainly are not in it or into not seeing things in the treaty that plainly are in it.

Article 1 of the treaty prohibits pelagic sealing. The Senator says this longed-for triumph will be seriously menaced, if not hopelessly lost, by legislation in favor of a closed season. Why, article 10 of the treaty expressly provides that nothing in the treaty "contained shall restrict the right of the United States at any time and from time to time to suspend altogether the taking of sealskins on such islands." But the Senator contends that this right can be only exercised when "it may seem necessary," and that we must first find that it is necessary. Does anyone doubt that each of the other high contracting parties had full and complete knowledge of the depleted condition and rapid disappearance of the herd? Can there be any question that the great purpose in the mind of each party to the treaty was to save and restore the herd?

Think you that, having in mind the Russian experience at a time when there was no such thing as pelagic killing, they did not fully understand and appreciate that prohibition of killing at sea must be reenforced by prohibition for a time of killing on land if the rapid disappearance of the herd is to be arrested and increase of the herd accomplished? Is it not obvious that it was the present and immediate necessities of the situation that caused the negotiators of the treaty to supplement the article against pelagic sealing by the provision in Article X in favor of a closed season to prevent for a time all commercial killing on land?

Were any doubt left on this question, it is settled by the provision in article 11, in which it is agreed that the United States shall pay to "Great Britain and to Japan each the sum of $10,000 annually in lieu of any share of skins during the years when no killing is allowed." The article further provides that "the United States shall be entitled to reimburse itself for any annual payments" therein required, with 4 per cent interest thereon on all advance payments out of skins taken "in any subsequent year or years when killing is again resumed." The treaty in express terms allows the "United States at any time and from time to time to suspend altogether the taking of sealskins." It provides what shall be done in the period or periods when the killing of seals "shall have been absolutely prohibited by the United States." It provides the manner in which the United States shall be entitled to reimburse itself "in any subsequent year or years when killing is again resumed."

It is plain that this treaty requires no construction or interpretation. Its terms are not indefinite, uncertain, or ambiguous. The closed season is in full accord with it in both letter and spirit. The makers of the treaty knew that the only other great crisis in the life of the seal herd was due to land killing, and to land killing alone. They knew that in the present crisis to prohibit sea killing and stop there was to do a vain thing, and to at best postpone a few years the total extinction of the herd. While the control of the question is given to us by the treaty, there can be no mistake either as to its purpose or the means of attaining that purpose. The closed season means fidelity to our treaty obligations. In the present condition of the herd, the open season means temporizing and trifling with our treaty obligations, and utter failure of all the objects for which the treaty was made. The amendment should be adopted. It will give the herd a period of years for rest and recovery. It will take the present shortsighted influence of the Government from the commercial side of the question and separate the herd from the interests so clamorous to kill. When the herd shall have recovered something of its ancient numbers, you can commence, under new auspices and careful guardianship, to realize substantial gains without menace to that wonderful life in our northwestern waters.

Mr. DILLINGHAM. Mr. President, my only apology for taking the time of the Senate this afternoon is the fact that since the year 1903 I have been looking, often with hope deferred, to

the accomplishment of a purpose then formed by the members of a subcommittee of the Committee on Territories who, under the direction of the Senate, made an investigation of the conditions in Alaska, to secure the adoption of a treaty with other interested nations under the terms of which pelagic sealing should be abandoned by them, and that land killing by the United States should also be suspended for such a period as might be required for the rehabilitation of the seal herd on Pribilof Islands. The committee consisted of Mr. DILLINGHAM (chairman), Mr. NELSON, Mr. BURNHAM, and Mr. Patterson. They visited the islands, witnessed the killing of seals, and, so far as able, acquainted themselves with the conditions of seal life.

It should be remembered that the Pribilof Islands become the home of the seal herd during the summer months. They select these islands as their breeding grounds, because they lie in Bering Sea at a point where the warm Japanese current, passing up through the Aleutian Islands, meets the cold current from the Arctic Ocean, from which meeting dense fogs are produced. The result is that these islands are almost constantly enveloped in the atmosphere of fog, which makes them an ideal place for seal life. The herd instinctively seeks them for breeding purposes, as, with their heavy coat of fur, they are unable to bear the heat which comes from the bright sunlight. When the committee visited the islands in 1903 the fog was so dense that they sailed past, and only found them a few hours later after retracing their course.

The seal herd comes to the islands in the springtime, first the leaders of the herd, great, massive males, weighing 500 or 600 pounds, each of which takes his place on the rookeries, marks out the ground, which he appropriates individually, and there awaits the coming of the cows. The latter arrive a few weeks later, and are claimed by and brought into the harems of the different leaders. There the young are born and reared, the females going to sea to secure their food, but returning to suckle their young.

The bachelor herd, as it is known, consists of the young males, those that are not old enough and strong enough to fight their way to the breeding grounds. Upon their arrival they go to a different part of the islands and constitute a herd by themselves. It is from that herd that the seals are taken for their fur, but unfortunately, under the system adopted by our Government, the killing has been so extensive that not a sufficient number of males were spared to reach maturity and eventually to fight their way to the breeding grounds.

Allusion has already been made in debate to the fact that in 1835, when the Russian killings ceased, there were, according to the Russian report, only 8,000 young seals, males and females, on St. Paul Island, but under a system of full protection then adopted the herd rapidly multiplied, and in 1870, when the first count was made after the acquisition of Alaska by the United States, the seal herd had so enormously multiplied that it was found to number 4,700,000.

The Government of the United States adopted the policy of leasing the islands to a private corporation, with the right to take and kill seals under certain restrictions and regulations, but experience proves that this system was most destructive to the herd and, in 1890, there were less than 1,000,000 seals remaining in the herd, and three years later, in 1893, when the Jordan-Thompson Commission visited the islands, there remained, by their count, less than 500,000 seals in the herd.

I find from an examination of the records that, during the period of 19 years, from 1871 to 1890, the lessees took upon an average 102,840 annually, while the pelagic sealers, during the same period, took upon an average only 14,184 annually; in round numbers, 14,000 seals were annually taken at sea as against 102,000 annually killed on the islands under the leasing system. But after 1890, the conditions changed and, while the killing upon the land diminished, the pelagic sealing rapidly increased. The reason for this may be found in the fact that, when the breeding season has closed upon the islands and the young have become accustomed to the water, the herd goes to sea and does not return until the following season. It moves south through the Aleutian Islands and through the North Pacific Ocean until it reaches a point perhaps as far south as San Francisco, turns to the east, and strikes the coast of California, traveling slowly north along the coast of Oregon, Washington, and Alaska, to the Aleutian Islands and in the spring are back again at the breeding grounds on the Pribilof Islands.

As pelagic sealing became more profitable, and the owners of fleets became better informed as to the habits of the seals, their fleets were increased in number and their work was more intelligently and distinctively accomplished. They knew just where to meet the herd at almost any season of the year, and the result was that pelagic sealing by the Canadian and Japanese fleets increased year by year. Not only that, these fleets entered Bering Sea, surrounded the Pribilof Islands, and, although the herd was protected by the 3-mile rule, they made depredations upon the female portion of the herd which are compelled to go to sea for their food. The females often go 20 miles to sea for this purpose, sometimes 30 miles, and sometimes 50 miles. Experience has also shown that there are favored locations adjacent to the islands to which they resort for fish food. Learning which fact, the pelagic sealers visit these spots, and the seal mothers are taken in sight of the islands. And every time the mother is killed her young left on the shores die of starvation, because no mother seal will suckle the young of another. This explanation will perhaps serve to account for the vast increase in pelagic sealing.

By reference to the table before referred to, I find that in 1890 the pelagic catch amounted to 40,000, in 1891 to 59,000—I am giving round numbers—in 1892 to 46,000, in 1893 to 30,000, in 1894 to 61,000, in 1895 to 56,000, and in the following years, respectively, 43,000, 24,000, 28,000, 34,000, 35,000, and 24,000.

On the other hand, the number taken on the islands decreased and became vastly less. Without giving the number taken by years, I will say that from 1890 down to 1901 the average number taken annually on the islands under the leasing system was 18,391, while the average number of those taken under the pelagic system was 40,514. The most disastrous feature of the pelagic system was that those taken were mostly pregnant females.

The committee, after visiting the islands and studying conditions, were very much impressed by what they learned and in reporting to the Senate said:

> We are thus brought face to face with the fact that the killing of young seals on the islands since 1896 has been so close that no young male life has been permitted to pass over the slaughter fields onto the breeding grounds. This occasions the rapid falling off in numbers (42 per cent in the last two years) of the breeding males from old age, their places not being filled by the accession of fresh male life. In order to prevent a total collapse of the birth rate in the next two or three years it is imperative that all killing of all seal life on the islands be stopped next season. This will enable the choicest of the young males to grow up and reach the breeding grounds in the next four years and there take their places, which must be taken by them or the seal life will be extinguished.

I want to read just what our recommendation was at that time, because it expresses my individual opinion. It was then thought to be somewhat drastic, but the committee recommended—

> that a suspension of all killing by the lessees of the seal islands be made at once and indefinitely, and that the Government of the United States shall attempt to reopen and conclude negotiations with the Government of Great Britain looking to a revision of existing rules and regulations which govern the taking of seals in the open waters of the North Pacific Ocean and Bering Sea, and to enter upon negotiations with the Governments of Russia and Japan to the end that all pelagic sealing may be stopped; and if, after a reasonable length of time, the Government fails to secure a proper revision and enforcement of such rules and to conclude such negotiations, then the Secretary of Commerce may, with the approval of the President, reduce the surplus female life of the herd on the Pribilof Islands to 10,000.

A pretty drastic recommendation, but the committee say further:

> With the herd so reduced in numbers pelagic sealing will not be profitable as an industry, and the herd will be permitted to increase and multiply slowly at first, afterwards more rapidly, until again proper regulations may be adopted for killing.

The recommendation was that if no agreement to save the herd could be reached, the President be authorized to kill the herd down to 10,000, that there would then be little profit in pelagic sealing, and it would cease for that reason until further steps could then be taken to secure the desired cooperation.

At the next session Congress adopted a joint resolution providing:

> SEC. 2. That the President be, and he is hereby, requested to negotiate and, if possible, conclude negotiations with the Governments of Russia and Japan and other maritime nations to the end of securing their adherence to and a common agreement with the terms of any satisfactory revision of the rules and regulations specified in section 1 of this resolution which may be agreed upon by the Governments of Great Britain and the United States.

In 1904 and 1905 this matter was a good deal agitated by members of the committee, and many consultations were held with the Secretary of Commerce and Labor regarding the improvement of methods for the preservation of the herd. In 1905, after a good deal of consultation with others who were interested in the matter, members of that committee then in the Senate addressed a letter to Secretary Metcalf, of the Department of Commerce and Labor, suggesting substantially the plan that has been incorporated in the treaty, as was stated by the Senator from New York [Mr. ROOT] this morning. I will not stop to read that letter, but I ask permission to insert it in the RECORD as a part of my remarks.

The PRESIDENT pro tempore. Without objection, permission to do so will be granted.

The letter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., March 17, 1905.

Hon. V. H. METCALF,
Secretary Department Commerce and Labor.

DEAR SIR: After a careful survey and study of the condition of affairs on the seal islands of Alaska during the past two years we have come to the conclusion that any steps which we may take to restore the Pribilof fur-seal herd so as to be of any economic value to our Government will fail unless we have the cooperation of the Canadian Government.

With that cooperation we can succeed, to the great mutual advantage of both Governments. To secure this cooperation it is evident to us now that we must make certain concessions to the Canadian Government in return for certain concessions to be made on its part to us.

We respectfully submit a memorandum which embodies our ideas with regard to these mutual concessions which should be made in the premises, and which we believe will receive favorable attention at Ottawa if placed in the hands of the British ambassador by the President, with a full descriptive text illustrating the great natural power of recuperation possessed by the fur-seal herd if properly managed by man.

Very respectfully, yours,

W. P. DILLINGHAM.
KNUTE NELSON.
HENRY E. BURNHAM.

Mr. DILLINGHAM. Accompanying that letter were memoranda Nos. 1 and 2, indicating the reasons that might be suggested both on the part of our Government and on the part of the Government of Great Britain bearing upon that question and which was substantially part of the letter. I ask to have those also inserted in the RECORD as a part of the history of the case.

The PRESIDENT pro tempore. Without objection, permission to do so is granted.

The memoranda referred to are as follows:

[Memorandum No. 1.]

FROM THE AMERICAN POINT OF VIEW.—AS TO AN ANGLO-AMERICAN JOINT CONTROL OF THE KILLING OF THE PRIBILOF FUR-SEAL HERD, WITH SPECIAL REGARD FOR ITS RESTORATION AND PRESERVATION.

I. Under existing law and regulations the Pribilof fur-seal herd will be so diminished by 1906 that its care and maintenance thereafter will constitute an annual charge and burden upon the Public Treasury, and also include the support of some 300 natives of the said Pribilof Islands.

II. Without the cooperation of Canada this fur-seal herd can not be restored to its natural full form and number. Unless it is so restored it is of no value to us. The seal islands of Alaska are barren of all agriculture and of mineral lands, with no fish or fisheries, and are far out of the path of commerce.

III. We can not reasonably expect the Canadian Government to unite with us unless we make certain concessions. These concessions must be of a character which the Canadian Government can accept as a positive gain to it over existing conditions, and so publish that fact to its own people.

IV. We can not buy the rights of British subjects vested in pelagic sealing, but we can share our rights with their rights in a joint control of the killing of this fur-seal life on the land and in the sea.

V. We can have this joint control without a waiver of our sovereignty on the Pribilof Islands. We can arrange it as specified in Articles II and III of the following memorandum (No. 2).

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[Memorandum No. 2.]

FROM THE BRITISH POINT OF VIEW.—AS TO AN ANGLO-AMERICAN JOINT CONTROL OF THE KILLING OF THE PRIBILOF FUR-SEAL HERD, WITH SPECIAL REGARD FOR ITS RESTORATION AND PRESERVATION.

I. Under existing rules and regulations the Pribilof fur-seal herd will be so diminished in numbers that the pelagic hunting of that herd in 1906 will cease to be profitable for the fleet now engaged in its prosecution, and its importance as an industry will cease. Four or five vessels will continue to hang on the flanks of the remnant of the herd annually and secure only a small annual catch of a few thousand seals into the indefinite future.

II. If the Canadian Government will unite with that of the United States in a joint control of the killing of this Pribilof fur-seal herd on the land and in the sea, then the small nucleus of it not existing can be restored to its natural fine form and number in 10 or 12 years from date, if all killing on the islands and in the sea is suspended by the joint agreement to that end by the two Governments aforesaid. Then when the killing of the surplus male life is resumed, as it can be in 10 or 12 years, it should be done entirely on the islands, and only by agents of the Government of the United States. A Canadian inspector should be resident on the islands, and his certificate as to the work done and of the number of skins taken shall go with those of the American agents from the islands annually and be of equal official warrant and record value. The skins shall be sold at public auction in the best market of the world and in strict accordance with the established usage of the fur trade.

III. The Canadian Government should bear, say, 25 per cent of the annual cost of maintenance of the care and conservation of the herd, including support of the natives, etc., and it should receive, say, 25 per cent of the net proceeds annually from the sale of the skins taken on the islands.

This cost of maintenance will not exceed $50,000 annually. The entire cost of the transshipment of the skins to London from the islands will not exceed $2.50 per skin.

When the herd is restored between 75,000 and 80,000 young male seals can be annually taken without any injury to its full natural birth rate on the islands. These skins will be worth at the lowest figures $1,500,000, and at the figures of prosperous trade $2,500,000 to $3,000,000, as they are to-day.

Therefore the Canadian treasury would receive at least $300,000 annually in seasons of dull trade and some $600,000 in the seasons of prosperity.

IV. Unless the Canadian Government unites in this manner with the United States Government it will never receive anything from this industry. It never has derived a single cent from it for its public treasury up to date.

NOTE.—This memorandum was printed and appended, as above, to the treaty as sent in to the Senate February 8, 1911, by the Secretary of State and ratified by the Senate February 15, 1911, these terms of mutual concessions and joint control being kept secret until Japan and Russia, came into agreement with Canada and the United States on the terms as above stated.

Mr. DILLINGHAM. In the suggestions made in memorandum No. 2 is found this language:

II. If the Canadian Government will unite with that of the United States in a joint control of the killing of this Pribilof fur-seal herd on the land and in the sea, then the small nucleus of it now existing can be restored to its natural fine form and number in 10 or 12 years from date, if all killing on the islands and in the sea is suspended by the joint agreement to that end by the two Governments aforesaid. Then, when the killing of the surplus male life is resumed, as it can be in 10 or 12 years, it should be done entirely on the islands, and only by agents of the Government of the United States.

That was the inducement that we thought might be held out to Great Britain. It was then firmly our belief that in 10 years that herd might be rehabilitated, and that if Great Britain could be brought to see that fact and could have a share of the proceeds of the herd when killed by the United States it would be an inducement for her to enter into this treaty; but I only cite it at this particular time to show what was in the mind of the committee after a pretty full investigation of the question, namely, that a total cessation of killing for a certain period was the principle which ought to be adopted. Taking that as a basis for the operations by the Department of State, as has been so very clearly stated by the Senator from New York this morning, the present treaty has been secured.

In that treaty provision is made for every contingency which I thought existed then and which I think exists now. The question comes to us as a practical question, What is the best policy for all four nations who are parties to this treaty?

I want to say at this point, before I take up the question of what will constitute a reasonable regulation under the terms of the treaty, that I am so pleased with the success of the Department of State in securing this agreement, I am so pleased with the accomplishment of our purpose in securing a treaty by which pelagic sealing will cease, and that we now have the power in some form in some measure to rehabilitate the seal herd, that I would vote for almost any measure calculated to carry out in a fair spirit the terms of that treaty.

I have my individual opinion as to what is best. I never have wavered in my opinion that a closed season for some period to be agreed upon should be adopted in the first instance. I would not insist that it should be the longest period that has been mentioned, but I do think that it is better for Russia, that it is better for Great Britain, that it is better for Japan, and that it is better for the Unied States to have the seal herd firmly established and considerably increased before we permit any killing except for the purpose of food for the natives, those who are the inhabitants of those islands, who must have it.

The proposition adopted by the House to carry out the terms of the treaty without the adoption of the closed season is to me a new element in the problem. I do not know that I ever heard it discussed until after the Secretary of Commerce and Labor, under authority of the law of 1910, authorized the taking of seals by the Government last year. Up to that time I had supposed that most people having knowledge of the question believed that a closed season was required. I find that in 1909 the Senator from Montana [Mr. DIXON] introduced resolutions into the Senate providing for such a policy upon the expiration of the leases then in operation. The 20-year lease, under the terms of which, and by pelagic sealing, the herd had been so badly depleted was to expire in the spring of 1910. It was the desire of all who had given attention to the subject that there should be no renewal of the same, and the resolutions I have referred to were offered, I think, to secure an expression of Congress upon that subject.

What was the attitude of the Department of Commerce and Labor? What was the attitude of the Bureau of Fisheries at that time upon this question? It was clearly in favor of a closed period "to allow the herd to recuperate." I find that on December 15, 1909, Barton E. Evermann, assistant in charge of scientific inquiry, addressed a letter to Commissioner Bowers as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, December 15, 1909.

Mr. COMMISSIONER: There is handed you herewith for your consideration a draft of lease of the seal islands. This has been prepared by Mr. Lembkey and myself in compliance with your request—

Mr. Lembkey had been the Government agent in the islands for 15 years and was supposed to know all about seal life—

We have endeavored to make the form of the lease agree with the recommendations recently made by the advisory board, fur-seal service,

in conference with the fur-seal board. For your convenience a number of references and citations have been indicated. It is believed that an examination of this tentative draft will enable the Secretary to arrive at the exact form desired.

Respectfully,

BARTON W. EVERMANN,
Assistant in Charge Scientific Inquiry.

I want to say here that I am not criticizing the Secretary of Commerce and Labor for the preparation he was making to again lease the islands for the purposes which I have mentioned and to take seal, because the law required him to do it. No one can criticize him for what the law required him to do. But many were anxious to have that law repealed, and a movement had been inaugurated to that end.

Accompanying the draft of a proposed lease, which had been prepared by his subordinates, a memorandum was attached by Messrs. Evermann and Lembkey in which this language was used:

The lease should be renewed. It is foolish to abolish killing on land while seals are being killed in the water. Cessation of killing on land means encouragement to pelagic sealing.

But, mark what follows:

Should pelagic or sea killing be abolished, it might be well to have a closed season on land as well, to allow the herd to recuperate.

There was the opinion and the suggestion of the Bureau of Fisheries at the time the change was made in the policy of the Government.

Mr. SMITH of Michigan. What is the date of that?

Mr. DILLINGHAM. That was December 15, 1909.

But that on the following day, December 16, the movement mentioned by the Senator from Minnesota [Mr. NELSON] in his speech had been inaugurated, and we find that Mr. Barton W. Evermann, assistant in charge of scientific inquiry, addressed another letter to the commissioner, as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, December 16, 1909.

The COMMISSIONER:

The Washington Star of December 10 last announced that the Campfire Club, of New York, had inaugurated a campaign to save the fur-seal herd through legislation designed to prevent the re-leasing of the sealing right, the cessation of all killing on the islands for 10 years, except for natives' food, and to secure the opening of negotiations with Great Britain to revise the regulations of the Paris tribunal. As the result of this movement, on December 7 three resolutions were introduced by Senator DIXON, of Montana, one of which embodies the provisions before mentioned, the other two calling for the publication of fur-seal correspondence and reports since 1904.

He proceeds:

As the object of this movement is at variance with the program of this bureau and of the recommendations of the advisory fur-seal board, notably in the plan to prevent killing and the renewal of the seal-island lease, the advisability is suggested of having Messrs. Townsend, Lucas, and Stanley-Brown use their influence with such members of the Campfire Club as they may be acquainted with with the object of correctly informing the club as to the exact present status of the seal question and of securing its cooperation to effect the adoption of the measures advocated by this bureau.

The attached letter is prepared, having in view the object stated.

BARTON W. EVERMANN.

At that point and in the manner indicated the purpose of the bureau was disclosed, and soon thereafter some of the forces in Congress came face to face with the bureau.

A meeting of the Committee on Conservation of National Resources, of which the Senator from Montana [Mr. DIXON] was chairman, was held, at which time his resolutions were brought up for action. The members of the committee were, I think, unanimous in the opinion that it would be very unwise to carry out what now appears to have been the policy of the Bureau of Fisheries, to further extend through the leasing system the right to take seals on the Pribilof Islands. As a result of the consultation the chairman was authorized to have an interview with the Secretary of Commerce and Labor, and to advise him of the opinion of the committee in respect of that matter, which was done.

The result of that was that the Secretary said in substance: "There must be law for it; I am compelled, unless the law is repealed or changed, to make new leases." Thereupon by conference between the chairman of the committee and the Secretary, as I now remember—and I am speaking purely from memory—a draft of the present law was prepared by the Secretary. When that bill had been introduced in the Senate and had been referred to the committee another meeting was held and the whole question was discussed. The Secretary was present, and when he knew that it was the mind of the committee that there should be a closed season, stated that he wanted the law to give him discretionary authority to kill, placing his request upon the ground that he was very much in earnest in his cooperation with the Department of State in securing the treaty which we have been discussing to-day, and that, in order to secure the agreement of the three other nations to that treaty, he did not know what policy it might be necessary to pursue with reference to the islands. The subject was very fully discussed, and his request was acceded to. The Secretary stated that he might want to exercise the right to kill, and he might not want to do so; that he would be governed by circumstances as they developed. I remember distinctly that it was suggested that if the United States were generous and suspended killing upon the land, we might go to other nations engaged in pelagic sealing with greater strength than otherwise; but that it was the mind of the committee, as a matter of policy, that any general killing of seals upon the land should be suspended is shown by the discussion which then took place regarding the amount to be appropriated for the purchase of the lessees' property upon the islands—their dwellings, salt houses, boats, and so forth. It was thought that the sum of $100,000 mentioned in the draft of the bill would be sufficient, but that if the killing was suspended and the revenues from that source stopped, the Secretary would need a larger appropriation to make the purchase and to administer the affairs of the islands, and as a result the appropriation was increased to $150,000.

An unfortunate misunderstanding has arisen as the result of that meeting. Some who were present understood that the Secretary would not permit any further killing of seals. I did not so understand, and I do not stand here to-day to criticize him for his action in permitting it to be done. I assume he had reason for so doing. If there have been indiscretions committed in taking seals younger than ought to have been taken, I do not attach the responsibility to him. It has been an error in judgment or an error in purpose on the part of those charged with carrying out the work. I have great respect for the Secretary and admire the candor with which he met the situation when these questions were under consideration. Since that time a warm controversy has been waged between the Bureau of Fisheries and others as to the policy which should be adopted in the future, and this leads us to the question now pending.

We now have to come back to this inquiry: What method shall we adopt to best carry into effect the purposes of the nations in the adoption of this treaty? In answering this question I want to repeat the statement already made, that I am so satisfied with our success in securing a treaty, under the terms of which pelagic sealing is to become a thing of the past, that, if necessary, I would make any sacrifice of personal views as to the policy to be adopted to secure the maintenance of these treaty obligations and to make them effective.

On the other hand, I never have wavered in the opinion that a closed season for some fixed period would be the very best policy for the United States, the very best policy for Great Britain, and the very best policy for the two other nations who are parties to this agreement. If they were willing, I would favor even a longer closed period than I have suggested, and think it would ultimately prove better for all. But because it is suggested that some of the parties to the treaty are restive, I am willing to sacrifice my individual judgment and favor a shorter closed period.

I think under the terms of the treaty we have a perfect right, if in our judgment it is necessary, either for the preservation of the life of the herd or to increase the number, to ordain a closed season. On the other hand, I would go to the outside limit of courtesy to those nations if they think they do not want to wait until the end of 10 years before receiving their distributive share, although I believe they would greatly profit by larger income which they would receive at the end of that time.

When we made our report——

Mr. HITCHCOCK. Mr. President——

Mr. DILLINGHAM. Just a moment, and I will yield. When we made our recommendations to the department, accompanied by the memoranda before referred to, we were of the opinion, and so expressed it, that in 10 years the herd would be so rehabilitated that we would be able to kill about 60,000 annually, which would provide a very handsome revenue for all the countries parties to the treaty. I think so now. But, on the other hand, as I have said, if the other nations are sensitive about it and do not want a closed season for 10 years, I will accept a shorter period.

Mr. WILLIAMS. In view of the intimation of the Senator as to the attitude of other nations with respect to the closed season, I wish to call attention to the fact that the treaty, by express provision, contemplates the inauguration of a closed season, and provides that in that event the United States shall pay to Great Britain and to Japan each the sum of $10,000 annually in lieu of any share of skins during the years when no killing is allowed.

Mr. DILLINGHAM. What I intended to say was, substantially, that if such foreign nations, without the knowledge of

the situation which we think we have here to-day, think it would not be right for us to maintain a longer closed season, I should be willing to accept a shorter period.

Mr. WILLIAMS. If we exercise the right to have a closed season, the measure of damages is fixed at $10,000 a year.

Mr. DILLINGHAM. I think if the necessity appears to us to do this, we have the authority.

Mr. WILLIAMS. In the first clause which has been read there occurs the phrase "if necessary." In the second clause it does not. It not only expressly contemplates a closed season, but it fixes the measure of damages to Japan and Great Britain in the event we do have a closed season. This is the clause to which I refer. It goes on to talk about 15 per cent of the killing, and then says:

Unless the killing of seals in such year or years shall have been absolutely prohibited by the United States for all purposes except to supply food, clothing, and boat skins for the natives on the islands, in which case the United States agrees to pay to Great Britain and to Japan each the sum of $10,000 annually in lieu of any share of skins during the years when no killing is allowed.

Taking the place of the 15 per cent. In other words, they agree upon the identical measure of damages. The argument of the Senator from New York was that the nations would be damaged by not allowing any killing at all. They contemplated that and provided that in that event, they would take $10,000 a year apiece in lieu of the 15 per cent.

Mr. DILLINGHAM. I think the Senator is right in his construction of the treaty, but my thought has been that if we have a longer closed season their profit would be so much larger at the end of the season that it would pay them to wait.

But if they are restive under this proposition, I would exercise the greatest courtesy toward them, particularly as the United States is acting as trustee for others; and with that thought in view my purpose is when the proper time comes to offer an amendment reducing the length of the closed season recommended by the committee from 10 to 5 years, in the hope that that may be a ground upon which those holding different views, who are all equally anxious to do what is right toward all the parties, may agree.

Mr. HITCHCOCK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Nebraska?

Mr. DILLINGHAM. I yield the floor.

Mr. HITCHCOCK. Mr. President, I notice the intimation on the part of the Senator from Vermont [Mr. DILLINGHAM] that he proposes to offer an amendment reducing the closed season from 10 to 5 years, and I want to suggest to him that if he sincerely desires, as I have no doubt he does, to secure a 5-year period, in view of the condition of the bill as it came from the House, it would certainly be wiser to adopt the amendment reported favorably by the Senate committee, so as to leave an opportunity for the conferees to get together on some such period as five or six years.

Mr. President, inasmuch as the Senator from Michigan [Mr. TOWNSEND] has read a few lines from the monograph of Mr. Elliott, published some 40 years ago, and conveyed the idea by that that fighting between the male seals occurs after the females have arrived, I desire to read something from that same monograph which shows that he has not in his brief extract conveyed the correct impression of what Elliott set forth. I will not take up the time remaining here to read all of the paragraph, which is very interesting, but he says:

Many of those bulls exhibit wonderful strength and desperate courage. I marked one veteran at Gorbatch, who was the first to take up his position early in May, and that position, as usual, directly at the water line. This male seal had fought at least 40 or 50 desperate battles and fought off his assailants every time—perhaps nearly as many different seals which coveted his position—and when the fighting season was over—after the cows are mostly all hauled up—I saw him still there, covered with scars and frightfully gashed; raw, festering, and bloody, one eye gouged out, but lording it bravely over his harem of 15 or 20 females, who were all huddled together on the same spot of his first location and around him.

I say without any fear of contradiction that no man who has been upon the islands from the time the seals arrived till the close has stated or will state that the fighting between the bulls continues after the females arrive and give birth to their young. The fighting is all over then. The fighting is for possession of a spot upon the breeding grounds, and after that is secured and the females arrive—several weeks after the bulls—peace prevails absolutely; and it is the same as in a well-regulated city—each man is master of his own house.

This much for the statement that it is desired to prevent the destruction of the seal herd by cutting off the lives of these bulls. There is nothing in it. Left to itself the herd will increase, and it always has increased. The Russian experience from 1834 to 1844 demonstrated it. If we can have a closed season of 10 years, or even 8 years, or possibly even 6 years, the herd will restore itself by those provisions of nature which alone can bring about a restoration.

I think the Senator from Indiana [Mr. SHIVELY] has very thoroughly covered the issue as to whether or not we are entitled under this treaty to put a stop to the killing of seals upon those islands. The very purpose of the treaty was to permit the herd not only to be preserved but to be increased; and it was specifically stated in article 10 that the United States should have the right to put a stop to all killing, not for the purpose of protecting the herd, but for the purpose of increasing it. We are under no obligations to any of these countries, either Japan or Russia or England, to demonstrate to them that there is any necessity for doing this. It is a matter for us to judge, and we can judge by the testimony we have. That testimony is that at the present time the herd is so depleted that in order to get 12,000 in 1910 it was necessary to kill nearly 8,000 yearlings—the best possible testimony that the herd is in a depleted condition.

It may not be exactly proper or the necessary thing to do to refer to it, but I think it is a deplorable fact that our State Department neglected as long as it did to bring about the negotiation of a treaty between these countries to put a stop to pelagic sealing. I believe if Secretary Hay had lived such a treaty would have been negotiated.

I have here before me extracts from the Toronto Globe, published in February, 1908, which set forth a speech delivered by the Hon. Mr. Scott, then secretary of state in Canada. Now, mark you, this was in 1908, several years before this present treaty was carried out, and Mr. Scott is quoted as follows:

Hon. Mr. Scott said that Canada was ready to take the matter up whenever there was a proposition from the United States. There had been no such proposal up to the present. His remarks were inspired by the existing conditions of the sealeries, which did not reflect favorably on the intelligence of the nations interested. Unless nations like Russia, Japan, the United States, and Canada could agree upon a policy of protection there would be no seals within 10 years. Canada was quite willing to do her share and be a party to any arrangement that will protect seal life and preserve all the seals but males.

Mr. President, I do not care to go into the matter further. In fact, there is no time. But I believe it is a fact that our State Department was negligent in not earlier bringing the matter to the attention of and making a definite proposal to the British Government. I believe that failure was due to the premature death of Secretary Hay, and I believe if the State Department had carried out the plans which he had, we would have had this treaty in force a number of years ago.

That representations of an unofficial character have been made at Washington from Japan and Russia or from Great Britain that the closed season of 10 years would not be favorably regarded, is a matter of which the Senate of the United States certainly can not take cognizance. No official representations have been made, and, as far as I am concerned, I do not know unofficial representations could have been made. If we adopt this amendment, recommended by the committee for a period of 10 years, there will still be time for those nations interested, after a period of one or two or three or four or five years, if they desire to do so, to make not unofficial representations to certain Members of the Senate or others, but there will be time for them to make official representations to the United States, and then it will be time enough for the Congress of the United States to modify the law. But until they do so I think we can assume, as has been said upon the floor of the Senate this afternoon, that Japan and Great Britain and Russia have the same interest that the United States has in the development and increase of this valuable industry.

Mr. President, I am advised that the Senator from Massachusetts [Mr. LODGE] desires some time. The hour for a vote is about at hand, and I will therefore conclude.

Mr. LODGE. Mr. President, the Senator from Nebraska [Mr. HITCHCOCK] is very kind.

I yesterday made certain statements in regard to when the seal fisheries came under the Fish Commissioner, and those statements were questioned. The Fish Commissioner, Mr. Bowers, was also very severely reflected upon. He has addressed to me a letter, which I think in justice to him should be read so that his side may appear in the RECORD.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF FISHERIES,
Washington, August 15, 1912.

Hon. HENRY CABOT LODGE,
United States Senate.

SIR: In the discussion in the Senate yesterday of the bill giving effect to the fur-seal convention between the United States, Great Britain, Japan, and Russia, Mr. HITCHCOCK, of Nebraska, makes a number of wholly erroneous statements, having for their purpose an at-

tempt to connect me with the affairs of the North American Commercial Co. and to show that I have not been in favor of the preservation of the seal herd. He has depended for his information not on the easily obtained official records but on spurious data presumably furnished by a notorious falsifier of records. The charge that since 1903 I have been lobbying against the protection of the seal herd is absolutely false. My relations with the fur-seal service date from January 2, 1909, when the Bureau of Fisheries assumed control of the seal islands. The only lobbying I have done has been during the present year in the interests of the bill giving effect to the fur-seal treaty, which owes its existence largely to the initiative of the Secretary of Commerce and Labor.

It is a matter of official record that the transfer of the fur-seal service to the Department of Commerce and Labor and to the Bureau of Fisheries was strongly opposed by the North American Commercial Co., but was insisted on by President Roosevelt. During the single season when I had any relations with the lessees of the seal islands, there was a small and restricted take of sealskins in strict conformity with the law and regulations. Any statement to the contrary, from whatever source, is false.

The charge that the protection and preservation of the fur-seal herd have not been and are not sought by the Department of Commerce and Labor, the Bureau of Fisheries, or the Commissioner of Fisheries can not be based on any reliable evidence. The one object that has been continually in view has been the restoration and increase of the seal herd, and to this end the department has had the counsel of every fur-seal authority and expert in the United States, with one doubtful exception. Language can hardly be more direct or emphatic than the following extract from my report to the Secretary of Commerce and Labor for the fiscal year 1909:

"The fur-seal service has come under the jurisdiction of the bureau at a time when the condition of the seal herd is worse than ever before, when the outlook is most discouraging, and when the contract for the lease of the islands for a period of 20 years must, under the law, be renewed. Under the existing circumstances the value of the franchise is greatly diminished, large financial losses may be sustained by the Government, and the perpetuity of the herd is seriously menaced. For many years the precarious condition of the fur-seal herd has been constantly brought to the attention of the Government by various persons well qualified to present the matter, and every authority has forcefully pointed out the immediate necessity of the Government's concluding some arrangement by which the slaughter of seals when away from the islands in search of food should be prevented. The net outcome of the work, arguments, recommendations, and pleas of a long procession of special commissioners, experts, and agents has been (1) the passage of a law by which American fishermen are prohibited from engaging in pelagic sealing while fishermen of all other nationalities are permitted to do so, and (2) the steady and rapid decimation of the herd, which has occurred entirely independently of the legitimate operations on the islands.

"If pelagic sealing could have been stopped in 1897, the seal herd to-day would contain 300,000 breeding cows (as against 50,000, the number for the season of 1909), and the product of the hauling grounds would have risen to 50,000 skins, yielding a Government revenue of $500,000, as against less than 15,000 skins and a Government revenue of $143,000 for the present year. Without the drain of pelagic sealing the herd would continue to increase almost indefinitely.

"The Alaskan fur seals constitute the most valuable fishery resource that any Government in the world ever possessed. It is little less than a national disgrace that the herd of four to six million seals which came into our possession when Alaska was acquired from Russia and has been under our charge ever since should have been allowed to dwindle until to-day it numbers less than 150,000 of all ages. The mildest way in which to characterize the dissipation of this great source of wealth to our people and of revenue to our Government is that it is a serious indictment of our business capacity. The extent of our loss may be partially seen when it is stated that the failure to maintain the seal herd has during the last 13 years resulted in a net loss of revenue of not less than $1,600,000, has permitted nearly 300,000 fur seals, having a market value of over $5,700,000, to be appropriated by aliens, and has encouraged those nefarious pelagic operations by which additional fur seals having a value of at least $5,000,000 have been killed at sea but not recovered; while through the slaughter of breeding females their pups—on the islands, unborn, and prospective—with a potential value of fully $20,000,000, have been sacrificed and wasted.

"It is most essential to the interests of this Government and the welfare of the fur-seal herd that appropriate action be taken at once looking to the prohibition of pelagic sealing by subjects of the countries most concerned; and recommendations to this end already submitted to the department are now renewed and strongly urged."

I inclose a memorandum giving an outline of our relations with the fur-seal service and the North American Commercial Co.

Respectfully, yours,

GEO. M. BOWERS, *Commissioner.*

Memorandum showing the relations of the Department of Commerce and Labor, the Bureau of Fisheries, and the present Commissioner of Fisheries with the North American Commercial Co., lessees of the seal islands.

Lease of the North American Commercial Co. began May 1, 1890, and expired April 30, 1910.

Fur-seal service transferred to the Department of Commerce and Labor, July 1, 1903.

Fur-seal service placed under custody of Bureau of Fisheries, Department of Commerce and Labor, December 28, 1908.

Present Commissioner of Fisheries appointed, February 16, 1898.

Period of time the operations of the North American Commercial Co. were concurrent with the custody of the Bureau of Fisheries and the term of the present Commissioner of Fisheries, one and one-third years.

Number of sealing seasons covered by this period, one.

Number of surplus male seals killed by the lessees during that season, 14,336.

Mr. LODGE. Mr. President, but a moment remains. I only desire to say that my one wish—and I believe that of every other Senator—is to do what is best for the preservation of the seal herd. Whether the closed season is placed at 1, 3, 5, 8, or 10 years, if it is not found that the herd is increasing it can easily be extended by law. But we can not overlook the fact that to do so without trial is regarded by other nations as a virtual infringement of the spirit of the treaty, and I believe that better than all arbitration treaties for the preservation of the world's peace is a strict observance of the obligations of treaties that exist. It seems to me that what we can do best for the preservation of these seals is to see to it that those treaties are not lost. We are already in default on the payment of the money. Let us maintain those treaties both in letter and in spirit, and then we shall be able to make them permanent and preserve for all time, I hope, the seal herd.

The PRESIDENT pro tempore (at 4 o'clock p. m.). The question is on the amendment of the committee.

Mr. LODGE. Is it not on the amendment offered by the Senator from Vermont [Mr. DILLINGHAM] to the amendment of the committee?

The PRESIDENT pro tempore. The Senator from Vermont did not offer an amendment to the amendment.

Mr. LODGE. I understood that he had offered it.

Mr. NELSON. I suggest that the amendment for the longest time be put first.

Mr. LODGE. The amendment is in order to strike out "ten" and insert "five."

Mr. ASHURST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Arizona suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	McCumber	Shively
Bacon	Culberson	McLean	Simmons
Bailey	Cullom	Martin, Va.	Smith, Ariz.
Bankhead	Cummins	Martine, N. J.	Smith, Ga.
Borah	Curtis	Massey	Smith, Md.
Bourne	Dillingham	Myers	Smith, Mich.
Bradley	Fall	Nelson	Smith, S. C.
Brandegee	Fletcher	Oliver	Smoot
Bristow	Gallinger	Overman	Stone
Bryan	Hitchcock	Page	Sutherland
Burnham	Johnson, Me.	Penrose	Thornton
Burton	Johnston, Ala.	Perkins	Townsend
Chilton	Kenyon	Pomerene	Warren
Clapp	Lippitt	Root	Williams
Crane	Lodge	Sanders	Works

The PRESIDENT pro tempore. Sixty Senators have answered to their names. A quorum of the Senate is present.

Mr. DILLINGHAM. I move, on page 10, line 10, in the amendment of the committee, before the word "years," that the word "ten" be stricken out and "five" inserted. I will make the same motion to amend as to the word "ten" before "years," in line 22, if this is adopted.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 10, line 10, before the word "years," strike out the word "ten" and insert in lieu the word "five," so that if amended it will read:

Shall be suspended for a period of five years.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Vermont [Mr. DILLINGHAM] to the amendment of the committee. [Putting the question.] The "noes" appear to have it.

Mr. LODGE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the Senator from Idaho [Mr. HEYBURN], and withhold my vote.

Mr. TOWNSEND (when Mr. JONES's name was called). The senior Senator from Washington [Mr. JONES] is detained from the Senate on official business.

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE]. I vote "yea."

Mr. MCCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. Not knowing how he would vote, I withhold my vote.

Mr. MASSEY (when his name was called). I have a pair with the Senator from Virginia [Mr. SWANSON], and therefore withhold my vote.

Mr. SMITH of Michigan (when his name was called). I am paired with the junior Senator from Missouri [Mr. REED]. I understand if he were present, he would vote "nay." I therefore feel at liberty to vote. I vote "nay."

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Indiana [Mr. KERN] and vote "nay."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I do not know how he would vote, but I think I can safely transfer my

pair, which I do, to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. BRIGGS. I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from Washington [Mr. JONES] and vote "yea."

Mr. BRANDEGEE (after having voted in the affirmative). I voted, but I notice that the junior Senator from New York [Mr. O'GORMAN] did not vote. So I withdraw my vote. I have a pair with that Senator.

Mr. SHIVELY. My colleague [Mr. KERN] is unavoidably absent from the city. He is paired with the senior Senator from Delaware [Mr. RICHARDSON].

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER].

Mr. LIPPITT. I announce that my colleague [Mr. WETMORE] is paired with the Senator from Maine [Mr. GARDNER].

Mr. DU PONT. I announce that my colleague [Mr. RICHARDSON] is absent and is paired with the junior Senator from South Carolina [Mr. SMITH]. I will let this announcement stand for the day.

The result was announced—yeas 27, nays 32, as follows:

YEAS—27.

Bourne	Dillingham	Lodge	Sanders
Briggs	du Pont	McLean	Smith, Ga.
Chilton	Fall	Oliver	Smoot
Crane	Fletcher	Page	Townsend
Crawford	Gallinger	Perkins	Warren
Cullom	Johnson, Me.	Pomerene	Works
Curtis	Lippitt	Root	

NAYS—32.

Ashurst	Clapp	Martine, N. J.	Smith, Ariz.
Bacon	Culberson	Myers	Smith, Md.
Borah	Cummins	Nelson	Smith, Mich.
Bristow	Hitchcock	Overman	Smith, S. C.
Bryan	Johnston, Ala.	Penrose	Stone
Burnham	Kenyon	Poindexter	Thornton
Catron	La Follette	Shively	Tillman
Chamberlain	Martin, Va.	Simmons	Williams

NOT VOTING—35.

Bailey	Dixon	Kern	Rayner
Bankhead	Foster	Lea	Reed
Bradley	Gamble	McCumber	Richardson
Brandegee	Gardner	Massey	Stephenson
Brown	Gore	Newlands	Sutherland
Burton	Gronna	O'Gorman	Swanson
Clark, Wyo.	Guggenheim	Owen	Watson
Clarke, Ark.	Heyburn	Paynter	Wetmore
Davis	Jones	Percy	

So Mr. DILLINGHAM's amendment to the amendment of the committee was rejected.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. LODGE. On that question I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. TOWNSEND (when Mr. JONES's name was called). I again announce the necessary absence of the senior Senator from Washington [Mr. JONES]. I will state that if he were present he would vote "nay" on this proposition.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY], and withhold my vote.

Mr. MASSEY (when his name was called). I again announce my pair with the Senator from Virginia [Mr. SWANSON], and withhold my vote. If he were present I should vote "yea."

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the Senator from Delaware [Mr. RICHARDSON] and its transfer to the Senator from Indiana [Mr. KERN]. I vote "yea."

Mr. STONE (when his name was called). I again transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. DAVIS] and vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Maryland [Mr. RAYNER], and on account of his absence withhold my vote.

The roll call was concluded.

Mr. CURTIS. The Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY].

The Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE].

I announce these pairs for all votes to-day.

Mr. BRIGGS. I again announce my pair with the senior Senator from West Virginia [Mr. WATSON], which I transfer to the senior Senator from Washington [Mr. JONES], and vote. I make this announcement for the day. I vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I must withdraw my vote. I notice that the Senator from New York [Mr. O'GORMAN], with whom I am paired, did not vote.

The result was announced—yeas 42, nays 18, as follows:

YEAS—42.

Ashurst	Cummins	Martine, N. J.	Smith, Ariz.
Bacon	Curtis	Myers	Smith, Ga.
Borah	Dillingham	Nelson	Smith, Md.
Bristow	Fall	Overman	Smith, Mich.
Bryan	Hitchcock	Page	Smith, S. C.
Burnham	Johnson, Me.	Penrose	Stone
Burton	Johnston, Ala.	Perkins	Thornton
Catron	Kenyon	Poindexter	Williams
Chamberlain	La Follette	Sanders	Works
Clapp	McLean	Shively	
Culberson	Martin, Va.	Simmons	

NAYS—18.

Bourne	Cullom	Lodge	Tillman
Briggs	du Pont	Oliver	Townsend
Chilton	Fletcher	Pomerene	Warren
Crane	Gallinger	Root	
Crawford	Lippitt	Smoot	

NOT VOTING—34.

Bailey	Foster	Lea	Reed
Bankhead	Gamble	McCumber	Richardson
Bradley	Gardner	Massey	Stephenson
Brandegee	Gore	Newlands	Sutherland
Brown	Gronna	O'Gorman	Swanson
Clark, Wyo.	Guggenheim	Owen	Watson
Clarke, Ark.	Heyburn	Paynter	Wetmore
Davis	Jones	Percy	
Dixon	Kern	Rayner	

So the amendment of the committee was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The preamble was agreed to.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. In accordance with a notice given some days ago, I move that the Senate now proceed to the consideration of Senate joint resolution 78, being the joint resolution respecting an amendment to the Constitution as to the election of President.

Mr. WARREN. Mr. President, I should like to know whether the joint resolution has been called up. I want to ask the Senator from Iowa to yield to me for the consideration of a joint resolution which will take but a moment.

Mr. CUMMINS. I have just moved to take up the joint resolution to which I have referred.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa.

Mr. McCUMBER. I want to be heard on that motion before it is decided.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. McCUMBER. I want to know what the motion is—whether it is to take up the joint resolution and to dispose of it.

Mr. CUMMINS. The motion is that the Senate proceed to the consideration of the joint resolution.

The PRESIDENT pro tempore. Which is not a debatable motion.

Mr. CUMMINS. What the Senate will do thereafter depends upon its own will.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Iowa to take up the joint resolution named by him. [Putting the question.] The ayes appear to have it.

Mr. McCUMBER. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MARTINE of New Jersey. I desire to have the proposition stated. I did not hear it.

The PRESIDENT pro tempore. The title of the joint resolution which the Senator from Iowa [Mr. CUMMINS] moves be now taken up will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. TOWNSEND (when the name of Mr. JONES was called). I again desire to announce the necessary absence of the senior Senator from Washington [Mr. JONES] on official business. I

desire that this announcement shall stand for the rest of the day.

Mr. LIPPITT (when his name was called). I again announce the transfer of my pair with the senior Senator from Tennessee [Mr. LEA] to the Senator from South Dakota [Mr. GAMBLE]. I will let the announcement stand for the day. I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. PERCY] and withhold my vote.

Mr. MASSEY (when his name was called). I announce my pair with the Senator from Virginia [Mr. SWANSON] and withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I again announce my pair with the senior Senator from Delaware [Mr. RICHARDSON], and transfer that pair to the Senator from Indiana [Mr. KERN] and shall vote. I vote "nay."

Mr. STONE (when his name was called). I announce my pair with the Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. SUTHERLAND (when his name was called). I am paired with the Senator from Maryland [Mr. RAYNER]. I transfer that pair to the Senator from North Dakota [Mr. GRONNA] and will vote. I vote "yea."

Mr. WARREN (when his name was called). On this question I am paired with the Senator from Louisiana [Mr. FOSTER].

The roll call having been concluded, the result was announced—yeas 41, nays 17, as follows:

YEAS—41.

Ashurst	Cummins	Martine, N. J.	Smith, Ga.
Bacon	Curtis	Myers	Smith, Md.
Bourne	Dillingham	Nelson	Smoot
Briggs	du Pont	Oliver	Sutherland
Bryan	Fall	Overman	Thornton
Burnham	Fletcher	Page	Tillman
Burton	Johnson, Me.	Penrose	Williams
Chamberlain	Johnston, Ala	Perkins	Works
Chilton	Kenyon	Pomerene	
Crane	La Follette	Shively	
Culberson	Martin, Va.	Simmons	

NAYS—17.

Borah	Cullom	Poindexter	Smith, S. C.
Bristow	Gallinger	Root	Townsend
Catron	Lippitt	Sanders	
Clapp	Lodge	Smith, Ariz.	
Crawford	McLean	Smith, Mich.	

NOT VOTING—36.

Bailey	Foster	Kern	Rayner
Bankhead	Gamble	Lea	Reed
Bradley	Gardner	McCumber	Richardson
Brandegee	Gore	Massey	Stephenson
Brown	Gronna	Newlands	Stone
Clark, Wyo.	Guggenheim	O'Gorman	Swanson
Clarke, Ark.	Heyburn	Owen	Warren
Davis	Hitchcock	Paynter	Watson
Dixon	Jones	Percy	Wetmore

So the motion of Mr. CUMMINS was agreed to, and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States, which had been reported from the Committee on the Judiciary with an amendment.

Mr. CUMMINS. Mr. President, I have been informed that there are some others who desire to speak upon this joint resolution, but that they are not prepared to proceed this afternoon. I know also the very great anxiety of some Senators that we shall take up the calendar. In view of those circumstances, I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. BACON. Before that is done I wish to offer an amendment to the joint resolution in order that it may be stated, and then I shall make no objection to the request.

Mr. WILLIAMS. Mr. President, reserving the right to object, I should like to ask the Senator from Iowa if he has any reason for delaying the matter, except that some Senator wants to speak? Is there any other reason?

Mr. CUMMINS. I gave two reasons. One is that there are Senators here who desire to speak and who have told me that they are not ready, and the other is that there is a great desire upon the part of Senators to take up some of the bills on the calendar that are not objected to, and which it is very necessary that we shall pass if they are to be considered by the House. I have yielded to those two considerations. I expect to-morrow to insist upon the consideration of the joint resolution.

Mr. WILLIAMS. Mr. President, in view of the second reason I shall not object. We are getting pretty near the end of the session now, and I shall object to any unanimous-consent agreement hereafter to postpone business simply upon the ground that some Senator wants to speak and is not ready to do so; but the second request, it seems to me, is a very good one, and I shall not object.

Mr. BACON. Mr. President, I did not yield the floor——

The PRESIDENT pro tempore. The Senator has not yielded the floor.

Mr. BACON. Though I acquiesced, I simply wish to ask that the amendment which I offer——

Mr. CUMMINS. My request is before the Senate to be dealt with as the Senator desires.

Mr. BACON. I simply wish to offer an amendment.

Mr. CUMMINS. I withhold the request a moment until the Senator from Georgia may present his amendment.

Mr. BACON. I simply desire to offer an amendment, and I will ask the Secretary to take it down. It is on the sixth line on the second page, to strike out the word "six" and to insert the word "four." I do not ask to do anything more now than to have that entered.

Mr. CLAPP. I desire to say to the Senator from Iowa—of course I do not know how many Senators have signified their desire to speak—that I had expected to speak on this question, but I shall very cheerfully waive the privilege if a vote can be taken now upon the joint resolution.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Iowa that the joint resolution be laid aside temporarily? The Chair hears none, and it is so ordered.

EXTENSION OF APPROPRIATIONS.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 356) to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," to report it favorably without amendment. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It proposes that the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July 1, 1912, be further extended and continued in full force and effect for and during the last half of the month of August, 1912.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOSA RIVER DAM, ALA.

Mr. BANKHEAD. I desire to ask unanimous consent that on Friday morning, being to-morrow, immediately after the routine morning business, the Senate will consider Calendar No. 899, being the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

Mr. CRAWFORD. I object.

The PRESIDENT pro tempore. Objection is made.

CONSIDERATION OF THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with Calendar No. 824.

Mr. CRAWFORD. Is that where we left off?

Mr. SMOOT. That is where we left off this morning.

Mr. MARTINE of New Jersey. I ask the Senator from Utah to allow the consideration of Calendar No. 800, instead of starting at 824, which would shut that out. It will provoke no discussion. All the parties who are affected by it are unanimously in favor of it.

Mr. SMOOT. Mr. President, if that be allowed, there are other Senators who will ask that we go back to the beginning of the calendar.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. CRAWFORD. There is; I object.

Mr. SMOOT. I have not asked——

Mr. CRAWFORD. I object to going down in some other place in the calendar and picking out a bill here and another there.

Mr. SMOOT. I myself objected to that, and asked that we begin with Calendar No. 824.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. MARTINE of New Jersey. I object.

Mr. SMOOT. Then, I move that the Senate proceed to the consideration of the calendar under Rule VIII, beginning with Calendar No. 824.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of bills on the Calendar under Rule VIII, beginning with Order of Business 824. The question is on that motion.

Mr. POINDEXTER. That is not the point where we left off considering the calendar.

Mr. SMOOT. That is where we left off this morning, considering the calendar.

Mr. POINDEXTER. I was not here this morning.

The PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

Mr. SMOOT. I intended in the motion made by me to include only bills to which there is no objection.

The PRESIDENT pro tempore. Without objection, it is so ordered.

DONATION OF FRAME BUILDING.

The bill (H. R. 1248) to authorize the Secretary of the Interior to convey a certain frame building was announced as the first bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to convey to Company I, Oklahoma National Guard, the frame building formerly used for the United States land office in Alva, Okla.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXCHANGE OF LANDS IN NEW MEXICO.

The bill (H. R. 2875) to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest was announced as the next business in order.

Mr. McCUMBER. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. CHAMBERLAIN subsequently said: I ask permission of the Senate to return to House bill 2875. I understand the Senator from North Dakota will withdraw his objection. It is a very short bill. I happened to be out of the Chamber, and so did the Senator from New Mexico.

Mr. McCUMBER. I will withdraw the objection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT TO LUTHER BURBANK.

The bill (H. R. 23043) to patent certain semiarid lands to Luther Burbank, under certain conditions, was considered as in Committee of the Whole.

Mr. McCUMBER. I should like to hear some good reason why we should, in a special bill, make a special grant of 12 sections of land to Mr. Luther Burbank any more than we should make it to any other individual. I can not understand why, if the purpose is for an investigation, the Agricultural Department can not carry on that investigation. That department is to-day carrying on the same character of investigation, as I understand, in the State of California, and appropriations have been made for that purpose. Why should we single out one individual and make him a present of 12 full sections of land, one-third of a township, if he shall be successful, as I understand, in bringing about certain results?

Mr. WORKS. Mr. President, to begin with, the Senator from North Dakota [Mr. McCUMBER] is mistaken in the supposition that we propose to give away this land. The bill simply provides that Mr. Burbank may have the use of the land for his experiment for the term of five years, and if, at the end of that time, he has been successful, he is given the privilege of buying it, at the same price that anybody else would have to pay for it. The provision relates entirely to semiarid land——

Mr. McCUMBER. Could anyone buy that land now for $1.25 an acre? Is it open for sale?

Mr. WORKS. It is nonirrigable, nonagricultural, nonmineral land; in other words, absolutely worthless for any other purpose unless the cacti can be grown upon it, and I think I need not explain to the Senate what has been accomplished by Mr. Burbank in the way of developing what is known as the spineless cacti, which is expected to be the finest of animal food, upon arid lands of this country, and to be grown upon land worthless for any other purpose.

This bill simply allows him the use of the land for the purpose of determining definitely whether that kind of cacti can be successfully raised and successfully used as animal food, and if that is developed it will be a matter of vast importance to this country.

Mr. NEWLANDS. I should like to ask the Senator from California whether the Committee on Agriculture has not reported favorably on this bill in the interest of agriculture?

Mr. WORKS. The report comes from the Committee on Public Lands.

Mr. NEWLANDS. The Committee on Public Lands.

Mr. WORKS. The matter was very thoroughly investigated there. It has also been investigated by the House committee, and the bill has passed the House and is now here for disposition by the Senate.

It seems to me it is just the sort of effort on the part of Mr. Burbank which Congress ought to encourage; and there is no possibility of the Government losing anything by it, while vast benefits may result from it.

Mr. NEWLANDS. And the Government will be saved the expense of this experimental work?

Mr. WORKS. Entirely. It is at his own expense. He is asking nothing from the Government. He can only get the land after he has demonstrated the fact that the land can be used in that way and then by paying the price prescribed in the bill.

Mr. FALL. I should like to ask the Senator from California to explain how Mr. Burbank expects to dispose of the growth on the land; what he expects to do with it? Is it not a fact that Mr. Burbank's cacti business is done by a corporation?

Mr. WORKS. That I do not know, but I think it is entirely immaterial so far as the public interests are concerned.

Mr. FALL. We have tried in New Mexico to get some of the specimens of the spineless cactus for the purpose of propagating it and using it; and we found, so far as our experience has gone—and it has been limited—that it was impossible to secure it, as some one claims to have the right to handle the spineless cactus under propagation by Mr. Burbank; and we can get it only by paying a royalty of so much a year. If that is the truth, I certainly should not favor the passage of a bill giving Mr. Burbank the land.

Mr. WORKS. The proposition is not to give Mr. Burbank the land at all, I will remind the Senator.

Mr. FALL. It grants its use for five years and then there is to be a deed to him, as I understand.

Mr. WORKS. Upon the payment of $2.50 an acre. I do not understand how it can make any difference whether it is a corporation that supplies the money to demonstrate the feasibility of growing the cactus or whether it is done by a private individual. I do not know what the facts are. But certainly it is important that this industry should be developed, if it can be, and there can be no loss to the Government.

Mr. McCUMBER. I think we ought to understand a little something about this measure before we vote upon it. We ought to know what the investigation has been, what the reports are, what evidence has been taken.

I have been informed by officials of the Agricultural Department that the experimentation which has been carried on by Mr. Burbank has been carried on in connection with the work of the Agricultural Department, and what has been obtained, for the most part—and I understand this includes the spineless cacti—has been accomplished through the efforts of the Agricultural Department in work with Mr. Burbank. If that be true, I do not see, personally, upon any knowledge I have, why we should grant 12 sections of land to a corporation, to be organized by Mr. Burbank, for this purpose, when we have paid for the experimentation, and the results of which should be public property.

The PRESIDENT pro tempore. The time of the Senator has expired.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SCHOOL SECTIONS WITHIN RESERVATIONS.

The bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments.

Mr. BACON. Mr. President, I simply wish to inquire if this is the bill on that subject which was up for debate in the Senate some months ago?

Mr. WORKS. This bill has never been under debate here at all. It is to be enacted especially in the interest of conditions in California, although some other States are named. Some were omitted because they did not care to be included in the legislation.

The necessity for this bill results from the fact that decisions have been rendered by the Federal courts in California that these transfers can not be made, and it has embarrassed the authorities in California. The Interior Department has always held they could be made. The bill is only for the purpose of removing that uncertainty.

Mr. BACON. I had no reference to the particular bill as the Senator now describes it, but thought it was another bill, which had in it some features of this kind to which I did object.

The PRESIDENT pro tempore. The amendments proposed by the Committee on Public Lands will be stated.

The amendments were, on page 1, line 4, after the word "authorized," to insert "in his discretion"; on page 2, line 6, after the word "hereafter," to strike out "made" and insert "approved"; in line 7, after the word "land," to strike out "upon approval of such exchange"; and in line 9, after the word "State," to insert the following proviso:

Provided, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 Stat. L., 847–848) until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval when the lands are within only a coal withdrawal, excluding from the approval coal deposits: *And provided further*, That the provisions of this act shall not apply to the State of Idaho.

So as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes as amended by act of February 28, 1891 (26 Stat., 796), and any such exchange whether heretofore or hereafter approved shall restore full title in the United States to the base land without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange, etc.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARY BEAL.

The bill (H. R. 4512) for the relief of Mary Beal was considered as in Committee of the Whole. It proposes to pay to Mary Beal, of Portsmouth, Va., $1,000 for injuries sustained by her while in charge of laundry work in the United States Navy Hospital at Portsmouth, Va.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BORAH. Mr. President, I want to ask what are the provisions of the unanimous-consent agreement under which we are operating? Does it cover only unobjected bills?

Mr. SMOOT. That was the request.

The PRESIDENT pro tempore. Unobjected bills under Rule VIII.

EASTERN JUDICIAL DISTRICT OF TENNESSEE.

The bill (S. 7252) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, was announced as next in order.

Mr. SANDERS. Mr. President, the bill (H. R. 25520) to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, which is identical with the bill the title of which has just been announced, was received some days ago from the House and referred to the Committee on the Judiciary. That committee having reported an identical Senate bill for this purpose, I move that the Committee on the Judiciary be discharged from the further consideration of the House bill, and that it be put upon its passage.

The PRESIDENT pro tempore. Without objection, it is so ordered.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25520) to amend section 107 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SANDERS. I move that the Senate bill 7252 on the same subject be indefinitely postponed.

The motion was agreed to.

FORT COVINGTON, N. Y.

The bill (H. R. 21963) to make Fort Covington, N. Y., a subport of entry was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SULPHUR SPRINGS, TEX.

The bill (H. R. 11149) to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF MINES.

The bill (H. R. 17260) to amend an act entitled "An act to establish in the Department of the Interior a Bureau of Mines," approved May 16, 1910, was announced as next in order.

Mr. OVERMAN. Let that go over.

The PRESIDENT pro tempore. The bill will go over.

E. ROSENWALD & BRO.

The bill (H. R. 20124) for the relief of E. Rosenwald & Bro. was considered as in Committee of the Whole. It proposes to pay to E. Rosenwald & Bro. $4,922.85 unlawfully collected from E. Rosenwald & Bro. upon an entry covering 186 bales of unstemmed wrapper tobacco, made upon June 1, 1909, and liquidated upon October 4, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

The bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases was announced as next in order.

Mr. MARTINE of New Jersey. Let the bill go over.

Mr. KENYON. I wish to inquire if it is in order to try and get unanimous consent for that bill for the next session. I think it is a very important measure, and I realize that it will involve a great deal of discussion. There will probably be no opportunity to pass it at the present session, but it is a bill of such importance that I think there should be unanimous consent given to take it up and make it the unfinished business at a date fixed in the next session.

The PRESIDENT pro tempore. Under the unanimous-consent agreement that can not be done. The bill goes over under objection.

Mr. KENYON. Then I ask that it be made the special order for December 12.

The PRESIDENT pro tempore. The Chair is of opinion that under the unanimous-consent agreement no consent of that kind can be entertained.

Mr. KENYON. A parliamentary inquiry. Is no motion of any kind in order to take it up?

Mr. CULBERSON. I will ask if the parliamentary status is not this: The Senator from Utah [Mr. SMOOT] moved to proceed to the consideration of the calendar under Rule VIII, beginning at a certain number. The Senator from Iowa is entitled, I think, to move to take up the bill notwithstanding the objection.

Mr. SMOOT. The motion was to consider under Rule VIII bills on the calendar to which there was no objection.

Mr. CULBERSON. I think not.

Mr. SMOOT. The Senator will remember that the first request was to proceed to the consideration of the calendar under Rule VIII. Then there was some discussion, and after that I said it was understood that it would apply to bills to which there would be no objection, and the RECORD will so show.

Mr. CULBERSON. We are proceeding under unanimous consent, as I understand it, to take up the calendar under Rule VIII, beginning at a certain number, and the Senator from Iowa is entitled under Rule VIII to move to take up the bill notwithstanding the objection.

The PRESIDENT pro tempore. The Chair will suggest that the unanimous-consent agreement was coupled with the agreement that only unobjected bills should be considered.

Mr. BACON. Is it not true that it was on motion that the Senate proceeded to the consideration of the calendar?

The PRESIDENT pro tempore. It was.

Mr. BACON. Not by unanimous consent, but on motion?

The PRESIDENT pro tempore. It was a motion.

Mr. BACON. I may be in error, and of course I yield to a recollection of the Chair if he differs from me, but I think a reference to the reporter's notes will show that the Chair put the question upon the motion whether we should proceed to the calendar under Rule VIII. I think the reporter's notes will show that. I may be in error, but I suggest that as my recollection.

The PRESIDENT pro tempore. The Chair has a very distinct recollection of the fact that coupled with the motion was the suggestion that unobjected cases only should be considered. The Chair is clear in that view. The Secretary will proceed with the calendar.

SANTIAM NATIONAL FOREST.

The bill (S. 7237) to reserve certain lands and to incorporate the same and make them a part of the Santiam National Forest was announced as next in order.

Mr. CHAMBERLAIN. I ask that that bill may go over for the present.

The PRESIDENT pro tempore. The bill will go over.

IMPORTATION OF NURSERY STOCK.

The bill (H. R. 24119) to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes, was announced as next in order.

Mr. CHAMBERLAIN. The bill has been read.

Mr. SUTHERLAND. I think the bill has been already read.

The PRESIDENT pro tempore. The bill has been read twice, and unless a request is made the reading will be dispensed with.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment.

Mr. BACON. I should like to hear the bill read if it is not too long. Without the bill being read, the Senator from Oregon may state its purpose.

Mr. CHAMBERLAIN. I can state that the bill was reported from the Senate Committee on Agriculture and Forestry after a hearing on it. It was recommitted to the committee and made to conform to the objections of one of the Senators to the bill. A similar bill was pending in the House, where they had hearings, and the House bill was made to conform exactly to the second bill reported from the Committee on Agriculture and Forestry. The bill has received attentive consideration.

Mr. BACON. It is simply providing against infected stock?

Mr. CHAMBERLAIN. Against the importation of infected stock.

Mr. BACON. Then I have no objection to it.

The bill was ordered to a third reading, read the third time, and passed.

FRED WHITE.

The joint resolution (S. J. Res. 117) for the relief of Fred White was considered as in Committee of the Whole.

The preamble recites that there was a mistake in the acceptance by the officials of the land office at Lewiston, Idaho, of the homestead application of Fred White, who located upon land included within the Nez Perce Indian Reservation and made improvements thereon to the extent of $1,500 before the mistake was discovered.

The joint resolution proposes to pay to Fred White, of Kooskia, Idaho, $600.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

PECOS NATIONAL GAME REFUGE.

The bill (S. 6942) to establish the Pecos National Game Refuge, in the State of New Mexico, and for other purposes, was announced as next in order.

The Secretary read the bill.

Mr. FALL. I ask that the bill may go over.

The PRESIDENT pro tempore. It will go over under objection.

Mr. FALL subsequently said: I withdraw my objection to the consideration of Senate bill 6942.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOE COOK.

The bill (H. R. 25060) for the relief of Joe Cook was considered as in Committee of the Whole. It proposes to pay $422.25 to Joe Cook, of Manhattan, Nev., found and held to be due him by the Secretary of Agriculture under contract of February 8, 1911, for the construction of a rangers' headquarters on the Toiyabe National Forest Reserve, Kingston Canyon, Nev.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FRANK WENZEL.

The bill (H. R. 16621) for the indemnification of Frank Wenzel was considered as in Committee of the Whole. It proposes to pay to Frank Wenzel, former employee of the Treasury Department, the sum of $750, to indemnify him for permanent personal injuries received by him December 6, 1895, by reason of the defective condition and management of the passenger elevator in the Government building in the city of Toledo, county of Lucas, and State of Ohio.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. OAK.

The bill (H. R. 17709) for the relief of John M. Oak was announced as next in order, and the Secretary read the bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of John M. Oak, postmaster at Bangor, Me., in the sum of $132,311.12, due to the United States on account of postal funds, key-deposit funds, money-order funds, postage stamps, and other stamped paper on account of losses resulting from fire April 30, 1911.

Mr. CULBERSON. Did the Secretary read the amount at $132,000? If the amount is so large, I ask that the bill may go over.

Mr. JOHNSON of Maine. I hope the Senator from Texas will not make that request.

The PRESIDENT pro tempore. That is the amount named in the bill.

Mr. JOHNSON of Maine. I hope the Senator from Texas will withdraw his objection. This bill seems to be for a large sum; $90,000 was for stock in the post office at Bangor, Me., which was destroyed in a disastrous fire about a year ago. An examination by the Post Office Department discloses the fact that he should be credited with the sum of $132,000, mentioned in the bill as the amount lost in that fire, and for which he was in no way responsible. The payment of this sum is recommended by the department and also by the Committee on Claims.

I therefore hope that the Senator from Texas will withdraw his objection.

Mr. BRISTOW. I desire to state to the Senator from Texas that this is the amount which the department, after accounting, has found was destroyed by the fire. The whole business portion of Bangor, Me., was destroyed—the post-office building, among other business buildings—and the postmaster lost this much by the fire.

Mr. CULBERSON. Is this a unanimous report of the committee?

Mr. BRISTOW. Of the committee, and based on the findings of the department. It was thoroughly examined.

Mr. CULBERSON. I withdraw the objection to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FOURTEENTH STREET NE., DISTRICT OF COLUMBIA.

The bill (H. R. 22648) to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS AND RESOLUTIONS PASSED OVER.

The bill (H. R. 21524) for the relief of Frederick H. Ferris was announced as next in order.

Mr. CULBERSON. Let that bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 6812) to amend section 3 of an act entitled "An act to provide for the allotments of land in severalty," etc., approved February 28, 1891, was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. ASHURST. If the Senator from Idaho [Mr. HEYBURN] were present, he would object.

The PRESIDENT pro tempore. Objection has been made

Mr. ASHURST. I beg pardon, but I should like to finish my statement. I desire to say that if the Senator from Idaho [Mr. HEYBURN] were present, he would object to the bill, and I promised him, even though it was my own bill, that I would object to its consideration in his absence.

The PRESIDENT pro tempore. The bill will go over on objection.

The next business on the calendar was Senate resolution 362, for an investigation into the expenditures of the Forest Service and the appointment of a committee for that purpose.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. The resolution will go over.

The next business on the calendar was Senate resolution 365, authorizing the Committee on the Library to employ a stenographer to report hearings on bills or other matters pending before the committee.

Mr. SMITH of Georgia. Let that go over.

The PRESIDENT pro tempore. The resolution will go over.

ALLEN EDWARD O'TOOLE.

The bill (S. 324) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal, was considered as in Committee of the Whole.

The bill was reported from the Committee on Claims with amendments, on page 1, line 10, after the name "Allen Edward O'Toole," to strike out "$1,666.67" and insert "$500"; at the top of page 2, to strike out "$1,666.67" and insert "$500"; and, in line 2, after the name "Clifford O'Toole," to strike out "$1,666.66" and insert "$500," so as to make the bill read:

Be it enacted, etc., That for the relief of Allen Edward O'Toole, Bessie O'Toole, and Clifford O'Toole, whose father, Edward O'Toole, was fatally injured by an accident at the Rock Island Arsenal, February 24, 1905, the Secretary of the Treasury be, and he is hereby, authorized to pay, out of any money in the Treasury not otherwise appropriated, the following sums, namely: To Allen Edward O'Toole, $500; to Bessie O'Toole, $500; to Clifford O'Toole, $500: *Provided*, That in case any of the beneficiaries herein named are minors the amount appropriated shall be paid to his or her duly appointed guardian.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 22913) to create a department of labor was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDENT pro tempore. It will go over.

The bill (S. 7089) to remove the charge of desertion against Charlie Meyers was announced as next in order.

Mr. CULBERSON. Let the bill go over.

The PRESIDENT pro tempore. The bill will go over.

The bill (S. 2058) for the relief of William Wentworth was announced as next in order.

Mr. CULBERSON. Let that go over also.

The PRESIDENT pro tempore. The bill will be passed over.

PENSIONS AND INCREASE OF PENSIONS.

The bill (H. R. 25304) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, line 7, before the word "dollars," to strike out "twenty-four" and insert "fifty," so as to make the clause read:

The name of Frank E. Lyman, jr., late first lieutenant, Signal Corps, United States Army, and pay him a pension at the rate of $50 per month.

Mr. OVERMAN. I should like to inquire why that pension is increased to $50 per month.

Mr. McCUMBER. The reasons are set forth in the report.

Mr. OVERMAN. I know that; but I have not had time to read the report. Why should this pension be increased more than others?

Mr. CUMMINS. Mr. President, I am not a member of the committee, but I know about that man.

Mr. McCUMBER. I have the report here, if the Senator desires to have it read.

Mr. OVERMAN. No; I merely want a statement of the facts; that is all.

Mr. McCUMBER. They are quite lengthy, but I can give them.

Mr. OVERMAN. The Senator from Iowa knows the facts.

Mr. CUMMINS. Mr. President, Mr. Lyman was an officer in the Signal Corps in the Spanish War. He incurred disabilities which have resulted in the entire destruction of his health and strength. Practically he is not able to do anything. He was examined once for promotion, but on account of the condition in which the service had left him it was impossible for him to secure it, and therefore he resigned, as I remember, or received a discharge on account of his condition.

Mr. OVERMAN. On account of injuries received in the service during the Spanish War?

Mr. CUMMINS. His disabilities are due to exposure in the service.

Mr. SMITH of Georgia. Are they clearly of service origin?

Mr. CUMMINS. I knew him before he went to the war, and he was one of the strongest and most capable young men we had in our community. He is now a wreck on account of the work that he did for his country during that war. He is a man who was earning a very considerable salary at that time.

Mr. SMITH of Georgia. I desire to ask the chairman of the committee a question before the other items are passed upon. Are these cases where injuries were of service origin?

Mr. McCUMBER. It was held upon further examination that they were of service origin.

Mr. SMITH of Georgia. These Spanish-American War pensions are all based upon injuries in service origin?

Mr. McCUMBER. That is correct.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 2, line 12, before the word "mother," to insert "dependent," so as to make the clause read:

The name of Eliza T. Henderson, dependent mother of Jesse H. Henderson, late of Company C, Forty-first Regiment United States Volunteer Infantry, War with Spain, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, at the top of page 2, to strike out:

The name of Elizabeth L. Bayless, widow of James M. Bayless, late of Troop E, Eighth Regiment United States Cavalry, and pay her a pension at the rate of $12 per month, with an additional allowance of $2 per month on account of each of four minor children of the soldier until they, respectively, reach the age of 16 years.

The amendment was agreed to.

The next amendment was, on page 2, line 15, after the words "late of," to strike out "the" and insert "U. S. S. Benicia," so as to make the clause read:

The name of John H. Brogan, late of U. S. S. Benicia, United States Navy, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 24796) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments. The first amendment was, on page 1, after line 5, to strike out:

The name of Anna J. Meilstrup, dependent mother of Elmer M. Meilstrup, late ordinary seaman, United States Navy, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 2, after line 7, to strike out:

The name of John H. Brown, late of the U. S. S. Worden, United States Navy, and pay him a pension at the rate of $15 per month.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of George C. Rimes, late of Company E, Thirty-fifth Regiment, United States Volunteer Infantry, War with Spain, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to strike out:

The name of William Ramsey, late of Troop B, United States Mounted Riflemen, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 10, after the words "late of," to insert "U. S. S. Wabash," so as to make the clause read:

The name of William H. Mercer, as dependent father of Grover C. Mercer, late of U. S. S. Wabash, United States Navy, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 3, line 13, after the words "late of," to strike out "the," and insert "U. S. S. Wyandotte," so as to make the clause read:

The name of John S. Scheerer, late of U. S. S. Wyandotte, United States Navy, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, after line 16, to strike out:

The name of Wesley J. Banks, late of Company A, First Regiment Indiana Volunteer Infantry, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 8, to strike out:

The name of John G. Morgan, late of Sargent's company, First Regiment Georgia Volunteers, War with Mexico, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, after line 19, to strike out:

The name of Charles Myer, late of Company E, First Regiment Georgia Volunteer Infantry, War with Spain, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with amendments.

The first amendment was, on page 2, after line 8, to strike out:

The name of Samantha Morrison Flint, daughter of William Morrison, late private in Col. Stephen J. Schuyler's regiment of New York Volunteers in the War of the American Revolution, and pay her a pension at the rate of $25 per month.

The amendment was agreed to.

The next amendment was, on page 2, line 15, before the word "general," to strike out "brigadier" and insert "major"; in the same line, after the words "United States," to strike out "Army" and insert "Volunteers"; and in line 16, after the word "Spain," to insert "and brigadier general, United States Army," so as to make the clause read:

The name of Ellen Bernard Lee, widow of Fitzhugh Lee, late major general, United States Volunteers, War with Spain, and brigadier general, United States Army, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The next amendment was, at the top of page 3, to strike out:

The name of Elroy R. Cary, late of Company E, Sixth Regiment Illinois Volunteer Infantry, War with Spain, and pay him a pension at the rate of $20 per month.

Mr. McCUMBER. I move that the Senate disagree to the amendment striking out lines 1 to 4, inclusive, on page 3. A further investigation which was made in the case since the bill was reported justifies me in making this request.

The PRESIDENT pro tempore. The queston is on agreeing to the amendment.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions, with amendments.

The first amendment was, on page 4, line 10, before the word "Volunteer," to strike out "Mounted"; and in line 11, before the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of William M. Freels, late of Company H, Seventh Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 16, after the word "receiving," to insert:

Provided, That in the event of the death of Neill Wallace, helpless and dependent son of said Charles Wallace, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Sarah Wallace the name of the said Neill Wallace shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Sarah Wallace.

The amendment was agreed to.

The next amendment was on page 8, line 9, before the word "dollars," strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Thomas Inman, late of Company H, Fifty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 7, after the word "Fifth," to insert "Regiment"; in line 8, after the word "and," to insert "Company F"; and in the same line, after the word "Third," to strike out "Regiments" and insert "Regiment," so as to make the clause read:

The name of Charles Allen, late of Company D, Fifth Regiment, and Company F, Third Regiment, West Virginia Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Henry Flesher, late of Company F, One hundred and thirteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 11, after the word "Company," to strike out the letter "L" and insert "I, One hundred and," so as to make the clause read:

The name of Patrick J. Carroll, late of Company I, One hundred and seventy-fourth Regiment, and Company I, One hundred and sixty-second Regiment, New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 12, line 18, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John Breneman, late of Company E, Twenty-eighth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, line 25, before the word "Veteran" to insert "Regiment," so as to make the clause read:

The name of David Gough, late of Company H, Seventy-third Regiment Ohio Volunteer Infantry, and Company F, Seventeenth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, after line 12, to strike out:

The name of Lucy B. Miller, widow of John J. Miller, late of Company E, One hundred and fifty-fourth Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 18, line 15, before the word "Volunteer," to strike out "Mounted"; in line 16, before the word "Infantry," to insert "Mounted"; and, in line 17, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Robert L. Higgins, late of Company K, Fourth Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 19, line 13, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Hiram C. Smith, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 2, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William H. McAllister, late of Company A, One hundred and sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to strike out:

The name of Harrison Bradley, late of Company C, Fifteenth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 22, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Theodore Garner, late of Company K, Sixty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 23, line 18, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Benjamin F. Lemon, late of Company E, Fiftieth Regiment Missouri Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Reuben H. Crosby, late of Company G, Seventeenth Regiment, and Company C, Third Regiment, Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, ine 13, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Claudius N. Martin, late of Company F, One hundred and first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 17, after the word "First," to insert "Regiment," so as to make the clause read:

The name of Joseph Funk, late of Company F, One hundred and thirty-second Regiment Ohio National Guard Infantry, and Company F, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 29, line 8, before the word "Volunteer," to strike out "Mounted"; and in line 9, before the word "Rifles," to insert "Mounted," so as to make the clause read:

The name of Frank A. Higgins, late of Company K, First Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 30, line 11, before the name "Engle," to strike out "Samuel" and insert "Lemuel," so as to make the clause read:

The name of Lemuel Engle, late of Company K, One hundred and forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 31, line 17, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of George Livingston, late of Company C, Twentieth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 13, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Charles G. Mason, late of Company E, Second Regiment Connecticut Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 32, line 25, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of George A. Tainter, late of Company A, Thirteenth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Joseph Hornung, late of Company L, First Regiment Ohio Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Salmon A. Buell, late acting midshipman, United States Navy, and major, First Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John Tipton, late of Company C, Fifty-ninth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 40, after line 4, to strike out:

The name of Robert M. Stewart, late of Capt. Fichthorn's company, One hundred and first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 42, after line 13, to strike out:

The name of Bridget Burns, widow of Edward Burns, late of U. S. S. Potomac, United States Navy, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, after line 8, to strike out:

The name of James H. Kinkead, late of Company A, Seventy-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 43, line 17, after the name "Mary," to strike out "Rothenburger" and insert "Rothenberger"; in line 18, after the name "Jacob," to strike out "Rothenburger" and insert "Rothenberger"; and in line 21, after the word "month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Mary Rothenberger, helpless and dependent daughter of Jacob Rothenberger, late of Company E, Thirty-fourth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 44, line 8, after the word "Regiment," to strike out "New York" and insert "New Jersey," so as to make the clause read:

The name of William H. Cox, late of Company C, Third Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 46, line 19, after the words "per month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of Jacob L. Kennamer, late of Capt. John B. Kennamer's company Alabama Scouts and Guides, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 46, line 21, before the word "late," to strike out "Hildebrand" and insert "Hildabrand," so as to make the clause read:

The name of C. M. Hildabrand, late of Company M, Seventeenth Regiment Kentucky Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 47, line 9, after the words "per month," to strike out "in lieu of that she is now receiving," so as to make the clause read:

The name of Mary Florence King, helpless and dependent child of Granville C. King, late of Company H, One hundred and twenty-fifth Regiment Illinois Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 48, after line 6, to strike out:

The name of Milton Trout, late of Company I, Forty-seventh Regiment Pennsylvania Emergency Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 50, line 20, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Daniel S. Tuthill, late of Company L, Nineteenth Regiment New York State Militia Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 8, to strike out:

The name of Cornelius W. Roberts, late of Company B, Pike County Missouri Home Guards, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 52, after line 12, to strike out:

The name of Erminia Thayer Carpenter, former widow of Morgan J. Thayer, late of Company A, Fourth Regiment Michigan Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, at the top of page 53, to strike out:

The name of Mary A. Sanborn, former widow of Albin N. Nash, late of Company F, Fifty-second Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 53, line 14, before the word "dependent," to strike out "(now Sweeney)" and insert "now Sweeney," and, in line 16, before the word "dollars," to strike out "fifty" and insert "thirty," so as to make the clause read:

The name of Sarah Brandon, now Sweeney, dependent mother of John Brandon, late of Company F, Fifteenth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 54, line 21, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Samuel T. Wolf, late of Company K, Fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 55, line 9, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Alvin M. Miller, late of Company M, Fourth Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 57, to strike out:

The name of Alexander Mattison, late of Company H, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 57, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Willard B. Hill, late of Company G, Tenth and Twenty-ninth Regiments Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 58, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Nicholas Burlbaw, late of Company I, Thirty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 58, line 21, before the word "dollars," to strike out "twenty-four" and insert "twelve," and in the same line, after the word "month," to strike out "in lieu of that he is now receiving," so as to make the clause read:

The name of George C. Hall, helpless and dependent child of Thomas B. Hall, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 58, line 24, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of Thomas Overstreet, late of Company G, Fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 59, line 21, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John B. Thompson, late of Company G, Twenty-ninth Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 60, line 6, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Thomas B. Chapman, late of Company H, Second Regiment United States Veteran Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 62, after line 10, to strike out:

The name of Julia J. Kendall, widow of George H. Kendall, late commissary sergeant Thirty-seventh Regiment New York State Militia, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 65, after line 4, to strike out:

The name of John M. Buckley, late of Company E, First Regiment West Virginia Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CHILTON. I hope the Senate will not agree to the amendment. I call the attention of the chairman of the committee to the report, and I think it is a mistake. The House report was very conclusive on the subject. I think, and from other investigations which I have made I feel justified in asking the chairman of the committee not to insist upon the committee amendment.

Mr. McCUMBER. This is one of the cases in which the House report is rather meager, but the evidence which the Senator from West Virginia has since given to the committee justifies me in consenting, so far as I am concerned, that the amendment of the committee shall be rejected.

The amendment was rejected.

The next amendment was, on page 65, line 21, before the name "Williams," to strike out "Solonas" and insert "Salonas," so as to make the clause read:

The name of Salonas Williams, late of Company A, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 66, after line 5, to strike out:

The name of Malissa Lindsey, widow of John A. Lindsey, late of Company A, Third Regiment United States Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 67, after line 17, to strike out:

The name of Mary C. Edwards, widow of Robert W. Edwards, late of Company C, One hundred and ninety-third Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 68, line 5, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of John M. Burson, late of Company F, Fifty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 68, line 19, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Benjamin Butler, alias Benjamin Bulison, late of Company B, Second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 71, after line 18, to strike out:

The name of Mary E. Carr, widow of Morgan Carr, late of Company F, One hundred and ninety-eighth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 74, line 20, before the word "dollars," to strike out "twenty" and insert "twelve," and in the same line, after the words "per month," to strike out

"in lieu of that she is now receiving," so as to make the clause read:

The name of Sarah M. Spence, former widow of John M. Ray, late of Company C, Forty-seventh Regiment Indiana Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 75, line 13, before the word "widow," to insert "former," so as to make the clause read:

The name of Penelope Morton, former widow of James Morton, late of Company F, Twenty-second Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 75, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James F. Walker, late of Company I, Fourteenth Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 76, line 15, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of James W. Thacker, late of Company A, Seventh Regiment Kentucky Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 78, line 13, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Harrison Craig, late of Company A, Forty-seventh Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 79, line 3, after the word "receiving," to insert "*Provided*, That in the event of the death of Francis E. Kelly, helpless and dependent child of said James Kelly, the additional pension herein granted shall cease and determine," so as to make the clause read:

The name of Mary E. Kelly, widow of James Kelly, late of Company F, Thirteenth Regiment New York Volunteer Heavy Artillery, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Francis E. Kelly, helpless and dependent child of said James Kelly, the additional pension herein granted shall cease and determine.

The amendment was agreed to.

The next amendment was, on page 80, line 13, before the name "Young," to strike out "Emsey O." and insert "William," so as to make the clause read:

The name of Emsey O. Young, widow of William Young, late of Company D, Second Regiment Iowa Volunteer Cavalry, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of William M. Young, helpless and dependent son of said William Young, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Emsey O. Young, the name of said William M. Young shall be placed on the pension roll, subject to the provisions and limitations of the pension laws, at the rate of $12 per month from and after the date of death of said Emsey O. Young.

The amendment was agreed to.

The next amendment was, on page 81, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Horace Buchanan, late adjutant Twenty-fourth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 81, line 22, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of William Bacome, late of Company C, Forty-sixth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 84, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Thomas D. McElwain, late of Company A, First Regiment Ohio Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 84, line 9, after the word "former," to strike out "wife" and insert "widow"; and in line 11, after the word "Infantry," to insert "and widow of Charles W. Carrick, late of Company G, First Regiment Michigan Volunteer Infantry," so as to make the clause read:

The name of Margaret E. Carrick, former widow of Daniel Fisher, jr., late of Company I, One hundred and forty-fifth Regiment Ohio National Guard Infantry, and widow of Charles W. Carrick, late of Company G, First Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 85, after line 12, to strike out:

The name of Mary E. Sprayberry, widow of Jerry D. Sprayberry, late of Company B, Tenth Regiment, and Company G, Second Regiment, Missouri Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 89, line 20, before the word "dollars," to strike out "twenty-five" and insert "twenty," so as to make the clause read:

The name of Mary H. Atkinson, widow of John M. Atkinson, late of Company B, Fourteenth Regiment Kentucky Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 89, line 23, before the word "Volunteer," to strike out "Mounted," and in the same line, after the word "Infantry," to insert "Mounted," so as to make the clause read:

The name of John Howell, late of Company H, Second Regiment Tennessee Volunteer Mounted Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 25, line 17, I move to strike out the letter "D," where it appears as designating the company, and in lieu thereof to insert "I," so as to read "Company I" and not "D."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

NORTH DAKOTA AVENUE.

The bill (S. 7165) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL HISTORY SOCIETY.

The bill (H. R. 24026) to incorporate the Naval History Society was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADULTERATED SEEDS, ETC.

The bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes was considered as in Committee of the Whole.

Mr. BRIGGS. Let the bill go over.

Mr. LODGE. There are some differences in regard to one of the provisions in the bill, and the Senator from North Dakota [Mr. GRONNA] before he left the Senate told me he would not wish to ask to take it up before the next session of Congress.

So I ask, in order to avoid its being taken up in the absence of those interested in it, that it be passed over under Rule IX.

The PRESIDENT pro tempore. It will go over under Rule IX.

SOLDIERS AND SAILORS ENLISTED UNDER ASSUMED NAMES.

The bill (H. R. 13566) for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people was considered as in Committee of the Whole. It authorizes the Secretaries of War and Navy to issue certificates of discharge or orders of acceptance of resignation, upon application and proof of identity, in the true name of such persons as enlisted or served under assumed names, while minors or otherwise, in the Army or Navy during any war between the United States and any other nation or people and were honorably discharged therefrom.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

INSPECTION AND GRADING OF GRAIN.

The bill (S. 223) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes, was announced as next in order.

Mr. BURTON. I ask that the bill go over. There is in my own State very strenuous objection to that measure. I should like to know if there is any desire to bring it up at this session.

Mr. CRAWFORD. The Senator from North Dakota [Mr. GRONNA] is very much interested in that bill, and his colleague also. It is a bill which will provoke a great deal of

discussion. My own judgment is it is hardly worth while to attempt to do anything with it at this session.

Mr. McCUMBER. I should like very much to have the bill disposed of at this session, and if there was any chance to have it considered at this session, I should certainly ask for its consideration. I am, however, very doubtful whether we can reach it under the present condition of appropriation bills.

Mr. LODGE. There is much opposition to the bill from my own State.

Mr. SMITH of Maryland. I also want to protest against that bill.

The PRESIDENT pro tempore. The bill will go over.

INTERSTATE COMMERCE COMMISSION.

The bill (S. 6100) appropriating $100,000 for the use of the Interstate Commerce Commission in addition to the sum or sums already appropriated for their use was announced as the next business in order on the Calendar.

Mr. CUMMINS. That bill——

Mr. OVERMAN. Does not the Senator think the bill ought to be referred to the Committee on Appropriations?

Mr. CUMMINS. The bill was reported by the Committee on Interstate Commerce. I do not intend to call it up at this session.

The PRESIDENT pro tempore. The bill will be passed over.

CLASSIFICATION OF FREIGHT.

The bill (S. 6099) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910, was announced as the next business in order on the Calendar.

Mr. CUMMINS. The bill, the title of which has just been read, is, by unanimous consent, to be taken up at 4 o'clock to-morrow. I am perfectly willing to take it up now. It does not make any difference to me——

Mr. McCUMBER. Let it go over.

Mr. CUMMINS. I think it will have to go over under the unanimous-consent agreement.

LIMIT OF VISITATORIAL POWERS.

The bill (H. R. 24153) to amend and reenact section 5241 of the Revised Statutes of the United States was announced as next in order.

Mr. LODGE. Lee the bill go over.

The PRESIDENT pro tempore. The bill will be passed over.

ANNA LAGUEE.

The bill (S. 2637) for the relief of Anna Laguee was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 6, before the word "thousand," to strike out "four" and insert "one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Anna Laguee, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of $1,000, in full settlement of her claim against the Government of the United States for personal injuries sustained growing out of work of the Forest Service in the construction of a telephone line from Chelan to Stehek, in Chelan County, Wash.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BOULDER AND CANON CITY, COLO.

The bill (H. R. 19339) granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public park purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN NEBRASKA HOMESTEADERS.

The bill (H. R. 20498) for the relief of certain homesteaders in Nebraska was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the qualifications of a former homestead entryman who has heretofore been permitted to make an additional or another entry under the act entitled "An act to amend the homestead laws as to certain unappropriated and unreserved public lands in Nebraska," approved April 28, 1904, shall be determined by the qualifications, except as to citizenship, possessed on the date of his first entry in all cases where the rights of third persons shall not have intervened and the additional or second entry has not been canceled.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN JOHNSON.

The bill (H. R. 14333) for the relief of John Johnson was considered as in Committee of the Whole. It proposes to pay to John Johnson $1,000 for permanent injuries sustained by him at White Shoals Light Station, Lake Michigan, on June 29, 1909.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM S. M'COLLAM.

The bill (S. 5775) for the relief of William S. McCollam was considered as in Committee of the Whole. It proposes to pay to William S. McCollam, late gunnery sergeant, United States Marine Corps, $850 extra-duty pay.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PEARL HARBOR TRACTION CO., HAWAII.

The bill (S. 7377) granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to add at the end of the bill as section 3 the following:

SEC. 3. That the powers herein granted are limited to a period of 50 years, unless sooner altered, amended, or repealed by Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LESTER A. ROCKWELL.

The bill (S. 6655) for the relief of Lester A. Rockwell was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment to strike out all after the enacting clause and insert:

That in the administration of the pension laws and laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Lester A. Rockwell, who was a private of Company G, First Regiment Connecticut Volunteer Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 29th day of April, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF CERTAIN GOVERNMENT EMPLOYEES.

The bill (H. R. 23451) to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with amendments.

Mr. CRAWFORD. I ask that the formal reading be dispensed with, and that the amendments of the committee be acted upon as they are reached.

The PRESIDENT pro tempore. Without objection, that order will be made.

The first amendment of the Committee on Claims was, on page 1, line 4, before the word "dollars," to strike out "thirty-nine thousand six hundred and three" and insert "fifteen thousand eight hundred and sixty-three," so as to make the clause read:

That $15,863.98 be, and the same is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, to pay certain employees of the United States Government for personal injuries received while in discharge of their duties, without any fault on their part, and to pay certain other claims for damages to, and loss of private property by, the various departments of the Government, as hereinafter stated, the same being in full, and the receipt of the same being taken in each case as full and final release and discharge of the respective claims.

Mr. CRAWFORD. I ask that the first amendment of the committee be passed over, because the total there will have to be changed on account of some amendments.

The PRESIDENT pro tempore. The first amendment will be passed over and the next amendment will be stated.

The next amendment was, on page 2, line 12, before the word "dollars," to strike out "five hundred," so as to make the clause read:

To pay $1,000 to Elizabeth Riley, widow of Edward M. Riley, who was killed while in the discharge of his duties in the United States post office in the city of New York.

The amendment was agreed to.

The next amendment was, on page 2, after line 22, to strike out:

To pay $52.50 to Albert W. Phelps for loss of time and injuries received in the United States armory at Springfield, Mass.

The amendment was agreed to.

The next amendment was, on page 3, line 1, after the word "pay," to strike out "eight hundred and ninety-six dollars and eighty-five cents" and insert "five hundred dollars," so as to make the clause read:

To pay $500 to Peter W. Wigginton for the crushing of his ankle joint while in the discharge of his duty on the Isthmus of Panama.

The amendment was agreed to.

Mr. CRAWFORD. I will ask in the next two cases that the amendment be not agreed to. They were amendments made with the idea of putting the matter into conference, but since the subcommittee passed upon it I have received some documents which make it entirely proper, when they are compared with the other claims, that they should remain just as they are.

Mr. OVERMAN. Those are the cases where the committee did not have proper evidence.

Mr. CRAWFORD. Yes. So I ask that in those two cases the amendment be not agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The next amendment was, on page 3, after line 14, to strike out:

To pay $1,500 to Charles T. Hanson for loss of his right foot while in the employ of the War Department in the Quartermaster's Department, at Boston, Mass.

The amendment was rejected.

The next amendment was, on page 3, to strike out lines 19 to 21, inclusive, in the following words:

To pay $1,500 to Emil Spongberg as compensation for loss of his left leg while in discharge of his duties at the Brooklyn Navy Yard.

The amendment was rejected.

The next amendment was, on page 3, line 22, before the word "dollars," to strike out "one thousand" and insert "five hundred," so as to make the clause read:

To pay $500 to D. M. Rowland, father of Robert Blain Rowland, late a seaman of the United States Navy, who was killed in the discharge of his duty in the Manila Harbor during target practice.

The amendment was agreed to.

The next amendment was, on page 4, line 4, before the word "dollars," to strike out "four hundred and thirty-eight" and insert "two hundred," so as to make the clause read:

To pay $200 to E. J. Older for injuries received to his left leg in the discharge of his duty in the improvement of the Mississippi River, under the War Department.

The amendment was agreed to.

The next amendment was, on page 4, after line 11, to strike out the following, down to and including line 11 on page 8:

To pay $5,000 to C. H. Ingraham for damages to his property at Fort Baldwin, Me., by heavy gun firing.

To pay Pennsylvania Engineering Co., of the city of Philadelphia, $1,079.60 for extra work under the Department of Agriculture.

To pay $46.15 to Mrs. Charles H. Benson, of San Antonio, Tex., for damages to her phaeton by United States Field Artillery.

To pay $75 to Henry Fink for the loss of a horse killed by United States soldiers while at target practice at Leon Springs, Tex.

To pay $15 to Andrew Blank for damages to fences during Army maneuvers at Leon Springs, Tex.

To pay $15 to Hermann Boges and Henry Eikman for damages to fences by United States soldiers at Leon Springs, Tex.

To pay $149.50 to the legal representatives of Robert B. Pearce, amount due him for carrying the mail from Fulton to Rocky Comfort, Ark.

To pay $434.30 to William A. Avis, New York City, amount of duty incorrectly collected on importation of wild celery seed.

To pay $838.40 to the owners of the schooner Dorothy B. Barrett for damages to said schooner by the U. S. S. Mayrant.

To pay $2,427.88 to J. Kennard and Sons' Carpet Co., St. Louis, Mo., for penalties assessed against and collected from said firm erroneously.

To pay $439.09 to W. W. Blood, of Greenville, Cal., for labor and construction work at the Greenville Indian school, at Greenville, Cal.

To pay $500 to Thomas Haycock, said sum having been paid by him to the Government in excess of the amount he was surety for on the bond of the late postmaster at Tropic, Utah.

To pay $500 to Preston B. C. Lucas, for improvements on entered lands in Tillamook County, Oreg., which land and improvements under a resurvey he was dispossessed of.

To pay $275 to H. A. Shirkey, of Sissonsville, W. Va., for extra screen-wagon service required of him by postmaster at Charleston, W. Va.

To pay $550.91 to First Lieut. Saunderford Jarman, United States Army, this being an amount misappropriated from Government funds by Sergt. Hunt, and which said Jarman was required to make good out of his own personal funds.

To pay $135 to Wickliff Fry for the loss of a horse while being used by the United States Geological Survey.

To pay $169.45 to Thomas Mason for carrying the mail on route No. 9683.

To pay $320 to the estate of William D. Allen for work performed in the rescue of lighthouse tender Hayes, off Galloo Island Shoal.

To pay $1,912.40 to James Stanton for extra work performed under the War Department at Fort Leavenworth, Kans.

To pay $250 to Mrs. L. A. Royster for purchase price of 40 acres of land in Hamilton County, Iowa, under recommendation of the Department of the Interior.

To pay $500 to Amanda Honert for loss of wearing apparel and other personal property by fire at the Cheyenne and Arapahoe school, at Caddo Springs, Okla.

To pay $209.40 to John Streckfus for damage to his boat, the J. S., by U. S. S. Mississippi.

To pay $144 to James A. Showen, father of Corpl. Arthur J. Showen, Company F, United States Infantry, being the amount of six months' gratuity pay under act of May 13, 1908.

To pay $226.31 to W. W. Wall, of Henry County, Mo., this being the amount stolen from him while postmaster at Prairie Home, Mo., and paid back to the Government from his private funds.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

To pay $1,500 to Thomas Mooney, late an employee in the service of the Quartermaster's Department, United States Army, for the loss of a leg and other physical disability incurred while in the discharge of his duty.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. CRAWFORD. I move to add as amendments two cases which I will send to the desk. I wish to say that in these cases action has been taken by the House. It is too late now to send them to the committee, which will not hold any more meetings at this session. The cases have been fully sustained. I have the evidence which is submitted with the report from the department recommending each case.

One case is for the loss of an eye and other personal injuries received from the explosion of a percussion cap, where the employee was in the service of the Government and where the inspector found that there was negligence in not properly marking the box. The man who was handling it did not know the contents; it exploded, and he lost his eye and was in other ways severely injured. The compensation is about a year's salary.

In the other case, which the Senator from Wisconsin [Mr. LA FOLLETTE] has presented to me to-day, there was a finding by the Court of Claims of the man's injury and the extent of the damage, and the fact of negligence was shown.

The clause was put in on account of its going through the Court of Claims that no part of it should be paid to attorneys. It is a personal-injury claim. This man's leg was broken in three different places in falling 40 or 50 feet from a scaffolding, and it was clearly shown that there was negligence in not furnishing him a safe place to work.

In the first case, that of Frank Klein, the amount for the loss of his eye and personal injuries is $500. In the second case, the one the Senator from Wisconsin referred to me, the amount awarded is $1,500. Certainly it is not too much, because the Court of Claims found an injury damage to the extent of about $5,000, and following the rule that we adopt generally he will be awarded $1,500.

I ask that these two claims be added as additional paragraphs after line 16, page 8, at the end of the bill.

The PRESIDENT pro tempore. The first amendment will be stated.

The SECRETARY. It is proposed to add at the end of the bill the following:

To pay Frank Klein, of San Francisco, Cal., the sum of $500 on account of the loss of an eye caused by the explosion of a box of percussion caps while loading the United States Army transport *Sherman* in San Francisco Harbor on the 22d day of September, 1899.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment will be stated.

The SECRETARY. It is proposed to add after the amendment just agreed to the following:

To pay to Hans Peter Guttormsen, of the city of Kenosha, State of Wisconsin, $1,500, having been allowed him by the Court of Claims on the 4th day of December, A. D. 1905, as set forth in House Document No. 174 of the Fifty-ninth Congress, first session: *Provided*, That no agent, attorney, firm of attorneys, or any person engaged heretofore or hereafter in preparing, presenting, or prosecuting this claim shall directly or indirectly receive or retain for such service in preparing, presenting, or prosecuting such claim, or for any act whatsoever in connection with this claim any fee or compensation whatsoever.

The amendment was agreed to.

Mr. CRAWFORD. Now, I want to change the total. On page 1, line 3, I move to strike out "$39,603" and insert "$20,863."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "An act to pay certain employees of the Government for injuries received while in the discharge of their duties."

CELEBRATION OF TREATY OF GHENT.

The bill (S. 4256) to approve of the celebration of the one hundredth anniversary of the treaty of Ghent was announced as next in order.

Mr. ROOT. There are minority views upon the bill. I notice that the Senator who filed them is not present. I think it had better go over.

The PRESIDENT pro tempore. The bill will go over.

ELDREDGE BROS. LIVE STOCK CO.

The bill (S. 3757) for the relief of the Eldredge Bros. Live Stock Co., a corporation, was considered as in Committee of the Whole. It proposes to refund to the Eldredge Bros. Live Stock Co., a corporation organized under the laws of the State of Utah, $2,738.73, being duties collected from that corporation on cattle temporarily driven into the United States from Canada.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GLACIER NATIONAL PARK.

The bill (S. 7318) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on Public Lands with an amendment, in section 10, on page 7, line 24, to strike out "10" and insert "11," and in line 25, after "and," to strike out "11" and insert "12," so as to make the section read:

SEC. 10. That the commissioner provided for in this act shall be paid an annual salary of $1,500, payable quarterly: *Provided*, That the said commissioner shall reside within the exterior boundaries of said Glacier National Park, at a place to be designated by the court making such appointment: *And provided further*, That all fees, costs, and expenses collected by the commissioner shall be disposed of as provided in sections 11 and 12 of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES E. C. COVEL.

The bill (S. 7378) for the relief of James E. C. Covel was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

The PRESIDENT pro tempore. It will go over.

WILLIAM K. HARVEY.

The bill (H. R. 5763) for the relief of William K. Harvey, alias William K. Hall, was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

Mr. WARREN. Will the Senator from Georgia withhold his objection for a moment that I may explain the bill? I know the beneficiary personally.

Mr. SMITH of Georgia. I will withdraw the objection for that purpose.

Mr. WARREN. This is what happened: He enlisted and found that his regiment was not going to battle. He deserted in order to find one that did go, and he served all through and received an honorable discharge.

Mr. SMITH of Georgia. I withdraw the objection to the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN TREFFEISEN.

The bill (H. R. 606) for the relief of John Treffeisen was announced as next in order.

Mr. SMITH of Georgia. Let the bill go over.

Mr. BRISTOW. I hope the Senator from Georgia will withdraw his objection. This man served in the Army, and he had a good record. He was taken sick in the city of Washington when away from his regiment on leave. He returned to his regiment as soon as he was able, but because he did not have a certificate in the proper form he was disciplined for it, and was then given an honorable discharge. He was attended while sick by a medical officer of the Army. The bill comes from the House. He is now 91 years old. The bill was introduced in the House by an old Confederate soldier who is especially interested in its going through. I have not the slightest interest in it except the desire that what I believe is a meritorious case should be passed.

Mr. SMITH of Georgia. I will not insist on the objection.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with amendments, on page 1, lines 3 and 4, to strike out the words "That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged officers," and insert "That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof," and at the end of the bill to add the following proviso: "*Provided*, That no pension shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pensions laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John Treffeisen, who was captain of Company C, Fifty-sixth Regiment Pennsylvania Infantry Volunteers, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 24th day of October, 1862: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

JOHN P. RISLEY.

The bill (H. R. 19190) for the relief of John P. Risley, was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "sixty-five," to insert, "*Provided*, That no pension shall accrue prior to the passage of this act," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws John P. Risley, late of Battery D, First Regiment United States Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States on September 11, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

POLITICAL CAMPAIGN CONTRIBUTIONS.

The bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons was announced as next in order.

Mr. PENROSE. I object to the consideration of that bill now. I have not had time to examine it.

Mr. CULBERSON. Of course, the objection will carry the bill over; but a motion is pending, which will come up automatically to-morrow morning, to consider this bill on Saturday.

The PRESIDENT pro tempore. The bill will be passed over for the present.

JOHN J. TROXELL.

The bill (H. R. 5135) for the relief of John J. Troxell was considered as in Committee of the Whole. It provides that in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, John J. Troxell shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a lieutenant of Company H, Fifty-second Regiment Ohio Volunteer Infantry, on the 23d of October, 1863, but no pension shall accrue prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SYLVESTER W. BARNES.

The bill (S. 4030) for the relief of Sylvester W. Barnes was considered as in Committee of the Whole.

Mr. OVERMAN. I should like to hear something about that bill. It is nearly 50 years since the close of the war.

Mr. BURTON. There is a very full report on that bill.

Mr. OVERMAN. Has the Senator looked into it?

Mr. BURTON. Yes; and I think it is a deserving bill.

Mr. OVERMAN. Then, I will withdraw my objection.

Mr. BURTON. There is one singular error or disagreement in the blue print as it comes from the House. In the fourth line it reads, "Soldiers' Home for Disabled Volunteers," while in the Senate print of the House bill, as it appears here, it is "National Home for Disabled Volunteer Soldiers." It should be "National Home." I suggest, to make that accurate beyond peradventure, that the word "Soldiers'" in the House bill be stricken out and "National" inserted instead. The Senate print, as it appears, reads "National," but in the form in which

it seems to have been transmitted by the House it reads "Soldiers'."

The PRESIDENT pro tempore. It is "National" in the bill that is being considered. The change will be made upon the request of the Senator.

Mr. SANDERS. Is that an adverse or a favorable report?

Mr. BURTON. It is a favorable report by the Senator himself.

Mr. SANDERS. I merely wished to inquire as to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PATRICK HOWE.

The bill (H. R. 7434) for the relief of Patrick Howe was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, in line 8, after the word "company," to strike out "B" and insert "G," so as to make the bill read:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Patrick Howe shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company G, Fifty-ninth Regiment New York Volunteer Infantry, on the 1st day of February, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

QUARANTINE FACILITIES AT PORTLAND, ME.

The bill (S. 7317) to provide increased quarantine facilities at the port of Portland, Me., was considered as in Committee of the Whole. It directs the Secretary of the Treasury to provide increased quarantine facilities at the port of Portland, Me., to cost not exceeding $43,880.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

OREGON TRAIL.

The bill (S. 5009) authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon trail was announced as next in order.

Mr. OVERMAN. Let that bill go over.

Mr. CUMMINS. I hope the Senator from North Carolina will not make the objection. The senior Senator from Washington [Mr. JONES] is much interested in the bill. I can state in a moment, I think, the amendments proposed by the committee, which will relieve the bill of all objections. The bill originally contemplated an appropriation. The bill as reported does not contemplate an appropriation. It authorizes the Secretary of War to appoint a retired Army officer to act as a commissioner to receive voluntary contributions which may be made for this purpose, and to mark the Oregon trail and expend the money so contributed in erecting markers.

Mr. OVERMAN. I withdraw the objection.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the Library, with amendments.

The first amendment of the Committee on the Library was, in section 1, page 1, line 4, before the word "commissioner," to strike out "appoint a," and insert "detail a retired Army officer as"; in line 6, after the word "War," to insert "receive such contributions as are made for the purpose and"; and in line 11, before the word "the," to strike out "the left bank of," so as to make the section read:

That the President of the United States be, and he is hereby, authorized to detail a retired Army officer as commissioner who shall, under the direction of the Secretary of War, receive such contributions as are made for the purpose and erect such monuments and markers, of granite and other material, as will designate and locate the general route of the Oregon trail, and fittingly commemorate the valorous deeds of those who established and traveled said trail, from the Missouri River to Puget Sound.

The amendment was agreed to.

The next amendment was, in section 4, page 2, line 9, after the word "That," to strike out "the compensation of"; in line 10, after the word "commissioner," to strike out "shall be fixed by the President, but not to exceed the sum of $2,500 per annum," and insert "shall receive no other compensation than his pay as such retired officer," so as to make the section read:

SEC. 4. That said commissioner shall receive no other compensation than his pay as such retired officer.

The amendment was agreed to.

The next amendment was, on page 2, after line 12, to strike out:

SEC. 5. That for the purpose of carrying out the provisions of this act $50,000, or so much thereof as shall be necessary, is hereby authorized to be appropriated out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no part of the sum herein authorized to be appropriated shall be expended until the Secretary of War is satisfied that sufficient additional money is available to complete the work authorized by this act without further appropriations by Congress.

And in lieu thereof to insert:

SEC. 5. That said commissioner shall make report to the Secretary of War of all money received by him for the purpose aforesaid and the manner of its expenditure, and if a dispute arises respecting the location of the "trail" at any point or points the Secretary of War shall have authority to organize a commission of not more than three Army officers, of whom the said commissioner shall be one, to settle the matter; and if it be found that there were two trails between certain points equally entitled to be known as the "Oregon trail," both may be monumented and marked hereunder.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COOSA RIVER DAM, ALA.

The bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river was announced as next in order.

Mr. BURTON. Mr. President, I do not desire to object to the consideration of that bill. There are amendments proposed to it. Those proposed by the committee, I believe, have been adopted. There is an amendment which I proposed yesterday, on which I addressed the Senate at some length. I desire a vote on that.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to add, at the end of section 1, the following proviso:

Provided, That the rights here conferred shall not be assigned or transferred except upon the written consent of the Secretary of War: *And provided*, That the Federal Government reserve the right to control the charges for service to consumers in the event that the public interest may so require.

Mr. BANKHEAD. Mr. President, it is likely that this bill will provoke some discussion. I do not desire by a discussion of this matter to-night to stand in the way of other Senators who have bills on the calendar which they are anxious to have considered, and if the Senate will kindly give me unanimous consent to consider this bill to-morrow morning immediately after the conclusion of the routine morning business, and agree that after a debate of one hour, if that much is necessary, the Senate will vote on the bill, I will consent for it to go over.

Mr. CULBERSON. Mr. President, I have pending, entered this morning, a motion which would come up automatically immediately after the routine morning business to-morrow, to take up Senate bill 3315. I will ask the Senator from Alabama if he will not make his request for unanimous consent subject to that motion, which was entered before I knew the Senator contemplated anything of this kind.

Mr. LODGE. Is that the bill for prohibiting contributions by corporations in connection with political campaigns?

Mr. CULBERSON. Yes; and a limitation upon the right of individuals to contribute.

Mr. LODGE. I thought the Senator said a few moments ago that he was going to take that up on Saturday.

Mr. CULBERSON. The motion is to take up the bill on Saturday, and the motion itself will come up to-morrow.

Mr. BANKHEAD. Mr. President——

Mr. CULBERSON. I do not suppose a motion to take up a bill will provoke any discussion. I only want a vote on the motion to take up the bill on Saturday. The motion itself comes up to-morrow morning automatically, and if the Senator from Alabama will make his request subject to that motion I shall have no objection to it. I will be glad if he will accept my suggestion.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama has the floor.

Mr. NELSON. Will the Senator from Alabama yield to me?

Mr. BANKHEAD. I yield.

Mr. NELSON. I think we can now have a vote on the amendment of the Senator from Ohio [Mr. BURTON] and dispose of the bill. I do not think it will lead to any debate.

Mr. BANKHEAD. Mr. President, I had in mind the Senator from Washington [Mr. POINDEXTER], who insists, I understand, that he must discuss this question. I do not know how long he desires to occupy. Could we get an agreement with the Senator from Washington on this measure?

Mr. POINDEXTER. I have no desire, Mr. President, to prevent the disposition of the bill, but I do not think it ought to be taken up now. So far as I am concerned, a very brief time is all that I shall require to present the amendment which I have submitted, and to make some remarks on the amendment submitted by the Senator from Ohio, in addition to those which he has already made in support of that amendment.

Mr. BANKHEAD. Then, Mr. President, if there is no objection to the consideration of the bill, I think the Senate may as well consider it now.

Mr. POINDEXTER. I said that I did not believe the calling of bills on the calendar ought to be stopped to take up the discussion of the amendments to this bill now. I have, however, no objection to the request which the Senator from Alabama made a moment ago.

Mr. BANKHEAD. Well, Mr. President, I have no objection in the world to the suggestion of the Senator from Texas; but if that motion should provoke discussion that would extend beyond the morning hour, where would we be? What I want is a vote.

Mr. LODGE. I understand that what the Senator from Texas asks for to-morrow is a special order.

Mr. CULBERSON. No; I do not ask for a special order. I simply entered a motion, which went over, under my own suggestion until to-morrow, to take up Senate bill 3315 on Saturday morning. It is a mere motion to take up the bill on Saturday morning immediately after the routine morning business.

Mr. LODGE. That is in the nature of a special order, if the motion is to proceed to the consideration of the bill.

Mr. CULBERSON. If it is considered a motion for a special order, it is not subject to debate.

Mr. LODGE. Precisely. That is the point I was going to make; it is not subject to debate. It would be settled at once, without interfering with anything else.

Mr. CULBERSON. I was going to suggest that to the Senator from Alabama.

Mr. BANKHEAD. Then it is all right.

Mr. POINDEXTER. If the Senator from Alabama will allow me, this bill was made a special order the other day and, as I understand the rule, it remains the special order until it is disposed of.

Mr. BANKHEAD. Unfortunately the presiding officer held to the contrary.

Mr. POINDEXTER. Rule X of the Senate provides that:

1. Any subject may, by a vote of two-thirds of the Senators present, be made a special order; and when the time so fixed for its consideration arrives the Presiding Officer shall lay it before the Senate, unless there be unfinished business of the preceding day, and if it is not finally disposed of on that day it shall take its place on the Calendar of Special Orders in the order of time at which it was made special, unless it shall become by adjournment the unfinished business.

Mr. LODGE. That is where it is now—on the Calendar of Special Orders.

Mr. BANKHEAD. It took its place on the calendar, and that is where it is now.

Mr. POINDEXTER. Why does not the Senator call it up as a special order from that calendar during the morning hour?

Mr. LODGE. I think the Senator from Alabama will get on faster if he secures unanimous consent rather than to rely on the special order.

Mr. BANKHEAD. Mr. President, I should like to renew my request that to-morrow morning, immediately after the conclusion of the routine morning business, the Senate proceed to the consideration of this bill, and, after one hour's debate, if that much may be desired, a vote shall be taken. I make that request subject to the motion of the Senator from Texas [Mr. CULBERSON].

The PRESIDENT pro tempore. Is there objection to the request?

Mr. CUMMINS. A parliamentary inquiry, Mr. President. If that bill should not be disposed of before 12 o'clock, would it displace the unfinished business?

The PRESIDENT pro tempore. It would not. Is there objection to the request?

Mr. SANDERS. I wish to inquire if the presiding officer did not rule a little while ago, on Calendar No. 838, Senate bill 4043, that no special order could be made under the present proceedings?

Mr. LODGE. This is not a request for a special order that the Senator from Alabama is making. It is a request for unanimous consent.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Alabama? The Chair hears none, and it is so ordered.

FIRE DEPARTMENT BUILDING, HOT SPRINGS, ARK.

The bill (H. R. 5145) authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BEQUEST OF GERTRUDE M. HUBBARD.

The bill (H. R. 9833) to accept and fund the bequest of Gertrude M. Hubbard was considered as in Committee of the Whole.

Mr. BACON. Mr. President, I do not wish to interfere in any manner with the execution of this trust, but I should like to inquire of some Senator who may have personal knowledge in regard to the matter, whether in any instance the United States Government has ever accepted a trust. I think it is entirely proper that there should be a trustee to hold that fund, and I repeat that my inquiry is not in any manner hostile to the purpose. I simply think it has never been done in the Senate. It may be a serious question whether we should undertake a matter of that kind.

Mr. ROOT. It was done in the case of the Smithsonian Institute.

Mr. BACON. That is true.

Mr. ROOT. This is a little matter. There is a very fine selection of prints in the library which is a source of very great pleasure to a great many people who can not afford to buy paintings. This little trust is too small for anybody to take care of it by itself. It might just as well be in the Treasury and have the income paid for this purpose.

Mr. BACON. I am in entire sympathy and accord with the desire that the trust shall be carried out in its spirit, and the only suggestion in my mind was as to embarking upon the matter of holding these funds in trust. I certainly should have remembered the fact that the United States did hold the funds of the Smithsonian Institution in trust, as I am one of the Regents. But the matter did not occur to me at the moment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT OF INTERSTATE COMMERCE ACT.

The bill (S. 3345) to amend the act of July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies" was announced as next in order.

Mr. OLIVER. Let the bill go over, Mr. President.

The PRESIDENT pro tempore. The bill will go over.

PLEASURE YACHTS.

The bill (H. R. 22650) to amend sections 4214 and 4218 of the Revised Statutes was considered as in Committee of the Whole.

Mr. LODGE. I should like to make an inquiry about this bill.

Mr. NELSON. It relates only to little yachts.

Mr. LODGE. I should like to know whether it relieves vessels from the taxation which we reimpose in the canal act.

Mr. NELSON. I do not think so.

Mr. LODGE. It does not affect the tax?

Mr. NELSON. I do not think so. It is a bill which was suggested by the Department of Commerce and Labor from the Bureau of Navigation. It is a House bill.

Mr. LODGE. It would not take off the tax?

Mr. BACON. What is the section to be amended?

Mr. LODGE. I do not myself understand the bill at all, and I got up to make an inquiry about it. I think the Senator in charge of the bill not being here, it had better go over.

Mr. NELSON. It simply relates to yachts proceeding from one port to another.

Mr. LODGE. If that is all, I have no objection to the bill.

Mr. NELSON. Yes; it merely relates to small yachts—not requiring them to clear like other vessels.

Mr. LODGE. I have no objection to it.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LANDS TO WISCONSIN.

The bill (H. R. 13417) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARKANSAS & MEMPHIS RAILWAY CO.

The bill (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River," was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRANT OF LANDS TO YUMA, ARIZ.

The bill (H. R. 19409) granting certain lands to the town of Yuma, Ariz., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDING AT CHEBOYGAN, MICH.

The bill (S. 7106) providing the sum of $80,000 for the erection of a public building at Cheboygan, Mich., was announced as next in order and was read.

Mr. SMITH of Georgia. Let the bill go over.

Mr. SMITH of Michigan rose.

Mr. SMITH of Georgia. I looked around and did not see the Senator from Michigan. What is the size of this town?

Mr. SMITH of Michigan. I did not think it necessary to show myself on this bill, because it provides for a very thrifty city of about ten thousand people entirely worthy of this improvement.

Mr. SMITH of Georgia. I will not object.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building for the use and accommodation of the post office and other offices of the Government at Cheboygan, Mich., the cost of said site and building not to exceed $85,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for a public building at Cheboygan, Mich."

MONUMENT TO REAR ADMIRAL WILKES.

The bill (S. 1774) to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear Admiral Charles Wilkes, United States Navy, in the national cemetery at Arlington, Va., was considered as in Committee of the Whole. It appropriates $1,500 for the purpose named.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ENTRIES UNDER BOND.

The bill (H. R. 25806) to provide for the entry under bond of exhibits of arts, sciences, and industries was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM P. CLARK.

The bill (S. 2666) granting an increase of pension to William P. Clark was considered as in Committee of the Whole.

The bill had been reported from the Committee on Pensions with an amendment, in line 6, after the word "lieutenant," to insert "Thirty-seventh"; in line 7, after the word "Company," to strike out "Thirty-seven"; and in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Clark, late second lieutenant Thirty-seventh Company Philippine Scouts, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARTIN A. L. OLSEN.

The bill (H. R. 14770) for the relief of Martin A. L. Olsen, was considered as in Committee of the Whole. It proposes to pay to Martin A. L. Olsen, postmaster of the city of De Kalb, Ill., $515, to reimburse him for postal-savings funds and postal-savings stamps which were stolen when the post office at De Kalb, Ill., was burglarized.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by A. C. Johnson, assistant enrolling clerk, announced that the House had agreed to the amendments of the Senate to the amendments of the House to the amendments of the Senate numbered 2, 3, and 4 to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes; recedes from its adherence to its disagreement to the amendments of the Senate numbered 9, 10 and 11; and agrees to the same with an amendment, in which it requests the concurrence of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 356) to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," and it was thereupon signed by the President pro tempore.

PENSION APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate to the amendments of the House to the amendments of the Senate Nos. 2, 3, and 4 to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, and receding from its adherence to its disagreement to the amendments of the Senate Nos. 9, 10, and 11 and agreeing to the same with an amendment, which was, in lieu of the matter stricken out by said amendments, to insert the following:

SEC. 5. That in case of sickness or unavoidable absence of the disbursing clerk for the payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk for payment of pensions.

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk for the payment of pensions may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk for the payment of pensions to official checks.

The disbursing clerk shall give bond with good and sufficient surety for such amount and in such form as the Secretary of the Interior may approve, and such bond shall be held to cover and apply to the acts of the persons authorized to act in his place.

Mr. SMOOT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. OVERMAN. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow. There is a unanimous-consent agreement for an hour, and then the wool bill comes up at 2 o'clock. We shall have nothing to do. I see nothing coming up.

Mr. BRISTOW. There is a conference report now on the table that ought to be acted upon.

Mr. LODGE. That will be disposed of.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BRISTOW. I am anxious to get the conference report on the Panama Canal bill out of the way. Why not have a unanimous-consent agreement to vote on it some time to-morrow?

Mr. LODGE. The Senator can not get that now. We will take it up.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Carolina.

Mr. BRISTOW, Mr. BACON, and Mr. SMITH of Georgia addressed the Chair.

The PRESIDENT pro tempore. The motion is not debatable.

Mr. BRISTOW. I wish the Senator from North Carolina would withdraw his motion. Let us meet at 10 and get through with it.

Mr. OVERMAN. I withdraw the motion.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 7 o'clock p. m.) the Senate adjourned until to-morrow, Friday, August 16, 1912, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 15, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Samuel Peacock to be third lieutenant in the Revenue-Cutter Service of the United States to fill an original vacancy.

MINISTER.

Jacob Gould Schurman, of New York, to be envoy extraordinary and minister plenipotentiary of the United States of America to Greece and Montenegro, vice George H. Moses, resigned.

RECEIVER OF PUBLIC MONEYS.

Christopher Kalahan, of Kalama, Wash., to be receiver of public moneys at Vancouver, Wash., vice Walter W. Sparks, resigned.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants with rank from August 12, 1912.

Byron Russell Coleman, of Missouri, late midshipman, United States Navy.

Harry William Stark, of Ohio, midshipman, United States Navy.

Raymond Gifford Payne, of Indiana, midshipman, United States Navy.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

Second Lieut. Gustav Jacob Gonser, Twelfth Cavalry, to be second lieutenant of Infantry, with rank from June 12, 1912.

Second Lieut. Joseph Edmund McDonald, Twenty-first Infantry, to be second lieutenant of Cavalry, with rank from June 12, 1912.

PROMOTION IN THE ARMY.

CAVALRY ARM.

First Lieut. Ben Lear, jr., Fifteenth Cavalry, to be captain from August 10, 1912, vice Capt. Edmond R. Tompkins, Fifteenth Cavalry, detailed as quartermaster on that date.

PROMOTIONS IN THE NAVY.

Lieut. Commander Eugene L. Bisset to be a commander in the Navy from the 1st day of July, 1912, to fill a vacancy.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies:

Robert Morris,
Herbert C. Cocke,
Robert A. Abernathy, and
Frank D. Berrien.

Lieut. (Junior Grade) Andrew S. Hickey to be a lieutenant in the Navy from the 27th day of April, 1912, to fill a vacancy.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 1st day of July, 1912, to fill vacancies:

Randolph P. Scudder,
Charles C. Hartigan,
William H. Booth,
Edwin B. Woodworth,
Douglas W. Fuller, and
Herbert F. Emerson.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns:

William F. Amsden,
Harold H. Ritter,
Elmo H. Williams,
Francis A. L. Vossler, and
Forney M. Knox.

Lieut. (Junior Grade) Ronan C. Grady to be a lieutenant in the Navy from the 2d day of July, 1912, to fill a vacancy.

Ensign Raleigh E. Hughes to be a lieutenant (junior grade) in the Navy from the 13th day of September, 1911, upon the completion of service as an ensign, of three years, plus service during suspension from promotion after failure at examination.

Chief Machinist Louis R. Ford and Machinist Leonard N. Linsley to be ensigns in the Navy from the 30th day of July, 1912, in accordance with the provisions of an act of Congress approved March 3, 1901, as amended.

POSTMASTERS.

ALASKA.

Jesse D. Jefferson to be postmaster at Valdez, Alaska, in place of Jesse D. Jefferson. Incumbent's commission expired April 1, 1912.

CALIFORNIA.

Lewis S. Slevin to be postmaster at Carmel, Cal. Office became presidential July 1, 1912.

GEORGIA.

George F. Flanders to be postmaster at Swainsboro Ga., in place of George F. Flanders. Incumbent's commission expired January 16, 1912.

Charles E. Murphy to be postmaster at Waycross, Ga., in place of Charles E. Murphy. Incumbent's commission expired February 27, 1912.

Levi L. Spence to be postmaster at Ball Ground, Ga., in place of Levi L. Spence. Incumbent's commission expired May 7, 1912.

Richard W. Tindall to be postmaster at Jesup, Ga., in place of Richard W. Tindall. Incumbent's commission expired February 27, 1912.

ILLINOIS.

John B. Stout to be postmaster at Lawrenceville, Ill., in place of John B. Stout. Incumbent's commission expired January 12, 1911.

MINNESOTA.

Robert B. Henton to be postmaster at Morton, Minn., in place of Caroline E. Smith, resigned.

MISSISSIPPI.

Dora E. Tate to be postmaster at Picayune, Miss. Office became presidential July 1, 1912.

MISSOURI.

J. W. Elliott to be postmaster at New London, Mo., in place of Blanche G. Smith. Incumbent's commission expired May 15, 1912.

William G. Hughes to be postmaster at Bucklin, Mo., in place of William G. Hughes. Incumbent's commission expired March 10, 1912.

Robert E. Ward to be postmaster at Liberty, Mo., in place of Robert E. Ward. Incumbent's commission expired March 20, 1912.

NEW MEXICO.

L. H. Bartlett to be postmaster at Santa Rita, N. Mex. Office became presidential April 1, 1912.

Joseph E. Sheridan to be postmaster at Silver City, N. Mex., in place of John M. Wiley; admission of Territory as State.

Benjamin A. Wetherill to be postmaster at Gallup, N. Mex., in place of Benjamin A. Wetherill. Incumbent's commission expired May 20, 1912.

PENNSYLVANIA.

Edwin R. Allen to be postmaster at Warren, Pa., in place of Starling W. Waters, deceased.

William M. Potts to be postmaster at Darragh, Pa. Office became presidential January 1, 1912.

John P. Wilson to be postmaster at Manor, Pa., in place of John P. Wilson. Incumbent's commission expired February 10, 1912.

WASHINGTON.

Minor McLain to be postmaster at Ferndale, Wash., in place of Minor McLain. Incumbent's commission expired January 13, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 15, 1912.

UNITED STATES MARSHAL.

Secundino Romero, to be United States marshal for the district of New Mexico.

POSTMASTERS.

ALABAMA.

John H. McEniry, Bessemer.

MARYLAND.

Charles A. Hollingsworth, Bel Air.

NEW MEXICO.

Arthur Jay Rolland, Carrizozo.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 15, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, from whom cometh life, thought, and action, cleanse our minds and quicken every noble impulse that we may hallow Thy name in all our intercourse with our fellow men, and so fulfill the law and the prophets. In the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

THE JOURNAL.

Mr. NORRIS. Mr. Speaker, I presume it was perhaps an error of the Clerk, but as the Clerk read the record giving the vote on the veto message of the President, he read the "aye" as the "nay" vote.

The SPEAKER. No; the Journal is correct.

Mr. NORRIS. Then it was a mistake in the reading.

The SPEAKER. It is either because of bad hearing on the part of the gentleman or bad pronunciation on the part of the Clerk.

LEAVE TO PRINT.

Mr. UNDERWOOD. Mr. Speaker, I desire to ask unanimous consent that I may print in the RECORD a statement as to the work of this Congress before the session closes.

The SPEAKER. The gentleman from Alabama asks unanimous consent to print in the RECORD a résumé of this Congress. Is there objection? [After a pause.] The Chair hears none.

APPENDIX TO PRESIDENT'S MESSAGE.

Mr. MANN. Mr. Speaker, to the veto message of the President on the metal-schedule bill (H. R. 18642) there was a short appendix, which under the custom is not printed in the RECORD, and may not have been printed with the message.

The SPEAKER. What was that?

Mr. MANN. It is in regard to the veto message of the President on the metal-schedule bill, page 10932 of the RECORD. I ask unanimous consent that the appendix may be printed in the permanent RECORD in connection with the President's message, and also that the appendix may be printed in to-day's RECORD, and also, if not printed in connection with the House document carrying the President's message, that there may be a reprint of the President's message with the appendix. The message refers to the appendix.

Mr. UNDERWOOD. I could not understand in the confusion what the gentleman's request was.

Mr. MANN. There is a short appendix with the President's message vetoing the metal-schedule bill. It is not the custom to print appendixes to a President's message, and I ask unanimous consent that it may be printed in the RECORD of yesterday, in the permanent RECORD in connection with the President's message, and also in to-day's RECORD that it may be read, and also, if it is not printed with House documents carrying the President's message, that there may be a reprint containing the appendix.

Mr. UNDERWOOD. I think that is proper; the President is entitled to present his side of the question.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print in to-day's RECORD the matter which he named, and also to have printed in the permanent RECORD as of yesterday, and also it be printed in the document along with the President's message. The Journal clerk says that the President's message has not been printed as a document yet and the two can go together. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had further insisted upon its amendments to the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes, Nos. 9, 10, and 11, disagreed to by the House of Representatives.

The message also announced that the Senate had passed without amendment bill and joint resolution of the following titles:

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse; and

H. J. Res. 337. Joint resolution requesting the President to cause an investigation of the Patent Office and make a report with recommendations to Congress.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 25034. An act to reduce the duties on manufactures of cotton.

HOUSE BILL WITH SENATE AMENDMENTS REFERRED.

Under clause 2 of Rule XXIV, House bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

H. R. 25034. An act to reduce the duties on manufactures of cotton, with amendments; to the Committee on Ways and Means.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills:

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State; and

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse.

RESOLUTION EXTENDING APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER. The gentleman from New York asks unanimous consent for the present consideration of the resolution which the Clerk will report.

The Clerk read as follows:

Joint resolution (H. J. Res. 356) to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

Resolved, etc., That the provisions of a joint resolution entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies," approved July 1, 1912, be, and the same are, further extended and continued in full force and effect for and during the last half of the month of August, 1912.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, the press has been reporting during the past few days that the United States Army is without its pay. Some attempt has been made to place the responsibility for the situation upon the Democratic House of Representatives. In the last session of the last Congress the gentleman from Virginia [Mr. HAY] pointed out that the Army appropriation bill carried an insufficient sum for the pay of the Army. That has been demonstrated by what has transpired since. The Army appropriation bill passed the Congress and went to the President in the month of June and he returned it here with a veto message on the 17th of June. At that time the Senate had already agreed by unanimous consent to do no business between the 17th of June and the 30th, so that it was impossible to have any action taken upon the Army appropriation bill for the current fiscal year. The Army bill was repassed by the House on the 2d or 3d day of July, and unless it passed the Senate last night it is still there awaiting action——

Mr. KINKEAD of New Jersey. It passed last night.

Mr. FITZGERALD. The Senate, I am informed, passed it last night. The deficiency bill has already passed the House, and to make good the dereliction of the last Republican Congress, it carried $1,800,000 to provide for the pay of the Army during the latter part of the fiscal year which closed the 30th of June, 1912. So far as this House is concerned, it has done everything possible, and had equally speedy action been taken in another place all the appropriation bills could easily have been enacted into law before the 30th day of June, 1912. I ask for a vote on the question.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, I did not understand whether the resolution was under consideration.

The SPEAKER. Yes. There was no objection to its consideration.

Mr. FITZGERALD. Does the gentleman object?

Mr. MANN. No. If it is under consideration in the Committee of the Whole I have no objection.

Mr. FITZGERALD. I have no objection to that.

Mr. MANN. I knew the gentleman would not object. It would not make any difference if he did.

Mr. Speaker, there have always been deficiency appropriation bills and I presume there always will be, because it is impossible for Congress a year in advance to know exactly the amounts which may be required for expenditures which are pro-

vided for by law. There is a deficiency in the appropriation for the last fiscal year for the pay of the Army. The general deficiency bill, which recently passed the House, carried a deficiency appropriation to provide for that deficiency in the pay of the Army, but that deficiency bill passed the House only recently.

The veto by the President of the Army appropriation bill has nothing whatever to do with the deficiency for the last fiscal year, because it made no provision for the payment of any pay of the Army due prior to the 1st day of July. The general deficiency bill was brought into this House after the 1st of July and wandered around the House without a guardian for several weeks in the Clerk's possession, with the House acting upon other matters for at least a week. Now the gentleman, having brought in a deficiency bill very late, and not having passed it through the House, endeavors to complain because the Senate did not pass the deficiency bill.

The deficiency bill providing for a deficiency in the pay of the Army for the last fiscal year ought to have been presented to the House before the 1st of July, ought to have been passed by the House before the 1st of July, ought to have become a law before the 1st of July in order that the enlisted men in the Army might receive their pay for the month of June, and it is idle for the gentleman to say that it was the fault of a former administration of the House or the fault of the President or the fault of the Senate. The gentleman himself has been negligent in the matter. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, the gentleman from Illinois [Mr. MANN] is not accurate in his statements. The Paymaster General of the Army stated to the Committee on Appropriations that the deficiency existed largely because of the fact that, in submitting the estimates for the last fiscal year for the pay of the Army, the Secretary of War had directed, over his protest, a reduction in the estimates to be submitted. The only purpose in doing so was, first, to make a false record for economy before the country, and, secondly, to help swell the necessary appropriations to be made by the Democratic House already elected.

Never is a general deficiency bill passed until the very last in a session of Congress and until the other appropriation bills have been finished. The Army appropriation bill would have carried appropriations for the Army from the 1st of July until to-day, 46 days, and if the Republican Congress had done its duty it would have appropriated sufficient to pay the Army until the 30th of June last. There will always be deficiencies, but there will not be deficiencies to the same extent with the Democratic House in control as there were during the Republican régime. [Applause on the Democratic side.]

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. In one moment. The general deficiency bill carried but $6,000,000. I can recall occasions when the Republicans had control of both Houses and the Executive, when the general deficiency bill ran up to $46,000,000.

Mr. CANNON. What amount did this deficiency bill carry as it passed the House?

Mr. FITZGERALD. About $6,000,000.

It would have been futile to have passed the general deficiency bill between the 17th of June and the 1st of July, because there could have been no action taken on it in another body. And more than that, in defiance of law, or as a matter of gross negligence, the administration did not submit all of its estimates to this Congress for deficiencies or for the present fiscal year until several weeks had elapsed after the 1st of July, and they are coming in yet, and they will continue to come in. This Congress at the next session will be supplying deficiencies that, for one reason or another, this administration deems it unwise to make public before the election. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the gentleman complains that the Army appropriation bill for the last fiscal year did not contain an appropriation sufficiently large to meet the expenses provided by law, and particularly the pay of the Army; and yet the Army appropriation for the last fiscal year was considerably larger than the appropriation carried in the bill passed by this House at this session of Congress for this fiscal year. If it be said that the appropriation made by a Republican Congress last year was not large enough, what shall be said of a Democratic House which, knowing that, cuts down the amount at this time, expecting to bring in a large deficiency bill after the election? [Applause on the Republican side.]

Mr. SHERLEY rose.

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for five minutes.

Mr. SHERLEY. Mr. Speaker, the wisdom of appropriation bills is not to be determined by their amounts. The trouble with the Republican appropriation bill for the support of the Army was that it carried too many inexcusable items for things that were not needed, and neglected to properly provide for the pay of the soldiers of the Army. [Applause on the Democratic side.] And the Democratic Party will demonstrate that it can cut appropriation bills and still provide for the proper necessary expenses of a legitimate Army of the United States. [Applause on the Democratic side.]

That was the trouble with the bill last year. It is an old habit to make appropriations insufficient for matters that must be carried on and thereby make a false showing, and then to come in and ask a deficiency appropriation that must be granted. If the economy had been shown in other items in the bill, there would have been no need of cutting the items in regard to the pay of the Army. [Applause on the Democratic side.]

Mr. CANNON rose.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. Mr. Speaker, the deficiency bill as it passed the House, long after the close of the fiscal year, to pay deficiencies in the expenses of the Government for the last fiscal year, amounting in round numbers to $6,000,000, as the gentleman from New York [Mr. FITZGERALD] states, was one of the smallest deficiency bills that has passed the House in 20 years.

So much for the statement that the Republican House, which ceased to exist on the 4th day of March, 1911, failed to perform its duty in caring for the public service. After all, what does the country care whether this deficiency bill is smaller than the ordinary deficiency bills are—and it is smaller. But as the Army was entitled to its pay before the 1st day of July, it was the duty of Congress to have provided that deficiency appropriation before the 1st day of July last. It is true that the Senate went practically out of commission during the lifetime of both national conventions, and both Senate and House went practically out of commission during the Baltimore convention; but it was the duty of this Congress to pass this deficiency bill early in June or late in May, so that the money would have been available to pay the Army, including the enlisted men, when the payments were due. They have not been paid. That which should have been paid in June has not yet been paid. We can throw snowballs or paper balls back and forth from one side of the House to the other. You can say we failed to do it when we had power in the last Congress. We can say that we did better than almost any Congress in 20 years in providing for the public service. After all, the fact remains that the Army goes without pay. [Applause on the Republican side.]

Mr. ANTHONY. Mr. Speaker, I should like to have read from the Clerk's desk, in my time, an editorial from the Springfield Republican.

The SPEAKER. The gentleman can send it up.

The Clerk read as follows:

[From the Springfield Republican, Aug. 11, 1912.]

ROOSEVELT AND THE KANSAS CAMPBELL.

Congressman PHILIP P. CAMPBELL, of Kansas, was nominated in the Republican primaries two years ago by a plurality of about 2,500. The figures should be borne in mind.

When Mr. Roosevelt last spring announced his belief in the recall of judicial decisions this Kansas Congressman risked his political life by denouncing the idea. He even heaped contempt upon it. In a speech at Concord, N. H., Mr. CAMPBELL aroused Mr. Roosevelt's wrath by saying that such an appeal as was proposed was like appealing from the umpire to the bleachers.

During April Mr. Roosevelt toured Kansas on a special train, and in all of his speeches he excoriated Congressman CAMPBELL. On April 19 and 20 the papers of the country printed this dispatch from Manhattan, Kans.:

"In his speeches to-day en route across Kansas Col. Roosevelt repeatedly assailed Congressman CAMPBELL. CAMPBELL, he said, had visited New Hampshire as a 'sort of perverted missionary,' and there had referred to Roosevelt's judiciary proposal as an 'appeal from the umpire to the bleachers.'

"'Mr. CAMPBELL showed he was wholly ignorant of the foundation of this Government,' he said. 'Mr. CAMPBELL felt that the attitude of the people in reference to politics ought to be that they sat on the bleachers and paid the price of admission, but had nothing to do with the game. I ask you in Kansas to stand by us because we stand by the bleachers. We have appealed in this campaign to the bleachers. We appealed to them in Illinois and Pennsylvania and the bleachers went with us.'"

Two days later Mr. CAMPBELL replied to Mr. Roosevelt from the floor of the House. It was one of the pluckiest speeches ever delivered in American political life. Besides being an acute and effective analysis of the recall of decisions, which was characterized as "an absurd proposition," the address was marked by a straight-flung defiance of the colonel. The Congressman said:

"Col. Roosevelt has been holding himself up to the people as the paragon of political virtue. He has assailed every man who ventured to disagree with him on any question. He brands every man as infamous whom he can not lash into agreeing with him. [Applause.]

"I have been told that I was taking my political life in my own hands this morning in assuming to answer the vicious attacks of the colonel on me in my own State. If I did not do so this morning I would despise myself. [Applause.] My political friends would despise me and my political foes would despise me also. [Applause.] My regard for the intelligence of the American people and of the people of Kansas is above any fear of Theodore Roosevelt." [Applause.]

Well, what happened to CAMPBELL in the Kansas Republican primaries last Tuesday? All the Roosevelt men could vote, for the Kansas laws permitted them to, and the Republican organization was in the hands of Roosevelt's friends. The expected did not happen. CAMPBELL was not annihilated because of his attacks on T. R. He did not lose his renomination because the colonel had denounced him "from morn till dewy eve" from one end of Kansas to the other only 3½ months since. The Congressman won by substantially the same majority that was given to him in that Republican district in 1910—that is to say, by about 2,500 votes.

Courage pays in politics. CAMPBELL had it. And Kansas Republicans have sustained him in spite of the angry denunciation of a man who has believed that he held Kansas in the hollow of his hand.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, the conferees on the Panama Canal bill, H. R. 21969, have discovered some clerical inaccuracies in it, and the Senate have granted unanimous consent that the papers be withdrawn and corrected. I ask the House to grant the same unanimous consent.

The SPEAKER. The gentleman asks unanimous consent to withdraw the papers in the conference matter on the Panama Canal bill to correct certain clerical errors. Is there objection?

There was no objection.

ILLEGAL SALES OF MEATS IN NEW YORK AND NEW JERSEY.

Mr. KINKEAD of New Jersey. Mr. Speaker, yesterday I was given unanimous consent to insert a statement that appeared in the New York Times of last Sunday regarding the illegal sales of meats in New York and New Jersey. The colloquy which took place in reference to the matter appears in the RECORD correctly, but the insert which I handed to the Government Printing Office messenger does not appear in this morning's RECORD. I ask that it be inserted now.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print in to-day's RECORD the New York Times article to which he refers. Is there objection?

There was no objection.

The article referred to is as follows:

THRIVING TRAFFIC IN BAD MEAT HERE—UNFIT ANIMALS KILLED AND SOLD, ESCAPING STATE AND FEDERAL INSPECTION—CITY CAN'T CONTROL IT—SHIPMENTS SENT OUT OF THE STATE AND THEN BROUGHT BACK FOR FOOD—A GRAVE DANGER TO HEALTH—FEDERAL AUTHORITIES ADMIT FACTS, BUT SAY THEY CAN DO NOTHING, AS TRADE IS NOT BETWEEN STATES.

A traffic in diseased animals for human food involving up-State farmers, Jersey City commission men, and certain wholesale butchers in this city, has for some time past been thriving and is still carried on without interference from the city, State, or Nation. The butchers, of whom there are many in Brooklyn, are known to the Government inspectors as "unofficial"—that is, they have agreed not to sell meat outside the State—and for that reason they are not subject to the strict and wholesome Federal inspection. The facts of this traffic have been traced out by The Times by a study of every step of the business, from many small shipping points in Delaware County, N. Y., to the manufacturing rooms of the butchers here. Delaware County, while one of the largest shipping centers, is not alone in furnishing the supply by any means. But it is taken as typical. The facts of the traffic have been verified. They are not denied by the farmers who sell and rather pride themselves on driving good bargains, or by the commission men in Jersey City who dispose of the damaged animals with clear consciences, for they say they are violating no law.

The trade in tainted animals is made possible by the complete separation of Federal, State, and city inspectors. It goes back to the Constitution point of interstate and intrastate trade. The Federal Government takes the position that it has no right to inspect cattle, hogs, and other food animals where the stock originates and is to be consumed within the limits of a single State, even when such animals in course of transit pass through a neighboring State. On the other hand, the State does not greatly concern itself with shipments of cattle that are bound for points outside the State. Then this present situation is created: By sending his animals from his New York farm to a commission merchant in Jersey City, N. J., the farmer takes his stock from the none too watchful eye of the State inspector; he is then engaged in interstate commerce, and the State inspector turns over the whole duty of examination and condemnation of unfit animals to the Federal authorities. But when the animals reach Jersey City they are not sold to the houses dealing in interstate trade, but the small local butcher of Brooklyn picks up the unfortunate animals for a low price and has them shipped to his house in this State. As the animals originate in this State, and as they return here to be killed and sold by the "unofficial" houses, they are in turn lifted from the scrutiny of the Federal inspector. By a simple method of routing the shipment, both State and Nation have been evaded. There remain only the city health authorities; but, as will be shown and as Health Officer Lederle admits, the city has never been able to cope with the slaughterhouse situation. The result of this is that every day there is going into the market baskets of the city enough unfit meat to be a menace to the health of the community.

So far as can be learned this scheme originated nearly six years ago, when the Federal Government passed a law making it possible to stop the shipment of diseased meat from one State to another by establishing a system of inspection over all slaughterhouses where animals are slaughtered and the meat offered for sale in another State. Since that time the shipment of diseased cattle has been going on unchecked. Tubercular cows, pigs, and sheep, as well as bob veal and other animals suffering from such contagious diseases as lumpy jaw or actinomycosis, hog cholera, cancer, and blackleg are shipped every week to the commission merchants at the public stockyards in Jersey City, N. J., and there sold to the unofficial slaughterhouses in Brooklyn and surrounding sections, who offer the meat for sale in this State.

Carload after carload of diseased cattle is shipped from Delaware County, and the crime is made even greater by the absolute freedom with which the shipments are made. Cows have been known to die while on the way to the cattle depot, and it is not an uncommon sight to see the farmers bring their old cows—"bandboxes," as they are called—to the cattle yards in farm wagons and to hoist the animals into the cattle cars, where they often fall to the floor from exhaustion, and sometimes die before reaching their destination. Others are held up by their mates in the car, and stand coughing and bleeding. In some instances the cattle shippers have been known to kill a cow which they thought could not stand the journey and ship it to some unofficial house, where it was sold to an uninspected bologna factory.

A TYPICAL SHIPMENT.

A Times reporter, investigating conditions, saw one shipment from Walton, N. Y., where two cattle cars, whose destination was New York, were shipped on Tuesday, July 23, by a firm of that town. The cars were New York, Ontario & Western cattle cars Nos. 4026 and 4036. In car No. 4026 there were 5 bulls, 5 pigs, and 16 calves. Six of the calves were so young that they could hardly stand, and swayed back and forth. One of the pigs was lying on its knees panting and coughing. In car No. 4036 there were 20 cows. The attention of the Times reporter was called to 2 of these by their cough. Upon examination it was found that these 2 were being supported by the other animals in the car, and that a number of large swellings were noticeable under their breasts. These swellings extended along the whole under part of the animal. The flesh on the 2 cows was drawn tight over their bones, and one could see practically every bone in the body.

A more careful investigation of the carload showed another cow lying in a limp attitude in a corner of the car. When she was prodded up with a stick she began to cough and totter back and forth. The entire underpart of her body was covered with swellings.

The farmers throughout the county admit that they sell all their old and diseased cows, and say that they do so because the State pays them very poorly after it condemns and slaughters a cow for tuberculosis or any other disease, whereas the cattle dealers pay from $8 to $10 a cow, and give the farmer his money at once. This condition of affairs is not limited to any one locality, as it extends over the county, and is said to exist in nearly every portion of the State. Out of all the farmers in Delaware County interviewed by The Times reporter not one denied that he knew what was going on, and on the other hand stated that the shipments in the early spring were even worse than in summer.

The cattle dealers or their agents travel to all parts of the county buying anything that the farmer will sell, the condition or age of the animal making no difference. The price paid for old "bandboxes" and diseased cows varies, the cattle dealer as a rule offering $8 for the creature as it lies on the farm or $10 for it if it is carted to the cattle yards on shipping day. Bob veal generally brings from $1 to $5.

FARMERS ADMIT THESE FACTS.

A farmer near Delhi, N. Y., told The Times reporter that one of the cattle dealers came to his place and offered to buy some cattle. The farmer replied that he had none to sell, whereupon the cattle dealer pointed out a 5-day-old calf and, according to the farmer, said: "How much will you take for this young bull? You don't want it, do you?" The farmer replied that he did not, and said he would sell it for just what its hide was worth, which was $1. The little animal was bought and the next shipment day was loaded into a cattle car bound for this city.

A farmer living near Delancey, N. Y., said:

"Well, if you want to know the real condition of affairs in this section, I will tell you something that I know to be a fact and am willing to swear to it if necessary. I have been in the cattle business myself, and I have also conducted a slaughterhouse, and I know a diseased cow when I see it. I have seen cows with tuberculosis, lumpy jaw, and cancer shipped out of this county in the spring by the carload. All this meat goes to New York City, where the worst of it is made into bologna or canned, and for that very reason there is hardly a farmer in this county who will eat New York bologna.

"Last spring I saw a shipment from Delhi which made me sick myself. I saw three cows lying dead in the road leading to the cattle yards, while others were lying about too weak to stand on their feet. Other farmers were driving the most disreputable specimens of cows to the yards in wagons. All the cows were old and broken down, and most of them bore every evidence of disease. Little calves were being carted to the yards also, and some of them were so young they could hardly stand.

"One of the cows I saw had a cancer on its stomach. It stood swaying, and before the car pulled out fell down and I saw other cows trample it. It was taken out, though, and possibly the creature reached New York alive.

"At the same time I saw a big hog lying in the yards unconscious and breathing heavily. It was not from the heat either, as it was a cool day. One of the shippers said, 'I guess that is a bad one,' and another standing near-by said: 'Oh, it is good enough for New York bologna. Cut its throat and send it, if you think it can not live.' The hog was shoved into the car alive, however.

"Other cows had tuberculosis and were coughing, and many of them had swellings and sores, while one had lumpy jaw. When you stop to consider that this was all seen in one shipment, you can get some idea as to what is going on. Why, I have sold a cow to the cattle dealer myself which I knew was diseased in a way. Its hoof had been eaten off by a disease, but otherwise it was well except for a slight cold. When I brought her to the cattle yard the dealer asked me what was the matter with it, and I replied that its hoof had been eaten away. The cow coughed then, and the dealer said, 'I guess she has a cold, too.' I would not have shipped the cow if I had not known that the disease she had was not contagious and that it was lawful to ship her. Now, if you want proof of this just ask some other farmers."

The story was corroborated later by another farmer.

A farmer living near Hobart, N. Y., said: "Anything that can stand goes to New York, and some of it is almighty poor stuff."

Another farmer, living near Stamford, N. Y., said: "New York is the dumping place for all our old cattle, and even diseased ones go there. I know of a case not so very long ago when the shippers cut two cows' heads off, and, after skinning them, wrapped the carcasses up in burlap and sent them to the city. They did this because the animals would have died on the way otherwise."

A farmer near Andes, N. Y., said: "New York gets very poor stuff, and I would hate to eat any meat which comes from that section of the county, or from this State, for that matter. It is not only old, but diseased as well."

One near Walton said: "All you folks get is the poor trash we can't use in the dairy."

A farmer near Apex, N. Y., said: "Conditions are simply outrageous. Why, I personally don't believe there is one real good cow shipped from this county."

HOW THEY GET HERE.

Nearly all of the cattle shipped from Delaware County go to the public stockyards at Jersey City, where they are disposed of by the Kerns Commission Co. and Samuel Saunders, who sell to slaughterhouses in this city and the surrounding country. It was learned that nearly all of the meat they sell from Delaware County is received at the unofficial slaughterhouses near this city, where it is slaughtered and sent to the bologna factories.

When a times reporter visited Mr. Kerns he learned that he received cattle from 13 out of the 15 cattle dealers in Delaware County. When they are shipped from Delaware County no inspection is made by the special agent for the State, Daniel Franklin, of Delhi. The Government has occasionally made inspections and obtained convictions, but they must prove that the shipper has knowledge that the cattle had a disease before they can make any arrests. It is the agent's duty to supervise the shipments, and he should also travel about the county and inspect the live stock and condemn that which shows any traces of disease. So far as the Times reporter could learn, this was very seldom done, and when it was, it was because the farmer asked that he visit him and look over his stock.

HOW THE LAW IS EVADED—NO EXAMINATIONS WHERE THE ANIMALS GO INTO THE "UNOFFICIAL" HOUSES.

The cattle dealers, realizing that their diseased cows would come under Government inspection after the law was passed in 1906, hit upon the plan of shipping their cattle to a public stockyard where no post-mortem or ante-mortem examination can be made as long as the meat does not go to an "official" slaughterhouse or one dealing in interstate trade.

The Jersey City Stock Yards are public yards, and unless the cattle brought there are consigned to an official establishment the Government inspectors have no right to inspect it, as it goes to a slaughterhouse which deals only with State trade and comes under the State law. All cattle received at the Jersey City Stock Yards are sold off by the commission merchants, who get, as a rule, a commission of $1 for each cow sold.

Both official and unofficial slaughterhouse men buy there as they do in the West Sixtieth Street Stock Yards. After the cattle are bought all that are to be delivered at an official slaughterhouse are examined by the Government inspectors and veterinarians. Those bought by an unofficial slaughterhouse are not inspected by them, but should be inspected under the State law by the State inspectors. But as there are no New York inspectors in New Jersey, it becomes an easy matter for the unofficial slaughterhouse men to buy the cattle and take them away without interference from any inspectors.

The law which forms the basis for Federal inspection draws clear and defined distinctions between the two sets of slaughterhouses, and says:

"That for the purpose of preventing the use in interstate or foreign commerce of meat and meat food products which are unsound, unhealthful, and otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made by inspectors appointed for that purpose an examination of all cattle, sheep, swine, and goats before they shall be allowed to enter any slaughtering, packing, meat-canning, rendering, or similar establishment in which they are to be slaughtered and the meat and meat food product thereof is to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all others, and when so slaughtered the carcasses of such cattle, sheep, swine, and goats shall be subject to a careful examination provided herein.

"That for the purpose hereinbefore set forth the Secretary of Agriculture shall cause to be made a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughterhouse, meat canning, salting, packing, or rendering, or similar establishment in any State, Territory, or the District of Columbia, for transportation or sale as articles of food for interstate or foreign commerce, and the carcasses and parts thereof of all such animals found to be sound and healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled 'Inspected and passed'; and said inspectors shall mark in the same manner 'Inspected and condemned' all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or in any other manner unfit for human food, and all such carcasses thus inspected and condemned shall be destroyed for food purposes."

The law also provides that any inspector who fails to report and destroy such animals shall be discharged, and that if it is deemed necessary another examination can be made at any time of meat passed or condemned.

LAW EXEMPTS UNOFFICIAL HOUSES.

The Federal law makes the following exemptions, and says:

"That the provisions of this act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as intrastate trade, nor to retail butchers and retail dealers in meat and meat food products supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are unfit for human food he shall be guilty of a misdemeanor and on conviction shall be punished by a fine not exceeding $1,000 or one year's imprisonment, or both."

All of the slaughtering houses in Manhattan, but not all the bologna factories, are official houses, but only 13 of the slaughterhouses or other places dealing in meat in Brooklyn are under Government inspection. This makes it almost impossible for the slaughterhouses in Manhattan to buy diseased cattle, as if they do so they know they will only be condemned. One man in this city bought 27 cows from the Kerns Commission Co. in Jersey City, and out of this number 22 were condemned for tuberculosis. Mr. Kerns told the Times reporter this himself.

There is nothing in the Federal or the State law to prevent the cattle dealer from shipping calves which are under 6 weeks of age so long as they are shipped alive. If they are killed and shipped as meat, they can be condemned and the shipper can be prosecuted. There are at present 11 such cases pending in the United States district attorney's office, while there are several cases of shipping diseased cows pending in the Federal court.

It is also unlawful to ship cattle in a crate, and there have been several prosecutions for this violation of the law. The shippers of cattle from Delaware County, however, are enabled to escape from the clutches of the law by shipping their animals to a public stockyard and shipping their bob veal down to the stockyards alive.

COOPERATION URGED.

The Federal authorities in charge of the animal industry have repeatedly urged that some arrangement be made whereby they can work in cooperation with the State inspectors, but have been unable to do so.

The State inspectors have no jurisdiction over the slaughterhouses in Brooklyn, as they come under the city inspection system and are under the direct control of the department of health. This inspection is incomplete, as the Times reporter found, and up to a year or so ago consisted merely of an inspection of butcher shops when the meat was offered for sale.

The impossibility of a complete and adequate inspection by city inspectors may be seen, when it is taken into consideration that there are only three veterinary surgeons assigned to inspect five slaughterhouses, whereas the Government has a veterinarian on each killing floor, and it is his duty to examine every carcass. The city veterinarians are assigned to cover a certain district, and very often it happens that one has three slaughterhouses to inspect. Each slaughterhouse is provided with an inspector assigned by the department of health each month.

The veterinary surgeons in charge often complain that they have too much work to do, and that they also have to be continually on guard to see that the inspector in charge of a killing floor is on the watch. It often happens that this inspector leaves for a time and several killings take place during his absence. This is very seldom reported. These inspectors have had no medical training, and it sometimes happens that a new inspector is broken in by being assigned to cover a slaughterhouse as soon as he enters the service.

The condemnation of the whole carcass is a rare thing in city inspected houses, although such sections as the spleen, the liver, or the lungs are often condemned, while the rest of the carcass is sold as food and goes to either the sausage shops or the meat markets. There was but 1 carcass condemned in April in 5 butcher shops, while in May there were 13.

A TOUR THROUGH THE SHOPS—EVIDENCES OF UNFIT ANIMALS FOUND IN JERSEY CITY AND BROOKLYN.

The public stockyards at Jersey City, where the Kerns Commission Co. and Samuel Saunders hold forth, are the scenes of great activity every morning except Sunday, when the representatives of the many abattoirs in this city gather there and buy their cattle for the day.

A careful watch will show that there are two distinct classes of buyers. Some buy the best, paying high prices, and others may be seen buying cows and other animals which are lying about, too weak to stand, or tottering with coughs and groans. Many have sores and many more have suspicious-looking swellings on their poor, lean bodies. Further search will show the distinction between the two classes of buyers, and this distinction is plain, for by far the greater part of the good meat goes to the slaughterhouses under Federal inspection, while the remainder goes by the carload to the "unofficial" houses in Brooklyn and surrounding country.

After arriving at these places the cattle are placed in large pens and watered and fed. Later one of the men goes out, opens a bar, and the cattle come into what is called the catch pen; and from this place they are taken to the killing room, where they are tied up and killed by a kosher cutter. The various parts of the animal are then examined by a kosher cutter or his assistant and are condemned if any flaw whatever is found, a whole cow being condemned sometimes simply because a small nail or piece of wire is found in its lung or stomach. The veterinarian does not see that which is retained by the inspector and is only shown that which is condemned.

When a Times reporter visited these slaughterhouses he went into the main cattle yard and examined the cows. It was practically impossible to keep a record of the animals which were bony and coughed, as they made up a greater part of the entire stock. At the first place entered there were two sick cows and an extremely lean and ill-looking bull calf were seen in the catch pens. They were slaughtered and passed, the veterinarian not being present to examine them. In the main yard the Times reporter saw a cow which attracted his attention because of its extreme thinness. The whole under part of the creature's stomach was covered with swellings bigger than a man's doubled fist. When the Times reporter visited the place later in the day this cow was missing, and it was learned that there had been no condemnations in his absence.

THE CITY INSPECTORS.

At the next place visited the killing for the day was almost over and only a few cows remained in the catch pen. One of these was a bony-looking, tan-colored cow, milked dry ages ago, and suffering from disease. She was killed. The inspector examined the glands about the tongue, passed the animal, and the last seen of it was when two halves of her carcass were whirled to the ice box. The lungs of this cow were condemned by the kosher killer, who found a piece of wire in them.

At the next place on the list the killing was almost done for the day. Several cows, however, remained to be slaughtered, and they were, with but one or two exceptions, as bad looking as those in the other places visited. There was an exception here, however, for one-half of the establishment is under Federal inspection and a veterinary surgeon is here all the time. In the side under his control all the cattle were splendid-looking steers, without a mark or blemish of any kind on them. After each killing the inspector went carefully over every part and made a minute examination of the lungs and backbone, as well as the glands of the neck. The offal could not be seen on the floor, and after each killing a laborer with a wire broom scrubbed the cement and flushed it with water.

At still another place there had been no condemnations. After the veterinarian left he heard that 10 calves were to be killed, and later the inspector in charge reported that there had been no condemnations.

The last place visited was at one time under Federal inspection, but so many of the cows were condemned that the owner gave up interstate trade and went under the city inspection. It was here that the Times reporter saw the greatest number of suspicious-looking cows and bulls. The main yards were almost full of cattle, and some of them were too weak to stand up. One cow whose condition was particularly noticeable was standing in the rear of the pen. The animal's flesh was simply drawn over its bones. She had a large swelling, which was broken open, on her right hind leg. She tottered back and forth and occasionally her head dropped and a film came over her eyes. Even the inspector with the reporter was moved to make some remarks at this point.

"There is a specimen of your Delaware County cattle," he said. "That is what they send to Jersey. We often condemn such an animal, but even if nothing is wrong with her, there should be some precaution against shipping such a creature. All that animal is fit for is

to be killed on the farm and buried in the ground. That is what I call cruel and inhuman, but she will never get by us if she shows any sign of disease."

Other cows in the yard were in almost as bad condition, while the slaughterhouse itself was not as clean as the others visited. All the offal was thrown into a pile and some Italians could be seen picking up parts of it and carrying it away.

Upon again entering the slaughterhouse a shout went up from the kosher killer and a lung covered with a tubercular growth went skimming across the floor. The inspector caught it and showed it to the reporter. The entire lung was incased in big growths, while there was one harder growth on the right lung. When this growth was cut open it proved to be hardened mucus. The carcass of this animal was not condemned by the inspector on the floor, although the kosher killer refrained from placing his marks upon it.

THE BOLOGNA FACTORIES.

Much of the meat which is sold by the slaughterhouses in Brooklyn goes to the bologna and canning factories in this city, which are not under Government inspection. The Times reporter visited several of these places, as well as several under Government inspection. In the Government-inspected places the tables upon which the bologna was made consisted of cement and tile and takedown tables. Every day after the work of making the sausages is over these wooden takedown tables are taken apart and thoroughly washed.

The rooms are well lighted, and in every instance ventilated by modern ventilators. Each man has his own work cut out, and the man who washes the casings for the sausage is never allowed to touch the meat to be used in the sausage. Each employee's hands are examined. They must keep their finger nails clean, and are not allowed to enter any part of the building and work unless they have changed their clothes and have put on regulation white garments.

In the places under the municipal inspection the opposite conditions prevail. Many of the places visited by the Times reporter had their dressing rooms in the cellar, in many cases extending under the street. They were poorly lighted by gas, and the whole plant was on one floor, where the air was poor and the temperature extremely warm. No provision was made for the storage of the men's clothing, although they are made to wear white jumpers, as in the places under the Federal inspection. In one place there were hooks on the wall directly back of the tables used for stuffing the sausages, and from these hooks hung the clothing of the two workers.

In another place visited the reporter found the entire plant, with the exception of the refrigerator, located in the cellar. The tubs for pickling the meat were placed near the iron pot used for boiling the meat and were uncovered. The stuffing table was located directly under the gaslight and pipes leading to the upper part of the building, while the men's clothing hung exposed near the salt barrel used as a storage place for sausage casings while the salt is used to flavor the meat in the sausage. The meat to be used was also stored in an uncovered barrel near by and was infested with flies. The proprietor of this place said he got his meat from Brooklyn, "but didn't remember just where."

Another place on the same block was visited. Conditions were very much the same, with the exception that the meat to be used was not in the same room and two floors were occupied, these being the cellar and ground floor. Here three men were making bologna. A large quantity of cut meat was in a large wooden tank, and the makers of the sausage were vigorously stirring this with their arms.

Conditions were about the same in several other places in the same neighborhood, and which the Times reporter visited. In one place they had closed up for the day and departed leaving some of the chopped meat lying on the stuffing table.

THE MENACE TO HEALTH—FEDERAL AUTHORITIES POINT IT OUT—CITY UNABLE TO MEET PROBLEM.

Dr. A. D. Melvin, the Chief of the United States Bureau of Animal Industry at Washington, D. C., has repeatedly urged that steps be taken to make it possible for the State and city authorities to join the Federal authorities and agree to make the two inspections work in harmony. In urging this, Dr. Melvin says:

"It is estimated that a little more than one-half of the total meat supply of the United States comes under the inspection of the Federal Government. Most of the remainder receives no inspection whatever, while a portion of the remainder is subjected to a limited inspection by either the State or local officers.

"The Federal meat inspection system depends for its authority on what is known as the interstate and foreign commerce clause of the Constitution of the United States, and this inspection is therefore limited to the product of establishments that are engaged in interstate or foreign commerce. The Federal Government is powerless to exercise any supervision over an establishment the meat from which is slaughtered, prepared, or sold and consumed within a single State. It is a duty which the municipality owes its citizens to install and maintain a system of meat inspection that will afford adequate protection against diseased and unwholesome meat.

"Too often the local meat-inspection service, where it exists at all, does not provide for an inspection of great thoroughness, but consists merely in the inspection of the meat as it is offered for sale in the markets, with sometimes a sanitary supervision of the markets. Although such inspection has some value, it is far less important than the veterinary inspection of the carcass at the time of the slaughter. A skilled inspector can not always detect disease in meat after it has been dressed and the viscera disposed of. The most important requirement in meat inspection, therefore, is to protect the consumer against dangers from which he can not protect himself, and this can only be done by a class of inspection that is not often provided for by local authorities.

"Some idea of the need of more adequate local inspection may be obtained by considering the extent of the disease among live stock slaughtered for food and the insanitary condition under which much of the local meat supply is slaughtered and handled. Recent statistics show that nearly 2 per cent of the carcasses are affected with some disease or condition, making it necessary to condemn it either in whole or in part. We find that about 87 per cent of the condemnations of our bureau alone are due to tuberculosis.

"We find that about 1 per cent of the cattle and a little more than 2 per cent of the hogs slaughtered under Federal inspection have been affected by this disease to a greater or less extent. The establishments under Federal inspection draw a large proportion of their cattle from the ranges and feed lots of the West, where tuberculosis is rare, hence the percentage of this disease found in the Federal service is far below that which occurs in animals from the dairy regions where the disease is much more prevalent. It is estimated that at least 10 per cent of the dairy cows in this country are affected with tuberculosis, and it is a well-known fact that the dairy stock forms a much larger proportion of animals killed at small local slaughterhouses than at the large establishments under our inspection. The effect of the Federal inspection has been to cause the owners of diseased or suspicious looking animals to send them to an uninspected place rather than to one where they have to run a gauntlet of strict inspection.

THE DANGER TO HEALTH.

"For this reason it is certain that the percentage of disease is much higher among animals slaughtered at the small local places. Uninspected slaughterhouses, as a rule, have many features that are not only objectionable, but dangerous to health as well. The smell of the country slaughterhouse is proverbial, and the conditions at some of these places are inexpressibly foul and filthy. They are usually located in some out-of-the-way place, sometimes out of the corporate limits, often surrounded by stables, or even being a part of the stable itself. Such places are often the means of spreading disease, and it is frequently the custom to feed the offal to the hogs or to throw it where dogs, hogs, and rats have access to it. By this means trichinæ, tapeworms, and other animal parasites are spread, some of which are a menace to man. Hog cholera, tuberculosis, and other contagious diseases may also be spread by such conditions. Usually there is no protection for the meat against flies and other insects and vermin.

"The objectionable conditions are not confined to the little slaughterhouse in small communities. Even in the large cities there are big abattoirs which do a purely local business, and at which the conditions and methods are exceedingly insanitary, and where a very poor class of live stock is slaughtered. The local authorities must often deal with small, scattered, poorly equipped and very insanitary slaughterhouses, and it is sometimes out of the question to require the reconstruction of the buildings and the installation of expensive equipment in order to bring about a proper sanitary condition.

"The greatest difficulty of local inspection comes in dealing with the small isolated or scattered slaughterhouses. Such conditions make it advisable to concentrate the slaughtering in one place. All places of slaughter should be subject to inspection and regulation, and permitted only by license. If any uninspected meat is allowed to be sold, or if any slaughtering places are allowed to remain uninspected, it is a danger and a menace to the public. If an unscrupulous man wishes to dispose of diseased or suspicious-looking live stock, he will take it to an uninspected place, and if one man is allowed to run an uninspected slaughterhouse, there will be a great temptation for him to buy stock that would not pass at an inspected place, and thus a single exception may be the source of great danger to the health of the people."

STATE OFFICE POWERLESS.

Dr. U. G. Houck, the head of the New York office of the United States Bureau of Animal Industry, said to a Times reporter:

"The Jersey City Stock Yards are public yards, and we are powerless to prevent the inflow of diseased cattle so long as it goes to an uninspected slaughterhouse. We can not trace it to their places and the State inspectors can not do so either.

"The Times is on the right track and is showing just what we have always stood for, and that is that we should cooperate with the State and municipal authorities in the matter of meat inspection. If this was done this unhealthy meat would not find a market in this city.

"The houses under Federal inspection can not afford to get bad meat, as it is condemned at once. Our inspectors are all over and a man with five years' training is stationed on every killing floor in an official slaughterhouse and has to examine every piece of meat which passes from that floor. A cow is traced by us the very minute we think it is a suspect, and this animal is passed on from inspector to inspector until the post mortem examination is made and if it is then found that the carcass bears traces of disease it is tanked and made into fertilizer.

"Another important fact is that our men get a regular salary, whereas the veterinarian, who works for the city, is paid by the day. The regular inspector's duties take him to numerous places and leaves the slaughterhouse unguarded in case the owner is unscrupulous enough to desire to sell bad meat.

"There is nothing in our inspection which can prevent a man whose place is not under inspection from buying bob veal as live stock and then killing it, or to prevent him from buying cows or hogs which are diseased and killing them. We can prevent a man from shipping diseased meat out of the State, and I think we do it. Take bob veal. How many uninspected slaughterhouses have either the time or facilities for nursing a 3-day-old calf until it becomes 6 weeks old, and how many would if they did have? What is to prevent them from killing it or any bad cow or other animal they might have? The fault is with the law, not with the inspection or the State."

AFRAID OF FEDERAL INSPECTION.

Dr. Henry Long, the head of the Brooklyn office of the bureau, said:

"It is the unofficial slaughterhouses which receive all these bad cattle, and it is the unofficial bologna factories which buy this bad meat. Take this city, for instance. There are but 13 inspected places here; and although some of the others which are running now have asked for it, they found it cost too much and dropped it. There is one place near one of our inspected places which could not live up to our standard and is now running under municipal inspection.

"Of course, I can not say that there is graft among the municipal inspectors, but I can say that I do not believe there is any among our men. I know of a case where an inspector was dismissed simply because he accepted some cigars, and I know of another case where one of our men was dismissed simply because he borrowed $10 from a packer who was a personal friend. Probably both these men were honest, but they were dismissed because their actions might be used as evidence against them. You see, they can not take a chance.

"Of course, it is impossible to prevent some bad cattle from going to a slaughterhouse which comes under our inspection. Sometimes the healthiest looking steer or cow is decaying with tuberculosis and you never suspect it until the animal is cut open. The same condition applys to the poorest looking bandbox, and it often happens that a cow which we have suspected from the start shows absolutely no signs of disease when put through a post-mortem examination.

LEDERLE HAS TOO FEW MEN.

Dr. Ernst J. Lederle, the head of the board of health, said:

"Our inspection is as far-reaching as we can make it, but is not so far-reaching as we would wish. I believe that our inspection is as complete as it can be under the circumstances, and that it has improved wonderfully in the past two years. We follow as closely as possible

that of the Government, but you can see how absurd it is for us to attempt to do with less than 100 men what the Government does with 200 or over.

"With the few men we have to inspect all sorts of conditions in the city, whereas all the Government men have to do is to watch slaughterhouses and bologna factories. We have added considerable to our force, but can not add more, as we have not the appropriation. Personally, I believe it would be a very good thing if the Government took all the slaughterhouses out of our hands."

Dr. Walter Bensel, who is in charge of the department of meat inspection and sanitary superintendent under Dr. Lederle, said:

"We do the very best we can, and our inspection has improved greatly in the last year or so. We have six men in Brooklyn, besides three competent veterinarians. Each slaughterhouse has one of our men on the killing floor, and he is made directly responsible for everything, and must report regularly to the veterinarian in charge of his district. These inspectors are changed each month, and in this manner they are not allowed to become too familiar with the abattoir owners.

"As to the inspection of bologna factories, we have done some very good work along this line, and are making stricter and stricter rules each day. We have practically forced them to abandon the old cellar factories which existed all over before we took a hand, and have also attempted to have them do away with artificial light. Owing to the fact that many of these houses are under the exempt clause in the Federal law, the Government inspectors can refuse to give them inspection unless they abide by every rule set down in the Federal law. All these places which the Government refuses to inspect are thrust upon us and only add to the work we are conducting. Many of the places under our inspection are too poor to afford to take up the improvements suggested by the Government, but so far as sanitary conditions go, I think we run the bigger houses a very close race."

George A. Woods, supervising inspector of food in the department of health, says that fully 25 per cent of the dairy herds in this country have tuberculosis, and that he and his men have waged a hard fight against the practice of having these cows thrust upon the public for food. He pointed out that the department of health was absolutely powerless to stop this unless the special agent for the State did his duty to the final letter.

PENSION APPROPRIATION BILL.

Mr. BORLAND. Mr. Speaker, I call up the bill (H. R. 18985) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] calls up the pension appropriation bill.

Mr. MANN. Are there any Senate amendments?

Mr. BORLAND. Yes; and I will ask that the Clerk report the action of the Senate.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
August 14, 1912.

Resolved, That the Senate still further insists upon its amendments to the bill (H. R. 18985) "Making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes," Nos. 9, 10, and 11, disagreed to by the House of Representatives.

That the Senate recedes from its amendment No. 5.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 2, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said House amendment, insert the following:

"For salaries of 18 agents for the payment of pensions, at the rate of $4,000 per annum each, during the first seven months of the fiscal year 1913, $42,000.

"For salary of 1 disbursing clerk for the payment of pensions, to be selected and appointed by the Secretary of the Interior, at the rate of $4,000 per annum, during the last five months of the fiscal year 1913, $1,666.67; and from and after the 31st day of January, 1913, there shall be 1 disbursing clerk in the Bureau of Pensions to be appointed as aforesaid and who shall receive a salary at the rate of $4,000 per annum; and section 4778 of the Revised Statutes of the United States authorizing the appointment of agents for the payment of pensions, and section 4780 of the Revised Statutes of the United States authorizing the establishment of agencies by the President of the United States are hereby repealed to take effect from and after the 31st day of January, 1913, and the existing pension agencies are abolished from and after said date."

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 3, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said House amendment insert the following:

"For clerk hire, and other services, at 18 pension agencies during the first seven months of the fiscal year 1913 and in the office of the disbursing clerk for the payment of pensions during the last five months of the fiscal year 1913 and including not exceeding $10,000 for expenses of consolidating and removing records and equipment of pension agencies, $375,000, or so much thereof as may be necessary: *Provided*, That estimates in detail shall be submitted for the fiscal year 1914 and annually thereafter for clerks and others employed in the office of the disbursing clerk for the payment of pensions and the amounts to be paid to each."

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate No. 4, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said House amendment, insert the following:

"For rent of pension agency at New York, N. Y., during the first seven months of the fiscal year 1913, $2,479.17, or so much thereof as may be necessary."

Mr. BORLAND. Mr. Speaker, I offer the motion which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the motion.

The Clerk read as follows:

That the House agree to the amendments of the Senate to the amendments of the House to the amendments of the Senate Nos. 2, 3, and 4.

Mr. BORLAND. There is another part, which I ask the Clerk to read.

The SPEAKER. If they are separate motions they had better be considered separately.

Mr. BORLAND. I think we had better have them all read as one motion.

The SPEAKER. The Clerk will read the rest of it, then, and the Chair will decide.

The Clerk read as follows:

That the House recede from its adherence to its disagreement to the amendments of the Senate Nos. 9, 10, and 11, and agree to the same with an amendment as follows:

In lieu of the matter stricken out by said amendments insert the following:

"SEC. 5. That in case of sickness or unavoidable absence of the disbursing clerk for the payment of pensions from his office, the Commissioner of Pensions may, with the approval of the Secretary of the Interior, authorize the chief clerk of his office or some other clerk employed therein to temporarily act as such disbursing clerk for payment of pensions."

With the approval of the Commissioner of Pensions and the Secretary of the Interior, the disbursing clerk for the payment of pensions may designate and authorize the necessary number of clerks to sign the name of the disbursing clerk for the payment of pensions to official checks.

The disbursing clerk shall give bond with good and sufficient surety for such amount and in such form as the Secretary of the Interior may approve, and such bond shall be held to cover and apply to the acts of the persons authorized to act in his place.

Mr. BORLAND. Mr. Speaker, this closes a controversy which has existed between the two branches of Congress for many years, and brings it, as we believe, to a complete and satisfactory termination. The last time this matter was before the House, about a week ago, the House adhered to its amendments to the Senate, continuing the pension agencies in existence only to the 31st of December, 1912, and made the necessary appropriation for such continuance, and provided for discontinuance of the agencies at that time.

This proposition differs from that in two respects. First, it continues the pension agencies for 30 days longer, to enable them to be entirely wound up and withdrawn, and makes all pension agencies pass out of existence on the 31st of January, 1913. Second, instead of abolishing 17 pension agencies, or 17 political appointees, it abolishes 18 pension agencies and 18 political fat jobs, and places the payment of pensions, as it should be, and as it has been repeatedly recommended to be, in the hands of a disbursing clerk in the Department of Pensions at Washington.

Mr. AUSTIN. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. AUSTIN. My recollection is that under existing law there are about 300 clerks in the various pension agencies of the country. What provision is made for the retention or transfer of these clerks to Washington if this amendment is agreed to?

Mr. BORLAND. I will say that under the civil-service law these pension clerks are eligible to transfer either to other departments or to the Pension Department at Washington, where their services will probably be needed. Probably the latter will be done. There is no special provision necessary in this bill to meet that point.

Mr. AUSTIN. Are you going to impose upon the present clerical force in the Pension Bureau the work now performed by these 300 clerks without increasing the force or providing for a transfer?

Mr. BORLAND. The gentleman from Tennessee will recognize that we are not going to impose on anybody. We are going to improve the service in the interest of the taxpayers of the country. Ample provision will be made for the clerks in the department at Washington to handle the business.

Mr. AUSTIN. I ask the gentleman a direct question: If you are going to have the present clerical force in the Pension Bureau at Washington do the work now performed by these 300 clerks in the pension agencies?

Mr. BORLAND. No; it could not be done. The present force in the Pension Office is under one appropriation, and this bill carries another appropriation for the special purpose to pay the pensions if they are paid at Washington.

Mr. CANNON. Will the gentleman yield to me for a question?

Mr. BORLAND. I will.

Mr. CANNON. Under the proposed amendment will it cut off all cash payments direct to pensioners?

Mr. BORLAND. No.

Mr. CANNON. Heretofore I have in mind where there are several thousand on the average of pensioners in the various national soldiers' homes who heretofore have been paid directly by the treasurer of the home. Will the condition continue or may it continue?

Mr. BORLAND. That provision is continued. The gentleman from Illinois understands the proposition as it went through the Appropriations Committee, which was that all pensions hereafter should be made by voucher checks. We made the provision in the original bill. The check was universal in operation, but amendments were inserted in the Senate at the request of the Commissioner of Pensions giving him discretion in certain cases to pay by the old-fashioned voucher method. One of the necessities for that was in the case of foreign pensioners and pensioners incompetent and under guardianship and pensioners in the homes. So there will be no change of the method of paying pensions in the homes, but they will be paid by cash, as they are now. But the great bulk of pensioners will not have to execute a voucher and send it back to the pension agent for corrections, but they will get a voucher check direct from Washington.

Mr. CANNON. The gentleman's answer is satisfactory.

Mr. BORLAND. This provision has been recommended by the Commissioner of Pensions, not only in the interest of economy of the public service, but in the interest of the pensioners themselves. The evidence before the committee has demonstrated, and the debate has demonstrated, that the check will go to the old soldier from 2 to 15 days earlier when this plan is put into operation than it ever did before in the history of pensions. In addition to that the checks will be such that they can cash them at the local store or the local bank by simply having witnesses to the signature. So the old soldiers themselves are the chief beneficiaries of the change. And yet, in spite of all that, I am free to say that the membership of this House, and more particularly the Democratic membership, because they have led off in the reform demanded—the House of Representatives—have been the recipients of great pressure from every source, on the ground that they were holding out against the interest of the old soldier.

When this bill was passed it was the second appropriation bill that went through the House. It was passed on the 2d of February, 1912, and it provided that this plan should go into operation on the 1st of July, 1912. There was no delay in the House of Representatives, but by delay which did not occur in this body no appropriation bill for pensions was passed until the 1st day of July had passed. We then made provision to extend the appropriation to cover the 30 days following the 1st day of July, and still no bill was passed; and finally this House, in order that the closing hours might not be reached with a disagreement in conference on hand, adhered to its original resolution instructing your conferees to stand for the abolition of the pension agencies. Then the question became acute as to whether certain politicians could defend these political $4,000-a-year jobs, or whether they would give to the old soldiers their pension. They held back as long as they dared to. When they found that the extension of the appropriations would only pay 50 per cent, then they began to hold back pensions in the Democratic districts and paid all over Indiana, Ohio, and Missouri wherever districts were represented by Republicans, and where it was represented by a Democrat there have been no pensions paid.

Mr. AUSTIN. If the gentleman will pardon me, who has been holding back the pensions?

Mr. BORLAND. The agents. The agent at Topeka, for example, makes draft on the subtreasury at St. Louis, and he prepares the checks and sends them out himself.

Mr. ANTHONY. Will the gentleman yield?

Mr. BORLAND. Yes.

Mr. ANTHONY. Is it not a fact that partial payments have been made at these agencies with all the funds available, and when the funds were exhausted payments ceased? I understand that vouchers have been paid beginning with the names alphabetically, and then when the money ran out payment stopped.

Mr. BORLAND. No; that is not the fact.

Mr. ANTHONY. That is the case at the Topeka agency, my information is.

Mr. BORLAND. That is not the fact. The fact is that a gentleman in my district named Dewey did not get his check, although it was claimed that these payments were made down to A, B, C, and D, and that other gentlemen in other districts paid from the Topeka office whose names began with lower letters did get their checks.

Mr. ANTHONY. I want to say to the gentleman that the first district of Kansas is a pretty good Republican district, and my old soldiers have been clamoring for their pensions, so I hardly believe there has been any distinction along party lines.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Certainly.

Mr. BUTLER. All of this delay has been occasioned because of the dispute over the proposition that these pension agencies should be abolished.

Mr. BORLAND. That is correct.

Mr. BUTLER. And that is a piece of legislation.

Mr. BORLAND. Yes.

Mr. BUTLER. And it is found on one of the regular appropriation bills of this House.

Mr. BORLAND. Yes; but we met that question.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. Yes.

Mr. CAMPBELL. Mr. Speaker, I listened with a good deal of astonishment to the statement of the gentleman from Missouri that pensions were being held up only in districts represented by Democratic Members.

Mr. BORLAND. The gentleman has made the statement a little too broad.

Mr. CAMPBELL. That is the way the statement was understood upon the floor of the House.

Mr. BORLAND. That is to a large extent true.

Mr. CAMPBELL. Does the gentleman now desire to make a modification of his statement?

Mr. BORLAND. No; I do not desire to modify it.

Mr. CAMPBELL. I will state to the gentleman that the district that I represent is not represented by a Democrat, and there have been no pensions paid there any more than there have in the district represented by the gentleman from Missouri.

Mr. BORLAND. Have there been no pensions paid there?

Mr. CAMPBELL. Oh, I would not say not any; but there have been the same complaints from that district that there have been from other districts.

Mr. BORLAND. How does the gentleman know the extent of the complaints from other districts like the Indiana districts?

Mr. CAMPBELL. I know the extent of the complaints from my district. I came in personal contact with the soldiers within the past three weeks, and the complaint was universal among them.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. BORLAND. I yield for a question.

Mr. MANN. Did I understand the gentleman to say that in paying pensions the Pension Office, or any other place, was discriminating between districts represented by a Democrat and districts represented by a Republican on the floor of this House?

Mr. BORLAND. Yes.

Mr. MANN. Does the gentleman have any basis for his statement, has he any proof of any such fact?

Mr. BORLAND. I have the ordinary proof that leads men to act and convinces them of ordinary facts, that the complaints of nonpayment of pensions have been more numerous in Democratic districts than they have been in Republican districts, and that up to the 4th day of August there was no question but that there were ample funds to pay all of the pensions.

Mr. MANN. Mr. Speaker, if the gentleman will yield to me for that purpose, I desire to say that the gentleman has not made up any case by any proof, and that he has no warrant——

Mr. BORLAND. Mr. Speaker, I do not yield to the gentleman for a statement.

Mr. MANN. For his statement, which is without foundation in fact.

The SPEAKER. The gentleman declines to yield.

Mr. BORLAND. I decline to yield to the gentleman for a statement.

Mr. MANN. If the gentleman will permit me to have time, very well; but the gentleman ought not to make a statement of that sort and then decline to yield to have it denied.

The SPEAKER. How much time does the gentleman want?

Mr. MANN. Long enough to make that statement, if the gentleman will yield.

The SPEAKER. Will the gentleman yield?

Mr. BORLAND. I will yield to the gentleman when I conclude this statement, if he desires time and asks me for it. I will then yield him time to discuss the proposition.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. BORLAND. I yield for a question.

Mr. MOORE of Pennsylvania. Is the gentleman aware of the fact that the Philadelphia pension agent is not a Democrat; that many people have been clamoring for their pensions during the last few weeks, and that one old soldier, despairing of receiving his money, committed suicide last week?

Mr. BORLAND. I am not aware of that fact.

Mr. MOORE of Pennsylvania. That is the fact.

Mr. BORLAND. But I am aware of the fact that numerous old soldiers have written to the pension agents, to the Commissioner of Pensions, and to various publications, claiming various cases of hardship and distress through the nonpayment of pensions, all of which we would have been glad to avoid and all of which was due to a stubborn attempt to preserve 17 political jobs in the hands of 17 political chiefs.

I now want to answer the question of the gentleman from Pennsylvania [Mr. BUTLER] as to whether this was not embodied in an appropriation bill. We met that question in another body. It was embodied in an appropriation bill, and this House stands committed to the Holman rule that all legislation is proper, embodied in an appropriation bill, which tends to reduce the expenditures of the Government.

Mr. BUTLER. I understand that.

Mr. BORLAND. And it does not lie in any other body to question a point of order that could not have been raised in the House where the appropriation originated. We have a perfect right, by our control over appropriation bills, to reduce the expenses of the Government, to abolish offices, and to change, in the direction of economy, all the machinery of the Government; and we stand upon that principle, as opposed to gentlemen upon the other side

Mr. BUTLER. I shall be glad to concede the power of the majority. I only wanted to know how it was observed.

Mr. BORLAND. There is no question but that this same reform was put into this same appropriation bill by a Republican House in the Fifty-ninth, Sixtieth, and Sixty-first Congresses.

Mr. BUTLER. That is true.

Mr. BORLAND. The only difference between us and the gentlemen over there, after having voted it, is that they have yielded their judgment to a superior judgment somewhere else and put the pension agencies in the bill again.

Mr. BUTLER. But there was no delay on those occasions by reason of the dispute over this question.

Mr. BORLAND. No; and there was no economy, either. There was no victory.

Mr. BUTLER. The old soldiers will deal with that question.

Mr. BORLAND. There was no delay because there was no surrender on the part of the Senate, and there would have been no delay in this bill if that body had surrendered earlier.

Mr. HILL. Mr. Speaker——

The SPEAKER. The question is——

Mr. HILL. No; it is not. [Laughter.] I was sitting in my seat and I heard the gentleman make a statement which I did not think he should have made, that preference was made by the bureau in favor of Republican districts as against Democratic districts in paying these pensions. Now, that charge ought not to be made unless it is proven. I have telephoned to the bureau, and it is absolutely and emphatically denied as unworthy of consideration, and I believe the gentleman is fair enough to retract it unless he has got the proof. [Applause on the Republican side.]

Mr. BORLAND. Why, the gentleman is certainly fair enough to retract it if he had any better proof than a telephone conversation with some clerk in the bureau, and I think——

Mr. HILL. It was not with a clerk; it was with the head of the bureau.

Mr. BORLAND. I think the gentleman ought to know that the Pension Department here has nothing to do with the payment of pensions. Pensions are paid by the agents in the districts. The Pension Department, therefore, has no possible information on the subject.

Pension agents are active politically against this change because 17 or 18 political jobs will pass out of existence; $68,000 will be saved which is now distributed to political henchmen. No man claims that these pension agents discharge the duties personally; they do not even sign the checks personally. All the work is done by clerks, and yet it is contended here in some way or other that the payment of these pensions as done by these agents is a matter of economy to the Government. It is not. The contention is that agencies are located in small towns where the salaries are less and they work the men harder. We computed the cost of paying the pensioners in the Topeka office and found the average salary was $1,230 a year, not including the pension agent himself, so there is absolutely nothing in the question of the salary list being lower in Topeka than in Washington. In Knoxville it is $1,215 a year, and that is one of the most economical agencies in the whole country.

Mr. ANTHONY. How does the gentleman reconcile the statement that the abolition of the pension agencies where it costs the Government much less to pay the men than in Washington? Why, as a measure of economy, not allow those pension agencies that are run economically to continue?

Mr. BORLAND. I am trying to tell the gentleman.

Mr. ANTHONY. The Topeka agency costs the Government 42 cents, and I understand it is 55 in Washington.

Mr. BORLAND. I think the gentleman will have to investigate that question a little further. I think there are about 30 employees in the Topeka office and I think you will find the average annual salary is $1,230. I think you will find that statements have been made on the floor of another body that the annual salary is put at $990 in——

Mr. ANTHONY. But I am talking about the cost of paying pensions. Does not the gentleman admit that the Topeka agency costs less per capita than any other office?

Mr. BORLAND. No; the gentleman has gotten himself wrong about that. There is no excuse, when it is boiled down, for the existence of these 17 or 18 agencies except politics.

Mr. ANTHONY. Does the gentleman dispute the correctness of the Commissioner of Pensions on this subject?

Mr. BORLAND. My colleague, Mr. BARTLETT, put into the RECORD a complete statement of the number of clerks in each agency, the salary paid them, and if you take a pencil and a piece of paper and figure it out you will see that you can come at the exact result.

Mr. AUSTIN. I think the gentleman is in error in regard to the average salary at the Knoxville agency, because we went thoroughly into that subject when we had an opportunity to discuss it and had a report from the Commissioner of Pensions as to the number of clerks and salaries paid them.

Mr. BORLAND. If you will take the hearings in regard to the Knoxville agency, 20 clerks, at a total salary of $24,300, the average is $1,215——

Mr. ANTHONY. The gentleman from Missouri is talking about the matter of clerks; I am talking about what it costs the Government to pay each pensioner. I have seen the report where it shows it costs the Government less at some agencies than it does in Washington.

Mr. BORLAND. The gentleman is entirely wrong about it; it costs a great deal more. There is the transmitting of checks and records to the United States agency. It is the sending of pension vouchers to be recorded, it is the duplication of clerical work, it is the correspondence which goes forward between the agencies, the supplying of stationery, travel, inspection of the agencies, and in some cases rent; so there is not a single solitary item where it is not less, including clerk hire.

Now I yield 10 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I have voted consistently and on numerous occasions to abolish the pension agencies, and I shall do so again by voting for the motion of the gentleman from Missouri. It is unfortunate, however, that the gentleman from Missouri, who was absent during the critical period of this controversy, should undertake this morning to inject partisan bias into the proposition and to make the charge upon the floor of the House, libelous in character and without any foundation in fact. Mr. Speaker, no one should state that in the administration of the Pension Office discrimination is made between the Republican and Democratic pensioners or between pensioners living in Republican or Democratic districts unless he has a foundation of fact. No one believes the statement, in my judgment, not even the gentleman who made it. It would be impossible for the Pension Office, under the system in vogue in the payment of pensions, to make a discrimination if it desired, because the Pension Office on the pension rolls has no method of determining in what district a pensioner lives.

The gentleman who throws out that statement—unworthy of him, unworthy of any Member of the House—ought to retract it without question and without qualification. [Applause on the Republican side.] The administration of the Pension Office in this city has excited the admiration of both Republicans and Democrats, on both sides of the aisle, and it is the first time I have heard any man charge that in the administration of that office men thought first of partisanship, and last of patriotism. That office has always been conducted on the theory of patriotism, not partisanship.

Mr. Speaker, the other day the House had its attention called to the pension appropriation bill in the absence of the gentleman from Missouri [Mr. BORLAND], and it was discovered that the bill providing for the payment of this money was still in the possession of the House conferees, when under the practice of all legislative bodies those papers should have been in the possession of the Senate conferees. At once the papers were sent to the Senate conferees. The Senate took action. The papers came back to the House. The House moved that it would agree to the Senate amendments with certain amend-

ments. Before that was done, among others of the House I was consulted. The action was taken by the House in the absence of the gentleman from Missouri [Mr. BORLAND], who makes these unfounded, scandalous charges against the Pension Office, and hence he deserves no mercy in a debate in the House. [Applause on the Republican side.]

Mr. BORLAND. The gentleman and I agreed on the abolishment of the pension agencies. But the gentleman will not make the statement that I have made any charge against the Pension Office.

Mr. MANN. I am glad to have the gentleman make that statement.

Mr. BORLAND. The gentleman from Illinois knows as well as I do that the payments are made by the pension agents whose jobs are at stake.

Mr. MANN. I know very well that the pension agencies are conducted in the same manner as the Pension Office, which first issues the papers from here, and the pension agencies do not know in what congressional district the pensioners live, and the gentleman from Missouri knows that.

The House, after insisting upon its amendments, sent the bill to the Senate. The Senate insisted upon its amendments without agreeing to the amendments of the House, and asked for a conference. The bill came back to the House, and still, in the absence of the gentleman from Missouri who makes this charge, the House adhered to its position and declined to agree to the conference.

Mr. BORLAND. The gentleman is wrong about that also. The gentleman from Missouri made the motion to adhere.

Mr. MANN. Then, I am wrong about that.

Now, I am in favor of the position that the House has taken on this matter for years, both Republican and Democratic Houses, of abolishing the pension agencies and paying the pensioners directly from Washington, without the red tape that has delayed the payment of pensions for years. I wish the reform went still further than it does. I believe that a pensioner ought to receive his check, which he can cash as easily as the check a man receives for interest on bonds of the Government held by him. [Applause on the Republican side.]

Mr. BORLAND. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Missouri [Mr. BORLAND].

Mr. ANTHONY. Mr. Speaker, I would like to offer an amendment. I have a preferential motion.

Mr. BORLAND. Mr. Speaker, I believe I have the floor, have I not?

The SPEAKER. Yes.

Mr. BORLAND. I dislike to cut off the gentleman from Kansas [Mr. ANTHONY], but——

Mr. MANN. I suggest, Mr. Speaker, that if the gentleman from Kansas desires to make a preferential motion, he can not be cut off.

The SPEAKER. Of course, he can not, if that is what he proposes to do.

Mr. MANN. That is what he said he desired to do.

Mr. BORLAND. My motion, Mr. Speaker, is to agree to the resolution I have introduced, and upon that I demand the previous question.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] demands the previous question. The Chair would inquire if the gentleman from Kansas [Mr. ANTHONY] has a preferential motion?

Mr. ANTHONY. I believe I have. I want to make a motion to nonconcur.

The SPEAKER. That is not a preferential motion.

Mr. ANTHONY. Then I wish to offer a substitute.

The SPEAKER. The gentleman can not offer a substitute of that character, that would take precedence over the motion of the gentleman from Missouri to concur.

Mr. MANN. I suggest to the gentleman from Kansas that if the motion of the gentleman from Missouri to agree to the Senate amendments be disagreed to, the gentleman from Kansas would then have the right to offer a motion to nonconcur.

Mr. FITZGERALD. Mr. Speaker, the gentleman from Kansas must state his motion before anybody can tell whether he has any right or not.

Mr. ANTHONY. Mr. Speaker, I offer an amendment, that the House nonconcur in the report of the conference committee, with an amendment——

The SPEAKER. That motion is not a preferential motion. There are three motions that can be made, one of them to nonconcur, one to concur, and one to concur with an amendment. The motion to concur with an amendment is preferential over the motion to concur, and the motion to concur is preferential over the other. The motion of the gentleman from Missouri [Mr. BORLAND] is a preferential motion.

Mr. ANTHONY. I move to concur with an amendment.

Mr. FITZGERALD. Concur in what?

Mr. ANTHONY. To concur in the report of the committee with an amendment.

The SPEAKER. What is the amendment?

Mr. ANTHONY. With an amendment that the committee further report a provision abolishing all pension agencies except the one at Topeka, Kans., and that all pensioners east of the Mississippi River be paid from Washington, D. C., and all west of the Mississippi River be paid from Topeka, Kans.

The SPEAKER. The gentleman can not make a speech——

Mr. FOSTER. I make the point of order that the gentleman must first reduce his motion to writing.

The SPEAKER. The gentleman's motion is to concur with an amendment that all the pension agencies except the one at Topeka, Kans., be abolished.

Mr. FITZGERALD. I make a point of order.

The SPEAKER. What point of order does the gentleman make?

Mr. FITZGERALD. In the first place, the gentleman moves to concur in the report of the conferees, and there is no conference report before the House. The gentleman must put his motion in such an intelligible form that the Chair can pass upon it. There are a number of amendments here. If the gentleman can not state the particular amendment in which he wishes to concur with an amendment, he can not get his motion before the House.

Mr. ANTHONY. Mr. Speaker, I consider that the motion as made is sufficiently intelligible to be passed upon by the House. The Chair stated it correctly.

Mr. BORLAND. Mr. Speaker, I withdraw my demand for the previous question to allow the gentleman from Kansas [Mr. ANTHONY] to make his motion.

The SPEAKER. The question is on the motion of the gentleman from Kansas [Mr. ANTHONY].

The motion was rejected.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BORLAND].

The motion was agreed to.

On motion of Mr. BORLAND, a motion to reconsider the last vote was laid on the table.

THE HOME OF THOMAS JEFFERSON.

Mr. HENRY of Texas. Mr. Speaker, I submit a privileged resolution from the Committee on Rules.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Senate concurrent resolution 24.

Resolved by the Senate (the House of Representatives concurring), That the President of the Senate be, and is hereby, authorized to appoint a committee of five members of the Senate, to act in cooperation with a similar committee to be appointed by the Speaker of the House of Representatives, to inquire into the wisdom and ascertain the cost of acquiring Monticello, the home of Thomas Jefferson, as the property of the United States, that it may be preserved for all time in its entirety for the American people.

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. MANN. I make the point of order that the report is not privileged.

Mr. NORRIS. It is no report.

The SPEAKER. The gentleman from Illinois raises the point of order that the motion is not privileged.

Mr. MANN. Mr. Speaker, the Committee on Rules is privileged to make a privileged report on the rules of the House or joint rules or order of business. I do not think this is any one of the three.

The Speaker has held heretofore that unless the matter was privileged, although it might be referred to the committee and the committee might have authority to report it, it could not come in as a privileged matter. That ruling was made by the Speaker when the Committee on Rules reported a resolution introduced by the gentleman from Alabama [Mr. UNDERWOOD] concerning a good-roads commission. While the committee had the authority to report the resolution, because it had been referred to them, they had no authority to bring it up as a privileged matter.

Mr. HENRY of Texas. Let me suggest to the gentleman that the reason that resolution was not privileged was that it carried an appropriation of $25,000.

Mr. MANN. Oh, no; that was not the reason. The reason was that the Committee on Rules had no privilege under the rules to report the resolution as a privileged matter. The rules provide what the Committee on Rules may report at any time. Any resolution which is referred to the Committee on Rules is a resolution on which the committee has the right to report, and it is too late to make the point of order after the resolution is reported; but the Committee on Rules has the right to

report at any time—and that is what carries the privilege—only those matters which relate to the order of business or the rules.

The SPEAKER. The Chair is very much inclined to sustain the point of order. If the gentleman from Texas [Mr. HENRY] has any authority or argument the Chair will be glad to hear it. Does the gentleman desire to be heard?

Mr. HENRY of Texas. I desire to be heard, Mr. Speaker. The Committee on Rules is appointed for the purpose of considering just such questions as this—to pass on the proposition as to whether or not committees or joint committees between the Senate and the House shall be created.

The reason that the resolution referred to, introduced by the gentleman from Alabama [Mr. UNDERWOOD], was held to be nonprivileged was that it carried an appropriation of $25,000. This resolution does not carry any appropriation, and it is one of the functions of the Committee on Rules to pass on just such questions as this, and under the very language of the rule this is made privileged, because it creates a joint select committee for the balance of this Congress.

If the gentleman makes the point of order, there is no difficulty in getting the matter before the House, because the Committee on Rules can promptly bring in a rule to take up this matter immediately and consider it. So it is just as broad as it is long, and there is not the slightest difficulty about it.

Mr. NORRIS. In that case, while I admit that the gentleman could do it, the House would have first to pass on the rule which the committee brought in to see whether they would consider it or not; but in this case you bring it directly before the House.

Mr. HENRY of Texas. Yes.

Mr. NORRIS. If the question is privileged, there is nothing for the House to pass on except your proposition. If you brought in a special rule, we would first vote on that.

Mr. HENRY of Texas. Mr. Speaker, as far as the Committee on Rules is concerned, we will find a way to get the resolution before the House. This is one of the very things for which the Committee on Rules is constituted.

Mr. MANN. Mr. Speaker, it is quite true that the Committee on Rules may report a rule for the consideration of any bill pending in the House. As far as that matter goes, they can report a resolution to consider a bill that was never introduced; they can report a rule for the consideration of anything, but all they can do is to report the rule. It has no vitality until the House has passed upon it.

Now, the Committee on Rules could have reported a rule to consider the Underwood resolution for the appointment of a good-roads commission. I have wondered on numerous occasions why they did not report such a rule, but they have not, although they reported the resolution as privileged, and the Speaker held that it was not privileged and it went on the calendar, where it remains until the Rules Committee is reached on Calendar Wednesday or until they get it up in some other manner. This is in the same category.

Mr. HENRY of Texas. Mr. Speaker, I desire to read a rule, which I think is very plain and settles this question.

It shall always be in order to call up for consideration a report from the Committee on Rules.

The SPEAKER. From what is the gentleman reading?

Mr. HENRY of Texas. I am reading from page 359 of the Constitution, Manual, and Digest. It is a part of Rule XI. Now, Mr. Speaker, here is a report from the Committee on Rules, and the Committee on Rules has a right to report upon anything within its jurisdiction whenever it seems proper. It may report it from the floor of the House or put the report in the basket and let it go on the calendar. This resolution passed through the Senate by unanimous consent, and after coming to the House was referred to the Committee on Rules for a report. The Committee on Rules has considered it and acted, and decided that it ought to be reported favorably, and now we come here with that favorable report.

The SPEAKER. The Chair would like to have the gentleman from Texas read subdivision 47 of Rule XI.

Mr. HENRY of Texas. I will read it:

All proposed action touching the rules, joint rules, and order of business shall be referred to the Committee on Rules.

That refers to the jurisdiction of the Committee on Rules. Now, on that the Committee on Rules can take action in regard to the rules of this House and joint rules for select committees, but that does not go to their power to report upon this matter. There has not been any disposition to limit the power of the Committee on Rules to take action on investigations that have come before this House, questions where standing committees are to make them.

The SPEAKER. The Chair will inquire of the gentleman if the question of investigating something or other by the House under a House resolution does not distinctly fall within the prerogative set forth in subdivision 47, and that is differentiated from this in the fact that this resolution was referred to the Committee on Rules in the usual course of business, and whether or not it does not stand on the same footing as if it had been referred to the Committee on the Library?

Mr. HENRY of Texas. No; because there is nothing to be done by the Committee on Rules. When they are referred to the Committee on Rules, sometimes no additional power is asked for and no change is to be made in the rule, except the mere ordering of the investigation.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. HENRY of Texas. Not at present. Nothing is to be done except to report on the method of procedure. Nothing is to be had or taken from the rules of the House, and the question is whether the committee shall be directed to proceed with the investigation. Why, Mr. Speaker, if the Committee on Rules can not report at any time on these privileged questions the rules ought to be changed.

Mr. MANN. Mr. Speaker, will the Chair allow me to refer to a precedent before he rules? In the preceding Congress the gentleman from Pennsylvania [Mr. DALZELL], then a member of the Committee on Rules, reported to the House a resolution—I have forgotten what it was about—and the then Speaker of the House, my colleague, the gentleman from Illinois [Mr. CANNON], was on the Committee on Rules and helped to order that resolution reported. The gentleman from Pennsylvania made the report, and I made the point of order that the report was not privileged; that while the committee could make the report, they could not call it up except as any other bill was called up.

The gentleman from Pennsylvania read to Speaker CANNON the same rule which the gentleman from Texas has now read:

It shall always be in order to call up for consideration a report from the Committee on Rules.

He read this, I remember, with considerable glee, just as the gentleman from Texas has read it with some glee, thinking that that settled the question. But the Speaker ruled, and not only the Speaker ruled, but he was advised by the best parliamentarian that has ever been near this Chamber, that the report of the Committee on Rules, in order to make it privileged, must be a privileged report under the rules, and that it had no right to call up at any time a report from that committee except it be a privileged report.

The SPEAKER. The Chair is ready to rule. The Chair rules that the point of order of the gentleman from Illinois [Mr. MANN] is well taken, and will give the reason for the ruling. In subdivision 56 of Rule XI, on page 357 of the Manual and Digest, the matters which are privileged in reports of committees are set out:

The following-named committees shall have leave to report at any time on the matters herein stated, namely: The Committee on Rules is privileged to report rules, joint rules, and order of business.

That is all the Committee on Rules is privileged to report on at any time. The Chair will give an illustration. There are certain committees which have the right to report at any time on certain things. For instance, the Committee on Appropriations is privileged to report general appropriation bills, but it is not privileged to report a special appropriation bill, and, as a matter of fact, the chairman of that committee, Mr. FITZGERALD, has asked several times unanimous consent to consider bills from his committee, because he knew that they were not privileged, and so did the Chair.

The Committee on Ways and Means is privileged to report revenue bills, but every bill that it reports is not privileged. While the present occupant of the chair was a member of that committee, the committee must have reported 50 bills into the House which were not privileged, such as making a port of entry out of some place or abolishing a port of entry, which latter, however, we never succeeded in doing. The course of procedure in cases of this sort is for these reports to go into the box. The gentleman from Texas [Mr. HENRY] can do exactly what he said he can do. He can get his committee together and bring in a rule to pass this bill, and, as he said himself, it is nearly as broad as it is long; but, nevertheless and notwithstanding, the Chair must enforce the rules of the House.

Mr. HENRY of Texas. Mr. Speaker, I was merely trying to shorten the agony. I will ask unanimous consent for the present consideration of the resolution.

Mr. KINKEAD of New Jersey. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman does not have to object. That request of the gentleman from Texas [Mr. HENRY] is also against the rules of the House.

Mr. HENRY of Texas. Mr. Speaker, if the Chair will indulge me, I will be very glad to answer the gentleman's question.

Mr. KINKEAD of New Jersey. Mr. Speaker, I merely wanted to ask the gentleman in charge of the bill if the other side of this proposition have had a chance to be heard?

Mr. HENRY of Texas. Very thoroughly.

The SPEAKER. That is a matter for the committee, and not for the House.

Mr. KINKEAD of New Jersey. Has that report been printed?

Mr. HENRY of Texas. It has not.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 7650. An act for the relief of L. S. Rogers and J. L. Worthley;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.; and

H. R. 22002. An act supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," and so forth.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25531. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 21094. An act to create a Commission on Industrial Relations.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 1154. An act for the relief of F. W. Theodore Schroeter;

S. 7267. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart;

S. 7461. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; and

S. J. Res. 132. Joint resolution providing for an American commission for the investigation of rural credits in Europe.

SENATE BILLS AND JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate bills and joint resolution of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1154. An act for the relief of F. W. Theodore Schroeter; to the Committee on Claims.

S. 7267. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart; to the Committee on Naval Affairs.

S. 7461. An act construing the provisions of section 8 of the act entitled "An act to improve the efficiency of the personnel of the Revenue-Cutter Service," approved April 16, 1908; to the Committee on Interstate and Foreign Commerce.

S. J. Res. 132. Joint resolution providing for an American commission for the investigation of rural credits in Europe; to the Committee on Foreign Affairs.

SPEECHES OF HON. THERON AKIN, OF NEW YORK.

Mr. RUCKER of Missouri. Mr. Speaker, I call up for consideration the privileged report of the special committee appointed to investigate and report in relation to striking certain language used by the gentleman from New York [Mr. AKIN] from the RECORD.

The SPEAKER. The gentleman from Missouri calls up a privileged resolution, which the Clerk will report. (H. Res. 690; H. Rept. 1192.)

The Clerk read as follows:

The special committee appointed to consider certain "Extensions of remarks" printed in the RECORD of August 8 and August 10, 1912, under leave to print, by THERON AKIN, a Representative from the State of New York, submit the following report:

The committee having considered the said "Extensions of remarks," and having heard Mr. AKIN concerning the same, are of opinion and find that the printing of the said "Extensions of remarks" in the RECORD constitutes an abuse of the privilege to print granted by the House. The said "Extensions of remarks" contain personal imputations upon Members of the House and reflections upon officers of the executive department of the Government which amount to charges of inefficiency and misconduct, and in some respects are libelous in character. The committee can not believe that in granting leave to print remarks the House of Representatives intended to permit its RECORD to be made a vehicle for personal attacks upon Members of the House, upon officers of the Government, or upon private citizens. The committee report the following resolution and recommend its passage by the House:

Resolved, That the "Extensions of remarks" by THERON AKIN, printed on pages 11344, 11345, 11346, and 11347 of the RECORD of August 8, 1912, and on pages 11548, 11549, 11550, 11551, 11552, and 11553 of the RECORD of August 10, 1912, be, and the same hereby are, ordered expunged from the RECORD.

W. W. RUCKER.
ROBERT N. PAGE.
SAMUEL W. MCCALL.

Mr. RUCKER of Missouri. Mr. Speaker, I understand that some debate upon this report is desirable. I therefore ask unanimous consent that debate be limited to one hour, of which the gentleman from New York [Mr. AKIN] shall control 30 minutes, and that the remaining 30 minutes may be controlled by myself.

Mr. SHERLEY. Mr. Speaker, I suggest to the gentleman that 40 minutes will be ample time for that.

Mr. RUCKER of Missouri. But the gentleman from New York desires 30 minutes.

Mr. SHERLEY. I understand; but there are matters of pressing importance coming up in the House to-day, and 40 minutes is ample time in which to discuss the matter.

Mr. RUCKER of Missouri. Mr. Speaker, I renew my request for unanimous consent that debate on this report may be limited to one hour, of which the gentleman from New York [Mr. AKIN] shall control 30 minutes, the other 30 minutes to be controlled by mysef.

Mr. MANN. And that at the end of that time the previous question shall be considered as ordered?

Mr. SHERLEY. Mr. Speaker, I shall have to object. I suggest that at this stage of the session, with matters coming before the House to-day of very great importance, 40 minutes should be ample time to devote to the matter under consideration.

Mr. RUCKER of Missouri. Mr. Speaker, so far as I am concerned, I will say that 15 minutes will be as much time as I desire to consume, but the gentleman from New York asked for 30 minutes, and I desire that he shall have that much time accorded him.

Mr. SHERLEY. Mr. Speaker, I suggest to the gentleman from Missouri that very likely a message from the President will come to the House in a few moments——

Mr. MANN. It is now on its way here.

Mr. SHERLEY. It is now on its way here, the gentleman from Illinois informs me, and to take the time suggested to discuss a question of the kind under consideration is too much.

Mr. RUCKER of Missouri. Mr. Speaker, I will modify my request and ask unanimous consent that debate may be limited to 40 minutes, of which the gentleman from New York may have 25 minutes and the balance to be controlled by myself, and that at the end of that time the previous question shall be considered as ordered.

The SPEAKER. The gentleman from Missouri asks unanimous consent that debate on this resolution shall be limited to 40 minutes, 15 minutes of which he shall control and 25 minutes of which shall be controlled by the gentleman from New York [Mr. AKIN], and that at the end of that time the previous question shall be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Mr. Speaker, as there are only 15 minutes of time under my control, and as several gentlemen have expressed a desire to consume some of that time, I shall use only a moment or two in which to say that your committee unanimously report the conclusion that the CONGRESSIONAL RECORD ought not to be used as a vehicle through which to disseminate over the country personal abuse of Members of Congress, of Government officials, or of private citizens.

Mr. HARRISON of New York. Mr. Speaker, will the gentleman yield?

Mr. RUCKER of Missouri. Certainly.

Mr. HARRISON of New York. I believe the resolution covers two speeches inserted by the gentleman from New York.

Mr. RUCKER of Missouri. Yes.

Mr. HARRISON of New York. Does the first one of those speeches cast any reflection upon any Member of Congress?

Mr. RUCKER of Missouri. I was about to answer that question before it was propounded. The first speech, the one inserted in the RECORD, I believe, on August 8, I think does not contain any personal abuse of Members of the House.

Mr. HARRISON of New York. Yet the committee has recommended that it be expunged.

Mr. RUCKER of Missouri. Yes; because under the leave to print the gentleman, it seems, abused the confidence of the House and used language which severely criticizes and characterizes a distinguished official of the Government, the Secretary of Agriculture, which language would likely not have been used in actual debate; and if used, would probably have been challenged by some gentleman upon the floor.

Mr. HARRISON of New York. Does not the chairman of this committee think that the criticism of the officer of the Government referred to was fairly reasonable?

Mr. RUCKER of Missouri. I do not think so.

Mr. HARRISON of New York. I do not ask him whether he thinks the facts stated are true, but does he not think that the criticism is fairly reasonable?

Mr. RUCKER of Missouri. I can not yield any further. The view of the committee is, that no Member of this House, under a leave to print, ought to avail himself of the opportunity to print in the CONGRESSIONAL RECORD, and thus spread over the country matter derogatory to the character and official conduct of high officials of the Government. I do not believe it ought to be done, and if it is necessary to establish a precedent to prevent such conduct in the future I for one am willing that the precedent shall be established here and now in this case.

Mr. Speaker, I shall not consume any more time as others desire to use the little time at my disposal.

The SPEAKER pro tempore (Mr. RAKER). The gentleman reserves the balance of his time, and the Chair recognizes the gentleman from New York [Mr. AKIN] for 25 minutes.

Mr. COOPER. Mr. Speaker, I would like to ask the gentleman from Missouri one question.

Mr. RUCKER of Missouri. Mr. Speaker, I have no time to answer questions, as I am compelled to yield to others. Otherwise I would be very glad to answer the gentleman's question.

Mr. AKIN of New York. Mr. Speaker, not over a half an hour ago the gentleman from Kansas sent a newspaper communication up to the desk and had it read, and I want to ask you fairly and squarely if that was not for the purpose of libeling Theodore Roosevelt, a private citizen? [Applause.] A Member of Congress is responsible to his constituents for his votes and his speeches, and I do not think, from my view or standpoint, that it is within the province of his associates to censure his remarks and determine what he shall or shall not say.

I, for one, would like to know where the line is to be drawn. Will you condemn a few sentences and tolerate the balance of a speech? If you assume the power and right to expunge from the RECORD my remarks, why should you stop there? Why not expunge from the RECORD the unjust attack of Representative Moss upon me some little time ago? Why not remove from the permanent RECORD the speeches of Representatives MONDELL, BARTHOLDT, and NORRIS on the Chicago convention, where the principal text was, "Thou shalt not steal, or if in stealing, steal lots of it"? Why leave in the RECORD of August 10 the letter of B. B. Cohoon, sr., in which he slurs Representative CANNON and alleges that Taft is politically corrupt and a fraud or a fool? Why allow Senator LA FOLLETTE in the RECORD to accuse the postal authorities with rifling his letters?

Mr. OLMSTED. Mr. Speaker, I make the point of order that it is not in order for any Member of the House to mention by name any Member of this body, and particularly it is out of order to mention the name of a Member of the body at the other end of the Capitol.

Mr. AKIN of New York. Well, excuse me, sir; I will use the right terms; I did not mean any discourtesy to any of those Members.

The SPEAKER pro tempore. Does the gentleman withdraw his point of order?

Mr. OLMSTED. I will not make a point of order. I merely call it to the attention of the gentleman from New York as precautionary——

Mr. AKIN of New York. Why allow in the RECORD and in document form the most serious charges against Government officials, Senators, and Representatives? Why hand down to future generations that fiery invective of the gentleman from Illinois [Mr. MADDEN] against his colleague, the gentleman from Illinois, and leader of the minority?

Mr. OLMSTED. Mr. Speaker, I must object to this; the gentleman is mentioning Members by name.

Mr. RODDENBERY. Mr. Speaker, I desire to be heard on the point of order.

Mr. SAUNDERS. Mr. Speaker, I desire also to be heard.

Mr. OLMSTED. Mr. Speaker, I do not wish to prevent the gentleman from New York doing anything that may properly be done in regard to the resolution which has been offered, but I call the attention of the gentleman and of the Chair to the rules of this House, which prohibit, and, indeed, back in the days of Jefferson prohibited "nipping," remarks against another Member. The gentleman has mentioned Members by name. They can be referred to only in the third person. They can not be referred to by name——

Mr. LAFFERTY. I quite agree; but take the case of New York, where there are 46 Members, or such a matter. How would a Member of the House be able to distinguish what particular Member was being referred to unless his name was given?

Mr. OLMSTED. He will have to determine that for himself; but the gentleman accuses other persons of attacking Members of the House. Whether they were attacking them or not is a subject for an investigation by an examination of their remarks.

Mr. SAUNDERS. Mr. Speaker, I would like to be heard upon the point of order for a moment. The position taken by the gentleman from Pennsylvania if sustained, would trench upon the right of free speech in debate. [Applause.] The gentleman from New York is absolutely within his rights, and the rules of this House. Of course we are familiar with the rule prescribing that a Member shall not call another Member by name, in the progress of debate, but the gentleman from New York, or the gentleman from South Carolina, or from any other State, when seeking to indicate what particular Member of this body is intended, has the right for the purpose of illustration, description, or definition to refer to that Member by name, as for instance the gentleman from Illinois, Mr. CANNON. When the gentleman from New York refers to matters that have appeared in the RECORD, in order that he may properly bring such material before the House, for use in his own defense, he can not be precluded from citing the RECORD, and using the very language appearing therein. If there has appeared in this RECORD any matter attacking Members of this body, and the same has not been excised, the gentleman from New York, the gentleman from Illinois, or any other Member of this body who is in the situation of the gentleman from New York, when speaking in his own defense, and desiring to use this material, has the right to cite the same, even if it denominates the Members of the House. I have not referred to the merits of the case which the gentleman from New York is seeking to present. As to that I express no opinion, but confine myself to the proposition that a Member of Congress possesses the right of free speech within the limits fixed by the rules. I submit that the gentleman from New York violates no rule of this body when he cites the RECORD, and reads into his own remarks material that has appeared therein, and been allowed to remain without objection.

Mr. OLMSTED. Mr. Speaker, against the gentleman from Virginia I read the language from a gentleman of fully as great renown, one Thomas Jefferson, who said, as will appear on page 184 of the Manual:

> No person, in speaking, is to mention a Member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question; nor to digress from the matter to fall upon the person, by speaking, reviling, nipping, or unmannerly words against a particular Member.

Now, I want the gentleman from New York to be permitted to make his own defense, fully and freely and at length; but I do not think he is warranted in making his defense in calling other gentlemen by name and accusing them of violating the rules of the House. He does not point to any page in the RECORD, but makes accusations.

The SPEAKER pro tempore. The Chair is ready to rule. While the Chair is clearly of opinion that the statement made by the gentleman from Pennsylvania [Mr. OLMSTED] is correct and is the rule now being applied, still the gentleman from New York [Mr. AKIN] is referring to the RECORD, and he must of necessity have the right, if he refers to the RECORD and a name is there which refers to a particular speech, and he undoubtedly has the right to use that name, because it is in the RECORD. [Applause.] The Chair is of opinion, therefore, that the point of order is not well taken. The gentleman from New York will proceed.

Mr. AKIN of New York. Compared to the allegations in the daily press and monthly magazines during a political campaign, my remarks are tame, indeed. [Applause.] There is not a Member present who amounts to anything who has not been condemned and criticized most severely during his political career. [Applause.] I have been punctured fore-and-aft [laughter], and I have had the javelin pierce my anatomy for years [laughter], and I look for the same kind of treatment as long as I remain in this political game; and while I am a Member of this House I propose to criticize each and every public official found violating the law and abusing the trust to which he has been elected and appointed, and if I am caught in any act trying to evade my duties, I shall not work the "baby act." [Applause.]

If officials in the Department of Agriculture, or in any other department, can not stand the searchlight or gaff of an inquiring public, why, let them resign. [Applause.]

And let me say, further, of the CONGRESSIONAL RECORD: The sooner it dies the better. [Laughter.] It is a needless expense, it has a limited circulation, and is very seldom read, unless some man is harpooned. [Laughter.] It is the cemetery of blasted hopes and shrouded ambitions, half-baked thoughts, and hot-air bunk. [Laughter.]

And, furthermore, Mr. Speaker, you called my attention to this point the other day—not the real Speaker of the House

[laughter]; excuse me if I have made any mistake; I did not mean to, sir, but I was referring to the honorable Speaker, Mr. CLARK. [Applause.] He called the attention of this House to the fact that he wanted every word spoken in debate in this House placed in the RECORD correctly, as it was spoken, and you know that that is not so. This CONGRESSIONAL RECORD is a misrepresentation. It is a fake. [Laughter.] These speeches are made here on the floor of the House; they are taken by the stenographers; they are taken downstairs; they are run off; brought back up here; and there is not a Member in this House but what sits down and revises and revamps and fixes it up to suit himself; and that is the way it goes out to the public. [Applause.] Why fool the public any longer?

On August 14, Mr. Speaker, in the Washington Star, appeared an article from which I take quotation. It says, taken from the report of the committee:

"The committee does not believe," they said, "that the CONGRESSIONAL RECORD should be used as a vehicle for personal attacks on Members of this House, officials of the Government, or private citizens."

Now, I have shown to you it is used for that purpose, and I have the same rights as others have in this House, and I demand them.

Now, then, Mr. Speaker, the speech which was printed in the RECORD of August 8 by myself contains no reflection on any Member of this House, and I defy the gentleman from Missouri [Mr. RUCKER] to find or point out one single place in that speech where I made any reflection on a Member of this House. Why, Mr. Speaker, is this a freemasonry joint, where one Member can not say anything about another Member? [Laughter.] Supposing I caught a Member in the room there taking the watch of another Member while he is asleep. [Laughter.] Would I not have the right to come out here and expose him? [Laughter.]

Mr. KINKEAD of New Jersey. Mr. Speaker, in the last reference doubtless my good friend, my esteemed colleague, pointed to the Chamber beyond—[laughter]—the Republican Chamber.

The SPEAKER pro tempore. The House will be in order.

Mr. AKIN of New York. Now, if the House wants to make an example of me, it is perfectly welcome to do it. I can stand it. I think the whole thing is foolishness on their part. They have stirred this thing up, and I have received communications from all over the country wanting to know all about it. Perhaps if they had not done it not a word would have been said. [Laughter.]

In the Philadelphia North American of August 16, 1912, this appears in the account of a speech made by Mr. STANLEY—I mean the gentleman from Kentucky—[laughter]:

STANLEY heaps abuse on the Progressives, Col. Roosevelt, and Perkins.

That is the title. It is too long an article to read, but I want to refer to one extract. It is as follows:

With great problems to solve, with a conflict on between special privilege and public rights, the Democrats of the House gave their applause to utterly unwarranted assertions from a fellow-Member based upon the facts with which the public has been familiar for the last six years.

I am now quoting from the paper. Then it says:

STANLEY'S speech was made in order that he could relieve himself of this personal abuse of Perkins, and that he might utter insinuations against Roosevelt which he could not make as direct charges.

Now, Mr. Speaker, I want to say this, that so far as the first speech is concerned, I defy any Member of this House to say that he can find one word in that speech that is not proper and right, and I will not crawfish. [Applause.] If it is taken out, they will take it, and not I. The other speech, if it makes any reflections on any Member and their own committee, they, the House, can take it out if it is not true. If they are true, I want them to stand, and I am here to take the gaff.

Mr. KINKEAD of New Jersey. Take the watch now. [Laughter.]

Mr. AKIN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD. [Laughter and applause.] I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York [Mr. AKIN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. PAGE. Mr. Speaker, in view of the fact that the gentleman still has 15 minutes unconsumed of the time of this House, I object.

The SPEAKER pro tempore. Objection is heard.

Mr. AKIN of New York. I reserve the balance of my time, Mr. Speaker.

Mr. RUCKER of Missouri. I yield five minutes to the gentleman from North Carolina [Mr. PAGE].

Mr. PAGE. Mr. Speaker, there has been more or less levity excited among the membership of the House during the remarks of the gentleman from New York [Mr. AKIN]. From the point of view of one of the committee making this report this is not a matter to be treated in a levitous or light spirit.

Under the Rules of the House of Representatives a RECORD of the occurrences upon the floor of this House and the speeches of Members is kept and printed. There is no rule of this House under which a man has a right to print in the RECORD that which is not spoken upon the floor. In other words, the right to print in the RECORD is a courtesy extended by the whole membership of this House to one Member upon his request.

As one Member of the House, and as a member of the committee making this report, and of which we ask the adoption, I think there is a vast difference between matters that can be or should be spoken on the floor of the House and matters that may with propriety be published in the RECORD under the leave to print.

The gentleman from New York [Mr. AKIN] has quoted in his remarks, just made, extracts from speeches delivered upon the floor of this House in which remarks were made against other Members of the House, against members of the administration, or private citizens. In a case of that kind, if the assault is upon a Member of this House, when the words are spoken upon this floor, that Member has then and there the opportunity and the right to meet the charge, whatever it may be. Or if the words are spoken concerning an officer of the Government, some friend of that officer on this floor has the opportunity then and there to meet the charge and let that statement go out with the charge to the public. Or if an assault is made upon a private citizen of this country; if he is of enough importance to have excited a charge from any Member upon this floor, he is of sufficient importance to have some friend in the membership of this body who will then and there come to his defense; and the defense can go out with the charge that is made. But when, under the custom that has become prevalent in the House of permitting the privilege to print by unanimous consent, a Member places in the RECORD an attack upon his fellow Member, or upon administrative officers, or upon private citizens of this country, there is no concurrent opportunity to meet the attack either by the Representative or by the friend of the person who is attacked; and I do not believe that this House will seriously contend that in extending this courtesy to a Member of the House it is intended that he shall have the privilege of attacking the character of people, here or elsewhere, under his leave.

The gentleman from New York [Mr. AKIN] says in regard to the speech that was printed in the RECORD of February 8 that there was no attack made upon any Member of this House. That is true, but there was an attack made upon high officials of this Government; and had those words been spoken upon this floor, they would have been refuted, and the refutation would have gone to the country along with the charge. In the other speech that was submitted to the special committee appointed to investigate this matter there is a direct charge against Members of this House, who, had this been spoken upon the floor, would have then and there refuted, or at least had something to say about the charges that were made and placed in the RECORD. And, as one Member of this House and one member of this committee, I do not believe it was ever intended that under the leave to print a Member of this House should be given license to attack either his fellow Member or anybody else under that privilege. I believe that this resolution ought to be adopted.

Much that the gentleman from New York [Mr. AKIN] says about things that appear in the RECORD that are not warranted is, in my judgment, true, but this special committee was appointed only as a censor of two specific speeches, and upon them it has made its report. [Applause.]

Mr. AKIN of New York. How much time have I?

The SPEAKER pro tempore. The gentleman has 12 minutes.

Mr. AKIN of New York. I yield 10 minutes to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Speaker, in the main I quite agree with what the distinguished gentleman from North Carolina [Mr. PAGE] has said. There is no Member on either side of the House for whose judgment and opinion I have greater respect than I have for the distinguished gentleman from North Carolina. But in this instance, knowing his desire to play fair, knowing that the selfsame spirit rests in the generous heart of the gentleman from Missouri [Mr. RUCKER], the chairman of this committee, and believing that that generous spirit is reflected in the distinguished son of Massachusetts [Mr. MCCALL], I bespeak at this time the attention of the House to the square and manly way in which the gentleman from New York [Mr. AKIN] came before this body and laid bare his claims and his conscience.

He says that if he has wronged any man on either side of this aisle he is willing to withdraw the charge, and I ask you what more can any man do, if he errs in judgment, than to say, "If I am wrong, I apologize"? That is what the gentleman from New York [Mr. AKIN] has done, and that is the reason I am now on my feet to defend him in my humble way, whether in the judgment of this House he has erred or has not erred. [Applause.] Mr. Speaker, to err is human; to forgive, divine. If the gentleman from New York [Mr. AKIN] has erred, let us, after setting him on the right path, after showing him the way to guide his footsteps for the future, say to him: "Go, my son; you are forgiven." [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Speaker——

Mr. KINKEAD of New Jersey. I can not yield. I have only 10 minutes. If I would yield to anyone on this floor, it would be to my distinguished friend from the City of Brotherly Love. I know that the gentleman from Pennsylvania agrees with me, since he has the honor to have been born in the State a part of which I now have the honor to represent.

Let me say further to him and to my confrères on this floor that there are two propositions involved in this question. One has to do with the head of the Agricultural Department. While I do not agree in all that has been said by my friend from New York regarding the political activities or the commercial inactivities of the head of that great branch of the Government, I want to say that at least part of what he says is the God Almighty's truth; and in view of the conditions that exist to-day, no man in this House, and particularly no man on the Democratic side, ought to be afraid of the truth.

Mr. Speaker, we are now face to face with a condition in this country which gives every Democrat, from the Golden Gate of Frisco to the tide-worn shores of Hell Gate, from the Great Lakes to the Gulf, not only the desire and hope, but soon the realization of the fact that when the Democratic convention spoke at Baltimore and nominated as its choice New Jersey's distinguished governor, that convention spoke not alone for the Democratic Party, not alone for the Republican Party, not alone for the bull moose, but for the great mass of the people of this country.

I want to say to my good friend here that when Woodrow Wilson will have taken his seat as President of the United States and the scattered few of our Republican brethren are over there on the Cherokee Strip, with hardly enough of them to fill the strip, that if he—and the wish is father to the thought—if he is running on the ticket with New Jersey's distinguished son, that he will come back here, not a man without a party, but a man with a party, and a man with the people's party. Mr. Speaker, I ask for separate votes on this question, and I reserve the balance of my time.

Mr. BURKE of Pennsylvania. Will the gentleman yield just for a moment?

Mr. KINKEAD of New Jersey. Yes.

Mr. BURKE of Pennsylvania. The gentleman stated that this was the greatest opportunity for Democrats from the Golden Gate of Frisco to the time-worn shores of Hell Gate. I want to ask the gentleman in what direction Democrats are moving?

Mr. KINKEAD of New Jersey. Upward. [Laughter.]

Mr. MOORE of Pennsylvania. Now, will the gentleman yield to me?

Mr. KINKEAD of New Jersey. Yes.

Mr. MOORE of Pennsylvania. I want to see whether the gentleman has a correct understanding of the attitude of the gentleman from New York. He said the gentleman from New York came here in a Christianlike spirit of apology, while I understood the gentleman from New York to say that he would take nothing back. That he would not "crawfish."

Mr. KINKEAD of New Jersey. In reply to the gentleman from Pennsylvania, I want to say that if he did say that he regretted what he had to do, believing that he did what was right, I would not be on this floor defending him.

Mr. MOORE of Pennsylvania. Does not the gentleman think that 393 Members of the House have some rights that the gentleman from New York is bound to respect?

Mr. KINKEAD of New Jersey. I say to the gentleman from Pennsylvania that my friend in his utterances here, which even the gentleman from Pennsylvania must admit, were honest and straightforward——

Mr. MOORE of Pennsylvania. They were very strong statements, but they did not constitute an apology, as I understood them.

Mr. KINKEAD of New Jersey. I do not think the gentleman was called upon to apologize.

Mr. MOORE of Pennsylvania. But I understood the gentleman from New Jersey to say that the gentleman from New York in an apologetic tone had offered to take back his remarks.

Mr. KINKEAD of New Jersey. There was an apologetic tone in his remarks as they reached my ears. [Laughter.]

Mr. BURKE of Pennsylvania. When the gentleman from New Jersey made the statement that the gentleman from Pennsylvania was born in New Jersey, was that an apology or a charge? [Laughter.]

Mr. KINKEAD of New Jersey. Neither; I wanted to commend him——

Mr. MOORE of Pennsylvania. We are both proud of it.

Mr. KINKEAD of New Jersey. I wanted to commend him to his Republican brethren for one good, honest quality. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from New Jersey reserves the balance of his time, which is one minute.

Mr. RUCKER of Missouri. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has eight minutes on his side, and there are four minutes remaining on the other side.

Mr. RUCKER of Missouri. I yield four minutes to the gentleman from North Carolina [Mr. DOUGHTON].

Mr. DOUGHTON. Mr. Speaker, I am glad to know that the gentleman from New York [Mr. AKIN] is willing to withdraw his remarks made concerning certain Members of this House, which were put in the RECORD under leave to print and not uttered on the floor of the House.

With the appointment of the committee which has unanimously recommended that his remarks be stricken from the RECORD, I had nothing whatever to do. The statements contained in those remarks, which may be construed to reflect on me as a Member of this House or as a member of one of its committees, are false and untrue in every particular.

Regarding the establishment of the meteorological stations in my State for the benefit of the fruit-growing industry, I have this to say:

Some time during the extra session of Congress in 1911, Prof. Hutt, State horticulturist of North Carolina, with whom I had an acquaintance and official association for six years while I was a member of the board of agriculture of my State, and he at the same time being State horticulturist, came to Washington and requested that I go with him to see the Chief of the Weather Bureau and aid him, if possible, in procuring the establishment of stations necessary to better locate the frost and thermal belts of that section of North Carolina where fruit growing is a great and growing industry. And I might add here, by way of parenthesis, that apples from this section have taken the sweepstakes prize for the past two years at the National Fruit Show at St. Joseph, Mo., and that people interested in this industry are coming into western North Carolina in great numbers from every section of the country and investing capital in the purchase of orchard lands; and I am pleased to know that they are receiving aid and encouragement from the Agricultural Department of my State and also of the United States.

The Chief of the Weather Bureau said the proposition was a feasible one, and that similar work had been conducted with great success in Wisconsin in regard to the cranberry industry. He promised us to give the matter careful consideration, and to attempt the work if he could spare the funds. After this conference Prof. Hutt returned to North Carolina asking and urging that I should not neglect to push this important work with the Weather Bureau. I devoted the same, and no greater, activity to this that I have to all my other official duties. Later, the stations were established in North Carolina, but were not confined to my district, being distributed throughout the western part of the State in the fifth, seventh, eighth, and tenth congressional districts.

I am informed that similar work, and on a more extensive scale than was undertaken in North Carolina, has been inaugurated in the interest of fruit growing in California. Also similar work has been inaugurated in Colorado, Utah, Washington, Idaho, Oregon, and other States. The only regret that I have in this matter is that I have not been able to accomplish more for my State and district in this line of work. The farmers and those who live in the rural sections have for years paid more than their share of taxes to the support of the National Government, and received far less than their share of the aid and benefit derived from such taxes. They have been draft horses and draymen, hewers of wood, and drawers of water so long for other callings and professions that any slight recognition by way of material aid from the Government seems to meet the indignation and resentment of quite a number of people.

So much, Mr. Speaker, for the insinuation as to my activity. Now, a few words concerning the omission of duties and the insinuation that I have been inactive regarding the investigation of the Weather Bureau. This matter was called to the

attention of the Committee on Expenditures in the Department of Agriculture by the chairman [Mr. Moss], at the extra session of Congress, who stated that some charges had been made against the head of this bureau by one James Berry, a former employee of the bureau. I was requested by the chairman of the committee to act as a subcommittee of one to make a preliminary investigation into these charges, hear the statements of Mr Berry, consider what testimony he had to offer, and also to hear the statement in defense of the Chief of the Weather Bureau. After giving long and patient hearing and consideration to the statement, papers, correspondence, and so forth, of Mr. Berry, and also hearing for a short time the statement of Prof. Moore, the chief, who stated that this same matter had been heard by the Agricultural Committee of the Senate in the Sixty-first Congress and dismissed as not being of sufficient consequence to warrant a public investigation, and after learning also from the correspondence that Mr. Berry had called the matter to the attention of the President of the United States, as well as the Secretary of Agriculture, I decided that, being a new member, and not knowing just exactly what matters the committee had jurisdiction over, and as the charges were so numerous and covered such a wide scope, I was unwilling to recommend either in favor of or against an investigation. So I reported the matter back to the chairman [Mr. Moss], with an explanation and a request that he either investigate the matter himself or appoint a new subcommittee of more than one. He agreed to my request, and said that he would relieve me and would take up the matter himself, as his statement in the RECORD of June 7 will show.

Later he reported to the committee, or the Democratic members, I do not recall which, that he had looked carefully into the matter; that he found no cause for a special or hurried investigation, but that it was his purpose as soon as other more pressing matters were disposed of to take up and investigate conditions in the Weather Bureau, which statement he has frequently reiterated to me since. I do not think our committee can be justly accused of being either dilatory or neglectful in the discharge of its duty, as we have been busily engaged in hard work since we organized, at the extra session in 1911, up to the present time considering matters brought to our attention by resolutions of Members of Congress. First, the Dr. Wiley investigation, on which we worked almost continuously during the entire time of the extra session, and before that was finished and a report made investigation was demanded by our committee into the affairs of the Drainage Bureau of the Department of Agriculture. This was taken up under the resolution of Congressmen CLARK of Florida and BATHRICK, of Ohio. In the midst of this investigation, along came an emergency resolution of Congressman NELSON, demanding an investigation concerning the meat-inspection service, and between these three important investigations demanded by resolutions of Members of Congress, this committee has worked perhaps as many hours as any committee in Congress. Moreover, I had my duties to attend to as a member of the Banking and Currency Committee, and also as a member of the subcommittee of the Committee on Banking and Currency to investigate the Money Trust. Totaling my labors upon these two committees, which, coupled with my other duties, I feel that I have given as much time to my work and spent as little idle time as any Member of Congress. I also state emphatically that I have at no time opposed or stood in the way of an investigation into the affairs of the Weather Bureau; but, on the other hand, I have at this session of Congress called to the attention of both the chairman and the full committee the importance of a further consideration of the affairs of the Weather Bureau.

Mr. Speaker, in view of these facts, I again characterize the statement of the gentleman from New York as applied to me as being untrue and without foundation in any respect, and will further say that he could easily have saved himself of his present embarrassment if he had taken ordinary precaution to verify his remarks before having them printed in the RECORD. I will add, further, that if these statements were made upon his own authority, that he has willfully and deliberately, and without attempting to ascertain the truth, made false statements. If they are based upon information, he has been imposed upon by some one possessing either a disordered brain or a corrupt heart, one or both; and I hope in the future, if he should be inclined to make statements of this kind, that he will have the courage to do so on the floor of the House and not take advantage of his leave to print.

Mr. KINKEAD of New Jersey. Mr. Speaker, there are two speeches in question regarding which the special committee appointed by the Speaker of this House was charged to investigate and report the results of the findings to this body. Without admitting that in either anything has been said which could be construed as unparliamentary, the gentleman from New York has consented to waive his rights in regard to one in which a distinguished gentleman from Illinois was inadvertently mentioned. But he stands flat-footed on his rights in regard to the other speech in toto. Every statement that was made by the distinguished gentleman from New York regarding an honored official of this Nation is backed up by substantial evidence, and the evidence is placed there in his speech, and his remarks have to do with the evidence that was submitted. I contend, Mr. Speaker and gentlemen, that if ever a man brought himself within the rules of this House the gentleman from New York has done so when he added to what has been already said and cited his own respectful comments and his own honest judgment on the subject.

Mr. PAGE. Mr. Speaker, will the gentleman yield for a question?

Mr. KINKEAD of New Jersey. Yes, Mr. Speaker, if the gentleman will yield to me later.

Mr. PAGE. But I have no more time.

Mr. KINKEAD of New Jersey. I yield to the gentleman.

Mr. PAGE. I simply wanted to ask the gentleman from New Jersey if he had read the speech he is now discussing?

Mr. KINKEAD of New Jersey. Mr. Speaker, I have not only read it, but I have read the speech that the gentleman from New York has consented to withdraw.

Mr. Speaker, I believe that the temper of the House at this time is in favor of a square deal for all men. I believe that there is not a man on either side of the aisle who wants to do an injustice to the gentleman from New York, and I trust that the generous and manly and magnanimous and decent offer that he has made, not in so many words, but through inference, may be accepted, and that if the House sees fit to blot out one of his speeches from the RECORD the other may remain intact if he has written it down.

I again ask for a separate vote on the two speeches in question and ask that the one in which the distinguished gentleman from Indiana [Mr. Moss] is referred to, be voted on first.

Mr. JAMES. But what about the speech where the gentleman from North Carolina [Mr. DOUGHTON] is referred to?

Mr. KINKEAD of New Jersey. That is the same speech, I will say to the gentleman from Kentucky.

The SPEAKER. The time of the gentleman has expired. The Chair will pass upon the proposition of the gentleman from New Jersey when it comes up.

Mr. RUCKER of Missouri. Mr. Speaker, I yield one minute to the gentleman from Indiana [Mr. CLINE].

Mr. CLINE. Mr. Speaker, I observe in the speech made by the gentleman from New York in the CONGRESSIONAL RECORD, page 11549, that he has made reference to the location of the weather bureau at the city of Fort Wayne as one of the instances adduced to show that the Chief of the Weather Bureau violated the rules that he had established for the government of his department. I read the following section of that speech, quoting from page 5 of the hearings before the Committee on Agriculture, as follows:

> Mr. MOORE. To-day I do not recommend to the Secretary the creation of a weather bureau station, as a rule, closer than 100 miles to another station. Practically we have adopted a 100-mile limit * * *. We have assumed that when a city gets a population of 50,000 it ought to have a weather station to serve local needs.

Commenting on that statement by Chief Moore, the gentleman from New York says:

> Under these rules, Mr. Chairman, no new station was to be established in a place with less than 50,000 population. The latest population bulletin of the Census Bureau shows that during the past decade about 30 cities in the United States attained or had a population equaling or exceeding this minimum requirement. Of these 30 places three are in Mr. Moss's State, Indiana, and all three of these were given new weather bureau stations at a cost approximating $20,000. At the same time the claims of cities of similar size in less favored States were ignored. Furthermore, all three of the Indiana stations were established in direct violation of Mr. Moore's own rule with regard to distance between stations—Fort Wayne, South Bend, and Terre Haute.

The gentleman from New York further declares that Fort Wayne ought to have been excluded, because it was less than 100 miles from Toledo, Ohio.

There is running through this entire speech a statement of facts that may be construed to charge Mr. Moss, chairman of the Committee on Expenditures in the Department of Agriculture, and Chief Moore, of the Weather Bureau Service, with having entered into a cabal or conspiracy to drop any proceedings for an investigation of the Weather Bureau Service provided weather bureau stations were located in the cities above named. I am satisfied that the gentleman from New York [Mr. AKIN] does not desire to misrepresent the facts in this discussion. I believe he has been misinformed by some man who is now out of the service, but who is anxious to vent some revenge on account of what he assumes is a wrong done him by the Chief

of the Weather Bureau, and I am making these statements solely to relieve either Mr. Moss or the Chief of the Weather Bureau Service of any connection whatever with the establishment of a weather bureau service in the city of Fort Wayne under these charges.

I give no credence whatever to the veiled insinuation that there was an understanding with reference to the location of this weather bureau station. The weather bureau station at Fort Wayne was located before the Moss investigating committee came into existence. The station was located in Fort Wayne because the city was entitled to it. This city, now approaching the 80,000 mark in population, was the only city of such commercial importance in the entire country that had not been provided with a weather bureau station. As early as March, 1909, I saw Chief Moore personally with reference to the merits of Fort Wayne and surrounding country on the weather bureau question. Prof. Moore was familiar with the conditions at Fort Wayne when I saw him in March, 1909, and readily agreed with me that it was the most deserving location of any in the country, and he promised me to establish a station in Fort Wayne before he established one at any other point in the United States. In the fall of 1909 I went before the Agricultural Committee of the House with my claims for a weather bureau station at Fort Wayne, and the chairman of that committee, Mr. Scott, of Kansas, agreed to give the Fort Wayne proposition consideration, but he failed to do so. I then appealed to Secretary Wilson, of the Department of Agriculture, with reference to the location of this weather bureau, and continued to do so until the spring of 1911, when Secretary Wilson issued the following order to Chief Moore:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, February 8, 1911.

Prof. WILLIS L. MOORE,
Chief Weather Bureau.

DEAR SIR: As soon as the necessary funds are at the disposal of the department you are authorized to remove the weather bureau station from Juniper, Fla., to Miami, Fla., and to establish weather bureau stations at Fort Wayne, Ind., and Dayton, Ohio.

Very truly, yours,

JAMES WILSON, *Secretary.*

Mr. Moore came to Fort Wayne at my request and personally inspected the situation in the spring of 1911 and located the station there, as I stated before, before the Moss committee had been appointed. Mr. Moss did not know that the station was located until after it was fully installed and had absolutely nothing to do with it. Fort Wayne secured the station because it is located in the greatest manufacturing and agricultural district in the United States and has within a radius of 50 miles a population of 1,000,000 people. Its large commercial and extensive agricultural interests were such as to merit the location. Another mistake that the gentleman from New York makes is that when the city reaches the 50,000 mark in population the distance of 100 miles from another station is waived.

I have made this statement, Mr. Speaker, not only to give the House the correct statement of the facts with reference to the bureau at Fort Wayne, but to relieve Mr. Moss and Chief Moore of any charge of collusion in connection with the establishment of the station at Fort Wayne.

Mr. RUCKER of Missouri. Mr. Speaker, I yield the balance of my time to the gentleman from Indiana [Mr. Moss].

The SPEAKER. The gentleman from Indiana is recognized for three minutes.

Mr. MOSS of Indiana. Mr. Speaker, I have no personal feeling whatever against the gentleman from New York [Mr. AKIN], and before delivering the remarks which I made on the floor of this House June 7, I sent the gentleman notice that I intended to speak to a question of personal privilege, and wished him to be present, and he was present. What I then said was said in his presence, with full opportunity to challenge its accuracy or to protest against any injustice if, in his opinion, there was injustice done him. I had no such motive in this instance, and his remarks were inserted in the RECORD without any notice of their contents to me and with no opportunity to challenge the accuracy of his statement. It is a common rule of courtesy among the Members of this House, even in the heat of partisan debate, to refrain from personal criticism unless the Member so criticized has opportunity to defend himself at the moment that such criticism is uttered. In this instance we have a deliberate preparation of an accusation—which I denounce as false and unfounded—which is inserted in the RECORD in such a manner that no reply could be made until the charges had gone forth to the world. In that statement as printed in the RECORD is a charge that as chairman of one of the investigating committees of this House, in return for substantial favors for my State and district, I had practically promised immunity to one of the great departments of Government which was charged with maladministration. I know of no charge which could more directly assail my integrity, both as a Representative in Congress and as a citizen of good character, than such an imputation. I therefore stated to the chairman of this special committee that I would be glad to appear before his committee and produce the committee records, which would prove beyond any shadow of doubt that in bringing this charge the gentleman from New York [Mr. AKIN] was giving circulation to statements which were wholly and absolutely false. In view of this offer on my part and the unanimous report of the committee that such statements be expunged from the RECORD, if this report shall be adopted by this House, I will be entirely content to accept such action as a complete vindication of the record of my committee in this matter and of my personal action as a member of that committee.

The gentleman was not content with charging me as chairman with moral delinquency, but broadened his charge to include Mr. DOUGHTON, a hard-working member of the committee. I desire to say most emphatically that this charge is utterly false, in so far as it seeks to impute to Mr. DOUGHTON any attempt to prevent an examination into the accounts of the Weather Bureau.

No member of our committee has been more diligent or more faithful than the gentleman from North Carolina and his vote and influence in committee has ever been to do justice without favor. The statement of the gentleman from New York does the gentleman from North Carolina a gross injustice and should be stricken from the RECORD, because such a charge is utterly unwarranted.

Mr. DOUGHTON as a subcommittee of one reported to me that he desired that I should confer with Mr. Berry, and accordingly I invited Mr. Berry to submit in writing his charges against Prof. Moore, which he did. These written charges were placed before the majority members of the committee for decision, if the gravamen were sufficient to justify a special congressional investigation. That question had to be determined by some authority, and under the rules of this House the Committee on Expenditures in the Agricultural Department is that authority. Mr. Berry is not a Member of Congress and has no right to demand special action by any committee of this body. He has the right, as every other American citizen, to present evidence of maladministration and to have such evidence carefully and honestly considered. The chairman and majority members gave him that courtesy and consideration and in so doing not only discharged their full duty in the premises but redeemed every promise made to him.

Later in the session, after the report of the Wiley hearings was made to the House, this question was laid before the full committee for decision. The members were asked to make a choice whether the expenditures in the Weather Bureau or the accounts of the Forestry Bureau should first be examined. The gentleman from New York [Mr. AKIN] did not appear before the committee and request that the Weather Bureau be investigated. If he had any information of maladministration, he did not communicate it to any member of the committee. Judge FLOYD of Arkansas offered a resolution that the committee proceed to an examination of the Forestry Bureau, which resolution was adopted by a unanimous vote. The decision was not made by the chairman nor by Mr. DOUGHTON, but by a vote of the full membership of the committee. This action did not mean that no examination would be made of the accounts of the Weather Bureau and other bureaus in the Agricultural Department; it was then the intention of the committee, as it still is the intention, to proceed to an examination of the several bureaus as rapidly as the work could be well performed. The Everglades investigation was asked for by two Members of this House, Messrs. BATHRICK and CLARK of Florida, who appeared personally before your committee and gave it what information they had in their possession.

If the gentleman from New York had acted similarly there would have been no necessity on his part to have inserted charges against the membership of the committee in the RECORD. Mr. NELSON, of Wisconsin, also appeared before your committee in support of his request that the meat-inspection service be inquired into. These Members were given courteous hearings by our committee, with a result that many hundred pages of testimony was taken, and a report is now in course of preparation which will be given to the Members of the House within a few days. In all there have been more than 4,000 pages of testimony taken by this committee on matters relating to the administration of the Agricultural Department, and two reports on matters of large public interest have been prepared and submitted or are ready to be submitted to the House. Our committee was compelled to sit at times during sessions of the House in order to hear the witnesses who desired to be heard before the committee. There is yet the Nelson resolution to be

disposed of before the committee can proceed to an examination of any of the bureaus of the department.

I do not care to make a more extended statement of the work accomplished by the committee. There has not been a committee which has given more of its time to the service of the House than have the members of this committee. That we have not been able to do all the work which can properly come before us under our jurisdiction may be a matter for regret, but it is certainly not a matter of moral delinquency.

I am glad to say that there has been located in Terre Haute a weather station. Terre Haute is the largest and most enterprising city in the Wabash Valley. It has a large and rapidly growing commerce with the South in fruits and vegetables and has developed important trucking and canning industries among her own people. The Weather Bureau was not in position to serve these important interests as efficiently as their importance demanded. This fact was recognized by Prof. Moore and frankly conceded by him and by the honorable Secretary of Agriculture. It was a condition which could remain only until available funds to supply better service was at the command of the bureau. Acting for the Commercial Club of Terre Haute, the oldest commercial organization of the city, I extended an invitation to Prof. Moore to visit the city and personally investigate the admitted deficiencies of the service. This invitation was courteously accepted and Prof. Moore visited the city, spending two days in his investigations. I am informed that it was his first visit to the city. I did not accompany the professor on this trip and was not with him while he was in the congressional district. As stated, Prof. Moore was the guest of the commercial organizations of the city.

As a result of this visit the urgent need of better service to the city and surrounding territory was so impressed upon Prof. Moore that he recommended to Secretary Wilson that a station be located and put into operation with the beginning of the present fiscal year, which recommendation was approved by the honorable Secretary, and the station was accordingly located. I can only have pity for a Member of this House who can see in this transaction collusion and confederation between the Department of Agriculture and the Member who has the honor to represent that district in this House. It is not surprising that such a Member would insert such a charge in silence rather than to utter it on the floor of the House. The people of the fifth congressional district in Indiana have every right to the service of this Government that the citizens of any other district in the United States have under similar circumstances, and it is to the great credit of Secretary Wilson and Prof. Moore that they are too just and patriotic and have too conscientious regard for their oath of office to permit the narrow prejudices of party representation or false and bigoted attacks to tempt them to withhold needed public service from a section of our common country because that section has chosen a Representative of different party allegiance to the administration. Similarly, I have too much respect for my position, both as a Member of this House and as the ranking member of an investigating committee, to give currency and publicity to charges of maladministration which in my honest opinion have no substantial basis in truth or in fact.

It is not the policy of this committee to impede the action of good government or seek to embarrass any officer who is giving his best endeavor to serve the public needs. If abuses have crept into the public service it is our desire to assist in eradicating the evils and thus assist in promoting the cause of good government; but it is not the policy of this committee to use our power under the rules to give vent to private pique or personal hatred. The faithful official will receive recognition, encouragement, and cooperation from us in every effort to promote the public interests intrusted to his care. In this determination we believe that we truly reflect the policy of the Democratic Party in control of the House and have the support of the membership of this House without regard to party affiliation.

Mr. RUCKER of Missouri. Mr. Speaker, I demand a vote.

The SPEAKER. The gentleman from New Jersey [Mr. KINKEAD] asks that these two propositions be severed and voted on separately. If the rule were strictly construed, the language of the resolution would not permit of that, but there is no trouble in ascertaining what the difference is, so the Chair thinks in ordinary fairness that there ought to be a chance to vote upon them separately. If the gentleman from New Jersey will indicate which one of these two it is that the gentleman from New York has no objection to, the Chair would be obliged.

Mr. KINKEAD of New Jersey. Mr. Speaker, in order that I might state the gentleman's side correctly I would say that my statement was that by inference he stated that if this speech delivered on August 10 contained any statement against any Member of the House which was false he would consent to have it taken from the RECORD.

The SPEAKER. The Chair will put the two propositions. The question is, first, on the resolution striking out the speech inserted on August 8.

The question was taken; and on a division (demanded by Mr. KINKEAD of New Jersey) there were—ayes 79, noes 30.

Mr. KINKEAD of New Jersey. Mr. Speaker, I demand tellers.

The SPEAKER. The gentleman from New Jersey demands tellers. All in favor of ordering tellers will rise and stand until counted. [After counting.] Thirteen gentlemen have risen, not a sufficient number, and tellers are refused.

Mr. KINKEAD of New Jersey. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The Chair will count.

Mr. KINKEAD of New Jersey (during the count). Mr. Speaker, I withdraw the point of order.

So the resolution was agreed to and the speech of August 8, 1912, was expunged from the RECORD.

The SPEAKER. The question is on expunging the speech of August 10.

The question was taken, and the motion was agreed to.

PUBLICITY ACT.

Mr. RUCKER of Missouri. Mr. Speaker, in order to bring the matter to the attention of the House I ask unanimous consent for a minute to make a statement.

The SPEAKER. The gentleman from Missouri requests unanimous consent for one minute in order to make a statement. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Mr. Speaker, on the 19th day of last August the House passed what is known as the publicity act. That act has now been in operation for a year and has revealed the fact that it puts Members to great inconvenience and makes it almost impossible for them, in many instances, to comply with its terms. For instance, the act as it is written requires a statement under oath showing the amount of money used and the purposes for which it is used, which affidavit is required to be made by the candidates for Representative in the districts in which they reside and in case of candidates for Senator in the State in which they reside, unless on the day of the primary election or convention or election such candidate should be in Washington attending a session of Congress, and in that event, and in that event only, he can make such statement and affidavit in the District of Columbia. We find in many instances Members of Congress are not in their districts on the day of the primary or day of the convention or election, hence to comply with the law as it now stands such candidates must return to their residences in order to make affidavit in their districts, in compliance with law. Therefore, for the purpose of correcting this manifest error I introduced the bill (H. R. 26278) to amend the publicity law, and I now ask unanimous consent to discharge the committee from the consideration of said bill and for its immediate consideration in the House.

Mr. OLMSTED. Mr. Speaker, I shall not object, but, if I may be permitted for a moment, I was one of the conferees when this bill was in conference and that provision was put in advisedly and after full discussion and deliberation, and we concluded that the candidate should make his affidavit at home in his own city or district for the reason that if it became necessary to indict him for perjury it would be difficult if the offense were committed in another State. For that reason the provision was put in the bill.

Mr. RUCKER of Missouri. I really do not remember particularly that discussion, though I assume the gentleman correctly states the fact. Whatever the reason was I am now convinced was a bad and not a good reason.

Mr. JAMES. If the gentleman will permit me, in any event the United States will have jurisdiction whether the indictment is in one State or another?

Mr. RUCKER of Missouri. Certainly.

Mr. BURKE of South Dakota. I will say that at the time of the primary election in my State I was at a sanitarium, and in order to make the affidavit within the time allowed by the statute I had to make it in the State of Indiana. I was unable to go to my State. I was not here, but I would like to ask the gentleman if the bill which he now proposes will permit an affidavit under those circumstances to be made, as I made an affidavit in a State in which I did not reside.

Mr. RUCKER of Missouri. That is the very purpose of the pending bill.

Mr. JAMES. Is not it true that this law directing where Members shall make affidavit is not mandatory, but merely

directory, and it really does not matter that the existing law covers it? The thing the law makes mandatory is the oath, and as to where the oath is taken is not material.

Mr. MANN. As it reads now it is mandatory.

Mr. JAMES. I think not; I think it is merely directory, and if the candidate makes the oath, that is all that is necessary.

The SPEAKER. The time of the gentleman from Missouri has expired.

Mr. KAHN. I ask that the gentleman be given five minutes additional.

The SPEAKER. Is there objection to the request of the gentleman from California? [After a pause.] The Chair hears none.

Mr. KAHN. I would like to ask the gentleman if the bill makes provision for this kind of a case: It takes a Member from the Pacific coast at least four or five days to get to his home. Now, suppose just prior to the time he should file his petition he starts on his journey and he does not get back home until the last day of his time expires, which is possible, would this bill take care of a condition of that kind?

Mr. RUCKER of Missouri. I think so; completely.

Mr. GOLDFOGLE. Mr. Speaker, take a case from the city of New York, which is divided up into many congressional districts. Now take the original act, which provides that the oath shall be taken in the district in which the candidate resides. Take a case that actually occurred two years ago, my case, where I was confined to a hospital, unable to comply with the provisions at all—was not near my congressional district, but some distance away in the city of New York—how could the affidavit be taken?

Mr. RUCKER of Missouri. That is the very purpose of the amendment proposed in the bill now under consideration.

Mr. GOLDFOGLE. As the bill has not been read, I would like to ask the gentleman if it makes provision for that?

Mr. RUCKER of Missouri. It does, and that is the very purpose of it and necessity for it.

Mr. MANN. I ask that the request be stated, so as to see how to get at the matter.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. MANN. Pending the right to object, I ask that the bill be reported.

The Clerk read as follows:

A bill (H. R. 26278) to amend an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911.

Be it enacted, etc., That paragraph 10 of section 8 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911, be, and the same is hereby, amended to read as follows:

"Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives or to the Secretary of the Senate, as the case may be, duly stamped and registered within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this act."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RUCKER of Missouri. Mr. Speaker, I desire to offer an amendment in order to refer more particularly and definitely to the section proposed to be amended.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. RUCKER].

The Clerk read as follows:

Amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

"That paragraph 10 of section 8 of an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' approved June 25, 1910, as amended by section 2 of an act entitled 'An act to amend an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses,' approved August 19, 1911, be, and the same is hereby, amended so as to read as follows:

"'Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this act.'"

Mr. HUMPHREYS of Mississippi. Mr. Speaker, will the gentleman yield for a question?

Mr. RUCKER of Missouri. Yes.

Mr. HUMPHREYS of Mississippi. I notice there that the gentleman uses the term "regular post office." What does the gentleman mean by that?

Mr. MANN. That is the existing law.

Mr. RUCKER of Missouri. I know; but of what consequence is it?

Mr. HUMPHREYS of Mississippi. What does it mean?

Mr. RUCKER of Missouri. I think it means only post office.

Mr. HUMPHREYS of Mississippi. While the gentleman is amending that, why not make it read "post office," then?

Mr. RUCKER of Missouri. That was in the original act. I do not see how it could possibly complicate it.

Mr. HUMPHREYS of Mississippi. It is a very peculiar expression—"in a regular post office." The court in construing it might go out of its way to make it exclude the rural-delivery box, and make it mean a box in town. The courts might assume something that is not intended.

Mr. GOLDFOGLE. Why not say simply, "a mail box"?

Mr. RUCKER of Missouri. I have no objection, as far as I am concerned.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. RUCKER of Missouri. I move, Mr. Speaker, to amend the title.

The SPEAKER. The title will be amended, without objection, in conformity to the text.

There was no objection.

CONTESTED ELECTION CASE OF CROWLEY AGAINST WILSON.

Mr. HOLLAND. Mr. Speaker, I desire to submit a unanimous report from the Committee on Elections No. 1 in the contested election case of Crowley against Wilson; and unless there is some objection, I ask immediate consideration of the resolution, which I send to the Clerk's desk.

The SPEAKER. Is it a unanimous report?

Mr. HOLLAND. It is a unanimous report.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 691 (H. Rept. 1195).

Resolved, That William W. Wilson was duly elected a Representative from the third district of Illinois to the Sixty-second Congress, and is entitled to retain his seat therein.

The SPEAKER. The question is on the adoption of the resolution.

The question was taken, and the resolution was agreed to.

VETO MESSAGE—THE LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL (H. DOC. NO. 910).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the House of Representatives:

I return herewith, without my approval, H. R. 24023, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes." This is one of the great supply bills necessary for the maintenance of the Government, and it goes without saying that nothing but reasons of especial importance would lead me to interpose objections to its passage.

In a message returning the Army appropriation bill to the House of Representatives with my objections to its approval, under date of June 17, 1912, I ventured to point out the dangers inherent in the practice of attaching substantive legislation to appropriation bills, and I need not repeat them here. It is sufficient to say, however, that when it is thought wise by Congress to include in general supply bills important substantive legislation, and the Executive can not approve such legislation, it is his constitutional duty to return the bill with his objections, and the responsibility for delay in the appropriation of the necessary expenses to run the Government can not rest upon the Executive, but must be put where it belongs—upon the majority in each House of Congress that has departed from the ordinary course and united with an appropriation bill amendments to substantive law. The importance and absolute necessity of furnishing funds to maintain and operate the Government can not be used by the Congress to force upon the Executive acquiescence in permanent legislation which he can not conscientiously approve.

There are two provisions in this bill which I can not permit to become law with my approval. One concerns the permanent

statutory regulation of the tenure of office of those now included within the classified service in the departments and independent establishments of the Government within the District of Columbia. The other is a provision repealing the statute creating a Commerce Court, to consist of five circuit judges, for the purpose of passing on appeals from the decisions of the Interstate Commerce Commission.

First. By section 4 of this act the Civil Service Commission is directed, subject to the approval of the President, to establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia, based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. The system is to provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; a rating below which no employee may fall without being demoted; and a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals are to be governed by provisions of the civil-service rules. Records of efficiency are to be furnished by the departments and independent establishments to the Civil Service Commission.

This section 4 is an admirable section, and, if properly carried out, will greatly improve the present civil service.

Section 5, however, introduces a new and radical feature into the present system. It provides that every appointment in the classified service after the 1st of September of next year shall be for a term of seven years after the probationary period of six months has expired, and that at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and that the employment of all persons, appointed prior to September 1, 1912, in such classified service at annual rates of compensation shall cease and determine within one year after August 31, 1919, the date of termination during that year to be determined by the head of the appropriate department according to previous length of service. The cessation of employment and the ending of the term in these cases is absolute, without regard to efficiency rating under section 4, but section 5 contains the proviso that all persons separated by its terms from the classified service, if they are up to the standard of efficiency then in force and capable of rendering a full measure of service, may, in the discretion of the head of the executive department, be reappointed without examination for another term of seven years.

The effect of this section is to leave it to the discretion of the head of the department in the case of each classified employee at the end of his term of seven years to say whether that employee, no matter how high his standing, shall continue, or whether another shall be selected from the eligible list submitted in accordance with law and regulation by the Civil Service Commission.

I believe this to be a genuine effort on the part of those who propose it to meet the difficulty presented in the present civil-service system by superannuation of the employees and the impossibility of eliminating those who through age and disease have ceased to be efficient. It is recognized that one method of meeting this difficulty is by a system of civil pension which will retire persons from the civil service at a certain age, or upon confirmed disability. It has been found impossible to secure an enforcement of the present law which requires every person who is not efficient in the service of the Government to be discharged, because it imposes upon the heads of departments and bureaus the disagreeable and ungracious duty of throwing out of employment, without any means of livelihood, the men and women who have spent many years in the employment of the Government and in times past have rendered good service.

I disapprove of section 5 because I do not think it will accomplish its proposed purpose, and I do not think it adds anything in efficiency to the provisions of section 4. If section 4 is carried out, then the superannuated will have to go when their inefficiency is properly determined, and this whether section 5 is on the statute book or not; and if section 4 is not enforced, then section 5 adds little or nothing in the way of getting rid of superannuated and inefficient clerks.

If section 4 is loosely enforced, so that the rate of efficiency of the superannuated clerk is charitably maintained by his superior at or above the minimum standard, there will be the same pressure to retain the clerk at the end of his seven years as there was to maintain his minimum rate, and the same reluctance as in the present system to turn him out at an advanced age without means of a livelihood after long years of service.

I do not share in the objection to a civil-pension system. I am strongly in favor of it, provided it involves features of compulsory insurance of employees, secured by an application of part of the salary of each toward the maintenance of the necessary funds. Such a system has already been embodied in the Gillett bill, and I know of no reason why it should not be adopted.

As to the present measure, I object to it, first, because for the reasons stated it will prove ineffective, as the present system has, in the matter of superannuated clerks; and, second, because it impairs that feature of the civil service which I regard as a most valuable one, to wit: The permanence of tenure on the one hand, balanced by a wide and almost absolute power of removal in the department head on the other. If at the end of each seven years it becomes necessary for one who has spent the best years of his life in the public service to ascertain whether he is to continue, it is certain that he will bring pressure to bear in every direction upon the appointing power to continue him in office. I am perfectly aware that the motive for not reappointing him will be much reduced by the fact that his successor must be appointed from the eligibles of the Civil Service Commission, but the play which this will give for prejudice and arbitrary action in the appointing power will constitute a serious injury to the present tenure of office.

Much has been said in the way of criticizing the present service as to the overpayment of the civil servants. It is true that in the departments there are many at salaries between $900 and $2,000 who are overpaid, but it is also true that there are many within those limits and nearly all who serve at salaries higher than $2,000 who are underpaid. The efficiency and wonderfully loyal service rendered by many of the employees of the Government who have concluded to devote their lives to the public service, to be content with only moderate salaries, because of the permanence of the tenure, can only be known to those who have had large experience in the character of the service rendered by the civil servants in the District of Columbia. I am not content to risk serious injury to the tone and efficacy of that service to accomplish something that in my judgment will not be accomplished by a change which will rob those who are in the service of a peace of mind that makes up in some degree for the sacrifices they have been obliged to undergo in devoting their lives at small pay to the Government. I am aware that there are malingerers and others in the service who contribute but little to its efficiency. They would be disposed of by the proper enforcement of section 4.

But there is a large part of the civil-servant body which consists of hard-working, loyal, and efficient persons, who render to the Government more than they receive and who give character to the service. It is their permanence of tenure that led them to seek the service and keeps them in it. Of course it will be said that such clerks are likely to be retained. Probably; but the difference between mere probability of continuance and permanent tenure is the difference between worry and active solicitation of every influence in the seventh year and that contentment of mind that is alone consistent with undivided attention to public duty.

Second. The Commerce Court was created by the amendment to the interstate-commerce act passed June 18, 1910. Prior to that time, whenever an order of the Interstate Commerce Commission was made against a railroad company over which the Interstate Commerce Commission was given supervision, and it was contended that the order was contrary to law, or was a taking of the property of the company without due process of law, or, in other words, was confiscatory, jurisdiction belonged to the circuit courts of the United States to enjoin the orders of the commission until their validity could be established. It had been the purpose of many to give to the Interstate Commerce Commission complete regulatory control over the railroads of the country in the matter of rates and in other features of their management, without allowing courts to interfere.

But it was clearly developed that any law was unconstitutional by which it was attempted to deprive the railroad companies of the right to go into court to test the validity of an order as confiscatory or violative of the statutory authority of the commission, and that if no provision at all were made for such judicial review, then the courts would possess it without special authority. So such jurisdiction in circuit courts of the United States was recognized in the act. The system involved hearings in circuit courts of 84 different districts in which the cause of action might arise. The litigation begun at Washington and carried through the Interstate Commerce Commission might then be transferred to some distant district. The district judge, or the circuit judge, or the circuit court of appeals took up the case, presenting a subject matter often entirely new, and found it difficult promptly to dispose of it in the multitude of other duties. This system imposed a delay in the necessary judicial consideration of interstate-commerce orders before they

became effective that sometimes postponed their going into force for several years. In the interest, therefore, of the dispatch of business, in the interest of the public, and especially in the interest of the shippers who were seeking to prevent injustice by the railroads, it was thought wise to create a court of five circuit judges whose first duty should be to sit en banc as a Court of Commerce into which all complaints might be brought for prompt hearing and disposition.

The statistical record of the last two years shows that the average time in which this ordinary litigation, following the Interstate Commerce Commission's orders before the order of the commission shall become effective, has been reduced from more than two years to about six months. The litigation has not occupied all the time of the Commerce Court, and under special provisions of the act, the Chief Justice of the United States has assigned the circuit judges to judicial labors in the Federal courts all over the country, greatly to the advantage of litigants and to the dispatch of business in those courts. It should be said that under the provisions of the section abolishing the Commerce Court in this bill, jurisdiction to consider the validity of the orders of the Interstate Commerce Commission is given to a court of three judges in each of the nine circuits, one of the judges to be a circuit judge or a Supreme Justice. This requirement, good in many ways, only makes the delays of such a countrywide jurisdiction more certain and is in no way comparable in the matter of dispatch of business to the Commerce Court system.

It appears from the decisions of the Supreme Court of the United States that the Commerce Court in several cases has amplified its jurisdiction beyond that which a proper construction of the statute justified. It also appears that in a number of cases the decisions were against the shippers and for the railroads when the Supreme Court decided that they ought to have been the other way. On the other hand, it appears that in a number of other cases the decisions of the Commerce Court were in favor of the shippers and in favor of giving relief to the shippers, against the railroad companies, but that the Supreme Court has since denied the existence of such jurisdiction under the statute. A series of decisions of the Supreme Court has satisfactorily established the limits of the jurisdiction of the new court, and there is no reason to believe that those limits thus established will in future be exceeded. There is every reason to believe that the dispatch of business already promoted by the court will continue. And now the question is, Why should the court be abolished? Because it has made some mistakes that the Supreme Court has rectified? Lower courts, especially when exercising new jurisdiction, are likely to make errors to be corrected by the Supreme Court. The presiding judge of the Commerce Court was the chairman of the Interstate Commerce Commission for a great many years. Three of the Commerce Court judges before their appointment to the Commerce Court had been United States district judges of long experience, and one had been a State judge of standing and experience. The personnel of the court is to change from year to year by the assignment of one of the Commerce Court judges to a circuit court of appeals, and the designation of another circuit judge to fill the vacancy thus made.

I have read the arguments upon which this proposed legislation is urged, and I can not find in them a single reason why the court should be abolished except that those who propose to abolish it object to certain of its decisions. Some of those decisions have been sustained and others have been disapproved or modified by the Supreme Court. I am utterly opposed to the abolition of a court because its decisions may not always meet the approval of a majority of the Legislature. It is introducing a recall of the judiciary, which, in its way, is quite as objectionable as the ordinary popular method proposed. Next to impartial and just judgment the great desideratum in judicial reforms to-day is the promotion of the dispatch of business and the prompt decision of cases. The establishment of the Commerce Court has brought this about in a substantial way by reducing the average delay from two years to six months, and I doubt not that as time goes on and the procedure becomes better understood this period of six months will be further reduced. It is greatly in the interest of the shippers and therefore of the public that this means of reducing the time of effective remedial litigation against railroads should be preserved.

WM. H. TAFT.

THE WHITE HOUSE, *August 15, 1912.*

Mr. JOHNSON of South Carolina. Mr. Speaker, I move on reconsideration to pass the bill the objections of the President to the contrary notwithstanding.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill the objections of the President to the contrary notwithstanding?

Mr. JOHNSON of South Carolina. Mr. Speaker, I should like to make some arrangement with the other side in regard to the time for debate.

Mr. MANN. I am willing to vote now.

Mr. JOHNSON of South Carolina. We are going to have some debate on this side. The President has stated his view of the proposition.

Mr. MANN. How much time does the gentleman desire?

Mr. JOHNSON of South Carolina. I expect to use one hour.

Mr. MANN. I am perfectly willing to agree that there shall be an hour on a side, and that the previous question shall be ordered at the end of that time.

Mr. JOHNSON of South Carolina. I ask unanimous consent that one hour on a side be allowed for debate, the time on this side to be controlled by myself and the time on the other side by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I suggest to the gentleman that the gentleman from Ohio [Mr. TAYLOR] was on the subcommittee.

Mr. JOHNSON of South Carolina. That the time on the other side be controlled by the gentleman from Ohio [Mr. TAYLOR], a member of the subcommittee that framed this bill.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] asks unanimous consent that debate on the President's veto shall end in two hours, one hour to be controlled by himself and the other by the gentleman from Ohio [Mr. TAYLOR], and that at the end of two hours the previous question shall be considered as ordered. Is there objection?

Mr. MANN. Reserving the right to object, I should like to say that I hope the time will not all be used, and that the gentleman will act accordingly.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The gentleman from South Carolina [Mr. JOHNSON] is recognized for one hour.

Mr. JOHNSON of South Carolina. Mr. Speaker, the President has returned without his approval one of the great supply bills. In the beginning of his message he questions the propriety of the legislative branch of the Government attaching legislation to appropriation bills. Often I have read in the newspapers criticisms of the practice of attaching legislation to appropriation bills, and sometimes I have heard men on this floor doubt its propriety. I hope that the President of the United States, Members of Congress, and all others who question the wisdom of attaching important legislation to money bills are speaking lightly when they do this. No man familiar with English history, no man who prizes the rights of English-speaking people, should be found criticizing legislation upon an appropriation bill. For 700 years the Commons of England have held the purse strings of the nation. They have attached to the great supply bills which granted to royalty what royalty asked provisions of law in the interest of the people. They have wrung from kings powers that had been denied, because they have held with jealous care their right to control the treasury of the nation and to grant it on what terms they would. [Applause.] I can understand why special interests that have their arms in the Public Treasury would try to create and cultivate a sentiment against legislating on these great bills, because special interests under such practice are safe as long as they can retain either branch of the Legislature or the Executive; but if we can put legislation on these bills, then it forces the other branch of the Legislature and the Executive at least to consider the legislation that is enacted and thereby show the people where they stand.

Mr. Speaker, this House, the direct representatives of the people, would be amply justified in attaching to this bill or to any other appropriation bill the wool bill, the excise bill, or any other bill we saw fit. There is no reason why people who prize our liberties should be found criticizing us in following the example that our forefathers followed and that the English-speaking people have followed for 700 years, and that is particularly true when the other branch of the Legislature and Executive belong to another political party. We have a right to incorporate in these great money bills questions that we want the other branch and the Executive to pass upon.

The President has exercised his constitutional prerogative of returning this bill without his approval. The King of England has the kingly right of returning legislation to the House of Commons without his approval, but he has not exercised that right in 300 years. Yet, in the greatest Republic on earth, the Chief Executive, nursing to his bosom this old remnant of the divine right to rule, sends to this House day after day great money bills and great revenue bills with his disapproval.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question right there?

Mr. JOHNSON of South Carolina. I can not yield.

The SPEAKER. The gentleman declines to yield.

Mr. JOHNSON of South Carolina. I do not want to be discourteous, but we have only one hour.

On yesterday and on the day before we were called upon to pass bills against the objections of the President. On yesterday the message that was read announced that the President had provided a nonpartisan body to gather information for us and for him, and that unless we saw fit to accept the suggestions of his appointees he would disapprove our legislation, thus placing above the intelligence and the judgment of two-thirds of the people's representatives the figures gathered by his employees. It was called a nonpartisan body. Gentlemen, when we refused to appropriate money longer to continue that useless body one of the distinguished members of it was sent to New York to help conduct the presidential campaign for the present Executive. I presume that nonpartisans are engaged in the delectable task of attempting to reelect Mr. Taft. He is an expert figurer. I wonder if it was his nonpartisanship or his ignorance that caused the tables that were printed in the morning papers to be published, giving the President 384 electoral votes. If his judgment in gathering tariff data and tariff statistics and his reliability in handing them out do not surpass the kind of stuff he is handing out now, the Ways and Means Committee acted wisely in rejecting his further services. [Applause on the Democratic side.]

The President puts his disapproval of this bill upon two grounds. The first is that he opposes the seven-year tenure of office.

The second is—and thereby hangs a tale. That is the real objection. The real objection is—because it was known all over the country long months ago that this bill was to be vetoed—the real objection, in my judgment, is that it abolishes and discredits a useless court. [Applause on the Democratic side.]

I can not, in the space of 15 minutes, which is all I will use, expect to discuss either one of these great questions, but they were fully discussed when the bill was in the House. It is not legislation that came back from the Senate as an amendment or was adopted in conference; it was legislation that was brought in and considered by the membership of the House.

Now the President's objection is as to the seven-year tenure, and he tells you frankly and honestly that he believes in a civil pension. He admits in his message that under the existing order of things something ought to be done. His remedy is a civil pension; our remedy is what we have put in this bill. Take your choice. Are you ready now to vote to sustain the President in his veto, because we have attempted to meet this question by a fixed period of service, while he favors a civil pension?

Oh, well, they say that the poor fellow would be demoralized during all of his term. I deny it. I decline to indict the 30,000 Government employees. Clerks and bookkeepers and all of the men who work in the banks are employed for one year at a time. People who work in the stores and factories are employed by the week or by the month. Do you tell me that because their tenure is not fixed for all time that they lose all aspirations to do good work; that they are so demoralized that they can not give efficient service? I do not believe it.

Mr. CLAYTON. The gentleman from South Carolina is himself hired for only two years at a time.

Mr. JOHNSON of South Carolina. These people are allowed seven years, far longer than ninety-nine people out of a hundred are employed for. They can be reemployed without examination, if their service is satisfactory. If I were at the head of a department, I should hold that the word "may" means "shall," and I would give every man a reappointment whose service was good, and so with any honest man.

[Mr. CANNON addressed the House. See Appendix.]

Mr. TAYLOR of Ohio. Mr. Speaker, I do not think the gentleman from Illinois used all the time I allotted to him. I would like to have him yield it back.

Mr. CANNON. I yield back the remainder of my time.

The SPEAKER pro tempore. The gentleman from Illinois failed to use one-half minute of the three minutes allotted to him.

Mr. TAYLOR of Ohio. I yielded him five minutes.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. SIMS] is recognized for 10 minutes.

Mr. SIMS. Mr. Speaker, I hope I may have the attention of the Members of the House for a few moments. "The judicial power of the United States," says the Constitution, "shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish." So, by the Constitution itself, the creation of courts below that of the Supreme Court is lodged in Congress. Our judgment should be superior to that of the President of the United States as to whether the people need an inferior court or not. It is a constitutional suggestion that we have superior judgment, because the power is vested in us.

The President in his message says that this bill is in effect "a recall of the judiciary." I am sorry the President used that language, because it seems to me he must have intended to play upon the state of public feeling now in existence as to the recall of judges. It does not imply anything of the sort. There is not a line in this bill to recall either one of the circuit judges that serves on the Commerce Court—not a word, not an intimation.

Will the President claim that because we abolished every circuit court in the United States in the last Congress, through the report of a distinguished committee of this House on the Revision of the Laws, the chairman of which was Judge MOON, of Pennsylvania, with distinguished Members on this side, including Mr. SHERLEY and Judge HOUSTON—does he claim that because we abolished every circuit court judgeship in the United States that that was a recall of the judiciary? We assigned them to new duties and vested the jurisdiction which they had in other courts. Was that a recall of the judiciary? The President approved that bill. Is the President justified in claiming or pretending that this act is a recall of the judiciary, when it does not abolish or attempt to abolish any judgeship, but simply abolishes a court that has no judges? The Commerce Court, as such, has no judges. Circuit judges are assigned to perform duty in that court. I think that is enough with reference to that.

Now, the President talks about the long delays in the trial of these cases. The President's mind is working back beyond 1906, when every order of the Interstate Commerce Commission, to be enforced, required a suit, and much delay attended those suits. But since 1906 the orders of the commission go into effect speedily, without suit, as heavy penalties are imposed upon carriers that do not comply with them; and suit can only be brought to enjoin, annul, vacate, or set aside these orders, and they are brought always by these carriers. Why are the friends of this court in such a hurry to enjoin, invalidate, vacate, and annul the orders issued against the railroads? They did not complain of the delay when the orders had to be enforced by a suit in court.

The President says these orders were delayed several years by reason of suits. That was true then, but the President must know that now the order of the commission goes into effect from the date that the commission fixes the time, and while it is a strange and anomalous fact that when a suit is brought enjoining that order, the life of the order continues, and if the suit lasts two years, the order is dead, without any adverse decision of the court, and a new hearing entirely would have to be made and had and a new order made. So the President must be mistaken when he talks about the cases dragging along several years, unless he means to refer to times past.

Now, the President, in this veto message, says—and I was surprised to hear it:

> It should be said that under the provisions of the section abolishing the Commerce Court in this bill, jurisdiction to consider the validity of the orders of the Interstate Commerce Commission is given to a court of three judges in the nine circuits—one judge to be a circuit judge or a Supreme Court justice. This requirement in many ways only makes the delays of country-wide jurisdiction more certain, and is no way comparable to the dispatch of the business of the Commerce Court system.

The bill, in section 8 as it comes back from the Senate, provides—

> That the Commerce Court and all the offices are abolished on and after July 1, 1912, and all laws in so far as they provide for the establishment of said Commerce Court are repealed. The jurisdiction now vested in the Commerce Court is hereby transferred to and vested in the district courts of the United States.

This jurisdiction is vested in the district courts and in no other court. What the President must refer to is that when an injunction is sought to enjoin the orders of the commission, one of the judges of the circuit court or Supreme Court and two district judges, three in all, must act on the application for an injunction.

That is not a court. Yet the President calls it a court—a court of three judges. It only shows that the President has not given the details of this legislation that investigation that ought to have been given before a veto message was sent in.

Mr. SHERLEY. If the gentleman will permit, it is not even that strong, because one judge can pass on a restraining order, but three judges must sit en banc in order to issue a temporary injunction.

Mr. SIMS. Certainly. As the gentleman from Kentucky says, one judge may issue a temporary restraining order, but not an injunction, which requires three judges to grant; but these judges do not constitute a court.

I ask every man in this House, Why should we have a special court to pass on questions of law arising out of orders of the Interstate Commerce Commission, when identically the same questions with reference to interstate carriers arise on orders made by every State commission and on every act of State legislatures affecting railroads that do an interstate business? Do the carriers affected come into this Commerce Court? No. Why should they not have a special court? In other words, why should this court not have jurisdiction to pass on questions of law and fact which are wholly identical, of the same character and nature as these orders arising as to the orders of State commissions affecting interstate roads? It appeals to every one of us that there is no need of having district judges passing on the question of the validity of the orders of a State commission, or of a legislative act of a State, but when an order of the Interstate Commerce Commission is called in question a special court must be constituted and maintained at great expense to pass on them, although identical as to law and facts. The only question that can be made is, first, Did the commission have the power under the law to make the order; second, is the order violative of property rights and under the Constitution confiscatory? Identically the same question in all respects arises as to an act of a State legislature, and arises as to a regulation by a State commission when it affects an interstate carrier. Why should we keep this court here at an extra expense of $50,000 or $75,000 a year, $12,000 of it to go for rent of a building in Washington and the rest of it for clerks and marshals that will not be needed at all if it was not for this extra court? Gentlemen, why do we not have a special admiralty court to try admiralty cases? They are equally technical and often more so than the mere questions of fact and law arising on orders of the Interstate Commerce Commission. Yet district judges sit in courts of admiralty. All admiralty cases are tried without any special admiralty court.

The President intimates that our feeling against this court is because of the decisions it has rendered. If the President had only read the debate at the time the court was created, he would have learned that my opposition to this court existed before the court was created or had tried a single case. I say we do not need it. It is a useless piece of legal furniture, a duplicated service at an unnecessary expense, and if the people of the country for whom it is alleged this court is created, for whom the President desires to retain it, could be consulted, they would vote 10 to 1 to repeal this law if they had the opportunity to do so. Why does not the great State of New York, that has 11,000 miles of railroad, have a special court to pass on questions arising out of the orders of its own State commission? Why does not the President's own State of Ohio have such a court? Why does not the great State of Texas, with 14,000 miles of railroad, have a special court to pass on questions of law arising under its State commission?

Mr. Speaker, if the President of the United States is going to veto every bill because he does not agree with us in a matter of judgment, he will have his hands full as long as he stays in the White House.

Mr. JOHNSON of South Carolina. I should like to ask the gentleman from Ohio [Mr. TAYLOR] how many speeches he has on that side?

Mr. TAYLOR of Ohio. I have two more. How much more time have I?

The SPEAKER pro tempore. The gentleman has 27½ minutes.

Mr. TAYLOR of Ohio. How many speeches has the gentleman from South Carolina on the other side of the question?

Mr. JOHNSON of South Carolina. We have four or five. I will consume some of my time. I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I do not believe that the civil service of this Government will be jeopardized by the passage of this bill. If I did I would not vote for it.

The purpose of the bill is to fix a tenure of service at the end of which the man desiring to fill the office must prove that he is worthy and capable of filling the position. Do you suppose that the American people want a tenure of office in this Government on any other basis? If the man is deprived of his office, if he is separated from it according to the terms of this bill, it will be because he is either unworthy or inefficient, and ought to be separated from it. But when he is separated, it does not throw the office open to the spoils system. His place must be filled under the civil-service rules. The man who succeeds him must stand an examination and enter the service just as he would to-day if one of the employees should die. Now, it seems to me it is ridiculous to say that that is an attack on the civil service of this Government. Mr. Speaker, I think the greatest work that this Congress can do to improve and sustain the civil service is to make it an efficient system—to require that the men who work in it shall be capable and efficient; and when you do that you will do more to make it a permanent branch of this Government than by anything else you can do. You are not going to build up the civil service, you are not going to sustain it, by continuing a system under which there is a large percentage of admitted inefficiency.

But I do not regard that as the most vital point in the President's veto. He says in this message that he vetoes the bill because the Congress should not legislate on appropriation bills. I agree with the President in the main on that. I myself do not believe that, as a rule, we should legislate on appropriation bills, but I do say that the President of the United States has no right to express that as an objection to the passage of a bill by this House or this Congress. He knows better than most men in this Government the distinction between its three branches. He knows better than most men in the Government that it was intended by the Constitution of the United States that the executive branch and the legislative branch should be entirely independent of each other.

As to our manner of doing business, it is not a matter that should concern the President of the United States, and not a matter that he has any right to use the power of his high office to interfere with. What would he think if a war were in progress in the United States and the Congress of the United States should send him, as Commander in Chief of the Army, a message as to what troops he should put in the field at a certain place? The discretion of executive power is his, and he is entitled to use it with the responsibility that he owes to the American people. The legislative power is ours. It does not lie in the mouth of the President of the United States to attempt to dictate to the Congress of the United States how it shall pass its laws. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I hope the gentleman from Ohio will now use some of his time.

Mr. TAYLOR of Ohio. We only have two speeches on this side, but I have no objection, and I will yield 15 minutes to the gentleman from Pennsylvania [Mr. BURKE].

Mr. BURKE of Pennsylvania. Mr. Speaker, the gentleman from South Carolina [Mr. JOHNSON] in opening the discussion on this veto message made the statement that "the President has vetoed a great supply bill." Technically that is true, but, speaking broadly, the President of the United States has done nothing of the kind. The President has vetoed two laws—one altering the civil-service statutes and the other abolishing a great court of justice. The President by his veto has not altered a single figure nor changed a single dollar of a single item in that great supply bill. So that the statement that the President has crippled the Government by vetoing a supply bill must necessarily be taken with a great deal of allowance.

He then states, with some suggestion of resentment, that the President of the United States at this time nurtures in his bosom a love of this kingly power of veto. The gentleman from South Carolina points out that the President indulges this a long time after the King of England has yielded it up.

It is very true that for 205 years the head of the British Government has not exercised the veto power, but there is a clear distinction between the King of England and the President of the United States. The King of England is not chosen by the votes of the people and the President of the United States is. Nearly 100 years after that power had been yielded up the men who framed the Constitution of the United States, exercising their wisdom, conferred upon the Executive of this Republic this power, which he has exercised continuously from that day to the present hour.

There are only two methods, Mr. Speaker, by which a President of the United States can interpose his influence in matters of legislation, and one is by his message, suggesting the condition of the Nation; and, secondly, by his veto, which power he has exercised in this case.

Mr. CLAYTON. He can do it in the case of treaties.

Mr. BURKE of Pennsylvania. Yes; he can do it in the case of treaties also. Now, the veto power is spoken of as the "kingly" power, as if to arouse the repugnance of the American people by that expression. It is declared that he uses the power inherited as a divine right of kings. The veto power had nothing to do in its origin with the divine right of kings, but belonged to the Roman tribunes, who exercised it 500 years before Christ was born, in the name of the people and for the protection of the people, and against the patrician magistrates who from time to time had imposed hardships upon them.

Now, as bearing upon the question whether there is an evil inherent in the veto power over the will of the majority, 150 men in the Baltimore convention recently exercised the veto power after a majority of the Democrats of the United States had nominated CHAMP CLARK for President, and that veto power in that instance was not given by the Constitution of the United States, but was conferred upon them by the rules of the party that controls this House at the present time. The veto exercised in that case was to defeat the popular and distinguished Speaker as a nominee for the Presidency and to name another gentleman for the Presidency.

In this respect the Democratic Party was true to its traditions. They named a man who bore the name that is familiar to the young and the old of the American Republic. "Prof. Wilson" is a name familiar not only to the Democrats, but to the Republicans of the country. "Prof. Wilson" is a name that was attached to a piece of legislation that dragged its slimy way through the halls of this Congress 20 years ago and wrote more sheriff sales on mills and factories and mortgages on farms in the United States than any bill that ever was enacted in this Hall for the last 100 years.

You gentlemen have nominated a gentleman who bears this title and this name, and you do not dare to go before the American people on the pretense that you will abolish the veto power; that you would make the President of the United States a mere pigmy and nonentity in the White House. It is true that there are those who would destroy the efficiency, the power, and the dignity of the judicial branch of the Government, and it is astonishing to find men on the floor who would question the exercise by the President of the United States of the proper use of the veto power in dealing with obnoxious legislation.

You must remember that while one class of people are busy destroying the judiciary and you are destroying one of the greatest functions of the executive department, there are others outside that would destroy this Congress as well. It is time, Mr. Speaker, that instead of encouraging the discrediting of the various officers of the Government they aid, by their argument and by their conduct of public affairs, all those upon whom great public responsibility rests. It is time, Mr. Speaker, that we insist that instead of discrediting the various branches of the Government we stand, shoulder touching shoulder, and resist the clamor of those who unthinkingly would destroy the very bulwarks of the American Government. [Applause on the Republican side.]

As to legislation on appropriation bills, it is a vicious system. It has never at any time commanded the admiration, or, I might say, even the respect, of men in either branch of the Congress of the United States. It was justified by the chairman in charge of the bill by saying that "in this way we can force an expression of another branch of the Government on these two great subjects." With a majority of 66 in this House can you not force an expression upon any measure you see fit to bring in here and present to the other end of the Capitol, and if you can, why not do it independently of a great supply bill?

Mr. CLAYTON. Mr. Speaker, will the gentleman yield?

Mr. BURKE of Pennsylvania. Certainly.

Mr. CLAYTON. May I ask the gentleman from Pennsylvania if he has read this document which I hold in my hand, entitled "General Legislation Enacted on Appropriation Acts from December 6, 1897, to March 4, 1911," a book of some 300 pages? They are enactments made by Republican Congresses; so, if the example is vicious, it seems to have the precedent of repeated Republican enactments.

Mr. BURKE of Pennsylvania. Mr. Speaker, if the example is vicious the sin, I admit, lies at the doors of both parties, but that does not lessen the infamy of the transaction in this case. The fact that my party at some previous time did something that was reprehensible does not make it right now. The crime of 1873, which has been denounced throughout the Nation, was one of those things injected into a supply bill, and was condemned universally by the Democrats and a great body of the American people.

I yield back the balance of my time. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield two minutes to the gentleman from Idaho [Mr. FRENCH].

Mr. FRENCH. Mr. Speaker, the time yielded to me will not be sufficient to amplify my position upon the pending bill. One of the propositions that it seems to me should control our vote I am in favor of. The other proposition that has attracted most attention I am opposed to. I am in favor of abolishing the Commerce Court, but on the other hand I am opposed to the proposition of fixing a seven-year tenure to the employees in the various departments of the Government. The latter proposition, however, has seven years through which it may run should it become a law. During that time I have full confidence that the Congress would repeal it should it be enacted. For my part, I shall vote, if it should become a law, on the same day or the next day to repeal it; but, on the other hand, believing, as I do, that the Commerce Court should be abolished, and these two propositions that I regard as controlling being wrapped up together in the same bill, I propose to exercise my best judgment and vote for the passage of the measure. [Applause on the Democratic side.]

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield five minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I do not believe that the veto power should not exist, but I believe I state the sober judgment of most of the people of America when I say that the veto power should only be used in matters of great moment. The trouble with the distinguished gentleman who now is the President of the United States has not been so much in a too frequent use of the veto power as in exhibiting such poor judgment as to when he should use it. Had he seen fit to use the veto power to protect the American people against the iniquities of the Payne-Aldrich bill he would not now find himself in such dire political straits. [Applause on the Democratic side.]

Neither am I one of those who believe that it is always wise to legislate upon appropriation bills, though the right so to do is essential to the liberties of a people, but I have been struck with the peculiar coincidence that those who complain of such legislation do so, not so much because the legislation is upon appropriation bills, but because they do not like the legislation itself. This House has always, under Republican or Democratic rule, seen fit to legislate matters of great importance upon appropriation bills. When President Roosevelt was in the White House, it was upon the Agricultural appropriation bill that you passed a law relating to meat-inspection service, a law that takes four pages of print to state, and involving an expenditure of several million dollars. It was not urged then as an offense because it happened to be upon an appropriation bill.

What is the fact about this veto of the President? There is hardly a man here who does not know that if the President had expressed his full thought the veto would have been simply upon the Commerce Court provision, and being simply on that, this House would have passed the bill over his veto, because two-thirds of the Representatives of this legislative body do not agree with the President as to the wisdom of continuing this court. That is not a matter of inference, but it is a matter of common knowledge. But, having determined to veto the bill, he then finds that here and there is certain opposition to another item in the bill, and concludes that by throwing it in as a makeweight he may be able to get enough men to support his position and thus prevent the repetition of what has happened for two days past, namely, the passage of the bill over his veto. Does any man believe, in regard to a great supply bill at this time of the year, that the enactment in it of this law that does not go into operation for seven years represents such a menace or proposes such a vicious change as to warrant the use of the veto power for that reason? The truth is that the President's discussion of this very matter of civil service is a justification for the action taken by Congress. He admits it is inefficient, but he says he does not like the seven-year-tenure proposition.

I will tell you where the value of the seven-year tenure lies. It puts the inertia of government in favor of keeping out the weaklings and the incompetents, instead of putting, as it is now, the inertia of government and of governmental officials in favor of keeping in the inefficient and the incompetent. What is the vice of the present civil-service law? Not in the method by which men are put in office, but in the fact that through generosity and nonaction the heads of the department keep in the governmental employ men who ought not to be there.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I yield two minutes additional to the gentleman.

Mr. SHERLEY. Much is said about the hardships of men who have only a seven-year tenure; that the amount of worry that they will undergo will cause them to fail to well perform their functions. Does the President mean and believe that the short tenure of four years that he has has caused him so much worry as to whether he may continue in office another term as to prevent him from performing ably his functions, and is that the true explanation of his failure? [Applause on the Democratic side.] The truth is that men are fortunate in life who can look forward to seven years of assured position. I think it would be well if men understood when they went into the departments that it was incumbent upon them to make good or they would have to do for themselves what those in the outside world do—go up against the competition of others more efficient. This is

a tempest in a teapot, largely stirred up by the newspapers of the District, which necessarily pander to the readers of those papers in the District. These same papers raised holy Cain when we undertook to lengthen the hours of labor of employees here 30 minutes a day because it took away 30 minutes in which they could spend their salaries in the stores that advertised in the newspapers. [Applause on the Democratic side.] Out in the country there is no such terrible feeling about the outrage of this provision as to warrant the President in his veto. As I stated a moment ago, the veto is really based on the Commerce Court clause, and men should vote with that understanding. If I agreed with the gentleman from Pennsylvania, I would vote to sustain the veto; but believing that the Commerce Court ought not to exist for railroad matters any more than a special court ought to exist for other kinds of litigation, I for my part shall vote to override the veto of the President. [Loud applause on the Democratic side.]

Mr. TAYLOR of Ohio. I will yield three minutes to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, the question is, Shall this bill pass notwithstanding the objections of the President? So far as the objection to the abolition of the Commerce Court, I am not convinced. I voted against the creation of that court. I voted to abolish it. If it came up as a separate measure I would again vote to abolish it. As to the seven-year tenure clause in this appropriation bill, to my mind the gentlemen who have argued this question have not met the objections of the President, and it seems to me that the merits of this provision are not as clear as they should be. It seems to me this provision would go far to destroy the whole civil service of the Government, and I am not prepared to vote for it upon reconsideration. This practice of attaching general substantive legislation upon appropriation bills is agreed on all hands not to be a good practice. It has been criticized by Members on both sides of the House as an evil. One of the inevitable results touching the practice of attaching general legislation upon appropriation bills is to minimize the functions of the other committees of this House.

In the wisdom of Congress they have divided the labors of the House of Representatives among various committees, the Committee on the Judiciary, the Committee on the Civil Service, and various other committees, who are to attend and give consideration to the different measures of substantive legislation. If we allow the Appropriations Committee to perform that function we will soon have emasculated the other committee so as to render them useless. I think it is a tendency that ought not to be encouraged, and it seems to me that the majority of the House, the Members on the other side of the Chamber, ought to have no difficulty in presenting both of these propositions as independent measures, one reported from the Interstate Commerce Committee and the other reported from the Committee on the Civil Service. When so reported they would command more respect and receive more careful consideration than if they were to be taken up by main strength on an appropriation bill, without the information and consideration that those committees could give to the subject. For that reason I am not satisfied that the bill ought to pass notwithstanding the President's objection, and I shall vote to sustain the veto.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. JOHNSON of South Carolina. I hope the gentleman from Ohio [Mr. TAYLOR] will use some of his time; I have only two speeches more on this side.

Mr. TAYLOR of Ohio. Then go ahead with one.

Mr. JOHNSON of South Carolina. I yield seven minutes to the gentleman from Texas [Mr. BURLESON]. [Applause on the Democratic side.]

Mr. BURLESON. Mr. Speaker, I can not believe that the President of the United States is possessed of such inordinate conceit and vanity as to think that his individual views are sounder and more to be preferred in all matters of legislation than the concrete wisdom of the majority of this House and the deliberate conclusions of the majority of the Senate, and yet, if we are to judge by what has happened during the last two or three days, during which a sluice of veto messages has been poured in upon us, the President must have reached that conclusion. Notwithstanding I belong to the opposite political school, or, rather, hold to a different political faith from the President, yet I must say that I believe he is a good man. I believe the President wants to do what he thinks best in all matters of legislation as he sees it, but unfortunately the President is not always permitted to see things just as they are. We all know that the President is a man easily persuaded, and I am driven to the conclusion, having listened carefully to this message that he sent to us vetoing this bill, that he has adopted the conclusions of others rather than reached and expressed conclusions of his own. [Applause on the Democratic side.]

He speaks in his message of the grave dangers of engrafting substantive legislation upon appropriation bills, and yet one must confess that he was quite slow to wake up to that danger. Two years of his administration passed by and while the Members on the Republican side of the Chamber constituted the majority and were in control of appropriation bills never through a veto message did he voice this belief and point out that great danger. Why is it that he has reached this conclusion just at this time; is it not that he opposes what is being done rather than how it is being done? And, Mr. Speaker, what particular matters are inveighed against by the President in this message? Two propositions of legislation dealing with matters which were peculiarly germane to the subject matter dealt with in this bill. We have not violated any of our established customs in this effort at legislation, neither have we violated any of the traditions of the English-speaking people in so far as they relate to lawmaking on supply bills. For centuries the English people, whenever they saw fit, have insisted upon their right to attach conditions to bills granting money to the Crown. In our own appropriation bills we have always insisted on the right to impose limitations; to fix conditions upon expenditures to be made. We had a court provided for in this bill—the Commerce Court—a court which the body granting supplies regarded as unnecessary, a court that had been discredited, a court that had become useless, and surely the representatives of the people, who are chargeable with responsibility for the handling of the public purse, have a right to say "We will no longer appropriate for this court but will abolish it." I say we have such right and that we can say so in this very bill. But, Mr. Speaker, I do not desire to discuss that portion of the President's message dealing with the Commerce Court. I will discuss the other feature of his message.

I was particularly struck by one statement made by the gentleman from Kentucky [Mr. SHERLEY] with reference to section 5 of the bill dealing with the civil service, upon which the President also bases his veto. A careful reading of the President's message vetoing this section relating to the classified service will show that it is a splendid argument in support of the proposition we embodied in this bill.

Now, upon what does the President really base objection to section 5? Aside from pointing to the danger of legislation upon appropriation bills what does he say? In the first place he commends section 4 of our bill, saying it is most meritorious. He points out that in section 4 there is a provision under which the superannuated clerk must go when his inefficiency is determined, which inefficiency is to be determined by a record, which is required to be kept and which is provided for in section 4; and yet the principal, and I might say the controlling, ground upon which he bases his veto of section 5 is that it affords an opportunity for an exercise of prejudice and arbitrary power on the part of the bureau chief in making up this efficiency record, which is, as I have said, conferred upon such bureau chief by section 4, which the President commends so highly to this House.

Now, only one other ground is urged by the President as the basis of his veto, and that is that the peace of mind and contentment of the clerks will be destroyed or so impaired that they can not properly discharge their official duties if we prescribe for them a fixed tenure of office. How can the President reach such a conclusion? Does a fixed tenure of office have this effect? The tenure of our own offices is fixed. Is our peace of mind so disturbed that we are unable to properly discharge our duties? Has the President himself been unable to properly discharge the duties imposed upon him? Why, his tenure of office is fixed at four years. Has his peace of mind been so disturbed, has he been so discontented in the discharge of his official duties that he has been unable to properly discharge the duties imposed upon him by the laws and Constitution of our country? Gentlemen, I confess that he has been greatly disturbed, and that he is greatly disturbed now; and this disturbance of his mind, in my deliberate opinion, is the occasion of the frequency of these veto messages at this time. [Applause on the Democratic side.] The President declares for a contributory pension for Government employees, which means ultimately a civil-pension list. This legislation we propose is the other alternative.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. TAYLOR of Ohio. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. MANN].

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for four and one-half minutes.

Mr. MANN. Mr. Speaker, I yield to the gentleman from New Jersey [Mr. KINKEAD] half a minute, at his request. [Laughter.]

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. KINKEAD] is recognized for half a minute.

Mr. KINKEAD of New Jersey. Mr. Speaker, as a member of the Committee on Appropriations, I am deeply grateful to the gentleman from Illinois [Mr. MANN] for yielding me 10 minutes. I could not get it on my own side, because I differ from the majority on that side for the second time during my experience on this floor. The first occasion was when I voted against the majority in regard to battleships. I am in favor of building two battleships each year and will vote accordingly. I am also desirous of seeing our Nation lead the world in airships and will vote for any reasonable appropriation to accomplish that purpose. In my judgment the nation that leads the way in aerial accomplishments will lead the world in peace as well as in war.

The second occasion was when I voted for the establishment of a tariff commission, starting out with the Speaker and continuing with the Speaker as far as he went.

Mr. Speaker, I agree heartily with what the gentleman from Texas [Mr. BURLESON] has said with regard to the veto power of the President. Truly, if he had exercised that power against the Payne-Aldrich bill he might have saved himself and the Nation considerable trouble.

Mr. BURLESON. Woes.

Mr. KINKEAD of New Jersey. Yes; woes, as my friend from Texas says.

Now, Mr. Speaker, I am in favor of the abolishment of the Commerce Court [applause], but I am in favor of retaining the civil-service feature in all its fullness. [Applause.] I do not think that my good friend from Texas [Mr. BURLESON] stated the case exactly right.

We are elected for two years and are paid a fairly remunerative salary, while the clerks and others in the employ of the Government, when they assumed their places, expected to fill them for life at a salary that at times does not provide a decent living for themselves and their families.

I will favor a seven-year tenure when the Government does what many of our large railroad and mercantile corporations now do, namely, pay their men pensions after 25 or 30 years of faithful service. I am heartily in favor of this reform, and I hope to have an opportunity to vote to enact it into law.

I am opposed to continuing the Commerce Court and would so vote if this question were alone before the House. I am in favor of retaining the civil service in all its integrity and would so vote if I had the opportunity.

Now that I must vote on the questions together I will vote to sustain the President's veto and thus, I trust, add an hour of happiness to the Government employees who so faithfully serve the Nation. [Applause.]

Mr. MANN. In order to satisfy the curiosity of the House, which must have been raised by the remarks of the gentleman from New Jersey, as to where he really stands, I may say that while I yielded him time, I understand he votes on the other side. [Laughter.]

Mr. KINKEAD of New Jersey. That is true. [Laughter.]

Mr. MANN. Mr. Speaker, considerable criticism has been indulged in by gentlemen on the other side of the House against the President for exercising the right conferred upon him by the Constitution in sending in a veto message; and we are told that the King of England has not vetoed a bill of Parliament for lo, these many, many years, or hundreds of years.

The truth is that the King of England has not vetoed a bill of Parliament for almost, if not more than, a hundred years before our Constitution makers wrote into the Constitution the right of the President to exercise his prerogatives in a veto message, and the reason is very clear. We do not have what is known as a responsible ministry or a responsible Government. The people of the United States elect the Members of the House of Representatives, and the same people elect the President, not under the control of the House of Representatives. In England the people who elect the House of Commons elect, at the same time and with the same votes, the same officials as the ministry to be placed in power; and the President of the United States, who is responsible not to us as the English ministry is responsible to Parliament, but is responsible to the people who elected him, has the same right to express his opinion concerning legislation that we have to express ours.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. MANN. We first pass upon the propositions, and when we send them to the President, if he disapproves he exercises his right, and then we have another chance here under the provisions of the Constitution.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Yes.

Mr. COOPER. I wish to suggest one thing that the gentleman from Illinois, of course, is familiar with, and that is that the veto of the King of England is different from that of the President of the United States. The veto of the King of England is an absolute veto, and that is the reason why he does not exercise it. The veto of the President is a qualified veto, which can be overturned by a two-thirds vote.

Mr. MANN. Well, I understand what the gentleman says, but the principal reason why it is not exercised there is because the ministry are the ones who bring in the legislation, and they are the ones who are in control of Parliament, and the moment they can not enact their legislation they are compelled to resign and appeal to the people. It would be impossible for the men who present the legislation to confront a situation where they are required to veto the very legislation which they prepared and which they enacted.

Now, Mr. Speaker, I do not propose to detain the House with an argument on the subject of the Commerce Court or the seven-year-tenure provision. I voted for the conference report. I am not inimical to the proposition that there should be a fixed tenure for the clerks and other officials of the Government in Washington. I am not imbued with any great affection for the Commerce Court. I declined, in the first instance, to introduce into this House a bill providing for the Commerce Court, but it is fair to the gentlemen on the other side of the aisle to say that the father of the Commerce Court was William R. Hearst, whom many of those gentlemen are now praying will be lenient in this campaign. [Laughter.] When Mr. Hearst was a Member of this House he introduced a bill providing for a court of transportation. Other gentlemen afterwards introduced somewhat similar bills. The Commerce Court, under a different title, was first found in a bill reported to this House known as the Esch-Townsend bill. It was the contribution of the now Senator from Michigan, then a Member of the House, Mr. TOWNSEND. It was voted for by every gentleman on the Democratic side of the House at the time.

Mr. BURLESON. Evil mixed with good.

Mr. MANN. I do not know what good there was in the bill, but that was the sum and substance of it. Gentlemen then hailed it as the very acme of perfection. When the Commerce Court came before the House, in the bill in which it was enacted, I had charge of the bill. Everyone in the House then knew my position upon that matter. I defended the proposition as representing the committee, without undertaking to defend it from the personal standpoint, but it was enacted into law. Now, to me it is childish for Congress to create a court in one term of Congress and repeal it in the next, without giving time to demonstrate whether it works well or works ill.

Mr. Speaker, in connection with the criticism of the President, I desire to call the attention of the House to a plank in the platform of the Democratic Party recently enacted at Baltimore:

> We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

This morning the distinguished gentleman from Texas [Mr. HENRY], chairman of the Committee on Rules, presented a report from that committee about an inconsequential matter, while there is pending in this House a resolution reported from the Committee on the Judiciary to carry into effect this provision for a single term for President. Where is the gentleman from Texas [Mr. HENRY]? Why does not the gentleman from Texas present to this House a report from the Committee on Rules giving the House a chance to vote for a constitutional amendment to make the presidential term one term?

Mr. CLAYTON. And the gentleman might also say in that connection that there has been pending before the Rules Committee for some weeks a resolution providing that a special rule be brought into the House giving the House a chance to act on this presidential one-term joint resolution.

Mr. MANN. The distinguished Committee on Rules has plenty of time to bring in idle nonsense concerning the purchase of Monticello, but no time to present a resolution concerning the most important thing now pending before the American people, a constitutional amendment which in the future will limit the presidential term to one term and make the holder of that office forever ineligible to another. I hope the gentlemen on that side of the aisle will read their platform and compel the Committee on Rules to act in this matter.

Mr. RODDENBERY. Mr. Speaker, I will say in connection with what the gentleman from Alabama [Mr. CLAYTON] has just said that there has also been pending before the Committee on

Rules for more than two months a special rule, introduced by me, providing for the bringing out from the Rules Committee a special order providing for consideration at this session of the immigration bill to which our party since 1896 has been committed, and on which subject our candidate for President has, in his valuable historical works, expressed himself in former times, and I sincerely hope the gentleman can induce the Committee on Rules to act favorably at once on that. I agree with the gentleman that these measures demanded by our platforms and the people are much more important than a special rule to consider forcing the owner against his will to sell "Monticello," that we used to call Monticello. [Laughter.]

Mr. HILL. Is not the gentleman from Illinois aware that since that Democratic platform was made a very high authority has announced that a platform is not a program, but simply something to call attention to what the people are thinking of?

Mr. MANN. I am endeavoring to call attention to a matter that the people are thinking of at this time.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. MANN. In a moment. At this time, in the condition that the country is in concerning politics now, it ought to be able to adopt unanimously, and without a dissenting voice, an amendment to the Constitution fixing the presidential term for six years, and rendering any person who hereafter holds it ineligible for another term.

Mr. KINKEAD of New Jersey. Mr. Chairman, will the gentleman yield?

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. My time is up.

The SPEAKER. The gentleman from South Carolina has 14 minutes remaining.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, it is refreshing to find Republicans studying the Democratic platform. After the action of the House in the last two days in passing two important tariff bills over the President's vetoes, I feel quite confident that if more Republicans studied attentively the Democratic platform we could enact our entire program before the session ends. [Laughter and applause.]

The President of the United States in his message asserts that nothing but reasons of special importance justify the vetoing of a great supply bill for the Government. He states that in his veto message of the Army bill he gave reasons justifying the vetoes of this character which he would not repeat. In that veto message, Mr. Speaker, the President says:

> The dangers inherent in the practice of attaching substantive legislation to appropriation bills have been frequently pointed out by my predecessors. The only justification that has been offered for such practice is that it has been found a convenient method for facilitating the passage of measures which are deemed expedient by all the branches of government which participate in legislation. Thus, it has more than once occurred that useful items of Army legislation, generally of an urgent character, have been passed in this manner, when the desirability of the enactment was recognized and acquiesced in by the common censent of both the Executive and of Congress.

It is almost impertinent for a President to criticize the manner in which the Congress transacts its business. It is the display of a shocking ignorance of the history and of development of the free institutions among the Anglo-Saxon people for the President and others to inveigh against the practice of attaching important legislation demanded by the representatives of the people to the bills which carry the public money for the maintenance of the Government.

In the Federalist, fifty-seventh number, in an article written by Madison or Hamilton, and generally accredited to Hamilton, we find the following passage:

> The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse, that powerful instrument by which we behold, in the history of the British constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the Government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.

Here are succinctly stated the reasons that, in our Constitution, no limitation was placed upon the power of the Representatives of the people to grant supplies of public money for the maintenance of the Government, under such conditions as the people's Representatives themselves should determine.

Formerly the rules of the two Houses prohibited legislation on appropriation bills. Such was not the custom for a long period after the organization of the Government. The rules of the House to-day, adopted under specific grant of power in the Constitution, authorize legislation designed to accomplish certain reforms upon such bills. The rules adopted at various times by both Houses to prohibit designated legislation upon the appropriation bills were adopted without reference to or thought of the Executive. They were designed merely to prevent deadlocks between the two Houses, and not for the convenience of or to please the Executive. The President's statement that legislation has at various times been included in appropriation bills when the Congress and the Executive were in accord as to its wisdom is erroneous, and based upon a misunderstanding of events in our history.

All of the commentators on the Constitution, Mr. Speaker, are agreed as to the grounds upon which the veto should properly be exercised.

Mr. Tucker, in his well-known work on the Constitution, sums them up as well as any of them:

> The purpose of the veto power—

He says—

> may be summarized to protect the Executive power against invasion by Congress, against hostile or insufficient action of Congress under the eighteenth clause of section 8, Article I, above referred to. To protect the Constituion against the unconstitutional legislative action and against injudicious and hasty legislation.

Calhoun, in a memorable speech on the veto power, delivered in the Senate in 1842, gave one other reason that might justify the President's action. He said that—

> he might find it necessary to interpose his veto for the maintenance of his views of the Constitution, or the policy of the party of which he is the head, and which elevated him to power.

The President bases his veto, Mr. Speaker, of this bill, first upon his disapproval of section 5, one of the provisions relating to the civil service, because, as he states:

> I do not think it will accomplish its proposed purpose. I do not think it adds anything in efficiency to the provision of section 4.

He objects because he does not think it will be effective and because he is not willing to risk the possible danger to the civil service by its enactment. Is that one of the grave reasons set forth by the commentators as a justification for a veto? The other reason is that the Congress proposes to abolish the Commerce Court.

What is the history of the Commerce Court? It appeared for the first time in what was known as the administration bill in the Sixty-first Congress, relative to the regulation of rates. It failed of being stricken out of the bill in the Committee of the Whole House on the state of the Union when under consideration in the House by a tie vote. It was retained in the bill on a motion to recommit on May 10, 1910, by a vote of 157 ayes to 176 noes.

In the Senate, on June 3, 1910, the vote on the motion to strike out the court was 25 ayes to 38 noes. This Commerce Court has never been recommended in any Republican platform. It was not even mentioned in the recent Republican platform. It is the single pet idea of the Chief Executive of the United States. There is now an overwhelming sentiment in both Houses against its continuance. In the Senate, at this session, the vote was 24 for retaining the court and 36 for abolishing it. The action of the Democratic House in abolishing this court was approved by the Democratic convention at Baltimore because it approves our record here. It is approved by the only progressive party, the Democratic Party. The answer to the President's question as to why the court should be abolished can be found in the platform of the pseudoprogressive party, the so-called Bull Moose Party, the head of which is his erstwhile great friend and former sponsor, Col. Roosevelt. [Applause on the Democratic side.]

In that platform is found this declaration·

> In order that the power of the commission—

The Interstate Commerce Commission—

> to protect the people may not be impaired or destroyed, we demand the abolition of the Commerce Court.

Real progressives and pseudoprogressives all unite in the demand for the abolition of the court, and only those stand against it who have been stigmatized and fixed as the real reactionaries headed by the President, William H. Taft. [Applause on the Democratic side.]

Mr. Speaker, I have had prepared this volume of 300 pages containing a résumé of legislation enacted upon appropriation bills during the last 16 years of Republican Congresses. I have a list of the more important items which I shall include in the RECORD. The President declaims against the practice of including legislation in appropriation bills. He should be the last man in public life to do so. He has been the chief beneficiary personally of two of the most important pieces of legislation ever enacted upon appropriation bills during our history. In 1910 the salary of the President was increased in an appropriation bill from $50,000 to $75,000 a year, and he has been the only

beneficiary of such legislation. I wonder whether the man who was then President, if he could have foreseen the future and pictured the events of to-day, would have so readily approved that bill giving such benefits to the present Chief Executive? [Applause and laughter on the Democratic side.]

On July 4, 1901, the Army appropriation bill, one of the bills lately vetoed by the President because it carried far-reaching legislation, was approved by President McKinley, and that bill contained the legislation under which Mr. Taft was appointed as the civil governor of the Philippine Islands, and under which he exercised the comprehensive powers given to him as such governor [applause on the Democratic side], and under which he obtained his first recognition at the hands of the American people since the time he had been guilty of issuing indefensible injunctions in labor cases when a judge of the United States court.

Mr. Speaker, what is the justification for legislation on appropriation bills? This very bill speaks more eloquently of the necessity than any other action that could be taken by Congress. It contains a provision that no vacancies in the War Department shall be filled until the number of employees there shall be reduced 5 per cent. The President has the power to make this necessary reduction. The War Department is overloaded with unnecessary employees. The President knows that better than any other man in the Government, because he served at the head of this department himself as the Secretary of War. He does not criticize Congress for putting this coercion into this legislative appropriation bill. He does not find fault with Congress for enacting this legislation. He knows it is a necessity. He knows that if he performs his duty, or if he had performed his duty, Congress would not be obliged to put this coercion into this bill; and yet, failing to perform his duty, he acquiesces in this provision to compel them to make the necessary reduction.

Mr. Speaker, that brings me to remind the House that Mr. Bryce, in his great work on the American Commonwealth, calls attention to the fact that the Congress has only two powers of coercion over the Executive; one the power of impeachment, which can only be exercised under conditions of the most extraordinary character; and the other the power to place legislation in appropriation bills and to compel the President to accept legislation demanded by the people in return for the grants of money to maintain the Government. [Applause on the Democratic side.]

Let me in this connection call attention to the attitude of a Republican Senate upon this question of vetoes by the President. It had long been contended that the only ground upon which the President should exercise the power was that the legislation was an invasion of the Constitution. By degrees this contention was abandoned. The commentators have concluded, however, that only for the most weighty reasons, either the encroachment of Congress upon the Executive or because of hasty, ill-considered legislation, should the President interpose his veto. None of those reasons exists in this case. No such reasons are given in the veto message.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that my time be extended for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. FITZGERALD. A Republican Senate in the Fiftieth Congress took up the question of certain vetoes by President Cleveland, and a committee made an elaborate report thereon, in which is this statement:

> It can not be maintained upon any fair construction of the Constitution that the power of Executive disapproval ought to be exercised upon acts of this character for the sole reason that the President differs in opinion from Congress upon a mere question of the weight of testimony, or upon the expediency of a special act which subserves a proper general purpose and which imperils no power of any other department.

Mr. Speaker, this House within the past few days reasserted its prerogative when it compelled another branch of the Congress to accept its dictation that in granting supplies for the support of the Government useless and unnecessary offices should be abolished. That fight has continued for eight or nine years.

The House has finally been vindicated in its right to control the purse of the people. Here comes a second controversy now between the House—the representative of the people—and the Executive. I believe the most important thing before this House is that it shall assert again its prerogatives and that it shall send notice to the Executive and to every other branch of the Government that the Representatives of the people propose to maintain inviolate their right to control the supplies for the support of the Government upon the conditions which they lay down and upon no other. I hope the House will rally to the support of that principle and send this bill to the Senate, the objections of the President notwithstanding. [Applause on the Democratic side.]

List of most important legislation enacted on general appropriation acts during the period December 6, 1897, to March 4, 1911:

Meat-inspection law.
Declaration of relations with Cuba following the Spanish War (known as the Spooner Act).
Travel allowances and pay of the Army.
First provision for civil government of the Philippine Islands.
Creation of the Dental Corps of the Army.
Amendment of the Chinese-exclusion act.
Antideficiency law.
Jamestown Exposition.
District of Columbia:
- Creation of the board of education.
- Taxation of real estate.
- Taxation of personal property.
- Taxation by licenses.
- Vagrancy law.
- Regulation of gas and electric companies.
- Reformatory and workhouse established.
- Regulation of public lighting.

Coeur d'Alene, Red Lake, and Blackfeet Indian Reservations opened to entry.
Important agreements effected with Indian tribes.
General law regulating purchase of supplies for executive departments.
Pay and allowances of the Navy.
Increase in strength of Navy and Marine Corps.
Paris Exposition.
Amendment of the act providing for the Louisiana Purchase Exposition.
House of Representatives and Senate Office Buildings and the Capitol power plant.
Jamestown Exposition.
Alaska-Yukon-Pacific Exposition.
Enlargement of the Capitol Grounds.
Many important acts affecting the construction of the Panama Canal.

The foregoing, together with much other legislation general in character but of minor importance, comprises about one-half of the entire bulk of legislation enacted on general appropriation acts during the period stated. The one-half not included in the volume is legislation, but of such a personal or unimportant character as to preclude its inclusion therein.

In addition to the foregoing, much minor legislation affecting all branches of the Government service has been enacted. Acts regulating estimates of appropriations, expenditure of appropriations, correcting abuses in the administration of governmental affairs, affecting employees of the Government, purchase or disposition of public property; in fact, touching every branch of the service in every conceivable manner.

The legislative, executive, and judicial appropriation act for the fiscal year 1910 increased the salary of the President of the United States from $50,000 to $75,000 per annum and fixed the compensation of the President thereafter at $75,000.

On July 4, 1901, President McKinley appointed Mr. Taft first civil governor of the Philippine Islands under authority of legislation enacted on the Army appropriation act for the fiscal year 1902, and under the provisions of which legislation he performed the duties of civil governor.

The legislative, executive, and judicial appropriation bill for the fiscal year 1908 contained a provision increasing salaries of Members of Congress and of the heads of the executive departments. The salary of the Secretary of War under the provisions of this legislation was increased from $8,000 to $12,000.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill the objections of the President to the contrary notwithstanding? Upon that question the Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 107, answered "present" 8, not voting 129, as follows:

YEAS—147.

Adair	Connell	French	Hensley
Adamson	Conry	Gallagher	Holland
Aiken, S. C.	Covington	George	Houston
Alexander	Davenport	Gill	Howard
Anderson, Minn.	Davis, Minn.	Glass	Hull
Ansberry	Davis, W. Va.	Godwin, N. C.	Humphreys, Miss.
Ashbrook	Dent	Goeke	Jackson
Ayres	Denver	Good	Jacoway
Bathrick	Difenderfer	Goodwin, Ark.	Johnson, Ky.
Beall, Tex.	Dixon, Ind.	Graham	Jones
Blackmon	Doremus	Gray	Kendall
Booher	Doughton	Green, Iowa	Kitchin
Borland	Driscoll, D. A.	Gregg, Pa.	Konig
Brown	Estopinal	Hamilton, W. Va.	Korbly
Buchanan	Evans	Hamlin	La Follette
Bulkley	Faison	Hammond	Lee, Ga.
Burke, Wis.	Fergusson	Hardy	Lee, Pa.
Burleson	Ferris	Harrison, Miss.	Lindbergh
Burnett	Finley	Harrison, N. Y.	Linthicum
Byrns, Tenn.	Fitzgerald	Haugen	Littlepage
Candler	Flood, Va.	Hayden	Lloyd
Carter	Floyd, Ark.	Heflin	McDermott
Clayton	Fornes	Helm	McKellar
Cline	Fowler	Henry, Tex.	Maguire, Nebr.

Maher	Post	Sherley	Townsend
Martin, Colo.	Rainey	Sims	Tribble
Moon, Tenn.	Raker	Sisson	Turnbull
Morrison	Ransdell, La.	Smith, Tex.	Underhill
Morse, Wis.	Rauch	Stanley	Underwood
Moss, Ind.	Roddenbery	Stedman	Watkins
Neeley	Rothermel	Stephens, Miss.	Webb
Oldfield	Rucker, Colo.	Stephens, Nebr.	White
Padgett	Russell	Stephens, Tex.	Wilson, Pa.
Page	Sabath	Stone	Witherspoon
Palmer	Saunders	Sweet	Young, Kans.
Pepper	Scully	Taggart	The Speaker
Pickett	Shackleford	Thomas	

NAYS—107.

Ainey	Fairchild	Longworth	Reyburn
Allen	Farr	Loud	Roberts, Mass.
Anthony	Focht	McCoy	Rodenberg
Austin	Foss	McCreary	Sells
Barchfeld	Gardner, Mass.	McKinney	Sharp
Bartholdt	Gardner, N. J.	McLaughlin	Simmons
Bates	Greene, Mass.	McMorran	Sloan
Bowman	Greene, Vt.	Mann	Smith, Saml. W.
Bradley	Griest	Matthews	Speer
Brantley	Hamill	Miller	Steenerson
Browning	Hamilton, Mich.	Mondell	Sterling
Burke, Pa.	Harris	Moore, Pa.	Stevens, Minn.
Burke, S. Dak.	Heald	Morgan	Sulloway
Butler	Hill	Mott	Sulzer
Calder	Howell	Murray	Switzer
Campbell	Howland	Needham	Talcott, N. Y.
Cannon	Humphrey, Wash.	Norris	Taylor, Ohio.
Cooper	Kahn	Olmsted	Thayer
Crago	Kennedy	O'Shaunessy	Towner
Curley	Kent	Patton, Pa.	Utter
Danforth	Kinkaid, Nebr.	Payne	Warburton
De Forest	Kinkead, N. J.	Peters	Wedemeyer
Dodds	Lafean	Plumley	Weeks
Donohoe	Lafferty	Porter	Whitacre
Draper	Lawrence	Pray	Willis
Driscoll, M. E.	Levy	Rees	Wilson, Ill.
Dwight	Lobeck	Reilly	

ANSWERED "PRESENT"—8.

Foster	Hawley	Johnson, S. C.	Smith, J. M. C.
Goldfogle	Hughes, W. Va.	Riordan	Vare

NOT VOTING—129.

Akin, N. Y.	Dupré	Lamb	Richardson
Ames	Dyer	Langham	Roberts, Nev.
Anderson, Ohio	Edwards	Langley	Robinson
Andrus	Ellerbe	Legare	Rouse
Barnhart	Esch	Lenroot	Rubey
Bartlett	Fields	Lever	Rucker, Mo.
Bell, Ga.	Fordney	Lewis	Sheppard
Berger	Francis	Lindsay	Sherwood
Boehne	Fuller	Littleton	Slayden
Broussard	Garner	McCall	Slemp
Burgess	Garrett	McGillicuddy	Small
Byrnes, S. C.	Gillett	McGuire, Okla.	Smith, Cal.
Callaway	Gould	McHenry	Smith, N. Y.
Cantrill	Gregg, Tex.	McKenzie	Sparkman
Carlin	Gudger	McKinley	Stack
Cary	Guernsey	Macon	Stephens, Cal.
Clark, Fla.	Hanna	Madden	Talbott, Md.
Claypool	Hardwick	Martin, S. Dak.	Taylor, Ala.
Collier	Hartman	Mays	Taylor, Colo.
Copley	Hay	Moon, Pa.	Thistlewood
Cox, Ind.	Hayes	Moore, Tex.	Tilson
Cox, Ohio	Helgesen	Murdock	Tuttle
Cravens	Henry, Conn.	Nelson	Volstead
Crumpacker	Higgins	Nye	Vreeland
Cullop	Hinds	Parran	Wilder
Currier	Hobson	Patten, N. Y.	Wilson, N. Y.
Curry	Hughes, Ga.	Pou	Wood, N. J.
Dalzell	Hughes, N. J.	Powers	Woods, Iowa
Daugherty	James	Prince	Young, Mich.
Davidson	Kindred	Prouty	Young, Tex.
Dickinson	Knowland	Pujo	
Dickson, Miss.	Konop	Randell, Tex.	
Dies	Kopp	Redfield	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye."

The Clerk announced the following pairs on the legislative bill:

On vetoes of the President:

Mr. GREGG of Texas and Mr. COLLIER with Mr. WOODS of Iowa.

Mr. ROBINSON and Mr. STACK with Mr. VREELAND.

Mr. CARLIN and Mr. SMALL with Mr. WOOD of New Jersey.

Mr. LEVER and Mr. POU with Mr. SLEMP.

Mr. CLAYPOOL and Mr. HUGHES of New Jersey with Mr. PRINCE.

Mr. DUPRÉ and Mr. SHEPPARD with Mr. KNOWLAND.

Mr. BOEHNE and Mr. CLARK of Florida with Mr. FULLER.

Mr. LEWIS and Mr. REDFIELD with Mr. WILDER.

Mr. CULLOP and Mr. DICKINSON with Mr. HIGGINS.

Mr. MACON and Mr. LEGARE with Mr. STEPHENS of California.

Mr. DIES and Mr. TAYLOR of Colorado with Mr. AMES.

Mr. MCHENRY and Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. FRANCIS and Mr. SLAYDEN with Mr. TILSON.

Mr. CALLAWAY and Mr. HARDWICK with Mr. MOON of Pennsylvania.

Mr. MOORE of Texas and Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. SMITH of New York and Mr. DICKSON of Mississippi with Mr. COPLEY.

Mr. ROUSE and Mr. CRAVENS with Mr. HAYES.

Mr. LAMB and Mr. KINDRED with Mr. MCGUIRE of Oklahoma.

Mr. YOUNG of Texas and Mr. EDWARDS with Mr. DALZELL.

Mr. KONOP and Mr. FIELDS with Mr. LANGLEY.

Mr. ANDERSON of Ohio and Mr. GARNER with Mr. HINDS.

Mr. TUTTLE and Mr. COX of Ohio with Mr. NYE.

Mr. TAYLOR of Alabama and Mr. BARTLETT with Mr. HARTMAN.

Mr. HUGHES of Georgia and Mr. GARRETT with Mr. FORDNEY.

Mr. WILSON of New York and Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. BROUSSARD and Mr. BURGESS with Mr. YOUNG of Michigan.

Mr. CANTRILL and Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. DAUGHERTY and Mr. ELLERBE with Mr. CURRIER.

Mr. GOULD and Mr. RUBEY with Mr. HAWLEY.

Mr. SHERWOOD and Mr. BELL of Georgia with Mr. LANGHAM.

Mr. COX of Indiana and Mr. LITTLETON with Mr. MCKINLEY.

Mr. HOBSON and Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. BARNHART and Mr. LINDSAY with Mr. HENRY of Connecticut.

Mr. PUJO and Mr. PATTEN of New York (to override the veto) with Mr. ROBERTS of Nevada.

Mr. GOLDFOGLE and Mr. HAY with Mr. CRUMPACKER (for sustaining the President).

Mr. JAMES (in favor of passing bill over veto) with Mr. MCCALL (against).

Until further notice:

Mr. MAYS with Mr. THISTLEWOOD.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. SPARKMAN with Mr. DAVIDSON.

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. FOSTER with Mr. KOPP.

Mr. FOSTER. Mr. Speaker, I am paired with the gentleman from Wisconsin, Mr. KOPP, and I desire to withdraw my vote of "aye" and answer "present."

The SPEAKER. Call the gentleman's name.

The name of Mr. FOSTER was called, and he answered "Present."

Mr. JOHNSON of South Carolina. Mr. Speaker, I am paired with the gentleman from Massachusetts, Mr. GILLETT, and I desire to withdraw my vote of "aye" and answer "present."

The name of Mr. JOHNSON of South Carolina was called, and he answered "Present."

The SPEAKER. On this vote the yeas are 147, the nays are 107, present 8, and the House refuses to pass the bill the objections of the President to the contrary notwithstanding. [Applause on the Republican side.]

CIVIL GOVERNMENT IN THE PHILIPPINE ISLANDS (S. DOC. NO. 927).

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying documents, referred to the Committee on Insular Affairs and ordered to be printed:

To the Senate and House of Representatives:

As required by section 86 of the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," I transmit herewith a set of the laws enacted by the Second Philippine Legislature during its second session, from October 16, 1911, to February 6, 1912, inclusive, and also certain laws enacted by the Philippine Commission.

WM. H. TAFT.

THE WHITE HOUSE, *August 15, 1912.*

WOOL TARIFF BILL.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to extend my remarks for the purpose of inserting in the RECORD some observations on the passage of the wool tariff bill (H. R. 22195) over the President's veto.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] asks unanimous consent to extend in the RECORD his remarks on the wool bill. Is there objection?

There was no objection.

Following are the remarks referred to:

"HAS OR HAS NOT THE WOOL TARIFF BILL BEEN PASSED BY THE HOUSE OVER THE PRESIDENT'S VETO?

"When the question came up August 13, 1912, 174 Members voted to pass the bill over the President's veto, 80 Members voted against it, and 10, when their names were called, answered 'present.' There were, as shown by the Journal, 264

Members present. Two-thirds of that number would be 176, but there were only 174 votes cast in favor of the passage of the bill. The total membership of this House at the present time is 394, but there are 4 vacancies, so that the total number entitled to vote would be 390, of which 260 would constitute two-thirds.

"The constitutional provision upon the subject is as follows:

"Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approves, he shall sign it; but if not, he shall return it with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each House respectively.

"If the phrase 'two-thirds of that House' means two-thirds of the entire membership, it is plain that the bill has not received the requisite constitutional majority of two-thirds. There are some judicial decisions to the effect that two-thirds of the entire membership are required. Thus in State *v.* Gould (31 Minn. Repts., 189) it was decided, as stated in the syllabus, that the 'two-thirds vote by which our constitution authorizes the legislature to establish new courts is a vote in each house of all the members thereof.' The majority of the decisions, however, are not to that effect. Thus in the Bonded Debt cases, reported in Twelfth South Caroline Reports, it was decided by the supreme court of that State, as appears from paragraph 19 of the syllabus, that—

"The provision in section 7, article 6 of the State constitution, that no law creating a public debt 'shall take effect until it shall have been passed by a vote of two-thirds of the members of the general assembly,' etc., means two-thirds of the members present, a quorum voting.

"And in Smith *v.* Jennings, reported in 67 S. C. Reports, at page 324, the same court decided, as stated in the syllabus, that—

"Under section 23, article 4, of the constitution, two-thirds of the members of the house of representatives, in a lawfully constituted session, are sufficient to pass a joint resolution over the veto of the governor.

"The justice delivering the opinion of the court in that case, said:

"When the constitution speaks of 'two-thirds of that house' as the vote required to pass a bill or joint resolution over the veto of the governor, it means two-thirds of the house as then legally constituted and acting upon the matter.

"To the same effect is State *v.* McBride (4 Mo., 186).

"That is in harmony with the parliamentary rulings in either House of Congress.

"The two-thirds vote required to pass a bill, notwithstanding the objections of the President, is 'two-thirds of the Members present.' (4 Hinds, 3537.)

"On July 8, 1856, the House having under consideration a bill which had been vetoed by the President, it was, by a vote of 139 to 55, resolved that the bill be passed, two-thirds of the Members present agreeing thereto. Fourth Hinds, page 3538, note 2 of which reads as follows:

"The principle that two-thirds of those present are sufficient was established on March 3, 1845 (2d sess. 28th Cong., Journal, p. 567; Globe, p. 396), when the House passed a Senate bill over a veto by a vote of yeas 127, nays 30, a yea vote considerably less than the entire membership. Mr. Speaker Jones declared 'that the bill was passed by the constitutional majority of two-thirds.' On July 7, 1856 (1st sess. 34th Cong., Senate Journal, p. 419; Globe, pp. 1544–1550), President pro tempore Bright made in the Senate a formal ruling based on this House practice, and after learned debate was sustained on appeal, yeas 34, nays 7.

"It has never so far as I have been able to find been definitely decided that less than two-thirds of those present could constitutionally override a veto. The ruling by Speaker Reed (5 Hinds, 7027) which has been referred to can hardly be said to cover the point, for in that case more than two-thirds of those present did vote in favor of the measure. Mr. HILL of Connecticut made the point that the vote required was two-thirds of the entire membership. That point was overruled by Speaker Reed, who said:

"What constitutes a House? A quorum of the membership, a majority, one-half and one more—that is all that is necessary to constitute a House to do all the business that comes before the House.

"Nobody any longer doubts that proposition, but while the presence of a bare majority of all the Members is sufficient to constitute a quorum to do business, nevertheless, when there are more than that number present, all who are present constitute part of the quorum and, of course, part of the House. It can not be said that any particular Members constitute the quorum and that all others who may be present do not constitute part of the quorum. Each Member has equal rights with every other Member and is just as much a part of the House as any other Member. All the Members who are present, provided the number is not less than a majority, constitute the quorum—and constitute the House. When the Constitution requires 'two-thirds of that House' to pass a bill over a veto, can it be passed by a lesser number than two-thirds of those who are present? If, as is claimed, it is necessary that there be a quorum present and that two-thirds of those voting, no matter how few they may be, can override a veto, then it follows that if a quorum should answer 'present' and only two Members vote in favor of passing the bill over the veto and one vote against it, the bill, having received the votes of two-thirds of those voting would have been passed over the veto; or we might go further and say that if just one voted in favor of the bill and none voted against it, the bill would be passed over the President's veto, for in that case three-thirds of those voting would have voted for its passage. Did the Constitution intend that anything like that could be possible, when it positively required a vote of 'two-thirds of that House?' It is said that those who answer 'present' can be considered present only for the purpose of constituting a quorum. But when a quorum is thus established it is the House, and those who have thus answered 'present' are part of 'that House.' Suppose there had voted 100 in the affirmative and 50 in the negative, and there had answered 'present' 46, making the total 196, or just a quorum; the 46 answering 'present' would be necessary to constitute the House. Without them there would be no constitutional House in session. Would not those 46 Members constitute part of 'that House' within the meaning of the constitutional provision relating to proceedings in veto cases? And if so, is it not plain that at least two-thirds of those 196 Members, all of whose presence was necessary to constitute 'that House,' would be required to vote in favor of the bill to pass it over the veto?

"The only decision to be found upon a case precisely like that in hand is Brown *v.* Nash (1 Wyo. Repts, p. 85), where it was held that—

"In order to pass a bill in the legislature over the governor's veto, the bill must receive two-thirds of the votes of the members actually present; two-thirds of those voting are not sufficient, if other members are present.

"Wyoming was at that time a Territory. The act of Congress approved July 25, 1868, providing a temporary government for that Territory, provided that—

"Whenever the governor fails to approve of a bill, he shall return it, with his objections, to the house in which it originated, who shall enter the objections at large upon their journal and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, where it shall likewise be reconsidered, and if it shall be approved by two-thirds of the members of that house, it shall become a law; but in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journal of each house, respectively.

"It will be noted that the language of the statute is identical with that of the Federal Constitution.

"A vetoed bill had been passed by the upper branch by a two-thirds vote and was transmitted to the house of representatives, together with the governor's objections. The house consisted of 13 members. The question being put, 'Shall the bill pass, the objections of the governor to the contrary notwithstanding?' seven members voted in the affirmative, three in the negative, two were absent, and one, the speaker, was present and did not vote, but asked to be excused from voting. The journal showed 11 members present, 1 not voting. The court did not hold that it required two-thirds of the entire membership of the house, but that it did require two-thirds of those present, whether they all voted or not. Upon this point Chief Justice Fisher, delivering the opinion of the court, said, at page 94:

"From an examination of the journal of the house of representatives of the Territory at the time the bill in question was under consideration, after it had been returned by the governor with his objections, it appears that there were 11 members present up to the time that the vote was about to be taken; that the speaker, for some reason unknown to us, requested to be excused from voting, which request was granted. The roll was then called and the yeas and nays recorded. Under ordinary circumstances the failure of the speaker to respond would be a satisfactory conclusion that he was absent, and that there being three members above the number required to constitute a quorum, two-thirds of the members present having voted in favor of the passage of the bill over the veto of the governor would leave no doubt that it received the requisite vote to give it the force and sanction of a law, as much as though it had received a unanimous vote of the house. But while the journal of the proceedings of that day shows, that although the speaker did not vote on the passage of the bill, that he was present for all other purposes, because the journal shows that the speaker arose and announced the passage of the bill, thus showing his actual presence.

"And again on page 95:

"Now, if the speaker of the house was present, whether he voted or not, there were 11 members present, and it would require more than

7 votes to make two-thirds. The law is not that one-third voted against the bill, but that it is that two-thirds of the members present did vote for it. Now, if the speaker were present, no matter whether he voted for it or not, then there were 11 members present, and it would require at least 8 votes to constitute two-thirds; if he was absent, then there were but 10 votes, and 7 would be two-thirds. If, then, the speaker was absent, how could he immediately after the reading of the votes by the clerks announce that the bill had passed, the objections of the governor to the contrary notwithstanding? So that it appears to us very clearly that this law was not passed in accordance with the provisions of the Constitution of the United States, or the organic act of this territory, from the fact, not that it did not receive two-thirds of the votes recorded, but that it did not receive the votes of two-thirds of the members present, and therefore is not one of the laws of the territory.

"In Commonwealth *v.* Wickersham (66 Pa., 134), the case of a county convention of school directors, where there were 112 present, 56 voted for Swartz for county superintendent and 55 voted for Kast, 1 member present refusing to vote. It was held by the Supreme Court of Pennsylvania that Swartz, not having received a majority of the votes of all the members present, was not elected. Mr. Justice Sharswood, delivering the opinion of the court, said:

"The thirty-ninth section of the act expressly provides that the selection shall be 'viva voce by a majority of the whole number of directors present.' It is urged that the director refusing to vote was virtually absent. He might perhaps have withdrawn, but he did not do so. He remained and, being present, was entitled to be counted. It matters not what he supposed to be the effect of his action. The legal intendment was that he voted for neither or for the minority candidate. It would be dangerous to fritter away the express provision of the statute by construing an actual presence into a virtual absence.

"The case of United States *v.* Ballin (144 U. S.), which has been cited, is not in point, but is, on the contrary, authority in favor of the proposition that those present but not voting constitute part of the house just as much as were those present and voting. In that case the vote was 138 in favor of the bill, and no votes were against it. Those voting did not constitute a quorum, but 74 answered 'present.' Counting them, there was a total of 212 present, constituting a quorum. It was so ruled by Speaker Reed, and the Supreme Court affirmed his ruling. The yeas in that case were more than a majority of all those present, so that the question did not arise which does arise here, the wool tariff bill having received the votes of 2 less than two-thirds of all the Members shown by the Journal to have been present and thus constituting 'that House.' I submit that it is, to say the least, doubtful whether it has been passed over the President's veto."

UNITED STATES DISTRICT COURTS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," with Senate amendments thereto, for the purpose of disagreeing to the Senate amendments and asking for a conference.

Mr. EVANS. Mr. Speaker, I will ask if the gentleman from Alabama [Mr. CLAYTON] will not modify that motion so that it will be to concur with the amendments of the Senate? It is a local bill, in relation to the Chicago judiciary. It is a purely local matter, and is desired by the judges on the bench, the bar association, and press of the city. If the Senate amendments are not concurred in, the bill in all probability will be defeated.

The district courts last year had 286 court days held by outside judges, while there was one circuit judge more than was necessary to handle the business of the circuit court. This bill abolishes a circuit-court judgeship and establishes a district-court judgeship. I have seen the Senate Judiciary Committee and they are unanimous against the Cullop amendment, and a vote "no" means a defeat of the bill.

Mr. CLAYTON. Then, Mr. Speaker, I ask, in deference to the suggestion made by the gentleman from Illinois [Mr. EVANS], inasmuch as it is a local bill and he is the author of it, that the House concur in the Senate amendments to the bill.

Mr. JAMES. Mr. Speaker, one of the amendments adopted by the Senate strikes out a provision which had been adopted by the House to that bill which is not only of local importance, but of country-wide importance. It provides for publicity of recommendations for appointment to the judiciary. I feel that I can not agree to that amendment, for I am in favor of publicity, and therefore I shall have to object.

The SPEAKER. The gentleman from Kentucky [Mr. JAMES] objects.

Mr. HENRY of Texas. I also object, Mr. Speaker.

The SPEAKER. The gentleman from Texas [Mr. HENRY] also objects.

Mr. HENRY of Texas. I desire to present a resolution from the Committee on Rules.

Mr. CLAYTON. Mr. Speaker, may I ask, then, that the House disagree to the Senate amendments and ask for a conference?

The SPEAKER. The gentleman from Alabama [Mr. CLAYTON] asks that the House disagree to the Senate amendments to the bill H. R. 17595 and ask for a conference. Is there objection?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has the Chair laid this bill before the House, with the Senate amendments, for consideration?

The SPEAKER. No. The Chair has not. The Chair omitted to do it.

Mr. MANN. I am only asking it because I take it that when it is laid before the House it is in order, when any gentleman desires, to move to agree to the Senate amendments. They are not amendments which require consideration in the Committee of the Whole House.

Mr. CLAYTON. I concede that the gentleman is correct in his proposition. I ask, Mr. Speaker, that the Clerk report the bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary."

The Senate amendments were read.

Mr. HENRY of Texas. Mr. Speaker, I desire to vote on the second amendment, striking out section 3. That is in regard to the publication of recommendations or indorsements of Federal judges. Section 3 is the section of the bill which the amendment strikes out.

The SPEAKER. Is a separate vote demanded on the other amendments? If not, the Chair will put the rest of the amendments in gross. The question is on agreeing to the amendments, exclusive of that striking out section 3.

The question was taken, and the amendments, except that striking out section 3, were agreed to.

The SPEAKER. The Clerk will report the amendment striking out section 3.

The Clerk read as follows:

Strike out all of section 3. The section is as follows:
"SEC. 3. That hereafter, before the President shall appoint any district, circuit, or supreme judge he shall make public all indorsements made in behalf of any applicant."

Mr. CANNON. Is that a Senate amendment?

The SPEAKER. That is what the Senate amendment strikes out.

Mr. CANNON. Then it is a Senate amendment.

The SPEAKER. The Senate amendment is to strike out that section.

Mr. CANNON. Would not the proper motion be to concur or agree?

The SPEAKER. That motion has not been made.

Mr. JAMES. Mr. Speaker, I move that the House disagree to the Senate amendment striking out section 3.

Mr. EVANS. Mr. Speaker, I make the preferential motion that the House concur in the Senate amendment.

The SPEAKER. The question is on the preferential motion made by the gentleman from Illinois [Mr. EVANS] that the House concur in the Senate amendment striking out section 3 of the bill.

Mr. HENRY of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JAMES. The parliamentary inquiry which I desire to make is this: This roll call is upon the motion of the gentleman from Illinois [Mr. EVANS] to agree to the Senate amendment?

The SPEAKER. Yes. The vote will be taken on the motion of the gentleman from Illinois [Mr. EVANS] to concur in the Senate amendment striking out that portion of the bill read last by the Clerk. The Clerk will call the roll.

The question was taken; and there were—yeas 93, nays 99, answered "present" 9, not voting 189, as follows:

YEAS—93.

Ainey	Davis, Minn.	Griest	McMorran
Austin	Davis, W. Va.	Hamilton, Mich.	Mann
Barchfeld	De Forest	Hamilton, W. Va.	Matthews
Bartholdt	Denver	Harris	Miller
Bowman	Dodds	Hill	Moore, Pa.
Bradley	Draper	Howland	Morgan
Brantley	Driscoll, M. E.	Humphreys, Miss.	Mott
Brown	Evans	Kahn	Needham
Browning	Floyd, Ark.	Kent	O'Shaunessy
Bulkley	Focht	Lafean	Padgett
Burke, Pa.	Foss	Lafferty	Page
Calder	French	La Follette	Patton, Pa.
Cannon	Gallagher	Lawrence	Payne
Clayton	Gardner, Mass.	Lindbergh	Pickett
Cooper	Green, Iowa	Loud	Porter
Crago	Greene, Mass.	McKinney	Post
Danforth	Greene, Vt.	McLaughlin	Rees

Roberts, Mass.	Smith, J. M. C.	Taylor, Ohio	Weeks
Rodenberg	Smith, Sami. W.	Towner	White
Saunders	Speer	Turnbull	Willis
Sharp	Sterling	Underhill	Wilson, Ill.
Sherley	Sulloway	Utter	
Simmons	Switzer	Vare	
Sloan	Talcott, N. Y.	Wedemeyer	

NAYS—99.

Aiken, S. C.	Faison	Howard	Raker
Alexander	Farr	Hull	Ransdell, La.
Allen	Ferris	Jacoway	Rauch
Ansberry	Finley	James	Reilly
Ashbrook	Fitzgerald	Johnson, Ky.	Roddenbery
Bathrick	Flood, Va.	Kendall	Rothermel
Blackmon	Fornes	Kinkead, N. J.	Russell
Burke, Wis.	Foster	Kitchin	Scully
Burleson	Fowler	Lee, Ga.	Sims
Burnett	George	Lee, Pa.	Smith, Tex.
Byrns, Tenn.	Gill	Lever	Stanley
Candler	Goeke	Levy	Stephens, Nebr.
Carter	Goodwin, Ark.	Littlepage	Stephens, Tex.
Cline	Graham	Lobeck	Stone
Connell	Gregg, Pa.	McCoy	Sulzer
Conry	Hamill	McDermott	Taggart
Curley	Hamlin	Maguire, Nebr.	Thayer
Davenport	Hardy	Maher	Thomas
Dent	Harrison, Miss.	Martin, Colo.	Townsend
Difenderfer	Harrison, N. Y.	Moon, Tenn.	Tribble
Dixon, Ind.	Hayden	Murray	Underwood
Donohoe	Heflin	Neeley	Watkins
Doremus	Helm	Oldfield	Wilson, Pa.
Doughton	Henry, Tex.	Palmer	Witherspoon
Driscoll, D. A.	Hensley	Rainey	

ANSWERED PRESENT—9

Adamson	Glass	Hughes, W. Va.	Riordan
Butler	Hawley	Parran	Sabath
Dwight			

NOT VOTING—189.

Adair	Ellerbe	Konop	Redfield
Akin, N. Y.	Esch	Kopp	Reyburn
Ames	Estopinal	Korbly	Richardson
Anderson, Minn.	Fairchild	Lamb	Roberts, Nev.
Anderson, Ohio	Fergusson	Langham	Robinson
Andrus	Fields	Langley	Rouse
Anthony	Fordney	Legare	Rubey
Ayres	Francis	Lenroot	Rucker, Colo.
Barnhart	Fuller	Lewis	Rucker, Mo.
Bartlett	Gardner, N. J.	Lindsay	Sells
Bates	Garner	Linthicum	Shackleford
Beall, Tex.	Garrett	Littleton	Sheppard
Bell, Ga.	Gillett	Lloyd	Sherwood
Berger	Godwin, N. C.	Longworth	Sisson
Boehne	Goldfogle	McCall	Slayden
Booher	Good	McCreary	Slemp
Borland	Gould	McGillicuddy	Small
Broussard	Gray	McGuire, Okla.	Smith, Cal.
Buchanan	Gregg, Tex.	McHenry	Smith, N. Y.
Burgess	Gudger	McKellar	Sparkman
Burke, S. Dak.	Guernsey	McKenzie	Stack
Byrnes, S. C.	Hammond	McKinley	Stedman
Callaway	Hanna	Macon	Steenerson
Campbell	Hardwick	Madden	Stephens, Cal.
Cantrill	Hartman	Martin, S. Dak.	Stephens, Miss.
Carlin	Haugen	Mays	Stevens, Minn.
Cary	Hay	Mondell	Sweet
Clark, Fla.	Hayes	Moon, Pa.	Talbott, Md.
Claypool	Heald	Moore, Tex.	Taylor, Ala.
Collier	Helgesen	Morrison	Taylor, Colo.
Copley	Henry, Conn.	Morse, Wis.	Thistlewood
Covington	Higgins	Moss, Ind.	Tilson
Cox, Ind.	Hinds	Murdock	Tuttle
Cox, Ohio	Hobson	Nelson	Volstead
Cravens	Holland	Norris	Vreeland
Crumpacker	Houston	Nye	Warburton
Cullop	Howell	Olmsted	Webb
Currier	Hughes, Ga.	Patten, N. Y.	Whitacre
Curry	Hughes, N. J.	Pepper	Wilder
Dalzell	Humphrey, Wash.	Peters	Wilson, N. Y.
Daugherty	Jackson	Plumley	Wood, N. J.
Davidson	Johnson, S. C.	Pou	Woods, Iowa
Dickinson	Jones	Powers	Young, Kans.
Dickson, Miss.	Kennedy	Pray	Young, Mich.
Dies	Kindred	Prince	Young, Tex.
Dupré	Kinkaid, Nebr.	Prouty	
Dyer	Knowland	Pujo	
Edwards	Konig	Randell, Tex.	

So the motion was disagreed to.

The clerk announced the following additional pairs:

For the session:

Mr. ROUSE with Mr. HAYES.

Mr. SLAYDEN with Mr. TILSON.

Mr. MCGILLICUDDY with Mr. GUERNSEY (on all questions except battleship appropriations, free tolls, and interstate shipment of intoxicating liquors).

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. COLLIER with Mr. WOODS of Iowa (transferable on request of either party).

Mr. BARTLETT with Mr. BUTLER.

Mr. GLASS with Mr. SLEMP.

Until further notice:

Mr. HUGHES of Georgia with Mr. YOUNG of Kansas.

Mr. GOLDFOGLE with Mr. WOOD of New Jersey.

Mr. ELLERBE with Mr. WILDER.

Mr. FERGUSSON with Mr. WARBURTON.

Mr. BUCHANAN with Mr. VREELAND.

Mr. BORLAND with Mr. VOLSTEAD.

Mr. BOOHER with Mr. STEPHENS of California.

Mr. STEDMAN with Mr. SELLS.

Mr. SMALL with Mr. ROBERTS of Nevada.

Mr. POU with Mr. PROUTY.

Mr. PEPPER with Mr. PRINCE.

Mr. REDFIELD with Mr. POWERS.

Mr. LEGARE with Mr. PRAY.

Mr. CRAVENS with Mr. PLUMLEY.

Mr. COVINGTON with Mr. OLMSTED.

Mr. CARLIN with Mr. NYE.

Mr. BEALL of Texas with Mr. MURDOCK.

Mr. SISSON with Mr. MONDELL.

Mr. STEPHENS of Mississippi with Mr. MCKINLEY.

Mr. SHERWOOD with Mr. MCKENZIE.

Mr. SHACKLEFORD with Mr. MCGUIRE of Oklahoma.

Mr. ROBINSON with Mr. MCCREARY.

Mr. MOSS of Indiana with Mr. LONGWORTH.

Mr. MCKELLAR with Mr. KNOWLAND.

Mr. LLOYD with Mr. KINKAID of Nebraska.

Mr. LINTHICUM with Mr. KENNEDY.

Mr. KORBLY with Mr. HOWELL.

Mr. HUGHES of New Jersey with Mr. JACKSON.

Mr. HOLLAND with Mr. HIGGINS.

Mr. HAY with Mr. HENRY of Connecticut.

Mr. GREGG of Texas with Mr. HEALD.

Mr. GRAY with Mr. HANNA.

Mr. FRANCIS with Mr. GARDNER of New Jersey.

Mr. DUPRÉ with Mr. FULLER.

Mr. DICKINSON with Mr. FAIRCHILD.

Mr. CULLOP with Mr. CURRIER.

Mr. COX of Indiana with Mr. CRUMPACKER.

Mr. CANTRILL with Mr. COPLEY.

Mr. CALLAWAY with Mr. CARY.

Mr. BOEHNE with Mr. BURKE of South Dakota.

Mr. BARNHART with Mr. ANTHONY.

Mr. ADAIR with Mr. ANDERSON of Minnesota.

Mr. FORDNEY with Mr. GARRETT.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. GARNER with Mr. HINDS.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. SHEPPARD with Mr. BATES.

Mr. RUBEY with Mr. HAWLEY. (Mr. HAWLEY reserves the right to vote on all measures pertaining to his State.)

Mr. PUJO with Mr. KOPP.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. EDWARDS with Mr. DALZELL.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. LITTLETON with Mr. DWIGHT.

Mr. HOBSON with Mr. GOOD (not to apply on veto legislation bills).

Mr. PETERS with Mr. MCCALL.

Mr. FIELDS with Mr. LANGLEY.

Mr. LAMB with Mr. HAUGEN.

From Thursday for the balance of the session:

Mr. BELL of Georgia with Mr. LANGHAM.

From Saturday for the balance of the session:

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

The result of the vote was then announced as above recorded.

Mr. CLAYTON. Mr. Speaker, I move that the House ask for a conference.

The question was taken, and the motion was agreed to.

The SPEAKER appointed as conferees on the part of the House Mr. CLAYTON, Mr. WEBB, and Mr. STERLING.

LEAVE OF ABSENCE.

Mr. CRAGO, by unanimous consent, was given leave of absence indefinitely on account of serious illness in his family.

EXTENSION OF REMARKS.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing an important statement in relation to farms in the national forests.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. CALDER. Mr. Speaker, I ask unanimous consent to extend remarks in the RECORD.

The SPEAKER. The gentleman from New York asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

POST OFFICE APPROPRIATION BILL.

Mr. HENRY of Texas. Mr. Speaker, I present the following privileged resolution and believe its adoption to-night will hasten the adjournment of this session 48 hours.

The Clerk read as follows:

House resolution 693 (H. Rept. 1196).

Resolved, That immediately on the adoption of this rule it shall be in order to take from the Speaker's table H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, together with the Senate amendments thereto, and to disagree to all the Senate amendments en bloc and ask for a conference notwithstanding the general rules of the House, and the Speaker shall, on the adoption of the resolution, appoint the conferees without any intervening motion.

Mr. HENRY of Texas. Mr. Speaker, it seems to me that the resolution is very plain. I can see no argument that can possibly be made against it. The Post Office bill ought to go to conference at once in order that this session may adjourn the latter part of this week or the early part of next week. [Applause.] I move the previous question.

Mr. MANN. Mr. Speaker, I make the point of order that the Committee on Rules has no jurisdiction to report this resolution, because no such resolution has been introduced in the House.

Mr. HENRY of Texas. Mr. Speaker, it has been introduced in the House and referred to the Committee on Rules.

Mr. FITZGERALD. I make the point of order that the resolution was reported and that debate had proceeded before the point of order was made by the gentleman from Illinois.

The SPEAKER. The point of order is not well taken, if the statement of the gentleman from Texas is correct, and, of course, the record will show.

Mr. MANN. I take the statement of the gentleman from Texas as correct.

The SPEAKER. The point of order is overruled.

Mr. MANN. I would like to have the gentleman from Texas yield me some time.

Mr. HENRY of Texas. How much time does the gentleman want?

Mr. MANN. I want 20 minutes, the time that I would be entitled to under the rule.

Mr. HENRY of Texas. I have no objection to the gentleman having 20 minutes, but I ask unanimous consent that at the end of 20 minutes the previous question may be considered as ordered.

The SPEAKER. The gentleman from Texas asks unanimous consent that at the end of the 20 minutes the previous question be considered as ordered. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, the pretense of this resolution is that it will expedite the adjournment of the House. That is not the case. The facts in regard to the resolution are that the gentlemen are afraid to take a vote on the parcel-post proposition. Gentlemen on that side of the aisle in charge of this bill were informed that there would be no objection to sending this bill to conference, but that we proposed, if we had the power, to require a vote on the Senate amendment providing for a parcel post. No gentleman in this House can defend himself as being in favor of the parcel post if he votes for this resolution. No one will now object on this side of the House to sending the bill to conference, disagreeing to all of the Senate amendments except the one providing for a parcel post.

Mr. CANNON. Will the gentleman yield?

Mr. MANN. Yes.

Mr. CANNON. I ask the gentleman if he will not ask, as the hour is late, the gentleman in charge of the bill on post offices and post roads, to agree that there will be no agreement touching the parcel-post amendment until the House has had an opportunity to vote upon it? It seems to me that that would meet the gentleman's objection and send the bill for consideration to conference. [Applause.]

Mr. MANN. Mr. Speaker, I will ask unanimous consent in my time——

Mr. MOON of Tennessee. I want to answer the question of the gentleman from Illinois [Mr. CANNON].

Mr. MANN. I will ask unanimous consent that all of the Senate amendments with the exception of the amendment relating to parcel post be disagreed to, and the House vote upon that amendment.

Mr. MOON of Tennessee. I object to any agreement of that kind before the bill goes to conference.

The SPEAKER. The request is out of order.

Mr. MANN. Mr. Speaker, a unanimous request is always in order.

The SPEAKER. When a resolution is pending and being debated?

Mr. MANN. At any time. However, the gentleman from Tennessee objected, and stated that the very purpose of the rule was to prevent the vote on the parcel-post proposition.

Mr. MOON of Tennessee. The gentleman does not fully understand my position. I object to that action being taken in the House just now until we have a conference on the question. I have no objection to the request of the gentleman from Illinois [Mr. CANNON] to let the conference report come back and take instructions of the House on that question, or any other.

Mr. MANN. The gentleman from Tennessee knows, as I know and as every Member of the House knows, that when the conference report comes back it will be voted for or against in its entirety, and that it can not be separated, nor can instructions be given. Here is the time and the opportunity to vote on the parcel post.

Mr. MOON of Tennessee. Does the gentleman mean to say that we can not agree to the proposition of the gentleman from Illinois [Mr. CANNON]?

Mr. MANN. I mean to say that while you might disagree and report no agreement on the parcel post, you can not bring in a conference report carrying the parcel post and obtain a separate vote on it. If you are willing to have a separate vote, let us have it before it goes to conference. A Senate amendment, agreed to in the Senate by all parties, both Republican and Democratic Senators, carefully considered, worked out as an entirety, presents a proposition concerning the parcel post which every friend of parcel post can cheerfully vote for. But every friend of the parcel post will vote against this resolution.

Mr. MOON of Tennessee. Mr. Speaker, will the gentleman yield? If the gentleman would not be quite so excited, perhaps I can find out what he wants.

Mr. MANN. Mr. Speaker, it is the gentleman from Tennessee who is excited. He got so excited that he rushed around——

Mr. MOON of Tennessee. Oh, well, if the gentleman will not let me ask my question, all right.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. MANN. If the gentleman will be civil about it, I will be glad to yield.

The SPEAKER. Does the gentleman yield or not?

Mr. MANN. I yield.

Mr. MOON of Tennessee. Mr. Speaker, I wanted to ask the gentleman from Illinois if he is willing to have a separate vote after a conference has been had with the Senate conferees upon the question?

Mr. MANN. We have no power to have a separate vote if the conferees agree on the parcel-post proposition.

Mr. MOON of Tennessee. Suppose the conferees did not bring in a report, suppose that they withhold a report on the other question and come back for instructions upon this question?

Mr. MANN. If the conferees do not intend to bring in a conference report on the parcel post, why delay voting upon it? If the conferees are not to confer in reference to the parcel post, if they are to have no agreement on parcel post, why not vote upon it before the bill goes into conference?

Mr. MOON of Tennessee. I want to say this to the gentleman, if he will permit me. I have not desired to be quite so plain as I intend to be right now. The parcel-post proposition has been made up in the Senate, in my opinion, not in the interest of the farming community of this country or of the merchants of this country, but in the interest of the mail-order houses and the express companies and the railroads, and we are not willing, after investigation and report, to pass through a measure which the Post Office Committee has never considered, and which the Senate did not consider 10 minutes when it passed. [Applause on Democratic side.]

Mr. MANN. Mr. Speaker, the gentleman's statement that the Senate did not consider this proposition 10 minutes is like his other statement—entirely inaccurate.

Mr. MOON of Tennessee. The Senate did not consider it in committee for 10 minutes.

Mr. MANN. I say the Senate did consider it a great deal more than 10 minutes, as the CONGRESSIONAL RECORD will show.

Mr. MOON of Tennessee. I say in committee.

Mr. MANN. The gentleman confuses between the Senate as the committee and the Senate as a body itself. The bill was considered in the Senate. The Committee on the Post Office in the House considered the entire subject matter. They brought before the House a parcel-post proposition that would excite the laughter of monkeys. [Applause on the Republican side.] We have now presented to us a reasonable parcel-post proposition, not made up in the interest of mail-order houses, but a parcel-post proposition made up in the interest of the farming community, of the country merchant, and against the mail-order houses. Now is the time to accept it. The gentleman intends to endeavor to stifle the parcel post. There is no intention on the part of the House conferees to permit any adequate parcel-post proposition to go into this bill. If the Democratic side of the House desires to freeze out the parcel-post proposition, it may do so by the adoption of this resolution, but if they are in favor of a parcel post they should vote now upon the question of adopting the Senate amendment.

Mr. MOON of Tennessee. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Tennessee?

Mr. MANN. I will in a moment. I do not like to have the gentleman interrupt me every second. I do not criticize the gentleman. I will yield to him in a moment. The gentleman has the right to propose amendments to the Senate amendment, if he has any in his mind. He has known for some time what the Senate amendment would be. He has been studying this question, or ought to have been studying it. He could propose amendments to it if he wants to. I say that if this resolution goes through, then parcel post goes up in smoke. I now yield to the gentleman from Tennessee.

Mr. MOON of Tennessee. Mr. Speaker, I want to say this to the gentleman: That there will be amendments proposed in conference, if gentlemen I think of are on the conference committee, which will look to a perfected parcel post that will be in the interest of the whole country; but I did not rise to make that statement, and make it only in view of the last utterance of the gentleman from Illinois. The question I wanted to ask the gentleman is this: Will the gentleman object to the conference committee coming back for instructions upon this question and an open discussion of the question in the House after we have conferred on other matters?

Mr. MANN. What is the use of sending it to conference under an open discussion of this question after you have considered other matters? Let us have an open discussion of the question, without regard to the conference.

Mr. MOON of Tennessee. I want to accommodate the gentleman. If he does not want to do it, we will close it in conference.

Mr. MANN. Oh, that is the intention, to bring in a conference report which covers parcel post and does not provide for a respectable or adequate parcel post, and the only purpose of the gentleman in endeavoring to send the entire bill to conference without giving the House an opportunity of expressing itself upon this amendment is to prevent the House from doing what it wants to do, namely, provide a parcel post. We have presented here a rare spectacle. These gentlemen have talked for years about giving the people's Representatives a chance, and here is a bill sent to us with certain propositions in it and it is proposed now to refuse to let the Members of the House vote upon those propositions. Mr. CANNON, as Speaker of this House, never in his strongest days proposed such an autocratic, czarlike proposition as that. [Laughter on the Democratic side.]

You have outdone CANNON. We will have learned something from you when we get in power again, for we will have learned that we have the right under this precedent to set aside the rules, to refuse votes upon special propositions, and to bunch them all under some special rule.

Mr. BUTLER. Oh, we will not have any rules when we get back.

Mr. LEWIS. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. LEWIS. Mr. Speaker, I have never in my very short career made a partisan speech in this House, or asked a partisan question, and I am not going to do so upon this subject, God helping me. I will ask the gentleman whether he has had time to give this subject sufficient attention to answer the question of whether he regards the Bourne measure as a parcel-post bill proper.

Mr. MANN. I do decidedly, and I had time enough to give consideration to this subject, and introduced a bill on the subject in the House, and I think if we had gotten a vote upon it it would have been adopted. Now, the Bourne item in regard to the parcel post is the best-worked-out proposition upon the subject I have ever seen. [Applause.] Yet the gentlemen on that side of the aisle, who are opposed to it, although they have had it before them for weeks, can not now point to a single objection to it.

Mr. LEWIS. Mr. Speaker——

The SPEAKER. Does the gentleman yield to the gentleman from Maryland?

Mr. MANN. I will yield for another question if the gentleman will not make it too long.

Mr. LEWIS. I made the other question short.

Mr. FINLEY rose.

Mr. MANN. I yield to the gentleman from South Carolina.

Mr. FINLEY. Does not the gentleman know that some Republican Members, including the ranking Republican member of the Committee on the Post Office and Post Roads, and at least two others, as many as could be obtained, met yesterday morning and agreed to the very thing we are now trying to do—to send this bill to conference?

Mr. MANN. If any Republican of the Committee on the Post Office and Post Roads agreed to have a resolution passed——

Mr. FINLEY. No.

Mr. MANN (continuing). Presented from the Committee on Rules shutting off debate upon the proposition, and to disagree to all Senate amendments, I am surprised, astonished, and shocked.

Mr. FINLEY. I did not make that statement.

Mr. MANN. Well, what is the use talking about the other statement? The statement I am talking about is the statement which is before the House.

Mr. FINLEY. I make this statement.

[Cries of "Regular order!"]

Mr. FINLEY (continuing). That Mr. WEEKS, Mr. DODDS, and Mr. SMITH had agreed as far as possible that the bill should be sent to conference with all the Senate amendments disagreed to. I make that statement. I said nothing about a rule.

Mr. HENRY of Texas. I call the gentleman to order.

The SPEAKER. The gentleman from South Carolina must not interrupt the gentleman unless the gentleman yields.

Mr. LEWIS. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Maryland?

Mr. MANN. Certainly.

Mr. SPEAKER. I want to say, if I can do so——

Mr. MANN. Make it short; get at it.

Mr. LEWIS. I have not compared the so-called Bourne amendment with the bill of the gentleman from Illinois, but I have compared it with this bill, and if the gentleman will permit me to pass an opinion, since he appealed to me to be very brief——

Mr. MANN. Which you are not.

Mr. LEWIS. I want to say neither measure is a parcel-post bill at all.

Mr. MANN. But the gentleman from Maryland is not in favor of the parcel-post bill. I am in favor of the parcel-post proposition. I am in favor of adopting the Senate amendment while we have a chance and the power instead of attempting to stifle it by men who claim to be for a parcel post, but who will find some way to wriggle out of it.

Mr. HENRY of Texas. Mr. Speaker, in view of the fact I had called for the previous question before the gentleman asked for time and then withdrew the demand, I ask unanimous consent that this side may have 10 minutes in which to reply.

The SPEAKER. The gentleman from Texas asks unanimous consent that that side shall have 10 minutes to reply. Is there objection? [After a pause.] The Chair hears none.

Mr. HENRY of Texas. I yield five minutes to the gentleman from Tennessee [Mr. MOON]. [Applause.]

Mr. MOON of Tennessee. Mr. Speaker, it is a very natural thing for the gentleman from Illinois [Mr. MANN] to be a little excited in view of what occurred in the House when this bill passed. The Post Office Committee has no disposition to keep this House from debate on the parcel post or any other proposition. There is one proposition in this bill I think of more importance than parcel post, and that is the good-roads proposition. [Applause.] There are 124 other propositions upon which a separate vote might be demanded, and it is evidently unfair to the Senate for us to go into a conference that is not full and free. Suppose you take up this motion to concur and

the House amends it. It goes back to the Senate with a handicap on the conferees. The proper thing, in my judgment, is to send the whole bill to conference. The Post Office Committee has met—the Republican members and the Democratic members—and the unanimous vote of that committee was to send this bill to conference.

I have never considered that any political advantage should be taken in a matter absolutely nonpolitical. Now, the gentleman from Illinois [Mr. MANN] is very sensitive about this matter. It is hardly necessary for me to refer to the circumstances which make him so, but, as suggested a moment ago, in compliance with the suggestion of the gentleman from Illinois [Mr. CANNON] that if the House wants to vote it is within the power of the House to take it up notwithstanding the rule to which the gentleman refers. And I want to say this committee will always come to the House for instructions if desired, and I say to the gentleman that if I happen to be upon the conference I shall insist in the consideration of this question that a general parcel post in the interest of the people, the great masses of the people of this country, shall be passed, one that will be for the benefit of the farmers, one that will not destroy the great agricultural interests and the great commercial interests of the small towns in the country in order to consolidate and concentrate the trade of the country in the great cities of Chicago, New York, and Philadelphia, and we will not agree to put in any measure that will give to the transportation companies of this country the control of that class of express matter to the detriment of the masses of the people of the country. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I think the position of the gentleman from Illinois [Mr. MANN] can be very easily answered. I am perfectly shocked to hear and see him so worked up over a parcel post. For 16 years he has sat in his place there and done everything he could to suppress such legislation as this. [Applause on the Democratic side.]

Mr. MANN. That would be important if true, but it is not true.

Mr. HENRY of Texas. Now, here is a proposition that ought to go to conference and be worked out carefully. Why should the House, either that side or this side, allow him to hasten us here to a vote this afternoon on a matter that has not been fairly considered?

Now, Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LEWIS].

The SPEAKER. The gentleman from Maryland [Mr. LEWIS] is recognized for three minutes.

Mr. LEWIS. Mr. Speaker, when I say that I regret that this subject has assumed a partisan character I am speaking with as much sincerity as I possibly could in my own prayers. Without that disturbing factor it is already almost too complex for legislative treatment.

There are seven fundamental objections to the Bourne bill. They are objections the mother would have to a child, if born, and it wanted eyes, or hands, or ears, or toes, and feet. This measure wants even more of the vital agents, and I will enumerate a few of these parcel-post essentials for the information of this House.

The first objection to the Bourne bill is that it excludes agricultural products. The natural traffic, in my judgment—three-fifths of the potential traffic—represents agricultural products and concerns, besides, in the most substantial way, the high cost of living. The Bourne bill refuses agricultural products admission to the mails or to the postal wagons.

My second objection to the Bourne bill relates to the matter of railway pay. In the nature of things transportation pay will be the greatest element of cost in the loading of the rates for a parcel post. The express companies pay the railways what proves to be 7 cents a ton-mile for transportation. The Bourne bill is silent on the subject of the payment for postal transportation of parcels, and under postal railway law we would have to pay 13.2 cents—nearly twice as much for the express companies' railway transportation of the same matter. We would pay the railways as much for one carload as the express companies pay for two.

The third objection is the Bourne bill denies, by omission, a C. O. D. service. Nearly 70 per cent of express matter travels C. O. D. In commercial transactions between retail and wholesale merchants nearly 70 per cent of the small-package business is conducted on the C. O. D. basis. The C. O. D. feature is denied under the Bourne bill from sheer inattention to the subject, and would kill all opportunity for business men to use the service, no matter how low the postal rate might be, and 70 per cent of the traffic would have to go to the express companies, however high their rates might be, because of its omission.

Mr. BUTLER. Mr. Speaker, will the gentleman yield?

Mr. LEWIS. I regret I can not yield unless the gentleman gives me more time.

Mr. BUTLER. I will try to get the gentleman more time.

Mr. LEWIS. Another objection is the matter of insurance. People can not be expected to ship valuable parcels unless they have some guaranty of indemnification for injury or loss. The Bourne bill denies all indemnification.

Still another objection is this, although I fear I will not have time to even suggest it. This subject is experimental. You need administrative power to get satisfactory results in the interest of the public service and in the interest of the protection of the Treasury against loss, quite as much as the baby needs the mother to conserve its life.

Another objection is that the weight limit—11 pounds—is too low. No country of respectable experience on this subject has a weight limit lower than 110 pounds. The limit ought to be 100 pounds in this country. It is more than 100 pounds in any country that has a general parcel post.

There is still another objection that I would like to discuss. It is the matter of administrative rigidity——

The SPEAKER. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Speaker, I yield to the gentleman one minute more, and then I have promised to yield to the gentleman from South Carolina [Mr. FINLEY].

Mr. LEWIS. If you deny to a parcel-post system the power of elasticity, you refuse to it the power most essential to its success and to the public service. There should be elasticity in the administration of a parcel post. It is necessary to adapt its services to public and commercial needs. In my judgment, if you attempt the unnecessary job, the child's job, of building a parcel-post system without the necessary administrative elasticity it will be utterly useless because of want of adaptation to public and commercial needs. We have a parcel post now. It is the express company. Its rates are abnormal and its service denied to the country, but if the post office took it over and corrected its deficiencies, as it easily might, we should then have——

The SPEAKER. The time of the gentleman has expired.

Mr. LEWIS. I would like to utter just one more sentence.

Mr. HENRY of Texas. I regret that I have no more time to yield. I yield the remainder of my time to the gentleman from South Carolina [Mr. FINLEY].

Mr. LEWIS. Mr. Speaker, I ask leave to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Maryland [Mr. LEWIS] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FINLEY. Mr. Speaker, for the first time in my 14 years of service in this House objection is made—partisan objection—to this House agreeing to a request that the Post Office appropriation bill as it comes from the Senate, with 126 amendments, be disagreed to and that a conference be asked for. For 10 years I have served on this great committee. For 10 years we have endeavored to give this country the best postal service that any country on earth has. It is a great business committee—the Committee on the Post Office and Post Roads—and we have tried to discharge our duty to the utmost. The gentleman from Tennessee [Mr. MOON], the chairman of the committee, and myself have stood by every chairman of the committee—Chairman Overstreet, of Indiana, and Chairman WEEKS, of Massachusetts—and held up their hands, and on every occasion once a year we have joined with them in aiding what is sought to be done to-day, yet the gentleman from Illinois [Mr. MANN] objects.

And why? I will tell the gentleman this: This Bourne parcel-post bill is a mail-order house parcel-post bill pure and simple. It is not a parcel-post bill in the interest of the American people. It is not such a bill as is an answer to the public demand all over this country for a parcel-post system. I say this bill should go to conference with all amendments disagreed to. If you take up one of the 126 Senate amendments and pass on it here before the bill goes to conference and before the amendments are thrashed out and understood thoroughly, at least by the House conferees, who are the ones who will come back and speak to the House, the Members of the House will not get a fair understanding of the matter.

The SPEAKER. The time of the gentleman has expired. All time has expired, and the question is on agreeing to the resolution.

The question being taken, the Speaker announced that the ayes seemed to have it.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 107, nays 78, answered "present" 12, not voting 194, as follows:

YEAS—107.

Adair	Faison	Johnson, Ky.	Russell
Aiken, S. C.	Ferris	Kinkead, N. J.	Sabath
Alexander	Finley	Kitchin	Saunders
Ansberry	Fitzgerald	Lee, Ga.	Scully
Austin	Flood, Va.	Lever	Sisson
Bathrick	Fornes	Levy	Smith, Tex.
Beall, Tex.	Foster	Lewis	Stanley
Blackmon	Fowler	Littlepage	Stedman
Brown	Gallagher	Lobeck	Stephens, Nebr.
Buchanan	George	McCoy	Stephens, Tex.
Bulkley	Gill	McDermott	Stone
Burke, Wis.	Glass	Maguire, Nebr.	Sulzer
Burleson	Goeke	Maher	Taggart
Byrns, Tenn.	Graham	Martin, Colo.	Talcott, N. Y.
Carter	Gray	Moon, Tenn.	Thayer
Clayton	Hamill	Moss, Ind.	Thomas
Cline	Hamlin	Murray	Townsend
Conry	Hardy	O'Shaunessy	Turnbull
Covington	Hay	Padgett	Underhill
Curley	Hayden	Page	Underwood
Davis, W. Va.	Heflin	Palmer	Watkins
Dent	Henry, Tex.	Post	Webb
Denver	Hensley	Rainey	White
Difenderfer	Houston	Ransdell, La.	Wilson, Pa.
Dixon, Ind.	Hull	Rauch	Witherspoon
Donohoe	Humphreys, Miss.	Reilly	The Speaker
Doughton	James	Rodenberg	

NAYS—78.

Ainey	Farr	Kent	Pickett
Akin, N. Y.	Floyd, Ark.	Kinkaid, Nebr.	Raker
Anderson, Minn.	Foss	Lafean	Rees
Anthony	French	Lafferty	Roddenbery
Ashbrook	Gardner, N. J.	La Follette	Sharp
Barchfeld	Green, Iowa	Lawrence	Sloan
Bartholdt	Greene, Vt.	Lindbergh	Smith, J. M. C.
Bowman	Griest	Loud	Speer
Bradley	Hamilton, Mich.	McKinney	Sterling
Browning	Hamilton, W. Va.	McLaughlin	Sulloway
Burke, Pa.	Harris	Mann	Sweet
Butler	Harrison, Miss.	Matthews	Switzer
Candler	Helm	Miller	Tribble
Cannon	Hill	Moore, Pa.	Utter
Cooper	Howard	Morgan	Vare
Crago	Howell	Needham	Wedemeyer
Danforth	Howland	Neeley	Willis
Davis, Minn.	Jacoway	Oldfield	Wilson, Ill.
Doremus	Kendall	Patton, Pa.	
Dwight	Kennedy	Payne	

ANSWERED "PRESENT"—12.

Adamson	Hawley	Porter	Smith, Saml. W.
Dodds	Hughes, W. Va.	Pou	Weeks
Driscoll, D. A.	Parran	Riordan	Woods, Iowa

NOT VOTING—194.

Allen	Davidson	Haugen	McKinley
Ames	De Forest	Hayes	McMorran
Anderson, Ohio	Dickinson	Heald	Macon
Andrus	Dickson, Miss.	Helgesen	Madden
Ayres	Dies	Henry, Conn.	Martin, S. Dak.
Barnhart	Draper	Higgins	Mays
Bartlett	Driscoll, M. E.	Hinds	Mondell
Bates	Dupré	Hobson	Moon, Pa.
Bell, Ga.	Dyer	Holland	Moore, Tex.
Berger	Edwards	Hughes, Ga.	Morrison
Boehne	Ellerbe	Hughes, N. J.	Morse, Wis.
Booher	Esch	Humphrey, Wash.	Mott
Borland	Estopinal	Jackson	Murdock
Brantley	Evans	Johnson, S. C.	Nelson
Broussard	Fairchild	Jones	Norris
Burgess	Fergusson	Kahn	Nye
Burke, S. Dak.	Fields	Kindred	Olmsted
Burnett	Focht	Knowland	Patten, N. Y.
Byrnes, S. C.	Fordney	Konig	Pepper
Calder	Francis	Konop	Peters
Callaway	Fuller	Kopp	Plumley
Campbell	Gardner, Mass.	Korbly	Powers
Cantril	Garner	Lamb	Pray
Carlin	Garrett	Langham	Prince
Cary	Gillett	Langley	Prouty
Clark, Fla.	Godwin, N. C.	Lee, Pa.	Pujo
Claypool	Goldfogle	Legare	Randell, Tex.
Collier	Good	Lenroot	Redfield
Connell	Goodwin, Ark.	Lindsay	Reyburn
Copley	Gould	Linthicum	Richardson
Cox, Ind.	Greene, Mass.	Littleton	Roberts, Mass.
Cox, Ohio	Gregg, Pa.	Lloyd	Roberts, Nev.
Cravens	Gregg, Tex.	Longworth	Robinson
Crumpacker	Gudger	McCall	Rothermel
Cullop	Guernsey	McCreary	Rouse
Currier	Hammond	McGillicuddy	Rubey
Curry	Hanna	McGuire, Okla.	Rucker, Colo.
Dalzell	Hardwick	McHenry	Rucker, Mo.
Daugherty	Harrison, N. Y.	McKellar	Sells
Davenport	Hartman	McKenzie	Shackleford
Sheppard	Smith, N. Y.	Taylor, Colo.	Whitacre
Sherley	Sparkman	Taylor, Ohio	Wilder
Sherwood	Stack	Thistlewood	Wilson, N. Y.
Simmons	Steenerson	Tilson	Wood, N. J.
Sims	Stephens, Cal.	Towner	Young, Kans.
Slayden	Stephens, Miss.	Tuttle	Young, Mich.
Slemp	Stevens, Minn.	Volstead	Young, Tex.
Small	Talbott, Md.	Vreeland	
Smith, Cal.	Taylor, Ala.	Warburton	

The following additional pairs were announced:

Until further notice:

Mr. ROTHERMEL with Mr. TOWNER.

Mr. GODWIN of Arkansas with Mr. SIMMONS.

Mr. GODWIN of North Carolina with Mr. MOTT.

Mr. HARRISON of New York with Mr. REYBURN.

Mr. EVANS with Mr. MOON of Pennsylvania.

Mr. CONNELL with Mr. GREENE of Massachusetts.

Mr. BURNETT with Mr. FOCHT.

Mr. BRANTLEY with Mr. MICHAEL E. DRISCOLL.

Mr. AYRES with Mr. DRAPER.

Mr. ALLEN with Mr. DE FOREST.

Mr. BURKE of South Dakota with Mr. LITTLETON.

Mr. BARTLETT with Mr. SLEMP.

Mr. BURGESS with Mr. WEEKS.

Mr. PUJO with Mr. MCMORRAN.

For to-day:

Mr. SIMS with Mr. KAHN.

Mr. LEE of Pennsylvania with Mr. ROBERTS of Massachusetts.

Mr. SHERLEY with Mr. TAYLOR of Ohio.

Mr. POU with Mr. PORTER.

Mr. DANIEL A. DRISCOLL with Mr. CALDER on rule for Post Office bill.

The SPEAKER. On this vote the yeas are 104, the nays 78, present 12, making 194; not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I believe the automatic rule with reference to a call of the House operates.

The SPEAKER. The Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does the Speaker order a roll call under the automatic rule?

The SPEAKER. No; if we can get two more we will have a quorum.

Mr. MANN. I understood the Speaker to say something about the automatic rule, and the automatic rule has nothing to do with that——

The SPEAKER. There is no use in having another roll call.

Mr. MANN. It would if the automatic rule applies.

Mr. BURKE of Wisconsin appeared and answered to his name.

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Aye," as above recorded.

The SPEAKER. On this vote the ayes are 106, the nays 78, 12 present, making 196, a quorum; and the resolution is agreed to.

Mr. MANN. Is 196 a quorum?

The SPEAKER. A quorum is 196.

Mr. MANN. I thought the Chair said yesterday that hereafter a quorum would be 197.

The SPEAKER. No; the full House is 394, but there are three vacancies, leaving 391. The swearing in of Mr. GREENE of Vermont did not change the number necessary to make a quorum.

Mr. MANN. Mr. Speaker, I offer the following privileged resolution before the conferees are named.

Mr. UNDERWOOD. I make the point of order that nothing is in order until the conferees are named.

Mr. MANN. I offer this resolution to instruct the conferees.

The SPEAKER. The rule provides that the Chair shall announce the conferees without an intervening motion.

Mr. MANN. And I want to show how autocratic this Committee on Rules is.

The SPEAKER. The Chair is not passing on the autocracy of the Committee on Rules.

Mr. FITZGERALD. Mr. Speaker, I want to call attention to the fact that this rule is an exact duplicate of many resolutions that came from the Republican Committee on Rules.

Mr. MANN. On which you went to the country claiming that it was an outrage and indefensible, and now you are doing the same thing.

The SPEAKER. The election of 1910 is past and gone.

Mr. MANN. Yes; but there is another one coming.

The SPEAKER. The Clerk will announce the conferees.

The Clerk read the names of Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS.

MESSAGE FROM THE SENATE.

A mesage from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed, without amendment, the following joint resolution and bills:

H. J. Res. 356. Joint resolution to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies";

H. R. 23043. An act to patent certain semiarid lands to Luther Burbank under certain conditions; and

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution and bill of the following titles, when the Speaker signed the same:

H. J. Res. 356. Joint resolution to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies;" and

H. R. 23043. An act to patent certain semiarid lands to Luther Burbank under certain conditions.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution:

H. J. Res. 356. Joint resolution to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p. m.) the House adjourned until to-morrow, Friday, August 16, 1912, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, reports on examination and survey of Skagit River, Wash., from Sedro Woolley to Baker (H. Doc. No. 909), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. JACKSON, from the Committee on Indian Affairs, to which was referred the bill (S. 3952) for the purpose of repealing so much of an act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indians located in Kansas City, Kans., providing for the sale of a tract of land located in Kansas City, Kans., reserved for a public burying ground under a treaty made and concluded with the Wyandotte Tribe of Indians on the 31st day of January, 1855, said section of said act relating to the sale of said land be, and the same is hereby, repealed, reported the same with amendment, accompanied by a report (No. 1187), which said bill and report were referred to the House Calendar.

Mr. THOMAS, from the Committee on the Judiciary, to which was referred the bill (S. 4679) to amend section 95 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, reported the same without amendment, accompanied by a report (No. 1188), which said bill and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 26235) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city, reported the same without amendment, accompanied by a report (No. 1194), which said bill and report were referred to the House Calendar.

Mr. DAVIS of West Virginia, from the Committee on the Judiciary, to which was referred the bill (H. R. 25937) making the first Monday in September (Labor Day) a legal holiday, reported the same with amendment, accompanied by a report (No. 1189), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes, reported the same without amendment, accompanied by a report (No. 1190), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CONRY, from the Committee on Military Affairs, to which was referred the bill (H. R. 17481) granting right of way through the Fort Shafter Military Reservation and Pearl Harbor Naval Station, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), reported the same with amendment, accompanied by a report (No. 1191), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. AKIN of New York: A bill (H. R. 26289) fixing the price for the transportation of passengers within the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. SULZER: A bill (H. R. 26290) to reduce postage rates, improve the postal service, and increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. JACKSON (by request): A bill (H. R. 26291) for a progressive property tax on the holdings or possessions of multimillionaires; to the Committee on Ways and Means.

By Mr. LOUD: A bill (H. R. 26292) to provide for the purchase of a site and the construction of a Federal building at Midland, Mich.; to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: A bill (H. R. 26293) for the relief of settlers on the shores of Mud Lake, Marshall County, Minn.; to the Committee on the Public Lands.

By Mr. KAHN: A bill (H. R. 26294) for the construction of a rostrum in the national cemetery in the Presidio of San Francisco, Cal.; to the Committee on Military Affairs.

By Mr. BATHRICK: A bill (H. R. 26295) to amend an act entitled "An act to regulate commerce," as amended June 29, 1906, April 13, 1908, and June 18, 1910; to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 689) proposing amendments to certain rules of the House; to the Committee on Rules.

By Mr. BULKLEY: Resolution (H. Res. 692) concerning the transmittal of certain records in the War Department to the House of Representatives; to the Committee on Military Affairs.

By Mr. STEPHENS of Nebraska: Joint resolution (H. J. Res. 357) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred, as follows:

By Mr. DONOHOE: A bill (H. R. 26296) to authorize the Secretary of the Navy to make certain disposition of one obsolete gun; to the Committee on Naval Affairs.

By Mr. FIELDS: A bill (H. R. 26297) for the relief of Eli F. Prather; to the Committee on Military Affairs.

Also, a bill (H. R. 26298) granting a pension to Julia A. Gorman; to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky (by request): A bill (H. R. 26299) for the relief of the heirs of Simeon P. Sandidge; to the Committee on War Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26300) to remove the charge of desertion now existing on the records of the War Department against John H. Melber; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 26301) granting a pension to Jean L. Peabody; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 26302) granting an increase of pension to Callie E. Kooken; to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 26303) for the relief of the American Fire Insurance Co., of Philadelphia, Pa., and others; to the Committee on Claims.

By Mr. RUCKER of Colorado: A bill (H. R. 26304) granting an increase of pension to Mary Ely; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26305) granting an increase of pension to Rebecca L. Newby; to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 26306) to grant an annuity to Annie Neate; to the Committee on Military Affairs.

By Mr. TALBOTT of Maryland: A bill (H. R. 26307) granting a pension to Alice E. Taylor; to the Committee on Invalid Pensions.

By Mr. AIKEN of South Carolina: A bill (H. R. 26308) for the relief of Mary C. Briggs; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 26309) granting an increase of pension to Francis M. Bullock; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 26310) granting an increase of pension to Alma A. Shephard; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DYER: Petition of the International Association of Machinists, favoring passage of House bill 25305, against the stop-watch in Government shops; to the Committee on Labor.

Also, petition of the Commercial Telegraphers' Union of America, of Chicago, Ill., relative to right of operators to strike, etc.; to the Committee on Interstate and Foreign Commerce.

Also, petition of the National Association of Manufacturers of the United States of America, New York City, against the anti-injunction bill; to the Committee on the Judiciary.

By Mr. MOTT, memorial of Ontario Lodge, No. 69, Brotherhood of Locomotive Firemen, against passage of the workman's compensation act; to the Committee on the Judiciary.

Also, petition of Robert A. Hughes, of Herring, N. Y., favoring reduction of duty on raw and refined sugars; to the Committee on Ways and Means.

Also, memorial of the National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. UNDERHILL: Memorial of the National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. WILSON of New York: Petition of citizens of the United States, favoring passage of the Berger old-age pension bill for deserving men and women over 60 years of age; to the Committee on Pensions.

Also, petition of the Associated Fraternities of America, against Senate amendment to the Dodds amendment; to the Committee on the Post Office and Post Roads.

Also, memorial of the National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *August 16, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRISTOW and by unanimous consent, the further reading was dispensed with and the Journal was approved.

JUDGMENTS AGAINST INTERNAL-REVENUE OFFICERS (S. DOC. NO. 928).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an item for inclusion in the general deficiency appropriation bill for payment of judgments against internal-revenue officers, amounting to $93,477.17, which was referred to the Committee on Appropriations and ordered to be printed.

MONEY-LAUNDERING MACHINES (S. DOC. NO. 929).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an estimate of $60,000 for the installation, maintenance, and operation of money-laundering machines in the Treasury at Washington, D. C., and the subtreasuries during the fiscal year 1913, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 26278) to amend an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representatives and Senators in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate Nos. 1 and 3 to the bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary"; disagrees to the amendment of the Senate No. 2; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. CLAYTON, Mr. WEBB, and Mr. STERLING managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and had appointed Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS managers at the conference on the part of the House.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a resolution adopted by the Maritime Association of the Port of New York, favoring the enactment of legislation at this session of Congress providing for the building of at least two battleships, which was referred to the Committee on Naval Affairs.

Mr. LODGE. I present a memorial signed by 1,844 employees of the Fore River Shipbuilding Co., of Quincy, Mass., remonstrating against the granting of American registry to foreign-built vessels engaged in foreign trade. I move that the memorial lie on the table.

The motion was agreed to.

Mr. BURTON presented a memorial of sundry citizens of Cincinnati, Ohio, remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 13016) for the relief of the West Kentucky Coal Co., reported it without amendment and submitted a report (No. 1041) thereon.

Mr. BRIGGS, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4309) for the relief of Dommick Taheny and John W. Mortimer, reported it with amendments and submitted a report (No. 1042) thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENYON:

A bill (S. 7473) for the relief of Rufus F. Hull; to the Committee on Military Affairs.

A bill (S. 7474) granting a pension to Mary E. Lock; to the Committee on Pensions.

By Mr. MYERS:

A bill (S. 7475) granting a pension to George Walters; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 7476) to correct the military record of Maj. Horace P. Williams; to the Committee on Military Affairs.

By Mr. SMITH of Michigan:

A bill (S. 7477) granting an increase of pension to John G. K. Ayers (with accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 7478) granting a pension to Nettie W. Sisson (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. NELSON submitted an amendment providing that in computing the length of service which shall entitle warrant or petty officers to longevity pay under the eighth section of the act approved April 16, 1908, etc., all service rendered under the official designation "pilot" in the Revenue-Cutter Service shall be included, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CATRON submitted an amendment proposing to appropriate $1,100 for additional vault facilities in the Federal building at Santa Fe, N. Mex., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

HOOKWORM AND SOIL POLLUTION.

Mr. BOURNE (for Mr. TILLMAN) submitted the following concurrent resolution (S. Con. Res. 27), which was considered by unanimous consent and agreed to:

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate document room 2,000 copies on manila paper of a wall chart on hookworm and soil pollution.

TREATIES AND CONVENTIONS.

Mr. CULLOM submitted the following resolution (S. Res. 380), which was considered by unanimous consent and agreed to:

Resolved, That there be prepared, under the direction of the Committee on Foreign Relations, a supplement to the compilation entitled "Treaties, Conventions, International Acts, and Protocols Between the United States and Other Powers, 1776–1909," to include treaties, conventions, important protocols, and international acts to which the United States may have been a party from January 1, 1910, to March 4, 1913, inclusive.

SUGAR-BEET INDUSTRY (S. DOC. NO. 930).

Mr. LODGE. I present a paper, being a letter addressed to me from Truman G. Palmer, relative to the first beet sugar produced in America. The letter is short, and I ask that it be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 13, 1912:

S. 6412. An act to regulate radio communication.

On August 14, 1912:

S. 6926. An act to convey to the Big Rock Stone & Construction Co. a portion of the military reservation of Fort Logan H. Roots, in the State of Arkansas;

S. 2117. An act to change the name of the Public Health and Marine-Hospital Service to the Public Health Service, to increase the pay of officers of said service, and for other purposes;

S. 5817. An act authorizing the Secretary of the Interior to sell to the county of Hill, in the State of Montana, the jail building and fixtures now upon the abandoned Fort Assiniboine Military Reservation, in the State of Montana;

S. 183. An act for the relief of G. A. Embry;

S. 1508. An act for the relief of the estate of Eliza B. Hause;

S. 4568. An act granting an increase of pension to Annie R. Schley; and

S. 4189. An act for the relief of the estate of Johanna S. Stoeckle.

On August 16, 1912:

S. 4007. An act for the relief of the J. Kennard & Sons Carpet Co.; and

S. 4032. An act for the relief of C. Person's Sons.

DISTRICT AND CIRCUIT JUDGES.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the amendments of the Senate Nos. 1 and 3 to the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," disagreeing to amendment No. 2 and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BRANDEGEE. I move that the Senate insist upon its amendment and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BRANDEGEE, Mr. DILLINGHAM, and Mr. ROOT conferees on the part of the Senate.

Mr. BRANDEGEE subsequently said: A few minutes ago conferees on the part of the Senate were appointed by the Chair on the bill (H. R. 17595) to amend sections 1 and 118 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary." I ask unanimous consent that the name of the senior Senator from Georgia [Mr. BACON] may be substituted for mine as a conferee.

The PRESIDENT pro tempore. Without objection, that order will be made.

HOUSE BILL REFERRED.

H. R. 26278. A bill to amend an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911, was read twice by its title and referred to the Committee on Privileges and Elections.

CAMPAIGN CONTRIBUTIONS.

The PRESIDENT pro tempore. If there are no further concurrent or other resolutions, the morning business is closed.

Mr. CULBERSON. I ask the Chair to lay before the Senate the motion that came over from yesterday. In the meantime I suggest the absence of a quorum.

The PRESIDENT pro tempore. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Culberson	Lodge	Pomerene
Bailey	Cullom	Martin, Va.	Sanders
Bankhead	Cummins	Martine, N. J.	Shively
Borah	Curtis	Massey	Simmons
Bourne	Dillingham	Myers	Smith, Ariz.
Brandegee	Foster	Oliver	Smith, Ga.
Bristow	Gallinger	Overman	Stone
Bryan	Heyburn	Page	Tillman
Burton	Johnston, Ala.	Penrose	Townsend
Catron	Jones	Perkins	Watson
Clapp	Kenyon	Poindexter	Works

The PRESIDENT pro tempore. Forty-four Senators have answered to their names—not a quorum. The list of absentees will be called.

The Secretary called the names of absent Senators.

Mr. LA FOLLETTE, Mr. SMITH of Michigan, Mr. CHAMBERLAIN, and Mr. NELSON entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. CULBERSON. I ask the Chair to submit to the Senate the motion pending, which is that to-morrow morning, immediately after the routine morning business, the Senate will proceed to the consideration of Senate bill 3315, a motion which I entered yesterday and which came over automatically to-day.

Mr. CUMMINS. Will the Senator from Texas yield to me for a moment while I make a correction in the calendar, so that everybody will understand it?

Mr. CULBERSON. Certainly.

Mr. CUMMINS. I think there is an error in stating the unanimous-consent agreement respecting Senate bill 6099. It seems to be stated as though it were to be taken up immediately after the routine morning business. I think the agreement was that it should be taken up at 4 o'clock this afternoon. The calendar ought to be changed in that regard.

The PRESIDENT pro tempore. The RECORD shows that that was the agreement, that it should be taken up at 4 o'clock.

Mr. CUMMINS. I make this statement in order not to interfere with the unanimous-consent agreement in regard to the Coos River Dam bill.

The PRESIDENT pro tempore. The Senator from Texas moves that the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons be made a special order for to-morrow, immediately following the routine morning business. [Putting the question.] The ayes have it, and it is so ordered.

POST OFFICE APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BOURNE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

Mr. SMITH of Michigan. Mr. President, before that motion is put, I should like to make an inquiry regarding the provision in the bill as it passed the Senate fixing the rate of postage on periodicals. I believe the amendment adopted in the Senate was not reported from the Committee on Post Offices and Post Roads.

Mr. BOURNE. It was offered by the junior Senator from Georgia [Mr. SMITH].

Mr. SMITH of Michigan. Yes; and that is part of the bill upon which the Senate is now asked to insist and which will go to conference.

Mr. BOURNE. That was the amendment as adopted by the Senate and it is in the bill as it will go to conference.

Mr. SMITH of Michigan. What I should like to know is this, Whether, if we send the bill to conference now, we send it approving it in its entirety?

Mr. BOURNE. That is my understanding.

Mr. SMITH of Michigan. I should like to ask if it is in order to except from the motion the amendment to which I have referred? If that matter can be appropriately taken up now, I should like to see it done. I am quite out of harmony with that provision, and I should like very much if we could again take the sense of the Senate upon it before it gets too far away. Will the Senator from Oregon kindly inform me as to that?

Mr. BOURNE. It is not the province of the chairman of the committee to decide that question.

Mr. SMITH of Michigan. The question before the Senate is the question of insistence in the conference with the House on the disagreeing votes of the two Houses. The Senator from Oregon [Mr. BOURNE] proposes that the Senate consent to the conference, insist upon its amendments, and that the conferees be appointed by the Chair. A provision attached to the bill by the Senate, for which, as I understand, the junior Senator from Georgia [Mr. SMITH] was responsible, distinguishing between the rate of postage upon periodicals and other publications, will then be in disagreement between the two Houses. Upon that question I should like very much to again take the sense of the Senate, and I desire to know whether this would be an appropriate time to do it.

Mr. BOURNE. Mr. President, replying to the Senator from Michigan I will say that I assume that that is a question that the Senate itself must determine. The chairman of the committee has no voice in that matter at all. As I understand, the conferees are instructed by the Senate to do their utmost to see that the Senate amendments are retained.

Mr. LODGE. Of course, a motion to recede or to concur is first in order, but I do not see exactly how this amendment can be dealt with in that way, because if this amendment should be receded from by the Senate it would then, as I understand—the chairman of the committee will correct me if I am wrong—leave the provision of the House bill stand, which does not abolish the "blue-tag" system.

Mr. BOURNE. That is the understanding I have.

The PRESIDENT pro tempore. The Chair will state that the conferees are not yet appointed, and even if it were competent to instruct them, against which the precedents of the Senate run pretty uniformly, it could not be done now.

Mr. NELSON. I want to suggest to the Senator from Michigan that the bill ought to go to conference, and if, as is quite likely, the conferees may agree on eliminating this amendment which is objectionable, it will not be necessary to have a separate vote. If they should fail to do that, we would have an opportunity to vote on that question, but at this time I think it is premature to bring up the matter.

Mr. SMITH of Michigan. That may be, Mr. President, but in order that I may not lose the opportunity to dissent from that amendment, and that we may not send the conferees of the Senate into conference with any suggestion that that item is to be insisted upon, I have made this suggestion. I think, however, that it is impossible to divide the question at this juncture; and so I simply indicate my hope that the conferees may see fit to modify that provision of the bill.

Mr. LODGE. Mr. President, I only desire to make clear to the Senator from Michigan that if this amendment is abandoned it throws the whole question of that section into conference; it would restore the House provision. The House provision leaves the "blue-tag" system as it now is in operation; and if the Senator's request were to be acceded to it would leave the condition of things worse than at present, from the Senator's point of view.

Mr. SMITH of Michigan. I quite agree with the Senator from Massachusetts, but I simply wanted to indicate my hope that the conferees would not feel bound to consider the action of the Senate irrevocable on this amendment.

The PRESIDENT pro tempore. There is nothing now before the Senate except the motion of the Senator from Oregon [Mr. BOURNE].

Mr. BRISTOW. Mr. President, I desire to say that, in my opinion, it would be better that the House provision in that respect should prevail than that the amendment which the Senate adopted should prevail, because, while it leaves the "blue-tag" provision intact, it does not increase the rate on a large number of publications and leaves the old rate of 1 cent a pound on others. The amendment adopted is, in my opinion, an unjustifiable discrimination as between periodicals that are printed biweekly or monthly and those that are printed weekly, while the present "blue-tag" system does not, in my judgment, discriminate nearly so badly as that does.

The PRESIDENT pro tempore. The Senator from Oregon [Mr. BOURNE] moves that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed Mr. BOURNE, Mr. PENROSE, and Mr. BANKHEAD conferees on the part of the Senate.

COOSA RIVER DAM, ALA.

The PRESIDENT pro tempore. Under the unanimous-consent agreement, Senate bill 7343 is now before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

Mr. POINDEXTER. Mr. President, I desire to submit a few remarks on the amendment proposed by the Senator from Ohio [Mr. BURTON], and at the same time to present an amendment, of which I gave notice when the bill was previously before the Senate.

The only question at issue is whether this grant shall be without consideration to the Government and without reservation by the Government of the right to prevent a monopoly, to prevent extortion in case during the practically perpetual life of the grant conditions should arise demanding such regulation, or, on the other hand, whether it should be a clear gift—an absolute surrender on the part of the Government. I do not think there is any influence or any interest that is opposed to the passage of the bill if reasonable conditions should be attached to it.

There is a great deal of misunderstanding throughout the country as to the so-called conservation policy, the charge being constantly made that it seeks to prevent the development of the country. That is not the case at all. On the contrary, it seeks to encourage the development of the natural resources of the country, and it seeks to direct that development along such lines that the benefits will be preserved for the public welfare and that an undue portion of the profits shall not go to individual interests.

The proposition in this bill is that a great water-power company, which controls all the water power in the State of Alabama and no doubt is interested in water powers in many other States, shall be granted by the Government the use of the waters of the Coosa River, which will afford a minimum of 10,000 horsepower, and on an average perhaps 15,000 horsepower, which will be of a value to the grantee under this bill of $15 a year per horsepower.

It is a most valuable franchise which is sought here, and yet the Senators who are urging the passage of this bill insist that it shall be given to this company without consideration,

and that the Government, when it has granted this franchise, which they come here seeking, shall have no further control, no further word as to the matter and as to the terms upon which it shall be used. It seems to me that the mere statement of the proposition shows its unreasonable character.

It is a simple proposition. I apprehend that the Alabama Power Co., or the Alabama Traction Light & Power Co., which, by the way, was incorporated under the laws of the Dominion of Canada, a foreign corporation, and which holds the stock of the Alabama Power Co.—to whom this bill proposes to grant this right—I apprehend that that company is interested in this matter for financial reasons, and that it is not concerned particularly in constitutional questions as to whether whatever compensation shall be paid shall be collected by the United States or by the State of Alabama.

It is intimated on the part of those who are favoring this bill that they have no objection to the payment of compensation; that they have no objection to a reasonable regulation of the operation of this plant under the reserved power in the Government to regulate rates and to prevent extortion and monopoly; but they insist that those rights should be placed in the State government instead of in the Federal Government. It is inconceivable to me that this company, which is investing its money in this proposition upon a commercial basis, if it really is willing to pay a reasonable compensation for this grant and is willing to submit to reasonable regulation, should be concerned as to whether that regulation should be by the United States or by the State.

Mr. BORAH. Mr. President, I, of course, do not know what the power company's views are, neither am I concerned about the power company's views, nor am I opposed to regulation and control, but I agree, particularly with what the Senator from Ohio [Mr. BURTON] said the other day, that this is one of the most important subjects with which we have to deal; and I believe that it must be dealt with under strict regulation and control. I am, however, one who is greatly concerned as to whether or not the benefits of natural resources shall go to the States in which the natural resources are located or to the National Government to be exhausted and utilized by the increasing of bureaucratic powers. The more you feed them the more they want.

Mr. POINDEXTER. I am perfectly willing to yield to any inquiry from the Senator in regard to anything I may say, but I prefer that the Senator should not make his speech on this subject in the middle of my remarks. If the Senator desires to ask a question I will yield to him for that purpose.

Mr. BORAH. The Senator said they were not concerned about who regulated it. I desire to say the Senate is interested—some Senators, at least—as to whether the proceeds shall go to the State or whether they shall go to the National Government. I am in favor of regulation and control, I think, just as much as is the Senator, but I do believe that the natural resources located within the States should be of benefit to the States, and that the amount collected should go into the State treasury instead of into the National Treasury.

Mr. POINDEXTER. Mr. President, I am in accord with the Senator from Idaho to the extent that I believe a reasonable portion of the returns from the natural resources located in the States should go into the treasury of the States where the property is located. I am not in accord with him—and I do not know that he intended to raise that question by his remarks—that the sovereignty over this property, which now belongs to the United States Government, can not be retained in the United States Government upon condition when a grant is made. I believe that it is in the interest of the country as a whole, and in the interest of the people of the several States where these properties are located, that the power to regulate and the power to collect a reasonable compensation should be retained by the Federal Government, but I do agree that under a just and wise policy a reasonable portion of the proceeds collected from the natural resources should be paid into the treasuries of the States. That policy is already in force, to a large extent, with reference to the forest reserves of the country, from which, under the law, 25 per cent, I believe, of the collections from the sale of timber and other forest products is paid into the treasury of the State where the forest reserve is located.

I do not desire at this point, and I did not intend at this point, to discuss the question which the Senator from Idaho has just raised, but I will digress long enough to say that in the general question of conservation of natural resources the cry that is made that the Federal Government is locking up the resources of the country to the detriment of the States where they are located is, in my opinion, from observation of the operation of the laws, utterly without foundation in logic or in fact. On the contrary, a just policy of conservation by the Federal Government, providing reasonable regulation, economical development, and conditions which will insure that the operations will inure to the benefit of the public, instead of being entirely for the benefit of some private individual, is for the interest of the people of the community where the property is located and for their interest primarily.

The conditions in many of the Eastern States in which public lands have long ago been disposed of indicate the truth of what I have just said. They are spending a great many million dollars out of the treasuries of the States to buy lands in order to create forest reserves, because it is for the benefit of the people in those States, and how can it be said that where the Government owns land in the Western States, for which it is not necessary to pay a dollar in order to get the benefits of reasonable forest regulations, the same benefits will not accrue to those States by the establishment of reasonable forestry laws and reasonable regulations as to the preservation of the forests and of the flow of the streams, when the Eastern States are spending money out of their treasuries to bring about the condition which the Western States acquire without the payment of a dollar?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Idaho?

Mr. POINDEXTER. I yield for an inquiry.

Mr. BORAH. I simply wish to say, if the Senator will permit me to insert a single sentence, that, so far as I am concerned, I am not opposed to the creation or maintenance of forest reserves wherever there are forests. I am in full sympathy with that view.

Mr. POINDEXTER. I am very glad to know that, because I think the country has misunderstood the Senator's attitude in regard to that.

Mr. BORAH. The country could not have misunderstood the Senator's attitude if the country had taken the time to read what the Senator said on the subject. I have said repeatedly here that I am only opposed to retaining in the reserves those lands upon which there are no trees, upon which nature never was able to grow a tree, and upon which, I believe, no one can grow a tree.

Mr. POINDEXTER. There is nobody in the Senate, I will say, with whom I less desire to have a controversy than the Senator from Idaho. It is not exactly pertinent to the question that is before the Senate now, but I remember a very short time ago when a certain amendment to the agricultural appropriation bill was pending in the Senate which would have required the Chief Forester to segregate out of the forest reserves all lands which are suitable for agriculture, the Senator from Idaho favored that provision, the effect of which would have been to have destroyed, to a large extent, the forest-reserve policy in the most heavily timbered sections of the West, in those regions where the timber is thickest and of most value, because, of course, the land where those trees grow is suitable for agriculture. The Senator, as I understand, was in favor of segregating those lands from the forest reserves and restoring them to all the conditions which have resulted in some of the great lumber companies of this country acquiring vast areas of that character of property, particularly in the State of Washington and in the State which the Senator represents.

Mr. BORAH. Mr. President, the Senator from Idaho has never advocated at any time, either directly or indirectly, the elimination from the forest reserves of the timbered lands. All the eliminations would have to take place under the department. I only desired the elimination of that which the department would say was fit for agriculture. I am sure the Senator from Washington would not say that the Chief Forester and the Agricultural Department would eliminate heavy forested lands under that kind of a proposition. If that was the interpretation which they put upon it, I should not urge it; but I was urging the elimination of those lands upon which there are no trees, upon which there are no forests.

Mr. POINDEXTER. There is no disagreement about that. There was a great difference, however, in the language of the amendment, which required the Chief Forester, I apprehend——

Mr. BORAH. The language of the amendment——

Mr. POINDEXTER. Just a moment; let me finish the sentence—which required him to eliminate all the lands which were suitable—the amendment contained the word "suitable"—for agriculture. That, had it been adopted, would have excluded timbered lands, as well as others, from the reserves.

Mr. BORAH. No timber lands could have been excluded under such a rule as that.

Mr. POINDEXTER. There never has been such a rule.

Mr. BORAH. And the ruling of the department could never have been to that effect. The misrepresentation made by the bureau was to that effect, in order to insure a misunderstanding abroad and to willfully mislead the public.

Mr. POINDEXTER. Mr. President, as indicating the entire agreement between the Senator from Idaho and myself as to the interests of the State in this matter, I have incorporated, largely at his suggestion, in the amendment of which I have given notice to introduce to this bill:

That the said power company, its successors and assigns, shall pay to the United States 1 per cent of the net profits derived from light, heat, power, or other proceeds of said work, to be ascertained and collected by the Secretary of War; and one-half of all such collections made by the Secretary of War shall be paid by him into the treasury of the State of Alabama.

I am at a loss to see why any company willing to submit to reasonable regulations, or anyone concerned in preserving for the State a reasonable share of the profits of these natural resources, should object to the adoption of that amendment to the bill.

Mr. President, it is urged by those who advocate this bill—as if it were of vital consequence to the grantees—that the Federal Government has no constitutional power to collect profits from the development of power in a stream, but that the use of the waters belongs to the State. The Senator from Ohio seemed to me to completely answer that proposition when he called attention to the fact that you are here asking for a grant from the Federal Government, which necessarily admits an implied right on the part of the Federal Government to withhold the grant if it sees fit. If it can reject it absolutely, it can grant with conditions attached.

A mere practical consideration of the conditions surrounding the development of these powers makes it absolutely clear and conclusive that the Federal Government has the right to use the proceeds, or by-products, so to speak, created by the erection of dams for the improvement of navigation. In this case it is proposed to grant the privilege of erecting a dam to a private individual or a private company. But if the Government can grant that to a private company, of course it could erect a dam itself. Suppose it proceeded, in the improvement of the navigation of this stream, to erect this dam and develop this power, do Senators mean to say that the Government would not have a right to use the power flowing over the dam which it controls and owns and which it has itself erected?

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. REED. I am very much interested in the question the Senator is discussing. I have given it some consideration. Does the Senator think that because the Government has the right to control the navigation of a stream that that involves the right to absorb the water power of the streams?

Mr. POINDEXTER. That question is a very broad one. Undoubtedly it would not have the right to absorb the water power of the streams except as incidental to the exercise of the control and development of navigation.

Mr. REED. Now, Mr. President, let us turn it around. The riparian owner and the State have the right to control the use of the water power. Does that involve the right to control navigation?

Mr. POINDEXTER. No; that does not. I scarcely see what conclusion the Senator is going to draw from that.

Mr. REED. I am driving at what seems to me to be a very clear conclusion. If because the Government of the United States has the right to improve the river, so that boats may go upon it, and, having that right, it may then reach out and take over the water power as an incident to the control of navigation, it would seem equally clear, proceeding by the same process of reasoning, that we should say that as the riparian owner and the State have the right to control the use of the water power they might take over the control of navigation as an incident. In other words, to complete the thought, when you go beyond the legitimate exercise of a particular power and add to it everything else in the way of utility, as an incident, you come to a point where these two and separate, distinct rights would inevitably clash. It seems to me that forces the conclusion that each right must be strictly exercised, and that it does not carry with it any incident, because the moment you attach an incident to one right you get into a doctrine that will obliterate the other corresponding and coordinate right.

I should like to just get the Senator's view. I am not trying to provoke a discussion.

Mr. POINDEXTER. I appreciate the Senator's point, and I am perfectly willing, so far as the logical conclusion is concerned, to let it stand without comment as he has stated it. So far as the control of the private riparian owner over navigation is concerned, that question is not open to discussion, because the control of the navigable waters of the country is vested in the Federal Government by the Constitution, and there is no process of reasoning by which it could be deduced that under any conceivable condition some private citizen could control the navigation of a stream. But suppose the Government, in the exercise of its power to control navigation, proceeds to put a dam in a river, as they are now considering doing in the Columbia River, for instance, where it has made a survey of a certain section of the Columbia River, which is a stream flowing a vast volume of water and a very swift stream, in which the power-development possibilities are very great.

Mr. HEYBURN. Mr. President——

Mr. POINDEXTER. Just a moment, and then I will yield to the Senator. In pursuance of this project for the improvement of the navigation of that great river the United States engineers have made a survey of a certain section of the river, we will say, between the town of Wenatchee and the mouth of the Snake River. The project includes also the erection of a large number of dams, and included in their estimate is the amount of water power that would be developed in the river by those dams.

Now, does the Senator from Missouri claim that when the Government has erected those dams in the Columbia River—and the same state of affairs is applicable to any other navigable water over which the Government has jurisdiction—that a private individual would have the right to come in under some grant by the State or under some authority claimed by him as a riparian proprietor, and, without compensation to the Government, use the power which has been developed by the Government work?

Mr. REED. Mr. President, I did not intend to enter into an argument with my friend the Senator upon that question, but I fail to see how he can answer the logic of a situation by taking a hard case and asking what one claims with reference to that. The Senator does not come from that part of the country where a man is permitted to answer a question by asking another.

If the Senator wants my view, I think it is a question that is going to require very careful consideration, but I in my present frame of mind am unable to come to the conclusion, because the Government of the United States has the right to control a stream for the mere purpose of navigation and for no other purpose, that that gives to the Federal Government the right to absorb all other legal rights which attach to the stream, any more than it gives the possessors of the other legal rights the privilege and power of superseding the Government in its control of navigation. The two rights must be separately exercised and one must not be used to the exclusion of the other.

So it would seem to drive to this conclusion, that if the Government have the power only to control for the purposes of navigation, the limit of their power must be the limit of their right, and that as their power is limited to controlling navigaton when they build a dam, in the use of that dam they must be confined to the limitations of the power that enable them to build it, and that the other rights connected with the stream itself rest where they rested before the Government in control of navigation constructed the dam.

So if the Government in controlling navigation did create water power, water power would go with that control of the stream which has always been vested by law in the State and in the riparian owners. However unfortunate that may be for the Government, it seems to me that is exactly where the law would necessarily lead us.

Now, I am interrupting in this lengthy way because the Senator asked me a question and I can not answer in just a word. If he will pardon me one word further. [After a pause.] Well, Mr. President, I will just let the answer stand at that. Some other Senators want to follow, I understand.

Mr. BANKHEAD. Mr. President, I beg to suggest to the Senator from Washington that there are only about 30 minutes of time remaining now under the unanimous-consent arrangement, and it seems to me that the other side ought to have an opportunity to present their views briefly on this question.

Mr. POINDEXTER. I have used very little of the time this morning. Most of the time has been used by Senators who have interrupted me.

Pursuing the inquiry which the Senator from Missouri has just discussed, the conflict between the State's power over the water in the streams and the rights of riparian owners, and the rights of the Federal Government to control navigation, of course these powers must be operated so far as possible in harmony with each other; but the point is occasionally reached in the practical operation of those various powers when one comes

in conflict with the other, and the question arises as to which one is paramount. Whether rightly or wrongly, the courts of this country and the practices and precedents of the country have yielded to the rights of the Federal Government in this and in all other cases where the clear rights of the Federal Government came in conflict with the rights of the States or of private parties. In other words, the control of the Federal Government over navigation in the streams can not be hampered or interfered with by the right of any other power or individual in the water of the stream. A man has a right to take water out of a stream for irrigation; he can appropriate it; and the law of the West in that regard is that the prior appropriator of unappropriated waters in a stream can take it for purposes of irrigation, but he can not, contrary to the regulations of the Federal Government, take such quantity of water out of a navigable stream for the purposes of irrigation as would destroy the navigability of that stream.

Mr. President, the case which I cited as to the Columbia River the Senator from Missouri says is a hard case. It is not different in principle in any degree from the case involved by this bill. There is not any difference in principle in a case where the Government erects a dam, as far as its rights to dispose of the products of the dam are concerned, from the case where it grants that right to an individual or to a corporation. There is nothing of value in the flow of the water at the point where this dam is proposed to be erected at the present time. There is no power there. The power is created by the dam, by the franchise and the operation under the franchise which the Government is asked to grant in this bill, by reason of raising the water so that it will have a fall from the artificial plane to which it is raised by the dam, and so the water power is created. It is created under the grant of the Government. If the Government can reject the application it can grant it upon condition; and when it is conceded that it is reasonable that the Government should be reimbursed—either the State or the Federal Government—and that there should be vested in one or the other the power to prevent monopoly and extortion, I fail to see, if those who make this concession are sincere, why they should object to either one of these amendments. The amendments would not in any way impede the development of this stream. They would not in any way prevent the erection of that dam. It can not be conceived that the Government would impose unreasonable restrictions as to rates to be charged for this power. It can not be said that the reimbursement to the Government of 1 per cent of the net profits is an unreasonable compensation to be paid to the public.

The Government, not only in this stream but in other streams, is asked to expend the money of the people in improving navigation, and no doubt will be asked to expend it in the improvement of the navigation of this stream perhaps, at other points, to extend the navigation which may be created by this dam. It is not unreasonable to ask that the parties who acquire this valuable property in the stream from the Government should pay into the Treasury a reasonable share of the profits from that property for the purpose of aiding the Government in its general policy of river and harbor improvement.

Now, Mr. President, I want to call attention very briefly to a letter from the Secretary of War in regard to the policy which is involved in this and a large number of similar bills pending now in the House of Representatives in what is called an omnibus water-power bill, upon which the issue of paying a reasonable compensation and of reserving in the Government the right to regulate charges is involved, and which is before the country. I will read just a few lines.

Mr. JOHNSTON of Alabama. If the Senator from Washington will permit me, I should like to know about how much time it will take?

Mr. POINDEXTER. If the Senator from Alabama objects to my discussion of the bill, I will take my seat.

Mr. JOHNSTON of Alabama. I do not object.

Mr. POINDEXTER. I want to say in doing so, that while I am perfectly willing and more than willing to accommodate the Senators from Alabama so far as anything in which they are personally interested is concerned—and it would be a matter of great pleasure to me to concede the passage of any bill in which they are interested so far as it is consistent with principle—I, however, resent the proposition of putting through the Senate of the United States legislation of a nature which involves a principle of a general character upon a personal appeal to the Senate by distinguished Senators who are entitled to consideration. I resent this manner of disposing of a question which is of national interest and importance, which involves the question of whether or not this company is going to be excepted from the principles which the people of this country are attempting to establish as to the public properties of the country, so that when it is granted away to the extent of millions of dollars the Government shall be reimbursed to a reasonable extent.

Mr. President, I ask leave, in view of the insistence and interruptions of the Senators from Alabama, that I may conclude my remarks now and extend them in the RECORD to a brief extent, and print such papers as are in my possession. I ask unanimous consent for that purpose.

The PRESIDENT pro tempore. The Chair——

Mr. MARTIN of Virginia. There is no possible way to allow remarks to be extended in the RECORD not spoken on the floor of the Senate.

The PRESIDENT pro tempore. The Chair was about to suggest that, so far as the Chair knows, that privilege has never been granted to a Senator.

Mr. JOHNSTON of Alabama. I shall not object to the Senator occupying all the time he desires, although I did want to make a few remarks on the bill before the vote was taken.

The PRESIDENT pro tempore. There are 25 minutes remaining of the hour, the Chair will take the liberty of stating.

Mr. POINDEXTER. Mr. President, it is impossible to discuss the question with any clearness when one is reminded every moment or two that he ought to conclude his remarks and allow the other side to speak. If it is contrary to the rules of the Senate to substitute what I desire to say here by printing it in the RECORD, it certainly is not contrary to the practice of the Senate to allow me to print in the RECORD a letter from the Secretary of War and a statement from the National Conservation Association containing a statement of the general principles involved in this bill, and I ask that consent.

Mr. MARTIN of Virginia. I did not mean to object to such a request.

The PRESIDENT pro tempore. Without objection, the order will be made.

The matter referred to is as follows:

WAR DEPARTMENT,
Washington, May 21, 1912.

Hon. W. C. ADAMSON,
Chairman, Committee on Interstate and Foreign Commerce, House of Representatives,
Washington, D. C.

SIR: In accordance with the request contained in your letter of May 2, 1912, I have the honor to submit my views upon H. R. 24028, authorizing and permitting the Tennessee Hydro Electric Co., its successors and assigns, to build and maintain dams and water-power development in and across Clinch and Powell Rivers, in Anderson County, State of Tennessee.

I transmit herewith a report of the Chief of Engineers upon this subject. From this report it appears that the proposed dams may be of considerable pecuniary and commercial value and that this commercial value, in any case, will probably increase with the passage of time and the development of the surrounding country. It also appears that the stream on which the proposed dams are to be constructed is navigable to a small extent, especially for rafting of logs, and that at some future date it is possible that the river may be developed as a combined navigation and water-power improvement.

There is no provision made in the inclosed bill providing for any compensation to the Federal Government in return for the grant of the privilege, nor is there any provision made to reserve to the Federal Government the right to control the charges for the water-power service to the consumers in default of adequate regulation on the part of local authorities to protect the public interest. I believe that these are important defects in the bill, and, without their correction, do not recommend its passage.

It is improvident, in my opinion, to allow the entire cost of the future improvement of this river, if made, to fall upon the general taxpayers of the country, when that burden could so easily be reduced by exacting proper compensation for the water-power privileges granted on the river by the Federal Government.

The principles which should guide the granting of water-power privileges have now been comprehensively laid down in the final report just rendered of the National Waterways Commission. After long hearings and exhaustive study, that commission, composed of Members of both parties in both Houses, has unanimously reported that a grant for water-power development constitutes a special privilege for which the Government is entitled to proper compensation; that the water power developed on waters subject to Federal jurisdiction should be correlated to the development of navigation; and that in view of the growing intimate relations between the hydroelectric business and the interests of navigation, the Federal Government should reserve the right to control, in the public interests, the relation between the operating company and the consumer.

In the opinion of the Chief of Engineers, the interest of navigation also requires a relocation of the dams specified in the bill, and he has indicated on the copy of the bill, which I inclose herewith, the amendments on this point which he considers essential.

I therefore recommend that the bill be not passed in its present form.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

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NATIONAL CONSERVATION ASSOCIATION,
Washington, D. C.

The omnibus dam bill, H. R. 25882, and other similar current measures seeking to grant rights to dam navigable streams for the creation of water power are in their present form hurtful to the public interest, and should be amended as hereinafter suggested or defeated.

The essence of the policy of conservation is the use of natural resources for the public good. It is self-evident that our vast water powers still unutilized should be harnessed to meet the demands of our increasing population and the needs of legitimate industry. The Na-

tional Conservation Association has always strongly favored the prompt development of water powers, but the right to develop them should be granted under conditions just to the public as well as to the water-power corporations.

The bills in question are unfair to the public. They involve rights of enormous commercial value, a value which the passage of time and the growth of the country will greatly increase. Yet it is proposed to place these natural assets in the hands of great corporate interests without requiring compensation to the public for value received, and without controlling the price to be charged to the consuming public. The men to whom these rights are to be given can well afford to pay for what they get.

The recent report of the Commissioner of Corporations on the water-power industry has shown the unmistakable tendency toward monopolistic control of water power in this country. A number of the beneficiaries under these bills are allied with the controlling water-power interests. Monopoly tends to extortion. The only safeguard lies in requiring fair compensation to the public which grants the privilege, and the reservation by the National Government of the power to prevent unjust charges to the consumer.

All will admit that the capital invested in these plants is entitled to fair returns, and that the energy and intelligence engaged in operating them should be well paid. But that these assets of the Nation should be turned over to private interests without adequate public regulation is intolerable.

The authority to grant these water-power privileges clearly carries with it the duty to secure just compensation for the privileges granted and to protect the public against extortion. In his report to Congress on one of these bills the Secretary of War well says:

"There is no provision made in the inclosed bill providing for any compensation to the Federal Government in return for the grant of the privilege, nor is there any provision made to reserve to the Federal Government the right to control the charges for the water-power service to the consumer in default of adequate regulation on the part of local authorities to protect the public interest. I believe that these are important defects in the bill, and, without their correction, do not recommend its passage.

"It is improvident, in my opinion, to allow the entire cost of the future improvement of this river, if made, to fall upon the general taxpayers of the country, when that burden could so easily be reduced by exacting proper compensation for the water-power privileges granted on the river by the Federal Government."

Enlightened public opinion in the United States is overwhelming in support of this view.

For several years the friends of conservation have demanded that the water-power interests should be required to pay the public a reasonable compensation for valuable rights granted to them by the Government. The power interests have asserted their claims to get what they wanted without paying for it. The passage of any of these bills would constitute a precedent of the utmost value to the power interests and seriously and perhaps permanently dangerous to the general welfare. There is nothing to be gained and much to be lost by allowing such bills to pass.

The House Committee on Interstate and Foreign Commerce in its favorable report on the omnibus dam bill does not question the justice of Secretary Stimson's recommendations. It asserts, however, that the substance of them "is fully covered by the provisions of the general dam act of 1910." The committee is mistaken. Neither of the two conditions to a grant recommended by the Secretary of War, as quoted above, is covered by the general dam act, and neither condition can now lawfully be imposed, as a mere reading of the act will show. That additional legislation is required is conclusively demonstrated by the report of the National Waterways Commission, which specifically recognizes the constitutional power of the Federal Government to exact just compensation for the privilege conferred by it and to reserve the right to control, in the public interest, the relations between the operating company and the consumer, and specifically recommends legislation to these ends. This commission was composed of Members of the Senate and House, and its report containing these recommendations was signed, among others, by Mr. STEVENS of Minnesota, who, as the author of the House report, now asserts that the Secretary of War, under existing law, has the power which the National Waterways Commission found additional legislation was required to confer.

It is urged in defense of the proposal to donate these valuable rights to the power interests that under the terms of the general dam bill Congress may at some future date take back what it now proposes to give away. The fallacy of this argument is evident. Obviously, if these rights are to be recalled at some uncertain period, there is no reason why they should be granted in the first place. To recall them will necessarily be followed by litigation and dispute and by disappointment to many investors, the value of whose investment will be unsettled.

The two amendments to these bills suggested by the Secretary of War are essential to protect the public. First, the Secretary of War should be authorized to impose a reasonable rental or charge for the privilege granted, to be used for the development of the stream in respect to which the privilege is granted or waters connected therewith. In fixing this charge due allowance should be made for fixed and operating expenses, maintenance charges, depreciation, and a reasonable return on the capital invested. Second, the Federal Government should reserve the right to control the charges for service to the consumer in the event that the law and authority of the States or the municipalities where the service is rendered prove inadequate to protect the public interest.

With these amendments, against the justice of which there is no valid argument, the bills will promote the public interest, and should pass. Without these amendments they are unduly favorable to the water-power interests and unjust to the people, and they should be defeated.

NATIONAL CONSERVATION ASSOCIATION,
By GIFFORD PINCHOT, *Its President.*

JULY 27, 1912.

The Alabama Power Co., a corporation organized under the laws of the State of Alabama, is authorized by this bill to construct a dam on the Coosa River, in that State, about 7½ miles above the city of Wetumpka.

The Alabama Traction, Light & Power Co. (Ltd.), was incorporated January 5, 1912, under the laws of Dominion of Canada. A prospectus of the above company shows that it owns or controls the entire capital stock and bonds of the Alabama Power Co. and its subsidiaries, the Birmingham, Montgomery & Gulf Power Co. and the Muscle Shoals Hydro-Electric Co. This company was formed "to acquire and operate hydroelectric power plants and to supply electric energy for light, power, and heat to Birmingham, Montgomery, Mobile, and other important cities and towns in Alabama, and to build, acquire, and operate lighting and tramway systems as occasion may offer." The Birmingham, Montgomery & Gulf Power Co. and Muscle Shoals Co. possesses a charter granted in 1900 by the State of Alabama, unlimited in time, and not forfeitable for nonuse, giving the right (a) to build dams and reservoirs on the Tallapoosa River or its tributaries; (b) of eminent domain; (c) to distribute electricity in all cities and towns in Alabama; (d) to acquire, by purchase or contract, stocks, bonds, and other securities of any electric railway or electric light company in Alabama; (e) to exercise all powers belonging to manufacturing companies under the Alabama law; and (f) to exemption from taxation for 10 years from commencement of its works.

The company controls water powers on the Tallapoosa, Coosa, and Tennessee Rivers capable of developing about 400,000 primary horsepower for 10 hours daily during the driest season on record for 50 years. No other water powers of importance are operating within the proposed field; in fact, the company controls all the power possibilities on the Tallapoosa River, except two small plants near the lower end, which are now fully utilized. It is proposed to make the first development (of 60,000 horsepower) at Cherokee Bluffs, on the Tallapoosa River. Estimates by the experienced engineers figure the cost of the first development at $83 per horsepower, including a masonry dam 850 feet long and 130 feet high, creating a storage reservoir with a capacity of 65,000,000,000 cubic feet.

The power sites on the Coosa River was located within a short distance of the proposed transmission line between Cherokee Bluffs and Birmingham, and can be connected with it whenever the capacity of the Tallapoosa River development is exhausted. The development at Muscle Shoals, on the Tennessee River, has potential power far in excess of any present demand. Owing to the magnitude of the development and the length of dams necessary, the total cost of construction will be considerable, and, as the United States Government has under consideration extensive improvements on this portion of the river, it is not proposed to proceed with this development.

The first development should be completed not later than October 1, 1913, and arrangements are projected under which it should be possible for the company to deliver about 15,000 horsepower from other sources before January 1, 1913.

Capital stock authorized, $30,000,000; of which $5,000,000 is 6 per cent cumulative preferred; outstanding, $12,000,000 common and $1,000,000 preferred; par of both issues, $100.

Officers: James Mitchell, president, 100 Broadway, New York; Lawrence MacFarlane, vice president, Montreal, Quebec; John B. White, vice president, London, England; W. D. Ross, treasurer, Toronto, Ontario; F. S. Ruth, secretary; Wyley Alford, auditor, Montgomery, Ala.; directors, James Mitchell, James R. Morse, Martin W. Littleton, C. H. Baker, George H. Schuler, John F. Wallace, New York; Frank S. Washburn, Nashville, Tenn.; J. W. Worthington, Sheffield, Ala.; W. D. Ross, Toronto, Ontario; Lawrence MacFarlane, Montreal, Quebec; John B. White, London, England.

* * * * * * *

The Alabama Power Co. was granted by Congress authority to construct a dam on the Coosa River March 4, 1907. (Public, No. 247, vol. 34, p. 1288.)

Mr. JOHNSTON of Alabama. Mr. President, the Senator from Washington seems not to recollect, or to understand, that this dam is to be built under the general dam act, and that act may be changed or altered or amended at any time, and the general principles that he is discussing and for which he is contending can be incorporated in it and this company be bound by them.

It is said here on the floor that this would create a monopoly down there. That might be a plea to those who do not understand the situation, but the fact is that the Coosa River is not navigable at all where this dam is to be built, and for 116 miles above——

Mr. POINDEXTER. Will the Senator just allow me a moment?

Mr. JOHNSTON of Alabama. Certainly.

Mr. POINDEXTER. If the river is not navigable, why does a grant from the Federal Government have anything to do with a stream that is not navigable?

Mr. JOHNSTON of Alabama. If the Senator will just wait a moment I will explain. It is not navigable at all for 116 miles, from a little below Gadsden to Wetumpka, on account of the steepness and the shoals in the river. It is the project of the engineers to make it navigable by building six high dams between these points, and this is only one of the six. It is probably less than one-sixth of the power that would be developed by these six dams. So there is no monopoly. Even if there was a monopoly there we have a tremendous power at Mussel Shoals, on the Tennessee River in the same State, much larger than all the power on Coosa River, and we have a great power on the Warrior River. So the building of one dam is scarcely a drop in the bucket.

Then, the solicitude of Senators in regard to the protection of the people of Alabama moves my heart. This dam is in nearly the center of the State, the State being 300 miles long from north to south, and 150 miles wide, and the people to be affected are citizens of Alabama alone. I maintain that whilst the Senator from Ohio [Mr. BURTON] and the Senator from Washington [Mr. POINDEXTER] feel largely interested in taking care of the rights of the people down there, the Senators from Alabama are not wholly without consideration for them.

This power that is to be developed there by building this dam without any cost to the Government at all, the power to be developed is contracted to another company—14,000 horsepower, which is supposed to be the limit. This is certainly above the estimate of power by the engineers. It is to be de-

livered to the Alabama Cyanamid Co. for the purpose of manufacturing fertilizers, which are greatly needed everywhere in the United States, and are not produced at any point except in New York to a limited extent.

There will be no power for distribution amongst the people. It is not to be used for light and heat, or any such purpose as that, because this fertilizer company will practically absorb the whole output of the power there.

I ask leave of the Senate to put in the RECORD a short extract showing what constitutes the calcium cyanamid that is manufactured for fertilizers. I am glad to say this is one of the most peculiar companies in the United States, because whilst they are about to invest $3,000,000 in this plant for the purpose of manufacturing this fertilizer, they are not knocking at the doors of Congress for any soothing sirup in the way of protection upon their product. It will be an immense benefit to the people of Alabama and the surrounding States, and in fact the whole southern belt of the country to have this fertilizer take the place of the nitrate that they have been getting from South America, the price of which is rising every year, and is becoming more and more necessary as well as more and more expensive.

The PRESIDENT pro tempore. Without objection the request of the Senator from Alabama will be granted to insert certain matter in the RECORD.

The matter referred to is as follows:

MANUFACTURE OF CYANAMID.

A mixture of lime and coke is heated in an electric furnace. At a temperature of 6,000° F. the lime and coke combine and form calcium carbide. It is a dazzling, white-hot liquid as taken from the furnaces. After cooling the carbide is crushed, packed in steel vessels, and again heated by electricity to redness. Pure nitrogen, obtained from the atmosphere by the liquid air process, is now added and combines directly with the carbide forming calcium cyanamid. On cooling, the mass is removed from the vessels in which it is contained, is ground and treated by a special process to eliminate every trace of unchanged carbide. Its free lime is then converted into stable organic compounds. The final material is granulated and packed in bags.

The comparative value of cyanamid—Nitrate of soda—Sulphate of ammonia.

(Relative yields per unit of ammonia as reported by various Government experiment stations.)

Crop.	Station.	Cyanamid.	Nitrate of soda.	Sulphate of ammonia.
Oats	Dr. Otto, Germany; Dr. Walta, Russia; Prof. Hendrick, England.	113	100	98
Wheat	Prof. Drumendorf, Jena; Dr. Van Lienenberg, Vienna, etc.	104	100	104
Barley	Dr. Spitzauer, Dumeck; Dr. Wein, Weihenstephan.	99	100	94
Rye	Prof. Wagner, Darmstadt, Germany, etc	94½	100	99
Beets	Dr. Strohmer, Vienna; Dr. F. Krautz, Doebeln, etc.	102	100	94
Cabbage	F. H. Middleton, Cambridge, England, etc.	100	100	98
Turnips	B. Hoffman, Silberfield, Germany; Middleton, England.	119	100	83
Hay	Prof. D. Sbiozzi, Italy; Dr. Z. Bonomi, Udine, etc.	103	100	109
Tobacco	Prof. D. Vigiani, Italy	114	100	109
Potatoes	Dr. Walland, Aberdeen, Scotland; Agricultural Institute of Switzerland.	111	100	102
Corn	Angelo Menozzi, Milan; W. Racah, Sienna; D. Strazzi, Padua.	102	100	98
Beans	Agricultural Experiment Station, Pisa, etc.	109	100	104
Sugar cane	Hacienda Santa Rita, Porto Rico	+1.52	−0.43	−0.94

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Idaho?

Mr. JOHNSTON of Alabama. I yield.

Mr. HEYBURN. I am laboring at some disadvantage, having been necessarily absent. I understand the Senator's position is that this dam should be built without any burden or any right to place a burden upon the use of the water.

Mr. JOHNSTON of Alabama. The dam is to be built entirely by this company and at its own expense.

Mr. HEYBURN. All that is asked of Congress is the permission to use a navigable stream?

Mr. JOHNSTON of Alabama. That is all.

Mr. HEYBURN. An attempt is being made to authorize the Government to charge for the use of the water?

Mr. JOHNSTON of Alabama. That is the amendment proposed by the Senator from Washington.

Mr. HEYBURN. I shall take pleasure in voting against any amendment that places a burden upon it.

Mr. JOHNSTON of Alabama. Mr. President, the people of Alabama are always glad to have the assistance of the Federal Government, within its constitutional functions, in their aid, but we have found from experience that whenever it is attempted to interfere with the domestic affairs of the State, or those which are within the reserved rights of the State, it has brought nothing but disaster. We are greatly obliged to the Senator from Ohio and the Senator from Washington for their aid in taking care of our people, but the State of Alabama has power to regulate the charges of this company, and to collect the toll from them, that will be required, and we do not want that right interfered with by the Federal Government.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Alabama yield to the Senator from Washington?

Mr. JOHNSTON of Alabama. I do.

Mr. POINDEXTER. I only desire to say, the Senator from Alabama need not reiterate his thanks to me for my interest in the people of Alabama. My interest in this bill is based upon the concern which the people of my State have in the precedent which is to be established here.

Mr. JOHNSTON of Alabama. If the Senator will observe what I said, this dam is to be built under the general dam act, and will be always liable to that act which may be amended or changed, as the Senator suggests, if he can get the votes in Congress to do it. So the place to legislate is on the general dam act and not on this local act at all.

Mr. President, I wish to call attention to the fact that the Congress has at this session passed an act entitled "An act to extend the time for the construction of a dam across the Pend Oreille River, Wash." This bill was almost identical in its purposes with the bill now under consideration, and was approved by the President on May 20, 1912.

This Coosa River is wholly within the State of Alabama except a short distance from Rome, a beautiful and thriving city in the State of Georgia. It flows into the Alabama near Montgomery. This dam will not only be of great benefit to the country in the way of the development that will follow, but it will improve the navigation of the Alabama River, because it will conserve the water there in the dry season to make the Alabama navigable all the year round, and for that reason we have great interest in this matter.

Mr. WORKS. Mr. President, the amendment proposed by the Senator from Ohio presents a most important question. I think the Senate of the United States should very seriously consider it before entering upon any such course as is provided for in this amendment. It is proposed, as I understand the amendment, to invest in an officer of the National Government the right to regulate and control the distribution and use of water within one of the States. I think the National Government has no right or jurisdiction to interfere with the distribution or use of the water at all. Of course it has the right to protect the navigable character of the stream, and to impose any conditions which may be necessary for the purpose upon anyone seeking the right to construct any obstruction in the stream, but if the National Government imposes as a condition the right of a Federal officer to enter upon the fixing of rates at which water shall be supplied to the people of a State, it seems to me a very serious departure from conditions as they exist at the present time.

So far as I know, it is recognized as a right upon the part of the States to regulate the distribution of the water and to fix the rates for which it shall be supplied. It is said that if the States neglected to perform that duty it should be done by the Government, but it does not follow by any means. There is no reason why the Government should enter upon a jurisdiction that does not belong to it because the State which has the right to exercise jurisdiction over any matter shall refuse or neglect to take that step.

So with respect to the amendment offered by the Senator from Washington, the United States Government has no more right to sell or dispose of the water of a stream for the purpose of irrigation, for example, than it has the right to fix the rate for which water shall be furnished. It is a matter about which the National Government has no jurisdiction whatever. It has no right to interfere with the disposition, distribution, or rate for which water shall be furnished to the inhabitants of a State.

For that reason I am disposed to oppose and vote against both these amendments, leaving it to the State of Alabama, if it so desires, to fix and determine the rates for which water shall be supplied to the inhabitants of that State.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Utah?

Mr. WORKS. I do.

Mr. SUTHERLAND. I entirely agree with what the Senator has said in reference to the rights of the Federal Government in connection with these streams. I call his attention to the fact that Congress has repeatedly recognized what the Senator

is saying by this legislation. We have put in different acts providing for the appropriation of water for Indian lands a provision that the appropriation shall be made by the Government of the United States under the laws of the State, clearly recognizing by our legislation that the State owns the water, that the State controls the water, and that the Federal Government has not anything to do with it except, as the Senator has stated, in connection with its power to regulate commerce.

Mr. WORKS. Mr. President, I have never heard the right of the State in this respect questioned. This is certainly an effort upon the part of the Government to trespass upon the rights of the States to determine this question of the supply and distribution of water; it is a very serious matter and one that the Senate ought to carefully consider before it enters upon that field.

Mr. BANKHEAD. Has the time expired at which this bill is to be voted on, Mr. President?

The PRESIDENT pro tempore. There are 14 minutes left.

Mr. BANKHEAD. Well, Mr. President, I do not want half that much time. I simply want to restate this case as it is. The State of Alabama granted to the Alabama Power Co. a charter to build this dam. The State has reserved the right to regulate it in all particulars except as to navigation; the State concedes the paramount right of the Government to control as to navigation; but as to the surplus waters of the State, which are to create this power, the State of Alabama has provided in the charter that they shall regulate the toll, the price, the tax, and everything else in connection with it under their charter and under the laws of Alabama. They may impose a tax of one to three or five dollars per horsepower on the power produced by this dam.

Anyone can see, Mr. President, what confusion would be created if the Government of the United States were to go to Alabama and undertake to impose a tax upon the power created by this dam upon the sham pretext, perhaps, that we will divide it with the State. Mr. President, we do not want any partnership whatsoever in this business beyond that which relates to navigation. The State of Alabama is perfectly competent to take care of this business, and she has reserved the right to take care of it.

The Alabama Power Co. proposes to construct this dam at its own expense, costing $1,622,000. The money is ready to be drawn upon for the work. There is no fake business here, Mr. President; there is no purpose of speculation here, to sell out to somebody without having put any money into the enterprise; and the work is already being carried on by a large corps of surveyors now in the field. This company, by constructing this dam at its own expense, pays to the Government of the United States the equivalent of $6.48 upon every horsepower they can create in the saving they make to the Government in the construction of the dam. The interest at 4 per cent amounts to $6.50 per horsepower. It seems to me that that is a sufficient contribution to the Government for the privilege of using the surplus water. Navigation is provided for under the direction of the Secretary of War. The dam must be built in accordance with the provisions of the general dam act. Congress may alter, amend, or repeal at any time it chooses.

Mr. President, if any other conditions are to be imposed upon this company, if they are to be required to pay a tax to the General Government beyond that which they have already consented to pay, an equivalent of $6.50 per horsepower every year as long as the water flows, they can not go on and would not go on, I apprehend, because the conditions already imposed by the State and the money that they have already put up to construct the dam are all, Mr. President, that any set of business men in this country can undertake to do.

They do not ask this legislation simply as a privilege, but they ask it as a matter of right and justice to the Government and to the people of Alabama.

I have nothing more to say, Mr. President. I am ready for the Senate to vote, and I hope it will vote.

The PRESIDENT pro tempore. The question is on the amendment submitted by the Senator from Ohio [Mr. BURTON], which will be stated.

The SECRETARY. At the end of section 1, on page 2, it is proposed to insert the following proviso:

Provided, That the rights hereby conferred shall not be assigned or transferred except upon the written consent of the Secretary of War: *And provided further*, That the Federal Government reserves the right to control the charges for service to consumers in the event that the public interests may so require.

The PRESIDENT pro tempore. The question is on the amendment.

Mr. BANKHEAD. I sincerely hope the amendment will not be adopted.

The amendment was rejected.

Mr. POINDEXTER. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. It is proposed, after section 1, to add as a new section the following:

SEC. —. That the said power company, its successors and assigns, shall pay to the United States 1 per cent of the net profits derived from light, heat, power, or other proceeds of said work, to be ascertained and collected by the Secretary of War, and one-half of all such collections made by the Secretary of War shall be paid by him into the treasury of the State of Alabama.

Mr. BANKHEAD. I express the hope that that amendment may not be agreed to.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Washington.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka."

BILLS OF LADING.

Mr. CLAPP. Mr. President, I should like at this time—I do not desire to call up the bill at this moment, as it might interfere with other matters—I should like to have an agreement that to-morrow at the close of the morning business—I know of no unanimous-consent agreement to interfere——

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Minnesota that a special order has been agreed to, which is the motion of the Senator from Texas [Mr. CULBERSON], to take up a bill immediately after the morning business.

Mr. CLAPP. To-morrow?

The PRESIDENT pro tempore. To-morrow.

Mr. CLAPP. Then I ask that following the consideration and disposition of the bill involved in the unanimous-consent request asked by the Senator from Texas for to-morrow the Senate proceed to the consideration of the bill (S. 957) relating to bills of lading. That bill has been reported a long time, and certainly one phase of it is such as demands immediate attention at the hands of Congress. I think it will not involve any very lengthy discussion.

The PRESIDENT pro tempore. The Senator from Minnesota asks unanimous consent that, following the special order which will come up immediately after the routine morning business to-morrow, the Senate proceed to the consideration of a bill the title of which will be read.

Mr. PAGE. Mr. President, I should like to ask the Senator from Minnesota if he will not allow me to ask unanimous consent for the consideration of the vocational educational bill before his bill is considered?

Mr. CLAPP. As the President of the Senate stated the other day, the habit has grown up here of interrupting the Chair in the statement of a matter. Just as soon as the matter for which I ask consideration is stated, I shall be very glad to yield to the Senator.

The SECRETARY. A bill (S. 957) relating to bills of lading.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota?

Mr. BRANDEGEE. For what day, Mr. President?

The PRESIDENT pro tempore. For to-morrow, following the special order.

Mr. PAGE. I would ask the Senator from Minnesota if he will not yield to my unanimous-consent request—that is, that Senate bill No. 3, to which I have referred, be first considered? That is a bill for which I have for a long time patiently been awaiting consideration. I hope the Senator will allow that bill to have preference.

Mr. BRANDEGEE. Mr. President, I do not see how——

Mr. CLAPP. If the Senator will allow me to say a word, the trouble is I can not make a disposition of this matter in that way. It would be for the Senate to say whether it would permit the unanimous-consent agreement to be made. My request for unanimous consent does not involve that we shall vote at a particular time, but it simply involves that we shall proceed at that time to the consideration of the bill. It will be open to the Senate, if the bill should lead to extended debate, to displace it with some other measure.

Mr. BRANDEGEE. There is a conference report here which I desire to call up. I do not want to preclude the Senator from Minnesota from making his request, but I shall be compelled

to object if one unanimous-consent agreement is to be superimposed upon another in this complicated way. I can not tell how long this conference report will take in discussion.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Minnesota?

Mr. BRANDEGEE. Mr. President, I shall have to object on that ground, and on that ground only.

The PRESIDENT pro tempore. Objection is made.

Mr. CLAPP. Then I desire to submit the following request for unanimous consent: That on Monday next, following the close of the routine morning business, the Senate proceed to the consideration of Senate bill 957, being the bill relating to bills of lading, its consideration not to interfere with appropriation bills or conference reports.

Mr. BRANDEGEE. I have no objection to that.

The PRESIDENT pro tempore. Is there objection to the request?

Mr. PAGE. If the Senate will grant unanimous consent that Senate bill No. 3 be taken up immediately following the consideration of that bill, I shall have no objection, but I hope the Senate will give me that consent in connection with this consent.

Mr. CLAPP. Let me suggest to the Senator from Vermont, that the objection which was made to my first request was that it followed indefinitely another request. I think if the Senator from Vermont would prefer a request for Tuesday, making it definite, to follow the close of the routine morning business, at least the objection made to my first request could hardly be made to that.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

VOCATIONAL EDUCATION.

Mr. PAGE. I ask unanimous consent that immediately following the consideration of the bill for which unanimous consent has just been given, the Senate proceed to the consideration of Calendar No. 348, being the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Vermont?

Mr. LODGE. Is the request to dispose of the bill or merely to take it up?

Mr. PAGE. I wish to add the condition that it shall not interfere with the consideration of appropriation bills or conference reports.

Mr. SMOOT. The request is only for the consideration of the bill, and not for the disposition of it?

Mr. PAGE. The consideration of it.

The PRESIDENT pro tempore. Is there objection?

Mr. BRANDEGEE. A parliamentary inquiry, Mr. President. If the consideration of the bill proceeds until 2 o'clock, it becomes the unfinished business, does it not?

The PRESIDENT pro tempore. It does not.

Mr. BRANDEGEE. Then I have no objection.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the order is made.

INTERSTATE COMMERCE IN INTOXICATING LIQUORS.

Mr. BRANDEGEE. I call up the conference report on the disagreeing action of the two Houses on House bill 21969.

Mr. KENYON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Iowa?

Mr. BRANDEGEE. If I can do so without prejudice, I will yield.

Mr. KENYON. As the Senator from Vermont [Mr. PAGE] has been successful in securing unanimous consent, I desire to ask that Calendar No. 838, being the bill (S. 4043) to prohibit interstate commerce in intoxicating liquors in certain cases, be made a special order for December 16, to be taken up and considered after the morning hour, not to interfere with the Archbald case. I do not believe the bill can receive consideration at this session, and hence I do not want to impose it upon the Senate; but I do want a hearing on this bill. It is a bill to regulate the shipment of intoxicating liquors into prohibition States.

Mr. SMOOT. Mr. President, the request, as I understand, is that the bill be made a special order for that day?

The PRESIDENT pro tempore. The Chair so understands. Is there objection to the request? The Chair hears none, and it is so ordered.

THE PANAMA CANAL.

Mr. BRANDEGEE. I ask that the conference report on the Panama Canal bill be laid before the Senate.

The PRESIDENT pro tempore. The Chair lays before the Senate the report of the conference committee on the Panama Canal bill, which will be read.

The Secretary read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 48, 50, 51, 53, 54, 55, 56, 57, 58, and agree to the same.

That the Senate recede from its amendments numbered 10, 14, 28, 47, 49, 63.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In line 9 of the amendment, after the word "and," insert the words "govern the"; in lines 23 and 24 of the amendment strike out the colon after the word "qualified" and strike out the words "*Provided*, That he be subject to removal at the will of the President"; in line 27 of the amendment strike out the word "and," and after the word "operation" insert a comma and the words "and protection." In the first line of the last paragraph of the amendment strike out the words "The President"; capitalize the letter "b" in the word "before"; in the same line and line 2 of the paragraph strike out the words "shall cause the commission of arts to" and insert in lieu thereof the words "the commission of arts may"; and in the same line, after the word "report," insert the words "to the President"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out all of the two said Senate amendments and insert in lieu thereof the following:

"That section 4132 of the Revised Statutes is hereby amended to read as follows:

"'SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than 5 years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirement of said act.'"

And the Senate agree to the same.

That the House recede from its disagreement to the following part of Senate amendment 16: "nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal," and agree to the same with the following amendment: Insert, in lieu of the words just quoted, the words "nor be less than the equivalent of 75 cents per net registered ton"; and that the Senate recede from that part of its amendment numbered 16 striking out the words "The toll for each passenger shall not be more than $1.50.

Amendment numbered 17: That the Senate recede from its amendment numbered 17, and agree to the same with an amendment as follows: Strike out in line 3 of the amendment, the word "alleged." In lines 10, 11, and 12 of the amendment strike out the words "off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid"; and the House agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out of the amendment the words "the allowance and prosecution of"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amendment the word "and" and insert in lieu thereof the words "or the"; and on page 12, line 11, of the bill, after the word "judge," insert the word "thereof"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Strike out of the amendment the words "his assistants" and insert in lieu thereof the words "may appoint one assistant when necessary"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Insert after the word "canal" the words "or elsewhere"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Insert after the word "route" the words "or elsewhere"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the words "ship engaged in or" and insert in lieu thereof the word "vessel"; in lines 1 and 2 of the amendment strike out the words "by the terms of this act"; in line 2 of the amendment, after the word "coastwise," insert the words "or foreign"; add to the amendment the following: "Suit may be brought by any shipper or by the Attorney General of the United States"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter."

Transpose the order of amendments 61 and 62, so that amendment numbered 61 follows amendment numbered 62.

And the Senate agree to the same.

JOSEPH L. BRISTOW,
F. M. SIMMONS,
Managers on the part of the Senate.
W. C. ADAMSON,
T. W. SIMS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BRANDEGEE. Mr. President, I regret very much that I was unable to sign the conference report. One of the members of the conference committee on the part of the other House also found himself unable to sign it. I think I ought to state to the Senate why I could not agree with the other Senate conferees on the report.

Mr. President, as I said in the discussion on this bill when it was before the Senate, we were called upon to pass legislation authorizing the opening of the canal, the conversion of the construction force into an operating force, the proper care and control of the canal, and to provide for the fixing of tolls upon vessels passing through it. That was a comparatively simple proposition. A bill had been prepared by the authorities on the Isthmus and the counsel of the commission which, if it had been passed, would amply have provided for those subjects. Opportunity has been taken, however, to attach to this bill provisions amending the interstate-commerce law of the United States, and other amendments have been attached to it which I do not consider germane, which did not originate in the proper committee, and upon which no hearings have been held in the proper committees of the two Houses of Congress.

The bill as it stands now, in my opinion, is a violation of our treaty with Great Britain—the Hay-Pauncefote treaty. I could not vote for the bill, if it were unobjectionable in other respects, so long as it contained that provision. I think the provision exempting from tolls our coastwise ships through the canal is a clear violation of that treaty, and that of itself would be enough to prevent me voting for the bill if it were otherwise satisfactory.

Of course the acceptance of this conference report is a vote to pass the bill as amended in accordance with the report. No further amendment can be made. This conference report as a whole must be accepted or rejected. I am perfectly satisfied that it is better for the country from every point of view, much as I had hoped that legislation could be had upon this important canal question at this session, to reject this conference report, to let the matter go over until the next session, at which time, after a more thorough investigation and consideration of the important amendments that have been added to this bill, safer and more mature action may be taken.

As will be noted, the conference report recommends that the Senate recede from its amendment providing for the exemption from tolls of American vessels passing through the canal engaged in the foreign trade, and to that extent it is a better bill than when it went to conference.

Section 11 of the bill proposes to substitute, if the agreement of the conferees is accepted by the Senate, for what was known in the Senate as the Bourne amendment a provision prepared by the conference committee. I desire to call the attention of the Senate to what the provision of section 11 is as recommended by the conferees. A print of this bill as it will stand if the conference report is agreed to has been placed upon the desk of each Senator with the inscription on it, "Ordered printed as agreed to in conference," and on page 19 of that bill, at line 10, the substitute to which I refer is found. I will ask the Secretary if he will be kind enough to read what I send to the desk, commencing with the word "jurisdiction," in line 10.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final. If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provi-

sion filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter.

Mr. BRANDEGEE. Now, Mr. President, the language just read at the desk is intended to give opportunity to such railroad companies as might otherwise be precluded by the language of section 11, commencing at page 18, line 18, and running down to the part where the Secretary began to read, to exempt themselves, if they can prove certain things to the satisfaction of the Interstate Commerce Commission, from the operations of the first part of section 11. It will be noted that the first part of section 11 provides that from and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier to operate by water, either "through the Panama Canal or elsewhere," all over the United States, "with which said railroad or other carrier aforesaid does or may compete for traffic"; and "each day in which such violation continues shall be deemed a separate offense."

I say the rest of the language of this part of section 11 is intended to provide a way by which the railroad may exempt itself from the inhibition imposed by the first part of section 11. That method is that the railroad company may bring an application to the Interstate Commerce Commission to determine the fact whether it does or might compete with the steamboat line which it controls, and "the commission may, on its own motion or the application of any shipper, institute proceedings to inquire into the operation of any vessel" under their control. Then, in line 24, it says, "In all such cases the order of said commission shall be final."

I myself have serious doubt whether an order of the Interstate Commerce Commission ordering a railroad to cease to operate its lines of steamboats can be made a final order under the constitutional provisions for due process of law and the taking of property without due process of law. But if it can be sustained in law, it seems to me it is a tremendously dangerous power to confer upon the Interstate Commerce Commission, because if they can, without any appeal, issue an order that a certain railroad shall not operate its line of boats, in my opinion it may be a taking of property without compensation and without due process of law.

The PRESIDENT pro tempore. The Senator from Connecticut will suspend a moment. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CUMMINS. Recognizing the very great importance of the conference report now before the Senate, and having been assured that debate upon it will probably be brief, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The Senator from Connecticut will proceed.

Mr. BRANDEGEE. Now, Mr. President, let us imagine the plight of a railroad company which has adapted its trade and is accommodating its customers and its shippers through long-established lines of trade by its rail and its water-owned boats, being told by Congress at this time that on July 1, 1914, it shall be unlawful for them to continue to operate their boats along the established channels of trade, and each day of such operation shall constitute a separate offense, unless they shall come down here and themselves institute a lawsuit before the Interstate Commerce Commission and prove to the satisfaction of the commission some positive things and some negative things. And what will they have to prove in order to prevent themselves from being outlawed by this act of Congress? They will have to prove that the specified service by water is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration.

Mr. President, any railroad company in possession of and operating a line of steamboats must come down here before the Interstate Commerce Commission, and they have to prove that if they get an extension of time it will neither exclude, prevent, nor reduce competition on the route. Can any railroad company possibly ever prove any such thing? Would any two men ever agree about it, if the situation can be pictured, of a great railroad company with millions of dollars invested in these boats, coming down before the Interstate Commerce Commission to ask to be allowed to continue its steamboat line in operation as heretofore? Every shyster and striking lawyer, every gambler and blackmailer in the large cities and on the exchanges, every holder-up of corporations can organize a little coterie and make some sort of a financial showing, and go before the commission and say, "if it was not for this railroad-owned line of steamboats on this route, we stand ready to put on a line to-morrow."

The commission look at the law which says that they must prove that if they continue to run their operation will neither exclude, prevent, nor reduce competition. The mere fact that they are operating the road, although it be in the interest of the public and although the commission find that it is for the natural convenience of the commerce of the people, reduces competition. If they are reducing competition, which they certainly are by the mere existence of the operation, the commission have no discretion, because the railroad company have to prove that they come within all the things provided in this statute.

You will notice there are not disjunctives between these things that the railroad company must prevent; they are conjunctives. It does not say if the lines are being operated in the interest of the public, or to the advantage and convenience of commerce, or if the extension will not exclude or prevent competition, but it says "and" in every case. The railroad company in order to be allowed to do business has to prove, as I said, that it will neither exclude, prevent, nor reduce competition. Reduce means the diminution of competition. Exclude or prevent would mean absolute prevention of competition. But here they must prove that the operation of their line does not even reduce competition. So, in my opinion, the passage of this amendment would be nugatory, and section 11 would stand staring every railroad company in the face, providing that "from and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever in any common carrier by water operated through the Panama Canal," with which it might compete.

Mr. HEYBURN. If the Senator will permit me, where, for instance, the Pacific Mail stock is on the market, how could you prevent any man from going on the open market and buying 1 or 1,000 shares or any other quantity of it? We could not enact a law to prevent that. It would be a violation of a man's right to make a contract. The bill is absolutely unworkable.

Mr. BRANDEGEE. If I understand the point made by the Senator from Idaho correctly, he has touched upon a somewhat different feature, but to my mind one quite as objectionable, to wit, that no common carrier by water or other vessel owned by or controlled by any railroad company may be allowed to pass through the canal.

Mr. HEYBURN. If the Senator will permit me, I was intending to apply it more directly to the point under consideration by the Senator in this, that that is an admitted element of competition existing now and will be existing when the canal is opened, and it will continue to exist as long as that line of steamships operate upon the ocean. So that would come within the last enumerated provision of the bill and the result would be to diminish competition.

Mr. BRANDEGEE. I agree to what the Senator says. The effect of the prohibition against steamships controlled by railroads only that are subject to our interstate-commerce laws passing through the canal is to allow every railroad in Canada, the Grand Trunk and the Canadian Pacific, roads subsidized by their Government, and active competitors of our own transcontinental roads both by rail and water, and to allow any steamship company or common carrier by water in which any railroad company was interested in Mexico or Central America or anywhere else, not subject to the jurisdiction of our Interstate Commerce Commission, to go through the canal freely, but we absolutely bar any common carrier by water in which any United States of America railroad has the slightest interest, and leave that great canal free to the foreign commerce carriers by water in which railroads may have an interest or which they may absolutely dominate.

Whatever may be the merits, and there may be some, depending upon the conditions in each case—whatever may be the merits of excluding railroad-owned ships from going through the Panama Canal—there certainly is no merit in allowing foreign railroad-owned ships to go through the canal and excluding and putting the ban of outlawry upon our own railroad-owned ships.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Missouri?

Mr. BRANDEGEE. Certainly.

Mr. REED. Is the Senator certain that he is right in his contention that a foreign railroad-owned ship could go through this canal and a United States railroad-owned ship could not?

Mr. BRANDEGEE. I am perfectly certain myself.

Mr. REED. I call the Senator's attention to this: Laying aside for the present the question of treaty construction, it is our canal, operated through our country; over it we have complete and absolute jurisdiction; and if we see fit to say that no railroad-owned ship can go through it, why can we not say that with reference to a ship that sails under the flag of another country as well as we can say it to one sailing under our own flag; and have we not in fact said that in this bill? I simply wanted to get the Senator's views, not to argue the question.

Mr. BRANDEGEE. Mr. President, whichever horn of the dilemma the Senator from Missouri chooses to take in this matter, we are in a bad enough plight. I do not think anybody can answer the Senator's question better than the bill itself does. It provides that no common carrier by water in which any carrier subject to the interstate-commerce law has any interest shall go through the canal. If the Senator thinks the Interstate Commerce Commission of the United States has any jurisdiction over the railroads of Central America and Mexico and Canada, except such minor parts of the Canadian roads as may make a slight detour or loop into the United States, I could not convert him from his opinion. I think absolutely as to every common carrier by water in which any foreign railroad may have any interest, direct or indirect, or which may be owned by the company, it leaves the canal open to them and bars out our own ships.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I yield.

Mr. SIMMONS. I should like to inquire of the Senator if he does not think it is competent under the treaty for us to impose the same condition or conditions upon the use of this canal by foreign nations that we impose upon its use by our own citizens?

Mr. BRANDEGEE. Whatever may be the power of Congress in the way of enumerating the classes of vessels which may navigate the canal or imposing conditions of traffic through the canal, the fact is this bill does not do it. This bill does not pretend to say to any foreign railroad-owned steamboat that they can not go through the canal, because it limits it to railroads under the jurisdiction of the Interstate Commerce Commission of this country, and the foreign roads are not under the jurisdiction of the Interstate Commerce Commission.

Mr. OLIVER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Pennsylvania?

Mr. BRANDEGEE. I do.

Mr. OLIVER. I should like to ask the Senator from Connecticut if I am right in supposing that the vessels of the American-Hawaiian Line, which are upon the route, to go through this canal, are not actually the property of the Tehuantepec Railroad?

Mr. BRANDEGEE. With a modification that is true. They are not actually the property of the Mexican Tehuantepec Railroad Co., but at the time the Senate passed the bill I put into the RECORD a letter from the president of the American-Hawaiian Steamship Co., Mr. Dearborn, in which he said that in order to buy some new vessels—and his line now consists of 26 of the handsomest steamers afloat—and at the time he built some extra ones he was compelled to apply to the Tehuantepec Railroad Co., which crosses the Isthmus of Tehuantepec in Mexico, for financial assistance, and he paid them in the stock of the steamship company. I thank the Senator from Pennsylvania for recalling that to my mind.

That situation to-day presents what I might call the horrible example produced by the attempt in this bill to throttle railroad traffic and to change the lines of traffic in this country, to strangle the natural lines of communication that have been built up and established here through a long series of years, authorized repeatedly by legislation. It shows the reductio ad absurdum of this sort of legislation, "while you wait," "right off the bat." I tried to show it before when the bill was up for consideration. I have not the slightest idea that anything I can say now can remedy the situation, but at the same time I feel compelled to say it, because they are my views, and as I am in the embarrassing position of being compelled to vote against the report of the conference committee of which I am a member I do not want to leave any reason to suppose that I do it from any motives of petulance or anything of that kind.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield further to the Senator from North Carolina?

Mr. BRANDEGEE. Certainly.

Mr. SIMMONS. I understand the Senator to say that he was opposed to the House provision with reference to railroad-controlled ships. I understood the Senator was opposed to the Senate amendment to that provision of the House bill, and I understand the Senator is opposed to the conference agreement with reference to that provision. Does the Senator object to telling the Senate how he would solve this question?

Mr. BRANDEGEE. Not the slightest. I had stated that before. I object to this provision in the bill because I objected to the House provision, and they are the same, and for the same reason I object to them both. The House provision, section 11, absolutely barred any railroad-owned steamship from going through the canal. The Senate provision barred all over the country any railroad from having any interest in any steamboat with which it did or might compete. The Senate amendment limited that inhibition to the Panama Canal and let the railroad and steamboat situation through the rest of the United States alone, and provided that no railroad should operate a steamship in which it had an interest or a line of steamers through the Panama Canal with which it might compete. To that extent the Senate provision was better than the House provision, in my opinion, and I voted for that limitation, but I am opposed to any limitation of time.

The Senator asks in what way I would suggest that we go about remedying such grievances as may be shown to exist. I would go about it not with a sledge hammer or a baseball bat; I would not go about it by throwing together in a bill as we have done here numerous heterogeneous matters of legislation affecting a great many different subjects outside of the jurisdiction of the committee of which I am a member and which reported this bill.

If it be so that Congress and the country and the people we represent, or attempt to, have suddenly come to the point where they want the common carriers by rail in the transportation business to divest themselves of attempting to do any transportation by water; if the people of the country think they will get better service by having steamboats run and organized and owned and controlled by ownership entirely separate from the railroads upon which they have got to rely for the distribution and the collection of their own cargoes; if the people of the country have come to that decision, I think then even the people of the country would want us, their representatives, to take the situation up and consider it carefully, systematically, with all the evidence we could get, employing the best experts in the world to advise us, and even if the operation of a steamboat of a railroad in a certain section of the country did violate somebody's preconceived academic theory about what ought to be, if in fact the result was beneficial to the people and the people wanted it kept that way, I think legislation ought to be framed with a view of doing the least possible harm to a complicated and long-existing situation, some parts of which to-day are good for the people, and I have no doubt some parts of it oppressive and ought to be remedied.

Mr. SIMMONS. Then I understand the Senator's position is about this: He does not deny that there is an evil, he does not deny that that evil ought to be remedied, but he is opposed to the provisions in this bill upon the theory that that remedy ought to be applied in a separate measure and not a measure dealing with the operations of the canal.

Mr. BRANDEGEE. The Senator, I think, does not completely state my position, but parts of what he says are true and I will differentiate it if I can. I do not admit that some things are wrong about the ownership of the steamships owned by railroads, because I do not know personally; but I will say to the Senator I have no doubt that in certain sections of the country heretofore, and possibly now, the operation of steamships which are owned by railroads is oppressive and there are wrongs about it. There are specifical instances I do not care to go into. I have heard that the operation of some of the great steel and iron companies by steamboats on the Lakes was oppressive and drove other people off.

But, Mr. President, be it so, when the operation of the railroads was oppressive, when they made agreements with each other in the interests of keeping up rates, and when they made rebates and committed all sorts of unjustifiable discriminations, we did not rush in and pass a bill slap-bang, stopping the railroads from running or ordering them to sell their property or anything of the kind. We provided a commission with authority. We inhibited the rebates. We let the railroads go on, and we provided a commission to supervise them.

I think if we could have three months to consider this matter, if it could be referred to an expert commission to make a study of it as the House has proposed to do, it would be well. They have appointed a special committee to investigate carefully this whole subject and report to Congress. Without waiting for that, we go right ahead and pass a bill that the railroads must get rid of all their steamboats, with which they might compete, by July 1, 1914.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. Oh, certainly.

Mr. SIMMONS. Then the Senator thinks we ought to have some further investigation about this matter before we legislate. I will ask the Senator if it is not true that we have had the Interstate Commerce Commission vested with powers to deal with these questions; if that commission did not substantially prepare the conference provisions which deal with this question; and if he thinks a commission appointed by Congress with a short study of this question would be able to as fully master it in all its details and work up a plan that would remedy these evils that would commend itself to the judgment of Congress and the country to a greater extent than the plan worked out by the Interstate Commerce Commission, and which is embodied in this conference report?

Mr. BRANDEGEE. The Senator has either asked one very long question or he has asked several shorter ones.

Mr. SIMMONS. If the Senator does not exactly understand my question, I will repeat it.

Mr. BRANDEGEE. I would not ask the Senator to do that, but I will say——

Mr. SIMMONS. I can make it clear.

Mr. BRANDEGEE. I am perfectly willing the Senator should, but my doubt was whether I could remember them all. If the Senator will prod my memory if I skip one of them, I will endeavor to give my views about it.

Mr. SIMMONS. Let me state again it is my understanding that the provision we are now discussing in the conference report was practically prepared by the Interstate Commerce Commission or by members of that commission. The Senator says that we need further light upon this subject before legislating upon it, and to that end we ought to appoint probably a commission, or the committees in charge of the measure ought to give it further investigation. My question is, if I can get the attention of the Senator——

Mr. BRANDEGEE. I hear everything the Senator says.

Mr. SIMMONS. Does he think the committees of the two Houses having this matter in charge or a commission appointed by the two Houses to investigate it would, after the short investigation that they would probably be able to give it, be better prepared to solve this question in a way satisfactory to the country than the commission who have practically prepared the provision in the conference report which he is now discussing?

Mr. BRANDEGEE. Mr. President, the Senator's first question, if I can recollect the order in which the questions occurred, was as to whether the Interstate Commerce Commission had prepared this provision of the bill.

Mr. SIMMONS. That was not a question. I said that it was my understanding they had done so.

Mr. BRANDEGEE. The chairman of the commission before our committee, the Senator will recollect, Judge Prouty, stated when I asked him if he would recommend Congress to enact this section, that he had never seen it until I had handed it to him; that he had not had time to read it and did not know what it contained; and after he had read it I asked him if he or Mr. Lane had drawn it and sent it over to the House——

Mr. SIMMONS. I understood it was with reference to the conference-report provision.

Mr. BRANDEGEE. I am speaking about how section 11 came to get in the bill. The commissioner said that he had submitted something along that line from which he thought this had been drawn, his recommendation having formed a basis to the other House. This amendment, known as section 11, had been put on—he did not say this, but I say it now—on the floor of the House without any discussion or hearing whatever upon it, and no railroad and no steamship company and no shipbuilding company in the country had had any opportunity to be heard upon the question before it was put through very hastily and sent over here.

Now, I understand the Senator to say that the provision which the conference committee has substituted for the so-called Bourne amendment was drawn by the Interstate Commerce Commission.

Mr. SIMMONS. Yes; and I will say further—and I think the Senator will bear me out in the statement—that Judge Prouty did say that he had not examined section 11; that it appeared from statements made to the conferees on the part of the Senate by the conferees on the part of the House that that provision had either been prepared in part by the members of the Interstate Commerce Commission or had been prepared by the other House after consultation with the Interstate Commerce Commission, and suggested that Judge Prouty meant nothing more than that he had not read over section 11 after it had been put in the bill. It should not be taken as a statement of Judge Prouty that the committee had nothing to do with preparing that section, which he seems not to have read, as a part of the bill at the time he was delivering his testimony or statement to the committee.

Mr. BRANDEGEE. I hear what the Senator says, but I know nothing about how the provision which is now in the conference report was drawn or who drew it. I am ignorant about it. I do not care who drew it. I am not criticizing it because it was drawn by anybody, but I am criticizing what it now provides.

I say, if the Interstate Commerce Commission obeyed the mandate of Congress, no railroad company which is now operating a line of steamships which had either competed or which might compete with itself for traffic could ever get the Interstate Commerce Commission to say, "Your time for doing that shall be extended five years more, because we find that you do not reduce competition."

No man can be, if I may say so without offense, so devoid of common sense as to say that in operating a railroad and operating a line of steamboats with it, with whom it either does or may compete, the Interstate Commerce Commission can find that the continuance of the operation of that line of steamboats does not reduce competition. It necessarily does so, because, if the steamboat service was not there, somebody would come and put on some boats and get the traffic from these railroads. It is a perfectly self-evident proposition.

Mr. President, I do not want to devote my whole time to that one question, but I do say that Judge Prouty stated before the House committee that in certain sections of the country, notably the New England section, in connection with the operation of the Long Island Sound steamboats by the New York & New Haven Railroad, he would not interfere with that situation, as he thought the public was getting better service than they would if the road was compelled to sell its steamships; but under the language of this bill, if he is a lawyer, he would be compelled to decline to allow them to continue after July 1, 1914, because they do or may compete with themselves, and they do reduce competition, for if they do not do that, then other boats would come in and compete.

Mr. SIMMONS. Does the Senator think that those words should be construed to mean that any competition whatever was excluded? In other words, that the language "neither exclude, prevent, nor reduce competition" means that there should be no competition of any kind, or does he construe that language to mean that, if the railroad owning the water carriers, in its rates, in its terminal facilities, in everything connected with the operation of that carrier, did not create a condition that was more suppressive of competition than a carrier under private and individual control would exclude, prevent, or reduce competition, it should not apply to that condition?

I have had it in mind, by the way, that that had reference to a condition of competition created by the railroads which would suppress private competition, and that that condition of railroad competition would no more tend to prevent other competition than if the carrier was in private ownership; that the terms used in this provision would not be construed by the commission to apply to the exclusion of the railroad.

Mr. BRANDEGEE. Well, that discloses one of the curious features about this whole school of thought that is after the railroads in these days. Of course, any company could put on all the boats they wanted and could operate them. There would not be any law to check them. We do not legislate against a great partnership putting on $50,000,000 worth of boats if they want to, and running them either on the seas or up any of our rivers; it would be welcome, no matter how powerful they were; but if a railroad attempts to do it, it must be prevented. The Senator's suggestion that the railroad-owned ships, unless they produce substantially a monopoly, do not intend——

Mr. SIMMONS. No; I did not say "become a monopoly." I said unless they are operated so as to produce a different kind of competition than that which might be expected from individual ownership that I did not think the commission would hold that the language I have quoted would exclude the railroads from operating them.

Mr. BRANDEGEE. The facts are, of course, that where the railroad company owns the docks and the hoisting apparatus, and has the power to fix its time-table to run trains to connect with its steamboats on its own wharves, running special trains for its passenger traffic and accommodating its time-tables from the factories to catch the steamboats at the time they leave for their destinations, it has necessarily a great advantage over any independent operator.

Mr. SIMMONS. But, Mr. President, right there, if the railroad wants to continue that business for a legitimate purpose,

and not for the unlawful purpose of suppressing competition, does not the Senator think that, in order to meet the requirements of the conditions, they would so permit the use by their competitors of their terminal facilities and they would so regulate their own rates as to bring about that just and desirable condition of competition against which this provision was leveled? This provision was not leveled against fair competition on the part of the railroads, against such competition on the part of the railroads as might be expected from a private individual, but it was leveled against that character of competition on the part of the railroads which the private individual could not reasonably be expected to meet.

If the railroads enter this business for legitimate purposes, and if they desire to continue in it for only legitimate purposes, why would they not, when called up by the commission, create those conditions of competition which would be fair, just, and reasonable? If they did that, I think under that provision the commission would be authorized to permit them to continue.

Mr. BRANDEGEE. Mr. President, I could talk for an hour here, using general and vague terms, such as "what is fair and just and reasonable and right between man and man," and so forth, and I would not be any wiser when I got through with such a disquisition as to what words to put into a statute the construction of which might deprive some corporation of twenty-five or fifty million dollars of its property. What I am talking about is not whether or not a railroad company ought to be compelled to allow its competitors to use its own terminal facilities and wharves and hoisting apparatus which it has built for its own purposes in competing with its competitors. There is a different section in this bill where it is attempted to amend section 6 of the interstate-commerce act, which does just what the Senator says ought to be done—compels all the railroads to turn over their terminal facilities to their competitors, and so forth. No private citizen would be compelled to do such a thing. If I had had the foresight to go and buy a large strip of water front in a big city, had gone into business on it, and was making a profit competing with some man who did not have such an advantageous site, Congress would not have compelled me to throw open my docks to my competitors unless I had utilized my water rights, my wharf facilities in a kind of business which was public in its nature, like the warehousing business, or grain elevators, or something of that kind, which was essential to interstate commerce and other traffic; but if a railroad company in its foresight acquires a dock, Congress says, "If somebody else wants to put on a steamboat and has not a good terminal facility you must throw that open to your competitor."

I had not, however, intended to branch out upon that subject at all. I say, in answer to the Senator from North Carolina [Mr. SIMMONS], who says that if the railroad companies conducted their business in a fairly competitive way, and so forth, there would be no criticism of the railroad companies, I say the railroad company can not conduct its business by common carriers by water at all after 1914 under this bill unless the Interstate Commerce Commission shall say that it is—

operated in the interest of the public and is of advantage to the convenience and commerce of the people and that such extension will neither exclude, prevent, nor reduce competition on the route.

The Senator asks me if I do not think the words "to reduce" mean practically to prevent. I say that if they do there would be no sense in having them in the bill. The bill already contains the words "exclude and prevent." No other construction can be placed upon this but that the railroad has got to prove that it does not reduce at all the competition by water on that route.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Kansas?

Mr. BRISTOW. I hate to interrupt the Senator.

Mr. BRANDEGEE. I do not regard it as an interruption, for I am very glad to yield to the Senator.

Mr. BRISTOW. I do not want to keep the Senator from Connecticut on the floor longer than he wants to occupy it, but it seems to me that when the railroad company puts on a steamship line it is increasing competition instead of reducing competition; and unless that steamship line is used to destroy and drive off and keep out other competition, it is legitimate and all right, and will be permitted by the commission. The fact that it has a line there and that there is another line there, or if there is not another line there, unless that line is used to keep another line off, it is increasing competition. I can not myself see how the Senator can construe this term "to reduce" as being antagonistic to railroads operating lines, provided they are operated in a legitimate commercial way, and not used to destroy or crush out or to drive off other people.

Mr. BRANDEGEE. Mr. President, in this class of legislation—which we have not time here to examine in detail and which if any sound business man was attempting to get construed for the operation and guidance of his affairs, he would take to the most skilled legal talent in this country and get their professional opinion, and, it may be, have some litigation instituted in order to constitute a precedent or to construe the law and make it more certain that he was not going to be put out of business by the final order of the Interstate Commerce Commission within 20 minutes after he had made his investment—if in this highly complicated mass of legislative provisions we are to have the provision on lines 24 and 25, on page 19, that "in all such cases the order of said commission shall be final," what is going to happen to the transportation business of this country? We do not all know the conditions and terms under which the rail and water lines are put together. In some instances it is a case of ownership, and in others of leases. For instance, President Mellen, of the New York, New Haven & Hartford Railroad, testified before our committee that when the New York, New Haven & Hartford Railroad Co. acquired the Old Colony Railroad, which, if I recall, was the owner of the Fall River Line of steamboats, the acquisition was made by a lease—a 99-year lease, I think—and in that lease there was a condition that the New York, New Haven & Hartford Railroad Co. should always maintain the Fall River Line of steamboats in good condition, and if for any reason a breach of contract between the parties, or any other reason, the lease should be determined and the Old Colony road should have to take back its Fall River Line of steamboats, the New York, New Haven & Hartford Railroad Co. would deliver them back in as good condition as they were received. Suppose the Interstate Commerce Commission ordered them to stop that business, to stop operating those boats, to tie them up to the dock, they could not sell them under the lease, and what is to be done?

The attorney for the Southern Railroad Co., Mr. Thom, representing not only the Southern Railroad but one of a committee representing a great number of the principal railroads of this country, cites in his testimony, which very few Senators will read—and, of course, I do not say that in a spirit of criticism, but I mean very few Senators can find the opportunity to read the mass of testimony taken before the committee—Mr. Thom cites instance after instance where all along the Atlantic coast the Southern States service between the Atlantic coast points in the Southern States and New York would be absolutely demoralized. The counsel for the Pennsylvania Railroad cites cases all along their lines where there are ferryboats, lighters, and tunnels, all of which do or may compete with each other. The ferry service between New York and Jersey City on the Pennsylvania Railroad may compete with the tunnel under the river. There are the most complicated situations all over the country such as those involving the Western Transit Co. on the Great Lakes, controlled by the New York Central system; and we are proposing to put through here, without power to amend, and almost without power to discuss, amendments which were voted on, as Senators know, under a unanimous-consent agreement, which provided that no matter what was proposed and sent up to the desk at the hour of 5 o'clock, or whatever it was, having arrived, voting should begin, and Senators were compelled to vote "yes" or "no" upon the most complicated propositions, and a number of us voted "yes" on some of them which I think we would never vote for again if we had time to realize what they meant, if anybody could find out what they did mean.

In my opinion, for a safe, sane, and staid legislative body like the United States Senate almost to kick through a piece of legislation affecting the arteries of commerce and trade and finance all over this country in almost a trivial spirit, a do-not-care, do-not-want-to-look, do-not-want-to-investigate spirit, is a revelation to me. I had hoped that we would have here a careful consideration and revision and a second hearing in calmness and deliberation of matters on which the House might have been hasty or mistaken.

Mr. SIMMONS. Before the Senator leaves that, of course, when Congress declares a policy, as it has in this case, that the railroads shall not be permitted to own water carriers in competition with them, some inconvenience to the rail carriers in divesting themselves of their property in water transportation is to be expected. There is no proposition that they shall lose any part of their property, however. It is only the public policy that they shall not use it in a particular way. The bill does not provide that the judgment of the Interstate Commerce Commission with reference to anything affecting the property rights of the railroads shall be final. When the Senator complains of that provision with reference to the judgment of the commission being final, he ought, I think, to distinguish between the charac-

ter of controversy in which that judgment which is to be final is rendered, so as to show that it does not involve a property right. Of course, if it involves a property right, we can not confer upon that commission, which is an administrative body only, a power of final decision. The only power of final decision that we invest the Interstate Commerce Commission with is as to the matter of privilege which the act confers. Under the provision prohibiting railroad-owned ships from engaging in water transportation, if the railroads see fit to avail themselves of the privilege granted by the bill of extending their operations in violation of this principle established in the bill, they can do that by application to the Interstate Commerce Commission; and if the Interstate Commerce Commission finds that certain conditions exist with reference to their use of their water carrier, then the commission may extend the time in which the railroads may operate in violation of the principle and policy enunciated in the bill. With reference to that decision as to whether they will grant to the roads this indulgence, or whether they will extend to them this privilege, this bill does give the Interstate Commerce Commission's decision the effect of a final decree or judgment. I think there can be no legal or other objection to that.

Mr. BRANDEGEE. Mr. President, where the legislature of a State had authorized one of its corporations to acquire and operate steamboat property, and the Interstate Commerce Commission should issue an order preventing it from doing so on the ground that it was not for the public benefit or that it reduced competition, I should say that it was a property right that was being affected. I do not think it is necessary in order to constitute a property right that the commission should have authority to confiscate the property and take it and use it for themselves. I am clearly of the opinion that that would be a property right.

The Senator from North Carolina has asked me what I would do to find out whether abuses did exist and to remedy such as were found to exist, hurting the general business of the country as little as possible. Mr. President, I would appoint either a joint committee of Congress or a commission of experts who had not already made up their minds about this matter and who were not affected by any disagreements with the parties over whom they were to act as judges.

I do not think there is any haste about this matter. The country has lived and prospered for quite a number of years with good railway and steamboat service, and I do not think there is any such haste about dismembering the transportation system of this country as would compel action upon this measure at this minute. I would appoint that commission and ask them to report to Congress when they knew enough about it to report. Then I would give the judgment of that commission great weight in the questions upon which it was expert.

Mr. President, referring now for a moment to the other amendment, which will be found in the print of the bill as agreed to in conference, on the desk of each Senator, on the bottom of page 20, the so-called Reed amendment, it provides:

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

Mr. REED. May I ask the Senator a question?

Mr. BRANDEGEE. Certainly.

Mr. REED. The language of the first two lines has been changed, has it not?

Mr. BRANDEGEE. I will compare it with the bill as it passed the Senate to see. The Senator asked that some changes be made, I believe, did he not?

Mr. REED. I did not ask for any change in that part of it. I asked to have three or four words added at the end of the amendment.

Mr. BRANDEGEE. Has the Senator the bill before him as it passed the Senate?

Mr. REED. I have not. That is the reason I ask the Senator. I am just going on my recollection. I can get the bill in a moment. I have it in my desk.

Mr. BRANDEGEE. I have it here now, and I will read to the Senator the provision as it was inserted in the Senate. The Senator refers, I presume, to the interpolation of the words "or foreign." I will read, Mr. President, in order that it may appear in the RECORD, a few words of the amendment as it was put on the bill in the Senate to cover the Senator's suggestion that the language was changed in the first few lines.

Mr. REED. The point I am making is that the criticism which I think the Senator intended to make of the bill as it now stands is a criticism that must be based upon the terms made in conference and not upon the amendment as originally drawn, because the amendment as I drew it read in this way:

No ship engaged in or permitted by the terms of this act to engage in the coastwise trade of the United States—

Mr. BRANDEGEE (reading)—

shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890—

And so forth.

Mr. REED. That, of course, if the Senator will pardon me, limited the operation of the bill to vessels that were American, because no other vessel than an American vessel could engage in the coastwise trade under the terms of this bill or any other law. If the conferees have changed that so as to make the amendment applicable to all vessels passing through the canal, then manifestly it can not be charged to the author of the amendment.

Mr. BRANDEGEE. Mr. President, I had not made any point at all. I was proceeding to read the amendment when the Senator from Missouri stated that the point he apprehended I was about to make, which was something that he had imagined, but which I had no intention of suggesting——

Mr. REED. I think it is somewhat a substantial thing whether the Senator mentioned it or not or whether the Senator intended to make it or not.

Mr. BRANDEGEE. No; I did not intend to make it. I think the amendment as proposed by the Senate conferees, to wit, the provision that—

No ship engaged or permitted by the terms of this act to engage in the coastwise—

And, as the conference report provides—

or foreign trade of the United States shall be permitted to enter or pass through the said canal if such ship—

Meaning there a coastwise or foreign-trade ship—

is owned, chartered, operated, or controlled by any person—

To make it short, is violating the Sherman antitrust law.

I think the provision, as reported by the conferees, adds greatly to what objections I would have to it, if the words "or foreign" were not in, because I think it doubles the injury that will be done by the operation of the amendment.

Of course, Mr. President, if we have spent $400,000,000 upon this canal connecting two free oceans for the purpose of boycotting it and driving away from the use of it every vessel of any commercial importance that would carry tonnage enough to pay any tolls, I think this bill will go a long way in that direction. How absurd it is to say that no vessel shall be permitted to enter or go through the Panama Canal if its owners have violated the Sherman antitrust law? A vessel appears there in the night in a storm and wants to go through the canal. The man comes out to collect the tolls, if the ship is not engaged in the coastwise trade of the United States, and asks the captain who the owners of the vessel are. The captain says he does not know; he was employed by the superintendent or by a shipping house. Well, the canal man asks, "Have any of its owners ever violated the Sherman antitrust law"? The captain replies that he does not know. How is it to be shown which vessels are eligible to enter the canal and which are not? I do not believe it is possible to tell whether a railroad is interested in any vessel that goes through the canal.

Mr. CLAPP and Mr. ROOT addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Connecticut yield, and to whom?

Mr. BRANDEGEE. I yield first to the Senator from Minnesota, who I think rose first.

Mr. CLAPP. I simply want to say that I have not read this conference report. I inquire, must the man in charge of the ship prove affirmatively that the owner has not violated the law?

Mr. BRANDEGEE. Well, of course, Mr. President, I did not make this report at all, and I feel no responsibility for it.

Mr. CLAPP. The Senator is discussing the report.

Mr. BRANDEGEE. No; the Senator himself is raising a question that I have not yet raised, which shows that there will be a diversity of interpretation upon what the section does mean, in my opinion.

Mr. CLAPP. The Senator has just raised that question by picturing a ship in a storm ready to enter the canal and held up

by an inquiry on the part of the toll gatherer as to whether or not the owner ever violated the law. Now, unless the law requires that the man in charge of the ship shall prove innocence, the picture conjured up by the Senator really has no place in this discussion. I had supposed it was only after a conviction for a violation of the law that the prohibition would apply.

Mr. BRANDEGEE. Well, he could——

Mr. CLAPP. And my question goes right to the argument which the Senator was making. I have not examined the report, and I am not certain as to what it means in that respect.

Mr. BRANDEGEE. The act provides on page 21, line 13, that—

The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

Mr. SIMMONS. I want to ask the Senator, in view of that language, does he think that anybody else except a court of competent jurisdiction would have the power to decide?

Mr. BRANDEGEE. I do not know whether the ship would be put out before or after.

Mr. SIMMONS. When the act provides quite specifically as to how the question of whether the ship is owned by a concern operating in violation of the antitrust law shall be determined, does the Senator contend that some official of the Panama Canal could decide that question or undertake to decide it?

Mr. BRANDEGEE. The act provides that these vessels shall not go through if their owners have violated the law, not whether they have done so heretofore, but whether they are doing so now; and there is no way of determining that by the judgment of a court.

Mr. ROOT. Mr. President, it seems perfectly plain that the custodian of the canal is prohibited from permitting a ship to enter it if it is owned by anybody who has violated this statute. He violates the law if he permits it to enter. The question of fact is to be determined by a court of competent jurisdiction in the United States, and he must detain the ship until the court has decided it. He can not allow the ship to enter. The ship goes to the entrance of the canal, and, if it is one of the class described here, he must, under pain of indictment and conviction and imprisonment for violating the law, forbid the ship to enter until a court of competent jurisdiction has decided that it has not violated the Sherman law.

Mr. BRISTOW. Mr. President, if this amendment to the bill, which is such an awful thing in the mind of the Senator from New York——

Mr. ROOT. Mr. President, it is not an awful thing; it is a ridiculous thing; it is an absurd thing.

Mr. BRISTOW. Then, I should like to inquire of the Senator from Connecticut [Mr. BRANDEGEE] why he voted to incorporate it in the bill when it was before the Senate?

Mr. BRANDEGEE. I voted for it, Mr. President, because I told the Senator from Missouri that I would let it go to conference, but it never occurred to me in my wildest dreams that the conferees would vote to keep it in. I did it to save time on the floor of the Senate.

Mr. REED. If I do not interrupt the Senator——

Mr. BRANDEGEE. Not at all.

Mr. REED. This amendment may be very absurd and very ridiculous in the mind of the Senator from New York, but somehow or other I imagine it is not its absurdity so much as its virility that is disturbing these gentlemen. If I thought the amendment as absurd as the two constructions which have been placed upon it are absurd, I should be very much ashamed of its authorship. If by any stretch of the imagination it could be so absurd as to warrant the construction that the governor of the canal is required to halt a vessel at the entrance of the canal and inquire into its ownership and as to whether the owner had violated the antitrust act, and determine that question as a condition precedent upon evidence then and there to be presented to and passed upon by him—this construction is, of course, in the face of the plain language of the bill, which declares that the question of fact shall be determined by the judgment of a court—if the amendment I offered is as absurd as that kind of distorted and senseless construction, I would surely think we certainly had reached a point where the end of all that is ridiculous had been attained. If I thought the bill was as absurd as the construction given to it by the Senator from New York, I would be embarrassed indeed. Here is a provision which says that no vessel, the owners of which have violated the antitrust act, shall enter the canal. Then it proceeds to say that that question shall be determined by a court of competent jurisdiction. Determined when? Manifestly it means before the vessel enters, before it makes application for entry, and no court on earth will hold that it applies to a vessel, the owners of which have not been convicted of violating the act. Every vessel sailing the high seas under the flag of any civilized nation will be presumed to have a right to enter the canal. The general provisions of this act give to all vessels the right to enter the canal. That fixes the status and measures the rights of all law-abiding vessels. Then follows this clause which declares that no vessel shall be permitted to enter the canal if a court has determined as a question of fact that its owners have violated the antitrust law of the United States. This amendment may be an absurdity; it may be ridiculous; it may engage the risibilities of Senators, but the House of Representatives did not strike it out, and the conferees did not strike it out, and about the only people I have heard of outside of Congress who have criticized it have been the class of men who have criticized every bit of antitrust legislation that has ever been placed upon the statute books.

Mr. BRANDEGEE. Of course, the House did not strike it out, because it had not yet been to the House. As the chairman of the Committee on Interstate and Foreign Commerce said, the House would not take it up until the Senate had finished with it. It has been printed in the RECORD. The Senator is correct in the statement that there is a provision that—

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890.

"Which is doing business." That contemplates the status of the owners at the time the vessel attempts to enter the canal.

The Senator from Missouri says what this means is that there shall not be allowed the privilege to any vessel which has been convicted of a violation of the antitrust act. But the bill says nobody shall do it if the person or company is doing business in violation of the Sherman law.

Mr. WILLIAMS. I should like to ask the Senator from Connecticut a question. Suppose the language of some statute was that nobody who was a thief could do certain things. Would he not at once construe that to mean anybody who had been convicted of a theft? Would he allow a mere allegation to control the construction of the law? This language is: Nobody who is doing business in violation of the law. Does it not follow necessarily that the presumption of innocence accompanies up to the time a person is convicted by a court of competent jurisdiction of having violated it?

So, even if the amendment had not said, as it does in a later place, that this question is to be determined by a court of competent jurisdiction, necessarily, by all the presumptions of the law, it must be determined by some court before the allegation would become a fact. It must be a fact existing in the law, not a mere charge made at the time.

Mr. BRANDEGEE. I do not know what the Senator means by a fact existing in the law, but if the contention of the Senator is that the inhibitions of this amendment apply against such owners as may have heretofore been convicted of a violation of the Sherman law, I understand what he means. But I think it is utterly untenable. By the provision in lines 16 to 20 it is provided that the question of fact—that is, whether these people are doing business in contravention of the Sherman law or not—"may be determined by"—may be; looking to the future—not has been determined.

The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ships are parties.

The inhibition is against the entering or passing through the canal. How would it be enforceable?

Mr. WILLIAMS. It could not be enforced against anybody except such people as had been convicted. My objection to the provision at the time was really exactly the opposite of what is now presented. The fact that they had violated the antitrust law could not appear unless they had been convicted, and upon conviction a decree of dissolution would have followed, and then they would have ceased, within the contemplation of the law, to be a trust.

Mr. BRANDEGEE. It does not provide if they have violated that act. Neither the Senator from Missouri nor the Senator from Mississippi will declare it is the intention of this act that no vessel owned by anybody who has violated the Sherman law shall not go through the canal.

Mr. WILLIAMS. As I understand the amendment, it is anybody whose status then is that of having been convicted of being engaged in business, then and there, contrary to that act. The point that struck me was that if the company had been convicted of doing business in violation of the Sherman antitrust law a decree would have followed probably for a dissolution of the trust, and I thought this would not be operative.

My reasoning was exactly opposite to that of the Senator from Connecticut. It is true it does use the language "may be convicted." I thought that referred to this; and I think perhaps the Senator will agree with me that if the charge were made for the purpose of preventing the use of the canal by some company in a trust, then that charge, if decided by any court of competent jurisdiction to be well taken, would prevent thereafter the passage of those ships through the canal.

Mr. TOWNSEND. Mr. President——

Mr. BRANDEGEE. I yield.

Mr. TOWNSEND. Mr. President, when this amendment was pending it had to be corrected several times at the desk before it satisfied its author and before we could understand it clearly. You will remember, it was presented without having been submitted in print and without explanation. I had some serious doubts about it at that time, because I did not understand it. I was quite in sympathy with the idea expressed by the Senator from Missouri that ships which are violating the law should not have the privilege of using this canal.

Under sections 5 and 6 of the interstate-commerce law, which the section under consideration amends, certain penalties are provided for a violation of this prohibition against the use of the canal by illegal combinations. This indicates to me, at least, that if the boats pass through the canal, and it is determined afterwards that those boats had violated the law, the penalty would attach. Congress would be considered as having had in mind the fact that it had prohibited a certain act as unlawful; and of course the penalty could not be imposed until the act had been legally determined as being unlawful.

Mr. ROOT. What penalty is there?

Mr. TOWNSEND. If I may be permitted, while I am on my feet, I will suggest another matter which the Senator has discussed. I am not entirely pleased with the conference report, which proposes to change the Senate's action on the ownership of boats and boat lines owned by railroad companies other than those passing through the canal. I think the amendment offered by the junior Senator from Georgia was a much better provision than the one the conferees have adopted. It seems to me that there are many conditions to be considered. The very object, I think, that the Senator had in mind—at least it was the one I had in mind—was that boats owned by railroads not to operate through the canal should not be permitted to continue such ownership if their operation was shown to be detrimental to the people. If it is conceded that this proposed power can be conferred upon the commission—and I submit that the present amendment is open to the same constitutional objection, viz, that we are conferring, or proposing to confer, upon a commission the power of legislation—the power to look into these questions and determine whether such ownership of boats is detrimental to the people or not, we have added to that the extra condition whether they are competing or interfering with competition in some way.

It was clearly stated before the Committee on Interoceanic Canals by Commissioner Prouty that the present lake condition is more desirable than it would be if we divorced the railroads from their lake boats, but that it might be true, if such separation is compelled, that Marshall Field & Co. or some other concern might put on a boat line, and the result might be temporarily to reduce rates on packet freight, but the commissioner stated positively it would be a detriment in the long run. Can the commission under this conference provision look into the question broadly and determine whether this possible lessening of competition will be detrimental or beneficial, or must it decide it at the moment and according to the letter of the law?

I think the Senate provision has not been improved by the conferees, and I wish that their amendment might be eliminated. As I say, I do not find so much objection to the amendment of the Senator from Missouri, because, if I construe it properly, it can only have the effect, after the act shall have been determined to be a violation of the law, to invoke the penalty prescribed.

Mr. REED. It follows the judgment.

Mr. TOWNSEND. So the offending boat goes through the canal at its peril. Simply because it gets through the canal without being stopped by the operators, does not signify that it has escaped the penalty of the law.

Mr. CLAPP. Mr. President, I do not want to——

Mr. BRANDEGEE. I have not yielded the floor, but I yield to the Senator from Minnesota.

Mr. CLAPP. I will wait.

Mr. BRANDEGEE. Does the Senator want to take the floor in his own right?

Mr. CLAPP. Yes, sir.

Mr. THORNTON. May I interrupt the Senator from Connecticut?

Mr. BRANDEGEE. I yield to the Senator from Louisiana.

Mr. THORNTON. Mr. President, while we are on the subject of the amendment of the Senator from Missouri, I wish to give my reasons for supporting it, as I did, at the time it was passed. I voted for it because I believed its enactment would have a tendency to restrain the elimination of competition of independent steamship lines through the Panama Canal. I mean independent steamship lines engaged in the coastwise trade. The Senate had determined to forbid any vessel that was controlled or owned by a railroad to pass through the canal if it engaged in any coastwise trade.

As I said in my address to the Senate on the subject of this bill in general, I could not see how the granting to railroad owned or controlled ships, such as the Pacific Mail Steamship Co., the only ones that were in consideration under the restrictions that were placed by the committee amendment, could possibly stifle competition; and I was very clear that if it did have a tendency to do so the danger could be obviated by a proper regulation of those vessels of the Pacific Mail Steamship Co. I believe it is quite possible for even independent steamship lines to form a combination and throttle in that way competition between themselves, just as it has already been done by them on the Atlantic coast, and it was in order to help prevent that condition that I voted for the amendment proposed by the Senator from Missouri.

Mr. BRANDEGEE. Mr. President, what we ought to do is to open this canal for operation. We ought to allow every vessel that plows the seas to go through that canal as they would upon either ocean. We ought not to attempt to dictate either to our own people or to the people of foreign nations how their ships should be owned, in what proportion, or by whom. The owners of foreign ships have a right to own ships in their own country. We have no more business to say that a foreign ship any railroad might have an interest in shall not go through that canal than we have a right to say that unless the owners are of a certain religious denomination the vessels shall not go through the canal. All attempts at restriction of the use of that great waterway other than to charge for the service rendered to the vessels in putting them through; all attempts to inspect her registry or ownership, whether we approve the cargo she has aboard, if it is a lawful cargo; all attempts to pry into the business secrets or to dictate as to the tastes or habits or desires of the shippers are perfectly preposterous.

Furthermore, the treaty provides that the canal shall be free and open to the ships of commerce and of war of all nations upon equal terms, so that there may be no discrimination with reference to conditions of traffic or otherwise. No human language could be plainer than that we were to build the canal and throw it open to the vessels of all nations upon equal terms as to its traffic. We can not set up in this case a standard of public policy in this country, commendable as we may think it is, like the Sherman law or any other act, and say to all the nations of the world, "You shall not go through there unless you comply with this branch of public policy of this country that water transportation shall be divorced from steam and rail transportation." Other nations are sovereign, as we are, and they have a right to determine those questions for themselves.

When we are called upon simply to provide machinery for the furnishing, opening, operation, and putting through the vessels, and the Congress of the United States pounces upon that opportunity, regarding it as a necessity to have the canal opened in time to verify the predictions of our engineers and in time to celebrate with a great international exposition on the waters of the Pacific Ocean, which shall have been wedded to those of the Atlantic by this great waterway, we have grabbed the emergency presented to the United States Government and are throttling the opening of that canal unless the legislation providing for it shall be made a vehicle to accomplish the views of people upon entirely extraneous subjects. There is no occasion to make the opening and running of the canal an excuse for making men honest or enforcing different criminal statutes of the United States or promoting any other object.

Mr. CULLOM. Or ideas.

Mr. BRANDEGEE. Or ideas or fads. It should stand upon its own basis. If all could see it as I see it, we would open the canal and let all vessels go through upon equal terms, whether owned by railroads or not. If the New York, New Haven & Hartford Railroad wants to put on a great line of steamships running from Boston through the canal to the Pacific coast, thereby furnishing cheap transportation and an interchange of the products of both those sections of the country by rail and

water route, competing with all the other transcontinental lines for the business and giving cheap rates, why should they not do it?

It seems to me this whole vexed question of the alleged keeping up of railroad rates by employing a fake steamship line to engage in fake competition with themselves and running the steamboat line not to make money for its stockholders but as a blind by which it may be enabled to drive off other competitors and keep its own rates up would be absolutely solved beyond question or peradventure if you would allow the railroads to put on vessels to compete with each other and as hard as you have a mind to; but do it under the jurisdiction of the Interstate Commerce Commission as to your numbers and rates, just as the railroads themselves are now put under their jurisdiction; and if the Interstate Commerce Commission is so busy that it can not attend to the business, solve the problem by putting on some other commission or enlarging the present commission.

The truth is the traffic through that great Panama Canal will never be throttled by the operation of steamboats bought by the railroads. What is well known, I put in the RECORD the other day a report of the Committee of the House on the Merchant Marine and Fisheries upon the pools and combinations existing among the ships on the ocean.

Here is the Pacific Mail Steamship Co., who wants to put on four great 37,000-ton steamers plying between New York, going through this canal, stopping at San Francisco, taking on some fuel, taking off passengers and freight, and then on to Hongkong, Manila, and oriental points, loading there with oriental traffic, coming back and delivering it in San Francisco, then down the coast and through the canal back to New York. That is the line that alone is maintaining the American flag upon the high seas to-day. When the San Francisco exhibition is opened and the ships and navies of the world come over here to help celebrate the accomplishment of that great event, the Pacific Mail Steamship Co. is to lie off at anchor in the harbor, and so we of all the nations and of all the ships can not pass through our own American canal because a railroad company controls the stock.

Mr. President, the last report of the National Waterways Commission, which has studied this whole subject, recommended, in conclusion, what I will ask the Secretary to please read to the Senate.

The PRESIDING OFFICER (Mr. LODGE in the chair). Without objection, the Secretary will read, as requested.

The Secretary read as follows:

The rapid increase in the ownership and control of railways over boat lines calls for immediate regulation, so that the advantage derived may not be used to eliminate competitors and to raise water rates. As has already been stated, two widely different policies for the control of this situation are now before Congress. One would absolutely prevent railways from owning or controlling any boat line with which they were in competition; the other would give the Interstate Commerce Commission such control over the activities of railway-owned boat lines that the public would be protected against the abuses which might arise. The latter policy is constructive, while the former is destructive and overlooks the benefit which we are striving to secure, namely, cheaper transportation. The main question with the public should be not so much who furnishes the transportation as that it should be adequate and cheap. If the latter policy is pursued, it will mean an increase of transfer traffic between the railways and waterways which otherwise could not be developed. The railways have the capital to invest in water transportation, and they have the traffic to exchange with water carriers. To prevent their participation in water transportation would be to force more of the traffic to go by rail. (P. 578, final report National Waterways Commission.)

Mr. BRANDEGEE. Mr. President, the country will be better off, in my judgment, if this conference report should not be accepted, but either recommitted or rejected. What would be quite sufficient to provide for all that we started to provide for in the opening and operation of this canal would be accomplished by a short resolution, which I send to the desk and ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read, as requested.

The Secretary read as follows:

Resolved, etc., That until Congress shall otherwise provide, the President is authorized, as the progress of work on the Panama Canal may seem to justify, to proceed with the organization and training of a competent force to man the locks and operate said canal when completed and ready to be opened for use and operation.

The President is also hereby authorized to establish facilities for the repair and supply of our own Government's vessels and such others as may use the canal, and to install wireless telegraphy, making such agreements with private wireless telegraph companies as may be necessary to secure freedom from interference, the cost of any of which may be paid from appropriations either for the construction or the maintenance and operation of the canal.

The President is further authorized to give public notice, by Executive order or proclamation, that the tolls to be charged vessels for passage through the Panama Canal shall not exceed $1.25 per ton, net registry measurement, or the equivalent thereof.

Mr. BRANDEGEE. The only haste about this legislation or any of it was that involved in creating an operating force from the present skilled constructing force so that the services of the men engaged upon the work there now and familiar with it could be continued when the canal is opened and that they should not leave the Isthmus and the zone.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to the Senator from North Carolina?

Mr. BRANDEGEE. I want to complete just one more sentence about this resolution, and then I will yield.

The only other feature that required immediate attention was the notification to the commercial world and those contemplating the construction of great ships, the completion of which will take about two years, that the tolls to be charged should not be beyond a certain sum, and upon that basis they could go ahead with their shipbuilding. The President in this resolution is authorized to notify them that the tolls shall not in any event be over a dollar and a quarter a ton, and then if it was anything less it would be to their advantage. Everybody would be safe. The canal could be completed, opened, and operated, and the community would be notified of the tolls. That is everything that was proposed to be contemplated in this legislation. The question of the revision of the courts down there and such minor questions can be determined at any time. In the meantime an investigation should be made of this whole subject of water and rail transportation, and justice could be done the subject by the Congress of the United States.

Of course I do not offer that resolution now to be passed. I say that the whole thing could be remedied if this report was rejected or recommitted and that resolution passed by Congress.

Now I yield to the Senator from North Carolina.

Mr. SIMMONS. The only purpose for which I desired to interrupt the Senator was to inquire whether he offered the resolution as a substitute for the conference report——

Mr. BRANDEGEE. Oh, no.

Mr. SIMMONS. Or as a substitute for the bill or in what way he meant to bring the resolution before the Senate.

Mr. BRANDEGEE. I do not offer it at all. It would be utterly out of order and unparliamentary to offer it. The conference report must be voted up or down; it must be accepted or not accepted, without amendment. I say if it were voted down some such provision as that would answer every need of the canal as to its completion and opening without involving at all these controverted subjects and without incurring the ill will of all the nations who want to use it.

Mr. SIMMONS. Does the Senator suggest that we drop this proposed legislation and adopt that resolution?

Mr. BRANDEGEE. If I had my way I would not hesitate one moment. I think it would be a public calamity to have the conference report adopted. I think it is a work of devastation and destruction, and it will hang over our heads for a long time if we accept the report.

Mr. CLAPP. Mr. President, I am very much interested in the argument made by the Senator from Connecticut. When the canal shall have been completed we will have invested in it somewhere probably between six and seven hundred million dollars. I appreciate all that he said as to the necessity and the importance of inviting trade through the canal. But, Mr. President, I do not believe that it should be made our master. I believe that it should be made our servant. All regulations in free government are based upon the theory that there is a small number of men who possess the capacity and who will override the interests of the many unless they are regulated. That is the theory upon which all regulations rest. Whenever we undertake to regulate we are met by the people who are more directly interested in the subject of regulation with the proposition that the regulation means the total annihilation of the business to be regulated. When we passed the antirebate law of 1903 we were told this; when we passed the railroad legislation of 1906 we were told this; and yet the business of the country has gone on.

Now, the trouble is that neither a House committee nor a Senate committee can fairly consider how far the alleged injury may be speculative or may be real. I do not charge these men with conjuring up consciously injury that will not result, but it is one of the peculiarities of human nature that when they live off the benefactions of Government they become in a certain sense fearful of the withdrawl of such benefactions, and it robs the individual to a certain degree of his courage. So it has happened in the past that a great many of the direful calamities that were predicted did not follow the proposed legislation.

The Senator from Connecticut says that instead of passing this bill we ought to appoint a commission and let that commission thoroughly investigate this entire question. Mr. President, that is just what we are doing now, with the additional

qualification that we are making the situation, if the bill is valid, somewhat elastic; and instead of Congress, upon uncertain information, attempting to lay down a rule that shall apply upon the Sound of Long Island, apply upon the Great Lakes, apply upon the western coast, without any elasticity whatever, the bill as reported, if valid, affords that elasticity, that recognition of a difference in conditions in a nation occupying the area that we do, with our varied conditions, and that is one of the desirable things to meet in legislation if there is any way of meeting it.

Congress could not by a congressional act lay down one rule for New England and another rule for the Great Lakes and another rule for the Pacific coast. The only way that that recognition of difference of conditions can be obtained is by referring it to a commission, which may exercise a certain amount of discretion, which may take into account a condition that exists in New England, as it may vary radically from a condition which exists on the Great Lakes or exists on the Pacific coast.

I confess this goes further in the authority conferred upon the commission than many of us have ever felt that we could go, and I am not certain we can, under the Constitution, confer the broad power upon the commission which this act confers. In our interstate-commerce regulation, in our contemplated trust regulation, we never have felt that we could confer that broad authority upon the commission which is conferred by this bill.

There are Members of this body who have given the subject thought and who believe that it can be done. For one I am willing to yield my doubt and pass the bill and appeal to the only final tribunal, which is the courts, with the suggestion that if this provision stands the scrutiny of the courts we have done more in this session to solve the question of regulating transportation and to solve the trust problem than has been done in all the years which have preceded the enactment of this legislation, because every time that we have been confronted with this question we have been confronted with the fact that a great Nation, extending from one ocean to the other, from our northern boundary to our southern boundary, presents a difference of conditions which calls for a difference in the application of legal principles and legislative policy.

If this provision is sustained, we have gone far toward solving that problem, and for one I desire to express my pleasure at the fact that we have gone thus far in this matter, and it is sufficiently sanctioned by the opinion of lawyers in this body that we can not be said to be experimenting with the courts upon it. We have reached a point where we have found a solution, if valid, of one of the greatest difficulties involved in the trust and transportation proposition.

Mr. BRISTOW. Mr. President, just a minute. The only material difference between the conference report as presented and the bill as it passed the Senate is that what is known as the Bourne amendment has been somewhat changed, so as to place the burden of proof on the railroads instead of on the Interstate Commerce Commission. The Bourne amendment sought to give the Interstate Commerce Commission the authority to prevent a railroad from owning a steamship line if the ownership of that steamship line was used to suppress or destroy competition. The bill as it passed the House placed an inhibition on any railroad company from owning any steamship line that competed or could compete with its rail.

The Senate, by an amendment offered by the Senator from Georgia [Mr. SMITH] amended that so as to restrict this inhibition to the Panama Canal only. Then the Senate adopted the Bourne amendment, which purported to give the Interstate Commerce Commission authority to examine into other conditions where a railroad company owned a steamship line, and if it found that the ships were used for the purpose of destroying competition, to require the railroad company to dispose of those ships. The Bourne amendment was re-formed so as to make it unlawful and to forbid railroads from owning such competing steamship lines, and then conferred upon the Interstate Commerce Commission the authority, upon application from the railroad company, to except certain lines from that inhibition if the commission found that it was in the interest of the public to do so.

That is the only material change which has been made in the bill since it passed the Senate. The other statements which have been made by the Senator from Connecticut simply cover the discussion we had for days and days and weeks before; and I think the Senate is very familiar with the different points of view of that question.

The PRESIDING OFFICER. The question is on the adoption of the report.

Mr. STONE. Mr. President, before the Senate votes I desire to say just a word.

Some days ago when the canal bill was before the Senate there was from time to time some running discussion relating to the decay of the merchant marine, and relating to efforts that had been made at different times to resuscitate that enterprise.

I remember that at one time during those periodical and somewhat spasmodic discussions the Senator from New Hampshire [Mr. GALLINGER], now occupying the chair, and some other Senators on that side of the Chamber, took occasion to express their profound sorrow, amounting almost to despair, at the failure of the repeated efforts which had been made to rehabilitate the merchant marine, and upon one occasion, at least, I am sure on more than one, the Senator from New Hampshire and the Senator from Massachusetts [Mr. LODGE] rather taunted Senators on the floor who had at times opposed the effort they had made because they were opposed to the plan or plans they had advocated with subsidies as a basis, by saying that no effort had been made or intelligent plan suggested by those of us who were not in favor of their particular line of policy, that we simply stood in the attitude of opposing without proposing anything.

I said once that at that very time, during that very discussion, a bill was introduced in the House of Representatives by one of my colleagues, Judge ALEXANDER, of Missouri, which did propose a plan, at least official in character, to authorize the purchase, ownership, and registry of foreign-built ships for over-seas trade, and there was one step along the line of progress that many of us believe in.

I find on examining this conference report that the bill introduced by Representative ALEXANDER, which I think, although I am not at this moment certain of it, has been favorably reported in the House by the Committee on Merchant Marine and Fisheries, has been written into this report. A provision in the conference report now before the Senate is almost a literal transcript of the Alexander bill. The Senator from Mississippi [Mr. WILLIAMS] offered an amendment to the bill when it was pending here which embodied the main idea of what was in the Alexander bill and in other bills and measures that have been proposed from time to time, and it was adopted.

Mr. WILLIAMS. If the Senator will pardon me, the amendment that I offered was a bill which I had already introduced in the Senate and which had been pending for several months, and might have been considered by the committee.

Mr. STONE. Well, I was certainly not seeking to depreciate what the Senator from Mississippi had done.

Mr. WILLIAMS. I did not think that. I thought the Senator was trying to enforce the idea that in one of the Houses, at any rate, we had been trying to proceed constructively toward the upbuilding of the merchant marine by enabling ships to fly the American flag. I merely wanted to reinforce it by saying that there had been bills pending, not only in one House, but in both, introduced by Democrats, and this amendment, which went to conference and which formed the basis of the present agreement, was one of those bills which had been introduced in the Senate and had been pending for some months, but had received no sort of consideration, of course, from any committee.

Mr. STONE. That does reenforce what I was saying, and in the way suggested by the Senator. The provision, as it appears in the conference report, embodies an amendment proposed to the canal bill which was agreed to by the Senator from Mississippi. It goes further by providing a more comprehensive and complete statute for the inauguration and enforcement of this proposed law, which I hope very much will become a law actually.

I want to say just this much, so that it may go into the RECORD, that the fact—for it is a fact—that movements upon this line have been made in the past, and that measures of this character were pending in Congress as expressive—I will not say altogether of a Democratic policy—but as expressive of the policy of Senators and Representatives, without special regard to party, who do not believe in the policy of reviving our merchant marine through subsidies, but through what we consider a more intelligent and practical method, and one more likely to result in accomplishing the great purpose we all should have very close to our hearts—the rehabilitation of the American merchant marine.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. OLIVER. Before the vote is taken on the conference report I wish to send to the desk and to have read an editorial from one of the leading newspapers of the country, published in this morning's edition, apropos of the pending bill.

The PRESIDENT pro tempore. Without objection, the paper will be read.

The Secretary read as follows:

A dishonorable, destructive bill——

Mr. BRISTOW. I should like to inquire from what paper that is?

Mr. OLIVER. It is from the New York Sun of this morning.

The Secretary resumed and concluded the reading of the editorial as follows:

The conference committee on the Panama Canal bill supplies the quantitative test to national dishonor, makes a horizontal reduction of it. The Senate amendment giving free tolls to American ships in foreign trade is taken out. Free tolls to American coastwise vessels remain.

This is not the equality stipulated by the Hay-Pauncefote treaty. This is not the principle declared by Mr. Taft last December—he can not need to be reminded of it—that the tolls "must be the same for all."

The United States can not save its reputation in the eyes of the world by this peddling and haggling. It must keep its solemn engagements wholly or bear the shame of breaking them.

The conference sticks to the original attack on the railroads, indeed makes it fiercer, if anything. Steamships owned by them are excluded from the canal. The great railroad systems of New York and New England may continue to hold, but at the mercy of the Interstate Commerce Commission, their steamships not operating through the canal. That body is to decide beyond appeal.

In a hodgepodge of unrelated provisions alien to what should be the purpose of this bill we have not the patience to pick out more. Enough to say that in its outlawry of great systems of transportation, in its aim to divert a national enterprise built with the taxpayers' money into a means for the injury of some, in the vain belief that railroads can be injured without hurting other interests, in its practical boycott of the vast region whose traffic must make its way to the canal by the transcontinental railroads or not at all, in the letter and spirit of its most salient and important provisions it is the most muddleheaded and the maddest raid of ignorance and demagogy against American commerce and industry. It has this two-headed distinction, that it hits both the honor and the pockets of the United States.

Mr. Taft knows how to veto. He never had and it may be long before a President has again the chance to forbid as dishonorable and destructive a collection of fraud as this Panama Canal bill. But if Congress has any sense left it will let all but the administrative sections of the bill lie over.

Mr. ASHURST. Mr. President, I wish to make an observation. Many Senators believe the habit of inserting editorials of this or any other character into the RECORD is of doubtful propriety. The insertion of this editorial into the RECORD tends to emphasize the idea that a rule applies one way to one Senator and another way to another Senator. About a week since I submitted an able, temperate editorial from a metropolitan newspaper, the New York American, advocating freedom from tolls for American coastwise ships passing through the Panama Canal. Objections were made. The Senator from Pennsylvania, by placing this editorial into the RECORD without objection, accentuates that if I were uncharitable I might suspect that a rule or habit here applies one way as to him and another way as to myself.

Mr. WILLIAMS. Reserving the right to object, I ask by whom is this editorial introduced? Is it a part of a speech that is being made upon the floor, or how?

The PRESIDENT pro tempore. The Senator from Pennsylvania asked that the editorial be read from the desk, and unanimous consent was given for that purpose.

Mr. WILLIAMS. I merely want to say that if I had heard the request, unless this is going to be a portion of a speech about to be made by the Senator from Pennsylvania, I certainly would have objected, just as I objected the other day to a similar request made by the Senator from Arizona [Mr. ASHURST]. I do not think that newspaper squibs ought to be sent to the desk to be made a part of the RECORD, except where a Senator is making a speech and quotes them as a part of his remarks.

Mr. OLIVER. I do not want to deprive the Senator of the privilege of objecting. He can object if he so desires. If he does, however, I will read the editorial as a part of my own remarks, because it expresses so exactly what I think that I feel it ought to be presented for the consideration of the Senate and that it ought to go into the RECORD.

Mr. McCUMBER. Mr. President——

Mr. WILLIAMS. Mr. President, I believe I have the floor for the present.

The PRESIDENT pro tempore. The Senator from Mississippi has the floor.

Mr. WILLIAMS. If I understand the attitude contained in this newspaper clipping—I think I heard a part of it—if it exactly expresses the opinion of the Senator from Pennsylvania, he has such a low opinion of his colleagues in both Houses as to constitute a very remarkable thing indeed. This article, if I caught it aright, is scurrilous in its nature, insulting and offensive to a majority of the House of Representatives and a majority of the Senate of the United States. Part of its language is that its provisions are "peddling and haggling"; it is "a hodgepodge of unrelated provisions." We are all fools, I suppose, in the opinion of the New York Sun and in the opinion of the Senator from Pennsylvania—

In a hodgepodge of unrelated provisions, alien to what should be the purpose of this bill, we have not the patience to pick out more. Enough to say that it is outlawry—

Outlawry! We are, then, not only fools, but we are dishonest; we are robbing somebody of some property interest of some sort—

in its outlawry of great systems of transportation, in its aim to divert a national enterprise built with the taxpayers' money into a means for the injury of some, in the vain belief that railroads can be injured without hurting other interests, in its practical boycott of the vast region whose traffic must make its way to the canal.

And so forth.

In the letter and spirit of its most salient and important provisions it is the most muddle-headed and the maddest raid of ignorance and demagogy.

Now, this represents the opinion of the Senator from Pennsylvania, if his last utterance was not unthoughted, of his colleagues in the House and in the Senate. They are demagogues; they are ignorant; they are fools; and they are dishonest.

Mr. OLIVER. Mr. President, I thank the Senator for putting this article into the RECORD, as he has done, whether he objects to it or not. He had read a great part of it. That, Mr. President——

Mr. WILLIAMS. Wait a moment.

Mr. OLIVER. That article says nothing whatever about any Member of the House of Representatives or of the Senate individually, or of the House or of the Senate collectively, but it does stigmatize this piece of legislation in the language which I believe ought to apply to it. I say again—and I withdraw nothing that I did say—that it expresses just exactly what I think of this proposed legislation. I withdraw not one word of what I said. Now, the Senator from Mississippi can make the best of that.

Mr. WILLIAMS. The Senator from Mississippi could not make the best of it; that would be impossible. It is easy to make the worst of it. If the legislation is itself "a hodgepodge of unrelated provisions, alien to what should be the purpose of this bill"; if it is really "the maddest raid of ignorance and demagogy" that this newspaper can think of; if it is a national dishonor, as a part of it is alleged to be; if it is mere "peddling and haggling," then the men who have passed the legislation, who are the equals in character and intelligence and patriotism and honor of the man who wrote the editorial, or of the Senator from Pennsylvania, must be themselves fools, unpatriotic, dishonest, peddlers, and hagglers.

I rose for the purpose of answering the very fair complaint of the Senator from Arizona [Mr. ASHURST]. The other day, when he wanted to put a newspaper article in the RECORD, not as a part of his speech, but merely by sending it up to the desk to be put into the RECORD, I objected, as he has said, and had I heard the request of the Senator from Pennsylvania, I should have objected to it. As the Senator from Arizona has said, what he wanted to put in the RECORD was a temperate criticism of Congress. This is a scurrilous, insulting, offensive, vituperative article, holding up the representatives of the people to the American people as asses, dishonorable, unpatriotic, peddlers, and hagglers.

I did not mean to criticize the Senator from Pennsylvania further than to say that when he said that this article expressed exactly his view, then it must necessarily follow that his view of his colleagues in both Houses is as unfavorable as the view of the writer of the editorial, and from the logic of that conclusion nothing, it seems to me, can detract. No man is more in favor of the absolute freedom of the press than I am, nor do I complain when newspapers call me, individually, anything they please. I have never answered one of them yet. I believe it is good that they should be free. I agree with Thomas Jefferson, that error is not dangerous so long as reason is left free to combat it, but I do think that the policy of inserting in the RECORD, not as a part of a speech, not as a part of an argument, scurrilous, offensive, and vituperative articles against the legislative body itself, with no possible purpose except to insult its membership, is not a good precedent to follow in the future.

Mr. OLIVER. Mr. President, I simply want to say that the extremely superlative epithets used by the Senator from Mississippi are his, and not mine, and that, of course, in introducing this editorial and asking that it be placed in the RECORD, it was hardly necessary for me to say that I meant no reflection upon any Member of the Senate or of the House of Representatives, nor upon the Senate nor upon the House; but I did characterize this product of the concrete wisdom or unwisdom of Congress in the terms which I think it deserves.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BRANDEGEE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. LIPPITT (when his name was called). I transfer the pair which I have with the senior Senator from Tennessee [Mr. LEA] to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. McCUMBER (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent from the Chamber, I withhold my vote.

Mr. DU PONT (when Mr. RICHARDSON'S name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If present and free to vote, my colleague would vote "nay."

Mr. STONE (when his name was called). I transfer the general pair I have with the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. On account of his absence, I withhold my vote.

Mr. WETMORE (when his name was called). I have a general pair for this week with the junior Senator from Maine [Mr. GARDNER], not extending, however, to matters involving a two-thirds vote. I therefore withhold my vote.

The roll call was concluded.

Mr. BRANDEGEE (after having voted in the negative). I inquire if the junior Senator from New York [Mr. O'GORMAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. BRANDEGEE. I have a general pair with him, and therefore withdraw my vote.

Mr. SMITH of South Carolina. I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "yea."

Mr. LA FOLLETTE. For the junior Senator from North Dakota [Mr. GRONNA] I announce that he is unavoidably absent. If present, he would vote "yea."

Mr. WILLIAMS. I wish to announce the unavoidable absence of my colleague [Mr. PERCY]. I ask that this announcement stand for the day.

Mr. GORE. I am paired with the junior Senator from Wisconsin [Mr. STEPHENSON].

Mr. CURTIS. I have been requested to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER], and that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 48, nays 18, as follows:

YEAS—48.

Ashurst	Cummins	Massey	Smith, Ga.
Bacon	Curtis	Myers	Smith, Md.
Borah	Fletcher	Nelson	Smith, Mich.
Bourne	Foster	Newlands	Smith, S. C.
Bradley	Johnson, Me.	Overman	Stone
Bristow	Johnston, Ala.	Page	Swanson
Bryan	Jones	Perkins	Thornton
Chamberlain	Kenyon	Pomerene	Tillman
Chilton	Kern	Reed	Townsend
Clapp	La Follette	Shively	Watson
Crawford	Martin, Va.	Simmons	Williams
Culberson	Martine, N. J.	Smith, Ariz.	Works

NAYS—18.

Briggs	Cullom	Lippitt	Root
Burnham	Dillingham	Lodge	Smoot
Burton	du Pont	McLean	Warren
Catron	Gallinger	Oliver	
Crane	Heyburn	Penrose	

NOT VOTING—28.

Bailey	Dixon	Hitchcock	Poindexter
Bankhead	Fall	Lea	Rayner
Brandegee	Gamble	McCumber	Richardson
Brown	Gardner	O'Gorman	Sanders
Clark, Wyo.	Gore	Owen	Stephenson
Clarke, Ark.	Gronna	Paynter	Sutherland
Davis	Guggenheim	Percy	Wetmore

So the conference report was agreed to.

COMMITTEE ON INTEROCEANIC CANALS.

Mr. BRANDEGEE. I move to reconsider the vote by which the Senate yesterday passed a resolution (S. Res. 379) changing the name of the Committee on Interoceanic Canals to that of the Committee on the Panama Canal, because on consultation with the financial secretary of the Senate I find it might complicate the standing of the clerk of the committee.

The motion to reconsider was agreed to.

Mr. BRANDEGEE. I move that the resolution be indefinitely postponed.

The motion was agreed to.

PUBLIC BUILDING AT SAN JUAN, P. R.

Mr. SUTHERLAND. Out of order, I ask leave to submit a report from the Committee on Public Buildings and Grounds. That committee, to which was referred the bill (S. 7472) increasing the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R., directs me to report it favorably.

Mr. WARREN. As that bill is only a few lines in length, I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to increase the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R., to $457,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THE PANAMA CANAL.

Mr. DU PONT. Mr. President, I send to the desk a letter from the Harlan & Hollingsworth Corporation, of Wilmington, Del., in reference to the Panama Canal, which I ask to have printed in the RECORD without being read.

The PRESIDENT pro tempore. It will be so ordered in the absence of objection.

The letter referred to is as follows:

HARLAN & HOLLINGSWORTH CORPORATION,
Wilmington, Del., August 14, 1912.

Hon. HENRY A. DU PONT,
United States Senate, Washington, D. C.

SIR: This corporation, the original iron shipbuilding yard in America, employers of upward of 2,000 workmen, views with the greatest alarm that portion of the Panama Canal bill, recently passed by the Senate of the United States, which provides for the purchase of foreign-built vessels to be used in foreign commerce under American registry, and most earnestly opposes its enactment into a law.

The effect of the passage of this bill will be the building of all vessels of that class in foreign shipyards, where the cost of both labor and material is much less than in this country.

In a ship complete practically every commodity is to be found, and consequently every trade is employed in its construction and equipment. One hundred million dollars is a conservative figure representing the investment in American shipyards, and 100,000 souls an equally conservative estimate of those dependent for their maintenance on the wages earned therein.

The industry of which we form a part is the only large one that has not heretofore had the benefit of protection, and as a result has had a very hard and discouraging struggle for existence. The preference given by free tolls to American built and owned vessels would undoubtedly stimulate the building of an American merchant marine in American shipyards by American workmen, and afford some adequate return for the patriotism, zeal, and capital that has been for years expended in our shipyards, with but pitiful financial returns, and would be a source of prosperity to the country at large, thus in a measure recompensing the people, whose means have been so lavishly expended in the construction of the Panama Canal.

The enactment into law of the section of the bill in question will pass over that source of prosperity to the shipbuilders and workmen of foreign countries.

We submit that the free-ship amendment was injected into the canal bill—though not having the slightest connection with it, being a separate issue and one quite important enough to command national attention—justifying the shipbuilder's natural inquiry, "Why was it inserted in this measure and passed by the Senate in this reckless manner?"

It was passed improperly and without due consideration and without consultation of those qualified to know the facts, and we most urgently insist that the best interests of our and all allied industries will be best subserved by the rejection of the bill in question, the passage of which will sound the death knell of our long-deferred but thoroughly deserved dreams of prosperity.

We respectfully but most emphatically request that you use your best endeavors to prevent the enactment into law of the above-mentioned discriminating free-ship section of the Panama Canal bill.

Very respectfully,

HARLAN & HOLLINGSWORTH CORPORATION,
PERSIFOR FRAZER, Jr., *Vice President.*

THE METAL SCHEDULE.

Mr. SIMMONS. I ask the Chair to lay before the Senate the action of the House of Representatives on House bill 18642.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 14, 1912.

The President of the United States having returned to the House of Representatives, in which it originated, the bill H. R. 18642, an act to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," with his objection thereto, the House proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same. The objection thereto of the President is herewith transmitted to the Senate.

Mr. SIMMONS. I move the passage of the bill, notwithstanding the veto of the President.

The PRESIDENT pro tempore. The Chair will state the question. The question is, Shall the bill pass the objections of the President to the contrary notwithstanding?

Mr. PENROSE. On that question, the vote is to be taken by the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAILEY (when his name was called). I have a general pair with the Senator from Montana [Mr. DIXON], and on an ordinary question I should feel, of course, bound by every consideration that binds a gentleman to observe the pair. But, in my opinion, a pair is only made in contemplation of an equality of votes, and in a case where 1 vote can only be neutralized by 2, I do not believe a pair can fairly bind. Under that conviction I feel it my duty to vote. I vote "yea."

Mr. BRANDEGEE (when his name was called). I have a general pair with the Senator from New York [Mr. O'GORMAN]. I had an understanding with him before he left town that if any matter came up in which I was entitled to one other upon the other side, as equivalent for my pair, and I was not furnished with it, I should feel at liberty to vote. He agreed with me in that, and I therefore will vote. I vote "nay."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], but on a question like that of a veto, I am relieved from the operation of the pair, and I will accordingly vote. I vote "nay."

Mr. McCUMBER (when his name was called). I am not only relieved by my pair in a case of this character, but, as I understand the purpose of pairs, that of equalizing votes, in all cases requiring a two-thirds vote, I feel at liberty to vote. I vote "nay."

Mr. CHAMBERLAIN (when Mr. OWEN's name was called). I desire to announce for the day that the senior Senator from Oklahoma [Mr. OWEN] is paired with the senior Senator from Nebraska [Mr. BROWN].

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from Delaware [Mr. RICHARDSON]. I see that other Senators, in view of the peculiar conditions that exist now, of two for one, are breaking their pairs. Notwithstanding that fact, I do not feel like breaking my pair. I transfer it to the Senator from Arkansas [Mr. CLARKE] and will vote "yea."

Mr. STONE (when his name was called). I am paired with the Senator from Wyoming [Mr. CLARK]. I am embarrassed in determining what to do. I can not arrange a pair such as it seems should be arranged on a vote of this kind. I regard this as an exceedingly important question, and, in a large way, a party question. I feel constrained to observe my pair with the Senator from Wyoming. I do not feel at liberty to vote. If I did, I should vote "yea." But under the circumstances I shall withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER], but, under the arrangement which I have with that Senator, either of us is at liberty to vote upon questions which require a two-thirds vote whenever that one votes in the negative. I therefore feel at liberty to vote. I vote "nay."

Mr. WETMORE (when his name was called). I have a general pair with the junior Senator from Maine [Mr. GARDNER] for this week, but as it does not extend to matters involving a two-thirds vote, I will vote. I vote "nay."

The roll call was concluded.

Mr. DU PONT. I desire to announce that my colleague [Mr. RICHARDSON] is absent from the city. If he were present and free to vote, he would vote "nay."

Mr. BRANDEGEE (after having voted in the negative). I have been furnished the additional part of my pair, the senior Senator from Tennessee [Mr. LEA] being offered me in addition to the Senator from New York [Mr. O'GORMAN]. I therefore transfer both of those Senators as paired with the senior Senator from South Dakota [Mr. GAMBLE], and will let my vote stand.

Mr. SMOOT. I desire to announce the absence from the city of the junior Senator from Wisconsin [Mr. STEPHENSON] and that he is paired with the Senator from Oklahoma [Mr. GORE].

Mr. LA FOLLETTE. Mr. President, I was unable to be present when this bill was under consideration by the Senate. Nor have I been able to give to the subject since that time such investigation as to enable me to arrive at any clear judgment as to the particular rates fixed in the bill. I therefore withhold my vote.

Mr. WARREN. I desire to state that my colleague [Mr. CLARK] is unavoidably absent and is paired with the Senator from Missouri [Mr. STONE], as he has stated. If here my colleague would vote "nay."

Mr. SMITH of South Carolina. I transfer my pair with the junior Senator from Delaware [Mr. RICHARDSON] to the Senator from Maryland [Mr. RAYNER] and the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. GORE. I wish to state that I am paired with the junior Senator from Wisconsin [Mr. STEPHENSON]. I transfer the pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. CURTIS. I desire to announce that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Arkansas [Mr. CLARKE] and the Senator from Kentucky [Mr. PAYNTER].

The PRESIDENT pro tempore. Before announcing the result of the vote the Chair will take occasion to say that by an oversight the veto message was not read, which the Chair thinks always has been done heretofore, and the Chair, unless there be objection, will order that the veto message be printed in the CONGRESSIONAL RECORD and in the Journal of the Senate, and the bill also.

The message of the President of the United States and the bill are as follows:

To the House of Representatives:

I return, with my objections, H. R. 18642, a bill entitled "An act to amend an act entitled 'An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes,' approved August 5, 1909."

This bill provides for a complete revision of Schedule C of the tariff law, relating to metals and manufactures of metals. In committee and in the consideration of the majority who passed the bill the important part of it seems to have been the basic manufactures of iron and steel, and most of the information which was obtained and discussed was in reference to that manufacture. The truth is that iron and steel as primary products are less than one-third in value of the subject matter covered by it; and that there may be no misunderstanding in regard to this, I present, as an appendix, a table prepared by the Census Bureau showing that included in Schedule C are 59 allied industries of sufficient importance to justify separate classification, study, and report by the Census Bureau, all of which are directly affected by the bill under consideration.

If only the primary products of iron and steel were affected by this bill, or if they constituted the larger part of the values involved in Schedule C, the consideration of the bill for purposes of approval or disapproval would be easier, but it is not within my power to separate these various industries. The bill is presented to me as a whole and must be approved or disapproved as a whole.

The table furnished showed that "foundry and machine-shop products," which are secondary products of the iron and steel industry, are made by more than 13,000 competing establishments, with an invested capital of more than a billion and a half dollars, with more than a half a million wage earners employed, and producing nearly a billion and a quarter dollars in value of products annually. Every dollar of this capital and every workman employed in the industry is directly affected by the bill, and I can not find, either in the report of the Committee on Ways and Means of the House or, to any extent, in the discussion of the schedule, that serious consideration has been given to the effect of this revision on this particular branch of the industry, and the same thing is true of more than two-thirds of the industries covered by the schedule.

It appears in the discussion of this revision now presented to me for consideration that no public hearings have been given by the Ways and Means Committee of the House, on the ground that it would thereby cause delay. The Ways and Means Committee avowed that the principle of protection had not been considered, but that in framing the present revision of the metal schedule the committee had "adopted the general principle of reducing all duties to a revenue basis, so far as practicable, except in those cases where more cogent consideration than those relating to the fiscal policy of the Government dictated the transfer of given items to the free list." This makes a clear-cut issue between the protective policy and that of a tariff for revenue only, and without fuller information, therefore, I am obliged to treat this bill as a revenue bill, and one in which the consideration of preserving the industry by maintaining a tariff necessary to do so had little weight. There is nothing to show me that the duties provided in the bill will equal the difference in the cost of production here and abroad in the great lines of industries, and that the wages of workmen will not be reduced by a measure which avowedly discards entirely the principle of fair protection. It should be noted that the labor employed in the secondary industries, which has had so little consideration in this bill, is in a large measure high-grade, skilled labor, commanding a high level of wages.

This schedule was included in the general tariff revision of 1909, at which time public hearings were given, attended by importers, domestic producers, employees, and consumers, and

the rates then on many of its items were heavily cut, ranging from 10 to 75 per cent, and it would seem now that a thorough study of each one of these separate industries should at least be made, that the Executive and Congress as well might act wisely and intelligently upon them, in order to avoid a further revision at an early date when the facts concerning them could be ascertained.

The products of many of these industries affected by this bill do not enter directly into the daily consumption of the people. The consumers of these products are, to a large extent, manufacturers using these articles in further processes of production. There is no evidence of any widespread demand from such consumers for a revision of the rates on these articles, and for this reason a sufficient time may well be taken to give the study to the respective industries which their importance would seem to demand.

I am not prepared to say that there are no items in this schedule which might not well be reduced, but the general average ad valorem rate of duty under it, taken as a whole for the year 1911, is 32.03 per cent, as against 37.97 per cent in 1896 under the Wilson law, or an apparent reduction of 15.6 per cent of the Wilson duties. The Dingley rates for this schedule in 1909 were 38.09 per cent, showing a reduction in 1911 for the present law of 15.9 per cent of the Dingley rates. Indeed, there is no year since 1883 when the Government statistics show as low an ad valorem rate of duty for this schedule as is shown in 1911, and it does not appear that schedule statistics were kept prior to 1883, so that no comparison can be made prior to that time.

There is little logical relation between the reductions made by this bill in the schedule. For example, steam engines and machine tools in the present law are dutiable at 30 per cent. In this revision steam engines are reduced to 15 per cent, and the whole machine-tool industry is put on the free list, without any reason whatever being given in the report of the Ways and Means Committee in either case for such action.

The term "machine tools" has already been the subject of much litigation, and its scope should be clearly defined before the great variety of articles which it now seems to cover are placed on the free list.

The expansion of our foreign trade would seem to demand that a transfer to the free list, like the one made in this bill, of such an enormous range of undetermined products and the opening of the best market in the world to free and unrestricted competition should not be made without at the same time at least securing, as is the case now of specified agricultural implements, the privilege of a like free entry into the markets of our competitors.

It is further difficult to understand by what process of reasoning it is possible to justify a transfer to the free list of a great line of finished articles, while nearly every one of the crude products from which they are made are retained on the dutiable list.

A bill for a complete revision of this schedule was presented to me a year ago in the extra session of this Congress. Many increases and decreases of rates are now made from those named in the former measure. The changes are not explained and indicate the hasty method pursued in the preparation of both. Is it not fair to ask, either on the basis of protection or revenue, which was right?

On the whole, therefore, I am not willing to approve of legislation of this kind, which vitally affects not only millions of workingmen and the families dependent on them, but hundreds of millions of dollars' worth of stocks of goods in the hands of storekeepers and distributors generally, without first providing for a careful and disinterested inquiry into the conditions of the whole industry.

From the outset of my administration I have urged a revision of the tariff based on a nonpartisan study of the facts. I have provided the means for securing such information in the appointment of a Tariff Board. Their thorough work, already completed on several schedules, has justified my confidence in this method. The principle is indorsed by chambers of commerce and boards of trade in almost every city of importance in the country. The proposed bill has not been framed on the basis of any such study of the industry.

Avowedly its rates are fixed with no consideration of anything but revenue. The principle of protection is disregarded entirely, and, therefore, it is not too much to say that the effect of these sweeping changes on the welfare of those engaged in these varied industries has been disregarded.

WM. H. TAFT.

THE WHITE HOUSE, *August 14, 1912.*

An act (H. R. 18642) to amend an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

Be it enacted, etc., That on and after the day following the passage of this act there shall be levied, collected, and paid the rates of duty which are prescribed in the paragraphs of this act upon the articles hereinafter enumerated, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), and the said paragraphs and sections shall constitute and be a substitute for paragraphs 117 to 199, inclusive, of an act entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," approved August 5, 1909.

DUTIABLE LIST.

1. Iron in pigs, iron kentledge, spiegeleisen, wrought and cast scrap iron and scrap steel, 8 per cent ad valorem; but nothing shall be deemed scrap iron or scrap steel except second-hand or waste or refuse iron or steel fit only to be remanufactured; ferromanganese, chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, and ferrosilicon, 15 per cent ad valorem.

2. All iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings; muck bars, bar iron, square iron, rolled or hammered, round iron, in coils or rods, bars or shapes of rolled or hammered iron not specially provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem.

3. Beams, girders, joists, angles, channels, car-truck channels, T T columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain, punched, or fitted for use, or whether assembled or manufactured, 15 per cent ad valorem.

4. Boiler or other plate iron or steel, and strips of iron or steel, not specially provided for in this act or in the first section of the act cited for amendment, sheets of iron or steel, common or black, of whatever dimensions, whether plain, corrugated or crimped, including crucible plate steel and saw plates, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel, whether sheared or rolled in grooves, or otherwise, 15 per cent ad valorem.

5. Iron or steel anchors or parts thereof; forgings of iron or steel or of combined iron and steel, but not machintd, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem; antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished, 25 per cent ad valorem.

6. Hoop, band, or scroll iron or steel not otherwise provided for in this act or in the first section of the act cited for amendment, 15 per cent ad valorem.

7. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, railway fish plates or spliced bars made of iron or steel, 10 per cent ad valorem.

8. All iron or steel sheets, plates, or strips, and all hoop, band, or scroll iron or steel, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding; sheets of iron or steel, polished, planished, or glanced, by whatever name designated, including such as have been pickled or cleaned by acid, or by any other material or process, or which are cold rolled, smoothed only, not polished, and such as are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polished better than the grade of cold rolled, smoothed only; and sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, 20 per cent ad valorem.

9. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel not specially provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem.

10. Steel wool or steel shavings, 20 per cent ad valorem.

11. Grit, shot, and sand made of iron or steel, that can be used as abrasives, 20 per cent ad valorem.

12. Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, all the foregoing in coils or otherwise, including wire rods and iron or steel bars, cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, 10 per cent ad valorem: *Provided*, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutiable as wire.

13. Round iron or steel wire, all wire composed of iron, steel, or other metal except gold or silver, covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel in strips, not thicker than No. 15 wire gauge and not exceeding 5 inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, and all other wire not specially provided for in this act or in the first section of the act cited for amendment; iron and steel wire coated by dipping, galvanizing, or similar process with zinc, tin, or other metal, 20 per cent ad valorem: *Provided*, That articles manufactured wholly or in chief value of any wire or wires provided for in this paragraph shall pay the rate of duty imposed in this act or in the first section of the act cited for amendment upon any wire used in the manufacture of such articles: *And provided further*, That no article made from or composed of wire shall pay a less rate of duty than 20 per cent ad valorem: *And provided further*, That barbed and all other fence wire and wire fencing and baling wire shall be exempt from duty; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, 20 per cent ad valorem; wire heddles or healds, 25 per cent ad valorem.

14. No article not specially provided for in this act or in the first section of the act cited for amendment which is wholly or partly manu-

factured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

15. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactered of iron or steel, or upon any manufacture of iron or steel.

16. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

17. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, 15 per cent ad valorem.

18. Automobiles, bicycles, and motorcycles, and finished parts of any of the foregoing, not including tires, 40 per cent ad valorem.

19. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this act or in the first section of the act cited for amendment, 10 per cent ad valorem: *Provided*, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

20. Blacksmiths' hammers, tongs, and sledges, track tools, wedges, and crowbars, whether of iron or steel, 10 per cent ad valorem.

21. Bolts, with or without threads or nuts, or bolt blanks, finished hinges or hinge blanks, and spiral nut locks and washers, whether of iron or steel, 15 per cent ad valorem.

22. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or round steel wire, tempered or untempered and including that manufactured with plated wire or other than iron or steel wire, or with felt face, wool face, or rubber face cloth containing wool, 30 per cent ad valorem.

23. Cast-iron pipe of every description, cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, including all castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles; castings of malleable iron not specially provided for in this act or in the first section of the act cited for amendment; cast hollow ware, coated, glazed, or tinned, 10 per cent ad valorem.

24. Chain or chains of all kinds, made of iron or steel, 20 per cent ad valorem.

25. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays, cylindrical or tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty, flexible metal tubing or hose, not specially provided for in this act or in the first section of the act cited for amendment, whether covered with wire or other material, or otherwise, including any appliances or attachments affixed thereto, welded cylindrical furnaces, tubes or flues made from plate metal, and corrugated, ribbed, or otherwise reenforced against collapsing pressure, and all other iron or steel tubes, finished, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

26. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this act or in the first section of the act cited for amendment, which have folding or other than fixed blades or attachments, and razors, all the foregoing, whether assembled but not fully finished or finished, 35 per cent ad valorem: *Provided*, That blades, handles, or other parts of any of the foregoing knives, razors, or erasers shall be dutiable at not less than the rate herein imposed upon knives, razors, and erasers. Scissors and shears, and blades for the same, finished or unfinished, 30 per cent ad valorem: *Provided further*, That all articles specified in this paragraph shall, when imported, have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof.

27. Sword blades, and swords and side arms, irrespective of quality or use, in part of metal, 30 per cent ad valorem.

28. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners', plumbers', painters', palette, artists', and shoe knives, forks and steels, finished or unfinished, with or without handles, 25 per cent ad valorem: *Provided*, That all the articles specified in this paragraph, when imported, shall have the name of the maker or purchaser, and beneath the same the name of the country of origin indelibly stamped or branded thereon in a place that shall not be covered thereafter.

29. Files, file blanks, rasps, and floats, of all cuts and kinds, 25 per cent ad valorem.

30. Muskets, muzzle-loading shotguns and rifles, and parts thereof, 15 per cent ad valorem.

31. Breech-loading shotguns and rifles, combination shotguns and rifles, and parts thereof and fittings therefor, including barrels further advanced than rough bored only; pistols, whether automatic, magazine, or revolving, or parts thereof and fittings therefor, 35 per cent ad valorem.

32. Table, kitchen, and hospital utensils, or other similar hollow ware, of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated with lithographic or other printing, 25 per cent ad valorem.

33. Needles for knitting or sewing machines, latch needles, crochet needles, and tape needles, knitting and all other needles not specially provided for in this act or in the first section of the act cited for amendment, and bodkins of metal, 25 per cent ad valorem; but no articles other than the needles which are specifically named in this act or in the first section of the act cited for amendment shall be dutiable as needles unless having an eye, and fitted and used for carrying a thread. Needle cases or needle books furnished with assortments of needles or combinations of needles and other articles shall pay duty as entireties according to the component material of chief value therein.

34. Fishhooks, 10 per cent ad valorem; fishing rods and reels, artificial flies, artificial baits, snelled hooks, and all other fishing tackle or parts thereof, not specially provided for in this act or in the first section of the act cited for amendment, except fishing lines, fishing nets and seines, 30 per cent ad valorem.

35. Steel plates engraved, stereotype plates, electrotype plates, and plates of other materials, engraved for printing, plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, 15 per cent ad valorem; lithographic plates of stone or other material engraved, drawn, or prepared, and wet transfer paper or paper prepared wholly with glycerin, or glycerin combined with other materials, containing the imprints taken from lithographic plates, 25 per cent ad valorem.

36. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, and rivets of iron or steel, not specially provided for in this act or in the first section of the act cited for amendment, 20 per cent ad valorem.

37. Crosscut saws, mill saws, pit and drag saws, circular saws, steel band saws, finished or further advanced than tempered and polished, hand, back, and all other saws, not specially provided for in this act or in the first section of the act cited for amendment, 12 per cent ad valorem.

38. Screws, commonly called wood screws, made of iron or steel, 25 per cent ad valorem.

39. Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, 30 per cent ad valorem.

40. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured, 25 per cent ad valorem; ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, 10 per cent ad valorem: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

41. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, aluminum in plates, sheets, bars, and rods; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, 25 per cent ad valorem.

42. Antimony, as regulus or metal, antimony ore, stibnite and matte containing antimony but not containing more than 10 per cent of lead, 10 per cent ad valorem on the antimony contents therein contained: *Provided*, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments, they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph; antimony, oxide of, 25 per cent ad valorem.

43. Argentine, albata, or German silver, unmanufactured, 15 per cent ad valorem.

44. Bauxite, or beauxite, crude, not refined or otherwise advanced in condition from its natural state, 10 per cent ad valorem.

45. Bronze powder, brocades, flitters, and metallics; bronze, or Dutch-metal or aluminum, in leaf, 25 per cent ad valorem.

46. Copper, in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron ungalvanized, five per cent ad valorem.

47. Gold leaf, 35 per cent ad valorem.

48. Silver leaf, 30 per cent ad valorem.

49. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 10 per cent ad valorem; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, 30 per cent ad valorem; fabrics, laces, embroideries, braids, galloons, trimmings, ribbons, beltings, ornaments, toys, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, 40 per cent ad valorem.

50. Hooks and eyes, metallic, whether loose, carded, or otherwise, 15 per cent ad valorem.

51. Lead-bearing ore of all kinds, and lead dross, 25 per cent ad valorem upon the lead contained therein: *Provided*, That on all importations of lead-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of Government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a Government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

52. Lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; lead in sheets, pipe, shot, glaziers' lead, and lead wire; all the foregoing, 25 per cent ad valorem.

53. Metallic mineral substances in a crude state and metals unwrought, whether capable of being wrought or not, not specially provided for in this act or in the first section of the act cited for amend-

ment, 10 per cent ad valorem; monazite sand and thorite; thorium, oxide of and salts of; gas mantles treated with chemicals or metallic oxides; and gas-mantle scrap consisting in chief value of metallic oxides, 25 per cent ad valorem.

54. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, or plates, 10 per cent ad valorem; sheets or strips, 20 per cent ad valorem.

55. Pens, metallic, 25 per cent ad valorem.

56. Penholder tips, penholders and parts thereof, gold pens, fountain pens, and stylographic pens; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, 25 per cent ad valorem.

57. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, 20 per cent ad valorem.

58. Quicksilver, 10 per cent ad valorem. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

59. Type metal, on the lead contained therein, and new types, 15 per cent ad valorem.

60. Watch movements, including time detectors, whether imported in cases or not, watch cases and parts of watches, chronometers, box or ship, and parts thereof, lever clock movements having jewels in the escapement, and clocks containing such movements, all other clocks and parts thereof, not otherwise provided for in this act or in the first section of the act cited for amendment, whether separately packed or otherwise, not composed wholly or in chief value of china, porcelain, parian, bisque, or earthenware, 30 per cent ad valorem; all jewels for use in the manufacture of watches or clocks, 10 per cent ad valorem; enameled dials for watches or other instruments, 35 per cent ad valorem: *Provided*, That all watch and clock dials, whether attached to movements or not, shall have indelibly painted or printed thereon the country of origin, and that all watch movements, lever clock movements with jewels in the escapement, whether imported assembled or knocked down for reassembling, and cases of foreign manufacture, shall have the name of the manufacturer and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed either in words or in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

61. Zinc in blocks or pigs and zinc dust; in sheets, and old and worn-out zinc fit only to be remanufactured, 15 per cent ad valorem.

62. Cans, boxes, packages, and other containers of all kinds, except such as are hermetically sealed by soldering or otherwise, composed wholly or in chief value of metal lacquered or printed by any process of lithography whatever, if filled or unfilled, and whether their contents be dutiable or free, 30 per cent ad valorem; but no cans, boxes, packages, or containers of any kind of the capacity of 5 pounds or under subject to duty under this paragraph shall pay less duty than if the same were imported empty; and the dutiable value of the same shall include all packing charges, cartons, wrappings, envelopes, and printed matter accompanying them when such cans, boxes, packages, or containers are imported wholly or partly filled with merchandise exempt from duty, except liquids and merchandise commercially known as drugs, and which is commonly dealt in at wholesale in the country of original exportation in bulk or in packages exceeding 5 pounds in capacity: *Provided*, That paper, cardboard, or pasteboard wrappings or containers that are made and used only for the purpose of holding or containing the article with which they are filled, and after such use are mere waste material, shall not be dutiable unless their contents are dutiable.

63. Bottle caps of metal, whether plain or colored, waxed, lacquered, enameled, lithographed, or embossed in color, 30 per cent ad valorem.

64. All steam engines, 15 per cent ad valorem; embroidering machines and lace-making machines, including machines for making lace curtains, nets, or nettings, 25 per cent ad valorem.

65. Nippers and pliers of all kinds wholly or partly manufactured, 30 per cent ad valorem.

66. Articles or wares not specially provided for in this act or in the first section of the act cited for amendment, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 25 per cent ad valorem.

FREE LIST.

That on and after the day following the passage of this act the articles mentioned in the following paragraphs shall when imported into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) be exempt from duty:

67. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites.

68. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.

69. Barbed and all other fence wire and wire fencing and baling wire.

70. Cut nails and cut spikes of iron or steel, horseshoe nails, hobnails, and all other wrought-iron or steel nails not specially provided for in this act or in the first section of the act cited for amendment, wire staples, wire nails made of wrought iron or steel, spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel, and cut tacks, brads, or sprigs.

71. Tungsten-bearing ores of all kinds.

72. Zinc-bearing ore of all kinds, including calamine.

73. Cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, all the foregoing whether imported in whole or in parts, including repair parts.

SEC. 2. That on and after the day following the passage of this act all goods, wares, and merchandise previously imported and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to no other duty upon the entry or withdrawal thereof than the duty which would be imposed if such goods, wares, or merchandise were imported on or after that date.

The result was announced—yeas 32, nays 39, as follows:

YEAS—32.

Ashurst	Fletcher	Myers	Smith, Ga.
Bacon	Foster	Newlands	Smith, Md.
Bailey	Gore	Overman	Smith, S. C.
Bankhead	Johnson, Me.	Pomerene	Swanson
Bryan	Johnston, Ala.	Reed	Thornton
Chamberlain	Kern	Shively	Tillman
Chilton	Martin, Va.	Simmons	Watson
Culberson	Martine, N. J.	Smith, Ariz.	Williams

NAYS—39.

Borah	Crawford	Kenyon	Perkins
Bourne	Cullom	Lippitt	Root
Bradley	Cummins	Lodge	Sanders
Brandegee	Curtis	McCumber	Smith, Mich.
Briggs	Dillingham	McLean	Smoot
Bristow	du Pont	Massey	Sutherland
Burnham	Fall	Nelson	Townsend
Burton	Gallinger	Oliver	Warren
Catron	Heyburn	Page	Wetmore
Crane	Jones	Penrose	

NOT VOTING—23.

Brown	Gamble	Lea	Rayner
Clapp	Gardner	O'Gorman	Richardson
Clark, Wyo.	Gronna	Owen	Stephenson
Clarke, Ark.	Guggenheim	Paynter	Stone
Davis	Hitchcock	Percy	Works
Dixon	La Follette	Poindexter	

The PRESIDENT pro tempore. Less than two-thirds of the Senate having voted in the affirmative the bill fails to pass.

THE PANAMA CANAL.

Mr. BRISTOW. I send to the desk a concurrent resolution, which I ask to have given immediate consideration. It relates to the Panama Canal. On page 19, after the word "elsewhere," in line 7, I ask to have inserted by this concurrent resolution the following language: "With which said railroad or other carrier aforesaid does or may compete for traffic."

Some question has arisen as to whether it relates back to the former clause, and there is no question as to what was the intention of the framers of the bill; and in order to make that clear, I ask that the concurrent resolution be passed.

The concurrent resolution (S. Con. Res. 28) was read and considered by unanimous consent, as follows:

Resolved by the Senate (the House of Representative concurring), That the Committee on Enrolled bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 21969) entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," by inserting in section 11, after the words "or elsewhere," where they occur the second time, the words "with which said railroad or other carrier aforesaid does or may compete for traffic."

Mr. REED. Mr. President, who offered the resolution?

Mr. BRISTOW. I offered it. I offered it after consultation with the chairman of the committee in the House. It is simply to clear up what might be a misinterpretation of what the word "elsewhere" means. It means simply on this competing route.

The concurrent resolution was agreed to.

TARIFF DUTIES ON WOOL.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
August 12, 1912.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 22195) entitled "An act to reduce the duties on wool and manufactures of wool," with his objection thereto, the House of Representatives proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two-thirds of the House of Representatives agreeing to pass the same. The objection thereto of the President is herewith transmitted to the Senate.

The PRESIDENT pro tempore. The Secretary will read the message of the President.

The Secretary read as follows:

To the House of Representatives:

On December 20, 1911, I sent a message to the Congress recommending a prompt revision of the tariff on wool and woolens. I urged a reduction of duties which should remove all the excesses and inequalities of the schedule, but should leave a degree of protection adequate to maintain the continued employment of machinery and labor already established in that great industry. With that message I transmitted a report of the Tariff Board, which furnished for the first time the information needed to frame a revision bill of this character, and recommended that legislation should be at once undertaken in the light of this information.

Despite the efforts which have been made to discredit the work of the Tariff Board, their report on this schedule has been accepted, with scarcely a dissenting voice, by all those familiar with the problems discussed, including active representatives of

organizations formed in the interest of the public and the consumer. Importers and merchants, as well as producers and manufacturers, have testified to the accuracy and impartiality of these findings of fact. For the first time in the history of American tariffs the opportunity has been afforded of securing a revision based on established facts, independent both of the ex parte statements of interested persons and the guesswork of political theorists.

My position has been made perfectly plain. I shall stand by my pledges to maintain a degree of protection necessary to offset the difference in cost of production here and abroad, and will heartily approve of any bill reducing duties to this level. Bills have been introduced into Congress, carefully framed and based on the findings of the Tariff Board, which, while maintaining the principle of protection, have provided for sweeping reductions. Such a bill was presented by the minority members of the Ways and Means Committee, which, while providing protection to the woolgrower, reduces the duty on most wools 20 per cent, and the duties on manufactures by from 20 to more than 50 per cent, and gives in many instances less net protection to the manufacturer than was granted by the Gorman-Wilson free-wool act of 1894.

Instead of such a measure of thorough and genuine revision, based on full information of the facts, and with rates properly adjusted to all the different stages of the industry, there is now presented for my approval H. R. 22195, "An act to reduce the duties on wool and the manufactures of wool," a bill identical with the one which I vetoed in August, 1911, before the report of the Tariff Board had been made. The Tariff Board's report fully and completely justifies my veto of that date. The amount of ad valorem duty necessary to offset the difference in the cost of production of raw wool here and abroad varies with every grade of wool. Consequently, an ad valorem rate of duty adjusted to meet the difference in the cost of production of high-priced wools is not protective to low-priced wools. In any case, the report of the Tariff Board shows that the ad valorem duty of 29 per cent on raw wool, imposed in the bill now submitted to me, is inadequate to meet this difference in cost in the case of four-fifths of our total wool clip. The disastrous effect upon the business of our farmers engaged in wool raising can not be more clearly stated. To maintain the status quo in the woolgrowing industry, the minimum ad valorem rate necessary, even for high-grade wool in years of high prices, would be 35 per cent.

The rate provided in this bill on cloths of all kinds is 49 per cent. The amount of net protection given by this rate, in addition to proper compensation for the duty on wool, depends on the ratio between the cost of the raw material and the cost of making the cloth. The cost of the raw material in woolen and worsted fabrics varies in general from 50 per cent to 70 per cent of the total value of the fabric. Consequently, the net protective duty, with wool at 29 per cent, would vary from 28.7 per cent to 34.5 per cent. In the great majority of cases these rates are inadequate to equalize the difference in the cost of manufacture here and abroad. This is especially true of the finest goods involving a high proportion of labor cost. One of the striking developments of the last few years has been the growth in this country of a fine-goods industry. The rates provided in this bill, inadequate as they are for most of the cloths produced in this country, would make the continuance here of the manufacture of fine goods an impossibility.

Even more dangerous in their effects are the rates proposed on tops and yarns. Tops are the result of the first stage in the making of raw wool into cloth. Yarn is the result of the second stage. Taken in connection with a rate of 29 per cent on wool and 49 per cent on cloths, the rates of 32 per cent on tops and 35 per cent on yarn, fixed in this bill, seem impossible of justification. They would disrupt, and to no purpose, the existing adjustment, within the industry, of all its different branches. It is improbable in the highest degree that raw wool would be imported in great quantities when the cloth maker can import his tops at a duty of 32 per cent and yarns at a duty of 35 per cent. The report of the Tariff Board shows the difference in relative costs to be uniformly greater than the amount of protection on yarns given by this bill. In a year of low prices, the net protection granted by the proposed rates would not be more than half the difference in costs. The free-wool act of 1894 gave a protective rate of 40 per cent on all yarns over 40 cents a pound in value, with free raw material. The present bill gives only 35 per cent on such yarns, with a duty of 29 per cent on the raw material.

The great increase in the imports of tops and yarns which would result from the rates in the bill now submitted to me would destroy the effect of the protection to raw wool and at the same time would be at the cost of widespread disaster to the wool combing and spinning branches of the industry. The last 15 years has witnessed a great growth of top making and worsted spinning in this country, and the capacity of the plants is now equal to domestic requirements. Under the rates proposed such plants could be continued, if at all, only by writing off most of the investment as a net loss and by a reduction of wages. To sum up, then, most of the rates in the submitted bill are so low in themselves that if enacted into law the inevitable result would be the irretrievable injury to the woolgrowing industry, the enforced idleness of much of our wool combing and spinning machinery, and of thousands of looms, and the consequent throwing out of employment of thousands of workmen.

In view of these facts, in view of the platform upon which I was elected, in view of my promise to follow and maintain the protective policy, no course is open to me but to withhold my approval from this bill. I am very much disappointed that such a bill is a second time presented to me. I have inferred from the speeches made in both the House and the Senate that the Members of the majority in both Houses are deeply impressed with the necessity of reducing the tariff under the present act on wool and woolens; that they do not propose to stand on the question of the amount of reduction or to insist that it must be enough necessarily to satisfy the principle of tariff for revenue only, but that they are willing to accept a substantial reduction in the present rates in order that the people might be relieved from the possibility of oppressive prices due to excessive rates. I strongly desire to reduce duties, provided only the protection system be maintained, and that industries now established be not destroyed. It now appears from the Tariff Board's report, and from bills which have been introduced into the House and the Senate, that a bill may be drawn so as to be within the requirements of protection and still offer a reduction of 20 per cent on most wool and of from 20 per cent to 50 per cent on cloths. I can not act upon the assumption that the controlling majority in either House will refuse to pass a bill of this kind, if in fact it accomplishes so substantial a reduction, merely because members of the opposing party and the Executive unite in its approval. I therefore urge upon Congress that it do not adjourn without taking advantage of the plain opportunity thus substantially to reduce unnecessary existing duties. I appeal to Congress to reconsider the measure, which I now return, without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earners out of employment, and which I will promptly approve.

WM. H. TAFT.

THE WHITE HOUSE, *August 9, 1912.*

The Secretary proceeded to read the bill.

Mr. LA FOLLETTE. I ask unanimous consent that the bill may be printed in the RECORD without being read.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent that the reading of the bill be dispensed with. Is there objection? The Chair hears none. It will be printed in the RECORD and the Journal.

The bill is as follows:

An act (H. R. 22195) to reduce the duties on wool and manufactures of wool.

Be it enacted, etc., That on and after the 1st day of January, 1913, the articles hereinafter enumerated, described, and provided for shall, when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), be subjected to the duties hereinafter provided, and no others; that is to say:

1. On wool of the sheep, hair of the camel, goat, alpaca, and other like animals, and on all wools and hair on the skin of such animals, the duty shall be 20 per cent ad valorem.

2. On all noils, top waste, card waste, slubbing waste, roving waste, ring waste, yarn waste, bur waste, thread waste, garnetted waste, shoddies, mungo, flocks, wool extract, carbonized wool, carbonized noils, and on all other wastes, and on rags composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 20 per cent ad valorem.

3. On combed wool or tops and roving or roping, made wholly or in part of wool or camel's hair, and on other wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this act, the duty shall be 25 per cent ad valorem.

4. On yarns made wholly or in part of wool the duty shall be 30 per cent ad valorem.

5. On cloths, knit fabrics, felts not woven, and all manufactures of every description made, by any process, wholly or in part of wool, not specially provided for in this act, the duty shall be 40 per cent ad valorem.

6. On blankets and flannels composed wholly or in part of wool the duty shall be 30 per cent ad valorem: *Provided*, That on flannels composed wholly or in part of wool, valued at above 50 cents per pound, the duty shall be 45 per cent ad valorem.

7. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description and character, composed wholly or in part of wool, and not specially provided for in this act, the duty shall be 45 per cent ad valorem.

8. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, and not specially provided for in this act, composed wholly or in part of wool, the duty shall be 45 per cent ad valorem.

9. On webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, on any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, the duty shall be 35 per cent ad valorem.

10. On Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 40 per cent ad valorem.

11. On Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

12. On Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, the duty shall be 30 per cent ad valorem.

13. On velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, the duty shall be 35 per cent ad valorem.

14. On tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, the duty shall be 30 per cent ad valorem.

15. On treble ingrain, three-ply, and all-chain Venetian carpets, the duty shall be 30 per cent ad valorem.

16. On wool Dutch and two-ply ingrain carpets, the duty shall be 25 per cent ad valorem.

17. On carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, the duty shall be 50 per cent ad valorem.

18. On druggets and bockings, printed, colored, or otherwise, the duty shall be 25 per cent ad valorem.

19. On carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this act, and on mats, matting, and rugs of cotton, the duty shall be 25 per cent ad valorem.

20. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting, made wholly or in part of wool, and not specially provided for in this act, shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description.

21. Whenever in this act the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other like animals, whether manufactured by the woolen, worsted, felt, or any other process.

SEC. 2. That on and after the day when this act shall go into effect all goods, wares, and merchandise previously imported, and hereinbefore enumerated, described, and provided for, for which no entry has been made, and all such goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this act and no other duty, upon the entry or the withdrawal thereof.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed. This act shall take effect and be in force on and after the 1st day of January, 1913.

The PRESIDENT pro tempore. The question before the Senate is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. LA FOLLETTE. Mr. President, before discussing the President's veto, I digress to make a brief comment suggested by recent political events.

What is known as the progressive movement in this country originated in a number of the progressive Republican States of the North. During the last dozen or 15 years, while special interests have been increasing their hold upon the administrative side of Government in Washington, Progressive Republicans in many staunch Republican States have wrested the control of Government from these interests. In Wisconsin and Iowa and Washington, in Nebraska and Kansas, in Oregon, in California, in North and South Dakota, and in a number of other States there was builded up under Republican leadership and through Republican legislation what will be known in political history as the progressive movement in American politics.

It had, it is true, manifested itself here and there in Democratic States, and we have a body of men on the other side of this aisle who are Progressives and for whom I have the greatest respect; but, I repeat, history will record that the progressive movement developed within and had an identity with the Republican Party except in two States—Missouri and New Jersey.

Mr. CHAMBERLAIN. Arkansas.

Mr. ASHURST. And in Arizona.

Mr. LA FOLLETTE. Yes, Arkansas and Arizona have very recently made some advance in progressive statutes and constitutional provisions. Seven years ago, when I came to the Senate, I stood alone. But this movement to restore government to the people made wider and wider appeal and grew to have an influence and power sufficient to nationalize itself in legislation. It finally came to be represented by a group of Senators on this side of the Chamber who refused to be bound by party caucus action, and whose sole test of every question was: Is it in the public interest or is it against the public interest?

It was a splendid fighting force that held the balance of power in the Senate on legislation. That was the condition when something happened at Chicago a little while ago. And now it is proposed to divert, to destroy, that movement which gave every promise for the complete redemption of government.

Mr. STONE. If the Senator will pardon me——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Missouri?

Mr. LA FOLLETTE. With very great pleasure.

Mr. STONE. I was very much interested in what the Senator was saying, and my attention was attracted to a remark made by the Senator.

Mr. SMITH of Michigan. We can not hear what the Senator from Missouri is saying.

Mr. STONE. I did not quite understand one part of his remarks, and I thought he might feel disposed to make the statement clearer. He referred to the action at Chicago as intended to divert the progressive movement from the ends to which the Senator and his colleagues have been laboring. Did the Senator have reference to the convention which renominated President Taft or the one that nominated ex-President Roosevelt?

Mr. LA FOLLETTE. I am exceedingly sorry that I left the Senator from Missouri in doubt. I hope I did not leave anyone else in doubt.

Mr. President, the conditions that the people complain of in this country have grown up mainly in the last dozen or fifteen years. The era of concentration and the upbuilding of the trusts and combinations began shortly after the enactment of the Dingley law of 1897.

On the day that Theodore Roosevelt was made President there were 149 trusts and combinations in the United States. When he turned this Government over to William H. Taft as President there were 10,020 great plants of this country organized in combinations. On the day Roosevelt became President the aggregate capitalization of these combinations was $3,784,000,000; on the day that he turned the administration over to his successor it was $31,672,000,000, more than 70 per cent of which was water.

Its power has gone on growing and spreading, the numbers multiplying. There has been no diminution of it under the present administration. The present administration has sought to apply the Sherman antitrust law more rigorously than any other administration that has preceded it. But, Mr. President, the time to have applied the Sherman antitrust law effectively was when the trusts were in their infancy, when there were only 149 of them, scattered here and there over the country; when they stood as individuals and before they had had their interlocking directorates; before they had fused and consolidated in one mass.

Now, Mr. President, I do not believe that the American people are going to find any measure of relief from the conditions which now menace by again placing in supreme command the man who was President during the very period when the trusts and combinations which dominate business and government were permitted to attain their greatest growth. I do not believe that the man who failed to enforce the Sherman law when it could have been most potential in destroying trust organization is the man to find the way out now. Does that answer the Senator?

Mr. STONE. That does fairly well. [Laughter.]

Mr. LA FOLLETTE. That does fairly well, does it? [Laughter.]

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Certainly.

Mr. POMERENE. The Senator stated that there were 10,020 great plants consolidated into trust organizations when the administration was turned over to President Taft. Has the Senator any statistics to show how many of those were good trusts and how many were bad trusts?

Mr. LA FOLLETTE. No, Mr. President; I have no way to differentiate, because none of the trusts is my friend. [Laughter.] If any of them were friends of mine, if any of them were supporting by big contributions my propaganda in this country, I could find an illustrious example for calling them good trusts. But I have no good trust angels—no Perkins, no Munsey, no Hanna. [Laughter.]

Mr. President, the Republican progressive movement is the one vital thing in the political development of the last quarter of a century. It promised to redeem the party of Abraham Lincoln and restore government to the people.

Into this steadily advancing movement for political progress, Theodore Roosevelt thrust his ambition to be elected President for a third term. He proclaimed himself a progressive. Yet he had for years berated progressive leaders as "disturbers" and "demagogues" and "dangerous persons."

While strong Progressive Republicans were struggling in a dozen States to wrest the control of government from corporate power in combination, the influence of President Roosevelt's administration was invariably arrayed against them. His Federal appointees were the lobby agents of special privilege.

It is a fact in political history that progressive success in every Republican State was secured despite the powerful opposition of the Roosevelt administration during the seven years that he was President.

While Roosevelt was President every progressive Republican Senator and every progressive Member of the House of Representatives, as a candidate to succeed a standpatter, fought his way to a seat in the American Congress against the active influence of the President put forth to retain the reactionary in the public service, sometimes by verbal message, sometimes by open letter.

Every Progressive Republican Senator or Representative knows that he battled for progressive legislation, unsupported by President Roosevelt.

And, again, the little group of progressive Republicans in the Senate and House knows that it was not until long after Roosevelt returned from Africa, long after he had been beaten to a standstill in New York two short years ago, supporting a standpat ticket on a stand-pat platform, lauding, to quote the platform, "the progressive and statesmanlike leadership of William Howard Taft and his unfaltering and unswerving adherence to duty"—indeed, that it was not until after he had witnessed a demonstration of Taft's weakness and the nation-wide evidence of the strength of the progressive movement that he decided to publicly and emphatically declare himself a progressive and a candidate less than six months ago.

And then, Mr. President, after having failed to secure a nomination for a third term, he turned upon the party which had honored him with office most of the time for 30 years—the party which was good enough and progressive enough for him to eagerly desire to have nominate him for the Presidency less than two months ago—and denounces it as a party which is unfit to exist and must be at once destroyed.

I can not believe that a mad squabble for office will be permitted to destroy a great political party 7,000,000 strong, with a clear progressive majority in its ranks. I can not believe that the disappointment of any individual warrants the formation of a new political party. And, sir, this vital progressive movement, the very essence of which is the restoration of government to the people, will ere long control the councils of the Republican Party in every State in the Union.

But, Mr. President, I must address myself to the question before the Senate.

Mr. SMITH of Michigan. Go right on.

Mr. LA FOLLETTE. I should like to go on, but I have already overtaxed the patience of the Senate.

I think that my analysis of the wool report shows that President Taft—you see, I play no favorites—ought to have signed this bill.

Mr. President, upon the question, Shall the wool bill pass, the objections of the President to the contrary notwithstanding, I wish to be heard briefly, and as what I have to say deals with the Tariff Board report, their investigation of the wool and woolen industries, the averages and the computations which are deducible from that report, I have reduced what I have to say to writing in order that I may be accurate in at least the terms employed and in the figures and percentages submitted.

It seems to me that no Republican Member of the Senate who believes that tariff duties should measure the difference between the cost of production in this and competing countries can vote to sustain the veto of the President on the bill which is returned to us with the message that has just been read.

In my address before the Senate on August 15, 1911, speaking in defense of the tariff bill revising Schedule K on the identical lines on which it has been passed again at this session of Congress, I made the following statement:

"I venture a prediction now, and I know how dangerous prophecy is. We shall have in a few months a report from the Tariff Board. I say that if the Tariff Board does its work with thoroughness it will report lower duties on all the manufactures of wool than the duties named in the conference report. Mark my words. If the Tariff Board does its work thoroughly, Senators are invited to challenge this statement at another session only a few months away if that does not prove to be the case."

That statement was made a little more than one year ago on the floor of the Senate.

Since then the report of the Tariff Board has been submitted to Congress. I do not wish to be understood as indorsing the methods of the investigation into the wool industry in every particular, and that is an exception upon which I might enlarge, but will not do so at this time. Some of its methods have been seriously criticized by recognized authorities in the country, and the criticism has been reproduced in the CONGRESSIONAL RECORD both by myself and by other Senators. Nevertheless, for the purposes of this discussion, I accept the Tariff Board's conclusion as to facts as approximately correct; and if the report of the Tariff Board be read carefully it will be seen that the board itself does not expect its figures to be taken as rigidly accurate, but merely as close approximations or general averages pertaining to an industry which is subject to great variations in a country like ours with its wide diversity in climate and conditions.

In this spirit I have taken the figures of the Tariff Board report, and I find that they justify the rates that have been adopted by both Houses of Congress and vetoed by the President as inadequate. I shall take up each product from raw wool to cloth, and first the raw wool.

The President states in his message that "an ad valorem rate of duty adjusted to meet the difference in the cost of production of high-priced wools is not protective to low-priced wools." Will he contend that a single specific duty, such as has been proposed in bills alleged to be based on the Tariff Board report, covers equally the difference in the cost of production of high-priced as well as low-priced wools? It certainly does not. If you are going to have a specific duty and fix it at an average, it will be pretty high for low-priced wools and pretty low for high-priced wools.

Again the President says:

> In any case the report of the Tariff Board shows that the ad valorem duty of 29 per cent on raw wool, imposed in the bill now submitted to me, is inadequate to meet this difference in cost of four-fifths of the total wool clipped.

The President, who signed the Payne-Aldrich Act, and defined it as the best ever enacted by the Republican Party, although admitting Schedule K to be indefensible, does not hesitate to use his veto power to an extent unprecedented in the history of the country, when the country is in revolt against this indefensible schedule. The gravity of his action would require that he submit some proof to Congress of the inadequacy of the rate, especially when he appeals to it to adopt a different rate. Although I feel that the burden of proof is rightly upon him, I cheerfully assume the responsibility of justifying rates now vetoed by the President in the light of the figures of his own Tariff Board.

On page 11 of its report the board gives the average cost of production of raw wool in this country as 9½ cents per pound. The average cost of South American wools is given at from 4 cents to 5 cents per pound. The average cost of Australian wools is given as "a very few cents per pound." The board hesitates to give a definite figure, and adds that the cost of Australian wools falls "materially below the average South American." The average cost of South American wools is 4 to 5 cents. In the light of these figures I assume it to be fair to take the average cost of production of Australian wool at 3 cents per pound.

"A very few cents per pound" can not be much less than 3 cents. They say it is materially lower than the average cost in South America, which is 4 to 5 cents. Three cents is materially lower than 4 to 5 cents, and I believe that to be the fairest estimate which could be made from the language of the report of the board.

The average cost of transportation of Australian wool to Boston is given on page 352 of the Tariff Board report as 2½ cents per pound, making a total cost of Australian wool delivered in Boston of 5½ cents per pound.

The average shrinkage of Australian wool is given on page 12 of the Tariff Board report as 48 per cent. This gives a yield of scoured wool from one pound of Australian wool equal to 100—48, or 52 per cent. Each pound of scoured wool at Boston, therefore, costs 5½ cents times 100, divided by 52, or 10.6 cents.

I have purposely taken the Australian wool for comparison with the American since, according to the report of the board, this wool is produced at the lowest cost and therefore calls for the greatest extent of protection between this country and any foreign country, so that every advantage possible and comparison from that standard will be to the American producer.

Mr. SMOOT. Will the Senator yield to me?

Mr. LA FOLLETTE. Certainly.

Mr. SMOOT. I do not know whether the Senator is going to call attention to the fact, but the Australian wools that he

is speaking of shrink 48 per cent from wools that have been skirted, and the wools the price of which are reported by the Tariff Board are not skirted wools, but they are wools in their natural condition.

Mr. LA FOLLETTE. I am going to call attention to it. I repeat, Mr. President, that the Tariff Board reports, on page 12, that these wools shrink 48 per cent and that it gives it as the shrinkage of Australian wools. Now, if the Tariff Board frames its report so as to be misleading, I am not responsible for it.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin further yield to the Senator from Utah?

Mr. SMOOT. I simply want to say a word.

Mr. LA FOLLETTE. Yes; I yield.

Mr. SMOOT. I simply want to say to the Senator that Australian wools, as they are sheared from the sheep unskirted, shrink more than 52 per cent, and there is not anybody in the United States or in Australia who knows anything about wool who will not acknowledge it.

Mr. LA FOLLETTE. Is that stated in impeachment of the report of the Tariff Board?

Mr. SMOOT. I have not the report here. I am only saying that, Mr. President.

Mr. LA FOLLETTE. Does the Senator from Utah pretend to say that the Tariff Board has not taken that into account in making this statement?

Mr. SMOOT. I call the Senator's attention to that. It is a fact.

Mr. LA FOLLETTE. I ask that question.

Mr. SMOOT. I will explain it. The reason I called the Senator's attention to it was that he is figuring upon the cost of producing wool in this country and the cost of producing wool in Australia. Then he is figuring upon what the shrinkage is upon the Australian wools, not as they are grown naturally, which is the cost of producing that the report made by the Tariff Board was based upon, but as they are shipped from this country after being skirted. That is all the idea I intended to convey.

Mr. LA FOLLETTE. I take it the Tariff Board would not in this report make a statement which they thought would mislead Congress. But while the foreign wools as a rule are skirted before shipment, and the shrinkage of 48 per cent stated by the board is for skirted wool, the cost of a scoured pound laid down in Boston is reported as 10½ cents. If the wool were not skirted it is clear that the shrinkage would be greater, and therefore a scoured pound laid down in Boston would cost even more than 10½ cents per pound. Consequently, even a lower rate than 29½ per cent would measure the difference in production cost.

Mr. SMOOT. Our western wools, for instance, shrink about 66 per cent and the Australian wools in their natural condition are a great deal heavier and the shrinkage is less than most of our western wools. But they are not very much heavier after they are skirted.

Mr. LA FOLLETTE. Mr. President, I will continue what I have to say in analysis of the President's message.

The average cost of production of American wool, as I have already stated, is given on page 11 of the Tariff Board Report at 9½ cents per pound. The average cost of transportation from the West—from the ranches and farms—to Boston is given on page 351 of the Tariff Board Report as 2 cents per pound.

The West pays the highest transportation rate of any section of the country. It is higher than the Pacific coast rate; I do not quite understand why, but it is a fact. So I have taken the very highest transportation cost, to be added to the average cost of the production of American wool in this country as fixed by the Tariff Board, and it gives the total cost of 1 pound of American raw wool laid down in Boston 11½ cents. The average shrinkage of American wool for the whole country is given on page 12 of the Tariff Board report as between 55 and 60 per cent. Taking 55 as a fair average, the yield of scoured wool from 1 pound of raw wool will be 100 minus 55, or 45 per cent.

One pound of scoured American wool in Boston will therefore cost 11½ times 100 divided by 45, or 25.6 cents.

The difference in cost of production per scoured pound between the American and the Australian wool will therefore be 25.6 minus 10.6, or 15 cents per pound of scoured wool, which is the rate originally proposed by Congressman HILL, of Connecticut, who prepared his bill on the basis of the Tariff Board report and in cooperation with the Tariff Board.

My computations were made without any knowledge of the computations which had been made by Congressman HILL, of Connecticut, as consistent a protectionist as there is in the House of Representatives, but I ascertained after these computations had been made and this matter had been dictated to my stenographer that Congressman HILL, after a thorough study of this Tariff Board report on wool, made in connection with the board.

Mr. LIPPITT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I yield with very great pleasure.

Mr. LIPPITT. The Senator is intimating that the Tariff Board approves Mr. HILL's findings.

Mr. LA FOLLETTE. I am speaking of the wool bill now. Mr. President, in anticipation of what the Senator from Rhode Island is about to present, I will say that as to the cotton bill which I offered as a substitute either yesterday or the day before, when the measure was pending in the Senate, as a bill which had been prepared by the Tariff Board, and which I stated also had been prepared by the tariff experts in connection with Congressman HILL. I will say, supplementing that statement, that I have since been informed by Mr. HILL that it was prepared in the room of the Tariff Board, in which Mr. HILL spent some weeks working with the experts of the board who were assigned by the board to work with him, and that labor performed by Mr. HILL confirms what I said when I offered the results of his bill as a substitute to the cotton bill presented by the Democrats.

I am glad to yield to the Senator from Rhode Island.

Mr. LIPPITT. I am glad, Mr. President, to hear the explanation which the Senator from Wisconsin makes of his statement in regard to the cotton bill, and I presume the same qualification would be made in regard to any connection——

Mr. LA FOLLETTE. What does the Senator mean by my qualification? I have simply strengthened what I said when I presented the matter to the Senate two or three days ago.

Mr. LIPPITT. If the Senator from Wisconsin would allow me to complete even one sentence, perhaps we would get along a little faster.

Mr. LA FOLLETTE. I will be very glad to allow the Senator to make a speech.

Mr. LIPPITT. I do not care to make a speech at this time. The Senator from Wisconsin intimated, as I understand it, in his speech upon the cotton bill that the cotton bill which he introduced was prepared in conjunction with the Tariff Board. He has just intimated, as I understood his language, that the bill which he is now discussing was prepared in conjunction and with the aid of the Tariff Board. I do not understand that the Tariff Board has ever——

Mr. LA FOLLETTE. I do not quite——

Mr. LIPPITT. I do not know——

Mr. LA FOLLETTE. Mr. President——

Mr. LIPPITT. I do not understand that that board has taken any part in the preparation of the bill.

Mr. LA FOLLETTE. Mr. President, I believe I have the floor and may interrupt the Senator at any time.

The PRESIDENT pro tempore. The Senator yielded the floor to the Senator from Rhode Island.

Mr. LA FOLLETTE. But I may interrupt the Senator at any point when I have the floor, and I want to interrupt him just at that point and ask him what bill he referred to as the bill I am now discussing?

Mr. LIPPITT. The Senator asked me a question.

Mr. LA FOLLETTE. Yes; I ask you a question right now.

Mr. LIPPITT. May I answer it right now?

Mr. LA FOLLETTE. You may, if you understand it. I have not completed my question, and I will complete it if the Senator is not too eager. Do you refer to the wool bill or do you refer to the cotton bill?

Mr. LIPPITT. I think my language is perfectly plain.

Mr. LA FOLLETTE. I should like to know which one the Senator referred to.

Mr. LIPPITT. I told the Senator that I just referred to the cotton bill. I presume he is now discussing the woolen bill. The Senator has talked about many things; I do not feel quite——

Mr. LA FOLLETTE. I first referred to the cotton bill. I just wanted to be certain.

Mr. LIPPITT. What I am about to say refers to both bills. What I did say was that I did not understand that the Tariff Board as a board has taken part in the preparation of any tariff bill. I do understand that individual members of the Tariff Board, acting as individuals, have given assistance to a great many Senators in preparing their data for tariff bills which they themselves put together. I inquired, in order to be sure upon that point, of the chairman of the Tariff Board, and with

the Senator's permission—it is a rather long letter—I should like to read one sentence of his reply.

Mr. LA FOLLETTE. Mr. President, I will ask the Senator to print in the CONGRESSIONAL RECORD the entire letter.

Mr. LIPPITT. I will print the whole letter in the CONGRESSIONAL RECORD; but I should like to have his permission to read one sentence of only two lines.

Mr. LA FOLLETTE. I think if the Senator is going to have it printed he had better read it.

Mr. LIPPITT. I can read it, if the Senator wants me to.

Mr. LA FOLLETTE. I think it will be better.

Mr. LIPPITT. With the Senator's permission, I will ask the Secretary to read it.

The PRESIDENT pro tempore. Without objection, the letter will be read.

The Secretary read as follows:

THE TARIFF BOARD,
TREASURY BUILDING,
Washington, August 16, 1912.

Hon. HENRY F. LIPPITT,
United States Senate, Washington, D. C.

DEAR SIR: Replying to your inquiry of August 15, as to the statement that the bill H. R. 25107, Sixty-second Congress, second session, was prepared by the Tariff Board and represented their opinion as to what the rates should be, I beg to say that the Tariff Board has never prepared any tariff bill nor taken action as a board regarding the desirability of particular rates of duty. We have no authority to do so under any of the legislative acts which determine our duties. Furthermore, as to the approval of particular methods of classification and particular methods of assessing duties the board has taken no action at any time, except to publish in its official reports the arguments for and against certain disputed methods.

On the other hand, the facilities of this office, including the time of our employees, has been freely at the disposal of any Senator or Congressman for the preparation of additional tables from our published figures and for calculations of the relations between the duty proposed in any bill and our published figures regarding prices and costs of production. A great deal of work was done of this nature in connection with the bill referred to above. Mr. Hill was in frequent conference with an individual member of the board, and with two or three of our statistical and investigating staff, in the preparation of the calculations on which he based his bill. He published four tables covering the 100 samples used in our report, and these tables were prepared in this office and are guaranteed by us as correct calculations from our report. The only material in the tables not included in the report is, first, the simple calculation of the English prices of July, 1911, plus the duty proposed in his bill; and second, a few comments at the bottom of the different tables giving a few details as to particular samples. There are two remarks attached to the tables labeled "Note," which are notes by Mr. Hill and not included in the tables prepared here. They are as follows: Under Table I (p. 6 of inclosed pamphlet) and under Table IV (p. 8 of inclosed pamphlet).

Yours, very truly,

HENRY C. EMERY, *Chairman.*

Mr. LA FOLLETTE. Mr. President, if that contributes anything new for the information of the Senate, I am very glad the Senator from Rhode Island has seen fit to interrupt my argument to present it. The members of the Tariff Board themselves, as everyone understands, act upon the information procured for them by their experts. Their experts were with Mr. HILL for several weeks down there, with the approval of Mr. Emery, the head of the board, and whether every other member of the board individually saw the figures and approved them does not in the least signify. They were the figures upon which the board would base any action it might take, because they were the figures of the board's experts. They found, on investigation made by men sent into the field, that the average cost of producing wool in this country is 15 cents a pound or—I have the original notes made by Mr. HILL, just transmitted to me here—14.32 cents. When Mr. HILL prepared his bill, based upon the calculations of these experts, worked out from the reports of the field experts and incorporated in the findings of the board, he placed the duty at 15 cents as a liberal estimate of the cost of producing wool per pound.

Mark you, Mr. President, that is not what it costs out West; that is the average ascertained by including in the calculations the flocks of Ohio, where it costs a little less than a dollar a pound. I have not the exact figures in mind, but it costs between 50 cents and a dollar a pound to produce wool in Ohio. Twenty per cent of the wool of this country is produced without any cost; and every man with a knowledge of this business, or who has studied it at all, knows that that is true in localities where sheep raising is the principal business. Of course, when you figure out the cost of maintaining a little flock, where books have not been kept, as the report of these field experts showed, but where estimates are taken and guesses are made, you get some pretty high costs for producing wool.

Mr. President, after Mr. HILL introduced his wool bill (or when Mr. PAYNE introduced it, for it was Congressman PAYNE who introduced it) he made a concession in committee which resulted in increasing the duty to 18 cents a pound in order to secure the support of his associates on the Ways and Means Committee.

While he increased the duties 3 cents a pound in order to get the other Republican members of the Ways and Means Committee to stand with him, 15 cents a pound is the rate which measures the difference between the cost of producing this wool abroad—the cheapest wool—and the cost of producing it in this country.

I thus find myself in agreement with the conclusions of the Tariff Board so far as the specific duty is concerned. I do not regard, however, the specific duty as a just basis, in view of its great discrimination against the cheap wools required for the poor man's cloth, as I have had occasion to explain at length on former occasions in the Senate. What, then, is the equivalent ad valorem duty of a 15-cent duty per pound, in which the Tariff Board and I agree?

The Tariff Board report gives "a record of actual importations and scourings in a representative American mill covering more than 10,000,000 pounds of class 1 wool." These prices are given on pages 387–390, these being Australian wools, Merinos, and cross-breds. The average of these prices as computed by the statistician of the Ways and Means Committee, and given in the report of that committee on page 38, was 50.8 cents per pound of scoured wool. The duty of 15 cents would constitute 29.5 per cent ad valorem on the basis of this thoroughly representative average price given by the Tariff Board. In other words, the Tariff Board's own figures call for a duty of 29½ per cent ad valorem as against 29, passed by both houses of Congress at two different sessions of the present administration.

Here is a tariff bill that is rejected on the ground that it is not in agreement with the report of the Tariff Board. The figures of the Tariff Board demonstrate that this bill sent to the President for his approval, and which he has vetoed, is within one-half of 1 per cent of the findings of his own Tariff Board.

Will anyone justify the veto of a measure because of a difference of one-half of 1 per cent in the duty, and will the President claim that because of that difference the woolgrowers of this country would have to go out of business?

TOPS.

On pages 20–21 of the Tariff Board report will be found a series of calculations from which can be derived the proportion that the value of the raw material and the conversion cost bear to the total cost of the woolen products at each stage of production. As the board has failed to work out the percentages I have had this calculated for myself.

The cost of wool, as will be found from the figures given on page 21, equals 92.7 per cent of cost of tops. Conversion cost, including labor and all other expenses (p. 21), 7.3 per cent of cost of tops. Compensatory duty equals 29 per cent of 92.7 per cent, or 26.88 per cent. United States conversion cost (p. 16) is 80 per cent greater than the English; that is to say, the English conversion cost is equal to 100/180 of the American conversion cost, equals 55 per cent of American conversion cost. Protective duty should equal difference in conversion cost, or 100 minus 55 equals 45 per cent of American conversion cost.

As shown above, the American conversion cost equals 7.3 per cent of the total cost of tops. Therefore the protective duty should be 45 per cent of 7.3 per cent, or 3.29 per cent of cost of tops. Total duty—Compensatory 26.88, plus protective 3.29; total, 30.17.

The duty adopted by Congress and vetoed by the President as inadequate was 32 per cent, or nearly 2 per cent in excess of what the Tariff Board's own figures seem to justify.

YARNS.

Cost of raw stock in yarns—that is, tops—according to page 21 of the Tariff Board report, is equal to 77 per cent of the cost of yarns. As I have already shown, the cost of raw wool in tops is 92.7 per cent of the value of the tops. Therefore the cost of raw wool in yarns is equal to 92.7 per cent of 77 per cent, equals 71.4 per cent of cost of yarns; conversion cost equals 100 per cent minus 71.4 per cent, or 28.6 per cent of cost of yarns; compensatory duty equals 29 per cent of 71.4 per cent, or 20.7 per cent. Protective duty, American conversion cost, page 16, Tariff Board report, is stated to be double the cost in England. That is to say, English conversion cost equals 50 per cent of American conversion cost, or 50 per cent of 28.6 per cent equals 14.3 per cent of the cost of yarns. Total duty: Compensatory 20.7, plus protective 14.3; total, 35 per cent.

The duty adopted by Congress and vetoed by the President is 34 per cent, or only 1 per cent below that justified by the figures of the Tariff Board. As the board itself states on page 16 that its figures are only roughly approximate, it will take stronger proof than a mere assertion on the part of the President that this rate threatens the existence of American spinning mills.

CLOTH.

The next step in the process of manufacture is cloth. According to the Tariff Board findings, as quoted in the President's

veto message, raw wool constitutes from 50 to 70 per cent of the value of the fabric. The average, therefore, would be 60 per cent.

Conversion cost equals 100 minus 60 equals 40 per cent; the compensatory duty on wool in the fabric equals 29 per cent of 60 per cent equals 17.4 per cent. The cost of turning yarn into cloth is given on page 17 of the Tariff Board report to be all the way from 60 to 170 per cent higher than the English. This would give an average of 115 per cent. The excess of American conversion cost over English conversion cost at the successive stages of production, according to the Tariff Board report, is thus 80 per cent in case of tops; 100 per cent in case of yarn, and 115 per cent for cloth, and may therefore be taken as 100 per cent for the entire process from raw wool to cloth—that is to say, the English conversion cost equals 50 per cent of the American. The difference between the American and English conversion costs equals 100 minus 50, or 50 per cent of the total conversion cost, from raw wool to the finished fabric.

As the conversion cost has been shown above to be equal to 40 per cent of the total cost of the fabric, the protective duty equals 50 per cent of 40 per cent, equals 20 per cent. Total duty, compensatory, 17.4 per cent, plus protective, 20 per cent, total, 37.4 per cent, as against 49 per cent adopted by Congress and vetoed by the President as inadequate.

Now, Mr. President, the bill presented by the conferees, it seems to me, is a measure which ought to be accepted. It will relieve the American people from the oppression of a schedule which the President himself has declared indefensible—a schedule which imposes duties going to the extent of 174, 175, 176, and 178 per cent. When the concessions of the Democratic House and the Democratic Members of the United States Senate have been such as to leave the President a bill which is protective, according to the report of his own commission, I can find, Mr. President, no justification for his standing across the pathway of this opportunity to relieve the American people from the heavy burdens under which they have suffered for 40 years through the unjust tariff rates of this schedule.

And I appeal to Republican Members here to join in passing this bill over the President's veto and lifting from the American people the wrongful burdens under which they have rested through all these years.

In 1909 it was contended that there was nothing in that schedule requiring revision. We have passed beyond that now. Even the most ultraprotectionists and standpatters on the Republican side have conceded the injustice of Schedule K by voting for a reduction of duties, when three years ago they refused to assent to any change.

Now, here is the report of this board. Here is the analysis of that report. And here is an opportunity to help thousands of American families and harm no one. I believe we ought to do it, and I shall vote to pass this bill notwithstanding the veto of the Executive.

Mr. HEYBURN. Mr. President, I have never more than at this time been so fully impressed with the statement that where a man selects his own premises, he may arrive at any conclusion.

The question of the average cost of producing wool should not in any measure control the determination of this question. It is not proper, in determining the duty that should stand between our producer and the producer abroad, to take the average cost of the production of a commodity in this country; and it was never better illustrated than by the remarks of the Senator from Wisconsin [Mr. LA FOLLETTE].

More than half the wool of this country is produced at a price far above the average. Are those people to have no protection? Are we to protect those who because of peculiar circumstances may produce wool at a little below a given figure? Out of every six men who produce wool in this country there are five men who produce it at a cost above the average. More than half the wool produced in this country is produced by the small herdsman, and the Senator has admitted, as I understand his remarks, that the small herdsman is entitled to scant consideration. Yet it is the small herdsman who is entitled to protection, because he represents the weak, while the large herdsman represents the strong. Is that an equitable or a fair basis to take in determining a rule of protection that is to be applicable to all the people? Are we to select only those who can produce wool cheaply and disregard the rights of those who because of conditions can not produce it within the average?

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. LA FOLLETTE. Does the Senator ask that question of me?

Mr. HEYBURN. I asked the question generally. I would be glad to have an answer of the Senator from Wisconsin.

Mr. LA FOLLETTE. I will be glad to answer.

I do not know whether the Senator from Idaho will remember, but when the Tariff Board made its report upon the paper industry in this country, as compared with the paper industry of Canada, it found that all of the mills in the United States that had replaced the antiquated machinery with which the paper mills were originally equipped by modern machinery were able to produce paper in the United States as cheaply as it is produced in Canada.

Now, in the report of the board on the paper industry many Senators were misled by looking merely at the table, which footed up an apparent difference of $2 a ton in the cost of production. But I recall distinctly having spent considerable time in a study of that report, carefully analyzing it and presenting that analysis to the Senate. On the face of the figures given in the table it appeared that the average cost of production of a ton of paper in the United States was $5 more than the average cost in Canada. But a study of the text of the report showed, by a comparison of the lowest cost in the United States with the lowest cost in Canada—that is, in the most modern, best-equipped mills—upon the figures taken from the books of the paper companies, the cost of production in the United States to be actually less than in Canada. But when mills equipped with ancient machinery, using old-fashioned, inefficient processes, were included, a duty of $5 a ton was required to protect the paper industry in the United States against these old and obsolete methods. That meant protecting inefficiency. It did not mean protecting the business when conducted as any business should be under modern conditions. Take it as applied to the wool industry.

[At this point Mr. LA FOLLETTE yielded that the Senate might receive a message from the House of Representatives, which appears elsewhere in to-day's proceedings.]

Mr. HEYBURN. The Senator is anticipating what I had intended to say. I do not object to the interruption, but it is very far from the question under consideration.

Mr. LA FOLLETTE. I do not wish to trespass upon the time of the Senator from Idaho.

Mr. HEYBURN. I cheerfully yield to the Senator. But there is no analogy whatever——

Mr. LA FOLLETTE rose.

Mr. HEYBURN. I yield to the Senator.

Mr. LA FOLLETTE. That leads me to interrupt the Senator again. I was about to say that I thought the Senate could make its application of the illustration which I have given. Now, you take the industry of producing wool. If it is to be considered as a business, it must be treated as a business. Where the production cost of a given product upon the capital invested is reasonable, and the industry is one which should be maintained in the public interest, and where it can be maintained against foreign competition with a reasonable tariff rate, such rate should be maintained. But if the production cost is excessive in some particular locality, or where the industry is not conducted as a business but as a mere accessory to some business, and for that reason the cost of producing the article under such circumstances is extravagantly high, such cost of production should not be taken as the basis for fixing tariff rates.

Now, as a matter of fact, I think it would require a duty of some 80 or 90 cents a pound on wool to equal the cost of production in Ohio—I have not the board's figures; I am just stating it from memory.

Mr. HEYBURN. I was just coming to that.

Mr. LA FOLLETTE. I will be glad to have the Senator come to it, if he has the figures, and I shall be glad to have him correct me if I have not stated the figures for Ohio correctly.

Mr. WARREN. Will the Senator from Idaho allow me to ask a question of the Senator from Wisconsin?

Mr. HEYBURN. I yield. However, I do not desire that this shall drift off into technicalities.

Mr. WARREN. I do not want to interrupt this private conversation——

Mr. HEYBURN. No.

Mr. WARREN. But I understood the Senator from Wisconsin in his remarks, which I did not wish to interrupt, to say that the Tariff Board report shows that it really costs nothing to raise wool in some parts of the United States.

Mr. LA FOLLETTE. The Senator from Wyoming must have understood me to say—at least, I thought I did say—that if you will take the reports of all the field officers of the Tariff Board they will show that upward of 20 per cent of all the wool of the United States is produced as a by-product, without one cent of cost.

Mr. WARREN. That is what I wanted to know.

Mr. LA FOLLETTE. I say the report of the board sustains that statement.

Mr. WARREN. I wanted to be sure. Of course, the Senator will understand that my silence does not give assent to that or any other statement of that kind. But I did not want to misrepresent the Senator in understanding him to say that it did not cost anything.

Mr. LA FOLLETTE. That is correct.

Mr. WARREN. It will be quite unexpected news to the farmers that it costs nothing to raise wool. I will say furthermore while I am about it——

Mr. LA FOLLETTE. The Senator will understand that what I mean by that is that the returns from the sheep when sold as mutton is such that whatever is received from the wool is clear profit.

Mr. WARREN. I understand that perfectly; and it might be construed further that because of other by-products the mutton is profit.

Mr. LA FOLLETTE. The Senator may be facetious, but I will say to the Senator that that is the report of the board.

Mr. WARREN. I wanted to be sure that the Senator said it.

Mr. LA FOLLETTE. Yes; and I will say to the Senator, furthermore, that the protective doctrine does not get the worst of it in this report at any point. And I will add to that this statement: The methods employed by the Tariff Board in its investigations of the woolen schedule were such that the tariff expert, the best man they could select in the United States to supervise their work, Samuel S. Dale, of Boston, refused to give his assent to it, and withdrew from any connection with the matter.

Mr. WARREN. What I wanted to get from the Senator was whether or not he has built this bill, or so much of it as he may have built, upon the Tariff Board's report, because he believes that the Tariff Board's statement is correct——

Mr. LA FOLLETTE. If the Senator from Idaho will permit me, I feel——

Mr. WARREN. Let me ask one more question.

Mr. LA FOLLETTE. Let me answer that one, if you do not mind.

Mr. WARREN. No.

Mr. LA FOLLETTE. I said earlier in the debate that, without accepting or giving assent to the methods employed by the Tariff Board, but taking the report just as written, I found that it sustained the rates in the bill which the President has vetoed.

Mr. WARREN. But the Senator, as I understand, admits that he does not sustain the finding of the Tariff Board in all particulars. For that matter, he discards the idea presented by them, after mature consideration, that the duties upon raw wool should be specific instead of ad valorem, and therefore, while he asks us to support this bill upon the Tariff Board's report, he does not justify the Tariff Board's report.

Mr. HEYBURN. Mr. President, I am not discussing this measure from the standpoint of the Tariff Board's report. I have advised myself as to the facts reported by that board, and I am drawing my deductions from the principles of protection. The Tariff Board did not undertake to suggest what duties should be levied upon the wool as classified by them. I am discussing the question upon its merits from the standpoint of the individual and not from the standpoint of the Tariff Board.

Mr. President, I arose only to address myself very briefly to the real question, or what in my judgment is the real question, involved in this legislation. The question is entirely one relating to the prosperity of the individual who produces the wool, and not to the wool market, and not to the mills, and not to the dealer in wool. I meet this question, I repeat, from the standpoint of the individual who produces the wool. He is the party entitled to consideration. The market for wool in Boston does not enter into the proper consideration of this question. The question is, Shall we protect all men engaged in the production of wool upon the basis of the cost of production, or shall we take the average cost of the production of wool and allow only those who can produce it at a price above the average to go out of business and confront the situation that will meet them? I take the position that we must consider the rights of those who produce at a cost above the average as well as the rights of all others.

The suggestion made by the Senator from Wisconsin, that in considering the paper schedule we disregarded obsolete machinery and what he terms, I think, incompetence, has nothing whatever to do with this matter. Wool is not produced by machinery. There is no cost of machinery to be considered in determining what will constitute protection to the wool producer. Wool grows upon the sheep, which grazes upon the farm, and is the property of the individual; and the purpose of this legislation is to protect the individual who owns the sheep which produces the wool, and so forth.

Nothing could be more unfair than to suggest the offset of the price of the carcass as against the wool, to see whether or not the man could afford to raise sheep for the profit he would derive from the carcass. That is not a fair consideration to give this matter. He is entitled to both. He is entitled to the wool as a distinctive product. He is entitled to the carcass of the sheep because it is his. He has the cost, the expense, and the investment representing its growth.

Now, Mr. President, as I was proceeding to say, more than half the wool in the country is produced at a cost above the average. If you base protection upon the average cost, you do it at the expense of the larger class of producers. That is not fair. That is legislating for the prosperous in disregard of those not so prosperous. It is legislating for the aristocracy of business in disregard of the rights of those who, pursuing legitimate means, raise this product in competition with others who raise it at home or abroad. So I say the premises being erroneous the conclusions are equally so.

Now, Mr. President, the facts given us by the Tariff Board enable us to know as nearly as it can be known how many wool raisers there are in the United States who would fall on one side of the line of averages and how many would fall on the other side of the line of averages. The law should be equally protective of all Americans engaged in this business. There should be no selection of those who are so situated that the cost of production fall below the average or on the line of the average. In numbers of individuals interested there are five to one on the side of the line where the cost is above the average. You can take the report of the Tariff Board and verify that statement.

The Senator anticipated me when he suggested the State of Ohio. I can add to the State of Ohio a list of more than half the States in the Union where the cost to the farmer of the sheep is above the average. Is he to go out of business while those who can produce on or below the line of averages may be sustained by this legislation?

It would not do to adopt such a rule as that in legislating upon matters where there is contest and competition between our people and the people of other countries. I naturally rise up in rebellion against such a principle of legislation. If you destroy the profit to the raiser of sheep upon the small farms or the large farms or the small herder or the large herder, if you protect one and not the other, you drive the sheep from the farms and you have remaining only the large herder, who operates under particularly favorable circumstances, with inexpensive methods of production. That will not do. Such a principle of government would be a violation of the very foundation principles of equality of opportunity before the law. The law must protect to the extent of not the average, but of all classes of the people.

The Senator from Wisconsin admits, as I interpret his remarks, that in States like Ohio and all the other States similarly situated, this proposed duty would be inadequate protection. Then what are you going to do? You are going to reduce the number of sheep and the quantity of wool by more than one-half. The proportion is more than 50 per cent as against the small producer. That will not do.

There is nothing in the report of the Tariff Commission inconsistent with the position which I take in regard to this matter. I can not bring myself to support any measure that requires every man to be equal in his capacity to produce a product. You can not reduce all men to one size. You can not by legislation reduce the cost of producing wool to the farmer one cent.

Mr. President, when you have brought about a condition where it is no longer profitable to maintain the sheep and the sheep industry and the wool industry incident to it, except upon the sheep ranges, then you will have stricken this business down. You will at least have reduced the sheep industry by one-half, and that half will have to be supplied by the foreign market. The people will lose the benefit of the industry, the farmer will be deprived of the use of the land devoted to this purpose, and the people will be dependent upon a foreign producer. You can not raise for 9 cents wool upon land worth $100 an acre. You can not produce wool upon the farm land in this country that is worth all the way from $50 to over $100 an acre within the limits of the price suggested by this measure. If they can not do it, they would be compelled to abandon the business.

I can not emphasize this doctrine too strongly. It appeals to me as few questions do appeal to me that come before us for consideration. I do not believe that existing duties are too high. Under existing conditions we have upon the farms and

in the small flocks of this country more than half the sheep. Are they overprosperous? Is the business too prosperous, that we would undertake to cut them down to the measure of the party who will herd sheep upon cheap lands by cheap methods and low wages? Would you cut them down to the standard of the cheap production? Not by my vote.

Lead pencil politics is not always reliable. It is generally unreliable. You can sit down and figure as the Senator from Wisconsin has figured, and figure men out of their prosperity, and when the test comes and the result is before us, what is your remedy? You say, "Well, we were mistaken, we thought these herds of sheep would still remain, and we would bring into the field of competition the product of foreign countries and make them cut themselves down to the standard of foreign countries." That is not protection. That is juggling with a principle, disregarding the individual, basing your estimate upon an average market and an average production, and it is a violation of the principle and the spirit of protection.

Mr. WILLIAMS. Mr. President, I do not want to detain the Senate long. I merely want to call attention to the fact that in this discussion what has been said by the Senator from Wisconsin [Mr. LA FOLLETTE], what has been said by the Senator from Idaho [Mr. HEYBURN], and the slight interpolation of the Senator from Wyoming [Mr. WARREN] all agree in this: They show the absolute absurdity, the ridiculous absurdity, of the pretended test for protection under the Republican theory. They show the absolute inutility of the existence of this Tariff Board. The Tariff Board was organized in order to arrive at the cost of production here and abroad; in order to compare the two costs of production, and thereby to arrive at the difference between the two costs of production, so that a protective tariff might cancel it and give a reasonable profit over and above.

Now, that is the Republican theory, and the ridiculousness of it is exposed by asking just one question: Which cost of production; which cost abroad; which cost here; which two costs are to be compared with one another?

Taking the American cost of production, are we to take as the standard the cost to the producer most favorably situated or the cost to the producer less favorably situated, or the cost to the producer averagely well situated—if I may frame an adverb "averagely," which I never heard of before.

The Senator from Wisconsin takes the position that it is the average cost of production here to be compared with the average cost of production abroad, and it would have seemed to me that that was more nearly the common sense of the situation than anything else with its entire ridiculousness could be, because if you compare the average cost of production here with the average cost of production abroad, then the lowest cost of production here would automatically be compared with the lowest cost of production abroad, and the highest cost of production here would equally automatically follow the comparison, for it is to be assumed that the highest is related to the highest, and the lowest to the lowest, and the average is to the average; that is, it is to be as nearly assumed as anything can be intelligently assumed in the ridiculousness of the situation which is presented to the country.

Mr. HEYBURN. Will the Senator permit me?

Mr. WILLIAMS. Yes.

Mr. HEYBURN. My mind was diverted from the consideration of that question in the running debate which transpired.

If the Senator had in an inclosure a number of sheep equivalent to the pasture necessary for their sustenance, and he was threatened by an invasion of other sheep, he would build the fence so as to keep the other sheep out, because if they entered it would be at the expense of those within the inclosure. He would build the fence high enough to keep out the most nimble sheep on the outside. He would not build it just high enough so that the least agile sheep could not get in but he would build it high enough to keep out the sheep that could jump the highest. That is the tariff proposition.

Mr. WILLIAMS. That illustrates again the incongruity and lack of logical clearness in almost any protectionist Republican's attitude.

The Senator from Idaho has unconsciously drawn an analogy between human beings and sheep. Of course a shepherd protecting his sheep will not care how much too high the fence is, and if human beings were sheep and the Government were a shepherd you would not care how much too high a protective wall was. But human beings are not sheep; they are presumed to have intelligence; they are presumed to make their own living; they are presumed to earn their own sustenance; and sheep can not do that unless in a state of nature where no man interferes with them, and then a great many of the sheep do die.

The Senator from Wisconsin has taken the position which would have seemed at first blush the most approximately reasonable that an unreasonable demand could admit of, to wit, that the average cost of production here ought to be compared with the average cost of production abroad, and that the cost of production to be considered here would be the average cost of production.

Now, there comes into the Republican arena, if I understand him correctly, the Senator from Idaho, and he denounces that as prostitution of government. He denounces that as a government which does not give equality to everybody. He says that a government that would proceed upon that sort of a rôle would be a government that has failed of its object, and then, if I understand his position, he says that the cost of production which ought to be considered is the cost of production to the producer least favorably situated for producing the product cheaply.

In other words, if the Senator from Idaho were protecting cotton and the system of protection had been going on long enough where it would be possible to have raised the price of cotton and kept it at 20 cents, and in consequence of little cotton, short, and stunted, and sparsely growing, being raised in central Kentucky, and he were asked to reduce the tariff he would be guided by the cost of the production of cotton in central Kentucky, instead of the cost of the production of cotton, let us say, in north Mississippi, Alabama, and Georgia, where the cost is the average cost.

Mr. HEYBURN. Why not?

Mr. WILLIAMS. That is what I am coming to. Why not? For the reason that the Government was not instituted by man to support either the thriftless at the expense of the consumer, or the incompetent at the expense of the consumer, in manufactures the man with bad machinery at the expense of the consumer, or in agriculture the man who selected an unfavorable soil, and climate, or situation otherwise, at the expense of the consumer, for the reason that men are not sheep shepherded by government, but that government is not even the master of the men as the shepherd is of the sheep, and that government ought not to be instituted for the purpose of supporting men, but that men ought not to make a government their servant, but they ought to support the Government. That is the answer to that question.

Mr. HEYBURN. Will the Senator allow me another suggestion?

Mr. WILLIAMS. Yes.

Mr. HEYBURN. It is, of course, impossible that all commodities should be produced at the point of shipment. The use of the land lying back from the railroad is as legitimate as the use of the land lying on the railroad near the point of shipment. The position taken by the Senator from Mississippi is as near free trade as some of the modern schools can approach. I suppose inasmuch as they are marching toward free trade and have only struck an average yet, continuing their march, they will eventually get into the camp of free trade.

Mr. WILLIAMS. I yielded to my friend from Idaho not for a further continuance of the debate he had just had with the Senator from Wisconsin, but for a question I thought he was going to ask me in connection with what I had been saying.

Mr. HEYBURN. I did.

Mr. WILLIAMS. If I understand the theory of the Senator from Idaho correctly, if he were protecting the woolgrowers he would find out the woolgrower farthest from the market, who had to pay the highest transportation rate, he would find the woolgrower in the most inhospitable climate, with sparse pasturage, who could raise the least wool to an acre upon which sheep pastured, and he would fix the rate high enough to protect him. If I understood his position, carrying it by analogy into manufacture, he would find out the manufacturing producer, whom it costs most to make cotton goods, or most to make woolen goods, or silken goods, because of his bad management, because of his bad machinery, or because of his bad location, or because of the distance from market, or because of the high price of machinery aggregated altogether, and make the tariff high enough for that man. He would do this upon the principle that the poor devil with his particular sheep had to be protected from any—even the most agile—foreign or domestic producer who could jump over the tariff fence.

The Senator says that this principle of his ought to go into operation. Why? Because all must be equally protected.

Mr. HEYBURN. Equal opportunity.

Mr. WILLIAMS. Well, I understood the Senator to use the language "equally protected." I understand, then, what the Senator means now. We give an equal opportunity by protec-

tion. If that is the case that is an absurdity, too. The ridiculousness of your whole theory is shown every time one of you opens his mouth, because you would put a protective tariff high enough to protect the sheep raiser upon the least well adapted land, in the most inhospitable locality, with the most sparse pasturage, and farthest from the market equally with the fellow who was in the most favorable location, with the richest pasturage, with the least inhospitable climate, and closest to the market.

So you have got unequal protection, anyhow. The truth is that at the bottom of your whole blasted theory is the Democratic objection that equality can not apply to it at all, neither as between individuals engaged as producers in the class protected nor as between classes some of whom are taxed and some of whom are benefited. As between individuals it will not apply for the reason I have just given, and as between classes it could not apply except in one way, and that would be to pass a general tax to make every fellow give the Government so much, and then give back the same amount to each one less the cost of collection and disbursement. If any protectionist could study up a scheme that would provide absolute equality, so that each man would get out of it just as much as he put into it, then you would have a scheme that no protectionist would stand for five minutes—not one on the surface of this earth. So that the idea of protecting the least favorably situated for the purpose of having equality of opportunity under protection is absurd. The man most favorably situated would have the maximum benefit, the man least favorably situated would have the minimum benefit, and the man situated upon the average would have an average benefit.

The Senator well says—and it is characteristic of the line of thought of his school—that he is thinking of the man who grows the sheep, and that is all he is thinking about, and he avows that is all he wants to consider—the man who grows the sheep, the man who receives the governmental largess, the man, as his language was, who is entitled to protection. The idea of a man being entitled to a gift! The idea of a man being entitled to a largess! The idea of a man being entitled to have the law make somebody else pay him more for his product than that somebody else would have to pay if the law did not exist! Yet they are "entitled."

Mr. HEYBURN. Mr. President——

Mr. WILLIAMS. Is not that rich, sure enough—that word "entitled"?

Mr. HEYBURN. I limited that word "entitled" to opportunity at home.

Mr. WILLIAMS. Yes.

Mr. HEYBURN. I was speaking of the question as it relates to our own people. I have never reached the point where I would consider the opening of the door to the Hessians in order that they might enter our household for the purpose of confusion.

Mr. WILLIAMS. I will ask the Senator not to mix me up with the Hessians, because I am really not one by blood or by sympathy or anything of that sort. I was not talking about the Senator speaking about the foreigner. I know the Senator never thinks of him. The Senator belongs to that political caste of thought which imagines that the foreigner really pays this tax—or most of them did imagine that up to a few years ago. What I was talking about was this: The Senator refers to a man being "entitled" to a special privilege granted by law. No wonder the Senator from Wisconsin this evening talked about the "progressives" having taken their rise from a revolt and rebellion against special privileges granted by law, which has so permeated the very essence of your being, of your brain blood, if I might say so, that none of you can get rid of the idea that a man is "entitled" to a special tax privilege granted by law at the expense of the consumer.

The Senator says that he considers nobody except the producer. Leave the foreigner out—the blasted barbarian; nobody cares for him. We are like the ancient Greeks; we have no use for foreigners, anyhow; they are outside of the court; they are our natural enemies; whenever we exchange products with them they rob us; and whenever they sell anything to us we are such fools that we always get the worst of the bargain, and they alone profit by it. But I am not talking about them.

The Senator says he considers only the grower of the product, only the man who makes the wool and sells the wool, and he does not consider at all the man who has got to wear the wool. He is clear out of the purview of the possible contemplation of the visions of the Senator from Idaho; yet the man who wears the clothes is forced by law to wear clothes, and the other man is not forced by law to raise sheep. [Laughter.] He might be doing something else if he wanted to.

I merely wanted to expose in one moment the absolute folly of the very principle upon which the Tariff Board was organized, and the absolute absurdity, the inaneness, the childishness of any attempt to arrive at a difference in the cost of production, when the whole thing is exposed by the discussion to-day and exposed to any of you at any time by somebody asking the simple question, Which cost of production? And not only which cost of production, but the cost of production when, because in the same factory and in the same field it will differ from month to month? The cost of production where? The cost of production how far from market? The cost of production on what sort of soil? The cost of production under what kind of management—which cost of production? I have outlined three, but there are a thousand costs of production. The very next planter to me will raise his cotton on one side at a less cost of production than I, and the one upon the other side will raise it at a greater cost of production. Whenever you try to get outside of the laws of God and nature, whenever you try to convert government into a shepherd, an overlord, a guardian and director, who must support the people instead of the people supporting it, whenever you try to do that, a thousand things you may have, but one thing you can not have, to save your lives, and that is equality; and that is the keystone of the arch in the temple of democracy. You can not have equality of opportunity. It is the very thing that you must destroy, and you destroy it just in proportion as the Government puts its miserable hand into the pocket of the citizen or lays its miserable hand upon his shoulder. The minute you try by law to control and influence the condition of demand and supply, that moment you have gone off on a ground where, whatever else you may still adhere to, equality you must desert, and you have deserted liberty in the very beginning.

It would seem that if a man has a natural liberty under the sun, it is to buy what he needs to clothe himself as cheaply as he can get it, and to sell his product as high as he can sell it, with this difference only, that the Government has a right to take out of it whatsoever is necessary for government. The Government has a right to take 10 per cent of what I earn, if necessary, for government; it has a right to take 100 per cent, if necessary, for government; it has a right to take the Senator from Idaho and me, if necessary, for government and let us be shot by the enemy. Whether the necessity is large or whether it is small, the right of Government to subtract from what I earn is limited by the needs of the Government for the purpose of maintaining domestic tranquillity, national independence, the intellect and education of the people, and all those things well known to all of us.

Mr. HEYBURN. Mr. President, I was speaking in the interest of a well-clothed, well-fed, and prosperous people. The Senator from Mississippi has given us as fine a specimen of a free-trade speech as I have heard for a long time. The difference between us is that I am not a free-trader. I do not believe in as free trade between our people and other nations as I do between our people among themselves. I would place no limit upon the competition of our own producers within our own market.

The Senator from Mississippi seems to lose sight of the purpose of government. As I understand, it is to give the members of the Government superior rights to members of any other government seeking to enter it. Is there nothing in being a citizen of this country? Does it count for nothing that we are members of this Government, and consequently entitled to greater rights than the people of other countries who seek to come here?

Mr. WILLIAMS. Will the Senator pardon a question there?

Mr. HEYBURN. Certainly.

Mr. WILLIAMS. The Senator speaks of members of the Government, meaning by that, of course, the subjects or citizens of the Government.

Mr. HEYBURN. Yes; I use the word in its large sense.

Mr. WILLIAMS. Does the Senator fail to count, in considering this particular question, the people who do not raise sheep, but have to wear wool, as being equally members of the Government or citizens of it with those who produce the wool?

Mr. HEYBURN. I was just about to frame the words to express myself upon that question. The people of this Government and of most others are engaged in a diversity of industries and interests. Those in one line trade with those in another. The man who raises wool buys wheat; he buys leather; he buys food products; and the man who raises those commodities buys wool.

Mr. President, there is absolutely—I will not say there is nothing in the argument or in any argument made by a Senator—but there is no substantial principle upon which to base

an argument that our own people do not have superior rights in regard to their occupation, their business, and their prosperity to the people of other countries.

The Senator speaks of taxing our country. That is the brand by which I recognize, first, the free-trader spirit behind the Senator's remarks—not behind them, but all over them.

Mr. WILLIAMS. Mr. President, in that connection there is one more very interesting question—and I am really seeking information—does the Senator deny that a tariff is a tax?

Mr. HEYBURN. A tax upon the foreign producer, yes; and a very righteous tax. The Senator would transfer that tax from the foreigner to our own people.

Mr. WILLIAMS. I beg the Senator's pardon; but I really thought that the last Republican who contended that the tariff was a tax on the foreigner had disappeared.

Mr. HEYBURN. Of course, were I to enter into a consideration of the views of other men, in office or otherwise, I might then enlarge upon that. I am not concerned with the expression of other men who happen to be in office to-day and out to-morrow; but I am concerned with the consideration of this question from the standpoint of an American citizen. It means something to be an American citizen. Man, woman, or child, we are a part of—we are the Government. This Government does not consist of the officeholders of the executive, of the legislative, or the judicial departments; it consists of the people engaged in their varying occupations. Their prosperity is the first consideration, taken in connection with their safety; and it is from that standpoint that a protectionist speaks. Whenever he qualifies it, modifies it, or retreats from it, he has turned his back upon Republican doctrine. We might just as well recognize that fact.

There has been a disposition, growing, in my judgment, out of a greed for power, upon the part of some to temporize with the principles of protection, with the true principles of the Republican Party. The Republican Party is made up only of those who believe in the doctrine of protection to American opportunity—I put that first—American enterprise, and American industry. That is Republicanism. Any qualification of it sounds the step of retreat; and when I find a man retreating from the principles of a great party I suspect him either as lacking judgment or understanding or integrity of principle.

The people, constituting a majority in this country, favor the doctrine and practice of protection. By a majority of millions they favor it. All their voices are not raised in this hour of consideration and controversy; all their voices are not heard in great political contests; but they will register their principles at the polls.

Parties fall into mistakes. The party plank in the platform upon which the present administration came into power was a mistake, but the principles are no mistake. A misstatement of the principles derogates nothing from their soundness or their value. There are still in this country millions—and a majority of millions of the people—who believe in and stand by the principles of protection.

I noted a wave of mirth passing through the galleries when the Senator from Mississippi suggested that I had not taken into consideration the clothing of the people. I take that question into consideration when I speak for the prosperity of the people. Wool will not clothe the beggar; wool will not clothe those who have not the price with which to buy wool. It is only a tantalization to them. The first question is give the people an opportunity to engage in industrial enterprise that will be profitable to them; keep out, to the extent of the necessities of our own people, those who would invade our market and our field of opportunity, and then there will be no question about the people being able to wear woolen clothes in winter and pull the woolen blanket over them; but strike down profitable enterprise and industry of our own people, in order that we may make prosperous the people of other lands, and they will have no woolen cloth nor cotton cloth with which to clothe themselves.

After all, it is the opportunity, and when they have the opportunity you can trust the people to provide for their comforts, their luxuries, and their necessities; and when I speak of an enterprise so vast as this I am not driven from the lines of safety and conservative wisdom by any lead pencil that was ever manufactured or by array of figures. We have had enough experience to afford us a safe guide. We saw only a few years ago conditions arising from the abandonment of the protective-tariff policy of the Republicans and the Republican Party; and I do not include in that the trimmers for power or position or influence. When I speak of the Republican Party I do not include within my remarks those who are willing to trade off either for power or office or control of Government. I speak of the great mass, the great majority of the American people, who know what it is to be American citizens, who know and believe that the first right to the good things of the earth belongs to our own people. We hold no bounden duty to act as guardians for the people of other nations. We will absorb enough of the foreign trade under the rules of protection, as we always have done, to insure and maintain prosperity.

I heard it said in the memorable campaign of 1892 and again in 1896 that if we put up a tariff wall, as it was designated, we would lose our market for our surplus commodities and that no money would flow into our Treasury, because the people of other countries would refuse to do business with us; they would refuse to buy our surplus. Its fallacy was demonstrated beyond all possible question of controversy when our sales abroad doubled, when our foreign trade sprang forward with vigor and a certainty and a permanency which are only menaced by the threat to abandon that principle of government.

I say, again, bear in mind what it means to be a citizen of this Government; a part of it; and do not forget that because of being such citizen you have more rights than any other people or the citizens of any other country. That is protection. I will make no appeal to Republicans in this hour, but when I go among them to talk of this great principle of government, my plea will be addressed to the Republicans of the country, that they shall not forget the principles of protection, that they shall not compromise it, that they shall not apologize for it, that they shall not admit for a moment that the tariff is a tax upon our people. It is a tax upon the foreigner, levied as a condition to his entering our markets, and I would keep that tax as one of the assets of our Government.

Mr. BACON. Mr. President, will the Senator permit an interruption?

Mr. HEYBURN. In just a moment. I would not substitute for that indirect tax, if you please to term it such, a direct tax. I would not require our citizen to open his purse and take out the visible, solid money to contribute to the expense of our Government and relieve the foreigner of doing the corresponding thing.

Mr. BACON. If the Senator will permit me, the question I wanted to ask him is this: Of course, it would be a most charming arrangement if we could make the foreigner pay our taxes. The question I want to ask the learned Senator is, Why should we limit ourselves to collecting half of the tax from the foreigner? If the custom duties are paid by the foreigner, why not put all the burden on him?

Mr. HEYBURN. We are controlled by the volume of available income. If the customhouse would afford sufficient money to pay the expenses of our Government, I would collect it all there.

Mr. REED. Mr. President——

Mr. HEYBURN. Just a moment. But it unfortunately does not afford sufficient income. You would destroy the source of income by shutting out all imports.

Mr. MARTINE of New Jersey. Mr. President——

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. Yes; I yield.

The PRESIDENT pro tempore. He first addressed the Chair.

Mr. REED. As I understand the Senator's remarks, he would put the taxes upon imports and take off all the internal-revenue taxes, by which I understand his real heart's desire is to take the tax off of whisky and put it upon clothing.

Mr. HEYBURN. I have heard that siren song so often and so long——

Mr. MARTINE of New Jersey. Will the Senator yield for a moment?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. Yes.

Mr. MARTINE of New Jersey. I understand the Senator from Idaho to state that the foreigner pays the tax. Now, if you believe that, I want to ask why, in the name of common sense, the Republican Party in their platform declared "We promise irrevocably to reduce the tariff"? Why, in the name of heaven, do you not let the foreigner keep on paying it? Why did you promise to reduce the tariff at all?

Mr. HEYBURN. I know of one, and I suspect the existence of a great many others, who never made any such promise and never believed in any such promise.

Mr. MARTINE of New Jersey. I can recall, and your Republican platform will verify it, that you said "We promise ir-

revocably to reduce the tariff." What did you mean by "reducing irrevocably the tariff"? The idea then was that you were going to reduce it, and to-day you tell us that the foreigner pays the tax. Now, I want to ask, in reason, if the Senator believes it, why, in the name of heaven, you did not promise the people in your platform to multiply the tariff instead of reducing it? Why not have all of the burdens placed on the foreigner and let the American bask in the sunshine of favor if you believe it?

Mr. HEYBURN. In the first place, I do not believe it.

Mr. MARTINE of New Jersey. That is the cleanest and most straightforward statement from the protectionist side which I have heard for a good long time. I do not believe it, and I do not believe any American citizen with common sense believes the foreigner pays the tax.

Mr. HEYBURN. I did not intend to discuss the question whether the foreigner pays the tax, except merely to make the statement so obvious——

Mr. MARTINE of New Jersey. I ask the Senator to consult his own Republican platform.

Mr. HEYBURN. It requires no array of figures. I said I would not be tempted to convert the Democracy to the doctrine of protection. I have regarded that kind of Democracy as a sort of example to hold up before the people, to show them what possible dangers threaten them. That is the use I have generally made of the Democratic Party, and I have generally based it upon its record. I speak only to those who ought to be Republicans. There are many men who ought not to be Republicans. You could not make them Republicans without remaking them, and I am perfectly content that Ephraim shall remain attached to his idols.

Mr. BACON. I hope the Senator from Idaho will enlighten us on one point, though, and that is that if the result of the imposition of tariff duties is to collect taxes out of the foreigner, why does the Republican Party propose to reduce the tax? What is the object or purpose of that proposition?

Mr. HEYBURN. The Republican Party is not proposing to reduce the tax. Some scared politicians are saying, "If you will just allow me to be part way good and elect me to office, I will be satisfied." But I am talking now to Republicans, the Republicans who constitute the party, not to officeholders.

Mr. BACON. The Senator does not dispute the fact that the Republican platform in 1908 promised a reduction of the tariff?

Mr. HEYBURN. I paid my respects to that platform a few minutes ago.

Mr. BACON. But I am speaking of that particular feature. I want to know upon what ground we should reduce the tariff if it does not cost the American anything.

Mr. HEYBURN. The Republican Party in 1892 promised to do the same thing, and the Republicans turned out of power those who made the promise. I do not know; I am not prophesying any evil for the Republican organization, but I think whenever the people become satisfied that they can not rely upon the Republican organization to maintain the protective tariff system they will repeat the lesson of 1892. But when they do they will have the lesson to live under. I know all about that plank in the platform. It was an injudicious, a disloyal, and an unfaithful declaration.

Mr. BACON. I am not going——

Mr. MARTINE of New Jersey. But you stood on the platform advocating it, did you not?

The PRESIDENT pro tempore. Senators will address the Chair and get the permission of the Senator occupying the floor.

Mr. HEYBURN. I want to finish my suggestion in reply to the Senator from Georgia.

We have recently made a new platform in which we make no such declaration as in the former platform.

Mr. BACON. The Senator is of the opinion, then, that the rate of duty imposed upon imports does not affect the cost of living to those who have to use those articles?

Mr. HEYBURN. Yes; it does.

Mr. BACON. In what way, if the foreigner pays it?

Mr. HEYBURN. It does affect it. It affects the cost of living in this way—that under the Democratic policy men are compelled to live cheaply because they have little to live upon, while under the doctrine of protection men can live on a higher scale. They have more money to spend; they get more for pay; and they get more out of life.

Mr. MARTINE of New Jersey. Mr. President——

Mr. HEYBURN. If I wanted cheap times to-day, I would step back and allow the Democratic Party to take charge of the Government.

Mr. BACON. I simply——

Mr. HEYBURN. I should like to finish my sentence. I do not care to have it broken in the middle. I can tell you how to reduce the high cost of living, as it is termed—elect the Democratic Party to power and you will reduce it quickly and surely.

Mr. MARTINE of New Jersey. Mr. President——

Mr. HEYBURN. We speak from experience. You can not possibly reduce the high cost of living by electing or retaining the Republican Party in power, because with it in power the people are able to live better. They have something with which to pay for better living under the Republican system of Government, and I have often felt impelled to reply to the plea for cheaper living by suggesting that the way to get it was to put the Democrats in power again.

Mr. MARTINE of New Jersey. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield further to the Senator from New Jersey?

Mr. HEYBURN. I yield for a question.

Mr. MARTINE of New Jersey. The Senator from Idaho says that the Republican Party insures a higher scale of living. The Senator, of course, will admit that the laws which govern us here in Washington, D. C., and in New Jersey and in Idaho govern Massachusetts. I should like to ask the Senator whether he believes that the people of Lawrence thought they were living on a high plane of living when they struck against the barbarism of a lot of men who were controlling the purse strings and managing the affairs of that city in factory, mill, and workshop? I should like the Senator's opinion on that.

Mr. HEYBURN. I will answer.

Mr. MARTINE of New Jersey. If he can stand up for the system which has made paupers and beggars of men, women, and children in Lawrence, Mass., then I say there is no hope or salvation for the Senator on this side of the range.

Mr. HEYBURN. The way ordinarily to make a beggar of an occupied and prosperous individual is to take away his occupation, and then unless he has a large accumulation, he will soon be a beggar. If you are to let others into our market to occupy it to the exclusion of our own, you will soon accomplish that, because instead of our people living on a high scale, they will not be able to live at all, hardly. We have seen hard times in this country, but never under a Republican administration. No Senator will rise in his place and point to any hard times under a Republican administration. Financial flurries may come, but they go when the sun rises in the morning. They are the accidents.

But the business of the Democratic Party is to take away from the people the opportunity to earn enough to enable them to live upon a high scale. No Senator will dare deny that, in the light of our experience under the last Democratic administration. Under what Democratic administration have the people of this country, as a people, been prosperous? When did they accumulate money in the National Treasury? When were great business enterprises developed under Democratic administration? The truth of it is, that the people have had the temerity but once in the last half century or more to intrust the Democrats with it, and then they did it upon the plea that the peopple were so prosperous that nothing could affect their prosperity. I heard it on the stump and I saw it in the papers, and heard it everywhere, that no change in the tariff laws could possibly affect the prosperity of the American people, because their prosperity was so great—that they had so great a margin. And preaching that doctrine to a generation which, by experience, knew nothing of Democratic methods, they deceived people into intrusting the Democrats with power.

It was the tariff policy and practice of the Republican Party that rescued us from the conditions brought about by the Democratic Party, and it was the confidence that our American market would be protected to the American people that inspired them to reinstate business and start again the wheels of Government.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Yes.

Mr. BACON. I am not surprised that the Senator should shift the argument from the one he was on. It is true that the one he now has has gotten to be rather weatherbeaten and worn, but the question the Senator raised by his statement was whether or not the foreigner pays the duty collected at our ports or whether the American people who consume the articles themselves indirectly pay it.

I want to say to the Senator that I know that some 30 or 40 years ago there was a school of protectionists who held to the doctrine that the foreigner did pay the tax, but I have been here in three tariff discussions, and this is the first time in that time that I have heard any Senator or read of any Representative within that period make that statement. I supposed that that was one of the recognized exploded doctrines.

Mr. HEYBURN. Mr. President——

Mr. BACON. If the Senator will pardon me, I am not going to interrupt him further. I just want to add one sentence.

Mr. HEYBURN. The Senator says he never heard of it.

Mr. BACON. If the Senator will not interrupt me further, I want to say that if the position of the Senator is correct it seems to me we waste a great deal of time in discussing the question of the tariff; the only thing to be discussed is, Does the foreigner pay the tax or does he not? If the foreigner does pay the tax, that ends the question.

Mr. HEYBURN. Mr. President, if the Senator could divert all the reasoning of those who speak for the Republican Party into that channel, that might possibly be said; but even then I think probably it would not. The Senator has preached that doctrine in this Chamber and doubtless elsewhere, in season—I will not say out of season—for many years. I have listened to it for many years.

Mr. BACON. Never.

Mr. HEYBURN. About the foreigner paying the tax?

Mr. BACON. Never. I never have had occasion to do it.

Mr. HEYBURN. It is entirely consistent with the Senator's general attitude upon these questions. As I said, Ephraim is joined to his idols, and I will not disturb him. I have no idea that I could convert the Senator into a realization of the cold truth in this matter.

Now, Mr. President, I have not said more than I wanted to say, but I have occupied more time than I intended to occupy, and I have faith to believe that one never wastes time when he is talking the principles of the Republican Party.

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President to the contrary notwithstanding?

Mr. WARREN, Mr. SIMMONS, and others. The yeas and nays.

The PRESIDENT pro tempore. The question will be taken by yeas and nays.

The Secretary proceeded to call the roll.

Mr. CUMMINS (when his name was called). Upon this vote I am paired with the junior Senator from North Dakota [Mr. GRONNA]. I am advised that if he were present he would vote "yea." If I were at liberty to vote, I would vote "nay."

Mr. LIPPITT (when his name was called). On this vote I am released from my pair with the senior Senator from Tennessee [Mr. LEA]. I vote "nay."

Mr. McCUMBER (when his name was called). Both upon principle and upon agreement with my pair I am released from the operation of that pair upon this vote. I vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent from the city. He is paired with the junior Senator from South Carolina [Mr. SMITH]. If my colleague were present and free to vote, he would vote "nay."

Mr. SMITH of South Carolina (when his name was called). I am paired with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Maryland [Mr. RAYNER] and the Senator from Maine [Mr. GARDNER] and vote "yea."

Mr. STONE (when his name was called). On this vote I have been able to arrange what I consider a suitable and proper pair. I will transfer my pair with the Senator from Wyoming [Mr. CLARK] to the senior Senator from Mississippi [Mr. PERCY] and the junior Senator from Arkansas [Mr. DAVIS]. I vote "yea."

Mr. SUTHERLAND (when his name was called). Under the terms of my pair with the Senator from Maryland [Mr. RAYNER], which I have already stated, I am at liberty to vote. I vote "nay."

The roll call was concluded.

Mr. BRANDEGEE. I have a general pair with the junior Senator from New York [Mr. O'GORMAN]. Not having been tendered another Senator, I feel at liberty to vote under my understanding with him, and I will vote. I vote "nay."

Mr. DILLINGHAM (after having voted in the negative). I think that perhaps I ought to state that I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN], and that by an arrangement with him I would vote unless he would furnish me an additional pair on this subject, which was not done. I will allow my vote to stand.

Mr. GORE. I am paired with the junior Senator from Wisconsin [Mr. STEPHENSON]. I transfer that pair to the junior Senator from Nebraska [Mr. HITCHCOCK] and vote. I vote "yea."

Mr. BAILEY. In addition to the statement I made a moment ago affecting my pair and my warrant under the circumstances in considering it not applicable to this division, I desire to say that I have hurriedly examined the RECORD, and I find that I have heretofore acted upon that theory. I find that when the Hay-Pauncefote treaty was before the Senate I was paired, but that I was paired with two Senators. I find that on the same occasion the then Senator from Utah, Mr. Rawlins, was also paired, and paired with two Senators. I am further confirmed in my opinion by the fact that two Senators on our own side who expressed some doubt about it on the former roll call have now transferred their pairs each to two Senators, thus recognizing the propriety that there shall be two against one.

Supported and confirmed by all this, I intend to vote; and I want to couple that vote with the further statement that I think it ought to be understood in the Senate, without embarrassing any Senator to decide it, that a pair is man for man, and that a pair made under those circumstances is not to be held when it is one for two. I vote "yea."

Mr. WARREN. My colleague [Mr. CLARK of Wyoming] is necessarily absent. He is paired, as stated by the Senator from Missouri [Mr. STONE], with two Senators, the Senator from Arkansas [Mr. DAVIS] and the Senator from Mississippi [Mr. PERCY]. If my colleague were here, he would vote "nay."

Mr. SMOOT. I desire to announce the unavoidable absence from the Chamber of the Senator from North Dakota [Mr. GAMBLE] and the Senator from Wisconsin [Mr. STEPHENSON].

The roll call resulted—yeas 39, nays 36, as follows:

YEAS—39.

Ashurst	Culberson	Myers	Smith, Md.
Bacon	Fletcher	Newlands	Smith, S. C.
Bailey	Foster	Overman	Stone
Bankhead	Gore	Poindexter	Swanson
Bristow	Johnson, Me.	Pomerene	Thornton
Bryan	Johnston, Ala.	Reed	Tillman
Chamberlain	Kern	Shively	Watson
Chilton	La Follette	Simmons	Williams
Clapp	Martin, Va.	Smith, Ariz.	Works
Crawford	Martine, N. J.	Smith, Ga.	

NAYS—36.

Borah	Cullom	Lippitt	Perkins
Bourne	Curtis	Lodge	Root
Bradley	Dillingham	McCumber	Sanders
Brandegee	du Pont	McLean	Smith, Mich.
Briggs	Fall	Massey	Smoot
Burnham	Gallinger	Nelson	Sutherland
Burton	Heyburn	Oliver	Townsend
Catron	Jones	Page	Warren
Crane	Kenyon	Penrose	Wetmore

NOT VOTING—19.

Brown	Dixon	Hitchcock	Percy
Clark, Wyo.	Gamble	Lea	Rayner
Clarke, Ark.	Gardner	O'Gorman	Richardson
Cummins	Gronna	Owen	Stephenson
Davis	Guggenheim	Paynter	

The PRESIDENT pro tempore. Thirty-nine Senators have voted in the affirmative and 36 have voted in the negative. Less than two-thirds of the Senators voting having voted in the affirmative, the bill is not passed.

FREIGHT CLASSIFICATION.

Mr. CUMMINS. There is a unanimous-consent agreement which takes effect immediately after the disposition of the wool bill. I assume that automatically we enter upon the consideration of that bill, Senate bill 6099.

The PRESIDENT pro tempore. The unanimous-consent agreement reads "that at not later than 4 o'clock p. m. on that calendar day the Senate will proceed, without further debate, to vote upon any amendment," and so forth.

Mr. CUMMINS. As I said this morning, the unanimous-consent agreement is not correctly stated upon the calendar. It was that at 4 o'clock we take up the bill and proceed, and so forth, or before or after that hour, subject to the disposition of the wool bill.

The PRESIDENT pro tempore. The Chair would rule that the unanimous-consent agreement is operative at the present time.

Mr. CUMMINS. I do not think it will require five minutes to dispose of the bill, and then we will be free from its operation to-morrow morning.

Mr. CULBERSON. I call attention to the fact that there is a special order by a vote of the Senate for to-morrow morning. I object to any unanimous-consent agreement that will interfere with it.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. CUMMINS. I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. The unanimous-consent agreement is in force and there is nothing in order save to fulfill it, as I understand the procedure of the Senate.

Mr. OLIVER and others. Regular order!

The PRESIDENT pro tempore. The Chair is of opinion that a motion to adjourn or to proceed to the consideration of executive business would be in order.

Mr. CULLOM. I withdraw the motion with the understanding that the bill is not going to take much time. After it has been disposed of I shall desire an executive session.

Mr. CUMMINS. I do not believe it will take five minutes to dispose of it. I am sure that everyone will be glad to come here in the morning without having the unanimous-consent agreement in force.

The PRESIDENT pro tempore. The Chair lays before the Senate the bill, which is Senate bill 6099.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 6099) to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910.

The PRESIDENT pro tempore. The Secretary will read the bill.

The Secretary read the bill, as follows:

Be it enacted, etc., That section 15 of the act to regulate commerce, as approved February 4, 1887, and as amended June 29, 1906, and further amended June 18, 1910, be further amended by inserting between the first and second sentences thereof the following sentence: "The commission is further authorized and empowered to determine and prescribe what will be the just and reasonable general or uniform classification of freight, both individual and joint, applicable on interstate commerce throughout the United States governing the descriptions of articles transported by and the regulations and practices of the carriers subject to the provisions of this act, and to make orders that the said carriers shall adopt the said classification and such amendments thereto as the commission shall prescribe from time to time, and shall conform to and observe the regulations and practices so prescribed."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DANIEL A. DRISCOLL, Mr. RUCKER of Colorado, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DANIEL A. DRISCOLL, Mr. RUCKER of Colorado, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DANIEL A. DRISCOLL, Mr. RUCKER of Colorado, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DANIEL A. DRISCOLL, Mr. RUCKER of Colorado, and Mr. WOOD of New Jersey managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the President pro tempore:

H. R. 14770. An act for the relief of Martin A. L. Olsen; and

H. R. 18965. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

PENSIONS AND INCREASE OF PENSIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

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Mr. McCUMBER. I move that the Senate insist upon its amendments and agree to the conference asked for by the Senate, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. McCUMBER, Mr. BURNHAM, and Mr. GORE conferees on the part of the Senate.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 40 minutes spent in executive session the doors were reopened, and (at 7 o'clock p. m.) the Senate adjourned until to-morrow, Saturday, August 17, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 16, 1912.

CONSUL GENERAL AT LARGE.

James E. Dunning, of Maine, now consul at Havre, to be consul general at large of the United States of America, vice Heaton W. Harris, nominated to be consul general at Frankfort on the Main.

CONSULS GENERAL.

Fleming D. Cheshire, of New York, now consul general at large, to be consul general of the United States of America at Canton, China, vice Leo Allen Bergholz, nominated to be consul at Kingston, Jamaica.

Edwin S. Cunningham, of Tennessee, now consul at Bombay, to be consul general of the United States of America at Singapore, Straits Settlements, vice James T. Du Bois, appointed envoy extraordinary and minister plenipotentiary to Colombia.

Heaton W. Harris, of Ohio, now consul general at large, to be consul general of the United States of America at Frankfort on the Main, Germany, vice Frank D. Hill, deceased.

Charles A. Holder, of Colorado, now consul at Rouen, to be consul general of the United States of America at Christiania, Norway, vice Henry Bordewich, deceased.

Will L. Lowrie, of Illinois, now consul at Carlsbad, to be consul general of the United States of America at Lisbon, Portugal, vice Louis H. Ayme, deceased.

CONSULS.

Henry D. Baker, of Illinois, now consul at Hobart, to be consul of the United States of America at Nassau, New Providence, Bahamas, vice Julian Potter, nominated to be consul at Rouen.

Leo Allen Bergholz, of New York, now consul general at Canton, to be consul of the United States of America at Kingston, Jamaica, vice Nicholas R. Snyder, nominated to be consul at Leipzig.

David R. Birch, of Pennsylvania, now consul at Alexandria, to be consul of the United States of America at Bahia, Brazil, vice Southard P. Warner, nominated to be consul at Harbin.

Frederic W. Cauldwell, of the District of Columbia, now a consular assistant, to be consul of the United States of America at Tapachula, Mexico, vice Albert W. Brickwood, jr., resigned.

Frederick T. F. Dumont, of Pennsylvania, now consul at Guadeloupe, to be consul of the United States of America at Madrid, Spain, vice Charles L. Hoover, nominated to be consul at Carlsbad.

Claude I. Dawson, of South Carolina, now consul at Puerto Cortes, to be consul of the United States of America at Valencia, Spain, vice Robert Frazer, jr., nominated to be consul at Malaga.

Charles N. Daniels, of Connecticut, now consul at Sheffield, to be consul of the United States of America at Sherbrooke, Quebec, Canada, vice Samuel H. Shank, nominated to be consul at Fiume.

W. Roderick Dorsey, of Maryland, to be consul of the United States of America at Jerez de la Frontera, Spain, vice Percival Gassett, appointed consul at Iquique.

Robert Frazer, jr., of Pennsylvania, now consul at Valencia, to be consul of the United States of America at Malaga, Spain, vice Edward J. Norton, nominated to be consul at Bombay.

Arthur Garrels, of Missouri, now consul at Catania, to be consul of the United States of America at Alexandria, Egypt, vice David R. Birch, nominated to be consul at Bahia.

Franklin D. Hale, of Vermont, now consul at Trinidad, to be consul of the United States of America at Huddersfield, England, vice Frederick I. Bright, resigned.

Albert H. Michelson, of Massachusetts, now consul at Turin, to be consul of the United States of America at Hanover, Germany, vice Robert J. Thompson, nominated to be consul at Sheffield.

Lester Maynard, of California, now consul at Harbin, to be consul of the United States of America at Amoy, China, vice Julean H. Arnold, appointed consul at Chefoo.

Edward J. Norton, of Tennessee, now consul at Malaga, to be consul of the United States of America at Bombay, India, vice Edwin S. Cunningham, nominated to be consul general at Singapore.

John Ball Osborne, of Pennsylvania, now Chief of the Bureau of Trade Relations, Department of State, to be consul of the United States of America at Havre, France, vice James E. Dunning, nominated to be consul general at large.

Julian Potter, of New York, now consul at Nassau, to be consul of the United States of America at Rouen, France, vice Charles A. Holder, nominated to be consul general at Christiania.

Charles B. Perry, of Nebraska, to be consul of the United States of America at Turin, Italy, vice Albert H. Michelson, nominated to be consul at Hanover.

Nicholas R. Snyder, of Pennsylvania, now consul at Kingston, Jamaica, to be consul of the United States of America at Leipzig, Germany, vice Albert R. Morawetz.

Samuel H. Shank, of Indiana, now consul at Sherbrooke, to be consul of the United States of America at Fiume, Hungary, vice Clarence Rice Slocum, deceased.

P. Emerson Taylor, of Nebraska, now consul at Stavanger, to be consul of the United States of America at Trinidad, West Indies, vice Franklin D. Hale, nominated to be consul at Huddersfield.

Robert J. Thompson, of Illinois, now consul at Hanover, to be consul of the United States of America at Sheffield, England, vice Charles N. Daniels, nominated to be consul at Sherbrooke.

Southard P. Warner, of Maryland, now consul at Bahia, to be consul of the United States of America at Harbin, China, vice Lester Maynard, nominated to be consul at Amoy.

Alexander W. Weddell, of Virginia, now consul at Zanzibar, to be consul of the United States of America at Catania, Italy, vice Arthur Garrels, nominated to be consul at Alexandria.

Charles L. Hoover, of Missouri, now consul at Madrid, to be consul of the United States of America at Carlsbad, Austria, vice Will L. Lowrie, nominated to be consul general at Lisbon.

SECRETARIES OF EMBASSIES.

Hoffman Philip, of New York, now Chief of the Division of Near Eastern Affairs, Department of State, to be secretary of the embassy of the United States of America at Constantinople, Turkey.

Alexander Benson, of Pennsylvania, now second secretary of the embassy at St. Petersburg, to be second secretary of the embassy of the United States of America at Rome, Italy, vice Alexander R. Magruder, appointed secretary of the legation at Lima.

Franklin Mott Gunther, of Virginia, now secretary of the legation at Lisbon, to be second secretary of the embassy of the United States of America at Rio de Janeiro, Brazil, vice John H. Gregory, jr., resigned.

Frederick A. Sterling, of Texas, now third secretary of the embassy at St. Petersburg, to be second secretary of the embassy of the United States of America at St. Petersburg, Russia, vice Alexander Benson, nominated to be second secretary of the embassy at Rome.

Frank D. Arnold, of Pennsylvania, now third secretary of the embassy at Mexico, to be third secretary of the embassy of the United States of America at Tokyo, Japan, vice Charles Campbell, jr., appointed secretary of the legation at Panama.

Fairman R. Furness, of Pennsylvania, to be third secretary of the embassy of the United States of America at St. Petersburg, Russia, vice Frederick A. Sterling, nominated to be second secretary of the embassy at St. Petersburg.

Hallett Johnson, of New Jersey, to be third secretary of the embassy of the United States of America at London, England, vice Sheldon L. Crosby, nominated to be secretary of the legation and consul general at Bangkok.

Henry F. Tennant, of New York, to be third secretary of the embassy of the United States of America at Mexico, Mexico, vice Frank D. Arnold, nominated to be third secretary of the embassy at Tokyo.

SECRETARIES OF LEGATIONS.

William W. Andrews, of Ohio, now secretary of the legation at Panama, to be secretary of the legation of the United States of America at Lisbon, Portugal, vice Franklin Mott Gunther, nominated to be second secretary of the embassy at Rio de Janeiro.

Harry E. Nolan, of Washington, to be secretary of the legation of the United States of America at Panama, Panama, vice William W. Andrews, nominated to be secretary of the legation at Lisbon.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

Sheldon L. Crosby, of New York, now third secretary of the embassy at London, to be secretary of the legation and consul general of the United States of America at Bangkok, Siam, vice Gustavus L. Monroe, jr., resigned.

Ralph B. Strassburger, of New York, to be secretary of the legation and consul general of the United States of America to Roumania, Servia, and Bulgaria, vice J. Butler Wright.

Craig W. Wadsworth, of New York, to be secretary of the legation and consul general of the United States of America at Teheran, Persia, vice Edward Bell, appointed second secretary of the legation at Habana.

SURVEYOR OF CUSTOMS.

Edward J. Rodrigue, of Louisiana, to be surveyor of customs in the district of New Orleans, in the State of Louisiana, in place of Louis P. Bryant.

UNITED STATES MARSHAL.

John B. Robinson, of Pennsylvania, to be United States marshal, eastern district of Pennsylvania. A reappointment, his term having expired.

POSTMASTERS.

KENTUCKY.

George P. Thomas to be postmaster at Cadiz, Ky., in place of George P. Thomas. Incumbent's commission expired March 10, 1912.

William H. Turner to be postmaster at Middlesboro, Ky., in place of William H. Turner. Incumbent's commission expired March 24, 1912.

Nannie L. Ward to be postmaster at Harlan, Ky. Office became presidential October 1, 1911.

OHIO.

M. G. Bell to be postmaster at Bellefontaine, Ohio, in place of Stephen L. Smith. Incumbent's commission expired May 22, 1912.

VIRGINIA.

Edward A. Lindsey to be postmaster at Berryville, Va., in place of John R. Elder. Incumbent's commission expired April 6, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 16, 1912.

MINISTER.

Jacob Gould Schurman, to be envoy extraordinary and minister plenipotentiary to Greece and Montenegro.

JUDGE OF THE DISTRICT COURT OF ALASKA.

Frederick E. Fuller to be judge of the district court for the district of Alaska, Division No. 4.

APPOINTMENTS IN THE ARMY.

GENERAL OFFICERS.

Brig. Gen. Clarence Ransom Edwards to be brigadier general.

Col. Frank McIntyre to be Chief of the Bureau of Insular Affairs, with the rank of brigadier general.

Col. Edgar Z. Steever to be brigadier general.

ADJUTANT GENERAL'S DEPARTMENT.

Col. George Andrews to be The Adjutant General with the rank of brigadier general.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Clarence Ralph Bell.
Royal Edwin Cummings.
Halbert Porter Harris.
Oliver Kinsey, jr.
George Fairless Lull.
Stephen Harrison Smith.
Edward Thomas Breinig Weidner.
Edward Robert Guinan.

COAST ARTILLERY CORPS.

To be second lieutenants.

Pvt. John Westbrook Churchill.
Byron Russell Coleman.
Harry William Stark.
Raymond Gifford Payne.

APPOINTMENTS, BY TRANSFER, IN THE ARMY.

INFANTRY.

Second Lieut. Max Stanley Murray to be second lieutenant.
Second Lieut. Gustav Jacob Gonser to be second lieutenant.

COAST ARTILLERY CORPS.

Second Lieut. Earl Barlow Hochwalt to be second lieutenant.

CAVALRY.

Second Lieut. Joseph Edmund McDonald to be second lieutenant.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Horatio G. Sickel to be colonel.
Lieut. Col. Herbert J. Slocum to be colonel.
Lieut. Col. William D. Beach to be colonel.
Lieut. Col. William A. Shunk to be colonel.
Maj. Thomas B. Dugan to be lieutenant colonel.
Maj. John B. McDonald to be lieutenant colonel.
Capt. Michael M. McNamee to be major.
Capt. Ralph Harrison to be major.
First Lieut. Ben Lear to be captain.
First Lieut. Frederick J. Herman to be captain.
Second Lieut. Henry R. Smalley to be first lieutenant.
Second Lieut. Robert Blaine to be first lieutenant.
Second Lieut. Luther Felker to be first lieutenant.
Second Lieut. Jonathan M. Wainwright to be first lieutenant.

FIELD ARTILLERY ARM.

Second Lieut. Wilbur Rogers to be first lieutenant.

COAST ARTILLERY CORPS.

Lieut. Col. Willoughby Walke to be colonel.

MEDICAL CORPS.

Lieut. Col. Guy L. Edie to be colonel.
Maj. George D. Deshon to be lieutenant colonel.
Capt. Raymond F. Metcalf to be major.
Capt. Edwin W. Rich to be major.

PROMOTIONS IN THE NAVY.

Lieut. Commander Eugene L. Bisset to be a commander.

The following-named lieutenants to be lieutenant commanders:
Robert Morris,
Herbert C. Cocke,
Robert A. Abernathy, and
Frank D. Berrien.

Lieut. (Junior Grade) Andrew S. Hickey to be a lieutenant.

The following-named lieutenants (junior grade) to be lieutenants:
Randolph P. Scudder,
Charles C. Hartigan,
William H. Booth,
Edwin B. Woodworth,
Douglas W. Fuller, and
Herbert F. Emerson.

The following-named ensigns to be lieutenants (junior grade):
William F. Amsden,
Harold H. Ritter,
Elmo H. Williams,
Francis A. L. Vossler, and
Forney M. Knox.

Lieut. (Junior Grade) Ronan C. Grady to be a lieutenant.

Ensign Raleigh E. Hughes to be a lieutenant (junior grade).

Chief Machinist Louis R. Ford and Machinist Leonard N. Linsley to be ensigns.

POSTMASTERS.

ALABAMA.

Buckner L. Garber, Demopolis.

ALASKA.

Severin J. Bakke, Nome.

ILLINOIS.

John B. Stout, Lawrenceville.

KANSAS.

William C. Markham, Baldwin City (late Baldwin).

NEW JERSEY.

William R. Poe, Glen Ridge.
Richard F. Treweeke, Butler.

NEW MEXICO.

L. H. Bartlett, Santa Rita.
Joseph E. Sheridan, Silver City.
Benjamin A. Wetherill, Gallup.

OKLAHOMA.

Jasper P. Grady, Hartshorne.
Donald B. Munro, Frederick.
Walter I. Reneau, Tulsa.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 16, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, whose spirit pervades all space with rays divine, creating, recreating, guiding intelligence to the highest and noblest conceptions of life, help us to subject ourselves to the holy influence, that we may think clearly, act wisely, and fulfill our destiny, to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of yesterday was read.

The SPEAKER. Without objection, the Journal will stand approved.

There was no objection.

POST OFFICE APPROPRIATION BILL.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Mr. Speaker, on yesterday the House adopted a resolution, appearing on page 11039 of the RECORD:

> That immediately on the adoption of this rule it shall be in order to take from the Speaker's table H. R. 21279, a bill making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, together with the Senate amendments thereto, and to disagree to all the Senate amendments en bloc and ask for a conference notwithstanding the general rules of the House, and the Speaker shall, on the adoption of the resolution, appoint the conferees without any intervening motion.

The Journal does not show that the bill was taken from the Speaker's table, and while the rule made it in order, no motion was made to take it from the Speaker's table, no motion was made to disagree to the Senate amendments, the Senate amendments were not disagreed to, so far as the Journal and the facts are concerned, and the parliamentary inquiry is whether it is in order now, following the rule, to move to take this bill from the Speaker's table and disagree to the Senate amendments.

The SPEAKER. It seems to the Chair at first blush, and the Chair is not deciding it at this time, that the matter is an accomplished fact.

Mr. MANN. It is true that under the rule the Speaker appointed conferees, I think without authority, and it is also true that the bill theoretically is still on the Speaker's table.

The SPEAKER. That is true; but actually it has already gone to the conferees.

Mr. MANN. That is without authority. They have no authority to act. The House has not disagreed to the Senate amendments. While it was made in order to do this, it was not done, nor was any resolution passed notifying the Senate that the House had disagreed to the Senate amendments, if the Journal is correct.

The SPEAKER. The Chair undoubtedly was obeying literally this rule, because the last part of it reads:

> And the Speaker shall, on the adoption of the resolution, appoint the conferees without any intervening motion.

Mr. MANN. Does that refer to this resolution? It does not say this resolution. Does it not refer to the resolution disagreeing to the Senate amendment?

The SPEAKER. Of course, as far as the language of the rule is concerned, it refers to this resolution that the Committee on Rules was offering. There can not be two opinions about that.

Mr. MANN. I should have supposed it would refer to the resolution disagreeing to the Senate amendments, because whenever Senate amendments are disagreed to the Journal shows that the House has passed the resolution disagreeing to the Senate amendments.

Mr. FINLEY. Mr. Speaker, I did not quite catch the Chair's ruling. Does the Chair hold that the motion to disagree is necessary?

The SPEAKER. The Chair has not ruled yet. There is one of two ways out of it. The Journal can be corrected by common consent to make it show that the actual thing was done or the Chair will again put the question.

Mr. MANN. But I do not think the Journal can be corrected to show that something was done which was not in fact done.

The SPEAKER. Mr. Speaker CANNON ruled a number of times that by unanimous consent anything can be done, and the Chair thinks he was right.

Mr. MANN. That may be.

The SPEAKER. The Chair has no disposition to undertake to deprive the gentleman or anyone else of any right, and he thinks, under the statement of the matter that the conferees were appointed prematurely. That is the opinion of the Chair, although from a hasty reading of the rule last night in the uproar that was going on the Chair thought that the rule itself did everything except to appoint the conferees.

Mr. MANN. If the Chair will permit, I supposed myself, without even hearing the resolution read, that it did send the bill to conference.

The SPEAKER. That is what the Chair understood.

Mr. MANN. But it did not.

Mr. MOON of Tennessee. Mr. Speaker, I move, under the rule, that the House disagree to the Senate amendments and ask for a conference, and that the Speaker appoint the conferees.

The SPEAKER. The gentleman from Tennessee moves to take the bill from the Speaker's table, disagree to the Senate amendments, and send it to conference.

Mr. MANN. Mr. Speaker, I have an intervening motion. I move that the bill, with the Senate amendments, be committed to the Committee on the Post Office and Post Roads, with directions to that committee to forthwith report that bill with the recommendation that Senate amendment No. 118 be agreed to.

Mr. MOON of Tennessee. Mr. Speaker, I make the point of order that that proposition is out of order under the rule adopted by the House, and I move the previous question on my motion.

Mr. MANN. Mr. Speaker, I desire to be heard on that point of order.

Mr. AKIN of New York. Mr. Speaker, I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. AKIN of New York. My point of order is that there is no quorum present.

The SPEAKER. The gentleman from New York makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and thirty-two Members present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move the call of the House.

The SPEAKER. The gentleman from Alabama moves the call of the House. The Chair will count. [After counting.] The noes seem to have it.

Mr. UNDERWOOD. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 121, noes 9.

The SPEAKER. The ayes have it, and the Doorkeeper will close the doors, and the Sergeant at Arms will notify absentees. When the roll is called——

Mr. MANN. The question has not been put to the House yet. It is a call of the House.

The SPEAKER. The Chair believes that is correct.

The roll was called and the following Members failed to answer to their names:

Ames	Dupré	Konig	Pujo
Anderson, Ohio	Dyer	Konop	Randell, Tex.
Andrus	Edwards	Kopp	Redfield
Anthony	Ellerbe	Lafean	Reyburn
Barchfeld	Esch	Lamb	Richardson
Barnhart	Fairchild	Langham	Roberts, Mass.
Bartholdt	Fields	Langley	Roberts, Nev.
Bartlett	Focht	Legare	Robinson
Bell, Ga.	Fordney	Lenroot	Rubey
Berger	Fornes	Lindsay	Rucker, Mo.
Boehne	Francis	Littleton	Scully
Borland	Fuller	McCall	Sheppard
Broussard	Garner	McCreary	Sherwood
Brown	Garrett	McGillicuddy	Slemp
Burgess	Gillett	McGuire, Okla.	Small
Burke, Pa.	Goldfogle	McHenry	Smith, Cal.
Calder	Good	McKenzie	Smith, N. Y.
Callaway	Gould	Macon	Speer
Cantrill	Gregg, Tex.	Madden	Stack
Cary	Gudger	Martin, S. Dak.	Stephens, Cal.
Clark, Fla.	Guernsey	Mays	Stevens, Minn.
Collier	Hanna	Moon, Pa.	Taylor, Ala.
Copley	Hardwick	Moore, Tex.	Taylor, Colo.
Covington	Hartman	Morse, Wis.	Thistlewood
Cox, Ind.	Haugen	Murdock	Tilson
Cox, Ohio	Hayes	Nelson	Vare
Crago	Henry, Conn.	Nye	Volstead
Cravens	Higgins	Olmsted	Vreeland
Cullop	Hinds	Palmer	Watkins
Currier	Hobson	Patten, N. Y.	Wilder
Dalzell	Howard	Pickett	Wilson, N. Y.
Daugherty	Hughes, Ga.	Porter	Wood, N. J.
Davidson	Hughes, N. J.	Pou	Young, Mich.
Dickinson, Mo.	James	Powers	Young, Tex.
Dickson, Miss.	Jones	Pray	
Dies	Kindred	Prince	
Driscoll, M. E.	Knowland	Prouty	

The SPEAKER. Two hundred and forty-six Members are present, a quorum, and the Doorkeeper will open the doors.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Chair has studied this rule which was adopted last night and has come to these conclusions: The

Chair believes that a strict or technical construction of what was done last night seems to be a substantial compliance, or an exact compliance, with the rule, because at the end of the rule it says:

And the Speaker shall, on the adoption of the resolution, appoint the conferees without any intervening motion.

But, nevertheless and notwithstanding, to remove any doubt, and because there might be possible legal entanglements, the Chair is inclined to entertain the motion of the gentleman from Tennessee. At the same time he will state his opinion about the proposed motion of the gentleman from Illinois——

Mr. MANN. Does the Chair prefer to hear the gentleman from Illinois before making up his mind?

Mr. MOON of Tennessee. Mr. Speaker, I move the previous question on my motion.

The SPEAKER. The gentleman from Tennessee moves the previous question.

Mr. MANN. Well, I know, but on the point of order would not the Chair prefer to hear me before he decides?

The SPEAKER. The Chair will hear the gentleman on the point of order whether under this rule adopted last night, that is, the one we are proceeding under, any motion can be made except the one made by the gentleman from Tennessee, because his motion embraces everything in this rule. Now, if the gentleman wants to be heard, the Chair will hear him.

Mr. MANN. Mr. Speaker, I desire to be heard. A year ago in March an almost identical, similar proposition came before the House under conditions far more exciting than any that are likely to occur here now. The tariff-commission bill, which had passed the House, went to the Senate, was amended by the Senate, and was returned to the House, with Senate amendments, about 9 or 10 o'clock on the 4th of March, the hour for final adjournment being fixed by the Constitution at 12 o'clock noon of that day. A filibuster was being carried on by gentlemen on the Democratic side against final consideration of the Senate amendment. As the Chair will remember, there was considerable excitement and very high tension in the House. Under those conditions the gentleman from Pennsylvania [Mr. DALZELL], the ranking Republican on the Committee on Rules, reported to the House this rule:

Resolved, That when the bill H. R. 32010, "An act to create a tariff board," shall have been received from the Senate the Speaker shall immediately, without regard to pending business, lay it before the House, and thereupon the previous question shall be considered as ordered on a motion to concur in the Senate amendments in gross.

The gentleman from New York [Mr. FITZGERALD] made the point of order that that would cut out a motion to recommit, and the Chair held that it would not if the motion to recommit was in order. The resolution from the Committee on Rules was agreed to by a roll call, and the gentleman from New York [Mr. FITZGERALD] offered a motion, as follows:

Mr. Speaker, I move to commit the Senate amendments to the Committee on Ways and Means, and on that motion I demand the yeas and nays.

A point of order was made against that motion that it was not in order to move to commit Senate amendments to the committee at all, and especially not after the rule had been adopted. The point of order was discussed, and the gentleman from New York [Mr. FITZGERALD] in the midst of that excitement, between 10 and 11 o'clock in the morning, or later, after 11 o'clock, I am not sure, when the final determination of this question that divided two great political parties was at stake, it depending only upon a few minutes of time for success on this side or defeat on that side, Mr. Speaker CANNON, with rare moral courage and with a devotion to fairness which characterized him while Speaker, had, in conformity with the precedents, to uphold the right of the minority to move to commit a Senate amendment to the Committee on Ways and Means. The Speaker said:

The Chair has ruled out, and in the opinion of the Chair properly so, all dilatory motions, as was his duty under the rules of the House. There are certain motions; there are certain demands that can not be held as dilatory. One is the demand for the yeas and nays. The rules of the House govern the House, and the Chair finds a precedent in this case exactly in point which the Chair believes to be sound in principle. The Chair reads from page 287, volume 5, of Hinds' Precedents:

"The previous question having been ordered on a motion to agree to a Senate amendment to a House bill, a motion to commit is in order. On November 1, 1893, the House was considering the Senate amendments to the bill (H. R. 1) to repeal a part of the act of July 14, 1890, relating to the purchase of silver bullion. Mr. Leonidas F. Livingston, of Georgia, submitted the question of order whether, after the previous question should have been ordered on the motion to concur in the Senate amendment, it would be in order to commit the bill and amendments to the committee with instructions."

The Speaker expressed the opinion that the motion to commit would in such case be in order.

This is a quotation from Hinds' Precedents. Mr. Speaker CANNON continued:

That is a ruling by Mr. Speaker Crisp, and the Chair, therefore, overrules the point of order made by the gentleman from Pennsylvania to the motion to commit the Senate amendments to the Committee on Ways and Means.

Mr. Speaker CANNON, following the rules, and following the ruling of Mr. Speaker Crisp, held the motion to commit to the Committee on Ways and Means was in order. Now, that was the case where the previous question had been ordered under the rule. Gentlemen will say now that the previous question is not ordered under this rule. The pending rule which was adopted provides——

Mr. UNDERWOOD. Will the gentleman from Illinois allow me to ask a question of fact? I am trying to follow what the gentleman says and I have not got it clearly in my mind. I wish to ask if in the case he refers to the resolution from the Committee on Rules had been adopted previous to the motion to commit being made?

Mr. MANN. It had been adopted on a roll call.

The SPEAKER. The Chair would like to ask the gentleman a question to elucidate the subject somewhat.

Mr. MANN. Certainly.

The SPEAKER. And that is that the report made by the gentleman from Pennsylvania [Mr. DALZELL], if the Chair correctly caught the reading of it, did not have in it any such clause as this?

Mr. MANN. I am going to discuss that question, Mr. Speaker. I know what the Speaker has in mind. The pending rule provides that immediately on the adoption of this rule it shall be in order to take from the Speaker's table the Post Office appropriation bill, and to disagree to all the Senate amendments en bloc, and ask for a conference, notwithstanding the general rules of the House, and the Speaker shall, on the adoption of the resolution, appoint the conferees without any intervening motion.

The SPEAKER. The Chair desires to ask the gentleman two questions. The first one is, Does not the gentleman think—although the Chair gives him the benefit of the doubt—but really does not the gentleman think that this resolution that we adopted last night intended to do everything that is said in it may be done except that the Chair shall appoint the conferees?

Mr. MANN. I was informed by the distinguished gentleman who reported the resolution that that was not the intention of the resolution.

The SPEAKER. If that was not the intention of the rule, what was the intention of the rule?

Mr. MANN. I think the intention of the rule was very plain, to make it in order to take the bill from the Speaker's table, to disagree to the Senate amendments en bloc, and ask for a conference. That is what the rule says, and when that motion should be agreed to, if it should be agreed to, then without further or any intervening motion between the adoption of the resolution the Speaker should appoint conferees.

The SPEAKER. If that is true, what sense is there—to use a common phrase—in the proposition that the Speaker, on the adoption of the resolution, shall appoint conferees without an intervening motion?

Mr. MANN. The Speaker reads the resolution as referring to this resolution. I do not think that is what it means.

The SPEAKER. The Chair will ask the gentleman another question. We want to arrive at the truth of this matter if we can. The motion that the gentleman from Tennessee [Mr. MOON] made a while ago was precisely the motion that he would have made if this rule had not been adopted.

Mr. MANN. I beg the Chair's pardon. He would not have been authorized to make that motion if this rule had not been adopted.

Mr. COOPER. Mr. Speaker, will the gentleman yield for an interruption?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Yes.

Mr. COOPER. If the construction contended for by the gentleman from Illinois is the one that we entertained last night, why did he oppose the adoption of the rule? The adoption of the rule with the construction that he now gives it would have brought the question before the House.

The SPEAKER. If the gentleman is asking a parliamentary inquiry, the Chair will state that the Chair does not know.

Mr. MANN. While the gentleman from Wisconsin has that haze in his mind, I will say that under the rule it would not have been possible to have a separate vote on the parcel-post proposition, and that is the reason why I opposed it, and that is the reason I gave last night.

The SPEAKER. This motion that the gentleman made is surely not a resolution. It is a motion.

Mr. MANN. I beg the Chair's pardon; but when this motion of the gentleman is journalized and sent to the Senate it will

be preceded by the words "Resolved by the House of Representatives," and so on.

The SPEAKER. The Chair desires to ask the gentleman another question. This Dalzell resolution did not have any of those words in it—"notwithstanding the general rules of the House." Those words are not in that rule, are they?

Mr. MANN. No.

The SPEAKER. Then, does the gentleman from Illinois contend that the Dalzell rule and the Henry rule are the same?

Mr. MANN. In effect the same.

The SPEAKER. Does not that very clause change the sense of the whole thing?

Mr. MANN. Not in the slightest degree.

The SPEAKER. What was it put in for, then?

Mr. MANN. Nobody knows. It would have the same effect, whether it were in or out. But under the general rules of the House the motion to take this bill—the Post Office appropriation bill—from the Speaker's table is not in order at all. Under the rules of the House there is no distinction between general rules and other rules.

The SPEAKER. Suppose this rule or any other rule brought in here provided in so many words that for this occasion all the rules of the House shall be suspended. Does that differ at all from the meaning of this rule?

Mr. MANN. I think so, because it is not to be supposed that the Committee on Rules deliberately attempted to violate one of the rules of the House, and the rules of the House provide that the Committee on Rules shall not report any rule or order which shall operate to prevent a motion to recommit being made, as provided in paragraph 4 of Rule XVI. Here is a prohibition on the Committee on Rules.

Mr. FITZGERALD. Mr. Speaker, does the gentleman yield?

The SPEAKER. The Chair will ask the gentleman this: Suppose this rule had been brought in here, notwithstanding what the gentleman reads, and, as provided for yesterday, all the rules of the House should be suspended and the House had agreed to that rule, would not that have been binding on the Speaker and on everybody in the House?

Mr. MANN. If the Committee on Rules had reported in a rule in violation of this rule and no point of order had been made and the rule had been agreed to, undoubtedly it would bind the House. But the rule that has been reported in does not attempt——

Mr. FITZGERALD. Mr. Speaker, does the gentleman yield?

Mr. MANN. When I have finished this sentence I will yield. The rule that has been brought in does not attempt to shut off the motion to recommit. It only shuts off the motion between the adoption of the Senate amendments and the appointment of the conferees. It is perfectly plain. The rule of practice has been for many years that the only time you can offer a resolution of instruction is between the time you ask for a conference and the time for appointing conferees; and the only purpose of this rule concerning an intervening motion was to say that there should be no intervening motion between asking for a conference and appointing conferees. It cuts off the motion to instruct the conferees. That is what it plainly does. That is what it plainly was intended to do, and nothing else.

Mr. FITZGERALD. I want to ask the gentleman from Illinois if he will state under which rule he claims the right to make his motion.

Mr. MANN. Under Rule XVI or Rule XVII; it does not make any difference which. They are treated alike.

Mr. FITZGERALD. But under which one?

Mr. MANN. It could be made under either Rule XVI or Rule XVII; it does not make any difference which.

Mr. FITZGERALD. It does make a difference. One may authorize it and the other may not.

Mr. MANN. The motion to commit and the motion to recommit have been treated precisely alike, both under Rule XVI and under Rule XVII. Rule XVI says that in giving recognition it must be given to those in opposition. The other rule does not say that. There is practically no difference between the rules.

Mr. FITZGERALD. There is this difference, that while Rule XVI prohibits the cutting off of a motion to recommit, the right to cut off the motion to recommit is not affected under Rule XVII.

Mr. MANN. This cuts off the right to move to recommit, and I take it that no Speaker will ever draw the line that the gentleman is drawing, even if my distinguished friend from New York [Mr. FITZGERALD] should ever reach the position of Speaker. Even he would not draw such a distinction.

Mr. FITZGERALD. I think I would.

Mr. MANN. He made the motion before under precisely the same rules that I am seeking to make this motion.

The SPEAKER. The Chair requests the gentleman to read that Dalzell rule again.

Mr. MANN. It reads:

Resolved, That when the bill H. R. 32110, an act to create a tariff board, shall have been received from the Senate the Speaker shall immediately, without regard to pending business, lay it before the House. Thereupon the previous question shall be considered as ordered on a motion to concur in the Senate amendments in gross.

Mr. HENRY of Texas. Will the gentleman yield? I want to ask him about a question of fact.

Mr. MANN. Certainly.

Mr. HENRY of Texas. The gentleman stated that the gentleman from New York [Mr. FITZGERALD] interrogated the Speaker and asked about the proper time to make the motion to recommit.

Mr. MANN. Oh, no; he did not ask about the proper time to make a motion to recommit.

Mr. HENRY of Texas. I will put it this way: When did he ask the Speaker if the motion to recommit would be in order? Was it after the adoption of the rule or before?

Mr. MANN. He did not ask whether it would be in order at all. He made the motion to recommit——

Mr. HENRY of Texas. I understood the gentleman to read some parliamentary inquiry.

Mr. MANN. He made the point of order on the original report—on the rule—that it would cut out the motion to recommit.

Mr. HENRY of Texas. That is what I am trying to get at. Now, when was that done? At what stage of the proceedings?

Mr. MANN. That was when the rule was reported.

Mr. HENRY of Texas. In this case the gentleman from Illinois did not make such a point of order, and the rule has been adopted.

Mr. MANN. I made a point of order, which was overruled, although that was not the reason; and, while the gentleman says the rule was adopted, it was adopted without a quorum of the House being present, although I have not yet raised that point.

Mr. HENRY of Texas. It was adopted——

Mr. MANN. It was not adopted. The Journal shows that it was adopted, but there was not a quorum of the House voting and present, although there was recorded a quorum of the House. It was made a quorum by recording a gentleman who was not present.

The SPEAKER. Clearly the Dalzell rule is differentiated from this rule in two respects. In the first place, there is not a word in the Dalzell rule about allowing no intervening motion, and, in the second place, there is not a word in the Dalzell rule about suspending the rule of the House. That is what this rule that we adopted here last night practically does.

Mr. MANN. Any special rule which is in conflict with the general rules suspends, to that extent, all the general rules of the House. It is not necessary to put it in. It is just like passing a law which conflicts with a prior law. To the extent that it does it repeals the prior law, although you may not say it in the act itself.

The SPEAKER. The gentleman does not contend seriously, does he, that his motion is at all in the category of a motion to recommit, made when you have finished up a bill and after third reading?

Mr. MANN. Ah, but the same question was resolved by Mr. Speaker CANNON under precisely the same conditions. The Senate amendments were still on the Speaker's table. The gentleman from New York made the motion to commit under the same provisions as relate to a bill after the previous question is ordered on its passage, and Mr. Speaker CANNON, under the conditions then prevailing, conditions of excitement, kept his coolness and fairness and ruled that it was in order. I think that what Mr. Speaker CANNON did, Mr. Speaker CLARK can well afford to do.

Mr. HENRY of Texas. Will the gentleman yield there?

Mr. MANN. Certainly.

Mr. HENRY of Texas. In that case the gentleman from New York made the point of order against the rule when it was reported, and the Speaker gave notice that at the proper time he would allow the motion to recommit, and he kept faith with the gentleman from New York; whereas in this case, when the rule was reported the previous question had been ordered by agreement, and according to the Journal the resolution had been adopted, and up to this time the gentleman has not endeavored to make a motion to recommit.

Mr. MANN. The gentleman is mistaken. I made the motion to recommit.

Mr. HENRY of Texas. The gentleman made it to-day.

Mr. MANN. The point of order was made upon it. Now, Mr. Speaker——

Mr. COOPER. Will the gentleman yield?

Mr. MANN. Certainly.

Mr. COOPER. I voted with the gentleman last night, but I am not able to agree with his construction of what was adopted. This resolution, beginning with the word "*Resolved*," says that on its adoption it shall be in order to disagree notwithstanding the general rules of the House. Now, having mentioned the fact in the rule that it shall be in order to disagree, is anything else in order but a motion to concur?

The SPEAKER. The Chair has intimated two or three times that he thought not.

Mr. MANN. But the motion is pending. I have offered what I consider a motion of higher privilege under the rules of the House. If the gentleman from Texas [Mr. HENRY] will state to the House that he deliberately intended, without saying so, to avoid the motion to recommit, let him state that to the House. I should not have so construed the rule or I should have made the point of order then that the Committee on Rules could not report a rule which shut out the right to commit.

I ask the Speaker for the same fairness that was granted the minority by Speaker CANNON when he gave the gentleman from New York the right to move to recommit the tariff bill to the Committee on Ways and Means, precisely the same situation. If the gentleman from Texas admits that this rule was a subterfuge, that he endeavored to have something in it that was not expressed in it, then he goes beyond, in my opinion, what he ought to do. I do not believe that the rule itself provides against the motion to recommit or attempts to shut out a motion to recommit, which is guaranteed by the rules of the House. That was one of the reform rules inserted in the House rules because the Democratic Members said that it had been the custom for the Speaker to recognize a man on the majority side to move to recommit in order to prevent a vote, and thereupon we adopted the reform rule. Now, when we want to make use of it, gentlemen endeavor to escape from its conclusion by claiming that they brought in a rule not plain on its face, but by which they intended to keep out the reform which they adopted. We have the right under the rule to make the motion to recommit or to commit, and I stand upon that right and upon fairness in the matter. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I think the gentleman from Illinois overlooks some important facts in this matter. There is a distinction between a motion to recommit made under Rule XVI and one under Rule XVII. They both provide for a motion to recommit after the previous question is ordered; under Rule XVI a gentleman opposed to the plan proposed is entitled to recognition, while he is not under Rule XVII.

But, Mr. Speaker, I assume that the gentleman does not contend that he has been recognized, because he has been discussing his rights to move to recommit after the previous question has been ordered. I shall proceed upon the theory that if the previous question be ordered the gentleman then insists that he has a right to move to recommit.

The case cited by the gentleman is different from the case now before the House. The Dalzell rule, to which he has referred, provided that immediately upon the receipt of the bill creating the Tariff Commission from the Senate, the Speaker, regardless of what was pending before the House, should lay the bill with the Senate amendments before the House, the previous question should be considered as ordered on a motion to concur in the Senate amendments. If the motion prevailed, the bill would have been passed. If the House had agreed to the Senate amendments, the bill would have been passed.

So, as soon as the rule was adopted, with the previous question considered as ordered on a motion to concur in the Senate amendments, the situation existed provided for in Rule XVI, to wit, that after the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition to those in opposition.

Under the clear reading of the rule and the spirit of the rule, when the previous question is ordered upon the motion to concur in all the Senate amendments, then the vote to concur is equivalent to a vote on the question of the passage of the bill. This is so because concurrence in the amendments passes the bill.

That is not this situation. The Post Office bill is on the Speaker's table, with Senate amendments. The gentleman from Tennessee moved, under this special order, to take the bill from the Speaker's table, to disagree to the amendments of the Senate en bloc, and to ask for a conference. That is not the same as a motion to concur in all the Senate amendments; nor is it a motion which is equivalent to the question to be taken on the passage of the bill, because if the motion fails it is not equivalent to agreeing to the Senate amendments, as it would be if the Senate amendments were properly before the House and the motion were made to nonconcur. The failure of that motion would be equivalent to a motion to agree, and that would be equivalent to the question being taken on the passage of the bill.

But, under this rule, if the motion of the gentleman from Tennessee fails, the bill with the Senate amendments remains on the Speaker's table, and, under the rule, must be referred to the Committee on the Post Office and Post Roads.

Mr. GARDNER of Massachusetts. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to have it perfectly clear whether or not there has been any time hitherto under which a motion to recommit the Post Office bill has been in order.

Mr. FITZGERALD. Not at all.

Mr. GARDNER of Massachusetts. Yes or no?

Mr. FITZGERALD. No.

Mr. GARDNER of Massachusetts. Has there been any time?

Mr. FITZGERALD. There has not, and the gentleman understands why.

Mr. GARDNER of Massachusetts. I understand perfectly, but I want to bring it out in the RECORD.

Mr. FITZGERALD. Under the rules of the House, the bill coming from the Senate with Senate amendments, it goes to the Speaker's table; and, under the rule, unless some other action be taken, it is referred to the Committee on the Post Office and Post Roads. Before the Speaker took that action the Committee on Rules reported an order which authorized a motion to take the bill from the Speaker's table, disagree to all of the Senate amendments, and ask for a conference. Under the Dalzell rule, if the motion to concur in the Senate amendments were agreed to, the bill was passed, but under Rule XVI, the previous question having been ordered on that motion, which was equivalent to the question being taken on the passage of the bill, the motion to recommit was in order. Under this rule this motion, if not agreed to, does not have the effect that the other motion to nonconcur or to disagree would have. Under this rule, if this motion of the gentleman from Tennessee fails, then the bill remains on the Speaker's table, because it never comes from the Speaker's table, and, under the rule, nothing is left to the Speaker but to refer it to the Committee on the Post Office and Post Roads. I do not think the gentleman from Illinois will disagree with that statement.

Mr. MANN. Mr. Speaker, I am surprised that the gentleman from New York, who knows parliamentary law, would lend himself to such a suggestion.

Mr. FITZGERALD. And I am astounded that the gentleman from Illinois should take a case which is so clear that it can not be questioned and attempt to make it apply to one so different.

Mr. MANN. Just a year ago I was honest enough to go to the Speaker and tell him I thought the gentleman from New York was entitled to be recognized for the purpose of making the motion.

Mr. FITZGERALD. I have done the same thing when the gentleman has made points of order and made motions which I believed to be correct. I have so informed the Speaker, and the Speaker has ruled in practically all instances in which such matters have arisen with the gentleman. But it is clear that under Rule XVI, if the Chair will refer to it, which gives preferential right to recognition to the gentlemen on the other side, the motion to recommit shall be in order after the previous question shall have been ordered on the passage of the bill or the joint resolution, and the proper construction of that is that upon any vote which in effect passes the bill, if the previous question has been ordered, then the motion to recommit is in order. But this is not equivalent to such a motion, because the failure of this motion to take from the Speaker's table and disagree to the Senate amendments will not be the equivalent of a motion to agree, but it permits the bill to remain on the Speaker's table, to be referred under the rule. If the gentleman insists that his motion is in order after the previous question is ordered, I am quite confident he is mistaken.

The SPEAKER. The Chair will decide all of these things at once. The gentleman from Tennessee made a motion to carry out the intention of this rule, and on that motion he has moved the previous question. As the Chair understands it, the gentleman from Illinois desires to move to commit.

Mr. MANN. Mr. Speaker, I offered a motion to commit.

The SPEAKER. The Chair did not entertain the motion.

Mr. MANN. A point of order was made.

The SPEAKER. The motion was made out of time. After the motion of the gentleman from Tennessee for the previous question is agreed to, then, to be certain, to be upon the safe side, the Chair will recognize the gentleman from Illinois to make his motion.

The Chair desires to state another thing: The two portions of this rule that were adopted last night—the first part and the last part—seem to be in conflict with each other, and reading the last clause the Chair was undoubtedly authorized to do what he did do. The Chair thinks the rule intended to do what the Chair thought the rule had done.

Mr. HENRY of Texas. Mr. Speaker, I desire to be heard for a few moments on the rule.

The SPEAKER. The Chair has made up his mind, but if the gentleman desires to be heard, very well.

Mr. HENRY of Texas. I think that I owe it to myself as chairman of the Committee on Rules to discuss that rule for a few moments. The Committee on Rules carefully considered the rule, and what they had in mind was this, that when this resolution should be adopted it would be in order for the gentleman from Tennessee [Mr. MOON] to make the motion that he has now made, to take the bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference, and not that the rule itself is self-executing, as the Speaker has construed it. We should take it sentence by sentence, and the first thing provided for should be done after the previous question was ordered and the resolution adopted by the House. I dislike to disagree with the Speaker in his construction of the rule, but maintain that there can not be any conflict in the provisions of the rule, because after it was adopted, then by the express language of the rule it was in order for the gentleman from Tennessee to make his motion, and he should have made it. But, Mr. Speaker, inasmuch as the gentleman from Tennessee did not make the motion, and as the Chair proceeded to execute his part of the rule and to appoint the conferees, then the supposition must be true that the balance of the rule was executed, because there was no point of order made against it and there was no opposition to it. To go a little further, then the gentleman's motion would have been in order, and to be sure that my position may be clearly understood, his motion to commit would have been in order if the gentleman from Tennessee had followed the provisions of the rule and had made a motion and asked for a conference. Then the Post Office bill would have been before the House of Representatives, and the motion to recommit clearly would have been in order, and there was no desire to cut it off under the circumstances.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. Certainly.

Mr. NORRIS. The gentleman from Tennessee did not make his motion.

Mr. HENRY of Texas. He did not, as I understand it, although I was not here.

Mr. NORRIS. And this morning he has made it, and under the gentleman's own construction is it not now in order for the gentleman from Illinois to make his motion to recommit?

Mr. HENRY of Texas. I do not think that the motion of the gentleman from Tennessee is in order now, because the presumption should be that the resolution was executed, and that part of it was executed.

Mr. NORRIS. The gentleman just admitted that the motion now made was in order, and that the Rules Committee intended it should be made.

Mr. HENRY of Texas. It was in order at the right time last night, but it is not in order now.

Mr. NORRIS. The gentleman admits also that when that motion was made then it would have been proper for the gentleman from Illinois to make the motion he has made.

Mr. HENRY of Texas. At the proper time after this resolution was adopted yesterday, when the bill was laid before the House, it would have been in order, and it was not the intention to cut off a motion to recommit when the Post Office bill was laid before the House.

Mr. NORRIS. Will the gentleman tell when that time was that the gentleman from Illinois could have offered his motion?

Mr. HENRY of Texas. He could have offered it when the resolution was adopted yesterday and the bill brought before the House on the motion of the gentleman from Tennessee.

Mr. NORRIS. He could not have offered it until after the motion of the gentleman from Tennessee was made?

Mr. HENRY of Texas. When it was brought before the House by his motion the gentleman from Illinois could have offered it.

The SPEAKER. The question is on agreeing to the motion for the previous question.

The question was taken, and the previous question was ordered.

Mr. MANN. Mr. Speaker, I move to commit the Senate amendments to the bill H. R. 21279 to the Committee on the Post Office and Post Roads with instructions to that committee to report it back forthwith with the recommendation that Senate amendment numbered 118 be agreed to.

The SPEAKER. The Chair recognizes the gentleman for that purpose, and does it for the following reason: There was a controversy about the motion to recommit and the motion to commit and all that.

Mr. UNDERWOOD. Mr. Speaker, I desire to be recognized to move an amendment to the gentleman's motion to commit.

The SPEAKER. The Chair will recognize the gentleman in a moment. On page 380, under Rule XVI, is the following language:

> After the previous question shall have been ordered on the passage of a bill or joint resolution one motion to recommit shall be in order, and the Speaker shall give preference in recognition of such purpose to a Member who is opposed to the bill or joint resolution.

Mr. FITZGERALD. Mr. Speaker, this motion is not equivalent to the passage of a bill, because if it fails the bill remains on the Speaker's table.

The SPEAKER. If this motion fails, then the motion of the gentleman from Tennessee will prevail, in all probability.

Mr. FITZGERALD. But if the motion of the gentleman from Tennessee does prevail, the bill is not passed, and if it does, the bill does not leave the Speaker's table. The previous question has not been ordered on any motion which is equivalent to the passage of the bill.

The SPEAKER. Does the Chair understand the gentleman to say a motion to commit is only to be made before the passage of the bill?

Mr. FITZGERALD. No; I am referring to the statement of the Speaker that under Rule XVI those in opposition are entitled to recognition for a motion to recommit after the previous question has been ordered on the passage of a bill or joint resolution.

Mr. MANN. The bill may never be passed.

The SPEAKER. Well, the Chair prefers to be on the safe side.

Mr. SHERLEY. If the Chair will indulge me, I agree with the Chair to the extent that it was right to recognize some one for a motion to recommit, and the gentleman from Illinois having been recognized, has made a proper motion, but I think it would be a great mistake if the Chair was to hold under the present situation that the right to make the motion made by the gentleman from Illinois arises under Rule XVI, because it does not, in my judgment. As the gentleman from New York [Mr. FITZGERALD] has stated, the right under Rule XVI to move to recommit, which is given to a Member in opposition, arises only after a motion for the previous question has been ordered on the passage of a bill or joint resolution. Now, under Rule XVII the language is as follows:

> It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain a motion to commit, with or without instructions, to a standing or select committee.

The SPEAKER. Where does the gentleman read from?

Mr. SHERLEY. From page 388 of the Manual, Rule XVII. Now, it is under that rule that the gentleman from Illinois, being recognized, had the right to move to commit, but he had no preferential right to recognition, and if somebody else had been recognized by the Chair he could have made the motion to commit. That is the reason I did not desire the Chair to base his ruling on Rule XVI, where the right is a preferential one.

The SPEAKER. The gentleman from Kentucky is right about that. It is Rule XVII, and the Chair was trying to find it, but could not. The Chair recognized the gentleman, and that sets at rest who is to be recognized. Now, the Chair will recognize the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, at the time I desired recognition I did not understand the gentleman from Tennessee was going to make a motion to amend.

Mr. MOON of Tennessee. Mr. Speaker, I propose an amendment to strike out all of the section known as the Bourne amendment in the bill and substitute the following, and on that I demand the previous question.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

> Strike out the substitute for section 8 of the bill and insert in lieu thereof the following——

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. It is a motion to recommit the motion and concur in the Senate amendment with an amendment.

The SPEAKER. No; it is to strike out the Senate amendment and substitute this.

Mr. MANN. Well, I make the point of order that can not be done.

Mr. MOON of Tennessee. It is a motion to strike out all that is known as the Bourne amendment and insert in lieu thereof part of it as a substitute.

Mr. MANN. With directions to the committee to agree to the Senate amendment with an amendment as follows.

Mr. MOON of Tennessee. Not at all. I move to amend the amendment of the gentleman from Illinois to recommit and substitute. It provides for all his resolution except the Bourne bill.

Mr. MANN. It is to agree with an amendment striking out and inserting?

Mr. MOON of Tennessee. Yes.

Mr. MANN. It reports it back with that recommendation?

The SPEAKER. The Clerk will report the amendment to the motion of the gentleman from Illinois to recommit with instructions.

The Clerk read as follows:

SEC. 8. That the Postmaster General is hereby directed to establish in the United States, including its Territories and the District of Columbia, an experimental parcel post which shall embrace fourth-class mail matter, farm and factory products, and books and matter commonly shipped by express companies, not exceeding 15 pounds in weight nor 72 inches in length and girth combined, nor in form likely to injure the person of any postal employee, and subject to such packing and shipping regulations as the Postmaster General may prescribe for the protection of the mail equipment and mail matter. The Postmaster General shall make provision by regulation for the indemnification of shippers, for shipment injured or lost, by insurance or otherwise, and, when desired, for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional services.

That the rates of postage on such parcels shall be as follows: For parcels shipped to any point within the county where mailed, or to a point in a contiguous county not more than 100 miles distant, hereby designated as the "local" zone, 5 cents for the first pound or fraction thereof and 1 cent for each additional pound or fraction thereof; for parcels shipped beyond points included in the foregoing local zone, 6 cents for the first pound or fraction thereof, and at the rate of 2 cents for each additional pound of actual weight for the first 150 miles or less, and an additional cent a pound for each additional 150 miles of distance from the point of mailing or consignment to the point of destination: *Provided*, That for no distance shall the charge exceed a rate of 12 cents a pound for the actual weight shipped, and that the rate for shipments of 4 ounces and less shall remain as hitherto established by law.

The point of consignment, except in the local zone, shall be taken as the county seat of the county in which the parcel is mailed, and the point of destination as the county seat of the county to which the parcel is consigned, and measurements of distance between such points shall be made by radial measurement on maps to be provided by the Postmaster General. The word "county," as used in this section, shall include a parish and similar political divisions.

That the classification of articles mailable, as well as the weight limit, the rates of postage, and other conditions of mailability under this section, shall be treated as experimental only, and if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby directed to re-form from time to time such classification, weight limit, rates, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

That in order to the more economical administration of this section, the President is hereby authorized, subject to the consent of the Senate, to appoint three persons expert in transportation matters at salaries of $5,000 per annum, respectively, to act as board of experts under the direction of the Postmaster General, in the execution of this section, and for the efficient conduct of the service hereby established.

That the Postmaster General shall have power from time to time to cause to be weighed the matter shipped by the express companies by post road common carriers, by rail or water, and ascertain the rate of compensation per pound or ton-mile payable therefor by such express company to such post road common carrier, by rail or water, on shipments, and thereupon it shall be the duty of such post road common carrier, at the request in writing of the Postmaster General, to transport and carry parcels mailable under this section, for the Post Office Department, at the rate of compensation per ton-mile thus determined: *Provided*, That if there be a dispute as to the substantial accuracy of such weighing and computations by the Postmaster General, such post road common carrier shall be entitled to appeal from the request or order of the Postmaster General to the Interstate Commerce Commission, which shall thereupon have power to determine the facts in controversy.

That the Postmaster General shall have power by regulation to determine from time to time the points at which collection and delivery shall be established for such parcels, and the weight limit thereof, to correspond with the facilities of the Postal Department for rendering such service, and he shall provide such special equipment, maps, stamps indicating weight of shipment and distance traversed, directories, and printed instructions as may be necessary for the administration of this section; and to supplement existing appropriations, including the hiring of teams and drivers and other vehicles, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

That the establishment of this experimental parcel post shall go into effect two months after the passage of this act, and that all acts or parts of acts in conflict with this section are hereby repealed.

That for the purpose of a complete and full inquiry and investigation into the feasibility and propriety of the establishment of a general parcel post, or system of postal express, a joint committee of six persons (Members of Congress), three of whom shall be appointed by the Speaker of the House of Representatives and three by the President of the Senate, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. They shall review the testimony already taken on the subject of parcel post and postal express by Senate and House committees and take such other testimony as they deem desirable. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress on the first Monday in December, 1912.

Mr. NORRIS. Mr. Speaker, I make the point of order against the amendment, in that it strikes out all of the amendment of the gentleman from Illinois [Mr. MANN]. In other words, it is an entirely new and different one, and, in effect, takes away from the minority the right to make the motion to recommit.

The SPEAKER. The Chair wants to construe the rules as they ought to be construed——

Mr. NORRIS. I think so, Mr. Speaker.

The SPEAKER. In the first place, while Rule XVII does not require the Chair to give preference, the Chair did give preference to the gentleman from Illinois [Mr. MANN] as representing the minority, but the limits of amending a motion to recommit are just as wide as the limits amending any other proposition.

Mr. NORRIS. Now, Mr. Speaker, this motion which the gentleman from Tennessee [Mr. MOON] proposes is in the nature of a substitute——

The SPEAKER. Yes; that is true.

Mr. NORRIS (continuing). Entirely independent and entirely supersedes the entire motion of the gentleman from Illinois. If it is in order, then the Chair, in trying to recognize the minority to make a motion to recommit could be frustrated every time by the man having charge of the bill?

The SPEAKER. The Chair does not believe that at all. The Chair thinks that when the Chair has given to the minority a right to make a motion, although Rule XVII does not recognize and does not require it, though Rule XVI does, and when the majority exercises that right under the preference given by the item to make the motion, then the motion is in the hands of the House and subject to every rule of the House and to every rule of amendment. But there is no question in the mind of the Chair but that the motion of the gentleman from Tennessee [Mr. MOON] is germane to the subject, and it does not take away from the minority the preferential right in the matter, but it has a right to say whether it prefers the proposition of the minority or the majority. As a matter of fact, nobody can tell who is the majority or who is the minority on this kind of a proposition. If it were a political question you might get at it.

Mr. SHERLEY. If the Chair will permit, the minority that was recognized, the minority leader, could have protected himself by moving the previous question, which was not done.

Mr. MANN. Of course, I did not do it, because I could not carry a majority of the House.

Mr. SHERLEY. The gentleman would have been able to carry it to the parliamentay situation which would have given him the right to move it.

The SPEAKER. Of course. The gentleman from Illinois [Mr. MANN] could have exercised all the right that he has.

Mr. MANN. Certainly; I did exercise all the rights that I did have.

The SPEAKER. The Chair begs the gentleman's pardon. He could have moved the previous question.

Mr. MANN. I have learned long since that the leader of the minority is not the one to move the previous question.

Mr. GARDNER of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. Is it the ruling of the Chair that a motion to amend need not be germane to that which it seeks to amend?

The SPEAKER. No; the Chair did not rule anything of the sort.

Mr. GARDNER of Massachusetts. Because, unless the amendment moved by the gentleman from Tennessee [Mr. MOON] is germane to the instructions which it seeks to amend, it is a question whether it is in order. The Chair has ruled that it is germane to the main question, but instructions are not the main question.

The SPEAKER. The whole matter that is being squabbled about here is the Bourne amendment, so called, to the House bill. Now the gentleman from Illinois [Mr. MANN] comes in and offers a motion here, treating of the subject that the Bourne amendment treats of, and the gentleman from Tennessee [Mr. MOON] comes in and practically offers a substitute, treating of the identical subject that the Bourne amendment treats of; that is, fixing up a parcel post, with zones, and so forth.

Mr. GARDNER of Massachusetts. I wanted to get the Chair's ruling, because a similar situation arose earlier in the year, and the Chair then ruled on a somewhat different phase of the question. But it has never been definitely settled in this House whether it is in order to amend a motion to recommit with

instructions by substituting other instructions not germane to those proposed, although germane to the main question.

The SPEAKER. The Chair thinks that you have as much right to amend the instructions as you have to amend anything else.

Mr. GARDNER of Massachusetts. Certainly; but can you amend them by an amendment not germane to those instructions?

The SPEAKER. No; not by injecting another subject. But this amendment does not undertake to do that. The Bourne amendment treats of a parcel post, as I understand it, by a complicated system of zones, and the instructions of the gentleman from Illinois [Mr. MANN] treats of the Bourne amendment, this puzzling question of zones. Then the amendment of the gentleman from Tennessee [Mr. MOON] treats of the same subject, and the Chair thinks it is clearly in order. If the gentleman from Tennessee undertook by this amendment to treat of rural routes or city carriers or anything of that kind, the Chair would bowl him out.

Mr. WEEKS. Mr. Speaker, if this motion fails—the motion made by the gentleman from Tennessee [Mr. MOON]—will it mean that this question will go back to the Senate?

Mr. MANN. Certainly, it will have to go back to the Senate.

Mr. WEEKS. Will it go back to the Senate for the Senate's action?

The SPEAKER. It seems so to the Chair.

Mr. CANNON. This is like unto agreeing to a Senate amendment with an amendment.

The SPEAKER. That is exactly what it is. When you boil it all down, that is the whole thing.

Mr. LONGWORTH. Mr. Speaker, would that avoid the Speaker's appointment of the conferees?

Mr. LEWIS. I beg to tell the gentleman that it calls for a commission.

The SPEAKER. In reply to the question of the gentleman from Ohio [Mr. LONGWORTH], the Chair would say no; it simply, in substance, is an amendment to a Senate amendment. That is the substance of it.

Mr. BATHRICK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BATHRICK. I desire to know whether a vote for this substitute or amendment of the gentleman from Tennessee will send this bill back to the conference or back to the Senate?

Mr. FITZGERALD. That has not come up yet.

Mr. LONGWORTH. Mr. Speaker, I understood the Speaker to say not long ago that the papers were in the possession of the conferees as appointed by him.

The SPEAKER. The Chair was mistaken about that. It happened that the papers were on the Speaker's table.

Mr. FITZGERALD. They have to be in order to get this matter up.

Mr. BATHRICK. Mr. Speaker, my question was whether this vote for this amendment of the gentleman from Tennessee [Mr. MOON] to recommit would send the bill back to the Senate or back to the conference.

Mr. FITZGERALD. Mr. Speaker, that would depend on the next motion. It is to concur in the Senate amendment with an amendment.

Mr. CANNON. If the Chair will indulge me, I suppose if that should be done, then, under the rule, in the event the House disagreed to the Senate amendments, the Speaker would appoint the conferees.

The SPEAKER. Yes; under the special rule adopted last night it would go to the conferees. If that had not been adopted, it would not.

Mr. MANN. That is for the House to determine.

The SPEAKER. The Chair is assuming that the House will vote in accordance with this special rule.

Mr. MANN. It is for the House to determine hereafter whether or not it shall ask for a conference.

The SPEAKER. Of course, that motion is still pending. The question is on the substitute offered by the gentleman from Tennessee [Mr. MOON] giving instructions.

Mr. MANN. Mr. Speaker, I understood that the gentleman from Tennessee [Mr. MOON] was going to ask for a little debate.

Mr. KINKEAD of New Jersey. We have had debate all morning.

WASHINGTON CONTESTS AT THE REPUBLICAN NATIONAL CONVENTION.

Mr. MANN. Pending this matter, I ask that the gentleman from Washington [Mr. WARBURTON] may have two minutes in which to address the House. He has been called out of town, and he desires two minutes.

Mr. KINKEAD of New Jersey. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks that the gentleman from Washington [Mr. WARBURTON] may address the House for two minutes. The gentleman from New Jersey objects.

Mr. KINKEAD of New Jersey. Mr. Speaker, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the gentleman from Washington [Mr. WARBURTON] may have two minutes?

There was no objection.

WERE THE DELEGATES FROM WASHINGTON STOLEN FROM COL. ROOSEVELT, OR DID THEY BELONG TO PRESIDENT TAFT?

Mr. WARBURTON. Mr. Speaker, I desire to make some rather extensive remarks on what is known as the Washington contest at Chicago. I have prepared my remarks and reduced them to writing, and desire to have permission to extend them. I think I shall clearly show in what I say and in the evidence I produce that the Roosevelt delegates from the State of Washington were undoubtedly entitled to a seat in that body. [Applause.]

Mr. Speaker, I regret that I find it necessary to discuss what is termed the Washington contest case in the Republican national convention. I do so because I have good and sincere friends on both sides of the controversy. My home is among these people, and I expect to live and die among these friends. I would not willfully misstate a fact concerning them.

I followed the contest closely from day to day as it occurred in the State of Washington preceding the Washington State convention at Aberdeen as well as at the national convention. I have read every statement that I have been able to secure made by anyone who participated in the contest. I sincerely hope that no statement I shall make will be erroneous. I make this statement only that I may correct some of the wild, unfounded statements of facts that have been put in the RECORD by the gentleman from Wyoming, and particularly by the gentleman from Missouri. I feel as though I would be derelict in my duty were I to pursue any other course.

Men in an intense political strife frequently do things that in their sober moments they condemn as wrong. They frequently take a technical advantage of a situation and in truth and fact override the rights and privileges of their opponents, which, when the battle is over, they exceedingly regret. So the conduct of men in such instances should not be too severely condemned.

But there is no excuse, there is nothing one can say in extenuation of the conduct of members of a national committee or of a national credentials committee who, in deciding contests before them, act arbitrarily—decide cases contrary to evidence—or allow partisanship in the slightest degree to control their decision. Members of a national committee, or credentials committee, act in deciding contest cases in the capacity of judges. The relation they bear to the party is identical to that which the Supreme Court bears to all the people of the United States. It is their duty to lay aside all interests in the contests, to have no care or thought as to who may win, but to decide each case on its merits according to the truth and right.

The gentleman from Missouri was a member of the committee on credentials which made up the temporary roll. The gentleman from Wyoming was on the committee on credentials which finally passed upon the contests. They recently undertook to give a statement concerning the merits of the contested cases in Chicago, in which they acted as judges. In deciding these matters and in giving their statement of facts concerning them, both of these gentlemen acted in a judicial capacity. They acted as judges, having been selected by the great Republican Party to determine as between two great contending factions a matter of gravest importance. Upon their decision was largely to rest who should be its candidate for the high office of President of the United States. It is very rare, indeed, that a case ever is decided by the Supreme Court of the United States that is of more far-reaching importance or one in which so many million citizens are so directly and vitally interested.

When these gentlemen assumed the obligation to act as judges in this most important controversy it was their solemn duty to lay aside all partisanship; to lay aside all care or interest in the result of the controversy. It was not only incumbent upon them to do likewise whenever called upon or when they voluntarily assumed to give an opinion or make a statement of the facts of the case.

It is the duty of a judge plainly, fairly, and impartially to state the facts of the case, using the greatest care not to omit any material facts in the case; to give no coloring to a statement for either side not fully sustained by the evidence. This duty rests forever on any man who has acted in such a capacity and who undertakes to relate what occurred before him as a

judge. He can not voluntarily lay it aside; he owes it to the public; he certainly owes it to each of the contestants who might have either voluntarily or necessarily submitted the controversy to him as judge.

Any man who consents to act as a judge and who does not intuitively understand these rules of conduct, and who does not faithfully adhere to them, shows he was wholly unfit to act as a judge, and that his statement and decision of the case should be wholly disregarded and held for naught.

If the rules of conduct for judges that I have stated are correct, then a mere reading of almost any paragraph in the speeches of the gentleman from Wyoming and the gentleman from Missouri will show how utterly unfit and unqualified both the gentlemen were to act as judges in the contest at Chicago between President Taft and Col. Roosevelt.

There is scarcely a paragraph in their statement of facts that does not show that they were grossly partisan. If one were not familiar with the facts, a mere reading of their speeches would clearly show that each of them was endeavoring to color his statement in favor of President Taft as strongly as possible and to discolor as far as possible all facts favorable to Col. Roosevelt. If a judge is grossly unfair in his statement of the case, it follows with unerring certainty that he was grossly unfair in reaching his decision.

I would rather submit the case of a client of mine, no matter how important, to the most corrupt judge that ever sat on a bench than to submit it to a judge that I knew was liable to be controlled by hatred or partisanship against my client and in favor of my client's adversary. I would ordinarily get a far greater measure of justice from the corrupt judge than I would get from the partisan judge. Or, to put it another way, I might get justice from the corrupt judge, but I never would get justice from the judge who was a partisan against my client if he allowed himself to be controlled by his partisan feelings.

That the gentleman from Missouri understood that he was acting as a judge when he made his speech or statement, and understood that it was his duty to state the facts fairly and impartially as a judge would, is shown by the opening sentence of his speech:

> Mr. Chairman, I rise to tell the story of the Chicago contests. *I was there, listened to the evidence,* and voted on the cases as the facts warranted and my conscience dictated. * * * *Having taken a seat in the front row, I was careful that not a particle of the evidence from either side escaped my attention.*

And later when he was discussing the Washington contests and I undertook to interrupt him, he said:

> There can not be any contention about this. I am stating only the facts.

He made these positive assertions to show everybody who heard his statement or read his speech that they could rely upon what he said as a judge who heard the testimony. Again, he said:

> I am stating absolute facts, and I do not want to be interrupted. I am stating facts that can not be disputed by anybody.

I will show before I conclude that not only were facts he stated about the Washington contests untrue, but just the reverse was true, and that the gentleman omitted some of the most important facts that should have been stated by one who undertook to relate them fairly and impartially.

STATEMENT OF THE WASHINGTON CONTESTS.

In the Washington State convention there were 668 delegates. A majority of that convention would be 335. There were a large number of contests, but by far the greater number were by the Taft people. It had been the custom and practice of the Republican Party in my State, ever since the State was organized, to have all the contests determined by the convention. A committee on credentials would be appointed, who would hear the contests, make their report to the convention, and the convention then determined the matter. In the last State convention Mr. Taft had a majority of the old State committee, and it was determined by them, and contrary to the custom and practice of the Republican Party, to hear the contests themselves in the first instance and make up the temporary roll.

In this convention there were 97 uncontested delegates for President Taft and 263 uncontested delegates for Col. Roosevelt. This committee, after hearing the contests, awarded the Roosevelt delegations of Pierce and Clallam Counties to Col. Roosevelt, making 332 delegates for Col. Roosevelt. This left Col. Roosevelt only 3 shy of a majority.

It afterwards developed, and is conceded by both Taft and Roosevelt men, that probably Roosevelt in truth and fact had the majority on roll call by the seating of the Roosevelt delegates of Pierce and Clallam Counties. Roosevelt leaders claimed a number of other counties, but insisted that there could be no question about the delegates from King County, 121 in number; 6 delegates from Asotin County, and 10 delegates from Chelan County.

It will be observed that if either of the delegations from any one of these counties just mentioned were awarded to Col. Roosevelt he would have controlled the convention. The gentlemen from Missouri and Wyoming have referred only to the contested delegation of King County. This contested delegation had attracted the most attention, because if it had been awarded to Col. Roosevelt it would have given him an overwhelming majority in the State convention. So far as the results were concerned, if he had won the delegation of any other of the counties that were contested the result would have been the same, though not quite so overwhelming. That Col. Roosevelt was entitled to all these counties there can be no doubt in the mind of any fair-minded man who will read the evidence and decide the case uncontrolled by partisan feeling.

In King County the old committee consisted of 250 members, one from each of the existing precincts. This committee was called together to determine how to elect delegates to the State convention, pursuant to the call of the State committee. There were present at this meeting 131 committeemen who had been appointed by the chairman of the county committee. It was contended that he had no right to appoint these committeemen. This committee was organized in 1910. After its organization, and prior to December, 1910, long before a contest for the nomination of President was thought of, the county committee passed a resolution authorizing the chairman to appoint committeemen to fill any vacancies that occurred. The chairman had the right and power to appoint these committeemen; not only that, but it was entirely in line with the ordinary custom and practice by chairmen of the county central committees in my State.

At this committee meeting, and pursuant to the overwhelming desire of the people of King County, the county committee called a primary. At this meeting a resolution was passed discharging the old subcommittee, known as an executive committee, which had been appointed about two years before for the sole purpose of looking after the details of the county campaign of 1910. This committee never had any other duties or any other authority. The county committee had the right to discharge it and had the sole right to determine how to elect the delegates to the State convention. It had the authority to select them at the meeting. The Roosevelt men were in complete control of it and could have elected the entire delegation, but they yielded to the desire of the Republican Party in that county and called a primary, giving to every Republican voter the opportunity to express his choice for President.

After this committee adjourned 12 of the old subcommittee of 22, which had been discharged, met and selected 121 delegates to the State convention, which were seated by the State committee for the purpose of temporary roll. This portion of the subcommittee did not meet pursuant to a call of the subcommittee by anyone authorized to call it together. It was not even claimed before the national committee by the Taft contestants that this defunct subcommittee had been called together by anyone authorized to do so. Ten of the committee never knew of the meeting or heard of it until after it was over. Their action was never ratified at any subsequent meeting of the defunct committee or by the county committee. The 12 members of this committee had no more right or authority to appoint the 121 delegates than you or I had.

If we were to concede, which we do not, that the 121 new members of the county committee had been improperly selected, yet the whole committee did exactly the right thing; it violated no man's rights; it usurped no man's privilege. It did exactly what the great majority of the Republicans in King County wanted done and what no Republican had a right to complain about. It called a Republican primary, inviting every Republican to participate. It did not act arbitrarily and assume to speak for from between thirty and thirty-five thousand Republicans. It knew that the committeemen were not elected for any such purpose. It did precisely what it should do if it would build up and strengthen the Republican Party. It did what any 381 honest and decent Republicans would do if they were planning for the future success of the party.

The 12 members of a defunct executive committee, which had originally consisted of 22 members, which met without a pretense of a call by anyone that was ever authorized to call it, who never had any authority to act in the matter, but which had been disbanded, did exactly what any 12 pirates would do who had seized a ship and desired to loot and wreck it. It assumed to play the part of a boss and then do exactly what, if carried out, would tend to defeat the party. It flagrantly usurped the rights and privileges of over 30,000 Republicans. It did all it could to tear down the party. The

121 delegates that it named had no more right to seats in the State convention than if you or I had appointed them.

The Hon. H. E. Sackett, of Nebraska, who was a member of the national credentials committee, who heard the testimony, has issued a statement on all of the contests heard, and I shall now quote from that statement, because it is stated concisely and correctly, and I believe it to be an absolutely truthful and fair statement:

TAFT MEN SEATED.

At the meeting of the State committee on the 14th all contests were decided in favor of the Taft people, including King County, except the two counties of Pierce and Clallam, representing 69 delegates, which were decided for the Roosevelt people. At this meeting, on the 14th, it was shown that the committee, without any precedent therefor, adopted a set of rules placing the temporary organization of the convention in the hands of the chairman of the State committee, and further provided that no delegate should be admitted to the State convention without a ticket signed by the chairman of the State committee. Evidence was submitted that no such requirement for delegates to have tickets had ever been made in any previous convention in the State of Washington. These rules were not printed or given out so that the Roosevelt members of the committee could secure or see them.

It further appears that on the 14th efforts were put forth by the opposing forces to reach a harmonious understanding as to the organization of the convention and for the disposing of the contests by the convention. A committee was appointed by each side to take up and carry on the negotiations along this line, with the result that on the 15th an understanding was reached for the disposition by the convention of certain of the contests where the merits were plain, and where doubt existed half of the delegation should be given to each faction. In order to secure further time for these committees to submit to the convention their agreement for ratification it was agreed by mutual consent that the time for the meeting of the convention would be postponed from 10 o'clock a. m. to 1 o'clock p. m. of the same day.

Evidence further shows that shortly after 10 o'clock on the morning of the 15th, the Roosevelt delegates discovered that, regardless of the agreement to postpone the meeting hour of the convention to 1 o'clock the Taft delegates had entered the hall and were acting as a convention. The Roosevelt delegates then went to the hall. None of them had been given tickets of admission, nor had they been notified where tickets could be obtained, and few, if any, knew of the unusual rule providing for delegates to have tickets. When they arrived at the convention hall they found the doors of the hall locked, except the main door, which was guarded by a policeman. The windows were barred and the fire escapes removed. The Roosevelt delegates offered their credentials at the main entrance, but were refused by those in charge because they had no tickets. Neither were they informed as to where tickets could be obtained. They then persisted in an attempt to be admitted to the hall, but were forcibly prevented by the police and those in charge of the hall, and were ordered back in the street.

The delegates representing Roosevelt after having been denied admission to the convention, as above related, met in another hall and organized a convention, and elected Roosevelt delegates to the national convention.

It is of interest at this point to relate the facts pertaining to contests in two other counties of the State, namely, Ascotin and Chelan. In the first-mentioned county the facts related show that the precinct committeemen had the authority through the county organization to call conventions and to elect delegates for the purpose of electing delegates to the State convention, or they could themselves elect the delegates. There are 11 precincts in Ascotin County, 3 of the 11 precinct committeemen met without notice, and with other men who possessed no credentials or authority of any kind, named the Taft delegates to the State convention.

The citizens and electorate of this county, pursuant to a call, held a convention and elected Roosevelt delegates to the State convention. In the county of Chelan the county convention met in regular manner and order. It was made up of both Taft and Roosevelt delegates. A Roosevelt man was elected chairman of the temporary organization by a vote of 31 to 22. A committee on credentials was appointed to pass on the three precinct contests. The convention adjourned until 1 o'clock p. m. of the same day to give the committee time to hear a report of these contests. In all the proceedings, up to and including the adjournment, the Taft men took part. After the adjournment and before the reconvening of the convention at 1 o'clock the Taft men, constituting a minority of the committee, met in another hall and organized and elected Taft delegates to the State convention.

ROOSEVELT MEN OUSTED.

At 1 o'clock of the same day, as provided in the adjournment, the regular organization reconvened and in a regular manner elected Roosevelt delegates to the State convention. The State committee, controlled by a majority of Taft adherents, as set forth herein, threw out the Roosevelt delegates in both these counties.

In the State convention held by the Taft people in the hall where the meeting was called, after the exclusion of the Roosevelt delegates as hereinbefore set forth, there were present 401 men, of whom but 97 were uncontested delegates, and 304 contested delegates. In these contested delegates were included the 69 Taft delegates from Pierce and Clallam Counties which had been unseated by the State committee in its session the day before the convention. There were also included in these 304 contested delegates the 121 delegates selected by the Taft members on the subcommittee of King County, as hereinbefore related, and which had no legal claim whatever to a seat in any convention.

In the convention of the Roosevelt delegates held after being prevented from entering the convention, as herein stated, there were present 567 men, of whom 263 were uncontested delegates and the 69 delegates from Pierce and Clallam Counties whose credentials had been approved by the State committee; and there were also present the 121 delegates from King County who had been selected at a public primary by a majority of 6,400 votes, as herein stated. These 567 delegates out of the 668 of which the State convention was composed elected the Roosevelt delegates to the national convention. The national committee and the credentials committee seated the entire Taft delegation from the State of Washington.

WERE ROOSEVELT DELEGATES BARRED FROM THE ABERDEEN CONVENTION?

It will be observed that the Roosevelt contestants at Chicago urged strenuously before the committee as one of the reasons why they did not attend the Taft convention the fact that they were barred from it by a rule adopted by the Taft majority of the State committee, providing that no delegate could enter the convention without a ticket signed by the Taft chairman, and policemen were stationed at the entrance to enforce this most unusual rule. The uncontested Roosevelt delegates and those seated by the committee were not given tickets and did not know where to get them and were denied admission when they attempted to enter.

Former Senator Dick, of this city, who had charge of the Taft contests generally at Chicago, has a transcribed record of all that occurred before the committee in reference to the Washington contests, as well as the others. I have examined that record and find that this contention was made and strenuously urged by the Roosevelt contestants before the national committee. They stated, as the record discloses, that this contention was supported by the affidavits of a number of delegates from the different Roosevelt delegations from the different counties and States. The record also shows that while the affidavits were presented to the committee, they were never read before the committee.

Mr. Dovell, representing the Taft delegates, claimed that this contention was incorrect, but he did not claim that he had affidavits from the chairman who had charge of the distribution of tickets or from anyone else to the effect that tickets had been in fact given to all or to any of the Roosevelt delegates. In fact, Mr. Dovell makes no showing—did not offer any evidence to support his bare statement that the Roosevelt delegates were given tickets. If the national committee had investigated the matter at all—read the affidavits—they could have reached no other conclusion than that the Roosevelt delegates were not permitted to enter the convention.

I think no fair-minded man can come to any other conclusion than that the great bulk of Roosevelt delegates, if not all of them, were not given tickets. They did not know where to get them and could not enter the convention. To make certain of this, a few days ago I telegraphed members of the Roosevelt delegation from the several counties and requested them to telegraph me the truth about the matter as it related to Roosevelt delegates from their own county. As I did not know the names of uncontested Roosevelt delegates from other counties, I did not telegraph them. I received responses from delegations I did telegraph as follows:

SEATTLE, WASH., *August 6, 1912.*

STANTON WARBURTON, M. C.:

Senator Falconer says Snohomish delegation were not given tickets. I know of my own knowledge that uncontested Roosevelt delegates were not provided with tickets of admission to State convention. No official notice was given that tickets would be required.

GEORGE W. DILLING.

EVERETT, WASH., *August 6, 1912.*

Hon. STANTON WARBURTON:

I was at Aberdeen May 15 as one of solid Roosevelt united delegation from Snohomish County to Republican State convention. Some of our delegates were denied admission to convention hall by police, and not to my knowledge was any of our delegates afforded opportunity to enter. Police guarded convention hall.

SCHUYLER DURYEE.

EVERETT, WASH., *August 6, 1912.*

Hon. STANTON WARBURTON:

Snohomish County sent united Roosevelt delegation to Republican State convention at Aberdeen May 15, but police refused to admit delegates to convention hall. I was member of said delegation at Aberdeen, but heard of no opportunity offered our delegates to enter hall controlled by State central committee.

R. M. MITCHELL.

SPOKANE, WASH., *August 6, 1912.*

Hon. STANTON WARBURTON, M. C.:

No tickets were furnished to Roosevelt delegates at any time and no Roosevelt delegates obtained admittance to the Taft convention at Aberdeen. Any statement to the contrary is absolutely false. No one was admitted to the convention except Taft delegates. Uncontested Roosevelt delegates were refused admission and were unable to obtain tickets at the hall or to ascertain where tickets could be obtained. Roosevelt delegates presenting their credentials at the door were roughly handled and driven away by policemen stationed at the entrance. Absolutely no one gained admittance to the convention hall except Taft delegates, a very few of their chosen leaders, and newspaper representatives.

O. C. MOORE,
THOMAS J. CORKERY,
F. M. GOODWIN,
L. ROY SLATER,
LLOYD E. GANDY,
SIDNEY. NORMAN,
ARTHUR W. DAVIS,
Delegates from Spokane County to the Republican State Convention at Aberdeen.

There are 61 delegates from Spokane County.

TACOMA, WASH., *August 6, 1912.*

STANTON WARBURTON:

Undersigned Pierce County delegates to Aberdeen convention seated by State central committee certify it was impossible to get into Aberdeen

convention. That no tickets were offered or tendered to said delegation or its members.

T. G. Bishop, Albert E. Joab, W. H. Paulhamus, W. P. Ellingwood, Dix H. Rowland, J. L. Wadsworth, W. M. Brooks, Lorenzo Dow, W. D. Askren, C. A. Snow, R. A. B. Young, Guy E. Kelly, Ely P. Norton.

—

PASCO, WASH., *August 8, 1912.*

Hon. STANTON WARBURTON, M. C.:

Unseated Roosevelt delegates at Aberdeen convention could not obtain admission to Taft convention. Statements to the contrary are absolutely false. Taft delegates were alone admitted. Roosevelt delegates presenting their credentials were roughly handled and driven away by policemen stationed at the entrance.

GEORGE W. ZENT,
Chairman Roosevelt Delegates from Franklin County.

—

ELLENSBURG, WASH., *August 9, 1912.*

Hon. S. WARBURTON:

Kittitas County Roosevelt uncontested delegates, Aberdeen Republican State convention, were never offered and never received tickets to enter Taft convention. Not advised as to balance of Roosevelt delegates.

J. C. KAYNOR, *Chairman,*
A. L. KRIEDEL,
ANDREW OLSON,
AUSTIN MIRES,
J. V. HOEFFLER,
Committeemen.

—

COLVILLE, WASH., *August 9, 1912.*

Congressman S. WARBURTON:

Stevens County uncontested delegation given no tickets to Aberdeen convention, nor advised tickets were necessary until applying for admission at hour of call. Denied admission. Advised to apply for ticket at a real estate office. Too late to procure same and participate in temporary organization.

HENRY S. SPEDDEN, *Chairman.*

—

WALLA WALLA, WASH., *August 9, 1912.*

Congressman S. WARBURTON:

Walla Walla County delegation to Aberdeen Republican State convention was uncontested. We were not given admission tickets to hall and not notified they were necessary or where to receive them. Several members of our delegation attempted to enter hall and were stopped by several policemen in charge. Very evident prearranged plans aimed to place tickets only with Taft delegates.

J. G. KELLEY.
W. D. GREGORY.
A. F. KEES.
H. H. MCLEAN.
THOMAS CORN.
R. C. MORRIS.

—

VANCOUVER, WASH., *August 12, 1912.*

Clarke County uncontested delegates seated by State committee were not given tickets at all at Aberdeen convention. No directions given where to get tickets. True of other uncontested Roosevelt delegates, also. Letter follows.

CHARLES W. HALL,
WILLIAM C. BATES,
Delegates.

The gentlemen who signed these telegrams are all prominent men in their communities, and it is inconceivable that they would make such statements unless they were true. There is not a single man among them that I know, and I know most of them, whose statement I would not believe. The requirement of tickets to a State convention was a thing never heard of before in the State of Washington before this convention, and there is no reason that can be given, in my belief, that will justify it in this case. There were 332 Roosevelt delegates that, under the rules of the committee, were entitled to seats, and, as I will show in a moment, if any half dozen of these delegates were not given tickets and could not enter the convention, it could very easily change the whole complexion of the convention.

The delegation from Spokane numbered 61; from Pierce County, 61; and, to my best recollection, from Snohomish County, 28. I do not know the number of delegates from Kittitas, Stevens, Franklin, and Walla Walla Counties, but they numbered from 55 to 60 votes. So at least delegates from 7 counties were denied admission to the State convention in this manner, or more than 200 Roosevelt delegates were denied admission by the rule on tickets.

Let us see how this would almost certainly change the result. It is admitted by all parties that on the temporary roll, as made by the committee, President Taft only had 3 majority.

It was clearly known by both sides that President Taft did not have more than 3 majority. In the ordinary conduct of the convention, even though organized by Taft forces, a committee on credentials would be appointed to hear contested cases. This committee would consist of one member from each county, and so would be composed of Taft and Roosevelt adherents. The committee would hear the contests and report. If it disagreed, there would be a majority and minority report; the matter would be presented to the convention and a vote would be taken. Each of the counties that were contested would be unable to vote on their own contest.

The State committee had seated on the temporary roll Taft delegates from Asotin County. This was one of the delegations most hotly contested by the Roosevelt forces. I think I have shown that the Roosevelt delegates were clearly entitled to seats, and would have been seated if given a fair hearing before a fair convention. On this contest the Taft delegates from Asotin would not have been able to vote. This county had 8 votes. If these 8 votes were unable to vote on this contest, it would take away from the Taft forces 8 votes and leave the Roosevelt delegates 5 majority in the convention; and if the Roosevelt delegates were seated it would give the Roosevelt forces a clear permanent majority of 10 in the convention, no matter how other contests were decided.

The same is true of Chelan County, with 10 votes. The Roosevelt men claimed, and I think I have clearly shown, that they were entitled to the delegates from that county. When the question came up before the State convention, the Taft delegates from Chelan could not vote on it and the Roosevelt delegates would have a majority of 7, and if, on the roll call, the Roosevelt delegates were seated Roosevelt would have won a permanent majority in the convention of 14.

A like condition would arise on a report from such a committee on King County, with its 121 Taft delegates contested by 121 Roosevelt delegates. The Taft delegates could not vote on that case. With the Taft delegates not voting, the total number of delegates in the convention entitled to vote on this question would have been 548, of which Roosevelt would have had 332 delegates entitled to vote, or a majority of 118.

If the Roosevelt delegation was seated, and I believe they would have been seated on the merits of the contest, thereafter the Roosevelt delegates would have had a majority of 236 in the convention.

A child can see from this statement as to why the unusual scheme was devised to permit only delegates who had tickets signed by the Taft chairman to enter the convention and had policemen stationed at the entrance to permit no others to enter.

I think it is but fair to say that but very few, if any, of the Taft delegates, other than those on the State committee, had any knowledge of the failure, neglect, or refusal of the chairman to give the Roosevelt delegates tickets. They had nothing to do with the making of the rule excluding delegates who had not tickets. No doubt much, if not the greater part, of the fault lies with the chairman alone. Probably very few of the Taft delegates knew at the time these proceedings were going on that the Roosevelt delegates were being prevented from entering the hall by the system devised by the Taft adherents of the State committee. That it occurred no one will doubt; certainly not if he reads the telegrams that I have read and which I shall print as part of my remarks.

I believe that nine-tenths of those who were friendly to President Taft, who live in my State, will agree with me in this statement that the Roosevelt delegates to the Chicago convention should have been seated.

The governor of the State, who was easily the most distinguished supporter of President Taft, and who exerted his influence as governor of the State to secure Taft delegates to the State convention, as already shown by the letter of Mr. Dilling, said that to deprive Col. Roosevelt of the delegates to the national convention "*would not only be petit larceny but grand larceny.*"

I desire to read in part a letter addressed to Senator POINDEXTER, by Mr. George W. Dilling, of Seattle:

I was one of the committee of five Roosevelt men in the State whom the governor invited to confer with a like number of Taft men with a view to compromising our differences prior to the State convention. Gov. Hay, who is an adherent of President Taft, stated to the two committees so appointed on a number of occasions that the attempt of the Taft people to steal this State for the President in the face of the returns was not petit larceny but grand larceny.

The chairman of the State convention was present at two of these conferences, and on the morning of the convention he practically acquiesced, together with the other members of the Taft committee, with a single exception, to compromise upon a basis of four delegates from this State for Mr. Taft and 10 for Mr. Roosevelt. He agreed at 9.30 o'clock in the morning of the convention that the opening of the State convention would be postponed from 10 o'clock a. m. until 1 o'clock p. m., for further conferences along the lines indicated and upon the basis of 4 to 10, it being understood that both factions would delay action until that time.

When he went over to the convention hall where the Taft convention was held and was informed by a newspaper reporter that the Roosevelt people had declined to wait until 1.30 p. m., which was not true, he called his convention to order and proceeded to business.

The chairman's most unpardonable offense, next to that of seating delegates to the committee who were not entitled to recognition, the same having been agreed upon by himself and 21 followers on the committee in secret conference the night before, was the policing of the theater where the convention was held so that the Roosevelt delegates were unable to enter. Even after he and his committee were through with their steam-roller tactics it was very questionable as to whether or not they had an actual majority, so that to make assurance doubly sure, it was necessary for them to adopt the ticket system, policing the building, not permitting anyone to enter who did not have a ticket of admission signed by himself, and he and

his co-workers being very careful to issue no tickets to uncontested Roosevelt delegates.

There were from four to ten policemen stationed in each of the three entrances prior to and at all times during the progress of the Taft convention. I conversed with the officers personally, who told me that their instructions were to admit no one to the building unless they had a delegate card signed by the chairman.

As a political larcenist he did his work well, that of defeating the will of the people expressed by the election of a large majority of the delegates elected to the State convention instructed for Col. Roosevelt.

MR. BARTHOLDT WHOLLY IN ERROR WHEN HE STATES THAT THE DELEGATES WERE ELECTED BY THE SO-CALLED COMMITTEE BEFORE THE CALL FOR A PRIMARY.

The most important fact that Mr. BARTHOLDT undertook to state was this: "The order of the committee directing a primary (King County) was made long after the committee had selected the delegates to the State convention."

If this statement were true it would give the delegates so elected some standing. It would give them some color of right to their seats.

The statement is wholly wrong and without any foundation of fact upon which to base it. The very meeting of the county central committee he mentions was called solely for the purpose of determining in what manner the King County delegates to the State convention should be elected. There was a very hot fight before this committee, consisting of 381 members, as to how this should be done. It was a committee consisting of as many committeemen almost as there are members of this body. A resolution was finally passed by the full committee calling for a direct primary. It was after this had been done and on the same day that the 12 or 14 persons, pretending to act for the executive committee, met secretly and elected 121 delegates to the State convention.

My examination of the proceedings and the different statements I have read led me clearly to understand this to be the case.

I called Senator POINDEXTER's attention to this statement, as well as to some others, and asked him to give me the facts of the case. Senator POINDEXTER was present at the hearings before both committees. I shall print his letter in full, but the part of it that applies to this statement is as follows:

Mr. BARTHOLDT states that the order of the committee directing a primary to be held in King County (CONGRESSIONAL RECORD, p. 9961) was "long after the committee had already selected the delegates to the State convention." This is wholly false and the exact contrary is true, namely, that the action of the 12 Taft members of the committee undertaking to appoint the 121 delegates to the State convention was after the primary had been ordered by the full committee.

I also telegraphed George Walker, Gov. McBride, and Mayor Dilling, of Seattle, and asked them what was the truth about this statement. The telegram in answer to this question is as follows:

Delegates were elected by committee immediately after call for primary.

I did not believe that the counsel for the Taft contestants disputed this fact, so I telegraphed W. T. Dovell, of Seattle, the lawyer who represented the Taft side of the controversy before the national committee at Chicago, before the national credentials committee, and who also presented their side of the controversy to the national convention, and asked him to tell me the truth about it. His telegram is as follows:

Your telegram received in my absence from city. So-called resolution for Kings County primaries passed at meeting of April 13. Executive committee selected delegates to State convention same day. County convention held two weeks later.

W. T. DOVELL.

This is the attorney that Mr. BARTHOLDT in his speech designates as the counsel for the Taft side who made the Roosevelt contestants look like "collapsed specimens of humanity."

I have examined the record before the national committee, and no such claim was made before that body. So the gentleman from Missouri, "who sat on the front seat and heard all the testimony," is sorely in error as to what occurred there.

THE CHAIRMAN WAS AUTHORIZED TO APPOINT COMMITTEEMEN IN ALL PRECINCTS WHERE THERE WAS A VACANCY.

Complaint is made by Mr. MONDELL and Mr. BARTHOLDT that 131 committeemen had been appointed by the chairman, which they claim was without authority and an arbitrary exercise of power. Again these just judges do not state the full facts or even attempt to do so. I have read the transcribed evidence before the national committee, and it clearly appears that before December, 1910, a year before any presidential contest was on, that the chairman of the county committee was given full authority to fill all vacancies occurring in precincts by appointing committeemen. There was no contention, as shown by the transcribed testimony, that this resolution had not been adopted by the county central committee. One hundred and thirty-one new precincts had been created shortly prior to the meeting of the committee, and there were vacancies in these precincts. The chairman did what, I think, he had authority to do under the resolution and also in conformity with the practice in my State, appointed committeemen in newly created precincts, which were without representation until this was done.

If these judges desired to be fair to you and to others who would read their statements, which, I understand, are to be given the widest circulation, why did they omit this most important and material fact? Did they do it for any other purpose than to mislead you and the public? Do not men who occupy the position they do violate a duty they owe to the public by such conduct?

While this matter was being considered, it may be that the gentleman from Missouri was sitting "on a front seat" listening, but certain it is that he was not hearing.

MR. BARTHOLDT IS AGAIN IN ERROR WHEN HE SAYS 131 COMMITTEEMEN WERE NOT TO BE ELECTED UNTIL AFTER SEPTEMBER, 1912.

Mr. BARTHOLDT, in his statement of the facts of the case, uses this language:

At a general meeting of the county committee it was resolved that representatives to fill the 131 new precincts should not be selected until an election was held in September, 1912.

This is one of the facts that he says is undisputed. I have read all the testimony and statement of counsel made before the national committee, of which Mr. BARTHOLDT was a member. There was no such statement made by counsel, nor is there such a statement in the transcribed proceedings of the case.

Thinking there must be some basis for this statement, I telegraphed three of the most prominent men in Seattle, asking if such statement was true—one, George H. Walker, a leading attorney in Seattle, of unquestioned ability and veracity; another, George W. Dilling, of Seattle, formerly a member of the legislature and recently mayor of Seattle, who voluntarily retired from that position about a month preceding the primary; and another, Henry McBride, who for a number of years was judge of one of our superior courts and later governor of the State of Washington. Their answer to this question is as follows:

No resolution by county committee that no committeemen should be elected for new precincts until September.

Gov. McBride and, I think, George Walker, were leading members of the Roosevelt faction in the contest at Aberdeen.

Senator POINDEXTER appeared before the national committee and the national credentials committee on behalf of the Roosevelt contestants, and knows exactly what was disputed and what was undisputed. I called his attention to this statement and asked him to write me the truth about it. His full letter will appear in this speech. In answer to this he said:

Mr. BARTHOLDT states that "at a general meeting of the county committee it was resolved that representatives to fill the 131 new precincts should not be selected until an election was held in September, 1912." This is absolutely untrue. No such action was taken by the committee, but, on the contrary, express authority was given the chairman of the committee to fill these vacancies.

The record of the national committee fails to disclose that any such claim was made, even by the attorney representing the Taft side of the controversy. There was no attempt to show on behalf of the Taft contestants that any such resolution was ever adopted by the King County central committee. In fact, no such contention exists anywhere in the record. So the gentleman from Missouri, "who sat on the front seat and heard all the testimony," is seriously in error as to this statement.

SENATOR POINDEXTER'S STATEMENT.

Subsequent to the day that the gentleman from Missouri delivered his speech on the contested cases in Chicago, I called Senator POINDEXTER's attention to that part of his speech wherein he undertook to state what the undisputed facts of the Washington contest were, and asked the Senator to give me his version of it.

Senator POINDEXTER represented the Roosevelt contestants before the committee and is conversant with everything that occurred there at the hearing. He says:

I have noted the particular reference in the RECORD cited by you being the statement of Representative BARTHOLDT which he claims is undisputed. I have examined this statement very carefully, and must say that it is not only disputed, but that it is absolutely erroneous. He says that the King County committee consisted of 250 men from 250 precincts, the majority of whom were for Taft. The facts are, the committee consisted of approximately 381 members, from approximately 381 precincts, the majority of whom were for Roosevelt. Mr. BARTHOLDT states that "at a general meeting of the county committee it was resolved that representatives to fill the 131 new precincts should not be selected until an election was held in September, 1912." This is absolutely untrue. No such action was taken by the committee, but, on the contrary, express authority was given to the chairman of the committee to fill these vacancies. Mr. BARTHOLDT states that the order of the committee directing a primary to be held in King County (CONGRESSIONAL RECORD, p. 10644) was "long after the committee had already selected the delegates to the State convention." This is wholly false and the exact contrary is true, namely, that the action of the 12 Taft members of the committee undertaking to appoint the 121 delegates to the State convention was after the primary had been

ordered by the full committee. Furthermore, it was after the authority of this executive committee had been superseded by the action of the full committee. The so-called executive committee, of which these 12 men were members, was appointed two years previously for the purpose of the campaign, and, aside from the fact that their action was in direct conflict with the action of the full committee, they had no authority whatever to act, as their authority was limited to a campaign which took place two years ago—and so I might go on disputing Mr. BARTHOLDT'S statements in detail, which he says are undisputed. The RECORD and a great mass of evidence is available to show the absolute inaccuracy of Mr. BARTHOLDT'S statements of facts.

I notice that Mr. BARTHOLDT declined to permit you to interrupt him while he was making this inaccurate statement, even for the purpose of a question. This was in direct harmony with the action of the national committee in hearing the case (Mr. BARTHOLDT being present as a member). The committee, or rather the majority of it, summarily suppressed every attempt on the part of the Roosevelt representatives to interrogate witnesses for Mr. Taft or even to correct misstatements made by the latter's counsel. It was not a hearing for the purpose of ascertaining the truth, but a mere formal proceeding for the deliberate and avowed purpose of seating the Taft delegation regardless of the truth of the case.

WHY DID THE GENTLEMEN FROM MISSOURI AND WYOMING BOTH NEGLECT TO DISCUSS THE CONTESTS FROM ASOTIN?

The contests in the State convention from Asotin County was as important as the contest from King County. If it was decided in favor of the Roosevelt contestants, it would give a majority in the State convention for Col. Roosevelt and give him the delegation to Chicago.

Why did the gentlemen from Missouri and Wyoming omit one of the most important Washington contests from their statements? Can they claim before this House and before the country that they were fair in their statements as judges and omit from it one of the most important and controlling facts in the case? How can the gentleman from Missouri square his statement that he "sat in the front seat and heard all the testimony," and was stating "all the facts," with the fact that he omitted all mention even of this contest?

THE GENTLEMEN FROM WYOMING AND MISSOURI FAILED EVEN TO MENTION THE IMPORTANT CONTEST FROM CHELAN COUNTY.

The gentlemen from Wyoming and Missouri failed not only to mention the contest from Asotin County, but also from Chelan County. The contest from the last-named county was most important. If the Roosevelt contesting delegation had been seated from this county, the majority of the convention would have been for the colonel and there would have been elected favorable to him the 14 delegates from Washington, no matter how any other contest was decided. Again we say that no judge who hears a controversy, when he undertakes to state publicly what the facts are, has a right to omit any material or controlling fact. He does the party whose case he has tried an irreparable injury. He has no right to mislead the public, who expect a fair and impartial statement from him. Both these gentlemen expressly stated that as they had heard these contests and as there were being circulated many misleading statements concerning the merits of the cases, they felt it their duty to give the public the facts. They prepared them with the greatest care—reduced their statements to writing, so that no error might occur in them; they had plenty of opportunity to make corrections and supply omissions before they read them in the House. Under these circumstances it seems incredible that these most important controlling facts could have been omitted by accident.

It must be that while this matter was being urged by the Roosevelt contestants before the committee, that although the gentleman from Missouri was on the "front seat" he was not listening; possibly Boss Barnes, who was also on the "front seat," may have purposely and playfully punched him in the ribs and distracted his attention.

MR. MONDELL ON SOAP-BOX PRIMARIES.

The gentleman from Wyoming severely criticizes the conduct of the King County committee in calling a county primary. He terms it "purely a soap-box affair." The primary as called was called and held exactly as they were called and held in every other county but one that elected Taft delegates to the State convention. So, if the Roosevelt delegates from King County were to be unseated because they were elected at a "soap-box primary," every county but one that sent Taft delegates to the State convention and who were given seats by the State committee and by the Taft convention should have been deprived of them.

I agree that "soap-box primaries" are not desirable if there is any law providing for a primary, but they are immeasurably better than permitting 12 men to meet secretly and usurp the rights of over 30,000 voters.

IN ORDER TO BELITTLE THE PRIMARY IN KING COUNTY THE GENTLEMEN OVERSTATE THE ACTUAL VOTE ABOUT 225 PER CENT AND UNDERSTATE THAT CAST BY ABOUT 60 PER CENT.

Another illustration of the unfairness of the gentleman from Missouri, and also the gentleman from Wyoming, is shown by their statements of the number of Republican votes in King County and the number of votes actually cast at the primary.

They both overstate the actual Republican vote of King County by at least 225 per cent and understate the vote cast at the primary by about 60 per cent. This is done for the sole purpose of discrediting the King County primary.

The gentleman from Missouri uses this language:

The Taft men protested against this high-handed proceeding of constituting an illegal majority and refused to take part in the primary at which, as a consequence, only 3,000 votes out of a total Republican vote of 75,000 were cast, according to the newspapers.

No one knows how many Republican votes there are in Seattle or King Counties, except as he determines it by the Republican vote heretofore cast. There never has been a vote at a general election in King County since women were given the right of suffrage. It is not assumed generally that giving women that right will double the vote. In 1910, at the general election for Congress, Mr. HUMPHREY received, in King County, 16,082 votes, and the 5 Republican supreme court judges received about 15,000 Republican votes each. So, if granting the right to vote to women should double the Republican vote as cast two years ago, there would only be 32,000 Republican votes in King County as opposed to 75,000, as stated.

It will be observed that the gentleman from Missouri does not state that there was any evidence of 75,000 Republican voters in King County presented to the committee, but he says "as mentioned by the papers." Yet he did want to convey to the Members of this House and to everyone who read his speech the fact of 75,000 voters in King County.

King County has between one-fourth and one-fifth of the entire population of Washington, and according to the gentleman's estimate there must be from three hundred to three hundred and fifty thousand Republican votes in the State. Two years ago there was cast for the three Republican Congressmen in the State, at the general election, 79,000 Republican votes, and if the Republican party should retain its full strength this fall it could not exceed double the above figures were all the women to vote.

I have tried to give you the facts in reference to the Washington Republican State convention as they were presented to the Republican national committee. I have undertaken to answer the speeches made by the gentleman from Wyoming, and more particularly by the gentleman from Missouri, and while the gentleman may be perfectly honest in the statement he has made, that he "sat on the front seat and heard all the testimony," he certainly was unfortunate in undertaking to state the facts. I am afraid he was a good deal like Boss Barnes and Boss PENROSE, who, I understand, sat on front seats and heard such testimony, and only such testimony, as they desired to hear. There were about 30 or 35 of the members on the national committee who sat in the room, some of them on front seats, and listened, and listened, and listened, and in the end remembered only that part of the evidence that the bosses of the convention wished them to remember.

In addition to the speech I have prepared I desire to extend my remarks by ineluding the statement made by a gentleman from New York, who has prepared a statement concerning those contests.

The SPEAKER. The gentleman asks to extend his remarks in the RECORD. Is there objection?

There was no objection.

The statement is as follows:

THOU SHALT NOT STEAL.

[Extract from editorial by Theodore Roosevelt. Reprinted from the Outlook.]

The American people are entitled to know that the charge of stealing the Chicago convention of 1912 is more than campaign recrimination, and that the frauds complained of are much more serious than the mere repetition of loose practices which might have found unfortunate precedents in some previous conventions of both parties. Seriously and literally, President Taft's renomination was stolen for him from the American people, and the ratification or rejection of that nomination raises the critical issue whether votes or fraud shall determine the selection of American Presidents. There may have been loose or arbitrary decisions of individual contests before; but this is the first time—and it must be made the last time—that a national committee, by conscious and intentional fraud, deliberately transforms the minority of a national convention into a majority, and thereby substitutes the brute power of a committee of professional political bosses for the expressed will of the people as a whole.

These statements are capable of mathematical demonstration. More than enough delegates to make up Mr. Taft's majority in the convention were seated there by contests so transparently fraudulent that honest doubt could not, and did not, exist in regard to them. President Taft was renominated by a majority of barely 21 votes, and 2 of these were publicly raped at the last moment from Massachusetts. If, therefore, more

than 19 or 21 of his votes were demonstrably fraudulent, all claim to an honest majority disappears. The demonstration can be made as to many more than this number without touching on a single honestly debatable case.

This reckoning takes no account of the notorious fact that even the undisputed part of Mr. Taft's support was largely artificial and misrepresentative, made up of delegates from the outlying possessions, from hopelessly Democratic States, and from States where the people had been successfully denied the expression of their will. Such an artificial handicap is an injustice, but it stops short of being criminal. Neither does the reckoning take full account of the fact that at least 80 or 90 of the rejected Roosevelt delegates had a better title to vote in the convention than did the seated delegates from New York City. It does not even include many cases quite as flagrant, but not so notorious, as the ones here discussed. It is sufficient to consider only the four confessedly indefensible cases of California, Arizona, Washington, and Texas, which alone more than wipe out the margin. All that could be added from the other cases would only increase the Roosevelt majority of the honest convention. But I wish it distinctly understood that many of these other cases were as clear as the California case itself. This was true of the Tennessee and Kentucky cases, for instance, the Kentucky cases being especially noteworthy because of the way in which Federal officeholders were used by the Taft people to supplement the work of fraud; and in Indiana, Michigan, Alabama, and Arkansas cases just as flagrantly against justice were decided, while one Louisiana case was the most flagrant of all. But the California, Arizona, Washington, and Texas cases were the best known, and in them there was practically no room for dispute as to the facts.

It is significant that these four cases were among the last decided by the national committee. The committee first heard a large number of contests which had evidently been brought more for the purpose of demonstrating the misrepresentative character of the delegations from certain Democratic States than for the hope of seating the particular contestants. Then it decided a number of other cases, some of which ingenuity might make plausibly debatable. Not until it was demonstrated that even all these cases were insufficient to reverse the majority in the convention did the committee go to the final length of throwing out the honest representatives of these four States. When this drastic course was finally decided on, debate was obstructed and curtailed, roll calls were refused, and the proceedings of the committee lost all semblance of even pretended fairness. It was public and undisguised robbery, and all who instigated it and helped carry it out, all who profited by it, and all who condone or apologize for it stand on the same low plane of morality.

Three of these cases were a direct assault on the right of the people to elect their own delegates at primaries, since in them a few score politicians decided that the voters as a whole had no right themselves to decide whom they wished to see nominated. In the California case the delegates to the national convention were elected by direct vote at State-wide preferential primaries. The national committee first, and then the Republican national convention, nullified the State law, and therefore, by inference, all State primary laws. In Arizona and Washington the control of the State conventions depended on which of two rival delegations were seated from certain counties, the one set elected by the Republican voters at primaries regularly called, and the other set arbitrarily appointed by bolting minorities of county committees. The State committees in each case seated the appointed delegates, and the national committee approved that action.

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A GLANCE AT THE NATIONAL COMMITTEE.

The Republican national committee met in Chicago on June 6, 1912.

Many people well informed as to general issues which divide parties, who follow the records of public men, and who may be said to be well versed in politics have only a hazy impression of what may be called the anatomy of politics—that is to say, the sources of political power, along what lines it moves and is directed, where it is stored, and how it can be stolen and deflected from its legitimate channels.

They know that national conventions are composed of delegates from the several States, but how the delegates are chosen or representation apportioned, how the convention is organized, manipulated, and sometimes, as happened at Chicago, coerced into misrepresentative action, against the judgment and wishes of the party, are subjects upon which the information of most of us is very deficient.

We all know that there is a body called the national committee; that it wields great power; and that its action is sometimes, as recently, the subject of bitter and widespread denunciation. But few know just how the committee goes about it to thwart the party's will and just why many of its members have incurred such general odium.

The national committee consists of 53 members—1 from each State and the Territorial possessions, Alaska, the District of Columbia, Hawaii, the Philippines, and Porto Rico. Each has a member in the national committee, and although the Territorial possessions cast no vote in the presidential election their representatives in the national committee have equal voice and power with the representatives of populous States, such as New York and Pennsylvania.

The members of the committee are not by virtue of their membership participants in the convention of the party. They are not necessarily delegates to the convention. In fact, a large number of the national committeemen were defeated for election as delegates to the recent Chicago convention. The national committee is not a committee of the convention. It is not appointed by the convention. It does not report to the convention, and yet this irregular and unofficial body practically overlies the convention and determines for all practical purposes its course and its choice of candidates by making up the temporary roll of the convention, and thus determining who shall sit and who shall not sit as delegates.

All contests arising from the election of delegates to the convention are referred in the first instance to the national committee. The credentials of elected delegates are forwarded to the committee from the several States, and formal notices of all contests are likewise transmitted to it.

About two weeks prior to the opening of the convention the national committee meets for the purpose, theoretically, of considering these contests, examining evidence, and hearing arguments. It thus makes up a temporary roll of the convention.

The credentials committee is nothing more nor less than a body whose personnel is carefully selected to make sure of the ratification of the prior action of the national committee on contests, and transmits nominally its own but in reality the recommendations of the national committee to the convention on the subject of roll of delegates in case of appeals from the decisions of the national committee.

The credentials committee has a member from each State, chosen by the delegates from each State, whose credentials have first been approved by the national committee. At the Chicago convention several of its members were also members of the national committee, and thus sat in review of their own prior decisions. In every case the credentials committee sustained the national committee, as it was intended to do; and, in fact, any other result was carefully precluded by the manner of the organization of the credentials committee, as pointed out.

The national committeemen, one from each State, are chosen by the delegates from that state to the preceding national convention. The national committee which recently met in Chicago had been elected four years previously by the delegates to the convention which nominated Mr. Taft in 1908.

Of the 39 members who formed the solid Taft phalanx within the committee, 15 were defeated and repudiated within their own States a few weeks prior to the convention. Four represented Territories or insular possessions having no votes in a presidential election. Ten were from Southern States that have given no electoral vote to the Republican Party. When it is said of the committeemen that certain of them had been repudiated in their own States reference is made to such committeemen as Senator BOIES PENROSE, of Pennsylvania, who had failed of election as a delegate to the national convention. In the same category is Senator W. MURRAY CRANE, of Massachusetts. Senator CRANE had been defeated in his own State for election as delegate at large to the convention and failed to secure reelection as a member of the national committee. Mr. Victor Rosewater, of Nebraska, had been defeated in his State as a candidate for national committeeman and sat upon the national committee for the last time; and there were numerous others in the same plight.

The notorious part in the committee's proceedings played by PENROSE, CRANE, Rosewater, and their companions in defeat, like the final shot of the retreating Parthian, marked their egress from the field of active politics.

There were thus 29 members, or 2 more than a majority of the whole committee, who were without any political standing whatever, and yet had the power to unseat delegates elected by popular State-wide primaries, as in the case of California; to recognize delegates without a shadow of right to sit in the convention, as in the case of Texas; and thus by a series of indefensible decisions, disregarding evidence, ignoring merits, and in some instances without any basis whatever for their action,

to mold and fix arbitrarily the composition of the national convention.

The total number of delegates making up the convention was 1,078. To nominate Mr. Taft required 540 delegates. Mr. Taft did not have this number of votes in the convention. Of the honestly elected delegates Mr. Roosevelt had a decisive majority.

How was Mr. Taft to be nominated? Not by a minority, that was clear. He had been unable to win a majority. That majority had to be found.

The national committee, bound to Mr. Taft by Federal patronage and all the ligaments and prepossessions of machine politics, proceeded to find it. In one Indiana contest affidavits were filed showing that a majority of the entire number of delegates constituting a district convention had not voted for the Taft delegates who presented false certificates of election. At first it was decided to exclude such evidence. Then it was decided to receive the affidavits, but to ignore their contents and the facts which they incontrovertibly established, and seat the Taft delegates. It was so ordered. This was the case in the thirteenth congressional district of Indiana.

The delegates elected from Texas were undeniably the regular and lawful delegates. But they were for Roosevelt. To have recognized their credentials from the Republican State convention of Texas would have been tantamount to conceding Roosevelt's nomination. It was not to be thought of. Without a qualm the national committee violated all its own precedents and seated Taft delegates elected by a bolting minority from the State convention, in admitted violation of the Terrell election law of the State of Texas.

The committee met in an ugly temper on the morning of June 6. It had long been rumored, in fact it was openly charged, that their purpose was to count Mr. Taft in, by fair means or foul. They were not long in confirming suspicion as to their intent and purpose.

The minority of delegates which Mr. Taft's managers had gathered up in a raid through the rotten boroughs of Southern republicanism could not give him the nomination. That was clear. So the national committee, with letters of marque and reprisal from the President, started out like privateers to capture Taft delegates wherever pretext could be manufactured or quibble invented.

It mattered little that the great Republican States from which the party has always drawn its electoral strength had by huge majorities repudiated Mr. Taft's candidacy. The national committeemen belong to the old school of politics. They believe in government by "a representative part of the people." They like the rôle of dispensers in their several States of Federal patronage. They did not propose to "let go" without a struggle. The new-fangled idea of popular primaries had never appealed to them. It was "dangerous" doctrine, this heresy that a national convention should register the will of the voters. Popular rule, so the committee felt, was an insolent intrusion by the people into the committee's hitherto unchallenged autocracy. It must be sternly crushed.

The task was congenial to the majority of the committee. A large number of its members were embittered by personal defeat. It was manifest to all that Mr. Taft, if nominated, stood no chance of election. His errors, his betrayals of the people, his partiality to special interest, his vacillations, his overwhelming repudiation in the pre-convention contest for delegates in the Republican States, left no room for doubt that he was a beaten candidate before the campaign could be opened. But the party organization remained, and the committeemen, although beaten and discredited, resolved to fight for their clutch on the party organization, as a nucleus for the reconstruction of their shattered political power. In fact, the defeat of Mr. Taft was looked upon as not such a bad thing. It might be easier, these so-called leaders reasoned, to rebuild their local power after a defeat of the national ticket instead of having to combat the vigorous resistance of a self-confident and victorious party, with antibossism one of its cardinal principles.

While it was true that Mr. Taft's nomination spelled party defeat, they themselves having been repudiated by their party, felt the temptation to retaliate against the Republican voters by coupling with their personal disasters the defeat of the ticket, and thus invite the inference that the two results were related.

Never before in the history of the Republican Party did the national committee meet for the acknowledged purpose of forcing the nomination of a candidate already defeated and of excluding from the program of the convention any measure or resolve that could make for the success of the party at the polls.

For temporary chairman of the convention they selected the most conspicuous servant which the forces of privilege have ever found. They made no mistake. Some men might have revolted from the work assigned to Senator ROOT, but he leaped to the task and surpassed even the expectations of his friends. The convention fairly gasped when he ruled that, nowithstanding the presence of a duly elected delegate in the convention who declined to vote, the convention could permit an alternate to vote in his stead. This actually happened, this monstrous ruling, on the call of the roll for the nomination of the President. The ruling was not made, however, until the State of Massachusetts, far down in the alphabetical order of States, had been reached, and not until it was possible, in making the ruling, to record the vote of a Taft alternate in place of a regular Roosevelt delegate.

By this indefensible act Mr. ROOT made a personal contribution of two votes to Mr. Taft's slender majority on the fraudulently padded roll.

With these facts in mind, it can readily be appreciated just how judicially disposed the national committee was when Mr. Rosewater, of Nebraska, making his farewell appearance as a member of the committee, brought his gavel down and announced that the committee was now prepared to "judicially" examine and decide upon the claims of rival delegates, representing Mr. Taft on the one hand and Mr. Roosevelt on the other.

Their first business was to adopt a set of rules, and the most important rule proposed was that there should be no roll call except upon a request concurred in by 20 members. They calculated that there were only about 11 or 12 members of the committee who were impartial or friendly to Mr. Roosevelt, and that by restricting roll calls to requests by at least 20 members they were throwing a protecting pall of secrecy about their action, and could then do about as they pleased without bearing the burden or odium personally of their conduct. This proposal called out an eloquent protest from Senator BORAH, of Idaho. He insisted that a fairer rule in this respect should be adopted, and moved that a roll call of the committee be ordered if requested by 10 members of the committee.

The Constitution of the United States (Art. I, sec. 5) provides that the yeas and nays of the Members of the House of Representatives and the Senate shall be recorded on the desire of one-fifth of those present.

The rules of the New York State Assembly provide that the yeas and nays shall be recorded on the request of 10 members, the assembly having a membership of 150.

Senator BORAH, in behalf of his motion, said:

I do not make this motion with any expectancy, even if it is carried, of assisting the candidate with whose interest it is known I am allied. I do not presume for a moment that it will result in the seating of any delegate who will not otherwise be seated, or of not seating any delegate who would otherwise not be seated. I understand perfectly that those in the majority here have the votes to seat whom they would seat, and will do so, whatever the manner of procedure of this committee may be. I make this motion for another reason. We are representing here a great party organization. We are supposed to represent the millions who constitute the rank and file of the party. We meet under extraordinary conditions, and under circumstances, in some respects, most unfortunate. What we do, therefore, ought to be done in the open, and every vote recorded with an individual responsibility behind it.

I can not believe this committee is going to seat men who manifestly have no right to a seat, but if you are going to do so, for the sake of your party do it openly and aboveboard, and put your individuality and your courage, though in a bad cause, behind your vote.

Are you ready to answer to your constituents when you go home? Let's make a record that can not be assailed, at least, for cowardice.

According to the Chicago press accounts, at this point an effort was made to take Senator BORAH off his feet by moving to lay the motion on the table. He said he would not submit to gag rule; that he had a right to address the committee, and that he proposed to do so so long as he was not physically taken out. A long wrangle and shouting of different people at the top of their voices continued, while the chairman in the meantime was putting the motion to lay Senator BORAH'S motion on the table. He continued after quiet was regained, and said:

What are you men afraid of? What is it that you are going to do? If these delegates are entitled to seats, why should you conceal your record? Have you lost your courage? Are you ashamed of what is going to happen? I do not hesitate to say that men who have not the moral courage to record in the open every vote which they cast in a matter so vital to the party are unworthy to represent the great Republican organization. The man who has the legitimate majority of the delegates to this convention should be nominated, and when so nominated he will be loyally supported by all. But it doesn't make any difference who is nominated, whether it be one candidate or another. If he is nominated by the seating of delegates whose seating you dare not defend, it will be a disastrous day when it is done.

It only remains to add the comment of the Chicago reporter who was at the scene, and who said:

After Senator BORAH concluded his plea, his proposal was steamrollered—defeated by a viva voce vote.

Thus the number of members who might demand a roll call remained at 20.

The vote of the committee denying the newspapers generally access to their hearings, and restricting the channels of pub-

licity to a handful of press association representatives, was another step taken at the outset which gave a significant clew to the committee's program.

But there was no need to depend upon mere clews or suggestions or inferences from such acts as above related for knowledge of the committee's purposes. In the Chicago Tribune of June 8 the following conversations between members of the committee were reported:

While the ninth Alabama contest was under consideration Senator W. MURRAY CRANE suggested to several members of the committee that it would be wise tactics to seat the Roosevelt delegates.

"Big Steve" Stephenson, of Colorado, who holds a proxy from former Senator Nathan B. Scott, of West Virginia, is reported to have replied:

"We can't afford to let them have it. We might be able to spare two votes now, but we must look ahead to the time when we will have to give them something. We can't do it now."

When the ninth district contest was settled by a vote of 38 to 15 in favor of the Taft forces, National Committeeman Mulvane, an ardent Taft man, of Kansas, said to a man friendly to Col. Roosevelt:

"Now you fellows have got an inkling of what you are going to get. Are you going to waste our time going over all these contests?"

"What do you fellows intend to do?" Mulvane was asked. "You know you surely can't elect Taft."

To which Mulvane is said to have responded:

"We can't elect Taft, but we are going to hold on to this organization and when we get back four years from now we will have it and not those d—— insurgents."

These are not pleasant facts to dwell upon, and we will leave the discredited national committee to the indignation of the great political party it has compromised and betrayed.

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THE CONTESTS, INCLUDING SOME OBSERVATIONS ON THE SO-CALLED "TAFT DEFENSE."

The contests instituted on behalf of the Roosevelt delegates involved 238 delegates. A large proportion of these contests originated in the Southern States, and were in the nature of protests against the fraud and corruption which have characterized the party administration in the Southern States for more than a generation. The Republican Party in many of the Southern States, like Alabama and Louisiana, is a "ghost" party, polling an inconsiderable number of votes, and really a mere name, continued in the interest of a little clique of Federal officeholders who maintain a sham party organization as a side adjunct to their business of absorbing local Federal patronage. These conditions have recently been the subject of telling exposures in Collier's Weekly.

The temptation to use these readily controlled political machines has proven more than the administration in Washington could apparently resist, and there has been an intimate connection between the organization of fraudulent Taft conventions in the Southern States and the bestowal of rewards in the shape of local Federal appointments.

These conditions have long been a scandal in the party, and attempts have been made in the past to reduce the representation of the Southern States in the national convention. In the State of Louisiana, for instance, the Republican Party does not poll enough votes to meet the definition of the Louisiana statutes of a political party, and yet the State has a representation in the national convention almost equal to that of great Republican States like Minnesota and California, with their hundreds of thousands of voters.

These Southern States never cast an electoral vote for a Republican candidate for President, and yet through the operation of Federal patronage give to a President seeking renomination upward of 200 votes in the nominating convention, which can be readily controlled, although representing no Republican thought, sentiment, or voting strength. Taft received 244 votes from such Southern States. He could not have spared the single Democratic State of Alabama, nor Virginia, nor Georgia.

So low is the vitality of the Republican Party in these Southern States that these conditions have been suffered to continue without effectual protest for many years.

This year the candidacy of Theodore Roosevelt and his strong support by the progressive Republicans seemed to give promise of more honest conditions at the convention and to indicate that, despite the failures of the past, a protest against these intolerable conditions, if made before the Chicago convention, might secure consideration and lead to recognition of the true sentiment of the convinced and genuine Republicans of the South.

In many of the Southern States the formalities in relation to the call of the conventions were wholly disregarded. Conventions were held without notice or upon irregular notice. The participation of the voters in the choice of local delegates was not desired nor sought, but, on the contrary, every fraudulent device was employed to exclude such participation. This did not prevent the manufacture of artistic credentials. The material recitals entering into sound credentials were unhesitatingly embodied in the certificates of election, but in many cases these certificates contained false recitals of fact. The most effective instrument of party regularity in the South is still the typewriter, and from an analysis of the tribunal to which these contests were referred it is apparent that superficial regularity on the part of Taft delegates was all that was needed.

The so-called official statement issued over the signature of the defeated national committeeman from Nebraska, Mr. Rosewater, speaks slightingly of the Roosevelt contests. These contests were brought in absolute sincerity and good faith, and in no instance were they devoid of merit and genuine equity. In several contests the national committee voted with unanimity, but this was due to the fact that in the conscientious opinion of the Roosevelt members of the committee, although impressed with the equities of the Roosevelt cases, it was felt that the proofs had not been brought to a degree of affirmative preponderance sufficient to overcome the artful surface appearance of regularity which the facile coiners of Taft credentials uniformly contrived to give to their cases.

This disposition on the part of Roosevelt men not to allow their preferences for Mr. Roosevelt to sway their judicial consideration of the contests, and their determination to be just in cases of doubt or insufficiency of proof, even to the Taft side, were without effect upon the unrelenting majority of the Taft steam roller.

To the disinterested examiner of the contests, however, this concurrence by the Roosevelt committeemen in certain detached cases must give all the greater weight to their dissenting votes in those pivotal contests where the equities of the Roosevelt contests were unanswerable, such as in Washington, Texas, California, and Arizona.

Time and space forbid a detailed enumeration of the false assertions contained in the Taft defense. Where downright misstatement is not possible resort is had to disingenuous suggestion and deceptive form of statement. For instance, on page 4 of the Taft defense the statement appears that "in no other convention was so much care exercised or so much time devoted to the investigation of contests." This statement is amusing when compared with the motion that was actually made in the credentials committee that the time taken for a roll call could be saved if the secretary was directed to record the vote as uniformly given on prior contests without continuing the formality of actually taking the vote.

And, again, a line or two further appears the statement that "no delegate was permitted to vote upon any contest affecting the right to his own seat." This is an extraordinary assertion in the light of the minority report of the credentials committee, in which a protest is filed against the following members of the credentials committee sitting and participating in the action of the committee, to wit, Mr. J. C. Adams, of Arizona; Mr. C. A. Warnken, of Texas; and Mr. W. T. Dovell, of Washington, for the reason that these men were elected by entire delegations whose seats were contested.

Again, a protest was made against the same gentlemen participating in and voting upon the questions in any of the contests, upon the ground that they were in effect sitting as judges in their own cases.

A further protest was made by the minority of the credentials committee against Mr. Thomas H. Devine, of Colorado, chairman of the credentials committee and one of the signers of the so-called Taft defense; against Mr. Fred W. Estabrook, of New Hampshire; Mr. Henry Blun, jr., of Georgia; Mr. L. B. Mosely, of Mississippi; and Mr. L. P. Shackleford, of Alaska, from sitting on the committee, for the reason that they were members of the national committee and participated in its deliberations and actions, and therefore should not be permitted, as members of a court of appeal, to sit in review of their own prior decisions.

There were only two roll calls on the contests in the convention, involving two delegates from California and two from the ninth district of Alabama. In these cases a mock concession to fairness was made in a rule which prohibited a delegate from participating in the convention vote of over a thousand on a contest affecting that delegate's seat. But the Taft defense does not say, what is very material in this connection, that the entire body of fraudulently seated delegates, bound together by the solidarity of mutual wrongdoing and the sense of common fraudulent interest, were permitted to vote.

On page 13 of the labored Taft defense appears in italics the statement in reference to the bolting Taft convention in Arizona, that "if only the uncontested delegates in the Taft convention had been permitted to vote the Taft delegates would have been in the majority," and this is cited in support of the equities of the Taft delegates from Arizona. But no mention is made in the account of the Indiana contest of the fact that if only the uncontested delegates in the Indiana State conven-

tion had voted the Roosevelt delegates would have been elected by a clear and decisive majority. In Indiana the Taft delegates were only elected by padding the convention roll with 124 contested delegates, and then permitting the latter to vote in favor of the retention of their seats.

Speaking of the Indiana contest, on page 18 a reference is made to the Indianapolis Star as having "been neutral in the contest between Taft and Roosevelt." Not so neutral as Taft's defenders would have it appear. The Indianapolis Star, in its editorial columns on March 27, thus reveals its "neutrality" in an editorial assailing the election of the Taft delegates by the Indiana State convention. Speaking of the "flaw in their title," the Indianapolis Star says:

Much as the Star desires the nomination and reelection of President Taft, it greatly regrets that the verdict of Indiana Republicans in his favor could not have been straight and clear.

A newpaper is neutral, it would appear, in the Taft opinion when it is honest. If it had defended the dishonest action of the Indiana State convention, it possibly might fall in the category of a pro-Taft newspaper.

The disingenuousness of the Taft defense is shown in their statement of the California contest. The misstatement is contained therein to the effect that the result in the fourth California district was certified by the registrar of voters of the city and county of San Francisco, but the further information is not vouchsafed that this certification of the vote in the fourth district was thereafter canceled and rescinded as being not only incorrect, but, by reason of local conditions, impossible. There were 14 precincts in this district which overlapped the adjoining district, the fifth, and it was impossible to determine what the actual vote was in the district for the Taft and Roosevelt delegates, who were candidates under the provisions of the State law for election as delegates at large.

Again, on page 16, it speaks of the decision of the California contest as dictated by a precedent laid down in the national convention of 1880. In 1880, however, there was no question of a State election law involved, nor of a popular primary, resulting in a majority of 77,000, which it was necessary for the national committee to get around and disregard. Analogy must be closer than this to constitute a precedent.

But the Taft defense says, on page 18, still speaking of California:

It is absolutely irrelevant to the question at issue how much majority the Roosevelt ticket had in the State at large.

In this admission is contained the key to the whole policy of the Taft majority on the national committee. Again and again the attorneys for the Taft contestants or contestees, in cases where the proof showed an overwhelming vote and sentiment behind the Roosevelt delegates, assured the national committee or the credentials committee that the Taft credentials were all regular, that the "t's" were crossed and the "i's" were dotted, that the call had been copied into the minutes of the convention, and that everything had been done according to rule. To the steam-rolling majority on both the national and credentials committees this seemed to determine the question. They also thought it absolutely irrelevant to the question at issue how large a majority the Roosevelt delegates in contest might have behind them.

In the Texas case the Taft defense opens with the statement:

The issue as to the eight delegates at large from the State of Texas is not merely a political one, but a moral one.

No disinterested man who examines the Taft statement of the Texas case would undertake to defend the national committee's action. Taft's apologists beg the whole question in the sentence above quoted, that the issue is a moral one and not a political one. They can only mean that, conceding that the Roosevelt delegates from Texas were the legally elected delegates, they should not have been chosen on moral reasons. In other words, that there were reasons extraneous to the regularity and legality of their election which should control.

This was precisely the point argued before the national committee. It was conceded that the Taft delegates from Texas were irregular; that they were elected at a bolting convention held by an inconsiderable minority of the delegates elected to the State convention. The regular convention had elected Roosevelt delegates by a vote of 162 to 13. There were only 27 of the 249 Texas counties which had instructed for Taft, and of these 27 counties the delegates representing 13 participated in the regular State convention. It was, nevertheless, insisted that the Roosevelt delegates did not represent the true Republican sentiment of the State. This was the whole Taft case in the State of Texas. However, on that point we have the statement of D. G. Ruggles, editor of the Houston Daily Post, published in the Brooklyn Eagle of July 28, attempting the justification of the national committee. The editor of the Houston Post, however, says in his statement:

Were Theodore Roosevelt in Texas and facing a presidential primary he would doubtless carry the State, as far as Republicanism is concerned, even Taft Republicans will acknowledge.

It would thus appear that the "moral" question disapears before admitted fact, and that the contention of the Taft defense is overruled even by the Taft Republicans in Texas.

There was but one question on which the decision of every contest hinged. Were the contestants for Taft or were they for Roosevelt? If for Roosevelt, a pretext must be found for excluding them from the convention. If they were for Taft, it didn't make any difference what pretext was selected, they were promptly seated.

In the Texas case it was claimed that the Republican organization of Texas was standing in the way of Republican growth in Texas. Figures were presented contrasting the vote of the Republican Party in 1896 with the vote cast by the Republicans in the last gubernatorial election in Texas.

If a lawyer in court made such a use of statistics or data he would be rebuked and disciplined. The manifest intention is to deceive. It is well known that in 1896 hundreds of thousands of Democrats throughout the country deserted their party for the purpose of putting down the free-silver heresy and of saving the country from Bryan. The Taft defense contrasts the vote in Texas of 65,000 for Taft in 1908 with 26,000 cast by the Republican Party in the election for governor in 1910 as an argument for ignoring the Republican organization, the regularity of its convention, and the legitimacy of its election.

The same argument, if applied to President Taft's own State of Ohio, where in 1910 the Republican Party, handicapped by Taft's record, lost the governorship and control of the State by approximately 100,000 votes, although the party had carried the State two years previously for the national ticket, would have resulted in the exclusion of the fraudulent delegates at large from Ohio, elected at a State convention held a few days after Roosevelt had swept the State of Ohio by a majority over Taft of nearly 50,000.

We ask the question, Does Mr. Taft think the State convention of Ohio, which gave him six delegates at large, represented the Republicanism of Ohio? If it did not, should not his delegates at large from that State have been unseated on the considerations advanced in his interest in the Texas case?

But the national committee cared nothing for consistency. They were there only to seat Taft delegates and to exclude Roosevelt delegates. In Washington it was conceded that Roosevelt had carried every primary overwhelmingly. It was conceded that the Roosevelt delegates were in a majority in the State convention.

In this case, however, the national committee decided, notwithstanding that the Taft convention represented only a minority, that it was regular, and that, notwithstanding the majority behind the Roosevelt delegates, their convention was irregular and they were merely bolters.

It is impossible for the national committee to have been right in both the Texas and Washington cases, as the reason adopted for one decision was rejected in the other.

In the Indiana case the Roosevelt minority on the national committee concurred in the vote to seat the Taft delegates because the decisive votes in the State convention were cast by delegates who had been chosen at a so-called primary election.

It was conceded by the Taft men on the committee that the primary had been characterized by widespread fraud, intimidation, and repeating; but it was claimed that the proof of fraud did not affirmatively establish that a sufficient number of votes should have been rejected for this reason to have reversed the primary result. The Roosevelt men on the committee, looking ahead to the later cases in which the title of Roosevelt delegates was derived from popular primaries, decided in the Indiana case to stand by the basic principle of the authority of the primary, and concurred in the vote.

But when the steam-rolling majority of the national committee encountered a primary in which Roosevelt delegates had been elected by a majority of 77,000, as in California, they dug up as a pretext for unseating the Roosevelt delegates from the fourth California district a precedent from the national convention of 1880, in conflict with the statute law of the State of California, and established as a precedent at a time when the primary had not been introduced as a method of electing delegates.

Upon the moral question which receives so much stress in the Taft defense in the Texas case, we have the word of the New York World, applying to the moral question of Taft's candidacy

in its entirety, and not to any specific contest. Says the New York World:

Morally, the Taft administration has been rejected by the Republican Party.

In a recent issue the Detroit News said, referring to the Chicago convention:

There were 10 men at the Republican national convention in Chicago writing for the Detroit News. All of these men are writers of wide experience in political affairs, some of them having attended every national convention for 20 years. Each was at liberty to write reports of events just as he saw them. Two have a dislike for Theodore Roosevelt that amounts almost to a hatred, but every one of the 10 agreed on one proposition. It was, that William Howard Taft did not have enough duly elected delegates to control the convention and nominate himself.

The question as to the good faith and honesty of the national committee's disposition of the contests is not worthy of serious consideration.

The impartial observers of events at Chicago were the newspaper correspondents. Collier's Weekly, in its issue of July 29, under the caption "The stolen delegates," publishes the following extracts from various newspapers the country over, and entitles its page "Comment on the illegality of Taft's nomination from newspapers of every shade of political belief":

[The Spokane Spokesman-Review.]

There is no "bluff" back of the Roosevelt contesting delegation from Washington. * * * The people of Washington know—and none more than the Taft machine leaders—that Col. Roosevelt is entitled to the 14 votes from this State.

[Chicago News.]

The victor at the end was as lonely as Robinson Crusoe. He had been renominated by representatives of a minority of the Republican Party. He had been given a majority of the delegates by unscrupulous work on the part of the old national committee, now dead. Much of this work was so scandalously bad that it could not be condoned by the progressives who were its victims.

[Newark (N. J.) News.]

There is no mistaking the validity of Roosevelt's claim to be the chosen leader of the majority of the rank and file of those who vote customarily under the Republican emblem. His defeat at the convention has been at the hands of a minority and by the arbitrary rulings of a political committee irresponsible to the party voters. The rulings of the committee were not even consistent, except on the ground that wherever Taft could be given a delegate that was the thing to do.

[Richmond Times-Dispatch.]

With CRANE and PENROSE in control at Chicago, with Ryan and Murphy in control at Baltimore, why should not the independent voter feel that a third party is his only salvation? Whose fault will it be if the Democratic Party is split in two? And what will Virginia say of her share in that business?

[Dallas Morning News.]

The fundamental and sufficient cause of this secession was not the ambition of any man or of any set of men, but the conviction, widespread and deep, in the masses of the Republican Party that their loyalty to that party was being used by a coterie of bosses to serve corrupt ends, that they were being betrayed by the very men who were foremost in preaching the virtue of loyalty. Coming to Chicago with a minority of the votes, despotism and fraud were resorted to to supply what votes the cause needed to make it dominant.

[Hartford Times.]

Defend the procedure there as much as Chairman Roraback and others may please, and the fact remains that 72 of the delegates whose seats were in dispute were allowed to sit in judgment on their own credentials. Might just as well have a thief sit in the jury box, so far as fairness and equity are concerned.

[The Springfield Republican.]

There has never been a time when the Republican Party pretended to make its national nominating conventions representative necessarily of the majority sentiment of Republican voters.

[Sioux City (Iowa) Tribune.]

The same kind of a deal in a legislature would have opened the doors of the penitentiary for the men making it. It was as corrupt as anything that was done in the election of Lorimer. Abe Ruef never planned anything more atrocious against the public. Roosevelt could not connect himself with such corruption.

[The New Orleans Item.]

Mr. Roosevelt had the Republican masses behind him. Mr. Taft had the levers of the party's machinery in his hands. The band of self-seekers behind Mr. Taft, who have discredited the Republican Party, with this machinery at their command, have been able to steal a presidential nomination belonging to Mr. Roosevelt and bestow it on Mr. Taft.

[Los Angeles Tribune.]

Thus, delegates seated by fraud, in the interests of a candidate ignominiously rejected, became the instruments whereby the will of a legitimate majority was nullified. * * * Thieves were named to make up a majority of a committee that was to try them, and the progressives rightly refused to act with the thieves.

[La Crosse (Wis.) Tribune.]

Of the two men who engaged in this fight, Roosevelt enjoyed the greater popularity. He might have been elected President. That Taft can not be is conceded by many who helped force his nomination. Yet these men said to the Progressive Republicans: "You must swallow Taft and wreck the party." If the great mass of Republicans who have been in the fight for truly representative government take the bosses at their word, the wreck will be upon the heads of those who in the interest of minority rule have pulled the pillars from beneath the temple.

[Chicago Evening Post.]

In our judgment, that nomination was a tainted nomination. There were in it trickery and fraud. Stripped to its practical essentials, it was a nomination made by a minority instead of a majority. * * *. The miserable 21 votes above the nominating point which the "steam-roller" drivers were able to muster fade instantly away under scrutiny from any standpoint of representative determination.

[The San Francisco Bulletin.]

California indorses the third party, founded by the honest majority of the recent Republican convention and submitted to the people of the United States by its progressives. California indorses Gov. Johnson's brave stand, not only in fighting the thieves to a finish, not only in refusing to be bound by the action of a stolen convention, but in leaving that fraudulent convention and taking the leading part in forming a new party and carrying out the will of our 77,000 majority by nominating the man wanted.

[Chicago Tribune.]

The suicidal success won in a fraud-packed convention by the discredited remnants of standpat leadership in the Republican Party has served only to throw into higher relief the progressive leadership of Theodore Roosevelt. No other man in public life could have accomplished what he has done in the preconvention fight.

[Kansas City Star.]

The enthusiastic determination of the people to elect a progressive President in spite of the fraud workers of the national committee in Chicago is the most natural thing in the world. Being overwhelmingly progressive before that crime against popular government was perpetrated, the people are logically now more strongly than ever determined to control their Government.

It is impossible within reasonable compass to present the Roosevelt side in more than a few of the cases. The following have been selected not because they are the most flagrant instances of high-handed injustice on the part of the national committee, but because the facts in the cases lend themselves most readily to reasonably brief statement. They are sufficient. President Taft was nominated by 21 votes—or by 19, if the 2 from Massachusetts are omitted which were counted only by the extraordinary ruling of Chairman ROOT that when a delegate answers "Present, but not voting," his alternate shall be allowed to vote—always providing that alternate is a Taft man and the delegate is a Roosevelt man.

Taking only four of the cases hereinafter cited, namely, California, Arizona, Washington, and Texas at large, these cases in their narrowest application cover 30 votes. The change of these 30 votes would have defeated Taft and would have reversed all the important actions of the convention.

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THE CALIFORNIA CONTEST.

The action of the convention sustaining the prior action of its credentials committee and of the national committee in seating two contesting Taft delegates from the State of California was productive of more bitter and outspoken resentment than any other than they did would have been to expose themselves to Taft's interests.

When the Progressive Republicans of California were swept into power in 1910 as the result of a great protest against the domination of the State by a corrupt ring which had held sway for many years they found a law upon the statute book which would have enabled their leaders to select arbitrarily, as formerly had been done, a full quota of delegates to the national convention. The Progressive Republicans determined, however, notwithstanding the possession of this power, to yield it in favor of a popular presidential-preference primary as being more in accord with the temper of the people and the principles for which the Republican Party stood. Accordingly a presidential-preference primary law was passed whereby the choice of a full delegation from the State of California was to be determined by a popular State-wide primary vote.

Mr. Taft, Mr. LA FOLLETTE, and Mr. Roosevelt filed the statement required by the California primary law, announcing themselves as candidates for the votes of the people, which could only be cast under this law, and accepting the provisions of the law and agreeing to abide by the popular verdict. Mr. Taft on May 12, two days before the primary election was held, addressed a message to the voters of California, in which he said:

On the eve of your presidential primary in California I venture to appeal to the Republican men and women who exercise the franchise to consider fairly well the legislative and executive achievements of my administration, and especially those which have affected California, and say whether they do not deserve the approval of California.

I submit a record is formed that entitles this administration to the support of the Republican men and women of California, and that it is progressive to the highest degree.

The election was held. Twenty-six delegates were voted for throughout the State of California. None were nominated or voted upon as district delegates. Each, under the provisions of the law, agreed to abide by the operation of the law, and became a candidate for delegate under the terms of the law.

The result was an overwhelming expression of popular preference for Mr. Roosevelt. He received 146,000 votes. Mr. Taft, running second to him, received only 69,000 votes. The result was conclusive. It was acquiesced in by all, even up to a time several days subsequent to the convening of the national committee in Chicago.

The first premonition that there would be an attempt to unseat any of the California delegates elected by a majority of 77,000 voters was in the form of a tentative announcement before the national committee by counsel, suggesting that California might be the subject of a contest, and asking that it be postponed until the national committee had neared the completion of its hearings, as it was conceived to be likely that a question affecting two of the Roosevelt delegates might be presented to the national committee.

The mere suggestion called forth indignant protests from all quarters. This was steam rolling with a vengeance. It was no ordinary convention contest, involving the usual questions as to whether the call of a county convention was regular or whether the chair had the right to fill vacancies on a district committee or whether the place of meeting had been duly designated or the notice published as required by law. These are favorite stand-bys of delegations which rely upon steam-rolling majorities in the national or credentials committees. The question involved in California was, Shall a national committee flout the mandate of 146,000 Republican voters in a great Republican State? Not one of the Southern States, where the Republican Party for years has been a byword and a jest; not a rotten borough, but a sovereign Republican State, whose electoral vote has been cast many times for the candidate of the Republican Party and whose vote the success of the party in any close election may absolutely hinge upon.

But the rumor that the national committee intended to edit and revise the result of the California primary was persistent. At first it was not believed. It did not seem possible that folly and callousness could go so far. The sentiment of the delegates to the convention was so angry, however, that the assurance was spread about that if on a later calculation of the Taft strength in the convention it was found that the votes which it had been determined to take from Roosevelt and transfer to Taft from the California delegation were not needed the convention might later bow gracefully to the storm of public indignation and reverse the action of the national committee, thereby gaining some credit before the people for impartiality. This point of security, however, the Taft forces never reached, and they were obliged to stand squarely upon their record of discreditable conduct.

Under the law of California, as of several other States, the method of electing delegates to nominate a presidential candidate is exactly analogous to the method of choosing electors to elect a president. The delegates favoring each candidate are placed on the ballot in a single group and are voted on by the State at large. This law passed the California Legislature by unanimous vote and was accepted by all parties and factions. The Republican candidates, including Mr. Taft, personally signed their approval of the several groups of delegates running in their names. The election was regularly held under the law, and the 26 Roosevelt delegates received and filed their certificates of election from the Secretary of State. There was no dispute of their election under the law. The contest was on the law itself.

The convention call of the national committee provided that the election should be by districts, while the law of California required it to be by the State at large. The delegates, therefore, were elected at large, but on the issue being raised on two of the 26 delegates from California the national committee put its call above the law and reversed the result of the election.

Even aside from this nullification of the law the California contest rested on no basis of fact. The Roosevelt delegates carried every county but one in the State and received decisive majorities in all the congressional districts but one. In the fourth district, comprising roughly the northern half of the city of San Francisco, the margin was so close that it would depend on the votes of 14 border precincts, casting 1,685 Republican votes, which were situated partly in the fourth and partly in the fifth district. The registrar of voters of San Francisco and the Secretary of State both certified that it was impossible to tell how many of these votes were cast in the fourth district or who received a majority in that district. The committee, however, disregarded these certificates and rested instead on a previous certificate issued by the Secretary of State by mistake, and subsequently revoked by him, and on this flimsy basis concluded that the 26 Taft delegates had received a few more votes in the district than the 26 Roosevelt delegates.

Three of the Taft group and three of the Roosevelt group happened to be residents of this district, so the committee arbitrarily chose two of these three Roosevelt delegates for rejection and substituted for them as arbitrarily two of the three defeated Taft delegates—and not the ones who had the highest votes. The decision was based on neither law nor facts, since it was in direct repudiation of the law and had no facts other than guesswork as to the vote and arbitrary selection as to the individuals. The committee arrogated to itself a power which the Supreme Court of the United States has refused to exercise in analogous cases, and erected its temporary convention call into an authority over the election of delegates greater than that which the Constitution of the United States possesses over the selection of electors.

The California case clearly was the most far-reaching in its significance, because, while it directly affected only two votes, the principle enunciated in it would destroy the entire system of presidential primaries. The national committee bluntly decided in this case that it would nullify any State primary law which did not coincide with the terms of the committee's convention call. As convention calls are sure to differ from year to year, and those of one party from those of another, while State laws differ in one State from another but must be uniform in each State as to all parties, it follows that it must be beyond human ingenuity to devise a system whereby all State laws in all parties will coincide with the convention calls of all parties. The only principle on which the primary system can survive at all is that the laws of each State shall prevail as to the elections in that State. This principle the national committee squarely overthrew in the California case, and the new national committee, which will exercise the same powers in 1916, has explicitly taken the same ground as its predecessor.

When the California contest was called, Gov. Hiram Johnson, of California, declined to appear before the national committee. He refused to recognize that there could be any contest affecting the delegates from the fourth California district. He addressed a note to the national committee, in which he said:

> I will not submit the title of property to a trial by the thief who steals it. I consider it would be an insult to the people of California for me to appear before a committee which obsequiously receives Calhoun's Hogue, or even listens to a contest by Patrick Calhoun designed to override a majority of 77,000 Republicans, before a committee which has prejudged the contest.

Resolutions adopted by the California delegates were presented "condemning as a betrayal of trust, a violation of the precepts of decency and honor, and as an intentional assault upon the integrity of the Republican Party the outrageous conduct of the national committee and the discredited and repudiated bosses now dictating and controlling that committee, whereby delegates chosen by the people in their respective States in the interest of Theodore Roosevelt are being denied seats in said convention while their places are given to hand-picked machine puppets chosen by the bosses in the interest of William H. Taft."

The resolutions further called upon the California delegates to go to the limit of honorable endeavor to rebuke the tactics complained of, and to fight to the last for Roosevelt, a progressive ticket, and the progressive cause.

Mr. Francis J. Heney, who was present in the committee room, was asked by National Committeeman Chubb, of Florida, if he was present to argue the California cases. "No," said Mr. Heney, "I have come here for the purpose of apprising the President that he is accepting stolen goods if he takes these delegates when you give them to him."

A motion was made by Mr. Estabrook, of New Hampshire, to seat the Taft delegates, so called, from the fourth California district.

Senator BORAH, of Idaho, offered as a substitute a motion that the Roosevelt delegates should retain the seats to which the California Republicans had elected them by a majority of 77,000.

A roll call on Mr. BORAH'S motion was requested and refused, under the rule which required the concurrent request of 20 members to obtain a roll call. A roll call, however, was permitted on the Estabrook motion, and resulted in 37 affirmative votes to seat the Taft men, and 16 negative votes.

In the debate which took place over the fourth California district, President Taft's procedure was defended by Senator MURRAY CRANE and Senator BOIES PENROSE.

There were present in a private conference room near the committee room during the debate and while the vote was going on Assistant Secretary of the Treasury R. O. Bailey, as well as the President's private secretary, Charles D. Hilles, and Secretary Nagel, of the President's Cabinet.

Reports of the progress of the discussion before the national committe were from time to time borne to this group of conferees in this side room, and when the result was reached it was hailed by the personal representatives of Mr. Taft with every manifestation of satisfaction and approval. Thus was the fraudulent result wrought in his behalf ratified and adopted by Mr. Taft.

THE TEXAS CONTEST—DELEGATES AT LARGE.

Eight delegates at large from the State of Texas, headed by Cecil A. Lyon, were unseated by the national committee by a viva voce vote, after refusing the request of Senator WILLIAM E. BORAH, of Idaho, for a roll call. The action was taken shamefacedly, nervously, and hurriedly, and it was manifest to everyone who had followed the flimsy argument put forward by the contesting delegation and who heard the unanswerable argument made on behalf of the regular delegates who were unseated by the committee that the vote was in clear and conscious disregard of the merits of the case. Hon. Timothy L. Woodruff, ex lieutenant governor of the State of New York, a member of the uninstructed New York delegation, who had repeatedly declared that he was for Taft, at the announcement of the vote on the Texas contest said that he was so strongly moved by the injustice of the committee's action that he would henceforth not be for Mr. Taft if nominated by a convention whose temporary roll was thus made up.

The Texas delegation was absolutely essential to the nomination of Mr. Taft. How essential it was recognized as being appears from the fact that the national committee violated all the precedents it had itself established in other contests, disregarded the law of Texas relating to the election of delegates to a State convention, ignored the unassailable regularity of the Texas State convention and of the credentials it had issued to delegates elected by it, and now finds itself in the peculiar position of having discredited the convention by which the electors on the Republican ticket in the State of Texas were chosen and whose places on the official ballot at the approaching November election will be due exclusively to the regularity which the national committee invaded and disregarded.

Texas has 249 counties. Two hundred and eight counties duly elected delegates to the State convention that was held in the city of Fort Worth on May 28, 1912. The remaining 41 counties are either not organized under the Texas laws or are not organized under the rules of the Republican State executive committee of Texas or failed to present proper credentials within the specified time. Contests were presented to the executive committee, acting as a credentials committee in accordance with Texas law and party usage, from 17 counties.

These contests were referred to subcommittees of three members each, and on each subcommittee both the Taft and Roosevelt forces were represented. The reports of the subcommittees were unanimous, with the exception one subcommittee, in which the Taft member presented a minority report at variance with the majority conclusion in respect to contests affecting two counties. As a result of the investigation of the contests, by a vote of 28 to 2, the State executive committee seated Taft delegates from four counties. Four other counties were divided between Taft and Roosevelt delegations. In nine counties the Roosevelt delgations were seated.

The temporary roll of the State convention was adopted by the State executive committee by a vote of 28 to 2, the 28 including 3 Taft supporters. The convention duly assembled in accordance with the notice duly given, in the Savoy Theater, at Fort Worth, on May 28. The temporary roll was adopted by the convention unanimously, 172 votes being cast out of a possible 211. Delegates to the national convention were selected and instructed for Roosevelt by a vote of 162¾ against 13¼. Thirteen of the twenty-seven counties that had previously been instructed for Taft were included in this vote, and only 14 counties of the 208 which had legally and duly participated in the selection of delegates to the convention were absent from the State convention. In all calculations the 41 unorganized counties are ignored.

The delegates thus elected were chosen in accordance with the terms of the call of the Republican national committee, with the laws of the State of Texas, and the long-existing and unquestioned usages of the Republicans of the State of Texas, and presented duly drawn and executed credentials certifying these facts to the national committee.

But the votes of the Texas delegates were needed to nominate Mr. Taft, and this is the way the trick was done: At 9.30 a. m. on May 28, 1912, a group of Taft delegates, including a number of contesting delegates who had been denied seats in the State convention by votes in which Taft members of the State executive committee had concurred, met in caucus at Byer's Opera House. It was not claimed by the Taft people that more than 89 people participated in this caucus. They proceeded to select delegates to the national convention, whom they instructed for Taft.

It was conceded before the national committee by the Taft contestants from Texas that the Texas State convention was absolutely regular, and that the decision of the 17 contests filed did not and could not possibly affect the majority of the State convention or its proceedings. The contestants based their entire claim to seats as delegates to the national convention upon the proposition that they represented the true Republican sentiment of Texas, and that the regular State Republican convention did not represent the true Republican sentiment.

They also assailed the Texas statute known as the Terrell law, which provides that every county shall have at least one vote in a State convention, and said that it was an unfair basis of representation. This contention is hardly worthy of discussion, because it is concededly not sanctioned by the law of Texas. It is clearly at variance with the Terrell law, which prescribes as a matter of law how the delegates to a party State convention shall be selected. There is no option under the Terrell law. The course adopted by the regular Republican State convention was the only course that they could have pursued legally under the Texas law. To have acted in any way other than they did would have been to expose themselves to attack upon the ground that their action was contrary to law, and therefore invalid.

The law alluded to is as follows:

Chapter 177, Laws 1907, page 328, section 2, amending section 120 of "An act to regulate elections," etc., of the first called session of the twenty-ninth legislature, chapter 11, 1, 1905, page 520:

"Each county in the State or district convention shall be entitled to 1 vote for each 500 votes or major fraction thereof cast for the candidates for governor of the political party holding the convention at the last preceding primary election. In case at such primary election there were cast for such candidates for governor less than 500 votes in any county, then all such counties shall have 1 vote."

But the Taft contesting delegates proceeded on the proposition, successfully advanced to the national committee, that no matter what the law was, it ought to be something different, and as a matter of fact it had to be something different or Mr. Taft could not have got the Texas delegates. Necessity knows no law, not even the Terrell law of the State of Texas.

So what did they do? There was the Terrell election law written large upon the statute book of the State of Texas. A regular convention from which the little minority of Taft men had bolted had made up its roll in honest conformity with the law. If the bolters had observed the law, their total vote for delegates would have been contemptibly small and would have given their case away. So they resolved to do the only other thing.

The only course open to the Taft bolters was to deny the law of their State. This they proceeded to do by a resolution of their own little committee, in which, after reciting that "the party machinery established by law and usage must yield to this great principle" (i. e., the nullification of the law of the State as to the basis of representation), they went on to say, "Nothing is politically right which is morally wrong." Then followed this statement, palpably false in view of the terms of the law above quoted:

The law leaves to the lawful machinery of the party the question of establishing a fair basis of the representation of the vote.

And having thus wriggled and twisted in order to evade the plain meaning of the law, they concluded by saying:

We do not think that the vote for Terrell for governor was in any measure expressive of the Republican sentiment of this State.

There you have it. The law? Repealed by rhetoric. Embarrassing facts? Abolished by resolutions. The recorded Republican vote for governor at the last election, defined by law as the basis of representation? It can't be denied, so disregard it. If in the opinion of a bolting minority their convention will look better if the basis of representation is 100 instead of 500 votes, as prescribed by law, declare a preference for the smaller basis of representation and substitute it for the statute law of Texas.

Thus having stacked the deck, they proceeded to deal.

When the case was presented before the national committee, the chairman, Mr. Rosewater, was quick to stop Mr. Lyon, Republican State chairman of Texas, the moment his brief allotment of time had expired. Mr. Francis J. Heney, of California, and Senator WILLIAM E. BORAH, of Idaho, endeavored unsuccessfully to ask some questions, with a view of clarifying the case. Mr. Francis B. Kellogg succeeded in bringing out by a question that the interpretation of the Terrell election law on which the regular Republican State convention had been called, and which is above set forth, is the official interpretation, based upon an opinion of the Texas attorney general. It was made clear that the minority members of the only committee that made a minority report on contested delegates to the State convention remained in the State convention, recognizing its regularity and taking part in all its proceedings. It was not contended that any possible disposition of the contests could have affected the decisive majority in favor of Roosevelt, Roosevelt delegates, and Roosevelt instructions.

Senator BORAH and Gov. Hadley, of Missouri, made it clear by questions they asked that the delegation of Republican electors in the State of Texas rested upon the regularity of the

State convention which had elected delegates to the national convention; that the list of presidential electors chosen by the State convention had been filed with the secretary of state of Texas; that the names on that list would be on the ballot at the November election, and that the law of Texas provides that only such electors can be placed upon the official ballot.

As was said by Mr. Lyon at the close of the argument:

We have the sworn statement of that convention from start to finish—the credentials of every county sworn to. These delegates are here. What are you going to do? Take two men who took a brass band and went down the street and gathered together a mob and took them to another place to make a State convention? Men who didn't even apply for admission, who don't have the credentials filed in their alleged convention? Are you just going to take any bunch of people walking down the street?

As above stated, the effort of Senator BORAH to have a roll call was not sustained by the national committee, which proceeded hurriedly to a vote, to have done with the disagreeable business. Mr. Francis J. Heney, in explaining his vote, said:

Mr. Chairman, I desire, in explaining my vote, to say that this is not plain stealing. This is treason to the Republic. This is the most shameless proceeding I ever saw in my life, MURRAY CRANE, and you are a party to it. Shame upon you.

Senator BORAH then said:

Mr. Chairman, I know that this committee can prevent me from saying anything if it desires to, and I am not going to run contrary to it, but I would like to say a word.

At this point he was interrupted by Mr. Mulvane, who said:

We have so much on our hands.

Senator BORAH then said:

I know we have a great deal on our hands, and we will have a great deal more after this national convention adjourns, but I do want to say——

Here again Senator BORAH was interrupted, and, finding that he was not to be permitted to go on, he said:

The motion is not debatable, I know, unless this committee consents to its debate, and I am at your mercy.

On a viva voce vote, the regular delegates elected by the only Republican convention held in the State of Texas were unseated, and an improvised delegation, picked by an inconsiderable minority, admittedly bolters from the regular convention, with no color of representative choice or of regularity of selection or of organic relation with the Republican Party of the State of Texas, but pledged to Mr. Taft, were seated in the national convention.

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THE TEXAS DISTRICT CONTESTS.

The national committee, having in the disposition of the case of the delegates at large risen superior to the restrictions of the Texas statutes embodying the election law, and having thrown off the trammels of party regularity and disregarded an unmistakable Texas majority for Roosevelt, made short work of the district contests. If you can get to the point where you have nullified a statute by a typewriter, and feel that only a bolting minority can represent the true party sentiment, it is an easy matter, as it proved, to resolve the Texas district contests in favor of Taft without any justification whatever. The following is a brief summary of the contests affecting the district delegates from Texas:

FOURTH DISTRICT.

On May 17, 1912, the congressional committee met. Contesting delegations came from two precincts which had been denied admission to the county conventions of Collin and Grayson Counties, at their respective county conventions, applied for admission as delegates to the congressional convention, claiming to be the duly accredited delegates from Grayson and Collin Counties. Their claims were denied by the congressional committee. The convention was then organized. Four out of five counties took part. Delegates were elected favorable to Roosevelt.

Later, at some other time and place, the fifth county, which was not represented in the regular convention, perhaps assisted by the contested delegates from the two precincts who were denied admission, as above stated, held a separate convention. There was no bolt from the regular convention of any kind, as is attested by affidavits of every delegate present. Affidavits are also presented from every delegate to every county convention in the district, showing that in no county convention in the district was there any bolt, split, or secession at the time the conventions were held which elected delegates to the congressional convention.

FIFTH DISTRICT.

There are five counties. The congressional committee consisted of five members. Three of these were Taft men. This committee seated Roosevelt delegates from three counties, whereupon the unseated delegates from two counties bolted and organized a rump convention. The delegates from Ellis County instructed for Taft participated in the regular convention.

SEVENTH DISTRICT.

Six out of eight counties went for Roosevelt. When the congressional executive committee was called, the congressional chairman refused to recognize four Roosevelt members of the executive committee, although they had been elected to office or appointed to fill vacancies as appointed by law. Whereupon delegates from six out of the eight counties convened in a convention and elected Roosevelt delegates.

EIGHTH DISTRICT.

Six out of the nine counties were for Roosevelt. Two of the counties which were for Taft bolted the convention and held a separate convention, their only excuse being that they could not control the regular convention.

NINTH DISTRICT.

In this district a county chairman endeavored to call a congressional convention, although a regularly called convention summoned by the congressional chairman was held. The regular congressional convention was held at Yoakum, and was participated in by the majority of the county delegates in the district, and a majority of the congressional executive committee recognized this convention as regular.

TENTH DISTRICT.

In this district there are eight counties. The delegates from two and a half counties bolted from the congressional convention under the leadership of the United States internal-revenue collector, "What-are-we-here-for?" Flannigan, and the postmaster of Austin. This rump convention elected as one delegate a man who had refused to bolt and was the regular congressional chairman of the district. Nor did the member of the State committee—a Taft man—bolt from the regular convention.

FOURTEENTH DISTRICT.

Of the 14 counties that met in convention, there was only one contest—Bear County. The congressional executive committee, being one man from each county, seated both Roosevelt and Taft delegates, and gave them half a vote each. The Taft delegation and 2 other counties out of the 14 bolted and elected contesting delegations.

With practically unvarying vote, the steam-rolling majority of the national committee decided all of the foregoing contests in favor of the Taft delegates. The result, after the national committee finished its work, was that Taft had 28 of the Texas delegates and Roosevelt had 12.

It is interesting to recall, in view of the theory of the Taft contests in Texas, that the Taft delegates represented the Republican sentiment of the State, what the editor of the Houston (Tex.) Daily Post said, as recently as July 28, and quoted above:

Were Theodore Roosevelt in Texas and facing a presidential primary, he would doubtless carry the State as far as Republicanism is concerned, even the Taft Republicans will acknowledge.

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WASHINGTON CONTEST.

In Washington no method is prescribed by law for choosing delegates to the State convention, but a wide discretion is given to the State and county party committees in that respect. The State committee has made no rule and provided no method for choosing such delegates, but has left the manner of selecting delegates from each county to the county party committee in each county.

This year the county committees in the principal counties of the State—such as Spokane, Pierce, King, and Whatcom—duly adopted resolutions providing for the choosing of delegates in these counties by the people at primary elections. Such elections were duly held, and full Roosevelt delegations were chosen. In Spokane the Republican primaries were a landslide for Col. Roosevelt. The Spokesman-Review of May 3, commenting upon the Spokane primary, said:

The victory of the Roosevelt forces was so overwhelming that it was even beyond the most extravagant claims or hopes of the local managers of the Roosevelt campaign. Before the primaries the Roosevelt leaders were claiming the city 2 to 1 for Roosevelt, and added that they would not be surprised if it went 3 to 1. The result shows that on delegates it went better than 8 to 1 for Roosevelt. Coupled with this, the outlying towns went 6 to 1 for Roosevelt, while the rural precincts went better than 7 to 1. The primary vote was one of the heaviest in the city's history.

And commenting editorially on the primary election, the Spokesman-Review on May 4 said:

At the Republican primaries Thursday every voter was given the opportunity to express his preference for President. The Republicans of Spokane County, by the manner in which the primaries were conducted, have placed themselves in the front rank of the great army of progress. There will be no talk of jobbery or back-room politics in connection with the Spokane primaries. The issue was put squarely up to the people, the people spoke, and the majority rules.

The number of delegates to the State convention was 668. Of this number, 263 uncontested delegates favorable to Roosevelt and 97 uncontested delegates favorable to Taft were chosen.

In 12 counties having 304 delegates there were contests. In order to get a majority in the State convention, the Taft men had to secure not less than 238 of the 304 contested delegates. One of the contested counties alone, King County, in which the city of Seattle is situated, had 121 delegates. There a primary election had been held, at which the popular vote in favor of Roosevelt had been about eight times the vote for Taft. Nevertheless, it was indispensable for the Taft forces to have the King County contest decided in favor of Taft, because if the 121 Roosevelt delegates from King County were seated, these delegates added to the 263 uncontested Roosevelt delegates would give the Roosevelt men 384 out of the 668 delegates to the State convention—a safe majority.

The facts in regard to the King County contest are these: The county committee, as previously stated, under the law could itself name delegates to the State convention, or could call a convention to choose delegates. The law, however, gave this power to the county committee, and not to any minority thereof. The King County committee is a large body of about 300 members. In 1910, for the purpose of facilitating the conduct of the campaign, the full committee appointed a subcommittee of 22 men to act as an executive committee. With the close of the 1910 campaign this subcommittee's duties were at an end. A majority of the men who composed this subcommittee this year favored the nomination of Taft. A meeting of the full King County committee to decide upon the action to be taken with reference to the selection of delegates to the State convention was called on April 13, at 2 p. m. In advance of the meeting the Taft leaders—Ballinger, Scott, Calhoun, and others—tried to influence the Roosevelt leaders to allow the naming of Taft delegates by offering to pay the debts of the committee which were either due to the Roosevelt leaders or for which they were liable, upon the condition that Taft delegates to the State convention should be named. This attempt at corruption failed, and the county committee at this meeting called a county convention to choose delegates to the State convention, and ordered a primary election to be held on April 27 for the election of delegates to the county convention. The county committee also by vote put an end to the existence of the subcommittee previously mentioned. Immediately after the close of the meeting of the county committee 12 Taft men who were members of the defunct subcommittee, without notice to the other members, met and named 121 Taft men, including such well-known reactionaries as R. A. Ballinger and former Senator J. L. Wilson and Samuel H. Piles, as delegates to the State convention. The King County contest was between 121 Roosevelt delegates chosen in pursuance of the popular election which gave an overwhelming majority in favor of Roosevelt and the 121 delegates named by 12 members of a committee of 300. Two things are plain. First, there was a primary election in King County at which the wish of the Republican voters was expressed. Secondly, even if the people had no right to have their wish respected, and if the Roosevelt delegates were not entitled to sit in the State convention, the Taft delegates, arbitrarily hand picked by an insignificant fraction of the county committee, had no shadow of right to credentials.

The only way by which the Taft machine could control the State convention was by controlling the decision of the contests. This could not safely be left to the action of the convention, as had always been done in Washington before, because the Roosevelt men could control the convention. A method was therefore devised to meet the requirements of the situation by the action of the State committee, which was for Taft. On May 2 the chairman of the State committee, B. W. Coiner, a candidate for the vacant office of United States attorney for the western district of Washington, called a meeting of the State committee at Aberdeen on May 14, the day before the meeting of the State convention, for the purpose of passing on the credentials of the delegates to that convention. The call stated that this procedure was pursuant not to the custom of the Republican Party in the State of Washington, but "to the rules and customs of the national organization of the Republican Party." This action of the State committee was pure usurpation. It had no warrant in the customs or assent of the Republican Party in the State of Washington, and no justification under the law. The statute only gives the committee power to call conventions, not to organize conventions.

On the night before the meeting of the State committee 21 of the 39 committeemen met in caucus and resolved to vote as a unit for the seating of a sufficient number of Taft delegates to control the convention without regard to the merit of the contests. A number of the committeemen present at the caucus boasted openly of this arrangement. At the meeting of the State committee on the following day all the contests except those in Pierce and Clallam Counties were decided in favor of Taft. The right of the Roosevelt delegates—69 in number—from Pierce and Clallam Counties, where primaries had been held, was so clear that the committee ruled in their favor, there being no pretext whatever for ruling against them. On the basis of the State committee's ruling, the Roosevelt men with the 69 delegates from Pierce and Clallam Counties, added to their 263 uncontested delegates, had 332 of the total 688 delegates, and the Taft men had 336 delegates, including the 121 hand-picked delegates from King County.

In order to bolt and rivet down their control of the convention the State committee, at the meeting on May 14, took additional precautions. They adopted a set of rules which were hurriedly read once, placing the temporary organization of the convention entirely in the hands of the chairman of the State central committee, and provided that no delegate should be admitted to the State convention without a ticket signed by the chairman of the State committee. At no previous Republican convention in the history of the State of Washington had delegates ever before been required to obtain tickets for admission to a convention. The rules were not printed, and the committeemen generally had no opportunity to examine or to understand them, and no Roosevelt member of the committee was able to secure a copy of the rules or to see them.

The State convention was called to meet at 10 a. m. on May 15. Efforts were made, beginning on the 14th of May, by the Roosevelt and Taft contingents to reach a harmonious understanding as to the organization of the convention and as to the disposition of the contests by the convention itself. A steering committee was appointed by each side, and the two steering committees had full powers to negotiate from all the delegates whom they respectively represented. The situation was dangerous.

The governor of the State was aroused from his sleep at 1 o'clock in the morning of May 14 with an appeal to come to Aberdeen and try to restore order. He left his home in Olympia at 5 o'clock by automobile, and, after a hurried trip to Aberdeen, immediately appeared before the committee and said with solemn warning:

"The people demand fairness and justice, and an expression of their wish is your duty. Personally I am for Taft, but if the majority of the people feel that they prefer another man, it is your duty as a committee to carry out the wishes of the people."

On the morning of the 15th an agreement was reached between the two steering committees that contests where the merits were plain should be decided by the convention on their merits, and in cases of doubt both contesting delegations should be seated with a half vote for each delegate. In order to secure time to submit this agreement for ratification, it was agreed that the time for the meeting of the convention should be postponed from 10 o'clock until 1. Chairman Coiner himself promised to post a notice of the postponement on the door of the convention hall. A little after 10 o'clock the Roosevelt delegates, assembled in caucus, were informed that in violation of this agreement the Taft delegates had gone into the hall, had organized themselves, and were acting as a convention. Thereupon the Roosevelt delegates immediately went to the convention hall. None of them had tickets of admission; only a few knew that tickets were required, and it was not possible for any of them to ascertain where tickets could be obtained. When they reached the convention hall they found that the main door was guarded by police; that all the other doors were locked, the fire-escapes had been removed, and the windows barred. Many uncontested Roosevelt delegates offered their credentials and asked to be admitted, but were refused admission because they had no tickets. On inquiry they were unable to learn where they could get tickets, and when they persisted in the attempt to go into the hall they were forcibly prevented and driven back to the street. The Roosevelt delegates then met in another hall, organized themselves as a convention, and elected delegates to the national convention.

In the Taft convention there were present 401 men, of whom only 97 were uncontested delegates and 304 contested. In the total number present there were included 69 delegates from Pierce and Clallam Counties, who the Taft State committee itself had decided were not entitled to credentials, and also 121 delegates from King County, who, upon the undisputed facts, had no legal claim whatever to seats in the convention.

The roll of the Taft convention recited the presence of 6 delegates from Ferry County, although Richard Pierce, of Ferry County, with the proxies from his county, went immediately to the Roosevelt convention on reaching Aberdeen, and took no part in the Taft convention. The roll of the latter convention also purported to include 6 delegates from Franklin County, although this delegation announced to the Taft convention that it had come to the conclusion that the Taft convention was not a representative Republican convention, and that the Franklin County

delegation would withdraw, which it did. Thus, deducting the 69 delegates from Pierce and Clallam Counties, which the Taft committee had held to be without legal standing as delegates, and the 12 delegates from Ferry and Franklin Counties, it would reduce the number of delegates, waiving all questions of contest, in attendance at the Taft convention to 320.

In the Roosevelt convention there were 561 men in attendance, of whom 263 were uncontested delegates. In addition to the latter there were 69 delegates from Pierce and Clallam Counties who had been seated by the Taft State committee the day previous, and declared to be the legally elected delegates from those counties, thus making 332 delegates whose rights had been recognized by the Taft State committee. In addition there were 121 delegates bearing the mandate of the voters of King County and the 12 delegates from Franklin and Ferry Counties.

It will thus be seen that the uncontested delegates at the Roosevelt convention were a clear majority of the total number constituting the membership of the State convention and clearly outnumbered the delegates in attendance at the Taft convention for whom any pretense of legality could be urged. There were only 401 men in attendance all told at the Taft convention, and to establish the above assertion it is only necessary to deduct from that number the 69 delegates from Pierce and Clallam Counties, whom the State committee itself had held to be without legal claim to sit as delegates, and the 12 delegates from Ferry and Franklin Counties, who were untruthfully recited as participating in the Taft convention.

As a further side light upon the so-called Taft convention, it only remains to refer to the statement of James A. Ford, special staff representative of the Spokesman-Review, of Spokane, who attended the convention at Aberdeen, and publishes in his paper under his signature an account of the following conversation:

> Last Monday afternoon, the day before the meeting of the Republican State central committee, while on the train for Aberdeen, four of us were discussing the coming meeting of the committee and what it would probably do.
>
> The other three members of the party were Senator W. H. Paulhamus, of Sumner; J. E. Lease, a member of the State committee from Centralia; and Judge George Dysart, of Lewis County, who, it subsequently developed, was to vote two proxies in the committee, of which he was not a member.
>
> Senator Paulhamus expressed the belief that the committee would be fair and that the machine politicians would not be able to line up a majority for their candidate. Lease said nothing. Dysart offered no comment until I answered Paulhamus with the words, "I doubt it, Senator."
>
> Dysart immediately agreed to this statement. "You are right," said Dysart. "They are going to seat the Taft delegates. I was just talking over the telephone to Sam Perkins, and he told me the Taft delegation from Pierce County was to be seated."

The Spokesman-Review, in its issue of May 18, remarks editorially:

> It is evident from the tenor of the feeling prevalent over the high-handedness of the Washington Republican committee that the mass of Republicans are not going to sit supinely and allow the practical burglary of its delegation to be consummated before the Republican national committee.

It appears, however, that they reckoned with undue confidence upon the national committee righting the wrongs of the Washington State convention. A few days after the Republican national committee had brushed aside the abundant and overwhelming proofs of the facts above stated and had seated the fraudulent delegation from Washington, the Spokesman-Review ceased its advocacy of Mr. Taft's reelection, repudiated the nominees of the Chicago convention, and announced on its editorial page, in its issue of June 23, that henceforth it was "enlisted under the Roosevelt banner."

The following press dispatch, appearing in a New York paper, is a significant postscript to the Washington contest:

> WASHINGTON, *July 24*.
>
> Senator POINDEXTER to-day announced he would oppose confirmation of Beverley W. Coiner, of Tacoma, nominated yesterday by President Taft to be United States attorney for the western district of Washington.
>
> Senator POINDEXTER has received telegrams from Roosevelt leaders in Washington urging him to fight the appointment. One of these telegrams said:
>
> "President Taft's nomination of Beverley Coiner as United States district attorney here adds insult to the injury done to the people of this State, when Coiner engineered the stealing of our delegates. The appointment is explainable only as a reward for the theft, and the Progressive Republicans of Washington urge you to resist its confirmation."

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THE ARIZONA CONTEST.

The call by the State committee for a State convention to be held at Tucson, on June 3, 1912, to select six delegates to the Chicago convention, prescribed three methods of choosing county delegates to the State convention:

1. The selection by the county committee.

2. That the county committee might provide for a primary at which delegates were to be selected to a county convention, which in turn should select the delegates to the State convention.

3. The selection by direct primaries of the delegates to the State convention.

The choice of methods was left with each county for itself.

The State call provided that the county committees should meet on the 15th day of May, severally to determine what method they would adopt; if by appointment by the committee, appointment would be made at a meeting of the committee to be held on May 25; if the selection was to be by primaries, the primaries would be held on the 25th.

For a quarter of a century it had been the custom and rule of the Republicans of Maricopa County to select their delegates by primaries. On the 15th of May, the county committee of Maricopa County met, and the credentials committee duly appointed, threw out all proxies offered by both sides, for the reason that some were disputed, others conflicting, and at least one had got into hands to which it was not directed.

The committee meeting was therefore confined to those committeemen actually present, who by a vote of 22 to 19, ordered primaries to be held, appointed a committee to arrange therefor, and then adjourned. The votes were all by roll call, and all of the minority voted, including the vote on the motion to adjourn. So just was this action of the committee in calling primaries, that two members of the committee favorable to Taft, joined with the Roosevelt forces in voting for the primaries.

Even if the proxies above referred to had been allowed, the Roosevelt forces would still have controlled sufficient votes to have obtained primaries. If it be claimed that the credentials committee should have allowed proxies, the only result of their action, even if a technical error, was to order public primaries, and thereby give the people an opportunity to express their presidential preference. No one was injured by this action, and no person was deprived of any right. The Roosevelt men fought for popular primaries, and the Taft men fought to prevent them.

The primary elections thus ordered were conducted with the greatest care and regularity by election officers of the highest standing in the community, and resulted in a vote of 951 for Roosevelt to 11 for Taft. Despite the efforts of the Taft people to prevent voters from attending the primaries, the total vote was 80 per cent of the maximum vote ever cast in the county at a Republican primary election. This primary resulted in the election of 20 delegates to the State convention called to meet at Tucson on June 3, instructed for Theodore Roosevelt.

The alleged Taft delegates from Maricopa County were picked in a closed room, at a meeting of a minority of the county committee. That this so-called committee meeting, which hand picked the Taft delegates, had not a quorum, was conclusively proved before the national committee to whom there was presented a signed statement of 30 members of the county committee, a decisive majority, that they did not attend the so-called committee meeting that selected the Taft delegates, either in person or by proxy.

In Cochise County the facts are:

The county committee met on the 15th day of May, with 69 members out of a total membership of 80, present either in person or by proxy, making a quorum, of which 33 Roosevelt members were present in person and 13 Roosevelt members were present by proxy, an absolute and legal majority of the committee, and also 9 Taft members in person, holding 14 Taft proxies. The chairman and secretary, Taft men, after the meeting had been legally opened, bolted, taking with them 7 Taft committeemen and 14 proxies. The remaining committeemen then went on with the meeting in regular order, electing a chairman and secretary, having a clear majority present in person or by proxy, and resolved that delegates be selected to the State convention at a meeting to be held on the 25th of May, as they were authorized to do by the call for the State convention. At the meeting held on the 25th of May, 47 members of the committee were present in person or by proxy, being more than a majority of the membership of the committee, who unanimously elected 16 Roosevelt delegates to the State convention. The Taft minority committeemen who bolted the first meeting did not attend the second meeting of the committee, and whatever they did in the way of selecting delegates was clearly illegal.

The executive committee of the State central committee was completely dominated by Taft officeholders. Shortly before the State convention met, this executive committee gave notice that it would meet on the 1st of June (the convention to meet on the 3d of June); that credentials should be filed with it, and that it would determine contests for the purpose of preparing a roll call for use in effecting the temporary organization of the State convention. This was unprecedented, and wholly beyond the authority and powers of the committee. The Roosevelt dele-

gates, of course, refused to submit the question of the regularity and fact of their selection to a tribunal which tried to usurp the power to pass upon that question, and which unquestionably was pledged in advance to Taft.

The State committee never before had assumed this power. At the only other time within 20 years that the question arose the committee expressly refused to hear or determine contests for any purpose, and by resolution readmitted the question of the right to seats in the convention for the purpose of temporary organization, or otherwise, to the convention itself. This was in 1896, and a convention then composed of both contested and uncontested delegates unanimously ratified the action of the State committee. When the chairman of the State committee called the convention to order on June 3 he proceeded to read a roll of those whom the committee had determined should take part in the temporary organization, disqualifying the 20 Roosevelt elected delegates from Maricopa County and seating the Taft delegates appointed by a minority of the Maricopa County convention, and giving a half a vote each to the Roosevelt and Taft delegates from Cochise County, and thus attempted to secure control of the State convention. The Roosevelt delegates naturally refused to submit to this action, and the State convention split into two factions, each faction holding conventions simultaneously in the same hall, with their presiding officers on the same platform, and electing their own national delegates. The total membership in the State convention was 96, of which 49 was a majority. There were present 54 delegates favoring Roosevelt who were regularly and legally elected, it having been conclusively proven that the Taft delegations from Maricopa and Cochise Counties were illegal.

In view of the foregoing facts no fair-minded man can question the absolute justice and legal regularity of the six Roosevelt delegates to the national convention who were elected by the legal majority of the Arizona State convention.

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FIFTH CONGRESSIONAL DISTRICT OF LOUISIANA.

He who runs may read the story of fraud and dishonesty in the disposition of this contest. There is no mist of controverted fact about it, no indirection, no plausible assignment of grounds for the contest.

A delegate duly elected at a regular district convention subsequently refused to pledge himself to vote for Mr. Taft in the national convention. Thereupon the Taft managers held another so-called convention, admittedly without notice, without pretense of observing due form or legality, and elected a delegate who would vote for Mr. Taft. At the regular convention two delegates had been elected, but only the delegate who had refused to sign a written pledge to vote for Mr. Taft was assailed by the subsequent hocus-pocus called a convention, and he alone of the two elected at the regular convention was replaced by a delegate who would "vote right."

The regular convention for the election of two delegates and their alternates from the fifth congressional district of Louisiana was called to meet at Vidalia on April 29, 1912. At this convention Mr. W. T. Insley and Mr. S. W. Green were elected delegates to the national convention. It was conceded that the convention was held upon due and published notice; that credentials in due form certifying their election were issued to these men, signed by the chairman and secretary of the convention. It was also admitted that the election of these delegates was conceded to be regular, and their standing as delegates was recognized by C. S. Hebert, the collector of customs of Louisiana, and the Taft campaign manager for that State. On May 6, a week after the regular convention, Mr. Hebert forwarded letters to be signed by Delegate Green and his alternate, Mr. J. W. Cooke, and then returned to him. The letters were in the following form:

Mr. C. S. HEBERT,
Taft Campaign Manager of Louisiana, New Orleans, La.

DEAR SIR: As one of the delegates from the fifth congressional district of Louisiana to the Republican national convention at Chicago, I beg to say that I will vote for the nomination of President Taft and with the entire Louisiana delegation as a unit.

Delegate Green refused to make this pledge, and then for the first time it was "discovered" that there had been a state of inundation prevailing in the region of Vidalia at the time of the convention, and although the convention had been generally attended by the delegates elected thereto and entitled to participate in it, it was decided that another convention should be called, not, however, for the purpose of electing a set of delegates in place of those elected at the regular convention, but only a delegate in place of Mr. Green, who had refused to pledge himself to Mr. Taft. Accordingly a convention was called, so it was alleged, to meet at Monroe on May 15. The prime mover in this second convention was the aforesaid Mr. Hebert, Mr. Taft's campaign manager, and collector of customs at New Orleans. No notice of the second convention was published. Mr. Green, the contesting delegate, offered to withdraw his contest if any proof whatever was submitted to the national committee that any notice whatever had been published of the second convention held at Monroe.

It was further proved that Mr. Hebert, although recognizing the result of the regular convention to the extent of asking pledges in favor of Mr. Taft from the two delegates there elected, and although he had written the credentials for the regular convention, was the instigator and controlling hand in the second convention.

It does not appear that anybody attended the second convention; in fact, its origin, proceedings, and attendance are all rather mythical. The only thing that is quite specific about it is that it certified that the election of Mr. F. H. Cooke as a delegate in place of Mr. Green, who refused the Taft pledge, but it also appears uncontroverted that Mr. Cooke had attended the first and regular convention, and had participated in that convention.

Hon. Frank B. Kellogg, in questioning Mr. Cooke before the national committee, said: "How many were there in your convention?" Mr. Cooke replied, "I don't know." Mr. Kellogg then said, "You don't know? It is perfectly evident the other convention was the regular convention."

This was apparent to everyone who heard the evidence. It was time to shut off discussion and get the voting done with. National Committeeman Kellogg asked for a roll call. The request was not sustained by 20 members of the committee. Mr. Chubb then moved that Mr. F. H. Cooke be seated in place of Delegate Green, who refused to pledge to Mr. Taft. The ayes had it. It was so ordered.

The farcical court then called the next case.

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NINTH CONGRESSIONAL DISTRICT OF ALABAMA.

The Roosevelt delegates were undoubtedly regularly elected. On this contest Hon. Frank B. Kellogg, of Minnesota, a member of the national committee, said, at the announcement of the vote to seat the Taft delegates:

The ninth district of Alabama was a legitimate contest. The presentation almost showed plain stealing on the part of the committee.

This severe characterization of the committee's action by Mr. Kellogg is abundantly justified by the facts in this case.

The Roosevelt delegates and alternates were elected by a convention held on a call made by the regular Republican district committee of the ninth congressional district of Alabama, the regularity of which committee has not been questioned since its election by the Republican district convention on July 11, 1910. The district committee held a regular session in the city of Birmingham on February 15, 1912, in which two Taft delegates awarded seats in the national convention were present in person and participated. The total membership of the district committee was 29, not including the chairman and secretary. There were present, answering to the roll call, 26 members of the committee in person, and 2 by proxy, making 28 members in all, not including the chairman and secretary.

Hardly had the proceedings of the committee been opened when former United States Judge Oscar R. Hundley, who had obtained the floor by recognition of the chairman, was interrupted by John McEniry, a member of the committee, who, being reminded that Judge Hundley had the floor and that the Chair would not recognize another speaker until Judge Hundley had relinquished the floor, abruptly announced: "Then we will leave you." Thereupon 12 members of the committee, including Mr. McEniry, left the committee and held a separate session in the rear of the same hall.

The 18 members of the committee who remained were a majority of the whole committee, and a quorum thereof. They proceeded in an orderly manner to transact the business before the committee, which included the permanent organization of the committee and the issuance of a call for the district convention for the purpose of electing delegates and alternates to the Republican national convention. After the proceedings, which were stenographically taken, were transcribed they were signed in due and proper form by the chairman and secretary. A majority of the committee then elected delegates and alternates in due and proper form, and prepared a temporary roll for said district convention, and on such roll call there were resignations and appointments made to fill vacancies. The resignations were all made in due form, and the appointments were all made by the chairman, under authority conferred upon him by the Republican district committee of the ninth congressional district of Alabama, on July 11, 1910, and also by the Republican district executive committee on June 22, 1911.

On motion duly seconded and unanimously carried, the convention thus called duly elected Oscar R. Hundley and George

R. Lewis as delegates to the Republican national convention from the ninth congressional district of Alabama. These delegates were unseated by the national committee in favor of Taft delegates, who were elected at an irregular convention called by the minority of the Republican district committee, which bolted from the meeting of the full district committee held at Birmingham as above described. These Taft delegates came to Chicago clothed with typewritten certificates, testimonials, credentials, attestations, etc., but not enough to conceal the fact that they derived their election from a convention called by a bolting minority of the district committee, and had not a color of right to recognition as delegates by the national committee.

The vote of the national committee was 38 for seating the Taft delegates and 15 for seating the Roosevelt delegates. Mr. Frank Lowden, of Illinois, and Mr. Victor Rosewater, the chairman of the national committee, broke away from their Taft associates in the national committee and in this case voted with the Roosevelt men.

There is no occasion to add to the characterization of this case by Hon. Frank B. Kellogg as "plain stealing."

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FIRST CONGRESSIONAL DISTRICT OF ARKANSAS.

The first congressional district of Arkansas comprises the counties of Clay, Greene, Craighead, Mississippi, Crittenden, Cross, Poinsett, St. Francis, Lee, Phillips, and Woodruff. These counties lie in the eastern part of Arkansas, extending along the Mississippi River almost two-thirds of the distance from the extreme northern boundary of the State to its southern boundary. Owing to the large number of negroes residing in this district, it is commonly referred to as the "black belt" of Arkansas. At least 75 per cent of the Republicans residing in this district are negroes.

Nowhere is the variety of expedients resorted to by the Taft machine men to frustrate a true expression of the voters, and by hook or crook obtain a choice of delegates favorable to his candidacy. more simply and at the same time more strikingly shown than in this district.

The congressional committee of the district, composed almost wholly of postmasters and Federal officeholders, and in charge of the Republican machinery, called a convention to meet at the town of Paragould. This town is in the extreme northern part of the district, near the Missouri line, and is notorious in the South for a bloody intimidation practiced upon the negro which has continued for many years. No negro is allowed within the town limits. Signs are posted in conspicuous places warning them not to tarry under penalty of violence. It is as much as a negro's life is worth to venture within the town of Paragould, and of course the delegates to the congressional convention, consisting, owing to the nature of the population of the district, of a large percentage of negroes, were by the simple process of appointing the convention to be held in such a town as Paragould excluded from attendance at the convention and participation in its action.

The barefaced character of this disfranchisement of Republican electors is made more manifest by a glance at the map of the district, which shows that there are far more important towns in the district, centrally located, such as the city of Helena, easily accessible by rail, and where the negro delegate might come without danger to his life.

The illegal delegates elected in the Taft interest from the first Arkansas district were seated, notwithstanding these glaring and admitted facts.

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THE THIRTEENTH INDIANA CONGRESSIONAL DISTRICT.

The district convention met at Warsaw, Ind., on April 2, 1912. The membership of the convention consisted of 142 delegates, which was the number in attendance. A. G. Graham, of South Bend, a Taft man, and Aaron Jones, a Roosevelt man, were nominated for permanent chairman of the convention. Graham was elected by a vote of 71¼. Jones received 70¾ votes. This vote, however, did not represent the relative strength of the Taft and Roosevelt forces in the convention, as was soon apparent when the chairman called for nominations by counties of members of the various convention committees. The votes were announced as they had been announced on the election of chairman, and immediately great confusion resulted, the chairmen of the various county delegations demanding that their delegations be polled and the chairman of the convention, Mr. Graham, steadfastly refusing these demands.

In this state of confusion the chairman, with the aid of a few men who stood close to him, proceeded to railroad through the election of delegates to the national convention. Without any audible nominations or roll call, and without any intimation to the general body of the convention as to what was taking place, suddenly Mr. Graham, the chairman, and his secretary abandoned the stage and, announcing that the proceedings were concluded, left the convention hall. A quorum of the delegates remained on the floor of the convention hall and then proceeded in an orderly manner to nominate and elect delegates to the national convention. The delegates thus elected were F. W. Kellar and P. R. Judkins.

There were offered to the national committee, in support of their claims as delegates, affidavits made by a majority of the entire body of delegates constituting the district convention, to the effect that they were present at the convention and voted for Mr. Kellar and Mr. Judkins as delegates to the national convention. Three additional affidavits were offered on the part of other delegates to the district convention, who swore that they had not voted for Mr. Fox and Mr. Studebaker, who were certified by the officers of the district convention to have been elected.

The affidavits further stated that the chairman of the district convention, without a call of the roll and in the midst of confusion, declared that Mr. Fox and Mr. Studebaker had been elected, although they had not been either nominated or voted upon.

The affidavits thus offered were conclusive proof that the results certified to the national committee could not have been duly reached. The affidavits were incapable of being controverted, being made by a majority of the whole number of delegates constituting the membership of the district convention. The possibility of answer was excluded. When the affidavits were offered to the national committee a spirited debate ensued as to their admissibility, which is illuminating as to the attitude of the national committee. Mr. Francis B. Kellogg, in the course of the debate, said:

Mr. Chairman, I hope this committee will receive these affidavits. I have never served on this committee but twice. I hope I won't serve again in the contests that come before the committee. I have no recollection of this committee ever enforcing that rule before. We certainly, since we have been sitting here last week, have received affidavits. We have received ex parte statements. We have received newspaper clippings, and we have received statements from outside parties here, no notice of which was given to the other side, nor copies, nor any information given to the other side, over and over again.

Later Mr. Kellogg said, in the course of the debate:

It does seem as though this committee ought to arrive at these facts and give the other side time to rebut them if they can, but don't shut out those affidavits because they were not given to the other side, when we have not required it in any other case.

Senator WILLIAM E. BORAH read from the affidavits under discussion as follows:

Chairman Graham remained on the platform for a short time thereafter, and while he so remained no audible report was made by any counties of rulings on credentials, no nominations for delegates or alternates to the Republican convention from said district were made that were in any way audible to the delegates on the floor of the convention, and none such were voted upon by any at the said convention.

Senator BORAH then said:

Now, Mr. President, I have very great respect for the veteran member from Arkansas, and I do not wish to say what I say in invidious criticism of what he has just said; but, Mr. President, I am one of those who believe that we ought to look beyond the convenience of the men who sit at these tables and to make, as nearly as we can, a record which no one will have a right to challenge in the convention, and certainly which can not be carried into the open arena between now and the 9th of November to work to the detriment of whoever that nominee may be.

Talking plainly to the majority of this committee, I have no doubt that the majority of this committee are in favor of the nomination of Mr. Taft for President, and if that be true, they are far more concerned in having the world know that he was nominated by men who had not been fraudulently elected to this convention than the men who will be defeated in the coming convention.

There is no one so thoroughly concerned in the success of this committee and in its ability to make its report stand criticism as those who are in the majority of this committee and who claim to be in the majority of the coming convention. Everyone here knows what my alliances are, so far as the conditions before this convention are concerned, but I believe that you feel, if you will stop to think, just as I feel, that these questions rise above the rights of any individual and are higher than the call of any man for the honor which is to be conferred by that convention.

The question which we will have to meet from the time the convention closes until the day in November rolls around is whether or not the nominee of this convention received it at the hands of honestly elected delegates or of delegates who had been seated in contravention to the instruction of the masses of the people who sent them there. We may hark back to precedents and call attention to things which have happened in the days which have gone by in a justification of what is to transpire here in this committee, but we must bear in mind that we are meeting in the convention of 1912 under conditions that we have never met before in any convention, and surrounded by environments which have never surrounded any other political convention; it is in the air that the contest from the time the convention closes until the votes are counted in November will be the most severe and the most difficult to take care of by reason of the conditions in the country at this time of any contest which has happened since Lincoln was elected the second time as President of the United States.

What is the use to go into the country and to the country with a questionable convention? Time? We had better sit here until the dawn to-morrow morning and the next morning, and the next, in order that we may present a credentials committee's report which will not be subject to attack, than that we cut out proof here which is conclusive as it is now, that the certificate which has been issued was issued to the

wrong party. We can afford to inconvenience ourselves, and we should inconvenience ourselves rather than to permit ourselves, out of the mere question of time, to do that which will be criticized. If the men who meet in the convention next week are supposed to be the representatives of the masses of the people, that convention will start out on the campaign with the battle very fairly won from the beginning. If they are believed to be not the representatives of the masses of the people, you will find that the fight will never calm. Look at the returns from the States where you have had primaries the last few months. You know as well as I know that we have not had anything like it in our political history. The common people of this country have come to the conclusion that they have been indifferent as to their rights. They have come to the conclusion that it devolves upon them to be active and to take care of those things, and they are going to do so; and we are here to see, above all things, that those whom the people elected are placed in the convention, so that the people will believe, although the majority is against, perhaps, their candidate, that nevertheless a fair fight was had and that the majority should rule.

Let us accept these affidavits and give these men opportunity to defend them. What could be fairer? What could be more just or reasonable? Will you go to your constituents, or what reason will you give to your constituents why you could not sit a few hours to know the truth where fraud was charged in the convention? When you are on the rostrum and hundreds of people are listening to the reason why you voted for your candidate, what will you say to them when they say to you that he was nominated by fraudulent effort to defeat the majority We have got to answer these things. When we get away from here, when we leave the committee room, when we leave the convention hall, we will go to another forum. There there will be no discussion of the question of time. There there will be no discussion of the question of convenience. Those matters will not enter into it. They will simply say to you that in our opinion the majority of the voters were for the nomination of a certain man, and the national committee interfered and defeated the will of the people. And if you do not make your record so clear and so strong that that charge will fail, you will have to meet it from the beginning to the close of the campaign. Therefore, if you expect to win here and expect to win there, make your record so that it can not be attacked. I appeal to you, not as the representative of Col. Roosevelt, though I am for his nomination, I appeal to you as the representatives of millions of American voters who constitute the rank and file of the party and in whom you have got to rely in the coming fight in order to sustain you upon the day of election.

Mr. Kellogg made the point the affidavits such as were sought to be excluded had been received in a prior Arkansas case, which was admitted.

Col. H. S. New, of Indiana, and Mr. Archie Stevenson, of Colorado, led the debate in opposition to the admission of the affidavits.

Notwithstanding the high value of the proof contained in the affidavits and the conclusive bearing of such evidence upon the pending contests, on a motion duly made and carried by the unvarying Taft majority of the national committee, the affidavits were excluded.

Mr. Horace Stilwell, of Indiana, who presented the contests, thereupon said:

Gentlemen and chairman of this committee, I have no better case. I can conceive of no better case in the face of a convention dominated absolutely by the chairman of that convention with such confusion that it was absolutely impossible for anyone in the convention 10 feet from the chair to recognize what he was doing. We seek to bring you a clear statement from affidavits of a majority of the delegates in the convention who swear that they voted for our candidates for delegates to this convention. You exclude that evidence; you take us out of court. We have no other evidence except that. We relied on that; it is a conclusive test. And I want to say now I am going to leave this committee room, I had hoped I would be able at this time to apologize for my opening remarks—that this was not a steam roller. I want to say that I have nothing to apologize for.

After some further discussion there were some conferences between the members of the majority faction of the committee, and it was then moved that, notwithstanding the action of the committee already taken on the admission of the affidavits, they should be received, although with the qualification that their reception should not constitute a binding precedent upon the committee. Thereupon the committee rescinded its prior action excluding the affidavits and ordered that they be received, and the contest coming to a vote, the steam roller mustered its usual strength of 36 votes, against 16 votes cast in behalf of the contesting delegation from the thirteenth Indiana district.

The significance of the committee's action in reversing itself on the admission of the affidavits was simply that they decided, after a little reflection, that it would look better to admit the affidavits and then ignore their contents. As a matter of fact, with the affidavits a part of the record, the committee decided in favor of delegates whose election was conclusively shown to have been an impossibility by the records before the committee.

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INDIANA DELEGATES AT LARGE.

The Indiana State committee called a State convention to meet in Indianapolis on March 26, 1912, for the election of delegates at large. Thereafter the several counties proceeded to elect delegates to the State convention upon the basis of representation fixed by the State committee. Thereafter the State committee called the delegates of the various districts to meet in district conventions for the purpose of electing a member for each district on the various convention committees, including a credentials committee. These meetings of the delegates by districts were called for March 25, at 7.30 o'clock p. m., the night prior to the assembling of the delegates in State convention. At 9.30 p. m. certain men who had been elected by some but not all of the district conventions as members of the credentials committee got together and proceeded to organize the credentials committee. At this meeting only 8 persons elected to the credentials committee were present. The full membership of the credentials committee was 13. The reason for the 5 absentees was that the district conventions had not completed their work, and in five of the districts elections had not yet been reached of the members of the credentials committee.

At this point it should be observed that the credentials committee clearly had no right to meet and pretend to organize until the various district meetings had completed the membership of the credentials committee by electing from each district a member as contemplated in the State committee's call. Furthermore, the meeting of the credentials committee at that hour was contrary to the expressed terms of the State committee's call, viz:

The committee on credentials will meet in the palm room, ninth floor, Claypool Hotel, immediately after the adjournment of the district meeting.

Of the 8 credentials committee members present at 9.30, 5 happened to be favorable to Mr. Taft, 3 to Mr. Roosevelt. This momentary majority of 5 proceeded to organize by the election of a chairman and a secretary, and then announced that there being contests with regard to credential members from the third, sixth, and eleventh districts, members elected from those districts would not be permitted to pass upon the contests, but the latter would be decided by the remaining members of the committee whose seats were not challenged. Up to this point there had been no suggestion made to the credentials committee that there would be any contests against the members of the credentials committee as such. All that had happened was that in three of the district meetings results had not been reached. The announcement by the credentials committee served to disclose the predetermined plan for the control of the committee in the Taft interest. It was known to the Taft men that there were divisions within the district meetings of the third, sixth, and eleventh districts between Taft adherents and Roosevelt supporters, but as to how the vote was coming out nothing definite was known, nor was there anything to indicate that the defeated party in either the third, sixth, or eleventh districts would not acquiesce in the action of the majority. In other words, the Taft fragment of the credentials committee proceeded on the assumption that they would have contests to dispose of before contests had been begun or announced, thus revealing that they were acting obediently to the settled program of the Taft men to seize and maintain control, regardless of numerical strength, of the convention in all its stages, beginning with the organization of the credentials committee.

At the time the credentials committee began to organize the district meetings in the third, sixth, eleventh, and thirteenth districts were still in progress.

At 10 o'clock the 8 members of the credentials committee proceeded to consider the memberships from the third, sixth, and eleventh districts. Dr. Hause, a Roosevelt man, who had been elected credentials member from the third district, was refused a seat upon the committee on the announcement that the committee expected a claimant to come along for his seat a little later representing the Taft delegates in the district meeting. At that time no one had been designated by the Taft fragment of the district meeting.

In the sixth they refused to seat Mr. Warfel, a Roosevelt man, who had been elected a member of the committee in the sixth district meeting by a distinct majority over his opponent, claiming that the district meeting had been irregularly called to order, notwithstanding the fact that all the delegates thereto had fully participated in the meeting and the Taft men had been clearly and admittedly outvoted. They then proceeded to admit the Taft committeemen to membership in the committee from the third and sixth; and having got a majority by this means of one member of the full strength of the credentials committee, they seated the Roosevelt committeeman from the eleventh district.

There had thus been engineered a fraudulent organization of the credentials committee showing Taft men in a majority over the Roosevelt members of 7 to 6. At about 11 o'clock p. m. on March 25 the committee proceeded to dispose of contests affecting seats of members in the convention.

It is only necessary to discuss the contests coming to the convention from Marion County, the seventh congressional district, involving the seats of 106 delegates in the State convention. The facts in the contests in the first district, Warwick County; the second district, Monroe County; and the fifth district, involving all told some 26 delegates, are practically identical with the facts affecting the Marion County contest; but the

control of the State convention turned upon the disposition of the Marion County contests.

The committee on credentials shortly before midnight announced that it would now consider the Marion County contest. Representatives of contestants from Marion County appeared before the committee prepared to establish, by sworn statements and by oral testimony of actual witnesses, gross frauds, open violence, and the systematic use of repeaters, and widespread intimidation in the election of the Marion County delegates to the State convention. The credentials committee, however, abruptly announced that it would seat the Taft delegates from Marion County certified by the Republican central committee of that district, the seventh. Before the announcement of the credentials committee, notwithstanding this proffer of proof and request for an opportunity to exhibit to the credentials committee the grounds of the contest, a motion was made by Henry Marshall, of the credentials committee, that the credentials committee recommend the seating of the delegates to the State convention whose credentials had been certified by the chairman of the Marion County Republican committee. Despite protests, despite renewed requests for an examination and discussion of the grounds of the contests, the committee, indifferent to its duties, proceeded to entertain the motion, and it was carried by a vote of 7 to 5. Similar action was immediately taken with reference to the contested seats of delegates from the first, second, and fifth districts; and the credentials committee summarily drafted a meager majority report for delivery to the State convention on the following morning, reciting its action as above stated, and falsely inserting a recital that it was taken "after full consideration."

There was no consideration of evidence, nor any pretense of it, nor any inquiry whatever into the merits of the contest. Not a witness was examined, not an affidavit was read, not a statement was heard on behalf of anyone appearing and proffering proof in support of the contesting delegates.

The minority of the committee thereupon considered the evidence offered on behalf of the contestants and drew up a minority report recommending that the contesting delegates be seated in the convention.

The following day the State convention met and put upon its temporary roll the names of the delegates whose seats were contested, and whose places in the convention were thus certified by the credentials committee.

The majority and minority reports of the credentials committee were submitted to the convention, and a motion was promptly made to lay the minority report on the table. The chairman of the convention announced that a vote on this motion would be taken by roll call. A demand was made on behalf of the minority report of the credentials committee that only the holders of the uncontested seats in the convention should be permitted to vote on this motion. This motion was not put. The speakers were ignored. The roll call was proceeded with and every delegate from the first, second, fifth, and seventh districts (the latter including 106 delegates from Marion County) voted in favor of the retention of their own seats.

On a count of the uncontested delegates the Roosevelt delegates outnumbered the Taft delegates by 667 to 648. That was the legitimate vote on the adoption of the minority report. With the seating of the 124 contesting delegates, whose claims were ignored, the convention would have stood 791 votes for Roosevelt and 648 votes for Taft.

After the roll call on the adoption of the so-called "majority" report of the credentials committee no further roll call was had, although strongly demanded. Motions were put and declared carried amid great confusion. No Roosevelt man could get recognition on the floor. Repeated efforts were made to secure recognition for the purpose of placing in nomination for delegates at large Hon. Albert J. Beveridge, Edwin M. Lee, Frederick K. Landis, and Charles H. Campbell. The chairman of the convention, by refusing to recognize Roosevelt men, absolutely prevented these names from being put before the convention.

After the program of the convention had been jammed through, the chairman abandoned the chair amid great confusion, and at a signal from him the Taft delegates in attendance withdrew from the hall. The delegates favorable to Roosevelt remained in the hall and thereupon elected A. O. Reeser as chairman in place of Mr. Wood, who had left the chair. Thereupon Messrs. Beveridge, Lee, Landis, and Campbell were nominated for delegates at large, and Messrs. Joseph H. Campbell, George E. Jeffrey, Morton H. Hawkins, and Charles J. Adams were nominated for alternate delegates at large. Both the delegates at large and alternates were unanimously elected by the delegates who had remained in the convention hall, and who constituted a clear majority of 143 of all the delegates in attendance at the convention.

It will be observed that Roosevelt delegates were in a majority in the State convention. Nevertheless the will of the majority in the credentials committee and in the State convention was defeated through the fraudulent steps outlined.

The election of the Taft delegates at large by the State convention was made possible only by permitting delegates whose seats were challenged and whose right in the convention was a subject of contest, to vote upon the contests. This is contrary to the most elementary principles of justice and fairness. It is also contrary to the rule in this respect adopted by the credentials committee, which in effecting its organization applied the rule that a member whose right to sit in the committee was contested, should not pass judicially upon his right to membership in the committee.

The Indiana convention thus not only adopted a rule which is repugnant to every instinct of fair procedure, in permitting the holders of contested seats to vote in their own favor on these contests, but violated the rule which the credentials committee of the convention had itself adopted, and by which expedient only it effected an organization favorable to Taft. So that whichever view is taken as to the right of a contested delegate or member to vote judicially upon his own status, the election of the Taft delegates at large from Indiana is invalid.

If it is thought that the holder of a contested seat may vote on his own title, the organization of the credentials committee which prepared the roll and seized control of the State convention was irregular.

If the organization of the credentials committee shall be held to be regular, in that contested members were not suffered to vote on their own credentials, then the subsequent action of the convention is irregular because that rule was not observed in the convention.

The fraudulent primary by which the 106 delegates were chosen in Marion County was allowed to stand by reason of the refusal of the credentials committee to consider the overwhelming evidence presented to it of frauds, intimidation, and repeating. This evidence was swept aside without pretense of examination, and a report which assured the 106 fraudulent delegates of seats in the convention and a controlling voice in its organization was hurriedly prepared, signed, and transmitted to the State convention. All that the report said about the 106 delegates from Marion County was the following:

> After the committee was organized the contests from the seventh congressional district were first taken up, and after full consideration a motion was carried that the delegates certified by the Republican central committee of the seventh district be seated.

The facts which the contesting delegates from Marion County vainly endeavored to submit to the judicial consideration of the credentials committee are contained in numerous affidavits, nearly 300 in number, which were submitted to the Republican national committee, but not examined, and again submitted to the credentials committee of the national convention.

Ample proof of fraud was offered, and an earnest appeal to recognize the facts thus shown was made to the credentials committee on behalf of the contesting delegates at large by ex-United States Senator Albert J. Beveridge. It has seemed advisable in this connection to append the following rather copious extracts from the forceful but ineffectual plea made by Senator Beveridge to the credentials committee in this case, as follows:

"Mr. Chairman and gentlemen of the committee, I do not appear before you as an attorney merely to plead a professional cause, but as a Republican profoundly concerned for the welfare of the party. My Republicanism was born in me, for I was born when the Civil War was reaching its red climax and my father and my brothers were fighting for its principles upon the battle field, as many of you men personally know. I have given the utmost that was in me ever since I reached manhood laboring in its behalf, not in my State alone, but in every State north of the Mason and Dixon line; in every campaign, and in most of the States I have either opened or closed it. And so I appear here not as an attorney or the advocate of a faction, but as a Republican profoundly convinced of the justice of a cause which I wish to state to you as clearly as I can.

"It is not a pleasant thing to do. It is not in my nature to attack anybody or say any unpleasant thing. When, as a member of the Committee on Privileges and Elections in the Senate, I felt it my duty under my oath and my conscience to stand alone against the members of my committee, and filed the minority report against Mr. Lorimer because I regarded it as a matter of righteousness, that afforded me no pleasure at all, but quite the reverse; and it is from this point of view that I come before you.

"The first case involves delegates at large from Indiana. There were in the convention 1,439 votes, of which 719½ were a majority. There were of uncontested votes for Roosevelt 667, and of uncontested votes for Mr. Taft 648, giving a majority to Mr. Roosevelt of 19 uncontested votes.

"There were in the convention 124 contested votes. These were made up of 106 votes from Marion County, Indianapolis, which were contested upon the ground of fraud, and which is the main point, but not the only one in the case. Thirteen were from Monroe County and 5 were from Vanderberg County.

"If you add to the uncontested votes—admittedly uncontested for Col. Roosevelt—the 124 of the contested votes, there is a total of 791, or 71½ over all, or a majority over the uncontested votes of Mr. Taft of 143. These figures, of course, I believe are matters of mathematics, and any statement I have thus far made may be controverted by my friend, Mr. Moores, upon the other side. So that in order to get at the meat of this case we must take up the contested votes and see why they are contested and see whether the contests were just.

"In the first place, take the 5 votes from Vanderberg County. Here are the affidavits of 26 Republicans of this ward in the city of Evansville, Vanderberg County. It states in substance that the chairman of the ward was a Taft man, and arbitrarily refused to allow a vote for the election of a permanent chairman, or count the Roosevelt and Taft men, but finally let the meeting divide in the middle of the street. When the Roosevelt and Taft men divided, the Roosevelt men outnumbered the Taft men three to one. At this state of said meeting a count was made; that said chairman held a whispered conversation with one Harry Stalheifer, a Taft man, and then stepped down from the chair and walked away. Thereupon the Roosevelt men took charge of the meeting and elected a permanent chairman; that a large majority of Roosevelt men elected Roosevelt delegates to said first district convention; that it was afterwards learned that said temporary chairman claimed to have appointed said delegates to said first district convention.

"He appointed them; that is all the claim he made.

"Now, as to the 13 votes from Monroe. It appears that the credentials committee, to the formation of which I will come to in a moment, at the State convention unseated the Roosevelt delegates elected by an overwhelming and almost unanimous vote at the county convention of Monroe County, where our State committee is located, upon the ground that to select them by a convention—county convention—was not in accordance with the State committee's call for election, and that that should have been by townships, and therefore it was illegal and utterly void; and in view of the fact that Taft delegates had been elected in township convention, the nature of which I will not go into, they said the illegality and the utter voidness of the delegates selected by county convention to the State convention would not allow them to be seated, and so seated the others. At the same time the credentials committee seated the Taft delegates elected by county convention in Warwick County. That is in one case. They unseated the Roosevelt delegates because they were elected by a county convention instead of by townships, and at the very same time ruling that the delegates selected for Mr. Taft in Warwick County by the same system should be seated.

"That brings us down to the 106 from Marion County, which is the city, practically, of Indianapolis. In this case it is our contention, gentlemen, and we shall prove it, that there was a deliberate conspiracy on the part of the city organization—the county organization, I should say, headed by its chairman, who was city comptroller, and it is now under Mayor Shank and in control of large numbers of city employees—to conduct this election so that no matter what was done by the Roosevelt followers, no matter how many votes were cast, that nevertheless the result should show a Taft majority. In support of this, here is the affidavit of Harry O. Chamberlain, a lawyer of Indianapolis—a lawyer of high standing in his profession, whose word I have never heard anybody doubt, and who I think no person will say would make a false affidavit. I have his affidavit to the effect that when the primary was approaching he went to Mr. Wallace, the county chairman, and asked of him fair treatment, watchers at the polls, inspectors on behalf of Col. Roosevelt, as well as Mr. Taft, inside of the polling places, and that Mr. Wallace, who is a very emphatic gentleman, replied:

"You are not going to win this fight for the Roosevelt delegates. I am not going to let you win. You sha'n't have a single delegate in this convention. I don't care how much Roosevelt sentiment there is here, or how many votes you have got, you are not going to have a look-in. I propose to see to it that you don't have a chance in the world. I don't care how many votes you have. I will appoint a contest board that will throw out every one of you who come to this convention. I don't care what the law is, I am not going to let you in. You might just as well take that from me and understand it. You have no more show to beat us than you have to buck down this wall. You might as well realize that you are not going to win, for I am not going to let you. You can go ahead and make a fight if you want to, but it won't do any good; and let me tell you something further—if I am to be licked in this fight or next November, I shall be licked next November.

"And here is an affidavit by Harry M. Smith, who was present when this conversation was had, and who says in his affidavit that it repeats the substance of what the Roosevelt men in Indianapolis asked—that in the polling places there should be inspectors for Roosevelt as well as inspectors for Taft, and it was denied them. And as a matter of fact they were not admitted, I believe, except in one or two cases. It must be remembered that in Indiana we have no law governing such a primary contest as this. Nothing is required. We don't have to use the Australian ballot; we don't have to use the voting machine. There is no criminal provision applying to such a primary as this in the election of delegates to district and State conventions. And, as a matter of fact, when the polling day came no Australian ballot was used; no voting machines were used; the polling places in some instances were placed in the most inconvenient portions of wards; sometimes, as the affidavits which I later on shall read to you show, as far as 4 miles from one side to the other. In a great majority of the polling places in the ward the voter was not permitted to see what became of his vote; it was handed in through a little hole in the window. In one case the person who took the ballot had his back to the voter. The voter in no instance could see what became of his ballot, and in no instance except two or three where no contests occurred, according to these affidavits, were the Roosevelt men allowed to have either a watcher at the polls or an inspector upon the inside. So, gentlemen, not only that, but the notice of where these polling places were to be fixed in these inconvenient places was not given until the evening before the day of the primary, and then in only one case. So the voting came on.

"Just before this there had been a straw ballot by the chief paper, the Indianapolis Star, whose very earnest efforts against the Roosevelt men and for the Taft men for the 10 days before the primary throughout the State was the greatest difficulty we had to go up against—this paper had a straw ballot. It was a Taft newspaper, and after counting the vote it showed that Mr. Roosevelt got more than three to one for Mr. Taft.

"But the election came on. It was common talk in Indianapolis—I was there as it approached—that there wouldn't be an opportunity for the Roosevelt men to have their votes counted. The testimony shows that in ward after ward the grossest and most outrageous repeating was done. I remember very well that when, as a young man, I was on the stump I used to go very carefully into those cases about election frauds in the South. I did it with indignation, but in none of them have I read anything that exceeded what I shall read to you from one of these affidavits. There were cases where a truck load of negroes were followed by three men, who make affidavit to it, from ward to ward, and then back to the first place, and voted. There are large numbers of affidavits, but I have only brought a few because I don't want to detain you; but these will suffice, and everybody will take my word that they are fair samples, and not the worst of them, either, where repeating occurred of the worst kind. And it is the testimony of men of reputation, of high standing and integrity. And if I am not right Mr. Moores, who leads the other party in this controversy, will correct me when he comes to reply, when I make the statement that they are of the highest character and standing.

"In one instance, I believe it was in the ninth ward, Mr. William L. Taylor, a manufacturer and one of the most eminent young business men in our State, a man of integrity and high standing, whose slightest word, outside of an affidavit, is taken by business men throughout the United States—a man who is not connected with politics, a man who doesn't belong to any political faction, a man who is one of our school board there, highly respected in the community and the State—makes affidavit to the fact that when he went to the polling place he voted, and he noted the unusual conditions there, and he became suspicious and waited around, and when the polling was done the doors were all closed and locked, of course, and he got on a stepladder and looked into the window and saw what was going on; they were in there for 5 or 10 minutes until the so-called voting was said to be over, and that the election officers did not even touch the ballot boxes, but came out at the expiration of that period, and gave the report of the ballot without even touching the ballot boxes or looking at a ballot.

"Again, a Mr. Griffiths, one of the election officers, makes an affidavit here that he was an inspector or something. He is a city employee. He made a statement to Mr. Gordon Hubbard, of Indianapolis, whose cousin he is, that what they did in his ward was just to reverse the Taft and Roosevelt vote. That

gave Taft 480 and Roosevelt 80, whereas the real vote was precisely the reverse. In other cases instances of fraud are even more clear and glaring than that.

"In the Lorimer case I had occasion to examine exhaustively every case of fraud in elections that has occurred and has been reported in the English language. And one of the lightest of these things which I shall read to you in England would put a man in the penitentiary under their corrupt-practices act.

"Not only was repeating done, but in instance after instance men voted who were recognized by the men making those affidavits as not living in the ward.

"For example, Mr. J. P. O'Mear, who is the editor of the Indiana Catholic—the Catholic paper of our State—and whose word and standing, I imagine, will not be challenged, swears that he saw droves of people—I will read his affidavit in a minute—and among them a negro boy not 15 years of age, who went up and voted—voted! You must remember that the challenges that were made to all these illegal votes were not paid attention to. They were voted without attention being paid to the challenges, although challenges were made.

"Another instance: Men like Mr. Lewis—Mr. Edwin M. Lewis, of Bicker & Daniel's law office—whom Mr. Moores knows very well, one of the young men of the highest character in our entire State, make affidavit that they made actual count of the votes polled, how many Roosevelt had; and the discrepancy between that and the return is glaring.

"These, gentlemen, are some of the examples, some of the kind I know of the frauds practiced in that election, and I do not doubt that but that there are some members of the delegates at large, if they were informed, as I have been, by reading these affidavits myself for the first time, would refuse to sit on that delegation.

"This fraud in all the wards where the contested delegates came from was universally and well known. The strictest proof, as every lawyer knows, of fraud in election cases is this: That you count up the illegal votes, and if there is not enough to vitiate the majority, then, no matter. That is a ruling that has long since passed away. The courts do not adhere to that terribly dangerous practice any more. But, conceding that, the corollary to that rule will not be denied as a legal proposition by anybody, because the books are full of it; that where fraud is universal, notorious, and prevailing, it vitiates the whole election; and that is the kind of fraud that is established in these cases.

"Now, with this outline of the nature of the fraud, let us come to this State convention, and then I shall ask to interrupt the logical course of my remarks to come back, after I relate what occurred at the State convention, and read the specific examples of the testimony I have referred to and describe the character of the men who make the affidavits.

"With the election thus held, and, if this is denied, it can not be denied that it was universal comment in the Columbia Club every day, by both Taft men and Roosevelt men—we are all friends down there personally, and we meet at the club like everybody else, and eat lunch—that these frauds were unprecedented in the history of our town. And I personally have not met a man who, at luncheon when these things are talked over in a friendly way, has denied it. Not one! It is universally in the air.

"With these elections thus held, and these 106 men thus elected, they were given certificates by Harry Wallace, the county chairman. Harry Wallace is the city comptroller. The mayor of the city of Indianapolis, who appointed Mr. Wallace, is Mr. Shank, and Mr. Shank's most intimate associate is Mr. Kealing, who is said to be one of the managers of the Taft campaign here and who has been well known to be actively associated with him.

"Mr. Wallace made the declaration to which I have referred, and he issued certificates to these 106, notwithstanding the protests of their election.

"Then a credentials committee, or a contest committee, which is a thing which exists by custom in Marion County for the last 20 years, was appointed, and on that contest committee was the partner of Mr. Joseph P. Kealing, a city employee—I have forgotten who the other man was—and a young man by the name of Bamberger, who declared that he would not vote for Roosevelt even if he was nominated; but Mr. Bamberger did not serve upon the board, but was out of town. Those gentlemen assumed to pass upon these cases.

"Then came the State convention. A credentials committee was appointed. The Taft men got control of the committee by a trick which aroused my anger, although I never pay very much attention to those things. We controlled the committee, the Roosevelt men, by 7 to 6. There are 13 districts in the State; the Taft men had 6 uncontested places on the credentials committee, for our men made no contests where there were no contests to be made. But 3 contests at the last moment were trumped against the Roosevelt members of the credentials committee.

"For example, the sixth district—Richmond, Ind.—which has 2 Roosevelt delegates here and a great majority of Roosevelt delegates to the State convention, nevertheless had a Taft member of the credentials committee. How the credentials committee was composed, I waive. I don't want to confuse your mind by any technicalities. I want to come directly to what it did. It finally was organized with 7 to 6—7 Taft men to 6 Roosevelt—and they proceeded to decide these contests. They decided the cases of Monroe and Warwick in the way I have told you, reversing themselves in the 2 contests, and when it came to the examination of the 106 contests from Indianapolis, Charles Remmler and Linton A. Cox—Charles Remmler, a lawyer of the highest standing at the bar of our city, and Linton Cox, our former candidate for Congress, and a man than whom no man at the Indianapolis bar, of which I am a member, stands higher, and he makes affidavit here as to the frauds in his ward—appeared for these contestants before this credentials committee and set forth the frauds that had occurred, and offered to prove—and the offers are in the brief—offered to prove, as a lawyer in court offers to prove the testimony he is presenting, the frauds that vitiated the election of these men; and the credentials committee absolutely refused to hear a word of testimony, and decided in favor of the Taft delegates thus elected without a word of testimony being presented.

"In that way it went before the State convention, which convened the next day, the 106 Roosevelt delegates who were legally elected from Indianapolis all the time protesting and offering to prove their cases, their offers being refused and the testimony being refused to be considered by the contest committee, although it was universally said on the streets—it was in the air, it was full of charges that the frauds had occurred; and I have never yet, as I said to you gentlemen, heard any person I have heard talk about the case, no matter whether for Taft or for Roosevelt, deny the existence of these frauds.

"So the State convention convened.

"Now, when the convention met, a majority and minority report of the credentials committee was first presented in the usual course. Mr. Stillwell, who sits there, was the chairman of the minority committee—the Roosevelt men—and I have forgotten who was the chairman of the majority, or Taft men. The minority report challenged all these votes and recommended that they should be unseated and the Roosevelt men seated in their place; and, of course, the majority recommended that the 106 from Indianapolis and the 5 from Vanderberg, etc., should be seated. Mr. Stillwell moved that the minority report be made a substitute. On that there was a roll call, and the 124 contested votes were permitted to vote upon their own case. Mr. Stillwell arose and, with all his might, tried to get the recognition of the chair to appeal from the decision. It was denied him. He was not recognized. He then attempted to get recognition to challenge the vote, but that was refused him, and that appears from the affidavit which Mr. Stillwell himself makes.

"Thereupon, to pass to the next step in the convention which is vital, the chairman of the State convention, Mr. Will Wood, of Lafayette, Ind., called for nominations, and some of you gentlemen, I believe Mr. Watson—is doesn't make any difference—nominated the seating of the delegates at large. Thereupon Mr. Stillwell, who is very well known in Indianapolis, whose voice has exceeding power and penetration, arose instantly and with all his might tried to get the recognition of the chair for the purpose of putting in nomination the Roosevent delegates at large. Mr. Wood would not recognize him, and the fact is that Republican State convention had no opportunity to vote for anything at all except the delegates at large in our city. Immediately thereafter a motion was made to adjourn, and Mr. Wood declared the convention adjourned. The Roosevelt men met, to the number of 750 to 800, in the same hall, and this is supported by testimony which I will read you in a moment, because the convention elected a chairman and a secretary in the regular form, in the same hall, at the same time, and immediately after the breaking up of this arbitrary proceeding, and elected the contesting delegates at large. Now, that is the history of the convention.

"Now, gentlemen, I return to the question of fraud in Marion County. Let us get down to specifications. I call your attention to a statement made in the brief of the city delegates. In each one of these wards appears the sworn statement of the election officers, most of whom are city employees, that everything was regular and that there was no repeating and no fraud.

"It is sufficient to say in answer to all these statements, without imputing anything or questioning the veracity of these gentlemen who make the affidavits, that the affidavits show—the ones I am going to present to you—that there was no opportunity for them to see if there was repeating or not; that they didn't want to; that the repeating was done outside. The inspector, if he recognized them, let them in. It was in a closed room. But let us take this up ward by ward and see what occurs. Now, here is a similar affidavit from these so-called election officers in every ward that everything was regular; that there was no repeating; that there was no fraud, although if they were attending to their business perhaps they would not have as much opportunity.

"Let us take the first one. Here is Mr. Theodore Hewes. Mr. Morris knows Mr. Hewes very well. He is the editor of a big poultry journal, one of the largest in the United States, and one of the very largest and best-known men in that line all over this country. I dare say as to Theodore Hewes that some of you men know him. He is a man of wide acquaintance; a man of the very highest business standing; a man whose integrity has never been questioned. Now, let's see what he says about this: 'Affiant further says that there were a great many repeaters voted at this primary over his protest.' Theodore Hewes is a man who has lived in that ward; he is active in politics—I mean a regular Republican worker, who has never asked for office and never held any office, I believe. That there were a great many repeaters voted at this primary over his protest and that the inspector and police refused absolutely to pay any attention to his challenges. And I say I shall show you by affidavits which I shall read, if I get the time, that the police force interfered in this election to the detriment of the Roosevelt forces; and I shall, in a moment, read the testimony of Judge Henry Clay Allen, for whom all of us in Indianapolis have a respect that is almost reverence—Henry Clay Allen, whom this gentleman sitting here, Mr. English, knows and who has a name that stands for honor in every home in Indianapolis; a man who would not tell an untruth, much less make an affidavit to an untruth, not even for the Presidency. That is the kind of man he is. Let's see what Mr. Hewes further says: 'Affiant further says that the members of the election board are all employees of the city of Indianapolis.' Although we asked for a representation on the board—wasn't that fair? Wasn't it fair to give us a representative on the board, too?—they were all city employees. Samuel Lewis Shank, the mayor of said city, was a candidate for delegate on the Taft slate at this primary. 'Affiant further says that after the closing of the polls he made a request to John Carter, the inspector in charge, that he be allowed as a watcher to witness the counting of the ballots.' And remember that this man is not a ward heeler. That he be allowed as a watcher to witness the counting of the ballots, and that the inspector told him he would have to see Wallace; that affiant then called Wallace over the telephone, told him the conditions, and requested, for the sake of party harmony and having at heart the success of the Republican Party in November, that he be allowed to witness the counting of the ballots; that this request was refused; that affiant then asked as a personal favor that he be allowed in the room, and that said Wallace, who, as before alleged, is chairman of the Republican county central committee, replied as follows: 'I would do it for you if for anybody, but I don't propose that you fellows shall have a damn vote in Marion County.'

"When Mr. Moores comes to reply he can tell you who Theodore Hewes is from his personal knowledge and information. And here is one from David D. Nagley. He owns a farm out there at the east end of the town. He testifies that he went to the polls, and that during his stay at the polls there were several wagonloads and automobile loads and squads of voters who came to vote for the Taft delegates; 'that to affiant's best information and belief these voters were not residents of his ward.' He is a man who has lived there all his life, too. 'Affiant further says that the voting place was in the southeast corner, about 2 miles from affiant's home,' and so forth. There are other things, but I will not take your time.

"And here is the testimony of Squire Kelly. All this is in the ward where these gentlemen who were city employees trying to elect Mayor Shank and Mr. English, who sits there to vote on this case, at the primary just preceding this case. He says that he voted on the day and date above at the voting place of the first ward, and that he went to the polls carrying in his hands a Roosevelt ballot, which said ballot was marked for men who were in favor of men for Theodore Roosevelt; that when he approached the polls with the Roosevelt ballot in his hands several city employees surrounded him and urged him to vote the Taft ticket; and that the Roosevelt ticket was torn from his hands by the Taft supporters and that he was brutally assaulted by the Taft adherents.

"Affiant avers that he finally made his way to the window and cast the Roosevelt ballot, but that he could not see what disposition was made of his ballot; that the city employees in and around the polls told him he would lose his position in the city of Indianapolis. I understand he was fired from his position because he dared to vote for Roosevelt, and I will show you, gentlemen, if we have time, that a policeman's name—one man, the only man we could find who dared to vote for Roosevelt—had his name taken down with the remark, 'I saw you do that'; but I will only give you some samples. It will take too long to do it in full. I can see that.

"Let's take up this second ward—and I am going to take up some little time there, because of the character of these men. Here is the second ward, gentlemen. Here is an affidavit by Joseph P. O'Mahony. Mr. O'Mahony, I want to impress upon you, is the editor of the Indiana Catholic, a Catholic paper of Indianapolis, and I don't suppose, whatever our heat may be in politics, that anybody will question the honor of Mr. O'Mahony. He testifies that he went to the polls and stayed there where the voting place was located; and he tells how inconvenient it was, and he had to put his ballot in through a hole, and he could not see what became of it; and he says, 'Under these conditions the Roosevelt supporters on the sidewalk asked several times for watchers or one watcher to be allowed inside the polls, but this was flatly refused.'

"I want to stop and impress upon you gentlemen clearly that all these affidavits establish the fact that while we were denied watchers in the voting place, or any access to it so we could see what became of our tickets, the Taft men, on the other side, were allowed free access to the polling places; and there are the affidavits. 'Across the street in a vacant house were assembled a crowd of colored men, many of whom, to the knowledge of this affiant, were absolutely strangers in the ward. From this building, guided by city employees, groups of men were about to cross the street from time to time to vote, all being supplied with Taft tickets in advance. Affiant saw a colored fellow who was not more than 15 years of age going to vote with a group of colored men and, approaching him, asked him his age. When questioned he said his father told him he was old enough to vote. As affiant was questioning the boy a city policeman who was on duty at the place caught him by the arm and said, "Don't interfere with that voter." The policeman then led the colored boy into the line of voters, and he voted without further question.

"'Affiant witnessed several other such instances of fraudulent voting, and when the voting place was about to be closed a half a dozen vehicles loaded with strange men, black and white, were rushed to the polling place, and several hundred votes cast which, in the knowledge of the affiant, who lived in that ward, had no right to be cast in the ward. The conditions in the primary to elect delegates for the State convention were, in the opinion of affiant, far worse than at the primaries for the election of the district delegates held on March 15. The illegal voting was more open; and affiant solemnly declares, after an experience of 21 years, in which he has witnessed all kinds of primaries in Pennsylvania and Maryland and elsewhere, that he never saw such open and flagrant fraud as at this election held in Indianapolis.' That is the editor of a Catholic paper, and I will read you also the testimony of an eyewitness who is a Baptist preacher.

"Here is the testimony, gentlemen, showing the general conditions, the affidavit of Judge Henry Clay Allen. I am going to take the time to read you this, with your permission, because of the character of Judge Henry Clay Allen. He was for 12 years the judge of our circuit court, and I think that Mr. Moores—and this is a subject that does not concern anybody but Mr. Moores and myself, and we will agree that if there is one thing that will describe the character of Judge Henry Clay Allen it is the word 'honor.' His word in Indianapolis stands absolutely. He is one of the most sacrificing men in our State or in any other State, and it is he who, when on the bench, said that while there might be a different course with us and that a man that was honest for any reason deserved praise, still that a man who was born honest had a better start.

"'Judge Henry Clay Allen, being first duly sworn, said on his oath that he had resided in this city since 1876 and most of the time near the place where he now resides.

"'That prior to the recent primaries held to select delegates for the Republican national convention residents of said wards supporting ex-President Roosevelt requested him to act as the inspector or judge on the election board at such primary, which he consented to do, and his appointment was requested and refused by those in charge, and those opposed to President Taft's nomination were refused any representation on the

board.' About time for the polls to open, before the polls were opened for the primary to elect delegates to the district convention, which was to choose delegates to the Chicago national Republican convention, quite a number of Republican voters of the ward were present at the place designated for the primary, including the ward committeemen and State committeemen for this district and Mayor Shank. The city comptroller is chairman of the Republican county central committee, and one of the board appointed was a clerk in his office. The other two members of the board were employed as city inspectors or some other subordinate position in the city government.

"One of the inspectors who makes this affidavit with reference to seating the delegates at large swears that this thing was all done correctly. In this second ward the vote was reported by the inspector as 87 for Roosevelt and 561 for Taft. Now, let us see what this inspector did. This is an affidavit made by Mr. Hawkins. He is a lawyer in Indianapolis. He testifies that this man Griffiths stated to him that when they came up to report the vote he simply reversed the vote; that is to say, he simply made it 561 for Taft and 87 for Roosevelt.

"Let me go to the third ward. I am going to pick some out for you, gentlemen. I will have to pick them out or we will never get through to-night. Gentlemen, this is an affidavit by Harvey B. Stout, and this affidavit, I repeat, is supported by Carle Mots, a newspaperman, and Mr. Hill, an engineer for Fairbanks, Morse & Co. Mr. Harvey Stout is a lawyer. He is a lecturer on law at the State University, at Butler College, and two law schools in Indianapolis. His credibility as a witness, I think, will not be questioned by anybody—

"That the affiant, together with a mechanical engineer in the employ of Fairbanks, Morse & Co.—

"He says that he is accompanied by this man—

that affiant saw a truck load of men on South Meridan Street bearing about 40 voters drive first to the tenth ward, where he saw the men cast Taft ballots, then he saw the truck go to the eleventh ward, where they voted Taft ballots.

"And I want to stop right here and explain another thing which I ask everybody to take my word for. Nearly all these affidavits show that the Taft ballots in some wards were distinguished by having a red band across the back, that in others they had a checkered design on the back, so that they were all well known—that is, the Taft ballots were well known—whereas the Roosevelt ballots were the ordinary ballots. When these gentlemen testified that they knew the ballots, they knew because they saw the vote. That the truck then went to the eleventh ward, where they voted Taft ballots.

"That affiant saw a truck in the fourteenth ward, another auto truck filled with men joined the first truck. Affiant saw the voters in both trucks vote at this place; that affiant saw the trucks go to the fifteenth ward, where he saw both trucks loaded with men vote Taft ballots. That affiant then drove to the fourth ward of the city of Indianapolis and saw there several other automobiles loaded with men; that affiant saw one truck loaded with men stop at the saloon, the Fort Wayne saloon; that he saw the load in this auto go into the saloon, stay there about five minutes, climb back in the automobiles, and return to the sixth ward voting place, where they voted Taft ballots; affiant further states that he saw automobiles containing colored Taft workers go to the same saloon; that at this time the driver of the automobile saw that the affiant in his automobile was following him, and that the first automobile then at full speed drove to the northern part of the city for about 4 miles, and finally the affiant and those in his machine with him lost track of the machine containing the Taft repeaters. Whereupon affiant immediately drove his machine to the voting place in the sixth ward in time to see the first automobile load of men vote for the third time at the voting place at the sixth ward.

"Passing over the former part, affiant further states that he was present immediately after the polls were closed and was permitted to watch the counting of the ballots. In the bottom of the ballot box there were more than 250 Taft ballots folded uniformly in stacks and pads as though placed in there at one time. There is other testimony here, Mr. Chairman, that shows the same thing. When I come to Mr. Lewis's affidavit, andI want to tell you about it now, of the men that he found going to the polls with four ballots folded up in their hands; that one of Shank's appointees was permitted to watch the counting of the vote, and that in the bottom of the ballot box there were found folded, occurring in stacks or pads, ballots which looked as though they were placed there at one time. The voters could not see what became of the ballots.

"This is the affidavit of William L. Taylor, at the head of the firm of Chandler, Taylor & Co. Mr. English knows him well, and Mr. Moores knows him well. Perhaps he is one of the six leading young business men of Indiana. His word, as I said before, is taken everywhere in the business world wherever he is known. He is a man of high standing. He is a member of the school board. He has nothing to do with politics, he is not connected with any faction, has no interest in politics except to see that clean politics exist. He testified that he looked through the windows from a stepladder for from 5 to 10 minutes, and that they did not even touch the ballot boxes. It is the character of the man as well as what he swears to.

"Now, here are affidavits of Charles P. Jones and of Mr. Curtis, concerning false votes being cast—that is, where an accurate count had been kept and the vote returned by the inspector, and it being different.

"Here is one concerning the nonresident votes. Here is one concerning police interference. This runs all through these affidavits—repeating and police interference. And this is an affidavit by George Mueller. George Mueller is one of the Mueller Commission Co. Here is one by Charles E. Bacon. He is the architect of the Merchants' National Bank Building, and of that other big building there. He describes the condition of the voting places as far as he knows. Here is one by George R. Mueller concerning the police voting at the voting place.

"I will be through with this testimony in just one second. There are affidavits about the illegal voting of city employees. Here is one concerning repeating. Here is one concerning repeating. This is one by Mr. Galloway. This is by Frank Doudican. He testifies to repeating. This is as to minors. I know I must get through with this, but when I get hold of one like this I will read it: 'That a great many of these ringsters acknowledged that they lived outside of the ward.' He is testifying to repeaters that he saw and talked to. 'Acknowledged that they lived outside of the ward, and that others of them were so ignorant that they didn't know their own name.' Here is an affidavit which says that one negro repeater said: 'I am not going to vote any longer. I have voted four times. I am not going to vote any more for 50 cents.'

"Now, there is Dr. Roberts's affidavit. This man is the pastor of the Baptist Church. Here is what Dr. Roberts testifies to: That he was a candidate himself for Roosevelt delegate, and that he was at the polls all day, and that he personally saw one man vote two times and another four times, and that repeating was in force. So we have the testimony of a Catholic paper, a Baptist preacher, and then young business men, and Mr. La Cost, who is Republican candidate for Congress, and men like that.

"Now, then, gentlemen, it is plainly evident by what your chairman called my attention to that I have not got any more time, but I wish I had. But I have given you details; I have given you specifications that fraud was unprecedented and universal, excepting in two wards. It was vicious, utterly and absolutely. I venture to say that I have gone over history in my study of the Lorimer case. I have gone over the entire history of election frauds in England and this country, and I defy anybody to find any conditions that are worse than this. I closed the arguments in the Lorimer case, and the situation in that case is set forth in my speech in the CONGRESSIONAL RECORD, and I have never read of a case that approaches in the facts to the fraud of this one. And you must remember that we are the party of the purity of the ballot. We are the people who protested against indecent balloting, who protested against indecent outrages against the ballot in the South by which the southern Republicans and the colored men were kept out of their rights. How can we take that position if we concede and allow these conditions here?

"Very well, if these 106 votes were sustained by fraud they must be rejected, and it gives the Roosevelt delegates—of course, as a mere mathematical question—the majority of that convention. If you add the Roosevelt delegates who were popularly elected it gives us a certain majority. If you add the others that were thrown out in Monroe and other counties, it gives you the majority that I stated to you in opening my remarks.

"Immediately after the convention adjourned, and, gentlemen, I say to you that I am presenting this case with all my soul. I am presenting it to you not merely as members of the committee, as national committeemen, not merely as Republicans working shoulder to shoulder to advance the cause that our party represents, to sustain that party, but I am talking to you just as I would talk to a jury. I am earnest about it. I say frankly that I would not stand here and appeal to you, and I think every one of you will admit it, if I had any doubt that this fraud was done. I am not that much interested in politics. I was not that much interested in the results. I did not want to take the position I did in the Lorimer case, but I believed that it was right, and I believed that I had to do so, because the testimony was dead open and shut, and it became a matter of duty."

This earnest plea fell upon deaf ears. The Taft majority on the credentials committee formed its rush line and pushed over this mountain of uncontroverted proof of fraud by a vote of 34 to 11.

It is interesting to read in this connection an editorial published in the Indianapolis Star on March 27, the day after the

Indiana State convention. The heading of the editorial is "The flaw in the title." The following is a quotation from it:

Much as the Star desires the renomination and reelection of President Taft, it greatly regrets that the verdict of Indiana Republicans in his favor could not have been straight and clear. As it is, there is a cloud upon the title of the four delegates at large and the two delegates from this district.

This flaw becomes the more deplorable because of the fact that the majority of 105 in yesterday's convention would have been wiped out entirely and a small majority for Mr. Roosevelt would have taken its place, if the disputed votes from this county had not been counted on the question of their own legality.

[By Theodore Roosevelt. Reprinted from the Outlook of July 13, 1912.]

No free people can afford to submit to government by theft. If the will of the people is defeated by fraud, then the people do not rule. If those who are thus foisted on them represent the special interests instead of the people, then the interests and not the people rule. When the people are denied their only thoroughly efficient weapon, the direct primary, against this usurpation, as was done by the ruling in the California case, then under the system thus established the people can not rule. The only remedy is to break from the system. It is useless to counsel patience until the next convention, because the organization is already complete to nullify the action of the people as effectively then as it was done this time. The same arbitrary powers have been conferred on the national committee that were exercised this time, and that committee, which is to act in 1916, is already elected. It is composed of men the majority of whom, under the lead of one of their number, Mr. Barnes, have already shown by their votes in the convention that they are prepared to repeat in 1916 the usurpation of 1912. Every State in the Union might pass presidential-primary laws, and all these States might vote for the same candidate, but if that candidate were not satisfactory to the national committee now in office, it could and would reverse the action of the people. On a square issue of power between the Republican national committee and the Republican voters the committee has won, and has demonstrated that it can win again. The organization has frankly abandoned the pretense of making effective the will of the voters. Its leaders from the President down take especial pride in the fact that they have outwitted the majority and have controlled the convention against the will of the rank and file of the voters—the "rabble," as Mr. Taft's chairman, Mr. McKINLEY, termed them. If the American people are really fit for self-government, they will instantly take up the challenge which a knot of political conspirators have so insolently thrown down. Nonresistance to such treason against popular government would be almost as reprehensible as active participation therein. Both a great moral issue and a fundamental principle of self-government are involved in the action of the so-called Republican convention at Chicago; and we can not submit to that action without being false both to the basic principles of American democracy and to that spirit of righteousness and honesty which must underlie every form of successful government.

REPORT OF THE MINORITY OF THE COMMITTEE ON CREDENTIALS.

The following is the report of the minority of the committee on credentials, setting forth the reason why the report of the majority seating the fraudulent delegates clearly indicated the consummation of a deliberate conspiracy to control the convention against the will of the Republican voters. Under the rulings adopted no opportunity was given to the minority of the credentials committee to bring this report before the convention:

"This convention was called to contain 1,078 delegates. Of this one-quarter were to come from States and Territories which have no part in Republican affairs, cast no Republican electoral vote, and are practically destitute of Republican voters. Such delegates are always controlled by Federal officeholders or others interested in the management of Federal office. As they live by politics, they form an efficient political machine. The combination between these and one-quarter of the delegates from the Republican States will form a majority of the convention. In other words, one-third of the representative Republican States can, by manipulation, dictate to two-thirds of the Republican representatives.

"This year such a coalition was attempted, but a majority of the convention was not obtainable until members of the national committee, who have been repudiated by their own States, seated a sufficient number of contested delegates to give a majority on the temporary roll call.

"At the organization of the convention the chairman of the national committee, contrary to good parliamentary law and good morals, insisted on counting the votes of these contested delegates on the preliminary roll call which elected the temporary chairman. Upon the motion to exclude these contested delegates from participation in the deliberations of the convention upon those contested the temporary chairman ruled that they should sit upon their own contests.

"A committee upon credentials was then appointed, upon which the contested delegates were represented and seated.

"In the committee on credentials a coalition was formed of the contested delegates and members of the national committee and a minority of the representatives of the Republican States.

"This coalition formed a substantial majority of the committee. It proposed to prevent the hearing of all of the testimony by limiting the contestants on delegates at large to 10 minutes and on district delegates to 5 minutes in which to present their cases, and did not agree to a decent amount of time for the hearing until a number of the unorganized members left the room in disgust. During the hearing the members of the national committee, who were, in fact, sitting upon their own cases, acted as attorneys for the seated delegates, interfered with an orderly procedure, and bullied the witnesses of the contestants. The hearing, if held in public, would have aroused the scorn of all spectators, and for this reason the public were excluded. The coalition in the committee is bringing in reports faster than they can be prepared, making it evident that the reports have been prepared beforehand and merely adopted as a formality. No time is furnished to the unorganized delegates to consider their cases or prepare to present them to the convention. It is therefore plain that if these contested delegates are seated they will not only create a majority, of which less than one-half represent Republican States, but that this majority will also be composed of delegates improperly seated, in violation of good parliamentary law and common morals. It is also plain that this is not accomplished by mere partisanship, but that it is the result of a comprehensive plan prepared in advance and deliberately carried out to control the Republican convention against Republican voters.

"Robert R. McCormick, Illinois; Hugh T. Halbert, Minnesota; Clency St. Clair, Idaho; Lex N. Mitchell, Pennsylvania; R. A. Harris, Kansas; D. J. Norton, Oklahoma; A. N. Swift, Oregon; J. M. Libby, Maine; Jesse A. Tolerton, Missouri; Francis J. Heney, California; S. X. Way, South Dakota; Harry Shaw, West Virginia; H. E. Sackett, Nebraska."

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 5068. An act to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes;

S. 6942. An act to establish the Pecos national game refuge in the State of New Mexico, and for other purposes;

S. J. Res. 117. Joint resolution for the relief of Fred White;

S. 324. An act for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal;

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan;

S. 2637. An act for the relief of Anna Laguee;

S. 5775. An act for the relief of William S. McCollam;

S. 7377. An act granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes;

S. 6655. An act for the relief of Lester A. Rockwell;

S. 3757. An act for the relief of Eldredge Bros. Live Stock Co., a corporation;

S. 7318. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes;

S. 4030. An act for the relief of Sylvester W. Barnes;

S. 7317. An act to provide increased quarantine facilities at the port of Portland, Me.;

S. 5009. An act authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon trail;

S. 7106. An act to provide for a public building at Cheboygan, Mich.;

S. 1774. An act to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear Admiral Charles Wilkes, United States Navy, in the national cemetery at Arlington, Va.;

S. 2666. An act granting an increase of pension to William P. Clark; and

S. 7424. An act to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway

Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 4512. An act for the relief of Mary Beal;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes;

H. R. 25060. An act for the relief of Joe Cook;

H. R. 16621. An act for the indemnification of Frank Wenzel;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes;

H. R. 24026. An act to incorporate the Naval History Society;

H. R 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people;

H. R 19339. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public park purposes;

H. R. 14333. An act for the relief of John Johnson;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city, on lot No. 3, block 115, in the city of Hot Springs, Ark.;

H. R. 9833. An act to accept and fund the bequest of Gertrude M. Hubbard;

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz.;

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 14770. An act for the relief of Martin A. L. Olsen;

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The message also announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911;

H. R. 24966. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 23451. An act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property;

H. R. 606. An act for the relief of John Freffeisen;

H. R. 19190. An act for the relief of John P. Risley; and

H. R. 7434. An act for the relief of Patrick Howe.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate document room 2,000 copies on manila paper of a wall chart on "Hookworm and soil pollution."

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The question is on agreeing to the Moon amendment to the instructions of the gentleman from Illinois [Mr. MANN].

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. MANN. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. GARDNER of Massachusetts. Mr. Speaker, I desire to know whether we are voting on the previous question or on the substitute.

The SPEAKER. We are voting on the Moon amendment.

The question was taken; and there were—yeas 144, nays 85, answering "present" 13, not voting 148, as follows:

YEAS—144.

Adamson	Evans	Hull	Reilly
Aiken, S. C.	Fergusson	Humphreys, Miss.	Rothermel
Alexander	Ferris	Jacoway	Russell
Ansberry	Finley	Johnson, Ky.	Sabath
Ashbrook	Fitzgerald	Kinkead, N. J.	Saunders
Austin	Flood, Va.	Kitchin	Shackleford
Ayres	Floyd, Ark.	Konig	Sharp
Bathrick	Foster	Korbly	Sherley
Beall, Tex.	Fowler	La Follette	Sims
Blackmon	Gallagher	Lee, Ga.	Sisson
Booher	George	Lee, Pa.	Smith, Tex.
Brantley	Gill	Lever	Stanley
Brown	Glass	Levy	Stedman
Buchanan	Godwin, N. C.	Lewis	Stephens, Miss.
Bulkley	Goeke	Linthicum	Stephens, Nebr.
Burke, Wis.	Goldfogle	Littlepage	Stephens, Tex.
Burleson	Goodwin, Ark.	Lloyd	Stevens, Minn.
Burnett	Graham	Lobeck	Stone
Byrns, Tenn.	Gray	McCoy	Sulzer
Candler	Gregg, Pa.	McDermott	Sweet
Carlin	Hamill	McKellar	Taggart
Cline	Hamilton, W. Va.	Maguire, Nebr.	Talbott, Md.
Connell	Hamlin	Maher	Talcott, N. Y.
Conry	Hammond	Martin, Colo.	Thayer
Covington	Hardy	Moon, Tenn.	Thomas
Curley	Harrison, Miss.	Morrison	Tribble
Davenport	Harrison, N. Y.	Murray	Turnbull
Dent	Hay	O'Shaunessy	Tuttle
Denver	Hayden	Padgett	Underhill
Difenderfer	Heflin	Page	Underwood
Dixon, Ind.	Helgesen	Pepper	Watkins
Donohoe	Helm	Post	Webb
Doremus	Henry, Tex.	Rainey	Whitacre
Doughton	Hensley	Raker	White
Driscoll, D. A.	Holland	Ransdell, La.	Wilson, Pa.
Estopinal	Houston	Rauch	Witherspoon

NAYS—85.

Ainey	Gardner, N. J.	McKinney	Sells
Anderson, Minn.	Green, Iowa	McLaughlin	Simmons
Anthony	Greene, Mass.	Mann	Sloan
Bartholdt	Greene, Vt.	Matthews	Smith, J. M. C.
Bates	Hamilton, Mich.	Miller	Smith, Saml. W.
Bowman	Harris	Mondell	Steenerson
Butler	Heald	Moore, Pa.	Sterling
Cannon	Howell	Morgan	Sulloway
Cooper	Howland	Moss, Ind.	Switzer
Crumpacker	Humphrey, Wash.	Mott	Taylor, Ohio
Danforth	Jackson	Needham	Towner
Davis, Minn.	Kahn	Norris	Utter
De Forest	Kendall	Oldfield	Warburton
Dodds	Kennedy	Patton, Pa.	Wedemeyer
Draper	Kent	Payne	Weeks
Driscoll, M. E.	Kinkaid, Nebr.	Pickett	Willis
Dwight	Lafferty	Plumley	Wilson, Ill.
Farr	Lawrence	Pray	Wood, N. J.
Focht	Lindbergh	Rees	Young, Kans.
Foss	Longworth	Roberts, Mass.	
French	Loud	Roddenbery	
Gardner, Mass.	McKinley	Rodenberg	

ANSWERING "PRESENT"—13.

Browning	Haugen	Palmer	Woods, Iowa
Campbell	Hawley	Riordan	
Carter	Hughes, W. Va.	Slayden	
Davis, W. Va.	McMorran	Sparkman	

NOT VOTING—148.

Adair	Davidson	James	Pou
Akin, N. Y.	Dickinson	Johnson, S. C.	Powers
Allen	Dickson, Miss.	Jones	Prince
Ames	Dies	Kindred	Prouty
Anderson, Ohio	Dupré	Knowland	Pujo
Andrus	Dyer	Konop	Randell, Tex.
Barchfeld	Edwards	Kopp	Redfield
Barnhart	Ellerbe	Lafean	Reyburn
Bartlett	Esch	Lamb	Richardson
Bell, Ga.	Fairchild	Langham	Roberts, Nev.
Berger	Faison	Langley	Robinson
Boehne	Fields	Legare	Rouse
Borland	Fordney	Lenroot	Rubey
Bradley	Fornes	Lindsay	Rucker, Colo.
Broussard	Francis	Littleton	Rucker, Mo.
Burgess	Fuller	McCall	Scully
Burke, Pa.	Garner	McCreary	Sheppard
Burke, S. Dak.	Garrett	McGillicuddy	Sherwood
Byrnes, S. C.	Gillett	McGuire, Okla.	Slemp
Calder	Good	McHenry	Small
Callaway	Gould	McKenzie	Smith, Cal.
Cantrill	Gregg, Tex.	Macon	Smith, N. Y.
Cary	Griest	Madden	Speer
Clark, Fla.	Gudger	Martin, S. Dak.	Stack
Claypool	Guernsey	Mays	Stephens, Cal.
Clayton	Hanna	Moon, Pa.	Taylor, Ala.
Copley	Hardwick	Moore, Tex.	Taylor, Colo.
Collier	Hartman	Morse, Wis.	Thistlewood
Cox, Ind.	Hayes	Murdock	Tilson
Cox, Ohio	Henry, Conn.	Neeley	Townsend
Crago	Higgins	Nelson	Vare
Cravens	Hill	Nye	Volstead
Currier	Hinds	Olmsted	Vreeland
Cullop	Hobson	Parran	Wilder
Curry	Howard	Patten, N. Y.	Wilson, N. Y.
Dalzell	Hughes, Ga.	Peters	Young, Mich.
Daugherty	Hughes, N. J.	Porter	Young, Tex.

So the amendment of Mr. MOON of Tennessee was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. FORNES with Mr. BRADLEY.

Mr. ROUSE with Mr. HAYES.

Mr. MCGILLICUDDY with Mr. GUERNSEY (on all questions except battleship appropriations, free tolls, and interstate shipment of intoxicating liquors).

Mr. SLAYDEN with Mr. TILSON.

Mr. RIORDAN with Mr. ANDRUS.

Mr. COLLIER with Mr. WOODS of Iowa.

Until further notice:

Mr. JONES with Mr. KOPP.

Mr. GREGG of Texas with Mr. MCCREARY.

Mr. BOEHNE with Mr. ROBERTS of Nevada.

Mr. ROBINSON with Mr. PROUTY.

Mr. ELLERBE with Mr. WILDER.

Mr. YOUNG of Texas with Mr. VREELAND.

Mr. TOWNSEND with Mr. VOLSTEAD.

Mr. SMITH of New York with Mr. STEPHENS of California.

Mr. SHERWOOD with Mr. SPEER.

Mr. CALLAWAY with Mr. REYBURN.

Mr. PATTEN of New York with Mr. POWERS.

Mr. NEELEY with Mr. PRINCE.

Mr. MOORE of Texas with Mr. NYE.

Mr. MCKELLAR with Mr. MURDOCK.

Mr. HUGHES of New Jersey with Mr. MOON of Pennsylvania.

Mr. HUMPHREYS of Mississippi with Mr. LAFEAN.

Mr. HUGHES of Georgia with Mr. MCKENZIE.

Mr. HOWARD with Mr. MCGUIRE of Oklahoma.

Mr. POU with Mr. PORTER.

Mr. FRANCIS with Mr. KNOWLAND.

Mr. FAISON with Mr. HIGGINS.

Mr. DUPRÉ with Mr. HENRY of Connecticut.

Mr. DAUGHERTY with Mr. HANNA.

Mr. COX of Indiana with Mr. GRIEST.

Mr. CLAYTON with Mr. FULLER.

Mr. CLAYPOOL with Mr. CURRY.

Mr. BURGESS with Mr. CARY.

Mr. BARNHART with Mr. CALDER.

Mr. ALLEN with Mr. BURKE of Pennsylvania.

Mr. ADAIR with Mr. BARCHFELD.

Mr. GARNER with Mr. HINDS.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. PALMER with Mr. HILL.

Mr. LITTLETON with Mr. PARRAN.

Mr. SCULLY with Mr. BROWNING.

Mr. PUJO with Mr. MCMORRAN.

Mr. BARTLETT with Mr. SLEMP.

Mr. GARRETT with Mr. FORDNEY.

Mr. CANTRILL with Mr. COPLEY.

Mr. CULLOP with Mr. CURRIER.

Mr. DICKINSON with Mr. FAIRCHILD.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. LAMB with Mr. HAUGEN.

Mr. FIELDS with Mr. LANGLEY.

Mr. PETERS with Mr. MCCALL.

Mr. HOBSON with Mr. GOOD.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. RUBEY with Mr. HAWLEY. (Mr. HAWLEY reserves the right to vote on all measures pertaining to his State.)

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. EDWARDS with Mr. DALZELL.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

For the remainder of this session:

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. BROUSSARD with Mr. YOUNG of Michigan.

From August 16 until August 19 at noon:

Mr. JAMES with Mr. OLMSTED (except on vetoes).

From August 16, 1.30 p. m.:

Mr. CARTER with Mr. BURKE of South Dakota (until the return of Mr. BURKE).

From August 15 until August 19:

Mr. DAVIS of West Virginia with Mr. CRAGO.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. BROWNING. Mr. Speaker, I am paired with the gentleman from New Jersey, Mr. SCULLY. I voted "no." I wish to withdraw my vote and to answer "present."

Mr. CAMPBELL. Did the gentleman from Georgia, Mr. HARDWICK, vote?

The SPEAKER. He did not.

Mr. CAMPBELL. I have a pair with him. I voted "no." I desire to have my name recorded as present.

Mr. PALMER. Mr. Speaker, has the gentleman from Connecticut, Mr. HILL, voted?

The SPEAKER. He has not.

Mr. PALMER. Mr. Speaker, I am paired with the gentleman from Connecticut, Mr. HILL. I voted "aye," but I desire to withdraw my vote and to answer "present."

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the motion of the gentleman from Illinois as amended by the substitute of the gentleman from Tennessee.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Illinois demands the yeas and nays. All those in favor of taking the question by yeas and nays will rise. [After counting.] Thirty-nine gentleman have risen—not a sufficient number.

Mr. MANN. Mr. Speaker, I ask for the other side.

Mr. FOSTER. Mr. Speaker, we have just had a vote which discloses the number present, and I make the point that the claim of the gentleman from Illinois is dilatory.

The SPEAKER. The Chair thinks it is dilatory.

Mr. MANN. Mr. Speaker, it is not dilatory.

The SPEAKER. The Chair will take the other side; it will save time. Those opposed to taking the question by yeas and nays will rise. [After counting.] One hundred and nineteen gentlemen have risen. Thirty-nine is a sufficient number and the Clerk will call the roll. Those in favor of adopting the resolution of the gentleman from Illinois as amended by the substitute offered by the gentleman from Tennessee will answer "aye," and those opposed will answer "no."

The question was taken, and there were—yeas 220, nays 0, answering "present" 16, not voting 154, as follows:

YEAS—220.

Adamson	Butler	Dixon, Ind.	Foster
Aiken, S. C.	Candler	Dodds	Fowler
Ainey	Cannon	Donohoe	French
Akin, N. Y.	Carlin	Doremus	Gallagher
Alexander	Claypool	Doughton	Gardner, Mass.
Ansberry	Cline	Draper	Gardner, N. J.
Ashbrook	Connell	Driscoll, D. A.	George
Austin	Conry	Driscoll, M. E.	Gill
Bartholdt	Cooper	Dwight	Glass
Bathrick	Covington	Estopinal	Goeke
Beall, Tex.	Crumpacker	Evans	Goodwin, Ark.
Blackmon	Curley	Farr	Graham
Booher	Curry	Fergusson	Green, Iowa
Bowman	Danforth	Ferris	Greene, Mass.
Brantley	Davenport	Finley	Greene, Vt.
Brown	Davis, Minn.	Fitzgerald	Gregg, Pa.
Buchanan	De Forest	Flood, Va.	Gregg, Tex.
Bulkley	Dent	Floyd, Ark.	Hamill
Burke, Wis.	Denver	Focht	Hamilton, Mich.
Burnett	Difenderfer	Foss	Hamilton, W. Va.

Hamlin	Lever	Palmer	Stephens, Miss.
Hammond	Lewis	Patton, Pa.	Stephens, Nebr.
Hardy	Lindbergh	Payne	Stephens, Tex.
Harris	Linthicum	Pepper	Sterling
Harrison, Miss.	Littlepage	Peters	Stevens, Minn.
Harrison, N. Y.	Lloyd	Pickett	Stone
Hay	Lobeck	Plumley	Sulloway
Hayden	Longworth	Post	Sulzer
Heald	Loud	Pray	Sweet
Heflin	McCoy	Rainey	Switzer
Helgesen	McDermott	Raker	Taggart
Helm	McKellar	Ransdell, La.	Talcott, N. Y.
Henry, Tex.	McKinley	Rauch	Taylor, Ohio.
Hensley	McKinney	Rees	Thayer
Hill	McLaughlin	Reilly	Thomas
Holland	Maguire, Nebr.	Roberts, Mass.	Towner
Houston	Maher	Roddenbery	Townsend
Howland	Mann	Rodenberg	Tribble
Hull	Martin, Colo.	Rucker, Colo.	Turnbull
Humphreys, Miss.	Matthews	Russell	Tuttle
Jackson	Miller	Sabath	Underhill
Jacoway	Mondell	Saunders	Underwood
Johnson, Ky.	Moon, Tenn.	Sells	Utter
Kendall	Moore, Pa.	Shackleford	Warburton
Kennedy	Morgan	Sharp	Watkins
Kent	Morrison	Simmons	Webb
Kinkaid, Nebr.	Moss, Ind.	Sims	Wedemeyer
Kinkead, N. J.	Mott	Sisson	Weeks
Kitchin	Murray	Sloan	White
Konig	Needham	Smith, J. M. C.	Willis
Lafferty	Norris	Smith, Saml. W.	Wilson, Ill.
La Follette	Oldfield	Smith, Tex.	Wilson, Pa.
Lawrence	O'Shaunessy	Stanley	Witherspoon
Lee, Ga.	Padgett	Stedman	Wood, N. J.
Lee, Pa.	Page	Steenerson	Young, Kans.

NAYS—0.

ANSWERED "PRESENT"—16.

Bates	Haugen	Kahn	Slayden
Browning	Hawley	McMorran	Sparkman
Campbell	Hughes, W. Va.	Riordan	Talbott, Md.
Carter	Johnson, S. C.	Rucker, Mo.	Woods, Iowa

NOT VOTING—154.

Adair	Davidson	Hughes, N. J.	Pou
Allen	Davis, W. Va.	Humphrey, Wash.	Powers
Ames	Dickinson	James	Prince
Anderson, Minn.	Dickson, Miss.	Jones.	Prouty
Anderson, Ohio	Dies	Kindred	Pujo
Andrus	Dupré	Knowland	Randell, Tex.
Anthony	Dyer	Konop	Redfield
Ayres	Edwards	Kopp	Reyburn
Barchfeld	Ellerbe	Korbly	Richardson
Barnhart	Esch	Lafean	Roberts, Nev.
Bartlett	Fairchild	Lamb	Robinson
Bell, Ga.	Faison	Langham	Rothermel
Berger	Fields	Langley	Rouse
Boehne	Fordney	Legare	Rubey
Borland	Fornes	Lenroot	Scully
Bradley	Francis	Levy	Sheppard
Broussard	Fuller	Lindsay	Sherley
Burgess	Garner	Littleton	Sherwood
Burke, Pa.	Garrett	McCall	Slemp
Burke, S. Dak.	Gillett	McCreary	Small
Burleson	Godwin, N. C.	McGillicuddy	Smith, Cal.
Byrnes, S. C.	Goldfogle	McGuire, Okla.	Smith, N. Y.
Byrns, Tenn.	Good	McHenry	Speer
Calder	Gould	McKenzie	Stack
Callaway	Gray	Macon	Stephens, Cal.
Cantril	Griest	Madden	Taylor, Ala.
Cary	Gudger	Martin, S. Dak.	Taylor, Colo.
Clark, Fla.	Guernsey	Mays	Thistlewood
Clayton	Hanna	Moon, Pa.	Tilson
Collier	Hardwick	Moore, Tex.	Vare
Copley	Hartman	Morse, Wis.	Volstead
Cox, Ind.	Hayes	Murdock	Vreeland
Cox, Ohio	Henry, Conn.	Neeley	Whitacre
Crago	Higgins	Nelson	Wilder
Cravens	Hinds	Nye	Wilson, N. Y.
Cullop	Hobson	Olmsted	Young, Mich.
Currier	Howard	Parran	Young, Tex.
Dalzell	Howell	Patten, N. Y.	
Daugherty	Hughes, Ga.	Porter	

So the motion of Mr. MANN as amended was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. BYRNS of Tennessee with Mr. KAHN.

Mr. GOLDFOGLE with Mr. HOWELL.

Mr. GRAY with Mr. HUMPHREY of Washington.

Mr. KORBLY with Mr. LAFEAN.

Mr. ROTHERMEL with Mr. MCCALL.

Mr. SMALL with Mr. STEPHENS of California.

Mr. BATES. Mr. Speaker, I voted "aye," but I wish to withdraw my vote and answer "present."

Mr. FAISON. Mr. Speaker, I ask to have my vote recorded.

The SPEAKER. Was the gentleman in the Hall and listening when his name should have been called?

Mr. FAISON. I got in, Mr. Speaker, just after my name was called.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was then announced as above recorded.

Mr. MOON of Tennessee. Mr. Speaker, by direction of the Committee on the Post Office and Post Roads, I report back to the House bill H. R. 21279, an act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, amended as directed by the House, by striking out Senate amendment 118, and inserting the amendment passed by the House in lieu thereof.

The SPEAKER. The Clerk will read the amendment.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent to dispense with the reading, as it was read a few minutes ago.

The SPEAKER. The gentleman from Alabama asks unanimous consent to dispense with the reading of the amendment. Is there objection?

There was no objection.

Mr. MOON of Tennessee. Now, Mr. Speaker, I move that the House disagree to the other Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, is not the first question whether the House will agree to the amendment recommended by the committee to the Senate amendment?

The SPEAKER. The Chair did not catch the remark of the gentleman from Illinois.

Mr. MANN. The committee has reported back the amendment of the House to agree to the Senate amendment with an amendment.

The SPEAKER. That is exactly the question that the Chair started to put. The question is on agreeing to the Senate amendment with the amendment.

The question was taken, and the motion of the gentleman from Tennessee was agreed to.

The SPEAKER. The question now is on disagreeing to all the Senate amendments except Senate amendment 118.

Mr. UNDERWOOD. Mr. Speaker, it seems to me clear that if this bill was taken by the House and sent back to the committee and then returned to the House and acted on, that the rule became vitiated and that the proper motion for the gentleman from Tennessee now to make, as the bill is before the House, is to disagree to all Senate amendments except Senate amendment 118 with an amendment.

The SPEAKER. The question is on agreeing to the motion of the gentleman from Tennessee.

The motion was agreed to.

The Chair appointed as conferees on the part of the House Mr. MOON of Tennessee, Mr. FINLEY, and Mr. WEEKS.

Mr. MOON of Tennessee. Mr. Speaker, I move that the House insist on its amendment to Senate amendment 118.

Mr. MANN. We have already agreed to that, with an amendment.

Mr. FITZGERALD. That is all right; the gentleman is moving to insist on it.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

The message also announced that the Senate had passed the following resolution, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That the Committee on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 21969) entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," by inserting in section 11, after the words "or elsewhere," where they occur the second time, the words "with which said railroad or other carrier aforesaid does or may compete for traffic."

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7343. An act to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation, about 7½ miles above the city of Wetumpka.

The message also announced that the Senate had insisted upon its amendment No. 2 to the bill (H. R. 17595) to amend sections 1 and 118 of act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BACON, Mr. DILLINGHAM, and Mr. ROOT as the conferees on the part of the Senate.

SPEECHES OF GOV. WILSON.

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by including therein a copy of the speech made by Gov. Wilson at Indianapolis during the month of May last, together with that magnificent effort of his yesterday at Gloucester, N. J.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to print a speech in the RECORD made by Gov. Wilson at Indianapolis last May, and one that he made yesterday at a farmers' meeting in New Jersey. Is there objection?

Mr. HILL. Mr. Speaker, I have no objection to the insertion of the speech made in Indianapolis last May, but if the other request is insisted upon at this time I shall have to ask the privilege of making a few remarks at this time.

Mr. KINKEAD of New Jersey. Mr. Speaker, I have no objection to that.

The SPEAKER. That may be true, but that would grant the gentleman from Connecticut no right.

Mr. HILL. Mr. Speaker, if the gentleman will withdraw the last part of his request at this time, I think there will be no objection to it later.

Mr. UNDERWOOD. Mr. Speaker, while I regret to do so, I wish to give notice that in the early morning and late in the evening before we adjourn I shall not object to unanimous-consent requests of this character, but in the middle of the day, when the pressure of business is such that it is important that the House transact its business, I shall have to object and demand the regular order.

Mr. MANN. Mr. Speaker, I think the gentleman from Alabama is correct in the attitude he takes.

The SPEAKER. The gentleman from Alabama objects.

PENSIONS.

Mr. DANIEL A. DRISCOLL. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, with Senate amendments thereto; also the bill H. R. 24602, of similar title, with Senate amendments thereto; also the bill H. R. 24996 and the bill H. R. 25166, of similar titles, with Senate amendments thereto, disagree to all of the Senate amendments to the several bills, and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the several bills enumerated, with Senate amendments thereto, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none. The Chair appoints the following conferees on all five of the bills.

The Clerk read as follows:

Mr. DANIEL A. DRISCOLL, Mr. RUCKER of Colorado, and Mr. WOOD of New Jersey.

The SPEAKER. The Chair will also announce that he appoints Mr. DANIEL A. DRISCOLL, of New York, a conferee in the place of the gentleman from Alabama, Mr. RICHARDSON, on the bills S. 6384 and 6851, omnibus pension bills.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the amendments of the Senate Nos. 9, 10, and 11 to the bill H. R. 18985.

CONTESTED-ELECTION CASE OF PRIOLEAU AGAINST LEGARE.

Mr. LINTHICUM. Mr. Speaker, by direction of the Committee on Elections No. 2, I present herewith House resolution 640, in the contested-election case of Aaron P. Prioleau against George S. Legare, which I send to the desk and ask to have read, and move the adoption of the same.

The Clerk read as follows:

House resolution 670 (H. Rept. No. 1148).

Resolved, That Aaron P. Prioleau was not elected a Member of the Sixty-second Congress from the first congressional district of South Carolina and is not entitled to a seat therein.

Resolved, That George S. Legare was elected a Member of the Sixty-second Congress from the first congressional district of South Carolina and is entitled to a seat therein.

Mr. LINTHICUM. Mr. Speaker, I will state that this resolution comes with a unanimous report from the committee.

The SPEAKER. As this is a unanimous report, without objection the Chair will put the motion on both resolutions at the same time. [After a pause.] The Chair hears no objection. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

CORBETT TUNNEL, SHOSHONE IRRIGATION PROJECT.

Mr. RAKER. Mr. Speaker, I call up the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, together with the President's veto thereof, and move on reconsideration to pass the bill the objection of the President to the contrary notwithstanding.

Mr. Speaker, I suggest that the veto of the President should be read.

The SPEAKER. Without objection, it will be done.

Mr. MANN. Mr. Speaker, reserving the right to object, I have no desire to object to the reading of the President's message, but I suggest to the gentleman that it probably will be shorter and more intelligent for him to make a statement to the House rather than to have the document read from the Clerk's desk.

The SPEAKER. The Chair will state to the gentleman that the message is a very short one.

Mr. MANN. I have no objection.

The SPEAKER. The Clerk will report the message.

The Clerk read as follows:

To the Senate:

For the reasons stated in the letter of July 12 of the Secretary of the Interior, which accompanies this message, I return without approval Senate bill 4862, entitled "An act for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project."

I do this because I think this legislation is of retroactive character and imposes on certain of the reclamation settlers an additional burden over and above the contract price of the work done, increasing that price by a double payment of part of what was due under the contract from the reclamation fund to the principal contractors. At the time when the work was begun and continued there was no law which relieved the subcontractor or the materialman from the necessity of looking after the collection of what the contractor owed him or which imposed on the Government or the reclamation authorities the duty of seeing to it that the money paid under the principal contract was used by the principal contractor to pay his subcontractors or materialmen. To require that this additional amount should now be included in the assessment upon the lands is by law to increase a contract burden by a change of the character of the liability after it has been assumed and fixed. This is retroactive and is legislation in its nature unjust to the reclamation settlers.

WM. H. TAFT.

THE WHITE HOUSE, *July 18, 1912.*

Mr. RAKER. Mr. Speaker, in regard to this matter I would like to inquire if we can not agree upon some time for its discussion. We would like to present the matter shortly and concisely to the House before a vote is taken.

Mr. SMITH of Texas. How much time does the gentleman want?

Mr. RAKER. How much time would the gentleman from Texas suggest?

Mr. SMITH of Texas. Thirty minutes on a side.

Mr. RAKER. There are several gentlemen who are in favor of passing the bill over the veto of the President, and I think we ought to have a little more time than that.

Mr. MONDELL. Mr. Speaker, I should like to have 30 minutes upon this bill. It will take that length of time to state the case even briefly.

Mr. MANN. I should like to have a couple of hours, but I believe I will try to confine myself to two minutes, for I think I would get more effect.

Mr. MONDELL. Well, I think it is due the House to make a fair statement of the matter, as the bill was not discussed before at the time it was passed.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. RAKER] have 40 minutes and the gentleman from Texas [Mr. SMITH] 40 minutes, and at the end of that time the previous question be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from California have 40 minutes and the gentleman from Texas [Mr. SMITH] have 40 minutes, and at the end of that time the previous question shall be considered as ordered.

Mr. MONDELL. Mr. Speaker, I should like to ask the gentleman from California how much time he desires to use and how much time others desire.

Mr. RAKER. Mr. Speaker, I would like about 15 minutes, if I can get it, and I will yield the balance of it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills

and a joint resolution of the following titles, when the Speaker signed the same:

H. J. Res. 337. Joint resolution requesting the President to cause an investigation of the Patent Office and make a report, with recommendations, to Congress;

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.;

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names while minors or otherwise in the Army or Navy of the United States during any war with any foreign nation or people;

H. R. 16621. An act for the indemnification of Frank Wenzel;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 4512. An act for the relief of Mary Beal;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 19339. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes;

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 24026. An act to incorporate the Naval History Society;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes;

H. R. 14333. An act for the relief of John Johnson;

H. R. 25060. An act for the relief of Joe Cook;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.;

H. R. 22002. An act supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.;

H. R. 7650. An act for the relief of I. S. Rogers and J. L. Worthley;

H. R. 9833. An act to accept and fund the bequest of Gertrude M. Hubbard;

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes;

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz.;

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building; and

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products, to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests, to permit and regulate the movements of fruits, plants, and vegetables therefrom, and for other purposes.

SENATE CONCURRENT RESOLUTION REFERRED.

Under clause 2 of Rule XXIV, Senate concurrent resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate document room 2,000 copies, on manila paper, of a wall chart on Hookworm and Soil Pollution—

to the Committee on Printing.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the Library was discharged from the further consideration of Senate joint resolution 95, to provide for a monument to commemorate the services and sacrifices of the women of the country to the Union cause during the Civil War; and the same was referred to the Committee on Public Buildings and Grounds.

LEAVE OF ABSENCE.

By unanimous consent, Mr. NEELEY was granted leave of absence, indefinitely, on account of important business.

TITLE OF THE UNITED STATES TO LANDS IN THE DISTRICT OF COLUMBIA.

Mr. BURNETT. Mr. Speaker, before debate begins I would like to ask unanimous consent to present a report from the commission to investigate the title of the United States to grounds in the District of Columbia. There will be no debate on it. This is a report which is required to be made by law, and the same report has been made to the Senate and has been printed, and therefore I think it is unnecessary to have it printed here, and I ask leave to report the bill without having it printed. (H. Rept. 1202.)

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

Report of commission to investigate the title of the United States to lands in the District of Columbia.

The SPEAKER. Referred to the proper calendar.

Mr. MANN. I understand the printing is not ordered.

Mr. BURNETT. No. Now, Mr. Speaker, by direction of the Committee on Public Buildings and Grounds I ask unanimous consent to extend my remarks by incorporating in the RECORD the statement of Mrs. Littleton which was made before that committee some days ago.

The SPEAKER. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none.

Mr. RUCKER of Colorado. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Colorado rise?

Mr. RUCKER of Colorado. Mr. Speaker, I would like to have the Speaker's eye for a moment, with the consent of the gentleman from California, to ask to take from the Speaker's table H. R. 24602 and concur in the Senate amendment.

The SPEAKER. The Journal clerk says that the bill has just been sent to conference.

Mr. MANN. A number of those bills went to conference. What bill is it?

Mr. RUCKER of Colorado. A private pension bill. Mr. Speaker, there is another bill, H. R. 606, which I would like to take from the Speaker's table and concur in the Senate amendment. This is not in conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

H. R. 606. An act for the relief of John Treveissen.

Mr. MANN. What is the Senate amendment?

The Senate amendment was read.

The SPEAKER. The gentleman from Colorado asks to take from the Speaker's table the bill just reported and concur in the Senate amendment. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the amendment was concurred in.

Mr. LOBECK. Mr. Speaker, Senate bill 2904, reported to the House yesterday, has been agreed to by both the Senate and the House, and I would like to have it——

Mr. MANN. How could a Senate bill come up now?

Mr. LOBECK. On a conference report.

Mr. MANN. I do not think the gentleman can call up a conference report.

The SPEAKER. He can not except by unanimous agreement.

Mr. MANN. Let us finish up this other matter.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. The gentleman can get in later in the day.

CORBETT TUNNEL.

The SPEAKER. The gentleman from California [Mr. RAKER] is recognized for 40 minutes.

Mr. RAKER. Mr. Speaker, after I have used 10 minutes, I will thank the Chair to notify me. Mr. Speaker, this bill (S. 4862) as originally introduced in the Senate provided for the payment of claims for work and material furnished to the Corbett Tunnel out of the reclamation fund. It then passed the Senate and came to the Committee on Irrigation of the House, and the bill was then amended by striking out all after the enacting clause and substituting in place thereof a bill authorizing and allowing those who had claims for labor and material against the contractor and subcontractor to sue upon his bond. It came to the House, and was unanimously passed. The bill went over to the Senate and the Senate agreed to the amendment of the

House, and it was then sent to the President, who vetoed it. The bill was returned to the Senate, and after discussion by the Senate it passed the President's veto by a large number over the two-thirds necessary, and is now before the House. I want to call the attention of gentlemen to the fact that on July 7, 1905, the Reclamation Service had in process and preparation a contract for the purpose of building a certain work, the Corbett Tunnel in the Shoshone project, and that on September 27, 1905, a contract and agreement was entered into and bond given. Charles Spear, of Billings, Mont., was the contractor. Thereafter the contract for this work was sublet to the Western Construction Co. Spear and his subcontractor failed, and on August 4, 1906, the contract was suspended and the Reclamation Service took over the work and completed the same. In this connection, I want to call the attention of the House particularly in regard to this matter. The full amount of cost of this project was $933,075; amount paid to the contractor was 16.2 per cent of his contract, $104,085; amount paid for completing the 83.8 per cent of the remaining work of the project by the Government was $828,990; the average cost of the 16.2 per cent contract by the Government was $160,298, while the total amount paid to contractors for the 16.2 per cent was $104,085, making a total balance in favor of the first 16.2 per cent of the work done by the contract of $56,133 less than the remaining work done by the Government.

This labor and these materials of various kinds were furnished to the subcontractors and actually went into this project. They failed and these people have been unable to obtain their money. Now, under the act of August 13, 1894, the Twenty-eighth Statutes at Large, 272, the contractor or subcontractors entered into a contract to pay for all labor and material furnished, and those furnishing the labor and material had the prior right to the Government. On February 24, 1905, Thirty-third Statutes, page 118, this act was, in substance repealed, leaving in the new act the same condition as to the point identically, with the exception as to the method of collecting on the bond with the Government and by those who furnished labor and materials, giving the Government the prior right. These people have no place or no chance to get their money and no one to get it from. The Government has commenced a suit against these bondsmen for the $180,000 that it cost them over and above what they contracted with Spear for. The bond is $75,000, so that you see, if the Government, under the new law, takes all of it, these people will get nothing. But there is a proposition on foot to compromise with the bondsmen for $42,000, while the attorney for the Reclamation Service is, with one of his bondsmen, absolutely solvent and the entire amount can be obtained from the bonds.

I refer to the testimony on the question on page 9. They now ask that they be permitted it, without any expense to the Government, under and by virtue of the provision of the act of August 13, 1894, and then instead of some promising that the Government will not get the money now claimed by them and, in addition, that the Government will have obtained its $40,000 that they have now, these people will be defeated out of their rights. And all they ask now is that they be given a right under the act of August 13, 1904, to sue at their own expense on the bond that has been given.

I want now to call your attention to this fact, that there is a precedent directly in point for this bill. The Bellefourche irrigation project was started in 1905, advertised in 1905, and let a contract with the Widell-Findley Co.; and within six months they failed and the Government took over the contract and completed the work, and the cost was more than the original contract, and they commenced suit upon those bonds. The First National Bank of Bellefourche came to Congress asking that they have relief. The facts were that the advertisement was made on February 10, 1905, and the contract was made on April 26, 1905. The contract was advertised under that act, and the contract was let under the subsequent act, the same as it was let in this case. Neither the Bellefourche people that obtained the act giving them relief, as is asked here, nor the people in this case have any knowledge of the act of February 24, 1905. They came to Congress for relief, asking permission to sue on that bond without any cost to the Government.

The SPEAKER pro tempore (Mr. GREGG of Pennsylvania). The gentleman has spoken 10 minutes.

Mr. RAKER. I will use five minutes more of my time, and that will make this plain. Call my attention to the expiration of five minutes, please.

Mr. SMITH of Texas. Will the gentleman yield for a question?

Mr. RAKER. I will.

Mr. SMITH of Texas. Is it not a fact that the contract of the Belle Fourche Co., which the gentleman states as a precedent, was not made under the act of 1905 at all?

Mr. RAKER. No; I have investigated that matter carefully, and am convinced that both contracts were made under identically the same conditions without knowledge of the actual statute. I want to say to the gentleman now that it makes absolutely no difference. I have gone to the Reclamation Office and have compared the bonds in the Belle Fourche project and in the Corbett Tunnel project, and, except as to the names of the companies, the bonds are identical.

Mr. SMITH of Texas. I will ask the gentleman whether it is not a fact that the contract, in referring to the matter, stated that the contract should be determined under the act of 1894 in the Belle Fourche case, and in this case it stated it to be under the act of 1905 as amended? I will state to the gentleman that I have examined the contract and I find it to be that way.

Mr. RAKER. I will call the attention of the gentleman to the fact that I have before me the contract and the specification of the Corbett Tunnel project. I went up to the Reclamation Office this morning and compared them, and I will say to the gentleman that the contracts entered into in the Belle Fourche project and in the Corbett proposition are, except as to the dates and names, practically the same. But what the gentleman refers to now—and I want him to listen to this—is in the advertisement of proposals and specifications. I will now read that provision, so that there can be question about it. This is the one where it is printed in the specifications and not in the contract. In this one it is 36. In the Belle Fourche I think it is 34. I read:

> Claims for work and material: The contractor shall promptly make payments to all supplying labor and materials in the prosecution of the work, and a condition to this effect shall be incorporated in the bond to be given by the contractor, in pursuance of the act of August 13, 1904, and the acts amendatory thereof.

This is identical with the Belle Fourche project, with the exception of the last four words, "and the acts amendatory thereof."

Mr. SMITH of Texas. That is what I said.

Mr. RAKER. That is not in the contract and not in the bond. The Supreme Court in two cases that I have here before me has passed directly on that question. In the first case, that of Hall against The American Security Co., the court holds that the subcontractor is responsible, the same as the original contractor, and that this act is made and intended to protect laborers and material men—those who furnish material and labor to the project. The same opinion is held under the act of 1905 in the case of Mankin against The United States for the use of the Ludwick Caledon Co., page 535. I want to call the attention of the gentleman from Texas [Mr. SMITH] to the fact that the Supreme Court says that that act was intended for the benefit of the material men and the laborers, and that they should have their pay.

I have a copy of both contracts here, and I want to read from them to the House for just a minute. I read:

> According to the true intent and meaning of the said articles of agreement, the contractor shall make prompt payment to all persons supplying labor and material.

Then there is added:

> The above obligation provided for shall remain in full force and effect.

This is the Bellefourche bond, and the same identical language is used in the Corbett Tunnel project; and reading the bond and the contract, no one could ever say that there is any difference.

I want to call the attention of the House further to the fact that the reclamation officers in charge of this matter stated that these parties would be paid for their work according to the act of August 13, 1894. In 1906, a year and a half after this contract was entered into, after these people furnished their work, their labor, and material for the use of the Government and its work, the engineer in charge in writing to the parties stated that their claims would be paid under the act of 1894.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAKER. Mr. Speaker, I ask that the other gentlemen use some of their time. I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, it is fortunate, I think, that at this time we have an opportunity to enter into a discussion and explanation of this bill, for the reason that I do not believe that the bill has previously been fully discussed before the House and understood by it.

This bill was passed by unanimous consent in the absence of myself and the other gentlemen who signed a minority report against the bill. The only defense that I have for my absence at the time that the bill was called up and passed by unanimous consent is the fact that I thought that we had the right, having filed a minority report against the bill, to assume that

no gentleman on this floor would ask for the passage of the bill by unanimous consent.

Mr. RAKER. Mr. Speaker, will the gentleman yield there for a question?

Mr. SMITH of Texas. Yes.

Mr. RAKER. Will not the gentleman remember, as a matter of fact, that no man has any say as to that? This was placed upon the Calendar for Unanimous Consent by the gentleman from Oregon [Mr. LAFFERTY], and on unanimous-consent day the Speaker must call up the bills on that calendar in their order.

Mr. SMITH of Texas. I am merely calling attention to that fact in explanation of the reason why this bill, when passed originally, was not discussed by the House.

Now, Mr. Speaker, in order to understand this bill it is necessary that a statement of facts be made. This bill grows out of a contract made between the Reclamation Service on September 27, 1905, with Charles Spear, for the construction of the Corbett Tunnel, in connection with the Shoshone irrigation project in the States of Montana and Wyoming. The contract price was $744,639.88. The contractor, Charles Spear, in turn let the contract to the Western Construction Co. as a subcontractor, without the agreement or consent of the Government.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there for a question?

Mr. SMITH of Texas. Yes.

Mr. RAKER. Under the decisions of the Supreme Court in the two cases cited by myself it has been directly held that if a contract is let to a subcontractor, those furnishing material and labor can sue on the bond and recover just the same.

Mr. SMITH of Texas. Yes; I admit that is the law. In the following year, 1906, after the contract was let, the contractor and the subcontractor failed, and the Government suspended the contract and completed the work itself.

When the tunnel was completed it was found that instead of costing the Government only $744,639, the contract price, the total cost was $933,075.73, an excess of $188,435. At the time of the suspension of the contract the Government had paid to the contractor substantially all that was due upon the contract.

These claims to which the bill relates are the claims of persons who charge that they furnished material to the subcontractor, the Western Construction Co., and of persons who claim to have purchased the labor checks of laborers who worked for the subcontractor.

So it will be seen that the Government has paid to the contractor all that was due; and while this labor and material may have gone into the construction of this tunnel, the Government has paid the only person to whom it was entitled to make payment, to wit, the contractor, Charles Spear.

Mr. RAKER. Will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. RAKER. Is it not a fact, which appears from the hearings, that the contractor claims to-day that the Government owes him and the subcontractor at least $200,000?

Mr. SMITH of Texas. I have heard of no such contention. It is undisputed fact that in the wind-up it cost the Government over $188,000 above the contract.

Now, it is not contended in this matter that any of these persons who are setting up these claims were misled by the Government or any of its agents. They do not claim that in advancing this money for material, or furnishing material to the amount of $42,000, they were misled or deceived in any respect by the officials of the Government.

In order to understand just what the legal rights of these claimants were at the time, I want to read an extract from the act of 1905:

That hereafter any person or persons entering into a formal contract with the United States for the construction of any public building, or the prosecution and completion of any public work, or for repairs upon any public building or public work, shall be required, before commencing such work, to execute the usual penal bond, with good and sufficient sureties, with the additional obligation that such contractor or contractors shall promptly make payments to all persons supplying him or them with labor and materials in the prosecution of the work provided for in such contract; and any person, company, or corporation who has furnished labor or materials used in the construction or repair of any public building or public work, and payment for which has not been made, shall have the right to intervene and be made a party to any action instituted by the United States on the bond of the contractor, and to have their rights and claims adjudicated in such action and judgment rendered thereon, subject, however, to the priority of the claim and judgment of the United States.

This usual penal bond was given in the sum of $75,000; and to show gentlemen the policy of the Government with reference to this matter, as to whether or not the Government insured this security to material men and laborers, the act further provides that—

If the full amount of the liability of the surety on said bond is insufficient to pay the full amount of said claims and demands, then, after paying the full amount due the United States, the remainder shall be distributed pro rata among said interveners.

Mr. RAKER. Will the gentleman submit to a question there?

Mr. SMITH of Texas. Yes.

Mr. RAKER. The court in the two cases I have called attention to directly and distinctly held that there is no difference in the two acts, the act of August 13, 1894, and the act of February 24, 1905, as to the conditions of the contracts and as to the conditions of the act so far as material men and labor are concerned.

Mr. SMITH of Texas. The difference in the two acts was that in the act of 1894 the material and labor men were given a preference over the Government. In the act of 1905, under which this labor was done and this material was furnished, the Government was given the priority.

Mr. RAKER. That is it. Now, will the gentleman yield for a question right there?

Mr. SMITH of Texas. Yes.

Mr. RAKER. Is it not a fact that the Government has commenced a suit and that it can proceed to obtain a judgment for $75,000 and then compromise and take only $40,000 from the bondsmen, and is not that what they have practically agreed to? All we ask in this suit is that these pople be put ahead, so that they may get their $35,000 and then let the Government take its $42,000, so that nobody will be injured, not even the Government.

Mr. SMITH of Texas. I think the gentleman is indulging in quite an assumption when he says that the Government may recover $75,000 on this bond and then compromise for a smaller amount. It is true the Government has brought suit upon this bond, and I am informed that it is also true that these claimants have intervened in that suit and are now setting up their rights, and I contend that the respective parties, the Government, the bondsmen, and the claimants, in that suit can have all of their rights determined and adjudicated, and that this proposition to come in now and change the relative rights of the parties without setting up any equitable reason for doing so is absolutely indefensible.

Mr. RUCKER of Colorado. But the gentleman will admit that they could not recover in both cases. If they intervened and got their rights there, this act that we are undertaking to pass here would be inoperative. They could not recover twice.

Mr. SMITH of Texas. There could be no double recovery, but I say that the rights of the parties can be determined in that suit, and until their legal rights are determined I contend that they have no right to come to Congress and ask for any gratuities.

Mr. MONDELL. Will the gentleman yield to me for a question?

Mr. SMITH of Texas. I will.

Mr. MONDELL. Is it not true that the bond of the contractor is $75,000?

Mr. SMITH of Texas. It is.

Mr. MONDELL. Therefore all the Government could collect would be $75,000; but, on the other hand, the Government has a claim against the contractor for about $188,000, so that without this legislation there is no hope that at the end of the lawsuit or at any time or under any circumstances these people can be paid.

Mr. SMITH of Texas. I do not know. There is a contention here by these claimants that the Government officers in making the specifications for this work deceived the contractor, and that the contractor does not owe the Government any such amount. That is a question that can be determined in the suit.

Mr. RAKER. Will the gentleman yield for a question?

Mr. SMITH of Texas. I will.

Mr. RAKER. In all the presentation of this matter before the committee and before Congress it has been solely a question of equity and justice to these people who have furnished material and labor; not that the Government ought to step in and give them a right to sue and have a prior right as against the Government. Is not that the position they have always taken?

Mr. SMITH of Texas. That is true; but you took the position also that this work was more difficult than the plans and specifications called for.

Mr. RAKER. Is it not a fact that the work was done by the subcontractor and the contractor $46,000 cheaper than the Government did the same quantity of work?

Mr. SMITH of Texas. There is nothing in the record to show that.

Mr. RAKER. Let me call the gentleman's attention to the testimony.

Mr. SMITH of Texas. Oh, I know what the gentleman refers to, but he does not take into consideration the conditions when

the contract was suspended. I understand the figures and the contention of the gentleman thoroughly. Now, I must hasten on or I will not have time to explain this bill. I believe that when it is explained to the House the House will refuse to pass the bill over the President's veto.

I want to come to the point made by the gentleman from California, that there is a precedent for the passage of this bill. I must differ with the gentleman from California. I am perfectly familiar with the Belle Fourche case. I was on the committee that reported it to the House and I assisted in its passage. The Belle Fourche was this sort of a case: The advertisement for the contract was made while the law of 1894 was in existence. Before the law of 1905 was passed you will remember that the law of 1894 gave the labor and material men preference over the Government. I say the advertisement was made under that law, but the contract was completed after the law of 1905 went into effect, but by mutual mistake on the part of the Government officers and the contractor, the law of 1905 was absolutely ignored and the contract was made wholly under the act of 1894. In other words, the contractor and the Government both agreed in that contract that the labor and material men should have the preference, and after they had executed the contract, and after the work was done, they were in law estopped from coming into court and denying the rights of these men under the contract.

Mr. RAKER. Will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. RAKER. Is it not a fact that the bonds are identical except the names and dates?

Mr. SMITH of Texas. I have not examined that, but I do know that the specifications provided that the contract should be made under the law of 1894, and I know that in this case they specified that the contract should be made under the act of 1905 and amendments thereto, which was the law of 1905.

Mr. RAKER. Will the gentleman yield again?

Mr. SMITH of Texas. Yes.

Mr. RAKER. I state to the gentleman now that the conditions of these two bonds are identical.

Mr. SMITH of Texas. That may be true, but the contracts are different and the rights of the parties were different.

Mr. RAKER. No; the contract was not different; the specifications as to advertisements were different.

Mr. SMITH of Texas. The gentleman has stated in his remarks that it specified the act of 1894 and acts amendatory thereto; that is the difference between the gentleman and myself. Now, then, in the Belle Fourche case the claimant went so far before the extension of the credit as to consult an attorney as to its security. The claimant in the case was the First National Bank, of Belle Fourche. They consulted an attorney and they were advised that the contract and bond in that case thoroughly secured it.

Mr. RAKER. Will the gentleman yield again?

Mr. SMITH of Texas. Yes.

Mr. RAKER. In this case these people consulted the Reclamation Service, and I read from a letter dated November 7, 1906, which closes as follows:

> This matter is covered by the act of Congress approved August 13, 1894.
>
> H. V. N. SAVAGE, *Supervising Engineer.*

Mr. SMITH of Texas. That was after the contract was made and the transaction was over. In the Belle Fourche case it was the opinion of the members of the committee that the passage of the bill giving the bank preference rights over the Government did not change the rights of the parties as they existed under the contract. Now, I want to read briefly some extracts from the report on that bill to show that in the opinion of the committee it would not set a precedent for other cases that might follow:

> It appears to the committee that these facts make a very strong equitable case. There may be other persons similarly situated toward the work done under this contract. Apparently all persons proceeded in ignorance of the changed condition of the law, and this case affords a striking illustration of the strong equity that always arises where the parties to a contract act under a mutual mistake of the law. It would be manifestly unjust for the irrigation project to accept the full benefit of the work performed by the laborers, and the materials furnished under the contract, and not allow to the parties interested the protection of the bond and its sureties as recited both in the advertisement and in the contract itself.
>
> This case affords no precedent whatever for legislation that would afford relief to laborers or material men under other contracts for work under the national irrigation act, since the law of February 24, 1905. It is possible that no other contract was made for which the advertisement for bids and proposals was being published at the time that the modified law was passed. Evidently, after obtaining knowledge of the law of February 24, 1905, the department prepared its specifications to conform to the modified law, and that all subsequent contracts were made in compliance therewith. It also appears from the evidence submitted that the United States withheld from the contractors, at the time the work was stopped by the contractors upon the construction, about $23,000 at that time due the contractors, which amount the United States has applied toward the completion of the work covered by the contract.

Now, then, after thoroughly considering the matter at that time, and after agreeing to the report on that particular bill, because the contract itself had given to the parties the right that they contended for, the committee considered the question as to whether or not it would set a precedent for subsequent cases, and the committee was of the opinion that it would not. And yet gentlemen come into this House with this sort of a case that is entirely different and contend that the Belle Fourche was a precedent for this case.

Now, I want to say to the gentleman that I will predict, if this bill is passed, it will set a precedent that will flood this Congress with bills that will be absolutely upon all fours with it, and if this Congress is going to do justice to all its citizens it will have to pass all such bills if it passes this one.

Mr. RAKER. Is it not a fact that from the hearings it is shown that all of these parties in the Corbett Tunnel matter dealt with the idea that they had a first lien?

Mr. SMITH of Texas. Oh, no.

Mr. RAKER. And were ignorant of the subsequent lien?

Mr. SMITH of Texas. No. There was not a particle of evidence that anybody did anything to mislead these claimants, and if they had any such supposition as that, it was without any reason whatever.

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. MOORE of Pennsylvania. The contractor in this case failed to perform his contract.

Mr. SMITH of Texas. Yes.

Mr. MOORE of Pennsylvania. He had bondsmen who were responsible in the event of his failure?

Mr. SMITH of Texas. He had.

Mr. MOORE of Pennsylvania. The creditors had a right of action against the bondsmen if they would not recover against the contractor?

Mr. SMITH of Texas. The Government had a right of action on the bond, and the other creditors had a right to intervene.

Mr. MOORE of Pennsylvania. I mean the labor and material men had a right of action against the bondsmen.

Mr. SMITH of Texas. Yes; subject to the claim of the Government.

Mr. MOORE of Pennsylvania. Suppose this had been a case of the construction of a dry dock the contractor for which had failed, leaving a number of claims by material men and laborers. Would those men have had a right to come direct to Congress on the failure of the contractor, without recourse to the Court of Claims?

Mr. SMITH of Texas. I suppose citizens have a right to come into Congress and petition for anything they want to petition for, but I think in all of these matters the rights of the parties ought to be settled by the courts before they come into Congress.

Mr. MOORE of Pennsylvania. I want to know if there is a precedent for the payment of claims in a case of this kind by an act of Congress except through the Court of Claims?

Mr. SMITH of Texas. I do not know of any.

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. SMITH of Texas. Yes.

Mr. LAFFERTY. The gentleman from Pennsylvania is under a misapprehension. This is a bill to give these labor and material men the right to sue on the bond, a right which they do not now have except in a subordinate capacity to the Government, the Government having a prior right, which excludes them from any recovery.

Mr. SMITH of Texas. The gentleman is partially right, but I do not think he states the matter fairly. The parties have a right to sue on the bond anyway, as the law now stands, and they are in court, as I understand it, suing on the bond; but this bill is to give these creditors a preference over the Government which they do not now have.

Mr. MOORE of Pennsylvania. While the case is pending?

Mr. SMITH of Texas. Yes.

Mr. MOORE of Pennsylvania. Is not that a most unusual proceeding?

Mr. SMITH of Texas. I think it is.

Mr. LAFFERTY. Is it not true that at the present time the Government has a preference over these labor and material men?

Mr. SMITH of Texas. It is.

Mr. LAFFERTY. They can not recover unless this bill passes. Has not the Government got the irrigation work, and has not the Government got that work for no more than what it has cost, and the Government is, therefore, not damaged at all?

Mr. SMITH of Texas. That is not the fact in the case. The Government has the work, but the Government has paid every dollar for it that it is liable for or that it is worth.

Mr. LAFFERTY. That is what I said.

Mr. SMITH of Texas. And whenever the Government pays an extra claim it pays that much more and above what it is worth.

Mr. LAFFERTY. That is just what I said.

Mr. SMITH of Texas. And I want to state another thing in this connection, that this law covering this matter is a general law applying not only to reclamation work, but to all Government contracts, and I can not understand why it is that gentlemen come in here with a bill singling out certain particular creditors instead of having a general bill that would relieve everybody under all sorts of contracts with the Government in similar cases.

Mr. MOORE of Pennsylvania. It seems to me this is a short cut for the few, which is not accorded to the many.

Mr. SMITH of Texas. That is the case exactly.

Mr. RUCKER of Colorado. Is not this the only one?

Mr. SMITH of Texas. We do not know. This law relates to all Government contracts.

This case, boiled down, is this: This work has been done and the Government has paid for it. This is not a proposition to vote money out of the Treasury to these people direct, but it is a proposition to take it from the water users, and there is another discrimination. It is not a burden that they propose to put upon all the people of this country, but it is a burden they propose to put upon the water users under this project.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

Mr. SMITH of Texas. I think if the gentleman will hear me a little further, perhaps I will answer the question that he seems anxious to ask.

Mr. RAKER. Very well.

Mr. SMITH of Texas. Under this project a part of the land has been taken up; a larger part of it is yet to be taken up. The charge against all of this land is something like $53 an acre already, to be paid back to the Government by the people who shall take it up and improve it. The Army engineers who were sent out a year or two ago by the Government to examine into these irrigation projects report that about $50 an acre was all that this project could stand. It cost something over $7,000,000, and the Secretary of the Interior reports to the President that an additional burden will imperil the project.

Mr. FOSTER. How large is the additional burden?

Mr. SMITH of Texas. It is estimated all the way from 33 cents to 91 cents an acre.

Mr. FOSTER. I thought 33 cents was about the limit of the burden that would be placed on the land.

Mr. SMITH of Texas. The way it is figured, it is given all the way from 33 to 91 cents an acre. It depends on how it is figured.

Mr. MONDELL. Mr. Speaker, if the gentleman has examined the Secretary's figures, he will discover that the Secretary evidently was in error when he placed the higher figures. The fact is it will amount to from 33 to 36 cents an acre.

Mr. SMITH of Texas. The farm unit is now 60 acres under that project, and it will amount all the way, according to the Secretary, from $19.80 to $54.60 as an additional burden upon each farmer.

Mr. MONDELL. The Secretary is clearly in error in his larger figure, as the gentleman can determine by a very simple mathematical calculation.

Mr. SMITH of Texas. That is immaterial. I do not care what it is, it is a burden that is placed, or will be placed, upon these people in settling there. It is over and above what it cost to construct it, and I say it is unjust to put that burden unnecessarily upon the pioneers who go out there and improve these farms, instead of putting it on all the people of the country, if you are going to put it on anybody. I say this Congress ought to come up and do the manly thing, if it wants to single out these creditors and pay them, and have all the people pay it out of the Public Treasury of this country rather than put it upon the shoulders of these pioneer settlers under this project. And not only that, but it will imperil the success of this great project that is to cost between $7,000,000 and $8,000,000. It is a question now whether or not they can get settlers to go there and take up these lands, and I am sure when it goes abroad that some of this burden or this charge that ought not to be put in there as a charge upon this project is placed on it, when it goes out to the world, the settlers will be pretty slow to go there and take up and improve this land.

Mr. LAFFERTY. Will the gentleman yield for a question?

Mr. SMITH of Texas. I will not have time to yield further.

Mr. MONDELL. The gentleman from Texas is now speaking entirely from hearsay and not from personal knowledge of the conditions, of course.

Mr. SMITH of Texas. I have discussed it with the reclamation people who appeared before the committee, and I suppose I know as much about it as the gentleman from Wyoming unless he has been there and learned some facts which the Reclamation Service have not.

Mr. MONDELL. If the gentleman thinks he knows as much about it as the gentleman from Wyoming, he is very much mistaken.

Mr. SMITH of Texas. I will state to the House that this matter was very thoroughly gone into before the committee, and the gentleman from Wyoming, if I am not mistaken, was present at some of the hearings, and if he has any information that the committee has not, he ought to have disclosed it; but, regardless of these differences of opinion and differences as to the purchase of material, the facts are as I have stated them, and I do not believe, gentlemen, that this bill ought to pass.

Mr. FOSTER. Will the gentleman yield for a question?

Mr. SMITH of Texas. I do not believe I have time. How much time have I used, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has seven minutes remaining.

Mr. SMITH of Texas. I will yield for just one brief question.

Mr. FOSTER. I desire to ask the gentleman if it is not a fact if this land and project has not gotten the benefit of all this money that is in controversy?

Mr. SMITH of Texas. It did; and the Government has paid every dollar due for it.

Mr. FOSTER. They got the whole benefit of all of it.

Mr. SMITH of Texas. The Government has paid for it to the only man it was authorized under the law to pay it to.

Mr. FOSTER. In justice, these people did not get anything. They furnished the money and material and did not get any benefit of it, but the project got the benefit of it.

Mr. SMITH of Texas. The project got the benefit of it; but I want to impress upon the House that the Government has paid for it—every dollar of it.

Mr. RUCKER of Colorado. Will the gentleman allow one question right in connection with that?

Mr. SMITH of Texas. I do not believe I have time. I have promised all of my time. I have only about six minutes, and I have promised seven minutes already.

Mr. RUCKER of Colorado. Has there been any protest on the part of the people who were below and used this land and got this water?

Mr. SMITH of Texas. The gentleman will have to ask the gentleman from Wyoming [Mr. MONDELL]. They are his constituents.

Mr. RUCKER of Colorado. There have been no protests against the 30 or 38 cents an acre.

Mr. SMITH of Texas. The gentleman certainly does not think they would be glad to pay that or would think it just.

Mr. RUCKER of Colorado. Would be too glad to pay that and have their water delivered to them.

Mr. SMITH of Texas. They are already paying about $53 an acre. I yield half a minute to the gentleman from Pennsylvania [Mr. LEE].

Mr. LEE of Pennsylvania. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. SMITH of Texas. Will the gentleman use some of his time?

Mr. RAKER. Mr. Speaker, I yield 15 minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, our Constitution provides that the President may exercise a limited veto, a very wise provision, and I think that we should always proceed to the question of passing a bill over the President's veto with a full realization of the fact that the President has probably gone into the matter in issue with care and has not exercised the veto power without most excellent reasons for doing so. Therefore we should only vote to override the presidential veto for particularly good reasons. I think that we have especially good reasons for passing this bill, the President's veto to the contrary notwithstanding. I have some embarrassment in connection with this bill, because, while it happens that most of the people who will be benefited by the legislation are not residents of my State and are not constituents of mine, the people who will bear the burden and must eventually pay it if the bill passes in its present form are people who, if I continue to represent the State of Wyoming in this body, will be constituents of mine and will undoubtedly hold me responsible for what I do in this re-

gard. I happen to be very well informed in regard to this reclamation project. I knew something about the letting of the contract; I knew about the conditions existing in and about this great 3-mile tunnel, 12 feet in diameter, piercing the great mesa of the Shoshone to let the waters of that beautiful mountain stream out upon the bench lands.

I have no disposition to criticize, and I shall not, in urging the passage of this bill, criticize any official of the Government in connection with the letting of the contract or in connection with what happened thereafter, further than to say what is a fact, that the contract was let at a low price—the fact that the price was very low.

Mr. SMITH of Texas. Mr. Speaker, will the gentleman yield?

Mr. MONDELL. I am sorry that I can not yield at this time.

Mr. SMITH of Texas. I just wanted to ask the gentleman how he had more information about it than the engineers, from an engineering standpoint?

Mr. MONDELL. Well, the engineers knew that the price was very low as compared with other contracts for the same kind of work. The contract was let to people who had absolutely no experience in the building of tunnels and who thought that they had discovered a sort of gigantic gimlet with which they could bore through the mountain side and excavate a tunnel at about half the cost at which experienced men had been able to do similar work at other times and places. The contract was let under those conditions, and then, unfortunately, instead of exacting a surety bond, the Reclamation Service accepted a small bond as compared with the magnitude of the contract—a personal bond of $75,000—the first estimate of the cost being a little over half a million dollars.

The contract was let in 1905. It was soon apparent that the contractors would be unable to carry out the work. The great mass of steel that they shipped to the work, with which they expected to bore out the tunnel, was never even placed in the tunnel, and the last time I visited the project it still lay there, a gigantic monument of folly. The service endeavored to get the people to continue in the work, using such appliances as they could command, but finally it became necessary for the Reclamation Service to take the work over.

It so happened that I was in the locality at the time the contractors failed. I talked with some of the men employed in regard to the sums due them, and after reading the law and after talking with the officers of the Reclamation Service, I felt that some plan could be devised whereby these men could be paid. I do not say that any officer of the Government promised me that that would be done. It is possible that I had no good ground for my belief that that would be done. But it occurred to me that the Government of the United States would not accept the work of men engaged on that tunnel and refuse to pay for it.

In addition to the labor there was material, such as hay and grain and groceries and iron and steel, all of which was used in the construction of the tunnel, and a very considerable portion of this material was on the ground when the Government took over the work. For instance, I think there was a carload or two of oats and a few carloads of hay, some iron, and some groceries and supplies of one kind and another, all of which the Government took over, and all of which the Government itself used in the prosecution of the work.

What we expected was that the Government on completing the work would immediately begin suit on the bond. In the meantime these small creditors were hoping and expecting that some means would be devised whereby they could receive pay for their work and for the hay, grain, and other material that they had furnished.

The Government finally began suit. I have no criticism of the way that suit was prosecuted, or, rather, of the way it was not prosecuted. It lagged along. In the meantime, however, before the suit was instituted by the Government, the creditors attempted to secure copies of the bond and contract, and were unable to secure them. I do not criticize anybody for not giving out copies of the contract and bond, for I think the officers of the Government felt that they were not justified in doing so. Those people could not sue on the bond, because, under the law, they could not begin a suit until six months after a settlement and a failure on the part of the Government to institute a suit.

After the lapse of a very considerable time the Government began its suit. Even then I do not understand that any notice was given to the creditors of the institution of the suit or any invitation extended to them, which I think ought to have been done, or information given them that they could intervene or ought to intervene in the suit.

There was no effort to press the suit. On the contrary, everything that was done seems to have been done with a view of compromising the matter. I do not criticize that, because one of the parties to the bond was found to be insolvent, I believe, very soon after the proceedings were instituted, and the entire burden would fall on the other man, and I understand that he did not have property enough to meet the entire obligation of $75,000, the amount of the bond.

After the Government had completed the work it developed it had cost nearly a million dollars. It cost $188,000 more than the Government estimated it would cost under the contract. Curiously enough, that is about the sum that experienced tunnel builders estimated that the tunnel would cost in the first instance, over and above the estimates of the Reclamation Service, so that as a matter of fact the tunnel did not cost greatly in excess of the amount it probably would have cost had the contract been let to an experienced tunnel builder in the first instance. There was some additional cost, due to the fact that, the work not having been prosecuted continuously, a considerable amount of material disintegrated, and it was very much more difficult than it would have been in the first place to place the timber and cement. With that exception, the work was prosecuted as cheaply as it could have been done under any circumstances, and finally completed, as I say, at a cost of nearly a million dollars.

Now, the question is, What shall we do about it? These people contributed their labor. Some contributed their hay and their grain. The storekeepers contributed their provisions, and others furnished board for the men. Are these people to remain unpaid? Is this great and good Government of ours so hard up that it can not meet an obligation which went into a public work?

The gentleman from Texas [Mr. SMITH] is much exercised about my constituents to be. Possibly they may not be my constituents. I may not be here. But if those who come are of the sort that are there now, I will never hear a whisper of criticism.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. MONDELL. Not now. I will never hear a word of criticism from any of them because I have believed it right that men shall be paid for labor they performed and material they contributed to the works of the Government. The valley of the Shoshone may not be the most fertile on earth, but its fertile acres can bear the slight additional cost that this will put upon them. Of course I would prefer, and I think it would be a matter of absolute justice, if this additional charge were laid upon the reclamation fund and not upon that project. As a matter of fact, I think I could give the House very excellent reasons why that should be done if I had the time, but we must pass upon the legislation as it is here before us.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. MONDELL. Very briefly.

Mr. KINKEAD of New Jersey. I want to ask the gentleman if it is not his understanding that the labor has already been paid for this work, and that the firms furnishing the materials have been paid?

Mr. MONDELL. I do not understand anything of the sort. If that were true, we would not be here urging this legislation. As a matter of fact there are some people who have assumed a part at least of the labor obligation; but because those people have in the course of business assumed some of these labor obligations is no reason on the face of the green earth why they should be compelled to lose by reason of that fact.

Mr. KINKEAD of New Jersey. I am in entire accord with the gentleman, and my only object in asking the question was to clear up the situation as to who was paid and who was not.

Mr. MONDELL. The labor has not all been paid. There are individuals who have not been paid.

The SPEAKER pro tempore. The time of the gentleman from Wyoming has expired.

Mr. MONDELL. I have been interrupted quite a good deal.

Mr. KINKEAD of New Jersey. I yield to the gentleman one minute.

Mr. MONDELL. The gentleman is very kind. I ask unanimous consent that I may have two minutes, not to be taken out of the time.

The SPEAKER pro tempore. The Chair has no control over that.

Mr. RAKER. I yield two minutes to the gentleman.

Mr. MONDELL. Some of the laborers themselves have not been paid. Some of them have been paid by people who have assumed the obligations, but I think comparatively few of those who furnished material——

Mr. LAFFERTY. Just there will the gentleman allow me——

Mr. MONDELL. Will the gentleman let me finish just one sentence? Very few of those who furnished material have been paid. I know personally of a gentleman now living in Omaha

who was very seriously crippled in his business affairs because he, as a small dealer in grain, furnished about $2,000 worth of grain. I know he has never been paid.

Mr. LAFFERTY. The time checks of many of these laborers were cashed before the crash came.

Mr. MONDELL. They cashed them to pay for their board. Now, let me make this further suggestion, and I can not yield for interruptions. This law, whether you read the law of 1894 or the law of 1905, lays an obligation on the Government that the officials never met or accepted. It provides specifically that the bond shall be for the protection of labor and material, and it was the duty of the Government to see that these contractors paid their labor and their material men.

For many years I had something to do with great construction work carried on under contract, and I know we never thought of paying a man until he brought us his receipted pay roll; and the Government of the United States certainly ought to do as much for the protection of labor in a matter of this kind as an ordinary contractor does.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MONDELL. May I have one minute more?

Mr. RAKER. I yield one minute further to the gentleman from Wyoming.

Mr. MONDELL. If there is anyone in the world who would be embarrassed by his vote on this question, I am the man, for the people who must bear this burden are now or, if I continue to represent my State, will in the future come to be my constituents. They do not expect to settle upon land under reclamation projects that have been built by men who have not been paid for the labor or the material that has gone into the construction of the work. [Applause.]

Mr. SMITH of Texas. It has been paid for by the Government.

Mr. MONDELL. Therefore I am willing to go before my constituents on the proposition that this burden shall be distributed upon all of those settlers who may hereafter come on the lands benefited rather than laid upon those who can not afford to bear it, those who have furnished labor and material.

Mr. RAKER. Will the gentleman from Texas [Mr. SMITH] use the balance of his time now?

Mr. SMITH of Texas. How much time have I?

The SPEAKER pro tempore. The gentleman from Texas has 6 minutes more.

Mr. SMITH of Texas. I yield 5 minutes to the gentleman from Arizona [Mr. HAYDEN].

Mr. HAYDEN. Mr. Speaker, I have voted against every veto message that has arrived in this House to date, and have done so with great pleasure. It was this President who kept Arizona out of the Union almost a year by a veto message. I wish I could conscientiously vote against this one, but I can not do it under the facts in this case. I am not here to object to the payment of this claim if the money with which it is paid comes out of the Treasury of the United States, but that question is not now before this House.

As we said in our minority report, "boiled down, the real question here presented is, Who shall suffer? The users of the water, who are entirely innocent of any wrongdoing in the premises; or these claimants, who neglected to take security or to protect themselves when they had the opportunity to do so?"

Mr. RAKER. Can the gentleman conceive of any time or place where these men who furnished the labor and material could have protected themselves? If so, how could they have done it? They never saw the bond and could not get it under the law.

Mr. HAYDEN. They could have taken their own security.

Mr. SMITH of Texas. They are in court now.

Mr. HAYDEN. On account of inexperience in work of this character two mistakes were made by the Reclamation Service in connection with the Corbett Tunnel contract. First, the bond of the contractor was insufficient in amount and the financial standing of the persons who signed it was not properly investigated. If a good bond, sufficient in amount, had been obtained, both the United States and those who furnished labor and material to the contractor would have been amply protected. The second mistake was that the contract was awarded to one who was unfamiliar with tunnel construction and who did not have the standard equipment required to do the work. The Reclamation Service is not making mistakes of this kind now. They have profited by this experience.

I am not worrying about the constituents of the gentleman from Wyoming. They may be well able to pay the additional cost that will be charged against their lands. But I do object to the establishment of a precedent in this House which may hereafter be used to place additional burdens upon my constituents. My people believe that the Government should pay for the mistakes and incompetence of its own officials. They want value received for the money that they pay to the United States for the construction of any reclamation work.

The gentleman from Wyoming insists that the settlers under the Shoshone project have received full value for the labor and material furnished by those who are now asking that they be paid and the cost charged to the lands under the project. On that point I want to read from the testimony of the Director of the Reclamation Service.

Mr. Newell says:

> Had the contract been entered upon immediately with the customary machinery and methods it would have been possible to have pushed the tunnel through and lined it and completed it within the bid. But owing to the long delay and exposure of the rock to the air and the water the rock crumbled rapidly—disintegrated rapidly—as it frequently does in tunnels of that character, and it added very greatly to the cost and to the delay of completing. In other words, a tunnel through relatively soft rock of this character must be handled in a certain well-known way in order to have the work performed within a reasonable cost.
>
> The contractor did not have adequate machinery to work, and the work was not prosecuted in a proper manner, and that is the reason for the excess cost.

Mr. RAKER. Will the gentleman yield?

Mr. HAYDEN. No; I can not yield. I have only five minutes. The character of the equipment used by the contractor is described by the Director of the Reclamation Service in this manner:

> In this case the contractor started in with an entirely novel scheme. He devised, or his agents devised, a kind of machine with great steel claws which would go into the tunnel like a woodchuck and dig this stuff out and throw it behind. It was all right digging it out and throwing it behind, but they could not get it away from the machine.

When the Reclamation Service was compelled to take over the work they could not use the contractor's machinery; new equipment had to be purchased; the working force had to be reassembled and organized; the rock in the exposed parts of the tunnel had disintegrated. These are the reasons for the excessive cost of the Government construction. Therefore it is not true that the water users under this project have received full value fom those who furnished labor and material to the contractor. Neither the settlers who are now living under the project nor those who may hereafter come should be required to pay this charge.

Mr. RAKER. Will the gentleman yield?

Mr. HAYDEN. I will.

Mr. RAKER. How did it happen that the Government, with its experience, in completing the rest of the contract at the proportionate rate at a cost of $55,000 for each 16.2 per cent of the work more than these men did it under the contract?

Mr. HAYDEN. I have just read to you the testimony of the Director of the Reclamation Service, who says that if they had begun the work themselves they could have carried it out within the limit of the contract price.

Mr. KINKEAD of New Jersey. Will the gentleman yield?

Mr. HAYDEN. I will for a question.

Mr. KINKEAD of New Jersey. As a matter of fact, is not the proper recourse for these contractors to have their claims settled in the Court of Claims instead of taking up the time of the House when matters of greater importance are pending?

Mr. HAYDEN. That is my judgment exactly. This case is now in court, and I do not think that it ought to be considered by this House at this time.

The SPEAKER. The time of the gentleman from Arizona has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield one minute to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Speaker and gentlemen, my notion of the pending bill was expressed very clearly by the gentleman from Arizona. If there is any man on this side of the House who knows the situation in regard to the Reclamation Service, it is the gentleman who has just taken his seat.

Mr. RUCKER of Colorado. I agree with the gentleman.

Mr. KINKEAD of New Jersey. I am glad to have the concurrence of the gentleman from Colorado. Mr. Speaker, if this is a contested claim it may be left to the Court of Claims to do full justice.

Mr. RAKER. Will the gentleman yield?

Mr. KINKEAD of New Jersey. I can not, for I have only a minute. The Court of Claims will have an opportunity to review both sides of this question, and we are doing no injustice whatever to the claimants if we allow the Court of Claims to pass upon this matter. Whereas if we were to take it up here and dispose of it now there is grave danger that injustice may be done to the Government of the United States. We know that many Members on both sides of the Chamber are anxious at all times to help one of their colleagues in a matter of this kind, and with that idea in view, after reviewing all of the

evidence that has been submitted, I say that we can best leave this matter to the jurisdiction of the Court of Claims.

The SPEAKER. The time of the gentleman from New Jersey has expired. The gentleman from California has seven minutes remaining.

Mr. RAKER. Mr. Speaker, I yield half a minute to the gentleman from Maryland [Mr. LEWIS].

Mr. LEWIS. Mr. Speaker, I recognize that some explanation of the parcel-post proposition offered by the gentleman from Tennessee this morning and approved by the House ought to be made. I ask unanimous consent to extend my remarks in the RECORD for that purpose.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Speaker, I raise the point of order that there is no quorum present.

The SPEAKER. Evidently there is no quorum present.

Mr. PAGE. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from North Carolina moves a call of the House.

The question was taken, and the motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Ames	Dyer	Konop	Reyburn
Anderson, Minn.	Edwards	Kopp	Richardson
Anderson, Ohio	Ellerbe	Lafean	Roberts, Mass.
Andrus	Esch	Lamb	Roberts, Nev.
Anthony	Fairchild	Langham	Robinson
Barchfeld	Fields	Langley	Rodenberg
Barnhart	Fordney	Lawrence	Rothermel
Bartlett	Fornes	Legare	Rouse
Bathrick	Francis	Lenroot	Rubey
Bell, Ga.	Fuller	Lever	Scully
Berger	Gardner, Mass.	Levy	Sells
Boehne	Garner	Lindbergh	Sheppard
Borland	Garrett	Lindsay	Sherwood
Bradley	Gillett	Littlepage	Slemp
Brantley	Goldfogle	Littleton	Small
Broussard	Good	Longworth	Smith, Cal.
Burgess	Goodwin, Ark.	McCall	Smith, N. Y.
Burke, Pa.	Gould	McCreary	Sparkman
Byrnes, S. C.	Greene, Vt.	McGillicuddy	Speer
Calder	Gregg, Tex.	McGuire, Okla.	Stack
Callaway	Griest	McHenry	Steenerson
Carlin	Gudger	McKenzie	Stephens, Cal.
Cary	Guernsey	Macon	Stephens, Nebr.
Clark, Fla.	Hanna	Madden	Taggart
Clayton	Hardwick	Martin, S. Dak.	Talbott, Md.
Collier	Hartman	Mays	Taylor, Ala.
Copley	Haugen	Moon, Pa.	Taylor, Colo.
Covington	Hay	Moore, Tex.	Thistlewood
Cox, Ind.	Hayes	Morse	Tilson
Cox, Ohio	Henry, Conn.	Murdock	Underhill
Crago	Higgins	Neeley	Vare
Cravens	Hinds	Nelson	Volstead
Cullop	Hobson	Nye	Vreeland
Currier	Howell	Parran	Warburton
Dalzell	Hughes, Ga.	Patten, N. Y.	Whitacre
Daugherty	Hughes, N. J.	Porter	Wilder
Davidson	Hughes, W. Va.	Pou	Wilson, Ill.
Davis, W. Va.	James	Powers	Wilson, N. Y.
Dickinson	Jones	Prince	Young, Mich.
Dickson, Miss.	Kindred	Prouty	Young, Tex.
Dies	Kinkaid, Nebr.	Pujo	
Donohoe	Knowland	Randell, Tex.	
Dupré	Konig	Redfield	

The SPEAKER. Two hundred and twenty-one Members are present, a quorum.

Mr. RAKER. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

Mr. RAKER. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I examined this bill very carefully before it passed the House and thought that it ought to pass the House. Since the veto of the President I have gone over the papers again very carefully, including the report of the Secretary of the Interior, and, much as I desire to sustain a veto of the President, and as highly as I regard his opinion, I am constrained, in view of the facts in the case, to vote to override the veto of the President.

In this case the Government let a contract for the construction of a tunnel as a part of an irrigation system. The contract was let for less than the work could be done for, as it subsequently developed. The contract was forfeited, the contractor became bankrupt, and was unable to carry on the work. The Government finished the work. While the contractor was carrying on the work he bought supplies and issued pay checks to the laborers. The work and supplies went into the construction of the tunnel. The pay checks have not been paid. The supplies are not paid for. The Government has received the benefit of the work and the benefit of the supplies. If the contractor had failed a month or two before he did fail and the Government had proceeded to finish the work, as it did proceed afterwards to do, the Government would have been required to pay that much more money for the construction of the work than it did pay, namely, the amount represented by the pay checks and the amounts paid, due for supplies. I am not in favor of the Government taking the supplies or taking the labor of the laboring men and giving no chance for the payment of those bills. I believe the Government ought to secure the laborer his hire, because the laborer is worthy of his hire. I believe when the Government makes use of the supplies it ought to see that the bills are paid. In this case, as this work has all been done, for the purpose of carrying out the irrigation project and because the people who will occupy the land on the irrigation project will receive the benefit of the labor which is unpaid and of the supplies which yet remain unpaid for, I think they are the ones who ought to pay, and the pending bill only permits these people to intervene in the suit on the bonds which the Government took, and permits them to recover from the bondsmen. I am not willing to give my sanction to a proposition that the Government in constructing work can make use of labor which is unpaid for or make use of supplies which are not paid for. [Applause.]

I yield back the balance of my time.

Mr. RAKER. Mr. Speaker, I yield the balance of the time to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Speaker, the bill now before the House, upon which Members are now about to vote, originated in the other body of Congress, and, therefore, was returned with the veto message to that body. It was considered in the Senate for two days, it was elaborately argued, and only 17 Members of that body voted to sustain the veto message of the President. The simple object of the bill is to give to those who put labor and materials into the construction of the Corbett Tunnel on the Shoshone irrigation project the right to sue upon the bond of the contractor or the subcontractor as they would have had the right to do under the law as it existed up to a few months prior to the letting of this contract. When this labor and material was furnished these people believed, and they had a right to believe, that they would be protected under the general law that obtains in every civilized country, that those who furnish labor and material in the construction of public works have a lien upon those works for what they have furnished. I am very sorry that I have not time to go into the merits of the bill. I will simply state that when it came before the Committee on Irrigation of Arid Lands of the House of Representatives only three members of that body were opposed to its favorable consideration. It was reported favorably and passed through the House. I believe that it ought now to be passed again, the objections of the President to the contrary notwithstanding.

The SPEAKER. The time of the gentleman has expired. The question is, On reconsideration, will the House agree to pass the bill the objections of the President to the contrary notwithstanding? The Clerk will call the roll.

The question was taken; and there were—yeas 138, nays 77, answering "present" 12, not voting 163, as follows:

YEAS—138.

Adair	Dwight	Johnson, Ky.	Rees
Aiken, S. C.	Faison	Kendall	Reilly
Ainey	Farr	Korbly	Roddenbery
Akin, N. Y.	Ferris	Lafferty	Rucker, Colo.
Alexander	Finley	La Follette	Russell
Allen	Fitzgerald	Lee, Ga.	Sabath
Ansberry	Flood, Va.	Lee, Pa.	Shackleford
Ashbrook	Floyd, Ark.	Lever	Sharp
Ayres	Foster	Levy	Sims
Blackmon	Fowler	Littlepage	Sloan
Bowman	French	Lloyd	Smith, J. M. C
Buchanan	Gallagher	Lobeck	Stanley
Bulkley	George	McDermott	Stedman
Burke, S. Dak.	Gill	McKellar	Steenerson
Burke, Wis.	Godwin, N. C.	Maguire, Nebr.	Stephens, Nebr.
Burnett	Goodwin, Ark.	Maher	Stephens, Tex.
Candler	Gray	Mann	Stevens, Minn.
Cantril	Green, Iowa	Martin, Colo.	Stone
Carlin	Hamill	Matthews	Sweet
Carter	Hamilton, W. Va.	Miller	Switzer
Claypool	Hamlin	Mondell	Taggart
Cline	Hammond	Moon, Tenn.	Thomas
Connell	Hardy	Moss, Ind.	Townsend
Conry	Harrison, Miss.	Mott	Tribble
Cooper	Harrison, N. Y.	Murray	Underhill
Curley	Hay	Norris	Underwood
Curry	Heald	Padgett	Watkins
Davenport	Heflin	Palmer	Webb
Davis, Minn.	Helgesen	Patton, Pa.	Wedemeyer
Dent	Holland	Pepper	Whitacre
Denver	Howard	Pickett	Willis
Difenderfer	Humphrey, Wash.	Pray	Wilson, Pa.
Dixon, Ind.	Humphreys, Miss.	Rainey	Young, Kans.
Doughton	Jackson	Raker	
Driscoll, D. A.	Jacoway	Rauch	

NAYS—77.

Adamson	Goldfogle	Loud	Smith, Saml. W.
Bartholdt	Graham	McCoy	Smith, Tex.
Bates	Greene, Mass.	McKinley	Stephens, Miss.
Beall, Tex.	Greene, Vt.	McKinney	Sterling
Booher	Gregg, Pa.	McLaughlin	Sulloway
Brown	Hamilton, Mich.	Moore, Pa.	Sulzer
Bryns, Tenn.	Harris	Morgan	Talcott, N. Y.
Covington	Hayden	Morrison	Taylor, Ohio
Crumpacker	Helm	Needham	Thayer
Danforth	Henry, Tex.	Oldfield	Towner
Dodds	Hensley	Olmsted	Turnbull
Doremus	Hill	O'Shaunessy	Tuttle
Draper	Houston	Page	Utter
Driscoll, M. E.	Howland	Payne	White
Evans	Hull	Plumley	Wilson, Ill.
Fergusson	Kent	Post	Witherspoon
Foss	Kinkead, N. J.	Ransdell, La.	Wood, N. J.
Gardner, Mass.	Kitchin	Sells	
Gardner, N. J.	Lawrence	Simmons	
Goeke	Lewis	Sisson	

ANSWERED "PRESENT"—12.

Brantley	Glass	Kahn	Riordan
Browning	Haugen	McMorran	Slayden
Butler	Hawley	Peters	Woods, Iowa

NOT VOTING—163.

Ames	Dickson, Miss.	Kindred	Pujo
Anderson, Minn.	Dies	Kinkaid, Nebr.	Randell, Tex.
Anderson, Ohio	Donohoe	Knowland	Redfield
Andrus	Dupré	Konig	Reyburn
Anthony	Dyer	Konop	Richardson
Austin	Edwards	Kopp	Roberts, Mass.
Barchfeld	Ellerbe	Lafean	Roberts, Nev.
Barnhart	Esch	Lamb	Robinson
Bartlett	Estopinal	Langham	Rodenberg
Bathrick	Fairchild	Langley	Rothermel
Bell, Ga.	Fields	Legare	Rouse
Berger	Focht	Lenroot	Rubey
Boehne	Fordney	Lindbergh	Rucker, Mo.
Borland	Fornes	Lindsay	Saunders
Bradley	Francis	Linthicum	Scully
Broussard	Fuller	Littleton	Sheppard
Burgess	Garner	Longworth	Sherley
Burke, Pa.	Garrett	McCall	Sherwood
Burleson	Gillett	McCreary	Slemp
Byrnes, S. C.	Good	McGillicuddy	Small
Calder	Gould	McGuire, Okla.	Smith, Cal.
Callaway	Gregg, Tex.	McHenry	Smith, N. Y.
Campbell	Griest	McKenzie	Sparkman
Cannon	Gudger	Macon	Speer
Cary	Guernsey	Madden	Stack
Clark, Fla.	Hanna	Martin, S. Dak.	Stephens, Cal.
Clayton	Hardwick	Mays	Talbott, Md.
Collier	Hartman	Moon, Pa.	Taylor, Ala.
Copley	Hayes	Moore, Tex.	Taylor, Colo.
Cox, Ind.	Henry, Conn.	Morse, Wis.	Thistlewood
Cox, Ohio	Higgins	Murdock	Tilson
Crago	Hinds	Neeley	Vare
Cravens	Hobson	Nelson	Volstead
Cullop	Howell	Nye	Vreeland
Currier	Hughes, Ga.	Parran	Warburton
Dalzell	Hughes, N. J.	Patten, N. Y.	Weeks
Daugherty	Hughes, W. Va.	Porter	Wilder
Davidson	James	Pou	Wilson, N. Y.
Davis, W. Va.	Johnson, S. C.	Powers	Young, Mich.
De Forest	Jones	Prince	Young, Tex.
Dickinson	Kennedy	Prouty	

The Clerk announced the following additional pairs:

Affecting vetoes of the President:

Mr. McHENRY and Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. DIES and Mr. TAYLOR of Colorado with Mr. AMES.

Mr. HUGHES of New Jersey and Mr. BARTLETT with Mr. BUTLER.

Mr. SMALL and Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. REDFIELD and Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. NEELEY and Mr. JONES with Mr. ROBERTS of Massachusetts.

Mr. DUPRÉ and Mr. SHEPPARD with Mr. KNOWLAND.

Mr. GREGG of Texas and Mr. COLLIER with Mr. WOODS of Iowa.

Mr. GLASS and Mr. DONOHOE with Mr. SLEMP.

Mr. MACON and Mr. SCULLY with Mr. BROWNING.

Mr. CULLOP and Mr. DICKINSON with Mr. HIGGINS.

Mr. BOEHNE and Mr. CLARK of Florida with Mr. FULLER.

Mr. ROBINSON and Mr. STACK with Mr. VREELAND.

Mr. PUJO and Mr. PATTEN of New York with Mr. ROBERTS of Nevada.

Mr. BARNHART and Mr. LINDSAY with Mr. HENRY of Connecticut.

Mr. HOBSON and Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. SHERWOOD and Mr. BELL of Georgia with Mr. LANGHAM.

Mr. GOULD and Mr. RUBEY with Mr. HAWLEY.

Mr. DAUGHERTY and Mr. ELLERBE with Mr. CURRIER.

Mr. BROUSSARD and Mr. BURGESS with Mr. YOUNG of Michigan.

Mr. WILSON of New York and Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. HUGHES of Georgia and Mr. GARRETT with Mr. FORDNEY.

Mr. PETERS and Mr. JAMES with Mr. MCCALL.

Mr. ANDERSON of Ohio and Mr. GARNER with Mr. HINDS.

Mr. KONOP and Mr. FIELDS with Mr. LANGLEY.

Mr. YOUNG of Texas and Mr. EDWARDS with Mr. DALZELL.

Mr. LAMB and Mr. KINDRED with Mr. MCGUIRE of Oklahoma.

Mr. ROUSE and Mr. CRAVENS with Mr. HAYES.

Mr. SMITH of New York and Mr. CALLAWAY with Mr. MOON of Pennsylvania.

Mr. FRANCIS and Mr. SLAYDEN with Mr. TILSON.

Mr. MOORE of Texas and Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. COX of Ohio and Mr. LEGARE with Mr. NYE.

Mr. COX of Indiana and Mr. LITTLETON with Mr. COPLEY.

Mr. BATHRICK and Mr. BORLAND with Mr. ANTHONY.

Mr. FORNES and Mr. BRANTLEY with Mr. BRADLEY.

Mr. ESTOPINAL and Mr. BURLESON with Mr. BARCHFELD.

Mr. KONIG with Mr. MCCREARY.

Mr. LINTHICUM and Mr. MOORE of Texas with Mr. KAHN.

Mr. SHERLEY with Mr. FAIRCHILD.

Until further notice:

Mr. SAUNDERS and Mr. DICKSON of Mississippi with Mr. CANNON.

The SPEAKER. On this vote the yeas are 138, the nays 77, and present 12, and on reconsideration the House refuses to pass the bill over the President's veto. The Chair will recognize gentlemen from the Committee on Elections who have some privileged matters.

CONTESTED-ELECTION CASE—MURPHY AGAINST HAUGEN.

Mr. GOLDFOGLE. Mr. Speaker, I submit a report from the Committee on Elections No. 3, in the case of Murphy against Haugen, from the fourth congressional district of Iowa. This is a unanimous report and I ask the adoption of the resolution recommended by the committee.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 697 (H. Rept. 1203).

Resolved, That Gilbert N. Haugen was elected a Representative in the Sixty-second Congress from the fourth congressional district in the State of Iowa and is entitled to a seat therein.

The question was taken, and the resolution was agreed to.

PARCEL POST.

Mr. LEWIS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in the way of a comparison of the so-called Bourne parcel-post proposition with the Moon parcel-post proposition agreed to in the House this morning.

The SPEAKER. The gentleman from Maryland asks unanimous consent to extend his remarks in the RECORD in the manner stated. Is there objection?

There was no objection.

Mr. HAY, Mr. SULZER, Mr. ADAMSON, and Mr. RUSSELL rose.

The SPEAKER. The Chair will recognize the gentlemen now who want to get bills into conference. The Chair will first recognize the gentleman from Virginia [Mr. HAY].

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Army appropriation bill, to disagree with the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 25531) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER. The gentleman from Virginia [Mr. HAY] asks unanimous consent to take from the Speaker's table the Army appropriation bill, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The SPEAKER. The Clerk will announce the conferees on the part of the House.

The Clerk read as follows:

Mr. HAY, Mr. SLAYDEN, and Mr. KAHN.

CIVIL WAR PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war, and agree to the Senate amendments.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 24626) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The SPEAKER. The Clerk will report the Senate amendments.

The Senate amendments were read.

The SPEAKER. The question is on agreeing to the Senate amendments.

The question was taken, and the Senate amendments were agreed to.

MINORITY REPORT—CONTESTED-ELECTION CASE OF M'LAIN AGAINST BOWMAN.

Mr. WILLIS. Mr. Speaker, by direction of the Committee on Elections No. 1, I desire to submit the views of the minority on the contested-election case of McLain against Bowman, and ask to have the same printed. (H. Rept. 1182, pt. 2.)

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

ENROLLED BILL SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 14770. An act for the relief of Martin A. L. Olsen.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 14770. An act for the relief of Martin A. L. Olsen.

HOUR OF MEETING ON SATURDAY.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock to-morrow morning. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. UNDERWOOD. Now, Mr. Speaker, I ask unanimous consent to fix the time for debate on the naval appropriation bill. I understand that the naval bill will be taken up as soon as possible in the morning, and the proposition has been agreed to by the gentleman from Illinois [Mr. Foss] and the minority leader [Mr. MANN] and by the gentleman from Tennessee [Mr. PADGETT] in charge of the bill, that there shall be an hour and a half of debate on the amendment relating to battleships; one hour to be controlled by the gentleman from Illinois [Mr. Foss] and one-half hour on that amendment to be controlled by the gentleman from Tennessee [Mr. PADGETT].

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] states that the agreement all around is that the conference report on the naval appropriation bill shall be taken up as soon as may be after half past 10 to-morrow morning, and that the gentleman from Tennessee [Mr. PADGETT] have 30 minutes and the gentleman from Illinois [Mr. Foss] an hour.

Mr. UNDERWOOD. I ask that that arrangement be agreed to.

Mr. FITZGERALD. What is that on?

Mr. UNDERWOOD. On amendment regarding battleships.

Mr. FOSS. That arrangement is in regard to the battleship amendment.

The SPEAKER. Yes; that agreement is in regard to the battleship amendment. Is there objection?

There was no objection.

The SPEAKER. The Chair will state for the information of Members that his understanding is that as soon as the naval appropriation bill is out of the way the contested-election case of McLain against Bowman, from Pennsylvania, will be called up.

Mr. FITZGERALD. I think, Mr. Speaker, that that is not the understanding. The House must pass the legislative, executive, and judicial appropriation bill before to-morrow expires unless we are to stay here another week. I do not believe that this election case should be allowed to interfere with that.

FUR-SEAL CONVENTION.

Mr. SULZER. Mr. Speaker, I ask leave to take from the Speaker's table the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York [Mr. SULZER] asks to take the bill (H. R. 16571) from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The Chair announces the following conferees on the part of the House.

The Clerk read as follows:

Mr. SULZER, Mr. FLOOD of Virginia, and Mr. MCKINLEY.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina, from the Committee on Appropriations, by direction of that committee, reported the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (No. 1201), ordered to be printed.

Mr. MANN. Mr. Speaker, I reserve all points of order on the bill.

The SPEAKER. The gentleman from Illinois [Mr. MANN] reserves all points or order.

OPERATION OF VEHICLES OF METROPOLITAN COACH CO.

Mr. LOBECK. Mr. Speaker, I move to take from the Speaker's table the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the Metropolitan Coach Co., and agree to the conference report, the Senate having receded from its amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co.

Mr. LOBECK. I ask that the conference report be read.

The SPEAKER. The Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1193).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2904) to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House and agree to the same.

JOHN H. ROTHERMEL,
C. O. LOBECK,
JULIUS KAHN,
Managers on the part of the House.

W. L. JONES,
WM. S. KENYON,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The House amended the bill in the following particulars: The provisions of the Senate bill giving the District Commissioners the right to select the route over which the company should operate and to fix rates and charges for the service rendered were stricken out by the House. It also fixed the period when the bill should go into effect at six months from the date of its passage. The District Commissioners were authorized to make reasonable time schedules for the operation of the coaches owned by the company, and the following new paragraphs were added to the bill:

SEC. 5. The vehicles of the Metropolitan Coach Co. shall follow its present route to Fifteenth Street and Pennsylvania Avenue, and shall go thence west to Madison Place, north to H Street, east to Fifteenth Street, and thence to Sixteenth and U Streets, by the route followed coming south; and said company, if it so elects, shall be permitted, in lieu of sending its vehicles west on Pennsylvania Avenue, as above provided, to send them south on Fifteenth Street and east on Pennsylvania Avenue to Eighth Street west, and thence reverse to Sixteenth and U Streets.

SEC. 6. That said company shall issue to all passengers received by it north of H Street NW., and desiring same, a transfer ticket to the cars of the Capital Traction Co. at the intersection of Fifteenth Street and New York Avenue and Pennsylvania Avenue NW., said transfer ticket to be good for passage on the cars of the Capital Traction Co. going south or west, and the said Capital Traction Co. shall receive and transport on its said cars said passengers on said transfer tickets without the payment of additional fare; and the said Capital Traction Co. shall issue to all its passengers desiring same, on cars going east on Pennsylvania Avenue and north on Fifteenth Street, at said intersection, a transfer ticket to the coaches of the said Metropolitan Coach Co., and the said Metropolitan Coach Co. shall receive and transport on its coaches said passengers on said transfer tickets without the payment of additional fare.

SEC. 7. That said Metropolitan Coach Co. shall issue to all its passengers desiring same a transfer ticket to the cars of the Washington Railway & Electric Co. at the said intersection of Fifteenth Street, New York Avenue, and Pennsylvania Avenue NW., said transfer ticket to be good for passage on the cars of the said Washing-

ton Railway & Electric Co., and the said Washington Railway & Electric Co. shall receive and transport on its said cars said passengers on said transfer tickets without the payment of additional fare; and the said Washington Railway & Electric Co. shall issue to all its passengers desiring same at said intersection a transfer ticket to the coaches of the said Metropolitan Coach Co., and the said Metropolitan Coach Co. shall receive and transport on its coaches said passengers on said transfer ticket without the payment of additional fare.

SEC. 8. That any company named herein that fails to comply with the requirements of sections 6 and 7 of this act shall be punished by a fine of not more than $100 for each violation thereof, and prosecutions shall be made as prescribed in section 4 of this act; that the Commissioners of the District of Columbia shall make and enforce the regulations necessary to carry the provisions of these sections into effect.

The Senate recedes from its disagreement to all the amendments of the House, and adopts the same.

JOHN H. ROTHERMEL,
C. O. LOBECK,
JULIUS KAHN,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

FIVE CIVILIZED TRIBES IN OKLAHOMA.

Mr. BURKE of South Dakota. Mr. Speaker, for the information of the House, I want to submit some figures and make a few brief observations upon the subject of expenditures and collections for the fiscal year ending June 30, 1911, in connection with the Five Civilized Tribes of Indans in Oklahoma:

FIVE CIVILIZED TRIBES.

Expenditures and collections during fiscal year ending June 30, 1911.

DISBURSEMENTS.

For administration, by Commissioner Five Civilized Tribes, for allotments and office work incident thereto, and payment to 58,000 Indians to equalize allotments	$85,510.87	
Administration of affairs of 36,961 restricted Indians by superintendent Union Agency, including district agents, industrial work, pay of police, rent of buildings, etc., costing $7.29 per capita	269,292.00	
Total administration, congressional appropriations		$354,802.87
For equalization Chickasaw Freedmen allotments, congressional appropriation		12,543.26
From tribal funds:		
For salaries and expenses, Government employees, in collecting $2,053,796.96 tribal revenues, at a cost of 4½ per cent	$55,803.15	
For tribal officers, coal trustees, tribal attorneys, council members, salaries, and expenses	95,874.75	
For payment to Indians, equalization of allotments	217,140.60	
For payment to Indians, per capita payments	$12,260.40	
Reestimating timberlands, thereby adding over $1,000,000 to value	29,824.28	
Refunds and miscellaneous special expenditures	22,454.39	
		$433,357.57
Expenses of furnishing public certified copies of allotment records (paid from fees collected, not congressional or tribal funds)		17,985.40
For support of schools, paid from congressional appropriation, tribal funds, and surplus United States court fees		371,509.79
Total expenditures		1,190,198.89

COLLECTIONS.

Total tribal collections, including rent unallotted lands and tribal property, coal royalties, sale unallotted tribal lands, etc	2,053,796.96
Collected for individual Indians and placed to their credit in banks or paid them—oil and gas royalties, sale restricted Indian allotted lands, etc	2,040,556.23
Actual additional savings to Indians through district agents by requiring deductions in expense reports of guardians and claims affecting minors' estates, additional amounts for leases, etc	549,498.91
Total collections	4,643,853.10

Much has been said about the expenses of the Five Civilized Tribes for 1911, amounting to $1,190,198.89, which is a misleading statement. The statement I have submitted clearly shows that the actual expense of administration was only $354,802.89, and that of this amount $85,510.87 was expended by the commissioner to the Five Civilized Tribes in administration of tribal matters, completing allotments and work incident thereto, and equalizing same by payments, and that $269,292 was expended through the Union Agency that supervised the individual restricted Indian, and under whom there is employed what is known as district agents. No part of this amount expended by the commissioner and the Union Agency and for district agents is tribal money, but is appropriated out of the Federal Treasury. Considering the number of restricted Indians and the large amount collected, namely, $4,643,853.10, which enormous amount has to be cared for and then distributed and disbursed, over $2,000,000 being paid to restricted Indians or placed to their credit, I submit that the expenses of administration are not excessive, and as compared with what is expended for the same purpose at other agencies in Oklahoma is a very low charge. I have a statement showing the number of restricted Indians at other agencies in Oklahoma, which is taken from Table No. 37, page 214, of the report of the Commissioner of Indian Affairs for the fiscal year ending June 30, 1911, showing the per capita cost of administration at each agency, and I submit the statement, which is as follows:

Cost of administration of Indians under departmental supervision, year ending June 30, 1911, from funds authorized by Congress.

Tribe.	Number of Indians.		Total cost.	Per capita cost.
Cheyenne and Arapaho	2,733	Administration ($35,000 congressional appropriation)	$33,297.40	
		Industrial, police, pay of superintendents, etc	30,201.36	
			63,498.76	$23.23
Kiowa, Comanche, Apache, Wichita, and Caddo.	3,978	Administration ($30,000 congressional appropriation)	26,716.20	
		Industrial, police, pay of superintendents, etc	20,561.64	
			47,277.84	11.86
Osage	2,072	Administration ($30,000 congressional appropriation)	27,179.73	13.11
		Increased to $40,000 for 1912, making per capita cost		19.31
Ponca	639	Administration ($8,000 congressional appropriation)	7,920.96	
		Industrial, police, superintendent, interpreter	6,944.88	
			14,865.84	23.20
		Increased to $9,000 in 1912, making per capita cost		24.83
Kaw	160	Administration	1,500.00	
		Industrial, police, etc	3,194.77	
			4,694.77	29.34
Otoe	413	(No specific appropriation)	6,999.75	16.95
Pawnee	651	Administration ($7,100 congressional appropriation)	5,333.41	
		Industrial, police, etc	7,013.86	
			12,347.27	18.95
Sac and Fox	623	General and trust funds (no specific appropriation)	14,084.71	22.61
Total	11,269	Total expenditures	201,950.12	17.92

It will be observed by the statement just presented that the average per capita cost of administration at the agencies named is $17.92, while the cost of administration of the Five Civilized Tribes is only $7.29 per capita. There were 36,961 restricted Indians of the Five Civilized Tribes, as shown by the commissioner's report to which I have referred, and the amount expended for the administration of the individual affairs of the Indians is, as I have already stated, only $269.292; and for this expenditure, in addition to supervising the affairs of the Indians, protecting them in their property rights, looking after the removal of restrictions and other matters affecting them, there was actually received and paid to individual Indians the following amounts:

For oil and gas royalties	$1,365,826
For individual Indian land sales	674,730
Additional amounts recovered by district agents in probate cases	549,498
Total	2,590,054

EXTENSION OF REMARKS.

By unanimous consent, Mr. SABATH was given leave to extend his remarks in the RECORD.

JOHN P. RISLEY.

Mr. PEPPER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table H. R. 19190, for the relief of John P. Risley, and to concur in the Senate amendments.

The SPEAKER. The gentleman from Iowa [Mr. PEPPER] asks unanimous consent to take from the Speaker's table House bill 19190 and concur in the Senate amendments. Is there objection?

There was no objection.

The Senate amendments were concurred in.

CITIZENSHIP OF DESERTERS.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17483) amending section 1998 of the Revised Statutes of the United States and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service, and to concur in the Senate amendments.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent to take from the Speaker's table House bill 17483 and concur in the Senate amendments. Is there objection?

There was no objection.

The Senate amendments were concurred in.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, I call up the conference report on the Panama Canal bill, H. R. 21969.

The SPEAKER. The gentleman from Georgia calls up the conference report on the Panama Canal bill.

Mr. MOORE of Pennsylvania. I desire to reserve points of order on that.

The SPEAKER. The gentleman from Pennsylvania reserves points of order.

Mr. ADAMSON. I ask unanimous consent that the statement be read in lieu of the report, and I call the attention of the Clerk to the fact that there is a transposition at the beginning of the report, and that amendment numbered 23 should be read before amendment numbered 10.

The SPEAKER. If there be no objection, the Clerk will read the statement in lieu of the report.

There was no objection.

The SPEAKER. What point of order does the gentleman from Pennsylvania desire to make?

Mr. MOORE of Pennsylvania. I desire to make a point of order against the report itself.

The SPEAKER. On what ground?

Mr. MOORE of Pennsylvania. On the ground that the conferees have exceeded their authority, and on the further ground that they have submitted in the report an amendment which is in contravention of section 7 of the Constitution of the United States.

The SPEAKER. The Clerk will read the statement in lieu of the report.

The conference report is as follows:

CONFERENCE REPORT (NO. 1197).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

The the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 48, 50, 51, 53, 54, 55, 56, 57, 58, and agree to the same.

That the Senate recede from its amendments numbered 10, 14, 28, 47, 49, 63.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In line 9 of the amendment, after the word "and," insert the words "govern the"; in lines 23 and 24 of the amendment, strike out the colon after the word "qualified" and strike out the words "*Provided*, That he be subject to removal at the will of the President"; in line 27 of the amendment strike out the word "and" and after the word "operation" insert a comma and the words "and protection"; in the first line of the last paragraph of the amendment strike out the words "The President,"; capitalize the letter "b" in the word "before"; in the same line and line 2 of the paragraph strike out the words "shall cause the Commission of Arts to" and insert in lieu thereof the words "the Commission of Arts may"; and in the same line, after the word "report," insert the words "to the President"; and the Senate agree to the same.

Amendments numbered 11 and 12: That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out all of the two said Senate amendments and insert in lieu thereof the following:

"That section 4132 of the Revised Statutes is hereby amended to read as follows:

"'SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than 5 years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty, under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisons of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirement of said act.'"

And the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the following part of Senate amendment 16: "nor be less than the estimated proportionate cost of the actual maintenance and operation of the canal," and agree to the same with the following amendment: Insert in lieu of the words just quoted the words "nor be less than the equivalent of 75 cents per net registered tons"; and that the Senate recede from that part of its amendment numbered 16, striking out the words "The toll for each passenger shall not be more than $1.50."

Amendment numbered 17: That the Senate recede from its amendment numbered 17, and agree to the same with an amendment as follows: Strike out, in line 3 of the amendment, the word "alleged"; in lines 10, 11, and 12 of the amendment strike out the words "off without proceeding to execution. All such claims, whether by agreement or after judgment, shall be paid"; and the House agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out of the amendment the words "the allowance and prosecution of"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: Strike out of the amendment the word "and" and insert in lieu thereof the words "or the," and, on page 12, line 11, of the bill, after the word "judge," insert the word "thereof"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: Strike out of the amendment the words "his assistants" and insert in lieu thereof the words "may appoint one assistant when necessary"; and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: Insert after the word "canal" the words "or elsewhere"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: Insert after the word "route" the words "or elsewhere"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In line 1 of the amendment strike out the words "ship engaged in or" and insert in lieu thereof the word "vessel"; in lines 1 and 2 of the amendment strike out the words "by the terms of this act"; in line 2 of the amendment, after the word "coastwise," insert the words "or foreign"; add to the amendment the following: "Suit may be brought by any shipper or by the Attorney General of the United States"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people, and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date, may be considered and granted thereafter."

Transpose the order of amendments 61 and 62 so that amendment numbered 61 follows amendment numbered 62.

And the Senate agree to the same.

W. C. ADAMSON,
T. W. SIMS,
Managers on the part of the House.
JOSEPH L. BRISTOW,
F. M. SIMMONS,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

Amendments 1, 2, 3, 4, 5, 6, 7, 9, 13, 15, 18, 19, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 48, 50, 51, 53, 54, 55, 56, 57, and 58, on all of which the House recedes and concurs, generally affect the verbiage of the text. Some of them affect the punctuation, some of them the orthography, and some of them the structure of the sentence, but none of them materially affect the provisions of the House bill, except that as to amendment—

No. 10, on which the Senate recedes, it was found on further examination of the law that the word "exclusively" was not necessary, as it did not change the sense, as the law itself already confines coastwise ships to coastwise trade.

No. 14, from which the Senate recedes, was an amendment extending the exemption of tolls to ships in the foreign trade, which goes out of the bill.

No. 23, concurred in by the House, authorizes the President to negotiate with private wireless companies wherever necessary to insure freedom from interference with our own systems.

No. 28, from which the Senate recedes, provides that all the different laws in the present code of the zone imposing governmental duties upon any incumbent official shall apply to the governor of the Panama Canal. That language saves the work of looking up all those laws and amending them individually. The effect of the agreement is to restore the language stricken and make all such existing laws applicable to the governor.

No. 49, from which the Senate recedes, substitutes the word "and" for the word "or," which was incorrect, and the agreement restores the word "or."

No. 63, from which the Senate recedes, attempts to limit the discretion and lay down a rule for the commission which is unnecessary, the sense already being supplied by the context.

As to amendment No. 8, as to which the House recedes and concurs with an amendment, we inserted the words "govern the" before the words "Canal Zone," to complete the sense. The agreement strikes out the provision that the governor of the Panama Canal may be removed at will of the President, because that is already the law and unnecessary to repeat. We inserted the word "protection" among the other things which were to be done in connection with the canal, in order to perfect the provision and to provide, among other things, for the protection of the canal.

We amended the provision as to the Commission of Arts by making a report optional with the commision instead of obligatory at the command of the President.

The effect of the agreement as to amendments 11 and 12 is to put in a more accurate and systematic form the things sought to be done by the amendments of the Senate. Therefore we have looked up the statutes and regulations and redrawn both the amendments so as to give them proper force and effect, made it positive that ships built abroad shall never engage in the coastwise trade, and removed the restrictions from the use of free shipbuilding materials, whereas under the present law ships built with imported materials free of duty can only be used in the coastwise trade six months in the year. We take off all restrictions and permit the shipyards to import their materials for shipbuilding free of duty, and we make it clear that in order to enter into mail contracts ships built abroad must comply with all the requirements of existing law.

In receding from and agreeing to amendment 16 we provide a minimum toll of 75 cents per ton instead of the uncertain standard provided in the original language about proportionate part of the cost, and restore the language providing for a maximum charge of $1.50 for passengers.

Amendment No. 17 contained the House provision for the adjustment of claims arising from injuries to vessels in being carried through the locks under our control. The Senate recedes with an amendment striking out some unnecessary words thereby improving the sense we think, and left the provision substantially as passed by the House.

Amendment No. 40 is an insertion by the Senate of the words "providing for the allowance and prosecution of." The House concurred in this amendment striking out the unnecessary words "the allowance and prosecution of," so as to leave the reading very much improved, simply providing for appeals.

Amendment No. 46, from its disagreement to which the House recedes with an amendment, was an effort to define more clearly the jurisdiction in certain matters so as to give it to both the court and the judge. In concurring in the insertion of the word "court" the agreement strikes the word "and" and inserts the word "or," so as to vest the jurisdiction in either the court or the judge, and the word "thereof" is added to complete the sense.

Amendment No. 52, from its disagreement to which the House recedes, endeavored to supply the clerk of the district court with assistants without limiting the number. The House concurred with an amendment limiting it to one assistant.

Amendment No. 59 modified the House provision and limited the prohibition of railroads using common carriers to parallel themselves to only those carriers using the Panama Canal and

No. 60 extended the common carriers by water to any vessel carrying freight and passengers. The amendments with which the House concurred added the words "or elsewhere" and so practically restores the virility of the House provision extending the prohibition to railroad-owned ships on all waters.

Amendment No. 61 was designed to amend the antitrust law in its application to the canal. The amendment with which the House concurred in receding from its disagreement seeks to perfect the language about striking out and inserting words in lines 24 and 25, page 21, and also seeks to make certain the right of any shipper, as well as the Attorney General, to bring suit.

Amendment No. 62, known as the Bourne amendment, was an effort to restore what was in effect stricken out by the adoption of amendment No. 59, by making the prohibition of the use of railroad-owned ships apply to all our waters and not regarding the Bourne amendment as the most effective and constitutional way to reach the evil, the conferees decided to pursue the approved plan of dealing with carriers through the commission by first declaring what is unlawful and then authorizing the commission to act in the premises, so that added to the House provision providing for an investigation and determination of the questions of competition or possibility of competition a provision authorizing the Interstate Commerce Commission, on proper showing, may extend the date when the prohibition shall take effect in case of any service that might be shown to be essential to the convenience and commerce of the public and not operate to the destruction of competition and we deemed it proper in granting such extension to provide that such railroad-owned ships operated under their control should themselves be controlled in their rates, schedules, and practices by the same authority regulating the railroads which owned them.

W. C. ADAMSON,
T. W. SIMS,
Managers on the part of the House.

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Be it enacted, etc., That the zone of land and land under water of the width of 10 miles extending to the distance of 5 miles on each side of the center line of the route of the canal now being constructed thereon, which zone begins in the Caribbean Sea 3 marine miles from mean low-water mark and extends to and across the Isthmus of Panama into the Pacific Ocean to the distance of 3 marine miles from mean low-water mark, excluding therefrom the cities of Panama and Colon and their adjacent harbors located within said zone, as excepted in the treaty with the Republic of Panama dated November 18, 1903, but including all islands within said described zone, and in addition thereto the group of islands in the Bay of Panama named Perico, Naos, Culebra, and Flamenco, and lands and waters outside of said limits above described which are necessary or convenient or from time to time may become necessary or convenient for the construction, maintenance, operation, sanitation, or protection of the said canal or of any auxiliary canals, lakes, or other works necessary or convenient for the construction, maintenance, operation, sanitation, or protection of said canal, the use, occupancy, or control whereof were granted to the United States by the treaty between the United States and the Republic of Panama, the ratifications of which were exchanged on the 26th day of February, 1904, shall be known and designated as the Canal Zone, and the canal now being constructed thereon shall hereafter be known and designated as the Panama Canal. The President is authorized by treaty with the Republic of Panama to acquire any additional land or land under water not already granted, or which was excepted from the grant, that he may deem necessary for the operation, maintenance, sanitation, or protection of the Panama Canal, and to exchange any land or land under water not deemed necessary for such purpose for other land or land under water which may be deemed necessary for such purposes, which additional land or land under water so acquired shall become part of the Canal Zone.

SEC. 2. That all laws, orders, regulations, and ordinances adopted and promulgated in the Canal Zone by order of the President for the government and sanitation of the Canal Zone and the construction of the Panama Canal are hereby ratified and confirmed as valid and binding until Congress shall otherwise provide. The existing courts established in the Canal Zone by Executive order are recognized and confirmed to continue in operation until the courts provided for in this act shall be established.

SEC. 3. That the President is authorized to declare by Executive order that all land and land under water within the limits of the Canal Zone is necessary for the construction, maintenance, operation, sanitation, or protection of the Panama Canal, and to extinguish, by agreement when advisable, all claims and titles of adverse claimants and occupants. Upon failure to secure by agreement title to any such parcel of land or land under water the adverse claim or occupancy shall be disposed of and title thereto secured in the United States and compensation therefor fixed and paid in the manner provided in the aforesaid treaty with the Republic of Panama, or such modification of such treaty as may hereafter be made.

SEC. 4. That when in the judgment of the President the construction of the Panama Canal shall be sufficiently advanced toward completion to render the further services of the Isthmian Canal Commission unnecessary the President is authorized by Executive order to discontinue the Isthmian Canal Commission, which, together with the present organization, shall then cease to exist; and the President is authorized thereafter to complete, govern, and operate the Panama Canal and govern the Canal Zone, or cause them to be completed. governed, and operated, through a governor of the Panama Canal and such other persons as he may deem competent to discharge the various duties connected with the completion, care, maintenance, sanitation, operation, government, and protection of the canal and Canal Zone. If any of the persons appointed or employed as aforesaid shall be persons in the military or naval service of the United States, the amount of the official salary paid to any such person shall be deducted from the amount of salary or compensation provided by or which shall be fixed under the terms of this act. The governor of the Panama Canal shall be appointed by the President, by and with the advice and consent of the Senate, commissioned for a term of four years, and until his successor shall be appointed and qualified. He shall receive a salary of $10,000 a year. All other persons necessary for the completion, care, management, maintenance, sanitation, government, operation, and protection of the Panama Canal and Canal Zone shall be appointed by the President or by his authority, removable at his pleasure, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same, but salaries or compensation fixed hereunder by the President shall in no instance exceed by more than 25 per cent the salary or compensation paid for the same or similar services to persons employed by the Government in continental United States; that upon the completion of the Panama Canal the President shall cause the same to be officially and formally opened for use and operation.

Before the completion of the canal the Commission of Arts may make report to the President of their recommendation regarding the artistic character of the structures of the canal, such report to be transmitted to Congress.

SEC. 5. That the President is hereby authorized to prescribe and from time to time change the tolls that shall be levied by the Government of the United States for the use of the Panama Canal: *Provided*, That no tolls, when prescribed as above, shall be changed, unless six months' notice thereof shall have been given by the President by proclamation. No tolls shall be levied upon vessels engaged in the coastwise trade of the United States. That section 4132 of the Revised Statutes is hereby amended to read as follows:

"SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than five years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel, not used or intended to be used for trade, admitted to American registry pursuant to this section, shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled 'An act to provide revenue. equalize duties, and encourage the industries of the United States, and for other purposes.'" That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery, and all articles necessary for their outfit and equipment, may be imported into the United States free of duty under such regula-

tions as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General, under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirements of said act. Tolls may be based upon gross or net registered tonnage, displacement tonnage, or otherwise, and may be based on one form of tonnage for warships and another for ships of commerce. The rate of tolls may be lower upon vessels in ballast than upon vessels carrying passengers or cargo. When based upon net registered tonnage for ships of commerce, the tolls shall not exceed $1.25 per net registered ton, nor be less, other than for vessels of the United States and its citizens, than the estimated proportionate cost of the actual maintenance and operation of the canal, subject, however, to the provisions of article 19 of the convention between the United States and the Republic of Panama entered into November 18, 1903. If the tolls shall not be based upon net registered tonnage, they shall not exceed the equivalent of $1.25 per net registered ton as nearly as the same may be determined, nor be less in any form of tonnage than 75 cents. The toll for each passenger shall not be more than $1.50. The President is authorized to make, and from time to time amend, regulations governing the operation of the Panama Canal and the passage and control of vessels through the same or any part thereof, including the locks and approaches thereto, and all rules and regulations affecting pilots and pilotage in the canal or the approaches thereto through the adjacent waters."

Such regulations shall provide for prompt adjustment by agreement and immediate payment of claims for damages which may arise from injury to vessels, cargo, or passengers from the passing of vessels through the locks under the control of those operating them under such rules and regulations. In case of disagreement, suit may be brought in the district court of the Canal Zone against the governor of the Panama Canal. The hearing and disposition of such cases shall be expedited, and the judgment shall be immediately paid out of any moneys appropriated or allotted for canal operation.

The President shall provide a method for the determination and adjustment of all claims arising out of personal injuries to employees thereafter occurring while directly engaged in actual work in connection with the construction, maintenance, operation, or sanitation of the canal or of the Panama Railroad, or of any auxiliary canals, locks, or other works necessary and convenient for the construction, maintenance, operation, or sanitation of the canal, whether such injuries result in death or not, and prescribe a schedule of compensation therefor, and may revise and modify such method and schedule at any time; and such claims, to the extent they shall be allowed on such adjustment, if allowed at all, shall be paid out of the moneys hereafter appropriated for that purpose or out of the funds of the Panama Railroad Co., if said company was responsible for said injury, as the case may require. And after such method and schedule shall be provided by the President, the provisions of the act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908, and of the act entitled "An act relating to injured employees on the Isthmian Canal," approved February 24, 1909, shall not apply to personal injuries thereafter received and claims for which are subject to determination and adjustment as provided in this section.

SEC. 6. That the President is authorized to cause to be erected, maintained, and operated, subject to the international convention and the act of Congress to regulate radio communication, at suitable places along the Panama Canal and the coast adjacent to its two terminals, in connection with the operation of said canal, such wireless telegraphic installations as he may deem necessary for the operation, maintenance, sanitation, and protection of said canal, and for other purposes. If it is found necessary to locate such installations upon territory of the Republic of Panama, the President is authorized to make such agreement with said Government as may be necessary, and also to provide for the acceptance and transmission, by said system, of all private and commercial messages, and those of the Government of Panama, on such terms and for such tolls as the President may prescribe: *Provided*, That the messages of the Government of the United States and the departments thereof, and the management of the Panama Canal, shall always be given precedence over all other messages. The President is also authorized, in his discretion, to enter into such operating agreements or leases with any private wireless company or companies as may best insure freedom from interference with the wireless telegraphic installations established by the United States. The President is also authorized to establish, maintain, and operate, through the Panama Railroad Co. or otherwise, dry docks, repair shops, yards, docks, wharves, warehouses, storehouses, and other necessary facilities and appurtenances for the purpose of providing coal and other materials, labor, repairs, and supplies for vessels of the Government of the United States and, incidentally, for supplying such at reasonable prices to passing vessels, in accordance with appropriations hereby authorized to be made from time to time by Congress as a part of the maintenance and operation of the said canal. Moneys received from the conduct of said business may be expended and reinvested for such purposes without being covered into the Treasury of the United States; and such moneys are hereby appropriated for such purposes, but all deposits of such funds shall be subject to the provisions of existing law relating to the deposit of other public funds of the United States, and any net profits accruing from such business shall annually be covered into the Treasury of the United States. Monthly reports of such receipts and expenditures shall be made to the President by the persons in charge, and annual reports shall be made to the Congress.

SEC. 7. That the governor of the Panama Canal shall, in connection with the operation of such canal, have official control and jurisdiction over the Canal Zone, and shall perform all duties in connection with the civil government of the Canal Zone, which is to be held, treated, and governed as an adjunct of such Panama Canal. Unless in this act otherwise provided, all existing laws of the Canal Zone referring to the civil governor or the civil administration of the Canal Zone shall be applicable to the governor of the Panama Canal, who shall perform all such executive and administrative duties required by existing law. The President is authorized to determine or cause to be determined what towns shall exist in the Canal Zone and subdivide and from time to time resubdivide said Canal Zone into subdivisions, to be designated by name or number, so that there shall be situated one town in each subdivision, and the boundaries of each subdivision shall be clearly defined. In each town there shall be a magistrate's court, with exclusive original jurisdiction coextensive with the subdivision in which it is situated of all civil cases in which the principal sum claimed does not exceed $300, and all criminal cases wherein the punishment that may be imposed shall not exceed a fine of $100 or imprisonment not exceeding 30 days, or both, and all violations of police regulations and ordinances and all actions involving possession or title to personal property or the forcible entry and detainer of real estate. Such magistrates shall also hold preliminary investigations in charges of felony and offenses under section 10 of this act, and commit or bail in bailable cases to the district court. A sufficient number of magistrates and constables, who must be citizens of the United States, to conduct the business of such courts shall be appointed by the governor of the Panama Canal for terms of four years and until their successors are appointed and qualified, and the compensation of such persons shall be fixed by the President, or by his authority, until such time as Congress may by law regulate the same. The rules governing said courts and prescribing the duties of said magistrates and constables, oaths, and bonds, the times and places of holding such courts, the disposition of fines, costs, forfeitures, enforcements of judgments, providing for appeals therefrom to the district court, and the disposition, treatment, and pardon of convicts shall be established by order of the President. The governor of the Panama Canal shall appoint all notaries public, prescribe their powers and duties, their official seal, and the fees to be charged and collected by them.

SEC. 8. That there shall be in the Canal Zone one district court with two divisions, one including Balboa and the other including Cristobal; and one district judge of the said district, who shall hold his court in both divisions at such time as he may designate by order, at least once a month in each division. The rules of practice in such district court shall be prescribed or amended by order of the President. The said district court shall have original jurisdiction of all felony cases, of offenses arising under section 10 of this act, all causes in equity, admiralty, and all cases at law involving principal sums exceeding $300, and all appeals from judgments rendered in magistrates' courts. The jurisdiction in admiralty herein conferred upon the district judge and the district court shall be the same that is exercised by the United States district judges and the United States district courts, and the procedure and practice shall also be the same. The district court or the judge thereof shall also have jurisdiction of all other matters and proceedings not herein provided for, which are now within the jurisdiction of the Supreme Court of the Canal Zone, of the Circuit Court of the Canal Zone, the District Court of the Canal

Zone, or the judges thereof. Said judge shall provide for the selection, summoning, serving, and compensation of jurors from among the citizens of the United States, to be subject to jury duty in either division of such district, and a jury shall be had in any criminal case or civil case at law originating in said court on the demand of either party. There shall be a district attorney and a marshal for said district. It shall be the duty of the district attorney to conduct all business, civil and criminal, for the government, and to advise the governor of the Panama Canal on all legal questions touching the operation of the canal and the administration of civil affairs. It shall be the duty of the marshal to execute all process of the court, preserve order therein, and do all things incident to the office of marshal. The district judge, the district attorney, and the marshal shall be appointed by the President, by and with the advice and consent of the Senate, for terms of four years each, and until their successors are appointed and qualified, and during their terms of office shall reside within the Canal Zone, and shall hold no other office, nor serve on any official board or commission, nor receive any emoluments except their salaries. The district judge shall receive the same salary paid the district judges of the United States, and shall appoint the clerk of said court, and may appoint one assistant when necessary, who shall receive salaries to be fixed by the President. The district judge shall be entitled to six weeks' leave of absence each year with pay. During his absence, or during any period of disability or disqualification from sickness or otherwise to discharge his duties, the same shall be temporarily performed by any circuit or district judge of the United States who may be designated by the President, and who, during such service, shall receive the additional mileage and per diem allowed by law to district judges of the United States when holding court away from their homes. The district attorney and the marshal shall be paid each a salary of $5,000 per annum.

SEC. 9. That the records of the existing courts and all causes, proceedings, and criminal prosecutions pending therein, as shown by the dockets thereof, except as herein otherwise provided, shall immediately upon the organization of the courts created by this act be transferred to such new courts having jurisdiction of like cases, be entered upon the dockets thereof, and proceed as if they had originally been brought therein, whereupon all the existing courts, except the Supreme Court of the Canal Zone, shall cease to exist. The President may continue the Supreme Court of the Canal Zone and retain the judges thereof in office for such time as to him may seem necessary to determine finally any causes and proceedings which may be pending therein. All laws of the Canal Zone imposing duties upon the clerks or ministerial officers of existing courts shall apply and impose such duties upon the clerks and ministerial officers of the new courts created by this act having jurisdiction of like cases, matters, and duties.

All existing laws in the Canal Zone governing practice and procedure in existing courts shall be applicable and adapted to the practice and procedure in the new courts.

The Circuit Court of Appeals of the Fifth Circuit of the United States shall have jurisdiction to review, revise, modify, reverse, or affirm the final judgments and decrees of the District Court of the Canal Zone and to render such judgments as in the opinion of the said appellate court should have been rendered by the trial court in all actions and proceedings in which the Constitution, or any statute, treaty, title, right, or privilege of the United States is involved and a right thereunder denied, and in cases in which the value in controversy exceeds $1,000, to be ascertained by the oath of either party, or by other competent evidence, and also in criminal causes wherein the offense charged is punishable as a felony. And such appellate jurisdiction, subject to the right of review by or appeal to the Supreme Court of the United States as in other cases authorized by law, may be exercised by said circuit court of appeals in the same manner, under the same regulations, and by the same procedure as nearly as practicable as is done in reviewing the final judgments and decrees of the district courts of the United States.

SEC. 10. That after the Panama Canal shall have been completed and opened for operation the governor of the Panama Canal shall have the right to make such rules and regulations, subject to the approval of the President, touching the right of any person to remain upon or pass over any part of the Canal Zone as may be necessary. Any person violating any of such rules or regulations shall be guilty of a misdemeanor, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $500 or by imprisonment not exceeding a year, or both, in the discretion of the court. It shall be unlawful for any person, by any means or in any way to injure or obstruct, or attempt to injure or obstruct, any part of the Panama Canal or the locks thereof or the approaches thereto. Any person violating this provision shall be guilty of a felony, and on conviction in the District Court of the Canal Zone shall be punished by a fine not exceeding $10,000 or by imprisonment not exceeding 20 years, or both, in the discretion of the court. If the act shall cause the death of any person within a year and a day thereafter, the person so convicted shall be guilty of murder and shall be punished accordingly.

SEC. 11. That section 5 of the act to regulate commerce, approved February 4, 1887, as heretofore amended, is hereby amended by adding thereto a new paragraph at the end thereof, as follows:

"From and after the 1st day of July, 1914, it shall be unlawful for any railroad company or other common carrier subject to the act to regulate commerce to own, lease, operate, control, or have any interest whatsoever (by stock ownership or otherwise, either directly, indirectly, through any holding company, or by stockholders or directors in common, or in any other manner) in any common carrier by water operated through the Panama Canal or elsewhere with which said railroad or other carrier aforesaid does or may compete for traffic, or any vessel carrying freight or passengers upon said water route or elsewhere; and in case of the violation of this provision each day in which such violation continues shall be deemed a separate offense."

Jurisdiction is hereby conferred on the Interstate Commerce Commission to determine questions of fact as to the competition or possibility of competition, after full hearing, on the application of any railroad company or other carrier. Such application may be filed for the purpose of determining whether any existing service is in violation of this section and pray for an order permitting the continuance of any vessel or vessels already in operation, or for the purpose of asking an order to install new service not in conflict with the provisions of this paragraph. The commission may on its own motion or the application of any shipper institute proceedings to inquire into the operation of any vessel in use by any railroad or other carrier which has not applied to the commission and had the question of competition or the possibility of competition determined as herein provided. In all such cases the order of said commission shall be final. If the Interstate Commerce Commission shall be of the opinion that any such existing specified service by water other than through the Panama Canal is being operated in the interest of the public and is of advantage to the convenience and commerce of the people and that such extension will neither exclude, prevent, nor reduce competition on the route by water under consideration, the Interstate Commerce Commission may, by order, extend the time during which such service by water may continue to be operated beyond July 1, 1914. In every case of such extension the rates, schedules, and practices of such water carrier shall be filed with the Interstate Commerce Commission and shall be subject to the act to regulate commerce and all amendments thereto in the same manner and to the same extent as is the railroad or other common carrier controlling such water carrier or interested in any manner in its operation: *Provided*, Any application for extension under the terms of this provision filed with the Interstate Commerce Commission prior to July 1, 1914, but for any reason not heard and disposed of before said date may be considered and granted thereafter.

No vessel permitted to engage in the coastwise or foreign trade of the United States shall be permitted to enter or pass through said canal if such ship is owned, chartered, operated, or controlled by any person or company which is doing business in violation of the provisions of the act of Congress approved July 2, 1890, entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or the provisions of sections 73 to 77, both inclusive, of an act approved August 27, 1894, entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," or the provisions of any other act of Congress amending or supplementing the said act of July 2, 1890, commonly known as the Sherman Antitrust Act, and amendments thereto, or said sections of the act of August 27, 1894. The question of fact may be determined by the judgment of any court of the United States of competent jurisdiction in any cause pending before it to which the owners or operators of such ship are parties. Suit may be brought by any shipper or by the Attorney General of the United States.

That section 6 of said act to regulate commerce, as heretofore amended, is hereby amended by adding a new paragraph at the end thereof, as follows:

"When property may be or is transported from point to point in the United States by rail and water through the Panama Canal or otherwise, the transportation being by a common car-

rier or carriers, and not entirely within the limits of a single State, the Interstate Commerce Commission shall have jurisdiction of such transportation and of the carriers, both by rail and by water, which may or do engage in the same, in the following particulars, in addition to the jurisdiction given by the act to regulate commerce, as amended June 18, 1910:

"(a) To establish physical connection between the lines of the rail carrier and the dock of the water carrier by directing the rail carrier to make suitable connection between its line and a track or tracks which have been constructed from the dock to the limits of its right of way, or by directing either or both the rail and water carrier, individually or in connection with one another, to construct and connect with the lines of the rail carrier a spur track or tracks to the dock. This provision shall only apply where such connection is reasonably practicable, can be made with safety to the public, and where the amount of business to be handled is sufficient to justify the outlay.

"The commission shall have full authority to determine the terms and conditions upon which these connecting tracks, when constructed, shall be operated, and it may, either in the construction or the operation of such tracks, determine what sum shall be paid to or by either carrier. The provisions of this paragraph shall extend to cases where the dock is owned by other parties than the carrier involved.

"(b) To establish through routes and maximum joint rates between and over such rail and water lines, and to determine all the terms and conditions under which such lines shall be operated in the handling of the traffic embraced.

"(c) To establish maximum proportional rates by rail to and from the ports to which the traffic is brought, or from which it is taken by the water carrier, and to determine to what traffic and in connection with what vessels and upon what terms and conditions such rates shall apply. By proportional rates are meant those which differ from the corresponding local rates to and from the port and which apply only to traffic which has been brought to the port or is carried from the port by a common carrier by water.

"(d) If any rail carrier subject to the act to regulate commerce enters into arrangements with any water carrier operating from a port in the United States to a foreign country, through the Panama Canal or otherwise, for the handling of through business between interor points of the United States and such foreign country, the Interstate Commerce Commission may require such railway to enter into similar arrangements with any or all other lines of steamships operating from said port to the same foreign country."

The orders of the Interstate Commerce Commission relating to this section shall only be made upon formal complaint or in proceedings instituted by the commission of its own motion and after full hearing. The orders provided for in the two amendments to the act to regulate commerce enacted in this section shall be served in the same manner and enforced by the same penalties and proceedings as are the orders of the commission made under the provisions of section 15 of the act to regulate commerce, as amended June 18, 1910, and they may be conditioned for the payment of any sum or the giving of security for the payment of any sum or the discharge of any obligation which may be required by the terms of said order.

SEC. 12. That all laws and treaties relating to the extradition of persons accused of crime in force in the United States, to the extent that they may not be in conflict with or superseded by any special treaty entered into between the United States and the Republic of Panama with respect to the Canal Zone, and all laws relating to the rendition of fugitives from justice as between the several States and Territories of the United States, shall exend to and be considered in force in the Canal Zone, and for such purposes and such purposes only the Canal Zone shall be considered and treated as an organized Territory of the United States.

SEC. 13. That in time of war in which the United States shall be engaged, or when, in the opinion of the President, war is imminent, such officer of the Army as the President may designate shall, upon the order of the President, assume and have exclusive authority and jurisdiction over the operation of the Panama Canal and all of its adjuncts, appendants, and appurtenances, including the entire control and government of the Canal Zone, and during a continuance of such condition the governor of the Panama Canal shall, in all respects and particulars as to the operation of such Panama Canal, and all duties, matters, and transactions affecting the Canal Zone, be subject to the order and direction of such officer of the Army.

SEC. 14. That this act shall be known as, and referred to as, the Panama Canal act, and the right to alter, amend, or repeal any or all of its provisions or to extend, modify, or annul any rule or regulation made under its authority is expressly reserved.

Mr. MOORE of Pennsylvania rose.

The SPEAKER. Does the gentleman from Pennsylvania desire to be heard on his point of order?

Mr. MOORE of Pennsylvania. I do. Mr. Speaker, the point of order as to the conferees having exceeded their authority is based upon the phraseology of section 5 of the bill as reported. There were two Senate amendments, Nos. 11 and 12, that have been translated into section 5 of the bill. The language has been changed, and some new ideas have been introduced, all of which I assume to be in contravention of the rules of the House relating to the authority of conference committees. For instance, the Senate amendment No. 11 reads as follows:

That all legal prohibitions upon the American registration of foreign-built ships, built to engage only in foreign trade, are hereby repealed: *Provided*, That the ships are exclusively of American ownership.

That has been changed so that it appears as an amendment to section 4132 of the Revised Statutes, relating to the construction of vessels in the United States. As transposed by the committee it also extends jurisdiction, in relation to the registration of vessels, to the Philippine Islands and the islands of Guam and Tutuila, none of which were referred to in the Senate amendment and none of which were discussed in the proceedings in the House.

The SPEAKER. Where in the bill is that found?

Mr. MOORE of Pennsylvania. In lines 12 and 13, page 6, of the print of August 15. This is the last print of the bill, as finally corrected.

More important, however, than the insertion of these Territories, is that provision which, it is believed, threatens the shipbuilding industry of the United States, permitting the introduction, free of duty, of all materials entering into the construction of ships—a clear invasion of the right of the House to originate revenue measures.

I call the attention of the Chair to that section of the reconstructed bill, as found in the final print of August 15.

Mr. OLMSTED. If my friend will permit, if the Chair is supplied with a copy of the print of August 10, he will find the Senate amendments numbered in that bill.

The SPEAKER. The Chair has both prints.

Mr. MOORE of Pennsylvania. The print of August 10 shows the Senate amendments, and will, perhaps, be convenient for the use of the Chair.

The SPEAKER. The Chair would like to have the gentleman use the print of August 10, if he is going to talk about that, because the Chair wishes to follow him in his references.

Mr. MOORE of Pennsylvania. I think it would be well for the Chair to have the print of August 10 and the print of August 15 both before him, because the print of August 15 is the finally corrected copy of the bill.

The SPEAKER. What is the gentleman's first point?

Mr. MOORE of Pennsylvania. The first point is with reference to the paragraph—

that American registry is to be given to vessels wherever built, etc.

I refer to line 11 now, page 6—

which are to engage only in trade with foreign countries, etc.

And I particularly call the attention of the Chair to—

or with the Philippine Islands and the islands of Guam and Tutuila.

Now, in no discussion in this House nor anywhere in a Senate amendment is reference made to the Philippines, Guam, or Tutuila. Numerous precedents may be cited to show that this is new matter, the insertion of which by the conference committee is not warranted.

More important is the new matter which is not found in a Senate amendment or a House amendment, nor in the discussion of either House, which proposes to originate a revenue measure in contravention of the rights of the House.

If the Speaker will be good enough to refer to the conference report he will find a little more than halfway down on page 2 this provision:

That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce, so long as such vessels shall in all respects comply with the provisions and requirement of said act."

This is a clause which originated not with the Senate nor with the House, which had exclusive jurisdiction to originate

such matters, but in the conference committee; and whether or not it is permissible now to say that it is feared that it will seriously affect the shipbuilding industry of the United States, it at least unquestionably opens the door to the admission into this country free of duty of every article that enters into the construction or equipment of ships. Iron, steel, cutlery, carpets——

The SPEAKER. That has nothing to do with it; the only question is whether the conferees have exceeded their authority.

Mr. MOORE of Pennsylvania. Of course, that is my contention. The paragraph I have just read is a matter which should have originated in the House, being a revenue measure. I contend that it did not originate either in the House or through a Senate amendment, but did originate in conference, and therefore is subject to a point of order.

The SPEAKER. The Chair would like to ask the gentleman about his point of order with reference to the Philippine Islands and Guam. Is that mentioned at all in the House bill originally?

Mr. MOORE of Pennsylvania. No, sir; in no particular.

The SPEAKER. Was it mentioned in any Senate amendment?

Mr. MOORE of Pennsylvania. It was not; it is entirely new matter, originating in conference.

The SPEAKER. Is the gentleman from Pennsylvania through?

Mr. MOORE of Pennsylvania. No; but I was going to yield for the present to the gentleman from Pennsylvania [Mr. OLMSTED].

The SPEAKER. But the gentleman can not yield to anybody.

Mr. MOORE of Pennsylvania. Then, I wish to hold the floor for a moment or two longer.

The SPEAKER. The Chair will recognize the other gentleman from Pennsylvania [Mr. OLMSTED] if the gentleman from Pennsylvania [Mr. MOORE] is through. The Chair did not mean to cut him off.

Mr. MOORE of Pennsylvania. I am not quite through.

The SPEAKER. The gentleman will proceed. The Chair wanted to get at the gentleman's point with reference to the Philippines, as to whether that part was mentioned in the original bill or in a Senate amendment.

Mr. MOORE of Pennsylvania. It was not.

The SPEAKER. Then how did it get into the bill?

Mr. MOORE of Pennsylvania. The presumption is that it got in through the conference. That is the crucial point. I will be glad now to have the gentleman from Pennsylvania [Mr. OLMSTED] recognized.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Speaker, the authorities in support of the point which I understand my colleague to make are found referred to in section 539 of the Manual, page 279, from which I read as follows:

> The managers of a conference must confine themselves to the differences committed to them, and may not include subjects not within the disagreements, even though germane to a question in issue.

This is a House bill. It went over to the other body and was there made the subject of certain amendments, among others amendments numbered 11 and 12.

Amendment No. 11 reads as follows:

> That all legal prohibitions upon the American registration of foreign-built ships, built to engage only in foreign trade, are hereby repealed: *Provided*, That the ships are exclusively of American ownership.

Amendment No. 12 reads as follows:

> *Provided further*, That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," unless such ships shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy, and shall be of sufficient strength and stability to carry and sustain the working and operation of at least four effective rifled cannon of a caliber of not less than 6 inches, and shall be of the highest rating known to maritime commerce; and all such ships before being accepted shall be subjected to the same inspection as is provided in the act of March 3, 1891.

Those are amendments 11 and 12. They were disagreed to by the House and referred to the conferees.

Now, this is the disposition made of these amendments by the conferees as shown in the conference report. They recommend—

> That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out all of the two said Senate amendments and insert in lieu thereof the following:
>
> "That section 4132 of the Revised Statutes is hereby amended to read as follows:
>
> "'SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than 5 years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirement of said act.'"
>
> And the Senate agree to the same.

Now, in the first place, section 4132 of the Revised Statutes was not involved in the original bill nor referred to in the Senate amendments, but appears for the first time in the conference report. This amendment refers to many subjects not appearing in the bill itself nor in the Senate amendments and is not germane, either to the original bill or to the Senate amendments.

Among other things, in its first proviso it provides practically a free-trade bill for all material that enters into the construction or repair or outfit or equipment of ships, a subject that is not referred to in the House bill or the Senate amendments, but entirely new subject matter.

The SPEAKER. The Chair will ask the gentleman, if it will not interfere with the thread of his argument——

Mr. OLMSTED. Certainly not.

The SPEAKER. The language which is set out in the report on page 2, "that all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States," and so forth—could that be held in order on amendment No. 11, the language of which is "that all legal prohibitions upon the American registration of foreign-built ships, built to engage only in foreign trade, are hereby repealed: *Provided*, That the ships are exclusively of American ownership"?

Mr. OLMSTED. I think not, Mr. Speaker. That relates entirely to the registration of ships, and not to their construction or repair. Furthermore Senate amendment No. 11 relates exclusively to the registration of and mail contracts with "foreign-built ships," but the amendment proposed in the conference report relates to "vessels built within the United States and belonging wholly to citizens thereof."

The SPEAKER. There is no difference between the gentleman from Pennsylvania and the Chair about what the rule is, the Chair takes it.

Mr. OLMSTED. I think there can not be.

The SPEAKER. And that is, that the subject matter treated of, and this new language, at least of the conferees, shall be treated of either in the House bill or in the Senate amendment, or in an amendment to a Senate amendment, if there was such a thing, which there was not in this case. That is the limitation, is it not?

Mr. OLMSTED. Just what does the Chair mean by limitation?

The SPEAKER. The limitation is that any matter that is put into a conference report must have been in the original bill; that is, the subject must have been there.

Mr. OLMSTED. Or in a Senate amendment.

The SPEAKER. Or in a Senate amendment.

Mr. OLMSTED. That is correct.

The SPEAKER. Or, if it comes back here and the House amends the Senate amendment and sends it back to the Senate, that would cover the case.

Mr. OLMSTED. Yes; that would be in the bill as it went to the conferees.

The SPEAKER. Is the gentleman from Pennsylvania through?

Mr. OLMSTED. Another ruling cited in the manual is that "the conferees may perfect amendments committed to them if they do not in so doing go beyond the differences." That is from Hinds' Precedents, Volume V, sections 6409 and 6413. But here the conferees have gone beyond the differences. These things are not in difference between the two Houses. They were never considered in either House and were not among the differences referred to the conference committee. They are entirely new subject matters. There are half a dozen of them. The matter is so plain to me that I do not care to discuss it further unless the Chair so desires.

The other point that my colleague makes is that this revenue provision of this amendment could not have originated in the Senate itself, much less could it have originated in the conference, but such matters must originate in the House.

The SPEAKER. The Chair will hear the gentleman from Georgia if he has anything to say.

Mr. ADAMSON. Mr. Speaker, the gentleman from Maryland [Mr. COVINGTON] will be heard on the point of order.

Mr. COVINGTON. Mr. Speaker, there is not any dispute about what the rule is in regard to the extent of the power of the conferees, I take it, and both of the gentlemen from Pennsylvania, Mr. MOORE and Mr. OLMSTED, have accurately stated it. But the Panama Canal legislation, as shown by the original bill as reported from the Committee on Interstate and Foreign Commerce—the bill as it passed the Senate on August 10, and the final print of August 15, showing the bill as agreed on in conference—will demonstrate a situation as follows: When the bill came from the Committee on Interstate and Foreign Commerce to the floor of the House the section relating to tolls contained no provision whatever relating to the admission of any classes of ships into any trade of the United States, either coastwise or foreign. It left the existing navigation laws of the country as they were at the time that bill was reported to the House. There was no attempt to deal with the subject. When the bill passed the House and went to the Senate, after having been reported to the floor of the Senate there was still no provision relating to free ships in any form; but when the bill came to be debated and amended in the Senate there was adopted on the floor of the Senate, first, what came to be known as the Williams amendment, to remove all legal restrictions upon the American registration of foreign-built vessels; and then what came to be known as the Gallinger amendment, to restrict registration of foreign-built ships to exclusively American ownership and to place certain restrictions on mail contracts with such ships. Those two amendments, therefore, collectively attempted, as shown in the Senate bill of August 10, to provide for the removal of American registry and restrictions on ships built in foreign countries and to change the existing law relating to their operation in American foreign mail service. This matter is all dealt with under the title in the Revised Statutes, "Commerce and navigation," and the subtitle is "Registration of vessels."

When the bill came back to the floor of the House from the Senate it contained those provisions which I have just referred to. The chairman of the Committee on Interstate and Foreign Commerce called up the bill and moved to disagree to all of the Senate amendments. There was a disagreement voted by the House, and the bill went to conference. It therefore went into conference with the whole subject of the admission into the foreign trade of the United States by American registry of ships built in foreign countries and the subject of restrictions upon vessels to be admitted to such trade a matter of disagreement between the House and the Senate. The only thing that was done by the conferees in regard to this particular matter was to rewrite and to recast the entire subject of the admission to American registry of ships in the foreign trade of the United States; and as section 4132 of the Revised Statutes, under the title "Commerce and navigation," dealt with the subject, the section in the bill was made an amendment to that section of existing law. As the Senate bill, to which the House disagreed, dealt with the entire subject of enlarging the scope of registry of vessels in the foreign trade, an amendment of section 4132 of the Revised Statutes along that line is certainly so.

The SPEAKER. The Chair would like to inquire of the gentleman from Maryland what part of this bill treats with that subject before the Senate got hold of it?

Mr. COVINGTON. It is section 5 of the bill.

The SPEAKER. From which print is the gentleman reading?

Mr. COVINGTON. I read from the print of August 15, which best illustrates the status of the bill before the House at this time.

The SPEAKER. That is the print after the conferees got through with it.

Mr. COVINGTON. This is the print after the conferees finished with it. There is a print of August 10, which shows the bill after it passed the Senate. Has the Speaker a copy of that?

The SPEAKER. Yes. What part of this print of August 15 treats of the subject?

Mr. COVINGTON. After the tolls clause is finished on page 7, the Speaker will notice that in section 5 there begins amendment No. 11, which was referred to by the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER. That amendment reads:

That all legal prohibitions upon the American registration of foreign-built ships, built to engage only in foreign trade, are hereby repealed: *Provided*, That the ships are exclusively of American ownership.

What is the subject of that amendment?

Mr. COVINGTON. Now, that is what is known as the Williams amendment and a part of the Gallinger amendment in the Senate, and manifestly is intended to remove the present restrictions that exist by reason of section 4132 of the statutes. If the Speaker will take the print of August 15 he will discover——

Mr. MOORE of Pennsylvania. Did not that refer to registration only?

Mr. COVINGTON. That part of the section refers to registration only.

The SPEAKER. The Chair desires to ask another question and that is, how you got Guam, and the Philippines, and the island of Tutuila in there? How did you get the Philippines and Guam and the other island in it?

Mr. COVINGTON. I do not understand any particular necessity of getting them in unless to let vessels in the foreign trade go to them.

The SPEAKER. The question the Chair wants to find out is how they got it in.

Mr. COVINGTON. I will say to the Speaker very candidly upon that subject I am not familiar enough with the navigation laws to know the particular reason why those islands were included unless vessels trading through the Panama Canal in the foreign trade are to have the right to go to them. I believe they are subject to our coastwise laws.

The SPEAKER. The question is by what authority was it done.

Mr. COVINGTON. I am going to ask Judge ALEXANDER, of Missouri, and yield to him to make a statement with regard to that particular part of the amendment, and I am frank to state, so far as those islands are concerned, I do not know any reason except what I have stated.

The SPEAKER. The three things the Chair wants to know are on what pretext did they put the Philippines, Guam, and Tutuila Islands in? That is one. The second one is, on what part of the House bill or Senate amendments do the conferees undertake to hinge the admission of free materials out of which to build ships?

Mr. COVINGTON. I yield to the gentleman from Missouri [Mr. ALEXANDER] to answer the question.

Mr. ALEXANDER. Mr. Speaker, the Philippine Islands, Tutuila, and Guam may be included in our coastwise trade, and without the amendment they might not be included within the provision which admits foreign-built ships to American registry for the foreign trade. Now, it will not be seriously contended that the conferees, in placing that limitation or enlarging or making certain the purpose for which foreign ships admitted to American registry may be used——

The SPEAKER. But what is the necessity for naming the Philippines, Guam, and so forth, any more than naming the Sandwich Islands?

Mr. ALEXANDER. For the reason if they had not been expressly included these foreign-built ships admitted to American registry might not have been permitted to trade with those islands. Now, the Senate amendment is general in its terms. It says:

That all legal prohibitions upon the American registration of foreign-built ships, built to engage only in foreign trade, are hereby repealed.

Now, the House disagreed to the amendment, with the limitation that foreign-built ships admitted to American registry should only be used in the foreign trade. It was entirely competent and within their province for the conferees to say that they might also be admitted to the coastwise trade or some part of the coastwise trade. They might have said that they could be admitted to trade with the Hawaiian Islands or to Porto Rico or these other islands, but they limited it to the foreign trade and to the Philippines and to the islands of Tutuila and Guam, and made it clear that trade to the Philippines and the islands of Tutuila and Guam should be regarded as foreign trade.

Mr. MOORE of Pennsylvania. Will the gentleman yield.

The SPEAKER. Does the gentleman yield?

Mr. ALEXANDER. Not at present.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Would it be in order to ask the Speaker to ask the gentleman from Missouri who put those words in the bill?

The SPEAKER. No; the Chair does not think it would. The gentleman has the right to ask the gentleman but he has not the right to ask the Speaker.

Mr. MOORE of Pennsylvania. I asked if it would be in order to ask the Speaker to ask that simple question.

The SPEAKER. No; if the gentleman desires information he must ask the gentleman from Missouri.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Who put the words "Philippine Islands and the islands of Guam and Tutuila" into the bill?

Mr. ALEXANDER. Why, the conferees.

Mr. MOORE of Pennsylvania. That is what I thought.

Mr. ALEXANDER. And they had the right to do it, under the rules. The House might have disagreed to the Senate amendment because the Senate limited foreign-built ships to the foreign trade.

Mr. MOORE of Pennsylvania. I think they have no right under the precedents of the House.

Mr. ALEXANDER. No precedent of the House has been cited that says they can not do it. The House may have disagreed to the Senate amendment No. 11 for that very reason, because foreign-built ships were being limited to the foreign trade, and the conferees having jurisdiction of the subject matter under the disagreement had the right in conference to provide not only that foreign-built ships might be admitted to American registry, but that they should be admitted to the coastwise trade. Can there be any doubt of the power of the conferees to agree to strike but so much of the Senate amendment No. 11 as limited foreign-built ships registering under the American flag, to the foreign trade, and would not the effect of that amendment have been to admit them to the coastwise trade; and if that is true, may they not make it clear by amendment that the Philippine Islands and the islands of Guam and Tutuila shall not be regarded as in our coastwise trade, but included in the term "foreign trade"?

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. ALEXANDER. Yes.

Mr. MOORE of Pennsylvania. Would not that have been more properly done either by a Senate amendment or by the House rather than by the conferees?

Mr. ALEXANDER. It could be done either way; I am talking about what the conferees had a right to do, and there can be no question about that point.

The SPEAKER. The rule is that in a conference report its subject matter must have been treated of in the House bill or Senate amendments, or, if it had come back to the House, the House had added an amendment to the Senate amendment, and if it does not agree in any of these it goes out.

Mr. ALEXANDER. Is it true the conferees must accept an amendment proposed by the other House without any modification?

The SPEAKER. Why, no; it is not; but the subject matter must have been treated of either in the House bill or the Senate amendment.

Mr. ALEXANDER. What is the subject matter?

The SPEAKER. Why, the subject matter is amendment 11:

That all legal prohibitions upon American registration of foreign-built ships, built to engage only in foreign trade, are hereby repealed: *Provided*, That the ships are exclusively of American ownership.

Now what is the subject matter treated of in that amendment?

Mr. ALEXANDER. Simply this: The subject matter is first, whether or not foreign-built ships shall be admitted to American registry. That is the first question. The Senate by its amendment No. 11 provides that they may be admitted to American registry; and second, to what trade shall they be limited? The Senate amendment limits their use to the foreign trade. Now the House conferees refused to concur in that amendment proposed by the Senate, but say their use shall be enlarged; and to put it beyond question that they may be used in this instance in the trade with the Philippine Islands, Tutuila, and the Island of Guam. They might have said that the ships shall be admitted to the coastwise trade, else we will not agree to admit foreign-built ships to American registry. The conferees are not bound to accept the Senate amendment as proposed.

The SPEAKER. The Chair knows that they are not bound to accept the Senate amendment as proposed, but they are bound to stick to the subject matter.

Mr. ALEXANDER. The subject matter is: How shall these foreign-built ships be admitted to American registry? And if admitted to American registry, shall they be admitted to the foreign or coastwise trade, or both.

The SPEAKER. The Chair would like to ask the gentleman another question. Evidently the subject matter of amendment numbered 11 is the registration of foreign-built ships, and nothing else. Now, when you come to amendment 12—because this new language used here in the report that the two gentlemen from Pennsylvania, Mr. OLMSTED and Mr. MOORE, are objecting to hinges on amendment No. 11 and amendment No. 12—we find that amendment No. 12 is:

Provided further, That foreign-built ships admitted pursuant to this section shall not be entitled to mail contracts under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports and to promote commerce," unless such ships shall be constructed with particular reference to prompt and economical conversion into auxiliary naval cruisers, according to plans and specifications to be agreed upon by and between the owners and the Secretary of the Navy—

And so forth. Now, the Chair will ask the gentleman if that amendment is not confined strictly to ship mail contracts?

Mr. ALEXANDER. No. The effect of the amendment agreed to by the conferees to the Senate amendment No. 12 is simply this: That foreign-built ships should not be permitted to receive mail contracts or that the Postmaster General should not be authorized to award to them mail contracts unless the ships are constructed, in all respects, according to the provisions of the ocean mail act of March 3, 1891, and in every respect comply with its provisions.

The Senate amendment provided that foreign-built ships should not be entitled to receive mail contracts under the ocean mail act of March 3, 1891, unless they are built in conformity with certain provisions of the act; the conferees agreed to the Senate amendment with the further amendment that foreign-built ships should not be entitled to mail contracts unless they comply with all the provisions of the act.

Can there be any doubt of their jurisdiction to do this?

Mr. HEFLIN. Mr. Speaker, evidently it is going to take some time to settle this proposition. I make the point of no quorum.

Mr. ALEXANDER. I hope the gentleman will withdraw it until I can answer the Speaker's question.

Mr. HEFLIN. No; I insist upon it now. I make the point that there is no quorum present.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, it is evident that there is no quorum present, and I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 20 minutes p. m.) the House, under its previous order, adjourned until to-morrow, Saturday, August 17, 1912, at 10 o'clock and 30 minutes a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (S. 5674) for the relief of Indians occupying railroad lands, reported the same with amendments,

accompanied by a report (No. 1199), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the Committee on Indian Affairs, to which was referred the bill (H. R. 23953) to authorize the reservation of land for public purposes in town sites in certain Indian reservations, reported the same without amendment, accompanied by a report (No. 1198), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GOEKE, from the Committee on Expenditures in the Treasury Department, submitted a report (No. 1200) on the investigation by said committee upon the question of the importation of creosote and other subjects, which report was referred to the House Calendar.

Mr. BURNETT submitted a report of the commission to investigate the title of the United States to lands in the District of Columbia (No. 1202), which report was referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RUSSELL: A bill (H. R. 26311) to authorize the town of Hollister, a municipal corporation of Taney County, Mo., to construct a dam across White River, in Taney County, Mo., for the purpose of creating electric power to operate waterworks and furnish light, heat, and power for municipal and industrial purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. LA FOLLETTE: A bill (H. R. 26312) for erecting a suitable memorial to John Ericsson; to the Committee on the Library.

By Mr. ROBINSON: A bill (H. R. 26313) authorizing the Secretary of the Interior to erect a building on the Hot Springs Reservation and to maintain therein a laundry plant for laundering and sterilizing goods used in the administration of baths in the bathhouses receiving hot water from the Hot Springs Reservation; to the Committee on the Public Lands.

By Mr. JOHNSON of South Carolina: A bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. AYRES: Concurrent resolution (H. Con. Res. 60) calling the attention of the President and of the Postmaster General to the advisability of arranging for the reduction of the common export rate of the various parcel-post conventions of the United States with foreign countries to 8 cents a pound; to the Committee on the Post Office and Post Roads.

By Mr. GARDNER of Massachusetts: Concurrent resolution (H. Con. Res. 61) authorizing the Committees on Enrolled Bills of the two Houses to correct the enrolled bill H. R. 21969; to the Committee on Interstate and Foreign Commerce.

By Mr. AKIN of New York: A resolution (H. Res. 694) for appointment of a committee to investigate speeches in CONGRESSIONAL RECORD; to the Committee on Rules.

By Mr. HEFLIN: A resolution (H. Res. 695) to print 1,000 copies of a bulletin issued by the Department of Agriculture, entitled "A Soil Survey of Randolph County, Ala."; to the Committee on Printing.

By Mr. JOHNSON of South Carolina: Resolution (H. Res. 696) for the consideration of the legislative, executive, and judicial appropriation bill; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bill and resolutions were introduced and severally referred as follows:

By Mr. BROWN: A bill (H. R. 26314) granting an increase of pension to Isaac M. Locke; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26315) to correct the military record of and grant to J. W. Mankins an honorable discharge; to the Committee on Military Affairs.

Also, a bill (H. R. 26316) to correct the military record of and grant to Benjamin Myers Nuzum an honorable discharge; to the Committee on Military Affairs.

By Mr. KINKEAD of New Jersey: A bill (H. R. 26317) granting an increase of pension to George Cort; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26318) granting an increase of pension to Amelia Schoefer; to the Committee on Invalid Pensions.

By Mr. PRAY: A bill (H. R. 26319) for the relief of Mary L. Boehnert; to the Committee on Claims.

By Mr. TOWNER: A bill (H. R. 26320) granting a pension to Dorothy Jane Sharp; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26322) granting an increase of pension to Daniel H. Woodruff; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN of South Carolina: Papers to accompany bill for the relief of Mrs. Mary C. Briggs; to the Committee on War Claims.

By Mr. AYRES: Memorial of Maritime Association of the Port of New York, favoring building of two battleships; to the Committee on Naval Affairs.

By Mr. BROWN: Papers to accompany bill to correct the military record of and grant to Benjamin Myers Nuzum an honorable discharge; to the Committee on Military Affairs.

By Mr. DRAPER: Petition of Maritime Association of the Port of New York, favoring building of two battleships; to the Committee on Naval Affairs.

By Mr. GARDNER of Massachusetts: Petition of Little Folks Magazine, protesting against legislation raising second-class mail rates to 2 cents; to the Committee on the Post Office and Post Roads.

Also, petition of National Board of Trade, Washington, D. C., favoring giving preferential tolls to vessels engaged in domestic commerce between the ports of the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. HARTMAN: Petition of Mrs. Nellie Garretsons, of Johnstown, and Mrs. D. I. Mulhollen, of Lloydell, Pa., favoring passage of a bill to forbid the sale of intoxicating liquors in Government buildings and ships; to the Committee on Alcoholic Liquor Traffic.

By Mr. KINDRED: Memorial of Workmen's Sick and Death Benefit Fund of the United States of America, against passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: Memorial of the Chamber of Commerce, Billings, Mont., protesting against the enactment of any legislation which would change the present rules and regulations of the United States customs governing the admission of goods of foreign manufacture, etc.; to the Committee on Ways and Means.

By Mr. SABATH: Petition of National Board of Trade, Washington, D. C., favoring legislation giving preferential tolls to vessels engaged in domestic commerce between the ports of the United States; to the Committee on Interstate and Foreign Commerce.

Also, petitions of Cong. S. T. B. R. N. H., Chicago, Ill.; Safety Lodge, No. 340, Order B'rith Abraham, Chicago, Ill.; and Home Lodge, No. 242, Order B'rith Abraham, Chicago, Ill., all protesting against the passage of House bill 22527 for restriction of immigration; to the Committee on Immigration and Naturalization.

By Mr. SCULLY: Petitions of Ocean Council, No. 10, Junior Order United American Mechanics, of New Egypt, and Goodwill Council, No. 32, Junior Order United American Mechanics, of New Brunswick, N. J., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of Maritime Association of the Port of New York, favoring building two battleships; to the Committee on Naval Affairs.

SENATE.

SATURDAY, *August 17, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Journal of yesterday's proceedings was read and approved.

UTILIZATION OF ATMOSPHERIC NITROGEN (H. DOC. NO. 912).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, a report by Commercial Agent Thomas H. Norton, containing the results of his investigations of the utilization of atmospheric nitrogen, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah makes the point that there is no quorum present, and the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Jones	Overman
Bacon	Culberson	Kenyon	Page
Borah	Cullom	Kern	Perkins
Bourne	Cummins	La Follette	Pomerene
Bradley	Curtis	Lodge	Smith, Ga.
Brandegee	Dillingham	McCumber	Smith, Md.
Bristow	du Pont	Martin, Va.	Smoot
Bryan	Fall	Martine, N. J.	Sutherland
Burnham	Fletcher	Massey	Swanson
Chamberlain	Gallinger	Myers	Thornton
Chilton	Heyburn	Nelson	Tillman
Clapp	Johnson, Me.	Newlands	Townsend
Crane	Johnston, Ala.	Oliver	Works

Mr. JONES. My colleague [Mr. POINDEXTER] is absent on important business.

The PRESIDENT pro tempore. Fifty-two Senators have answered to their names. A quorum of the Senate is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 606. An act for the relief of John Treffeisen;

H. R. 17483. An act amending section 1998 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service;

H. R. 19190. An act for the relief of John P. Risley;

H. R. 24646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. SLAYDEN, and Mr. KAHN, managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SULZER, Mr. FLOOD of Virginia, and Mr. MCKINLEY, managers at the conference on the part of the House.

The message also announced that the House had appointed Mr. DANIEL A. DRISCOLL as a conferee on the bills (S. 6384 and S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors in the place of Mr. RICHARDSON.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2904) to confer upon the commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., and to provide for transfers between said company and the Capital Traction Co. and the Washington Railway & Electric Co.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building;

H. R. 2875. An act to provide for the exchange of national-forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 4512. An act for the relief of Mary Beal;

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 7650. An act for the relief of I. S. Rogers and J. L. Worthley;

H. R. 9833. An act to accept the fund and bequest of Gertrude M. Hubbard;

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes;

H. R. 13417. An act granting unsurveyed and unallotted lands to the State of Wisconsin for forestry purposes;

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names while minors or otherwise in the Army or Navy of the United States during any war with any foreign nation or people;

H. R. 14333. An act for the relief of John Johnson;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.;

H. R. 16621. An act for the indemnification of Frank Wenzel;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 19339. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes;

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz.;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 22002. An act supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.;

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes;

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 23043. An act to patent certain lands to Luther Burbank, under certain conditions;

H. R. 24026. An act to incorporate the Naval History Society;

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom; and for other purposes;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25060. An act for the relief of Joe Cook;

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries; and

H. J. Res. 337. Joint resolution requesting the President to cause an investigation of the Patent Office and make report with recommendations to Congress.

INTERSTATE LIQUOR LAW.

Mr. JOHNSON of Maine presented resolutions adopted by the Yearly Meeting of Friends for New England, in convention at Vassalboro, Me., favoring the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which were ordered to lie on the table.

INDUSTRIAL EDUCATION (S. DOC. NO. 936).

Mr. PAGE. I ask unanimous consent that there be published as a Senate document an article upon the subject of industrial education by Charles M. Winslow. Mr. Winslow was, in 1906, one of a commission appointed by Gov. Guild, of Massachusetts, to investigate the subject of industrial education. In furtherance of this investigation Mr. Winslow was sent abroad to study and report on the subject of vocational education in England, Ireland, Scotland, Germany, France, Belgium, Holland, and Switzerland. He was also delegated as a commissioner to visit the vocational schools throughout this country.

It is a very instructive paper and I should like to have it printed as a Senate document. It is but fair to say that Mr. Winslow is acting under the auspices of the American Federation of Labor; that that federation have taken great interest in the matter of industrial education. They are doing all they can to forward it in the United States, and they are engaged in a work which I very much approve.

Mr. SMOOT. I should like to ask the Senator if he has the article in his possession now?

Mr. PAGE. I have.

Mr. SMOOT. Is it very long?

Mr. PAGE. It is about the length of my speech on vocational education.

Mr. SMOOT. I will not object to the request.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous consent for the printing of the paper as a Senate document. Is there objection? The Chair hears none.

REPORTS OF COMMITTEES.

Mr. JOHNSTON of Alabama, from the Committee on Military Affairs, to which was referred the bill (S. 6877) to reinstate Robert N. Campbell as a first lieutenant in the Coast Artillery Corps, United States Army, reported it with an amendment and submitted a report (No. 1043) thereon.

He also, from the same committee, to which were referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 552. A bill for the relief of George Wilson, alias Jorgen Well (Rept. No. 1044); and

S. 5760. A bill to correct the military record of Wilson Rice (Rept. No. 1045).

Mr. CRAWFORD, from the Committee on Claims, to which was referred the bill (H. R. 15181) for the relief of Harry S. Wade, reported it with an amendment and submitted a report (No. 1046) thereon.

Mr. BOURNE, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 4495) for the relief of George W. Hoyt, reported it without amendment and submitted a report (No. 1047) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, reported it with an amendment and submitted a report (No. 1048) thereon.

PUBLICITY OF CONTRIBUTIONS.

Mr. FLETCHER. On behalf of the Committee on Privileges and Elections I report back favorably without amendment the bill (H. R. 26278) amending paragraph 10 of section 8 of an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by section 2 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911. I ask for the immediate consideration of the bill. It is very brief.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that paragraph 10 of section 8 of an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by section 2 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911, be amended so as to read as follows:

Every statement herein required shall be verified by the oath or affirmation of the candidate, taken before an officer authorized to administer oaths; and the depositing of any such statement in a regular post office, directed to the Clerk of the House of Representatives, or to the Secretary of the Senate, as the case may be, duly stamped and registered, within the time required herein, shall be deemed a sufficient filing of any such statement under any of the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SWANSON. I ask unanimous consent to call up Senate bill 7427, for the relief of Edgar Allan, jr.

Mr. SMOOT. Let it be read.

Mr. NEWLANDS. Will the Senator please withhold his request until I can offer a resolution?

Mr. SWANSON. It will take only a few moments to dispose of the bill.

Mr. CULBERSON. I will not object to the request of the Senator from Virginia if it does not interfere with the special order, and I can yield for that purpose.

The PRESIDENT pro tempore. The request of the Senator from Virginia does not interfere with the special order in any way.

Mr. SMOOT. Let the bill be read first.

Mr. NEWLANDS. I object to its present consideration. I wish to offer a resolution.

The PRESIDENT pro tempore. That order has not yet been reached. If there are no further reports of committees, the introduction of bills is in order.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 7479) to amend an act entitled "An act to provide for an enlarged homestead"; to the Committee on Public Lands.

By Mr. MYERS:

A bill (S. 7480) for the relief of the legal representatives of Thomas B. McClintic; to the Committee on Claims.

By Mr. LODGE:

A bill (S. 7481) for the relief of Richard Caswell Hiller, known as Richard Caswell (with accompanying papers); to the Committee on Naval Affairs.

By Mr. JOHNSON of Maine (for Mr. GARDNER):

A bill (S. 7482) granting an increase of pension to John A. Sears; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 7483) for the relief of the firm of Herreid Bros.; to the Committee on Claims.

By Mr. GORE:

A bill (S. 7484) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla. (with accompanying paper); to the Committee on Indian Affairs.

AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment proposing to appropriate $500 to pay Edward T. Clark for extra services in the preparation of statistics on immigration and the sugar schedule, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

Mr. TOWNSEND submitted an amendment proposing to increase the salaries of the superintendent, the assistant superintendent, and messenger, Senate Press Gallery, etc., intended to be proposed by him to the legislative, executive, and judicial appropriation bill (H. R. 26321), which was referred to the Committee on Appropriations and ordered to be printed.

DONATION OF CANNON.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns

condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc., which was ordered to lie on the table and to be printed.

WITHDRAWAL OF PAPERS—STOCKTON DIVERTING CANAL.

On motion of Mr. PERKINS, it was

Ordered, That the papers accompanying the bills S. 6108, S. 6988, and S. 7405, for the relief of persons suffering damages by reason of the construction of the Stockton diverting canal, now pending before the Committee on Claims, be withdrawn from the files of the Senate, no adverse report having been made on either of said bills.

WITHDRAWAL OF PAPERS—JOHN B. CRAIG.

On motion of Mr. CURTIS, it was

Ordered, That the papers accompanying the bill S. 6726, Sixty-second Congress, second session, granting an increase of pension to John B. Craig, be withdrawn from the files of the Senate, no adverse report having been made thereon.

LIEUT. ROY C. SMITH.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 382), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That the Committee on Naval Affairs or a subcommittee thereof, are hereby authorized, empowered, and directed to investigate the charges preferred against Lieut. Roy C. Smith, formerly with the Asiatic Squadron, upon which his resignation was demanded after threatening trial by court-martial. The said committee or subcommittee are, for this purpose, authorized to sit during the sessions or recesses of Congress at such times and places as they may deem desirable or practicable, to send for persons and papers, to administer oaths, to summon and compel the attendance of witnesses, to conduct hearings, and have reports of same printed for use, and to employ such clerks, stenographers, and other assistants as shall be necessary, and any expenses in connection with such inquiry shall be paid out of the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee or subcommittee.

DESIGNATION OF PRESIDENT PRO TEMPORE.

Mr. SMOOT. I ask unanimous consent that JACOB H. GALLINGER, a Senator from the State of New Hampshire, be, and hereby is, elected President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from Saturday, August 17, 1912, to and including the closing day of the second session of the Sixty-second Congress; and that AUGUSTUS O. BACON, a Senator from the State of Georgia, be, and hereby is, elected President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from and after the closing day of the second session of the Sixty-second Congress to the 16th day of December, 1912.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

Mr. SMOOT submitted the following resolution (S. Res. 383), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary notify the House of Representatives that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from August 17, 1912, to and including the closing day of the second session of the Sixty-second Congress; and that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from and after the closing day of the second session of the Sixty-second Congress to the 16th day of December, 1912.

Mr. SMOOT submitted the following resolution (S. Res. 384), which was considered by unanimous consent and agreed to:

Resolved, That the Secretary wait upon the President of the United States and inform him that the Senate has elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from August 17, 1912, to and including the closing day of the second session of the Sixty-second Congress; and that the Senate has elected AUGUSTUS O. BACON, a Senator from the State of Georgia, President of the Senate pro tempore, to hold and exercise the office in the absence of the Vice President from and after the closing day of the second session of the Sixty-second Congress to the 16th day of December, 1912.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolution:

On August 16, 1912:

S. 4520. An act for the relief of Catherine Grimm; and

S. 6354. An act to perpetuate and preserve Fort McHenry and the grounds connected therewith as a Government reservation under the control of the Secretary of War.

On August 17, 1912:

S. J. Res. 126. Joint resolution authorizing Federal bureaus doing hygienic and demographic work to participate in the exhibition to be held in connection with the Fifteenth International Congress on Hygiene and Demography; and

S. 998. An act for the relief of Henry G. Roetzel and Paul Chipman.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1912, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DU PONT. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama conferees on the part of the Senate.

FUR-SEAL CONVENTION.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LODGE. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. LODGE, Mr. SMITH of Michigan, and Mr. SHIVELY conferees on the part of the Senate.

REDUCTION OF EXCESSIVE TARIFF DUTIES.

Mr. NEWLANDS. I offer the resolution which I send to the desk and ask that it be read.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 381), as follows:

Whereas certain of the duties heretofore levied by law on articles imported from foreign countries into the United States are so high as to encourage and facilitate the imposition of excessive prices for similar articles of domestic production; and

Whereas such excessive duties fail to produce sufficient revenue; and

Whereas both the Republican and Democratic Parties have by declarations in their respective platforms committed themselves to a revision of tariff duties, the former to a revision based on the ascertainment of the difference in the cost of production at home and abroad, with a fair profit to the manufacturer, and the latter to a revision and gradual reduction of the tariff to a revenue basis; and

Whereas both parties have declared that such revision should be accomplished with a due regard to the interests of domestic workers and without destructive readjustments of domestic industries; and

Whereas neither party is in complete control of legislation and either party is able to prevent the other from carrying out completely its principles and policies, and compromise is therefore desirable and necessary in order to prevent a deadlock in legislation prejudicial to the interests of the United States; and

Whereas the President has vetoed certain bills providing for reduction in the duties on wools and cotton, on the ground that the reductions therein provided for are excessive or have been made without sufficient investigation of the facts, but has indicated his willingness to approve material reductions in the duties proposed in certain bills pending in Congress: Now therefore

Resolved, That the Senate appoint a committee of three to act in cooperation with a similar committee to be appointed by the House of Representatives, with a view to conferring with the President and harmonizing the differences now existing between Congress and the President regarding the reduction of excessive duties.

Mr. HEYBURN. Mr. President, I ask that the resolution go over.

Mr. NEWLANDS. I ask to have the resolution lie on the table, if the Senator will permit, and I wish to make a few remarks upon it.

Mr. McCUMBER. I hope the Senator from Idaho will not ask that the resolution go over. It relates to a very important subject, and I should like to hear it discussed by the Senator from Nevada.

Mr. HEYBURN. To-day?

Mr. McCUMBER. To-day; right now.

The PRESIDENT pro tempore. The Senator from Idaho asks that the resolution go over.

Mr. NEWLANDS. I ask that it lie on the table. Before that action is taken, however, I wish to make a few remarks, with the consent of the Senate.

Mr. HEYBURN. I withdraw my request.

The PRESIDENT pro tempore. At the request of the Senator from Nevada the resolution will lie on the table.

Mr. NEWLANDS. Mr. President, as stated in the resolution, we find ourselves in this anomalous situation: Both the political parties of the United States have declared for a revision and reduction of excessive duties. The House of Representatives,

the Senate, and the President all favor such reduction in certain schedules, but they differ as to the principle which should control and the amount of the reduction. We have been engaged in legislation upon this subject for four years without reaching any substantial result because of differences in view as to the principle upon which the reduction should be made and the amount of the reduction. Those differences have been harmonized, so far as the Senate and the other House have been concerned, by the passage of certain bills, that harmony having been produced through conference, committees being appointed for that purpose by the Senate and the other House. The President has vetoed certain bills, but declares his willingness to join Congress in making certain material reductions in the wool and cotton schedules, which he says are justified by the investigation of the Tariff Board and which range from 20 to 50 per cent.

We are told that in this condition of things there is to be no businesslike method of adjustment; that Congress is not to approach the President; that Congress is not to confer with him; that the only method of communication which the President of the United States has with Congress is through a message, and that other communication would be entirely without the powers either of the executive or of the legislative department.

Mr. President, if that be true, then the methods which we have pursued regarding bringing the two Houses into harmony of action have been entirely unconstitutional. The Constitution nowhere points out any method of bringing the House of Representatives and the Senate of the United States into agreement where disagreement regarding a measure exists, and yet ever since the organization of our Government it has been the custom of both the House and the Senate to appoint committees of conference with a view to bringing both bodies into harmony of action. If there is no constitutional authority for a conference between the two Houses and the President, there is no constitutional authority for a conference between the two Houses; and if it be true in this exigency, when the House and the Senate and the President desire to make needed reductions and differ only as to the method and the degree, that there can be no method by which they can be brought into harmony, then we must plead guilty to the indictment presented by the new third party, that representative government as at present organized is a failure.

Mr. President, the American people are a practical people. They have no regard for the finesse and the strategy that have been displayed in legislation upon this subject—the forces of reform marching up the hill and then down the hill and deploying and attacking at the sides and at the rear without result. The American people know that they want a reduction; they know that they have declared for a reduction; they know that both Houses of Congress and the President of the United States declare that they are in sympathy with that demand, and that their purpose is to respond to it; and if we adjourn, when all these parties to legislation declare that something ought to be done, without doing anything, they will hold either representative government responsible or the representatives responsible.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. In one moment. Now, the method which I have suggested here may not be the best method, but surely the genius of the Congress can conceive of some method of talking with the President, if he wishes to talk, or if in this message he has made an offer of legislation to carry out specific reductions; and I ask the serious consideration of Congress regarding the measure with a view either of providing this method or some other method that will enable the President and Congress to talk together and harmonize differences for the best interests of the people of the United States.

I now yield to the Senator from Iowa.

Mr. CUMMINS. When I rose I thought the Senator was about to conclude. I did not want him to——

Mr. NEWLANDS. I am glad to yield.

Mr. CUMMINS. I did not want him to conclude without taking into account a suggestion I am about to make.

I hope that before the Senator from Nevada takes his seat he will ask the unanimous consent of the Senate for the consideration of this resolution at some proper time, so that we can vote upon it; and if he can not get unanimous consent, I hope he will make a motion to have it made a special order. It is of little use to discuss it unless we have an opportunity to vote upon it, and I hope, therefore, that he will take the measures that are necessary to bring the resolution to a vote at some time that will not interfere with the special order.

Mr. NEWLANDS. I ask the Senator from Iowa what time he would suggest?

Mr. CUMMINS. I would suggest some time Monday.

Mr. NEWLANDS. I ask unanimous consent that this resolution be considered on Monday next at 11 o'clock.

Mr. CLAPP. I would remind the Senator from Nevada that there are already two unanimous-consent agreements for Monday—one for the taking up of the bill relating to bills of lading; the other, when that is concluded, to take up the bill to cooperate with the States to encourage instruction in agriculture. It seems, with some unfinished business on the calendar, that Monday will be pretty thoroughly preempted.

Mr. NEWLANDS. What would the Senator think of 2 o'clock this afternoon.

Mr. CUMMINS. I did not remember those agreements for Monday, but this is a good time to fix some hour and some day when we can reach a vote on this resolution.

Mr. ROOT. I suggest also that Monday would be rather an unfavorable day for the consideration of this resolution, because there will be many Senators absent on that day. There will not be a very full attendance, because many Senators, anticipating the close of the session with the close of this week, have left the city; and while they will return, they will be obliged to be away from the city for two or three days. I think the Senator had better put it a little later.

Mr. CUMMINS. I think every Senator understands beyond a question the purpose of the resolution, and probably it would not interfere much if we could agree to take a vote. It will take very little time to vote upon it.

Mr. NEWLANDS. I will ask the Senator from Minnesota what hour or day he would suggest.

Mr. LODGE. It ought to be made subject to conference reports and appropriation bills.

Mr. CLAPP. Yes. The Senator from Nevada suggested this afternoon. I have had pending here for a day or two the conference report on the Indian appropriation bill, which ought to be acted upon one way or the other, and I would not feel like consenting to any agreement for this afternoon.

Mr. NEWLANDS. Is that report likely to take much time?

Mr. CLAPP. It is likely to lead to debate, and I should like to take it up as soon as I can, with reference to the resolution of the Senator from Texas. It seems to me Tuesday would be a better day.

Mr. CUMMINS. How about Tuesday?

Mr. CLAPP. There is nothing now on the calendar for Tuesday.

Mr. CUMMINS. I suggest that we vote on the resolution at 5 o'clock on Tuesday.

Mr. NEWLANDS. I ask unanimous consent that we take a vote on this resolution at 5 o'clock on Tuesday.

Mr. CLAPP. Subject to pendency of conference reports.

Mr. LODGE. And appropriation bills.

Mr. CLAPP. And appropriation bills.

Mr. PAGE. As the Senator from Minnesota has remarked, we have two unanimous-consent agreements on Monday. The first is to take up the bill, Calendar No. 651, in relation to bills of lading. That will be followed by Senate bill No. 3. It seems to me it is very doubtful about our being able to conclude the consideration of those bills next Monday, and I shall ask at the close of the day Monday, if Senate bill No. 3 has not received full consideration, that it be taken up for consideration and made the unfinished business for Tuesday. I do not think I ought to be asked to give unanimous consent for the consideration of any bill that will displace Senate bill No. 3. If the Senator will except that bill as well as conference reports and appropriation bills, I would have no objection.

Mr. NEWLANDS. The unanimous consent I am now asking for is simply for a vote at a particular hour. We are all aware what this resolution means. In the meantime there will be ample opportunity for Senators to discuss it if they choose. I ask unanimous consent that a vote be had before the close of the calendar day of Tuesday.

Mr. SMOOT. If Congress is going to adjourn within any reasonable time, next week will be crowded with conference reports and appropriation bills, and that being the case, I shall have to object to the request for unanimous consent.

The PRESIDENT pro tempore. Objection is made.

Mr. NEWLANDS. I move that a vote be taken on this resolution before adjournment on the calendar day of Tuesday.

Mr. BRISTOW. Why not ask unanimous consent to vote upon it to-day, after the special order has been disposed of? Maybe that will not encounter any objection.

The PRESIDENT pro tempore. Objection being made to the resolution, no further action can be taken until Monday. Objection has been made to its consideration, and it goes over under the rule.

Mr. LODGE. Before it goes over——

The PRESIDENT pro tempore. It has gone over.

Mr. LODGE. Then I suppose I am unable to make the suggestion I have in mind. I thought the Senator from Nevada had the floor——

Mr. NEWLANDS. I still have the floor, as I understand.

Mr. LODGE. And that he was at liberty to go on and finish his remarks.

Mr. NEWLANDS. I will yield to the Senator from Massachusetts, with the permission of the Chair.

Mr. LODGE. I merely wish to call attention to the fact that the last clause, which provides for the appointment of a committee of each House to settle this question with the President, is, in my opinion, an unconstitutional proposition, and I ask that a message of President Madison of July 6, 1813, may be read, so that it may go into the RECORD.

The PRESIDENT pro tempore. Without objection, the message will be read.

Mr. CULBERSON. I will ask how long it is.

Mr. LODGE. It is about a page. It is a very short message.

Mr. CUMMINS. The resolution is not under consideration, and when it is under consideration and debate is on it will be in order to introduce the views which our statesmen may have held upon the subject.

Mr. LODGE. Give me the message, and I will read it in my own time.

Mr. SMOOT. I did not intend by my objection to deny the unanimous consent asked for by the Senator from Nevada to close his remarks this morning. I supposed that, notwithstanding the objection, the Senator could proceed with his remarks.

The PRESIDENT pro tempore. The Chair was of the opinion that the Senator from Nevada had concluded his remarks. There was a hiatus, and the Senator from Utah made an objection. But of course the Chair has no disposition to take the Senator from Nevada off the floor if he desires to retain it.

Mr. NEWLANDS. Mr. President——

Mr. LODGE. The Senator yielded to me.

Mr. CUMMINS. I did not make any suggestion in the nature of an objection. I have no objection whatever to the Secretary reading the article instead of the Senator.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. LODGE. I will read it. It is dated July 6, 1813, and is as follows:

I have received from the committee appointed by the resolution of the Senate of the 14th day of June a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a minister plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and through them to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the Constitution has placed the several departments of the Government to each other, it will suffice to remark that the Executive and Senate, in the cases of appointments to office and of treaties, are to be considered as independent of and coordinate with each other. If they agree, the appointments or treaties are made; if the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relations of the Senate and the Executive, has been either to request the Executive to furnish it or to refer the subject to a committee of their body to communicate, either formally or informally, with the head of the proper department. The appointment of a committee of the Senate to confer immediately with the Executive himself appears to lose sight of the coordinate relation between the Executive and the Senate which the Constitution has established and which ought therefore to be maintained.

The relation between the Senate and House of Representatives, in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of and coordinate with each other, and the invariable practice of each in appointing committees of conference and consultation is to commission them to confer not with the coordinate body itself, but with a committee of that body; and although both branches of the Legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed that if the whole number of either branch were not too large for the purpose, the objection to such a conference, being against the principle as derogating from the coordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate in the course they have pursued on this occasion and with which my view of the subject makes it my duty not to accord, and that they will be cheerfully furnished with all the suitable information in possession of the Executive in any mode deemed consistent with the principles of the Constitution and the settled practice under it.

Mr. Madison, as all the world knows, was one of the principal framers of the Constitution, one of the authors of the Federalist, was a Member of Congress when the Constitution was set in motion; and if there was any man then living who was competent to speak on the intent of the framers, it was he. He takes the clear ground that the President can deal only with the Senate and the House; that it is impossible for him to consult about legislation, treaties, or appointments with a committee of either House; and I think that constitutional objection would be brought forward, and is as sound to-day as when he established the practice which I think has never been deviated from.

Mr. NEWLANDS. I should like to ask the Senator from Massachusetts whether it was not the custom of President Washington to come to the Senate and confer personally with the Senate regarding treaties and appointments?

Mr. LODGE. He came once, I think, on an Indian treaty.

Mr. NEWLANDS. Only once?

Mr. LODGE. I think there is no record of his having come more than once. He sat here in the Senate and heard the Indian treaty debated, and it is chronicled in the diary of John Quincy Adams, on the authority of Mr. Crawford, then Secretary of the Treasury, that he made some very emphatic remarks about being present with the Senate when they debated the treaty which he had submitted to them. He did not, I think, enjoy his experience. I think that may be safely said. The note of it in the diary of John Quincy Adams is a very interesting one, because there is there related the story as I have no doubt it occurred, and Mr. Adams intimates that President Monroe objected to attributing such language to the Father of his Country.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from New York?

Mr. NEWLANDS. I yield.

Mr. ROOT. I do not want to interrupt the Senator further than to suggest that a number of years ago—twenty-odd, I think—there was a very careful and thorough consideration by a committee of the Senate of the subject of communication and better mutual understanding and cooperation between the legislative branch and the Executive in the framing of legislation.

I remember Mr. Pendleton was a member of that committee. A report was made; and while it is a long time since I have seen it, it was a very careful and well-considered report.

If I remember correctly, the committee was inclined toward some provision under which the heads of the executive departments should have seats in the two branches of Congress, without any right to vote, of course, but with a right to speak under certain limitations and regulations, and with an obligation to answer questions, providing a system of questions and certain question days; so that, on the one hand, the needs and exigencies of the executive department in carrying out the policy prescribed by Congress might be stated to the Senate and the House, and, on the other hand, the Members of the Senate and the House might in a simple and direct way get information by putting questions to the heads of departments.

That report, of course, has long since passed out of consideration; but I think that this subject is one which it is well worth while for us to take up and consider, and we might well go back and get that report out and brush the dust off of it, and make it the basis of consideration, for there certainly is a great and frequent embarrassment arising out of the difficulty of getting and of giving information which would be useful and often is necessary to legislation.

In the nature of things it is hardly practicable for the President to come and sit here. There is no provision under which heads of departments can come. If they do make their appearance they are liable to have somebody say they are lobbying. The result is difficulty in getting it. You can not get it by a formal resolution in a satisfactory form. You pass a resolution and get an answer, and that suggests more questions inevitably. There ought to be some way in which there shall be a simple and easy and practical and sensible way to come and to get information.

Mr. President, may I say one thing more? We are now at this moment facing the weakest situation in our system of government, a situation in which the legislation necessary to provide for the support of the Government and necessary to give effect to the legislative policy already declared in the past, and imposed upon the Executive, is framed by the opposition. Now, it is not a political question at all. It makes no difference whether a Republican President and a Democratic House or a Democratic President and a Republican House, it is a weak point in our system. Legislation ought to be framed, if pos-

sible, by minds that are solicitous for the success of the administration, giving effect to it. No Government would expect to permanently succeed if it provided that the Government should be carried on by one party and the legislation be passed by another party.

Mr. BACON. Mr. President——

Mr. ROOT. If the Senator will excuse me one moment, we can get on with it because it is temporary; but it is an unfortunate situation. We can reduce it by some system under which there shall be freer, more frequent, more constant personal contact and communication between those who are enacting the laws and those who are trying to approve the laws and provide for carrying them out, because whatever differences of party there may be, when honest men meet man to man to discuss a subject, the tendency is for them to get together. I think it is very desirable that we should proceed along wise and practical lines toward accomplishing what the Senator from Nevada is trying to accomplish.

I yield, if the Senator from Nevada does, to the Senator from Georgia.

Mr. BACON. I wish to suggest to the Senator from New York, with the permission of the Senator from Nevada, that the weak point he has put his finger upon is one which, to my mind, is absolutely incurable. It may be cured in a degree, but it is absolutely incurable in a Government framed as ours is, upon the theory of three separate departments of Government. It could only be absolutely eradicated in case we had an executive department that was responsible to the legislative department, as almost all civilized Governments of the world have, except our own. Throughout the monarchies of Europe, where they have nominally those whom they call rulers, the legislative department controls the executive department; the executive department is not only responsible to the legislative department, but is absolutely dependent upon it and subservient to it and subject to it. Whenever you have that, then you will have harmony between the executive department and the legislative department, and until you do have it there always will be in a degree the weak situation, the weak spot, the Senator puts his hand on.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield further?

Mr. NEWLANDS. I would gladly yield, but I see indications of impatience regarding the matter taking up so much time. However, I will yield. I wish to say a few words more.

Mr. ROOT. I am obliged to the Senator from Nevada, because I wish to say a word in response to the Senator from Georgia. It is a matter of consequence, of serious consequence. I think it is more important that Senators should get their minds to work on this subject than on a good many of the bills that we have coming up.

It is true, as the Senator from Georgia says, that the weaknesses I have spoken about can not be cured under our system, but they can be greatly reduced. The Senator from Georgia and myself belong to different parties, but we have no trouble about bringing our minds into entire harmony in the desire to shape legislation so that it will subserve the good of the country. We are doing it all the time; and we did it when the Senator from Georgia was the ranking Democrat upon the Committee on Foreign Relations and I was in executive office. The fact that there is a political difference does not involve a personal guif. It does not involve a difference in the desires of two officers to attain the same end, and it does not preclude a reconciliation of their views as to the manner in which the end shall be attained.

So I say that we can greatly decrease the difficulty which we meet when there are two different parties, one in control of the legislation and the other executing the laws and standing by and making only formal communication with each other. I hope that we may address ourselves to attempting to decrease the difficulty.

Mr. CULBERSON. Mr. President——

Mr. LODGE. If the Senator will allow me, I will take only a moment. I was mistaken when I said only one. President Washington appeared twice in the Senate Chamber; once August 21, 1789, and again on August 24, 1789. It was in connection with the same treaty. I ask that these excerpts from the Executive Journal may be printed.

The PRESIDENT pro tempore. Without objection, they will be printed.

The matter referred to is as follows:

GENTLEMEN OF THE SENATE: The President of the United States will meet the Senate, in the Senate Chamber, at half past 11 o'clock to-morrow, to advise with them on the terms of the treaty to be negotiated with the Southern Indians.

GEO. WASHINGTON.

NEW YORK, *August 21, 1789.*

EXCERPTS.

[Executive Journal, Aug. 22, 1789.]

The President of the United States came into the Senate Chamber, attended by Gen. Knox, and laid before the Senate the following state of facts, with the questions thereto annexed, for their advice and consent. * * *

[Executive Journal, Aug. 24, 1789.]

The President of the United States being present in the Senate Chamber, attended by Gen. Knox.

Mr. LODGE. Now, one moment further. I will just read the little matter to which I referred, because it is rather interesting in this connection. It is from the diary of John Quincy Adams, page 427, volume 6, November 10, 1824. It will not take me two minutes to read it:

Mr. Crawford told twice over the story of President Washington's having, at an early period of his administration, gone to the Senate with a project of a treaty to be negotiated, and been present at their deliberations upon it. They debated it and proposed alterations, so that when Washington left the Senate Chamber he said he would be damned if he ever went there again. And ever since that time treaties have been negotiated by the Executive *before* submitting them to the consideration of the Senate.

The President said he had come into the Senate about 18 months after the first organization of the present Government, and then heard that something like this had occurred.

Crawford then repeated the story, varying the words, so as to say that Washington *swore* he would never go to the Senate again.

I think it is rather an interesting citation. In this connection, of course, it refers to the treaty with the Southern Indians when he was President.

Mr. NEWLANDS. Mr. President, I know the Senator from Texas [Mr. CULBERSON] is impatient to proceed with another matter, and I wish to yield in a moment. I simply wish to reply briefly to the Senator from Georgia and to the Senator from New York. The Senator from New York has opened up a very interesting subject for discussion, but it covers many matters that are not covered by the precise question I am considering now.

We are here in a crisis. We want to adjourn. Both Houses of Congress want reductions in the tariff. The President wants reductions. The President can not under his pledges to his party go as far as the House of Representatives would go. Probably he is not willing to go as far as the Progressive Republicans would be willing to go, but he does say that he is for material reductions and he would gladly sign such bills. It seems to me in that condition the sensible thing to do is to organize the machinery that will bring the President and both Houses of Congress into harmony upon this important question.

The Senator from Massachusetts states that Madison declared that it was his view that he could not come into conference with a committee of the Senate, that the executive department was a coordinate branch of the Government and its only method of communication with Congress was through a message. So far as I am concerned I prefer to follow the example of Washington rather than the example of Madison. The fact must be recalled with reference to Mr. Madison's message to Congress that he was there considering purely a question of appointment, where the President acts with the advice and consent of the Senate.

It is true that the executive department is separate and distinct from the legislative department, but the President is also a part of the legislative department, and certainly if we can provide a method by which two of the three parties responsible for legislation can be brought into harmony, we can provide a method by which all will be brought into harmony.

Does the Senator from Massachusetts mean to intimate that if we should appoint a committee of this kind the President would refuse to meet such a committee? President Madison referred to the fact that the two Houses were brought into conference through committees, and intimated it might be improper for the two bodies to meet in joint conference, but that the proper method would be through committees. If the President prefers to meet us through a committee, let the President appoint a committee of three to meet the committee of conference appointed by the House and the Senate with a view to the adjustment of these differences.

Mr. President, I rarely cite precedents and am not disposed to rely upon them overmuch. I regard precedents generally as a strait-jacket, the purpose of which is to confine freedom of thought and action. I prefer to be guided by reason and principle. This is a common-sense proposition. It appeals to any man of judgment. Where there are three parties whose action is necessary to bring about a beneficial result, and where they all agree that certain legislation is desirable and differ only as to the detail, there should be some method by which they can be brought into consultation and communication with each other and compose their differences.

I hope that the Senate will listen with patience to a suggestion later on of unanimous consent for the purpose of taking a vote upon this common-sense proposition.

I wish to add that the people of the United States have, according to the statement of the President of the United States, within reach to-day a reduction of 20 per cent on wools and an average of 50 per cent on cloths, if I read his message aright. Now, are we to quibble, are we to delay, are we to refine upon matters of constitutional law and customary procedure, when this great benefit to the American people is within reach? I say that such nonaction involves a breach of responsible duty to the people of the United States.

CAMPAIGN CONTRIBUTIONS.

The PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed. The special order is the consideration of Senate bill 3315.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons, which had been reported from the Committee on Privileges and Elections with an amendment to strike out all after the enacting clause and to insert a substitute.

Mr. CULBERSON. I ask that the original bill and the proposed amendment be read.

The PRESIDENT pro tempore. The original bill will be read.

The Secretary read the bill as introduced by Mr. CULBERSON December 5, 1911, as follows:

That it shall be unlawful for any national bank, or any other corporation organized by authority of a law of the United States, to contribute any money or other thing of value in connection with any election to any political office. It shall also be unlawful for any corporation whatever to contribute any money or other thing of value in connection with any election at which electors for President and Vice President of the United States, or a Representative in the Congress of the United States, are to be voted for, or any election by any State legislature of a Senator of the United States. Every corporation which shall make any contribution in violation of this section shall be subject to a fine of not less than $500 nor more than $5,000, and every officer, director, or agent who shall consent to any contribution by the corporation in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $250 and not exceeding $1,000, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment in the discretion of the court.

SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with any election at which electors for President and Vice President of the United States or a Representative in the Congress of the United States are to be voted for, or any election by any State legislature of a Senator of the United States: *Provided*, That this section shall not apply to individuals or persons who at such an election are candidates for President, Vice President, Representative, or Senator. Every individual or person who shall make any contribution in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine of not less than $5,000 nor more than $10,000, or by imprisonment for a term not less than one year nor more than two years, or by both such fine and imprisonment in the discretion of the court.

SEC. 3. That all laws or parts of laws in conflict herewith are hereby repealed.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. The substitute reported by the committee will be read.

Mr. HEYBURN. I was going to ask that the law proposed to be amended be read into the RECORD by the Secretary, so that it will appear in connection with the bill.

Mr. CULBERSON. Does the Senator refer to the act of January 26, 1907?

Mr. HEYBURN. Yes. I have the law here, and it ought to be read in connection with this proposed measure.

Mr. CULBERSON. After the bill and the proposed amendment are read.

The PRESIDENT pro tempore. After the proposed amendment is read.

Mr. CULBERSON. After the bill and proposed amendment are read, the law to which the Senator from Idaho refers may be read at his suggestion.

Mr. HEYBURN. Mr. President, I have it in mind that, for convenience of reference, they should be in the RECORD together. It is impossible to carry the comparison unless you have them conveniently adjacent in the RECORD.

Mr. CULBERSON. That will be done if the law is printed after the bill and proposed amendment are read.

The PRESIDENT pro tempore. The Senator from Texas has made the usual request, that the original bill and the proposed substitute shall be read. Then the Senator from Idaho can follow that with the reading of the law to which he refers.

Mr. HEYBURN. Well, it will not be quite so convenient, but that will answer the purpose.

The PRESIDENT pro tempore. The Secretary will continue the reading of the amendment proposed by the committee.

The Secretary resumed and concluded the reading of the amendment reported by the Committee on Privileges and Elections, which was to strike out all after the enacting clause of the bill and to insert in lieu thereof the following:

That an act entitled "An act to prohibit corporations from making money contributions in connection with political elections," approved January 26, 1907, is amended so as to read as follows:

"SECTION 1. That it shall be unlawful for any national bank or other corporation organized by authority of a law of the United States to contribute any money or other thing of value in connection with any convention, primary, or other election for the nomination or election of any person to any political office. It shall also be unlawful for any corporation whatever to contribute any money or other thing of value in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers. Every corporation which shall make any contribution in violation of this section shall be subject to a fine not to exceed $5,000, and every officer, director, or agent who shall consent to any contribution by the corporation in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed $1,000, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers: *Provided*, That this section shall not apply to individuals or persons who at such convention, primary, or election are candidates for President, Vice President, Representative, or Senator. Every individual or person who shall make any contribution in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed $10,000, or by imprisonment for a term not more than two years, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 3. That all laws or parts of laws in conflict herewith are hereby repealed."

Mr. HEYBURN. Now, Mr. President, I renew my request that the existing law proposed to be amended shall be read so as to appear in connection with the bill and amendment.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Public—No. 36.]

An act to prohibit corporations from making money contributions in connection with political elections.

Be it enacted, etc., That it shall be unlawful for any national bank, or any corporation organized by authority of any laws of Congress, to make a money contribution in connection with any election to any political office. It shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which presidential and vice presidential electors or a Representative in Congress is to be voted for or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregong provisions shall be subject to a fine not exceeding $5,000, and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall upon conviction be punished by a fine of not exceeding $1,000 and not less than $250, or by imprisonment for a term of not more than one year, or both such fine and imprisonment in the discretion of the court.

Approved, January 26, 1907.

Mr. CULBERSON. Mr. President, on January 23 of this year I made a lengthy statement with reference to this measure to the Senate in order to get the bill out of the committee. In view of that fact, as well as of the condition of the business of the Senate, it is not my purpose to make an extended statement with reference to it now.

Whether the Senate agrees to the bill or not, it is quite a simple matter, Mr. President. Its object is twofold: One is to practically so amend the act of January 26, 1907, prohibiting corporations from contributing money in connection with elections as to prohibit them also from contributing any other thing of value, whether labor or other material thing of value; the other provision of the proposed law limits the amount which any individual may contribute at elections at which electors are voted for or Representatives in the Congress are voted for or a Senator is voted for in a State legislature to $5,000.

I will say in this immediate connection that so far as I am personally concerned the $5,000 in the bill is an arbitrary figure. The Democratic platform of 1908, reiterated in that of 1912, declared the belief that the amount contributed by individuals ought to be restricted to a reasonable sum, and I am willing to accede to any amount which is reasonable, my own opinion being that $5,000 is a sufficient maximum and a just limitation.

This bill was introduced by me December 5, 1911, and was in the committee from March 18, 1912, until it was reported out two weeks ago. It was reported from the Committee on Privileges and Elections with an amendment striking out the

entire bill and inserting in lieu of it a proposition to amend the act of 1907, relating to corporations. I have no objection to the mere form, as amending the act of 1907 instead of being an original measure, but the committee amendment differs materially from the proposition introduced by me, and I prefer the one which I introduced.

The changes suggested by the committee are, first, to extend the provisions of the bill to conventions and to primaries preceding elections, as well as making them apply to elections.

The second section of the bill as proposed to be amended provides the same limitation of $5,000, but changes the language of section 2 of my bill to the extent of making the maximum contribution $5,000, whether it be an election for electors or Representatives or Senators, the difference in this respect being that under the Senate committee amendment a man is permitted to subscribe $5,000 for the election of a single Representative or for the nomination of a Representative, whereas, under the bill which I proposed the basis, in this particular, is contributions made to congressional committees and refers to elections at which Representatives in the Congress are to be voted for, not to the election of a single Representative in the Congress.

That, Mr. President, is the substance of the matter now pending before the Senate.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Massachusetts?

Mr. CULBERSON. Certainly.

Mr. LODGE. The language of the original bill, in section 2, is:

SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000.

I do not see where the word "committee" comes in, to which the Senator from Texas referred.

Mr. CULBERSON. The word "committee" does not appear, but it refers to the general election at which Representatives in Congress are to be voted for.

Mr. LODGE. I see.

Mr. CULBERSON. The purpose of the bill was to limit contributions which might be made to the national congressional committees.

Mr. LODGE. That was a limitation on the persons allowed to receive the contributions; that is, they could only be paid to committees.

Mr. CULBERSON. That is the idea of the bill.

Mr. LODGE. Yes.

Mr. CULBERSON. As I said, Mr. President, in view of the fact that the unfinished business will come up at 1 o'clock and it may not be temporarily laid aside, I do not desire to take further time of the Senate in explaining the bill, it being, as I have already indicated, in my judgment, very simple, whether the Senate approves it or not.

Mr. STONE. Mr. President, does the Senator from Texas favor the substitute?

Mr. CULBERSON. No; I prefer the original bill.

Mr. LODGE. Mr. President, the bill, as the Senator from Texas says, it seems to me is very simple in its provisions; but it also seems to me that it ought to be changed in one respect. Section 2 makes what may be called a "flat rate" for contributions, limiting a contribution for a Representative contest to $5,000, and then making it the same for the senatorial and presidential contests. A contribution of $5,000 to a congressional contest in a single district is a very large contribution, as that covers only one congressional district; a senatorial district covers a State, and $5,000 may not be a very large contribution for a contest covering a State; but a presidential contest covers the entire country.

We had in testimony only a little while ago the admission of a distinguished Democrat that he had given $200,000 to the presidential campaign. It seems to me to say that no individual shall give more than $5,000 to a presidential campaign, and allow the same amount to be given to a campaign for Representative in Congress, is disproportionate on its face, and I think is altogether an unreasonable limitation. I think there ought to be a different limitation for a subscription to a presidential campaign, a different limitation for a contribution to a senatorial campaign, and a different limitation for a contribution to a campaign for Representatives, if we are to fix arbitrary limits. My own belief is that the limit is unimportant; that the real protection is the publicity; but I think that ought to be changed in this bill so as not to make a disproportion of that kind, which is, it seems to me, on the face of it absurd.

Mr. CULBERSON. Mr. President, it may be that the criticism of the Senator from Massachusetts is logical as applied to the Senate committee amendment, but I do not believe it applies to the bill as originally drafted. For instance, the Senate committee amendment says:

SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers.

Turning to section 2 of the original bill as I drafted it, it provides:

SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with any election at which electors for President and Vice President of the United States or a Representative in the Congress of the United States are to be voted for, or any election by any State legislature of a Senator of the United States.

The difference being, if I may repeat somewhat what I stated a little while ago——

Mr. LODGE. I see the difference.

Mr. CULBERSON. That section 2 of the original bill intended to limit contributions which individuals may make at elections held throughout the United States at which Representatives are voted for; whereas section 2 of the amendment applies specifically to the matter of the election of a single Representative. I think the limitation of $5,000, or some figure which may be considered reasonable by the Senate, should apply to contributions made to a congressional campaign throughout the United States as well as to elections for electors throughout the United States, because while one involves the Presidency and Vice Presidency and the other involves the House of Representatives, both affect a general election throughout the United States, instead of being confined to a contribution intended to affect a particular district.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Washington?

Mr. CULBERSON. Certainly.

Mr. JONES. Under section 2 of the original bill, if there were to be, for instance, a special election for Representative in Congress in a district, would not this bill apply to that?

Mr. CULBERSON. I think it would apply in that exceptional case, for it would be an "election at which a Representative in Congress was to be voted for."

Mr. JONES. In other words, section 2 applies to elections of President or Vice President or Representative in Congress. It is the same as section 2 of the Senate committee amendment, except that the committee amendment goes to primaries as well as elections.

Mr. CULBERSON. Primaries or conventions.

Mr. JONES. Yes; the nomination as well as the election.

Mr. CULBERSON. I think in the case mentioned by the Senator from Massachusetts, as well as that mentioned by the Senator from Washington, the inhibition would apply to an election in a single district; but that is an exceptional case and was not foreseen in drafting the bill originally. I suggest to the Senator from Massachusetts that if section 2 of the proposed amendment is adopted, the matter which he suggests might be remedied after the word "Senator" in line 17, page 4, by adding this proviso:

Provided, however, That in connection with the nomination or election of Representatives——

Mr. LODGE. Where does the Senator propose this change?

Mr. CULBERSON. On page 4, line 17, after the word "Senator."

Provided, however, That in connection with the nomination or election of Representatives in Congress no person or individual shall contribute money or other thing of value exceeding in value $1,000—

Or some other amount that might be named, less than $5,000. That may be somewhat inartistically drawn, but it might be worked out in conference, if the bill should, fortunately, ever reach such a stage.

Mr. LODGE. Mr. President, that would reduce the amount that could be contributed in an election for Representative in Congress, but it seems to me that $5,000 is a needlessly low limitation for a contribution to a national campaign, a campaign covering the whole country. It seems to me a larger sum than that might be contributed, if anyone felt disposed to do so, without corrupting the electorate or materially affecting the election. Section 2 of the Senator's bill is simply a prohibition for any individual to give more than $5,000 to any election of a national character anywhere. Whether a man gives to his State committee or to the congressional committee or to the national committee, he can not give more than $5,000. Under the other bill a man would be unable to give more than $5,000 for a senatorial campaign covering a great State, and where primaries are held the mere expense of putting a name

on the ballot and paying the initial expenses would be much more than that. Only $5,000 could be contributed to a senatorial campaign, covering, as I say, a great State, with a population ranging from eight or ten millions down, and yet in the same State, by giving $5,000 to each congressional district, the same person could, if he chose, spend anywhere from $5,000 in a single district to $215,000 in the State of New York.

Mr. SUTHERLAND rose.

Mr. LODGE. I will finish that sentence. So this proposed law would not prevent a man from giving $215,000 for congressional elections in the State of New York, when he could not contribute more than $5,000 for the election of a President or the election of a Senator.

Mr. SUTHERLAND. I was going to suggest to the Senator from Massachusetts and also the Senator from Texas that section 2 limits to $5,000 the amount which any individual or person may contribute in any form in connection with the nomination of an elector for President or Vice President or in connection with the election of a Senator or Representative in Congress.

Now, it frequently happens in elections, both with State committees and national committees—I know it happens quite frequently in the case of State committees—that at the end of a campaign the committee finds itself without sufficient funds to meet the debts which have been incurred during the campaign; and it frequently happens that men of means, interested in the party's success, with the best of motives, with no desire to influence their own fortunes in any way, political or otherwise, and because it becomes a necessity to make up the amount of the deficit, the chairman of the committee or members of the committee, each of them, contributes sums exceeding $5,000. Does the Senator from Texas think we ought to cut off action of that sort? Does the Senator see any evil in that sort of thing which ought to be legislated against?

Mr. CULBERSON. There may be exceptional cases where it would work a hardship, but I think in the interest of the purity of elections and the limitation of the expenditure of large sums in our elections, such legislation is justified rather than that the public be demoralized by such expenditures.

Mr. SUTHERLAND. How will the public suffer in the case I have illustrated?

Mr. CULBERSON. I dislike to call attention to any particular case, and yet it is within the knowledge of the Senate, by reason of the reports of one of its committees, that money was used in an election in one of the States of the Union to a scandalous degree. The mere size of the fund itself was almost an argument in favor of its corrupt use, and I believe a bill of this kind ought to be passed, under which, first, we limit the influence of individuals who may make contributions to elections, and in the next place we limit in that way the amount of money which may be used in the election.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Utah yield to the Senator from Washington?

Mr. SUTHERLAND. I yield to the Senator from Washington.

Mr. JONES. The case to which the Senator from Texas refers would not be met by this bill, because that was an expenditure at a primary.

Mr. CULBERSON. I understand that, but the bill proposed by the Senate committee goes to the extent of limiting the amount which may be spent at a primary or convention.

Mr. SWANSON. In some States they have practically nothing but primaries.

Mr. CULBERSON. I have already stated that, for reasons which I will not stop to enter into now, I prefer the original bill.

Mr. SWANSON. In many States, where the fight is entirely in the primaries, not in the election, it would not eliminate the evil at all. I know a great many States where the entire fight, both for Federal and State officers, is absolutely in the primary, and simply to confine it to the election would merely mean to continue the use of money in the primaries. I think if we are going to strike it down, to eliminate it in those States where the primary is really the election, it should apply to a convention or a primary just as to elections.

Mr. SUTHERLAND. With section 1 of this bill I heartily agree. It cures certain defects which exist in the original law, providing that it should be unlawful for any national bank or corporation to make a money contribution in connection with any election. Of course, that could be evaded by contributions of some other character. So this law broadens that provision and makes it unlawful to contribute any other thing of value.

It is also wholesome legislation in so far as it undertakes to extend the operation of the law to contributions made in connection with conventions and primaries. There may be quite as much fraud committed at primaries or conventions as in the election. In every direction in which the first section of the bill extends the original law, I am in hearty sympathy with it. But upon reflection I have very grave doubt as to the wisdom of some of the provisions of section 2, and I doubt very much the wisdom of our undertaking to pass a provision in the hurry of the last day or two of this session of Congress.

Now, section 2 provides:

SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers.

There may be many cases, as I have already illustrated, where there would be absolutely nothing improper in a contribution being made by an individual citizen of a larger sum than $5,000. Take the case I have illustrated, where the committee at the end of a campaign finds itself in debt; and that frequently happens. Debts are incurred in the utmost good faith, and the chairman of the committee feels in honor bound to meet the financial obligations he has made, and he will contribute it out of his own pocket.

Mr. CULBERSON. Does not the Senator believe all these things might be corrected by the exercise of discretion on the part of the chairman in creating the debts?

Mr. SUTHERLAND. Sometimes it might and sometimes it might not. A campaign does not last a great length of time; a few weeks. There are the expenses of hiring halls, expenses of campaign speakers, the expenses of newspaper advertising, and all that sort of thing, which at the end of the campaign may run up a very considerable sum in the aggregate, and every cent of which has been incurred legitimately.

Now, as I say, the chairman or the members of the committee may feel in honor bound, as in fact they are in honor bound, to meet those obligations, and yet this law, if it should be passed in the terms now proposed, would absolutely prevent the chairman of the committee from paying an honest obligation that he had himself made or that some of his subordinates had made under his direction. That ought not to be, and it all indicates to me that we should proceed with that section with some care.

Now, I do not regard the limitation upon the amount to be contributed by an individual as of so great consequence, in view of the fact that we have a very thorough-going law which requires that all contributions shall be published. I think when you require that the name of the individual making the contribution and the amount of the contribution shall be published to the country, you will prevent improper contributions quite as effectually as by limiting the amount he may contribute.

Mr. CUMMINS. Mr. President, the Senator from Utah has just suggested the very point where it seems to me this statute is weak. We have no publicity statute which requires a publication of the expenses incurred in a presidential campaign; I mean, in a preliminary campaign, the nominating campaign. The political committee referred to in our statute is not the political committee in charge of a preliminary campaign; and one of the things we ought to have is the publicity of contributions made to carry on a nominating campaign of candidates for President and Vice President.

Mr. LODGE. Does not this bill cover that?

Mr. CUMMINS. It does not. It limits the contribution to $5,000——

Mr. LODGE. The substitute covers the primary campaign. However, I believe it does not provide for the publication.

Mr. CUMMINS. It limits the contribution to $5,000, but neither the existing statute nor the proposed law covers publicity with regard to those contributions; and I for one regard publicity as a far more effective provision than the limitation of the amount. I call that to the attention of the Senator from Utah.

Mr. SUTHERLAND. The Senator from Iowa is right. The present publicity law, which was passed in 1910 and amended by an act approved August, 1911, is confined to elections. That is true. But I think that is the best way to reach this evil—by a thoroughgoing publicity law; and I would be in favor of amending the publicity law so as to require the publication of contributions made to a committee in the same way that we require a candidate to publish his expenditure by the act of the date which I have last mentioned.

Mr. LODGE. Mr. President, there is another point in the second section to which I desire to call attention. In the first place, I think we ought to proportion the limitation more justly. In the second place, I think as it stands now it is open to one

very grave objection. It puts no limit whatever on the amount to be spent by a candidate. The proviso expressly——

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. CULBERSON. I will state to the Senator from Massachusetts——

Mr. LODGE. Will the Senator point out to me where that is covered?

Mr. CULBERSON. It is in the middle of section 2.

Mr. LODGE. No; it says:

Provided, That this section shall not apply to individuals or persons who at such convention, primary, or election are candidates for President, Vice President, Representative, or Senator.

Mr. CULBERSON. It does not——

Mr. LODGE. As I understand, that takes off the limitation.

Mr. CULBERSON. Oh, no. The limitation is already on the amount Senators and Representatives may expend by another act of the Congress.

Mr. LODGE. Oh, in the old act?

Mr. CULBERSON. In the old act.

Mr. LODGE. It does not provide that the President and Vice President——

Mr. CULBERSON. It does not apply to the President and Vice President, and is not intended to——

Mr. LODGE. No; I understand that. It seems to me that exempts them.

Mr. CULBERSON. It exempts them from this act.

Mr. LODGE. From this act.

Mr. CULBERSON. But Representatives and Senators are bound by the previous act.

Mr. LODGE. If that is the case, my objection falls.

Mr. McCUMBER. I call attention to the fact that all acts in conflict with this act are hereby repealed. As it would seemingly be in conflict with the other act, the former must certainly fall.

Mr. LODGE. I had not that act before me, but I would say it would work a complete exemption of the candidates.

Mr. SUTHERLAND. We have no law, as I recall it, limiting the expenditures which may be made by presidential candidates.

Mr. CULBERSON. None at all.

Mr. SUTHERLAND. None whatever.

Mr. CULBERSON. And this bill was intended to exempt them.

Mr. SUTHERLAND. So that the effect of this bill, so far as the President is concerned, is that his expenditures are unlimited.

Mr. CULBERSON. It is by this bill.

Mr. SUTHERLAND. We have a series of laws which limit the amount a Senator may expend to $10,000, the amount a Representative may expend to $5,000, and the amount which may be contributed by an individual, but no limit whatever on the presidential candidate. He can expend any amount he pleases.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Sentor from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. Why should there be any apprehension about the amount a candidate can contribute? The corrupt influence comes from the amount contributed from the outside, from those who are contributing for a sinister purpose or have interests to be promoted, and so forth, and while that might be remedied, I do not think the mere fact that the candidate is not limited is any reason why the bill should not be passed. The bill is designed to cover contributions which come from those sources which intend to get some benefit from the election after it is over.

Mr. SUTHERLAND. The point I was making was that we had overlooked that; and it seems to me if it is improper to permit a candidate for the Senate to spend more than $10,000 or a candidate for Representative to spend more than $5,000, it is improper to allow a candidate for the Presidency to spend more than some sum that might be fixed—a larger sum, perhaps, but there ought to be a limitation somewhere.

Mr. BAILEY. Mr. President, we can not hear what is being said.

Mr. KENYON. I want to introduce an amendment to section 1. I do not want to interrupt the Senator, but I should like to have it introduced, so that we can take it up at the proper time.

The PRESIDENT pro tempore. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. In the way of perfecting the text of the bill as originally introduced, amend section 1 by striking out——

Mr. KENYON. It is an amendment to the Senate substitute on page 4.

The SECRETARY. On page 4, strike out in lines 4 and 5 the words "a fine not to exceed $1,000 or by," and by striking from said section all of lines 6 and 7 after the word "year" in line 6.

Mr. KENYON. That is to leave the punishment by imprisonment instead of the discretionary punishment by fine and imprisonment where the officers of the corporation violate the law.

Mr. SUTHERLAND. Does the Senator mean to compel imprisonment in every case?

Mr. KENYON. To compel imprisonment as to section 1, which is limited to the officers of a corporation who knowingly violate the provisions of the act. I do not believe a fine amounts to anything if the corporation desires to make a large contribution, but the sentence of imprisonment would have a restraining influence and make the law effective.

Mr. SUTHERLAND. The law permits the court to impose imprisonment in its discretion.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. CULBERSON. I know the matter the Senator from Iowa has in charge is a very important one, but I was going to ask him how he felt as to yielding temporarily to see if we could pass this bill about campaign contributions or have it defeated. I do not know how many Senators have any desire to speak on it, or when we could get a vote, but there are some indications that we may get a vote in a few moments.

Mr. CUMMINS. I had said to the acting chairman of the Committee on Indian Affairs that if he requested it I would ask unanimous consent to lay aside temporarily the unfinished business in order that a conference report might be considered.

Mr. CLAPP. Mr. President——

Mr. CUMMINS. If I knew that the bill before us would not consume any great length of time I would feel like doing the same thing in respect to that bill. I have promised, however, to yield in regard to the Indian appropriation bill, and I must necessarily give the Senator from Minnesota the preference.

Mr. CLAPP. I had, of course, expected to ask the Senator from Iowa to allow the unfinished business to be temporarily laid aside for the consideration of the conference report on the Indian appropriation bill. I had not risen to ask for it, because I rather took it for granted that we had gone so far with the bill the Senator from Texas has in charge that probably the unfinished business might be laid aside for that, and at the conclusion of that bill I would ask the Senator to take up the conference report. It is immaterial to me, only I did not want to displace the matter now pending before the Senate. Of course, if the Senate will not continue the consideration of that bill or the Senator from Iowa will not yield for it, then I should feel like asking for the consideration of the conference report.

Mr. CUMMINS. I am quite willing to yield for the bill the Senator from Texas has in charge if I can have any assurance that no great time will be consumed in debate, but I feel it to be my duty to press, if I can, the unfinished business.

Mr. CULBERSON. I will state to the Senator from Iowa that he may at any time he sees proper resume the floor if he yields temporarily for the consideration of the bill just passed over and it takes up any undue time, in his judgment.

Mr. SMOOT. I should like to say to the Senator from Iowa that I believe there are a number of Senators yet to speak on this subject, and it will take some time before a vote will be reached.

Mr. LODGE. The colleague of the Senator from Iowa has just offered a very important amendment to the bill which ought to be printed.

Mr. CULBERSON. In view of the situation, I will not ask the Senator from Iowa to yield further.

Mr. CLAPP. Then, I ask the Senator from Iowa to yield for the consideration of the conference report on the Indian appropriation bill.

Mr. CUMMINS. In view of my promise to the Senator from Minnesota and recognizing that these conference reports must

be disposed of, I ask unanimous consent that the unfinished business be temporarily laid aside, giving notice that I intend to resume consideration, if the Senate will sustain my position, immediately after the conference report just designated is disposed of.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

Mr. CULBERSON. Will the Senator from Minnesota yield to me for a moment?

Mr. CLAPP. Certainly.

Mr. CULBERSON. I ask unanimous consent that Senate bill 3315, which has been under consideration, may be taken up Tuesday, immediately after the routine morning business, and that a vote be had on all amendments and on the bill at 2 o'clock.

Mr. HEYBURN. I object.

The PRESIDENT pro tempore. Objection is made.

INDIAN APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on House bill 20728, the Indian appropriation bill. The Chair will inquire of the Senator from Minnesota whether he desires to have the report read in full. It has been printed in the RECORD and printed separately as well.

Mr. CLAPP. Unless a request is made for the reading, I will not ask to have it read in full. There is one matter in it that I desire to call the attention of the Senate to. Unless the request is made, I ask that the reading be dispensed with.

Mr. SMOOT. I ask that the report be read.

The PRESIDENT pro tempore. The Senator from Utah asks that the report be read. The reading will proceed.

The Secretary read the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

[For the report see CONGRESSIONAL RECORD, proceedings of August 13, 1912, pages 10786 ff.]

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CLAPP. Mr. President, I desire to call attention to amendment numbered 114 and to place in the RECORD a statement concerning it.

Some time ago a number of Apache Indians were made prisoners of war and have been held at the Fort Sill Military Reservation in Oklahoma. It became very evident that those prisoners should be released from their present status as prisoners of war and placed upon a reservation. When the Indian appropriation bill was under consideration in the Senate Senate amendment numbered 114 was inserted with the thought that that might put the matter in conference, and that upon the amendment the conferees might make provision for those prisoners. However, when we got into conference it became quite evident that the terms of amendment numbered 114 were not broad enough to authorize the conferees to make provision for the removal of those prisoners. Senate amendment numbered 114 simply provided that the Secretary of War should be authorized to investigate the matter and report to Congress some scheme as to the removal of the prisoners and the probable cost of securing homes for them in Oklahoma.

Of course, I deprecate the conferees going outside of the strict limits prescribed for conferees, and that was the sense of all of the conferees, both of the House and of the Senate. At the same time the evidence was coming to us from the military sources there, as well as from other sources, that a very deplorable condition existed and that provision ought to be made at once for the removal of those Indians. So the conferees took it upon themselves to insert an amendment instead of amendment numbered 114, which has been reported by the committee of conference and read from the desk. That amendment provides for the removal of so many of those Indians as desire to be removed, and also for securing lands for them in Oklahoma, distributing their tribal property, and securing homes for those who do not care to leave the vicinity of the Fort Sill Reservation.

The conferees decided upon this course of action, and that they would bring the matter to the notice of the two Houses, calling attention to the fact that they had exceeded the strict limit prescribed for conferees, and asking the two Houses to adopt the report upon this matter as made by the conferees. Of course, it might possibly have been met in another way, by a joint resolution, but we are approaching the closing days of the session, with a great many matters to occupy the attention of both Houses, and therefore, after fully considering the subject, we decided to adopt this course and lay the matter before our respective Houses.

I have made this statement, and I trust that, so far as this particular amendment goes, the Senate will accede to the action of the committee of conference.

Mr. CURTIS. Mr. President, this is a very important matter, and I make the point that there is no quorum.

The PRESIDING OFFICER (Mr. JONES in the chair). The Senator from Kansas makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	Lippitt	Root
Bacon	Crane	Lodge	Sanders
Bailey	Cullom	McCumber	Simmons
Bankhead	Cummins	McLean	Smoot
Borah	Curtis	Martin, Va.	Sutherland
Bourne	Dillingham	Martine, N. J.	Swanson
Brandegee	Foster	Massey	Thornton
Briggs	Gallinger	Myers	Tillman
Bristow	Heyburn	Nelson	Townsend
Bryan	Johnson, Me.	Oliver	Warren
Burnham	Johnston, Ala.	Overman	Watson
Catron	Jones	Page	Wetmore
Chamberlain	Kenyon	Perkins	Williams
Chilton	La Follette	Pomerene	Works

The PRESIDING OFFICER. Fifty-six Senators have answered to their names. A quorum of the Senate is present.

Mr. CURTIS. Mr. President, the question of a quorum was raised so that Senators might be present when this report is presented, because it is a very important one, and one about which Senators ought to know the facts before they vote on the question of adopting the conference report. I intend to address the Senate against agreeing to the report, because of the fact that the Senate conferees have receded and yielded to the House on amendment numbered 99, which provided:

> For salaries and expenses of district agents for the Five Civilized Tribes in Oklahoma and other employees connected with the work of such agents, $100,000. * * *

I object to the adoption of this report for the reason that if you do away with the district agents for the Five Civilized Tribes you take away from the Indians of that part of Oklahoma their greatest protection. I hope Senators will listen this afternoon for a few moments to some of the cases that have been unearthed by the district agents, which show to what extent the Indians have been imposed upon and robbed, and also show to what extent they have been protected by these agents.

Before I present the cases, however, I desire to read a message that I received this morning. It is from one of the judges in regard to this matter, in which he said:

> It appears from press reports that appropriation for district Indian agents has been eliminated. Such action will be most disastrous to Indian allottees. Having jurisdiction over the heaviest probate court in Oklahoma, I am thoroughly familiar with assistance rendered minor and full-blood Indians by district agents. Under present conditions, without the assistance of the agents, property protection by the county court would be impossible.
>
> THOS. W. LEAHY, *County Judge.*

Supt. Kelsey states that in addition to adult full bloods there are 30,000 minor Indians owning realty valued in the neighborhood of $150,000,000, thus creating a probable situation such as never before existed in any State. There is no better argument as to lack of State machinery and necessity of cooperative protection than that contained in letter of the State department of charities and corrections. (See page 10263, CONGRESSIONAL RECORD of Aug. 6.) The expense of district agents is inconsequential as compared with the vast property and educational interests conserved. Not one cent of Indian money has been expended for district agents; but, on the contrary, they have actually saved individual Indians from five to six hundred thousand dollars annually, and indrect savings would total at least $2,000,000 per annum, besides facilitating general land and lease transactions for both Indians and the public; and to cut off field machinery will materially delay the disposition of excess lands and otherwise prevent the operation of existing laws to the full extent that may be proper. I earnestly urge that every possible means be used for the retention of this splendid service.

Not to longer take up the time of the Senate in reading from statements of the agents and probate judges, I desire to call the attention of the Senate to some of the cases wherein these district agents have protected the Indians. Listen to these cases taken from the reports of the district agents:

> Mrs. Kernel, who is a mixed-blood Creek, who a few weeks ago was very ill and not expected to live, and while in this condition—Crump,

Davis, and Rodgers—the latter acting as notary, Davis being grantee, forged a deed to Mrs. Kernel's land. She knew absolutely nothing about this transaction until she recovered and her attention was called to it by other parties. When this crime was committed, it was thought the allottee would not recover and the fraud would not be discovered. Since her recovery, she has asked that the cloud on the title to her land be cleared up. This is as clear a case of forgery as was ever committed, yet when I spoke to the county attorney about the matter, he simply stated that the parties agreed to clear the title. Not a thing was done in regard to the punishment of the parties for the crime.

Another case is that of Henry Yahola, of Yager:

On or about the 20th instant, George Crump, jr., and others, went to the home of Emma Sepley, a 13-year-old child, who is an orphan, took her away from home in a buggy, while another party went and get Henry Yahola. The two were brought together and were practically forced to get married, they stating to the two allottees that it was the law in order that C. B. Shaft and E. J. Eubanks could get deeds to several pieces of land that this child had inherited besides her own allotment, containing in all about 600 acres. The above parties agreed to pay this child allottee and her husband all the land was worth, but gave her $5 and her husband $10. This child can not speak, read, or write the English language and knows nothing of what she did. The land these parties took a deed to is as follows: The NE. ¼ of section 23; the SE. ¼ of section 14; the west ½ of the NE. ¼ and the SW¼ of the NW. ¼ of section 24; and the SW. ¼ of the NE. ¼ of section 35, all in township 8 north, range 8 east; and the east ½ of the SE. ¼ and the SW. ¼ of SE. ¼ of section 17, township 7 north, range 9 east. This land is worth about $20 per acre and this child is the only heir to the above land. As in the former case I cited above, no legal steps have been taken to prosecute these parties and will not be as long as left to the parties whose duties it is to see that the laws are obeyed and criminals prosecuted.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. CURTIS. Certainly.

Mr. BORAH. I did not catch the exact effect of those statements as to what part the special agents performed in the premises.

Mr. CURTIS. The special agents unearthed these cases and secured a reconveyance of the land to the Indians. The local authorities, when the cases were presented, refused to prosecute, in the first case, because they said the parties had agreed to deed back the lands after the crime was discovered, and therefore they would let them go on their simply deeding the land back.

Mr. BORAH. That is what I supposed, but the reading of the statement did not convey that impression.

Mr. CURTIS. I did not read all of the statement. I merely wanted to state the case briefly.

Mr. BORAH. Do I understand that those two instances, in all probability, would not have been adjusted if the agents had not been at hand to take care of them?

Mr. CURTIS. That is so. The agents unearthed the facts, as they have in many hundred cases, and I will show before I get through many cases where lands and rents have been recovered through the work of the district agents.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. That there may be no misunderstanding of the purpose of my inquiry, I will say I was in favor of putting the provision in the bill in the Senate to retain these agents. This provision was omitted in the House, and I worked hard to retain it in conference.

At the same time, I think we ought to discuss the matter with a clearness as to facts, and I do not see anything in the paper just read by the Senator which shows that in either case the remedy was brought about or any remedy has been secured. It says:

I will give you a couple of cases I have just investigated.

Mr. CURTIS. It was an investigation made by a district agent. I am reading from reports made by the agent and brought to the attention of the department, and through their efforts this land was recovered to the Indians.

Mr. BORAH. Of course, that is very important, but I understood from the reading of the letter that the information was discovered from a statement made to another party, and what I desired to know was the specific fact whether the agent did the work.

Mr. CURTIS. It was by the agent. The reports I shall read are from district agents. Here is another case:

Some time in April, 1907, A. G. Mayhue and N. E. Grisco, of Seminole, sent an Indian boy to tell me to come to his office at Seminole, for what purpose I did not know until I arrived there. Mr. Grisco, acting as agent for A. G. Mayhue, wanted to buy my land and insisted on buying it. I told him that I did not want to sell my land. Then Mr. Grisco stated he wanted to buy 10 acres. I concluded to sell 10 acres, and he gave me $10 to sign papers and promised to give me more.

I learned afterwards that the papers I signed conveyed 80 acres of my land instead of 10 acres. When I learned this I went back to Mr. Grisco and offered him back the $10, but he refused to take it and told me he had bought my land. He also told me that he would give me $500 more when I would give him another deed. Afterwards he gave me an order on J. Gillworth's store for $25, making in all $35 I received.

The above is the statement made by the Indian, and the report of the district agent shows that upon investigation he found the statement of the Indian to be true, and they found that the pretended purchaser had taken possession of the land on a Sunday while the Indian was attending church.

This is another case unearthed by the district agents and the land recovered.

I have here a letter, and I am going back to 1907, and I am doing so because I wish to show that this practice of robbing the Indians has been followed for years, and the files of the Interior Department show that but for the activity of the district agents many of the Indians would have lost their homes and others would have lost large sums of money. This letter is from a district agent in the Seminole country.

In answer to your inquiry concerning the deeds taken to full-blood Indian lands among the Seminoles, it would take too long a time to fully enumerate them. This can be said: There is scarcely a person among the Seminoles living, full blood, mixed blood, or freedmen, but what there is on record a deed against their land, and so nearly all the most fraudulent character that it is safe to say all obtained fraudulently with possibly a pittance doled out to them. As an illustration, within the last week I have taken more than 50 affidavits of full-blood Indians, all showing how they were defrauded out of their land, and so it has been for some time past and will last for some time to come. All of the inherited land has deeds recorded against the heirs; all obtained by means not recognized in any other courts. There is a pretense of large sums paid in consideration, but unquestionable evidence shows that not one-fiftieth of the sum stated was ever paid.

I have in my possession a power of attorney, which I want to have printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission is so granted.

The power of attorney is as follows:

POWER OF ATTORNEY.

SECTION 1. KNOW all men by these presents: That I, Sean Colbert, post-office address, Glover, Ind. T., represent that I am 60 years old, in consideration of $1 to me in hand paid, the receipt of same is hereby acknowledged, and other valuable consideration, I do by these presents appoint, constitute, and nominate Eli P. Williams, Elmer Williams, and Charles H. Williams my sole and only heirs and lawful agents and attorneys in fact, hereafter called my agents, they to act either jointly or severally with full, sole, and absolute power to do any and all acts at any time that I could lawfully do myself had I not executed this power of attorney, which in any way relate to all the lands and to any part of the lands in my allotment other than homestead, hereafter called said lands, and the possession, control, rents, income, and profit thereof, located in Indian Territory, to wit:

ATTACHED DESCRIPTION.

The northwest quarter of section 21, township 3 south, range 2 west (160 A), in the Indian Territory.

Not being familiar with the description of said lands, my agents are hereby authorized at their option to attach to this power of attorney in the blank space above, a description of all or any part of said lands, said description to be marked "Attached description," and when so attached shall have the same legal force and effect as if said description of said lands in said attached description had been written in this power of attorney before it was executed, and my agents are hereby authorized to have said description of said lands recorded with this power of attorney.

SEC. 2. I hereby assign, transfer, and deliver to my agents all of my rights to the possession of said lands and the improvements thereon, and I agree within two years from this date to put my agents in actual and absolute possession thereof, and my agents agree when put in possession as aforesaid to advance to me on demand $50 on this power of attorney, and should I from any cause fail to furnish possession as above provided, my agents are hereby authorized to acquire passession of said lands and improvements at any time during the life of this power of attorney and to do any acts necessary in their opinion to be done to acquire said possession, and when in possession agree to rent, manage, and look after said lands and improvements.

My agents have full, sole, and absolute authority to collect and receive all moneys, rents, and income of any kind now due or that hereafter become due from said lands, and my agents agree during my life to account to me, and after my death to account to my heirs, executors, and administrators, for all moneys, rents, and income received by them on account of my interest in said lands, less 8 per cent on the amount actually received by them, after deducting all expenses. Said 8 per cent I allow my agents in full payment for their services for managing, renting, or disposing of my interest in said lands. And I further agree not to assign or transfer all or any part of said moneys, rents, and income.

SEC. 3. I hereby sell, transfer, and convey and deliver to my agents an absolute interest in fee simple in all of the rents from said lands now due and that hereafter become due before the expiration of this power of attorney, and in all of the improvements on said lands, and agree that this power of attorney is coupled with an interest in all of said rents and improvements.

SEC. 4. I hereby sell, convey, and transfer to my agents an absolute interest in fee simple in all and in any part of said lands that I can lawfully sell or alienate.

SEC. 5. My agents are hereby given full, sole, and absolute power (at any date when I could lawfully sell—if this power of attorney had not been executed—all or any part of said lands, whether that date is the present date or some future date) to sell in whole or in part, on such terms and conditions as they may see fit, for cash or on time, all of my interest in said lands and to convey and transfer same by deed in fee simple, in whole or in part, and to receive the considerations for such sales and to do any other acts that in any way relate to said sales.

SEC. 6. This power of attorney shall continue in full force and effect until the 31st day of December, 1939, and shall expire on said date; and I agree that this power of attorney shall not be terminated at my death, but shall continue in full force and effect until the last-mentioned date, and my agents have full, sole, and absolute power in the event of my death to do any and all acts in their own name or names authorized to be done by this power of attorney; and I further agree, for myself, my heirs, executors, and administrators, that this power of attorney shall not be revoked before the last-mentioned date.

SEC. 7. Should any one or two of my agents die this shall in no way affect the legal force and effect of this power of attorney; the survivor or survivors shall have the same full, sole, and absolute power to act as if death had not occurred.

SEC. 8. My agents are authorized and have full, sole, and absolute power to bring, defend—either in their own name or names or in my name, at their option—and dismiss any lawsuit that in any way relates to said lands and improvements, the possession, rents, or profits thereof, and to prosecute said suits until finally adjudicated in the court of last resort.

SEC. 9. It is hereby stipulated and agreed that the considerations named in section 1 and section 2 of this power of attorney are valuable and sufficient considerations and make all of the sections and parts of sections of this power of attorney binding obligations upon me and my agents and upon said lands and improvements, income, and profits thereof.

SEC. 10. Should any one or more of the sections herein or should any part of any section or sections herein from any cause be declared void or inoperative this fact shall in no way affect the legal force and effect of the other sections and parts of sections of this power of attorney.

SEC. 11. I hereby ratify and confirm all the acts of my agents named herein, and I hereby revoke and cancel all other powers of attorney and agencies, and the parties named herein are my sole and only authorized and acting agents and attorneys in fact.

This power of attorney contains the full agreement between the parties hereto and shall not be changed or altered unless the same is in writing and signed by all the parties, and no person has any authority to make any promise, representation, or agreement which in any way changes or alters the terms and provisions of this power of attorney.

Dated this 26th day of April, 1907.

SEAN (his x mark) COLBERT.
ELI P. WILLIAMS.
ELMER WILLIAMS.
CHARLES H. WILLIAMS.

Witnesses to mark and subscribing and attesting witnesses:

L. G. BATTIEST.
S. J. PETER.

UNITED STATES OF AMERICA,
Indian Territory, Central Judicial District, ss:

Be it remembered, That on this 4th day of May, 1907, before me, a notary public in and for the district and Territory aforesaid, personally appeared L. G. Battiest, one of the subscribing witnesses to the foregoing instrument, to me personally well known, who, being by me first duly sworn, on his oath states that he saw Sean Colbert, grantor in said instrument, subscribe said instrument on the day of its date for the uses, purposes, and consideration therein expressed, and that he and S. J. Peter, the other subscribing witness, subscribed the same as attesting witnesses at the request of said grantor.

In testimony whereof I have hereunto set my hand and affixed my seal as such notary public at the district and Territory aforesaid this the 4th day of May, 1907.

[SEAL.] P. A. WILBOR, *Notary Public.*

(My commission expires March 7, 1909.)

Filed for record at Ardmore, October 17, 1907, 2 p. m. C. M. Campbell, clerk and ex-officio recorder, District No. 21, Indian Territory.

INDIAN TERRITORY, *Southern District:*

I, C. M. Campbell, clerk of the United States court, southern district, Indian Territory, do hereby certify that the foregoing is a true and correct copy of the instrument filed for record in my office at Ardmore and duly recorded in Volume 43, page 293.

In testimony whereof witness my hand and official seal this 14th day of November, 1907.

[SEAL.] C. M. CAMPBELL, *Clerk,*
By N. H. MCCOY, *Deputy.*

Mr. CURTIS. This power of attorney was secured from Indians by a man named William Nelson, a mixed-blood Choctaw, who states that he was employed to go through the Choctaw Nation and procure signatures of Indians to powers of attorney and was paid $2.50 for each power of attorney he obtained. He was instructed to pay each Indian a dollar to induce him to sign the power of attorney. This man states that he secured 100 or more signatures to powers of attorney, that he was working for the $2.50, and that he did not in any instance explain or interpret to the Indian the contents of the instrument which he was signing. He states also that he did not himself know the contents of the instrument. He said his method was to find an Indian and present to him the power of attorney and convey the idea to the Indian that it was a lease and that he would get more rent money for his land. In some cases the evidence shows that these Indians were induced to believe if they would sign the power of attorney they would get twice as much rent per year as they were then receiving.

Now, a peculiar thing about this power of attorney is that section 3 provides:

SEC. 3. I hereby sell, transfer, and convey and deliver to my agents an absolute interest in fee simple in all of the rents from said lands now due and that hereafter become due before the expiration of this power of attorney, and in all of the improvements on said lands, and agree that this power of attorney is coupled with an interest in all of said rents and improvements.

Section 4 is as follows:

SEC. 4. I hereby sell, convey, and transfer to my agents an absolute interest in fee simple in all and in any part of said lands that I can lawfully sell or alienate.

That is a sample of the power of attorney taken by this Indian, who visited these various full bloods and others in the Choctaw country.

Here is a form of an agreement that was signed by thousands of Indians in Oklahoma:

Agreement entered into between George Terry, of Ardmore, Okla., of the first part, and several Indians, of the second part, that these Indians that deeds me one-fourth of their surplus allotment, where they have given a power of attorney to collect their rents and sell their lands.

I am to commence at once proceedings to have them put in possession of their own lands and collect their own rents, and, for such compensation, I am to have $50 retainer fee.

The following statement is from a district agent, showing one of the many deeds secured from the Indians of the Five Tribes:

The attached warranty deed from Ellis McCoy and wife to G. G. Guthrey, was procured from ignorant Choctaws who live in the mountain districts of the Choctaw Nation (they have no idea of the value of their lands, which consist of some of the best cotton and corn lands in the Choctaw and Chickasaw Nations) at only a fraction more than the appraised value, and which to-day would bring $35 to $40 per acre.

This is only one of perhaps thousands of such deeds which have been procured from the Indians, who know nothing of the value of said lands.

This deed was made for the consideration of $1,100, and it conveys 200 acres of land. I should like to have the deed printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The deed is as follows:

No. 908. WARRANTY DEED, WITH RELINQUISHMENT OF POWER.

Know all men by these presents:

That we, Elias McCoy and Lillian McCoy, his wife, of the recording district No. 14, in the Indian Territory, for and in consideration of the sum of $1,100, to us in hand paid by G. G. Guthrey, the receipt of which is hereby acknowledged, have granted, bargained, sold, and conveyed, and do by these presents grant, bargain, sell, and convey unto the said G. G. Guthrey, and unto his heirs and assigns forever, the following-described real estate situated in the Chickasaw Nation, in the Indian Territory, to wit:

The SE. ¼ of SE. ¼ of SE. ¼ of sec. 18, T. 5 S., R. 6 E.; E. ½ of NE. ¼ of sec. 19, T. 5 S., R. 6 E.; SW. ¼ of SW. ¼ of NW. ¼ of sec. 20, T. 5 S., R. 6 E.; S. ½ of SW. ¼ of NW. ¼ of sec. 5, T. 5 S., R. 3 W.; N. ½ of SW. ¼ of sec. 5, T. 5 S., R. 3 W., containing in all 200 acres, with all the privileges, appurtenances, and improvements thereupon situated, appertaining, and thereunto belonging.

It is also intended by this instrument to convey all right, title, and interest which we may hereafter acquire in and to said above described property by reason of a patent or patents being issued to ——— by the Chickasaw and Choctaw Nations.

To have and to hold the same unto the said G. G. Guthrey, his heirs and assigns, forever And we, the said Elias McCoy and Lillian McCoy, for themselves, executors, and administrators do covenant with the said G. G. Guthrey, his heirs and assigns, that we lawfully seized in fee simple of the aforegranted premises; that they are free from all encumbrances; that we have a good right to sell and convey the same as herein done; that we will, and our heirs, executors, and administrators shall, forever warrant and defend the same to the quiet enjoyment of said G. G. Guthrey, heirs and assigns, against all lawful claims and demands of all persons.

And I, Lillian McCoy, wife of Elias McCoy, the grantor herein, do hereby join in this conveyance, and for the consideration aforesaid convey and renounce all right of homestead in and to said property, and for the consideration aforesaid do hereby release and relinquish unto the said G. G. Guthrey, heirs and assigns, all my right, claim, and possibility of dower in and to said property.

In testimony whereof we hereunto set our hands this 27th day of May, 1905.

ELIAS MCCOY. [L. S.]
LILLIAN MCCOY. [L. S.]

Witnesses to mark:
JOSEPH WILLIAMS,
R. H. LEE.

ACKNOWLEDGMENT.

INDIAN TERRITORY, *Recording District No. 14, ss:*

On this 27th day of May, 1905, before me, Robert E. Lee, a notary public within and for recording district No. 14, in the Indian Territory, duly commissioned and acting, appeared in person Elias McCoy, to me personally well known as the person whose name appears upon the within and foregoing deed of conveyance as the party grantor, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

And I further certify that on the same day voluntarily appeared before me Lillian McCoy, wife of the said Elias McCoy, to me well known to be the person whose name appears upon the within and foregoing deed, and in the absence of her said husband stated and declared that she had of her own free will executed said deed, and had signed the relinquishment of power and homestead therein expressed for the purposes and considerations therein contained and set forth without compulsion or undue influence of her said husband.

In testimony whereof I have hereunto set my hand and seal of office as such notary public of the district and Territory aforesaid on this 27th day of May, 1905.

[SEAL.] ROBERT E. LEE, *Notary Public.*

My commission expires January 11, 1906.

Filed for record at Tishomingo June 8, 1905, 2 p. m.

W. T. Ward, deputy clerk and ex officio recorder, district No. 22, Indian Territory, Book 7, page 495.

INDIAN TERRITORY, *Southern District:*

I do hereby certify that the within and foregoing is a true, perfect, and literal copy of the original instrument recorded in my office on the 8th day of June, 1905, at 2 o'clock p. m.

Witness my hand and official seal at Tishomingo, this 20th day of July, 1906.

[SEAL.]

R. C. FLEMING,
Deputy Clerk United States Court and
Ex Officio Recorder, District No. 22, Ind. T.

—

No. 2174.

GENERAL WARRANTY DEED.

This indenture made and entered into this 19th day of December, 1905, by and between William Jimmy and Rener Colbert (née Jimmy) and Ben Colbert, her husband, heirs at law of Loman Jimmy, deceased, parties of the first part, and A. I. Chapman, of Ravia, party of the second part.

Witnesseth that the said parties of the first part, for and in consideration of the sum of $1,050, in hand paid, the receipt of which is hereby acknowledged, do hereby grant, bargain, sell, convey, and confirm unto said party of the second part the following-described real estate and premises situate in the Chickasaw Nation and within the limits of the Indian Territory, to wit:

E. ½ of NE. ¼ sec. 24, T. 3 S., R. 4 E.; S. ½ of NW. ¼ of NW. ¼ and S. ½ of NE. ¼ of NW. ¼ and S. ½ of NW. ¼ and NW. ¼ of SW. ¼ and W. ½ of NE. ¼ of SW. ¼ and NE. ¼ of SE. ¼ of SW ¼ and SE. ¼ of NE. ¼ of SW. ¼; and SW. ¼ of SW. ¼ of SE. ¼ sec. 19, T. 3 S., R 5 E., containing 290 acres, more or less, together with all the improvements thereon and appurtenances thereunto belonging or in anywise appertaining thereto and warrant the title to the same.

To have and to hold the said lands unto the said party of the second part, her heirs, executors, administrators, and assigns forever.

And we hereby covenant that we are the sole heirs of said Loman Jimmy, deceased, who was a duly enrolled member of the Chickasaw Tribe of Indians, who dies intestate, and the lands above described are the lands selected as the allottive share of the lands of the Chickasaw Nation in the name of said Loman Jimmy, deceased, and that we have the right to sell the lands allotted as aforesaid, and in the event of said allotment being canceled from any cause, that conveyance shall include any and all lands selected in lieu thereof, the same as if specifically described herein.

In witness whereof the said parties of the first part have hereunto set their hands and seals the day and year first above written.

WILLIAM (his x mark) JIMMY. [SEAL.]
RANER COLBERT. [SEAL.]
BEN COLBERT. [SEAL.]

Witnesses to mark:
ARTHUR SINCLAIR,
A. A. CHAPMAN.
Interpreted by Campbell Henderson.

—

UNITED STATES OF AMERICA, *Indian Territory, Southern District, ss:*

Be it remembered that on this day came before me the undersigned notary public, duly commissioned and acting as such, William Jimmy, a widower, to me personally well known as one of the parties grantor in the within and foregoing deed of conveyance, and stated that he had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

In testimony whereof I have this 29th day of December, 1905, set my hand and affixed my seal of office at Ravia, Ind. T.

[NOTARIAL SEAL.]

ARTHUR SINCLAIR,
Notary Public, Southern District, Indian Territory.

(My commission expires October 9, 1907.)

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UNITED STATES OF AMERICA, *Indian Territory, Southern District, ss:*

Be it remembered that on this day came before me the undersigned notary public, duly commissioned and acting as such, Ben Colbert and Raner Colbert, his wife, to me personally well known as the parties grantor in the within and foregoing deed of conveyance, and stated that they had executed the same for the consideration and purposes therein mentioned and set forth, and I do hereby so certify.

And I further certify that on this day also voluntarily appeared before me the said Raner Colbert, wife of the said Ben Colbert, to me personally well known to be the person whose name appears upon the within and foregoing, and in the absence of her said husband declared that she had of her own free will executed said deed and signed and sealed the relinquishment of dower and homestead therein expressed for the consideration and purposes therein contained and set forth, without compulsion or undue influence of her said husband.

In testimony whereof I have this 2d day of January, 1906, set my hand and affixed my seal of office at Ravia, Ind. T.

[NOTARIAL SEAL.]

ARTHUR SINCLAIR,
Notary Public, Southern District, Indian Territory.

(My commission expires October 9, 1907.)

Filed for record at Tishomingo March 1, 1906, 10 a. m. R. C. Fleming, deputy clerk and ex-officio recorder, district No. 22, Indian Territory. (Book 16, p. 322.)

INDIAN TERRITORY, *Southern District:*

I do hereby certify that the within and foregoing is a true, perfect, and literal copy of the original instrument recorded in my office on the 1st day of March, 1906, at 10 o'clock a. m.

Witness my hand and official seal at Tishomingo this 26th day of October, 1906.

[SEAL.]

R. C. FLEMING,
Deputy Clerk United States Court, ex-Officio Recorder,
District No. 22, Indian Territory.

Mr. CURTIS. Here is another form of practice in Oklahoma that was unearthed by district agents. An heir would have a valuable oil lease or tract. They would advertise in one paper that the lease would be made at a certain time to the highest bidder. At the same time notice would be given in some paper of small circulation. Those who read the bid in the paper of larger circulation, when they called at the proper place to submit a bid, would be informed that the lease would not be let on that day.

But these same parties, after the people desiring to bid had departed, would make a lease to their special friends under the notice printed in the paper of small circulation. This would usually occur a day or two after the date fixed in the first notice.

This case was called to my attention, and I went to the Interior Department, called the Secretary's attention to the facts in the case, and he required the people to give the Indian over $12,000 more than he would have received under the lease made on the date fixed in the newspaper of small circulation.

Another:

The following is a statement from a letter of a lawyer who took a case for an Indian:

In one case where the deeds were executed before the right of alienation existed, the Indian received, as I have been informed, $40 for 320 acres, which now has several producing oil wells upon it. In this case my co-counsel has been arrested for making an attorney's lien contract with the Indian, and I have been threatened with arrest for removing to the Federal court a case wherein the State court denied my petition.

This is the threat which was made against two local lawyers who brought a suit to protect these Indians.

A number of leases were sent me by district agents showing that Indians had leased their lands to speculators at about 30 cents per acre, while the speculators were receiving as high as three and four dollars an acre for the land. Many of these leases were set aside through the efforts of the district agents.

Another case reported by a district agent:

I investigated an application made by Bluford Take, of Tahlequah, who is enrolled as a full-blood Cherokee, for the removal of restrictions of his 80 acres of land for an addition to the town of Tulsa. In an interview with him at Tahlequah and during the investigation if he had been advised by anyone to make the application, or if he had an offer on the land, he said that about six months ago a man from Muskogee * * * offered him $100 for the land. (It ought to bring $2,500 at least.) He told him that he would be back to see him in 30 days, but he says that he never came back; but since my return I have examined the records in register of deeds office, and there I find that he signed a deed (by mark X) conveying the land to the party above referred to.

Another case; and this is a report from the district agents. It is a timber case, where a lumber company is reported as having purchased the timber on an Indian's land for $32.50 and a lease of the land for five years for the further sum of $32.50 and sold the timber within a short time for $21,000. I read:

There are inclosed you herewith copies of the papers in the case of Wilson Farmer, a full-blood Mississippi Choctaw, roll No. 1326, to whom was allotted as a portion of his surplus selection the northwest 10 acres of lot 9—

And so forth, giving the description—

You will note from the papers that this allottee gave a timber bill of sale for the pine timber on this land for a consideration of $32.50, and also gave, to the same grantees, a five-year lease for a like consideration of $32.50. The grantees, the Washington Lumber Co., under the before-mentioned instruments, conveyed this pine timber, by bill of sale, to William W. Sanders, of Bowie County, Tex., for a consideration of $21,000.

Think of it! And yet they would do away with the district agents who are protecting the Indians.

Here is another case:

BOUGHT A WIFE, SOLD OIL LAND.

By paying a comely young negro woman who had never seen him before $100 to marry him, by which he took advantage of that Oklahoma law which says that a man attains majority upon his marriage, whether he is of legal age or not, Albert Harris, a Creek negro minor, was enabled, it is alleged, to make a deed of 120 acres of his allotment from the Creek Nation, and Frank Chesley, the millionaire oil man, was enabled to get one of the most valuable pieces of oil land in the new field that has recently opened up west of Haskell.

The story of the unusual deal, which was consummated here last Tuesday, illustrates the strenuous life of the oil producer, the man who acquires title to a piece of land and punctures it full of holes in his endeavor to find far below its surface a spouting stream of a dirty, black fluid, which he can sell to the Standard Oil Co. at a price per day that makes the income of an East India potentate look small.

Albert Harris was the owner of 120 acres of land a quarter of a mile below the big oil well recently brought in on section 6–14–14 in the Haskell field. A horde of oil men were after the land, but the fact that the negro was a minor prevented him making a title. The queer Oklahoma law—

I hope it has been repealed. I do not know whether it has been or not—

The queer Oklahoma law, by which a man attains majority on his marriage day, whether he is of age or not, was discovered by some of the "oil men." A marriage was immediately arranged for Albert by one prominent firm of "oil" speculators in Muskogee. The young lady was found and the license secured last Saturday. Chesley and his associates discovered what was going on. By some unexplained means the first marriage was prevented and the license returned to the judge's office and marked void. This was Monday. Tuesday the negro was in the office of the attorney acting for Chesley and his associates in the matter. "Babe" Williams, who was assisting in the deal, was told to go at once to find a woman who would marry the boy. "Babe"

got out on the streets, and in half an hour returned with the aforesaid comely young negro woman. She was given $100 and was willing.

Another case:

An approved deed was obtained through the probate court at Durant, Okla., from the heirs of a deceased full-blood Indian, the consideration being $800 and the land being 320 acres. Complaint was made to me that it was doubtful whether or not said heirs received the consideration named, and after investigation I found the following to be the facts in the case:

I found that 150 acres of said land was in high state of cultivation and quite well improved with renters' houses, and well worth $4,000. The heir to this land is an incompetent Indian, and it was stated by parties being familiar with the sale that this heir did not get all of the consideration that was mentioned.

Here is another, simply a form of power of attorney that was given to one C. C. McCarty, of Durant, Okla. I would like to print it in the RECORD, because the report shows that hundreds of such powers of attorney were executed:

UNITED STATES OF AMERICA, —— *District, Indian Territory:*

Know all by these presents:

———, ———, ———, Indian Territory, do hereby make, constitute, and appoint C. C. McCarty, of Durant, Ind. T., —— true and lawful agent, to act for ——, and in —— name —— to represent — case before the Congress of the United States of America, or any other court or commissioner that the case may arise before.

And ——— ——— gives the said C. C. McCarty the power to employ any attorney at law to help prosecute —— case before any court or Congress of the United States of America at his own expense.

In witness whereof — have hereunto set — hands — on this the — day of ———, 190—.

——— ———.
——— ———.

Here is a letter that was written to one of the Congressmen from Oklahoma. The gentleman sent me a copy, and he erased the name of the party to whom it was written, but I just want to read to you what he says:

The conditions existing in this country are shameful in the extreme. The lands of helpless minors have been wrested from them and their estates grabbed and taken away from them mercilessly.

Now, in addition to these cases, I want to call the attention of the Senate to the fact that these district agents assist in probate matters, and I would like to have printed in the RECORD letters from Mr. D. H. Bynum, probate attorney, in which he says:

In reply to your verbal inquiry of recent date with reference to the probate work in the district agency service, I beg to advise that, to a person who is not familiar with conditions in the former Indian Territory, the amount of work of minor estates is inconceivable. In the first place, minors were enrolled as citizens of the Five Civilized Tribes and participated equally in the division of the tribal properties. There are between 101,000 and 102,000 enrolled citizens, of which three-fifths, or 60,000, are minors having estates of more or less value.

Thus, with the 40 counties in the former Indian Territory, there is an average of 1,500 minors to a county.

With this enormous amount of work, the county courts in the eastern district of Oklahoma have but the same machinery as the western side of the State, where such conditions do not prevail, and the same machinery as other States where probably 25 new cases each year is considered a fair amount of work.

I have prepared, somewhat hurriedly, a small statement showing the minors of each nation and the values of their property, based upon an estimate that each allotment is worth three times its appraisement for allotment purposes, and this basis excludes the value of improvements and all mineral properties.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. CURTIS. Certainly.

Mr. BORAH. Has there been a report from the department on this matter?

Mr. CURTIS. They have reported in favor of this amendment. It was placed in the bill in the Senate and was stricken out in conference.

In short, there are 15,596 probate cases, and the number of minors involved was 30,100.

I have a case here of May 18, 1912, which shows that this has been continuing right along:

Another flagrant case of fraud has just been perpetrated on Hepsey McGirt, a full-blood Creek Indian woman, Roll No. 6465, shown by the rolls to be about 60 years old, but appears to be much older, living near Wewoka, Okla.

I inclose take-off of a warranty deed as shown by the Seminole County records, book 12, page 27, wherein Hepsey McGirt on April 26, 1909, attempted to convey to E. C. Aldridge, Wewoka, southeast quarter of section 10, township 8 north, range 8 east, 160 acres, allotment of Amos Lindsay, Creek Roll No. 4905, deceased, for a consideration of $500. The records show the deed was witnessed by Alice B. Davis and approved by T. S. Cobb, county judge, September 14, 1909.

The facts in this case are that instead of her receiving a consideration of $500, the Indian woman received a due bill for $5. Acting on these facts, Hon. James E. Gresham, special assistant to the Attorney General, located at Wewoka, brought suit in the district court of Seminole County for cancellation of the deed and recovery of the land. The case was set for hearing last week, but before it could be tried the same vendee secured another deed from this old Indian woman showing a consideration of $550, thus preventing action in the court in her interest.

The land in question is worth, at a low estimate, $3,000.

Here is another case. A. W. Wyley, of Adair, Cherokee Nation, pleaded guilty in the United States court a few days ago and was fined $500 for using the mails to defraud. A man who had secured lands from these poor helpless Indians and had no title used the mails to advertise, and sold some land to nonresident parties, using the mail. The evidence secured by the district agent was sufficient to justify his prosecution, and he plead guilty and was fined in the local court.

The Secretary of the Interior has written a number of letters urging that this amendment of the Senate be agreed to and that the district agents be retained. I will not take the time of the Senate to read them.

Here is another memorandum in reference to frauds in McCurtain County, dated August 16, 1912:

Granville G. McVay, district agent, in his monthly report, dated September 1, 1911, to the United States Indian superintendent, Muskogee, Okla., in investigating frauds in McCurtain County, Okla., said that—

"We have actually recovered for the minors of this county the sum of $32,027.29.

"In the famous and infamous matter of John Lemon, a full-blood Indian guardian, wherein he is guardian of Mary, Jessie, and Joseph Taylor, Indian minors; and in the matter of Leon Alemohtubbi, a full-blood Choctaw Indian, who is guardian of Elas, Ilis, and Letty Alemohtubbi, Indian minors, it appears that Judge Barnes, without acting as county judge of McCurtain County, in direct contravention to the law, loaned $14,000 of the above-named minors' money to C. Gamble, of the bank of Garvin, on his mere personal note and without a court order, though these notes show that Judge Barnes was surety thereon. In these cases we took this up with Mr. Gamble, and while Judge Barnes said he would be sued rather than turn this matter over, yet we now have in our possession a bank-deposit slip wherein this money is placed to the credit of the guardian as guardian of the minors above enumerated, and not held by C. Gamble as heretofore. In this connection we actually recovered the neat sum of $14,000."

They cite a number of cases, and show some 20 or 30 cases that were presented to the grand jury as the result of the work of these people.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. CURTIS. Certainly.

Mr. CLAPP. I want to call the Senator's attention to the fact that there is no question but that there has been a great deal of fraud. There is no question in my mind about the district agents. We put them in here in the Senate, and we tried to keep them in the bill in conference, but the amendment for the district agents carried an appropriation of $100,000. Now, while that went out in conference, the Senate amendment increasing the appropriation for the expenses of the administration of the affairs of the Five Civilized Tribes by $24,000 was retained, and also the Senate amendment for the pay of special agents and for other necessary expenses of the Indian service for which no other appropriation is available. It was increased from $85,000 to $125,000, making a net increase over the House bill of some $65,000.

Now, it seems to me, the real question before the Senate is whether this conference report should be sent back because we failed to get the entire amount asked for. I do not think it was any too much; I would have been glad to have gotten it; but there is no question in my mind that these increases, with the latitude of the legislation, can be used for the very purpose of employing additional help in Oklahoma to safeguard so far as that kind of help can safeguard the rights of the Indians.

I want to say in this connection that we have all received scores of telegrams, and I have a stack of them in my office, all based upon the theory that we have stricken out the district agents. I have no idea at all that the men who sent those telegrams realized that we have secured $65,000 in addition to the House appropriation which can be used in the discretion of the Interior Department.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. CURTIS. I do.

Mr. BORAH. Those of us who are not familiar with Indian legislation and not members of the committee are perhaps laboring under the same embarrassment as the people who sent the telegram. I had received the impression that the district agents have been abolished. Am I now to understand that it is only a question whether $65,000 or $100,000 shall be appropriated?

Mr. CLAPP. The title of district agent is undoubtedly abolished by a failure to make an appropriation for district agents. They were not originally called district agents; they were special agents, I think, to the Secretary; but while the title of the office has been abolished, I do not think there is any question but that this item of $65,000 can be used for this very purpose. Later I will read to the Senate the entire language of the

provisions that I think will cover them. The language of one of the appropriations is "for any purpose not otherwise provided for."

Mr. CURTIS. Mr. President, in answer to the question of the Senator from Idaho, I will say that if this report is sustained the agents are abolished. The additional appropriations do not apply to the employment of these district agents. The provision does not apply to Oklahoma. The Interior Department, which must administer this law, are claiming that the amount given and the conditions of the appropriation are not sufficient, and they want this item retained so that they may continue to protect the property of the Indian through the district agents.

Mr. CLAPP. The Senator is correct about that. They want this particular item, and I think they should have had it, I am frank to say; but we were not able to get it.

Mr. CURTIS. Mr. President, I do not intend to take up the time of the Senate further in discussing this question. I ask consent to print in the RECORD a number of telegrams, letters, and petitions which I have received on the subject.

The PRESIDENT pro tempore. Without objection, that order will be made.

The matter referred to is as follows:

MADILL, OKLA., *August 12, 1912.*

Hon. Senator CURTIS,
Washington, D. C.:

We, the Commercial Club of Madill, Okla., protest against the removal of the district agents.

W. J. BELL, *Secretary.*

—

TISHOMINGO, OKLA., *August 12, 1912.*

Senator CURTIS,
Washington, D. C.:

The citizens here are unanimous in their appeal for the retention of district agents. They are the only means by which to reach both ends of business relations. They are here and know conditions. They are not an expense to the Indian. The agent of this district has saved the Indians for whom he has acted many times what he has cost them. We need even more immediate connection. Thanks for any help that you may be able to give us.

B. R. BRUNDAGE.
President American State Bank.

—

WETUMKA, OKLA., *August 1½, 1912.*

CHARLES CURTIS,
United States Senator, Washington, D. C.:

District Indian agents demanded by all Indians. Public policy demands also, and if those officials are eliminated all Indians will be at mercy of unscrupulous land buyers. Retain agents. I am full-blood Creek Indian.

FELIX P. CANARD.

—

SAPULPA, OKLA., *August 1½, 1912.*

Hon. CHAS. CURTIS,
United States Senate, Washington, D. C.:

Fourteen minors' estates in my court, worth more than hundred thousand dollars each, and 16 other cases, each of great value, makes continuance of district agents here necessary for protection of Government wards. I urge that district agents' appropriation be made for benefit of both Indians and white citizens.

WARREN G. BROWN,
County Judge, Creek County.

—

TAHLEQUAH, OKLA., *August 12, 1912.*

The honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

Be it resolved by the advisory committee of the incorporated Keetoowah Society in regular annual session, It is the unanimous sense of this society that all full-blood Cherokees, Delawares, and Shawnees earnestly protest against the proposition now pending in the United States Congress to abolish the district Indian agents in eastern Oklahoma. It is the avowed duty of the United States to protect the full-blood Indians, and the withdrawal at this time of the effective protection afforded them by the district agents means not only failure and refusal to protect but, in the opinion of this society, it will result in incalculable injury and loss to thousands of full-blood Indians, including minors who have inherited valuable estates.

Resolved, That the presidents of this society are hereby directed to at once transmit these resolutions to the Secretary of the Interior, Washington, D. C., and that said Secretary is, and is hereby, requested to immediately transmit copy of same to Congress or committees thereof and to the President of the United States and to the Oklahoma delegation in Congress. Passed the advisory committee by unanimous vote.

BILL MANKILLER,
Second Vice President.
R. R. MEIGS, *Chairman.*
FRANK J. BOUDINOT,
Secretary.

Approved.

RICHARD W. WOLFE,
President.
PRICE COCHRAN,
First Vice President.

Mr. CURTIS. Mr. President, I wish to reiterate to Senators that if you take from these Indians in Oklahoma these district agents, you will take from them their greatest protection. You will turn the helpless Indians over to the men mentioned in these reports, and the Indians will be robbed of their lands and other property.

Mr. McCUMBER obtained the floor.

Mr. CLAPP. I take it the Senator from North Dakota is going to address himself to another amendment.

Mr. McCUMBER. To several others. I yield to the Senator if he desires to proceed first.

Mr. CLAPP. No; but I thought if the Senator intended to address himself to this amendment I would prefer that it should be done now, and then whatever statement is to be made on behalf of the conferees I should like to make, and after that the Senator can proceed with reference to other amendments.

Mr. McCUMBER. I think the Senator had better take it up now. I do not know which question I will take up first. It will be just as I find them in the bill. I can proceed after the Senator has answered the Senator from Kansas.

Mr. CLAPP. Mr. President, of course the position which a conferee on the part of the Senate is placed in with reference to amendments which are placed on a bill by the Senate is known to every Member of the Senate. The appropriation bill is formed in the House. It comes to the Senate. We put amendments upon it here, and no matter how general may be the desire of the Senate for an amendment, of course in the last analysis the conferees can not retain a Senate amendment without a vote of at least two Members of the House conferees with the managers on the part of the Senate.

Some years ago there was a class of employees, I think, called special assistants to the Secretary, and appropriations were made for them beginning with an appropriation of $10,000 annually. Later they came to be known as district agents. The earlier appropriations, I think, ran about $80,000 to $90,000, until finally they reached the sum of $100,000. In the last appropriation bill the amount appropriated for these district agents was $100,000.

At the present session of Congress the House in making up the Indian appropriation bill omitted that item. It was a matter, I understand, of considerable discussion in the House committee and also in the House itself, and both the committee and the House decided to leave it out. So the bill came over here without any provision for salaries and expenses for district agents, but in the bill were two items, one reading as follows:

For expense of administration of the affairs of the Five Civilized Tribes and the compensation of employees, $150,000.

The Senate struck that out and put in lieu thereof the following:

For expenses of administration of the affairs of the Five Civilized Tribes, Oklahoma, and the compensation of employees, $174,000.

Making an increase there of $24,000. I do not think there is any question but that the Interior Department can use that appropriation in any manner it sees fit where the use is not in express terms limited by statute. At the same time the bill as passed by the House contained a provision reading as follows:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian service for which no other appropriation is available, $85,000.

During the time special provision was made for district agents it was not thought that this item covered those district agents, because there was a specific appropriation for them, but the broad language of that provision, "for pay of employees not otherwise provided for," in the face of Congress striking out the special provision of $100,000 for men who were called district agents, there can be no question of the right of the department to use a portion of that fund for the purpose.

When the bill reached the Senate, the Senate struck out the words "eighty-five thousand" and inserted "one hundred and twenty-five thousand" making an increase there of $40,000.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. That was only $25,000 more than the amount asked for by the Department of the Interior, which was $100,000.

Mr. CLAPP. The estimate was $100,000, and we raised it $25,000 above the estimate.

Mr. CURTIS. Furthermore, if the Senator will allow me——

Mr. CLAPP. Certainly.

Mr. CURTIS. This appropriation is made a part of the bill which provides for a certain class of work that has been going on in the department for years, and it has never been construed or held that special or district agents should be employed under it.

Mr. CLAPP. That is quite true. As I have already stated, that provision never anticipated the particular provision we are dealing with, but the broad language of that provision, for any purpose not otherwise provided by law, it seems to me leaves it beyond any question.

Mr. President, I am not justifying it. I am simply showing what has been done that the Senate may then determine for itself whether, in view of the increases which were made and the failure of the conferees to secure the increase asked for in amendment 99, which relates to district agents, the conference report should be sent back.

Mr. President, no one deplores more than I do the condition which the Senator from Kansas has presented to the Senate. At the same time, with this appropriation of $65,000, that may be necessary to the department somewhere else but from which it must here and there cut a corner, I believe the large portion of the amount, if no other alternative is presented, can be used for this purpose.

Mr. President, these amendments were put on in the Senate. I was in favor of this amendment or, of course, I would not have voted for it in the Senate. The conference was held up for something like two or three weeks in the hope that we could finally get the conferees on the part of the House to yield on these provisions. I feel that the Senate conferees did all that they could in this respect, not only through their own efforts, but as is well known to some Senators and well known to the department, the opportunity was given and the opportunity was seconded by the Senate conferees, if possible to bring about a change of mind on the part of the House conferees, so that they would finally yield on this question and leave the district agent item in the conference report. I believe that they should have done so. I believe it is an important item. I am in hearty accord with the department in its effort to retain the item. But knowing what I do of the history of the contest over the item in the House committee before it reached the House and of the contest upon the question in the House, we reached a point where I believed there was no use in further delaying the conference report for this reason. I therefore signed the conference report, and anxious as I am, glad as I would be, to secure an additional appropriation for the use of the department, knowing what I do of the history of this struggle in the House committee and in the House itself, for one I shall feel constrained to vote for the adoption of the conference report.

It is needless to add that there is nothing personal in this matter, and that if upon this statement of facts Senators think the report should be sent back to conference, the Senate conferees will do their best again to secure a concession from the House on these particular points.

Mr. McCUMBER. Mr. President, the Senator from Minnesota has my profound sympathy, as has every other Senator who must act as a conferee upon an Indian appropriation bill. I have occupied that position myself and I know what it means. Without having been present at the conferences this year I know the Senator from Minnesota [Mr. CLAPP] has worked day and night assiduously to secure an agreement between the two Houses.

Knowing something about the character of his work, Mr. President, I am free to say that if I believed a vote of mine to send this matter back to the conference would be considered by the Senator from Minnesota as the slightest criticism upon his act as a conferee, I should fail to do so, notwithstanding the fact that I believe there are injustices as a result of this conference which ought to be remedied.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield, Mr. President.

Mr. CLAPP. I wish to say to the Senator from North Dakota and the Senate generally that the action of the Senate, if it should decide to send the matter back would not be considered by the Senate conferees as personal or as being in any sense a reflection upon them. I believed that these things should be brought back to the two Houses as they are and a fair and candid statement made. I want to say that whatever issue there is between the Senator from Kansas [Mr. CURTIS] and myself at heart we are one on this proposition; and it is for the Senate to decide the question. I simply say for myself, knowing the history of this item, that I shall vote to sustain the conference report.

Mr. McCUMBER. Mr. President, I am glad to have the Senator make the statement, because it encourages me to call attention to something in this bill that I think would justify the Senate in asking that it go back to the conferees.

As one looks over the Indian appropriation bill, as he follows the development of the bill from the time it is introduced in the House, passes through the committee of the House and passes the House and into the committee of the Senate and through this body, he can not but be impressed with the one great fact that the whole bill is top heavy in a certain direction, and that certain direction is always toward the State of Oklahoma. I can easily understand, Mr. President, how this can naturally be when I go in and ascertain the personnel of the committee and find that on the House committee there are three Members from one State upon the Committee on Indian Affairs. It is not, therefore, surprising that the interests of that State are well taken care of, and sometimes I think at the expense of the interests of some of the other States that must deal with the Indian question in their own localities. The branch of this tree marked Oklahoma is loaded with fruit while other branches with other names are necessarily devoid of any great quantity.

Take the matter, for instance, that we are now discussing, the matter of these agencies. I had occasion some few years ago to ask that the period of limitation upon the conveyance of Indian lands should be extended for a further period of 25 years, because I was convinced that the Indians in Oklahoma, like the Indians in every other section of the country, were regarded as a fit subject for the exploitation of the white man. I might say that I found, perhaps, that disease—the desire to take advantage of the Indians—a little more virile in the State of Oklahoma than in any other State in the Union. This may possibly be because the value of the Indians' property is more enticing than in any of the other States. Most bitterly was that provision fought, and yet it was passed; and it has saved to the Indians of that section many thousands of acres of land and many homes.

All the time I have been a Member of the Senate and upon the Committee on Indian Affairs we have had to deal with this question with the department where the attempt was made to separate the Indian from his property without adequate compensation. It has been found necessary, at least in the State of Oklahoma, owing particularly, as I said, to the great value of the property of some of those Indians, to appoint agents and to keep agents in the field for their protection. The many instances which have been just cited by the Senator from Kansas are elaborate proof in support of the argument for the maintenance of these agents in that State.

Mr. President, I think that other States that have Indians to deal with, other States that have Indian schools to look after, have been used hardly with kindness in the measure as it has come forth from the conference committee. I will take just one provision that I think ought to send the report back to the conference. It is the provision which was mentioned by the Senator from Minnesota. He admits that it is new legislation and that it was not passed upon either by the Senate or the House. He also admits, I think, that it ought not to have been in this appropriation bill. I refer to amendment No. 114.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Certainly.

Mr. CLAPP. I think the Senator states that somewhat broadly. Of course, I concede that the item as reported by the conferees is not within the scope of the conference, but when the Senator says it ought not to have been in the bill he is mistaken. It ought to have been in the bill. The amendment was put in very hastily in the Senate, with the thought that it was broad enought to permit something of this kind to be agreed upon in conference. That there ought to be such a provision in the bill I am very certain.

Mr. McCUMBER. I can not imagine how the Senator can claim that under amendment No. 114 it could have been possibly contemplated that the same power and the same authority and the same appropriation was made as was made in the legislation which the conference committee adopted bodily into the bill.

Mr. CLAPP. I say it was not. The amendment was hastily drawn, not by the chairman, with the thought that it would cover the subject in conference. When we got into conference we saw at once it was not broad enough, and we had to drop the subject or exceed our authority and come to the two Houses for a settlement.

Mr. McCUMBER. Let us see whether the provision itself embodied matters that were of such crying necessity as would require the abandonment of the radical rules of legislation by inserting such a provision in the appropriation bill. As the bill came from the House there was nothing whatever in it with

reference to the removal of these semiprisoners of war from the Fort Sill Military Reservation. If there had been a great demand for it, I have no doubt but that the three Representatives on that committee from the State of Oklahoma would have pointed it out and possibly there would have been some reference to it in the bill. But nothing whatever, not a line, was placed in the bill in reference to the proposition. When it came into the Senate it seems that we had not got in everything that was thought to be for the interest of that section of the country, or because we thought that the House had been rather economical in its dealing with the matter and would not appropriate anything, we inserted the following provision:

That the Secretary of the Interior be, and he is hereby, requested to report to Congress at the opening of the next session of Congress as to the advisability and the probable cost of securing homes in Oklahoma and New Mexico for Apache Indians who are now held as prisoners of war on the Fort Sill Military Reservation, Okla.

It was not so pressing as to even demand the attention of the committee of the House which brought this bill into existence. It was only thought of sufficient importance when it came to the Senate to justify us in making the suggestion that we should investigate the matter and determine the advisability. It had not got even to the advisability stage as we left it in the Senate.

Then, when it goes to conference with only the suggestion of an advice in the proposition, there is brought back into the Senate a conference report that has taken bodily a bill which was introduced in the House—I do not know at what time—and inserted it into this appropriation bill; and it now comes before the Senate to be voted upon as a matter coming not from either branch, not having passed either branch of Congress, but as coming solely from the conference committee.

It is quite a long provision, and I will only read the last paragraph of it. The last paragraph provides:

That for the purpose of removing and establishing said Indians on the Mescalero Apache Indian Reservation, there be, and hereby is, appropriated the sum of $100,000, or so much thereof as may be necessary, to be used under the direction of the Secretary of War, and for the purpose of purchasing lands for those remaining in Oklahoma, there be, and hereby is, appropriated the sum of $100,000, to be expended under the direction of the Secretary of the Interior.

Thus, Mr. President, we go from the point of no suggestion in the House to a mere suggestion in the Senate of an investigation as to whether they ought to be removed at all, and if so, the cost thereof, to an absolute removal and an appropriation of $200,000 to carry that removal into effect, without any consideration whatever of the subject in either branch.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I yield, Mr. President.

Mr. GORE. I think the Senator is laboring under a misapprehension.

Mr. McCUMBER. I hope so.

Mr. GORE. A bill providing for the removal of the Apache Indians from Oklahoma to New Mexico was introduced into the House and was favorably reported by the Indian Affairs Committee to the House. A bill providing for the removal of the Apache Indians from Oklahoma to New Mexico was introduced in the Senate by myself, was favorably reported by the Senate Committee on Indian Affairs, and passed the Senate, carrying an appropriation for their removal. The bill was based on a report from the Secretary of the Interior, a report by the Secretary of War, a report from the Commissioner of Indian Affairs, and an estimate submitted by the department of $250,000, recommended by the department as necessary to execute this legislation. Not only that, but it had been strongly urged by the Bureau of Indian Rights.

These Indians have been prisoners now for a quarter of a century. They have been in constructive confinement. They have been segregated from other tribes. They have been obliged, I may say by necessity, to intermarry, it is said, even brothers and sisters.

Now, something ought to be done for these Indians. It is true that the Indian appropriation bill carried a provision for the appointment of a commission, notwithstanding two Secretaries had recommended their removal and had submitted an estimate for that purpose. It is a universal desire, a universal demand of everybody interested in the welfare of the Indians.

Every sentiment and every consideration of humanity pleads for this legislation. There is no reason why it should not be enacted either as a part of this Indian appropriation bill or in any other way, so that the humane and desirable object in view may be attained.

I trust the Senator will withdraw his opposition. I trust, further, that the Senate will not share his opposition.

Mr. McCUMBER. Mr. President, I have not attacked the justice of this provision in the slightest degree. This proposition has not passed the House; this proposition has not passed the Senate.

Mr. GORE. Mr. President——

Mr. McCUMBER. Until it has passed the House and the Senate it is not a proper proposition to be put by the conferees into an appropriation bill.

Mr. GORE. Mr. President——

Mr. McCUMBER. I yielded to the Senator and he made a speech when I supposed I had yielded for an explanation. I will give way to the Senator in a moment if he will allow me to complete my remarks.

Mr. GORE. I wish just to correct that statement, Senator. The bill has passed the Senate. The Senator would like to speak by the record on that point.

Mr. McCUMBER. If the bill has passed the Senate, and I presume it has, I have no recollection of its passing the House.

Mr. GORE. I hope the Senator will let me add that only 25 of the original prisoners are now living.

Mr. McCUMBER. Mr. President, I purpose to carry this matter a little further along. I said I would speak not only of the parliamentary status, but also of the justice of the proposition.

This may be an appropriate provision; I have no doubt but what that bill should have passed both the House and the Senate; but before such a provision goes upon an appropriation bill by the action of a conference committee, it ought to pass both of the legislative bodies in some form so that it gets fairly before the conferees.

Mr. President, while the Senator is pleading for that character of citizen, let me call his attention to another matter, and let us see what is the result of this $200,000 appropriation put on by this conference committee. You want to keep down your appropriation bill; all right. Now, here is a part of a tribe of Indians that rebelled against the Government; that committed murders; that have been retained as prisoners of war; that have been taken care of reasonably well, I presume; they are not suffering; at least we have no report that they are suffering any injustice at the hands of the Government. I am not saying that they should not be released, that they should not go to Oklahoma.

Let me call the Senator's attention to another tribe of Indians, the Turtle Mountain Tribe. While they had as absolute an ownership as it is possible for Indians to have in over 10,000,000 acres of the best land of the rich Red River Valley of the North, they were, by an Executive order, taken away from their own lands and were placed upon two little townships in what we call the Turtle Mountains, in which they were practically kept as prisoners for years. For what offense? For the offense that they had never been hostile to the white man; for the offense that they had never dyed tomahawk or knife in the blood of a white man or white woman. Adjoining them on the south were the great Sioux Tribes that were always in rebellion; that had in 1862 committed one of the most atrocious outrages of which civilization has any record, when thousands of people, I believe, were murdered. Those Indians, after the punishment of a few of them, were dealt with by the Government and their lands were bought—lands that were not worth one-half as much—for two dollars and a half an acre; and this sum was put to their credit; while the Turtle Mountain Indians who during that same Indian outbreak, furnished their guides and furnished their young men to take care of the white persons who were wounded or injured, and who had never raised a hand against the white settler, were taken from their section of country and placed in two townships.

In 1892, as chairman of a commission, I made a treaty with those Indians, and the best that we could do with the Government was to secure a treaty which allowed the Indians 10 cents an acre for that land, 10 cents an acre upon their agreement to release every acre of it, with the exception of the two townships, which had to be divided among nearly 3,000 Indians, and not more than one-fifth of those two townships was tillable land. It took us until 1903, I believe, to get that treaty ratified. One of the provisions of that treaty was that those who could not get an allotment within the limits of those two townships could at least go out in their own neighborhood and take Government land in the immediate vicinity. At that time there was a great quantity of Government land abutting upon this little executive reservation. If the treaty had been ratified immediately, they could have secured their homes, but they were kept there 11 or 12 years, until every foot of that land had gone out of Government ownership and was held by white settlers. When finally we got the treaty ratified and all of this land released, it was found that three-fourths of those people must go elsewhere to get their lands; they were compelled to

go out into Montana, into the western part of our State, or to whatever place they could find land in the semiarid section.

We have had a succession of dry seasons, and for a number of years the Indians have been unable to raise a crop. The result is that these good Indians, the friends of the white people, who were driven from their homes out onto the dry prairies, have been in a destitute condition, and the department itself, of its own motion, knowing their condition, knowing the wrong that had been committed upon them by withholding their treaty for 12 years, recommended the appropriation of $100,000 to help them out during the next few years to open up their lands, to assist them in buying horses and cattle and machinery, and to help them to establish their farms.

Mr. President, in order to keep this $200,000 for these prisoners of the United States and to remove them, it became necessary for the conferees to take the $100,000 that was allotted to the Turtle Mountain Indians, who had never been a great load upon the Government and who had never rebelled against it.

I speak now for the justice of the matter. I have no objection to your holding the $200,000 if it is proper; but if you do it, I do object to your holding it at the expense of cutting out the $100,000 that belongs to and should go for the support and maintenance of these Indians out on the prairies.

So, Mr. President, I could follow up a number of such injustices which have been done along the same line. I call attention to but one other, and that is this: We need a hospital at the Indian school in the little town where I live. Provision was made some three or four years ago, where the small sum of $6,000 was allowed, but we could not build the hospital with that meager amount. We advertised for bids for about as small a hospital as could properly be built, but it was found that it would be necessary to have a considerably larger sum. We needed about $25,000; possibly we could get along with a little less than $25,000; but in order that we might appropriate more for these wards of the Government who are held as prisoners and in order that we might not be compelled to swell the appropriation, that little $25,000 appropriation must be cut out.

But here is another school down in Oklahoma, near one of their cities, that must have a new sewerage system; we must put that sewerage system in for them at a cost of about $17,000; but we must cut out something on the other schools in order that they may join with another little town and have a perfect sewerage system for their school system.

Mr. President, my complaint is not lodged so much against the fact that you have added these things as that you have added them at the expense of other sections. If you had not cut out other provisions that were far more necessary and more appropriate, in order that you might keep down the appropriation, and then added the $200,000 for the purpose of taking care of these Indians and removing them, I should have made no objection.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. I yield, Mr. President.

Mr. CLAPP. I think it is only proper to place this Fort Sill provision right. I want to assure the Senator from North Dakota that its insertion did not involve the sacrifice of any other matter. It was a Senate amendment so far as it went; whatever had been done with it was done by the Senate; and when it was reached, knowing of the conditions existing, knowing that the amendment had been put in by the Senate with the thought that it might be the subject of conference, the Senate conferees were anxious that something should be done to close out and relieve the Fort Sill situation.

Mr. McCUMBER. I have no doubt that something should be done. I agree with the Senator entirely as to that.

Mr. CLAPP. The Senator was arguing as though it had been done in the interest of Oklahoma and at the sacrifice of other amendments inserted by the Senate. It is true the House conferees concurred in it. I do not now and did not at the time regard it as a matter of particular interest to Oklahoma. It was regarded by the Senate conferees as a matter of general public interest, and we put it in with the explanation which I have already given to the Senate.

The great trouble, Mr. President, is right here—and it has been a trouble for some years—that instead of putting things before the House committee or before the House, and getting them in the House bill where they should be put, too many wait until the bill reaches the Senate; then the amendments are put in as Senate amendments, and, of course, from that time on the Senate conferees are practically subject in the last analysis to the action of the House conferees.

Mr. McCUMBER. Mr. President, there is another little amendment that was put on by the Senate that I see the conferees struck out. I want to be fair with the Senator from Minnesota. I understand that it was stricken out because there was an assurance that the House would pass a bill practically covering the same subject, and that it would come over to the Senate and would be passed; but, Mr. President, we are nearing the close of the session——

Mr. CLAPP. To what amendment does the Senator refer?

Mr. McCUMBER. The amendment in reference to $40 per capita to be paid to certain Indians on the reservation between North and South Dakota. I ask the Senator now if he will state what objection there could be urged against that provision? I know the section of the country; I know that those Indians for two years have raised no crops whatever; I know that there is money due the Indians; I know they need it; and, so long as the appropriation was to be made out of their own money, I can see no reason why, if it was proper that it should pass as a separate bill and was really in this bill, so that it was subject to the jurisdiction of the committee of conference, the committee could not have held it there.

Mr. CLAPP. I do not just now recall the particular objection that was urged against the retention of that amendment.

Mr. McCUMBER. It relates to the Standing Rock Reservation.

Mr. CLAPP. Yes; I understand. Of course, it is manifest that objection was made and the Senate conferees felt that they had sooner or later to yield to it or they would not have yielded; but I do not now recall the particular objection. It may have related to the proposition of getting more definite information, though I would not be certain as to that.

Mr. McCUMBER. I will say to the Senator that we had in a report, I think, on this bill, a statement or a letter, probably written by Mr. McLaughlin, a special agent, who recommends it very strongly and gives the reason why it should be done.

Mr. President, I do not want to take up the time of the Senate any longer. There are a great many other reasons that I might urge why I think the Northwestern section of the country did not receive its just deserts at the hands of the conferees. I hope the report will be sent back to conference, so that we can be heard and so that justice may be done in the cases I have mentioned.

Mr. BAILEY. And that the Indians will be fairly divided up.

Mr. CHAMBERLAIN. Mr. President, I desire to say a few words with reference to amendment No. 99, which proposed to retain district agents in connection with the Five Civilized Tribes in Oklahoma. This was a Senate amendment, as has been suggested by the Senator from Minnesota [Mr. CLAPP], and the Senate conferees insisted as strenuously as they knew how to insist upon anything that the provision for district agents should be retained in the bill. I am frank to say that, from my viewpoint, there are many reasons why they should not be retained, and yet, with the Senator from Minnesota, I insisted upon the retention of the Senate amendment.

It is very strongly insisted by those who oppose the retention of these special agents that it is an unwarranted interference on the part of the Government with the affairs of Oklahoma; and when the Senate comes to consider the matter it appears to be absolutely an impeachment of every civil officer of every county where these Indians are located, because it is a practical——

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Kansas?

Mr. CHAMBERLAIN. I yield.

Mr. CURTIS. Does not the Senator know that the probate judges, under whose jurisdiction the property of these Indians comes, have asked for the retention of these agents?

Mr. CHAMBERLAIN. I know, Mr. President, that there is a diversity of opinion on that subject, even amongst the officials. There are some of the county judges who insist that they ought to be retained for the protection of the rights of the Indians; and, on the other hand, there are some county officials who insist that they ought to be abolished. I know that great wrongs are perpetrated against these Indians by the civilians of Oklahoma, but the same wrongs are perpetrated against them in other States in the Union; and I am not prepared to say that wrongs are not perpetrated against the same helpless people by officials of the Government as well.

So that, when the Senate conferees consented to recede from the Senate amendment proposing the retention of the district agents, they did so because, without receding upon the part of the Senate conferees, there would have been absolutely no chance to reach an agreement; and the matter comes up here now with the report of the conferees in favor of the abolishment of the district-agent system. But even if the agents be abolished, even if the report of the conferees be adopted,

there is not any question but that under the provisions of this bill the Indian Bureau or the Secretary of the Interior may utilize $125,000 for the employment of special agents in protecting this particular part of the Indian people, if he so desires.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield further to the Senator from Kansas?

Mr. CHAMBERLAIN. I yield.

Mr. CURTIS. Will the Senator call attention to any provision in this bill making an appropriation of $125,000 which can be used in Oklahoma for district agents? Does not the Senator know that the only increase in the appropriation for this work in other parts of the country was only $20,000?

Mr. CHAMBERLAIN. I call the Senator's attention to page 10 of the appropriation bill, where this provision appears:

For pay of special agents, at $2,000 per annum; for traveling and incidental expenses of such special agents—

And so forth.

I claim, and I think my associate on the conference committee will agree with me, that is broad enough to authorize the expenditure for this purpose.

Mr. CURTIS. In answer to a question asked by me of the acting chairman of the committee, he admitted that it is not.

Mr. CLAPP. Why, Mr. President, I did not understand——

Mr. CURTIS. I appeal to the notes. I asked the Senator if he did not admit that there was no provision for this work, and he said that there was no provision; but he believed that because of the wide range of the language, while it never had been applied to Oklahoma, it might be so applied.

Mr. CLAPP. Oh, certainly. I insist that it may be so used.

Mr. CURTIS. And he also admitted that there was only $20,000 increase in the appropriation.

Mr. CHAMBERLAIN. That matter, I will say to the Senator from Kansas, was discussed by the conferees. It was further suggested by somebody in conference that we should increase the appropriation in the section to which I have just called the attention of the Senator from Kansas, so that it might be large enough to employ district agents, not eo nomine, but as special agents for this particular purpose or any other purpose to which the Government might see fit to assign them. So that, in my opinion, Mr. President, every dollar of that $125,000, appropriated on page 10, if the department sees fit, can be expended, not for the employment of district agents by that name, but for the employment of special agents to do the will of the department in the protection of these or any other Indians.

Mr. CURTIS. Does not the Senator know that the department asked for $105,000 for that work outside of Oklahoma; that the House reduced the amount to $85,000; and that the Senate put it back to $125,000, making only an increase of $20,000 over and above what has been asked by the department for the work outside of Oklahoma?

Mr. CHAMBERLAIN. But, notwithstanding the recommendations of the department, it seems to me, Mr. President—and I have always so felt—that these special agents might be withdrawn from any State in the Union where they are absolutely not needed for any other purpose than the drawing of their salaries. Let some of these men who have not anything to do in other States be withdrawn from the particular territory to which they are now assigned and put in Oklahoma, where the civil authorities and others claim their services might be used to the benefit and advantage of the Indians. I say that $125,000, notwithstanding the report to which the Senator refers, is ample to be expended for the protection of these Indians in Oklahoma; and I say that, too, in the face of the fact that my associate on the conference committee and myself stood as strenuously as we knew how to stand to retain in this appropriation bill the amount which was asked by the Secretary of the Interior for the employment of these special agents.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from North Dakota?

Mr. CHAMBERLAIN. I yield.

Mr. McCUMBER. Has the Senator any information that any of the agents employed in connection with Indians outside of Oklahoma have nothing to do?

Mr. CHAMBERLAIN. I did not know this particular question was coming up for discussion, but I do not think it would be very difficult to show or to find it out, if the Senator is anxious to learn by reading some of the reports. I have not, however, any particular case in view right now.

Mr. McCUMBER. I have not heard that they are not busy, and it seems to me to be evident that there are not half enough of them down there to protect the Indians.

Mr. CHAMBERLAIN. There is one thing you can always count on absolutely with reference to this department and every department of the Government, and that is, if you ever increase a fund for the purpose of employing agents for any purpose, you never can get it abolished or abandoned without a fight; and so it is here. These special agents have only been added recently to the service of the department.

I think the report of the conferees ought to be sustained; and I say now that, if this bill goes back to the conferees, the same result will follow, because I am satisfied the conferees will never agree on this provision, nor will the House of Representatives ever agree to pass the bill with the special agents retained.

With reference to the other suggestion made by the Senator from North Dakota about the prisoners at Fort Sill, it does seem to me that the position of the Senator is a little bit inconsistent with his own action in reference to this bill. If that is an improper subject of legislation in an appropriation bill, certainly the appropriation for which he has asked of $100,000 for the relief of the Turtle Mountain Indians is not a fit subject for legislation; and yet the Senator had it inserted as an amendment to the appropriation bill—an appropriation of $100,000 for that particular purpose in his State. The Senate conferees insisted that that should be retained, but they could not retain it, and it was eliminated. The Senator seems to have some feeling because the appropriation for his State, which is on all fours with the appropriation for Oklahoma, was eliminated from the bill; but I want to say to the Senator that we tried to keep it in, just as we tried to keep the other Senate amendments in the bill.

I do hope, Mr. President, that in these closing days of the session this conference report may be agreed to by the Senate, if we hope to have any legislation on the subject at all.

Mr. HEYBURN. Mr. President, in regard to amendment numbered 114, I think the subject involved in that amendment would justify the calling of an extra session of Congress. It is one of the most radical outrages upon people who are entitled to the special protection of our Government that will be found in history from the beginning.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. CLAPP. I take it the Senator means the manner in which the Indians have been treated, rather than putting the item in the bill?

Mr. HEYBURN. If there was ever any case upon which Congress was justified in legislating upon an appropriation bill or anywhere else where legislation can be maintained, this is the case.

Mr. CLAPP. Yes.

Mr. HEYBURN. On the 26th of February I introduced a resolution in the Senate calling for information in regard to the prisoners of war on the Fort Sill Military Reservation. That resolution was referred to the Secretary of War, and I will ask the indulgence of the Senate while I call attention to it, because I have the report of the Secretary of War in response to that resolution. The matter has been called to my attention many times since I have been a Member of this body, and I have endeavored more than once to secure some recognition of the rights of these people.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. HEYBURN. Yes.

Mr. CLAPP. I do not know whether the Senator is aware of the fact that the Senate itself has passed a bill at this session embracing the amendment which was agreed on by the conferees.

Mr. HEYBURN. I am aware of that. The amendment and the legislation are both inadequate to the situation.

The resolution asked the Secretary of War to inform the Senate—

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Oklahoma) Reservation.

Second. How many of said Indians are males and how many are females.

Third. How many of said male Indians are under 40 years of age.

Of course, those could not possibly have taken any part in the disturbance that resulted in the arrest of some of the Indians.

Fourth. How many of said Indians are known, at any time prior to their capture, to have been engaged in hostilities against the United States, or to have committed acts of violence against citizens or residents of the United States.

Fifth. The names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph.

Sixth. The military necessity, if any, for continuing to hold said Apache Indians as prisoners of war.

Seventh. By what authority the said Apache Indians are now held as prisoners of war, and particularly by what authority those of said Indians who were born in captivity, and who have come of age while still in captivity, are so held.

Now, in response to that inquiry, the Secretary of War reports—and I will only state the salient points, because I am going to ask to print the entire report in connection with my remarks—under date of March 13, 1912—

The PRESIDENT UNITED STATES SENATE.

SIR: In compliance with Senate resolution 232, I have the honor to submit the following information:

First. There are 257 Apache prisoners of war now on the Fort Sill (Okla.) Reservation. Eighteen of this number are reported on the morning reports as scouts.

Second. Of the entire number, 138 are males and 119 females.

Third. Of the said male Indians, 98 are under 40 years of age.

Those Indians could not possibly have taken part in the war, if you may term it such, that resulted in their capture.

Fourth. Thirty of the said Indians are known to have been engaged in hostilities against the United States or to have committed acts of violence against citizens or residents thereof.

That is, 30 out of 257 prisoners of war, leaving 227 Indians held in military slavery who are not charged with ever having committed any act of violence or of having been associated with those who did.

Fifth. The following are the names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph.

That is, every one of the 30 Indians who are known to have participated in acts of violence with Geronimo is recorded with conduct "fair" or "better." Not a single one of them is reported as having been guilty of any misconduct during his imprisonment. They submitted to the capture. They were taken as prisoners of war. Their wives were permitted to go with them into captivity, and they have been held there for 26 years—26 years of captivity, during which time 227 of them, never charged with the violation of law or good order, have been held in military slavery.

It is a blot upon our system of dealing with the Indians or upon our system in all respects that the Government of the United States should have held these Indians in captivity. To rear families in captivity, children born in captivity, without even the status of an Indian on a reservation, is, I say, discreditable to our Government, and I am glad to have the opportunity of calling attention to this outrage perpetrated in the name of law. Even the children born of these parents and of sons and daughters of these parents are held to be prisoners of war, deprived of every and all rights; and I care not whether it stretches the rule against legislation on appropriation bills or not the provision should have gone further than to request that the Secretary of the Interior shall report to Congress. It affords no present relief to them. We need no further reports than that from the Secretary of War. They are not under the control or supervision of the Secretary of the Interior, and the Secretary of the Interior in the performance of no duty could give Congress this information except by hearsay.

My purpose in introducing the resolution in February was to have this information in order that Congress might at the earliest possible day afford relief—not to ask or request information. That is futile. Future generations of Indians may be born in captivity growing out of this condition before the request is complied with.

The request for information promises no relief to these Indians. It promises no legislation that will restore them even to the rights of an Indian, much less to the rights of citizens of the United States. Many of their tribe have been invested with citizenship and have gone on with the march of improvement and progress that has distinguished these Indians, and yet we have these helpless children held as prisoners of war, without any right even in the courts of the land, because a prisoner of war has no rights except such as are granted by the commandant of the post or through the medium of the War Department of the United States. Does it not appeal to Senators that we should afford them relief? While the proposed legislation accomplishes nothing, yet it promises to lay the foundation for the consideration of this question.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New Mexico?

Mr. HEYBURN. I yield.

Mr. FALL. The proposed legislation accomplishes this: That among these Indians, or of all these Indians, those who choose shall be removed to the Mescalero Agency, in Otero County, N. Mex., which happens to be my own home county; and there are yet, I should like to say to the Senators, the children of American citizens—quiet, peaceable American citizens—a few children living in that country, sons and daughters of those American citizens who were murdered by these very Indians whom it is now proposed to send back to Otero County, N. Mex.

I will say, frankly, I have the utmost sympathy with these Indians, so long as they are kept at Fort Sill or somewhere else. I have not any sympathy for the Indians, or the innocent children of those Indians, if they are to be sent back among the people whom they murdered.

We fought there for years, and I will say to the Senator now that there is over a million dollars of indebtedness outstanding in New Mexico which has never been paid to the citizens of New Mexico, when the United States would not or could not send troops there to round up these Indians to run them out of New Mexico and into old Mexico; and a dirtier band of murderers never lived on the face of the earth than these Indians under Geronimo, for whom the Senator from Idaho is expressing so much sympathy.

Mr. HEYBURN. I am expressing no sympathy for that murdering Indian chief, and I never had any; and I stood on the picket line to protect citizens of a part of this country against those Indians, and I feel just as deeply as can the Senator on that question. But is there in this earth to-day a Government that punishes the children for the sins of the father? None. I would keep those 30 men in military prison where they are now, I would continue to punish those 30 men who engaged in hostilities against the country, but I would not punish the women and the children and the generations which have succeeded them. There is no Senator in this body who has felt or feels more strongly against the murdering, roving band of Indians in that country than I do; but I would not carry my feelings to the extent of punishing, disfranchising, depriving the children and the grandchildren—and many of them are the grandchildren of those men—of the rights that are given to others in like condition.

Mr. FALL. Then I understand that the Senator is in accord with myself in opposing the conference provision, sending these Indians back to New Mexico, including these 30 murderers he speaks of?

Mr. HEYBURN. No. I am not in sympathy with any proposition that would contemplate the sending back into freedom of those murdering Indians now in captivity, but I would not continue to hold as prisoners of war their children and their grandchildren or their wives, and it is on behalf of those generations that I speak.

Mr. FALL. In interrupting the Senator I was speaking to the bill under consideration. So far as concerns the general proposition, I am in thorough accord with him, and I will vote just as much as he will to put these people—turn them loose in Idaho, if he wants them there—to take care of them there or somewhere else, but I do not want these men who are still alive, who committed every possible depredation with the people right where I live, some of them the same men now living, to be sent back there within 10 miles of where they committed these depredations. Now, so far as the children and the grandchildren are concerned, all right.

Mr. HEYBURN. This does not propose to send them back. It proposes to institute an inquiry as to whether or not they are——

Mr. FALL. Mr. President——

Mr. HEYBURN. I have it before me and I am going to read it.

Mr. CLAPP. The Senator from Idaho would relieve himself of some embarrassment if he would let me call attention——

Mr. HEYBURN. I am not embarrassed, and I do not know that I am about to be.

Mr. CLAPP. I know nothing that could embarrass the Senator.

Mr. HEYBURN. Probably not.

Mr. CLAPP. He is talking to an amendment put into the bill by the Senate, which was receded from, while the provision agreed to in conference, which is now before the Senate, does authorize the removal of as many of these Indians as care to leave the Fort Sill Reservation.

Mr. HEYBURN. I am speaking to the matter before the Senate. I am perfectly well aware of the action taken in conference. I was addressing my remarks to the proposition contained in the one hundred and fourteenth amendment——

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oklahoma?

Mr. HEYBURN. Yes.

Mr. GORE. I desire to ask the Senator from New Mexico to whom that country of which he speaks belonged? I should like to ask the Senator if it did not belong to those same Indians?

Mr. FALL. No, sir.

Mr. GORE. How were they divested of title?

Mr. FALL. They never had any.

Mr. HEYBURN. I do not care to go into the consideration of the character of the Indian tenures. I have rather pronounced views in regard to that question. My purpose was to call the attention of the Senate and the country to the outrage that is being perpetrated, not upon the 30 men who were guilty of violations of the law of the land and the law of civilization, but to the children and grandchildren of those people; and I know of no principle in this Government that will justify it. Now, whether you are going to send them back into that neighborhood or not, or any part of them, does not come within the scope of the consideration that I rose to give to this question. It is clear that whatever you may do with the 30 men who were involved in war against our Government, there is no reason on earth for retaining these innocent person in captivity.

Of course there is no amendment to be proposed in the matter. Under the rules of the Senate there is nothing to do in this hour except to awaken a conscience in Senators so that when this question is to be dealt with responsibly they will not be unadvised. My purpose in introducing the resolution in February last was that we might have these facts and that this outrage might not be continued. I am familiar with the sentiment that pervades Indian countries in regard to the Indians. Many people living in those countries carry forward the hatred that was engendered by the massacres of life and the destruction of property at the hands of these Indians. I have felt myself impelled by those sentiments at times, but I am not proposing to discuss the rights of those sturdy men. Keep them prisoners, if you please, but do not extend the punishment to the innocent generation. I am not one of those who believe that all Indians except dead Indians are bad Indians. I have never indorsed that doctrine. I have seen something of Indians and of Indian warfare, and I have had my blood stirred very deeply against those people because of their outrages. But I have never been carried beyond the point of that higher human sentiment that would keep the white man's record as clean as he would have the Indians keep theirs. The murder of whites by these Indians should not be the means of degrading the white people to the level of those murderers.

Mr. President, I am glad to have had the opportunity to call attention to this condition of affairs, so that if the conscience of Congress awakens, it will be in a frame of mind to deal fairly with them.

I ask that the report of the Secretary of War, which is Document No. 432, be incorporated in the RECORD, and, preceding it, that the resolution to which the report is a response be incorporated in the RECORD in connection with my remarks on this subject.

The PRESIDENT pro tempore. Without objection, that order will be made.

The resolution is as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate with the following information:

First. How many Apache Indians are now held as prisoners of war at the Fort Sill (Okla.) Reservation.

Second. How many of said Indians are males and how many are females.

Third. How many of said male Indians are under 40 years of age.

Fourth. How many of said Indians are known, at any time prior to their capture, to have been engaged in hostilities against the United States, or to have committed acts of violence against citizens or residents of the United States.

Fifth. The names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph.

Sixth. The military necessity, if any, for continuing to hold said Apache Indians as prisoners of war.

Seventh. By what authority the said Apache Indians are now held as prisoners of war, and particularly by what authority those of said Indians who were born in captivity, and who have come of age while still in captivity, are so held.

The report of the Secretary of War is as follows:

WAR DEPARTMENT,
Washington, March 13, 1912.

The PRESIDENT UNITED STATES SENATE.

SIR: In compliance with Senate resolution 232, I have the honor to submit the following information:

First. There are 257 Apache prisoners of war now on the Fort Sill (Okla.) Reservation. Eighteen of this number are reported on the morning reports as scouts.

Second. Of the entire number, 138 are males and 119 females.

Third. Of the said male Indians, 98 are under 40 years of age.

Fourth. Thirty of the said Indians are known to have been engaged in hostilities against the United States or to have committed acts of violence against citizens or residents thereof.

Fifth. The following are the names, ages, present condition of health, and general conduct of the Indians coming under the terms of the last paragraph:

"Tiss-nolth-tos, age 47; health good; conduct fair.
"Calvin Zhonne, age 47; health fair; conduct fair.
"Leon Ferico, age 60; health fair; conduct fair.
"Beche, age 75; health fair; conduct fair.
"Yar-no-zha, age 47; health good; conduct fair.
"Christian Noiche, age 56; health fair; conduct has been very good for about a year past."

The above six surrendered with Geronimo in 1886.

"Too-is-gah, age 51; health good; conduct fair.
"Jasper Kanseah, age 39; health good; conduct good.
"Kay-dah-Zinne, age 51; health good; conduct fair.
"Nah-do-Zinne, age 51; health good; conduct fair.
"Kay-lh-tah, age 51; health good; conduct fair.
"Mithlo, age 48; health good; conduct good.
"Ky-zah, age 48; health good; conduct fair.
"Tah-ni-toe, age 57; health good; conduct fair.
"Tse-de-Kisen, age 53; health good; conduct fair.
"Martine, age 54; health good; conduct fair.
"Binday, age 54; health good; conduct good.
"Fatty, age 54; health good; conduct fair.
"Dexter Loco, age 48; health good; conduct good.
"Harold Dick, age 69; health good; conduct fair.
"Paul Gey-dil-Kon, age 52; health good; conduct fair.
"Nah-nal-Zhuggie, age 51; health good; conduct fair.
"José, age 53; health good; conduct fair.
"Kah-ah-te-nai, age 51; health good; conduct fair.
"Coonie, age 56; health good; conduct good.
"As-toy-eh, age 50; health good; conduct fair.
"Tzozonna, age 52; health good; conduct fair.
"Jason Betzinez, age 51; health good; conduct good.
"Chiracahua Tom, age 62; health good; conduct fair.
"Chatto, age 58; health good; conduct fair."

Due to the proximity of a town, which makes it exceedingly easy for these Indians to obtain intoxicants, it is believed that many of them are addicted to drink. The condition of these Indians would undoubtedly be improved by removing them to a reservation where this craving for drink could not easily be satisfied.

Sixth. There is no military necessity for continuing to hold these Apache Indians as prisoners of war if provision can be made for their location elsewhere than on the Fort Sill Reservation, and if the Indians desire to remove therefrom.

Seventh. While these Indians were originally taken charge of as prisoners of war, the necessity for holding them as such has long since terminated, and they have, in fact, been regarded as being under the tutelage and control of the War Department by reason of their establishment on the Fort Sill Reservation; that considerations of humanity required that when the adult males were originally taken charge of as prisoners of war the women and children should be allowed to accompany them and be subsisted with them; that the lack of provision elsewhere for these Indians has made it necessary to continue this guardianship and control over the prisoners who have come of age since the original surrender, as well as over those who have been born since that time; and that the establishment of these Indians on the reservation has been recognized by Congress in the sundry civil act of June 28, 1902 (32 Stat., 467), "for the support and maintenance of the Apache prisoners of war permanently established at Fort Sill, Okla., under control of the War Department"; and by similar provision made in the urgent deficiency act of February 18, 1904 (33 Stat., 26).

Inclosed is a memorandum by the Judge Advocate General giving a history of the Apache prisoners of war since their surrender in 1886 and their establishment upon the Fort Sill Reservation.

Very respectfully,

H. L. STIMSON,
Secretary of War.

THE APACHE PRISONERS OF WAR AT FORT SILL.

[Memorandum by the Judge Advocate General.]

The band of Apache Indians who were established on the military reservation at Fort Sill in 1894 had been engaged for many years prior to 1886 in acts of hostility against the people of the United States. These acts were terminated by their surrender to the military authorities near Fort Bowie, Ariz., in September, 1886. With a view to their protection they were sent to San Antonio, Tex., where they remained for a time until some permanent arrangement could be made for their care and protection. They were finally located at Fort Marion, Fla., where they remained for a number of years. As Fort Marion was found to be an unsuitable place they were subsequently removed to Mount Vernon Barracks, Ala.

As the climate at Fort Marion and Mount Vernon Barracks was quite different from that to which they had been accustomed in South Carolina, Arizona, and northern Mexico, disease from which they had theretofore been immune crept in among them, and upon full consideration of the situation by the Secretary of War they were permanently established on the Fort Sill Military Reservation in 1894.

As these Indians had been engaged in the commission of hostile acts for a number of years they were regarded at their surrender as occupying the status of prisoners of war and were subsisted and maintained as such. As the hostilities in which they had taken part have long ceased to exist, their temporary status as prisoners of war terminated, and they have since been regarded as a band of dependent Indians held in custody of the United States and under the special protection and control of the War Department. This status, as to some of its essential incidents, continues to exist.

The present military reservation at Fort Sill was originally set apart as an Indian reservation for the use and benefit of the Wichita, Kiowa, Comanche, and Apache Indians. On October 7, 1871, a tract of 23,048 acres was set apart by Executive order as a military reservation. After the removal of the Apaches to the Fort Sill Reservation in 1894 it was found that some additional land was necessary for their accommodation, and a tract of 26,987 acres was added to that reservation by Executive order dated February 26, 1897 (G. O. 14, A. G. O., Mar. 15, 1897). This addition is in two parcels of about equal size, lying at the eastern and western extremities of the original reservation, and

for that reason is known as the "eastern and western addition" to the military reservation. Subsequently two smaller tracts, of 893 and 372 acres, respectively, were added to the reservation, with a view to adjust its boundaries to the existing public-land system; this was accomplished in Executive orders dated September 20, 1901, and August 29, 1907, so that the present acreage is 51,292 acres. These constitute the "northern and southern addition" to the reservation and may be dismissed from further consideration.

The legislation referred to in your memorandum of the 16th instant will now be considered. The attention of Congress was first drawn to the location of the Apaches when the Army appropriation act was undergoing consideration in 1894; as a result of such consideration the following enactment was adopted:

"The Secretary of War is hereby authorized to remove to such military reservation or reservations as he may select the Indian prisoners of war now confined at Mount Vernon Barracks, Ala., and for the purposes of the erection of buildings, purchase of draft animals, stock, necessary farming tools, seeds, household utensils, and other articles needed for said Indians and generally for their support and civilization, the sum of $15,000 is hereby appropriated, in addition to the sums herein appropriated, to be expended under the direction of the Secretary of War." (Act of Aug. 6, 1894; 28 Stat. L., 238.)

The act of February 12, 1895, contained the following clause:

"Maintenance and support of the Apache Indian prisoners of war, removed from Mount Vernon Barracks, Ala., to military reservations in compliance with the provisions of the Army act approved August 6, 1894, and for the purposes of the erection of buildings, purchase of draft animals, stock, necessary farming tools, seeds, household utensils, and all other necessary articles absolutely needed for their support and civilization, in addition to the sums herein appropriated, to be expended under the direction of the Secretary of War, $10,000." (Act of Feb. 12, 1895; 28 Stat. L., 658.)

The act of March 16, 1896, contained the following provision:

"Maintenance and support of the Apache prisoners of war at Fort Sill, Okla., and for the purpose of the erection of buildings, purchase of stock, necessary farming tools, seeds, household utensils, and other necessary articles and expenses absolutely needed for their support and civilization, in addition to the sums herein appropriated, to be expended under the direction of the Secretary of War, $7,500." (Act of Mar. 16, 1896; 29 Stat. L., 64.)

The sundry civil act of June 28, 1902, contains the following requirement:

"Establishment of Apache prisoners at Fort Sill, Okla.: For the erection of buildings and repairs of same, purchase of draft animals and live stock for breeding purposes, farm and household utensils, blacksmith and wheelwright tools and repairs to same, and all other necessary articles absolutely needed for the support and maintenance of the Apache prisoners of war permanently established at Fort Sill, Okla., under control of the War Department, $4,000." (Act of June 28, 1902; 32 Stat. L., 467.)

Similar provision was made in the urgent deficiency act of February 18, 1904 (33 Stat. L., 26).

It was the purpose of the department in establishing the additional reservation in 1897 to furnish accommodations for the Apache prisoners of war. To that end Capt. Hugh L. Scott, Seventh Cavalry, was instructed to confer with the Kiowa and Comanche Indians with a view to obtain their consent to the establishment of the Apaches on an extension of the military reservation at Fort Sill and in their immediate vicinity. Capt. Scott was entirely successful in this undertaking, and on February 20, 1897, reported to the department that the Kiowas and Comanches were willing that the Apache prisoners from Mount Vernon should be located on an addition to the military reservation at Fort Sill. Whereupon, by an appropriate Executive order, dated February 26, 1897, the parcels constituting the "eastern and western additions" were set apart as a military reservation.

In concluding this branch of the subject it is proper to say that the eastern and western additions constitute a military reservation, charged with a use in behalf of the Apache prisoners of war; this is made clear by the language used in the Executive order in the operation of which the reservation was extended, in which it was said that the lands specified in the order were reserved "for exclusive use for military purposes, and for the permanent location thereon of the Apache prisoners of war," and the agreement with the Kiowa, Comanche, and Eastern Apaches, which was entered into by Capt. Scott, in the agreement which is referred to in the memorandum of the Chief of Staff, dated December 10, 1910.

It will be noted that the clause of legislation last above cited (supra, p. 3) contains the declaration that the Apache prisoners had been "permanently established at Fort Sill, Okla., under control of the War Department." This represents the final outcome of several executive and legislative acts had in pursuance of a formal agreement with the Apache Indians themselves, and with the Kiowa and Comanches, in whose territory they were to be established. It is true that the agreement was not a "treaty" in the sense in which that term is used in the Constitution, but it was a formal obligation entered into with bands of Indians having diverse and, to some extent, conflicting interests which were finally adjusted by the War Department, and, as so adjusted, were expressly recognized by Congress in an act of constitutional legislation.

The result has been, in the opinion of this office, to create a permanent status for the Apache Indians in the Fort Sill Reservation, which can only be removed, as it was created, with the consent of the Indians and the approval of Congress.

As the condition of fact, as established by executive and legislative action, has not changed, it is believed that an attempt to open any portion of the reservation for purposes of the allotment of its lands in severalty would be inexpedient at this time, and legislation to that end should not be favorably recommended to Congress.

Since the eastern and western additions to the original military reservation were made, it has been found that the enlarged reservation is in the highest degree necessary for military purposes in the training and instruction of the troops, especially of the Field Artillery, and in the conduct of joint and separate camps of maneuver for practical instruction in field service. If the Fort Sill Reservation, or any portion of it, were to be abandoned, or diverted to any other use, the training and efficiency of the troops would suffer, and it would be found necessary to acquire a tract of equal size, at a very considerable expense, for training and maneuver purposes.

It is therefore recommended that the military reservation, as added to since the date of its original establishment, continue in the use to which it was assigned in the several Executive orders which created it; that the Apache prisoners be maintained there until a suitable and convenient occasion presents itself for their removal to another reservation, when the entire matter should be presented to Congress, with a view to the transfer of the Apache prisoners, with their consent, to another reservation, where they can be furnished with accommodations equal to those which they now enjoy in the operation of the legislation hereinbefore cited.

Very respectfully,

GEO. B. DAVIS,
Judge Advocate General.

DECEMBER 23, 1910.

Mr. FALL. Before the Senator from Idaho takes his seat, I should like to say that I hold in my hand a copy of the same report, and I notice that this little band of Indians, instead of being incarcerated in cells, have had allotted to them first, in 1871, a tract of 23,048 acres, and next, in 1897, a tract of 26,987 acres. So they have a tract of 50,000 acres of land around Fort Sill. What is the purpose of removing them from these 50,000 acres around Fort Sill to take them somewhere else and give them land somewhere else? They are not incarcerated.

Mr. HEYBURN. They have no land. Congress enlarged the military reservation in order that these people might be accommodated without infringing upon the rights and the convenience of those already entitled to occupy that military reservation. The enlargement of the reservation was made necessary by the placing of these Indians upon it, in order that they might be separated from and kept apart from others occupying it under ordinary conditions.

Mr. FALL rose.

Mr. HEYBURN. I have the report, the same report the Senator has.

Mr. FALL. Yes; I so understood.

Mr. HEYBURN. Yes.

Mr. FALL. I simply wanted to know whether we had the same report and whether from this report the Senator from Idaho gathered that these Indians were harshly treated or incarcerated in some cells.

Mr. HEYBURN. I made no suggestion that they were incarcerated in cells. I have advised myself about the conditions of life existing among these Indians. They are prisoners of war; they have no rights; they have no property rights; they have no allotments or right of allotment—and I am now not referring to the 30 men, but I am referring to the others; and they have no rights such as are enjoyed by other Indians. The enlargement of the military reservation did not inure to the benefit or comfort of those Indians. The Senator certainly would not advocate the perpetual incarceration of these people as prisoners of war.

Mr. FALL. Shall I answer?

Mr. HEYBURN. Yes; would the Senator advocate that?

Mr. FALL. Certainly not; but the report states that the enlargement of the reservation was for the accommodation of these Indians.

Mr. HEYBURN. Yes. You build additional cells to a jail to accommodate additional prisoners. It was not for the benefit of the Indians, but it was to enable them to be more securely imprisoned.

Mr. FALL. I admit that I can not understand—I can usually fully appreciate the Senator's arguments, because he is always lucid, but upon this occasion I will admit I can not understand exactly—how the enlargement of the military reservation by the addition of something like 30,000 acres for the purpose of accommodating these Indians serves simply as would the addition of cells to a jail.

Mr. HEYBURN. It simply provides additional grounds for their imprisonment.

Mr. McCUMBER. Mr. President, in my remarks I referred, I think, to amendment No. 105 as relating to some school. Amendment No. 105 is for the construction of a sanitary sewage system in the Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, $35,000. I should like to ask the Senator from Minnesota what became of that amendment?

Mr. CLAPP. Amendment No. 105?

Mr. McCUMBER. It is on page 43. I suppose I could find it myself if I had the report handy here.

Mr. CLAPP. It was agreed to on condition that the city furnish an equal amount.

Mr. McCUMBER. I want to ask the Senator how that becomes an Indian matter? I understand, in order to give to the town of Sulphur a sewer system, we appropriate $35,000. How do the Indians get the benefit of that?

Mr. CLAPP. It is difficult to carry all these matters in one's head. As I recall it, the reservation there makes it necessary

for the town or city to extend the sewers some considerable distance. Otherwise, it would throw the sewage upon the Government reservation.

Mr. McCUMBER. It looks to me as though it ought never to have been passed by the Senate. In other words, here is a city without a good outlet for the sewage, and not having it, it asks the Government to appropriate $35,000 to make one for it, because it happens to join an Indian reservation.

Mr. CLAPP. I submit it is rather late to raise that question here.

Mr. McCUMBER. I admit it is late, but it is not too late to get some information.

Mr. CLAPP. The amendment passed the Senate, and when we got into conference it was made known that the Government reservation lies below where the sewage would naturally and economically be thrown, and it would carry the sewage so as to interfere with the use of the reservation, and the Senate amendment for $35,000 was cut in two on the ground that the city or town—and I forget whether it is an incorporated city or not—should contribute an equal amount.

Mr. McCUMBER. First, the city has no right to empty its sewage on an Indian reservation. It has no legal authority to do so; but it does so, and then the Government is called upon to expend $35,000 for the benefit of the city. Am I right in that?

Mr. CLAPP. No. I would not admit the city had no right. My impression is, so far as legal right goes, the city sewage could be put into the stream, but it would materially interfere with the use of the reservation; and, as a matter of justice between the city and the Federal Government—the use of the sewer on the part of the city and the use of the reservation on the part of the Government—it was thought only fair and best that each should bear its share of the burden of carrying the sewage around a bend in the stream. I may not have the terms just exactly right, but that is the situation.

Mr. McCUMBER. Here in this bill was $35,000. In the same bill there was added $25,000 for a hospital and quite an important school where there is no hospital. The $35,000 was for the benefit really of a city that under ordinary circumstances is supposed to take care of its own sewage. I was going to ask the Senator candidly, even though it was thought necessary for the Government to build a sewerage system, or a portion of it, for the city of Sulphur, in the State of Oklahoma, if he does not think that that Indian school was as much entitled to the hospital as this city was to the sewerage system, and why it was necessary, in order that Sulphur might have a sewerage system at the expense of the Government and still have a bill that would be economical, that we should take from this school the proposed hospital?

Mr. CLAPP. The Senator has asked practically two questions. One of them I can answer very readily, and, I think, as to the other the Senator's experience in committee in handling Senate amendments against House conferees will answer for itself. I think the hospital at Wahpeton is infinitely more important. More than that, while Wahpeton is not in the State I live in, I have always felt, owing to the proximity of the Wahpeton school and the possibilities there for agricultural development, that it is one of the few schools of which we should make a great institution for the Indians. I have always favored most liberal appropriations for the Wahpeton school.

Mr. McCUMBER. I can vouch for what the Senator states now.

Mr. CLAPP. We could keep one; and the other is a very simple proposition. They were both put in by the Senate, and we would keep them both in if the House conferees would agree to it. The fact that the House conferees agreed in a modified form to amendment 105, cutting it in two and making the city pay half, was no reason why we should have rejected amendment 105. On the other hand, we were not able to retain the other amendment. That answers the second question.

Mr. CUMMINS. Mr. President, I simply want to give notice that I will not ask the Senate to consider the constitutional amendment this afternoon. It is quite apparent that there is very much less than a quorum here, and I would not consider it fair to begin the consideration of that important matter under existing conditions. Therefore I will assume that it will come up at its regular time on Monday. I give that notice so that Senators may know nothing will be done this afternoon upon the joint resolution proposing a constitutional amendment.

The PRESIDENT pro tempore. The Chair will suggest to the Senator that in the opinion of the Chair, unless some agreement is reached, and the matter now under consideration goes over, it will become the unfinished business. Perhaps not, however, as it was simply taken up by consent.

Mr. CUMMINS. I do not so regard it, because I asked that the unfinished business be temporarily laid aside in order that the conference report might be considered.

The PRESIDENT pro tempore. The Chair is of opinion that the unfinished business will come up automatically on Monday.

Mr. LODGE. At 12 o'clock.

Mr. PAGE. I shall be very glad to do all I can to promote the happiness of my good friend the Senator from Iowa, but I want to say to him now that I shall feel justified on Monday next at 4 o'clock, or half past 4, or 5 o'clock, in asking that Senate bill No. 3 be made the unfinished business, unless the consideration of the joint resolution the Senator has in charge shall before that time be concluded.

Mr. CUMMINS. Of course I can not in any way restrict the movements of my friend the Senator from Vermont. I would gladly go on with the constitutional amendment this afternoon, but I feel that it would be unfair. If he insists, however, I will withdraw the notice I have just given and we will ascertain whether we can go on with the unfinished business.

The PRESIDENT pro tempore. The question is on agreeing to the conference report upon the Indian appropriation bill.

Mr. GORE. Mr. President——

Mr. CLAPP. I ask the Senator from Oklahoma to yield for a few moments. The situation here is apparent. If it is within the rule, I will yield temporarily to the Senator from Michigan [Mr. SMITH] to present a conference report which I understand will not require any discussion.

Mr. CUMMINS. I could not myself consent to that if it leads to any discussion.

Mr. SMITH of Michigan. I do not think it will lead to discussion. If it does lead to any discussion——

Mr. CLAPP. I will myself object if it leads to any discussion, because I want to finish the conference report now before the Senate.

LEGISLATIVE ASSEMBLY FOR ALASKA.

Mr. SMITH of Michigan submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 23, 24, 25, 26, 27, 28, 41, 42, 43, 46, 47, 49, 50, 53, 54, 55, 56, 57, 59, 60, 62, 63.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 48, 51, 52, 58, 61, 64, 65, 66, 67, 69, 70, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: After "thereof," in line 8 of the proposed amendment, insert: "*Provided further*, That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses"; and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, and agree to the same with an amendment, as follows: In lieu of the language in the bill and the proposed amendments strike out all after "years," page 18, line 3, of the bill, down to and including "election," line 2, page 4, of the bill, and insert: "and each representative shall possess the same qualifications as are prescribed for members of the senate, and the persons receiving the highest number of legal votes in each judicial division cast in said election for senator or representative shall be deemed and declared elected to such office: *Provided*, That in the event of a tie vote the candidates thus affected shall settle the question by lot. In case of a vacancy in either branch of the legislature the governor shall order an election to fill such vacancy, giving due and proper notice thereof"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert: "of the legislature"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert: "the legislature is"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out all after the word "thereof," in line 12 of the proposed amendment, down to and including "and," in line 15; and the Senate agree to the same.

WILLIAM ALDEN SMITH,
KNUTE NELSON,
GEORGE E. CHAMBERLAIN,
Managers on the part of the Senate.

H. D. FLOOD,
W. C. HOUSTON,
W. W. WEDEMEYER,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. GORE. Mr. President——

Mr. SWANSON. I ask unanimous consent that the Senate proceed to consider——

Mr. CLAPP. No; Mr. President, I can not consent to that at this time. I yielded for a conference report that would not lead to debate.

Mr. SWANSON. I thought that the conference report was temporarily laid aside and that the Senate might proceed——

The PRESIDENT pro tempore. The Senator from Oklahoma [Mr. GORE] is recognized.

Mr. BRISTOW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Clapp	Jones	Simmons
Bacon	Cullom	La Follette	Smith, Ga.
Bankhead	Cummins	Lodge	Smith, Md.
Borah	Curtis	McCumber	Smith, Mich.
Bourne	Dillingham	McLean	Stone
Brandegee	Fall	Martine, N. J.	Swanson
Bristow	Fletcher	Massey	Thornton
Burnham	Gallinger	Nelson	Townsend
Catron	Gore	Page	Wetmore
Chamberlain	Heyburn	Pomerene	Williams
Chilton	Johnston, Ala.	Sanders	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names, not a quorum.

Mr. TILLMAN entered the Chamber and answered to his name.

The PRESIDENT pro tempore. The roll of absentees will be called.

Mr. WARREN and Mr. WORKS entered the Chamber and answered to their names.

The Secretary called the names of the absent Senators.

The PRESIDENT pro tempore. Forty-six Senators have answered to their names—not a quorum.

Mr. CLAPP. I should like to make a parliamentary inquiry. It is, whether, in the absence of a quorum, in making a motion to adjourn, I can couple with it——

The PRESIDENT pro tempore. A motion to adjourn is in order, or to take action to compel the attendance of a quorum; that is all.

Mr. CLAPP. Could there be coupled with that motion the hour to which we shall adjourn on Monday?

The PRESIDENT pro tempore. The Chair would think so.

Mr. CLAPP. Then, unless some Senators want to try to get a quorum, I move that the Senate adjourn until 10 o'clock on Monday morning.

The PRESIDENT pro tempore. Ten o'clock is the regular hour of meeting, and it is unnecessary to specify that hour.

Mr. CLAPP. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 16 minutes p. m.) the Senate adjourned until Monday, August 19, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 17, 1912.*

The House met at 10 o'clock and 30 minutes a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty One, through whose gracious providence we have been brought to the present moment, we give Thee hearty thanks for all the rich and varied blessings of life. That we may use them wisely, define, we beseech Thee, day by day the pathway to duty, and impart unto us the desire, the strength, the fortitude to walk therein, that we may merit, moment by moment, Thine approbation; and Thine be the praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MEMORIAL SERVICES FOR THE LATE REPRESENTATIVE FOSTER OF VERMONT.

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent that the third Sunday in January, 1913, there be services in memory of Hon. DAVID J. FOSTER, late a Representative from Vermont.

The SPEAKER. The gentleman from Vermont asks unanimous consent that on the third Sunday in January, 1913, memorial services be held for the late Hon. DAVID J. FOSTER, of Vermont. Is there objection?

There was no objection.

AMERICAN REFUGEES FROM MEXICO.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table for present consideration Senate joint resolution 133, appropriating $20,000 for subsistence of American citizens who have fled from Mexico.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk reported Senate joint resolution 133, appropriating the sum of $20,000, out of money appropriated by Senate joint resolution No. 129, for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico, as follows:

Resolved, etc., That out of the money appropriated by Senate joint resolution No. 129, providing transportation for American citizens fleeing from threatened danger in the Republic of Mexico, the sum of $20,000 is hereby appropriated for the subsistence of such American citizens as are now in Arizona, with no home except in the Republic of Mexico and from which they have been driven to the United States.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I understood that the gentleman intends to offer a substitute, which I should like to have reported.

Mr. HAYDEN. I intend to offer a substitute. I ask first to have a short letter from the Secretary of War read from the Clerk's desk, to explain the necessity for the passage of this joint resolution.

The SPEAKER. The Clerk will report the letter.

The Clerk read as follows:

WAR DEPARTMENT,
Washington, August 15, 1912.

Hon. CARL HAYDEN, M. C.,
Room 406, House Office Building, House of Representatives,
Washington, D. C.

DEAR MR. HAYDEN: With reference to providing $20,000 for the subsistence of such American citizens fleeing from threatened danger in the Republic of Mexico, who are now in Arizona:

In my opinion this appropriation should be made. Congress will probably adjourn in the near future, and the amount of money now available for the purpose of providing subsistence for these refugees is small, probably not over eight or ten thousand dollars remaining unencumbered from the funds appropriated by joint resolution No. 127, and the number of refugees is constantly increasing.

I would suggest, however, that Senate joint resolution No. 133 be so drawn as to include not only Arizona, but California and New Mexico, and to include not only the refugees who are now in these areas, but those who may arrive in the near future.

Very sincerely, yours,

H. L. STIMSON, *Secretary of War.*

The SPEAKER. Has the gentleman a substitute?

Mr. HAYDEN. I offer the substitute which I send to the Clerk's desk. I believe that this substitute fully complies with all of the recommendations of the Secretary of War.

The SPEAKER. The Clerk will report the substitute.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That out of the money appropriated by Senate joint resolution 129 (public resolution No. 49) providing for transportation for American citizens fleeing from threatened danger in the Republic of Mexico there may be expended, until December 10, 1912, in the discretion of the Secretary of War, not to exceed $20,000 for the subsistence of American citizens who shall have fled or who may hereafter flee from the Republic of Mexico into the States of the United States bordering on the Republic of Mexico and who are now and who may hereafter be unable to pay for their own subsistence."

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

Mr. HAYDEN. Mr. Speaker, it has been estimated, and I believe conservatively, that 25,000 American citizens have been compelled to leave the Republic of Mexico since the beginning of the insurrection against President Diaz. Most of our citizens who have gone into Mexico have been young unmarried men, who have sought employment in the mines or with the railroads. With no family ties to bind them to the country and with no property to be sacrificed, it has been easy for them to leave the Republic whenever the conditions surrounding their employment became unsatisfactory. All they had to do was to leave their work and return to the United States. And they have returned by thousands, passing almost unnoticed across the border to find employment in their own country.

But the people for whose relief this resolution is to be passed are not so fortunate. This resolution will relieve the distress of women and children and old men who have been driven from their homes in the agricultural colonies that have been established in Mexico by the Mormon Church.

To those of you, if there be any among the membership of the House, who, perhaps, feel less sympathy for these unfortunate refugees because they believe in Mormonism, I have this to say: The Mormon Church is an American religious institution. The founders of that faith were native Americans, from the States of New York, Ohio, Illinois, and Missouri. Many of them were direct descendants of men who fought for freedom in the American Revolution. When, as the result of religious persecution, they were compelled to make the long migration to Utah, they found that country a wilderness, and they have made of it a fruitful land. However we may disagree with them over the tenets of their faith, no one can deny that the Mormon people are possessed of the homely virtues of honesty, industry, and frugality, which make the sum of good citizenship.

When I was a small boy the first Mormon colonists came from Utah into the Arizona valley where I was born. They were worn from their long journey and pitifully poor. They settled upon a tract of desert land and now nowhere can be found more productive farms than can be seen to-day in that part of the Salt River Valley. Other colonies were afterwards established in the Gila Valley and in northern Arizona. The settlers have prospered with the years, and they now constitute a substantial element in the population of Arizona.

A number of those whom I knew as a boy afterwards moved into Mexico when the colonies were founded there. Again, as true American pioneers, they went into a wild country and subdued the land. A large area was purchased from the Government of Mexico, and it was agreed in the contract that the settlers should retain their American citizenship. There are now six Mormon colonies in the Mexican States of Chihuahua and Sonora, numbering 10,000 people, and they have created agricultural wealth aggregating fully $10,000,000. They have been prosperous and contented, and Mexico is richer because they have reclaimed and made productive that part of the Republic.

The Mormon people have taken no part in the various Mexican revolutions. They have stayed at home cultivating their fields. Now war has burst upon them, and they have been forced to flee to the United States, but not one of them wishes to remain away from the homes that they have left in Mexico. Their supreme desire is that peace may soon come, so that they may return to their deserted farms and gather the crops that were left ripening in the fields.

They are of our own flesh and blood and are entitled to all the sympathy and assistance that should be given by this Government whenever American citizens are in distress.

Mr. Speaker, under the permission given me to extend my remarks, I will ask to have printed in the RECORD certain items that I have taken from the Arizona newspapers. The following interview appeared in the Bisbee Daily Review of August 1, 1912:

That Mormons were driven out of the Chihuahua colonies like cattle—the sick and the well, the old and the young—is the statement of Mrs. E. F. Wood, of Colonia Juarez, who is in the city as the guest of the family of her brother-in-law, Parley T. McRae, on Youngblood Hill. When wagon after wagon full of women and children were driven to the railroad at Pearson and the wagons returned empty to the colony by one man "it reminded one of a hearse returning after a funeral," says Mrs. Wood. "I do not think that we will ever go back to our homes unless the United States intervenes and establishes a lasting peace."

It was on Sunday morning that President Romney of the Mormon Church in Chihuahua was notified by rebel leaders that they must leave the country or accept the consequences; that unless they got out "the men would be killed and the women would be used."

On that morning the rebels marched into Colonia Dublan and planted a cannon in front of the church door, demanding that all guns and ammunition be immediately surrendered.

Women and children were hauled in wagons from the colonies to the railroad at Pearson. "They were packed in box cars like cattle," said Mrs. Wood, "and one woman that I know of was taken from her bed in a critical condition and rushed off to the train. On the train the supply of water gave out before we reached El Paso and a number of women fainted. I shall never forget the scene as we left Pearson. Women and children were crying on every side and drunken rebels were cursing us, using the most insulting language.

"No one brought out more than their clothes and a few things that they could carry in their hands," said Mrs. Wood, "and we could sell nothing because there was no one to buy.

"At the depot," Mrs. Wood continued, "a band of several rebels caught a boy and searched him for money. He was thrown to the floor and a sword's point was placed at his breast and he was told that unless he gave them money he would be killed. He refused to give in, but, again adding insult to injury, as is their custom, they made him search his sweetheart, who was with him."

The Mormons have six colonies in Sonora. In Colonia Dublan and Colonia Juarez there were about 1,000 women and children each, about 800 in Colonia Garcia, about the same number in Colonia Pacheco and Colonia Chucachuca, and 200 in Colonia Guadalupe. The women and children are being brought out as fast as possible, but the men will stay at the colonies as long as there is any hope of holding peaceably or selling their farms and homes. E. F. Wood, who is the largest planter at Colonia Juarez, said to Mrs. Wood before she left that he would stay at the colony "as long as the last dog stayed."

On the broad acres of the Mormon farms in the Chihuahua colonies thousands of trees are laden with luscious fruit, melons ripened on thousands of vines, and alfalfa is just ready for the harvest. Hundreds of acres of vegetables were left ungathered. This is one of the phases of the material loss that the exiled Mormons suffered.

This special dispatch which appeared in the Arizona Democrat of Phoenix, on August 1, gives an account of the condition of the refugees on their arrival in El Paso, Tex.:

Out in an old abandoned lumber shed, on Magoffin Avenue, between Cotton Avenue and the Texas & Pacific Railway tracks, nearly 300 American women and children are living until better quarters can be procured for them. They are exiles. They have been driven from their homes in the American farming colonies around Casas Grandes through fear of the brutality and wantonness of the red flag rebels that infest the western portion of the State of Chihuahua. They have come to the United States to escape the "patriotic" tendencies of the "army of liberty"—Orozco's army. It is not the fear of death that has driven them from their farms and their little ranches, for these women, with their work-worn hands, are possessed of a higher courage than most women that live in cities; but it is the fear of "something" worse than death itself—the evil passions of the "patriots" that are "fighting for liberty," and looting homes at the same time, around Casas Grandes.

Baggage, trunks, blankets, children of all ages and both sexes, are huddled together in a chaotic mass in that old lumber shed. Flooring has been laid in the structure and the exiles are not forced to sleep upon the ground. The city of El Paso and many public-spirited citizens, aided by the chamber of commerce, have done everything in their power to make the place as comfortable as possible.

The scene in the "camp" yesterday was an interesting but a pathetic one. Mothers walked up and down the inclosure with babies on their arms. Older children played listlessly about on the piles of bedding and looked with curious eyes on the visitors that came to the gates for a glimpse at the quarters. In every eye, from the youngest child to the oldest man—and there is one old, straw-hatted, long-bearded patriarch there, whose bowed shoulders have seen 90 years of life on this sphere—is an expression of bewilderment, like that of lost children.

Little by little the crowd of exiles in the lumber camp is diminishing, as officials of the colonies find temporary homes for them in the city or among friends at Hatchita, N. Mex., and in the Salt River Valley in Arizona.

The Graham Guardian published, on August 9, the following account of the mass meeting held at Safford on the arrival of the refugees from Mexico in the Gila Valley:

Several hundred refugees from Mexico arrived in the valley last week and are now being cared for by the people here. They are all destitute, as everything they own, except what little they could carry, was left in Mexico.

The treatment these people had received caused a feeling of indignation to sweep over the community, and mass meetings were called for the purpose of seeking means of relief.

The meeting in Safford was held in the park and was presided over by Mayor Prina. A number of speeches were made, and all were of the opinion that the United States should be called upon to give proper protection to Americans in Mexico.

At the conclusion of the meeting the following resolutions were unanimously adopted:

RESOLUTIONS.

SAFFORD, ARIZ., *August 4, 1912.*

To HON. MARK A. SMITH,
Hon. HENRY F. ASHURST,
Hon. CARL HAYDEN,
Washington, D. C.:

As nearly 3,000 Americans have been forced to leave their homes in Chihuahua and Sonora on account of the violent acts of the revolutionists within the past 10 days and are now being taken care of in different parts of the United States, and as the homes and property of these people are at the mercy of the different bands of revolutionsts overrunning that part of the country, with no means of protection, and not daring to return under threats of violence, and as several hundred of the refugees are here in the Gila Valley now seeking assistance and protection from the flagrant outlawry that has been heaped upon them, we, the citizens of Graham County, in mass meeting assembled at Safford, ask that you use your utmost efforts in an endeavor to induce the Federal Government to protect the American citizens now residing in the Republic of Mexico, and also the homes and property of these who have been forced to come to the United States for the preservation of their lives.

Viewing the situation from close quarters, we deem the situation very grave. While we do not advocate United States intervention at this time, we do believe that the Government is fully warranted in demanding that the Mexican Government give proper protection to United

States citizens and property belonging to them; then, in case this demand is not complied with, to compel its recognition.

The refugees from depredations can not remain long in the United States for the reason that everything they own is in the Republic of Mexico and they must be cared for by their friends or sympathetic citizens until they can return to their homes in Mexico, and we are firmly convinced that the sooner the United States Government gives the Government of Mexico to understand that it must protect Americans or that we will do it for them, the better it will be, not only for the unfortunates who have just left Mexico, but also for the human race in general.

Mr. Speaker, I realize that this is not the proper time to discuss the failures of American diplomacy nor what, in my judgment, is the proper course to pursue in order to bring peace into Mexico. I have strong convictions on this subject and hope that on another occasion I may have an opportunity to present my views to this House. I wish to add only that if the same course had been pursued by the American Government on another occasion, Arizona, New Mexico, and California would not now be a part of the United States, nor would the Texans have any cause to remember the Alamo.

The amendment in the nature of a substitute was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. HAYDEN, by unanimous consent, the title was amended to conform to the joint resolution as passed.

On motion of Mr. HAYDEN, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CERTAIN HOMESTEADERS IN NEBRASKA.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent that the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska be taken from the Speaker's table, and that the Senate amendments be concurred in.

The SPEAKER. How long will it take?

Mr. KINKAID of Nebraska. I think not over half a minute.

Mr. UNDERWOOD. What is the bill?

Mr. KINKAID of Nebraska. It is a House bill passed with amendments by the Senate.

Mr. UNDERWOOD. What is the object of it?

Mr. KINKAID of Nebraska. It is for the relief of about half a dozen homesteaders in Nebraska.

The SPEAKER. The Chair is not going to recognize anybody else for anything until we get these conference reports, and so forth, disposed of. The Chair will recognize the gentleman for this.

The Senate amendments were read.

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, has this amendment been submitted to the Committee on the Public Lands?

Mr. KINKAID of Nebraska. The committees of both Houses have unanimously reported the bill, and the Secretary of the Interior suggested this, in the first place, to relieve these deserving people.

Mr. UNDERWOOD. I am talking about the Senate amendment.

Mr. SHERLEY. Mr. Speaker, reserving the right to object, has the Senate amendment been considered by the House committee, and agreed to by them?

Mr. KINKAID of Nebraska. The Senate amendment has not been considered by the House committee, but it is in perfect keeping with the bill.

Mr. SHERLEY. I suggest to the gentleman that it is asking a good deal of the House to pass a Senate amendment relating to the public-land laws when it has not been considered at all by the House committee.

Mr. MANN. If the gentleman will permit me, the Senate amendment is simply a change of phraseology suggested by the department.

Mr. KINKAID of Nebraska. And it is in perfect keeping with the bill. It applies to only half a dozen homesteaders.

Mr. UNDERWOOD. What I want to understand from the gentleman is this: Have the chairman of the committee and those in authority on the Public Lands Committee on this side of the House considered this amendment and agreed to it?

Mr. KINKAID of Nebraska. They were ready to accept the same kind of a bill that is provided for by this Senate amendment in the first place.

Mr. UNDERWOOD. Has the gentleman consulted with the Democrats on the Public Lands Committee, and have they agreed to this Senate amendment?

Mr. KINKAID of Nebraska. No; but I am sure that they would.

Mr. UNDERWOOD. Then, Mr. Speaker, I object. I think the gentleman should consult the other members of the committee.

GOOD ROADS.

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to print in the RECORD a part of the proceedings of the Chicago convention, with reference to good roads.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. What was the request?

Mr. BUCHANAN. To publish a part of the proceedings of the Chicago convention on the subject of good roads.

Mr. MANN. How much is there of it?

Mr. BUCHANAN. I have not got it here, but it is not very lengthy.

Mr. MANN. I have no objection to printing a reasonable amount.

Mr. BUCHANAN. I will allow the gentleman from Illinois to look at it and leave it to him.

Mr. MANN. Oh, no; I prefer to have the gentleman state. I want to know whether it is very long or not.

Mr. BUCHANAN. It is not very lengthy. I have not it here with me now.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had insisted upon its amendments to the bill (H. R. 25531) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DU PONT, Mr. WARREN, and Mr. JOHNSTON of Alabama as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendment to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LODGE, Mr. SMITH of Michigan, and Mr. SHIVELY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bill of the following title:

H. R. 26278. An act to amend an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 6099. An act to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910; and

S. 7472. An act increasing the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 24996) granting pen-

sions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. MCCUMBER, Mr. BURNHAM, and Mr. GORE as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. J. Res. 117. Joint resolution for the relief of Fred White; to the Committee on Claims.

S. 6942. An act to establish the Pecos National Game Refuge in the State of New Mexico, and for other purposes; to the Committee on the Public Lands.

S. 324. An act for the relief of Allen Edward O'Toole and others who sustained damage by reason of accident at Rock Island Arsenal; to the Committee on Claims.

S. 2637. An act for the relief of Anna Laguee; to the Committee on Claims.

S. 5775. An act for the relief of William S. McCollam; to the Committee on Claims.

S. 6655. An act for the relief of Lester A. Rockwell; to the Committee on Military Affairs.

S. 3757. An act for the relief of the Eldredge Bros. Live Stock Co., a corporation organized under the laws of the State of Utah; to the Committee on Claims.

S. 7318. An act to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes; to the Committee on the Public Lands.

S. 4030. An act for the relief of Sylvester W. Barnes; to the Committee on Military Affairs.

S. 7317. An act to provide increased quarantine facilities at the port of Portland, Me.; to the Committee on Public Buildings and Grounds.

S. 5009. An act authorizing the President to appoint a commissioner to supervise the erection of monuments and markers and locate the general route of the Oregon Trail; to the Committee on the Library.

S. 7106. An act to provide for a public building at Cheboygan, Mich.; to the Committee on Public Buildings and Grounds.

S. 1774. An act to authorize the Secretary of the Navy to erect a suitable monument over the remains of Rear Admiral Charles Wilkes, United States Navy, in the national cemetery at Arlington, Va.; to the Committee on the Library.

S. 2666. An act granting an increase of pension to William P. Clark; to the Committee on Pensions.

S. 6099. An act to amend section 15 of the act to regulate commerce, as amended June 29, 1906, and June 18, 1910; to the Committee on Interstate and Foreign Commerce.

S. 7472. An act increasing the limit of cost for the erection of a United States post-office and courthouse building at San Juan, P. R.; to the Committee on Public Buildings and Grounds.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 19190. An act for the relief of John P. Risley;

H. R. 606. An act for the relief of John Treffeisen;

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 26278. An act amending paragraph 10 of section 8 of an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by section 2 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and limiting the amount of campaign expenses,'" approved August 19, 1911; and

H. R. 17483. An act amending sections 1998, 1420, and 1624 of the Revised Statutes of the United States and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service and to authorize certain reenlistments in the Army and naval service.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., and to provide for transfers between said company and the Capital Traction Co. and the Washington Railway & Electric Co.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people;

H. R. 16621. An act for the indemnification of Frank Wenzel;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall;

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 4512. An act for the relief of Mary Beal;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 19339. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public-park purposes;

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 24026. An act to incorporate the Naval History Society;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain land for street purposes;

H. R. 14333. An act for the relief of John Johnson;

H. R. 25060. An act for the relief of Joe Cook;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.;

H. R. 22002. An act supplementing the joint resolution of Congress approved April 13, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.;

H. R. 7650. An act for the relief of I. S. Rogers and J. L. Worthley;

H. R. 9833. An act to accept and fund the bequest of Gertrude M. Hubbard;

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes;

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz.;

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building;

H. J. Res. 337. Joint resolution requesting the President to cause an investigation of the Patent Office and make a report, with recommendations, to Congress;

H. R. 23043. An act to patent certain semiarid lands to Luther Burbank under certain conditions;

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom, and for other purposes; and

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On August 14, 1912:

H. R. 25073. An act to authorize the Moline-Bettendorf Bridge Co. to construct a bridge across the Mississippi River between Moline, Ill., and Bettendorf, Iowa.

On August 15, 1912:

H. J. Res. 356. Joint resolution to further continue the provisions of a joint resolution approved July 1, 1912, entitled "Joint resolution extending appropriations for the necessary operations of the Government under certain contingencies."

On August 17, 1912:

H. R. 4113. An act for the relief of Robert E. Burke;

H. R. 7672. An act for the relief of Mary J. Manning;

H. R. 18017. An act to amend an act entitled "An act to regulate the liens of judgments and decrees of the courts of the United States"; and

H. R. 18985. An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1913, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

Mr. FITZGERALD. Mr. Speaker, I reserve points of order on the report.

The SPEAKER. The gentleman from New York reserves points of order on the report. Is there objection to the request of the gentleman from Tennessee that the statement be read in lieu of the report?

There was no objection.

The conference report is as follows:

CONFERENCE REPORT (NO. 1061).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 25, 27, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 58, 61, 62, 70, 71, 72, 75, 76, 78, 80, 83, 86, 91, and 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 8, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 26, 28, 29, 30, 31, 32, 33, 44, 45, 46, 49, 50, 51, 52, 54, 55, 59, 60, 65, 66, 67, 68, 69, 73, 74, 77, 81, 82, 84, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 108, 109, 115, and 117, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In said amendment, in line 1, strike out the word "naval," and after the word "officer" insert the words "of the Navy or Marine Corps," and after the word "may" insert the words "with his consent"; in lines 5 and 6 strike out the words "grade from which he was retired" and in lieu thereof insert the words "same rank"; in lines 10 and 13 strike out the word "commander" and in lieu thereof insert the words "senior grade"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In said amendment, in line 2, after the words "United States," insert the following: "as amended by section 16 of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In said amendment, in line 6, after the word "received," insert the words "except pay and allowances for the unexpired period not served"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In said amendment strike out the following words: "such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers," and in lieu thereof insert the words "the island of Culion, in the Philippines"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment strike out the words "and forty-three" and "two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the following words: "and sixty-seven" and "seven hundred and seventeen"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment except the following, which is retained as a separate paragraph:

"The Secretary of the Navy is hereby authorized to exchange such quantities of potassium nitrate now in store as may not be needed in the manufacture of black powder for sodium nitrate of equal value for use in the manufacture of smokeless powder."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In said amendment strike out the following: "That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States," and in lieu thereof insert the following: "That $75,000, or so much thereof as may be necessary, may be used for the mining of coal and development work of public lands in Alaska for the purpose of supplying coal for the United States Navy, and the sum of $345,500, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In said amendment strike out the words "one on the Washington or Alaska coast"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In said amendment, in line 7, after the word "Hawaii," insert the following: "at a cost not exceeding $1,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In said amendment strike out the word "eighteen" and insert in lieu thereof the word "twelve"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In said amendment strike out the word "thirty-seven" and in lieu thereof insert the word "thirty-one"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In said amendment strike out the following: "one shell house, twenty thousand dollars"; strike out the word "seventy-three" and in lieu thereof insert the word "fifty-three"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In said amendment strike out the words "five million one hundred eighty-six thousand three" and in lieu thereof insert the fol-

lowing: "four million six hundred twenty-three thousand three hundred"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: On page 40 of the bill, line 20, after the word "officers," insert the words "of the Dental Corps"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendments: In lines 6 and 9 strike out the word "section" and in lieu thereof insert the word "act"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following: "*Provided further*, That a reserve corps of dental surgeons is hereby authorized to be organized and operated under the provisions hereinbefore provided for the organization of a medical reserve corps and differing therefrom in no respect other than that the appointees thereto shall be graduates of reputable schools of dentistry instead of graduates of reputable schools of medicine, and so many of said appointees may be ordered to temporary active service as the Secretary of the Navy may deem necessary to the health and efficiency of the personnel of the Navy and Marine Corps: *Provided*, That the total number of dental officers in active service shall not exceed the proportion of 1 dental officer to each 1,000 of said personnel"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendment: Strike out the word "ten" and in lieu thereof insert the words "thirty-five"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out, insert the following:

"No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port."

And the Senate agree to the same.

On the amendments of the Senate numbered 102, 104, 105, 106, 107, 111, 112, 113, and 114 the committee of conference have been unable to agree.

L. P. PADGETT,
A. W. GREGG,
GEORGE EDMUND FOSS,
Managers on the part of the House.

GEO. C. PERKINS,
H. C. LODGE,
B. R. TILLMAN,
Managers on the part of the Senate.

The Clerk read the statement as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 provides that the Auditor for the Navy Department may allow payments made to hospital stewards who were granted permanent appointments on May 13, 1908, which have been heretofore disallowed by reason of a decision of the Assistant Comptroller of the Treasury, and the House recedes.

Amendment No. 2 strikes out the provision that hereafter any officer of the Navy who voluntarily retires or is involuntarily retired under the provisions of sections 8 and 9 of the act approved March 3, 1899, shall be retired in the grade in which he is serving and not promoted to a higher grade on the retired list as provided under existing law, and the Senate recedes.

Amendments Nos. 3 and 4 provide that the six months' pay gratuity allowed by law paid upon the death of any officer or enlisted man on the active list of the Navy and Marine Corps shall be paid to the widow, children, or any other person previously designated by such officer or enlisted man, and the Senate recedes.

Amendment No. 5 corrects a misprint, and the House recedes.

Amendment No. 6 increases the pay of the secretary of the Admiral of the Navy to $500 per annum, and the Senate recedes.

Amendment No. 7 provides that hereafter any naval officer on the retired list may be ordered to perform duty, and shall receive the pay and allowances of an officer on the active list of the grade from which he was retired, provided that no such retired officer so employed shall in time of peace receive any greater pay or allowances than the pay and allowances provided by law for lieutenant commander on the active list of like length of service, except in the case where an officer's retired pay exceeds the highest pay and allowances of the grade of lieutenant commander, in which case he shall receive his retired pay only, and the House recedes with amendments whereby any officer of the Navy or Marine Corps may be ordered to duty with his consent, receiving the pay and allowances of an officer on the active list of the same rank, provided that in no case shall his pay be greater than that of the pay and allowances of a lieutenant of the senior grade, except where his retired pay exceeds that amount, in which case he shall receive his retired pay only.

Amendment No. 8 provides for the disposal of useless papers in the files of vessels of the Navy, except where such papers are of historic value or are correspondence with officers or representatives of foreign governments, and the House recedes.

Amendment No. 9 provides for an increase in the limitation of $25,345.75 for clerical, inspection, and messenger service in the various navy yards, naval stations, and purchasing pay officers, but no increase in the appropriation is recommended, and the House recedes.

Amendments Nos. 10, 11, 12, and 13 reenact existing law and provide for the voluntary extension of enlistments of enlisted men in the Navy for periods of one, two, three, or four full years without any loss of rights which might become due such enlisted man upon a reenlistment, and provides further that, with the approval of the President, any enlisted man in the Navy may be discharged at any time within three months before the expiration of his term of enlistment without prejudice to any right, privilege, or benefit that he would have received had he served his full term, and to amendments Nos. 10 and 11 the House recedes; and to amendments Nos. 12 and 13 the House recedes with amendments perfecting the amendment of existing law and providing that no pay or allowances shall be allowed such enlisted man for the unexpired period not served.

Amendment No. 14 provides for the transfer of all lepers of Guam to an island possession of the United States best adapted for the care of such sufferers, and the House recedes with an amendment whereby the island of Culion, in the Philippine Islands, is designated, as there is an existing leper settlement in that island.

Amendments Nos. 15, 16, and 17 provide for an increase in transportation, recruiting, and outfits on first enlistment due to the increase in the enlisted force of the Navy provided in the bill, and the House recedes with an amendment providing an increase of $50,000 in transportation, $20,000 in recruiting, and $30,000 in outfits on first enlistment.

Amendments Nos. 18, 19, and 20 relate to the Naval War College, and an increase of $1,270 is allowed, due to additional clerical help made necessary by reason of the long course of instruction being established, and the House recedes.

Amendment No. 21 authorizes the Secretary of the Navy to make emergency purchases of war material abroad and provides that such purchases shall be admitted free of duty, and the House recedes.

Amendments Nos. 22 and 23 relate to the purchase and manufacture of smokeless powder, and an increase of $250,000 is allowed for such purpose, and the House recedes.

Amendment No. 24 provides for an enlargement of the powder factory at Indianhead, the cost thereof not to exceed $650,000, and an appropriation of $325,000 is recommended, and provides also for the exchange of quantities of potassium nitrate now in store, and the House recedes with an amendment striking out the appropriation for the enlargement of the powder factory but retaining the provision for the exchange of the potassium nitrate.

Amendment No. 25 provides for the expenditure of $100,000 for mines and mine appliances, and the Senate recedes.

Amendment No. 26 provides that certain enumerated appropriations for the naval service be made available for obligation for two years. These appropriations relate to the manufacture and purchase of ammunition, fire-control instruments, small arms, torpedoes, heavy guns, and battle compasses. The appropriations enumerated in the amendment have heretofore been held to be continuing appropriations, but under a recent decision of the Comptroller of the Treasury they are held to be annual appropriations, and one year is not sufficient to complete the work provided for by these appropriations. They are therefore extended for one additional year, and the House recedes.

Amendment No. 27 strikes out the heading "Bureau of Equipment," and the Senate recedes.

Amendments Nos. 28, 29, 30, 31, and 32 change the word "wireless" to "radio" in connection with wireless telegraphy, and the House recedes.

Amendment No. 33 strikes out the provision that coal purchased by the Government shall be mined by labor employed not exceeding eight hours per day, and the House recedes.

Amendment No. 34 provides for an expenditure of $500,000 for depots for coal under the authority of section 1552 of the Revised Statutes, and the House recedes with an amendment whereby $75,000 of this amount is to be expended for the mining of coal and development work in public lands in Alaska for the purpose of supplying coal for the United States Navy, and that $345,500 of said amount shall be used for the coaling station at Pearl Harbor, Hawaii.

Amendment No. 35 provides for radio stations encircling the world, one to be situated in the Isthmian Canal Zone, one on the California coast, one on the Washington or Alaska coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, and an appropriation of $400,000 is recommended therefor, the total cost not to exceed $1,000,000, and the House recedes with an amendment striking out the station "on the Washington or Alaska coast."

Amendments Nos. 36, 37, and 38 provide for the abolition of the Bureau of Equipment and the permanent disposition of its funds and duties, and the Senate recedes.

Amendment No. 39 provides for an increase of $40,000 in the appropriation "Maintenance, Bureau of Yards and Docks," and the Senate recedes.

Amendments Nos. 40 and 41 provide for an appropriation of $100,000 for continuing the extension of the quay wall in the Portsmouth (N. H.) Navy Yard, and the Senate recedes.

Amendments Nos. 42 and 43 provide for an appropriation of $50,000 for rebuilding building No. 7 in the Philadelphia Navy Yard, and the Senate recedes.

Amendment No. 44 is a change of language, so as to include a plant not only for electric light but for other purposes, without an increase in the appropriation, and the House recedes.

Amendments Nos. 45 and 46 change the language relating to the appropriation for buildings and repairs to buildings in St. Helena, Va., without increasing the appropriation, and the House recedes.

Amendments Nos. 47 and 48 provide for an appropriation of $300,000 for improvements to the water front at the navy yard, Charleston, S. C., and the Senate recedes.

Amendment No. 49 provides for an appropriation of $5,500 for paving the streets abutting on the naval station in Key West, Fla., which is the Government's share of such paving, and the House recedes.

Amendment No. 50 reappropriates $145,000 for the establishment of a torpedo station near the naval station at Puget Sound, Wash. This appropriation was formerly made in 1910 for a torpedo station near the Pacific coast of the United States, and the House recedes.

Amendments Nos. 51 and 52 raise the limit of cost of the dry dock at Pearl Harbor from $3,350,000 to $3,468,000. This increased limit of cost is due to conditions which require the use of a richer mixture of concrete for the dry dock. The appropriation made for the dry dock at Pearl Harbor has not been increased, and the House recedes.

Amendment No. 53 authorizes the Secretary of the Navy to purchase an acre, more or less, of land in the island of Oahu, Hawaii, for the location of wells for supplying fresh water to the naval station, out of the appropriation made last year for a fresh-water system at that station, and the House recedes with an amendment limiting the cost of the land to be purchased not to exceed $1,500.

Amendment No. 54 provides $5,000 for the extension of the underground conduit and lighting station in the naval training station at Newport, R. I., and the House recedes.

Amendment No. 55 provides for the exchange of data with foreign nautical almanac officers, with a view to reducing the amount of duplication in the work of preparing the different international nautical and astronomical almanacs, increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris, a nautical almanac, further providing for the termination of such arrangement upon one year's notice, and the House recedes.

Amendments Nos. 56 and 57 provide for a set of double quarters for commissioned officers at the naval proving ground, Indian Head, Md., to cost $18,000, and the House recedes with an amendment reducing the cost to $12,000.

Amendment No. 58 provides $15,000 for dredging the channel and widening the water approach at the naval magazine, Fort Lafayette, N. Y., and the Senate recedes.

Amendments Nos. 59 and 60 appropriate $9,000 for water-main pipes and fire and boundary wall at the naval magazine, Lake Denmark, and the House recedes.

Amendments Nos. 61 and 62 provide for appropriation of $22,000 for improving the water front at Newport, R. I., and $50,000 for an assembly and repair shop at the naval torpedo station, Newport, R. I., and the Senate recedes.

Amendment No. 63 provides for a general magazine to cost $13,000 and a shell house to cost $20,000 at the naval magazine, Hingham, Mass., and the House recedes with an amendment striking out the appropriation for the shell house, but agreeing to the construction of the general magazine.

Amendment No. 64 is a change of total.

Amendment No. 65 provides for a $30,000 increase in the Medical Department, which is deemed necessary due to the increase in the enlisted personnel, and the House recedes.

Amendment No. 66 is a verbal change without any change in effect of the appropriation, and the House recedes.

Amendments Nos. 67 and 68 provide for an appropriation of $15,000 for dental outfits and dental material due to the establishment of a dental corps provided for in the bill, and the House recedes.

Amendment No. 69 is a change of total, and the House recedes.

Amendments Nos. 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, and 86 relate to the establishment of a Dental Corps in the Navy and the Senate recedes from its amendments to the House provision except that appointees to the dental corps shall take rank and precedence in the same manner in all respects as is the case of appointees to the Medical Corps of the Navy, to which the House agrees. This provision places the Dental Corps of the Navy on the same footing as the Dental Corps in the Army.

Amendment No. 80 provides that acting assistant surgeons in the Navy shall receive the same pay and allowances as are now or may hereafter be provided by law for assistant surgeons in the Navy, and the Senate recedes.

Amendment No. 87 provides for a dental reserve corps, and the House recedes with an amendment which better defines the status of the dental reserve corps, providing that, in his discretion, the Secretary of the Navy may order to active service a number of dental officers not to exceed the proportion of one dental officer to each 1,000 of the personnel of the Navy.

Amendment No. 88 provides that pharmacists after six years from the date of warrant be commissioned chief pharmacists after passing a satisfactory examination, and shall have the rank, pay, and allowances of chief boatswains, and the House recedes.

Amendment No. 89 provides for an increase in the limitation for clerical, drafting, and messenger service in the various navy yards and naval stations, without any increase in the appropriations, in the Bureau of Supplies and Accounts, owing to the increased work thrown upon this department under the new system of storekeeping and cost accounting, and the House recedes.

Amendment No. 90 strikes out the limitation of $10,000 for the hulls of aeroplanes, and the House recedes with an amendment fixing the limit at $35,000.

Amendment No. 91 strikes out the limitation of $20,000 for the machinery of aeroplanes, and the Senate recedes.

Amendment No. 92 provides for additional payments from the midshipmen's commissary fund in order to secure suitable waiters at the Naval Academy for the midshipmen, and the House recedes.

Amendment No. 93 strikes out the House provision for the Board of Visitors to the Naval Academy and inserts a provision which has been carried heretofore in the naval appropriation act for several years, and the House recedes.

Amendments Nos. 94 and 95 are changes of total, and the House recedes.

Amendments Nos. 96 and 97 provide for an increase of $200 each in the salary of the chief clerk in the office of the paymaster and in the office of the adjutant and inspector in the

Marine Corps, placing all the chief clerks at the headquarters of the Marine Corps on an equal footing, and the House recedes.

Amendments Nos. 98 and 99 are changes of totals, and the House recedes.

Amendment No. 100 strikes out the proviso that coal furnished the Marine Corps shall be mined by labor that is employed not exceeding eight hours per day, and the House recedes.

Amendment No. 101 is a change of total, and the House recedes.

Amendment No. 103 provides that of the two fuel ships to be built in the navy yards, one shall be built in a navy yard on the Pacific coast, and the House recedes.

Amendments Nos. 108 and 109 strike out the provision whereby submarines are excepted from the provision that the Secretary of the Navy may build any or all vessels authorized in the act to be built in such navy yard as he may designate, should it reasonably appear that the persons, firms, or corporations or the agents thereof bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in the letting of contracts, and the House recedes.

Amendment No. 110 strikes out the provision allowing the gunboat which was authorized to be built on the Great Lakes under the act of May 4, 1898, to be built elsewhere, and the Senate recedes.

Amendment No. 115 strikes out the eight-hour law provision in the bill and inserts in lieu thereof that the act approved June 19, 1912, an act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory thereof or for the District of Columbia, and for other purposes, to apply to all contracts authorized by this act from and after the passage of this act, and the House recedes.

Amendment No. 116 strikes out the provision prohibiting the employment of enlisted men or seamen from doing repair work belonging to any recognized trade, on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs, and the House recedes with an amendment whereby it is prohibited to employ any enlisted man at any duties except such as are or may be performed by the crew of the battleship while at sea or in a foreign port while any battleships of the Navy are docked or laid up at any navy yard for repairs.

Amendment No. 117 strikes out the word "*Provided*," and the House recedes.

The committee on conference has been unable to agree on the following amendments, to wit:

Amendment No. 102: "That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000 each."

Amendments Nos. 104, 105, 106, and 107: "Eight submarine torpedo boats in an amount not exceeding in the aggregate $4,480,000; and the sum of $1,600,000 is hereby appropriated for said purpose, and the Secretary of the Navy is directed to consider the advisability of stationing four of said submarine torpedo boats at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico as a proper naval defense thereof and the other four upon the Pacific coast."

Amendment No. 111: "Construction and machinery: On account of hulls and outfits of vessels and steam machinery of vessels heretofore and herein authorized, $12,658,205."

Amendment No. 112: "Increase of the Navy; Equipment: Toward the completion of equipment outfit of the vessels heretofore and herein authorized, $445,000."

Amendment No. 113: "Increase of the Navy; Armor and armament: Toward the armor and armament for vessels heretofore and herein authorized, $13,193,200."

Amendment No. 114: "Total increase of the Navy heretofore and herein authorized, $29,799,373.48."

Total Senate amendments, exclusive of increase of Navy, $2,483,037; amount agreed to in conference, $1,343,570; amount of Senate recessions, $1,139,467.

L. P. PADGETT,
A. W. GREGG,
GEORGE EDMUND FOSS,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the conferees on the naval bill have exceeded their authority by including matters in the report not in disagreement between the two Houses.

Take the first amendment, No. 34, on page 30, which provides as follows:

Depots for coal: To enable the Secretary of the Navy to execute the provisions of section 1552 of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal and other fuel for the supply of steamships of war, $500,000. That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy, or any vessel of the United States.

The managers on the part of the House receded from the disagreement to the Senate amendment, and concurred in the amendment with an amendment by striking out in said amendment the following:

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows:

"That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States," and in lieu thereof insert the following: "That $75,000, or so much thereof as may be necessary, may be used for the mining of coal and development work of public lands in Alaska for the purpose of supplying coal for the United States Navy, and the sum of $345,500, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii."

Mr. Speaker, neither in the bill as it passed the House nor in the Senate amendment is there any provision to which a provision authorizing the mining of coal in Alaska and the development of public lands there is at all germane. The House managers exceeded their authority by inserting in this report, or agreeing to insert, as part of the condition on which they would agree to the provision, the provision which embarks the Government in an enterprise never heretofore suggested except in the most casual way. It is no business of the Navy Department to mine coal. There is no excuse for the Navy Department to enter the public domain of Alaska for the purpose of mining coal. Investigation of available sources of supply of fuel can not in any way be construed as a provision to which it is germane to attach legislation to embark the Government on this new enterprise of mining coal in Alaska and developing public lands there.

In Senate amendment No. 7 it is provided:

Hereafter any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed in time of peace shall receive the pay and allowances of an officer of the active list of the grade from which he was retired.

For many years Congress has been trying to remove what is called the "hump" in the Navy and legislate to provide for the retirement of naval officers, and provision is made by which there is what is known as the plucking board. When a sufficient number of officers do not retire voluntarily each year the board sits and determines those who shall be compelled to retire. The Senate proposes that the Secretary of the Navy shall detail officers on the retired list to active duty to the exclusion of the men in the Navy and to give them the pay and allowances of men in active service. The House conferees recede from their disagreement to that amendment and agree to it with an amendment by which they strike out "naval officer" and substitute "persons in the naval service or Marine Corps."

Mr. PADGETT. "Any officer of the Navy or Marine Corps."

Mr. FITZGERALD. It reads "hereafter any officer of the Navy or Marine Corps on the retired list may be assigned," and so forth. Now, Mr. Speaker, the Marine Corps is entirely different and apart from the naval service. The term "naval officer" does not include an officer in the Marine Corps. The purpose of this amendment is to broaden the scope of the Senate amendment. The organization of the Navy is provided for in sections 1362 to 1595 of the Revised Statutes as modified from time to time, and the only reference in these sections to the Marine Corps is in section 1551, which provides that the Secretary of the Navy may "cause persons in the naval service or Marine Corps," and so forth, clearly showing the distinction. Section 1421 of the Revised Statutes provides that any person enlisted in the military service of the United States may, on application to the Navy Department, be transferred to the Navy or Marine Corps.

Mr. Speaker, it is bad enough to reverse the policy of Congress, which it has been attempting to establish for many years, by consenting to the utilization of these naval officers upon the retired list in the active service without the House attempting to make as a condition that that reversal of policy shall extend to another corps not a part of the Navy, thereby merely increasing the difficulties that will result. Nothing in the amendment referred to the Marine Corps. Nothing in dispute between the two Houses justifies this legislation affecting the Marine Corps, which the conferees have inserted in this bill.

In amendment 87 a corps unknown to the Navy at the present time, unprovided for by law, not provided for in the bill as it passed the House, and not in the bill as it left the Senate, is created, namely, a reserve corps of dental surgeons. The Senate amendment reads:

Provided further, That of the dental surgeons hereby authorized to be appointed to said Medical Reserve Corps and to the said Dental Corps, the whole number ordered to active duty shall not exceed the number the Secretary of the Navy may deem actually necessary to the health and efficiency of the personnel of the Navy and Marine Corps, and in time of peace the number shall not exceed the proportion of 1 dental officer to 1,000 of said personnel.

The House proposes to recede from its disagreement to this amendment and to agree to it with an amendment substituting for the language of the Senate the following:

Provided further, That a reserve corps of dental surgeons is hereby authorized to be organized and operated under the provisions hereinbefore provided for the organization of a medical reserve corps and differing therefrom in no respect other than that the appointees thereto shall be graduates of reputable schools of dentistry instead of graduates of reputable schools of medicine, and so many of said appointees may be ordered to temporary active service as the Secretary of the Navy may deem necessary to the health and efficiency of the personnel of the Navy and Marine Corps: *Provided*, That the total number of dental officers in active service shall not exceed the proportion of 1 dental officer to each 1,000 of said personnel.

But, Mr. Speaker, there is no dental reserve corps in the Navy, none proposed in the Senate amendment, and the conferees representing both Houses attempt to incorporate in this bill legislation to create a new corps in the Navy. It is a violation of the rules of the House, and it should not be tolerated, because, if conferees, without knowledge or notice to either House, are to make a practice of incorporating in conference reports legislation of the most far-reaching consequence, then Members of the House, not expecting that such action will be taken, will awaken after Congress adjourns to the fact that legislation in which they would have been vitally interested, perhaps, and to which they would have been very greatly opposed, is incorporated in the laws.

Mr. Speaker, there is one other amendment, if there is any question about the matters that I have already submitted, which I shall submit.

The SPEAKER. The gentleman had better submit all that he has.

Mr. FITZGERALD. Mr. Speaker, I shall submit this one and there will not be any question about it, though perhaps it may have been done to effect a good purpose, but so there will be no question about having this report rejected, so that the House may express its opinion on some of these matters, I shall call the attention of the Chair to it. On page 40 of the engrossed bill, in line 20, in amendment 79, the conferees have inserted in the text of the bill not in dispute certain language. It corresponds to line 22 of page 51 of the printed bill now before us.

Mr. PADGETT. It is page 51, line 22.

Mr. FITZGERALD. And that corresponds to page 40, line 20, of the engrossed bill. The language referred to is as follows:

That all officers authorized by this act shall receive the same pay and allowances as officers of corresponding rank and length of service in the Medical Corps of the Navy.

That language was not in dispute. It was agreed to by the House and by the Senate, but the conferees have inserted, after the word "officers," the words "of the dental corps."

The SPEAKER. That language does not appear in the copy of the bill which the Chair has before him.

Mr. FITZGERALD. That is true, but the conferees in the report state that they have inserted that language, which is contrary to the rule.

The SPEAKER. Does the gentleman from Tennessee desire to be heard?

Mr. PADGETT. Yes. Mr. Speaker, beginning where the gentleman from New York left off, it is true that in line 22, page 51, of the bill we have inserted after the word "officers" the words "of the dental corps." I wish to call attention to the fact that this was incorporated in the bill as it passed the House by offering an amendment on the floor to the bill which had been reported by the committee, and in using the language of that bill there was used the words "that all officers authorized by this act," and so forth, but when it came into this bill in the hurry of matters and the confusion on the floor it was not noticed that the language "all officers of this act" would include more officers than officers of the dental corps. In order to make it plain, a verbal correction was necessary, the insertion of the words "of the dental corps" after the word "officers," so that it would read:

That all officers of the dental corps authorized by this act shall receive the same pay and allowances as officers of corresponding rank and length of service in the Medical Corps of the Navy.

As a matter of fact, when we were going over the bill in conference we discovered that the language here was merely "all officers authorized by this act," which would embrace or might be construed to embrace all of the officers provided for in the Navy, and in order to make the verbal correction and to make it specific we inserted the language referred to, so as to show the intent and meaning of the amendment. It is simply to perfect a matter of phraseology.

The SPEAKER. The Chair will ask the gentleman, is there anything in this act about a dental corps?

Mr. PADGETT. Oh, yes. Now, I want to say to the Chair that on the floor there was a provision offered which was incorporated in the bill creating a dental corps and making it identical with the corps in the Army. That was done by incorporating a separate bill and that explains why this language here was used: "That all officers authorized by this act," and that would be proper if it were a separate act, but not noticing that when it was incorporated into the general appropriation bill it might be construed that the words, "all officers authorized by this act" might refer to other officers than the officers of the dental corps, and in order to make that language plain and specific, and to carry out the purpose, which I know can not fail to commend itself to the distinguished gentleman from New York, we inserted the words "of the dental corps."

The SPEAKER. Well, that is not the question, whether it commended itself to the gentleman from New York, the Speaker, or anybody else. The question is whether or not the conferees exceeded their authority by putting in something that the House did not put in or something that the Senate did not put in.

Mr. PADGETT. We put in what the House intended when it passed the act. And I want to call attention to this, that on this question of the dental corps, which embraces a number of paragraphs, the Senate amended it by making some 15 or 20 amendments and changed the whole purpose of the provision as it was intended by the House, and put in a Senate bill, so that the conferees were of the opinion, and I think so now, that by the numerous amendments which the Senate made it changed the whole purpose and scope of the House provision to a different provision which had been reported by the Senate committee, and when the Senate receded from all of their amendments and restored the House provision we thought the whole matter was in conference, and I think so yet.

The SPEAKER. Now, the Senate did not strike out all after the enacting clause and insert a new bill.

Mr. PADGETT. No; they did not. Now I will take up the next amendment, numbered 34, on page 31, with reference to coal. I do not think that the conferees exceeded their authority in that respect and the matter was entirely germane.

The SPEAKER. Which one is that?

Mr. PADGETT. It is on page 31 of the printed bill, line 4. The Senate inserted an amendment:

That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy, or any vessel of the United States.

Now, the Chair will bear in mind that this was an amendment of the Senate and on a new matter on which the House had not acted at all, so there were no limitations or expression of the wishes of the House. It was purely and solely an expression of the wish of the Senate. Now, the conferees representing the House had the right and had the authority to submit a germane amendment to represent the wish of the House. In doing that we submitted the following:

That $75,000, or so much thereof as may be necessary, may be used for the mining of coal and development of public lands in Alaska for the purpose of supplying coal for the United States Navy.

Now, then, this mining of coal is for the United States Navy. The coal in Alaska and the developing work is to be for the development of coal in Alaska for the United States Navy.

The SPEAKER. Now, will the gentleman permit the Chair to ask a question?

Mr. PADGETT. Yes, sir.

The SPEAKER. Is not there a very clear difference in surveying coal fields and investigating some place to find out whether we can discover coal fields and all the rest of it, and the work of starting a coal mine?

Mr. PADGETT. Yes, sir; there is.

The SPEAKER. Does the gentleman claim that any Senate amendment has anything on earth to do with starting in the business of mining coal?

Mr. PADGETT. It is not for the purpose of carrying on the business, but for the purpose of developing it by tests for the United States Navy. The Chair will notice that it is to mine and develop it for the use of the Navy.

The SPEAKER. The Chair knows, but it is not necessary to start a coal mine in order to investigate and see whether there is coal under the land.

Mr. PADGETT. No; it is known there is coal there; surveys have been made.

The SPEAKER. Why do you want to start a coal mine, then?

Mr. PADGETT. We want to get coal and test it and see whether it is available for the Navy.

The SPEAKER. But you do not say so.

Mr. PADGETT. We do. We say, for the purpose of developing it for the use of the Navy. That is the very thing that we wish, and the language we used in the House amendment is, "may be used for the mining of coal and development work of public lands in Alaska for the purpose of supplying coal for the United States Navy.

Mr. FITZGERALD. Let me call the gentleman's attention to the fact that the Senate amendment only authorized an investigation of available coal fields to supply the Navy. The gentleman proposes to mine coal and to develop public lands to supply coal. It is a highly different proposition about the investigation.

The SPEAKER. The Chair is trying to get at the real meat of the matter as to why it is necessary to start a coal mine in order to investigate and survey and find out about a coal field.

Mr. PADGETT. Of course——

The SPEAKER. They do that by boring, principally, do they not?

Mr. PADGETT. Well, in some places they develop it in one way and in others by digging in and getting samples and experimenting with the coal. Now, I do not believe that coal can be investigated for the purpose of determining the cardinal question of whether or not it is available for use for the Navy except by getting some of the coal and trying it by the use of that coal. It takes a high grade of coal for the Navy. Now, let me call the Speaker's attention, and that of the House also, to the fact we are shipping from the east coast to the west coast from 150,000 tons to 200,000 tons of coal every year, at an enormous charge of more than five and a half dollars average per ton freight charges.

Last year we paid out about $900,000 in freight charges in carrying coal from the east coast to the west coast. When the Senate put on the question here of investigating it, they had in view the development of it, and in order to make it clear, in order that we might be practical, in order that it might be efficient, in order that the coal might be experimented with, and in order that the coal might be investigated in the only way it can be fully and thoroughly investigated and tested, is to mine some of it and to burn it on the ships to see how it will work.

Mr. BATHRICK. If the gentleman will yield, I would like to say a word in order to elucidate this matter. I think it is plain to all who read that the Senate amendment is a desire to investigate and survey and report upon coal fields which are available. I think it is plain it will be impossible for anybody to report upon the question of coal fields unless that coal is mined and used upon the ships, and I think in that respect the amendment of the Senate and the proposed amendment of the conferees are synonymous. There can be no material distinction between the two amendments concerning the purpose which they wish to accomplish.

The SPEAKER. The Chair will read these two amendments. The Senate amendment reads:

That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States.

In lieu thereof the conferees insert the following:

That $75,000, or so much thereof as may be necessary, may be used for the mining of coal and development work of public lands in Alaska for the purpose of supplying coal for the United States Navy, and the sum of $345,500, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii.

Is there no difference between those propositions?

Mr. BATHRICK. There is not, for this reason, Mr. Speaker: Permit me to state that the intent of both propositions is to develop that coal in Alaska.

Mr. FITZGERALD. What is the Senate amendment which contemplates the development of public lands in Alaska?

Mr. BATHRICK. The development of the proposition as to whether that coal can be used in the United States or not.

Mr. FITZGERALD. It may have been the intent of those who prepared the amendment that if it was prepared with the intent to conceal——

Mr. BATHRICK. I do not think the intent was to conceal anything.

Mr. FITZGERALD. I form my opinion from the information which I have.

Mr. BATHRICK. I think the gentleman does not understand it.

The SPEAKER. Does not the gentleman think the purpose of the Senate amendment would authorize men to dig out enough of this coal to find out whether it was good or not?

Mr. PADGETT. I think so.

The SPEAKER. And would not the language the conferees have put in here change the whole business of mining coal?

Mr. PADGETT. I think the mining and development for the use of the Navy—the two must be taken together.

The SPEAKER. What is the use in putting in the words "mining and development"?

Mr. PADGETT. It was for the purpose of going there and taking some of it out and transporting it 140 miles to the bay and putting it on the ships to burn.

The SPEAKER. If they had put it in the Senate amendment, what was the use of putting it in the language of the conferees?

Mr. PADGETT. It was to make it so the Navy Department could not question its authority. When an amendment is made by the Senate and inserted as original matter, and the House has never expressed itself, the House conferees, representing the House, have a right to modify, either by enlarging or diminishing, the intent and purpose of the Senate. We are not compelled as conferees to take absolutely the Senate amendment.

The SPEAKER. No; you have a right to offer an amendment to the Senate amendment, provided it is on a subject that the House has passed upon or that is included in the Senate amendment, but beyond that the conferees can not go.

Mr. PADGETT. That is right. The House did pass upon this amendment.

Mr. MANN. The House disagreed to the Senate amendment, but never——

Mr. PADGETT. The House disagreed to the Senate amendment.

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] desire to ask a question?

Mr. MANN. I just want to make an observation.

The SPEAKER. Does the gentleman from Tennessee [Mr. PADGETT] yield?

Mr. PADGETT. Yes, sir; I yield to the gentleman.

Mr. MANN. The provision of the Senate amendment for survey, investigation, and report on coal could not have made the item this year for the mining of coal put into the naval appropriation bill in order. If a Senate amendment is not agreed to in the form that it is, providing for a survey and investigation, and the committee next year, having that report before it, should propose an amendment or present as an original proposition in the naval appropriation bill an appropriation for the mining of coal, that would not be in order——

The SPEAKER. It would go out on the point of order——

Mr. MANN. Because it would not be authorized by law and would not be a continuation of a public work in progress. On the other hand, if the House conferees' report be agreed to, which provides for the mining of coal, it will then become a public work in progress, and would authorize, so far as the rules are concerned, an appropriation to any extent next year on an appropriation bill. So it must be perfectly plain that the conferees have gone away beyond the point of difference between the two Houses, for the reason that if the conference report were agreed to, under the rules of the House it would authorize an appropriation to continue the mining next year, while under the Senate amendment there would be no such authorization.

Mr. SHACKLEFORD. Mr. Speaker, it seems to me that the provision put in by the Senate provides for a survey and investigation of the coal fields of Alaska——

The SPEAKER. And a report.

Mr. SHACKLEFORD. Yes; and a report. Now, the subject matter of that amendment is a survey, an investigation, and a report on the Alaskan coal fields.

Mr. BATHRICK. Just one moment; will the gentleman yield a second?

Mr. SHACKLEFORD. Just in one moment I will. Now, that being the subject matter, as has been very well suggested by somebody here, the House conferees are not bound to accept the Senate amendment as it is, nor to reject it, but they may enlarge it or limit it.

The gentleman from Illinois [Mr. MANN] says it would call for an appropriation if we proceed to mine coal. It will call for an appropriation if we proceed to investigate the coal fields as provided in the Senate amendment. It will call for an appropriation if we undertake merely to survey the coal fields.

Now, how are we going to investigate? The Senate in general terms provides for a survey, investigation, and report. The House conferees made the provision a little more specific. They are going to investigate the coal fields of Alaska by going down into the bowels of the earth and getting out the coal and determining its value by use. The Senate amendment would

require an appropriation, and it will require an appropriation as agreed on in conference. It seems to me it would be prescribing too narrow a field to say that the Senate amendment must be taken exactly as it is offered, or rejected altogether.

The SPEAKER. Nobody ever contended that, but the rule provides and the decisions declare that the matter that is put into a conference report must have been dealt with by the House or by a Senate amendment. The decisions run clear back to the 23d day of June, 1812, when Henry Clay was Speaker, and coming on down are so rendered by all the Speakers, and so specifically ruled on by Mr. Speaker Crisp and Mr. Speaker Reed and Mr. Speaker CANNON. They all go to the very same point, and the rule is this, that a matter that is put into a conference report must have been dealt with by the House or by a Senate amendment, or by a House amendment to a Senate amendment. Now the query arises, Is the mining of coal, the starting of the business of mining coal in Alaska, treated of either in the House bill or in the Senate amendment?

Mr. SHACKLEFORD. Mr. Speaker, I think it is very clear that the mining of coal for the uses and purposes of the Navy was what the Senate had in mind and what it put into express words in that Senate amendment. What is it for? It is to develop some means of getting coal for the use of the Navy. Now, then, Mr. Speaker, the test in all of those cases is that the conferees, in dealing with that, must deal with the subject matter; not with the identical provision, but with the general subject matter contained in the act passed by one House or the amendment put on in the other. To say that the House conferees must take what the Senate offers or reject it entirely would destroy all conferences.

The SPEAKER. Yes; but nobody ever said that.

Mr. SHACKLEFORD. I know, Mr. Speaker, that they do not say it in terms, but they say it in effect, because the subject matter of this provision is to see whether or not the Alaskan coal can be successfully developed for the use of the Navy. How are you going to develop it? By getting an airship and sailing over that frozen country? No. It seems to me, Mr. Speaker, the only way to investigate it and develop it is to go down into the ground and get out that coal and put enough of it on certain vessels of the Navy to run them a week or a month or a year, and investigate and test it. How are you going to investigate it? Standing on top of an iceberg, when the coal may be a thousand feet below the surface of the ground?

Mr. SABATH. How are you going to investigate that coal before you get it?

Mr. SHACKLEFORD. You can not investigate it before you get it. We can never get a conference report here to dispose of anything if we are compelled to accept what the Senate says in toto or reject it altogether. The subject matter dealt with in conference was the investigation of the Alaskan coal fields with a view to getting cheaper and better fuel for the use of the Navy. That is the subject matter. How are you going to do it? By survey and investigation. Now, the House conferees wanted to limit it to a certain kind of investigation, and instead of limiting it to an investigation in general terms, they apply the limitation a little further by providing that we are to mine some of that coal and develop it and test it and see whether we can use it or not.

The SPEAKER. The Chair will call the attention of the gentleman to the fact that the gentleman from Tennessee [Mr. PADGETT], in response to an inquiry propounded to him by the Chair, assented to the proposition that in his judgment the language of the Senate amendment justifies the getting out of enough coal out there to try these experiments with.

Mr. SHACKLEFORD. Mr. Speaker——

Mr. PADGETT. At that point, why should we not make it plain? If that is true, why is it not proper to make plain what the other would permit to be interpreted?

The SPEAKER. If the gentleman from Tennessee [Mr. PADGETT] and the Chair agree on that proposition, is it not fair to assume that the department, which always gives the most latitudinarian construction to any appropriation that is made, would go on and make the investigation?

Mr. SHACKLEFORD. Mr. Speaker, I want to finish my statement. If, as you contend, the Senate bill was broad enough to permit the department to go down and mine some of that coal, then wherein have the House conferees exceeded their jurisdiction in putting into the letter of the law what you admit is already in the spirit?

The SPEAKER. Does not this expression that is put in by the conferees really provide for a sort of general mining business out there?

Mr. SHACKLEFORD. I think not, Mr. Speaker. I think it does exactly what the Speaker says the Senate amendment already authorized, that it permits coal to be mined. If the Senate amendment authorized the mining of coal for the purpose of investigation and carrying on this test, survey, and investigation, how have the conferees exceeded their authority by putting into the law that which is conceded by all parties to be its intent and spirit? That is all I have to say.

Mr. MOORE of Pennsylvania. Mr. Speaker, if the gentleman from Missouri will yield to me, or if the Chair will recognize me——

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] had the floor.

Mr. MOORE of Pennsylvania. Will the gentleman from Tennessee yield?

Mr. OLMSTED. I think nobody has the floor except as the Speaker desires to hear him.

The SPEAKER. The Chair wanted to hear the gentleman from Tennessee on all these points, or to hear somebody who wants to express an opinion. If no one wishes to express an opinion, the Chair is ready to rule.

Mr. PADGETT. Mr. Speaker, I want to take up Senate amendment No. 7. The language of that amendment is that hereafter any naval officer on the retired list, and so forth. I was informed at the time this amendment was before the conference committee that the Attorney General of the United States has rendered an opinion that a marine officer is a naval officer, and that this language does not change and was not intended to change the effect or the substance. But in order to make it plain, and in order to follow the customary legislative precedents, we changed it to read "officer of the Navy or Marine Corps."

As the words "naval officer" have been construed by the Attorney General of the United States to include an officer of the Marine Corps, I do not think we exceeded our authority by making it clear and using the common construction "an officer of the Navy or Marine Corps" instead of the group language "a naval officer."

Mr. FITZGERALD. Has the gentleman ever seen this opinion of the Attorney General?

Mr. PADGETT. I have not.

Mr. FITZGERALD. If that opinion had been rendered, of course the action of the conferees would have been unnecessary; but unless it exists, there is no question that they are two distinct branches of the service.

Mr. PADGETT. I will say to the gentleman that we telephoned to Mr. Russell, the Judge Advocate General of the Navy, and asked him the question, and he said that the Attorney General had so interpreted it and had given an opinion to that effect to the department; and it was upon that, in order to make it plain, to follow the language customarily used in legislation in reference to the two corps, that we used the language here which would make it clear.

Mr. OLMSTED. Mr. Speaker, there is no doubt in my mind but that a provision authorizing the mining of coal for the United States Navy would embrace the survey and investigation of the land; but when you come to reverse that proposition, an authorization to survey, investigate, and report does not authorize the mining of coal for the United States Navy. It has been contended that it would authorize a test, and perhaps it would authorize taking out the core by a diamond drill and getting out sufficient to test, but not sufficient to supply the United States Navy. Over in Pennsylvania we had a series of what were called improvement companies, incorporated for the express purpose of improving and developing their coal land, opening it up, getting it ready to mine, but they were not permitted to mine a ton of coal. They could lease it to somebody else, but were themselves forbidden to mine. Surveying and investigating does not embrace and include mining. That is a different thing.

Upon this proposition I am clearly of the opinion that the gentleman from New York [Mr. FITZGERALD] is right and that the conferees have exceeded their authority.

On the other proposition, where they changed the words "this act" in the text agreed to by both Houses and inserted the words "officers of the dental corps," that is clearly a usurpation of authority by the conferees. I do not doubt that the amendment was meritorious, as suggested by the gentleman from Tennessee [Mr. PADGETT]. He says that this House adopted an amendment copied from some other act and they used this term "this act," but omitted the term "dental corps." The Senate agreed to the House provision precisely as the House passed it. Therefore there was nothing in difference between the two Houses. Consequently nothing was referred to the conferees on that subject. But they have undertaken to amend the bill as they thought the House ought to have amended it in the first instance. The Senate probably would have made the amendment had their attention been called to

it; but that is not within the province of the conferees, no matter how meritorious the amendment may be.

Then, again, where it says "officers of the Navy," the conferees had added the words "or Marine Corps." On that point I call attention to one authority which seems to me to settle it. It is found in section 6417 of volume 5 of Hinds' Precedents. Where an act provided that no money appropriated by "this act" should be available for certain purposes, the conferees inserted the words "or any other," so that it read, "this or any other act." The gentleman from Illinois [Mr. MANN] made the point of order that by inserting the words "or any other" the conferees had exceeded their authority.

In the same conference report, where there was a provision relating to the personal use of vehicles by officers of the Government, the conferees inserted the words "or official"—just those brief words, making it read "personal or official"—and yet after an elaborate discussion, and in a carefully considered ruling, Mr. Speaker CANNON sustained the point of order that in inserting those words the conferees had in each case exceeded their authority.

The SPEAKER. The Chair is ready to rule. There is no question at all in the mind of the Chair but that these points of order must be sustained. As it is a question which is liable to arise several times very soon, the Chair will state his position as to his understanding of it.

The rule is this: That the conferees can not go beyond something that is in the original bill—that is proposition No. 1—or in the Senate amendment, and that is proposition No. 2; or in the House amendment to the Senate amendment, and that is proposition No. 3.

That rule is as old as the 23d day of June, 1812, and it is barely possible that it is older. But, on the 23d of June, 1812, Henry Clay rendered an opinion of which that is the substance.

It has been stated variously by various Speakers. Speaker Crisp stated the matter with perfect clarity. In Hinds' Precedents, section 6408, volume 5, Speaker Crisp said:

The question for the Chair to determine is whether the amendment which has been agreed to and reported by the conference committee is germane to the amendment of the Senate or to the original bill. The amendment may not be germane to the original bill, yet if it is germane to the Senate amendment the conference committee might report it.

The Chair thinks that the practice of enlarging the powers of conference committees beyond the strict letter of the rule was wrong; that conferees ought to be held to the rule, and that amendments they propose in conference reports shall be germane either to the original text or to the amendment.

Let us apply these principles to these points raised by the gentleman from New York [Mr. FITZGERALD]. Of course, everybody understands that the Chair is not ruling the way he would like to see the bill go. The Chair would like to see mining operations started in Alaska in a proper way, but this is not the proper way to do it.

Page 51, line 22, the language of the bill was: "That all officers authorized in this act, etc., shall receive." The conferees inserted, after the word "officers," the words "of the dental corps," so that it will read "All officers of the dental corps" shall do so and so.

Mr. Speaker CANNON rendered an opinion involving that precise point. In volume 5, Hinds' Precedents, section 6417, the headlines or syllabi read as follows:

The managers of a conference must confine themselves to the differences committed to them. Managers of a conference may not change the text to which both Houses have agreed.

Of course that simply states the rule. Here is the case itself:

On March 7, 1904, Mr. Henry H. Bingham, of Pennsylvania, called up the conference report on the legislative appropriation bill.

Thereupon Mr. JAMES R. MANN, of Illinois, made the point of order that the managers of the conference had exceeded their authority in relation to a certain paragraph of the bill, which, with the Senate amendments (which are italicized), appeared as follows in the printed copy:

"No part of any money appropriated by this act shall be available for paying expenses of horses and carriages or drivers therefor for the personal use of any officer provided for herein by this act other than the President of the United States, the heads of executive departments, and the Secretary to the President."

The conferees inserted the words "or any other" before the word "act," making it read "this or any other act," and also inserted the words "by this or any other act," so that it would read "for the personal use of any officer provided for by this or any other act, other than the President," and so forth.

Speaker CANNON said:

The managers have inserted between the words "personal" and "use" the words "or official." Mr. MANN insisted that this amendment of the text, to which both Houses agreed, was beyond the power of either House, and, consequently, beyond the power of the conferees, citing the precedent of April 23, 1902.

After debate, Speaker CANNON withheld his decision, evidently wanting to investigate the matter.

Here is the sum and substance of Speaker CANNON's decision:

This provision in the conference report inserts legislation that never was before the House or before the Senate, and it was quite competent for the conferees, if they could do this, to have stricken out the whole paragraph and inserted anything that was germane. They could have stricken out the words "other than the President of the United States, the heads of executive departments, and the Secretary to the President"; and while there were but two words inserted, the provision, if enacted into law, would be far-reaching and would run along the line of the whole public service.

Now, that is just exactly this case as to this particular amendment.

Speaker CANNON goes on to say:

As to the wisdom of such a provision, the Chair is not called upon to intimate any opinion. It is for the House and the Senate to determine upon the wisdom of it, and, as the House and the Senate never have considered that proposition, the Chair is of opinion that the conferees exceeded their power, and therefore sustains the point of order.

The second point of order is that on page 30, beginning with line 23—and it does not make any difference as far as the parliamentary points are concerned how desirable it is to mine coal in Alaska. The Chair thinks it very desirable, and would agree with the gentleman from Missouri [Mr. SHACKLEFORD] on the desirability of it; but that is neither here nor there.

The language of the Senate amendment was:

That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy, or any vessel of the United States.

The conferees inserted a proposition for mining coal, and surely there is a wide difference in the proposition to survey, investigate, and report upon coal and coal fields and a proposition for the mining of coal. That point must also be sustained.

In amendment 7, on page 5 of the bill, line 24, it is provided:

Hereafter any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed in time of peace shall receive the pay and allowances of an officer of the active list of the grade from which he was retired.

The conferees inserted into that amendment these words—

of the Navy or Marine Corps.

And also inserted the words—

with his consent—

and made some other minor changes. The Chair may be wrong about it, but the Chair believes that the Navy and Marine Corps are two different institutions, and sustains the point of order in that regard. The point of order made against the conference report on amendment No. 87 is also sustained.

So the four points of order made by the gentleman from New York are sustained.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that the conferees to be hereafter appointed may, with the permission of the House, insert the words "of the dental corps" by agreement with the Senate conferees, in line 22, page 51, after the word "officers."

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the House conferees may, with the consent of the Senate conferees, on page 51, line 22, after the word "officers," insert the words "of the dental corps." Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PADGETT. Mr. Speaker, I desire to submit another request for unanimous consent of similar character. It is on page 57 of the printed bill, on the question of authorizations, and does not involve any money or any appropriation.

The authorization was made, according to the House document, the number that was submitted by the department in pursuance of law, for authority to repair the *Vermont*, in the sum of $250,000. Upon a fuller survey and estimate it has been found that it will require $300,000, otherwise the ship will be laid up for a year. I make the same request to be allowed, with the consent of the Senate conferees, to insert instead of $250,000 the sum of $300,000.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that on page 57, lines 22 and 23, the House conferees may, with the consent of the Senate conferees, strike out $250,000, and insert in lieu thereof $300,000. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

Mr. PADGETT. That is a change of authorization for repairs from $250,000 to $300,000. It does not involve any appropriation. It comes out of the general lump-sum appropriation.

Mr. MANN. It involves $50,000 more, but I suppose it is needed.

Mr. PADGETT. Yes; otherwise the ship will be laid up for a year without making repairs.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Tennessee whether it is proposed to have these repairs made in the navy yards or by competition in outside yards?

Mr. PADGETT. Mr. Speaker, my information from the department is this: The Secretary of the Navy has stated time and again before our committee that it was his fixed policy to have the large repairs on ships done in the navy yards.

Mr. MOORE of Pennsylvania. Are all of the navy yards of the country equipped to repair battleships?

Mr. PADGETT. I could not say that all of them are to the same extent. All of them are to some extent and others to a larger extent.

Mr. MOORE of Pennsylvania. Is it not a fact that but one navy yard in the United States of all our navy yards is equipped to build battleships?

Mr. PADGETT. I understood the gentleman to say to repair battleships.

Mr. MOORE of Pennsylvania. That was my first question, but I am now putting another one.

Mr. PADGETT. As I understand, the navy yard at New York is the only one that can build large ships, also at Mare Island. At Mare Island ships of fifteen and sixteen thousand tons displacement can be constructed.

Mr. MOORE of Pennsylvania. Since this question enters very largely into the matter of my inquiry, is it not a fact that the Navy Department is now withholding contracts which were the result of advertisement for public competition, with a view of sending original construction work into the navy yards?

Mr. PADGETT. I am not advised as to that. I have no information from the department.

Mr. MOORE of Pennsylvania. I will state that it is true with regard to Mare Island. It is true with regard to a gunboat that was advertised for recently, and upon which low bids were received. My question involves the broad proposition of taking labor from independent workingmen and putting it altogether with workingmen who are employed by the Government of the United States. Is it not a fact that the *Monocacy*, a boat about to be constructed by the Government, is to be assigned or has been assigned to a navy yard, in spite of bids and proposals made by outside constructors?

Mr. PADGETT. As I stated, I have no direct information. The Secretary of the Navy has stated before the committee a number of times, and also, I think, in one of his annual reports, that it was his policy to submit bids to outside yards for the construction of large battleships and to put all repair work and the construction of smaller vessels, as far as he was able, in the navy yards, but repeatedly here the House by designation has placed the construction of battleships and other ships in navy yards.

Mr. MOORE of Pennsylvania. Let us take the gunboat *Sacramento*. Is it not a fact that bids were twice publicly advertised for, and that in the last instance a low bid entirely within the appropriation was received, and that an award has been withheld?

Mr. PADGETT. I do not know. I am not advised as to that.

Mr. MOORE of Pennsylvania. Has it not been the tendency of the Department of the Navy recently, and is it not also the policy of the Committee on Naval Affairs, to reduce the appropriations in certain navy yards that might be equipped to build battleships, whereas but one navy yard in the country is now so equipped?

Mr. PADGETT. There are several navy yards that are equipped to do extensive repair work, and there are two of them that do original construction, and one of them very largely so—the New York Navy Yard—but I do not know of any specific action on the part of the Naval Committee one way or the other. We have been making our appropriations along the customary lines. We have not sought to build up great navy yards scattered promiscuously over the country.

Mr. MOORE of Pennsylvania. Does the gentleman recall efforts made to equip several of the navy yards outside of that at New York so that they might be qualified to compete for the construction of battleships, if the Government should enter on that course?

Mr. PADGETT. There have been no specific suggestions to the committee.

Mr. MOORE of Pennsylvania. Is the gentleman aware of the fact there is no 1,700-foot dry dock in any navy yard in the country?

Mr. PADGETT. Yes; I am aware of that, and I am aware of the fact that no proposition of that kind has ever been brought here on the floor.

Mr. MOORE of Pennsylvania. Is the gentleman aware that petitions have been filed and requests made for the construction of a dry dock 1,700 feet in length for a certain navy yard in this country?

Mr. PADGETT. Yes; I am aware the gentleman himself and other Members of the Pennsylvania delegation appeared before the Naval Committee and presented the matter, and it appears in a printed hearing.

Mr. MOORE of Pennsylvania. Does the gentleman recall that a number of distinguished Members of the House suggested that the city of Philadelphia ought to have a 1,700-foot dry dock, in the last two or three months, and were promised it would be considered and——

Mr. PADGETT. I see published in the newspapers various statements, but I never accept that as an authentic declaration of a Member of Congress or a member of a committee, especially following a banquet. [Laughter and applause.]

Mr. MOORE of Pennsylvania. The committee in its wisdom has not seen fit to grant the request for a 1,700-foot dry dock at this yard.

Mr. PADGETT. The committee has not taken any action either pro or con in regard to the matter.

Mr. MOORE of Pennsylvania. There is no provision made for such a dry dock in this bill.

Mr. PADGETT. No.

Mr. MOORE of Pennsylvania. The efforts of those who have urged the request have been in vain——

Mr. PADGETT. These matters were called to the attention of the committee after the bill was reported.

The SPEAKER. Is there objection?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I believe the gentleman states there is no certainty that these will be repaired in a navy yard. Should not there be a provision directing that they should be repaired in a navy yard?

Mr. PADGETT. It is the policy of the Secretary of the Navy to have the work done in navy yards, I am informed. There is no trouble in that respect.

The SPEAKER. Is there objection?

Mr. OLMSTED. I would suggest to the gentleman that he specify—the gentleman proposes an amount of $300,000?

Mr. PADGETT. Yes.

Mr. OLMSTED. I suggest, Would it not be better to say "not exceeding $300,000," so as to leave a chance to agree between $150,000 and $300,000?

Mr. PADGETT. It does say with reference to all of these great numbers that are enumerated, not to exceed the amount with reference to all of them.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PADGETT. I understand the gentleman from Illinois [Mr. Foss] desires to offer a motion.

Mr. MANN. Does the gentleman from Tennessee propose to offer a motion in reference to the other amendments?

Mr. PADGETT. I am going to do so when I offer the motion to send the bill to conference.

Mr. MANN. The gentleman will have to insist upon a further disagreement to the other amendments.

Mr. PADGETT. Mr. Speaker, I move that the House do further insist upon its disagreement to all the Senate amendments and ask for a conference.

Mr. FOSS. Will the gentleman except the Senate amendment relating to battleships? There is only one relating to battleships.

Mr. MANN. The gentleman, my colleague, has a right to offer a motion, for the motion to concur is preferential.

Mr. FOSS. Mr. Speaker, I move that the House concur in Senate amendment 102, on page 78.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 78 of the printed bill, amendment No. 102, after line 13, insert the following:

"That for the purpose of further increasing the Naval Establishment of the United States the President is hereby authorized to have constructed two first-class battleships, each carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not to exceed $7,425,000 each."

The SPEAKER. The gentleman from Tennessee moves to disagree to all the Senate amendments and ask for a conference, and the gentleman from Illinois [Mr. Foss] offers a preferential motion to agree to the amendment just read.

Mr. FOSS. I understand under the order of the House I have one hour.

The SPEAKER. Yes; and the gentleman from Tennessee, 30 minutes.

Mr. PADGETT. I ask the gentleman from Illinois to use his hour at this time.

The SPEAKER. The gentleman from Illinois is recognized for one hour. [Applause.]

Mr. FOSS. Mr. Speaker, this motion to concur in the Senate amendment will authorize for the American Navy this year the building of two battleships. The Democratic Party has been in control of this House for a comparatively short time and during that time it has offered many solutions for different problems before the people, but upon no question has the Democratic majority of this House shown its proneness to blunder and its desire to play politics and its inability to climb the heights of American statesmanship as much as it has on the naval program of this year.

For the first time in the history of the American Navy the Democratic Party has taken the subject of the naval program into a party caucus. Before the Committee on Naval Affairs had considered the subject at all a party caucus met and decided that we should have no battleships. The result was that the Committee on Naval Affairs, under the direction of the party caucus, brought into this House the smallest, most insignificant, and the weakest naval program which has ever been reported to this body for many years. [Applause on the Republican side.] Heretofore the Navy was considered above party politics; heretofore the national defense was above party politics; and let me say to you that in the judgment of the American people I believe that the national defense is regarded infinitely higher than that of partisanship. [Applause on the Republican side.] It is higher, in fact, than the Washington Monument is above the shifting sands of the New Jersey seacoast. [Applause on the Republican side.]

Now, what were your reasons? In the first place you said you were in favor of a well-proportioned Navy; you believed in small ships, and therefore you authorized or carried in your bill this year a program of small ships; but when it was pointed out to you upon the floor that you did not authorize as many little ships as were authorized in the naval bill of last year, why then the insincerity of your proposition was at once manifest.

Then, also, it has been stated that the Democratic Party this year proposes to make a show of economy, and that was the reason why you were against a real fighting naval program. There is a difference between a show of economy and a record for economy.

One of the greatest poets which this country ever produced, in my mind, was Eugene Field, a neighbor of mine for many years and until his death. He was the poet of childhood, and one of the best things he ever wrote was when he depicted the struggles of a little boy trying to be good just before Christmas, and the last line of every verse ran something like this:

Jest before Christmas I'm as good as I can be!

And, later, he paraphrased that with reference to a candidate for office, as follows:

Jest before election he's as good as he can be!

And so it is with the Democratic Party in its attempt to show economy at this particular season of the year—"Jest before election it is as good as it can be." [Applause on the Republican side.]

But the American people can see through sham economy; they can see the difference between faked economy and real economy, and no economy that strikes a blow at the efficiency of the American Navy, which is near to the hearts of the American people, will ever be called by them real economy. [Applause on the Republican side.]

But I like to be frank with the Democratic Party. The real truth about this matter is that you believe in the traditional policy of the Democratic Party. Every Democrat lives, and moves, and has his being in the spirit of Thomas Jefferson. The last thing he thinks of at night and the first thing in the morning is Thomas Jefferson. [Applause on the Democratic side.] And so you are in favor of carrying out the traditional policy of the Democratic Party as laid down by its patron saint, Thomas Jefferson.

Now, Thomas Jefferson, gentlemen, did not have very much use for a Navy. The fact of the matter is that while he was President of the United States he drew our ships of war, our frigates, upon the mud banks, and in a letter dated April 17, 1801, which he wrote to one named Smith, he said this:

I shall really be chagrined if the water in the Eastern Branch will not permit of our laying up the whole seven (i. e., frigates) there in time of peace, because they would be under the immediate eye of the department and would require but one set of plunderers to take care of them.

When it came to the question of new ships he was in favor of little gunboats with only one gun on them, so that they could run up into the rivers and creeks away from the enemy, and never after them. In a letter, about 1806, to a Mr. Otis he wrote as follows:

Believing myself that gunboats are the only water defense which can be useful to us and protect us from the ruinous folly of a Navy, I am pleased with everything which promises to improve them.

That was the naval policy of Thomas Jefferson. You need not take my word as authority. I have here a more eminent authority. I read from A History of the American People, by that eminent historian, Woodrow Wilson [applause], who for a brief moment only is passing before the critical eye of the American people. On page 190 of volume 3, he says:

Mr. Jefferson had brought a party to power which had dismantled the Navy which the Federalists had begun. The few ships that remained were tied up at the docks out of repair, out of commission, or lacking crews and equipment. English cruisers overhauled American merchantment when and where they pleased, looked into their manifests and bills of lading, forbade them their voyage if they chose, and took their seamen off to serve in their own crews.

The bitter and intolerable thing was that British officers made no pretense of investigation; took what men they chose, American or English, not declining negroes even; and insulted the flag of the United States by every method they employed. Insult reached its climax when the English cruiser *Leopard* followed the American frigate *Chesapeake* out of Hampton Roads, fired upon her, and took four men from her as deserters, the *Chesapeake* having but a single gun ready for use (1807).

Mr. Jefferson saw the face of war in all this, but would not propose any means of redress. The only remedy he would suggest was a fleet of gunboats for the defense of the ports, less costly than fortifications; less dangerous also, his creed said, to principles of self-government and the maintenance of a modest central power than a formidable navy. If American seamen were not safe against attack at sea it was best that they should stay in port, where the country could make good their defense. He found it impossible, indeed, to do away with seagoing ships of war altogether. At the very outset of his administration he had been obliged to send a squadron against the pirates of Tripoli, who openly made war on the commerce of the United States. The six frigates then kept in commission proved unsuitable for the service, and he was forced to consent to the construction of a few vessels more suitable, which promptly brought Tripoli to terms. But he did not allow even the Tripolitan war (1802–1805) to bring a real navy into existence.

That was the naval policy of Thomas Jefferson. There is no period in American history when our Nation was so little respected around the world and when our flag was so much insulted upon every sea as during the administration of your patron saint, Thomas Jefferson (1801 to 1809).

And I say to you here and now, may Heaven forever save us from a revival of the naval policy of Thomas Jefferson! [Applause on the Republican side.]

Mr. LONGWORTH. Mr. Speaker, will the gentleman yield for a very brief question there?

Mr. FOSS. Yes.

Mr. LONGWORTH. The gentleman has just stated what Prof. Wilson has written with regard to Thomas Jefferson's stand on the American Navy. Has the gentleman ever read anywhere a statement by Prof. Wilson as to how Gov. Wilson stands on the American Navy?

Mr. FOSS. No. I have not read any such statement. [Laughter on the Republican side.]

Now, that evidently is the real reason why my Democratic friends were so insistent against the Navy in caucus after caucus. It was to be consistent and in conformity with the Democratic naval policy of Thomas Jefferson.

Well, you had a great convention over in Baltimore. [Applause on the Democratic side.] I refer to the Ryanized-Bryanized-Tammanyized convention. [Applause on the Republican side.] After you had nominated by nine successive ballots the Speaker of this House [general applause], who has the affection and confidence of every Member of it [renewed applause], you permitted William Jennings Bryan [applause on the Democratic side] to exercise the veto power on that presidential nomination, and you did not have the courage of your convictions [applause on the Republican side] nor the nerve nor the virility as a party to override that veto with a two-thirds vote. [Applause on the Republican side.]

Mr. PADGETT. Mr. Speaker, will the gentleman yield for just a moment?

Mr. FOSS. I want to finish this phase of the question.

Mr. PADGETT. Just for a moment. Is that the reason you want to get two battleships? [Laughter on the Democratic side.]

Mr. FOSS. I want to show up the inconsistency of the Democratic Party in its naval program. [Applause on the Republican side.] Now, you nominated—whom did you nominate? "Wilson; that's all." [Applause on the Democratic side.]

Mr. HILL. I would suggest that they did not nominated him. Mr. Bryan nominated him. [Laughter on the Republican side.]

Mr. FOSS. Now, what about your platform?

Mr. GOODWIN of Arkansas. Mr. Speaker, will the gentleman yield for just a moment?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. FOSS. I am sorry I can not yield. I want to get along. How about your platform? Mr. Bryan suggested that the platform should not be adopted until after the candidate should be selected. Just who Mr. Bryan had in mind as the candidate of that convention at that time nobody knows. He has never told us. Probably he is trying to forget it. [Laughter on the Republican side.] But one thing is true: Your candidate whom you nominated has not been on speaking acquaintance with the platform of the Democratic Party since it was promulgated.

Now, we have had a Wilson before. My mind goes back to 20 years ago in this very House of Representatives, when we had a college President, a professor in politics, a doctrinaire, a free trader, and he was the leader of your party on that side, and for a time he piloted the ship of state, but he piloted that good old ship upon the rocks of free trade and national disaster [applause on the Republican side], and the American people have not forgotten the name of Wilson. [Applause on the Republican side.]

Now, passing on to your platform, after you had nominated your candidate you adopted this plank in your platform:

We approve the measure reported by the Democratic leaders in the House of Representatives for the creation of a council of national defense, which will determine a definite naval program with a view to increased efficiency and economy.

That was reported from the Senate Naval Committee and was put on the naval appropriation bill when it was considered in the Senate, but a Democratic Senator made a point of order on it and it went out.

Now, the material part of that plank is this last clause:

The party that has proclaimed, and has always enforced, the Monroe doctrine and was sponsor for the new Navy, will continue faithfully to observe the constitutional requirements to provide and maintain an adequate, well-proportioned Navy sufficient to defend American policies, protect our citizens, and uphold the dignity and honor of the Nation.

That is what you wrote in your platform, and after that platform was adopted in the Democratic national convention you held three or four caucuses for no other purpose than simply to make those words a lie. [Applause on the Republican side.] Your action in all of the caucuses except the last caucus was against battleships.

And you did that, notwithstanding that in the concluding paragraph of your platform you said:

Our pledges are made to be kept when in office as well as relied upon during the campaign—

A mockery in the face of your caucus action, as indeed was your caucus action a mockery to your naval plank.

But, sir, you were repudiated from one end of this country to the other by the public press. One of the greatest newspapers in the country, in one of its editorials, said this:

Politics is a pressing personal or partisan interest. The result has never been more flagrantly illustrated than by the Clark-Underwood organization of the House of Representatives. The most spectacular and immediately serious of its follies is the refusal to sustain our moderate naval program by voting two battleships necessary, according to expert opinion, to maintain our naval efficiency at the proper standard. This action has been persisted in since the declaration of the Baltimore platform for an adequate Navy—a beautiful illustration of the worthlessness of a platform pledge, couched in glittering generality and unsupported by sincere convictions or direct responsibility.

Mr. KINKEAD of New Jersey. From what paper is the gentleman reading?

Mr. FOSS. From the Chicago Tribune. Not only have you been denounced by the press of the country, gentlemen, but also by prominent Democrats within your own party. Every man here will agree that William Randolph Hearst is a prominent Democrat, perhaps the greatest newspaper publisher in this country, and this was the message of comfort which he sent to you after your caucus action, when the naval bill had come from the Senate with a provision upon it for two battleships:

[By cable to the Chicago Tribune.]

PARIS, *July 25.*

William Randolph Hearst, the American newspaper publisher, in a signed statement on American politics to a correspondent, says:

"The failure of the Democrats in Congress, in defiance of their party platform, to provide a Navy adequate to the Nation's needs utterly discredits Democratic promises and Democratic patriotism. No reliance can henceforth be placed upon a party which has no regard for its own honor or the Nation's dignity and safety.

"NO PARTY FOR PATRIOTS.

"Patriotic citizens can not be expected to vote for Democratic candidates who repudiate their solemn pledges and default in personal and patriotic obligations.

"It is not wise to intrust the powers of government to a party of narrow sectionalism and small Americanism which has no conception as to the Nation's dangers or the Nation's duty or of the Nation's destiny.

"CALLS PARTY UNSAFE.

"It is actually not safe to repose the fate of the greatest Nation in the world to the care of the party which proposes to contract our national possessions and which refuses either to protect our interests abroad or safeguard our citizens at home.

"The Democracy's repudiation of its platform pledges is merely squalid dishonesty, but its default in its patriotic duty to the Nation is nothing less than treason."

What was your last caucus action upon this great subject of the national defense, which has never before been submitted to caucus action? What was your resolution?

Resolved, That the former action of the Democratic caucus in regard to battleships be, and is hereby, modified so as to permit any and all Democratic Members who desire to do so to vote in the House for one battleship only, and to permit the Democratic members of the conference committee on the naval appropriation bill to agree to one battleship.

No Member is bound by this resolution to vote for one battleship should he not desire to do so.

There never was a more stringent caucus rule put on the members of a party than you have put upon your own members upon this great nonpolitical question.

When you were a party of the minority, you talked upon that side for years about the drastic rules of the House and CANNON'S rules and constitutional rights, and constitutional oaths of Members of Congress, and the duty of Representatives to be moved only by the dictates of their own consciences; and yet you have violated all your words of the past by this most stringent gag caucus rule upon a great national, patriotic question, infinitely above party, and the American people will hold you responsible for it on next election day. [Applause on the Republican side.]

You think you are going to win. The great trouble with the Democratic Party has been overconfidence. It has been on the ragged edge of victory more than once, but always failed to land. The Democratic Party always gets an enlargement of the head, and then later loses the enlargement, head and all.

That has been your history all the way through. Instead of holding your heads high and following your own unpatriotic and uncertain leadership, and trampling upon your planks adopted in the national convention of your party, you ought to be down on your knees in humiliation and prayer, seeking Divine guidance.

I will ask the Clerk to read from a Democratic newspaper the prayer which you ought to be uttering.

The Clerk read as follows:

A HEARTFELT PRAYER.

O Lord, now that everything is coming our way, purge every Democratic soul of hot air and vainglory and insert large installments of common sense in every Democratic cranium, and oh remember, Lord, our proneness to make fools of ourselves just when we have the world by the tail and a downhill pull, and see that we don't get in bad this time.

[Laughter on the Republican side.]

Mr. FOSS. Mr. Speaker, the Republican policy on the subject of the Navy is well known to the country. The Republican Party was the father of the new Navy. It was in Garfield's administration that the first steps were taken toward the building of a new Navy. Our Secretary of the Navy at that time, Mr. William H. Hunt, called the attention of the country to our condition in his report of 1881 to Congress:

The condition of the Navy imperatively demands the prompt and earnest attention of Congress. Unless some action be had in its behalf, it must dwindle into insignificance. From such a state it would be difficult to revive it into efficiency without dangerous delay and enormous expense. These things ought not to be. While the Navy should not be large, it should at all times form a nucleus for an emergency. Its power for prompt and extended expansion should be established. It should be sufficiently powerful to assure a navigator that in whatever sea he shall sail his ship he is protected by the Stars and Stripes of his country.

On the 29th of June, 1881, Secretary Hunt appointed a board of naval officers, with Rear Admiral John Rogers at its head, to report upon the Navy, and "to determine the requirements of a new Navy."

On November 7, 1881, this board reported, and recommended the building during the eight years following of enough vessels to make our Navy consist of 21 ironclads, 70 unarmored cruisers, 20 torpedo boats, and 5 rams. This really was the first definite step toward the beginning of a new Navy. Secretary Hunt, however, was soon succeeded by Mr. William E. Chandler as Secretary of the Navy, who, in his report of November 29, 1882, called the attention of Congress and the country to the deplorable condition of our ships. He reported that the available armored vessels were only 13 single-turreted monitors, and the available cruisers were 37. He also recommended at that time that we should not repair these old ships in cases where the estimated cost of repair would exceed 20 per cent of a new ship of the same size and the same material, and this provision was enacted into law.

This was an important step at that time, inasmuch as it shut off the needless repairs of old ships and emphasized the importance of building new ones.

But the first authorization for new ships came soon after in the appropriation act of March 3, 1883, when the new cruisers,

Atlanta, *Boston*, *Chicago*, and dispatch boat *Dolphin*, sometimes called the A, B, C, and D of the new Navy, were authorized. The first two of these ships were cruisers of about 3,000 tons each, and had a speed of 15½ knots. The *Chicago* was a larger cruiser, with a displacement of 5,000 tons and a speed of 18 knots. The *Dolphin* had a displacement of a little less than 1,500 tons, and her speed not quite 16 knots. These ships were all built by John Roach & Sons, at Chester, Pa. The total cost of these four vessels aggregated $4,268,801.

Two years later, in 1885, Congress authorized the construction of two more protected cruisers, the *Charleston* and *Newark*, and two gunboats, the *Petrel* and *Yorktown*. This added 10,000 tons more to the new Navy, and thus it was under the administration of President Arthur we began the building up of our new Navy through the authorization of these eight war vessels above described.

Under Cleveland's administration, when Mr. William C. Whitney was Secretary of the Navy, other ships were added to the Navy; but the present Democratic Party can not claim any credit for this or prove thereby its sponsorship of the Navy, as alleged in its platform, for Cleveland and his administration were afterwards repudiated by the Democratic Party, and Cleveland in turn repudiated the Democratic Party, and especially so when it fell into the personal possession of William Jennings Bryan.

But I will overlook this and give the party more credit than its due.

During the period of the building up of the Navy, reaching back to 1883, we have had in this House 10 Republican Congresses and 5 Democratic Congresses. During the 5 Democratic Congresses you have authorized in new ships 144,000 tons. During the 10 Republican Congresses, just twice as many, we have authorized over 1,066,000 tons of new ships. [Applause on the Republican side.] That is the difference between the Democratic policy and the Republican policy on the Navy. Our policy has been two battleships a year.

Mr. Speaker, this is no time to cut down the efficiency of the American Navy. The Senate passed a resolution almost unanimously the other day, which I will read to you:

Resolved, That when any harbor or other place on the American continent is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States, the Government of the United States could not see, without grave concern, the possession of such harbor or other place by any corporation or association which has such a relationship to another Government, not American, as to give that Government practical power of control for national purposes.

Does that resolution necessitate any less Navy than we have? Should we not rather increase the Navy? Then, too, we are building the great Panama Canal and opening up a great sea heretofore isolated and making it a new Mediterranean and changing the trade courses of the world. Does not that necessitate our maintaining the efficiency of our Navy?

Not only that, but in the Hay-Pauncefote treaty we have guaranteed the neutrality of the canal. What will guarantee the neutrality of the canal? The Sermon on the Mount, the Ten Commandments, or the Golden Rule in this stage of the world's civilization? Dr. Eliot, former president of Harvard College, who has just returned from a trip around the world in the interest of international peace, in which he has visited many nations, made the statement in the public press the other day that he thought the millenium was a long way off. Then, too, there is the Monroe doctrine which we must maintain, and it takes a navy to maintain these great interests of ours upon this hemisphere as well as upon the other. So I call upon you one and all, those who believe in our national defense, to vote for this proposition which I present to you to concur in the Senate amendment.

Gentlemen on the other side of the House have been thundering in newspapers, stating how many Democrats will vote for two battleships. I urge them here and now to come to the front and join with this side of the House, which will be practically solid for two ships.

I call on the Democrats on that side of the House who believe that the country is infinitely higher than party to join with us upon this motion to concur in the two-battleship amendment.

We will have an opportunity now in a comparatively short time to vote on this question, and it is not a question that any Democrat on that side can hide behind a gag-caucus rule and justify himself before his own constituents, because this question has never been a party question. It is above party; it is a great patriotic question. In the language of the old saying, "At the water's edge all politics cease." We may differ as we please here upon the land on questions of the tariff, and on questions of the currency, but when it comes to the water's edge, when it comes to our national defense and the maintenance of the honor of our country and the respect of the American flag, then every man should be above party, he should stand for his country, and that is the question which is presented here to this House. [Applause.]

EDITORIALS FROM NEWSPAPERS.

[Chicago Tribune, July 26, 1912.]

WILSON AND THE NAVY.

Thousands of voters who had decided to support Wilson for President are reconsidering their decision to-day. They are doing so because the Democratic majority in the House has given another demonstration of its unfitness.

In the face of growing navies the world over, in the face of growing international complications, in violation of its party platform the Democratic caucus has voted to refuse to concur with the Senate in building even one battleship to defend American institutions. The reason for the refusal is well known. The Democrats want to spend on unnecessary public buildings and fake internal improvements the money needed for national defense. The method they choose to carry out their dishonest purpose—the causus—is undemocratic.

On a nonpolitical subject nearly one-half of the Democratic Members yield the good of their country to the pork-barrel greed of their fellows. Of the full membership of the House there is a large majority in favor of national defense, but political "rules," as usual, are used to overcome the public welfare.

Naturally, the voters are asking themselves if the Democrats will violate a platform pledge so brazenly within a month of making it and in face of an election, what will they not do in a year, with no election to steady them? The Democrats have furnished the first argument against the election of Dr. Wilson.

[Chicago Record-Herald, July 28.]

"ECONOMY" AND THE NAVY.

The House Democrats have held another caucus on the naval appropriation question and have again voted to authorize no battleships this year.

UNDERWOOD and other leaders opposed this policy, and it is said that Woodrow Wilson is also against it. CLARK, however, is for it—a fact not mentioned in the Hearst papers. It is contrary to the spirit of the Baltimore platform. Why, then, this stubborn attitude? The Senate would accept the compromise of one battleship this year, and what argument is there against so mild and economical a program?

The House has not been severe or consistent in its alleged policy of economy. That is notorious. Why, we repeat, this sudden passion for economy at the expense of the generally approved naval policy?

The United States is not threatened by or preparing for war. It doesn't have to compete with England or Germany in armament boosting. Still, a reasonable naval policy has been indorsed by Democrats as well as by Republicans. To stick to it is the course of mere common sense. The "economy" plea is too hollow to impress anyone.

[Chicago Inter-Ocean, July 27.]

TEARING DOWN THE NAVY.

Some sensible House Democrats are trying to get another party caucus on the naval appropriation bill. These sensible Democrats do not wish their party to go before the country on a record of willful neglect of the public defense and of tearing down the Navy.

That is the record the Democrats have so far made for themselves. In a misdirected effort at "economy" and under the influence of universal-peace shriekers and arbitrate-everything fanatics the House majority cut out of the naval bill the two new battleships which are absolutely necessary to maintain the Navy at its present strength.

When the bill got over to the Senate some of the Democrats there joined with the Republicans in putting back into it these necessary additions to our fighting fleet. The bill is now in conference, and at a caucus the other day the House Democrats again voted to stick to their "no-battleship" policy.

When the Senate amendments were made, it was generally understood that the House Democrats had realized their gross blunder and would rather welcome the opportunity to get out of the unpopular position of hostility to the Navy into which they had been led by the peace fanatics.

However, since that the Democratic Party has nominated for President a wabbling academic agitator who is for any and every uplift idiocy that promises him a handful of votes. So the peace fanatics of the House are again on top and pluming themselves on the "magnificent example of cessation of armaments" that we are going to give.

A strong Navy, at least as strong as it is now and growing with the Nation's growth, is our best assurance against war and that peace will continue.

Neglect of the Navy is particularly dangerous now that England and Germany have openly engaged in a naval race, whose probable end is world-wide war.

With its usual incompetence the Democratic Party seizes this moment to persist in tearing down the Navy.

[New York American, July 26, 1912.]

FALSE TO THE NAVY PLANK, FALSE TO THE WHOLE PLATFORM.

The action of the House caucus on the Navy question leads the Democratic Party to the brink of party disaster and party dishonor.

How can the voters of the country have confidence that any promise of the Baltimore platform would be performed by a triumphant democracy if the party insists on using such power as it actually has to break the first platform promise that it has a chance to keep?

The Navy plank of the Baltimore platform commits the party to a naval program of "increased efficiency." It recalls the fact that the Democratic Party, in the days of Cleveland and Whitney, was "sponsor for the new Navy," and it promises that that party will continue "to provide and maintain an adequate and well-proportioned Navy, sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the Nation."

This pledge has been shamelessly repudiated, both in spirit and letter, by the action taken Wednesday in the House caucus.

The sentiment of the whole American people on this question is voiced in the following striking epigrams from the Navy Department:

"Battleships are cheaper than battles."

"A strong Navy is the cheapest insurance."

"The Monroe doctrine is international law only while backed by the fleet."

"Twelve-inch guns speak louder that Hague arbitrators."

"The sea is a highway for a strong navy, a closed path to a weak one."

In the face of such an action as that taken by the Democrats in the House, what could be more satirical than the fair-sounding words written at the conclusion of the Baltimore platform: "Our pledges are made to be kept when in office as well as relied upon during the campaign."

Surely the array of Democratic promises will neither be kept in office nor relied upon during the campaign if the first of them all is to be so conspicuously canceled at the very beginning of the electoral struggle.

Men who are so openly faithless "in a few things" will never be made rulers "over many things." And this saying will prove itself with a vengeance since the "few things" are the ships of the American Navy, upon which the Nation has set its heart, and since these are the things that are to be made fewer by a bold breach of democratic faith.

The Senate has passed a bill that provides for an adequate Navy, but the Democratic Party is not in control in the Senate. The Democratic Party is in control of the House of Representatives. And the party must stand or fall by the action of the House.

Such a catastrophe as now threatens the Democratic Party can not be considered accomplished until the fatal step has actually been taken over the brink of the abyss. There is still hope, though a well-nigh desperate hope.

The American records with satisfaction the gains for an honest naval policy that have been made in the House caucus. At the first caucus on the naval program there were only 30 votes for the new battleships. On Wednesday there were 62. The adverse vote on Wednesday night stood 70 to 62.

The American will fight on to the end for the sake of the Navy and for the honor of the party.

Certainly there should be another caucus, if there is to be any Democratic Party in the presidential race.

[Philadelphia Inquirer, July 26.]

WORTHLESS DEMOCRATIC PROMISES.

We direct the attention of the Democrats of the House to the following declaration in the platform adopted by their party at Baltimore:

"The party that proclaimed and has always enforced the Monroe doctrine and was sponsor for the new Navy will continue faithfully to observe the constitutional requirements to provide and maintain an adequate and well-proportioned Navy sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the Nation."

How worthless are Democratic promises and how quickly forgotten! The Democrats of the House, in caucus assembled, once more have determined that not one single new battleship shall be added to the Navy.

Talk about the Monroe doctrine! Why, there isn't an intelligent Democrat in the lot who does not know that the Monroe doctrine is dependent entirely upon a competent Navy. And yet these Democrats intend to force the American Navy to a humiliating position below that of Japan.

That is what they will do if they are allowed to carry out their policy. Shall they be allowed?

The Senate should remain in session until the snow flies rather than permit the Navy-wrecking Democrats of the House to have their way.

[The New York Sun, Aug. 16, 1912.]

MORE PROMISE BREAKERS.

Hear the strong, patriotic voice of the Democratic caucus of the House of Representatives:

"*Resolved*, That the former action of the Democratic caucus in regard to battleships be, and the same is hereby, modified so as to permit any and all Democratic Members who desire to do so to vote for one battleship only, and to permit the Democratic members of the conference committee on the naval appropriation bill to agree to one battleship. No Member is bound by this resolution to vote for one battleship should he not desire to do so."

Not two battleships, but one battleship, by kind permission of the caucus, and nobody is bound to vote for even one. One or none a year; this is the "adequate and well-proportioned Navy sufficient to defend American policies, protect our citizens, and uphold the honor and dignity of the Nation," which the Democratic national platform promises with such fine sound, apparent earnestness, and presumed good faith.

Plenty of "pork" for one's district, and a grudging, miserly one battleship a year for national defense.

Does Democratic patriotism, as represented by too many of the Democrats in Congress, stop where, according to the old saying, partisanship should stop—"at the water's edge"?

Mr. THAYER. Mr. Speaker, I regret exceedingly that the advocates of peace and righteousness have not a more eminent champion. For some reason or other, one of which I may touch upon later, there has been no great anxiety on the part of the opposition of any battleship to meet the advocati diaboli. I am not unmindful that in a great crisis in the history of the chosen people a mere stripling was selected to attack the full-armored Philistine [laughter], and that at another time a certain man drew a bow at a venture and smote the King of Israel between the joints of his harness; and thus sustained, I thank God and take courage. [Laughter and applause.]

I will take as a text for my remarks the quotation from that magnificent speech of Woodrow Wilson, made Thursday last at Gloucester, N. J.

I have not heard of the farmers waiting for a hearing before the Committee on Ways and Means of the House and the Finance Committee of the Senate in order to take part in determining what the tariff schedule should be. While you are feeding the world Congress is feeding the trusts.

[Applause on the Democratic side.]

That is a clear and succinct statement of the political issue, and proves Lord Brougham's statement when he says:

Let the soldier be abroad if he will, he can do nothing in this age; there is another personage, a personage less imposing; in the eyes of some, perhaps, insignificant. The schoolmaster is abroad, and I trust to him, armed with his primer, against the soldier in full military array.

[Laughter.]

The Washington Times is very critical of the Democrats of the House because they have not passed during the sessions of nearly 14 months any antitrust legislation, and yet it is advocating Congress playing into the hands of the greatest of all trusts, the Steel Trust, by building two of these Leviathans, antiquated almost before they leave the ways, antiquated before their keel is laid, antiquated before the contract is let for their building, antiquated before the appropriation is made for building them. The battleships that this clause calls for by the amendment of the Senate are out of date, and no up-to-date nation would think of constructing such battleships.

Mr. GOLDFOGLE. Will the gentleman allow me to ask him a question?

Mr. THAYER. No; my time is limited and I decline to yield.

Mr. GOLDFOGLE. I was just going to ask the gentleman if that would not apply to all the other navies?

Mr. THAYER. It would not; it would not apply to England, it would not apply to Germany, and it would not apply to Japan.

Mr. Speaker, the Baltimore convention was supposed to be peculiarly free from the influence of the trusts. Shall we Democrats of the House unwittingly fall under their domination? I am perforce addressing my arguments to the gentlemen of my own political faith. However divided they may be on other issues, Armageddon and Golgotha, the Hill of the Meeting of the Troops and the Place of Skulls, are united on this jingo legislation. [Laughter.]

It therefore behooves us to look suspiciously on legislation advocated by our political foes.

Once to every man and nation comes the moment to decide,
In the strife of Truth with Falsehood, for the good or evil side;
Some great cause, God's new Messiah offering each the bloom or blight,
Parts the goats upon the left hand, and the sheep upon the right;
And the choice goes by forever 'twixt that darkness and this light.

As a Representative from a New England district I can not refrain from protesting against this wanton and willful waste of the people's money, to the destruction of themselves and not of a foreign enemy, if this proposition for two battleships or for one meets the approval of the House. Coming from a district which would suffer as severely as the great metropolitan centers in case of an invasion, that phantasm of intellects as keen as that of the gentleman from Alabama—that nightmare, "the last infirmity of noble minds"—I desire to proclaim why I am opposed to the further increase of our already swollen Navy. It is no false idea of economy which influences me in this matter.

If a large Navy is really needed now is the time to build it. But I deny the necessity. Let us not take counsel of our craven fears. Let us not be egged on by Republicans to such vast expenditures that our dreams of relieving the necessities of the toiling millions must fade into thin air before the hard realization of providing a revenue for all of these huge extravagances. Come, let us reason together and see whether there is one scintilla of need of increasing our armament. My district, which is a productive district, as distinguished from the trading districts of the metropolis, has evidently not heard the terrifying sound of battle afar off. These editorials which I will insert in the RECORD, from two Republican papers published in Worcester, show the feeling which is supposed to reflect the opinion of the people. If the doctrine of two battleships is a Republican doctrine, I commend to the consideration of my friends on the other side these two editorials.

[Worcester Telegram, Aug. 15, 1912.]

Now the big navies are necessary to prevent starvation among the people of the big powers. That is the cry of the militarism of the world. The fact that it is not fundamentally true will not be observed for many years, because it is true on the surface, and the people seldom scratch deeper for their ideas. Dr. Charles W. Eliot discovered that condition in his last trip around the world, though he does not tell the story in just that way. He says he sees no chance for immediate disarmament, because of the fear which keeps up the armies and the navies. The fear is the artificial condition made in Great Britain and Germany and Japan and sustained by elaborate show of statistics. It is claimed that neither of these powers dares to discard its navy, or reduce the naval forces, or to keep them as they are, because of the supposition that in case of comparative weakness any other sea power might shut out of their markets the raw materials for their factories as well as the food materials for their people.

Then the strongest nation is the weakest. That may seem to be paradoxical, but it is one of the important facts to be considered in the consideration of peace problems. If a nation has to construct and support a great battleship to protect its people against famine in potatoes, another against famine in oil, another against famine in rice, another against famine in wheat, and so on through the whole list of food materials, clothing and household and factory necessities, to prevent the warships of other nations coming along and forbidding the commercial ships of any nation bringing supplies to the nation in need, then the world has been civilized wrong. And there is no doubt it has in many respects. The nation which has to do that, or which thinks it has to do that, is weaker than the nation which does not believe it, regardless of the power of the nation with the great navy.

Centuries ago men thought they must wear armor to fight in. That made them so clumsy they made a ridiculous show in battle. The

ridiculous show of the nations with great navies now is just as much more so as the battleships and their forces of men and guns are greater in bulk than the armor of the old heroes of battle. They are overdressed nations, carrying loads that make them look foolish, and hence weakened by that much. It is entirely simple to enter into an international agreement to prevent the seizure in war time of any private property. That would prevent any attack on ships of commerce. It would in effect abolish war, because all property of nations could be exempt under the same agreement, and then there would be nothing to fight about.

Dr. Eliot does not pretend to accuse men of conspiracy in persisting in the great armaments, but what he says may be construed that way. Billions of dollars are invested in the industries which supply nations with ships and arms and clothing and other munitions and supplies for war. In the event of a world declaration of peace these billions would lose somewhat of their face value, a large proportion, and hundreds of thousands of men would be thrown out of employment. The position of the nations then is like a man holding a hot potato and not daring to drop it for fear of its smashing and burning him worse. The nations are cowards. The original idea that "in union there is strength" has been carried too far. In too much of union by nations as units of population there is weakness. Only in a nation of the whole world is there complete strength, and that will be weak in some ways until all the ideas of war are abolished. Dr. Eliot found the world hungry in many ways because of the great cost of war preparations, and yet not daring to abolish war because of fear that some monster might come along and prevent any nation from bringing food to its people.

Sweden is looking for a battleship to be paid for by popular subscription. That is the safest way, if any country must have a battleship. In that case the people know what they are buying and now much it costs them in cold cash. They can remember what they paid, each one of them, and proceed for years to regret it all they like. They will not repeat to the number of 26 big *Dreadnoughts*, not in a thousand years, in Sweden or in the United States.

[Worcester Evening Gazette, Wednesday, July 24, 1912.]

MORE BURDENS FOR THE PEOPLE.

It is now asserted that Germany has been making overtures, successful overtures, to Austria and Italy to the effect that they join her in the battleship building race. It is reported that these two nations have agreed to take a hand. This puts a sterner face on the problem which has confronted England to keep ahead of Germany as a sea power. It was a strain on her resources to maintain supremacy over Germany, and her navy makes a burden which the people feel. But the present prospect is that she must bestir herself to the point where she will be not only superior to Germany, but to Germany's allies. France appears a bit concerned also over Germany's activities in the naval line and announces a purpose to strengthen her own navy. Possibly France is doing this at the suggestion of England. Two nations against three would appear to be the game which is now being played among the great European powers. But back of it all is the cold fact that the people are paying for the candle in the cost of the great floating forts which the nations are hurrying to create.

If there is any sentiment in favor of battleships in the rest of the State of Massachusetts it has failed to reach my ears. The Boston Chamber of Commerce has sent me copies of resolutions adopted by it in regard to about every matter of legislation before Congress this session, but not a lisp against battleships, while the following editorial from the Boston Herald shows that paper's attitude.

[The Boston Herald, Thursday, Feb. 8, 1912.]

HOW MANY BATTLESHIPS DO WE NEED?

Secretary Meyer is displeased with the proposal of the Democrats to cut down the two-battleship program this year. He says: "We have our enormous extent of coast line; we have Alaska, Porto Rico, Hawaii, and the Philippines, and we have the obligation to guard and protect Cuba. * * * The only sure defense of the country and the only assurance for safety is for the fleet to be able to seek out its enemy on the high seas and to cripple or destroy it."

How about all this? We have never yet been attacked in our 123 years of history. We began every war we ever had. We lost by foreign bullets in all of them combined less than 15,000 citizens. Is it likely that nations which never attacked us when we were weak will attack their best customer when it has become strong? Length of coast line need not alarm us, since, in 1907, The Hague conference prohibited bombardment of unfortified places, leaving, however, their right of planting mines to prevent landing of troops. Only the few fortified spots on our long coasts need now concern us.

The "enemies" whom our fleet must pursue and "cripple" at sea are nonexistent. We can keep them nonexistent. England, France, and Germany stand ready to pledge arbitration of every question with us. Russia is eager simply for an ice-free port. She is as negligible as Austria and Italy. We are told that Japan has ordered more new battleships than we. Yes; and why? Because her danger is ten times as great. With millions of sullen Koreans to care for, with her Formosa and Manchurian possessions to maintain, oppressed as she is by taxes of from 30 to 40 per cent on incomes, she would commit suicide were she to attack the Philippines; it would involve division of her fleet. The treaty signed with her last February sidetracks practically every quarrel that might arise between us. Where, then, are these "enemies" whom these short-lived battleships must be built to cripple? China certainly will not need their attention in the next 10 years. Have we not enough already to protect us from the assaults and ravages of the little republics to the south of us?

"Our Monroe doctrine is as big as the Navy and no bigger," says the Secretary. Our Monroe doctrine accomplished its chief good when we had proportionately, to European countries, a very small Navy. We compelled England to arbitrate the Venezuelan boundary case when our Navy was about one-sixth its present size. The Porter-Drago agreement of 1907, which withdrew all danger of European aggression to settle contractual debts is ignored in the Secretary's rash statement. With the completion of the Panama Canal a defensive alliance of these countries would make them all impregnable against invasion, each coast easily sending its ships to aid the other, in case there was ever need of it, as there probably never would be.

Mr. Speaker, history and experience prove that there is not and never has been the slightest danger of aggression of a foreign power. It seems to me that there is a crass ignorance concerning the trend of modern diplomatic history; and events which have occurred in the past two or three years have not seemed to open our eyes to our impregnable position. The loudest outcry against discontinuing the Republican practice of building several battleships a year is that we will sink in the relative scale of total war tonnage. To those who have read carefully the report of the gentleman from Tennessee [Mr. PADGETT], in charge of the naval appropriation bill, his tables therein are an incontrovertible answer to such an assertion. England and Germany vie with each other in building and maintaining a great navy, while France follows close behind, and Russia and Japan have entered the race, with Italy and Austria bringing up the rear. What they are doing may have some justification from political and trade relations over there, but we who should reap the advantage from their crazy contest for supremacy are urged, forsooth, to give up all the advantages therein and join in a mad scramble for navy numericalness.

Let us see what it has cost European nations for Government expenditures. The following table shows the percentage of the total income of the nations spent for this purpose:

	Per cent.
England	11.4
Germany	13.1
Japan	24.3
Russia	26.2
France	21.2
Italy	21.2

Our own expenditure for Government purposes is 10 per cent of our national income. England and Germany are well represented in the cartoon of the day, entitled "Just Kids," as blowing balloons marked "Navy"; and the question is, "Whose wind lasts longer?" or, "Whose balloon bursts first?" Japan pays more than 20 per cent of its national income for Government expenditures, and the people are starving; of which the Tokyo Journal of Economics says:

Taxes on this total income, including those payable to the national treasury as well as for provincial and municipal taxes, aggregate $219,151,383, or $4.40 per capita. Deducting the taxes the net income of each Japanese amounts to $19 per year, or $1.50 per month. Imagine the lot of a man who is forced to live on a scanty income of $1.50 a month! I do not lose sight of the fact that the well-to-do pay proportionately larger taxes, thus lessening the burden of the poorer classes, yet the fact remains that a nation which has to pay as taxes as much as 19.4 per cent of its income is not in wholesome state.

The Yorodzu (Tokyo) tells us how some children are obliged to attend school without taking any luncheon, and how the when rice was comparatively cheap:

England is suffering to almost the same extent. Her increased naval armament is an awful burden that has to be poor are cutting their rations, which were never generous, even borne by the already underfed and tax-harassed working population of the world's greatest empire. Starvation and misery in dockland have reached a terrible condition. Children are dying by hundreds owing to lack of sustenance.

The attitude of the nations with great naval armaments is like that of a cat with its back to the wall facing two dogs. The minute one dog turns to another foe, the cat disposes of the other. So that no nation would dare to be aggressive toward the United States for fear not only of defeat, but also of loss of its autonomy. England will never permit another power to cut off her food supply from the United States, and France must retain trade relations with us in order to maintain her own people. Germany has been put out of commission as an attacking power for many years. Her high tariff, her subsidies, industrial and ship; her militarism and her naval obsession have driven her to the verge of bankruptcy, and in the Morocco incident the financial potentates of England, France, and the United States firmly and forcibly compelled her to be a good child and give up all thoughts of fighting. Thus the Empire installed at Versailles bowed its haughty head to the vanquished at Sedan.

The financial power is the power which makes for peace and is much more effective when invested in productive enterprises than in a "run down at the heel" battleship, destined in a few short years for the junk heap. England and France would not permit, if an attack were possible, an invasion of our rights, and no nation has the resources to begin war without financial assistance. The fact is that the United States is as strong as the combined navies of England, France, and the United States, which is 3,951,070 tonnage to 2,730,961 tonnage of all other the powers; about one-half as much again. England would never have permitted a Spanish fleet to sail if there had been any doubt of its fate. Every dollar sunk in battleships renders the country so much the less able to wage a conflict. If the cost of our Navy, $415,000,000, were in a productive fund, it would be sufficient to compel peace at any time. At the time of our greatest naval weakness we had no difficulty in enforcing the Monroe doctrine.

There is serious doubt, too, whether our Navy, as planned and as being built under a Republican administration, is at all efficient; whether England, Germany, and Japan are not obtaining better results and value, dollar for dollar, than we; whether our ships are not lacking in speed and are not too heavily armed for most effective use; whether other types of ships would not be as useful and infinitely less expensive than the battleship or cruiser. Why only the other day our whole battleship line of six ships was destroyed by submarines in mimic war.

SUBMARINES DESTROY SIX WARSHIPS IN MIMIC BATTLE.

NEWPORT, R. I., *July 25.*

Theoretically the United States lost half a dozen of its biggest battleships to-day in an engagement with submarines. These battleships, the *Florida, Delaware, North Dakota, Utah, Louisiana,* and *Kansas,* making up the first and second divisions of the Atlantic Fleet, was outside of Narragansett Bay awaiting the attack of the submarines. They were surrounded by a screen of about 15 torpedo-boat destroyers, all on the alert for the "enemy." Suddenly the men on watch discovered what appeared to be scopes of approaching submarines and the vessels turned their attention to disabling them. But these supposed periscopes proved to be "dummies" which the "enemy" had set afloat for the purpose of deceiving the battleships, and while these dummies were being made the object of attack the real submarines dived under the line of destroyers and came up almost under the battleships. It is said to be the first instance of the use of dummy periscopes in a naval war game. The submarines arrived here to-night, and the other warships that have been taking part in the maneuvers will come in to-morrow.

Also as to general efficiency:

[Editorial from the Worcester Telegram, Aug. 13, 1912.]

United States battleships so often stub their toes on the bottom of oceans that it is plain the Navy should either make special seas for its ships to maneuver in or take to hydroplanes. Built for the political sea, the unwieldly craft of the waters hang too low for practical purposes.

Would it not be well if we must have new battleships to wait until we have a change of régime and use it to the advantage of our Navy and not of the trusts? The recent admiralty tests, not yet reported, which show the ineffectiveness of our shells; the great decrease in armor of the modern and best battleship cruisers from 17 inches to 7 inches; and their great speed, nearly 50 per cent greater than ours, show that we have much to learn, or at least to put into practice in regard to new construction. That shipbuilding interests and armor-plate companies are as active in England as in the United States, witness the following, by Mr. F. W. Hirst, editor of the London Economist. That competent and capable critic and publicist, in explaining the alarming increase in the income tax and death duties in three years, said:

If our military and naval expenditure had remained stationary, I do not think either the income tax (which nearly trebled) or the death duties need have been higher now than they were in 1908; but that would not have suited the armor-plate press.

"The armor-plate press." There you have the ghastliest danger at this moment threatening Great Britain, the war nations of Europe, the United States, and even Japan. Mr. Hirst says, commenting on "the seriousness of naval competition," that in Britain alone "during the last three years our naval expenditure has risen by £12,000,000." But anything less "would not have suited the armor-plate press."

But the note of hope is in the fact that the people are beginning to ask about the special interests and private syndicates back of the armor-plate press. In Britain there are six armament companies, representing in share and debenture capital £28,000,000, whose profits year by year would be wiped out by restriction in building of armaments by British or foreign governments. The lists of shareholders in three of those companies have been scrutinized, and are found to include names of an astonishing number of dukes, marquises, earls, barons, baronets, knights, members of Parliament, military and naval officers, financiers, journalists, and newspaper proprietors. There you have the power behind "the armor-plate press." Every noble order, every social influence, every effective agency of public discussion and of popular agitation is seen to be directly and financially interested in keeping high the military and naval expenditures. And those expenditures are voted by Parliament under pressure. Back of that pressure are the "war scares" of the "armor-plate press." And back of the "armor-plate press" are the armament syndicates. Russia is worse than Britain. Germany is no better. Are there no war syndicates with their "armor-plate press" in America? Are there no beginnings in Canada? When the ugly truth is out, the war scares will cease to terrify, and the full-blood profits of the war syndicates will not be paid.

Such a condition is a disgrace to civilization and to the religion of the Prince of Peace, which we profess. Think of such conditions existing in the year of our Lord 1912. Lloyd George aptly said:

The stain on the national flag is just as deep if that flag floats over slum-bred children and ill-paid, ill-fed, ill-housed men and women as if it were to droop in defeat on the field of war.

It is greater.

While I am opposed to the appropriating of any money for war and battleships by this Congress, if one is to be built, let it be of the best and not an antiquated one, for which the Senate amendment provides. The Secretary of the Navy recommended to Congress the construction of two slow, heavily armored battleships. A Republican Senate has placed the item in the naval bill, notwithstanding that the evidence as taken by the House Committee on Naval Affairs confirmed the opinion held abroad that such ships were worthless on the high seas and that fast battleships are needed to make the slow battleships that we have even defensible. A synopsis of this evidence is as follows:

1. England, Germany, and Japan possess fast battleships—nine, six, four, respectively—of at least 28 knots speed, mounting as heavy guns as any battleships and protected by armor of from 7 to 9 inches in thickness, which is impenetrable at the battle ranges imposed by the latest improved torpedo; therefore these ships are equal to any battleships for battle purposes.

2. Slow battleships of the *Dreadnought* type are defenseless against torpedo attacks at night or in a fog. (Admiral Bacon, p. 905, House hearings; Lord Charles Beresford, p. 907; Admiral Twining, p. 909.)

3. Torpedo boats and destroyers are defenseless against fast battleships, which, having the same speed and greater radius of action, can overhaul and destroy them with their long-range batteries.

4. A slow battleship fleet, although possessing a large fleet of torpedo craft and auxiliaries, would be deprived of them as a preliminary step by an enemy possessing fast battleships, and therefore would be defenseless.

5. Slow battleships can not refuse battle, and therefore must be maneuvered in large fleet in order to be able to meet any force that may be concentrated against them.

6. A fleet of such ships dominates little more sea area than a single fast battleship unit, is no menace to the movement of fast colliers or supply and troop ships, and therefore presents no opposition to invasion, which is the prime function of a Navy.

7. Our Navy possesses no fast battleships. Therefore—

(*a*) Our torpedo craft, supply ships, and colliers could be destroyed with immunity on the open sea by either England, Germany, or Japan.

(*b*) Our battleship fleets being deprived of their necessary protectors could be destroyed at night or in a fog by the torpedo boats of those countries.

(*c*) If our fleets were sent to sea in the most defensible formation of "double line ahead," with our auxiliary ships between the lines, the formation could be destroyed by fast battleships passing ahead of the lines and dropping mines or firing torpedoes into the path of our fleet, as shown by the prize essay by Capt. Cuffe. (House hearings, p. 909.)

Therefore our Navy is defenseless and useless without fast battleships, and further additions of slow battleships adds nothing to the fighting efficiency of our Navy.

Therefore, if we are to have one battleship, I shall offer a motion at the proper time to instruct the conferees that they ask the Senate conferees to agree to the construction of one first-class battleship cruiser, to have the highest attainable speed and the greatest attainable radius of action, with appropriate armor and armament, so that it may have the highest possible life and efficiency, without becoming obsolete.

We may not succeed at once in overthrowing this Frankenstein of militarism, but, as sure as dawn doth follow night, in the end will come the disarmament of nations. Let it come, then, not from exhaustion, but as a free-will offering to liberty. But to each of my colleagues who has this cause at heart, I say:

Charge once more, then, and be dumb!
Let the victors, when they come,
When the forts of folly fall,
Find thy body by the wall!

Mr. Speaker, I ask unanimous consent that I be allowed to continue for 20 minutes, and that that time be not taken from the hour and a half divided between the gentleman from Tennessee and the gentleman from Illinois.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent that he be permitted to continue for 20 minutes, the time to be added to the agreed time for debate upon the motion of the gentleman from Illinois. Is there objection?

Mr. FOSS. Mr. Speaker, I made an agreement between the leader of the majority of this House as to the time to be consumed—one hour to be allotted to this side and half an hour to the other—and the gentleman from Tennessee was also a party to that agreement; and I feel, in justice to the leader on that side of the House, who is not here, that I must object.

The SPEAKER pro tempore. The gentleman from Illinois objects.

Mr. THAYER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. THAYER. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count. [After counting.] Evidently there is no quorum present.

Mr. HAY. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

Adair	Dies	Kindred	Prouty
Ames	Dodds	Knowland	Pujo
Anderson, Minn.	Donohoe	Konig	Randell, Tex.
Anderson, Ohio	Dupré	Konop	Redfield
Andrus	Dyer	Kopp	Richardson
Barnhardt	Edwards	Lafean	Riordan
Bartlett	Ellerbe	Lafferty	Roberts, Mass.
Bathrick	Esch	Langham	Roberts, Nev.
Bell, Ga.	Fairchild	Langley	Robinson
Berger	Fields	Legare	Rothermel
Boehne	Focht	Lenroot	Rouse
Bradley	Fordney	Lewis	Rubey
Brantley	Fornes	Lindsay	Sheppard
Broussard	Francis	McCall	Sherwood
Burgess	Fuller	McCreary	Slemp
Burke, Pa.	Gardner, Mass.	McDermott	Small
Butler	Garner	McGillicuddy	Smith, Saml. W.
Byrnes, S. C.	Good	McGuire, Okla.	Smith, Cal.
Calder	Gould	McHenry	Smith, N. Y.
Callaway	Gregg, Tex.	McKenzie	Sparkman
Cary	Griest	Macon	Speer
Clark, Fla.	Gudger	Madden	Stack
Clayton	Guernsey	Martin, Colo.	Stephens, Cal.
Collier	Hamlin	Martin, S. Dak.	Stephens, Nebr.
Cooper	Hanna	Mays	Sulzer
Copley	Hardwick	Moon, Pa.	Talcott, N. Y.
Covington	Hardy	Moore, Tex.	Taylor, Ala.
Cox, Ind.	Hartman	Morrison	Taylor, Colo.
Cox, Ohio	Haugen	Morse, Wis.	Thistlewood
Crago	Hawley	Murdock	Tilson
Cravens	Hayes	Neeley	Utter
Crumpacker	Henry, Conn.	Nelson	Vare
Cullop	Higgins	Nye	Volstead
Currier	Hinds	Parran	Vreeland
Dalzell	Hobson	Patten, N. Y.	Warburton
Daugherty	Hughes, Ga.	Patton, Pa.	Weeks
Davidson	Hughes, N. J.	Porter	Wilder
Davis, W. Va.	James	Pou	Wilson, N. Y.
Dickinson	Jones	Powers	Young, Mich.
Dickson, Miss.	Kent	Prince	Young, Tex.

The SPEAKER pro tempore (Mr. SHERLEY). The roll call discloses the presence of 231 Members of the House, a quorum.

Mr. PADGETT. Mr. Speaker, I move that further proceedings under the call of the House be dispensed with.

The motion was agreed to.

The SPEAKER pro tempore. The Doorkeeper will open the doors, and the gentleman from Tennessee [Mr. PADGETT] is recognized.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Indiana [Mr. GRAY].

Mr. GRAY. Mr. Speaker, I shall make no campaign speech. I hold the walls of this Chamber too sacred to be desecrated by a partisan harangue, and I take this occasion to voice my protest against a practice prevailing here by long-established custom.

I am opposed to an appropriation for two battleships. I am opposed to an appropriation for one battleship. I am opposed to any appropriation for battleships. If we are to take our place among the nations of the world as first standing for peace and against war, then we should declare our position by an appropriation for peace and not for war. [Applause.] But if we must appropriate for one battleship to appease the insatiable demands of the militarism of to-day, let us save at least the principle of the cause of mediation and appropriate as much to promote peace as we appropriate to build warships. [Applause.]

But this appropriation for warships will not make us stronger to cope with the nations of the world. It will only prompt like appropriations by other nations. If we increase our Navy to-day, England will increase her warships to-morrow, and then in turn France will excel England and Germany will outrival France. And then we must build again to keep pace with this mad rivalry in arms and armament. [Applause.] The grounds which are urged to-day to increase our Navy, can and will be urged again and again. Must this drain upon the nations still go on to exhaust all human resources and prostrate the civilization of the world? [Applause.]

This appropriation will not only burden the people of our own land, but it will be caught up in the spirit of war and military rivalry by all nations to be multiplied and weighed upon all the people of the world. It will wrest food from the hungry, clothing from the half-clad and the naked, fuel from the cold and the shivering, and shelter from the homeless and unhoused.

These warships, to be built, will fill the world with blood, anguish, and devastation if they are used, and their cost will bring want and destitution to the human race, whether they are used or not used.

But they tell us our commercial interests are demanding an increased Navy. I answer that this comes from a commercialism built upon trade in warships, warship supplies, and the instruments of human slaughter—a commercialism which seeks to open markets by force and to hold them by intimidation; a commercialism which would exchange both human blood and public treasure for private profit; a commercialism which is to-day calling upon this Nation to enforce conscienceless agreements made in the course of foreign investments and insisting upon war and bloodshed for sordid gain; a commercialism which would coin human life, blood, and quivering flesh into stocks and bonds and hoarded money; a commercialism which would prostrate all the charities of the world to gain an advantage in trade or to secure an increase in markets.

I am opposed to the domination of such a commercialism in the affairs of this Nation. I am opposed to the policy of peace by intimidation. I am opposed to this Nation entering upon a rival contest with the powers of the world in the vain and inglorious effort to excel in the instruments of war and human slaughter. I am opposed to draining the resources of this great Nation and dwarfing our institutions of charity and peace to bind upon our civilization the burdens of a barbarous age. I am opposed to this declaration by our Government, in disregard of mediation and the great peace movement of the world, that we are still relying upon force as the arbiter of justice and holding to the standard that might makes right.

The strength of this Nation to maintain domestic peace and to preserve order within does not rest with a standing army, but it rests with the patriotism of our people, with their devotion to our institutions, and with our guaranty of human rights and the equality of all men before the law. We can so ignore and disregard the principles of equality, justice, and right that all the armies we could train could not suppress revolt. Or we can so deal with our people and so assure them of equal and exact justice, of life, liberty, and the pursuit of happiness, that peace and order can be maintained without a single soldier.

And our security abroad and our prestige among the nations of the world does not depend on warships nor upon naval display for intimidation, but upon a policy of equity and justice toward all nations—the small as well as the great, the weak as well as the strong, the defenseless as well as the powerful, the ignorant and beclouded as well as the civilized and enlightened. We can pursue such an unjust policy toward other nations, so alienating their support and engendering hostility, that all the warships we could build would not protect our shores from invasion. Or we can pursue such a just and equitable course toward our sister nations, so binding to us friends and allies, that all the navies which could be sent against us could not prevail over our own and our allied forces.

The mission of this Nation is not that of conquest, but to promote liberty and the self-government of men. To-day only a policy of subjugation and the holding of dependencies abroad calls for an excessive navy. The principles of free institutions not only forbids this policy, but self-government can be better taught by example than by force and intimidation. We can not teach freedom by involuntary rule. We can not teach liberty by a restriction of human rights, which we claim as inviolate to enjoy ourselves. We can not teach self-government while denying the principle of the "consent of the governed." Let us be faithful to our mission and renounce the policy of war and conquest, and in its stead hold up our beacon light as an example and a guidance for the world to follow.

The annual expenditures of the United States for the Army and Navy is, in round numbers, $300,000,000. To comprehend the magnitude of this vast sum and the appalling waste and loss to the people which it represents, it is only necessary to consider some of the services it would give if diverted from the channels of militarism and employed in the arts of peace and civil life.

If available for education, this expenditure would annually give $10,000,000 to establish and maintain a great national university three times as great as our largest university.

It would give $48,000,000 to establish a new university in each State supported annually by a million dollars each.

It would give $96,000,000 to establish 100 new public high schools for each of the States supported annually by $20,000 each.

It would give $24,000,000 to establish five new normal schools for each of the States supported annually by $100,000 each.

It would give $24,000,000 to establish five new technological schools for each of the States supported annually by $100,000 each.

It would give $21,000,000 to establish 30 new agricultural schools for each of the States supported annually by $15,000 each.

It would give $48,000,000 to the common-school fund, or $1,000,000 annually to the school fund of each of the States.

It would give $10,000,000 with which to purchase textbooks for all pupils in all schools, public and private, in all the States of the Union.

And it would give a quarter of a million dollars to each of the States annually for public libraries.

The annual cost to maintain the military of the world is more than $2,250,000,000, a sum which bewilders the human mind and defies comprehension. And the waste in war in property alone is incalculable, while the value of the human life sacrificed is without attempt at measure.

The awful waste and expenditure of war would feed the hungry, clothe the naked, shelter the homeless, and educate and civilize the barbarous and beclouded nations of all the world.

We are appalled at the recitals of history, recounting the horrors of ancient wars, the long catalogue of barbarous atrocities, the battlefields running red with blood, the wounded, the mangled, and the slain; the cries, the wails, and the moans of the dying, hushed by the tread of sweeping cavalry pressing hard upon the vanquished in retreat; the slaughter of the captured, and the anguish in the homes of the thousands dead—yet all this will be mild tempered and merciful as compared with the future, if wars shall now continue among the nations of the earth. With aeroplanes from altitudes of miles dropping bombs and explosives into cities, armies, and fleets; with concealed mines exploded by electricity; with ponderous guns of modern construction hurling death from distant fleets and entrenchments, and with instruments of death and destruction in course of invention and yet to be perfected and brought into action in the future—a declaration of war between formidable nations would drench the earth in blood and make the land and sea a crowded sepulcher of the dead. The first engagement would sweep the earth with a shower of steel and a billow of fire, leaving in the wake of destruction not a vestige of a living thing that breathes.

It is time to pause to consider the multiplied horrors of modern warfare. It is time to call a halt to the training of armies and the building of navies. It is time for mediation and a great peace movement of the world. And I want the Stars and Stripes to lead the way for the dove of peace around the earth, declaring to all the nations the diplomacy of good will and arbitration.

The advocates of battleships as a peace movement, having failed in their two-warship program, but not despairing of universal tranquillity among the nations of the world, are to be before us with a conference report recommending one battleship, which, while not ample to further advance peace, as they claim, is sufficient, until the next session of Congress shall have convened, to hold the cause of mediation in statu quo. And while accepting one battleship as partial and inadequate means of conciliation, as serving only the present, permanent support of international arbitration, they tell us, calls for at least two battleships to hold the policy of peace by intimidation from serious impairment.

And when we shall have carried out their full peace program by the construction of two battleships, England will offer the same apology to her subjects when she levies increased taxes to further augment her navy, in answer to our challenge, and France will excel England, invoking a sense of the same humane spirit, and Germany will likewise plead for peace when she outrivals France. And then with the horizon already darkened by fleets of warships, and arsenals groaning with the weight of arms and munitions of war, the great civilized nations of the earth must start upon another cycle of military rivalry and progression to excel in the implements of death and human carnage.

Not only do they declare the navy to be the only guaranty of the world's peace, but great emphasis is placed upon its strength and size and completeness of equipment. Nations are only aggregations of men, and as such aggregations are moved and swayed, and held by the same passions, impulses, and restraints. What is true of nations is true of individuals, and if the claim be true that arms and weapons are the only security for peace, then, reasoning from analogy, the neglect of an individual to go fully armed with the modern weapons of defense would be a signal for an onslaught. A breach of the peace would at once occur and society would be convulsed by mortal combat and shaken by physical encounters. If this theory of peace be sound, all laws prohibiting the carrying of weapons are a menace to peace and should be repealed in the interest of order and tranquillity among men.

No peace advocate has ever contended that war could be obviated by mediation with barbarous and uncivilized nations. But we do claim that war among civilized nations can be prevented by peace agreements. Civilized nations have already abolished the use of the chain shot in modern warfare. If nations can abolish the chain shot, mowing men down in swaths, like grain before the reaper, then the killing and the mangling of the thousands by bullets, bombs, and mines can likewise be prevented by international agreement.

I am protesting against the further increase of our Navy without a word for mediation or a single movement for international peace. I am protesting against the further increase of our Navy as a wanton waste of public treasure and a vain and useless burden upon the people of the civilized world. I am protesting against the further increase of our Navy by building to the utmost limits of our taxing power to take from the people without other effect than to add to the common burden of all mankind. I am protesting against the further increase of our Navy as only prompting a like increase by other nations without raising the relative height of our own naval force above the naval force of other nations.

I, too, want this Nation to be a world power—not a world power for war, for death, devastation, and destruction, but a world power for peace, a world power to promote all the charities that soothe and heal and bless.

To-day we behold the spectacle of armies drilling in every land, with forts and breastworks overlooking every shore and held in constant readiness for action. We behold arsenals crowded with stores, arms, and munitions of war, and men working overtime to still further increase their reserve supply. We behold fleets of warships plowing the waters of every sea. We behold the agents of every nation preparing maps and charts of harbors, ports, and coast lines, to be held in secret for military use. We behold bristling armies and navies on every hand. We behold the earth trembling under the weight of muttering artillery, all the nations of the earth in military array and their assembled forces armed with instruments of death and destruction, waiting impatiently as for an impending struggle. We behold nations levying taxes to the limit of their overburdened subjects to still further increase their military equipment. Appalled and bewildered at the scene before us, we inquire: Why all this burden upon the people? Why all these armed forces drilling upon the land and maneuvering upon the sea? Why all these arms and stores and munitions of war held in readiness and reserve? Why all this waste and burden upon mankind? And we are told with a strange consistency that this is the policy of modern civilization to preserve peace and insure tranquillity among the nations.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that all who speak upon this subject may have permission to extend their remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent that all who speak upon this subject may have leave to extend their remarks in the RECORD.

Mr. MANN. I hope the gentleman will make that request later.

Mr. PADGETT. All right.

The SPEAKER pro tempore. The gentleman withdraws his request.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, the former chairman of the Committee on Naval Affairs paid himself and his committee a very high compliment, at least by innuendo, when he contrasted the action of the Republican committee and the Republican House for several years with the Democratic caucus and the Democratic House in its naval program, and the gentleman tried to administer what he thought no doubt was very wholesome advice to the Democratic Party when he warned them against the course they have been taking. So did the Secretary of the Navy a few days ago in an article which appeared in one of the Washington papers, as being authorized by him, when he attempted to show that the Democratic Party was running upon the shoals by adopting the "no-battleship" policy. Does any Member of this House believe if he and the administration

thought it would mean the defeat of the Democratic Party to adopt the policy of no battleships that they would not be the first ones who would want the party to adopt a policy of that kind? [Applause on the Democratic side.] The old doctrine, "Beware of the Greeks bearing gifts," I think, will apply to the gentleman from Illinois [Mr. Foss] and to the Secretary of the Navy in their advice to the House.

Mr. Speaker, has any Member of the House stopped to think that the cost of one battleship alone would be sufficient to authorize 40 vocational schools under the Page bill, with $7,500 to each school in every State in the Union, which would give to the farmers' the mechanics', and laborers' sons of the country an opportunity for higher and better preparation in the vocations to which they expected to devote themselves? We passed in this House what was known as the Shackleford good-roads bill. It went to the Senate and the Senate, in its desire to substitute battleships for good roads, struck out the Shackleford proposition and put in the two battleships, costing $30,000,000. Have any of the southern Members considered that it takes 300,000 bales of the farmers' cotton to pay the cost of one battleship, to say nothing of maintaining it after it is built? Has any western Member considered the fact that it takes 15,000,000 bushels of his farmers' wheat to pay for one of these *Dreadnoughts* that is soon to be thrown in the junk pile? Yet we can not have any good roads; we can not have an appropriation for vocational schools. We can only get $17,000,000 for the Department of Agriculture because we must pay to the Ship Trust and the Armor Plate Trust and people around the navy yard the money to build a big battleship. [Applause on the Democratic side.]

Some weeks ago, Mr. Speaker, I discussed the good-roads proposition embraced in the bills of Judge SHACKLEFORD and myself, and expressed the hope that instead of two big battleships we should cease talking of war with Japan for just one session and enter upon a policy of helping and encouraging our people to build good roads. The good-roads bill passed the House and went to the Republican Senate, there to find its graveyard.

Gentlemen, that has been the case during every Republican administration for many years. What has President Taft ever done to aid the man who toils? The bull moose is roaring about progress and progressiveness, but what progress did he ever make in relieving the grievous burdens of those whose shoulders are bowed under the yoke of his campaign manager, George W. Perkins, of the Steel Trust, and others of his favorites and courtiers?

His maladministration brought about the worst panic that we have had for years. In his time and again in Mr. Taft's administration the southern farmer's cotton went to less than 8 cents, while everything he had to buy went soaring every day.

It was in his administration that the two-battleship policy was adopted, and in every speech he is denouncing the Democratic House for not following in his lead.

Mr. Speaker, I am in favor of an adequate Navy, but the same Democratic platform that declares for an adequate Navy says that it should be a well-proportioned Navy, and the information given us by those in authority is that our Navy is not well proportioned—that we have a top-heavy Navy, a Navy with battleships but without auxiliaries and without torpedo boats or colliers to sustain and maintain them in peace or war. The gentleman from Illinois [Mr. Foss] has said that he expected to see more of the smaller ships. If we reduce the program of two battleships a year by keeping up even the number of smaller ships that this bill provides for, we will approach equality between the larger ships and the smaller ones.

But not only are our battleships far outstripping the number of our smaller vessels, but the disparity in sailors to man them is far greater. I insert an article that appeared in the Washington Post a short time ago on this subject:

NO CREWS FOR DREADNOUGHTS.

Our naval officials usually find it more difficult to obtain authority to man the fleet than to get ships and guns. Somehow the landlubber Congress is made fast to the idea that when the cost of construction and fitting out has been provided for, everything is ready for the order to clear decks for action. As a result of this halfway policy of naval appropriations, our yards are filling up with warships put out of commission solely because their crews are needed in order to make up the quotas for new ships just going into commission.

The supreme folly of legislation is reached when it becomes necessary to send two or more serviceable ships to the scrap pile—for that is what going out of commission amounts to—and yet pretend that the tonnage has been increased to the full extent of the new ship's rating. Congress has been voting two battleships a year for five years now, the manning of which calls for about 10,000 men and officers, without having made any addition to the enlisted force or taken any steps toward training the additional number of officers required. In fact, the Naval Academy is turning out fewer future admirals than formerly.

Naturally the pinch has been growing more and more acute, until to-day the Navy Department is facing the alternative of making up a shortage of 5,000 sailors and 2,000 officers, either by congressional action or taking the crews off perhaps a dozen ships now in active service. With four dreadnoughts under construction, for which no crews have been made available, the vexed problem imperatively demands prompt solution.

In view of these facts, what folly does it seem for Members of Congress to be howling for more big ships, and even some Democrats declaring that we who believe in better schools and better roads and fewer battleships are jeopardizing the party.

We do not hear any protest from these gentlemen because we can only give $17,000,000 to the whole Agricultural Department, while we give $200,000,000 to the Army and Navy, and nearly another $200,000,000 to pensions.

They do not throw up their hands in horror because the Roosevelt and Taft administrations have so depleted the Treasury that we are unable to get a few millions to educate the sons of farmers, mechanics, and laborers to broader opportunity and loftier ideals, but if we touch their fetish—battleships—they implore us, by the shades of John Paul Jones, "Don't give up the ship."

We have listened to the heralds of war on this floor till we could hear the call to arms, see embattled legions in the death grapple, hear the booming cannon and the roar of musketry, see the ocean red with the blood of heroes, hear the groans of the dying, see litters bearing the dead from fields of gory glory, catch the last bloodcurdling shrieks of human victims offered up on the altar of the god of war; and then wake up to find it all a hideous dream, and not a war cloud above our heads and not an armored Jap in 2,000 parasangs of our shores.

Gentlemen, let us turn our thoughts from bloodcurdling stories of war and try to be fairer to our constituents at home. In the early dawn of creation God placed man in the Garden to care for it, till it, and eat the fruit of honest toil. Thus the avocation of the farmer comes down to us hallowed by the blessing of Him who was "before the morning stars sang together or the sons of God shouted for joy."

To those of us who sprang from the farm there is ever present the lure of the soil, beckoning us back to our first love. To me the brightest hope of my life is that some day I may get back to the farm and live and die amid the whitening cotton and the waving corn.

With the little aid the Government is lending to the man behind the plow, more wonderful strides have been made in agricultural development than in any other line of industry.

In Alabama we have one agricultural school in each congressional district. In my district the school is located on the top of Sand Mountain, a beautiful plateau, where a few years ago lands were selling for $2 per acre which are now bringing $10 to $30 per acre.

Where a few years ago the deer stand and the turkey blind prevailed have sprung up two beautiful little cities, and around them are elegant farmhouses and prosperous, happy farmers. An intelligent, law-abiding rural citizenship all over my district has displaced the wildcat distillery, and schools and churches dot the land, where God is worshiped and intelligence prevails.

A few years ago the Government demonstrator was ridiculed by the farmers, but now thousands of plats are being worked under Government instruction, and boys' corn clubs and girls' tomato clubs are springing up in every neighborhood.

Last year a boy in my own county raised 212 bushels of corn on an acre of land, and grew it at a cost of less than 9 cents per bushel, and now the name of that boy, Junius Hill, is known throughout the land.

The man who did more than anyone else to encourage this kind of agricultural enterprise was not the President, but the late Dr. Knapp, and the South is to-day honoring herself by raising voluntary subscriptions to erect a monument to the name of that great benefactor.

A few years ago the boy with a college education thought it was belittling to soil his hands with the stains of the plow or the hoe.

Now the farmer boy is the prince, whose lofty throne none dare assail. A few years ago the farmer and mechanic parent encouraged the bright, precocious son to enter the learned professions, while the mediocre was forced to drive a plane or drive a mule. But now the cry of the soil and of the mechanic arts is for educated laborers in every sphere.

Will Congress lend its aid to this persistent call?

If we will leave off just one battleship a year and devote the price to actual farm development, the cry of back to the soil will be an assured fact.

This Democratic House has passed bill after bill to lighten the cost of the blankets and clothes which the workingman's children wear, only to meet the President's veto. We have passed bills to cheapen the price of the sugar which they eat, and of their plows, their reapers, their wire fencing, their bag-

ging and ties, and many other necessaries, but the Senate or the President has balked every worthy step.

The people will not be deceived any longer. Their wrathful indignation drove many of the satellites of greed from this temple in 1910, and when November comes their voice will again be heard. The dawn is breaking; and the will of the people, like the will of God, will prevail.

They tried Roosevelt for seven years and have tried Mr. Taft four, and they found them so busy in a mimic warfare with the trusts that they could not heed the cries of those who needed help.

Things so went from bad to worse during each administration that those who toil could not keep the wolf from the door of those they love.

Let the armor-plate factories take a rest; let the shipbuilders have a vacation; let the sailors come ashore for a spell. Let us try vocational education. Let us aid the farmer's and the laborer's boy and girl, and not build dreadnoughts to fill the coffers of greed.

One of my philanthropic constituents, Senator Brown, of Ragland, Ala., is leading a movement to establish a great vocational school at his place. Let such good work go on. Let us appropriate a few of the Government's millions to encourage the arts of peace, and when we have done so no nation will seek war with us whom they respect, because we trust to God and right to protect our land. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield three minutes to the gentleman from Maryland [Mr. LINTHICUM].

Mr. LINTHICUM. Mr. Speaker, I would not desire to take the time of this House in this discussion to any extent were it not for the fact I asked the gentleman from Illinois [Mr. Foss] to yield to a question, and he would not do so. In his speech he said of Thomas Jefferson that we are following him in his plan of not having a Navy. I want to say to the gentleman from Illinois that Thomas Jefferson, in his second administration, expended $16,000,000 for the Army and Navy, within two millions of dollars of the sum which Adams expended when actually preparing for war with France. Mr. Jefferson was in favor of peace. He knew that he had a young Nation that had already changed the Constitution on two occasions. He knew he had two countries which he would probably have to oppose by reason of the measures they had instituted and put in force, both old and thoroughly trained in the art of war by their European engagements and battles. Under his administration William Pinkney, of Maryland, that eminent statesman, was sent as minister to England in order to unravel the diplomatic entanglements and maintain peace for this small but growing country. At the same time he was expending during this second term to the extent of $16,000,000 to build and maintain the Army and Navy out of the then very small revenue of this country of small territory and smaller income. He was a President who desired peace, but was preparing as best he could for an emergency should it come.

I deny the assertion of the gentleman from Illinois [Mr. Foss] that he was allowing the Army and Navy to run down. On the contrary, he was endeavoring to build it up during his second administration. During his first administration he realized that his administration must economize. He expended only $8,600,000 upon the Army and Navy during that term. Under the administration of Adams the expenditures had become so large that people were crying out against them.

And now, Mr. Speaker, I desire to say in conclusion that, while I have always desired and wanted to vote for two battleships for the Navy, I realize that in union there is strength, and that the successful government of this country depends on majority rule if it wishes to succeed in the administration of its affairs. The three Democratic caucuses which have discussed this matter decided against the building of any batttleships, but at the fourth it was decided to release all Members to vote for one battleship if they so desired, and while I desire two ships I propose to abide by the rules of caucus and vote for one battleship, and I hope that at the next session we shall authorize the building of another. I believe the Democratic Party in caucus is able to say what is best for the interest of the Nation and I know there is no intention of that great party to in anywise lessen its strength and efficiency. Everybody wants an adequate Navy; it is only a question of how fast we can build the ships and man them, and as fast as that can be done they will be built.

Mr. BUCHANAN. The Democrats have not decided on one battleship, if I understand the proposition.

The SPEAKER pro tempore. The time of the gentleman from Maryland [Mr. LINTHICUM] has expired.

Mr. FOSS. Mr. Speaker, I yield seven minutes to the gentleman from New Jersey [Mr. KINKEAD].

Mr. KINKEAD of New Jersey. Mr. Speaker and gentlemen, I stated yesterday that on two occasions had I voted against my colleagues on the Democratic side of the Chamber. On one occasion, following the distinguished leadership of the then minority leader, the present Speaker of the House [Mr. CLARK], I voted to establish a tariff commission. The second occasion was somewhat similar to this. The question of battleships was before the House, and, caucus action having been taken, it was decided by the Democratic Party to stand for two battleships. Believing that the sentiment of the country was in favor of the more liberal policy with regard to battleships, I disregarded caucus instructions on that occasion, as I propose to disregard them on this one. And may I say to the gentleman from Maryland [Mr. LINTHICUM], who has just taken his seat, that this is not a caucus question. This is not a Democratic question which confronts us at this hour. The Democratic Party solemnly pledged itself to build at least two battleships each year for the Navy.

Mr. PADGETT. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. KINKEAD of New Jersey. I can not yield at this time. If I have any time remaining at the end of my speech I shall be glad to yield to the gentleman from Tennessee.

The SPEAKER. The gentleman declines to yield.

Mr. KINKEAD of New Jersey. So that I say that no man on the Democratic side of the House need feel any compunction to-day when he does as many of us will do—vote at this time for two battleships.

Personally, I am not prepared to set up my judgment against the judgment of this Nation. All of us realize that probably 90 per cent of the newspapers and magazines of this Nation are in favor of building two battleships, and I would say that represents at least the same percentage of the people of the United States; and I propose to vote to-day as an American, setting myself as an American before my partisan allegiance. [Applause.]

But I want to say to the gentlemen in charge of the bill on this side of the House, that when he quotes to me William Randolph Hearst, he quotes a poor political mentor, and if I should be driven at this time to vote against my convictions it would be because of the advocacy of this gentleman of the battleship program which I propose to support. [Applause.]

I am not one of those who believe that this is done in a spirit of commercialism. I am not prepared to say that the men who are foremost in the activities in behalf of two battleships are doing so to support a shipbuilding trust. But even if they were, I would do as I am going to do at this hour—vote for two battleships—because that monopoly at most can continue only until March 4, next year, when we shall have seated in yonder chair in the White House a Democrat of the Jeffersonian type [applause on the Democratic side], a Democrat who is to-day without a peer in the long line of distinguished Democrats in this Nation. I refer to the distinguished governor of my honored State, Woodrow Wilson. [Applause on the Democratic side.]

Mr. Speaker, I hope to see the day arrive when battleships are no longer required. I believe that before the battleships which we are now about to authorize shall have been built we will have taken our place among the nations that are perfecting their plans for the development of airships, and I believe that the money we are expending now would be better expended if we should invite the best minds engaged in aerial shipbuilding to this Nation and pay them an adequate sum for their services. But, gentlemen, I hope to see the time come when battleships and airships other than those used in commercial activities will be thrown into the scrap heap and the money thus saved expended upon good roads and the improvement of our waterways. I hope to see the time when less honor will be done to the men who wear the saber and carry a gun. And I believe that I can fittingly conclude at this time by reading a short extract from one who has long since passed away, but whose name will be honored as long as American citizenship holds sway, no matter how we may differ on theological subjects—and I am as far from Ingersoll as the North Pole is from the South. Standing at the tomb of the great Napoleon, he said:

A little while ago I stood by the grave of the old Napoleon—a magnificent tomb of gilt and gold, built almost for a deity dead—and gazed upon the sarcophagus of rare and priceless marble, where rest at last the ashes of that restless man. I leaned over the balustrade and thought about the career of the greatest soldier of the modern world.

I saw him upon the banks of the Seine, contemplating suicide. I saw him at Toulon. I saw him putting down the mob in the streets of Paris. I saw him at the head of the army of Italy. I saw him crossing the bridge of Lodi, with the tricolor in his hand. I saw him in Egypt, in the shadows of the pyramids. I saw him conquer the Alps and mingle the eagles of France with the eagles of the crags. I saw him in Russia, where the infantry of the snow and the cavalry

of the wild blasts scattered his legions like winter's withered leaves. I saw him at Leipzig in defeat and disaster, driven by a million bayonets back upon Paris, clutched like a wild beast, banished to Elba. I saw him escape and retake an empire by the force of his genius. I saw him upon the frightful field of Waterloo, where chance and fate combined to wreck the fortunes of their former king. And I saw him at St. Helena, with his hands crossed behind him, gazing out upon the sad and solemn sea.

I thought of the orphans and widows he had made, of the tears that had been shed for his glory, and of the only woman who ever loved him pushed from his heart by the cold hand of ambition. And I said I would rather have been a French peasant and worn wooden shoes. I would rather have lived in a hut, with a vine growing over the door and the grapes growing purple in the kisses of the autumn sun. I would rather have been that poor peasant, with my loving wife by my side, knitting as the day died out of the sky, with my children upon my knees and their arms about me—I would rather have been that man and gone down to the tongueless silence of the dreamless dust than to have been that imperial impersonation of force and murder known as "Napoleon the Great."

And, gentlemen, as man develops he places a greater value upon his own rights. Liberty becomes a grander and a diviner thing.

As he values his own rights he begins to value the rights of others. And when all men give to all others the rights they claim for themselves this world will be civilized and warships will cease to be a bone of contention. [Applause.]

I hope that this House will adopt the Senate amendment and will vote for two battleships, believing at this time that this program meets with the almost unanimous demands of this Nation and will in the end bring us closer to the Master's desire of "Peace on earth, good will to men." [Applause.]

Mr. FOSS. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. HARRIS].

The SPEAKER. The gentleman from Massachusetts [Mr. HARRIS] is recognized for three minutes.

Mr. HARRIS. Mr. Speaker, a majority of this House are now looking forward eagerly to the day that they think is coming, when they are going to take possession of all the affairs, foreign and domestic, of this great Nation. They are claiming just now that they are the only Members of this House who are filled with patriotism and with patriotic purpose.

While I do not believe the day of your dreams is to arrive, I yet want to say something to you about your program, as you have laid it out in this Congress up to this hour. You are asking to take possession and control and guidance of all the affairs of this great people, with its expanding national life and its new points of contact with all the other peoples of the world in their expanding national life. I hope that the day will never come, if your dreams come true, when you will find yourselves in the position where you are confronted with the mailed fist of other nations, with the honor and the dignity and the safety of this people to be responsible for; and as the result of your proposed program now in matters of national defense, and in your program of opening the markets of the world to all the opposing forces of the earth, I do not wish you so ill, gentlemen, if perchance you come to power, as that you shall find yourselves with hands unweaponed and bare as those of a new-born child when a humiliated people—humiliated by superior force of arms—distressed by reason of interference with their industries, may rise and quote these words to you reproachfully:

You take my house when you do take the prop that doth support my house. You take my life when you do take the means whereby I live.

If that day comes, I shall be sorry for it. I do not want to see it come, because even if political success comes to you, although I am a Republican, I shall still be a citizen and a lover of this country; and in whosesoever hands the power may rest, I want it to be supported by the means of maintaining the dignity, the honor, and the comfort of this great people. [Applause on the Republican side.]

Mr. FOSS. I yield three minutes to the gentleman from Iowa [Mr. PICKETT].

Mr. PICKETT. Mr. Speaker, the declaration in the recent national Democratic platform adopted in Baltimore, "Our pledges are made to be kept when in office as well as relied upon during the campaign," is, in view of the attitude of the Democratic side of the House, on the pending question, a species of political humor.

We have witnessed the Democratic Party caucus take action adverse to the resolutions adopted in their recent national convention and again we have beheld them heroically endeavoring to hold another caucus and finally succeeding in doing so after a compromise with themselves.

This is no departure from their usual rule. When the act providing for publicity of campaign expenses was pending before the House, an amendment was offered by a Republican Member, making it applicable to primary as well as general elections. This amendment was vigorously opposed by the Democratic side of the House and although it prevailed in Committee of the Whole, was, on the motion to recommit, made by the gentleman from Missouri [Mr. RUCKER], the chairman of the committee, defeated in the House. The amendment was afterwards added in the Senate and finally incorporated in the law, but it became a part of the law only because of the position taken by the Republican Senate, supported by the Republican Members of the House.

When the resolution submitting the amendment to the Constitution, providing for the election of the United States Senators by direct vote of the people was introduced, during this Congress, by a gentleman upon that side of the aisle, it also provided for a further amendment to the Constitution, withdrawing the supervisory power of control of the Federal Government over the places and manner of electing United States Senators, which additional amendment was not only objectionable in itself, but if adopted would have placed in jeopardy the approval of the whole amendment when submitted to the various States. The purpose of this further amendment was fully discussed at the time and vigorously opposed by the Republican side of the House. It was carried in the House by the Democratic side. Fortunately the gentlemen upon that side of the aisle were finally forced to accept the resolution in the form in which it was passed and submited to the people, by the action of the Republican Senate and the Republican Members of the House. [Applause on the Republican side.]

Further instances could be cited if time permitted. I am simply alluding to these now in view of the language quoted from the Democratic platform, that "Our pledges are made to be kept when in office as well as relied upon during the campaign." [Applause on the Republican side.]

Mr. FOSS. I yield one minute to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. The people want two battleships, not because they desire war, but to protect the country and to prevent war. It is a duty you owe and I owe to the people to build up the Navy and to make it as forceful as the requirements of peace necessitate, and as vigorous and formidable as the exigencies of modern warfare demand. Then we shall have peace with honor and not humiliation; and if it be war, we shall be ready with a mighty power at sea, and its inspiration to a strong, patriotic, but peaceful people to meet any emergency that may arise. God grant that we shall never have another war, but we must be ready. Unpreparedness in the past has been the most costly part of war in loss of life, health, and treasure, and wars have occurred that military and naval adequacy would have prevented. The people have learned this lesson, and favor as powerful defenses as the country can afford. The masses know they have to assume the responsibilities of war and must fight the battles and suffer the losses in life and money. They know that wars draw their lifeblood and resources from the home of the man on the farm, in the workshop and mine, and from the toilers in general.

With the great unrest that prevails throughout the world; with England, Germany, Russia, and Japan expending vast sums on naval expansion; with the responsibilities of the Panama Canal and the Monroe doctrine more and more a vital question, it is not the time to curtail naval expenditures, but to add to our naval strength.

Let us maintain our position as a first-class naval power. Many reasons, both commercial and military, strongly urge a naval increase. It is not a partisan or party question, but a national and patriotic duty.

Mr. FOSS. I have one speech more on this side.

The SPEAKER. The gentleman from Tennessee [Mr. PADGETT] has six minutes remaining.

Mr. PADGETT. I yield to the gentleman from West Virginia [Mr. HAMILTON].

[Mr. HAMILTON of West Virginia addressed the House. See Appendix.]

Mr. PADGETT. Mr. Speaker, I have no desire to enter into a lengthy or elaborate discussion of the question of the naval program. I may say that the Navy consists of a great deal more than battleships. We have in the Navy ships and guns and powder and men, but the greatest of these are the men. [Applause.] In this program we are providing what we think is a reasonable, proper, and adequate supply of new vessels to the Navy. We have added 4,000 additional men to the enlisted personnel. We have added 400 marines. We have added 13 marine officers. We have added 30 paymasters. We have provided for a world-wide wireless-telegraph system for the protection and guidance and use of the Navy, as well as the service of the American people and the service of humanity, to protect it in the time of peril and disaster. [Applause.] That wireless system will cost a million dollars. We have added a Medical Reserve Corps and a Dental Corps to the Navy to

take care of the health and preserve the vigor and strength of the men who enlist in the Navy for the protection of our people.

I do not wish to make boasts, but, as the gentlemen upon the other side have seen fit to criticize, we are willing to lay this bill which will be passed by a Democratic House down beside any bill passed in the last 20 years. [Applause on the Democratic side.] It has more and better constructive legislation in it. It has more in it for the betterment and the real upbuilding of the American Navy than any previous bill that has had the indorsement of the Congress in the last 20 years. [Applause on the Democratic side.]

Mr. Speaker, I have nothing further to say upon the matter and am willing for the gentleman to conclude his remarks and let us have a vote.

I will add, Mr. Speaker, that I said that a number of auxiliary vessels had been added, and I will mention the fuel ship, the submarine, and other vessels that round out and make a well-proportioned and developed Navy, in a proper way. [Applause.]

Mr. FOSS. Mr. Speaker, I yield the balance of my time to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have a birthright in the Society of Friends, and they bear testimony for peace and likewise against slavery. My earliest recollection is of the good old Quaker minister quoting the words, I believe, of the Prophet Isaiah, that the day would come when the spears should be beaten into plough shares and the swords into pruning hooks.

Over 3,000 years have passed by. We have got to take humanity as we find it. We have nearly one hundred millions of people in the United States; we have the Monroe doctrine; we have a greater coast line than any nation on earth; we have the Panama Canal near completion, and are now putting out our hand to enforce the Monroe doctrine. There is Cuba, for whom we are responsible; Porto Rico added, the Philippines, the Sandwich Islands; we are keeping peace down in Central America, in San Domingo, and enforcing the Monroe doctrine, saying to all the world, "Keep your hands off," and the only way we can enforce that doctrine is to follow the example set by President Cleveland touching the boundary of Venezuela. Are you going to do it by holding prayer meetings? God knows I wish that all the world would stop war, but you have got to deal with the human race as you find it.

Look at China, with four hundred millions of people. Her territory is divided into zones dominated by Germany, by France, and by Great Britain. There you are! She has no navy, no proper means for public defense, and little Japan dominates her.

Now, from a practical standpoint, an efficient Navy is an insurance policy. Nobody will attack us if we are well prepared; not if we keep and maintain an efficient Navy. Take the nations of the Old World. Take Germany, France, or Great Britain, and we would be powerless before them without an efficient Navy. Therefore the best way to keep peace with nations, as well as with individuals, if they attempt to punish you or deprive you of your territory or your rights, is to say, "You have got me to reckon with," and the best way to keep peace in the present conditions, and will be for many decades, and perchance centuries to come, is to be prepared, if necessary, to fight for it. [Applause on the Republican side.]

Quaker, as I am by birthright, representing in part a Friends' constituency, as the gentleman from Indiana [Mr. GRAY] represents a much larger Friends' constituency, I shall support the motion of the gentleman from Illinois.

With the feeling against slavery, with the feeling against war in the Northland in the great struggle for the Union, the Friends sent more soldiers into the Union Army to fight for the Union, according to their numbers, than any other denomination in the United States. I like the Friends. Possibly my friend from Indiana may think that he is making hay by his talk here to-day. I do not think he is. I shall vote to maintain the naval policy. [Applause on the Republican side.]

The SPEAKER. The time of the gentleman from Illinois has expired, and all time has expired.

Mr. THAYER. Mr. Speaker, I move to amend the motion of the gentleman from Illinois by the amendment which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 78, line 16, by striking out in the word battleships the letter "s" and inserting after the word "battleship" the word "cruisers," so that it will read "battleship cruisers."

Mr. PADGETT. Mr. Speaker, I make a point of order against the amendment. The motion of the gentleman from Illinois is to concur, which is a preferential motion which would bring the two bodies together. This motion of the gentleman from Massachusetts would be in the nature of a motion to concur with an amendment, which is not of so high a privilege as the motion to concur. Hence, if he attempts to amend the motion to concur, it reduces it into a motion to concur with an amendment.

The SPEAKER. The Chair will ask the gentleman if he thinks that is the result of the status of the matter?

Mr. PADGETT. The gentleman from Illinois moved to concur with the Senate amendment. The effect of that would be to bring the two bodies immediately together. That is a preferential motion over any other. To modify it in accordance with the motion of the gentleman from Massachusetts would resolve it into a motion to concur with an amendment.

The SPEAKER. But the motion to concur with an amendment takes precedence.

Mr. PADGETT. Not after a conference.

The SPEAKER. Has there been any conference?

Mr. PADGETT. There has been a conference and a report.

The SPEAKER. But a part of the report was set aside.

Mr. UNDERWOOD. Mr. Speaker, the two Houses have attempted to get together by going to conference. They have been in conference, and I think under the precedents the preferential motion is to concur. Before going to conference the preferential motion is to concur with an amendment.

The SPEAKER. That is true. The Chair had occasion to go into that question very carefully a little time ago. The amendment of the gentleman from Massachusetts is out of order. The question is on agreeing to the motion of the gentleman from Illinois to agree with the Senate amendment.

The question was taken; and on a division (demanded by Mr. Foss) there were 61 ayes and 111 noes.

Mr. FOSS. Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—years 78, nays 150, answered "present" 14, not voting 148, as follows:

YEAS—78.

Ainey	Gardner, Mass.	Kinkead, N. J.	Payne
Austin	Gardner, N. J.	Lafferty	Plumley
Barchfeld	Gillett	La Follette	Pray
Bates	Green, Iowa	Lawrence	Rees
Bowman	Greene, Mass.	Lee, Pa.	Reilly
Burke, S. Dak.	Greene, Vt.	Longworth	Reyburn
Cannon	Hamill	Loud	Rodenberg
Cooper	Hamilton, Mich.	McKinney	Simmons
Crumpacker	Harris	McLaughlin	Sloan
Curley	Hawley	McMorran	Sterling
Curry	Heald	Maher	Stevens, Minn.
Danforth	Hill	Matthews	Sulloway
De Forest	Howell	Miller	Taylor, Ohio
Draper	Howland	Moore, Pa.	Towner
Driscoll, M. E.	Humphrey, Wash.	Morgan	Utter
Dwight	Kahn	Mott	Weeks
Farr	Kendall	Murray	Wilson, Ill.
Foss	Kennedy	Needham	Wood, N. J.
French	Kent	O'Shaunessy	
Fuller	Kinkaid, Nebr.	Patton, Pa.	

NAYS—150.

Adair	Doughton	Jackson	Saunders
Adamson	Driscoll, D. A.	Jacoway	Shackleford
Aiken, S. C.	Estopinal	Johnson, Ky.	Sharp
Alexander	Evans	Johnson, S. C.	Sherley
Allen	Faison	Kitchin	Sims
Ansberry	Fergusson	Korbly	Sisson
Anthony	Finley	Lamb	Slayden
Ashbrook	Fitzgerald	Lee, Ga.	Smith, J. M. C.
Ayres	Flood, Va.	Lever	Smith, Tex.
Bartholdt	Floyd, Ark.	Levy	Stanley
Bathrick	Foster	Lindbergh	Stedman
Beall, Tex.	Fowler	Linthicum	Steenerson
Blackmon	Gallagher	Littlepage	Stephens, Miss.
Booher	George	Lloyd	Stephens, Nebr.
Borland	Gill	McCoy	Stephens, Tex.
Brown	Glass	McDermott	Stone
Buchanan	Godwin, N. C.	McKellar	Sweet
Bulkley	Goeke	McKinley	Switzer
Burke, Wis.	Goodwin, Ark.	Maguire, Nebr.	Taggart
Burleson	Graham	Mondell	Thayer
Burnett	Gray	Moon, Tenn.	Thomas
Byrns, Tenn.	Gregg, Pa.	Morrison	Townsend
Campbell	Hamilton, W. Va.	Moss, Ind.	Tribble
Candler	Hardy	Norris	Turnbull
Cantril	Harrison, Miss.	Oldfield	Tuttle
Carter	Harrison, N. Y.	Padgett	Underhill
Claypool	Hay	Page	Underwood
Cline	Hayden	Palmer	Watkins
Connell	Heflin	Pepper	Webb
Conry	Helgesen	Post	Wedemeyer
Covington	Helm	Rainey	Whitacre
Davenport	Henry, Tex.	Raker	White
Davis, Minn.	Hensley	Ransdell, La.	Willis
Dent	Holland	Rauch	Wilson, Pa.
Denver	Houston	Roddenbery	Witherspoon
Difenderfer	Howard	Rucker, Colo.	Young, Kans.
Dixon, Ind.	Hull	Russell	
Doremus	Humphreys, Miss.	Sabath	

ANSWERED "PRESENT"—14.

Browning	Mann	Pickett	Talbott, Md.
Goldfogle	Martin, Colo.	Riordan	Woods, Iowa
Hughes, W. Va.	Olmsted	Rucker, Mo.	
Lobeck	Peters	Sparkman	

NOT VOTING—148.

Akin, N. Y.	Dies	Jones	Prouty
Ames	Dodds	Kindred	Pujo
Anderson, Minn.	Donohoe	Knowland	Randell, Tex.
Anderson, Ohio	Dupré	Konig	Redfield
Andrus	Dyer	Konop	Richardson
Barnhart	Edwards	Kopp	Roberts, Mass.
Bartlett	Ellerbe	Lafean	Roberts, Nev.
Bell, Ga.	Esch	Langham	Robinson
Berger	Fairchild	Langley	Rothermel
Boehne	Ferris	Legare	Rouse
Bradley	Fields	Lenroot	Rubey
Brantley	Focht	Lewis	Scully
Broussard	Fordney	Lindsay	Sells
Burgess	Fornes	Littleton	Sheppard
Burke, Pa.	Francis	McCall	Sherwood
Butler	Garner	McCreary	Slemp
Byrnes, S. C.	Garrett	McGillicuddy	Small
Calder	Good	McGuire, Okla.	Smith, Saml. W.
Callaway	Gould	McHenry	Smith, Cal.
Carlin	Gregg, Tex.	McKenzie	Smith, N. Y.
Cary	Griest	Macon	Speer
Clark, Fla.	Gudger	Madden	Stack
Clayton	Guernsey	Martin, S. Dak.	Stephens, Cal.
Collier	Hamlin	Mays	Sulzer
Copley	Hammond	Moon, Pa.	Talcott, N. Y.
Cox, Ind.	Hanna	Moore, Tex.	Taylor, Ala.
Cox, Ohio	Hardwick	Morse, Wis.	Taylor, Colo.
Crago	Hartman	Murdock	Thistlewood
Cravens	Haugen	Neeley	Tilson
Cullop	Hayes	Nelson	Vare
Currier	Henry, Conn.	Nye	Volstead
Dalzell	Higgins	Parran	Vreeland
Daugherty	Hinds	Patten, N. Y.	Warburton
Davidson	Hobson	Porter	Wilder
Davis, W. Va.	Hughes, Ga.	Pou	Wilson, N. Y.
Dickinson	Hughes, N. J.	Powers	Young, Mich.
Dickson, Miss.	James	Prince	Young, Tex.

So the motion to concur was rejected.

The Clerk announced the following pairs:

For the session:

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. ROUSE with Mr. HAYES.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDRUS.

Until further notice:

Mr. WILSON of New York with Mr. STEPHENS of California.

Mr. TALCOTT of New York with Mr. WARBURTON.

Mr. SMITH of New York with Mr. VOLSTEAD.

Mr. SMALL with Mr. VARE.

Mr. SHEPPARD with Mr. SPEER.

Mr. SHERWOOD with Mr. SLEMP.

Mr. ROTHERMEL with Mr. SELLS.

Mr. PATTEN of New York with Mr. POWERS.

Mr. MOORE of Texas with Mr. PRINCE.

Mr. MARTIN of Colorado with Mr. NYE.

Mr. MCGILLICUDDY with Mr. MURDOCK.

Mr. KONOP with Mr. MOON of Pennsylvania.

Mr. JONES with Mr. MCKENZIE.

Mr. HAMMOND with Mr. MCGUIRE of Oklahoma.

Mr. GOULD with Mr. LAFEAN.

Mr. FERRIS with Mr. KOPP.

Mr. DAUGHERTY with Mr. HENRY of Connecticut.

Mr. COX of Indiana with Mr. HANNA.

Mr. CLARK of Florida with Mr. GRIEST.

Mr. CLAYTON with Mr. GOOD.

Mr. CARLIN with Mr. MCCREARY.

Mr. CALLAWAY with Mr. FOCHT.

Mr. BARNHART with Mr. DODDS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. FRANCIS (against any battleships) with Mr. GUERNSEY (for two battleships).

Mr. GOLDFOGLE with Mr. HIGGINS.

Mr. LAMB with Mr. HAUGEN.

Mr. NEELEY with Mr. ROBERTS of Massachusetts.

Mr. LOBECK with Mr. ANDERSON of Minnesota.

Mr. SCULLY (in favor of one battleship) with Mr. BROWNING (in favor of two battleships).

Mr. HOBSON (for battleships) with Mr. HUGHES of Georgia (against battleships).

Mr. DUPRÉ (for one battleship) with Mr. FOCHT (for two battleships).

Mr. HUGHES of New Jersey with Mr. BURKE of Pennsylvania.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. CULLOP with Mr. PROUTY.

Mr. HAMLIN with Mr. MANN.

Mr. GREGG of Texas (against battleships) with Mr. ESCH (for two battleships).

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. EDWARDS with Mr. DALZELL.

Mr. RUBEY with Mr. KNOWLAND.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. PETERS with Mr. MCCALL.

Mr. FIELDS with Mr. LANGLEY.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RUCKER of Missouri with Mr. DYER.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. DICKINSON with Mr. FAIRCHILD.

Mr. GARRETT with Mr. FORDNEY.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. GARNER with Mr. HINDS.

Mr. POU with Mr. PORTER (general).

Mr. ELLERBE with Mr. WILDER.

Mr. YOUNG of Texas with Mr. VREELAND.

Mr. BOEHNE with Mr. ROBERTS of Nevada.

Mr. LEWIS (against battleships) with Mr. SAMUEL W. SMITH of Michigan (in favor of two battleships).

Mr. HARDWICK with Mr. CAMPBELL.

Mr. PUJO with Mr. TILSON.

Mr. COLLIER with Mr. WOODS of Iowa.

Ending July 29:

Mr. CALDER (for two battleships) with Mr. BRANTLEY (in favor of one battleship).

Ending August 17:

Mr. SULZER with Mr. COPLEY.

Ending August 19, noon:

Mr. JAMES with Mr. OLMSTED (except vetoes).

Ending August 19:

Mr. DAVIS of West Virginia with Mr. CRAGO.

Ending August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. BROWNING. Mr. Speaker, I am paired with my colleague from New Jersey, Mr. SCULLY. If he were present, he would vote for one ship and I for two.

The SPEAKER. How does the gentleman vote now?

Mr. BROWNING. I desire to answer "present."

The Clerk called the name of Mr. BROWNING, and he answered "Present."

Mr. OLMSTED. Mr. Speaker, I voted "yea." I have a general pair with the gentleman from Kentucky, Mr. JAMES. I find he has not voted, so I desire to withdraw my vote of "yea" and answer "present."

The Clerk called the name of Mr. OLMSTED, and he answered "Present."

Mr. SPARKMAN. Mr. Speaker, I have a general pair with the gentleman from Minnesota, Mr. DAVIS. I voted "no." I find he has not voted, and I therefore withdraw my vote of "no" and answer "present."

The Clerk called the name of Mr. SPARKMAN, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. PADGETT. Mr. Speaker, I ask for a vote on my motion to still further insist upon a disagreement to all the Senate amendments and ask for a conference.

Mr. FITZGERALD. Mr. Speaker, I would ask the gentleman if we could not have a separate vote upon amendment numbered 26; if it is his intention to concur in that amendment when it goes back to conference? The amendment is in reference to making certain appropriations available for two years instead of one. I ask that a vote be taken on amendment numbered 26.

Mr. PADGETT. We will have no trouble about that. I ask for a vote upon my motion to still further insist upon the disagreement to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Tennessee moves to further insist upon a disagreement to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, I will ask the gentleman for two or three minutes. I wish to call attention to Senate amendment 8, which was agreed to in conference inadvertently in the form it is in, and for fear I may not privately call the attention of the gentleman to it I desire to do so now. It provides for destruction of papers in the files of vessels of the Navy that in the judgment of the commander in chief are not needed or useful in the transaction of current business and have no permanent value or historical interest; that such papers—

may be disposed of by the commander in chief by sale, after advertisement for proposals, as waste papers if practicable, or if not practicable, then otherwise as may appear best for the interest of the Government, the commander in chief to make report thereon to the Secretary of the Navy.

The Constitution of the United States provides that the President shall be Commander in Chief——

Mr. PADGETT. I understand the gentleman.

Mr. MANN (continuing). Of the Army and Navy of the United States, and I take it that it is not the intention to have

the President advertise for proposals for the destruction of files of papers, and so forth, and then report the result of that to the Secretary of the Navy.

Mr. PADGETT. This officer by the regulations is called commander in chief of the ship or fleet.

Mr. MANN. If they will just add that in conference so it will be commander in chief of the fleet or ship and not the President, it will be sufficient.

Mr. PADGETT. That will be done.

The SPEAKER. The question is on the motion of the gentleman from Tennessee.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair appoints the following conferees. The Clerk read as follows:

Mr. PADGETT, Mr. TALBOTT of Maryland, and Mr. FOSS.

Mr. PADGETT. Mr. Speaker, I ask unanimous consent that all gentlemen who spoke upon the question of the increase of the Navy may be permitted to extend their remarks in the RECORD for five legislative days.

The SPEAKER. The gentleman asks unanimous consent that all gentlemen who have spoken on this bill have leave to extend their remarks in the RECORD for five legislative days. Is there objection?

Mr. THAYER. Mr. Speaker, I move that the House conferees be instructed to ask the Senate conferees to agree to the construction of one first-class battleship cruiser, to have the highest attainable speed and the greatest attainable radius of action, with appropriate armor and armament.

Mr. PADGETT. Mr. Speaker, I make the point of order against that, that the conferees have already been appointed. The motion to instruct is not in order at this time.

The SPEAKER. The Chair is inclined to think the motion is well taken, although he has not had time to hunt it up.

Mr. MOORE of Pennsylvania. The question before the House was unanimous consent for the right to extend remarks in the RECORD.

The SPEAKER. Is there objection to the request for unanimous consent for everybody who spoke on this bill to have the privilege of extending his remarks in the RECORD for five days?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I did not have an opportunity to speak on this bill, because there was no time. I desire to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock Monday morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10.30 o'clock Monday morning. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I suppose the purpose of that is to either expedite the Unanimous Consent Calendar and possibly suspensions of the rules.

Mr. UNDERWOOD. I think there may be other business.

Mr. MANN. I have no objection to meeting even at 9 o'clock.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SLAYDEN. Will the gentleman from Alabama permit me a question?

Mr. UNDERWOOD. Yes, sir.

Mr. SLAYDEN. What will have the right of way on Monday in the way of business—appropriation bills or the Unanimous Consent Calendar?

Mr. UNDERWOOD. The Unanimous Consent Calendar has the right of way unless it may be set aside by unanimous consent.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAYDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on Senate bill 4862, the bill considered on yesterday.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

PROGRESSIVE PROPERTY TAX.

Mr. JACKSON. Mr. Speaker, I ask unanimous consent to extend my remarks by inserting a petition in the RECORD in reference to a bill.

The SPEAKER. The gentleman from Kansas asks unanimous consent to extend his remarks in the RECORD by inserting a petition.

Mr. BORLAND. Mr. Speaker, reserving the right to object, is not this an ordinary petition which can be filed in the ordinary way?

Mr. JACKSON. I will say it is not an ordinary petition; it is a matter of considerable importance. When this was before the House, the author of the bill asked the privilege of stating, by means of the RECORD, the reasons for his bill.

Mr. BORLAND. Is the author the Member from Kansas?

Mr. JACKSON. I introduced it by request.

Mr. BORLAND. What bill is it?

Mr. JACKSON. It is a bill concerning taxation, and accompanying it——

Mr. BORLAND. I withdraw my objection; I thought it was another bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The petition is as follows:

A petition from Percy Daniels, of Kansas, for a progressive property tax on the holdings or possessions of multimillionaires.

To the honorable the Congress of the United States of America:

The undersigned, a citizen of Crawford County, in the State of Kansas, would respectfully represent that Kansas has twice officially indorsed, by petition of her State officers and concurrent resolution of her legislature, a measure then before Congress for levying and collecting annually a progressive tax on the property of all persons whose property within the United States aggregates more than $1,000,000 each, said tax to begin with a 1 per cent rate on the second million and to increase to an 18 per cent rate on all but the first million when the aggregate became more than $10,000,000; that the said Kansas resolution provided for the submission of a proposed amendment to the Federal Constitution, to the several States for their approval or rejection, granting to Congress full powers of taxation to remove any possibility that their purpose in said tax measure would be defeated by action of any court; and that I, the signer to this petition, am in favor of said amendment as defined in H. R. 80 of the first session of the Fifty-fifth Congress; and also of the adoption of a bill by Congress for levying and collecting such a tax; and for the apportionment of the proceeds among the States on the plan provided in said bill (one-third in proportion to wealth, one-third in proportion to population, and one-third in proportion to area); and that the first draft on this fund in each State shall be made by the United States Treasury Department for the payment of over-pensions to all pensioners who are residents of said State, and that the remainder of this fund from the proceeds of this tax shall be expended by the State authorities for such public improvements as are specified in said bill, and for the equipment and maintenance of an efficient National Guard. The legislatures of the several States are authorized by this bill to decide what portion of this residue (after payment of the pensions) of this fund shall be used for public improvements and what part for military purposes.

RECEIPTS AND DIFFUSION.

At the time the last estimate was made on the operation of this measure (in 1896) it would collect about $2,000,000,000 from a little less than 10,000 persons the first year; and the income therefrom would gradually grow less as the great fortunes of the country were cut down to the elastic limit it would establish, probably between $3,000,000 and $5,000,000, by its just, speedy, and scientific operations. On this basis New York would receive $175,333,333; Texas, $114,666,667; California, $88,000,000; Massachusetts, $82,666,667; Illinois, $76,000,000; Missouri, $68,666,667; Iowa $48,999,000; Colorado, $37,333,333; North Carolina, $36,000,000; Arkansas, $30,000,000; Rhode Island, $13,000,000; Delaware, $4,533,333; and Kansas, $45,333,333.

PENSION COSTS.

Next, the pensioners in the several States would be paid from these funds by draft of the United States Pension Bureau. The following from pension figures of 1894 gives the amount of pension then paid to the pensioners of several States as an illustration, as follows: New York, $11,937,643; Ohio, $14,737,192; Indiana, $10,841,566; Iowa, $5,760,364; Kansas, $6,048,592; Tennessee, $2,658,726; Texas, $1,030,283; North Carolina, $572,334; Georgia, $511,271.

WAR COSTS APPORTIONED.

At the same time these States were paying on war account, for pensions, interest, etc., about $2.50 per capita, which would amount for the State of New York to $14,994,632; Ohio, $9,180,790; Indiana, $5,481,010; Iowa, $4,779,740; Kansas, $3,567,740; Tennessee, $4,418,795; Texas, $5,588,807; North Carolina, $4,044,867; Georgia, $4,593,382.

INJUSTICE OF IT.

These figures illustrate the injustice to States in the pension payments and the methods of getting the funds to meet them. To the Southern States this has been an onerous burden, justifiable after the war closed, but no longer so. The Southern States have been punished long enough. The diffusion of these funds helps to make the States prosperous. It will be seen by these figures that Indiana, paying about five and one-half millions, received ten and four-fifth millions; Kansas, paying three and one-half millions, received six millions; Ohio, paying nine and one-fifth millions, got fourteen and three-fourths millions; New York, paying nearly fifteen millions, got nearly twelve millions; Tennessee, paying four and two-fifths millions, got two and three-fifths millions; Texas, paying about five and three-fifths millions, got a little over one million; North Carolina, paying over four millions, got $511,271.

INJUSTICE CORRECTED.

In the diffusion and restoration to the people of the immense fund proposed to be collected by the progressive tax bill, this injustice is

wholly removed, as the whole pension burden is not only removed from the shoulders of the industrial masses, but whether a State has a large or a small pension roll, its people, as a whole, would receive just th same portion of the progressive tax. A State with a large pension roll would have a little less for public improvements and military expenses than as though it had a small list. Under this bill, 16 years ago Kansas and Georgia would each receive $45,333,333 the first year. But from this the Kansas veterans would draw $6,048,592 and the Georgians $511,271. So Georgia would have to use for the other purposes named in the bill nearly $45,000,000 and Kansas some over $39,000,000, but the people of each State, as a whole, would be benefited by the diffusion of just the same amount among their own residents.

THE ELEMENTS OF SUCCESS.

For this reason, and another of equal weight in the proposed distributing plan in this bill, in addition to the benefits and blessings this great readjusting process would certainly carry to the toiling myriads by the diffusion of $2,000,000,000 a year, it has been said, and truly said, that it carries within itself the elements of certain success whenever it becomes understood by the people.

SCIENTIFIC REPLEVIN AND SYSTEMATIC DIFFUSION.

Your petitioner, desirous of having the measure discussed and understood by the people, would respectfully represent that the bill provides that it shall take effect and be in force from and after the 1st day of January, 1914, and, while urging the passage of the bill without delay, would also request and petition you to pass a joint resolution submitting to the several States a proposed amendment to the Constitution to give to Congress full power of taxation, the same as was proposed in joint resolution No. 80 of the first session of the Fifty-fifth Congress, introduced by Mr. Ridgely. Such action on your part would give the States at the next session of their legislatures an opportunity to pass on the amendment before the date for the act to become effective. The people would then have before them a definite and specific illustration of how those favoring this just and corrective process propose to stop the "concentration" of the people's "capital," and to diffuse a reasonable part of that which has already been "concentrated" by such vicious and plundering methods as watering stocks and crushing competition by great trade combinations which have been made possible only by the vast sums already acquired through these piratical, arbitrary, and despotic processes. This whole measure embodies a process of scientific replevin and a systematic method of diffusion which would bless the whole people, including those who would be in the list of taxpayers.

The necessity for reaching this result through measures similar to those advanced in this petition is shown in the fact that the slickest band of corsairs the sun ever shone on is bleeding the people, through a process of what is euphemistically called stock watering, of millions of dollars every day—of nearly, at least, and probably fully, $25,000,000 a week.

A TIDE OF GOLD.

Yielding a steady tide of gold from the people's pockets to the capitalists' coffers, the upward of $8,000,000,000 of railroad water has sunk over 500,000 American homes beneath the sheen and glamor of its treacherous waves. The $1,000,000,000 of water in United States Steel stock has swallowed over 50,000 more, and of this over $180,000,000 went into the capacious pockets of Carnegie without costing him a penny, and thus he became great. But these immense systems of plunder are but a small matter compared with the billions and billions of dollars of what is euphemistically called "water" in the industrial stocks; and we have not touched individually on the charitable (?) Rockefeller or the neophyte (?) Morgan.

HOW GREAT HAS THE HARVEST BEEN?

The individual companies that were united to first form the United States Steel Trust had a combined capital of less than $400,000,000. They were united under the direction of Morgan & Co., who are said to have received $69,300,000 for doing the job, and $1,000,000,000 of water was added to the stock on which we are and have been paying for years interest at a rate of 40 per cent on the original investment.

Was there any wealth created by combining these companies? It represents no investment, and yet those who received this $1,000,000,000 of water have been drawing interest on it ever since, and the reported wealth of the country took a billion-dollar jump, a jump of 1 per cent on our then total wealth, a jump of a billion dollars in a night.

An article by Francis L. Stetson in the July Atlantic says that now 270,000 corporations have a capital of $88,000,000,000 in stocks and bonds, while the census of 1900 reports the total wealth of the Nation at less than $89,000,000,000—but a trifle above what the present capitalization of corporations amounts to. It does no good to cry "fraud"; it does no harm to them to prove it. This is the doings of one bunch of our 270,000 corporations.

A STUPENDOUS SYSTEM OF PLUNDER.

This watered-stock piracy has become the most stupendous system of plunder an enlightened people ever tolerated. No civilized nation ever before permitted so infamous a reign of injustice to stalk unrestrained and unopposed among their own people. No Christian nation (so called) has ever before so universally preached and commended the sublime truths of Christianity to the heathen and so completely ignored its teachings and rejected its precepts at home. What can stop the injustice, the contagion of corruption, the lawlessness of the powerful? Do you say education—a slow process of education? But the forces supporting present dominant theories, influences, and policies have more means and opportunity for sowing the tares of their heresies, can employ more able teachers, enlist more crafty ward heelers, gather more unscrupulous boodlers, and muster more ignorant dupes than the friends of justice. No! A slow process of education will fail!

A BREACH IN THE STOCKADE OF INJUSTICE NECESSARY.

Some bold and early available project of universal benefit, with positive and visible processes of relief, some sudden opportunity for a breach in the stockade of injustice that will enable the masses to see the chance for peace and prosperity beyond, where they may earn and enjoy the opportunity to rest beneath their own vine and fig tree, and that they have but to bridge the wallow of corruption and error which surrounds the stockade with the falling timbers of moldy tradition and perverted precedent of which it is made, and rush across to a new freedom and restored liberty beyond, will alone save us from continuing our now rapid march toward the maelstrom. Such is the menacing as well as disgraceful and discreditable condition in which we as a people now find ourselves.

THE BEST GOVERNED STATE RECOGNIZING HER RESPONSIBILITY.

One of the States which, in spite of her immense foreign population, is sufficiently swayed by the leaven of the sturdy and righteous Pilgrim Fathers to continue to be the best governed State in the Union, is already, though in a feeble way and with a palliative purpose, recognizing her responsibility for these deplorable conditions and bonding her people to provide shelter for her share of our impoverished.

It is a noble charity so long as we lack the nerve and sense to prevent its necessity. But with present conditions continued, we only invite its repetition. It is like putting cotton in our ears for corns. Noble charities will not retard the advance of an impossible socialism.

THE AX OF PROGRESSIVE TAXATION MUST BE LAID AT THE ROOTS OF THE UPAS TREE.

The ax must be laid at the roots of the tree. The great piles of inordinate wealth, representing little but stolen billions, must be attacked by the only force which can replevin and diffuse them and thus restore them to those whose labor and sacrifice they represent. And that is a progressive property tax.

A small tax on what the holders of "concentrated capital" can make by its use is neither remedy nor punishment. Nor is there any occasion for talk of punishment. The great promoters have only taken advantage of our stupidity and docility. Most of us would like to be millionaires. I would like to be one. The progressive tax which Kansas has twice indorsed would not make any less, but would increase their number by making it easier to become one. Fifty men with $2,000,000 each will bless more people and do more good than one man with $100,000,000. The reasonable objection to an income tax is that it will help to postpone the consideration of real remedial measures. There is no special harm in it so long as we are not ready to turn over a new leaf and become honest; but I hope we may soon have the patriotism and find the integrity, publicly and privately, individually and collectively, to become so.

For these reasons I earnestly urge you to consider and act on this petition at your present session, that the people may have the opportunity to elect legislatures that will indorse the proposed amendment to the Constitution at the next session of the several State legislatures, that we may force the lion of capital, subdued in its nature, curbed in its greed, and shorn of its fangs, to lie down in peace with the lamb of labor bereft of its envy and freed from its fear.

EXTRACT FROM THE PROGRESSIVE TAX BILL.

SEC. 21. That the proceeds of this tax in the States shall be expended for three purposes: First, for pensions for the veterans of the Civil War and also for the pensions for aged or disabled persons who have an income below a certain limit, to be established by State law, and paying the soldiers of the War of the Rebellion the difference between the coin value of the money they were paid in and gold; second, for building, enlarging, or repairing canals; for improving navigable streams and extending the mileage of navigable waters; for improving country roads and establishing a system of first-class highways; for building storage reservoirs along or at the heads of streams, for the purpose of decreasing floods and increasing the dry-weather flow of the streams; and for establishing and maintaining forest parks in the vicinity of or adjoining the reservoirs; third, for organizing, equipping, and maintaining a national guard.

SEC. 22. That pensions allowed by the United States for service in the war between the States shall be paid from this fund by draft of the Pension Bureau, or its agent, on the treasurer of each State for pensioners who are residents of the State.

SEC. 23. That payments for the balance due the ex-soldiers on account of the difference between the value of the money they were paid in and coin shall be paid by the same method as the pensions, but the time for paying this balance shall extend to double the time of the soldiers' services in the case of all who served over six months, beginning with November, 1914, in the same manner as are the pensions.

Your relator, in further support of his plea for the enactment of this measure, would respectfully refer you to his second petition to your honorable body on this subject dated August 18, 1893, and printed in Senate Miscellaneous Document No. 62 of 1894; and also to a consideration of the questions involved, the benefits to be derived from, and the necessity for so far-reaching and just a measure contained in an article on The Solution of the Flood and Drought Problem for the National Irrigation Congress of 1897, which can be found in the CONGRESSIONAL RECORD for 1898, pages 7520–7524.

All of which is respectfully submitted by

PERCY DANIELS,
Girard, Kans.

AUGUST 9, 1912.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

INDUSTRIAL-COMMISSION BILL.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 21094, the industrial-commission bill, and agree to the Senate amendments.

Mr. JOHNSON of South Carolina. Mr. Speaker, reserving the right to object, I would like to ask how much time it would take.

Mr. WILSON of Pennsylvania. I hope it will not take more than a minute.

Mr. MANN. It will take some time.

Mr. JOHNSON of South Carolina. I would like to take up the conference report on the legislative, executive, and judicial appropriation bill.

Mr. WILSON of Pennsylvania. I withdraw my request.

EXTENSION OF REMARKS.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CONTESTED-ELECTION CASE OF M'LEAN AGAINST BOWMAN.

Mr. ANSBERRY. Mr. Speaker, I desire to call up the House resolution 687, relative to the contested-election case of Charles R. McLean against Charles C. Bowman.

The SPEAKER. The gentleman from Ohio [Mr. ANSBERRY] calls up the contested-election case of McLean against Bowman.

Mr. MANN. Mr. Speaker, without reading the resolution, I would raise the question of consideration, and pending that I would like to ask the gentleman [Mr. ANSBERRY] to permit the gentleman from Pennsylvania [Mr. BOWMAN] to make a statement in regard to that.

Mr. BOWMAN. I did not hear the statement of the gentleman from Illinois [Mr. MANN].

Mr. MANN. The gentleman from Ohio has called up an election case in which you are the contestee, and I have asked that you make a request concerning the postponement of the matter, raising the question of consideration upon the proposition.

Mr. BOWMAN. Mr. Speaker, may I ask how much time will be allowed me for that purpose?

The SPEAKER. If the Chair was to decide it, he would allow about three minutes. That would be abundant time in which to consider the matter.

Mr. BOWMAN. Mr. Speaker and gentlemen of the House of Representatives, I am advised that the gentleman from Ohio [Mr. ANSBERRY] is ill——

Mr. ANSBERRY. No; I am here——

Mr. BOWMAN (continuing). That he can not wait here until next Thursday, upon the return of the gentleman from Iowa [Mr. PROUTY], who is the ranking Republican member of this committee. The gentleman from Iowa [Mr. PROUTY] prepared the legal aspects in this case, and stated to me, and, as I understand, to many other Members of this House, that no law or precedent existed for the presentation of this case in its present form. My son, W. L. Bowman, of New York City, who argued this case before the committee, has been abroad at the Olympic games as a member of the fencing team of the United States. The vessel on which he sailed was disabled, so that he did not reach New York until day before yesterday, and has worked here almost every minute since. The minority view was only completed this morning. There has been no opportunity for Members to examine it in order to determine the merits of the case. In view of the circumstances I respectfully ask this body to defer consideration until the next session, when they will have a chance to examine into the merits of it, so that a proper conclusion may be arrived at.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ANSBERRY] have 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. ANSBERRY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, two minutes will be sufficient time in which to state the attitude at this time of the majority of the Committee on Elections in the case of McLean against Bowman. It is not accurate for the contestee, Bowman, to say to this House that the postponement of this case is due to any illness or any request of the majority members of the committee. As a matter of fact, that request comes entirely, urgently, and with pleading from the contestee himself.

I want to say that neither the form of the report nor the circumstances of its presentation to the House are unusual. There is an abundance of precedents establishing the precise course of the majority of the committee, both with regard to the character of the resolution they have reported and with regard to the time in which they have reported it. Moreover, the report from the majority of the committee was filed some days ago. It deals with matters concerning the fraudulent and corrupt conduct of his election by the contestee that were fully briefed by the counsel for the contestee and the counsel for the contestant some months ago. No new circumstances have developed, no new information or evidence has been elicited. If the gentleman holding the seat from the eleventh district of Pennsylvania, in the face of the fact that the committee's report charges him with violations of law of the most flagrant character, and with gross bribery and corruption, and in the face of the fact that specific instances of deceit and personal dishonor are laid at his door still desires to have the case postponed, and is willing to have to face his constituency, without having a chance for a final vindication by Members of this House, the majority of the members of the committee have absolutely no objection.

Mr. ANSBERRY. Mr. Speaker, the falsity of the remarkable statement made here by the contestee in this case that the committee could not proceed because of the illness of myself is apparent by my physical presence here upon the floor and is not warranted by the statement which I made to the members of the committee with reference to the condition of my health. I never was in better shape in all my life. However, in fairness to the gentleman from Pennsylvania [Mr. BOWMAN] I say to the gentlemen of the House I did state that I would like to have this case taken up to-day for the reason that I have a malady, which comes upon me annually in August and which usually arrives before this time, the hay fever, and which compels me to seek a different atmosphere than that which can be found in Washington or at my own home.

But I never asked either the gentleman from Pennsylvania [Mr. BOWMAN] or anyone else to delay any business of this House, particularly the case in which the gentleman from Pennsylvania [Mr. BOWMAN] is so much interested, for my convenience, for I consider the charges of corruption and bribery contained in the report of the Committee on Elections No. 1, of which I have the honor to be the chairman, to be too serious to trifle with, particularly since they affect the character of the gentleman from Pennsylvania [Mr. BOWMAN], not only as a Member of this House but also as a citizen of his own district, and in view of the fact that he is a candidate for reelection I shall be willing to suffer the inconvenience arising from the malady to which I have referred and shall stay here until Judge PROUTY returns, regardless of whether he will be here next Thursday or a week from next Thursday, in order that the gentleman from Pennsylvania [Mr. BOWMAN] may have the opportunity, which he apparently seeks to evade, of clearing himself of the charges contained in the majority report and supported by the testimony taken in the contest case of McLean against Bowman. I take it that any man who is entitled to a seat in this House would not care to carry the burden which he is compelled to carry by reason of the character of the charges made by the committee in its report affecting the conduct of this Member and his manager at the election at which he received his commission to be a Member of this body. For, as I said before, this report charges him and his manager with corruption, bribery, and making a false sworn statement to the clerk of Luzerne County, Pa., and the record in this case proves beyond question the truth of the charges set forth in this report. It can not be said, as has been said in other cases charging corruption in the elections, that the responsibility for spending large sums of money was not brought home directly to the gentleman from Pennsylvania [Mr. BOWMAN], because a reference to the record which I hold in my hand, particularly to the first 500 pages of it, demonstrates that you can not read 3 pages that will not contain testimony which does not point the finger of truth to bribery and corruption. And this testimony of course will sustain the committee's report.

In view of that report and the statements now being made by me, it seems to me that any man who is worthy of being a Member of this House and who desired to protect his own good name would not seek by lame excuses to prevent the House from investigating the charges which have been made against him, but on the contrary he would be here demanding his right, which is a right of the highest privilege, that these charges be immediately investigated to the end that his good name and the good name of his district might be cleared at the hands of his colleagues.

He should immediately wire Judge PROUTY, of Iowa, or, in the absence of Judge PROUTY, procure some one else to represent him, and I suggest to the gentleman that among the men on this floor on his side of the House there are several who have served on this committee and who have had a large experience in cases of this character, and if the gentleman from Pennsylvania desires he can secure the assistance of his colleague, who is amply able to take care of every question raised in the majority as well as the minority report and who I am sure will be glad to defend his colleague. I refer to the gentleman from Pennsylvania who is of Mr. BOWMAN'S political faith and is now sitting here in this House, Mr. OLMSTED.

I would not under any circumstances, nor can I conceive how any man could, rise in this House and ask that a case be continued that charged such a serious offense against the laws of his own State and against good morals as this report charges the gentleman from Pennsylvania [Mr. BOWMAN]. However, if he sees fit to insist upon his demand, I am satisfied, but I want to once more assure you, gentlemen, as I have before assured him, that I for one am willing to stay here and help try this case, involving, as it does, his honor and the honor of his district, even if we have to stay here a month longer by reason of it.

Now, I do not propose to let the statements which I have made with reference to corruption in this man's district, of

which he had knowledge, go unsupported. I propose to read from the record, which I hold in my hand, testimony which corroborates the statement which I have made. I might say, also, that it is conceded, as charged in the report of the majority, by the minority report that the contestee's manager, Jonathan R. Davis, expended for "special watchers" the sum of $2,393, and that his definition of "special watchers" was "possibly giving men money to go and buy Democratic votes." It appears that under the laws of Pennsylvania poll men or watchers to the number of three may be employed, and Davis's testimony as to the number who were employed designated as "special watchers" is conclusive evidence that these men were employed in violation of the laws of the State of Pennsylvania, and that they were hired with the knowledge of and for Mr. Bowman.

On page 67 of the record occurs this testimony by Davis:

Q. Who is the next you got?—A. F. J. McCanna, Pittston.
Q. How much did you give him?—A. $100.
Q. You knew that he was a Democrat?—A. Yes, sir.
Q. What did you give him that money for?—A. For the employment of special watchers.
Q. You gave him $100 to purchase the services of special watchers for Mr. Bowman, did you?—A. Yes, sir.
Q. Mr. Bowman knew that you paid him $100?—A. Yes.

And Davis further testifies that he barely knew this man, and that he also had paid him $150 for services in the primaries. The record is silent as to the "special watchers" that this man McCanna hired at Mr. Bowman's request. It is thus brought home not to his manager, Jonathan R. Davis, but to the contestee, Mr. Bowman, himself that money was expended for corrupt purposes, bearing in mind always that this is not an isolated instance by any means. For right on page 69 of the record we have this:

Q. Go on with the next, Mr. Davis.—A. Lawrence Cosgrove.
Q. That is Duryea?—A. Yes.
Q. How much did you give him?—A. $150.
Q. Did you not know that he was chief of police of Duryea?—A. I have heard that he was.
Q. Did you ever talk to him?—A. I said "How do you do" to him.
Q. Is that the only conversation you ever held with him?—A. Yes; I think that is the only conversation I had.
Q. Who mentioned or urged the advisability of sending him a check for $150?—A. Mr. Bowman.
Q. Do you not know that he professes to be a Democrat?—A. No; I never heard of it.

On page 65 of the record, while Jonathan R. Davis was testifying relative to money expended for "special watchers," which he himself defined as being "possibly giving men money to go and buy Democratic votes," we find the following:

Q. Give us some more.—A. Here is one that I bought and which went wrong.
Q. Who is he? What is his name?—A. Fred Shoemaker, Parsons.

On page 68 of the record Davis testified that George H. Butler, a lawyer, received $40 for "special watchers," and that John W. Crooks, employed in the Lehigh Valley Coal Co.'s office, received $100 for the same purpose; and on page 72 of the record he testified that J. D. Cooper, of Plymouth, received $200 for "special watchers." On the same page the testimony shows that William A. Wallace, superintendent of the Lehigh Valley Coal Co., received $60 for "special watchers."

On page 75 appears the testimony of Davis that John C. Lewis, a hotel keeper of Plymouth—and a hotel keeper in Pennsylvania, as a rule, means that a man has a bar with a hotel attached—got $150 for "special watchers" from a man named F. E. Williams, who came in and handed to Lewis an envelope with the statement that it was sent to him—Williams—by Jonathan R. Davis and that it was all that was sent to him. Lewis testified that he had not seen Jonathan R. Davis about this money before it was handed to him, and we find upon investigation that $50 of this money was given to one C. H. Marks, the attorney for the township, and not the famous lawyer who so insistently demanded that the "sale be stopped." Here is the way Marks received his money, as testified to by Lewis on page 191 of the record:

Q. Where did you see Mr. Marks the next day when you gave him that money?—A. At the same place.
Q. Did he come in to see you?—A. Yes.
Q. Did you send for him?—A. No.
Q. And you had no talk with him about the money until he came in and got it?—A. Yes.
Q. Where was that?—A. I took him into the adjoining room.
Q. Was there anyone in the barroom at that time?—A. The bartender.
Q. And you took him into a side room?—A. Yes.
Q. Why didn't you give it to him in the barroom?—A. I don't know.
Q. Yes; you do. Why didn't you give it to him there?—A. I couldn't give any reason.
Q. You gave it to him secretly in the side room?—A. Yes; to use for that purpose.
Q. And when you got him inside you gave him the $50?—A. Yes; and told him to do what he could for Mr. Bowman.
Q. To get votes for Mr. Bowman?—A. Yes, sir. I gave him $10 or so afterwards.

This record is filled with circumstances and admissions fully as damaging, if not more so, than this one. Several items were left out of Mr. Bowman's sworn statement of expenses which would excite suspicion in the mind of anyone, notably the instance of the $700 paid to Davis by check of Mr. Bowman on the 14th day of November, 1910. We have here the remarkable instance, if we take the testimony of the contestee and his manager, Davis, that Bowman purchased a worthless, broken-down taxicab, which he did not inspect, of Davis for $700 and that Bowman had not examined nor used the machine thereafter up until February, 1912, the time of the hearing in this case. This, taken in connection with the fact that an erasure on the stub of the check indicated that this check was given for political purposes, added to the testimony of Bowman and his young lady bookkeeper, irresistibly forces us to the conclusion that the testimony with reference to this check is false and perjured and that this money was used for wrongful purposes, which the contestee, Mr. Bowman, sought to conceal. Then we have a similar check, or rather a check issued in December or January, 1911, in favor of one Geiring, connected with a Wilkes-Barre newspaper, who had been exceedingly friendly with Bowman. The check was altered from "political" to "duty," and Geiring's name was erased. Bowman testified that he cashed the check himself and gave Geiring $50 in gold because he thought it would be nicer.

I want to refer briefly to the fact that Mr. Bowman was a candidate on the Prohibition ticket, and therefore one would naturally assume that he represented their principles; and still we find, according to the testimony in this record, that the Nanticoke News, under date of October 14, 1910, contained the following paid advertisement, which was paid for by Mr. Davis, the agent of Mr. Bowman, out of moneys provided for by Bowman: "The attempt made by some political trickster to array the saloon men and the liquor interests against Mr. Bowman has proved futile. The question of local option will never be heard of in the House of Representatives. Should such a measure be introduced, the respectable, law-abiding liquor dealers can trust Mr. Bowman. We know his neighbors in the business in Pittston can trust him. If you doubt this assertion, we refer you to Brewer Dick Hughes or Liquor Dealer John Kehoe, of Pittston."

Eight days after this Mr. Bowman succeeded in having his name substituted on the Prohibition ticket for that of Mr. Robert R. Robinson, and as a preliminary Bowman called upon Agib Ricketts, the chairman of the Prohibition Party, and told him that he would provide anything which was necessary to procure the Prohibition nomination, to which the old gentleman replied hotly "that the Prohibition Party is not in for graft in any manner or form."

So we have the example of this gentleman who obtained the nomination on the Prohibition ticket by doubtful means—and the word "doubtful" is used advisedly—dealing with the liquor dealers, and was referring them to Brewer Dick Hughes and Liquor Dealer John Kehoe for indorsement as to his position on the all-absorbing liquor question. Mr. Bowman on this proposition has shown his ability to "hide with the hare and run with the hounds."

The minority report in this case is the weakest report which has ever been written in answer to such an indictment as the majority has made in this case. Why is that? Both Judge PROUTY and Mr. WILLIS are men of ability and under proper circumstances could have made a report which would have been both conclusive and convincing. I answer my own question by saying that they could make no such reply because of the absolute paucity and barrenness of this man's defense. He has no defense. If he had a defense, he would not be putting himself in the humiliating position of coming into this House and alleging that the reason why he wanted his case put over until next December was because of the apparent illness of the chairman [Mr. ANSBERRY]. If you will honestly give us the real reason, if you want to have your name cleared, give us the real reason why you will not face these charges. You know that to do it you might just as well write your resignation. Your only reason in turning your back upon these charges is to escape the responsibility of your own corrupt acts.

Mr. MOORE of Pennsylvania. Mr. Speaker——

The SPEAKER. Does the gentleman from Ohio yield to the gentleman from Pennsylvania?

Mr. ANSBERRY. Yes.

Mr. MOORE of Pennsylvania. My understanding was that this case was to be called this morning and that both sides were to be heard. I should like to know just what the arrangement is under which we are now proceeding, because apparently it is a one-sided proceeding.

Mr. ANSBERRY. Here is the proposition: Two members of the Rules Committee absolutely block business in this House. Ask some man on your side to tell you.

Mr. MOORE of Pennsylvania. I should like to know whether the gentleman from Pennsylvania [Mr. BOWMAN] understands that there is to be but one side heard and whether that is a part of the agreement?

The SPEAKER. The Chair will state that in the present juncture of affairs neither side is being heard. The gentleman from Illinois asked for a reasonable time for the gentleman from Pennsylvania [Mr. BOWMAN] to say what he had to say, and the other side asked that the gentleman from Ohio [Mr. ANSBERRY] have 20 minutes in which to make a statement.

Mr. MANN. They are carrying out an agreement to which both sides are agreeable.

Mr. MOORE of Pennsylvania. If this is in pursuance of an agreement, that answers my question.

Mr. ANSBERRY. The gentleman can get the reason from his side. I do not care to answer the question.

Mr. MOORE of Pennsylvania. I should like to know whether my colleague [Mr. BOWMAN] is a party to this agreement?

Mr. ANSBERRY. He is a party to this agreement.

Mr. MOORE of Pennsylvania. Is he a party to an agreement that the gentleman from Ohio [Mr. ANSBERRY] shall make an attack upon him to which he is to have no opportunity to reply?

Mr. ANSBERRY. I do not know and I do not care whether he is or not, but I will say to my friend from Pennsylvania [Mr. MOORE] that if his colleague Mr. Bowman, desires we will take up the whole case at this time here to-day so that he may be heard and others may be heard in his defense—if he has a defense.

Mr. RUCKER of Colorado. Will the gentleman yield?

Mr. ANSBERRY. No; I have not time.

The SPEAKER. The gentleman declines to yield.

Mr. ANSBERRY. It is shown by the record in this case——

Mr. RUCKER of Colorado. I rise to a point of order.

The SPEAKER. What is the point of order?

Mr. RUCKER of Colorado. The point of order it that I understood the motion in this case was to postpone the consideration of it until the next session.

The SPEAKER. The 20 minutes time belongs to the gentleman from Ohio. If he wants to yield he can.

Mr. ANSBERRY. I do not want to yield, and I do not want this taken out of my time.

In this county there are 60,000 miners. Most of them are men of foreign birth and men with unpronounceable names, who are largely controlled by the mine bosses—by the superintendents or the officials of those mines. I hold in my hand a list of mine bosses, superintendents, and others connected with the mines as officials, and there are about 50 names on the list of men who received all the way from $20 to $140. Some of these items were concealed when the contestee filed his statement under the laws of Pennsylvania. It has been shown in this case that two of the men who received large sums of money and whose names were kept out of the report were personal friends, who had been in business with Mr. Bowman for 18 years, and the reason is apparent why he did not want their names in that statement. Those men, who had hundreds and thousands of men under their employment, used that money to coerce those men and purchase their votes under the form of employing special watchers.

I did not voluntarily agree to pass over this case for this session; but if the contestee in this case is willing to go before his people under the stigma of the indictment in the majority report, with the weak reply that was made—and the reply was made weak because you had no defense—if you are so hard pressed that you must accept this alternative and are willing to go before your people under the cloud of such a charge and once more solicit their support, in the face of the fact that I here and now offer to wait until Judge PROUTY returns, I say, if you still insist on having this case go over until next December, it must be for the reason that you fear you will be overtaken by the punishment which your corrupt acts merit.

Mr. LAFFERTY. My point of order is that the gentleman from Ohio is addressing himself directly to the contestee.

The SPEAKER. That is against the rule, and the gentleman from Ohio will proceed in order.

Mr. ANSBERRY. If the contestee in this case is willing to ask for a continuance, and come before this House and state something which is not a fact in order to get that continuance, and go before his people asking for reelection, I am willing that he shall do so, in order to get the business of this House out of the road so that the House may adjourn.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MANN. Mr. Speaker, I understand the gentleman is willing to withdraw his demand for immediate consideration?

Mr. ANSBERRY. Yes; I withdraw that, Mr. Speaker.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may extend his remarks in the RECORD.

Mr. ANSBERRY. I object to that, Mr. Speaker. I would not object to his having 10, 20, or 40 minutes on the floor in defense of himself and in reply to what I have said, but I will not consent to his printing in the RECORD that which he dare not say here. I will not object to his making a statement on the floor, but he can not put it in the RECORD under "leave to print" with my consent.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

Mr. MOORE of Pennsylvania. Reserving the right to object, I would like to ask that the minority report be put in the RECORD. That is only a matter of common fairness.

Mr. ANSBERRY. I have no objection to that.

The SPEAKER. The gentleman from Ohio asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to print the minority report in the RECORD.

Mr. FOSTER. Mr. Speaker, it seems to me if the minority report is printed the majority report ought to be printed also.

The SPEAKER. The gentleman from Illinois asks unanimous consent to print the majority report with the minority report. Is there objection?

There was no objection.

The majority and minority reports are as follows:

[House Report No. 1182, Sixty-second Congress, second session.]

M'LEAN AGAINST BOWMAN.

Mr. ANSBERRY, from the Committee on Elections No. 1, submitted the following report, to accompany House resolution 687:

The Committee on Elections No. 1, to which was referred the contested-election case in which George R. McLean is the contestant and Charles C. Bowman is the contestee, respectfully submits to the House of Representatives the following report:

In the general election held in the eleventh district of Pennsylvania on the 8th day of November, 1910, for Representative in Congress, George R. McLean was the candidate of the Democratic Party and Charles C. Bowman was the candidate of the Republican Party. Bowman's name was also on the ballot as the candidate of the Prohibition Party.

The returning board in this district, on the 12th day of November, 1910, reported that Charles C. Bowman had received on the Republican ticket a total of 13,662 votes, while McLean received 13,844 votes on the Democratic ticket, but Mr. Bowman received 722 votes on the Prohibition ticket, giving him on the face of the returns a majority of 550 votes.

McLean served on Bowman a notice of intention to contest the election on the 11th day of January, 1911, which notice, among other things, contained allegations of fraud, corruption, coercion, and intimidation of voters, and that the said votes cast for the said contestee on the Prohibition ticket should not be counted for the said contestee because of the illegality of Bowman's nomination as the Prohibition candidate, and the contestant closed his notice of contest with the following:

"This notice would have been given at an earlier date had I not been ill and prevented by the advice and compulsion of my physician from taking part in any professional business or political affairs from the 31st of October, 1910, until the 2d day of January, 1911."

The contestant alleged that the nomination of the said contestee as the candidate of the Prohibition Party, which was brought about by the substitution of the name of Charles C. Bowman, contestee, in place of Robert R. Robinson, who was nominated as the candidate of the Prohibition Party, for the office of Representative in Congress was in contravention of the rules of the Prohibition Party and against the laws of the State of Pennsylvania applicable to the same.

To the notice of contest the contestee on the 9th day of February, 1911, served a written notice in the nature of an answer to the notice of said contestant, and objected to the notice of contest of said contestant for the reason that said notice was not served within 30 days after the result of said election had been determined, and that there was no valid reason in law or equity or otherwise why said contestant should not have filed his notice within the time specified by the act of Congress, and that the grounds of contest stated in the notice of contestant were indefinite, vague, and uncertain, and denied any coercion, intimidation, or corruption on his part or on the part of his manager in said election, and specifically denied instances of coercion, fraud, and illegal acts on the part of said contestee, as set forth in the notice of said contestant, and the contestee further alleged in said answer that even though the things were true as alleged in notice of said contestant they in no wise affected the result of said congressional election as returned.

With reference to the substitution of the name of the contestee for that of Robert R. Robinson as the nominee of the Prohibition Party, said contestee claims that this substitution was strictly in accordance with the law and the rules of said Prohibition Party and in consonance with the laws of the State of Pennsylvania.

The contestee also alleged in his answer that the said contestant had entered into an illegal and fraudulent conspiracy with sundry brewing companies and liquor dealers' associations looking to the election of the said contestant over the said contestee and that the said brewing companies and liquor dealers' associations had spent money for the corruption of voters and purchase of votes and specifies that 800 voters were bribed and corrupted to vote for said contestant who otherwise would have voted for said contestee. Said contestee further alleged in his answer that said contestant in sundry precincts in said district deliberately procured false and fraudulent returns of votes that had not been cast for said contestant and that in certain other precincts named in said answer a large number of unqualified voters, aggregating 1,000, were allowed to vote, and said votes were counted for said contestant.

Contestee then closes his answer with this statement:

"And I aver that there was no violation of law which can possibly be deduced by inference or otherwise from the notice of contest which you have served upon me and which you allege was done by me or by my agent which was not actually done by you and your agents."

A large number of witnesses were called and examined on the part of the contestant and contestee, and the record of the testimony, containing something like 700 or 800 pages, together with the briefs of counsel, was submitted to the committee. The case was fully argued by counsel for both contestant and contestee, and it has been very carefully considered by the committee.

In addition to the other pleadings in the case, contestee notified the contestant of his intention to move before the Clerk of the House of Representatives in Washington on the 6th day of July, 1911, to suppress all testimony and exhibits of contestant, the principal ground being that the contestant had served no notice of contest until 63 days after the result of the election on November 8, 1910, was determined. The said motion was duly presented in accordance with this notice.

Section 105 of the Revised Statutes provides that—

"Whenever any person intends to contest an election of any Member of the House of Representatives of the United States, he shall, within 30 days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to determine the same, give notice in writing to the Member whose seat he designs to contest, of his intention to contest the same, and in such notice shall specify particularly the grounds upon which he relies in the contest."

Under a strict construction of this section of the statute the committee would have dismissed the case, but the statute is in fact merely directory, and was intended to promote the prompt institution of contests and to establish a wholesome rule not to be departed from except for cause. Moreover, no statute can interfere with the provision of the United States Constitution making each House of Congress the judge of the qualification and election of its own Members. In this case the contestee permitted without objection in the House the reference of the matter of this contest to this committee for hearing, and after having taken testimony and presented argument on the merits he is in no position to object to such a consideration of the record as will determine in the public interest whether or not he is entitled to a seat in this House.

The committee is not, however, satisfied that the reasons alleged by the contestant are sufficient entirely to excuse him from serving upon the contestee his notice of contest within 30 days from the 12th day of November, 1910, and not believing that he should be a beneficiary of his own negligence under the findings of the committee, they have not considered the case from the viewpoint of reporting a resolution to seat the contestant.

With regard to the legality of the substituted nomination of the contestee by the Prohibition Party the committee has felt much doubt. The testimony shows much maneuvering by the contestee to get one Robinson, the original Prohibition candidate, off the ticket. The legality of the substitution should, however, have been tested by filing objections to the nomination papers with the proper official under the laws of Pennsylvania and the contest carried, if necessary, to the courts of that State. That the object of the contestee in securing the Prohibition nomination was to advance that party's interest is nowhere shown. The presence of his name in two columns on the ballot gave opportunity for illegal counting of votes for him beyond doubt, and the fact that Larkin, Prohibition candidate for governor of Pennsylvania, received but 242 votes in the district while contestee received 720 is a very suspicious circumstance, but with the legality of the nomination unassailed in the proper tribunal, and in the absence of specific proof of fraudulent counting of these votes, they can not be rejected.

Independently of the right of the contestant to claim a seat in this House, the testimony in the case does show such fraud and corruption on the part of the contestee, or his agents, at the election on November 8, 1910, as to compel the statement that there was no such free and untrammeled choice by the voters as is required to constitute a fair and legal election.

The Pennsylvania law relating to elections contains, among other provisions, the following:

"* * * Each party which has by its primary meeting, caucus, convention, or board sent to the proper office a certificate of nomination, and each group of citizens which has sent to the proper office a nomination paper, as provided in sections 2 and 3 of this act, shall be allowed to appoint three qualified electors, who must be three electors residents of the division in which they are authorized to act, as watchers in each voting place, without expense to the county, one of whom shall be allowed to remain in the room outside of the inclosed space. Each watcher shall be provided with a certificate from the county commissioners stating his name, the names of the persons who have appointed him, and the party or policy he represents; and no party or policy shall be represented by more than one watcher in the same voting room at any one time. Watchers shall be required to show their certificates when required to do so. * * *" (Act of 1903, sec. 1, P. L., 213.)

The corrupt-practice act of Pennsylvania, approved March 5, 1906 (P. L., 78), provides, "inter alia":

"SECTION 1. The term "election expenses" as used in this act shall include all expenditures of money or other valuable things in furtherance of the nomination of any person or persons as candidates for public office, or in furtherance of the election of any person or persons to public office, or to defeat the nomination or election to public office of any person or persons.

* * * * * * *

"SEC. 4. No candidate and no treasurer of any political committee shall pay, give, or lend, or agree to pay, give, or lend, either directly or indirectly, any money or other valuable thing for any nomination or election expenses whatever, except for the following purposes:

"First. For printing and traveling expenses, and personal expenses incident thereto, stationery, advertising, postage, expressage, freight, telegraph, telephone, and public-messenger services.

"Second. For dissemination of information to the public.

"Third. For political meetings, demonstrations, and conventions, and for the pay and transportation of speakers.

"Fourth. For the rent, maintenance, and furnishing of offices.

"Fifth. For the payment of clerks, typewriters, stenographers, janitors, and messengers actually employed.

"Sixth. For the employment of watchers at primary meetings and elections, to the number allowed by law.

"Seventh. For the transportation of voters to and from the polls.

"Eighth. For legal expenses, bona fide incurred, in connection with any nomination or election.

"SEC. 5. Every candidate for nomination at any primary election, caucus, or convention, whether nominated thereat or not, shall, within 15 days after the same was held, if the amount received or expended shall exceed the sum of $50, and every candidate for election, and every treasurer of a political committee, or person acting as such treasurer, shall, within 30 days after every election at which such candidate was voted for, or with which such political committee was concerned, if the amount received or expended shall exceed the sum of $50, file with the officers hereinafter specified a full, true, and detailed account, subscribed and sworn or affirmed to by him before an officer authorized to administer oaths, setting forth each and every sum of money contributed, received, or disbursed by him for election expenses, the date of each contribution, receipt, and disbursement, the name of the person from whom received or to whom paid, and the object or purpose for which the same was disbursed. Such account shall also set forth the unpaid debts and obligations of any such candidate or committee for election expenses, with the nature and amount of each, and to whom owing. In the case of candidates for election who have previously filed accounts as candidates for nomination the accounts shall only include contributions, receipts, and disbursements subsequent to the date of such prior accounts.

* * * * * * *

"SEC. 7. It shall be unlawful to administer the oath of office to any person elected to any public office until he has filed an account as required by this act, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same.

* * * * * * *

"SEC. 10. The decision of the court upon the audit shall be subject to appeal; but if the court shall decide that any candidate who has been elected has incurred any illegal election expenses, or has consented to the incurring of any illegal election expenses by any person or committee, the court shall certify its decision to the attorney general, who shall thereupon cause a writ of quo warranto to be issued; and if, upon proceedings under such writ of quo warranto, it shall be decided that the candidate in question has incurred any illegal election expenses, or has consented to the incurring of illegal election expenses by any person or committee, his election shall be declared void and his office vacant.

* * * * * * *

"SEC. 14. Any person who shall incur any illegal election expenses, or otherwise violate any of the provisions of this act, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than $50 or more than $1,000, or by imprisonment for not less than one month or more than two years, either or both, at the discretion of the court."

It will thus be seen that the candidate is compelled to file a statement of the moneys expended by him in the campaign, and if he had a campaign manager that manager is compelled to file a detailed report with the proper officer of the county. The act specifically sets forth all the legal purposes for which money may be spent by a candidate or his manager or a party organization.

The expense account filed by the contestee under this act on the 3d day of December, 1910, shows expenditures of $7,194.40 for the general election, and among other things contains the statement that said Bowman had paid no money to anyone else save Jonathan R. Davis, chairman, and that said moneys were paid to the said Jonathan R. Davis between October and November, or approximately within that period.

This Jonathan R. Davis was the chairman of the Republican county committee in 1910, as well as the manager of the campaign of the contestee, and his statement of receipts and expenditures filed immediately after the election recites that he received and expended the sum of $8,984.84. The examination of both Davis and the contestee of contested-election case, as shown by the record, demonstrates that both of their filed statements of expenses were false, and it is conclusively proved by the testimony of the contestee himself that instead of expending $7,194.40 in the election he, as a matter of fact, expended $9,272.70.

That one might find it impossible to make an absolutely accurate statement of campaign expenditures to the extent of $9,000 is possibly true, but there are items which the contestee failed to include in his statement, so large in amount that when considered in connection with the fact that the expenditures of these sums were sought to be concealed by erasures on check stubs and alteration of memoranda, lead irresistibly to the conclusion that the contestee in making out his statement of expenses designedly sought to conceal the use of large sums of money which he had spent in connection with his campaign.

An interesting item in this connection is one of $700 disbursed shortly after the election in the shape of a check given by Bowman to his manager, Davis. That part of the testimony of Bowman relative to this item is extremely illuminating. It is as follows (see record, p. 24):

"Q. Mr. Bowman, did you make any payments by check to Jonathan R. Davis—any other payments?—A. I did not; that is for election expenses.

"Q. For anything?—A. Yes, sir.

"Q. When?—A. On November 14 I gave him a check.

"Q. For how much?—A. $700.

"Q. Did you ever give him any other checks?—A. No, sir.

"Q. You never gave him any cash?—A. No, sir.

"Q. Did you authorize anyone to give him any cash?—A. No, sir.

"Q. Where is that check for $700 that you gave him?—A. Here.

[Witness produces check.]

"Q. What was that check given for?—A. That was given for a taxicab.

"Q. Did he hire taxicabs to you?—A. No; he bought a taxicab.

"Q. He bought a taxicab and sold it to you, is that it?—A. Yes, sir.

"Q. When did he buy that taxicab?—A. I don't know that.

"Q. When did he sell the taxicab to you?—A. He sold it to me when I gave him the check.

"Q. Was that on the 14th of November?—A. The 14th of November; yes, sir.

"Q. Have you that taxicab now?—A. I have.

"Q. When did you first negotiate with him for that taxicab?—A. When I gave him that check, or a little before.

"Q. Was it before the day that you gave him the check?—A. It was a day or two before.

"Q. Where was it you negotiated for that taxicab?—A. In his office.

"Q. What did he ask for that taxicab at that time?—A. $700.

"Q. And you gave him that check without any demurrer, what he asked, did you?—A. Yes, sir.

"(Contestant offers in evidence check, as follows:)

"No. 16170. PITTSTON, PA., *November 10, 1910.*

"THE FIRST NATIONAL BANK:

"Pay to the order of Jonathan R. Davis, $700.

"C. C. BOWMAN.

"In print on the margin: 'C. C. Bowman, miner, coal shipper.'

"Now, gentlemen, this is your taxicab: 'For deposit only to the credit of Jonathan R. Davis, chairman. Miners' Savings Bank, November 19, 1910, Pittston, Pa. Pay to the order of any banker, bank, or trust company. Prior indorsements guaranteed. Wilkes-Barre Deposit Savings Bank, Wilkes-Barre, Pa. J. C. Bell, cashier.'

"Q. Mr. Bowman, I desire you to look at the indorsement on the back of that check, and I desire to ask you if the name of Jonathan R. Davis is written on it?—A. No; it is not.

"Q. What is the only writing under it?—A. What you have stated.

"Q. Never mind what I have stated. What is that in writing there—the 'only for deposit' in handwriting?—A. 'Chairman.'

"Q. And underneath, what name is that?—A. No name.

"Q. Above it, then?—A. 'Jonathan R. Davis.'

"Q. And above 'Jonathan R. Davis,' with stamp. Above 'Jonathan R. Davis' read this.—A. 'For deposit only to the credit of' and 'Jonathan R. Davis.'

"Q. Have you any other checks given by you to Jonathan R. Davis during this period of time?—A. No, sir.

"Q. Will you please hand us the checks that you were requested to produce that you have now before you for examination?

"(Witness hands counsel papers.)

"Q. Your check book, I understand, begins on August 30?—A. August 30.

"Q. You have testified this $700 check was given to Jonathan R. Davis; given in payment for a taxicab that you purchased from him?—A. Yes, sir.

"Q. That you will swear positively to?—A. Yes; the 14th day of November, you will find it.

"Q. Mr. Bowman, I ask you to look at the stub of your own check book and read what is written there in your own handwriting.—A. I can't read it. It is not my own writing. I can't read it.

"Q. Whose handwriting is it?—A. The handwriting of my bookkeeper.

"Q. When did she make that entry?—A. I don't know.

"Q. You know that she made it when she made the check out, don't you?—A. I do not.

"Q. This is the check to which this is a stub, and it is signed by you, is it not?—A. Yes, sir.

"Q. That check was signed by you at the time it was made out?—A. I suppose; I don't know; I suppose it was.

"Q. The handwriting of the check outside of your signature is the writing of your cashier?—A. Yes, sir.

"Q. What is her name or his name?—A. Nina J. Robinson.

"Q. Will you read what the entry is in her handwriting there on the stub of that check?—A. (Reading:) 'Check No. 16170. November 14, 1910. Order of Jonathan R. Davis for taxicab for political campaign, $700.'

"Q. You say that you purchased this taxicab after election?—A. Yes, sir.

"Q. Did you tell her what this check was for?—A. Not directly.

"Q. How did she know what entry to make?—A. I told her to draw a check for $700 to Jonathan R. Davis.

"Q. Was it then she made the entry on the stub?—A. I don't know. She certainly couldn't have made it—made the entry for the taxicab—if she did not know.

"Q. Did she make the entry at that time? I am not asking you for any process of reasoning. Did she make it; did she make the entry at that time?—A. Which entry?

"Q. The entry on the stub.—A. I suppose she did.

"Q. Was it the day that the check was drawn?—A. I don't know.

"Q. Were you there the day that the check was drawn?—A. Not in the room where she was. I was in another room of my own.

"Q. I am not asking you that. Were you in town that day?—A. I was in town.

"Q. Was the check given to you after it was drawn?—A. Yes, sir; after it was drawn.

"Q. Where was it given to you?—A. At my desk.

"Q. Was it detached from the check book at that time?—A. Yes, sir.

"Q. Had you used this taxicab during the campaign?—A. No, sir.

"Q. Well, of course, when you saw this entry here—for political purposes; a taxicab for political purposes—you objected to it, didn't you?—A. No, sir.

"Q. Didn't you tell her that she had made a mistake?—A. I told her what it was for.

"Q. Give us exactly the words that you said it was for.—A. When she wanted to charge it to the proper account I told her what it was for.

"Q. What did you say?—A. I simply told her it was for a taxicab.

"Q. You didn't say anything to her that it was to be used for a political purpose?—A. No, sir.

"Q. Nothing at all?—A. No.

"Q. When was that she went to charge it, with reference to drawing the check?—A. I don't know how long it was.

"Q. Well, about how long?—A. I don't know. I have drawn a good many checks.

"Q. Can't you give us some idea about when?—A. When she got ready to charge that month's business. I think that was some time in December.

"Q. Did you draw any other checks to Jonathan R. Davis outside of the checks you have offered in evidence, outside of this $700 check?—A. Not that I remember of during that interval."

Another item in the statement which is not satisfactorily explained is the one of $50 to one Geiring, the editorial writer of a local paper in Wilkes-Barre. It appears in the testimony that Bowman first directed his bookkeeper to draw the check to the order of E. T. Geiring for $50, and then, according to the testimony, Bowman afterwards directed the check to be drawn to himself; and the name Geiring was erased, Bowman cashing the check and presenting Geiring with $50 in gold. The stub originally had the memorandum of "politics," which was erased and changed to "for duty."

Another $50 item was the check sent to one William Hollister the night before the election. (See record, pp. 29 and 30.) The examination of the testimony of Hollister, who was called as a witness, as shown on pages 283 to 290 of the record, which discloses the fact that Hollister and Bowman were associated for 18 years in the coal business, and the illegal manner in which the money was expended will furnish a reason for the failure of Bowman to include the item in his statement.

Another item of like character, and used for same purpose, was $26 paid to William P. Jennings by check. Jennings is district superintendent of the Pennsylvania Coal Co. and the Hillsdale Coal & Iron Co., subsidiary companies of the Erie Railroad. (See record, pp. 184 to 190.)

Another item was the check to W. B. Bertels. It transpires that Bertels was an official of the Prohibition Party who aided in the substitution of Bowman's name for that of Robinson as the candidate for Congress on the Prohibition ticket. The testimony of Agib Ricketts, a man 76 years of age, chairman of the Prohibition Party in Luzerne County, with reference to Bertels, serves to suggest a reason why Mr. Bowman failed to file this item of expenditure. (See record, p. 36.)

In this connection the testimony of Bowman's bookkeeper, Nina J. Robinson (see record, pp. 43 to 60), her reluctance to testify, and her vagueness of memory on some questions contrasted with the certainty with which she testified on other matters, considered with the testimony of her employer only adds to the certainty that the false election statement was intentionally made and filed by Bowman.

The statement of W. L. Bowman, of counsel for the contestee, at the arguments before the committee with reference to the expenditure of $700 by the contestee for the alleged taxicab purchase, demonstrates that the purchase of the taxicab was to cover up some illegal and corrupt expenditure of money at the election.

"Mr. BOWMAN. No, sir; but he bought the taxicab for his own use. It was not really a taxicab; it was a small automobile, but it has been characterized as a taxicab.

"Mr. COVINGTON. As a matter of fact, has that machine been used since that time?

"Mr. BOWMAN. No, sir; it's still in the repair shop, or, rather, in that automobile place.

"Mr. COVINGTON. Now, the indorsement on the back of that check states that it is for deposit only to the credit of Jonathan R. Davis, chairman. What is the purpose of that indorsement?

"Mr. BOWMAN. The very first check that Mr. Davis got from Mr. Bowman for the conduct of the campaign as manager for the Republican Party—county chairman of the Republican Party—the first check, for $2,000, was deposited in his own account, and then there was an account known as the political account, Jonathan R. Davis, chairman, and this check was put into that to balance the two accounts. In other words, that $2,000 which he first got from Mr. Bowman as a contribution to the Republican Party, that $2,000 went into his own bank—was put into his own personal bank book—and he used $1,500—$1,300, which is explained in the testimony—he used $1,300 out of his personal account for political purposes, and then he put this $700 in the account to balance it. In other words, he had two bank accounts, and the one check was put in to balance.

"Mr. COVINGTON. Does Mr. Davis pretend to explain the remarkable coincidence that he should have used just $1,300 out of the $2,000 deposited, and that the purchase price of the taxicab should have been just $700?

"Mr. BOWMAN. I can only say the figures are all there in the testimony. This testimony is so voluminous that I can not cover all of these things offhand, and I should like, if you gentlemen will permit me, to file a supplemental brief on those points.

"Mr. COVINGTON. This was not for political purposes?

"Mr. BOWMAN. It was not for political purposes.

"Mr. COVINGTON. Was or was not this indorsement put upon the stub of your father's check book: 'Check No. 16170, November 14, 1910. Order of Jonathan R. Davis for taxicab, for political campaign, $700?' That is on page 17, the sixth or seventh question from the bottom.

"Mr. BOWMAN. In reading that he read all that was on the stub at the time that this testimony was taken, but if you will read the testimony you will find that this was the situation in Mr. Bowman's office: That he has there a general manager, Miss Robinson, who has absolute control of his books. She is the bookkeeper, and he leaves the accounts and everything to her. In this case Mr. Bowman simply said: 'Draw Jonathan R. Davis a check for $700.' She had been drawing a great many checks for Jonathan R. Davis, and all of them were political checks, so naturally she put down on that book 'For political campaign.'

"Mr. COVINGTON. Is that her explanation?

"Mr. BOWMAN. Yes, sir; and later on you will find also that that $700 was charged in accordance with her stub to Mr. Bowman's political account in his books, and that later, when Miss Robinson was informed by Mr. Bowman—I forget just now the circumstances, but when she was informed that that check had nothing whatever to do with political work—that it was for a taxicab—she put in this part, 'For taxicab,' and the political account was then changed and the $700 put on the credit side.

"Mr. COVINGTON. This was bought after election, I believe. Does your father's testimony, or does the evidence show that he bought that taxicab without seeing it?

"Mr. BOWMAN. Yes, sir; he bought it on the statement of Jonathan R. Davis and others as to what he had paid for it.

"Mr. COVINGTON. How many automobiles had your father?

"Mr. BOWMAN. At that time he had only one, a large French car.

"Mr. COVINGTON. What kind of a car was this?

"Mr. BOWMAN. This was a small car, one of the small Nationals.

"Mr. COVINGTON. This is January, 1912. As a matter of fact, has the car been used yet?

"Mr. BOWMAN. No, sir; not that I know of.

"Mr. COVINGTON. It is still in the repair shop?

"Mr. BOWMAN. Still in storage. It was in storage at that time, when it was bought, and it has never been touched.

"Mr. COVINGTON. It hadn't been seen by your father?

"Mr. BOWMAN. In this campaign he could only use the one automobile, the big French car, but he expected to bring that smaller machine down here to Washington. It is much safer than the French car, which can't run under 20 miles an hour on high speed, which makes it rather dangerous to get around on the city streets with. We need it for our hills and bad roads up there in the country, but Mr. Bowman expected at that time to bring down the smaller car to the city. I personally had had that car in Boston and got arrested two or three times for exceeding the speed limit, and we thought the smaller car would be safer here.

"Mr. COVINGTON. Your explanation of the payment of the $700 for that taxicab is that your father, three days after he was elected, considering coming to Washington to live as a Member of Congress, bought the taxicab for the purpose of bringing it down to Washington in place of his nice French car?

"Mr. BOWMAN. Yes, sir; that's the explanation."

The testimony of Davis, the campaign manager of Bowman, if other testimony were lacking, conclusively shows the illegal expenditures of money for the purpose of corrupting the electorate in the eleventh congressional district of Pennsylvania at the election of 1910 in the interest of Bowman. Davis testified at great length. (See record, pp. 61–78, 83–97, 240, 251–264, 394.)

It will be observed that under the law of Pennsylvania, quoted in this report, it is lawful to have three watchers for a political party

in each voting precinct. The record discloses the fact that Davis, manager of the contestee, Bowman, spent large sums of money corruptly and attempted to conceal these expenditures under the head of "special watchers"—that is to say, watchers other than those permitted under the law of Pennsylvania. It is shown by the testimony of Davis himself that he employed 311 special watchers, for which he spent the sum of $2,393.

On page 69 of the record Davis testifies as follows:

"Q. Now, in all these districts for which you say you paid money for special watchers, there were regular watchers of the party, were there not?—A. Yes.

"Q. Men that were paid for that purpose?—A. Yes, sir.

"Q. And these men were procured, the men that you say you gave money to for special watchers, they were procured specially in the interest of Mr. Bowman?—A. For Mr. Bowman."

The so-called "special watchers" were admittedly procured in the interest of Bowman, the contestee. They were paid with his money, either directly or indirectly, by Davis, his manager, and they performed no service permitted under the law in Pennsylvania. The record also shows that money was paid by Davis to voters as "special watchers" without designating any voting place where they were to serve, and in some instances to voters whom he had never before seen. The conclusion is evident that the $2,393 Davis admitted he paid for "special watchers" was in reality money for bribery in the interest of Bowman.

Look at the testimony of Davis with reference to $25 paid to Walter Richards, a mechanic, of Drifton.

"Q. What did you give him that $25 for?—A. For the employment of special watchers.

"Q. What do you mean by 'special watchers'?—A. Special watchers at the polling places.

"Q. What do you mean by special watchers? Do you mean by that giving a man money to go and buy Democratic votes? Is that what you mean?—A. It is possible.

"Q. You gave him possibly $25 to go and buy Democratic votes?—A. No; I didn't give him any to buy votes with.

"Q. You have so testified here.—A. I will withdraw it.

"Q. Then it was possible that $25 was given him for that purpose of buying Democratic votes?—A. I will withdraw that.

"Q. That is wrong?—A. Yes.

"Q. Then you made a misstatement under oath when you said that, did you, Mr. Davis?—A. I withdraw that.

"Q. I know that you do, but that is not the point. You made a misstatement?—A. I gave him that money, $25, to employ special watchers.

"Q. When you testfied here that the $25 was given him, possibly, for the purchasing of Democratic votes, you made a misstatement under oath?—A. I didn't mean that.

"Q. Well, what did you mean?—A. I didn't mean that.

"Q. What did you mean when you said that; when you said that the money was given to him, possibly, to buy Democratic votes; what did you mean?—A. I didn't understand it that way.

"Q. Well, then, what did you mean?—A. I meant that the $25 was given to that man for the employment of special watchers on election day.

"Q. I asked you what you meant by special watchers—if it was to buy Democratic votes—and you said possibly that was what it was for, didn't you?—A. I said that.

"Q. Is that what you meant?—A. No, sir; I did not.

"Q. What did you mean?—A. I didn't mean that anyone should infer that I meant that.

"Q. Now, Mr. Davis, tell me what you meant.—A. I meant that I gave him that money to employ special watchers on election day.

"Q. You have told us that, and I now ask you what you mean by special watchers and you state possibly to buy Democratic votes?—A. No; you put that in your question.

"Q. Was it to do that?—A. No, sir; it was not.

"Q. Tell us why you said that.—A. I can't tell why.

"Q. In other words, you gave him this money to buy votes?—A. No; I did not.

"Q. Then what do you mean by the employment of special watchers?—A. That is to do special work on election day.

"Q. What kind of special work?—A. Political work.

"Q. What kind of political work?—A. To assist in getting men to the polls.

"Q. You had men there; regularly employed watchers?—A. Possibly; we had a right to employ more men if we wanted them.

"Q. Did you want them?—A. Yes, sir.

"Q. How many did you employ generally?—A. I couldn't tell you.

"Q. About how many? You were chairman of the county committee, and this was done at this time to buy Democratic voters and at another time to pay special watchers. How many general watchers did you have there?—A. I can't tell you.

"Q. You can't tell that, either?—A. No; he got the $25 cash and he got $25 in a check.

"Q. You gave him $25 in check and $25 in cash?—A. Yes, sir.

"Q. For the employment of how many watchers?—A. For the employment of special watchers.

"Q. For how many; how many was he supposed to employ for that money, $50?—A. He was supposed to pay at the rate of $5.

"Q. How many did you have in view?—A. That would be 10.

"Q. In addition to the general watchers he was to get 10 more men, was he?—A. Yes.

"Q. What is the difference between watchers and poll men?—A. I don't think there is any, I repeat.

"Q. Only in the name?—A. That is all."

After Davis was compelled to admit that he had made a false statement he continued his testimony and slipped in his statement as to the real use of the money for "special watchers." (See record, pp. 65 and 66.)

"Q. Give us some more.—A. Here is one that I bought and which went wrong.

"Q. Who is he? What is his name?—A. Fred Shoemaker, Parsons.

"Q. How much did you give him?—A. $25.

"Q. He is a Democrat; professed to be?—A. I don't know so.

"Q. You have been connected with politics here for years, have you not?—A. Yes.

"Q. Don't you know that Shoemaker is one of the leading men in Parsons?—A. No, I don't.

"Q. Don't you know that he has been in politics for years?—A. I don't know.

"Q. Didn't you know what his politics were?—A. No, sir.

"Q. Where did you give him that money?—A. I gave him a check in my office.

"Q. Did he come to your office by appointment?—A. No, sir.

"Q. Did he just drop in there?—A. He came there for that purpose.

"Q. That is the first you knew about him when he came to your office?—A. Yes, sir.

"Q. And he asked you for $25?—A. Yes, sir.

"Q. Did you ask him what his politics were?—A. No; I assumed he was a Republican.

"Q. Did you ask him what his politics were?—A. No; I don't think I did.

"Q. You said nothing to him about his politics?—A. I don't believe that I did.

"Q. And you said you bought him for $25 and he went wrong; by that you mean——A. I have said—I didn't say that.

"Q. It is here on the record. You have said that.—A. I withdraw that.

"Q. You want to withdraw that again?—A. I withdraw the saying that he—I withdraw the saying he had been bought. I didn't buy anybody.

"Q. You withdraw that statement you made here on the record, that particular answer, your language being: 'Here is a man that I bought for $25 and he went wrong'? You don't want that to appear on the record, do you?—A. It is not a true statement; that is all.

"Q. Then you made an untrue statement on the record, did you?—A. Yes, sir.

"Q. You did; yes. Now, Mr. Davis, what did you give Fred Shoemaker that $25 for?—A. For the employment of special watchers.

"Q. Here was a man that you say you didn't know, didn't you?—A. I didn't say that I didn't know him.

"Q. I understood you to say that you didn't know him.—A. I knew there was such a man.

"Q. Then you didn't know him?—A. I didn't know him personally.

"Q. You didn't know his politics?—A. I assumed that he was a Republican.

"Q. You didn't know his politics?—A. I wasn't positive about that.

"Q. A man you didn't know—a man about whose politics you had no knowledge, except assuming to yourself that he was a Republican—came to your office and asked you for $25, and you gave him the $25?—A. Yes.

"Q. Did you caution him to take an interest in your candidate for Congress, Mr. Bowman?—A. I solicited for that purpose.

"Q. That is what you paid him the $25 for?—A. Yes, sir."

The record further shows that $100 was given to F. J. McCanna, a Democrat, for alleged employment of "special watchers" in Pittston, and that Lawrence Cosgrove, Democrat, and chief of police in Duryea, whose politics Davis swore he didn't know (record, p. 69), was sent a check for $150 by express direction of Bowman, the contestee. Davis does not even testify that Cosgrove was to use this money for any particular purpose, and Cosgrove was not called as a witness by the contestee to explain the use to which he put Bowman's money.

Bowman, the contestee, gives an unsatisfactory statement that the Cosgrove money was for "special watchers," and to set right stories about him. He, however, admitted that he didn't know what the stories were, and was not afraid of his character. (See record, p. 168.)

In the township of Plymouth $555 was paid by Davis, through various sources, for "special watchers." Contestee's brief (p. 77) shows that there were but 403 votes cast in the entire township. In other words, more than $1 for each voter was spent in this one small place for purposes not authorized by law. Such expenditure is consistent with nothing but bribery and corruption.

The instances of evident bribery in the interest of Bowman, the contestee, which are cited above, are not isolated, but the record is replete with evidence of the same character.

There is abundant evidence to show that the entire illegal expenditure of money for Bowman was to further corruption at the polls. For example, in the Hazlebrook district of Foster township, John Evans, superintendent of mines, was paid $110, and the judge of election testified (record, p. 462) that he permitted voters to indicate whom they wanted to go in and mark their ballots, and the testimony clearly shows that it was done, in contravention of the law (record, pp. 461–462).

Joel F. Stevens, judge of elections in Foster township, a miner employed by John Evans, testified that he permitted parties to go into the booth with voters, but how many he (Stevens) could not tell; but that among the number allowed to go in with the voters was his own brother-in-law, William C. Stevens, and that the Republican watchers would "step up" with the voter and the voter would announce that he wanted help and wanted one of the Republican watchers, mentioning his name, and then said watchers were permitted to go into the booth with voters.

In the northwest district, Upper Lehigh, Foster township, it is shown that there were five Republican watchers at the polls (record, pp. 452–454) marking ballots and going into the polls "to see that they voted the way the watchers desired." In this district there were more votes returned as cast than there were names on the voters' list.

In the third district, Milnesville, Hazle Township, one or two more than the customary number of watchers were employed, and these watchers took men into the booth and marked their ballots, contrary to law (record, p. 439), notwithstanding the protests of the Democratic watcher.

At Foster Township, Drifton district, four extra watchers in the precinct worked for Bowman. (Record, p. 422.) Walter Richards, manager of the Lehigh Valley Coal Co., received $50 from Manager Davis with instructions to get out and get Democratic votes. (Record, pp. 431–432.) In this precinct Charles Harvey, foreman of the same company, which company employs all the members of the election board, interfered with the Democratic overseer appointed in said district, and would not permit him to discharge his duties in challenging voters to produce tax receipts, etc. (Record, pp. 463–465.)

In the borough of Avoca, W. H. Hollister received $50 from Bowman direct, and testifies that he spent money of his own. (Record, pp. 283–284.) Thomas Rowland, a mine foreman and an election officer, had $10 to use for Bowman (p. 358) at this precinct, according to the testimony of Rowland, and men voted illegally who had assistance in marking their ballots. At this precinct the mine bosses were exceedingly active.

In the borough of Edwardsville money was used in great profusion. Kennedy, assistant chief of police, received $80 from Davis for special watchers. (Record, p. 634.) It appears that Kennedy had been arrested for election crookedness, and he himself said the Republicans employed him when they wanted an expert (record, p. 634), and acknowledged that he had a key to the room where ballot boxes were stored. (Record, p. 483.) Richard Jones, a mine foreman, received $95 from Davis to use in this borough. John R. Williams, chief of

police, received $75 from Davis for special watchers for use in this borough (p. 76). It seems from the testimony that the election officers that night announced the vote—McLean, 48 or 49; Bowman, 14 (p. 647). Dr. J. E. Scheifly and Edward J. Evans, cashier of the Kingston Deposit & Savings Bank, testified that they got the same returns from Harkins, a member of the board, who had it written on a specimen ballot, between 9 and 10 o'clock election night, and that they met said Harkins in close proximity to the polling place (pp. 127 and 128); and Shields, a member of the board, testified that he gave each member of the board a specimen ballot with the result, as above tabulated, written upon it (p. 129); and William Kelly, one of the contestee's witnesses, testified that he saw the returns posted by the election board the night of election, and that the vote was McLean, 49; Bowman, 14 (p. 647). The testimony of Election Officer Shields discloses the fact that the returns were signed in blank by the board during the morning of election (record, pp. 132–134), and the judge, McFadden, says that the returns may have been so signed by the clerks (p. 612). Shields testified that he wrote out the returns of the election and tallied the vote as cast, and the returns as filed and from which the official count was made were not the ones written nor made by him (p. 137). Said returns and tally sheet as filed and officially counted show Bowman, 49; McLean, 42 (p. 137).

The eleventh congressional district of Pennsylvania, comprising Luzerne County, is one of the great anthracite-coal regions. More than 60,000 men are employed in the mines. More than $2,000 was paid to and expended by mine superintendents and foremen for purposes not authorized by law in the interest of Bowman, the contestee. The testimony shows that money was used corruptly in the mining towns, and that in those places the greatest results for Bowman were obtained. This, in connection with the testimony of Davis, the manager of Bowman, the contestee, that he landed nearly every mine boss he went after (record, p. 398), forces one to the conclusion that fraud and corruption were rife at the election through the illegal hiring of "special watchers," as a cloak for bribery, and through the misconduct of election officials and mine bosses in aiding fraud at various polling places. In addition, much of the more than $9,000 expended by Bowman is not satisfactorily accounted for by him or his agents. In consequence, we report that Charles C. Bowman, the contestee, was not legally elected a Member of the House of Representatives at the election on November 8, 1910, and we recommend the adoption of the following resolution:

"*Resolved*, That Charles C. Bowman was not elected a Representative in the Sixty-second Congress from the eleventh district of Pennsylvania, and is not entitled to a seat therein."

[House Report 1182, part 2, Sixty-second Congress, second session.]

GEORGE R. M'LEAN AGAINST CHARLES C. BOWMAN.

Mr. PROUTY, from the Committee on Elections No. 1, submitted the following as the views of the minority:

It is the opinion of the minority members of this committee that there is no contest pending in this case. Section 105 of the Revised Statutes provides:

"When any person intends to contest an election of any Member of the House of Representatives of the United States he shall, within 30 days after the result of such election shall have been determined by the officers or board of officers authorized by law to determine the same, give notice in writing to the Member whose seat he designs to contest of his intention to contest the same, and in such notice shall specify particularly the grounds on which he relies in the contest."

The result of this election was legally and officially determined November 12, 1910, and the contestant was advised of the result at that time. According to law, therefore, he should have given notice of this contest on or before the 12th day of December, 1910. The notice was, in fact, given on the 14th day of January, 1911. It will thus be observed that the notice was not served on contestee until 32 days after the time provided by law for the instituting of contest proceedings.

This statute above quoted is expressly made a rule of the Committee on Elections and is and should be binding upon the committee. It is, therefore, the contention of the minority that the giving of this notice is jurisdictional and that the committee has no jurisdiction to determine any question unless this notice has been given. It has been so ruled on several occasions by this House. In the case of Bradley *v.* Hynes (sec. 901, vol. 2, Hinds' Precedents), the rule is laid down as follows:

"The notice of contest being served after expiration of the legal time and the testimony taken without regard to the statutes, the committee did not examine the case."

This is exactly the situation of the present case. Neither the statute requiring notice of the contest, nor the statute fixing the time of taking testimony was observed. In the case of T. A. Thomas *v.* Arnell (p. 680, vol. 1, Hinds' Precedents) it is expressly held that the parties themselves can not waive the pleading. The syllabus says:

"The parties to an election case may not by mutual consent waive the requirements that an issue shall be made up by the pleadings of notice and answer."

The report in that case, which was adopted by the House, says:

"The committee were of opinion that it was not competent for the parties to entirely waive the requirements of the statute of 1851; that said statute was enacted not only to aid the parties in the preparation of their case, but also to secure a record and a distinct issue upon which the committee and the House were to pass."

To this end the statute requires the notice to be in writing and to specify in such writing particularly the grounds upon which he relies in the contest, and the answer to admit or deny the facts alleged in the notice and to state specifically any other ground upon which he rests the validity of his election. In that case, however, the House, while clearly recognizing the fact that no contest was pending, did, for equitable reasons, establish another rule and fixed the time for serving notice, "within eight days after the passage of this resolution."

This doctrine is fully established and maintained in O'Hara *v.* Kitchin (vol. 1, sec. 730, Hinds' Precedents). In that case the syllabus states the rule thus:

"The testimony of contestants being taken after the legal time and against the contestee's protest, the committee report that it should not be considered and that the sitting Member's title should be confirmed."

In the case of Teasce *v.* Bell (vol. 2, Hinds' Precedents, sec. 1073) the same rule is announced, and we believe that there is no case where a different view has been announced. We are not unaware of the fact that as this law was passed by Congress it may be set aside by the same power that enacted it. We can see that under the power contained in the Constitution, which says, "Each House shall be the judge of the elections, returns, and qualifications of its own Members"; that the House may prescribe other rules and regulations for the determination of contests. It is also indisputable that until such other rules and regulations are made the existing rules and regulations are binding upon the House.

There are very many cases cited in Hinds' Precedents confirming the doctrine that where the rule established by the law of 1851 was not applicable or grossly inequitable, the House had the power to prescribe different rules and regulations for the penalty. There are several cases where the parties have failed to give notice within the time prescribed by the statutes where the House, for equitable reasons, has fixed another time or mode in which notice might be given, but we believe that there is not a case cited in the precedents where a committee had reported the unseating of the Member where the notice was not given within the time provided by the statutes. We can see that if the contestant had been for any good reason prevented from giving notice in this case, he might have applied to the House for permission to give notice and that the House had the power to grant additional or different time, but no such request as that has been made of the House. The contestant filed his notice 32 days too late and took his testimony out of order, all under protest by the contestee, and we insist that under the precedents the committee had no power or authority to consider the case. The laws of Congress are certainly binding upon Congress until set aside by Congress itself, but the minority contends that even though the contestant was now presenting to the House the question as to whether or not he was entitled to further and additional time in which to give notice his showing does not entitle him to the application of the equitable rule. There is no showing in this record that would excuse the contestant from giving the notice within the time prescribed by the statutes. Certainly the House would not wish to establish a precedent that would warrant anyone in coming in any time he pleased and filing a contest. This would be unfair. No one would know when his seat was secure. Failure to file a notice might lull the sitting Member into such indifference as would allow the testimony by which he could defend his case to be lost or destroyed. The rule established by the statute is a just one, and this House ought to be slow in establishing another rule.

We insist that this record does not show that Mr. McLean, the contestant, used reasonable diligence. It is true that he was sick, but not so sick but that he transacted other business requiring more energy and concentration than the preparation or the direction for the preparation of a notice of contest. The evidence shows that the contestant was attacked with some intestinal trouble about the 31st of October, 1910. (Evidence, p. 7.)

It shows, however, that on the 5th day of November, 1910, he had so far recovered that two of his political friends, Messrs. McKenna and Kehoe, visited him (p. 624), and that the editor of the Times-Leader had a conversation with him either the 5th or the 6th, and during that time contestant claims to have written a political letter to the editor of the Wilkes-Barre Record (p. 183). The day before election he read, or had read to him, articles from the Record, and personally dictated a political letter for the Times-Leader, and had conferences with his brother manager and others. This was the day before election, which was held on the 8th. On that day he rode out and went to the polls and voted. He was up and around the 9th, the day after the election (p. 9). He personally wrote and signed a check for $25 on the 11th (p. 567). On the 12th he examined bills and wrote and signed several checks, some of them for political bills (p. 716). On that day he learned the official results of the election (pp. 682–683). The contestant was then evidently taken worse, and went to bed on the advice of his doctor (p. 716). During that time he drew at least one political check. Contestant improved rapidly in the few weeks that he was in bed.

By the 28th of November he had so recovered that he began checking over his political bills and making checks for the same. On the 28th of November he personally drew and signed 30 political checks, and personally made out his political expense account for filing, as provided by the laws of Pennsylvania. This account contained 43 items and was in his own handwriting (p. 631). This was on November 29, 17 days after he knew the result of the election and 13 days before his time was up for serving his notice of contest. If he was able to do this amount of personal work in preparing his own expense account, he certainly had strength enough to prepare and sign such a general notice of contest as is found herein, and if he did not have enough strength to do it himself he certainly had strength enough to request his brother manager or other attorneys to make out a notice of contest for him. Especially is this so since his brother manager and several of the attorneys who have acted as counsel in this matter were present and active upon contestant's behalf when the official returns of the election were for several days before the judges of the court of common pleas. They at this time decided not to make any objections or contest the returns, apparently having in mind a congressional contest before this House.

It will be noticed that on the 30th of November the contestant drew five checks (p. 716). On December 1 he drew one check, and had so far recovered that he saw the doctor for the last time until the 28th (p. 716). On December 2 he drew eight checks. On that day or the next he started for Florida, and before going he had consultation with Attorney A. C. Campbell, one of his counsel in this proceeding, and Jesse Jones, and discussed with Campbell the election (p. 363). If he was able to start for Florida, he was certainly able to file a notice of contest, and all of this was in ample time to have met the requirements of the statute; but for some reason he prepared no notice of contest until January 9, which was not in fact served until January 14. The real cause of delay, as admitted by contestant (p. 720), was the fact that the contestant did not know the law requiring notice to be served within 30 days; but ignorance of the law is never an excuse. It is also admitted that contestant's brother manager did not know the law until January, 1911 (p. 683).

Our contention on this phase of the case is simply this:

First, that the contestant did not give notice, as prescribed by the statutes; second, that he did not make application to the House for another or different rule for the conduct of his contest; third, that he had no equitable or just ground on which he could have appealed to the House for the right to institute a contest after the expiration of the time provided by the statute. We do not contend that the House has not the power to expel its Members for any or no reason, but the power to expel must not be confused with the right of a party to contest the seat of a sitting Member. They are based upon entirely different provisions of the Constitution and require entirely different procedure. To expel a Member requires "a concurrence of two-thirds" (see sec. 5, Art. I), but to determine a contested-election case only

requires a majority. While we concede that the House might now, if it saw fit, expel Mr. Bowman for any reason it pleased, or for no reason, if a two-thirds vote could be commanded, we insist that there is no contested-election case pending before it, and therefore we think that the case should be dismissed, and we so recommend.

The report of the committee as voiced by the majority fails, we believe, to show any views disagreeing with those above expressed, since they admit the statute, its disregard by the contestant, and the contestant's lack of any excuse whereby he might have any equity which would require a hearing. With these facts admitted, we feel that all members of the committee are united upon this question of jurisdiction. We also agree with the majority report that the case can not be considered from the viewpoint of reporting a resolution to seat the contestant; and we further fail to find any precedent which would permit the consideration of the contestee's case solely under such circumstances.

The report states, at page 3, that since the contestee permitted, without objection in the House, the reference of this matter to the committee, he is in no position to object to the consideration of the testimony so improperly and illegally taken. We can not accede to such a proposition, and we are assured that it has no foundation in precedent or the existing law.

We further desire to state that at every stage of the proceeding counsel for contestee took proper exceptions to the illegal actions of the contestant and his counsel and contended that they were being improperly treated by the utter disregard for all the law and precedents in such cases. We further beg to state that at the proper time and in the ways suggested by the precedents, counsel for contestee have called attention to the failure of contestant's case. At all times before the committee having the matter in charge, contestee objected to the consideration of this case as being in direct violation of the act of the House requiring contest to be instituted within 30 days of the election; and unless the House, as the lawmaking body of the land, proposes to violate the law of its own making, and all precedents therein, the case here ends. But the majority of the committee, having considered the report as to the merits of the case, with which conclusions the minority do not agree, the following statement of facts is submitted:

Much of the evidence referred to would be rejected by any court, because it is largely hearsay; furthermore, it is incompetent in the consideration of this case because of the fact that much of it relates to occurrences which transpired during the primary contest and consequently beyond the purview of this contest as limited by the notice served by the contestant. The important and indisputable facts in the testimony create an almost incontrovertible position in fact and law and affirm the decision of the voters of said district and the official and judicial count of the judges of the court of common pleas which permitted the contestee to take his place in this honorable body.

In their consideration of this case the majority of the committee have failed to note the important landmarks. While they discuss items of $5 which they think might have been used for improper purposes, they fail to note that with a population of 343,186 but 59,352 persons were registered and capable under the registration requirements to vote. They apparently also fail to note that while 59,352 persons could vote, but 33,652 voted at this election, and only 29,767 for Congressman, the contestant and contestee receiving together but 28,218. When these figures are compared with the preceding congressional vote of 40,565, or with the vote of 29,589 in 1909, being the vote polled by the candidate for judge upon both tickets, it will then be easy to realize how impossible and improbable their conclusions are. It is thus apparent from the mention of the foregoing figures, first, that only a comparatively small percentage of the registered vote was cast, and second, as compared with the votes at elections immediately preceding the one in question, the vote cast was remarkably small. This negatives the idea that this election had not permitted a free and untrammeled choice of the Representative for the district in this House. Thus in the case of Walker *v.* Rhea, in the Fifty-sixth Congress, although it was admitted by the committee that there were frauds and irregularities, yet when they compare a population of 166,699 with a vote of 17,344 for the contestee and 16,595 for the contestant, it was held to show that said fraud fell far short of being sufficient to justify a change of the result. Our search of the law and precedents fails to disclose to us any instances where under similar circumstances a whole election has been set aside as is recommended by the majority report.

There is another satisfactory general test possible in this case. The decision of the majority is based almost solely upon the amount of money expended by the Republican county chairman and upon what they consider was possible to be done with such an amount. The statement regarding the amount expended by the contestee is not accurately set forth in the report at page 5. The evidence shows that the contestee contributed to the Republican county chairman for the election of the Republican ticket $7,533.25 and that the total amount expended for all Republican candidates was $8,988.82. The statement that the contestee as a matter of fact spent $9,272 is an assumption made by the majority and evidently built upon the unwarranted statement of contestant's counsel in his brief. The testimony regarding the same (pp. 267–271) shows that said sum of $9,272 was the total of the debit side of a private account book of contestee kept by the bookkeeper and supposed to represent what she personally considered political expenses between June 7, 1910, and January 6, 1911. The evidence further shows that many of these items belonged to the expenses of the primaries held June 4; others were not election expenses, strictly speaking, and in this amount no consideration is taken of a $700 credit on the other side of the account. We can thus safely take $8,988.82 as the total amount expended at this election as the total for all the Republican candidates. Now, let us compare that expenditure with other recent political expenditures.

In 1911, the election following this election, the brother of this contestant, who was the Democratic county chairman, filed an expense account of $19,429.33, while the Republican county chairman filed an expense account of $16,485. This was merely a county election and the expenditures were made after the testimony in this case was taken. The evidence shows that in 1909 the total Republican expenditures were $13,982.38, while the Democratic expenditures were $7,862.33. In 1908 the Republican expenditures were $10,966.30. The evidence does not give the Democratic figures. In 1907 Republican expenditures were $12,400.80. In 1906 the Republican expenditures were $9,693.24. Contestee also has the stamp of approval of this body upon expenditures of $9,550 by Contestee Shonk, Fifty-second Congress; the testimony there, as here, showing that such expenditures were "rather in conformity to the custom as practiced in Luzerne County," and hence the contestee was confirmed in his right to retain his seat.

The testimony also shows that party lines were badly broken in this election and that the Keystone Party, an independent movement, carried the county for the State officers, including governor. It also shows that the public press, and even one of the papers in favor of contestant and edited by one of contestant's college friends, rejoiced over this election as not only being one of the quietest (p. 81) but also as one of the cleanest (p. 641) ever held in the district.

We will now, as briefly as possible, take up the circumstances which have been cited as justifying the majority opinion and at least point out the evidence relating to those circumstances.

The statement that contestee failed to include large items of expense in his filed account is not sustained by the testimony. The account, as filed, amounted to $7,194.40, while his total expenditures were $7,533.25, a difference of $338.85, which is explained by bills received and paid after the account was filed and by one or two slight omissions unintentionally made by the bookkeeper who prepared said account. Much is said about the payment of $700 to Chairman Davis by the contestee a few days after the election, this payment being a personal transaction involving the purchase of a small automobile. For those who have the time to read it, the record at pages 24 to 26, 50 to 52, 87, 207, 208, 268, 272 will verify our statements that this transaction was a legitimate one. Mr. Bowman had a right to buy an automobile of Mr. Davis or of anybody else. This transaction occurred some time after the election, and there is not a particle of evidence anywhere in the record, nor has any suggestion been made from any other source that there was any agreement between the contestee and Mr. Davis prior to the time when the automobile was purchased. Because of inaccuracy on the part of Mr. Bowman's bookkeeper in charging this to the wrong account, the majority in their report have laid hold of this and sought to show that the transaction is unlawful. It seems to us that it is no concern of this committee, nor of the House, whether Mr. Bowman owned an automobile or whether he bought an additional one, or of whom he bought it. It is evident that this transaction can have no bearing whatever upon the question as to Mr. Bowman's election.

The $50 given Gierlag January 4, 1911, almost two months after election, and 22 days after the end of the statutory time within which this contestant could start a contest, is very satisfactorily and honestly explained (p. 43). The $50 used by Mr. Hollister and the $26 used by Mr. Jennings for workers are stated in the report as being excluded from contestee's filed statement, whereas, as a matter of fact, they are included in the amount of $7,194.40 as filed (p. 236). Similarly the payment of $25 on January 3, 1911, to Mr. Bertels is completely explained and shown not to be a political expenditure, and further the expenditure was made nearly two months after the election, 21 days after this contest should have been started, and 1 month after Mr. Bowman's account was filed. That explains why this item of expense was not filed. These items being all that could be found which in any way involved the contestee personally, the report then proceeds to discuss the action of the Republican county chairman. We first desire to call attention to the fact that, contrary to the statement in the report, Chairman Davis did not conceal his expenditures. They were all accounted for under their various heads, and receipts signed by the men receiving the money were filed for the entire amount, with the exception of about $80.

When the majority report admitted that the contestant could not reject the Prohibition vote cast for contestee, the decision was based upon the fact that the legality of the nomination had not been assailed in the proper tribunal. In what worse shape are they, then, in attacking the expenditures of the county chairman or this contestee when they did not make use of the Pennsylvania law permitting an audit of all filed accounts upon the petition of only five electors? (Act 1906, sec. 9, P. L., 81.) And how can they excuse the attack upon the official result of the election when this contestant, through his brother and through some of the attorneys who have represented him in this matter, appeared before the official accounting board, knowing the facts upon which their present claims are based, starting to contest the count and then finally desisting, and thus, to our minds, waiving whatever rights they might have had to a thorough, immediate, and proper inspection, not only of all the returns but also the ballots themselves?

Returning to the expenditures of the county chairman, it is frankly admitted that $2,393 of the money put in his hands was spent specially in the interest of the contestee for what are designated by all parties as special watchers. We can not follow the majority opinion that such employment is contrary to the Pennsylvania statutes, and thus we can not reach their conclusion that said money was corruptly spent. The language of the present law is identical with the act of 1874, under which it has been held that a candidate may employ and pay an elector to create an interest for him before election. In other words, to work for his election. The employment of such personal aids to get out the vote has been a custom of that district and other districts in Pennsylvania for almost time immemorial and has the sanction of the judicial decisions, both in the subordinate and appellate courts of Pennsylvania, interpreting the corrupt practices act of 1906. There is no testimony that the 311 men employed as mentioned personally voted for the contestee or that, save for the payment of said money, they would have voted otherwise; nor does this testimony indicate a single vote changed or the influencing of a vote caused by any of these particular men. We have always understood that some of the above-mentioned facts which are here lacking are essential for bribery; and although the majority report calls this bribery, they give us no precedents or law sustaining their contentions or upon which they could base such a conclusion.

Although we feel that the general considerations have made it unnecessary for us to take up the few instances specially mentioned by the majority, yet we will do so briefly, although the decision in these specific instances can have no effect upon the general question as to the election of a Member of Congress from the eleventh district of Pennsylvania, because if all the precincts in question were to be thrown out Mr. Bowman would still have a majority.

The testimony does not show any such expenditure as stated in the report for "special watchers" for Plymouth Township, and we feel that, even assuming that with what was paid for regular poll men and special watchmen more than $1 per vote was expended, it was pretty poor work when there were 356 other voters registered who did not go near the polls. The majority report has also fallen into the same grievous error as the contestant's brief; although one would suppose from the context that he was being told solely of that money expended specially for Mr. Bowman, an investigation shows that much of the money complained of was used as even contestant grants it properly can be used for regular poll men to work in getting out the vote in the interest of the whole ticket.

The few mining districts mentioned and certain statements and erroneous conclusions of law regarding them are well considered in

contestee's brief and were carefully investigated by the committee. Suffice to say, the percentage of the vote rejected, should these be rejected, would be so small as to refute the claim that such fraud would vitiate the entire election.

From a careful consideration of the voluminous record in this case, and from a thorough analysis of the briefs and of the arguments presented to the committee, the minority has reached the conclusion that C. C. Bowman is entitled to a seat in this House as a Member of Congress from the eleventh district of Pennsylvania. Because of laches of the contestant there has really been no contest legally before the House. On the merits of the case, which, contrary to all law and precedent, the majority have considered in their report, we do not find sufficient evidence to warrant the conclusion of the majority. It can not be seriously claimed that the purchase of an automobile by the contestee some time after the election has anything whatever to do with the question as to whether he was elected to a seat in this House. Under what theory of law or common sense can it be claimed that a gift to an editor months after the election could corrupt any vote cast in that election? Twenty-nine thousand voters, representing 343,000 people, should not be disfranchised by vague charges of fraud and suspicion founded upon hearsay. The minority of your committee are unanimously and strongly opposed to bribery and corruption in every form; but it does not believe that the right of a Member to his seat in this House should be questioned by proceedings admittedly contrary to all law and precedent and by vague charges of fraud founded upon hearsay and built upon inference.

S. F. PROUTY.
CHARLES MATTHEWS.
FRANK B. WILLIS.

LEGISLATIVE EXECUTIVE AND JUDICIAL APPROPRIATION BILL.

Mr. JOHNSON of South Carolina. Mr. Speaker, I ask unanimous consent to take up in the House the bill H. R. 26321, the legislative, executive, and judicial appropriation bill.

The SPEAKER. The gentleman from South Carolina asks unanimous consent to take up and consider in the House the legislative, executive, and judicial appropriation bill. Is there objection?

Mr. MANN. Reserving the right to object, I understand the legislative bill reported in the House now is practically and substantially the same in most particulars as the bill which passed the House before.

Mr. JOHNSON of South Carolina. Substantially so.

Mr. MANN. So, taking it up now is simply for the House to expeditiously dispose of something where consideration was given to the different items on a former occasion.

Mr. JOHNSON of South Carolina. Every item in this bill has been carefully considered on a previous occasion except one legislative matter, which touches the penalty for a violation of a provision that is inserted by the Senate.

Mr. MANN. I understand the purpose of this request is to expedite the business of the House in order that the bill may quickly go to conference again, or the Senate agree to practically what the conference was before, eliminating certain features in order that we may bring Congress to a speedy close.

Mr. JOHNSON of South Carolina. That is the purpose of the request.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the legislative, executive, and judicial appropriation bill be considered in the House. Is there objection?

There was no objection.

Mr. JOHNSON of South Carolina. Now, Mr. Speaker, I want to make one other request. There are, as the gentlemen know, a few items in this bill that are subject to a point of order. I ask unanimous consent that the points of order as to these items may be waived in order that we may proceed with the bill.

Mr. MANN. Let the bill be read.

The Clerk proceeded with the reading of the bill, and read the provision abolishing the Commerce Court.

Mr. CANNON. Mr. Speaker, I move to strike out the last word. Mr. Speaker, touching the abolishment of the Commerce Court, I believe the bill now under consideration is the same as the bill that was considered and lately vetoed.

Mr. JOHNSON of South Carolina. Yes.

Mr. CANNON. I desire to say that full consideration was given to this section on a former hearing. A point of order was made, a special rule was reported from the Committee on Rules making it in order, adopted by a majority vote, considered by the House, and passed.

Now, under ordinary conditions I should make the point of order on this section now, because I am not in harmony with the proposed legislation. But here it is the 17th day of August. On a late call of the House our friends, the enemy, politically speaking, have ascertained that a quorum is present. I suppose if this bill had been considered in Committee of the Whole House, or even in the House under the five-minute rule, that it would have been Monday or Tuesday before consideration could be completed, and knowing that in the fullness of time you would have passed the bill in this shape, containing the provision for the abolition of the Commerce Court, I said to myself, What good is it, as everybody desires to go home, and in the end you would have passed the bill?

This bill received a vote, or, in substance, one like unto it abolishing the Commerce Court. I do not believe that it should be abolished. I have before spoken upon the question of its abolishment. I do not care to worry the House now. I voted against passing the bill over the President's veto. I do not know what the President may do when this bill goes back to him again. He is a coordinate branch of the Government. He has not an absolute veto, as the King of England has. The President's veto halts a bill, and defeats it unless two-thirds of the House and Senate pass the bill over his veto. I know what I would do if I was President. It is not necessary, however, to state what I would do, because they are not now electing young men to the Presidency. [Laughter.] Therefore, nobody cares what I would do.

But if I were a young man and President of the United States and were coerced out of my honest judgment and conviction, or the attempt was made to coerce me from exercising the power which the people had given to me as President under the Constitution, the alternative being that if I did not sign the great money bill to carry on the civil service of the Government the civil service should stop, then I would not be coerced. I would do my duty, if I were President, as I believed my duty to be, and I would not purchase money to carry on the civil service of the Government by being coerced to do violence to my judgment as Chief Executive of the Nation. Gentlemen may say do I know what will become of this bill after we pass it. I do not. I am not in the confidence of the President. He vetoed a similar bill, however, for two reasons, one touching the tenure of clerks in the departments and the other touching the abolition of the Commerce Court. The clause touching the tenure of office is left out of the bill, but I think that that is a matter of minor importance as compared with the abolition of this court so recently created. The object to be accomplished by its creation has been spoken of before and is known by the Members of the House and by the people. If, perchance, you pass the bill in this shape, sending it back again to the President and he should veto it, then, as one Representative, I shall voice my judgment to sustain the veto, and then if you fail to provide the money to carry on the Government—in the meantime lengthening the session of Congress that has already been drawn out almost to the crack o' doom—we shall have an issue upon which to go to the country. [Applause on the Republican side.]

I withdraw the pro forma amendment.

The Clerk concluded the reading of the bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, in making no objection to the consideration of this bill in the House, and enforcing no points of order on the bill, which points of order I reserved when the bill was reported to the House, I do not wish it to be understood thereby that we upon this side of the House agree to all of the items in the bill or agree to the amounts stated in the bill in the various cases, but the bill was considered under a different number upon a prior occasion at this session of Congress, and an opportunity was then given to discuss it and amend it in Committee of the Whole House on the state of the Union. That bill was vetoed by the President and failed to pass over his veto. The Committee on Appropriations has reported practically the same bill which had previously passed the House under a different number, and it did not seem to me to be desirable to endeavor to extend the time which the session would last for the purpose of redebating items in the bill which were debated before. However, we do not agree to all of the items in the bill. I consider that this bill now is much in the same position as though it had been through the Committee of the Whole House on the state of the Union, reported back to the House, and the gentleman from South Carolina was moving the previous question on the passage of the bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I yield three minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, as representing the minority of the committee, I simply wish to say that I desire to cooperate with the majority and also with the reading clerk in the expedition of this bill. For that reason I shall not occupy the time of the House in expressing the various objections which I have to the bill. I merely wish it understood that this is not the bill the minority of the committee desire, but we had our day in court and were beaten, and we appreciate that now the same result would be reached as before if we fought it through. Moreover, I have an abiding belief, for which I have good reason, that when this bill comes out of conference it will conform somewhat more to our wishes than now; in short, that

it will be much the same as when it passed both Houses after conference.

When this bill was reported before, the minority of the committee took the unusual step of filing a minority report, and I now ask permission that the minority report may be printed as a part of my remarks.

The SPEAKER. Is there objection?

There was no objection.

The minority report is as follows:

[House report No. 633, part 2, Sixty-second Congress, second session.]

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. GILLETT, from the Committee on Appropriations, submitted the following as the views of the minority, to accompany H. R. 24023:

The undersigned members of the Committee on Appropriations dissent from the report of the majority of the committee accompanying H. R. 24023.

It is not to be expected that an appropriation bill like this, containing thousands of items, will ever in every detail satisfy every member of the committee. We recognize that it is necessary to give and take and compromise, and while there are many different items which different ones of us would like to change, we should not submit a minority report were it not for three provisions which we think most unwise and injurious, and so important as to demand this protest.

We think a comparison of this bill and the Post Office appropriation bill, which has just been considered, presents an excellent exemplification of the old adage, "penny wise and pound foolish," and it is perhaps significant that the operation of the economies of this bill is confined to the District of Columbia, where there are no voters.

The three provisions referred to are the abolition of the Commerce Court, the abolition of the Bureau of Manufactures and commercial agents, and the fixing a term of five years for Government employees.

These are all matters of legislation and have no technical right in a general appropriation bill unless by virtue of the Holman rule, but as they are largely measures of administration we do not specially complain of them because they are here, but because they are bad legislation anywhere.

The Commerce Court has existed a little over a year, hardly long enough to thoroughly test its usefulness. It was established in order to effect greater promptness and uniformity in the decision of cases over which it was given jurisdiction and greater convenience for the parties interested. We believe it is accomplishing these results; that its record so far gives no proof that the purpose for which it was created will not be attained, and we think that its discontinuance would be a misfortune.

The Department of Commerce and Labor, through its Bureau of Manufactures, has aimed to collect and distribute information to the various industries of the country which it would be almost impossible for them otherwise to acquire and which is of great value. We are far behind other countries in this method of making our industrial life meet the exigencies of the day, and we believe the small amount of money appropriated for this purpose is well expended. It may be that some better cooperation between the different departments might be attained; but we believe the cutting off from the Department of Commerce and Labor this whole branch of activity is shortsighted parsimony and not true economy and would result in loss and not in saving to the country.

It is, of course, easy to effect an apparent economy by doing away with a court, or a bureau, or a department, or a whole branch of the service, or by wholesale reduction of force or salaries; but the question always remains, Does this saving compensate for the loss of the service? Is it real economy? That is to be determined by evidence and proof. We are aware of no such proof in the cases at issue here, and we think the people would be serious losers instead of gainers from the change.

We oppose a fixed tenure of five years for civil-service employees. Though here applied only to those in the District, if adopted here it would, of course, be extended to all throughout the country. We recognize the existing problems of superannuation, but we believe that to suddenly throw out every employee over 65 years of age is a crude and unreasonable method of meeting it, even if it has no political animus. It overthrows without any thorough investigation the existing system, jeopardizes the civil-service principle, and is a timid and unfeeling method of avoiding instead of solving the problem.

We think the arbitrary cut of 10 per cent throughout the War Department is unjustifiable. New methods adopted by the Chief of Staff may allow such a cut in some bureaus, but that does not make it possible in others unaffected by the reforms, and we have their testimony that it would cripple them.

Under this administration notable economies have been introduced, especially in the Treasury Department, and there is an apparent earnest attempt by the heads of departments to extend them, and we do not think it wise by such a drastic, arbitrary cut to discourage such efforts.

F. H. GILLETT.
E. L. TAYLOR, Jr.
J. G. CANNON.
GEO. R. MALBY,
JOHN W. DWIGHT.

I concur in the above views of the minority except that portion which refers to the Commerce Court. I favor abolishing the said court.

JAMES W. GOOD.

Mr. BARTHOLDT. Mr. Speaker, I should like to ask the gentleman from South Carolina a question.

Mr. JOHNSON of South Carolina. I yield to the gentleman.

Mr. BARTHOLDT. Mr. Speaker, I have not had time to examine the bill, but I understand that several important items touching the State Department have been left out of the bill.

Mr. JOHNSON of South Carolina. That is true.

Mr. BARTHOLDT. And I understand they were not in the bill as originally passed by the House, but were inserted by the Senate, and that the House conferees agreed to them as amendments.

Mr. JOHNSON of South Carolina. That is true.

Mr. BARTHOLDT. And they are now eliminated?

Mr. JOHNSON of South Carolina. They are now eliminated.

Mr. BARTHOLDT. With a view of having them reinserted in the Senate?

Mr. JOHNSON of South Carolina. I presume the Senate will reinsert them.

Mr. BARTHOLDT. I trust the conferees of the House will consent to such reinsertion, because these items, in my judgment, are probably as important as any contained in the bill.

Mr. JOHNSON of South Carolina. Mr. Speaker, I shall not detain the House more than a moment. Every item and every section of this bill was thoroughly discussed when it was formerly before the House under a different number. The bill is in substantially the same shape in which it went to the Senate on the 10th of May last, with the exception that the fixed tenure of service in the classified service has been eliminated from it. We apprehend that the Senate will insert about the same amendments, and that the conferees will reach about the same result, and that possibly on Monday next we will have back here the bill that was voted for the other day, substantially, with the seven-year-tenure clause left out.

Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of South Carolina, a motion to reconsider the vote by which the bill was passed was laid on the table.

PANAMA CANAL.

Mr. HENRY of Texas. From the Committee on Rules, I present the following resolution, and ask for its present consideration.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 699 (H. Rept. 1206).

Resolved, That immediately upon the adoption of this order the House shall proceed to consider the report of the managers of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; that none of the provisions of said report shall be subject to a point of order; that general debate shall continue for two hours, unless sooner concluded; and that immediately upon the conclusion of general debate the previous question shall be considered as ordered on the motion to agree to the report.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Has the Chair ruled on the point of order which was made yesterday?

The SPEAKER. No; and if this rule is adopted the Chair will never be compelled to rule on it.

Mr. MANN. But it is very plain what the ruling of the Chair would be, after the ruling of the Chair to-day.

Mr. MOORE of Pennsylvania. Mr. Speaker, another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. Will a resolution offered as a matter of privilege and as a substitute for this motion have precedence of it?

The SPEAKER. The Chair thinks not. [Cries of "Regular order!"]

Mr. MOORE of Pennsylvania. May I offer——

Mr. HENRY of Texas. Mr. Speaker, I have not yielded to the gentleman.

The SPEAKER. The gentleman from Texas has the floor, and the gentleman raised a parliamentary inquiry. Of course, the Chair will always hear a parliamentry inquiry, but the gentleman has not the floor for any other purpose. What does the gentleman ask to do?

Mr. MOORE of Pennsylvania. I want to offer what I understand to be a privileged resolution.

The SPEAKER. Wait until we get this out of the way.

Mr. HENRY of Texas. Mr. Speaker, I ask for a vote on the resolution.

The question was taken, and the resolution was agreed to.

Mr. ADAMSON. Mr. Speaker, I call up the conference report on the Panama Canal bill.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. The point of order was that the report of the committee contravened the Constitution, sec-

tion 7. I want to inquire whether that may be set aside by a rule?

The SPEAKER. Oh, no; the Chair never passed on the constitutional question. There were so many other things that ruled it out that the Chair never considered that part of it at all. That is a question that would take hours and days to debate, and there were enough extraneous matters in it to justify the Chair, if he had been compelled to rule, to have ruled them out on the point of order. The Chair took the line of least resistance.

Mr. MOORE of Pennsylvania. If it is right there seems to be no reason to set aside a point of order relating to the report of the committee contravening a section of the Constitution.

The SPEAKER. The Chair knows; but this rule ends the controversy about whether it was in order or not.

Mr. MOORE of Pennsylvania. This rule is superior to the Constitution, then.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that the gentleman is out of order, under the rules of the House. Let us proceed to consider the bill.

Mr. MOORE of Pennsylvania. Then the Constitution is out of order.

The SPEAKER. The Chair did not pretend to investigate the constitutional question.

Mr. MOORE of Pennsylvania. The Supreme Court will settle that.

The SPEAKER. The Chair found plenty of extraneous matter to rule it out on. The Clerk will report the title of the bill.

The Clerk read as follows:

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

Mr. ADAMSON. If I can get order I would like to submit a unanimous-consent agreement that will shorten the time for the consideration of this matter.

Mr. MANN. Will the gentleman yield for a question?

Mr. ADAMSON. I was going to try to get an agreement about debate.

Mr. MANN. That was what I was going to question the gentleman about; so proceed.

The SPEAKER. What has the gentleman from Georgia to suggest?

Mr. ADAMSON. Well, I wish to say that this matter has been debated at great length several times. The conference report has been printed several times. I do not believe there is much inclination on the part of gentlemen here to prolong debate, and in the hope of curtailing debate and getting it out of the way in order to afford an opportunity to other pressing matters I ask, first, unanimous consent that there may be general leave for all Members for five legislative days to print on this subject. If the Chair will submit that request I will make another request.

Mr. MANN. Mr. Speaker, reserving the right to object, let us see if we can not reach an agreement on the whole thing at once.

Mr. ADAMSON. What is the gentleman going to suggest about time?

Mr. MANN. The rule provides for two hours' general debate. Would it be embarrassing to make an inquiry of that side of the House as to whether gentlemen desire to consume very much time?

Mr. MOORE of Pennsylvania. I certainly desire to consume some time.

Mr. STEVENS of Minnesota. The arrangement yesterday contemplated about 30 minutes on this side.

Mr. PAYNE. I would like two or three minutes.

Mr. MANN. How much time does the gentleman from Pennsylvania want?

Mr. MOORE of Pennsylvania. Half an hour. There are four distinct propositions in the bill that have never been debated in the House or Senate.

Mr. MANN. May I ask the gentleman from Alabama [Mr. UNDERWOOD] if when we get through with this bill this afternoon we will have other things?

Mr. UNDERWOOD. Some little things.

Mr. MANN. Will they be matters requiring a large attendance of the House?

Mr. UNDERWOOD. I do not think there are any other conference reports on legislative bills that will be on hand.

Mr. ADAMSON. I think if the gentlemen are modest in their demands that we can end in less than two hours.

The SPEAKER. The Chair will suggest that the gentleman from Georgia [Mr. ADAMSON]——

Mr. ADAMSON. Mr. Speaker, I have not an understanding with anybody but the gentleman from Pennsylvania, and if you will let me have a moment I think I can trade with him.

Mr. MOORE of Pennsylvania. Mr. Speaker, I am one of the best losers in this House, and I am always willing to abide by the determination of the majority. The committee has brought in a rule providing there shall be two hours for this discussion, and I am willing to submit to the decision of the Committee on Rules and speak for 30 minutes. It involves thousands of workmen in this country, but 30 minutes will satisfy me.

Mr. ALEXANDER. Will the gentleman yield for a question?

Mr. MOORE of Pennsylvania. If I have the right to do so.

Mr. ALEXANDER. What workmen does the gentleman refer to?

Mr. MOORE of Pennsylvania. Those who build the ships, those who make the material that enters into the construction of the ships, those who delve in the mines, those who work in the forest, those who till the soil, and those who labor in the mills.

The SPEAKER. The Chair will suggest to the gentlemen that the two hours are running.

Mr. ADAMSON. If the gentleman from Pennsylvania [Mr. MOORE] will be content with his 30 minutes, all the rest of us will get along with a few minutes, and we can get through by 6 o'clock.

Mr. MOORE of Pennsylvania. If the gentleman can get through in that time, I will say 20 minutes.

Mr. ADAMSON. I ask unanimous consent that we vote at 6 o'clock.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. ADAMSON] have 30 minutes, the gentleman from Minnesota [Mr. STEVENS] 30 minutes, and the gentleman from Pennsylvania [Mr. MOORE] 20 minutes.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that he may have 30 minutes, the gentleman from Minnesota [Mr. STEVENS] 30 minutes, and the gentleman from Pennsylvania [Mr. MOORE] 20 minutes. Is there objection?

There was no objection.

LEAVE TO PRINT.

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent to incorporate, as a part of my remarks, the speech delivered by Gov. Woodrow Wilson during the month of May in Indianapolis, together with a speech delivered by him on Thursday last in the city of Gloucester, State of New Jersey.

The SPEAKER. The gentleman from New Jersey asks to print two speeches of the governor of New Jersey together. Is there objection.

Mr. HILL. Mr. Speaker, I ask unanimous consent also to print and extend my remarks, in reply to the speech delivered at Gloucester by Gov. Wilson.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut [Mr. HILL] and the request of the gentleman from New Jersey [Mr. KINKEAD]?

There was no objection.

PANAMA CANAL.

Mr. ADAMSON. Mr. Speaker, my heart has been in the canal enterprise from the beginning; not from the time it began to be talked about, it is true, for that has been several centuries, but since Congress and the American people began to give the subject serious attention. A great orator said that he "had sat by the cradle of Irish independence and had mourned at its bier." While I had the honor of helping to nurse the infantile canal enterprise into life, I have been more fortunate than that orator in my subsequent acquaintance with the project. Instead of having to mourn its failure and death, I am about to rejoice in the glory of its complete and final triumph. It is true I have not had my way in all things. It is seldom that mortals are permitted to have their way in all details and particulars. Substantial results usually satisfy numerous advocates urging variant arguments and pursuing different courses, using divers methods and disputing about plans and details.

When I came to Congress those two great Americans and statesmen, Senator Morgan and Col. Hepburn, were advocating the Nicaragua route, though by entirely different methods. To the efforts of those two great men is due the credit for inaugurating and securing canal legislation. I shall always rejoice that I was in part instrumental in bringing them together and seeing them united on the Hepburn bill, which, after being reported on my motion three times from the Committee on Interstate and Foreign Commerce of the House, and after having passed the House twice, ultimately resulted in action by the Senate, which, having received the approval of the President, became a law. Pending those efforts at legislation necessary modifications of existing treaties were secured which permitted the United States Government to build, own, and operate a Government canal, which under the old treaty was forbidden, as-

suming the burden to protect and maintain its free, equal, and neutral use, and securing the right to take the emoluments arising from its control. It is true the final form of the canal bill was, by compromise, placed in the alternative and resulted in substituting Panama for Nicaragua. That was contrary to my judgment, and a great disappointment to me, and did great violence to the emphatic opinions of Col. Hepburn and Senator Morgan.

It now seems that the completion and successful operation of the Panama Canal will satisfy everybody and that the proposed canal route through Nicaragua will fade from consideration, if not from memory. It may never be known who was right, and it may be immaterial ever to determine that. A canal was what we wanted, and the advocates of Nicaragua, failing to secure recognition of their claims, waived their contention, yielded, and, cheerfully acquiescing, worked faithfully ever afterwards for the success of the Panama Canal.

Whatever glory should accrue to anybody for making the substitution, if it should prove to be wise, is due in larger measure than to any other man to Senator BURTON of Ohio. It is hoped that the glory of the enterprise will prevent any discredit from detracting from him or anybody else for the change.

Discarding unsuccessful methods pursued at Panama by the French and by other canal builders in other ages and countries, we first devoted considerable time and money to preparing for the work by sanitation and supplying all things necessary for the comfort of our workmen, with such remarkable success that we transformed traditional cesspools of vice and pestholes of disease and death into lovely and inviting regions of health and comfort, making health and life as safe, and social and moral standards as high, as anywhere in our own beloved country. As a result, we have almost finished the canal with little more outlay of money than was squandered and stolen by the French, who hardly made a beginning at the task of uniting the two oceans by a canal.

The freedom of the work from graft, scandal, and corruption stand without a parallel in construction history, as remarkable in business morality and rectitude as in physical achievement and engineering triumph.

Another change, however, was made contrary to my own view. One argument for substituting Panama for Nicaragua was that a sea-level canal was possible at Panama and not elsewhere. The promise of a sea-level canal reconciled me in some measure to the substitution; but here again I was overruled, and again whatever may be due of glory or discredit for the change belongs to the efforts and eloquence of the same distinguished Senator, BURTON of Ohio. Again we are compensated by the consolation that if a sea-level canal would be better than a lock canal nobody will ever know it. When the type of canal was changed it was said that if a lock canal failed we could still dig on until the oceans flowed together at sea level, but the engineers contrived dams and adjusted locks to them of such giant proportions, of such adamantine character, of such monumental durability that they will never result in failure. The dams are about one-half a mile thick, with such small slope on the downstream side that they look like and operate like a part of the natural landscape. They are a great deal more substantial than the contiguous land. They are constructed of material carefully selected and thrown together in a form most favorable to coalesce and unite in compact everlasting endurance.

They are made to extend into the hills wherein the locks are embedded in solid rocks, and the lock sides sitting diagonal to the lengthwise course of the dams make the seams of jointure about a third longer than the thickness of the dams, or a little over 3,000 feet.

Those dams are rapidly being covered with binding grass and tropical growth on the downstream gentle slopes. The upstream or lake side of the dams will be hidden by the water and appear to be only a few feet high. The whole appearance will present the aspect of natural bodies of water with natural banks, and the locks will be so operated that the alternate and slight filling and lowering the water will greatly minimize their mammoth appearance, and the whole grand scheme will present not only an assurance of everlasting security, but expose so little of the artificial aspect that Col. Goethals fears that in a few years our successors in Congress will be sending investigating committees to find out where and how so much money was expended.

As the lock canal was forced upon me against my judgment, I gracefully yielded and continued to work and shout for the canal. I still believe a sea-level canal would be better, just as I piously believe the Nicaragua route would be better, and I still asseverate the correctness of my judgment, secure in the absolute certainty that nobody will ever be able to demonstrate the contrary, and I expect to rejoice so much in the grand triumph of American achievement that I shall be glad that the incorrectness of the substitution will never be demonstrated.

Having followed Senator BURTON twice when he was wrong, it was unfortunate that we did not follow him again when in his third and last great effort he was right. Ably, eloquently, honestly, and patriotically he pleaded for the imposition of uniform tolls in the interest of the Treasury which needs the tolls to operate the canal, in the interest of all the people to whom the income from the canal belongs and in maintenance of our national honor by inviolable and scrupulous regard for the treaty stipulating universal equality of treatment at the canal. Unfortunately circumstances and events can not obscure or cure the result of this mistake, as in case of our other two errors. The consequences will have to be met by additional legislation when diplomacy shall have pointed the way, which will not be long. Diplomatic and commercial war will soon convert the innocent instruments of our blunder and thwart the designs of the guilty instigators of our mistake. Let us hope that the lesson to be so soon and certainly learned will not prove too costly to our commerce and prosperity nor humiliate our pride nor tarnish our national honor.

There are two considerations connected with the canal enterprise which enhance its value, both of an educational character and invaluable in their results. The first is the greed of certain ship interests, and certain cities which wish to divide profits in some way with the Ship Trust raised the question of railroad-owned ships monopolizing the use of the canal. There was merit in the proposition, although it originated in greed, and was admittedly a fight between two sets of grafters. The ship-subsidy crowd and their allied cities on one side and the railroad cormorants and monopolies on the other. The people began to study the situation, and while they recognized the danger of reducing the benefits to the public of the canal through the operation of railroad-owned ships, they realized at the same time that the coastwise trade liable to go through the canal could never be but a small per cent of the coastwise trade of the United States. An investigation gradually opened their eyes, and loomed larger as it dawned and glowed on their mental vision that in all the coastwise trade in the United States—oceans, bays, lakes, and rivers—the railroads by the operation of their own vessels had already driven competition from the waters and in most cases raised water rates to the level of railroad rates, and were operating monopolies to the injury of the people to an extent many times greater than any injury that could be inflicted in the small portion of the probable coastwise traffic through the canal. I have no doubt that the losses sustained by the people in that way if saved would pay for the canal in a very short time. Not only does the loss relate to overcharges on a particular shipment, but affects also the volume of traffic, because the people deprived of the profits are rendered less able to carry on such an extended business. The people are now awake, and have been awakened by the discussion growing out of the opening of the canal to their unjust treatment, not only in the way of driving competition off the waters, but discrimination and mistreatment in the way of connections with water craft, by which the people of all the interior country are virtually deprived of any benefits of river and harbor work or water transportation.

The subject is now before the people, and whether the evil be thoroughly or only partially corrected in this bill, the remedy will come, and come soon. The railroad companies may just as well put their houses in order. The people intend that they shall divorce the ownership of railroads from the ownership of competing water craft. If the canal should confer no other benefit upon the people of the United States, this lesson alone is well worth its entire financial cost. There is another lesson it has taught us. For many years the people of the West were the dupes of protective-tariff robbery, voting to continue the system which oppressed them, just as blind votaries would, in their idolatrous worship, fall before the supposed instrument of deity which destroyed them.

While they were constantly robbed, they did not realize nor believe it. Though Democratic orators went among them and told them that they were being robbed by the protected special interests in this country, they were told, on the other hand, that it was a Democratic falsehood. When they were told that the protected interests in this country sold articles of necessity to them at double the prices charged to foreigners after shipping them thousands of miles across the waters, they were told by the other side that it was a Democratic campaign falsehood. The robbery went on for 40 years, the people selling their produce in an open market in competition with all countries and buying everything they needed, under a protected

market, at twice the prices paid by foreigners; going on at every election, blind devotees to a fetish, setting at naught the truthful councils of the Democrats, and voting election after election to continue the system which held them victims of perpetual robbery. When the canal legislation was initiated the protectionists were caught napping. They allowed a provision to slip in providing that all material and supplies needed by the Government on the Isthmus should be admitted free of duty. The first response to advertisement for bids showed that our protected American friends and neighbors charged on an average about twice as much as foreigners offered on the same articles. It raised a storm that can not be quelled. Both the last two Republican idols—Taft and Roosevelt—were on guard. Roosevelt was President and Taft was his grand high priest, the Secretary of War, in charge of the operations. They were about to act honestly and give the American people the benefit of the law and take the foreign goods at a just price instead of being robbed by domestic freebooters at double prices, but by some means a provision was made in substance that if in the opinion of the President the prices charged were not extortionate or unreasonably extortionate the American goods might be accepted even at the charge of a higher price. No morality was ever claimed for that performance, but robbery was legalized. It is a poor certificate to morality that a man's goods are accepted on the ground that his prices are not unreasonably extortionate, yet these patriotic fellow citizens of ours proceeded to rob the Government under the permission of the President and Secretary of War by virtue of that elastic statute. But it awakened the people. They were no longer deluded by the assertion that these were Democratic falsehoods made for campaign purposes.

When Dolliver and LA FOLLETTE and CUMMINS, and a hundred other Republicans of standing and ability, took up the subject and told their people the story of their wrongs and cited the action of Roosevelt and Taft, the two twin idols of the Republican Party, all skepticism was expelled, all doubt was removed. Not only was interest awakened, but resentment of the people was aroused and the reformatory wave has been rolling on in aid of honest and fair taxation, and it has assumed such immense proportions and promises such benevolent operation as to wipe from existence the last vestige of the Republican Party, the promoter as well as the political beneficiary of robber protection. That consummation, devoutly to be wished, so long hoped for, has been assured in the manner described, through the lessons taught in connection with the construction of the Panama Canal and the legislation attending it. If no other benefits should ever accrue to the American people from its construction, it has many times paid for itself if these lessons result in the emancipation of the popular mind from the domination of protective theories and rid the country forever of the Republican Party.

All things considered, the situation affords not only abundant reason for satisfaction, but should cause the heart of every American to swell with pride when we contemplate our unbounded success.

So many people indulged in stale, ribald jest, insinuating about petty errors and possible wrong, that I demurred to the practice of looking for flaws where there were none upon the flawless performance of a great work, nor did I wish to give sanction to the odious practice of making puns always at the wrong time and place; but when our ship docked last winter at Cristobal and Col. Goethals from the wharf greeted me with a cheery "How do you feel, Mr. Chairman?" instead of responding in popular slang by saying that I felt like a panamaniac or panacea or pandora or pandemonium, involuntarily the expression came bounding and unbidden from my exultant feelings, and I shouted back, "I feel like a panegyric," and I did; and I feel that way yet and more and more so every time I think about our great work down there, the crowning triumph of human genius.

The differences as to the method of governing and operating the canal and its inseparable adjunct, the Canal Zone, the divisions of opinion about population, theories of government, furnishing supplies, and treatment of vessels, have all been adjusted in so far as Congress can at this time adjust them, and we rejoice that we have fulfilled the expectations of the constructors by supplying at this session the desired legislation adequate in its provisions to permit the President to open for operation and exhibit to the world the benefits and glories of this unparalleled achievement, standing out unique in all respects among all the accomplishments of mortals. I would not be irreverent, nor can I be in this connection. The Lord made us and all things. He made the Isthmus and all its wonders. He made no mistake in leaving the chain of mountains separating the two oceans. He gave us the north and south divisions of the great American Continent, almost from the North to the South Poles. He did it for the purpose of giving us an opportunity to show what we could do. The situation was at hand, an opportunity to unite the two oceans, curtailing the sailing distance by 8,000 miles, bringing together in close communication States and cities widely separated, thereby improving and utilizing the physical situation for us and the rest of mankind for military, commercial, and social purposes, and in so doing furnishing to history for the encouragement and enlightenment and elevation of mankind the unparalleled exhibition of what can be done by honest and able men devoted to their duties in the way of business integrity, moral character, and intellectual might. St. Paul said:

> For our light affliction, which is but for a moment, worketh for us a far more exceeding and eternal weight of glory.

My own disappointments as to the route, form, and tolls of the canal and the minor details in which from time to time I have been overruled and denied my own way in the matter are eclipsed, overshadowed, sunken, and forgotten in the overwhelming satisfaction and glory of our unparalleled success, which will stand as a monument to American skill, brains, and honesty till the stars shall fade, the sun shall die, and this world shall teem no longer with the busy sons of men.

Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. SIMS].

Mr. SIMS. Mr. Speaker, I want to present briefly the vital matters in conference—how they were disposed of by the conferees.

When the House bill went to the Senate it contained a provision that vessels of the United States engaged in the coastwise trade should go through the canal free of toll. The Senate placed on the bill an amendment making the same provision with reference to American vessels engaged in the foreign trade. The Senate yielded wholly with reference to the last amendment, and it goes out of the bill.

The Senate placed as an amendment on the provision with respect to coastwise vessels the word "exclusively," so as to apply only to vessels engaged exclusively in the coatwise trade. The Senate yielded on that amendment, so that the provision placed in the bill by the House with reference to coastwise vessels remains unchanged.

There was a provision put into the House bill as reported with reference to preventing the railroad ownership of water carriers operated, or that might be operated, in competition with their rail lines. As to that provision, so far as the House is concerned, I feel it to be simple justice to say that it was largely prepared, if not wholly so, by the gentleman from Maryland [Mr. COVINGTON], a member of the House Committee on Interstate and Foreign Commerce.

The Senate amended that provision so as practically to provide that the ownership of water carriers by railroads competing with themselves should not be considered illegal until investigated and determined by the Interstate Commerce Commission to be competing. It was referred to in newspaper parlance as the "Bourne amendment." In conference that provision was changed so as to read as it now appears in the bill. The Senate amendment, called the Williams-Gallinger amendment, providing for the registry of foreign-built but American-owned ships was put in shape largely by the gentleman from Minnesota [Mr. STEVENS], with the very valuable aid of the gentleman from Missouri [Mr. ALEXANDER], who is chairman of the Committee on Merchant Marine and Fisheries. The provision prepared by the gentleman from Minnesota and the gentleman from Missouri [Mr. ALEXANDER] is in every way much better than the provision contained in the Senate amendment known as the Williams amendment.

I want to say here, inasmuch as I feel that it is just, that the committee received very material aid in the preparation of this measure from the gentleman from Missouri, the chairman of the Committee on Merchant Marine and Fisheries, as he had prepared a bill which was reported by his committee known as the free-ships bill.

Mr. MARTIN of Colorado. Will it disorganize the gentleman's remarks to state now what is the provision in the bill with reference to the ownership by railroads of ships that pass through the Panama Canal?

Mr. SIMS. The provision agreed upon by the conferees prohibits absolutely the passage through the canal of ships owned by railroads in competition with themselves.

I want to say further, on the side, so to speak, that the Committee on Merchant Marine and Fisheries has brought in more good legislation at this session of Congress than has been reported from that committee in the 15 years in which I have

had the honor to serve in this House. I want to say, in justice to the able and distinguished chairman of the Committee on Interstate and Foreign Commerce, that for nine long months he has given earnest, painstaking study and attention to this bill. I want to say further that there is not a provision in this bill that looks to the liberation of commerce and the prevention of monopoly that has not had his active and energetic support. [Applause.]

I think the provision in the bill which divorces water carriers from railroad ownership will be worth to this country in its effects and results the entire labor that has been expended on all the provisions of this bill.

I want to say, in justice to the entire Committee on Interstate and Foreign Commerce, that so far as I have been able to judge—without respect to party and without individually naming the members, except the chairman and the ranking minority member, because they were on the conference committee—the entire membership, so far as this legislation is concerned and so far as every other measure pending before it is concerned, has been nonpartisan and liberal, and I believe every Member was actuated with a zeal solely for the public good, without regard to any special interest to be affected.

Mr. Speaker, I opposed free tolls. The commitee opposed free tolls on American-owned or on any other kind of vessels passing through that canal. I do not care whether we had a treaty restricting us or not. I do not care if we had owned that territory from the day that this Government was formed. When we expended the money of the people to afford a facility which private-owned and corporation-owned vessels can use to pile up immense profits, vessels so owned should at least be willing to pay a toll equal to the sum required for the payment of the current expenses incurred for the maintenance of that facility. [Applause.]

I think the House conferees are entitled to credit for inducing the Senate conferees to yield on the question of tolls on foreign vessels. That largely removes the question raised as to the violation of the Hay-Pauncefote treaty and places us in a better position in the eyes of the nations of the world. It will, I believe, largely eliminate trouble growing out of that cause and perhaps prevent the matter going to The Hague.

Now, I want to say that I think that that provision of this bill which provides for the American registry of foreign-built but American-owned ships and providing for duty-free materials for repairs will have more to do with the building up of the American merchant marine of the United States than any ship-subsidy bill that has been proposed in this House since I have been a Member of it. I think that that portion of this bill is worth the entire effort that the committee and the House have given this measure. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, there seems to be some uncertainty as to whether the first request that I made was put to the House. I do not believe it was put. I desire the Chair to put to the House my request for unanimous consent that all gentlemen desiring to print speeches in the RECORD on this bill shall have five legislative days in which to do it.

The SPEAKER pro tempore (Mr. SISSON). The gentleman from Georgia requests that all Members who desire to extend their remarks on this bill shall have five legislative days in which to print their speeches in the RECORD.

Mr. ADAMSON. Whether they speak or not.

The SPEAKER pro tempore. The Chair put the request "All gentlemen who desire to extend their remarks" shall have five legislative days in which to do it.

[Mr. OLMSTED addressed the House. See Appendix.]

Mr. ADAMSON. Do either of the gentlemen to whom time has been allotted by the House desire to proceed now?

Mr. MOORE of Pennsylvania. My friend takes precedence always.

Mr. STEVENS of Minnesota. None of those to whom I desire to yield are here now. I prefer to have the gentleman from Pennsylvania use some of his time.

Mr. ADAMSON. If one of the other gentlemen wishes to proceed, I reserve the balance of my time.

Mr. MOORE of Pennsylvania. Does the gentleman yield to me?

Mr. ADAMSON. The gentleman has 20 minutes.

Mr. MOORE of Pennsylvania. That time is under the control of the gentleman from Minnesota, is it not?

Mr. ADAMSON. No; it is under the gentleman's own control.

Mr. MOORE of Pennsylvania. Mr. Speaker, this is one of the most flagrant instances we have had in this session of the introduction of new legislation into a bill intended for a specific purpose. The bill is entitled:

An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

And as originally reported it attempted to provide for the opening, maintenance, protection, and operation of the Panama Canal. That is what the Interstate and Foreign Commerce Committee was charged to do, and it undertook to perform the duty of preparing a bill that should carry out the charge which Congress had imposed upon it.

The bill was forwarded to the Senate in regular course, and amendments were there added, some of which apparently were not germane to the bill. Now, after all legislative forms have been complied with the bill comes back, reported by the conference committee, not a bill for the opening, maintenance, protection, and operation of the Panama Canal and the sanitation and government of the Canal Zone, but a bill to revise the tariff laws of the country, to override the navigation laws of the country, to provide for many different elements in legislation, that were not contemplated when the first reference was made to the Committee on Interstate and Foreign Commerce.

As reported by the conference committee, without warrant from the House, without the sanction of any amendment passed by the Senate, this bill proposes to regulate the construction of vessels in the United States.

I make the assertion that there is no authority under the rules of the House, no warrant of law, for the conference committee to provide a revision of section 4132, providing for the construction of vessels within the United States. That is wholly beyond the scope and power of the committee, since the original bill and the amendments thereto have reference, not to American-built ships in any particular but only to foreign-built ships.

In this respect the Speaker of this House, had he followed the decision he made this morning in the Alaska coal case on the naval appropriation bill, must have ruled that the point of order made by me yesterday was well taken. We had no such ruling, but we had an intimation that he would have ruled that way had he not been relieved of the opportunity. But he was saved from making that ruling by the report of the Committee on Rules, which proposed to make every amendment in this bill germane.

I make the assertion that the inclusion in this bill by a conference committee of the Philippine Islands and the islands of Guam and Tutuila, with respect to registry in the coastwise trade, is wholly unwarranted by any authority vested in the conference committee. There was absolutely nothing in any of the legislation in this House, nor in any of the discussion pertaining to this bill, nor in any amendment proposed by the Senate, that had any reference whatever to the trade of the Philippines, or Guam, or Tutuila. The Speaker has been relieved of ruling upon that point of order.

I make the assertion also with respect to foreign-built yachts, pleasure boats, or vessels, that the committee had no warrant to report in respect to that provision. There was nothing in the discussion in the House, nothing in any amendments offered in the Senate to warrant the conference committee in including that provision in this bill, and the Speaker must have ruled that the point of order was well taken, had it not been for the rule brought in here, which expressed the will of the majority and the desire to override discussion upon this question.

I make the further assertion—and this is the most important phase of the present question of the invasion of the rights of the House—that the conferees had absolutely no right to insert in this bill that paragraph which provides for the admission free into this country of materials entering into the construction and equipment of ships. Here is a clear-cut invasion of the tariff laws, an invasion of the right of the House to deal with revenue measures. It is an invasion of the constitutional privilege of the House.

Yet when the point of order was made and the precedents were offered, and the matter was held under consideration, we were met, not with a decision of the question confirming the Constitution and defending the rights of the House, but met by a rule brought in here for the purpose of making everything germane, and asserting might over right in the House of Representatives.

Now, as to the merit of these propositions, are we to permit some one in conference, after both Houses have fully discussed the question within proper and legal limits, to take up entirely new and foreign matter, regardless of the rules of the House and Senate? If we are, then any bill referred to conferees

may be made to create new matter, and suddenly, overnight, to institute new laws or to override existing laws, and this without notice to the people through their Representatives.

I object to the inclusion of these items in this bill, first of all, because they have no place there. The conferees exceeded their authority when they placed them there. The conferees violated the Constitution of the United States when they put tariff measures in this bill. It was a bill for the opening, maintenance, protection, and operation of the Panama Canal. The conferees had no charge to institute new legislation; they were not authorized to deal with these important foreign questions. If they were, the people whom I represent, the people whom you represent, had the right to be notified in order that we and they could be posted as to what the great majority intended to do to them. I am of the firm belief that the passage of this measure, as brought into the House by the conferees without authority, will injure the shipbuilding interests of this country. It will drive away that labor which is profitably employed and be a boon to foreign labor which receives a lower wage.

Statistics demonstrate clearly that foreign shipbuilders, and particularly those in the yards of Great Britain, pay a wage rate that is less than one-half what we do in the United States for the work of the mechanic.

You propose, in this Panama Canal bill, that there shall be no protection to the American workingman. You propose that the man who gets $2.50 a day in the American shipyards shall be made to compete with the man who gets $1 a day in the British shipyards. There is no answer to that question except the degradation of the American workingman and the exaltation of his competitor on the other side.

But you do not stop with the shipbuilding industry in the United States. You propose to admit free of duty, in violation of the existing tariff laws and in violation of the Constitution—you propose to admit free not only those things that enter into the construction of a ship but everything that goes to equip a ship. What does that include?

I said a little while ago, in answer to the gentleman from Georgia, that those who are interested in this bill were not only those who work in shipyards but the tillers of the soil, the delvers in the mines, and the men who work in the mills. You attack their right to protection. You propose that everything that goes into a $6,000,000 battleship shall come into the United States free; you propose that everything that goes into the construction of any ship shall come into the United States free. The food that comes off the farm that feeds the sailor is to come in free; that touches the pocketbook of the farmer of the United States. You propose that everything that is used on board of a ship shall come in free—every rug, every piece of carpet that goes on the floor of the ship, every bit of upholstery, every curtain, every piece of linoleum, every piece of oilcloth, every article of glassware or cutlery shall be brought in here from foreign countries to displace just that much of American manufacture. That touches the mill worker in the United States; that touches the man and the woman who toil in the congested centers, and who in this year of our Lord are paid, as the statistics prove, at least three times as much as they are paid in Germany and at least twice as much as they are paid in Great Britain.

All this comes in without notice, with no opportunity for discussion in this House, in a bill providing a government for the operation of the Panama Canal. It is not correct legislation.

Mr. Speaker, the business associations of the city I have the honor to represent are against this Panama measure, not because they do not want the Panama Canal opened and operated as originally intended and as Congress ought to provide, but because of the inclusion into the measure of this extraneous legislation. Not only the trade bodies, like the Maritime Exchange, and the commercial institutions have arisen in protest against this measure as it is brought into the House, but thousands of workingmen in the district I represent have indicated their displeasure with the measure.

You on the Democratic side may think you are pleasing the workingmen of the country by instituting in this surreptitious way the policy and practice of free trade, but, in my judgment, you made one of the greatest tactical blunders of the session when you permitted your dignified Speaker to walk out of the chair without deciding the point of order that was made. You had to resort to subterfuge, you had to go secretly to the Committee on Rules to find a way to override the law and to override the rights of the constituents whom we all represent.

In my judgment you will gain nothing by this procedure. The people will understand the difference between protection and free trade as you propose it in this bill. You are trying to get it in here just as the nose of the camel is poked under the tent. Ultimately the whole body will appear, and the tent will go up into the air; but in my judgment the warning that is now given to the people as to the intent of the Democratic Party with respect to these things will be fully understood.

I have no desire to discuss this question further. It is too plain to need much argument, and as the House wants to adjourn, I shall close by saying: "Go on, majority; work out your will; if you think the views of a half dozen leaders who map out your course of action for you, and who thus propose to enter the free-trade wedge will profit you in the country in the coming campaign, go on." I am willing to stand and lose with the rest of my fellow countrymen. I am willing that the majority may work out its will and have its way, but I am not willing to sit idle, without protest, when I see the ax applied to our industries and know that ultimately the entire foundation of the protective system in this country must fall. I protest against the kind of legislation that has invaded the rights of this House in this bill. I protest against the conference committee, consisting of six men, framing and introducing legislation that creates, revises, amends, corrects, or abrogates existing law. I protest against any star-chamber proceeding in violation of the rights of the people in the House or in the Senate, that permits, by the mere operation of a rule over which the majority has control, the overthrow of long-standing existing legislation.

The people did not adopt the existing tariff laws of this country without full information. The people had no opportunity during the preparation of any one of the tariff-revision bills during this session of Congress to have a hearing before your Ways and Means Committee. The people will judge of your methods when they learn that through the subterfuge of a Panama Canal government bill you propose to tear down the tariff walls, even to the protection upon potatoes that go on the ship, or the garments or glassware and cutlery that seamen use. But if this is your way, so let it be. I can not defeat it, but I can protest against the measure. I protest against the manner in which it is brought in, and I do protest against that system by which a fair ruling by the Speaker can not be obtained. I protest against that system which enables a Committee on Rules to override both law and precedent, and I believe there will be less enthusiasm on the other side of the House when the people are fully informed upon to-day's proceedings. [Applause on the Republican side.]

Mr. ADAMSON. Mr. Speaker, I will ask the gentleman from Minnesota if he wishes to be heard at this time.

Mr. STEVENS of Minnesota. No; I prefer to have the gentleman from Missouri [Mr. ALEXANDER] proceed, if he desires.

Mr. ADAMSON. Mr. Speaker, I yield seven minutes to the gentleman from Missouri [Mr. ALEXANDER].

Mr. ALEXANDER. Mr. Speaker, I think the gentleman from Pennsylvania [Mr. MOORE] has exhibited great ignorance of the provisions of this bill with reference to free ships. The amendment to the Senate amendments Nos. 11 and 12 of section 5 of the Panama Canal bill, agreed to by the conferees, to which he registers such vehement protest, is as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 11 and 12, and agree to the same with an amendment as follows: Strike out all of the two said Senate amendments and insert in lieu thereof the following:

"That section 4132 of the Revised Statutes is hereby amended to read as follows:

"'SEC. 4132. Vessels built within the United States and belonging wholly to citizens thereof; and vessels which may be captured in war by citizens of the United States and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States; and seagoing vessels, whether steam or sail, which have been certified by the Steamboat-Inspection Service as safe to carry dry and perishable cargo, not more than 5 years old at the time they apply for registry, wherever built, which are to engage only in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila, being wholly owned by citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States or corporations organized and chartered under the laws of the United States or of any State thereof, the president and managing directors of which shall be citizens of the United States, and no others, may be registered as directed in this title. Foreign-built vessels registered pursuant to this act shall not engage in the coastwise trade: *Provided*, That a foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade admitted to American registry pursuant to this section shall not be exempt from the collection of ad valorem duty provided in section 37 of the act approved August 5, 1909, entitled "An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." That all materials of foreign production which may be necessary for the construction or repair of vessels built in the United States and all such materials necessary for the building or repair of their machinery and all articles necessary for their outfit and equipment may be imported into the United States free of duty under such regulations as the Secretary of the Treasury may prescribe: *Provided further*, That such vessels so admitted under the provisions of this section may contract with the Postmaster General under the act of March 3, 1891, entitled "An act to provide for ocean mail service between the United States and foreign ports, and to promote commerce," so long as such vessels shall in all respects comply with the provisions and requirement of said act.'"

He does not seem to know the provisions of the Payne tariff law, a bill for which he voted and in praise of which I have no doubt he has often said that it is the best tariff law ever enacted in this country. There is no provision in this bill relating to free shipbuilding material to be used in the construction of ships in American ship trade that is not contained in the Payne tariff law of August 5, 1909, except that the amendment agreed to by the conferees extends the provision of the tariff law and gives to American shipyards free material for repair of ships, as well as for shipbuilding, and removes all restrictions as to the use in the coastwise trade of ships built in American shipyards of free material.

Section 19 of the tariff law of August 5, 1909, provides that all materials of foreign production which may be necessary for the construction of vessels built in the United States for foreign account and ownership or for the purpose of being employed in the foreign trade, including the trade between the Atlantic and the Pacific ports of the United States, and all such materials necessary for the building of machinery and all articles necessary for their outfit and equipment, may be imported in bond under such regulations as the Secretary of the Treasury may prescribe, and upon proof that such materials have been used for said purpose no duty shall be paid thereon, but vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than six months in any one year, except upon the payment to the United States of the duties of which a rebate is herein allowed.

That is the existing law.

Mr. MOORE of Pennsylvania. I know it is.

Mr. ALEXANDER. I do not care to be interrupted.

Mr. MOORE of Pennsylvania. The gentleman knows that that is the limitation.

Mr. ALEXANDER. I permitted the gentleman from Pennsylvania to go ahead and make misstatement after misstatement with reference to the effect of the amendment agreed to by the conferees with reference to free ships and free ship material without challenging him, and I can not permit him to inject any more erroneous statements into my remarks. I have correctly stated the existing law, and the only effect of this amendment is to take away the limitation of six months and permit ships built in American shipyards to be used 12 months in the year. That is in the interest of our ocean commerce that the gentleman claims to be a friend of; that is in the interest of American-built ships and of the American shipbuilders, but the gentleman does not seem to know it. They have the privilege now, and have had it for years, to import duty-free material for the construction, outfit, and equipment of vessels, except if they built a ship in an American shipyard of imported material, the use of the ship in the coastwise trade is limited to six months in the year. By the amendment against which the gentleman from Pennsylvania inveighs so bitterly the conferees extend the privilege of using that ship in the coastwise trade 12 months in the year instead of 6, and is it possible that the gentleman is so ignorant of the tariff law that he does not know that? I wish to say to the gentleman from Pennsylvania that the gentleman from New Jersey [Mr. BROWNING] to-day brought me a message from Mr. Samuel W. Knox, president of the New York Shipbuilding Co., to the effect that he had no objection to this bill as reported by the conferees, and particularly the amendment under discussion relating to free ships for the foreign trade and free ship material, and the other day the president of the Maryland Steel Co., Mr. Wood, said to me over the phone with regard to Senate amendment No. 11 that if it was made clear that foreign-built ships may not be used in the coastwise trade he would withdraw any further objection to it.

I do not want the workmen of the gentleman's city engaged in the great shipbuilding industry to be misled by any such statements as the gentleman has made upon this floor as to the effect of the amendment agreed to by the conferees. He is wholly wrong and his criticisms without force or merit. We are not building any ships for the foreign trade. More than 40 years have passed since the Civil War and we have only 872,671 nominal registered tonnage in the foreign trade, whereas we had two and one-half million at the beginning of the Civil War, the greater part of which was actively engaged in the foreign trade. If our American shipyards were now building ships for the foreign trade, then it might be said with some show of reason that this amendment might be prejudicial to them, but the gentleman from Pennsylvania in his opposition to the amendment is in line with many others who are determined that we shall not restore our American merchant marine unless we pay tribute to the trusts.

The gentleman says that the committee of conference had no right to amend section 4132 of the Revised Statutes and were guilty of usurping power in doing so. Why, if he had taken the pains to inform himself, he would have found that the committee did nothing more than to whip the Senate amendment into shape and revise the only section of the statute to which the amendment proposed by the Senate would be germane, and that is section 4132. It does not amend that section otherwise than to provide that foreign-built ships may be admitted to American registry for the foreign trade.

Senate amendment No. 11 provided that "all legal prohibitions upon the American registration of foreign-built ships built to engage only in foreign trade are hereby repealed." The Senate amendment, by implication, repealed so much of section 4132 of our navigation laws as forbids the registry of foreign-built ships for use in the foreign trade. The committee simply proceeded in an orderly way to accomplish the same result by amending said section 4132 in that regard without doing more. Then the gentleman from Pennsylvania [Mr. MOORE] again refers with great vehemence to that part of the amendment relating to foreign-built yachts and pleasure boats, and contends that the conferees have tinkered with the tariff law and again exceeded their powers. Again the gentleman is wrong. It may be illuminating to the gentleman from Pennsylvania to know that under the amendment as adopted by the Senate foreign-built yachts would be entitled to American registry without paying the 35 per cent ad valorem duty provided by the Payne tariff law, but the conferees were more jealous of the gentleman's industry than he seems to know. I suggested to the conferees to put in the proviso that foreign-built yachts, pleasure boats, or vessels not used or intended to be used for trade, shall not be admitted to American registry unless they pay an ad valorem duty of 35 per cent, as provided by section 37 of the Payne tariff law. Now, that is a great thing for the gentleman to protest against here. That is in the interest of his own shipyards; it will protect that industry to that extent. Why the gentleman should protest I can not understand.

I am sincere in my position as to the admission of foreign-built ships to the coastwise trade. I am willing that our American shipyards shall have a monopoly of building ships for our coastwise trade, but in view of the fact that we do not build ships for the foreign trade, except in negligible numbers, we can not possibly hurt the American shipbuilding industry by granting American registry to foreign-built ships for the foreign trade. The Committee on the Merchant Marine and Fisheries carefully considered this whole question before reporting to the House the Alexander bill providing the free ships. We undertook to provide that foreign-built ships might be admitted to the American registry for the foreign trade. The American shipbuilders stated before the committee in hearings on that bill and similar bills that it costs 40 to 50 per cent more to build ships in the United States than they could be built for abroad, and as it is our wish to give our manufacturing and other industries better facilities with which they may extend their foreign trade, the Committee on the Merchant Marine and Fisheries reported the free-ship bill, and the conferees have been generous enough to incorporate it in the Panama Canal bill as a substitute to Senate amendments Nos. 11 and 12, known as the Williams and Gallinger amendments, thereto.

I think the gentleman from Pennsylvania after he has considered the whole question will conclude that I am a better friend to his industry and of our merchant marine than he is, and a better friend to the American laborer than he is. [Loud applause on the Democratic side.]

The trouble with the gentleman is he does not understand the amendment agreed to by the conferees, and its effect on our shipbuilding industry, otherwise he would not criticize the work of the conferees. Instead of finding fault with them and charging them with exceeding their powers, he should thank them. If they exceeded their powers in any particular it was only by incorporating in the amendment the provision giving to American shipbuilders free material for the construction and repair of ships, and in removing the last restriction as to their use in the coast trade.

To restate briefly the transgressions of the conferees in the amendment agreed to by them to the Senate amendments Nos. 11 and 12, they make clear:

First. That foreign ships shall be admitted to American registry for the foreign trade only.

Second. That the Philippine Islands, and the islands of Guam and Tutuila shall be included in the trade in which such vessels shall engage.

Third. That the foreign-built ships shall not be more than five years old.

Fourth. That foreign-built yachts, pleasure boats, or vessels not intended to be used for trade, shall not be admitted to American registry without paying the duty of 35 per cent ad valorem, provided by the tariff act of August 5, 1909.

Fifth. That foreign-built vessels admitted to American registry may contract with the Postmaster General under the ocean-mail act of 1891, only when they comply with all the provisions of that act, instead of part of the provisions of said act as provided in the Senate amendment.

Sixth. That American shipbuilders shall have free material for the construction, outfit, equipment, and repair of ships, and removing all restrictions as to use of such ships in our coastwise trade.

A careful consideration of the work of the conferees will make all thoughtful people conclude that the protest of the gentleman from Pennsylvania is brutum fulmen.

At the opening of the Civil War the American people owned 2,500,000 tons of ships engaged in the foreign trade; at the close of that great struggle our registered tonnage had declined 1,000,000 tons.

The downward tendency was checked for a while with revival of business after the war, but the decrease began again in 1880 and continued with occasional interruptions until 1898, when our vessels in the foreign trade had a total tonnage of less than three-quarters of a million. Since then there has been some gain, but on June 30, 1910, our registered tonnage of every class, steam and sail, seaworthy and otherwise, measured only 872,671 tons.

There were many causes which led to the decline of our merchant marine in the over-sea trade. Among others, Dr. Johnson in his book on the Elements of Transportation mentions the following:

1. The substitution of steamers for sailing vessels, and substitution of iron instead of wood in shipbuilding.
2. As late as 1870 only 3 per cent of the tonnage annually constructed in the United States consisted of iron vessels, while at that time 80 per cent of the new vessels built in England were built of iron.
3. The withdrawal of Government aid to American vessels in 1858.
4. The effect of the Civil War on our shipping was disastrous.

Congress gave the manufacturers liberal protection by continuing the war tariffs. While reserving to American shipyards the monopoly of constructing vessels for registry and enrollment under the American flag, practically nothing was done to compete with that under the foreign flag.

Congress did not repeal the special taxes placed on our shipping during the Civil War period until 1868, and it was not until 1872 that materials might be imported duty free, and then only for use in construction and equipment of wooden vessels.

The builders of steel vessels were obliged to pay duty on imported material until 1890, and its importation under the tariff act of that year and under subsequent tariff acts was hedged about by such restrictions that the privilege was of no great value.

Now, for the first time since the Civil War, is the last restriction removed. Under the Panama Canal bill as amended in conference by the adoption of the free-ship-material section of the Alexander bill, the American shipyards may use imported material in the construction, equipment, and repair of vessels, steel or wood, free of duty.

Mr. Fassett, of New York, in a speech delivered in the House in the Sixtieth Congress, made the following admission:

This industry of carrying goods upon the high seas is the one American industry that has been slaughtered on the altar of protection. I agree with the gentleman from Missouri, for once, that the protective tariff has slaughtered our American merchant deep-sea marine.

With this obstacle now removed, may we not confidently hope that in the near future we may witness a gradual revival of our deep-sea merchant marine?

As to the wisdom of this free-ship amendment, I might quote many eminent authorities, but a few will suffice.

The New York Evening Post of April 11, 1912, in an editorial headed "Another appeal for free ships," has this to say, commenting on the views of Rear Admiral Chadwick in reply to a query by the Navy League:

ANOTHER APPEAL FOR FREE SHIPS.

The recent action of the New York Chamber of Commerce in demanding the abolition of the antiquated navigation laws which prevent our development of a merchant marine lends especial interest to a vigorous utterance of Rear Admiral French E. Chadwick, in reply to a query from the Navy League. That organization had inquired his views as to the restoration of our merchant fleet. He struck out with the vigor to be expected of the captain of Rear Admiral Sampson's flagship and his chief of staff in 1898:

"I would say that I am not in favor of subsidies of any kind. I think that all that is necessary to restore our shipping is to abolish the Cromwellian laws which now stand in our statutes, and thus give our shipowners a chance. Our oversea carrying trade has been protected to death, literally."

This was not, we believe, the answer the Navy League wanted. It, we fancy, desired to hear that our all-wise and paternal Government should proceed at once by bounties, subsidies, tariffs. * * *

The Navy League believes in a merchant fleet nursed into being and kept alive by artificial food. But Rear Admiral Chadwick knows by experience the evil that protection can do. He remembers "our building four large wooden side-wheel steamers for the Pacific Mail (about 1869), when the rest of the world was building iron screw ships, of which the White Star Britannic was a sample. Had we not had protection these preposterous ships would have been of the Britannic type and would have lasted and made money." And he adds, vigorously enough, "All the subsidizing, nursing, and coddling in the world can't avail against our present brutally ignorant and unbusinesslike system. I have had these opinions now many years, and to-day am as strong in the opinions I here express as ever."

Rear Admiral Chadwick then takes up the cases of Great Britain and Germany, pointing out that the former in 1848 abrogated laws of about the same tenor as ours. The English Government, as he declares, does not subsidize at all in the sense in which our shipbuilders would have us in this country. They do pay, of course, a compensation for mail services, but he naturally objects to the counting into the amount paid by England the cost of the Royal Naval Reserves and the Canadian fishing bounties, as was done under the head of subsidies in our Commissioner of Navigation's Report for 1909. Leaving out England's colonies, the total of subsidies, apart from Admiralty retainers for certain large ships, is only about $3,200,000, "a very moderate compensation for the world-wide mail service rendered." Naturally Rear Admiral Chadwick says that to maintain that England's vast fleet is kept up by subsidies is absurd. He quotes the secretary general of the Hamburg Line, Herr Huldemann, as citing the experience of England and Germany to show that with practically no subsidies—the smallest per ton of merchant fleet of any in Europe—England and Germany were able to "immensely increase their fleets" in the decade prior to 1909—England by almost 5,000,000 tons and Germany by more than 2,000,000 tons. Herr Huldemann sees clearly that the lack of growth in other countries must in part be ascribed to the "false educational influence the system of subsidies is exercising by the fact that it makes the receiver of the subsidy a Government pensioner and spares him the trouble of earning his bread by his own efforts."

Our first step, Rear Admiral Chadwick, like Grover Cleveland and many another student of the subject, declares, must be to have free ships. And he also touches upon a point which is not dwelt upon often enough. We have right along been sacrificing the shipowners to the shipbuilders. The would-be owner is forced into other lines of business because he has not the right to buy his ships where he may—as cheaply at least as the man who is competing with him. As soon as it is urged that we buy our merchant ships abroad, as foreigners used to buy of us when we could build better and faster ships than they, the cry of "spare the shipbuilder" is heard—the shipbuilder, whose American protected labor is beginning to bear something of the aspect of the protected labor of the American Woolen Co. in Lawrence—in one shipyard of which Rear Admiral Chadwick knows all the riveters are Syrians. The powerful, vested shipyard interests that have been kept alive artificially all these years by Government contracts and the navigation laws are not to be compelled to readjust their yards, enter into a fair and free competition with the rest of the world, and, in homely American language, "get cut and hustle for the business." They are to fall back upon the Government and live under its protecting shadow.

Mr. B. N. Baker, of Baltimore, one of the best authorities in the United States as to the effect of this legislation, speaking in the light of long experience in the steamship business, has this to say of the free-ship bill now incorporated in the Panama Canal bill:

MARCH 14, 1912.

Hon. J. W. ALEXANDER, M. C.,
Washington, D. C.

DEAR SIR: Am very much interested in your bill, 16692, which I note was reported March 11 from the Committee on the Merchant Marine and Fisheries. If you can secure the passage of this bill, it will certainly add to our merchant marine, particularly as the bill gives the privilege to American citizens of buying ships for the foreign trade, and that these ships will be eligible for service under the ocean-mail act of 1891; also that they will be entitled to any benefits given to American vessels over foreign ships in the use of the Panama Canal.

My long experience in the steamship business justifies me in believing if this bill is passed and the Post Office Department will advertise for a line of steamers to the east coast of South America from any of the north Atlantic or Gulf ports and also a line of steamers to the west coast of South America through the Panama Canal, that our country will add more to its merchant marine in the next 2 years than has been added during the 21 years the ocean-mail act has been in effect.

* * * * * * *

This is the most sensible bill I have seen offered.

On account of the great difference in cost of a ship built in the United States, and also the additional cost of operating, it would be impossible, without the assistance of the ocean-mail act of 1891, for Americans to own and operate a steamship line. But this will give them the opportunity to do so.

Now, while the wages of the crew would be greater, it would in a measure be compensated for by the assistance given under the ocean-mail act of 1891. The cost of victualing the crew would be about the same. The ship purchased abroad at the lower cost, amounting to 56 per cent, the increase in insurance, interest, and depreciation would all be eliminated.

Then, too, the question of repairs at the extra cost of 20 per cent could probably be reduced by the admission of material free of duty to the extent of about 10 per cent; but labor would naturally cost 10 per cent more in this country.

I am firmly of the opinion, if such a bill passes, the time will come—and it is not very far distant—when our own shipyards will build at very nearly the same cost as abroad.

Yours, very truly,

B. N. BAKER.

The Panama Canal will soon be opened for traffic. There will be fierce competition for the ocean-carrying trade. We should be ready to command our share.

For years there has been a demand on the part of our manufacturers and merchants for better mail and cargo facilities to the ports of South America. If American citizens take advantage of this legislation we can have ships under the American flag, owned by American citizens, sailing to every port on the east and west coasts of South America.

Instead of doubling the mail pay provided for in the ocean mail act of 1891, as has been attempted for years past by the ship-subsidy advocates, the Postmaster General can employ

foreign-built ships in that trade to carry the mail under said act at the compensation therein provided.

I call attention to these facts in the hope that the demand for subsidies may cease. If American citizens do not avail themselves of the privileges granted by this legislation, it will be strong if not conclusive proof that the seafaring life does not appeal to Americans and that we are content to have foreign ships, under foreign flags, carry our over-seas commerce.

A word more and I will conclude. Much has been said of the difference in the cost of operating a ship under the American and foreign flags. That cost has been grossly exaggerated as it relates to the foreign trade. Seamen's wages are regulated by the port from which the ship sails. For many years American shipmasters have had the privilege of shipping their crews abroad, and many avail themselves of that privilege, especially in the trade between American and European ports.

A bill, known as the "Wilson bill" (H. R. 23676), reported from the committee of which I have the honor to be chairman, is intended to make the seafaring life more attractive to American youths, and among other worthy objects, to equalize the operating expenses of ships.

I can not conclude without expressing to the conferees on the part of the House on the Panama Canal bill, Hon. WILLIAM C. ADAMSON of Georgia, Hon. THETUS W. SIMS of Tennessee, and Hon. FREDERICK C. STEVENS of Minnesota, my great appreciation of the honor done me in calling upon me to aid them in framing the free-ship amendment, and I indulge the hope that when my esteemed friend from Pennsylvania, Mr. MOORE, comes to understand the effect of the amendment better, he will have a better opinion of the results of our labors.

Mr. STEVENS of Minnesota. Mr. Speaker, I wish to be notified at the end of 10 minutes. Mr. Speaker, I did not sign the conference report with my colleagues upon the conference committee because I could not agree to some of the Senate amendments to section 11. I wish to say, however, that in the drafting of section 5 it was my duty to confer with the gentleman from Missouri, Judge ALEXANDER, chairman of the Committee on Merchant Marine and Fisheries, and the Commissioner of Navigation, and between them we did the best we could within the rules of this House to properly carry out the provisions of the Senate amendments as disagreed to by the House. The Senators did not see fit to yield. The conferees believed that the sentiment of the House would agree with the sentiment of the Senate, so we consulted the best authorities we knew—the chairman of the Committee on Merchant Marine and Fisheries, in whose judgment, experience, and integrity we all have very great confidence, and the Commissioner of Navigation, whose long experience and ability are acknowledged—so the amendments are the result of our labors, and so far as I am concerned I thoroughly believe we were within the rules of the House along the lines laid down so clearly and ably by the gentleman from Missouri. I think this House does not realize two things. First, that the Committee on Interstate and Foreign Commerce, in the preparation of this canal bill, did not desire any of these extraneous matters to be in the measure. We did the best we could to exclude all of them, and the only reason that any of these provisions were included in the bill was the greed of the shipowners and merchants on the two coasts who demanded special favors for themselves irrespective of the honor or welfare of their country, and this compelled the introduction of outside matters. If they had kept their hands off in the preparation of this measure, we would not have had any of these amendments for discussion as we do to-day. The Committee on Interstate Commerce was not responsible for any of these amendments. The conferees of the Senate and House were not responsible for these amendments. They were inserted in the other body at the other end of the Capitol.

Their conferees would not yield, and we were obliged to take some of these amendments; but before we did that we consulted the best authority we could, and the amendments are before the House now in the report for consideration. There are 14 sections of this bill; 12 of them are unquestionable, and no one can doubt their soundness or wisdom. I think the authorities not only admit that the administrative provisions of the bill are excellent, but they are perfectly satisfied with them. The whole future work of the great canal will be carried on as it ought to be carried on to completion with the credit and honor of our country, and for that reason they ought to be adopted to-night, so that the work of permanent reorganization of the forces can be commenced at once. And in that work I think that this House and the country should know the great value of the services of the chairman of our committee. [Applause.] He has labored in season and he has labored out of season. He has labored patriotically and industriously, and he has done a work that the country will never realize the advantage of until the history of this gigantic work shall disclose the great benefit of his labors. So, I am glad of an opportunity, in these closing hours of this Congress, to bear witness to his ability, his patriotism, his zeal, and his fairness in relation to this measure. [Applause.] I am compelled, however, to differ with the conferees in the provisions of section 11 in three respects—that is, the railroad-owned section. With the section which passed the House forbidding the ownership of steamship lines by railroads in combination and in competition with themselves I thoroughly believe and am in hearty accord. It is perfected after a great deal of most intelligent work and a great deal of ability by the chairman and the gentleman from Maryland [Mr. COVINGTON], and I thoroughly believe in the provisions of it as it passed the House. I believe that the beneficial effects of it can not be overestimated by the transportation and mercantile interests of this country, but the Senate, however, amended it in three different ways and places with which I can not agree. First, they amended it by inserting the words "through the Panama Canal," with reference to the prohibition of vessels. I believe this makes it obvious that the treaties both with Great Britain and Panama are violated by the face of the amendments. The reasons are these, that the treaties provide that there shall be entire equality as to vessels and no discrimination between persons and vessels or anything else; that everybody shall be treated without any discrimination.

The substance of section 11 is that every common carrier, as a railroad, filing its schedules with the Interstate Commerce Commission comes within the provisions of the amendment. That, of course, would include the Canadian and possibly some of the Mexican railroads, which are common carriers, because they do file such schedules with the commission, and some of them own steamship lines competing with themselves in their own countries but not engaged in commerce within the United States. This bill does not limit the effect of that competition to the United States, but includes such within its native country. We can not assume in this way to regulate the domestic affairs of neighboring and friendly nations, but we certainly can not discriminate in favor of some foreign citizens owning ships and against others similarly owning ships when all are doing business legally under their own and our laws.

The Canadian Pacific, the Canadian Northern, and the Grand Trunk, and some Mexican lines have steamship lines competing with themselves in their own countries and are not yet within this Nation at all, and yet such business is included in the Senate amendment. If so included, those lines are excluded from the use of the canal, thereby plainly violating the provisions of the treaty. It may not amount to much and there may be no complaint, but I am unwilling to agree to a provision which, on its face, violates two solemn treaty agreements of this country, exactly the same as I was unwilling to agree to the provision in section 5 exempting coastwise trade from canal tolls.

Second. I object to the so-called antitrust amendment in section 11, as to vessels passing through the canal, because it is ridiculous and worthless. It was justly characterized on the other side of the Capitol, and justly should be characterized here, as one of the most absurd amendments which was ever submitted to a dignified legislative body. It is manifestly impossible of enforcement on its face. It provides only as to present actions and performances. It does not provide for anything which may happen in the future. So this could not relate to the canal at all or could not be enforced in reference to the canal.

Suppose any court should be crazy enough to attempt to enforce it; what would happen? Suppose a steamer of any of the large corporations which now are under litigation in New York should approach the canal with papers as provided by law, and the governor should say, "Why, you can not go through the canal until you have a lawsuit in the United States to determine whether you are owned or controlled by a trust." Then that vessel would be obliged to wait two or three or four or five years until that suit could be finally determined. And yet that is the substance of the amendment which the Senate sends over and the conferees agree to attempting to enforce the antitrust law. It is absurd, so nonsensical, it is impossible of enforcement. I can not sign a conference report which contains such a recommendation.

Third. The amendment which was offered in place of the so-called Bourne amendment placed in there by the Senate, to mitigate the severity of the provisions of section 11 as it passed the House. The House provision made it unlawful after the 1st day of July, 1914, for a railroad to own a water line in competition with itself. The Senate assumed to afford an opportunity to water lines to be owned by railroads and passed

some kind of an amendment, which on its face also was manifestly absurd and unenforceable. But the conferees adopted an amendment which seems to me does not improve the situation. The substance of it is this:

This act will provide that on the 1st day of July, 1914, that all railroads must cease their combinations with water lines competing with themselves.

It assumes to give the Interstate Commerce Commission authority to extend that time after July 1, 1914, indefinitely upon the showing to the commission of two things—first, that it is for the public interest, a convenience to commerce; and, secondly, that such extension shall not exclude, prevent, or reduce competition.

Now, the very fact that the railroad has such an interest and combination with a water carrier does tend to exclude, reduce, and prevent competition. It can not help it. It is so manifest that it can not be denied and was the reason for the enactment of this very section.

The SPEAKER pro tempore. The time of the gentleman from Minnesota [Mr. STEVENS] has expired.

Mr. STEVENS of Minnesota. Three minutes more. The very purpose of the existence of section 11 is absolutely necessary and can not be gainsaid. The very purpose of that amendment is to prevent the sort of condition which does exclude competition. Yet in the conference amendment it is proposed to give the Interstate Commerce Commission an authority to have proof made before them that such extension does not reduce or exclude competition when everybody knows the contrary is and must be true and can not well be denied. The result is that we attempt to give the Interstate Commerce Commission authority which we do not in reality give. We attempt to give an opportunity to extend the time against the enforcement of the prohibitions of this act, when, as a matter of fact, we do not give any such opportunity at all, because the proof demanded as a basis for it is manifestly impossible. Or, if it is done, we put pressure upon the Interstate Commerce Commission to violate the provisions of the law that we are passing upon to-day, in order to insure the proper facilities for transportation to some sections of the country.

It will subject the commission to severe and unjust criticism, and it will stretch the plain provisions of the act in order to grant favors to some large corporations and monopolies. We ought not to place any such unjust burden and condition upon the commission.

I can not agree to any such provision that brings that pressure upon the Interstate Commerce Commission, to do an act that is manifestly improper, impossible, and on its face illegal. And for those three reasons—first, because section 11 manifestly violates the treaty; second, because it contains an absurd and nonsensical provision in trying to enforce the antitrust law, which is impossible of enforcement; and third, because it contains a provision purporting to confer an improper and impossible power upon the Interstate Commerce Commission, and, as a matter of fact does not do any such thing—I could not see my way clear to join my colleagues in signing the conference report.

And yet, at the same time, I wish to state that the bill ought to go into effect at once. Twelve sections are admirable, and are greatly needed at once. Section 11 does not take effect for two years, and if the objections to it, which I have stated to this House, are found to be sound, Congress can meet hereafter and correct them. But at this late hour in the session the bill ought to pass. [Applause.]

Mr. Speaker, I reserve the balance of my time.

Mr. ADAMSON. Mr. Speaker, I yield 7 minutes to the gentleman from Ohio [Mr. SHARP]. I think I have 12 minutes.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. ADAMSON] yields 7 minutes to the gentleman from Ohio [Mr. SHARP]. The gentleman from Ohio is recognized.

Mr. SHARP. Mr. Speaker, if I thought for a moment that what we are to do here to-day would be final and conclusive, I might feel, both as a Member of this House and as a private citizen, grave concern lest we make some very serious blunders. But this is merely an initiative which we are now taking. We are bound to learn our lessons at considerable cost, not only after the Panama Canal has been opened for traffic, but before it is so opened. In confirmation of that statement need I call attention to that with which the most of us are familiar, namely, the conditions which have surrounded the administration of the Suez Canal since it was completed, something over 40 years ago? As to the administrative features of the conduct and management of this great project, which is now nearing completion, I say I have not much concern at the present time, because they will all right themselves. Experience will teach us, and we will be placed upon the right road and adopt the right plan.

There is only one feature about it, gentlemen of this House, which gives me any concern, and it is something concerning which, of we make a mistake to-day—I do not care how proud our record has been in the past—there will be a stain upon our escutcheon which no apology or subsequent corrective legislation will ever fully erase. Let us be very careful in considering our international obligations to other countries. We have been legislating during past sessions for fortifying the canal and to add to the Navy in order that we may adequately protect this great investment. But I want to say, gentlemen, if we are always in the right, if we never give just cause for grievance or complaint to any of our sister nations, we shall seldom have need of any fortresses or of any battleships for that purpose. Whatever we do that involves our international relations with foreign countries should be carefully considered, to the end that we may enact this legislation to the entire credit of the American people.

In the brief time which is allotted me I shall confine my remarks to the two phases of the subject which seem to be necessarily involved in the proposed legislation. To my mind they transcend in importance all the other features which in one branch or the other of Congress have been incorporated in its provisions. The first and, in my opinion, the most important of these is international in its character; the other is purely domestic, and as such subject to change in legislation from time to time as the needs thereof develop.

While the view seems to be quite prevalent that, inasmuch as our Government built the canal at its own expense through territory acquired by it, we are, therefore, left free to impose such conditions upon its use as we wish, yet I do not doubt for a moment that once the American people became familiar with the antecedent negotiations which led to the enactment of the Hay-Pauncefote treaty and the obligations which it imposed, this widespread impression would be greatly modified. A little more than 50 years before the enactment of that treaty—in the year 1850—the treaty commonly known as the Clayton-Bulwer treaty was entered into between Great Britain and the United States. Wisely or unwisely, that treaty provided that neither country could control, own, or operate exclusively a canal connecting the two oceans. It was to remove this inhibition upon the part of the United States that the Hay-Pauncefote treaty was enacted, which, while it still—according to the construction of some very able statesmen—prohibits Great Britain from constructing such a canal, did expressly permit our Government to do so. In exchange for this concession the latter treaty, to which I have just referred, contained certain stipulations pertaining to the use of such canal by the foreign nations. It is upon the proper construction of the provision in that treaty, which reads as follows, that has brought about a controversy which, while I think honest, yet is very unfortunate at this time. That provision reads as follows:

> The canal shall be free and open to the vessels of commerce and war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any nation or its citizens or subjects in respect of the conditions or charges of traffic, or otherwise.

In this provision just cited, was it intended that the words "all nations" should include our own? That such was the construction placed upon it seems to be borne out by the fact that when an amendment was proposed giving a preference to our coastwise vessels it was rejected at the time by the Senate by a vote of 43 to 27.

During the learned arguments made upon this international feature of the proposed legislation it has been contended by various gentlemen, more especially in the other body of our National Congress, that whatever doubt there was as to the construction of a treaty ought to be decided in our favor. Possibly, Mr. Speaker, this view is consonant with the hard-headed and more selfish rules which impel one of two contracting parties to drive a good bargain and get out of it the best terms possible for himself; but to my mind, even leaving out of consideration the costly embarrassments which, I think, are liable to follow on such a construction, a more enlightened—and certainly a more generous—policy dictates an exactly opposite course to pursue. Upon questions of honor and integrity there should be no different rule followed, whether nations or merely individuals are the contracting parties.

That the conception of this mighty project should have found place in a human mind is not so wonderful, when the map, which shows the narrow thread of land which separates the two great oceans, is viewed; and it is not surprising that, almost from the earliest discovery of this Isthmus, the navigator looked with longing eyes to a means of sailing his ship from the shores of one ocean to the shores of the other, involving but a few hours' time, instead of spending weeks in traversing six or seven thousand miles around the Horn and

back again to make the desired connection. The execution of such a conception was a different thing, but here, again, it is not surprising that the task was finally left to American genius to successfully accomplish. Much has been said and much written about the difficulties which have had to be overcome to bring it abolt; but, Herculean as they were and at a cost greater by three times than that involved in building the great Suez Canal, we are now standing at the threshold of its final accomplishment.

No matter from what particular angle this project has been discussed—other than its purely engineering features—the one central idea presented to everybody must have been that it is essentially a world project, for does it not, for all time to come, connect the two greatest oceans which are the highways of commerce for all the nations? No Martian canal, either real or fancied, affords an example of greater utility of purpose. Anything less than a general use of this great passageway by all the nations of the earth will render its purpose abortive. Manifestly, then, the American Congress should by proper legislation do everything in its power to encourage such use by the most liberal and equitable legislation, against which the charge of unjust discrimination must never find a place.

But I pass to the second feature of this bill, which has to do with the levying of tolls. I read in one of our city papers the other day an editorial which had a heading like this, "The people win," and coming as it did from a conservative paper, as I think I might justly call it, it rather astonished me. I think most of that paper's editorials are very carefully thought out and display a good deal of sense, and yet the heading of this article, "The people win," caused me some surprise and I hastily looked up at the top of the paper to see if I had not bought a certain paper published in the city whose advocacy of the people's interests would not cause so much surprise. [Laughter.] Here is a paragraph of that editorial:

> The strong influence of public opinion is to be seen in the Panama Canal bill as it has passed the Senate. The American people wanted to realize on their investment of millions of dollars in the canal and demanded the free admission of American ships in the coastwise service. Great Britain protested, but the American people won their fight.

The people won nothing in that canal except the benefits which will come in common to all of saving by nearly half the circumnavigation of the earth, which is an economic saving to all the people. In that respect the people have won a great victory. But the people who in particular have won a victory, if measured by the benefits, are, as my friend from Minnesota [Mr. STEVENS] has stated, the men engaged in the coastwise traffic and the general shipping interests. I say without fear of successful contradiction, gentlemen, that the greatest ship subsidy that has ever been planned or thought of by Members of Congress in any piece of legislation will have been consummated in the opening of this canal absolutely free of any toll charges.

In looking over the minority report I noticed the remarkable statement of the gentleman from California [Mr. KNOWLAND].

That gentleman, in the report referred to, uses the following language:

> We can not emphasize too strongly the elementary proposition that tolls levied upon vessels engaged in commerce between our eastern and western seaboards increase the amount the transcontinental railroads may charge for the same service. If a vessel en route from San Francisco to New York, through the canal, were required to pay $10,000 in tolls, the transcontinental railroads would largely be the beneficiaries. This question affects every ton of domestic freight that passes through the canal and every ton that is carried across the country by the railroads.

The gentleman's statement, while ingenious and specious, is full of sophistry in that it does not recognize the fact that real competition between transcontinental railroads and water shipments from coast to coast through the canal can not possibly exist. I believe the testimony at the hearings will bear me out in the statement that it costs anywhere from two to three times as much per ton for shipments by rail from San Francisco to New York, or vice versa, as it will cost between these points by water route through the canal. Surely, in the face of such facts, the gentleman would not contend that the imposition of a toll amounting to less than one-fifth of the difference in freight between the two methods of transportation would be added to the present rates charged by the railroads. The charging of tolls at the canal can only be materially in competition with the railroads where the difference between the rates for transportation charged are approximately equal to the amount of the toll charged. But this question, for reasons I have just stated, could never become material, as it concerns the tolls to be imposed for using the Panama Canal. In this connection, let me digress for a moment, to voice my hearty approval of the high praise accorded by the gentleman from Minnesota [Mr. STEVENS]—who, let me say, though we differ in our political faith, is one of the ablest and most patriotic men of the House—to the chairman of the Committee on Interstate and Foreign Commerce, Mr. ADAMSON. No one can read his able presentation of the case contained in the majority report on this bill without admiring both his wisdom and patriotism. If I were inclined to feel any uncertainty as to my own views upon the subject of levying tolls, I would feel very much fortified and reassured in my belief after reading the arguments in favor thereof, which he has so ably presented. Referring to the views of the American people, as he interprets them, he tersely says:

> While they wish to be fair and honorable, they do not feel called upon to operate the Panama Canal as an eleemosynary institution.

And as to the claim for special exemptions from the payment of tolls for the coastwise ships, he has epitomized the whole argument as follows:

> It is urged that the stipulations for equality do not prevent preference for coastwise ships, because they are not in competition with foreign ships which can not enter coastwise trade. In effect the argument is that, being already protected against competition, one discrimination in their favor demands another. Being protected against all competition they would also be exempt from tolls, and place in their coffers the amount saved thereby. We think the treaty stipulations for equality of treatment mean treatment at the canal and nothing else.

Mr. Speaker, it is unfortunate that this bill, originally designed to meet the more imminent needs of legislation to regulate certain conditions of the canal, should have come back again burdened with so many extraneous and seemingly irrelevant legislative propositions. I do not know that I could better characterize the situation which this measure now presents than to quote a single sentence which to-day appeared in an editorial of the New York World, and which reads as follows:

> In a routine law designed in the first place to provide only for the operation of the canal we have gone around Robin Hood's barn to repudiate the solemn obligations of a treaty, to accept the principles of ship subsidies, to legislate on the tariff, and to amend in an important way the two laws that bear most powerfully upon the conduct of commerce and industry.

Leaving out of all consideration the extra subjects which have been injected into this bill at the other end of the Capitol, I will speak as briefly as possible upon the phase which is admittedly not only very pertinent at this time, but which is destined to be always one of the most important administrative features in carrying out the purposes of the very canal itself—that of the imposition of tolls.

When the canal shall have been completed, the total cost thereof to the American people will somewhat exceed the enormous sum of $400,000,000; the annual expense of maintenance will approximate $4,000,000, to which, adding the interest on the investment, will amount to a fixed charge of substantially $16,000,000. Shall the donors of this great utility offer to the shipping interests of the world its free use, or will they ask in return for this privilege such a reasonable compensation as shall meet all the fixed charges thereon? This is the question in a nutshell. That the imposition of a reasonable toll to meet such charges will discourage the use of the canal will not be seriously contended, I trust, by anybody. If a shipper can be shown a way in which, with much more expedition, he can save $10 per ton in the cost of transporting his cargo, he will most assuredly not object to surrendering in payment for that advantage one-eighth part of his gain. Upon this point the history of the operations of the Suez Canal is very interesting, the toll per ton imposed for its use being considerably in excess of the one provided for in the present bill. In this connection let me quote from the reports of that canal both as to the number of vessels going through it as well as the number of tons transported; and as I shall use as a basis of comparison and for other purposes the Soo Canal on the American side, I will also read the official reports showing the number of tons which have gone through that canal for the last six years:

Total freight tonnage, St. Marys Falls Canal, Mich. (American side only, American Soo).

Fiscal year:	Tons (short).
1907	45,013,198
1908	33,964,074
1909	32,757,486
1910	28,951,144
1911	23,625,533
1912	26,237,785

Suez Canal.

Year.	Number of vessels.	Net tons.
1900	3,441	9,738,152
1905	4,116	13,134,105
1906	3,957	13,445,504
1907	4,267	14,728,434
1908	3,795	13,633,283
1909	4,239	15,407,527

I may add, if I remember correctly, that the gross receipts of the Suez Canal for the last year, of which I have a record, exceed $25,000,000.

It may be of some interest to further state in connection with the American Soo Canal project that during the past seven years there has been appropriated by the Government for various improvements a sum exceeding $5,500,000, while for the construction of the channel in the Hay Lake and the Neebish Channel the sum of $4,400,000 has been appropriated during an equal period. During these seven years for all the harbors upon the Great Lakes, including the two projects just mentioned, there has been appropriated the enormous sum of $35,299,875.

I call attention to these stupendous outlays of money on the part of the Government, which, by the way, are comparatively small to the total amount expended for river and habor improvements throughout the country, for the purpose of pointing out one way at least in which our so-called billion-dollar Congresses are called upon to appropriate money. Would I stop improvements of our great harbors, rivers, and channels? Not at all. I am in favor of the greatest development possible for our waterways, that more convenient and cheaper transportation may result for the benefit of the people. But how much longer and to what extent will our Government be justified in continuing such a policy, which, while its results may indirectly benefit all the people, the direct effect is to confer such enormous special advantages upon a comparatively few carriers of freight?

Again quoting from my colleague from California, Mr. KNOWLAND, I read from the minority report submitted by him the following sentence:

> From the beginning of the Government to the present time, notwithstanding that we have appropriated $627,098,236.05 for the improvement of rivers and harbors and the construction of canals, exclusive of the Panama Canal, it has never entered into the conception of Congress to erect a tollgate in the path of our domestic trade, for the benefit of which these improvements have been made.

And yet, Mr. Speaker, may I not with much propriety ask if, in fairness to the American people who have paid these enormous appropriations, as well as suggesting a sound economic policy, the time has not now come when we should ask from those so specially benefited such a compensation in return as will at least maintain the improvements so constructed? Does anybody doubt for a moment that, should the railroad syndicates ask any such concession, they would meet with an emphatic refusal in the present temper of Congress and the people! Indeed, much zeal has been manifested in the framing of certain provisions of this bill to deny to these same railroads all benefits which may accrue from the use of the Panama Canal. Yet, within the past 12 months there has been brought to light on the floor of this House the existence of a great International Shipping Trust, as absolute in the use of its power as ever was exercised by any railroad company. I predict, with much confidence that when the canal is finally opened for traffic we shall be quite as busily employed in curbing the power of the steamship companies which enjoy its advantages as we have been in the past in defeating the exactions from the railway companies. Mr. Speaker, let me make one more observation before I conclude. In my judgment—and I have given the subject some thought—nothing has contributed more to the unequal distribution of wealth among the people than the paternalistic attitude which the Government has assumed toward the encouragement and development of commerce. Is it any wonder that a widespread demand for the correlative legislation which will permit the General Government to grant old-age civil pensions, establish insurance endowments, and so forth, has arisen and is championed by a political party of no inconsiderable numbers? Or, if it is a legitimate function of the Government to annually appropriate, without asking the return of a single dollar for the benefits conferred, great sums of money for waterways, are not the claims of the advocates of Federal aid for the building of good roads for identically like purposes—a more economical and expeditious transportation—equally justified?

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ADAMSON. I yield 3 minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I should like to ask the gentleman from Ohio [Mr. SHARP], in view of the Democratic platform and in view of the statements which have been made here on the floor of this House, whether the Democratic Party is in favor of a ship subsidy, or whether they have been deliberately seduced by the shipping combine, or whether the gentlemen on that side who argue that the remission of tolls is a ship subsidy have made a mistake? I should like to say just a word in regard to the statement that has been made by the gentleman from Ohio [Mr. SHARP], and also by the gentleman from Minnesota [Mr. STEVENS], that the shipping companies of this country have urged a free canal for the coastwise trade.

Mr. SHARP. Does the gentleman want an answer to his question?

Mr. HUMPHREY of Washington. The gentleman can answer in his own time. He said awhile ago that a free canal was a ship subsidy, so according to his party's platform he is in favor of a ship subsidy, and I congratulate him.

Mr. SHARP. Does the gentleman want an answer to his statement?

Mr. HUMPHREY of Washington. The Democratic platform has answered it for you.

In regard to the action of shipping companies, as asserted both by the gentleman from Ohio [Mr. SHARP] and the gentleman from Minnesota [Mr. STEVENS], I believe I am perhaps as closely in touch with the shipping companies of this country as any man in this House, and I have not heard one suggestion or intimation from any one of them since this question has been under consideration that they were urging a free canal for ships in the coastwise trade. If the gentlemen who make these statements, either the gentleman from Minnesota [Mr. STEVENS] or the gentleman from Ohio [Mr. SHARP], know any shipping companies that have appeared before the committee and asked for free tolls in the coastwise trade I should like to have them name them. This is but fair to the shipping men of the country. I make the statement, as I made it before, that it is absurd to talk about a free canal being an advantage to the ships engaged in the coastwise trade. It is not, and any manager of any shipping company who would come before a committee and urge that would convict himself of insincerity or stupidity.

Mr. MURRAY. It is a distinct advantage, however, to the shippers of freight through the canal, is it not?

Mr. HUMPHREY of Washington. Yes; but it is not of any particular advantage to the man who owns the ship, because the coastwise trade is a monopoly, and all ships that go through the canal are on the same basis, in the coastwise trade, and as long as all the ships are treated alike it makes no difference to them whether they have free tolls or not.

Just one word in regard to our right to pass our ships free through the Panama Canal. I should like to know who owns the Panama Canal and who is going to pay for it, and why the American people have not the right to use their own property as they see fit without asking the consent of any other nation?

Mr. STEVENS of Minnesota. How much time have I remaining?

The SPEAKER pro tempore. Fourteen minutes.

Mr. ADAMSON. How much time have I?

The SPEAKER pro tempore. Five minutes.

Mr. ADAMSON. If the gentleman from Minnesota [Mr. STEVENS] will take care of the gentleman from Maryland [Mr. COVINGTON], I will yield all my time to the gentleman from Illinois [Mr. MANN].

Mr. STEVENS of Minnesota. I should like to yield to the gentleman from Texas [Mr. SLAYDEN] two minutes, and to the gentleman from Minnesota [Mr. STEENERSON] one minute.

Mr. SLAYDEN. Mr. Speaker, I can not agree in conscience or judgment with what has been suggested with reference to the operation of this canal. I can not convince myself that we are not under a sacred, plain obligation to do a certain thing with reference to other countries in connection with that canal, and I can not get rid of the thought that we are deliberately undertaking to violate a solemn treaty because we believe it will be profitable to do so. [Applause.] I do not believe it will be profitable, for wrong does not pay in the end. It is a revolting fact, to me at least, that in the inauguration of this great engineering enterprise, perhaps the greatest in the history of the world, we are staining our country's reputation with dishonor by the violation of a treaty obligation.

Furthermore, I differ from the suggestions that have been made upon purely economic grounds. This canal has been built at a huge expense to the people. It will be maintained at a cost of more than $20,000,000 a year, I suppose, and perhaps, it is suggested by my friend over here, $30,000,000 a year. If ships are permitted to go through that canal without the payment of tolls, it will be an annual subsidy to that extent levied upon the taxpayers of this country. [Applause.] It is unfair. It is unfair to the people who paid for the canal and who do not, unless they are more hopeful than I can be, expect any return on that investment. We may get a reward in the general benefit to trade, not our own trade merely, but the world's trade, and in the increased prosperity and comfort of mankind. Certainly no other dividend on the investment can be looked for.

But I would not put a still greater burden on them. In reason they can not be asked to lose the interest on the $400,000,000 the canal has cost them and then pay the $30,000,000 a year it will cost to maintain it, plus the fifteen or twenty million more it has been decided to waste in defending it.

Who, primarily, will benefit from the use of the canal? First, the freight carriers, the shipowners, because it shortens the distance between the two great oceans by many thousands of miles. Taking the shorter route through the canal they will be able to make more voyages in a given time between Atlantic and Pacific ports or between our east coast and Asiatic countries. That will mean greater earnings and a large saving in fuel and wages. We hope that it will result in a material reduction in freight charges, and no doubt it will if we can compel conditions that will insure competition.

Then the consumer of the produce that will be carried through the canal will benefit, for it will certainly cost less to deliver produce from the place of its origin to the consuming markets. It is possible to do these beneficial things, these things that will be gainful to both the buyer and seller, without lessening the profits of anyone. Trade expansion, broader markets, a wider, freer distribution of produce of all sorts should result from the opening of this canal, and in that we must find our reward.

Now, surely, these people and this trade that first and directly benefit by the canal ought to pay the cost of its maintenance. The taxpayers of the United States as a whole have paid for and will present it to them, and it is not too much, I repeat, to ask that the traffic through the canal shall keep it in repair and pay operating expenses.

I question the wisdom of the plan of keeping any ships engaged in commerce out of the canal. My plan would be to charge all alike for its use and throw it open to the commerce of the world. If ships belong to American corporations our Interstate Commerce Commission may regulate their charges for carrying freight. If they do not belong to Americans or to American corporations we can not control them, for we are not yet arbiters for the world.

I am absolutely hostile to the suggestion that our own coastwise ships shall be permitted to use the canal without paying tolls. The coastwise shipping is an American monopoly. We do not permit foreign shipowners to share it, and in doing so we compel our producers and consumers to pay more for service and more for produce than they would otherwise have to pay. Now, in addition to that, this bill says we must subsidize the monopoly still further by granting it exemption from tolls. It is subsidy, rank, offensive subsidy.

I am as anxious to build up American trade as any man that lives, but I want it done fairly. I do not want it done by indirect and excessive subsidy.

Section 5 says "no tolls shall be levied upon vessels engaged in the coastwise trade of the United States." I am advised that this means vessels engaged exclusively in the coastwise trade of the United States. Ships trading from San Francisco to New York can not, under this provision of law, stop at a port in Mexico or Nicaragua and take on produce for American ports without incurring severe penalties. To do so would lead to the forfeiture of ship and cargo, unless I have been misinformed as to the law. That seems a perfect plan for keeping up freight charges.

But after all, Mr. Speaker, the great objection to this bill is that it breaks faith with other governments with which we have solemnly covenanted in regard to the use of the canal. We ought to be as honest in the aggregate as we try to be as individuals.

The people of the United States can better afford to keep the canal open at their own expense than to stand convicted before the world as a nation that will not keep its contracts.

Toll should be paid for the use of the canal, but it ought to be paid by every ship that uses it or by none, for it is so "nominated in the bond."

Mr. STEVENS of Minnesota. I yield to the gentleman from Minnesota [Mr. STEENERSON] one minute.

Mr. STEENERSON. Mr. Speaker, I agree absolutely with the reasons advanced by the gentleman from Texas [Mr. SLAYDEN], who has just spoken, that this act of legislation constitutes a violation of our obligations under the treaty. However meritorious the other provisions of this bill may be, I can not record my vote in favor of breaking our solemn treaty obligations.

I also agree with the statement that to allow free passage of ships through this canal is a ship subsidy pure and simple, and that it will be a continual charge upon the people for the benefit of a few shipping interests, and that it is not for the benefit of the American people; that the saving in freight will not go to the consumer, but to those directly engaged in the trade who have a legal monopoly, so far as that traffic is concerned.

A great deal of ingenious sophistry has been employed for the purpose of proving that the exemption of "vessels engaged in the coastwise trade of the United States" is not a violation of the Hay-Pauncefote treaty. Some have gone still further, and claimed that we had a perfect right to exempt "vessels of the United States" from tolls; that is to say, that we have a right to exempt vessels of commerce owned by private citizens of the United States. I am unable to see how any such conclusion can be drawn from the treaty, and I believe that it is a clear breach of good faith on the part of this Government to exempt the vessels owned by American citizens as long as we charge tolls to the vessels of the citizens of other countries. Specious catchwords are used to divert the minds of the people from the real point in issue. Thus it is said: "We built the canal. Why should we not make other people pay for it?" "The United States has invested nearly $400,000,000 in this enterprise, and why should we be called upon to play the part of the philanthropic benefactor by charging our own ships the same rate of toll as we charge the ships of other nations who have contributed not a single dollar to the great work?"

The vice of this reasoning is that these questions overlook the fact that it is not vessels of the United States in fact that are sought to be exempted. Nobody claims that vessels owned by the Government of the United States of whatever kind, whether engaged in carrying merchandise or not, may not be exempted under the treaty. But it was not the shipowners who put up the $400,000,000 to build the canal, but the citizens of the United States, and to exempt owners of vessels engaged purely in private enterprises from paying even so much as the cost of putting the vessel through the canal is giving them a subsidy at the expense of the taxpayer in general.

There seems to be a confusion of ideas, so that the statutory term "vessels of the United States" is confounded with "vessels owned by the United States." The only result of this exemption of privately owned ships of commerce, of American registry, from paying tolls is to divert the tolls from the Treasury of the United States into the pockets of private corporations. It is claimed that this form of subsidy, this turning of the profits of the operation of the canal from the Treasury of the United States into the pockets of private shipowners would serve as a powerful stimulant toward the upbuilding of the merchant marine. I doubt it. It would be too limited in its scope; it would only affect vessels passing through the canal, and leave the merchant marine in all other waters neglected.

But, aside from the question of the treaty, and looking at it purely from the point of view of the public interest, I submit that it is an unwise policy. It is economically unwise and ethically wrong. Of course it is conceded that the canal was built largely for military reasons, but we are now considering it from a purely commercial point of view. It is an instrumentality of commerce, just as much as a railroad. When the United States Government engages in the maintenance and operation of this canal for commercial purposes, it is not, strictly speaking, in a governmental operation, but in a commercial one. Being so engaged, it ought to observe the same ethics, the same rules of conduct that it requires to be observed by private citizens or corporations in the operation of canals, railroads, or other instrumentalities of commerce. When the transportation system of the United States was in the course of its development the first evil that called for governmental interference was the evil of discrimination.

Discrimination between persons has always been held to be unjust discrimination, and has been prohibited. Such discrimination was the cause of the upbuilding of many of the monopolies of which complaint is now made. The act to regulate commerce, the Elkins Act, and most of the acts of the different State legislatures to regulate common carriers have been directed against the evil of discrimination in transportation. The evil is not confined to land transportation, for lately the United States Government has brought suits even against foreign ship companies operating ocean vessels in the foreign trade to prevent rebating and unjust discrimination. With what right, therefore, can the United States Government, as a canal proprietor, engage in serving commerce on a directly opposite theory and discriminate against vessels owned by citizens of other countries in favor of vessels owned by certain citizens of the United States? Do the railroads of any country make a different rate for the merchandise belonging to citizens of different countries? It has often been said that when the Government is engaged in manufacturing or similar private work where it employs labor it should be a model employer; for a stronger reason, when it engages in the transportation business, it ought to be a model common carrier and should

refrain from unjust discrimination for or against any citizen whomsoever. A distinction is made between vessels of the United States engaged in the coastwise trade and those engaged in the "deep-sea" or foreign trade so far as passage through the canal is concerned. Vessels of the United States engaged in the latter trade have to compete with the vessels of every nation in the world, and still this bill singles them out as the only American vessels that are to pay canal tolls. From the coastwise trade foreign vessels are barred.

No merchandise shall be transported by water, under penalty of forfeiture thereof, from one port of the United States to another port of the United States, either directly or via a foreign port, or for any part of the voyage, in any other vessel than a vessel of the United States. But this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States: *Provided*, That no merchandise other than that imported in such vessel from some foreign port shall be carried from one port or place in the United States to another.

No foreign vessel shall transport passengers between ports or places in the United States, either directly or by way of a foreign port, under a penalty of $200 for each passenger so transported and landed. (R. S., 4347.)

We, therefore, by remitting tolls on coastwise vessels are giving a subsidy to a class of ships that have no competitors, and we withhold subsidy from those who have to meet the competition of foreigners. But that is not all; it is a notorious fact that the vessels engaged in the coastwise trade are nearly all in combination with the railroads and are guilty of all sorts of discrimination and injustice. By giving them the free use of the canal we are not doing anything to prevent monopoly unless the clause against railroad-owned ships should prove effective. But how about ships that are engaged in both classes of trade? This proposed amendment leaves that entirely in the dark. All ships flying the American flag may engage in the coastwise trade as well as in the foreign trade. The distinction between coastwise and "deep-sea" or foreign trade is extremely artificial and is based wholly upon statutory enactments which had their origin at a time when we were not a power of extensive coast lines and world-wide domain. As it is now, a ship sailing from New York to Cuba is engaged in the foreign trade, and a ship sailing from New York to Porto Rico is engaged in the coastwise trade.

A ship sailing from any American port to Mexico or the near-by ports of the north or west coast of South America are engaged in the foreign trade, but a vessel plying between New York and Hawaii, by way of the Straits of Magellan, is engaged in the coastwise trade, and at one time vessels engaged in the commerce between New York around Cape Horn to Manila and the Philippine Islands were engaged in the coastwise trade, while vessels from Portland, Me., to Halifax, Nova Scotia, are engaged in the foreign trade. Now, the proposed amendment admits to American registry foreign-built vessels, but requires them to be engaged exclusively in the foreign trade. Obviously the trade between Atlantic and Pacific ports of the United States, to be carried on to the best advantage, should permit vessels to land at all intermediate points in Central and South America, both on the east and on the west coasts, as well as the ports of Mexico. But under this proposed legislation there will be discrimination against those who seek to develop the foreign trade in that way. But the fact that railroad-owned ships are forbidden from using the canal is not sufficient to prevent a combination of vessels of American registry that we are proposing to give free passage, for there will be every inducement held out to such combination. The American Hawaiian Co., which now owns some 26 large steamers and is engaged in the sugar trade between New York and Hawaii, via Tehuantepec, keeps it rates just below railroad transcontinental rates, and it is quite probable that, after we have given these domestic ships free use of the canal they will charge all the traffic will bear, for there is no way to insure genuine competition among them or prevent combination. It was with this in mind that I prepared and introduced the bill H. R. 25828, "To prevent monopoly in the coastwise trade between the Atlantic and Pacific ports of the United States via Panama Canal," to permit foreign ships using the canal to engage in the coastwise trade between Atlantic and Pacific ports upon paying double tolls through the canal. I insert a copy of this bill.

Be it enacted, etc., That any vessel of foreign register not owned or controlled in whole or in part by a railroad company may engage in the coastwise trade between the Atlantic and Pacific ports of the United States via the Panama Canal upon payment of double the canal tolls prescribed for other vessels of foreign register using the canal, and to this extent and for this purpose the trade between the said ports of the United States via the Panama Canal shall not be deemed a part of the coastwise trade and be exempt from the laws governing the same.

The Secretary of Commerce and Labor is authorized to make rules and regulations to carry the above provision into effect.

This measure, I believe, would act as a restraint upon any combination of coastwise ships that might be formed, so that if the rates were raised unreasonably high, foreign ships would avail themselves of this opportunity, and would pay the Government for the privilege. It could not be claimed that this would be a violation of the Hay-Pauncefote treaty, because we have a perfect right to exclude foreign vessels entirely from the coastwise trade, and if we choose to allow them to share it we can prescribe whatever rates or conditions we see fit.

If a combination of American ships in the coastwise trade, using the canal, should be formed, and raise rates to such an extent as to be unreasonable, would it not be fair to permit any foreign ship to engage in that traffic upon payment of double the ordinary toll charged foreign vessels? If the rate should be $1.25 per ton, these vessels would pay $2.50 per ton. It seems to me that if our coastwise vessels had the advantage of $2.50 per ton it would be sufficient to protect them from unjust competition; in other words, this bill of mine would be a protective tariff for the coastwise vessels engaged in commerce through the canal to the extent of double the duties charged. Without such a provision the monopoly of the coastwise trade would be absolute.

The efficacy of the prohibition against railroad-owned ships to prevent monopoly is yet to be proven. The great competitive forces, if given full play, might enable us to avoid the petty tyrannies of railroad-owned ships that have been complained of on the Pacific coast and on Long Island Sound.

The construction of the Panama Canal ranks as one of the greatest achievements of a physical character that has ever been successfully put through by any nation. As an engineering feat and a demonstration of scientific sanitation it stands unparalleled in history. It would be lamentable, indeed, if our legislation should turn out to be not only unwise in policy, but discreditable as a failure to observe our obligations to foreign nations. It may well be doubted whether it would not secure the greatest benefit to the people of the Nation, and to the people of the whole world if the canal was, indeed, opened upon equal terms to all the people regardless of citizenship or flag. It is destined to be the great highway of commerce, and ought to be governed by just and liberal rules, exemplifying the manliness and high ideals of the American people.

[St. Paul Pioneer Press.]

CONGRESSMEN SHOULD EXPLAIN.

It would be interesting to know just why Members of Congress insist on voting for no tolls to American coastwise shipping and why they would exempt American foreign shipping. Who is it that is producing the arguments that are convincing the lawmakers, and what are those arguments? The voters should insist on explanations. There is no overwhelming demand for such action. In fact, the people who have given the subject attention are pretty well convinced that the action of Congress in regard to the Panama Canal is a disgrace to this Nation. The no-tolls provision has been declared by the highest authorities in the country to be in violation of the Hay-Pauncefote treaty. The British Government has taken the same view of the matter in its note to the Secretary of State.

When the canal toll subject was first considered many espoused the no-tolls provision as designed to benefit the coast cities along with coastwise shipping. Since the treaty feature has been brought out there has been a revulsion of sentiment against doing anything that would reflect on national honor. The leading papers in New York, in Boston, Philadelphia, Chicago, in all parts of the country, coast and inland, Republican and Democratic, have declared against the no-tolls clause. The New York World, for example, in its opposition to no tolls, has to score the Congressmen of its own party and to denounce a measure that undeniably would be advantageous to its home city. It and other influential journals have joined in the demand for right and national honor.

Who is it that is convincing Congressmen that they should vote for a measure that amounts in enect to a subsidy for the coastwise shipping monopoly? It certainly is not their constituents, nor is it the press. There must be some reason for the way in which Members of the House and Senate have taken the bit in their teeth and run away from public sentiment. It is up to those who have voted for no tolls to give good excuses when they get back home. The people have a right to know what are the convincing arguments.

Mr. ADAMSON. I wish to yield the balance of my time to the gentleman from Illinois [Mr. MANN], with the understanding that the gentleman from Minnesota [Mr. STEVENS] will take care of the gentleman from Maryland [Mr. COVINGTON] to conclude the debate.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] is recognized for five minutes.

Mr. MANN. Mr. Speaker, I am just as sensitive as any gentleman in this House or in the country to any question of national honor. I do not believe that we are in any way making any reflection whatever upon our national honor by providing for free tolls for American ships, coastwise or otherwise, passing through the canal. [Applause.] The canal, with its maintenance, with the additional cost of maintenance of the Navy, with the additional cost of the maintenance of the Army in connection with the protection of the canal, is likely to cost us in the near future not $20,000,000, but $50,000,000 a year; and to say that we place ourselves under this obligation without any authority to give preference to our own ships would be to write us down as exceedingly foolish and without sense, even if we had honor. [Applause.]

Mr. Speaker, I congratulate the Committee on Interstate and Foreign Commerce on the work that it has done in regard to this bill, and particularly the chairman of that committee, Mr. ADAMSON, and Mr. STEVENS of Minnesota, the ranking Republican member of the committee. It was my honor to serve on that committee for many years, to take part in the first proposition which led to the construction of the Panama Canal, to be the author of a number of bills relating to the canal, to be in part the author of the bill which I hope, when this report is adopted, will soon be a law, and it is a matter of self-congratulation to me that I have had the opportunity of serving on that committee and rendering some service, I believe, to my country in connection with the proposition and the final construction and the law for the operation of the canal.

There is one thing yet that I hope will be done. The construction of the Panama Canal in its conception and in its work is the greatest engineering feat ever attempted or carried through; carried through, I am proud to say, with honor to our country, because no scandal has been connected with this great undertaking. [Applause.] And I hope, whether I remain in the House long or not, Congress will do itself and the country the proud honor of recognizing the feats of men in peace as well as in war, and make the genius, Col. George W. Goethals, who has had charge of this work, a General of the Army. [Applause.]

Mr. STEVENS of Minnesota. Mr. Speaker, how much time have I remaining?

The SPEAKER pro tempore (Mr. SISSON). The gentleman has 11 minutes.

Mr. STEVENS of Minnesota. I yield the balance of my time to the gentleman from Maryland [Mr. COVINGTON].

Mr. COVINGTON. Mr. Speaker, the conference report now before the House of Representatives represents the final conclusions of the Senate and the House of Representatives on what is commonly known as the Panama Canal bill, the greatest piece of constructive legislation produced in the present Congress.

The report, which represents the unanimous view of the conferees, with the exception of the section relating to railroad ownership of water carriers, and which section is alone the cause of their failure to sign it, attests to the skill and the industry with which this great piece of legislation has been carried through to the time when it shall finally be written on the statute books.

In that connection it is but just to this House and but just to the Committee on Interstate and Foreign Commerce to say that the criticism of the gentleman from Pennsylvania [Mr. MOORE] regarding the present framework of the bill does not apply either to the Committee on Interstate and Foreign Commerce of the House or to the House itself. Without regard to whether one does or does not agree with the policy of section 5, relating to tolls, and with section 11, relating to the amendment of the existing interstate-commerce law so as to prevent the railway ownership of competitive water carriers, it is a fact that the bill left the House of Representatives a harmonious, scientific, and complete piece of legislation for the operation, maintenance, and protection of the Panama Canal. The section fixing the tolls of the vessels that are to pass through the canal and exempting from tolls the vessels in the coastwise trade of the United States, and also the section providing for independent ownership of water carriers which do or may compete with the railroads in America, were each simply and effectively drawn to carry out their precise purpose.

When the bill reached the floor of the Senate it is true that as a result of passing through a committee of that body, from some cause that we can not know, and if we knew could not criticize, it was so rewritten in certain sections that international complications would be invited through the provisions affecting tolls. The restrictions upon railroad ownership of competitive water carriers in the United States were also almost entirely removed and an unsatisfactory attempt to place limitations on the traffic of railroad-controlled vessels through the canal itself substituted, and the single-headed executive with ample power to operate and protect the canal after completion was supplanted by a commission government to care for favorites, a form of government which has proved so totally ineffective on the Isthmus in the past. There was, in fact, a lack of skillfulness and a lack of uniformity in the whole measure.

When the House had its first opportunity to pass upon the bill as it had been remodeled in the Senate it emphasized its disapproval of certain of the provisions in the Senate bill, and in consequence the bill went to conference. It then became the duty of the conferees to reshape the measure as best they could, and to create, if possible, a bill as nearly in harmony with the original bill that passed the House. And I say to the gentleman from Pennsylvania [Mr. MOORE] that, so far from this House being subject to criticism because of the bill, it ought to be commended for the bold, beneficial, and constructive character of the legislation as it formulated it.

The House conferees also ought to be subject to the highest commendation for the way in which they have been able to take the much-altered measure which passed at the other end of the Capitol and iron out its rough places until it is now what it was in its inception, the greatest piece of constructive legislation of the Sixty-second Congress.

Now, a word about the much-discussed section relating to tolls. The gentleman from Texas [Mr. SLAYDEN] need have no fear about the ultimate outcome of that question in so far as it concerns our relations with England and other foreign countries. If the section granting free tolls to vessels in the coastwise traffic of the United States shall turn out to be a mistake from an international standpoint, I say to him that it will create a situation easy to adjust by diplomacy. The actual operation of that section can not begin for more than two years.

But, Mr. Speaker, that section does not in any sense violate our treaty with Great Britain. The note of the British Government to the Department of State relating to the question of tolls through the Panama Canal was prompted by the report to the Senate by the Senate Committee on Interoceanic Canals of an amendment to section 5 of the House bill, and which amendment extended free tolls to American vessels in the foreign trade. The bill as it comes from conference has wisely restored the original House provision. The note of Great Britain has recently been summarized in a letter from Secretary Knox to Senator BRANDEGEE. That letter was read upon the floor of the Senate. In commenting in that letter on the British note Secretary Knox uses this language:

> With respect to the proposal that exemption shall be given to vessels engaged in the coastwise trade the communication states that it may be that no objection could be taken if the trade should be so regulated as to make it certain that only bona fide coastwise traffic, which is reserved for American vessels, would be benefited by this exemption.

Now, Mr. Speaker, the existing navigation laws of the United States provide that vessels enrolled or licensed to engage in the coastwise trade of the United States must engage exclusively in that trade. Every vessel which, without surrendering her enrollment for domestic commerce and registering for the foreign trade, proceeds on a voyage in foreign commerce shall, together with her cargo, be subject to seizure and forfeiture. Vessels engaged in the coastwise trade can in nowise, therefore, be engaged in competitive commerce with Great Britain, and Great Britain very wisely does not seriously raise the question of our right to treat our domestic trade into which her vessels may not enter precisely as we please. I do not think under such state of facts that anyone on the floor of this House should deliberately admit to Great Britain a right which she, in her correspondence, has already conceded to our Department of State.

We have built the Panama Canal with our money. It traverses a strip of land over which the American flag floats as an emblem of complete sovereignty. When the Constitution of the United States was formed it really had its birth in the desire of the lately freed colonies to throw aside the barriers of commerce that existed among them. There is not a man in this House who does not know that the Annapolis convention, the forerunner of the great Philadelphia convention, was conceived in the idea that the restrictions on trade placed by the colonies before the Revolution, and by the States under the Articles of Confederation, were sapping the commercial vitality of the country. The result was that the commerce clause of the Constitution of the United States produced the greatest debates in the constitutional convention. Out of that convention there was evolved the great principle that there should be free intercourse between all parts of this great Nation, from the Lakes to the Gulf and from the Atlantic to the Pacific. It was made the fundamental law of the land that there should be no tax or embargo laid upon any commerce between the States.

You may to-day start a cargo in New York through the great canals of the State of New York, land that cargo at Buffalo, transship it by steamers that are the equal of ocean steamships, and land it at Duluth. You may then send it by transshipment from Duluth to the Pacific coast, and there is not $1 of embargo, not one tithe of toll, placed upon that cargo of freight.

This Government is committed, and rightly committed to a policy of annual expenditures for river and harbor improvements. We have in the last 40 years expended $625,0000,000 in such work for the benefit of free trade between the States. But, Mr. Speaker, there is no more right for us to say that those expenditures should have been made in order that trade between the States may pass freely than there is now to say

that we shall now expend money to construct a canal which shall make possible freer intercourse between our States on the Atlantic and Pacific coasts.

To-day American vessels in the coastwise trade, sailing from the Atlantic to the Pacific coast, that have passed around the Horn or through the Straits of Magellan and up the Pacific coast, are within the laws relating to coastwise trade already passed by Congress. These vessels travel 10,000 miles, largely through foreign waterways, and yet not for one moment do those vessels cease to be subject to all the regulations of the coastwise trade. I therefore assert that, as a constitutional proposition and an international question, we have the undoubted right and duty to say in this bill that from New York to San Francisco, or from Boston to Seattle, through waters that are either the high seas of the world, or that traverse our land, and our land alone, vessels in our domestic commerce shall ply their trade freely and untaxed. [Applause.]

The bill as it passed the House authorized the President to provide a method for the determination and adjustment of claims arising from personal injuries to employees of the Panama Canal, thus permitting the establishment of a freer method and a higher rate of compensation than is provided in the existing law granting to employees of the United States the right to receive compensation for injuries. The House believed that the peculiar character of the work in operating the Panama Canal, and the great distance of its location from the United States made it advisable to authorize the President to create, if he deemed proper, a somewhat broader scheme of workingmen's compensation. The provision of the House bill is largely the idea of the gentleman from Illinois [Mr. MANN]. At the time that he was chairman of the Committee on Interstate and Foreign Commerce he worked out the scheme in practically its present form. The Senate in committee struck out this section, carefully prepared in the interest of the American workingmen in the Canal Zone, and inserted a section merely extending to canal employees the provisions of the existing compensation law for Government employees. Mr. Speaker, it is another illustration of the superior character of the House bill that the Senate has agreed to return to the original provision upon this subject.

Mr. Speaker, there is another section in this bill that the House has the right to congratulate itself upon. It is true, as the gentleman from Minnesota [Mr. STEVENS] has stated, that at the inception of this legislation there was a desire to write a bill for the operation, maintenance, and protection of the Panama Canal that did not have in it any provisions save those peculiarly relating to the canal itself. But there arose questions relating to water-traffic conditions from localities on both the Atlantic and Pacific coasts of this country that made the dealing with the subject of railroad ownership of competitive water carriers in some particular absolutely essential. When that situation arose I stated in the committee that if we were to provide for restrictions upon the ownership by railroads of water carriers passing through the Panama Canal, in simple justice the same sort of restrictions ought to apply throughout the United States, and if what was in effect an amendment of the interstate-commerce law was to be written it should apply to all railroads alike.

It is well known that there has been great absorption of water lines by railroads in all parts of the country. The water lines have not been extensions of the railroads, but in most instances they have been competitors. Using nature's highways improved at Government expense, the water carriers of the country ought to furnish a very low rate of transportation on millions of tons of bulk freight. But the water carriers are not under the control of the Interstate Commerce Commission, and in consequence there is no control of their rates. Railroads have bought the control of these water carriers in nearly all the instances where they substantially competed with them, and after taking advantage of freedom from control of water rates to crush out independent competitors they have raised the water rates to the highest point at which they can be maintained.

Mr. Speaker, I have never believed that this great country, with its bays and rivers affording water communication for millions of inhabitants and countless manufacturing industries, with its resources of honest capital, and with the unyielding energy of its people, has to depend upon railroads to furnish us the boats we need for our water traffic. The advancement of such an idea is an insult to our energy and genius. So section 11 as it was originally written was made a part of the Panama Canal bill in the House. It forbids after July 1, 1914, any railway company or other common carrier to own, operate, or control in any manner any water carrier with which it may compete for traffic. It also provides that every railroad in a port must, under certain conditions, connect its tracks with any dock—for freight transfer—from which ships are to sail, and that whatever proportion of a through rail-and-water rate it allows to the best-favored line it must allow to every other steamer over the same route.

There has been added one paragraph at the end of section 11 to which I can not forbear to advert, and that is the paragraph referred to by the gentleman from Minnesota [Mr. STEVENS] relative to the enforcement of the antitrust law with regard to vessels going through the Panama Canal if they be owned or controlled or operated by any corporation or individual in a combination in restraint of trade in violation of that law. I grant practically what he states. It is a nonenforceable and thoroughly unworkable provision, but I think it ought not to stop the passage of the bill because it is simply a clumsy attempt to write into the statute what is the law to-day. If a single genuine combination between water carriers exists that is in reality in restraint of trade there is an abundance of law to punish that combination to-day, and the Senate amendment neither adds to nor takes from the existing law. The attempt to provide for holding up a vessel at the entrance of the canal while the question of fact as to the alleged violation of the antitrust law by its owners or operators is heard in the courts is practically unenforceable, and I hazard the statement that no one will, even out of a pure spirit of malice, undertake to stop the ship of any combination or any individual at the mouth of the canal and prevent its transit through. The courts would find a very simple way to relieve the actual vessel, with its cargo owned by innocent shippers, and therefore, Mr. Speaker, I accept that provision out of the fullness of my belief that while it adds nothing to the law on the subject of combinations in restraint of trade, it contains nothing to interfere with the effectiveness of the railroad section of the bill as a whole.

The combined resources of the great railroads and the other forces of monopoly were organized to defeat this section in the Senate. The effort was successful in committee. On the floor of the Senate the section was substantially amended in the interest of the people, but it is a tribute to the Committee on Interstate and Foreign Commerce, to the House, and to its conferees that after that section had been passed and sent to conference it remained for the conferees, in order to make that legislation entirely effective, practically to restore it to the form in which it left the House.

Mr. Speaker, the conference report ought to be adopted at once. The rapidity with which the Panama Canal approaches completion makes this legislation imperative. The entire administrative features of the bill are admitted to be in accord with the best expert judgment as to the needs for permanent operation and protection of the canal. The committee, in fact, followed largely the advice of that remarkable genius, Col. Goethals, in providing for the future of the wonderful waterway that is to be the great monument to his career. In advocating the passage of the bill I feel that Congress is but giving the final small touch to the masterpiece of a master American. [Applause.]

The SPEAKER. The time of the gentleman has expired. All time has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following motion to recommit which I send to the desk and ask to have read.

The Clerk read as follows:

Mr. MOORE of Pennsylvania offers the following resolution:

"*Resolved*, That the Senate amendments Nos. 11 and 12 as incorporated in section 5 of H. R. 21969 ordered printed as agreed to in conference, August 15, 1912, contravenes the first clause of the seventh section of the first article of the Constitution of the United States, and is an infringement of the privileges of the House, and that said bill, with the amendments be respectfully recommitted with instructions to ask a further conference and disagree to said amendments as amended."

Mr. ADAMSON. Mr. Speaker, I shall not make the point of order on that, but will merely state that I desire to have it voted down.

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion to recommit was rejected.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. ADAMSON. Mr. Speaker, there is a Senate resolution on the Speaker's desk which must be considered, and I call it up.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 28.

Resolved by the Senate (the House of Representatives concurring), That the Committees on Enrolled Bills of the two Houses be authorized to correct the enrolled bill of the House (H. R. 21969) entitled, "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," by inserting in section 11, after the words "or elsewhere," where they occur the second time, the words "with which said railroad or other carrier aforesaid does or may compete for traffic."

Mr. ADAMSON. Mr. Speaker, by some inadvertence those words were omitted and ought to be inserted.

The question was taken, and the concurrent resolution was agreed to.

Mr. McKELLAR. Mr. Speaker, I move to take the bill S. 7424 from the Speaker's desk and put it upon its passage.

The SPEAKER. The Clerk will report the bill. The Chair thinks, under the circumstances, the Chair should recognize the gentleman from Alabama, and afterwards he will recognize the gentleman. It will take about two minutes to put this through the House. There are several little things Members want to attend to, and the Chair is very much disposed to help them out.

DAM ACROSS COOSA RIVER, ALA.

Mr. HEFLIN. Mr. Speaker, I desire to take from the Speaker's table the bill S. 7343 and consider it at this time.

Mr. FOSTER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Illinois moves that the House do now adjourn.

Mr. FOSTER. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and forty-two Members are present—not a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

The question was taken and the Speaker announced the noes seemed to have it.

Mr. HOWARD. Mr. Speaker, division.

Mr. UNDERWOOD. Mr. Speaker, there are some small matters that ought to be disposed of. They have to be disposed of at a night session or gentlemen having them in charge will not be able to have a chance to get a hearing before the House, and I think we ought to give those gentlemen a chance.

Mr. MANN. We will do it next week.

The SPEAKER. The gentleman moves a call of the House.

The question was taken; and there were—ayes 71, noes 40.

So a call of the House was ordered.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk called roll, and the following Members failed to answer to their names:

Ames	Dickson, Miss.	Higgins	Murdock
Anderson, Minn.	Dies	Hinds	Neeley
Anderson, Ohio	Difenderfer	Hobson	Nelson
Andrus	Dodds	Hughes, Ga.	Nye
Ayres	Donohoe	Hughes, N. J.	Olmsted
Barnhart	Dupré	Hughes, W. Va.	Page
Bartholdt	Dyer	Humphrey, Wash.	Parran
Bartlett	Edwards	Jackson	Patten, N. Y.
Bates	Ellerbe	James	Porter
Bell, Ga.	Esch	Johnson, S. C.	Pou
Berger	Evans	Jones	Powers
Boehne	Fairchild	Kindred	Prince
Booher	Fields	Knowland	Prouty
Bradley	Fitzgerald	Konig	Pujo
Brantley	Focht	Konop	Randell, Tex.
Broussard	Fordney	Kopp	Redfield
Burgess	Fornes	Lafean	Richardson
Burke, Pa.	Fowler	Langham	Riordan
Burleson	Francis	Langley	Roberts, Mass.
Butler	Fuller	Legare	Roberts, Nev.
Byrnes, S. C.	Gallagher	Lenroot	Robinson
Calder	Gardner, Mass.	Levy	Rodenberg
Callaway	Gardner, N. J.	Lindsay	Rothermel
Campbell	Garner	Linthicum	Rouse
Carlin	Glass	Littleton	Rubey
Cary	Goldfogle	Longworth	Rucker, Colo.
Clark, Fla.	Good	Loud	Rucker, Mo.
Claypool	Gould	McCall	Sabath
Clayton	Green, Iowa	McCreary	Scully
Cline	Greene, Mass.	McGillicuddy	Sharp
Collier	Gregg, Tex.	McGuire, Okla.	Sheppard
Copley	Griest	McHenry	Sherwood
Cox, Ind.	Gudger	McKenzie	Slayden
Cox, Ohio	Guernsey	Macon	Slemp
Crago	Hamlin	Madden	Small
Cravens	Hammond	Maher	Smith, Saml. W.
Crumpacker	Hanna	Martin, S. Dak.	Smith, Cal.
Cullop	Hardwick	Mays	Smith, N. Y.
Currier	Hartman	Miller	Sparkman
Dalzell	Hayes	Moon, Pa.	Speer
Daugherty	Heald	Moore, Pa.	Stack
Davidson	Helgesen	Moore, Tex.	Stanley
Davis, W. Va.	Henry, Conn.	Morrison	Stephens, Cal.
Dickinson	Henry, Tex.	Morse, Wis.	Stephens, Nebr.
Sulzer	Thistlewood	Volstead	Wilder
Talbott, Md.	Tilson	Vreeland	Wilson, N. Y.
Taylor, Ala.	Tribble	Warburton	Young, Mich.
Taylor, Colo.	Turnbull	Webb	Young, Tex.
Thayer	Vare	Weeks	

The SPEAKER. On this roll call there are 202 Members—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to dispense with further proceedings on the call.

The motion was agreed to.

The SPEAKER. The proceedings are dispensed with under the call, and the Doorkeeper will unlock the doors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. STEVENS of Minnesota, for one week, on account of death in his family.

To Mr. JACKSON, for the remainder of the session, on account of the sickness of his mother.

To Mr. GUDGER, for five days, on account of sickness in family.

DAM ACROSS COOSA RIVER, ALA.

Mr. FOSTER. Mr. Speaker, I make the point of order against this bill that the gentleman from Alabama [Mr. HEFLIN] has no right to call up the bill and ask that it be taken from the Speaker's table. That can only be done by order of the committee, and I take it that the gentleman from Alabama has not been so instructed by the Committee on Interstate and Foreign Commerce.

The SPEAKER. What authority has the gentleman from Illinois [Mr. FOSTER] to make such a point of order as that?

Mr. MANN. I will refer the gentleman to paragraph 2 of Rule XXIV, at the bottom of page 427 of the Manual. It reads, referring to bills on the Speaker's desk—

As may also Senate bills substantially the same as House bills already favorably reported by a committee of the House, and not required to be considered in the Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

It requires the authority of the committee to take up a Senate bill, there being a similar bill on the House Calendar.

The SPEAKER. The tally clerk informs the Chair that he made a mistake in that count, and that instead of there being 202 Members present there are only 192.

Mr. LAFFERTY. Mr. Speaker, I desire to have my name called.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. LAFFERTY, and he answered "Present."

Mr. AINEY. Mr. Speaker, I desire to be called.

The Clerk called the name of Mr. AINEY, and he answered "Present."

The SPEAKER. There are still two lacking of a quorum.

Mr. MANN. I ask unanimous consent to vacate the proceedings dispensing with the call.

Mr. UNDERWOOD. I asked unanimous consent that we may vacate the proceedings under the call. I moved to vacate the proceedings under the call under a misapprehension that there was a quorum present. I now move that the action taken on that motion be vacated.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to vacate that order. Is there objection?

Mr. COOPER. Which order was it?

The SPEAKER. The one dispensing with the proceedings under the call. It was done under a misapprehension. We thought a quorum was here. Only two are now lacking.

The Chair will ask the gentleman from Alabama [Mr. HEFLIN] what kind of a bill is it that he has? Is it a Senate bill?

Mr. HEFLIN. A Senate bill. It is exactly in the same form as my bill.

The SPEAKER. Is it a Senate bill?

Mr. HEFLIN. It is a Senate bill. It passed the Senate. It is on the Speaker's table, and I ask to take it up.

The SPEAKER. The Doorkeeper will lock the doors.

Mr. KINKEAD of New Jersey. Mr. Speaker, in order to settle this question for to-night, I do now move that the House adjourn.

The SPEAKER. The motion is dilatory.

Mr. KINKEAD of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINKEAD of New Jersey. Was that evidently an ancillary motion?

The SPEAKER. It was lost. [Laughter.]

Mr. MOSS of Indiana. Mr. Speaker, I desire to have my name called.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called the name of Mr. Moss of Indiana, and he answered "Present."

Mr. LINDBERGH. I desire to have my name called.

The Clerk called the name of Mr. LINDBERGH, and he answered "Present."

The SPEAKER. The roll call shows 196 Members—a quorum.

Mr. UNDERWOOD. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The SPEAKER. The Doorkeeper will unlock the doors. Does the gentleman from Illinois [Mr. FOSTER] insist upon his point of order?

Mr. FOSTER. I do, Mr. Speaker.

The SPEAKER. The Chair will have to rule with him. The point of order is sustained.

Mr. HEFLIN. That leaves the bill lying on the Speaker's table?

The SPEAKER. Yes; where it was in the beginning.

Mr. ADAMSON. Mr. Speaker, I do not want the gentleman from Alabama [Mr. HEFLIN] to suffer any injustice. My impression is that the authority was given to call up the House bill, but the committee has had no meeting since the Senate bill came over. If the rule applies to a Senate bill the minutes of the committee would not show anything about the Senate bill.

The SPEAKER. It does apply to the Senate bill. That is exactly what it applies to.

Mr. ADAMSON. The authority given by the committee as to the House bill would not apply to the Senate bill.

The SPEAKER. The truth is, the only authority that the Speaker has been able to find is a decision rendered by Mr. Speaker Reed, which indirectly seems to require written authority from the committee, although the Chair does not believe that that should be true if the minutes of the committee show that to be the authority.

Mr. HEFLIN. What was the last statement of the gentleman from Georgia?

Mr. ADAMSON. I said the minutes would not show anything about the Senate bill.

Mr. BURNETT. Mr. Speaker, how should everybody know that there was such a bill pending?

The SPEAKER. Members are supposed to know what happens here, although that may be a violent presumption. [Laughter.]

Mr. BURNETT. The bill would lose its place in the committee?

The SPEAKER. Yes. The rule is that the committee must authorize the substitution of the Senate bill for the House bill, and the Chair does not see how that can be done unless the bill is here, as the gentleman suggests.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT MEMPHIS.

Mr. McKELLAR. Mr. Speaker, I desire to take from the Speaker's table the bill (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize the Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

Be it enacted, etc., That an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River," be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That Arkansas & Memphis Railway Bridge & Terminal Co., organized under the laws of the State of Tennessee, its successors and assigns, be, and are hereby, authorized to construct, maintain, and operate a oridge, and all approaches thereto, across the Mississippi River at Memphis, Tenn., at a point suitable to the interests of navigation, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906: *Provided*, That said bridge shall be so constructed, maintained, and operated that, in addition to its use for railroad purposes, it shall provide for an adequate and a separate roadway and approaches and continuous use by the public as a highway bridge, to be used by vehicles, pedestrians, horsemen, animals, and all kinds of highway traffic and travel, for the transit of which reasonable rates of toll may be charged and received, but no rate for passage of a single passenger on a railroad train shall exceed 25 cents.

"SEC. 2. That Arkansas & Memphis Railway Bridge & Terminal Co. shall not be required to construct those portions of the approaches on either side of said bridge that are required to make the same ready for vehicles, pedestrians, and other highway traffic until there shall be paid to said company or secured to its satisfaction by local authorities or interests the sum of $50,000, and said company shall not be required thereafter to maintain or bear any of the costs of maintaining such portions of said approaches and shall not collect or receive tolls for use of said approaches.

"SEC. 3. That Arkansas & Memphis Railway Bridge & Terminal Co. shall have the right to sell, transfer, or lease to any county, city, improvement district, or municipality any part of such portions of said approaches or of the separate roadway provided for by this act, or both, and in the event of any such sale, transfer, or lease the Arkansas & Memphis Railway Bridge & Terminal Co. shall be relieved of any requirement to maintain the property so sold, transferred, or leased, and shall not thereafter charge or receive any tolls for use of said wagon way and approaches.

"SEC. 4. That the right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. UNDERWOOD. Mr. Speaker, I desire to offer two amendments to this bill. If the gentleman from Tennessee [Mr. MCKELLAR] desires to speak first, I am willing he should do so. If he desires to have me offer my amendments, and to have them pending, I will offer them now.

Mr. MCKELLAR. I think the gentleman might as well offer them now.

Mr. UNDERWOOD. Mr. Speaker, I have two amendments, which I ask the Clerk to read, and to have pending.

The SPEAKER. The Clerk will read them for information.

Mr. UNDERWOOD. I ask unanimous consent to have them pending.

The SPEAKER. The gentleman asks unanimous consent to have them pending. Is there objection?

There was no objection.

The Clerk read as follows:

In line 10, page 2, strike out the word "purposes" and insert the words "trains and trolley cars."

At the end of section 3 add the following:

"*Provided*, That the Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time any other such common carrier may desire to use it jointly; and the Interstate Commerce Commission is authorized to fix charges for any such joint use, and such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest of the net income from the sale of bonds to the amount of the actual cost of construction."

Mr. MCKELLAR. Mr. Speaker and gentlemen of the House, I want to ask the House to vote down the amendments offered by the gentleman from Alabama, and I want to state very briefly the reasons why I ask you so to vote.

At present there is one railroad bridge at Memphis across the Mississippi River, and only one. It has a monopoly of the railroad business crossing the river, and is the only railroad bridge south of Cape Girardeau.

The Rock Island Railroad Co. proposes to build this new bridge at a cost of about $3,000,000, and to make it a double-track bridge across the Mississippi River near the present one.

That proposition was begun last January, and since that time the Representatives in Congress from Tennessee and Arkansas and the people of Memphis and of Crittenden County, Ark., just across the river, have been actively going over this bill. Everybody on both sides of the river wants the bill passed. I do not think there is anybody in Arkansas or Tennessee who does not want this bill to go through and this bridge to be built. It will be a great improvement to our community and a great advantage to the traffic of the country. We have differed about the terms upon which the bridge should be built. Upon examination I believed that we should have a general traffic bridge built as a part of this structure, and that it would mean a great improvement to our locality and to Arkansas.

The railroad company took to this suggestion, and it was first conceived to build a toll bridge, provided the city of Memphis and the county of Crittenden would build the approaches to the bridge. A bill was introduced along that line, but the original bill that was introduced last March and passed in July provided that the railroad company should be compelled to allow trolley cars to go over the railroad part of the bridge. The railroad company declined to accept that part of it, on the ground that the street car lines running across its railroad bridge would unduly interfere with its business. There was another provision, that the railroad company should maintain the approaches to the traffic bridge, and it being a very low country opposite Memphis, in Arkansas, the railroad company refused to do that. All this time, while we were considering the matter by public meetings, private meetings, meetings of our representatives, there was only one opponent to the bridge itself, because everybody recognized that it was a good thing. That one opponent was the Frisco Railroad, which now has the only bridge and a monopoly of the bridge business there.

We had another public meeting in Memphis after the railroad company declined the first bill. Public meetings were held in Marion, Ark., across the river, and finally this agreement was made, that an amended bill should be offered and passed, taking out the trolley-line clause from the bill and taking out the question of maintenance; and that in consideration of the city

of Memphis giving to the bridge company certain terminal rights. to close certain streets, the railroad company would build the traffic bridge and deed it to the city under the provisions of this bill.

Now, here is what the people get for the building of this bridge: They get an absolutely free-traffic bridge between Arkansas and Tennessee——

Mr. AUSTIN. For wagons?

Mr. McKELLAR. For wagons, pedestrians, teams, automobiles, and every other kind of traffic except railroad traffic. Now, the people of Memphis and the people of Arkansas unanimously agreed at public meetings, after publication; and I know of nobody there who is not in favor of this arrangement that we are asking Congress to ratify by passing this bill.

Mr. AUSTIN. Will the gentleman allow me to ask him a question?

Mr. McKELLAR. Certainly.

Mr. AUSTIN. If this amendment is agreed to and placed in this bill, will it defeat the object of the bill?

Mr. McKELLAR. If this amendment is adopted by the House, it means no new bridge for Memphis.

Mr. AUSTIN. And a continuation of the monopoly?

Mr. McKELLAR. It means no railroad bridge and no traffic bridge, and a continuation of the present monopoly that the Frisco road has there.

Gentlemen, it is under these circumstances that I ask you to vote down these amendments. Our people do not come to you, and I do not come to you, unadvisedly in the matter. I want to read to you what the amendments offered by my friend [Mr. UNDERWOOD] will entail. The gentleman is one of the best friends I have, and is perhaps the greatest leader this House ever had, but I want to say that the people down there in Arkansas and Tennessee, after having discussed it and gone over it and worked for it day and night, with committees and at public meetings, and having gone over it with their Representatives, know as much about what is good for them as does my distinguished friend from Alabama. I believe if he knew the circumstances, if he knew how we had toiled to get this great public improvement there, if he knew how earnestly we had worked to stop the present monopoly of the bridge business there, if he knew how much it meant to our material growth and prosperity, I feel sure that he could not but withdraw the amendment and let the bridge bill pass as it passed the Senate unanimously, as I understand, and has come to this House.

Mr. AUSTIN. Will the gentleman allow me to ask him a question?

Mr. McKELLAR. Certainly.

Mr. AUSTIN. Does this come as the unanimous report of the House committee, the unanimous vote of the Senate, and the unanimous indorsement of the Tennessee delegation and of the Arkansas delegation?

Mr. McKELLAR. This bill comes here passed unanimously by the Senate, indorsed by the Interstate and Foreign Commerce Committee of this House, indorsed by our local people, indorsed after the question of the trolley cars has been discussed in every newspaper in Memphis and in eastern Arkansas for eight months. I want to say that the Underwood amendment to a large extent is already in the law.

The bridge is built under the general bridge act of 1906 and is a part of the bill. Section 3 of that act provides that a bridge built in accordance with the provisions of this act shall be entitled to equal rights and privileges relative to the passage of railway trains of cars over the same and over the approaches thereto upon payment of reasonable compensation for such use.

Is there any way to escape under provisions like that? But if it is not sufficient, does not this make it absolutely fair and just to all railroads:

> And in case of any disagreement between the parties in regard to the terms of such use or the sum to be paid all matters at issue shall be determined by the Secretary of War upon hearing of allegations and proof submitted to him.

Now, gentlemen, it does seem to me that the rights of the other railroad companies are properly safeguarded by the law as it stands, and I hope you gentlemen will not see fit to defeat the local enterprise which means so much to our community. I hope you will not defeat this bill because it is not exactly as it would be under the amendment offered by the gentleman from Alabama or as he thinks it ought to be.

Now, I want to say another thing. They ask "why is there any objection, if trolley cars can go in under the law"?

By the way, our courts have already held that any railroad line, by whatever power it is propelled, has the right to cross the bridge.

Mr. GOODWIN of Arkansas. If that be the case, why do you object to the amendment providing for electric lines and trolley cars offered by the gentleman from Alabama?

Mr. McKELLAR. Let me read the amendment. In the first place, after eight months of negotiations and contracting we have agreed on this bill. The city of Memphis has agreed to pay a certain part of the cost of approaches and to deed certain lands, and the railroad has agreed with the city of Memphis to build this traffic bridge and make it a free bridge. It is upon the faith of this agreement that it has been agreed to pass this bill. Every organization in our city—Cotton Exchange, Merchants' Exchange, City Club, and Business Men's Club—every county organization, as shown by the report, has indorsed this very bill and has agreed to it, and it is our duty to carry it out, and the only effect of these amendments will be for the railroad company to come back to us and say, You have failed to carry out your contract, you have not been able to carry out your contract, and we can not build the bridge.

I want to read the amendment. It puts in the words "trains and trolley cars," and at the end of section 3 it adds the following. I want to ask you to listen to this, for it is a very important vital matter to our city, and my community and the communities on both sides of the river. I want to say that there is not a business man in this House that would invest money in a bridge company to build a bridge under the amendment that is offered by the distinguished gentleman from Alabama, and whatever may have been his intention—and I know it to be the best—the effect of this amendment will be to defeat the bridge. Now, listen and see if any reasonable business concern wanting to invest $3,000,000 and more in a bridge would invest it under the terms of this amendment:

> *Provided*, That the Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time, any other such common carrier may desire to use it jointly.

Thus far the only difference from the general law is that it takes it out of the War Department and puts it into the hands of the Interstate Commerce Commission, and, as a matter of fact, as my friend from Georgia [Mr. ADAMSON] will tell you, the Interstate Commerce Commission already has that right. That is not the meat of this amendment. The meat of the amendment follows:

> And the Interstate Commerce Commission is authorized to fix charges for any such joint use, and such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest of the net income from the sale of bonds to the amount of the actual cost of construction.

If the amendment of the gentleman from Alabama be adopted, the effect of it will be that this company has got to do just what England claims we should do in the case of the Panama Canal. I want to say another thing about this amendment. I sat here this morning and when an amendment was offered by the gentleman from Nebraska [Mr. KINKAID] to some bill, I saw my friend from Alabama [Mr. UNDERWOOD] rise and object to the amendment, and I saw my friend from Kentucky [Mr. SHERLEY] rise and object to the amendment; and why? Because it had not been considered by the committee.

Mr. UNDERWOOD. Oh, the gentleman is wrong. The question I asked of the gentleman from Nebraska was whether he had submitted the proposition to the Democrats on the committee, and he had not done so.

Mr. McKELLAR. Mr. Speaker, I will ask the gentleman whether this amendment has been submitted to the Interstate and Foreign Commerce Committee before he offered it?

Mr. UNDERWOOD. No; but——

Mr. McKELLAR. Then does it not come directly within the rule which the gentleman sought to apply this morning?

Mr. UNDERWOOD. Oh, the gentleman overlooks the fact that the gentleman from Nebraska was asking unanimous consent, and I was merely protecting the rights of the Democrats on the Public Lands Committee until they might be consulted, but this is in the open House. If I had to go to a committee to ask leave to offer an amendment in the open House, we probably would never be able to get any legislation.

Mr. McKELLAR. That is probably not always the case, but I desire to call attention to one thing, regardless of any rule about it. This bill has been before Congress since last January. The bill without the amendments offered by the gentleman from Alabama has already passed this House. Why were they not offered then? Why is it that on the last day almost of the session, after the bill has been considered by committees in the House and in the Senate, and after the bill has passed the Senate, just as permission has been obtained from the Speaker to bring the matter up, these amendments are offered, the effects of which, I say, will be to defeat this bridge, this great public undertaking?

I do not represent any railroad and have never represented one in my life, but we all know that this is a great public institution, a great public undertaking, and I do not think that Congress ought to put anything in the way of the building of this bridge, so earnestly desired by my constituents. I desire to

say another thing, also, and I will say it in honor of my friend from Alabama, that I believe if this amendment were offered by almost any other gentleman of this House it would not have a chance to pass. I hope he will not insist upon it. I ask him in the name of the people of my district, who have agreed upon it, who know about it, in the name of the committees of the House and of the Senate who have reported it, to withdraw his amendments, and if they are not withdrawn, then I ask the gentlemen of the House, my friends upon both sides of the House, upon a purely local matter, agreed upon by our delegation, agreed upon by our people, after going carefully over every phase of it, by their votes to vote down the amendments offered by the distinguished gentleman from Alabama. [Applause.]

Mr. Speaker, coming now to a discussion of the bill itself. On July 16 last the House passed the first Memphis bridge bill as amended by the Senate, and on July 20 the bill was duly approved by the President and is now the law.

That bill, in substance, provided that the railroad company which wanted to build a railroad bridge should also provide and maintain a separate general traffic bridge for wagons, horses, footmen, and the like, and should also build and maintain the approaches for said bridge; that it should also permit trolley cars to run over it. It further provided that the sum of $50,000 should be paid to it by the local authorities on either side of the river at Memphis, for the building of the approaches; and that the company should be permitted to charge reasonable tolls for the use of such traffic bridge. The company declined to accept this law.

As shown by the committee's report, the bill passed in July is amended in the following particulars by this bill:

First. The original bill provided that there should be a separate roadway. This was regarded as too indefinite, and the amended bill provided that there shall be "an adequate and a separate roadway."

Second. The original bill provided for the use of the bridge by trolley cars. This bill strikes out this provision and leaves the question of trolley cars as regulated by the general bridge law of 1906. The section of that law relating to the use of bridges is as follows:

SEC. 3. That all railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this act shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

Section 4 of said act also provides in part as follows:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such toll shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge.

It will thus be seen from the reading of these two provisions of the act that it was evidently intended that the word "railroads" should include all kinds of railroads transporting freight or passengers, or both. Otherwise the act would not have prescribed the method of fixing tolls for the method of "cars" and "street cars."

Now, it will be remembered that the general bridge law of 1906 is specifically made a part of this bridge act, and it seems to me under any reasonable construction it would certainly include interurban electric companies, and most likely street railway companies.

The mere fact that trains or cars are propelled by electricity does not make them any the less "railroads." I quote, as follows, from the supreme court of the State of Indiana, from an opinion by Judge Hadley:

Technically a railroad is a way or road upon which iron rails are laid for wheels to run on, for the conveyance of heavy loads and vehicles. (Dinsmore *v.* Racine, etc., R. Co. (1860), 12 Wis., 725.) The term "railroad," as employed in our general legislation, relates to institutions of a quasi public character; to highways or roads constructed by the authority of the State, with fixed metallic rails upon which public carriers may propel their carriages or cars speedily in the transportation of passengers and freight. Any way or road having these characteristics is a railroad. It is the mode of construction and chartered use, and not the motive power, that determines the character of a railroad. It is declared in the original act providing for the incorporation of railroads that they shall have power to convey, on their railroads, persons and property by the force and power of steam, animal, or any mechanical power, or any combination of them. (I. R. S. 1852, p. 409; 5195 Burns, 1908, cl. 8.)

The term railroad is generic and embraces all species of road constructed and chartered with the above-mentioned attributes. (2 Rapalje & Lawrence, Law. Dict., 1061; 1 Woods, Railroads (Minor's ed.) p. 1; Fulton *v.* Short Route R., etc., Co. (1887), 85 Ky., 640; 4 S. W., 332; 7 Am. St., 619; Bloxham *v.* Consumers, etc., St. R. Co. (1895), 36 Fla., 519; 18 South., 444; 29 L. R. A., 507; 51 Am. St., 44.) One may be operated with heavy and infrequent trains, another with single and frequent cars. The real difference is only a matter of degree. At the time of the passage of the act of 1869 there was in use at least two kinds of railroad, viz, the great lines of State and interstate roads, operated by steam power, and the city street or horse railroad, similarly constructed and operated, both common carriers, and both dispensing in large measure like conveniences and benefits to the general public.

That the legislature has regarded all kinds of railroads as belonging to the same genus is manifest from the recent numerous statutes wherein under the term "railroad" expressed in the title, legislation has been accomplished affecting steam, electric, interurban, suburban, and street railroads. (McCleary *v.* Babcock, 169 Ind., p. 235.)

And so it has been held in the State of Ohio, Cincinnati, etc., Electric Street Railway Co. against Lohe (68 Ohio State Repts., 101; 67 L. R. A., p. 637). In the last cited case Chief Justice Burket, among other things, said:

It seems reasonably clear that while operating the cars of an interurban railroad within a municipality the regulations and powers of a street railroad company are applicable; but when it comes to running cars of such railroads in the open country, upon a track substantially the same as the track of a steam railroad, and at a high rate of speed, it would seem that the same rules as to negligence and contributory negligence should prevail as are applicable to steam railroads, and that a passenger standing upon the platform of an interurban car in the open country should be held to the same rules as if he were standing on the platform of a steam car. The danger is the same in either case, and where there is no difference in the care required nor in the rights and liabilities flowing from the neglect to observe the proper care.

I have also examined into the Interstate Commerce Commission rules on this subject, and find that the commission uniformly holds that the term "railroads" include "interurban" lines; and to be still more certain about the matter, I wrote the War Department and asked them their construction of section 3 of the general bridge act. To this request I received the following reply.

AUGUST 8, 1912.

The SECRETARY OF WAR,
Washington, D. C.

DEAR SIR: Will you kindly advise me what has been the ruling, if any, of the department on the following section of the general bridge law which was approved March 23, 1906:

"SEC. 3. That all railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this act shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him."

In connection with this section I desire to call your attention to the following extract from section 4:

"If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge."

My reason for asking the department's interpretation and construction of this bridge act is that there is now pending in Congress a bill to authorize the building of a bridge at Memphis, Tenn., and the company desires to leave the words "trolley cars" out of the original bill.

It occurs to me that the term "railroad companies" would apply at least to any interurban electric company, and possibly, under the second quotation set out above, it would apply even to any street railway company.

I have been unable to find any judicial construction of this part of the act. If you know of any decision in which it has been construed, I shall be glad if you will give me a memorandum of it. At all events, I shall appreciate the department's construction of this part of the act, and, if possible, would like to have it to-morrow.

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
August 10, 1912.

K. D. MCKELLAR, M. C.

DEAR SIR: The provisions of section 3 of the general bridge act of March 23, 1906, have been incorporated in practically all special bridge acts passed by Congress during the past 50 or 60 years, the object of the law being to benefit navigation interests by reducing the necessity for multiplying bridges in a given locality. The powers conferred upon the Secretary of War have rarely been invoked, but it is probable that the law has accomplished its purpose by superinducing fair and reasonable agreements as to joint use of such structures.

At the time of its enactment trolley cars and electric railways were not in existence; but the fact that no substantial change has been made in the law indicates that it was the idea of Congress that its provisions would embrace all trains, cars, and other instrumentalities moving on rails, whether propelled by steam, electricity, or otherwise, and whether employed in local, city, or interstate traffic. And it is believed that the Secretary of War would be warranted in thus construing the statute should a concrete case requiring his determination be presented to the department. I know of no judicial decision on the question.

W. H. BIXBY,
Chief of Engineers, United States Army.

Accordingly, in the light of the decisions, and in the light of the rulings of the Interstate Commerce Commission and the rulings of the War Department, I am convinced that under section 3 of the bridge act, interurban lines can cross this bridge just the same as if a provision was in this bill in so many words to that effect, and it may be, also, that street railways could cross the bridge under reasonable regulations.

Mr. Speaker, this amended bill is not all that I want. I *should* be glad to obtain the passage of a bill requiring the bridge company to build and maintain both the traffic-way bridge and the traffic-way approaches at its own expense, and

prohibiting the company from charging tolls. But, after eight months of negotiation and treaty with the company, as I have stated before, we have been unable to get the company to build the bridge on these terms; but we have obtained an agreement with the company that it shall build an adequate and separate roadway bridge in conjunction with its railroad bridge, at an estimated cost of the traffic-way feature of $420,000. The contract, in substance, is as follows:

We give the company the right to build the bridge; we pay $50,000 for the building of the Arkansas approach, Memphis paying $25,000 and Crittenden County, Ark., paying $25,000; the city of Memphis grants to the company the right to close certain streets where the company already owns the property on both sides of such streets, and also the right to cross certain other streets. This property is estimated to be worth from $100,000 to $125,000. On the other hand, the city of Memphis and Crittenden County obtained the following considerations from the railroad company:

First, the building of a highway compartment to the bridge, costing the company, by estimate, $470,000.

Second, a free highway traffic road between Tennessee and Arkansas, thereby saving the cost of building such a highway bridge, which cost would undoubtedly be not less than $2,000,000.

Third, the establishment in Memphis, Shelby County, Tenn., of a taxpayer that will contribute annually in taxes some thirty or forty thousand dollars.

Fourth, the establishment in Crittenden County, Ark., of a taxpayer which will contribute to that county and State some thirty or forty thousand dollars annually.

Fifth, the immediate expenditure in our midst in paying for labor and materials for the building of the bridge and the contemplated terminals of, perhaps, at a low estimate, of $2,000,000 of outside money.

Sixth, the building of a great railroad and traffic thoroughfare, which will undoubtedly bring other railroads and interurban roads to Memphis and which will greatly aid in the material upbuilding, growth, and prosperity not only of Memphis but of Tennessee and Arkansas.

In view of these great advantages to our community, I feel that it is my duty not only to support the bill but to use every effort within my power to obtain its early passage and the carrying out of the great enterprise contemplated by the bill.

Mr. Speaker, the city of Memphis is a growing and enterprising city. It now has 10 trunk-line railroads; it is at the head of deep-water navigation to the Gulf; it has the largest steamboat system on any river in the United States; it has the greatest artesian water system in the country; it has one of the greatest park systems in the land; it is the center of one of the largest lumber trades in the world; it is one of the largest cotton markets on earth; it has the largest and most complete cotton warehouse and cotton-compress system in the world; it is the center of the greatest farming district in the United States. Its location on the great Father of Waters, its distance from other large cities, its climate permitting work to be done the year round, its railroad and steamboat facilities, the character and genius of its people, the wealth of raw materials to be obtained in its immediate neighborhood, its system of sanitation and health, its splendid streets and roads all mark it as one of our most enterprising cities of the present and as one of the great cities of the future.

The great State of Arkansas is just across the river. No State in the Union is richer in natural advantages. Its people, like those of Tennessee, are a vigorous, strong, masterful, and an enterprising people. It is rich in mines, its fruit crops are enormous, and its lands are as fruitful as those of any State in the Union. And while it has made great strides in the last few years, its development can hardly be said to have begun. The building of this great bridge and the other railroads and interurban lines which will surely follow will be of immense value to the people of that great State. Memphis is her natural market, and this traffic-way bridge will give her free trade with her home city, which now she has so much difficulty in reaching.

Contemplating these things, I feel that, though we do not get all we want in this bill, still it so manifestly makes for the upbuilding and growth of our enterprising city that I should use every endeavor to enact the bill into law and to bring about the improvements contemplated.

When my record of public service is made up, I would a great deal rather have it said of me that I had been a man of action and had aided in the upbuilding and the betterment of my city, State, and country and had contributed to their happiness, welfare, and prosperity than to have it said that I had been a successful politician or a man of eloquent words.

Mr. UNDERWOOD. Mr. Speaker, my friend from Tennessee [Mr. MCKELLAR] appeals to this House not to defeat this bill. I join with him in the appeal. As a matter of fact, a little over an hour ago I made an effort to keep the House in session in order that the gentleman could have an opportunity to pass this bill. I want the bill passed, and if the House does not see fit to adopt my views and accept these amendments I shall not raise any question of no quorum or attempt to defeat the gentleman's bill in any way. If we can not get what I think is right about this, well and good. I know his people are entitled to a bridge, and they ought to have it; and if you want to let them build a bridge under the old system, well and good. I shall not attempt to defeat it, but *I do* believe it in the interest of the people in that section of the South that pour their traffic through this port, this terminal, to the great West; they are entitled to a free and open bridge. They have had a monopoly at Memphis, a bridge that is owned and controlled by one railroad, and no other railroad can cross it; and that has been so for 40 years or more.

Mr. MCKELLAR. Mr. Speaker, may I interrupt the gentleman?

Mr. UNDERWOOD. Certainly.

Mr. MCKELLAR. Does not the gentleman know that every railroad entering the city from the West now crosses on this bridge, without a single exception?

Mr. MCLAUGHLIN. How many are there?

Mr. MCKELLAR. The Rock Island, the Iron Mountain, the Missouri Pacific, the Kansas City, Fort Scott & Memphis, and the Frisco.

Mr. UNDERWOOD. As I understand, the Frisco Railroad has the right to control that, but I was going upon the assertion of the gentleman himself. He stated a minute ago that they had a bridge there that was a monopoly, and that he wanted to build this bridge so that there would not be a monopoly. I understood the gentleman to say that, and now he says they have a bridge there which any railroad may cross.

Mr. MCKELLAR. They can come across. I did not mean to say that. The gentleman is entirely correct about the Frisco owning the present bridge, and if the gentleman's amendments be adopted they will continue to own that bridge, and continue to own the only monopoly that is there.

Mr. UNDERWOOD. I hope they will be the only monopoly.

Mr. MCKELLAR. I shall object to that.

Mr. UNDERWOOD. I do not want, because you have one monopoly, to create another monopoly. I merely think that this matter is one that Congress should consider in building these great bridges at terminals. You can build bridges up and down a great river at a great many points where nobody will want to cross it except the particular railroad that constructs the bridge, but when you build a bridge at a terminal point, like St. Louis or Memphis, you limit the number of bridges you can build.

And I have heard it said—and I do not assert it as a positive fact, but I have heard it stated—and it is contended, if you build this bridge across the Mississippi River at Memphis, why, it is the only other bridge that you can get there to get the Memphis terminal facilities, because the approaches will not allow it. They are having trouble in St. Louis now. If you have read the St. Louis papers, you will notice in the last year they are complaining because the railroads having the bridges have a monopoly, and it is unfair to the upbuilding of St. Louis, because you can not cross that great river and can not get competing lines of roads. It is the same thing here. Well, all those people of Alabama, Tennessee, Mississippi, Georgia, and Kentucky that are sending to the trade in the West are interested in competition.

Now, I do not say if this bridge is built to-morrow or the next day there will be another railroad that will want to cross it, but I do say at some time in the next 15 or 20 years at the outside there will be some railroad from the East that wants to cross the Mississippi to go to the West and make a competing line, and they will have to reach these terminal facilities. Now, that is the proposition which I present to the House. I insist it is right and reasonable. I say that the intent of the bridge law ought to be carried out. I do not think it is sufficient and adjustable to do it. I know and admit that the first section of this amendment was taken out of the general law, where it is prescribed that the Secretary of War should regulate these bridges, but you have by your legislation authorized the Interstate Commerce Commission to fix rates. It has got the machinery, it has got the knowledge, it can adjust itself to it. Now, what is the proper place, if you are going to make an open bridge, a bridge on which any train that is

drawing the capacity that bridge can stand may cross? Is there any better place to adjust the matter than in the Interstate Commerce Commission itself?

Mr. MANN. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MANN. Does the gentleman doubt, under the existing railroad law, where bridges are made a part of railroads specifically, the Interstate Commerce Commission has that power now, so far as fixing rates are concerned?

Mr. UNDERWOOD. I am not talking about fixing the rates for crossing the bridge; I am discussing the question whether the railroads can be permitted to come across the bridge.

Mr. MANN. Will the gentleman permit me there? Since the general bridge act was passed, I think, there is no question where one railroad company has built a bridge and another railroad company has desired to use that bridge, there has been any difficulty at all. That was left with the Secretary of War, because the engineers of the Army are on the ground and know in reference to the terms for coming to the bridge and the regulations.

Mr. UNDERWOOD. I understand; but this is not a railroad. This is a bridge company, and it must be regulated by the Secretary of War.

Mr. MANN. So far as rates are concerned.

Mr. UNDERWOOD. I am simply talking about the interstate commerce adjusting the terms by which they can cross the bridge.

Mr. SHERLEY. If the gentleman will permit, right in that direct connection, as I understand the gentleman, he thinks the Interstate Commerce Commission has jurisdiction in the matter touching rates. If that is so, why does the gentleman then put a clause as to the method by which the matter shall be adjusted?

Mr. UNDERWOOD. I will answer the gentleman. I stated in here, "The Interstate Commerce Commission is authorized to fix charges for such joint use." Now the second part of that is—

> And such charges shall be based upon the relation that the proportionate use of each carrier bears to the interest on the net income from the sale of bonds to the amount of the actual cost of construction.

I think that would be fair, and I will say this, if the gentleman so much objects to that portion of the proposition, if that is all that stands in the way, I will amend my amendment and cut that portion out. I am not wedded to that portion of it. I am willing to stop there.

Mr. McKELLAR. I think this: I think any amendment will defeat the bridge, not the bill, but defeat the bridge and defeat this great work. We have agreed upon it, we have entered into a contract about it, and all we ask is that Congress allow us to carry out our contract, because it is protected, as the gentleman from Kentucky so well said a few moments ago, and as the gentleman from Illinois said, by the law as it is. The Interstate Commerce Commission already has the power and jurisdiction over these rates.

Mr. ADAMSON. Mr. Speaker, I think the gentleman from Alabama fails to recognize the reason for the provision in the general bridge act, which is in the interest of navigation and commerce. There must be just as few bridges across a stream as possible. The controlling question of what railroads shall cross and the terms under which they should cross it were put under the discretion of the Secretary of War, because under the Secretary of War works a corps of engineers having charge of such work, and they have passed upon all the questions, including the question whether there shall be other bridges allowed or whether they shall be forced to use that bridge and divide the expense. There is a definition in the commerce law that every bridge is a part of the railroad that crosses over that bridge. Therefore, we take the definition of the interstate-commerce law, that it is part of the railroad, it is part of the transportation and the charges, and rates of freight over it are all under the jurisdiction of the interstate-commerce law.

Mr. BATHRICK. In the gentleman's amendment he said the charges shall be based upon the relation that the proportionate use of each carrier bears to the interest on the net income from the sale of bonds to the amount of the actual cost of construction.

Mr. UNDERWOOD. Well, the gentleman may be right about that, and I will strike out that part of my amendment. I think the Interstate Commerce Commission has plenty of power to regulate.

But here is the proposition I am coming to, and the sole proposition before the House. I would strike out this bonding part. The question before this Congress is whether or not you are going to have open bridges or closed bridges. Now, if under the present law it is an open bridge, my friend from Tennessee [Mr. McKELLAR] is not hurt. I have not done anything to interfere with his bridge, and I want to see it built. I want to see it built as much as he does. But if he is trying to put a bill through to create a monopoly and to prevent other railroads from crossing on that bridge, if this bridge company wants to do it, I am not in favor of his bill going through in that way.

Now, I think in all these cases, in the case of every bridge bill that passes, it ought to be prescribed that before authorization is given for such a bridge other railroads shall have the right to go across on the payment of proper tolls. It can not hurt them. Here is a bridge company organized to make money. Now, my friend from Tennessee says it will defeat his bridge.

Mr. SAUNDERS. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. UNDERWOOD. Just let me finish the argument, and then I will yield. I will yield in a moment. The gentleman from Tennessee [Mr. McKELLAR] says that he fears this will defeat his bridge. Now, what would be the effect of this? This is not a railroad, but a bridge company. It expects to make money out of a railroad running across the bridge. Now, it belongs to one railroad. The more railroad trains that go across there the more money will be made for it. Will it not make the bridge more profitable for every train that passes by any other railroad, if it is not the purpose to so pass the bill that it limits the use of the bridge to the trains of one railroad and then make their money by shutting out competition, instead of making it on the trains that run over the bridge by creating competition? That is the whole thing in a nutshell.

Now I yield to the gentleman from Virginia [Mr. SAUNDERS].

Mr. SAUNDERS. I wish to ask this question: I wish the gentleman would advise me how this will be a closed bridge in the event the bill passes in its present form? The gentleman says he objects to a closed bridge, and that he favors a free bridge. I do not exactly understand how his amendment will transform the closed bridge into a free bridge.

Mr. UNDERWOOD. I did not say a "free bridge." I said an "open bridge."

Mr. SAUNDERS. Well, an open bridge.

Mr. UNDERWOOD. The gentleman from Virginia probably did not hear the amendment. It reads:

> The Interstate Commerce Commission shall have authority to make rules and regulations for the use of this bridge by any other common carrier engaged in interstate commerce at any time any other common carrier may desire to use it jointly.

Is not that an open bridge?

Mr. SAUNDERS. Might not that condition obtain under existing law?

Mr. UNDERWOOD. I doubt it.

Mr. SAUNDERS. My general apprehension of the law is that that very thing can be done.

Mr. UNDERWOOD. I will say to the gentleman from Virginia that if it can be done under existing law, then there is no objection to this proposition. The gentleman from Tennessee [Mr. McKELLAR] says that this proposition will kill his bill.

Mr. SAUNDERS. What I am trying to get at is, in what respect does the gentleman from Alabama think that under existing law that can not be done? I think it can be done under existing law.

Mr. UNDERWOOD. If no terms and conditions apply, it is necessary to go to the engineers' office, and you can not tell whether an adjustment will be made or not, and you can not tell whether they can carry out the terms of it. But under this proposition there is no question but that any railroad that wants to cross the bridge will have a full and free opportunity offered to it, upon paying the toll that the Interstate Commerce Commission says is fair and just.

Now, I do not want to kill the bridge of the gentleman from Tennessee [Mr. McKELLAR]. I do want an open bridge across the Mississippi River there. This amendment can not possibly hurt anybody that is willing to have an open bridge. It can not injure them. It will increase their earning capacity, and if the present law authorizes an open bridge, then they can not be injured. But if they do not want the present law changed because they want a closed bridge, in order that they can create a monopoly with it, then I say because a railroad has agreed with certain citizens that they will build a bridge it is our duty to protect the rights of the public.

I am not criticizing these gentlemen. It is natural enough for them to enter into an agreement to get another bridge. I

have no doubt they desire it, and probably they will be willing to come to terms, or any terms, if we grant the bridge. But we occupy a different position. It is our duty, as I say, to protect the rights of the public, and because there is a premium offered it is not our business to sit down and let legislation go through here when we can protect the rights of the public if an amendment to the legislation will put it in a shape where the rights of all these people are protected.

Mr. SHERLEY. I should like to ask the gentleman another question. As I understand, there is a bridge there now that is practically owned by the Rock Island Railroad Co.

Mr. MANN. No; owned by the Frisco.

Mr. UNDERWOOD. There is one bridge there now owned by the Frisco; and the gentleman says, or I understood him to say, that that bridge is a monopoly, but he says now that that railroad lets other railroads use the bridge.

Mr. SHERLEY. On terms fixed by it or fixed by the Interstate Commerce Commission?

Mr. UNDERWOOD. I have no knowledge on that.

Mr. SHERLEY. What would the gentleman say to the proposition that no railroad owning and exercising a monopoly over any bridge across the river at that point should be given the privilege of using this bridge unless it granted the same privilege for the use of the bridge it owned? It occurs to me that you may continue the monopoly of the railroad there now, and by undertaking to open up another bridge simply make that bridge less able to compete with the existing monopoly. You ought to apply these conditions to all of them.

Mr. UNDERWOOD. I have no objection in the world to that amendment, if the gentleman desires to offer it. The purpose of my amendment is to have a free bridge there, and if the gentleman does not think the scope of my amendment is broad enough to give a free bridge, and if he can broaden it, he has my full permission, and I will not object to it.

Mr. MANN. Mr. Speaker, the bridge now in existence across the Mississippi River at Memphis was not constructed under the general bridge act, but was constructed long ago, and is not subject to the provisions of the general bridge act.

The House will pardon my making an observation concerning this. As the author of the general bridge act I have felt a small degree of pride in some of its provisions. I agree with the gentleman from Alabama [Mr. UNDERWOOD] that any railroad bridge that is built ought to be open to the use of any railroad company that can reach it. When the general bridge bill was prepared and enacted into law, it contained and now contains the provision which I will read, and the bill now pending makes that provision a part of it by reference to it:

SEC. 3. That all railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this act shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case of disagreement between the parties in regard to the terms of such use, or the sums to be paid, all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him.

And section 5 provides:

That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be guilty of a misdemeanor.

With a provision for conviction.

And upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary of War or the Chief of Engineers in regard thereto, the Secretary shall cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge.

These bridges are under the jurisdiction of the Engineer Department of the War Department.

Mr. BUCHANAN. I should like to ask if that law provides for any authority to fix the price to be paid by any or all of the railroads?

Mr. MANN. It does.

Mr. BUCHANAN. Or whether the bridge companies can charge exorbitant prices to all of the railroad companies?

Mr. MANN. It expressly provides that if they can not agree upon the price, the Secretary of War shall fix the sum to be paid for the use of the bridge.

Mr. BUCHANAN. I understood that the price was to be equal to all roads——

Mr. MANN. If my colleague will listen—

And in case of any disagreement between the parties in regard to the terms of such use, or the sums to be paid, all matters at issue shall be determined by the Secretary of War.

Then it provides further that if they do not obey the order of the Secretary of War they are not only subject to conviction for a misdemeanor, but the Secretary of War has the power to tear down the bridge, or close it up, at their expense.

Mr. HARDY. Will the gentleman explain just what is the difference in effect between the general bridge law and this provision with the amendment of the gentleman from Alabama stricken out?

Mr. MANN. The gentleman from Alabama proposes in a way to have this power exercised by the Interstate Commerce Commission. The law provides that it shall be exercised by the Secretary of War.

Mr. SAUNDERS. In other words, it is merely a difference of tribunals.

Mr. MANN. The Interstate Commerce Commission would not have the same authority to enforce its order that the Secretary of War has to enforce his order.

Mr. HARDY. Then if it is left under the general bridge law the Secretary of War will enforce the agreement, while this amendment would transfer it to the Interstate Commerce Commission?

Mr. MANN. That is the purpose of the amendment. The Secretary of War not only has authority under the general bridge act to do this, but he has authority to require the bridge company to reconstruct their bridge, to make any changes that are necessary, to add to the approaches, so that other railroads can come up to the bridge, and to widen the bridge if necessary in order to accommodate another railroad.

Mr. COOPER. Will the gentleman yield for a question?

Mr. MANN. Yes.

Mr. COOPER. Who will have the right to charge the tolls to be paid by vehicles, pedestrians, horsemen, animals, and other kinds of highway traffic and travel?

Mr. MANN. If there are any tolls charged—I read from section 4 of the general bridge act:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just; and the Secretary of War may at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

Mr. SHERLEY. If the gentleman from Illinois will pardon me, I did not catch the reading of the act. Do I understand that the act leaves it discretionary or does it compel the Secretary of War to make provision for the use of the bridge by any other railroad leading to it?

Mr. MANN. The act itself makes it obligatory. The act says that all railroad companies desiring the use of the bridge shall be entitled to equal rights and privileges relative to the bridge, and then it provides that if the parties do not agree the Secretary of War shall fix the terms for the use of the bridge; and when the Secretary of War fixes the terms he has the power to require a reconstruction of the approaches to the bridge so that another company may reach the bridge, a power which the Interstate Commerce Commission does not have.

Mr. SAUNDERS. Mr. Speaker, the statute just read by the gentleman from Illinois very sufficiently answers the question that I asked of the gentleman from Alabama. It was my apprehension that by the general law an agency and a means were provided by which the result sought to be obtained by the amendment of the gentleman from Alabama could be attained. The law cited in our hearing very clearing shows that an even more efficient power is lodged in another department than would be vested in the Interstate Commerce Commission should the proposed amendment be engrafted upon the pending measure.

It is easy to see what the loss of the proposed bridge would mean to the city of Memphis, to the Mississippi Valley, and I may say to the commerce of the whole country. On the other hand it is difficult to see what will be gained either for that section or for the country at large should the amendment offered by the gentleman from Alabama be adopted. After long negotiation the parties in interest have reached the point where the bridge will be built under the pending bill, as it stands. I do not think that this body should jeopardize the chances of success for this great public utility by engrafting on this bill an amendment which seems to be of doubtful necessity. [Applause.]

Mr. McKELLAR. Mr. Speaker, I move the previous question on the bill and amendments thereto.

The SPEAKER. The gentleman from Tennessee moves the previous question on the bill and amendments to final passage.

The previous question was ordered.

The SPEAKER. The first question is on the amendment offered by the gentleman from Alabama.

The question was taken, and the amendment was lost.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. MCKELLAR, a motion to reconsider the vote whereby the bill was passed was laid on the table.

A similar House bill was laid on the table.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. WILSON of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 21094) an act to create a commission on industrial relations, with Senate amendments, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take the bill H. R. 21094 from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection.

The Senate amendments were read.

The SPEAKER appointed as conferees on the part of the House Mr. WILSON of Pennsylvania, Mr. HENSLEY, and Mr. GARDNER of New Jersey.

FRIAR LANDS AND CONDUCT OF PHILIPPINE SCHOOLS.

Mr. CANNON. Mr. Speaker, I ask unanimous consent to print a certain communication from the Chief of the Insular Bureau on the friar lands and the conduct of Philippine schools. I have had many inquiries touching that matter, so many that I asked the chief of the bureau to give me an answer, which he has done. It is not very long and I ask to print it as a part of my remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The communication is as follows:

WAR DEPARTMENT,
BUREAU OF INSULAR AFFAIRS,
Washington, August 16, 1912.

Hon. JOSEPH G. CANNON,
House of Representatives.

DEAR MR. CANNON: Complying with your request for a brief statement covering the matter of the purchase and disposition of the friar lands in the Philippine Islands and the rules guiding public-school teachers in the matter of teaching religion in the schools of the Philippine Islands, I beg to inclose the attached memorandum.

Sincerely, yours,

C. R. EDWARDS,
Brigadier General, United States Army,
Chief of Bureau.

[Inclosure.]

In the prenomination campaign, while Congres was in session and the Members of this House were in the main busy attending to their official duties there were circulated in many of the districts reports intended to injure the present administration and incidentally those who had supported it to the best of their abilities. The reports to which I wish to direct myself particularly are those relating to the religious attitude of the administration.

Two of these have reached me. One relating to the purchase of the friar lands in the Philippine Islands and the negotiations leading up to this purchase; and the second, to the rules established for the guidance of public-school teachers in the Philippine Islands in the matter of avoiding the teaching of religion to their pupils.

Happily both of these were old issues—if they ever were issues—settled before the inauguration of the present administration. The friar lands were purchased in 1904 and 1905. The law of the Philippine Government regarding the conduct of public-school teachers in regard to religion was enacted in 1901, and has not, in this regard, been amended since. Attention is called to the fact now that these matters were not handled in any way by this administration, not by way of apology, because these matters have been properly handled and vexatious questions were finally disposed of in a way which any honest administration would have been compelled to dispose of them, but the point is that in each case the reports which have been circulated have attempted to connect these matters with the present national administration.

That there might be no misunderstanding as to these two matters, I desire to here set forth an official reply received from the Bureau of Insular Affairs of the War Department in answer to my request for a brief statement governing these two questions.

THE PURCHASE OF THE FRIAR LANDS.

Article 8 of the treaty of Paris contains the following provision:

> In conformity with the provisions of Articles 1, 2, and 3 of this treaty, Spain relinquishes in Cuba, and cedes in Porto Rico and other islands in the West Indies, in the Island of Guam, and in the Philippine Archipelago, all the buildings, wharves, barracks, forts, structures, public highways, and other immovable property which, in conformity with law, belong to the public domain and as such belong to the Crown of Spain.
>
> And it is hereby declared that the relinquishment or cession, as the case may be, to which the preceding paragraph refers, can not in any respect impair the property or rights which by law belong to the peaceful possession of property of all kinds, of provinces, municipalities, public or private establishments, ecclesiastical or civic bodies, or any other associations having legal capacity to acquire and possess property in the aforesaid territories renounced or ceded, or of private individuals, of whatever nationality such individuals may be.

Any refusal in the face of this treaty to recognize the property or rights of ecclesiastical or civic bodies or other associations having legal capacity to acquire and possess property in the Philippine Islands was unthinkable, and such refusal was never thought of.

It was found that in the Philippine Islands three religious orders of the Roman Catholic Church—the Dominicans, the Augustinians, and the Recoletos—owned agricultural lands amounting in all to about 425,000 acres; that these lands were in some twenty different estates, and were, in some cases, densely populated. It was found that the ownership of these lands by the religious orders was a source of agrarian troubles. Notwithstanding this, their title to the property could not properly be questioned, and the treaty of Paris required the recognition of such title. The Philippine Commission recommended that the agrarian trouble be overcome by a purchase of the property from the friars.

To carry out this recommendation, on May 9, 1902, the Secretary of War, by direction of Mr. Roosevelt, the President, wrote a letter to Mr. Taft, then civil governor of the Philippine Islands, who was is Washington on business pertaining to the administration of the islands, authorizing him in the course of his return to the Philippine Islands to visit Rome and ascertain what church authorities had power to negotiate for and determine upon the sale of the lands of the religious orders in the Philippine Islands, and that if he found that there were in Rome any such officers of the church, he was to take up with them negotiations looking to the purchase of the friar lands, assuming such purchase to be later authorized by Congress. This letter outlined in a very specific manner what it was desired that Mr. Taft should do. The instructions were headed and numbered, and No. 9 was as follows:

> Your errand will not be in any sense or degree diplomatic in its nature, but will be purely a business matter of negotiation by you as Governor of the Philippines for the purchase of property from the owners thereof, and the settlement of land titles in such a manner as to contribute to the best interests of the people of the islands.
>
> Any assistance which you may desire, whether on the part of officers of the civil Government or of military officers, to enable you to perform the duties above described in a manner satisfactory to yourself will be afforded; but the business is left entirely in your hands, subject to such action as may be taken pursuant to law upon your report.

Pursuant to this authority Mr. Taft went to Rome and got in touch with the authority with whom he was to deal. He was in cable communication with the War Department during the entire period of the negotiation, and these negotiations are published in full in the report of the Secretary of War for the year 1902 as Appendix O of that report. The negotiations were, in so far as they went, entirely satisfactory to the Government. They did not in any way go to the actual purchase of the friar lands or fixing a value at which they were to be purchased. This was a subject of subsequent negotiation with the owners of these lands—the religious orders in the Philippine Islands.

Congress authorized, in the act of July 1, 1902, the purchase of these lands, and authorized the Philippine Government to issue bonds from the proceeds of which the lands were to be

purchased. The lands were purchased (in round numbers, 400,000 acres) for slightly less than $7,000,000. Certain lands were not purchased, the owners refusing to sell at what the Philippine Government believed a fair price. The Philippine Commission enacted the necessary legislation to provide for the sale of these lands where occupied to the tenants, and where unoccupied to citizens of the United States or the Philippine Islands. About 70 per cent of the lands have been sold, including nearly all of the occupied lands, for $5,200,000. The law of the Philippine Commission governing the sale provided, among other things, that no land should be sold at less than its cost price to the Government, including the cost to the administration and interest on the purchase price.

In disposing of these lands the Philippine Government has demonstrated that the price paid for the lands was not more than a fair price. Practically all of the occupied lands have been sold and the unoccupied lands could be sold at any time were it not for the restriction that they must be sold in small areas. This, of course, delays the sale of the more inaccessible of the lands. This negotiation can but be regarded as a very successful one in so much as the Government has distributed among many thousand small owners estates which were formerly held in corporate ownership, and is disposing of the remaining lands which were not occupied so as to avoid any loss on the part of the Government. A difficult agrarian situation has been met and without loss to the Government it has been overcome.

PROHIBITION AGAINST THE TEACHING OF RELIGION IN THE PUBLIC SCHOOLS OF THE PHILIPPINE ISLANDS.

Prior to the establishment of the existing public-school system in the Philippine Islands there had always been the closest union between the Roman Catholic Church and public instruction, as it existed in the islands. To make this perfectly clear, the commission in charge of primary instruction in 1898 was composed of the following:

President: The governor general of the islands.
Vice president: The Archbishop of Manila.

MEMBERS.

President of the College of San Juan de Letran (a friar).
Provincial of the Recoletos order of friars.
Director of the normal school (a Roman Catholic priest).
The inspector general of public works.
One layman.
One priest.

In the Provinces this was emphasized by the fact that school-teachers were, in effect, subordinates of the parish priests.

In no feature of the newly organized American Government in the Philippine Islands was there such a radical change as in this matter of public instruction, passing, as we did, from a complete control of the schools by the church to a school system which was to be wholly independent of any church, and of which the American principle of the absolute separation of church and state was to be the very foundation.

It should be further noted that at the time of the foundation of this school system there was no religion in the islands other than the Roman Catholic. It requires little consideration, then, to see the hostility which the public-school system would have aroused had the American teachers, most of whom were not Catholics, been permitted to exercise their own judgment in proselyting.

The determination that school-teachers should take no part in the religious instruction of their pupils was not the result of divided counsel. Everyone who had the interests of the public-school system at heart, and who possessed the knowledge which the Philippine Commission possessed in this matter, was of the opinion that this separation of public instruction from religious instruction should be absolute.

The Philippine "educational bill" was adopted by the Philippine Commission on January 21, 1901, after a number of days of public hearings. During these hearings the section of the bill relating to religion was fully discussed. American Protestants and Filipino Catholics of different types freely gave their views. The section as it passed is, in so far as pertinent, as follows:

SEC. 16. No teacher or other person shall teach or criticize the doctrines of any church, religious sect, or denomination, or shall attempt to influence the pupils for or against any church or religious sect in any public school established under this act. If any teacher shall intentionally violate this section, he or she shall, after due hearing, be dismissed from the public service.

* * * * * * *

There have been many amendments to the "educational bill," but none to this section relating to religion, which stands to-day as it passed.

In the application of this law complaints from time to time were made that teachers did not comply with the letter or the spirit of the law. These complaints were passed on by the authorities in the Philippines, and in 1908 Dr. Barrows, who was then director of education, in passing on such complaints issued the circular which is generally made the basis of criticism of those finding fault with the rules made in accordance with the above-quoted section of the "educational bill." This circular was intended to be a summary of decisions made prior to that time and to prevent similar causes of complaint to arise.

That the results of these instructions have been eminently satisfactory is witnessed by the fact that to-day the public-school system, instead of being viewed with suspicion as an institution to destroy the religion of the pupils, is one of the most popular—perhaps the most popular—institution in the Philippine Islands. The Philippine Assembly, composed exclusively of Filipinos, votes appropriations for the public-school system more freely than for any other purpose. The religious question, on which this system might easily have been wrecked, is now a thing of the past, and we have the University of the Philippine Islands, which is the crowning institution of the Philippine public-school system, presided over by an Episcopal minister as president, while on the board of trustees is the Roman Catholic Archbishop of Manila, who acquiesced fully in the appointment of the president.

Dr. Barrows, who signed this order, was an official of, and later the president, of the Young Men's Christian Association at Manila.

He was rather prominent in religious work for a layman, and my attention has been called to what is designated by the Manila Times a "lay sermon" delivered by Dr. Barrows in the Presbyterian Church in the city of Manila while still head of the public schools of the Philippine Islands and after the issuance of the circular mentioned.

Mr. Frank R. White, the present director of education, is chairman of the committee on instruction at the Young Men's Christian Association in Manila, and practically all the instructors in the Young Men's Christian Association are teachers in the public schools.

Teachers are appointed in the Philippine service as the result of civil service examinations and in accordance with the rules governing appointment in the civil service, without reference to or knowledge of their religious belief. I desire to quote here what two prominent professors of the University of Chicago, recent visitors to the islands and lecturers before the Teachers' Summer School, had to say of our teachers in the Philippine Islands:

EXTRACT FROM AN ARTICLE ENTITLED "A MONTH AT BAGUIO."

[By Dr. Francis W. Shepardson.]

I shall always count the month spent in the teachers' camp at Baguio one of the most interesting and memorable of my life. The opportunity to visit the Philippines and to have a small part in the unique educational enterprise which is being conducted here appealed to me strongly. I am glad I came. I shall carry away lasting impressions of men and things at Baguio. The approach to the summer capital was an ideal one. Even anticipations of the glories of the Benguet road did not prepare me for the unfolding wonders which each mile brought to my eyes.

The train from Manila was slow and tiresome, the early morning rising, necessary to catch it, making a poor preparation for a day of enjoyment of a new landscape with its many strange accompaniments. But the limitations of travel by rail were quickly forgotten when the great automobile began its late afternoon climb to the mountain top. The marvelous engineering of the highway, the constant charm of the hurrying stream below, the soft colorings of the canyon, and the wonderful vistas that broke upon the vision, combined with the astonishing skill of the chaffeur, to make our ride one of the enjoyable events of a lifetime. The charm heightened when the hilltop capital was reached and its tremendous natural possibilities were apparent at a glance.

The longing came instinctively for an opportunity to see Baguio again after an interval of 10 years, in order to note the transformation made by man in a veritable garden of the gods. I learned to love the view from my tent on "the Midway," as I watched it in the morning when the sun shone full upon the Japanese garden, or at evening when the western sky was colored by the kaleidoscope of glorious sunset. Where, in all the world, could another such favored spot be found for the rest and recreation of a company of tired teachers? I was delighted with the personnel of the teachers' camp. I have seen many gatherings of educators, but none which averaged higher than this one. The reason, no doubht, is that nowhere else could such a company be found of men and women, who are doing pioneer work, who have the spirit of the pioneers, and whose earnestness in pursuing ideals is reflected in conversation or conference talk.

EXTRACT FROM AN ARTICLE ENTITLED "THE TEACHERS' ASSEMBLY AT BAGUIO," BY DR. JOHN PAUL GOODE.

My first impression, as we reached the foothills of Benguet, was one of exhilaration. The beautiful gorge and the marvelous road filled me with admiration. Then the pines and the resinous air took me back to Northern Minnesota. As we swept around the curving roads of

Baguio I began to grasp the plan. Here is a city planned by a master, with a surface providing commanding views and perfect sites for the architectural movements of the future. A capital city in the Tropics, but not tropical, with a climate for the year superior to that of the Adirondacks in summer.

The Teachers' Camp, finely located in the heart of things, shares with the town the advantages of the strongly marked topography. There are building sites sufficient for all needs on the higher ground, and ravines for perfect drainage and for Japanese gardens accentuate the lower land.

From the very first minute it was apparent that a perfect working organization had been evolved in the management of the camp. Most needs were already met or anticipated, and one feels that everything that could be provided under present circumstances had been done. * * *

The company in attendance at the assembly has impressed me with a feeling of pride in the quality of manhood and womanhood in the service of the bureau. They are clean-cut, straightforward, earnest people, the stuff that pioneers are made of. And as I came to know them personally and to hear of their work in all parts of the islands, the problems they are meeting and solving, and the success with which they are carrying the "message to Garcia" in the service of education, I felt proud that I am an American, and that the generous American aim of helping these peoples to help themselves is being realized in the splendid service of the director and his coworkers in the bureau of education. I am certain that the idea of industrial education, as it is here developing, will prove to be the best message that was ever carried to any Garcia. * * *

Each year the problems arising in the work, the new ideas gained, the new success won, will be brought to the Teachers' Assembly at Baguio to be discussed, to get the healthful criticism of other workers, and to enlist others in the development of new plans, a most ideal means of maintaining an esprit de corps and of strengthening all the great work of the bureau. The Teachers' Camp will thus become the teachers' capital, such as the world has never before seen, and other nations, one of these days, will be coming to the Philippines to see how the educational triumphs have been won.

JOHN J. TROXELL.

Mr. WILLIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 5135, an act for the relief of John J. Troxell, with a Senate amendment.

The Senate amendment was read.

Mr. WILLIS. I move to concur in the Senate amendment.

The Senate amendment was agreed to.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the Panama Canal.

The SPEAKER. The gentleman from Wyoming asks unanimous consent to extend his remarks in the RECORD on the subject of the Panama Canal. Is there objection?

There was no objection.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 2 minutes p. m.) the House, under its previous order, adjourned until Monday, August 19, 1912, at 10.30 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of Commerce and Labor, transmitting a report by Commercial Agent Thomas H. Norton, containing the result of his investigations of the utilization of atmospheric nitrogen (H. Doc. No. 912), was taken from the Speaker's table, referred to the Committee on Mines and Mining, and ordered to be printed, without accompanying document.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SWEET, from the Committee on Military Affairs, to which was referred the joint resolution (H. J. Res. 349) authorizing the Secretary of War to loan certain tents for the use of the Confederate veterans' reunion, to be held at Ada, Okla., in September, 1912, reported the same with amendment, accompanied by a report (No. 1205), which said joint resolution and report were referred to the House Calendar.

Mr. CARTER, from the Committee on Indian Affairs, to which was referred the bill (S. 5676) authorizing the Secretary of the Interior to set aside for sanatorium purposes not to exceed four sections of the unallotted tribal lands of the Choctaw and Chickasaw Nations of Oklahoma, reported the same with an amendment, accompanied by a report (No. 1204), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. STEENERSON: A bill (H. R. 26323) to provide for additional land for public building in Fergus Falls, Minn.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 26324) to authorize the construction of suitable shelter for horses and vehicles employed in the Rural Delivery Service in connection with public buildings now in course of construction or to be hereafter constructed; to the Committee on Public Buildings and Grounds.

By Mr. SLOAN: A bill (H. R. 26325) to authorize the Department of Agriculture to cooperate with the several States in the suppression and eradication of the disease among swine, commonly called hog cholera, and to appropriate money therefor; to the Committee on Agriculture.

By Mr. FRENCH: A bill (H. R. 26326) extending the number of annual payments to entrymen upon reclamation projects; to the Committee on Irrigation of Arid Lands.

By Mr. CARTER: A bill (H. R. 26327) to extend the time of appraisement of the segregated mineral land in Oklahoma; to the Committee on Indian Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 26328) granting public lands to the city of Denver, in the State of Colorado, for public-park purposes; to the Committee on the Public Lands.

By Mr. MANN: A bill (H. R. 26329) to amend proviso in meat-inspection law concerning products prepared according to directions of foreign purchasers; to the Committee on Agriculture.

By Mr. LITTLEPAGE: A bill (H. R. 26330) to provide Federal aid for the construction of a National and State post road and highway connecting the capitals of the various States and Territories of the Union with the Capital at Washington, D. C., with a permanent good-road system, and making annual appropriations from the Federal Treasury therefor; to the Committee on the Post Office and Post Roads.

By Mr. PETERS: Resolution (H. Res. 698) to investigate removals, promotions, and appointments in the Special Agent Division of the Treasury Department from 1903 to 1908; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CLARK of Missouri: A bill (H. R. 26331) granting a pension to Golda Betts; to the Committee on Pensions.

By Mr. DENT: A bill (H. R. 26332) granting a pension to Martha Rebecca Young; to the Committee on Pensions.

By Mr. HAMILL: A bill (H. R. 26333) to correct the military record of Patrick Moran; to the Committee on Military Affairs.

By Mr. KAHN: A bill (H. R. 26334) authorizing the Secretary of War to issue a certificate of discharge in the true name of Herbert Horrell Webster, who enlisted in the Army under the name of Herbert Horrell; to the Committee on Military Affairs.

By Mr. MARTIN of Colorado: A bill (H. R. 26335) granting a pension to Maria J. Hartt; to the Committee on Pensions.

By Mr. SPARKMAN: A bill (H. R. 26336) granting a pension to John Barnes; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 26337) for the removal of restrictions from all the lands of Sarah Hair; to the Committee on Indian Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DYER: Petition of the State Council of Pennsylvania, Order of Independent Americans, of Philadelphia, Pa., favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, memorial of the National Board of Trade, favoring preferential tolls for American vessels passing through the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. TALCOTT of New York: Memorial of the Maritime Association of the Port of New York, favoring two new battleships; to the Committee on Naval Affairs.

By Mr. WILSON of New York: Petition of the Allied Printing Trades Council of Greater New York, against certain amendments in Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

MONDAY, *August 19, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore, under the order of the Senate of August 17, 1912.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Cullom	Lodge	Smith, Mich.
Bourne	Cummins	Massey	Smoot
Brandegee	Curtis	Myers	Thornton
Bristow	du Pont	Nelson	Tillman
Bryan	Fall	Overman	Townsend
Catron	Fletcher	Page	Warren
Chamberlain	Gallinger	Perkins	Works
Clapp	Heyburn	Pomerene	
Crane	Johnston, Ala.	Simmons	
Culberson	Jones	Smith, Ga.	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

The PRESIDING OFFICER (Mr. NELSON in the chair). Only 37 Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of absent Senators, and Mr. OLIVER answered to his name when called.

Mr. McCUMBER and Mr. MARTIN of Virginia entered the Chamber and answered to their names.

The PRESIDING OFFICER. Forty Senators have answered to their names. A quorum is not present.

Mr. GALLINGER. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDING OFFICER. The Sergeant at Arms will execute the order of the Senate.

After a little delay, Mr. WETMORE, Mr. CRAWFORD, Mr. DILLINGHAM, Mr. SMITH of Maryland, Mr. CHILTON, Mr. NEWLANDS, Mr. SMITH of Arizona, and Mr. LA FOLLETTE entered the Chamber and answered to their names.

The PRESIDING OFFICER (at 10 o'clock and 34 minutes a. m.). Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. I move that further proceedings under the call be dispensed with.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 133) appropriating the sum of $20,000, out of money appropriated by Senate joint resolution No. 129, for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

The message further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. GREGG of Texas, and Mr. FOSS managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co., and to provide for transfers between said company and the Capital Traction Co. and the Washington Railway & Electric Co.;

H. R. 606. An act for the relief of John Treffeisen;

H. R. 17483. An act amending sections 1998, 1420, and 1624 of the Revised Statutes of the United States and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service and to authorize certain reenlistments in the Army and naval service;

H. R. 19190. An act for the relief of John P. Risley;

H. R. 24646. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 26278. An act amending paragraph 10 of section 8 of an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by section 2 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911.

ESTIMATES OF APPROPRIATIONS (S. DOC. NO. 932).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting estimates of appropriations in the total sum of $22,307.50 to provide for the purchase of necessary furniture, supplies, and equipment for the accommodation of the proposed temporary additional force in the Pension Office, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

NATIONAL LIBEL LAW.

The PRESIDENT pro tempore presented resolutions adopted by members of the National Ethical Press Association, praying for the enactment of a national libel law to conform to the laws governing the Interstate Commerce Commission, which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 21826) validating certain homestead entries, reported it without amendment and submitted a report (No. 1050) thereon.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 7457) to authorize the city of Chicago to construct a bridge across the Little Calumet River at Indiana Avenue in said city, reported it without amendment and submitted a report (No. 1049) thereon.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (S. 6105) for the creating of country parks and community centers, and referring especially to one created in the State of Montana, in the Fort Shaw unit of the Sun River reclamation project, reported it with amendments and submitted a report (No. 1051) thereon.

ROY C. SMITH.

Mr. SMITH of Michigan. On the 17th instant I submitted a resolution, being Senate resolution 382, authorizing an investigation into the case of Roy C. Smith, which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate. I move that that committee be discharged from the further consideration of the resolution and that it be referred to the Committee on Naval Affairs.

The motion was agreed to.

PINEY BRANCH ROAD.

Mr. POMERENE. I am directed by the Committee on the District of Columbia, to which was referred the bill (H. R. 21708) to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street, to report it without amendment. I ask unanimous consent for the present consideration of the bill.

Mr. SMOOT. Let the bill be read.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. McCUMBER. Mr. President, I do not know that I have any objection to the present consideration of the bill, but I should like to know why, in a particular instance, it is necessary for Congress to take the matter out of the hands of the District Commissioners and to pass special legislation for the

lighting of one particular street, while all other street lighting must depend upon the action of the commissioners?

Mr. POMERENE. Mr. President, I do not know that I am fully advised about the matter, save that this bill was approved by the District Committee of the House and unanimously passed by the House. The commissioners, as I understand, have opened up or attempted to open up a short thoroughfare called Butternut Street, I believe, and they thought that traffic would be diverted through that street; but their judgment about that has been shown to be erroneous, I understand, as has been demonstrated by a committee which presented certain data to me. While the commissioners were of the opinion that the traffic could all be diverted through Butternut Street, as a matter of fact, by actual count, there were, on March 30, 1912, 486 foot passengers, vehicles, and persons on horseback passing through Piney Branch Road, while there were only 197 on that same day passing over Butternut Street. I am also advised by Rev. Father F. X. Bischoff, whose church is in that vicinity, that probably 100 or more of his parishioners pass over this street. It is very dark and rather secluded, and it is really dangerous for people to pass along there in the early morning or at night. This street has been kept lighted for a matter of thirty-odd years, until suddenly the lights were taken off the street. I believe, under the circumstances, that the bill should pass, and at least one other Senator, who has been over the street, said to me that he wondered why it was not lighted. I feel that it is a street which should be kept lighted.

Mr. McCUMBER. Does not the Senator think that, if the Commissioners have made a mistake, they may yet be amenable to reason, and that if the error can be shown clearly to them they can be trusted to rectify it and take care of the lighting system, without imposing upon Congress the determination of the question as to what streets shall be lighted, what streets shall not be lighted, and how they are to be lighted?

I probably could select quite a number of streets in the city which I think are insufficiently lighted; but it seems to me an exceedingly bad precedent, and one which I certainly have not heard of since I have been in the Senate, that Congress shall interpose its opinion as against that of the commissioners in reference to the lighting of a particular street.

Mr. POMERENE. Possibly the Senator from North Dakota is correct as a general proposition. I myself have not had any conference with the District Commissioners; but I know that the people in that part of the city are very much disturbed about this matter. This bill has already passed the House, and I feel that under the circumstances it should be passed by the Senate, so that this street may be furnished with light. I understand the expenditure will amount to about $240 a year.

Mr. McCUMBER. I suppose we ought not to have a condition existing in which it is dangerous for a man to go to church; so I will not make any objection, although I think the precedent is rather a bad one.

Mr. POMERENE. I am very glad the Senator withdraws his objection. I have no doubt an invitation will be extended to the Senator to visit the church to which I have referred.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN CAMPBELL AND ISAAC OVERDORF.

Mr. OLIVER. From the Committee on Claims I report back favorably without amendment the bill (H. R. 6722) for the relief of Stephen Campbell and Isaac Overdorf. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Stephen Campbell and Isaac Overdorf the sum of $100 each as reward for their services in capturing three burglars who attempted to rob the United States post office at Jersey Shore, Pa.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. JONES submitted an amendment relative to the location or entry of coal lands in Alaska under the coal-land laws of the United States prior to November 12, 1906, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

SEAMEN IN THE MERCHANT MARINE.

Mr. LA FOLLETTE submitted an amendment intended to be proposed by him to the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed up the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, which was referred to the Committee on Commerce and ordered to be printed.

WITHDRAWAL OF PAPERS—ELIJAH WATTS.

On motion of Mr. SHIVELY, it was

Ordered, That the papers accompanying the bill (S. 7334) for the relief of Elijah Watts, introduced in the Sixty-second Congress, second session, be withdrawn from the files of the Senate, no adverse report having been made thereon.

REDUCTION OF TARIFF DUTIES.

Mr. NEWLANDS. I ask that the resolution introduced by me on the 17th instant, being Senate resolution 381, to appoint a committee of three Members of the Senate and three from the House of Representatives to confer with the President with a view to harmonizing the differences now existing between Congress and the President regarding the reduction of excessive duties be changed from a Senate to a concurrent resolution, in order to perfect it.

The PRESIDENT pro tempore. That is the Senator's privilege. It will be so ordered.

Mr. NEWLANDS. I ask unanimous consent that the concurrent resolution be considered and voted upon to-morrow before 5 o'clock.

Mr. HEYBURN and Mr. SMOOT. I object.

The PRESIDENT pro tempore. Objection is made. If the Senator from Nevada will send the concurrent resolution to the desk, it will take the place of Senate resolution No. 381, which resolution will be indefinitely postponed.

Mr. NEWLANDS subsequently said: I give notice that to-morrow during the morning hour I shall move that Senate concurrent resolution No. 29, for the appointment of committees of conference on the part of the Senate and the House of Representatives to confer with the President with reference to an adjustment of the differences on the tariff, be taken up for consideration.

Mr. SMOOT. The Senator from Nevada gives notice to that effect?

Mr. NEWLANDS. I give notice.

THE NATIONAL UNIVERSITY (S. DOC. NO. 792).

Mr. OLIVER. I present an abstract of an address on the National University, delivered before the National Education Association, at Chicago July 9, 1912, by Edmund J. James, Ph. D., LL. D., president of the University of Illinois. I ask that the paper be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

JUVENILE COURT OF THE DISTRICT OF COLUMBIA (H. DOC. NO. 913).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on the District of Columbia, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the Sixth Annual Report of the Juvenile Court of the District of Columbia, for the year ended June 30, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *August 19, 1912.*

[NOTE.—Report accompanied similar message to the House of Representatives.]

NAVAL APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, further insisting upon its disagreement to the amendments of the Senate, and asking a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PERKINS. I move that the Senate further insist upon its amendments and agree to the further conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. PERKINS, Mr. LODGE, and Mr. TILLMAN conferees at the further conference on the part of the Senate.

RELIEF OF AMERICAN CITIZENS IN ARIZONA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 133) appropriating the sum of $20,000, out of money appropriated by Senate joint resolution No. 129, for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico, which were, to strike out all after the resolving clause and insert:

That out of the money appropriated by Senate joint resolution 129 (Public resolution No. 49) providing for transportation of American citizens fleeing from threatened danger in the Republic of Mexico, there may be expended, until December 10, 1912, in the discretion of the Secretary of War, not to exceed $20,000 for the subsistence of American citizens who shall have fled, or who may hereafter flee, from the Republic of Mexico into the States of the United States bordering on the Republic of Mexico, and who are now and who may hereafter be unable to pay for their own subsistence.

And to amend the title so as to read: "Joint resolution appropriating the sum of $20,000 out of money appropriated by Senate joint resolution No. 129, for subsistence of American citizens who shall have fled, or who may hereafter flee, from threatened danger in the Republic of Mexico into the States of the United States bordering on the Republic of Mexico."

Mr. SMITH of Arizona. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

QUESTION OF PRIVILEGE—MEXICAN AFFAIRS.

Mr. FALL. Mr. President, I rise to a question of privilege.

A short time ago I addressed the Senate upon a Senate joint resolution (No. 129) then pending touching certain claims of American citizens against Mexico. A short time afterwards, something like a week, there appeared in the papers of the country, sent out through the Associated Press, I presume, a statement referring to my remarks, which statement purported to come directly from Mr. Madero, who is the recognized President of the Republic of Mexico.

I have not heretofore taken up the matter, believing that Mr. Madero would find himself mistaken, possibly, in some of the statements he made as to the effect of my action or what he claimed I had done in the premises outside of the Senate Chamber. But apparently Mr. Madero retains the opinion which he claimed to entertain at that time. I ask that the article referred to be read from the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the Sunday Star, Washington, D. C., Aug. 11, 1912.]

MEXICO BLAMES FALL FOR FAILURE AT PEACE—SENATOR CRITICIZED IN OFFICIAL STATEMENT VOICING VIEWS OF MADERO.

MEXICO CITY, *August 10, 1912.*

Mexico blames Senator FALL, of New Mexico, for its failure to come to peace terms with Gen. Pascual Orozco, rebel leader. President Madero came to this conclusion to-day, and it was based principally upon reports he received from Government agents at El Paso. He made his views known in an official statement issued by the department of the interior by his authorization.

Practically all hope of negotiating peace terms with the rebels now has been abandoned by the Government. Rafael Hernandez, minister of fomento, who conducted negotiations with Orozco near El Paso, has gone to Lower California to study irrigation conditions.

PART OF SENATOR FALL.

It is understood here Government agents at El Paso reported that Senator FALL played more than a passive part in frightening Orozco off. Just what action was taken the Government does not pretend to know, but it is intimated he might have communicated directly to Orozco sentiments expressed in his recent speech in the Senate on the Mexican situation.

"It seems that Orozco had accepted the conditions," says the official statement, "when he brusquely and without a known motive changed his attitude completely. There is no official data on the causes which brought about this change, but from reports that have been received it seems that the determination of Orozco was influenced by the efforts of an American Senator, A. B. FALL, who lately delivered in the Senate a speech filled with criticism of the Mexican Government."

OROZCO'S PROPOSITION.

Orozco's proposition was that he be permitted to leave the country, but it was not definitely specified where he expected to go. This left the United States as a possible chance, and Government officials now are inclined to believe he expected to join his wife in California.

Senator FALL has demanded that Orozco be held personally responsible by the United States for acts committed against Americans.

Mr. FALL. Mr. President, I have some knowledge of Mexican affairs and Mexican conditions, and I have sources of information from Mexico and from the border which possibly are not open to other Senators, by reason of the fact that for a great many years I have operated somewhat extensively in the Republic of Mexico—in fact, for something like 30 years past, in various States of that Republic—and I am constantly in receipt of communications from various persons in Mexico. Of course, this situation is so delicate that I am not justified in mentioning names of parties or persons from whom I obtain my information.

In making the speech referred to in Mr. Madero's communication, the statements contained therein were made upon what I believed to be sources of information that could not be controverted. The speech, however, was more in the nature of a criticism of the actions of the departments of this Government than upon the government of Mr. Madero, because I thought then and I think now Mr. Madero is incapable of coping with the situation in Mexico, granting that he desires to do so.

As to the sources of Mr. Madero's information, it appears from his own statement that his information came to him from a Government agent, presumably the Mexican consul in the city of El Paso. I have no hesitancy in naming this agent of Madero in the city of El Paso. Mr. Llorente has undoubtedly furnished Mr. Madero with the information upon which his statement was made. Mr. Llorente is now the consul of Mexico at El Paso, and he is there very officiously engaged in watching the United States officials through something like 400 paid spies; also watching the citizens of El Paso and watching the citizens of the United States; watching the troops of the United States who are endeavoring to enforce the neutrality laws; making complaints against American and Mexican citizens; having them incarcerated under the extradition treaty with Mexico in the jail of El Paso for 40 days, without trial. He not only conceives that upon him rests the responsibility of the execution of the neutrality laws of the United States, but that it is often incumbent upon him to assist Mr. Madero, at least, in running the Mexican Government itself. This gentleman is a man of very great importance in his own eyes, at least, and seems to be convinced of his ability to run the Government of the United States or to conduct its affairs on the border, as well as to tell Mr. Madero what he shall do.

Mr. President, the conditions in Mexico at the time this statement was made by Mr. Madero were practically these: Mr. Pascual Orozco is in command of certain revolutionists in the northern part of the Republic consisting, I presume, at the outside of 8,000 armed men. Mr. Zapata is in command of something like 23,000 well-armed men in certain other States of the Republic. Military rule has been declared by the Mexican Government in practically every State of the union. Peace negotiations, it is said, had been inaugurated by Mr. Madero; and at the time when Hernandez came around through the United States and crossed the river at Juarez to meet Mr. Orozco with this proposal of peace three Members of Congress and, I believe, one member of the Mexican cabinet were in negotiation with Zapata to the same end.

It is unnecessary, or it should be, it seems to me, to say that the charge made by Mr. Madero is ridiculous. I, however, enter an emphatic denial that I have had any communication with Mr. Orozco, or any other revolutionist in Mexico, any more than I have had with Mr. Madero or any of those who are acknowledging allegiance to his so-called government. I am not in negotiation with either party, and I am not trying to act for one or the other or to interfere with the actions of either, except to undertake to impress upon the minds of the people of the United States that the present condition in the Republic of Mexico can not continue, and Senators will discover that to be the case in a very short time.

I say very frankly, from the knowledge I have, that present conditions in Mexico can not last very much longer in justice to the citizens of the United States who are there, and in the name of humanity they should not continue.

Now, further, Mr. President, the idea suggests itself to me that Mr. Madero has gone further possibly than he intended the world to know in making public a statement in reference to my supposed connection with Mexican affairs. I am convinced that as a matter of recognized international law, or rules of war, Mr. Madero has officially notified the governments of the world and the people of the world of the fact which those of us cognizant with Mexican affairs, as I am, knew before, that President Madero has recognized the belligerency of the revolutionists headed by Orozco, Zapata, and the junta, at the head of which is probably Gomez. The United States and the people are notified by this statement of Madero that he, representing that Government, has heretofore recognized and is now recognizing the belligerency of the revolutionists.

Mr. CULBERSON. Mr. President, I have nothing to say at this time on the particular matter referred to by the Senator from New Mexico [Mr. FALL]. I take occasion, however, to say that, as one of the Senators from the State of Texas, I

have watched the situation in Mexico very carefully and have been in constant communication with the State Department here with reference to the matter. I happen to have with me a copy of a telegram sent me by Secretary Knox on this general subject, which I ask to have read at the desk. It shows what the State Department is doing with reference to the protection of the property and lives of Americans in the Republic of Mexico.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

[Telegram.]

DEPARTMENT OF STATE, *July 30, 1912 (11.40 a. m.)*.

The Hon. CHARLES A. CULBERSON,
United States Senate:

In response to your telephonic inquiry of the department this morning, I have the honor to inform you that the present truculent attitude of the Mexican insurrectionists in the vicinity of the Mormon colonies in northwestern Chihuahua was brought to the attention of the department late Sunday afternoon by the consul at Juarez. Telegrams were dispatched the same evening to the consul, instructing him to keep the department constantly informed and to report all developments, and to the embassy at Mexico City, instructing it to lay the situation before the Mexican Government and to say, with all possible earnestness, that the Government of the United States expects that the Mexican Government will immediately exert every possible effort to relieve the situation and to adequately protect American life and property.

Monday afternoon a second telegram was received from the consul, in which he states that the Mexican consul at El Paso having charge of the Mexican Federal troops north of Casas Grandes had promised to give orders immediately to crowd the rebels in that section. The consul adds that about 300 American refugees, mostly women and children, had arrived at El Paso Sunday night and more were to follow. He states, however, that the excitement seems to be disproportionate to the cause therefor and voices his opinion that the situation will improve as soon as the promised advance of the Federal soldiers begins. The department deemed it advisable, nevertheless, to have the consul remind the insurrectionary leaders that the persons and property of American citizens in Mexico must not be molested, and accordingly instructed him, in a telegram sent last night, to say to the insurrectionary leaders that any molestation of Americans or American property would be intensely resented by the American Government and people and that the insurrectionists must not maltreat Americans or American property in any way.

P. C. KNOX,
Secretary of State.

Mr. FALL. Mr. President, I have no doubt the Senator from Texas, as a Senator from that State, has done everything in his power which he thought best to do to secure the protection of citizens of Texas as well as of the other States of this Union. I think at the same time that the Senator from Texas, from his personal knowledge of the circumstances under which I have lived and done business on the border, will himself say that I possibly possess as well-founded information, possibly from as competent sources of information, as even the State Department of the United States.

While the Senator from Texas has been keeping up with Mexican affairs as the State Department imparts information to him, I have been getting my information from sources which are superior, apparently, to those of the State Department of the United States, giving the State Department all credit for acting in perfect good faith. If the department is so doing, as I have no doubt it is, then I think, of course, its sources of information are not as correct as they might be.

I have here, sir, lying before me at this moment statements from authorities which, if I could give the names, would convince Senators that the information just given as to conditions in Mexico is absolutely unfounded. I have the information here from undoubted sources that there are, at the outside, to-day 420 so-called Federal troops in the northern part of the State of Sonora to guard the frontier posts of customs, the ports of entry, the great mining camps of Cananea, Nacozari, and others, and all the settlements in the entire northern portion of Sonora. I have a statement here, from men whose word is as good as that of any man connected with the State Department of the United States, whose homes are being threatened, that at least one community of Americans have got together and are now under arms in the State of Sonora, and over 300 strong, and in another mining camp of 2,000 Americans, where $60,000,000 of American property is involved, those Americans are banded together and they have determined to protect themselves. I have a statement here from undoubted authority, but I do not dare to mention names, because some of them fear that their lives would be forfeited if their names were published.

I know that within the last 30 days 200 rifles have been bought from one store in Arizona by American residents of the State of Arizona, who have declared it to be their intention that when the first American is killed in the State of Sonora they will go across the border. I know there are 2,000 people in the vicinity of the border—American citizens—who understand the conditions as well as any men can understand them, and that they have made up their minds that the persecution and murder of American citizens must cease.

Now, it seems that Orozco has moved out of Juarez and has gone west into Sonora with the idea of joining other revolutionists who have preceded him within a short period and who have so far made their way unimpeded, according to the newspaper reports, which are borne out by other information within my possession.

It is within the knowledge of Senators who have read the Associated Press dispatches within the last day or two that about 20 Americans have been reported surrounded and battling in a small Sinaloa town for nearly a week, and that the Madero Government is impotent and can give them no protection whatsoever.

Mr. BACON. Before the Senator takes his seat, I would like to ask him a question. During the time when the Senator was first addressing the Senate this morning my attention was necessarily diverted and I did not hear what he said. I wish to inquire of the Senator if he is proposing any special action on the part of the Senate?

Mr. FALL. I am not. I will state to the Senator from Georgia that I rose to a question of privilege, simply, respecting a public statement made by Mr. Madero to the effect that I was interfering with peace negotiations in Mexico. The latter portion of my remarks were brought out by the fact that the Senator from Texas [Mr. CULBERSON] had read in connection with the remarks which I made on the question of privilege a statement from the State Department as to the conditions down there.

Mr. CULBERSON. If the Senator from Georgia will permit me, I may have misunderstood the Senator from New Mexico, but I understood him to suggest, at least tentatively, that the United States ought to recognize the belligerent rights of the revolutionists in Mexico.

Mr. FALL. I have carefully refrained, Mr. President, from making a personal suggestion in this matter. I did state, as a proposition of law, as I understand it, that Mr. Madero, notifying the world by public statement made by himself as President of Mexico that he has been in negotiations with Orozco; has notified the world that he has recognized the belligerency of the insurgents in Mexico. I stated that I understood this was all the insurgents in Mexico had ever asked of the United States—recognition of their belligerency.

Mr. BACON. The inquiry I wish to make of the Senator is this: The Senator portrays a very lamentable condition of affairs in Mexico, which we must all deplore. Of course, there must be something to be accomplished when matters of that kind are brought to the attention of the American Congress. I presume the Senator will recognize that if there was anything done it should be done by Congress and not by the Executive.

Mr. FALL. I think, without betraying any confidence, I can say that probably two months ago—it may be three months—I suggested something of that character to the Senator from Georgia.

Mr. BACON. Very well. Now, that is only preliminary to the question which I intended to ask the learned Senator. The main question I want to ask him is this: The Senator is probably more familiar with the conditions there than any other Member of this body, having personal acquaintance with some of the principal actors and being in a better position to judge of what their abilities are and their purposes and what the possible eventualities may be, and with an intimate knowledge evidently of the conditions, to say nothing of the knowledge of persons.

I presume the Senator would assume, and I will say every Senator should assume, that if any action is taken it should be governmental action, undertaken by the authority which the Constitution contemplates should be the authority to take such action, and that necessarily being action by Congress. The Senator, concerned as he is in this matter, and familiar as he is with it, what is the view the Senator has; what is the opinion of the Senator as to what action should be taken by Congress, if any, or does the Senator think any should be taken?

Mr. FALL. Mr. President, I have no hesitancy whatever in saying that my views, which I have endeavored to impress upon some of the Senators here individually and upon some, at least, of those charged with the administration of this Government, have been for months that the Mexican Government has not simply technically, but as a matter of fact, recognized the belligerency of Orozco and Zapata.

First, if the Senator will allow me, I will explain in a few words just the conditions as I understand they exist there to-day and whether they show any organized opposition to the Madero Government.

The revolution against Mr. Diaz was brought about by a revolutionary "junta," as it is called, or, as we would say, a committee. That revolution was successful, Mr. Madero in the

north joining one of the successful captains or generals of that revolution. That junta apparently has never been satisfied; it was not dissolved, as I understand it, during the election which succeeded the temporary incumbency of the Presidency by Mr. de la Barra. Mr. de la Barra succeeded Diaz as provisional President. A general election was called. The nominee of this revolutionary party for the Presidency was the incumbent, Francisco I. Madero; for the Vice Presidency, Vasquez Gomez, who had been chairman or head of or at least one of the leaders of the revolutionary junta.

Sometime during the campaign it is claimed that Mr. Madero called together a party of his adherents in the City of Mexico and succeeded in, as they called it, nominating, as a matter of fact, as we would view it, simply placing a ticket in the field composed of Francisco I. Madero for President, and Pino Saurez, of Yucatan, for Vice President. This action estranged from Madero the Vasquez Gomez faction and some of the Gomez people bitterly resented what was claimed by them to be the treachery of Madero.

They have claimed since that the election machinery was used exactly as it was used under the Diaz administration; that the men whom the party controlling the election machinery wanted elected both as President and Vice President were declared elected. It has been claimed by Madero's opponents that Vasquez Gomez really defeated Saurez for Vice President by a very large majority, even with the machinery of election in the control of the Madero convention. This is their claim; I am not stating it as my opinion, but simply as the claims made by revolutionists like Orozco and Zapata. Mr. Orozco had recognized Madero, in fact had put him in power, Orozco commanding the revolutionaries in the north. Zapata refused to recognize any Government until the final election for the Presidency. In other words, during the interim when De la Barra was President, Zapata retained his men under arms, refused to disband them and refused to surrender the Mexican regular forces. When the election came on Zapata's men insisted upon adhering to the original understanding and electing Gomez as Vice President.

Mr. Madero himself undertook to make peace with Mr. Zapata at that time, but his offers were rejected. Following Madero's election his former associates immediately demanded of him the carrying out of their "plan," as they call it, or the platform upon which he had been elected. The claim has been made by the "junta" and their followers that instead of carrying out the promises made in the platform and made to them Madero allowed the Mexican treasury to be looted of $62,000,000, of which there remains nothing now, and that the Government is being run upon money furnished them upon bonds at a very heavy rate of discount. It is claimed by the opponents of Madero that Zapata, who has never accepted or acknowledged Madero as president, still retaining those men under his command whom he commanded during the first revolution, has augmented their original number until he has now 23,000, fully armed and equipped, in the southern States and controlling various States in the Republic. Zapata claimed that the election was fraudulent, and that a new election should be held. Orozco still adhered to the Madero government until a few months ago, when, after having resigned several times, he finally forced the acceptance of his resignation as general some five or six months since.

Orozco claims that after he had delivered his parting address to his soldiers in the barracks at Chihuahua, Paucho Villa, who prior to the revolution had been an outlaw and a bandit with a price upon his head, but who later had fought in the Madero revolution and now commanded several hundred men with whom he claimed to be supporting the Madero "régime," dashed into the city of Chihuahua with his men with cries of "Kill Orozco! Kill Orozco!" Orozco immediately hurried back to the barracks. His troops were loyal to him. He repulsed Villa's band and drove them out of the city, and giving this action of Villa, which he claims was at the instigation of Madero, as one of his excuses assumed supreme command of his troops again. He then issued a "proclamation" and demanded the resignation of Madero and a new election. It is claimed that Orozco and Zapata are acting together, with the "junta" or committee in general command all demanding a new, and as they say, a fair election. As my information goes, and I think it is fairly correct, there have never been less than 20,000 armed men protesting against the Madero government since the Diaz overthrow. And my information is that there are now under arms against the Madero government more men than were engaged against the Diaz government. Ports are held by the revolutionists through which they can acquire arms and ammunition. The revolutionists control the port of Matamoros, opposite the town of Brownsville, in the State of the Senator from Texas. Through this port of Matamoros they have been obtaining arms and ammunition of war, which they have been sending down to Zapata's forces.

Those are about the conditions. On, I think, the 14th of March, the Congress of the United States passed an act authorizing the President of the United States whenever in his opinion there was domestic trouble in any foreign country contiguous to ours—of course referring to Canada on the north and Mexico on the south, and of course it being aimed at conditions in Mexico—and trouble in those countries would be fomented by furnishing arms or ammunition from this country, the President should have power to suspend the exportation of arms and munitions of war.

Under this resolution, as it was general in its terms, the President issued a proclamation to all citizens of the United States warning them to carry out the terms of the resolution. The ports of Juarez, of Colima, and such ports as were controlled by Orozco and the revolutionists of the north were closed to the exportation of arms and ammunition.

The ports of Vera Cruz, of Tampico, of Salina Cruz, and all the other ports on both sides of the Mexican Republic, both on the east and on the west, were left open. When the attention of the Government was called here publicly to the fact that arms and munitions of war were being furnished by Americans through those ports, through which they could reach Madero and his faction, of course the revolutionists, who were cut off from their source of supplies in the United States, conceived the idea—wrongfully, of course—that the President of the United States was undertaking to maintain Mr. Madero in power. They became, to a certain extent, incensed against the United States, as they thought the United States should not have allowed arms and ammunition to be exported to either faction, they regarding Madero simply as a usurper and as a leader of a faction, exactly as they regarded Orozco and Zapata, or Zapata having admitted that Orozco was in supreme command of the armed forces, and they both being answerable, or supposedly answerable, to the junta. They do not understand that the people of the United States do not regard the conditions there as they do; they do not understand that because Madero has been recognized as the President of Mexico, therefore we deal with him on a different plane from that upon which we deal with the revolutionists.

Mr. President, I have no desire to take up any further time of the Senate, but I felt compelled to make this explanation as shortly as possible before I could intelligently answer the question of the Senator from Georgia [Mr. BACON]. Mr. Madero himself, to my mind, if I know anything about the rules of war or of international law, by his action in openly sending commissioners to treat with Zapata and with Orozco for peace has notified the world that he has recognized the belligerency of these so-called insurgents. In the event the United States Government, through a resolution of Congress, was to recognize the belligerency of the insurrectionists, what would be the effect? Simply that thereafter damages which might accrue to American property or to American citizens within the country of the belligerents could not be collected against the Government of Mexico in the event Madero was successful. In the event finally that the insurgents were successful, such damages could be claimed and collected against the Government of Mexico in the event they constituted, or the parties that they supported constituted, the Government of Mexico. That would be the only effect of a recognition of belligerency. Such a recognition of belligerency would simply leave those people there to their own resources. If we had recognized the belligerency of the insurrectionists, there would have been no reason for their robbing stores to get ammunition and for their robbing American citizens down there of their arms and ammunition, leaving them unprotected; there would have been no reason for their seizing all the supplies that they have seized and stripping the stores upon which the colonists and others there are dependent for their source of supplies. They could have gotten their supplies from across the river just as they had gotten them from identically the same men from whom they obtained arms, munitions, and supplies when they were engaged in behalf of Mr. Madero in overthrowing the Diaz government.

Mr. CULBERSON. Mr. President, while I do not desire to protract the consideration of this subject, yet I should like to say a word further before passing from it.

The Senator from New Mexico [Mr. FALL] intimated, as I caught his language, that my information with reference to the situation comes exclusively from the State Department. In that he is mistaken. I have received information on the general situation not only from personal acquaintances and friends

in Texas, at San Antonio and El Paso, for instance, but have had confidential letters from personal friends and from former Texans in Mexico itself. One of them I have in mind now from the City of Mexico. So I tell the Senator that, while I do not doubt the bona fides of the State Department with reference to the situation there, my own position is taken not entirely with reference to what has been done in the State Department, but is based also upon statements made to me by personal friends and acquaintances in Texas and in Mexico in whom I have the greatest confidence.

I did not intend to say what I am about to say, Mr. President, when I rose, but nevertheless I will say it, that I do not believe that the situation in Mexico justifies intervention on the part of the United States, because that would be practically a declaration of war and involve this country in strife with Mexico wholly unnecessary. Nor do I believe the situation justifies or calls for the recognition of the belligerent rights, so called, of the insurgents, because, among other things, I have no doubt that it would unnecessarily prolong the conditions now existing of disturbance in that Republic.

For this reason I am personally opposed either to intervention or to the recognition of the belligerent rights of the insurgents in that country. The recognition of belligerent rights, I repeat, would tend to bring about a continuation, not a cessation, of the disturbed conditions now existing in Mexico.

NATIONAL SOLDIERS' HOME, SANTA MONICA, CAL.

Mr. WORKS. I ask unanimous consent for the present consideration of calendar No. 920, Senate resolution 160, providing for an investigation of the management of the branch National Home for Disabled Volunteer Soldiers, Santa Monica, Cal.

There being no objection, the Senate proceeded to consider the resolution which had been reported by Mr. BRIGGS on the 15th instant from the Committee on Military Affairs, with amendments.

The amendments of the Committee on Military Affairs were, on page 1, line 2, after the word "Senate," to insert "or a subcommittee thereof"; in line 4, before the word "branch," to strike out "such" and insert "the"; in the same line, after the word "branch," to strike out "home" and insert "National Home for Disabled Volunteer Soldiers at Santa Monica, Cal."; and on page 2, line 6, after the word "such," to strike out "counsel and," so as to make the resolution read:

Resolved, That the Committee on Military Affairs of the Senate, or a subcommittee thereof, be, and it is hereby, instructed to make full investigation of the condition and affairs of the branch National Home for Disabled Volunteer Soldiers at Santa Monica, Cal., and particularly to determine the nature of the treatment given at such home to the members thereof; and to report the facts and their findings to the Senate; and that said committee be authorized to sit during the sessions of the Senate and during any recess of the Senate or Congress, and hold its sessions at such place or places as it shall deem must convenient for the purposes of such investigation; to employ stenographers and such competent accountants as it may deem necessary; to send for persons and papers and to administer oaths, and that the expenses of the inquiry shall be paid from the contingent fund of the Senate upon vouchers to be approved by the chairman of the committee.

The amendments were agreed to.

The resolution as amended was agreed to.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from California to the fact that the committee reports to strike out the preamble, which usually is done; but the phraseology of the resolution will have to be changed if it is stricken out.

Mr. WORKS. Very well, let the preamble be stricken out.

The PRESIDENT pro tempore. Without objection, the preamble will be stricken out and the Secretary will make such changes as may be necessary in the resolution.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. I ask that the Senate now proceed to the consideration of the conference report on the Indian appropriation bill.

There being no objection, the Senate resumed the consideration of the report of the committee on conference on the disagreeing votes of the two Houses on the bill (H. R. 20728) making appropriation for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. CURTIS. Mr. President, on Saturday the acting chairman of the committee suggested that an item in which an increase in the appropriation had been made over that requested by the department could be used for the purpose of providing district agents in Oklahoma. I regret to have to disagree with the Senator from Minnesota [Mr. CLAPP] and the junior Senator from Oregon [Mr. CHAMBERLAIN], who took the same position. The item referred to is in regard to special agents and inspectors who do work in every section of the country. The appropriation for that purpose is only $20,000 more than was estimated by the department for this class of work; so even if it could be used to supply agents for Oklahoma, there would be only $20,000 to do work which heretofore has cost $100,000. I desire to call the attention of the Senate to the law on this subject—section 6 of the act of May 27, 1908—which provides for district agents, and reads as follows:

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court.

That simply shows that under the law these agents were given a specific duty. They must be citizens of Oklahoma and they must be residents of Oklahoma, and their work is limited, and therefore the act would not apply to them.

Mr. CLAPP. It is true that in 1908 Congress created an office known as district agent, and provided that the district agent should be a citizen of and be domiciled in the State of Oklahoma, but it is equally true that the capacity of a man to investigate a supposed fraud upon an Indian would not depend upon the fact whether he was a citizen of any particular State. My contention is that while I would have been glad to have got $100,000 for this purpose, the Interior Department, so far as authority is concerned, can send any agent into the State of Oklahoma to investigate those things which formerly were investigated by men who were heretofore designated as district agents, and there is not anything in the law to-day that prohibits inspectors and agents of the Government otherwise designated from performing the very functions that were placed upon the district agent. In the committee, as I recall, the officers of the department admitted that if they had the money to employ men they could perform this work; they could take these very same men and employ them.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. CURTIS. The officers of the department claim they can not do it, and they sent me this law as showing that they could not and have no authority under the provision to place these men to do the work of the district agent in Oklahoma.

Mr. CLAPP. While I am in hearty sympathy with the department in this matter, I do not propose to be placed in a wrong attitude.

I undertake to say that when a statute of the United States makes an appropriation for special agents and in that statute says "for any purpose not otherwise provided for by law," the appropriation, so far as the law goes, can be used for purposes not otherwise provided for by law. Whether, in the exigencies of the department, reducing this appropriation from $100,000 to the point to which it is reduced will permit the employment of these or other men for this purpose is a question which is involved in doubt, and upon which I cheerfully and readily accept the statement of the department. In the conference it was suggested—if we could only get money enough—that, under the liberal provisions of the section which authorizes money for special agents and other purposes not otherwise authorized by law the work could be carried on.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. CLAPP. With pleasure.

Mr. BORAH. It does not seem possible that the department has found itself under any restraint in employing agents.

Mr. CLAPP. Of course not, except in the amount of money available for that purpose.

Mr. CURTIS. I think the Senator from Idaho misunderstood my position. The law does authorize them, and the section referred to by the Senator from Minnesota authorizes the employment of special agents and inspectors. But the district agents are provided for in the act of May 27, 1908, and their

duties defined and the law says they must be local representatives within the State of Oklahoma or now domiciled therein.

Mr. BORAH. I was going to say if a statute had been passed which was sufficiently explicit and sufficiently binding to restrain the department in the use of money for special agents to the use for which Congress said it should be used, I think we should keep that law as a model to be followed for all time to come.

Mr. CLAPP. The provision which has been the law for a long time reads:

For pay of special agents at $2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of $3 in lieu of subsistence when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty.

I call the attention of the Senator from Idaho to this language. Among the things enumerated are—

For transportation and incidental expenses—

Then—

For pay of employees not otherwise provided for; and for other necessary expenses.

There can be no question under that that the department, if it had the funds which it could spare out of this appropriation, could send the agents it now has, or that it could appoint these very men whose term of office may expire, to do the very duties which now devolve upon them by reason of their appointment.

Mr. President, whether the department can get along with the amount of money which we have appropriated is another question. I shared with them the hope to get the entire amount, and the question for the Senate to consider is whether having made the increased appropriation, having fallen far short of what the department says it requires for the purpose, in view of all the facts connected with the situation, the report should be sent back to conference.

Mr. TOWNSEND. Mr. President, I have been greatly interested in this discussion, and I have obtained some impressions which unless they are removed will compel me to vote to send this bill back to conference.

Every Senator who has spoken on this question admits or concedes that there has been great fraud practiced upon the Indians in Oklahoma, especially upon the incompetent ones there. The Senator from Kansas [Mr. CURTIS] has presented an array of proof, which no one has attempted to dispute. He has charged that that condition has been disclosed by these agents of the Government who have been sent out to look after these, our Indian wards.

The chairman of the committee, the Senator from Minnesota [Mr. CLAPP], has stated that he and his colleagues on the conference committee are in sympathy with retaining these agents; that they have done the best they could—and I do not dispute that—to retain this provision in the bill, but that the House conferees refuse to recede from the House position, and therefore we are compelled to continue this condition of fraud, are compelled to do so because we are approaching the close of this session and it is therefore necessary to pass this bill with the Senate provision eliminated.

Mr. President, if these frauds are admitted, and no one has denied that they do exist, and if by retaining these agents we can in a measure at least prevent these crimes against our Indian dependents in Oklahoma, I am in favor of remaining here until we can pass a bill which will remedy these flagrant wrongs. I can not bring myself to a point where I can consent to a continuation of admitted conditions which are about as bad as it is possible for me to imagine.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Minnesota?

Mr. TOWNSEND. Certainly.

Mr. CLAPP. The statement of the Senator from Michigan as to what is admitted perhaps requires some qualification. Of course I am not prepared to say the fraud should go on. What I claim is that the Senate has added to what the House appropriated in certain funds, $65,000 in all, which, if the department can spare it from other uses, can be used for this purpose.

Mr. TOWNSEND. Then, may I ask the Senator a question——

Mr. CURTIS. Mr. President——

Mr. TOWNSEND. May I ask a question before the Senator from Kansas interrupts?

Mr. CLAPP. Yes.

Mr. TOWNSEND. Then, why, if the Senator from Minnesota believes there are sufficient funds——

Mr. CLAPP. The Senator from Michigan——

Mr. TOWNSEND. Why does he state that the Senate provision ought to be retained?

Mr. CLAPP. The Senator did not allow me to conclude.

Mr. TOWNSEND. I beg pardon.

Mr. CLAPP. Yes. When we get to the point whether or not the money appropriated will serve the purpose I am not prepared to say that the department can not prevent the frauds, nor am I prepared to say that the department can prevent them. Therefore, to be on the safe side, I have worked hard to get the entire amount asked for by the department.

Mr. CURTIS. I want to state that the increased appropriation is not $65,000. It is only $20,000 more than was asked for by the department.

Mr. CLAPP. I have not said we have increased it $65,000 over the estimates of the department. What I have said is that the Senate secured an increase in two items here of $65,000 more than what the House had voted, and those two items are items which could be used if the exigencies of the department permitted the use of the money for this purpose without too seriously crippling the work of the department in other directions.

Mr. MASSEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Nevada?

Mr. TOWNSEND. Yes.

Mr. MASSEY. Will the Senator from Minnesota state to the Senate what are the objections to making the appropriation for these special agents?

Mr. CLAPP. I do not know just how far the conferees of either House would be warranted in stating the objections which the conferees of the other House made to an item. The matter first came up in the House Committee on Indian Affairs, and there the committee took the position that it would not this year make this specific appropriation. It then came up in the House, where the effort was made to make this appropriation; and the House, after thrashing out the matter, also decided that it would not make this specific appropriation. Of the conferees, I can say that two were absolutely insistent and unequivocally against it, except that they did consent to the Senate amendment standing with reference to these two other funds upon the theory that there might be some additional money that could be used for this purpose.

Mr. TOWNSEND. Mr. President, this I do know, that the Senate provided in express language for the retention of these agents. That provision has gone out. It is contended that possibly another appropriation or a portion of it can be used to retain these agents provided there is sufficient of that fund to do it. If it was simply a matter of economy that was sought, it would have been better to have reduced the other appropriation and retained the amount herein specified for this particular purpose. Then there could have been no possible ground for believing that these men would not be retained to uncover and disclose these wrongs against incompetent Indians.

Ever since I have been in Congress there has been an effort made to specify the particular objects to which an appropriation could be applied and to prohibit its use for any other object, and I have been in sympathy with that idea. That principle now quite generally maintains, and even if there was no specific law prohibiting the use of any of the general fund to employ agents in Oklahoma, and there is such a law, still under the principle to which I have referred no part of that general fund could be used to pay these agents.

I think I can see a reason for eliminating this specific appropriation. There can be no question that villainous land thieves and speculators have for years been exploiting the Indian and robbing him and his wife and children of their heritage, and the greatest check to their greed and crime have been the Federal Indian agents. The undisputed record here shows that these agents have discovered hundreds of frauds and have succeeded in having restored to these helpless Indians thousands of dollars and thousands of acres of land which had been unlawfully taken from them. I know that these criminals want no appropriation made for hiring detectives. These agents are performing a good work, and they ought to be retained, and there ought to be no doubt that they are to be retained.

Mr. McCUMBER. Mr. President——

Mr. TOWNSEND. Just a minute. Let me finish this. I remember a few years ago, almost at the beginning of this disturbance in the country called the insurgent movement, the then President of the United States was asking that certain agents be employed for the purpose of discovering if possible whether, under the Federal Government, wrongs were being perpetrated which might be prevented. At that time there was an argument used, viz, that the hiring of Federal agents to assist in the enforcement of law by discovering wrongdoers was an invasion of the rights of the States; and that these agents ought to be prevented from spying lest honest men might be

exposed to embarrassment. I did not like those arguments then. I do not accept them now.

It is sufficient for me to know that a great wrong is being perpetrated upon helpless and defenseless people, who must rely upon us for protection if they are to be protected, in order to go as far as statutory action can go to apprehend and punish the criminal and thus prevent him from capitalizing for his profit the ignorance and helplessness of our Indian dependents.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from North Dakota?

Mr. TOWNSEND. I yield now.

Mr. McCUMBER. Mr. President, I simply wish to add one little matter in justification of what the Senator is stating. I was informed this morning, since our debate of Saturday, that one of the persons mentioned by the Senator from Kansas [Mr. CURTIS] who had received a lease for almost nothing is now controlling nearly 5,000 leases of the same character; that this person is somewhat of a power in the political field in that section of the country; and you can quite easily understand why it is that he would be very much interested in having these agencies abolished entirely.

Mr. TOWNSEND. Mr. President, it is the disclosure of all these undisputed things that leads me to say that I shall feel it my duty to remain here as long as it is necessary, even at the expense of a protracted session, to vote against any proposition which seeks to do away with these checks upon the shameful crimes which are shown to exist in Oklahoma to-day.

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CLAPP. I assume in view of the pendency of this conference report that the Senator from Iowa will allow the unfinished business to be temporarily laid aside.

Mr. CUMMINS. I would be glad to yield for the consideration of this report, but I have this to suggest to the Senator from Minnesota: I fear there is not a voting quorum in or about the Senate, and if his report will lead to a vote it will develop, in all probability, the absence of a quorum; then the Senate would be under the necessity of an adjournment, and thereby we would lose a good deal of valuable time. I ask the Senator from Minnesota, first, whether he believes we have a voting quorum here, and second, whether he believes the report will lead to a roll call?

The PRESIDENT pro tempore. If the Senator from Iowa will pardon the Chair, the Chair will suggest that he is informed there is a voting quorum, with a safe margin.

Mr. CUMMINS. Very well, with that assurance I ask unanimous consent that the unfinished business be temporarily laid aside, giving notice now that at the moment the report under consideration is disposed of I will ask the Senate to resume the consideration of the unfinished business.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none, and it is so ordered. The question is on agreeing to the conference report.

Mr. CATRON. Mr. President, before the vote is taken on this proposition, I wish to state that the people of New Mexico do not desire the proposed measure to be enacted into a law as agreed upon by the conference committee in reference to the Apache Indians at the Fort Sill Reservation, Okla. They are perfectly willing that the provision which was passed by the Senate when the bill in question was passed here should go into the law, but the conferees have omitted to insist, apparently, upon what was provided for by the Senate and have acceded to the House provision.

I wish to call the attention of Members of the Senate, in addition, to what my colleague said on Saturday to the character of these Indians. We do not desire to have them turned loose in our State, as the provision in the conference report provides shall be done. We prefer that they shall stay where they are or be sent to some other place. Those Indians have been the worst band of Indians that have ever existed upon the American Continent. They have been the most warlike; they have been the most desperate, the most bloodthirsty, and murdering crew that has ever existed. They for 60 years, until they were sent to the Mount Vernon Barracks, carried on war from time to time. During the Civil War they had the ablest chief who was ever at the head of any band of Indians—Mangus Colorado. When the Civil War broke out he attempted to bring together the entire Apache Nation, and, together with them, the Navajos of New Mexico sought to drive the entire white people out of that Territory. He succeeded in joining all the Navajos to the great mass of the Apaches and drove every man from the western side of New Mexico down into the Rio Grande Valley and practically depopulated it and destroyed every particle of property existing west of the Rio Grande Valley, east of the Arizona line, and for a long distance from the east of Arizona.

There was a conference had between him and Gen. West for the purpose of reaching terms of peace, and at it he was killed by the American soldiers in a very questionable way. That only added flame to the fury of these Apaches. But some time afterwards they, not having as vigorous and able a leader as he, agreed to go to the Warm Springs Agency, which is about 60 or 70 miles west of the Rio Grande, where an agency was fixed for them. At that place, they, having been very much decimated in their wars with the troops during the Civil War, were recuperated; their young people grew up, and about 8 or 10 years thereafter they were headed by another chief who was almost equal to Mangus Colorado, a chief named Victoria, whom you have all heard of. He went on the war-path, like his predecessor, and attacked the settlements all along the line, and destroyed their property in the western side of New Mexico and the eastern side of Arizona again. He took away the live stock, often shooting and killing them, driving them off, and appropriating the same to themselves. When they had entirely destroyed all the property on the west side of the Rio Grande they went down to the Rio Grande, crossed it, and went over on the west side where the Mescalero Indians are now living, and where they then lived. He did not go there for any other purpose except to force those Indians on the war trail in aid of himself and his acts. But those Indians had been at peace with the United States and with the Mexican Government for 60 or 70 years and did not desire to go on the war trail. Fights were had between them and the Mescaleros, and several Mescaleros were killed. Some of the younger men of the Mescaleros, seeing there was an opportunity to kill and an opportunity to acquire and destroy property, and being anxious to engage in such business, abandoned the Mescalero Tribe and joined themselves to Victoria's band, who were then called the Warm Spring Indians. They went back to the west side of the river, where they encountered our troops and were driven down into Mexico; then the Mexican troops there who attacked them killed Victoria and a large number of his band and drove them back to our side of the line again, where they were compelled to surrender to the United States troops.

They were then taken away from the Warm Springs Agency to the San Carlos Agency, in Arizona, where there were 3,000 other Apache Indians. They remained there, Victoria having been killed, five or six years or more, until they had again recuperated, their young men had grown up, and then, with Geronimo at the head of them, they again went on the war-path. This time they again decimated the eastern side of Arizona and the western side of New Mexico and destroyed every ranch, they took away and destroyed practically all the live stock, they drove every man back down into the Rio Grande Valley, where the settlements were, and held the country both on the eastern side of Arizona and western New Mexico, preventing settlement and occupation by the people for years.

Geronimo, after two or three years of warfare, being followed up by United States troops, finally surrendered and was taken under control by them and sent to the Mount Vernon Barracks, in the State of Alabama, where he, with his people, then consisting of about two or three hundred, were kept for about 10 years. After this they were transferred to their present habitat at Fort Sill, where there are now about 235 of them, or something like that number, according to the report which is presented here.

When they were taken to Fort Sill the Government provided for land for their occupation. They were held there as prisoners of war, but fifty-odd thousand acres of land were added to the Fort Sill Reservation for the purpose of accommodating these Indians and for their use. When they were placed there the Government built houses for them, furnished them farming implements, gave them live stock and everything to put them on a footing of supporting themselves. The Government furnished them with farmers—experts to instruct them how to cultivate the land. Since that time I understand they have succeeded well. They have advanced and are practically self-supporting. They are producing crops and producing enough products from the soil to support themselves.

It is now proposed by this procedure to take them from that place back to New Mexico, to relieve them from the charge of the military and turn them loose at the Mescalero Indian Reservation without providing a single thing for them in the shape

of houses, only taking back with them their live stock and other personal property and turning them loose upon the ground of the reservation.

That reservation is quite a large one, but it has not a great deal of agricultural land which can be irrigated. You must remember that when these Indians learned the art of agriculture at Fort Sill they did so where there was rainfall. There was no irrigation at that point. They would have to learn the art of irrigation; and an Indian, whenever he learns one thing at one place and is taken to another place, has to commence at the bottom again. He never knows anything that he has learned previously. In this case he will certainly have to commence at the bottom, because he knows nothing in the world about irrigating lands for cultivation.

But when he comes to that reservation there is no land which he can obtain for irrigation. Every foot of irrigable land, every drop of water that can be used on that reservation is now appropriated by the Mescalero Indians at that point. They will not meet Indians who are friendly to them; they will meet those who are hostile; and when they go there and undertake to take up land or appropriate water that those Indians are possessing it will bring on hostilities between the two bands. The result will be that these Indians will attempt to go on across the Rio Grande and take up their old place on the west side, and finally be turned loose on the settlers living there to commence depredating, killing, and murdering them.

If they have no land there that they can get to cultivate and no water that they can get to use for cultivation, what is the use of taking them there? When I say they have no land and no water I speak from personal knowledge. My colleague [Senator FALL] and I happen to be personally interested in the land and the water which is immediately west of this reservation. There is a single stream that rises on the reservation and flows down to the west, and there he and I have lands, as well as also do the settlers in the town of Tulerosa and other people of that vicinity.

Five or six years ago a suit was instituted on behalf of the people there in which these Indians were a party through the Government coming in voluntarily to determine the water rights in that stream and the only water rights that exist there. There was a decree entered adjudicating to each party a certain portion of the water to which they were entitled as their rights. The amount of water that was adjudicated to the Mescalero Apache Indians was just what they needed for the lands which they could cultivate and which were susceptible to irrigation. They are all that there are. Those lands are taken up by those Mescalero Indians, and these Fort Sill Indians can get none. They can do nothing in the shape of dry farming. They could never make a success. They would have to go on to that reservation and try to get land which they can cultivate in order to be able to make the least success.

If these people are sent back there, they will practically retard and bring on a state of paralyzation in the settlement and occupation of that country by the white people. It will stop the settling up; it will stop everybody from occupying a ranch or holding it. Those who are there will arm themselves and fill their houses with guns and ammunition and be ready at all times for fight. When they go out on the ranch every one of them will carry his pistol and his gun, and at the least provocation from one of these Indians there will be a row and an Indian or a white man killed. This will bring on war. It will bring on discontent.

Our State, as a Territory, has been held back long enough. We have suffered from these Indian depredations long enough. We have suffered from Indians taking away from our people and from our Territory and from our State, as a Territory, enough lands. We do not desire to have any more taken. We desire that the Indians who are there shall be compelled to take lands in allotment and the balance of the lands turned loose, so that the settlers can occupy them. To-day there are three large reservations in that State, each one of them having at least a thousand acres for every man, woman, and child of the Indians for whom they are set apart.

I do not believe that the Indian should have any more consideration paid to him in this way than is paid to the ordinary citizen who helps to build up the country and pay the taxes and make the laws and protect them and protect the people by enforcing the laws for that purpose.

We believe that these Indians ought not be sent back on us and turned loose as this proposed report suggests that they shall be.

I read from the report itself:

That immediately upon the arrival and establishment of said Indians on the said reservation, they shall be released from the status of prisoners of war and shall thereafter be and remain under the jurisdiction of the Secretary of the Interior, upon equal footing in all respects with other Indians belonging on said reservation.

That is what is to be done with them. They are not to be furnished houses; they are not to be furnished lands; they are not to be furnished anything else; but they are to be dumped on that reservation and stay there as Indians without any support or without anything to help them along, which will necessarily result in bringing them into a state of warfare.

I ask that the report be not adopted and that it be sent back for further conference between the two Houses.

Mr. SMITH of Arizona. Mr. President, it seems needless for me to add anything to what has been already so much better said by the two Senators from New Mexico.

We had all the experience we want with Geronimo's band of Apache Indians. It is a mistaken philanthropy to send them back. As the Senator from New Mexico [Mr. CATRON], who has just preceded me, has well said, you would send them back without an occupation. For the 26 years since Geronimo was captured up until now we have had no Indian troubles. We had these troubles all the time until these Indians were sent away. In that 26 years the Indian in Arizona has developed beyond our expectation. Are these Indians, remembering only the warpath; remembering only blood, trespass, murder, and rapine of the earlier days, to be sent back among Indians in Arizona who have lived in peace with the white man for 20 years, who are picking up the practices of industry, who are beginning to farm, who are working on the railroads, making a living for themselves and doing better and prospering far ahead of anything that those who are to return ever knew, or thought, or dreamed?

If you send the young ones back—26 years have elapsed—what can they do amid surroundings unknown to them? Send the old ones back and you have nothing except the unrest, trouble, and danger as has already been predicted by the Senator from New Mexico. As certain as he goes on the Arizona Indian Reservation with no land he begins at once to stir up the quiescent Apache to the same spirit that animated Geronimo and you will find nothing but trouble from it. As sure as you do it you are going to precipitate on the people more Indian troubles, of which they have already borne too much. Of all the depredations committed by Geronimo the United States Government has never paid one dollar to the people who suffered from them. Now, without any consideration before the House that I have heard of, and with no consideration before the Senate since my advent here, this proposal to return these Apaches to Arizona and New Mexico is first heard of in the conference report. It is the first time we ever heard of it. The conference report should be voted down and that clause stricken out of it, or else you are going to do for those Indians far worse than your sympathy intends.

Mr. President, if this matter were before the Senate as an original question, I have no idea it would ever pass this body when the Senate itself became aware of the trouble which it invites. I have as much sympathy for the children of these Indians as any Senator on this floor, but I have a larger and more intense sympathy with the children of the men whom they have murdered. I can look back for almost 30 years—without attempting to draw any picture of distress—there rises before me the mutilated forms of many of my best friends killed when pursuing their peaceful avocations more than a hundred miles from any Indian reservation; women and children tortured to death in mere wantonness. The men went everywhere with arms, never dreaming of driving 20 miles without a Winchester. That was the condition when Geronimo and his band were removed. And now it is proposed to invite there a body of Indians with the same spirit that Geronimo had then, bringing back to them the sense of their capture, if you please, and the degradation of their submission. It means nothing but disturbance; it means nothing but disaster; it means nothing but somebody getting killed when you return this band to Arizona.

We go now anywhere on the plains and on the Indian reservation unarmed. I for one, with this gang back there, would not go within 20 miles of an Indian reservation, nor would any other man who has been there for 30 years, for he would not know when he would meet trouble. He would not know how soon these Indians will stir up those on the reservation to deeds of murder, arson, and rapine.

When you return this band to Arizona the white man will begin to defend himself, and it may be, unfortunately, a peaceful Indian, mistaken for one of these, will be killed. You are going to reinstate those Indians by this miserably mistaken philanthropy. There is no sense in it.

This pity of yours runs in the line of absolute ignorance of the conditions there, and you are doing the Indian infinite harm. You are doing those now there at home more harm than those you would bring back. You are doing the white man greater harm by it than the Indians. I shall vote against the

conference report, and I trust the Senate will send it back. It is here without authority. If there were such a thing as making a point of order against it I would raise it now against this provision as being legislation on an appropriation bill that has never had the consideration of either House. You can not make the excuse that such a bill passed here a year ago or passed in the House five years ago and then place it on an Indian appropriation bill and bring it in for the first time from the committee of conference. The provision ought to go out; it is not here by any law nor any right, and it is terrible in its consequences. I hope the Senate will vote down the conference report.

Mr. STONE. I want to ascertain from the Senator if he can state the exact number of these Apache Indians on the Fort Sill Reservation?

Mr. SMITH of Arizona. The report shows the number. The chairman of the committee can inform the Senator.

Mr. CURTIS. They number about 250, I think.

Mr. SMITH of Arizona. Two hundred and fifty-odd, I think.

Mr. CLAPP. There were 257 at the time the report was made.

Mr. STONE. I understand it to be a fact that only 25 or 30 Indians who were taken there from New Mexico are alive.

Mr. SMITH of Arizona. Only about 30 of them were engaged with Geronimo in his raid. Many who are now there have been born since then.

Mr. STONE. My information is to the effect that of the 257 Indians on the Fort Sill Reservation all but about 30 have been born on that reservation.

Mr. SMITH of Arizona. Oh, no.

Mr. CATRON. There are 98 of the male Indians who are under 40 years of age.

Mr. SMITH of Arizona. Even though only about 30 were actively engaged in actual hostilities, the Senator from Missouri will at once see that the children of the warriors who were captured will be filled with the traditions of the gallant deeds of their fathers when they were free. You can imagine how they have been raised. In my judgment they are more dangerous than if they had seen some of the trouble. If they are taken back to New Mexico they will go back with the knowledge of the prowess of their fathers, their courage, and the number of white scalps they had carried at their belts from many a bloody field.

Mr. STONE. I am told by the Representatives from Oklahoma, who are familiar with the conditions there, or who ought to be, that the great body of those Indians are young men, women, and children who have been born since the Geronimo band was taken to the Indian Territory or to Oklahoma and confined as prisoners at Fort Sill. I am told by these gentlemen that their condition is very much to be lamented; that they are breeding in—brothers and sisters cohabiting, and that children are born from that cohabitation—that they are afflicted with diseases; that consumption is prevalent, and other fatal diseases are decimating them. If those conditions are true, something ought to be done to relieve the situation. I would not desire to send an Indian to New Mexico or to Arizona whose presence there would be regarded as a menace to the peace of either of those States and of the people residing there, but some provision ought to be made, some solution arrived at, of this problem. What does the Senator from Arizona suggest ought to be done with these Indians—hold them there continuously as prisoners and let them die as they are dying, like pigs, with cholera, or should we provide homes for them at some place?

Mr. FALL. Will the Senator from Arizona yield to me for just a moment?

Mr. STONE. I should be glad to have some idea as to what should be done.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). Does the Senator from Arizona yield to the Senator from New Mexico?

Mr. SMITH of Arizona. In a moment. I do not think the conditions the Senator from Missouri sets forth exist there to any greater extent than they do in any other reservation containing the same number of Indians, and probably in reservations much larger. The condition of which the Senator speaks exists in mountainous parts of this country among white people. It is a question of sentiment again. You do not know the question you are dealing with nor the animal you are dealing with. He is as easily taken care of at Fort Sill, in Oklahoma, as in Arizona, and much easier in fact, for many of them know no other country and are now occupying 50,000 acres of better land than he can find in either an Arizona or New Mexico reservation. If these conditions exist there as stated by the Senator from Missouri, they will continue if the Indians are removed to either of the other reservations in Arizona or New Mexico, for, as the Senator from New Mexico has well said, the home Indian will not affiliate with those who were born in Alabama or Oklahoma. There is no kinship or relation between them that either would recognize. You will find the same isolation, you will find the same difficulty, in their efforts to maintain any rights at all in Arizona as now confronts them at Fort Sill. Besides, if they were born in Oklahoma, in the name of conscience, why would you want to send them away from there?

Mr. STONE. I did not ask the Senator about sending them away.

Mr. SMITH of Arizona. I was asking the question not of the Senator from Missouri but of the Senate, in answer to a Senator's suggestion why you should ever think of sending them to a place where they were not born and of which they can know nothing.

Mr. STONE. I am not talking about sending them back.

Mr. SMITH of Arizona. The Senator from Missouri was talking about their morals, then; was that the question?

Mr. STONE. What I asked was, what solution the Senator from Arizona or the Senator from New Mexico would propose for this most lamentable condition existing now at Fort Sill?

Mr. CURTIS. Will the Senator yield to me for a moment?

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Kansas?

Mr. SMITH of Arizona. I do.

Mr. CURTIS. The Secretary of the Interior, it seems to me, has submitted a proposition which, if accepted by the conferees, would have been acceptable to the Senators from New Mexico and also to the Senators from Oklahoma. He submitted an estimate to Congress, as follows:

For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior, $250,000, to be expended under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. SMITH of Arizona. Unquestionably, that is an answer to the question, and is what the Senator from New Mexico endeavored to call to my attention.

Mr. FALL. If the Senator will yield for a statement, I will say that I am informed by the Representatives from Oklahoma that they will be glad to have these Indians down there; and the only method by which we can get them down there is by a reference of this report back to the committee.

Mr. CLAPP. Mr. President, I think it is——

The PRESIDENT pro tempore. Does the Senator from Arizona yield to the Senator from Minnesota?

Mr. SMITH of Arizona. I do.

Mr. CLAPP. Mr. President, I think it is due to say that, while it may be said that this agreement is not within the strict limits of the powers of a conference committee, there is very strong authority for it. Members of both Houses, of very high legal authority on these subjects, claim that the difficulty arose from having originally put in a provision on the recommendation of the Secretary of the Interior which had not in that form passed the Senate; but it was thought that it would at least justify the action of the conferees if they agreed on a report in the form practically, I think, as the provision passed the Senate.

Mr. FALL. Will the Senator allow me to ask him whether the provision has ever passed either House of Congress in the form in which it is now suggested by the conferees?

Mr. CLAPP. It never passed the House of Representatives; but the question in conference always is this: Are the conferees within something that one House or the other has done? If the other House had passed the provision in the form in which it appears now in the conference report, there is no question, of course, but what the action of the conferees would have been within the limits of their power. If the Senate had put it on the bill in that form it would likewise have been within the jurisdiction of the conferees, although the House might never have acted upon it. The Senate having acted, the conferees thought that would be some justification in bringing the subject before the Senate and the House.

Mr. FALL. Mr. President, if the Senator will allow me just a moment, I want to ask the Senator if it is not a fact that the action he refers to was taken by the one party before the Senators from New Mexico and Arizona came into the Senate?

Mr. CLAPP. I was going to explain that fact, too. If the Senator will allow me, it has always been my custom in conference, when a matter of vital importance to the Senate was reached and there was any question about it, to confer with the Senators from that State. I did not do so in this case, because the Senate having passed the bill, and it not

being in my mind at the time that the Senators from the State had come into the Senate since the passage of the bill, I naturally accepted the action of the Senate as satisfactory to the Senators——

Mr. FALL. I merely wanted to put that fact in the RECORD.

Mr. CLAPP. Otherwise they certainly would have been notified.

Mr. SMITH of Arizona. Mr. President, the courtesy and the kindly consideration for which the Senator from Minnesota is so well and properly distinguished are such that no explanation was needed from him, so far as I was concerned, as to any conduct of his in regard to the matter. I am glad, however, that the Senator from New Mexico [Mr. FALL] has drawn out the fact before the Senate that whatever legislation of this kind had passed the Senate passed before our advent here, or we confidently believe it would not have been passed at all.

The solution of the question in my mind, as asked by the Senator from Missouri [Mr. STONE], is found in the suggestion of an appropriation sufficient to take care of these Indians where they are. The Indians born in Oklahoma are not acclimated in Arizona and never will be. Their condition is better where they are. Whatever sympathy you have, let it be shown in appropriations taking care of them in the only environment to which they are accustomed. I have nothing more to say.

Mr. HEYBURN. Mr. President, on Saturday I took up the consideration of the condition of these Indians, irrespective of the proposition coming from the conference committee or any other proposition pending. I took it up for the purpose of pointing out the deplorable condition of these Indians; and, notwithstanding the Senator from Minnesota, in charge of the bill, sought to lead me off to a consideration of the proposition submitted by the conferees, I resisted that temptation. I would not send these Indians back into an antagonistic atmosphere or among a people who carry in their memories the atrocities of their ancestors. If it is found convenient, I would take the suggestion of the Secretary of the Interior and appropriate money enough to take care of these Indians without sending them back among the people in whose bosoms there still remains this antagonistic spirit. The antagonism is not an unreasonable one; it is one entirely in accord with human nature.

I would inquire whether or not the extra 40,000 acres of land that were added to the military reservation in order to enable them to take care of these Indians might not be dissociated from the military reservation, and the status of freemen be conferred upon these Indians, except the 30 remaining Indians who participated in the war, and let them acquire property rights upon these 40,000 acres, or such rights as are appropriate for an Indian to possess, and leave them in the climate, in the country, and in the environment where they were born and where they have grown up? I would cheerfully participate in securing such rights for these Indians in view of the fact, as suggested by the Senator, that they are not acclimated to Arizona, and their traditions perhaps are only such as come down through the camp talk of a tribe of Indians.

I did not suggest, nor would I suggest, that these Indians be sent back. The Senate bill as it went to conference provided that an investigation might be made. I would go further. We know the facts, and it might be found wise to make available the land upon which they now live. I spoke only in favor of changing the status of these Indians from prisoners of war to that of ordinary Indians and providing for them where they are, except as to 30 men in that tribe who actively participated in the war resulting in their capture. I would keep those men as prisoners of war. They should have been hanged when they were captured; they should have been dealt with at that time. Where else in the history of this or any other country have we allowed prisoners—either prisoners under the civil government or prisoners of war—to build up families, produce children, and add to their numbers as prisoners of war, giving the status of the children that of prisoners of war? No. I am not in favor of sending them back; and I said no word on Saturday that would intimate it. I spoke only as to their condition, with a view of enlightening the mind of the Senate, that it might deal with this question from an intelligent and humane standpoint.

Mr. ASHURST. Mr. President, "Lest we forget." In addition to what my colleague has said, I will state that in the city of Prescott, Ariz., is a pioneers' home for aged and infirm pioneers. It is within the bounds of truth to say that some of the venerable pioneers who are occupants of that home bear upon their bodies scars inflicted by bullets fired from the guns of Apache Indians in the early Indian wars. In addition to this, some of those persons in the pioneers' home, and many persons outside the home, have just claims for the destruction of their property by these Apache Indians. The claims are mildewed with age, and it is a mournful commentary to reflect that they have not been paid. In this connection, in order that we may become somewhat familiar with the past history of these Indians, I will submit and ask to have read a memorial adopted by the Twelfth Legislative Assembly of the Territory of Arizona, which convened in 1883. This memorial is addressed to the Congress of the United States and depicts the character and describes the outrages of the Apache Indians.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary proceeded to read the memorial referred to.

Mr. ASHURST. Mr. President, if permitted, I should like to ask unanimous consent that the remainder of the memorial be printed in the RECORD without further reading.

The PRESIDENT pro tempore. Without objection, that order will be made.

The memorial referred to is as follows:

MEMORIAL IN REFERENCE TO INDIAN AFFAIRS.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists, the Twelfth Legislative Assembly of the Territory of Arizona, beg leave to represent to your honorable bodies: From time immemorial the Apache Indians, an aboriginal tribe, inhabiting the country between the Rio Grande and the Gulf of California, have been a curse to civilization and a plague spot on the continent.

Since the first efforts of the Spaniards to colonize and to christianize this country, more than three centuries ago, these savages have retarded progress and paralyzed prosperity in a portion of the grandest and richest part of the globe.

After the Mexican Revolution the Apaches impinged upon that weak and struggling Government to the extent of devastating and comparatively depopulating the northwest provinces.

Since the acquisition of this country by the United States the depredations of these Bedouins of America have been continued with undiminished fury. For these Indians have been segregated vast reservations, unwieldly in size, and altogether unadapted to the purposes had in view by the Government. But such segregations, princely extents of rich mineral, agricultural, and grazing lands, have been withdrawn from development, and millions of acres of productive country rendered of no use save to serve as the lurking places of an implacable foe. The cringing solicitude with which the demands of the semibelligerent and belligerent Indians have been complied with, and the manner with which they have been supplied with necessaries, and even luxuries of life, has not inspired the Indians with gratitude, but has given them a contempt for our Government and has imbued them with the idea that their Great Father at Washington is only the timorous keeper of a great free hotel, where they are entertained gratuitously through fear of their anger. They call the reservation agents "squaws," and despise our people with more than a Mongolian insolence of race prejudice. To their brutalized minds kindness appears to be a confession of weakness and forbearance seems evidence of fear. They have so often set at defiance the attempts of our soldiery to dislodge them from their mountain fastnesses that they believe themselves well able to cope with American troops whenever a favorable time may arrive. Not only are they ignorant as to our national strength, but statements of our number as a people are derided by them as "forked-tongued," to use for once a part of the figurative twaddle with which the novelists have so completely deceived the American public as to the real characteristics of these beastly monsters. The nature of the Apache can not be comprehended by a knowledge, however intimate, of the habits of other Indians. They are the most treacherous and cruel creatures that disgrace the earth. Murder is with them a trade; torture, a fine art; outrage, mutilation, and burning at the stake a delight. His career of bloodshed has been the same for ages. The killing of some of the braves in the wars, instead of intimidating the remainder, has only fired anew their unforgiving hearts. They implicity believe that some day they will crush out American civilization, even, as tradition tells them, their ancestors obliterated the civilization of that extinct race whose ruined cities in every part of this Territory delight the antiquary and puzzle the historian. Their presence in Arizona is a continual menace to our welfare. Their present deceitful calm reassures no one; it is but "the torrent's smoothness ere it dash below." The presence here of the efficient Indian fighter, Gen. George Crook, does not remove our apprehensions. The people know, by woeful and repeated experiences, that no outbreak, however vigorously resisted, can be put down without long delay and great loss of lives and property on the part of the Government of the United States, and still worse on the part of noncombatant citizens. These particular difficulties are more the fault of our Government at Washington than the fault of our soldiers, for the special obstacles arise as much from the mountainous nature of the countries in which the Indians are allowed to remain, as from the nature of the savages. The Apache is no contemptible foe. In point of intellect, in cunning and duplicity, in warlike skill and untiring energy, in tenacity of purpose and wonderful powers of endurance, the Apache has no equals among the warlike tribes of North America. His daily thought and his nightly dream is destruction. His traditional hatred toward all the peaceful and industrious tribes is irreconcilable. There is not a grown Apache male in this Territory who does not, in his secret heart, thirst for American blood. He is the veritable Ishmaelite, whose hand is against every man, and that hand will continue to be stained with American blood as long as he knows that his record of villainy is the open sesame by which he can command the distinguished consideration which he now receives.

This treatment of the Apaches is not understood by the peaceful and industrious tribes, and they are demoralized and tempted to depart from their good behavior by the reflection that they are comparatively neglected, while the murderous fiends are so assiduously conciliated.

If an American sailor is murdered on some remote shore, we send a costly expedition to demand satisfaction and to prevent a repetition of the crime, but the depredations and murders that have, during the past 20 years, characterized the diabolism of the Apaches have been in many cases slightly considered and in more cases ignored with an indifference worthy of the stoicism of the Indian himself.

In addition to our local grievances, it is a source of international disgrace and shame that these nomadic savages should be maintained here to commit depredations upon the adjoining Republic of Mexico,

thereby provoking retaliation, and to a considerable extent interfering with the welfare of the northern tier of States of our sister Republic.

The people have, in their desperation, often fitted out expeditions of hardy and experienced frontiersmen to suppress Indian insurrections, and such volunteer troops have often passed through hundreds of miles of country, rife with savage outrage, without seeing an Indian. In such way do they take advantage of the facilities for hiding afforded by mountainous country.

The only solution of the problem is the removal of the Apaches to a prairie or level country, where they can be easily guarded and forced to take up agricultural pursuits until by such a life and by communicating to them the rudiments of education succeeding generation shall have lost the instinct, as well as the power, to follow in the footsteps of their sanguinary ancestors.

Such a mode of disposing of the Indians would be as much a benefaction to them as to ourselves. It is not visiting upon them the heavy hand of retribution for their atrocities, but is the only possible way of ever making them other than a millstone around the neck of the Nation. It is the course which has brought to their present condition the Canadian and other at present semicivilized tribes of this continent.

The vacillating policy, the creation of reservations in mountainous countries, the treaties, presents, and general whangdoodleism of our Indian Department are as cruel to the savages in the ultimate result as to us. How severe the present régime is upon us is shown by the fact that with a climate superior to that of many of the most populous and prosperous portions of the East, a soil of surpassing fertility, and a wealth of mineral resources exceeding any other known to history, Arizona is to-day, save in a limited number of protected and settled localities, a virgin and undeveloped land, the present visible wealth of the Territory being a mere bagatelle as compared with its possibilities under more favorable auspices.

In the administration of Indian affairs extravagant sums of money have been drawn from the National Treasury for the ostensible purpose of improving the conditions of these Indians, but up to this time without any perceptible advantage to the intended beneficiaries.

That your memorialists believe that the extraordinary success which has distinguished the military campaigns of Gen. George Crook against the savages has been due to his employment of other savages to follow them into the mountain retreats in their own fashion of warfare. Your memorialists are aware that the tribal hostilities existing among the different clans will always prevent their confederating together against the whites, and that they will, by being placed in the same region of country with other hostiles, be the most efficient check and guard, the one upon the other.

It appears to your memorialists but just and right that a long suffering people should be relieved of this perpetual incubus by the removal of the Apache and other belligerent Indians from our boundaries into some level country, where they can be managed successfully and where the expenses will be somewhat less fabulous than at present.

Wherefore your memorialists humbly pray that measures may be taken to remove the hostile Indians from the Territory of Arizona; that the costly system of Arizona Indian reservations, with its attendant temptations to peculation, may be terminated; and that the lands included in the reservations may be relegated to the use of the citizens of the United States.

Approved February 10, 1883.

The PRESIDENT pro tempore. The question is upon agreeing to the conference report.

The conference report was rejected.

Mr. CLAPP. Mr. President, if the bill goes back to conference, I desire to state that the senior Senator from South Dakota [Mr. GAMBLE] was on the conference committee heretofore, but has been detained from the Senate by sickness. That left only two Senators on the committee on the part of the Senate, and I ask that the senior Senator from Kansas [Mr. CURTIS] be added to the conferees on the part of the Senate.

Mr. CURTIS. Mr. President, the senior Senator from North Dakota [Mr. MCCUMBER] is entitled to preference by reason of his rank on the committee, and I suggest that he be selected for the place.

Mr. MCCUMBER. Mr. President, a few moments ago I went to the Senator from Minnesota [Mr. CLAPP] and asked him especially to leave me off, because I was not certain that I could be here during the conference.

The PRESIDENT pro tempore. Without objection, the senior Senator from Kansas will be added to the conference committee on the part of the Senate; and the committee will consist of the Senator from Minnesota [Mr. CLAPP], the Senator from Kansas [Mr. CURTIS], and the Senator from Oregon [Mr. CHAMBERLAIN].

Mr. CLAPP. I ought to say that I recognize the seniority of the Senator from North Dakota [Mr. MCCUMBER], and it was only after conference with him and at his request that I asked that the senior Senator from Kansas [Mr. CURTIS] be designated as one of the conferees.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7424) to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5135) for the relief of John J. Troxell.

The message further announced that the House had agreed to the concurrent resolution of the Senate (S. Con. Res. 28) instructing the Committee on Enrolled Bills of the two Houses to correct the enrolled bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and goverment of the Canal Zone.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WILSON of Pennsylvania, Mr. HENSLEY, and Mr. GARDNER of New Jersey, managers at the conference on the part of the House.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses of the amendments of the Senate to the bill (H. R. 21969) to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf; and

S. J. Res. 133. Joint resolution appropriating the sum of $20,000 out of money appropriated by Senate joint resolution No. 129 for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico.

COMMISSION ON INDUSTRIAL RELATIONS.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. BORAH. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and the President pro tempore appointed Mr. BORAH, Mr. PENROSE, and Mr. BANKHEAD conferees on the part of the Senate.

Mr. BORAH. I desire to say that, while the Senator from Maryland [Mr. RAYNER] is the senior minority member of the Committee on Education and Labor, from which the bill was reported, I understand he will not return for the session, and for that reason he has not been appointed upon the committee of conference.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. I am directed by the Committee on Appropriations, to which was referred the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, to report it with an amendment, and I submit a report (No. 1052) thereon. I ask unanimous consent that we may take up the bill for immediate consideration. The committee recommends its passage amended by striking out all after line 7, on page 1 of the bill, and inserting in lieu thereof the bill as finally enacted by Congress at this session and vetoed by the President August 15, 1912, with certain modifications.

Mr. OVERMAN. I suggest the want of a quorum. I do not mean to delay matters, but I think we ought to have a quorum here.

The PRESIDENT pro tempore. The Senator from North Carolina makes the point of no quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Martin, Va.	Smith, Md.
Bacon	Culberson	Martine, N. J.	Smith, Mich.
Borah	Cummins	Massey	Smoot
Bourne	Curtis	Nelson	Stone
Bristow	Dillingham	Oliver	Swanson
Bryan	Fall	Overman	Thornton
Burnham	Fletcher	Page	Tillman
Catron	Gallinger	Perkins	Townsend
Chamberlain	Heyburn	Pomerene	Warren
Chilton	Johnston, Ala.	Reed	Wetmore
Clapp	Jones	Simmons	Williams
Clarke, Ark.	Lippitt	Smith, Ariz.	
Crane	McCumber	Smith, Ga.	

The PRESIDENT pro tempore. Fifty Senators have answered to their names. A quorum of the Senate is present. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported

from the Committee on Appropriations with an amendment to strike out all after line 7, on page 1, and to insert a substitute therefor.

Mr. WARREN. Mr. President, the bill is a very long one. The original bill, as it first came here from the House of Representatives, and as passed by the Senate, had 515 changes. These differences were composed in conference. The bill before us is the bill as it finally came from conference, and was agreed to by both Houses, and was vetoed by the President, except that we have now made two changes affecting matters because of which the President vetoed the bill.

In the one change, relating to the civil service, section 4 is left in as the Senate placed it in the bill, and as it finally passed, with an addition of a penalty clause put on by the House.

As to the other, all relating to the abolition of the Commerce Court is stricken out of the bill.

It seems to me it is unnecessary to read the bill, or to consider it, except en bloc. Therefore I should be glad if the Senate would take up the matter and either approve or disapprove of it en bloc in that form. It has already had the approval of the Senate in every particular except in relation to the Commerce Court and the civil service.

Mr. OVERMAN. I hope the suggestion of the Senator from Wyoming will be complied with.

Mr. HEYBURN. Is every other item in this bill as it was in the bill when it passed the Senate?

Mr. WARREN. Yes.

Mr. OVERMAN. I hope that will be done. This bill has been read time and again. This is the same bill that passed both Houses once. The committee offers a substitute for the House bill, to which there were 515 disagreements, and after a month, probably, we passed the bill. The committee has offered the same bill that was vetoed by the President, except the abolition of the Commerce Court. I am going to introduce this amendment as the report of the minority of the Committee on Appropriations.

Mr. STONE. Do I understand that in this bill, now presented, the provision abolishing the Commerce Court is left out?

Mr. OVERMAN. It is left out of the bill reported by the committee. I am going to offer an amendment to the committee's bill which will contain the original provision abolishing the Commerce Court and including the joint resolution passed by both Houses in reference to the court.

The only difference between it and the bill reported by the Committee on Appropriations is the abolition of the Commerce Court, and then there is the provision in the committee report appropriating $62,000. Of course, if the Commerce Court is abolished, it will not need the clerks and other officers and incidental expenses which amount to $62,000. So the only difference between the majority and the minority of the Committee on Appropriations is that this amendment abolishes the Commerce Court, and it does not include section five, with relation to the civil service, which has been referred to.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. SIMMONS. I must confess that I do not understand the status of this bill. I understand the bill which passed the House and Senate abolished the Commerce Court.

Mr. OVERMAN. It did.

Mr. SIMMONS. It went to conference.

Mr. OVERMAN. It did.

Mr. SIMMONS. And the President vetoed it because of the abolition of the Commerce Court and because of the civil-service tenure provision. Now, do I understand that the House has receded from the provision in the bill abolishing the Commerce Court?

Mr. OVERMAN. It has not.

Mr. SIMMONS. Is it proposed that the Senate shall recede——

Mr. OVERMAN. The bill offered by the majority of the Appropriations Committee leaves in the Commerce Court. It recedes from our position. The amendment I have offered insists upon abolishing the Commerce Court, whereas the majority report of the committee recedes from that position.

Mr. WARREN. I think I ought to make one explanation.

The House, when it abolished the court, did not abolish the five judgeships. The Senate not only abolished the court, but did away with the judgeships. The House conferees would not recede from their position, and the Senate did recede. So that in both cases the judges' positions are left intact. The report of the majority of the committee, for which we ask the indorsement of the Senate, differs from the law we passed, as stated, in those two particulars. The proffer from the minority is that we recognize one of the subjects upon which the President vetoed the measure, but that we do not recognize the other. I believe it is no secret that if the bill goes to the President containing the provision for the abolition of the Commerce Court we may expect another veto. It is just a question whether we shall conform to circumstances and so construct our bill as to secure approval, get through with the business of the session, and go home, or whether we shall go on presenting bills to be vetoed ad infinitum.

Mr. OVERMAN. Mr. President, the amendment I propose does not abolish the judgeships, and leaves out section 5, which is the civil-service matter. I say, if we want to go home, the proper procedure is to adopt my amendment, because the House is going to insist upon the abolition of the Commerce Court, and the sentiment of this country is for the abolition of that court.

The House of Representatives, by a large majority, Republicans and Democrats, voted in favor of its abolition. The Senate, by a large majority, voted for the abolition of the court. Then, shall we let the President stand against both Houses of Congress and against the people of the country when we shall say again we want the Commerce Court abolished? I am in favor of sending it again to the President in that form.

I will say to the Senator we will get away quicker by passing this amendment than by letting it go to conference with 515 differences. When will we get away, then? If you adopt this amendment, in my judgment, the House will concur to it as soon as it reaches there. Let it go to the President, and if he vetoes it again we can probably pass it over his veto. If you adopt the committee's amendment, the House will insist upon its bill, and it has a right to insist. It is purely a legislative matter, and notwithstanding the President's veto we could send the bill to him again within a very short time.

I think I know the reason he vetoed the bill. It was more than on account of the Commerce Court, knowing the sentiment of the people of this country, and the circumstances surrounding the establishment of the court; that it was established by only a small majority, while by a large majority, Republicans and Democrats in the Senate and the House, it was abolished, and they will do it again, and I say he can not afford to veto it.

Mr. WARREN. I know the Senator from North Carolina wants to be fair.

Mr. OVERMAN. Yes.

Mr. WARREN. Does the Senator think, unless we adopt his amendment, the bill will come back and every item will be open?

Mr. OVERMAN. Does the Senator think if we adopt the amendment I propose the bill will come back again?

Mr. WARREN. Yes.

Mr. OVERMAN. Does not the Senator think if we agree to it the House will concur in it?

Mr. WARREN. Whether it does or not the bill will come back, if we are correctly informed.

Mr. OVERMAN. Does the Senator from Wyoming know that we will have another veto?

Mr. WARREN. That is what Senators and others have said to me—that we shall have another veto.

Mr. OVERMAN. Is the Senator authorized to speak for the President and to announce that we will have another veto?

Mr. WARREN. I do not speak for the President, but several Senators have stated to me and the public press has announced that there would be another veto if the Commerce Court were abolished.

Mr. BACON. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Georgia will state his point of order.

Mr. BACON. It is not in order to attempt to influence votes of Senators here by any threat as to whether the President will or will not approve of a proposed piece of legislation.

Mr. WARREN. The Senator need not shake his gory locks at me [laughter], as I am not threatening anybody. I simply had the bill laid before the Senate, and the Senate can do as it pleases.

Mr. BACON. If I have shaken any locks at all, the offense would necessarily be so small that I think it ought to be excused. [Laughter.]

Mr. WARREN. I do not know whether Senators want to go home or not or whether Senators will vote as they did before, but I feel assured that each Senator will vote his own convictions and that each carries his sovereignty under his own hat, and I expect each will follow his own wishes in the matter.

Mr. JONES. I wish to ask the chairman a question in order to ascertain if I understand the situation. As I understand the bill the chairman of the committee offered, it is the bill that

passed the Senate and the House and went to the President, with the exception of the items which the chairman has stated.

Mr. WARREN. With the two main exceptions and the three minor ones.

Mr. JONES. The amendment of the Senator from North Carolina contains everything that was agreed to by the Senate and the House except what he has stated.

Mr. WARREN. Unless the Senator from North Carolina has changed the copy, there is no difference whatever except in his proposition of abolishing the Commerce Court.

Mr. OVERMAN. That is the only difference.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Carolina to the amendment. The amendment to the amendment will be stated.

Mr. OVERMAN. It is unnecessary to read it, as it is the other bill, except to abolish the Commerce Court.

The PRESIDENT pro tempore. Without objection, the reading will be dispensed with.

The amendment to the amendment is, on page 1, to strike out all after line 7 and insert:

LEGISLATIVE.

SENATE.

For compensation of Senators, $720,000.

For mileage of Senators, $51,000.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

Office of the Vice President: Secretary to the Vice President, $4,000; messenger, $1,440; telegraph operator, $1,500; telegraph page, $600; in all, $7,540.

Chaplain: For Chaplain of the Senate, $1,200.

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; Assistant Secretary, Henry M. Rose, $5,000; Chief Clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, assistant journal clerk, 2 clerks, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; first assistant librarian, $2,400; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, and 2 clerks, at $2,220 each; 2 clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; 3 laborers, at $840 each; 3 laborers, at $720 each; laborer in stationery room, $720; in all, $94,040.

Document room: Superintendent, George H. Boyd, $3,000; 2 assistants, at $2,250 each; assistant, $1,440; 2 clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, two assistant clerks, at $2,500 each, two assistant clerks, at $1,440 each, messenger, $1,440; laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Census, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Claims, $2,500, assistant clerk, $2,000, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the conference minority of the Senate, $2,220, assistant clerk, $1,800, messenger, $1,200; clerk to the Committee on Conservation of National Resources, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Engrossed Bills, $2,220, messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of Justice, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440, messenger, $1,200; clerk and stenographer to the Committee on Finance, $3,000, assistant clerk, $2,220, assistant clerk, $1,600, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, $2,220, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Indian Depredations, $2,220 messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Interstate Commerce, $2,500, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, two assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Manufactures, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on National Banks, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, three assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, three assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,800, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Transportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $370,940.

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; assistant doorkeeper, $2,592; acting assistant doorkeeper, $2,592; 4 messengers, acting as assistant doorkeepers, at $1,800 each; 37 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; messenger at card door, $1,600; clerk on Journal work for Congressional Record, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; 4 skilled laborers, at $1,000 each; skilled laborer, $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; chief telephone operator, $1,200; 2 telephone operators, at $900 each; night telephone operator, $720; telephone page, $720; superintendent of press gallery, $1,800; assistant superintendent of press gallery, $1,400; laborer, $840; 27 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $132,604.

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 2 messengers, at $1,440 each; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers acting as mail carriers, at $1,200 each; and messenger for service to the press correspondents, $900; in all, $13,500.

For police force for Senate Office Building under the Sergeant at Arms, namely: For 16 privates, at $1,050 each; 1 special officer, $1,200, $18,000.

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); 6 mail carriers and 1 wagon master, at $1,200 each; 3 riding pages, at $912.50 each; in all, $15,187.50.

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 6 folders, at $1,000 each; 8 folders, at $840 each; in all, $16,720.

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $2,160; assistant engineer and electrician, $1,800; 3 assistant engineers, at $1,440 each; 10 conductors of elevators, at $1,200 each; 2 machinists and electricians, at $1,400 each; 4 laborers, at $720 each; laborer in charge of Senate toilet rooms in old library space, $660; attendant for service in old library portion of the Capitol, $1,500; in all, $28,120.

For the following for the Senate Office Building, under the Superintendent of the Capitol Building and Grounds, subject to the control and supervision of the Senate Committee on Rules, namely: 14 elevator conductors, at $1,200 each; in all, $16,800.

Clerks to Senators: For 35 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $70,000.

Stenographers to Senators: For 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the 3 junior minority committees, at $1,200 each, $30,000.

Contingent expenses, namely: For stationery for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

For postage stamps for the office of the Secretary of the Senate, $200; for the office of the Sergeant at Arms, $150; in all, $350.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $6,000, or so much thereof as may be necessary.

For materials for folding, $2,000.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

For fuel and advertising, exclusive of labor, $2,500.
For purchase of furniture, $8,500.
For materials for furniture and repairs of same, exclusive of labor, $3,000.
For services in cleaning, repairing, and varnishing furniture, $2,000.
For packing boxes, $970.
For miscellaneous items, exclusive of labor, $50,000.
For rent of warehouse for storage of public documents for the Senate, $3,600, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.
For miscellaneous items on account of the Maltby Building, $17,280.
For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.
For reporting the debates and proceedings of the Senate, $30,000, payable in equal monthly installments.
To enable the Postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $200.
The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

CAPITOL POLICE.

For captain, $1,800; 3 lieutenants, at $1,200 each, 2 special officers, at $1,200 each; and 67 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives; in all, $78,150, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.
For contingent expenses, $300, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

CONGRESSIONAL DIRECTORY.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the Joint Committee on Printing, $1,600.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,090,500.
For mileage of Representatives and Delegates, and expenses of Resident Commissioners, $154,000.
For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:
Office of the Speaker: Secretary to the Speaker, $4,000; clerk to the Speaker's table, $3,600, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,600; messenger to the Speaker, $1,440; messenger to the Speaker's table, $1,200 (transferred from Doorkeeper's office); in all, $12,840.
Chaplain: For Chaplain of the House, $1,200.
Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary; Chief Clerk, $4,500; journal clerk, and 2 reading clerks, at $4,000 each; disbursing clerk, $3,400; tally clerk, $3,300; file clerk, $3,250; enrolling clerk, $3,000; chief bill clerk, $3,000 (House resolution May 9, 1911); assistant to Chief Clerk, and assistant enrolling clerk, at $2,500 each; assistant disbursing clerk, $2,400; stationery clerk, $2,200; librarian, $2,100; assistant file clerk, $1,900; 2 assistant librarians, and 1 clerk, at $1,800 each; 3 clerks, at $1,680 each; bookkeeper, and assistant in disbursing office, at $1,600 each; 4 assistants to chief bill clerk, at $1,500 each (House resolution May 9, 1911); stenographer to Clerk, $1,400; locksmith, who shall be skilled in his trade, $1,300; messenger in Chief Clerk's office, and assistant in stationery room, at $1,200 each; messenger in file room, 1 messenger in disbursing office, and assistant in House library, at $1,100 each; stenographer to chief bill clerk, $1,000 (House resolution May 9, 1911); 3 telephone operators, at $900 each; 3 telephone operators, at $75 per month each from December 1, 1912, to March 31, 1913; night telephone operator, $900; for services of a substitute telephone operator when required, at $2.50 per day, $200; 2 laborers in the bathroom, at $900 each; 2 laborers, and page in enrolling room, at $720 each; allowance to Chief Clerk for stenographic and typewriter services, $1,000; in all, $92,150.
Under Superintendent of the Capitol Building and Grounds: Chief engineer, $1,900; 3 assistant engineers, at $1,300 each; 24 conductors of elevators, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 4 laborers, at $800 each; in all, $40,300.
Clerks, messengers, and janitors to committees: Clerk to the Committee on Accounts, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Agriculture, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Appropriations, $4,000, and $1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer, $2,500, assistant clerk, $1,900, janitor, $1,000; clerk to the Committee on Banking and Currency, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on the Census, $2,000, janitor, $720; clerk to the Committee on Claims, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Coinage, Weights, and Measures, $2,000, janitor, $720; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Elections No. 1, $2,000, janitor, $1,000; clerk to the Committee on Elections No. 2, $2,000, janitor, $720; clerk to the Committee on Elections No. 3, $2,000, janitor, $720; clerk to the Committee on Enrolled Bills, $2,000, janitor, $720; clerk to the Committee on Foreign Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Immigration and Naturalization, $2,000, janitor, $720; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Industrial Arts and Expositions, $2,000, janitor, $720; clerk to the Committee on Insular Affairs, $2,000, janitor, $720; clerk to the Committee on Interstate and Foreign Commerce, $2,500, additional clerk, $2,000, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Irrigation of Arid Lands, $2,000, janitor, $720; clerk to the Committee on Invalid Pensions, $2,500, stenographer, $2,190, assistant clerk, $2,000, janitor, $1,000; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on Labor, $2,000, janitor, $720; clerk to the Committee on the Library, $2,000, janitor, $720; clerk to the Committee on Merchant Marine and Fisheries, $2,000, janitor, $720; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Naval Affairs, $2,400, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Patents, $2,000, janitor, $720; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on the Post Office and Post Roads, $2,500, assistant clerk, $1,400, janitor, $1,000; clerk to the Committee on Printing, $2,000, janitor, $1,000; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on the Public Lands, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Revision of the Laws, $2,000, janitor, $720; clerk to the Committee on Rivers and Harbors, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Rules, $2,000, janitor, $720; clerk to the Committee on the Territories, $2,000, janitor, $720; clerk to the Committee on War Claims, $2,500, clerk, to continue Digest of Claims under resolution of March 7, 1888, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Ways and Means, $3,000, assistant clerk and stenographer, $2,000, assistant clerk, $1,900, janitor, $1,000, janitor, $720; in all, $162,230.
Janitors under the foregoing shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed.
For 9 clerks to committees, at $6 each per day during the session, $6,480.
Office of Sergeant at Arms: Sergeant at Arms of the House of Representatives, $6,500; Deputy Sergeant at Arms, $2,500; cashier, $3,400; financial clerk, $2,700; bookkeeper, $2,200; deputy sergeant at arms in charge of pairs, $1,800; messenger, $1,400; skilled laborer, $840; stenographer and typewriter, $900; and for hire of horse and wagon for the office of the Sergeant at Arms, $600; in all, $22,840.
For police force House Office Building under the Sergeant at Arms, namely: One lieutenant, $1,200; 10 privates, at $1,050 each; in all, $11,700.
Office of Doorkeeper: Doorkeeper, $5,000; hire of horses and wagons and repairs of same, $1,200, or so much thereof as may be necessary; special employee, John T. Chancey, $1,800; special employee, $1,500; superintendent of reporters' gallery, $1,400; janitor, $1,500; 16 messengers, at $1,180 each; 14 messengers on the soldiers' roll, at $1,200 each; 15 laborers, at $720 each; laborer in the water-closet, $720; laborer, $680; 2 laborers, known as cloakroom men, at $840 each; 8 laborers, known as cloakroom men, 2 at $720 each, and 6 at $600 each; female attendant in ladies' retiring room, $800; superintendent of folding room, $2,500; 3 clerks, at $1,600 each; foreman, $1,800; messenger, $1,200; janitor, $720; laborer, $720; 32 folders, at $900 each; 2 drivers, at $840 each; 2 chief pages, at $1,200 each; messenger in charge of telephones, $1,200; messenger in charge of telephones (for the minority), $1,200; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,800; superintendent of document room, $2,900; assistant superintendent, $2,100; clerk, $1,700; assistant clerk, $1,600; 7 assistants, at $1,280 each; assistant, $1,100; janitor, $920; messenger to press room, $1,000; in all, $148,900.
For employment of Joel Grayson in document room, $2,150.
For the following minority employees authorized and named in the resolution adopted by the House of Representatives April 10, 1911, namely: Special employee, $1,800; special messenger and assistant pair clerk, $1,800; special messenger, $1,500; special chief page and pair clerk, $1,800; in all, $6,900.
For the assistant department messenger authorized and named in the resolution adopted by the House of Representatives December 7, 1897, $2,000.
For the special messenger authorized and named in the resolution adopted by the House of Representatives January 15, 1900, $1,500.
To continue employment and for compensation of the assistant foreman of the folding room, authorized and named in the resolution adopted by the House of Representatives February 6, 1900, at $3.85 per day, $1,405.25.
To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, $840.
To continue the employment of the laborer authorized and named in the resolution of the House adopted December 19, 1901, $840.
To continue the employment of the special messenger authorized and named in the resolution of the House adopted April 10, 1911, $1,500.
Successors to any of the employees provided for in the seven preceding paragraphs may be named by the House of Representatives at any time.
For clerk to the conference minority of the House of Representatives, $2,000; assistant clerk, $1,200; janitor, $1,000; in all, $4,200. Said clerk, assistant clerk, and janitor to be appointed by the chairman of the conference minority.
Office of postmaster: Postmaster, $4,000; assistant postmaster, $2,200; registry and money-order clerk, $1,500; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 14 messengers, at $100 per month each from December 1 to March 31, inclusive, 4 months, $5,600; and 1 laborer, $720; in all, $28,420.
For hire of horses and mail wagons for carrying the mails, $2,500, or so much thereof as may be necessary.
Official reporters: Six official reporters of the proceedings and debates of the House, at $5,000 each; assistant, $2,500; in all, $32,500.
For janitor for rooms of official reporters of debates, at $60 per month, $720.
Stenographers to committees: Four stenographers to committees, at $5,000 each; in all, $20,000.
For janitor to rooms of stenographers to committees, at $60 per month, $720.
That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the 120 days from December 2, 1912, to March 31, 1913, both inclusive.
Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner for clerk hire necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $618,975, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with

the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk of such Member, Delegate, or Resident Commissioner making such appointments.

Contingent expenses, namely: For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of Members of the House, and for use in the Clerk's office and the House folding room, not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the act approved January 12, 1895, for the public printing and binding, $10,000.

For furniture, and materials for repairs of the same, $10,000.

For packing boxes, $3,500, or so much thereof as may be necessary.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $75,000.

For stationery for Members of the House of Representatives, Delegates from Territories, and Resident Commissioners, including $5,000 for stationery for the use of the committees and officers of the House, $54,750.

For postage stamps for the Postmaster, $250; for the Clerk, $450; for the Sergeant at Arms, $300; and for the Doorkeeper, $150; in all, $1,150.

LIBRARY OF CONGRESS.

General administration: Librarian of Congress, $6,500; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian's secretary, $1,800; clerk, $1,200; clerk (assistant to chief clerk), $1,000; stenographers and typewriters—one at $1,200, one at $720; messenger, $840; junior messenger, $360; photostat operator, $600; in all, $20,720.

Mail and delivery: Assistant in charge, $1,500; assistants—one at $900, one at $720; junior messenger, $360; in all, $3,480.

Order and accession: Chief of division, $2,500; assistants—1 at $1,500, 1 at $1,200, 3 at $900 each, 2 at $720 each, 2 at $600 each, 1 at $520; 2 junior messengers, at $360 each; in all, $11,780.

Catalogue, classification, and shelf: Chief of division, $3,000; chief classifier, $2,000; assistants—4 at $1,800 each, 7 at $1,500 each, 6 at $1,400 each, 12 at $1,200 each, 6 at $1,000 each, 14 at $900 each, 4 at $800 each, 13 at $720 each, 3 at $600 each, 10 at $540 each, 4 at $480 each; 6 junior messengers, at $360 each; in all, $87,940.

Binding: Assistant in charge, $1,400; assistant, $900; junior messenger, $360; in all, $2,660.

Bibliography: Chief of division, $3,000; assistants—1 at $1,500, 2 at $900 each, 1 at $720; stenographer and typewriter, $900; junior messenger, $360; in all, $8,280.

Reading rooms (including evening service) and special collections: Superintendent of reading room, $3,000; assistants—2 at $1,800 each, 5 at $1,200 each, including 1 in division for the blind (formerly in free public library), 2 at the charging desk, at $1,080 each, 3 at $900 each, 10 at $720 each, 2 at $600 each; stenographer and typewriter, $900; attendant, Senate reading room, $900; attendants, Representatives' reading room—1 at $900 and 1 at $720; attendants—2 in cloak rooms at $720 each, 1 in Toner Library, $900, 1 in Washingtonian Library, $900, 2 for gallery and alcoves, at $480 each; telephone operator, $600; 4 junior messengers, at $360 each; 2 watchmen, at $720 each; evening service, 5 assistants, at $900 each; 15 assistants, at $720 each; 2 assistants, at $600 each; in all, $53,460.

Periodical (including evening service): Chief of division, $2,000; chief assistant, $1,500; assistants—2 at $900 each, 3 at $720 each; stenographer and typewriter, $900; 2 junior messengers, at $360 each; for arrears of sorting and collating and to enable periodical reading room to be opened in the evenings, 2 assistants, at $720 each; in all, $10,520.

Documents: Chief of division, $3,000; assistants—1 at $1,400, 1 at $720; stenographer and typewriter, $900; junior messenger, $360; in all, $6,380.

Manuscript: Chief of division, $3,000; chief assistant, $1,500; assistant, $900; junior messenger, $360; in all, $5,760.

Maps and charts: Chief of division, $3,000; assistants—1 at $1,400, 2 at $900 each, 1 at $720; junior messenger, $360; in all, $7,280.

Music: Chief of division, $3,000; assistants—1 at $1,500, 1 at $1,000, 2 at $720 each; junior messenger, $360; in all, $7,300.

Prints: Chief of division, $2,000; assistants—1 at $1,400, 2 at $900 each; junior messenger, $360; in all, $5,560.

Smithsonian deposit: Custodian, $1,500; assistant, $1,400; messenger, $720; junior messenger, $360; in all, $3,980.

Congressional Reference Library: Custodian, $1,500; assistants—1 at $1,200, 1 at $900, 1 at $720; 2 junior messengers, at $360 each; in all, $5,040.

Law Library: Law librarian, $3,000; assistants—2 at $1,400 each, 1 at $900, 1 at $480, 1 for evening service, $1,500; junior messenger, $360; in all, $9,040.

Copyright office, under the direction of the Librarian of Congress: Register of Copyrights, $4,000; assistant register of copyrights, $3,000; clerks—3 at $2,000 each, 2 at $1,800 each, 7 at $1,600 each, 1 at $1,500, 8 at $1,400 each, 10 at $1,200 each, 10 at $1,000 each, 18 at $900 each, 2 at $800 each, 10 at $720 each, 4 at $600 each, 2 at $480 each; 4 junior messengers, at $360 each. Arrears, special service: Three clerks, at $1,200 each; porter, $720; junior messenger, $360; in all, $96,980.

Distribution of card indexes: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding $500 for freight charges, expressage, and traveling expenses connected with such distribution, $24,500.

Temporary services: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, $2,000.

Carrier service: For service in connection with the Senate and House Office Buildings, $960, or so much thereof as may be necessary.

Sunday opening: To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock p. m. on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, $10,000, or so much thereof as may be necessary.

Increase of Library of Congress: For purchase of books for the Library, including payment in advance for subscription books and society publications and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, to continue available during the fiscal year 1914, $90,000, together with the unexpended balance of the sum appropriated for this object for the fiscal year 1912.

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, including payment in advance for subscriptions to law periodicals, $3,000;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, $2,000;

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, $5,000;

In all, $100,000.

Contingent expenses: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, which sum shall be so apportioned as to prevent a deficiency therein, $6,800.

Custody, care, and maintenance of Library building and grounds: Superintendent of the Library building and grounds, $5,000; chief clerk, $2,000; clerks—one at $1,600, one at $1,400, one at $1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, $1,400; lieutenant of watch, $1,000; 16 watchmen, at $720 each; carpenter, painter, and foreman of laborers, 3 in all, at $900 each; 14 laborers, at $480 each; 2 attendants in ladies' room, at $480 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $300; 47 charwomen; chief engineer, $1,500; assistant engineers—1 at $1,200, 3 at $900 each; electrician, $1,200; machinists—1 at $1,000, 1 at $900; 2 wiremen and 1 plumber, at $900 each; 3 elevator conductors and 10 skilled laborers, at $720 each; in all, $72,185.

For extra services of employees and additional employees under the superintendent of Library building and grounds to provide for the opening of the Library building from 2 until 10 o'clock p. m. on Sundays and legal holidays, $2,800.

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, $14,000.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, $10,000.

BOTANIC GARDEN.

For superintendent, $1,800.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, $14,593.75.

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds; and for services, materials, and miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Gardens, under direction of the Joint Library Committee of Congress, $6,500.

EXECUTIVE.

For compensation of the President of the United States, $75,000.

For compensation of the Vice President of the United States, $12,000.

For the following in the office of the President of the United States: Secretary, at the rate of $7,500 per annum until March 4, 1913, and at the rate of $6,000 per annum on and after March 4, 1913; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant, $2,500; 2 correspondents, at $2,250 each; disbursing clerk, $2,000; clerks—3 at $2,000 each, 6 of class 4, 2 of class 3, 5 of class 2, 2 of class 1; 1 clerk-messenger, $1,000; 2 messengers, at $900 each; 2 messengers; 3 laborers, at $720 each; in all, $72,056.66: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States for such temporary assistance as may be necessary.

For contingent expenses of the Executive Office, including stationery therefor as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, carriages, harness, automobiles, expenses of stable, including labor, and miscellaneous items, to be expended in the discretion of the President, $25,000.

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, $4,500; 2 commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; 3 chiefs of division, at $2,000 each; examiner, $2,400; 3 examiners, at $2,000 each; 4 examiners, at $1,800 each; clerks—4 of class 4, 21 of class 3, 29 of class 2, 38 of class 1, 32 at $1,000 each; 20 clerks at $900 each; messenger; assistant messenger; engineer, $840; telephone switchboard operator; 2 firemen, at $720 each; 2 watchmen; 2 elevator conductors, at $720 each; 3 laborers; 3 messenger boys, at $360 each; 2 charwomen; in all, $229,830.

Field force: For 2 district secretaries, at $2,400 each; 1 district secretary, $2,200; 4 district secretaries, at $2,000 each; 2 district secretaries, at $1,800 each; clerks—1 of class 4, 1 of class 3, 1 of class 1, 7 at $1,000 each, 6 at $900 each, 5 at $840 each, 2 at $720 each; messenger; messenger boy, $480; in all, $42,560.

No detail of clerks or other employees from the executive departments or other Government establishments in Washington, D. C., to the Civil Service Commission, for the performance of duty in the District of Columbia, shall be made for or during the fiscal year 1913. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Expert examiners: For the employment of expert examiners not in the Federal service to prepare questions and rate papers in examinations on special subjects for which examiners within the service are not available, $2,000.

Electric conduit and connections: For electric conduit and connections, connecting the commission's building with the State, War, and Navy Department Building, $4,000.

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington, $12,000.

Members of the Civil Service Commission and its duly authorized representatives are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission.

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; director of the Con-

sular Service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—2 of class 3, 2 of class 1, 2 at $1,000 each; 3 assistant messengers; chief clerk, $3,000; 2 Assistant Solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 2 chiefs of bureaus, at $2,250 each; 5 chiefs of bureaus, at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—16 of class 4, 16 of class 3, 25 of class 2, 41 of class 1, 3 of whom shall be telegraph operators, 16 at $1,000 each, 19 at $900 each; chief messenger, $1,000; 5 messengers; 22 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; in all, $317,560.

For two clerks to be employed in the Department of State and to be charged with the distribution of information among the diplomatic missions, 1 at the rate of $1,800 per annum and 1 at the rate of $1,600 per annum; in all, $3,400.

Contingent expenses, Department of State: For stationery, furniture, fixtures, typewriters, including exchange of the same, repairs, and material for repairs, $11,000.

For books and maps, and periodicals, domestic and foreign, including the payment in advance for subscriptions to the same, for the library, $2,000.

For services of lithographer and necessary materials for the lithographic press, $1,500.

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of vehicles and harness, telegraph and electrical apparatus and repairs to the same, street car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

For purchase of an automobile mail wagon for official use of the Department of State, and maintenance of the same for fiscal year 1913, $1,000.

For rent of buildings in the District of Columbia for the use of the Department of State, $11,720.

TREASURY DEPARTMENT.

Office of the Secretary: Secretary of the Treasury, $12,000; 3 Assistant Secretaries of the Treasury, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; clerks—1 of class 4, 4 of class 3, 2 of class 2; chief messenger, $1,100; 2 assistant chief messengers, at $1,000 each; 3 messengers, at $900 each; 3 messengers; in all, $60,670.

Office of chief clerk and superintendent: Assistant and chief clerk, including $300 as superintendent of Treasury building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant superintendent of Treasury building, $2,500; clerks—4 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 1 at $1,000, 1 at $900; 2 messengers; 3 assistant messengers; messenger boy, $360; storekeeper, $1,200; telegraph operator, $1,200; telephone operator and assistant telegraph operator, $1,200; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; 8 elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 8 firemen; coal passer, $500; locksmith and electrician, $1,400; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 65 watchmen; foreman of laborers, $1,000; 2 skilled laborers, at $840 each; 2 skilled laborers, at $720 each; wiremen—1 at $1,000, 1 at $900; 34 laborers; 10 laborers, at $500 each; 1 plumber, and 1 painter, at $1,100 each; plumber's assistant, $720 (in lieu of watchman-fireman, $720, Cox Building); 85 charwomen; carpenters—2 at $1,000 each, 1 at $720. For the Winder Building: Engineer, $1,000; 3 firemen; conductor of elevator, $720; 4 watchmen; 3 laborers, one of whom, when necessary, shall assist and relieve the conductor of elevator; laborer, $480; and 8 charwomen. For the Cox Building, 1709 New York Avenue: Two watchmen-firemen, at $720 each; and one laborer; in all $170,760.

General Supply Committee: Superintendent of supplies, $2,000, and 2 clerks of class 2; in all $4,800.

Division of Bookkeeping and Warrants: Chief of division, $3,500; assistant chief of division, $2,700; estimate and digest clerk, $2,500; 2 principal bookkeepers, at $2,100 each; 12 bookkeepers, at $2,000 each; clerks—14 of class 4, 6 of class 3, 6 of class 2, 3 of class 1; messenger; 3 assistant messengers; in all, $86,700.

Division of Customs: Chief of division, $4,000; assistant chief of division, $3,000; law clerks—5 at $2,500 each, 2 at $2,000 each; clerks—3 of class 4, 3 of class 3, 3 of class 2, 6 of class 1, 5 at $1,000 each; messenger; assistant messenger; messenger boy, $360; in all, $51,620.

Division of Appointments: Chief of division, $3,000; assistant chief of division, $2,000; executive clerk, $2,000; law and bond clerk, $2,000; clerks—3 of class 4, 4 of class 3, 5 of class 2, 6 of class 1, 4 at $1,000 each, 1 at $900; messenger; 2 assistant messengers; in all, $42,180.

Division of Public Moneys: Chief of division, $3,000; assistant chief of division, $2,000; clerks—5 of class 4, 4 of class 3, 4 of class 2, 1 of class 1, 1 at $1,000; messenger; assistant messenger; in all, $29,760.

Division of Loans and Currency: Chief of division, $3,500; assistant chief of division, $2,700; custodian of paper, $2,250; bond and interest clerk, $2,000 (in lieu of division chief at $2,000 transferred from register's office); clerks—5 of class 4 (1 transferred from register's office), 4 of class 3 (2 transferred from register's office), 5 of class 2 (3 transferred from register's office), 5 of class 1 (2 dropped and 4 transferred from register's office), 1 clerk, $1,000, 18 at $900 each; assorter of bonds, $800 (transferred from register's office); 12 expert money counters, at $720 each; messenger; 3 assistant messengers (1 transferred from register's office); 8 laborers; in all, $73,770.

Division of Revenue-Cutter Service: Assistant chief of division, $2,400; chief clerk, $2,000; law and contract clerk, $1,800; clerks—1 of class 4, 4 of class 3, 1 of class 2, 3 of class 1, 4 at $1,000 each, 3 at $900 each; messenger; laborer; in all, $27,600.

Division of Printing and Stationery: Chief of division, $2,500; assistant chief of division, $2,000; clerks—4 of class 4, 3 of class 3, 3 of class 2, 3 of class 1, 1 at $1,000, 1 at $900; bookbinder, $1,250; 3 messengers; assistant messenger; two laborers; messenger boy, $360; in all, $32,370.

Division of Mail and Files: Superintendent of mail, $2,500; registry clerk, $1,800; distributing clerk, $1,400; clerks—1 of class 2, 1 of class 1; 1 at $1,000; document clerk, $1,000; mail messenger, $1,000; 2 assistant messengers; messenger boy, $360; in all, $13,100.

Division of Special Agents: Assistant chief of division, $2,400; clerks—1 of class 3, 1 of class 2, 4 of class 1, 2 at $900 each; messenger; in all, $12,840.

Office of disbursing clerk: Disbursing clerk, $3,000; deputy disbursing clerk, $2,750; clerks—3 of class 4, 2 of class 3 (1 transferred from office of Auditor for War Department), 3 of class 2 (1 transferred from office of Auditor for Interior Department), 2 of class 1 (1 transferred from office of Auditor for Interior Department), clerk $1,000; messenger; in all, $22,790.

Office of the Supervising Architect: Supervising Architect, $5,000; executive officer, $3,250; chief constructor (formerly superintendent of drafting and constructing division), $3,000; chief computer (formerly superintendent of computing division), $2,750; chief of files and records division (formerly chief of law and records division), $2,500; chief of accounts division, $2,500; chief of maintenance division (formerly chief of inspection division), $2,500; chief mechanical and electrical engineer, $2,750; 4 technical clerks, at $1,800 each; clerks—7 of class 4 (additional to 1 clerk of class 4 as bookkeeper, $100), 9 of class 3, 5 of class 2, 1 of class 1; foreman of duplicating gallery, $1,800; 4 messengers; assistant messenger; 1 laborer; 4 inspectors, at $2,190 each; inspector, $1,800; in all, $83,850.

For the following now authorized and payable from general appropriations, namely: For chief of technical division, $3,000; assistant constructor, $2,750; assistant chief of files and record division, $2,250; chief structural engineer, $2,750; assistant chief structural engineer, $2,400; inspectors of supplies—1 at $2,300, 1 at $1,800; inspectors—5 at $2,300 each, 3 at $2,000 each, 1 at $1,800; photographer, $2,000; 6 administrative clerks, at $2,000 each; clerks—1 of class 4, 4 at $1,700 each, 4 of class 3, 6 at $1,500 each; 8 of class 2, 8 at $1,300 each, 13 of class 1, 4 at $1,100 each, 6 at $1,000 each, 3 at $900 each, 2 at $840 each; duplicating paper chemist, $1,200; foreman vault, safe and lock shop, $1,100; assistant messenger; messenger boys—3 at $480 each, 2 at $360 each; skilled laborers—4 at $1,000 each, 7 at $960 each, 1 at $900, 1 at $840; laborer, $600; in all, $144,770, which shall be paid out of the appropriation made in the sundry civil appropriation act for the fiscal year 1913 for "General Expenses of Public Buildings."

For the fiscal year 1914 and annually thereafter specific estimates shall be submitted for salaries for all personal services of the foregoing character required in the Office of the Supervising Architect of the Treasury, and except as appropriations may be made thereunder no such personal services shall be employed in said office at Washington, D. C.

Office of Comptroller of the Treasury: Comptroller of the Treasury, $6,000; Assistant Comptroller of the Treasury, $4,500; chief clerk $2,500; chief law clerk, $2,500; 9 law clerks revising accounts and briefing opinions—1 at $2,100 and 8 at $2,000 each; expert accountants—6 at $2,000 each; private secretary, $1,800; clerks—8 of class 4, 3 of class 3, 1 of class 2; stenographer and typewriter, $1,400; typewriter-copyist, $1,000; 2 messengers; assistant messenger; 1 laborer; in all, $73,460.

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States.

Office of Auditor for Treasury Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—18 of class 4, 15 of class 3, 13 of class 2, 31 of class 1, 10 at $1,000 each, 4 at $900 each; 3 assistant messengers; 3 laborers; in all, $141,790.

Office of Auditor for War Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; Chief of Division of Accounts, $2,500; 2 chiefs of division, at $2,000 each; clerks—24 of class 4, 49 of class 3 (1 transferred to disbursing clerk), 62 of class 2, 50 of class 1, 10 at $1,000 each, 5 at $900 each; skilled laborer, $900; messenger; 5 assistant messengers, 10 laborers; messenger boy, $480; in all, $310,070.

Office of Auditor for Navy Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division, $2,000; assistant chief of division, $2,000; clerks—11 of class 4, 20 of class 3, 16 of class 2, 23 of class 1, 11 at $1,000 each, 9 at $900 each; messenger; assistant messenger; 3 laborers; in all, $136,690.

Office of Auditor for Interior Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—14 of class 4, 16 of class 3, 28 of class 2 (1 transferred to office of disbursing clerk), 25 of class 1 (1 transferred to office of disbursing clerk), 11 at $1,000 each, 1 at $900; 2 messengers; 3 assistant messengers; 1 laborer; in all, $148,650.

Office of Auditor for State and other Departments: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—16 of class 4, 1 of class 4 (special examiner), 17 of class 3, 13 of class 2, 13 of class 1, 5 at $1,000 each, 5 at $900 each; 1 messenger; 2 assistant messengers; 2 laborers; in all, $116,950.

Office of Auditor for Post Office Department: Auditor, $5,000; assistant and chief clerk, $3,000; law clerk, $3,000; expert accountant, $2,750; 4 chiefs of division, at $2,250 each; 4 assistant chiefs of division, at $2,000 each; 4 principal bookkeepers, at $2,000 each; clerks—27 of class 4, 51 of class 3, 62 of class 2, 91 of class 1, 59 at $1,000 each; 55 at $900 each; skilled laborer, $1,000; skilled laborers (formerly money-order assorters)—15 at $840 each, 25 at $780 each, 84 at $720 each, 49 at $660 each; female laborer, $660; 8 skilled laborers, at $840 each; 11 skilled laborers, at $720 each; messenger boys—4 at $480 each, 5 at $360 each; 9 male laborers, at $660 each; forewoman, $480; and 19 charwomen; in all, $629,370.

Provided, That the Secretary of the Treasury may, during the fiscal year 1913, in his discretion, diminish the number of positions of the several grades below the grade of clerk at $1,000 per annum in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished

as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the postal service.

Postal Savings System, Audit of the Accounts of, Office of Auditor for the Post Office Department.—The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to audit the accounts of the postal-saving system in the office of the Auditor for the Post Office Department: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, not exceeding $50,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal-savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914 and annually thereafter.

Office of the Treasurer: Treasurer of the United States, $8,000; Assistant Treasurer, $3,600; Deputy Assistant Treasurer, $3,200; cashier, $3,600; assistant cashier, $3,000; chief clerk, $2,500; 5 chiefs of division, at $2,500 each; assistant chief of division, $2,250; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; 2 tellers, at $2,500 each; 2 assistant tellers, at $2,250 each; vault clerk, Bond Division, $2,000; clerk for the Treasurer, $1,800; clerks—24 of class 4, 18 of class 3, 15 of class 2, 33 of class 1, 18 at $1,000 each, 24 at $900 each; coin clerk, $1,400; expert counters—29 at $900 each, 15 at $800 each, 40 at $720 each, 17 at $700 each; mail messenger, $840; 8 messengers; 7 assistant messengers; 23 laborers; 6 messenger boys, at $360 each; compositor and pressman, $1,600; pressman, $1,400; silver piler, $1,000; in all, $345,390.

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: Superintendent, $3,500; teller, $2,500; bookkeeper, $2,400; assistant teller and assistant bookkeeper, at $2,000 each; clerks—5 of class 4, 7 of class 3, 9 of class 2, 25 of class 1; expert counters—10 at $1,200 each, 52 at $1,000 each, 42 at $900 each, 32 at $800 each, 18 at $700 each; 2 messengers; 4 assistant messengers; 4 charwomen; in all, $220,720.

Salaries, force employed on work of the Postal Savings System in the office of the Treasurer of the United States (reimbursable): The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to transact the business of the Postal Savings System in the office of the Treasurer of the United States: *Provided*, That the money required to pay such clerks and employees, and contingent and miscellaneous items, not exceeding $18,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914, and annually thereafter.

For repairs to canceling and cutting machines in the office of the Treasurer of the United States, $200.

Office of the Register of the Treasury: Register, $4,000; Assistant Register, $2,500; chief of division, $2,000 (one transferred to Loans and Currency Division); clerks—3 of class 4 (one transferred to Loans and Currency Division); 3 of class 3 (two transferred to Loans and Currency Division and one dropped); 2 of class 2 (three transferred to Loans and Currency Division); 5 of class 1 (four transferred to Loans and Currency Division); 4, at $1,000 each; 18, at $900 each; messenger; assistant messenger (one transferred to Loans and Currency Division); and 2 laborers; in all, $50,580.

Office of the Comptroller of the Currency: Comptroller of the Currency, $5,000; Deputy Comptroller, $3,500; Deputy Comptroller, $3,000; chief clerk, $2,500; chiefs of division—1 at $2,500, 2 at $2,200 each; bookkeeper, $2,000; assistant bookkeeper, $2,000; clerks—8 of class 4, additional to bond clerk, $200, 13 of class 3, 13 of class 2, 26 of class 1, 13 at $1,000 each; 7 at $900 each; stenographer, $1,600; 6 counters, at $840 each; messenger; 5 assistant messengers; 3 laborers; 2 messenger boys, at $360 each; in all, $142,780.

For expenses of the national currency (to be reimbursed by the national banks), namely: Superintendent, $2,500; teller, $2,000; clerks—1 of class 4, 1 of class 3, 4 of class 2, 5 of class 1, 4 at $1,000 each, 5 at $900 each; engineer, $1,000; 12 expert counters, at $840 each; 3 counters, at $700 each; assistant messenger; fireman; messenger boy, $360; 2 charwomen; in all, $43,460.

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury Building in repair, and for other incidental expenses attending the working of the macerator, and for procuring information relative to banks other than national, $4,800.

Office of the Commissioner of Internal Revenue: Commissioner of Internal Revenue, $6,000; deputy commissioner, $4,000; deputy commissioner, $3,600; chemist, $2,500; first assistant chemist, $1,800; second assistant chemist, $1,600; third assistant chemist, $1,400; 3 heads of divisions, at $2,500 each; 6 heads of divisions, at $2,250 each; superintendent of stamp vault, $2,000; private secretary, $1,800; clerks—2 at $2,000 each; 29 of class 4, 25 of class 3, 37 of class 2, 37 of class 1; 32, at $1,000 each; 42, at $900 each; 3 messengers; 21 assistant messengers; and 16 laborers; in all, $336,100.

For the following, formerly authorized and paid from appropriation for "withdrawal of denatured alcohol," namely: Chief chemist, $3,000; first assistant chemist, $1,800; clerks—1 of class 4, 1 of class 3, 4 of class 2, 3 of class 1; 1 messenger; in all, $18,240.

For stamp agent, $1,600; stamp agent, $900; counter, $900; in all, $3,400, the same to be reimbursed by the stamp manufacturers.

Office of Life-Saving Service: General Superintendent of the Life-Saving Service, $4,000, and $500 additional while the office is held by the present incumbent; assistant general superintendent, $2,500; principal clerk, $2,000; title and contract clerk, $2,000; topographer and hydrographer, $1,800; civil engineer, $1,800; draftsman, $1,500; clerks—3 of class 4, 5 of class 3, 4 of class 2, 5 of class 1, 3 at $1,000 each, 2 at $900 each; messenger; assistant messenger; laborer; in all, $48,120.

Bureau of Engraving and Printing: Director, $6,000; assistant director, $3,500; chief of division of assignments and reviews, $3,000; chief clerk, $2,500; medical and sanitary officer, $2,000; stenographer, $1,800; clerks—1 of class 4; 6 of class 3, 9 of class 2, 9 of class 1, 8 at $1,000 each, 10 at $900 each, 6 at $840 each, 15 at $780 each; disbursing agent, $2,400; storekeeper, $1,600; assistant storekeeper, $1,000; clerk in charge of purchases and supplies, $2,000; 9 attendants at $600 each; helpers—2 at $900 each, 2 at $720 each, 2 at $600 each; 3 messengers; 7 assistant messengers; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 46 watchmen; 2 forewomen of charwomen, at $540 each; 19 day charwomen, at $400 each; 52 morning and evening charwomen, at $300 each; foreman of laborers, $900; 4 laborers; 75 laborers, at $540 each; in all, $216,380; and no other fund appropriated by this or any other act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act, and then only on the written approval of the Secretary of the Treasury.

Secret Service Division: Chief $3,600; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 of class 1, 1 at $1,000; assistant messenger; in all, $15,720.

Office of the Director of the Mint: Director, $5,000; examiner, $3,000; computer and adjuster of accounts, $2,500; assayer, $2,200; clerks—2 of class 4, 2 of class 3, 1 of class 1; private secretary, $1,400; messenger; assistant in laboratory, $1,200; assistant messenger; skilled laborer, $720; in all, $25,580.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $25,000.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director, namely: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, pamphlets, periodicals, specimens of coins, ores, and incidentals, $800.

For examinations of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations, and for the collection of statistics relative to the annual production and consumption of the precious metals in the United States, $4,000.

Office of Surgeon General of Public Health and Marine-Hospital Service: Surgeon General, $5,000; chief clerk, $2,000; private secretary to the Surgeon General, $1,800; clerks—3 of class 4, 2 of class 3, 6 of class 2, one of whom shall be translator, 7 of class 1, 3 at $900 each; messenger; three assistant messengers; two laborers, at $540 each; in all, $40,980.

Contingent expenses, Treasury Department: For the following sums, which shall be so apportioned as to prevent deficiencies therein, namely:

For stationery for the Treasury Department and its several bureaus and offices, $50,000, and in addition thereto sums amounting to $86,150 shall be deducted from other appropriations made for the fiscal year 1913 as follows: Contingent expenses, Independent Treasury, $7,200; contingent expenses, mint at Philadelphia, $500; contingent expenses, mint at San Francisco, $300; contingent expenses, mint at Denver, $300; contingent expenses, assay office at New York, $500; materials and miscellaneous expenses, Bureau of Engraving and Printing, $3,300; suppressing counterfeiting and other crimes, $400; expenses of Revenue-Cutter Service, $2,100; Public Health and Marine-Hospital Service, $1,850; Quarantine Service, $590; preventing the spread of epidemic diseases, $260; Life-Saving Service, $1,400; fuel, lights, and water for public buildings, $4,750; general expenses of public buildings, $3,550; collecting the revenue from customs, $37,300; miscellaneous expenses of collecting internal revenue, $18,700; and for expenses of collecting the corporation tax, $3,150; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $50,000, the total appropriation for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1913.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, $1,000.

For materials for the use of the bookbinder located in the Treasury Department, $250.

For newspaper clippings, law books, city directories, and other books of reference relating to the business of the department, $1,000.

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services either within or without the District of Columbia, $20,000.

For freight, expressage, telegraph and telephone service, $7,000.

For rent of buildings, $52,000.

For purchase, exchange, maintenance, and repair of motor trucks, and maintenance of horses and carriages, to be used for official purposes only, including not exceeding $6,000 for the purchase of two motor trucks and one motor delivery wagon, $8,000.

For purchase of file holders and file cases, $4,000.

For purchase of coal, wood, engine oils and grease, grates, grate baskets and fixtures, blowers, coal hods, coal shovels, pokers, and tongs, $12,000.

For purchase of gas, electric current for lighting and power purposes, gas and electric-light fixtures, electric-light wiring and material, candles, candlesticks, droplights and tubing, gas burners, gas torches, globes, lanterns, and wicks, $17,000.

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street car tickets not exceeding $250, advertising for proposals, and for sales at public auction in Washington, D. C., of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, $11,500.

For purchase of labor-saving machines, including the purchase and exchange of registering accountants, numbering machines, and other machines of a similar character, including time stamps for stamping date of receipt of official mail and telegrams, and repairs thereto, $8,000.

For shelving and transferring records and files from and to the Treasury Building and its annexes in Washington, $500.

For purchase of carpets, carpet border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, cutting, making, laying, and relaying of the same, by contract, $3,000.

For purchase of boxes, book rests, chairs, chair caning, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, typewriters, including the exchange of same, wardrobe cabinets, washstands, water coolers and stands, and for replacing other worn and unserviceable articles, $10,000.

For maintenance of the automatic fire-alarm systems in the Treasury and Winder Buildings, $2,166.

Electrical burglar-alarm devices, Treasury Building, Washington, D. C.: For installation and maintenance of electrical burglar-alarm devices in the Treasury Building at Washington, D. C., $720.

Contingent and miscellaneous expenses, Office of Auditor for the Post Office Department, viz: For miscellaneous items, including purchase, repair, and exchange of typewriting machines, of which not exceeding $375 may be used for rental of telephones, and not exceeding $300 may be used for the purchase of law books, books of reference, and city directories, $3,500.

For furniture and repairs, $1,500.

For purchase, exchange, and repair of adding machines, $1,000.

In all, $6,000, to be expended under the direction of the Auditor for the Post Office Department under rules and regulations to be prescribed by the Secretary of the Treasury and to operate as a specific exception of the said office from the appropriation for contingent expenses, Treasury Department, unless otherwise provided by law.

For the purchase of tabulating equipment for use in auditing accounts and vouchers of the postal service, including exchange, repairs, miscellaneous expenses of installation, cards and filing devices, $81,700, to be expended under the direction of the Auditor for the Post Office Department under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That not exceeding $16,800 may be expended for the rental of tabulating and card-sorting machines.

COLLECTING INTERNAL REVENUE.

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices, $2,100,000: *Provided*, That no part of this amount be used in defraying the expenses of any officer, designated above, subpœnaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

On and after October 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 63.

For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, $2,565,000.

For rent of offices outside of the District of Columbia, telephone service, and other miscellaneous expenses incident to the collection of internal revenue, and for the purchase of necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, and reasonable expenses for not exceedings 60 days immediately following the injury of field officers or employees in the Internal-Revenue Service while in line of duty, of medical attendance, surgeon's and hospital bills made necessary by reason of such injury, and for horses crippled or killed while being used by officers in making raids, not exceeding $150 for any horse so crippled or killed, $75,000.

For expenses of collecting the corporation tax authorized by the tariff act approved August 5, 1909, $150,000.

For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of the tariff act approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services and for rent of such quarters as may be necessary, $30,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

INDEPENDENT TREASURY.

Office of assistant treasurer at Baltimore: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800; 2 clerks, at $1,600 each; 3 clerks, at $1,400 each; 4 clerks, at $1,200 each; 5 clerks, at $1,000 each; messenger, $840; 3 watchmen, at $720 each; in all, $34,700.

Office of assistant treasurer at Boston: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,500; clerk, $2,200; vault clerk, $2,000; receiving teller, $2,000; redemption teller, $1,800; 5 clerks, at $1,600 each; clerk, $1,500; 1 clerk, $1,400; 4 clerks, at $1,200 each; 3 clerks, at $1,100 each; 5 clerks, at $1,000 each; clerk, $900; chief guard, $1,100; 3 watchmen, at $850 each; laborer and guard, $720; in all, $47,270.

Office of assistant treasurer at Chicago: Assistant treasurer, $5,000; cashier, $3,000; vault clerk, $2,250; paying teller, $2,500; assorting teller, $2,000; redemption teller, $2,000; change teller, $2,000; receiving teller, $2,000; clerk, $1,600; bookkeeper, $1,800; 2 bookkeepers, at $1,500 each; clerk, $1,600; clerk, $1,750; 3 clerks, at $1,500 each; 6 clerks, at $1,500 each; 22 clerks, at $1,200 each; clerk, $900; hall man, $1,100; messenger, $840; 3 watchmen, at $720 each; janitor, $720; in all, $76,120.

Office of assistant treasurer at Cincinnati: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $1,800; 4 clerks, at $1,200 each; 2 clerks, at $1,300 each; vault clerk, $1,800; bookkeeper, $1,800; clerk, $1,200; two clerks, at $1,000 each; clerk and stenographer, $1,000; chief watchman, $840; 2 watchmen, at $600 each; in all, $27,790.

Office of assistant treasurer at New Orleans: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; bookkeeper, $1,500; clerk, $1,500; assorting teller, $1,200; 6 clerks, at $1,200 each; 2 clerks, at $1,000 each; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $500; in all, $28,890.

Office of assistant treasurer at New York: Assistant treasurer, $8,000; cashier (formerly deputy assistant treasurer and cashier), $4,200; assistant cashier (formerly assistant cashier and chief clerk), $3,600; chief of check pay division (formerly assistant cashier and vault clerk), $3,000; bond clerk and assistant vault clerk (formerly chief of division), $2,800; paying teller (formerly chief of division), $3,000; receiving teller (formerly chief of division), $2,800; chief of redemption division (formerly chief of division), $2,700; vault and authorities clerk (formerly chief of division), $2,500; chief clerk (formerly chief paying teller), $3,000; chief of coin division (formerly chief of division), $2,700; chief bookkeeper, $2,400; assistant chief of canceled check division (formerly assistant teller), $2,250; assistant chief of redemption division (formerly assistant teller), $2,250; assistant paying teller (formerly assistant teller), $2,250; paying teller, coin division (formerly assistant teller), $2,100; assistant chief, check pay division (formerly assistant teller), $2,000; assistant chief, coin division (formerly assistant teller), $2,000; chief of minor coin division (formerly assistant teller), $2,000; 4 bookkeepers (formerly assistant tellers), at $2,000 each; paying teller, minor coin division (formerly assistant teller), $1,800; assistant receiving teller (formerly assistant teller), $1,800; 2 bookkeepers (formerly assistant tellers), at $1,500 each; clerks—1 at $2,300, 1 at $2,100, 2 at $2,000 each, 1 (formerly assistant teller), $1,900, 3 (formerly assistant tellers), at $1,800 each, 1 (formerly assistant teller), $1,700, 6 at $1,600 each, 9, at $1,500 each; 13, at $1,400 each; 8, at $1,300 each; 14, at $1,200 each; 5, at $1,100 each; 5, at $1,000 each; messengers—2 at $1,200 each, 5 at $900 each, 2 at $800 each; chief guard (formerly chief detective), $1,500; guard (formerly assistant detective), $1,200; 2 guards (formerly 2 hall men), at $1,000 each; superintendent of building, $1,800; chief engineer (formerly engineer), $1,200; 2 engineers, at $1,050 each; 8 watchmen, at $720 each; in all, $190,610.

Office of assistant treasurer at Philadelphia: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,250; coin teller, $2,000; vault clerk, $1,900; bookkeeper, $1,800; assorting teller, $1,800; receiving teller $1,700; redemption teller, $1,600; clerks—1 at $1,600, 2 at $1,500 each, 3 at $1,400 each, 1 at $1,300, 5 at $1,200 each, 1 at $1,000; chief guard, $1,100; 6 counters, at $900 each; 6 watchmen, at $720 each; in all, $48,470.

Office of assistant treasurer at St. Louis: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,800; assorting teller, $1,800; change teller, $1,600; 3 clerks, at $1,500 each; coin teller, $1,200; bookkeeper, $1,500; 7 clerks, at $1,200 each; 2 clerks, at $1,100 each; 3 clerks, at $1,000 each; 3 clerks, at $900 each; 2 watchmen, at $720 each; 2 janitors, at $600 each; guard, $720; in all, $41,060.

Office of assistant treasurer at San Francisco: Assistant treasurer, $4,500; cashier, who also acts as vault clerk, $3,000; bookkeeper, $2,000; clerk, $2,000, paying teller, $2,400; receiving teller $2,000; three clerks, at $1,800 each; clerk, $1,500; clerk, $1,400; two clerks, at $900 each; messenger, $840; four watchmen, at $720 each; in all, $29,720.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $9,000.

MINTS AND ASSAY OFFICES.

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,500; chief clerk, $1,600; clerk, $1,000; in all, $6,350.

For wages of workmen and other employees, $6,200.

For incidental and contingent expenses, $3,000.

Mint at New Orleans, La.: Assayer, who shall have general charge of the institution as under section 3560, Revised Statutes, and who shall be a practical assayer, $2,500; assistant assayer, $1,500; chief clerk, who shall perform the duties of cashier, $1,500; three clerks, $1,200 each; assayer's assistant, $1,200; in all, $10,300.

For wages of workmen and other employees, $7,500.

For incidental and contingent expenses, $3,500.

Mint at San Francisco, Cal.: Superintendent, $4,500; assayer, superintendent melting and refining department, and superintendent coining department, at $3,000 each; chief clerk, and cashier, at $2,500 each; bookkeeper, $2,000; assistant assayer, $2,200; assistant melter and refiner, and assistant coiner, at $2,000 each; assistant cashier, $1,800; assistant bookkeeper, $1,800; assayer's assistant, $2,000; deposit weigh clerk, $2,000; one clerk, $2,000; one clerk, $1,800; six clerks, at $1,600 each; private secretary, $1,400; two clerks, at $1,400 each; two clerks, at $1,200 each; in all, $54,300.

For wages of workmen and other employees, $122,500.

For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, melter and refiners' wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, $40,000.

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,500; assayer's assistant, $1,500, one clerk, $1,200; in all, $8,050.

For wages of workmen and other employees, $3,540.

For incidental and contingent expenses, $2,500.

Assay office at Charlotte, N. C.: Assayer and melter, $1,500.

For wages of workmen and other clerks and employees, $900.

For incidental and contingent expenses, $400.

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000: clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,200.

For wages of workmen and other employees, $3,000.

For incidental and contingent expenses, new machinery, etc., $1,500.

Assay office at Helena, Mont.: Assayer in charge, $2,500; chief clerk, who shall also perform the duties of cashier, $1,800; clerk, $1,600; clerk, $1,400; assistant assayer, $1,700; assayer's assistant, $1,400; in all, $10,400.

For wages of workmen and other employees, $6,500.

For incidental and contingent expenses, $3,250.

Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, $2,750; assistant assayer, $2,000; chief clerk, who shall also perform the duties of cashier, $2,000; one clerk, $1,700; two clerks, at $1,600 each; clerk, $1,400; in all, $13,050.

For wages of workmen and other employees, $22,000.

For incidental and contingent expenses, including rent of building, $6,500.

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,500; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,600: *Provided*, That the chief clerk shall perform the duties of assayer in charge in his absence; clerk, $1,400; in all, $7,100.

For wages of workmen and other employees, $4,500.

For incidental and contingent expenses, $3,500.

The position of coiner, which has heretofore existed in each of the coinage mints, and the position of melter and refiner, which has heretofore existed in each of the coinage mints and in the United States assay office at New York, are hereby abolished, to take effect on and after July 1, 1912, and on and after that date the duties and responsibilities heretofore imposed by law on the officers holding said positions in each of said mints and the assay office shall devolve upon the superintendents of said institutions; and all assistants and employees of the mints and assay offices of the United States shall, from and after July 1, 1912, be appointed by the Secretary of the Treasury.

Mint at Denver, Colo.: Superintendent, $4,500; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk and cashier, at $2,500 each; deposit weigh clerk and bookkeeper, at $2,000 each; assistant assayer, $2,200; 2 clerks, at $2,000 each; assayer's assistant, $2,000; assistant cashier, $1,800; 2 clerks, at $1,800 each; 4 clerks, at $1,600 each; 2

clerks, at $1,400 each; 1 clerk, $1,200; private secretary, $1,200; in all, $47,200.

For wages of workmen and other employees, $94,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $35,000.

Mint at Philadelphia: Superintendent, $4,500; engraver, $4,000; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk, $2,500; assistant assayer, $2,200; assistant superintendent of melting and refining department, $2,000; cashier, and bookkeeper, at $2,500 each; 1 clerk, and deposit weigh clerk, at $2,000 each; assistant cashier, and curator, at $1,800 each; 2 clerks, at $1,700 each; 8 clerks, at $1,600 each; 1 clerk, $1,500; 6 clerks, at $1,400 each; 1 clerk, $1,300; 3 clerks, at $1,200 each (including one formerly paid from "parting and refining"); 5 clerks, at $1,000 each; 1 clerk, $900; in all, $73,200.

For wages of workmen, and other employees, $305,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining and in coining departments, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, $70,000.

Assay office at New York: Superintendent, $5,000; assayer, $3,000; superintendent of melting and refining department, $3,000; chief clerk, cashier, deposit weigh clerk, and assistant assayer, at $2,500 each; 2 clerks, and assayer's assistant, at $2,000 each; bookkeeper, $2,350; assistant cashier and 4 clerks, at $1,800 each; 1 clerk (formerly paid from "parting and refining"), $1,600; 1 clerk, $1,500; private secretary, $1,400; 1 clerk, $1,250; 7 clerks, at $1,000 each; in all, $51,100.

For wages of workmen and other employees, $80,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting department, and loss on sale of sweeps arising from the treatment of bullion, $60,000.

GOVERNMENT IN THE TERRITORIES.

District of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

For incidental and contingent expenses, clerk hire, not to exceed $2,250; janitor service, not to exceed $900; traveling expenses of the governor while absent from Juneau on official business, rent of offices and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, $7,150.

Territory of Hawaii: Governor, $7,000; secretary, $4,000; chief justice, $6,000; 2 associate justices, at $5,500 each; in all, $28,000.

For judges of circuit courts, at $4,000 each, so much as may be necessary, for the fiscal year ending June 30, 1913.

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, $1,000, and for private secretary to the governor, $2,000; in all, $3,000.

For legislative expenses, namely: Furniture, light, telephone, stationery, record casings and files, printing and binding, indexing records, postage, ice, water, clerk hire, mileage of members, and incidentals, pay of chaplain, clerk, sergeant at arms, stenographers, typewriters, janitors, and messengers, $30,000: *Provided*, That the members of the Legislature of the Territory of Hawaii shall not draw their compensation of $200 or any mileage for an extra session, held in compliance with section 54 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900.

WAR DEPARTMENT.

During the fiscal year 1913 no vacancy occurring in the classified service of the War Department herein provided for shall be filled except by promotion or demotion from among those within said service, until the whole number of those herein authorized in said classified service of the department shall have been reduced not less than 5 per cent. And the salaries or compensation of all places herein provided for that may be embraced within such reduction shall not be available for expenditure, but shall lapse and be covered into the Treasury.

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, $4,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $2,000; clerk to the Assistant Secretary, $2,400; assistant chief clerk, $2,400; disbursing clerk, $2,750; appointment clerk, $2,250; 4 chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, $500; chief telegrapher, $1,800; clerks—4 of class 4, 5 of class 3, 15 of class 2, 19 of class 1, 6 at $1,000 each, 1 at $900; foreman, $1,200; carpenter, $1,200; chief messenger, $1,000; carpenter, $900; skilled laborer, $900; 6 messengers; 7 assistant messengers; telephone switchboard operator; assistant telephone switchboard operator; 2 messenger boys, at $360 each; engineer $900; assistant engineer, $720; fireman; 4 watchmen; 5 watchmen, at $660 each; 8 laborers; 2 laborers, at $540 each; hostler, $600; 2 hostlers and 1 watchman, at $540 each; elevator conductors—1 at $600, 1 at $540; 4 charwomen; in all, $149,820.

Adjutant General's Office: Chief clerk, $2,000; 10 chiefs of division, at $2,000 each; clerks—48 of class 4, 64 of class 3, 94 of class 2, 232 of class 1, 88 at $1,000 each; engineer, $1,400; assistant engineer, $900; 2 firemen; skilled mechanic, $1,000; 10 messengers; 58 assistant messengers; messenger boy, $360; 8 watchmen; superintendent of building, $250; and 18 laborers; in all, $781,950; all employees provided for by this paragraph for the Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1913.

Office of the Inspector General: Clerks—1 of class 4, 2 of class 3, 3 of class 2, 1 of class 1; messenger; assistant messenger; and messenger, $600; in all, $12,560.

Office of the Judge Advocate General: Chief clerk and solicitor, $2,500; law clerks—1 at $2,400, 1 at $2,000; clerks—1 of class 4, 2 of class 3, 3 of class 2, 6 of class 1; copyist; 2 messengers; assistant messenger; in all, $26,600.

Signal Office: Chief clerk, $2,000; clerks—2 of class 4, 1 of class 3, 1 of class 2, 4 of class 1, 10 at $1,000 each; 2 messengers; assistant messenger; in all, $25,800.

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $25,000, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The services of one wireless engineer and one wireless assistant, as the Secretary of War may deem necessary, may be employed only in the Signal Office to carry into effect the appropriation for the Signal Service of the Army, to be paid from such appropriation, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $3,600, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of the Quartermaster General: Chief clerk, $2,500; 2 chiefs of division, at $2,000 each; clerks—9 of class 4, 14 of class 3, 27 of class 2, 58 of class 1, 40 at $1,000 each, 13 at $900 each; advisory architect, $4,000; experienced builder and mechanic, $2,500; inspector of supplies, $2,500; draftsmen—3 at $1,800 each, 7 at $1,600 each, 5 at $1,400 each, 1 at $1,200; supervising engineer, $2,750; 2 civil engineers, at $1,800 each; assistant civil engineer, $1,200; electrical engineer, $2,000; electrical and mechanical engineer, $2,000; marine engineer, $3,500; assistant marine engineer, $1,800; sanitary and heating engineer, $1,800; blue-print operator, $900; 4 messengers; 11 assistant messengers; 2 assistant messengers, at $600 each; female messenger, $480; 7 laborers; laborer, $480; in all, $275,610.

Office of the Commissary General: Chief clerk, $2,000; clerks—6 of class 4, 8 of class 3, 8 of class 2, 18 of class 1, 13 at $1,000 each; 4 at $900 each; messenger; 2 assistant messengers; laborer; in all, $77,940.

Office of the Surgeon General: Chief clerk, $2,000; law clerk, $2,000; clerks—13 of class 4, 11 of class 3, 26 of class 2, 32 of class 1, 10 at $1,000 each, 3 at $900 each; anatomist, $1,600; engineer, $1,400; 3 firemen; skilled mechanic, $1,000; 2 messengers; 10 assistant messengers; 3 watchmen; superintendent of building (Army Medical Museum and Library), $250; 6 laborers; chemist, $2,088; assistant chemist, $1,500; principal assistant librarian, $2,250; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; 4 charwomen; in all, $166,108.

Office of the Paymaster General: Chief clerk, $2,250; clerks—6 of class 4, 7 of class 3, 12 of class 2, 11 of class 1, 5 at $1,000 each, 9 at $900 each; messenger; assistant messenger; 4 laborers; laborer, $600; in all, $72,150.

Office of the Chief of Ordnance: Chief clerk, $2,000; chief of division, $2,000; clerks—5 of class 4, 7 of class 3, 12 of class 2, 28 of class 1, 9 at $1,000 each; 4 at $900 each; 2 messengers; assistant messenger; messenger, $780; messenger, $720; laborer; in all, $91,760.

The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications and for the arming and equipping of the Organized Militia, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $45,000, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid each.

Office of the Chief of Engineers: Chief clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—8 of class 4, 11 of class 3, 13 of class 2, 16 of class 1, 10 at $1,000 each; 11 at $900 each; 6 messengers; 3 assistant messengers; and 2 laborers; in all, $103,820.

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $42,000; and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of the Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,000; clerks—10 of class 4, 3 of class 3, 10 of class 2, 19 of class 1, 18 at $1,000 each; 3 messengers; 2 assistant messengers; 5 laborers; 2 charwomen; in all, $91,840.

Division of Militia Affairs, Office of the Chief of Staff: For the following now authorized by section 20 of the act approved January 21, 1903, as amended by the act approved May 27, 1908, namely: Chief clerk, $2,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 9 of class 1, 7 at $1,000 each; messenger; 1 assistant messenger; 2 laborers; 2 charwomen; in all, $34,160.

For rent of quarters, $2,500.

For miscellaneous expenses of the Division of Militia Affairs, including stationery, fuel, light, furniture, telegraph and telephone service, and necessary printing and binding, $3,500, which sum, together with the foregoing amounts for salaries and rent, shall be paid from the permanent appropriation for militia under the provisions of section 1661, Revised Statutes, as amended, and no other or further sums shall be expended from said appropriation for or on account of said Division of Militia Affairs during the fiscal year 1913.

Contingent expenses of the War Department: For purchase of professional and scientific books, law books, including their exchange; books of reference, blank books, pamphlets, periodicals, newspapers (subscriptions to periodicals may be paid for in advance), maps; typewriters and adding machines, including their exchange; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soaps, sponges, fuel, gas, and heating apparatus for and repairs to the building (outside of the State, War, and Navy Department Building) occupied by Adjutant General's office, the Bureau of Insular Affairs, and the other offices of the War Department and its bureaus located in the Lemon Building; expenses of horses and vehicles, including their exchange, to be used only for official purposes; freight and express charges; street car tickets, not exceeding $300; temporary labor not to exceed $1,000, and other absolutely necessary expenses, $48,000.

For stationery for the War Department and its bureaus and offices, $25,000.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, $500.

For rent of buildings in the District of Columbia for use of the War Department, as follows: Medical dispensary, Surgeon General's Office, $1,000; War Department, $7,200; Adjutant General's Office, $2,300; Bureau of Insular Affairs, $2,220; in all, $12,720.

PUBLIC BUILDINGS AND GROUNDS.

Office of Public Buildings and Grounds: Superintendent, $3,000; assistant and chief clerk, $2,400; clerks—1 of class 4, 1 of class 3,

1 of class 2, and stenographer, 1 of class 1; messenger; landscape architect, $2,400; surveyor and draftsman, $1,500; in all, $16,140.

For foremen, gardeners, mechanics, and laborers employed in the public grounds, $31,200.

For 1 sergeant of park watchmen, $950.

For second sergeant of park watchmen, $900.

For day watchmen, as follows: One in Franklin Park and adjacent reservations on New York Avenue; 1 in Lafayette Park; 2 in Smithsonian Grounds and neighboring reservations; 1 in Judiciary Park; 1 in Lincoln Park and adjacent reservations; 1 in Iowa Circle and reservations to the northeast; 1 in Thomas and Scott Circles and neighboring reservations; 1 in Washington Circle and neighboring reservations; 1 in Dupont Circle and neighboring reservations; 1 in McPherson Park and Farragut Square; 1 in Stanton Park and neighboring reservations; 2 in Henry and Seaton Parks and neighboring reservations; 1 in Mount Vernon Park and reservations to the northeast; 1 in grounds south of the Executive Mansion; 1 in Garfield and Marion Parks and reservations to the east; 1 in Monument Park; and 3 in Potomac Park; 21 in all, at $720 each, $15,120.

For night watchmen, as follows: Two in Smithsonian Grounds and neighboring reservations; 1 in Judiciary Park; 2 in Henry and Seaton Parks and adjacent reservations; 1 in grounds south of the Executive Mansion; 1 in Monument Park; 1 in Garfield Park and neighboring reservations; 1 in Iowa, Scott, and Thomas Circles and neighboring reservations; 1 in Stanton and Lincoln Parks and neighboring reservations; 1 in Lafayette and McPherson Squares and Franklin and Farragut Parks; 1 in Washington and Dupont Circles and neighboring reservations; 1 in Mount Vernon Park and neighboring reservations; 2 for greenhouses and nursery; and 4 in Potomac Park; 19 in all, at $720 each, $13,680.

For watchman for the care of the monument and dock at Wakefield, Va., the birthplace of Washington, $300.

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, $700.

For purchase and repair of bicycles and revolvers for park watchmen and for purchase of ammunition, $400.

For purchasing and supplying uniforms to park, Monument, and bridge watchmen, $2,800.

Of the foregoing amounts appropriated under Public Buildings and Grounds, the sum of $32,875 shall be paid out of the revenues of the District of Columbia.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the Superintendent: Clerk of class 3; stenographer and typewriter, $900; chief engineer, $1,400; 5 assistant engineers, at $1,000 each; electrical machinist, $1,200; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 49 watchmen; carpenter, $1,000; electrician, $1,200; machinist, painter, and plumber, at $1,000 each; 3 dynamo tenders, at $900 each; 7 skilled laborers or mechanics, at $840 each; messenger; foreman of laborers, $840; 10 firemen; 11 conductors of elevators, at $720 each; 17 laborers; 3 second-class firemen, at $660 each; 4 forewomen of charwomen, at $300 each; 77 charwomen; gardener, $720; in all, $112,440.

For fuel, lights, repairs, and miscellaneous items, and city directories, $32,000.

Navy Department Annex, Mills Building: Engineer, $1,200; 4 firemen; 2 elevator conductors, at $720 each; 5 watchmen; 4 laborers; 1 forewoman, $300; 9 charwomen; in all, $14,220.

For repairs, supplies, and miscellaneous articles, Mills Building (Navy Department Annex), $2,000.

For purchase and installation of one 300-kilowatt electric generator and appurtenances, in main building, $14,000.

State Department Annex: Laborer, $660.

NAVY DEPARTMENT.

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 2 of class 3, 4 of class 2, five of class 1, 1 at $1,100, 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; 3 messenger boys, at $600 each; messenger boy, $420; messenger boy, $400; telephone switchboard operator; assistant telephone switchboard operator; in all, $75,060.

Office of the Solicitor: Solicitor, $4,000; law clerks—1 at $2,500, 1 at $2,250; 1 at $2,000; clerks—1 of class 4, 1 of class 3, 1 of class 2, 1 at $840; messenger, $600; in all, $16,990.

Library of the Navy Department: Clerk of class 2; clerk of class 1; assistant messenger; 1 laborer; in all, $3,980.

Office of Naval Records of the Rebellion: Chief clerk, $2,000; agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, $1,800; clerks—1 of class 3 (indexer), 3 of class 2, 3 of class 1, 2 at $1,000 each; copyist; copyist, $720; assistant messenger; necessary traveling expenses for collection of records, $100; in all, $17,640; all employees provided for by this paragraph shall be exclusively engaged on the work of this office during the fiscal year 1913.

For continuing the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the act of Congress approved July 31, 1894, and for the purpose of making such maps and illustrations as relate to the work, $21,000.

Judge Advocate General, United States Navy: Law clerk, $2,200; clerks—1 of class 4, 1 at $1,300; 2 of class 1, 3 at $1,000 each, 1 at $900; assistant messenger; in all, $12,320.

Bureau of Navigation: Chief clerk, $2,000; clerks—1 at $2,000; 4 of class 4, 5 of class 3, 5 of class 2, 8 of class 1, 3 at $1,100 each, 14 at $1,000 each; 14 copyists; 9 copyists, at $840 each; 2 assistant messengers; messenger boy, $600; 5 laborers; in all, $78,600.

Office of Naval Intelligence: Clerk of class 4; clerks—1 of class 2, 1 at $1,300; 3 at $1,000 each; 2 translators, at $1,400 each; assistant draftsman, $1,200; messenger boy, $600; in all, $12,100.

Bureau of Equipment: Chief clerk, $2,000; expert in wireless telegraphy, $3,000; draftsman, who shall be an expert in marine construction, $2,000; bookkeeper and accountant, $1,800; 1 draftsman, $1,700; electrical expert and draftsman, $1,600; clerks—1 of class 4, 2 of class 3, 1 of class 2, 1 at $1,300, 2 of class 1, 4 at $1,000 each; draftsman for work in connection with depots for coal, $1,200; 2 copyists; assistant messenger; messenger boy, $600; blue printer, $600; messenger boy, $360; and two laborers; in all, $32,800.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Equipment, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Equipment of vessels," to be paid from the appropriation "Equipment of vessels": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $9,500. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Hydrographic Office: Hydrographic engineer, $3,000; assistant, $2,200; assistant, $2,000; nautical experts—1 at $1,800, 2 at $1,600 each, 1 at $1,400, 3 at $1,200 each, 3 at $1,000 each; clerks—1 of class 2, 1 of class 1; custodian of archives, $1,200; copyists—3 at $900 each; 1 at $840, 2 at $720 each; compiler, $1,400; editor of Notice to Mariners, $1,800; computer, $1,400; draftsmen—3 at $1,800 each, 4 at $1,600 each, 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each, 1 at $900; 3 apprentice draftsmen, at $700 each; chief engraver, $2,000; engravers—2 at $1,800 each, 3 at $1,600 each, 1 at $1,400, 6 at $1,200 each, 2 at $1,000 each, 1 at $720; apprentice engraver, $800; apprentice engraver, $700; plate printers—chief, $1,400, 1 at $1,200, 1 at $1,000, 2 at $900 each, 1 at $800; apprentice plate printers—1 at $700, 1 at $600; chief lithographer, $1,800; 2 lithographers, at $1,000 each; apprentice lithographer, $700; electrotyper and chart plate maker, $1,200; assistant messenger; 4 laborers; helpers—2 at $720 each, 2 at $660 each, 1 at $600, 1 at $500, 1 at $480; in all, $102,700.

Additional employees, for production of charts from metallic plates by photolithographic process: Draftsmen—1 at $1,800, 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each; process photographer, $1,600; photographic printer, $1,200; lithographic pressman, $1,400; lithographic transferer, $1,400; 2 negative cutters, at $1,000 each; 2 feeders, at $480 each; in all, $20,560.

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements, and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, $7,000.

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Ste. Marie, Panama, and Galveston, including furniture, fuel, lights, works, and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Charts, and for other purposes for which the offices were established, $11,000.

For services of necessary employees at branch offices, $17,960.

Additional equipment and supplies for production of charts from metallic plates by photolithographic process:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios; electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference, and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $19,000.

Lithographic press and attachments, including motors, $6,500.

Additional drafting equipment, $820.

Additional photographic equipment, $3,120.

For a monthly Pilot Chart of the North Pacific Ocean showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; the best routes to be followed by steam and by sail; expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, $2,000.

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office at Washington, D. C., during the fiscal year 1913 except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.

Naval Observatory: For assistant astronomers—1 at $2,400, 2 at $1,800 each; assistant in department of nautical instruments, $1,600; clerks—1 of class 4, 1 of class 2; instrument maker, $1,500; electrician, $1,500; librarian, $1,400; assistants—3 at $1,600 each, 3 at $1,400 each, 2 at $1,000 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter, and engineer, at $1,000 each; 3 firemen; 6 watchmen; elevator conductor, $720; 9 laborers; in all, $43,240.

For miscellaneous computations, $5,000.

For professional and scientific books, periodicals, engravings, photographs, and fixtures for the library, $750.

For apparatus and instruments, and for repairs of the same, $2,000.

For repairs to buildings, fixtures, and fences, furniture, gas, chemicals, and stationery, freight (including transmission of public documents through the Smithsonian exchange), foreign postage, and expressage, plants, fertilizers, and all contingent expenses, $3,000.

For fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, $8,000.

Nautical Almanac office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely: One at $2,000, who may act as or be appointed director; 2 at $1,600 each, 2 at $1,400 each, 3 at $1,200 each, 2 at $1,000 each; copyist and typewriter, $900; assistant messenger; and 1 messenger boy, $420; in all, $15,640.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000.

Bureau of Steam Engineering: Chief clerk, $2,000; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 8 at $1,000 each, 1 at $840; assistant messenger; 2 laborers; 2 laborers, at $600 each; messenger boy, $600; draftsman, $1,400; assistant draftsman, $1,200; stenographers and typewriters—1 at $1,000, 1 at $900; in all, $26,380.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Steam Engineering and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Steam machinery," to be paid from the appropriation "Steam machinery": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $33,700. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Bureau of Construction and Repair: Chief clerk, $2,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 3 at $1,300 each, 3 of class 1, 9 at $1,100 each, 15 at $1,000 each; 5 copyists; 2 assistant messengers; laborer; messenger boys—9 at $600 each, 1 at $400; in all, $57,800.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Construction and Repair and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Construction and repair," to be paid from the appropriation "Construction and repair": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $88,300. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Bureau of Ordnance: Chief clerk, $2,000; ordnance engineer, mechanical draftsman, and computer, $3,000; draftsman, $1,800; assistant draftsman, $1,400; clerks—2 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 5 at $1,000 each; 3 copyists; 2 copyists at $840 each; assistant messenger; messenger boys—2 at $600 each, 2 at $400 each; laborer; in all, $32,960.

The services of clerks, draftsmen, and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Ordnance, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Ordnance and ordnance stores" to be paid from the appropriation "Ordnance and ordnance stores": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $12,800. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Bureau of Supplies and Accounts: Civilian assistant, $2,500; 2 chief bookkeepers, at $2,000 each; clerks—4 of class 4, 8 of class 3, 7 of class 2, 15 of class 1, 16 at $1,100 each, 28 at $1,000 each, 12 at $900 each; 2 copyists, at $840 each; 5 assistant messengers; messenger boys—1 at $600, 3 at $400 each; laborer; 2 laborers, at $600 each; in all, $113,040.

Bureau of Medicine and Surgery: Chief clerk, $2,000; clerks—2 of class 4, 1 of class 3, 1 of class 2, 1 of class 1, 2 at $1,100 each, 3 at $1,000 each; copyist, $840; assistant messenger; laborer; driver for naval dispensary, $600; and laborer for naval dispensary, $480; in all, $18,300.

Bureau of Yards and Docks: Chief clerk, $2,000; draftsman and clerk, $1,800; clerks—1 of class 3, 1 of class 2, 2 of class 1, 1 at $1,100, 6 at $1,000 each; assistant messenger; 3 messenger boys, at $600 each; and two laborers; in all, $20,140.

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations and allotments thereunder and be paid from such appropriations and allotments: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $50,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each, shall be made to Congress each year in the annual estimates.

Naval Militia Office: For the following, now authorized and being paid from the appropriation for "Arming and equipping Naval Militia," namely, chief clerk, $1,600; stenographer, $1,200; messenger boy, $600; in all, $3,400, which sum shall be paid from the appropriation for "Arming and equipping Naval Militia" for the fiscal year 1913, and no other or further sums shall be expended from said appropriation for or on account of said Naval Militia office; but all other expenses on account thereof shall be paid out of the appropriation for contingent expenses and for printing and binding for the Navy Department, as in the case of other like expenses of that department.

Contingent expenses, Navy Department: For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books, for department library, $2,000.

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, streetcar tickets not exceeding $250, freight, expressage, postage, typewriters and computing machines and exchange of same, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $40,000; it shall not be lawful to expend, for any of the offices or bureaus of the Navy Department at Washington, any sum out of appropriations made for the Naval Establishment for any of the purposes mentioned or authorized in this paragraph.

Toward installing steel fireproof file cases and file boxes required to furnish additional filing space and to replace old wooden file cases and file boxes, $2,500.

For the rental of the Mills Building during the fiscal year 1913, $24,500.

No part of any appropriations made for the naval service shall be expended for any of the purposes herein provided for on account of the Navy Department at Washington, D. C., except for personal services in certain bureaus, as herein expressly authorized.

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; clerks—4 at $2,000 each, 13 of class 4, 18 of class 3, 21 of class 2, 24 of class 1, 3 at $1,000 each; returns office clerk, $1,600; female clerk, to be designated by the President, to sign land patents, $1,200; 8 copyists; multigraph operator, $900; assistant multigraph operator, $720; typewriter repairer, $900; 2 telephone switchboard operators; 9 messengers; 7 assistant mesengers; 21 laborers; skilled mechanics—1 at $900 and 1 at $720; 2 carpenters, at $900 each; plumber, $900; electrician, $1,000; laborer, $600; 6 laborers, at $480 each; packer, $660; 2 conductors of elevator, at $720 each; 8 charwomen; captain of the watch, $1,200; 40 watchmen; additional to 2 watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $275,570.

For employees, for the proper protection, heating, care, and preservation of the old Post Office Department Building, occupied by the Department of the Interior, namely: Engineer and electrician, $1,600; assistant engineer, $1,000; 4 firemen; 3 watchmen, acting as lieutenants, at $840 each; 20 watchmen; conductor of elevator, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,380.

Office of Assistant Attorney General: Asssistant attorneys—1 at $3,000, 2 at $2,750 each, 4 at $2,500 each, 7 at $2,250 each, 11 at $2,000 each; medical expert, $2,000; 4 clerks of class 3, 1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter; clerk of class 1; in all, $65,850.

For per diem in lieu of subsistence of 2 special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $4 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,500.

For traveling expenses of 6 inspectors, at $4 per day, when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses to and going from the seat of government and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed 20 days, $9,600.

General Land Office: Commissioner of the General Land Office, $5,000; assistant commissioner, $3,500; chief clerk, $2,750; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of division—2 at $2,400 each, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 51 of class 3, 74 of class 2, 77 of class 1, 65 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 messengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $630,650.

For per diem in lieu of subsistence of examiners and of clerks detailed to inspect offices of United States surveyors general and other offices in surveying service, to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $4 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, $8,500.

For law books for the law library of the General Land Office, $400.

For connected and separate United States and other maps, prepared in the General Land Office, $20,000: *Provided*, That of the United States maps procured hereunder 7,200 copies shall be delivered to the Senate and 14,400 copies shall be delivered to the House of Representatives, 500 copies shall be delivered to the Commissioner of the General Land Office, and the residue shall be delivered to the Secretary of the Interior for distribution. And all maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

For separate State and Territorial maps, including maps showing areas designated by the Secretary of the Interior under the enlarged homestead acts, prepared in the General Land Office, $3,300.

For appliances in connection with filing system in the General Land Office, $3,000.

Indian Office: Commissioner of Indian Affairs, $5,000; assistant commissioner, $3,500; second assistant commissioner, who shall also perform the duties of chief clerk, $2,250; financial clerk, $2,250; chiefs of division—1 at $2,250, 1 at $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; clerks—14 of class 4, 25 of class 3, 24 of class 2, 2 at $1,500 each, 43 of class 1, 23 at $1,000 each; stenographer, $1,000; 29 copyists; messenger; 4 assistant messengers; 4 messenger boys, at $360 each; in all $231,710.

For the fiscal year 1914 and annually thereafter estimates in detail shall be submitted for all personal services required in the Indian Office, and after the end of the fiscal year 1913 it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation acts, except temporary details of field employees for service connected solely with their respective employments.

Pension Office: Commissioner of Pensions, $5,000; deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; two qualified surgeons, at $2,000 each; 15 medical examiners, at $1,800 each; 8 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 57 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions,

$2,000; 16 assistant chiefs of division, at $1,800 each; 3 stenographers, as $1,600 each; clerks—95 of class 4, 100 of class 3, 275 of class 2, 295 of class 1, 65, at $1,000 each; 30 copyists; 27 messengers; 12 assistant messengers; 17 skilled laborers, at $660 each; 20 messenger boys, at $400 each; superintendent of building, $1,400; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; 1 painter, and 1 cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; for the following under the chief clerk of the Interior Department: Engineer, $1,200; and 2 firemen; in all, $1,478,100.

No transfers from the Pension Office existing July 1, 1912, shall be returned to said office.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and other necessary expenses, including telegrams, $215,000.

For completing the installation of the card-index system of the records of the Pension Office, $5,000.

For an additional force of 45 special examiners for one year, at $1,300 each, $58,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Patent Office: Commissioner of Patents, $5,000; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,500; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $3,500; chief clerk, who shall be qualified to act as principal examiner, $3,000; 2 law examiners, at $2,750 each; 3 examiners in chief, at $3,500 each; examiner of interferences, $2,700; examiner of trade-marks and designs, $2,700; 6 assistant examiners of trade-marks and designs, at $1,500 each; examiner of classification, $3,600; 43 principal examiners, at $2,700 each; 63 first assistant examiners, at $2,400 each; 73 second assistant examiners, at $2,100 each; 88 third assistant examiners, at $1,800 each; 110 fourth assistant examiners, at $1,500 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; 3 assistant chiefs of division, at $1,800 each; private secretary, to be selected and appointed by the Commissioner of Patents, $1,800; translator of languages, $1,800; clerks—9 of class 4, 9 of class 3, 17 of class 2, 130 of class 1, 90 at $1,000 each; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; messenger and property clerk, $1,000; 90 copyists; 50 copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 45 laborers, at $480 each; 40 messenger boys, at $360 each; in all, $1,311,010.

For purchase of professional and scientific books and expense of transporting publications of patents issued by the Patent Office to foreign governments, $2,500.

For purchase of law and other reference books, $500.

For producing copies of the weekly issue of patents, designs, and trade-marks; for the reproduction of copies of drawings and specifications of exhausted patents and other papers, $140,000.

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents; and for expense attending defense of suits instituted against the Commissioner of Patents, $500.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, $750.

Bureau of Education: Commissioner of Education, $5,000; chief clerk, $2,000; specialist in higher education, $3,000; for the investigation of rural education, industrial education, and school hygiene, including salaries, $15,000; editor, $2,000; statistician, $1,800; specialists in charge of land-grant college statistics, $1,800; translator, $1,800; collector and compiler of statistics, $2,400; specialists—1 in foreign educational systems, and 1 in educational systems, at $1,800 each; clerks—2 of class 4, 3 of class 3, 4 of class 2, 8 of class 1, 7 at $1,000 each; 6 copyists; 2 copyists, at $800 each; copyist, $720; 2 skilled laborers, at $840 each; messenger; 1 assistant messenger; 3 laborers, at $480 each; laborer, $400; in all, $81,800.

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, including payment in advance for subscriptions to publications, $500.

For collecting statistics for special reports and circulars of information, $4,000.

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, textbooks, and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, $2,500.

Office of the Superintendent of the Capitol Building and Grounds: Superintendent of the Capitol Building and Grounds, $6,000; chief clerk, $2,000; chief electrical engineer, $3,000; civil engineer, $2,400; 2 draftsmen, at $1,200 each; clerk, $1,600; stenographer and typewriter, $1,000; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $1,800; and 1 stenographer, at $720; in all, $30,480.

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $7,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street-car tickets not exceeding $250, expressage, wagons and harness, motor trucks, motor cycles, and bicycles, maintenance and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and adding machines and exchange of same, $122,000.

For stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the Department of the Interior and its several bureaus and offices, including not to exceed $5,000 for the Civil Service Commission, $69,500; and, in addition thereto, sums amounting to $44,400 shall be deducted from other appropriations made for the fiscal year 1913, as follows: Contingent expenses of pension agencies, $18,000; protecting public lands and timber, $2,000; contingent expenses of offices of surveyors general, $2,600; Capitol Building and repairs, $300; Geological Survey, $2,100; Bureau of Mines, $1,200; Indian warehouses, $500; Five Civilized Tribes of Indians, $1,000; Indian schools, $17,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $69,500, the total appropriation for stationery for the Department of the Interior and its several bureaus and offices for the fiscal year 1913.

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, $1,000, of which sum $250 may be used for the Civil Service Commission.

For rent of buildings for the Department of the Interior, namely: For Geological Survey, $29,200; additional rooms for the engraving and printing divisions of the Geological Survey, $1,200; rent of additional rooms for the Geological Survey, $2,500; Civil Service Commission, $16,875; in all, $49,775.

For rent of basement of the addition to the main building of the Geological Survey, required for additional storage of documents, maps, etc., and for workroom, $1,500.

For rent of additional office accommodations for the Geological Survey in the main building of the survey, Washington, D. C. (formerly occupied by the Reclamation Service), $3,000.

For rent of building for the Bureau of Mines, $10,000.

For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, $3,500.

SURVEYORS GENERAL AND THEIR CLERKS.

For surveyor general and ex officio secretary of the District of Alaska, $4,000; clerks in his office, $7,000; in all, $11,000.

For rent of offices for surveyor general, pay of messenger, stationery, printing, binding, drafting instruments, typewriters, books of reference for office use, furniture, fuel, lights, and other incidental expenses, including the exchange of typewriters, $2,500.

For surveyor general of Arizona, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

For rent of office for the surveyor general, stationery, binding records, books of reference for office use, typewriter and repairs, repairs of furniture, freight and drayage, filing cases, drafting supplies and tables, and other incidental expenses, including the exchange of typewriters, $1,800.

For surveyor general of California, $3,000; and for the clerks in his office, $11,400; in all, $14,400.

For pay of messenger, stationery, binding records, repairing maps, repairs to locks, clocks, furniture, batteries, and typewriter, towels, telephone, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of the State of Colorado, $3,000; and for the clerks of his office, $22,000; in all, $25,000.

For rent of office for the surveyor general, pay of messenger, stationery, printing and binding, furniture and repairs, muslin for mounting plats, drafting instruments, record books, indexing volumes of letters, ice, telephone, post-office box rent and register stamps, books of reference for office use, typewriter, and other incidental expenses, including the exchange of typewriters, $4,000.

For surveyor general of Idaho, $3,000; and for the clerks in his office, $16,000; in all, $19,000.

For pay of messenger, stationery, binding, printing, drafting instruments, post-office box rent, furniture, typewriters, ice, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Montana, $3,000; and for the clerks in his office, $20,000; in all $23,000.

For pay of messenger, lights, post-office box rent, ice, stationery, printing, binding, furniture, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Nevada, $3,000; and for the clerks in his office, $8,000; in all, $11,000.

For stationery and drawing materials, post-office box rent, registering letters, telephone, ice, repair of furniture, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,000.

For surveyor general of New Mexico, $3,000; and for clerks in his office, $15,500; in all, $18,500.

For pay of messenger, stationery, printing, drafting instruments, plats, drawing paper, binding records, telephone, registration of letters, post-office box rent, drayage, towels, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Oregon, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

For stationery, telephone, towels, binding, post-office box rent, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $900.

For surveyor general of South Dakota, $2,000.

For the clerks in his office, $4,000.

For rent of office for the surveyor general, pay of messenger, stationery supplies, drafting instruments, fuel, ice, binding records, post-office box rent, telegrams, registration of letters, towels, furniture and typewriter repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $800.

For surveyor general of Utah, $3,000; and for the clerks in his office, $14,000; in all, $17,000.

For pay of janitor, stationery, plats and supplies, printing and binding, drawing tables, drafting instruments, post-office box rent, typewriters, drayage, towels, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,000.

For surveyor general of Washington, $3,000; and for the clerks in his office, $11,000; in all, $14,000.

For rent of office for the surveyor general, pay of janitor, furniture and repairs, stationery, binding records, books, blanks, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Wyoming, $3,000; and for the clerks in his office, $17,000; in all, $20,000.

For pay of messenger, stationery, and supplies, lights, printing, binding, books, post-office box rent, drafting instruments, mounting maps, ice, towels, furniture and repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,200.

That no expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses in the offices of the surveyors general

shall be incurred by the respective surveyors general in the conduct of said offices, except upon previous specific authorization by the Commissioner of the General Land Office.

POST OFFICE DEPARTMENT.

Office Postmaster General: For Postmaster General, $12,000; chief clerk, Post Office Department, including $500 as superintendent of Post Office Department buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; bookkeeper and accountant, $1,800; 2 stenographers, at $1,600 each; appointment clerk, $2,000; clerk, assistant to chief clerk, $2,000; clerks—2 of class 4, 5 of class 3, including assistant printing clerk, 6 of class 2, 3 of class 1, 4 at $1,000 each; 3, at $900 each; curator of museum, $1,000; telephone switchboard operator; assistant telephone switchboard operator; messenger in charge of mails, $900; messenger; 2 assistant messengers; page, $360; engineer, $1,400; 8 assistant engineers, at $1,000 each; electrician, $1,400; 2 assistant electricians, at $1,200 each; 3 dynamo tenders, at $900 each; fireman, who shall be a blacksmith, and fireman, who shall be a steam fitter, at $900 each; 10 elevator conductors, at $720 each; 17 firemen; carpenters—1 at $1,200, 1 at $1,000; 2, at $900 each; captain of the watch, $1,000; additional to 2 watchmen acting as lieutenant of watchmen, at $120 each; 24 watchmen; foreman of laborers, $800; 45 laborers; plumber and awning maker, at $900 each; female laborers—1 at $540, 3 at $500 each, 3 at $480 each; 45 charwomen; in all, $172,150.

Division of Post-office Inspectors: Chief inspector, $4,000; chief clerk, $2,000; clerks—3 of class 4, 8 of class 3, 12 of class 2, 16 of class 1, 14 at $1,000 each, 15 at $900 each; 3 assistant messengers; laborer; in all, $90,520.

Division of the Purchasing Agent: Purchasing agent, $4,000; chief clerk, $2,000; clerks—1 of class 4, 1 of class 3, 1 of class 2, 2 of class 1, 2 at $1,000 each; assistant messenger; actual and necessary expenses of the purchasing agent while traveling on business of the Post Office Department, $500; in all, $16,420.

Division of Assistant Attorney General for the Post Office Department: Assistant attorneys—1 at $2,750, 1 at $2,000; law clerk, $1,800; clerks—2 of class 4, 1 of class 3, 3 of class 2, 1 of class 1, 1 at $1,000, 1 at $900; assistant messenger; in all, $19,770.

Office First Assistant Postmaster General: First Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent division of salaries and allowances, $4,000; assistant superintendent division of salaries and allowances, $2,250; chief division of correspondence, $2,000; clerks—8 of class 4, 7 of class 3, 11 of class 2, 8 of class 1, 4 at $1,000 each, 8 at $900 each; messenger; four assistant messengers; laborer; 2 pages, at $360 each; in all, $82,650.

Division of Postmasters' Appointments: Superintendent, $3,000; 2 assistants, at $2,000 each; clerks—3 of class 4, 14 of class 3, 10 of class 2, 6 of class 1, 4 at $1,000 each, 2 at $900 each; 2 messengers; in all, $63,480.

Division of City Delivery: Superintendent, $3,000; assistant superintendent, $2,000; clerks—3 of class 3, 2 of class 2, 7 of class 1, 4 at $1,000 each, 2 at $900 each; messenger; laborer; in all, $28,300.

Office Second Assistant Postmaster General: Second Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent division of railway adjustments, $3,000; assistant superintendent division of railway adjustments, $2,250; superintendent division of foreign mails, $3,000; assistant superintendent division of foreign mails, $2,000; superintendent division of inspection, $2,000; superintendent division of equipment, $2,000; clerks—11 of class 4 (3 transferred to office of Fourth Assistant), 24 of class 3 (17 transferred to office of Fourth Assistant), 24 of class 2 (10 transferred to office of Fourth Assistant), 14 of class 1 (14 transferred to office of Fourth Assistant), 12 at $1,000 each (4 transferred to office of Fourth Assistant), 5 at $900 each (2 transferred to office of Fourth Assistant); messenger in charge of mails, $900; 5 assistant messengers (2 transferred to office of Fourth Assistant); page, $480; in all, $151,830.

Division of Railway Mail Service: General superintendent, $4,000; assistant general superintendent, $3,500; chief clerk, $2,000; clerks—2 of class 4, 5 of class 3, 6 of class 2, 5 of class 1, 3 at $1,000 each, 2 at $900 each; in all, $40,300.

Office Third Assistant Postmaster General: Third Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent Division of Stamps, $2,750; superintendent Division of Finance, who shall give bond in such amount as the Postmaster General may determine for the faithful discharge of his duties, $2,250; assistant superintendent Division of Finance, $2,000; superintendent Division of Classification, $2,750; chief Division of Redemption, $2,000; superintendent Division of Registered Mails, $2,500; clerks—9 of class 4, 23 of class 3, 32 of class 2, 44 of class 1, 28 at $1,000 each, 18 at $900 each; messenger; 5 assistant messengers; 12 laborers; page, $360; in all, $229,270.

Division of Money Orders: Superintendent, $3,500; chief clerk, $2,250; clerks—3 of class 4, 7 of class 3, 11 of class 2, 11 of class 1, 10 at $1,000 each, 10 at $900 each; assistant messenger; 4 laborers; in all, $73,310.

Office Fourth Assistant Postmaster General: Fourth Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent Division of Rural Mails, $3,000; assistant superintendent Division of Rural Mails, $2,000; chief clerk Division of Rural Mails, $2,000 (in lieu of superintendent Division of Contracts, transferred from office of Second Assistant); clerks—7 of class 4 (including 3 transferred from office of Second Assistant), 20 of class 3 (including 17 transferred from office of Second Assistant), 22 of class 2 (including 10 transferred from office of Second Assistant), 44 of class 1 (including 14 transferred from office of Second Assistant), 43 at $1,000 each (including 4 transferred from office of Second Assistant), 10 at $900 each (including 2 transferred from office of Second Assistant); stenographer, $1,600; stenographer, $1,200; 2 messengers; 3 assistant messengers (including 2 transferred from office of Second Assistant); 2 laborers; 2 pages, at $360 each; in all, $203,380.

Division of Dead Letters: Superintendent, $2,750; clerk of class 4, who shall be chief clerk; clerks—5 of class 4, 8 of class 3, 10 of class 2, 34 of class 1, 38 at $1,000 each, 39 at $900 each; messenger; 3 assistant messengers; 15 laborers; 6 female laborers, at $480 each; in all, $170,030.

Division of Supplies.—Superintendent, $2,500; assistant superintendent, $2,000; clerks—2 of class 4, 3 of class 3, 11 of class 2, 18 of class 1, 16 at $1,000 each, 8 at $900 each; messenger; 11 assistant messengers; 18 laborers; page, $360; in all, $94,100.

Division of Topography.—For topographer, $2,750; assistant topographer, $2,000; skilled draftsmen—4 at $1,800 each, 4 at $1,600 each, 4 at $1,400 each, 5 at $1,200 each; examiner, $1,200; clerk of class 2; map mounter, $1,200; mechanic, $1,000; copyists of maps—7 at $1,000 each, 4 at $900 each; assistant map mounter, $720; assistant messenger; in all, $46,790.

Contingent expenses, Post Office Department.—For stationery and blank books, index and guide cards, folders, and binding devices, including amount necessary for the purchase of free penalty envelopes, $20,000.

For fuel and repairs to heating, lighting, and power plant, including repairs to elevators, the purchase and exchange of tools and electrical supplies, and removal of ashes, $35,000.

For gas and electric lights, $350.

For telegraphing, $4,000.

For painting, $2,000.

For purchase, exchange, hire, and keeping of horses and vehicles, and repair of vehicles and harness, to be used only for official purposes, $2,500.

For miscellaneous items, including the exchange of typewriters, adding machines, and other labor-saving devices; street car tickets not exceeding $200; plumbing, floor coverings; and postage stamps for correspondence addressed abroad which is not exempt under article 11 of the Rome convention of the Universal Postal Union, $20,000, of which sum not exceeding $3,985 may be expended for telephone service, and not exceeding $1,500 may be expended for law books, books of reference, railway guides, city directories, books necessary to conduct the business of the department; and repairs to the Post Office Department building.

For furniture and filing cabinets, $5,000.

For rent of a suitable building for storage of the files of the Post Office Department, $3,000.

For rent of stables, $500.

For the publication of copies of the Official Postal Guide, including not exceeding 3,000 copies for the use of the executive departments, $24,000.

For miscellaneous expenses in the Division of Topography in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction, $26,000. And the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per cent thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blue prints. Of this amount $100 may be expended in the purchase of atlases, geographical and technical works needed in the Division of Topography.

No part of any appropriations made for the service of the Post Office Department in conformity with the act of July 2, 1836, shall be expended for any of the purposes herein provided for on account of the Post Office Department at Washington, D. C.

DEPARTMENT OF JUSTICE.

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $7,000; 7 Assistant Attorneys General, at $5,000 each; Assistant Attorney General of the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 4 attorneys at $5,000 each, 1 of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 at $3,750, 3 at $3,500 each, one at $3,250, 12 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 at $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 at $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,600; stenographer to the Solicitor General, $1,600; law clerks—3 at $2,000 each, 2 of class 4, clerk in office of the Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk, $2,000; Chief of Division of Investigation, $3,500; examiners—3 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, 3 at $1,800 each; librarian, $1,800; clerks—8 of class 4, 12 of class 3, 7 of class 2, 16 of class 1, 14 at $1,000 each, 21 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 5 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $480; 22 charwomen. Division of Accounts: Chief of Division of Accounts, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4, 4 of class 3, 6 of class 2, 5 of class 1, 2 at $900 each; in all, $424,610.

The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that Department.

Contingent expenses, Department of Justice: For furniture and repairs, including carpets, file holders, and cases, $4,500.

For books for law library of the department, $3,000.

For purchase of session laws and statutes of the States and Territories for library of department, $500.

For books for office of Solicitor of the Department of Commerce and Labor, $300.

For stationery for department and its several bureaus, $6,500.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car tickets not exceeding $200, and other necessaries, directly ordered by the Attorney General, $25,000.

For official transportation, including purchase and exchange, keep, and shoeing of animals, and purchase, exchange, and repairs of wagons and harness, $2,500.

For rent of buildings and parts of buildings in the District of Columbia used by the Department of Justice, $32,200.

Office of the Solicitor of the Treasury: Solicitor of the Treasury, $5,000; Assistant Solicitor, $3,000; chief clerk, $2,000; 2 law clerks, at $2,000 each; 2 docket clerks, at $2,000 each; clerks—2 of class 4, 2 of class 3, 2 of class 2; assistant messenger; laborer; in all, $28,980.

For law books for office of the Solicitor of the Treasury, $300.

Office of the Solicitor of the Department of Commerce and Labor: Solicitor of the Department of Commerce and Labor, $5,000; Assistant Solicitor, $3,000; clerks—3 of class 4, 2 of class 3, 3 of class 2, 3 of class 1; messenger; in all, $25,240.

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: Secretary of Commerce and Labor, $12,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,800; private secretary to Assistant Secretary, $2,100; chief clerk and superintendent, $3,000; disbursing clerk, $3,000; Chief of Appointment Division, $2,500; Chief, Division of Publications, $2,500; Chief, Division of Supplies, $2,100; clerks—10 of class 4, 11 of class 3, 12 of class 2, 11 of class 1, 10 at $1,000 each, 6 at $900 each; 2 telephone operators, at $720 each; messenger to the Secretary, $1,000; 5 messengers; 10 assistant messengers; 7 messenger boys, at $480 each; engineer, $1,000; 3 skilled laborers, at $840 each; 2 conductors of elevators, at $720 each; 2 firemen, at $660 each; 18 laborers; 5 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $900; 11 watchmen; 18 charwomen; in all, $170,300.

Bureau of Corporations: Commissioner of Corporations, $5,000; deputy commissioner, $3,500; chief clerk, $2,500; clerk to commissioner, $1,800; clerks—4 of class 4, 4 of class 3, 6 of class 2, 10 of class 1, 15 at $1,000 each; 16 copyists; messenger; assistant messenger; 3 messenger boys, at $480 each; in all, $79,200.

For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares; in all, $175,000.

Bureau of Labor: Commisioner of Labor, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; 4 statistical experts, at $2,000 each; clerks—5 of class 4, 5 of class 3, 6 of class 2, 12 of class 1, 9 at $1,000 each; 2 copyists; 2 assistant messengers; 2 laborers; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; in all, $102,160.

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein, $64,090.

For books, periodicals, and newspapers for the library the sum of $100 may be expended for newspapers for the purpose of procuring strike data, and the annual subscriptions for newspapers and periodicals for the bureau may be paid in advance, $1,000.

To enable the Secretary of Commerce and Labor to provide and pay for the medical examination of employees of the United States receiving compensation for injuries under the provisions of the act of May 30, 1908, as directed by section 5 of said act, $3,000.

Bureau of Lighthouses: Commissioner, $5,000; deputy commissioner, $4,000; chief constructing engineer, $4,000; superintendent of naval construction, $3,000; chief clerk, $2,400; clerks—1 at $2,000, 2 of class 4, 1 of class 3, 2 of class 2, 6 of class 1, 5 at $1,000 each; 7 at $900 each, 1 at $840, 1 at $720; messenger; assistant messenger; 2 messenger boys, at $480 each; assistant engineers—1 at 3,000, 1 at $2,400, 1 at $2,250; draftsmen—1 at $1,800, 1 at $1,560, 1 at $1,440, 1 at $1,200; in all, $64,630.

Census Office: For director, $6,000; 4 chief statisticians, at $3,000 each; chief clerk, $2,500; geographer, $2,000; stenographer, $1,500; 8 expert chiefs of division, at $2,000 each; clerks—11 of class 4, 20 of class 3, 32 of class 2, 300 of class 1, 83 at $1,000 each, 87 at $900 each; engineer, $1,000; electrician, $1,000; skilled laborers—2 at $1,000 each, 4 at $900 each, 10 at $720 each; 6 watchmen; 3 messengers; 3 firemen; 5 assistant messengers; 8 unskilled laborers, at $720 each; 4 messenger boys, at $480 each; 14 charwomen; in all, $696,340.

In certifying eligibles from the civil-service registers for the purpose of appointment to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work.

Temporary clerks: In addition to the employees hereinbefore provided for, the Secretary of Commerce and Labor may appoint, on the recommendation of the Director of the Census, for such time as may be necessary, but not beyond June 30, 1913, not exceeding 175 temporary clerks, from among the employees of the Thirteenth Census force, such clerks to be paid salaries not greater than $900 per annum, or to be paid on a piece-price basis, and for the payment of the compensation of said temporary clerks there is appropriated the sum of $120,000.

For securing information for census reports provided for by law, semimonthly reports of cotton production, and periodical reports of stocks of baled cotton in the United States and of the domestic and foreign consumption of cotton; per diem compensation of special agents and expenses of the same and of the detailed employees, whether employed in Washington, D. C., or elsewhere; the cost of transcribing State, municipal, and other records; the temporary rental of quarters outside of the District of Columbia; for supervising agents, and the employment by them of such temporary service as may be necessary in collecting the statistics required by law: *Provided*, That the compensation of not to exceed 5 special agents provided for in this paragraph may be fixed at an amount not to exceed $8 per day, $342,000.

For rental of quarters, $22,080.

For stationery, $10,00.

For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraph and telephone service, photographic work and supplies, transportation and preparing articles for shipment, horses, wagons, electric truck, and maintenance thereof, diagrams, maps, blue prints, awnings, shelving, filing apparatus, fuel, light, office fixtures, street car tickets not exceeding $200, and other absolutely necessary expenses, including the purchase, rental, construction, repair and exchange of mechanical appliances, repairs to the Census Building, and necessary expenses in connection with the prosecution of fraudulent census returns, $15,000.

For purchase of books of reference and periodicals, $500.

For experimental work in developing tabulating machines and repairs to such machinery and other mechanical appliances, including technical and mechanical service in connection therewith, whether performed in Washington, D. C., or elsewhere, and the purchase of necessary machinery and supplies, $26,000.

For printing and binding in connection with the results of the Thirteenth Decennial Census, $272,000.

The Bureau of Manufactures and the Bureau of Statistics, both of the Department of Commerce and Labor, are hereby consolidated into one bureau to be known as the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Manufactures and the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

Bureau of Foreign and Domestic Commerce: Chief of bureau, $4,000; assistant chiefs of bureau, 1 at $3,000, 1 at $2,750; Chief of Division of Consular Reports, $2,500; chief clerk, $2,250; stenographer to chief of the bureau, $1,600; clerks—7 of class 4, 5 of class 3, 1 at $1,500, 11 of class 2, 14 of class 1, 17 at $1,000 each, 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $104,860.

To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, $10,000.

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

Steamboat-Inspection Service: For Supervising Inspector General, $4,000; chief clerk and Acting Supervising Inspector General in the absence of that officer, $2,000; clerks—2 of class 3, 1 of class 2, 1 of class 1, 2 at $1,000 each; messeneger; in all, $14,640.

Salaries of steamboat inspectors: For salaries of 10 supervising inspectors, at $3,000 each, as authorized by section 4404, Revised Statutes United States; for salaries of inspectors of hulls and inspectors of boilers, as authorized by the acts of Congress approved April 9, 1906, and May 28, 1908, $167,100; for salaries of assistant inspectors, as authorized by the act of Congress approved April 9, 1906, as follows: For the port of New York, N. Y., 27, at $2,000 each; for the port of New Orleans, La., 4, at $1,800 each; for the port of Baltimore, Md., 6, at $1,800 each; for the port of Boston, Mass., 6, at $1,800 each; for the port of Philadelphia, Pa., 8, at $1,800 each; for the port of San Francisco, Cal., 8, at $1,800 each; for the port of Buffalo, N. Y., 4, at $1,600 each; for the port of Milwaukee, Wis., 8, at $1,600 each; for the port of Norfolk, Va., 4, at $1,600 each; for the port of Seattle, Wash., 8, at $1,600 each; in all, $347,100.

Clerk hire, service at large: For the compensation, not exceeding $1,500 a year to each person, of clerks to boards of steamboat inspectors, to be appointed by the Secretary of Commerce and Labor in accordance with the provisions of the act of April 9, 1906, $83,000.

Contingent expenses: For the payment of fees to witnesses; for traveling and other expenses when on official business of the Supervising Inspector General, supervising inspectors, local and assistant inspectors, and clerks; for instruments, furniture, stationery, janitor service, and every other thing necessary to carry into effect the provisions of title 52, Revised Statutes, of the act of April 4, 1888, amending the act of June 19, 1886, as amended by the acts of March 1, 1895, February 15, 1897, March 3, 1905, April 9, 1906, and May 28, 1908, $90,000.

Bureau of Navigation: Commissioner of Navigation, $4,000; Deputy Commissioner, $2,400; chief clerk, $2,000; clerk to commissioner, $1,600; clerks—2 of class 4, 1 of class 3, 3 of class 2, 4 of class 1, 2 at $1,000 each, 6 at $900 each; 2 messengers; in all, $33,280.

Shipping service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Bath, $1,000; at Boston, $3,000; at Gloucester, $600; at Honolulu, $1,200; at Mobile, $1,200; at New Bedford, $1,200; at New Orleans, $1,500; at New York, $5,000; at Norfolk, $1,500; at Pascagoula, $300; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,800; at Rockland, $1,200; at San Francisco, $4,000; in all, $31,900.

Clerk hire: For the compensation to be fixed by the Secretary of Commerce and Labor not to exceed $1,600 per annum to each person, of clerks in the offices of the shipping commissioners, $35,000.

Contingent expenses: For rent, stationery, and other requisites for the transaction of the business of shipping commissioners' offices and rent of temporary quarters for the United States shipping commissioner at New York, N. Y., not to exceed $3,150, and for janitor in his office, $840; in all, $9,000.

For tools, appliances, and instruments for the admeasurement of vessels and the counting of passengers, $1,000.

Enforcement of navigation laws: To enable the Secretary of Commerce and Labor to provide and operate such motor boats and employ thereon such persons as may be necessary for the enforcement, under his direction by customs officers, of the laws relating to the navigation and inspection of vessels, boarding of vessels, and counting of passengers on excursion boats, $15,000.

Wireless communication: To enable the Secretary of Commerce and Labor to enforce the act approved June 24, 1910, entitled "An act to

require apparatus and operators for radio communication on certain ocean steamers"; and to employ such persons and means as may be necessary, $10,000.

Bureau of Immigration and Naturalization: Commissioner General of Immigration, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—3 of class 4, 5 of class 3, 6 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each; 2 messengers; assistant messenger; in all, $59,500.

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $3,000; clerks—4 of class 4, 6 of class 3, 8 of class 2, 11 of class 1, 8 at $1,000 each, 2 at $900 each; messenger; 2 assistant messengers; messenger boy, $480; in all, $60,260.

For Division of Information established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: Chief of division, $3,500; assistant chief of division, $2,500; clerks—2 of class 4, 1 of class 3, 2 of class 2, 3 of class 1, 1 at $900; messenger; in all, $19,340.

Bureau of Standards: Director, $6,000; chief physicist, $4,800; physicist, qualified in optics, $3,600; 2 physicists at $3,600 each; associate physicists—1 at $2,700, 3 at $2,500 each, 3 at $2,200 each, 5 at $2,000 each; assistant physicists—7 at $1,800 each, 11 at $1,600 each, 14 at $1,400 each; chief chemist, $4,800; associate chemists—1 at $2,500, 1 at $2,200; assistant chemists—2 at $1,800 each, 3 at $1,600 each, 2 at $1,400 each; laboratory assistants—15 at $1,200 each, 12 at $1,000 each, 11 at $900 each; 3 laboratory helpers, at $720 each; aids—9 at $720 each, 6 at $600 each; laboratory apprentices—6 at $540 each, 6 at $480 each; storekeeper, $1,000; librarian, $1,400; secretary, $2,200; clerks—1 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 4 at $1,000 each, 2 at $900 each, 2 at $720 each; telephone operator, $720; messenger boys—2 at $480 each, 3 at $360 each; elevator boy, $360; chief mechanician, $1,800; mechanicians—1 at $1,500, 1 at $1,400, 2 at $1,200 each, 3 at $1,000 each, 1 at $900; 3 watchmen; skilled woodworkers—1 at $1,000, 1 at $840; 5 skilled laborers, at $720 each; draftsman, $1,200; packer and shipper, $840; messenger; superintendent of mechanical plant, $2,500; assistant engineers—2 at $1,200 each, 1 at $1,000, 1 at $900; 3 firemen; glass blower, $1,400; electricians—1 at $1,200, 1 at $900; 4 laborers; janitors—2 at $660 each, 1 at $600; 2 female laborers, at $360 each; in all, $239,940.

For apparatus, machinery, tools, and appliances used in connection with the buildings or with the work of the bureau, laboratory supplies, materials and supplies used in the construction of apparatus, machinery, or other appliances, including their exchange; piping, wiring, and construction incident to the installation of apparatus, machinery, or appliances; furniture for laboratories and offices, cases for apparatus, $50,000.

For repairs and necessary alterations to buildings, $2,000.

For fuel for heat, light, and power; office expenses, stationery, books and periodicals (subscriptions to periodicals may be paid in advance); traveling expenses; street-car tickets not exceeding $100; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; and contingencies of all kinds, $25,000.

For grading, construction of roads and walks, piping grounds for water supply, lamps, wiring for lighting purposes, and other expenses incident to the improvement and care of grounds, $3,000.

For completing investigation of the effects of electric currents upon gas and water pipes, and upon the reenforced foundations of buildings, bridges, and other structures, and for determining methods of discovering and preventing the destructive effects of such currents, including personal services in the District of Columbia and in the field, $10,000.

For the continuation of the investigation of the structural materials, such as stone, clays, cement, etc., including personal services in the District of Columbia and in the field, $75,000.

For the maintenance and operation of testing machines, including personal services in connection therewith in the District of Columbia and in the field, for the determination by the Bureau of Standards of the physical constants and the properties of materials as authorized by law, $30,000.

For the construction of a water current meter testing tank, $5,000.

Children's Bureau: For the following as authorized by the act entitled "An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau," approved April 9, 1912, namely: Chief of bureau, $5,000; assistant chief of bureau, $2,400; statistical expert, $2,000; private secretary to the chief of bureau, $1,500; clerks—2 of class 4, 2 of class 3, 1 of class 2, 1 of class 1, 1 at $1,000; special agents—1 at $1,400, 1 at $1,200; copyist; messenger; in all, $25,640.

Contingent expenses, Department of Commerce and Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department, for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters and adding machines, including their exchange; repairs to the building occupied by the offices of the Secretary of Commerce and Labor; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500, and for storage of documents belonging to the Bureau of Labor, not to exceed $750, street car tickets not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $60,000, and in addition thereto sums amounting to $66,500 shall be deducted from other appropriations made for the fiscal year 1913, and added to the appropriation "Contingent expenses, Department of Commerce and Labor," in order to facilitate the purchase through the central purchasing office as provided in the act of June 17, 1910 (Stat. L., vol. 36, p. 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made as follows: General expenses, Lighthouse Service, $8,000; stationery, Bureau of the Census, $10,000; miscellaneous expenses, Bureau of the Census, $15,000; books and periodicals, Bureau of the Census, $500; contingent expenses, Steamboat-Inspection Service, $3,000; contingent expenses, shipping service, $500; instruments for measuring vessels and counting passengers, $500; expenses of regulating immigration, $13,500; equipment, Bureau of Standards, $1,000; general expenses, Bureau of Standards, $1,800; general expenses, Coast and Geodetic Survey, $4,200; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $126,500 shall be and constitute the appropriation for contingent expenses, Department of Commerce and Labor, to be expended through the central purchasing office (Division of Supplies), Department of Commerce and Labor, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce and Labor," in this act.

For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Commerce and Labor, $50,000.

JUDICIAL.

Supreme Court: Chief Justice of the Supreme Court of the United States, $15,000; 8 Associate Justices, at $14,500 each; marshal, $4,500; 9 stenographic clerks, one for the Chief Justice and one for each Associate Justice, at not exceeding $2,000 each; in all, $153,500.

Circuit courts of appeals: Thirty-four circuit judges, at $7,000 each; 9 clerks of circuit courts of appeals, at $3,500 each; messenger, to act as librarian and crier, circuit court of appeals, eighth circuit, $3,000; in all, $272,500.

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

District courts: Ninety-three district judges, at $6,000 each, $558,000.

District court, Territory of Hawaii: Two judges, at $6,000 each; clerk, $3,000; reporter, $1,200; $16,200.

Retired justices and judges: To pay the salaries of the United States justices and judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1913, is hereby appropriated.

Court of Appeals, District of Columbia: Chief justice, $7,500; two associate justices, at $7,000 each; clerk, $3,250, and $250 additional as custodian of the court of claims building; assistant or deputy clerk, $2,250; reporter, $1,500; *Provided*, That the reports issued by him shall not be sold for more than $5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, $1,000; 3 messengers, at $720 each; necessary expenditures in the conduct of the clerk's office, $1,000; 3 stenographers, 1 for the chief justice and 1 for each associate justice, at $1,200 each; in all $36,510, one-half of which shall be paid from the revenues of the District of Columbia: *Provided*, That on and after July 1, 1912, the fees collected by the clerk of the Court of Appeals, District of Columbia, shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

Supreme Court, District of Columbia: Chief justice and 5 associate judges, at $6,000 each; 6 stenographers, 1 for the chief justice and 1 for each associate justice, at $900 each; in all, $41,400, one-half of which shall be paid from the revenues of the District of Columbia: *Provided*, That on and after July 1, 1912, the surplus fees collected by the clerk of the Supreme Court of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

Commissioner, Yellowstone Park: Commissioner in Yellowstone National Park, $1,500. And the provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

Books for judicial officers: For the purchase and rebinding of law books of reference for United States judges, district attorneys, and other judicial officers, including the nine libraries of the United States circuit courts of appeals, to be expended under the direction of the Attorney General: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be plainly marked "The property of the United States," $16,000.

Court of Customs Appeals: Presiding judge and 4 associate judges, at $7,000 each; marshal, $3,000; clerk, $3,500; assistant clerk, $2,000; 5 stenographic clerks, at $1,600 each; stenographic reporter, $2,500; and messenger, $840; in all, $54,840.

For rent of necessary quarters in Washington, D. C., and elsewhere, $7,000; for necessary traveling expenses of members of the court and clerk, $330; for books, periodicals, and stationery, supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing; for pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $8,000; in all, $15,330.

Court of Claims: Chief justice, $6,500; 4 judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; clerks—1 at $1,600; 2 at $1,400 each; 3 at $1,200 each; stenographer, $1,200; chief messenger, $1,000; 3 firemen; 3 watchmen; elevator conductor, $720; 2 assistant messengers; 2 laborers; 2 charwomen; in all, $56,480.

For auditors and additional stenographers, when deemed necessary, in the Court of Claims, and for a stenographer, at $1,600, for the chief justice, to be disbursed under the direction of the court, $6,000.

For stationery, court library, repairs, including repairs to bicycles, fuel, electric light, electric elevator, and other miscellaneous expenses, $3,900.

For reporting the decisions of the court and superintending the printing of the forty-seventh volume of the reports of the Court of Claims, $1,000, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

For pay of a custodian of the building occupied by the Court of Claims, $500, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

SEC. 2. The pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone-switchboard operators, assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each; assistant telephone-switchboard operators, at the rate of $600 each, and for charwomen, at the rate of $240 per annum each.

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service: *Provided*, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the fiscal year 1912; nor shall any person employed at a specific salary under this act be transferred during the fiscal year 1913 and be paid from a lump-sum

appropriation a rate of compensation greater than such specific salary and the heads of departments shall cause this provision to be enforced.

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000, or by imprisonment for not more than one year.

SEC. 5. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also, upon conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment for not more than one year.

SEC. 6. That in addition to the apportionment required by the so-called antideficiency act, approved February 27, 1906 (Stat. L., vol. 34, p. 49), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made, except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.

SEC. 7. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.

SEC. 8. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment, at Washington, D. C., shall furnish, from time to time, to the Public Printer, mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments, or to the distribution of public documents by Senators or Members of the House of Representatives, or to the folding rooms and documents rooms of the Senate or House of Representatives.

SEC. 9. That the Commerce Court created and established by the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended and for other purposes," approved June 18, 1910, be, and the same hereby is, abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days after the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

SEC. 10. That until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law, and in no other form and at no other time.

SEC. 11. That all laws or parts of laws inconsistent with this act are repealed.

The PRESIDENT pro tempore. The question is on agreeing to the amendment submitted by the Senator from North Carolina to the amendment of the Committee on Appropriations.

Mr. CLAPP. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THORNTON. Mr. President, I voted against the abolition of the Commerce Court when the question was before the Senate heretofore for the reason that I believed the court served a most valuable public service in facilitating the disposition of cases that came from the Interstate Commerce Commission. I see no reason to change my opinion, and therefore I shall vote against the amendment offered by the Senator from North Carolina.

The Secretary proceeded to call the roll.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer it to the senior Senator from Massachusetts [Mr. LODGE] and will vote. I vote "nay."

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. LIPPITT. I have a pair with the Senator from Tennessee [Mr. LEA], which I transfer to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "nay."

Mr. CULBERSON. I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. MARTINE of New Jersey. I desire to announce that my colleague [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON].

Mr. WILLIAMS (after having voted in the affirmative). Forgetting for the moment my pair, I inadvertently voted. I am paired with the Senator from Pennsylvania [Mr. PENROSE]. I transfer the pair to the Senator from Maine [Mr. GARDNER] and will allow my vote to stand.

Mr. SHIVELY. I wish to announce the necessary absence of my colleague [Mr. KERN].

Mr. POMERENE. The Senator from Maine [Mr. JOHNSON] is necessarily absent, and I have been requested to announce his pair with my colleague, the senior Senator from Ohio [Mr. BURTON].

Mr. SMOOT. I desire to announce the absence from the city of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were here, he would vote "nay." I wish this announcement to stand for the day.

Mr. LODGE. I understand that during my necessary absence I was paired with the Senator from Mississippi [Mr. PERCY]. I transfer the pair to the Senator from Tennessee [Mr. SANDERS] and will vote. I vote "nay."

Mr. CURTIS. I wish to announce that the Senator from Connecticut [Mr. BRANDEGEE] is paired with the Senator from New York [Mr. O'GORMAN]; that the Senator from New Jersey [Mr. BRIGGS] is paired with the Senator from West Virginia [Mr. WATSON]; that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Maine [Mr. JOHNSON]; that the Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY]; that the Senator from Colorado [Mr. GUGGENHEIM] is paired with the Senator from Kentucky [Mr. PAYNTER]; that the Senator from Pennsylvania [Mr. PENROSE] is paired with the Senator from Mississippi [Mr. WILLIAMS]; that the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from South Carolina [Mr. SMITH]; that the Senator from New York [Mr. ROOT] is paired with the Senator from Indiana [Mr. KERN]; that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE]; that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 35, nays 23, as follows:

YEAS—35.

Ashurst	Clapp	Martine, N. J.	Shively
Bacon	Crawford	Massey	Simmons
Bankhead	Culberson	Myers	Smith, Ariz.
Borah	Cummins	Nelson	Stone
Bourne	Fall	Newlands	Swanson
Bristow	Fletcher	Overman	Tillman
Bryan	Heyburn	Poindexter	Williams
Chamberlain	Johnston, Ala.	Pomerene	Works
Chilton	La Follette	Reed	

NAYS—23.

Burnham	Gallinger	Martin, Va.	Smoot
Catron	Jones	Oliver	Thornton
Crane	Lippitt	Page	Townsend
Cullom	Lodge	Perkins	Warren
Curtis	McCumber	Smith, Md.	Wetmore
Dillingham	McLean	Smith, Mich.	

NOT VOTING—36.

Bailey	Dixon	Johnson, Me.	Rayner
Bradley	du Pont	Kenyon	Richardson
Brandegee	Foster	Kern	Root
Briggs	Gamble	Lea	Sanders
Brown	Gardner	O'Gorman	Smith, Ga.
Burton	Gore	Owen	Smith, S. C.
Clark, Wyo.	Gronna	Paynter	Stephenson
Clarke, Ark.	Guggenheim	Penrose	Sutherland
Davis	Hitchcock	Percy	Watson

So Mr. OVERMAN'S amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. WARREN. The amendment covers the entire matter to be included, so that the bill may be put on its passage.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. Mr. President, I now ask the Senate to resume the consideration of the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I yield.

Mr. CLAPP. I will ask the Senator from Iowa if he would be willing to temporarily lay aside the unfinished business for the consideration of the bill relating to bills of lading?

Mr. CUMMINS. No, Mr. President; I do not feel that I can do that. I hope we can speedily reach a vote upon the joint resolution.

As it is printed there is a grammatical error in the amendment proposed by the committee which I desire to correct. On page 2, line 9, there is what is known as a divided infinitive, and I ask that the word "again" and the word "hold" be transposed, so that the line will read, "shall be eligible to hold again the office by election."

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 2, line 9, in the committee amendment transpose the words "again" and "hold," so as to read:

Shall be eligible to hold again the office by election.

The amendment to the amendment was agreed to.

Mr. CUMMINS. Mr. President, the Constitution of the country, Article II, section 1, is as follows:

SECTION 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice President, chosen for the same term, be elected as follows—

I need not read further at this point, because the proposed amendment concerns only the paragraph I have read.

In order, however, fully to understand its scope, I read another paragraph from Article II:

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

It is known to all Senators that Congress has provided that in the event of the death, disability, removal, or resignation of both the President and the Vice President the succession shall be through the officers ordinarily known as Cabinet officers, beginning with the Secretary of State.

I now ask the Senate to listen to the reading of the proposed amendment.

The executive power shall be vested in a President of the United States of America. The term of the office of President shall be six years; and no person who has held the office by election, or discharged its powers or duties, or acted as President under the Constitution and laws made in pursuance thereof shall be eligible to hold again the office by election.

The President, together with the Vice President chosen for the same term, shall be elected as follows:

The effect of the amendment is to render ineligible for election to the office of President any person who has theretofore held the office, speaking broadly, whether by election, whether by succession as Vice President, or whether by succession under the act of Congress.

It involves a question which has been under debate for 125 years. It began in the Constitutional Convention of 1787 and has continued until the present time.

I do not intend upon this occasion to review the debate from the historical standpoint. I refrain from doing it for two reasons. First, I desire to be brief, for I can not think that at this time in the session it is appropriate to consume much time in the discussion of a question which has been well known to the American people during the whole period of our existence as a Republic.

My second reason is the more important one. I do not review the opinions of the men of former times in regard to this subject because, as much as I venerate the memories of the statesmanship of the earlier days, I do not attach great value to their opinions upon the subject. The people of the country have changed; the Government of the country has in a large measure changed; the influences surrounding a President of the United States have changed. The problems with which both the President and Congress are compelled to deal have changed. The duties and the responsibilities of a President have been marvelously transformed. We are living in a new age. I value the trained judgment of the men who now compose the Congress of the United States, taught by their observation, broadened by their experience, far more than I value the opinions of men, however wise, who lived under different conditions, and who looked at the Government from a standpoint which we can not occupy.

I would as soon consult the great patriots, the thinkers, and statesmen of the earlier days with respect to the regulation of railways, the control of corporations, the restriction of individual wealth, as I would with regard to the propriety of confining a President to one term. It is for us looking to the

welfare of the people whom we serve, enlightened by all that has happened during the history of our country, to say whether we believe that the public good would be better attained through the limitation proposed in this joint resolution than through the custom which now prevails.

The President of the United States has more power than any other man in the world. I believe the statement I have just made will not be contradicted. I am sure that it can not successfully be overthrown. His general commission under the Constitution is to execute the laws made by Congress, interpreted by our courts. He appoints all the judges of the United States. Directly or indirectly he appoints, promotes, and demotes the nearly 400,000 men and women, exclusive of our military service, who are necessary to the maintenance and operation of our governmental functions. He is Commander in Chief of the Army and Navy and directs the movements of both. He appoints all the chief officers of the Army and the Navy without any limitation in law. He is the representative of the people of the country in their relations with foreign nations. He is always the chief figure of the Government and generally the leader of the political party to which he belongs.

It is manifest that in the discharge of these high, comprehensive duties and in the exercise of this vast power he should have an eye single to the general good. So far, I am sure, I am in accord with every thoughtful and patriotic man. He should exercise this power uninfluenced by fear or by favor. He should be as free from the temptations of ambition as he should be free from the coercion of influences that always surround one invested with great power.

We will assume that a President of the United States when he enters upon his office has been selected by reason of his great qualities, by reason of his unusual capacity, by reason of his recognized intelligence, by reason of his known devotion to the public welfare.

Mr. POMERENE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. POMERENE. The amendment as proposed extends the terms for a period of six years. Am I right in assuming that if the amendment should be adopted at some period during the ensuing term—that is, the term after March 4—the amendment would not extend that particular term of office to six years?

Mr. CUMMINS. I think the Senator is right in so assuming.

Mr. POMERENE. That was the construction I placed upon it, but I confess that it is open to some little doubt.

Mr. CUMMINS. I think when the Senator looks at it carefully he will find there is no real doubt with regard to the construction of the joint resolution in that respect. It would not extend the term of the incumbent.

Mr. POMERENE. So it would apply only to an election after the amendment had gone into effect and not to the term of office at the time it was adopted?

Mr. CUMMINS. The Senator is quite right.

I have described in a very meager way the man who ought to be elected President of the United States, and I am very glad to say that the history of the American people furnishes us many instances in which such men have been elected to the high office. We will all agree, therefore, that this man, so equipped and so invested with this power, ought to be as free as possible from all the influences that would tend to divert him or withdraw him from the path of duty. He ought to be as free as men in a world like ours can be to discharge his duty, having no other thought save to faithfully and impartially execute the laws of the land and to thus advance the general interest.

He enters the office, we will assume, with these high ideals and these noble purposes. Instantly he begins to think—I use the word "instantly" in a comparative sense—of the time when he must be renominated and reelected. At once he begins to wonder whether the American people will by renominating him and reelecting him approve what he is doing or whether by refusing a renomination and a reelection they will disapprove what he has done.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. May I ask the Senator from Iowa whether he thinks the fact that the President does realize that what he does must meet with the approval of the American people or meet with their disapproval is a bad influence hanging over him? On the other hand, is it not one of the strongest influences that can exist to give him a high purpose so his conduct may meet the approval of his fellow citizens?

Mr. CUMMINS. As is usual in every debate here, I have been asked to go forward to a part of my argument which I have not yet reached. The Senator from South Dakota must have realized that I intended to say something with regard to that phase of the subject before I finish, and I will deal with it as frankly and as candidly as it is possible to do.

I answer the question of the Senator from South Dakota at once by saying that the desire for the approval of good men is a motive for upright conduct. No one can question that conclusion.

But, Mr. President, I am not prepared to say that it is the most powerful or pervasive influence that can surround an occupant of the office of President of the United States, nor that it is the influence that always commands the conduct of a President or any other official of this or any other country.

As I was remarking, it is the most natural thing in the world that the moment the President is embarked upon his office he begins to think of the future. He begins to plan for reinstallation in the same office at the end of the term which he is serving. I am not criticizing anybody for so thinking It is just as inevitable as it is to breathe. We can not divest ourselves of these natural impulses, and, therefore, the very best man in the world is susceptible to the influence I have just suggested.

He begins to make his appointments. Do you think that it is possible for any President of the United States, I care not how men may have idealized him, I care not how upright his instinctive purposes are, to keep his eye single upon the public welfare in the selection of men who are to cooperate with him in the maintenance of the Government and forget his ambitions?

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. If we are to assume that the basis of correct conduct of this country is in accordance with the consensus of opinion of 90,000,000 people, then the thing which he ought to do is to keep his mind attentive upon the thoughts and views of that 90,000,000 people in order to know that he is serving the public.

Mr. CUMMINS. Undoubtedly, Mr. President. The Senator from Idaho has stated a fundamental proposition. That is the very thing that we desire to accomplish. We want him free from every disturbing interest and every diverting ambition so that he may look upon the good of these 90,000,000 people and look upon nothing else. We do not want him to be recalling to his mind the convention that comes near the end of his first term. We do not want him to be considering how he may secure delegates to that convention. We do not want him to be remembering how efficient a postmaster may be, or a marshal may be, or any other officer necessary to carry on the operations of the Government may be. We want him to remember just one thing, and that is that he has the laws of this country to execute, that they are made, or ought to be made, for the welfare and the benefit of all the people, without any undue benefit or advantage to any one of them. It is not for him to usurp the power or the jurisdiction of Congress. It is for him to take the laws which Congress has made and the Constitution which the people have made and with them protect and defend all the people of the United States without any discrimination whatsoever; and what we desire I am sure is to so change our Constitution that the President may be turned aside in the least possible degree from this high performance of his duty.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. LA FOLLETTE in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. The Senator from Iowa recognizes, I take it, that there is as a part of our condition now a force that is prone to secure policies that are adverse to the best interests of the entire public.

Mr. CUMMINS. I think that there are such influences surrounding all men.

Mr. CLAPP. If it is true that a man in that office can not keep his eye off from the advantage that comes to him from the influence of his power in the matter of again meeting the approval of the people, and it is necessary to withdraw his vision from that line of advantage to himself by making a prohibition against his again asking the approval of the people, is he not of that character, of that make-up, that without any in-

centive left to ask the approval of the people he is liable to yield to the influences of the other character?

Mr. CUMMINS. No; Mr. President.

Mr. CLAPP. I wish that were true.

Mr. CUMMINS. I have cherished the belief through a long life that most people are honest. I have never lost my faith in the desire of the great majority of the people of the country to render justice to their fellow men, and I have not lost my faith in the capacity of the American people to select Presidents who shall execute the laws which their Representatives in Congress pass.

I believe, however, that any scheme of Government in order to accomplish its best results must withdraw all the temptations which can be withdrawn and which are alluring to the human mind and human ambition, so that those whom we put in authority over us may exercise that authority with the least disturbing or improper influence. I do not expect that we will ever be able to organize an ideal Government. I do not expect that we will ever have an ideal President who will do everything that he does with eyes blind to everything save the public good. But I do expect that when we take away from the President of the United States the temptation constantly before him to so use his influence that it will be helpful to him in accomplishing his natural ambition of renomination and reelection he will walk a straighter course than he otherwise would. I believe that most men want nothing but the welfare of the people. I am assuming that we will be able to select such a man. I do not think one needs the lure and the glory of office in order to be well disposed toward his fellow men. I do not think that a man because he knew he could not be again elected to the office of President therefore he would not consult and be guided by the popular will and the popular good.

Mr. CLAPP. Mr. President——

Mr. CUMMINS. If I thought that, then I would despair of my Government under any form, simply because I would believe that no man could be selected from our midst with virtue enough to exercise these powers. I yield to the Senator from Minnesota.

Mr. CLAPP. I can not say that I share with the Senator in his faith. I go further than the Senator in his faith. I believe that men can be elected, and in the main are elected, who seek to serve the public. But the point I make is that if a man does subordinate his personal interests to the public service along one line of activity, and you close that line and then practically leave open the other line, withdrawing from it any penalty, that man needs as much safeguarding one way as the other. If I felt that I had to lock my barn against a man who might take my horse from the barn, I would feel as against the same man that I should lock my house that he might not take the contents of my house.

Mr. CUMMINS. I do not think the Senator from Minnesota will upon reflection assert that the instance he has just given is parallel with the case we are discussing. Of course, on the same theory we ought to have no law making any act a criminal offense, because we ought to assume that every man would comport himself in accord with the high commands of the best civilization.

We had a day or two ago before us a measure which was intended to limit the rights of individuals to make contributions to political campaigns. If the individual is not to be limited, if society as a whole should not put any restrictions upon its membership, why should we take any of these precautions that are intended to promote public morality?

Mr. CLAPP. If the Senator will pardon me, why we should take them is because there is in society that element which requires this restraint, but what I am complaining of is that the Senator's plan, instead of being the ordinary policy of legislation to impose a penalty for an offense, shuts out one avenue to selfish interests and at the same time opens up a much more dangerous avenue.

Mr. CUMMINS. I know the Senator from Minnesota is opposed to this proposition, honestly opposed to it, and he and I do not weigh these influences in the same scale.

Mr. President, I do not intend, of course, to call upon history to prove what I have just stated. I have neither the inclination to do it, nor have I, as I look at it, the time to do it; but if the Senator from Minnesota, looking back over a quarter of a century, or any other period that he may select from the history of his country, sees in these influences as they now are less injury than though they were removed, and at the same time there were removed or restricted the right of the people to reselect a man to this high office, then he is justified in reaching the conclusion that he has announced. I, for one, do not read history in that way.

I believe that there are so many instances in the past in which the great power which I have so inadequately described has been used for the purpose of securing the favor that was necessary to renomination and reelection, and I have seen so many instances when I thought that public officials had been turned aside from the path of duty which they themselves would have followed had they not been surrounded by others of great influence who had special interests to serve, that, for one, I would rather trust the man with a desire to win public approval without a reelection than to trust him, good as he may be according to the standards of human nature, subject to the influences that I have attempted to describe.

I do not agree that it is necessary, in order that a man shall desire above all other things the esteem of his fellow men, that he must attach that esteem to an office, or that he desires it only as it is to be worked out through the machinery and the manipulations of political organizations in giving him a further tenure in public life. I think it is the commonest and probably the very best attribute of human character that we do desire to stand well with those who are about us, and that we do desire to stand well with them whether we are in office or whether we are out of office. It is the only compensation of public life; it is the only real compensation of any life to win the good will and hold the good will of our fellow men.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. I simply desire to say that at the proper time, far less adequately than the Senator from Iowa, I shall use that as one of the arguments why, in my judgment, this joint resolution ought not to be adopted. One of the fundamental thoughts with me in this connection is the very thought that the Senator has emphasized so strongly and clearly.

Mr. CUMMINS. Mr. President, if I believed that a President of the United States, elected to that great office without any hope of renomination, would fall more easily under vicious influences, and could be persuaded more easily into wrong paths, than though there were before him the hope of a renomination and reelection, I would not be for this joint resolution. It depends, therefore, wholly upon our estimate of the motives which keep men most truly to the faithful performance of a public duty. I think that, upon the whole, will be accomplished more certainly and more perfectly with a limitation to a single term than if the incumbent of the office knew that he could be renominated and reelected, and knew further that he must be renominated and reelected, or else suffer the inference of a public censure.

One more suggestion, Mr. President, and then I shall have finished.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from North Dakota?

Mr. CUMMINS. Yes.

Mr. McCUMBER. If I understand the Senator's position correctly—and it appeals to me as being a splendid position—it is that we must assume generally that men intend to be honest; and, assuming that we will elect honest men to the Presidency, it needs no inducement of a second term to keep them honest. On the other hand, there may be a temptation in the shape of a second term for them to step aside from the straight path of integrity.

Mr. CUMMINS. The Senator from North Dakota has stated my position very accurately.

Mr. BORAH. Mr. President, if the Senator be correct in his position, then this amendment would seem to me to be wholly unnecessary. I do not believe that you can assume that a man is going to be honest without making this proposed amendment wholly unnecessary. But he may be honest and still feel responsive to the views and wishes of a majority of his countrymen. No man should regard alone public opinion; but it is hurtful to no man in making up his conclusion to know what a vast body of intelligent people are thinking.

Mr. CUMMINS. But, Mr. President, answering the Senator from Idaho, this is not an angelic world. There is a good deal of strife, a great deal of struggle. There is a vast difference of opinion upon nearly every subject. It is the most natural thing in the world when a President is opposed for him to use all the instruments at his hand to make his fight and to secure that indorsement, which, in the eyes of the world, he must have or stand repudiated among the people. However, Mr. President, I will not go further into that phase of it. Possibly at a later time I may again take it up; but I find myself opposed by, if I may say so, my Progressive friends, or most of them, upon

this proposition. I recognize that; and I now come to them upon their own ground. I suppose that we are all—I am speaking now mainly to the Progressives, because I know I can not assert it of all my Republican friends—in favor of the initiative. We believe that the people ought to have a right to say what their Constitution shall be. I have always believed that our forefathers, not understanding the future temper and spirit of the American people, placed too many obstacles in their path in the way of amending their fundamental law. I myself believe in this joint resolution. I believe it will be better for the people if the President could serve but one term in that office; but even if I did not believe it, it would be my duty to vote for the joint resolution, and it is the duty of every man who has any respect for the rights of the people to vote for it, in order that they may have an opportunity to say whether they want to limit their Chief Executive to a single term.

I lay down as a proposition, concerning which there can not be reasonable dispute, that whenever a respectable proportion of the people of this country demand an opportunity to determine whether a given change shall be made in their Constitution, it is our bounden duty to give them that opportunity. I know that our forefathers held a different view with respect to that subject; I know that they intended to make it almost impossible to amend the Constitution of the United States. I have never sympathized with that view. I have always in my relation to these questions, when I believed that there was a sufficient number of the people who were to be affected by the Constitution, who desired an opportunity to submit the question to a vote, that they should have the opportunity to vote.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. TOWNSEND. I quite agree with the Senator on that proposition, but I was wondering if there has been any manifestation on the part of the people that they want to amend their Constitution in that particular.

Mr. CUMMINS. I am coming to that, Mr. President. There has been a constant agitation upon this subject for 50 years or more. I said it began 125 years ago, and it did; but there has been a constantly recurring demand throughout the country for this limitation during all the time that I have known anything about public life; and it has been but a few days since the Democratic Party—and it comprises about half the people of the United States, and it may happen that in the coming November it may comprise more; at any rate, it comprises a very large and a very respectable element of American life—and that party in the most solemn way possible pledged itself to this principle, representing, as I assume, its membership, and representing, as I know, a vast number of an opposing political faith.

We can not shield ourselves here behind the belief that the people do not want to vote upon this proposition. They do want to vote upon it; and the man who stands here refusing to give them an opportunity to say for themselves what their Constitution shall be and whether they do want to put upon this office the limitation indicated in the amendment, as it seems to me, repudiates the fundamental principle which has attained in the last few years a strong place in the hearts of the people.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. Yes; I yield.

Mr. CLAPP. In the first place, while the Democratic Party embraces a large proportion of the people of this country, the convention of that party, I think, was limited to a thousand or twelve hundred delegates. I must take issue with the Senator as to the demand for this proposed amendment to the Constitution. I know the only time I ever discussed it in my State my opposition to it met with the most decided approval from a vast audience of people. While it is true the subject has been talked of, I do not believe the people are asking for it.

Mr. CUMMINS. It will do no harm to let them say that.

Mr. CLAPP. I was just going to say that I believe in leaving these things to the people and let them come from the people. Fortunately, we have in our organic law a means by which, instead of men initiating a movement of this kind in Congress, the people, if they desire a change in the Constitution, have it in their power to bring it about. Instead of being placed in a position of opposition to the things for which I stand, one of my objections to this very measure is, if there is a demand for it, I believe that it should come from the people, and the people have the means, through their State legislatures, of bringing it about.

Mr. CUMMINS. Mr. President, I know the Senator from Minnesota does not intend that what he has just said shall have the construction that I put upon it, and that I properly put upon it; but nevertheless, if he will remember, he will know that what he has just declared has been the shield behind which the Senate of the United States has for 50 years attempted to prevent certain changes in the Constitution of the United States.

Mr. CLAPP. That has been true; and amid all the problems that confront us the one thing which, in my humble opinion, is a matter of comfort and cheer is that that condition is changing, and that now the people themselves are equipping themselves with instrumentalities and the sentiment for bringing about their own desires in legislation.

Mr. CUMMINS. Mr. President, I have never been afraid of the people. It does not require a great volume of petitions or the action of many legislatures to convince me that a subject which has been one of debate and difference over so long a period of years ought to be settled by the voice of the men and women who are to be affected by it. I can not understand this reluctance to submit the question to the final arbitration of the people of the United States.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield.

Mr. GALLINGER. I did not have the pleasure of listening to all the Senator has had to say on this subject, but I rather deprecate the tendency that has grown up in this body whenever a question is up for consideration to say that "the people demand it." It is sometimes a flippant way of disposing of very important questions. It is not an easy matter offhand to determine whether the people demand things or not. I do not know whether the people have demanded some things that have been done of late years, but I am pretty sure that if they have demanded some things that have been done, they will demand that they shall be undone after a little while. That is my individual judgment.

Now, I hope—and I presume the Senator from Iowa does not need any admonition from me—that this important question that is before the Senate to-day will be discussed on its merits. I am for it. I have believed ever since I began seriously to think about political matters that it would be better if the President had one term of six years. I believe it would remove from our governmental system evils which we have all felt and about which a good many of us have complained. I think that the people ought to have an opportunity, through the legislatures, to express their view and to determine, each for itself, whether or not it is wise to make this change in our fundamental law.

But I rose particularly to say to the Senator that I will take pleasure in voting for this proposed amendment to the Constitution; and I should be glad, indeed, if it could be discussed without calling into the discussion some extraneous matters about which, perhaps, the Senator from Iowa and I disagree and about which, perhaps, there is a very broad difference of opinion in this body.

I thank the Senator for giving me the privilege of saying that much.

Mr. CUMMINS. Mr. President, I have not called into the debate any extraneous matter. During some time I presented my views in regard to the reasons which influenced me and brought me to the conclusion that this country will be more wisely governed if the President is limited to a single term. I was then proceeding to the further proposition that, if there was a sufficient proportion, or a fairly reasonable proportion, of the people of this country who believe that this amendment ought to be submitted for a vote, then we ought to submit it, even though we may not have reached finally and definitely the opinion that it would be wise in its operation. I do believe that, Mr. President, profoundly.

So far as I am concerned, I am in favor of an initiative which would permit a fair proportion of the voters of the United States to send their desires to Congress, and that, upon becoming advised of those desires, it should be our constitutional duty to submit amendments which they believe would better their condition. I for one——

Mr. CLAPP. I favor that proposition.

Mr. CUMMINS. I for one have never believed that the legislature of a State or the Congress of the United States ought to be interposed between the people and their desire to change their Constitution. The legislatures do not make the State

constitutions; the Congress of the United States did not make our National Constitution and has not made any amendments to our Constitution. That power is reserved to the people themselves or to their legislatures in the various States, and there ought to be some easier and more effective way in which those who desire an opportunity to vote upon an amendment to the Constitution may do so.

It is true that the late convention in Chicago—I mean the latest convention in Chicago—did not specifically declare for this limitation; but it did specifically declare that the people ought to have a chance to amend their Constitution whenever there was a fair expression of opinion of their wish to do so.

Mr. CLAPP. Mr. President, no one differs from the Senator on that.

Mr. CUMMINS. And if the Senator from Minnesota believes that the number of voters in this country who desire to amend their Constitution in the way provided by this resolution is so insignificant that it ought not to be heeded, then his position is well taken.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I do.

Mr. WILLIAMS. I very much dislike to interrupt the Senator from Iowa, for I am much interested in what he is talking about; but a moment ago he made the assertion that the latest Chicago convention had declared in favor of making it easier for the people to amend the Constitution. I may be wrong in my recollection, but my recollection is that it declared in favor of making it easy for the people to override the Constitution. I do not remember anything in that platform about amending the Constitution. If the Senator has a copy of the platform I should like a reference to it. It seems to me that it rather declared that the people ought to interpret their fundamental law by plebescites from time to time, and that when there was a difference between the legislative body and the judicial body it ought to be submitted to a popular election to determine which was right. If I am wrong in my recollection, I should like to have it corrected.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I yield.

Mr. BORAH. The convention which met at Chicago a few days ago, to which I suppose reference is made, did declare in specific terms for a more easy way of amending the Constitution. That was separate and aside, I think, from the principle to which the Senator has referred; but the declaration is in the platform, as the Senator from Iowa has stated.

Mr. WILLIAMS. If that be true—and I accept the statement of the Senator from Idaho, because he was one of the ex dei machina of the occasion—then I wish to express my pleasure. It has seemed to me for a long time that our forefathers had made the amendment of the Constitution somewhat more difficult than it needed to be. I do not think it ought to be easy, but I think it ought not to be difficult to the point of impracticability, at any rate.

Now, I should like to ask the Senator from Iowa another question. He has said something about not having Congress propose amendments to the Constitution. Whom would he suggest to propose such amendments? Would he let anybody who wanted to do so propose amendments?

Mr. CUMMINS. Mr. President, it is an academic inquiry made by the Senator from Mississippi——

Mr. WILLIAMS. I beg the Senator's pardon; it is entirely practical, and not academic.

Mr. CUMMINS. Because it is not related to the proposition under consideration; but I have no reluctance about answering. I think that if half the States in the Union, or even less than half, a respectably fair proportion of the States in the Union, were to unite on a proposed amendment to the Constitution and transmit it to Congress, that then it ought to be submitted; and I think, although I do not regard this as so practicable, that if a fair proportion of the voters individually were to sign a petition to Congress and present a constitutional amendment, it ought to be our constitutional duty to submit it without any regard to our own opinion of its merits.

Mr. WILLIAMS. Mr. President, I hope the Senator will pardon me just a moment longer, because this is a matter that I have had at heart for a long while, to some extent. Although I know it is a little off from the main trunk of the Senator's argument, I think the fundamental law of the country, its Consitution, ought not to be capable of being changed too readily, because it would lose its sacredness in the minds of the people. It is not, after all, courts that maintain fundamental law and constitutional restrictions upon the passions of the majority; it is public sentiment. In the long run, courts, with increased and increasing unpopularity, would break down and cease to be bulwarks for the defense of the rights of the minority against the invasions of the majority, and that is the only raison d'etre for a constitution at all. I have sometimes thought that it ought to be easier, and I wish to interject this thought into the debate in order that it may be the cause of further thought to others. It has occurred to me that if a majority of the House of Representatives, constituting a majority in representation of both the people and of the States, followed by a majority of the Senate, constituting a majority of the States, were permitted to submit or to propose constitutional amendments, and then if the proposal were ratified by a vote in the country at large, such that the vote should constitute not only a majority of the people, but a majority of the States, so as to preserve the rights of the smaller States under our system, there would be sufficient difficulty about the operation to preserve the sanctity and sacredness and constitutional fundamental obligations and at the same time enable the Government to adapt itself to changing conditions.

Mr. CUMMINS. Mr. President, I do not differ very widely with the Senator from Mississippi. I do not advocate the submission of amendments to our Constitution without the gravest deliberation. My suggestion was simply to begin the submission by an initiatory petition or by the action of a majority or a fair proportion of the States. There ought to be given, of course, the fullest time for discussion and thought in order that the people shall not hastily and without full knowledge or information express their opinion.

Mr. BORAH. Mr. President——

Mr. CUMMINS. Just a moment. But the Senator from Mississippi and I agree in one thing, anyhow, and that is that the mode prescribed by our forefathers is so restricted that it practically forbids amendments unless there be unanimity among the people and among the Members of Congress.

I now yield to the Senator from Idaho.

Mr. BORAH. Mr. President, in reference to the proposition of making it more easy to amend the Constitution and in reference to what the Progressive Party declared at Chicago, I desire to read a paragraph:

> The Progressive Party, believing that a free people should have the power from time to time to amend their fundamental law so as to adapt it progressively to the changing needs of the people, pledges itself to provide a more easy and expeditious method of amending the Federal Constitution.

I desire also, if I may, to insert in the RECORD a joint resolution introduced by the Senator from Wisconsin on the 5th day of August, covering the same subject matter.

The joint resolution (S. J. Res. 131) proposing an amendment to the Constitution of the United States was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several States, shall be valid to all intents and purposes as a part of the Constitution:

"ART. XVIII. The Congress, whenever a majority of both Houses shall deem it necessary, or on application of 10 States by resolution adopted in each by the legislature thereof, or by a majority of the electors voting thereon, shall propose amendments to this Constitution to be submitted in each of the several States to the electors qualified to vote for the election of Representatives, and the vote shall be taken at the next ensuing election of Representatives in such manner as the Congress prescribes, and if in a majority of the States a majority of the electors voting approve the proposed amendments and if a majority of all the electors voting also approve the proposed amendments, they shall be valid to all intents and purposes as part of this Constitution."

Mr. CUMMINS. I feel very much obliged to the Senator from Idaho for corroborating my recollection of the of the platform recently adopted at Chicago. I am not in harmony with all the parts of that platform, but I am in entire harmony with that part of it which has just been read, and I believe thoroughly in the general direction which is proposed in the resolution referred to by the Senator from Idaho.

Mr. WILLIAMS. I should like to ask the Senator a question.

Mr. CUMMINS. I yield.

Mr. WILLIAMS. Does he or does he not think that any proposition to make the amendment of the Constitution easier is useless if it be accompanied by another proposition, to enable a majority in an election at any time to act as official interpreters of fundamental law? What is the need of making an amendment easier when all you have to do is to get a majority vote in favor of what you and the majority please, regardless of judicial decisions if they have been contra?

Mr. CUMMINS. Mr. President, as is very well known, I am not an advocate of the proposed review of judicial decisions in a popular election. I think it is fundamentally wrong and must result in disaster whenever it is attempted among a people like ours; but that has nothing whatever to do with the question in hand. We have drifted away from the matter, and I bring Senators now back to the last proposition which I made, and I am addressing it directly to those who have agreed with me here respecting public policies. I am simply asking them if they intend to deprive the people of this country of the opportunity to say for themselves whether they want the tenure of a President limited to a single term.

It is utterly impossible, Mr. President, for any man to question the generality of the sentiment throughout the country. I do not mean, now, its universality. I know there is great difference of opinion with regard to this matter, but no man can deny that a very large number of voters of the United States want the term of a President limited to a single term. There may not be a majority of them, but there are enough of them to fairly ask the Congress of the United States that we give them the chance to decide for themselves upon this important matter.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I yield to the Senator from South Dakota.

Mr. CRAWFORD. If a resolution were pending here now proposing an amendment to the Constitution by which the decisions of our Supreme Court could be reviewed by a popular vote—and that is a question that is agitated quite a little just now—would the Senator feel obliged to give such a resolution his support, when his convictions are very strongly against it?

Mr. CUMMINS. I answer that question in this way: For years and years I believed in the sanctity and sacredness of legislative assemblies. I believed there ought to be no constitutional amendment submitted under any circumstances unless that amendment commanded the approval of the required number of the legislative branch of the Government. I have been converted with regard to that subject, and the very men who are standing here opposing this resolution are the men who have converted me. I have come to the conclusion that the initiative is right, and that when a fair proportion of the voters of a State or country ask that a proper question be submitted to them, then it is my duty to submit it and take the consequences, whatever they may be. Therefore I answer the question of the Senator from South Dakota by saying that whenever you bring to me evidence that one-half of the number of voters of this country believe in the proposal to review judicial decisions at a popular election, who are in favor of limiting a President to a single term, I will vote to submit an amendment of that character to the voters of the United States. I am not afraid, as I said before, of the voters of the country. I will trust them with a subject upon which I hold a contrary view just as completely as I would trust them with a subject upon which I was in harmony with them. I do not change my attitude with regard to the rights of the people because they may be for the moment or permanently opposed to my own opinion.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Kansas?

Mr. CUMMINS. I yield.

Mr. BRISTOW. It seems to me that it narrows down, then, to a question of opinion on the part of each individual Senator as to how many people he thinks are in favor of the submission of a certain amendment which might be proposed to the Constitution. Personally I believe that more people in the United States would prefer the Constitution so amended as to recall Federal judges than want it amended as suggested by the Senator from Iowa. I think a great many more people in the country would prefer an amendment of that kind to the one that is now pending. Would the Senator vote for such an amendment if one were proposed?

Mr. CUMMINS. Mr. President, I think the Senator from Kansas would secure an answer to that question if he would introduce a resolution of that character, and then he will discover that in many States a petition signed by 10 per cent—some 8 per cent—of the voters will require the submission of any law without the intervention of a member of a legislature. I think that proportion is too low, but would any of my brother Senators living in a State in which that was the law presume to question the propriety of submitting the law? Now, here we have no proportion. There is no such thing in our Constitution. Therefore we must judge as best we can whether there are enough people in the country who want the chance to vote upon this question to warrant us in submitting it for their determination.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I yield.

Mr. CRAWFORD. For one, I cheerfully concede that should there appear to be a positive, widespread demand among the people of the United States for the submission of such a resolution, and an opportunity to vote upon it, I would not feel, even though not in sympathy with it, that I should arbitrarily interpose my vote as a Member of this Senate against affording to the people such an opportunity; but does the Senator go so far as to contend that in any event the individual judgment of a Senator, as to the propriety of such a resolution, should weigh for nothing in determining whether or not it should be submitted, and in the absence of any convincing proof, at least to him, that there is a firm, widespread, well-fixed demand for an opportunity to vote upon such a resolution?

Mr. CUMMINS. I do not say, Mr. President, that the individual opinion of a Senator ought not to have its proper weight. There is no hard and fast rule that can be laid down for the Government of such a case as this.

I am sure that if I thought the demand was general and widespread that I could then subordinate my own opinion freely. If I thought, however, it was limited and uncertain, then I would give my opinion much greater weight, and so I think the Senator from South Dakota and I do not differ very much.

Mr. CRAWFORD. I agree with the Senator on that.

Mr. CUMMINS. Now, I ask the Senator from South Dakota this question. I do not know whether he was here during the early part of my remarks——

Mr. CRAWFORD. I think I have heard most of them.

Mr. CUMMINS. I assume he agrees that the Democratic Party represents a reasonably large proportion of our people, and I assume he agrees that the Democratic Party is composed of people whose views are entitled to fair consideration. Now, let me read to him a recent declaration of that party, which represents, I suppose, about one-half of all the voters in the United States:

> We favor a single presidential term, and to that end urge the adoption of an amendment to the Constitution making the President of the United States ineligible for reelection, and we pledge the candidate of this convention to this principle.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I do.

Mr. CRAWFORD. In regard to the declaration just read, I wish to say this to the Senator, that there has been nothing in my personal observation or experience during almost a generation, now, which leads me to believe that there is any widespread, well-founded demand for this proposed change in the Constitution. I never have, although of course such may have occurred, observed any demand for it in the discussions in this Senate until this joint resolution was introduced a few weeks ago. During the three years I have been here we have discussed nearly every possible phase of amending and changing the organic law, but not this. I have never seen a petition for any such change anywhere. I have never received a letter from a single constituent suggesting such a change, and I am constrained to believe, Mr. President, that the 1,000 delegates representing Democracy had in their minds the stalking of a great vote throughout the United States just now, and it was that apprehension that gave birth to this resolution and gives it rather undue prominence just now.

Mr. CUMMINS. Of course the last hypothesis of the Senator from South Dakota is impossible. It is not founded upon the history of this resolution.

Mr. WORKS. Mr. President, as the author of this resolution, which is now before the Senate, I have had some occasion to know something about what public sentiment is on this question. I am somewhat astonished that the Senator from South Dakota should not have heard from anyone that he was in favor of this change in the Constitution. I think I can say with perfect assurance that there is a very widespread desire on the part of the people of this country that this amendment should be adopted, and I say that from communications I have had from different parts of the country, from all classes of people, who upon seeing that such a resolution had been offered here have written to me on the subject expressing their views with respect to it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I yield to the Senator.

Mr. GALLINGER. As I said a moment ago, we are getting rather in the habit in our discussions of announcing that the people want certain things. I do not think there is any very tumultuous demand for this change in the Constitution. I unreservedly announced in the time the Senator so generously awarded me that I was for it, but I do not know of any other citizen in my State who is for it. I have not heard from a single constituent of mine in favor of it; it may be that when, as it probably will be, it is agitated in conservative New England, the people will line up for it, but I committed myself to it as one citizen of my State, not knowing that there is another citizen in the State who desires it.

If the Senator will permit me just one word further, I am going to repeat what I said a moment ago. Perhaps it is educational and illuminating in its way that extraneous matters are being brought into this discussion.

We are not going to amend the Constitution by a referendum vote. We can not do it. We can only amend it in the old-fashioned way, and that is what this resolution proposes to do, and I think we ought to focus our minds upon that fact, that if this is brought about the probabilities are that it will be brought about in the same way that other amendments have been made to the Constitution in the history of our Government.

Mr. CUMMINS. Mr. President, I agree that it has become the habit of the Senate to drift away from the very point at issue. Sometimes I have deplored the habit; sometimes I have helped to fasten it upon the Senate. I intend now, however, to offend no longer against what I recognize as a proper rule, and I shall endeavor not only to adhere to the very question itself, but to bring my observations to a speedy end.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. I yield to the Senator from Missouri.

Mr. STONE. What I propose to say is not specially pertinent to the exact question before the Senate, but when the Senator from South Dakota——

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. STONE. Just a moment. When the Senator from South Dakota referred to that clause in the Baltimore platform—really I believe it was the Senator from Iowa who read from it——

Mr. CUMMINS. I read it, Mr. President, as indicating that there was a demand in this country for this amendment.

Mr. STONE. So I understood; as contributing a little bit to the literature or history of this movement for one term for President I call attention to this fact, for it is a fact, that in 1896, when Mr. Bryan was made the candidate of the Democratic Party, in his letter of acceptance, he stated that if elected he would serve but that one term. I know he did me the honor at that time of reading his letter to me before he gave it out, and I rather protested against the insertion of that clause, thinking that he was unnecessarily depriving the country of four years more of useful service. As it turned out, of course, it did not make any particular difference. But it will be recalled that Mr. Bryan is the originator in these latter years of this movement for a one term and did it under exceptional circumstances.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. I yield for a question only.

Mr. PAGE. I thought the Senator from Iowa had resumed his seat or I would not have risen. The Chair recognized the Senator from Missouri, and the Senator from Missouri said he would yield to me in a moment, and I rose for the purpose of asking unanimous consent.

Mr. BORAH. Mr. President——

Mr. CUMMINS. I yield to the Senator from Idaho.

Mr. ASHURST. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Arizona?

Mr. CUMMINS. I yield.

Mr. ASHURST. There is a very severe storm raging outside. We over here are unable to hear what is being said on the other side of the Chamber.

Mr. BORAH. Stop the storm.

Mr. ASHURST. Senators are either not talking loud enough or are casting some reflections on the Democratic Party.

The PRESIDING OFFICER. The Chair finds it difficult to control the storm inside and can not, of course, control the storm outside.

Mr. BORAH. I want to say just a word, not in criticism of the Democratic Party, but in the way of a compliment to it. It ought to be borne in mind that while the Democratic platform covered this subject, the Democratic candidate's letter or speech of acceptance did not cover it, and that while the platform spoke, the silence of the candidate would seem to indicate that there had been at least a yielding to better judgment after the platform was adopted.

I also wish in this connection to call attention to some language of the candidate on the Democratic ticket upon this subject, not in the way of criticism, but because I particularly approve of this language, if the Senator will yield while I read a paragraph.

Mr. CUMMINS. Certainly.

Mr. BORAH. I read:

> Administration is something that men must learn, not something to skill in which they are born. Americans take to business of all kinds more naturally than any other nation ever did, and the executive duties of government constitute just an exalted kind of business; but even Americans are not Presidents in their cradles. One can not have too much preparatory training and experience who is to fill so high a magistracy. It is difficult to perceive, therefore, upon what safe ground of reason are built the opinions of those persons who regard short terms of service as sacredly and peculiarly republican in principle. If republicanism is founded upon good sense, nothing so far removed from good sense can be part and parcel of it. Efficiency is the only just foundation for confidence in a public officer, under republican institutions no less than under monarchs; and short terms which cut off the efficient as surely and inexorably as the inefficient are quite as repugnant to republican as to monarchical rules of wisdom. Unhappily, however, this is not American doctrine. A President is dismissed almost as soon as he has learned the duties of his office, and a man who has served a dozen terms in Congress is a curiosity.

Furthermore, the distinguished writer says:

> If there be one principle clearer than another, it is this: That in any business, whether of government or of mere merchandising, *somebody must be trusted*, in order that when things go wrong it may be quite plain who should be punished. In order to drive trade at the speed and with the success you desire, you must confide without suspicion in your chief clerk, giving him the power to ruin you, because you thereby furnish him with a motive for serving you. His reputation, his own honor or disgrace, all his own commercial prospects, hang upon your success. And human nature is much the same in government as in the dry-goods trade. *Power and strict accountability for its use* are the essential constituents of good government.

That is a wise statement.

> A sense of highest responsibility, a dignifying and elevating sense of being trusted, together with a consciousness of being in an official station so conspicuous that no faithful discharge of duty can go unacknowledged and unrewarded, and no breach of trust undiscovered and unpunished—these are the influences, the only influences, which foster practical, energetic, and trustworthy statesmanship.

It seems to me that there is an apparent reason why the distinguished leader of the Democratic Party did not refer to this in his speech of acceptance.

Mr. STONE. I should like to say to the Senator——

Mr. CHILTON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield, and to whom?

Mr. STONE. I simply want to congratulate the Senator from Idaho on his habit of carrying around with him the works of Dr. Wilson.

Mr. BORAH. I make it a point to gather wisdom from all sources.

Mr. CUMMINS. In the quest for wisdom the Senator from Idaho has gone far afield in this instance, in my opinion.

Mr. NELSON. Will the Senator allow me a question?

Mr. CUMMINS. Certainly.

Mr. NELSON. How does the Senator from Iowa account for the distrust of the common people that is implied in this opposition to his proposed constitutional amendment?

Mr. CUMMINS. I have been vainly inquiring about that for the last hour. We are accustomed to hear their intelligence and their patriotism vaunted, and I am vaunting it still. What I want is to try to refer to it and ascertain whether the voters of this country want their Presidents to be limited to one term, as proposed by this amendment.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from West Virginia [Mr. CHILTON], who has frequently addressed the Chair for the purpose?

Mr. CUMMINS. I yield to the Senator.

Mr. CHILTON. I wish to ask the Senator from Idaho a question. I did not understand from what authority he was reading.

Mr. BORAH. I was reading from Dr. Woodrow Wilson's work on Congressional Government.

Mr. CHILTON. I merely wished to suggest that I apprehend the book from which he was reading was written possibly before the present administration of the Government began.

Mr. BORAH. Possibly so.

Mr. CUMMINS. I can not enter upon that controversy.

Mr. CULBERSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. CULBERSON. If the Senator will yield a moment, I desire to remind the Senator from Idaho that while Gov. Wilson did not discuss this plank of the platform in his speech of acceptance, he said distinctly the next day that he indorsed the platform and he would take up the other matters in due time.

Mr. BORAH. I believe that the reflections of the governor as expressed here in this book are worthy of consideration. He may yield to his platform, but I doubt if it followed his judgment upon that.

Mr. CUMMINS. May I ask the Senator from Idaho whether, in the letter of this distinguished personage or in his views in regard to social, economic, and industrial reforms, he has not put forth in his time a great many suggestions with regard to the rights of man and the way to work them out in government, and I should like to know whether he rests as confidently upon other prominent expressions as he does upon the expression he has just read?

Mr. BORAH. I am not familiar with all of Gov. Wilson's views, but I will say that outside of a few lines in his speech of acceptance I could find no fault with his speech of acceptance. I could agree to it, outside of his statement of a tariff for revenue only, from beginning to end, so far as I now recall it.

Mr. CUMMINS. I did not refer to his speech of acceptance. I referred to his former writings. I am not disparaging them at all, but I do not believe the Senator from Idaho will bring them forward to support his views upon many of these subjects.

Mr. WILLIAMS. Mr. President——

Mr. CUMMINS. Mr. President, may I be allowed to finish?

Mr. WILLIAMS. I would not keep the Senator from doing that, but I have been very much tempted to ask just one question, if the Senator will permit me.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Mississippi?

Mr. CUMMINS. I yield.

Mr. WILLIAMS. I wish to ask the Senator from Iowa if it were thought by the Senator from Idaho that the present candidate of the Democratic Party had perhaps overwritten himself in some respects and written things at one time which later on he would not have rewritten, whether he has fallen much behind the measure of recklessness of expression in public writing that has actuated the literary career of the gentleman who presided spiritually as its hero over the destinies of the latest convention at Chicago. I should like to ask him if he ever read any of the opinions of dead Presidents that were written by the ex-President. I should like to know if the Senator from Iowa thinks the Senator from Idaho thinks that Woodrow Wilson has ever written any more carelessly than Theodore Roosevelt?

Mr. CUMMINS. I would have to refer that to the Senator from Idaho.

Mr. BORAH. I wish to say, first, I did not read the excerpt as assuming that Dr. Wilson had changed his mind at all, and certainly I did not read it assuming that he was writing recklessly, because I agree with what he says. I read it in support of the position which I take on this matter, and for the further reason that, in my judgment, when he did not touch upon the subject in his letter or speech of acceptance in all probability he was not thoroughly in harmony with it, that he did not write recklessly nor speak recklessly.

Now, so far as a comparison between the two gentlemen is concerned, comparisons are sometimes odious; but if the Colonel has written some things which he ought not to have written, he has written a vast amount of material which it is altogether to the benefit of the country that he did write.

Mr. WILLIAMS. And so with Gov. Wilson.

Mr. BORAH. I did not take any other view, and I trust the Senator from Mississippi will not become oversensitive when I quote the governor of New Jersey upon a question on which I agree with him.

Mr. WILLIAMS. The other man—Gov. Wilson—has never written a personally unkind or unjust thing. He never accused Thomas Jefferson of cowardice. He never accused James K. Polk of being unknown. He never accused Tyler of being dishonest, and he never accused the balance of that long line of Presidents of being everything else disreputable.

Mr. BORAH. The Senator ought not to touch too heavily upon the subject of what Col. Roosevelt said about Thomas Jefferson. Gov. Wilson has said about Thomas Jefferson practically the same thing Col. Roosevelt said about him. He said he was a negative character touching a philosophy in which he did not believe because it was popular. That is the substance of his statement.

Mr. WILLIAMS. Ah, that is the substance put upon it by the Senator from Idaho.

Mr. BORAH. I can read it:

> The difference between Mr. Jefferson and Gen. Jackson was not a difference of moral quality so much as a difference in social stock and breeding. Mr. Jefferson, an aristocrat, and yet a philosophical radical, deliberately practiced the arts of the politician and exhibited oftentimes the sort of insincerity which subtle natures yield to without loss of essential integrity.

Mr. WILLIAMS. That is not what Roosevelt said. He referred to him in so many terms as being timid and as being effeminate and as being various other things. In fact, I have long ago offered a chromo, and I will give it to the Senator from Idaho willingly, and pay $2.50 for it——

Mr. BORAH. I hope the Senator's picture will accompany it. That will make it a memento worth preserving.

Mr. WILLIAMS. And I will present him a chromo for any quotation from the ex-President, Mr. Roosevelt, regarding any President who ever sat in the White House, except Abraham Lincoln and himself, that was complimentary at all.

Mr. CUMMINS. Mr. President, I intend very quickly to leave the field to my distinguished friend from Idaho and my friend from Mississippi. I regret that we have drifted so far from the question under consideration, but possibly the voyage may not be barren of result.

I believe in the resolution that has been reported by the Judiciary Committee. I believe that a President without the allurement of a second term, without the temptation to exercise the power with which he is invested for any other purpose save the welfare of the people, will render a higher and better and more efficient service than one who is surrounded with all the influences that the development of this time can create and which tend to turn him aside from the path of his duty.

I believe that there is a sufficient demand on the part of the people of this country to warrant the submission of this amendment for their consideration, for their action, and I earnestly hope that the resolution will receive the approval of the Senate of the United States.

Mr. WILLIAMS. Mr. President, I wish to give notice that I shall offer a substitute for the joint resolution of the Senator from Iowa. I shall read it now and ask that it be pending to be offered at the proper time.

> The executive power shall be vested in a President of the United States of America. The term of the office of President shall be four years. He shall be re-eligible for one additional term of four years and not thereafter re-eligible at any time. No person who has held the office, for any term or fraction of a term under the Constitution and laws made in pursuance thereof shall be re-eligible beyond his second term or term and a fraction of actual service.
>
> The President, together with a Vice President chosen for the same term, shall be elected as follows:

I wish to say a few words in justification of offering the amendment.

As well as I have been able to understand the thoughts that moved our ancestors when they left the question of the re-eligibility of the President indefinite, as they have done in the written word of the Constitution, it was that every man who was a delegate to the constitutional convention realized that the new Government had to be standardized and stabilized, and, as the French would say, "taught to march." Every man realized that the first President of the United States was going to be George Washington, a man of remarkable firmness and stability of character, coupled with an equally remarkable unselfishness and patriotism.

When the first news of the draft of the new Constitution reached Mr. Jefferson in Paris, where he was then United States minister plenipotentiary, there were several things which he found objectionable. Amongst others that there was no bill of rights, and amongst still others that there was no limit put upon the indefinite reeligibility of the President. First, then, there was no proper guarding of the rights of the individual from all government. He insisted, therefore, in his letters to his friends at home—and it was upon his suggestion that the concessions were made whereby the result was attained through

proper amendments—that there ought to be within the body of the instrument itself a bill of rights retaining, preserving—buttressing, rather—the rights of the individual himself against all government; freedom of speech, freedom of religion, freedom of the press, freedom of associations, freedom from unreasonable search, freedom from causeless arrest, and the whole body of things familiarly known to us as subjects of a bill of rights.

He insisted also that there should be a direct and express reservation of the rights not granted or delegated to the Federal Government, and in one of his metaphysical moods he suggested that while he wanted the new Constitution adopted anyhow, even with its faults, because he wanted the American colonies to be in a union with one another, and to have the power to regulate and restrain trade, and to furnish a united front in the international world, in order to acquire at once the Constitution and Union, and at the same time not to have this rather undemocratic instrument as it was without the first 10 amendments permanently established with its undemocratic features incurred, it would be well that 9 States should ratify the Constitution, which under the terms of the Constitution would establish the Government, and that the other 4 States should withhold their ratification until these amendments demanded by them as conditions of ratification were adopted.

Then he added his expression of disagreement with the indefinite reeligibility of the President. He called attention to the fact that in all past history popular government had been overthrown in a majority of cases by the people themselves, who were, if I myself may so express it, "gone hero worshiping." No unpopular man ever overthrew any popular government. No popular government except by conquest or something of that outside sort was ever overthrown except by the people themselves, when the people themselves chose to make a god of a man. But he finally surrendered upon that particular point because he himself said—I am not quoting him expressly; I wish I could do it right now; I wish I had his words before me—because he said "the august personage" who "will be our first President" will not abuse the authority which will be conferred upon him nor fail properly to use the opportunity that will be given him.

He looked forward patiently for George Washington with his august unselfishness and his usual patriotism to fix the Government in its ways and then to set the example of self-denial from continuance in office after the great inaugurating which he alone could be trusted to do had been done. It might be possible in Jefferson's opinion that it would be necessary that Washington might be elected more than once or more than twice or a great many times, until the Government was "taught to march," and then he expressed the hope that after Washington's public service and the necessity of his service had expired, an amendment would be adopted which would forbid indefinite terms to future Presidents and fix a period beyond which they could not be reeligible.

I need not say that all this reasoning, which I have merely paraphrased, was sound reasoning. The history of the world shows that republican institutions everywhere where not overthrown by outside pressure have been overthrown by the people themselves, either seeking order through strong dictatorial authority to correct internal disorder or blindly making an emperor or dictator of some popular hero. Thus they themselves destroy themselves in destroying or voting away their own liberties.

In his old age Thomas Jefferson wrote a letter in which he regretted that indefinite reeligibility still existed, but admitted that perhaps after all the actual condition of things—the actual working system as historically evolved—was better than it would have been with an express inhibition of reeligibility after a fixed period, because George Washington had set an example, and such was the reverence in which the American people held him that no other man, unless a very audacious one, would ever fail to follow in his footsteps. Then, modestly referring to himself, he himself when his time came, after having received the addresses of some five or six State legislatures begging him to run for a third term, had done his best to add what authority his example carried to the authority of the example of George Washington.

Jefferson's expectation that there would be nobody with audacity enough to try to go outside of what had become the unwritten law of the American Republic—an election to two terms and no more—a rule established by the example of Washington, fortified by Jefferson's own example, to be still further fortified later on by the example of Andrew Jackson, and still further fortified in our day by the example of William McKinley, has not been entirely justified. There have been in our history two men who have had the audacity to attempt to violate the unwritten law, who have had the audacity to treat it with contempt. One of them was Gen. Grant, who was rebuked by his own party and not permitted to carry the matter any further—a great man, patriotic, true, but a soldier, and not a statesman; "overpersuaded" by the politicians who surrounded him, who themselves wanted to govern the country once more under a third administration of his. I verily believe that he subsequently regretted that he had permitted his name to be used in that way.

The other is rather a recent instance. I do not care to go into it, because it might arouse factional debate; but it is the instance of a man, at whose audacity in any particular case no man need marvel, because audacity is his habitual trait of mind. As Ed. Carmack once said of him, he is like a race horse in Tennessee, whose owner said, "His natural gait was running away." [Laughter.] He, too, has undertaken to violate the unwritten law of the Republic, after having publicly confessed its obligation and his own subjection to it. I think, while it was found exceedingly difficult to prevent a man of the heroism, patriotism, magnitude of character, and great popularity of Gen. Grant from succeeding in consummating the violation of the unwritten law, it will not be found at all difficult to prevent this gentleman from doing so.

I think the amendment which I propose to offer will cure the evil of apprehended danger from ambitious though popular men better than the amendment proposed by the Senator from Iowa [Mr. CUMMINS]. I think that, even if it did not furnish a better and more satisfactory cure, it would be more apt to be adopted by three-fourths of the States, because it expresses in written language only "the unwritten law" of the Republic, something that nearly everybody has learned to revere and love, because it has been based, unwritten as it is, upon the example of the greatest and truest and purest and least selfish, most patriotic, and most revered Americans during the entire course of our entire history, as well as upon the written warning of Abraham Lincoln, who did not live to confer upon his country the additional service of another example of self-abnegation.

The people are acquainted with the idea of my proposition. The idea is popular amongst them. It gives a President an opportunity to test the sense of the people regarding his administration. In a great majority of cases the people have reelected their Presidents a second time. I have heard it said that that was generally done because the President in power could reelect himself. I deny that. John Quincy Adams was a very able man. He did not, because he could not, reelect himself. Martin Van Buren was the most skillful manipulator, and what we would call now "political boss," of his day, and he was the legatee of all-powerful Andrew Jackson, but he did not reelect himself, though he tried it with all his might and all his patronage. Arthur, the most elegant, well-bred, courteous, and suave of men, did not reelect himself nor even renominate himself. Hayes could not do it; did not even try to do it. A majority of the Presidents have been reelected because a majority of the Presidents have deserved to be reelected. That is the honest truth of Presidents of both parties. It is a tribute to the American people that 27 men, I believe, now, have sat in the White House. I may be a little off in my ready reckoning, but in all the one hundred and thirty-odd years of the life of this Republic, with these 27 Presidents, there has never sat in the White House either a fool or a personally dishonest man. There is no line of 27 kings anywhere in the world since the world began that can furnish a parallel to that.

But there is danger in indefinite reeligibility because, as Mr. Jefferson said and as all men of sound sense must say—

> Indefiniteness of self-succession in the Executive office leads gradually in the case of popular men, who are ambitious and unscrupulous, to life tenure, and life tenure leads gradually to hereditary succession.

The more popular and the stronger and the greater the abilities of the man, the more the danger to popular institutions, to free institutions, under republican forms that man is, unless he be not only great and wise and strong and popular, but be self-restraining, unselfish, and unambitious at the same time.

Washington, in the very beginning of the Republic's existence, could have wrecked it as a Republic; there can be no doubt of that, and if he had been twice as popular as he was he could have wrecked it twice as easily. The thing that is most dangerous to the people themselves is always the human thing that the people worship. An unworshiped, an unpopular

man, could not do any harm to popular government anywhere. It is only when, being fed upon the good will of the people, he has by long tenure fortified himself to such an extent that he is capable of getting along without their good will any further that he becomes dangerous. This is the answer to Cassius's question, "Upon what food hath this our Cæsar fed?" and so forth.

The people of Rome were not very far wrong when they selected Julius Cæsar as a representative, and the best living representative, of popular institutions and popular aspirations in his time and day. He was infinitely preferable to the plutocracy represented at that time by the Roman Senate, for it was not any longer even a patriciate; it had become a plutocracy, the most contemptible of all forms of government, and yet I think that few people will be found to deny the fact that in him even they had set up one evil against another, and that their own will had stabbed their own vitals. They had gotten rid of a mean and a contemptible, though oppressive, government, and put in its place a less mean one and a less contemptible one, but an equally oppressive one, not under Julius Cæsar himself, because the man's character was such—magnanimous, forgiving, and broad minded—that while he would have kept all power in his own hands he personally would not have abused it, but in his successors whose life tenures their blind worship of him had made possible. It began earlier with Marius, when he was elected consul the sixth time, the hero of the people, followed up by the election of Julius Cæsar, his party successor in democratic leadership again and again and again. Life tenure for lesser men followed. In Rome it never became an hereditary succession, but the only reason it did not was because the legions took charge of the elections, and made it a military election in the course of time. It lasted as such until the legions even lost virility and there was established the feeble quasi hereditary Byzantine régime.

There ought not to be indefiniteness of succession in Executive office. It does not make so much difference where you put the line of demarcation, only it ought to be prescribed or else understood and fought for. In the Constitutional Convention there was an offer that no man should serve beyond 8 years in succession, and another proposition beyond 12 years in succession. Many propositions were offered, and, in my own opinion, some proposition to limit the indefiniteness of reeligibility would have been adopted except for the fact which I have mentioned. That fact I repeat. There was but one man in America at that day whom all Americans, North and South, equally trusted, and that was George Washington. There was a feeling in the minds of all men that the new Government was an experiment, and if there was any hope for success for it at all it lay in the man whom everybody had concluded to make Chief Magistrate, and that perhaps it would therefore be well to leave an indefinite tenure of office, in order that perhaps even for his lifetime he might rule the destinies of the American Republic. As I said a moment ago, Mr. Jefferson expressed that idea, though not in those precise words, in one of his letters before Washington was elected President. It would be easy, with time for research and the setting forth of the results of research, to demonstrate that many entertained it.

Washington justified their confidence. Lesser men, temporarily equally popular, but more egotistical and more selfish, may not.

"Forewarned is forearmed," except for those "whom the gods first make mad"—those who "rush in where angels fear to tread."

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day, it adjourn to meet to-morrow at 11 o'clock.

The motion was agreed to.

NAVAL APPROPRIATION BILL.

Mr. PERKINS. I present the report of the conference committee on the naval appropriation bill, and ask for its present consideration.

The PRESIDENT pro tempore. The Senator from California makes a privileged report and asks for its present consideration. The report of the committee of conference will be read.

The Secretary read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 25, 27, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 58, 61, 62, 70, 71, 72, 75, 76, 78, 80, 83, 86, 91, and 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33, 44, 45, 46, 49, 50, 51, 52, 54, 55, 59, 60, 65, 66, 67, 68, 69, 73, 74, 77, 81, 82, 84, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 115, and 117, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows:

In said amendment, in line 1, after the word "may," insert the words "with his consent"; in lines 5 and 6 strike out the words "grade from which he was retired" and in lieu thereof insert the words "same rank"; in lines 10 and 13 strike out the word "commander" and in lieu thereof insert the words "senior grade"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In said amendment, lines 5, 8, 11, and 16, after the words "commander in chief," insert the words "of the fleet."

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In said amendment, in line 2, after the words "United States," insert the following: "As amended by section 16 of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In said amendment, in line 6, after the word "received," insert the words "except pay and allowances for the unexpired period not served"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In said amendment strike out the following words: "such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers," and in lieu thereof insert the words "the island of Culion, in the Philippines"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment strike out the words "and forty-three" and "two hundred and fifty"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the following words: "and sixty-seven" and "seven hundred and seventeen"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment except the following, which is retained as a separate paragraph:

"The Secretary of the Navy is hereby authorized to exchange such quantities of potassium nitrate now in store as may not be needed in the manufacture of black powder for sodium nitrate of equal value for use in the manufacture of smokeless powder."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That the balances of appropriations unobligated on January 11, 1912, made for the naval service under the headings 'Ammunition for ships of the Navy,' 'Fire-control instruments for ships of the Navy,' 'Small arms and machine guns,' 'Torpedoes and appliances,' 'Experiments, Bureau of Ordnance,' 'New batteries for ships of the Navy,' 'Arming and equipping the Naval Militia,' 'Modernizing projectiles,' 'Modernizing turrets of ships of the Navy,' 'Naval Gun Factory, Washington, D. C.,' and 'Battle compasses,' are hereby reappropriated and shall be available for obligation until the close of the fiscal year ending June 30, 1913."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with

an amendment as follows: In said amendment strike out the following: "That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States," and in lieu thereof insert the following:

"That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental test of coal in Alaska for use on board ships of the United States Navy and for report upon coal and coal fields available for the production of coal for the use of the ships of the United States Navy or any vessel of the United States; and $345,000 of said sum, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii."

That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In said amendment strike out the words "one on the Washington or Alaska coast"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In said amendment, in line 7, after the word "Hawaii," insert the following: "at a cost not exceeding $1,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In said amendment strike out the word "eighteen" and insert in lieu thereof the word "twelve"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In said amendment strike out the word "thirty-seven" and in lieu thereof insert the word "thirty-one"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with amendments as follows: In said amendment strike out the following: "one shell house, $20,000"; strike out the word "seventy-three" and in lieu thereof insert the word "fifty-three"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In said amendment strike out the words "five million one hundred eighty-six thousand three" and in lieu thereof insert the following: "four million six hundred twenty-three thousand three hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: On page 40 of the bill, line 20, after the word "officers," insert the words "of the Dental Corps"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with amendments as follows: In said amendment restore the matter stricken out, with the following amendments: In lines 6 and 9, strike out the word "section" and in lieu thereof insert the word "act"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with amendments as follows: In said amendment restore the matter stricken out, with the following amendments: Strike out the word "ten" and in lieu thereof insert the word "thirty-five"; and on page 45 of the bill, lines 21 and 22, after the word "Vermont," strike out the words "two hundred and fifty" and in lieu thereof insert the words "three hundred"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with amendments as follows: In said amendment, in line 3, strike out the word "two" and insert in lieu thereof the word "one"; also strike out the word "battleships" and insert in lieu thereof the word "battleship"; also strike out the word "each." In line 6 strike out the word "great," and insert in lieu thereof the words "greatest desirable." In line 8 strike out the word "each"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out and inserted, insert the following: "nine million four hundred and forty-six"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out and inserted insert the following: "three hundred and fifty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out and inserted, insert the following: "seven million two hundred and sixty-five"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out and inserted, insert the following: "twenty million five hundred and sixty-nine"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out, insert the following: "No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port"; and the Senate agree to the same.

GEORGE C. PERKINS,
H. C. LODGE,
B. R. TILLMAN,
Managers on the part of the Senate.

L. P. PADGETT,
J. FRED. C. TALBOTT,
GEORGE EDMUND FOSS,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. REED. Mr. President, I wish some kind of a statement might be made to the Senate so that we will understand what disposition has been made of the important matters in the naval bill. Of course, amendments referred to by number and by number alone give us very little light. I should like to inquire what was done with reference to the battleship question?

Mr. PERKINS. Mr. President, I will state to the Senator from Missouri that all the amendments except two were previously agreed to. There is no material change in any of the other amendments, except that the provision for two battleships has been stricken out and one battleship provided for of the dreadnought type, costing $7,425,000.

The House also receded from its amendment to the Senate amendment providing for eight submarine torpedo boats instead of four, as proposed by the House. In other respects there has been no material change.

Mr. REED. I thank the Senator.

Mr. THORNTON. Mr. President, I am opposed to that part of the report which agrees to the construction of one battleship only, believing, as I do, that the Senate should insist upon the construction of two battleships. I take no stock in the argument which I have heard advanced that the one battleship, to which it seems the House has finally agreed, would equal in efficiency the two battleships which the Senate amendment had authorized. The Navy Department strongly urges the construction of two battleships, each of which should be equal in fighting efficiency to any ships now constructed and the superior of most of them; and the two battleships provided for by the Senate amendment would have met those conditions.

But the Navy Department does not believe it is practicable to construct now any one battleship that would be equal in efficiency of the two battleships authorized by the Senate bill. The Navy Department has warned us that if we cease for a single year to carry out the two-battleships-a-year program mapped out by the Government naval experts, in the course of a very few years the United States will reach the level of a fifth-rate naval power; and I for one am not willing by my action to contribute to that result.

It seems certain to me that if we expect to retain our prestige as a Nation and to enforce the policies that we have adopted with reference to other nations we must be prepared to keep our Navy up to the standard necessary to maintain that prestige and enforce those policies. According to my idea it would be a blow at the honor of the national flag if we should take any steps in the direction of curtailment of the national defense.

But I must not be understood as criticizing my brother Senators who do not coincide with my own views in this particular matter, for I assume that their motives are fully as good as my own, and least of all must I be understood as trying to place myself on a pedestal of patriotism higher than that which they occupy, for I assume that their patriotism is fully as great as my own. But I am so impressed with the correctness of my position in this matter that, although I have not seen my home nor my family since last Christmas and although I am sure that I love both as much as any Senator here can love his own, I am, if it should be necessary, in order to obtain the authorization of two battleships, willing to stay here until the term of this Congress expires; and holding these views I can not concur in the motion to adopt the report of the conference committee.

Mr. LODGE. Mr. President, it is hardly necessary for me to say that I entirely agree with the views and the criticisms made by the Senator from Louisiana [Mr. THORNTON]. No one can feel more strongly than I the necessity of two battleships annually for this country while the present condition of affairs exists throughout the civilized world.

I think, however, that the controversy which has arisen on this matter at this session has not been without its fruit. I think it has demonstrated that the American people, without regard to party, are in favor of maintaining the Navy at a point where it shall be a complete defense to the United States. I think it is evident from the almost unanimous tone of the press and from everything that can be learned elsewhere that the American people do not wish their Navy to be made the subject of party action by either party. It is a national question purely. The Navy is also our great arm of defense.

Mr. President, nothing can be clearer than that if we do not make up for what we lose this year we shall drop back to a place in which we will not be without peril among the great naval powers of the world. If we allow only one ship this year we must have three next year. The American people will not tolerate neglect of the Navy. A few years ago England undertook to economize with her Navy. To-day, in a panic almost, she is striving with feverish eagerness to recover the ground then lost. So, after dropping away from what she considered essential to her safety—the double standard—she has now doubled her program and is building vessels in the utmost haste.

Those who have followed the course of events in Europe will have noticed that England has withdrawn her Mediterranean fleet to Gibraltar. It is the first time in 200 years that she has taken a backward step in that famous sea, through which lies her route to India, and it was owing to the unwise economies she made by cutting down her naval program. If we cut down ours and build less than we ought to, we shall inevitably find ourselves doing the same thing—striving to make up for the lost time by sudden and extraordinary authorizations. It is much wiser and better to build two battleships every year and keep the fleet at the point at which it ought to be maintained. That, Mr. President, was the feeling of the Senate, as we know by the overwhelming majority in favor of two battleships; it was the feeling of the conferees.

But this session has dragged on to such a point, it is now so late in the summer, that after the recent action of the House the Senate conferees did not feel that they were justified in holding the Congress here longer in the struggle for two ships, because the next naval bill will be with us in four months, and then, if we do our duty, we will make up for what we have lost this year.

It was on that ground that the conferees, after many weeks of conference and contest, finally acceded to the compromise offered by the House. I ought also to point out that the House receded on the Senate addition with respect to submarines. The House authorized four; the Senate doubled the number; and the House acceded to it. Otherwise, as the Senator from California has said, this bill is the same as when partial agreement on the first conference report was made and agreed to here.

It is the same except for one or two slight changes made necessary by the fact that points of order were raised in the House as to new matter introduced in conference. I think the points were highly technical and of no great importance, but certain words were there which had not been used in either House, and those amendments have been modified to meet points of order in the House. Otherwise the bill is just the same as when the Senate agreed to it on the first report of the committee; and, much as I regret that we have not two battleships, I think that the wise thing for the Senate to do now is to accept the report of the conference, which is a complete agreement.

Mr. SMITH of Michigan. Mr. President, with considerable reluctance I find myself unable to agree with my associates on the committee with reference to the conference report. I think the action of the House on the battleship matter is parsimonious and not creditable, and that they will use this as a lever to put upon the country a program utterly insufficient in the future. In order that I may not be drawn into their plans in any way, I am obliged to record my vote in the negative on this question.

The PRESIDENT pro tempore. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. PERKINS. In response to various inquiries, I submit certain tables which I should like to have published in the RECORD.

The PRESIDENT pro tempore. Without objection, the tables referred to will be printed in the RECORD as requested.

The tables are as follows:

Sea strength—June 25, 1912.

In order to answer the frequent inquiries of societies and persons throughout the country interested in the maintenance of the Navy and its relative strength and importance in comparison with foreign navies the following information has been compiled:

SHIPS.

	Vessels built.									Vessels building or authorized.					
	Battleships, Dreadnought type.[1]	Battleships.[2]	Battle cruisers.[3]	Armored cruisers.	Cruisers.[4]	Destroyers.	Torpedo boats.	Submarines.	Coast-defense vessels.[5]	Battleships, Dreadnought type.	Battle cruisers.	Cruisers.	Destroyers.	Torpedo boats.	Submarines.
England[6]	14	41	5	34	[7]72	[7]151	49	65	.....	11	[7]6	[7]19	[7]50	.....	[7]22
Germany[8]	8	21	3	9	36	112	9	15	5	9	3	7	20	.....	[9]17
United States	7	25	.....	11	18	37	20	20	4	5	.....	1	13	.....	19
France	.....	20	.....	22	10	73	157	65	2	7	.....	.....	12	.....	24
Japan[10]	1	13	.....	13	12	56	54	12	2	2	4	3	2	.....	5
Russia	.....	9	.....	6	9	95	14	31	2	7	4	.....	12	.....	8
Italy	.....	8	.....	9	4	23	36	8	.....	8	.....	3	18	39	11
Austria	.....	6	.....	3	4	12	40	6	6	4	.....	3	6	12	6

[1] Battleships having a main battery of all big guns (11 inches or more in caliber).
[2] Battleships of (about) 10,000 tons or more displacement, and having more than one caliber in the main battery.
[3] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection.
[4] Includes all unarmored cruising vessels above 1,500 tons displacement.
[5] Includes smaller battleships and monitors. No more vessels of this class are being proposed or built by the great powers.
[6] England has no continuing shipbuilding policy, but usually lays down each year 5 armored ships with a proportional number of smaller vessels.
[7] Includes vessels of colonies.
[8] Germany has a continuing shipbuilding program, governed by a fleet law authorized by the Reichstag. For 1912 there are authorized 1 battleship, 1 armored cruiser, 2 cruisers, 12 destroyers. Eventual strength to consist of 41 battleships, 20 armored cruisers, 40 cruisers, 144 destroyers, 72 submarines.
[9] $3,570,000 authorized for experiments and further construction.
[10] $78,837,591 authorized to be expended from 1911 to 1917 for the construction of war vessels.

"Vessels building or authorized" includes vessels authorized but not yet laid down, as well as those actually under construction.

The following vessels are not included in the table: Ships over 20 years old unless they have been reconstructed and rearmed within five years; torpedo craft over 15 years old; transports, colliers, repair ships, converted merchant vessels, or any other auxiliaries; vessels of less than 1,500 tons, except torpedo craft; torpedo craft of less than 50 tons.

Vessels undergoing trials are considered as completed.

PERSONNEL.

Rank.	England.	France.	Germany.	Japan.	United States.
Admirals of the fleet	3	.....	2	1	(1)
Admirals	12	.....	4	7	.....
Vice admirals	22	15	13	17	.....
Rear admirals	55	30	21	45	[2] 27
Captains and commanders	634	340	321	292	211
Other line officers	2,320	1,547	1,708	1,818	1,522
Midshipmen at sea	540	60	396	154	.....
Engineer officers	912	505	487	683	.....
Medical officers	593	[3] 413	304	[4] 368	312
Pay officers	685	216	242	341	200
Chaplains	139	.....	.....	.....	23
Warrant officers	2,528	[5] 2,387	2,644	1,520	683
Enlisted men	106,704	54,734	54,338	42,043	47,847
Marine officers	420	.....	109	.....	319
Enlisted men (marines)	[6] 19,880	.....	[7] 6,070	.....	9,506
Total	135,027	60,247	66,542	47,289	60,651

[1] The Admiral of the Navy.
[2] The United States now has, temporarily, as extra numbers, due to promotion for war service, and to officers restricted by law to engineering duty on shore only, 9 flag officers, 25 captains, 4 commanders, 11 lieutenant commanders, and 1 lieutenant.
[3] Includes pharmacists and apothecaries.
[4] Includes pharmaceutical officers.
[5] Includes adjutants, premier maîtres, and maîtres of all branches.
[6] Includes 3,100 men of the Coast Guard.
[7] Marine infantry and seaman artillery.

WARSHIP TONNAGE OF THE PRINCIPAL NAVAL POWERS.

Number and displacement of warships, built and building, of 1,000 or more tons, and of torpedo craft of more than 50 tons, Dec. 1, 1911.

Type of vessel.	Great Britain.[1]				Germany.				United States.				France.			
	Built.		Building.		Built.		Building.		Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[2] (Dreadnought type)	14	286,350	11	275,000	8	164,140	9	220,000	7	141,650	5	135,000	.....	.....	7	162,868
Battleships[3] (pre-Dreadnought)	41	603,350	.....	.....	21	252,470	.....	.....	25	334,146	.....	.....	20	285,505	.....	.....
Coast-defense vessels[4]	.....	.....	.....	.....	5	20,273	.....	.....	4	12,900	.....	.....	2	15,400	.....	.....
Battle cruisers[5]	5	96,850	6	144,300	3	64,364	3	75,000	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	34	406,800	.....	.....	9	94,245	.....	.....	11	149,295	.....	.....	22	210,301	.....	.....
Cruisers[6]	72	366,805	19	95,760	36	126,549	7	38,239	18	90,158	.....	.....	10	49,978	.....	.....
Torpedo-boat destroyers	151	95,747	50	53,804	112	59,018	20	15,000	37	22,062	13	11,981	73	26,905	12	8,769
Torpedo boats	49	11,488	.....	.....	9	1,600	.....	.....	20	3,771	.....	.....	103	9,774	.....	.....
Submarines	65	21,024	14	12,400	15	5,140	17	10,200	20	4,517	19	9,264	65	21,649	24	13,062
Total tons built and total tons building	.....	1,888,414	.....	581,264	.....	787,799	.....	358,439	.....	758,499	.....	156,245	.....	619,512	.....	184,699
Total tons built and building		2,469,678				1,146,238				914,744				804,211		

Type of vessel.	Japan.				Russia.				Italy.				Austria.			
	Built.		Building.		Built.		Building.		Built.		Building.		Built.		Building.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Battleships[2] (Dreadnought type)	1	20,800	2	50,800	.....	.....	7	158,000	.....	.....	6	132,620	.....	.....	4	80,000
Battleships[3] (pre-Dreadnought)	13	191,380	.....	.....	9	122,250	.....	.....	8	95,700	.....	.....	6	74,613	.....	.....
Coast-defense vessels[4]	2	9,086	.....	.....	2	10,380	.....	.....	.....	.....	.....	.....	6	41,700	.....	.....
Battle cruisers[5]	.....	.....	4	110,000	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Armored cruisers	13	138,483	.....	.....	6	63,500	.....	.....	9	74,020	.....	.....	3	18,580	.....	.....
Cruisers[6]	12	48,753	3	14,850	9	52,845	.....	.....	4	9,870	3	9,669	4	10,533	3	10,449
Torpedo-boat destroyers	56	21,783	2	1,200	95	36,825	12	12,000	23	7,997	12	8,580	12	4,728	6	4,722
Torpedo boats	54	5,428	.....	.....	14	2,132	.....	.....	36	6,925	27	3,105	40	6,580	12	2,928
Submarines	12	2,354	5	2,166	31	6,648	8	4,800	8	1,715	11	3,760	6	1,686	6	4,200
Total tons built and total tons building	.....	438,067	.....	179,016	.....	294,580	.....	174,800	.....	196,227	.....	157,734	.....	158,420	.....	102,299
Total tons built and building		617,083				469,380				353,961				260,719		

[1] Colonial vessels included.
[2] Battleships having a main battery of all big guns (11 inches or more in caliber).
[3] Battleships of (about) 10,000 or more tons displacement, whose main batteries are of more than one caliber.
[4] Includes smaller battleships and monitors.
[5] Armored cruisers having guns of largest caliber in main battery and capable of taking their place in line of battle with the battleships. They have an increase of speed at the expense of carrying fewer guns in main battery and a decrease in armor protection.
[6] All unarmored warships of more than 1,500 tons are classed as cruisers. Scouts are considered as cruisers, in which battery and protection have been sacrificed to secure extreme speed. The word "protected" has been omitted, because all cruisers except the smallest and oldest now have protective decks.

The following vessels are not included in the tables: Ships over 20 years old, unless they have been reconstructed and rearmed within 5 years; torpedo craft over 15 years old; those not actually begun or ordered, although authorized; transports, colliers, repair ships, torpedo depot ships, or other auxiliaries; vessels of less than 1,500 tons, except torpedo craft; torpedo craft of less than 50 tons.

Vessels undergoing trials are considered as completed.

Relative order of warship tonnage.

Nation.	Present order completed.	As would be the case were vessels building now completed.
	Tons.	*Tons.*
Great Britian	1,888,414	2,469,678
Germany	787,799	1,146,238
United States	758,499	914,744
France	619,512	804,211
Japan	438,067	617,083
Russia	294,580	469,380
Italy	196,227	353,961
Austria	158,420	260,719

VOCATIONAL EDUCATION.

Mr. PAGE. I ask unanimous consent that on Wednesday, August 21, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, and that before adjournment on that calendar day the Senate will vote upon any amendment that may be pending, any amendments that may be offered to that bill—through the regular parliamentary stages—to its final disposition.

The PRESIDENT pro tempore. If the Senator from Vermont will please send the request to the desk, it will be stated.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, August 21, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, and that before adjournment on that calendar day the Senate will vote upon any amendment that may be pending, any amendments that may be offered to that bill—through the regular parliamentary stages—to its final disposition.

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of Georgia. Yes.

Mr. CUMMINS. I should like to inquire if that would displace the unfinished business if it is not disposed of before that time?

The PRESIDENT pro tempore. The Chair is of the opinion that it would not, being a unanimous-consent agreement.

Mr. CUMMINS. That it would not displace it?

The PRESIDENT pro tempore. That it would not displace it.

Mr. CUMMINS. Then I have no objection.

Mr. LODGE. What is the unanimous-consent agreement which is asked for?

The PRESIDENT pro tempore. The request will again be stated.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, August 21, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, and that before adjournment on that calendar day the Senate will vote upon any amendment that may be pending, any amendments that may be offered to that bill—through the regular parliamentary stages—to its final disposition.

Mr. LODGE. I have no objection to giving consent to take up the bill, but I think to agree to vote on a bill of that importance on the day we take it up is pressing it rather hard.

Mr. PAGE. Would you prefer to do it on the following day, Senator?

Mr. LODGE. I think the bill is of too great importance to agree by unanimous consent to take a final vote upon it at this session. Here we are in the last days of the session. This is a bill involving the expenditure of $12,000,000——

Mr. SMITH of Georgia. Sixteen million dollars.

Mr. LODGE. Sixteen million dollars, and opening up an entirely new field of United States expenditure.

I am frank to say that I have been so occupied that I do not pretend to understand the details of the bill. I am entirely friendly to vocational education, but that is a very different thing from proposing to embark the Government of the United States in it; and it seems to me that to make a unanimous-consent agreement to vote on it after one day's debate, which may be interrupted and taken up by conference reports—some large appropriation bills are still out of the Senate and the unfinished business is pending here—is asking a good deal.

Mr. SMOOT. I want to call the attention of the Senator from Vermont to the fact that we have out at the present time, either in conference or not reported to the Senate, the following appropriation bills: The Army bill, the Indian bill, the Post Office bill, the legislative bill, the sundry civil bill, the general deficiency bill. And it would be almost useless for us to give unanimous consent now with respect to any bill unless it is provided that its consideration shall not interfere with appropriation bills or conference reports.

Mr. PAGE. I am quite willing to make that provision.

Mr. SMOOT. The Senator could not make that provision if he asks for unanimous consent—as he has already asked for it—because his request is that we shall vote upon that calendar day, and that would be impossible——

The PRESIDENT pro tempore. Is there objection?

Mr. SMITH of Georgia. I understand objection has already been made. If not, I make it.

The PRESIDENT pro tempore. The Senator from Georgia objects.

Mr. PAGE. I believe it was a distinguished Senator from Arkansas who rose in his place one day and said that he proposed to talk upon a certain bill, which was then pending before the Senate, but not about it. I think I shall have to talk a few minutes upon the joint resolution offered by the Senator from Iowa [Mr. CUMMINS], but not about it.

I think I have been so modest in taking the time of the Senate in the past that it will forgive me if I take a few minutes at this time to state why I ask, as I do, the consideration of my bill at this term.

This bill was introduced into the Senate the first day of the session, in April, 1911, and was referred to the Committee on Agriculture and Forestry. After some little discussion the committee took it up, passed upon it favorably with the exception of a single vote, and directed me, as a committee of one, to take it up with the educators of the country, perfect it as best I could, and try to report the best possible bill at the following December session.

I went home, and sacrificing the greater part of my vacation, I commenced taking up this measure with the educators of the different States. I took it up with every State superintendent of public instruction, every governor, the president of every university, especially the president of all the State agricultural colleges, with the dean of the State experiment stations, with the head of all the schools that were devoted to the education of teachers, and when I came back to the Senate in December I presented a bill that I think was fairly good.

That bill was reported to the Senate on the 26th day of February last, and for weeks and weeks it has naturally been the first bill, or about the first bill, to be considered whenever the Senate has taken up the calendar for consideration. But every time the calendar has been taken up Senators have requested unanimous consent that unobjected bills be considered. I submit to Senators here that in all this time, indeed for the four years I have been in the Senate, I have never made an objection to a unanimous consent.

Mr. President, I feel that it is one of the most important bills before the Senate. I am sure the claim that it is going to take several days to consider it is wrong. I have made diligent inquiry of all the Senators that I thought designed to speak to the bill, and I think I can say truthfully that I do not believe it will take three hours to pass the bill.

I want to say to the Senator from Massachusetts [Mr. LODGE], if he will allow me, that the greatest opposition to this bill came from the State of Massachusetts. Massachusetts is one of the

most progressive States in education in the Union. They have a very able commissioner of education, Dr. Snedden. He was a distinguished educator on the Pacific coast, but Massachusetts was able to overbid the Pacific coast and they drew him to Massachusetts. Dr. Snedden prepared a complete bill which he asked me to substitute for my bill. I could not agree with Dr. Snedden in all the suggestions he made, but finally one of the commissioners of education of the State of Massachusetts, Mr. Prosser, was sent here to Washington to take up this bill with me, and he spent two hard weeks at work in perfecting this bill. The result is, I will say, to the Senator from Massachusetts, that to-day there is no State in the Union that has given a more hearty indorsement to this bill than Massachusetts I wish to read what the commissioner of education there now says about it. I quote from Dr. Snedden's letter, which I hold in my hand:

The bill seems to me to be in excellent shape, and my desire is that it shall be passed as nearly as possible in its present form. Nothing could give greater encouragement to the development of this type of education at the present time in the various States of the Union than the passage of Senate bill No. 3, and I wish you all success in your efforts.

Mr. President, New York next to Massachusetts was, perhaps, the most persistent in its opposition to the bill. One of her Congressmen, Mr. REDFIELD, of New York City, is the president of the National Association for the Promotion of Industrial Education. He came to me and said, "Senator PAGE, if you pass that bill New York will have to pay her share of the taxes, and she will get no benefit from the bill." "Why?" "Because the conditions in New York are such that the city and the rural districts will not agree that the State shall pay any part of the taxes. The result will be that under your bill, which compels the State to pay as much as the Federal Government shall appropriate, we can not receive one dollar. We shall be compelled, of course, to pay the most of any State in the Union."

After some discussion with Congressman REDFIELD we reached the agreement that the bill should be changed to read that instead of the State paying as much as the Federal Government the State or the local community should pay twice the amount paid from the Federal Treasury. That simple change solved the difficulty in New York, and to-day Congressman REDFIELD is offering no objection to the bill so far as I know.

I have put almost a year's time into this matter. I think I have written between 3,000 and 4,000 letters. There have been no protests from any State that have not been most carefully considered. The bill as it is drawn to-day, in my judgment, generally meets the views of educators all over the United States.

There is in this country what is called the National Educational Association. It met in Chicago a few days ago and passed a resolution upon this bill which I should like to read, because this is perhaps the great educational association of this country. Bear in mind, this is an old organization and that this meeting at Chicago was a most important one, being the fiftieth meeting of that organization. Here is their preamble and their resolution:

Whereas vocational choice is inseparable from the several vocations to be pursued;
Whereas the public schools have hitherto left these matters to the solution of the worker and the employer;
Whereas the increasing demands of the occupations of the home, shop, and farm are forcing upon local communities the necessity for some form of vocational training; and
Whereas the United States, in order to protect its population, by maintaining its vigor and morality, to change its large output of raw material into an output of finished product, to make it possible to fight not with armored cruisers but with brain and skilled workmanship, and to maintain its commercial prestige, demands some form of vocational training: Be it
Resolved, That this association recommends to the Federal Government—

I should like to call the attention of the Senator from Massachusetts to that point—

Resolved, That this association recommends to the Federal Government the passage of a law, under conditions clearly recognizing the autonomy of the States in adaptation to local conditions, carrying with it an appropriation sufficiently liberal to render possible its operation, which law shall have for its end the ultimate improvement of the home, shop, and farm through vocational training; that such aid be administered through the United States Bureau of Education, or a similar body; thence through the State board of control of each State to the several local boards of control in the several communities; and that such grants to such local communities and to such States be dependent upon actual results secured in such local communities and such States.

The Grange, which perhaps speaks more authoritatively for agriculture than any other of the organizations of this country, has passed resolutions favoring this bill. Prof. T. C. Atkeson, the overseer of the National Grange, says:

Now, as to the Page vocational education and the Lever extension bill—

I call the attention of the Senator from Georgia [Mr. SMITH] to this particular statement, because it shows the opinion of the Grange to-day, as to the comparative desirability of the bill introduced by him and known in the House of Representatives as the Lever bill and Senate bill No. 3.

Now, as to the Page vocational-education bill and the Lever extension bill. As a member of the National Grange legislative committee I have appeared before committees of Congress in favor of both of these measures. At the last session of the National Grange it adopted this resolution:

"*Resolved*, That the National Grange in forty-fifth annual session assembled does hereby indorse the Page bill, Senate bill, to provide for vocational education in secondary schools, the training of teachers for these schools, agricultural extension, and agricultural demonstration."

The Lever extension bill was not in existence at the time the National Grange met, so the legislative committee was left to use its own judgment as to that matter.

There are a number of considerations connected with the effort to substitute the Lever extension bill for the broader and more comprehensive Page vocational bill which we do not now care to discuss. While we have a pretty clear knowledge of the inside facts, we know of no reason just now why we should question the motives of anyone. Until the National Grange instructs us otherwise the legislative committee will stand pat on the Page bill.

Another organization that appeared here last winter at the suggestion of the junior Senator from Georgia [Mr. SMITH] to speak upon his bill was the State Bankers' Associations of the Northwest. The president of that association was Mr. Joseph Chapman, jr., of Minneapolis. I have under date of August 10 received a letter from him saying that that organization had passed upon the Page bill affirmatively:

I know you will be delighted to know that your letter to me was read in our conference and your speech delivered under date of June 6 was ordered printed in full in our proceedings, and a resolution passed strongly indorsing the Page bill. I will send you copy of the proceedings within two weeks.

I might go on and name organizations all over the country which have indorsed this bill. I want to say to the friends of vocational education that there are no exceptions to the general rule that every organization that has for its object the uplift of the American boy and girl, so far as I know, favors the Page bill.

Mr. President, we are constantly discussing the conservation of our national resources, our mines, our quarries, our forests, our water power. We spend day after day in talking about the conservation of those resources, forgetting that the greatest asset, the greatest resource of the American Nation to-day is her boys and girls, and these are passing into the dump. While the Senator from Massachusetts may say that we ought not to educate them, but that the States ought to do it themselves, I want to say to him that the universal judgment of the country now is that many of the States are too poor to do this work alone. I can point to Senators here who have told me that with the aid offered by this bill they will still be unable to do it, but the bill is so formulated that they may accept or not accept.

Judge McAdoo, the chief magistrate of New York City, says that the criminal ranks of his city are being recruited largely from the boys and girls who at 12, 13, and 14 years of age pass out into the city, some of them as bootblacks, some as newspaper boys, some as messenger boys, some in one occupation, some in another. He says they are drifting into a cheap and oftentimes criminal manhood largely because they are not being cared for in a proper school.

I dislike to take the time of Senators, for I know how anxious they are to close up the affairs of this session and go home, but if you pass this bill through the Senate at this session, it is my purpose to go home and during my vacation take up the bill with the leading educators of every State of the Union and I shall hope that their influence upon their Members of Congress will be such that next winter we may pass the bill through the House of Representatives.

If we can do that we will probably have just one year earlier start on this great measure than we shall if we do not pass the bill at this session. As some Senators here know, I spent a good part of my vacation last fall in this work, and because I am willing to do it again this year, and because I feel very deeply the necessity for this great work, I hope the Senate will take up this measure at this time and pass it.

Mr. STONE. I am afraid the Senator is a little too frank in stating his purpose. Are we to understand hereafter that the letters we get from our constituents about this bill—I am not speaking about its merits—have been written under the persuasive influence of the Senator from Vermont?

Mr. PAGE. I would be very happy to answer that question.

Mr. STONE. I am led to ask the question not so much because of its application to this particular measure, but we are all of us getting from time to time a world of letters and telegrams about this measure and other measures. Somehow we have been impressed—I have, I know—that these letters and telegrams have been inspired by somebody and that they are not the outflow of a real voluntary or spontaneous public opinion. Hence, I say that the Senator's statement is calculated to

leave the impression upon those who may receive such letters in the future that he has induced somebody to write them.

I would feel more impressed by communications of that kind if I felt that they were written simply as the spontaneous act of the correspondent rather than under the inspiration of some other powerful and influential personage.

Mr. PAGE. Mr. President, I have taken up this matter with the heads of the colleges of this country, not with the hoi polloi, which usually, I presume, attack the Senator. I have gone to the highest authority in education in this country. I have sought to make them converts to my faith, and when they have evinced any opposition to the bill, I think they have been asked to communicate their objections quite as much as their approbation; at any rate I have not sought to keep them from writing any Senator exactly how they feel. I have frequently asked them if they had any objections to the bill to communicate them to their Senators in order that I might take it up with them and try to make the bill satisfactory. However, to be absolutely frank with the Senator from Missouri, I shall have to plead guilty, in part at least, to what he charges me with.

Mr. President, I believe there is no piece of constructive legislation before this Congress so important as this; I believe there is no asset of the American people that is going to destruction as fast as the American boy; I believe there is no proposition before the American people to-day that has taken such deep hold upon their minds as this. If there is any organization which is devoted to the uplift of the American people that has not favorably passed upon this measure I do not know where it is.

I may be wrong, but I believe that the bill as now framed is nearly perfect, because when a man like Dr. Snedden says that he wants it to be passed without the change of a single line, I think that means that it is a good bill. I believe that Senators will accept what they have received from their own States in regard to the merits of this bill as authoritative, and if they do I believe that it is not going to take more than two or three hours to pass the bill, although I wish it might be discussed for two or three days. All I say can is, that I would like to have the Senate pass upon this matter now so that I may know how they feel. If they do not want me to press the measure now I hope they will so indicate now by their votes. I have said to the Senator from Iowa [Mr. CUMMINS] that on no account would I do anything discourteous to him, and that I would not move to take up the bill if he would regard it an act of discourtesy to do so.

While I am on my feet, inasmuch as I see we can not get unanimous consent, I am going to make the motion to proceed to the consideration of the bill, and in doing so I want the Senate to be perfectly frank. If there is any man here who thinks the bill ought not to be passed, I want him to vote against it.

Mr. OVERMAN. I inquire, Mr. President, if that motion is in order?

The PRESIDENT pro tempore. It is in order.

Mr. OVERMAN. It will displace the unfinished business.

Mr. LODGE. I hope the Senator will not make that motion immediately, because it is a nondebatable motion, and some of us have something we should like to say at this point.

Mr. CULBERSON. I call the attention of the Chair to the parliamentary status. If I understand it correctly, it is this: The joint resolution to amend the Constitution is before the Senate, and the Senator from Vermont is speaking, as he says, on that joint resolution, but not about it. His proposition is to make a motion to take up his bill while the joint resolution is before the Senate by unanimous consent, and I submit respectfully that it is out of order.

The PRESIDENT pro tempore. The Chair is of opinion that, under the rules, the Senator is quite in order in moving to take up another bill.

Mr. OVERMAN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from North Carolina will state it.

Mr. OVERMAN. If the motion of the Senator from Vermont is agreed to, it will displace the unfinished business, will it not?

The PRESIDENT pro tempore. It will, if it is agreed to.

Mr. LODGE. But a motion to take up another matter, thereby displacing the unfinished business, is in order at any time.

Mr. PAGE. I shall very cheerfully yield to the Senator from Massachusetts if he desires to make some remarks at this time, although I do not want to lose my place.

Mr. LODGE. The motion of the Senator cuts off any debate.

The PRESIDENT pro tempore. Absolutely.

Mr. PAGE. I withhold the motion if I may be allowed to retain my place while the Senator is debating the question.

Mr. LODGE. I should like to take about five minutes to say one or two things in regard to the bill.

Mr. PAGE. I yield the floor for that purpose.

Mr. OVERMAN. Mr. President, let me ask the Senator from Vermont a question. I voted to take up his bill the other day. There are some features of it I am heartily in favor of, as he knows; but does the Senator really think he can get this bill through at this session?

Mr. PAGE. I have no doubt of that, if the sentiment of the Senate is as I believe it to be. I want to say to the Senator that, from letters I have received from different States in the Union and from assurances I have received from Senators, I believe there are 72 Senators who favor this bill.

Mr. OVERMAN. I want to be perfectly frank with the Senator——

Mr. PAGE. If the Senator from Massachusetts or anybody else will show me that there are 25 per cent of the Senate opposed to my bill I will retire cheerfully.

Mr. OVERMAN. I want to be very frank with the Senator. I have talked with a good many Senators, and talked with the Senator from Vermont in regard to this bill. I live in the same hotel with the Senator from Vermont and have conversed with him about it and advised him against this course. I believe he is injuring the prospects for his bill. I do not believe there are a dozen Senators upon this floor who want the bill to be taken up at this time. As I have said, there are many features of the bill which I can support; but, I repeat, I do not believe there are a dozen Senators here who will advise the Senator to take the course he suggests with reference to this great bill, involving twelve or sixteen million dollars, in view of the fact that the session is about closing, when many conference reports are to come before us, and when there is demoralization on all sides. Under those circumstances I ask the Senator if he does not think it would be better to make this bill a special order for next session? We will be back here in two or three months, and then it can be taken up, discussed, and voted upon when we are fresh. We shall have nothing before us in the early part of that session but the impeachment trial, and I urge upon the Senator, as a friend of the measure to some extent, to put it off until the next session. I do not think that he is enhancing the prospects of his bill.

Mr. PAGE. If the Senator had stood, as I have stood, here for months and months, with a place of privilege upon the calendar, and yielded to everything, as I have done, for months and months—the bill will have been on the calendar for six months on the 26th day of this month—he might have a different opinion regarding the propriety of taking it up.

I desire to yield to the Senator from Massachusetts to make his remarks, but I do not wish to yield the floor.

Mr. LODGE. Mr. President, the Senator has read a number of letters from distinguished gentlemen in my State, for whom I have the greatest respect and with whom, I trust, I shall find myself in accord; but I can not hold opinions simply because they tell me to; I can not hold opinions simply because they hold them; I must have grounds for my action here more relative than that. I have been here a good many years, and I know organized pressure when I see it brought to bear. I also know, Mr. President, that many of these gentlemen are thoroughly, honestly, and sincerely in favor of this bill, and I shall be glad if I can find myself in agreement with them.

I have talked with one of them, Mr. Frederick P. Fish, of Boston, a very distinguished lawyer, who is deeply interested in the bill, who came to see me and talked to me about it at great length. He said he realized its importance and its complications, and he did not expect to see immediate action, for he understood it must be thoroughly discussed, and that there was some division of opinion even among those who favored it.

Mr. President, I do not profess to understand this bill or its provisions. I have had a great deal of work upon my hands during the last few months and I have had a great many other subjects to consider, which have absorbed all the time and attention which I had at my command. I want time to make myself understand the bill reasonably well before I vote. It is not a question of favoring vocational education. I suppose we all agree that vocational education is a very valuable thing. I believe too that many persons think that, like other forms of education, it is best in the hands of the States. The Senator waves aside that matter of involving the Government of the United States in this project; but, Mr. President, this is only one of continually recurring instances of the United States gradually absorbing the functions of the States. It is not as if the United States seized them by violence or force; on the contrary, it comes in the much more insidious way, of the people in the States themselves seeking to come within the jurisdiction of the United States, because the United States has the great National Treasury behind it.

Mr. President, I think this process of gradually absorbing the functions of the States and of the United States stepping

in more and more to take up one function after another is a very serious matter, indeed; it is much more serious than this bill or a dozen similar bills, because it can only lead to a gradual atrophy of the powers of the States.

I was not bred in the State rights school, as everyone is aware who knows anything about me; but, Mr. President, everyone familiar with our history knows that the States are older than the Constitution. The division of this country into States lies behind all our constitutions; and in the division of the country into States, in the organization of this Government by States, instead of having one great country with no State divisions, lies now, as I think always has lain, the great sheet anchor of our Government. I think, Mr. President, that when we are invited by any bill to make a new advance into new paths, to take on ourselves new functions which the States have hitherto exercised, we should look carefully at the direction in which we are going.

I do not say it ought not to be done; there are many cases which have occurred and others which will occur in which it ought to be done; but it is not a point to be pushed lightly to one side; it is one to be gravely considered when we are urged to enter upon new fields; and I, for one, want an opportunity to consider this bill. I do not say I shall speak five minutes on it; I do not say I shall vote against it—my inclination is in favor of it—but to ask us to take up a bill of this magnitude, involving an expenditure of some $16,000,000 annually, involving a new departure on the part of the United States and its entrance upon a new field—to ask this tired Senate, with a bare voting quorum, to take such a measure up in the last days of a dying session and to pass it without any serious debate or consideration—for there is no time for us to give proper consideration to it now—seems to me rather an extreme request. That we should take it up and debate it, and inform ourselves about it and learn from the Senator from Vermont in regard to it, I am only too happy to concede; but I am not ready to agree that we should take up this bill and promise to vote on it at a certain time, to-morrow or the day after, when we all know that at any moment a conference report or an appropriation bill may be here which will involve hours of debate; and we might find ourselves confronted with a unanimous-consent agreement to vote without an opportunity of discussing this measure. I think it is only fair to the Senate to give us a reasonable opportunity to take up the bill and discuss it before asking us for unanimous consent to vote upon it. Unanimous consent to vote is seldom if ever asked before there has been any debate.

Mr. PAGE. Mr. President, I want to say to the Senator from Massachusetts that I am not asking unanimous consent. My request for unanimous consent was denied. I want to say further to the Senator from Massachusetts that he is the Senator who, when my bill has come up here in the regular order, has objected to its consideration.

Mr. LODGE. I have objected to it once, and that was the other day when the Senator asked unanimous consent to fix a time for voting upon it. That is the only occasion on which I have ever objected.

Mr. PAGE. The Senator, I have no doubt——

Mr. LODGE. I gave my reasons then, which were the same as they are now.

Mr. PAGE. I have no doubt the Senator thinks he is correct about that matter, but on an occasion when the bill came up prior to that I went to the Senator from Utah [Mr. SMOOT] and said, "Senator, it seems to me that my bill is being sidetracked. I hope you will let me have an opportunity to consider it when it comes up in regular order." The Senator from Utah said, "I will see the Senator from Massachusetts [Mr. LODGE] and see what he says about it." He turned around to the Senator from Massachusetts and came back and said to me, "The Senator objects." I may be wrong about that.

Mr. LODGE. I know nothing of that, Mr. President. I do not carry private conversations to the floor, and I do not recall that one.

Mr. PAGE. I desire to say in regard to the question which the Senator has brought up concerning the autonomy of the States that the State of Massachusetts has perhaps in Mr. Fish one of the ablest educators in New England. The board of commissioners of Massachusetts have reflected his sentiments. He objected to the very points to which the Senator objects; but when they sent on their representatives from Massachusetts to aid in the revision of this bill they made important suggestions in order that the State autonomy might not be impaired. I want to read to show how the bill has been changed in that respect. I read from section 19 of the bill:

SEC. 19. In order to secure the benefit of the secondary school department fund, the industrial or home economics school fund, the district agricultural school fund, the college teachers' training fund, or the normal teachers' training fund, the board for vocational education for each State—

and that board for vocational education was the Massachusetts idea—

and the District of Columbia shall adopt, with the approval of the Secretary of the Interior, and place in operation a general administrative scheme or plan, with such modifications as may be made from time to time, for the proper distribution of moneys to school of secondary grade and to colleges and normal schools as herein provided.

Mr. Fish, I confess, is probably one of the strongest educators in New England, and it is his mind that has gone into this bill so as to take away from the Federal Government the power to control and leave the State autonomy perfect and complete.

Mr. SWANSON. Mr. President——

Mr. PAGE. If the Senator will allow me to make my motion, then I will yield.

Mr. SWANSON. I should like to make a suggestion to the Senator before he makes his motion.

Mr. PAGE. Very well.

Mr. SWANSON. Mr. President, I am favorable to the purposes sought to be accomplished by this bill. I voted the other day to take it up for consideration, but I think this is a very inopportune time for the bill to be pushed, especially as the session is fast being concluded. So I want to suggest to the Senator, as one who is favorable to this bill, with proper amendments—and if it be properly amended I expect to support it—that he consent to submit a request that this bill be made a special order for Wednesday, December 18. I believe that will accomplish better results and do more to secure its final passage and enactment into law than by pressing it at this time.

Mr. OVERMAN. On December 18?

Mr. SWANSON. December 18. There is a special order for December 16. I believe that would be the best course that could be pursued by the friends of this bill. There is scarcely a quorum here now, and it would simply be a subject of discussion and then laid aside. It has not been carefully considered, and there are certain amendments I should like to see made to it.

I hope the Senator will submit a request for such an agreement, and I believe if he does so the forces, the people who are in favor of this bill, will be able to reach a better conclusion and a better result.

Mr. PAGE. Do I understand the Senator to suggest that I ask that it be taken up at that time?

Mr. SWANSON. And made a special order.

Mr. PAGE. And carried to its final conclusion?

Mr. SWANSON. Of course.

Mr. PAGE. I think if an enemy of the bill had asked me to do that I would have objected, but I always like to take counsel of my friends, and while I would very much prefer now to have a day fixed for a vote, I will make the request for unanimous consent, as suggested by the Senator from Virginia.

The PRESIDENT pro tempore. Will the Senator please suggest the terms of the proposed unanimous-consent agreement?

Mr. LODGE. Did I understand the Senator from Virginia to suggest that we should agree to vote on the 18th day of December?

Mr. SWANSON. No.

Mr. SMITH of Georgia. No.

Mr. SWANSON. But that it be made a special order for that day.

Mr. SMITH of Georgia. Until displaced by something else.

The PRESIDENT pro tempore. The Senator from Vermont asks unanimous conset that Senate bill No. 3 be made a special order for Wednesday, December 18, 1912, not to interfere with the impeachment trial. Is there objection?

Mr. PAGE. Am I to understand that its consideration is to be continued until disposed of? I have had one or two special orders, and they have managed to sidetrack me. I should like to have the special order protect me at that time.

The PRESIDENT pro tempore. A special order can not be made to cover other days than the day specified.

Mr. SMOOT. If the special order is made for Wednesday, December 18, 1912, not to interfere with the impeachment trial—allow me to suggest this to the Senator from Vermont—upon that day the bill will come up, and if the Senator has enough votes in the Senate, and I have no doubt he has, he can at that time make the bill the unfinished business. Will not the Senator content himself with having it made the special order for the 18th, and then if there are enough votes in the Senate in favor of the measure, he can have it made the unfinished business?

Mr. PAGE. I should like to ask why my bill can not receive the same treatment that is accorded all other bills—let it come up and some time be named for a vote upon it? That is the way

we do with almost all other bills that come up here. I have had one or two special orders——

Mr. SWANSON. I suggest to the Senator that this order be made in precisely the same language in which the order is made with reference to Senate bill 4043. Then, under the rules of the Senate, if a majority of the Senators are desirous of passing this bill they can keep it before the Senate for consideration until it is passed. Then you can reach an agreement for a final vote, and there will be no difficulty in arriving at a vote if a majority of the Senators desire it.

Mr. SMOOT. That is just what I suggested.

Mr. SWANSON. That is the plan which was adopted as to Senate bill 4043, which is a bill to prohibit interstate commerce in intoxicating liquors in certain cases.

Mr. PAGE. That bill has not passed to successful issue, has it?

Mr. SWANSON. It has not. But it has been made the order for December 16. I suggest that this bill be made a special order for the 18th and taken up for consideration, and after that, if a majority of the Senate wants to continue with it, it is impossible to displace it by anything else.

Mr. PAGE. I ask unanimous consent for the following order:

It is agreed by unanimous consent that on Wednesday, December 18, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed with the consideration of the bill (S. 3) to cooperate with the States in encouraging instruction in agriculture, the trades, and industries and home economics in secondary schools; in maintaining instruction in these vocational subjects in State normal schools; in maintaining extension departments in State colleges of agriculture and mechanic arts; and to appropriate money and regulate its expenditure, and on that legislative day the Senate will proceed, without further debate, to vote upon any amendment that may be pending, any amendment that may be offered, and upon the bill—through the regular parliamentary stages—to its final disposition.

Mr. LODGE. That is entirely different from the unanimous-consent agreement suggested by the Senator from Virginia.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Vermont?

Mr. SMOOT. If we agree to that unanimous consent, it will interfere with the impeachment trial. This agreement provides for the legislative day. That may run on three or four days, and we have the impeachment trial. I certainly shall object to that.

The PRESIDENT pro tempore. Objection is made.

Mr. SMOOT. I am perfectly willing to agree that the bill be made a special order for that day, and then if a majority of the Senate so desires it can be made the unfinished business.

Mr. PAGE. I have had one or two special orders, and in every case have been sidetracked. I fear the Senator from Utah is not friendly to the bill.

Mr. SMOOT. I have not been unfriendly to it and have made these suggestions merely because of the fact that we have before us the appropriation bills and the conference reports, and on the 18th day of December we will not have any appropriation bill or any conference report to take into consideration.

Mr. PAGE. I take it the Senator from Utah will object to my bill. I waited——

Mr. SMOOT. I objected to the request for unanimous consent.

Mr. PAGE. Then I move——

Mr. CUMMINS. The Senator from Vermont is about to move to take up the bill?

Mr. PAGE. I am.

Mr. CUMMINS. Will the Senator permit me to say a word?

Mr. PAGE. Certainly.

Mr. CUMMINS. I entirely acquit the Senator from Vermont of any personal discourtesy toward me, and I recognize the importance of the bill which he desires to bring before the Senate. I am as heartily in favor of it as he is, but it is somewhat extraordinary, as it seems to me, to displace business that has already been taken up, and I hope that it will not be done.

Mr. CLAPP and Mr. SMOOT addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Vermont withhold his motion?

Mr. PAGE. I do for the moment.

Mr. CLAPP. I simply desire to say to the Senator from Vermont that in view of the statement of the Senator from Iowa, while I would otherwise be glad to vote with him to bring on the consideration of the bill in which he is interested, I would not now feel like voting for it.

Mr. TOWNSEND. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Michigan.

Mr. TOWNSEND. In case the motion which the Senator from Vermont proposes to make should carry, would this bill be the unfinished business until supplanted by something else?

The PRESIDENT pro tempore. It would be.

Mr. TOWNSEND. Then if the Senator from Vermont will yield to me a minute, I will suggest that the Senator make his motion to take up his bill immediately after the disposition of the joint resolution of the Senator from Iowa. I want to say that I do not think the Senator from Vermont [Mr. PAGE] has been treated fairly in reference to his bill. It is due perhaps to the fact that he has been a little too considerate of others, for I have noticed here that the Senators who have succeeded in getting their matters before the Senate have been those who have been the least considerate of the desires of other Senators. In fact, I have noticed that, and under the pressure of a threat to hold up the Senate or to prevent the consideration of bills by unanimous consent generally the thing a Senator desires is brought about. I am as anxious to get away from here as any man can possibly be, and I had hoped that the Senator from Vermont might be content to have the Senate take up his bill next session. But, at the same time, so far as I am concerned, I propose to vote with him in reference to the proposition he wishes to submit. He has an important measure, and he has been encouraged to believe that it would be considered at this session.

I would not object to having it supplant the matter now before the Senate, but that is from a selfish reason, because I am opposed to the proposition now pending. The Senator from Vermont can move to take up Senate bill No. 3 immediately after the pending resolution is determined, and then a majority could continue it as the unfinished business until it is disposed of or until the end of the session. We can not now fix a day for a vote, because of the uncertainties of conference reports and of adjournment, but the Senator can certainly begin consideration of his bill if a majority is so disposed.

Mr. PAGE. May I ask the Presiding Officer whether that would be a proper motion to make?

The PRESIDENT pro tempore. The Chair is not informed as to the exact nature of the suggested motion.

Mr. PAGE. That the bill be taken up for consideration at the conclusion of the joint resolution now before the Senate.

Mr. STONE. That is not it. As I understand, the proposal is that the Senator is to move to have the bill made a special order to be taken up immediately after the conclusion of the special order set for December 16.

Mr. TOWNSEND. No. The Senator did not understand me correctly.

Mr. STONE. I so understood the Senator.

Mr. TOWNSEND. The Senator did not understand me correctly; at least I did not intend to leave that impression. The proposition was that this matter be taken up immediately after the conclusion of the joint resolution of the Senator from Iowa, which is now pending before the Senate.

Mr. HEYBURN. Mr. President, that might result in prolonging the session beyond the time when otherwise Congress would adjourn. It is not a very safe proposition, because Congress may adjourn notwithstanding the motion.

Mr. MYERS. Will the Senator from Vermont yield to me for a moment?

Mr. PAGE. I yield.

Mr. MYERS. Mr. President, I have listened to this discussion, and by permission of the Senator from Vermont I wish to say a few words in connection with it.

Personally this body has always and invariably been exceedingly kind and courteous to me. As a new Senator here I have several times enjoyed what I considered very kindly consideration and very great courtesy at the hands of this body, and personally I have no cause to complain, but I am going to take the responsibility of saying a few words about the methods of doing business here.

It does not seem to me right for a bill of the importance of this bill, Senate bill No. 3, never to come to consideration during a session that lasts some eight or nine months. It seems that under the rules here there is no way of getting a bill up except by unanimous consent. I have been here month after month, and I have seen the calendar called under unanimous consent. Invariably I have obtained unanimous consent for such matters as I have desired to bring before the Senate, and personally have no cause to complain, no Senator having objected to any measure for which I asked consideration. The measures for which I asked consideration were not very important, but perhaps if they had been there would have been no objection. But I see no way, if there be objection, in which a vote on a bill on this calendar can be reached. I have never yet seen the calendar called for the consideration of bills other than by unanimous consent. And suppose a man has a bill on the calendar——

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Iowa?

Mr. MYERS. Certainly.

Mr. CUMMINS. The Senator from Montana is certainly in error about that. The Senator from Vermont is about to make a motion, and if a majority of the Senate shall vote for it, he will have that bill before the Senate; and that can be done any day.

Mr. MYERS. But I will say to the Senator from Iowa it seems that that will involve displacing a measure in which the Senator from Iowa is interested and which is the unfinished business.

Mr. CUMMINS. The Senate can not do two things at the same time. It can not be engaged in the consideration of two bills at the same time.

Mr. MYERS. And the Senator from Iowa seems to think it would be some injustice to his measure. Perhaps it would be.

Mr. SMITH of Georgia. I call the attention of the Senator from Montana to the fact that this bill was not presented until June 14.

Mr. MYERS. Does the Senator mean that it was only then introduced into this body?

Mr. SMITH of Georgia. No; I mean that the present bill, which substantially modifies the old bill, the Senator from Vermont never perfected until June 14.

Mr. MYERS. But the original bill was introduced earlier in the session?

Mr. SMITH of Georgia. But he never perfected it until the time I have stated. It is a bill which would not harmonize with any State machinery with which I am familiar. It certainly would not in our State.

Mr. MYERS. I have never been the author of a bill of this importance, but it does seem to me that a bill of this importance ought to have some way of coming to a vote without asking unanimous consent and without displacing a measure in which some other Senator is interested.

Mr. SMITH of Georgia. There have been a dozen times when, with a majority of the Senate, the Senator could have had the bill taken up, without displacing any other business.

Mr. MYERS. There may have been a dozen such times, but they seem to have been of no benefit to the Senator from Vermont. It seems to me a bill of this importance ought of its own right to have some way of coming to a vote. I sympathize with the effort of the Senator from Vermont to get this bill up for consideration, and I believe it ought to be brought up for consideration, whether there be merit in it or not, and let it be considered on its merit, and if it is not meritorious let it be defeated, and if meritorious passed. I believe it ought to be done at this session. I do not think Senators ought to be in a hurry to get away as long as there is public business here demanding attention, and I hope in some way the Senator from Vermont may be able to get consideration for his bill at this session or at an early date in the next session, whichever he may prefer.

Mr. CULBERSON. Mr. President, I call the attention of the Chair to the two unanimous-consent agreements printed on the calendar to-day. I direct particular attention to the second provision, which is to this effect:

It is agreed, by unanimous consent, that on Monday, August 19, 1912—

Which is to-day—

following the action of the Senate on S. 957, relating to bills of lading, the Senate will take up for consideration Calendar No. 348, S. 3, to cooperate with the States in encouraging instruction in agriculture, the trades, and industries—

Which is the bill of the Senator from Vermont—

That shows that this bill comes up by unanimous consent to-day at a certain time, following the action on the bill which is made the order of business by unanimous consent.

The PRESIDENT pro tempore. The Chair does not agree with the Senator for two reasons: First, that it was to follow a bill that has not as yet been considered; next, it relates to the morning hour, and when the hour of 12 o'clock arrived the unfinished business was placed before the Senate, so that, as a matter of fact, in the view of the Chair, both of these unanimous-consent agreements fell at 12 o'clock to-day.

Mr. PAGE. Mr. President, the Senator from Iowa has probably been as good a friend to this bill as anyone in the Senate. When I went to him and asked him his wishes in this matter, he said he thought he would have no objection to my making a motion that would give the Senate the alternative of continuing the consideration of his joint resolution or taking up my bill. I then thought I could do so without being discourteous to him or without doing him any wrong. But I shall not knowingly place myself where I am going to displease him in this matter. If the Senate will say to me that after he has concluded the consideration of his joint resolution I may have consideration of my bill, I will withdraw my motion. I now ask unanimous consent that at the conclusion of the consideration of the joint resolution of the Senator from Iowa my bill be taken up and made the special order, if that is a proper request, Mr. President.

The PRESIDENT pro tempore. The Chair thinks that is a proper request.

Mr. SMOOT. You desire to have it taken up for consideration?

Mr. PAGE. For consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Vermont?

Mr. WILLIAMS. Do I understand the request to be that we shall at this session take up the bill and continue here until it is disposed of?

Mr. PAGE. No, sir. I will take my chances on that. It is that after the consideration of the joint resolution is concluded we shall take up the bill, and, if we then have time to consider it properly and pass it, I should like to have it taken up, considered, and passed; but if we do not, I suppose I must be content.

Mr. WILLIAMS. I frankly say I do not want——

Mr. SMOOT. The request is that a special order be made to take it up for consideration, as I understood the Senator. We could not have an order coupled with the condition that if we have time it shall be considered. That could not be included in the order. As I understand it, the Senator from Vermont wants to have it made a special order, to be taken up for consideration.

Mr. PAGE. But I did make the suggestion that if the Senate was friendly to that request I would take my chances. I do not care to have the order made strictly according to parliamentary practice, but if it is understood that, barring the consideration of appropriation bills and conference reports, and after the joint resolution shall have been considered, my bill will be taken up, I am quite willing to leave it in that way.

The PRESIDENT pro tempore. The Chair will state the request as the Chair understands it. It is that upon the conclusion of the consideration of the joint resolution now before the Senate, Senate bill No. 3 be made a special order and be taken up for consideration. Is there objection?

Mr. WILLIAMS. I understood that the bill was to be made a special order subject to the consideration of appropriation bills and conference reports.

The PRESIDENT pro tempore. The Chair will so state it. The request is that on the conclusion of the consideration of joint resolution No. 78, it be made a special order subject to the consideration of appropriation bills and conference reports. Is there objection?

Mr. SMITH of Georgia. I rise to a parliamentary inquiry. What would be the effect of the special order? How long would it continue?

The PRESIDENT pro tempore. The Chair will suggest that it would continue until adjournment on that day, and then if not disposed of——

Mr. SMITH of Georgia. To the adjournment on that day.

The PRESIDENT pro tempore. And then it would go to the Calendar of Special Orders.

Mr. SMITH of Georgia. If it just lasts until adjournment on one day, I am willing to consent to it.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

FUR-SEAL CONVENTION.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows:

"SEC. 11. That from and after the approval of this act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of five years, and shall be, and is hereby, declared to be unlawful; and all punishments and penalties

heretofore enacted for the illegal killing of fur seals shall be applicable and inflicted upon offenders under this section: *Provided*, That this prohibtion shall not apply to the annual killing on the Pribilof Islands of such male seals as are needed to supply food, clothing, and boat skins for the natives on the islands, as is provided for in article 11 of said convention; the skins of all seals so used for food shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: *Provided further*, That at the expiration of the said five years' suspension of all commercial killing, as above provided, said killing may be resumed under authority of the Secretary of Commerce and Labor: *Provided, however*, That the number of 3-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds, to be reserved for breeding purposes, in each year ending August 1, shall not be fewer than the following: In 1917, and in each year thereafter until 1926, inclusive, 5,000. The Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000."

And the Senate agree to the same.

H. C. LODGE,
WILLIAM ALDEN SMITH,
BENJAMIN F. SHIVELY,
Managers on the part of the Senate.

WILLIAM SULZER,
H. D. FLOOD,
WILLIAM B. MCKINLEY,
Managers on the part of the House.

STATEMENT OF THE MANAGERS.

The agreement of the conferees on the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911, is a compromise between the opposing views of the two Houses. There was only one point in difference between the Houses—the length of the closed season. The Senate fixed it at 10 years, the House at 1 year. The conferees agreed upon a closed season of 5 years. A compromise was absolutely necessary, because it was essential that the bill should pass at this session, as a failure to pass it would probably lead to the loss of the treaties by which pelagic sealing has been stopped.

The report was agreed to.

Mr. LODGE. I present a letter from the Secretary of Commerce and Labor in regard to the matter of fur-seal fisheries. It is a letter addressed to me, which I ask to have printed in the RECORD without being read.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

DEPARTMENT OF COMMERCE AND LABOR,
Washington, August 19, 1912.

Hon. HENRY CABOT LODGE,
United States Senate, Washington, D. C.

MY DEAR SENATOR: While I regret that the Senate insisted upon the adoption of the committee's recommendation for a closed season of 10 years, I am glad that the question has been clearly presented and made a matter of record. It seems to be obvious to everyone that under the present system it is the one desire to serve the Government. If the right decision is made the public has the advantage, and if the wrong decision is reached the public must pay the price. I was interested, therefore, to have the matter clearly presented, and this has been done.

In my judgment sufficient weight had not been given to the question of our good faith. A reading of our negotiations must satisfy any unbiased mind that throughout our country has insisted that pelagic sealing is alone responsible for the depletion of the seal herds. This position was emphasized throughout the discussions during the convention over which I had the privilege to preside. That convention was held as a result of continued and most urgent requests on our part, and it is not too much to say that the consent of Great Britain, Japan, and Russia to the treaty was little short of a concession to our earnest request. While it is true that we reserved the right to order a closed season, it is equally clear that the compensation provided for Great Britain and Japan in such an event is in itself a recognition of a right on the part of these countries to a continued participation in the output of the seal herds. This provision was not inserted as an equivalent, but was intended as a guaranty that we would not arbitrarily deprive the other countries of their participation in the annual catch. This is emphasized by the further provision in article 10 that such restrictions may be imposed by us "as may seem necessary to protect and preserve the seal herd or to increase its number." This provision leaves no doubt that restrictions are not to be imposed arbitrarily, but only if in our judgment they are necessary to the preservation and the increase of the herd. Having taken the position throughout that pelagic sealing was the sole cause of the depletion, and having had no experience since the signing of the treaty to justify a change of policy, it appears to me that we are not in a position at this time to order a closed season in good faith.

It should be remembered also that further treaties with respect to other kindred subjects are still contemplated, and that a reversal of our position without sufficient reason must necessarily embarrass us in future negotiations with these and other countries.

Furthermore, it is to be regretted that a closed season at this time will prevent us from subjecting the question at issue to a conclusive test. With pelagic sealing stopped a few years of experience would have enabled the Government to determine once for all whether the preservation of all females and the killing of surplus males will result in the conservation of the herds. If a closed season is now ordered it will be difficult, if not impossible, to arrive at a satisfactory conclusion upon this question. A closed season for a long term of years is sure to discourage similar negotiations and, indeed, to put the seal treaty itself in jeopardy, whereas the adoption of a policy which has been advocated by every expert in and out of the service would give us the benefit of an actual test under the conditions upon which we have always insisted, and would leave Congress free to order a closed season at any time in case our experience demonstrates the incorrectness of that policy.

Again, it may not be improper to call attention to the fact that the payment of the stipulated amounts to Great Britain and Japan in the event a closed season is ordered would not represent the sole loss to us. In addition, we will lose an annual income of from $250,000 to $300,000, without figuring on the increase of the herds upon which we confidently count now that pelagic sealing has been suppressed. This loss is permanent, because the male seals that are not killed before they reach the age of five years are practically lost owing to the fact that after that age the fur is valueless.

I trust you will pardon me for adding one word as to some of the charges that were made on the floor of the Senate against the integrity of the service. It was stated, among other things, that the law of 1910 limits the killing to 3-year-old seals. This is not my understanding, nor do I believe that a careful reading of existing law will justify such an interpretation. The law of 1910 was drafted by the solicitor of this department under my supervision. It was not the purpose at that time, when pelagic sealing was still in vogue, to recommend such a restriction. No one in the department has ever understood that the law fixed a 3-year limit. On the contrary, it has been the accepted opinion that the statutory 1-year limit still obtains. By the rules of the department the limit was raised to 2-year-olds, and now since pelagic sealing has been stopped, and there is no longer danger of losing seals before they reach the most desirable age, I have in my last report recommended that the age for killing be restricted to 3-year-olds. I mention this fact because it was charged that those who are responsible for the administration upon the islands had disregarded the law. This is untrue. In killing seals under three years they acted in compliance with the rules of the department and under my instructions. Whatever responsibility there may be is mine, and I can not permit these criticisms to rest where they do not belong.

It was also said that at the time when the law of 1910 was under consideration it was understood that there would be a cessation of killing. All that I can say is that I was not a party to such an understanding. I did not create the impression by anything that I said or did, nor do I believe that it would have been proper for me to have had an understanding with members of the Senate committee about proposed legislation when that understanding was not conveyed either to the Senate or to the House or to the President, all of whom gave their consent to the law and were entitled to know the conditions upon which it was enacted. The law speaks for itself. It places the responsibility for the decision as to the killing or not killing with the Secretary, and I have exercised that discretion in the light of the best advice that it was possible to obtain. I did say that in making my decision I should be governed largely by the effect which that decision might have upon our chance to secure a treaty for the suppression of pelagic sealing. Conservation of the herds was regarded as the paramount purpose. Pelagic sealing was accepted by us as the sole cause of the depletion of the herd. The treaty to suppress pelagic sealing was our controlling purpose, and I did say that I would be governed in my decision by this consideration. This was done. Every step taken was approved by the State Department, which was then engaged in the negotiations, and the State Department was of the opinion that a cessation of killing would retard the progress of the negotiations rather than promote.

Finally, it has been said that seals have been illegally killed on the Pribilof Islands. For this statement there is, in my judgment, no justification. I have followed with care the administration upon these islands. I have visited the islands in person; have examined the returns; have instituted inquiries on this side and in England where the skins are sold; have personally interviewed members of the firm that sells the skins, and a member of the firm which has dyed nearly all

Alaska skins for a long period of years. I say, without hesitation, that there is no foundation to the charge that any seal has been killed under the age of 1 year, which is the limit fixed by the statute. More than that, there is no foundation for the charge that seals have been killed under 2 years, which is the limit fixed by the rules of the department. This charge is not made by anyone, nor is it based upon the information of anyone who has ever seen one of the seals killed or one of the skins taken. It is not based upon the accounts rendered to this Government by its officers, or by the dealers or dyers in England where the skins are disposed of, but it rests upon descriptions of the ages of seals which have been arbitrarily inserted into these accounts by an outsider without reason, justice, or fact. The charge that female seals have been killed is likewise essentially untrue. It is true, and as to this I have made careful inquiry, that while the catch of the pelagic sealers is composed of about 80 per cent of female seals, the Alaskan seals which are taken on Pribilof Islands are, to all intents and purposes, composed exclusively of male seals. I am reliably informed that these facts are capable of positive proof.

There is no difficulty whatever in distinguishing the skin of a male seal from that of a female seal, and my advices are that during this administration the skins of female seals coming from the Pribilof Islands have constituted a negligible quantity. It is true that each year a few skins of female seals are included. In the nature of things this is unavoidable. The seal is a wild animal; the selection for killing must be left to experts and, in the nature of things, a few exceptional mistakes are registered every year. The necessity for this is so obvious that if any official undertook to tell me that no mistake ever occurred, I would not credit his statement.

In conclusion I want to say that the Commissioner of Fisheries has throughout done everything in his power to urge the wisdom of having pelagic sealing suppressed. More than that, he was the first, early in 1909, to call my attention to the fact that the sealing lease would expire in the following year and to advocate the discontinuance of that system. As a result of his recommendations to me communications with the State Department looking to a renewal of the negotiations for a treaty were had some time before this matter was agitated in other quarters. And while the department was bound under the law in force to make preparation for a possible new lease, its policy throughout was to advocate a discontinuance of that system and the taking over of the seal herds by the Government in order that those herds might be properly conserved and that the Government might be free from time to time to adopt that plan which appeared to be best calculated to promote the securing of a treaty between the four nations immediately involved, and afterwards to protect the herds.

Very sincerely, yours, CHARLES NAGEL, *Secretary.*

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert: "The name of John H. Brown, late of the U. S. S. *Wordon*, United States Navy, and pay him a pension at the rate of $12 per month"; and the Senate agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the civil war, and to widows of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

BILLS OF LADING.

Mr. CLAPP. Last week we arranged by unanimous consent for taking up this morning Senate bill 957, relating to bills of lading. Of course we reached the unfinished business before we got to that bill. I ask unanimous consent that on Wednesday at the conclusion of the routine morning business the Senate will proceed to the consideration of the bill (S. 957) relating to bills of lading, such consideration, however, not to interfere with the consideration of appropriation bills or the reports of committees of conference.

The PRESIDENT pro tempore. The suggested agreement will be stated by the Secretary.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, August 21, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of Order of Business 651, the bill (S. 957) relating to bills of lading, such consideration, however, not to interfere with the consideration of appropriation bills or reports of committees of conference.

The PRESIDENT pro tempore. Is there objection to the unanimous consent requested?

Mr. CUMMINS. I am dull about these requests and can not remember from time to time what the rule is. Will the consent just asked interfere with the unfinished business?

The PRESIDENT pro tempore. Not at all. Is there objection to the request?

Mr. HEYBURN. I would inquire what effect it would have on the special order just agreed to. It may be that that will be the day upon which its consideration will terminate and this special order would follow it. We make the unanimous consent agreement to take up another bill on that day and no exception is made in favor of the special order.

Mr. CLAPP. The special order will not come up until 12 o'clock if we meet at 10. This precedes that. It may not be reached, as it was not reached to-day. I do not wish in any way or in any manner to interfere with the special order.

Mr. HEYBURN. The special order might well have been mentioned as an exception.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

CORBETT TUNNEL, SHOSHONE IRRIGATION PROJECT.

Mr. MYERS. I ask leave out of order to introduce a joint resolution.

The joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel was read twice by its title.

Mr. MYERS. I ask that the joint resolution be read, and I shall ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. CUMMINS. What is the request?

The PRESIDENT pro tempore. That the joint resolution be read and considered.

Mr. MYERS. I suggest that the joint resolution be read, and then I will ask for the consideration of it.

The PRESIDENT pro tempore. Without objection, the joint resolution will be read.

The Secretary read the joint resolution, as follows:

Resolved, etc., That there be, and is hereby, appropriated out of the Treasury of the United States the sum of $42,000, or so much thereof as may be necessary, for the payment of, and to be paid to, those persons who have and hold and who have presented or may present claims remaining unpaid on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor in the construction of the Corbett Tunnel, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States, and the Secretary of the Interior is hereby authorized and directed to forthwith and, as soon as may be, investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid on account thereof, and to whom so due, and to order the same paid hereunder.

Mr. CUMMINS. May I ask if we were to enter upon the consideration of the joint resolution at this time, would it displace the unfinished business now before the Senate?

Mr. MYERS. I do not want to displace the unfinished business at all.

Mr. SMOOT. I will ask that the joint resolution go over for a day.

The PRESIDENT pro tempore. It is a joint resolution, and if it went over under the rule it would go to a committee.

Mr. SMOOT. Has the joint resolution passed the House, or is it a Senate joint resolution?

The PRESIDENT pro tempore. It is a Senate joint resolution.

Mr. BRANDEGEE. A parliamentary inquiry. It is not necessary that the joint resolution should be referred to a committee. It could be acted upon.

The PRESIDENT pro tempore. It could be acted upon undoubtedly.

Mr. MYERS. I simply want to say that I do not see any object in referring the joint resolution to a committee. The matter which the joint resolution involves was considered for two days by the Senate practically in Committee of the Whole, and it was adopted and discussed up and down the line on both sides, and everything in relation to it, I think, both as to the law and the facts, was brought out. I do not see any use in referring the joint resolution to a committee. What would be the object? The Senate is informed about the facts of the matter, and that is the reason why I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. BRANDEGEE. If the joint resolution should pass, it would simply be reaffirming the attitude taken by the Senate, would it not?

Mr. MYERS. In a different form. This would take the money out of the Federal Treasury and would not make it a tax on the lands which yet remain to be sold of the Shoshone irrigation project.

Mr. CUMMINS. I remember very distinctly that the Senator from Utah [Mr. SMOOT], when the veto message was before the Senate, stated that he would be glad to support a direct appropriation in order to reimburse these people for their losses. I hope that he will not require it to go to a committee. All the facts are known.

Mr. SMOOT. I hardly understood the joint resolution when it was first read. It is an appropriation of $42,000?

Mr. MYERS. "Forty-two thousand dollars, or so much thereof as may be necessary."

Mr. SMOOT. In connection with the Corbett Tunnel. I shall not object to the consideration of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution? There being no objection, the joint resolution was considered as in the Committee of the Whole.

Mr. HEYBURN. I should like to hear the last sentence of the joint resolution read.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

Under any contract or contracts let for that purpose by the Government of the United States, and the Secretary of the Interior is hereby authorized and directed to forthwith and as soon as may be investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid on account thereof, and to whom so due, and to order the same paid hereunder.

Mr. HEYBURN. It is the last sentence that attracted my attention. Of course, the Secretary of the Interior can make no order for the payment of money out of the Treasury. I think that might be eliminated and then it would be paid under the previous clause in the joint resolution.

Mr. MYERS. Then, I ask that the last clause about the Secretary directing the payment be stricken out.

Mr. CUMMINS. I do not quite catch the objection of the Senator from Idaho. There will have to be some auditing officer in order to ascertain the amount to be paid.

Mr. HEYBURN. I do not object to that part of the joint resolution authorizing the Secretary to audit and determine the amount, but only to the sentence that the Secretary shall order the money to be paid.

Mr. MYERS. I ask the Secretary to read the last clause, which relates to the Secretary ordering the pay.

The PRESIDENT pro tempore. The sentence to which the Senator refers will be read.

The Secretary read as follows:

And the Secretary of the Interior is hereby authorized and directed to forthwith, and as soon as may be, investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid on account thereof, and to whom so due, and to order the same paid hereunder.

Mr. MYERS. I ask that all after the word "States" be stricken out.

The PRESIDENT pro tempore. Without objection, the words will be stricken out.

Mr. SMOOT. Let the provision be added that the Secretary of the Interior shall certify to the Secretary of the Treasury the amount due.

Mr. MYERS. I will ask that that be added, in the language of the Senator from Utah, at the end in lieu of what was stricken out.

Mr. HEYBURN. Still there is no provision directing the payment of the money. The joint resolution undertakes to make an appropriation, which is proper; then it authorizes an auditing—that is proper. Now, we should certify the result of the auditing. Then, the joint resolution should authorize, upon that certificate being filed, that the Treasurer be authorized to pay the money.

Mr. MYERS. I will ask that the exact words suggested by the Senator from Idaho be inserted. I ask that the words be added suggested by the Senator from Utah, and then the words suggested by the Senator from Idaho.

The PRESIDENT pro tempore. The joint resolution as modified will be read.

The Secretary read the joint resolution as modified, as follows:

Resolved, etc., That there be, and is hereby, appropriated, out of the Treasury of the United States, the sum of $42,000, or so much thereof as may be necessary, for the payment of and to be paid to those persons who have and hold, and who have presented or may present claims, remaining unpaid, on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor in the construction of the Corbett Tunnel, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States, and the Secretary of the Interior is hereby authorized and directed to forthwith, and as soon as may be, investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid on account thereof, and to whom so due, and to certify the amounts due to the Secretary of the Treasury, who is hereby authorized to pay the several amounts so ascertained to the persons entitled to the same.

The joint resolution was reported to the Senate, ordered to be engrossed for a third reading, read the third time, and passed.

THE PRESIDENTIAL TERM.

Mr. CUMMINS. I ask unanimous consent that the unfinished business, Senate joint resolution No. 78, may be temporarily laid aside.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

DONATION OF CANNON, ETC.

Mr. O'GORMAN. Mr. President, in a few days a monument to the memory of Gen. Sullivan, of Revolutionary fame, will be unveiled in the State of New York. The committee in

charge of the ceremonies aided in the introduction of a bill authorizing the Secretary of War to supply, in his discretion, certain unused cannon. The matter is provided for in the bill now on the calendar, Order of Business 921, House bill 24458. The bill has similar provisions respecting other States. I ask unanimous consent for the immediate consideration of the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, and so forth.

The ceremonies that I speak of will occur in a few days, and I hope there will be no objection to the passage of the bill at this time.

The PRESIDENT pro tempore. The Senator from New York asks unanimous consent for the present consideration of a bill the title of which he has stated. Is there objection to the request?

Mr. McCUMBER. I have no objection to this one bill, but I hope we can get to the calendar again this evening. When we were last on the calendar we began at Order of Business 793. That left two pension bills that were not taken up during the last consideration, one a private pension bill containing only one name, and one omnibus bill still on the calendar. I hope after we get through with the bill which the Senator from New York has called up we may go to the calendar at least for the purpose of taking up these pension bills.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with amendments.

The first amendment was, on page 1, line 4, after the words "to the," to strike out "city" and insert "village"; and in line 5, before the words "State of Illinois," to insert "county of Cook and," so as to make the clause read:

That the Secretary of War be, and he is hereby, authorized, in his discretion, to deliver to the village of Dolton, in the county of Cook and State of Illinois, for the use of the George W. Spencer Post, No. 489, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 5, after line 17, to insert:

To the State of New York, two bronze or brass fieldpieces or cannon, with their carriages and outfit of cannon balls, and so forth, not needed for service, the same to be used on the site of the Newtown Battlefield Monument to Gen. Sullivan, of Revolutionary fame.

The amendment was agreed to.

The next amendment was, on page 5, after line 22, to insert:

To the State of Utah, for the use of the Utah Indian War Veterans' Association, two condemned bronze or brass cannor or fieldpieces, the same to be subject at all times to the order of the Secretary of War.

Mr. SMOOT. On page 6, line 1, after the word "fieldpieces," I move to amend the amendment by inserting the words "with their carriages and oufit of cannon balls."

This is to make the amendment conform to all the other provisions of the bill.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, on page 6, after line 2, to insert:

To the village of Lancaster, Erie County, State of New York, two condemned bronze or brass cannon or fieldpieces, with their carriages and outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, after line 6, to insert:

To the city of Huntington, State of West Virginia, two bronze cannon or fieldpieces, with their carriages and outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, after line 10, to insert:

To the city of Oregon, State of Missouri, one small bronze cannon or fieldpiece, with its carriage and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, after line 14, to insert:

To the city of Canton, State of Illinois, two condemned bronze or brass cannon or fieldpieces, with their carriages and outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Tlre next amendment was, on page 6, after line 18, to insert:

To the city of Lancaster, N. Y., two condemned bronze or brass cannon or fieldpieces, with outfit of carriages and cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 6, after line 22, to insert:

To the cities of Andalusia and Huntsville, Ala., each two condemned bronze or brass cannon, with carriages and outfit of balls, the same to be subject at all times to the order of the Secretary of War.

Mr. OVERMAN. On page 6, line 23, after the name "Alabama," I move to amend the amendment by inserting the words "and Salisbury, N. C."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Military Affairs was, on page 7, after line 2, to insert:

To the city of Alturas, in the State of California, for the use of the General Canby Post, No. 165, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 7, after line 8, to insert:

To the city of Red Bluff, in the State of California, for the use of the Mansfield Post, No. 75, Grand Army of the Republic, two condemned fieldpieces or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 7, after line 13, to insert:

To the town of Corning, Cal., for the use of the Maywood Post, No. 184, Grand Army of the Republic, two condemned bronze or brass fieldpieces, with their carriages, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to

The next amendment was, on page 7, after line 19, to insert:

To the town of Anderson, Cal., two condemned bronze or brass cannon or fieldpieces, with their carriages, for the use of Winchester Post, No. 186, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, at the top of page 8, to insert:

To the town of Columbia, Cal., for the use of the Columbia Post, No. 141, Grand Army of the Republic, two condemned mortars or cannon, with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 8, after line 5, to insert:

To the city of Redding, Cal., for use at E. F. Winslow Post, No. 79, Grand Army of the Republic, two condemned 12-pound bronze or brass cannon or fieldpieces, with their carriages, with a suitable amount of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 8, after line 11, to insert:

To the town of Newcastle, State of California, for the use of Colonel E. D. Baker Post, Grand Army of the Republic, two condemned bronze or brass cannon or fieldpieces, with their carriages, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 8, after line 16, to insert:

To the city of Downieville, State of California, for use at John C. Fremont Post, No. 152, Grand Army of the Republic, two small condemned bronze cannon, with their carriages and six cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 8, after line 22, to insert:

To the city of San Andreas, Cal., two condemned bronze cannon, mounted on carriages, for use at Chickamauga Post, No. 115, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

To the city of Nevada City, Cal., two obsolete pieces of ordnance, together with their carriages for mounting, and 12 cannon balls, for use at Chattanooga Post, No. 115, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

To the city of Auburn, Cal., two condemned 12-pound bronze cannon, for use at Belmont Post, No. 101, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

The next amendment was, on page 9, after line 13, to insert:

To the city of Placerville, Cal., two condemned bronze or brass cannon or fieldpieces, together with their carriages and 12 cannon balls, for use at Placerville Post, No. 108, Grand Army of the Republic, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Mr. JONES. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Washington will be stated.

The SECRETARY. It is proposed to insert at the end of the bill the following:

To each of the cities of Olympia, North Yakima, Ellensburg, Walla Walla, Vancouver, Wenatchee, Bellingham, and Everett, State of Washington, two bronze cannon or fieldpieces, with their carriages and outfit of cannon balls, the same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Mr. POMERENE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. To follow the amendment just adopted, it is proposed to insert:

To the city of Bellevue, Ohio, two condemned bronze or brass cannon or fieldpieces, with their carriages and with a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

Mr. WILLIAMS. Mr. President, if it be in order, I should like to suggest another amendment:

Also one bronze cannon at some place in Mississippi to be hereafter selected.

[Laughter.]

Mr. BACON. I hope I may be permitted to amend that by putting Georgia also in the same category. The place has not yet been selected, but I have no doubt it would like to have the cannon.

Mr. MARTINE of New Jersey. I do not believe there are cannon enough to go around, Mr. President. [Laughter.]

Mr. BRADLEY. Mr. President, they want to shoot some down in Kentucky [laughter], and so I move an amendment to be inserted after the one just offered by the Senator from Ohio and agreed to.

The PRESIDENT pro tempore. The amendment of the Senator from Kentucky will be stated.

The SECRETARY. After the amendment just adopted it is proposed to add:

To the city of Lancaster, Ky., one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Mr. SMITH of Michigan. After the amendment providing for Kentucky I desire to add an amendment providing a bronze cannon with suitable outfit for Hillsdale, Mich.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Michigan will be stated.

The SECRETARY. It is proposed to add after the amendment just inserted:

To the city of Hillsdale, Mich., one condemned bronze or brass cannon or fieldpiece, with carriage and a suitable outfit of cannon balls.

Mr. TOWNSEND. In the amendment offered by the senior Senator from Michigan, with reference to Hillsdale, I desire to add a similar provision to apply to Jackson and Ann Arbor.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. Insert in the amendment offered by the senior Senator from Michigan [Mr. SMITH] the words "Jackson and Ann Arbor," so as to make the amendment read:

To each of the cities of Hillsdale, Jackson, and Ann Arbor, in the State of Michigan, one condemned bronze or brass cannon or fieldpiece, with carriage and suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. BACON. Mr. President, I desire to move an amendment to provide for cannon and cannon balls for the State capitol grounds in Atlanta, Ga.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendments heretofore adopted, insert:

To the city of Atlanta, Ga., to adorn the State capitol grounds in that city, one condemned brass or bronze cannon, with suitable outfit of cannon balls.

The PRESIDENT pro tempore. Will the Senator from Georgia give the Chair his attention? Did the Senator's amendment provide for one or two cannon?

Mr. BACON. Just as many as we may be permitted to secure. I think about four for the capitol grounds would be appropriate.

Mr. SMITH of Georgia. There are four corners to the grounds. [Laughter.]

Mr. BACON. It is a quadrangle, and I think one at each corner would be very appropriate for the grounds around the capitol building.

The PRESIDENT pro tempore. The amendment as modified will be stated.

The SECRETARY. It is proposed to insert:

To the city of Atlanta, Ga., for the adornment of the State capitol grounds in that city, four condemned bronze or brass cannon or fieldpieces, with their carriages, and with a suitable outfit of cannon balls for each, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Mr. CRAWFORD. I will ask that immediately after that some provision be made for the State capitol grounds at Pierre, S. Dak.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To the city of Pierre, S. Dak., for the adornment of the State capitol grounds in that city, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls for each, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Mr. CATRON. Mr. President, immediately following the amendment that has just been agreed to I ask that a similar amendment be inserted providing cannon for the State capitol grounds at Santa Fe, N. Mex.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. It is proposed to insert:

To the city of Santa Fe, N. Mex., for the adornment of the State capitol grounds in that city, four condemned bronze or brass cannon or fieldpieces, with their carriages and a suitable outfit of cannon balls, same to be subject at all times to the order of the Secretary of War.

The amendment was agreed to.

Mr. MARTINE of New Jersey. Mr. President, I beg to say that the State of New Jersey is not asking for any cannon. I desire to say at the same time that the little State of New Jersey furnished more troops for the late war, according to her population, than any other State in the Union. I have no further request to make.

The PRESIDENT pro tempore. Without objection, the proviso, on page 5, lines 15, 16, and 17, will be transposed to come in after the amendments agreed to at the end of the bill. The Secretary will state the proviso.

The Secretary read as follows:

Provided, That no expense shall be incurred by the United States through the delivery of any of the foregoing condemned military equipment.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrassed, and the bill to be read a third time.

The bill was read a third time and passed.

PENSIONS AND INCREASE OF PENSIONS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected pension bills on the calendar. There are only four of them and one contains only a single name, and we can dispose of them in a very few minutes.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota? The Chair hears none and the first pension bill on the calendar will be stated.

The bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war was announced as the first pension bill in order, and the Senate, as in Committee of the Whole, proceeded to its consideration. The bill had been reported from the Committee on Pensions with amendments.

The first amendment of the Committee on Pensions was, on page 2, line 7, before the word "Ohio," to insert "Regiment," so as to make the clause read:

The name of Ephraim A. Adams, late of Company D, Twelfth Regiment Ohio Volunteer Infantry, and Company H, Twenty-third Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 3, line 15, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of David R. Shockey, late of Company G, Twenty-second Regiment Iowa Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 4, line 7, before the word "dollars," to strike out "twenty-four" and insert "twelve," so as to make the clause read:

The name of William T. Bowden, late of Company C, Tenth Regiment Rhode Island Volunteer Infantry, and pay him a pension at the rate of $12 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, at the top of page 5, to strike out:

The name of Seborn J. Mullins, late of Company B, First Regiment Georgia Volunteers, and pay him a pension at the rate of $17 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 14, after the word "Massachusetts," to strike out "Volunteers" and insert "Volunteer Infantry," so as to make the clause read:

The name of Alexander Hastings, late of Company H, Sixth Regiment Massachusetts Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 5, line 19, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Richard J. Burges, late of Company A, First Regiment Rhode Island Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

Mr. McCUMBER. I hope the Senate will disagree to the committee amendment from information which has since come to our attention.

The amendment was rejected.

The next amendment was, on page 7, line 3, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Jacob Lutz, late of Company F, Sixty-sixth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 7, line 19, before the word "Missouri," to insert "Regiment," so as to make the clause read:

The name of Godfrey Ferber, late of Company C, Fourth Regiment Missouri Volunteer Infantry, and Battery C, Second Regiment Missouri Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 8, line 23, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Lester J. Dack, late of Company L, Tenth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, line 15, before the word "Illinois," to insert "Regiment," so as to make the clause read:

The name of William Denham, late of Company E, Fifth Regiment Tennessee Volunteer Infantry, and Company I, Sixty-sixth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 9, after line 17, to strike out:

The name of David C. Marshall, late of Companies M and A, Sixth Regiment New York Volunteer Heavy Artillery, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, line 1, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Andrew Row, late of Company A, Forty-eighth Regiment Indiana Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 10, after line 14, to strike out:

The name of Sarah B. Scott, widow of William G. Scott, late of First Battalion Sixteenth Regiment United States Infantry and hospital steward United States Army, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 10, line 23, before the word "widow," to insert "former," so as to make the clause read:

The name of Olga H. Updegraff, former widow of James C. Updegraff, late of Third Battery Indiana Volunteer Light Artillery, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 11, line 5, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of John T. Stansbury, late of Alexander's Baltimore Battery Maryland Volunteer Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 13, after line 20, to strike out:

The name of Annie Oleson, widow of Ole Oleson, second, late of Company H, Thirteenth Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 14, line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Joseph H. George, late of Company I, Forty-ninth Regiment Illinois Volunteer Infantry, and Company I, Fourth Regiment Veteran Reserve Corps, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 15, line 11, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Lucretia Tanner, former widow of Elijah Kelsey, late of Company G, Fifty-eighth Regiment New York State Militia Infantry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 15, after line 16, to strike out:

The name of Dora Emmons, widow of James Emmons, late of Company F, Tenth Regiment New Jersey Volunteer Infantry, and pay her a pension at the rate of $12 per month.

Mr. McCUMBER. I hope the amendment will be rejected.

The amendment was rejected.

The next amendment was, on page 16, line 3, before the word "Indiana," to insert "Regiment," so as to make the clause read:

The name of John F. Trulock, late of Company H, Ninety-first Regiment Indiana Volunteer Infantry, and Company D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 16, line 13, before the word "Maine," to insert "Regiment," so as to make the clause read:

The name of Abbie J. Genthner, helpless and dependent child of Isaiah Genthner, late of Third Battery Maine Volunteer Light Artillery, and Company G, Second Regiment Maine Volunteer Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The next amendment was, on page 17, line 5, before the words "United States Infantry," to insert "Regiment," so as to make the clause read:

The name of Thomas Butler, late of Company F, First Regiment Wisconsin Volunteer Cavalry, and Company C, Thirty-seventh Regiment United States Infantry, and pay him a pension at the rate of $50 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 17, line 14, before the words "United States Cavalry," to insert "Regiment," so as to make the clause read:

The name of Anson B. Carney, late of Company B, Eightieth Regiment New York Volunteer Infantry, and Company G, Fifth Regiment United States Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, after line 10, to strike out:

The name of Chesley Goldsby, late of Companies A and B, Eighteenth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 20, line 18, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of Henry W. Eno, late of Company K, One hundred and sixteenth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 1, before the word "dollars," to strike out "thirty" and insert "twenty-four," so as to make the clause read:

The name of John Howard, late of Company C, Second Regiment New York Volunteer Mounted Rifles, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, after line 14, to strike out:

The name of Thomas Tigue, alias Thomas Tobin, late of Company C, Twenty-second Regiment New York Volunteer Cavalry, and pay him a pension at the rate of $20 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 21, line 21, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Wilt Rippey, late of Company F, Sixty-first Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 9, before the word "Pennsylvania," to insert "Regiment," so as to make the clause read:

The name of Joseph Hampton, late of Company E, One hundred and twenty-fourth Regiment, and Company D, Two hundred and third Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

Mr. McCUMBER. On page 24, I move to strike out lines 12 to 15, inclusive, as the proposed beneficiary has died since the bill was reported.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 24 it is proposed to strike out lines 12 to 15, inclusive, as follows:

The name of Michael Kennedy, late of Company E, Twenty-ninth Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 16, after the words "United States ships," to strike out "Claradolson" and insert "Clara Dolson," so as to make the clause read:

The name of James Meikle, late seaman United States ships Clara Dolson, Avenger, and Great Western, United States Navy, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 24, line 22, before the word "dollars," to strike out "thirty-six" and insert "thirty," so as to make the clause read:

The name of Ezra Salter, late of Company C, Seventh Regiment Iowa Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 25, line 12, before the word "Mounted," to insert "Volunteer," and in line 13, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Merida Wilson, late of Company G, Thirty-seventh Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 26, line 18, before the word "Mounted," to insert "Volunteer," and in line 19, before the word "Infantry," to strike out "Volunteer," so as to make the clause read:

The name of Francis M. Ryder, late of Company H, Fifty-fourth Regiment Kentucky Volunteer Mounted Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 27, line 21, before the words "United States," to insert "Regiment," so as to make the clause read:

The name of Eugene Partridge, late of Company C, Forty-fourth Regiment New York Volunteer Infantry, and Company F, Seventy-eighth Regiment United States Colored Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, after line 15, to strike out:

The name of Mary Newell, widow of Samuel Newell, late of Company I, One hundred and thirty-third Regiment New York Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendment was agreed to.

The next amendment was, on page 33, line 22, before the word "Artillery," to insert "Light," so as to make the clause read:

The name of Richard McCarron, late of Second Battery, Massachusetts Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 34, line 15, before the word "Maine," to insert "Regiment," so as to make the clause read:

The name of Augustine Babcock, late of Company F, Nineteenth Regiment Maine Volunteer Infantry, and Company F, First Regiment Maine Volunteer Heavy Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 35, line 22, after the name "John," to strike out "Hanrey" and insert "Haurey," so as to make the clause read:

The name of John Haurey, late of Company G, Thirty-ninth Regiment New Jersey Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The next amendment was, on page 36, line 3, before the word "Indiana," to insert "Regiment," so as to make the clause read:

The name of John F. Dumont, late of Company I, First Regiment Missouri Volunteer Cavalry, and Company D, Seventh Regiment Indiana Volunteer Cavalry, and pay him a pension at the rate of $36 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

The bill (S. 7160) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the following persons at the rate stated:

Susannah Roberts, widow of Evan Roberts, late of Company E, Fourteenth Regiment Michigan Volunteer Infantry, $20 per month.

John Hedge, late of Company I, Fortieth Regiment United States Colored Volunteer Infantry, $24 per month.

Albert Whitehead, late of Company B, Thirty-seventh Regiment Illinois Volunteer Infantry, $30 per month.

Henry Ackerman, late of Company F, One hundred and fourth Regiment Illinois Volunteer Infantry, $36 per month.

Edward S. Clithero, late of Company D, One hundred and sixteenth Regiment Ohio Volunteer Infantry, $40 per month.

Almond Partridge, late of Company B, Sixty-fourth Regiment Ohio Volunteer Infantry, $50 per month.

Gustavus A. Kindblade, late of Company G, Fourth Regiment Iowa Volunteer Infantry, $50 per month.

Martin Parker, late of Company H, Eleventh Regiment Kansas Volunteer Cavalry, $50 per month.

Benjamin F. Adams, alias Franklin B. Adams, late of Company H, Second Regiment Pennsylvania Volunteer Infantry, $30 per month.

Augustus A. Nauman, late of Company A, Thirty-first Regiment Iowa Volunteer Infantry, $50 per month.

Mary Byrne, widow of John Byrne, late major and lieutenant colonel One hundred and fifty-fifth Regiment New York Volunteer Infantry, $30 per month.

Mary C. Smith, widow of George A. Smith, late of Company B, Twenty-first Regiment Iowa Volunteer Infantry, $12 per month.

E. Leora Norris, widow of David H. Norris, late of Company E, Eleventh Regiment Michigan Volunteer Infantry, $20 per month.

Augustus C. D. Wilson, late of Company A, Seventh Regiment Iowa Volunteer Cavalry, $30 per month.

Alice O. Lord, widow of Frederick C. Lord, late captain Company L, Thirteenth Regiment New York Volunteer Cavalry, and Company C, Third Regiment New York Provisional Volunteer Cavalry, $12 per month.

Julius T. Morse, late of Company E, Fifth Regiment Massachusetts Volunteer Infantry, $40 per month.

Henrietta V. Hawley, widow of Willis C. Hawley, late of Company K, Seventeenth Regiment Vermont Volunteer Infantry, $12 per month.

Charles E. Sherman, late of Company G, Twelfth Regiment Rhode Island Volunteer Infantry, $40 per month.

Jennie M. Smalley, widow of Edward F. Smalley, late of Company A, Sixth Regiment Wisconsin Volunteer Infantry, $20 per month.

Samuel N. West, late of Company G, Twenty-sixth Regiment Indiana Volunteer Infantry, $50 per month.

James V. D. Ten Eyck, late of Company A, Thirtieth Regiment New Jersey Volunteer Infantry, $40 per month.

Nellie L. Davis, widow of Jared M. Davis, late of Company E, Fifth Regiment New Hampshire Volunteer Infantry, $20 per month.

Jerome S. Pinney, late of Company G, Battalion, First Regiment Minnesota Volunteer Infantry, $24 per month.

James E. C. Sawyer, late of Company I, Fourth Regiment Maine Volunteer Infantry, $18 per month.

Julius E. Henderson, late of Company B, Sixtieth Regiment Ohio Volunteer Infantry, $30 per month.

William L. Baird, late second lieutenant Company L, Fourth Regiment Massachusetts Volunteer Heavy Artillery, $30 per month.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The bill (H. R. 20362) granting a pension to Catherine Wise was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Wise, widow of John Wise, late of the Detachment of Artillery, United States Military Academy, and pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, was considered as in Committee of the Whole. It proposes to pension the persons named at the rates stated:

James A. Dickinson, late of Company K, Sixth Regiment Ohio Volunteer Infantry, War with Spain, $12 per month.

James Campbell, late of Company G, Tenth Regiment United States Infantry, War with Spain, $12 per month.

Joseph G. Long, late of Capt. Cone's company, First Regiment Florida Mounted Volunteers, Florida war with Seminole Indians, $16 per month in lieu of that he is now receiving.

William S. Smith, late of Company K, Twenty-first Regiment Kansas Volunteer Infantry, War with Spain, $8 per month.

Jackson A. Watkins, late of Company D, Fifth Regiment United States Infantry, $6 per month.

Peter Peterson, late of Company A, Sixth Regiment Massachusetts Volunteer Infantry, War with Spain, $12 per month.

James B. White, late of Company A, Thirty-fourth Regiment United States Volunteer Infantry, War with Spain, $12 per month.

William J. Abrams, late of Troop C, Second Regiment United Sates Volunteer Cavalry, War with Spain, $6 per month.

The bill had been reported from the Committee on Pensions with an amendment, on page 2, line 1, after the word "Company," to strike out "C" and insert "G," so as to read "Company G."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

EDGAR ALLAN, JR.

Mr. SWANSON. I ask unanimous consent to call up for present consideration the bill (S. 7427) for the relief of Edgar Allan, jr.

Mr. SMOOT. I hope the bill is not a long one.

Mr. SWANSON. It is a very short one.

Mr. SMOOT. I really think if we are going to the calendar we should begin at the beginning, but I shall not object to this bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to credit in the accounts of Edgar Allan, jr., postmaster at Richmond, Va., $17,788.30 for postal funds, postage stamps, and other stamped paper, on account of losses resulting from burglary March 27, 1910, now standing against him on the books of the Treasury Department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF COPYRIGHT ACT.

Mr. MARTINE of New Jersey. I ask unanimous consent for the present consideration of the bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

Mr. OVERMAN. Under the notice given by the Senator from Utah——

Mr. O'GORMAN. There are certain reasons why the bill referred to by the Senator from New Jersey should be passed. It is unanimously recommended by the committee. There can be conceivable objection to it.

Mr. MARTINE of New Jersey. It will cause no discussion. All parties in interest have agreed to the bill.

Mr. SMOOT. I am fully aware of the provisions of the bill, and I have no objection to them. The only question is whether we ought to take up the bill out of its order on the calendar.

Mr. O'GORMAN. We have done that with several other matters on the calendar, with the consent of the Senator.

Mr. SMOOT. I withdraw my objection.

The PRESIDENT pro tempore. The bill has heretofore been read.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES E. C. COVEL.

Mr. JONES. The other day when the bill (S. 7378) for the relief of James E. C. Covel was reached, it was passed over at the request of the junior Senator from Georgia [Mr. SMITH]. I have no interest in the bill except that I reported it, and I consider it one of the most meritorious bills of this kind we have ever had before the Senate.

Mr. SMITH of Georgia. If I had known at the time the facts, which have since been explained to me, I would not have objected.

Mr. JONES. I ask unanimous consent that we now proceed to the consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James E. C. Covel, who was a second lieutenant of Company H, Sixteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably as a member of said company and regiment on the 14th day of April, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY S. WADE.

Mr. SMOOT. I move that the Senate adjourn.

Mr. CRAWFORD. Will the Senator before a vote is put upon that motion allow me to call up a claims bill (H. R. 15181)? It is a very appealing case. The beneficiary has lost both eyes and is deaf. It ought not to be postponed.

Mr. SMOOT. I expect that the calendar will be taken up——

Mr. CRAWFORD. There is an amendment to this bill which will require adjustment between the two Houses. It will not take five minutes to dispose of it.

Mr. WILLIAMS. What is the bill?

Mr. CRAWFORD. It is a personal-injury claim where a man, a Government employee, has through accident lost his sight entirely and his hearing in part, and it is a very appealing case. The committee report an amendment and it will have to be adjusted between the two Houses.

Mr. WILLIAMS. I shall not object to this bill, but it will be 6 o'clock now within four minutes, and there ought to be some regular hours, and I shall object to any other request for unanimous consent after this bill is disposed of.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill which had been reported from the Committee on Claims with an amendment, on page 1, line 6, before the word "thousand," to strike out "two" and insert "one," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he hereby is, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry S. Wade the sum of $1,500, in full compensation for injuries received by him on May 16, 1911, while in the performance of his duties as an employee of the United States Government, being a machine driller engaged in drilling holes for blasting in connection with the construction of the Celilo Canal, Columbia River improvement, at Big Eddy, Wasco County, Oreg.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

SEAMEN IN THE MERCHANT MARINE.

Mr. LA FOLLETTE. Mr. President——

Mr. SMOOT. I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I wish to make an inquiry about the bill (H. R. 23673) to abolish the involuntary servitude imposed upon seamen in the merchant marine of the United States while in foreign ports and the involuntary servitude imposed upon the seamen of the merchant marine of foreign countries while in ports of the United States, to prevent unskilled manning of American vessels, to encourage the training of boys in the American merchant marine, for the further protection of life at sea, and to amend the laws relative to seamen, which came to the Senate from the House, having passed the House, and was referred to the Committee on Commerce.

That bill has been struggling to get through Congress for 18 years, and I want, from the chairman of the Committee on Commerce or some other member of that committee, to ascertain whether there is any prospect of this bill receiving early consideration.

Mr. NELSON. As soon as that bill came to the Committee on Commerce, being a bill of considerable importance, it was referred to a subcommittee of five members. The subcommittee had it under consideration for a brief time and finally, at the last meeting of the committee, when there was not a quorum present, I was advised by the subcommittee that they were unable to dispose of it at this session. I see two members of the subcommittee present, the Senator from Virginia [Mr. MARTIN] and the Senator from South Dakota [Mr. CRAWFORD], to give the Senator from Wisconsin some further information on the subject. My understanding was that the subcommittee felt that they could not dispose of the bill at the present session of Congress, and for that reason they were not ready to report to the full committee.

Mr. LA FOLLETTE. I should like to inquire of the Senator from South Dakota, who is a member of the subcommittee, whether any action has been taken by the subcommittee looking to an early report on the bill?

Mr. CRAWFORD. I will say that the bill did not reach the Senate until quite late in the session—only a few weeks ago. It was pending in the House for a long time. The subcommittee had a meeting and had some hearings. A representative of the seamen was heard one night and some of the representatives of the shipping interests were heard.

The bill, in its general features, I think I am safe in saying, we favor, but in its details there are very important questions involved, and it was so near the end of the session that after the hearing the subcommittee came to the conclusion that it would be impossible, on account of conditions in the Senate and the lateness of the time, to get it back in season for us to have a hearing in the Senate, and the subcommittee so reported to the committee last Thursday.

The subcommittee did decide that in the last week of November, before the regular session begins, it would give a week to the consideration of the bill; that the members of the subcommittee would come on here to Washington for that purpose, and the parties interested were to be notified in the meantime to present in a short, crisp way their objections to the bill, so that the committee might do effective work in considering it during the week preceding the beginning of the regular session, with a view to getting in a report early in the session, so that the bill might come up without any undue delay for disposition at the next session.

That is the situation in regard to it.

THE PANAMA CANAL (H. DOC. NO. 914).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read and referred to the Committee on Interoceanic Canals and ordered to be printed:

To the Senate and House of Representatives:

Congress has passed a bill for the government of the Panama Canal when it shall have been completed, in section 5 of which it is provided that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Under existing law no vessels but those of the United States can engage in the coastwise trade. The same bill provides for the imposition, within the discretion of the President, of tolls not exceeding $1.25 per net registered ton upon all other vessels using the canal.

In the debates in the House and Senate it was contended that this was a discrimination in favor of vessels of the United States in violation of the following provision of the Hay-Pauncefote treaty:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect to the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable. (Art. 3, sec. 1, p. 1904.)

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty. But distinguished lawyers in the House and Senate differ from this construction, and the Secretary of State has received an informal protest from the British Government that the contemplated legislation is a violation of her treaty rights.

The necessity for the enactment of the provisions of the bill looking to the maintenance and government of the canal I have already explained in a special message, and this necessity makes me anxious to sign the bill. On the other hand, the question of the foreign relations of the Government is one in respect of which the Executive has especial responsibility, and such a protest from a friendly government, supported as it is by the expressed views of distinguished Members of both Houses, invites the greatest care and the closest examination on our part of our rights under our treaties, with a view to preserving national honor and observing our solemn obligations.

I am sure that it is not the intention of Congress to violate the Hay-Pauncefote treaty or to enact anything inconsistent with its provisions, and that it certainly is not its purpose to repeal, by subsequent enactment, the treaty, in so far as it represents the law of the land. It is of the highest importance, however, that this attitude should be made clearly known to the nations of the world, and that we should avoid any apparent justification for criticism.

I suggest, therefore, that before the time has elapsed in which I am called upon to express approval or disapproval of this bill Congress consider the wisdom of passing a joint resolution of the following tenor:

That nothing contained in the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States, or, in the alternative, that Congress recall the bill, and insert the foregoing as an amendment to the bill.

Unless some such clause is embodied in the law, it would probably be contended that the legislative construction of the treaty given by Congress in enacting the law is binding upon our courts when the question of the rights of aliens under the treaty comes before them. The foregoing provision would avoid such effect and would leave the matter entirely free to judicial construction, unaffected by the political decision of either the executive or legislative branch of the Government.

This language negatives absolutely any desire on the part of Congress to repeal the Hay-Pauncefote treaty or to violate its provisions by this legislation, and leaves open to any person who deems himself aggrieved by the provisions of the act an opportunity to appeal to our courts.

I think the importance of our standing before the world as anxious to give to the world an opportunity to test this question in the courts is an earnest of our good faith in attempting to keep within our treaty obligations.

WM. H. TAFT.

THE WHITE HOUSE, *August 19, 1912.*

Mr. SMOOT. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 3 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, August 20, 1912, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 19, 1912.*

The House met at 10.30 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

As the heavens declare Thy glory, O God, our Father, and the firmament sheweth Thy handiwork; as day unto day uttereth speech and night unto night sheweth knowledge; as Thy love was poured out through the heart of the Christ unto the children of men, so may we reflect Thy glory and Thy love in life's daily duties and in our conduct toward our fellow men, and thus prove ourselves worthy of Thy love and care. In the spirit of the Master who died that we might live. Amen.

The Journal of the proceedings of Saturday, August 17, 1912, was read and approved.

GRACE G. JACKSON.

Mr. LLOYD. Mr. Speaker, I present the following privileged House resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 636 (H. Rept. 1210).

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay, out of the contingent fund of the House, to Grace G. Jackson, widow of the Hon. U. S. Jackson, late Sergeant at Arms of the House, a sum equal to six months of his salary as such an officer, and an additional amount, not exceeding $250, for the payment of funeral expenses.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

RICHARD C. COLLINS.

Mr. LLOYD. Mr. Speaker, I also present the following privileged House resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 641 (H. Rept. 1211).

Resolved, That there shall be paid out of the contingent fund of the House the sum of $500 to Richard C. Collins for clerical services rendered the Committee on Mileage in the payment and computing of the mileage of Members and Delegates.

Mr. LLOYD. Mr. Speaker, this amount is usually paid to some officer in the office of the Sergeant at Arms. In this instance the work was performed by the clerk of the committee, and the payment is made to the clerk of the committee instead of to an officer in the Sergeant at Arms' office.

Mr. MANN. Mr. Speaker, what salary does the clerk of this committee now get?

Mr. LLOYD. He gets no salary. It is the Mileage Committee. The work is done by the clerk of the Mileage Committee instead of by Mr. Estey, as heretofore. Mr. Estey has performed the work of the clerk of the committee heretofore and has received $500 for it.

Mr. MANN. And the clerk of the committee receives no salary?

Mr. LLOYD. No salary.

Mr. MANN. Then the committee has no clerk?

Mr. LLOYD. The committee has no clerk.

Mr. LAFFERTY. Oh, I beg pardon, but the committee utilizes the private secretary of the chairman.

Mr. MANN. I am not speaking of that. The committee has no clerk.

Mr. LLOYD. That is correct.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MICHAEL DOYLE.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 659 (H. Rept. 1209).

Resolved, That the Clerk of the House is authorized to pay Michael Doyle for services rendered as a Capitol policeman from May 1 to May 17, inclusive, 1911, $49.58.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MESSENGERS IN THE POST OFFICE.

Mr. LLOYD. Mr. Speaker, I also present the following privileged resolution from the Committee on Accounts, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 671 (H. Rept. 1208).

Resolved, That seven messengers in the post office of the House now authorized to be employed during the session may continue to be employed during the period between the adjournment of the present session and the beginning of the next session of Congress and be paid out of the contingent fund of the House.

Mr. MANN. Mr. Speaker, how many messengers do they have in the post office now?

Mr. LLOYD. They have 14 session messengers, and it has been customary heretofore to provide for the continuance of 7 of these session messengers during the vacation period. This is the usual resolution that has been adopted by the House every year.

Mr. MANN. Mr. Speaker, will the gentleman from Missouri yield me two or three minutes?

Mr. LLOYD. Certainly.

Mr. MANN. Mr. Speaker, while we are considering matters from the Committee on Accounts I would like to call the attention of the Committee on Accounts, or the attention of officers of the House, to a matter that I think requires attention.

The State of New Mexico was admitted into the Union on January 6 and the State of Arizona on February 14 of this year, although I find that the Congressional Directory, which was issued in April of this year, and which publishes a list of the Senators with the terms of their expiration, had not at that time discovered that fact, nor have the officers of the House discovered the fact. The law provides that when a State is admitted to the Union a new star shall be added to the flag on the 1st day of the following July, which would require the additional stars for these new States on the first of the new fiscal year, and yet every day I am obliged, in looking at the delightful countenance of the Speaker, to notice that the flag which hangs draped over his desk is minus the stars that ought to be added and which under the law are required to be added upon the 1st day of July. I hope that the Committee on Accounts and the officers of the House will provide a flag that is up to date.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

UNANIMOUS CONSENT CALENDAR.

The SPEAKER. This is Unanimous Consent Calendar day. The Clerk will call the first bill on the Unanimous Consent Calendar.

SEMINOLE ALLOTTEES.

The first business on the Calendar for Unanimous Consent was the bill (H. R. 23184) directing the Secretary of the Interior to deliver patents to Seminole allottees, and for other purposes.

The SPEAKER. The Chair will make a suggestion to the Members about the Unanimous Consent Calendar, to expedite matters. This is a very long calendar, of six or seven pages. If any gentleman has resolutely made up his mind to object to a bill, he ought to do it when the title is announced, and not wait to consume time to have the bill read.

Mr. MANN. Well, Mr. Speaker, if it will accommodate the Chair, I will object to this bill.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar.

The next bill has been passed, and the Clerk will call the next one.

INCREASING LIMIT OF COST OF CERTAIN PUBLIC BUILDINGS.

The next business on the Calendar for Unanimous Consent was the bill (S. 6688) to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.'"

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That section 13 of an act entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes,'" approved March 2, 1907, which authorizes and directs the Secretary of War to convey to the purchaser from the United States of square 1131, the south part of square 1117, and the squares south of squares 1123, 1148, and 1149, in the city of Washington, all the interest of the United States in the land lying south of the squares so purchased and between them and the channel of the Anacostia River upon the payment by such purchaser into the Treasury of the United States of such sum of money as the said Secretary of War, upon consideration of all the circumstances, shall determine proper to be paid for said land, and which authorizes and directs the surveyor of the District of Columbia to mark out such land and determine the areas and to record a plat thereof, be, and the same is hereby, repealed.

The SPEAKER. This bill is on the Union Calendar.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

CONFEDERATE CEMETERY, LITTLE ROCK, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 24365) providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.

The Clerk read as follows:

Be it enacted, etc., That the Confederate cemetery in Little Rock, Ark., and which adjoins the national cemetery at that place, having been tendered by proper authority to the United States Government, the same is hereby accepted, under the conditions that the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances, to preserve and keep a record, as far as possible, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than as a cemetery for the graves of men who were in the military or naval service of the Confededate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purposes of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War.

SEC. 2. That the Secretary of War, under this act, is directed to take the necessary steps for the proper transfer of the cemetery to the Government, and when the same has been duly completed, to put it in charge of the keeper of the national cemetery at Little Rock, Ark., requiring him to exercise the same care in the preservation, beautifying, and caretaking generally as is done in regard to the national cemetery; also that a suitable gate or entryway be made in the stone wall which now divides the two cemeteries so that persons may readily pass from one to the other. Whatever additional funds may be required for the purpose of carrying out the provisions of this act shall be paid out of any fund which may be available for the maintenance of national cemeteries.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

The SPEAKER. This bill is on the Union Calendar.

Mr. JACOWAY. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I will withdraw my objection. The gentleman from Arkansas has agreed to changes in the form of section 1, and I move to strike out section 1 and offer the amendment agreed on, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by striking out section 1 and inserting in lieu thereof the following:

"That the Secretary of War is hereby authorized to accept a conveyance to the United States of the Confederate cemetery at Little Rock, Ark., which adjoins the national cemetery at that place, and when so accepted the Government shall take care of and properly maintain and preserve the cemetery, its monument or monuments, headstones, and other marks of the graves, its walls, gates, and appurtenances, and preserve and keep a record, as far as reasonably practicable, of the names of those buried therein, with such history of each as can be obtained, and to see that it is never used for any other purpose than a cemetery for the graves of men who were in the military or naval service of the Confederate States of America: *Provided*, That organized bodies of ex-Confederates or individuals shall have free and unrestricted entry to said cemetery for the purpose of burying worthy ex-Confederates, for decorating the graves, and for all other purposes which they have heretofore enjoyed, all under proper and reasonable regulations and restrictions made by the Secretary of War."

The SPEAKER. The question is on agreeing to the amendment.

Mr. CANNON. Mr. Speaker, may I ask the gentleman from Arkansas a question? There is a Union cemetery for the burial of Union soldiers there. What is the area? Does the gentleman know how much that is?

Mr. JACOWAY. I will state for the benefit of the gentleman from Illinois that I am unable to give that information, but I should think it was something like 15 or 20 acres, probably.

Mr. CANNON. Is it filled up?

Mr. JACOWAY. The Confederate cemetery?

Mr. CANNON. No; the Union cemetery.

Mr. JACOWAY. Fairly well.

Mr. CANNON. What is the area of that?

Mr. JACOWAY. I should think it is about similar to that of the Confederate cemetery.

Mr. CANNON. Is it filled with graves?

Mr. JACOWAY. Fairly well filled, I think.

Mr. CANNON. I think the bill is a very proper one. With the living dwelling together in the House and Senate and the courts, I do not know that there is any necessity for it, but if the other could be taken for a Federal cemetery, provided it was required for Union soldiers, or vice versa. I should have no objection to an amendment which would allow it.

Mr. JACOWAY. The bill as it now reads would provide only for the burial of the Confederate dead in the Confederate cemetery, and for the Federal dead, of course, in the Federal cemetery.

Mr. CANNON. This is long after the war. I should have no objection to the form of the bill, but the gentleman does not seem to know the area.

Mr. JACOWAY. I think there is ample room, both in the Federal cemetery and the Confederate cemetery. I do not think there is any question about that. I am quite sure this is true.

Mr. FLOYD of Arkansas. I think there is ample room in each to supply burial places for those entitled to be buried there, and the two cemeteries combined will be large enough to afford for future years ample room for the burial of veterans on both sides, separated just as they are now. I hope, therefore, there will be no objection, and that the bill will pass.

Mr. CANNON. I have no objection.

The SPEAKER pro tempore (Mr. SIMS). The question is on the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time and passed.

On motion of Mr. JACOWAY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. JACOWAY. Mr. Speaker, I do not want to trespass on the time of the House at this time, but I do want to say I thank the gentleman from Illinois [Mr. CANNON] for the graceful and kind expressions he has made in regard to this bill. [Applause, Democratic and Republican.]

Mr. Speaker, in presenting this bill, which provides for the taking over of the Confederate cemetery at Little Rock by the Federal Government, I trust I shall hear no voice raised in objection on either side of this Chamber. I hope no Member from the South will read into my intentions aught that could reflect in any way upon the cause our fathers loved and fought for; that no Member from the North will raise his voice to a single provision in the bill. A citizen of these United States, a Federal officeholder, and sworn by my oath of office to preserve and keep holy and inviolate the tenets of the Constitution, and at the same time a son of the South, and the old South, if you will, heir to her traditions and legatee to the things she loved, I can not feel that aught can be urged against this measure. In the South we do not believe that our brothers of the North hold rancor in their bosoms, nor that black waves of hate sweep through their hearts; we feel that the last vestige of bitterness was expunged from our minds by the Spanish fire at Santiago and San Juan Hill when North and South, brothers in arms, bore the Stars and Stripes to victory. It is such measures as these, Mr. Speaker, that I lay before this body, that are as balm of Gilead to the gaping wounds of war, if such be left as the result of that terrible conflict which broke the boughs of the tree of our national development between the years of 1861 and 1865. Forty-seven years ago the gallant and intrepid Lee laid down his arms at Appomattox to the brave and suffering Grant. Since then the mutating finger of time has pointed to numberless changes that have come and gone, and to-day, as we stand upon the isthmus of time that connects the past with the future, we live united, under one Government, under one flag, with a common language, a common goal, and a common God. The hot passions of fratricidal wrath have burned out in their own consuming flames, and, as we believe, Mason and Dixon's line is less than a "fast diminishing shadow." In this Chamber, where but some two score years and ten ago the murderous challenge and hot and stinging words swept back and forth, a representative of the South stands at the bidding and by the will of his people of the South and asks for the passage of a measure that will have as much to do, as I believe, in cementing an undying friendship between the North and the South as anything that could be done.

When the United States picked up the gantlet of Spain and the call went out for 100,000 men, no section of the country gave more gladly than the South. From the field and the forge and the forum, the arts, the sciences, and the professions, our young manhood went out at their country's call, and we point with pride to the fact that it was a southern man, if I recall my history correctly, commanding a gunboat named for a southern city, at whose command the first gun of the war was fired.

A southern man stood upon the bridge with Dewey at Manila when luster was added to American arms upon the high seas, and a southern man, an ex-Confederate, too, turned the tide when the day was all but lost at San Juan Hill, a gallant old cavalier who led the charge into the murk of parked artillery. Later, when he heard the distant call of taps and broke camp on earthly ground and laid down to peaceful dreams all that was mortal of Gen. Joseph Wheeler was laid to rest in Arlington, shrouded in the stars and bars of the Confederacy, intertwined with the folds of Old Glory, while multiplied thousands, North and South, mourned his passing. Peace to his ashes.

Each of the contending factions of the Civil War staked its life upon the justice of a principle. While I, who hail from the South, have abiding faith in the righteousness of the southern cause, I would not let fall unkindly from my lips this day one word that would reopen the old wounds of war or resurrect a cause that has long since been settled by the sword. Mine was the heritage of war. The South, returning bleeding from the red fields of carnage, found ashes where empire was, her fields in waste, her credit gone. But even before her bells had ceased to toll, her dead lying somewhere out beneath the stars upon her hillsides and her valleys, she gathered about her the shattered fragments of the past and built anew, and if "great she was in war sublime she has been in peace." Where soldiers trod her fields the plowshare bit; the screaming shrapnel found its echo in the whistle of the mill. In one year she has builded 4,500 miles of railway, has cut 13,000,000 feet of timber from her virgin forests, mined 4,000,000,000 tons of coal, has given $800,000,000 of wealth to our export trade, turned from her factories $3,000,000 of finished products, and as a fitting climax to her other multiplied and varied accomplishments added $2,000,000,000 to her real estate values. In the arts and the sciences and all professions and avocations, she has made progress commensurate with her other achievements. These facts, Mr. Speaker, write an eternal traverse upon the accusations of all who would criticise her unjustly.

In this connection it might not be amiss to mention in passing that State of the South which I have the honor in part to represent, Arkansas. In view of the ubiquity of the average American and the rapidity of present-day transit, it would be useless to exaggerate, and I shall keep to the facts of the case. Arkansas is the cosmopolitan among the States. With the gold of the Klondike she combines the diamonds of the Kimberly; with the rice of the Orient, the wheat of the West. The sugar cane and the apple grow side by side; the ostrich and the Leghorn hen. The millionaire of the East can find within her borders the iron to build his roads and the coal to stoke his engines; the Sultan of the Far East could deck his harem with her diamonds and pearls. The farmers of the whole world can purchase a tract of land and grow rich cultivating whatever crop they learned to grow in the old country. Her latchstring hangs on the outside of the door to those wanting and hungering for ideal homes and where the returns from an honest modicum of effort yield the greatest prosperity, blessings, and privileges that can be realized. To indicate, Mr. Speaker, what has been done within 10 years in my own congressional district, I beg leave to submit the following table of statistics:

ARKANSAS.

Fifth congressional district, comprising counties of Conway, Faulkner, Franklin, Johnson, Perry, Pope, Pulaski, and Yell.

	1910	1900
Number of farms	28,264	23,763
Total acreage	1,946,127	1,750,058
Improved acreage	1,023,382	858,334
Value of—		
Farm property	$46,011,359	$21,683,124
Land	27,808,215	12,711,630
Buildings	7,642,418	3,562,970
Implements and machinery	2,969,445	1,136,390
Domestic animals, poultry, and bees	8,591,281	4,272,134
Average value of land per acre	14.29	7.26

Average value of land per acre for selected counties.

	1910	1900
Conway	$14.97	$7.02
Faulkner	7.81	4.59
Franklin	12.14	5.32
Johnson	12.96	6.52
Perry	10.00	6.58
Pope	11.77	5.72
Pulaski	30.21	16.07
Yell	14.12	6.92

Value of all crops by counties, 1910.

[Comparative figures for 1900 not available.]

Conway	$2,246,410
Faulkner	2,068,121
Franklin	1,757,508
Johnson	1,551,496
Perry	656,725
Pope	2,232,739
Pulaski	3,222,994
Yell	2,411,949
Total for selected counties	16,147,942

County and city.	Population.		Increase 1900–1910.	
	1910	1900	Number.	Per cent.
Conway	22,729	19,772	2,957	15.0
Faulkner	23,708	20,780	2,928	14.1
Conway city	2,794	2,003	791	39.5
Franklin	20,633	17,395	3,243	18.6
Johnson	19,698	17,448	2,250	12.9
Perry	9,402	7,294	2,108	28.9
Pope	24,527	21,715	2,812	12.9
Russellville city	2,936	1,832	1,104	60.3
Pulaski	86,751	63,179	23,572	37.3
Little Rock city	45,941	38,307	7,634	19.9
Argenta city	11,138	.....	.....	.....
Yell	26,323	22,750	3,573	15.7
Total for selected counties	233,776	190,333	43,443	22.8

Little Rock, Ark.

ALL MANUFACTURES COMBINED.

	1909	1899
Persons engaged in industry	2,566	(1)
Wage earners (average number)	2,017	1,397
Primary horsepower	6,619	(1)
Capital	$6,045,000	$2,928,000
Salaries	445,000	181,000
Wages	1,080,000	544,000
Cost of materials	4,014,000	1,779,000
Value of products	6,882,000	3,379,000
Value added by manufacture	2,868,000	1,600,000

VALUE OF PRODUCTS.

Cottonseed oil	$1,189,672	(1)
Lumber, etc	1,528,664	$490,700
Printing, publishing, etc	842,924	415,346
All other industries	3,320,402	3,817,072
Total	6,881,662	4,721,118

[1] Figures not available.

Whether a hospitality and warm-heartedness such as is possessed by the people of Arkansas is incident to or resultant from the fertility of the soil I can not say, but I know that it exists without bound. When the reunion of the Confederate veterans was held in Little Rock, a city of but some 60,000 inhabitants, 116,000 guests were accorded royal entertainment. This reunion was Little Rock's and Arkansas's tribute to the grizzled old men in gray who followed without faltering or asking why the fortunes of a Lee and a Jackson, and all bade good-by to the City of Roses feeling that they had been entertained by the most graceful and generous of hosts and, as they said, carrying with them a wealth of beautiful memories that would linger so long as they should live. We are especially proud of the fact that of all the aged veterans who came singly and in camps not one but that was given shelter and food without cost, and in doing so Little Rock felt that she was thus being honored, and on her part it was an opportunity she had long coveted. Bivouacked with his comrades or taken into the homes of the citizens, he was given the best that could be had. His wants were attended. He was made welcome and made to feel that he was an honored guest. Each morning the fair daughters of the city pinned upon his lapel the fresh and fragrant emblem of the City of Roses. Not alone was the old soldier of the South made to feel that the city was his, here and there shone the gold wreath and hat cord of the Grand Army of the Republic, and the soldier of the South and the soldier of the North fought again in perfect amity the battles of the past.

Such, Mr. Speaker, is the condition to-day. The war is long since over. Side by side upon the bench of the Supreme Court of the United States sit the ex-Confederate and the ex-Federal. Side by side in the tableted ranks at Arlington lie soldiers of the North and soldiers of the South. Some years since, when the present minority of this House was in power, money was

appropriated to mark the graves of the Confederate soldiers who died in northern prisons. A member of the commission who had that work in charge is former Senator James H. Berry, of Arkansas, a Member of the Senate for 22 years, twice governor of our great Commonwealth, and an ex-Confederate soldier who left a limb on the field of Corinth. Money has been appropriated to erect a memorial stone to the Confederate dead at Arlington at Federal expense, and a portion of the National Cemetery has been set aside for a Confederate burying ground. With loving hands the name of Jefferson Davis, one time Secretary of War of the United States, and President of the Confederacy, was carved back upon the masonry of Cabin Johns Bridge from whence it had been stricken years ago.

This Nation, Mr. Speaker, has learned its lesson in the school of war. The sentiment "Let us have peace" did not die on the lips of him who gave it utterance, but still reechoes in the hearts of men throughout the world. For our great country may it be said:

No more shall the war cry sever,
Nor the winding rivers be red.
They banish our anger forever
When we laurel the graves of our dead.
Under the sod and the dew,
Waiting the judgment day;
Under the roses the blue,
Under the lilies the gray.

EXCHANGE OF LAND FOR SCHOOL SECTIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25738) to authorize the Secretary of the Interior to exchange lands for school sections within Indian, military, national forest, or other reservations, and for other purposes.

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. RAKER. Mr. Speaker, the same bill has passed the Senate and is now upon the Speaker's table, and I want to ask unanimous consent that the House bill——

Mr. MANN. Oh, Mr. Speaker, the gentleman knows I will object to that. I thought the gentleman was going to ask to have it postponed.

Mr. RAKER. Would not the gentleman withhold his objection for a moment?

Mr. MANN. I will reserve the right to object, although a bill that has been up as often as this one has, and with as many other bills on the calendar, it does not seem necessary to take up so much time. I am going to object to it unless it is passed over.

Mr. RAKER. Mr. Speaker, let me make the request on the matter.

Mr. MANN. I do not think that is the proper thing to do.

Mr. RAKER. Let me make my request. The gentleman may not object to it inasmuch as it is so modest and fair. The Senate having passed the same bill, which is now on the Speaker's table, I ask unanimous consent that the bill—H. R. 25738—which is the same as the Senate bill, be laid aside and that the House take up the bill S. 5068.

Mr. MANN. Mr. Speaker, I object to the consideration of this bill.

The SPEAKER pro tempore. The gentleman from Illinois objects. The bill will be stricken from the calendar, and the Clerk will report the next bill.

PUBLIC BUILDING AT DENVER, COLO.

The next business on the Calendar for Unanimous Consent was the bill (S. 3974) to increase the limit of cost of the United States public building at Denver, Colo.

The bill was read in full.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BURNETT. Mr. Speaker, I ask that the bill be passed without prejudice.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the next bill.

PUBLIC BUILDING AT DUBLIN, GA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17683) to increase the limit of cost for the post-office building heretofore authorized at Dublin, Ga.

The bill was read.

Mr. MANN. Mr. Speaker, reserving the right to object, I will say that in the report in this case there is no report from the department, no statement of the limit of cost of the building, no information concerning Dublin, no reason why the betterments referred to were not covered in the contract——

Mr. ASHBROOK. I will say to the gentleman that there was appropriated for this building something like $60,000. The contract has been let, but owing to the fact that it could not be completed for the amount appropriated it was necessary to leave out a number of things which should have been included, such as subdrainage, waterproofing, and interior improvements. The Supervising Architect appeared before the committee and recommended this amount. The amount asked is only $8,000, and the committee thought it was meritorious and was entitled to the favorable consideration of the committee. It is an emergency case. I hope the gentleman will not object. The bill is one offered by the gentleman from Georgia [Mr. BRANTLEY].

Mr. MANN. I would like to inquire of him whether the Treasury Department has sent a letter to the committee asking for the passage of it?

Mr. ASHBROOK. The Supervising Architect appeared before the committee and recommended the amount, and I believe the chairman of the committee also had a letter from the Secretary of the Treasury.

Mr. MANN. And now the Supervising Architect finds a condition which he did not create. As I understand it, the public-building bill authorized a building at Dublin at $60,000.

Mr. ASHBROOK. I believe it was $56,000.

Mr. MANN. Whatever it is. Therefore they proceeded to make plans which involved larger sums.

Mr. ASHBROOK. Eight thousand dollars.

Mr. MANN. And they left out some of the essential features of the building. Having done that, they come to Congress and say they can not complete their building or plans without more money. Does the gentleman think that is any different than providing for a new building at some place? Why should not these matters wait until we have a general public-building bill?

Mr. ASHBROOK. The gentleman from Illinois will understand that a contract has been let and the work is now going on. The contract was let without the inclusion of these things that the Treasury Department recommends should go in, to wit, subdrainage and the waterproofing, and the interior was cheapened very much.

Mr. MANN. Those are essential features of a proper building, are they not?

Mr. ASHBROOK. They certainly are.

Mr. MANN. Then why has not the Treasury Department included them in the contract?

Mr. ASHBROOK. The gentleman will have to ask the Treasury Department about that. We found the condition to exist which I have stated.

Mr. MANN. I know; but the gentleman has presented no report coming from the Treasury Department. That is what I want from the Treasury Department.

Mr. ASHBROOK. The report says that the Supervising Architect recommended these pressing additions.

Mr. MANN. Yes; the present Supervising Architect; but he is new, and he finds the condition named. I think we have the right to insist that that department as a department shall assume responsibility in the matter and state to us why it has disregarded the provisions of the act of Congress fixing the limit of cost upon the building. Until they have made some statement in that respect I shall be compelled to object.

Mr. AUSTIN. Mr. Speaker, I ask that the gentleman withhold his objection until the gentleman from Georgia [Mr. BRANTLEY] can be present.

Mr. ASHBROOK. I ask that the bill be passed over without prejudice.

Mr. MANN. I have no objection to passing the consideration of the bill without prejudice.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent that the consideration of the bill be passed without prejudice. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

UNIFORM CHARGES FOR COPIES OF INTERIOR DEPARTMENT RECORDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25437) to make uniform charges for furnishing copies of the records of the Department of the Interior and of its several bureaus.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I do not know who has charge of this bill, but there is a similar Senate bill over here somewhere.

Mr. RAKER. That is what I was thinking. We did not have the time to get the Senate bill.

Mr. MANN. I suggest that the gentleman ask that the House bill be passed over temporarily until the Senate bill can be got.

Mr. RAKER. Mr. Speaker, I move that the consideration of the House bill be passed over temporarily until we can obtain the Senate bill.

The SPEAKER pro tempore. Is there objection?

Mr. CLAYTON. I do not object to passing over the bill temporarily, but I do not understand that all of the Members who are interested in this Unanimous Consent Calendar must give way until the gentleman can get to it. If this bill goes to the heel of the docket, I am perfectly willing.

Mr. MANN. That would not be fair, Mr. Speaker, to other Members, because we can pass the House bill now, and it would take no longer, an hour from now, to pass the Senate bill when it comes over than it would take to pass the House bill now.

Mr. CLAYTON. Very well.

The SPEAKER pro tempore. Without objection, the bill will be passed over temporarily.

There was no objection.

The SPEAKER pro tempore. The Clerk will read the next bill.

CONSTRUCTION OF DAMS ACROSS VARIOUS NAVIGABLE WATERS OF THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25882) to authorize the construction of certain dams across various navigable waters of the United States therein specified.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I desire to reserve the right to object.

Mr. MANN. Reserving the right to object, Mr. Speaker, I understand that gentlemen have endeavored to reach an agreement about this bill. It may be perfectly satisfactory, but I have not seen it yet.

Mr. ADAMSON. If the gentleman from Illinois [Mr. MANN] will yield for a moment, I will say that we are on the verge of arriving at an agreement between all the parties concerned on every phase of the issue. Therefore, rather than waste time now in talking on a reservation of a point of order, I ask unanimous consent that we be allowed to take up the bill later in the day if we complete the agreement. If so, we do not want to waste time on it now.

Mr. UNDERWOOD. We could consider it at any time.

Mr. COOPER. Mr. Speaker, I object to the consideration of such a tremendously important bill at any time the gentleman desires to take it up.

Mr. ADAMSON. I will say to the gentleman from Wisconsin that I do not want to take advantage of anybody.

Mr. MANN. I will say to the gentleman from Wisconsin that the request is not for consideration at any time, but for unanimous consent, and unless it meets the approval of the gentleman from Wisconsin I shall object. I shall object here.

Mr. COOPER. Mr. Speaker, I object to bringing up such tremendously important legislation under these circumstances at the tail end of a long session like this.

Mr. ADAMSON. Then the gentleman objects to the consideration of the bill?

Mr. COOPER. I object.

The SPEAKER pro tempore. The gentleman from Wisconsin objects, and the bill is stricken from the calendar. The Clerk will report the next one.

DAM ACROSS THE COOSA RIVER, ALA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25881) to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interests of navigation, about 7½ miles above the city of Wetumpka.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

Mr. MANN. Reserving the right to object, there are a number of dam bills here. I think they ought to take the same course.

Mr. COOPER. I object.

The SPEAKER. The gentleman from Wisconsin [Mr. COOPER] objects, and the bill is stricken from the calendar. The Clerk will read the next bill.

DAMS ACROSS THE CLINCH RIVER, TENN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25238) authorizing and permitting M. C. McCanless, W. C. Hale, W. H. Mullins, John Loop, and E. M. Grant, their successors and assigns, to build and maintain dams and water-power development in and across Clinch River, in Grainger, Claiborne, and Hancock Counties, State of Tennessee.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. FOSTER] objects, and the bill is stricken from the calendar. The Clerk will read the next bill.

BRIDGE ACROSS PENOBSCOT RIVER, ME.

The next business on the Calendar for Unanimous Consent was the bill (S. 6763) to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Bangor and the city of Brewer, both being municipal corporations organized under the laws of the State of Maine and located in the county of Penobscot, on opposite sides of the Penobscot River, in said State of Maine, and the successors in interest of said cities, are hereby authorized to construct and reconstruct, wholly or in part, upon plans to be approved by the Secretary of War, and maintain and operate a bridge and necessary and convenient approaches thereto and abutments and piers therefor across and in said Penobscot River, substantially in the location of the present highway bridge between said cities, without having or constructing any draw or other means therein for the passage of navigation or shipping other than what may pass between the approaches and piers and under the spans of such bridge as the same may be constructed or reconstructed.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, I have no objection to the bill.

The SPEAKER pro tempore. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none.

Mr. FOSTER. I see this bill does not provide for a draw to be put in. This is not a navigable stream? Is that true?

Mr. ADAMSON. I suppose so. I am not very familiar with the locality.

Mr. MANN. Mr. Speaker, I will say to my colleague from Illinois [Mr. FOSTER] that I have made myself familiar with this bill. The river is a navigable stream above the point of this bridge for the course of a few hundred feet. The river is not navigated, however, and there is no occasion for its navigation, and there is no one there objecting to fixing a permanent bridge there.

Mr. FOSTER. I understand the gentleman to say that this is not a navigable river except for a very short distance above the bridge?

Mr. MANN. A trifling distance.

Mr. FOSTER. Beyond that there is no navigation and no commerce?

Mr. ADAMSON. This is a reconstruction of an old bridge. It is not a new proposition. There is a draw in the present bridge, but it is never opened and nobody is kept there to open it.

Mr. FOSTER. Why is it that the bridge is not built under the general bridge act?

Mr. ADAMSON. The local conditions are such that the people said they did not need a draw, and there was no occasion to use it.

Mr. FOSTER. It is not proposed to be built so that the general bridge act will apply?

Mr. MANN. No; it is like building a bridge across a nonnavigable stream.

Mr. FOSTER. There are no regulations as to tolls because, I suppose, there is no prospect of there ever being any commerce.

Mr. MANN. It is a city bridge and there are no tolls.

Mr. FOSTER. Sometime it might go out of the hands of the city into the hands of private parties.

Mr. MANN. No; there is no more danger of that than there is that the streets will go out of the possession of the city. This is a part of the highway.

Mr. ADAMSON. The city maintains a dam above the bridge, and provision is made for sluicing the logs and lumber; there is no other navigation.

Mr. FOSTER. I understand that.

Mr. HUMPHREYS of Mississippi. Will the gentleman from Georgia answer a question?

Mr. ADAMSON. I will answer it in some way.

Mr. HUMPHREYS of Mississippi. Has the Government expended any money in the improvement of the river beyond the point where this bridge is to be built?

Mr. ADAMSON. If it has, we have not discovered it. This is the bill of the gentleman from Maine [Mr. GOULD]. He took charge of it and carried it through the committee, and what facts I know about it I derived from him and from the report.

Mr. HUMPHREYS of Mississippi. The reason I asked the question was simply to give another illustration of the fact that it is undesirable for one committee to provide for the improvement of rivers and still another committee of the House authorized to report bills such as this one that will permanently obstruct further navigation of the river, and when, as a matter of fact, the chairman of the committee does not know whether the river is under improvement by the Federal Government or not.

Mr. MANN. Mr. Speaker, I think the gentleman from Mississippi is unfair to the gentleman from Georgia.

Mr. ADAMSON. Mr. Speaker, I do not understand that this proposition involves another attempt further to invade the jurisdiction of our committee, nor do I mean to say that the personnel of the Committee on Interstate and Foreign Commerce is superior to that of the Committee on Rivers and Harbors when it comes to going around over the country and learning about rivers. I admit that we have not the facilities for traveling over the country making the investigations and looking over bridges to justify us in scrutinizing all the details as the members of the Committee on Rivers and Harbors do, but when gentlemen come before us and make statements about local conditions, we act on them unless contradicted, and if the gentleman from Mississippi [Mr. HUMPHREYS] should come before us and make a statement of the local conditions in his district I think we would believe him and I think he would admit we would do right in doing so.

Mr. HUMPHREYS of Mississippi. Absolutely, but the only point I made was that, in the interests of harmony in legislation about such matters, they ought to be taken care of by one committee.

Mr. MANN. Let me suggest to the gentleman that as a matter of fact the Government has never made any improvement of this river above the bridge, so I do not see what the Committee on Rivers and Harbors would know about it if they had jurisdiction.

Mr. ADAMSON. It has taken them a long time to find out about it if they ought to improve it.

Mr. HUMPHREYS of Mississippi. But they would know the fact that it had not been improved and whether they are to undertake the improvement of the river.

Mr. ADAMSON. There is another good illustration, inasmuch as the gentleman from Mississippi [Mr. HUMPHREYS] is in the illustration business. He asks so many questions about it and manifests the entire absence of information or local knowledge on the subject, it appears that the River and Harbor Committee would not have attended to it any better than we have done because they have not learned anything about it.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

DAM ACROSS THE CURRENT RIVER.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25592) authorizing the construction, maintenance, and operation of a dam or dams across the Current River, in Ripley, Carter, and Shannon Counties, for the purposes of improving navigation and the development of water power.

Mr. FOSTER. Mr. Speaker, I object.

Mr. RUSSELL. I ask unanimous consent that the bill be passed over without prejudice.

Mr. MANN. Reserving the right to object, I understood the gentleman from Wisconsin [Mr. COOPER] to say that he wasn't willing for these bills to remain on the calendar.

Mr. COOPER. I supposed that all the dam bills were on the calendar together, and I did not hear this one read.

Mr. RUSSELL. I have asked to have the bill passed without prejudice and let it remain on the calendar.

Mr. COOPER. I want to be perfectly fair; I object to the passage of any dam bills at this late hour in the session.

The SPEAKER. The gentleman objects, and the bill will be stricken from the calendar.

BRIDGE ACROSS KINGSTON LAKE AT CONWAY, S. C.

The next bill on the Calendar for Unanimous Consent was the bill (S. 6777), an act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway.

The Clerk read the bill, as follows:

Be it enacted, etc., That the board of county commissioners of Horry County, S. C., be, and they are hereby, authorized to construct, maintain, and operate a steel or wood bridge across Kingston Lake at Conway, S. C., at such a point as may be determined by the said board of county commissioners, and approved by the Secretary of War, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

The following committee amendments were read:

Page 1, line 5, strike out the words "steel or wood."

In line 6, page 1, strike out the word "such."

Lines 7 and 8, page 1, strike out the words "as may be determined by the said board of county commissioners and approved by the Secretary of War," and insert in lieu thereof the words "suitable to the interests of navigation."

Add at the end a new section, "SEC. 2. That the right to alter, amend, or appeal this act is hereby expressly reserved."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSOURI RIVER, OMAHA, NEBR.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25282) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Union Pacific Railroad Co., a corporation organized and existing under the laws of the State of Utah, and its assigns, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the city of Omaha, in the county of Douglas, in the State of Nebraska, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, I observe by the report of the Chief of Engineers, Gen. Bixby, that he does not give his approval for the enactment of this legislation.

Mr. ADAMSON. He does, conditionally. He wants to know the reason it is necessary to build another bridge there.

Mr. FOSTER. I understand that, and he says he does not see the necessity for an additional structure. Of course a bridge like this proposed and the other that is located there are obstructions to navigation. I have read the statement of the gentleman from Nebraska [Mr. LOBECK] and also the statement of the general solicitor of the railroad and others at Omaha, Nebr.; but I observed these matters stated in this report, and, so far as I know, it is all right; but the question of navigation at that particular point ought to be taken into consideration. I do not know whether the gentleman from Mississippi [Mr. HUMPHREYS], who is on the Committee on Rivers and Harbors, has looked into the matter or not.

Mr. ADAMSON. Mr. Speaker, we realized that it was a matter for consideration, and we gave it mature consideration.

Mr. FOSTER. Oh, I have no doubt of that.

Mr. ADAMSON. And we also realized that there ought to be as few bridges as possible over navigable rivers. The Chief of Engineers raised that question, as to why it was necessary for vessels on a navigable stream to be compelled to contend with additional bridges. We therefore investigated the question and had it answered to our satisfaction. One answer is that the old bridge has to be repaired and must give place to a new bridge before long. There is a dangerous curve at one end of the bridge, and when the bridge is rebuilt it is desirable to rebuild it along straight lines, and as they complete the new one they will begin to disuse the old one. Another is that the traffic is so much congested at that point that the old bridge for the next few years will be insufficient to accommodate the traffic. It is a high bridge, where the banks of the river are very high. It is too high to interfere with passing boats.

Mr. SPARKMAN. What was the nature of Gen. Bixby's report?

Mr. ADAMSON. The only question that he raised was why it was necessary to put an additional bridge over the stream. If the same statement had been made to Gen. Bixby that was made to the committee, he would not have asked that question.

I now yield to the gentleman from Nebraska [Mr. LOBECK].

Mr. LOBECK. Mr. Speaker, I only desire to state that the first bridge for the Union Pacific Railroad was constructed in 1869—a single-track bridge. A double-track bridge in its place was constructed in 1887. The depot arrangements had to be changed in 1896 or 1897 on account of the increased traffic. All of the eastern and western lines cross at this point except the Illinois Central, which crosses at a bridge 2 miles farther north. A train crosses this present bridge now every five minutes. More trains cross this bridge daily than cross the Eads Bridge in St. Louis. There is an immense amount of travel, and the city of Omaha is growing very rapidly and traffic increasing daily.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. LOBECK. Certainly.

Mr. MANN. I see by the report in this case, accompanying the bill, that it is stated there are over 300 trains a day pass over this bridge.

Mr. LOBECK. Yes; over the present bridge.

Mr. MANN. And that as a result trains are frequently delayed for half an hour.

Mr. LOBECK. Yes; and sometimes last winter for two and three and four hours.

Mr. MANN. And that is the reason they desire a new bridge.

Mr. LOBECK. They wish to build a four-track bridge to accommodate the travel.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

Mr. LOBECK. Certainly.

Mr. MONDELL. Is it not true that it is the experience of those who frequently cross the river at this point that trains are very frequently delayed?

Mr. LOBECK. Yes, sir.

Mr. MONDELL. There is very often a very considerable delay in crossing this present bridge with the transcontinental trains. I know that personally I have had that experience many times, due to the congestion of traffic across this single-track bridge.

Mr. LOBECK. When this bridge that is now located there was constructed there was a station, called the old Union Pacific shed, about a block south of the present Union Station. It was necessary to get more room, and so the new Union Station was so located that it compels a curve to get to the station; trains must move slowly, and it is necessary to have a bridge in a direct line from station across the river to promote safety in travel. It is necessary to accommodate travel to have a four-track bridge. It will be a high bridge, and therefore no obstruction to navigation. There should be no objection to this measure.

Mr. SPARKMAN. Mr. Speaker, may I ask the gentleman from Georgia a question?

Mr. ADAMSON. Certainly.

Mr. SPARKMAN. The gentleman from Georgia says that Gen. Bixby's objections were finally overcome.

Mr. ADAMSON. Yes. We met his objection fully; otherwise we never would have reported the bill.

Mr. SPARKMAN. The committee considered fully the question of navigation?

Mr. ADAMSON. Yes.

Mr. SPARKMAN. Whether the bridge in any shape would be an obstruction?

Mr. ADAMSON. We found it was not only an absolute necessity, but that it would not add to the difficulties of navigation, being very high above the water; that it would in a few years after completion cause the removal of the old bridge; and that the old bridge at the present time is dangerous on account of its method of construction—because of those curves at the approaches.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

EFFICIENCY IN GOVERNMENT SERVICE.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25634) to promote efficiency in the Government service.

The Clerk read the bill, as follows:

Be it enacted, etc., That no officer, agent, clerk, or other employee of the United States Government who holds his or her position by virtue of appointment shall, during the term of such appointment or employment, be or become an accredited delegate of any political party to any national convention held or to be held by such political party for the purpose of nominating a candidate or candidates for the offices of President and Vice President of the United States or President or Vice President of the United States.

SEC. 2. That no officer, agent, clerk, or other employee of the United States Government who holds his or her position by virtue of appointment shall, during the term of such appointment or employment, hold or occupy any official position in any national branch of any political organization organized or constituted for the purpose of influencing, or attempting to influence, in two or more States the nomination or selection of such candidates or candidate.

SEC. 3. That every such officer, agent, clerk, or employee offending against either of the provisions of the two foregoing sections shall be deemed guilty of a misdemeanor, and shall be fined not exceeding $500, and also shall be summarily discharged from the service of the United States Government.

SEC. 4. That this act shall take effect from and after the date of its passage.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object, and I would like to have the attention of the gentleman in charge of the bill.

Mr. HULL. Mr. Speaker, I do not see the chairman of the committee [Mr. GODWIN] on the floor. If I can give any information, I should be very glad to do so.

Mr. MOORE of Pennsylvania. In section 2 the bill provides that no officer, agent, clerk, or other employee of the Government who holds his or her position by virtue of appointment shall, during the term of such appointment or employment, hold or occupy any official position in any national branch of any political organization, and so forth. I notice it refers to one who holds office by appointment. I have had some small concern with regard to some gentlemen upon the other side, notably the gentleman from Missouri [Mr. LLOYD] and the gentleman from North Carolina [Mr. PAGE], who happen to be chairman and secretary of a very aggressive national organization. I am wondering whether the gentleman feels that those two gentlemen in their official capacity would in any way be liable to the punishments that are imposed by this bill?

Mr. HULL. Mr. Speaker, I do not know whether my friend from Pennsylvania [Mr. MOORE] is serious in propounding that inquiry or not; but assuming that he is, I will say that this is simply a proposition to extend the civil service to a certain extent, and it is not contemplated by this or in the original civil-service law that an elective officer or elective officials, who deal directly with the people and are amenable to the people, would come within the provisions of the civil-service law of 1883 or any amendment thereto.

Mr. MOORE of Pennsylvania. The bill refers to officers of the Government of the United States, and I would assume that Members of Congress were officers of the Government of the United States.

Mr. HULL. Appointive officers, the bill specifies.

Mr. MOORE of Pennsylvania. Then it is the opinion of the gentleman that the officers of a national political organization to which I referred are not amenable to the punishment imposed by this act.

Mr. HULL. Unquestionably. This bill does not attempt and no part of the civil-service law now attempts to govern or limit the conduct of any official who may be elected by the people—only those appointed to the service of the Government.

Mr. MOORE of Pennsylvania. That question having been answered, I should like to put another concerning the merits of the bill: Whether the gentleman thinks that an employee of the Government of the United States should be disqualified from taking an interest in politics simply because he is a servant of the Government?

Mr. HULL. Mr. Speaker, I will say, in reply to the last question of the gentleman, that this bill does not restrict the political activities of any appointive official to whom it would apply nearly to the extent that the present civil-service law restricts the political activities of those who come within the range of that law. This only goes to the extent of prohibiting those who are appointed to official position from becoming candidates for delegate to a national convention and from becoming delegates to such convention or from becoming members of the national branch of any national political organization. I recall that in 1904 about 187 marshals, district attorneys, internal-revenue collectors, postmasters, and other appointive officials from one small tier of States became active candidates for delegates to a national convention. The result was that their subordinate force, comprised largely of officials under the civil service, were stirred to more or less political activity in a quiet way and the service in many instances was largely demoralized and impaired. These gentlemen not only became candidates, but they were successful and became delegates. Four years later I remember that this number jumped to 220. Now, we realize the fact that it brings about trade and traffic among individuals and minor officials with respect to appointments; it brings about an utter demoralization in the service, and it affects——

Mr. MANN. Will the gentleman yield for a question?

Mr. HULL. With pleasure.

Mr. MANN. Announcing myself in sympathy with the purposes of the gentleman's bill, would the gentleman be willing to have it amended so as to have it say that Government employees or officers shall not participate in any convention of a political party of any kind whatever, as those in the classified service are now prohibited?

Mr. MOORE of Pennsylvania. I was going to ask the gentleman whether the civil-service laws were not now sufficient to meet the point he makes?

Mr. MANN. Does not the gentleman believe that the bill, if enacted into law, would be a construction by Congress that the present rules of the Civil Service Commission forbidding activity on the part of employees established by Congress would be construed as forbidding political activity only as relating to national conventions?

Mr. HULL. Mr. Speaker, in reply to the gentleman from Illinois I would say this: That from my viewpoint this bill would

not antagonize the present civil-service regulations nor modify the present civil-service laws. It only adds to them. Now, under existing regulations and laws, appointive officials whose conduct has brought about the necessity, as I conceive it, for the enactment of this bill, were in the habit, without interfering with the regulations of the Civil Service Commission or the present civil-service laws, of becoming candidates and going to national conventions as delegates.

Mr. MANN. The gentleman is seeking to apply the law to those not in the classified service, but the bill contemplates both those in and out of the classified service. Now, if in the classified service to-day there is a prohibition against it, and thereupon Congress proceeds to enact a law forbidding one of these things by positive enactment, it is practically to give notice that the other is permitted unless in the classified service. I am willing to go with the gentleman to any extent he wishes to go forbidding Government employees taking part in politics. I think the gentleman's bill would have the other effect.

Mr. HULL. Will the gentleman allow me one question?

Mr. MANN. Certainly.

Mr. HULL. Would it not, in the judgment of the gentleman, meet his objection by inserting a slight amendment to this effect, "except those appointive officials or employees not already prohibited from becoming delegates to a national convention or members of a national committee"?

Mr. MANN. I will say to the gentleman that when the bill comes up before the House I have nine different amendments to offer to it, and I am afraid it would take too long to consider it on unanimous-consent day, although I am willing to take it up for consideration.

Mr. HULL. I hope the gentleman will allow the matter to come up now.

Mr. MANN. I think it would mean debate for half a day.

The SPEAKER pro tempore. Is there objection?

Mr. HULL. Mr. Speaker, before the gentleman finally expresses himself upon the matter, I wish to say, in view of the lateness of the session and of the importance of this bill—I held it up until after the conventions were held so that I would not be in the attitude of seeming to appear to take any interest in the candidacy of any gentleman—I wish to appeal to the wisdom and the statesmanship and the patriotism and, if necessary, to the generosity of the gentleman from Illinois to withhold his objection and allow us to have the present consideration of the bill, and these amendments can be offered in their order.

Mr. MANN. It is very certain it will take considerable time. The Committee on Rules can bring in a rule making this bill in order at any time. It only applies to national conventions. They have all been held, and there will be plenty of time to consider it before any other national convention is held, though I hope it will be made to apply to State conventions, and county conventions, and municipal conventions, so that the employees may be entirely dissociated from political government.

Mr. CANNON. Will the gentleman go further and prohibit their voting?

Mr. HULL. This bill does not remotely contemplate anything of that kind.

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, there is a broader question here than the right of the officeholder to vote. He ought to vote, and if an officeholder does not vote he is unworthy of the office he holds. If he does not vote he ought to be put out of office.

Mr. HULL. I agree with the gentleman.

Mr. MOORE of Pennsylvania. I will go further than the gentleman and say that I believe the majority placed in power by the people should rule, and it makes no difference whether it is President Taft or Gov. Wilson who is elected President of the United States—although I expect Mr. Taft will be—those who serve under Taft or Wilson should be loyal to the policy of their chief.

Mr. HULL. I will say to the gentleman from Pennsylvania that I have no purpose of cutting off officeholders from voting in the coming election or in any other election if that is the cause of his objection.

Mr. MOORE of Pennsylvania. In my judgment those who should display the largest intelligence in political matters are those who hold political places. I object to the consideration of the bill.

Mr. ADAMSON. I would like to ask the gentleman a question.

Mr. MOORE of Pennsylvania. I withhold the objection.

Mr. ADAMSON. I would like to ask him in connection with his statement that Mr. Taft will be elected, if it does not remind him of the Scripture:

I have not found so great faith, no, not in Israel.

[Laughter.]

Mr. MOORE of Pennsylvania. There seems to be less faith on the other side of the House than on this.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. MOORE] insist on his objection?

Mr. MOORE of Pennsylvania. I do.

PUBLIC BUILDING AT DENVER, COLO.

Mr. MARTIN of Colorado. Mr. Speaker, even in view of what is likely to happen I ask unanimous consent to refer back at this time to the bill S. 3974, an act to increase the limit of cost of the United States public building at Denver, Colo., in which bill my two colleagues are directly interested, and which now falls upon me by reason of the fact they are necessarily absent and that I am the only Member of the delegation present. It was reached and passed over before I arrived this morning——

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] asks unanimous consent to go back to the bill S. 3974, which has already been reported. Is there objection?

Mr. MANN. Reserving the right to object, I have no objection to going back on the same status.

Mr. MARTIN of Colorado. Certainly. Now, Mr. Speaker, I will make just as brief a statement as possible consistent with an outline of the facts as I may, and I wish to say that I am not as familiar with this bill as my two colleagues, both of whom have similar bills now pending in the Senate. I want to say, in the first place, that this does not present any partisan question, while a rather large sum of money is involved, owing to the fact that the bill has already been introduced and passed through the Senate by our Republican Senator, Mr. GUGGENHEIM, and the same measure has been introduced into the House by Mr. RUCKER, who represents the district in which lies the city of Denver, and by Mr. TAYLOR, our Representative at Large.

The SPEAKER. Is there objection to returning to this bill? [After a pause.] The Chair hears none.

Mr. MANN. Reserving the right to object——

Mr. MARTIN of Colorado. The gentleman from Illinois [Mr. MANN] does not object to returning to the bill, but reserves the right to object to the bill.

The SPEAKER. The Chair has not put the other question yet. Does the gentleman reserve his right to going back to it?

Mr. MANN. I have no objection if it is subject to objection after going back to it.

The SPEAKER. Of course it is.

Mr. MARTIN of Colorado. I will say that while I am not as familiar with the facts involved in the Denver public building as my colleague, I have taken sufficient interest in the question to go to the trouble of carefully reading and marking the hearings before the Committee on Public Buildings and Grounds. And the facts appear to be these, briefly: The Denver public building was originally estimated to cost $2,000,000.

It was authorized at a limit of cost of $1,600,000. Thereafter a controversy arose with reference to the character of the material to be used in that building. I believe it was originally proposed to construct the building of Indiana limestone, but later on there was a strong demand to change the material to Colorado marble, which is a very beautiful and an entirely suitable character of material. I think I can safely say that anyone who will have the pleasure of seeing the Denver public building will say that it is a thing of beauty as well as of substance and that no mistake was made in changing the material from Indiana limestone to Colorado marble.

It appears to be claimed—and there has been some confusion in regard to that in the hearings—that the new material will prove to be more expensive. The pending bill is to increase the limit of cost by $400,000, so that it will cost $2,000,000, as first estimated. It is claimed that this increase of cost is necessitated by the change of material from Indiana limestone to Colorado marble. But the hearings do not bear out that claim, for this reason: It appears that it was ascertained, after the plans were drawn, that the building would have to be considerably enlarged. For instance, there was a circuit court of appeals established in Denver after the plans were originally drawn, which necessitated the making of provision for additional quarters. It was also apparent, through the rapid growth of Federal functions and activities in relation to the public domain and its natural resources, and so forth, that other quarters were necessary, so that the cubical content of the building was increased from 3,100,000 cubic feet, as originally estimated, to 3,900,000, an increase of 800,000 cubic feet in the size of the building, or an increase of between 20 and 25 per cent.

Now, the cost of this building per cubic foot is about 50 cents, so that both the Supervising Architect of the Treasury

Department and the architect of the building say that the increase in size alone of the Denver public building necessitated an increase of $400,000 in the cost of construction. In other words, the entire additional cost asked for, to wit, $400,000, would be absorbed by virtue of the increase of the cubical content or size of the building.

Now, I think that we can agree upon this proposition: That the money heretofore expended has been wisely expended; that the increase in cost is something for which our State can not be held primarily responsible, because it was necessitated by the enlarged and changed conditions which confronted the Supervising Architect of the Treasury when he began to construct this building. But, Mr. Speaker, the point that I wish to emphasize to gentlemen is the present condition of this building and the consequences that will result if this extension of the limit of cost is not now allowed.

In the first place, if the architect were to be compelled to proceed under the present appropriation, what will happen? I am going to quote, not from the architect of the building, but from the Supervising Architect of the Treasury, or his representative, Mr. Oscar Wenderoth, who was asked this question:

Mr. BURNETT. Now, let me hear a little more about your interior finish. What kind of interior finish can you make with $300,000?

Mr. WENDEROTH. It won't be very gorgeous.

Mr. BARNHART. Will it be substantial—fireproofed?

Mr. WENDEROTH. I think so, but I don't think it can be fireproofed properly. There will be considerable very cheap wood.

Mr. Wenderoth also says, in a written statement that is incorporated in the hearing:

That the necessity of an increased appropriation is wholly due to the size of the building and is not caused by an architectural elaboration is shown by the following comparison based on the cost per cubic foot. We would call to your attention that the cubage of the competition drawings was 3,106,504 cubic feet, and that the cube of the building as being built, taken from the working drawings, approved by the Government, is 3,700,000 cubic feet, exclusive of approaches.

He then goes on to point out the results that I have already mentioned.

Let me put this proposition before you, gentlemen, that the Supervising Architect of the Treasury says that the building can not be fireproofed properly, and that there will be considerable very cheap wood in it unless the limit of cost is enlarged. In addition, the Committee on Public Buildings and Grounds reported as follows:

The bill was considered by a subcommittee of the Committee on Public Buildings and Grounds of the United States Senate, which interviewed the Supervising Architect of the Treasury Department and ascertained that the Denver public building could not be finished, except in the most ordinary way, within the limit of cost fixed by law; that to finish the building without increasing the limit of cost would cause the interior work and finish to be so out of harmony with the exterior of the superstructure as to render the interior incongruous, unsightly, and less useful in some respects.

The contracting architect stated to the Committee on Public Buildings and Grounds of the House of Representatives that the increased appropriation was necessitated partly by reason of the fact that the United States court of appeals had been located there since the formal authorization for the building, which necessitated quite an enlargement of the building, and, in addition to that, it became apparent that the building should be considerably enlarged over what was originally contemplated on account of the tremendous increase in the various branches of the Government business being conducted there.

Now, the question is whether Congress wants its money expended in the way the hearings and report indicate, and a great, beautiful public building in one of the large cities of the United States finished in such a defective manner. Mr. Edgerton Swartwout, the architect of the building, says somewhere, and I think very properly, that the interior woodwork will all have to be torn out, and in the very near future this work will have to be done over again if it should be done in the way in which it is now contemplated to be done under the present limit. In other words, it means that if the architect has to proceed under the present limit of cost, the building will not be properly finished, and it will contain cheap work, and it will not harmonize in its interior with the remainder of the building, and the money, therefore, will not be judiciously expended, and the work will have to be done over again.

Mr. MONDELL. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Colorado yield to the gentleman from Wyoming?

Mr. MARTIN of Colorado. I do.

Mr. MONDELL. This is clearly an emergency appropriation, as I understand it?

Mr. MARTIN of Colorado. Yes, sir.

Mr. MONDELL. The building is in that condition now where it will be either inadequately finished or the work of building will be suspended until Congress can act?

Mr. MARTIN of Colorado. Yes. If the gentleman will permit me to quote from the statement of the architect of the building, it will show the actual situation which confronts us in this case. He says:

The authorization for the increase of this building is now absolutely necessary for the reason that the present contracts on the building are nearly completed, or will be on or about September 1, which would leave the building open to inclement weather for the coming winter, or necessitate an unwarranted expenditure of temporary closing it in, and require the services of a superintendent and watchman in order that the property may be taken care of and protected until such time when the work can proceed.

Mr. MONDELL. It is an emergency matter, then, that can not be delayed without a loss to the Government?

Mr. MARTIN of Colorado. Yes. We have the statement of the architect that the marblework is now finished, and we have the statement that unless this authorization is made now, the contracts having expired, further work on the building must be suspended and the building left open to the ravages of the weather, or, at a great expense, boarded up and permitted to remain in that condition until such time as Congress sees fit to make this authorization.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, Mr. Speaker, I want to say that the Treasury Department asked for $2,000,000 with which to construct this building. The Committee on Public Buildings and Grounds decided to recommend $1,600,000. Congress passed a law providing for a limit of cost of $1,600,000, and with utter disregard and with cool contempt for Congress the Treasury Department proceeded to plan a building costing $2,000,000. They commenced the erection of it and have it partly completed, saying we can not complete the building unless you give us the amount we originally asked for, which you then refused. I have discussed this matter with the chairman of the Committee on Appropriations, and, in his absence at least, I shall not consent to its passage.

Mr. MARTIN of Colorado. Will the gentleman permit me a question? Conceding what he has said to be true—and I am not conceding it—but for the sake of argument——

Mr. MANN. Well, if the gentleman does not concede that——

Mr. MARTIN of Colorado. Conceding that to be true, for the sake of argument, does that alter the present status and needs of the matter? Would it be wise judgment, would it be economy, would it be good business to permit the building to be improperly finished or construction suspended altogether simply because originally the Treasury Department had made plans larger than the authorization of Congress would warrant?

Mr. MANN. The gentleman concedes the truth of my statement as a matter of argument. Will the gentleman answer me a question?

Mr. MARTIN of Colorado. I will if I can.

Mr. MANN. Did not they ask originally for $2,000,000?

Mr. MARTIN of Colorado. I understand that they did.

Mr. MANN. Did not the committee only recommend $1,600,000?

Mr. MARTIN of Colorado. I think that is true.

Mr. MANN. Did not the House and the Senate pass it in that shape?

Mr. MARTIN of Colorado. I think that is true.

Mr. MANN. Did not they plan a building that would cost more than $1,600,000?

Mr. MARTIN of Colorado. I do not think they did originally, but they had to change the plans and provide for 800,000 more cubic feet of space, because Congress created a new circuit court of appeals division, which was to sit in the city of Denver, and there were other enlargements made to convenience other departments.

Mr. UNDERWOOD. Mr. Speaker, I think the gentleman from Illinois objected, and I demand the regular order.

Mr. BURNETT. If the gentleman will pardon me, I want to say that the original contract was within the authorization.

Mr. MANN. I know it, but they left a lot of things out of the contract which were absolutely essential to the building, and in cool and utter disregard of the limit of cost by Congress.

Mr. BURNETT. They say that the building can be completed within the authorization, but the entire building will not be in harmony. It has been enlarged because it was necessitated by the new court of appeals and on account of the growth of other departments.

Mr. MANN. There was no new court of appeals established there.

Mr. UNDERWOOD. I call for the regular order.

Mr. MARTIN of Colorado. If the bill is to be defeated, I want the distinguished Republican floor leader to have the honor of the objection.

Mr. MANN. I object. I do not do it as Republican floor leader, but I do it as a proper Member of Congress after the extension of courtesy to the gentleman from Colorado that I shall not extend again.

The SPEAKER. Debate is out of order, and the gentleman from Illinois objects.

Mr. MARTIN of Colorado. I shall attach to my remarks the statement of the architect of the building, showing the necessity for this legislation.

Statement by Mr. Edgerton Swartwout:

REASONS FOR THE NECESSITY OF AN INCREASED APPROPRIATION FOR THE UNITED STATES POST OFFICE AND COURTHOUSE AT DENVER, COLO.

The original competition drawings, as approved by the Secretary of the Treasury, called for a building of approximately 3,100,000 cubic feet, the rear of which was finished in the simplest manner without columns, and the light courts were without architectural elaboration. Subsequent to the award of the competition, which was based on the appropriation of $1,600,000 during and after trips to Denver by one of our firm, certain additional accommodations were demanded which increased the cubage of the building from 3,100,000 to 3,900,000, and a greater elaboration of the Champa Street façade and of the interior courts was demanded.

(a) Five times as much accommodation for the judges and officials of the court of appeals was demanded by the judiciary department over and above the amount allowed for in the competitive drawings.

(b) A law library of large size was added.

(c) Rooms for the use of lawyers engaged in the court were demanded.

(d) The necessity of a mailing platform below the terrace level instead of at the grade level on the Champa Street façade and the terrace itself added materially to the cubic contents.

(e) The increased size of the foundations made necessary by the poor quality of the soil was a great increase, both in the cubic contents and in the cost.

(f) At the time of our visit to Denver there was a great deal of agitation in favor of making the Champa Street façade as important as that on Stout Street. Various meetings of the board of trade and other organizations were held, and the Treasury Department was urged very strongly to see to it that all sides of the building should be of equal importance and beauty, and, furthermore, the citizens of Denver were opposed to the mailing platform being placed on the grade level in view of those passing on Champa Street, claiming their property on Champa Street would be greatly depreciated thereby, which appeared would be the case, due to the teaming and the noise of the mail-delivery wagons. In order to meet these objections the mailing platform was placed under a terrace entirely out of sight of anyone passing on Champa Street. This necessitated not only extra cubage, but a considerable elaboration in the way of terraces, approaches, and grading, and also made necessary various electric lifts and appliances for the handling of mail not before contemplated. Also in order that the Champa Street front should be effective architecturally as the Stout Street façade, a continuous portico of 16 columns, with the necessary elaboration in the entablature, was placed on the Champa Street façade in place of the large openings and plain wall surface shown on the competitive drawings and as originally contemplated. It was also thought advisable to have the interior light courts echo to a certain extent the architecture of the exterior, although these light courts have been finished in limestone instead of marble.

(g) When it became time to let the contract for the exterior strong pressure was brought by the entire State of Colorado to have local materials used in the construction throughout. Estimates were taken in various marbles, granites, and limestones, but we found upon careful examination that there was no local stone in the State of Colorado suitable for the construction of such a monumental building and calling as it did for blocks of large size and great soundness, except the marble obtained from the quarry of the Colorado-Yule Marble Co. By the authorization of the department the contract for the exterior was let in Colorado marble at some increase of cost.

Now, it is apparent that in spite of the elaboration indicated above the necessity for the increase of limited cost is due entirely to the increase of the size of the building. As above noted, this increase is approximately 800,000 cubic feet, which, at 50 cents a cubic foot, the approximate figure allowed in the competition program, amounts to $400,000, the amount asked for.

From the above it is very clearly shown that the present available money to finish the building—$380,000—would supply only a temporary and easily combustible interior finish, as out of this $380,000 the steam heat, electrical and mechanical plants must be supplied, interior doors, windows, post-office screens, and everything to make a habitable interior finish from the money left, which of necessity would be nothing more than an extremely cheap character, necessitating wood partitions and the cheapest kind of doors and windows. In other words, this interior finish would only be temporary and later on would have to be torn out, as shown by the Supervising Architect's statement before the Committee on Public Buildings and Grounds, and replaced by the finish necessary and equal to the elaborate exterior of the building, and consequently would necessitate a greater authorization and appropriation than that now asked—$400,000—a part of the $380,000 being absolutely wasted, besides endangering the expensive exterior by a probable fire.

The authorization for the increase of this building is now absolutely necessary, for the reason that the present contracts on the building are nearly completed, or will be on or about September 1, which would leave the building open to inclement weather for the coming winter, or necessitate an unwarranted expenditure of temporary closing it in and require the services of a superintendent and watchman in order that the property may be taken care of and protected until such time when the work can proceed.

TRACEY, SWARTWOUT & LITCHFIELD,
By EDGERTON SWARTWOUT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House to the joint resolution (S. J. Res. 133) appropriating the sum of $20,000 out of money appropriated by Senate joint resolution No. 129 for subsistence of American citizens now in Arizona fleeing from threatened danger in the Republic of Mexico.

The message also announced that the Senate further insisted upon its amendments to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, disagreed to by the House of Representatives, and had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. LODGE, and Mr. TILLMAN as conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf; and

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street.

The message also announced that the Senate had elected JACOB H. GALLINGER, a Senator from the State of New Hampshire, President pro tempore, to hold office till the close of the second session of the Sixty-second Congress; and that the Senate had elected Augustus O. Bacon, a Senator from the State of Georgia, President pro tempore, to hold office from and after the closing day of the second session of the Sixty-second Congress to the 16th day of December, 1912. (S. Res. 383.)

ALIEN SEAMEN AND STOWAWAYS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21489) to amend the immigration laws relative to alien seamen and stowaways.

Mr. BURNETT. Mr. Speaker, I ask that that bill be passed without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. MANN. Reserving the right to object, what is the purpose of passing it without prejudice?

Mr. BURNETT. There are some amendments that will have to be made in order to conform with the involuntary-servitude bill passed a week or two ago, and we desire to confer and see if there is any difficulty in regard to it, and if so, to prepare amendments.

Mr. MANN. The gentleman gives a very plausible reason.

Mr. FOCHT. I would like to ask the gentleman from Alabama if he believes that the bill will be reached again this session?

Mr. BURNETT. Yes; I think so. This is not the general immigration bill; this is to check the alien seamen from coming in.

Mr. FOCHT. But the gentleman from Alabama seems to have very little hope of reaching the other bill.

Mr. BURNETT. This bill will be reached on the Unanimous Consent Calendar, no doubt.

Mr. CLAYTON. Mr. Speaker, I demand the regular order.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

FEDERAL BUILDING AT WINSTON-SALEM, N. C.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25714) to amend an act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The Clerk read the bill as follows:

Be it enacted, etc., That so much of the act of Congress (public-building act) approved June 25, 1910 (36 U. S. Stats., p. 693), as authorized the Secretary of the Treasury to begin the construction of a suitable and adequate fireproof addition to the present Federal building at Winston-Salem, N. C., etc., be, and the same is hereby, amended so as to authorize also all necessary changes in and alterations and repairs of said old Federal building, and of the heating, ventilating, and plumbing systems, and elevators therein, which may become necessary by reason of or incident to the extension or enlargement of said building, or which it may be found expedient or advisable to make to such old building, and the heating, ventilating, and plumbing systems and elevators because of and in connection with the enlargement, extension, remodeling, or improvement of said old building; and the annual appropriations for the general maintenance of public buildings under the control of the Treasury Department shall be construed to be available for all other repairs to and equipment of said building, grounds, and approaches, and the heating, hoisting, plumbing, and ventilating apparatus thereof.

Mr. STEDMAN. Mr. Speaker, I ask unanimous consent that this bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from North Carolina asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

Mr. HAMILTON of West Virginia. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from West Virginia offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Insert as an additional section the following:

"That the limit of cost for the erection of the United States post-office building at Sistersville, W. Va., provided for in section 4 of 'An act to increase the limit of cost of certain public buildings; to authorize the enlargement, extension, remodeling, or improvement of certain public buildings; to authorize the purchase of sites for public buildings, and for other purposes,' approved June 25, 1910, be increased from the sum of $60,000 to $80,000. For the purposes aforesaid the sum of $80,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated."

Mr. MANN. Mr. Speaker, I make the point of order against the amendment that it is not in order on this bill.

The SPEAKER. What is the point of order?

Mr. MANN. This bill relates to a public building at Winston-Salem, N. C., and only relates to that.

The SPEAKER. What does the amendment relate to?

Mr. MANN. To a public building at some other place.

The SPEAKER. The point of order is sustained.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. STEDMAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

COPIES OF RECORDS, DEPARTMENT OF THE INTERIOR.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to return to the bill (H. R. 25437) to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus.

The SPEAKER. The gentleman from California asks unanimous consent to return to the bill H. R. 25437. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what bill is that?

Mr. RAKER. That is the bill which we passed temporarily. I have now here the Senate bill of similar title, which has been passed by the Senate.

Mr. MANN. I have no objection.

The SPEAKER. The Chair hears no objection.

Mr. RAKER. Mr. Speaker, I now ask unanimous consent to lay aside the House bill and substitute therefor the bill S. 7157, of similar title.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior, the head of any bureau, office, or institution, or any officer of that department, may, when not prejudicial to the interests of the Government, furnish authenticated or unauthenticated copies of any official books, records, papers, documents, maps, plats, or diagrams within his custody, and charge therefor the following fees: For all written copies, at the rate of 15 cents for each hundred words therein; for each photolithographic copy, 25 cents where such copies are authorized by law; for photographic copies, 15 cents for each sheet; and for tracings or blue prints the cost of the production thereof to be determined by the officer furnishing such copies, and in addition to these fees the sum of 25 cents shall be charged for each certificate of verification and the seal attached to authenticated copies: *Provided*, That there shall be no charge for the making or verification of copies required for official use by the officers of any branch of the Government: *Provided further*, That only a charge of 25 cents shall be made for furnishing authenticated copies of any rules, regulations, or instructions printed by the Government for gratuitous distribution.

SEC. 2. That nothing in this act shall be construed to limit or restrict in any manner the authority of the Secretary of the Interior to prescribe such rules and regulations as he may deem proper governing the inspection of the records of said department and its various bureaus by the general public, and any person having any particular interest in any of such records may be permitted to take copies of such records under such rules and regulations as may be prescribed by the Secretary of the Interior.

SEC. 3. That all authenticated copies furnished under this act shall be admitted in evidence equally with the originals thereof.

SEC. 4. That all officers who furnish authenticated copies under this act shall attest their authentication by the use of an official seal, which is hereby authorized for that purpose.

SEC. 5. That the act of Congress approved April 19, 1904, chapter 1396, be, and the same is hereby, repealed; but nothing in this act shall be so construed as to repeal the provisions of sections 490 to 493, inclusive, and 4934 of the Revised Statutes, fixing the rates for patent fees; or the act approved March 3, 1891, chapter 541, fixing a rate for certifying printed copies of specifications and drawings of patents; or of section 14 of the act of February 20, 1905, chapter 592, to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same; nor shall anything in this act be construed to repeal any of the provisions of section 8 of the act approved April 26, 1906, chapter 1876, authorizing the officer having charge of the custody of any records pertaining to the enrollment of members of the Five Civilized Tribes of Indians to furnish certified copies of such records and charge for that service such fees as the Secretary of the Interior may prescribe; nor shall anything herein contained prevent the Secretary of the Interior, under his general power of supervision over Indian affairs, from prescribing such charges or fees for furnishing certified copies of the records of any Indian agency or Indian school as he may deem proper; and the said Secretary is hereby authorized to charge a fee of 25 cents for each certified copy issued by him as to the official character of any officer of his department.

SEC. 6. That all sums received under the provisions of this act shall be deposited in the Treasury to the credit of miscellaneous receipts.

Mr. RAKER. Mr. Speaker, this bill is on the Union Calendar, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

Mr. FOSTER. Mr. Speaker, is this Senate bill exactly the same as the House bill?

Mr. RAKER. Identically the same. It has been referred to the committee, and the committee has reported it back favorably.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

The bill H. R. 25437 was laid on the table.

FORT KEOGH MILITARY RESERVATION.

The next business on the Calendar for Unanimous Consent was the bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to make and execute a lease to the Chicago, Milwaukee & Puget Sound Railway Co., a corporation of the State of Washington, of a tract of land lying in the Fort Keogh Military Reservation, in the State of Montana, containing an approximate area of 40 acres, lying northerly of the right of way now owned by said railway company, granted by the act approved May 11, 1906, and also a right of way not exceeding 50 feet in width extending from the present right of way of said company at a point near the westerly boundary of said reservation in an easterly and northeasterly direction to said tract, a distance of approximately 3½ miles; and said railway company is authorized to construct, maintain, and operate a spur railroad track upon said right of way and to take and remove earth, gravel, and ballast material from said tract for the improvement of its railroad until the supply thereof shall be exhausted. Said lease shall contain such provisions in respect to the fencing of said right of way and gravel tract, the construction of crossings and cattle guards at highways, and the delivery, free of charge, annually, of such quantity of sand or gravel for use upon the wagon roads and walks at Fort Keogh during the time that material shall be taken from said tract, and such other conditions as the Secretary of War shall deem advisable.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would ask somebody for some information concerning the bill. There is no information in the report, and there is no report from the War Department attached to the bill.

Mr. PRAY. Mr. Speaker, I will say in reply to the gentleman from Illinois that objection was raised when the bill was being considered by the Committee on Military Affairs. I inquired at the War Department to find out what they had on file there and found that the Secretary of War had requested a report from the officer in charge of the remount station at Fort Keogh shortly after the introduction of the bill, who reported that there would be no objection to the bill and responded to other questions propounded to him. The War Department, relying upon that report, found no objection.

Mr. MANN. Did the War Department give that information to Congress?

Mr. PRAY. Yes; there is a favorable report.

Mr. MANN. It is very carefully concealed from the information of the House. Perhaps I should not say "carefully." It may be very carelessly concealed.

Mr. PRAY. It was printed in the Senate report upon the bill, but it seems to have been omitted from the House report.

Mr. MANN. The gentleman should remember that bills of this character are sometimes more difficult to pass in the House than in the Senate, and it requires fully as much information.

Mr. ANTHONY. Mr. Speaker, I would say to the gentleman that in the bill full authority is left to the Secretary of War to provide proper regulations and restrictions.

Mr. MANN. The bill apparently gives a lease for the taking of gravel from what would be a gravel pit, with the provision that among other things the lessors shall furnish such quantity of sand or gravel for use upon the wagon roads and walks at Fort Keogh during the time that material shall be taken from said tracks, and so forth. Just how much that is I do not know, but "such quantity of sand and gravel" would be a rather indefinite amount. It is possible that it means such quantity as the Secretary of War shall deem advisable. Of course nobody would take a lease and pay any rental without knowing something about what he would be required to furnish free. Therefore I

thought we were entitled to the information from the War Department as to what they would require. Is th's to be a dummy lease for $1, and other good and valuable consideration, or is it a bona fide lease for something worth something?

Mr. ANTHONY. I think it is generally understood that there is no actual value to the gravel other than its use as ballast for the railroad.

Mr. MANN. I know of nothing that is of actual value except for its use. That is all that the land is good for—its use. This gravel is very valuable to somebody.

Mr. ANTHONY. If it were at a market, say, in Chicago.

Mr. MANN. But it is at a market right there, where it is demanded. For what is it to be disposed of? What are the terms? Does anybody know?

Mr. ANTHONY. I do not think the Government would be defrauded if it gave it away to the railroad company. I think it ought to be glad to encourage the building of a transcontinental railroad by giving it sand and gravel along the right of way.

Mr. MANN. But this is not sand and gravel along the right of way.

Mr. ANTHONY. Practically that.

Mr. MANN. Not at all. This is in the Fort Keogh Military Reservation, into which they have to run a spur line.

Mr. ANTHONY. Does not the main line of the railroad run through the reservation?

Mr. PRAY. The main line of the Milwaukee runs through the reservation. Congress granted a right of way two or three years ago. The reservation consists of 57,000 acres of land. This is a little strip of 40 acres about three miles and a half north of the main right of way. They desire to build a spur to it and take gravel for ballast on the roadbed.

Mr. MONDELL. That is a lease for a 40-acre tract some 3 miles from the post, as I understand it.

Mr. PRAY. It is some distance west of the post. It is quite a long way from the post itself, and it is off about 3 miles north of the right of way. The main line of the road runs through this reservation. This is a large reservation consisting of 57,000 acres of land.

Mr. MONDELL. I suppose this is not the only tract of gravel on the reservation?

Mr. PRAY. Oh, no.

Mr. MANN. If there is any such great quantity of gravel, and it is not worth anything, why do they seek to lease this, three and a half miles from the track, and agree to give the Government all the gravel it wants. I am afraid those two statements do not gibe very well.

Mr. PRAY. Perhaps it is the most convenient place to put in a spur. There may be a great many other places, but they undoubtedly found this the most convenient place to locate the spur and procure gravel.

Mr. MANN. The War Department gives no information whatever. It says that this bill has ample provisions to safeguard the interests of the Government. I should think that gentlemen with bills of this sort would have had more information concerning the facts in the case.

Mr. PRAY. I will say to the gentleman, this is a Senate bill, introduced by Senator DIXON, who makes a strong favorable report on the bill and presents a favorable report from the Secretary of War.

Mr. MANN. Yes; and the distinguished Senator from Montana introduced the bill and reported it without giving any information upon it, passed it, sent it over to the House; the committee of the House reports it without giving any information concerning it, and then the gentleman desires that the House pass it because the Senator who introduced it reported it ought to pass the Senate without having any information about it.

Mr. PRAY. Does the gentleman think the rights of the Government are not protected in the bill?

Mr. MANN. I do not know; I do not know what the facts are.

Mr. PRAY. If the gentleman will suggest an amendment, perhaps we can agree upon it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. PRAY. Mr. Speaker, I ask unanimous consent that it may be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FOSTER. Mr. Speaker, I just want to ask the gentleman a question. This company has this 40 acres of land on which is located the gravel and dirt which it is proposed to use for the railroad?

Mr. PRAY. Yes.

Mr. FOSTER. Do they own that 40 acres of land?

Mr. PRAY. The Government?

Mr. FOSTER. No; the railroad.

Mr. PRAY. No; the Government owns it. Two years ago Congress passed an act granting the right of way across the reservation to the Chicago, Milwaukee & Puget Sound Railroad Co. This is a large reservation and covers an immense territory. They need quantities of gravel, and this is one of the most convenient places. They need this gravel for ballast, and they applied for a right of way and authority to lease the tract.

Mr. FOSTER. This 40 acres belongs to the Government?

Mr. PRAY. Yes; this is Government land. It is to be leased to this company, and in turn they agree to furnish all the gravel the Government needs on its reservation.

Mr. FOSTER. This provides they shall have this right as long as there is any gravel or dirt existing there, so I take it the Government has given the railroad a perpetual lease, a right of way and a lease to this gravel and dirt on the 40 acres of ground.

Mr. PRAY. Well, of course I can not tell the gentleman how great a quantity of gravel there is in this tract.

Mr. FOSTER. It says until the dirt and gravel are exhausted.

Mr. PRAY. If it is the sense of the committee that it would operate as a perpetual lease, it might be amended.

Mr. FOSTER. Would not the gentleman be willing to strike out "until the supply shall be exhausted"?

Mr. PRAY. I do not see any objection to that, and yet further down, if the gentleman will notice, in the last paragraph the bill specifically provides that the Secretary of War may impose such conditions as he deems advisable.

Mr. FOSTER. But the bill gives it until all this is exhausted.

Mr. AKIN of New York. Suppose the railroad companies continue to work and are slow and do not exhaust the gravel, will that give them the right until they do?

Mr. PRAY. Well, I think the Secretary of War would guard against contingencies of that sort in his conditions in the lease and would require them probably to use due diligence and act in good faith.

Mr. AKIN of New York. Why not have a stated time to use this burrowing pit?

Mr. PRAY. Well, the Secretary of War would take care of that in the lease. That would be left to his discretion.

Mr. FOSTER. I think this gives them absolute perpetual grant to these 40 acres as long as the world stands.

Mr. PRAY. I do not see any objection, I will say to the gentleman, in amending the bill by striking out that part of it.

Mr. CANNON. Mr. Speaker, if the gentleman will allow me. There are 57,000 acres on this reservation, so stated, and this is to put in a spur. Suppose that gravel was 1,000 feet deep on that 40 acres; do you not think the Government is benefited by getting all the sand and gravel from the railroad it needs for all purposes on the reservation; and at this stage of the session does the gentleman think the bill ought to pass amended and have to be sent back to the Senate?

Mr. FOSTER. The only thing I thought of was—I do not know whether this military reservation will remain as a military reservation or not. Possibly it may not.

Mr. PRAY. I will say to the gentleman it is a military reservation, but not a military post. It was abandoned about three years ago. The Government now uses it as a remount station. I will state further to the gentleman that it seems to me that the bill provides that the Secretary of War may name such conditions in the lease as will fully protect all of the rights of the United States.

Mr. FOSTER. If the House wants to let it go—I do not think it is a good thing to give a lease forever.

Mr. ANTHONY. Does not the gentleman from Illinois think we can safely trust the Secretary of War to properly safeguard the matter?

Mr. FOSTER. You are giving the use of these 40 acres as long as the earth rolls.

Mr. ANTHONY. I think the gentleman will agree that Mr. Stimson is a very good conservationist and will properly safeguard this matter.

Mr. FOSTER. I know, but he is not making this bill.

Mr. PRAY. He has favorably recommended this bill, and he says it is all right. However, as before stated, I would have no objection to the amendment proposed by the gentleman from Illinois [Mr. FOSTER].

Mr. MANN. Mr. Speaker, I move to strike out, on page 1, line 4, the words "and directed" and to insert in lieu thereof the words "in his discretion."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 4, strike out the words "and directed" and insert in lieu thereof the words "in his discretion."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. FOSTER. Mr. Speaker, I move to strike out, on page 2, line 10, the words "until the supply thereof shall be exhausted."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 10, strike out the words "until the supply thereof shall be exhausted."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was read a third time and passed.

JUVENILE COURT, DISTRICT OF COLUMBIA (H. DOC. NO. 913).

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying papers, was referred to the Committee on the District of Columbia and ordered printed:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the Sixth Annual Report of the Juvenile Court of the District of Columbia, for the year ended June 30, 1912.

WM. H. TAFT.

THE WHITE HOUSE, *August 19, 1912.*

ACTING CLERK OF THE HOUSE.

The SPEAKER laid before the House the following communication, which was read:

AUGUST 19, 1912.

To the Speaker of the House:

Desiring to be absent from my office for a short period of time, I hereby designate the Chief Clerk of the House, J. C. South, Esq., to sign all papers that may require my official signature, and to do all other acts under the rules and practice of the House to be done by the Clerk of the House.

Respectfully submitted.

SOUTH TRIMBLE,
Clerk of the House.

INDIAN TRIBAL FUNDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 46) to amend section 2 of an act approved March 2, 1907, entitled "An act providing for the allotment and distribution of Indian tribal funds."

The bill was read in full.

Mr. MANN. Is there anybody here desiring to have this bill passed?

Mr. STEPHENS of Texas. I think it is a necessary bill and ought to be passed. The Indians are anxious to obtain their money from the United States Treasury for many purposes; for instance, in cases of old age, decrepitude, imbecility, or disease, and in cases where they are living on a homestead and this money would enable them to improve and cultivate their lands. It is to put funds in the hands of the Indians who are disposed to use them for their own benefit.

Mr. MANN. Let me see if I understand it correctly. Do I understand this bill would permit the Secretary of the Interior to pay to any Indian who has any funds in the United States Treasury the amount of money to his credit, or permit the Secretary to expend for his credit without the wish of the Indian? Is that correct?

Mr. STEPHENS of Texas. That is correct. But it must be done under such rules and regulations as the Secretary may prescribe. And some one, let me suggest to the gentleman, must see that this money, when it is withdrawn from the Treasury, is put in the hands of the Indians entitled to receive it and now needing it, and he certainly would put it in the hands of the superintendent or Indian agent where the Indians reside, and he could see that it was properly distributed. In some instances the Indians that own these funds are in hospitals, where they are being taken care of by the States where they live, although they have money in the United States Treasury.

Mr. MANN. I have no objection when an Indian is helpless and has money in the Treasury to have it expended through his guardians for the Indian's benefit, but this bill permits any money to be paid to any Indian without regard to his mental qualifications, although he may be perfectly sound physically, or it permits the Secretary of the Interior to expend it as the Secretary thinks proper and without regard to what the Indian thinks.

Mr. STEPHENS of Texas. Will the gentleman permit me further to suggest that this bill passed the House during the last Congress. The department is anxious that this bill shall become a law. I know of no good reason why these Indians should not have their money out of the Treasury as is provided in this bill.

Mr. AKIN of New York. Will the gentleman yield?

Mr. STEPHENS of Texas. Certainly.

Mr. AKIN of New York. If it is placed in the hands of the Secretary of the Interior will any of these shyster lawyers get a crack at it?

Mr. STEPHENS of Texas. Not at all. It is dispensed by the Secretary of the Interior through the Indian agent where the Indian resides.

Mr. AKIN of New York. Will there be any attorney's fees connected with it?

Mr. STEPHENS of Texas. None whatever. There could not possibly be any.

Mr. MANN. There is nothing to prevent the Indian paying it all to some attorney if he chooses to do so.

Mr. STEPHENS of Texas. Would the gentleman from Illinois [Mr. MANN] object if, in lines 6 and 7, page 2, we strike out this language:

Or to expend the same for his or her benefit.

Mr. MANN. Yes; I certainly would. Indians who are incompetent—and I believe there are some who are incompetent—I believe ought not to receive their money out of the Treasury, to be grabbed by the first white man that comes along. It will be easy to prepare a bill where the payment ought to be made where they need the money.

The SPEAKER. Is there objection?

Mr. MANN. I will object if I have to answer now.

The SPEAKER. The gentleman from Illinois objects.

Mr. MANN. I would like to see the bill passed if it could be passed in the proper shape.

BRIDGE ACROSS MISSOURI RIVER, YANKTON, S. DAK.

The next business on the Calendar for Unanimous Consent was the bill (S. 5882) to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act approved April 5, 1904, authorizing the Winnipeg, Yankton & Gulf Railroad Co. to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved January 26, 1910, be, and the same is hereby, so amended that the time within which the said bridge is required to be commenced shall be within one year and the time within which it is required that the said bridge shall be completed shall be within three years from the date of the approval of this act: *Provided*, That the construction, maintenance, and operation of the said bridge shall be in all respects subject to and in accordance with the provisions of the act entitled "An act to regulate construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WITHDRAWAL OF PUBLIC LANDS IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent was the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910.

The Clerk read as follows:

Be it enacted, etc., That section 2 of the act of Congress approved June 25, 1910 (36 Stat. L., 847), be, and the same hereby is, amended to read as follows:

"SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, phosphates, potash, and nitrates: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in the diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects, and the bill is stricken from the calendar. The Clerk will read the next bill.

Mr. MONDELL. Mr. Speaker, I trust the gentleman from Illinois [Mr. MANN] will withhold his objection for a moment.

Mr. MANN. I reserve the right to object.

Mr. MONDELL. This is a very important bill. It changes the present law only——

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws his objection, and reserves the right to object.

Mr. MONDELL. The bill changes the present existing law, Mr. Speaker, only by the addition of four words, on line 2, of page 2, and the condition that makes this change necessary is this: The present withdrawal law, while it provides for complete withdrawal of the lands also provides, in section 2, that the lands withdrawn shall be subject to exploration, discovery, occupation, and purchase under the mining laws, so far as the same laws apply to lands other than those classified as coal, oil, or gas lands. Now, the result of that is that while the department has withdrawn recently some lands containing phosphate, potash, and nitrates, the presence of which is discovered by the Government——

The SPEAKER. The gentleman from Illinois [Mr. MANN] withdraws his objection. Is there objection? [After a pause.] The Chair hears none. The Clerk will finish the reading of the bill.

The Clerk concluded the reading of the bill, as follows:

Provided further, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June 25, 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry theretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States ofOregon Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

The SPEAKER. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I move that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California [Mr. RAKER] moves that the bill be considered in the House as in Committee of the Whole. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects. Somebody will have to make a motion to go into Committee of the Whole if that is desired to be done.

Mr. MONDELL. Mr. Speaker, I move that the House resolve itself into Committee of the Whole for the consideration of Senate bill 5679.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. That request has already been made and was not granted. The question is on the motion of the gentleman from Wyoming [Mr. MONDELL] that the House resolve itself into Committee of the Whole for the consideration of Senate bill 5679.

The question was taken, and the motion was rejected.

The SPEAKER. The Clerk will report the next bill.

Mr. RAKER. Mr. Speaker, I ak unanimous consent to extend my remarks on this bill by inserting therein the message of the President showing the necessity of this legislation.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the next bill.

SALE OF OLD POST-OFFICE BUILDING, PROVIDENCE, R. I.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25624) providing for the sale of the old post-office property at Providence, R. I., by public auction.

The Clerk read the bill as follows:

Be it enacted, etc., That the second paragraph of section 10 of the act of Congress entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 6, 1902 (32 Stat. L., p. 322), be, and it is hereby, amended so as to read as follows:

"When said building is completed and occupied by the United States authorities the Secretary of the Treasury is hereby authorized, in his discretion, to sell the present post office, courthouse, and customhouse building and the site thereof, situated at the corner of Weybosset and Custom House Streets, in the city of Providence and State of Rhode Island, at public auction, after proper advertisement, on such terms as he may deem to be to the best interests of the United States; to execute a quitclaim deed to the purchaser thereof, and to deposit the proceeds of said sale in the Treasury of the United States as a miscellaneous receipt.

The SPEAKER. Is there objection?

Mr. NORRIS. Reserving the right to object, Mr. Speaker, I would like to inquire of some one having knowledge of the facts, what is the necessity for the sale of this property?

Mr. O'SHAUNESSY. Mr. Speaker, the gentleman may remember that earlier in the session a bill with substantially the same provisions, except that an upset price of $200,000 was placed upon the property, was introduced by me, was passed here and by the Senate, was approved by the President and became a law, and under that law we held a public auction of the post office and old customhouse site. But, as I anticipated, the upset price named in the bill was far too much, and even though the property was extensively advertised and there were a number of people there, it failed to produce the money contemplated.

Mr. NORRIS. This is property on which is located a Government building?

Mr. O'SHAUNESSY. It is.

Mr. NORRIS. How much did that public building cost?

Mr. O'SHAUNESSY. It cost $200,000 in 1857.

Mr. NORRIS. Is it not a fact that the property is a great deal more valuable now than it was then? Why does the Government want to get rid of it?

Mr. O'SHAUNESSY. The land is more valuable in that neighborhood, but the building itself is, in the opinion of real-estate experts, not so valuable.

Mr. NORRIS. The gentleman has told us that the Government in the auction of that property at this public sale did not receive a bid that came within the limit of the existing law, but he has not yet answered my question as to why the Government wants to get rid of this property.

Mr. O'SHAUNESSY. I will tell the gentleman. It is simply because the building is unoccupied and has been for several years, and it is a dead weight.

Mr. NORRIS. It does not cost the Government anything?

Mr. O'SHAUNESSY. It does not bring any revenue to the Government or to the city of Providence.

This is recommended to be sold for this reason: It is old and unfit for any purpose whatsoever. It would cost $100,000 to repair it, and the Government will be in a better position by getting whatever it is worth. The bill provides for the sale of it, and places the limit of cost at $125,000 to give some latitude to the bidding. In my estimation the property is worth $150,000, and I think it will bring that without any question.

Mr. NORRIS. The present law puts the limit of cost at $200,000.

Mr. O'SHAUNESSY. Yes; and we held an auction under that and could not get any bids.

Mr. NORRIS. What is the reason that the Government does not use the property?

Mr. O'SHAUNESSY. It is not fit for post-office purposes any longer.

Mr. NORRIS. But you have other Government offices.

Mr. O'SHAUNESSY. The most of the other offices are in the new post-office building, with the exception of one or two.

Mr. NORRIS. If we do sell this, will it not follow that the Government will have to rent quarters for some of the other Government offices?

Mr. O'SHAUNESSY. I can not answer that absolutely; that is all within the possibilities, but if the Government ever builds any other building for Government purposes they will be able to go where land is cheaper and erect a building better adapted for Government purposes than this is.

Mr. NORRIS. Why can not the Government build on this particular property; if the building is worn out, can not it build a new one on the same site?

Mr. O'SHAUNESSY. Because the building is so situated that it is not convenient or well adapted. There is an alley on one side of it.

Mr. NORRIS. That is a good thing.

Mr. O'SHAUNESSY. I know that; but it does not admit of free ingress and egress for wagons; it is too narrow.

Mr. NORRIS. Is not there a street on any side of the building?

Mr. O'SHAUNESSY. Yes; there is a street on one side, and a very broad street in front.

Mr. NORRIS. Then there are streets on two sides of it?

Mr. O'SHAUNESSY. Yes.

Mr. NORRIS. And an alley on the third side?

Mr. O'SHAUNESSY. Yes.

Mr. NORRIS. That ought to be a good opportunity to get in and out of the building. If a man can not get out on the street he can get out on the alley.

Mr. O'SHAUNESSY. The Department of the Treasury having charge of this building, the postmaster at Providence, and all the citizens say that the best interests of the Government will be subserved by selling the property and investing the money in some other way.

Mr. HUGHES of West Virginia. I want to ask the gentleman a question.

Mr. O'SHAUNESSY. I will yield.

Mr. HUGHES of West Virginia. Has the Treasury Department made any recommendation in reference to this?

Mr. O'SHAUNESSY. They recommended that it be disposed of three or four years ago.

Mr. NORRIS. I was formerly several years on the committee that has charge of these bills, and I know that on several occasions there were bills authorizing the sale of property and later on there was some sort of a scandal in reference to them. In looking it up I found that, as a rule, when the Government was disposing of property on which an old Government building existed, it never got what the property was worth. We have all heard about the New York customhouse, and yet at the time we sold that all the members of the New York delegation were anxious to get the sale made. They were anxious to lower the price, and afterwards there was quite a scandal came out of it, when, as a matter of fact, as far as Congress was concerned, every man acted in good faith.

Now, I remember when I was a member of the committee, and I think the gentleman from Alabama was on the committee at the time, we sold the property in one public-building bill out here in Washington, and later on it developed that it was a mistake to include it, that the Government needed it, and that the men who were trying to purchase it were buying it for the purpose of selling it later on to the Government again. Yet the committee in the best of faith could not see any immediate use that the Government could make of the property.

Now, in the city of Providence you have another Government building; one that is up to date, a new building. You propose to sell the old one, and you have tried to sell it at a price fixed and failed to get any bidders. It is a very easy matter for a man to prevent the sale being made of this kind of property. I can see how it is not property that would sell well on the market, but it will not be two years, perhaps, before the city of Providence will be before the committee endeavoring to get additional public buildings constructed in Providence. I am not saying that this bill is wrong, but on general principles I formed the opinion years ago, after going over the ground a good many times in different localities in the United States, that I never would favor the selling of real estate owned by the Government unless it was shown almost beyond a reasonable doubt that it was a good thing for the Government to sell it. Why not allow the Government to retain it? It is not suitable, perhaps, for a post office and never will be, but there are Government officers and other public Government officials that will have to be housed in the city of Providence, and I do not understand why at least we should be in such a hurry to dispose of this property.

Mr. BURNETT. I want to say to the gentleman from Nebraska that we have not been in a hurry because in 1902 the act providing for appropriations for public buildings authorized the sale, and I believe the upset price was $300,000. They made the effort time and time again to sell, and were unable to sell it; and the gentleman came before the committee with a bill without any upset price, but the committee was of the opinion that it ought to be set at $200,000. I remember the gentleman from Nebraska's caution, and wherever it was possible or probable that the Government would want to use the ground for some other purpose within a reasonable time, say 8 or 12 years, we thought the Government should retain it.

Mr. NORRIS. I would like to ask if the committee has made any investigation on that line. The present post office is a new one and does not at the present time, as I understand it, house all the Government officials in that city? Is that true?

Mr. BURNETT. I will ask the gentleman from Rhode Island to answer that question.

Mr. O'SHAUNESSY. I believe there are only two minor departments that are not housed in the new Federal building. What they are I do not think I can state at present.

Mr. NORRIS. We have this condition: We have the new building in which the officials have just gone in, and already it is too small to supply the needs of the Government, and with that condition facing us we are asked to sell the old Government building and the land on which it is situated.

Mr. HUGHES of West Virginia. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. HUGHES of West Virginia. I desire to ask the gentleman from Nebraska a question. In view of the statement of the Treasury Department that their advice is to sell this property because of its undesirability for the Government to retain, and that it will be undesirable for the future for a Government building, does the gentleman think it good policy or good business judgment for the Government to retain the property there as an eyesore to the people of the city of Providence, R. I.? Does the gentleman think it good policy to keep property when there is no prospect in the future that it will ever be used for Government purposes?

Mr. NORRIS. Why will it not be used for Government purposes?

Mr. HUGHES of West Virginia. On account of its undesirable location. It will never be used for Government purposes. That, as I understand it, is the report. In addition to that, a number of years have elapsed; and if there were any scheme in any way by which somebody desired bidders prevented from purchasing the property so that some one else might make something out of it, that would have taken place long ago. They have been unable, however, to get $200,000.

Mr. NORRIS. Mr. Speaker, in reply to the gentleman I would like to call his attention to what happened in reference to a public building several years ago in the city of New York, where they undertook to sell the old customhouse. If he will look at the record he will find that this is what happened: The law was changed several times. The Treasury Department recommended the sale of the old customhouse. The Government did everything it could to make a good sale. I have no doubt that they acted in the best of faith. Under several administrations it was advertised in the New York papers, and they tried to get bids.

The law was changed, and the upset price lowered, and they kept at it until they could get it to a figure where it was sold. In less than a year after that time there was a scandal all over the country, which was kept alive for several years, about the iniquity of the sale of the old customhouse in the city of New York. We heard it on the floor of Congress and we heard it through several campaigns. I do not believe that there was anything in it, because in that case I looked up everything I could find in regard to it, and I believe that everyone acted in good faith. Yet the facts were that they eventually sold that property for about one-fourth or one-fifth of its value, notwithstanding the fact that they proclaimed here on the floor of the House, with the Treasury Department backing them up, that the law ought to be changed in order to reduce the price so that somebody would buy it. There is not much of a recommendation here from the Treasury Department.

Mr. O'SHAUNESSY. It is in the report.

Mr. NORRIS. Here is a letter signed by George W. Gardner, who is the custodian of the building up there, and he says that they had a sale or tried to have one, but that no one came to bid; that there were a good many people there but no one bid, and that the Congressman, the gentleman from Rhode Island [Mr. O'SHAUNESSY], was there and told them that he was going to introduce a bill to cut the price down. Mr. Speaker, there is no doubt but that there were no bids. No one contends to the contrary.

Mr. O'SHAUNESSY. Mr. Speaker, I will ask the gentleman to let me read from a report that may prove more satisfactory to him. This was incorporated in the report accompanying the previous bill:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 8, 1912.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Referring to your request for a report in connection with H. R. 4650, to authorize the Secretary of the Treasury to convey to the city of Providence, R. I., the building formerly used as a United States post office, courthouse, and customhouse, and the site thereof, I have the honor to submit the following:

The site was acquired in 1857, at a cost of $40,000. The building erected thereon cost approximately $200,000. Repairs and improvements put on the building since have cost approximately $90,000.

Since the completion of the new building the old building above referred to has remained vacant and is not needed for the purposes of the Government.

Section 10 of the act of Congress (omnibus public-building act), approved June 6, 1902 (32 Stat. U. S., 310), authorizing the construction of a new Federal building at Providence, R. I., contains a further authorization for the sale by the Secretary of the Treasury of the old post office, courthouse, and customhouse, and the site thereof, in said city, at the upset price of $300,000. Under the authority contained in said legislation the property in question has been advertised for sale but no offers were received. It is stated by the collector of customs, who is the custodian of said property, that the upset price fixed by the act of June 6, 1902, is in excess of the market value of said property. In a communication dated December 17, 1909, the custodian states, in part, as follows:

"The building is located in the immediate vicinity of several business blocks which have heretofore been used for wholesale mercantile business. At the present day, three large blocks formerly used for this purpose are entirely vacant and have stood so for more than a year.

"I cite these conditions as having a general bearing on the value of property in that immediate neighborhood.

"There have been two sales of sizeable parcels of real estate within a short distance of the building, both fronting on lower Westminster Street, which is one of the principal business thoroughfares of the city. Both of these parcels of land were sold at a price of $18 per foot.

"Immediately adjoining the old Federal Building on the north is a large 10-story office building occupying land which is taxed for $25 per foot.

"Business men with whom I have talked, and also real estate men, claim that the building is really a detriment to the sale of the land, as it is of such size, construction, and arrangement as to necessitate tear-

ing down altogether, or if changed so as to afford natural light (an element which in its present condition is woefully lacking) would require very great expense.

"My familiarity with the building convinces me that to devote it to any modern business purpose would require a large outlay of money to put the basement in proper shape, as the building is built on made land formerly tideflowed, and water now comes into the cellar so much as to require an automatic cellar drainer to keep it reasonably dry.

"A complete new heating system would be required throughout the building, as well as ventilation, elevators, and plumbing. This last would be a very considerable feature.

"While the structure is of granite, the materials in the walls can not be made of very much use if the building were torn down, and if not torn down the cutting of the walls to afford the necessary light could hardly be achieved without some architectural disfigurement.

"In view of all these considerations and basing my opinion upon the ideas of men familiar in a business and technical way with property of this nature in this part of the city, I am of the opinion that the Government will hardly realize from the property more than a reasonable value for the land itself."

The site of the new building was donated to the United States by the city of Providence, and its value at the time was greatly in excess of the sum which would be likely to be realized from the sale of the old Federal building and the site thereof.

The department does not wish to submit any recommendation with respect to this matter.

With respect to H. R. 13774, which, in effect, amends the authority given by the act of Congress approved June 6, 1902, for the sale of said property so as to authorize the sale of the property at public auction without fixing an upset price, I have to state that if this measure becomes a law the efforts of the department to sell the property would probably be facilitated.

Respectfully, FRANKLIN MACVEAGH, *Secretary.*

I desire the gentleman to remember that there are 8,000 square feet of land in this particular site, so that he may estimate the value for himself. At $25 a square foot it would make $200,000.

Mr. NORRIS. Is the building on it worth anything?

Mr. O'SHAUNESSY. It is supposed to be worth nothing.

Mr. NORRIS. As a matter of fact, the Government has put about $300,000 into the building.

Mr. BURNETT. Not the building alone.

Mr. NORRIS. Yes.

Mr. O'SHAUNESSY. It cost $200,000.

Mr. NORRIS. And $90,000 for improvements.

Mr. O'SHAUNESSY. That was in 1857.

Mr. NORRIS. When was the $90,000 expended?

Mr. O'SHAUNESSY. During the half century, and they all say it would take $100,000 to put the building in a tenantable condition. It resolves itself into a business proposition, whether it is best to expend $100,000 or to obtain $150,000.

Mr. HUGHES of West Virginia. And then, as I understand it, the location is not a desirable one.

Mr. NORRIS. It resolves itself into this, whether we will give this away now and next year have the Representatives from Rhode Island asking the Government to expend a half million to buy a new site for a building and a new building in Providence, R. I.

Mr. O'SHAUNESSY. Oh, no.

Mr. NORRIS. But I am afraid that is what we will be up against.

Mr. UTTER. Mr. Speaker, will the gentleman yield?

Mr. NORRIS. Certainly.

Mr. UTTER. Mr. Speaker, I sincerely hope the gentleman from Nebraska will withdraw any objection he has to this bill. It is a bill that ought to be passed. The building as it stands now is in a section of the city that is undesirable for such a building. If it were undertaken now to repair it, it would cost at least $100,000. The building stands as an eyesore to the public, and it is a detriment to the property upon all sides. If the Government should ever demand more room, it would ask for it in an entirely different location in the city.

Mr. NORRIS. That is just the proposition. The Government could hold court there. The Government could have its customs officials there. Any Government office could be held there, except possibly the post office.

Mr. UTTER. The building itself could never be fixed over so as to make a proper place for the courts. One of the reasons why the new building was erected was to give the courts conveniences that the old building did not possess.

Mr. HUGHES of West Virginia. And the gentleman has just stated that the wholesale houses that occupy usually the most undesirable parts of a city have left that locality on account of its undesirability.

Mr. UTTER. That is true.

Mr. HUGHES of West Virginia. And now the gentleman from Nebraska would like to have the courts held there.

Mr. NORRIS. Mr. Speaker, I would just as lief have the courts held where there are empty business blocks as to locate them straight across the street from a $1,000,000 hotel or some residence property. You do not have to have a marble front across the street from a courthouse in order to get justice. It makes no difference particularly where your courts are held, so long as they are in a healthy locality.

Mr. O'SHAUNESSY. They are located in the new building.

Mr. UTTER. The courts are in the new building. This building is not adequate——

Mr. NORRIS. For what is it adequate?

Mr. UTTER. It is not adequate for anything except to be pulled down.

Mr. NORRIS. There is another point. The Government has spent $300,000 in putting it there and now it is worth nothing because you desire it pulled down. What about the new building?

Mr. UTTER. It is a fine building. It is a fine thing for the community in every way.

Mr. NORRIS. Now, I want to ask the gentleman why there is such a great necessity for the Government to sell this property, because it does not need the money?

Mr. UTTER. Because, for one thing, this building is situated at a place where it has now become an eyesore to everybody who sees it and where it has been a detriment to neighboring property.

Mr. NORRIS. Why a detriment?

Mr. UTTER. Because of its appearance and condition.

Mr. NORRIS. Now, the gentleman or his colleagues have tried to argue we ought to sell this property because the wholesale houses in that vicinity are vacant and therefore we could not expect Government officials to have offices and do business in that vicinity. Now, the gentleman says that we ought to sell it because it is a detriment to business, so that people never come to that vicinity. How can it hurt business if there is no business there?

Mr. UTTER. For the reason that people have left that region. The people who have been doing business in that region have gone away because of the presence of that old building. Now, the best thing we can do for the country and the State is to dispose of the building and turn the money into some practical channel.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. O'SHAUNESSY. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 9, insert after the word "advertisement" the words "once a week for four successive weeks in some daily newspaper published in said city."

The question was taken, and the amendment was agreed to.

Mr. ALEXANDER. Mr. Speaker, I move to strike out the last word. My purpose in doing that is in asking unanimous consent to extend my remarks by inserting some remarks on the work of the Committee on the Merchant Marine and Fisheries during the present session.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Page 2, after the word "receipt" insert "*Provided*, That no bid for less than $125,000 shall be accepted, and the Secretary of the Treasury reserves the right to reject any bid."

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. O'SHAUNESSY, a motion to reconsider the vote by which the bill was passed was laid on the table.

WITHDRAWAL OF PUBLIC LANDS IN CERTAIN CASES.

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. A moment ago unanimous consent was given for the consideration of S. 5679, an act to authorize the President of the United States to make withdrawals of land, and so forth, and on the motion to go into the Committee of the Whole House for the consideration of the bill the Chair declared that the noes had it. I desire to ask what the parliamentary status is with regard to that bill?

The SPEAKER. It was passed without prejudice.

Mr. MONDELL. Now, Mr. Speaker, I ask unanimous consent to return to that bill, and I renew the request that the bill be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman puts two motions at once. The gentleman from Wyoming asks unanimous consent to return to the consideration of S. 5679. Is there objection? [After a pause.] The Chair hears none. The gentleman also asks unanimous consent to consider this bill in the House as in Committee of the Whole House on the state of the Union.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to ask the gentleman if he would be willing to insert, on page 2, line 1, before the word "minerals" the word "metalliferous" and leave out line 2.

Mr. MONDELL. What is the gentleman's suggestion?

Mr. MANN. Insert before the word "minerals," in line 1, page 2, the word "metalliferous" and leave out line 2, so it would authorize the exploration of land withdrawn so far as the same applies to metalliferous minerals.

Mr. MONDELL. Well, as I understand, the gentleman would insert the word "metalliferous" after the word "to," in line 1, page 2.

Mr. MANN. Yes.

Mr. MONDELL. And to strike out all of line 2.

Mr. MANN. Yes.

Mr. MONDELL. I have no objection to that, Mr. Speaker. As a matter of fact, I very earnestly contended for the use of the language the gentleman now proposes at the time the bill passed and am glad to agree to the amendment.

Mr. MANN. The gentleman was right then, and I am glad he is willing to agree to it.

The SPEAKER. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. Is there objection to considering it in the House as in the Committee of the Whole House on the state of the Union? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to insert, page 2, line 1, before the word "minerals" the word "metalliferous" and to strike out line 2, all except the colon.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 1, insert before the word "minerals" the word "metalliferous" and strike out all of line 2, page 2, with the exception of the colon at the end of the line.

The question was taken, and the amendment was agreed to.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 3, line 2, insert after the words "States of" the word "California."

Mr. MANN. Mr. Speaker, when the original of this bill was passed a couple of years ago the Senate succeeded in getting into it a provision that there should be no more forest reserves created in Oregon, Washington, Idaho, Montana, or Wyoming, except by act of Congress. The gentleman from California now has succeeded in having added an amendment to this bill to add to this bunch of States the State of California. I have heard gentlemen on the floor of the House from these States so often speak of the large acreage of forest reserves in their States that I would like to inquire of the gentleman from California [Mr. RAKER] if there is land left in the State that could be created into a forest reserve?

Mr. RAKER. I would state that all the remaining lands of the same kind and character in the State of California could be included in the reserves. There will be no objections at any time to extending these reserves if the President should so request and upon presenting same to the Congress full consideration could and would be given and relief duly granted.

Mr. MANN. Why should we include it?

Mr. RAKER. The timber lands are practically already in the reserves. In addition there is a great quantity of land which is practically not timber, but is reserved for the purpose of protecting watersheds and water-power rights and water-power sites. It is very extensive and covers a great area of country, and I think better results would be obtained to leave it as it stands, and when Congress sees fit to change the boundary on the recommendation of the President and the various departments it could be done.

Mr. MANN. The gentleman has been here sufficiently long, I am sure, to know that to create a forest reserve by act of Congress is practically impossible, or even to get the boundaries of a forest reserve corrected by act of Congress. Now, the gentleman's State having a large area of public domain, when it may become extremely desirable to protect the water supply they are fixed so it would be impossible to do so. I take it the gentleman is not fearing that there will be any great number of forest reserves created in California in the near future or that it will be done in the present national forests except for a special emergency. If that should arise the gentleman will have legislation fixed so that it will be possible to meet the emergency.

Mr. RAKER. Under the law as it is now it would be impossible.

Mr. MANN. If this bill passes, you could not do that. If it becomes necessary to set aside a piece of land for forest reserve for the purpose of protecting a water supply of a city, as we practically did in reference to Pikes Peak recently, where we passed a bill to permit the water of a forest reserve to be used, the forest reserve having been created practically for that purpose, with the gentleman's amendment that is practically impossible.

Mr. MONDELL. I think that is hardly true. I think the case the gentleman cites could have been provided for.

Mr. MANN. That is where the forest reserve had been created——

Mr. MONDELL. Because if this amendment passes, the President still has authority under section 1 of the withdrawal act to make temporary withdrawal for such purposes.

Mr. MANN. Except in some special instances. He is permitted to make a temporary withdrawal for the purpose of protecting from pollution the water supply of the city.

Mr. MONDELL. I think he is permitted in section 1 of the act——

Mr. RAKER. I will state that with the word "metalliferous" in there he could reserve them for metalliferous purposes.

Mr. MANN. We have not given him any additional authority. This only prevents the land from being explored for metalliferous ores. That does not affect the quantity of land reserved, because this is only an exploration of land already reserved. It does not give authority to reserve land from metalliferous minerals.

Mr. MONDELL. Section 1 authorizes the President to reserve land for water-power sites and other public purposes. The words "other public purposes" are very broad and construed very broadly by the department, and they withdraw land for public purposes very liberally. They recently withdrew some land in Colorado that a municipality had made application to purchase as coal land, for example.

Mr. MANN. They withdrew them as coal lands under the law provided for the purpose.

Mr. MONDELL. They withdrew them from sale pending legislation.

Mr. MANN. Under the law expressly providing for coal lands.

Mr. MONDELL. They did not so withdraw them, but they withdrew them from sale and disposition. I do not care particularly to discuss the merits of the question of adding California to the list of States in which forest reserves can not be established or enlarged except by act of Congress, as that is a matter that particularly interests the gentleman from California [Mr. RAKER], and he is entirely competent to handle that question; but I think, if it is added to the list of such States, it would not prevent the President from making temporary withdrawal for forestry purposes. As a matter of fact, in the States named there have been, I think, temporary withdrawals since the provision was made.

Mr. MANN. Temporary withdrawals.

Mr. MONDELL. With a view of possibly increasing the area of forest reserves.

Mr. MANN. My distinguished friend was once Assistant Secretary of the Interior, and may be able to speak by the card, but here is the law that hereafter no forest reserve shall be created or added to any hereafter created within the limit of certain States. If the gentleman assumes that means nothing, what is the use of including California, anyway?

Mr. MONDELL. I just referred the gentleman to the first section of this act, under which the President can make withdrawals. Clearly the President could not enlarge forest reserves in California if this amendment should be adopted, but I am of the opinion he could, under section 1 of the withdrawal act, make temporary withdrawals, wherever necessary, with a view of suggesting legislation or in view of proposed legislation.

Mr. RAKER. I believe it would be very beneficial to California in the large mountain districts.

Mr. MANN. I fear the gentleman only offered that amendment because he, being a member of the committee and his seeing that these other States were included, thought it would be a good thing for California if it was going to be a good thing for them. But the situation is quite different in California from what it is in Wyoming or Montana. I do not know whether it is different from what it is in Oregon or Washington.

Mr. RAKER. How could it be different in Oregon?

Mr. MANN. I say I do not know whether it is different from the situation in Oregon or Washington. I do not know, either, the provisions of the law that was passed in the first place.

Mr. RAKER. I will say to the gentleman that before this bill was introduced in the Senate—the one that is here now—I had prepared and introduced a bill in the House, and it went to the committee, and we had a partial hearing on it, and it was

continued. Then, afterwards, when the Senate bill came over, we naturally took the Senate bill and amended it and reported it to the House. I have had some correspondence in regard to nitrates and potash, some in my district and some outside. I think that part of our territory has been covered by reserves, and that should not be changed except by act of Congress, and when the time comes I am satisfied that the House of Representatives will eliminate reserves and add to reserves as the conditions require, and I believe that it will be to the public interest to include California at this time. I ask Members to leave the amendment in, if they can consistently see their way clear to do so.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken; and the Speaker pro tempore announced that the "ayes" seemed to have it.

Mr. MANN. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 9, noes 4.

So the committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the third reading of the amended bill.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The report is as follows:

[House Report No. 1057, Sixty-second Congress, second session.]

WITHDRAWAL OF PUBLIC LANDS IN CERTAIN CASES.

Mr. RAKER, from the Committee on the Public Lands, submitted the following report, to accompany S. 5679.

The Committee on the Public Lands, to whom was referred S. 5679, "An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910," having given the same careful consideration, they agreed to recommend the following amendment:

Line 1, page 3, insert between the word "of" and the word "Oregon" the word "California" and then a comma after the word "California."

As thus amended the committee recommend that the bill do pass.

The addition of the words "potash or nitrates," which is found on line 11, page 1, is the only change the bill proposes to make to section 2 of the act of June 25, 1910 (36 Stat., 847), and adding the word "California" on line 1, page 3, making the provisions of the bill under the proviso applicable to the State of California as well as to the States now named in the bill.

The purpose of the bill as amended is to extend the scope of the withdrawal act so as to confer upon the President authority for the protection of the land valuable for potash or nitrates until an adequate law for their disposal shall have been enacted.

The Secretary of the Interior in his last report called attention to the fact that the present withdrawal act grants the President no authority to withdraw from entry and protect lands valuable for potash or nitrates, and we recommend that the legislation giving the President such authority be enacted by Congress.

The committee desires also to call attention to the message of the President of the United States suggesting the enactment of laws for the protection of deposits of potash and nitrates, sent to Congress March 26, 1911. (H. Doc. No. 644, 62d Cong., 2d sess.)

The bill now pending in the Senate was referred to the Department of the Interior, and the following is the report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1912.

Hon. REED SMOOT,
Chairman Committee on Public Lands, United States Senate.

SIR: I am in receipt of a copy of Senate bill 5679, accompanied by request from your committee for report.

In reply I beg to state that the only change introduced by the amendment proposed to section 2 of the act of June 25, 1910 (36 Stat., 847), is the substitution of the terms "metalliferous minerals" for the words "minerals other than coal, oil, gas, and phosphates" contained in the first sentence of said section.

The form of the bill as introduced follows a proposed draft heretofore prepared by the department. As was suggested in the annual report of the department for the year ending June 30, 1911, said act of June 25, 1910, permits the location, occupation, entry, purchase, and mining upon withdrawn lands of all forms of mineral deposits other than deposits of coal, oil, gas, and phosphates, leaving no adequate protection for withdrawn areas valuable for their mineral deposits of potash or nitrates.

Attempts have been made also to secure title to withdrawn lands for the removal of sand and gravel, and difficulties have arisen in connection with claims presented for alleged stone and gypsum deposits, which opens the way to serious abuse when attempted upon lands withdrawn for important public purposes, such as water-power sites or storage reservoirs.

The form of the bill submitted would in future confine occupation, exploration, purchase, and mining upon lands withdrawn under said act of June 25, 1910, to metalliferous minerals, and while thus affording opportunity for the development of this valuable class of minerals would prevent the disposition or attempted acquisition of these lands under locations and applications advanced under the mining laws for nonmetalliferous deposits.

Attention is called to line 7, page 1, of the bill, as printed, and it is suggested that instead of reading within the quotation "Sec. 1" the designation should be "Sec. 2," for it is section 2 of the act of June 25, 1910, which is amended.

The bill submitted meets with the entire approval of the department, and it is respectfully recommended that the same be enacted.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

On March 29, 1912, Mr. RAKER introduced in the House bill H. R. 22582, which is in the identical language of Senate bill 5679 as passed by the Senate, with the exception that it adds the word "California" as herein stated. The House bill is as follows:

[H. R. 22582, Sixty-second Congress, second session.]

A bill to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910.

Be it enacted, etc., That section 2 of the act of Congress approved June 25, 1910 (36 Stat. L., p. 847), be, and the same hereby is, amended to read as follows:

"SECTION 1. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to minerals other than coal, oil, gas, phosphates, potash, and nitrates: *Provided*, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas bearing lands and who, at such date, is in diligent prosecution of work leading to the discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work: *And provided further*, That this act shall not be construed as a recognition, abridgment, or enlargement of any asserted rights or claims initiated upon any oil or gas bearing lands after any withdrawal of such lands made prior to June 25, 1910: *And provided further*, That there shall be excepted from the force and effect of any withdrawal made under the provisions of this act all lands which are, on the date of such withdrawal, embraced in any lawful homestead or desert-land entry heretofore made, or upon which any valid settlement has been made and is at said date being maintained and perfected pursuant to law; but the terms of this proviso shall not continue to apply to any particular tract of land unless the entryman or settler shall continue to comply with the law under which the entry or settlement was made: *And provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of California, Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress."

Bill H. R. 22582 was referred to the Secretary of the Interior, and he made the following report thereon:

DEPARTMENT OF THE INTERIOR,
Washington, April 10, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I am in receipt, by reference from the White House, of copy of H. R. 22582, Sixty-second Congress, second session, accompanied by your request to the President of April 1, 1912, for suggestions and recommendations thereon, and also have received your letter of the same date addressed to the department requesting a report on the same bill.

The bill submitted provides for amendment to section 2 of the act of June 25, 1910 (36 Stat., 847), by adding to the enumeration of minerals in the first sentence of said section "potash and nitrates." The effect of the amendment will be to preclude exploration, discovery, occupation, or purchase under the mining laws of withdrawn areas containing deposits of potash and nitrates. The department is favorable to such legislation, but would recommend that, in lines 10 and 11, page 1 of the printed bill, the words "minerals other than coal, oil, gas, phosphates, potash, and nitrates" be stricken out and in lieu thereof the words "metalliferous minerals" be inserted.

Attention is called also to line 7, page 1 of the bill as printed, and it is suggested that instead of reading within the quotation marks "Section 1," the designation should be made "Section 2," for the reason that it is section 2 of said act of June 25, 1910, to which the amendment relates.

It is noted that to the list of six States mentioned in the last proviso in the original section, relating to the creation of forest reserves, the State of California is added by the present bill. As the Department of Agriculture is more directly concerned with this feature of the proposed legislation than is this department, and as I am informally advised that the Agricultural Department also has this bill under consideration for report, no further comment upon this change is necessary.

In connection with this bill I would invite your attention to Senate bill 5679, which is similar to the bill here under consideration, save that the terms "metalliferous minerals" are employed in place of the enumeration of the nonmetallic substances—coal, oil, gas, phosphates, potash, and nitrates—and that the State of California is not added to the proviso above mentioned. On March 21, 1912, the department submitted a favorable report upon said Senate bill 5679.

This legislation is in line with suggestions contained in the annual report of the department for the year ended July 30, 1911, in which it was, in substance, stated that the act of June 25, 1910, now permits the location, occupation, entry, purchase, and mining upon withdrawn lands of all forms of mineral deposits other than those of coal, oil, gas, and phosphates, leaving no adequate protection for withdrawn areas valuable for their mineral deposits of potash or nitrates. Furthermore, attempts have been made to secure title to withdrawn lands for the removal of sand and gravel, and difficulties have arisen in connection with claims presented for alleged stone and gypsum deposits, which opens the way to serious abuse when attempted upon lands withdrawn for important public purposes, such as water-power sites or storage reservoirs.

The form of bill, modified as above suggested, would in the future confine occupation, exploration, purchase, and mining upon lands withdrawn under the act of June 25, 1910, to metalliferous deposits, and while thus affording opportunity for the development of this valuable class of minerals would prevent the disposition or attempted acquisition of these lands under locations and applications presented pursuant to the mining laws for nonmetalliferous deposits.

With the changes above suggested incorporated therein, the department respectfully recommends that the bill be enacted.

Very respectfully,

WALTER L. FISHER, *Secretary.*

House bill 22582 was referred to the Department of Agriculture, and the Secretary of Agriculture made the following report thereon:

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, April 12, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

DEAR MR. ROBINSON: I am in receipt of your letter of April 1, inclosing a copy of the bill (H. R. 22582), introduced by Mr. RAKER, to

amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910.

National forest lands are not subject to appropriation under the timber and stone, desert-land laws, scrip locations, nor the homestead law except under the act of June 11, 1906 (33 Stat., 233). The forest lands are, however, open to location and entry under the various mining laws the same as if they were a part of the unreserved public domain. It is believed that a very small part of the national forest lands have been appropriated under the mining laws, except where the areas were chiefly valuable for the minerals contained therein. Only a very small area of national forest land, therefore, has been withdrawn under the act of June 25, 1910.

Nearly all of the withdrawals under the act of 1910 have been made upon the public lands outside the forest boundaries, since those lands are subject to appropriation under the public-land laws generally and have not the protection applied to areas within national forests. Since most of the withdrawals have been made by the Secretary of the Interior of lands entirely under the jurisdiction of his department, it is suggested that he be asked to report upon this proposed measure.

It is noted that in the proviso of the proposed bill that the State of California is added to the original bill. The effect of this would be that no lands chiefly valuable for forest cover could be withdrawn in that State or made a part of a national forest. At the time that language was first considered in Congress the Representatives of the State of California did not desire to limit the discretion of the President to establish national forests within that State. The bill which carried that amendment and became the act of March 4, 1907 (34 Stat., 56), limited the discretion of the President only as to the other six mentioned. Since that limitation has been imposed large bodies of land supporting merchantable timber have been found to adjoin several of the national forests. These lands are of the character and cover which it was directed that the President should set apart as national forests. Those areas could be administered in connection with the other forest land without material additional cost to the Government, and in many cases the lack of authority to administer them has often seriously hampered the administration of the adjacent national forests. Most of those areas which should be administered still remain unappropriated, because they are of the character which are not suitable for homestead entry, and in their present state they are serving no useful purpose.

I believe, therefore, that the last proviso in the bill should be stricken out.

Very sincerely, yours, JAMES WILSON, *Secretary.*

The bill being referred to the Department of Justice, it made the following report thereon:

DEPARTMENT OF JUSTICE,
Washington, D. C., April 3, 1912.

Hon. J. T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I have the honor to acknowledge the receipt of your letter of April 1, 1912, inclosing for report a copy of H. R. 22582, Sixty-second Congress, second session, amending section 2 of the act of June 25, 1910 (36 Stat. L., 847), which authorizes the President to make withdrawals of public lands in certain cases.

The changes proposed to be made in the act of 1910 are that lands valuable for potash and nitrates are added to those which, after being withdrawn, are not subject to exploration and purchase under the mining laws, and California is added to the States within which no forest reserves shall be created or any additions made to one heretofore created except by act of Congress. This is a matter of legislative policy to be determined by the Congress, and information respecting the subject is in the possession of the Departments of Agriculture and the Interior. It is not believed that this department can make any recommendation that would be of benefit to the committee further than to suggest that the number of the amended section be changed from 1 to 2.

For the Attorney General:

ERNEST KNAEBEL,
Assistant Attorney General.

House bill 22582 was referred to the President, and his report thereon is as follows:

THE WHITE HOUSE,
Washington, April 2, 1912.

Hon. JOSEPH T. ROBINSON,
House of Representatives.

MY DEAR MR. ROBINSON: The President directs me to acknowledge the receipt of your letter of the 1st instant, together with a printed copy of H. R. 22582, by Mr. RAKER, of California, upon which the Committee on the Public Lands of the House of Representatives desires a report, suggestions, and recommendations, and to advise you that he has referred it to the Secretary of the Interior.

Sincerely, yours,

CHARLES D. HILLES,
Secretary to the President.

The SPEAKER pro tempore. The Clerk will report the next bill.

CIVILIAN EMPLOYEES, NAVY DEPARTMENT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 20193) authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing processes or plant.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized to offer periodically a cash reward for the suggestion, or series of suggestions, for an improvement or economy in manufacturing processes or plant, submitted within the period by one or more of the civilian employees of the Navy Department which shall be deemed the most valuable of those submitted and adopted for use: *Provided*, That to obtain this reward the winning suggestion must be one that will clearly effect a material economy in production or increase efficiency or enhance the quality of the product in comparison with its cost: *Provided further*, That the sums awarded to employees in accordance with this act shall be paid them in addition to their usual compensation and shall constitute part of the general or shop expense of the establishment: *Provided further*, That the total amount paid under the provisions of this section shall not exceed $1,000 in any month: *And provided further*, That no employee shall be paid a reward under this act until he has properly executed an agreement to the effect that the use by the United States of the suggestion, or series of suggestions, made by him shall not form the basis of a further claim of any nature upon the United States by him, his heirs, or assigns.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, this bill as reported follows the form of the bill introduced by the gentleman from Connecticut [Mr. TILSON] in relation to the Army, in the main, but it does not include the amendments which were inserted in the Tilson bill as it passed the House or as it became a law.

Mr. PADGETT. I think it is a copy of the Tilson bill as it passed the House. I do not know whether it is the same as the Tilson bill as it became a law.

Mr. MANN. It is a copy of the Tilson bill as reported to the House, not as it was passed.

Mr. PADGETT. This report says, "as it passed the House of Representatives, February 28, 1912."

Mr. MANN. The gentleman has that copy, but undoubtedly he did not follow that copy. Let me ask the gentleman this question first. The rest is perhaps more easily disposed of. In the Army appropriation bill we limit this to the Ordnance Department.

Mr. PADGETT. This applies to the other departments as well as the Ordnance in the Navy?

Mr. MANN. This applies to everything in the Navy. The other bill applies not to everything in the Army.

Mr. PADGETT. It says "economies in manufacturing processes or plant." It does not apply to clerical matters or anything of that kind. It applies only to the manufacturing department.

Mr. MANN. It would apply to economies in manufacturing processes or plant if you had a clerk in the department who made or devised one. I mean it applies all through the Navy to everything. We limited the proposition in the Army to the Ordnance Department. I do not know whether this is desirable or not. The matter was experimental. Does not the gentleman think that just at present, if we add this to the Navy, we ought to limit it in some way?

Mr. PADGETT. Well, sir, I do not know. In the Navy Department we have some other bureaus, but if the gentleman insists upon it, I would not object to his amendment.

Mr. MANN. Knowing, as we do, that this is an experiment—and I think a very wise experiment—and knowing that there is no possibility of doing a thing for the Army that we do not do for the Navy without getting into a controversy right away with the officers, I think this should be limited to the Ordnance. In other words, as soon as we do anything for one of these services that we have not done for the other we are pestered by the other to do the same thing for it, and if we apply this all the way through for the Navy we will have the Army on our shoulders insisting that the same thing be applied there. As long as it is experimental, let us temporarily confine it to the same branch of the service.

Mr. PADGETT. Has the gentleman an amendment there?

Mr. MANN. I have. Add, after the word "periodically," on page 1, line 4, the words "at such establishments of the Ordnance Department as he may select"; and then, over on page 2, line 3, add, after the word "cost," the words "and in the opinion of the Secretary shall be so worthy as to entitle the employee making the same to receive the reward."

Mr. PADGETT. Are those the only ones?

Mr. MANN. Then, on page 2, line 10, where it says "shall not exceed $1,000 in any month," change it so that it will read "for any one month," in order to make the two bills identical.

Mr. PADGETT. Very well, I have marked them here on the Army bill.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] offers amendments, which the Clerk will read. But first, does the gentleman from Illinois object to the present consideration of the bill?

Mr. MANN. I do not.

The SPEAKER pro tempore. This bill is on the Union Calendar.

Mr. PADGETT. I ask unanimous consent, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. PADGETT] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the committee amendment first.

The Clerk read as follows:

Page 2, line 6, strike out the words "constitutes part of the general or shop expense of the establishment" and insert in lieu thereof the words "be paid out of the appropriation 'Pay, miscellaneous.'"

Mr. MANN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend, page 1, line 4, by adding, after the word "periodically," the following: "and such of the arms of the Ordnance Department as he may select."

The amendment was agreed to.

Mr. MANN. I offer the following amendment.

The Clerk read as follows:

Amend, page 2, line 3, by adding, after the word "cost," the following: "and in the opinion of the Secretary shall be so worded as to entitle the employee making the same to receive the reward."

The amendment was agreed to.

Mr. MANN. I offer the following amendment.

The Clerk read as follows:

Amend, page 2, line 10, by striking out the word "in" and inserting in lieu thereof the word "for." And by adding, after the word "any," the word "one."

The amendment was agreed to.

The SPEAKER pro tempore (Mr. FLOOD of Virginia). The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PADGETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MINING EXPERIMENT STATION, SILVERTON, COLO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22081) to establish a mining experiment station at Silverton, San Juan County, Colo., to aid in the development of the mineral resources of the United States, and for other purposes.

The Clerk read the bill at length.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I reserve the right to object.

Mr. HAUGEN. Mr. Speaker, I rise for the purpose of asking unanimous consent to extend some remarks in the RECORD by printing, entitled "The Desired Oleomargarine Legislation," and also a bill prepared by the dairy interests.

The SPEAKER pro tempore. The gentleman from Iowa asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, before the gentleman from Illinois gives his reasons for reserving the right to object, I would like to ask the chairman of the committee whether my colleague, the gentleman from Colorado [Mr. TAYLOR] left any instructions with him in reference to this bill, in the nature of a request to have the bill passed on the calendar?

Mr. FOSTER. I will say that he did not.

Mr. MANN. I would like to ask my distinguished colleague from Illinois how many bills there are on the calendar for establishing mining experiment stations in the various parts of the United States?

Mr. FOSTER. I think there is one in Colorado, one in California, one in Utah, one in Montana.

Mr. NORRIS. Is there any member of the committee that has not had a bill of this kind reported for him?

Mr. FOSTER. Oh, yes.

Mr. NORRIS. Then you have not got around yet? [Laughter.]

Mr. FOSTER. Oh, no.

Mr. MARTIN of Colorado. I would like to make an observation, suggested by the question of the gentleman from Nebraska, and that is that if there were similar bills for the establishment of experiment stations all over the country, that would not indicate any lack of merit in this bill.

Mr. NORRIS. Oh, no.

Mr. MARTIN of Colorado. It would, however, indicate a widespread demand for such plants, and I do not believe that there is a spot on earth better fitted and more suitable for an experimental station than the San Juan region of Colorado.

Mr. NORRIS. The gentleman is not a member of that committee, and I doubt very much whether his statement would be concurred in by members of the committee; for instance, the gentleman from California, who has a bill 2 or 3 inches lower down on the calendar to establish a station in California.

Mr. MANN. I suggest to my distinguished friend from Colorado that I rather share his views on the subject. I think probably there is no better place in the country more worthy to have an experimental mining station than Silverton. I have been there, and I was glad to get away as soon as I could. [Laughter.]

Mr. MARTIN of Colorado. I do not think it would have hurt the gentleman to stay up there and let his physical and mental eye gaze and dwell on those magnificent mountain ranges; it might increase his stature.

Mr. MANN. I could get nothing to eat, but that was not the case with the other occupants of the bed. [Laughter.]

Mr. MARTIN of Colorado. The trouble with the gentleman from Illinois was that he was a mere tenderfoot.

Mr. MANN. I went to the best hotel in the town. However, what I was going to say was that the Secretary has recommended that in a bill of this sort instead of the locality being specifically set out where the station is to be established, it would be wiser to leave the question of the specific location to the department. As the gentleman's location is the best in the United States, he would have no reason to fear leaving it to the department. It does not seem to me wise to pass bills locating the stations specifically.

Mr. NORRIS. The department has authority under the general law to locate an experiment station, has it not? I make that inquiry of the chairman of the committee.

Mr. FOSTER. I think not now.

Mr. MANN. I am not sure that under the bill we recently passed, if it has become a law, they have authority to accept lands for an experiment station.

Mr. FOSTER. If they get an appropriation they will have authority, if the bill passes, but it has not passed yet.

Mr. MARTIN of Colorado. If the gentleman will permit me, I am not at all surprised at the probable objection of the gentleman from Illinois to this bill of my colleague, but I am somewhat surprised that any man that has ever been in the San Juan region, one of the grandest and most sublime mountain countries of the world, a country where they have great big people that live neighbors to the stars, should speak of it in the slighting way that the gentleman from Illinois has just spoken of it.

Mr. MANN. Did I not say that it was the best place in the United States for a mining experiment station? What on earth does the gentleman want me to say about it?

Mr. MARTIN of Colorado. When the gentleman from Illinois says that, I want him to mean it. [Laughter.]

Mr. MANN. I do mean it.

Mr. MARTIN of Colorado. I want him to say it in an entirely different way from what one is required to say certain things in the West. When you say to a man out there that he is a blankety blank, you must smile; but when the gentleman tells me that the San Juan country is the best place on earth for a mining station, I want the gentleman to make that statement in an entirely solemn and grave manner. [Laughter.]

Mr. MANN. It is impossible for me to look solemn and grave over a funny thing like this.

Mr. MARTIN of Colorado. Mr. Speaker, this is my colleague's bill. He is necessarily absent. He did not leave me any instructions with reference to it, but I know something about it, because I am familiar with the country myself and have been in correspondence with different interests and persons in Colorado in reference to the matter. I want to say one thing in behalf of it, as indicating the desirability of the San Juan country as a location for a mineralogical experiment station, that while Colorado itself is perhaps the greatest diversified mining area within the boundaries of any State in the Union, and that therefore it might be expected that there would be a great deal of rivalry among the different mining camps scattered all over that State, and while Silverton is perhaps the most remote from the State capital of any of them, being far to the southwest in the heart of the San Juan Mountains, yet there is, so far as I know, no opposition whatever to this bill from any other section of Colorado. Even in Denver the business bodies, the State commissioner of mines, and all the mining interests of the State, so far as I know, wherever located, are a unit in favor of establishing this mining experiment station at Silverton, because it is recognized there that they have in that place the greatest conglomeration of formations and varieties of ores and mining conditions generally necessary to such a station that perhaps can be found in any like area in the United States, if not in the world.

In addition, the following joint memorial No. 46, introduced by Senator Joyce, was, on April 28, 1911, adopted by a unanimous vote of all the members of the Legislature of the State of Colorado:

To the President and Congress of the United States,
Washington, D. C.:

We, your memorialists, the Eighteenth General Assembly of the State of Colorado, do respectfully represent:

That the mining industry of Colorado, including the mining and the reduction of pure metal of the gold, silver, lead, copper, zinc, and tungsten bearing ores, is of vital importance to the welfare of this Commonwealth, and is of very great importance to the prosperity of our Nation at large; and that this industry furnishes employment to thousands of workmen, provides a market for the products of factory and farm, supplies gold and silver for the mints, and produces the industrial

metals now indispensable to the progress of the many industries of our country;

That in mining, as in agriculture, from the very nature of the enterprise, there is and can be but very little cooperation in solving the problems of the industry; and that under the existing conditions a very large percentage of the metals contained in the crude ore, especially in the lead, zinc, and copper-bearing ores, is lost in the course of milling, or is sacrificed in attempting to ship the low-grade ore to distant smelters and in smelting that ore containing a big proportion of silica or other refractory and useless material; that the heavy percentage of loss of these metals experienced by the miners under existing methods of milling and ore dressing not only injuriously affects the mining industry itself, but constitutes a substantial and irretrievable loss out of the natural resources of our Nation; and the conservation of the metal wealth of our country must be accomplished, not by preventing the use of that metal, but by preventing its loss and waste;

That the Department of Agriculture of the United States has fully proven the efficiency of local or field experiment stations in solving the many problems of the farming industry, and there is every reason to believe that similar good results may be achieved by the same system of solving the problems of the mining industry;

That the San Juan mining region of Colorado, covering, as it does, a broad expanse of mineral territory, and including almost every known combination of gold, silver, lead, copper, zinc, iron, and tungsten bearing ores, as well as vanadium and uranium and other rare metals, and holding large deposits of low-grade refractory ores, is a most favorable place for the location of a Government experiment station:

Therefore, we, our memorialists, do respectfully and earnestly request and petition that the National Bureau of Mines and Mining may be allowed such funds as may be necessary for that purpose, and may be authorized and empowered to establish and maintain at Silverton, in the center of the San Juan mineral territory, a local mining experiment station, to be conducted under the charge of skilled chemists and metallurgists, and at which all metalliferous ores may be analyzed, and at which all known processes of ore treatment may be applied, tested, and compared, and at which new methods and processes may be developed and perfected—all to the end of improving the methods and conditions of the mining industry, and saving from waste and conserving the metal resources of our country.

Mr. LONGWORTH. How many stations are there?

Mr. MARTIN of Colorado. We have not any of these stations, I will say to the gentleman.

Mr. FOSTER. There are none of them.

Mr. MARTIN of Colorado. But under the act providing for the Bureau of Mines, as originally passed, the Bureau of Mines has been carrying on coal-mining experiments, and they have established some experiment stations. I am not exactly familiar with the character of these, but what we desire is to carry on this experiment work in the precious-metal mining, as well as in coal mining. I will say further to the gentleman that I do not believe there is any more beneficial line of work possible to be encouraged by the Government at this time than that of precious-metal mining. Every man who lives in the mining regions knows that the mining industry is languishing, and yet it is a necessary industry. It is absolutely essential to the higest prosperity and development of this country that precious-metal mining shall keep pace with all other industries. We must have these metals. It is pathetic to-day to go up into some of the mining camps of the Rocky Mountains. Talk about your deserted villages! Some of them are practically graveyards. Go up there and contrast the mining camps of the Rocky Mountains to-day with our towns down in the mountain valleys—I do not care where you go. Yes; in Colorado to-day, which is considered the mecca of mining, Colorado, which is known the world over because of the bonanza princes it has produced, men who have come even to Washington and put up some of its most magnificent buildings from the products of these mines, you will find a deplorable condition. And it is the same in every mining State. Go to them and see those deserted, languishing camps and compare them with their farming villages. The greatest prosperity of Colorado to-day is in its farms and not in its mines. People out there in the Rocky Mountains talk land and water to you and not mining. I say, therefore, that this industry is languishing and needs all of the Federal encouragement it can get.

Mr. NORRIS. Mr. Speaker, I desire to ask the gentleman from Illinois, the chairman of the Mining Committee, about this particular bill. Can the gentleman inform the House whether it has been passed on by the officials of the Bureau of Mines, or has it been referred to them?

Mr. FOSTER. Yes.

Mr. NORRIS. Does the Secretary recommend its passage?

Mr. FOSTER. Yes.

Mr. NORRIS. What action does the department take in regard to these bills? Is there any understanding as to how many of these experiment stations we are going to have?

Mr. MANN. Oh, if the gentleman will permit me to answer, I doubt if it were possible to introduce enough bills to get the department to refuse to send the same recommendation in each case.

Mr. FOSTER. Mr. Speaker, I will say they need more than one.

Mr. NORRIS. I presume they do, but I am trying to find out whether the department has made an investigation with a view of ascertaining how many they ought to have and where they ought to be. There is no doubt that if we started out to put an experiment station wherever there are prospects of a mine or the development of some mineral, we will have two or three hundred in each State, and we will have the country covered with these stations. There ought to be some system.

Mr. FOSTER. Mr. Speaker, I do not think that the question of just how many might be profitably established has ever been looked into and determined by the department. The department approves this and thinks that the purpose of the bill is one that is good. They give their approval to the bill.

Mr. NORRIS. What do they say with reference to the location, if anything?

Mr. FOSTER. They say, with reference to the location, that they do not believe it wise to state specifically that it ought to be located at any one particular place, but if it is located in the State of Colorado, to leave it to the department to determine the particular place.

Mr. NORRIS. Why is not that a good suggestion?

Mr. FOSTER. The gentleman may be right about that.

Mr. NORRIS. You can take any mining locality in the United States and you could show it would be a good place for a mining experiment station. I presume that would be true of any locality.

Mr. FOSTER. I will say to the gentleman from Nebraska that this particular place has the approval of the Legislature of Colorado and seems to be satisfactory to all of the people of Colorado, so far as we are able to determine.

Mr. NORRIS. Mr. Speaker, I would like to ask the gentleman whether his committee has given the subject sufficient consideration, or if he has made investigation enough so that he can give the House an idea as to what the policy of the bureau is going to be with reference to the location of experiment stations, whether the committee could not report to us a general bill that would cover the subject entirely and give to the department, perhaps under such rules and limitations as might be provided in the law, the right to establish experiment stations.

Mr. FOSTER. Well, now, if the gentleman will call to mind that in the West, Colorado, Utah, Wyoming, Montana, California, and Nevada and those States which are looked upon as metal-mining States, not only metal mining, but they have a great deal of other minerals, such as coal, oil, gas, and those products which come from the earth, an experiment station possibly could be profitably located in every one of those States.

Mr. NORRIS. Possibly that is true, but you can not maintain an experimental station at every mine; you must limit it.

Mr. FOSTER. Oh, you can not take up every mine in any one State or two States; that is absurd.

Mr. LONGWORTH. If the gentleman will permit, under the law is there any power to establish experiment stations?

Mr. FOSTER. No, sir.

Mr. UNDERWOOD. Then it must be done in every case by act of Congress such as in this case.

Mr. FOSTER. It must be by act of Congress; that is, under the present law. We passed a law through the House which is over in the Senate, which I hope will pass before Congress adjourns, which would, if they had the proper appropriations, enable the department to establish such experiment stations.

Mr. LONGWORTH. Does the gentleman think that a uniform law under these circumstances would be better instead of asking Congress to act on each particular project when it comes up?

Mr. FOSTER. That may be true, and yet we have established experiment stations of various kinds, fish-culture stations, and so forth.

Mr. NORRIS. While that is true, the gentleman must remember in the end when we pursue that course we get into a position that we did in regard to the Pension Office. For instance, the pension agencies were established until finally we abolished all of them, and we did it after a fight of five or six years. You can establish these things, but never without a heavy fight and a good healthy public conscience behind it, which always takes years to bring about, do you manage to do away with them. If you once put them in, you always have them.

Mr. FOSTER. I will say to the gentleman from Nebraska this is the first time I remember its coming up in reference to establishing a mining experimental station at Silverton, Colo., and it seems to me, so far as the committee was concerned, to have a great deal of merit.

Mr. LONGWORTH. May I ask the gentleman how many of these projects have been favorably reported upon by the committee?

Mr. FOSTER. Four.

Mr. LONGWORTH. And this is the initiation of that policy?

Mr. FOSTER. Yes, sir. It is not expected there will be more than one of these experimental stations in a State.

Mr. LONGWORTH. Where are those?

Mr. FOSTER. One in Utah, one in Montana, and one in California.

Mr. LONGWORTH. And there is no reason suggested to the judgment of the committee why there should not be 10 or 20 in a State?

Mr. FOSTER. It is not likely they would do that.

Mr. MARTIN of Colorado. I would like to make a suggestion here, to pursue the line of argument followed by the gentleman from Nebraska and the gentleman from Ohio. I would like to say first that if it would help this proposition to eliminate Silverton as a specific location and just leave the Bureau of Mines discretion to establish a station anywhere in Colorado it saw fit, I would have no objection so long as an experiment station would be established in Colorado, and I would be glad to assume the responsibility of agreeing to such an amendment. Now, pursuing this line a little further, I believe there are substantial reasons why Colorado ought to be favored, if you wish to use that term, above all other States in the establishment of such a plant. I do not want to take up the time of the House to launch out into such an argument and give these reasons now on unanimous-consent day.

Mr. MANN. I would like to ask the gentleman one question, or two questions. Colorado is the leading State in the Union now in the production of metalliferous minerals?

Mr. MARTIN of Colorado. Yes, sir.

Mr. MANN. I do not remember just where the gentleman states that the State of Colorado had its own experiment station.

Mr. MARTIN of Colorado. Colorado has a State school of mines which is an institution of national repute.

Mr. MANN. I thought the gentleman said the State had a mine experimental station.

Mr. MARTIN of Colorado. No, sir; they have a State school of mines.

Mr. MANN. It is the leading metalliferous State in the Union. Now, does not the gentleman think that Colorado ought to do something?

Mr. MARTIN of Colorado. I call to the attention of the gentleman from Illinois this fact, that it is not a local industry. The gentleman knows that just one product of that industry in Colorado furnished this country with a paramount political issue for a good many years.

Mr. MANN. It is a great deal more of a local industry than the making of steel rails in my State.

Mr. MONDELL. You have a school of mines in Colorado, one of the best, which I understand ranks with any such institution in the world.

Mr. MANN. But you have not a mining experiment station in connection with that school.

Mr. MARTIN of Colorado. There are extensive and most valuable mining experiments carried on in connection with the school, which is maintained by the State.

Mr. MANN. That is the place for it instead of the Government providing a lot of experiment stations all over the country, such as the running of agriculture experiment stations in the country.

Mr. MARTIN of Colorado. The gentleman will notice that it is not alone the question of metal mining, the precious metals, and so forth, that it furnishes the country and the world, but there is the mining of coal and other products.

Mr. MANN. Oh, well, it is not a question of charity; we are no eleemosynary institution.

Mr. MARTIN of Colorado. It is not a question of charity, but a question of national economy. I think gentlemen who are not particularly familiar with the facts know in a general way that the bonanza days are gone, that the days of the prospectors are gone, that mining has become much harder and a more expensive business than it was formerly. It is a matter of deep mining that requires a lot of capital, and it is a question of scientific methods if you want to extract the values from the low-grade ores, and that condition is what has brought about the necessity of a mining experimental station, for the experimental application of every method of treatment which will revive and stimulate this basic industry and enable people to continue in it with profit.

I think gentlemen know generally, notwithstanding its prime importance to the prosperity of the country, that there is not as languishing an industry to-day as that of the mining of precious metals. Colorado, it is true, as has been said, is the leading precious-metal mining State in the Union, but no State in the Union, I wish to say to the gentleman, has suffered so greatly by reason of the action of the Government or by reason of Federal legislation as the State of Colorado. It is only 19 years since her greatest precious-metal industry was absolutely stricken down, her mines closed, filled with water, and turned over to bats and owls, and the greatest silver camps in the world were completely wiped out. This is a consideration that might be pleaded as against the claims of any other State for an experiment station.

Mr. MANN. I love to hear my friend talk, but I believe I shall have to object to the consideration of the bill.

The SPEAKER pro tempore (Mr. FLOOD of Virginia). The gentleman from Illinois [Mr. MANN] objects.

Mr. MARTIN of Colorado. I append to my remarks the following resolutions of the Silverton Commercial Club:

OFFICE OF THE SILVERTON COMMERCIAL CLUB,
Silverton, Colo., May 22, 1911.

Representative JOHN A. MARTIN,
Washington, D. C.

DEAR SIR: The Silverton Commercial Club, including in its membership nearly all of the business and mining men of San Juan County, would ask for your personal assistance in the matter of procuring the National Government, through its Bureau of Mining, to establish at once a mining experimental station at Silverton, Colo.

The last General Assembly of the State of Colorado adopted by unanimous vote a joint memorial to the President and Congress asking the establishment of this station. We inclose a copy of that memorial for your consideration and assistance. It is hardly necessary to call your attention to the importance of the mining industry to Colorado and the Nation at large; but we do desire to emphasize the urgent need for Government aid in solving the problems of this industry. Out of every $100,000,000 worth of crude ore extracted from the mines of Colorado it is safe to say that from thirty to forty million dollars worth of the metals are irretrievably lost. In the low-grade mines (which constitute the permanent mining industry) from 30 to 40 per cent of the crude lead, zinc, copper, gold, and silver is lost in the process of ore treatment and reduction. Where the timber of a country is destroyed, it may be regrown in a limited number of years; but the metals lost in the process of reduction, returning as they do to earth and river bottom, are lost to our industries for all time.

These problems can be solved only by actual experimentation in the field, at the place where the problems exist. Silverton is situated in the center of the great San Juan mineral district and is undoubtedly the best place in the West for actual tests and experimentation. All kinds and combinations of ore are to be found in abundant quantities. Electric power is cheap and abundant. The coal fields are near by to the south. The town itself, surrounded as it is by the mines, has every convenience of the modern city; and from this point four railways extend to important mining districts. And this San Juan section, more than any other part of the West, has need of a scientific experimental station. It is a country by itself; broad in extent, capable of great and permanent production of metals, but holding many varieties of refractory ores which try the skill of milliman and metallurgist. This place was selected in the memorial of the Colorado General Assembly not only because it most needs the help of the national bureau, but because here the broadest opportunity for successful field work is presented.

We would ask your earnest and personal assistance in procuring the establishment of this mining experimental station. It will require an appropriation by Congress, which ought to be a fund of at least $100,000 to establish and equip the station and $25,000 per year for maintenance and operation. The plant will naturally demand the services of skilled metallurgists, able to do efficient work, and employed to give their whole time. And the station should not be limited to narrow bounds of experiment, but should be enabled to procure and test any process and every mechanical device that will save the metals.

And if the National Government, by means of such a limited investment, can substantially increase the saving of the precious and industrial metals, it will not only improve the condition of a great national industry but will accomplish a great conservation of the natural wealth of our country.

We would ask you to give every assistance within your power to procure the introduction and passage of a proper appropriation bill at the present session of Congress and to prevail upon the national Mining Bureau to establish the station this year.

Very respectfully, yours,

THE SILVERTON COMMERCIAL CLUB,
By W. N. SEARCY, *President.*
WARREN C. PROSSER, *Secretary.*
B. B. ALLEN,
J. A. MCCRIMMON,
JOSIAH WATSON,
A. W. HARRISON,
Directors.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the Denver public-building bill and the Silverton bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

PATENTS TO PUBLIC LANDS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23238) to authorize the issuance of absolute and unqualified patents to public lands in certain cases.

The bill was read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed, in cases where patents for public lands have been issued to entrymen under the provisions of the acts of Congress approved March 3, 1909, and June 22, 1910, reserving to the United States all coal deposits therein, and lands so patented are subsequently classified as noncoal in character, to issue new or supplemental patents to such entrymen, conveying to them the absolute and unqualified title to the lands so previously entered, patented, and thereafter classified as noncoal.

Mr. MANN. Mr. Speaker, reserving the right to object, as I understand this bill, a year or so ago we passed a law authorizing agricultural entries upon land which had been reserved for mineral purposes and gave to homestead entrymen or others patent reserving coal deposits under the surface, and so forth. This bill now proposes if the department at any time takes this land out from under the withdrawal on the assumption that

it does not have coal, the patentee shall get a patent with a complete title.

I see no occasion for changing the provisions of the law on that subject, but I would be glad to get some information from my distinguished and genial colleague from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I am sorry I did not know these bills were on the calendar and that they were coming up for consideration. This bill, like the one that has just been objected off the calendar, was drawn and reported to the House from the Committee on the Public Lands by my colleague [Mr. TAYLOR], who is now necessarily in Colorado. I can say in behalf of this bill, and I can say it in behalf of every bill that Mr. TAYLOR has reported to this House from the Public Lands Committee, that I believe he is a man who is thoroughly informed and absolutely trustworthy.

Mr. MANN. We all believe that.

Mr. MARTIN of Colorado. He would not knowingly report to this House any measure touching the public domain and its resources jeopardizing the rights of the Government or of the people. I believe that he would be a conservationist in the true sense of the word. I have never read his bill or the report upon it. It was shown to me first by the gentleman from Illinois [Mr. MANN], who has it on his desk, where he has all of the bills every day, as I think all gentlemen know who have any interest in legislation. But I am somewhat familiar with the subject matter of this bill.

Now, it has always been the proud boast that an Englishman's home was his castle, and we have inherited that boast from the Briton, but it was a part of that boast that he owned the land under that castle from the center of the earth to the highest heavens. But these conservation doctrines that have been imported from Austria, Germany, Russia, and other ultra-monarchical countries, have changed all that, and now the entryman gets only a surface title to the land. The Government reserves everything beneath the soil in the way of mineral, oil, phosphate, and that sort of thing, and gives a vitiated surface title.

Now, if there is any one thing about which people are naturally hesitant, it is to take title to land which may be at any time entered by others, as has been the case with these coal lands. It is a thing that has hurt the West, for the entrymen frequently can not borrow money on these surface titles. Men do not want to loan money on surface titles. Men want to loan money on a fee simple. And you can explain until you are black in the face that the Government does it merely as a precaution; that it is a good title; but the money loaner asks, "Why have you not a fee-simple title to you land?" There is not a man within the hearing of my voice, and if there is I challenge him to get up on the floor and say so, that would buy one of these surface titles as long as there was any other kind of land that he could get. Would you, or you, or you? Would any gentleman get up on this floor and say he would take a surface title to land when he could get a fee simple? I put a practical question to you, but it is only one of many practical questions involved in this conservation theory, and which accounts for the retardation of the development of the West, and which accounts for the fact that the tide of emigration flows over this land into Canada and is one of the reasons why the House has passed a three-year homestead bill and why it will pass other legislation liberalizing the land laws before you get those lands settled up.

Now, what is this bill? Here is a bill that provides that where lands have been withdrawn as coal lands and the entryman has been required to take a surface title and it has been afterwards finally determined by the Government, through its Geological Survey, that there is no coal beneath this land, then, in that case, a fee-simple title shall issue to the entryman. Great heavens! What more do you want.

The Geological Survey has decided that lands are coal lands in character where it was estimated, where it was guessed at, that 3,000 feet beneath the surface there was a vein of coal 14 inches thick. Now, when they figure a proposition down that fine, when they characterize and classify land as coal land which is guessed to contain a 14-inch coal vein 3,000 feet down, it seems to me you can safely trust the Government in determining what this land is, and therefore there would not be very many settlers in danger of getting a fee-simple title to a rich coal mine.

I regret that I have not the time to-day to branch out on this proposition. There has not been a unanimous-consent day or a Calendar Wednesday this session in which we have not had conservation from breakfast until supper. Every little homestead bill and every little land bill prompts gentlemen to flock in here with ears pricked up, while they would go to sleep on a bill appropriating a hundred million dollars. I have not taken the time of the House on this subject heretofore, by reason of the fact that I have been considered an irreclaimable radical in regard to this matter. There are millions of acres of land that have been withdrawn on mere guesswork—whole counties and sections of the State—in the first flush of this conservation movement. The kind of conservation I have heard here is, nine-tenths of it, nothing but suspicion and speculation. They could not talk concrete facts because they do not know any concrete facts.

I say they have withdrawn whole areas because they allege there is coal under them and then have restored them because they have found there is no coal under them. Now it is provided here that where these lands are restored the entryman shall get a fee simple title to his land. In other words, he gets an American title to his land—the only kind of a title that is worth having and the only kind I would put my money in, even if I was worth millions of dollars. I would say, "Gentlemen, I do not want to buy lawsuits and suits for trespass and a lifetime of legal controversies. I want an indisputable title, and if you can not furnish that, then I will go where I can get it." That is what the West is up against in reference to all this legislation.

But, Mr. Speaker, this would be a fairer proposition. The gentleman from Illinois has reserved the right to object to this bill. I would thank the gentleman from Illinois for his attention now. This would be a fairer proposition—that, instead of my consuming the time of this House arguing why this bill ought to pass, the gentleman from Illinois [Mr. MANN] ought to consume the time in convincing the House why it should not pass.

Mr. MANN. It would not take me so long.

Mr. MARTIN of Colorado. The presumption of good faith is with this legislation, and the burden should be on the gentleman to show why this land should not be liberated in the manner we have asked that it be liberated. Nearly 10,000,000 acres of public lands was reserved in Colorado alone as coal lands. Just think of it! That is more than the area of some of the New England States. But there is coal only under small portions of that land. They have withdrawn areas in one tract as big as one of these little New England States. At the time that we passed the bill permitting agricultural entries on coal land, just two years ago, at which time the coal conservation policy had been in effect four or five years, I sent down to the Commissioner of the General Land Office for a statement of all lands which had been withdrawn, classified, sold, and otherwise dealt with in reference to coal. He sent me back a statement showing that out of nine and a quarter million acres withdrawn in the State of Colorado for a period of four or five years he had actually sold only 90 acres of that withdrawn land.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. Mr. Speaker, I do not want to interrupt the gentleman in the midst of an interesting speech, but this is the last day for the consideration of the Unanimous Consent Calendar. I do not want to object to the gentleman's bill, because I am not opposed to it; but I want to say that unless the gentleman will limit his remarks I shall be compelled to object.

Mr. MANN. The gentleman is not fair to me. I yielded him five minutes, and, after he has been talking longer, he turns around and abuses me. I object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects.

Mr. MARTIN of Colorado. Mr. Speaker, I am astonished. [Laughter.] That is the first time I have heard the gentleman from Illinois object to a unanimous consent since I have been in Congress. That shows how ungenerous the gentleman can be.

Mr. MANN. The gentleman did not know that the bill was pending until I called his attention to it.

The SPEAKER pro tempore. The Clerk will report the next bill.

PUBLIC BUILDING, RICHFORD, VT.

The next business on the Calendar for Unanimous Consent was the bill (S. 6899) increasing the limit of cost for the erection and completion of a public building in the city of Richford, State of Vermont.

The Clerk read the bill, as follows:

Be it enacted, etc., That the limit of cost for a public building in the city of Richford, State of Vermont, authorized under section 4 of the act of May 30, 1908, be, and the same hereby is, increased from $60,000 to $74,000, and that the sum of $14,000 to provide for such increased cost be, and the same hereby is, appropriated.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have a statement in reference to this bill, as to what is the necessity for increasing the limit of cost of the

public building at Richford, Vt., from $60,000 to $74,000, and appropriating $14,000.

Mr. UNDERWOOD. What number is that on the calendar?

Mr. MANN. I do not know what number it is on the calendar. Does the gentleman from Vermont [Mr. GREENE] desire to make a statement in regard to it?

Mr. GREENE of Vermont. Mr. Speaker, the chairman of the committee in charge of the bill is not present.

Mr. MANN. Is the gentleman from Vermont familiar with the situation there?

Mr. GREENE of Vermont. I live near the town.

Mr. MANN. What is the situation there?

Mr. GREENE of Vermont. The situation, briefly, is this: When the bill was passed and the appropriation made, the work of excavation was begun, and they struck a rock. Now, the proposition is, if they can not go any farther down, they must have the approach to the building 15 steps, which is higher than was intended. If they can excavate the rock, it will be put at the normal and proper height. It was the physical conditions which could not be foreseen when the estimates were made that is the reason for this increase.

Mr. MANN. The reason for the additional cost is the rock excavation which was not contemplated?

Mr. GREENE of Vermont. Exactly that.

Mr. FOSTER. Mr. Speaker, reserving the right to object, this increase in the limit of cost of $14,000 does not appear to me to be necessary. What is the reason that the gentleman from Vermont gives for increasing the amount of money?

Mr. GREENE of Vermont. I will say that this bill arrived at its present legislative stage before I arrived at mine, and I am not so familiar with all the details as I might otherwise be. It is a simple question. When the estimates were made the physical conditions underlying the surface of the earth could not be determined, and when they got down so far they found this rock. I have seen the conditions as they are described in the committee report, and I know the report is true. It undoubtedly is a public nuisance now.

Mr. FOSTER. In excavating for a foundation for the basement, as I understand the gentleman, they came to this rock?

Mr. GREENE of Vermont. Yes.

Mr. FOSTER. It looks to me, from what the report says, that they must have got quite a hole in the ground there now by the fact that the people are complaining of the great amount of water that is held in there. I do not myself see a reason why they should go through.

Mr. GREENE of Vermont. It amounts to a question of the change of level.

Mr. MANN. The excavation has been made, I will say to the gentleman from Illinois, but they did not contemplate the cost of the rock excavation.

Mr. FOSTER. It seems to me that the department, when it found these conditions, in place of coming back for more money should have changed it so that they would not have had to come back and call for an increase in the amount appropriated. It will say that there are many buildings planned where they come back, for one reason and another, and I think when Congress has given the amount or limit of cost of the building the Treasury Department should understand that they are to build the building for that cost and, unless there are some unusual conditions, it will not be increased. I do not think that the bill ought to pass.

Mr. GREENE of Vermont. I will say to the gentleman that these are unusual conditions. This is a post office, and if we have to change the level they will have to raise it up so that it will take 15 steps to reach it, and it will be daily visited by hundreds of men, women, and children. They can not go down any farther with the work because they have not the money.

Mr. FOSTER. How deep is the basement?

Mr. GREENE of Vermont. I can not tell the gentleman.

Mr. FOSTER. I think, Mr. Speaker, that we ought to have all the information possible, and I will object.

Mr. GREENE of Vermont. Mr. Speaker, I ask that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Vermont asks that the bill be passed over without prejudice. Is there objection?

There was no objection.

TIMBERLANDS OF THE CHOCTAW AND CHICKASAW INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 4753) to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., 137).

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to sell, upon such terms and conditions, under such regulations, and in such tracts as he shall deem advisable, the land and timber, together or separately, reserved from allotment under the provisions of section 7 of the act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., 137).

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The bill is on the Union Calendar.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Alabama asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CARTER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MINING EXPERIMENT STATION, AUBURN, CAL.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22080) to establish a mining experiment station at Auburn, Placer County, Cal., to aid in the development in mineral resources of the United States, and to undertake any investigation or operation for the health and safety of persons employed in mining, quarrying, metallurgical, and other mineral industries, and for other purposes.

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. RAKER. I want to call the gentleman's attention to the fact that the Department of the Interior and the Bureau of Mines have reported favorably on this bill. They have suggested that it be not fixed at any particular place. Now, while I would like to see it located in the center of the mining district—California—I see no special objection because of the great benefit it would be to the mining interests of California, as well as in Nevada and southern Oregon, to leave it to be fixed at such a place as the Secretary of the Interior, under the advice of the Bureau of Mines, shall determine, if that would insure the passage of this bill, because I am very anxious to have this bill become a law. One can not help but marvel when he looks over the statistics of the mineral wealth that has been produced in California, Nevada, and southern Oregon, to see how little in the last few years has been done in behalf of the mining interests. We want more attention paid to mining interests of the West. We want to go right into these mining localities and get all out of the earth that can be done. No better investment could be made by the General Government than the work proposed by this bill.

Mr. MANN. Where does the gentleman say the State has its mining experiment station?

Mr. RAKER. The State has no mining experiment station.

Mr. MANN. With its enormous mineral wealth, why does it not have one?

Mr. RAKER. I suppose you might answer the same as in regard to agricultural matters. We are spending this year $60,000,000 for agriculture.

Mr. MANN. Who is expending it?

Mr. RAKER. The Government is expending it, or in the neighborhood of that.

Mr. MANN. Oh, the gentleman is way off.

Mr. RAKER. I have the statistics that were filed and put in the RECORD this morning, prepared by a gentleman who has knowledge of the fact.

Mr. MANN. The gentleman who has the knowledge is way off.

Mr. RAKER. I am speaking of the entire matter, over the United States.

Mr. MANN. Out of the General Government?

Mr. RAKER. Not alone.

Mr. MANN. No; it does not amount to twenty million. Mr. Speaker, I object.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend as part of my remarks the resolution passed by the mining congress held at Yreka, Cal., and the report on this bill.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

[House Report No. 583, Sixty-second Congress, second session.]

MINING EXPERIMENT STATION, AUBURN, CAL.

Mr. FOSTER, from the Committee on Mines and Mining, submitted the following report, to accompany H. R. 22080:

The Committee on Mines and Mining, to whom was referred the bill (H. R. 22080) to establish a mining experiment station at Auburn,

Placer County, Cal., to aid in the development of mineral resources of the United States, and to undertake any investigation or operation for the health and safety of persons employed in mining, quarrying, metallurgical, and other mineral industries, and for other purposes, having had the same under consideration, respectfully recommend that it do pass.

This bill is a substitute for H. R. 17033, which was introduced for identically the same purpose.

The bill is as follows:

"[H. R. 22080, Sixty-second Congress, second session.]

"A bill to establish a mining experiment station at Auburn, Placer County, Cal., to aid in the development of the mineral resources of the United States, and for other purposes.

"*Be it enacted, etc.*, That there be, and is hereby, established at Auburn, Placer County, Cal., a mining experiment station which shall be under the supervision, management, and control of the Bureau of Mines.

"SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to appoint as the superintendent of said mining experiment station one expert mining and metallurgical engineer, at a salary of $4,000 per annum; one chemist, at a salary of $2,500 per annum; and such other employees as he may deem necessary to carry out the provisions of this act; and for the purpose of inaugurating and maintaining the said mining experiment station, including the payment of salaries, purchase of equipment, supplies, expenses of travel, payment of rent, and other expenses of every sort incident thereto the Secretary of the Interior is authorized to expend annually a sum not exceeding $25,000.

"SEC. 3. That it shall be the province and duty of said mining experiment station, under the direction of the Bureau of Mines, to conduct inquiries and scientific investigations concerning the mining, preparation, treatment, and utilization of ores and other mineral substances, with a view to improving health conditions, increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metallurgical, and other mineral industries, and as will facilitate the proper and efficient development of the resources of the public domain, and to disseminate information concerning these subjects in such manner as will best carry out the purposes of this act.

"SEC. 4. That nothing in this act shall be construed as authorizing the Bureau of Mines, or any employee of said bureau engaged in the work herein provided for, to undertake any investigation or operation in behalf of any private party, except for the health and safety of persons employed in the mining, quarrying, metallurgical, and other mineral industries; nor shall any of the regular employees of said bureau engaged in such investigations have any personal or private interest in any mine or the products of any mine under investigation."

This bill is introduced for the benefit of the mining interests of California and the Government generally, and to look after the health and safety of the miners. The Sacramento Valley Development Association at a meeting held at Sacramento, Cal., on February 17, 1912, memorialized Congress upon this subject as follows:

Whereas House of Representatives bill No. 17033, introduced by Hon. JOHN E. RAKER, entitled "A bill to establish a mining experiment station at Auburn, Placer County, Cal., to aid in the development of the mineral resources of the United States"; and

Whereas California leads all other States in the value of its mineral products, which for the year 1909 amounted to approximately $83,000,000, in 1910 $88,000,000, and in 1911 $90,000,000; and

Whereas the proposed experiment station is in nowise a local matter, but is calculated to develop and improve the mining industry of the entire country and provide a greatly needed and exceedingly important educational opportunity to all persons interested in the mineral industries; and

Whereas Auburn, Placer County, is centrally located with reference to the great mining districts of the Pacific coast and very close to the city there are extensive deposits, including gold (quartz and gravel), ores of copper, iron, manganese, anomite and silver, galena and bismuth, and other minerals, such as granite, limestone, porphyry, marble, steatite, magnesite, borytasper, sciemite, asbestos, talc, kaolin, pottery clay, ocher, and quartz suitable for the manufacture of glass: Therefore be it

Resolved, That the Sacramento Valley Development Association, in regular meeting assembled, this 17th day of February, 1912, does indorse said House bill No. 17033 and urges upon Congress the adoption of this bill as a matter of rendering material assistance to one of the greatest of the country's industries.

The above resolution was unanimously adopted at the regular monthly meeting of the Sacramento Valley Development Association held February 17, 1912.

O. H. MILLER, *Secretary.*

The Nevada City Chamber of Commerce, of Nevada City, Cal., have memorialized Congress upon this subject, as follows:

MARCH 31, 1912.

Hon. JOHN E. RAKER,
House of Representatives, Washington, D. C.

DEAR SIR: At a recent meeting of this organization it was brought to the notice of the members that through your good offices a large quantity of valuable publications are being received and placed on the shelves of the headquarters. This matter shows a discriminating appreciation of the needs of this locality and your interest in our welfare. We also note with pleasure that the bill introduced by you for the establishment of a mining laboratory at Auburn, in our neighboring county, has been changed to eliminate the possibility of interfering with the business of our assayers, and in its present form has our complete support. In accordance with a motion at to-day's meeting, a vote of thanks was passed to you for your good work, and this letter is to inform you of the said action.

Trusting that you may continue to be successful in your efforts for the people of your district, we remain,

Very sincerely, yours,

NEVADA CITY CHAMBER OF COMMERCE.
W. W. WAGGONER, *President.*
GEO. B. FINNEGAN, *Secretary.*

The Auburn Chamber of Commerce have memorialized Congress upon this subject, as follows:

AUBURN CHAMBER OF COMMERCE,
Auburn, Cal., February 7, 1912.

Whereas a bill entitled "A bill to establish a mining experiment station at Auburn, Placer County, Cal., to aid in the development of the mineral resources of the United States, and for other purposes" (H. R. 10733), has been introduced in the House of Representatives at Washington; and

Whereas the mineral production of California for the year 1909 amounted, in round numbers, to $83,000,000; in 1910, $88,400,000; and to upward of ninety millions in 1911; and

Whereas the mountains and valleys of Placer County contain an immense amount of mineral wealth, including gold both in quartz and gravel, ores of copper, manganese, tungsten, chromium, and silver (in the Ophir mining district, close to Auburn), galena, bismuth, and other minerals, such as granite, limestone, porphyry, marble, steatite, magnesite, baryta, spar, selenite, asbestos, talc, kaolin, pottery clay, ocher, and glass sand; and

Whereas Placer County is lately reported by the Census Bureau as being the second county in the United States in the number of producing gold mines, Siskiyou County, Cal., being first; and

Whereas Auburn is on the main line of the Southern Pacific, 126 miles from San Francisco, 657 miles from Los Angeles, and 868 miles from Seattle, thus being easy of access from east, west, and south and as centrally located with reference to the great mining districts of the country as is practically possible; and

Whereas the project is in no way sectional, but calculated to develop the mining industry of the Whole Pacific slope and of the entire country; and

Whereas such a station would provide an important educational opportunity for the young men of California and be the means of recruiting a trained force of men to develop the wealth of the country: Therefore be it

Resolved, That the Auburn Chamber of Commerce cordially indorses the said bill and urges upon Congress its adoption, and we also recommend other chambers of commerce and business organizations of the Pacific slope to take similar action; and be it further

Resolved, That copies of this resolution be sent to our Representatives in Congress and to kindred organizations on the coast.

Adopted.

JOHN T. BRAMHALL, *Secretary.*

The San Francisco Call, of California, of date February 19, 1912, speaking editorially upon this subject, says:

"NEED OF A SCHOOL FOR MINING PROSPECTORS.

"A mining experiment station for California would be a useful and valuable help for the promotion of this great industry, and in that view Representative RAKER has introduced a bill in Congress for the establishment in Placer County of an institution or this character.

"The Government has always been neglectful of this industry and was with difficulty persuaded to create a Bureau of Mines. Millions are spent annually on the Government Agricultural Department, and we believe this money is profitably used for the common good, but little or nothing is done by national agency to encourage or assist mining. The production of minerals, gold, oil, copper, and other products is one of California's leading industries, and it is properly the subject of scientific examinations and investigations for the ascertainment of the best and safest methods. It is an extremely hazardous trade and hitherto this aspect of the industry has been little regarded.

"There is besides a wide field for metallurgical and petrological inquiry. The mountains of California have been explored in a hazardous way by gold seekers, and sometimes they have stumbled on other valuable minerals, but usually by accident.

"The fact is that we do not yet know the full metallurgical potentialities of the California mining region, and it is likely that a school for prospectors would bring valuable and unexpected results."

The American Mining Congress, which is composed of the most able and representative mining men of the West, at its recent annual meeting in the city of Chicago unanimously passed the following resolution:

"Whereas the development of processes of ore treatment capable of handling with profit the vast low-grade deposits and mine dumps of our mining districts is of the greatest importance to the mining industry and to all related industries:

"*Be it resolved*, That it be the sense of the American Mining Congress that the Congress of the United States be, and is hereby, memorialized to provide for the establishment, under the direction of the Bureau of Mines, of a metallurgical experiment ore-testing station or stations for the purpose of devising methods for the extraction of metals from low-grade ores and appropriate sufficient funds for such purpose.

"*Resolved further*, That the officers of the American Mining Congress draft a suitable bill providing for the proper carrying out of this resolution, and that copies of the bill and of this resolution be forwarded to the President of the United States and each Senator and Representative; and that the officers of the American Mining Congress use all honorable means to the end that such a bill may become a law, in view of the increasing importance and complexity of the mining and metallurgical industries, the deplorable waste in mining under present methods, and the great need of trained men to aid in improving these conditions and in developing greater safety and efficiency.

"*Be it resolved*, That the American Mining Congress, now in session at Chicago, urges the Congress of the United States at Washington to provide for aid and cooperation in the maintenance of mining schools in the several States in a manner analogous to that which has been done in behalf of agriculture.

"*Be it resolved*, That the members of the American Mining Congress and the friends of the mining industry throughout the country are hereby urged to cooperate in securing the proper legislation necessary to carry above purpose into effect."

There are many other organizations of business men throughout the West that are and have for some years past been very urgently appealing to Congress for relief in the manner provided by this bill. It should be remembered that while the National Bureau of Mines is doing a splendid work in its limited field and in a limited way, yet its energies are thus far practically entirely devoted to coal-mining industries. There has been no recognition thus far of the metalliferous mining industries of the West, and it is believed that that industry is entitled to consideration by the Government.

This bill was referred to the Department of the Interior for consideration, and the report of the Secretary of the Interior thereon is as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 1, 1912.

Hon. MARTIN D. FOSTER,
Chairman Committee on Mines and Mining,
House of Representatives.

DEAR SIR: Replying to your letter of March 21, asking for my opinion on House bills 22080, 22081, and 22088, relative to the establishment of mining experiment stations in the States of California, Colorado, and Utah:

The purpose of these bills is to provide for "inquiries and scientific investigations concerning the mining, preparation, treatment, and utilization of ores and other mineral substances, with a view to improving health conditions, increasing safety, efficiency, economic development, and the prevention of waste in the mining, quarrying, metal-

lurgical, and other mineral industries, and as will facilitate the proper and efficient development of the resources of the public domain."

This purpose and the main features of these bills meet with my approval.

Such investigations will be helpful in the development of mining on the public lands of each of the States, both within and without the national forest reserves; and the necessary expenditures for conducting these investigations will be justified more than under ordinary conditions, for the reason that in these States the Government is itself largely interested in any and all investigations looking to the proper development of the mining and metallurgical industries.

I believe, however, that in each of these bills, instead of locating specifically in each State just where the experiment station is to be established, it would be wiser to leave the question of specific location to the department, so that the investigations might be conducted from time to time at whatever point there proved to be most need of investigations and where the investigations might be carried on under the most favorable conditions. Indeed, a movable location for each station might enable the department to carry out the purposes of these bills with greater economy and efficiency than could be done under any other plan.

Under the provisions of these bills there can be no possible conflict of interests between the investigations for which they provide and the work of private mining and metallurgical engineers and chemists.

Very respectfully,

WALTER L. FISHER, *Secretary.*

The report of the Secretary, as will be observed from the above, is favorable. There is a suggestion that it would be wiser to leave the question of the specific location of the station to the Department of the Interior rather than fixing it at any particular place. The reason your committee has not followed that suggestion is because it is believed that in designating the place which is approved by various mining organizations and mining men the judgment and wishes of these should be considered in that respect.

Within a radius of 100 miles from the proposed location there is practically every known combination of gold, silver, lead, copper, zinc, iron, tungsten, and other mineral-bearing ores, and that a great deal of it is what is known as low-grade refractory ores—that is, ore which is difficult to treat. There are very large deposits and a great variety of it there, and the mining interests of the State have felt that there ought to be an experimental mining station in the mining regions, in charge of skilled chemists and metallurgists, for the purpose of not only analyzing and testing those ores but to devise, if possible, new means and processes of treatment—means and methods of aiding the mining industry and saving from waste and conserving the metal resources of the country and making the very valuable mineral substances in this region available for the use and general welfare of the Nation.

On behalf of the mining industry of the Pacific coast it was shown to your committee that the welfare of this Nation is very much dependent upon and affected by the conservation and economical production and treatment of the metals of the Western and Pacific Coast States; that the gold and silver, copper and lead, zinc and iron, vanadium and uranium, and other rare metals that are produced in the Sierra Nevada and other mountain regions are really the lifeblood of the business of this country and the basis of our prosperity; that the metalliferous mining industry is being neglected and has been neglected; and that metalliferous mining at the present time is at comparatively low ebb. It is believed by your committee that if the Government could assist in evolving processes of handling low-grade ores—that is, ores running below $10 per ton—thousands of mines would be opened and the wealth of the world would be added to by many hundreds of millions of dollars.

It was shown that there are a large number of valuable substances that can not under the present process be handled at all, and the problem of the rejuvenation and continued prosperity of the mining industry depends upon the establishment of the metallurgical experiment stations at which scientific and practical work along that line can be done.

The mining men of the Pacific coast and Sierra Nevada and other western mountains feel that the Government should take an interest in and assist in finding means of treatment of the low-grade refractory ores and get them into a merchantable condition. That will require experiments, expenditures, and skilled expert knowledge of the highest class. They prefer to have experts on the ground there to examine the ores and the metal formations as they exist in nature. The place designated in the bill is located in the center of one of the principal mining and metalliferous portions of the State and is advantageously and suitably located for a mining experiment station.

Auburn is on the main line of the Southern Pacific, 126 miles from San Francisco, 657 miles from Los Angeles, and 868 miles from Seattle, thus being easy of access from east, west, north, and south, and is as centrally located with reference to the great mining districts of the country on the Pacific slope as is practically possible.

The project is in no way sectional, but calculated to develop the mining industry of the whole Pacific slope and of the entire country.

The following shows the amount of money obtained from the sale of public mineral lands from 1901 to 1910, inclusive, and a statement of the mining interests and their past want of consideration:

Proportion of reclamation fund arising from receipts of sales of coal and mineral lands for the fiscal years 1901 to 1910, inclusive.

Year.	Reclamation fund.	Coal and mineral lands, aggregate.[1]	Coal lands separate.[1]	Mineral lands separate.[1]
1901	$3,144,821.91	$362,632.85	$200,116.35	$162,516.50
1902	4,585,520.53	462,723.20	171,641.81	291,081.39
1903	8,713,996.60	790,083.56	486,176.54	303,907.02
1904	6,826,253.59	685,668.65	385,276.97	300,391.68
1905	4,805,515.39	551,976.80	269,458.55	282,518.25
1906	5,166,336.50	799,889.27	523,905.72	275,983.55
1907	7,914,131.71	570,415.76	288,092.82	282,322.94
1908	9,416,875.95	886,942.69	599,920.44	287,022.25
1909	7,755,468.81	792,501.66	471,088.08	321,413.58
1910	7,028,185.73	890,385.91	618,828.04	271,557.87
Total, 10 years	65,357,106.72	6,793,220.35	4,014,505.32	2,778,715.03

[1] A deduction of 5 per cent on account of grants to all reclamation States, except Colorado, for purposes of education or of making public roads, has been made from the total receipts from sales of coal and mineral lands.

A small fraction of 1 per cent for fees and commissions of registers and receivers has not been deducted in preparing this statement.

The funds arising from the sale of public lands and set aside for the reclamation work in the public-land States, as indicated by the accompanying tabular statement, during the 10 years ending June 30, 1910, have approximated $65,357,000. Of this amount, $4,000,000 has been derived from the sale of coal lands, and about $2,779,000 from the sale of other mineral lands, making a total derived from the sale of mineral lands of $6,793,000.

During these 10 years this entire fund arising from the proceeds of the sale of all such public lands, including the $6,793,000 arising from the sale of coal and other mineral lands, has been devoted to the upbuilding of agriculture in the public-land States, and no part of this fund has gone to help the mining industry in any of these States.

During this time the mining industry in the public-land States has fallen far behind agriculture in progressive development. Many branches of the industry are showing the need of extended investigations.

The question now raised is as follows:

In view of the fact that the great reclamation work of the Federal Government is now under way, that the policies and principles of irrigation in the arid lands are now well established, that private enterprise is now developing numerous smaller irrigation projects in each of the public-land States, and that the reclamation work of the Federal Government has now reached the stage at which the income from the sale of water rights will rapidly add to the funds arising from the sale of public lands and available for irrigation purposes, is it not right and feasible that at this time some considerable portion of the proceeds from the sale of mineral lands should, for a time, be devoted to investigations looking to the upbuilding of the mining industry in the several public-land States?

The principle of equity in this proposition has already been well established, in that the proceeds arising from the administration of the public forest lands in the West have been largely reappropriated for the care and development of the forest lands; and the application of this principle in behalf of the mining industry would have been called for when the reclamation service was established but for the generous desire on the part of all parties in the West that the principle and the policy of irrigation, by both public and private agencies, should be inaugurated and fully established.

Now, however, that this has been accomplished, and that the mining industry in turn is in need of funds for investigations looking to its further development, the principles of right and equity in behalf of the mining industry should receive recognition.

Your committee believes that the welfare of the miner as affects his health and safety and as affects the general welfare of the whole country demands that due recognition and encouragement should be given to the metalliferous-mining industry and the miners of the West and Pacific coast, and recommends the passage of the bill.

—

THE MINING CONGRESS.

The Southern Oregon and Northern California Mining Congress, held at Yreka July 25 and 26, 1912.

RESOLUTIONS.

I.

Whereas under existing conditions the procedure necessary to the obtaining of patents to mineral lands is complex and often occasions unnecessary delay, which is discouraging to the miner of limited means: Be it therefore

Resolved, That we earnestly recommend a simplified procedure governing the procuring of patents to mineral lands.

II.

Resolved, That we again go on record as commending the splendid work of the American Mining Congress in the legislative creation of the Bureau of Mines and for its assistance and work in placing the mining industry on a better basis, and that we pledge our influence to render any assistance possible.

III.

Whereas it is recognized by the Northern California and Southern Oregon Mining Congress that the topographic and the geologic folios issued from time to time by the United States Geological Survey are of prime importance for the proper study, unfolding, and development of mineral resources; and

Whereas there have been prepared for this territory many such maps and publications, including sheets known as Shasta, Shasta Special, Modoc, Lava Beds, Lassen, Ashland, Crater Lake Special, Grants Pass, Riddles, Roseburg, and there are extensive and important areas remaining to be mapped in this territory: Be it therefore

Resolved, That it is the opinion of this assemblage that encouragement should be lent to the Geological Survey in its labors to supply maps and to carry on additional surveys, and it is urged upon our Representatives in Congress, Messrs. RAKER and HAWLEY, and upon our Senators from Oregon and California that proper and effective measures be taken to the end that this work shall not lag, but that these unmapped sections shall be speedily surveyed and the results published; that the secretary is hereby instructed to forward copies of this resolution to the Director of the Geological Survey and one each to Representatives HAWLEY and RAKER, and to our United States Senators, all at Washington, D. C.

IV.

Whereas under existing conditions the development and operation of the many rich mining properties in this district is greatly retarded owing to the excessive freight rates charged by the railways and other transportation companies in this district for the transportation of the ores from mines to the places where said ores can be successfully and profitably treated; and

Whereas the general good of the whole people of said respective States is inseparably linked with the building up of the great industry of mining in all of its various phases, which general good is also retarded by the handicap placed upon the development of mining properties by the railroads and other transportation companies through excessive freight and transportation rates: Therefore be it

Resolved by this congress, That the legislatures of said respective States and the State railroad commissions of said States and the Interstate Commerce Commission be, and they are, requested and urged to make a thorough investigation into existing freight and transportation rates now in force in this district and to secure such reduction thereof as will enable the miner to better develop the many rich properties now lying dormant for want of such equitable transportation rates.

V.

Whereas the interpretation of the mineral laws of the United States is frequently burdensome as applied by the Interior Department and detrimental to the prospector and mining industry relative to the use of water and timber: Be it

Resolved, That it is the sense of this congress that the Secretary of the Interior be memorialized to the end that such encouragement should be given the prospector and mining people as will tend to upbuild the mining industry, and that because of the importance and far-reaching influence on all other industries such complaints as are laid before any of the governmental departments should be considered with a view of liberality to the end that it will encourage and stimulate the efforts of those who are the forerunners in locating and developing our mineral resources.

VI.

Whereas the State mining bureau has long been recognized as one of the most valuable and helpful to the miner of all the various departments and bureaus of the State, and as an institution when adequately provided with money is capable of still doing a vast amount of good in aiding and fostering the mineral industry of the State: Therefore be it

Resolved, That the members of this convention earnestly request the Legislature of California at its next regular session to make an appropriation for the support of the State mining bureau in such an amount as shall enable the State mineralogist to take up and carry forward the work of his department in a proper and in a more comprehensive manner than has been possible during the past 15 years.

VII.

Whereas the State Bureau of Mines of Oregon has been organized to do similar work to that of the Mining Bureau of California, and has shown itself during the year, with the limited means available, to be very valuable in aiding and fostering the mineral industry of Oregon: Therefore be it

Resolved, That the members of this congress do all in their power to induce the Legislature of Oregon, at the next session, to make an appropriation for the State Bureau of Mines in such an amount as shall enable the director thereof to carry forward the work of the department in proper and efficient manner, according to the provisions of the law creating said bureau.

VIII.

Whereas the investing public is frequently placed at the mercy of unscrupulous mine and other promoters; and

Whereas the field of legitimate investment in this district is large and splendid opportunities exist here for the safe and profitable investment of capital in our mining industries, but that a condition of unrest and suspicion exists in the minds of those seeking legitimate investment because of fake schemes frequently floated by such unscrupulous operators: Now, therefore, be it

Resolved, That this congress is opposed to the floating of worthless stock or mining properties of any kind and will do all within its power to expose any such frauds as may come to our notice to the end that our mining industry may thereby be advanced.

IX.

Whereas the Panama-California Exposition at San Diego, through its commissioner, Mr. Jefferson Davis, has courteously extended to this convention an invitation to hold a session thereof in San Diego in the year 1915, and to make a suitable mineral display at the exposition to be held in that city during said year: Now, therefore, be it

Resolved, That we tender to said exposition commission a vote of thanks for its cordial invitation, and we heartily indorse the suggestion to make such a suitable mineral display, and we also recommend in this connection that a suitable mineral exhibit be displayed by this district at the Panama-Pacific Exposition to held at San Francisco in the year 1915.

X.

Whereas the prospector of the various counties and the States of Oregon and California is the the actual pioneer in the mining industry and is subjected to many hardships and struggles: Therefore be it

Resolved, That this congress pledge all reasonable aid and assistance to further the interest of the prospector; and be it

Further resolved, That a sepcial invitation be, and the same is hereby, extended to all prospectors to become members of this congress.

XI.

Whereas it is the opinion of this committee that it will be for the best interests of this congress that the times of the semiannual meetings thereof be changed: Therefore be it

Resolved, That the semiannual meetings of the congress be hereafter held in the months of May and October instead of in the months of January and June.

XII.

Whereas the city of Yreka and county of Siskiyou have gone to great trouble and expense in their efforts to entertain the members of this congress during the session now in progress and in the preparation of the exceedingly rich, beautiful, and altogether splendid exhibit of ores here displayed; and

Whereas every courtesy has been extended by them to our members, making our stay here one of pleasure as well as of vast good, thereby greatly cementing the bonds of friendship existing between the miner and the prospector of the different localities embraced within this district, and also greatly promoting the good cause we champion: Now therefore be it

Resolved by this congress, That a vote of thanks be, and the same is hereby, extended to the loyal, patriotic, progressive, and exceedingly courteous citizens of Yreka and Siskiyou County for this splendid entertainment and their untiring efforts in making this meeting the marvelous success it is, and the lasting good which is sure to come herefrom to the mining and allied interests of the States of Oregon and California; and be it further

Resolved, That a vote of thanks be extended to the people of Shasta for the magnificent display made here from said county and for the great interest manifested by them in the work of this congress; and we heartily recommend that the next meeting of this congress be held at Redding, in said county, as suggested and recommended by the committee on time and place of next meeting.

XIII.

Ever since the prospectors of forty-nine blazed the trails over the Sierras and opened to the world the wealth of our gold mines the policy of the United States, in splendid recognition of their splendid service, has been to keep open to their class the mineral lands. This policy, incorporating as it has the miners' rules, adopted at miners' meetings, into the laws of the land, after half a century trial has proved both its wisdom and its fairness. The prospector is still the greatest individual benefactor to the world's development. The "grub stake" is still the most patriotic investment. Every dollar dug from the earth by the miner is a new dollar added to the wealth of the Nation, and it is a clean dollar. Over 300,000,000 of such dollars have been found by the prospector and miner and milled by the miners from the very mineral belt which this congress represents. Within this same area, hidden in vein and ancient channel, are still immeasurable treasures. Every mine casts its trace. The prospector with pick and pan, pluck and patience, seeks the trace and follows it to the mine. This trace must be left for the prospector to follow. The mine must remain his to find, and with the finding the right to work must be his.

Contravening this policy and denying to the prospector these long-unquestioned rights, the Central Pacific Railway is now claiming practically one-third of the great mineral belt, extending through Jackson and Josephine Counties, Oreg., and Siskiyou, Trinity, and Shasta Counties, Cal. This claim is in defiance of the express terms of its grant and is against the very language of its patents.

Believing this claim to be without right and that its blight upon the mining industry should be removed, not by driving the miner to engage at his own expense in litigation with that powerful corporation but by Government action, without expense to the miner, just as is being done toward the oil lands to-day: Therefore be it

Resolved, That the miners of southern Oregon and northern California, in this congress assembled, do hereby respectfully request the proper Federal and State authorities to take immediate steps within this mineral belt to have the mineral lands therein covered by claims or patents to the Central Pacific Railway Co. or its affiliated corporation or its predecessors in interest exempted and segregated from said claims and patents and restored to public domain and to the right of the miner to prospect for and locate claims thereon: Be it further

Resolved, That copies of this resolution, properly certified, be sent to the Attorney General of the United States, the Director of the Bureau of Mines, our Congressmen and United States Senators, and the State mineralogists of Oregon and California.

XIV.

Be it resolved, That it is the sense of this congress that the national forest policy and service has proved an efficient agency not only in preserving for the prospector the undiscovered mineral deposits in the district, by preventing their acquisition through nonmineral entries, but in facilitating their location, enjoyment, and patenting by good faith mineral claimants in accordance with laws passed in the interest of miners: Be it further

Resolved, That it is the sense of this congress that the Forest Service employees in the field should be authorized to investigate, in connection with the miners, the lands covered by railroad grants and other nonmineral patents in the mineral belt, preparatory to Government action in having such lands as are mineral exempted and segregated from lands properly held under such grants as nonmineral patents.

CORVALLIS AND YAQUINA BAY MILITARY WAGON ROAD.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limits of said grant.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this bill is rather long. I do not know whether there is anyone here representing it. I will ask to have it passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

DELTA DIVISION, NORTHERN JUDICIAL DISTRICT OF MISSISSIPPI.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25342) to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That section 90 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 90. The State of Mississippi is divided into two judicial districts, to be known as the northern and southern districts of Mississippi. The northern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Alcorn, Attala, Chickasaw, Choctaw, Clay, Itawamba, Lee, Lowndes, Monroe, Oktibbeha, Pontotoc, Prentiss, Tishomingo, and Winston, which shall constitute the eastern division of said district; also the territory embraced on the date last mentioned in the counties of Benton, Calhoun, Carroll, De Soto, Grenada, Lafayette, Marshall, Montgomery, Panola, Tate, Tippah, Union, Webster, and Yalobusha, which shall constitute the western division of said district; also the territory embraced on the date last mentioned in the counties of Bolivar, Coahoma, Leflore, Quitman, Sunflower, Tallahatchie, and Tunica, which shall constitute the Delta division of said district. Terms of the district court for the eastern division shall be held at Aberdeen on the first Mondays in April and October; for the western division, at Oxford on the first Mondays in June and December; and for the Delta division, at Clarksdale on the fourth Mondays in January and July: *Provided*, That suitable rooms and accommodations for holding court at Clarksdale are furnished free of expense to the United States. The Southern district shall include the territory embraced on the 1st day of July, 1910, in the counties of Adams, Amite, Copiah, Covington, Franklin, Hinds, Holmes, Jefferson, Jefferson Davis, Lawrence, Lincoln, Madison, Pike, Rankin, Simpson, Smith, Scott, Wilkinson, and Yazoo, which shall constitute the Jackson division; also the territory embraced on the date last mentioned in the counties of Claiborne, Issaquena, Sharkey, Warren, and Washington, which shall constitute the western division; also the territory

embraced on the date last mentioned in the counties of Clarke, Jones, Jasper, Kemper, Lauderdale, Leake, Neshoba, Newton, Noxubee, and Wayne, which shall constitute the eastern division; also the territory embraced on the date last mentioned in the counties of Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Marion, Perry, and Pearl River, which shall constitute the southern divisison of said district. Terms of the district court for the Jackson division shall be held at Jackson on the first Mondays in May and November; for the western division, at Vicksburg on the first Mondays in January and July; for the eastern division, at Meridian on the second Mondays in March and September; and for the southern division, at Biloxi on the third Mondays in February and August. The clerk of the court for each district shall maintain an office in charge of himself or a deputy at each place in his district at which court is now required to be held at which he shall not himself reside, which shall be kept open at all times for the transaction of the business of the court. The marshal for each of said districts shall maintain an office in charge of himself or a deputy at each place of holding court in his district."

Mr. HOUSTON. Mr. Speaker, the only change that this bill effects in the present law is to insert the county of George into the southern division of the southern judicial district of Mississippi. It was placed there by act of Congress February 5, 1912. This same section was amended by an act passed May 27, 1912, and this county was omitted. It is only to make a correction to that extent.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

OTTER AND BEAM TRAWLING.

The next business on the Calendar for Unanimous Consent was House joint resolution 173, providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as beam trawling.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the resolution.

The Clerk read the resolution, as follows:

Resolved, etc., That the Commissioner of Fisheries be, and he is hereby, authorized and directed to make an investigation into the method of fishing known as otter and beam trawling and to report to Congress whether or not this method of fishing is destructive to the fish species or is otherwise harmful or undesirable.

SEC. 2. That in the event that the Commissioner of Fisheries finds this method of fishing to be destructive, harmful, or undesirable he shall recommend to Congress such legislation as he may deem necessary.

SEC. 3. That an appropriation is hereby authorized for carrying into effect the provisions of this resolution.

The SPEAKER. This resolution is on the Union Calendar.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection?

Mr. SHERLEY. Mr. Speaker, reserving the right to object, I suggest to the gentleman that there is an item dealing with this same matter in the sundry civil appropriation bill. There does not seem to be any present necessity for the consideration of this resolution, and I suggest that the gentleman have it go over without prejudice.

Mr. GREENE of Massachusetts. Very well.

Mr. MANN. I suggest that section 3—which carries the appropriation—of the resolution be stricken out.

Mr. SHERLEY. Very well. Perhaps the matter could be better adjusted by striking out the third section. I am familiar with the bill and have talked with the gentleman from Massachusetts [Mr. GARDNER], its author, who is very much interested in it and who has taken a great deal of trouble in promoting it. He desires that the bill be passed. I suggest that it be passed with that section stricken out.

Mr. GREENE of Massachusetts. I have no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 1, line 5, after the word "as," insert the words "otter and."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Massachusetts, if I may, to very briefly tell us what beam trawling is as distinguished from otter trawling. I know what otter trawling is.

Mr. GREENE of Massachusetts. I do not know the difference between the two. We had the bill first for beam trawling, and it was suggested to add otter trawling. I am not familiar with the fishing business, but the gentleman from Massachusetts, my colleague, Mr. GARDNER, is, and I suppose could fully explain it if he were present.

Mr. MANN. He is out of the House at present upon other business. He was here a moment ago.

Mr. GREENE of Massachusetts. I could not explain it.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SHERLEY. Mr. Speaker, I move to amend by striking out section 3.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the House joint resolution as amended.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A joint resolution providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as otter and beam trawling."

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

CADETS SASSE, FREELAND, SIMPKINS, AND CHRISTIAN.

The next business on the Calendar for Unanimous Consent was S. J. Res. 99, authorizing the President to reassemble the court-martial which on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets of the corps of cadets of the United States Military Academy, and sentenced them.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, some gentleman, I think, stated that he was very anxious to make a brief explanation concerning this resolution. I do not see him present now.

Mr. RODDENBERY. Mr. Speaker, I hope the gentleman will not object.

Mr. MANN. I would be very glad to hear what the gentleman from Georgia has to say.

Mr. RODDENBERY. My colleague from Virginia [Mr. GLASS] can perhaps state the matter better than anyone else.

Mr. SPARKMAN. Mr. Speaker, I would like to say that I have no personal interest in this resolution. One of the parties affected by it, however, resides in the district represented by my colleague, Mr. CLARK of Florida, who is absent on account of sickness. I have therefore been requested to look after the measure here in so far as it affects this individual. I think the resolution one that in all fairness should be passed, because it appears that these young men, for some minor offense, were taken before a board, their case investigated, and an order of dismissal from the Military Academy at West Point was made, under a misapprehension as to their duties and powers as fixed by the regulation under which they were proceeding. They seemed to think they were proceeding under a certain rule or order which had been amended, without knowledge at the time of the amendment. They state, in substance, as I understand, that if they had known of the change in order they would not have dismissed these young men from the academy, but would have inflicted some milder punishment. The members of the board are now willing to reassemble, if authority is given as contemplated in this resolution. It is believed that a rehearing would result in their reinstatement.

Now, if all this is true, it seems to me that there can be no reasonable objection to the passage of the resolution. If it is not done now, it is likely that it need not be done at all, as it will probably come too late if it is put off till next session. I therefore hope there will be no objection to the consideration of the resolution.

Mr. RODDENBERY. Mr. Speaker, the gentleman from Illinois and the gentleman from Kansas, I presume, have looked at the report, but perhaps it has not come to their attention——

Mr. MANN. The gentleman from Kansas is heartily in favor of this bill with an amendment.

Mr. RODDENBERY. The Secretary of War gives his assent to this proposed resolution. These young men were tried just a year ago. The regulations existing at that time did not subject them to the extreme punishment and the court-martial was not apprised in law or in fact of the existence of such regulations——

Mr. FOSTER. Will the gentleman permit a question? This is the first offense of these young men?

Mr. RODDENBERY. The record disclosed it is the first offense of any of these young men. The evidence in the trial, as appears in the record of the trial, is that none of the young men were boisterous; that there was no disorder created; that there was no complaint on the part of the public. These young men were not at the Military Academy, but off at a summer camp on vacation. They met the boys in the road, and they disclaimed any such conduct on the part of the other boys, and when the question was propounded whether the boys had been drunk, they made the statement they were not. They merely admitted having gone into a little place and bought some do-

mestic wine of some kind and had drank that. They all plead guilty to the court-martial, but the impression seemed to be that there was a charge of drunkenness against them. Not at all.

Mr. FOSTER. It is under that regulation which prohibits the use of liquor.

Mr. RODDENBERY. "Cadets who shall drink or be found under the influence of intoxicating liquor." They plead guilty and were convicted of the charge of having drunk intoxicating liquors contrary to the regulations.

Mr. FOSTER. Their record in the academy was good.

Mr. RODDENBERY. It was good. Members will note that if these young men are to be reinstated and to return to the academy they should go now. The longer it is deferred the older they are and the longer separated from their previous training. I call attention to the fact that this does not require the reinstatement of these young men. It does not force a hearing. There is nothing in the resolution obligating the reinstatement of them, but it merely gives jurisdiction for that purpose, and I hope that the gentleman, unless there is some objection other than we have heard, will not insist upon denying consideration at this time. I desire to state that the interest I have in the matter personally is that one of the cadets was from my district. He was not appointed by me, but by my predecessor, who usually and invariably appointed the very best young man he could get in the district.

Mr. ANTHONY. Mr. Speaker, reserving the right to object to the bill in its present form, I want to say I have investigated this case. I have been to the academy as a member of the Board of Visitors and have devoted considerable time to looking into this case, and I have no hesitancy in saying to the House that I consider it a cruel and unusual punishment for these cadets for the very trivial offense of taking a drink. The former superintendent of the academy, who insisted upon this, has been ordered elsewhere and a new superintendent is there. I think that there was general complaint of his severe administration there, and I think these boys are entitled to be reinstated. It would be an act of justice for this House to pass this bill. I desire to offer an amendment to the bill.

The SPEAKER. The bill has not been read yet.

Mr. MANN. Mr. Speaker, reserving the right to object——

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I appreciate the fact that these young men have been partially punished, but if they should go into the Army the first thing that is necessary to learn is to obey orders and not think that they can escape a violation of orders through political influence. We are met with enough propositions coming from Army officers now, either on the active or retired list, to have special legislation in their favor, but to start young men in the Military Academy because they have succeeded in lobbying a bill through Congress will be contrary to maintaining their efficiency as Army officers, and, therefore, I object.

The SPEAKER. The gentleman objects, and the resolution is stricken from the calendar.

REFUND OF DUTIES ON LACE-MAKING AND OTHER MACHINES, ETC.

The next business on the Unanimous Consent Calendar was the bill (H. R. 12813) to refund duties collected on parts and accessories of lace-making and other machines imported prior to January 1, 1911.

The SPEAKER. Is there objection?

Mr. FOSTER. Mr. Speaker, reserving the right to object, as I understand under the law passed in 1909 lace-making machines were exempt from duty. I would like some information about whether this bill provides for a remission of duty on parts and accessories of lace-making machines which were imported and paid the duty, and whether or not this bill was intended to cover parts and accessories of lace-making machines. If it does, I think this bill ought to pass; and if it does not, I think that the Treasury officials, the collectors of customs, must have decided at the time that they were not exempt.

Mr. PETERS. Mr. Speaker, allow me to answer the question. The present rate on lace-making machines is 45 per cent. In order to stimulate embroidery and lace making in this country there was a provision put in the Payne Act that machines for that purpose might enter free of duty up to the 1st of January of last year. They were imported machines and parts of machines. Now, certain customhouses did not assess any duty on parts of these machines; other customhouses did. It was subsequently decided that all parts of these machines should come in free, and for the purpose of carrying out the provisions of the law uniformly in all customhouses this bill was introduced. There was a mistake made by the collectors, and it was too late to rectify it except by special act.

Mr. FOSTER. As I understand this paragraph 197, the proviso saying that these machines should come in free of duty did not say anything about the parts, did it?

Mr. PETERS. If the whole machine is going to come in, it is intended that the parts should come in if they can be used for nothing else.

Mr. UNDERWOOD. I will say to the gentleman from Illinois [Mr. FOSTER] that really these machines came in in parts in one shipment and the parts had to be adjusted. In some of the customhouses they treated the disconnected parts as one machine and admitted them all free of duty, but in other customhouses they let in the machines and the parts that went along with them were all taxed. It was all one machine, really, only some of the parts were not assembled, and it was a mistake of the customhouse, because when it came up the board of appraisers decided against the collector.

Mr. PETERS. These parts could only be used for an embroidery machine.

Mr. MOORE of Pennnsylvania. This bill is general in its application? It will cover all cases where duties have been paid?

Mr. PETERS. Yes.

Mr. MOORE of Pennsylvania. And there can be no more claims of this kind?

Mr. PETERS. There can be no more.

The SPEAKER. Is there objection to the consideration of the bill? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 12813) to refund duties collected on parts and accessories of lace-making and other machines imported prior to January 1, 1911.

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized to refund all duties collected upon parts or accessories of all embroidery machines and Lever and Gothrough lace-making machines, machines used only for the weaving of linen cloth from flax and flax fiber, and tar and oil spreading machines used in the construction and maintenance of roads and improving them by the use of road preservatives shall, if imported prior to January 1, 1911, be admitted free of duty.

The SPEAKER. This bill is on the Union Calendar.

Mr. PETERS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out after the enacting clause on page 1, and lines 1 and 2 on page 2, and substitute the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, all duties collected and not refunded upon all embroidery machines, Lever and Gothrough lace-making machines, machines used only for the weaving of linen cloth from flax and flax fiber (including preparatory machines), and also all parts or accessories of any of said machines, if imported subsequently to August 5, 1909, and prior to January 1, 1911."

Mr. MANN. Mr. Speaker, I notice that in this bill they spell the words as though it was "Lever and Gothrough." The Clerk reads that, I think, properly, as "Lever and Gothrough." The lever and go-through name should not be spelled with a capital "L" and a capital "G." I would like to ask the gentleman whether this is a machine made by persons who invented it, or whether that is the name by reason of the operation of the machine, which operates with a lever and goes through?

Mr. PETERS. "Lever" and "Gothrough" are spelled with capital letters because these are trade names.

Mr. CURLEY. I will state that in comparison of the tariff bills of 1897 and 1909 it is set forth as the maker of the machine.

Mr. MANN. Has the gentleman examined the tariff act of 1909 himself?

Mr. CURLEY. I will say I have not. This is a report showing a classification of the others. Possibly the gentleman from Connecticut [Mr. HILL] can inform us.

Mr. HILL. My understanding of the situation is that the name of "Lever and Gothrough" represents the character of the construction of the machine, but it is so peculiar in its character and construction that it is printed with capital letters both in the sales market and I think also in the law. It does not represent the name of any individual. It is simply a "lever and go-through machine," and stands about 12 feet upright, and is operated by a lever.

Mr. MANN. With my own slight knowledge of lace making I concluded that was the case, although I was informed by the gentleman who introduced the bill that it was the name of the maker of the machine according to the report he had. I know

I have seen it both ways, and I am inclined to think it ought to be spelled with capital letters. I do not know as I particularly care, if the department understands it.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to a third reading, was read the third time, and passed.

The title was amended so as to read: "A bill to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1909, and prior to January 1, 1911."

BRIDGE ACROSS THE DELAWARE RIVER SOUTH OF TRENTON, N. J.

The next business on the Calendar for Unanimous Consent was the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, this bill proposes to extend the time for the construction of a bridge by the Pennsylvania Railroad Co. or some other railroad company under an old act of Congress that was passed prior to the passage of the general bridge law. If the gentleman in charge of the bill desires to strike out all after the enacting clause and insert a new amendment which would give the authority to build this bridge in conformity with the provisions of the general bridge act, I shall have no objections. I am not in favor of extending the time for the building of bridges under acts passed before the passage of the general bridge act, and which probably contained none of the precautionary provisions that are contained in that law.

Mr. COVINGTON. Mr. Speaker, I will state to the gentleman from Illinois [Mr. MANN] that that is absolutely what is now intended to be done. At the time that this bill was originally brought from the Senate and reported to the Committee on Interstate and Foreign Commerce I, as the Member in charge of the bill, advised the railroad officials that they ought not, after the passage of the general bridge act, have an extension of time for any special bridge bill passed before that act, and they agreed to accept an amendment to the act striking out all after the words "A bill" and inserting in lieu of the act as it passed the Senate a bill which is an ordinary bridge bill, subject to all the restrictions and limitations of the existing general bridge act. I shall offer that amendment at the proper time.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 6 of the act approved March 16, 1906, authorizing the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors to construct, maintain, and operate a bridge across the Delaware River between a point south of and within 1 mile of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 1 mile of the southern boundary line of the borough of Morrisville, in the county of Bucks and State of Pennsylvania, be, and the same is hereby, so amended that the time within which the said bridge shall be required to be completed shall be within five years from the date of the approval of this act: *Provided*, That the said bridge shall be built and completed in accordance with such plans as the Secretary of War and Chief of Engineers may hereafter approve, and until such approval has been given no further work of construction shall be done by the said companies.

SEC. 2. That said act as thus amended be, and the same is hereby, revived and reenacted.

Mr. MANN. I hope the gentleman will send up his proposed amendment and have it read.

Mr. COVINGTON. I will send it up right now.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Maryland [Mr. COVINGTON].

The Clerk read as follows:

Strike out all after the words "An act" and insert in lieu thereof the following:

"To authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River.

"Be it enacted, etc., That the Pennsylvania Railroad Co., a corporation existing under the laws of the State of Pennsylvania, and the Pennsylvania & Newark Railroad Co., a corporation existing under the laws of the State of New Jersey, or their successors, be, and they are hereby, authorized to construct, maintain, and operate a bridge, with as many tracks as they shall deem necessary for railroad traffic, across the Delaware River at a point suitable to the interests of navigation, between a point ½ of a mile south of and a point 1½ miles south of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 2½ miles of the southern boundary line of the borough of Morrisville, in the county of Bucks and State of Pennsylvania, in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable water,' approved March 23, 1906.

"SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved."

The SPEAKER. Is there objection?

Mr. SPARKMAN. Mr. Speaker, reserving the right to object, I would like to inquire of the gentleman if there has been any agreement or understanding between the people of Trenton—the authorities of Trenton—and the railroad people as to the location of this bridge?

Mr. COVINGTON. I will state to the gentleman from Florida that this bill was on the Unanimous Consent Calendar during the month of June, it being a bill that had passed the Senate without opposition. It was referred to the Committee on Interstate and Foreign Commerce, recommended favorably to that committee by the Secretary of War and the Chief of Engineers, duly reported to this House, and, being apparently without opposition, was called up for passage. On the date when it was reached on the Unanimous Consent Calendar it was objected to by one of the Representatives from the State of New Jersey.

In response to that objection I sought the precise reason for it, and found that the mayor of Trenton and other substantial citizens, representing the business interests of that locality, objected to the then location of the bridge. The Committee on Interstate and Foreign Commerce reopened the matter and authorized a subcommittee to hold hearings upon that, although the unusual situation was presented of hearings had on a bill that had been reported. As the result of those hearings it developed that there was a locality about half a mile below the location prescribed in the original bill which is absolutely satisfactory to all the business people interested in increasing the water facilities of Trenton and to the railroad officials and to the Chief of Engineers.

The present bill, I will state to the gentleman from Florida, has changed the location to meet the approval of all those interests and to meet the requirements of the general bridge act. I have upon my desk now—I presume the gentleman will not require me to take the time of the House to read them—letters from the Chief of Engineers and from the mayor of Trenton, stating that the new location is satisfactory to all the commercial interests of Trenton and to all interests of navigation.

Mr. SPARKMAN. I know that the original bill was objectionable to the authorities in Trenton and that a new bill had been agreed to.

Mr. COVINGTON. The gentleman is entirely correct, and the bill in its amended form satisfies all the interests concerned.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Maryland [Mr. COVINGTON].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill as amended.

The Senate bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

SALE OF CERTAIN LOTS IN HOT SPRINGS, ARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25611) to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

Mr. MANN. I reserve the right to object.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act of Congress approved June 21, 1894 (28 Stat. L., p. 95), entitled "An act granting the use of certain lands in the Hot Springs Reservation in the State of Arkansas to the Barry Hospital," be, and the same is hereby, repealed.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized to sell and dispose of, at a price to be fixed by him after an examination of the premises, to the trustees of the Third Street Methodist Church of the city of Hot Springs, in the State of Arkansas, lots 4, 5, and 6, in block 115, in said city and State, and to the Barry Hospital, of the city of Hot Springs, in the State of Arkansas, a charity hospital organized and chartered under the laws of the State of Arkansas, lots 9 and 10 in block 114 in said city and State: *Provided*, That the grantees herein named shall make application to purchase within one year from and after the date of the passage of this act and make full payment of the purchase price fixed by the Secretary of the Interior within one year from and after notice thereof.

The SPEAKER. This bill is on the Union Calendar.

Mr. FERRIS. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from Oklahoma [Mr. FERRIS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I move to amend the bill in line 10, page 1, by inserting before the word "price" the words "fair market."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amend, page 1, line 10, by inserting before the word "price" the words "fair market."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

PENSIONS FOR WIDOWS AND MINOR CHILDREN OF SOLDIERS IN THE WAR WITH SPAIN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 17470) to pension widows and minor children of any officer or enlisted man who served in the War with Spain or the Philippine insurrection.

The SPEAKER. The Chair will state that this bill is on the calendar for Calendar Wednesday as unfinished business.

Mr. MANN. It may be passed by unanimous consent.

Mr. MURRAY. Mr. Speaker, the gentleman from Pennsylvania [Mr. CRAGO], who has charge of this bill, has been required to leave on account of illness in his family. In his absence I hope the bill may receive the consideration to-day that it can have under unanimous-consent requests.

The SPEAKER. Is there objection?

Mr. ADAMSON. Mr. Speaker, I do not want to object, but I reserve the right to object. Does the gentleman from Massachusetts expect that this will consume much time?

Mr. MURRAY. No; the bill and the report accompanying it are very clear. It is the same bill that has been under discussion during the two last Calendar Wednesdays and, as the Speaker of the House suggests, it is unfinished business.

Mr. ADAMSON. There are a large number of bills yet on the calendar, and this is the last opportunity that we shall have for their passage.

Mr. MURRAY. As far as we are concerned, we will consume very little time.

Mr. RODDENBERY. Mr. Speaker, I object.

Mr. GARDNER of Massachusetts. Oh, I ask the gentleman from Georgia not to object.

Mr. RODDENBERY. I will reserve the objection.

Mr. MURRAY. May I ask the gentleman whether or not his objections to the bill are of such a fundamental character that the proponents of the legislation can not or might not be able to convince him that it is a meritorious bill?

Mr. RODDENBERY. This bill is the regular order for Calendar Wednesday and has been considered one day. I merely desire to let it enjoy the sacred precincts and privileges of Calendar Wednesday, and after it has had the full time that the rule for Calendar Wednesday allows, if it does not pass it may perish; but I do not think it should get in the way of Members now who have important measures, when this has already been considered one day.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. RODDENBERY. Yes.

Mr. MANN. The gentleman knows that this bill will be the regular order on Calendar Wednesday until it is disposed of. Would not the gentleman prefer to have it disposed of here, so that we might reach the immigration bill next Wednesday?

Mr. RODDENBERY. I well know, as the other gentlemen do, that the immigration bill will not be reached next Wednesday.

Mr. MANN. It is very close.

Mr. RODDENBERY. The sooner we finish these bills the sooner will Calendar No. 386 be reached, and I hope the gentleman will not object to the consideration of the immigration bill then. I hope no other gentleman will object.

Mr. MANN. But the immigration bill is too important a bill to be considered to-day.

Mr. RODDENBERY. We will reach the immigration bill to-day.

Mr. MANN. But we will not consider it to-day after the gentleman objects to the consideration of this bill.

Mr. CARLIN. I call for the regular order.

The SPEAKER. The Chair thinks that time is saved to let the debate run on a little. The Chair will take the privilege of suggesting to the gentleman from Georgia that while this bill was technically considered one day, the Members took up most of the time in political speeches.

Mr. RODDENBERY. I think we can compose this matter and obtain unanimous consent that this bill be taken up without objection and that immediately after its consideration the immigration bill be made a special order by unanimous consent and a continuing order until finally disposed of. If that agreement can be reached I shall withdraw my objection.

Mr. GARDNER of Massachusetts. The gentleman from Georgia is in exactly the same position I was six years ago. I was fighting my own party then, and he is fighting his party now, in order to get consideration for the immigration bill. I say to him that if he gets this bill off the calendar he lets the immigration bill come along; and, moreover, the gentleman from Georgia does not want to take the responsibility of destroying this opportunity of the Spanish War veterans to get what they want.

Mr. CARLIN. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Virginia demands the regular order, which is that the Chair shall put the question whether anybody objects.

Mr. RODDENBERY. Mr. Speaker, upon the grounds I have stated——

The SPEAKER. It makes no difference what the grounds are.

Mr. RODDENBERY. On the grounds I have stated, I object.

The SPEAKER. The bill will be stricken from the Unanimous Consent Calendar.

FISH-HATCHING AND FISH-CULTURE STATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25832) to establish fish-hatching and fish-culture stations in various States of the United State.

The Clerk read the bill, as follows:

Be it enacted, etc., That the following sums, or so much thereof as may be necessary, be, and the same are hereby, authorized to be appropriated for the establishment of fish hatcheries and fish-culture stations in the States hereafter named, at suitable points indicated hereafter, to be selected in the discretion of the Secretary of Commerce and Labor, including purchase of site, construction of buildings, and equipment:

State of Alabama, at or near the city of Mobile, where the city has donated the site, $25,000.

State of Georgia, at or near the seacoast, $25,000.

State of Washington, on the Quiniault River, or its tributaries, or on Lake Quiniault, $25,000.

State of Illinois, in the sixteenth congressional district, $25,000.

State of North Carolina, in the mountains of western North Carolina, $25,000.

State of Oklahoma, $25,000.

State of Texas, on or near the Gulf coast, $25,000.

State of Nebraska, in the first congressional district, $25,000.

State of Oregon, $50,000 (for two stations).

State of Indiana, in the northern part of the State, $25,000.

State of Arkansas, at or near as possible to Hot Springs, $25,000.

State of Tennessee, $25,000.

Provided, That before any final steps shall have been taken for the construction of a fish hatching and cultural station in accordance with this act the States herein named, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and culture and all operations connected therewith, in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso, and may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I do not know that I would object if I could get unanimous consent at the same time for the insertion in the bill of an amendment like this:

State of Illinois, at or near the city of Chicago, $35,000.

Not being a member of the Committee on Merchant Marine and Fisheries, I did not have an opportunity to get it into the original bill. [Laughter.] Unless I can get it in the bill, as I am a Member of the House——

Mr. SHERLEY. Is the gentleman from Illinois making a trading proposition?

Mr. MANN. I am offering a trading proposition.

Mr. FOSTER. Mr. Speaker, I have another proposition which provides that the Secretary of Commerce and Labor is hereby authorized and directed to establish and equip a biological station for the propagation of fresh-water mussels in the twenty-third congressional district of Illinois, at some point along the Wabash River, to be selected by the Secretary of Commerce and Labor, the cost of establishing the same, including the purchase of site, construction of buildings and ponds, and equipment, not to exceed $25,000.

Mr. MANN. I may say that the amendment I desire to offer, if the bill is considered, is upon the ground that practically there are no fish hatcheries on the Great Lakes, and if there is need to establish them anywhere they ought to be established where they can furnish fish to the greatest body of fresh water in the country.

Mr. CANNON. I think one ought to be established in the Danville district. [Laughter.]

Mr. FOSTER. I may state that this bill was favorably reported in the Sixty-first Congress. I take it that every man in this House is thoroughly familiar with the great industry of digging mussels and the procurement of pearls in the Wabash River. It affords the greatest number of pearls and the greatest wealth of any river in the United States.

Mr. MANN. Mr. Speaker, as I understand it, fresh-water mussels are found in numerous quantities in mud rivers that are worthless for any other purpose. I agree with the gentleman that his mussel hatchery ought to be provided for.

Mr. HOUSTON. Mr. Speaker, the Committee on the Merchant Marine and Fisheries has had these matters under consideration in all of these bills, and after considering them fully has reported about 13 fish hatcheries in the different States. The committee sets forth in its report that it has reported as many as the Government can provide experts to carry on each year, and says further that it can provide for this number, and they have been located at such points where they are most needed. Gentlemen who are interested in fish hatcheries ought to be willing to let this bill go through, and let them be established at points where they are most needed, and then the way is opened next year for the ones in which they are interested.

Mr. FOSTER. How many fish hatcheries are there now in the State of Tennessee?

Mr. HOUSTON. There is one in East Tennessee.

Mr. FOSTER. And there is another one to be established now.

Mr. HOUSTON. The surest way to get one in Illinois is to listen to the report of this committee that has fully investigated the subject, and reports that they have placed these hatcheries at the points most needed.

Mr. CANNON. How many are there in the United States?

Mr. HOUSTON. I am not able to answer that question.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, if the gentleman says they are located where they are most needed, I am surprised that the committee has overlooked the bill which proposed to establish one at Ittabena, in the third congressional district of Mississippi. There is certainly no place in the United States where a fish hatchery is more needed than in that particular part of the country.

Mr. HOUSTON. But the Committee on Merchant Marine and Fisheries did not agree with the distinguished gentleman from Mississippi as to that point.

Mr. HUMPHREYS of Mississippi. That does not reflect any great credit upon the combined wisdom of the committee when they differed with the gentleman from Mississippi, because the committee is not as fully advised as is the gentleman from Mississippi on that particular point, and I hope, if this bill is to be considered, the gentlemen will not object to having an amendment added which will provide for the fish hatchery in that part of the country. There is no fish hatchery in all the great delta of the lower Mississippi.

Mr. PADGETT. I would suggest to the gentleman there is a very famous one at Tupelo.

Mr. HOUSTON. There is one in Mississippi.

Mr. HUMPHREYS of Mississippi. But it is up in the northeastern part, only a very few miles from the State of Tennessee, where there is already one and where it is proposed to place another. The fish hatchery now in Mississippi is more a Tennessee project than it is a Mississippi project. We need a fish hatchery in the delta of the Mississippi much more than in the mountains of Tennessee, and I hope the gentleman will agree to let this amendment go on providing for a fish hatchery at Ittabena.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Pennsylvania to withhold his objection for a moment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I withhold the objection for a moment.

Mr. MANN. Mr. Speaker, the gentleman from Tennessee stated that the fish hatcheries provided for in this bill were located in the places in the United States where they are most needed, but I notice one of them is located in the district represented by the gentleman from Washington [Mr. HUMPHREY], who is on the committee which reported the bill; one of them is located in the district represented by my colleague from Illinois [Mr. STONE], who is on the committee which reported the bill; one of them is reported in the State represented by the gentleman from North Carolina [Mr. FAISON], who is on the committee which reported the bill; one of them is in the State represented by the gentleman from Oklahoma [Mr. CARTER], on the committee that reported the bill; one of them is located in the State of Texas, represented by the gentlemen from Texas, Mr. HARDY and Mr. YOUNG, on the committee that reported the bill; one of them is located in the State of Indiana, represented by the gentleman from Indiana [Mr. BARNHART], on the committee that reported the bill; and one of them in the State of Arkansas, represented by the gentleman from Arkansas [Mr. ROBINSON], on the committee which reported the bill. It is a strange thing that the only places they are needed are in the districts represented by gentlemen who are on the committee. [Laughter.]

Mr. HOUSTON. Mr. Speaker, there is no member of the committee from the State of Tennessee, I would say to the gentleman.

The SPEAKER. Is there objection?

Mr. LAFFERTY. Mr. Speaker, I will ask the gentleman from Pennsylvania to withhold his objection for a moment.

Mr. MOORE of Pennsylvania. Mr. Speaker, I will withhold my objection.

Mr. LAFFERTY. Mr. Speaker, the largest item in this bill is for $50,000 for two hatcheries in the State of Oregon. No Member from that State is on the committee, and I just merely wish to say that the Bureau of Fisheries of the Department of Commerce and Labor has investigated the question, and, so far as Oregon is concerned, has reported that if an act be passed by Congress giving to the National Bureau of Fisheries authority to control not only the young fish hatched in the Federal hatcheries but also the fish hatched in the hatcheries of the State of Oregon, they can double the output of salmon in the Columbia River Basin inside of five years.

Mr. MANN. Why does not the State of Oregon do it? Why does not that State establish a fish hatchery? If it can do that it would be worth millions of dollars to Oregon.

Mr. LAFFERTY. Yes; and that is exactly what I was going to say—that the State of Oregon and the State of Washington in the past four years have appropriated $327,000 for fish hatcheries. They are in full operation now, and the Federal experts who are out there say they would very much like to have the following amendment tacked onto this bill:

Provided, That before any final steps shall have been taken for the construction of a fish hatching and cultural station in accordance with this act the States herein named, through appropriate legislative action, shall accord to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and culture and all operations connected therewith, in any manner and at any time that may by them be considered necessary and proper, any fishery laws of the State to the contrary notwithstanding: *And provided further*, That the operations of said hatchery shall be discontinued whenever the State ceases to accord the right referred to in the preceding proviso, and may be suspended by the Secretary of Commerce and Labor whenever, in his judgment, the laws and regulations affecting the fishes cultivated are allowed to remain so inadequate as to impair the efficiency of said hatchery.

Mr. CANNON. Does the gentleman claim that the United States may not establish fish hatcheries in all of the navigable waters of the United States?

Mr. LAFFERTY. The United States has a perfect right to establish fish-cultural stations, as I understand it, but by this law proposed by the Department of Commerce and Labor they also seek to acquire the right to protect the young fish hatched in the State hatcheries.

Mr. MOORE of Pennsylvania. Are there any navigable waters in the first district of Nebraska which is proposed to be given a fish hatchery in this bill

Mr. LAFFERTY. I presume there are, but I am not in position to present the claims of any district except my own in the State of Oregon. The salmon output there amounts to $2,500,000 a year.

Mr. MOORE of Pennsylvania. Does not the gentleman think that that amount of money could be used to better advantage in hatching some young men to go out on the farms of this country?

Mr. LAFFERTY. I have no doubt that the course the gentleman suggests would be a very good system of conservation.

Mr. MOORE of Pennsylvania. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the Calendar for Unanimous Consent.

RESTRICTION OF ADMISSION OF ALIENS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22527) to further restrict the admission of aliens into the United States.

The SPEAKER. Is there objection?

Mr. BURLESON. Mr. Speaker, I object.

The SPEAKER. The bill will be stricken from the calendar.

HOMESTEAD ALLOTMENTS TO CHOCTAW AND CHICKASAW INDIANS IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25507) to authorize certain changes in

homestead allotments of the Choctaw and Chickasaw Indians in Oklahoma.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I am under the impression that the gentleman from Oklahoma [Mr. CARTER] asked me to have this bill passed without prejudice. I ask unanimous consent that it may be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks that the bill may be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

LIBRARIES, UNITED STATES COURTS, NORTHERN DISTRICT OF OHIO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registries of the United States Circuit Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That authority be, and the same is hereby, granted to the judges of the Circuit Court of the United States for the Northern District of Ohio to expend, for the enlargement of the libraries of the courts of the United States in the cities of Toledo and Cleveland, the certain unclaimed moneys now in the registries of the circuit court of the United States in said cities, in the amount of $395.61 at Toledo and of $665.66 at Cleveland, being interest accumulations received by the clerk of said court on deposits prior to August, 1907, it being ascertained to be impossible to apportion said moneys to the numerous accounts upon whose aggregation the said interest accrued.

Mr. McCOY. Mr. Speaker, the bill was reported from the Judiciary Committee with amendments. The bill which has now been read by the Clerk is the original bill, and not the bill as reported with amendments. I ask that the Clerk report the amendments.

The Clerk read as follows:

Line 4, page 1, strike out the word "circuit" and insert in lieu thereof the word "district." Line 8, page 1, strike out the word "circuit" and insert in lieu thereof the word "district." Line 4, page 2, strike out the word "said" and insert in lieu thereof the words "the former circuit." Strike out all after the word "seven," in line 5, page 2, and insert a period.

The question was taken, and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. McCOY, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CLAYTON. Mr. Speaker, I ask leave to print in the RECORD the letter of Judge Killitts and the letter of Judge Day to the chairman of the Committee on the Judiciary in explanation of this bill, also the report on this bill.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection. [After a pause.] The Chair hears none.

The letters and report are as follows:

CIRCUIT AND DISTRICT COURTS OF UNITED STATES,
NORTHERN DISTRICT OF OHIO, JUDGE'S CHAMBERS,
Cleveland, Ohio, December 20, 1911.

Hon. H. D. CLAYTON,
House of Representatives, Washington, D. C.

SIR: I am interested in the passage of House bill 4718, which provides for the disposition and use of certain unclaimed funds for court libraries for the Federal courts in the northern Ohio jurisdiction. The matter is of no great magnitude, but it is of considerable importance to the bench and bar of this jurisdiction, as we are very much crippled indeed for available funds with which to furnish our libraries.

Respectfully.

WILLIAM L. DAY,
United States District Judge.

CIRCUIT AND DISTRICT COURTS OF THE UNITED STATES,
NORTHERN DISTRICT OF OHIO,
JUDGE'S CHAMBERS,
Toledo, Ohio, June 1, 1911.

Hon. H. D. CLAYTON,
Washington, D. C.

MY DEAR SIR: I beg to call your attention to the bill H. R. 4718, introduced by Mr. ANSBERRY and referred to your committee, and to ask that as soon as the committee's work will permit the bill be taken up.

It is greatly to be desired that the library facilities of the court be increased, and with the limited means at our command for that purpose, coming mostly from voluntary contributions of the bar, this money, if we may have it, is very much desired at the earliest possible moment.

I think Mr. ANSBERRY has a full explanation of the situation in communications from me, if, indeed, he has not already filed them with the committee.

Sincerely, yours,

JOHN M. KILLITTS,
District Judge.

[House Report No. 1131, Sixty-second Congress, second session.]

LIBRARIES, UNITED STATES COURTS, NORTHERN DISTRICT OF OHIO.

Mr. McCOY, from the Committee on the Judiciary, submitted the following report (to accompany H. R. 4718):

The Committee on the Judiciary, having had under consideration the bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States Circuit Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district, report the same back with the recommendation that it be amended as follows, and that as amended the bill do pass.

The object of this bill is to authorize the application of certain unclaimed moneys now in the registries of the United States courts in the cities of Toledo and Cleveland, Ohio, to the enlargement of the libraries of said courts in those cities.

Prior to August, 1907, it was the custom of the clerk of the Circuit Court of the United States for the Northern District of Ohio, as moneys were deposited with him to secure costs and for other purposes, including his own fees, to place them in a bank in a checking account, and as these deposits accumulated in such account beyond the current necessities of the office, from time to time to take out the surplus and deposit it on interest-bearing certificates. In August, 1907, the clerk was advised that the practice followed by him was improper and that it should be discontinued. The clerk, however, is not deserving of any opprobrium, as he was induced by a consideration of economy to follow this course. As a result of this system the interest accumulations from such funds amounted to the sum of $395.61, for the court at Toledo, Ohio, and $665.66 for the court at Cleveland, Ohio. As has already been stated, there was commingled in the funds from which these interest accumulations were derived, moneys belonging to litigants, fees of the clerk himself, and other court funds. It has taken the aggregation of these court deposits, fees, etc., to earn these interest accumulations. The small aggregate amount of the funds, and the large number of items, make it impracticable, if not impossible, to ascertain what amount of interest would belong to any particular person, so that it might be paid to any such person.

It appears, then, that the aggregate amount of these interest accumulations—$1,061.27—is funds unclaimed and unappropriated to any specific purpose. The object of the bill, to apply these moneys to the enlargement of the libraries of the courts of the United States in the cities of Toledo and Cleveland, respectively, seems to your committee, therefore, to possess such merit as to warrant its passage.

HOURS-OF-SERVICE ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman withhold his objection for five minutes?

Mr. MANN. I will be very glad to withhold for five minutes if the gentleman will be satisfied, and my only reason for objecting is because of the length of the calendar.

Mr. MARTIN of Colorado. Mr. Speaker, I have defended at considerable length three bills this afternoon which have been objected off the Unanimous Consent Calendar by the gentleman from Illinois, bills which were not mine. This is my bill; a bill in which I am very much interested; a bill in which 60,000 men are very much interested; a bill in which every man, woman, and child who risks life and limb by traveling upon the trains of the United States is very much interested, and if the gentleman wants to object this bill off the Unanimous Consent Calendar, he may do so. I do not know that I need explain or defend it——

Mr. MANN. Well, do not do it.

Mr. MARTIN of Colorado. I will say this, however, that the Fifty-ninth Congress, recognizing the necessity for legislation for regulating the hours of labor on railroads of certain classes of railroad employees, particularly of engine and train men, train dispatchers, and operators, the employees, particularly to whose clear heads and firm nerves are intrusted the safety of millions of people traveling upon the railways, passed a bill limiting the hours of telegraph operators to 9 hours in case of an office operated continuously, night and day, and 13 hours in offices operating only in the daytime. The intention of that legislation, I believe, was good, and the men who drafted the provisions were honest, but it has developed in practice to be exceedingly faulty and so defective as to be practically worthless. The 9-hour day may be made into the 13-hour day 3 days in the week, and the 13-hour day may be made into a 17-hour day 3 days in the week, but in addition to that the legislation does not provide that the hours of labor shall be continuous, so that the railroad companies have done something that I defy any Member to say was ever contemplated or dreamed of by the framers of that legislation, to wit, that the 9-hour and the 13-hour period may be divided into different shifts, so that a man can be worked 3 hours and laid off 3 hours and worked 3 hours and laid off 3 hours and so on until he consumed the 9 hours; and the Supreme Court of the United States has sustained that construction. There are other grievances which I have not time to go into now.

The telegraphers ask, and I think the conditions attached to that service demand, for the public welfare, that they be placed upon an eight-hour day, so I introduced a bill into this House, H. R. 25040, providing a straight eight-hour day for telegraphers, whether they work in the daytime or the nighttime or any other time. Hearings were had on that bill, and I want to call the attention of gentlemen to the fact that three days were

spent by the Committee on Interstate and Foreign Commerce in listening to the representatives of 30 of the great railways and 10 electric railways of this country. I drafted the bill and I conducted the examination. I am a practical railroad man myself. I am proud of the fact that I am the first member of the Brotherhood of Locomotive Firemen who has had the honor of being elected to Congress [applause], so I know, from their standpoint, what I am talking about and I know something from the roads' standpoint; and being something of a lawyer, I know somewhat from a legal standpoint, and I want to say to gentlemen that, being actuated by a desire to be entirely fair, I amended that bill, reintroduced it, it was again unanimously reported by the Committee on Interstate and Foreign Commerce, of which I have the honor to be a member, and, I think, I cured every objection raised to the original bill by the railway representatives, save one.

Every objection was cured, save the objection to the eight-hour day, and, gentlemen, that objection is fundamental and it is one that we do not undertake to meet; and it is one, so far as I am concerned, that I never propose to meet on any other basis than an eight-hour day. I am for the eight-hour day for every wage earner who eats bread in the sweat of his face, I do not care what his employment may be. I know from the experience of long years at hard manual labor that in eight hours a man can give all and the best that is in him; and I hope that in the progress of our civilization the time will soon come that no man who has to work for a living, I do not care what it may be, will have to work more than eight hours a day.

The SPEAKER. The time of the gentleman from Colorado [Mr. MARTIN] has expired.

Mr. MARTIN of Colorado. I promised the gentleman from Illinois not to take any more time, and unless the gentleman volunteers to give me two or three minutes more, I shall not ask for it. [Laughter.]

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I love to hear the gentleman talk. I have had more or less to do with legislation concerning the hours of labor on railroads and on railroad safety-appliance legislation. The bill that was passed in reference to telegraphers, included in another hours-labor bill, was one that was prepared by the gentleman from Missouri, then a Member of the House, Mr. Murphy. He had been a telegrapher, he had had experience as a legislator, he was a lawyer, and filling all of the distinguished positions filled by the gentleman from Colorado [Mr. MARTIN]. He prepared a bill at the time that I did not know what was meant. He, like the gentleman from Colorado, insisted I was standing in the way of laboring men.

Mr. MARTIN of Colorado. It will not take me long to tell what my bill means.

Mr. MANN. No one can tell what the gentleman means.

Mr. MARTIN of Colorado. Point out something in it and see if I do not know what it means.

Mr. MANN. Before I approve of the bill I will consult with some of the gentlemen to whom the bill will apply.

Mr. MARTIN of Colorado. Has not some of the gentleman's legislation run up against the Supreme Court before it was known how it would apply?

Mr. MANN. I will say that I have had the distinguished honor of being in this House 14 years, and have reported in as many bills as any other gentleman, and had charge of them, and up to date—I do not know how long it will last—no bill that I have introduced has met the scrutiny of the Supreme Court without approval. This is more than can be said about these half-baked propositions. I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. MARTIN of Colorado. It is too bad that Capt. Coghlan is not alive to revise Hoch der Kaiser and bring "Meinself und Gott" down to date and make it the gentleman from Illinois. "Mr. MANN und Gott." [Laughter.]

Under leave granted I insert the report of the Committee on Interstate and Foreign Commerce on this bill:

[House Report No. 1141, Sixty-second Congress, second session.]

HOURS-OF-SERVICE ACT.

Mr. MARTIN of Colorado, from the Committee on Interstate and Foreign Commerce, submitted the following report, to accompany H. R. 26023:

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H. R. 26023) to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, having considered the same, report it with the recommendation that it do pass.

This bill is reported in lieu of H. R. 18969 and H. R. 24040, both by Mr. MARTIN of Colorado. Hearings were had upon H. R. 25040 of the representatives of the steam and the interurban electric railways and of the railway telegraphers, as the result of which certain amendments were recommended by the subcommittee having the bill in charge and are embodied in H. R. 26023, which reads as follows:

[H. R. 26023, Sixty-second Congress, second session.]

A bill to amend section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907.

Be it enacted, etc., That section 2 of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, be, and the same is hereby, amended so as to read as follows:

"SEC. 2. That it shall be unlawful for any common carrier, its officers or agents, subject to this act to require or permit any employee subject to this act to be or remain on duty for a longer period than 16 consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for 16 hours he shall be relieved and not required or permitted again to go on duty until he has had at least 10 consecutive hours off duty, and no such employee who has been on duty 16 hours in the aggregate in any 24-hour period shall be required or permitted to continue or again go on duty without having had at least 8 consecutive hours off duty: *Provided*, That no employee who, by the use of the telegraph or telephone or other electrical device dispatches, reports, transmits, receives, or delivers orders, or who from towers, offices, places, and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars shall be required or permitted to be or remain on duty in any 24-hour period for a longer period than 8 hours, which period of 8 hours shall be wholly within the limits of a continuous shift, and upon the completion of which period such employee shall not be required or permitted to again go on duty until the expiration of 16 hours. This proviso shall not apply to employees who in case of emergency use the telephone to obtain orders or information governing the movement of trains."

Nothing in this act shall be held to affect or abate any violation of the act hereby amended or any suit or action pending because of such violatioin at the time of the approval of this act.

THE HOURS-OF-SERVICE ACT—ITS DEFECTS.

The hours-of-service act, as it is popularly called, applies to two classes of railway employees:

Employees who move trains, such as engine and train men, etc., and employees who direct the movement of trains, such as train dispatchers, operators, tower men, interlocking switchmen, etc.

Provision is made for both classes of employees in section 2 of the act, the provision relating to train dispatchers and operators, etc., being found in a proviso inserted therein during the course of the passage of the act through the Fifty-ninth Congress. As that part of the section relating to engine and train men is unamended by the pending bill, reference will be made only to the proviso.

Under the proviso as it now stands, operators in day offices may be worked a period of 13 hours in each 24 hours and in day and night offices a period of 9 hours in 24 hours. Either of these classes may be worked four additional hours per day on not exceeding three days per week. Owing to the failure of Congress to make consecutive the hours on and off duty of these employees, as in the case of engine and train men, many railways have divided the daily period of labor into two shifts, so that, for instance, an operator may be on duty six hours, then off three hours, then on again three hours. Examples might be multiplied indefinitely. This practice was upheld by the Supreme Court of the United States in the case of the United States *v.* The Atchison, Topeka & Santa Fe Railway Co. (220 U. S., 37). As the opinion in that case is brief, it is herewith submitted:

"This is an action to recover penalties for violation of the 'act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon' March 4, 1907 (ch. 2939, secs. 2, 3, 34 Stat., 1415, 1416). The Government had a verdict in the district court, subject to exceptions, and the judgment was reversed by the circuit court of appeals (177 Fed. Rep., 114; 100 C. C. A., 534).

"The case is this: By section 2 it is made unlawful for common carriers subject to the act to permit any employee subject to the act to be on duty 'for a longer period than 16 consecutive hours,' or after that period to go on duty again until he has had at least 10 consecutive hours off duty or 8 hours after 16 hours' work in the aggregate: *Provided*, That no telegraph operator and the like shall be permitted to be 'on duty for a longer period than 9 hours in any 24-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than 13 hours in all towers, offices, places, and stations operated only during the daytime,' with immaterial exceptions. By section 3 there is a penalty of not exceeding $500 for each violation of section 2. The defendant was subject to the act. It had a station and telegraph office at Corwith, in the outer limits of Chicago, which was shut from 12 to 3 by day and by night but open the rest of the time. The Government contends that this was a place 'continuously operated night and day.' At this station the same telegraph operator was employed from half past 6 o'clock in the morning until 12, and again from 3 p. m. to half past 6, or 9 hours in all of actual work. The Government contends that when 9 hours have passed from the moment of beginning work the statute allows no more labor within 24 hours from the same time, even though the 9 hours have not all of them been spent in work. According to the Government's argument the operator's nine hours expired at half past 3 in the afternoon. These questions on the construction of the statute are the only ones that we have to decide.

"We are of opinion that the Government's argument can not be sustained, even if it be conceded that Corwith was a place continuously operated night and day, as there are strong reasons for admitting. The antithesis is between places continuously operated night and day and places operated only during the daytime. We think that the Government is right in saying that the proviso is meant to deal with all offices, and if so, we should go further than otherwise we might in holding offices not operated only during the daytime as falling under the other head. A trifling interruption would not be considered, and it is possible that even three hours by night and three hours by day would not exclude the office from all operation of the law, and to that extent defeat what we believe was its intent.

"But if we concede the Government's first proposition it is impossible to extract the requirement of 15 hours' continuous leisure from the words of the statute by grammatical construction alone. The proviso does not say 9 'consecutive' hours, as was said in the earlier part of the section, and if it had said so, or even 'for a longer period than a period of 9 consecutive hours,' still the defendant's conduct would not have contravened the literal meaning of the words. A man employed for 6 hours and then, after an interval, for 3 in the same 24 is not employed for a longer period than 9 consecutive hours. Indeed, the

word 'consecutive' was struck out when the bill was under discussion on the suggestion that otherwise a man might be worked for a second 9 hours after an interval of half an hour. In order to bring about the effect contended for, it would have been necessary to add, as the section does add in the earlier part, a provision for the required number of consecutive hours off duty. The presence of such a provision in the one part and its absence in the other is an argument against reading it as implied. The Government suggests that if it is not implied a man might be set to work for 2 hours on and 2 hours off alternately. This hardly is a practical suggestion. We see no reason to suppose that Congress meant more than it said. On the contrary, the reason for striking out the word 'consecutive' in the proviso given, as we have mentioned, when the bill was under discussion and the alternative reference in section 2 to '16 hours in the aggregate' show that the obvious possibility of two periods of service in the same 24 hours was before the mind of Congress, and that there was no oversight in the choice of words.

"Judgment of circuit court of appeals affirmed."

The committee believes that it was not the intent of Congress that the 9 and 13 hour days, with privilege of making these 13 and 17 hour days on three days in each week, were to be still further extended in the manner above shown, but all doubt is removed by the proposed amendment, which provides that the hours, both on and off duty, shall be continuous. While it is true that Congress, by the omission of the word "consecutive" in the telegraphers' proviso, when it is to be found in the provision relating to train and engine men, gives color to the contention of the Supreme Court that Congress intended that the operator's period of employment should be divided in the manner mentioned in the above case, room for argument to the contrary is to be found in the fact that the words "in the aggregate," inserted by the Senate in the telegraphers' proviso, were afterwards striken from the bill and do not appear in the act as it now stands. Such action would indicate that the omission of the word "consecutive" was an oversight, and that when Congress struck out the words which were intended to permit of a division of the daily period of labor, it at least negatively expressed the intent that the working period should be continuous. However, the practice complained of, and which has been a source of friction, will not be permissible under the proposed amendment.

STRAIGHT 8-HOUR DAY PROPOSED.

The proposed law abolishes the present statutory classification of offices, with their 9 and 13 hour days, respectively, and provides a straight 8-hour day for all employees embraced by the proviso. Between fifty and sixty thousand employees are affected by the proviso, approximately one-half of whom are already, by the regulations of the railway companies or by agreement between the companies and their employees, on the 8-hour basis, and it is not disputed that the great majority of the remaining employees enjoy shorter hours of labor than are provided by law; so that the enactment of the 8-hour day is only applying the standard to all employees performing substantially the same highly important and responsible duty.

To clearly indicate the changes proposed to be made by the pending bill, H. R. 26023, there are here set out:

THE EXISTING PROVISO.

Provided, That no operator, train dispatcher, or other employee who, by the use of the telegraph or telephone, dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than 9 hours in any 24-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than 13 hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for 4 additional hours in a 24-hour period on not exceeding three days in any week.

THE PENDING PROVISO.

Provided, That no employee who, by the use of the telegraph or telephone or other electrical device, dispatches, reports, transmits, receives, or delivers orders, or who from towers, offices, places, and stations operates signals or switches or similar mechanical devices controlling, pertaining to, or affecting the movement of trains of more than two cars shall be required or permitted to be or remain on duty in any 24-hour period for a longer period than 8 hours, which period of 8 hours shall be wholly within the limits of a continuous shift, and upon the completion of which period such employees shall not be required or permitted to again go on duty until the expiration of 16 hours. This proviso shall not apply to employees who in case of emergency use the telephone to obtain orders or information governing the movement of trains.

The first material difference between the existing and the proposed law is to be found in the phrase on page 2, lines 15, 16, and 17, "or who from towers, offices, places, and stations, operates signals, switches, or similar mechanical devices." Inventions and improvements in train control and operation multiply so rapidly that much of this work is done by means of devices which are not used in connection with the telegraph or the telephone, and one road may be using devices to direct and control train movements which are not known to or used by other roads. Men in towers operate the levers for 12 hours under oral orders from other men at the telephone, etc. All employees performing such highly responsible duty by whatever method human ingenuity may devise, should be clearly placed upon the 8-hour basis. Train accidents due to the errors of dispatchers, operators, and signalmen, whose brains were drowsy, or nerves unstrung, or who were otherwise derelict because of long hours on duty and lack of sleep, caused Congress to undertake the regulation of the hours of these employees in the first place. Experience has shown that there are numbers of employees who are but arms and fingers, as it were, of the dispatcher, the operator, and the signalman, whose inclusion in the law is a matter of dispute, but who, for the same reasons moving the regulation of the hours of train dispatchers and operators, ought to be included.

This situation may be illustrated by the case of The United States *v.* The Cleveland, Cincinnati & St. Louis Railway Co. in the United States District Court for the Southern District of Ohio, Eastern Division, in which the court, in an oral decision rendered December 12, 1911, decided that certain switchmen who threw switches upon telephonic information received at a telephone station in the yards, were within the law. The railway company excepted to the ruling of the court, and the case is now probably pending on appeal. Such instances might be multiplied. Why these employees, though they were merely throwing switches, are and should be within the hours-of-service act, is very clearly and succinctly stated by the Hon. Howard R. Hollister, the judge of said court, in the following paragraph:

"If you consider the purpose of the statute, which was to secure, so far as practicable, alertness and activity of mind and wakefulness upon the part of the employees on the railroad engaged in such service, it would seem that, if there was any doubt about the language of the statute, yet if, in the operation of trains at this point, an accident could happen by reason of the exhausted or tired condition of the switchmen in charge, in mind or body, or both, it was just such a case as the Congress had in mind."

Some roads now have a system of signal boards operated wholly by sight. There is no telegraphic or telephonic communication. The man in charge of a board ascertains from the position of the next board which is in sight whether the block over which he has control is open or closed, and operates his board accordingly, holding trains and letting them in and out of the block. One leading railway operates largely by means of electric bells. To meet this latter condition, the words "or other electrical device" have been inserted on page 2, line 14, after the words "telegraph or telephone"; but to cover the entire situation, the phrase "or who from towers, offices, places, and stations operates signals or switches or similar mechanical devices" has been added to the law.

USE OF TELEPHONE BY CONDUCTORS.

The next material change and one which, as the provisions stood at the time of the hearings, was strongly objected to by the railway companies was its application to conductors out on the road who found it necessary to make use of the telephone at passing tracks or blind sidings where there is no operator. It was testified by the railway representatives that this use of the telephone by the conductor was emergency in character and that it was not practical, or at least it was not the practice, to regularly order the movement of trains by direct communication between the dispatcher and the conductor. On many roads the telephone has replaced the telegraph in whole or in part, but the train orders are received by telephone operators, reduced to writing, and delivered to the conductor as in the case of telegrams. On many roads there is a small per cent of sidings where trains may meet and pass at which a telephone is installed without an operator. Trains may find themselves at such places and may be unable to proceed by reason of the failure of opposing trains or other difficulty somewhere along the line. In such case the conductor goes to the telephone booth, calls up the dispatcher, and gets orders enabling the train to proceed.

It is complained by the telegraphers that the hours-of-service act led to the abolition of many small telegraph stations and the installation thereat of the telephone without an operator, and this complaint appears to be well founded. Also many telegraph stations were closed and abolished altogether.

It is not desirable to merge the duties of conductor and operator. Scientific and expeditious train movement and the maximum of safety will be attained by maintaining separate and distinct classes of employees to direct the movement of trains and to move trains, even though the means of communication should become so perfected as to make it practicable to equip the train with apparatus for direct communication between the dispatcher and the train. One railway representative hazarded the suggestion that to so frame an hours-of-service regulation as to subject conductors who receive train orders to the hours governing dispatchers and operators would be considered by the courts such a burdensome restriction upon the hours of service of employees whose duties would enable them without hardship or danger to work the longer hours as to cause the act to be declared invalid. On the contrary, it may be said that the receiving and correct transcribing and understanding of orders affecting train movements involve such enormous responsibilities and call for such clearness and singleness of mind as to brook no such division of attention and multiplication of duties as is sought to be attained by some of the carriers; and it may be suggested that when terrible accidents result, as they assuredly will in cases where one employee has too many irons in the fire, the courts will rather be constrained to the view that even shorter hours might be wisely prescribed for the employee who has to both move and direct the movement of his train.

The present practice is, however, as stated, almost purely an emergency aid in the movement of trains, and it is not desired, where the use of the telephone is of this character, to apply the eight-hour day to trainmen, and accordingly, when H. R. 25040 was recast into the pending bill, H. R. 26023, the following provision was added:

"This proviso shall not apply to employees who in case of emergency use the telephone to obtain orders or information governing the movement of trains."

It was stated by the railway representatives at the hearings that the trainmen themselves would object to having the shorter hours of the operators apply because of this use of the telephone, but it may be noted that in May of this year a hearing was had by the Interstate Commerce Commission, decision not yet rendered, at which the representatives of all of the railway labor organizations and of some 60 railway companies appeared, the former contending and the latter denying that the present nine-hour period in the hours-of-service act applies to conductors who receive train orders by telephone. (Hearing on H. R. 25040, pp. 106–107.)

Also, the practice of railroad companies directing the movement of trains by telephonic communication between the dispatcher and conductor has been condemned by the general organizations of railroad engineers, conductors, and telegraphers. (Hearings on H. R. 25040, pp. 104–107.)

THE TEST—WHETHER EMERGENCY OR SUPPLEMENTAL.

It is believed that the bill permits the use of the telephone as far as it can be properly and safely done under present conditions. The true test should be whether the practice in question is emergency or whether it is supplemental. As a practical question, it is difficult to see how the practice can be denominated emergency in cases where trains are directed to meet, pass, or wait for other trains at these blind sidings. In such cases the practice would appear to be supplemental and not emergency. If the carriers are to be permitted to recognize these blind sidings on their time-table schedules and train orders, and, in fact, treat them in every respect as regular meeting points except for the absence of an operator at the telephone, it will be seen that the present so-called emergency use of the telephone may continue to grow and displace telegraph and telephone operators and impose this responsible duty to such an extent upon trainmen as to force Congress to still further legislate upon the subject. It is to be hoped that in cases where the practice appears to be supplemental rather than emergency the eight-hour law will be enforced. Its enforcement will not, as claimed by the railway

representatives, result in placing the trainmen under the eight-hour day, but will result in placing operators in these telephone booths where needed, and the restriction of its use by the conductor to cases of unusual delay, unforeseen failure, and similar causes. While both the carriers and the public are to be considered, as well as the employees, the action of the latter, both by resolutions adopted by their organizations and by their appearance before the Interstate Commerce Commission, as already noted, is significant of their belief that much of the practice complained of is supplemental and not emergency, and Congress may as well take notice that future consideration of this subject will be required.

OBJECTION TO THE 8-HOUR DAY.

Substantially all other objections to the original bill (H. R. 25040), upon which the hearings were had, have been met in the pending bill (H. R. 26023), except the objection that the 8-hour day will necessitate an increase in the number of employees by reason of the fact that two men will have to be put on at many of the day offices where now only one man is employed, and that three-man shifts will also have to replace the two-man shifts now in effect at many of the night and day offices. The committee has made no attempt to met this objection, but rests upon the proposition that 8 hours per day is sufficient for any employee charged with the duty of dispatching and operating trains, including the various clases of tower and signal men. No general law can be devised to nicely fit all conditions. The growing complexity of the means of directing and controlling train movements renders it difficult to frame a law to specifically take in every employee who ought to go in without taking in some who might equitably stay out, or to specifically exempt every condition that might equitably go out without exempting conditions that ought to stay in. As already stated, one-half of all such railway employees in the United States are already on the 8-hour basis, and they are there for reasons which point the duty of Congress to place all such employees upon that basis.

8-HOUR SHIFTS PRACTICABLE.

The railroad representatives argued before the committee that it would be impossible to effect the change of shifts between train dispatchers under the 8-hour day; that certain transfer work is necessary at each change of shifts which would cause the employee coming on duty to appear ahead of time or the employee going off duty to remain overtime, or both, and that this necessary transfer work would be in violation of law. Their attention was called to the fact that the State of New Yorw has an 8-hour law governing train dispatchers, operators, etc., which law was declared constitutional by the court of appeals and was in operation for several years prior to decisions of the Supreme Court of the United States whereby the Federal hours-of-service law is held to supersede all State laws, a number of which have the 8-hour day for telegraphers, thus rendering it all the more imperative that Congress shall not stand in the way of this beneficent reform. The committee do not believe there is anything practical in the objection that changes and transfers of shifts can not be made under the proposed law and submit that this is a feature that will be readily adjusted.

In this connection it may be added that the minority members of the Interstate Commerce Committee, at the time of the passage of the present hours-of-service act (and including the present chairman and ranking majority member of the committee), thus criticized the telegraphers' provision:

"That provision should have been further improved by fixing the hours at 8 and 12 instead of 9 and 13, respectively." (Rept. No. 7641, 59th Cong., 2d sess., p. 10.)

THE INTERSTATE INTERURBAN ELECTRICAL LINES.

The interstate interurban electrical railway is a fairly new institution, having grown up since the enactment of the great body of interstate-commerce law. While these laws clearly attach to these interstate electrical roads, the issue appears not to have been raised in its entirety as yet before Congress, the Interstate Commerce Commission, or the courts. With the continued and rapid growth of these lines, the issue will no doubt soon fully present itself. It is not the desire of your committee to encumber the proposed amendment to the hours-of-service act by including these electric lines, nor to impose any undue burden upon them, and to avoid these results as far as practicable the act is limited to trains of more than two cars.

The electric-road representatives all testified that their lines usually operate one and two car trains, and that the communication of train orders is directly effected between the dispatcher and the employees on the car or train. There are no operators or other employees intervening between the dispatcher and motorman or conductor. Telephone stations are between 2 and 3 miles apart on most of these lines, and some of them have in addition, at intervals of only 2,000 feet, what are known as jack boxes, which are telephone boxes attached to posts right alongside the track. The electric-road representatives claim that the cost of installing operators at all telephones, or where such telephones must be maintained, would be prohibitive, and that such operators are not a practical necessity for the safe and expeditious operation of their cars. The claims in behalf of the electric roads are somewhat discounted by the statistics in the Twenty-fifth Annual Report of the Interstate Commerce Commission, at page 77, showing that for the year ending June 30, 1911, there were killed in steam-road accidents 142 passengers and in electric-road accidents 75 passengers; that is to say, with only one-twentieth the mileage of the steam roads the electric roads killed more than one-half as many passengers.

An express exemption of the electric roads being of doubtful validity, the committee favored in lieu thereof the limitation above suggested, which, of course, is applicable to all roads, and yet, by reasons of the size of trains on steam roads, will not let out any employees who ought to be included. If, as stated at the hearings by electric-road representatives, these lines are now beginning to operate trains of three or more cars and carrying sleeping cars and doing a freight traffic, they ought to be made to comply with all the safeguards thrown by the law about travel upon steam roads.

EXEMPTIONS.

The remaining change meriting mention is the omission from the proviso as it now stands in the law of the words "except in case of emergency." This provision is omitted for the reason that it is believed that the general exceptions applying to the entire act, and which are to be found in section 3, are sufficient. These exceptions follow:

"*Provided*, That the provisions of this act shall not apply in case of casualty or unavoidable accident or the act of God."

To permit such a broad, indefinite exemption as is afforded by the use of the term "emergency," is to court abuses and violations of the act. "Casualty" is a term of fairly fixed legal meaning and definition, at least sufficiently so to enable the Interstate Commerce Commission to enumerate among the many causes assigned by the carriers as justifying excess service, but which the commission says do not appear to it to be within the category of "casualty or unavoidable accident or the act of God," the following: "Hot boxes," "couplers pulled out," "leaky flues," "no steam," "poor coal," "air-pump failures," etc. But little hardship should flow from the elimination of a term which harmonizes the application of the law to both general classes of employees embraced within it. There has been sufficient dissatisfaction over the presence of this special exception in the telegraphers' proviso to cause their representatives in the measure drafted by them, and which is embodied in H. R. 18969, to limit the exceptions to "grave emergencies." As this, too, is a term of uncertain meaning, it is thought the better practice to eliminate this special exception altogether.

SUPPLEMENTAL STATEMENT OF MR. MARTIN—GENERAL EIGHT-HOUR DAY.

The foregoing report endeavors to fairly set forth the views of the committee upon the proper hours of service of the class of employees affected, but does not undertake to express the views of the committee or its individual members upon the subject of the proper hours of service of other classes of railway employees. In other words, it must not be inferred that because care has been taken to limit the application of the proposed amendment to employees engaged in directing the movement of trains, therefore, by negative inference, the committee or its individual members would not favor shorter hours or the 8-hour day for any or all other classes of railway employees. The pending bill simply proposes to amend an existing law governing the hours of service of this particular class of railway employees, and neither the author of the bill nor the committee wished to complicate it by enlarging the scope of its application.

The author of the bill and writer of the report is avowedly in favor of the 8-hour day for every wage earner, without exception. He learned by actual experience, through long years at hard labor, that the human body can give all and the best that is in it in not to exceed 8 hours. He learned that 10 hours of unremitting toil is too long, even at ordinary manual occupations. He knows that as a factor in the joy of living the short workday ranks with the good day's pay. These are twin blessings that put a song in the heart of labor and that rob daily toil of the dread aspect of the treadmill, looking only for the night and forgetfulness. He would put not only a maximum to the hours of labor, but a minimum to the rate of pay. And in the rapid progress of labor toward industrial freedom he ventures the prediction that these and other helps to human happiness will soon be something more than the substance of things hoped for.

CORVALLIS AND YAQUINA BAY MILITARY ROAD.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to recur to the bill H. R. 8151, a bill providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within limits of said grant.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 8151) providing for the adjustment of the grant of lands in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant.

Mr. MANN. Mr. Speaker, reserving the right to object, I ask unanimous consent that the amendment be reported in lieu of the bill.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause patents to be issued conveying to the administrator of the estate of T. Egenton Hogg 1,848.84 acres, as near as may be, of unreserved, unoccupied, nonmineral, surveyed lands of the United States subject to homestead entry.

"SEC. 2. The said administrator of the estate of T. Egenton Hogg shall have a period of one year after the passage of this act within which to file with the Secretary of the Interior a list of the lands selected by him in accordance with the provisions of this act. And if any of the lands so selected should be rejected by the Secretary of the Interior as not being of the character of lands described in this act, said administrator shall have six months after said adverse decision or decisions within which to make another selection. And that such patents shall issue only upon satisfactory proof to the Secretary of the Interior that the Corvallis and Yaquina Bay Wagon Road Co., prior to the death of the said T. Egenton Hogg, conveyed to him its right and interest in and to all lands earned by the company under the act of Congress approved July 4, 1866, entitled 'An act granting lands to the State of Oregon to aid in the construction of a military road from Corvallis to Yaquina Bay': *Provided*, That lands within national reclamation projects, though they may be subject to homestead entry, shall be considered as reserved, and not subject to the terms of this act."

Mr. BURNETT. Mr. Speaker, I offer the following amendment.

The SPEAKER. Was not that an amendment that was just read?

Mr. BURNETT. Yes.

The SPEAKER. Is this an amendment to that amendment?

Mr. BURNETT. Yes; to come in at the end of the section just read.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. BURNETT].

The Clerk read as follows:

Add, at the end of section 2, page 5, the following:

"*Provided further*, That said 1,848.84 acres of land when so patented shall be in lieu of all amounts of land now due under said act of Congress of July 4, 1866, and shall be accepted in full settlement of all claims under said act."

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to ask the gentleman in charge of the bill if he has any objection to an amendment after the word "States," in page 5, line 2, by the insertion of the words "State of Oregon"?

Mr. BURNETT. In what line?

Mr. MONDELL. Line 2, page 5.

The SPEAKER. Is the gentleman from Wyoming talking about the original bill or about the amendment in the nature of a substitute?

Mr. MONDELL. I am speaking of the substitute. After the words "United States," line 2, page 5, insert the words "State of Oregon."

Mr. BURNETT. I would much prefer that should not be limited.

Mr. MONDELL. I will state to the gentleman that unless he accepts it, it will be my duty to object. I think it was the intention of the committee in reporting the bill that these lands should be confined to the State of Oregon. I think that is the universal practice in bills of this character, to confine the exchange to lands within the State.

Mr. BURNETT. Very well; I will accept that. I see it was in the original bill.

The SPEAKER. Is there objection?

Mr. HAWLEY. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman in charge of the bill, whether, under this bill, the people to be benefited by its provisions would be authorized to institute contests against entrymen on the public lands in any case?

Mr. BURNETT. It says they are unreserved, unoccupied, and nonmineral lands.

Mr. HAWLEY. The gentleman thinks it will not authorize the making of contests?

Mr. BURNETT. It is in accordance with a letter I had at one time and with the recommendation of the Land Office.

Mr. HAWLEY. This land lies in the county in which I was born, in the State of Oregon, and I am acquainted with the facts, and I think it is a very meritorious bill.

The SPEAKER. The question is on the amendment to the substitute. Does the gentleman from Wyoming insist upon that amendment which he offered?

Mr. MONDELL. I do.

Mr. BURNETT. And I agreed to it.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Wyoming [Mr. MONDELL].

The Clerk read as follows:

Amend, page 5, line 2, by inserting after the words "United States" the words "in the State of Oregon."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on the amendment offered by the gentleman from Alabama [Mr. BURNETT] to the substitute amendment.

The question was taken, and the amendment offered by Mr. BURNETT was agreed to.

The SPEAKER. The question now is on the substitute as amended.

The question was taken, and the substitute as amended was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. BURNETT, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next one.

CAST OF HEAD OF STATUE OF JOHN HANCOCK.

The next business on the Calendar for Unanimous Consent was the resolution (H. Con. Res. 58) authorizing Herman Walthauser to make a cast of the head of statue of John Hancock, now located in Senate wing of the Capitol.

The Clerk read the House concurrent resolution, as follows:

House concurrent resolution 58.

Whereas the Society of the Sons of the Revolution of Massachusetts desire to present to that State a bust of John Hancock, and in order to do so it is necessary to obtain a cast from the head of the statue now in the Senate wing of the Capitol, which is the only known statue of Hancock: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That Herman Walthauser, of Boston, Mass., be, and hereby is, authorized to make a cast from the head of the statue of John Hancock now located in the Senate wing of the Capitol.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, I would like to ask the gentleman from Massachusetts [Mr. MCCALL] whether it would not be practicable to procure a copy of the bust or head of John Hancock at the Hancock Restaurant down here on the Avenue?

Mr. MCCALL. This bill was introduced by my colleague [Mr. WEEKS], and I presume he has consulted all supposed busts of John Hancock, and, inasmuch as he is a very good authority, I have no doubt he has located the proper bust.

Mr. MANN. I do not know whether you could get a proper bust of John Hancock at the Hancock Restaurant, but I know that people go there for a bust. [Laughter.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on agreeing to the House concurrent resolution.

The question was taken, and the House concurrent resolution was agreed to.

The SPEAKER. The Clerk will report the next bill.

APPOINTMENT BY THE PRESIDENT OF A MEMBER OF THE NEW JERSEY AND NEW YORK JOINT HARBOR LINE COMMISSION.

The next business on the Calendar for Unanimous Consent was the resolution (H. J. Res. 210) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

The Clerk read as follows:

Joint resolution (H. J. Res. 210) authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

Whereas the governor of the State of New Jersey, under legislative authority, has appointed three citizens of New Jersey as members of the New Jersey and New York Joint Harbor Line Commission, and the governor of the State of New York, under legislative authority, has appointed three citizens of New York as members of the same joint harbor line commission; and

Whereas the Legislature of the State of New Jersey indicated its wish that the President of the United States should appoint a seventh member of said New Jersey and New York Joint Harbor Line Commission: Therefore be it

Resolved, etc., That the President of the United States be, and is hereby, authorized to designate an Army engineer whose present assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor to act as a member of the said New Jersey and New York Joint Harbor Line Commission.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I observe that the President is requested to appoint a seventh commissioner to fix these lines.

Mr. TOWNSEND. Yes; and to aid the commission in all other ways.

Mr. MOORE of Pennsylvania. The governor of New Jersey has appointed three?

Mr. TOWNSEND. Yes. The commission as at present constituted consists of six members, three appointed by Gov. Wilson of New Jersey and three by Gov. Dix of New York. The commission was created by resolutions passed by the Legislatures of New York and of New Jersey. The resolution of the New Jersey Legislature, in part creating the commission, requested the President to appoint a member of the Engineer Corps on this commission. Gov. Wilson wrote to the President, asking him to do so, and the President replied that he thought he should have the authority of Congress, and I therefore introduced this resolution on that understanding.

Mr. MOORE of Pennsylvania. It is a general arrangement between the President and the governors?

Mr. TOWNSEND. Yes. I may add that the War Department approves of it highly. The object of this joint commission is to make a study of these harbor lines and the economic administration of the two harbors. Of course the Army engineer having to do with the harbor work in that vicinity would be an admirable adviser and doubtless a most competent member of the commission.

Mr. MOORE of Pennsylvania. I fully agree with the purposes of the bill. If the bill should go through, would the gentleman rather have the seventh commissioner appointed this year or wait until another President is elected?

Mr. TOWNSEND. I would be content to have him appointed by the present occupant of the White House.

The SPEAKER. Is there objection?

Mr. AKIN of New York. I object.

INTERNATIONAL INQUIRY INTO THE HIGH COST OF LIVING.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 21479) appropriating money to enable the President to propose and invite foreign Governments to participate in an international conference to promote an international inquiry into the causes of the high cost of living throughout the world and to enable the United States to participate in said conference.

The Clerk read the bill, as follows:

Be it enacted, etc., That for the purpose of enabling the President to propose and to invite foreign Governments to participate in an international conference for the purpose of considering plans to be sub-

mitted to the various Governments for an international inquiry into the high cost of living, its extent, causes, effects, and possible remedies, and to defray the expenses of preparation for and participation in such conference by the United States, the sum of $20,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be expended for such purpose under the direction of the President of the United States.

The SPEAKER. Is there objection?

Mr. PAGE. Mr. Speaker, reserving the right to object, I want to give the gentleman from New York a chance to make some remarks, if he has anything to say.

Mr. SULZER. Mr. Speaker, in reply to the gentleman from North Carolina [Mr. PAGE], let me say that this bill, introduced by me, "for an international inquiry into the causes of the high cost of living throughout the world," is a matter of much moment, a meritorious measure, and has the unanimous approval of the Committee on Foreign Affairs.

The bill is substantially backed by the public opinion of America. It should be promptly enacted into law. The world-wide advance in prices of the necessaries of life in recent years, increasing the cost of living, is believed to be the cause of much of the social discontent now prevailing in many of the leading countries of the world, and presents a problem calling for scientific investigation of facts by a body of trained experts.

The leading political economists, business men, commercial bodies, and economic societies of Europe have already placed themselves on record in favor of an international commission to investigate the high cost of living, and a great many of them have expressed the opinion that the United States should take the lead in calling together such a commission.

There is no doubt but that such a commission should be appointed of unprejudiced and impartial persons—experts in fact—to investigate these economic conditions. The increasing cost of living is a matter of much public concern, and the facts in connection with the same should be carefully collated by the best experts in the world as a basis for future intelligent legislative action. There should be no objection to this important legislation from any representative of the people—because it is in the interest of the people. They want this bill to pass, and I indulge the hope that ere long it will be a law.

Mr. PAGE. Mr. Speaker, in the light of information that we have from the commission appointed in recent years to investigate various and sundry subjects, feeling sure that if the high cost of living is not reduced until we get it by this method, I feel constrained to object.

The SPEAKER. The bill will be stricken from the calendar.

THE IMMIGRATION ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 19544) to amend section 9 of the immigration act, approved February 20, 1907.

The Clerk read the bill at length.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I ask unanimous consent that the bill may be considered, the committee amendments agreed to, the bill considered as engrossed, read a third time and passed, and the motion to reconsider be entered and laid on the table.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill may be considered, the committee amendments agreed to, the bill considered as engrossed and read a third time and passed, and the motion to reconsider entered and laid on the table. Is there objection?

Mr. RODDENBERY. Reserving the right to object, I want to say that if the gentleman will include in his request unanimous consent that House bill 22527, being a bill to further restrict undesirable immigrants, with the illiteracy test and other important amendments, I shall be glad not to interpose any objection to this request, but if this unanimous consent is to railroad the bill through the House, to help out New York in its penitentiaries and asylums, now overcrowded with aliens, to the neglect of the people of the whole country, so that its vast domain can not be protected against the flood of criminal and diseased immigrants, I shall object.

Mr. MANN. I did not make the request which I did for the purpose of shutting out consideration of the immigration bill, but because it is perfectly patent to anyone with brains—and the gentleman from Georgia has plenty—that the bill will not be considered in the House at this time except under some such arrangement as I suggest, and no one objects to this bill. Now, anyone can object to the consideration of this because they want some other bill to come up which they know will not come up. It is immaterial to me. I was simply trying to get the bill passed with no one objecting to it.

Mr. RODDENBERY. If the gentleman will agree——

Mr. MANN. I make the unanimous request, and the gentleman can do as he pleases.

The SPEAKER. The gentleman from Georgia objects to the request for unanimous consent by the gentleman from Illinois. Is there objection to the present consideration of this bill?

Mr. BARTHOLDT. Reserving the right to object, Mr. Speaker, I want to say that this is a highly meritorious measure and ought to pass this House, but unless I can get an agreement that no amendment will be offered, such an agreement as has been proposed by the gentleman from Illinois, I shall be constrained to object. I ask unanimous consent that no amendment be offered to this bill.

Mr. BURNETT. Mr. Speaker, I would be very glad, indeed, if no objection was offered in this case. It is not only New York that is suffering from the influx of aliens, but a number of other States in the North, and it will not be long before the States in the South will begin to suffer in the same way. I should like to have the amendment suggested by my friend from Georgia incorporated in the bill. I have done my best to secure the passage of that bill, but I do not believe that we would do right in undertaking to put through an amendment that would result in defeating a meritorious proposition as this is. I hope that the gentleman from Missouri will not insist on his objection.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was the request I made for unanimous consent objected to?

The SPEAKER. It was, by the gentleman from Georgia.

Mr. MANN. Then I object to the consideration of the bill.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, by incorporating a letter from a member of the New York State board of alienists, in reply to criticisms made by the gentleman from Illinois, Judge SABATH.

The SPEAKER. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

NEW JERSEY AND NEW YORK JOINT HARBOR LINE COMMISSION.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent to recur to joint resolution 210, authorizing the President to appoint a member of the New Jersey and New York Harbor Line Commission. The objection was made under a misapprehension.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to recur to House joint resolution 210. Is there objection?

There was no objection.

The Clerk read as follows:

House joint resolution 210, authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

Whereas the governor of the State of New Jersey, under legislative authority, has appointed three citizens of New Jersey as members of the New Jersey and New York Joint Harbor Line Commission, and the governor of the State of New York, under legislative authority, has appointed three citizens of New York as members of the same Joint Harbor Line Commission; and

Whereas the Legislature of the State of New Jersey indicated its wish that the President of the United States should appoint a seventh member of said New Jersey and New York Joint Harbor Line Commission: Therefore be it

Resolved, etc., That the President of the United States be, and is hereby, authorized to designate an Army engineer whose present assignment of duty relates to harbor work in, or in the neighborhood of, New York Harbor to act as a member of the said New Jersey and New York Joint Harbor Line Commission.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 2, line 1, strike out the words "Army engineer" and insert in lieu thereof the words "officer of the Corps of Engineers, United States Army."

Page 2, line 2, strike out the word "present."

Page 2, line 6, after the word "commission," insert:

"*Provided*, That no expense shall accrue to the United States by reason of such appointment, and the officer designated may receive such compensation for his services on said commission as may be provided by the States aforesaid."

The SPEAKER. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the House joint resolution as amended.

The House joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

ALLEGATION AND PROOF OF LOYALTY IN CERTAIN CASES.

The next business on the Calendar for Unanimous Consent, was the bill (H. R. 16314) to amend section 162 of the act to codify,

revise, and amend the laws relating to the judiciary, approved March 3, 1911.

The Clerk read the bill as follows:

Be it enacted, etc., That section 162 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911, be amended and reenacted so as to read as follows:

"SEC. 162. The Court of Claims shall have jurisdiction to hear and determine the claims of those whose property was taken subsequent to June 1, 1865, under the provisions of the act of Congress approved March 12, 1863, entitled 'An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States,' and acts amendatory thereof where the property so taken was sold and the net proceeds thereof were placed in the Treasury of the United States; and the Secretary of the Treasury shall return said net proceeds to the owners thereof, on the judgment of said court, and full jurisdiction is given to said court to adjudge said claims, any statutes of limitations to the contrary notwithstanding: *Provided*, That no allegation or proof of loyalty shall be required in the presentation or adjudication of such claims."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

Mr. WATKINS. Mr. Speaker, will the gentleman reserve his objection until I can make a statement?

Mr. MANN. Mr. Speaker, I will reserve the objection for a statement, although I shall object at the end of the statement. I reserve the right to object.

Mr. WATKINS. Mr. Speaker, during my seven years of service in this House I have never yet made an objection to the consideration of any matter presented in the House, and in this particular instance if I could get the attention of the gentleman from Illinois [Mr. MANN], I am sure that I can satisfy him that he should not make an objection here and now to this bill. I am talking particularly for the benefit of the gentleman who anticipates making an objection, and who has stated that he will.

During the last session of the Sixty-first Congress, when the Republican side of the House was in the majority, there was an amendment offered to the judicial code bill, the codification of the laws, and it was passed, with that side in the majority. After the passage of this section 162, providing that the people from whom there had been taken cotton, entirely after the cessation of hostilities, after the war was closed, should be reimbursed, it was anticipated there would be no obstacle in the way of those people collecting the amount which has lain dormant in the Treasury for the last 45 years. This is the particular thing to which I direct the gentleman's attention. After that section had been embedded in this codification of the laws bill, the bill was passed. It went through the House and went to the Senate. It went through the Senate with the same condition existing, namely, a Republican majority there. This was considered an act of justice to the people from whom the cotton had been taken. After it had passed both the Republican House and the Republican Senate it went to conference, and in that conference it would have been impossible for the conferees to have agreed if it had not been for the understanding on the part of the Democratic members of that conference that this section 162 would be effective.

The minority ranking member of the Committee on the Revision of the Laws, the gentleman from Pennsylvania [Mr. MOON], said while this bill was up for consideration before the committee that it would be the rankest injustice if the bill should not be favorably reported and passed by this House. He said that it would be wrong to the Members who had been led to believe when that conference agreed upon the final passage of the bill—that it would be a betrayal of confidence and an injustice—if that particular section should not be carried to a successful conclusion and be incorporated in that measure. because of the fact that the Democratic conferees had agreed with the understanding that section 162 would be operative and effective.

Why is it not so? It can not be carried into effect because of the objection of the United States attorney, who has raised a technical objection, because a preceding section—section 159—says that in all cases which are presented before the Court of Claims there must be both an allegation and proof of loyalty. That is purely and simply a technicality. It was understood and contemplated by no one at the time that that objection would be made to the passage of these claims. No one ever thought for a moment that an objection of that kind would be raised. The result of this objection on the part of the United States attorney is to allow those people who came from other sections of the country into the South just after the Civil War to reap the benefits of this section 162, while the widows and the orphans and the poor people who had taken from them all of the cotton that they had in their possession after 1865, whose husbands and parents had been in the war, would be deprived of receiving the benefits of this act, and the speculators, hordes of them, who went down to that section of the country after the war would have the benefit of the proceeds arising from this property which was wrongfully and illegally, as the Supreme Court of the United States says in the Klein case, taken from the people of that section of the country.

In that case the Supreme Court of the United States, in passing upon the question, says that the question of loyalty cuts no figure at all. The question of loyalty is not involved in these cases, because the act of 1863, which was passed allowing this property to be taken, constituted a trust fund on the part of the Government, and the question of loyalty was not involved. But it is said that it becomes involved now because of the fact that the act passed on the 3d of March, 1911, has in it section 159, and that that stands as an obstacle in the way of the allowance of these claims for the benefit of those people whose fathers, whose husbands, and who themselves happened to be upon the side of the South during the war. I hope that the gentleman at this late day, 45 years after the cessation of hostilities, will not raise an objection in the case where it is sought to obviate the necessity of proving loyalty in those claims which arose entirely after the war was over.

I can not conceive that after this lapse of time, I can not conceive that after the passage of the Sherwood bill by a Democratic House, after the name of Jefferson Davis has been restored upon Cabin John Bridge, after the sword of Lee has been sheathed forever and the immortal spirit of Jefferson Davis has taken its eternal flight, after all we have done on the part of the South to try to show that our feelings have at least been mollified, our animosities buried, that the gentleman will now raise an objection to the consideration of a measure simply because it refers to the question of loyalty of those people who had at one time engaged in a conflict, but which relates to a time when the conflict was ended, when the war was over and hostilities had ceased. To do so, it seems to me, would look not only like antagonism in a spirit of partisanship, but of bitterness. I trust that the gentleman will see proper to withdraw his objection in this instance.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, if this bill is passed it will probably take eight or ten millions of dollars out of the Treasury that ought not to be taken out of the Treasury, and it is too important a matter for consideration without discussion, which we can not give it to-day, and I therefore object.

Mr. CANDLER. Will the gentleman withhold for a moment?

Mr. MANN. No; I withheld my objection for a moment and it turned out to be for about 20 minutes. My friend from Mississippi has already made one speech on this subject and I listened to him very attentively, and every moment that we use now means that somebody has to sit here at night, and I am sure it will not be my friend from Mississippi.

Mr. CANDLER. I will stay at night, and I sincerely hope the gentleman will not object. The record will show I am generally here when the House is in session, whether night or day.

Mr. MANN. Well, we will see whether the gentleman will stay. Mr. Speaker, I object.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 26321), the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, in order that we may expedite action upon the matter.

The SPEAKER. The gentleman from Texas [Mr. BURLESON] asks unanimous consent to take from the Speaker's table the bill H. R. 26321, the legislative, executive, and judicial appropriation bill. The Clerk will report the title.

The Clerk read as follows:

An act (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MANN. Mr. Speaker, reserving the right to object, I ask for information. I understand the Senate has stricken out all after the enacting clause of this bill, which is the legislative appropriation bill, and inserted the language the conferees reported in the legislative bill which was vetoed by the President with the exception of the tenure of office provision.

Mr. BURLESON. Section 5.

Mr. MANN. Section 5 which was left out and a new section 5 inserted. There may be some other changes. I think there was one change in reference to the Commerce Court, inserting a provision inserted by a concurrent resolution.

Mr. BURLESON. The gentleman states the facts correctly. I will state the amendment as it is now in the Clerk's hands sets forth the bill as agreed on in conference with this exception—it strikes out section 5; that is, the seven-year tenure section; adds a penalty to section 4, which was agreed upon in the bill in conference; conforms to the provision abolishing the Commerce Court in accordance with the directions of a concurrent resolution which passed after the conference——

Mr. MANN. Did that concurrent resolution pass?

Mr. BURLESON. It passed the Senate and was messaged to the House.

Mr. MANN. But it did not pass the House.

Mr. BURLESON. It did not pass the House; it passed the Senate and was messaged to the House.

Mr. MANN. I am not going to object on that account, although I notified them they could not pass that resolution in the House by unanimous consent.

Mr. BURLESON. Those are the only two exceptions.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. BURLESON. Certainly.

Mr. MOORE of Pennsylvania. What about the provision in reference to the State Department?

Mr. BURLESON. It was retained in the bill just as it was originally agreed upon in conference.

Mr. MOORE of Pennsylvania. As I understand it this is exactly the bill as agreed upon in conference except the seven-year tenure clause was stricken out.

Mr. BURLESON. The seven-year clause was stricken out of section 5 and a penalty added to section 4 and a provision relating to the abolition of the Commerce Court is modified in accordance with the concurrent resolution which passed the Senate but did not pass the House.

Mr. NORRIS. What is the difference between the bill now as it came from the Senate regarding the Commerce Court and the bill as vetoed by the President?

Mr. BURLESON. This is added, and this only is added:

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

Mr. MANN. I shall not object to the request for two reasons: One is, I think it is extremely desirable to have the bill go to the President as soon as possible in order that we may expedite the close of the session, and the other reason is we will soon have another bill before us covering the same subject matter, to which anyone can have the right to object, discuss, or amend.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. BURLESON. Mr. Speaker, I move that the House concur in the Senate amendments.

The question was taken, and the motion was agreed to.

PURE FOOD AND DRUGS ACT.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 11877) to amend section 8 of the food and drugs act, approved June 30, 1906.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, I reserve the right to object.

The SPEAKER. The gentleman from Pennsylvania [Mr. MOORE] reserves the right to object.

Mr. MOORE of Pennsylvania. Mr. Speaker, I would like to inquire of the gentleman from Kentucky who introduced this bill, which is a very important measure and one that ought to be passed in corrected form, whether he will agree to an amendment which would cover the printed matter inside the packages or the label? The bill seems to be defective in that respect. I am sorry I did not have opportunity to bring it to the attention of the gentleman, but the papers have just been forwarded to me from my office. It appears that there are cases where the defendant might, under the decision of the Supreme Court and in spite of the amendment suggested by the gentleman from Tennessee, avoid the penalty provided the false statements are not on the outside cover of the package. It is known that in cases of nostrums and patent medicines the statement in regard to the ingredients or therapeutic properties of the article is frequently on the inside of the cover of the package or bottle. I would suggest to the gentleman that it might be well to substitute the words "the label of which shall bear, or the package of which shall bear or contain." The addition of the words "or contain" would be sufficient.

Mr. SHERLEY. I have no objection to the amendment outlined by the gentleman, although I think I can suggest a more concise form for it. The matter that the gentleman brings to the attention of the House had been also spoken of to me by the gentleman from Illinois [Mr. MANN], and while I think a proper construction of the act would perhaps cover the matter, still I see no reason why we should not make the assurance doubly sure. I would have no objection to such amendments.

Mr. MOORE of Pennsylvania. May I offer the amendment, then?

Mr. SHERLEY. Let us get the unanimous consent, and then it will be in order.

The SPEAKER. Is there objection?

Mr. MOORE of Pennsylvania. I do not object, Mr. Speaker.

The SPEAKER. The Chair hears no objection. The Clerk will read the bill.

The Clerk read as follows:

A bill (H. R. 11877) to amend section 8 of the food and drugs act approved June 30, 1906.

Be it enacted, etc., That that part of section 8 of the food and drugs act of June 30, 1906, defining what shall be misbranding in the case of drugs, be, and the same is hereby, amended by adding thereto a third paragraph to read as follows:

"If its package or label shall bear any statement, design, or device regarding the curative or therapeutic effect of such article which is false and fraudulent."

So that the said part of said section 8 shall read as follows:

"SEC. 8. That the term 'misbranded,' as used herein, shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded. In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"Third. If its package or label shall bear any statement, design, or device regarding the curative or therapeutic effect of such article which is false and fraudulent."

Mr. SHERLEY. Mr. Speaker, I offer as an amendment, on line 8, page 1, after the word "bear," the words "or contain." Also on line 22, page 2, after the word "bear," the words "or contain."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. SHERLEY. Mr. Speaker, the bill is of so much importance, it seems to me the House is entitled to a brief statement of its purport.

Mr. MANN. Mr. Speaker, I move to insert, after the word "article," in line 10, page 1, and after the word "article," in line 24, page 2, the following words:

Or any of the ingredients or substances contained therein.

The SPEAKER. Without objection, the amendment will be agreed to.

There was no objection.

Mr. SHERLEY. Mr. Speaker, something over a year ago the Supreme Court rendered a decision in what is known as the Johnson case, in which they held that the sections of the pure-food law relating to misbranding did not embrace statements as to the curative or therapeutic properties of drugs. There was a very strong dissent handed down by Justice Hughes, and concurred in by Justice Day and Justice Harlan, holding that a proper construction of the act would embrace such cases. The majority of the court seem to have gone on the idea that it was not the intention of Congress to enter into the domain of matters in issue between rival schools of medicine, but, as is very clearly set out by the minority in their dissenting opinion, there were a great many cases that did not belong in this twilight zone, but represented plain cases of fraud and deceit. In the opinion of the minority of the court, it was the intention of the law to reach such cases, and believing it certainly ought to be the intention of the law to reach them, I introduced the bill now before the House. Just after its introduction the President called attention to the importance of the decision and the need of a remedy by a special message to Congress. This act has been drawn with some care, and as perfected by the amendments offered will certainly reach those cases of fraud without undertaking to have the Government enter into the disputed domain that lies outside of proper legislation.

The use of the words "and fraudulent" qualifies the language of the act so as to make it apply only to those cases of deceit and of fraud that ought to be embraced, and that ought not to

be permitted in commerce at all. I have made this much of a statement not so much for the benefit of the Members of the House, who are familiar with the law, as that the country at large may know the importance of the amendment.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. COOPER. I observe in line 12, page 2, that an article shall be deemed to be misbranded, in the case of drugs, if it be an imitation of, or offered for sale under the name of, another article. Now, suppose you take an article——

Mr. SHERLEY. If the gentleman will permit me just a moment there, I think I can anticipate his question by saying that that is in the existing law. The only change I propose here is found in the third paragraph, which is in this language:

If its package or label shall bear any statement, design, or device regarding the curative or therapeutic effect of such article which is false and fraudulent.

That has been modified by the amendment offered by myself and the gentleman from Illinois [Mr. MANN].

Mr. COOPER. That is a good suggestion, but there is one other question that I would like to ask of the gentleman from Kentucky. Recurring to lines 12 and 13, page 2, referring to things misbranded, if it be offered for sale under the name of another article; now suppose it were offered falsely under a name that is not the name of another article, but a manufactured name, or a name conjured up; suppose it is simply water, with some bitters in it that makes it taste like medicine, and it is not sold under the name of another article. It would none the less be a fraud.

Mr. SHERLEY. There are other provisions of the act which cover a false statement as to the ingredients, but under the decision of the Supreme Court it is held that there is no provision in the act which made it unlawful to make a false statement as to the curative or therapeutic qualities of medicine, and it was only as to that phase of it that this bill undertakes to deal.

Mr. COOPER. I should think it would be termed "misbranded" if it were offered for sale in the name of another article or under a false name.

Mr. COVINGTON. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Certainly.

Mr. COVINGTON. I will call the attention of the gentleman to the fact that another section of the pure-food law provides a punishment for misbranding when it implies any false statement in regard to any ingredient or false substance contained therein.

Mr. COOPER. Exactly. But these two paragraphs are entirely different. Section 8, defining the term "misbranded," says it shall apply to all drugs or articles of food or articles which enter into the construction of food or the ingredients or substances contained therein which are false or misleading in any particular, and in line 12 there is a specific provision to the effect that the article shall be adjudged misbranded if it be offered in imitation of or under the name of another article. It may be another matter entirely from the mere name, and it may deceive the purchaser as to what the ingredients are.

Mr. MANN. That provision in the existing pure-food law is not changed by this at all, and the purpose of that provision there is simply to prevent people from selling one thing under the name of another thing. It was not intended to prevent people manufacturing a name of their own. The law specifically provides that people may use a conjured-up name for something, but they can not use deleterious substances in food or drugs or in the making of the article. If a name is established, they can not use something else and sell it under that name.

Mr. COOPER. Yes; but still they could sell one article under the name of another article. For example, if you take flour and sell it under a purely invented name, you would not violate the act.

Mr. MANN. No. You can take flour and sell it now under an invented name if you can get anybody to buy it.

Mr. COOPER. Yes. I know of a so-called drug or an alleged cure which is nothing but water with 2 per cent of something to color it. The gentleman knows what it was. The gentleman from Illinois [Mr. MANN] was not of the company, of course, but the alleged cure I refer to was made in his city, and the fraud was exposed two or three years ago. I believe the people concerned in it made over a hundred thousand dollars on it.

Mr. MANN. That is the effect of the Sherley proposition. If you want to sell flour for medicine and people want to buy it, I do not see any reason why they should not be permitted to buy it; but if you want to sell flour and claim that it will cure disease, the Sherley amendment prevents it.

Mr. COOPER. But should a person be allowed to sell flour under the name of "Molie" or "Culloly," for example? As an extreme illustration, suppose an Italian, unacquainted with the terms used in this country, buys something called "Molie" and afterwards finds out that he has bought only flour. He has not bought it under the name of another article, because there is no such article. He has been deliberately swindled.

Mr. MANN. What difference does it make? He certainly knows flour. They can not lie as to what it can be under the Sherley amendment. If he prefers to buy "Molie," and prefers that to flour, he can buy it.

Mr. COOPER. But it may not be nourishing.

Mr. MANN. Well, flour is a nourishing article of food under any name.

Mr. COOPER. That would not be misbranding if it were called "flour," but this man may buy flour under another name.

Mr. MANN. A trade name must be permitted under the pure-food law if the article does not contain deleterious substances.

Mr. MOORE of Pennsylvania. Does not the amendment which was offered by the gentleman a little while ago and accepted by the gentleman from Kentucky cover that entirely?

Mr. MANN. I think it does in regard to medicines.

Mr. SHERLEY. Mr. Speaker, I call for a vote.

The SPEAKER pro tempore (Mr. DAVIS of West Virginia). The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

UNITED STATES COURT LIBRARY IN NORTHERN DISTRICT OF OHIO.

Mr. McCOY. Mr. Speaker, I ask unanimous consent to return to No. 388 on the Calendar for Unanimous Consent, the bill (H. R. 4718) to authorize the use of certain unclaimed moneys now in the registry of the United States Circuit Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district, for the purpose of amending the title.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to return to the bill H. R. 4718. Is there objection?

There was no objection.

Mr. McCOY. Now, Mr. Speaker, I move the title be amended in accordance with the text.

The motion was agreed to.

ACT TO ENLARGE HOMESTEADS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23351) to amend an act entitled "An act to provide for enlarged homesteads."

The Clerk read the bill.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I will ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the bill be passed without prejudice. Is there objection?

There was no objection.

AGRICULTURAL ENTRIES ON OIL AND GAS LANDS.

The next business on the Calendar for Unanimous Consent was the bill (S. 3045) to provide for agricultural entries on oil and gas lands.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act unreserved public lands of the United States, exclusive of Alaska, which have been withdrawn or classified as oil lands, or are valuable for oil, shall be subject to appropriate entry under the homestead laws by actual settlers only, the desert-land law, to selection under section 4 of the act approved August 18, 1894, known as the Carey Act, and to withdrawal under the act approved June 17, 1902, known as the reclamation act, whenever such entry, selection, or withdrawal shall be made with a view of obtaining or passing title, with a reservation to the United States of the oil and gas in such lands and of the right to prospect for, mine, and remove the same. But no desert entry made under the provisions of this act shall contain more than 160 acres, and all homestead entries made hereunder shall be subject to the conditions, as to cultivation and residence, of entries under the act approved February 19, 1909, entitled "An act to provide for an enlarged homestead": *Provided*, That those who have initiated non-mineral entries, selections, or locations in good faith, prior to the passage of this act, on lands withdrawn or classified as oil lands, may perfect the same under the provisions of the laws under which said entries were made, but shall receive the limited patent provided for in this act.

SEC. 2. That any person desiring to make entry under the homestead laws or the desert-land law, any State desiring to make selection under section 4 of the act of August 18, 1894, known as the Carey Act, and the Secretary of the Interior in withdrawing under the reclamation act lands classified as oil lands, or valuable for oil, with a view of securing or passing title to the same in accordance with the provisions of said acts, shall state in the application for entry, selection, or notice of withdrawal that the same is made in accordance with and subject to the provisions and reservations of this act.

SEC. 3. That upon satisfactory proof of full compliance with the provisions of the laws under which entry is made and of this act the entryman shall be entitled to a patent to the land entered by him,

which patent shall contain a reservation to the United States of all the oil and gas in the lands so patented, together with the right to prospect for, mine, and remove the same. The reserved oil and gas deposits in such lands shall be disposed of only as shall be hereafter expressly directed by law: *Provided*, That nothing herein contained shall be held to deny or abridge the right to present and have prompt consideration of applications to locate, enter, or select, under the land laws of the United States, lands which have been classified as oil lands with a view of disproving such classification and securing a patent without reservation.

The SPEAKER. Is there objection?

Mr. KENT. Mr. Speaker, I reserve the right to object. I would like to know whether this bill has been favorably reported by the Department of the Interior?

Mr. MONDELL. It has, Mr. Speaker.

Mr. MANN. Reserving the right to object, I notice in section 2 what I suppose is a manifest error. It leaves in the words "any State desiring to make selection under section 4 of the act," and then in other parts of the bill they attempt by amendment to confine it to Utah.

Mr. MONDELL. It is the intention to offer three amendments, which will be necessary in order to make section 2 harmonize with section 1 as amended.

Mr. MANN. Will the gentleman be kind enough to tell me what his amendments are?

Mr. MONDELL. The word "any," in line 23, page 2, should be stricken out and the word "the" inserted.

After the word "State," in line 23 on the same page, the word "Utah" should be inserted.

On page 3, after the word "act," in line 2, the words "or under grants made by Congress" should be inserted. With those amendments section 2 would harmonize with section 1.

Mr. MANN. I should like to ask the gentlemen if they would be willing to strike out the proviso at the bottom of page 3, and be willing to insert wherever oil and gas or oil or gas occurs the word "coal" after the word "oil" so that it will read, "oil, coal, or gas"?

Mr. MONDELL. I scarcely know how that sort of an amendment would be interpreted in connection with the general law applying to coal lands of which this is a copy. There is a general act which applies to Utah, as to all other parts of the public domain, approved June 22, 1910, and in practically the identical words of this act, but applying only to coal, and providing for the entry under certain of the agricultural laws of land withdrawn as coal lands or valuable for coal. That act is in full force and effect in Utah, as it is elsewhere in the country, and covers the question of coal, all reserved coal lands, and lands valuable for coal.

Mr. MANN. That has nothing to do with this.

Mr. MONDELL. It has everything to do with coal land in the State of Utah, and it does not seem to me that it is good legislation, when we have a law applying to the State of Utah providing for the agricultural entry of coal lands, to afterwards legislate on the same subject in another bill and in exactly the same manner. The language of the coal bill is identical with the language of this bill, except that it is general, and that the word "coal" instead of the words "oil and gas" is used.

Mr. MANN. I am familiar with that, but the coal law has no application whatever to the lands referred to in this bill.

Mr. MONDELL. Certainly not, unless they contain coal.

Mr. MANN. Then what is the use of talking about that?

Mr. MONDELL. The lands referred to in this bill are lands reserved for oil, or are valuable for oil. The lands that the gentleman desires to bring within the bill are lands reserved for coal or valuable for coal. Those lands are now provided for in a bill identical in language with the bill before us, but applying to coal.

Mr. MURRAY. This bill is a copy of the coal bill?

Mr. MONDELL. It is identical with it, except that it refers to another mineral.

Mr. MANN. I do not like to work at cross purposes with the gentleman, but the gentleman can not mislead me.

Mr. MONDELL. The gentleman from Wyoming has not the slightest disposition to mislead the gentleman from Illinois. He does not consider that he would be able to mislead so astute a gentleman in the first instance, and certainly he has no desire to mislead him; but it strikes me as being very extraordinary that when we have legislation providing for lands valuable for coal that it is considered necessary to put in legislation providing for oil and gas lands the same words.

The SPEAKER. The Chair desires to interrupt the consideration of this bill for the purpose of laying before the House some other matters.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

THE PANAMA CANAL (H. DOC. NO. 914).

The SPEAKER laid before the House the following message from the President of the United States, which was read:

To the Senate and House of Representatives:

Congress has passed a bill for the government of the Panama Canal when it shall have been completed, in section 5 of which it is provided that no tolls shall be levied upon vessels engaged in the coastwise trade of the United States. Under existing law no vessels but those of the United States can engage in the coastwise trade. The same bill provides for the imposition, within the discretion of the President, of tolls not exceeding $1.25 per net registered ton upon all other vessels using the canal.

In the debates in the House and Senate it was contended that this was a discrimination in favor of vessels of the United States in violation of the following provision of the Hay-Pauncefote treaty:

> The canal shall be free and open to the vessels of commerce and of war of all nations observing these rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable. (Art. 3, sec. 1, p. 1904.)

After full examination of the Hay-Pauncefote treaty and of the treaty which preceded it, I feel confident that the exemption of the coastwise vessels of the United States from tolls and the imposition of tolls on vessels of all nations engaged in the foreign trade is not a violation of the Hay-Pauncefote treaty. But distinguished lawyers in the House and Senate differ from this construction, and the Secretary of State has received an informal protest from the British Government that the contemplated legislation is a violation of her treaty rights.

The necessity for the enactment of the provisions of the bill looking to the maintenance and government of the canal I have already explained in a special message, and this necessity makes me anxious to sign the bill. On the other hand, the question of the foreign relations of the Government is one in respect of which the Executive has especial responsibility, and such a protest from a friendly Government, supported as it is by the expressed views of distinguished Members of both Houses, invites the greatest care and the closest examination on our part of our rights under our treaties, with a view to preserving national honor and observing our solemn obligations.

I am sure that it is not the intention of Congress to violate the Hay-Pauncefote treaty or to enact anything inconsistent with its provisions, and that it certainly is not its purpose to repeal, by subsequent enactment, the treaty in so far as it represents the law of the land. It is of the highest importance, however, that this attitude should be made clearly known to the nations of the world, and that we should avoid any apparent justification for criticism.

I suggest, therefore, that before the time has elapsed in which I am called upon to express approval or disapproval of this bill Congress consider the wisdom of passing a joint resolution of the following tenor:

> That nothing contained in the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone" shall be deemed to repeal any provision of the Hay-Pauncefote treaty, or to affect the judicial construction thereof, or in any wise to impair any rights or privileges which have been or may be acquired by any foreign nation under the treaties of the United States relative to tolls or other charges for the passage of vessels through the Panama Canal, and that when any alien, whether natural person, partnership, company, or corporation, considers that the charging of tolls or the enforcement of any other regulation under and pursuant to the provisions of this act violates in any way any such treaty rights or privileges, such alien shall have the right to bring an action against the United States for a redress of the injury which he considers himself to have suffered, and the district courts of the United States are hereby given jurisdiction to hear and determine such cases and to decree the appropriate relief, and from the decision of such district courts there shall be an appeal by either party to the action to the Supreme Court of the United States.

Or, in the alternative, that Congress recall the bill and insert the foregoing as an amendment to the bill.

Unless some such clause is embodied in the law, it would probably be contended that the legislative construction of the treaty given by Congress in enacting the law is binding upon our courts when the question of the rights of aliens under the treaty comes before them. The foregoing provision would avoid such effect and would leave the matter entirely free to judicial construction, unaffected by the political decision of either the Executive or legislative branch of our Government.

This language negatives absolutely any desire on the part of Congress to repeal the Hay-Pauncefote treaty or to violate its provisions by this legislation and leaves open to any person who deems himself aggrieved by the provisions of the act an opportunity to appeal to our courts.

I think the importance of our standing before the world as anxious to give to the world an oportunity to test this ques-

tion in the courts is an earnest of our good faith in attempting to keep within our treaty obligations.

WM. H. TAFT.

THE WHITE HOUSE, *August 19, 1912.*

Mr. UNDERWOOD. Mr. Speaker, I move that the message be printed and referred to the Committee on Interstate and Foreign Commerce.

Mr. ADAMSON. Mr. Speaker, if the gentleman from Alabama will permit, I think it is wiser to let the message lie on the Speaker's table for a little while, and let us have a conference around among ourselves in respect to it.

Mr. MANN. Oh, I think it better go to the committee.

The SPEAKER. The Chair will state that the reason he had the message read at this particular juncture was that he was afraid perhaps later on somebody might raise the point of order of no quorum, and we could not have it read, and the Chair thought it important to have the message read.

Mr. MANN. The Chair can refer it without a motion.

The SPEAKER. The Chair can refer it, but there is no harm in putting the motion.

The question is on the motion of the gentleman from Alabama that the message be referred to the Committee on Interstate and Foreign Commerce and ordered printed.

The question was taken, and the motion was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Alabama when the House will adjourn to-day?

Mr. UNDERWOOD. Mr. Speaker, I hope that we will finish the Unanimous Consent Calendar before adjournment.

Mr. MANN. Mr. Speaker, I agree with the gentleman about that, but I am not sure whether when we do that we will want to meet at 11 o'clock to-morrow.

Mr. UNDERWOOD. Mr. Speaker, there are some matters that outside of conference reports we are anxious to get through with.

Mr. MANN. Mr. Speaker, I hope the gentleman will postpone his request. If we do not run too late there will not be any objection to it, but if we should happen to run until 11 o'clock to-night, we might not want to meet so early in the morning.

Mr. UNDERWOOD. Mr. Speaker, I withdraw the request for the present.

AGRICULTURAL ENTRIES ON OIL AND GAS LANDS.

The SPEAKER. The gentleman from Wyoming [Mr. MONDELL] had the floor when the Chair interrupted him to lay the message of the President before the House.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I believe, although I may be mistaken, that usually coal and oil are in some way connected. This bill (S. 3045) provides that where land is withdrawn as oil land title may be granted to the surface with a reservation of oil and gas, which I take it is upon the theory that oil and gas are connected. It does not require a withdrawal of the land on account of gas. It provides that if it be withdrawn or valuable for oil, then the reservation shall be for oil and gas.

Mr. MONDELL. The withdrawal is always for oil and gas.

Mr. MANN. If, as the gentleman says, the withdrawal is always for oil and gas, then this bill is incorrectly drawn, because this bill only applies when land has been withdrawn or classified as oil land, or when it is chiefly valuable for oil, and I think, therefore, probably the gentleman may or may not be correct. Either the gentleman is incorrect or the bill, one of the two. There is just as much relationship between oil and coal as there is between oil and gas. If gentlemen are willing to insert "coal" following "oil" wherever it appears, reserving oil, coal, and gas, I am very well satisfied to let the bill pass.

Mr. MONDELL. Mr. Speaker, what the gentleman wants, as I understand it, is that if land has been withdrawn for oil and the entryman secures the title to it he must secure his title reserving to the United States the oil and the coal, although there may be no coal there.

Mr. MANN. There may be no oil there either and there may be no gas, because it is not like this place—there is not gas everywhere. [Laughter.]

Mr. MONDELL. But there is a law on the statute books that applies to the proposition the gentleman has in mind, which applies not only to Utah, but to the entire country, namely, that if land is withdrawn for coal or if land is valuable for coal, whether it be withdrawn or not, it may be entered with a reservation of the coal. I do not think the gentleman believes that because land may be withdrawn for a certain mineral, that, therefore, the entryman who may enter under an agricultural law should be required to take it with a reservation to the Government of all the minerals that might at any time be found in the land, which the land is not known or believed to contain.

Mr. MANN. Mr. Speaker, I do not care to stand here and argue with the gentleman all day long. He will not convince me and probably I shall not convince him. I am perfectly willing to object to the bill.

Mr. MONDELL. Mr. Speaker, this is too important legislation and too many people are interested in it for me to take the responsibility of saying that I am willing to have the legislation written in a way that will conflict with legislation already upon the statute books and make it difficult to understand the legislation we already have. There is legislation fully protecting the Government in the matter of coal. I do not know how this legislation as proposed to be amended could be interpreted or how it would be interpreted. If in passing this bill confined to Utah, relative to oil land, we insert language relating to another mineral which is provided for in exactly the same sort of legislation, applicable to all of the country, I do not know how it would be interpreted. I do not think the gentleman ought to insist upon it. If it is the gentleman's intention that because there be a suspicion that land contains one mineral there should be a reservation of another, and then by analogy of all mineral, he is proposing something we have never done and in my opinion ought not to do.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. HOWELL. Mr. Speaker, will not the gentleman allow the bill to go over without prejudice?

Mr. MANN. Mr. Speaker, I object.

CANAL BETWEEN LAKE ERIE AND OHIO RIVER.

The next business on the Calendar for Unanimous Consent was the bill (S. 6678) authorizing the Secretary of War, under certain conditions, to detail officers of the Corps of Engineers to supervise and direct the construction of a canal between Lake Erie and the Ohio River, and for other purposes.

The SPEAKER. Is there objection?

Mr. SPARKMAN. Mr. Speaker, reserving the right to object, I wish to say in my judgment this is too important a measure to be considered here to-day. It provides for the commencement of a very important piece of work——

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The bill will be stricken from the calendar.

Mr. SPARKMAN. I was going to object to it myself.

INCORPORATION OF CHAMBER OF COMMERCE OF THE UNITED STATES OF AMERICA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25106) to incorporate the Chamber of Commerce of the United States of America.

The SPEAKER. Is there objection?

Mr. COVINGTON. Mr. Speaker, reserving the right to object, I would like to hear from the gentleman, the author of the bill, what its purpose is. I do not see him here.

Mr. GARRETT. Mr. Speaker, I object.

Mr. MURRAY. May I ask the gentleman to withhold his objection for a moment?

Mr. MANN. This is rather an unusual case.

Mr. GARRETT. Mr. Speaker, I reserve the right to object for a moment, but I shall object at the end.

Mr. GRAHAM. Mr. Speaker, about the middle of April last, at the suggestion of the President of the United States, a number of representatives of foreign local commercial bodies, chambers of commerce, other commercial bodies, and other various associations of the United States came here to Washington. There were 700 or 800 delegates at the meeting, which was held at the New Willard Hotel, the purpose of the meeting being to effect a national organization of representatives of various bodies representing the local commercial interests, one of their purposes being to raise, if it could, the standard of business ethics in this country, to bring together various commercial interests throughout the country; and not only that, but to provide for giving the people of other countries better information of what was being done here to extend American trade and commerce. The result of the meeting of those gentlemen was the formulation of a bill, and this bill has grown out of that. Now, there is a provision in the bill, near the end of it, "that nothing herein contained shall authorize said corporation to engage in business for its own profit." So that this corporation could not be availed of to anyone's profit. It is simply to extend to other countries the advantages of trade with the people

of the United States and to bring closer together the various commercial bodies of the United States. If it were a corporation for profit I would not urge it upon the House, but it can be seen from the conclusion of the provision to which I have referred that it can not possibly be made a vehicle of profit to anyone, and it is absolutely in the interest of a wider commerce for the United and to bring closer together the various commercial interests of the United States. Mr. Speaker, if there are any particular questions, I would be glad to answer them, if I am able to do so.

Mr. MOORE of Pennsylvania. Did not this bill originate in the meeting called by the Secretary of Commerce and Labor?

Mr. GRAHAM. Well, the suggestion for the original meeting came through the President, but he was influenced in the way you speak of in making the suggestion by the Secretary of Commerce and Labor, also.

Mr. MOORE of Pennsylvania. It is a result of a good deal of discussion amongst the commercial bodies for a number of years, as I understand it.

Mr. GRAHAM. It is.

Mr. MOORE of Pennsylvania. And has behind it the desire of commercial bodies to cooperate with the Department of Commerce and Labor so as to make more effective what can be done in the promotion of trade.

Mr. GRAHAM. That is true.

Mr. MOORE of Pennsylvania. And had a good deal to do with the desire to improve the commercial advantages which would result from the opening of the Panama Canal.

Mr. GRAHAM. Up to this time, while various cities have had their commercial bodies, chambers of commerce, and all that sort of thing, there has been no sort of communion between them and this is an attempt to bring them together for the purpose of mutual assistance in public benefit.

Mr. CLAYTON. Mr. Speaker, will the gentleman permit me to answer the inquiry propounded by the gentleman from Pennsylvania by saying that the idea carried in this proposed measure did not originate with the President nor with the Secretary of Commerce and Labor, but it originated with the various boards of trade and commercial bodies of like kind throughout the country, and they are very anxious to have this measure passed, as my associate on the committee, the gentleman from Illinois, has well stated. But I may say, Mr. Speaker, that this measure came from the committee with a unanimous report from the members of that committee, and after having given a hearing on the subject to the advocates or proponents of this legislation, the committee took the view of the matter which has just been so well expressed by the gentleman from Illinois [Mr. GRAHAM].

Mr. MURRAY. I hope sincerely that the gentleman from Tennessee [Mr. GARRETT] will not insist in his purpose to object to this legislation, because I happen to know something of the beginning of this movement which results to-day in a unanimous report from the Committee on the Judiciary to permit certain gentlemen to incorporate. Everything they desire to do may well be done by them in a voluntary association without an act of incorporation by Congress, and I have no doubt that the gentleman from Tennessee will agree with the thought which must be apparent and in the mind of every man here—that this work can be best directed and carried on with credentials of incorporation from the Congress of the United States. We ought not to allow anything except the best kind of reason to stand against the passage of this bill. The history of this matter has been referred to. The gentleman from Tennessee [Mr. GARRETT] is the ranking member of the Committee on Insular Affairs, and knows perhaps better than most of us here the tremendous opportunity there is for the American business man and American manufacturer to encourage close business relations with the people of the Philippine Islands.

The report that accompanies this bill refers to the splendid advantages that we are certain to get from this incorporation, and no Member should object to this bill on the grounds that are usually interposed against Federal incorporation. I am one of those who believe we should not be too ready to incorporate hastily under the interstate-commerce power of the Constitution. I should hesitate a long time to permit some of those who have petitioned Congress to have a charter, but where a corporation is for patriotic purposes, where it is for the purpose of sending the products of American trade and industry into every section of the civilized world, I sincerely hope the gentleman will not urge his objection to the passage of this bill, which has been unanimously reported from the Committee on the Judiciary. [Applause.]

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, so far as I know, there never has been but one special bill passed by Congress granting a charter which did not make the institution that it incorporated a corporation of the District of Columbia. There is one bill which passed many years ago which made the corporation which was thereby created a general corporation and granted a Federal charter to the same. This bill does not make this particular corporation proposed to be created by it a corporation of the District. It grants it a Federal charter. It will not be subject, if it be sustained, to any sort of State control. It can go into any State and do business without reference to State law or State regulation. The bill was either carefully drawn or else very loosely drawn.

Mr. MURRAY. Mr. Speaker, surely the gentleman will agree that this corporation could not do business for profit, because it is expressly stated in the terms of incorporation that it could not be for profit.

Mr. GARRETT. Mr. Speaker, if the gentleman will pardon me, I am not referring particularly to that. It says it shall not do business for profit, but there is a vast legal question involved here in the creation of this corporation or any other corporation that is created by special act of Congress. It ought to have a legal situs. It ought to have a local citizenship somewhere. Frankly, I have always opposed the bills that made it a corporation of the District. I do not think they ought to pass by any special act of Congress. I think there should be a general law under which these institutions should incorporate, and I do not think there should be a special act passed creating a corporation, even in the District of Columbia. But this does not do that. This grants a Federal charter.

Mr. CLAYTON. Does not the gentleman think this is sufficient to meet his ideas, namely, in lines 6, 7, and 8, on page 2:

For these purposes, headquarters in the District of Columbia.

Mr. GARRETT. No, Mr. Speaker, I do not think so. That merely gives them a right to have an office here. You could do that with any corporation anywhere.

Mr. GRAHAM. Will the gentleman suggest such language as he thinks will cover it?

Mr. CLAYTON. It says:

Enjoy the right to establish and maintain headquarters in the District of Columbia.

And then add:

And that for all the purposes of this act the body corporate shall be held to be a body corporate of the District of Columbia.

Now, do you think if language to that effect were inserted it would meet the idea of the gentleman?

Mr. GARRETT. Of course the gentleman from Alabama [Mr. CLAYTON] understands I am opposed to special acts in any instance.

Mr. CLAYTON. Of course I can not meet your fundamental objection, but I thought I could meet the objection that you raised as to the proper phraseology of this bill, by making it distinctly a corporation of the District of Columbia. I can meet your objection as to the situs or domicile of this corporation.

Mr. GARRETT. I will say to the gentleman that in line 2, on page 2, after the word "corporation," if there were inserted the words "of the District of Columbia," it would probably be a more felicitous expression than the expression there now. Still, I am opposed to the bill. I do not like to take the personal responsibility of killing a bill like this, however.

Mr. GRAHAM. I will accept the amendment proposed by the gentleman.

Mr. CLAYTON. It is for the purpose of extending our trade relations with foreign countries. It is in no sense for profit except by way of encouraging friendly intercourse, in disseminating useful and valuable information; and the right to amend, alter, or repeal the act or any part thereof is expressly reserved.

Under this act there could grow up no such thing as vested rights. It is in its nature somewhat of a social organization rather than a business corporation.

Mr. CANNON. Will the gentleman allow a question there?

Mr. CLAYTON. If I may be permitted to do so, I will, with pleasure.

Mr. GARRETT. Certainly.

Mr. CANNON. Speaking of its being a social organization, does not the gentleman think it might be well to add that it shall have an annual meeting some time in January, in Washington?

Mr. CLAYTON. I did not catch the full purport of the gentleman's question.

Mr. CANNON. The gentleman was speaking of its being to some extent a social organization, and——

Mr. CLAYTON. I said it was more of that nature than a business corporation.

Mr. CANNON. I think from that standpoint it would be well to provide that it shall hold an annual meeting in January, in Washington.

Mr. CLAYTON. I can assure the gentleman, although I am not a member of the organization, that I have no doubt that the officers of that organization, if it becomes an organization in law, will extend the gentleman an invitation to their meetings in January, and maybe in the springtime when the flowers bloom. [Laughter.]

Mr. CANNON. Then I am with the gentleman. [Laughter.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. If I may.

Mr. MOORE of Pennsylvania. I suggest that the gentleman also use the word "advisory." I was interested in this project at the beginning, and was glad to see it launched. It will tend to bring the business men of the country together. The Department of Commerce and Labor was created to foster, promote, and develop business and commerce, but up to this time that department has been run principally for administrative purposes; very little has been done for the promotion of the commercial interests throughout the country. That is true also with respect to the Panama Canal. It was hoped that the construction of the Panama Canal would give a great impetus to our business and commerce, but there has been no great promotion of business thus far as a consequence of the construction of the Panama Canal or in anticipation of its early completion. Why not pass this bill, so that the business men may cooperate with the officials of the Department of Commerce and Labor and Congress may also be advised occasionally of the progress that is made?

Mr. MANN. Mr. Speaker, will the gentleman yield for a little question that may help out? Is it the intention of the gentleman from Tennessee [Mr. GARRETT] to object to this bill? I would say to the gentleman that there are 25 bills yet remaining on the Calendar for Unanimous Consent that have not been reached, and the gentlemen interested in those bills are desirous that progress should be made. If it is the intention of the gentleman from Tennessee, after discussing this bill for a while, to object, I will shorten the agony now.

Mr. GARRETT. Then, Mr. Speaker, I will object.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] objects. The Clerk will report the next bill.

BILL APPROVED BY THE PRESIDENT.

A message from the President, by Mr. Latta, one of his secretaries, announced that on August 19 he approved the following House joint resolution:

H. J. Res. 327. Joint resolution requesting the President of the United States to direct the Secretary of State to issue invitations to foreign governments to participate in the Fourth International Congress on School Hygiene.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtis, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington July 7, 1911.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and a joint resolution of the following titles, when the Speaker signed the same:

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf;

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 21969. An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; and

S. J. Res. 133. Joint resolution appropriating the sum of $20,000 out of money appropriated by Senate joint resolution No. 129 for subsistence of American citizens who shall have fled or who may hereafter flee from threatened danger in the Republic of Mexico into the States of the United States bordering on the Republic of Mexico.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

ENROLLED BILLS PRESENTED TO THE PRESIDENT.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 17483. An act amending sections 1998, 1420, and 1624 of the Revised Statutes of the United States, and to authorize the President in certain cases to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service and to authorize certain reenlistments in the Army and naval service;

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 606. An act for the relief of John Treffeisen;

H. R. 19190. An act for the relief of John P. Risley;

H. R. 26278. An act amending paragraph 10 of section 8 of an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by section 2 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected,' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses";

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf; and

H. R. 5135. An act for the relief of John J. Troxell.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with amendments, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate insisted upon its amendments to the bill (H. R. 21090) to create a commission on industrial relations, disagreed to by the House of Representatives, and had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BORAH, Mr. PENROSE, and Mr. BANKHEAD conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

MESSAGES OF INTERSTATE TELEGRAPH AND TELEPHONE COMPANIES.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 3010) to fix the requirements for governing the receipt, transmission, delivery, and preservation of messages of interstate telegraph and telephone companies.

The Clerk read the bill, as follows:

Be it enacted, etc., That no person, firm, copartnership, association, or corporation engaged in the business of transmitting messages and communications by telegraph or telephone, or partly by telegraph and partly by telephone, or partly by telegraph, telephone, and some other device, when used under a common control, management, or arrangement for hire, shall send, transmit, or deliver any message or communication from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from one place in the District of Columbia to another place in the said District, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States, without causing to appear plainly and accurately upon the addresser or sender's copy of every telegram and other message presented and accepted for such transmission the name of the place where such telegram or message originated, the month, day of the month, and the hour and minute of the day on which it was accepted for transmission, and there shall also appear plainly and accurately upon every copy of such telegram or message like notations.

(a) The entries and notations made upon any such telegram or message or copy of such telegram or message received and accepted for transmission, of the month, day of the month, and hour and minute of the day on which any such telegram or message is presented and accepted for transmission shall be made and written upon said telegram or message immediately, and upon the moment of its presentation and acceptance for transmission, and before said telegram or message is placed on file or otherwise used or disposed of for transmission, and said entries and notations upon any such telegram or message shall be made in ink and without extra charge to the sender.

SEC. 2. That very person, firm, copartnership, association, or corporation shall, at the office and place of destination of any such telegram

or message, cause to appear plainly and accurately upon the addressee's copy of every such telegram or message, the name of the place where such telegram or message originated, the month, day of the month, and the hour and minute of the day on which it was accepted for transmission, and there shall also appear plainly and accurately upon every copy of such telegram or message the month, day of the month, and hour and minute of the day on which it was received for delivery.

SEC. 3. That every person, firm, copartnership, association, or corporation shall, at the office and place of destination of any such telegram or message, deliver the message to its addressee within one-half hour after its receipt, provided the addressee resides not more than 1 mile from the office of its receipt; and within one hour after its receipt if the addressee lives more than 1 mile, but not more than 2 miles from the office of its receipt.

SEC. 4. That any person found guilty of violating any of the provisions of this act shall be punished by imprisinment for a term not exceeding one year or by a fine not exceeding $1,000, or by both such fine and imprisonment.

Every violation of this act shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the message or communcation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jursdiction in the same manner as if the offense had been actually and wholly committed therein. In construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any person, firm, copartnership, association, or corporation, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such person, firm, copartnership, association, or corporation, as well as that of the officer, agent, or other person. No person, and no agent or officer of any firm, copartnership, association, or corporation within the purview of this act shall be privileged from testifying in relation to anything herein prohibited; and no person having so testified shall be liable to any prosecution or punishment for any offense concerning which he was required to give his testimony or produce any documentary evidence.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker, in order to give the gentleman from Colorado [Mr. MARTIN] another opportunity to "roast" me. [Laughter.]

Mr. MARTIN of Colorado. Mr. Speaker, I did not know that I would have the distinguished honor of having one more bill bumped off the Unanimous Consent Calendar to-day by the "Great Objector" from Illinois, and I want to thank the gentleman for the opportunity he has given me. [Laughter.]

Mr. MANN. I have no objection to the "roast" that the gentleman is going to give me, but I did not know that the gentleman had reported this bill.

Mr. MARTIN of Colorado. Mr. Speaker, I did not report this bill, but I was chairman of the subcommittee that reported it to the full committee.

This bill simply provides that telegraph companies shall indicate on the original messages received by them from the senders and on the copies of the messages delivered to the recipients the names of the places in which the telegrams originated, and in each case the year and the month and the day and the hour and the minute at which the telegrams were accepted at the sending end and received at the receiving end of the line.

This proposition is provided by law and is conceded to work satisfactorily in two of the States of the Union, namely, Massachusetts and Maryland. In addition to that, I am told that this is the practice, and a satisfactory practice, in every country in Europe save one.

Now, every gentleman here knows that he has often received telegrams that are unduly delayed. Gentlemen within the hearing of my voice have received night lettergrams late in the afternoon. We have all received telegrams that were unduly delayed and as to which we would like to know the sending time and the time in which they were received at this end of the line. There is no hardship intended on the telegraph companies by this legislation.

Mr. SULZER. They put the date on the telegrams now.

Mr. MARTIN of Colorado. Yes; they put on the date of receipt. Out here in the corridor, outside the Chamber, you will get telegrams with the receiving time on them, but you can not tell whether they were filed to-day or yesterday or the day before.

Mr. SULZER. They put on the time of filing, too.

Mr. MARTIN of Colorado. You do not get the filing time at the other end. When this legislation was up in a former Congress the companies claimed that it would cause them to send about six additional words, whereas expert and practical testimony now shows that they would not have to send the equivalent of one word in order to express the entire time at which the telegram was accepted at the sending end.

On this point the report reads as follows:

The purpose of the bill, as explained in the title, is to require telegraph companies to send with each message the exact time at which it was filed for transmission, thus enabling the person who receives it to know how long it had been in transit. When a bill of like character was under consideration by this committee in the Sixtieth Congress it was opposed by the officials of the Western Union Telegraph Co. on the ground that adding the filing time to each message would so increase the number of words as to entail a heavy pecuniary loss upon the company transmitting it. It was asserted, for example, that "10.45 a. m." would increase the number of words in the telegram by six, an assertion that the author of the bill showed to be manifestly absurd. "Ten forty-five a. m." represents, as every person connected with telegraphy understands, six units, or one unit more than is contained in the average printed word. On the other hand, "1 p. m." is only three units, or two units less than are contained in the average printed word.

As a matter of fact, it would never be necessary to send the letter "m," whenever "a. m." or "p. m." were used, for the simple reason that this letter could be printed in the proper place on the receiving blank, thus still further reducing the number of units. The contention, therefore, that sending the filing time would cause the telegraph companies a severe pecuniary loss is shown to be unfounded.

Mr. POST. If the sender of the telegram put on the exact day and hour, would not the telegraph company be required to put it on? Under those circumstances, is it not the fault of the sender that these dates are not put on?

Mr. MARTIN of Colorado. I do not think the sender ought to be required to do that.

Mr. MANN. Under this bill, if I were down at the hotel and called a Western Union messenger boy and delivered a message to him and he failed to write on it, at the moment of its presentation to him, the hour and the minute correctly of receiving the message, would he be liable to a fine and imprisonment?

Mr. MARTIN of Colorado. Would the messenger boy be liable?

Mr. MANN. Yes. I will answer the question for the gentleman and say that he would be, and that shows how absolutely ridiculous the bill is. Not only that, but if I had a telegram directed to me at my office and the telegraph company did not deliver it to me at my office in half an hour, although the office might be closed at midnight, the company would be liable to fine and imprisonment.

Mr. MARTIN of Colorado. No; I think the gentleman from Illinois is straining to find objections——

Mr. MANN. I am not straining at all.

Mr. MARTIN of Colorado (continuing). Which would not arise in practical application at all.

Mr. MANN. That is exactly where it would arise. The gentleman ought to examine his bill.

Mr. MARTIN of Colorado. It is not my bill——

Mr. MANN. The bill proposes to fine the messenger boy because his watch happens to be wrong or because he did not have one, and because there was nobody in the house to receive the message. I think it is the limit, and therefore I object.

Mr. MARTIN of Colorado. I want to say to the gentleman that the bill is not my bill, but it is the bill of a practical telegrapher and Member of Congress, who thoroughly understands the subject.

The SPEAKER. The gentleman from Illinois objects.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this bill.

Under leave granted I insert the statements on this bill before the Interstate Commerce Committee of Mr. S. J. Konenkamp, president, and Mr. Herman J. Schulteis, organizer and general counsel, of the Commercial Telegraphers' Union:

STATEMENT OF MR. S. J. KONENKAMP, INTERNATIONAL PRESIDENT COMMERCIAL TELEGRAPHERS' UNION, CHICAGO, ILL.

Mr. KONENKAMP. Mr. Chairman and gentlemen, we have advocated such a measure as this, believing it would be advantageous to the general public. There are no persons who are better acquainted with the abuses of the telegraph business than the telegraph operators. I presume they have had all the variety of experience that a person would have in connection wiith the telegraph business, and it is practically the unanimous opinion of all those who are connected with the business that the filing time would save a great many abuses, at least, and would probably give better service throughout.

We have gone into the matter to a considerable extent, and made inquiry of the different countries of Europe as to the customs there, and have found that this is the only nation in the world, so far as we have been able to learn, where the filing time is not carried in the message. In England they use a dial system whereby the objection raised by the telegraph companies is completely obviated, because with a very simple system they use letters for transmitting the filing time. The result is that the total number of letters used at any time does not exceed four.

In speaking of this particular phase of the transmission of messages the secretary of the Postal Clerks' Union in London made the remark that they had no distinction between a. m. and p. m. in England, because it is inconceivable that any message should be delayed in transmission over 12 hours. The Americans, in their experience with the telegraph, believe that it is conceivable that a message should be delayed more than 12 hours.

The CHAIRMAN. The victims find it out.

Mr. KONENKAMP. Undoubtedly. Therefore there could be no better recommendation for the filing time than the statement made by an Englishman, that where it is in use a delay of over 12 hours in a message is something that is inconceivable. If the filing time will bring about such a condition as that, or even if it would reduce the delay to less than 12 hours, I think it highly desirable to have it in this country.

Mr. JOHN A. MARTIN. I have received night lettergrams at 3 or 4 o'clock in the afternoon that I ought to have received in the morning.

Mr. KNOWLAND. How many extra men would this require?

Mr. KONENKAMP. None at all, I should say.

Mr. KNOWLAND. Your union takes the position that it would be for the good of the public?

Mr. KONENKAMP. They take the position that it is for the good of the public.

Mr. JOHN A. MARTIN. In what way would it benefit you?

Mr. KONENKAMP. In what way would it benefit us?

Mr. JOHN A. MARTIN. Yes.

Mr. KONENKAMP. Personally I can not say that it is beneficial to the telegraphers at all, although there are a number of our members who think so.

Mr. HAMLIN. You mean the telegraphers?

Mr. KONENKAMP. The telegraphers. I do not see where it would be of any benefit. Some think it would create a demand for more men, but I can not see it myself. Let us take, for instance, an operator handling three or four hundred messages a day. If he carried the filing time on every one of those, at four letters, and supposing that five letters would make a half a word, the aggregate on 400 different messages would not exceed 80 words in the total number of messages.

Mr. SIMS. How much additional time would that be?

Mr. KONENKAMP. Eighty words would take about three minutes.

The CHAIRMAN. Where are your headquarters?

Mr. KONENKAMP. Chicago.

The CHAIRMAN. How long are you going to be in the city here?

Mr. KONENKAMP. I am going away to-night.

The CHAIRMAN. I thought probably the committee would like to hear you on Mr. MARTIN'S bill, which is an amendment to the 13-hour law.

Mr. KONENKAMP. I am going away to-day. We only represent the commercial telegraphers, but I am a railroad telegrapher, and a number of them are in the union.

Mr. HAMLIN. You say that it would not take over three minutes additional time in the average day's work?

Mr. KONENKAMP. In the average day's work, for 80 words. I am not so good on quick calculations, but I figure it out this way: Three hundred messages, with an average of half a word to a message, would be 150 words, say. That would take seven to eight minutes, because the minimum requirement is about 20 words to a minute for a telegraph operator. However, a man sending at the rate of 400 messages in a day, without counting delay, the speed would be over 40 words a minute, or about that. Therefore the whole thing would not take over 10 minutes in a day. Therefore the advantage in that particular is so infinitesimal that I have not been able to see it.

There has been a law in Massachusetts for over two years compelling the companies to carry the filing time, and they carry it now within the State of Massachusetts, and they have the same law in Maryland, which has been on the statute books of Maryland for four years; but I have heard of no great influx of telegraph operators to either State.

Mr. SIMS. There has been no increase of operators?

Mr. KONENKAMP. No. So I can not see the benefit there. The companies say the cost would be great, but I think if they would put a traffic expert on the job they would be able to reduce it to even a lower minimum than I have spoken of.

Mr. HAMLIN. How are the men paid—on a monthly salary, or the amount of work they do each day? What is the basis of pay?

Mr. KONENKAMP. The wages of telegraph operators range—well, I know of some who receive $6 and $7 a week in New York City.

Mr. HAMLIN. I do not have reference to the amount of money they receive; but what is the basis of pay?

Mr. KONENKAMP. They are all paid by the month or the week; every one of them.

Mr. HAMLIN. And any additional work would not be an increase in the salary?

Mr. KONENKAMP. The only people it would affect are the bonus men in the employ of the Postal Telegraph Co. The Western Union does not use the bonus system.

Mr. DOREMUS. What is the bonus system?

Mr. KONENKAMP. That is a system where the telegrapher is paid for 300 messages a day. That is the general average, and any message he handles over 300 he receives 1 cent a message additional.

Mr. SIMS. In addition to the regular salary?

Mr. KOKENKAMP. In addition to the regular salary.

Mr. JOHN A. MARTIN. If they only get a cent a message this increase of a word would not increase it.

Mr. KONENKAMP. It might reduce their earning power.

The CHAIRMAN. If you know who the owners of the telegraph companies are—the stockholders, and bondholders, and the subsidiary companies—I wish you would put it in your answers when you revise your testimony. It will be sent to you to revise.

Mr. KONENKAMP. All right. I can give you a general idea now.

The CHAIRMAN. I would like to have a reliable statement covering the whole subject.

Mr. KONENKAMP. The Western Union Telegraph Co. is controlled by the American Telephone & Telegraph Co., which is the parent body of all Bell telephone companies in the United States and Canada.

The American Telephone & Telegraph Co. is described in a peptition addressed to Attorney General Wickersham and filed by Mr. George Lambert as a monopoly organized on the same general scheme as the Standard Oil and American Tobacco Trusts. In fact, those in charge of this property make no secret of their aim to obtain complete monopoly of the telegraph and telephone service, or as they term it, through one universal system.

Eight subsidiary companies are under its control, as follows:

The Pacific Telephone & Telegraph Co., on the Pacific coast, operating through four States.

The Mountain States Telephone & Telegraph Co., with headquarters at Denver, operating in eight States.

The Central Union Telephone Co., in Ohio, Indiana, and Illinois.

The Cumberland Telephone & Telegraph Co., operating in six States.

The Southern Bell Telephone & Telegraph Co., operating in seven States.

The New York Telephone Co., which controls through almost complete ownership the Bell telephone companies of Pennsylvania, New Jersey, New York, Delaware, Maryland, District of Columbia, and a portion of Virginia and West Virginia.

The New England Telephone & Telegraph Co., operating in five States.

The Western Telephone & Telegraph Co., operating in seven States, and understood to control, through a majority of stock, the Southwestern Telephone & Telegraph Co., operating in Texas and adjoining States, as well as the Pioneer Co. in Oklahoma.

These companies in turn own many other Bell companies. Through these corporations or through direct American Telephone & Telegraph control these interests own or control the following telegraph companies:

The Western Union Telegraph Co.

The Great Northwestern Telegraph Co. of Canada.

The Postal Telegraph Co. of Texas.

The Anglo-American Cable Co.

The United States Direct Cable Co. and others.

The cable situation is pretty thoroughly dominated by the control of these two companies, with the Western Union's own cables added.

It is the general belief in telegraph circles that the controlling interest in the American Telephone & Telegraph Co. changed in 1908, and that J. P. Morgan & Co., with their affiliated banking interests in Boston, are the present dominating influences in the telegraph and telephone field. The capitalization of the American Telephone & Telegraph and its subsidiaries is estimated as being larger than that of the United States Steel Corporation, or over $1,000,000,000.

The directors of the American Telegraph & Telephone Co. are Charles W. Amory, Thomas B. Bailey, George F. Baker, Francis Blake, Harry H. Brigham, Alexander Cochrane, T. Jefferson Coolidge, jr., W. Murray Crane, Henry P. Davison (director of both companies or is among the general officers of one and director of the other), Rudolph Ellis, Norman W. Harris, Henry L. Higginson, Henry S. Howe (director of both companies or is among the general officers of one and director of the other), Charles E. Hubbard, Lewis C. Ledyard, John J. Mitchell (director of both companies or is among the general officers of one and director of the other), William L. Putnam, S. L. Schoonmaker, E. V. R. Thayer, T. N. Vail (director of both companies or is among the general officers of one and director of the other), Frank E. Warner, John I. Waterbury (director of both companies or is among the general officers of one and director of the other), Moses Williams, and Robert Winsor (director of both companies or is among the general officers of one and director of the other).

The directors of the Western Union Telegraph Co. are Oliver Ames. U. N. Bethell (director of both companies or is among the general officers of one and director of the other), Henry A. Bishop, Robert C. Clowry, Henry P. Davison (director of both companies or is among the general officers of one and director of the other), Chauncey M. Depew, Harris C. Fahnestock, Henry M. Flagler, Robert M. Gallaway, Edwin Gould, George J. Gould, Edward J. Hall (director of both companies or is among the general officers of one and director of the other), Henry S. Howe (director of both companies or is among the general officers of one and director of the other), Thomas H. Hubbard, Edward T. Jeffery, Charles Lanier, Robert S. Lovett, John J. Mitchell (director of both companies or is among the general officers of one and director of the other), William M. Moore, J. Pierpont Morgan, Jacob H. Schiff, Joseph J. Slocum, James Stillman, Harry B. Thayer (director of both companies or is among the general officers of one and director of the other), T. N. Vail (director of both companies or is among the general officers of one and director of the other), Henry Walters, John I. Waterbury (director of both companies or is among the general officers of one and director of the other), John C. Willever, Robert Winsor (director of both companies or is among the general officers of one and director of the other).

The Postal Telegraph Co. does not appear to be a part of the telegraph-telephone combination. It is owned in its entirety by the Mackay companies, which also owns the Commercial Cable Co., the Mackay Telegraph & Telephone Co., the Texas Telegraph Co., and is supposed to control the North American Telegraph Co. A few years ago statements were given out by the Mackay companies to the effect that they were holders of stock in over 100 telegraph and telephone companies.

The Mack companies are not incorporated and are under the management of seven trustees, viz, Clarence H. Mackay, William W. Cook, George G. Ward, Edward C. Platt, M. W. Blackmar, of New York; R. A. Smith, of Toronto; and H. Vincent Meredith, of Montreal. A large amount of the stock is supposed to be held in Toronto and Montreal.

The Mackay companies have been making alliances with so-called independents in the telephone field wherever possible, but inasmuch as J. P. Morgan & Co. are believed to be an important factor in the independent field through control of certain companies in Ohio and Indiana and the American Telegraph & Telephone has also been making inroads on the independent properties of the Pacific coast, the Postal interests are said to be having a hard time in this fight.

The Western Union and Postal interests are fighting each other for business at all points, but they seem to be able to maintain a mutual understanding that union men are to be blacklisted by both companies.

STATEMENT OF MR. HERMAN J. SCHULTEIS, ORGANIZER AND GENERAL COUNSEL FOR THE COMMERCIAL TELEGRAPHERS' UNION.

Mr. SCHULTEIS. I want to add just this one thing, in reference to whether the companies would have to employ more men or not. Our national president, Mr. Konenkamp, said this filing-time bill probably would not increase the number of employees. Now, I believe it would effect a very slight increase in the large offices. Wherever they have a habit of hanging a great number of messages on the hook and allow them to stay there so one man can do the work instead of two, it would mean an increase by one or two men in a few of the larger offices in the great cities; but that ought to be done and the general public is entitled to have it done.

The CHAIRMAN. If all the work that ordinarily comes in during six hours should happen to come in during one hour, they would just let the messages lay over and one man would take the six hours, if necessary, to do it.

Mr. SCHULTEIS. That is the idea. This filing-time requirement would prevent to a large extent this habit of hanging the messages on a hook and letting them stay there a number of hours, so that one man can send the whole batch, instead of putting on an extra man in the offices of a few of the great cities. It would not mean, however, a one-hundredth part of the actual additional cost that has been stated at a former hearing.

As has been said, they frequently send messages by mail. They put a 2-cent stamp on them, when perhaps they have charged $1.75 for transmitting it by wire. They have no complaint coming. They never return the difference—$1.73—to the unsuspecting sender of the message.

Aside from that, I wish to say to this committee that the companies have increased their stock and watered it to eight times its actual physical value. I can produce an expert witness to testify before this committee that the stock of the Western Union has been increased to that extent. There is enough water in the telephone stocks to float a battleship.

The CHAIRMAN. When you revise your testimony, will you attach a statement covering that and also a statement covering all the stockholders and bondholders and the dominating companies?

Mr. SCHULTEIS. I will; and it will sift down to one man who, without owning a majority of the stock, yet controls the entire system—not only the telegraph, but the telephone—J. Pierpont Morgan. He has purchased $40,000,000 worth of telephone stock in the last six or eight months and he is now trying to get control of the wireless telegraph as well.

Mr. JOHN A. MARTIN. Is that the same Morgan who owns all the railroads, ships, banks, and things like that?

Mr. SCHULTEIS. There are very few things of value around loose that he does not have an interest in. His agents or dummies are members of the boards of directors of nearly all the great predatory trusts, including the United States Steel Corporation. I have had some experience in following up that matter during the last 10 years. I had the honor to open the hearings before the Committee on Rules, which brought about the Stanley Steel Trust investigation, and so far everything charged before that committee has been proven, and the reduction in the price of steel will save millions annually to the American people in consequence of that investigation.

I thank you very much, Mr. Chairman and gentlemen, for this hearing. I will not detain you any longer, because this is such a just bill in the interest of the general public and it is such a modest request that it can not in reason be denied. It adds only one code word to each message to give the time when the message was filed. The public is entitled to it.

Since the hearings on the bill four years ago we have eliminated every objectionable feature, and if the companies come here and object to this bill we would be very glad to have another hearing. This bill is purely in the interests of the people of the United States, and it ought to be reported favorably, so as to come before the House and be acted upon during the present session.

In response to the suggestion of the chairman that I attach a statement covering the various stock-watering operations of the telegraph companies which happened during the absorption of the various independent companies benevolently assimilated by this great monopoly, I will ask that Prof. Parson's monograph on "The Telegraph Monopoly," which covers the whole subject matter, be printed as part of my remarks: also the last annual report of the directors of the American Telephone & Telegraph Co. to the stockholders, which brings their plant additions down to January 1, 1912; with diagrams of the Western Union system and the Bell and Western Union system which are now under one control. The companies' own report gives tables showing comparative statements of earnings and expenses which are in themselves an unanswerable argument in favor of the passage of this bill, and point out the absolute necessity of the governmental inquiry into the physical valuation of telephones and telegraphs before proper regulation, rate making, Government ownership, or control can obtain. A complete list of directors and stock and bond holders can be found in Moody's and Poor's Manuals, respectively, so I need not incorporate them here.

The SPEAKER. The gentleman from Colorado asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

BRIDGE ACROSS THE MISSISSIPPI RIVER AT SARTELL, MINN.

The next business on the Calendar for Unanimous Consent was the bill S. 7209, an act authorizing the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

The Clerk read the bill, as follows:

Be it enacted, etc., That the village of Sartell, in the county of Stearns and State of Minnesota, a municipal corporation organized under the laws of the State of Minnesota, is hereby authorized to construct, maintain, and operate a wagon and foot bridge and approaches thereto, across the Mississippi River, at a point suitable to the interests of navigation, at the town site of Sartell, Stearns County, Minn., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read the following committee amendment:

Page 1, line 6, strike out the words "wagon and foot."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. COVINGTON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS THE CANO DE MARTIN PENA, P. R.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26114) to authorize the people of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.

The Clerk read the bill, as follows:

Be it enacted, etc., That the people of Porto Rico be, and are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Cano de Martin Pena, an estuary of San Juan Bay, P. R., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. OLMSTED. Mr. Speaker, reserving the right to object, which I do not intend to do, I call attention to the fact that this bill has been reported from a committee which has no jurisdiction over it, namely, the Committee on Interstate and Foreign Commerce.

Rule XI, paragraph 18, requires that all matters (excepting those affecting the revenue and appropriations) pertaining to the islands which came to the United States through the treaty with Spain, go to the Committee on Insular Affairs, but as this is a good bill, recommended by the Secretary of War, I shall not object to its passage, although it was referred to and reported from the wrong committee.

Mr. MANN. The gentleman from Pennsylvania is not correct in stating that this bill belongs to the Committee on Insular Affairs. The gentleman can find plenty of places in the rules where there is an apparent conflict, but all matters relating to the island possessions do not go to the Committee on Insular Affairs; for instance, lighthouses in Porto Rico go to the Committee on Interstate and Foreign Commerce, and the Committee on Interstate and Foreign Commerce has jurisdiction of all bridge bills on navigable streams, as it has over lighthouses.

Mr. OLMSTED. But that is begging the question as to lighthouses.

Mr. MANN. That has been the uniform practice ever since we have acquired Porto Rico.

Mr. COOPER. If the gentleman from Pennsylvania will permit me, I want to say that the committee got that jurisdiction. I never thought it ought to have it. The Committee on Insular Affairs, of course, ought to have charge of lighthouses in Porto Rico.

Mr. OLMSTED. It has it plainly under the language of the rule.

Mr. MANN. Under that language it may have it, but under the language relating to the Committee on Interstate and Foreign Commerce it does not have it.

Mr. COOPER. The language giving that jurisdiction to the Committee on Interstate and Foreign Commerce is general. The language conferring the authority over all matters in Porto Rico is specific, because it mentions particular territory.

The SPEAKER. The Chair would like to ask the gentleman from Wisconsin a question. Is Porto Rico a part of the United States or not?

Mr. COOPER. The island is specifically mentioned, and it is immaterial whether technically under the Constitution it is part of the United States. My own impression is that it is a part of the United States under the Constitution.

Mr. OLMSTED. The Democrat convention at Baltimore determined that it was not a part of the United States and excluded the delegates.

The SPEAKER. The Chair does not wish to get into any discussion over that, but they excluded the delegates from the Philippine Islands on the ground that it was not a part of the United States.

Mr. OLMSTED. I may have read the report wrong, but I read it in the newspapers.

The SPEAKER. If Porto Rico is part of the United States, as I think it is, what is the reason that the general bridge bill does not apply to Porto Rico as well as to Wisconsin and Missouri?

Mr. COOPER. Because the general bridge bill does not mention Wisconsin by name, and it does not pick out any particular State, but gives it generally to the committee.

The SPEAKER. Does not general jurisdiction go wherever the flag flies?

Mr. COOPER. Where a statute mentions specifically a geographical territory as distinguished from the general conferring of jurisdiction, without mentioning any particular territory except in a general way, that is considered an exception where the two are construed together. The rule mentioned by the gentleman from Pennsylvania [Mr. OLMSTED] gives jurisdiction over all matters relating to Porto Rico, and ought to include lighthouses, as it does other subjects, except appropriations.

Mr. UNDERWOOD. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Alabama demands the regular order, which is the question, Is there objection to this bill being now considered? [After a pause.] The Chair hears none.

The Clerk read the following committee amendments:

Page 1, line 3, strike out the word "people" and insert the word "Government."

Same line, strike out the word "are" and insert the word "is."

The committee amendments were agreed to.

Mr. MANN. Has the Clerk a copy of the bill with those amendments printed in it?

The SPEAKER. He has.

Mr. MANN. I have got tired of bills being sent in with different prints and with the amendments left out. The amendments the Clerk has read are not in the copy I have; and a dozen times lately the Clerk sometimes has the original copy and sometimes has the last copy. Gentlemen presenting bills ought to report them correctly, so they will be printed correctly, in order that Members of the House may know.

The SPEAKER. The Clerk has the bill with the amendments printed. Has the gentleman from Illinois the same bill?

Mr. MANN. Yes; without the amendments printed, reported to the House; and this is about the twelfth time I have had this occur lately.

Mr. OLMSTED. The copy I have has the amendments printed.

Mr. COVINGTON. Mr. Speaker, I think that, manifestly, must be an error on the part of some one other than the clerk of the committee, because every copy of the bill that I have obtained has the amendment plainly printed upon it.

Mr. MANN. Has the gentleman a bill with a star at the bottom of it?

Mr. COVINGTON. That is correct.

Mr. MANN. That means there has been a reprint. I have the first copy, and I am entitled to have the bill as it is reported to the House.

The SPEAKER. If everybody else has it——

Mr. MANN. Everybody else was slower than I was in this case.

The SPEAKER. It seems the other way, that everybody else is faster. [Laughter.]

Mr. MANN. Oh, no; they got the second print.

The SPEAKER. The question is on agreeing to the amendments.

The amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "To authorize the Government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R."

On motion of Mr. COVINGTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS CLEARWATER RIVER, LEWISTON, IDAHO.

The next business on the Calendar for Unanimous Consent was the bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Lewiston, Idaho, or the State of Idaho, or the city of Lewiston in conjunction with the State of Idaho, or any subdivision of the State of Idaho, is hereby authorized to construct, maintain, and operate a bridge and approaches thereto across the Clearwater River at any point suitable to the interests of navigation within the corporate limits of the said city of Lewiston, in the county of Nez Perce, in the State of Idaho, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

Mr. MANN. Mr. Speaker, first, I move to amend, in line 7, by striking out the word "any" and inserting the word "a."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, strike out the word "any" at the end of the line and insert in lieu thereof the word "a."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FRENCH, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. Without objection, the title will be amended to conform to the text of the bill.

There was no objection.

AUDITOR OF RAILROAD ACCOUNTS.

The next business on the Calendar for Unanimous Consent was the bill (S. 5556) to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the duties devolved on the Secretary of the Interior by the act of Congress approved June 19, 1878 (20 Stat., 169), entitled "An act to create an auditor of railroad accounts, and for other purposes," as amended by the act of Congress approved March 3, 1887 (21 Stat., 409), entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," as amended by the act of March 3, 1903 (32 Stat., 1119), entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," be, and they hereby are, transferred to and devolved upon the Interstate Commerce Commission.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wrote to the Interstate Commerce Commission the other day and asked them if they did not already have the power which it was proposed to transfer to them by this bill and whether, instead of transferring the power from the Secretary of the Interior to the Interstate Commerce Commission, we ought not to repeal the act which conferred the power upon the Secretary of the Interior. I have not yet received the information, but the Interstate Commerce Commission now has the broadest kind of latitude in reference to railroad accounts. It can require any kind of an account. It does under the law receive an annual account and it can require a special account at any time. We admit that these accounts ought not to be submitted to the Secretary of the Interior, and what is the use of requiring the railroads to submit them to the Interstate Commerce Commission? We ought to repeal the act.

Mr. COVINGTON. Mr. Speaker, I will state to the gentleman from Illinois that the bill was introduced in the Senate, I think, by Senator CLAPP, of Minnesota, and, without pretending to be an expert on interstate-commerce law, my original impression was that that commission had all of the power necessary to gather the required information.

Mr. MANN. I readily understand the Secretary of the Interior did not desire these reports to be made to him, and thereupon he has sent a bill in to have the transfer made to the Interstate Commerce Commission. That commission already has the power and we ought to repeal the original act requiring them to make a report to the Interior Department.

Mr. COVINGTON. Undoubtedly the object of this legislation was to relieve the Secretary of the Interior of duty devolving upon his office and to transfer those duties to the Interstate Commerce Commission. I think there is a very grave question whether they have not at the present time all of the power necessary to carry it into effect.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, the present difficulty is that it requires one set of reports to be made by all of the railroads, which are utterly useless. This bill would still require the reports to be made, but only change the person to whom they are made. There is no use of their being made at all—not that I care whether they are required to make them or not, but the Interstate Commerce Commission would be required to file them, and to keep a clerk to keep track of them, when it is entirely unnecessary.

Mr. COVINGTON. Mr. Speaker, I suggest that this bill be passed over without prejudice until the gentleman from Illinois and myself can get definitely from the Interstate Commerce Commission the information whether there is anything in this character of a report that it is desired to have transmitted to them which they do not now obtain under existing law.

Mr. MANN. Mr. Speaker, I think I can offer an amendment which will remedy the matter. I suggest that we strike out of lines 3 and 4, on page 1, the words "the duties devolved on the Secretary of the Interior by," and strike out, on page 2, line 9, the words "they hereby are transferred to and devolved upon the Interstate Commerce Commission," and insert in lieu thereof "it is hereby repealed," so that it would read:

That the act of Congress approved June 19, 1878 (20 Stat., p. 169), entitled "An act to create an auditor of railroad accounts, and for other purposes," as amended by the act of Congress approved March 3, 1887 (21 Stat., p. 409), entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1882, and for other purposes," as amended by the act of March 3, 1903 (32 Stat., p. 1119), entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," be, and it is hereby, repealed.

Mr. ADAMSON. Mr. Speaker, my own inclination is to accept the amendment, because if the Senate is not satisfied to concur in it, the two bodies can go to conference.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. MANN. Mr. Speaker, I offer the amendment which I send to the desk.

The Clerk read as follows:

Page 1, line 3, strike out the words "the duties devolved upon the Secretary of the Interior by."

Page 2, lines 9 and 10, strike out the words "they hereby are transferred to and devolved upon the Interstate Commerce Commission," and insert in lieu thereof the words "it is hereby repealed."

The SPEAKER. The question is on agreeing to the amendments offered by the gentleman from Illinois.

The amendments were agreed to.

The SPEAKER. The question now is on the third reading of the amended Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

CEMETERY TO FORT BIDWELL PEOPLE'S CHURCH ASSOCIATION.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 25878) granting lands for a certain cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to transfer by patent to the Fort Bidwell People's Church Association (undenominational, and duly incorporated under the laws of the State of California), of the town of Fort Bidwell, Modoc County, in the State of California, the following-described tract of land in Modoc County, State of California, now a part of the Fort Bidwell Indian School Reservation, formerly the Fort Bidwell Military Reservation, and more particularly described as follows:

Commencing at the section corners common to sections 8, 9, 16, and 17, in township 46 north of range 16 east, Mount Diablo base and meridian; thence run west 2,428 feet to station No. 1 for a place of beginning; thence run south 76° and 29′ west, 712$\frac{1}{10}$ feet to station No. 2; thence run west 660 feet to station No. 3; thence run north, 76° and 29′ west, 712$\frac{1}{10}$ feet to station No. 4; thence run east 660 feet to station No. 1, the place of beginning; said described tract of land being located in the center of the north half of section 17, in township 46 north, range 16 east, Mount Diablo base and meridian, and contains 10$\frac{5}{10}$ acres, on condition that said land be held and used in trust as and for a cemetery.

That said patent for said land shall be issued to the Fort Bidwell People's Church Association, in trust for said town of Fort Bidwell, until such time as said town shall be incorporated, and for the Ancient Free and Accepted Masonic lodge and Independent Order of Odd Fellows lodge of said town, and for the interment of soldiers and Indians, as said cemetery is now actually platted and has been used for over 35 years for the purposes specified in this act.

That a right of way 60 feet wide is hereby granted over said Fort Bidwell Indian School Reservation from the nearest public highway from the said town of Fort Bidwell to said cemetery plat.

That the Fort Bidwell People's Church Association is hereby authorized and empowered to fully carry out the provisions of the trust hereby created by said patent by proper conveyances.

That said right of way shall be fenced on both sides with a good and substantial fence, and said cemetery plat shall be inclosed with a like fence, and all thereafter be maintained and cared for by the trustees and beneficiaries named in this act, without any expense whatever to the United States.

Mr. RAKER. Mr. Speaker, this bill is on the Union Calendar. I ask unanimous consent that this bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendments.

The Clerk read as follows:

Page 1, strike out all after the word "California" in line 8, and lines 1 to 19, inclusive, and the first two words in line 20, page 2, and insert in lieu thereof the following: "a tract of land in Modoc County, in the State of California, now a part of the Fort Bidwell Indian School Reservation (formerly the Fort Bidwell Military Reservation), lying in the north half of section 17, township 46 north, of range 16 east, Mount Diablo base and meridian, said tract not to exceed 10$\frac{5}{10}$ acres in extent, and to be further and particularly described by the Secretary of the Interior after a survey thereof has been made; said 10$\frac{5}{10}$ acres to cover and include the sites of the present military, Indian, and civilian cemeteries and the proposed extensions for Indian, civilian, and lodge purposes, on condition that said land shall be held in trust and used as and for a cemetery: *Provided*, That Indians having rights on said reservation shall have the right of interment in said cemetery without charge on the ground used for that purpose."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 3, line 23, insert after the word "plat" the words "the location thereof to be subject to the approval of the Secretary of the Interior."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 4, lines 7 and 8, after the word "fence," insert the words "without any cost or expense therefor to the Government," and in line 9, after the word "for," insert the words "in a neat and orderly condition."

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to amend, page 3, lines 13 and 14, by striking out the words "until such time as said town shall be incorporated."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, line 13, after the word "Bidwell," strike out the words "until such time as said town shall be incorporated."

Mr. MANN. I call the attention of the author of the bill to the fact that the bill as it stands conveys patent to this land to the Fort Bidwell People's Church Association in trust for said town of Fort Bidwell only until the town is incorporated, and so forth.

Mr. RAKER. Mr. Speaker, I accept the amendment. I think it is advisable and wise.

The question was taken, and the amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to insert in the RECORD a petition of the citizens of Bidwell, which is part of the report, showing their promises in reference to this matter, so there can be no question hereafter about it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. For and during a period of about 35 years the tract of land covered by the bill was part of the Fort Bidwell Military Reservation. The entire reservation contains 3,078.19 acres and was set apart by Executive order on October 19, 1866, for military purposes. This reservation was entered and connected with the public surveys on October 4, 1870. Thereafter a wood reservation of 640 acres in connection with the military reservation was established on February 7, 1871.

The military reservation was relinquished by the War Department on October 2, 1890, and came under jurisdiction of the Interior Department under the act of July 5, 1884 (23 Stat. L., 103).

The lands were not sold as provided in the act, but by joint resolution of Congress of January 30, 1897 (29 Stat. L., 698), the whole reserve was set apart for Indian school purposes and the Fort Bidwell Indian School was established and is still conducted in the old military building on this tract. The lands are not subject to allotment under any law or treaty. The tract of land described in the bill contains 10.5 acres, and the greater part of it has been used as a cemetery by the people of the community in and about Fort Bidwell as well as for the interment of veterans of the Grand Army of the Republic, wards of the Government, and others, all of which has been with the knowledge and consent of the United States Government authorities.

The town of Fort Bidwell and the surrounding community realize the expediency of erecting a permanent arrangement for a burial ground and guarantee to keep and maintain the cemetery at the expense of the community and without any cost to the Government. The right of way leading from the main road to the cemetery is to be located, subject to the approval of the Secretary of the Interior, and fenced at the cost and expense of the trustees and beneficiaries and without any expense to the Government. Thereafter the cemetery and plat are to be kept and maintained by the respective associations and the Government will be at no expense.

The bill reserves the right of the Government to inter such remains thereon and therein as it may see fit and proper, as well as providing for the interment of Indians, as the plat has been heretofore used for the time specified by the citizens of the community, the two lodges named, the Government, for the interment of soldiers and its wards, the Indians; and it will be thus maintained and used in the future.

The committee approves the objects and purposes for which this land is asked to be set apart, and therefore unanimously recommends the passage of the bill. The bill was submitted to the Department of the Interior, and the Hon. Samuel Adams, First Assistant Secretary, made favorable report thereon.

The following is the petition presented to the committee and to Congress by the citizens of Fort Bidwell, which shows the objects and purposes to which said cemetery plat has been put for over 35 years and the use to which it will be put in the future. That petition is as follows:

To the Congress of the United States in session assembled, and to the Department of the Interior of the United States, greeting:

We, the undersigned citizens of the unincorporated town of Fort Bidwell, county of Modoc, State of California, respectfully petition your honorable bodies in the manner following and upon the facts hereinafter set forth, believing that due consideration and proper action will be accorded thereunto.

For and during a period of about 35 years a certain tract upon the United States Indian School Reservation adjacent to Fort Bidwell has been used as a cemetery by the people of this community, as well as for the interment of veterans of the Grand Army of the Republic, wards of the Government, and others, all of which has been with the knowledge and consent of the United States Government authorities.

This community realizes the expediency of effecting a permanent arrangement for a burial ground, and in view of the fact that the tract above referred to has been permitted for such use, it does not appear advisable, for either sentimental or practical reasons, to secure other location.

There is no Grand Army of the Republic post, cemetery association, or other organization in this community able to undertake the financial or legal burdens incident to securing or conducting other burial premises than those now in use as such.

There is but one religious organization here, the People's Church, undenominational and duly incorporated, having a board of trustees and legally competent to execute a trust should such be conferred thereon.

Therefore we respectfully petition that the United States Government, through its National Congress and with the consent of the Department of the Interior, grant and transfer to the trustees of the said

People's Church, in trust for the town of Fort Bidwell, until such time as the said town shall be incorporated, that certain tract of 10½ acres in the said Indian school reservation, as is more fully described and set forth in the surveyed plat attached hereto, the same including that portion of said reservation which has been used hitherto for purposes of interment; conceding at all times the right of the United States Government to inter such remains thereon and therein as it may see fit and proper.

In consideration of the fact that this petition does not contemplate any enterprise for profit other than the general benefit and advantage which may accrue to the community as a whole by the granting thereof, it is desired that said grant be not conditioned upon the payment of any sum of money therefor to the United States Government.

Attached hereto are the signatures of practically all the representative citizens of Fort Bidwell, as well as the approval and recommendation of the official now in charge of said Indian school reservation, all of which are appended in good faith and without financial or selfish interest whatsoever.

Names.	Occupation.	Date arrived in valley.
R. F. McConnaughy	Farmer and stock raiser	1865
Henry Kroer	Merchant	1888
David C. Baty	Farmer	1864
Charles E. Leitread	Physician and surgeon	1909
A. G. Pollock	Special United States Indian agent (in charge Fort Bidwell Indian School).	
A. C. Lowell	Merchant	1879
C. D. Kafader	Clerk	1873
George H. Ayres	Engineer	1887
F. C. Smith	Clerk	1870
Ira P. Phillips	Liveryman	
J. O. Kafader	Blacksmith	1875
R. R. Baker	Bank cashier	1902
B. F. McCombs	Bank clerk	1909
Fred Schadler	Farmer	1883
Frank Bucher	Hotel keeper	Native.
J. Frank Kerr	Contractor	1911
Fred A. Ash	Stockman	1901
George W. Perkins	Confectionery store	1910
William Heard	Farmer	1883
E. P. Sessions	Stock raiser	1871
J. B. Baty	Farmer	1864
Hugh McManus	do	1873
Ed. Conlan	do	1871
H. D. Ayers	do	1883
H. H. Peterson	do	1866
E. G. Peterson	Stock raiser	1876
E. A. Peterson	do	1882
Max Fulcker	Farmer	1866
L. S. Billups	do	1868
George S. Smith	do	1866
C. R. Decious	Assistant postmaster	1879
A. L. Munroe	Merchant	1877
A. S. Ward	Rancher	1901
H. B. Stephens	do	1882
E. J. Fee	Stockman	1877
James Fee	do	1867
W. F. Lemberger	Hotel	1879
James Williams	Merchant	1881
F. K. Smith	Rancher	1869
E. C. McConnaughy	Plumber	1876

There was a map presented to the Committee on Public Lands showing the location of the cemetery, and to that map was attached two affidavits which show the land desired and the objects and purposes thereof. Those two affidavits are as follows:

Map of the proposed cemetery grounds of the Fort Bidwell People's Church Association, Fort Bidwell Indian School (military) Reservation, section 17, township 46 north, range 16 east, Mount Diablo base and meridan, Fort Bidwell, Modoc County, Cal.

[July 10, 1912. Scale, 50 feet=1 inch.]

STATE OF CALIFORNIA,
County of Modoc, ss:

Charles Kirby Fox, being duly sworn, says he is the engineer employed to make the surveys of the cemetery grounds for the Fort Bidwell People's Church Association; that the survey of the said association's grounds, described as follows, located in the center of the north half section 17, township 46 north, range 16 east, Mount Diablo meridian, being a total area of grounds of 10.5 acres, was made under his direction as engineer employed by the association, and under its authority, on the 8th day of July, 1912, and that such survey is accurately represented on this map.

CHAS. KIRBY FOX,
Assoc. M. Am. Soc. C. E. Engineer.

Sworn and subscribed to before me this 10th day of July, 1912.

R. A. BAKER, *Notary Public.*

I, R. F. McConnaughy, do hereby certify that I am president of the Fort Bidwell People's Church Association; that Charles Kirby Fox, who subscribed the accompanying affidavit, is the engineer who was employed to make the survey by the said association; that the survey of said grounds, as accurately represented on this map, was made under authority of the association; that the association is duly authorized by its articles of incorporation to maintain the said grounds upon the location shown on this map; that the said grounds, as represented on this map, was adopted by the association, by resolution of its board of directors, on the 10th day of July, 1912, as the definite location of said grounds, described as follows: Located in the center of the north half section 17, township 46 north, range 16 east, Mount Diablo meridian, being a total area of grounds of 10.5 acres.

I certify that the grounds herein described are desired for the main purpose of cemetery uses; that we will keep the said grounds well fenced and in a neat and orderly manner; that we will maintain the soldiers' graves in a neat condition; that we will set aside the southern portion of the grounds for an Indian cemetery, and in lieu of a cash payment from them will allow the Indians to work out the fees, subject to the task approval of the superintendent of the local agency; that this map has been prepared to be filed for the approval of the Secretary of the Interior and Congress in order that our association may obtain a patent for our present Free and Accepted Masons, Independent Order of Odd Fellows, military, civilian, and Indian cemetery grounds and the proposed extensions thereto.

R. F. MCCONNAUGHY,
President of the Fort Bidwell People's Church Association.

Attest:
HENRY KOBER,
Secretary.

EXTENSION OF REMARKS.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill H. R. 25832.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

The next business on the Calendar for Unanimous Consent was H. J. Res. 325, proposing an amendment to the Constitution of the United States.

The SPEAKER. Is there objection?

Mr. SULZER. Let us hear what it is.

Mr. COOPER. Mr. Speaker, I object to the consideration of any amendment to the Constitution of the United States under circumstances like this—by the Unanimous Consent Calendar. I object.

The SPEAKER. The joint resolution will be stricken from the calendar.

Mr. CLAYTON. Mr. Speaker, may I have the indulgence of the House for a moment? Several Members have asked me what this resolution is.

Mr. COOPER. Regular order!

The SPEAKER. The gentleman from Alabama asks unanimous consent to address the House for one minute. Is there objection?

Mr. COOPER. Mr. Speaker, I am anxious to finish up this day's session and the session of this Congress, and I want business transacted as expeditiously as possible.

Mr. CLAYTON. This amendment simply relates to the limitation of the President's eligibility to one term of six years.

The SPEAKER. The gentleman from Wisconsin objects to the unanimous consent for the gentleman to make an explanation. The Clerk will call the next bill.

RIGHT OF WAY ACROSS PORT DISCOVERY BAY, WASH.

The next business on the Calendar for Unanimous Consent was the bill (S. 5808) granting a right of way across Port Discovery Bay United States Military Reservation to the Seattle, Port Angeles & Lake Cresent Railway, of the State of Washington.

The SPEAKER. Is there objection?

Mr. KAHN. Mr. Speaker, I move that the bill be considered in the House as in the Committee of the Whole House on the state of the Union.

The SPEAKER. It is too early for that motion. Is there objection to the consideration of this bill? [After a pause.] The Chair hears none. The gentleman from California asks unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Be it enacted, etc., That the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, a corporation created under and by virtue of the laws of the State of Washington, its successors and assigns, be, and the same is hereby, empowered to survey, locate, and maintain a railway, telegraph, and telephone line through the Port Discovery Bay United States Military Reservation, in the State of Washington, across section 1, township 29 north, range 2 west of the Willamette meridian, and across sections 35 and 36, township 30 north, range 2 west of the Willamette meridian.

SEC. 2. That said corporation is authorized to take and use, for all purposes of a railway, telegraph, and telephone line, and for no other purposes, a right of way, not to exceed 100 feet in width, through said Port Discovery Military Reservation, as aforesaid, and a right to use other additional ground, when cuts and fills may be necessary for the construction and maintenance of said roadbed, or for the location of station houses, not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill, or necessary for such station houses: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation, including any necessary station houses, of said railway, telegraph, and telephone lines, and the use and enjoyment of the rights and privileges herein granted; and when any portion thereof shall cease to be so used such portion shall revert to the United States, from which same shall be taken: *Provided further*, That the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, will fence its right of way and will provide and maintain necessary and suitable crossings, the construction of the fences and crossings to be in accordance with such requirements as may be made by the Secretary of War: *Provided further*, That any corporation having

a franchise for a railway, telegraph, or telephone line in the vicinity of the proposed line of said railway may, upon securing a license from the Secretary of War, use the track and other construction herein authorized to be placed upon the reservation upon the payment of just compensation; and if the parties concerned can not agree upon the amount of such compensation, the sum or sums to be paid for said use shall be fixed by the Secretary of War: *Provided further*, That said corporation shall pay to the United States such annual compensation for the use of the land hereby granted as may be determined by the Secretary of War to be just and reasonable: *Provided further*, That the United States reserves the right to occupy the land covered by this grant, or any portion thereof, whenever, in the judgment of the Secretary of War, such occupation may be necessary for military purposes: *Provided further*, That the right of way and other privileges granted by this act shall be subject to the regulation and control of the Secretary of War, and shall be inoperative, null, and void unless the said railway company shall complete the construction of and have in use its tracks within three years from the date of the passage of this act: *And provided further*, That the said Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

SEC. 3. That the location and width of the right of way and of the additional areas granted shall be subject to the approval of the Secretary of War prior to the commencement of work under the grant hereby made.

SEC. 4. That the Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 7, after the word "survey," insert the word "and"; after the word "locate," strike out the words "and maintain." Page 2, line 3, after the word "meridian," insert the words "and is hereby granted a revocable license to maintain the same, said license to remain in force during the pleasure of Congress." Page 2, line 6, after the word "is," strike out the word "authorized" and insert the word "licensed." Page 2, line 8, after the word "way," strike out the words "not to exceed 100 feet in width." Page 2, line 17, after the word "houses," strike out the words "not exceeding 50 feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill, or necessary for such station houses," and insert "*Provided*, That such rules and regulations as the Secretary of War may from time to time prescribe." Page 2, line 18, after the word "taken," insert the words "under said license." Page 4, line 12, strike out the word "grant" and insert the word "license"; strike out the word "made" and insert the word "granted."

Mr. DIFENDERFER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from California——

The SPEAKER. It is too late to reserve the right to object. Unanimous consent has been just given to consider the bill and also to consider it in the House. The gentleman can offer an amendment if he wants to.

Mr. KAHN. Mr. Speaker, this bill has the approval of the War Department. It is so amended as to follow the form that bills of this character should take hereafter, in the opinion of the Committee on Military Affairs. The rights of the Government are thoroughly protected by this bill. It grants a revocable license instead of a grant in fee simple. The company is made to pay a certain rental for the use of the land over which it is to pass. The report of the Committee on Military Affairs is unanimous in favor of this bill.

Mr. DIFENDERFER. I would like to ask the gentleman, is it not a fact this is a private matter—a private bill?

Mr. KAHN. The bill itself?

Mr. DIFENDERFER. Yes, sir.

Mr. KAHN. Well, no; not altogether; bills of this kind have always been placed on the Union Calendar. They have always been regarded as public bills. Of course it is a private corporation that is constructing this line, but the Secretary of War stated in a letter which he sent to the Senate committee that it was desirable to have the line go across the reservation, because it would enable a great many people who live thereabout to have railroad communication with the town.

Mr. HUMPHREY of Washington. Will the gentleman yield just a moment?

Mr. KAHN. Certainly.

Mr. HUMPHREY of Washington. This railroad is located in the district of my colleague [Mr. WARBURTON], who has been called home on account of important business. But I want to say to the House that this railroad goes into a section that is called the Olympic Peninsula, on the west side of Puget Sound, where they are greatly in need of railways. I will state to the committee the bill is of very great merit, and it ought to be passed at once.

The SPEAKER. Without objection, the Chair will put the amendments en bloc.

The amendments were agreed to.

The bill as amended was ordered to a third reading, was read a third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENTRIES ON OIL AND GAS LANDS.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to recur to page 42, Calendar No. 399.

Mr. OLMSTED. If the gentleman will wait until we get past the next bill——

Mr. COVINGTON. Reserving the right to object, I would like to ask the gentleman if he would be satisfied until he gets to the end of the calendar?

Mr. HOWELL. Yes.

Mr. MANN. I think this bill will take but a moment.

Mr. HOWELL. It will take but a minute.

Mr. OLMSTED. Take it up after the next bill.

Mr. MANN. Who objects?

Mr. OLMSTED. I object until the next bill is passed.

Mr. MANN. They will not take it up, because I am going to object to that anyway.

Mr. OLMSTED. So am I.

NORTH RIVER BRIDGE CO.

The next business on the Calendar for Unanimous Consent was the bill (S. 4978) entitled "An act to supplement and amend the act entitled 'An act to incorporate the North River Bridge Co. and to authorize the construction of a bridge and approaches at New York City across the Hudson River, to regulate commerce in and over such bridge between the States of New York and New Jersey, and to establish such bridge a military and post road,' approved July 11, 1890."

The SPEAKER pro tempore (Mr. FERRIS). Is there objection?

Mr. OLMSTED. I object.

Mr. ADAMSON. I would like the gentleman to withhold until I can make a statement.

Mr. OLMSTED. This simply revives an act of 22 years ago, and it has been revived from time to time. Nothing has ever been done, and it ought not to pass under unanimous consent.

Mr. ADAMSON. Mr. Speaker, I would like to have the gentlemen interested in it here to explain. I do not think we ought to take advantage of their absence.

Mr. MANN. I object, Mr. Speaker.

Mr. SULZER. Mr. Speaker, I ask unanimous consent, as the gentleman from New York [Mr. GOLDFOGEL] is absent, that we pass the bill without prejudice.

Mr. MANN. I object. The bill can be put on the calendar later if they desire.

BRIDGE ACROSS HUDSON RIVER, NEW YORK CITY.

The next business on the Calendar for Unanimous Consent was the bill S. 5659, entitled "An act to supplement and amend an act entitled 'An act to authorize the New York and New Jersey Bridge Cos. to construct and maintain a bridge across the Hudson River between New York City and the State of New Jersey,' approved June 7, 1894."

The SPEAKER pro tempore. Is there objection to the consideration of the bill.

Mr. MANN. Mr. Speaker, I object.

Mr. SULZER. Mr. Speaker, I ask that this bill be passed without prejudice.

Mr. MANN. If the gentleman asks unanimous consent that it be passed on account of the absence of the gentleman from New York [Mr. MICHAEL E. DRISCOLL], or any other gentleman, I will not object.

Mr. ADAMSON. I made that request, because both he and his colleague [Mr. GOLDFOGLE] were on the subcommittee.

Mr. MANN. I did not understand the statement of the gentleman at all.

Mr. ADAMSON. I made the same request in regard to the gentleman from New York [Mr. GOLDFOGLE].

Mr. MANN. I notice the gentleman from New York [Mr. SULZER] is here. I do not see any other New York man here. It is a large, and a very able, delegation in Congress.

Mr. SULZER. Unlike some other gentlemen, "the gentleman from New York [Mr. SULZER]" is not always undertaking to be wiser than some one else and dictating to the Committee on Interstate and Foreign Commerce. The other two gentlemen are on that committee. To them was delegated the duty of studying out these two bridges, and the gentleman is allowing them to answer for their work.

BRIDGE ACROSS MISSISSIPPI RIVER, AITKIN COUNTY, MINN.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26099) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.

The SPEAKER pro tempore. The Clerk will read the title.

The title was read.

The SPEAKER pro tempore. Is there objection to the consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the consent of Congress is hereby granted to the towns of Ball Bluff, Libby, and Cornish, municipal corporations organized and existing under and pursuant to the laws of the State of Minnesota, to build a bridge across the Mississippi River at a point suitable to the interests of navigation, from a point on the easterly bank of said river near the town line, between townships 51 and 52 north, to a point on the westerly bank of said river near the said town line, between townships 51 and 52 north, range 23 west, of the fourth principal meridian, all in the county of Aitkin, State of Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER pro tempore (Mr. FERRIS). The Clerk will report the committee amendment.

The Clerk read as follows:

Amend, page 1, line 6, by striking out the words "public highway."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I move to amend line 6 by striking out the word "build" and inserting in place thereof the words "construct, maintain, and operate," and also inserting after the word "bridge," in the same line, the words "and approaches thereto."

Mr. ADAMSON. Mr. Speaker, an order for that change was made, and the omission of it was a clerical error. I hope the amendment will be adopted.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN.]

The Clerk read as follows:

Amend, page 1, line 6, by striking out the word "build" and inserting in lieu thereof the words "construct, maintain, and operate," and in the same line, after the word "bridge," inserting the words "and approaches thereto."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. MILLER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FIRST MONDAY IN SEPTEMBER A LEGAL HOLIDAY.

Mr. McCOY. Mr. Speaker, this next bill is put on as Senate bill 7649 and is referred to as being No. 374 on the Union Calendar. Now, Union Calendar No. 374 is the bill H. R. 25937, entitled "A bill making the first Monday in September a legal holiday."

The SPEAKER pro tempore. That is an error in printing the calendar. The Clerk has it corrected. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. MANN. Is that on the Unanimous Consent Calendar?

Mr. McCOY. I wish to call the attention of the gentleman to the fact that there is an error in printing here. The bill H. R. 25937 is No. 374 on the Union Calendar, and that is the number given here on the Unanimous Consent Calendar, but the title is not given correctly.

Mr. MANN. I do not follow the gentleman. What number is being called on the Unanimous Consent Calendar now?

Mr. McCOY. The bill H. R. 25936.

Mr. MANN. What number of the Unanimous Consent Calendar?

The SPEAKER pro tempore. The Chair is informed by the Clerk that that bill is not on the Unanimous Consent Calendar, but in lieu of that the printer, by mistake, has printed Senate bill 4679. That is also lower down on the calendar.

Mr. McCOY. Mr. Speaker, I call the attention of the Chair to the fact that the bill intended to be called up is the bill from the Union Calendar, No. 374. The bill H. R. 25937 is the bill I would like to have called up now and is bill No. 374 on the Union Calendar. The bill referred to at this place by title appears in its proper place on page 43 of the Unanimous Consent Calendar.

Mr. MANN. Does the gentleman desire to wait until it is reached there?

Mr. McCOY. I wish now to call up bill No. 374 on the Union Calendar. There has been a mistake in the printing.

Mr. MANN. Here is the situation, Mr. Speaker: One bill is put on the calendar twice. I do not see what warrant that is for calling up another bill that is not on the calendar at all.

Mr. McCOY. I want to call the gentleman's attention to the fact that if that were so without any question in the world I would not ask to call it up, but the gentleman will observe, on page 43 of the Unanimous Consent Calendar, where we now are, that the bill is referred to as No. 374 on the Union Calendar, and I want to call up the bill so numbered. There is a mix-up on it in that the number is correctly stated but the title of a different bill given, which appears a second time later on.

Mr. MANN. Nobody pays any attention to that part of it. If that were the only mistake that we have in the Unanimous Consent Calendar we would get along comfortably.

Mr. McCOY. I ask the gentleman, in view of that evident mistake in printing a title here, if I can not get unanimous consent to call up a bill, the correct number of which is here printed and which nobody is likely to object to?

Mr. MANN. I should object if the bill were on the calendar, Mr. Speaker, so far as that is concerned.

Mr. McCOY. Then that settles the whole proposition.

The SPEAKER pro tempore. What is the request the gentleman would like to prefer?

Mr. McCOY. I should like to have the bill H. R. 25937 considered at this place.

The SPEAKER pro tempore. The gentleman from New Jersey [Mr. McCOY] asks that the bill H. R. 25937, which appears on the Union Calendar, and which appears on the Unanimous Consent Calendar with the correct number but under another title, shall be considered as if it were on the Unanimous Consent Calendar at this point. Is there objection?

Mr. MANN. I think I shall have to object.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. MANN] objects, and the Clerk will report the next bill.

LIFE-SAVING STATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26005) to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to establish additional life-saving stations on the sea and lake coasts of the United States, as follows, viz: One on the larger of the two Libby Islands, situated at the entrance to Machias Bay, in the State of Maine; one at Half Moon Bay, south of Point Montara and near Montara Reef, in the State of California; one at Mackinac Island, in the State of Michigan; and one at or near Sea Gate, New York Harbor, N. Y., at such points as the General Superintendent of the Life-Saving Service may recommend.

Mr. ADAMSON. Mr. Speaker, I ask unanimous consent to consider this bill in the House as in Committee of the Whole.

The SPEAKER pro tempore. The gentleman from Georgia asks unanimous consent to consider the bill in the House as in Committee of the Whole. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the amendments.

The Clerk read the committee amendments, as follows:

Insert as a new section at the end of the bill, page 2, the following: "That the Secretary of the Treasury be, and he is hereby, authorized and directed to provide increased quarantine facilities at the port of Portland, Me., to cost not exceeding $43,880."

Mr. ADAMSON. Mr. Speaker, to meet any possible criticism of this amendment, I want to say that I offer it at the request of a sick Member, who has been connected with this House for a long time [Mr. ASHER C. HINDS]. It has the indorsement of the other Members of the Maine delegation. The Senators concur in the request, and the Secretary of the Treasury is satisfied that the authorization is urgent and necessary. I hope the amendment will be adopted.

The SPEAKER. The question is on the adoption of the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. ADAMSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore (Mr. FERRIS). The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. SAMUEL W. SMITH. Mr. Speaker, in these days, when so much is being said about "bosses," I desire to insert in the RECORD Mr. Woodrow Wilson's views on the party machine, the bosses, and the incapacity of the masses to exercise political power:

MR. WOODROW WILSON'S VIEWS ON THE PARTY MACHINE, THE BOSSES, AND THE INCAPACITY OF THE MASSES TO EXERCISE POLITICAL POWER.

[From his chapter on "Party government," in Constitutional Government in the United States.]

They—the political parties—are absolutely necessary.

There are * * * so many officers to be elected that even the preparation of lists of candidates is too complicated and laborious a business to be undertaken by men busy about other things. Some one must make a profession of attending to it.

There must therefore be an exterior organization, voluntarily formed and independent of the law, whose object it shall be to bind them—the various officials—together in some sort of harmony and cooperation. That exterior organization is the political party. The hierarchy of its officers must supply the place of a hierarchy of legally constituted officials.

Whatever their faults and abuses, party machines are absolutely necessary under our existing electoral arrangements, and are necessary chiefly for keeping the several segments of parties together.

No party manager can keep his lieutenants to their business who has not control of party nominations.

It may be laid down as a political maxim that whatever assigns to the people a power which they are naturally incapable of wielding takes it away from them. They have under our Constitution and statutes been assigned the power of filling innumerable offices; they are incapable of wielding that power, because they have neither the time nor the necessary means of cooperative action; the power has therefore been taken away from them, not by law, but by circumstances, and handed over to those who have the time and the inclination to supply the necessary organization.

They (the officials of government) must * * * obey an outside master.

We have made it necessary that we should have "bosses" and that they and their lieutenants should assign offices by appointment.

It is an odd operation of the Whig system that it should make such party organizations at once necessary and disreputable, and I should say that in view of the legal arrangements which we have deliberately made, the disrepute in which professional politicians are held is in spirit highly unconstitutional.

(Mr. Wilson throughout his writings alludes to the Constitution of the United States as the "Whig system of government." He disapproves the Constitution and says, "No government can be successfully conducted on so mechanical a theory.")

The discipline and zest of parties has held us together and made it possible for us to form and to carry out national programs.

Have we had enough of the literal translation of Whig theory into practice, into constitutions?

We must decrease the number and complexity of the things the voter is called upon to do; concentrate his attention upon a few men whom he can make responsible, a few objects upon which he can easily center his purpose.

BRIDGE OVER LITTLE CALUMET RIVER, CHICAGO.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26235) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, said city.

The Clerk read the bill, as follows:

Be it enacted, etc., That the city of Chicago, in the county of Cook and State of Illinois, a municipal corporation organized under the laws of the State of Illinois, be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Little Calumet River, at a point suitable to the interests of navigation, at Indiana Avenue, in sections 33 and 34, township 37 north, range 14 east, in the county of Cook and State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

Mr. BLACKMON. Reserving the right to object, I would like to ask if there is any expense to the Government attached to this matter by building this bridge?

Mr. MANN. There will be no expense attached to the Government.

Mr. BLACKMON. I would like to ask the purpose of the citizens of Chicago, if they expect to get any benefit from it?

Mr. MANN. The bill was introduced by me at the request of the Democratic administration of the city of Chicago to permit the administration to reconstruct a bridge over the Little Calumet River at Indiana Avenue.

Mr. BLACKMON. I shall not object. I merely wanted to know if there was any ulterior motive.

Mr. ADAMSON. I suppose that the gentleman from Alabama thought that the Republicans there might need something to bridge over their troubles. [Laughter.]

Mr. MANN. I do not know but that they will.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

RELIEF OF INDIAN PRISONERS AT FORT SILL, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 16651) authorizing the Secretary of War to grant freedom to certain of the Apache prisoners of war now being held at Fort Sill, Okla., and giving them equal status with other restricted Indians, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War is hereby authorized to grant freedom and free release to such individual members of the Apache prisoners of war on the Fort Sill Military Reservation, in Oklahoma, as may desire to return to the Apache Mescalero Indian Reservation in New Mexico, and to convert their proportionate part of such tribal moneys and property into money as soon as may be practicable, the same to be covered into the Treasury of the United States as the Fort Sill Apache prisoner of war fund, until such time as it may be feasible to reinvest it for their use and benefit.

SEC. 2. That immediately upon the payment into the Treasury of the United States of such funds and the granting to said Indians their full release and freedom by the War Department, the Interior Department shall at once acquire full jurisdiction over said Indians, the Indian funds, and all property, and the status of said Indians so freed shall be that of all other restricted Indians.

SEC. 3. That the Secretary of the Interior is hereby authorized to remove such of the Apache Indian Tribe as desire to return to their tribesmen in the Mescalero Apache Indian Reservation in New Mexico, and there establish them, as nearly as may be, on equal terms and on equal footing with the other Mescalero Apaches: *Provided*, That the Secretary of the Interior shall have full power to reinvest the moneys of such Apache tribesmen so removed in property similar to the property owned by them at Fort Sill as nearly as may be deemed practicable and feasible.

SEC. 4. That for such of the Apaches as do not desire to return to the Mescalero Apaches they may remain on the Fort Sill Military Reservation under such rules and regulations as the War Department may prescribe.

SEC. 5. That there is hereby appropriated, and made immediately available, out of any money in the Treasury of the United States not otherwise provided for, a sum of money, not exceeding $100,000, sufficient to carry out the provisions of this act.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. FERRIS. Mr. Speaker, I ask unanimous consent to substitute Calendar No. 422, which is a Senate bill on the same subject (S. 6776) and almost identical, and pending the gentleman's reservation of an objection, I want to make a statement.

Mr. MANN. On what calendar is the Senate bill?

Mr. FERRIS. It is 422 on the Calender for Unanimous Consent.

Mr. MANN. Does not the gentleman think we are doing pretty well by these Indians without authorizing the Secretary of the Interior to purchase homesteads for them out of the General Treasury?

Mr. FERRIS. If I may, I will detain the House only a few moments; but this is such an important matter, and I know the facts so intimately that I think I can state them tersely and hurriedly, so that it will not detain the House but a moment.

In 1886 these Indians were captured and arrested in Arizona and New Mexico and taken as prisoners of war to Florida and kept there a few years, then they were taken to Alabama and kept there a few years, and then in 1894 they were placed in the hands of the military authorities at Fort Sill, Okla. They have been prisoners of war 26 years. There are only 30 out of the 267 original prisoners now alive, thereby making it apparent that nearly all of them have been born and reared in captivity. The War Department has recommended my bill and is very anxious to have something done with them. The officer, Maj. Goode, who has them in charge and the minister who preaches to them called on me and told me the conditions were such that they had been kept prisoners so long they were intermarrying.

It is, I am informed, a fact that brothers are marrying sisters and inbreeding, and it was a pitiable condition of affairs. He said the time had come and while it would cost money to give them allotments, still it ought to be done and done quickly. For 15 years they have been trying to make some solution of this matter, and this is the solution of the Indian Affairs Committee of the House and in the Senate. It has passed the Senate and the bill is here on the calendar. I hope the House will let us consider this bill and amend it by striking out everything after the enacting clause and putting in the bill this language which is recommended by the Treasury Department in their estimate. It only amounts to four or five lines, and it will put the whole matter in conference, so that these people can be freed, the bill made satisfactory to all concerned, and finally dispose of this vexatious question. The following is the language I would like to put in the bill so that the conferees may straighten it out:

For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, on lands to be selected by them, the sum of $250,000 to be expended under such rules and regulations as the Secretary of the Interior may prescribe.

This is the language of the departmental estimate for the Indian appropriation bill of this year. My bill bears the favorable indorsement of all the departments, but I want it to be satisfactory to the New Mexico people also.

Mr. MANN. Two hundred and fifty thousand dollars.

Mr. FERRIS. I think it ought to be cut to $200,000, because the bill agreed on by both committees was $200,000, although the departmental estimate is $250,000, as the item just read discloses.

Mr. MANN. The bill introduced was $150,000, I believe, but the committee reported it in and made it $100,000.

Mr. FERRIS. There are two $100,000 items. There is one for $100,000 and there was one for $150,000 in the Senate bill, but the committee struck out $50,000, thereby making the Senate bill carry the same sum as the House bill. This matter should not wait longer.

Mr. MANN. Where is the other item in the Senate bill?

Mr. FERRIS. Section 5.

Mr. MANN. That is $150,000.

Mr. FERRIS. If the gentleman will read above, he will find that there is another $100,000 there.

Mr. MANN. Yes. Let us see what the situation is. We have men in confinement all over the United States in national penitentiaries, in State penitentiaries, and in local prisons of various sorts. We imprisoned these Indians for outrages which deserved imprisonment and have kept them for a considerable length of time. Gentlemen now desire to turn them loose and buy each one a farm and pay for it out of the Federal Treasury. Are we to do the same thing for every one who commits an offense in the United States and who manages to get into jail? When he gets out is it the intention to buy him a farm?

Mr. STEPHENS of Texas. Is the gentleman aware that only 30 of those Indians who were guilty of these things are now alive, and that these young men, women, and children have been born since?

Mr. MANN. Let them get out and earn their living?

Mr. STEPHENS of Texas. And the gentleman will punish the children for the sins of the fathers?

Mr. MANN. Not at all. Is it punishment to a man to be turned out of confinement? Is that what I understand the gentleman's position to be? If we let them go free, we have to pay them for the privilege? I am willing to give them a chance to go to the other place, where the other Indians are, but the gentleman says that most of them want to go there.

Mr. COVINGTON. What "other place" does the gentleman mean?

Mr. MANN. Oh, I am not speaking about the Great Beyond. I am speaking about sending them into Arizona, I believe, which is next to the "other place." I can see no reason why when we turn men out of confinement we should pay them to get out of confinement.

Mr. FERRIS. Mr. Speaker, I have an answer to the gentleman's query and to his statement, which I think will satisfy even the gentleman himself. Those people were arrested 26 years ago, and only 30 of them are now living who were then alive when these atrocities were committed. There are 257 of them. Does the gentleman want to take a defenseless people, born in confinement, and apply the same rule to them that he would to a criminal? I think it the patent duty of Congress to first release these Indians; and, second, it is our duty to start them out with a little piece of land as other Indians have. These women and children are not responsible for the sins of their ancestors. Their unfortunate condition should excite pity rather than wrath. The Interior Department is for my bill and has so reported in strongest terms. The War Department is for my bill and has so reported in strong terms. The Indians, the Indian Office, the officer in charge, the Indian-rights people, and everyone who knows the facts realizes that this problem must be met. It ought to be met now—it is almost a disgrace to let it go over another year.

Mr. MANN. These people have been in confinement, but they have been on a military reservation, supported at the expense of the Government for 26 years—not in real confinement. The gentleman says they are worthless; they can not earn a living. Let them go out and earn a living or do without.

Mr. CARTER. Mr. Speaker, will the gentleman from Oklahoma yield?

Mr. FERRIS. Certainly.

Mr. CARTER. I just want to go back a moment to the reason for the arrest of these prisoners. To begin with, these people occupied Arizona and New Mexico for hundreds and hundreds of years. The white man came and found them there. The President issued a proclamation confining the Indians down to a reservation, something they had never been accustomed to. They went on the warpath, and for doing that they were taken prisoners. It is true they did kill white people. It is true they murdered and committed a great many crimes which they would not have committed if they would have had the white man's civilization. But they were fighting for the same thing that man has fought for ever since his creation. They were fighting in defense of their homes and trying to save their homes for their wives and children. And now, after they have been taken and kept prisoners for all these many years, does the gentleman from Illinois, fair man that he is, think the children and the grandchildren ought to be punished for the sins of the grandparents?

Mr. MANN. Certainly not. The children can get out. I do not want to confine them any longer. The gentleman seems to take the position that because these people committed outrages we are the ones to blame when we took them prisoners, and, therefore, we should pay their children now for the damages we did to their forefathers 26 years ago.

Mr. CARTER. What has become of the homes which these people originally had? They are now occupied by the white people, the people with whom they had the war, and these white people to-day, I presume, are in a prosperous condition, while the Indians are practically in jail and have no home.

Mr. FERRIS. Mr. Speaker, these women and children that have been confined there all of their lives now express an earnest desire to be free. They are the Indian wards of the Federal Government. I think the people of this country will never be satisfied until those people are freed and given an allotment of land.

Mr. MANN. What does the gentleman mean by "confined"?

Mr. FERRIS. They have to come up and answer a roll call. They have no civil or political rights of any kind. They are prisoners of war. The gentleman knows the definition of prisoner of war. They are not held there in chains. I think the War Department has treated them very well. I do not criticize the War Department. They have asked Congress to act for a long time. The fault is with Congress.

Mr. MANN. The only difficulty is that the War Department has not made them go to work.

Mr. FERRIS. The War Department would readily turn them loose to-morrow, but they have some cattle and a little property, and if you turn those Indians loose after having been in confinement all of their lives somebody would grab up their property and they would be in the poorhouse in a short time. No one desires that, I am sure. The question must be met.

Mr. MANN. As I understand it, the Indians on the Mescalero Apache Reservation are willing to receive these Indians back.

Mr. FERRIS. That is true. It has been submitted to them. Their agent has been consulted also.

Mr. MANN. And this bill provides for an appropriation of $100,000 to transfer such of these prisoners as wish to go to the Mescalero Reservation.

Mr. FERRIS. Yes. Although I am not at all headstrong about my bill, I merely want the matter settled and the Indians freed and allotted some land.

Mr. MANN. Let them all go if they want to, or go somewhere else and earn their living, without asking us to buy farms for them—perhaps in Illinois.

Mr. FERRIS. Oh, no.

Mr. MANN. But there is no limitation in this bill.

Mr. FERRIS. The gentleman could not buy many farms in Illinois with $200,000 for 257 people.

Mr. MANN. The gentleman does not know how many of those Indians would go on the Mescalero Reservation. There is no limitation in the bill.

Mr. FERRIS. Mr. Speaker, I can give the gentleman the facts. The War Department only a short time ago took an expression from the Indians there, and there were only some 67 who desired to remain in Oklahoma, and the others desired to return. I even have the names of those who desired to remain, and the others who desire to go have voted four times in the last two years. I hope the gentleman will let us consider the bill with such amendments as may be hurriedly prepared and pass the bill. It is too much to keep people longer than 26 years in confinement for crimes which they never committed. It is too much to longer keep people as prisoners who were born into conditions for which they were in no manner responsible. We rail at Mexico and other countries that abuse their prisoners. I ask if we are not subjecting ourselves to just criticism to longer permit this to go on? We should not wait until next Congress to settle the matter; it should be settled now.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The bill goes off the calendar.

PORT OF ENTRY OF NEW ORLEANS, LA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23112) to extend the limits of the port of entry of New Orleans, La.

The Clerk read as follows:

Be it enacted etc., That the limits of the port of entry of New Orleans, La., be, and the same are hereby, extended to include that portion of the parish of St. Bernard within the following boundaries: Beginning at a point where the boundary line between the parishes of Orleans and St. Bernard intersect the east bank of the Mississippi River; thence along said east bank to where the boundary line between lots 16 and 17 of the Coriune and Myrtle Grove plantations (according to a plan by A. C. Bell, civil engineer, July 11, 1893, and annexed to an act of sale by A. L. Richardson to Jules Mereaux, passed before Charles T. Soniat, Esq., notary public in the parish of Orleans, January 2, 1894) intersects said east bank, said point of intersection being at a distance of 4 miles and 4,280 feet below the point at which the boundary between the parishes of Orleans and St. Bernard intersects said east bank; thence along said boundary between said lots 16 and 17 a distance of 4,000 feet; thence along a line parallel to the Mississippi River to the point where said boundary line intersects the boundary between the parishes of Orleans and St. Bernard; thence along said boundary line to the point of beginning.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time and passed.

On motion of Mr. ESTOPINAL, a motion to reconsider the vote by which the bill was passed was laid on the table.

EFFECTS OF DECEASED MARINE-HOSPITAL PATIENTS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 22209) providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I desire to ask whether the author of the bill has made any examination into the effect of auditing these small accounts in the Treasury, whether it will produce an additional amount of accounting and bookkeeping?

Mr. COVINGTON. I think not.

Mr. MANN. There may be kept, possibly, some small amounts in trust for people and——

Mr. COVINGTON. I will state that the Secretary of the Treasury himself and the Auditor for the War Department, neither of whom, I apprehend, would be apt to recommend a measure which provides for more accounting, stated that the legislation was necessary; that they could not sell these articles which belonged to deceased patients of the Public Health and Marine-Hospital Service and certain deceased officers and men connected with the Army.

Mr. MANN. I have no objection to that at all. I do not think I should object in any event, but I am afraid it will produce a lot of bookkeeping.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That unclaimed effects of deceased patients of the Public Health and Marine-Hospital Service, seamen of merchant vessels of the United States, consisting of jewelry or other articles, shall be delivered to a collector or surveyor of customs of the district in which the death of the patient occurred; and for the protection of the estates of these persons the Secretary of the Treasury may order such effects to be sold and pay the expenses of such sale out of the proceeds: *Provided*, That application for the effects shall not have been made by the legal claimants within two years after their receipt. The proceeds of such sales, together with any money effects of the deceased, shall be deposited in the Treasury in trust for the legal claimants, to be paid to them on the certificate of the Auditor for the Treasury Department, who shall act as conservator of these estates, with authority to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection.

SEC. 2. That unclaimed effects of deceased officers and enlisted men of the Army and civilian employees of the War Department which have heretofore or may hereafter be received at the Treasury Department may be sold by order of the Secretary of the Treasury, and the expenses of such sales paid out of the proceeds thereof: *Provided*, That application for the effects shall not have been made by the legal claimants within two years after their receipt. The net proceeds of such sales, together with any money effects of the deceased, shall be deposited in the Treasury in trust for the legal claimants, to be paid to them on the certificate of the Auditor for the War Department, who shall act as conservator of these estates, with authority to indorse all checks, notes, bills of exchange, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. That is the end of the Unanimous Consent Calendar.

Mr. MANN. Mr. Speaker, I ask unanimous consent, as long as this will probably be the last unanimous-consent day, that we go to the end of the Unanimous Consent Calendar.

The SPEAKER. The gentleman from Illinois asks unanimous consent that we go to the end of the calendar notwithstanding the fact that some of these bills have not been on the calendar three days. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, there is one very long bill here.

The SPEAKER. By the way, did the gentleman from Utah ever get his bill up?

Mr. HOWELL. Mr. Speaker, I want to ask to take it up at the proper time.

The SPEAKER. This is the accepted time right now.

AGRICULTURAL ENTRIES ON OIL AND GAS LANDS.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to recur to Senate bill 3045.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will report the bill.

The Clerk read as follows:

A bill (S. 3045) to provide for agricultural entries in oil and gas lands.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

Mr. HOWELL. Mr. Speaker, now I ask unanimous consent to consider the bill in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

Mr. MANN. Mr. Speaker, the bill was read awhile ago.

The SPEAKER. Well, we will waive it, then.

Mr. HOWELL. Mr. Speaker, there are some committee amendments.

The SPEAKER. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 1, line 4, strike out the words "exclusive of Alaska" and insert the words "in the State of Utah. Page 1, line 8, after the word "selection," insert the words "by the State of Utah under grants made by Congress and." Page 2, line 3, after the word "act," insert the words "and to disposition in the discretion of the Secretary of the Interior, under the law providing for the sale of isolated or disconnected tracts of public lands." Page 2, line 12, after the word "acres," strike out the words "and all homestead entries made hereunder shall be subject to the conditions as to cultivation and residence of entries under the act approved February 19, 1909, entitled "An act to provide for an enlarged homestead." Page 3, line 16, after the word "same," insert the words "upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such oil or gas."

Mr. MANN. Mr. Speaker, I objected to this bill awhile ago and have withdrawn the objection with some hesitation. I objected before because I desired to insert a reservation of coal as well as of oil and gas. I am informed by the gentleman, as a matter of fact, that there is no likelihood of there being much coal and, in fact, of there being much oil or gas there. The bill only applies to a small section of Utah. As a matter of fact, I think it is creating a bad precedent. We have shortly got to reserve, in my judgment, the minerals under the ground and possibly the valuable metals when we grant title, so that those natural resources shall be retained for the benefit of the community at large.

The SPEAKER. Without objection, the Chair will put all of the committee amendments en bloc.

The amendments were agreed to.

Mr. HOWELL. Mr. Speaker, I desire to submit some amendments to correct the text of the bill.

The SPEAKER. The gentleman will report the amendments.

Mr. HOWELL. They are as follows:

On page 2, line 23, strike out the word "any" and insert the words "and the."

After the word "State," on the same line, insert the words "of Utah."

Page 3, line 2, after the word "act" insert the words "or under grants made by Congress."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

Mr. MANN. Mr. Speaker, I move to strike out the proviso at the bottom of page 3 and at the top of page 4.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. HOWELL. Yes.

Mr. STEPHENS of Texas. I would like to know why this bill is not made to cover all the States as well as the State of Utah. Why should not all of these oils and gases be reserved in the other States as well as in your State?

Mr. HOWELL. The question of the proper disposition of oil-bearing land is still an open question, and Members from the

States having such lands did not desire to have such provisions as in this bill apply to their States.

Mr. STEPHENS of Texas. Why should it not apply to all of the other States?

Mr. HOWELL. Because the Representatives from the States are not in favor of the legislation.

Mr. STEPHENS of Texas. But the land belongs to the Government.

Mr. MANN. The Senate bill as it came over here had it to apply to all the States, but the gentlemen decided to try it first on the dog.

The SPEAKER. The question is on agreeing to the amended Senate bill.

The bill as amended was read a third time and passed.

On motion of Mr. HOWELL, a motion to reconsider the vote by which the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. COVINGTON. Mr. Speaker, before we reach the next bill I want to ask unanimous consent to extend my remarks on the bill after the bill that was passed and include therein a certain report.

The SPEAKER. Is there objection?

There was no objection.

Mr. SAMUEL W. SMITH. Mr. Speaker, so much is being said and written about the high cost of living and so little about the cost of living high I desire to insert in the RECORD an editorial from the Detroit Courier of August 16, entitled "The truth about high living":

THE TRUTH ABOUT HIGH LIVING.

It would be futile to deny that the cost of living has risen to a very considerable degree within the last 10 years. There is also no question that this increased cost has been a burden to many people and has aroused a vague but bitter feeling. Regardless of the fact that the higher cost of living is a condition existing in every civilized country in the world, the Democrats have tried to place the blame on the tariff. Yet in Great Britain, a free-trade country, the complaints against the higher cost of living have been far more vehement than in the United States.

No one who considers the matter fairly and judges from facts instead of theories will believe that the tariff is responsible. The Wall Street Journal is a financial publication and therefore nonpartisan. Yet it deprecates the attempts to create the belief that tariff reduction toward free trade and assaults upon corporations will be effective to reduce the cost of living. After referring to the continued decrease of the per capita production of wheat, which is a world-wide condition, it says:

"Here is a basic clause for the high cost of living, and one which our loose-lipped talkers about the iniquities of the tariff and the trusts altogether fail to comprehend. Producers are growing fewer with an ever increasing number of mouths to feed, and the problem would be exactly the same if the whole world turned free trade.

"Of course, this is not the only cost of high living, but it is perhaps the most important, and is a matter which deserves the greatest consideration by public men of all classes. The condition is a vital one, and any remedy less than an actual return to the land must necessarily be merely a palliative."

In conjunction herewith, attention may be called to timely, instructive information bearing directly upon the higher prices of meat, which is contained in a bulletin just issued by the Bureau of the Census. It shows the decrease of dairy and food animals in the United States in the decade ended with 1910, the last census year.

The number of cattle decreased from 67,719,410 in 1900 to 61,803,866 in 1910. The numerical decrease was 5,915,544. The decrease in terms of percentage was 8.7.

The number of swine decreased from 62,868,041 in 1900 to 58,185,576 in 1910, the numerical decrease being 4,682,365, and the percentage 7.4.

Sheep decreased 9,055,852, or 14.7 per cent, from 61,503,713 to 52,447,861.

In the same decade the population of the United States increased from 75,994,575 to 91,972,266; that is, 15,977,690, or about 20 per cent.

It is explained in the bulletin that the comparison between 1900 and 1910 is not altogether accurate, for the reason that in the former year the enumeration was as of June 1, while that of the latter class was as of April 15. Had the census of 1910 been taken as of June 1, the number of cattle, swine, and sheep would have been greater, for the reason that within the six weeks from April 15 to June 1 a larger number of such animals are born.

But it can be readily seen that after all possible allowance is made for the difference in dates—even if it be assumed that an enumeration at the later date would have shown no decrease—the 20 per cent increase in population, and the consequent corresponding increase in demand for meats and butter would be sufficient reason for the higher prices of those commodities.

These are simple and convincing facts which those who are trying for partisan purposes to fool the people into believing that tariff reduction and indiscriminate attacks on industries will bring down the cost of living strive to conceal.

LANDS IN THE GLACIER NATIONAL PARK.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 1679) to accept the cession by the State of Montana of exclusive jurisdiction over the lands embraced within the Glacier National Park, and for other purposes.

The SPEAKER. Is there objection to consideration of the bill?

Mr. FOSTER. I object.

Mr. PRAY. Will the gentleman withhold his objection for a moment?

Mr. FOSTER. I will for a moment.

Mr. PRAY. Mr. Speaker, this bill was read at length the last time it was on the calendar. I have an amendment or two which I think will dispose of any objection Members might have to it. It is a very important measure. The Secretary of the Interior wants this legislation if he can possibly get it, because he is unable to administer the park. Congress has not yet accepted jurisdiction. The Secretary is very much handicapped because he can not enforce rules and regulations for the government of the park.

I sincerely hope that the gentleman will not object to the consideration of the bill at this time in view of its importance. While I am satisfied that the objections raised the other day when the measure was being discussed are not well taken, in order that the bill may not fail of passage at this session I have prepared two amendments consisting of only two or three lines each which will absolutely do away with the objections made to consideration on the last call of the calendar. I can explain these amendments in a few words. One strikes out the lines at the end of section 4 carrying the penalty and provides for punishment on conviction according to section 6. This section as amended by the House committee carries the penalty for the commission of a misdemeanor under the Federal statute. The second amendment is to section 8 and simply strikes out "of section 6" at the bottom of page 7. The reason for this amendment is apparent from reading the section.

This is probably the only chance we shall have to consider the bill, and I therefore earnestly urge the gentleman to withdraw his opposition. This is not like an entirely new matter of legislation. There are several good precedents for it. There is the Yellowstone National Park act of 1904, upon which this bill is based, also the act for the administration of the Hot Springs Reservation. The department has found no difficulty in administering either of these laws, as appears from statements contained in the report on this bill. If the gentleman has examined the reports made by both departments of the Government in connection with the committee amendments and those I have just proposed he must be convinced that there now exists no reasonable ground of opposition to the passage of the bill at this time. On the other hand, there is every reason why it should pass, as will be seen from the statement made by the Secretary of the Interior.

The department must have this legislation in order that the park may be properly administered in the manner clearly intended by Congress in the act creating it. This bill was read at length and discussed the last time it was reached on the calendar; therefore is it necessary to take the time now to read it again?

Mr. FOSTER. I thought so a while ago, and I do not think it fair to pass a bill without reading it.

Mr. PRAY. I will say further that both the Secretary of the Interior and the Attorney General's Office have examined the bill, and they are for it.

Mr. FOSTER. I do not think we can take it up to-night.

Mr. RAKER. Will the gentleman allow a short discussion of the bill?

Mr. FOSTER. No; not to-night.

Mr. RAKER. It is an awfully good bill. [Laughter.]

COAL-MINING LEASES IN OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 3843) granting to the coal-mining companies in the State of Oklahoma the right to acquire additional acreage adjoining their mine leases, and for other purposes.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. AKIN of New York and Mr. FOSTER objected.

JUDICIAL DISTRICT OF NEW HAMPSHIRE.

The next business on the Calendar for Unanimous Consent was the bill (S. 4679) to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The SPEAKER. Is there objection?

Mr. MANN. What is that bill?

The SPEAKER. Senate bill 4679.

Mr. MANN. I ask to have the bill reported, Mr. Speaker.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and hereby is, amended to read as follows:

"SEC. 95. The State of New Hampshire shall constitute one judicial district, to be known as the district of New Hampshire. Terms of the district court shall be held at Portsmouth on the last Tuesday in October, at Concord on the last Tuesday in April and the second Tuesday in December, and at Littleton on the third Tuesday in September."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. McCOY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

RELIEF OF THE APACHE INDIANS, OKLAHOMA.

The next business on the Calendar for Unanimous Consent was the bill (S. 6776) for the relief of the Apache Indians held as prisoners of war on the Fort Sill Military Reservation, in Oklahoma, and for other purposes.

The Clerk read the title of the bill.

Mr. FERRIS. Mr. Speaker, that bill involves the same question as that which the gentleman from Illinois [Mr. MANN] referred to, and I would like to have it passed over without prejudice.

The SPEAKER. Without objection, the bill will be passed over without prejudice.

There was no objection.

The SPEAKER. The Clerk will report the next bill.

RAILROAD ACROSS CERTAIN LANDS IN COMANCHE COUNTY, OKLA.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. This bill is on the Union Calendar.

Mr. RAKER. Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Railway Co., by virtue of the acts of March 28, 1910 (36 Stat., p. 268), and June 22, 1910 (36 Stat., p. 588), to construct and operate a railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation and the public lands reserved for Indian school purposes, all in Comanche County, Okla., be, and the same are hereby, conferred upon the Lawton Railway & Lighting Co., a corporation created under and by virtue of the laws of the State of Oklahoma, and successor in interest, through purchase under foreclosure sale, of the property and rights of the Lawton & Fort Sill Electric Railway Co., first above mentioned, subject, however, to all the limitations, restrictions, and conditions contained in the said acts: *Provided*, That said Lawton Railway & Lighting Co. shall complete the construction of that portion of its road between Lawton and Fort Sill within two years from the date of the passage of this act.

With a committee amendment as follows:

On page 2, line 6, after the word "Oklahoma," strike out the remainder of that line, all of line 7, line 8, and the word "mentioned," in line 9, and insert in lieu thereof the following:

"*Provided*, That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively."

Mr. FERRIS. Mr. Speaker, I move the adoption of the committee amendment.

The SPEAKER. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. MANN. Mr. Speaker, I offer an amendment as section 2, that "The right to alter, amend, or repeal this act is hereby expressly reserved."

Mr. FERRIS. Mr. Speaker, I have no objection to that, but we considered that in the office of the Judge Advocate General and in the office of the Secretary of the Interior and also in our committee, and they were of the opinion that the provision in line 15, "subject, however, to all the limitations, restrictions, and conditions contained in the said acts," are sufficient, inasmuch as the former acts contained that provision.

Mr. MANN. I do not think it is sufficient.

Mr. FERRIS. I have no objection to it if the gentleman wishes to offer his amendment.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Add as a new section, page 2, the following:

"SEC. 2. That the right to amend, alter, or repeal is hereby expressly reserved."

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. FERRIS, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

RESERVATION OF LAND FOR PUBLIC PURPOSES IN TOWN SITES IN CERTAIN INDIAN RESERVATIONS.

The next business on the Calendar for Unanimous Consent was the bill (H. R. 23953) to authorize the reservation of land for public purposes in town sites in certain Indian reservations.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill. This bill is on the Union Calendar.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] asks unanimous consent that the bill be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior is authorized to set apart and reserve for school, park, and other public purposes not more than 10 acres for each quarter section of land reserved for town-site purposes in the Yuma Indian Reservation, Cal., and the Colorado River Indian Reservation, in California and Arizona, and upon the organization of said towns as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be improved, maintained, and used for public purposes: *Provided*, That if such lands shall not be used for the purposes for which this grant is made, the same or such parts thereof not so used shall revert to the United States.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote whereby the bill was passed was laid on the table.

The SPEAKER. The Clerk will report the next bill.

INDIANS OCCUPYING RAILROAD LANDS, ARIZONA OR NEW MEXICO.

The next business on the Calendar for Unanimous Consent was the bill (S. 5674) for the relief of Indians occupying railroad lands.

The Clerk read the title of the bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Reserving the right to object, Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to request of the present claimant under any railroad land grant a relinquishment or reconveyance of any lands passing under the grant which are shown to have been occupied for five years or more by an Indian entitled to receive the tract in allotment under existing law but for the grant to the railroad company, and upon the execution and filing of such relinquishment or reconveyance the lands shall thereupon become available for allotment, and the company relinquishing or reconveying shall be entitled to select and have patented to it other vacant public lands of equal value in the same State, as may be agreed upon with the Secretary of the Interior.

Mr. MANN. Mr. Speaker, reserving the right to object, where this right is given as proposed by this bill, is there any limitation upon the quantity of land that might be taken by the railroad in lieu of the land it gives up?

Mr. STEPHENS of Texas. Has the gentleman any objection to the consideration of the bill?

Mr. MANN. I have reserved the right to object. I ask a specific question. The bill provides for the railroad company giving up land now occupied by Indians which belongs to the railroad company and taking other lands in lieu of it. Is there any limitation upon the quantity of land the railroad company may take?

Mr. STEPHENS of Texas. It would depend upon how many acres they gave up.

Mr. MANN. Yes; but suppose the Indians give up 160 acres of land, how much does the railroad company take?

Mr. HAYDEN. It takes the equivalent in value.

Mr. MANN. I know, but how much land?

Mr. HAYDEN. The Interior Department has to approve of the selection. They send a special agent out to examine the land——

Mr. MANN. I have been here a long time, and this is the first bill I can recall where you permit lands to be exchanged of equal value without any limitation on the quantity. The usual provision is of equal value and equal quantity.

Mr. FERRIS. Does not the gentleman think that before the exchange can become operative the Interior Department must approve of it, and does he not think that is sufficient protection?

Mr. MANN. No; I do not.

Mr. FERRIS. The whole matter is left in the hands of the Interior Department, and surely the department would not permit the railroad to get more than they are entitled to.

Mr. MANN. I do not know whether they would or not.

Mr. FERRIS. They have a great field of agents that they send out.

Mr. MANN. I do not think they would intend to. I heard the gentleman say the other day concerning the great State of Arizona that there was not any land in the State that was worth anything. This land is worth something. I do not know, but I suppose it is not intended to give 50 acres for 1.

Mr. HAYDEN. Mr. Speaker, I know but very little about this bill, but it is a department measure, and it wants it passed. I am willing to accept an amendment specifying that it shall be equal in area and value.

Mr. FERRIS. If the gentleman forces an amendment of that kind, he will make the bill inoperative. Suppose an Indian lived on a sand hill that is not worth 5 cents an acre. Is the railroad company going to take that and give land that is worth $20 an acre? Or suppose it was vice versa. Are you going to force the railroad to take a sand hill and give up land that is worth $20 an acre in value?

Mr. MANN. I do not see any difficulty at all; I take it that there is some place in Arizona—that there is another 160 acres of practically the same value as any 160 acres that are now there.

Mr. FERRIS. That would not be true in one case out of ten.

Mr. SAUNDERS. Let me say to the gentleman from Illinois that when we passed the act in reference to the Osage Indians we did not have that provision in it—that the exchange should be equal in area and equal in value. An amendment such as suggested by the gentleman from Illinois would practically make the bill inoperative.

Mr. MANN. If I recollect right, we struck out a provision in the Osage Indian bill which read the way the gentleman suggests.

Mr. SAUNDERS. No; we did not strike out that provision.

Mr. UNDERWOOD. Mr. Speaker, I ask for the regular order.

The SPEAKER. Is there objection?

Mr. MANN. If the gentleman from Alabama insists on his demand I shall object.

Mr. UNDERWOOD. If the gentleman from Illinois can arrange this matter I am willing to wait.

The SPEAKER. Does the gentleman object?

Mr. MANN. Certainly.

Mr. UNDERWOOD. Mr. Speaker, the gentleman from Illinois intimates that he is willing to let the gentleman's bill pass, and if he does, I will withdraw the demand for the regular order, but I want to push the calendar along.

Mr. MANN. I have been here all day trying to push the calendar along while the gentleman from Alabama has not been here all day, and I object.

The SPEAKER. The gentleman from Illinois objects.

GOVERNMENT HOSPITAL FOR THE INSANE.

The next business on the Calendar for Unanimous Consent was the resolution (H. Res. 418) directing the Committee on Public Buildings and Grounds to inquire into appliances, etc., for the protection of buildings, etc., at the Government Hospital for the Insane.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has the Clerk a copy of the resolution which he is reading which has been reported back to the House?

The SPEAKER. He has a copy of it.

Mr. MANN. Does the copy show that it has been reported back to the House?

The SPEAKER. The situation about this is as follows——

Mr. MANN. I would like to have my parliamentary inquiry answered, if I may.

The SPEAKER. That is what the Chair is going to do.

Mr. MANN. I think the Chair was going to do something more.

The SPEAKER. What was the parliamentary inquiry of the gentleman?

Mr. MANN. Whether the Clerk read from a copy of the resolution, which shows that it has been reported back to the House?

The SPEAKER. It does not show anything of the sort.

Mr. MANN. I am not criticizing the Clerk, but the Clerk ought not to read the original print of a resolution until it has been reported back to the House.

The SPEAKER. There is no print of this that has been reported back.

Mr. MANN. Then the Clerk can not read it.

The SPEAKER. But it was not the Clerk's fault; the Speaker ordered him to read it.

Mr. MANN. I am not criticizing the Clerk, because I know how this thing came about. It is the fault of somebody else.

The SPEAKER. It was inadvertently referred to the wrong committee.

Mr. MANN. I beg the pardon of the Chair, but that is not the case; it was referred to the proper committee, and there is a report purporting to come from that committee, but because nobody knows what it is—I have not time to explain it, and therefore I shall object.

Mr. AUSTIN. Mr. Speaker, I will ask the gentleman from Illinois to withhold his objection. I think I can explain that.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

Mr. AUSTIN. The safety of about 3,000 insane people is involved in this proposition.

VETO OF WOOL TARIFF BILL.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to have printed in the RECORD an editorial by Mr. Charles K. McClatchy, of the Sacramento Bee, of August 12, 1912, relating to the second veto of the wool tariff bill.

The SPEAKER. The gentleman from California asks unanimous consent to have printed in the RECORD an editorial from the Sacramento Bee. Is there objection?

Mr. MANN. Mr. Speaker, did not the gentleman insert an editorial in the RECORD a day or two ago?

Mr. RAKER. Not upon this subject.

Mr. MANN. No; but upon some other subject.

Mr. RAKER. I do not remember that I did. I tried to get one in about two months ago.

Mr. MANN. I can not keep track of all the gentleman's requests. I do not think I shall object to this. The gentleman has made more requests for insertions in the RECORD than any other three Members of the House combined.

The SPEAKER. Is there objection?

There was no objection.

The editorial is as follows:

TAFT'S SECOND VETO OF THE LA FOLLETTE TARIFF BILL.

President Taft's veto of the bill to revise Schedule K of the Payne-Aldrich Tariff Act, which schedule relates to wool and woolen goods, is without justification.

The principle of protection was not attacked in this measure. It reduced the existing duties, but yet was highly protective. It imposed a duty of 29 per cent on raw wool, and on woolen clothing 49 per cent.

The vetoed measure accordingly was not a free-trade bill. It was not even a Democratic measure. It was a duplicate of the original La Follette bill, a Progressive Republican measure, which Taft vetoed a year ago.

The excuse he then gave for the veto was that Congress should have waited for the report of his Tariff Board on the subject. The excuse he now gives is that the bill does not conform to the board's findings; that its duties are not sufficiently high for "protection."

But not long after the passage of the Payne-Aldrich bill—which Taft should have vetoed because it did not keep faith with the people on the pledge of tariff revision—he publicly admitted Schedule K to be "indefensible" because of its enormous duties.

He did not wait for the report of any Tariff Board before making that confession. But now, in effect, he takes the ground that the people can have no relief from excessive duties save through a Tariff Board of his own appointment; that Congress must play second fiddle and abdicate its powers, because of the existence of such a board.

No doubt it is desirable to have a Tariff Board to act in an advisory capacity to Congress. But to assume that Congress must be governed by the findings or opinions of any such board is to set up a new and revolutionary doctrine. There are men in both Houses who have made a life study of the tariff and who know more about it, both practically and theoretically, than any member of this new board.

Senator LA FOLLETTE is a protectionist. In introducing and advocating this measure a year ago, after the Senate had rejected the Underwood bill, he declared his aim was to keep faith with the Republican platform pledge to the people regarding tariff revision. He then said:

"It is my judgment that there are no more iniquitous, no more indefensible, no more harmful provisions in all the tariff law than those contained in Schedule K.

"The ad valorem rates proposed will simplify the schedule in point of phraseology, will automatically do away with whatever fraud there is in the so-called compensatory duty, will abolish the discrimination against the poor man's cloth in favor of that of the rich man, will remove the discrimination against the carded-wool manufacturer in favor of the worsted-goods manufacturer, and, without attempting to draw the line between the compensatory and the protective duty, will automatically provide for both, leaving ample protection for the woolgrower

and the manufacturer without leaving the consumer completely at the mercy of the latter."

Senator LA FOLLETTE showed a year ago that the duties could be reduced even lower than his measure proposed "without disturbing in the slightest degree a single American industry"; that the existing Schedule K was not only excessive, but "dishonest." His bill, with some amendments then made in the House, was, however, vetoed by the President.

Recently the same bill of his, which passed the Senate a year ago, was again introduced by LA FOLLETTE as a substitute for the Penrose tariff bill, and passed the Senate by the combined votes of Progressives—Republicans and Democrats uniting for the purpose. The 11 Republican Senators who voted for it were BORAH, BOURNE, BRISTOW, CLAPP, CRAWFORD, CUMMINS, GRONNA, KENYON, LA FOLLETTE, POINDEXTER, and WORKS. DIXON and other Republicans favorable to the bill were paired with Democratic Senators.

Such is the plain history of this honest, just, and needed La Follette downward-revision bill, which Taft has a second time vetoed in the interest of privilege and monopoly and against the welfare of the people.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent to have printed in the RECORD the very eloquent oration entitled "The United States," delivered by the Hon. NATHAN E. KENDALL, a Member of this House from the State of Iowa, before the Society of the Friendly Sons of St. Patrick, at Philadelphia, Pa., on Monday, March 18, 1912.

The SPEAKER. Is there objection?

There was no objection.

The address of Mr. KENDALL is as follows:

The PRESIDENT. Gentlemen, I now have the great pleasure of introducing to you the Hon. NATHAN E. KENDALL from the sixth Iowa district and a Member of Congress; one of the eloquent gentlemen who are always listened to with the greatest pleasure.

"THE UNITED STATES."

[HON. NATHAN E. KENDALL.]

Mr. President and gentlemen of the Friendly Sons of St. Patrick:

I am profoundly sensible of the unusual compliment implied in your invitation to address the one hundred and forty-first annual dinner of this ancient and honorable association. It may not be unbecoming to acknowledge that an appropriate appreciation of my own inadequacy rendered me somewhat reluctant to appear on this delightful occasion, before this distinguished company, in this historic city. But my faltering confidence was measurably restored when I recalled that scintillant witticism of Senator Ingalls, retorted in legislative debate upon an eminent son of Pennsylvania, in which it was insisted that your venerable Commonwealth had, after all, produced but two great men—Albert Gallatin, of Switzerland, and Benjamin Franklin, of Massachusetts. [Laughter and applause.]

I anticipate with much satisfaction the enthusiasm with which you will approve every reference to dear old Erin—that little continent across the sea, whose future, in the providence of God, is to be as resplendent as its past, in the irony of fate, has been sorrowful. [Applause.] It is well. Your affection for the mother country in her misfortune but intensifies your loyalty to the youthful Republic in its prosperity; for it is not possible to be a good Irishman without being a good American. [Great applause.] We love the Emerald Isle, and we are proud of the impressive resistance she has interposed for more than a hundred years against alien oppression. The struggle for liberty which she is prosecuting will continue with augmented energy, undiscouraged by delay and undismayed by disaster, until self-government for that afflicted people shall be enforced in all the parliaments of enlightened opinion. [Applause.] We know how futile prophecy generally is, but we venture fondly to believe that men here present will witness the happy day when an ambassador from the republic of Ireland will arrive in Washington, present his credentials to the American Secretary of State, and be received with all the consideration to which his exalted commission will entitle him. [Great applause.]

I am expected to respond to the sentiment, "The United States of America." It is a theme, my countrymen, to fascinate the interest and stimulate the imagination. Bunker Hill and Yorktown! Lake Erie and New Orleans! Gettysburg and Cold Harbor! Manila Bay and Santiago! [Great applause.]

Breathes there a man with soul so dead
That never to himself hath said,
"This is my own, my native land?"
If such there be, go mark him well.
For him no minstrel's raptures swell,
High though his title, proud his name,
Boundless his wealth as wish can claim,
Despite his title, power, and pelf,
The wretch, concentered all in self,
Living shall forfeit fair renown
And doubly dying shall go down
To the vile dust from which he sprung,
Unwept, unhonored, and unsung.

[Great applause.]

The United States of America! The immortal principles of justice and equity which underlie it! The incomparable benefits which it secures to its citizenship! The immeasurable sacrifices which have been suffered to establish and maintain it! It is our home, our country, our beloved Government, bequeathed to us forever by the venerated fathers, the most precious inheritance ever bestowed upon the sons of men! [Applause.]

It is difficult for us to realize that estimated by the long reaches of history our country is yet in its infancy. Less than a century and a half ago—indeed just subsequent to the organization of the society which honors me with its attention at this moment—in this City of Brotherly Love, the accredited representatives of an humble and pious constituency scattered along the Atlantic coast from New England to Georgia embarked upon an experiment. It was an experiment in political economy without a precedent and without a parallel. Thitherto from the earliest dawn of civilization there had been almost universal acquiescence in the now abhorrent doctrine of the divine authority of kings to rule common people. Whoever disputed that principle was denounced as an anarchist, intent upon public outrage and private mischief. Whoever asserted an inalienable right to a controlling voice in his own government was condemned as a disturber, seeking to overturn established conditions and to involve the community in disorder and chaos. The power of Great Britain was absolute, and it was exercised with the most offensive and oppressive insolence. Beginning with trivial exactions concerning nonessentials, her aggression gradually advanced from one usurpation to another until it finally culminated in the supreme infamy of a burdensome tax levied upon subjects impudently denied any influence in the administration of their own domestic affairs. And it was when this climax of iniquity was complete that there was exemplified before a waiting world the first demonstration of American patriotism. [Applause.]

It is profitable for us of this generation to glance back in retrospect to those immemorial days. There is Benjamin Franklin, with inimitable wisdom and unanswerable logic, collecting all the reasons for a divorcement from the mother country into one terse and indisputable argument, "taxation without representation is tyranny"; and sagely counselling his compatriots that unless in that crisis they all hung together, it was extremely probable they would all hang separately. [Laughter.] There is Thomas Jefferson dedicating the mightiest efforts of his transcendent genius to the cause of human freedom.

There is John Adams beseeching his brethren for a definite expression in favor of independence: "Sink or swim, live or die, survive or perish, I give my hand and my heart with this vote." [Applause.] There is Patrick Henry, that inspired Irishman [great applause], before the Virginia Legislature in a fine frenzy of eloquence, exclaiming: "Cæsar had his Brutus, Charles the First his Cromwell, and George the Third may profit by their example." [Applause.] Then, pausing for a moment for the tumult to subside, there burst from his indignant lips that memorable philippic now so familiar to every schoolboy orator: "What is it that gentlemen wish? What would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God! I know not what course others may take, but as for me, give me liberty or give me death." [Prolonged applause.] And there is the formal declaration, signed and sealed, asserting that "these united colonies are, and of a right ought to be, free and independent States," written out of the faithful hearts of those consecrated patriots and ratified by the unswerving fidelity of their unconquerable countrymen. [Applause.]

Let us look again. Behold, the feeble and struggling colonists are engaged in a tremendous war with the most formidable military power on the globe. With no army, with no navy, with no credit, with no commerce, but with unfaltering confidence in the righteousness of their cause they have valiantly appealed from the cruel ultimatum of an arbitrary and insane king to the beneficent God of battles. There is the lamented Parker instructing his minutemen on Lexington Green: "Don't fire unless fired upon; but if they mean to have a fight, let it begin here." [Applause.] There is Ethan Allen assaulting Fort Ticonderoga and demanding its unconditional and immediate surrender. "Upon what authority?" inquired the terrified British commander. "In the name of the Great Jehovah and the Continental Congress," thundered the redoubtable colonel. [Geat applause.] There is John Stark leading an attack upon the impregnable outposts of the enemy, his clarion voice ringing full and clear above the roar of musketry: "Boys, there are the redcoats; we must beat them to-day or Mollie Stark is a widow." "There is the young and amiable and ambitious Hale executed as a spy, crying out upon the gallows in the presence of ignominious death: "Would to God I had a dozen lives to

sacrifice for my country." [Applause.] There is John Paul Jones, his good ship stripped and almost sinking: "Have you struck your colors?" signaled his adversary. "No," trumpeted back the invincible sea-dog, "I have just begun to fight." [Great applause.] And there is George Washington, sublime and self-poised on his bended knees at Valley Forge invoking the aid and support of Divine guidance. Ah, the heroes of that cause and of that war are nameless and numberless and deathless. And after the blood and carnage and defeat and victory came the capitulation of Cornwallis and the acknowledgment of American independence. The long end hoped for, fought for, prayed for, was achieved at last. Liberty triumphed over tyranny, and the imperious edict of despots was superseded by the legally expressed will of the majority, honestly ascertained and faithfully enforced. A government was established, deriving its just powers from the consent of the governed and dedicated to the proposition that all men are created equal. A constitution was ordained, guaranteeing to Catholic and Protestant, to Puritan and Cavalier, to Royalist and Republican, like security in life, property, and the pursuit of happiness, and the United States of America entered upon its unprecedented career of prosperity and usefulness and honor. [Great applause.]

The student of our history is interested and yet perplexed when he is compelled to consider that even at that remote day when Washington was inducted by unanimous acclaim into the first Presidency there existed radical differences of opinion respecting the character of the new government. One school of thought affirmed that it was simply a voluntary association of sovereign States, subject to be dissolved at the election of any one or number of its membership. Another school of thought maintained that it was a union, inseparable, indivisible, perpetual. [Applause.] Out of that disparity of belief, earnestly entertained and energetically defended, there arose as the years elapsed heated discussion, bitter controversy, crimination, and recrimination, all to be adjudicated irrevocably, to be adjudicated forever, to be adjudicated right at Antietam and Vicksburg and Appomattox. [Great appluase.]

The Civil War was a tragedy so unparalleled in the written records of humanity that no imagination, however vigorous and resourceful, is competent to delineate its awful enormities. Reflect a moment upon all that was involved. Think of the terrible loss of life, of the tremendous destruction of treasure, of the firesides ruined, of the hearthstones desolated, of the families beggared, of the national travail and wretchedness and misery, of the individual suffering and sacrifice and death. Think of the faithful husband as he renounces the sweet and tender associations of home, the devoted wife, the cherished children, and then think of him on the bloody field of battle slowly dying of a mortal wound—and all for principle, all for liberty, all to preserve a united Government of indestructible States, one and indissoluble, then and forever. Think of the dutiful son, the silent joy of an affectionate and solicitous mother, the stalwart support of an aged and declining father—think of his farewell to those sorrow-stricken parents; farewell not until to-morrow, not until next week, not until after awhile, but farewell until they all shall stand at the last day in the presence of each other before the judgment bar of God. Think of the romantic suitor as he sighs au revoir to the soft-voiced siren who has long reigned empress in his heart. We may not be pardoned for referring to that interview. The surroundings are inspiring in their character. There is the fife and the drum and the uniform and the march and the grand old patriotic songs which stir men's souls. All without is tumult and confusion, all with them is confidence and love. This rueful Romeo is whispering to his gentle Juliet the old, old story, which always is new at every repetition, when suddenly the drums beat, the advance is sounded, and they must part for a time, it may be forever. Think of that hero as he marches away to the strident music of the war:

His not to reason why;
His but to do and die.

And then think of him at Shiloh, or before Atlanta, or in the Wilderness yielding up his young life that the great Republic may remain. [Applause.] We try to measure all the sorrow and the sacrifice, and we are stupified with horror. The eyes grow dim, the lips are silent, the heart is still. There are names we do not know, and graves we can not find. There are messages that never came, and mournful whispers carried on the weeping winds to breaking hearts that never cease to break, yet can not die. There are memories that time will not obliterate, and familiar footsteps which ever echo and reecho in the corridors of the imagination. There are strains of music weird and gay and sweet and sad which transport all the past upon their matchless melody and waft it by beyond our grasp on mystic wings of sound. And even to this day there are tears that will not dry, and sobs that can not break in tears. Oh, how superb, how magnificent, how glorious, how cruel, how terrible, how remorseless is war to the victorious and to the vanquished. [Great applause.]

It was a calamity unspeakably sorrowful, that fratricidal misunderstanding between the people of the North and the people of the South. But we long ago learned to embrace the philosophy expressed by our great President in his second inaugural, "The Almighty has his own purposes, and the judgments of the Lord are true and righteous altogether." There could not be a new birth of freedom so long as the old institution of slavery survived. There could not be a more perfect union in peace until the doctrine of States' rights perished by the sword. There could not be the remission of national sin without the shedding of individual blood. And so the war was inevitable. It was a fearful retribution, but its compensations were more than manifold, for out of it there emerged the regenerated, the reunited, the real Republic which is now the miracle and the marvel of all the civilized communities of the earth. [Applause.] The conflict itself is become a priceless and imperishable memory, with its bloodiest battle fields cherished everywhere as sacred theaters upon which were illustrated the sublimest exhibitions of American endurance, American bravery, American patriotism. The heroes of that unexampled collision, whether robed in the blue of victory or in the gray of defeat, each battled for a principle which he believed with every aspiration of his soul to be right; each rendered to the cause he espoused the last final measure of duty as he conceived it; and the incomparable valor of each is the treasured heritage of our common country. [Applause.] And it is our common country now. A little while ago I witnessed a spectacle which to me was a genuine revelation. There were miles of carriages, civic societies in full uniform, salvos of artillery, regal pomp, and military pageantry. The ceremonial was the unveiling of that historic statue on the Lake Front in Chicago, erected by the gratitude and generosity of the State of Illinois in honor of Gen. John A. Logan. [Applause.] Throughout the 5 miles of that remarkable procession the atmosphere was enriched with continuous cheers as Federal and Confederate emulated each other in tribute to that invincible warrior, the superb Black Eagle of the Fifteenth Army Corps. And when I saw that demonstration I said to myself, it is our common country now. [Great applause.] Do you know, my countrymen, in the National Park at Chickamauga the sovereign State of Kentucky has created a single memorial to her sons under Thomas and her sons under Bragg who fought and fell on the decisive field. And on that magnificent marble there is inscribed these significant and inspiring words:

"As we are united in life and they in death, let one monument perpetuate their undying deeds, and one people forgetful of all the bitterness of the past ever hold in grateful remembrance all the glories of the terrible conflict which made all men free, and retained every star upon our Nation's flag." [Great applause.]

And when I stood in the shadow of that majestic column and read that noble sentiment composed by a colonel who commanded a Confederate regiment at Snodgrass Hill, I said to myself again, it is our common country now. [Applause.]

Indeed, who can doubt it after the memorable incidents of the Spanish-American War. That was an unfortunate and sanguinary encounter in which we became embroiled with a semibarbarous power, but let it be remembered that the catastrophe was not of our own provoking. After exhausting every resource of pacific diplomacy we were compelled to submit the questions at issue to the arbitrament of the sword. We forbore until forbearance ceased to be a virtue. We delayed until dilatoriness was fast becoming a crime. Yonder on the little island of Cuba thousands of innocent women and children were starving at our very threshold. Robbery, rapine, and murder without example characterized the conduct of Spain toward her impoverished dependency. We petitioned, and our petitions were ignored with contempt. We remonstrated, and our remonstrances were spurned with derision. We protested, and our protests were scorned with defiance. Finally the good ship Maine was destroyed, and by that last act of infamy 267 of our gallant seamen on a friendly visit to a supposedly friendly port, with no moment's warning of impending danger were ruthlessly slaughtered, and without a conscious struggle they passed from the repose of sleep to the repose of death. Then came our declaration of war. It was a trumpet call to duty, and it unified this country as no other agency could have accomplished. [Applause.] Instantly a million men were ready to respond to the crisis, and they came from every city, from every town, from every village, from every hamlet in the

broad commonwealth. For the first time in generations there was no North, no South, no East, no West—only a single country with a single emblem and a single destiny. Thus fortified we proceeded from victory to victory while vengeance was ours and until we had repaid. It was our supreme privilege to emancipate a beleaguered people, to avenge fiendish and brutal assassination, and once again to banish European tyranny from the occidental hemisphere. [Applause.] I do not know your opinion and I would not violate the proprieties of this occasion, but I have the profound conviction that there is no place in the territory of this western continent for any but American institutions; there is no room in the atmosphere of this western world for any but the American flag. [Prolonged applause.] In that brief but brilliant engagement with Spain, whether with George Dewey steaming over the torpedoes into Manila Bay, or with the peerless Schley at Santiago, or with the redoubtable Rough Riders of San Juan and El Caney, the American Army and the American Navy achieved inextinguishable renown, and communicated a new and resplendent glory to our triumphant Republic. [Applause.] And when I observed the Federal general, Merritt, and the Confederate general, Wheeler, standing side by side and shoulder to shoulder under the beautiful banner of the free, I said to myself a thousand times, it is our common country now. [Great applause.]

The past so opulent is past—what of our future? To-day we are the most important people on earth, to-day we are the most progressive, to-day we are the most powerful. We know more than any other people [applause], and upon sufficient persuasion we can be induced to confess the fact. [Laughter and applause.] We have got more books on our shelves, more pictures on our walls, and more thought in our brains. We have got more pleasant homes in this country, more happy children, more intelligent women and more intellectual men, and the United States of America is the best government ever organized by man. [Applause.] No other nation so nearly approaches absolute equality, no other Republic ever survived half so long without a successful revolution, and every additional star we imprint upon our emblazoned banner is a perpetual evidence that we are resolved to advance throughout all eternity. [Applause.]

So far as I am concerned I have not been depressed by the insidious pessimism which characterizes contemporaneous philosophy. On the contrary, I have unlimited faith in the great Republic. A nation that is capable of producing George Washington and Thomas Jefferson and Alexander Hamilton [applause]; that is capable of producing Andrew Jackson and Henry Clay and Daniel Webster [applause]; that is capable of producing Abraham Lincoln—and what shall I say in this presence of that overshadowing character, of that mysterious admixture of melancholy and merriment, of laughter and tragedy, of mirth and tears? [Applause.] When the nineteenth century shall assemble its illustrious dead in their final Pantheon there will be Napoleon for France, Gladstone for Britain, Bismarck for Germany, Tolstoy for Russia, and for America the grandest personality in all modern history; the emancipator, the martyr, the man, Abraham Lincoln. [Prolonged applause.] A nation that is capable of producing Lincoln; that is capable of producing Ulysses S. Grant, that silent soldier whose military strategy exploded ancient fallacies and introduced original conceptions of popular government; whose inspiring epigrams, "I propose to fight it out on this line if it takes all summer," and "No terms other than unconditional surrender will be accepted," stimulated the hesitant North to renewed endeavor, and whose prophetic words, "Let us have peace," were a sacred benediction upon the troubled hearts of all his countrymen. [Applause.]

A nation that is capable of producing Grant; that is capable of producing William McKinley, that matchless sacrifice to an anarchy as inexcusable as it was insane, who was everywhere recognized as a synonym for fidelity to friendship, for devotion to duty, for perfect consecration to the public service; whose laborious and eventful life, whether in private conduct or domestic relation or official position, was one harmonious symposium of the sweetest, chastest symphonies that can be improvised from the atmosphere of heaven. [Applause.]

A nation that is capable of producing such a citizenship and of inspiring it with such a patriotism must have a marvelous future. And it shall go forward forever, surmounting one obstacle after another in the pathway of its development and of its destiny, until finally it shall seize and hold and reflect the glory and the grandeur of all the earth. [Prolonged applause.]

Joaquin Miller, that erratic and eccentric genius of the Sierra Nevadas, has written a poem of Columbus and his voyage, of its hopes and fears, of its doubts and despairs, and of its ultimate reward in the discovery of an unsuspected continent. I never read that poem without instinctively feeling that its exalted sentiment typifies the irresistible progress of my country:

Behind him lay the gray Azores,
Behind the gates of Hercules;
Before him not the ghost of shores,
Before him only shoreless seas.
The good mate said, "Now must we pray,
For lo, the very stars are gone;
Brave Admiral speak, what shall I say?"
He said, "Sail on and on and on, sail on."

They sailed and sailed as winds might blow
Until at last the blanched mate said,
"Why now not even God would know
If you and all your men fell dead;
These very winds forget their way,
For God from these dread seas is gone;
Brave Admiral speak, what shall I say?"
He said, "Sail on and on and on, sail on."

They sailed and sailed, then spake the mate;
"This mad sea shows his teeth to-night,
He curls his lips, he lies in wait
With lifted fang as if to bite;
Brave Admiral say but one good word
What shall I say when hope is gone?"
The answer leaped like a leaping sword;
He said, "Sail on and on and on, sail on."

Then pale and worn he kept his deck
And peered through darkness. Ah, that night
Of all dark nights, and then a speck;
A light! A light! A light! A light!
It grew, a star-lit flag unfurled;
It came to be time's burst of dawn.
He gained a world, and gave that world
Its grandest lesson; On and on and on, sail on.

[Great applause.]

And so, my countrymen, shall this imperial Republic of ours, proud of yesterday, contented with to-day, hopeful for to-morrow, sail on and on and on throughout the countless cycles of its shining career until it shall attain an approximately perfect day when no decoration shall be so exclusive, no dignity so exceptional, no distinction so extraordinary as citizenship in the United States of America. [Prolonged applause.]

RELIEF OF HOMESTEADERS IN NEBRASKA.

Mr. KINKAID of Nebraska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at half past 10 o'clock to-morrow morning. I understand the gentleman from Illinois [Mr. RAINEY] desires to occupy an hour in debate at that time, and I ask unanimous consent further that the hour from 10.30 o'clock a. m. to 11.30 o'clock a. m. be devoted to that purpose.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 10.30 o'clock a. m., and that immediately after the reading of the Journal the gentleman from Illinois [Mr. RAINEY] may have an hour in which to address the House.

Mr. MANN. Mr. Speaker, reserving the right to object, what is the gentleman going to discuss?

Mr. RAINEY. Certain phases of the water-power conservation question.

Mr. AUSTIN. Mr. Speaker, I have received notice from the gentleman from Illinois that he intended to make this speech, and that he also intended to refer to me in that address.

Mr. RAINEY. Yes.

Mr. AUSTIN. If this House gives him permission to address it for an hour, I shall ask permission to reply to-morrow.

Mr. UNDERWOOD. Mr. Speaker, if it is to be a personal controversy between two gentlemen I do not think that we can set aside to-morrow to carry it on.

Mr. MANN. Why not extend the time a little and divide it up, if they need it?

Mr. RAINEY. I ask unanimous consent that the gentleman from Tennessee may be accorded the privilege of replying.

Mr. AUSTIN. Mr. Speaker, I have no objection to the gentleman from Illinois having an hour, but I want the same amount of time, if I deem it necessary, in which to defend myself and reply to anything that he may have to say in reference to me.

Mr. RAINEY. I suggest that the House adjourn until 10 o'clock to-morrow morning.

Mr. UNDERWOOD. Mr. Speaker, if it is to be a personal controversy between two gentlemen I do not think that I can consent to it. We will have conference reports and other matters of importance to attend to.

Mr. MANN. Mr. Speaker, I think both gentlemen will be able to get time to-morrow.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock a. m. to-morrow.

Mr. MANN. Mr. Speaker, reserving the right to object, what is to come up at that time?

Mr. RAINEY. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow; that I have the hour from 10 o'clock to 11 o'clock, and that the gentleman from Tennessee [Mr. AUSTIN] have the hour from 11 o'clock to 12 o'clock, if he so desires.

Mr. UNDERWOOD. Mr. Speaker, while I dislike to object to that, I feel I shall have to.

Mr. MANN. Oh, it is only adding half an hour more to the time the gentleman proposed.

Mr. UNDERWOOD. I fear if the gentlemen start in a controversy of that kind it will reach well into the day.

Mr. RAINEY. I do not think I will even take the hour.

Mr. UNDERWOOD. If the gentlemen will compromise on 45 minutes a side, very well.

Mr. MANN. Oh, let them have an hour and meet at 10 o'clock.

Mr. RAINEY. I do not think I shall take over 45 minutes, but I would like to have an hour.

Mr. UNDERWOOD. Mr. Speaker, with the understanding that when 12 o'clock is reached, the House may proceed with business, without interruption on account of these speeches, I shall not object.

The SPEAKER. The gentleman from Illinois asks unanimous consent that when the House adjourn to-day it adjourn to meet at 10 o'clock to-morrow morning, and that he shall have one hour in which to address the House, and that the gentleman from Tennessee shall have one hour in which to reply.

Mr. UNDERWOOD. With the understanding that when 12 o'clock is reached the House may proceed with business.

The SPEAKER. The Chair would suggest that it will take 10 or 15 minutes to read the Journal in the morning, if not longer.

Mr. RAINEY. Then take that much time off each one of us.

The SPEAKER. Half and half?

Mr. RAINEY. Yes.

Mr. UNDERWOOD. I think the gentlemen better agree to the proposition that each take 45 minutes.

Mr. RAINEY. Mr. Speaker, I will ask that each side have 50 minutes.

Mr. MANN. Mr. Speaker, I shall not object to each side having 50 minutes, if we meet at 10 o'clock, if my colleague proceeds at that time.

Mr. RAINEY. I intend to proceed at 10 o'clock.

Mr. MANN. I do not care to have the House meet at 10 o'clock to-morrow and then have it start on something else that is not expected to come up at that time.

The SPEAKER. The gentleman asks that the House meet at 10 o'clock a. m., and that immediately after the reading of the Journal he and the gentleman from Tennessee shall proceed to address the House——

Mr. AUSTIN. Mr. Speaker, I want to make the request in my own name that I have the opportunity to reply to the gentleman.

The SPEAKER. Well, the gentleman from Illinois [Mr. RAINEY] asks unanimous consent that when the House adjourns to-day it adjourn to meet at 10 o'clock to-morrow, and immediately after the reading of the Journal he shall have one hour. Does the gentleman from Tennessee [Mr. AUSTIN] wish to prefer a request?

Mr. MANN. It was 50 minutes.

The SPEAKER. It is 50 minutes instead of an hour. Now, does the gentleman from Tennessee desire to make a request?

Mr. AUSTIN. I ask permission for an equal length of time to answer the gentleman.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] asks for 50 minutes.

Mr. UNDERWOOD. Mr. Speaker, I couple with the request that when the hour of 12 o'clock is reached that the business of the House shall be proceeded with.

Mr. MANN. I could not consent to that, because that might deprive the gentleman from Tennessee of his time.

The SPEAKER. Why not compromise it in this way, that immediately after the reading of the Journal the gentleman from Illinois and the gentleman from Tennessee shall, under the direction of the Chair divide what remains of the time equally between them until 12 o'clock.

Mr. RAINEY. I have no objection.

The SPEAKER. Is there objection?

Mr. MANN. Is it the Speaker's suggestion?

The SPEAKER. Yes; and that would seem to be a fair compromise.

Mr. MANN. If that is the request of the Speaker he is putting and the proposition he has made, I have no objection.

The SPEAKER. That is the proposition the Chair puts, that when the House adjourns to-day it shall adjourn to meet at 10 o'clock a. m., to-morrow, and after the reading of the Journal that the speech making by the gentleman from Illinois and the gentleman from Tennessee extend to 12 o'clock, the time to be divided half and half between them by the Chair.

Mr. AKIN of New York. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama if he will insure us a quorum.

The SPEAKER. It will take half an hour of that time to get a quorum.

Mr. AKIN of New York. I should like a quorum here to hear it.

The SPEAKER. That is a laudable desire. Is there objection? [After a pause.] The Chair hears none.

INJURED GOVERNMENT EMPLOYEES.

Mr. MAGUIRE of Nebraska. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill H. R. 23451, the omnibus claims bill, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 23451, an act to pay certain employees of the Government for injuries received while in the discharge of their duties, and other claims for damages to and loss of private property.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to disagree to the Senate amendments and asks for a conference.

Mr. MANN. If the gentleman asks unanimous consent, I object.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 8 minutes p. m.) the House adjourned to meet to-morrow, Tuesday, August 20, 1912, at 10 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HENRY of Texas, from the Committee on Rules, to which was referred the concurrent resolution (S. Con. Res. 24) providing for an inquiry as to the purchase of the home of Thomas Jefferson, at Monticello, Va., reported the same without amendment, accompanied by a report (No. 1214), which said bill and report were referred to the House Calendar.

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the concurrent resolution (H. Con. Res. 1) arranging for improvement in the American tobacco-trade conditions, reported the same without amendment, accompanied by a report (No. 1213), which said bill and report were referred to the House Calendar.

Mr. McLAUGHLIN, from the Committee on Agriculture, to which was referred the bill (H. R. 26329) to amend proviso in meat-inspection law concerning products prepared according to directions of foreign purchasers, reported the same with amendment, accompanied by a report (No. 1225), which said bill and report were referred to the House Calendar.

Mr. MOSS of Indiana, from the Committee on Expenditures in the Department of Agriculture, submitted a report (No. 1207) on the hearings before said committee, commonly referred to as the Florida Everglades investigation, which report was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (S. 4033) for the relief of Warren E. Day, reported the same with amendment, accompanied by a report (No. 1218), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FRENCH: A bill (H. R. 26338) providing for patents to desert-land entries on reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. MONDELL: A bill (H. R. 26339) authorizing and directing the Secretary of the Interior to investigate and settle certain accounts, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. DOREMUS: A bill (H. R. 26340) requiring all ocean and lake going vessels propelled by machinery and over 15 gross tons to carry a message case for the purpose of communicating any accident on shipboard to people on shore, when no other means are available; to the Committee on the Merchant Marine and Fisheries.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 26341) to regulate the construction of dams in navigable rivers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ASHBROOK: Resolution (H. Res. 700) to pay E. B. McClelland for services as a House Office Building policeman; to the Committee on Accounts.

By Mr. WILSON of Pennsylvania: Resolution (H. Res. 701) authorizing the appointment of a special committee to investigate conditions existing in the Paint Creek coal field of West Virginia; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BOOHER: A bill (H. R. 26342) granting an increase of pension to Mary F. Murphy; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 26343) granting an extension of letters patent to William F. Brothers; to the Committee on Patents.

By Mr. DENVER: A bill (H. R. 26344) granting a pension to Alice Ricketts; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26345) granting a pension to Maud A. Johnston; to the Committee on Invalid Pensions.

By Mr. FLOOD of Virginia: A bill (H. R. 26346) for the relief of the legal representatives of Thomas B. McClintic, deceased; to the Committee on Claims.

By Mr. HAMILTON of West Virginia: A bill (H. R. 26347) granting an increase of pension to Alpheus Danley; to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 26348) for the relief of the estate of John Wesley Eubanks; to the Committee on War Claims.

By Mr. LEE of Pennsylvania: A bill (H. R. 26349) granting a pension to John Dowdy; to the Committee on Pensions.

By Mr. LEVER: A bill (H. R. 26350) authorizing the President to nominate and, by and with the advice and consent of the Senate, appoint E. F. Slater, a first lieutenant in the Medical Reserve Corps of the United States Army, a captain in the Medical Corps on the retired list, and increasing the retired list by one for the purposes of this act; to the Committee on Military Affairs.

By Mr. McGILLICUDDY: A bill (H. R. 26351) granting a pension to Rosie Scott; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26352) granting a pension to Lydia B. Fowler; to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 26353) granting a pension to Arrietta Newbert; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Memorial of the Grand Council of Ohio of United Commercial Travelers, favoring change of date for national and State elections; to the Committee on Elections of President, Vice President, and Representatives in Congress.

By Mr. HOWELL: Memorial of the Commercial Club of Salt Lake City, Utah, favoring a Federal commission to revise the mineral land laws of the United States; to the Committee on Mines and Mining.

By Mr. KINDRED: Petition of the Maritime Association of the port of New York favoring the building of two battleships; to the Committee on Naval Affairs.

By Mr. McKINNEY: Petition of A. G. Anderson, manager Angutane Book Concern, Rock Island, Ill., against passage of Senate amendment to Post Office bill; to the Committee on the Post Office and Post Roads.

By Mr. SCULLY: Petition of Middlesex Council, No. 63, Junior Order United American Mechanics, of Perth Amboy, N. J., and Charles L. Walters Council, No. 178, Junior Order United American Mechanics, Milltown, N. J., favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

Also, petition of the Patriotic Sons of America, Washington Camp, No. 85, of New Jersey, favoring passage of the Dillingham immigration bill; to the Committee on Immigration and Naturalization.

By Mr. UNDERHILL: Petition of the Isaac Goldman Co. against increased postage on magazines, etc.; to the Committee on the Post Office and Post Roads.

By Mr. WILLIS: Papers to accompany House bill 21696, granting an increase of pension to John W. Hendershott; to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to Lydia B. Fowler; to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *August 20, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. PENROSE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

PERSONAL EXPLANATION.

Mr. PENROSE. While I am on my feet, Mr. President, I desire to give notice that to-morrow, after the reading of the Journal, I shall rise to make a privileged statement regarding certain correspondence between John D. Archbold and myself. I understand that this will not interfere with the unanimous consent already given, and I ask that it be noted on the calendar.

The PRESIDENT pro tempore. It is the Senator's privilege.

EXECUTIVE SESSION.

The PRESIDENT pro tempore. It having been agreed by unanimous consent that on this day at 11 o'clock the Senate would proceed to the consideration of executive business, the Sergeant at Arms will see that the galleries are cleared and the doors closed.

The Senate thereupon proceeded to the consideration of executive business. After 3 hours and 15 minutes spent in executive session the doors were reopened.

DEPARTMENT OF LABOR.

Mr. BORAH. I ask unanimous consent that on Thursday morning, after the routine morning business and prior to the time at which the unfinished business would come up, we consider House bill 22913, being an act to create the department of labor.

The PRESIDENT pro tempore. The Senator from Idaho asks that on Thursday morning, after the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor. Is there objection?

Mr. REED. I ask for order in the Chamber in order that the Senate may understand the request.

Mr. SMOOT. Will the Senator from Idaho add to his request not to interfere with the consideration of appropriation bills or conference reports?

Mr. BORAH. Yes; I think that under the circumstances that should be added.

The PRESIDENT pro tempore. The order as modified will be stated by the Secretary.

The Secretary read as follows:

It is agreed that on Thursday morning, immediately after the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor, this, however, not to interfere with appropriation bills or reports of committees of conference.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Idaho? The Chair hears none.

THE PRESIDENTIAL TERM.

Mr. CUMMINS, Mr. NEWLANDS, Mr. SMOOT, and others addressed the Chair.

The PRESIDENT pro tempore. The Chair feels constrained to lay the unfinished business before the Senate. It will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

The PRESIDENT pro tempore. The Senator from Iowa is recognized.

Mr. CUMMINS. I had not desired at this moment to lay aside the unfinished business, but I have no objection to yielding to any business that will not require considerable time.

The PRESIDENT pro tempore. Will the Senator from Iowa yield for morning business?

Mr. CUMMINS. I yield for morning business.

THE "TITANIC" DISASTER.

Mr. SMOOT. The other day the Senate passed a resolution providing that 12,000 copies of Senate Document No. 806, Sixty-second Congress, the report of the Senate Committee on Commerce on the *Titanic* disaster, be printed for the use of the Senate folding room. I ask that a reconsideration of the resolution be had, and that instead of having it furnished to the Senate folding room it be furnished to the Senate document room.

The PRESIDENT pro tempore. Without objection, the former order will be reconsidered, and the request as now made is that the resolution be amended by striking out "folding" before "room" and inserting "document."

The resolution (S. Res. 356) was agreed to, as follows:

Resolved, That 12,000 copies of Senate Report No. 806, Sixty-second Congress, second session, report of the Senate Committee on Commerce on the Titanic disaster, be printed for the use of the Senate document room.

Mr. SMITH of Michigan. In view of its importance and the widespread interest in the findings of the British commission appointed to inquire into the causes contributing to the wreck of the steamship *Titanic*, I ask unanimous consent that the official findings of the commission presided over by Lord Mersey be printed as a public document (S. Doc. No. 933).

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Michigan? The Chair hears none.

SECUNDINO ROMERO.

Mr. REED. I ask unanimous consent that the evidence taken in the hearing of the Senate on the appointment of Secundino Romero be made a public document.

Mr. SMOOT. I did not hear the Senator's request.

Mr. REED. I ask unanimous consent that the evidence already taken and already printed in the matter of the appointment of Secundino Romero be made a public document.

Mr. HEYBURN. I will object to that.

Mr. REED. I simply want to relieve it from secrecy. I do not want to have it cost the Government a cent.

Mr. HEYBURN. I think matter touching the personal character of men over whom we have no jurisdiction should not be printed as a public document.

The PRESIDENT pro tempore. Objection is made.

Mr. REED. I move that the report of the hearings on the appointment of Secundino Romero be made a public document.

The PRESIDENT pro tempore. The Senator from Missouri moves that the testimony taken in the case of Secundino Romero be made a public document.

Mr. HEYBURN. I suggest that the motion can only be appropriately made and considered in executive session. It would involve a discussion of it and a disclosure of it to do it in open session. I raise the point of order that it can not be considered in open session.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. REED. Under what rule is the point of order sustained?

The PRESIDENT pro tempore. The motion relates to a matter belonging to the executive business of the Senate and manifestly can not be considered in open session when objection is made.

Mr. REED. The question whether the evidence shall be made public or not I insist belongs in open session. As to the question of discussing it, I am discussing the Chair's ruling, with the Chair's permission.

The PRESIDENT pro tempore. Certainly.

Mr. REED. The question as to what shall be said in that discussion, of course, must be regulated by the proprieties of the occasion. This is a public session of the Senate, and I am asking to have a matter made a public document, which is already printed. I respectfully protest against the ruling of the Chair that a motion of that kind can not be considered in the public sessions of the Senate, and I challenge any man to produce parliamentary law that says it can be considered only in executive session.

The PRESIDENT pro tempore. The Chair understands that the testimony was printed in confidence by the committee. The point of order is sustained.

Mr. REED. I appeal from the decision of the Chair.

The PRESIDENT pro tempore. An appeal is made. The question is, Shall the decision of the Chair stand as the judgment of the Senate? [Putting the question.] The ayes have it. The decision of the Chair is sustained.

THE J. KENNARD & SONS CARPET CO. (S. DOC. NO. 934).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury calling the attention of Congress to private act No. 77, "An act for the relief of the J. Kennard & Sons Carpet Co.," approved August 16, 1912, and stating that an appropriation of $2,427.88 will be necessary to enable that department to carry out the evident intention of the act, which was referred to the Committee on Appropriations and ordered to be printed.

UNITED STATES PUBLIC HEALTH SERVICE (S. DOC. NO. 935).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting a supplemental estimate of appropriation for the United States Public Health Service for the fiscal year ending June 30, 1913, an item in amount of $50,000, under the heading "For pay and allowances and commutation of quarters commissioned medical officers and pharmacists," to provide for 25 additional commissioned medical officers, etc., which, with the accompanying papers, was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills:

S. 4679. An act to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw; and

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus.

The message also announced that the House had passed the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills, each with amendments, in which it requested the concurrence of the Senate:

S. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River, south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.; and

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 58) authorizing Herman Walthauser, of Boston, Mass., to make a cast from the head of the statue of John Hancock, now located in the Senate wing of the Capitol, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to a concurrent resolution (H. Con. Res. 62) relative to the enrollment of the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district;

H. R. 8151. An act providing for the adjustment of the grant of land in aid of the construction of the Corvallis and Yaquina Bay military wagon road, and of conflicting claims to lands within the limits of said grant;

H. R. 11877. An act to amend section 8 of the food and drugs act approved June 30, 1906;

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1911;

H. R. 20193. An act authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing process or plant;

H. R. 22209. An act providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army;

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 23953. An act to authorize the reservation of land for public purposes in town sites in certain Indian reservations;

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark.;

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River;

H. R. 25342. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes;

H. R. 25611. An act to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes;

H. R. 25624. An act providing for the sale of the old post-office property at Providence, R. I., by public auction;

H. R. 25714. An act to amend "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes;

H. R. 25878. An act granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.; and to provide increased quarantine facilities at the port of Portland, Me.;

H. R. 26090. An act authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26114. An act to authorize the Government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.;

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.;

H. J. Res. 173. Joint resolution providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as otter and beam trawling; and

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor-Line Commission.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 7424. An act to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River";

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street;

H. R. 21969. An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone; and

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of the Central Trades and Labor Union, of East St. Louis, Ill., praying for the enactment of legislation providing for the better protection of American seamen, which was referred to the Committee on Commerce.

He also presented a memorial of Local Union, No. 21, Liquor Dealers' Protective Association, of Proviso, Ill., remonstrating against the enactment of an interstate liquor law to prevent the nullification of State liquor laws by outside dealers, which was ordered to lie on the table.

Mr. POINDEXTER. I present a petition of members of the Railroad Men's Political Club of Tacoma, Wash., praying for the creation of an interstate industrial commission. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and to be printed in the RECORD, as follows:

Resolution.

THE CREATION OF AN INTERSTATE INDUSTRIAL COMMISSION.

Whereas the peace and tranquillity of the Nation has been disturbed from time to time by strikes or threatened strikes, by lockouts, by "open" or "closed" shop controversies, by blacklisting, boycotting, or blackmailing, thereby causing unnecessary economic waste to the workingman, to employer, and to society in general; and

Whereas the use of these prerogatives in industrial disputes are detrimental to the best interests of our people: Therefore be it

Resolved, That this organization favor such Federal legislation as will provide—

First. That it be unlawful to strike or to lockout, to alter wage scales or change working conditions, and, really, unlawful to blacklist, to boycott, or to blackmail, except, however, such alteration of wage scale or change of working condition as may be amicably adjusted between employer and that organization of employees representing any particular craft; and

Second. That in lieu of the exercise of such prerogatives and the present system of adjusting labor disputes, that there be created an interstate industrial commission, with the power of a court, and that there be such changes in our political machinery somewhat as outlined hereinafter; and

Third. That there be created an interstate industrial commission to consist of one commissioner selected by and from each of the following organizations of employers and employees: The Railway General Managers' Association; the joint railway brotherhoods; the National Lumber Manufacturers' Association; representative of the mill workers; the coal-mine operators; the coal miners' union; the mine owners, other than coal; the mine workers, other than coal; the National Manufacturers' Association; the National Civic Federation; the Merchants and Manufacturers' Association; the American Federation of Labor; the shipowners; the seamen's union; and a chairman to be appointed by the President, and which member shall be a Cabinet officer.

Each commissioner shall act as the national representative of the organization electing him in legislative matters, and shall be subject to recall by the same authority responsible for his selection; and

(a) Such commission shall have plenary powers in all matters pertaining to industrial disputes other than intrastate; and

(b) It shall be invested with the full power of a court in such matters as examining witnesses, taking evidence, requiring production of documents, enforcing awards, and all other things pertinent to industrial disputes conformable to law which may be necessary to enable them to discharge the duties of their office; and

(c) Its awards shall stand unless reversed by Congress, to which there shall be the right of appeal; and

(d) It shall fix a minimum wage—a living wage—upon an eight-hour six-day-a-week basis in all classified industries not having such minimum wage, except, however, intrastate industries; and

(e) That the Department of Commerce and Labor be abolished and that all matters pertaining to commerce be transferred to the Interstate Commerce Commission, and that all other matter to the interstate industrial commission; and

(f) That the chairman of the Interstate Commerce Commission be made a Cabinet officer.

Mr. POINDEXTER presented a petition of members of the Wallingford Baptist Mission, of Seattle, Wash., praying for the appointment of a day to be known and observed by the Nation as "mothers' day," which was ordered to lie on the table.

Mr. SMITH of Michigan presented petitions of sundry citizens of Petoskey, Three Rivers, Owosso, Port Huron, and Battle Creek, all in the State of Michigan, remonstrating against the establishment of a department of public health, which were ordered to lie on the table.

Mr. LODGE presented a memorial signed by 432 citizens of the State of Massachusetts, remonstrating against the adoption of the proposed provision in the Panama Canal bill permitting the free importation of shipbuilding material, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SHIVELY, from the Committee on Education and Labor, to which was referred the bill (H. R. 18787) relating to the limitation of the hours of daily service of laborers and mechanics employed upon a public work of the United States and of the District of Columbia, and of all persons employed in constructing, maintaining, or improving a river or harbor of the United States and of the District of Columbia, reported it with amendments and submitted a report (No. 1056) thereon.

Mr. POINDEXTER, from the Committee on Pensions, to which was referred the bill (H. R. 14053) to increase the pensions of surviving soldiers of Indian wars in certain cases, reported it with an amendment and submitted a report (No. 1059) thereon.

Mr. GALLINGER, from the Committee on the District of Columbia, to which was referred the bill (S. 7430) providing for the cancellation of certain overdue personal taxes in the District of Columbia, reported it without amendment and submitted a report (No. 1057) thereon.

He also, from the same committee, to which was referred the bill (S. 7162) to amend section 801 of the Code of Law for the District of Columbia, reported it with an amendment and submitted a report (No. 1058) thereon.

He also, from the same committee, to which was referred the following bills, submitted adverse reports thereon, which were agreed to, and the bills were postponed indefinitely:

S. 7325. A bill for the extension of H Street east from Eighteenth Street north to Oklahoma Avenue (Rept. No. 1053);

S. 7326. A bill for the extension of Maryland Avenue east of Fifteenth Street to M Street NE. (Rept. No. 1054); and

S. 7327. A bill for the extension of Eighteenth Street east from Benning Road to K Street north (Rept. No. 1055).

THE ARMY CANTEEN (S. DOC. NO. 931).

Mr. GALLINGER. I present a protest, signed by 94 leading practicing physicians and teachers in various parts of the country, remonstrating against the reestablishment of beer selling in the Army. I ask that the protest be printed in the RECORD, together with the names, and that it also may be printed as a document, and that 1,000 additional copies be printed for the use of the Senate document room.

There being no objection, the memorial was ordered to be printed as a document, 1,000 additional copies to be printed, and to be printed, with the names, in the RECORD, as follows:

[Senate Document No. 931, Sixty-second Congress, second session.]

THE ARMY CANTEEN.

Mr. GALLINGER presented the following memorial of physicians remonstrating against the restoration of the Army canteen:

To the honorable the Members of the United States Senate and House of Representatives:

The undersigned physicians respectfully but earnestly protest to your honorable bodies against the passage of any bill to reestablish beer selling in the United States Army.

A study of the Army statistics during the present nonbeer period as compared with the previous beer-selling period shows:

First. That the average admission rate for alcoholism in the Army has been lower during the nonbeer period, 1901–1910.

Second. That although the average admission rate for venereal disease has been higher during the nonbeer period than in the preceding beer-selling period, the greatest increase took place in the beer period immediately after the Spanish War. The increase between the first and the last year of that period was 106 per cent. The increase in the nonbeer period was 19 per cent, at the highest point reached by the venereal rate, which was seven years ago (1905).

In other words, beer, which is now advocated as a preventive of venereal diseases, failed in the beer-selling period to prevent an increase nearly six times as great as the increase during the nonbeer period.

Third. It is not only in the state of drunkenness that men step into danger of incurring venereal diseases, but in the state of exhilaration and weakened self-control, which follows the use of comparatively small amounts of alcoholic liquors. Modern scientific investigation has shown clearly that one of the earliest effects of the use of alcoholic liquors is impaired self-control. This impairment of self-control not only follows the use of the stronger alcoholic liquors, but may also follow the use of beer.

Fourth. Army tests, conducted by generals and Army medical officers, have repeatedly shown the disadvantage not only of the spirits drinker, but of even the beer drinker, in health, endurance, morale, and marksmanship—the qualities which are especially necessary for the efficiency of the soldier.

In view of the foregoing facts, we respectfully submit that science and experience indicate that the sale of beer in the Army is not only not required to diminish venereal diseases, but that its reinstatement would conflict with the best interests of the soldier himself, physically and morally, both in the Army and when he returns to civil life, and that it would be in direct opposition to the highest efficiency of the Army as a means of national defense.

We therefore respectfully urge you not to pass any bill for the reestablishment of beer selling in the Army.

Signed by—

Francis G. Benedict, Ph. D., director Institute of Nutrition, Carnegie Institute of Nutrition, Boston.

Henry S. Brookes, M. D., clinical professor of medicine, Washington University, St. Louis, Mo.

William F. Boos, M. D., biological chemist and pharmacologist, Massachusetts General Hospital, Boston, Mass.

Richard C. Cabot, M. D., assistant professor of clinical medicine, Harvard Medical School, Boston, Mass.

Elbridge G. Cutler, M. D., consulting physician, Massachusetts General Hospital, 214 Beacon Street, Boston.

N. S. Davis, M. D., professor of medicine, Northwestern University, Medical School, Chicago, Ill.

Arthur T. Edwards, M. D., dean Northwestern University Medical School, 32 North State Street, Chicago.

Haven Emerson, M. D., A. M., associate in physiology, instructor in medicine, College of Physicians and Surgeons, 120 East Sixty-second Street, New York City.

T. Wood Hastings, M. D., professor of clinical pathology, Cornell University Medical College, 477 First Avenue, New York City.

Winfield Scott Hall, Ph. D., M. D., professor of physiology, dean Northwestern Medical School, Northwestern University, Chicago.

T. Stuart Hart, A. M., M. D., associate in medicine, Columbia University, associate physician, Presbyterian Hospital, 180 West Fifty-ninth Street, New York City.

Henry Jackson, M. D., 380 Marlboro Street, Boston.

E. L. Keyes, jr., M. D., professor of genito-urinary surgery, Cornell Medical School, 109 East Thirty-fourth Street, New York City.

Howard A. Kelly, M. D., professor of gynecological surgery, Johns Hopkins University, 1418 Eutaw Place, Baltimore, Md.

J. Mason Knox, jr., M. D., associate in pediatrics, Johns Hopkins University, 804 Cathedral Street, Baltimore.

Jacques Loeb, M. D., Ph. D., Sc. D., member Rockefeller Institute for Medical Research, Sixty-sixth Street and Avenue A, New York City.

John A. Lichty, M. D., professor of medicine, University of Pittsburgh, 4634 Fifth Avenue, Pittsburgh.

Lawrence Litchfield, A. B., M. D., member of executive committee Pennsylvania Society Prevention of Social Diseases, member committee on organization of Fifteenth International Congress on Hygiene and Demography, Pittsburgh.

Emanuel Libman, M. D., professor of clinical medicine, Columbia University, 180 East Sixty-fourth Street, New York City.

Frederick P. Lord, M. D., professor of anatomy, Dartmouth College, Hanover, N. H.

E. E. Montgomery, M. D., professor of gynecology, Jefferson Medical College, 1426 Spruce Street, Philadelphia, Pa.

Henry O. Marcy, A. M., M. D., LL. D., late surgeon and medical director United States Army, 180 Commonwealth Avenue, Boston.

Joseph McFarland, M. D., professor of pathology, Medico-Chirurgical College, Philadelphia, Pa.

Joseph L. Miller, M. D., associate professor of medicine, Rush Medical College, Chicago, Ill.

Mathew D. Mann, A. M., M. D., dean medical department University of Buffalo, 37 Allen Street, Buffalo, N. Y.

Edward O. Otis, M. D., professor pulmonary diseases and climatology, Tufts College Medical School, Boston, Mass.

Charles P. Putnam, M. D., president of associated charities, 63 Marlboro Street, Boston, Mass.

Nathaniel Bowditch Potter, M. D., assistant professor of clinical medicine, Columbia University, 591 Park Avenue, New York City.

David D. Scannell, M. D., 366 Commonwealth Avenue, Boston, Mass.

Bertram W. Sippy, M. D., professor of medicine, Rush Medical College, Chicago.
Paul G. Woolley, M. D., dean College of Medicine, University of Cincinnati, Cincinnati, Ohio.
Joseph E. Winters, M. D., professor of diseases of children, Cornell Medical College, 25 West Thirty-seventh Street, New York City.
Robert N. Willson, M. D., physician to Philadelphia General Hospital; pathologist to Presbyterian Hospital, 1708 Locust Street, Philadelphia.
F. N. Whittier, M. D., professor of pathology and bacteriology, Bowdoin College, Brunswick, Me.
Ralph W. Webster, M. D., assistant professor of pharmacology and therapeutics, Rush Medical College, Chicago.
Brooke M. Auspach, M. D., associate in gynecology, University of Pennsylvania, 119 South Twentieth Street, Philadelphia.
L. Vernon Briggs, M. D., 64 Beacon Street, Boston, Mass.
Clyde Brooks, Ph. D., assistant professor of physiology and pharmacology, University of Pittsburgh Medical School, Pittsburgh, Pa.
Marshall H. Bailey, M. D., medical adviser, Harvard University, Cambridge, Mass.
David Bovaird, jr., M. D., assistant professor of clinical medicine, Columbia University, 137 East Sixtieth Street, New York City.
Scott P. Child, M. D., general hospital attending physician, Swope Settlement Dispensary, 1004 Rialto Building, Kansas City, Mo.
W. E. Chenery, M. D., professor of laryngology, Tufts College Medical School, 222 Hunting Avenue, Boston.
John M. Connolly, A. M., M. D., LL. D., visiting physician, Mount Sinai Hospital, 419 Boylston Street, Boston.
Ernest W. Cushing, M. D., professor of abdominal surgery and gynecology, Tufts Medical School, 168 Newbury Street, Boston.
John Champlin, M. D., consulting physician, Rhode Island Hospital, 9 Granite Street, Westerly, R. I.
William H. Coleman, M. D., lecturer materia medica, University of Louisville, 3000 Fourth Street, Louisville, Ky.
Frederick C. Curtis, M. D., professor of dermatology, Albany Medical College, Albany, N. Y.
S. C. Emley, A. M., M. D., associate professor of otology, University of Kansas, 703 Waldheim Building, Kansas City, Mo.
Theodore Erb, M. D., 159 St. Botolph Street, Boston.
Eugene L. Fisk, M. D., medical director of Postal Life Insurance Co., 35 Nassau Street, New York City.
George J. Fisher, M. D., director of physical training, Young Men's Christian Association of North America, 124 East Twenty-eighth Street, New York City.
T. H. Fraser, M. D., president County Medical Society, Mobile, Ala.
Roy K. Flannagan, M. D., director of inspections, Virginia Health Department, 1110 Capital Street, Richmond, Va.
Alfred Gordon, M. D., late lecturer on nervous diseases, Jefferson Medical College, 1430 Pine Street, Philadelphia.
Hermon C. Gordinier, M. D., professor of physiology, Albany Medical College, 89 Fourth Street, Troy, N. Y.
R. H. Greeve, M. D., 78 East Fifty-sixth Street, New York City.
Samuel G. Gay, M. D., Selma, Ala.
John M. Hundley, M. D., clinical professor of diseases of women, University of Maryland, Baltimore.
Walter G. Hope, M. D., ex-president New Mexico State Medical Society, State National Bank Building, Albuquerque, N. Mex.
George H. Hall, M. D., associate professor of medicine, Rush Medical College, 15 East Washington Street, Chicago.
Guy L. Hunner, M. D., associate in gynecology, Johns Hopkins University Medical School, Baltimore.
William McIntyre Harsha, M. D., professor of surgery, College of Medicine, University of Illinois, Chicago.
Henry Reed Hopkins, M. D., ex-president Medical Society, State of New York (1902), 433 Franklin Street, Buffalo, N. Y.
Searle Harris, M. D., editor in chief Southern Medical Journal, Mobile, Ala.
William Van V. Hayes, M. D., professor of diseases of digestive system, New York Polyclinic, 34 West Fiftieth Street, New York City.
M. L. Harris, M. D., Chicago, Ill.
David Starr Jordan, M. D., Ph. D., president Leland Stanford Junior University, Palo Alto, Cal.
D. S. D. Jessup, M. D., instructor in clinical pathology and medical visitor, Columbia University, 601 West One hundred and thirteenth Street, New York City.
J. I. Johnston, M. D., assistant professor of medicine and associate professor of clinical medicine, University of Pittsburgh, Pittsburgh, Pa.
George T. Jackson, M. D., professor of dermatology, College of Physicians and Surgeons, 11 East Forty-eighth Street, New York City.
Holmes C. Jackson, M. D., professor of physiology, New York University and Bellevue Hospital Medical College, New York City.
J. Thomas Kelley, M. D., gynecologist Providence Hospital, 1312 Fifteenth Street, New York City.
L. F. Kebler, chief of Drug Division, Bureau of Chemistry, Washington, D. C.
George Roe Lockwood, M. D., professor of clinical medicine, Columbia University, 18 East Fifty-second Street, New York City.
Bird M. Linnell, first lieutenant and assistant surgeon, associate professor of medicine, Rush Medical College, 32 North State Street, Chicago.
Edward E. Mayer, M. D., professor of clinical neurology, University of Pittsburgh, Pa.
Howard H. Mason, M. D., 147 East Sixty-second Street, New York City.
James E. Newcomb, M. D., assistant professor of laryngology, Cornell University, 118 West Sixty-ninth Street, New York City.
J. G. Palmer, M. D., Opelika, Ala.
John D. Quackenbos, M. D., emeritus professor, Columbia University, 331 West Twenty-eighth Street, New York City.
William E. Quine, M. D., dean College of Medicine, University of Illinois, Chicago.
James L. Reat, M. D., late surgeon Twenty-first Regiment Illinois Volunteers, Tuscola, Ill.
John Edwin Rhodes, M. D., associate professor Rush Medical College, People's Gas Building, Chicago.
B. B. Rogan, M. D., Selma, Ala.
L. E. Sayre, M. D., dean School of Pharmacy, University of Kansas, 1323 Ohio Street, Lawrence, Kans.
F. N. Seerley, M. D., lecturer Society Sanitary and Moral Prophylaxis, Young Men's Christian Association Training School, Springfield, Mass.
Freeman A. Tower, M. D., superintendent Burbank Hospital, Fitchburg, Mass.
William C. Thro, M. D., assistant professor of clinical pathology, Cornell Medical School, 547 West One hundred and fifty-eighth Street, New York City.
George H. Washburn, M. D., 377 Marlboro Street, Boston.
William A. Wiseman, M. D., member American Medical Association, Chicago.
William C. Wallace, M. D., staff Ohio Valley Hospital, ex-captain artillery, National Guard of Pennsylvania, 47 Prospect Avenue, Ingram, Pa.
Stephen A. Welch, M. D., consulting physician Rhode Island Hospital, 253 Washington Street, Providence, R. I.
Ennion G. Williams, M. D., Richmond, Va.
J. W. Wiltse, M. D., lecturer Albany Medical College, dermatology and genito-urinary diseases, attending dermatologist and genito-urinary surgeon, St. Peter's Hospital, Albany, N. Y.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES:

A bill (S. 7485) granting a pension to Emily J. Chambers; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 7486) to authorize the Secretary of War to deliver to the city of Grand Forks, N. Dak., two brass or bronze condemned cannon and suitable outfit of cannon balls; to the Committee on Military Affairs.

By Mr. GUGGENHEIM:

A bill (S. 7487) ceding to the city and county of Denver, Colo., certain lands for park purposes; to the Committee on Public Lands.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. CRANE submitted an amendment proposing to appropriate $43,880 for increased quarantine facilities at the port of Portland, Me., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was referred to the Committee on Appropriations and ordered to be printed.

BUST OF JOHN HANCOCK.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 58), of the House of Representatives, which was read, as follows:

Whereas the Society of the Sons of the Revolution of Massachusetts desire to present to that State a bust of John Hancock, and in order to do so it is necessary to obtain a cast from the head of the statue now in the Senate wing of the Capitol, which is the only known statue of Hancock: Therefore be it

Resolved by the House of Representatives (the Senate concurring), That Herman Walthauser, of Boston, Mass., be, and hereby is, authorized to make a cast from the head of the statue of John Hancock, now located in the Senate wing of the Capitol.

Mr. LODGE. I ask for the adoption of the concurrent resolution.

The concurrent resolution was considered by unanimous consent and agreed to.

LEGISLATIVE ASSEMBLY FOR ALASKA.

The PRESIDENT pro tempore laid before the Senate a concurrent resolution (H. Con. Res. 62), from the House of Representatives, which was read, as follows:

Resolved by the House of Representatives (the Senate concurring), That the enrolling clerk of the House, in the enrollment of the bill (H. R. 38) entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," be directed to regard the matter furnished in the conference report to be inserted in lieu of amendments Nos. 7 to 15, inclusive, as following the word "years," on page 3, line 18; and that the matter proposed to be stricken from amendment No. 68, as set forth in said conference report, be designated "All after the word 'thereof,' in line 21 of the proposed amendment, down to and including 'and' in line 24."

Mr. SMITH of Michigan. This concurrent resolution is intended merely to correct a clerical error. It does not change the measure. I ask for its adoption.

The concurrent resolution was considered by unanimous consent and agreed to.

AGRICULTURAL ENTRIES ON OIL AND GAS LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 3045) to provide for agricultural entries on oil and gas lands, which were, on page 1, line 4, to strike out "exclusive of Alaska" and insert "in the State of Utah"; on page 1, line 8, after "selection," to insert "by the State of Utah under grants made by Congress and"; on page 1, line 12, after "Act," to insert "and to disposition in the discretion of the Secretary of the Interior under the law providing for the sale of isolated or disconnected tracts of public lands"; on page 2, line 5, after "acres," to strike out all down to and including "homestead" in line 9; on page 2, line 16, to strike out "any State" and insert "and the State of Utah"; on page 2, line 19, after "Act," to insert "or under grants made by Congress"; on page 3, line 7, after "same," to insert "upon rendering compensation to the patentee for all damages that may be caused by prospecting for and removing such oil or gas"; and on page 3, line 9, after "law," to strike out all down to and including "reservation" in line 15.

Mr. SMOOT. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7209) to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn., which was on page 1, line 6, to strike out "wagon and foot."

Mr. NELSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DELAWARE RIVER BRIDGE.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5458) to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, which were to strike out all after the enacting clause and insert:

That the Pennsylvania Railroad Co., a corporation existing under the laws of the State of Pennsylvania, and the Pennsylvania & Newark Railroad Co., a corporation existing under the laws of the State of New Jersey, or their successors, be, and they are hereby, authorized to construct, maintain, and operate a bridge, with as many tracks as they shall deem necessary for railroad traffic, across the Delaware River at a point suitable to the interests of navigation, between a point ½ mile south of and a point 1½ miles south of the southern boundary line of the city of Trenton, in the State of New Jersey, and a point south of and within 2½ miles of the southern boundary line of the borough of Morrisville, in the county of Bucks, and State of Pennsylvania, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Amend the title so as to read: "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River."

Mr. OLIVER. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

CLEARWATER RIVER BRIDGE, IDAHO.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 7315) to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho, which were, on page 1, line 7, to strike out "any" and insert "a"; and to amend the title so as to read: "An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho."

Mr. BORAH. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

FORT KEOGH MILITARY RESERVATION.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 4301) authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material, which were, on page 1, line 4, to strike out "and directed" and insert "in his discretion"; and on page 2, line 9, to strike out "until the supply thereof shall be exhausted."

Mr. MYERS. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

RIGHT OF WAY ACROSS PORT DISCOVERY BAY.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5808) granting right of way across Port Discovery Bay United States Military Reservation to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington, which were, on page 1, line 7, after "survey," to strike out "," and insert "and"; on page 1, line 7, after "locate," to strike out ", and maintain"; on page 2, line 2, after "meridian," to insert ", and is hereby granted a revocable license to maintain the same; said license to remain in force during the pleasure of Congress"; on page 2, line 3, to strike out "authorized" and insert "licensed"; on page 2, in lines 5 and 6, strike out "not to exceed 100 feet in width"; on page 2, line 10, after "houses," to strike out all down to and including "houses" in line 13; on page 2, line 13, after "That," to insert ", subject to such rules and regulations as the Secretary of War may from time to time prescribe"; on page 2, line 14, after "taken," to insert "under said license"; on page 4, line 7, to strike out "grant" and insert "license"; and on page 4, line 7, to strike out "made" and insert "granted."

Mr. JONES. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

AUDITOR OF RAILROAD ACCOUNTS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5556) to amend an act to create an auditor of railroad accounts, and for other purposes, approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes, which were, on page 1, lines 3 and 4, to strike out "the duties devolved on the Secretary of the Interior by," and on page 2, lines 10 and 11, strike out "they hereby are, transferred to and devolved upon the Interstate Commerce Commission" and insert "it is hereby repealed."

Mr. BRANDEGEE. I move that the Senate concur in the House amendments.

The motion was agreed to.

KINGSTON LAKE BRIDGE, SOUTH CAROLINA.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 6777) to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C., which were, in line 5, to strike out "steel or wood"; in line 6, to strike out "such"; in lines 7 and 8, to strike out "as may be determined by the said board of county commissioners, and approved by the Secretary of War," and insert "suitable to the interests of navigation"; after line 11, to insert:

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SMITH of South Carolina. I move that the Senate concur in the amendments of the House.

The motion was agreed to.

HOUSE BILLS REFERRED.

The following bills and joint resolution were severally read twice by their titles and referred to the Committee on Commerce:

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y., and to provide increased quarantine facilities at the port of Portland, Me.; and

H. J. Res. 210. Joint resolution authorizing the President to appoint a member of the New Jersey and New York Joint Harbor Line Commission.

The following bills were severally read twice by their titles and referred to the Committee on the Judiciary:

H. R. 4718. An act to authorize the use of certain unclaimed moneys now in the registry of the United States District Court for the Northern District of Ohio for the improvement of the libraries of the United States courts for said district; and

H. R. 25342. An act to amend section 90 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Indian Affairs:

H. R. 23953. An act to authorize the reservation of land for public purposes in town sites in certain Indian reservations; and

H. R. 25878. An act granting certain lands for a cemetery to the Fort Bidwell People's Church Association, of the town of Fort Bidwell, State of California, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Public Buildings and Grounds:

H. R. 25624. An act providing for the sale of the old post-office property at Providence, R. I., by public auction; and

H. R. 25714. An act to amend an act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 8151. An act providing for the adjustment of the grant of land in aid of the construction of the Corvallis and Yaquina Bay military wagon road and of conflicting claims to lands within the limits of said grant; and

H. R. 25611. An act to authorize the sale of certain lots in the Hot Springs Reservation for church and hospital purposes.

H. R. 20193. An act authorizing the Secretary of the Navy to pay a cash reward for suggestions submitted by civilian employees of the Navy Department for improvement or economy in manufacturing process or plant was read twice by its title and referred to the Committee on Naval Affairs.

H. R. 24365. An act providing for the taking over by the United States Government of the Confederate cemetery at Little Rock, Ark., was read twice by its title and referred to the Committee on Military Affairs.

H. R. 12813. An act to refund duties collected on lace-making and other machines and parts or accessories thereof imported subsequently to August 5, 1911, was read twice by its title and referred to the Committee on Finance.

H. R. 22200. An act providing for the disposition of effects of deceased patients of the Public Health and Marine-Hospital Service and of certain deceased officers and men connected with the Army was read twice by its title and referred to the Committee on Public Health and National Quarantine.

H. J. Res. 173. Joint resolution providing for an investigation by the Commissioner of Fisheries as to the destructiveness of the method of fishing known as otter and beam trawling was read twice by its title and referred to the Committee on Fisheries.

MISBRANDED DRUGS.

The bill (H. R. 11877) to amend section 8 of the food and drugs act, approved June 30, 1906, was read the first time by its title.

Mr. HEYBURN. I ask that the bill may receive present consideration, if I may do so under the rules.

The PRESIDENT pro tempore. The Senator from Idaho asks unanimous consent for the present consideration of the bill the title of which has just been stated. Is there objection?

Mr. LA FOLLETTE. I should like to hear the bill read first.

Mr. HEYBURN. Yes; let it be read.

The bill was read the second time at length, as follows:

Be it enacted, etc., That that part of section 8 of the food and drugs act of June 30, 1906, defining what shall be misbranding in the case of drugs, be, and the same is hereby, amended by adding thereto a third paragraph to read as follows:

"If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

So that the said part of said section 8 shall read as follows:

"SEC. 8. That the term 'misbranded,' as used herein, shall apply to all drugs or articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded. In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"Third. If its package or label shall bear or contain any statement, design, or device regarding the curative or therapeutic effect of such article or any of the ingredients or substances contained therein, which is false and fraudulent."

Mr. HEYBURN. The necessity for it is obvious.

Mr. LA FOLLETTE. I do not object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LITTLE CALUMET RIVER BRIDGE, ILLINOIS.

The bill (H. R. 26235) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city, was read twice by its title.

Mr. CULLOM. I ask for the present consideration of the bill. There is a Senate bill like it on the calendar.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. CULLOM. I move that the bill (S. 7457) to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city, be postponed indefinitely.

The motion was agreed to.

MISSISSIPPI RIVER BRIDGE IN AITKIN COUNTY, MINN.

The bill (H. R. 26099) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn., was read twice by its title.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill. There is a similar Senate bill on the calendar, and if the House bill shall be passed I shall move the indefinite postponement of the Senate bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. NELSON. I move that the bill (S. 7455) authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi, in Aitkin County, Minn., be indefinitely postponed.

The motion was agreed to.

REDUCTION OF TARIFF DUTIES.

Mr. NEWLANDS. Mr. President, I wish to ask unanimous consent for the consideration of Senate concurrent resolution 29. Before asking it, I wish to make a statement.

I introduced the other day a resolution, which yesterday was turned into the concurrent resolution now lying on our desks, providing for the appointment of a committee by the Senate and one by the House to confer with the President of the United States with reference to the harmonizing of differences which exist as to the reduction of excessive duties. The two schedules with reference to which a reduction in excessive duties is entirely practicable are the wool schedule and the cotton schedule, important schedules, affecting the clothing of the entire people and affecting the cost of living throughout the country.

We have now been in session since December, a period of over seven months. In December the President of the United States presented to Congress the report of the Tariff Board, calling attention to the fact that the facts ascertained by that board justify a reduction in the duties both upon wool and cloths, a reduction which he has recently stated should amount to 20 per cent on wool and from 20 per cent to 50 per cent on cloth.

Later on he presented the report of the Tariff Board upon the cotton schedule, and called attention to the fact that the Tariff Board had made a report which warranted a very material reduction upon yarn, a material which enters into cotton cloth, and also a material reduction on many varieties of cotton cloth. In the message of December upon the wool schedule the President urged the immediate consideration of these reductions by Congress, and upon presenting the cotton report he renewed that recommendation, and in his veto of the wool bill he made the following statement:

I strongly desire to reduce duties, provided only the protection system be maintained, and that industries now established be not destroyed. It now appears from the Tariff Board's report, and from bills which have been introduced into the House and the Senate, that a bill may be drawn so as to be within the requirements of protection and still offer a reduction of 20 per cent on most wool and of from 20 per cent to 50 per cent on cloths. I can not act upon the assumption that the controlling majority in either House will refuse to pass a bill of this kind, if in fact it accomplishes so substantial a reduction, merely because members of the opposing party and the Executive unite in its approval. I, therefore, urge upon Congress that it do not adjourn without taking advantage of the plain opportunity thus substantially to reduce unnecessary existing duties. I appeal to Congress to reconsider the measure, which I now return without my approval, and to adopt a substitute therefor making substantial reductions below the rates of the present act, which the Tariff Board shows possible, without destroying any established industry or throwing any wage earners out of employment, and which I will promptly approve.

Mr. President, the question before Congress is as to whether our action regarding tariff reduction is to be a mere sham, or whether it is to represent the earnest purpose of all those in both Houses who have professed to be for a reduction of the tariff to join in securing any practicable reduction; and the issue before the American people is as to whether the American Congress is engaging in a sham performance regarding the reduction of the tariff or is really in earnest.

The President has differed with both Houses regarding the wool and the cotton schedules. The two Houses, though differing in their political color, have been able to agree upon certain reductions. The President alone disagrees, and stands for his justification upon the Republican platform, which declares for duties that will fairly represent the difference in the cost of production, with a fair profit to the manufacturer added; and his contention is that it is necessary to ascertain this difference

by an inquiry into the facts; that, with the approval of Congress, he has organized a tariff board for that purpose; and that when the facts are presented, he is willing to act. The report of the Tariff Board was doubtless a surprise to him, as it was to many Republicans throughout the country, for a reduction of 20 per cent on wool and a reduction of 20 to 50 per cent on cloth are certainly material reductions. It has been the contention of the Democratic Party that the present tariff was in the main prohibitory; that it was established, not for the purpose of revenue, but for the purpose of protection; and that the wall was raised to such unnecessary height as not only to prevent adequate revenue, but also to enable domestic manufacturers behind the tariff wall, relieved of foreign competition, to combine in such a way as to raise prices to the domestic consumer, and thus oppress the entire consuming public. We have now an opportunity to take the top bricks off this wall and to reduce its height in a considerable degree, and the question is whether we will avail ourselves in a common-sense way of the opportunity which the President offers.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I do.

Mr. CUMMINS. I do not want to interrupt the Senator from Nevada, but I hope he will remember that I consented to have laid aside the unfinished business only for morning business. Does the Senator seek action upon his resolution at this time?

Mr. NEWLANDS. I do; but I will conclude my statement, I will say to the Senator, in a very few moments.

Mr. CUMMINS. Then, I ask, Is the resolution of the Senator from Nevada morning business?

Mr. NEWLANDS. I did not understand the Senator from Iowa.

Mr. CUMMINS. If the resolution is morning business, then, of course, it is within the order; but if it is not morning business, I can not yield the joint resolution which is now under consideration for a long debate or for action upon any other matter.

Mr. NEWLANDS. I will say to the Senator from Iowa that, of course, I would not take advantage of the courtesy which he has extended to unduly extend my remarks and prevent the consideration of the measure which he has in hand; but, if the Senator has no objection, I should like to hear some expression of sentiment——

Mr. HEYBURN. I call for the regular order; let us find out what it is.

The PRESIDENT pro tempore. The regular order is the unfinished business.

Mr. NEWLANDS. Mr. President, I ask whether the Senator has the right to take me off the floor by a point of that kind? I have the floor. I was about to ask unanimous consent for the consideration of this resolution; but if the other business is so pressing as to make it inconsiderate upon my part now to press the extension of my remarks, I am willing to waive that and to ask unanimous consent for the consideration of the resolution.

Mr. LA FOLLETTE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. LA FOLLETTE. I understood the Senator from Iowa asked that the unfinished business he laid aside for business naturally coming up in the morning known as morning business. I understand that the resolution which the Senator from Nevada is discussing was introduced yesterday and comes up properly under this head, and it seems to me, under the circumstances, he is within the rule in discussing the resolution. I inquire whether that is not so?

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. If the resolution had gone over subject to the call of the Senator, beyond question it would be in order.

Mr. LA FOLLETTE. I understand it did go over——

The PRESIDENT pro tempore. It seems it went to the table at the Senator's request.

Mr. HEYBURN. I did not understand that the unfinished business was temporarily laid aside. That could only be done by a motion. The Senator said he would waive the unfinished business. That does not lay it aside.

The PRESIDENT pro tempore. It can be done by unanimous consent.

Mr. HEYBURN. That is the equivalent of a motion.

Mr. NEWLANDS. Has the Senator from Idaho any objection to the present consideration of this resolution?

Mr. HEYBURN. Yes; I would have serious objection to either its present or future consideration.

Mr. NEWLANDS. The Senator from Massachusetts and the Senator from Utah and the Senator from Idaho all object, I understand, to the consideration of this resolution, which simply enables the Republican Party, upon the recommendation of its President, to carry out the pledges which it has given to revise the tariff according to the rule established by it. Do I understand that to be the position of the Senator from Idaho?

Mr. HEYBURN. Mr. President, I rise to a point of order. If the unfinished business is before the Senate, then only a motion can dispense with it. I do not care to enter into the consideration suggested by the Senator from Nevada until I know whether the unfinished business is before the Senate. I call for the regular order.

The PRESIDENT pro tempore. The regular order is called for. The unfinished business is before the Senate. The Senator from Nevada has the right to discuss the unfinished business in any way he sees proper.

Mr. HEYBURN. Yes; I concede that.

Mr. NEWLANDS. The Senator from Iowa [Mr. CUMMINS] was courteous enough to give way for the purpose of considering——

Mr. HEYBURN. I object.

Mr. NEWLANDS. I now continue, in which I have his consent——

Mr. HEYBURN. Mr. President, I think I can participate in that. I object to the unfinished business being temporarily laid aside at this time.

Mr. CUMMINS. I did not ask that the unfinished business be temporarily laid aside, although that may have been the effect of what I said. I said I yielded for morning business. I am not one of those who are opposed to the resolution of the Senator from Nevada, but I can not allow it, if I can prevent it, to be taken up and thus prevent the consideration of the joint resolution. I would be very glad to secure the consent of the Senate to a time when it could be acted upon.

Mr. NEWLANDS. I ask unanimous consent that this resolution be taken up at the conclusion of the morning hour to-morrow and disposed of to-morrow by final vote.

Mr. CLAPP. There is already a unanimous-consent agreement covering the conclusion of the morning hour.

Mr. NEWLANDS. For what measure?

Mr. SMOOT. Senate bill 957.

Mr. CLAPP. The uniform bill of lading.

Mr. NEWLANDS. Is that likely to take the entire day, I will ask?

Mr. CLAPP. I do not know whether it will take more than a half hour, if it is reached.

Mr. NEWLANDS. I ask that this resolution be taken up immediately after the bill-of-lading bill is disposed of and that it be disposed of on the calendar day to-morrow by vote.

Mr. SMOOT. Mr. President, I object.

Mr. CRAWFORD. The regular order, Mr. President.

LAWTON RAILWAY & LIGHTING CO.

The PRESIDENT pro tempore laid before the Senate the bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privilege, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla., which was read the first and second times by its title and referred to the Committee on Indian Affairs.

Mr. CLAPP subsequently said: I have authority from the Committee on Indian Affairs, to which this subject belongs, to report the bill favorably, and I therefore ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. CLAPP. I ask leave to have printed in the RECORD following the passage of the bill the report of the House Committee on Indian Affairs accompanying it.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

The Committee on Indian Affairs, having had under consideration the bill (H. R. 26236) conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla., recommend that it be amended, and that as amended it do pass.

On page 2, line 2, after the word "Oklahoma," strike out the remainder of that line, all of line 4, and the word "mentioned" in line 5, and insert in lieu thereof the following:

"*Provided*, That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively."

The bill as amended will read as follows:

"Be it enacted, etc., That the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Railway Co., by virtue of the acts of March 28, 1910 (36 Stats., p. 268), and June 22, 1910 (36 Stats., p. 588), to construct and operate a railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation and the public lands reserved for Indian school purposes, all in Comanche County, Okla., be, and the same are hereby, conferred upon the Lawton Railway & Lighting Co., a corporation created under and by virtue of the laws of the State of Oklahoma: *Provided,* That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively, subject, however, to all the limitations, restrictions, and conditions contained in the said acts: *Provided,* That said Lawton Railway & Lighting Co. shall complete the construction of that portion of its road between Lawton and Fort Sill within two years from the date of the passage of this act."

On March 28, 1910, Congress granted right of way to the Lawton & Fort Sill Electric Railway Co. across certain lands, the act being as follows:

"PUBLIC, No. 111.

"[H. R. 19628.]

"An act to authorize the Lawton & Fort Sill Electric Railway Co. to construct and operate railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, and for other purposes.

"Be it enacted, etc., That the Lawton & Fort Sill Electric Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate railway, telegraph, telephone, and trolley lines through the Fort Sill Military Reservation, in Comanche County, State of Oklahoma, upon such terms and in such location as may be determined and approved by the Secretary of War.

"SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said Fort Sill Military Reservation, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided,* That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further,* That before the said railway company shall be permitted to enter upon any part of said military reservation a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of War: *Provided further,* That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of War.

"SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

"Approved, March 28, 1910."

On June 22, 1910, Congress granted to same company right of way across certain reserved public lands. The act is as follows:

"PUBLIC, No. 236.

"[H. R. 24939.]

"An act to authorize the Lawton & Fort Sill Electric Railway Co. to construct and operate a railway through the public lands reserved for Indian school purposes, of township 2 north, range 11 west, Indian meridian, Comanche County, Okla., and for other purposes.

"Be it enacted, etc., That the Lawton & Fort Sill Electric Railway Co., a corporation created under and by virtue of the laws of the State of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, maintain, and operate a railway, telegraph, telephone, and trolley lines through the public lands of township 2 north, range 11 west, Indian meridian, in Comanche County, State of Oklahoma, upon such line or lines as may be determined and approved by the Secretary of the Interior.

"SEC. 2. That said corporation is authorized to occupy and use for all purposes of railway, telegraph, telephone, and trolley lines, and for no other purpose, a right of way 50 feet in width through said public lands, reserved for Indian school purposes, with the right to use such additional ground where cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width, or as much thereof as may be included in said cut or fill: *Provided,* That no part of the land herein authorized to be occupied shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, telephone, and trolley lines; and when any portion thereof shall cease to be so used such portion shall revert to the United States: *Provided further,* That before the said railway company shall be permitted to enter upon any part of said public lands a description by metes and bounds of the land herein authorized to be occupied or used shall be approved by the Secretary of the Interior: *Provided further,* That the said railway company shall comply with such other regulations and conditions in the maintenance and operation of said road as may from time to time be prescribed by the Secretary of the Interior.

"SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

"Approved, June 22, 1910."

The original company constructed a portion of the line, but on account of financial difficulties, consisting of lack of or exhaustion of funds, had their full rights terminated by an order of sale from the court.

The Lawton Railway & Lighting Co., a newly organized Oklahoma corporation, acquired the property and are now ready, able, and willing to complete the line. The two Government departments affected are both desirous of having the new company have the right of way, but hold they are technically without power to grant the right of substitution.

Both departments present to the committee strong letters of indorsement of the measure, the same being unanimously reported by the committee. It merely grants to the new company the right to do, subject to all conditions, the same thing the original company had power to do.

It is beneficial to the Indian school faculty and patrons, which is about halfway between Lawton and Fort Sill.

It is beneficial to the War Department, as it affords the fort people and Lawton people transportation back and forth, a distance of 6 miles.

It is, of course, beneficial to Lawton to have a car line, as the line will, in all probability, not be a paying proposition if it is confined to the city streets in a town of eight or ten thousand inhabitants.

The city has voted the required franchise, the new company on the ground and ready to build, the acts are safeguarded by every safeguard that the two departments and the committee could conceive. The enactment of the bill benefits all concerned and enables them to have car service that could not otherwise be acquired. The letters of the two departments are as follows:

DEPARTMENT OF THE INTERIOR,
Washington, August 14, 1912.

Hon. JOHN H. STEPHENS,
Chairman Committee on Indian Affairs,
House of Representatives.

SIR: I have the honor to acknowledge receipt of your communication dated August 13, 1912, transmitting for report a copy of H. R. 26236, Sixty-second Congress, second session. The purpose of the bill is to confer upon the Lawton Railway & Lighting Co., a corporation of Oklahoma, all the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Railway Co. by the acts of March 28, 1910 (36 Stat. L., 268), and June 22, 1910 (36 Stat. L., 588).

The act of March 28, 1910, supra, granted the Lawton & Fort Sill Electric Railway Co. the right of way across the Fort Sill Military Reservation, which is under the jurisdiction of the War Department, and you say in your letter of August 13 that a copy of H. R. 26236 has been referred to the Secretary of War for his report.

The act of June 22, 1910, supra, authorized the Lawton & Fort Sill Electric Railway Co. to construct and operate a railway through certain public lands reserved for Indian-school purposes in T. 2 N., R. 11 W. It appears from the records in the case that the Lawton & Fort Sill Electric Railway Co. became bankrupt and that its tangible property, with all its rights under the State law, passed by judicial sale to M. A. Wert, who proposed to sell and transfer to B. R. Stevens and associates, who, it is understood, represent the Lawton Railway & Lighting Co., and propose to convey such rights as they have acquired to that company. The Lawton Railway & Lighting Co. in last June requested that it be recognized as the successor to the Lawton & Fort Sill Electric Railway Co. and filed maps in an attempt to comply with the provisions of the act of June 22, 1910, supra. The department concluded, after investigation of the matter, that no right could be recognized in the Lawton Railway & Lighting Co. to the franchise granted by Congress to the Lawton & Fort Sill Electric Railway Co., and that as the grantee company had become insolvent and incapable of constructing and maintaining the road no action could be taken under the act.

The correspondence in the record shows that the construction of the proposed road would be of benefit to the public, and the department knows of no reason why the rights and privileges conferred upon the Lawton & Fort Sill Electric Railway Co. should not be granted to the Lawton Railway & Lighting Co., the successor to the former company.

It is reported, however, that without previous departmental approval of location the old company proceeded to grade a line of road through the land reserved for Indian-school purposes. It may be, therefore, that without limitation approval of the present bill would commit the department to the location heretofore taken without departmental approval. To the end that there may be no misunderstanding and that the rights of the Government may be protected, I would suggest the addition of the following proviso:

"*Provided further,* That no rights hereunder shall vest in the Lawton Railway & Lighting Co. until maps of location of the respective portions of the road through the Fort Sill Military Reservation and the lands reserved for Indian-school purposes hereafter receive the approval of the Secretary of War and the Secretary of the Interior, respectively."

With this modification I recommend that the bill be passed.

Very respectfully,

WALTER L. FISHER, *Secretary.*

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WAR DEPARTMENT,
Washington, August 13, 1912.

CHAIRMAN COMMITTEE ON INDIAN AFFAIRS,
House of Representatives.

SIR: I have the honor to return herewith House bill 26236 (62d Cong., 2d sess.), being a bill to confer upon the Lawton Railway & Lighting Co. the privileges and grants heretofore conferred upon the Lawton & Fort Sill Electric Co. by acts of March 28, 1910 (36 Stat., 368), and June 22, 1910 (36 Stat., 588), to construct and operate railway, telegraph and telephone, and trolley lines through the Fort Sill Military Reservation and the public lands reserved for Indian-school purposes in Comanche County, Okla.

The bill recites that the Lawton Railway & Lighting Co. is the successor in interest, through purchase under foreclosure sale, of the property and rights of the Lawton & Fort Sill Electric Railway Co., and makes the confirmation of the rights granted by said acts subject "to all the limitations, restrictions, and conditions" contained therein, and provides further that the Lawton Railway & Lighting Co. "shall complete the construction of that portion of its road between Lawton and Fort Sill within two years from the date of the passage of this act."

The provisions of the bill are regarded as fully protecting the interests of the Government, and the road will benefit the Government by furnishing convenient means of transportation for the officers and enlisted men and other residents on the Fort Sill Military Reservation. The passage of the bill in its present shape is therefore recommended by this department.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

WITHDRAWALS OF CERTAIN PUBLIC LANDS.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 5679) to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910, which were on page 1, line 10, after the word "to" to insert "metalliferous"; on the same page, line 11, to strike out "other than coal, oil, gas, phosphates, potash, and nitrates"; and on page 3, line 1, after "of" to insert "California."

Mr. SMOOT. I move that the Senate concur in the amendments of the House of Representatives.

Mr. HEYBURN. I should like to have an opportunity to examine the changes so as to determine the effect upon mineral lands——

Mr. SMOOT. Will the Senator from Idaho allow me to state them?

Mr. HEYBURN. Yes. I would be very glad to have the Senator state them.

Mr. SMOOT. The section as amended reads as follows:

SEC. 2. That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase, under the mining laws of the United States, so far as the same apply to metalliferous minerals—

Striking out these words:

Other than coal, oil, gas, phosphates, potash, and nitrates.

I understand the amendment inserting "metalliferous" was offered by Congressman MONDELL in the House and was agreed to.

Mr. HEYBURN. That was stricken out. Is the word "metalliferous" a substitute—a new word?

Mr. SMOOT. A new word; and then the words stricken out are—

other than coal, oil, gas, phosphates, potash, and nitrates.

So that the bill will read this way:

That all lands withdrawn under the provisions of this act shall at all times be open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as the same apply to metalliferous minerals.

In other words, no matter what lands are withdrawn they are at all times open to exploration, discovery, occupation, and purchase under the mining laws of the United States, so far as they apply to metalliferous minerals; and I believe that is what the Senator desires.

Mr. HEYBURN. Yes; I offered the amendment. But the word "metalliferous" is so indefinite and such an unusual word to use I presume the courts will have to deal with it. It should have been the usual language that we use—precious or valuable metals or minerals. But here is the term "metalliferous minerals." What other minerals are there than "metalliferous minerals"?

Mr SMOOT. Oil, for instance.

Mr. HEYBURN. Oil is not a mineral. It is a mineral oil.

Mr. SMOOT. It has been so held. So with gas. We simply strike out the words "other than coal, oil, gas, phosphates, potash, and nitrates" and put in "metalliferous minerals"; and I believe that is exactly what the Senator from Idaho wanted.

Mr. HEYBURN. It depends upon the construction that is put upon it. It is an involved, uncertain term. The language of the bill as we passed it was certain, definite. Of course, I am not going into a criticism of the intelligence of those who have undertaken to amend it.

Mr. SMOOT. There is another amendment to which I wish to call the Senator's attention. The bill reads:

And provided further, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created, within the limits of the States of—

Here is added "California"—

the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by act of Congress.

That is the present law, with California added.

Mr. HEYBURN. I congratulate California that it has entered into that limitation.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Utah, that the amendments of the House of Representatives be concurred in.

The motion was agreed to.

HOUR OF MEETING TO-MORROW.

Mr. SMOOT. I move that when the Senate adjourns to-day it be to meet to-morrow at 11 o'clock.

The motion was agreed to.

THE PRESIDENTIAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. BORAH. Mr. President, I hesitate to undertake the discussion of a matter of this importance at this late hour of the session. If I were voting favorably to the proposed amendment I should not do so. But as I am opposed to the joint resolution, and as it is said there is a widespread popular demand for it, the burden is perhaps upon those who vote against it to show some reasons for their vote.

I recognize the force of the argument of the Senator from Iowa [Mr. CUMMINS], that such matters are entitled to submission, and that the people are entitled to vote on the question whether or not they desire to amend the Constitution. While I do not favor the resolution, I do not propose to longer delay the matter than to state some of the reasons why I can not favor it. I do not believe it the duty of a Senator who is opposed to a resolution of this nature to vote for it, but I do believe it is the duty to permit such things to come speedily to a vote, so that if the required vote can be had it may be submitted.

The joint resolution, Mr. President, presents but one question, and that is as to the eligibility of the Presidency to one term of service. The kindred question of a third term will naturally intrude itself into the discussion, and has already to some extent done so, but it really has no part in the consideration of the matter now before the Senate.

The sole and simple question is whether or not we will amend the Constitution so as to prevent a second term—so as to limit the eligibility to a single term. There is one respect, however, in which the two questions are allied in my conception of the situation.

One of the fundamental reasons for opposing the joint resolution on my part is that the people who could be trusted to determine whether or not they desire a President for the second term may also be trusted to determine whether or not they desire a President for a third term. I think they can be trusted to settle both questions in a way to best conserve the interest of the people and the Republic.

In other words, in so far as both these propositions rest upon the general proposition that the judgment of the voters must at last determine what is for the best interests of the Republic, in so far as that question inheres in both propositions they are allied, but I do not propose to follow the discussion of the latter proposition any further.

Mr. President, what does this resolution propose to do? It proposes that if a man is a dangerous President, a weak President, or pursuing a policy detrimental to our welfare, to continue the time in which he shall be an infliction, a detriment, to the country. If he is a wise President, one whose services are invaluable to his countrymen, it proposes to make his continuance in the service impossible. If he is a bad President, we are to have more of him than we have now. If he is a good and a great President, we are to have less of him than we have now. If he is a bad President, we are to be deprived of the power to condemn him. If he is a good President, we are to be prohibited from rewarding him. The faithful and the unfaithful servant have the same term of service, the same reward, and the same judgment at the hands of the people. Does this rule prevail anywhere else in the universe, in the realm of nature, or in the world of human endeavor? Is there anywhere to be found in the practical and everyday world such a principle as this? Does not the business world avail itself of experience, of honesty, of ability? Do the great business concerns provide in their charter that their presidents and managers shall not be subject to reelection on the theory that the stockholders may not know their worth? Why do we apply this rule in a Republic in government unless it be that in the last analysis we have arrived at the conclusion that the people possess not the wisdom to select the wise or condemn the unwise; unless it be that we have concluded the people are unable to know and unfit to determine when it is to the interests of the public to discontinue a man in the public service.

If we believe that the people have the capacity to judge of a man's worth, of his intelligence, of his integrity, of his ability, we will not be uneasy when they come to pass judgment. If we have a lingering belief that the people are unfit to perform this service, we will naturally be vigilant to guard against their performing it.

Now, we may argue to ourselves that business is the real reason for the lengthening of the term, but what has business to do with the question of ineligibility? There might be some argument from a business standpoint if we were willing to yield governmental interests to business which would justify the lengthening of the term, although in that I do not believe, yet that does not reach the proposition of ineligibility. Ineligibility, in my judgment, has its real foundation in the fear that the people may not act wisely and may not have the ability and courage to reject bad men.

At the basis of the proposition lies the question whether or not the majority of the voters of the United States are going to exercise this power in a way that we may conceive to be in the interest of the Republic. I know that there are many reasons which are stated, and strongly stated, why this amendment should prevail, but it seems to me at the basis of the entire argument rests at last the question of our faith in the judgment of the great tribunal which must always determine these matters.

The Senator from Iowa [Mr. CUMMINS] said upon yesterday that he would not be quite willing to accept the judgment of those who framed the Constitution as to what should at this time constitute a part of our fundamental law, because of the fact that the changes which have taken place are such changes as they could not have foreseen and against which they could not have guarded. For that reason the judgment of the present should be accepted as more conclusive than the judgment of those who framed the Constitution.

Generally speaking, there is a great deal in that statement, and I presume it has some element of truth in it under almost all conditions which may arise with reference to changes in the Constitution.

But there are certain general principles which were enunciated by those who framed this instrument with reference to this particular matter which are entitled to consideration, because conditions have not changed those principles.

Therefore, with some reluctance on account of time, I want to discuss briefly the views of the fathers upon this particular question. I think the reasons which actuated the fathers in framing this measure as they did have been misunderstood. I am led to that statement by reason of the statement made by the distinguished Senator from Mississippi [Mr. WILLIAMS] yesterday to the effect that as Gen. Washington was expected to be the first President, it was thought that he would establish a precedent and that the future would follow the precedent; that therefore the question of the ineligibility was not incorporated into the Constitution. I do not read history in that way. In fact, I have never found any suggestion of that kind at any time in the history of those days.

I am not going into this extensively, but it could be easily shown some of those who now cite Gen. Washington's attitude as the proper one would not have in advance of his action considered him as the proper man to establish a precedent with reference to these matters. They looked upon him as monarchial in his tendencies and as disposed rather to take unto himself power than to reject the opportunity to exercise power.

Mr. Randolph submitted to the Constitutional Convention a proposition providing for a Presidency for a blank term of years, and that the President should be ineligible.

Mr. Pinckney submitted a proposition to the convention providing for a Presidency for a term of blank years and providing that the Presidency should be a reeligible office.

Mr. Patterson's proposition, which was nothing more than a proposition to enlarge and increase the powers of the Confederacy, did not cover the subject at all.

Mr. Hamilton submitted a proposition providing for a Presidency during good behavior. He afterwards, upon more mature reflection, changed his mind and came to be a powerful advocate of a short term, with power upon the part of the people to reelect.

We have, therefore, these three propositions which went into the convention and were discussed. There were few questions discussed more extensively than this very question. It came up repeatedly in the convention. At one time you will remember that they determined to have three Presidents selected from three portions of the country. At another time it was proposed that no President should succeed himself within the limit of 12 years. Finally the convention agreed upon the proposition that the term should be for seven years and the President should not be reeligible. This matter received the attention of the convention for a time, but at the time that this proposition was before the convention the method of electing the President was by the Congress of the United States or by the legislature. It is interesting to note that the argument against the reeligibility was based upon the fear of an intrigue possibly between the Legislature and the Presidency. It was thought that by or through intrigue between these two departments of government the President might be continued in office for an improper length of time.

At the time that this matter was under discussion in the convention and when they had agreed upon the proposition that the Presidency should not be a reeligible office, they had agreed, I say, upon the proposition of selecting the President through the Congress. It was believed that a combined intrigue between the legislative department and the Presidency might lead to the continuation of that office to an undue length of time, and without an opportunity for the intervening power of the people in regard to it. The matter went to the committee that was to give final form to the Constitution. This committee conceived the plan of selecting the President through the electoral college, taking it away from the Congress and leaving it indirectly to selection by the people, at least separating the legislative and the executive department with reference to the election.

I think I am perfectly safe in saying that, after the plan of the selection of the President was determined upon as we finally found it in the Constitution—through electors—the proposition of limiting it to a single term no longer received any considerable support in the convention; that after they had eliminated the possibility of intrigue between the two departments it was not urged, and with the exception of two individuals in the convention, I have never been able to find that it was even discussed or mentioned thereafter. I believe that we must come to the conclusion from the convention proceedings that they never contemplated limiting it to a single term after the electoral college was planned. We find, therefore, from the proceedings of the convention that this question was thoroughly discussed, and that, after a full discussion and the electoral college was conceived of, it was finally rejected. Roger Sherman, in discussing the matter before the convention, said:

> If he behaves well he will be continued. If otherwise, he will be displaced on a succeeding election.

Gouverneur Morris, speaking on the same subject, said:

> To forbid reelection tended to destroy the great motive to good behavior—the hope of being rewarded by reappointment. It was to say to him, "Make hay while the sun shines."

We may hesitate to admit that ineligibility tends to destroy a great motive to good behavior, but it is truth worth observing, nevertheless. It is one of those great truths which will always be denied as applying to a particular individual, but does apply to all men with varying force and effect.

Mr. King said:

> He who has proved himself most fit for an office ought not to be excluded by the Constitution from holding it.

It seems that in that brief sentence there is a great deal worthy of our consideration. If a President has proved himself peculiarly capable of discharging the duties of this high office, has disclosed the judgment, the poise, and the patriotism which we are always anxious to note in the discharge of these duties, it would seem that there would be no necessity for making it impossible for him to continue in the service for such time as the judgment of the great mass of the people thought proper. It is not often that fitness and efficiency are condemned by laws and constitutions. It would seem that unless there be a fear that the people may be unable to determine the question of fitness and efficiency there could be no occasion for this amendment.

Mr. WILLIAMS. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. WILLIAMS. I should like to ask the Senator from Idaho a question.

Mr. BORAH. I yield.

Mr. WILLIAMS. If this amendment were submitted to the people and if they adopted it would not that be the result of the judgment of the great mass of the people, and not only the result of the judgment of a majority but of the people in three-fourths of the States? In other words, does not the Senator think that it is a little bit unfair to argue this question as if some extraneous force was limiting the power of the people, instead of the people themselves limiting their own power, especially in view of the fact that all that is now sought is to submit the question to the people to see whether or not by the votes of a majority of the people of three-fourths of the States they are willing to bind their own hands in their own interest?

Mr. BORAH. Following the example of my illustrious friend, the Senator from Mississippi, who submitted a great many reasons why the people should adopt it, I am to-day submitting some reasons why they should not, both of us being perfectly willing to abide by that judgment when it shall have been rendered. I am quite willing, when I have expressed my views, that a vote of the Senate shall be had. I do not believe in resorting to any unreasonable methods to prevent submission. If the vote is here to submit it, well and good. I shall with confidence await the judgment of the people.

Mr. WILLIAMS. I understand that perfectly. Nor does my question go to that nor does it go to any impugnment, of course, but, it seems to me, that the spirit of the Senator's argument is as if the people were being bound somehow not to exercise their will, and as if, in making that argument, he had forgotten to mention that the people could not be bound at all except by their own voices. You might say that the people were bound by the Bill of Rights in the Constitution, and they are; but it was a self-binding Bill of Rights, which they themselves adopted in order to keep themselves in moments of public excitement and passion and prejudice from doing things that they knew beforehand, in their cooler moments, would be unjust things to do. All we are asking here is that they should be given an opportunity to say beforehand that there is a given thing that

they beforehand, in their cooler moments, would regard as a dangerous liberty for them themselves to have. They will be left the judges of it.

Mr. BORAH. Mr. President, there is no question but that the people are at last to determine this matter, and the Senator from Idaho is quite willing that the people shall determine it. The Senator from Idaho has no disposition whatever to prevent the people passing upon this question, but this is the occasion and now is the time for the Senator from Idaho to express his views in regard to it. I do not understand that a Senator is expected to waive his convictions. He must vote his honest convictions. Any other theory would establish the fact that constitutional amendments are founded in the stultification of the Senate. The very fact that a certain vote is required implies that men will vote their views.

Mr. WILLIAMS. I understand that; but I thought the Senator from Idaho to be arguing at one and the same time against the people adopting it and against the Congress submitting it.

Mr. BORAH. The Senator from Mississippi has not heard the Senator from Idaho state anything against the submission of it. I am arguing against the merits of the proposition.

Mr. WILLIAMS. Then the Senator from Idaho is for the passage of the joint resolution through the two Houses?

Mr. BORAH. I am for giving the people the opportunity to vote upon it when the plain terms of the Constitution have been complied with.

Mr. WILLIAMS. In other words, you would vote as a Senator to submit the amendment?

Mr. BORAH. No, I will not; because I would thereby indorse the resolution upon its merits. But I stand ready to consent that a vote be taken.

Mr. WILLIAMS. Oh, but meanwhile by your individual vote you will vote against giving the people the opportunity to pass upon it?

Mr. BORAH. Well, Mr. President, I am one of the people, and I am casting my vote against the joint resolution.

Mr. WILLIAMS. But surely the Senator does not contend——

Mr. BORAH. I was sent here to exercise my judgment. If I make a mistake, the people will shortly send some one in my place, who will, according to the doctrine of the Senator from Mississippi, have no opinion and will exercise no judgment.

Mr. WILLIAMS. Of course, but naturally the Senator does not contend that when he casts a vote as a Senator he is merely casting a vote as one of the people. Surely the Senator will not contend that the fact that he is opposed to a certain amendment to the Constitution is a good, a sufficient, a valid reason why he should not submit it to the States to be voted upon.

Mr. BORAH. I am not willing, Mr. President, to appear to vote in favor of a proposed amendment in which I do not believe; but if the required number of the Senate are in favor of it, they are entitled to submit it, and I will not delay the submission of it longer than to submit a few remarks.

Mr. WILLIAMS. Except by one vote.

Mr. BORAH. Except by one vote, which represents my convictions with regard to it. We certainly have some duty to perform here in regard to it, because the Constitution of the United States makes it necessary to have a two-thirds vote. That assumes that the Senators will represent their views as to a proposed constitutional amendment. I do not believe that a Senator is to be charged with rejecting the proposition that the people should pass upon it simply because he can not bring himself to indorse the proposition which is included in the resolution.

Mr. WILLIAMS. Now, if the Senator will pardon me just once more——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. BORAH. I am very glad to be interrupted.

Mr. WILLIAMS. Undoubtedly, we have here a responsibility to discharge, a burden of public duty to carry, a question to ask ourselves and to answer, but that question is not the question as to whether or not the States should adopt a given amendment; it is a question as to whether or not we should submit to the States a given amendment.

Mr. BORAH. If the Senator from Mississippi——

Mr. WILLIAMS. That is the question with which we are faced.

Mr. BORAH. Will the Senator from Mississippi——

Mr. WILLIAMS. If the Senator will pardon me just a moment, if I am not mistaken, he and I not long ago stood together upon a proposition in which that very distinction was made. I was very much opposed to the question of the recall of all officers, including even judges, but I was called upon to vote as to whether or not we should admit the State of Arizona with a constitution including that provision. I took the position that, while my own judgment was against it, it was a question for the people of Arizona to decide. And now, in this matter, unless I thought it of such magnitude and danger and vital importance morally and as affecting the independence of the Nation, I think I would solve every doubt in favor of permitting the people of the States in their conventions and assemblies to themselves pass upon the question.

Mr. BORAH. I think the Senator is quite correct when he says that the doubt should be resolved in their favor; but in view of the fact that the Constitution provides that a certain vote shall be required to submit a constitutional amendment, it must necessarily be considered that Senators will exercise their judgment upon that proposition. The remedy for the situation for which the Senator speaks is an easier method of amending the Constitution and not in the violation of the present Constitution and the compromise of your convictions.

Mr. WILLIAMS. Yes; but upon the proposition of submission, not necessarily upon the merits of the proposition itself or the amendment itself.

Mr. BORAH. I said when I opened my argument that as the burden seemed to be upon me, as I was opposing what seemed to be a popular demand, I wanted to state my reasons for the position which I took. I agree with the Senator that no unnecessary delay nor no unnecessary obstacle should be put in the way of the people voting upon this matter, because they determine it at last, but I have never thought—I did not think so when I had charge in the Senate of the joint resolution with reference to the election of Senators by popular vote—that those who were opposed to it owed anything more than to permit it to come to a vote. I think to stand here and to object to a vote would be to disregard your duty, but I do not concede that it would be a disregard of your duty to announce your views and to vote in accordance with your views. I do not know of any other way to vote. The course which the Senator suggests would be weak if not cowardly.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I do.

Mr. BRISTOW. If the position which the Senator from Mississippi [Mr. WILLIAMS] seems to take, and which the Senator from Iowa [Mr. CUMMINS] seemed to take yesterday, to the effect that it was the duty of a Senator to vote to submit any proposed constitutional amendment to the people for them to determine is the correct one, why should there have been any limitation as to the number of votes required before it could be submitted? It takes a two-thirds vote to submit an amendment for ratification.

Mr. BORAH. Or why should it come here at all?

Mr. BRISTOW. Yes.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I do.

Mr. CUMMINS. I do not want to be misunderstood in regard to the matter suggested by the Senator from Kansas. Undoubtedly the men who made the Constitution of the United States intended that no amendment should be submitted to the people of the country unless it received the approval of two-thirds of the Members of Congress; and it has been the practice for years and years that anywhere from 20 to 30 men in the Senate could prevent the submission of a proposed amendment to the Constitution to the people. As it is now, the negative votes of 33 Senators, if all Senators who are entitled to seats were in their seats, could prevent 20,000,000 men voting their wishes with regard to a constitutional amendment; and, as the Senate is now decimated, 20 men in the Senate can prevent these millions of people from expressing their views.

I agree with the Senator from Kansas that literally the Constitution requires what he says; but I have thought that the development of modern times had rather pointed to the conclusion that the real question was whether the amendment was one to be supported by so fair a proportion of the people that we ought to give them the opportunity to vote on it, and that 20 men here, if they knew that nine-tenths of the people of this country wanted a chance to vote upon a given proposition, ought not to interpose their adverse conclusions in regard to it.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. BORAH. I yield.

Mr. BRISTOW. On the proposition that if 20 Senators believed that nine-tenths of the people wanted to vote on a constitutional amendment they would not be justified in preventing them, I entirely agree with the Senator from Iowa; but I do not believe that one-tenth of the people want to vote on this proposition.

Mr. CUMMINS. If the Senator from Kansas puts his vote upon that belief, no man can quarrel with him. That is simply the ascertainment of a question of fact. I have believed that a very much larger proportion of the people desire a chance to vote upon this proposed amendment to the Constitution.

Mr. BORAH. I think the discussion which has just arisen may all be gathered around the question which is now being agitated of a more easy method of amending the Constitution; but the fact that we have the Constitution as we have it certainly puts upon a Senator the duty of examining for himself the question of whether or not he is in favor of a proposed constitutional amendment.

I am so far a believer in the doctrine which the Senator from Iowa states that, as I have said, I would not stand in the way for a moment of having a submission of a proposed amendment whenever the constitutional majority in Congress is to be found; but I do not know how a Senator could justify himself, under the Constitution, in voting in favor of the submission of a constitutional amendment in which he did not believe, for the reason that his vote not only carries with it the question of the mere submission, but it must necessarily carry with it the indorsement of the proposition. The most a Senator can do is to say that there shall be no opposition which extends further than the expression of his views and his vote.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. BORAH. I yield.

Mr. CUMMINS. I formerly was of the same opinion as the Senator from Idaho, but I want to give him an instance which arose in my State, and I should like to have his judgment with regard to the duty of a member of the legislature upon the problem presented.

In 1882 there was submitted to the people of Iowa a proposed amendment to the constitution establishing general prohibition against the sale of intoxicating liquors. It was carried by more than 30,000 majority. It was afterwards set aside by the supreme court of the State because it had not been adopted in accordance with all the forms required by the constitution. From that time until now there has been a constant endeavor to secure the submission of another amendment of a similar character. I think no one doubts that upon its submission it would be adopted.

Does the Senator from Idaho believe that if he were a member of the general assembly he ought to refuse to submit such an amendment for the action of the people if he himself did not believe in general constitutional prohibition?

Mr. BORAH. If the Senator asks how I would vote upon the proposition, I will say I would vote against the submission of it if I were against the proposition; but I would say to the people, "You made this constitution. The constitution of your State requires so many members of the legislature to agree to the submission of an amendment. That is necessarily a suggestion that those members are to exercise their judgment in regard to it. You can either change the constitution and take it in your own hands or limit the number necessary to vote for its submission." The people made this Constitution. They said there should be a certain vote. That necessarily implies that a Senator will exercise his judgment. Into that judgment will enter not only the question whether this is the proper time for such a measure, whether it is favored by a sufficient number, but the question whether or not it is a proposition in which the individual legislator believes.

But I look upon this as somewhat different from the ordinary measure. This is one of the cases in which the referendum has always been recognized as a fundamental principle, and I think there should be no obstruction whatever to a vote. I am in favor of taking a vote as soon as as we can express our views. I want to say, furthermore, that there is not the slightest indication that I have observed of preventing a vote.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from North Dakota?

Mr. BORAH. I yield.

Mr. McCUMBER. The Senator from Idaho is approaching a very interesting phase of this whole question, and that is the duty of a Senator in reference to the matter of the submission to the people of his own State of a constitutional amendment. I should like to have his view, and have it rather clearly, because his present view seems to me, if I may be allowed to say so, somewhat inconsistent with the argument at least that was made by the Senator upon the question of the submission of the amendment for the election of United States Senators by popular vote.

If I correctly understood the argument of the Senator, it was one of his chief propositions—and to me a very strong argument—that when any considerable portion of the people of the United States were in favor of the submission of that question to them, then, as representatives of the people, the Senators here ought to vote for what the people wanted; that they occupied a position not merely of exercising their own judgment, but the position of expressing the matured judgment of their own constituents; and if a subject had been so considered by the public, and after due consideration the public arrived at a conclusion, and that conclusion was in favor of the submission, it then became the duty of the Members of the Senate, representing those people, to submit it.

I was very much impressed with the Senator's argument upon the other proposition; in fact, I followed it, because I believed it was the correct proposition. I myself did not believe that the popular election of United States Senators would be beneficial in the long run to the people of the United States, but I did believe that for some 80 years nearly the people have been agitating the subject, and I believe that the vast majority of the people who had considered it were in favor of it, and I felt it was my duty, inasmuch as the people favored it, after proper consideration, to surrender my own views to their judgment and allow them to have the right to vote on it.

Now, getting this whole matter into one general proposition, it is this: Suppose the Senator believed that three-fourths of the people of the United States were in favor of a single term for President, but the Senator himself believed, representing his own conviction, that he should have as many terms as the people saw fit to elect him, would the Senator contend here that his duty under the Constitution would be to vote his own convictions and prevent such an amendment going to the people, even though he believed a vast majority of the people favored it?

Mr. BORAH. I am not conscious of any inconsistency between the position I now occupy and the one I occupied in reference to the submission of the joint resolution. There were, as the Senator well knows, some very strong manifestations of a filibuster against coming to a vote upon that question at all. I made no appeal to the Senate at any time for any Senator to waive his judgment when he came to cast his vote, but I did appeal to Senators to give me a vote upon the subject and to test the question whether or not we had the requisite number in this body to send it to the people. If we did have, I contended the people were entitled to it and entitled to pass upon it.

I think if the Senator will review the remarks I made he will find that I went no further than to ask for a vote upon the matter, and that is, I think, the full extent of any argument I have ever made here. At this time there is no delay that I know of. This matter is coming up at this late day, and there have been only one or two speeches made upon it and those were made by Senators who were in favor of it. Can it be said that those who have expressed their views upon the merits of the joint resolution and in favor of it are delaying it? The time has principally been occupied by those who are in favor of it.

Now, then, a word further.

Mr. McCUMBER. Mr. President——

Mr. BORAH. Just a word further. If I understand correctly my duty here, if I believed that this constitutional amendment was not a thing which the Republic ought to have in its fundamental charter, I hope I would have courage enough to vote against it if every man, woman, and child in the United States was in favor of it. But I would turn about and assist those people in making it possible for them to get an easier method by which to submit such a proposition. But so long as they have written into their fundamental law that it shall require two-thirds, I assume that they intend that those men who represent them in the Senate shall exercise their judgment and, when two-thirds are required to submit it and that two-thirds are forthcoming, to submit it; and when not, not to submit it. I have never claimed that Senators should sacrifice their convictions. I do not I trust belong to that class of public servants, but did claim most earnestly that we were entitled to a vote. I hold now that the Senator in charge of this resolution is entitled to a vote.

Mr. McCUMBER. But the real answer I wish from the Senator, if he will allow me, is to the single proposition whether the Senator, as a progressive Republican, is in favor of allowing the people an opportunity to vote upon a proposition, if he believes a majority of the people want to vote upon it, not-

withstanding the fact that he personally does not believe in it. In other words, as I put the question before, if the Senator believes that, say, three-fourths of the American people are in favor of having this matter submitted to them, that they may act upon it through their legislatures, though the Senator believes that they are not acting with the best judgment and that his own judgment is superior, would he vote their judgment or would he vote his own?

Mr. BORAH. Did the Senator have any difficulty in understanding my reply when I said that if all of the people of the United States were in favor of it and I was against it I would still exercise my judgment and my right to vote that way in the Senate? Is there any ambiguity about my answer? The difficulty seems not to be in the answer; it must be elsewhere.

Mr. McCUMBER. I do not think so, as the Senator now expresses it; but the Senator before expressed it in connection with the matter of delay, and I did not want his language to be construed as relating to the question whether or not we should vote, but how we should vote.

Mr. BORAH. The Senator referred to progressive Republicans. Let me say to the Senator that progressiveism, if you may call it such, does not imply the right to violate the Constitution of the United States. That is a right peculiar to the reactionaries. They are opposed generally to amending the Constitution because they pay no attention to it while it is in existence.

Mr. McCUMBER. Of course, not knowing to what reactionaries or who are the reactionaries, I can not reply directly to the statement of the Senator.

Mr. BORAH. I assumed the Senator knew who are reactionaries when he assumed to know who are progressives.

Mr. McCUMBER. I can hardly say I know who is progressive when, under the term of progression, one argument is applied in one session of Congress and another argument directly in violation of it is applied in another Congress.

Mr. BORAH. If the Senator from North Dakota had reference to myself, he has misstated the record.

Mr. McCUMBER. And again I might say it may be a question of judgment.

Mr. BORAH. Perhaps so, under some circumstances, but in this case I doubt it. The progressives believe in amending the Constitution when it is wrong, but I have never yet heard anyone advocate ignoring it while it is in existence.

Mr. McCUMBER. I have never heard of anybody advocating the ignoring of it at any time.

Mr. BORAH. How is that?

Mr. McCUMBER. I never heard of anyone, at least in the Senate or in the other branch of Congress, who advocated ignoring it at any time. If the Senator knows of such, of course he has knowledge that is entirely foreign to me.

Mr. BORAH. I think, Mr. President, we may dismiss this question of consistency and progressive Republicanism until the Senator from North Dakota refreshes his recollection about some things.

Mr. McCUMBER. I think I read the RECORD, perhaps, as thoroughly and understand it as thoroughly as does the Senator from Idaho.

Mr. BORAH. I hope so. I often wished I did understand it as thoroughly as does the Senator from North Dakota.

Mr. McCUMBER. Thank you. I wish you did.

Mr. BORAH. Coming back to the subject which was under discussion, from which we have digressed for a time, the subject of one term for the President was referred to in the constitutional conventions which ratified the National Constitution. I believe Mr. Mason, of Virginia, referred to it in a very short paragraph. Mr. Henry, who spoke most earnestly against the ratification of the Constitution and spoke most earnestly upon the subject of the powers of the Executive, did not address himself to this section to any extent whatever. He did not regard it as one of the things which would make the Executive, as it was then created, dangerous to the Republic. It was referred to also in the New York convention. Mr. Parsons, in discussing the subject, said with reference to limiting it to one term:

> It deprives a man of honorable ambition whose highest reward is the applause of his fellow citizens of an efficient motive to great and patriotic exertions.

Chancellor Livingston said:

> Besides, it takes away the strongest stimulus to public virtue, the hope of honors and rewards. The acquisition of abilities is hardly worth the trouble unless one is to enjoy the satisfaction of employing them for the good of one's country.

I want to call attention to some excerpts also from the Federalist. This was, as we all know, a contemporaneous construction of the Constitution by the three men who were peculiarly fitted to construe it, and it has been a textbook ever since it was written. In one of these articles it is said:

> That magistrate is to be elected for four years and is to be reeligible as often as the people of the United States shall think him worthy of their confidence.

This is what the makers of the Constitution understood—that he should be reelected as often as the people thought he was worthy of their confidence, and they did not look forward to the fact that some great figure or character like Washington would amend the Constitution by a precedent or by custom. But they rested the proposition clearly upon the single principle that so long as a man commanded the support of a majority of his countrymen, so long as his acts and character called to his aid a majority of the votes of the people, it was perfectly safe to leave the question of tenure to them.

They had had some experience with this matter before in the confederation, not with reference to the presidency, but with reference to other officers, to which I will come a little later on.

It is further said in the Federalist:

> The ingredients which constitute safety in the Republican sense are, first, a due dependence on the people; secondly, a due responsibility.

The Senator from Iowa yesterday discussed at some length and very interestingly the proposition of the President looking to renomination and a reelection. What has the President to do in order to serve a second term in this country? He first submits his record to a review of his countrymen. He must next secure the nomination at the hands of his own party, and I may concede for the sake of the argument some of the arguments made by the Senator that he holds the advantage, if in office, in securing the renomination. He must not only secure the renomination, but the reelection at the hands of the people after four years' service, after a thorough presentation of his record, and after a thorough opposition on the part of the great parties as they will always exist in this country.

The judgment of the people taken under those circumstances must necessarily be, as the Federalist says, a safe guide, and he can be reelected as often as the people in their judgment think it wise to elect him. Again it is said:

> As, on the one hand, a duration of four years will contribute to the firmness of the Executive in a sufficient degree to render it a very valuable ingredient in the composition, so, on the other, it is not enough to justify any alarm for the public liberty.
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> That experience is the parent of wisdom is an adage the truth of which is recognized by the wisest as well as the simplest of mankind. What more desirable or more essential than this quality in the governors of nations? Where more desirable or more essential than in the first magistrate of a nation? Can it be wise to put this desirable and essential quality under the ban of the Constitution and to declare that the moment it is acquired, its possessor shall be compelled to abandon the station in which it was acquired and to which it is adapted? This, nevertheless, is the precise import of all those regulations which exclude men from serving their country by the choice of their fellow citizens after they have, by a course of service, fitted themselves for doing it with a greater degree of utility.
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> Even the love of fame, the ruling passion of the noblest minds, which would prompt a man to plan and undertake extensive and arduous enterprises for the public benefit, requiring considerable time to mature and perfect them, if he could flatter himself with the prospect of being allowed to finish what he had begun, would, on the contrary, deter him from the undertaking when he foresaw that he must quit the scene before he could accomplish the work and must commit that, together with his own reputation, to hands which might be unequal or unfriendly to the task. The most to be expected from the generality of men in such a situation is the negative merit of not doing harm instead of the positive merit of doing good.
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> There is no nation which has not at one period or another experienced an absolute necessity of the services of particular men in particular situations; perhaps it would not be too strong to say, to the preservation of its political existence. How unwise, therefore, must be every such self-denying ordinance as serves to prohibit a nation from making use of its own citizens in the manner best suited to its exigencies and circumstances.
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> There is an excess of refinement in the idea of disabling the people to continue in office men who had entitled themselves, in their opinion, to approbation and confidence, the advantages of which are at best speculative and equivocal and are overbalanced by disadvantages far more certain and decisive.

I will not further trespass upon the time of the Senate, but these quotations from this work upon the Constitution, written at the time that the people adopted the Constitution, disclose the proposition which I wish to enforce upon the minds of the Senate, and that is that the fathers understood perfectly that this was not to be left to the precedent which might be established by Washington; that this was not to be left to this or that incident which might work against the proposition of a reelection, but they said plainly, "Here is the responsibility directly to the people. His term is short, and if at the end of that time he does well the people may reelect him. If he does ill, the people may reject him. But it rests at last upon the

judgment of the masses of the American people as to who shall be their President."

We sometimes say in these days we have more faith in the masses of the people than did our fathers; that they were lately from those conditions which militated to some extent against their faith in popular government; that they looked upon the rule of the Republics of Greece and Venice and other foreign countries as republics which had been destroyed and passed into nothingness because of the fact that the people did not put upon themselves sufficient restraint. They therefore made a Constitution which put certain restraints upon the people.

But, Mr. President, I call attention to one thing which inheres in this Constitution to a remarkable degree. While the fathers placed in the Constitution such prohibitions as would compel the people to stop and consider before they acted, while they enforced deliberation and judgment, there is not to be found in the political side of the Constitution any prohibition upon the part of the people, after they have had time to consider, after they have had time for deliberation, after discussion has been had, and views have been interchanged. If I read the Constitution correctly, the fathers said the ultimate judgment of the people must obtain, and they builded this Government upon that faith. True, they said we want the sober second thought, but when the judgment of the people had been matured they doubted its wisdom not at all.

I believe when they said that the people shall elect a President as often as they desire to elect him, they gave a manifestation of their faith which we may do well to emulate.

Mr. President, the Senator from Georgia [Mr. SMITH] had printed as a Senate document a few days ago a document entitled "The real authorship of the Constitution of the United States explained." I do not know, and I have not undertaken to determine, to what extent the distinguished author referred to in this document had to do with the formation of the Constitution, but all must agree that here is a most interesting, instructive document. I quote from it an extract which seems to me has a bearing upon this particular subject. Pelatiah Webster said:

> I think that frequent elections are a sufficient security against the continuance of men in public office whose conduct is not approved, and there can be no reason for excluding those whose conduct is approved and who are allowed to be better qualified than any men who can be found to supply their places.

Discussing the Confederacy he said:

> I have no objection to the States electing and recalling their delegates as often as they please, but think it hard and very injurious both to them and the Commonwealth that they should be obliged to discontinue them after three years' service, if they find them on that trial to be men of sufficient integrity and abilities; a man of that experience is certainly much more qualified to serve in the place than a new member of equal good character can be; experience makes perfect in every kind of business—old, experienced statesmen of tried and approved integrity and abilities are a great blessing to a State—they acquire great authority and esteem as well as wisdom, and very much contribute to keep the system of government in good and salutary order; and this furnishes the strongest reason why they should be continued in the service, on Plato's great maxim that "the man best qualified to serve, ought to be appointed."

Mr. Webster thought if they are required to go back sufficiently often to the people for a recommendation to continue in their service that that was a sufficient safeguard. If we are to accept as the basic proposition of government that the people are capable of self-government, if we are to assume that the people have the intelligence to choose their Representatives, what possible harm can come from submitting a man with a record as a public servant against a man who has not a record as a public servant? Shall we say that we will put in as a basic principle of the Republic that the people shall not have the benefit of experience and patriotism if a majority of 90,000,000 people believe that it is worth their while to call him into service? I know that those who are advocating this joint resolution do not look at it as an impeachment of the judgment of the people; I know that they would not favor such a proposition; but when you analyze it and get down to the basic proposition, what is it but an impeachment of the ability of a majority of the voters of the United States to say whether a man has been of sufficient service to continue his service.

Mr. President, we have now looked briefly into the history of this question and referred to some extent to the views of the fathers. We may now examine the proposition upon original grounds and in the light of present conditions. What is there in the present situation which requires that we put into our Constitution a prohibition against a man serving his country so long as his acts and character command the support and approval of a majority of his countrymen? Is there anything in the nature of the powers exercised by the President which makes it dangerous to submit the record and fitness of a man for this high office to the judgment of the voters of the United States? Is there anything at this time to be asserted and sustained in the implied charge that the people of the United States are no longer fitted to say when a man's public service should cease and when his fitness for the obligation of the office no longer entitle him to the honor? Has anything yet transpired in these more than a hundred years experience indicating that our present plan is a defective plan, and most of all, are the supposed defects of the plan going to be eliminated by the proposed change? Have the people in the past exercised this power by selecting whom they would to the detriment of the country? Have there been changes in the political situation which make it necessary after a hundred years to take something from the power of the people to select their own Representatives?

If the simple but searching question were asked, Are the people of the United States capable of terminating a man's public service at a time when such services for the public good should be terminated, it would likely be answered in the affirmative. To answer in the negative would be to challenge the capacity of the people to select their Representatives at all. It requires no greater capacity upon the part of the voter to select or reject for a second term or a third term than for the first. In fact, the voter has a much better opportunity to pass judgment in an intelligent way, for the record is open before him. In the first instance, a great deal must be taken for granted. No one knows until a man has been an incumbent in that great office in what manner he will meet its great responsibilities or how wisely he may exercise its great powers. But at the end of four years the record lies open to all—the wisdom or want of wisdom, the poise or want of poise, the understanding or lack of understanding of the duties of the office, everything which a thoughtful and considerate people engaged in the grave task of choosing a Chief Magistrate need to know can be known. In view of our party system and the searching and widespread power of the press, all the facts will undoubtedly be given to the voter. We must certainly be prepared at all times to assert and successfully maintain that the strength and virtue of our individual citizenship is the measure of the strength and virtue of the Government itself. To assert to the contrary is to assert that representative government has an inherent and incurable defect. If the people in the exercise of the franchise can not reject a dangerous man or continue in office a desirable and useful man, then the selections in the first place are but the result of ignorance or chance. And in the end the whole affair must terminate in a wreck. No form of free government, no scheme of social polity can ever be devised by which you can make a strong and efficient and powerful Government out of incompetent and irresponsible citizens. The power which is to keep this Government going, which is to supply it with vitality and strength and durability, must be found outside of the mere technical forms of government, outside of the formal statutes and constitutions, must be found among the people; when it is not found there, there is no hope elsewhere.

When you elect a man to the office of the Presidency for the term of six years with no chance for reelection you place him in the same relation to the people for that length of time as a President would be who should be elected for life. He has his term of six years upon the same terms and conditions as a man would have whose term was for life. The time in each instance would be different, but the attitude, the responsibilities, the regard for public opinion would be the same in each instance.

If human nature were not weak there would be no occasion for these precautions and limitations. But it is weak, and weakest when tempted with power. We therefore prescribe the powers to be exercised, and limit the term within which the exercise of these powers is to be enjoyed. We have that now. If the powers are exercised wrongfully we recall him, if rightly we reward him. Second, we endeavor in a free government to so arrange matters that the mind and thought of the public servant will always be directed toward the people, and when I say the people I mean the whole Nation in the aggregate. I would not have a man the slave of public opinion, and no great President has ever been so. But if he is to be a slave at all I want his master to be the public and not the subtle, persistent, tireless forces which operate by night and by day about the sources of governmental power. In other words, I want his mental vision turned toward the broad horizon of public thought, that his ear may not be too successfully abused by the whispers of the silent, selfish influences always at work.

I know, sir, that now and then some rare soul, some strangely endowed and singularly gifted being is turned loose upon this planet, willing to toil in silence and unrewarded, solely for the benefit of mankind, that such beings need not the stimulus to public virtue which comes from the commendation of their fellows; commended or condemned, they work on. But these rare beings come too seldom to be available for Presidents or any other office. Even if they were more plentiful they would

not be recognized in a political convention. Human sympathy and human fellowship, the desire to possess the commendation of your fellows, play a powerful part in the lives of the best of men. The Father of our Country was saddened and depressed in his last years because the turmoil which characterized the closing days of his administration seemed to estrange from him many of his countrymen. Mr. Jefferson relates how upon one occasion he seemed utterly disconcerted with personal grief. Who for a moment doubts that the shoulders of Lincoln were more stooped and his sad face still sadder because he felt the shafts of malice and hatred sent his way? The most powerful factor in public service to a right-minded man is the desire to so perform his work as to command the approval and judgment of his fellows. He wants that expression in a definite and concrete way, and for that he toils, and it does not make any difference how noble may be his purposes this feeling is never absent. Why divorce the public servant from this influence? Why put him in a position where this stimulus is removed? Why deny him the opportunity to know whether his people approve or disapprove? Why remove this powerful motive for exceptional exertions for the public good? I would not be charged with saying that this is the only motive for public service, but it is one of such powerful, persistent presence that it seems unnecessary to destroy it.

I repeat that I want the Chief Magistrate to feel and to know that there is a power which can intelligently commend and reward him if he does well and a power which will inevitably condemn him if he does ill. I do not want this influence destroyed while the other and sinister influence, which will always be at work, is left free to continue its exertions. The selfish, the special interests, the privileged, and those seeking privileges to direct and dominate an administration will be just as powerful as ever, while the power which can punish him if he yields to their influence is thwarted. The President is made to know in the beginning that the public can neither give nor take away. After he gets his certificate of office he is for all intents and purposes for six years an autocrat.

I grant you, Mr. President, my theory is all wrong if it be not conceded, to start with, that the general judgment of the voters is a safe basis for action. If it be thought that our people are becoming excitable, prone to passion, intemperate, fond of strife, unreliable, and unstable, then it is undoubtedly better if we have fewer elections. After awhile we may arrive at the point where it will not be necessary to elect anybody at all. If it is thought that ninety millions of people can be coerced or thrown into a frenzy or blinded as to usurpations, then let us have fewer elections. As soon as the people have gotten used to 6 years we can perhaps increase it to 10.

But, Mr. President, let us not be too easily discouraged by superficial and passing incidents. The great body of the people is not affected by these agitations upon the surface between individuals. Let us not listen too seriously to the cynic. He is an old and familiar friend. His drawn and pinched countenance has marred every heroic scene in the history of the world. His sepulchral wail has mingled with the strains of progress since time began. No superstition was ever compelled to take its fangs from the intellect of man, no cruel creed was ever rejected, no great law was ever written, no battle for human rights was ever fought that this croaking prophet of evil and chaos was not there to discourage the work. No man ever stood forth in a great cause that the people were not warned that the purpose was to destroy, not protect, their rights; but thus far the people have not been misled. They have judged aright and they will continue to do so.

It seems to me that it is neither necessary nor expedient to establish by the fundamental law that the people shall not be permitted to exercise their judgment as to who shall be their Chief Magistrate at a particular time or in a particular emergency. I can understand perfectly all these constitutional limitations which are calculated to enforce deliberation and consideration upon the part of the people before final action is taken. But I can not understand nor appreciate those limitations which challenge the capacity of the people to take action after full and free discussion of the subject. If I did not believe that the safest and soundest guarantee of free institutions was to be found in the final judgment of the voters of this country after full and intelligent discussion, I would not only distrust our system, but I would feel however much good fortune a new country and favorable economic conditions might postpone it for a season, that in the end our scheme of government would end in a miserable failure. It is not flattering the people, it is not demagoguery to urge that the judgment of the majority in such matters as these must always be regarded and accepted as safe and sane. It is a plea, sir, for the first and indispensable principle upon which our whole fabric of government is reared. It is a cardinal tenet of that faith which brought the fathers to Philadelphia in 1787 and under the inspiration of which every great disciple of free government has since lived and carried on his work. No one will ever charge Alexander Hamilton with having molded his views for popular favor. Superb and masterful in his intellectual dominancy, he stands amid that splendid group of men clean of every taint of the demagogue. In fact, the criticism has been that he was a royalist and distrusted too much the capacity of the people for self-government. I do not now stop to argue that charge, but certainly I may with propriety quote him as he spoke upon this particular question. "Nothing appears more plausible at first sight nor more ill founded upon close inspection than a scheme which in relation to the present point has some respectable advocates—I mean that of continuing the Chief Magistrate in office for a certain time and then excluding him from it either for a limited period or forever after. This exclusion, whether temporary or perpetual, would have nearly the same effects, and these effects would be for the most part rather pernicious than salutary."

No, Mr. President, the vital principle of representative government is that the representative, the political agent, shall return at stated periods for the approval or rejection of the people—the conclusive presumption being that in the forum of public conscience we have not only the highest but the wisest tribunal to which we can appeal in so grave a matter. If we can not rely upon the moderation, the wisdom of the majority of the whole people, where then shall we go for guidance? If the judgment of 90,000,000 of people expressed under the orderly forms of procedure are not to be accepted, to what arbiter shall we go? If it shall be charged that a man has become overambitious, that his plans seem to threaten the stability of our institutions, to whom can we submit that proposition with more complacence as to the result and more assurance of the correctness of the verdict than to those in whose keeping are all the institutions under the flag. On the other hand, if some great crisis is at hand, as when war is upon us, or if we are confronted with civic problems involving no less than the happiness of the whole people and the continuance of liberty, and the extended service of some individual who has earned the confidence and love of his countrymen seems desirable, can we not safely submit this question also to the voters, and having it submitted, who shall be found as a believer in our form of government to challenge that verdict? Shall the people under such circumstances and in such a crisis find that a ban has been placed upon ability for fear that the people would be unable to distinguish between a usurper and a patriot?

I concede that some of the arguments for a longer term seem, in the first instance, persuasive. The plea is for business tranquillity. The market place, they tell us, is disturbed by the too oft-recurring elections. The great growth of industrial affairs does not, after all, seem to sustain this contention. There is a dispute among the philosophers as to whether, intellectually and morally, the individual has progressed noticeably in these 3,000 years. Does our civilization produce greater intellects than that of Aristotle or Plato or greater statesmen than Pericles? But no one doubts the marvelous strides in the industrial world—business—business dominates and directs everything and everybody. The church, the State, politics, and religion are all influenced by its subtle, pervading, and persistent power.

And I am one who believes we can pay too high a price even for business tranquillity—the tranquillity under whose soothing shelter sprout and grow special privileges and governmental favors—a million times more menacing to the life of a republic than dictators; that business tranquillity which causes men to become indifferent to obligations of government and, what is more discouraging, sometimes unfits them for the sacrifices which every citizen is called upon to make for the general good.

Back of all forms and details of government, back of all statutes and constitutions, back of efficient democracy, back of successful representative government is the citizenship of the country. Let us shape our institutions and our laws, therefore, with a care for the building up of that citizenship and for the training for the sacrifices and obligations exacted and imposed by all who live rightly in a republic. Business will come, business will thrive, wherever may be found a people capable of orderly and wholesome self-government. France was one of the richest countries on the face of the earth just before the French Revolution, at a time when misery prevailed in almost every household among the middle classes and the peasants of the land. Our wealth and our business success depend upon the stature of our citizenship.

Our election campaigns constitutes the great university where the voter is trained for active and efficient citizenship. We can not measure the worth of an institution of government by temporary effects or conditions; we must view it as it works from decade to decade and through the sweep of the centuries. What effect does it have upon the character of the people—upon human progress as it works on through the years? If our people were called to the polls once in 20 years they would soon be incapable of discharging the duties imposed upon them. Men only grow to the full stature of citizenship when in the enjoyment and exercise of duties and obligations of citizenship. On the other hand, if we were to choose our Chief Magistrate every 30 days the element of unrest would predominate to the detriment of permanent growth and progress. Between these extremes, where on the one hand capacity and efficiency are sacrificed, and on the other turmoil and unrest prevails, lies the compromise ground, where ability and stability are joined in permanent wedlock.

This compromise ground the fathers found and a hundred years has demonstrated their wisdom. They said, first, we will provide for such a term in length as will insure the element of stability; second, we will not make it long enough to endanger the liberty of the people; third, we will at the end of the stated period send the faithful and the unfaithful back to the sovereign tribunal of the people for judgment; and, fourth, we will make it possible that there may accompany the Chief Magistrate through all his services the noblest ambition of exalted minds, the ambition to win and to hold the approval and commendation of a great and free people. The highest ambition of a public servant if he believes in the wisdom and patriotism of the people, if he believes in our theory of government, is to hear the pronouncement coming up from the millions of his countrymen, "Well done, thou good and faithful servant." Why should we eliminate this powerful element, beneficent and wholesome, from public life; that element which has steadied and inspired, guided and accentuated the efforts of the best men who have ever presided over the destiny of the Republic?

Our Government will perhaps never again experience the strain through which it passed in 1864. A fratricidal war was dragging wearily along with no assurance at the beginning of this year that it would soon terminate. The frightful disaster at Fredericksburg, the carnage at Chancellorsville were ominous reminders of what might at any time occur again. Grant had crossed the Rapidan and was plunging into the wilderness of Virginia. Sherman was cutting his way through the heart of the gallant but desperate South. Constitutional government was utterly without a guardian save as the guardianship was to be found in the loyalty of the masses. Had the people lost heart, had they swung from their moorings for a season the dream of the fathers would have ended in hideous chaos.

Under such condition, sir, we were called upon to elect a Chief Magistrate. We will never elect one under more adverse circumstances or under conditions which will more thoroughly test the capacity of the people for self-government. It is difficult for us to realize now what took place, but a recurrence to history leaves us in no doubt. The man at the helm to whom all parties, all people, and all races now pay homage was utterly distrusted by the leaders of the day. There is a perfectly well-authenticated story that a friend of Abraham Lincoln journeying to Washington in his behalf asked Thad Stevens to introduce him to Lincoln's friends in Congress. Stevens took him over and introduced him to Arnold of Chicago and told him if there was any other who believed it to be wise to reelect Mr. Lincoln he did not know who he was.

The opposition declared that it was dangerous, especially under such circumstances as then prevailed, to choose a man for more than one term and pointed to the fact that no man since Jackson had been chosen for a second term. The convention which met at Cleveland and nominated Fremont declared for a single term and charged Lincoln with usurping the constitutional powers of the Government. Salmon P. Chase, afterwards Chief Justice of the United States, appointed by Lincoln, declared: "I doubt the expediency of reelecting anybody, and I think a man of differing qualities from those the President has will be needed for the next four years." In February, 1864, a large number of Congressmen and Senators at Washington joined in a circular to the people urging that the welfare of the country demanded a more vigorous and capable man than Lincoln. This is not the first time nor the last that we have ample proof that sane and wholesome public opinion does not seem to thrive in the atmosphere of the Capital.

Horace Greeley urged that it was unsafe to choose any man for a second term and suggested in the place of Abraham Lincoln Benjamin Butler, of Massachusetts. Stevens, of Pennsylvania, declared that Butler was undoubtedly the choice of the people. Henry Winter Davis, of Maryland, urged that the salvation of the country demanded a new man. Thurlow Weed advised Lincoln that he could not be elected. The opposition papers declared that Lincoln was interested in the profits of Government contracts. As late as September Horace Greeley insisted that Lincoln was already defeated and demanded that a new convention convene.

But, Mr. President, Lincoln's power rested elsewhere; the guaranty of constitutional government rested elsewhere; the love of country which selfish ends could not blind, the poise which adversity could not disturb, the discriminating judgment and searching insight which leaders could not warp were to be found elsewhere; and with a unity of voice seldom known in this country or any other country, coming up from the workingman and the lawyer, from the farmer and the mechanic, from the merchant and the banker, unanimously demanded the renomination of Lincoln and stood loyally by him to the close of the election. The people were not disturbed by second terms or dictators. They were not to be misled by the fears and agitations of envious and ambitious men. With a wisdom amounting to inspiration they stood by the grandest soul yet born under the American flag. Oh, Mr. President, unless we are all wrong in our theory of government, unless every step we have taken from Bunker Hill to this hour has been in the wrong direction, we can afford to trust the voters of this country, whatever the crisis may be, to choose whom they would have as their President. "A second term," said Lincoln in a letter to a friend, "would be a great honor." Why take out of the moral economy of this Republic the aspiration, the ambition which could stir to action and guide the footsteps of Abraham Lincoln?

A renowned political philosopher once said: "A great statesman is he who knows when to depart from traditions as well as when to adhere to them." That is true. The human family will not be fettered by traditions or unnecessarily bound by constitutional provisions. It reserves the right to reject the one and to amend the other. "A state without the means of some change is without the means of its conservation." But changes to command my support must harmonize with the principle that these things which, in their nature are subject to determination by the people in their popular judgment, must be left alone for them in such way to determine.

The centripetal tendencies of society and of government are tremendous. The concentration and centralization of wealth, social exclusiveness, centralization of government, these are the tendencies of the times, menacing and momentous. The power now lodged in the bureaus of this Government removed from control or sympathy of the people no framer of our Constitution ever contemplated. I will not, in addition, give my indorsement to these tendencies by consenting to have incorporated for the first time in the fundamental charter a provision which may render the Chief Magistrate less responsible to public demands, less anxious for public commendation, or which carries with it the equally obnoxious thought that those who first selected the Chief Magistrate have not the discrimination or wisdom to reward the faithful, reject the incompetent, or condemn the recreant.

I point to the record of a hundred and twenty-five years and ask, What serious mistakes have been made in the choosing of Presidents for more than one term? Call the roll. Washington and Jefferson and Madison and Monroe and Jackson and Lincoln and Grant and McKinley and Cleveland. Show me another line of chief magistrates or rulers with which to compare this long line of American statesmen and patriots. No line of rulers or chief magistrates, whether of hereditary sovereigns coming down through successive generations or the freely chosen of a free people, can compare with this line of American Presidents. Will you weigh as against this record of efficiency and honor the doubts and fears and anticipations of the hour? Will you place over against this record nothing more than some possible advantages of the market place?

When Cæsar comes, when the man on horseback enters the other end of Pennsylvania Avenue, it will be after the question of terms of office, whether for four years or six years, for eligibility or noneligibility, shall have ceased to be considered; it will be after the Constitution shall have been discredited, its terms forgotten. It will be when the people shall have ceased to consider whether it provides one thing or another. So long as we are making constitutions or amending them we do so upon the basis that that Constitution is to serve a free people, who love their Government, who are intelligent and patriotic, who shall jealously guard its interests. For such people there can be no justification in taking away their rights to select whom they would for their Chief Magistrate.

Mr. McCUMBER. Mr. President, I listened with some interest to the argument of the Senator from Idaho [Mr. BORAH].

I listened a year ago, and I may say with an equal degree of interest, to the argument of the same Senator upon a similar proposition. That proposition was the submission to the people of an important constitutional amendment. The Senator says in his argument to-day that after due deliberation the judgment of the people should prevail. I agree with the Senator entirely upon that, but I believe it should prevail whether I agree with them or not. The position of the Senator from Idaho is that the judgment of the people shall prevail provided a sufficient number of Senators here will vote the same way they believe; but if I understand the position of the Senator from Idaho, the judgment of the people shall prevail when it agrees with his judgment; that it shall not prevail, so far as his vote can prevent it from prevailing, if it does not conform to his judgment; and the Senator considers me a reactionary because I will not agree with that philosophy.

The Senator from Iowa [Mr. CUMMINS] and the Senator from Idaho [Mr. BORAH] both made strong arguments about a year ago, and both made practically the same argument in favor of the constitutional amendment; and if not the words of the argument, at least the spirit of the argument was that after the people have duly deliberated upon any question and have formed a conviction upon it, it then becomes the duty of the Senate of the United States to present the matter before the people in such a way that they themselves register their judgment in accordance with their conviction.

That is the attitude of the Senator from Iowa to-day upon this question. That is not the attitude of the Senator from Idaho upon the same question. If the argument of the Senator from Iowa is consistent, then the argument of the Senator from Idaho is not consistent, because they both can not be consistent.

Mr. President, those who oppose the submission of this question to the people of the United States oppose it, I will admit, upon principle, but they oppose it upon what I conceive to be a wrong principle. They oppose it upon a theory to which I have never yet given my consent, the theory that the moment a man accepts a public position he usually loses his innate honesty, and he needs, in order to hold to a strict performance of his duty, the allurements of another term ahead of him—that he needs the inducement to hold him to a course of strict integrity. I do not accept that proposition. My own conviction—and I think I have perhaps as fair a knowledge of humanity in general as my friend the Senator from Idaho—is that men are generally honest; that other things being equal they will act honestly, they will act fairly. I will admit that while nearly all men are by impulse honest, nearly all men have a weakness, but the weakness is not dishonesty, though it may lead in that direction. Leave a man to operate according to his own convictions of right and wrong and he will generally follow the right path. If you hold a temptation before him he is more liable to desert that path.

Mr. President, one of the great sentences in our Lord's Prayer is "Lead us not into temptation." It is not to make our impulses honest and fair—they are naturally that way—but to "Lead us not into temptation"—to abandon them. We will be more liable to follow the natural impulse of human character, to do right by ourselves and right by the public, if we have no temptation before us.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. BORAH. The Senator is following the argument once made by Alexander Hamilton in favor of a life term for the Presidency. That it is perfectly consistent with the train of reasoning and the thought of the Senator I have no doubt.

Mr. McCUMBER. Nothing in the world is further from my thought or from my training. On the contrary, I would be in favor of a single term, the shortest term—that is, a term of four years rather than a term of six years.

Mr. President, I admire the sagacity, I admire the wisdom of Alexander Hamilton as I do of Thomas Jefferson, and as I do of all the great men who had to do with the building of our Constitution. But I am not a hero worshiper, and I do not quote those authorities to sustain me in my own judgment whenever they happen to agree with my judgment and to disavow their arguments whenever they do not agree with my judgment.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield further?

Mr. McCUMBER. I yield.

Mr. BORAH. I said the Senator was following the argument of Mr. Hamilton. Mr. Hamilton's idea at one time was when a man was once in office, his own innate disposition to do right was all that was necessary, and that was the basis of his contention in the first instance in regard to it. I was not reflecting upon the Senator except to say that the argument he advances is one which leads to life service in everything.

Mr. McCUMBER. It does not lead to life service by any means.

Mr. BORAH. A man elected for six years to the Presidency with no chance for reelection is placed in the same attitude for that length of time as a man elected for life.

Mr. McCUMBER. The American people, like all people, may make a mistake, but I would not put them in the position where they could not retrieve themselves from any error. I think they made a mistake in the election of 1892, and I would have given them the very first opportunity to extricate themselves from the condition in which they placed themselves. That opportunity came in four years.

Mr. BORAH. The position of the Senator now is that he would so arrange matters that such a mistake, if mistake it was, as took place in 1892, might continue two years longer.

Mr. McCUMBER. Oh, no.

The Senator made a statement a short time ago that I sometimes made an argument upon a wrong assumption of fact, and then when less than three minutes ago I said I would be in favor of a single term and the shortest term, four years, I am surprised that the Senator asserts that I am in favor of a six-year term, or increasing the present term two years.

Mr. BORAH. I understood the Senator to say he was in favor of this resolution, and the resolution provides for a term of six years.

Mr. McCUMBER. I said what I was in favor of. I said I favored the amendment offered which would limit the term to four years rather than six years, but I am in favor of a limitation of the term.

The Senator from Iowa [Mr. CUMMINS] expressed my views more eloquently than it would be possible for me to express them when he said that the duty of the President in that high office was the duty to attend wholly and solely to his official functions, and he ought not to be hampered in the performance of that duty by being compelled so to conduct himself either toward the people generally or toward anyone else that he can not exercise his whole attention, his best judgment and best impulses, for the benefit of the people whom he represents.

Mr. BORAH. Is the duty of the President in that respect any different from the duty of a Senator?

Mr. McCUMBER. The duty of the President is a different duty from that of a Senator or a Representative. It differs both in its nature and its degree.

Mr. BORAH. But the obligation of a Senator is to perform the duties of his office regardless of everything except the rightful discharge of the duties.

Mr. McCUMBER. Finish the sentence.

Mr. BORAH. I did finish it. That is precisely what the President should do. He should perform the duties of his office for the benefit of the public, whether he is to be reelected or not. So should a Senator. Is the Senator from North Dakota in favor of one term for Senators?

Mr. McCUMBER. The importance of the great office of President of the United States overshadows so much the importance of the other, in the mind of both the holder of the position and of the public in general, that the same rule would not necessarily apply to each.

Mr. BORAH. Mr. President——

Mr. McCUMBER. We see to-day one who has occupied the presidential chair practically two terms, who has tasted power, who seems to still long for the sensation of power, for public approval, and all the notoriety that surrounds the Presidency, and when we observe this powerful influence controlling a single individual we can easily understand that the rules which apply to that position are not the same as those which might apply to a Senator, a Representative, a governor, or any State official.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota further yield?

Mr. McCUMBER. Certainly.

Mr. BORAH. The Senator will agree with me that if all the Senators were elected for one term the Senate as a whole would be almost as influential a body as the President. It is not a question whether one Senator shall be elected for a single term, but do you believe in electing all Senators for a single term, and do you say that the Presidency of the United States is overpowering as against the Senate of the United States as a whole?

Mr. McCUMBER. No, Mr. President. The President of the United States occupies a position in which his power is greater than that of the greatest potentate in the world.

Mr. BORAH. Oh, Mr. President——

Mr. McCUMBER. Just a moment. Senators are simply lawmakers, and that is the limit of their function.

Mr. BORAH. And that is the most important function in the Government.

Mr. McCUMBER. The President has a hundredfold greater powers than those exercised by any Senator. His power is greater than king and, therefore, may well be limited in its duration.

Mr. BORAH. But the Senator says now he thinks the President has such power that it is dangerous for him to have it without restraint. A few moments ago he said that the rule for exercising that power was simply the man's innate sense of what was right or what was wrong. If that is true, what is the difference whether you elect him for a shorter or for a longer term? You concede by your argument and admit the fact that there is, after all, to be a restraining influence against this power, that it should be limited, either limited by the Constitution or limited by the people. I would limit it by the judgment of the people. If he has done well, reward him. If he has done ill, condemn him. You will never put into the Constitution a principle which will be so restraining in its influence as that.

Mr. McCUMBER. I know the Senator's position. He has repeated it again and again. The Senator's position is that a President's character, his human nature, is such that he needs the allurement of a succeeding office to bring about the best results of his administration. I deny that. I say he needs the removal of the temptation of another term in order that he may better exercise the innate honesty that is a part of his human nature.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. Yes.

Mr. BORAH. A few days before Mr. Lincoln was reelected he wrote a letter to a friend in which he said that "a second election would be a great honor, and I should like to have it." Does the Senator think that it is necessary to take out of the moral economy of the Republic that honorable ambition and that desire for the commendation of his fellows which directed the footsteps and guided the purposes of Abraham Lincoln?

Mr. McCUMBER. Mr. President, I might take exceptional cases again and again to prove a rule. Is the Senator prepared to say that the Government would have gone down to perdition if there had been no second term for Mr. Lincoln?

Mr. BORAH. Mr. President——

Mr. McCUMBER. I do not think so for a single moment.

Mr. BORAH. I have never had a doubt but that the failure to reelect Abraham Lincoln would have been a greater calamity than to have lost the Battle of Gettysburg. He was peculiarly, singularly, if not divinely endowed for this work.

Mr. CUMMINS. May I ask the Senator from Idaho a question? Does he think that Abraham Lincoln would have been less wise, less patriotic, less upright if the proposed amendment had been then in the Constitution?

Mr. BORAH. No; and neither was he less wise, just, and patriotic because he could have two terms. But the people would have been deprived of the great benefit of his experience and his patriotism and his judgment at a most critical period in the history of the Republic. There are two parties interested here, the President himself and the people; and if the people want a great leader in a crisis when the Republic is in danger, who will say the people should not exercise their judgment and continue him in service until the Republic is taken care of?

Mr. McCUMBER. Mr. President, I never knew of a great crisis where the people did not rise to the occasion and its requirements. I am not one of those who believe for a single moment that there were not thousands of men in the United States at that time who were capable of following Lincoln's footsteps. I am not conceding for one single moment that with the temper of the people as it was at that time they would not have elected a patriot and one who was equally determined to sustain the Constitution and the Government of the United States.

Mr. BORAH. You can take the reconstruction period itself, the reconstruction work after Mr. Lincoln's death, and it proves how essential he was to the welfare of the Republic and the people of the United States. His influence was of such a nature that it was almost indispensable in the extraordinary crisis in which the Republic found itself. The strength of the argument here lies in the fact that almost every leader was against him, while these people who are now to be denied the right to elect their magistrate a second time were his friends and loyal to the last.

Mr. McCUMBER. Mr. President, the position of the Senator is this: At one moment the Senator from Idaho is for the approval of the views of those who made the Constitution. The next moment he dubs as reactionary those who still reverence that Constitution. On one day he pleads for the right of the people to make their Constitution. The next day he declares in substance that he would violate the Constitution if he dared to allow the dear people an opportunity to vote upon an amendment.

Mr. BORAH. Mr. President——

Mr. McCUMBER. That, Mr. President, is the position of the Senator. The argument of the Senator from Iowa, as I said, is consistent. The argument of the Senator from Idaho seems to me to be lacking entirely in that quality.

Mr. BORAH. Mr. President, when I was advocating the election of Senators by popular vote I was giving more power to the people and giving it more directly to the people. The Senator from North Dakota was opposed in principle to that resolution, because it was extending the power more directly to the masses of the people. Now, we have a resolution which takes away from the masses of the people the right to select their Representatives as they might choose to do, and the Senator from North Dakota, consistent with his entire life, is favoring the proposition.

Mr. McCUMBER. Now, Mr. President, the Senate can readily see how consistent is the Senator when a short time ago he accused me of making an address upon a subject that I had not studied. If the Senator would go back and study the RECORD, he would find that I not only spoke in favor of the constitutional amendment, but I voted for it. Yet the Senator, forgetting what took place here in the Senate Chamber but a very short time ago, is now making an argument that I was not only opposed to it, but that I acted in opposition to it.

Mr. BORAH. I remember very well the speech of the Senator from North Dakota. He was yielding, he said, to a public demand, he was yielding to the opinion of the people, but he did not believe it was wise, and he did not believe it would prove to be wise, because, I presume, the people could not perform the duty or discharge the obligation to be imposed upon them.

Mr. McCUMBER. Therein, Mr. President, lies the difference between the Senator's position and mine, and I will leave it to any sensible man to say who is progressive and who is reactionary. I believe that this Government derives all its powers from the hands of a governing people; that that is the basis of all just government. I believe that when, after due deliberation, a great majority of the people of the United States think that they ought to change their Constitution it is my duty to give them the opportunity to do it and not obstruct them. I believe in the right of the people to form their own Constitution, although the form of a Constitution which they might adopt does not harmonize with my views. They have the last and final say on the subject.

The Senator, on the other hand, believes that the people should have that right so long as they agree with him, but the moment that they do not agree with him he will stand here and vote, if he is the only man in the Chamber, to prevent them from having an opportunity to express themselves upon that question.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield further to the Senator from Idaho?

Mr. McCUMBER. Oh, I yield for as long as the Senator wants on that proposition.

Mr. BORAH. The Senator seems to be getting a little excited.

Mr. McCUMBER. No; not at all. The Senator is not justified in that assumption.

Mr. BORAH. And that is not conducive to clear reasoning. I want to say to the Senator that I am in favor of the people making their Constitution. Is the Senator in favor of the plank in the Progressive platform which requires only a majority vote of the Senate to submit a constitutional amendment? If the Senator wants to make it easier for the people will he not tell me that he is in favor of that plank in the Progressive platform?

Mr. McCUMBER. I believe, Mr. President, in making it rather difficult to amend the Constitution——

Mr. BORAH. That is what I thought.

Mr. McCUMBER. So that in all instances we may have careful and full deliberation upon it. If that is what the Senator thinks, the Senator thinks somewhat as I do. I do not believe we should amend the Constitution as easily as we make a law. If we are to have no restraint, then, in heaven's name, what is the use of a Constitution?

Mr. BORAH. Mr. President——

Mr. McCUMBER. But answer that question. If we are to make and unmake a Constitution as we make and unmake a law, tell me what use there is of having a Constitution.

Mr. BORAH. If the Senator will rest his soul in peace for just a minute——

Mr. McCUMBER. It is always at peace.

Mr. BORAH. I hope it may continue to be.

Mr. McCUMBER. It will.

Mr. BORAH. I have my fears about that hope of the Senator, but I hope so.

Mr. McCUMBER. The Senator need not have any fear at all.

Mr. BORAH. The Senator says we should have a Constitution which enforces deliberation before amendment. What is the use of deliberation if you are going to cast a vote against your judgment?

Mr. McCUMBER. Go ahead.

Mr. BORAH. I have finished.

Mr. McCUMBER. The Senator not only abandons his own argument, but he closes his eyes to mine. I have said again and again that after the people, upon due deliberation, not under the first impulse of a majority but after due and proper deliberation of the subject, have come to the conclusion that they want a change in the Constitution, it is far from my duty to prevent them from having an opportunity to vote on such change. I do not say it is for me to make it, but I say it is my duty to give them the opportunity to make it.

Mr. BORAH. The Senator from North Dakota says that he wants deliberation and that the Constitution should not be the same as a law, and so forth. Now, what is the difference whether we have two-thirds here or a majority if at the moment the resolution comes into the Senate everybody is going to submit without any further deliberation or without exercising his own judgment? Why not go to the Progressive platform at once and say that a majority shall control?

Mr. McCUMBER. Why does the Senator again use the phrase "without deliberation" when I say the vote should be with deliberation and after much deliberation?

Mr. BORAH. If I am not permitted to exercise my judgment there is no reason why I should deliberate except as a mere matter of pretense, which I am sure the Senator would not be guilty of.

Mr. McCUMBER. There is a reason why every Senator who represents the people, and who is properly intrusted to represent them upon the presumption the he will study those questions, should give them the benefit of his labors, should attempt to convert them to his belief if he thinks he is right, but if finally they do not agree with him he should at least give them an opportunity to act upon their own judgment.

Mr. BORAH. I want to ask the Senator——

Mr. McCUMBER. That proposition is very far, indeed, from the proposition presented by the Senator.

Mr. BORAH. Is the Senator in favor of the resolution introduced by the Senator from Wisconsin [Mr. LA FOLLETTE] providing that a majority may submit an amendment to the Constitution?

Mr. McCUMBER. Mr. President, I will not express my opinion upon that to-day, because I will cross that bridge when I come to it. The Senator will have my views at that time undoubtedly, and I will be free to express them. I am not in the habit of prophesying what my vote will be upon a subject not under consideration.

Mr. BORAH. That is wise.

Mr. McCUMBER. I am still subject to enlightenment upon a great many subjects.

Mr. BORAH. That is a good policy.

Mr. McCUMBER. I presume that I might probably vote for it.

Now, Mr. President, my own conviction is that instead of spending our time in quoting Thomas Jefferson and Alexander Hamilton, whom we follow to the extent that they agree with our views and whose views we abandon the moment they are found to be discordant with our own, we should use our own judgment in this year of our Lord 1912. I think we have perhaps as great an opportunity to determine what our duty is upon a great fundamental question to-day as any of these leaders were able to tell us what we should do more than a hundred years ago.

Mr. President, I am in favor of changing the Constitution wherever I believe that that change will conduce to the greatest happiness and prosperity of the people, but I do not believe we need the restraining power of a Constitution as much or more than we did a hundred years ago. But in these days we are not dealing with the Americans of the days of Thomas Jefferson. I am sorry to say that I believe as a people we are traveling, and rapidly traveling, into the field of emotionalism and that we act less deliberately upon some subjects than we did years ago; that we lack some of the staid qualities of our fathers.

As a justification for this statement let me ask the Senator what would Thomas Jefferson or George Washington or Alexander Hamilton have thought of a convention in which were gathered 800 or 1,000 representative American citizens for the purpose of choosing an Executive of this great Government, what would they have thought of bringing in a queen of the footlights for the purpose of producing a stampede of deliberative men at some supposed psychological moment?

Mr. BORAH. Mr. President, I am not entirely familiar with all the history of Jefferson and Hamilton as to such things, but my opinion is, from what I have read, that they would have enjoyed it.

Mr. McCUMBER. Possibly so, Mr. President; but I do not think they would have entirely approved of it as a method to be adopted in a deliberative body of American citizens.

Mr. BORAH. I think the Senator ought to reflect a moment before he speaks of the lady as——

Mr. McCUMBER. Queen of the footlights?

Mr. BORAH. Queen of the footlights, in the sense in which the Senator seemed to use it.

Mr. McCUMBER. If that should be construed in any sense other than that of a fair fame, I certainly would not use it, but, not intending to imply anything but an honorable career, I still am disposed to criticize the method adopted.

Mr. BORAH. Mr. President, I do not know of any reason why the women should not run the conventions of this country as well as the men.

Mr. McCUMBER. I am not going to be led into that. God knows, if they do, I hope they will not try to do it in that manner.

Mr. BORAH. It came very near being a success, which would have made some of us happy.

Mr. McCUMBER. I hope, Mr. President, that if we do submit the question of this kind to the grand and noble women of the country their power will be exercised in their calmest deliberation, and not in an attempt to stampede a lot of men by feminine charm.

Mr. President, I simply rose to defend my own position upon this joint resolution. I am in favor of the joint resolution as I would propose to amend it. If I can not amend it in that way, then I would be in favor of the joint resolution as introduced and as supported by the Senator from Iowa.

The PRESIDENT pro tempore. The joint resolution is before the Senate as in Committee of the Whole.

Mr. BRISTOW. Mr. President, I should like to inquire of the Senator from Iowa if he intends to press the joint resolution to a vote at this session? I know of a number of Senators who desire to speak upon it. There is, of course, a very great mental and physical lethargy over the Senate at this time. Many of us who desire to discuss it feel physically incapacitated for a thorough examination for that discussion of the measure which it deserves before it is finally voted upon by the Senate. There is now scarcely a majority of Senators in the city. It seems to me that it should not be pressed to a vote at the present session.

Mr. CUMMINS. I feel that the question propounded by the Senator from Kansas is not one for me to answer. It is for the Senate to decide whether there shall be a vote upon the joint resolution at this session. I was directed by the Committee on the Judiciary to report it. I am not its author. It was introduced by the Senator from California [Mr. WORKS]. I can best answer possibly, so far as I am concerned, by suggesting to the Senator from Kansas that I had intended before we adjourned this evening to ask for unanimous consent that we vote upon the joint resolution at 4 o'clock to-morrow afternoon.

Mr. BRISTOW. Mr. President, I desire to say that, from information I have, that would be impossible unless a number of Senators who want to speak were denied the opportunity. I do not think that a question of this importance should be

unduly hastened. I believe that a vote should be reached upon the measure, but I do think that full opportunity ought to be given to discuss it, so that both sides of the question might be fairly presented to the Senate before it finally goes to the people for their judgment. I should have to object to a unanimous-consent agreement of the kind suggested by the Senator from Iowa, because it would deprive a number, who I know desire to speak, of the opportunity of discussing the matter as fully as they desire to do.

Mr. CUMMINS. In that event, Mr. President, it is for the Senate to say what shall be done with the joint resolutian. I do not feel that I have any right to control. It is not a measure that ought to be committed to the hands of any one man. Whenever the Senate desires to displace it with any other business, I shall bow to the will of the Senate in that regard; but I can not do otherwise than to hold it where it is until the Senate sees fit to displace it.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from California?

Mr. BRISTOW. I do.

Mr. WORKS. Mr. President, as the author of this joint resolution as it was first introduced, I am, of course, anxious to have it determined at as early a day as will give Senators an ample opportunity to discuss it. I recognize the fact that it is a very important question, a fundamental question, going to the amendment of the Constitution of the United States. I feel that every Senator here should be given full opportunity to express his views upon it, whether they agree with mine or not. I therefore stated to the Senator from Iowa [Mr. CUMMINS] who is in charge of the joint resolution, that he could take his own course with respect to it, in accordance with his own judgment; that I should not press it for a hearing if, in his judgment, it should not be determined at the present session, and I am perfectly willing to leave the matter to the Senate to determine whether it shall be disposed of now or at a later time. I shall certainly not complain of any action that the Senate may take with respect to it.

I appreciate the position of the Senator from Kansas [Mr. BRISTOW], who, I know, is entirely opposed to my views upon this question; but he desires to be heard, and I should not desire to have him deprived of that right to the fullest extent. Therefore I am willing to leave the matter to the consideration of the Senate. It is out of my hands. I am not in charge of the joint resolution, and have not been at any time. It was considered by the Judiciary Committee, and one of its members is in charge of the joint resolution. I am perfectly content to leave it in his hands.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I do.

Mr. POINDEXTER. Mr. President, I very much hope that the Senator from Iowa [Mr. CUMMINS] will not urge the joint resolution to a vote in the closing days of the session. I do not believe that there is any emergency involved in the joint resolution which would justify insisting upon the disposition of it without the very fullest debate and discussion. One of the most vital questions involved in the joint resolution, if the Constitution should be amended in this way, providing that the Chief Magistrate of the Nation should be ineligible for reelection, is that his term might expire at a most critical period in the Nation's history and the circumstances be such as to involve the country in the gravest danger on account of having to choose a new man as his successor. There are a great many other vital principles involved in the joint resolution which ought to be discussed.

As the Senator from Kansas [Mr. BRISTOW] has stated, there are a number of Senators who desire to be heard upon the proposition. I, myself, should like, if convenient to the Senate, to be heard upon some phases of the question which have occurred to me, and it would be impossible for all of the Senators who desire to discuss the joint resolution to discuss it properly if it is to come to a vote in the last days of an expiring session.

Mr. CUMMINS. Mr. President, I realize the force of what has been said, but I can not take the responsibility of postponing a vote upon this measure until the next session; that is for the Senate to determine. I want it determined in a way that meets the views of a majority of the Members of the Senate. I know that it has been customary at times to permit one who is in charge of a measure to do this thing; but it is not right. The joint resolution, I repeat, is in the possession of the Senate, and I shall be entirely satisfied with whatever it sees fit to do.

Mr. SMOOT and Mr. POINDEXTER addressed the Chair.

Mr. CUMMINS. I want to say one further word.

The PRESIDENT pro tempore. To whom does the Senator from Kansas yield?

Mr. BRISTOW. I yield to the Senator from Iowa.

Mr. CUMMINS. If the majority of the Members of the Senate here do not want to vote upon the joint resolution at this session, then I think it ought to be displaced, and it ought to be displaced now. I do not intend consciously or intentionally to permit it to remain as the unfinished business simply that some other measure may not be brought before the Senate; but, with that statement, it is with the Senate to determine what it shall do with the joint resolution.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SMOOT. I should like to ask the Senator from Iowa [Mr. CUMMINS], it being now 5.30 o'clock, if he would not allow the unfinished business to be laid aside and let the Senate take up the calendar, under Rule VIII, to consider unobjected bills? There are a number of Senators who have left the Chamber with the understanding that there would be no final disposition of the joint resolution to-day.

Mr. CUMMINS. I had never thought of any final disposition of the joint resolution to-day.

Mr. SMOOT. If the Senator from Iowa would merely consent to the laying aside of the unfinished business we should then have a half hour in which some bills which have been reported to the Senate could be passed.

Mr. CUMMINS. I feel that good faith to the Senator from Vermont [Mr. PAGE] requires me to refer that question to him. He has a very important bill, which is to be taken up immediately after the disposition of this measure. I do not want, by any act of mine, to postpone the disposition of the joint resolution, and in that way make it impossible for the Senate to consider the bill, in which the Senator from Vermont, and indeed all of us, have a great interest.

Mr. SMOOT. I had supposed that the Senator from Vermont would not care to take up his bill at this time of the day, and if the unfinished business could be temporarily laid aside we could proceed with the consideration of bills on the calendar, under Rule VIII, until 6 o'clock, and dispose of a number of bills in which Senators are interested. There are quite a number of House bills which perhaps will have to go to conference, and if they are to become laws at this session they should be passed now.

Mr. PAGE. Mr. President, I should like to ask the Senator from Utah, if that is done, would he be willing that my bill then be made the unfinished business of the Senate?

Mr. SMOOT. That is not for the Senator from Utah to say. If the Senator wants to make his bill the unfinished business to-morrow all that is necessary to do is for the Senate to vote to take it up, as the Senator from Iowa has suggested. That could be done at any time when the unfinished business comes up. If the Senate desires to displace the present unfinished business, well and good; we would go right on, and the Senator's bill would be the unfinished business.

Mr. PAGE. Mr. President, with the consent of the Senate I shall be very glad to move that my bill be made the unfinished business and then ask that it be temporarily laid aside in order that the bills on the calendar may be taken up.

Mr. SMOOT. That can not be done, of course, under the rule, because we already have an unfinished business. The only way the Senator could do it would be to move to take up his bill and displace the unfinished business.

Mr. PAGE. If that is agreeable to the Senator from Iowa, I will make that motion at this time.

Mr. CUMMINS. I have stated my view of it fully, Mr. President. I should like a vote upon the pending joint resolution at this session, but if the majority of the Senate think that there ought to be no vote upon it at this session, then I think that same majority ought to displace it with some other measure that can be acted upon at this session. I decline, however, to assume the responsibility of taking away from the consideration of the Senate the unfinished business, and inasmuch as the Senator from Vermont has not objected, I ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none.

COMMISSION ON INDUSTRIAL RELATIONS.

Mr. BORAH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 4, line 10, after the word "thereof," insert the following: "*Provided*, That the commission may expend not to exceed $5,000 per annum for the employment of experts at such rate of compensation as may be fixed by the commission, but no other person employed hereunder by the commission, except stenographers temporarily employed for the purpose of taking testimony, shall be paid compensation at a rate in excess of $3,000 per annum"; and the Senate agree to the same.

WILLIAM E. BORAH,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.
W. B. WILSON,
W. L. HENSLEY,
J. J. GARDNER,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, asks a further conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota managers at the further conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River, between said cities, without a draw;

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus; and

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911.

CONSIDERATION OF THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none, and that order is made. The Secretary will state the first bill on the calendar.

The bill (S. 2493) authorizing the Secretary of the Treasury to make an examination of certain claims of the State of Missouri was announced as first in order.

Mr. SMOOT. Let that bill go over.

Mr. STONE. Mr. President, who asked to have that bill go over?

Mr. SMOOT. I suggested that it go over, because of the fact that the Senator from Ohio [Mr. BURTON] requested me to ask that it go over in his absence.

Mr. STONE. I wish just a moment or two, and only a moment or two, to say something about this bill. I have not been nicely treated about this bill; I think I have been badly treated, and I am getting to a point where I can not avoid having some little feeling about it. I am not in the habit of objecting to measures in which Senators are interested nor obstructing them.

All this bill proposes to do is to require the proper officers of the Treasury Department to make an examination of certain documents and papers sent to that department and to report their findings to Congress for the future action of Congress. There are a number of claims which citizens of Missouri have against the Government growing out of the Civil War. They have been heard under State authority and sent here to the War Department, and are in the archives there now. I have not any doubt, Mr. President, that there are a large number of those claims that are bad—I will go even further and say fraudulent—and they ought not under any circumstances to be paid; but, on the other hand, there are a number of them that are just and right and fair, which ought to be paid.

The only thing we ask is that an examination into these cases may be made by competent authority in the War Department and a report made to Congress. I do not think that ought to be denied to any State.

This bill has twice passed the Senate. It has been reported again, favorably, from the Committee on Claims and has been here on the calendar since January 16. The Senator from Utah has told me on several occasions that he would like to have it lie over, and I have obligingly yielded to his wish, he telling me he wished to show me something. Well, being from Missouri, I have been perfectly willing to be shown, but he has never yet shown me.

Now, if he has any reason for saying the bill ought not to be passed, let him say it. He now says the Senator from Ohio [Mr. BURTON] wishes him to object to the consideration of the bill. The Senator from Ohio came to me here in the Chamber about 3 or 4 o'clock of the afternoon he was leaving on a voyage, as I understood, to Europe, not to return this session, and asked if this bill could not go over until next session, as he desired to be heard. That was the first time I knew or heard that he cared anything about it or knew anything about it.

I told him I thought it was an unreasonable request to wait within 10 days or 2 weeks of the adjournment of Congress, especially when the Senator from Utah had practically assured me in our conversations that in due time he would not stand obstinately in the way of the taking up and passing of the bill. I did not think it was right for the Senator from Ohio, going away on a voyage across the sea, to ask that this bill be kept here on the calendar. I do not think I am being treated right about it. It is a fair bill, and it ought to be heard, and I do not think the Senator from Utah ought to persist in preventing its consideration.

Mr. SMOOT. Mr. President, I wish to say to the Senate that perhaps I have been derelict in showing the Senator from Missouri the report I have from the department upon this bill. I have the papers at my desk now, but it would take a long time to-night to present them to the Senate. But, as I told the Senator, all I desired was to present them to him and let him see what the department says in relation to these claims, and I thought myself he then would not push the claims.

But I knew nothing until the other day about the Senator from Ohio [Mr. BURTON] taking an interest in it at all or having any papers that he desired to present to the Senate. He came to me, saying he was compelled to leave, and asked me if I would not object to the consideration of the bill at this session of Congress. I said, "I did not know you were interested in it at all. I never heard you say a word about it. I did not know that you knew anything about it. I suggest that you speak to the Senator from Missouri about it." The Senator from Ohio later said he spoke to the Senator from Missouri about it.

Mr. STONE. I have just detailed that.

Mr. SMOOT. I was merely undertaking to tell just how it came about.

Mr. STONE. I do not want to retain the floor any longer. I said I would be through in a moment. Of course the bill goes over under the objection, but I am going to insist, in my talk with the Senator from Utah, privately and personally as well as publicly, on having this bill considered the next time we go

to the calendar, if we ever go to it again during this session. I think that is due to me as a matter of common fairness and courtesy.

The PRESIDENT pro tempore. The bill will go over.

RELIEF OF CERTAIN RETIRED NAVAL OFFICERS.

The bill (S. 1505) for the relief of certain officers on the retired list of the United States Navy was announced as next in order.

Mr. CULBERSON. What is the calendar number?

The SECRETARY. Calendar No. 238.

Mr. BRISTOW. Let it go over.

Mr. CULBERSON. I will ask if the calendar is being considered under Rule VIII.

The PRESIDENT pro tempore. Rule VIII; unobjected cases.

Mr. CULBERSON. I suggest the absence of a quorum.

Mr. OVERMAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 46 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, August 21, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 20, 1912.

DEPUTY COMMISSIONER OF CORPORATIONS.

Francis Walker, of Massachusetts, to be Deputy Commissioner of Corporations in the Department of Commerce and Labor, vice Luther Conant, jr., appointed Commissioner of Corporations.

REGISTER OF THE LAND OFFICE.

John S. McClory, of Devils Lake, N. Dak., who was appointed October 2, 1911, during the recess of the Senate, to be register of the land office at Devils Lake, N. Dak., vice William Miller, resigned.

UNITED STATES DISTRICT JUDGE.

Clinton W. Howard, of Washington, to be United States district judge, western district of Washington, vice Cornelius H. Hanford, resigned.

POSTMASTERS.

CALIFORNIA.

Henry E. Kay to be postmaster at Jackson, Cal., in place of Frank H. Duden, resigned.

ILLINOIS.

William H. Whitehouse to be postmaster at Mount Olive, Ill., in place of William H. Whitehouse. Incumbent's commission expired December 10, 1910.

KANSAS.

Theodore Iten, jr., to be postmaster at Ellinwood, Kans., in place of Theodore Iten, jr. Incumbent's commission expired April 2, 1912.

MISSOURI.

Marvin E. Gorman to be postmaster at Mansfield, Mo., in place of Marvin E. Gorman. Incumbent's commission expired May 15, 1912.

NEBRASKA.

E. C. Colhapp to be postmaster at Humboldt, Nebr., in place of Cary K. Cooper, resigned.

NEVADA.

Joseph M. Lyon to be postmaster at National, Nev., in place of Thomas Defenbaugh, resigned.

NEW JERSEY.

Judson W. Parker to be postmaster at Verona, N. J., in place of Charles S. Simonson. Incumbent's commission expired March 6, 1912.

NEW YORK.

Robert N. Roberts to be postmaster at Lockport, N. Y., in place of Robert N. Roberts. Incumbent's commission expired February 12, 1912.

NORTH CAROLINA.

S. Arthur White to be postmaster at Mebane, N. C., in place of S. Arthur White. Incumbent's commission expired May 29, 1912.

PENNSYLVANIA.

John H. Warren to be postmaster at Osceola Mills, Pa., in place of Frank H. McCully. Incumbent's commission expired February 15, 1911.

TEXAS.

James W. Bradford to be postmaster at Mount Vernon, Tex., in place of James W. Bradford. Incumbent's commission expired March 31, 1912.

John W. Chichester to be postmaster at Eagle Pass, Tex., in place of John W. Chichester. Incumbent's commission expired April 2, 1912.

Christopher C. Gates to be postmaster at Sanderson, Tex. Office became presidential January 1, 1912.

Frederick W. Guffy to be postmaster at Belton, Tex., in place of Frederick W. Guffy. Incumbent's commission expired December 16, 1911.

Charlie B. Starke to be postmaster at Holland, Tex., in place of Charlie B. Starke. Incumbent's commission expired April 28, 1912.

VIRGINIA.

A. R. Evans to be postmaster at Mount Jackson, Va., in place of Albert A. Evans, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 20, 1912.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Samuel Peacock to be third lieutenant.

CONSULS.

Lester Maynard to be consul at Amoy, China.

Samuel H. Shank to be consul at Fiume, Hungary.

SURVEYOR OF CUSTOMS.

Edward J. Rodrigue to be surveyor of customs in the district of New Orleans, La.

UNITED STATES MARSHALS.

Secundino Romero to be United States marshal for the district of New Mexico.

John B. Robinson to be United States marshal, eastern district of Pennsylvania.

RECEIVER OF PUBLIC MONEYS.

Christopher Kalahan to be receiver of public moneys at Vancouver, Wash.

REGISTER OF THE LAND OFFICE.

John L. McClory to be register of the land office at Devils Lake, N. Dak.

POSTMASTERS.

ALASKA.

Jesse D. Jefferson, Valdez.

CALIFORNIA.

Lewis S. Slevin, Carmel.

GEORGIA.

Charles E. Murphy, Waycross.

Richard W. Tindall, Jessup.

KENTUCKY.

George P. Thomas, Cadiz.

William H. Turner, Middlesboro.

Nannie L. Ward, Harlan.

MINNESOTA.

Robert B. Henton, Morton.

MISSOURI.

William G. Hughes, Bucklin.

Robert E. Ward, Liberty.

PENNSYLVANIA.

Edwin R. Allen, Warren.

William M. Potts, Darragh.

John P. Wilson, Manor.

WASHINGTON.

Minor McLain, Ferndale.

WITHDRAWALS.

Nominations withdrawn August 20, 1912.

POSTMASTERS.

ILLINOIS.

James H. Miles, Riverside.

VIRGINIA.

Charles P. Smith, Martinsville.

Paxton G. Williamson, Mount Jackson.

HOUSE OF REPRESENTATIVES.

TUESDAY, *August 20, 1912.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, continue, we beseech Thee, Thy blessings unto us, and guide us through the remaining hours of this day by the highest conceptions of manhood illustrated and exemplified in the life and character of the Jesus of Nazareth, that at its close we may be in harmony with Thee in obedience to the laws which Thou hast ordained; and Thine be the praise forever. Amen.

The Clerk proceeded with the reading of the Journal.

Mr. RAINEY. Mr. Speaker, I move that the further reading of the Journal be dispensed with.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] moves that the reading of the Journal be dispensed with.

Mr. MANN. I will have to object to that.

The Clerk completed the reading of the Journal and it was approved.

EXTENSION OF REMARKS.

Mr. THAYER. Mr. Speaker, I desire to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. THAYER] asks unanimous consent to extend his remarks in the RECORD. Without objection it is so ordered.

There was no objection.

Mr. THAYER. Under permission to extend my remarks in the RECORD I insert the following letter from the Springfield Daily Republican, Saturday, August 17, 1912:

QUESTIONS FOR ROOSEVELT—THE WOOL-TARIFF ISSUE PLACED BEFORE HIM BY MANUFACTURERS.

The following open letter on the tariff question has been addressed to Mr. Roosevelt by Secretary Arthur Wheelock, of the Carded Woolen Manufacturers' Association:

DEAR SIR: You are to begin your campaign for election as President of the United States by speaking this week to the people of New England. I ask you to define your position on tariff revision, the leading issue before the people, in terms so plain that no voter can be in doubt where you stand.

In your confession of faith at Chicago 10 days ago you said that you believed in a protective tariff, were opposed to tariff preferences, favored a tariff based on the difference between foreign and domestic cost, condemned protection that did not reach the pay envelope of the wage earner, favored revision schedule by schedule, and declared in favor of an expert tariff commission as the only way to get a reasonably quick revision.

This confession of faith regarding the tariff question is not satisfactory, because it is exactly like the faith that for four years has been confessed by the dominant stand-pat element in the party from which you have just bolted. I do not question your sincerity, but merely point out that so far as tariff revision is concerned your confession of faith does not mark by so much as a hair's breadth any progress from the policy under which an unjust tariff on wool and wool goods has been maintained and appeals for relief have been denied.

At Chicago, when you were interrupted by a questioner, you are reported to have said: "Any respectful request for information I shall always have an answer for, and during my administration I never did anything I was afraid to be questioned about, and I shall not begin in the Progressive Party." That assurance encourages me to ask you to reply to the following questions in the speeches you are to deliver in New England:

1. The contest over tariff revision at Washington is between a tariff in which the rates are based wholly on value, and one in which the rates are based on the unit of weight or measure or the piece. Ad valorem rates bear equally on all classes of producers and consumers. Specific rates bear heaviest on the low-priced goods and lightest on the high-priced goods. This issue between specific and ad valorem rates is fundamental. Which system of duties do you favor? Do you advocate the specific system by which special privileges of great value are granted to one class of manufacturers and burdens placed on other manufacturers? Do you favor specific duties under which the tariff, as in the case of wool, rises to three or four times the foreign value of low-priced wools, and drops to a small fraction of the value of high-priced wools? Do you favor specific duties which cause such inequalities regardless of whether the commodity is wool, watches, clothing, foodstuffs, or other product? Or do you favor an ad valorem tariff under which the rates would necessarily bear equally on all classes of producers and consumers?

2. In your confession of faith at Chicago you indorsed a tariff based on the difference between the foreign and the American cost. Do you believe that such a difference can be determined? If not, then is not the principle unsound, and is not its promulgation at Chicago in 1908 and by you in 1912 calculated to deceive the people?

3. At Chicago you stated that an expert tariff commission is the only means of getting a reasonably quick revision of the tariff. You condemned the present Tariff Board and described a model tariff commission having enlarged powers and exceedingly complicated duties. Do you believe that a reference of the tariff question to such a commission for extended investigation would be a quicker way to get the tariff revised than by having it revised immediately by Congress as provided by the Constitution? Is it not a fact that the standpatters who want the Payne tariff unchanged are desirous of having the question referred to a board, commission, or any other body except Congress?

4. In order to make your position perfectly clear regarding the revision of the woolen schedule, which is of special interest in New England, will you state what you would do if you were President now? Would you, like President Taft, favor the Hill bill or the Penrose-Lippitt bill with their specific duties? Would you favor the Underwood bill or the La Follette bill or the Underwood-La Follette bill with their ad valorem duties? Or if you favor none of these, what kind of a bill would you advocate? Would you favor the enactment of a bill with exclusively ad valorem rates affording adequate protection?

5. In your confession of faith at Chicago you advocated protection that would reach the pay envelope of the wage earner. Have you any definite idea in mind by which this result can be accomplished? If so, will you describe it in order that it may be compared with the tariffs of the past?

In hearings on my antitrust bills there were intimations that the United Shoe Machinery Co., as well as other concerns, attempted by underhand methods to obtain the business secrets of their rivals and to injure them by various means. As a sample of these methods of "Big business," I append the following declaration in the suit of Frank Morrison against The United Shoe Machinery Co.:

Suffolk County—Superior Court.

(Filed sometime in August, 1912. No. 68375.)

FRANK MORRISON AGAINST THE UNITED SHOE MACHINERY CO.

The plaintiff says that on or about June 1, 1910, he was employed by the United Shoe Machinery Co., the defendant herein, for the purpose of obtaining information regarding the design and working of certain machines installed in the factory of Thomas G. Plant Co., and the number of pairs of shoes produced daily by said machines, and also concerning other devices used in said factory, together with the methods employed in connection with the operation thereof, so that said information might be used in connection with the business of the defendant if deemed of value, and for the further purpose of using his best efforts to establish a union in said factory, and for his said services the defendant promised to pay him the sum of $2,000, together with such cash disbursements as he might make in connection with the said work, and that said disbursements for the summer and fall of 1910 amounted to $1,397.13, according to the account hereto annexed marked "A." That the plaintiff did obtain the desired information and reported on the machinery, the output, and the business methods employed in said factory, and did attempt to establish a union therein, and did all other acts and things required of him under his agreement of employment, and that he reported regularly to said company, wherefore the defendant owes him a sum of $3,397.13, together with interest thereon from January 1, 1911, on or before which date payment was duly demanded by the plaintiff of the defendant.

United Shoe Machinery Co. to Frank Morrison, Dr.

To cash paid out for services and expenses during the summer and fall of 1910, as follows:

June 1, cash paid out for hall	$20.00
June 1, cash paid out for meeting	215.00
June 2, cash paid out for hall	5.00
June 2, cash paid out for meeting	50.00
June 3, cash paid out for hall and meeting	53.00
June 4, cash paid out for taking 125 members to picnic	275.35
Cash paid Peter Rastnin, one month's expenses	40.00
Cash paid W. Tonise, one month's expenses	25.00
Cash paid G. Hupus, one month's expenses	25.00
Cash paid C. Ponson, one month's expenses	25.00
Cash paid N. Ponon, one month's expenses	15.00
Cash paid M. Somone and five of his companions and expenses	52.00
Cash paid Geo. Galbrg, pay and expenses	30.50
Cash paid M. Malton, pay and expenses	25.00
Cash paid B. Apstonos, pay and expenses	32.35
Cash paid D. Socton for money paid 35 members and expenses	115.55
Cash paid one Sourian for money paid 30 members and expenses	135.10
Cash paid T. Spetorsky for money paid 10 members and expenses	47.15
Cash paid Joe Popny, the Greek, for money paid 17 members and expenses	117.35
Cash paid 200 members second month, $10 each for services and expenses	2,000.00
Cash paid S. Togan, the machinist	47.00
Cash paid G. Togan, expenses	15.00
	3,365.35
Of which sum this plaintiff paid one-third, or	1,121.78
To personal expenses, 3 months' lunches, car fares, telephone charges, and railroad fare	275.35
Total	1,397.13

WATER-POWER LEGISLATION.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] is recognized for 54 minutes, after which the gentleman from Tennessee [Mr. AUSTIN] will be recognized for the same length of time.

Mr. RAINEY. Mr. Speaker, I desire to discuss this morning some phases of the water-power conservation movement in the United States with particular reference to the omnibus dam bill (H. R. 25882). Mr. Harry A. Slattery, secretary of the National Conservation Association, has prepared for me, at my request, an article which he calls "Water power and the future," and in which he discusses water-power possibilities in the years to come. I have his article here, and I would like to print it in the RECORD.

I also desire to make some references to other provisions in the omnibus dam bill than the provisions affecting the State of Tennessee, and I therefore ask permission to extend my remarks in the RECORD and to print as an appendix to my speech the excellent article which Mr. Slattery has prepared for me.

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAINEY. Mr. Speaker, on the 22d day of July, 1912, the bill known as the omnibus dam bill was reported out with a favorable recommendation from the Committee on Interstate and Foreign Commerce. It contains provisions for the construction of 17 dams across navigable rivers in the United States. From 1789 down to the present time 100 franchises of this character have been granted by Congress. Over 50 per cent of the franchises so granted can now be found under the control of some one of the six great water-power groups now operating in the United States. The omnibus dam bill which is now pending before this House provides, therefore, for the construction of almost one-fifth as many dams as this Congress has authorized to be constructed in the last 125 years. No hearings were had as to any of these proposed projects. No member of the committee knows what the Government is asked to give away. The water-power possibilities in the rivers embraced in this bill have not received the slightest consideration at the hands of this committee. They have made absolutely no investigation as to the good faith or the solvency of the persons or corporations asking for these franchises. They do not know even the post-office addresses of the men to whom with lavish hands they have given away so much of the assets of our National Government. In order to get a franchise worth millions of dollars at the present time in our rivers, it is only necessary for some person or corporation to persuade a Member of Congress to introduce a bill for that purpose, and if the Member asks the committee to report out the bill the present policy of this committee seems to be to report it out at once.

No king or emperor in feudal days ever gave away as much of the resources of his country as this committee seems to be willing to do. None of these bills provide for tolls to the National Government. None of them provide for protection to the consumers. Fortunately, an awakened public conscience on the subject of water-power conservation makes it apparently now impossible that any more gifts of this character can be made to private individuals or corporations unless there is connected with them a provision for protection to consumers against exorbitant charges and for tolls to the National Government.

The bill we are considering gives to the Ozark Power & Water Co., a Missouri corporation, the right to construct and operate a dam across the White River in the State of Missouri. This company was incorporated under the laws of Missouri on January 7, 1911, with an authorized capital stock of $5,000. There were 50 shares, 48 of them being held by Chester E. Burg, of St. Louis, Mo., and the other two shares were also held in St. Louis. Six months later the capital stock of this company was increased to $875,000, and on March 1 of this year the capital stock was increased to $2,000,000. This corporation is now engaged in absorbing all the other power companies operating in the rivers in that section of the country. The bill also gives to B. E. Debler, or his assigns, when authorized by the State of Missouri, the right to build as many dams as he or they may desire to construct across the Current River in three counties in Missouri. The bill also gives to Carl J. Keifer and Laurent Lowenburg, when authorized by the State of Tennessee, the right to build two dams across the Duck River in Hickman County, Tenn. The bill also gives to the Great Northern Development Co., a Maine corporation, the right to dam up the Mississippi River whenever it is authorized to do so by the laws of Iowa or Illinois.

The bill also gives to Ralph Morrison, when authorized by the State of Missouri, the right to construct and operate a dam at any point that suits him or his assigns on the Osage River in Missouri. The bill gives to the Kootenai Power Construction Co., a Delaware corporation, the right to dam up the Kootenai River whenever the laws of Montana authorize this company to do so. In other words, this bill gives to these several gentlemen, whoever they are, and to these corporations the exclusive right to control these several rivers, provided the legislatures of the several States affected thereby grant to them a similar privilege. This bill, therefore, if it becomes a law, will prevent absolutely any other individuals or corporations from obtaining these valuable franchises during the period of the life of the franchises granted by this bill, or of any extensions thereof, even if they do nothing at all toward developing their projects. The various States affected thereby are not allowed any discretion in the matter. They must grant permits to these several gentlemen or their assigns or to these corporations and their assigns and to none others as long as these gentlemen and these corporations are able to keep this franchise alive, provided this Congress grants it.

Such a bill as this is made possible only by the fact that this great committee of this House gives not the slightest attention to the subject matter of this bill. Water-power concentration in the hands of a few companies is going on now at a rate unheard of heretofore in our history as a Nation, and the whole country is to-day awakening to the power of this new factor in our civilization which is engaged in consolidating the water-power possibilities of the country.

To indicate the alarming progress being made in the country at the present time in the matter of water-power consolidation it is only necessary to call attention to the Pennsylvania situation. All of her water-power possibilities have now been taken up. This great State has granted, in all, 1,856 charters to water-power companies, 969 of which are now in active operation. In this State 133 cities and towns control their own water supply. The balance of these charters are owned by corporations; 787 of them are not operating, but are being held at the present time simply to prevent competition or to be exploited at some time in the future. All of the water-power projects now in operation are being consolidated, and soon will be completely owned and manipulated by four great monopolies in that State. Pennsylvania has a law providing for the annulment of water charters not used or put into active operation within two years after they are granted. Pennsylvania has, however, another law to the effect that no charter can be surrendered and no corporation can be dissolved until back taxes are paid. The water companies holding these charters for exploitation in the future insist, and so far the courts of Pennsylvania have agreed with them, that they have never operated, and therefore have no assets, and therefore can not be taxed, and inasmuch as they can not pay taxes, it is therefore held that their charters can not be annulled, and the great State of Pennsylvania has in this way been delivered over to be exploited by water-power combinations. One-half of the water-power resources of the State have been grabbed off within the last five years. Other States are having similar experiences.

I have mentioned conditions in Pennsylvania to show that a greater degree of care should be exercised by this House in granting away indiscriminately valuable national water-power assets than has heretofore been exercised by this body. The bill we are considering provides for the construction of a number of dams in the Clinch and the Powell Rivers in Tennessee.

I desire now to consider the Tennessee situation. The omnibus bill so vigorously championed in this House by the gentleman from Tennessee [Mr. AUSTIN] provides for 17 dams. Seven of these are in the Clinch River in Tennessee and one of them is in the Powell River. Bills for the granting of these Powell and Clinch River franchises were all introduced by the gentleman from Tennessee [Mr. AUSTIN]. Two at least of these dams are not to be constructed within his congressional district, but are in the district represented in this House by his colleague, Mr. SELLS, who knew nothing of the introduction of the bills until after the subject had been discussed on this floor. The gentleman from Tennessee has stated upon this floor that he could conceive of no bill or measure of more importance to the people he represented than the propositions embraced in the bills introduced by him providing for the damming of these rivers. He also stated that the men interested in the corporations asking for these franchises were Tennessee men, a majority of them, and were his constituents. He also refers to his bills as being of a purely local character, in which I, representing a district eight hundred or a thousand miles away, ought not to have the slightest interest.

I propose now to discuss the projects in which the gentleman from Tennessee apparently is so vitally and violently interested. Not long ago on this floor I had occasion to refer to the fact that I did not know how much power could be develped in the "navigable river in which the gentleman is interested," whereupon I was most vigorously interrupted by the gentleman from Tennessee, who demanded to know what I meant by saying that he was interested in a river. Later on I referred to the gentleman's "company," and I was again most vigorously interrupted by the gentleman from Tennessee, who protested that it was not his company, and that he wanted me to stick to the truth, and he also stated that he was only interested in these rivers as a Member of Congress. Therefore, in my discussion of these projects, in order to avoid controversy with the gentleman from Tennessee on this subject, I desire to preface my remarks with the statement that at the outset I want it understood that I am ready to concede that the gentleman is interested "as a Member of Congress" in all the water-power enterprises in Tennessee to which I shall call attention. The evident disappointment of the gentleman on account of his failure to get his bills through led him in the first place to assert upon the floor of this House that it would be a long time before

I would be able to get any private bills through this House. Later on he characterized me as a dreamer, then as a man who was simply blocking great enterprises until I have time to make up my mind as to the proper policy to be adopted, and finally concluded by characterizing me as a demagogue, and asking the House not to be driven from the great undertakings in Tennessee embraced in the omnibus dam bill by "the demagogue of the House."

I therefore presume that I ought to consider myself to be so sufficiently and absolutely crushed and discredited as to be completely incapacitated from further discussion of this matter. I have discussed these subjects in a parliamentary way and in order, and I propose to continue the discussion in the same way. If the gentleman is not interested in the rivers of Tennessee, I assure him I am interested in the navigable rivers of Tennessee as a Member of this body, and in the navigable rivers of all the States, and I propose, so far as I can, to protect these rivers from the encroachments of the Water Power Trust, whether my course meets with the approval of the gentleman from Tennessee or not. I had occasion at one time during these discussions to refer to the gentleman as a representative of the Water Power Trust. This he most vigorously denied and demanded that I produce the proof. At that time I was willing to accept his denial; I am not willing to do so now. In my investigation of the water-power question, so far as it relates to the rivers of Tennessee, I find a well-trodden trail leading directly from the congressional office of the gentleman from Tennessee in the House Office Building to the representatives of the Water Power Trust, and for the benefit of the gentleman from Tennessee, and of others who may be interested in this subject, I propose now to call attention to the evidence he heretofore so vigorously demanded that I produce. I am not discussing this subject from a personal standpoint. Personally I care nothing about the gentleman from Tennessee, nor his references to me on this floor, but I propose, if I can, to make it odious hereafter for any Member of this body to introduce and to promote in this House a water-power bill which does not provide for the protection of consumers, and which does not provide for tolls to the National Government. What has happened in Pennsylvania is about to happen in the State of Tennessee, and will happen in a short time if the gentleman from Tennessee has his way about things. None of the bills he has introduced provides for the regulation of the cost of hydroelectric power to consumers in his State. None of them provides for tolls to the General Government.

In the city of Knoxville, where the gentleman lives, they are planning a city beautiful, and in all this broad land no city is more splendidly located than Knoxville, Tenn. Down from the mountains come rushing splendid rivers of water, running on forever, prepared to furnish to the city of Knoxville hydroelectric power through all the years to come. No city is better located for manufacturing purposes, and no city in the land is capable of being made more beautiful, but the gentleman from Tennessee is planning, so far as he can, to deliver over the city in which he lives and all his constituents in the splendid district to which he refers so feelingly, bound and gagged, to the Water Power Trust. The price of hydroelectric power can be regulated only by the price of steam power. There is no other competitive agency. The owners of hydroelectric power, those who control its development, invariably in all the States fix the price of power to consumers just a little below the cost of producing and distributing steam power. This is all they are compelled to do in order to secure customers, and when steam power is driven out, as it must soon be in a city like Knoxville, there is nothing in the world to restrain the trusts which control the hydroelectric power that can be developed there from raising their prices and fixing the selling price to consumers as high as a grasping corporation sees fit to demand.. There is, therefore, no other way by which the cost to the consumer of hydroelectric power can be regulated and made reasonable than by the State or the National Government. That Representative who deliberately plans to harness up the rivers of his section without protecting the consumers in that section is not, in my judgment, discharging his full duty to the people who have sent him here.

Under the bills introduced by the gentleman from Tennessee and embraced in the omnibus dam bill, the Tennessee Hydro-Electric Co. is to be given a franchise to erect four dams in the Clinch River in Tennessee, and one dam in the Powell River. The Clinch River Power Co. is authorized to erect another dam in the Clinch River, and five citizens of Morristown, Tenn., are to be authorized, if this bill goes through, to erect two dams in the Clinch River in Tennessee. The remarkable harmony with which these three aggregations proceed is enough of itself to excite suspicion.

I have, therefore, tried to find out something about the persons who are apparently interested in these dams. I find that the Tennessee Hydro-Electric Co. is incorporated under the laws of Tennessee. This seems to be about as far as that corporation has yet succeeded in going. The incorporators I find are J. R. Paul, James B. Cox, Francis M. Butler, J. R. Cox, and J. H. Wallace. Under the laws of Tennessee it does not appear to be necessary to give even the post-office address of the incorporators of Tennessee companies, and the secretary of state in Tennessee was unable to give me any information as to the post-office address of any of the above gentlemen. I have, however, conducted some investigations, and I find that J. R. Paul, who heads the list of incorporators of this purely "local" company, is a banker at 316 Fourth Avenue, Pittsburgh, Pa. I find that James B. Cox is a United States district attorney at Knoxville, Tenn., who is supposed to hold his position through the favor of the gentleman from Tennessee [Mr. AUSTIN]. I find that J. R. Cox is a son of James B. Cox. I find that J. H. Wallace is a lawyer at Clinton, Tenn., the county judge at that place, and an enthusiastic political supporter of the gentleman from Tennessee. I am unable to find out anything about Francis M. Butler, and the city directories of the principal towns in Tennessee do not show that he lives in any of those towns. If the gentleman from Tennessee will put in the RECORD the post-office address of Mr. Butler, I will feel under obligations. I have, however, secured enough evidence, as the House will see, to show that the Tennessee Hydro-Electric Co., so far as it has proceeded in its career, is under the complete personal control and domination of the gentleman from Tennessee [Mr. AUSTIN].

The incorporators of the Clinch River Power Co. are Henry A. Mansfield, Frederick H. Burnett, Ormin H. Sielken, John L. Baker, and William J. Condry. I am unable to find out the post-office address of any of them, and the persons to whom I have written in Tennessee can tell me nothing at all about them. I know, however, that their names can not be found in the city directories of Knoxville, Nashville, or Chattanooga, Tenn. I can find that none of the incorporators in either of these companies are of sufficient importance in the business world to be rated either in Dun's or Bradstreet's agencies, except, perhaps, J. R. Paul, the banker, who lives in Pittsburgh, Pa.

The other bill introduced by the gentleman from Tennessee, and incorporated now in the omnibus dam bill, provides for two dams in the Clinch River, to be built by five citizens of Morristown, Tenn. I find that their names are all given in the Morristown, Tenn., directory. W. C. Hale is a livery-stable keeper, and is rated in Bradstreet's at $5,000. John Loop is engaged in the dry-goods business, and is rated in Bradstreet's at $10,000. E. M. Grant is a retail hardware merchant, and is rated at $5,000. The other two—M. C. McCanless and W. H. Mullins—are not rated either in Bradstreet's or in Dun's. We are called upon to believe that these five men are expected to expend some millions of dollars in this enterprise and to act in good faith and protect the consumers of the hydroelectric power that may be generated in that part of the river which is to be turned over to them. I think I have called attention to enough facts to show the absolute bad faith of all of these Tennessee enterprises, and I am representing the people of the second district of Tennessee better than the gentleman from Tennessee is representing them when I insist that none of these bills should go through unless they contain a provision protecting consumers from exorbitant charges.

I know of no better illustration as to what unscrupulous water-power manipulators can do with a water-power proposition than the illustration furnished by the career of the Knoxville Power Co., of Tennessee. This company, I find, was organized under the laws of Tennessee in 1901 for the purpose of constructing a dam in the Little Tennessee River, near Knoxville, Tenn. In its career we have the first attempt to deliver the city of Knoxville and all of that territory to the Water Power Trust without any effort to protect the rights of consumers. A law authorizing the construction of this dam was approved by the governor of the State on March 15, 1901, and contained the provision that it shall be null and void if actual construction be not commenced within two years and completed within five years. This looked fair enough on its face. It became necessary, however, for this organization to employ attorneys, who succeeded in persuading the Tennessee Legislature to extend the franchise. Eleven years have passed since then, and the possibilities of the development of power in this river have been tied up, awaiting the pleasure of the Water Power Trust. Construction work is not even yet in progress under this franchise. The company now owning the franchise, however, has prepared plans, which have been rejected by the War Department, and are now engaged in preparing other plans.

At the time of the incorporation of the Knoxville Power Co. the gentleman from Tennessee [Mr. AUSTIN] was United States marshal for the eastern district of Tennessee. Prior to that time he had been Assistant Doorkeeper here in the House of Representatives. Therefore, in order to avoid wounding the sensibilities of the gentleman from Tennesee, I think I ought to state that if the gentleman from Tennessee exhibited any interest in this enterprise while he held that official position in Tennessee, the interest exhibited was not personal, but he was only interested in this river as United States marshal for the eastern district of Tennessee.

In 1906 the gentleman from Tennessee was appointed consul general of the United States at Glasgow, Scotland, and held that position for over a year, and resigned, as he tells us himself in the Congressional Directory, in 1907 to become a candidate for Congress in the second district of Tennessee. He was elected in the ensuing election and has been here representing that district ever since. If he exhibited any interest in the Knoxville Power Co. while he was consul general at Glasgow, Scotland, in order to avoid annoying the gentleman from Tennessee I think I ought, perhaps, to say that during that time he was not personally interested in this enterprise, but interested only as consul general at Glasgow, Scotland, and, of course after his election to Congress we have his own statement to the effect that he had no personal interest in the rivers of Tennessee and was only interested in them as a Member of Congress. Therefore, if I have made this matter sufficiently plain and have avoided unduly annoying the gentleman from Tennessee, after having made these concessions I think I ought to be permitted to proceed with a discussion of the activities of the Knoxville Power Co.

The Knoxville Power Co. had five incorporators. The records of the secretary of state of Tennessee do not give the post-office address of any of them, but the records of that office show that RICHARD W. AUSTIN was one of them, and unless the gentleman cares to deny it, I take it that it is the same RICHARD W. AUSTIN who now represents in this body the second district of Tennessee. The Knoxville Power Co. was conducted according to the most approved methods adopted by the greatest of our Wall Street financiers. The franchise granted by the State of Tennessee was obtained by the gentlemen interested in that company simply as a speculative venture.

They secured it for the purpose of turning it over to some great water-power corporation unscrupulously at a profit to themselves, paying no regard whatever to the vital interests of the people living in that part of Tennessee, and they finally succeeded in doing it. It is a singular fact in this connection that while the activities of the gentleman from Tennessee were limited to the State of Tennessee, and while he was there discharging his official duties as marshal for the eastern district of Tennessee, it was not possible to dispose of this franchise, and during the period of time that the gentleman from Tennessee officiated as United States consul at Glasgow, Scotland, 3,000 miles away from the Water Power Trust, it was not possible to accomplish anything in the matter of turning over these franchises to the Water Power Trust. But after the time in 1907 when the gentleman resigned his position in Scotland and came back to this country to become a candidate for Congress, the real and profitable activities of the Knoxville Power Co. commenced, and after the election of the gentleman to the Congress of the United States, and after he became interested as a Member of Congress in the rivers of Tennessee, it is a singular coincidence that the efforts to turn over this valuable franchise to the Water Power Trust, at considerable profit to its promoters, were crowned with complete success. This purely "local" enterprise was, during the years of the activities of the gentleman from Tennessee as United States marshal for the eastern district of Tennessee, given over into the control of Charles H. Treat, of Delaware and New York, Treasurer of the United States, who was during his lifetime prominently connected with large interests in New York City. He was assisted in his efforts by George H. Sullivan, who had been selected secretary and treasurer of the Knoxville Power Co.

Mr. Sullivan is a lawyer at 49 Wall Street, New York, and is a member of the firm of Cromwell & Sullivan. William Nelson Cromwell, Panama revolutionist, manipulator and manager of the French Panama Canal enterprise in the United States, was the other member of this firm. William Nelson Cromwell and George H. Sullivan will have nothing to do with things unless they are big things. Panama Canals and Water Power Trusts, national in their operation, come within the field of activities of this firm. Cromwell's direct affiliation with water-power interests is through the North American Co., of which he is a director. It will therefore be easily understood that prior to the commencement of Mr. Austin's membership of this body this purely local enterprise had been turned over to manipulators and managers of international reputation. Power was given to the Treasurer of the United States and to George H. Sullivan to sell this franchise. The sale, however, was not completed by them. Probably Panama Canals and other and larger enterprises kept the firm of Cromwell & Sullivan busy, and they had little time to attend to franchises in the Little Tennessee River. Although they claimed they tried to sell, they did not succeed in doing it, and no sale was made until after the election of the gentleman from Tennessee to this body. Just about that time, with the larger opportunities for usefulness presenting themselves, Charles H. Treat, George H. Sullivan, and RICHARD W. AUSTIN, who were already the directors of the Knoxville Power Co., were appointed an executive committee to dispose of the franchise of the power company to the very best advantage.

It is possible to produce at any time the admissions of the gentleman from Tennessee to the effect that he had been authorized to assist Charles H. Treat in disposing of this franchise, and it is possible also to produce evidence that Charles H. Treat—at the time he was being assisted by the gentleman from Tennessee—enlisted in this enterprise the firm of J. S. Kums & W. S. Kums, who are water-power bankers at Pittsburgh, Pa., and the gentleman from Tennessee will not deny this statement. It does not appear that the firm of Kums & Kums, of Pittsburgh, were able to accomplish definite results. But on the 4th day of May, 1910, long after the service in this body of the gentleman from Tennessee commenced, F. R. Weller, of Washington, D. C., a water-power lobbyist and promoter, became interested in this enterprise, and from that time on the matter progressed smoothly. The firm of Cromwell & Sullivan in New York do not appear to have been particularly successful. The water-power bankers of Pittsburgh do not appear to have accomplished much, but a Washington lobbyist and promoter, with the opportunities that a residence in Washington gives to lobbyists and promoters, was able to accomplish much, and in his efforts he was splendidly assisted by the gentleman from Tennessee, who, according to his own statement, at that time was interested in the rivers of his State, not personally but only as a Member of Congress. On the 4th day of May, 1910, Charles H. Treat, George H. Sullivan, and RICHARD W. AUSTIN gave to F. R. Weller an option to dispose of the holdings of the Knoxville Power Co. for $160,000. On the 29th day of August, 1910, the option was accepted by the Aluminum Co. of America, closely allied with the General Electric Co., the very largest of the six water-power groups in the United States, the same company which attempted recently in the State of New York to absorb the tremendous water-power possibilities of the rivers of northern New York, the history of whose operations is familiar to all students of water-power questions.

At a later date, on account of the misrepresentations made by the committee, of whom RICHARD W. AUSTIN was one, as to the title of the power company to certain lands along the Little Tennessee River, necessary for the development of this proposition, the option was modified and the selling price to the Aluminum Co. of America was reduced to $150,000, and the sale was finally consummated at that price.

It becomes interesting to know in this connection what the Representative from the second district of Tennessee, who is interested in the rivers of Tennessee only as a Member of Congress, got out of this enterprise, and I am able to furnish the proof as to how much he got out of this purely local enterprise, and to furnish proof that can not be contradicted.

Before the sale was completed Charles H. Treat, one of the executive committee making this sale, died, but the sale was completed by George H. Sullivan and RICHARD W. AUSTIN. After the money was turned over there was a disagreement between Mr. Sullivan and Mr. AUSTIN with Jerome Templeton, a lawyer of excellent standing in Knoxville, Tenn., as to the amount Mr. Templeton was entitled to receive on account of services rendered. Mr. Templeton appears to have been the attorney who procured, by methods that were perfectly proper, so far as I know, the extension of the franchise of the Knoxville Power Co. at the hands of the Legislature of Tennessee. His fees amounted to $7,500, and he accepted in payment part cash and enough class B bonds of the corporation to make up that amount, provided class B bonds were paid off at 60 cents on the dollar.

RICHARD W. AUSTIN represented to Mr. Templeton that class B bonds were paid off at 40 cents on the dollar, and having confidence in that statement Mr. Templeton turned over his bonds and accepted 40 cents on the dollar; and relying upon the statements of the gentleman from Tennessee Mr. Templeton receipted for his claim in full, although he received $1,500 less than the amount that was due him under his contract with the company. Later on it was ascertained that Mr. AUSTIN had

misrepresented the matter to Mr. Templeton and that class B bonds were really paid off at 60 cents on the dollar. Mr. Templeton thereupon brought suit against the Knoxville Power Co., George H. Sullivan, and RICHARD W. AUSTIN to recover the amount to which he was justly entitled and which he would have received except for the misrepresentations of the gentleman from Tennessee. This suit reached the Supreme Court of Tennessee and was on the docket at the September term, 1911, of that court at Knoxville, Tenn., and the matter was determined in the Supreme Court of Tennessee in favor of Mr. Templeton. Out of deference to Mr. AUSTIN'S public position the suit was so managed that no opinion was rendered in the Supreme Court of Tennessee, but the decree was merely modified so as to direct the payment to Mr. Templeton of the money of which he had been defrauded by the executive committee for the stockholders and the bondholders, of which RICHARD W. AUSTIN, of Tennessee, was a member, and was the active member so far as Mr. Templeton was concerned, as disclosed by the evidence in that case. After Mr. Templeton's fee and the interest on it and the costs were secured, Mr. AUSTIN'S attorney was permitted to prepare the modified decree in any way he saw fit, but the record in this case is on file in the Supreme Court of Tennessee at Knoxville, Tenn., and it discloses the facts I am about to relate.

A reference to page 179 of the transcript of evidence in that case will show that on the 9th day of September, 1910, the gentleman from Tennessee [Mr. AUSTIN] was at the Victoria Hotel, in the city of New York, requesting holders of bonds to send their bonds to George H. Sullivan, of 49 Wall Street, New York, of the firm of Cromwell & Sullivan, and that page of the record and prior and subsequent pages show how successful Mr. AUSTIN was in getting stock and bonds assembled in New York at the office of this great Wall Street firm of lawyers and promoters. Page 376 of the transcript of the evidence in this case contains a letter written by the Aluminum Co. of America to George H. Sullivan, notifying Mr. Sullivan and the other members of the executive committee that they had on the 29th day of August, 1910, deposited with their agents and attorneys, Strong & Cadwallader, at 40 Wall Street, New York, the sum of $160,000, to be turned over to Mr. Sullivan upon the delivery of the entire stock and bond issue of the Knoxville Power Co. The firm of Strong & Cadwallader have also an international reputation and do not deal with small things. This is the firm to whose Sugar Trust activities I have had occasion to call attention more than once on this floor. I have also had occasion to mention many times on this floor and before the great committees of this House the firm of Cromwell & Sullivan, and I regret exceedingly that the mention I have been able to make of these two great firms of promoters and lawyers has not been at all complimentary to either firm. I have never had occasion to take back anything I have ever said about either firm.

On page 45 of the transcript of the evidence in this case will be found admissions of record in the answer of Mr. AUSTIN that he was authorized to assist Charles H. Treat in making sale of this property at the time Charles H. Treat was trying to sell to the Pittsburgh (Pa.) water-power bankers. Mr. Sullivan admits the same thing.

I have called attention to enough facts easily substantiated to show that no Member of this House is on closer terms of business relationship with the representatives of the great Water Power Trust than the gentleman from Tennessee. The trail from his congressional office here in Washington, as disclosed by the record in this Tennessee case, leads to the office of F. R. Weller, of Washington, D. C., water-power lobbyist and promoter; to the office of Charles H. Treat, Treasurer of the United States, who during his lifetime was a water-power promoter; to the firm of Cromwell & Sullivan, dealers in interoceanic canals and water-power properties; to the banking firm of the Kums in Pittsburgh, Pa., water-power bankers; and to the firm of J. P. Morgan & Co., of New York City—the bank of the General Electric Co.

The transcript of the record of this case now on file in the Supreme Court of Tennessee will even show that Mr. AUSTIN conducted a part at least of his correspondence in this matter on the stationery furnished to him free from the stationery room of the House of Representatives. I have reached now the question as to how much the gentleman from Tennessee [Mr. AUSTIN] profited from this enterprise. The record in the case shows that he at all times insisted that the unsecured creditors should be paid in full, and his reason for insisting so strenuously upon this is due to the fact that he was an unsecured creditor himself.

In his answer in this case, as appears from page 50 of the transcript of the record, he admitted that the Knoxville Power Co. was indebted to him in the sum of $10,000. I think I might read now from an abstract of what the evidence discloses, printed for the use of the judges of the supreme court by Mr. Templeton in his suit against the Knoxville Power Co. I quote from the transcript furnished by Mr. Templeton in this case:

We refer again to the transcript, page 158, where the minutes of the stockholders' meeting of September 12, 1907, showed that series B bonds, then being authorized, shall be used in settlement of all other indebtedness of this company now existing or which may hereafter be incurred. (Transcript, p. 158.)

Mr. AUSTIN got $12,000 of that stock. (Transcript, p. 159.)

He got $5,000 of class B bonds. (Transcript, p. 142.)

His investment in this enterprise was the large sum of $21.50. (Transcript, pp. 349, 350–351.)

Again I quote from the summary prepared by Mr. Templeton in this case, showing the distribution of the $150,000 finally received from the Aluminum Co. of America.

A true statement would be as follows:

Total purchase money	$150,000.00
Deduct commission paid Weller	7,125.00
Balance	142,875.00
Deduct expenses of sale	6,149.92
Balance	136,725.08
Total amount paid out of first-mortgage bonds and class A bonds, which were paid in full, and the pro rata paid on class B bonds, according to Sullivan's testimony and exhibits put up	97,192.00
Leaving a net balance of	38,533.08

Which Sullivan and AUSTIN have divided between them, except that Sullivan shows that he has placed on special deposit, to cover any recovery in this case, the sum of $1,500; and he has a balance in bank of $1,160.39, making a total of $2,660.39, out of the purchase price of these securities, which has not yet been distributed.

I ought in justice, however, to Mr. AUSTIN to say that he did not receive the sum of $10,000, which he claimed was due him on account of his services, but on account of that item he does not appear to have received over $8,025. On the $5,000 worth of class B bonds held by him, and which the record shows were given him as a bonus, he collected 60 cents on the dollar, or $3,000 in all.

I have called attention to sufficient evidence, none of which can be contradicted or denied, to show that a Member of Congress, who is interested only as a Member of Congress in rivers, can, if his conscience permits him to do so, derive some considerable profit from a connection with an enterprise of this kind. Of course, the enterprises embraced in the bills introduced by Mr. AUSTIN, and now incorporated in this omnibus measure, are as yet only in a formative condition. The profits the promoters of these enterprises would be able to get from the water-power trust will depend largely upon whether or not this House requires tolls to the Government and provides for the regulation of prices to consumers. The promoters of these enterprises, whoever they are, and I am sorry it is impossible to find out even where many if them live, will not make as much out of these projects if the conditions we are insisting upon are attached to this bill. I submit that this body is interested not in the possible profits these promoters may get, but is interested in the protection of those citizens of the United States who may be consumers of the hydroelectric power generated by these companies, and this body ought also to be interested in protecting the Treasury of the United States. I think I can safely say, from the evidence I have so far been able to obtain, that these enterprises embraced in the bills of the gentleman from Tennessee are at least in the hands of and controlled by the friends of the gentleman from Tennessee. Speaking in this House in a carefully prepared address on the 19th day of July, the gentleman from Tennessee made this statement:

Mr. Speaker, if I am here as a Representative favoring a water-power trust which is seeking to take an unfair advantage of the American people, I have violated my oath of office. Not only that, but I have disgraced myself and am no longer worthy to be a Member of the House of Representatives. If I am guilty of this charge, and the gentleman from Illinois will produce his proof, I will tender my resignation as a Member of this House, for I will no longer be worthy of companionship or association with the honorable membership of this body. Neither would I be the kind or character of man who would be a fit Representative of the splendid people who sent me to Congress.

I do not ask the gentleman to resign from this body. He holds his commission from the electors of the second congressional district of Tennessee. I do not think, however, the cause of water-power conservation in Tennessee would suffer if the gentleman's connection with this House should cease.

If he should determine to resign I can assure him that those who remain in this body will be able to take care of the water-power problems presenting themselves for solution in a way that will be equitable and fair to the communities affected thereby, with due regard also to the Treasury of the United States. I am quite sure the rivers of Tennessee can be saved

for the people of Tennessee without the assistance of the gentleman who now represents the Knoxville district here, and who, with so much energy and with a generalship worthy of a better cause, is preparing to feed the towns and cities of his congressional district, bound and gagged, to that great Moloch of trusts, the growing water-power combination of the United States.

APPENDIX.

WATER POWER AND THE FUTURE.

[A paper prepared by Harry A. Slattery, secretary of the National Conservation Association.]

The water-power problem will sooner or later be brought home to every man, woman, and child and home in the Nation. As was said by a remarkable man many years ago, "Electric power will more intimately touch our domestic and industrial life than any factor known in all history." With the rapid development of electric transmission, the price of power will soon be "a controlling factor in transportation, in manufacture, and in household lighting and heating." And within a few short years the use of power will become a daily problem to the man on the farm, the woman in the home, and to the workman in the shop. It does not take vision or imagination of great length to see the day when the farmer will use power as his handy man. No better illustration of how intimately it will affect the farmer and even his product is shown than in the recent successful experiments in the manufacture of nitrate of fertilizer by electricity. In this country today, in South Carolina and in New York, plants with millions of capital have been built for this purpose. The relation of electric power to the household will grow closer with the coming years, and at no distant future electricity will be a telling factor in each household. The electric kitchen at West Point is wonderful, and is also an indicator of the future. In the industrial world, however, will come the most striking illustration of the revolutionary power of "white coal." Today we accept the statement of Edison that "canned power" will soon be a factor in the industrial world, and we do not question the statement of Tesla that at no distant date will come the transmission of electricity via wireless.

The whole country is to-day awakening to the terrible force of this unseen and unknown factor. Upon this question of the conservation of water power in the interest of the people and of the shadow of monopolization of water powers, the Nation has awakened. In the control of the agency of power has rested in every age the problems of humanity. The question of power—whether in wind, fire, or water—has intimately affected the relationship of man to man. As Kipling has shown in one of his graphic pictures, power has been the humanitarian problem of every age. As Mr. Bryan has tersely phrased it: "One who has not visited the Old World can not understand the landlord system there."

If you ask me what I regard as the greatest burden of the people of Europe, I reply "landlordism." In some of those countries the people are so situated that those who till the soil transmit from generation to generation the right to pay rent, with no possibility of ownership, while a few families transmit from child to child the right to collect rent, with no disposition to till the soil. I regard that as the greatest burden of Europe, and one of the blessings that we enjoy in this country is freedom from such landlordism as they have in the Old World. I know of nothing that nearer approaches the system of landlordism in Europe than the proposed giving away of these mountain streams in perpetuity to great syndicates, that through the years and generations to come could exact their toll from a toiling people. Therefore, when we consider the use of these mountain streams the first thing we must decide is that there shall be no perpetual grant of a water power. Who can tell what that right will be worth a hundred years from now? Look back 25 years. Who could have estimated then the value of water power to-day? Within the last quarter of a century we have had a development of electricity that makes it possible to carry for hundreds of miles power generated by falling water. If you visit Canada, you will find in the Province of Ontario great towers, carrying to the various cities the power generated at Niagara Falls. We are now in the very beginning of the use of electricity. No human being can measure the value of one of these waterfalls. What criminal folly, then, for this generation to barter away the sacred rights of posterity to syndicates and corporations. So it seems to me that one of the important questions to be decided in the conservation of our natural resources is that the principle of monopoly shall not be permitted in this country under a guise or in any form.

Let us insist that wherever and whenever a franchise is granted it shall be granted for a term of years, and that that term shall not be so long but that we can reasonably estimate to-day the value of it at the end of the term. No other principle is tenable in the discussion of this subject.

THE RAILROAD CONTROL OF POWER.

The statement that the railroads of the country are opposed to development of water power and fight efforts made to utilize streams of the country may bear serious questioning. In the report of the Commissioner of Corporations on the Water Power Trusts, on page 17, he states that the General Electric Co. has the widest influence in the sphere of electric development. On the board of directors of this company are several prominent railroad magnates, and no influence is greater in this company than that of the Morgan interests. J. Pierpont Morgan, Charles Steele, E. T. Stotesbury, of the firm of J. P. Morgan & Co., are directors of this company. Again on the directorates of the three large bonding companies who bond these water-power projects are found several prominent railroad magnates.

The Pennsylvania Railroad in the State of Pennsylvania alone, through water charters and water-power rights, have monopolized the powers in 15 counties operating through the American Pipe & Construction Co., a subsidiary corporation, and in 12 additional counties through direct control. It controls a total of about 100 companies, 69 incorporated and 37 unincorporated.

On page 171 of the Bureau of Corporations Report is shown that the Gould interests monopolize the Virginia field, controlling at present about 60,000 horsepower. Their commercial developed power is about 75 per cent of the State.

The New York, New Haven & Hartford road controls large power interests in New England. This company is rapidly electrifying its steam roads, and the New York, Westchester & Boston road, which is one of the great arteries into New York City, is operated by power controlled by this road.

Near all the great cities of the country, the railroads are securing power sites to operate their yard tonnage by electricity. This is true of this city, since a subsidiary company of the Pennsylvania Railroad has recently taken over several of the suburban trolley lines.

MONOPOLIES.

The statement has been made that there is no reason for fear of a water-power monopoly, and that the States in any event are able to take care of corporations within their borders. A reading of a letter of submittal by Commissioner Smith of his water-power report will convince any doubting Thomas that "our remaining water powers are fast passing into private control, making regulation thereafter very difficult." He shows very clearly that six great power corporations already control about 60 per cent of the total commercial water power (1,821,000 horsepower), and also a large portion of the undeveloped horsepower. These companies, by interlocking directors and interlocking interests, are clearly members of one family. This great water-power interest has been growing steadily for many years, and some of its growth is certainly due to congressional legislation. Of about 100 dam sites authorized by Congress since 1789 no less than 50 per cent can now be found under the control of the great water-power interests. In recent years Congress has granted sites which within a few months find their way into the hands of the water-power people.

But while this is true of national legislation in the granting of authority, the States have been the most flagrant violaters of disposal of water-power rights. As an example, Pennsylvania to-day awakens to the fact that her water powers have all been taken up, and by methods that are certainly questionable, to say the least.

Pennsylvania has granted charters to 1,856 water-supply and water-power companies; 969 are in active operation; 133 cities and towns of the State control their own water supply. The balance of the charters—1,623—are owned by corporations; 787 are not operated, now held to prevent competition or for future exploitation. Of the 836 owned by corporations and in operation the most valuable have been consolidated into 93 merger corporations, with 4 giant monopolies. Water rights in 13 counties of Pennsylvania have been secured by the coal companies on the plea that they needed the water for mining purposes, hiding their real reason—fear of the development of a cheaper power than coal. The Lehigh Valley Railroad and its subsidiary coal company controls 9 incorporated and 22 unincorporated water companies. Pennsylvania has a law to annul all water charters not used and put into actual operation within two years after they are granted. Unfortunately, Pennsylvania has another law, which says no charter shall be surrendered and no corporations dissolved until all back taxes owed to the State have been paid. The water companies holding charters for future exploitation say since they never operated they never acquired any assets, and therefore can not pay their taxes. Thanks to this conflict in the law, the State can not take back the 787 charters now being held for future exploitation or to prevent competition.

Half of the State's resources have been grabbed within the last five years, and some of the methods are interesting. A newborn water-power company would leave its swaddling clothes of $1,000 capital the day after the charter was granted to appear the next day grown to the size of a million-dollar company. For instance, the Green Tree Water Co. grew from a corporation of $5,000 in May, 1904, to a corporation of $8,000,000 in August of the same year. A few months afterwards this huge Allegheny corporation was made a subsidiary company of the American Water Powers & Guaranty Co. The South Pittsburg Water Co.'s charter of July 15, 1904, under the guise of supplying water to various towns in Pennsylvania, capital $50,000, developed on August 17, 1904, into a $5,000,000 corporation. This company also a few months later became a subsidiary corporation of the American Water Powers & Guaranty Co. In this State alone the fight of the residents in Chester and Montgomery Counties, in Johnstown, in Cambria, and in Blair Counties for a reduction of rates shows what can be expected of monopoly. It is interesting to note that President Roosevelt's veto message of January 15, 1908, covering the first report of the Bureau of Corporations, showed that 13 water-power companies controlled 33 per cent of the water powers of the country, whereas the recent report of March 14, 1912, of the Bureau of Corporations shows that six companies control 60 per cent. This is certainly concentration and centralization of a most unheard-of rapidity.

NECESSITY FOR WATER-POWER LEGISLATION.

The report of the Interstate Commerce Commission stating that the general dam act gives the Secretary of War authority to charge compensation, and the inference that must be drawn therefrom that no legislation is required on the subject is not the opinion of others who are somewhat familiar with the subject.

The Attorney General in his opinion of July 13, 1909, has handed down the ruling that the act of June 21, 1906 (34 Stat., 386), stating stipulations and conditions which may be imposed by the Secretary of War and the Chief of Engineers "are those which relate to navigation of the stream and the regulation of commerce therein and * * * that Congress did not by this act mean to authorize those officials to require as a condition to the license the payment of a sum or sums by way of compensation for the privilege granted * * *." It is also very evident the belief of the National Waterway Commission that the Secretary of War has no such authority. (S. Doc. 469.) On page 38 it states: "Present laws are inadequate because * * * [they are] in 'a most crude and unsatisfactory condition,' not being adequate either for proper Government control of these enterprises or adapted to encourage water-power development * * *." "Likewise in the case of navigable streams outside the public domain the lack of a fixed policy has left uncertain the extent and nature of the control which the Government intends to exercise * * *." Also on page 53 of the report, under "special recommendations," amendments are suggested to the general dam act.

MAY CONGRESS EXACT COMPENSATION FOR PRIVILEGES GRANTED?

The right of the Federal Government to require payment for the privilege of damming a navigable river to develop water power may be sustained on two grounds. The first was stated by Representative JOHN SHARP WILLIAMS on March 28, 1909. President Roosevelt's veto of the Rainy River bill was being discussed. "It is admitted that this power to erect dams in navigable streams can not be exercised by anybody except by act of Congress." Now, then, if it requires an act of Congress to permit any man to put a dam in a navigable stream, then two things follow: (1) Congress should so exercise the power in making that grant as first to prevent any harm to the navigability of the stream itself; and (2), so as to prevent corporations from securing through an act of Congress any advantage of private profit. Second, in his report of April 17, 1908, Secretary of War Taft moved, "In

the execution of any project and as incidental to any inseparably connected with the improvements of navigation and power Congress stands for the regulation of the use and development of the waters for the purposes subsidiary to navigation." If Congress can impose conditions in a permit to build a bridge across navigable waters (permit bill to bridge over Arthur Kill River between New Jersey and Staten Island) it can impose the same for dam sites. (Stockton *v.* Baltimore Co., 32 Fed., 9; Clinton Bridge, 1 Woolworth, 150; Canadian Southern Railway Co. *v.* International Bridge Co., 8 Fed., 190.)

It is not possible to distinguish between the condition contained in these grants and conditions requiring compensation for water power. It may be said that the distinction is between those relating to interstate commerce and otherwise. The price the Government would pay for the transportation of mails or troops is fixed by agreement and not by promise, and is in no sense a regulation of commerce. Many other cases and illustrations present themselves, which do not concern navigation—overflow, fish sites, pollution of streams, and bridges.

That this is the opinion of the present Secretary of War is conclusive from his report. Secretary Fisher, in hearings before the National Waterways Commission, states: "* * * But I think that if any principle is established in our law now as a fundamental principle it is this: That where a governmental agency, not wholly ministerial, is given the right to grant or withhold its assent to the doing of a particular thing, it has the right to attach such conditions to that assent as it sees fit in the public interest. I think that is a broad principle which is established now by the decision of the courts. Applying that to the navigable waters, it is my opinion, as a legal proposition, that the Federal Government, having the right to grant or to withhold its consent to the construction of a dam or other means of creating hydroelectric power in that stream, has the right to attach conditions and any conditions that it thinks are in the public interest. I think it is not confined to conditions in the interest of navigation."

The veto message of President Roosevelt on the James River Dam, transmitting the opinion about the Solicitor General, which asserts the constitutional power of the Federal Government to impose a charge for licenses to dam navigable rivers for power purposes. This opinion is admirable and unanswerable. (H. Doc. 1350, 60th Cong., 2d sess.)

On page 43 of the National Waterways Commission Report (1912) the constitutional power of Congress to control water courses goes thoroughly into the question, and is of the opinion that the Federal Government has the authority.

Mr. RAINEY. Mr. Speaker, how much time have I left?

The SPEAKER. Nineteen minutes.

Mr. RAINEY. I reserve the balance of my time.

The SPEAKER. The gentleman from Tennessee [Mr. AUSTIN] is recognized for 54 minutes.

Mr. AUSTIN. Mr. Speaker, no other character of speech could have been delivered by the Member from Illinois [Mr. RAINEY] in this House, because he long since established his reputation as a defamer of public men. Not only in my case, but months ago upon the floor of this House he was daring enough and reckless enough to assail the brother of the President of the United States, Hon. Charles P. Taft, and other public men and high officials, and later on was unable to furnish the proof. And, true to his instincts and his reputation, as shown in my case, he was too unmanly to make a retraction after failing to sustain his charges.

I am sorry that, quoting at the close of his speech from a recent address of mine, he stopped short and did not read the following:

> A brave, honest, and manly man, one worthy of a place in this House, one entitled to the respect and confidence of his congressional associates, will not misrepresent or slander a fellow Member. This is no place for a corrupt or unfaithful Representative, nor is this a suitable place for a man who is the author of a slander or of falsehood against one of his colleagues.

This controversy between the Member from Illinois and myself commenced more than a month ago, when the Unanimous Consent Calendar was called and when a purely local bill, with a unanimous report from the Committee on Interstate and Foreign Commerce, every member of which is a peer of the Member from Illinois [Mr. RAINEY], was reached on that calendar. The Member from Illinois objected. I asked him in a courteous way to withhold his objection until I could make an explanation, and that courtesy was denied me by the Member from Illinois. I have been here only a brief time—three years—but I have never known in this House before a fellow Member to deny that courtesy or right of a colleague to explain a local bill. And I do not envy the Member from Illinois for being the only Member in this House that would withhold such a courtesy from a colleague.

Later on he said, when I objected to his publishing certain articles in the RECORD in answer to the speech of the gentleman from Wisconsin [Mr. BERGER] that he did not object to a man objecting to his request who spoke for a Water Power Trust. And, displaying his usual recklessness, he now makes the false and baseless charge that the trail from my congressional office here leads to the office of F. R. Weller, of Washington, to the office of Chas. H. Treat, Cromwell & Sullivan, Kums, of Pittsburgh, J. P. Morgan & Co. In reply I will say that Mr. Weller has absolutely no interest in any Tennessee dam bill, that Col. Treat has been dead about three years, that I never in my life had any dealings with J. P. Morgan & Co., or the Kuhns, of Pittsburgh, of any character; never met them or ever heard from them and never had a word or a line with Sullivan & Cromwell or the General Electric Co. about any water-power bill or other measure pending in Congress.

Now, let us see. There are three bills in reference to damming the Clinch River. One is in the interest of the Tennessee Hydro-Electric Co., a Tennessee chartered company, and the Member from Illinois says that one of the charter members is the United States district attorney, who holds his position by virtue of my will and indorsement. The district attorney, Mr. Cox, hails from the first congressional district of Tennessee, and owes his appointment to my late colleague, the Hon. Walter P. Brownlow.

The Tennessee Hydro-Electric Co., with John R. Paull, of Pittsburgh, at the head, asked me to introduce this bill. That request was not only backed up by the United States district attorney at Knoxville, Tenn., but Judge J. H. Wallace, of Anderson County, Tenn. I requested Mr. Paull to give me references, for he was a nonresident and a stranger, and he gave me the two Representatives in Congress from his city or home, namely, Mr. DALZELL and Mr. BURKE, and Senator OLIVER, of Pittsburgh. I did not introduce that bill until I had consulted those gentlemen about Mr. Paull's reliability and standing and ability to carry forward his enterprise. I did more, Mr. Speaker. I asked the direct question of the Senator from Pennsylvania, Mr. OLIVER, if Mr. Paull had any alliance or connection with a water-power trust, and his answer was in the negative. I thought, Mr. Speaker, I could safely take the word of my worthy colleagues in this House, Mr. DALZELL and Mr. BURKE, and the honored Senator from Pennsylvania, Mr. OLIVER. The local men in Tennessee have standing and reputations as men equal to the standing and reputation of the defamer from Illinois in his district just beyond Springfield.

This company proposed to save the Government of the United States the expense of improving the Clinch River for navigation, a project already recommended by the district engineer and approved by the Board of Army Engineers, whose duty it is to pass upon the reports of the local or district engineer. Ten years ago the district engineer was directed by Congress to survey that river for the purpose of looking to its practical improvement, and the survey and report provide for a lock-and-dam system, slack-water navigation for 75 miles, and at an expense of $1,400,000, not counting the cost for overflowed and destroyed farming lands.

Labor and material have greatly advanced since that report was made. The valuation of the bottom lands along the Clinch River have also enhanced. This company has proposed to construct those dams, not as recommended by the district engineer, as cheap or cribbed dams, but as concrete dams. They propose to expend over $2,000,000 on the construction of concrete locks and dams and to pay for all overflowed lands, and maintain at their own expense the operation at all times of the locks and dams and relieve the Government of that expense.

I believe that would be a fair consideration for the right to use the water power on 75 miles of that river. Practically every business organization in that congressional district for more than 20 years has clamored here before the Committee on Rivers and Harbors for the improvement of that river, and this private company, under the general dam act, would have been required within three years to complete the work and provide slack-water navigation of that river.

What would it do or accomplish? It would tap the great coal fields of east Tennessee and place our mines upon cheap water navigation and open to our coal operators and miners that new and valuable coal field along the lower Tennessee River and the Mississippi River. The coal field of my district is 300 miles nearer New Orleans than are the coal fields of western Pennsylvania, and yet Pennsylvania supplies that market with coal, and the district I represent is entirely shut out, because the railroad transportation is $2.25 per ton.

Now, here was an enterprise which not only meant a new and valuable field for the sale of our coal, but for the shipment of pig iron from the district I represent to St. Louis, Cincinnati, Louisville, and other points by cheap water navigation. It meant the development of a new and promising zinc field along that river. What else? The gentleman from Illinois talks about the interest of the city of Knoxville. Knoxville is paying and has paid since the opening of our coal mines, beginning with a dollar a ton, down to transportation charges of 50 cents a ton to-day for every ton of coal used in its manufacturing plants, hauled 30 miles; and with the development of this river it means a reduction of 25 cents a ton on every ton of steam coal from the coal fields, and more than 30 cents on every ton of domestic coal used by rich and poor alike in that city.

Now, what was the other or second bill? The gentleman who represents the Indianapolis, Ind., district here, Mr. KORBLY,

sent me the second bill in the interest of one or more of his constituents, with the request that I introduce that bill, known as the Clinch River Power Co. bill. I asked Mr. KORBLY about the character and reputation of the men back of that bill, and when I received his favorable and satisfactory indorsement of them I introduced the bill. If that bill is in the interest of a Water Power Trust, then the Representative of the Indianapolis district misled me. But I would much rather believe that the Member from Illinois [Mr. RAINEY], as usual, misrepresented and traduced the gentleman from the Indianapolis district. That bill proposed to give Mr. KORBLY's constituents, who, he said were worthy and deserving and not in touch with the Water Power Trust, permission to build a dam above and beyond that portion of the river where the district engineer states it would not pay the Government, and he would not recommend that it be improved for navigation purposes.

Now, what is the third, or last, bill that the gentleman complains about being introduced in the absence of my colleague, Mr. SELLS. It is a bill to give certain citizens in the town of Morristown, Tenn., the right to build a dam across the Clinch River. Every man mentioned in the bill is a leading and reputable citizen. One is the mayor and president of one of the leading banks of Morristown. They decided they could build a dam on the Clinch River and erect a power plant and reduce the cost of light, heat, and power, and bring relief to the people of the enterprising town of Morristown. Yet the gentleman says they are all interested in a Water Power Trust. Now, when one of those gentleman, W. C. Hale, with his attorney, Col. John P. Holloway, interviewed me, my colleague Mr. SELLS, was absent in Chicago, looking after his contest before the Republican national committee. I said, "Gentlemen, this dam will be located in Mr. SELLS's district, and in his absence I can not introduce it." I suggested that they should wait and see Mr. SELLS on his return from Chicago.

Being personal friends of Representative SELLS, they said if I would introduce the bill, for they were in a hurry about the matter, and desired action before Congress adjourns, they would make it all right with Mr. SELLS. With that understanding I introduced the bill; but when I found that my colleague [Mr. SELLS] was opposed to it, because he thought it would injure him in his district to permit another Representative from an adjoining district to secure this water power, located in his district, for men who were not his constituents, but were mine, I told him I would not attempt to pass it, and so notified the chairman of the Committee on Interstate and Foreign Commerce.

And yet the Member from Illinois [Mr. RAINEY], who is trained in the school of vituperation and misrepresentation, and who seems to glory in making a reputation for slander, suspicion, and innuendo against men in high or official life, sees in it a great Water Power Trust.

Those are the three bills that the gentleman talks and rants about. Now, what else? Why, the gentleman has published his speech in pamphlet form, sending thousands of copies throughout his district. It contained only the first speeches he and myself made; but he did not publish all of the controversy that took place on the floor of the House with reference to these water-power bills. He omitted my last reply. And he was so proud of what he had said about these so-called "water-power steals" that he published on the first page these words:

If I have succeeded in making it odious upon the floor for any man to represent any of these water-power steals.

Now, there are 11 of these bills, and the gentleman was referring to them; not to mine alone, but all of them as "water-power steals." Well, who are the other great criminals besides the Representative from the second district of Tennessee who would father and urge a water-power steal? Here is the roll: Representative RUSSELL, from Missouri; his colleague, Mr. SHACKLEFORD, from the same State; the eloquent and brilliant leader on that side, Hon. J. THOMAS HEFLIN, of Alabama. Then there is good, steady, honest FLOYD of Arkansas, and the able and popular chairman of the Committee on Naval Affairs, from my own State, Mr. PADGETT. There is a recent addition to this House from a Republican district in Iowa in the person of Mr. PEPPER. He is back of one of these "steals." JOHN W. WEEKS, of Massachusetts, and myself. There are six Democrats and two Republicans. We are all either innocent or all guilty of Mr. RAINEY's charge. This House is composed of almost 400 Members. There is not a man on the floor of this House who would attempt to impeach the honor and integrity of these men, except you—except you, and I do not envy you for standing out alone and believing all men are dishonest but yourself.

The SPEAKER. The Chair will suggest to the gentleman that he must not use the personal pronoun "you."

Mr. AUSTIN. Well, the Member from Illinois who represents a district almost within the shadow of the home of the great Abraham Lincoln.

Now, Mr. Speaker, the gentleman talks about my room being headquarters for the Water Power Trust. Mr. Pauli has been in my room. These two men who came from Morristown, Tenn., also called to see me. Who else? Why, a man the Member from Illinois in one of his speeches here denominated as a "lobbyist" for the Water Power Trust called. I did not invite him, and I did not insult him. He was the same man that Mr. RAINEY dined with at Harvey's the night before he voted for this man's water-power bill in the House on July 25, 1912. What was that bill? It was the White River bill, the Dixie Power bill. You voted for it. Before voting for it you denominated him in your speech as a "lobbyist." What else did you do? You corrected your speech and published in the RECORD not that he was a "lobbyist," but "a very pleasant gentleman."

The SPEAKER. The Chair has admonished the gentleman that he must not use the pronoun "you"; that is against the rule.

Mr. AUSTIN. I mean the Member from Illinois. Now, what was the White River, or Dixie Power, bill? I voted for it because it meant the development of Arkansas. The gentleman from Illinois [Mr. MANN], the leader on this side, who was for many years chairman of the committee having before it this character of legislation, denominated that bill worse than any of these bills which Mr. RAINEY has denounced. The Member from Illinois [Mr. RAINEY] voted for it. He did not vote for it until after he had spent an evening with a "water-power lobbyist."

Now, the President in his veto of the White River, or Dixie Power, bill said that the bill did not propose to spend any money for a lock and dam that would improve navigation as my bill provided. It proposed to give the Dixie Power Co. the right to build a dam above where the Government had already constructed a number of dams without any compensation at all, and yet the Member from Illinois has repeatedly said that he would stand in this House and object to every one of these bills and not a one should pass until compensation was provided for to the National Government; and the White River, or Dixie Power, bill that the Member from Illinois stood up and voted for—for I saw him—did not provide for the payment of a farthing to the National Government or the State of Arkansas. The President of the United States gave as one of his reasons for vetoing that bill, as contained in his message, the following:

The bill also fails to reserve to the Federal Government any right to receive from the grantee of this privilege any compensation therefor.

Why did the great defender of conservation legislation in this House fail, when we were considering the White River, or Dixie Power, proposition, to vote against it when he knew it carried no compensation for the Government?

The Member from Illinois made a speech on my bill and other bills in which he stated that we ought to know in advance how much power is to be generated and how valuable the franchise is we are about to give away to private companies—to the so-called Water Power Trust. Did he stop to make this same inquiry before he cast his vote for the White River, or Dixie Power, proposition? No; he did not need or care for that information. Why, when the Member from Illinois objected to the consideration for unanimous consent on five or six of these bills he said:

I had no feeling against the gentleman and have none now, nor have I against his bill or against any gentlemen who present any of these bills and who appear here as the proponents of any of them, but I blocked every one of them, and in blocking them on that day I saved the Government at least $25,000,000. I want to serve notice on the gentleman from Tennessee and upon everybody else who is interested in these private power bills, or rather whose friends are interested in them, that I propose to block on this floor every one of them as fast as they come up and to fight every one of them until some policy is adopted by this Government whereby a portion of these revenues can be saved for the Government and used for the purpose of developing these rivers and protecting the adjacent lands from overflow.

That speech was made on the 19th day of July. On the 25th of July, six days later, the Member from Illinois did not attempt to block the White River or Dixie power proposition, which carried no compensation to the United States Government. In the speech preceding his vote he made an ingenious argument to show that the Ozark Power Co. of Arkansas had already acquired a number of these power propositions, and that it might be possible that they would acquire the Dixie Power Co. proposition and form an Arkansas power trust. If he believed that danger to the people of Arkansas was lurking in that legislation, why did he not rise in his wrath and power and protest, fight, and vote against it? Let him answer.

Let us see about conservation. Why, the gentleman complains about the dam at Keokuk, Iowa. Some of the 28 mining companies in his district had been shipping coal to St. Louis, and the Keokuk Co. was granted the right to construct a lock and dam on the Mississippi River when the gentleman was in this House, and it went through without objection. The Keokuk Power Co. has entered into a contract to furnish 66,000 horsepower to the city of St. Louis, where 80 per cent of the present coal for making steam comes from the State of Illinois and some of it from the gentleman's district. The Keokuk Power Co. has entered into a contract to furnish the said 66,000 horsepower at a cost of $18.75 per horsepower. What does it cost to make power in St. Louis from coal from the gentleman's State? It costs $49.60 per horsepower. There is an actual saving per horsepower of $30.85, or a total saving of $2,036,000 a year to the people of St. Louis.

Is it not worth something on the lines of progressive legislation to save the people of a great interior city like St. Louis $2,000,000 annually? What else, Mr. Speaker? There are two or three different classes of people in this country who are blocking legislation for the development of water power. First the political demagogues and muckrakers. Second, those that honestly believe in conservation. I give the latter credit for their honest belief and opinions, but I think they are wrong in some respects. Why? If the Tennessee Hydro-Electric Co. develops 10,000 horsepower on the Clinch River and sells it in Knoxville and you impose a Government tax of $1 per horsepower, you are fastening a tax upon the people I represent of $20,000 a year, and under the general dam act, the lifetime of the franchise being 50 years, in 50 years you have made the people of my district pay into the National Treasury $1,000,000, and the Representative from Illinois wants that million dollars put into the National Treasury to be used and divided among all of the States of the Union, and the ninety-odd millions of people.

In other words, people in a city of 85,000 inhabitants in Tennessee must pay a tribute into the National Treasury of $1,000,000, to be placed to the credit of everybody in the Republic. The Member from Illinois does not require the coal men of his district to pay tribute or a tax to the State or the National Government for every ton of coal that creates power. You do not by law of Congress or of the State of Illinois say to the people who sell steam coal, "You can not sell it without paying the State or the Government a tax of $1 per horsepower," and you do not regulate or fix by law the price of steam power. How much coal would be saved by the construction of this dam at Keokuk, Iowa, and in filling its St. Louis contract? One million five hundred and eighteen thousand tons every year saved by the construction of one dam on one order or contract alone! There would be that much in coal saved and $2,000,000 saved annually to the people of St. Louis. Yet there are men in this House who are blocking and preventing water-power development every day. They claim to be progressives. They claim to be working and laboring in the interest of the people, and yet they are preventing the duplication all over this country of what we have at Keokuk, Iowa. By the construction and development of water-power plants in this country we can duplicate in the saving of coal and money all over this country what we are doing at St. Louis. The gentleman's colleague from Chicago, Mr. GALLAGHER, made an elaborate speech here about the water-power development of the Illinois River, and in it he stated that as a result of that development power was being sold much cheaper in Chicago. Shall we by our action block the development of the water-power interests of this country and continue to pay exorbitant prices for coal in Illinois and exhaust our coal supply, when we could save it for the domestic users in years to come?

Mr. Speaker, Congress gave to that company 200,000 horsepower for nothing, except to improve the river. How will a company in my district compete in furnishing power to a manufacturing plant if you are going to impose a dollar tax on every horsepower developed at or near Knoxville, Tenn., and make no charge at Keokuk, Iowa, or at Hales Bar, on the Tennessee River below Chattanooga, where Congress gave certain power companies the right to build the locks and dams without compensation to the National or State governments?

Mr. Speaker, now permit me to get down to a personal matter. The gentleman has represented his district in Congress for about 10 years. He has read to the House something in connection with the Knoxville Power Co. He wants to weave a web of suspicion about me because I resented the action of the gentleman in unjustly and untruthfully charging me with representing the Water Power Trust. He says in discussing the Knoxville Power Co. that I was unfaithful to the interests of Knoxville and wished to bottle up that city with a Water Power Trust. Why, after all of that litigation, which is a personal matter that the gentleman drags in here, seeking to injure me with my colleagues; after it was thrashed out in the courts and used in the campaign by my political enemies the city of Knoxville, ordinarily with a Democratic majority of 600, gave me a majority of 1,000 in the last election, and I carried 9 of the 10 counties in the district, and if the gentleman will canvass my district and make this same speech he has just delivered to the people that I know, and among whom I have lived since boyhood, if my majority is not 10,000 I will return the certificate of election.

The Member from Illinois makes addresses in the Chautauqua course, and a gentleman from Iowa stated a few days ago, after hearing one of those speeches, he felt humiliated that such bad and corrupt men were in Congress as were depicted or described by the Member from Illinois. There is as much honor here as anywhere on the face of this earth. I will compare the standing and incorruptibility of every Member of this House with that of a like number in any State in this Union, in any country in the world, in any deliberative or legislative body. With all these splendid Representatives of the American people, I am sorry to admit that there is one among them who can see suspicion and wrong and evil doing among those with whom he has associated here in the House of Representatives for the past 10 years. Mr. Speaker, I was one of the incorporators of the Knoxville Power Co., and had the gentleman come to me or sent to me I would have given him every particle of information about it. My life is an open book, and I have repeatedly said in every campaign I have made that if my enemies would point to a single dishonorable deed or act, I would quit the campaign and retire to private life.

If they would name where I had ever broken faith or promise with a friend or betrayed a trust, I would quit for all time. No man has ever yet accepted that challenge, and I made that statement in 150 speeches in one campaign, and I believe I can live and be happy whether the Member from Illinois [Mr. RAINEY] believes in my honor or not. The Knoxville Power Co., Mr. Speaker, was organized more than 12 years ago. I found through a local engineer that there was a magnificent water power on the Little Tennessee River. Congress, under the law, had nothing to do with that river. The Secretary of War stated that the right to dam that river vested with the State of Tennessee. The law at that time was to this effect, that if a navigable portion of a river was in more than one State then Congress had exclusive jurisdiction to say whether a dam should be constructed upon it, but if the navigable portion of a river was wholly within the boundaries of a single State the State legislature alone had the right to say whether a dam should be constructed upon it. And with that decision of the Secretary of War and a copy of the Federal statute itself we went to the Tennessee Legislature and obtained the right to put a dam across that river. That law said after we obtained this consent of the State of Tennessee, before we could actually begin the construction of the dam, we must have plans, maps, and specifications submitted to the Secretary of War for approval. We bought up the lands upon both sides of the river for seven and a half miles. The gentleman says I put $21 into it. Oh, I was very poor in those days and expect to be poor as long as I am in Congress, but if these hands ever touched a dishonest dollar, God knows that I was unconscious of it.

I worked for 10 years on that proposition, and as a resident director and attorney I purchased the lands and examined titles, made any number of trips to enlist eastern or foreign capital, for we were too poor and our people of wealth did not understand the value of that proposed development. That is how I spent 10 years trying to put that proposition through. Well, finally, after my election to Congress, Mr. Francis R. Weller, a civil engineer and a reputable citizen of this city, with an office in the Hibbs Building, called to see me. I never heard until to-day that he was a water-power lobbyist, but I did not have on the spectacles through which the gentleman from Illinois looks. However, he was an engineer and wanted an option on the property of the Knoxville Power Co. at $160,000. We gave it to him. The property was sold to the Aluminum Co. of America. That is not a water-power trust; that is a great industry owning thousands of acres of aluminum ore in Georgia, Alabama, South Carolina, and Arkansas. They had shipped their bauxite or ore from the South to the St. Lawrence River to have it treated. They desired water power in the South and they examined a number of others and finally bought ours. They purchased it for $150,000, and out of the 10 years' service the directors of the company who owned a controlling interest agreed at a meeting I was entitled for my services to $10,000. I happened to be an indorser for Charles H. Treat, president of the company, formerly United States Treasurer, who had died before the deal was made. I was, unfortunately, an indorser on his paper, and, if the gentleman wants to know

more of my personal affairs, every month after meeting my necessary expenses I turn the balance of my salary over to meet those Treat notes. Deducting my loss as Treat's indorser, I came out ahead $5,000 after working on this enterprise 10 years.

I am bringing into the district I represent the largest aluminum plant in the world. They are going to expend over $20,000,000 and give constant employment to over 1,000 men and build on the banks of the Little Tennessee River a great manufacturing city. Now, there is one county—Blount—in the district I represent which has been against me, and that is the county in which this plant is to be located. That was one of my banner counties in the last election because the people of that county believed I had performed a great act for the development of that section in locating the aluminum company in said county, but yet, in the eyes of the Member from Illinois [Mr. RAINEY], I have committed a great and grievous wrong against the people whom I represent. Why, he says I misrepresented and attempted to delude the aluminum company in the sale of the Knoxville Power Co.'s property. I am an awful man in his opinion. He says one tract of land we had an option on that we included at $10,000 the aluminum company discovered we did not own. Col. Treat, the president of our company, died, and we did not know until after his death, when we came to examine the title papers in his custody, that he had failed or neglected to secure an extension of the option. Under the terms of the sale we guaranteed title to all the lands, and when we discovered that on this one tract we could not pass title a satisfactory adjustment was made, and this is the first intimation of a deception or fraud, and the officers of the aluminum company will, if called up, in my opinion, repudiate and denounce the false charge of the Member from Illinois that any attempt or effort was made to mislead or deceive them by me or anyone else in this matter. And yet a great crime was committed, and "the gentleman from Tennessee should resign or be retired from Congress."

Mr. Speaker, how much time have I left?

The SPEAKER. Seven minutes.

Mr. AUSTIN. I reserve seven minutes, Mr. Speaker. [Applause.]

The SPEAKER. The gentleman from Illinois [Mr. RAINEY] is recognized for 19 minutes.

Mr. RAINEY. Mr. Speaker, the gentleman from Tennessee has taken up considerable time on this floor defending himself along perfectly immaterial lines. He refers to the fact that on this floor I once characterized these attempts to grab off water power in these States as "water-power steals." And he calls attention to the gentleman from Tennessee and to the gentleman from Iowa [Mr. PEPPER], authors of these bills, and to other gentlemen who have introduced these bills in this House, and then asks this House to say whether or not they would steal anything. He then defends his position and his connection with these bills by calling attention to these gentlemen and saying they will not steal. Why, of course, they would not steal.

Over here in the State of Pennsylvania the legislature has given away every available water-power site—1,688 of them in all. One hundred and thirty-three of them are owned by towns and cities, and the rest of them by corporations, and those corporations are holding inactive about half of them. These Pennsylvania charters all the way through provide that if work upon those propositions is not commenced within a year and finished within three years, and power delivered within three years, the charters shall be forfeited and the corporations dissolved. But they have there another law in Pennsylvania which provides that you can not dissolve a corporation until it pays the taxes due the State, and when they try to dissolve those corporations the corporations say, "You can not dissolve us under this law, for the reason that we have not paid taxes; and we have not paid taxes because we have no assets; and we have no assets because we have not developed these properties." Therefore, in this great State you can not dissolve these corporations and forfeit these charters. And so for future exploitation they hold over there in that State nearly one-half of all the water-power possibilities of the State, and the State is delivered over absolutely, bound hand and foot, to the Water Power Trust.

Mr. OLMSTED. Will the gentleman permit a question?

Mr. RAINEY. I prefer not to do so. I have only a short time remaining.

Mr. OLMSTED. I wish to say that any company there that does not begin its work in one year and does not complete its work in three years forfeits its charter.

Mr. RAINEY. So I stated, but you do not forfeit it because they do not pay taxes. I do not understand the law of Pennsylvania as well as the gentleman from Pennsylvania, but I think if the gentleman will look it up he will find I have correctly stated the situation in his State. Is not that a steal? All operations of that character are, from a standpoint of good morals, wrong, and when I refer to these matters as steals I do not say any of these gentlemen would commit larceny under any circumstances. Why, of course, they would not. The gentleman occupies a very large part of his time here defending the moral standing of the incorporators of these two companies in Tennessee for which he has introduced these bills, and the moral standing of the gentlemen from Morristown, Tenn., for whom he has introduced that bill. Those gentlemen are all of the very highest standing in their respective communities. I have not the slightest doubt about it, but that does not protect the State of Tennessee or the National Treasury. The heads of all the great law-defying trusts in this country are law-abiding men. Their character is the very best. Why, some of them officiate as teachers in Sunday school classes, some of them give away libraries, and yet they are engaged in robbing the people of the United States. [Applause on the Democratic side.]

I discussed his schemes down there, not from the standpoint of the personal morality of the incorporators of those companies; I did not question that. I examined those Tennessee projects from the standpoint of the solvency of the men who are asking for these franchises. And I examined them in that connection in order to call the attention of this House to the fact that they were speculative, and that these men, who are worth almost nothing at all, according to Dun and Bradstreet, none of them over $10,000, except the banker who lives in Pittsburgh—these men could not finance a thing of this kind.

These attempts are speculative, and the gentleman knows it. They obtain these franchises for the purpose of selling out, just as in 1901 the gentleman from Tennessee [Mr. AUSTIN] and his associates obtained the franchise to dam the Little Tennessee River for the purpose of selling it out and for no other purpose, and they did it. It was speculative; they sold it out to the Aluminum Co. of America, which is engaged in manufacturing, as the gentleman states. The General Electric Co. is also engaged in manufacturing, and it is the greatest water-power trust in the United States. The Aluminum Co. of America was trying recently to acquire the right to absorb the water-power possibilities of the St. Lawrence River, but the State of New York would not permit it. The Aluminum Co. is a $30,000,000 corporation, the largest single holder of water-power possibilities in the United States, and it is closely allied with the General Electric Co. The deposit of these bonds, the activity of the firm of Strong & Cadwallader, the assistance of J. Pierpont Morgan & Co.—the bankers of the General Electric Co. in the Knoxville Power Co. matters—all these facts show the close alliance of the Aluminum Co. of America with the General Electric Co. I called attention to these facts, and the gentleman, in his reply, touches lightly upon that phase of the question. I reviewed the history of the Knoxville Power Co. for the purpose of showing the possibilities of speculation in these propositions. I proved—and the gentleman himself in his answer has not denied—that he had a claim against thatcompany of $10,000 and that he afterwards obtained on that account $8,025. I called attention to a court record to show that the gentleman from Tennessee [Mr. AUSTIN] and Mr. Sullivan, of the firm of Cromwell & Sullivan, divided a little over $38,000 as their share of the profits, and that the gentleman from Tennessee held in that company $5,000 worth of class B bonds given him as a bonus, and he got 60 cents on the dollar on this $5,000 of bonds when the settlement was made.

During all this time the gentleman has not been practicing law. He was United States marshal for the eastern district of Tennessee and consul of the United States at the city of Glasgow, and then a Representative in this body.

The service rendered to the Knoxville Power Co. by Mr. Sullivan and the gentleman from Tennessee consisted in this, and nothing else: In the attempt to sell out that company to some great financial institution or concern, and finally the attempt was successful, to the tremendous profit of both of these gentlemen. And I undertake to say that there is no Member of this House who, during his membership in this body, has had better opportunities, as disclosed by this record, to get into close personal touch with representatives of the Water Power Trust. I do not seek to weave any web of suspicion about the gentleman from Tennessee. I have only stated the facts as disclosed by a court record, and I called attention to it on this floor to show how a private company can profit out of these water-power franchises.

Now, in order to throw discredit upon me the gentleman states that I voted in this House for the Dixie power proposition over there in the White River country in Missouri. I

did not vote for it. On the contrary, the record of this House will show that for nearly all one afternoon my colleague from Illinois, Dr. FOSTER, and myself fought on this floor the Dixie Dam proposition because it did not contain these two features—protection to the consumers and tolls to the Government—and finally when the time came to vote on the proposition my colleague from Illinois and myself consulted here upon this floor, and we said the amendments put on that bill by the Senate made it a better bill than the House bill. We said, "We do not want to defeat them." The proposition came on here on a report from the conferees, and the report of the conferees made it a better bill than it was, in our judgment, when it left the House. The question was whether we would defeat the report of the conferees or stand for the bill as it left this House, and all of us on this side of the House voted, as nearly as I can tell—those who voted at all—for the report of the conferees on the Dixie power bill.

Mr. MANN. Mr. Speaker, will the gentleman yield there?

The SPEAKER. Will the gentleman from Illinois yield to his colleague?

Mr. RAINEY. Yes.

Mr. MANN. I understood the gentleman to say that he and our colleague, Dr. FOSTER, fought all the afternoon against that bill.

Mr. RAINEY. We discussed it for a long time here, I will say to my colleague, and——

Mr. MANN. Not the original bill.

Mr. RAINEY. The contest was over the report of the conferees.

Mr. MANN. Only when the report of the conferees came back. I think the gentleman inadvertently said he and his colleague voted against the bill. When I called for a division—and that was the only time it was discussed—there were no negative votes cast against the bill.

Mr. RAINEY. The vote was on the report of the conferees.

Mr. MANN. But the gentleman said he and our colleague, Dr. FOSTER, fought against it all afternoon. Certainly the gentleman would not fight it all afternoon and then not vote against it.

Mr. RAINEY. If I said that, I was mistaken, of course. I thank my colleague for calling my attention to it. The bill was not before the House at all, as my colleague, who is always so correct in his facts, has stated. It was the report of the conferees. There was no opportunity that afternoon to vote for or against the bill. The vote was on the report of the conferees, and, as my colleague has stated, every man in this House who voted, voted for the report.

Now, the gentleman makes the further statement that in the discussion of this White River proposition—perhaps in this very discussion upon the report of those conferees—I referred to the fact that a lobbyist from St. Louis was here promoting the schemes of the Ozark Power Co. I did so state upon this floor, and I left the statement out of the RECORD because I was visited upon this floor, before the speech was revised, by two members of the Arkansas delegation, and they said to me in effect this: "Do not use the word 'lobbyist' in commenting upon this gentleman. It will injure us in our districts." And they will corroborate me when I say that, and if they will permit me I will put their names in the CONGRESSIONAL RECORD.

Mr. FLOYD of Arkansas. I want to say as the author of the bill that I did not visit you.

Mr. RAINEY. No; you did not. They asked me to leave out that reference to this gentleman as a lobbyist, and in their presence I wrote the words "a very pleasant gentleman" in place of the word "lobbyist," and that term used sarcastically, as I used it, I thought made my characterization of that particular lobbyist much more objectionable than the word "lobbyist," but it satisfied this gentleman from Arkansas, and I made that change.

The gentleman from Tennessee [Mr. AUSTIN] refers to a dinner I had at Harvey's the night before this matter came up for discussion upon this floor. I was there. I went there with the gentleman from Mississippi [Mr. SISSON] as his guest. On the way there we met the gentleman from Arkansas [Mr. OLDFIELD], who was accompanied by this gentleman whom I the next day characterized as a lobbyist; I think his name is Mr. Powell. I do not even remember his name now. Mr. Powell has interests in the district of the gentleman from Arkansas [Mr. OLDFIELD], and they were acquainted on that account. Mr. SISSON invited Mr. OLDFIELD to accompany us, and his friend being with him, Mr. SISSON invited him also. We went over to Harvey's and had dinner there that evening. It was the day before the Dixie power question came up here on this report of the conferees, and that evening was the first intimation I ever had that any gentleman was here in this city representing the Dixie Power Co., and the gentleman himself told me when he sat down with us at the table: "You are fighting these power schemes in these States, and it is only fair for me to say to you, before I sit down, that I am here representing one of them." I think he said he represented the Ozark Power Co. We said to him, "That makes no difference," and he sat down and had dinner with us. Mr. SISSON paid the bill for that dinner. He did not pay it.

Now, that is the fact about that. Yet the gentleman tries to weave his webs of suspicion over a fact of that kind. The very next day I came here into this House opposing this bill, denouncing this gentleman as a lobbyist, and calling attention to the fact that the Ozark Power Co. would soon absorb the franchise of the Dixie Power Co., and that these companies were represented here by him. Now, he had lots of influence over me, did he not? I was influenced a great deal, was I not, by the fact that the night before, as Mr. SISSON's guest, at Harvey's restaurant, that gentleman also sat down at the table?

I will say that the gentleman from Mississippi [Mr. SISSON] and myself take dinner together two or three times every week, we both have rooms at the same hotel, our families have gone home, and we take our meals at the House restaurant, and at various other restaurants and hotels in the city. No Member of this House is more violently opposed to these attempts to absorb water power than the gentleman from Mississippi, and he contributed to this discussion the most valuable argument made yet against these bills when he discussed the constitutionality of our position, and I think clearly established the right of the National Government to levy tolls and protect consumers, and this argument was made after the dinner at this restaurant to which the gentleman from Tennessee refers. There are not enough lobbyists and there is not enough money in this country to influence the gentleman from Mississippi [Mr. SISSON], or the gentleman from Arkansas [Mr. OLDFIELD], and the gentleman from Tennessee goes far out of his way to cast slurs upon incorruptible men of the very highest standing.

The gentleman refers to the little pamphlet I had printed which contains my controversy with him when he rose to a question of personal privilege here in the House. I was compelled to have that printed. I think when a Member of Congress receives demands from any section of the country for speeches delivered by him upon this floor he ought, so far as he can, to comply with those requests. I received so many demands for copies of the CONGRESSIONAL RECORD containing that colloquy that I was compelled to print copies of those speeches. I do not know whether the gentleman from Tennessee [Mr. AUSTIN] received many demands or not, but I will say that the most of the demands I received came from his own State. I do not think there was anything wrong about having those copies printed. I paid for them with my own money, as all Members of this House must pay when they have speeches printed over here in the Government Printing Office. I printed all of that colloquy. If the gentleman had some other speech in the RECORD it was made at some later time. That is all there was to that. I printed it to meet demands from the gentleman's own State.

I agree with the gentleman from Tennessee [Mr. AUSTIN] as to the importance of developing these properties in Tennessee and everywhere else. I have not failed on any occasion to say that I am in favor of developing all of these rivers in their power possibilities as soon as possible; but I have tried to make my position plain in this House, and I say now, as I have always said, that I am opposed to developing these power projects when the franchise we are asked to grant means turning over to these great companies our rivers without any protection to consumers and without any tolls to the Government.

The gentleman refers to me as being willing at all times to slander public men. I deny the gentleman's statement. I have for years on this floor fought not men, but improper attempts to exploit this Government. If I have mentioned the names of men high in the financial world, it has been necessary for me to do so, and I have done it fearlessly. I denounced the Sugar Trust. Its directors admitted that by a system of false weights they had stolen millions from the Treasury. The gentleman says I did not prove it. Why, they admitted it. The gentleman states that I said the brother of the President was one of the attorneys for the Sugar Trust and that I did not prove it. On the contrary, I did prove it, and I produced here on this floor the evidence of it—his name signed to briefs filed for the Sugar Trust in the Federal courts. He refers to the fact that I first exposed on this floor the Panama Canal scandal. I did; and before a Democratic committee of this House the charges I made are being investigated, a large amount of evidence has

been taken and more will be taken in the future, and if the gentleman will get the volumes entitled "The Story of Panama—Hearings on the Rainey resolution," as these publications are called, he will find that my charges are being thoroughly investigated and are being fully sustained by the evidence. I have at no time on this floor made any charges that I have not been able to sustain by the proof, and the gentleman from Tennessee is probably beginning to find that out.

The statement can not truthfully be made that at any time I voted for the Dixie power bill nor for any of these bills, but I am ready to vote for all of them whenever they contain clauses providing for the protection of consumers and for tolls to the National Treasury. The Keokuk Dam bill was the first of these bills carrying considerable value to pass this House. It passed without opposition. That was nine years ago, when I was a new Member of this body. None of us knew anything then about water-power possibilities. The bill came out from the Committee on Interstate and Foreign Commerce without any minority report, and went through this House without any opposition upon representations that the company asking for the franchise was rendering a great public service in improving navigation in the Mississippi River, and the gentleman from Tennessee is now championing this same character of bills and for the same reason—improvement of navigation in rivers. But I think he will admit that there is opposition now to these bills and to these efforts to "grab off" valuable franchises. The country is thoroughly aroused, and it will be a long time before any more bills of this character pass the Congress. A way may yet be found to compel the Keokuk company to pay tolls to the Government, and a way may yet be found to regulate the charges that company may make to consumers.

The SPEAKER. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Speaker, the gentleman closes his speech with the statement that he is opposed to bills conferring water-power rights without compensation, and yet on the 25th day of July last he voted to give one of these power propositions away without any compensation to the Dixie Power Co., on the White River, in the State of Arkansas.

Now, he speaks about his reason for changing the record and discovering that the representative of the Dixie Power Co. was not a "lobbyist," but was a "very pleasant gentleman." My understanding of that matter is that the gentleman received a message or information that the representative of the Dixie Power Co. was looking for him and intended to settle with him for calling him a "lobbyist."

Mr. RAINEY. I denounce that as absolutely false. I received no such message.

The SPEAKER. The gentleman from Illinois should not interrupt without asking permission. That applies to both gentlemen.

Mr. AUSTIN. Mr. Speaker, a person that can save the Government of the United States $25,000,000 in the twinkling of an eye can interrupt me without permission.

The SPEAKER. All right, if the gentleman wants to be interrupted.

Mr. AUSTIN. My information is from Mr. Powell himself, who spent a very pleasant evening with the gentleman from Illinois, who is fighting every power bill except Mr. Powell's, of the Dixie Power Co.

Now, I want to close the discussion with a few statements in answer to what the gentleman has said in his main or first speech, that I wanted or attempted to bottle up the town in which I live—Knoxville—and place the consumers of power at the mercy of the water-power trust. The Knoxville Power Co. had to submit in advance, to the mayor and board of aldermen, the schedule of charges for power to the consumer, and that schedule had to be satisfactory to the mayor and board of aldermen before the company could get permission to string their wires or enter the city. So the controlling question of rates was not within the power of a so-called water-power trust or the Knoxville Power Co., but alone in the mayor and board of aldermen of the city of Knoxville.

The gentleman says that Mr. Sullivan and myself had $38,000 that we divided. Mr. Sullivan put over $40,000 of money into the Knoxville Power Co. and kept it there eight years before he had any return on his investment, yet the gentleman's statement is that he furnished nothing to promote the company or enterprise and cashed out $38,000. I did not divide any $38,000 with Sullivan, or any other part with Sullivan. Sullivan held so many bonds in this company. He had advanced forty-odd thousand dollars, and under the terms of the sale his money was returned with a certain per cent on his bonds. I received a certain per cent on my bonds and a compromise for my legal services extending over a period of 10 years, and payment of a security debt of the president of that company.

Now, I sent no telegram to the holders of the Knoxville Power Co. bonds from the Victoria Hotel in New York. The chancery court of Knoxville, Tenn., decided the case against Mr. Templeton, and the supreme court, composed of Democrats, in modifying that decree, held that Sullivan was liable to Jerome Templeton, and not Mr. Austin. So I got out of the litigation with clean hands and a vindication not only by the chancery court, but by a Democratic supreme court, and in a few weeks after that I was elected by an increased majority to this House, five times greater than my first majority, and a majority in the city of Knoxville, where I had lived 30 years, of over 1,000, carrying 10 wards out of the 11, and in the district I carried 9 of the 10 counties.

Now, if the gentleman will extend the circulation of his speech made this morning in my district and accept my invitation to canvass the district, I will pay his expenses, and as much as the Chautauqua circle pays him for delivering speeches. [Applause of the Republican side.]

Now, with reference to the representative of the Dixie Power Co. being out the night before his bill was voted upon in the House with the Member from Illinois, I mentioned that event solely because the gentleman in opening his speech here charged that the so-called representative of the Power Trust was visiting my office. He visited my office once, and he accompanied the Member from Illinois to Harvey's restaurant once, and so honors are just about even between the Member from Illinois and myself as to the representative of the Dixie Power Co., or Water-Power Trust.

The Member from Illinois [Mr. RAINEY] says the statement can not truthfully be made that at any time he voted for the Dixie Power bill For proof that he voted for said bill see the RECORD of July 25, 1912, page 9663. The bill passed by a unanimous vote. The gentleman was present, and we all saw him stand up and vote for the bill.

Mr. RAINEY. I did not know that it was in the gentleman's own office, and did not so state.

Mr. AUSTIN. The gentleman has stated that my office was the headquarters of the representatives of the Water Power Trust.

Mr. RAINEY. I made no such statement as that.

Mr. AUSTIN. The gentleman said my office was headquarters, or that there was a beaten trail between it and the agents or promoters of the Water Power Trust, and the gentleman knew that statement to be false when he made it.

Mr. RAINEY. I got my information from the record of the court in the Templeton case.

Mr. AUSTIN. That lawsuit has nothing to do with confirming, proving, or justifying the untruthful statement that my office was the headquarters for the representatives of the Water Power Trust, or that there was a trail from my office to the headquarters of the Water Power Trust. [Applause.]

The SPEAKER. The time of the gentleman from Tennessee has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendment bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 15181. An act for the relief of Harry S. Wade;

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.; and

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bills of the following titles:

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the

Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors; and

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the Senate had passed bills and joint resolution of the following titles, in which the concurrence of the House of Representatives was requested:

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors;

S. 7378. An act for the relief of James E. C. Corvel;

S. 7427. An act for the relief of Edgar Allan, jr.; and

S. J. Res. 134. Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

The message also announced that the Senate had passed bills of the following titles:

H. R. 20362. An act granting a pension to Catherine Wise; and

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street; and

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7424. An act to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River."

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 21708. An act to authorize the lighting of Piney Branch Road from Georgia Avenue to Butternut Street;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska; and

H. R. 26321. An act making appropriations for the legislative, executive, and judicial expenses for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 21969. An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 7427. An act for the relief of Edgar Allan, jr.; to the Committee on Claims.

S. 7160. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent relatives of such soldiers and sailors; to the Committee on Invalid Pensions.

PENSIONS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to call up from the Speaker's desk the bill (H. R. 24016) granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and to certain widows and dependent children of soldiers and sailors of said war, and agree to the Senate amendments thereto.

The SPEAKER. The Chair will state to the gentleman from Missouri and all other gentlemen that there are three conference reports on the Speaker's desk that it is very desirable to get out of the way.

Mr. RUSSELL. Mr. Speaker, I will state that I have spoken to the leader upon this side, the gentleman from Alabama [Mr. UNDERWOOD], before I addressed myself to the Chair.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill H. R. 24016, a pension bill, with Senate amendments thereto and agree to the Senate amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the Senate amendments.

The Clerk read the Senate amendments.

Mr. RUSSELL. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

Mr. GREGG of Pennsylvania. Mr. Speaker, I believe it to be entirely proper at this time and to the interest of the people of the country to review briefly the work of the Democratic House of this the Sixty-second Congress. The Democratic Party went into power in the House on the 4th day of April, 1911, after having been called into special session by the President of the United States, with certain platform pledges made to the people in 1908, which it proposed, contrary to Republican example, to carry into effect.

It had specifically promised the people to abolish Cannonism, or the "Czar rule" of the Speaker, in the House of Representatives; to provide for the direct election of United States Senators by the people; to levy a tax upon incomes of individuals and corporations, that wealth may bear its proportionate share in the burdens of the Federal Government; to require the publicity of campaign expenses, so that the people might know who are behind the several candidates; to take care, generously, of all soldiers wounded in or disabled by participation in the Civil War; to admit Arizona and New Mexico as separate States; to provide a Territorial form of government for Alaska; to give Federal aid to the construction and maintenance of post roads; and to protect American citizens at home and abroad; and to practice economy in the matter of all Government expenditures.

Each of these promises has been kept inviolate and they have all been made good, as I propose to disclose in this brief summary:

Every Member of the House now has his original right to participate in all debate and all legislation on the floor of the House.

A bill for the direct election of United States Senators has been passed.

A bill to prevent improper use of money in primary and general elections and to require publicity of campaign funds and expenses has been passed; also a bill limiting the amount that any candidate for membership in the House of Representatives can expend in a campaign to the sum of $5,000.

A bill placing a tax of 1 per cent, and known as the excise bill, on the excess of net incomes over $5,000, thus requiring wealth to bear a just, proportionate share of the burden of expenses of the Government has been passed.

We have provided, by proper legislation, for the opening of the Panama Canal, exempting ships flying the American flag from the payment of tolls. The Panama Canal cost the American people $400,000,000. It was built so that freer and cheaper transportation should be given to American coastwise vessels, and the passage of the free-ship canal bill carried out the pledges to our people.

A bill providing governmental aid to 1,000,000 miles of highway used for rural free delivery has been passed.

A bill providing for an experimental parcel post has been passed, to cover all sections of the country, at a reasonable rate of carriage, and specifically providing for the marketing of agricultural and industrial products.

The Sherwood dollar-a-day pension bill gives a substantial increase to all the old soldiers of the Civil War in their declining years.

Arizona and New Mexico have been admitted as separate States.

We have revoked our treaty with Russia for failing to recognize our passports and for discriminating against our citizens.

A bill has been passed placing sugar on the free list, which will reduce the price about 2 cents per pound, thus saving more than $100,000,000 per year to the masses of the people. The deficit that would result from this reduction of the sugar schedule is provided for by the excise bill, of which I spoke before.

A bill has been passed making a substantial reduction in the wool schedule, so as to lighten the burdens of the poorer classes

in the purchase of warm clothing; also a bill making a substantial reduction in the cotton, steel, and chemical schedules.

The farmers and laborers free-list bill removed the tariff tax on farming implements, meat, and flour and other necessaries of life, and would have reduced the high cost of living. All these bills were vetoed by the President.

In addition, since our platform promised protection to labor, and since the Democratic Party is built upon labor, we have passed bills as follows:

A bill to provide for the restriction of the power of Federal judges in issuing injunctions.

A bill providing for trial by jury in cases of indirect contempt.

A bill creating a department of labor, and giving labor a seat in the President's Cabinet.

A bill providing for an eight-hour day on all Government work.

A bill increasing the scope of the Bureau of Mines and giving additional relief to those employed in mining coal, and to better develop methods to prevent accidents in mines.

A bill creating a child labor bureau.

A bill taxing out of existence the white-phosphorous match production.

A bill abolishing involuntary servitude of seamen.

A bill creating a commission to settle labor disputes.

A bill to pay injured employees.

A bill investigating the Taylor system, so-called scientific shop management, in order that workmen may be protected against speeding up beyond their normal power.

A bill requiring that convict-made goods shall be branded as such, and thus removing a part of the illegitimate competition with free workingmen and the manufacturers who employ them.

An eight-hour provision in the Post Office bill for post-office clerks and carriers.

A bill which removed the "gag" rule from post-office employees, so that they may bring their grievances to Congress without fear of being discharged for doing so.

A bill increasing the wages of railway post-office clerks and to carriers both city and rural.

A bill giving second-class mail privileges to official papers of trade unions and fraternal organizations.

A provision in the naval appropriation bill requiring all coal purchased for use in the Navy to be mined in an eight-hour day.

Never before in the history of any single session of Congress has so much legislation been passed for the benefit of the American people. Moreover the House, controlled by the Democrats, forced the Republican Senate into a retrenchment of the conduct of the affairs of the Government. At the special session in 1911 useless jobs were dispensed with, which netted a saving of more than $180,000 to the American people. In addition it has reduced the number of employees in many of the departments, especially the Treasury Department, where more than 500 useless employees were removed from office. It made the general Pension Bureau, in Washington City, the general disbursing office for all pensions, and abolished 18 separate pension agencies with their army of clerks, saving more than $250,000 in that particular branch of the Government service.

On this record the Democratic Party proposes to go to the country and ask the American people to continue it in power. On this record I propose to go to my constituents in Westmoreland and Butler Counties and ask them to continue me in office, believing that I have faithfully, honestly, and conscientiously attempted to perform a duty not only to a few but to all the people of my district. I am confident in the hope that my services will be appreciated by my constituency.

NAVAL APPROPRIATION BILL.

Mr. PADGETT. Mr. Speaker, I call up the conference report on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, and inasmuch as the conference report and statement thereon are the same as were filed, and as are of record and have been for many days, with the exception of the modifications upon the matters that were objected to yesterday, I ask unanimous consent for the reading of the statement in lieu of the report, and that only those portions of the statement be read as relate to the matters objected to.

The SPEAKER. The Chair will ask the gentleman from Tennessee to designate what they are, so that the Clerk may understand.

Mr. PADGETT. Mr. Speaker, it is with reference to amendments Nos. 7, 8, 26, 34, and from No. 102 on.

Mr. BURNETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURNETT. Mr. Speaker, I desire to know whether we can agree to an amendment referring to the battleship proposition. I desire to offer an amendment striking out the conference agreement as to any battleship, or to offer an amendment so that the agreement shall be that there is no battleship.

The SPEAKER. This is a conference report, and will have to be adopted as a whole or not adopted. If the gentleman desires to get at an amendment, the only thing to do is to vote down the conference report.

Mr. BURNETT. That is the parliamentary inquiry I had in my mind. I wanted to reach it by amendment.

The SPEAKER. The gentleman can not reach it by amendment at this time.

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Could not the matter about agreeing upon the battleship proposition be reached by a motion to recommit with instructions at the proper stage?

Mr. PADGETT. Mr. Speaker, that would not be in order. This is a conference report and has to be adopted or voted down as a whole.

Mr. BURNETT. Could not the vote be taken on any particular item?

The SPEAKER. We can not take a vote on any particular item in a conference report. The conference report must be adopted or rejected as a whole. If it be rejected as a whole, then the gentleman can move to do what he pleases with it.

In answer to the gentleman from Georgia, the Chair is rather inclined to think that the thing the gentleman asks about can be done, although he would have to examine the authorities.

Mr. MANN. Mr. Speaker, before the Chair rules——

The SPEAKER. The Chair is not ruling, and if the gentleman from Illinois has any information the Chair would be glad to have it.

Mr. MANN. Mr. Speaker, my recollection is, although I am not positive in respect to it, that where a conference report is made to the House and considered in the House first the motion to recommit to the conferees is in order, but where the conference report has been presented to the Senate first, and has been agreed to, so that the Senate conferees have been discharged, and there is no conference to which the report can be recommitted, then the motion is not in order.

Mr. RODDENBERY. But if the conferees on the part of the Senate are not discharged would not the rule be different?

Mr. MANN. I think that is what I stated. If the Senate has agreed to the conference report, that does discharge the Senate conferees.

The SPEAKER. The Chair will ask the gentleman from Tennessee if the Senate has agreed to this report?

Mr. PADGETT. They did, and messaged it over yesterday afternoon.

The SPEAKER. The gentleman from Illinois states the rule correctly. The gentleman from Tennessee asks unanimous consent that only the part of the report touching amendments 7, 8, 26, 34, and from 102 following be read, for the reason that the others have already been agreed to and passed on by the House. Is there objection?

Mr. MANN. Mr. Speaker, I think we better have the report read.

The SPEAKER. The gentleman from Illinois objects, and the Clerk will read the conference report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1217).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 3, 4, 6, 25, 27, 36, 37, 38, 39, 40, 41, 42, 43, 47, 48, 58, 61, 62, 70, 71, 72, 75, 76, 78, 80, 83, 86, 91, and 110.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 9, 10, 11, 16, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33, 44, 45, 46, 49, 50, 51, 52, 54, 55, 59, 60, 65, 66, 67, 68, 69, 73, 74, 77, 81, 82, 84, 87, 88, 89, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 115, and 117, and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to the same with an amendment as follows: In said amendment, in line 1, after the word "may," insert the words with his consent"; in lines 5 and 6 strike out the words "grade from which he was retired" and in lieu thereof insert the words "same rank"; in lines 10 and 13 strike out the word "commander" and in lieu thereof insert the words "senior grade"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In said amendment, lines 5, 8, 11, and 16, after the words "commander in chief," insert the words "of the fleet"; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In said amendment, in line 2, after the words "United States," insert the following, "as amended by section 16 of an act entitled 'An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States,' approved March 3, 1899"; and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In said amendment, in line 6, after the word "received," insert the words "except pay and allowances for the unexpired period not served"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In said amendment strike out the following words: "such island possession of the United States as in his judgment may be best adapted to the permanent care and segregation of such sufferers," and in lieu thereof insert the words "the island of Culion, in the Philippines"; and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment strike out the words "and forty-three" and "two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In said amendment strike out the following words: "and sixty-seven" and "seven hundred and seventeen"; and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: Strike out all of said amendment except the following, which is retained as a separate paragraph:

"The Secretary of the Navy is hereby authorized to exchange such quantities of potassium nitrate now in store as may not be needed in the manufacture of black powder for sodium nitrate of equal value for use in the manufacture of smokeless powder."

And the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of said amendment and in lieu thereof insert the following:

"That the balances of appropriations unobligated on January 11, 1912, made for the naval service under the headings 'Ammunition for ships of the Navy,' 'Fire-control instruments for ships of the Navy,' 'Small arms and machine guns,' 'Torpedoes and appliances,' 'Experiments, Bureau of Ordnance,' 'New batteries for ships of the Navy,' 'Arming and equipping the Naval Militia,' 'Modernizing projectiles,' 'Modernizing turrets of ships of the Navy,' 'Naval Gun Factory, Washington, D. C.,' and 'Battle compasses,' are hereby reappropriated and shall be available for obligation until the close of the fiscal year ending June 30, 1913."

And the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In said amendment strike out the following: "that $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey, investigation, and report upon the coal and coal fields available for the production of coal for the use of the United States Navy or any vessel of the United States," and in lieu thereof insert the following: "That $75,000 of said sum, or so much thereof as may be necessary, may be used for the survey and investigation by experimental test of coal in Alaska for use on board ships of the United States Navy, and for report upon coal and coal fields available for the production of coal for the use of the ships of the United States Navy or any vessel of the United States, and $345,000 of said sum, or so much thereof as may be necessary, shall be used for the coaling station and fuel station at Pearl Harbor, Hawaii"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In said amendment strike out the words "one on the Washington or Alaska coast"; and the Senate agree to the same.

Amendment numbered 53: That the House recede from its disagreement to the amendment of the Senate numbered 53, and agree to the same with an amendment as follows: In said amendment, in line 7, after the word "Hawaii," insert the following: "at a cost not exceeding $1,500"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In said amendment strike out the word "eighteen" and insert in lieu thereof the word "twelve"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In said amendment strike out the word "thirty-seven" and in lieu thereof insert the word "thirty-one"; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with amendments as follows: In said amendment strike out the following: "one shell house, $20,000"; strike out the word "seventy-three" and in lieu thereof insert the word "fifty-three"; and the Senate agree to the same.

Amendment numbered 64: That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In said amendment strike out the words "five million one hundred eighty-six thousand three" and in lieu thereof insert the following: "four million six hundred twenty-three thousand three hundred"; and the Senate agree to the same.

Amendment numbered 79: That the House recede from its disagreement to the amendment of the Senate numbered 79, and agree to the same with an amendment as follows: On page 40 of the bill, line 20, after the word "officers," insert the words "of the dental corps"; and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendments: In line 6 and 9, strike out the word "section" and in lieu thereof insert the word "act"; and the Senate agree to the same.

Amendment numbered 90: That the House recede from its disagreement to the amendment of the Senate numbered 90, and agree to the same with an amendment as follows: In said amendment restore the matter stricken out, with the following amendment: Strike out the word "ten" and in lieu thereof insert the word "thirty-five"; and on page 45 of the bill, lines 21 and 22, after the word "Vermont," strike out the words "two hundred and fifty" and in lieu thereof insert the words "three hundred"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with amendments as follows: In said amendment, in line 3, strike out the word "two" and insert in lieu thereof the word "one"; also strike out the word "battleships," and insert in lieu thereof the word "battleship"; also strike out the word "each." In line 6 strike out the word "great" and insert in lieu thereof the words "greatest desirable." In line 8 strike out the word "each"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In said amendment in lieu of the matter stricken out and inserted insert the following: "nine million four hundred and forty-six"; and the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: In said amendment in lieu of the matter stricken out and inserted insert the following: "threee hundred and fifty-five"; and the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out and inserted, insert the following: "seven million two hundred and sixty-five"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out, insert the following: "twenty million five hundred and sixty-nine"; and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In said amendment, in lieu of the matter stricken out, insert the following: "No enlisted men or seamen, not including commissioned and warrant officers, on battleships of the Navy, when such battleships are docked or laid up at any navy yard for repairs, shall be ordered or required to perform any duties except such as are or may be performed by the crew while at sea or in a foreign port"; and the Senate agree to the same.

L. P. PADGETT,
J. FRED. C. TALBOTT,
GEO. EDMUND FOSS,
Managers on the part of the House.

GEO. C. PERKINS,
H. C. LODGE,
B. R. TILLMAN,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H. R. 24565) making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report on the amendments of the Senate, namely:

Amendment No. 1 provides that the Auditor for the Navy Department may allow payments made to hospital stewards who were granted permanent appointments on May 13, 1908, which have been heretofore disallowed by reason of a decision of the Assistant Comptroller of the Treasury, and the House recedes.

Amendment No. 2 strikes out the provision that hereafter any officer of the Navy who voluntarily retires or is involuntarily retired under the provisions of sections 8 and 9 of the act approved March 3, 1899, shall be retired in the grade in which he is serving and not promoted to a higher grade on the retired list, as provided under existing law, and the Senate recedes.

Amendments Nos. 3 and 4 provide that the six months' pay gratuity allowed by law paid upon the death of any officer or enlisted man on the active list of the Navy and Marine Corps shall be paid to the widow, children, or any other person previously designated by such officer or enlisted man, and the Senate recedes.

Amendment No. 5 corrects a misprint, and the House recedes.

Amendment No. 6 increases the pay of the secretary of the Admiral of the Navy $500 per annum, and the Senate recedes.

Amendment No. 7 provides that hereafter any naval officer on the retired list may be ordered to perform duty, and shall receive the pay and allowances of an officer on the active list of the grade from which he was retired, provided that no such retired officer so employed shall in time of peace receive any greater pay or allowances than the pay and allowances provided by law for lieutenant commander on the active list of like length of service, except in the case where an officer's retired pay exceeds the highest pay and allowances of the grade of lieutenant commander, in which case he shall receive his retired pay only, and the House recedes with amendments whereby any naval officer may be ordered to duty with his consent, receiving the pay and allowances of an officer on the active list of the same rank, provided that in no case shall his pay be greater than that of the pay and allowances of a lieutenant of the senior grade, except where his retired pay exceeds that amount, in which case he shall receive his retired pay only.

Amendment No. 8 provides for the disposal of useless papers in the files of vessels of the Navy, except where such papers are of historic value or are correspondence with officers or representatives of foreign Governments, and the House recedes with an amendment designating the commander in chief of the fleet as the officer to determine the useless papers to be destroyed.

Amendment No. 9 provides for an increase in the limitation of $25,345.75 for clerical, inspection, and messenger service in the various navy yards, naval stations, and purchasing pay officers, but no increase in the appropriation is recommended; and the House recedes.

Amendments Nos. 10, 11, 12, and 13 reenact existing law and provide for the voluntary extension of enlistments of enlisted men in the Navy for periods of one, two, three, or four full years without any loss of rights which might become due such enlisted man upon a reenlistment, and provides further that, with the approval of the President, any enlisted man in the Navy may be discharged at any time within three months before the expiration of his term of enlistment without prejudice to any right, privilege, or benefit that he would have received had he served his full term, and to amendments Nos. 10 and 11 the House recedes, and to amendments Nos. 12 and 13 the House recedes with amendments perfecting the amendment of existing law and providing that no pay or allowances shall be allowed such enlisted man for the unexpired period not served.

Amendment No. 14 provides for the transfer of all lepers of Guam to an island possession of the United States best adapted for the care of such sufferers; and the House recedes with an amendment whereby the island of Culion, in the Philippine Islands, is designated, as there is an existing leper settlement in that Island.

Amendments Nos. 15, 16, and 17 provide for an increase in transportation, recruiting, and outfits on first enlistment due to the increase in the enlisted force of the Navy provided in the bill; and the House recedes with an amendment providing an increase of $50,000 in transportation, $20,000 in recruiting, and $30,000 in outfits on first enlistment.

Amendments Nos. 18, 19, and 20 relate to the Naval War College, and an increase of $1,270 is allowed, due to additional clerical help made necessary by reason of the long course of instruction being established, and the House recedes.

Amendment No. 21 authorizes the Secretary of the Navy to make emergency purchases of war material abroad, and provides that such purchases shall be admitted free of duty, and the House recedes.

Amendments Nos. 22 and 23 relate to the purchase and manufacture of smokeless powder, and an increase of $250,000 is allowed for such purpose, and the House recedes.

Amendment No. 24 provides for an enlargement of the powder factory at Indianhead, the cost thereof not to exceed $650,000, and an appropriation of $325,000 is recommended, and provides also for the exchange of quantites of potassium nitrate now in store, and the House recedes with an amendment striking out the appropriation for the enlargement of the powder factory, but retaining the provision for the exchange of the potassium nitrate.

Amendment No. 25 provides for the expenditure of $100,000 for mines and mine appliances, and the Senate recedes.

Amendment No. 26 provides that certain enumerated appropriations for the naval service be made available for obligation for two years. These appropriations relate to the manufacture and purchase of ammunition, fire-control instruments, small arms, torpedoes, heavy guns, and battle compasses. The appropriations enumerated in the amendment have heretofore been held to be continuing appropriations, but under a recent decision of the Comptroller of the Treasury they are held to be annual appropriations; and the House recedes with an amendment reappropriating the unobligated balances but not continuing same longer than the fiscal year ending June 30, 1913.

Amendment No. 27 strikes out the heading "Bureau of Equipment"; and the Senate recedes.

Amendments Nos. 28, 29, 30, 31, and 32 change the word "wireless" to "radio" in connection with wireless telegraphy; and the House recedes.

Amendment No. 33 strikes out the provision that coal purchased by the Government shall be mined by labor employed not exceeding eight hours per day; and the House recedes.

Amendment No. 34 provides for an expenditure of $500,000 for depots for coal under the authority of section 1552 of the Revised Statutes; and the House recedes with an amendment whereby $75,000 of this amount is to be expended for the survey and investigation by experimental test of coal in Alaska for use on board ships of the Navy and report thereon, and that $345,000 of said amount shall be used for the coaling station at Pearl Harbor, Hawaii.

Amendment No. 35 provides for radio stations encircling the world, one to be situated in the Isthmian Canal Zone, one on the California coast, one on the Washington or Alaska coast, one in the Hawaiian Islands, one in American Samoa, one on the island of Guam, and one in the Philippine Islands, and an appropriation of $400,000 is recommended therefor, the total cost not to exceed $1,000,000; and the House recedes with an amendment striking out the station "on the Washington or Alaska coast."

Amendments Nos. 36, 37, and 38 provide for the abolition of the Bureau of Equipment and the permanent disposition of its funds and duties, and the Senate recedes.

Amendment No. 39 provides for an increase of $40,000 in the appropriation "Maintenance, Bureau of Yards and Docks," and the Senate recedes.

Amendments Nos. 40 and 41 provide for an appropriation of $100,000 for continuing the extension of the quay wall in the Portsmouth (N. H.) Navy Yard, and the Senate recedes.

Amendments Nos. 42 and 43 provide for an appropriation of $50,000 for rebuilding building No. 7 in the Philadelphia Navy Yard, and the Senate recedes.

Amendment No. 44 is a change of language so as to include a plant not only for electric light but for other purposes without an increase in the appropriation, and the House recedes.

Amendments Nos. 45 and 46 change the language relating to the appropriation for buildings and repairs to buildings in St. Helena, Va., without increasing the appropriation, and the House recedes.

Amendments Nos. 47 and 48 provide for an appropriation of $300,000 for improvements to the water front at the navy yard, Charleston, S. C., and the Senate recedes.

Amendment No. 49 provides for an appropriation of $5,500 for paving the streets abutting on the naval station in Key West, Fla., which is the Government's share of such paving, and the House recedes.

Amendment No. 50 reappropriates $145,000 for the establishment of a torpedo station near the naval station at Puget Sound, Wash. This appropriation was formerly made in 1910 for a torpedo station near the Pacific coast of the United States, and the House recedes.

Amendments Nos. 51 and 52 raise the limit of cost of the dry dock at Pearl Harbor from $3,350,000 to $3,468,000. This increased limit of cost is due to conditions which require the use of a richer mixture of concrete for the dry dock. The appropriation made for the dry dock at Pearl Harbor has not been increased, and the House recedes.

Amendment No. 53 authorizes the Secretary of the Navy to purchase an acre, more or less, of land in the Island of Oahu, Hawaii, for the location of wells for supplying fresh water to the naval station, out of the appropriation made last year for a fresh-water system at that station, and the House recedes with an amendment limiting the cost of the land to be purchased not to exceed $1,500.

Amendment No. 54 provides $5,000 for the extension of the underground conduit and lighting station in the naval training station at Newport, R. I., and the House recedes.

Amendment No. 55 provides for the exchange of data with foreign nautical almanac officers, with a view to reducing the amount of duplication in the work of preparing the different international nautical and astronomical almanacs, increasing the total data which may be of use to navigators and astronomers available for publication in the American Ephemeris, a nautical almanac, further providing for the termination of such arrangement upon one year's notice, and the House recedes.

Amendments Nos. 56 and 57 provide for a set of double quarters for commissioned officers at the naval proving ground, Indianhead, Md., to cost $18,000, and the House recedes with an amendment reducing the cost to $12,000.

Amendment No. 58 provides $15,000 for dredging the channel and widening the water approach at the naval magazine, Fort Lafayette, N. Y., and the Senate recedes.

Amendments Nos. 59 and 60 appropriate $9,000 for water-main pipes and fire and boundary wall at the naval magazine, Lake Denmark, and the House recedes.

Amendments Nos. 61 and 62 provide for appropriation of $22,000 for improving the water front at Newport, R. I., and $50,000 for an assembly and repair shop at the naval torpedo station, Newport, R. I., and the Senate recedes.

Amendment No. 63 provides for a general magazine to cost $13,000 and a shell house to cost $20,000 at the naval magazine, Hingham, Mass., and the House recedes with an amendment striking out the appropriation for the shell house, but agreeing to the construction of the general magazine.

Amendment No. 64 is a change of total.

Amendment No. 65 provides for a $30,000 increase in the Medical Department, which is deemed necessary, due to the increase in the enlisted personnel, and the House recedes.

Amendment No. 66 is a verbal change without any change in effect of the appropriation, and the House recedes.

Amendments Nos. 67 and 68 provide for an appropriation of $15,000 for dental outfits and dental material, due to the establishment of a dental corps provided for in the bill, and the House recedes.

Amendment No. 69 is a change of total, and the House recedes.

Amendments Nos. 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 81, 82, 83, 84, 85, and 86 relate to the establishment of a dental corps in the Navy, and the Senate recedes from its amendments to the House provision except that appointees to the dental corps shall take rank and precedence in the same manner in all respects as is the case of appointees to the Medical Corps of the Navy, to which the House agrees. This provision places the dental corps of the Navy on the same footing as the dental corps in the Army.

Amendment No. 80 provides that acting assistant surgeons in the Navy shall receive the same pay and allowances as are now or may hereafter be provided by law for assistant surgeons in the Navy, and the Senate recedes.

Amendment No. 87 provides for a dental reserve corps, and the House recedes.

Amendment No. 88 provides that pharmacists after six years from the date of warrant be commissioned chief pharmacists after passing a satisfactory examination, and shall have the rank, pay, and allowances of chief boatswains, and the House recedes.

Amendment No. 89 provides for an increase in the limitation for the clerical, drafting, and messenger service in the various navy yards and naval stations, without any increase in the appropriations, in the Bureau of Supplies and Accounts, owing to the increased work thrown upon this department under the new system of storekeeping and cost accounting, and the House recedes.

Amendment No. 90 strikes out the limitation of $10,000 for the hulls of aeroplanes, and the House recedes with an amendment fixing the limit at $35,000, and authorizes $300,000 to be expended for repairs on the U. S. S. *Vermont*.

Amendment No. 91 strikes out the limitation of $20,000 for the machinery of aeroplanes, and the Senate recedes.

Amendment No. 92 provides for additional payments from the midshipmen's commissary fund in order to secure suitable waiters at the Naval Academy for the midshipmen, and the House recedes.

Amendment No. 93 strikes out the House provision for the Board of Visitors to the Naval Academy and inserts a provision which has been carried heretofore in the naval appropriation act for several years, and the House recedes.

Amendments Nos. 94 and 95 are changes of total, and the House recedes.

Amendments Nos. 96 and 97 provide for an increase of $200 each in the salary of the chief clerk in the office of the paymaster and in the office of the adjutant and inspector in the Marine Corps, placing all the chief clerks at the headquarters of the Marine Corps on an equal footing, and the House recedes.

Amendments Nos. 98 and 99 are changes of totals, and the House recedes.

Amendment No. 100 strikes out the proviso that coal furnished the Marine Corps shall be mined by labor that is employed not exceeding eight hours per day, and the House recedes.

Amendment No. 101 is a change of total, and the House recedes.

Amendment No. 102 provides for the construction of two first-class battleships, and the House recedes with an amendment providing for one first-class battleship.

Amendment No. 103 provides that of the two fuel ships to be built in the navy yards, one shall be built in a navy yard on the Pacific coast, and the House recedes.

Amendments Nos. 104, 105, and 106 provide for eight submarine torpedo boats, instead of four as provided in the House bill, and the House recedes.

Amendment No. 107 directs the Secretary of the Navy to consider the advisability of stationing four of the submarine boats authorized in the bill at or near the mouth of the Mississippi River and the United States seaports of the Gulf of Mexico and the remaining four upon the Pacific coast as a proper naval defense, and the House recedes.

Amendments Nos. 108 and 109 strike out the provision whereby submarines are excepted from the provision that the Secretary of the Navy may build any or all vessels authorized in the act to be built in such navy yard as he may designate, should it reasonably appear that the persons, firms, or corporations, or the agents thereof, bidding for the construction of any of said vessels, have entered into any combination, agreement, or understanding the effect, object, or purpose of which is to deprive the Government of fair, open, and unrestricted competition in the letting of contracts, and the House recedes.

Amendment No. 110 strikes out the provision allowing the gunboat which was authorized to be built on the Great Lakes under the act of May 4, 1898, to be built elsewhere, and the Senate recedes.

Amendments Nos. 111, 112, and 113 increase the appropriations for "Construction and machinery," "Equipment," and

"Armor and armament," under "Increase of the Navy," for the next fiscal year, by the amount necessary for two first-class battleships, and the House recedes by increasing the amount necessary for one first-class battleship only.

Amendment No. 114 is a change of total.

Amendment No. 115 strikes out the eight-hour law provision in the bill and inserts in lieu thereof that the act approved June 19, 1912, an act limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory thereof or for the District of Columbia, and for other purposes, to apply to all contracts authorized by this act from and after the passage of this act, and the House recedes.

Amendment No. 116 strikes out the provision prohibiting the employment of enlisted men or seamen for doing repair work belonging to any recognized trade, on battleships of the Navy when such battleships are docked or laid up at any navy yard for repairs, and the House recedes with an amendment whereby it is prohibited to employ any enlisted man at any duties except such as are or may be performed by the crew of the battleship while at sea or in a foreign port while any battleships of the Navy are docked or laid up at any navy yard for repairs.

Amendment No. 117 strikes out the word "*Provided*," and the House recedes.

The total increase due to Senate amendments is	$15,043,037.00
Amount agreed to in conference	4,673,570.00
Amount of Senate recessions	10,369,467.00
Total of bill as it passed the House	118,547,137.48
Total bill after conference	123,220,707.48

L. P. PADGETT,
J. FRED. C. TALBOTT,
GEO. EDMUND FOSS,
Managers on the part of the House.

Mr. PADGETT. Mr. Speaker, I move that the House adopt the conference report.

Mr. BURNETT. Mr. Speaker, some Members on this side indicate their desire to be heard on this, and I hope there will not be precipitant action taken without giving an opportunity for them to be heard. For instance, I understand there is an increase of $250,000 for powder, and gentlemen would like to discuss these questions, and I hope some time will be given them.

The SPEAKER. Well, if the gentleman can agree on time. How much time does the gentleman want?

Mr. BURNETT. I do not want any time, as I submitted a few remarks the other day, but the gentleman from Illinois [Mr. BUCHANAN] would like to be heard for 15 minutes, and perhaps some other gentlemen.

Mr. PADGETT. I yield 15 minutes to the gentleman from Illinois [Mr. BUCHANAN], Mr. Speaker.

Mr. MANN. How much time is there going to be used?

Mr. PADGETT. There is no agreement; I have not yielded the floor, but it is out of my time. I desire to bring this matter to a conclusion.

Mr. MANN. I want some time.

The SPEAKER. The gentleman from Illinois [Mr. BUCHANAN] is recognized for 15 minutes.

Mr. BUCHANAN. Mr. Speaker, I do not know that I shall desire the full 15 minutes, but I desire time enough to call the attention of Members of the House that the amendment which was put in when this appropriation was being considered, saving the Government $250,000 by reducing the amount for the purchase of powder, has been stricken out, and it seems, while I would not impugn anyone's motives, I have confidence in the good motives of the Members of the House who served on the conference, yet it is certainly to the advantage of the Powder Trust to have the Government contract for powder which gives them $250,000 profit, which would be saved for the Government by the manufacture of its own powder at the Government powder mills which are equipped to manufacture at a reduction of $250,000. Now, it is said by those who are in favor of giving this criminal Powder Trust the contract, that it is necessary in time of emergency to have a Powder Trust to manufacture our powder. I say if the Government wants to protect itself in the case of an emergency it should not depend on any Powder Trust or any other private corporation, but take this $250,000 that can be saved annually and provide for powder mills, so that it may be prepared in times of emergency.

Mr. TRIBBLE. Will the gentleman yield?

Mr. BUCHANAN. I will.

Mr. TRIBBLE. Does the gentleman mean to say that this item for the Powder Trust has gotten in again after it was overwhelmingly defeated on the floor of the House?

Mr. BUCHANAN. The report says, "amendments Nos. 22 and 23 relate to the purchase and manufacture of smokeless powder, an increase of $250,000 is allowed for such purpose, and the House recedes."

Mr. TRIBBLE. And the conferees agree to that after we defeated it so overwhelmingly in this House?

Mr. BUCHANAN. Yes; that is agreed to. Now, I do not want to take up the time of the House any further than to call the attention of Members of the House to what was done in regard to this particular matter which was so fully discussed at the time the appropriation was considered showing that the Government can produce powder for about 33 cents a pound, whereas they are buying this of the Powder Trust at 60 cents a pound.

In my judgment, it does not cost the Powder Trust 30 cents a pound to produce the powder they are selling to the Government at 60 cents a pound, although the officials of this trust, as they are always able to do, have figures appearing that they are not making that great profit. Now, another thing I want to say while I have the floor is this: I claim that the Democratic caucus when it took up and considered the question of battleships took the proper position under the circumstances at this time, that instead of authorizing additional battleships we should round up our Navy and furnish the necessary auxiliary vessels to those battleships, and that seemed to be the settled policy for the Democrats until the publicity bureaus of the armor-plate manufacturers, and steel manufacturers, and the shipbuilders got busy and worked up a sentiment in favor of battleships. Now on that I want to say it is not my purpose to impugn anyone's motives who is in favor of battleships, but I do say this, that if the Government would construct its own battleships, manufacture its own armor plate and steel, and put a tax upon the large incomes in this country to pay for the expenses, you would see the trust newspaper editorials of the country turn tail in regard to the matter, and would advocate peace instead of war.

Mr. MURRAY. Will the gentleman yield? I desire to inquire of the gentleman from Illinois whether he can give the House any definite information as to the publicity bureaus to which he referred?

Mr. BUCHANAN. The gentleman from Massachusetts, if he is well informed, knows they are always busy. The publicity bureaus have caused to be published in the newspapers of this country for many years war scare items for the purpose of obtaining large expenditures for the Navy so that the armor-plate and steel manufacturers can make exorbitant profits to pay dividends on the watered stock—spurious capital—which has been soaked into the steel industries by the industrial and commercial pirates of the country.

He does not have to ask me that question. In my judgment he knows it as well, if not better than I do.

Mr. MURRAY. If the gentleman will yield further, I will say that the question is entirely sincere. I have heard much loose language about publicity bureaus, and I have never been able yet to get any definite information in regard to them, and I wonder whether or not the gentleman from Illinois will give the information to us.

Mr. BUCHANAN. If the gentleman will read the record of this House as to what the armor plate and Steel Trust people have been doing, he will readily understand their publicity bureaus have been working overtime in order to keep them in favor with the people of this country, so that they may be able to get contracts from the Government and further rob the people as they have been doing for a number of years. They have been partially successful in the past in deceiving the public, but their ability to further deceive them, in my opinion, is gone. I believe the people of these United States are awakening to what is being done through the agencies of the large corporations and big business interests in this country, and so far as I am concerned I am willing to go "to the bat" in a political campaign on any position I take in regard to questions of this kind, and I believe if this question was put properly before my constituents they would vote 3 to 1 against increasing the expenditures of the Navy Department when there is no indication of war.

Mr. MURRAY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois [Mr. BUCHANAN] yield to the gentleman from Massachusetts [Mr. MURRAY]?

Mr. BUCHANAN. The gentleman from Massachusetts [Mr. MURRAY] is not looking for information from me. He is trying to confuse the argument I am trying to make here.

Mr. MURRAY. Oh, no; Mr. Speaker. But I do not understand——

Mr. BUCHANAN. I do not care to have my time taken up. I have only 15 minutes. However, I will yield.

Mr. MURRAY. I just wanted to ask the gentleman in all good faith to have incorporated in his remarks the reference to

the place in the CONGRESSIONAL RECORD where I may find the information that I have honestly asked for.

Mr. BUCHANAN. I will ask the gentleman to read the Stanley steel report and he will obtain information that may be of benefit to him, and also read information that was secured some years ago in the investigation as to the quality of armor plate, and so forth, which investigation was never completed.

The hearings and the report of the special steel committee show that a coterie of men who have been posing as eminent business men of the country have committed the greatest crimes of the age under the guise of great beneficiaries in the development of the industries of the country and through their publicity bureaus and the trust newspaper editorials they have decieved the people into believing that they were legitimate business men.

The Hon. A. W. GREGG, of Texas, in his thoroughly convincing speech that the position of the Democratic caucus was a wise one, states that at a certain banquet of the Navy League one of the speeches contained the following:

There is little danger of the United States being invaded, but she now has a larger rôle to play than merely the protection of her own territory. She can not remain passive while injustice is being done in any part of the world. She should announce to the world that she stands for justice to all, particularly the weak, and should be ready to stand back of her announcement.

On February 25, of this year, there appeared in the New York Herald an article from Capt. L. Persius, one of the most capable and best known of the German retired naval officers, in which he says:

The Japanese Navy, far from being equal to that of the United States, is weaker than at the outbreak of the Russo-Japanese War. The then modern battleships are now obsolete. The ships captured from the Russians, rebuilt at a cost of more than $30,000,000, have very small fighting value, and the increment through new battleships is extraordinarily small.

Only the battleships *Aki* and *Satsuma*, completed with almost record-breaking slowness of construction in five years, can be considered modern ships, though they carry only four 12-inch guns instead of the usual *Dreadnought* armament, and it is extremely doubtful whether Japan's first two ships of the *Dreadnought* class, the *Setsu* and the *Kawachi*, will be finished in time to join the fleet this year.

A first-class battleship cruiser is under construction in England, another has recently been started in Japan. These, with small cruisers, destroyers, and submarines, represent the total increase since the war with Russia.

Further on Mr. GREGG quotes Admiral Lord Charles Beresford as saying:

The public were and are hypnotized by the *Dreadnought* policy. The excessive and vulgar advertisements lavished upon this experimental vessel were by no means justified. To the building of these great ships has been sacrificed every other naval requirement. Without an adequate provision of these essentials—

Meaning auxiliaries—

the battle fleet is useless for fighting purposes, and the money spent on it is a present to the future enemy.

The following is an extract from the hearings on the investigation of the United States Steel Corporation, on page 3958, taken from a letter written by Mr. Edward Forrester, first vice president, to Mr. H. P. Bope, first vice president of the Carnegie Steel Co., in the minutes of general managers of sales:

It has therefore occurred to me, as I stated at recent meetings, that if the newspapers throughout the country could be brought into a more familiar knowledge of the facts publications regarding the corporation throughout the United States would be uniformly favorable. The only way that has occurred to me by which this could be accomplished is by establishing a general advertising bureau representing all the constituent companies—not a majority or one or two, but all. I believe if such a bureau was established and the head of the bureau was fully advised as to the wishes of the corporation that they could so spread their favors either by money paid for advertising or by news items furnished upon which the public could rely that the result aimed at would surely be attained. It seems to me the money now being expended for advertising by the various companies forms a fund large enough so that if handled with the single idea of getting the best results—not in simply selling goods or bringing before actual buyers the knowledge of our goods, which we can accomplish in other ways, but by disseminating proper knowledge of the corporation and its methods—would be ample; but even should it be necessary to largely increase the expense in order that the general reading public might view us in the same light as those who read the favored papers used by the corporation and those who come in contact with our managers of sales, the additional expense, it seems to me, would be fully justified.

Another extract from the minutes of general managers of sales shows that an inquiry by the president developed that approximately $140,000 per year is being expended by the various companies in direct advertising.

This without doubt is a resourceful publicity bureau, as it is admitted in the hearings of the steel committee that the policy of the steel corporation was to use this money to secure favorable news items in the publications of the country. No experienced man doubts that the great business corporations of the country exercise great influence over the daily newspapers and other publications. It is known that they have threatened to withdraw their advertisements, which meant thousands and tens of thousands of dollars to the newspapers, unless news articles were published in accordance with the views of the managers of the watered-stock corporations.

If this does not convince the gentleman that the publicity bureaus are not working diligently for their profit-seeking managers, he is not open for conviction.

Mr. Speaker, I say that increasing the amount of the expenditure for the Navy is going to bring this country to a condition such as they are having in European countries at the present time—that is, they are going to take money away by high taxation from the wage earners of this country and deprive them and their families of an equitable living. I think this report should be defeated, first, because they have authorized an additional battleship and, second, because we have put in here a provision of $250,000 for the Powder Trust, which is now or has been under prosecution. They probably have whitewashed it by this time, but we all know it is an illegal or criminal trust. I therefore hope this will be defeated.

I believe in an adequate Navy, but I do not believe that a Navy composed of battleships without officers or men and without the necessary auxiliaries is either adequate or efficient.

I favor correcting the folly of the past in which everything has been subordinated to the battleship and in adopting a rational, sensible course of suspending temporarily their construction, so that we can, without unduly burdening the people and without creating a deficiency in the Treasury, provide officers and men and auxiliaries sufficient to make every battleship a fully equipped fighting unit.

In his speech delivered May 23, 1912, on this question, Hon. A. W. GREGG, of Texas, says:

Those who claim to be overwise on naval needs say we should construct 2 battleships a year. Why 2 rather than 1? Why 2 rather than 10? Two may be a program, but not a policy. They say we should have a Navy large enough to insure our peace.

If by insuring peace they mean, and that is what they mean, that we should have a Navy so large that other nations will not dare attack us, then 10 is more logical than 2, for the sooner we obtain an intimidating Navy the better, if we are to rely solely upon the Navy. Our critics do not tell us what policy we should adopt as to the size of our Navy compared with those of other countries in order to be able to insure our peace by means of the Navy.

They preach and preach, but when their sermons are finished they have not told us what we must do to be saved.

The trouble heretofore has been that we have had no fixed naval policy, by which I mean that we have not decided what should be the relative size of our Navy to that of the other nations of the world.

If we should decide that it should be the largest in the world—however wild the idea may be—we would have an ultimate object in view and could gradually work up to it and do it systematically. If we decide that it should be next in size to that of England, then with that definite purpose in view we could work up to it.

The political party which believes we should burden the people with a Navy so large that it will intimidate other nations, and which believes in "securing our peace" by means of a Navy rather than by treaties, arbitration, and diplomatic negotiations, should have the courage to say so in its platform and take the responsibility before the people, who will have to bear the burden.

There are but two rational policies. If we are to look at it from an aggressive and world-power view—that is, if we are ready to say that it is our purpose to dominate the seas of the world and to intermeddle in all international affairs, and we are ready to seek, instead of avoiding, entangling alliances—then the proper policy to adopt is to construct a Navy larger than that of any other nation. That is what our critics want to do.

If, on the other hand, we want to give some assurance of sincerity in our professions that we prefer law, arbitration, and diplomacy to gunpowder and dynamite as a means of adjusting international differences; if we prefer by example to teach and induce other nations to call a halt in the construction of these floating monsters, rather than encourage them in it; if we would rather be the leaders in peace than in war; if we prefer the hum of industry to the rattle of musketry and thunder of cannons, then our policy should be the one we have followed so long, without danger to our national defense, and the one laid down in the last Democratic national platform, which declares:

"We believe that the interest of this country would be best served by having a Navy sufficient to defend the coasts of this country and protect American citizens wherever their rights may be in jeopardy."

This means a defensive and not an aggressive Navy. We should amply protect our coasts and harbors with comparatively inexpensive submarines and shore batteries, and have enough large fighting ships to "protect American citizens wherever their rights may be jeopardized," as we have so often done in cases of internal uprisings and disturbances in China and other nations.

Mr. Chairman, I know that the Constitution and Washington and Jefferson, like the battleship after a few years' use, are considered obsolete, but I like occasionally to recur to them like the old-time Christian, who is bewildered and confused by the new theologies of the day, loves to return to his Bible and get new courage for the battle of life and have renewed his hopes for the future. [Applause.]

So I will quote from Thomas Jefferson in regard to the first policy. He said:

"Wars must sometimes be our lot, and all the wise can do will be to avoid that half of them which would be produced by our own follies and our own acts of injustice, and to make for the other half the best preparations we can. Of what nature should these be? A land army would be useless for offense and not the best nor safest instrument of defense. For either of these purposes the sea is the field on which we should meet an European enemy. On that element it is necessary we should possess some power. To aim at such a navy as the greater nations of Europe possess would be a foolish and wicked

waste of the energies of our countrymen. It would be to pull on our own heads that load of military expense which makes the European laborer go supperless to bed and moistens his bread with the sweat of his brow."

If to secure our peace it is necessary to adopt a policy of building such a Navy as the greater nations of Europe possess, and thereby "foolishly and wickedly waste the energies of our countrymen and pull on our own heads the load of military expense which makes the European laborer go supperless to bed," the people should be put on notice that such is our intention, and should be fully informed as to the ever-increasing burden they are expected to bear.

The cry "In time of peace prepare for war" may be a catchy slogan, but in its ultimate analysis it means that all nations at all times should be in a state of preparedness for war, which further means a mad rush to insolvency for every nation of the earth. [Applause.]

The appeal is made to the pride and martial spirit of our people in support of an aggressive Navy; but the appeal is never accompanied with a statement showing the enormous increase of expenses, nor with the suggestion that all this money is extracted by taxation from the pockets of the people.

To show how, even under our moderate program, these expenses have increased, I cite that such expenses have been as follows:

In 1880	$13,536,985
In 1900	55,953,078
In 1910	123,173,717
In 1911	126,478,338

If this money was raised by direct taxation, whereby every taxpayer would know just how much he was contributing to the payment of this gradually and immensely increasing expense, you would not find as many Navy jingoes on the floor of this House as you now find.

I am certain that I am serving my constituents and the country better by endeavoring to call a halt upon the insane notion that this Nation must produce battleships as a hen lays eggs—so many so often. This battleship craze, so far as it has any place in public opinion anywhere, is prompted and promoted by battleship builders. Take away contractors' profits and the profits of financiers in connection with the annual output of battleships and there would soon be little demand for them, either in this country or any other.

If the effort that is now being made by the battleship "jingoes" to have the Government make large and unnecessary expenditures for battleships were made in behalf of peace; if our great and able editorial writers were left to write as their conscience dictated and would advocate peace among the nations it would not be long before we could materially reduce the expenditures for battleships and other preparations for war; but they preach the doctrine of force instead of the doctrine of arbitration and peace. They would encourage and stimulate the mad rush of nations to greater military power and greater destruction of humankind and lay heavier burdens on the backs of the people, while, on the other hand, we, in the language of the Prophet Joel, would welcome the day when nations "shall beat their swords into plowshares and their spears into pruning hooks," when nation shall not lift up sword against nation, and neither shall they learn war any more.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Speaker, as a consistent friend of the Navy, and an adequate Navy, I shall vote to adopt the report of the conferees on the naval appropriation bill. [Applause.] Not that I am altogether satisfied with it, far from it, but because it is the best, in my judgment, that the friends of the Navy can get this year.

I believe in the policy of the Government to maintain the efficiency of the Navy. To carry out consistently that policy it is necessary that we build every year at least two modern, up-to-date battleships. To do otherwise would fall far short of maintaining an adequate Navy. There never was a time in the history of our country when an effective Navy was more essential to its territorial integrity, to its supremacy on the Western Hemisphere, and to the protection of its citizens at home and abroad. And when I say that, I speak from accurate knowledge and I speak advisedly. [Applause.]

The American people take a just pride in their Navy. They have every reason to feel proud of it. It is a bulwark of national defense, a mighty engine of offense, and national insurance for peace—and I am for peace here and everywhere. Every dollar spent on the Navy is just so much money expended to maintain peace.

There should be no retrogression in our naval program or in promoting the efficiency of the naval arm of the Government. The Navy is nonpartisan, and every true American, no matter what his opinion may be regarding economy in other things, should be opposed to reducing in any way the strength of the Navy. We must take no step backward in our naval policy. To do so is penny wise and pound foolish. I have never voted to cripple the American Navy, and I never will. I believe in patriotism more than I do in partisanship, especially when it comes to maintaining the national defense.

The friends of the Navy are to be congratulated on the final outcome of this battleship fight. We have won one new battleship. Patriotic America will never submit to a reversal of our naval policy. The American Navy is growing, and I want to see it continue to grow until we have as efficient and as effective a Navy as any first-class power in the world. That is real democracy, and more—it is true partiotism. [Applause.]

The maintenance of an adequate Navy should not be made a party matter. No party should ever caucus on the question of maintaining our Navy. The national defense should not be dragged into partisan politics. In the future, as in the past, I shall always do all I can to maintain an adequate Navy. Any other policy is un-American, unpatriotic, undemocratic, and contrary to the best interests of all the people of our country.

In my opinion I do not believe that there is a patriotic man in the United States who understands our national position, who grasps our international policy, who comprehends the essential necessity of protecting the Panama Canal, of enforcing the Monroe doctrine, and of maintaining the rights of our citizens at home and abroad, who is opposed to keeping up the Navy to its maximum efficiency and continuing the naval policy which the Government has adopted, to build every year at least two battleships.

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. SULZER. Yes; for a question. I only have a minute left.

Mr. SHERLEY. The gentleman has made that statement and talked about a "naval program." I have always been in favor of a good-sized Navy, and have so voted and have always been here to vote; but——

Mr. SULZER. I know that, and I compliment the gentleman for it——

Mr. SHERLEY. I would like to have the gentleman point out to me when and where there has been anything that could be dignified by the name of "naval program." I know that one year the Secretary of the Navy recommended four battleships to enable us to keep our relative place in the list of naval powers, and another year one battleship, and another year two battleships, and so on. If there is anything that is more shifting than our naval program, unless it be the personnel of its head, I would like to know it. We change our Secretaries of the Navy very frequently, and we change our plans more frequently, and it is a piece of folly to talk about a "naval program" when there has never been anything approaching a program for the Navy since I have been a Member of the House.

Mr. SULZER. Mr. Speaker, I differ with the gentleman, but I have not time now to go into the subject of the gentleman's criticisms of the Navy or of the Navy Department——

The SPEAKER. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Speaker, just a word more. The gentleman from Kentucky has used up some of my time. However, I am satisfied we have won a good fight for the Navy, and that means much to the friends of our national defense, much to the real friends of peace, and much to the friends of patriotic America.

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. SLAYDEN].

Mr. SLAYDEN. Mr. Speaker, I am glad for many reasons that this controversy over the naval appropriation bill has been brought to a close. It has been marked by misrepresentation, by vulgar self-advertising, and by political exploitation in the newspapers, and also, I regret to say, by deliberate falsification about the attitude of Members of this House who have taken the same position with reference to this bill that I have. It has been charged by Members of this House that those of us who are not in favor of building two battleships are lacking in true Americanism and in patriotic devotion to our country. Well, Mr. Chairman, when, in the name of God, did these critics get to be judges of true Americanism and true patriotism? Personally I repudiate their right to pass upon my Americanism and my patriotism, and I deny their capacity to comprehend it. [Applause.]

Furthermore, it has been alleged, it has been repeatedly alleged, in the newspapers that our position was due to the fact that we were inspired by a desire to get a public-buildings "pork barrel" into the House. That is as false, so far as I am concerned, and I believe so far as the majority of the Members of this House are concerned, as any of the other many false statements that have been made in connection with this campaign for two battleships. [Applause.] I have never had the slightest desire to deny—and I do not mind saying it in perfect frankness—that for political reasons, if for no other, I was absolutely opposed to any omnibus public-building bill this

year, and I believe that was the opinion of the overwhelming majority of the majority Members of the House.

The charge that we were influenced in this fight by any such reason as that is as false as any falsehood could be and many of the people who made that statement knew they were telling what was not true when they made it. And yet it seems to have served their purpose, and the fact that it was notoriously false did not deter them from the repetition of those slanderous misstatements.

The gentleman from New York [Mr. SULZER] speaks about the Navy protecting the Panama Canal. If I am not vastly mistaken, some of the arguments for the construction of the canal were that it would enable us to get along with a smaller number of ships and would make our Navy more efficient by enabling us to quickly transfer such vessels as we have, or such portion of them as it might be desirable to send that way, through the canal from ocean to ocean. By doing so an Atlantic fleet to-day may become a Pacific fleet to-morrow.

The canal is to be defended—and in my judgment this is altogether an unnecessary procedure—by coast-defense batteries now being placed there under the direction of the War Department.

Mr. Speaker, so many lies have been published in connection with this thing that I do not know how much truth there may be in the statement of the newspapers that, having been unable to carry out their first threats of compelling the House to build two battleships, they propose now to have the biggest and the most expensive and the fastest battleship and the one with the greatest radius that was ever built; but I do want to say, sir, that if the House conferees have consented to any such program as that, they are, in my judgment, properly subject to the harsh criticism of the House, because they are not reflecting the wishes of the people who sent them to represent us in the conference with the Senate.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. SLAYDEN. Yes; if the gentleman will be quick about it. I have only a moment.

Mr. BARTHOLDT. It is proposed to build a monster of a battleship. Does not the gentleman think that in the sudden turning of such a monster battleship in the ocean there would be danger of a tidal wave on two continents?

Mr. SLAYDEN. I will say to the gentleman that I think the number of accidents that have lately befallen our battleships, the number of times that they find uncharted shoals, and the number of times that they have collisions, suggest that we ought not to put so many eggs into one basket. But, I was saying that if the conferees have provided for any such monster as is suggested by the remark of the gentleman from Missouri [Mr. BARTHOLDT]—I am happy to say the chairman of the committee says it is not true—then the conferees have not represented the spirit and the wishes of the House of Representatives. [Applause.]

The SPEAKER. The time of the gentleman from Texas has expired.

Mr. PADGETT. I yield three minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I do not desire to elaborate the remarks I made the other day, but I want to call the attention of Members, especially on this side, to the fact that there is no resolution of the Democratic caucus which binds any man to vote for any battleship. He is left absolutely free upon that question to vote against any battleship if he desires to do so. I think the fact that the conference committee has gone out and agreed to an increase in the appropriation of $250,000 for powder ought to merit the disapproval of every Member, whether he is a battleship man or a no-battleship man; and as indicated by the Speaker, the only way to arrive at that is to vote down the conference report and send it back to conference; and I hope that not only Democrats but Republicans will vote down the report of the conferees in order that the bill may go back to conference and be there corrected.

The gentleman from New York [Mr. SULZER] seems to imagine that he has the concentrated wisdom of this House—and I have no doubt but that I might prove by him that he has that concentrated wisdom—when he says every man who is well informed as to the necessities of the canal, as to maintaining the Monroe doctrine and all these other things, is in favor of two battleships. Yet a Democratic caucus by more than a two-thirds vote said that no such thing as that should be. The gentleman assumes more wisdom than all the caucus. He and a few others who have always desired to be free-lances on this question, regardless of caucus action, seem to think that that two-thirds had no knowledge of the Monroe doctrine and the needs of the canal, and I have no doubt that the gentleman has learned much about these things since he has been the distinguished chairman of the Committee on Foreign Affairs, and possibly he has learned it all. I do not suppose he will ever learn anything hereafter; but those of us who have not been so fortunate hope that hereafter, perhaps, we may, under the tutelage of the distinguished gentleman, learn something of the necessity of battleships or no battleships, and for the maintenance of the canal.

One of the arguments for the canal was that it would reduce the number of battleships. We well remember how the *Oregon* had to go around the Horn in order to get to the Pacific side. When the canal is completed we can go through with our entire fleet and meet the terrible Japs that the gentleman and some other gentlemen on this floor seem to think are a constant menace. They have had us here with our hair standing on end, almost ready to grab our muskets and take to the bushes, fleeing from the Japs who were at our heels. [Laughter and applause.]

Mr. PADGETT. Mr. Speaker, I yield five minutes to the gentleman from Texas [Mr. HARDY].

Mr. HARDY. Mr. Speaker, I wish to take occasion to reiterate my frequently expressed opinion that God's great Christian nations are eternally loaded down with immense, unreasonable, unjustifiable expenditures in preparations for war. It has been said that over 70 per cent of the expenditures of this Government are incurred and have been incurred either in actual conduct of war or the preparations for war or taking care of the consequences of wars that are past.

Such a record, if it be true—and I think it unquestionably is—is a shame and disgrace to a Christian people. The fact is that struggling humanity from the dawn of civilization has labored under burdens almost too heavy to bear and always unjustifiable by reason of great wars that in the past have devastated all lands and burdened hard all people.

It would seem that as civilization advanced expenditures for wars ought to have decreased, but somehow it seems that notwithstanding the days of great invasions have gone; that no longer an Alexander invades the East or a Tamerlane invades the West; that great armies no longer build pyramids from skulls of their victims, as the army of Attila did in the past, the burdens of expenditures mount higher and higher into pyramids that rest on the shoulders of the people with eternal and increasing and ceaseless burden. [Applause.]

And how is it that this House, through all its sessions since I have been a Member, have been subjected to the process of browbeating and of newspaper criticism, as was suggested by the gentleman from Illinois, every time and every session when we must pass on the question of battleships?

Mr. ADAMSON. Will the gentleman yield?

Mr. HARDY. Yes.

Mr. ADAMSON. I would like to ask the gentleman, with his permission, if we, the real, honest patriots who oppose this foolish eternal jingoism about battleships wish to express our opposition to the further foolish policy of increasing the Navy at this time can we do so by voting "no" on this conference report?

Mr. HARDY. I think so; and that is what I intend to do. This is not the first time the publicity bureau or some other bureau has attempted to browbeat this House in behalf of shipbuilding or battleship interests. When the question of ship subsidy was before the House a year or so ago a certain publication was libeling and denouncing Members because they were opposed to a ship subsidy. Now we have a publicity bureau attacking the integrity or patriotism of the Democratic caucus and the sincerity of Democratic Members because we oppose at this time the building of additional battleships.

Mr. BATHRICK. Will the gentleman yield?

Mr. HARDY. I have only a minute.

Mr. BATHRICK. I would like to ask the gentleman to be specific and state what this publication is. I have seen no evidence of it undertaking to browbeat anybody.

Mr. HARDY. I am willing that the gentleman should content himself with the fact that he has not seen any evidence of it, but every newspaper in the city of Washington has been denunciatory of the Democratic Party and the Democratic caucus ever since we took action with reference to the battleships, and said that they were going to compel us to take two battleships. Now that some of us have yielded, in part, to their demands, they denounce us still.

Mr. BATHRICK. Does the gentleman think that we would do anything that we did not want to do because the newspapers of Washington were denouncing us?

Mr. HARDY. I think the newspapers have compelled the Democratic caucus to take backwater.

Mr. BATHRICK. They have had no influence on me.

Mr. HARDY. Well, they have not on me, and yet I have conceded and yielded out of consideration for those who could not stand up against this newspaper and shipbuilders' propaganda and war scare.

Mr. BURNETT. If the gentleman will pardon me, I want to say that one of my colleagues just stated that when the question was up a few weeks ago a New York newspaper man came to him and wanted an interview, and this Member said, "I am opposed to battleships," and the newspaper man then said, "You are not the one we are after; we want those who are favorable to battleships."

Mr. HARDY. Now, Mr. Speaker, I want to conclude by saying that we are the greatest Christian Nation on earth, and we ought to set a good example of the peaceful purposes and policies that the United States has to-day. An unarmed giant, she can walk the paths of peace and set an example to the nations of the world if she will. [Applause.]

Mr. PADGETT. Mr. Speaker, I yield 20 minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I desire to call attention to two or three items in this bill, and the first one is an item to show how easy it is to put it over the House and the Senate. I do not think that was the intention in this case. There was an item in this bill as it passed the House providing for repairs to buildings at Helena, $25,000, and by the insertion of a comma and the striking out of the word "to" it provides "repairs, buildings" at Helena, under which they might commence buildings that would cost $25,000,000. I do not suppose that that will be done in this case, but in an item which goes through the House not subject to a point of order providing for repairs to buildings I doubt very much whether the conferees ought to agree to a proposition entirely changing the purpose of the item authorizing the construction of new buildings.

We have heard a great deal lately with reference to legislation on appropriatioin bills. There have been a good many criticisms at the other end of the Capitol and at the other end of the Avenue and even in this Chamber concerning legislation upon appropriation bills. I was very much surprised that the distinguished body at the other end of the Capitol should have inserted amendment 55 in this bill, which proposes a new plan entirely relating to the Nautical Almanac and the publication of the American Ephemeris, which repealed provisions of the Revised Statutes, and which does a number of other things concerning which not a word has ever before been uttered in the House, which is pure legislation, agreed to in toto in conference by the House conferees.

Mr. FITZGERALD. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. FITZGERALD. I call the gentleman's attention to the fact also that this item was incorporated by the Senate after the department had submitted it in connection with the legislative appropriation bill, where it would probably belong, and after a very exhaustive investigation rejected by the Committee on Appropriations.

Mr. MANN. Mr. Speaker, I am much obliged to the gentleman. I was about myself to call attention to the fact that this item does not belong in the bill under any conditions, because this Committee on Naval Affairs does not have jurisdiction over the question at all so far as any appropriation is concerned.

Mr. FITZGERALD. And it proposes to dispose of clerks provided for in the legislative bill.

Mr. MANN. I am perfectly willing, Mr. Speaker, to admit that so far as I am concerned I am opposed to legislation on appropriation bills, unless it is a piece of legisfation that I am desirous of having enacted. [Laughter.]

Mr. FITZGERALD. That is the position of everybody who is opposed to legislation on appropriation bills, even the President of the United States, because he has urged himself legislation upon appropriation bills.

Mr. MANN. Mr. Speaker, we have been entertained in a small degree, but not to the limit that I had hoped, this morning by the Democratic side of the House upon the battleship proposition, and although I heard one gentleman use the term "false" nearly 40 times in the course of a speech, he received no rise from it. For an entire session of Congress we have been told repeatedly that the Democratic Members of the House would permit no new battleships to be provided for, and the distinguished gentleman from New York [Mr. SULZER] fulminated for a while in the press every day with a long interview credited to him, telling how we were going to skin the Democratic side and rise superior to partisanship and provide the two battleships. And other gentlemen on the Democratic side were insisting that if we had no public buildings then we should have no battleships; that if we should use money for battleships, we must use money for public buildings. Then also we were told that in the end they might agree to one new battleship, which would be more powerful and destructive than any ship yet proposed in the world. But when we come to brass tacks we provide for one new battleship of the same old type at the same old cost. Those who insisted that they would never yield short of two battleships, those who insisted that they would never yield to any battleship, those who insisted that if they had any battleship it should be more powerful than any yet constructed, all smilingly take their medicine, and the public-building bill remains to be divided up at the next session after the election.

But I notice that while we do not get two new battleships, yet the lobby which has been around Congress for many years in reference to the submarine torpedo boats will not go away disappointed this year. The House provided for four submarine torpedo boats, to cost $2,240,000. The Senate doubled the amount and made it eight, to cost $4,480,000; and without a word of discussion in the House, without the expression of a syllable of language, the torpedo submarine lobby gets away with the eight torpedo boats, much to my surprise. Many times these propositions have come to us before, but I think this is the first time that the House has agreed to the highest number of these submarines asked for. And they are to be located, four at the mouth of the Mississippi River, four for the Pacific coast, not because they are needed at those points, but because having them at those points will add to the influence of the submarine lobby next year and in years hereafter.

Mr. Speaker, I yield to my colleague from Illinois [Mr. CANNON].

The SPEAKER pro tempore (Mr. CURLEY). How much time?

Mr. MANN. Such time as he may desire.

[Mr. CANNON addressed the House. See Appendix.]

Mr. BUCHANAN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none, and it is so ordered.

Mr. PADGETT. Mr. Speaker, I move the previous question on my motion to adopt the conference report.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the conference report.

The question was taken, and the Speaker pro tempore announced the ayes seemed to have it.

Mr. MANN. Division, Mr. Speaker.

Mr. HENRY of Texas. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. BURNETT. Mr. Speaker, I demand the yeas and nays.

Mr. HENRY of Texas. Mr. Speaker, I made the point of order that no quorum was present.

The SPEAKER pro tempore. The Chair will count, anyway, to ascertain whether there is a quorum present. [After counting.] Eighty-seven members are present, evidently not a quorum. The Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will proceed to call the roll.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will kindly state it.

Mr. SLAYDEN. I could not hear the statement of the Chair. Is this vote being taken on the adoption of the report?

The SPEAKER pro tempore. On the adoption of the report. Those in favor of adopting the conference report will, as their names are called, answer "aye," those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 150, nays 51, answered "present" 13, not voting 177, as follows:

YEAS—150.

Adair	Clayton	Focht	Hill
Aiken, S. C.	Cooper	Foss	Holland
Akin, N. Y.	Crago	Foster	Howell
Alexander	Curley	Fowler	Howland
Allen	Curry	Gallagher	Hughes, N. J.
Ansberry	Danforth	Gardner, Mass.	Hull
Anthony	Davis, Minn.	Gill	Humphrey, Wash.
Austin	Davis, W. Va.	Glass	Humphreys, Miss.
Bartholdt	De Forest	Godwin, N. C.	Johnson, Ky.
Bathrick	Dent	Graham	Jones
Beall, Tex.	Denver	Greene, Mass.	Kahn
Bowman	Dixon, Ind.	Greene, Vt.	Kendall
Brantley	Donohoe	Gregg, Pa.	Kennedy
Brown	Doremus	Griest	Kinkaid, Nebr.
Browning	Driscoll, D. A.	Hamilton, Mich.	Korbly
Bulkley	Driscoll, M. E.	Hamilton, W. Va.	Lafferty
Burke, S. Dak.	Dwight	Haugen	La Follette
Burke, Wis.	Estopinal	Hawley	Lamb
Byrns, Tenn.	Farr	Hay	Lee, Ga.
Cannon	Fergusson	Hayden	Lee, Pa.
Carlin	Fitzgerald	Helgesen	Lever
Carter	Flood, Va.	Helm	Linthicum

Littlepage	Murdock	Rodenberg	Talcott, N. Y.
Longworth	Murray	Rothermel	Taylor, Ohio
McCall	Needham	Saunders	Towner
McCoy	Norris	Sherley	Tuttle
McCreary	Olmsted	Sloan	Underhill
McDermott	Padgett	Small	Underwood
McKellar	Parran	Smith, J. M. C.	Utter
McKinley	Payne	Smith, Saml. W.	Watkins
McKinney	Pepper	Speer	Wedemeyer
McLaughlin	Pickett	Sterling	White
Mann	Post	Stone	Willis
Miller	Pray	Sulzer	Wilson, Ill.
Moon, Tenn.	Raker	Sweet	Wilson, Pa.
Morgan	Ransdell, La.	Switzer	Young, Kans.
Morrison	Rauch	Taggart	
Moss, Ind.	Rees	Talbott, Md.	

NAYS—51.

Ashbrook	Ferris	Howard	Slayden
Blackmon	Finley	Jacoway	Smith, Tex.
Booher	Floyd, Ark.	James	Stedman
Buchanan	George	Kitchin	Steenerson
Burnett	Goeke	Lewis	Stephens, Miss.
Candler	Goodwin, Ark.	Maguire, Nebr.	Stephens, Tex.
Claypool	Gray	Oldfield	Thayer
Cline	Hamlin	Rainey	Thomas
Cullop	Hardy	Roddenbery	Tribble
Davenport	Harrison, Miss.	Rucker, Mo.	Webb
Difenderfer	Heflin	Russell	Whitacre
Doughton	Henry, Tex.	Sims	Witherspoon
Faison	Hensley	Sisson	

ANSWERED "PRESENT"—13.

Adamson	Gillett	McMorran	Woods, Iowa.
Butler	Houston	Mondell	
Campbell	Hughes, W. Va.	Shackleford	
Garrett	Lobeck	Sparkman	

NOT VOTING—177.

Ainey	Dyer	Lafean	Randell, Tex.
Ames	Edwards	Langham	Redfield
Anderson, Minn.	Ellerbe	Langley	Reilly
Anderson, Ohio	Esch	Lawrence	Reyburn
Andrus	Evans	Legare	Richardson
Ayres	Fairchild	Lenroot	Riordan
Barchfeld	Fields	Levy	Roberts, Mass.
Barnhart	Fordney	Lindbergh	Roberts, Nev.
Bartlett	Fornes	Lindsay	Robinson
Bates	Francis	Littleton	Rouse
Bell, Ga.	French	Lloyd	Rubey
Berger	Fuller	Loud	Rucker, Colo.
Boehne	Gardner, N. J.	McGillicuddy	Sabath
Borland	Garner	McGuire, Okla.	Scully
Bradley	Goldfogle	McHenry	Sells
Broussard	Good	McKenzie	Sharp
Burgess	Gould	Macon	Sheppard
Burke, Pa.	Green, Iowa	Madden	Sherwood
Burleson	Gregg, Tex.	Maher	Simmons
Byrnes, S. C.	Gudger	Martin, Colo.	Slemp
Calder	Guernsey	Martin, S. Dak.	Smith, Cal.
Callaway	Hamill	Matthews	Smith, N. Y.
Cantrill	Hammond	Mays	Stack
Cary	Hanna	Moon, Pa.	Stanley
Clark, Fla.	Hardwick	Moore, Pa.	Stephens, Cal.
Collier	Harris	Moore, Tex.	Stephens, Nebr.
Connell	Harrison, N. Y.	Morse, Wis.	Stevens, Minn.
Conry	Hartman	Mott	Sulloway
Copley	Hayes	Neeley	Taylor, Ala.
Covington	Heald	Nelson	Taylor, Colo.
Cox, Ind.	Henry, Conn.	Nye	Thistlewood
Cox, Ohio	Higgins	O'Shaunessy	Tilson
Cravens	Hinds	Page	Townsend
Crumpacker	Hobson	Palmer	Turnbull
Currier	Hughes, Ga.	Patten, N. Y.	Vare
Dalzell	Jackson	Patton, Pa.	Volstead
Daugherty	Johnson, S. C.	Peters	Vreeland
Davidson	Kent	Plumley	Warburton
Dickinson	Kindred	Porter	Weeks
Dickson, Miss.	Kinkead, N. J.	Pou	Wilder
Dies	Knowland	Powers	Wilson, N. Y.
Dodds	Konig	Prince	Wood, N. J.
Draper	Konop	Prouty	Young, Mich.
Dupré	Kopp	Pujo	Young, Tex.

So the conference report was adopted.

The Clerk announced the following pairs:

For the remainder of the session:

Mr. COLLIER with Mr. WOODS of Iowa.

Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. RIORDAN with Mr. ANDRUS.

Mr. FORNES with Mr. BRADLEY.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. BARTLETT with Mr. BUTLER.

Mr. PAGE with Mr. MONDELL.

Mr. TURNBULL with Mr. HAYES.

Mr. ROUSE with Mr. PLUMLEY.

Mr. MOTT with Mr. SHARP.

Mr. EVANS with Mr. TILSON.

Mr. RUCKER of Colorado with Mr. DRAPER.

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Until further notice:

Mr. SHACKLEFORD with Mr. DYER.

Mr. BURLESON with Mr. BURKE of Pennsylvania.

Mr. BORLAND with Mr. COPLEY.

Mr. AYRES with Mr. AINEY.

Mr. ANDERSON of Ohio with Mr. BARCHFELD.

Mr. REILLY with Mr. MOORE of Pennsylvania.

Mr. YOUNG of Texas with Mr. REYBURN.

Mr. TOWNSEND with Mr. PROUTY.

Mr. STANLEY with Mr. NYE.

Mr. O'SHAUNESSY with Mr. MCKENZIE.

Mr. MOORE of Texas with Mr. PRINCE.

Mr. MARTIN of Colorado with Mr. PATTON of Pennsylvania.

Mr. LLOYD with Mr. MCGUIRE of Oklahoma.

Mr. HAMILL with Mr. MATTHEWS.

Mr. CONRY with Mr. JACKSON.

Mr. KONOP with Mr. LAWRENCE.

Mr. KINKEAD of New Jersey with Mr. LAFEAN.

Mr. HUGHES of Georgia with Mr. SELLS.

Mr. HAMMOND with Mr. SULLOWAY.

Mr. GREGG of Texas with Mr. VARE.

Mr. GOULD with Mr. WARBURTON.

Mr. FRANCIS with Mr. WOOD of New Jersey.

Mr. DUPRÉ with Mr. CURRIER.

Mr. DIES with Mr. CRUMPACKER.

Mr. COVINGTON with Mr. HEALD.

Mr. CONNELL with Mr. HARRIS.

Mr. CLARK of Florida with Mr. GARDNER of New Jersey.

Mr. CANTRILL with Mr. FULLER.

Mr. CALLAWAY with Mr. FRENCH.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. DICKINSON with Mr. FAIRCHILD.

Mr. GARRETT with Mr. FORDNEY.

Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. GARNER with Mr. HINDS.

Mr. POU with Mr. PORTER.

Mr. ELLERBE with Mr. WILDER.

Mr. BOEHNE with Mr. ROBERTS of Nevada.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. GOLDFOGLE with Mr. HIGGINS.

Mr. NEELEY with Mr. ROBERTS of Massachusetts.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. EDWARDS with Mr. DALZELL.

Mr. RUBEY with Mr. KNOWLAND.

Mr. BARNHART with Mr. DODDS.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. FIELDS with Mr. LANGLEY.

Mr. PATTEN of New York with Mr. POWERS.

Mr. DAUGHERTY with Mr. KOPP.

Mr. COX of Indiana with Mr. HANNA.

Mr. HOUSTON with Mr. MOON of Pennsylvania.

Mr. SHERWOOD with Mr. SLEMP.

Mr. LOBECK with Mr. ANDERSON of Minnesota.

Mr. WILSON of New York with Mr. STEPHENS of California.

Mr. HOBSON with Mr. GOOD (not to apply on veto of legislative bill).

Mr. PALMER with Mr. HENRY of Connecticut.

Mr. BRANTLEY with Mr. CALDER.

Mr. LEGARE with Mr. LOUD.

Mr. STEPHENS of Nebraska with Mr. GREEN of Iowa.

Mr. PETERS with Mr. VREELAND.

Mr. SCULLY with Mr. SIMMONS.

Mr. JOHNSON of South Carolina with Mr. GILLETT.

On this vote:

Mr. BURGESS with Mr. WEEKS.

Mr. PUJO with Mr. MCMORRAN.

Mr. SHEPPARD with Mr. BATES.

Until August 28:

Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. CAMPBELL. Mr. Speaker, is the gentleman from Georgia, Mr. HARDWICK, recorded?

The SPEAKER. He is not recorded.

Mr. CAMPBELL. I voted "aye." I have a general pair with him, and therefore I desire to withdraw that vote and vote "present."

The SPEAKER. The conference report is adopted. Further proceedings under the call are dispensed with, and the Doorkeeper will open the doors.

On motion of Mr. PADGETT, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

EXTENSION OF REMARKS.

Mr. GRAY. Mr. Speaker, having lost out on time in debate, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Indiana [Mr. GRAY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FOSS. Mr. Speaker, I desire to make a similar request.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FINLEY. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from South Carolina [Mr. FINLEY] makes the same request. Is there objection?

There was no objection.

FUR-SEAL CONVENTION.

Mr. SULZER. Mr. Speaker, I call up the conference report on the disagreeing votes of the two Houses on the bill to carry into effect the fur-seal convention, and move its adoption.

The SPEAKER. The Clerk will report the bill.

The Clerk read the title of the bill, as follows:

An act (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911.

Mr. SULZER. I ask, Mr. Speaker, that the conference report and accompanying statement be read. The statement is very short.

The SPEAKER. The Clerk will read the report and statement.

The conference report and statement were read as follows:

CONFERENCE REPORT (NO. 1216).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16571) to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington, July 7, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1 and agree to the same with an amendment as follows:

"SEC. 11. That from and after the approval of this act all killing of fur seals on the Pribilof Islands, or anywhere within the jurisdiction of the United States in Alaska, shall be suspended for a period of five years, and shall be, and is hereby, declared to be unlawful; and all punishments and penalties heretofore enacted for the illegal killing of fur seals shall be applicable and inflicted upon offenders under this section: *Provided*, That this prohibition shall not apply to the annual killing on the Pribilof Islands of such male seals as are needed to supply food, clothing, and boat skins for the natives on the islands, as is provided for in article 11 of said convention; the skins of all seals so used for food shall be preserved and annually sold by the Government, and proceeds of such annual sales shall be covered into the Treasury of the United States: *Provided further*, That at the expiration of the said five years' suspension of all commercial killing as above provided, said killing may be resumed under authority of the Secretary of Commerce and Labor: *Provided, however*, That the number of 3-year-old males selected from among the finest and most perfect seals of that age found on the hauling grounds, to be reserved for breeding purposes, in each year ending August 1, shall not be fewer than the following: In 1917, and in each year thereafter until 1926, inclusive, 5,000. The Secretary of Commerce and Labor, or his authorized agents, shall have authority to receive on behalf of the United States any and all fur-seal skins taken as provided in the thirteenth and fourteenth articles of said convention and tendered for delivery by the Governments of Japan and Great Britain in accordance with the terms of said articles; and all skins which are or shall become the property of the United States from any source whatsoever shall be sold by the Secretary of Commerce and Labor in such market, at such times, and in such manner as he may deem most advantageous; and the proceeds of such sale or sales shall be paid into the Treasury of the United States. The Secretary of Commerce and Labor shall likewise have authority to deliver to the authorized agents of the Canadian Government and the Japanese Government the skins to which they are entitled under the provisions of the tenth article of said convention; to pay to Great Britain and Japan such sums as they are entitled to receive, respectively, under the provisions of the eleventh article of said convention; to retain such skins as the United States may be entitled to retain under the provisions of the eleventh article of said convention; and to do or perform, or cause to be done or performed, any and every act which the United States is authorized or obliged to do or perform by the provisions of the tenth, eleventh, thirteenth, and fourteenth articles of said convention; and to enable the Secretary of Commerce and Labor to carry out the provisions of the said eleventh article there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $400,000."

WM. SULZER,
H. D. FLOOD,
WM. B. MCKINLEY,
Managers on the part of the House.

H. C. LODGE,
WILLIAM ALDEN SMITH,
BENJ. F. SHIVELY,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 16571, to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the north Pacific Ocean, concluded at Washington, July 7, 1911, submit the following statement:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

Section 11, page 10, line 10, strike out the word "ten" and insert the word "five."

Section 11, page 10, line 22, strike out the word "ten" and insert the word "five."

Section 11, page 11, in lines 4 and 5, after the word "following," strike out "In 1922" and insert "In 1917."

This is a compromise between the opposing views of the two Houses. There was only one point in difference between the two Houses, the length of the closed season, and the conferees agreed upon a closed season substantially of five years. The compromise was absolutely necessary, because it was essential that the bill should pass at this session, as a failure to pass it would probably lead to the loss of the treaties by which pelagic sealing has been stopped, a consummation, in view of all the circumstances, that would be deplorable.

WM. SULZER,
HENRY D. FLOOD,
WILLIAM B. MCKINLEY,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. SULZER, a motion to reconsider the vote whereby the conference report was agreed to was laid on the table.

EXTENSION OF REMARKS.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

Mr. HOWLAND. Mr. Speaker, I make the same request.

Mr. COOPER. I make the same request, Mr. Speaker.

Mr. DONOHOE. Mr. Speaker, I make the same request.

Mr. KAHN. And, Mr. Speaker, I make the same request.

The SPEAKER. All these gentlemen ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

FUR-SEAL CONVENTION (H. DOC. NO. 916).

Mr. SULZER. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. KENDALL], a member of the Committee on Foreign Affairs, may have leave to print in the RECORD, as a part of his remarks, the fur-seal treaty and also the bill carrying it into effect as finally passed.

Mr. KENDALL. Yes; and the bill as it finally passed.

The SPEAKER. Unanimous consent is asked that the gentleman from Iowa [Mr. KENDALL] may print in the RECORD, as a part of the fur-seal discussion, the treaty and the bill as it finally passed.

Mr. MANN. Would it not be better, instead of printing it in the RECORD, to print it as a House document?

Mr. KENDALL. That would be better. I accept that suggestion, to print the treaty and the bill as a separate document.

The SPEAKER. Is there objection?

There was no objection.

LEGISLATIVE ASSEMBLY, TERRITORY OF ALASKA.

Mr. FLOOD of Virginia. Mr. Speaker, I call up the conference report on House bill 38, to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, and ask that the statement be read instead of the conference report, and that the conference report be agreed to.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT (NO. 1212).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 38) to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, 6, 23, 24, 25, 26, 27, 28, 41, 42, 43, 46, 47, 49, 50, 53, 54, 55, 56, 57, 59, 60, 62, and 63.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 18, 19, 20, 21, 22, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 44, 45, 48, 51, 52, 58, 61, 64, 65, 66, 67, 69, and 70, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: After "thereof," in line 8 of the proposed amendment, insert: "*Provided further*, That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses"; and the Senate agree to the same.

Amendments numbered 7, 8, 9, 10, 11, 12, 13, 14, 15: That the House recede from its disagreement to the amendments of the Senate numbered 7, 8, 9, 10, 11, 12, 13, 14, 15, and agree to the same with an amendment as follows: In lieu of the language in the bill and the proposed amendments strike out all after "years," page 18, line 3, of the bill, down to and including "election," line 2, page 4, of the bill, and insert: "And each representative shall possess the same qualifications as are prescribed for members of the senate and the persons receiving the highest number of legal votes in each judicial division cast in said election for senator or representative shall be deemed and declared elected to such office: *Provided*, That in the event of a tie vote the candidates thus affected shall settle the question by lot. In case of a vacancy in either branch of the legislature the governor shall order an election to fill such vacancy, giving due and proper notice thereof"; and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the language proposed to be stricken out insert "of the legislature"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the language proposed to the stricken out insert "the legislature is"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out all after the word "thereof," in line 12 of the proposed amendment, down to and including "and," in line 15; and the Senate agree to the same.

H. D. FLOOD,
W. C. HOUSTON,
W. W. WEDEMEYER,
Managers on the part of the House.
WILLIAM ALDEN SMITH,
KNUTE NELSON,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

Amendments Nos. 4, 5, 6, 23, 24, 25, 26, 27, 28, 41, 42, 43, 46, 47, 49, 50, 53, 54, 55, 56, 57, 59, 60, 62, and 63, on all of which the Senate recedes, relate to the general amendment proposed by the Senate striking out the upper house of the Alaska Legislature. The bill as passed by the House provided a legislative body of two houses, the upper house, or senate, to consist of 8 members and the lower house to consist of 16 members. The Senate amended the bill by striking out the upper house, and all the above amendments were made by the Senate to make the bill conform to that. The Senate has receded and the bill is left in that respect as it was originally passed by this House.

Amendment No. 1, made by the Senate, provides that the Alaska Legislature shall have no authority to alter, amend, modify, or repeal the laws in force in Alaska in relation to fur-seal laws passed by Congress. The conferees receded from the disagreement of the House on this amendment and agreed to the same.

Amendment No. 2 reserves to Congress exclusive authority to pass laws relating to fur-bearing animals in Alaska. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 18 strikes out the words "and no more," as mere surplusage, on page 4, line 8, in section 4 of the bill, in the sentence providing for mileage to be paid to members of the legislature. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 19 requires the governor in calling an extraordinary session of the legislature to set forth the object and give at least 30 days' written notice to each member of the legislature of the meeting. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendments No. 20 and No. 21 reduce the length of the extraordinary session of the Alaska Legislature, when called by the governor, from 30 to 15 days. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 22 relates to the power of the governor to call an extraordinary session of the Alaska Legislature, and limits his power to those cases "when requested to do so by the President of the United States, or when any grave public danger or necessity may require it"; the Senate amendment strikes out the word "grave"; the conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 29 corrects the title of the legislature by striking out "legislative assembly" and inserting "legislature"; the conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 30 is a recast of a sentence prohibiting the legislature from intermixing several unrelated matters in one act, and expressing the same idea more concisely and in fewer words; the conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendments Nos. 31, 32, 33, and 34 affect only verbiage and correct the style and grammar, without materially changing the meaning of the House bill; the conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendment No. 35 limits the authority of the Legislature of Alaska to the creation of corporations or associations whose chief business shall be in the Territory of Alaska. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendments Nos. 36, 37, and 38 make verbal changes in the proviso which requires "That all authorized indebtedness shall be paid in the order of its creation." The conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendments Nos. 39, 40, 44, 45, 48, 51, 52, 64, 65, and 66 merely correct clerical mistakes and verbal surplusage. The conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendment No. 58 requires that when a bill has been passed by either house of the Alaska Legislature it shall be enrolled before being sent to the other house. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 61 provides that no law passed by the Legislature of Alaska shall be in force until "at the expiration of 90 days thereafter, unless sooner given effect by a two-thirds vote of said legislature." The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 67 is a new section changing the date of the election for Delegate to Congress from Alaska from the month of August so that it shall be held on the Tuesday next after the first Monday in November, in 1914, and every two years thereafter, so that the Delegate election and that for members of the legislature may then and thereafter be held at the same time

under the same law passed by Congress. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 69 gives the Committees on Territories in the Senate and House authority to jointly codify, compile, publish, and annotate all the laws of the United States applicable to Alaska, to employ assistance for that purpose, and appropriates $5,000 to pay therefor. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 70 merely corrects the numbering of sections in the bill. The conferees receded from the House disagreement to this Senate amendment and agreed thereto.

Amendment No. 3 is a prohibition against the Legislature of Alaska from repealing those laws passed by Congress providing for taxes on business and trade in Alaska which go to make up the "Alaska fund" in the United States Treasury, and which fund is expended in Alaska for roads, bridges, and trails, the care of insane, and the support of schools. The conferees receded from the House disagreement to this Senate amendment and agreed to the same with an amendment as follows: After the word "thereof," in line 8 of the proposed amendment, insert:

Provided further, That this provision shall not operate to prevent the legislature from imposing other and additional taxes or licenses.

Amendments Nos. 7, 8, 9, 10, 11, 12, 13, 14, and 15 all relate to the general subject of striking out the upper house of the Alaska Legislature, the practice in case of a tie vote, and election to fill a vacancy. The upper house having been restored in conference, the conferees receded from the House disagreement to these amendments and agreed to the same with amendments fitting them to the double-chamber plan.

Amendments Nos. 16 and 17 change the words "legislative assembly" to "legislature," to conform to the general rule. The conferees receded from the House disagreement to these Senate amendments and agreed thereto.

Amendment No. 68 is a new section creating a railroad commission, to be appointed by the President, to examine into and report to Congress on railroad routes in Alaska, and making an appropriation of $25,000, or so much thereof as may be necessary, to defray the expenses of said commission. The conferees receded from the House disagreement to this Senate amendment, and agreed thereto with an amendment striking out the clause requiring a report on "the best system of constructing and operating railroads and coal mines in said Territory for the use of the Government in naval and military operations."

H. D. FLOOD,
W. C. HOUSTON,
W. W. WEDEMEYER,
Managers on the part of the House.

Mr. FLOOD of Virginia. Mr. Speaker, I move that the report be agreed to.

The SPEAKER. The question is on the adoption of the conference report.

Mr. MANN. Mr. Speaker, I notice that as to the amendment No. 68 the conferees have stricken out a portion of the amendment and left in a portion which I understood was to be stricken out. It sounds harmless, but I would like to know what it means.

Mr. FLOOD of Virginia. Is the gentleman from Illinois [Mr. MANN] asking me a question?

Mr. MANN. I am getting ready to.

Mr. FLOOD of Virginia. I can not hear it.

Mr. MANN. That amendment provides for the appointment of a commission, and, with the amendment agreed to in conference, would now provide for a commission "to make a report to Congress on or before the 1st day of December next, or as soon thereafter as may be practicable, together with their conclusions and recommendations with respect to the best and most available routes for railroads in Alaska, which will develop the country and the resources thereof for the use of the people of the United States." The language of the Senate amendment was—

Which will develop the country and the resources thereof, and the best system of constructing and operating railroads and coal mines in said Territory for the use of the Government in naval and military operations, and for use of the people of the United States.

The gentleman knows that I objected to that provision in the bill, because I objected to a commission to consist of one Army engineer, one naval engineer, one geologist, and one railroad builder, to endeavor to determine or recommend to Congress what it should determine as to the policy that the Government should pursue concerning the operation and construction of railroads or other resources in Alaska.

I understood that provision was to go out in conference. I see a part of it goes out in conference, and yet the commission is required to report upon the best routes for railroads in Alaska, which will develop the country and the resources thereof for the use of the people of the United States.

Mr. FLOOD of Virginia. Mr. Speaker, I will say to the gentleman that the change was made upon the insistence of the House conferees, and they insisted upon that change in deference to the views of the gentleman from Illinois. I thought we were carrying out the views expressed by him. The objection he had to the Senate amendment was that it authorized the commission to make inquiry in reference to coal lands in Alaska.

Mr. MANN. To the extent that the language was stricken out I plead guilty, and I do not hesitate to say that I said to the gentleman from Virginia and other gentlemen that if they wanted to send this bill to conference with that language to remain in it, it would have to be done under the rules of the House.

What I wish to inquire now is why all of the language which was to be stricken out was not stricken out? Was it a misunderstanding as to what should be stricken out, or was this latter language left in for some special reason?

Mr. FLOOD of Virginia. If the language that was objectionable to the gentleman from Illinois was not stricken out in conference it was due to a mistake.

Mr. MANN. I have no desire to complain. I know how these things happen. I wondered whether it was that, or whether other reasons were given for keeping this language in. If they were given, I wanted to know what they were.

Mr. FLOOD of Virginia. Not at all. I wanted to conform to the suggestions made by the gentleman.

Mr. MANN. I will not complain.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the last vote was laid on the table.

Mr. FLOOD of Virginia. Mr. Speaker, there is one very important matter in connection with this bill which we have just passed. There are three mistakes, evidently clerical errors, which were committed in the Senate in reference to changes that are made in certain lines, giving the lines wrong. With the assistance of the gentleman from Illinois [Mr. MANN] I have drawn a concurrent resolution so that they can be corrected. I ask that it be adopted.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 62.

Resolved by the House of Representatives (the Senate concurring), That the Enrolling Clerk of the House, in the enrollment of the bill (H. R. 38) entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," be directed to regard the matter furnished in the conference report to be inserted in lieu of amendments Nos. 7 to 15, inclusive, as following the word "years," on page 3, line 18; and that the matter proposed to be stricken from amendment No. 68, as set forth in said conference report, be designated: "All after the word 'thereof,' in line 21 of the proposed amendment, down to and including 'and' in line 24."

The SPEAKER. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

CONTESTED-ELECTION CASE—WILEY AGAINST HUGHES OF WEST VIRGINIA.

Mr. COVINGTON. Mr. Speaker, I move the adoption of the resolution from the Committee on Elections No. 1 which I send to the Clerk's desk.

The SPEAKER. The gentleman from Maryland presents a privileged report from the Committee on Elections No. 1. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 703 (H. Rept. 1229).

Resolved, That James A. Hughes was elected a Representative in the Sixty-second Congress from the fifth district of West Virgina, and is entitled to a seat therein.

The SPEAKER. Is this a unanimous report?

Mr. COVINGTON. It is.

The resolution was agreed to.

CONTESTED-ELECTION CASE—WISE AGAINST CRAGO.

Mr. ANSBERRY. Mr. Speaker, I desire to present a privileged report from the Committee on Elections No. 1.

The SPEAKER. The gentleman from Ohio presents a privileged report from Committee on Elections No. 1. It will be read by the Clerk.

The Clerk read as follows:

House resolution 704 (H. Rept. 1230).

Resolved, That House resolution No. 318, to-wit:

"*Resolved*, That Jesse H. Wise, contesting the right of the Hon. Thomas S. Crago to a seat in this House as a Representative from

the twenty-third district of Pennsylvania, be, and he is hereby, required to serve upon the said Crago, within eight days after the passage of this resolution, a particular statement of the grounds of said contest; and that the said Crago be, and he is hereby, required to serve upon said Wise his answer thereto in eight days thereafter; and that both parties be allowed such time for the taking of testimony in support of their several allegations and denials as is provided by the act of February 19, 1851."

which was introduced in the House of Representatives by Mr. PALMER, of Pennsylvania, at the second session Sixty-second Congress, and which was referred to the Committee on Elections No. 1, be not agreed to.

The SPEAKER. Is this a unanimous report?

Mr. ANSBERRY. It is, Mr. Speaker, a unanimous report.

The SPEAKER. The question is on the adoption of the report.

The question was taken, and the report was adopted.

DAM ACROSS THE COOSA RIVER, ALA.

Mr. HEFLIN. Mr. Speaker, I call up from the Speaker's table the bill (S. 7343) to authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

I have the written authority from the Committee on Interstate and Foreign Commerce, signed by 11 members of the committee, which is a quorum. I ask to take the bill from the table and consider it at this time.

Mr. FOSTER. Mr. Speaker, I make the point of order that the authority which the gentleman has is not an authority in accordance with the rules of the House.

The SPEAKER. How many members are on the committee?

Mr. FOSTER. That is not the ground that I make the point of order on.

The SPEAKER. What is the gentleman's point of order?

Mr. FOSTER. I make the point of order that on page 205 of Jefferson's Manual the paragraph says:

A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

Now, I call the attention of the Speaker to volume 4, Hinds' Precedents, pages 934 and 935:

Committees can only agree to a report acting together. On January 9, 1905, Mr. JOHN S. WILLIAMS, of Mississippi, asked unanimous consent for the present consideration of House resolution No. 415, relating to statistics of the ginning of cotton; and the following paper was presented, Mr. WILLIAMS speaking of it as "a unanimous report" from the Committee on the Census:

COMMITTEE ON THE CENSUS, *January 9, 1905.*

We, the undersigned members of the Committee on the Census, agree to a favorable report on House resolution No. 415, and further agree that its author, Mr. WILLIAMS, of Mississippi, may call up same when the opportunity presents itself.

E. D. CRUMPACKER, *Chairman.*
JAMES KENNEDY.
F. M. GRIFFITH.
G. B. PATTERSON.
A. S. BURLESON.
JOE T. ROBINSON.
JAMES HAY.

The Chair understands that, in point of fact, the formal report has not been made from the Committee on the Census, although there is a paper on the Clerk's desk signed by a majority of the members of that committee. The Chair supposes that the proper form would be to ask unanimous consent that the Committee on the Census be discharged from the further consideration of the resolution, as the formal report has not been made, and the same be considered in the House.

I take it, Mr. Speaker, that this paper which the gentleman from Alabama now presents to the House as an authority from the Committee on Interstate and Foreign Commerce was secured by taking the paper around to the individual members and having them sign, and although a majority of the committee did sign it, it is not the report of the committee, which can only be made when the committee is actually called together and in session.

Mr. HEFLIN. Mr. Speaker, in reply to the gentleman I desire to state that the committee was called together, that the committee did have a meeting, and that some of the members of the committee assembled in the committee room, took this action, and informed the other members who were absent of their action and asked them to indorse their action. They did so, and a majority of that committee has signed this written authorization to me to take up the bill on the Speaker's table. It is a different case from that cited by the gentleman from Hinds' Precedents.

Mr. FOSTER. Mr. Speaker, does the gentleman contend that the committee had a formal meeting in the committee room at which a quorum was present, and then and there they passed a motion that the gentleman from Alabama should bring up this bill, and that a majority of the committee signed the paper which he has in his possession?

Mr. HEFLIN. Mr. Speaker, some member of the committee must raise that question in the committee room of no quorum. The authority I have is signed by a majority of this committee and is sufficient, in my judgment, to authorize me to take up this measure and to consider it. No point was made of no quorum being present at the committee meeting, and that is not a question to be raised here. Eleven of that committee makes a clear majority, and they did authorize me in writing to call up this bill. I am the author of the bill, favorably reported in the House; a bill like it has been reported by the Senate committee and almost unanimously passed by the Senate. This bill affects my district, my people, and my State.

Both Senators and every Member of Congress in this House, the governor of my State, the commissioner of agriculture are all in favor of it, and I appeal to the gentleman from Illinois, if upon no other ground, that he allow me and my people to say what shall be done in this purely local matter. [Applause.]

Mr. FOSTER. I will state to the gentleman from Alabama that I am perfectly willing to take up the bill if the gentleman will submit to certain amendments that ought to be put on the bill. I understand the gentleman from Alabama is opposed to any amendment to the Senate bill now on the Speaker's table.

Mr. HEFLIN. The gentleman is entirely correct.

Mr. FOSTER. I have no objection and am as anxious, Mr. Speaker, as the gentleman from Alabama that these bills should be taken up and considered in the proper way when proper consideration of this House can be given to them, but I realize and he must realize that at this late day in the session these differences can not be settled here upon the floor with the proper discussion and consideration that ought to be given to them. But that is not speaking to the point of order. I submit, Mr. Speaker, that the gentleman can not and will not contend that in the Committee on Interstate and Foreign Commerce there was a majority of those members there and that they formally agreed that the gentleman from Alabama had the right and was authorized to come before this House with this paper giving him the permission and authorization to call up this bill whenever he could get the opportunity so to do.

Mr. HEFLIN. Mr. Speaker, I wish to say in reply to the gentleman that I offered to divide time with him, that he and those with him might have an opportunity to offer any amendment they wished to offer and have those amendments pending and at the conclusion of the debate have them all voted upon. I have not sought to take any snap judgment on the gentleman. I do oppose the amendments which he proposes, but I was willing to have the House pass on them, and when the gentleman undertook at the last moment to put me out on a point of order, I did not consider that he was entitled to have any of my time; but I am willing now that he may offer his amendments and have them pending, and let the House determine in what form the bill shall pass.

The SPEAKER. What does the gentleman from Illinois say to that proposition—to offer the amendments and have them pending and voted on?

Mr. MANN. Mr. Speaker, I should like to have the point of order settled first.

Mr. UNDERWOOD. Mr. Speaker, as I understand, the gentleman from Alabama [Mr. HEFLIN] states that there has been a meeting of this committee, and that this committee has authorized him to call up this bill. The gentleman from Illinois [Mr. FOSTER] demands proof of a quorum. The committees of this House are governed by the rules of this House. There is a great deal of legislation that goes through this House without a quorum being present, but the courts of the land do not require proof of a quorum where the point of order has not been made that a quorum was not present. What is in order in the House is unquestionably in order in any committee of the House, because they are governed by the rules of the House. If this committee had met and had authorized the gentleman from Alabama to call up this bill, it is not for him to show that there was a quorum present at a meeting of that committee. It is for the gentleman from Illinois to show that there was no quorum present, and unless that is affirmatively shown, or it is shown that the records of the committee show that there was no quorum present, then the gentleman from Alabama has complied with the rules of the House.

But more than that, Mr. Speaker, I think the question as to whether a majority of a committee can under this rule authorize the calling up of a bill on the Speaker's table, so far as I have knowledge of it, has not been directly decided either way in this House. Of course we all know that it is not unusual and it is customary at times for a majority of a committee to sign a petition and authorize a bill to be reported. There is a direct decision against the reporting of a bill, which the gentleman from Illinois has read to the Speaker.

There is a very grave distinction between the reporting of a bill and the authorization of the consideration of a bill. In the first place, the Speaker should bear in mind that when a committee passes on a bill they pass on a whole legislative

bill. There are matters of grave importance. Amendments may be pending. But when you come to consider the question of withdrawing a bill from the table that has already been considered by the same committee, and an identical bill passed on, and passed on favorably, by the committee, it seems to me that the broad intent of the rule is not to let any Member of the House, on his motion, go out and call bills off the Speaker's table, but to let the responsibility rest with the committee. There is no action for the committee to take whatever except to give permission to call up the bill. There is no consideration of the bill to be given, because they have already considered the bill and reported it to the House, and it is only a question as to whether the majority of the members of that committee are willing that the bill may be presented to the House for legislative purposes. As the question is open, and as there is no direct decision to prevent the Speaker from giving a broad interpretation to this clause of the rule or a narrow interpretation that is intended to block the legislation of this House, I say the time has come when the Speaker of this House can well stand for the right of every gentleman who represents a constituency on this floor to have a fair and free opportunity to bring before the House the legislation that his constituents are vitally interested in. [Applause.] If the Speaker holds that this paper signed by a majority of the members of this committee is sufficient authority to call up this bill, it may be a construction of the rule that no one else has made, but it will be a construction in the interest of legislation; it will be a construction of the rule in the interest not of a few men blocking legislation on the floor of this House, not of a few men demanding the right, not by a majority vote of this House but by the power of the rules, to prevent a man's constituency from having a free opportunity to be heard on the floor of this House. And I say that the Speaker in deciding this question should not be confined to the narrow interpretation, but to that broad interpretation which my colleague from Alabama is taking and which he has shown his willingness to grant when the gentleman said to the gentleman from Illinois that if the bill came up he might have free and ample opportunity before the previous question is ordered to offer his amendments and let the majority of this House decide that question on its merits. [Applause.]

Mr. GARDNER of Massachusetts. Before the gentleman sits down I should like to ask him a question. Suppose that a committee by a vote of 5 to 3, without a quorum being present and without the point of no quorum being raised, had voted to report this bill? Do you think that would have been the report of the committee?

Mr. UNDERWOOD. That question is not before this House whether there was a quorum. That is a question to be determined by the committee and determined——

Mr. GARDNER of Massachusetts. Would it, in the opinion of the gentleman, be the report of the committee if the point of no quorum had not been raised?

Mr. UNDERWOOD. If a committee reports to this House and the records of that committee show that the committee met and there is nothing there to indicate that there was not a quorum present, a majority of those present helping to report the bill to this House, unless there is something to indicate affirmatively that there was not a quorum present, just as it is in this House——

Mr. GARDNER of Massachusetts. I think it is quite different in this House.

Mr. CLAYTON. There was a presumption of a quorum.

Mr. GARDNER of Massachusetts. I understand the gentleman holds that it would be the report of the committee, if five out of eight vote in the affirmative. That is to say, I understand it is the opinion of the gentleman that when the point of no quorum is not raised in committee and the committee reports a bill favorably by a vote of 5 to 3, then that is the report of the committee, and that since——

Mr. UNDERWOOD. The gentleman puts words in my mouth. I am not speaking of a vote of 5 to 3.

Mr. GARDNER of Massachusetts. Of a majority.

Mr. UNDERWOOD. I do not desire to answer that question.

Mr. GARDNER of Massachusetts. Then, Mr. Speaker, I shall go on and develop the logical conclusions.

Mr. UNDERWOOD. I decline to answer the question. I say this House is governed by the records of the committee, and if they do not disclose there is no quorum present——

Mr. GARDNER of Massachusetts. Mr. Speaker, let us see where that line of reasoning leads us. If that is true, if a majority of the committee, when no quorum is present, can report a bill favorably, then the minority subsequently, under this petition arrangement, might go outside and get signatures of more than half the committee and report a bill adversely. Did the committee report this bill when there was not a quorum present? That is the true question. If we admit this report by petition system, which would be the true report of that committee under the circumstances which I suggest? Would it be the favorable report voted by the majority when there was not a quorum present or would it be the adverse report signed by a majority of the whole committee? Mr. Speaker, the position adopted by both the gentlemen from Alabama is untenable.

Mr. JAMES. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. Yes; but I would like to develop this point.

Mr. JAMES. Even when a quorum is present could not the minority present, helping to make a quorum, go out and get sufficient signatures to make a majority of the committee?

Mr. GARDNER of Massachusetts. That is the point I make; the minority might go out and get those signatures and then the ridiculous proposition would be presented to the House of a majority reporting one way and another majority of the same committee reporting the opposite way.

Mr. JAMES. I think the gentleman does not get my point. The point is this, that the minority can do the very thing when a quorum is present that the gentleman says they can do when a quorum is not present; that is, get a sufficient number to have a majority of the committee.

Mr. GARDNER of Massachusetts. That is a fact. That is why any report is inadmissible unless adopted by a committee acting as a committee, not as a number of individuals. We must not take anything except the record of the committee, and this record we have the right to challenge. It is a matter of the highest privilege of this House to demand an answer to the question as to whether or not a quorum was present in the committee when this bill was considered. This House refers to a committee of its members a bill. It orders the committee to consider that bill. When that bill is reported back by that committee the House has a right to say, "Gentlemen, did you have a quorum of your committee present when you acted on that bill?" The House has rights in the matter. It has a right to determine whether a quorum of that committee was present and whether it in fact obeyed the order of the House. Mr. Speaker, if that were not so the House would be at the mercy of its own committee, perhaps of the chairman alone, sometimes.

A committee meeting might be called with only three or four members present. All might be on the same side of some question. The point of no quorum might not be raised in such a meeting; yet it would be preposterous to say that a report emanating from such a meeting in any sense carried out the orders of the House.

A committee's powers are delegated to it by the House. Surely the House is entitled to know whether a bill has been reported by a committee or only by individuals. I have no doubt whatever that a demand for the minutes of a committee presents a question of the highest privilege. The mere fact that a few individuals refrain from investigating the question of a quorum's presence in committee can not estop the House from exercising its power to investigate that question.

Mr. MANN. Mr. Speaker, I understand that no one has stated that the Committee on Interstate and Foreign Commerce had a meeting and that, without a quorum, authorized the gentleman from Alabama to call up the bill.

Mr. HEFLIN. They did have a meeting.

Mr. MANN. The gentleman did not say that, and I think he will not say it.

Mr. HEFLIN. I said it at the very outset.

Mr. MANN. He said he had a paper which authorized him to call up the bill, but not that there was a meeting.

The SPEAKER. What the gentleman from Alabama said was this: That there was a meeting of the committee. He did not say anything about whether there was a majority there or not.

Mr. HEFLIN. I did not say there was not a quorum.

Mr. MANN. I beg the gentleman's pardon.

The SPEAKER. And he said that he went around and got the gentlemen to sign.

Mr. HEFLIN. I stated that those who were present did give me authority.

Mr. MANN. That was not the gentleman's statement. I undertake to say that the records of the committee will not show that, with or without a quorum, the committee gave the gentleman authority to call up the bill. Now, what is the situation? The gentleman presents a paper signed by a majority of the committee, as I understand. How many did sign the paper?

The SPEAKER. Eleven. There are 21 members of the committee.

Mr. MANN. Authorized him to make this motion. There is no question as to what has always been the practice of the House. The practice of this House and its committees ever

since I have been here has been that a committee must act as a committee, and that a committee in order to act must have a quorum present, and that the chairman could not permit the committee to take action without a quorum present.

Mr. SISSON. Will the gentleman permit an interruption?

Mr. MANN. Yes.

Mr. SISSON. The gentleman was for quite a number of years chairman of this committee. Does the chairman of the Committee on Interstate and Foreign Commerce keep minutes of the meetings?

Mr. MANN. The committee undoubtedly keeps minutes, and they also show those who were present.

Mr. SISSON. Now, in order to settle this question, the minutes of that committee would show conclusively whether they ever had a meeting or not?

Mr. MANN. There is no claim that the committee had a meeting at which a quorum was present, and, as I understand, no claim that the committee took any action. The statement of the gentleman from Alabama is that there was a committee meeting called and that the members who did appear determined they were in favor of the motion and indicated to the gentleman they would sign the paper and the gentleman might have other members sign. But the gentlemen who met there did not take any action as a committee. Even if they had, the action would have been void. There is no question as to what the practice has been. There is no question that Jefferson's Manual must be an authority, and that manual is made a part of the rules of the House. Nothing can be the report of the committee but what has been agreed to in the committee actually assembled. Now, Mr. Speaker, let us see what would be the effect if it were admitted that presenting a paper signed by a majority of the committee was the action of the committee. This committee has 21 members, 11 constituting a quorum. If 11 members of that committee meet, 6 of them can make any report that they please. Six of them being a majority of the quorum, and 11 being present, 6 out of 21 can order any bill reported. That is the report of the committee. But supposing 1 of the 5 who were defeated goes out with a paper and gets the 5 minority members to sign the paper and the 10 members of the committee who were not there to sign the paper, and present it to the House, and the paper signed by 15 or 20 members of the committee present to the House a paper signed by 15 of the 21 members of the committee, which is the action of the committee? It admits of no controversy. The action of the committee is the action of the committee assembled and not all the individual members scattered about town.

The SPEAKER. The Chair would like very much, if he exercised his own desires in the premises, to rule in favor of——

Mr. HEFLIN. Mr. Speaker, if the Chair is not going to rule with me I would like to be heard again on the point of order.

The SPEAKER. The Chair is not inclined to rule with the gentleman.

Mr. HEFLIN. Mr. Speaker, on Saturday night, when this bill was called up by me, I undertook to take it from the Speaker's table and consider it, and the gentleman from Illinois [Mr. MANN] cited an authority to the effect that we had to have written authority from the committee. The Speaker held that Speaker Reed said that was correct—that written authority was required; that was, to take the bill from the Speaker's table, as I understood it.

My bill, which is identical with the Senate bill, has been unanimously reported by the Committee on Interstate and Foreign Commerce. The Senate bill came to the House, having been passed by the Senate almost unanimously. That bill lies on the Speaker's table.

It is not to be considered by the Committee on Interstate and Foreign Commerce. There was no action to be taken on this bill by this House committee except to give me authority; and I hold, if the Speaker pleases, that if the members of that committee agree that I ought to be allowed to call up the bill and have it considered, whether they were in committee or not, they had the right to give me that authority by signing their names to that document. No harm can come from it, and no injustice is done to anybody.

Gentlemen ought to be willing to let me try this bill out on its merits on the floor. I repeat it is legislation sought for my district. The whole delegation from my State joins in asking for its passage. I hold, Mr. Speaker, that if the point has not been decided point-blank against my contention the Speaker ought to rule so as to prevent any injustice being done and give this bill of mine a fair chance in the House. Two or three gentlemen from other States, thousands of miles removed from my district and State, are undertaking to legislate for me and my people. I would like to consider this bill now. I want to discuss some matters that I think would be of interest to the House and the country. The farmers of the United States pay every year $14,000,000 to Chile for nitrate of soda. The ammonium sulphate in the United States is in the hands of the Steel Trust and costs the farmers every year $3,500,000. I would like to discuss some of the reasons why certain great interests do not want any nitrate plants built up in the South. I would like to have an opportunity to present it in the name of the farmers of the United States, who want cheaper fertilizers. Some of the reasons why you should permit this company to build a dam across the Coosa River are that they will make this river navigable there and establish a large nitrate plant there, which will be a blessing to the people of the South and the people of the United States; and I would not permit these gentlemen, on a mere technicality, to prevent any Member of this House from bringing up a meritorious bill, a bill that pertains to the interests of his people. [Applause.]

Mr. CLAYTON. Mr. Speaker, I think the gentlemen from Illinois are in error as to the precise question before the Chair. This is not a question of a report coming from the Committee on Interstate and Foreign Commerce. The argument made by my friend from Illinois [Mr. FOSTER] and by my other friend from Illinois [Mr. MANN] would be, perhaps, well taken if it were a report of the committee as we ordinarily understand what a report is. But this is an authorization, or, to be more accurate, a consent on the part of the committee to take from the Speaker's table a bill which had already been considered in that committee and which had been considered in the other body.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. CLAYTON. Certainly.

Mr. MANN. The gentleman does not pretend that the committee ever considered the bill itself?

Mr. CLAYTON. I did not catch the gentleman's question.

Mr. MANN. I say, the gentleman does not claim that the committee ever considered the bill itself?

Mr. CLAYTON. It considered a similar bill on this precise subject, framed, I am informed, in the exact terms of this bill.

Mr. MANN. But not this particular bill?

Mr. CLAYTON. Of course not. It was, however, in the exact words, as I understand, of the other bill. The one bill was acted on in the Senate and the other one here, and it is my information that the two bills, in exactly the same phraseology, were introduced simultaneously, one in the Senate and one in the House, and that when the Senate bill passed the Senate favorably it came to the House and is now on the Speaker's table.

Now, the situation is this: There is a House bill of the same nature on the calendar, and following the same practice of considering the Senate bill on the same subject, the Committee on Interstate and Foreign Commerce authorized my colleague from Alabama [Mr. HEFLIN]—that is, the members of the committee authorized him—to call that bill up. It is not a report of the committee, and the rule that the gentleman from Illinois has referred to reads in this way:

> A committee meet when and where they please if the House has not ordered time and place for them; but they can only act when together and not by separate consultation and consent, nothing being the report of the committee but what has been agreed to in committee actually assembled. (Jefferson's Manual.)

This does not pretend to be a report of the committee. It is at most a mere authorization for my colleague from Alabama [Mr. HEFLIN] to call up and have the House consider and act upon the Senate bill in lieu of the House bill, which has been previously reported favorably by that committee and is now on the calendar.

The gentleman from Massachusetts [Mr. GARDNER] brings up a hypothetical case that has nothing to do with this. The gentleman from Massachusetts [Mr. GARDNER] is too good a lawyer to try a concrete question of law upon a hypothetical case. There are cases and cases. For myself I sometimes almost lose patience with the man who talks about cases on all fours. There is hardly ever a case on all fours with another. It is the eternal principle that underlies the case that ought to be decisive of the case. The case that gentleman talks about, of the committee having a meeting and three voting one way and five the other, the eight not constituting a quorum, is not the case here. Let us come back to the particular case before the Speaker now for consideration.

The House has favorably reported a bill on the same subject, in precisely the same terms as this Senate bill, and that bill is now on the calendar. The Senate bill comes over here and is on the Speaker's table. My colleague from Alabama [Mr. HEFLIN] had called it up from the Speaker's table in lieu of the House bill which has been favorably reported by the committee.

Mr. Speaker, sometimes we think that parliamentary rules are not always based upon common sense and upon reason; but the reason for the rule that requires a committee to assemble and consider a matter has been met in this case. The reason is that the House must have the deliberate judgment of a committee in the consideration of a measure. Has not the House had the deliberate judgment of the committee? Has not the committee met and considered the matter and reported it to this House? The simple proposition is that my colleague is now authorized to call up and ask the consideration by the House of a measure which has had the favorable consideration of the Interstate and Foreign Commerce Committee in the ordinary and usual way. [Applause.]

Mr. MANN. Mr. Speaker, I call the attention of the gentleman from Alabama [Mr. CLAYTON] to the fact that the rules provide that bills shall be disposed of on motions directed to be made by such committee. If the rule read:

On motions directed to be made by a majority of the members of such committee—

the gentleman's contention would be accurate. The gentleman himself admits that a committee could only make a report by the action of the committee, not by the action of the individual members, and the rule says—

On motion directed to be made by the committee—

Not by the individual members.

Mr. RODDENBERY. Mr. Speaker——

The SPEAKER. The Chair is ready to rule, but if the gentleman from Georgia will be brief, the Chair will hear him.

Mr. RODDENBERY. Inasmuch as I desire to submit an observation in support of the contention of the gentleman from Alabama, and as the Chair has indicated a disposition to rule to the contrary, I should like to submit brief remarks.

The SPEAKER. All right.

Mr. RODDENBERY. Section 400 of the rules—Jefferson's Manual—is in the hands of the Chair.

Section 860, to which the gentleman from Illinois [Mr. MANN] has just made reference, in its concluding provision provides that a House bill with Senate amendments, and so forth, may "be disposed of in the same manner, on motion directed to be made by such committee."

Now, section 803, on page 396 of the Manual, to which the attention of the Chair has not been directed from the floor, reads:

And all bills, petitions, memorials, or resolutions reported from a committee shall be accompanied by reports in writing, which shall be printed.

A note to the section says:

But the sufficiency of a report is passed on by the House and not by the Speaker.

In Hinds' Precedents, volume 4, section 4653, will be found a ruling, and the entire decision is before the Chair, but I beg to call the attention of the Chair to this language:

The Speaker overruled the point of order on the ground that it was not the duty of the Chair to pass upon the question of the character of a report, that properly belonging to the House to decide. The rule had been complied with by the committee, which had submitted a report in writing, and beyond that the Chair was not called upon to rule.

Further citing from the rule:

All resolutions reported from a committee shall be accompanied by reports in writing.

Now, a direction in writing having been submitted to the House, on its face showing the authority of a quorum of the committee, and the general rules of the House not requiring that a majority report shall be signed in any event, presents a question, if raised, which the House should decide. From the rules and precedents the suggestion is made that where a majority of the committee do sign the report, and on the face of the report it appears that a majority of the committee has authorized an action, it is not for the Chair to decide, but a question for the House to determine whether or not the report complies with the rules and reflects the action of the committee.

Especially is this true where the Speaker of the House will take cognizance that the germane matter—the bill—involved in the directory report is on the calendar reported by unanimous action of the committee, a quorum being present. Therefore it may be maintained that the gentleman from Alabama, supported as he is by the written direction of a majority of the committee, complies in terms with the rule which says that he may call it up "on motion directed to be made by such committee." What authority must he have? "Motion directed to be made by such committee," and the gentleman from Alabama submits a written direction signed by the individual signatures of the chairman of the committee and a majority of its members.

Now, under the ruling by Speaker Carlisle, above cited, the question whether or not this motion is sufficiently supported by direction of the committee, and therefore whether or not the "character of a report" is properly before the House is a question for the House to determine. I submit further, Mr. Speaker, that this is one of the rare cases, if I may say so, in which the Chair could advisedly exercise his discretion by submitting the point of order to the House to decide whether the action of the committee is a substantial compliance with the rule.

Mr. COOPER. Mr. Speaker, the gentleman from Alabama [Mr. HEFLIN], with much earnestness, called upon the House not to interfere with the passage of this bill, which, he said, concerns only the people of his district and State. That statement of the gentleman from Alabama might have been true about such a bill in other days, but it is not true of this bill now. In the olden time dams were put across navigable streams principally in aid of navigation. And, if it were slack-water navigation, this sometimes was, in large measure, a local affair. But all this has been changed. Dams are not now built only as aids to navigation. And this bill proposing to dam a navigable river is not of interest exclusively to the people of the gentleman's district nor of his State, since we have begun to witness the sending of electric power from dams by wire 100 miles, 150 miles, 250 miles, 350 miles——

Mr. CLAYTON. Can not you make it 1,000 miles at once?

Mr. COOPER. I could if I were so regardless of the facts as the gentleman from Alabama appears to be.

Mr CLAYTON. I wanted to save the gentleman needless repetition.

Mr. COOPER. Viewed in the light of recent electrical developments, the building of a dam across the Coosa River for power purposes does not concern only the gentleman from Alabama and his constituents. As shown by an official report of the Commissioner of Corporations, great corporations have for several years been steadily picking up these hydroelectric power sites everywhere throughout the country, developing some and keeping others for the future, and by and by it will be possible, as was pointed out by the commissioner, for these corporations to effect a combination or trust vastly greater and more powerful and dangerous than any hitherto known in the history of the United States.

A corporation controlling the hydroelectric power of the United States could, in the not distant future, control the industries of the United States, if the prophecies of Edison, Marconi, and other great electricians shall prove true.

A few years ago, at Niagara Falls, a stockholder of one of the great electric-power companies said in my presence——

Mr. LINTHICUM. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LINTHICUM. Is the gentleman discussing the point of order?

Mr. CLAYTON. Oh, give him time and he will get there.

Mr. COOPER. If I do I will have better luck than the gentleman from Alabama usually does.

Mr. Speaker, after I had expressed my surprise at the magnitude of the plants, one on the Canadian and the other on the American side, this expert said that the development and use of electric power had practically only just begun; and that, speaking as a business man not given to letting his imagination run away with him, he had no doubt that improved methods of production, insulation, and transmission would so promote the universal use of electricity generated by water power, for heating, lighting, and power purposes, that in 25 years—certainly in 50—not one-tenth as much coal will be consumed in the United States as is now consumed here.

The SPEAKER. The Chair is ready to rule.

Mr. COOPER. Mr. Speaker, what I have said has been with a view to showing that the bill in question is not as the gentleman from Alabama has declared it to be, of merely local interest, but that, on the contrary, it touches upon a subject and a policy, each of which is of very great national importance.

Nothing less than a quorum of a committee in meeting assembled can properly be allowed to report a bill, and especially such a bill. It is admitted that no quorum of the Committee on Interstate and Foreign Commerce so assembled has ever considered this Senate bill or directed a report respecting it.

The SPEAKER. The case is this: The gentleman from Alabama [Mr. HEFLIN] asks to take from the Speaker's table Senate bill No. 7343 and to have it considered.

The gentleman from Illinois [Mr. FOSTER] raised the point of order that it can not be considered, because its consideration has not been authorized by the committee having jurisdiction thereof.

The gentleman from Alabama presents the following paper, which he argues is a sufficient authorization under the rule:

WASHINGTON, D. C., *August 19, 1912.*

We, the undersigned members of the Committee on Interstate and Foreign Commerce, do hereby authorize the Hon. J. T. HEFLIN to call

up or move to take from the Speaker's desk for immediate consideration Senate bill 7343.

W. C. Adamson; Wm. Richardson (telegram to chairman); J. Harry Covington; Michael E. Driscoll; T. W. Sims; J. H. Goeke; W. R. Smith; John A. Martin; E. L. Hamilton; Frank E. Doremus; W. A. Cullop.

There are 21 members of the Interstate and Foreign Commerce Committee. Eleven of them—a majority, therefore a sufficient number to constitute a quorum—signed this paper, as individual members but not as a committee, as it is not claimed that these 11 ever met as a committee to give the necessary authorization. That is the case as presented.

If the Chair exercised his own personal feelings about this matter, he would rule in favor of the gentleman from Alabama [Mr. HEFLIN], but the Chair's personal feelings have nothing to do with it. The business of the Speaker is to rule in such a way as to preserve the integrity of the proceedings of the House. The last part of subdivision of Rule 24 runs as follows:

But House bills with Senate amendments which do not require consideration in a Committee of the Whole may be at once disposed of as the House may determine, as may also Senate bills substantially the same as House bills also favorably reported by a committee of the House, and not required to be considered in Committee of the Whole, be disposed of in the same manner on motion directed to be made by such committee.

What is a committee? It has been held, and the present occupant of the Chair has now held two or three times, backed by ample authorities, that the House consists of a quorum of the Members elected and qualified, excepting those who have died or resigned or who have been expelled from the House. What is a committee? A committee consist of a quorum of the membership of that committee, in this case 11 Members, meeting together as a committee. Mr. Speaker CANNON ruled on a question not exactly parallel to this but very near it.

Jefferson's Manual in section 26 provides:

A committee meet when and where they please, if the House has not ordered time and place for them (6 Grey, 370); but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

That means a quorum of the committee. The Chair has read from section 4583 of Hinds' Precedents, volume 4. Section 4584, which in the syllabus says:

Committees can only agree to a report acting together.

Then Mr. HINDS goes on to say:

4584. Committees can only agree to a report acting together.—On January 9, 1905, Mr. JOHN S. WILLIAMS, of Mississippi, asked unanimous consent for the present consideration of House Resolution No. 415, relating to the statistics of the ginning of cotton, and the following paper was presented, Mr. WILLIAMS speaking of it as "a unanimous report" from the Committee on the Census:

COMMITTEE ON THE CENSUS, *January 9, 1905.*

We, the undersigned members of the Committee on the Census, agree to a favorable report on House resolution No. 415, and further agree that its author, Mr. WILLIAMS, of Mississippi, may call up same when the opportunity presents itself.

E. D. CRUMPACKER, *Chairman.*
JAMES KENNEDY.
F. M. GRIFFITH.
G. B. PATTERSON.
A. S. BURLESON.
JOE T. ROBINSON.
JAMES HAY.

Mr. Speaker CANNON said:

The Chair understands that, in point of fact, the formal report has not been made from the Committee on the Census, although there is a paper on the Clerk's desk signed by a majority of the members of that committee.

To make a ruling that would cover one bill and let this one in would not do very much harm, but to rule that this kind of a paper may take the place of a report or authorization from a committee at an authorized meeting—because the Speaker does not rule in one case only, for the rule is made for all similar cases—would open the doors so wide to a proceeding not authorized by the House that the Chair must hold, in order to preserve the integrity of the proceedings of the House, that the point of order made by the gentleman from Illinois [Mr. FOSTER] against this paper which the gentleman from Alabama [Mr. HEFLIN] presents, is well taken. A proper authorization to call up a Senate bill under the rule cited can be given only by a committee, as herein defined. To decide the other way would be practically to do away with committee meetings.

LOAN OF TENTS TO CONFEDERATE VETERANS' REUNION.

Mr. CARTER. Mr. Speaker, I ask unanimous consent to call up House joint resolution 349.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 349) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the Confederate Veterans' Reunion, to be held at Ala, Okla., in the month of September, 1912, such tents, with necessary poles, ridges, and pins, as may be required at said reunion: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to said committee designated at such time prior to the holding of said reunion as may be agreed upon by the Secretary of War and the general chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from said general chairman of the executive committee a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. MANN. Reserving the right to object, I did not hear it.

The SPEAKER. The Clerk will report it over again, and the House will be in order.

The joint resolution was again reported.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, lines 5 and 6, amend by striking out the following words: "from said general chairman of the executive committee."

The question was taken, and the amendment was agreed to.

Mr. CARTER. Mr. Speaker, I offer another amendment. After the word "such," in line 7, page 1, insert "cots and."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, line 7, after the word "such," insert the words "cots and."

The question was taken, and the amendment was agreed to.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CARTER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at any point within the corporate limits of the city of Lewiston, Idaho;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material; and

S. 5458. An act to extend the time for the completion of a bridge across the Delaware River south of Trenton, N. J., by the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co. or their successors.

The message also announced that the Senate had passed without amendment the following House concurrent resolution:

House concurrent resolution 62.

Resolved by the House of Representatives (the Senate concurring), That the Enrolling Clerk of the House, in the enrollment of the bill (H. R. 38) entitled "An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes," be directed to regard the matter furnished in the conference report to be inserted in lieu of amendments numbered 7 to 15, inclusive, as following the word "years," on page 3, line 18; and that the matter proposed to be stricken from amendment numbered 68, as set forth in said conference report, be designated, "all after the word 'thereof,' in line 21 of the proposed amendment, down to and including 'and' in line 24."

The message also announced that the Senate had passed without amendment the following concurrent resolution:

House concurrent resolution 58.

Resolved by the House of Representatives (the Senate concurring), That Herman Walthauser, of Boston, Mass., be, and hereby is, authorized to make a cast from the head of the statue of John Hancock, now located in the Senate wing of the Capitol.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 11877. An act to amend section 8 of the food and drugs act, approved June 30, 1906;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.; and

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River at Indiana Avenue, in said city.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the conference report on the bill H. R. 20728, the Indian appropriation bill, and move that the House further insist on its

disagreement to the amendments of the Senate and ask for a further conference.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

Mr. STEPHENS of Texas. Mr. Speaker, the motion I make is that the House further insist upon its disagreement to the amendments of the Senate and ask for a further conference.

The SPEAKER. The gentleman from Texas moves that the House further insist on its disagreement to the Senate amendments and ask for a conference.

Mr. MANN. Mr. Speaker, I desire a separate vote on several of the propositions.

Mr. STEPHENS of Texas. What time does the gentleman require on the various amendments and to what amendments does he desire to object?

Mr. MANN. I shall not ask for a separate vote upon those same amendments on which we had a separate vote before, but there are some other amendments where I think we will require a separate vote.

Mr. STEPHENS of Texas. Will the gentleman give the numbers?

Mr. MANN. Amendments Nos. 105, 110, 111, 112, 114, and 117.

Mr. STEPHENS of Texas. What time does the gentleman wish? I desire to hold the floor.

Mr. MANN. I do not know how much time will be required on each amendment. It depends somewhat upon how much time we can afford to use in the House. I am always willing to cut the garment according to the cloth.

Mr. STEPHENS of Texas. Then will the gentleman state his objection to amendment No. 105?

Mr. MANN. I will state my objection to these amendments if I have the opportunity.

Mr. STEPHENS of Texas. I yield to the gentleman such time as he may desire—that is, reasonable time.

Mr. MANN. How much time does the gentleman from New York desire?

Mr. FITZGERALD. I think about 15 minutes between us.

The SPEAKER. What is it that any gentleman wants to do with this conference report?

Mr. BURKE of South Dakota. Mr. Speaker, I desire to submit a motion to recede and concur on an amendment which I will propose to amendment No. 99. I do not know what the other gentlemen desire.

The SPEAKER. The gentleman from South Dakota moves to recede and concur with an amendment to amendment No. 99. The gentleman will send up his amendment.

Mr. STEPHENS of Texas. Is that amendment in reference to district agents in Oklahoma?

Mr. BURKE of South Dakota. It is. The amendment, Mr. Speaker, I desire to submit first is to strike out, in line 21, on page 39, after the word "dollars," everything down to and including the word "year," in line 12, page 40, and insert the proviso that I have sent to the Clerk's desk.

The SPEAKER. The Clerk will report the amendment.

Mr. BURKE of South Dakota. I would like the amendment to be now read with the amendment as suggested.

The SPEAKER. The Clerk will first read the amendment as it is and then read it as it will be as amended.

The Clerk read as follows:

For salaries and expenses of district agents for the Five Civilized Tribes of Oklahoma and other employees connected with the work of such agents, $100,000: *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes except for the equalization of allotments, per capita or other payments authorized by law to individual members of the respective tribes, and for schools for the current year, and the salaries and contingent expenses of the governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the Chickasaw and Choctaw Tribes for the current year, and attorneys of said tribes employed under contract approved by the President, without specific appropriations by Congress, except as hereinafter provided: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations, and to use funds arising from royalties on coal and asphalt for their maintenance for the current year.

The SPEAKER. The Clerk will read the proviso offered by the gentleman from South Dakota [Mr. BURKE].

The Clerk read as follows:

Provided, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year.

Mr. BURKE of South Dakota. Now, Mr. Speaker, I would like to arrange with the gentleman for a little time in which to debate this amendment.

Mr. STEPHENS of Texas. I think this ought to be confined to 30 minutes. It was thoroughly discussed when the bill passed the House.

Mr. BURKE of South Dakota. Well, this is a very important item.

Mr. STEPHENS of Texas. It is in regard to the 16 special agents in Oklahoma.

Mr. BURKE of South Dakota. I will say to the gentleman that this is a Senate amendment restoring the provision for the district agents, and the proviso is what was agreed upon in conference as to that portion of the Senate amendment.

Mr. STEPHENS of Texas. But the confereees struck out the 16 special agents.

Mr. BURKE of South Dakota. They struck out the appropriation for the district agents, but this is exactly as the House and Senate conferees agreed to it, with the exception of restoring the district agents.

Mr. STEPHENS of Texas. The only point in controversy is whether we shall have the agents or whether they shall be abolished?

Mr. BURKE of South Dakota. Yes.

Mr. STEPHENS of Texas. Does not the gentleman think that 30 minutes will be sufficient time?

Mr. BURKE of South Dakota. I would like to use 15 minutes, and the gentleman from Kansas [Mr. CAMPBELL] would like the same length of time.

Mr. UNDERWOOD. As I hope we may adjourn by the end of the week, I trust the gentleman will not push the arguments to a point where we are going to have a long night session.

Mr. MANN. I think it ought to be understood that this bill should be disposed of to-day and go back to conference.

Mr. STEPHENS of Texas. It is insisted, Mr. Speaker, that we should get through with this bill to-day.

Mr. BURKE of South Dakota. I am as anxious as any gentleman to get through with the bill, and, in fact, this is the only amendment I care to discuss.

The SPEAKER. The gentleman from Illinois has given notice that he wants to make some motion with reference to these amendments.

Mr. MANN. That needs a separate vote, Mr. Speaker.

Mr. STEPHENS of Texas. Does the gentleman require time to discuss each one of those separately?

Mr. MANN. I do not desire time on each one of them, but to refer to all of them.

Mr. STEPHENS of Texas. How much time?

Mr. MANN. I do not know, but there are several gentlemen who want it.

Mr. FITZGERALD. I want a little time on one item.

Mr. BURKE of South Dakota. I desire 30 minutes.

Mr. FERRIS. I think it fair to say that we spent about two days on this same identical amendment when the bill was up in its original form, and at that time the opposition was so large that it is overwhelming to refer to it. Now, this is what happened: The House conferees reinstated the position of the House that was then fortified by an overwhelming vote. All that is to be done on this occasion is to further insist on a disagreement. Now, the gentleman from South Dakota [Mr. BURKE] comes in with a motion to recede, and thrash over that old straw that we worked on when the bill was up. The House conferees already maintain the position of the House. It ought not to be contested at all.

Mr. STEPHENS of Texas. I will agree upon 20 minutes on a side.

Mr. BURKE of South Dakota. Why, Mr. Speaker, I do not desire to take up all the time, and I am willing to agree to 20 minutes on a side. This is a matter I consider so important that every time I have an opportunity I want to go on record concerning it.

The SPEAKER. The agreement is, then, for 20 minutes on a side—20 minutes to be disposed of by the gentleman from Texas [Mr. STEPHENS] and 20 minutes by the gentleman from South Dakota [Mr. BURKE].

Mr. MILLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MILLER. Does that refer solely to amendment No. 99?

The SPEAKER. Yes.

Mr. FERRIS. Mr. Speaker, let me inquire if at the same time we can not get an agreement as to the other amendments. This discussion may last a week at this rate.

Mr. MANN. I do not think it will take very long.

Mr. FERRIS. I think it will.

Mr. MANN. When this is disposed of, I am perfectly willing to reach an agreement.

The SPEAKER. The gentleman from Texas [Mr. STEPHENS] is recognized for 20 minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the gentleman from South Dakota [Mr. BURKE] lead off in the discussion.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for 20 minutes.

Mr. BURKE of South Dakota. Mr. Speaker, in the time allotted to me I can only very briefly discuss the motion to recede and concur which I have made on this amendment. The House will remember that when the bill was considered some weeks ago I offered an amendment proposing to restore the item in the bill for the district agents in Oklahoma that had been left out by the committee in reporting the bill.

The conference committee have reached an agreement in which I did not concur, eliminating the Senate amendment.

I want to cite the law which provides for the appointment of district agents in connection with the administration of the affairs in the Five Civilized Tribes, and I am not going to discuss—because I have not the time—the question generally of the affairs of these tribes, the amount of money that is expended annually, and the amount of money that is collected. I do, however, want to mention one point that did not come out in the discussion when this matter was considered in the House before. Under the law originally, in the matter of administration of Indian estates, it was provided that it should be under the jurisdiction and direction of the Secretary of the Interior, and the gentlemen from Oklahoma who were then representing that State upon this floor, diligent as they usually are in looking out for legislation that affects the interests of their constituents, secured legislation providing that thereafter the jurisdiction of administration of Indian minor estates should be in the county courts or probate courts of the State of Oklahoma.

This law enacted at that time provided directly and specifically for the appointment of district agents, and I want to read the law, being a provision of the act known as the restriction act, approved May 27, 1908:

SEC. 6. That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of this act or any other act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated, for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of $90,000, to be available immediately, and until July 1, 1909, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court or otherwise.

That act, Mr. Speaker, authorized the appointment of district agents or local representatives of the Secretary of the Interior, and following its enactment, district agents were appointed and an appropriation of $100,000 has been made annually to pay their salaries and the expenses of their offices. Their principal occupation is to look out and see that the Indians, minors particularly, are not wronged or deprived of property that justly belongs to them; there has been, by reason of their activity, a constant demand from that portion of Oklahoma where Indian lands are located by persons dealing with the Indians to drive them from the State. It is not costing the Indian a dollar to maintain them. The United States Government has made the appropriation annually for the payment of the salaries and expenses of these agents, so that it can not be said that the purpose of discontinuing them is to save money to the tribes.

I want to call attention, Mr. Speaker, to the fact that in this bill there is an item of $300,000 for the common schools in the Five Civilized Tribes, which is really a gratuity to the State of Oklahoma, and other large sums are carried in the bill to be expended in that State about which there is no complaint from the gentlemen who are insisting upon eliminating the appropriation for the district agents on the grounds of economy. I want to emphasize that the Senate amendment, which I hope will be concurred in, will not take a cent of the moneys of the tribes.

Just a word with regard to the expense of administration of the Five Tribes, because I anticipate it will be discussed by the other side. The records show that for the year ending June 30, 1911, the cost of administering the affairs of approximately 36,900 restricted Indians of the Five Tribes under supervision of the Government and paid by Federal appropriation was $7.29 per capita, while similar expenses for other Indians in Oklahoma is about $17.90, to which no objection has been made or exception taken.

The distinguished gentleman from Oklahoma, Mr. FERRIS, and also, I anticipate, the other two gentlemen from that State, Mr. CARTER and Mr. DAVENPORT, will probably have much to say about the large amount of money that is expended for administration purposes in the Five Civilized Tribes, but I challenge them to show that the per capita expense at other agencies in Oklahoma is less than I have stated or that the per capita cost of the Five Tribes is more than I have stated.

Mr. Speaker, I am going to ask leave to extend my remarks, and I want to incorporate in the RECORD numerous protests and telegrams that have been received since it has become known that the district agents in Oklahoma are likely to be discontinued. I will not have time to read them, but briefly I want to quote from some of them. Among others is a letter from the Secretary of the Interior, dated August 10, 1912; also one dated August 12, 1912, wherein, among other things, he calls attention to the fact that the 5 principal chiefs and tribal attorneys, 40 county judges, 22 other State officers, and 715 prominent citizens, including bankers, lawyers, merchants, and farmers in Oklahoma, express an appreciation of the favorable cooperation, and so forth, of these district agents and protest against their discontinuance.

This question has become a national one, and protests are coming in from all over the country from persons and organizations interested in the general welfare and protection of Indians.

Mr. McCALL. The interest in the matter is very wide.

Mr. BURKE of South Dakota. It certainly is. I want to say that in the last fiscal year it is shown by the records that over $500,000 was saved to Indian minors alone by these district agents, and no one will dispute it.

I have a telegram from the union agent at Muskogee, Okla., Mr. Kelsey, going much into details as to what has been accomplished during the last year. I have one from the Keetoowah Society, in Oklahoma, which comprises several thousand full-blood Cherokee Indians; also other telegrams which I shall print as a part of my remarks.

When the inherited-land bill was pending in the House a few weeks ago the gentleman from Oklahoma [Mr. CARTER] made a very strong statement, emphasizing what he stated previously on a former occasion when he discussed the district agents and referred to what he claimed the State board of charities and correction is doing to protect the Indians. Here is what he said:

Mr. Speaker, I want to repeat what I said some time ago in the discussion on the Indian appropriation bill. We have in Oklahoma what we call a State board of charities and corrections. In that board there has been organized a special bureau for the specific purpose of looking after this very character of case—minor children's allotments and inherited estates. That department is very ably presided over by a young lady named Miss Katie Barnard, and her assistant in charge of this specific is Dr. J. H. Stolper, and the grafter who gets anything past the vigilant eye of these two guardsmen will have to show something better than they have ever yet conjured up.

Mr. Speaker, that statement was transmitted by the Secretary of the Interior to this board of charities and corrections that he referred to, and I have the letter in reply of the chief

officer of that board, and notwithstanding the very brief time I have I want to read it:

STATE OF OKLAHOMA,
DEPARTMENT OF CHARITIES AND CORRECTIONS,
Oklahoma City, July 23, 1912.

Hon. WALTER L. FISHER,
Secretary Department of the Interior, Washington, D. C.

DEAR SIR: Your letter of June 19 addressed to Miss Kate Barnard, commissioner of charities and corrections, has been duly received. Miss Barnard has been out of the State for many months, as she is in very bad health, and I happened to be out of the State when your letter came and have just returned.

In regard to the powers and duties of the State commissioner of charities and corrections, I beg leave to say that under our law it is the duty of Miss Barnard to appear as next friend for every minor orphan in the State when it appears to her that the estate is being mismanaged or dishonestly handled. Armed with this authority Miss Barnard has intervened in behalf of approximately 3,000 orphans, nearly all of them Indian children whose estates were being exploited or disposed of by incompetent or grafting guardians. We have had many guardians removed, and we have saved for these children since this law became operative something like $100,000 in money and prevented the sale or return of something like 115,000 acres of land. In a large number of cases we have proceeded by what might be termed arbitration proceedings. In the case of the McCurtain County lands we challenged every transaction made through the county court, and by this means several large holders of land, such as mill corporations, etc., have agreed to abide by the findings of an arbitration board. We have several arbitrations involving two or three thousand titles pending. One arbitration has been completed. In this case the Interior Department named Hon. Dana H. Kelsey, this department named Dr. J. H. Stolper, and the party who had profited by many grafting transactions named Judge Thomas C. Humphrey, ex-Federal judge. The result of this arbitration was that $32,000 in cash was returned to the Indians and a number of parcels of land was reconveyed to the original allottees. By terms of the agreement we practically gave a clearance to all titles that we did not find enmeshed with graft and wrongdoing.

Because this department is only given the services of one lawyer we have had our hands full, and in fact our legal department has been swamped. Naturally we have only been able to operate in the several counties where the worst cases of graft were known to exist. I am confident that we could clear up the situation thoroughly did we have enough legal force.

We have been invited to come down in several counties by county judges who do not seem to be able to compel wholesale guardians to report, and while we have not been able to cover the ground as thoroughly as we wish to, yet the number of petitions for the sale of Indian children's properties has been reduced almost to a minimum. People are afraid to buy these lands, because they fear that we will intervene and spoil the deal. Therefore our moral power has been really greater than our actual work has shown. We have taken a decided stand against guardians' fees, lawyers' fees, and court fees eating up the proceeds of the sale of children's lands. Of course this does not make us popular with the legal profession, because up to the time we began to operate under the new law it was the fashion for lawyers to appear in most trivial proceedings so that they could get a slice out of the proceeds of children's properties sold by order of probate courts.

Strange to say, that while nearly all of our efforts have been made in behalf of Indian minor children, we have never received the slightest help, and in many cases we have experienced the open antagonism of the tribal attorneys, who have not protected the children themselves, and who do not seem to want us to protect them. Of course there may be some politics in this, because this administration is Democratic, while, of course, nearly all of the tribal attorneys are of the opposite faith. However, at the time we asked for this law it seemed impossible for tribal attorneys or any other attorneys for the children to get any hearing in any of our county courts. It was called Federal interference and was resented by all of the courts, but so soon as we appeared on the scene an entire change was made, and while we had several uphill fights at the start most of the county judges now cooperate with us gladly, and, as I stated above, the moral effect has been that the majority of petitions for sale of minor children's properties are very carefully considered and oftentimes refused.

You will find our law in the revised statutes of Oklahoma, a copy of which will surely be in your law library.

Yours, truly,
H. HUSON.

It will be observed that he states that the board has not sufficient force, and therefore they have not the facilities necessary to protect the Indians. I think I have already stated that the district agents last year saved to minor children alone $500,000, and I do not think any gentleman on that side of the House will dispute the statement.

In the other body on Saturday last the RECORD was filled with a detailed statement by a distinguished Senator, setting forth wherein there had been abuses and frauds and forgeries and impositions upon these two poor, helpless people, showing conclusively that they can not have too much protection.

The Five Civilized Tribes embrace about 19,000,000 acres and occupy the eastern half of Oklahoma, where there are about 101,000 enrolled Indians, of which approximately 36,000, which include full bloods and three-fourths blood Indians, whose affairs are still under supervision of the Government, and intermingled with these Indians are approximately 800,000 white people. The number of minor Indians is estimated at about 60,000, about 1,500 in each of the 40 counties. Each minor has an allotment of land, and the aggregate value of such are estimated at $150,000,000. As shown by letters from various county judges, asking that these district agents be retained, it is impracticable for them, not having the machinery to make field investigations, to properly administer such estates without Federal assistance; furthermore, these agents or Federal employees are required to administer the affairs of the restricted adult Indians over which the local courts have no jurisdiction whatever, therefore the Government will be required to look after the welfare of such class who are now minors when they shall reach their majority.

I understand from the Chickasaw tribal representatives that the counties in the Five Civilized Tribes, within the congressional district of Mr. FERRIS, contain but few restricted Indians, such localities being populated mostly by whites and Indians of slight Indian blood, whose affairs are not under the supervision of the Government; that a large part of the restricted Indians who live elsewhere, however, have valuable allotments of land in these counties which are leased to white persons, who naturally desire that the Government shall not interfere in their dealings with such Indian landowners, and I have no doubt but what there is in his counties a demand upon him that he get rid of governmental agents that interfere in their dealings with the Indians in the leasing and purchase of their lands. My experience is that white people living in the Indian country are, as a rule, very insistent that they ought to be permitted to deal direct with the Indians without any governmental supervision, and all of us who have such constituencies are ever being importuned to make it easier to do business with the Indians. It might be noted that before district agents were provided in Oklahoma that thousands of deeds, mortgages, leases, contracts, and other instruments affecting the property of the Indians who were not authorized to make such contracts, were made, and the result is that there have been instituted by the Department of Justice about 30,000 suits to recover property wrongfully obtained or to quiet titles. The land involved in the suits so brought has been tied up and could not be disposed of by reason of the litigation, which has gone to the Supreme Court of the United States, and decided that the Government had the power to bring the suits. This has retarded the development of the localities where the lands are located. The district agents are very useful and are constantly engaged in obtaining information in support of the suits instituted, as stated, and in obtaining information of other illegal transactions where a suit should be brought, and suits are being instituted as the result of their efforts. The removal of the district agents will undoubtedly result in a repetition of what transpired before, and immediately there will be an effort to obtain the lands of the Indians, making it necessary for the Government to again intercede and institute proceedings to recover property that the Indians will be deprived of. In my opinion it will be much better for the welfare and prosperity of Oklahoma to continue the representatives of the Government in the protection of these Indians, preventing as they do by investigating and reporting such illegal transfers where they occur, and it will be much better for the white people who deal with the Indians than to have the condition that prevailed, and that will prevail again if these district agents are discontinued.

Mr. Speaker, in conclusion, I want to say it is my honest judgment that to discontinue the district agents would not only be a mistake, but it would mean that the real Indians, and particularly those of full blood, will be wronged, robbed, and despoiled and stripped of all they now possess and will be left helpless, and the State of Oklahoma will have upon its hands a large Indian pauper population which they will expect the Federal Government to feed and care for. It will mean the writing of a page of infamy and scandal in Indian history that has never before been approached. I do not wish to impugn the motive of any gentlemen from Oklahoma who occupies a position on this floor, and I want to give them credit in their efforts to eliminate these guardians of the Indians for being actuated by good intentions; but I can not help but feel and believe that they have been imposed upon and unconsciously have allowed themselves to be influenced by mercenary, unscrupulous, and dishonest persons who are seeking to remove what now prevents such persons from taking from the Indians the lands and moneys they now possess without adequate consideration; and I want to warn the Members from Oklahoma who occupy places on the other side of this Chamber, and particularly the two who are members of the Committee on Indian Affairs, that if the district agents are discontinued they will be responsible, and if scandal follows and the Indians of the Five Tribes are despoiled, debauched, and made to suffer, they can not escape the responsibility, for it is to them and their influence that the appropriation for the district agents was left out of the bill when it was reported to the House, and that the Senate was compelled to recede from its amendment restoring the item. The gentleman from Oklahoma [Mr. CARTER], one of the conferees, is alone responsible, for had he been willing the House conferees would have receded. I sincerely hope that in the new conference, in case my motion to confer is voted down, he will be dis-

posed to reconsider his position, and that an appropriation can be provided that will make it possible to continue a portion, if not all, of the district agents that are now employed.

AUGUST 10, 1912.

DEAR SIR: Since talking with you this morning about the appropriation for the 16 district Indian agents in Oklahoma I have had a memorandum prepared by Commissioner Wright, of which I am taking the liberty of inclosing a copy. It shows the facts with regard to disbursements and collections in the Five Civilized Tribes during the fiscal year 1911, and also states some of the reasons why the abolition of the district agents will probably result disastrously to the interests of the Indians. I hope very much that you will be able to secure the retention of these agents in the bill. If the opposition is so strenuous that you feel it necessary to make some reduction, the reduction ought to be as little as possible. Commissioner Wright insists that the whole 16 agents are necessary to the proper carrying on of the work. If you should reduce these to 12, we will do our best to cover the field so that results can be reported for the next appropriation bill, and action then taken in the light of the experience of the current year. If the agents are entirely abolished, it will be absolutely necessary to have a material increase in the general appropriation to cover traveling agents, and $50,000 will be the very least that we could get along with. It should be more than that. Commissioner Wright thinks it should not be less than $75,000. In other words, the total reduction from the $275,000 allowed last year ought not to reduce the amount this year below $250,000. The department will, of course, have to get along with what Congress gives it, but I trust that the reduction will be as small as possible. From the information now available, it seems certain that if the district agents are abolished and the appropriation reduced, as is now proposed, the result will be great dissatisfaction in the Territory and increased delay in passing upon matters of importance, in which not only the Indians, but the whites as well, are deeply concerned. In view of the conditions reported by the Oklahoma Department of Charities and Corrections, to which attention was called in a recent veto message of the President, there is almost certain to be grave scandal and abuse of the rights of the Indians if the Department of the Interior is not given adequate funds to keep up at least the present degree of supervision. You will note that in the statements in regard to disbursements for the year 1911 the cost of administration per capita of the restricted Indians of the Five Civilized Tribes was only $7.29, which is less than half the amount expended for Indians outside the Civilized Tribes and authorized by Congress.

Very truly, yours,

WALTER L. FISHER,
Secretary.

Hon. JOHN H. STEPHENS,
House of Representatives.

—

FIVE CIVILIZED TRIBES.

Disbursements and collections during year ending June 30, 1911.

DISBURSEMENTS.

Administration, account 36,961 restricted Indians (cost per capita, $7.29):		
Congressional appropriation for Five Tribes	$154,991.76	
Congressional appropriation for district agents, expert farmers, police, rent, etc	114,300.24	
Total for administration, individual Indians	269,292.00	
Completion allotment work, congressional appropriation (tribal)	85,510.87	
		$354,802.87
Equalization freedmen allotments		12,543.26
Tribal funds, salaries and expenses Government employees in collecting $2,053,796.96 at a cost of 4½ per cent		55,803.15
Salaries and expenses, tribal officers	$95,874.75	
Equalization allotments	217,140.60	
Per capita payment	12,260.40	
Reestimating timberlands	29,824.28	
Refunds, etc	22,454.39	
		377,554.42
Miscellaneous (not appropriations or tribal funds) receipts, fees, certified records		17,985.40
Schools		371,509.79
Total		1,190,198.89

COLLECTIONS.

Tribal collections, including rent unallotted lands, coal and asphalt royalties, etc	480,830.74
Sales of unallotted lands (25 per cent cash)	1,572,966.22
Individual Indian collections (oil and gas royalties, etc.)	1,365,826.52
Individual Indian sales	674,730.71
Actual savings, probate cases, by district agents (additional estimated amount saved over $1,000,000)	549,498.91
Total	4,643,853.10

DISTRICT AGENTS.

There are 16 district agents, at $1,800, each having 1 assistant receiving a salary of from $900 to $1,200; 1 probate attorney, at $2,500; 1 assistant probate attorney, at $2,000; 1 district agent, at $2,000, located at the agency office to attend to correspondence and instructions to various district agents; 1 special district agent, at $1,800, whose time is mostly given to assisting the United States attorney and courts in procuring evidence in criminal cases where persons have defrauded Indians or committed crimes in connection with procuring deeds by illegal and criminal procedure; 9 special district agents, at salaries from $1,200 to $1,600 each, whose principal duty is checking up probate accounts. All of the above are under the direction of the Indian superintendent. There are also 2 supervising district agents acting under instructions from the Commissioner to the Five Civilized Tribes, whose duties are to inspect the offices of the district agents and make investigations of all matters pertaining thereto, including complaints originally filed by Indians or referred by the department.

Each district agent has an average of about 6,000 citizens, of which over 2,000 are within the restricted class. As restrictions are removed and the funds arising from the sale handled through the district agent, such work constantly increases. In connection with the removal of restrictions such service expedites such work, thereby making the land taxable. If such work were discontinued by men in the field and required to be taken up specially through the general office, removal of restrictions would require such time as to make it almost impossible. Under the present system, however, over a quarter of a million acres were freed from restrictions during the year.

About 20,000 probate cases have been examined by district agents during the year, with the result that reports of guardians long overdue have been filed, that charges not proper against the estates of wards have been eliminated, improper guardians have been discharged and other suitable persons appointed, all through cooperation with county judges, who are unable to make necessary investigations of such accounts by reason of the great number of wards with valuable estates and the crowded condition of county dockets. In one single instance there was found by such investigation $31,000 due minors. More than 20,000 cases have been examined during the year. The time and work required on a probate case varies from mere advice to the guardian or assistance to the court to an exhaustive examination of reports or filing of suits on behalf of minors and complete investigation of all facts in connection therewith. The district agents are frequently called on by the courts to make appraisements of the lands in land sales by full-blood heirs.

Work of district agents.

Reports in probate matters under section 6, act of May 27, 1908	671
Reports to superintendent, miscellaneous probate matters	582
Probate complaints filed	1,696
Probate complaints disposed of	1,482
Probate cases examined, investigated, and handled, approximately	20,000
Lease complaints filed	2,199
Departmental leases forwarded to superintendent	443
Applications for removal of restrictions forwarded to superintendent	1,759
Amount of money actually saved for Indian allottees by district agents	$549,498.91

From the foregoing it will be noted that there has been saved to the Indian allottees on account of the district agents' efforts $549,498.91. This represents actual, tangible savings and arises from various matters, such as deductions made in amounts charged by guardians in their reports, increased amounts received in rentals by reason of advice given by district agents, amounts deducted from claims against allottees by creditors, and numerous other matters which are constantly arising. This amount exceeds that reported last year by $157,880.51.

In addition to the tangible savings to the allottees, the intangible savings and losses prevented by timely advice and assistance, while impossible of accurate estimation, will without doubt swell the total to approximately $2,000,000.

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DEPARTMENT OF THE INTERIOR,
Washington, August 12, 1912.

Hon. CHARLES H. BURKE,
House of Representatives.

SIR: I have the honor to invite your attention to the inclosed copy of a telegram, dated August 11, 1912, from Superintendent Kelsey, of the Union Agency, Muskogee, Okla., regarding the urgent need of Congress providing an appropriation for the salaries and expenses of the district agents for the Five Civilized Tribes.

In this connection your attention is invited to the very full justification for this appropriation found in the printed hearings on the Indian appropriation bill before a subcommittee of the Committee on Indian Affairs of the House of Representatives, beginning with page 265 of said hearings. Your attention is also invited to the document authorized to be printed by the Senate containing letters from 5 principal chiefs and tribal attorneys, 40 county judges, 22 other State officers, and 715 prominent citizens, including bankers, lawyers, merchants, and farmers of Oklahoma, expressing appreciation of the favorable cooperation, indorsing the work of and urging the retention of district agents in the Five Civilized Tribes.

I can not too strongly recommend and urge that Congress provide an adequate appropriation for the retention of the district agents. No other officials in the Indian Service have been more helpful in the protection of the property rights of Indians and assisting in the administration of Indian Affairs and in expediting the work required of the Indian Service in the Five Civilized Tribes by legislation of the Congress than have the district agents. It is exceedingly important that the district agent force be retained, in order that the property rights of thousands of full-blood adults and Indian minors may be protected. If Congress should fail to provide the district agents, the Indian Service would be seriously crippled, would be without adequate machinery with which to carry out the laws heretofore enacted by Congress, and the property of the restricted Indians of the Five Civilized Tribes would be jeopardized and in a large number of cases sacrificed because of lack of proper supervision and protection.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

—

THE WESTERN UNION TELEGRAPH CO.

[Received at Wyatt Building, corner Fourteenth and F Streets, Washington.]

MUSKOGEE, OKLA., *August 11, 1912.*

COMMISSIONER OF INDIAN AFFAIRS,
Washington, D. C.:

Regarding restricted class of Five Tribes Indians needing Government protection, the district agency service is the most effective ever employed by Government, not only in extinguishment of grafting, but preparation of Indians for ultimate self-sustaining citizenship. These local officers, each having nearly 2,000 uneducated Indians, really take the place of regularly established Indian agencies in western Oklahoma and other States, which many times have only few hundred Indians. Elimination of Five Tribes district agents at this time would be shocking blow to effective Indian administration and cruel injustice to these helpless full-blood Indians. In addition to adult full bloods * * *

minor Indians, owning realty valued in neighborhood of $150,000,000, creating probable situation such as never before existed in any State. No better argument as to lack of State machinery and necessity of cooperative protection than that contained in letter State department charities and corrections. (See p. 11067, CONGRESSIONAL RECORD, Aug. 6.) Expense of district agents is inconsequential compared with the vast property and educational interests conserved. Not one cent of Indian money has been expended for district agents, but, on contrary, they have actually saved individual Indians from five to six hundred thousand dollars annually, and indirect savings would total at least two million per annum, besides facilitating general land and lease transtions for both Indians and public. And to cut off field machinery will materially delay disposition of excess lands and otherwise prevent operation existing laws to the full extent that may be proper. I earnestly urge that every possible means be used for the retention of this splendid service.

KELSEY, *Superintendent.*

—

THE SECRETARY OF THE INTERIOR,
Washington, August 16, 1912.

Hon. C. H. BURKE,
House of Representatives.

MY DEAR SIR: With further reference to the appropriation for the 16 district agents of the Five Civilized Tribes in Oklahoma I inclose herewith, for your information, copy of a telegram from Thos. W. Leahy, county judge, Muskogee, Okla.

Very truly, yours, WALTER L. FISHER, *Secretary.*

—

MUSKOGEE, OKLA., *August 15, 1912.*

Honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

It appears from press reports that appropriation for district Indian agents has been eliminated. Such action will be most disastrous to Indian allottees. Having jurisdiction over the heaviest probate court in Oklahoma I am thoroughly familiar with assistance rendered minor and full-blood Indians by district agents. Under present conditions, without the assistance of the agents, property protection by the county court would be impossible.

THOS. W. LEAHY, *County Judge.*

—

TAHLEQUAH, OKLA., *August 17, 1912.*

The honorable SECRETARY OF INTERIOR,
Washington, D. C.:

Noting from press dispatches the possibility of the abolition of the district-agency system of your department in that part of Oklahoma formerly Indian Territory, my interests in the class of our citizens to be affected and personal knowledge and observation prompts me to urge upon you the imperative necessity of maintaining the system for the proper protection of this class. Every conceivable reason for right and justice, the discharge of paternal duty assumed by the Federal Government toward the Indians, the faith confided in Congress by the Indians, fortified by every legal and moral obligation held out to them in negotiations—resulting in the allotment—demand the continuance of the district-agency system, as this is the best means of giving to them proper protection from graft.

HOUSTON B. TEEHEE,
County Attorney, Cherokee County, Okla.

—

TAHLEQUAH, OKLA., *August 18, 1912.*

SECRETARY OF THE INTERIOR,
Washington, D. C.:

It would be a great calamity in this county to discontinue the district agent. In this county is pending nearly 4,800 Indian estates which can not be properly cared for with the help now allowed the county judge, and the county is not financially able to pay for additional help. The number of district agents should be increased in this county.

J. T. PARKS,
County Judge, Cherokee County, Okla.

—

ARDMORE, OKLA., *August 18, 1912.*

Hon. WALTER L. FISHER,
Secretary of the Interior, Washington, D. C.

SIR: I note there is an effort being made to eliminate United States district Indian agents in eastern Oklahoma; this should not be, as these district agents are an absolute necessity for the protection of a larger number of these Indians; also they are indispensable in guardianship and probate matters.

J. H. MATHERS,
County Prosecuting Attorney for Carter County, Okla.

—

CHICKASAW, OKLA., *August 16, 1912.*

SECRETARY OF INTERIOR,
Washington, D. C.:

The service of district Indian agents has been of great benefit to my court and I protest against their discontinuance.

N. M. WILLIAMS,
County Judge.

—

THE SECRETARY OF THE INTERIOR,
Washington, August 13, 1912.

Hon. C. H. BURKE,
House of Representatives.

MY DEAR SIR: With further reference to the appropriation for the 16 district agents of the Five Civilized Tribes in Oklahoma, I inclose herewith, for your information, copies of two telegrams from representatives of the Keetoowah Society of Oklahoma.

Very truly, yours,

WALTER L. FISHER, *Secretary.*

TAHLEQUAH, OKLA., *August 11, 1912.*

The Honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

I see that it is proposed by Congress to now discontinue districts in eastern Oklahoma. I know this is not best for the full-blood Indian; he is incompetent to handle his affairs without the assistance of the district agents, who have no interests but to do justice to the Indian; without help they are left to the mercy of the speculators.

R. W. WOLFE,
President Keetowah Society.

—

TAHLEQUAH, OKLA., *August 12, 1912.*

The honorable SECRETARY OF THE INTERIOR,
Washington, D. C.:

Be it resolved by the advisory committee of the incorporated Keetoowah Society in regular annual session, It is the unanimous sense of this society that all full-blood Cherokee Delawares and Shawnees earnestly protest against the proposition now pending in the United States Congress to abolish the district Indian agents in eastern Oklahoma. It is the avowed duty of the United States to protect the full-blood Indians, and the withdrawal at this time of the effective protection afforded them by the district agents means not only failure and refusal to protect, but in the opinion of this society it will result in incalculable injury and loss to thousands of full-blood Indians, including minors who have inherited valuable estates.

Resolved, That the presidents of this society are hereby directed to at once transmit these resolutions to the Secretary of the Interior, Washington, D. C., and that said Secretary be, and is hereby, requested to immediately transmit copy of same to Congress or committees thereof, and to the President of the United States and to the Oklahoma delegation in Congress. Passed the advisory committee by unanimous vote.

BILL MANKILLER,
Second Vice President.
R. R. MEIGS,
Chairman.
FRANK J. BOUDINOT,
Secretary.

Approved.

RICHARD W. WOLFE,
President.
PRICE COCHRAN,
First Vice President.

—

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
OFFICE OF DISTRICT AGENT,
Sapulpa, Okla., August 14, 1912.

Hon. DANA H. KELSEY,
United States Indian Superintendent, Muskogee, Okla.

SIR: For your information, I have the honor to call your attention to the fact that the case of the State of Oklahoma v. Josiah G. Davis, former county judge of Creek County, Okla., charged with embezzlement, will be called for trial at the next criminal term of the Creek County district court. The defendant is charged with embezzling $6,750 of funds belonging to the estate of Rowie E. Pittman, a deceased minor citizen of the Creek Nation of one-half degree of blood. His heirs are his mother, Lucinda G. Pittman, a full-blood citizen of the Creek Nation; his father, Robert G. Pittman, a white man; and his brothers, Robert G. Pittman, jr., and Buster Pittman, one-half blood minor citizens of the Creek Nation.

On February 15, 1912, information was filed in the court of Justice of the Peace W. E. Root, of Sapulpa, Okla., against former County Judge Josiah G. Davis, charging him with the crime of embezzlement. On February 16, 1912, warrant was issued for his arrest. On the same date the defendant was arrested, appeared in court, waived arraignment, and was released on bail. On March 4, 1912, the defendant appeared in court and waived his preliminary hearing. He was held to the district court of Creek County by the justice of the peace, bond being fixed, given, and approved in the sum of $5,000.

The arrest of former County Judge Davis, of Creek County, was the result of alleged fraudulent transactions in his court while he was on the bench.

Immediately after former County Judge Davis retired from office, his successor, Warren G. Brown, called upon the department for assistance in checking up probate cases, in which cases it was alleged that minor citizens of the Five Civilized Tribes were being robbed. Special Assistant District Indian Agent L. B. Locke, was assigned to Sapulpa; more than 600 citations were issued to delinquent guardians; reports, which had been in arrears for more than three years, were filed, and many thousands of dollars were saved to the minor citizens.

I was assigned to this office on December 8, 1911. I was called by the county judge into a large number of important cases, assistance being rendered me by Probate Attorney D. H. Bynum, Supervising District Indian Agent C. F. Bliss, and Special District Agent Fred S. Cook. As a result of the work performed by this office for the probate court of Creek County, there was saved in eight months for minor allottees, the sum of $46,784.43.

In Creek County, Okla., there are 1,691 probate cases. There are 14 probate cases in which the personal property and the real estate of each minor is worth more than $100,000. There are more than 200 cases in which the personal property and real estate of each minor is worth more than $25,000. All of these estates are rapidly increasing in value.

The production of oil and natural gas accounts for the immense valuations of the estates of minor citizens of the Creek Nation in this county. The increase in the price of crude oil produced from the lands of these children, and the subsequent increase in the number of wells drilled will cause the estates to double in value during the next year.

The county judge, Warren H. Brown, is conscientiously doing his duty. On account of the vast amount of business in his court, however, he is unable to give detailed attention to all the large estates over which he has jurisdiction, and he is continually calling upon this office for reports and investigations. It is the desire of the county judge to prevent a repetition of probate conditions as they existed during the administration of his predecessor in office. He is expecting the assistance of this office in preventing robbery of estates of Indian children.

Respectfully,

FRANK B. LONG,
District Agent.

IDABEL, OKLA., *September 1, 1912.*

Mr. DANA H. KELSEY,
United States Indian Superintendent, Muskogee, Okla.

SIR: Supplemental to the report this day forwarded your office on the regular form, I beg to submit to you, an additional and more detailed report as to what has been accomplished in this district during the month of August, 1911, as follows:

QUITCLAIM DEEDS.

In May of 1911, when you visited McCurtain County, and announced that there would be a new district agency created, and an investigation into the condition of affairs in McCurtain County, of parties who had taken deeds which were not in strict accordance with the law, immediately began to quitclaim even before the investigation had taken definite form and shape. As a result of your visit we are unable to say just how much land was quitclaimed, but I am informed from reliable sources that thousands of acres were quitclaimed back to the allottee. However, there was much land in this county and other counties clouded by illegal deeds, taken in contravention to the acts of Congress, and during the month we beg to report quitclaims to the following allottees, giving the acreage, and the county in which the land was located, as follows:

Name.	Acreage.	County.
George Tonihka	240	McCurtain.
Julius Jefferson	80	Pittsburg.
Philiston Juzan	119	Carter.
Onnitima Sampson	140	Jefferson.
Levi Tikubbi	120	Bryan.
Lincie Taylor (née Tisho)	100	Garvin.
Hampton Wright	160	McCurtain.
Semie Walker	240	Do.
Harriet Brown	90	Do.
Philiston Byington	110.04	Stephens and Grady.
Anthony Johnson	100	Stephens.
Eyahoke Sampson	160	Do.
Phyllis Williams	160	Do.
Siney Colbert	100	Jefferson.
Agnes Webster (née Stevens)	100	Do.
Benjamin McFarland	100	Grady.
Edna John	120	Jefferson.
Hilton Johnson	100	Do.
Amos John	110	Do.
Fliston Tisho	100	Garvin.
Ellis Ebahotubbi	80	Jefferson.
Annie Johnson	120	Do.
Dixon Parker	130	Carter.
Enos Williams (née Tontubbi)	40	Bryan and McCurtain.
Thompson Battiest	100	Jefferson.
Sallie Battice	57.51	Do.
Levi Sampson	101.50	Stephens.
Denison Walker	65	McCurtain.
Moses Williams	110	Carter.
Sean Wood	140	Carter and Garvin.
Joe Hotintobe	170	Stephens.
Henson King	119.43	Murray.
Emma Morris	90	Love.
Laymon Bohanon	100	Stephens.
Collin Shaw	100	Do.
Levi Tikubbi	100	Bryan.

Making a total aggregate of 4,113.48 acres, quitclaimed through this office.

In addition to this we could have procured quitclaims to other lands, but it appears that accepting them would have interfered with the work of the arbitration board about to assemble in this county and pass upon the titles submitted to them.

INHERITED LANDS—THROUGH THE COUNTY COURT.

One of the features in this county was where sales of lands by full-blood heirs were put through the county court of McCurtain County, and in this respect the Indians, in many cases, received no money, or, after the consideration was paid them it was taken away by trickery, sometimes by the very vendees of the land and sometimes by others.

In accordance with the agreement which I made with the county judge I thought it prudent until conditions changed to place this money in a bank to the credit of the Indians, subject to the O. K. of the district Indian agent.

In this connection we have handled 10 accounts, representing a total aggregate of $4,234.75, and the Indian has our assistance in disbursing his accounts in a manner which will best subserve his interests. We have assisted the Indian in these cases in buying horses, furniture, houses, etc., in the same manner that we do where the money is directly under departmental supervision. This has added more work to our office, but in view of the conditions we thought it better to accept these terms of the county judge than to have the money stolen from the Indian or wantonly wasted.

In the matter of these claims it appears that Wade Battiest and Allington Battiest sold their interests in a dead claim through the courts here, but was unable to discover where the money went. The only thing they had to show that this money was due them was a slip of paper saying that $285 was due Wade Battiest and $185 was due Allington Battiest. After consultation with the county judge, a search of the records, and an investigation of the matter, we finally located this money in the First State Bank of Idabel, Okla., and procured deposit slips and pass books for these Indians, and in this manner effected a saving of $480.

In the case where Eliza Willis sold her interest in a dead claim through the county court for the sum of $404.15, the vendees of this land made the check out to Lizzie Ishcomer. We took this matter up with the First State Bank, but could not discover any trace of money belonging to Eliza Willis. We also took this matter up with Earl & Montgomery, of Garvin, Okla., vendees of the land, searched the records, consulted the county judge, and investigated the matter thoroughly, and finally discovered that Messrs. Earl & Montgomery had made the check out to the wrong parties, although the records of the court showed that Eliza Willis was the vendor of the land. We then procured a pass book for this allottee, and thus effected a saving of $404.15 where the Indian would have been unable to trace the money.

In the matter of a sale of the interest of Wickliss McCoy in a dead claim, this was presented for approval to the county judge, and I asked that this matter be held up until we could furnish an appraisement and investigate the consideration which Wickliss McCoy had received. Upon investigation, I found that the deed was a forgery, and that the allottee had received nothing for the purported deed conveying his interest in 190 acres of land, and the court refused to approve this deed, thus effecting a saving to this Indian of $2,000.

In the matter of Sophia Jackson, it appears that she sold her interest for $625 in a dead claim, through the county court, and had received only $125, paying her attorneys $200 for their fee, but they could give me no information as to where the balance of the money went, nor did the Indian know. However, I investigated it, and collected $187.50 for the Indian from Buck Thompson, of Idabel, Okla., and the bank of Idabel, and there is some more to be collected yet.

On account of the investigation that has been going on here, we were unable to take up other claims wherein the Choctaw Lumber Co. and Mr. Whitehead, of McAlester, Okla., were interested, because, as I understand it, these claims were to be submitted to the board of arbitration, which is about to set here. However, prior to the creation of this board, we took up the matter of Jessie Lewis's dead claim, wherein Mr. Whitehead was involved, and prevented the attorneys for the Indian from agreeing to a compromise, which, in my judgment, was disastrous to the financial interests of the Indian, and thus effected a saving of $1,000 to the Indian. The compromise, as I understood it, was to be for the appraised value or over the appraised value, while the land was worth $1,000 more than what they agreed on in the compromise.

PROBATE MINOR MATTERS.

Probate minor matters in this county have been in a serious condition and needed the attention of the department, and Messrs. Hill & McCurtain, tribal attorneys for the Choctaw Nation, agreed to take up these matters and go over them, and I believe Mr. McCurtain is about to move here and take up this work and other work in conjunction with our office. However, in investigating the condition of affairs here in this county we were informed that the agents of the Southwestern Surety & Insurance Co., a corporation duly organized under the laws of the State of Oklahoma, were doing "wild-cat" business in the name of this company.

In connection with my work, I adjusted the complaint of Mr. Dyer in a probate matter with Mr. Barry, the agent of the Southwestern Surety & Insurance Co., stationed at Idabel, and subsequent to this time Mr. Cook and I had talked this matter over and went over and took Mr. Barry to the prosecuting attorney of this county, Mr. Barrett, and had Mr. Barry make a full statement which was taken down by Mr. Barrett's stenographer, as to how Indian minor moneys were handled in McCurtain County. During the course of this statement Mr. McCurtain, attorney for the Choctaw Nation, and Mr. Fred S. Cook came into Mr. Barrett's office and this matter was gone over thoroughly by all present.

We discovered the modus operandi of the parties concerned was this:

That a sale of land would be put through the county court involving a minor's interest, and the money derived from the sale would be placed in the First State Bank of Idabel to the credit of James E. Whitehead, attorney at law, McAlester, Okla. It appears further, from the statement of Mr. Barry that he was the employee of Whitehead and the Southwestern Surety & Insurance Co., and that when a sale of minor land was put through the court Barry, acting as agent for the Southwestern Insurance Co., wrote the bond for the guardian who put through the sale, the guardian, in most cases, being a full-blood Indian, and financially irresponsible and unable to make a personal bond.

It appears further that the Southwestern Surety & Insurance Co. had filed a power of attorney in McCurtain County, as required by law, authorizing its agent to make bonds for guardians and administrators and specifying that the moneys derived from the sale must be deposited in the name of the guardian and subject to the joint control of the guardian and bonding company. It appears that Mr. Whitehead flagrantly violated the instructions and authority contained in the power of attorney and changed the joint-control agreement so as to make this money, or any money derived from the sale of minors' land, be deposited in the name of the company or its agent at Idabel, Okla. However, we found that the company had no knowledge of this, or denied that they knew anything about it, though they admitted that they had an indemnifying bond from Mr. Whitehead for everything done in McCurtain County.

Mr. Barry made the Indian agree to turn over this money to him as agent, and the money derived from any sale was deposited, not in the name of the guardian but in the name of Mr. Whitehead. The sums were all deposited in one account—in a lump sum, so to speak—and were not kept in the name of any guardian. Mr. Whitehead would then use this sum which was deposited in his name and which had been derived from the sale of minor lands to purchase other lands sold through the probate court, or sold by full-blood Indians, wherein they were heirs of a decedent.

It appears further that Mr. Whitehead was not paying any interest for the use of this money, and it also appears that a fellow by the name of H. M. Hemperley was stationed here prior to Mr. Barry and acted as the agent of the company and of Mr. Whitehead.

In this manner Mr. Whitehead used thousands of dollars, and while the records of the court showed that the guardian had sold the land, yet he was unable to show that he had any money in his name, but that the money was in the name of Mr. Whitehead, of McAlester.

It appears further that the Southwestern Surety & Insurance Co. was induced to come to Idabel by Mr. Whitehead to write bonds, and he gave them, for what was done in McCurtain County, an indemnifying bond to protect them. As you are aware, and in accordance with your instructions, Mr. Cook, special agent; Mr. Ward, supervising district agent; and myself proceeded to Denison and took this matter up directly with the officers of the company, and we subsequently returned here and went over the account of each minor wherein the Southwestern Surety & Insurance Co. were bondsmen, audited this account, and found out just what was due each minor. The company then, by its secretary, Mr. Van Wyck, promised to forward us a draft in the sum of $32,029.27, and we beg to submit herewith the following list of minors wherein the Southwestern Surety & Insurance Co. were bondsmen, and wherein Mr. Whitehead had these minors' moneys

deposited in his name and was using the same for speculative purposes, as follows:

Guardian or administrator	Minors or deceased.	Amount due.
George T. Victor.....guardian..	Isaac, Frank, and Jesse James.....	$170.00
Kisson Jackson.....do....	Allette Battiest.....	143.10
Joe Hotinlobe.....do....	Lena Hotinlobe.....	248.49
Thompson Battice.....do....	Lena, William, and Mary Battice..	516.00
John Bohanon.....do....	Phoebe and John J. Bohanon.....	534.15
Abbott Elliott.....do....	Aleta Elliott.....	303.00
Isom Williams (negro).....do....	Mary Ellen, David, and Ben French.	203.36
Z. W. Wilson.....do....	Curtin McDaniels (negro).....	35.25
Matthew Richards, guardian.....	Gertrude Richards (negro).....	39.65
Flora James, administrator.....	Jones James, deceased (white).....	1,167.00
Pearl L. Harrison, administrator....	G. O. Parker, deceased (white).....	1,265.65
Stephen Gipson, guardian.....	Lula Gipson.....	167.90
S. O. McCarthy, guardian.....	Ora Knight and Lawrence Thomas.	200.00
Leon Alemohtubbi, guardian.....	Elus, Ilas, and Letty Alemohtubbi.	2,101.00
Willard Brown, guardian.....	Arthur Alexander.....	71.85
S. J. Ben.....	Evelyn Lewis and Jackson Ben....	373.00
Armes Brown, guardian.....	Elias Brown.....	249.45
Alfred Byington, guardian.....	James and Roah Wilson.....	562.85
Davison Colbert, guardian.....	Sean Colbert (incompetent).....	90.00
Charles Colbert, guardian.....	Eliston Charley.....	854.00
Johnson Cogswell, guardian.....	Herndon Cogswell.....	148.77
John Daniel, guardian.....	Ellen McAlester, deceased.....	244.70
David Dyer, guardian.....	Judy Wilson.....	29.85
Joshua Hall, administrator.....	Minnie Hall, deceased.....	139.81
Sampson Hall, guardian.....	Levicey Billy.....	122.25
Daniel Jefferson, guardian.....	Ella Alexander.....	33.35
Do.....	Peter Sampson.....	242.85
Do.....	Ellen Alexander.....	13.35
Sampson Jefferson, guardian.....	Wilston Jefferson.....	73.54
Do.....	Sophia Jefferson.....	224.44
Do.....	Joseph Anderson.....	458.50
Do.....	Salkon Jefferson.....	428.60
Hampton Joel, guardian.....	Henry and Annie Carney.....	465.09
Hilton W. Johnson, guardian.....	Amos Fisher.....	764.45
Samwell Lowman, administrator...	John McKinney, deceased.....	65.35
Salina Maytobe, guardian.....	Leo and Lawrence Harley.....	733.00
Frank McAfee, guardian.....	Allen and Netsey McAfee.....	793.00
Ben McFarland, guardian.....	Abel Nelson.....	61.60
Wm. H. McKinney, guardian.....	Mike, Osby, Lowena, Levicey, and Mattie Williams.	4,695.95
Wm. H. McKinney, guardian.....	Paul and Lesian Crosby.....	837.58
Alvin Nelson, guardian.....	Mattie and Quintus Maytobe.....	477.80
Dixon Parker, guardian.....	Kitsie Lewis.....	134.05
Keith Shaw, guardian.....	Stiles Shaw.....	252.85
Samuel Shaw, guardian.....	Missie Thomas.....	450.37
H. L. Stiff, guardian.....	Easton Billy.....	415.00
Do.....	Melville, Thompson, Tecumseh, Mary, Kaleston, and Francis Anna.	375.74
Do.....	Moffin, Elliston, Gaven, Minnie Nicey, and Fanny Ebahotubbi.	494.17
Levi Stewart, guardian.....	Ed Collins.....	340.95
Abel Suckkey, guardian.....	Dora Hall.....	1,321.60
Fliston Tisho, guardian.....	Rogers and Wesley Tisho.....	40.45
P. J. Thomas, guardian.....	Laura, Elix, and Irene Tohkubbi,	256.25
Phelin Taylor, guardian.....	Myrtle Lela Taylor.....	329.75
P. J. Thomas, guardian.....	Wallace Willis.....	338.90
Sinsie Thompson, guardian.....	Lena Thompson.....	840.00
Raymond Wilson, administrator...	Isin Tikebatubbi, deceased.....	271.35
Wm. S. Ward, guardian.....	Hinmon and Lelia Brown.....	864.00
Allen Willis, guardian.....	Matsie, Elsie, and Edmond Willis..	373.00
Wm. P. Wilson, guardian.....	Walter, Lena, and Edward Wilson	1,744.25
Cole Wilson, guardian.....	Cabin and Lena Wilson.....	574.00
Joseph Watkins, guardian.....	Louisiana Watkins (incompetent)..	83.75
Lucy Ann Williams, guardian.....	Henry, Nelson, and Eddie Williams.	305.00
Thomas Watson, guardian.....	Allen Watkins.....	216.01
Willis Willie, guardian.....	Daniel Willie.....	187.75
John Cornelius, guardian.....	Solomen and Silas Lewis.....	182.60
Semie Walker, guardian.....	Joe, Lotson, and Solon Walker.....	286.80
Harris Ward, guardian.....	Jessie, Osborn, and Golton Colbert..	997.30
Total.....		32,027.29

This shows an actual recovery of cash to these minors of $32,027.29. You will see from the above statement that Mr. Whitehead was using these minors' money and was not paying any interest for the use thereof, and while the company as contradistinguished from its agent here is, in my judgment, not guilty of what Mr. Whitehead has been doing, yet the recovery of the money as specified in the list herewith submitted will serve as a preventative of such pernicious practice in the future.

It appears further in this connection that Judge Barnes had, prior to the time the company had come here to do business, published a statement in the newspapers of McCurtain County, warning the public that they should patronize this company, as it was financially responsible, and there is no doubt in my mind that the county judge of this county was fully cognizant of the manner in which this money was used and fully cognizant of the purpose for which Mr. Whitehead used this money.

In the investigation of this matter, then, we have actually recovered for the minors of this county the sum of $32,027.29.

In the famous and infamous matter of John Lemon, a full-blood Indian, guardian, wherein he is guardian of Mary, Jessie, and Joseph Taylor, Indian minors, and in the matter of Leon Alemohtubbi, a full-blood Choctaw Indian, who is guardian of Elas, Ilis, and Letty Alemohtubbi, Indian minors, it appears that Judge Barnes, without acting as county judge of McCurtain County, in direct contravention to the law, loaned $14,000 of the above-named minors' money to C. Gamble, of the Bank of Garvin, on his mere personal note, and without a court order, though these notes show that Judge Barnes was surety thereon. In these cases we took this up with Mr. Gamble, and while Judge Barnes said he would be sued rather than turn this matter over, yet we now have in our possession a bank deposit slip wherein this money is placed to the credit of the guardian as guardian of the minors above enumerated and not held by C. Gamble as heretofore. In this connection we actually recovered the neat sum of $14,000.

In the matter of Joe Ben, it appears that Judge Barnes was using $2,000 of his ward's money, and he has also agreed to fix this matter up, though we have not had time so far to fix the matter.

In the matter of the Dukes children, it appears that $3,900 of this money was loaned to Claude Morris and Mr. Leggett, though it appears that real estate security was given to the guardian, as guardian, yet no authority of law or order of court was made to the guardian to loan this money. We took these matters up with the respective parties, and we have now an order of court authorizing the guardian to loan $3,900, but the same is secured, and there is a record to show to whom this money belongs. In the event of the death of the guardian and the parties who had the money it would have been impossible to recover this money; but now the minors' money is secured. In this connection, then, we have actually saved and made secure to these minors the sum of $3,900. When we took this matter up with the parties named, they agreed immediately to return the money to us, but it was not our policy to have this money returned, but to see that the loans were good and that there was sufficient security, and in this, we have made good.

In the matter of Lena Tushka, a minor, we took up this sale with the county court, and although the return of sale recited that $900 would be paid for this land by the vendee, the Choctaw Lumber Co., yet we made the Choctaw Lumber Co. agree to pay $1,200, and in this connection effected a saving of $300.

In the Susan Ward matter we effected a saving of $50 by furnishing an appraisement, and in the matter of Mr. Johnson we effected a saving of $25 by furnishing appraisements and taking the matter up and adjusting it. We had the Stave Co., of Bokohoma, Okla., pay $25 for damages done on this ward's allotment, and in the matter of Adeline Christie and Nelson Christie we took up their complaint with the Choctaw Lumber Co., and besides avoiding litigation, collected the sum of $117.50.

There are other minor complaints, but on account of the multitudinous duties connected with straightening out the matters heretofore mentioned, it has been impossible to give these matters the attention that we should like, and besides they are insignificant when compared with the gigantic steals which we have finally straightened out.

In addition to that, while we have been busy with this investigation, the county judge resigned as a result thereof, and lawyers here were in doubt as to the legality of any business transacted through the county court of McCurtain County. In short, the resignation of the county judge conjoined with the investigation has practically paralyzed probate business, and in this connection it has given us an opportunity to catch up. Much work yet remains to be done, but we can safely say that we have started the good work and we believe that McCurtain County will not see a repetition of what has gone before.

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APPLICATIONS FOR THE REMOVAL OF RESTRICTIONS.

We have had about 20 applications for the removal of restrictions, and so far have forwarded 7 to your office with reports, and we are waiting for take-offs from other offices before we forward the balance to your office. In connection with the handling of restricted money, we have let the contract for four houses, bought three teams of mules for Indians, several wagons, and some furniture, and delivered checks to them as the exigency of the case demanded.

LEASE COMPLAINTS.

In the matter of lease complaints affecting agricultural lands, the Indians in this district have most of their lands in the Chickasaw Nation, and we have taken up approximately 20 of these complaints and attempted through the other offices in the Chickasaw Nation to collect the back rentals due the lessors. In addition to that we have now four agricultural leases ready to forward to your department extending over a period of five years on the homestead allotment of full-blood Indians, and one or two which have been returned to this office for additional report. We have collected over $200 and delivered the same to the Indian lessors in lease money.

In the Catherine Taylor matter, we procured an agricultural lease for five years on unrestricted land at a money consideration of $200, with improvements in the way of fencing and housing, and barns, where the allottee was ready and willing to lease for $150 without improvements. In this connection we saved to the allottee $250 without figuring the improvements.

We have also made several one-year leases for Indians and have obtained more favorable terms than they could themselves, and we have given a great deal of advice to Indians and to prospective lessees on the legality of leases.

APPLICATION FOR APPROVAL OF CONVEYANCES BY FULL-BLOOD HEIRS.

In the matter of approval of conveyances by full-blood heirs, we have had one application filed which will be forwarded to your department just as soon as we can interview one of the heirs and make an appraisement. However, we have not had an appraiser, and my duties here will not permit me to devote much time to appraising. I believe that we have also two other cases on hand ready to forward to your department for action, and have interviewed the heirs, reported and taken the testimony in two other cases for other agencies.

LETTERS WRITTEN DURING THE MONTH.

In the matter of writing letters, we have written approximately 1,000 letters during the month of August relative to various matters, and we have about 70 now unanswered. The reason for this is that the work here is too voluminous and the duties which I must perform in this investigation somewhat retarded, or has retarded, a prompt answer to all letters. In addition to that we have many full-blood Indians living in this district, and every business transaction that we transact must be transacted through an interpreter, which is tedious.

INVESTIGATION.

In addition to the regular duties performed by me as district agent and in conjunction therewith I have devoted most of my time to investigating conditions in McCurtain County, and as a result of this investigation we forced County Judge T. J. Barnes to hand in his resignation. In this connection I desire to say that we were ably assisted by that fearless man, Dr. Stolper, general attorney for the department of charities and corrections of the State of Oklahoma, and I desire to say here that while I believe we could have forced Judge Barnes out of office by disbarment proceedings and criminal actions, yet we could never have procured his resignation at this time without the assistance of Dr. Stolper.

In accordance with your instructions, we have kept the State in the front in this fight, and I can truthfully say that the resignation of the county judge himself is an achievement of no small note and importance, as he has been the disturbing element in this community since statehood, and the fountainhead from which emanated the diabolical grafting of Indians that has been going on in this county in the past.

An analysis of the causes which revolutionized the moral sentiment of this county and which led to the deposing of the county judge shows that you, yourself, started the wave of reform and the investigation when you came here in person and announced that you would create a district agency of McCurtain County, and see that the individuals who had been transgressing the criminal law would be placed in the penitentiary.

When I came here I took up the work and, with the assistance of Mr. Fred S. Cook, special agent from your office, who has been identified with every move I have made, I have been able to carry on this work.

Only we on the ground will ever know what a battle has been waged in the investigating of the frauds perpetrated on the Indian in this county, and while we have suffered a strain, yet the individuals who committed crimes were suffering from the remorse of conscience and the fear of the law. We have been insulted, and Davis James, my Indian policeman, was arrested on a warrant sworn out in the county court of this country solely on account of ill feeling, and after the State courts had dismissed this case an attempt was made to interest the United States commissioner, at Hugo, Okla., to arrest Davis James and Mr. Reynolds, connected with this office. When this failed Mr. Reynolds was vilely assaulted on the streets. However, we have continued steadily in this work, and we have gathered evidence that will revoke the commissions of 22 notary publics who have commissions as notary publics in this county.

It appears that some of such notary publics have been guilty of crimes, and some of them have been in the habit of taking warranty deeds in blank and the acknowledgments of other instruments in blank and allowing them to be filled out at the will of the person who had them in possession. In addition we have 10 or 12 that we will investigate in the future, and when sufficient evidence is forthcoming we will also take steps to revoke their commissions, and I am satisfied that this action on our part will prevent the pernicious practice of taking blank deeds and the commission of other offenses by notary publics; but not only have we collected evidence relative to notary publics, but we have specialized somewhat in the collection of evidence that will show a transgression of the criminal law, of the statutes of Oklahoma, wherein land grafters are concerned, and relating to Indian matters, and as a result we will present evidence to the next grand jury.

In some of the cases we have evidence showing crimes of perjury, bribery, embezzlement, forgery, and malfeasance in office.

The collection of this evidence has meant an enormous amount of work in the nature of procuring affidavits, interviewing parties, and running down clues, and the fight which we have waged has affected two banks in this county and shook the county from boundary to boundary.

In the investigation here we have had the hearty cooperation of District Judge Hardy and the county attorney, Mr. Barrett, and I also wish to mention that Mr. McCurtain has been here some, representing the Choctaw Nation. But I desire to specially mention Dr. Stolper, of the department of charities and corrections of the State of Oklahoma, and Mr. Fred S. Cook, special agent from your department, than whom there are to be found no more able men in this kind of work. Of course, you know Mr. Cook has been here with me on the ground in most of the fight.

To summarize, then, what we have accomplished this month, we can show as follows:

County Judge T. J. Barnes, of McCurtain County, Okla., deposed, and this in spite of pressure and influence. Incidentally, I may say here that when he was deposed the king of wrong was dethroned.

Fifty-one thousand seven hundred and sixty-nine dollars and seventy-nine cents saved to Indian minors and allottees.

Title to 4,113.48 acres quitclaimed to allottees through this office, clearing the title to that many acres of land without the intervention of the slow and tedious machinery of the courts of justice.

Evidence collected sufficient to revoke the commissions of 21 notaries public.

Evidence to present to the grand jury affecting 22 persons, including many prominent people, such as judges and lawyers.

The foundation laid for the investigation of others who have transgressed the law, and also some evidence collected affecting 12 other notaries public.

One thousand letters written.

One thousand take-offs made.

A complete revolution in the moral sentiment of McCurtain County, and indirectly setting an example to the entire Mistletoe State.

The hearty cooperation of county and State officials.

And, lastly, I desire to mention the creation of the board of arbitration, which recently convened, and was composed of Dr. Stolper, Mr. Kelsey, and Mr. Humphrey, which will investigate the titles of tens of thousands of acres of land and which will save an enormous sum to the Indians and to the taxpayers of the State, and this without ill feeling.

However, I have already written my recommendations and approval relative to this board.

Respectfully,

GRATTAN G. MCVAY,
District Agent.

AUGUST 15, 1912.

Mr. James E. Gresham, special assistant to the Attorney General, under date of September 1, 1911, reported to Dana H. Kelsey, United States Indian superintendent, that "on the 7th instant a grand jury assembled here returned indictments upon 17 counts, including three charges each, against one of the prominent politicians of the county and the former clerk of the district court. With one exception, we have the cooperation of the local State officers, and now expect to get some results without having to go away from home to do it.

Your district agent for Seminole, Hughes, and Okfuskee Counties rendered valuable assistance in the preparation and presentation of these cases.

John Cordell, district agent, under date of September 8, 1911, reported to the United States Indian superintendent, Muskogee, Okla.:

The result of the work of the grand jury, as far as I am able to ascertain, is as follows:

(1) Sam Norton, of Seminole, Okla., known as "the king of grafters" among certain class of land pirates operating in Seminole County, was indicted in three cases.

(2) R. D. Milton, of Wewoka, a proficient land grafter, recently convicted in Pottawatomie County and sentenced to a term of seven years in the State penitentiary for forgery in connection with land matters, was indicted in two cases.

(3) George B. Payne, one of the grafting fraternity, formerly justice of the peace in Seminole County, was indicted in seven cases.

(4) Joe E. Lawhead, formerly district court clerk in Seminole County, now employed in the office of the clerk of the supreme court at Oklahoma City was indicted in four cases.

(5) Rheub McDonald, a laborer, used by the grafters as a tool, in my opinion, was indicted in one case.

(6) Tom Wright, a member of the grafting fraternity in good standing, now running a meat market in Wewoka, was indicted in two cases.

(7) Little George Crump, well known as a land pirate in Seminole and adjoining counties, was indicted in two cases.

This makes a total of 21 cases against 7 individuals. Crump has already been convicted of forgery in Pottawatomie and McIntosh Counties, and the cases are pending in the criminal court of appeals.

APRIL 13, 1912.

Hon. WARREN H. BROWN,
County Judge Creek County, Sapulpa, Okla.

SIR: Under your informal request of recent date we have made an investigation of probate cases Nos. 36 and 182, entitled "Estate of Bessie Clayton, a minor, B. B. Burnett, curator," and "Estate of William McKinley Clayton, a minor, B. B. Burnett, curator," respectively, and beg to report as follows:

An examination of the records of these cases fails to show the filing of inventories and appraisements of the estates of said minors, as required by section 5494 of Snyder's Laws of Oklahoma, 1909, which provides as follows:

"SEC. 5494. Inventory and account of estate of ward. Every guardian must return to the county court an inventory of the estate of his ward within three months after his appointment, and annually thereafter. When the value of the estate exceeds the sum of $20,000, semiannual returns must be made to the county court. The court may, upon application made for that purpose by any person, compel the guardian to render an account to the county court of the estate of his ward. The inventories and accounts so to be returned or rendered must be sworn to by the guardian. All the estate of the ward described in the first inventory must be appraised by appraisers appointed, sworn, and acting in the manner provided for regulating the settlement of the estate of decedents. Such inventory, with the appraisement of the property therein described must be recorded by the judge of the county court, in a proper book kept in his office for that purpose. Whenever any other property of the estate of any ward is discovered, not included in the inventory of the estate already returned, and whenever any other property has been succeeded to or acquired by any ward, or for his benefit, the like proceedings must be had for the return and appraisement thereof that are herein provided in relation to the first inventory and return." And therefore it is impossible to determine from said records whether the whole estates have been accounted for by the curator.

The larger part of the incomes of these estates appears to arise from their mineral properties, in that both are underlaid with oil. The receipts of the curator check with the data of royalties disbursed by the United States Indian superintendent for the Union Agency and the Gulf Pipe Line Co. after the leases were removed from departmental supervision. However, the items of bonuses have only been verified by the papers in the files.

The curatorship of B. B. Burnett dates from January 4, 1907, and reports to the number of five were filed on the following dates, to wit:

Bessie Clayton.

No.	Date.	Period covered.	Balance due ward.
1	Aug. 22, 1908	Jan. 4, 1907-July 1, 1908	$292.43
2	Sept. 7, 1910	July 1, 1908-July 1, 1909	9,176.32
3	....do....	July 1, 1909-July 1, 1910	19,664.78
4	Dec. 30, 1911	July 1, 1910-June 30, 1911	21,530.95
5	Feb. 17, 1912	July 1, 1911-Dec. 31, 1911	26,189.61

William McKinley Clayton.

1	Aug. 22, 1908	Jan. 4, 1907-July 1, 1908	$5,268.00
2	Sept. 7, 1910	July 1, 1908-July 1, 1909	14,132.48
3	Sept. 10, 1910	July 1, 1909-July 1, 1910	24,838.55
4	Dec. 30, 1911	July 1, 1910-June 30, 1911	23,871.16
5	Feb. 17, 1912	July 1, 1911-Dec. 31, 1911	28,810.19

It will be noted, therefore, that the curator has not filed reports, as required by the statute above mentioned. The curator has also failed to file vouchers or receipts for expenditures in the following cases, or oath certified by the judge of the fact of payment, as required by section 5388 of Snyder's Laws of Oklahoma, 1909, which provides, as follows:

"SEC. 5388. Settlement of items without vouchers: On the settlement of his account he may be allowed any item of expenditure, not exceeding $15, for which no voucher is produced, if such item be supported by his own uncontradicted oath reduced to writing and certified by the judge positive to the fact of payment, specifying when, where, and to whom it was made; but such allowances in the whole must not exceed $300 against any one estate, nor over 10 per cent of the inventory appraised value of any estate under $3,000."

Bessie Clayton.

July 1, 1910, Mollie Lowrance, care and support, July, 1910	$50.00
July 2, 1910, Henry McGraw, one-half of fee allowed by district court	250.00
Aug. 3, 1910, Mollie Lowrance, care and support for August, 1910	50.00
Sept. 1, 1910, Mollie Lowrance, care and support for September, 1910	50.00
Oct. 1, 1910, Mollie Lowrance, care and support for October, 1910	50.00

Nov. 2, 1910, Mollie Lowrance, care and support for November, 1910	$50.00
Dec. 2, 1910, Mollie Lowrance, care and support for December, 1910	50.00
Dec. 15, 1910, Brooks G. Burnett, one-half of 12 receipted bills, $257.05, expense on Snyder property	128.52
Jan. 6, 1911:	
Mollie Lowrance, care and support for January, 1911	50.00
F. & M. Bank, one-half of $159.65 to Ike Clearwater for repair work on bank and office-room building, Snyder, account fire, as per receipt	79.82
F. & M. Bank, one-half of $30.30 to Ike Clearwater for repair work on store building, Snyder, Okla., as per receipt	15.15
Jan. 7, 1911, L. B. Jackson, as per order of court to buy property, Jan. 7, 1911	700.00
Jan. 13, 1911, Mann & Jackson, balance attorney fee representing estate in all cases to date	400.00
Jan. 30, 1911, recording deeds from Creek County Investment Co. and L. B. Jackson	2.00
Feb. 1, 1911, Mollie Lowrance, care and support for February, 1911	50.00
Feb. 3, 1911, E. B. Hughes, attorney, for work in connection with agricultural lease, etc., to J. O. Hereford	10.00
Feb. 9, 1911, J. A. Boyd, one-half of $75, premium $40,000 bond, third year	37.50
Feb. 25, 1911, one-half of $3.75 for letters of guardianship paid to county court of Muskogee County	1.87
Mar. 3, 1911, Creek County Investment Co., as per order of court Jan. 7, 1911, to buy real estate	4,200.00
Mar. 6, 1911:	
J. D. Pridgen, one-half of bill for repairing roof on store building, Snyder, Okla	1.00
Cameron Lumber Co., one-half of lumber bill for floor for storeroom building, Snyder, Okla., $98.50	49.25
J. C. Brown, agent, one-half of bill for insurance on bank and office-room building, Snyder, Okla., $50.06	25.03
Mar. 11, 1911, Mollie Lowrance, care and support, March, 1911	62.50
Apr. 1, 1911, Mollie Lowrance, care and support for April, 1911	62.50
May 1, 1911, Mollie Lowrance, care and support for May, 1911	62.50
June 1, 1911, Mollie Lowrance, care and support for June, 1911	62.50
June 9, 1911:	
R. D. Guest, agent, one-half of bill for repair work on bank and office building, Snyder, Okla., as per receipted bills, $35.10	17.55
Ike Clearwater, for repairs on building, Snyder, Okla., see receipts, $58.90	29.25
Paid John L. Brady, treasurer Creek County, tax allotment of Bessie Clayton, as per receipt—	
1909	54.44
1910	37.05
Allotment of Della Jacobs, deceased, one-half tax—	
1909, $32.95	16.47
1910, $23.40	11.70
Allotment Ernest Clayton, deceased, one-half tax—	
1909, $171.86	85.93
1910, $282.40	141.20
Total	6,943.73

William McKinley Clayton.

July 1, 1910, Mollie Lowrance, care and support, July, 1910	$50.00
July 2, 1910, Henry McGraw, one-half of fee allowed by district court	250.00
Aug. 3, 1910, Mollie Lowrance, care and support, August, 1910	50.00
Sept. 1, 1910, Mollie Lowrance, care and support, September, 1910	50.00
Oct. 1, 1910, Mollie Lowrance, care and support, October, 1910	50.00
Nov. 2, 1910, Mollie Lowrance, care and support, November, 1910	50.00
Dec. 2, 1910, Mollie Lowrance, care and support, December, 1910	50.00
Dec. 15, 1910, Brooks G. Burnett, agent, one-half of 12 receipted bills, $257.05, for expense on Snyder (Okla.) property	128.53
Jan. 6, 1911:	
Mollie Lowrance, care and support, January, 1911	50.00
F. & M. Bank, one-half of $159.65 to Ike Clearwater for work on bank and office-room building, Snyder, Okla	79.83
Jan. 7, 1911, L. B. Jackson, as per order of court Jan. 7, 1911, to buy property	700.00
Jan. 13, 1911, Mann & Jackson, balance attorney fees for representing estate to date in all cases	400.00
Jan. 30, 1911, recording deed from L. B. Jackson	1.00
Feb. 1, 1911, Mollie Lowrance, care and support, February, 1911	50.00
Feb. 9, 1911, J. A. Boyd, agent, one-half of $75 premium for $40,000 bond, third year	37.50
Feb. 25, 1911, one-half of $3.75 for letters of guardianship, paid to county court, Muskogee County	1.88
Mar. 1, 1911, Creek County Investment Co., as per court order Jan. 7, 1911, to buy property	7,200.00
Mar. 6, 1911:	
J. D. Pridgen, one-half of repair bill for repairing roof on storeroom building, Snyder, Okla., as per receipted bill	1.00
Cameron Lumber Co., one-half of bill for $98.50, lumber for floor for store buildings, Snyder, Okla., as per receipted bill	49.25
J. C. Brown, one-half of bill for insurance, bank, and office-room building, Snyder, Okla., as per receipted bill, $50.06	25.03
Mar. 11, 1911, Mollie Lowrance, care and support, March, 1911	62.50
Apr. 1, 1911, Mollie Lowrance, care and support, April, 1911	62.50
May 1, 1911, Mollie Lowrance, care and support, May, 1911	62.50
June 1, 1911, Mollie Lowrance, care and support, June, 1911	62.50
June 9, 1911:	
R. D. Guest, one-half of receipted bills for repair work on bank and office-room building, Snyder, Okla., per receipted bills, $35.10	$17.55
Ike Clearwater, one-half of receipted bill for repair work on bank and office building, Snyder, Okla., as per receipted bills, $58.50, one-half	29.25
Paid Jno. L. Bardy, county treasurer Creek County, allotment of ward for—	
1909	135.28
1910	285.22
Taxes, allotment Ernest Clayton, deceased—	
1909, $171.86, one-half	85.93
1910, $282.40, one-half	141.20
Taxes, allotment Della Jacobs, deceased—	
1909, $32.95, one-half	16.48
1910, $23.40, one-half	11.70
Total	10.246.63

The records in these cases further show the filing of several petitions for the removal of the curator on grounds of mismanagement and fraud, among them the profiting in a lease on lands of Ernest Clayton, deceased, to the Indiahoma Oil Co. However, without considering these allegations, the records of the office of the United States Indian superintendent show the transfer of that portion of said lease covering the southwest quarter of the southwest quarter of section 4, township 17 north, range 12 east, on the 3d day of July, 1907, to the Thompson Oil Co., alleged originally to have been composed of Rufus B. Thompson, attorney for the curator and of the law firm of Thompson & Smith; Birch C. Burnett, brother of the curator; and Minnie Egan, which, of itself, indirectly interests the curator and so taints the original transaction that no fair-minded person could be acquainted with the fact without being impressed with the idea of fraud.

Notwithstanding the fact that large sums have come into the hands of this curator, investment has been made of less than 50 per cent of the same, and said moneys have been allowed to lie idle except as hereinafter set out. The curator alleges that said funds were deposited in the Farmers & Merchants' State Bank, of Sapulpa, and offered to furnish pass books showing the dates of the deposits. However, after being given full opportunity, such pass books were not exhibited, as promised, and it is reasonable to assume that said funds were not placed to the credit of these minors, but have been handled by the curator as his own.

The first investment was made under order of June 15, 1908, to secure stock in the Sapulpa Hotel Co. to the amount of $7,500. To the best of our information said curator was president of said hotel company, which was organized for the purpose of booming the town of Sapulpa and was not considered to be a successful proposition from a business standpoint. It is significant to observe that all the proceedings with reference to this purchase were had on the one day above set out. The appraisers report the assets to be the building and lot, valued at $85,000; the liabilities, one mortgage of $39,000, another of $14,500; and the capital stock of $25,000. They further allege that said premises have been leased for 10 years at $6,500 per annum, and on this basis come to the conclusion that the stock has a market value of 100 per cent. By what process of reasoning or mathematics such conclusion was reached is not known to us. However, from a practical standpoint, it would seem that the interest on the loans would be about $4,280, leaving a balance of $2,220 from the rents, and that such remaining sum would probably be consumed to a considerable extent by the payment for repairs, insurance, and taxes. Considering that $75,000 would be a large price for the building, it will only be a question of a comparatively short time when the capital stock has practically no value. From reliable information it has been shown that our conclusions as to the value of this investment were shared by the public generally at Sapulpa, who looked upon said enterprise as one of public benefit, without hope or promise of return from any funds invested therein except in the cases as to the money of various minors placed therein under glowing appraisements made by a few public-spirited citizens.

Under this purchase, $1,500 of which was expended for Bessie Clayton and $6,000 for William McKinley Clayton, no vouchers have been filed showing payment of purchase price or any evidence as to the amount of stock purchased or from whom.

Under order of court purchase was made of lot 8, block 79, and lots 13 and 14, block 80, of the town of Snyder, Okla., from John Dermott, on May 23, 1908. The consideration was $25,000, which was borne equally by the two minor grantees. These lots contain business property, the first being a one-story rock structure about 25 feet wide and 100 feet deep, the second a two-story brick building 50 by 80 feet, without a basement, the lower floor being used for a drug store and bank, the upper by the telephone exchange, lodge room, and several attorneys.

The next investments were those involving the purchase of property in the Burnett addition to the town of Sapulpa, as follows:

Lots 13–24, inclusive, block 12, Burnett addition: Bates B. Burnett to Creek County Investment Co., a corporation, executed October 15, 1910, filed January 30, 1911; Creek County Investment Co. to Bessie Clayton, consideration $4,200, executed January 6, 1911, filed for record January 30, 1911, taxes due, with penalty, for 1909 $26.79, for 1910 $16.32.

Lots 17 and 18, block 14, Burnett addition: Bates B. Burnett to L. B. Jackson and Josiah G. Davis, executed March 2, 1909, recorded March 2, 1909; Josiah G. Davis to L. B. Jackson, executed November 28, 1910, recorded November 28, 1910; L. B. Jackson to Bessie Clayton, consideration $700, executed December 7, 1910, recorded January 30, 1911.

Block 13, Burnett addition: Bates B. Burnett to Creek County Investment Co., a corporation, executed October 15, 1910, recorded January 30, 1911; Creek County Investment Co. to William McKinley Clayton, consideration $7,200, executed January 6, 1911, recorded May 18, 1911, taxes due, with penalty, for 1909 $53.59, for 1910 $32.64.

Lots 15 and 16, block 14, Burnett addition: Bates B. Burnett to L. B. Jackson and Josiah G. Davis, executed March 2, 1909, recorded March 2, 1909; Josiah G. Davis to L. B. Jackson, executed November 28, 1909, recorded November 28, 1909; L. B. Jackson to William McKinley Clayton, consideration $700, executed December 7, 1910, recorded January 30, 1911.

It will be perceived from the above record of conveyances that in two instances the immediate grantor was the Creek County Investment Co., of which Birch C. Burnett, brother of the curator, is president, C. W. Wills, assistant cashier of the Farmers and Merchants Bank, is secretary, and in which the curator himself is a stockholder. These properties lie on the eastern outskirts of Sapulpa, are unimproved, with the exception of some sidewalk, and are in the immediate vicinity of

a graveyard, which drains on a portion thereof, and from a fair and impartial estimate of the values at the respective times of purchase could not have been worth more than half of the consideration paid; and said values have not since increased but rather have diminished.

Aside from the question of the curator being interested in the sale of the land to the ward, the back taxes due on the property, the exorbitant price paid, and the illegality of the transactions by reason of same having been made before a county judge related to said curator by affinity within the degree prohibited by statute (to be hereafter discussed), the land constitutes a portion of the allotment of Lonie Tiger, deceased, and the title thereto is now and has been clouded by litigation.

As above mentioned, the legality of the purchases of the property is seriously questioned by reason of the fact that Josiah G. Davis, county judge, who ordered and confirmed the same, was the brother-in-law of the curator, Bates B. Burnett. This question was recently passed upon in the county court of Muskogee County in the matter of the curatorship of Edith Durant, a minor, Bates B. Burnett, curator, No. 1412, the conclusion of the court being as follows:

"It is therefore my opinion that the actions of Judge Josiah G. Davis herein, as judge of the county court of Creek County, Okla., in the matter of the curatorship of Edith Durant, a minor, while sections 5139 and 1984 were in effect, by reason of the relationship existing between Davis and Burnett, who was a party interested in such proceeding, are void."

The purchases affected by such decision are set out as follows:

Bessie Clayton.

Sapulpa Hotel stock	$1,500
Lots 13–24, block 12	4,200
Lots 17 and 18, block 14	700
Property in Snyder, Okla	12,500
Total	18,900

William McKinley Clayton.

Sapulpa Hotel Co	$6,000
Block 13	7,200
Lots 15 and 16, block 14	700
Property in Snyder, Okla	12,500
Total	26,400

We believe for the reasons before set out that these sales are invalid and that the minors have no title thereto, and it accordingly becomes your duty to reconsider same on the merits with a view to repurchasing the property if the facts in the case so justify. As to the Snyder property, to our best information the same was not worth over $18,000 at the time of the purchase. Nevertheless, the income has been sufficient, the town is growing, and in time there is a good possibility of the attempted purchase becoming a fair investment, and we accordingly recommend that this purchase be ratified by you in appropriate proceedings. As to the remainder of the sales, we recommend that because of the inadequacy of consideration, the interest of the guardian in the property and the clouded title to the land, that same be not ratified, but that the guardian be required to account for the money paid therefor.

The records further show that large amounts of money have come into the hands of the curator, and that, in comparison to the income, the amount necessary for the maintenance and education is modest, to wit, $750 each per annum; therefore at this time there is a reported balance in cash due Bessie Clayton of $26,189.61 and William McKinley Clayton of $28,810.19. These funds, as heretofore mentioned, have evidently been handled by the curator without sanction of the court and without interest, except that he has credited said wards, or rather charged himself, with 6 per cent interest on the yearly balances. This generous dealing with himself can not be passed by without exception by us for the reason that in this community there is no money loaned at less than 8 per cent, and then with good and sufficient security, which Burnett has not attempted to furnish. Nor does simply the charge of 8 per cent interest on the yearly balances show a proper accounting to the wards, and we have accordingly had the daily balances which have come into the curator's hands computed by an expert accountant and charged the sum of 3 per cent interest thereon, which, to the best of our information, is the prevailing rate. The increase in interest, computed as aforesaid, is as follows:

	Bessie.	William McKinley.
On yearly balances, including accrued interest on daily balances	$914.15	$1,207.62
Interest on daily balances	744.32	1,280.45
Total	1,658.47	2,488.07

In discussing the use of the funds of these wards and the large amount of cash on hand, it seems proper at this time to point out to you the failure of the curator to pay taxes and to the incurring, without any justification whatsoever, of the prescribed penalty, which latter item should be charged against him.

Bessie Clayton.

	Taxes.	Penalty.
TAXES UNPAID.		
On allotment, 1911	$108.72	
Penalty		$5.43
Lots 13-24, block 12, 1911	112.32	
Penalty		5.61
Lots 17 and 18, block 14, 1911	22.40	
Penalty		1.12

Due Bessie Clayton from curator.

Taxes, lots 13 and 14, 1909	$26.79
Taxes, lots 13 and 14, 1910	16.32
Penalty on allotment taxes, 1911	5.43
Penalty on lots 13–24, 1911	5.61
Penalty on lots 17 and 18, 1911	1.12
Total	55.27

William McKinley Clayton.

	Taxes.	Penalty.
TAXES UNPAID.		
On allotment, 1911	$138.82	
Penalty		$6.94
Block 13, for 1911	267.20	
Penalty		13.12
Lots 15 and 16, block 14, 1911	22.40	
Penalty		1.12

Due William McKinley Clayton from curator.

Taxes, block 13, 1909	$53.59
Taxes, block 13, 1910	32.64
Penalty on allotment taxes, 1911	6.94
Penalty, block 13, 1911	13.12
Penalty, lots 15 and 16, 1911	1.12
Total	107.41

Other than the taxes above referred to, since 1908 no taxes have been paid on the personalty of said wards. These taxes, which are below set out, are being resisted by the curator, in legal proceedings, on the ground that they are excessive, because they are based on the assessment of the town of Sapulpa, whereas said minors do not reside within the corporate limits of said town, and the taxes of their residence are considerably lower. This contention by the curator appears to be meritorious, provided, however, that the expenses of the litigation will not exceed the difference in the amount of taxes.

Personal taxes, Bessie Clayton.

1908	$357.76
1909	191.00
1910	35.55
Tax ferret, 1910	560.34
Taxes, 1911	730.07
Total	1,874.72

Personal taxes, William McKinley Clayton.

1908	$359.78
1909	181.45
1910	337.72
Tax ferret, 1910	430.65
Taxes, 1911	983.55
Total	2,293.15

Thus it seems that the curator is liable to the said wards for funds which he has not accounted for, as follows:

Bessie Clayton.

Void purchases	$18,900.00
Taxes and penalties	55.27
Interest	1,658.47
No. vouchers	6,943.73
Total	27,557.47

William McKinley Clayton.

Void purchases	$26,400.00
Taxes and penalties	107.41
Interest	2,488.07
No. vouchers	10,246.63
Total	39,242.11

These amounts, together with those on hand, as shown by the fifth and last report, bring the total of liability to these wards to the sum of $121,799.38, whereas said curator has two bonds, one for $40,000, by the Southern Surety Co., and the other for $, with the following sureties: B. C. Burnett, C. W. Turner, and C. W. Wills, who, to the best of our information, are not of sufficient financial responsibility to render any protection to the interests of these wards. It therefore seems that said curator should, as a preliminary step, be called upon for an additional bond in the sum of $85,000 with some reputable surety company.

Summing up, exceptions are taken to the curatorship for the following reasons:

1. Failure to file inventories and appraisements.
2. Failure to make reports when due.
3. Profiting on lease to Indiahoma Oil Co.
4. Use of minors' funds.
5. Failure to invest funds.
6. Purchase of worthless stock. (Sapulpa Hotel Co.)
7. Interest on sale of stock. (Sapulpa Hotel Co.)
8. Failure to properly report purchase of stock.
9. Purchase of realty at exorbitant prices.
10. Purchase of doubtful titles and encumbered property.
11. Interest on sale of realty. (Burnett addition.)
12. Invalidity of sales of realty by reason of relationship of county judge.
13. Failure to account for proper interest on funds.
14. Failure to pay taxes.
15. Insufficient bond.
16. Administration of curatorship generally for benefit of himself and not wards.

It will be noted the curator has not made a charge for his services in the administration of these estates. It is possible that he considered such compensation was had in handling the money, under the low rate of interest charged against himself, therefore, inasmuch as we have incorporated a proper rate of interest, it leaves him without any compensation whatsoever. However, in view of the gross mismanagement of these estates, as hereinbefore detailed, we contend that said curator is not entitled to any compensation, but this rests entirely in your discretion, for the reason that the estates of said minors have suffered great loss through his administration. Authority for this contention is found in the following cases: Scheib *v.* Thompson (23 Utah, 564; 65 Pac. Rep., 499); Guardianship of Kalu (17 Haw., 517–519); and Guardianship of Hoare (14 Haw., 443–448).

It is therefore earnestly recommended that Bates B. Burnett, curator, be removed and be required to render a final accounting on the basis hereinabove set out.

It is further recommended that suit be instituted for the cancellation of the lease to the Indiahoma Oil Co. and for the recovery of adequate bonus thereunder.

Respectfully,

CHARLES F. BLISS,
Supervising District Agent.
DIXON H. BYNUM,
Probate Attorney.

JULY 27, 1912.

Mr. DANA H. KELSEY,
United States Indian Superintendent,
Muskogee, Okla.

SIR: In the matter of the arrest and indictment of T. E. Wyly, of Adair County, who has been pernicious in clouding the titles to allotments of full-blood Indians and other allottees, I beg to advise that in the June term of the United States court at McAlester, Mr. Wyly, according to his agreement with myself, plead guilty to the fraudulent use of the mails, and was fined $500. We allowed him to do this only with the understanding that he would make us a free and complete statement of his dealings with other people in connection with the forging of deeds and other instruments affecting the allotments of Cherokee citizens, which he did, and I am inclosing you herewith a copy of his statement to me concerning the operations of himself and others. I also have, in addition to this statement, contract signed by certain lawyers in Adair County and an affidavit of another party associated with him in the forgery of certain deeds on the surplus lands of Cherokee citizens.

Wyly's arrest and plea of guilty has materially assisted us in quieting the title to several pieces of land in the Cherokee Nation and also has stopped the practice of his associates in these matters, with the exception of one or two, who are still carrying on their fraudulent schemes, but we hope to be able to secure enough evidence for their indictment and conviction in the very near future.

Respectfully,

FRED S. COOK, *Special District Agent.*

Mr. McCALL. If the gentleman will permit me there, I have a telegram from ex-Gov. Long, of Massachusetts, who used to be a Member of this House, and who was also a member of President McKinley's Cabinet, a practical statesman, in which he says:

Appropriation for Oklahoma district agents in Indian appropriation bill now in conference is of vital importance to safeguard the Indians.

He is at the head of an Indian citizenship association.

Mr. STEPHENS of Texas. Mr. Speaker, I yield three minutes to the gentleman from Oklahoma [Mr. DAVENPORT].

Mr. DAVENPORT. Mr. Speaker, when this bill was originally before the House every provision in it was thoroughly discussed. I do not care to refer to a single statement made at that time, but I want to say that since the bill passed the House every power known to human ingenuity has been brought to bear by the Interior Department to retain this appropriation. Within the last 48 hours the Secretary of the Interior has been sending a telegram to Judge Leahy, Muskogee, Okla., and received a reply, and inside of an hour after the answer was received he was delivering copies to myself and other Members interested in this bill.

You can not get from the department a statement of the amount of money that they are spending or did spend belonging to the Indians last year. They will not tell you that when they sell a piece of land they take every dollar of the expense out of it. I will give you one instance where they sold a piece of land for $200, belonging to Jim Daly, of Bartlesville, Okla., and took $36 from the $200 to pay the expenses of the sale and advertising.

Another instance of the glorious way in which these district agents take care of these Indians is in the case of Jackson Barnett, a Creek Indian, who gave a lease for 160 acres for $40 bonus. When the lease reached the Union Agency at Muskogee they thought that the $40 was too small, and required the lessee to pay $200 additional, making $240, and recommended the approval of the lease for a bonus of $240. It was discovered that Jackson Barnett was a weak-minded Indian, not competent to make a lease. A guardian was appointed in the probate court, Judge Johns presiding, and that lease sold for $2,400 bonus. When I was at home a few weeks ago I was present in Judge Johns's court, where the district agent, Mr. Farrar, representing Barnett, claiming his right as an agent of the Government, appeared and offered a motion to set aside the proceeding, and insisted that the first lease for $240 bonus should be approved and that Jackson Barnett should lose $2,160. That is the way the district agents are proceeding. They tell you all the good they do, but they do not tell you what else they do.

I could give you instance after instance of this kind. The cause of all this is just like the message read by the gentleman from Massachusetts a few minutes ago. They are being gotten up by men who know nothing of the actual conditions down there.

Mr. McCALL. Will the gentleman yield?

Mr. DAVENPORT. Yes.

Mr. McCALL. The gentleman who sent the telegram that I read a few moments ago is ex-Gov. John D. Long, who used to be a Member of this House, has been Secretary of the Navy, and who knows public questions as well as any man in the House, and he has always been a friend of these Indians.

Mr. DAVENPORT. In reply to the gentleman from Massachusetts I want to say that the Secretary of the Navy knows as much about Indian affairs, although he is a gentleman of culture and a man of integrity, as I know about conditions in South Africa. I do not question Gov. Long's integrity, but I question his knowledge of Indian matters in Oklahoma.

Mr. CAMPBELL. How many speeches will the gentleman from Texas have on his side?

Mr. STEPHENS of Texas. Quite a number.

Mr. CAMPBELL. We will conclude with one.

Mr. STEPHENS of Texas. I yield to the gentleman from Oklahoma [Mr. FERRIS] 10 minutes.

Mr. FERRIS. Mr. Speaker, the question under consideration involves whether or not the Federal Government shall pay $100,000 to perpetuate what is known as the district agents longer in Oklahoma. The history of that legislation can be stated in a word. Vice President SHERMAN, then chairman of the Committee on Indian Affairs, said at the time this item first went into the bill that we would probably need agents there perhaps one or two years. They went in there as a temporary matter, while we were emerging from a Territory into a State. They have now been there five years, and now the State is well furnished with officers. The Indians hold the elective offices right by the side of the whites. The governor of the State is an Indian citizen, the lieutenant governor is an Indian citizen, the president of our constitutional convention was an Indian citizen, and the present speaker of the legislature is an Indian. The Indians hold more offices than they are entitled to hold, according to the pro rata or percentage of population between the Indians and the whites. Here comes a strong protest, inculcated, steeped out, brought about by the very men who desire to perpetuate themselves. Here they are spending the Indians' money, spending the money of the Federal Government sending telegrams, journeying to Washington, roasting in the galleries, conjuring up figures to prove they should hold on forever, digging up scandal, befouling their own nest, trying to injure the State, all because they desire to perpetuate themselves, and the gentleman from Massachusetts [Mr. McCALL], who has for a long time been a trusted, tried, and intelligent Member of this House, comes here with a wild telegram from some man who probably has not been within 2,500 miles of Oklahoma within the last 10 years. He, in all probability, never stepped foot in Oklahoma. He probably saw an Indian in a show some time ago, when he was a boy. What could a man living in Boston, Mass., know about the necessity or lack of necessity of officers in our State, and what could the gentleman from Boston expect this House to assume from a wild telegram sent in here directing this House what to do? I suggest to him that within the last 4 weeks I have presented this matter in 71 speeches in my district, in the State of Oklahoma, and the sole protest from every Indian and every white with whom I conversed, and it was not a few, was, "When, O Lord," are you going to let us loose and have our money and our property and choke off these Federal carpetbaggers and chair warmers? The gentleman goes ahead and answers us with a telegram from Boston. Boston is just about as far away from Oklahoma as one could reside and still live in the United States.

What under heaven can Boston know about the administration of Indian affairs in our State? They do not know any more about it than a prairie dog knows about the solar system, and it is both impudent and imprudent, out of order, and ridiculous for a private citizen residing in Boston to come in here and try to suggest to this House what we should do in our State on some matter purely local. But to the end that I make no mistake, and to the end that this House makes no mistake, I call attention to the fact that we have appropriated more in this Indian appropriation bill for salaries and administration, twice over, than they should have. You will observe the money they fight for is for salaries. If you want to throw money away, give it to the Indians, not to useless chair-warming employees. What are the facts? Look on page 39 of the Indian appropriation bill and you will find $174,000 there appropriated for employees, which is already agreed to and is sure to remain in the bill. Observe the appropriation, being from line 6 to line 13. Again take up your bill and look at page 9, and you will find $200,000 appropriated for Indian police, a field service without limitation or restraint. To the end that you be not mistaken, read from line 17 to line 22. Again I ask you to take up the Indian appropriation bill and read from page 10, lines 1 to 10, and you will observe where there is $125,000 appropriated for special district agents; also observe there is no limitation or restraint. All or any part of it can be used in Oklahoma, a thing I deplore. The total of that amount, the $499,000, is free

from restraint. They can spend it all for district agents if they elect so to do—every penny if they want to. One hundred and twenty-five thousand dollars can all be expended for district agents, and in Oklahoma, if they desire—every cent of it if they want to—and the $200,000 for Indian police. And I very well remember the colloquy I had, when the bill went through the House, with the distinguished gentleman from Illinois [Mr. CANNON], and I well remember when he said, "When are we going to be able to turn Oklahoma loose?" I am proud to answer him that if we had our way it would be to-day as distinguished from to-morrow. I would like to see the Five Tribe matters closed with the close of this day. No news could or would be so sweet to the Indians of the Five Civilized Tribes as to know they were settled.

Mr. CAMPBELL. Mr. Speaker, will the gentleman yield?

Mr. FERRIS. I have not the time.

Mr. CAMPBELL. I was just wondering if the $300,000 that the Federal Treasury appropriated for your schools——

Mr. FERRIS. Mr. Speaker, I can not let the gentleman interrupt my remarks. I have only a few moments. I would be glad to debate that question with him if I had the time. One hundred and seventy-four thousand dollars is for Oklahoma alone, no part of it to be expended any place else, not even in other parts of Oklahoma, but in the Five Civilized Tribes part of the State, right where they try to hang on to these agents. Oklahoma has more than one-third of all of the Indians in the United States. Therefore I assume that they will expend one-third of $200,000 for Indian police in our State, which is approximately $66,000, this item being already agreed to. Oklahoma has one-third of all the Indians, and more, in the United States. I therefore assume they will expend one-third of the $125,000 for special district agents in Oklahoma. One hundred and seventy-four thousand dollars plus $66,000 plus $41,000 makes $282,332. Divide that by $2,000, which is $200 more per annum than you propose to pay your district agents, and that makes 141 men to administer the affairs of the Five Civilized Tribes in our State. One hundred and forty-one men to administer the affairs of the Five Civilized Tribes in our State, in conjunction with our State government, is fully twice too many. Still this bill carries an appropriation for 141 men at $2,000 a year, and because we have sought to cut down and economize the funds of the Indians and the funds of the Government we are met by the Interior Department representatives here in ecstacy, with exuberance, and excitement. They have induced the gentleman from South Dakota to go into hysterics, and a certain Senator at the other end of the Capitol to do the same, in their keen desire to defend and to protect and to keep in office every man who ever sat there as a chair warmer in our State. For 15 long years each year they have promised that this will be the last year that they would send carpetbaggers they do not want or need in there to inflict supervision over the Indians.

This year the chairman of the committee, my colleague Mr. CARTER, myself, supported by the Democratic members of the committee, and some of the Republicans, supported by an overwhelming majority of this House on the Democratic side and some of the Republicans, are thinking and assuming that the bill now carries too much and that it could be cut more. Also confidently believing that the 141 fellows at $2,000 a year were enough to annoy by petty and blighting supervision over the Indian people. I tell you, sirs, the Indians do not want such detailed supervision. It has the opposite effect from the one intended. It retards, it does not improve. It stifles and weakens, it does not encourage and strengthen. It does not move Indian matters to a final conclusion, it complicates and confuses. Surely it is intended and hoped for by us all that the Indian problem will some time terminate. It will not be accomplished by a total withholding of his funds, by a total withholding of his lands, by a total refusal to grant him the very most elemental task. I charge no bad faith on the part of anyone. It is merely a disposition to hang on forever to a job that ought to have been abolished years ago. Remove some of the surfeited and overabundance of supervision and let the Indian stand partially on his own pegs. His money and lands are all tied up. There is no way he can spend it or sell it. Federal restrictions are on tight as a drum. Why, my friends, I have seven counties in the Five Civilized Tribes. When I go around in my campaign the leading citizens in those counties are Indian citizens. The men who serve on the reception committees who meet me and other public men are Indian citizens. CHARLEY CARTER, Senator OWEN, can not expend their own money to-day. It is tied up tight. What a pathetic sight that is. The governor of our State can not expend his money, but they send some little pipestem whippersnapper down from Washington, New York, or Kansas and they are to supervise, to nose around the affairs of a people who know more than they do. Why, the speaker of our lower house of the local legislature is a full-blood Indian. Then, when we come to seek to save $100,000 for the Federal Treasury, when we seek to get rid of a service that prevails nowhere else, a service we do not want, and the Indians do not want, here comes a storm of protest and some telegram from Boston telling us what we need and must have in Oklahoma.

Why, I visited Boston this year; it is one of the most beautiful cities in the world, and yet you would not expect her to be an expert on Indian matters, would you? I do not presume that 1 per cent of the population of the city of Boston ever stepped foot in Oklahoma; I do not presume that a half per cent of the citizens of Boston ever shook hands with an Indian; I do not presume that 10 per cent of them ever crossed the Mississippi River, yet they are sending telegrams telling Congress what to do about Oklahoma employees and against the combined judgment of Democrats and Republicans, Indians and whites, and the bulk of all our people who know the facts and do not desire to hold the jobs. I tell you, sirs, we have left enough money in this bill for employees. In my judgment too much. You can have 141 people and pay them $2,000 a year. One-half of them ought to be fired to-day, not to-morrow, and here comes my good friend, and I say it with all kindness and all earnestness, from South Dakota [Mr. BURKE], and he is urging the retention of these Interior Department employees. I have nothing against them personally—not one of them. My friend from South Dakota [Mr. BURKE] is so sympathetic in disposition that he has gone wild and gone mad in order to save those employees their positions until after the next election. My friends, we will give all the 141, at $2,000 per year, a passport from our State, and we will send them back to you, if they must have appointments. They hail from your country, from States where Indian jobs are scarce. Now let me tell you a story, which will quite well illustrate. How much time have I remaining, Mr. Speaker?

The SPEAKER. The gentleman's time is up.

Mr. STEPHENS of Texas. Will the gentleman from Kansas use some of his time?

Mr. CAMPBELL. I stated to the gentleman from Texas that we would conclude with one speech. I would like to have the privilege of yielding one minute now to the gentleman from Massachusetts [Mr. MCCALL] with the consent of the gentleman from Texas.

Mr. STEPHENS of Texas. Certainly.

Mr. CAMPBELL. I yield one minute to the gentleman from Massachusetts [Mr. MCCALL].

Mr. MCCALL. Mr. Speaker, the gentleman from Oklahoma [Mr. FERRIS] has shown a great deal of righteous indignation because somebody in Boston has sent a telegram evincing an interest in the Indian and because the gentleman from Kansas [Mr. CAMPBELL] also has shown an interest in these people. It seems that it is hardly proper for people not so fortunate as to live in Oklahoma to manifest interest in those Indians. I think it hardly necessary for me seriously to discuss the reference to ex-Gov. Long. If there is a practical statesman in America, one who has proven himself such by the manner in which he has dealt with great public questions, it is John D. Long. He was long a Member of the House of Representatives, and he here showed great interest in the Indian, and he was also a member of the Cabinet of President McKinley. I think outsiders, people in Boston, if you will, can judge about as well of the rights of the Indians and what is best to protect them as those people who are dealing with them and who have the personal interest to get possession of their property. I do not say the people of Oklahoma are worse than the people of other States, but we know what history shows there and in other parts of the country. I believe this House will make a grave mistake in striking down this humane guardianship that has been established under the laws of the United States and turn the Indians over to the tender mercies of people in Oklahoma who desire to relieve them of what possessions they have left. If we ever have the duty to protect the weak against the strong, we have it to-day in the case of those helpless people.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVENPORT. May I ask the gentleman a question before he takes his seat?

Mr. MCCALL. My time has expired.

Mr. DAVENPORT. Upon what hypothesis does the gentleman base the statement that the people of Oklahoma desire to deprive Indians of their property?

Mr. MCCALL. That will be answered by the gentleman from Kansas.

Mr. DAVENPORT. I would like for the gentleman from Kansas to yield for the gentleman to answer it.

Mr. MCCALL. The gentleman from Kansas is going to answer it.

Mr. CAMPBELL. Mr. Speaker, I shall not let an opportunity pass when I can protest against exploiting the American Indian. I am not afraid of the word "carpetbagger." I do not fear the call on State's rights. I shall not permit any such departure from the real question to conceal a purpose to leave the Indian exposed to the greed and rapacity of the white man.

The gentleman from Oklahoma [Mr. FERRIS] worked himself into a fury denouncing the Federal Government for exercising a guardianship over the American Indian in Oklahoma, without touching the questions involved in the motion to restore these 16 agents. He went at great length into the question of spending money in Oklahoma out of the Federal Treasury for sending men from Kansas, or New York, or other States down there to assist in administering the affairs of the Indians, and protested against the $100,000 it would take to maintain these agencies, but did not say a word of protest about appropriating $30,000 for constructing a sewer for a city in that State; he did not say a word about the $300,000 that is in this bill for the maintenance of the public schools of the State of Oklahoma, a proposition that is in this bill without any authority whatever, except that there was a majority of the conferees who were in favor of it. As well appropriate $300,000 or any other amount for mantaining schools in the State of Iowa, or in the State of Kansas, or in any other State of the Union. Yet he and his colleagues do not protest against the Indians being exploited by people who have gone there from all parts of the country. The trouble about it is that Oklahoma was well taken care of in the make-up of the Committee on Indian Affairs. Three gentlemen from that State are on that committee, and they are not all there to guard the interests of the Indians, but to provide for the white man, who is in the majority and controls the vote in that State. The peroration that will be delivered by the gentleman from Oklahoma [Mr. CARTER] later on will not be in answer to the charge that helpless Indians are being robbed out of their property by white men in the State of Oklahoma and that the State authorities are refusing the protection that is necessary for these Indians. Let me call your attention to a case: A short time ago an Indian girl 13 years of age, who could not speak a word of English, was the possessor of 600 acres of good land.

Mr. DAVENPORT. I would like the gentleman to give the name of the Indian girl.

Mr. CAMPBELL. I will give you the name of the girl. She is Emma Seply. She had 600 acres of land, and, as I say, could not speak a word of English. She was forced into a marriage, by those who were conspiring to rob her, with a man who deeded away with her that 600 acres of land for $15.

Mr. BUTLER. How much?

Mr. CAMPBELL. Fifteen dollars. She got $5 and he got $10.

Mr. BUTLER. An acre?

Mr. CAMPBELL. No; not an acre. Fifteen dollars for the 600 acres. And that is the kind of frauds that are being perpetrated down in that country constantly upon these helpless Indians.

Another case is that of a poor woman, sick unto death, who was persuaded to deed away her property. She recovered, and it was only through the aid of these agents that she got her property back. There is no crime that has not been committed in furthering the robbery of helpless Indians and Indian children. Actual murder has been committed in the district of the gentleman from Oklahoma [Mr. DAVENPORT] to get the property of helpless Indian children.

Mr. DAVENPORT. I would like to ask the gentleman if the State authorities did not convict the murderers?

Mr. CAMPBELL. After they were forced to do so. The prosecuting attorney had neglected or refused for weeks to bring the prosecution. The record here is full of cases, and I do not speak alone from the record or from hearsay. I do not come here without information, as was charged against Gov. Long, who sent a telegram from Massachusetts. I have been in Oklahoma. I have talked with the Indians. The gentleman may have had committees receiving him who cared nothing about how they are exploited, but I have talked with Indians in Oklahoma who want these agents to protect them from the rapacity of the white man and the half Indians, and the less than half Indians, who are robbing them of their property.

I can see the day when the State of Oklahoma will be populated with the remnant of the American Indians—as paupers. Then gentlemen from Oklahoma will appeal to the Federal Government to take care of those helpless Indians after the gentlemen from Oklahoma have made it possible for those Indians to be robbed of an estate that is worth millions, that is ample for their care if not taken from them. They will become a charge, not upon the State of Oklahoma, but upon the Federal Treasury. You, at least, expect that. You have $300,000 in this bill for the maintenance of your public schools upon the theory that some Indian children attend them, I assume. I assume that that is why it was put in this bill.

Mr. CARTER. The gentleman does not want his question answered.

Mr. CAMPBELL. If that is not the reason for it, then there is no reason under the sun for it.

I have, as I say, been down there. I have talked with those Indians. I have talked with the white men. I have had communication with only one agent, and he does not care whether he remains there or not. He is ready to quit. But he is interested in the Indians, in the helpless children, in the full bloods of that country. The officers of the State of Oklahoma who are after the white man's vote are absolutely heedless of the welfare of the Indians, and that is the trouble on the floor of this House, and that is the trouble on the floor of another body. "Lo, the poor Indian," has no friends on this floor, and no friends on the floor of the other legislative body from the State of Oklahoma.

The SPEAKER. The time of the gentleman from Kansas has expired.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I yield the balance of my time to the gentleman from Oklahoma [Mr. CARTER].

The SPEAKER. The gentleman from Oklahoma [Mr. CARTER] is recognized for six minutes.

Mr. CARTER. Mr. Speaker, the distinguished gentleman who has just addressed the House [Mr. CAMPBELL] had something to say about the gentleman from Oklahoma [Mr. FERRIS] working himself into a fury about these district agents, and yet before he had finished his impassioned appeal, I think we must all agree, we witnessed the gentleman from Kansas work himself into an aggravated case of the heaves. [Laughter.] Now, let us get down to the truth about Indian agents. Let us look the matter squarely in the face, cease this organized combine of slander and misrepresentation, and stop playing politics with Indian affairs. The fact is, many of these department employees in Oklahoma are political appointees and agents of Members of both branches of Congress, and those Members very naturally dislike to see their pets put off the job, ergo this plaintive wail every time an attempt is made to cut down expenses and reduce the Government force in Oklahoma; and no one knows that fact better than the distinguished gentleman who has just been shedding crocodile tears over some alleged corruption of Oklahoma officials and citizens.

Mr. CAMPBELL. I do not know it.

Mr. CARTER. The gentleman from Kansas refused to yield to me when he had more time than I, therefore he must not expect to interrupt me when I have only a very limited time.

The SPEAKER. Gentlemen can not interrupt a Member on the floor without first securing leave.

Mr. CARTER. Who knows, Mr. Speaker, how many appointees the gentleman from Kansas [Mr. CAMPBELL] may have among Government employees in Oklahoma; who knows how many such appointees other gentlemen entertaining similar sentiments with him may have down there, and should we be greatly surprised that these distinguished gentlemen grow eloquent and pathetic in behalf of their henchmen when attempts are made to interfere with their comfortable seats at the pie counter?

Since this district agent fight started, stacks of gush have been put in the CONGRESSIONAL RECORD at both ends of the Capitol, alleging great corruption in connection with Indian lands in Oklahoma, and holding up the district agent as the sole friend and solitary protector to the helpless Indian in that part of God's moral vineyard, if, indeed, they will admit it is in the vineyard at all. Most of this gush, it seems, consisted of simple statements unverified by oath or otherwise, and yet distinguished gentlemen at both ends of this Capitol have become so enamored of the jobs held down by their former constituents that they actually refer now to this gush as "records." When these gentlemen put something substantial in the CONGRESSIONAL RECORD I shall be glad to take the time to reply to it, but until I see something properly verified I do not feel called upon to do so. The gentleman from Kansas [Mr. CAMPBELL] tells us that murder has been committed. He alleges that all kinds of crimes have been perpetrated in the attempt to get possession of the Indian's property. These statements given sanction by Senators and Congressmen, indeed,. constitute serious charges, and if they are not true, are a slander on the fair name of one of the sister States of this great Republic. If they were true to the fullness of their exaggeration, then I want to ask these distinguished gentlemen where were their friends and political henchmen, the great saviors of the weak and helpless Indian, the district agents, when these crimes were committed? They were sent there to defend the Indians; they

were there when the crimes were committed, and yet we hear not one word of interference to prevent the crimes. When the crimes were discovered by our State authorities, then is the first we hear of the district agent taking cognizance of them.

Since our first conference report was agreed to eliminating the appropriation for these agents stacks of telegrams have reached the desk of almost every Congressman and Senator in Washington. The sources of these telegrams were limited only by the boundaries of the United States. They began to pour in within a few hours after our report was agreed to, before it was published in the RECORD, and before publicity of same was authorized. The Associated Press had not one word about the elimination of this item. Now, I wonder how this information gained circulation so quickly and so completely. I wonder by what mysterious underground current this report gained such wide and magic circulation, when even the Associated Press did not deem it of sufficient import to send it out. I wonder how these telegrams were paid for; I wonder from what fund the money was taken that paid for the messages sending out this information and inspiring these telegrams.

Ah, Mr. Speaker, if the truth were known about this matter many of us would no doubt be surprised at the organizations and wheels within wheels that have been supporting this district-agent proposition. Who can say that the money building up these organizations and paying this expense was not taken from the funds of these very Indians themselves? Worse abuses have been committed with Indian funds, and it has been done within very recent years.

Despite the statements made by gentlemen in this House, and another gentleman in another legislative body, I proclaim here and now that the best protection rendered to the Indians of our State has been by the State courts of Oklahoma; and the assertion that our courts were coerced into taking such action by the district agents is false and without foundation in fact. The district agent has no jurisdiction and no power to coerce our courts. It is entirely within the power of any court in our State to order him without the pale of the court room and make him keep without the presence of the court. I further call attention to the fact that these gentlemen, with all their scurrilous charges, have not been able to show one single instance in which the Indian has been saved a single penny except by the action of our State courts.

It is idle prattle to say that the district agent is the only protection the Indian has in his property right. The Indian can not dispose of his property. The restriction on the sale and lease of his property is the real protection to him, and these restrictions are just as clearly defined with our Indians of the Five Civilized Tribes as the English language can make them.

Mr. BUTLER. How, then, was that title obtained from the Indian girl for $15?

Mr. CARTER. Oh, no title was obtained from any Indian girl for $15 that I know of. We heard some loose talk from the gentleman from Kansas about it, but he produces no actual evidence of it.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. CARTER. In just a moment. I want the gentleman from Kansas to give me his attention, if he will. If it be true that title was obtained for $15 and this girl was a restricted Indian girl, then the district agent must have been in collusion with the purchaser of this land, for no title can be obtained to restricted lands in Oklahoma except upon removal of restrictions by the Secretary of the Interior, and the Secretary will not consider the application unless it is filed with one of these district agents, and no one has ever heard of the Secretary approving such application unless it was fully recommended and approved by the district agent. So, if she was divested of title to that land, then there must have been some assistance from the Secretary of the Interior and directly from the district agent.

Mr. MANN. That is not right, not if she were married.

Mr. CARTER. O Mr. Speaker, I am surprised at the gentleman from Illinois. It does not make a particle of difference whether the girl was married or not; marriage has nothing on earth to do with restrictions on the lands of the Five Civilized Tribes. That is clearly defined by the law. Under the act of May 27, 1908, passed by Congress, Indians of three-quarter Indian blood and more can not alienate any part of their allotments without the consent of the Secretary of the Interior; and these, in fact, are the only real Indians among the Five Civilized Tribes. But the law goes even further. It provides that Indians of less than three-quarter Indian blood, and not less than one-half, may not alienate their homestead, consisting of 160 acres, with the Choctaws and Chickasaws. These restricted Indians are the only ones over whom the Indian agents can even assume any jurisdiction, and it does not make any difference if these restricted Indians were Mormans and had a dozen wives or husbands, they could not alienate their land except with the consent of the district agent, approved by the Secretary of the Interior. So, let that put an end to these misleading statements about the Indian being divested of title.

Mr. GARDNER of Massachusetts. Is it true that the firm of a Senator of the United States from Oklahoma has a contract with these Indians which will yield to that firm upward of $1,000,000 in fees? I desire to read from the hearings on an investigation of Indian contracts before a committee of the House of Representatives.

Mr. CARTER. Now, Mr. Speaker, I hope the gentleman does not expect to read records in the short time I have to discuss this question. I am perfectly willing that he shall have leave to insert this, or any other matter he may have, in the RECORD, but the contract of which he speaks has no bearing whatever on this case. These contracts have nothing to do with the district agents, nor the district agents with the contracts. I presume the gentleman refers to certain contracts which have been submitted by Congress to the Court of Claims for adjudication.

Now, Mr. Speaker, I have myself received hundreds of letters, telegrams, and other statements from Indians, business people, State officials, and other citizens of high standing in Oklahoma, approving the action of the Oklahoma delegation in trying to cut down the extravagant expenditure of funds in Oklahoma by the Interior Department. I have probably received just as many as the gentleman from Kansas, or the gentleman from South Dakota, or any Member of any other legislative body of Congress, and they probably constitute just as serious charges against the district agents and other officials of the Indian service in Oklahoma as the other gentlemen's letters do against the citizens and officials of our State; but, Mr. Speaker, I have refrained from burdening either the RECORD or this House with any of these serious charges. The letters would constitute a volume within themselves; and while I have no doubt that many of the charges preferred are true, I have hesitated to enter into any such mud-slinging contest, and I do not now propose to fill up the RECORD with these many charges. I do desire, however, to publish in the RECORD two letters, strictly impersonal, as a sample of the opinions held by many good citizens of Oklahoma along this line. One is a letter from County Judge W. B. M. Mitchell, of Garvin County, and who it must be admitted has had abundant opportunity to view the action of the district agents at close range, and the other is from Mr. C. M. Threadgill, an attorney at law of high standing at Coalgate, Okla. Mr. Threadgill was a short time ago a candidate for the State senate on the Republican ticket and was defeated by a small majority.

OFFICE OF W. B. M. MITCHELL,
COUNTY JUDGE, GARVIN COUNTY,
Pauls Valley, Okla., February 9, 1912.

Hon. CHARLES D. CARTER,
House of Representatives, Washington, D. C.

MY DEAR SIR: I am very highly pleased to note that you are making an effort to abolish the Indian agent's office among the Five Civilized Tribes. I think this is the greatest move that has been made since Oklahoma was admitted to the Union. I have been advocating this proposition for some time, and I want to congratulate you upon the effort, and hope that you will succeed in eliminating the entire bunch. Of all the grafts and bands of plundering highwaymen since the times of the James Boys and the Dalton Brothers, the Indian agent's office has them outstripped. I think if Emmett Dalton and Jesse James should meet this bunch of grafters they would have to tip their hats. The people down here are delighted that you have backbone enough to try to get rid of them. If you can't abolish the office, for God's sake cut off the appropriation.

With kindest regards and best wishes, I am,

Very truly, yours,

W. B. M. MITCHELL.

C. M. THREADGILL,
ATTORNEY AND COUNSELOR AT LAW,
Coalgate, Okla., August 9, 1912.

Hon. C. D. CARTER, *Washington, D. C.*

DEAR SIR: I appreciate the telegram you sent me relative to the Indian apropriation bill, and I congratulate you that you have been successful in the elimination of the appropriation for the support of the Indian agent minions. I have been living in this part of the country for the past nine years and a half with a law office at Coalgate. I have had experience with the affairs of the Choctaw people, and I am in a position to say that the petty Indian agents have done more to obstruct the progress of the Indian and development of this country than any other curse of the Federal Government and Federal rule since Statehood. I have been a Republican, but the Federal rule in this country has caused me to go back to the Democratic Party whence I came. I hope you will continue your good work in Congress till the Indians of this country are freed from the misrule of these petty agents. With best wishes for your success, I am,

Yours, truly,

C. M. THREADGILL.

The SPEAKER. The time of the gentleman from Oklahoma has expired.

Mr. CARTER. I desire to have placed in the RECORD, Mr. Speaker, a statement from Dr. J. H. Stolper, a man who is at the head of the public defenders' bureau in the State of Oklahoma, which institution has done more, with a few thousand dollars, to protect the Indian than all the district agents and interior departments in Christendom:

STATE OF OKLAHOMA,
DEPARTMENT OF CHARITIES AND CORRECTIONS,
Oklahoma City, April 13, 1912.

Hon. CHARLES D. CARTER,
Congressman Fourth Oklahoma District, Washington, D. C.

MY DEAR MR. CARTER: * * *

You do this department the honor to refer by name to our worthy commissioner, Miss Barnard, and myself, and speak of this department's work. I would not refer to this matter further but for the expression of Hon. P. P. CAMPBELL, of Kansas, on page 4673 of the CONGRESSIONAL RECORD, where Mr. CAMPBELL says:

"It has been the ambition of the State of Oklahoma, since it has become a State, to control everybody within its borders. The people who made it a State got in there in spite of those who were endeavoring to protect the Indian. The Indian is there now struggling for his last rights. By the provisions of this bill he will be without even an attorney to appear for him. The grafter on every hand is waiting for the passage of this bill so that he can exploit the Indian. I have been in Oklahoma among the Five Civilized Tribes. I have been alone among them; I have been there with a committee. The disposition shown toward the Indian is this: If you can get his property, get it; it does not matter how."

Mr. CAMPBELL, I am confident, does not desire to do an injustice to the people of Oklahoma, and therefore he will probably be more careful in the future of making statements which are not in accordance with truth. Regarding the ambition of the State of Oklahoma, since it has become a State, to control everybody within its borders, I submit that it is nothing more than the people of Oklahoma have proven themselves absolutely worthy of, and should be encouraged and not hampered in doing, by any congressional enactments. The people of Oklahoma are American citizens, proud of being such, and should be allowed to control their own internal conditions. When Mr. CAMPBELL says about Oklahoma that "The disposition shown toward the Indian is this: If you can get his property, get it; it does not matter how."

Mr. CAMPBELL evidently is forgetting that was merely describing human nature, which is true concerning unscrupulous people in Oklahoma and in Kansas. I have just given notice to an attorney in the great State of Kansas that I will institute suit against him and his confederates, who came to the Oklahoma State Penitentiary and under pretense that said attorney can obtain a pardon for a prisoner by name Gus Grooms, have falsely induced said prisoner to give a warranty deed to his allotment. Now, said Kansas attorney knew that the governor of Oklahoma is not purchasable; that if said prisoner had a just cause this office would present such cause to the governor of Oklahoma without it costing the prisoner a single cent; and yet the Kansas attorney deliberately made use of the prisoner's ignorance in attempts to swindle such prisoner out of his land, and it becomes my duty as an official of the State of Oklahoma to get back for our unfortunate prisoner what a Kansas attorney, acting upon the principle as described by Mr. CAMPBELL, "If you can get his property, get it; it does not matter how."

Regarding the question of whether the district Indian agents should be continued in Oklahoma or not, I have nothing to say. This is a question of policy for Congress to decide. I know some district Indian agents that earn by hard work every cent they get; but, as a matter of justice to the State of Oklahoma, I wish to say most emphatically that Mr. CAMPBELL is absolutely wrong when he says "The Indian is there now struggling for his last rights. By the provision of this bill he will be without even an attorney to appear for him."

The facts are that the Indian at last is getting his full rights, as is due to a noble race who was once master of the continent. An Indian, Hon. William Durant, is speaker of our house in the legislature and is holding the office with ability and honor. There are Indian senators, representatives, judges, and Congressman in and from Oklahoma—something the Indian has seldom had before—and the Indian has at last come unto his own, thanks to the liberality of the white men of Oklahoma in adopting the liberal Oklahoma constitution.

When Mr. CAMPBELL says when you pass this bill (H. R. 20728) the Indian will be even without an attorney to appear for him, Mr. CAMPBELL shows that, although he has been in Oklahoma, alone and with committees, he does not know what is going on in the State of Oklahoma.

I am the attorney for all the people in Oklahoma who need a State's attorney. I am the public defender of the State of Oklahoma, whether dejure or defacto. I defend the people's right, and with the cooperation of Miss Kate Barnard, our commissioner, and Hobart Huson, our assistant commissioner, have done more for the Indian in proportion to the time of the existence of this office than has been done for the Indian in Kansas or any other State by State authority; and whether Congress provides an attorney for the Indian or not the people of the State of Oklahoma have provided one; and in order that the blame may not be placed upon the State of Oklahoma for the deplorable condition that some Indians find themselves in I beg to give you the following cause:

Nearly every case that I had to fight in the courts to restore the Indian his land originated in the United States courts of the Indian Territory. Here are two instances:

In re Johnson Fehlikattabbee, Carline Cole, and Sampson Cole, by Kate Barnard, as commissioner of charities and corrections of the State of Oklahoma, plaintiffs, *v.* Eugene Easton, Allie Easton, and Edson Burgett, defendants. No. 293, superior court, Grady County, and No. 1749, Pushmataha County court, and No. ——, Pittsburg County court.

This cause originated in the United States courts for the southern and central districts at Chickasha and Antlers, Okla. Three full-blood Choctaw children had a guardian appointed by the United States judge for the southern district of Indian Territory, and the United States judge for the central district, at Antlers, upon petition by one Eugene Easton, an attorney of Antlers, appointed a guardian for them also at Antlers.

This department discovered two of these children, like wild animals, sleeping in alleys and stables at Antlers, living upon the charity of the good people of Antlers. An investigation showed that a full-blood Indian, Josephus Sherred, was their guardian.

We began to investigate why the children are not sent to school and why they are not well provided for. The investigation disclosed the following facts:

These children had land, inherited from their father, Logan Cole, a full-blood Choctaw. This land Eugene Easton, as attorney for the children's guardian, sold to himself—Eugene Easton—for a supposed consideration of $1,000, one-half of which has never been paid, and a few days afterwards the said Eugene Easton sold the same land, which adjoins the city limits of the city of Chickasha, to one Edson Burgett for $4,500.

A further investigation showed that the court at Antlers never had a right to appoint a guardian for the children, as the United States court at Chickasha, having assumed jurisdiction, had exclusive jurisdiction.

While we were investigating the cause, Eugene Easton became alarmed and had Josephus Sherred execute a warranty deed to Edson Burgett for the fictitious consideration of $1,000. Sherred later swore that he did not receive a cent. We then went unto the county court at Pushmataha County and set, by judicial process, aside all acts of Josephus Sherred as guardian and the decree selling and confirming the land to Eugene Easton by Sherred and by Sherred to Burgett. We had both, the regular guardian of Chickasha and Josephus Sherred, discharged, the first by resignation and the second by order of court (see p. 189, Third Annual Report of this department, for the order of the court), and had Hon. Hobart Huson appointed guardian ad litem.

Sampson Cole, one of the heirs of Logan Cole, is within the jurisdiction of the county court of Pittsburg County, although temporarily he has been sent by the United States Government for his health—he suffering with tuberculosis—to Idaho.

In Pittsburg County court we had an old lady guardian, Susan Pusley, removed by resignation and again appointed Hobart Huson guardian so we could institute proper proceedings for clearing all clouds about three dozen warranty deeds from the children's land.

The suit was finally tried at the superior court at Chickasha on Tuesday, April 9, 1912, where we won on all points. By the judgment all clouds from the children's lands are removed and all warranty deeds, mortgages, and leases canceled. The title reverts and is in the children, and we obtained a judgment for $500 for back rent and interest at 6 per cent per annum.

The above litigation has not cost any of these children a single cent. My expenses and salary were and are defrayed from the treasury of the State of Oklahoma, to which very few Indians pay any taxes. Can anyone say that the people of Oklahoma, the Legislature of Oklahoma, are not doing their full duty by the Indian children? What have we accomplished in this case? We did find the children paupers, and made them independently rich, without a single cent coming out from tribal funds.

Second. In re George H. Tucker and William Tucker, minors. No. 555, Tulsa County Court.

In this cause three orphan children, through a conspiracy of a man from Iowa and a man from Illinois and one from Kansas, a petition was made to the Tulsa County court showing that the children's lands near Tulsa are worth $3,800, and leave was asked to sell the land. The county court in good faith allowed the petition. The Indian father-guardian of the children was taken unto a bank, was shown the back of a supposed check, told to make his mark and sign it by another man's indorsement; and the check was taken away from the guardian, he not getting a single cent. This bold robbery was perpetrated in Tulsa, in the State of Oklahoma, but not a single participant outside of the Indian was an Oklahoman.

I instituted suit in Tulsa County court and had the confirmation of the sale set aside upon ground of fraud, brought suit in the district court of Tulsa County to cancel the deed and remove the clouds, and have an information pending for criminal prosecution of the wrongdoers.

On March 26, 1912, the parties interested made me an offer in open court in Tulsa that if I agree to have impartial appraisers appointed that they will pay every cent to the children that the lands were worth. I took them up in a moment and hold a written agreement approved by the court. The land is being appraised, the children will receive every cent due them, and with the help of God will teach people of Kansas and Iowa and Illinois that while all the good people of said States are welcome in Oklahoma the State of Oklahoma is ready and willing to punish all who come here and take advantage of the Indian or any other white or black Oklahoma citizen. Here were children made paupers, and we are restoring to them independent wealth. In this case it has not cost the children a cent, and it was done purely and solely by the authority of the State of Oklahoma. The grafters threatened me with their political influence. They went to Kate Barnard and Hobart Huson to have me discharged. Miss Barnard gave them the same answer I gave. All grafters look alike to us, and the only place where by law a grafter is entitled to our supervising and protecting power is when such grafter is in the State penitentiary.

Referring to this case, such a high authority as the honorable Attorney General of the United States says:

APRIL 3, 1912.

DR. J. H. STOLPER,
General Attorney, Department of Charities and Corrections, State of Oklahoma, Oklahoma City, Okla.

MY DEAR SIR: I have your favor of the 29th ultimo, and I am very much interested and gratified to learn of the success you have had in the matter of the Tucker minors.

Very truly, yours,
GEO. W. WICKERSHAM,
Attorney General.

Again, the same generous and just Attorney General of the United States, writing to me under date of March 18, 1912, referring to the report of this department, says:

"I am struck at the scope of the work which is summarized and reported, and with the excellent results that you have achieved in your own branch of that work."

Personal modesty would prohibit me from inclosing here the quotation of a letter from one of the best friends and hardest workers for the Indian that the Indian has, Dana H. Kelsey, but the honor of the State of Oklahoma is reflected upon by Mr. Campbell, especially when our State and our legislature have and are doing the very best for the Indian, and personal inclination is bound to give way to all that concerns the welfare and the honor of our State, of the people of Oklahoma; hence the letter, which shows what people who know how Oklahoma meets its responsibilities, says:

[General office: Dana H. Kelsey, Superintendent in charge, Muskogee, Okla.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES INDIAN SERVICE,
FIVE CIVILIZED TRIBES,
UNION AGENCY,
Muskogee, Okla., August 16, 1911.

DEAR MISS BARNARD: I wish to take this opportunity of thanking you for the excellent work of your department in connection with the McCurtain County probate situation, and particularly to commend the most excellent service of your general attorney, Dr. Stolper. He has

gone into this situation with our officers in the most intelligent manner, and the case was handled with extreme good judgment and tact, with the best possible results, as you already know. We are all congratulating ourselves that we had your assistance and the help of such a fearless and excellent official as Dr. Stolper. It is just this sort of cooperation between the Federal and State authorities that will materially assist in protecting the estates of the minor and full-blood Indians of the Five Tribes and prevent their becoming public charges at some later date.

With assurance of my highest respect and again thanking you and all connected with your department for your hearty cooperation, I am,

Very sincerely,

DANA H. KELSEY,
United States Indian Superintendent.

Miss KATE BARNARD,
Commissioner Department Charities and Corrections,
Oklahoma City, Okla.

I could cite thousands of cases where this department single-handed has brought the most intricate legally mixed suits, when it required to bring several suits in several counties at the same time, but it would be burdensome; our report is at the disposal of Congress, and every word of said report is when dealing with courts upon court records.

This department receives from a number of county judges copies of every petition and order made in every probate case affecting orphan children. If Congress would authorize to do it in all cases of Indians, we would do it—every act, every petition for appointment of a guardian, for the sale of real estate, for confirmation of the sale, is checked and investigated in this office, and every annual and final guardian's, administrator's, and executor's report, in all cases where we have jurisdiction, is checked and verified in this office; and the interested parties are each individually notified that a petition has been presented, that it is pending, and where and when it will be heard, and requested, if any cause is known, why the petition prayed should not be granted, that an affidavit be sent to this office. I inclose two forms of cards we are using, and if Congress was generous it would give us the free use of the mails for these cards. I herewith inclose the cards, marked "No. 1," which goes to the judge, and "No. 2," which is sent to all relatives and interested parties, so that full actual publicity is given to all acts and graft is out of the question.

In conclusion I wish to beg you that you read this letter to the House of Representatives of the United States Congress that Congress and all fair-minded people of the United States may know that while Oklahoma has inherited from Federal Territorial rule the chaotic conditions existing among Indians that the State of Oklahoma, through its legislature and the State officials, is doing all within our power to protect the Indian as well as all citizens of Oklahoma, and be it said to the honor of Oklahoma that in all cases we uniformly are succeeding.

Very respectfully,

Dr. J. H. STOLPER,
The Public Defender of the State of Oklahoma.

Mr. CARTER. I also submit for printing in the RECORD the following bulletin of our State department of charities and corrections:

[Monthly Bulletin State Department of Charities and Corrections. Published monthly by Kate Barnard, commissioner of charities and corrections, State of Oklahoma. Application made for entry as second-class mail matter at Oklahoma, Okla. Kate Barnard, commissioner of charities and corrections; H. Huson, assistant commissioner of charities and corrections; Dr. J. H. Stolper, general attorney; Dr. R. C. Meloy, inspector; W. O. Mager, stenographer.]

SALUTATORY.

The department of charities and corrections presents the initial number of its Monthly Bulletin.

During the past year work has increased greatly, and all estimates made for the third legislature have been modified. The department has been confronted with the problem of doing vastly increased work with the present office force and appropriation. It will be an economy in time and cost to print all important matter in the bulletin, instead of trying to do the work with extra stenographers and very large postage bills. The work has to be done, and I believe the bulletin solves the problem of doing all of the necessary work within the quite small appropriation made for this department.

The bulletin allows me to do a large amount of educational work on subjects that come within the scope of this department. Probation officers send in many letters asking for instruction on the work in general, and special cases in particular. The public seldom hears of the results of jail and other inspections. These findings are published in my annual report, but the number who see these books is naturally limited.

I believe that counties would take pride in providing good jails, county homes, and detention homes if the public knew promptly the results of the inspections of county institutions and the suggestions made by the commissioner of charities and corrections to the county officials. Publicity is a great educator, because what people think about and talk about so finds expression in acts. Public interest and public conscience are the strongest factors in progress and development.

The first bulletin will be known as the juvenile-court edition. By this vehicle the county judges, attorneys, and commissioners will have the opportunity of reading the splendid decisions and opinions handed down by the supreme court and the criminal court of appeals now instead of waiting to find them in the law publications. They will find that the whole juvenile-court act has been declared constitutional; that it is mandatory that county commissioners provide suitable detention homes for juvenile delinquents, and they must provide for the salary of the probation officer, and it is mandatory on them to confirm the appointment of such officer if he is known and believed to be a man of good character and is a qualified and discreet person.

Now that the jurisdiction of the juvenile court is clearly shown and established, Oklahoma will not have to blush with shame by seeing little boys and girls tried as criminals. I believe that all subsequent editions of the Monthly Bulletin will publish much that is interesting and useful.

The taxpayers foot the bills for maintaining all institutions, and they should be informed of conditions and needs. I have had occasion to know how responsive and generous is the public heart, and it is only because people do not know of bad conditions that they are allowed to continue.

KATE BARNARD.

In the Supreme Court of the State of Oklahoma. Board of County Commissioners of Seminole County, A. L. Frederick, W. C. Bruce, and M. A. Harris, *v.* State of Oklahoma ex rel. T. S. Cobb, county judge, and T. S. Cobb, judge of Seminole County. No. 2752. Filed January 2, 1912.

1. Where there has been an exercise in good faith of judgment or discretion by an officer upon whom a duty involving discretion is imposed, the writ of mandamus will not lie to compel him to act again; but if by a mistaken view of the law or by an arbitrary exercise of his authority there has been in fact no actual exercise in good faith of the judgment or discretion vested in the officer, the writ will lie to compel such officer to act within the limits of the law.

2. By virtue of section 5 of an act of the legislature approved March 24, 1900, generally known as the juvenile court act (art. 8, ch. 14, p. 185, sess. laws, 1909), an appointment by the county court of any person as probation officer must have the consent and approval of the county commissioners, and in giving and refusing such consent the commissioners are vested with discretion to determine whether the proposed appointee is a discreet person of good character; but they are not vested with the power to determine whether a necessity exists for such appointment and to refuse to consent to an appointment solely upon the ground that no necessity for such officer exists.

3. A board of county commissioners to whom was referred an appointment by a county court of a person as probation officer determined that the proposed appointee was a discreet person of good character and qualified under the foregoing statute for the office, but determined that no necessity existed for such officer and refused to consent to and approve the appointment solely upon the ground: Held, That said board of county commissioners may be ordered by mandamus to consent to and approve the proposed appointment.

(Syllabus by the court.)

Error from the district court of Sminole County. Tom D. McKeown, trial judge. Affirmed.

W. W. Pryor and Willmott & Dean, attorneys for plaintiffs in error.

J. H. Stolper and T. S. Cobb, attorneys for defendants in error.

Opinion of the court by Hayes, J. This was a proceeding for a mandamus in the court below. The trial there was upon the alternative writ and the return thereto. From a judgment awarding a peremptory writ this proceeding in error is prosecuted.

The facts as alleged and admitted by the pleadings are substantially that defendant in error, relator in the court below, as judge of the county court of Seminole County, on the 1st day of April, 1911, appointed one I. L. Flynn to the office of probation officer of said county. Plaintiffs in error, respondents below, as members of and constituting the board of county commissioners of Seminole County, refused to consent to the appointment of said Flynn as probation officer upon the ground that no necessity existed for the appointment or services of such an officer. They admit in their return that said Flynn is qualified and competent, as required by law, to fill the office, and that their refusal to consent to his appointment is solely upon the ground and for the reason above mentioned.

Relator brought this action to secure a peremptory writ of mandamus ordering respondents to consent to and approve the appointment made by the court. The authority of relator to make the appointment and the duty of respondents in the premises are to be found in section 5 of an act of the legislature approved March 24, 1909, generally known as the juvenile court act (art. 8, ch. 14, sess. laws, 1909, p. 185). That section reads as follows:

"The court shall have authority to appoint or designate, by and with the consent of the county commissioners, one discreet person of good character to serve as probation officer during the pleasure of the court; said probation officer to receive compensation of $50 per month from county fund, to be paid by county commissioners. In case the probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of said probation officer to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child when the case is heard, to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court."

There is no controversy between the parties that in order to effect an appointment by the court of any person as probation officer such appointment must have the consent of the county commissioners; and that they are authorized to determine whether such proposed appointee is a discreet person of good character and qualified under the provisions of the act for the office; and that in determining this fact the commissioners are vested with a discretion and judgment that can not be controlled by mandamus. The point of controversy between them is whether the county commissioners have authority in determining whether they shall consent to any appointment made by the county court to determine the necessity for such appointment, and to refuse to consent to the appointment upon the ground that there is no need for such officer. That officers who have imposed upon them by law the performance of duties involving the exercise of judgment and discretion can not be controlled in the discharge of such duty by mandamus is fundamental. (Monroe et al. *v.* Beebe, 10 Okla., 581; 19 Am. & Eng. Encyc. of Law, 732.) Under this rule, if respondents had determined not to consent to the appointment of the proposed appointee upon the ground that he is not a person qualified under the statute for the office, in that he is not a discreet person or one of good character, their determination in the matter could not be controlled or reviewed by the order sought in this proceeding. Nor will the remedy lie if the statute vests the commissioners with the power to exercise their judgment and discretion in determining whether necessity exists for the appointment of such an officer, or makes the authority of the county court to appoint or designate some person depend, in the first instance, upon the consent of the county commissioners of the exercise of that authority. But, on the other hand, if the board of county commissioners are without any authority to refuse their consent to an appointment upon the ground that no necessity exists therefor, then relator is entitled to the remedy he seeks and has been awarded him by the trial court. Where there has been an exercise in good faith of judgment or discretion by an officer upon whom a duty is imposed, the writ will not lie; but if by reason of a mistaken view of the law or by the arbitrary exercise of such officer's authority there has been in fact no actual exercise in good faith of the judgment and discretion granted him by the law the writ is an available remedy to the aggrieved party. (19 Am. & Eng. Encyc. of Law, p. 739.) Refusal to consent to the appointment of Flynn solely upon the ground that he is not needed as a probation officer of the county is not an exercise of judgment and discretion in determining whether he is a suitable and qualified person for such office. As stated, supra, respondents admit in their return and it is admitted in their briefs that they have determined he is qualified, but refuse their consent upon the other ground,

which, if they are mistaken in their construction of the law, is equivalent to an arbitrary refusal to act. Relator's right to relief, therefore, turns upon the construction of that portion of the foregoing statute that confers upon the court authority to make the appointment. The language is not clear, and plausible argument may be offered to support, respectively, the contentions of relator and respondents. Narrowed down to its strictest analysis, the difference in their contentions is as follows: Respondents contend that the phrase "by and with the consent of the county commissioners" is a limitation upon the authority of the court to act under the statute; that he has no power to appoint or designate anyone as probation officer unless they consent to his authority so to act. Relator, on the other hand, contends that said phrase is a limitation only upon the selection or appointment made by him, which appointment or selection can not become final until consented to or approved by the county commissioners upon their determining that the person proposed by him for the office is a discreet person of good character. No case construing a similar statute has been called to our attention by either of the parties and we have been unable by the search we have had an opportunity to make to find any decided case that throws any light upon the question. The intent of the legislature must be gathered from the general purposes of the act and the context of which the ambiguous language forms a part. It is the theory of respondents that it was intended to lodge with them the judgment and discretion to determine the necessity of such appointment, in order to protect the county against the expense of a needless officer.

We think if this had been the purpose of the statute it would not have provided that such officer shall serve during the pleasure of the court; for, if the legislature had deemed it important that the expense of such officer should not be incurred, without the necessity therefor being approved by the county commissioners, it would not have left it within the power of the court to continue such expense after once begun, notwithstanding the county commissioners might be impressed that the necessity therefor had ceased to exist. If it had been intended that the county commissioners should ascertain in the first instance whether the number of juvenile cases before the court and the number of dependent and neglected children in the county are sufficient to demand the services of such an officer, the continuance of such an officer would have been made dependent upon the determination both of the court and of said commissioners of its necessity, so that such officer could be discontinued from service at any time either of said authorities decided there was no demand for such expense. We think, on the other hand, the purpose of the act in providing for the consent of the county commissioners to this appointment was to safeguard and insure the selection of a competent and suitable person for this responsible position. A reading of the various provisions of the act very quickly discloses that its purpose is, as declared by the last section thereof, to provide that the care and custody and discipline of neglected, dependent, or delinquent children shall be, as nearly as can be, that which would be given by parents; and that the reformation and saving of the delinquent child to the State and society is the primary object to be accomplished, rather than punishment of the crime and the vindication of the law. The act provides that in cases involving neglected and dependent children, they shall be brought before the court by service of summons instead of by warrant, which may be served by the sheriff or probation officer; and it authorizes the court, pending a hearing of any petition relative to any dependent or neglected child under the age of 16 years to leave the child in the custody of such officer, or have it kept in some suitable place provided for by the city, county, or State authorities; and upon final hearings authorizes the court to commit such a child to the care of a suitable State institution, or to the care of some reputable citizen of good moral character, or to some training school or industrial school, or to some association willing to receive it. The duties imposed by the statute, quoted above, upon the probation officer to make an investigation in all such cases and to represent the interests of the child when such a case is heard, and from time to time furnish the court with information that will enable the court best to protect the interests of the child, render this officer one of great importance to the county and the State. His duties are such as to require tact, patience, and kindness, and yet firmness, with a thorough knowledge of child nature; and, since he is to be such an important factor in the reformation of the child, he ought, as is required by law, to be a person of good moral character. The county judge, whose court has jurisdiction coextensive with the county in all misdemeanor cases and of all probate matters, including, or course, matters pertaining to guardianships and wards, is in the best position to ascertain and know the necessity of such an officer in his county and how long that necessity continues; but in the selection of a person with the peculiar qualifications the position requires, he can and no doubt will be, in most instances, greatly aided by the suggestions and concurring judgment of the county commissioners; and such we think was all that was intended to be accomplished by that portion of the statute under consideration. The order of the trial court commands respondents to convene immediately in session and consent to and approve the appointment of said Flynn as probation officer. Consenting to and approving his appointment involves the exercise of discretion in determining whether he is a discreet and moral person, qualified for the appointment; and if the record did not disclose that respondents had exercised this discretion and found him qualified for the office, and that his appointment should be approved unless they are authorized to determine the necessity of his appointment, the order of the lower court should be modified so as to command them only to act and exercise their discretion within the limitations of the statute as herein construed. (Mobile Mutual Insurance Co. v. Cleveland, 76 Ala., 321.) But, since respondents concede his qualifications and that the approval should be made, if they can not deny the authority of the court to determine his necessity therefor, there remains nothing to be done by them, except the act of expressing their consent and making record thereof, which they may be commanded to do by the writ sought. (Tilden *v.* Sacramento County, 41 Cal., 68; State ex rel. Johnson *v.* Lutz et al., 136 Mo., 633; Harwood *v.* Quimby, 44 Iowa, 385.)

The judgment of the lower court is affirmed.

Turner, C. J.; Williams, Kane, and Dunn, JJ., concur.

THE CRIMINAL COURT OF APPEALS OF OKLAHOMA.

In re Application of John Powell for the writ of habeas corpus. No. A–1533. Filed January 11, 1912.

1. (a) It is not necessary for the title to an act of the legislature to embrace an abstract of its contents. It is sufficient if the title contains a reasonable intimation of the matters under legislative consideration to state the subject of the bill in general terms and with fewest words, in accordance with the general custom, to which the framers of the constitution intended the legislature to conform.

(b) When there are numerous provisions having one general object, the title is sufficient if it fairly indicates the general purpose of the act. The details providing for the accomplishment of such purpose are to be regarded as necessary incidents.

(c) All the provisions of this act are for one object only: The care of delinquent and dependent children, as expressed in the title.

2. (a) Under the provisions of this act a child under 16 years of age can not be guilty of the commission of a crime, except in cases wherein it is shown that such child knew the wrongfulness of his acts at the time they were committed.

(b) The acts or omissions of a child which in an adult would be a crime, under this law, constitute juvenile delinquency only, except in cases wherein the juvenile court finds that the child, at the time the acts complained of were committed, knew the wrongfulness thereof, and holds such child for trial before a court of competent jurisdiction.

(c) This law contemplates an investigation by the juvenile court of the complaints against a child with the view of determining whether or not the child committed such acts, and if so, whether or not he knew the wrongfulness thereof in a criminal sense. And if upon such investigation the juvenile court finds affirmatively, it is then within his discretion to hold such child to be proceeded with in the manner provided by law in the court having competent jurisdiction of the offense, certifying to such court both his finding as to probable cause and that the child knew the wrongfulness of the acts complained of.

(d) The finding of the juvenile court that the child knew the wrongfulness of his acts and was capable of committing the offense, and did commit it, does not relieve the State of the burden of proving upon the trial that the child knew the wrongfulness thereof, as provided in subdivision 2, section 2034, Snyder's statute. The only effect the act in question has on said subdivision is to change the word "fourteen" to "sixteen" subsequent to the action of the juvenile court.

3. The object of this statute is not punishment, but reform and moral training. It creates a new offense, but creates no new court, and takes away no jurisdiction heretofore conferred upon any of the courts to try offenses against the penal laws of the State. It simply places additional duties on the county courts and provides a different method of bringing children before the courts to be dealt with.

4. It is no light matter to compel a boy or girl to spend his or her childhood days in restraint, and there should be clear proof of the necessity of such a course before a child is committed under the provisions of this act. The law contemplates a system of probation wherein the State places itself in loco parenti. The treatment of a child contemplated by this law is as near as may be that which should be given by its parents. This act should be liberally construed in favor of the welfare of the child, and only for grave offenses, such as affect the general welfare of the public, should a child be proceeded against in accordance with the laws that may be in force governing the commission of crime. The rights of the child whose welfare is at stake, as well as the rights of his parents, must be duly regarded and protected by the court.

5. (a) The law under consideration rests on the fundamental doctrine that a child the moment it is born owes allegiance to the government of the country of its birth and is entitled to the protection of that government for its person as well as its property.

(b) The legislature not only has the power to enact such provisions, but it is the duty of the State in its character as parens patriae to do so.

6. The act of the legislature approved February 24, 1911, not only authorizes the commissioner of charities and corrections to institute proceedings in this character of cases, but imposes that duty.

7. Under the provisions of this act the juvenile courts are the only courts having jurisdiction to commit children to the training school for boys, and are the only courts having jurisdiction to hear and determine complaints against children under 16 years of age for the infraction of any penal statute whatever, until after such juvenile court shall have held the child to be tried in the manner hereinbefore set out. This act repeals sections 8539 and 8543 of Snyder's statute, and provides complete proceedings for the disposition of cases arising hereunder.

(Syllabus by the court.)

Dr. J. H. Stolper, general attorney for the commissioner of charities and corrections, for petitioner.

Robert Wimbish, county attorney of Pontotoc County, for respondent.

Armstrong, Judge: This is an application for the writ of habeas corpus brought by Miss Kate Barnard, State commissioner of charities and corrections, on behalf of John Powell, a boy 14 years of age, seeking his discharge from a judgment of conviction rendered by the district court of Pontotoc County, imposing a sentence of two years in the State training school at Pauls Valley.

Petitioner was arrested on the 8th day of September, 1911, upon a warrant issued by H. J. Brown, justice of the peace in said county, charging him with the crime of burglary. An examining trial was had before the said justice and petitioner held to await the action of the district court. On September 16 the county attorney of Pontotoc County filed an information against petitioner and on the 4th day of December thereafter a plea of guilty was entered and the aforesaid judgment and sentence rendered by the court.

The petition is based upon the provisions of the act of the legislature approved March 24, 1909, commonly known as the juvenile court law. The title to the act is as follows: "An act to define dependent, neglected, and delinquent children and to regulate the treatment, control, and custody thereof by county courts."

The objection was raised and argued that the commissioner of charities and corrections of the State of Oklahoma has not the authority to bring a suit of this nature. We are of the opinion that this objection is not well taken, for the reason that the right of the commissioner of charities and corrections to institute proceedings of this character is conferred, and the duty to do so imposed, by the act of February 24, 1911. (See Session Laws, 1911, p. 46.)

It is contended on the part of the State that the law is invalid because of defect in title; that it creates a juvenile court and a probation officer, which are not mentioned in the title; and because it embraces more than one subject.

Section 57, Article V of the Constitution, provides:

"Every act of the legislature shall embrace but one subject, which shall be clearly expressed in its title."

In order that a complete understanding may be had of the various questions considered in this opinion, we quote the statute involved in full, which is all the law on this subject enacted up to this time by the Legislature of Oklahoma:

"SECTION 1. This act shall apply to any child under the age of 16 years not now or hereafter an inmate of a State institution incorporated under the laws of this State. For the purpose of this act the words 'dependent child' and 'neglected child' shall mean any

child under the age of 16 years who for any reason is destitute, homeless, or abandoned, or dependent upon the public for support, or has not the proper parental care or guardianship, or who habitually begs or receives alms, or who is found living in any house of ill fame or within a vicious or disreputable place, or whose home by reason of neglect, cruelty, or depravity on the part of its parents, guardians, or any other person in whose care it may be is an unfit place for such a child, and any child under the age of 8 years who is found begging, singing, or playing any musical instrument upon the street or giving any public entertainment or who accompanies or is used in aid of any person so doing.

"The words 'delinquent child' shall include any child under the age of 16 years who violates any law of the United States or of this State or any city or village ordinance; or who is incorrigible, either at home or in school, or who knowingly associates with thieves, vicious, or immoral persons, or who without just cause and without the consent of its parents or custodian absents itself from home or its place of abode, or who is growing up in idleness or crime; or who knowingly frequents a house of ill repute; or who knowingly frequents any policy shop or place where any gaming device is operated; or who patronizes or visits any public pool rooms or bucket shop, or who wanders about the street in the nighttime without being on any lawful business or occupation, or who habitually wanders about any railroad yards or tracks, or who habitually uses vile, obscene, vulgar, profane, or indecent language; or who is guilty of immoral conduct in any public place or about any schoolhouse; or who is addicted to the use of intoxicating liquor or any injurious drugs, or who is the user of cigarettes.

"Any child committing any of the acts herein mentioned shall be deemed a delinquent child and shall be proceeded against as such in the manner herein provided. A deposition of any child under this act or any evidence given in such cause shall not in any civil, criminal, or other cause or proceedings whatever in any court be lawful or proper evidence against such child for any purpose whatever, except in subsequent cases against the same child under this act. The word 'child' or 'children' may be held to mean one or more children, and the word 'parent' or 'parents' may be held to mean one or both parents when consistent with the intent of this act. The word 'association' shall include any corporation which includes in its purposes the care or disposition coming within the meaning of this act.

"SEC. 2. The county courts of the several counties in this State shall have jurisdiction in all cases coming within the terms and provisions of this act. In trials under this act the child informed against or any person interested in such child shall have the right to demand a trial by jury, which shall be granted as in other causes unless waived or the judge of his own motion may call a jury to try any such case. In all counties a special record book or books shall be kept by this court for all cases coming within the provisions of this act, to be known as the 'juvenile record,' and the docket or calendar of the court upon which shall appear the case or cases under the provisions of this act shall be known as the 'juvenile docket,' and for convenience the court in the trial and disposition of such cases shall be called the 'juvenile court.' Between the 1st and 30th days of October of each year the clerk or judge who acts as such clerk of the county courts shall submit to the commissioner of charities and corrections a report in writing upon blanks to be furnished by said commissioner, showing the number and disposition of delinquent children brought before such court, together with such other useful information regarding such cases and the parentage of such children as may reasonably be obtained at the trials thereof, provided that the name or identity of any such child or parents shall not be disclosed in such report.

"SEC. 3. Any reputable person, being a resident of the county, having knowledge of a child in his county who appears to be either neglected, dependent, or delinquent, may file with the clerk of court having jurisdiction in the matter a petition in writing, setting forth facts verified by affidavits. The petition shall set forth the name and residence of the legal guardian, if known, or if not known, then the name and residence of near relative, if there be one and his residence known. It shall be sufficient that the affidavit is upon information and belief.

"SEC. 4. Upon the filing of the petition a summons shall be issued requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in this summons, which time and place shall not be less than 24 hours after service. The parents of the child, if living and the residence is known to the petitioner, or its legal guardian, if there be one and his residence is known to the petitioner; or, if there is neither parent nor guardian, or if his or her residence be not known, then some near relative, if his residence be known to the petitioner, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child; summons and notice may be served by the sheriff or by any duly appointed probation officer, either by reading the same to the person or persons or by leaving a copy thereof at his usual place of abode, or with some person of his family of the age of 10 years or upwards and informing such person of the contents thereof. The return of such summons and notice with indorsement of service by the sheriff or probation officer in accordance herewith shall be sufficient proof thereof. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court or bring the child, he may be proceeded against as in case of contempt of court. In case summons can not be served or the party fails to obey the summons, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may be issued on the order of the court, either against the parent or guardian or the person having the custody of the child or with whom the child may be or against the child itself.

"On return of the summons or other process, or on the appearance of the child, with or without summons or other process, in person before the court, and on the return of the service of notice, if there be any person notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of the case the court may order the child to be retained in the possession of the person having charge of the same, or any other person, or to be kept in some suitable place provided by the city, county, or State authorities.

"SEC. 5. The court shall have authority to appoint or designate, by and with the consent of the county commissioners, one discreet person of good character to serve as probation officer during the pleasure of the court, said probation officer to receive compensation of $50 per month from county fund, to be paid by county commissioners. In case the probation officer shall be appointed by any court, it shall be the duty of the clerk of the court, if practicable, to notify the said probation officer in advance when any child is to be brought before the court; it shall be the duty of said probation officer to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child when the case is heard, to furnish to the court such information and assistance as the judge may require, to take such charge of any child before and after trial as may be directed by the court.

"SEC. 6. When any child under the age of 16 years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of a suitable State institution, or to the care of some reputable citizen of good moral character, or to the care of some training school or industrial school, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for neglected or dependent children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child may require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge.

"SEC. 7. In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act the child shall, unless otherwise ordered, become a ward and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home with or without indenture, and may be made party to any proceeding for the legal adoption of a child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decrees of adoption. Such guardianship shall not include the guardianship of the estate of the child.

"SEC. 8. In the case of a delinquent child the court may continue the hearing from time to time and commit the child to the care or custody of a probation officer or any other person, or may allow such child to remain in its home, subject to the visitation of the probation officer, such child to report to the probation officer as often as may be required; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child until a suitable provision may be made for the child in a home without such payment; or the court may commit the child, if a boy, to the training school for boys, or if a girl to an industrial school for girls; or the court may commit the child to any institution in the county incorporated under the laws of this State that may care for delinquent children or that may be provided by a city or county, suitable for the care of such children, or to any State institution which may be established for the care of delinquent children; or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited, as hereinafter provided. In no case shall a child beyond the age of 16 years be committed to an institution. A child committed to such an institution shall be subject to the control of the superintendent thereof, and the said superintendent shall have power to parole such children under such conditions as he may prescribe.

"Every child who shall have been adjudged delinquent, whether allowed to remain at home or placed in a home or committed to an institution, shall continue to be a ward of the court until such child shall have been discharged as such ward by order of court or shall have reached the age of 21 years, and such court may during the period of wardship cause such child to be returned to the court for further or other proceedings, including parole or release from an institution: *Provided, however,* That notice of all applications to the court for such parole or release shall be given to the superintendent of such institution at least 10 days before the time set for the hearing thereof, or the consent, in writing, of such superintendent to such parole or release shall be filed. The court may, however, in its discretion, cause such child to be proceeded against in accordance with the laws that may be in force governing the commission of crime.

"SEC. 9. No court or magistrate shall commit a child under 12 years of age to a jail or police station, but if such child is unable to give bail it may be committed to the care of the sheriff, police officer, or probation officer, who shall keep such child in some suitable place, which shall be provided by the city or county outside of the inclosure of the jail or police station. When any child shall be sentenced to confinement in any institution to which adult convicts are sentenced it shall be unlawful to confine such child in the same building with such adult convicts, or to confine such child in the same yard or inclosure with such adult convicts, or to bring such child into any yard or building in which adult convicts may be present.

"SEC. 10. This act shall be liberally construed, to the end that its purpose may be carried out, to wit: That the care and custody and discipline of the child shall approximate, as nearly as may be, that which should be given by its parents, and that, as far as practicable, any delinquent child shall be treated not as a criminal, but as misdirected and misguided, and needing aid, encouragement, help, and assistance.

"SEC. 11. All acts and parts of acts in conflict herewith are hereby repealed."

A similar law to this was passed by the Legislature of Pennsylvania in 1903. Among the objections raised to such act in the supreme court of that State was the following: "That the act contained more subjects than one, some of which are not expressed in the title." The Supreme Court of Pennsylvania, in Commonwealth *v.* Fisher (213 Pa. St., 51), in discussing this proposition says:

"No new court is created by the act under consideration. In its title it is called an act to define the powers of an already existing and ancient court. In caring for the neglected or unfortunate children of the Commonwealth and in defining the powers to be exercised by that court in connection with these children, recognized by the State as its wards, requiring its care and protection, jurisdiction is conferred upon that court as the appropriate one, and not upon a new court."

And again:

"It is a mere convenient designation of the court of quarter sessions to call it when caring for children a juvenile court, but no such court as an independent tribunal is created. It is still the court of quarter sessions before which the proceedings are conducted."

Pennsylvania has a constitutional provision similar to ours relative to the title of legislative enactments; and, indeed, most, if not all, of the other States have such provision.

The question of the sufficiency of the title of legislative enactments has been frequently before the courts. The Supreme Court of California in Ex parte Liddell (93 Cal., 633) holds that—

"It is not necessary for the title of an act to embrace an abstract of its contents, but if it contains a reasonable intimation of the matters under legislative consideration it is sufficient to state the subject

of the bill in general terms and with the fewest words, in accordance with general custom, to which the framers of the constitution intended the legislature to conform.

"Numerous provisions having one general object fairly indicated by the title may be united, and when the general purpose of the act is declared the details provided for the accomplishment of that purpose will be regarded as necessary incidents."

See also Montclair *v.* Ramsdell (107 U. S., 147); Commonwealth *v.* Fisher, supra.

While we think the title to the act in question could have been more complete without subjecting it to other criticism, yet it was sufficient for the purpose intended. All the provisions of this act are for one object only—the care of delinquent and dependent children, as expressed in the title.

It is next objected that the law is invalid because it takes away the exclusive jurisdiction of the district court to try felony cases.

Section 10, Article VII, of the Constitution confers on the district courts original but not exclusive jurisdiction, and even this jurisdiction is conferred subject to the limitation of section 9, Article VII, which section confers original jurisdiction only until otherwise provided by law. This question has been thoroughly considered by this court in Ex parte Whitehouse (3 Okla. Cr., 97; 104 Pac., 374), but no powers of the district courts to try felony cases is taken away by the act in question. The juvenile court, as such, can not try felony cases, nor does the act in question confer or intend to confer any such powers upon the county courts sitting in their capacity as juvenile courts. The legislature in its wisdom by this law says that a child under 16 years of age can not be guilty of the commission of a crime except in cases where it is shown that such child knew the wrongfulness of his acts at the time they were committed. The acts committed by such child which in an adult would be a crime, under this statute constitute juvenile delinquency only, except in cases of a serious character, when the juvenile court is authorized by the act supra, in its discretion, to cause such child to be proceeded against in accordance with the law that may be in force governing the commission of crime.

Prior to the enactment of the law in question the statutes provided—

"All persons are capable of committing crimes except those belonging to the following classes: 1. Children under the age of 7 years. 2. Children of the age of 7 years but under the age of 14 years, in the absence of proof that at the time of committing the act or neglect charged against them they knew its wrongfulness." (Sec. 2034, Snyder's Stats.)

The juvenile-court law under consideration, in effect, provides that children under the age of 16 are incapable of committing crime; but in order that no great wrong should be done to society the legislature took the precaution to provide that a child brought before the juvenile court on a charge of delinquency might, in its discretion, cause such child to be proceeded against in accordance with the law governing the commission of crime. See section 3, paragraph 2, act supra. This provision contemplates an investigation by the juvenile court of the acts complained of, with the view of determining whether or not the child committed them, and if so, whether or not he knew the wrongfulness thereof in a criminal sense; and should the court find affirmatively, it is then within its discretion, under the law, to hold such child to be proceeded with in the manner provided by law in a court having competent jurisdiction of the offense committed, certifying to such court both its finding as to probable cause and that the child knew the wrongfulness thereof. The finding of the juvenile court, or the county judge sitting as such, that the child knew the wrongfulness of his act and was capable of committing the offense, and did commit it, does not relieve the State of the burden of proving that the child knew the wrongfulness of its act at the time of the commission thereof upon the trial before a jury in a court of competent jurisdiction, as provided in subdivision 2, section 2034, Snyder's Statutes. The effect of the juvenile-court law under consideration has on said subdivision is simply to change the word "fourteen" to "sixteen," subsequent to the foregoing proceedings.

It is next urged that the legislature had no right under the Constitution to enact the law in question.

We are of the opinion that the legislature did have the right to enact the law. It is a fact well known to all members of the legal profession and a great number of our citizenship that all laws relating to the commitment of minors to various institutions, whether for care and guardianship or for purposes of restraint and reform, are entirely statutory and have been uniformly upheld. Such provisions found no lodgment in the common law, as is the case with most of our criminal statutes. But the legal principle involved in the construction and application of these statutes authorizing such commitments are founded on the common-law doctrine generally.

Commitments of children to juvenile institutions can be distinguished into three essential classes—commitments as a punishment for crime, commitments where the proceedings are quasi criminal, and commitments for care and guardianship.

Statutes authorizing the commitment of juvenile offenders to houses of refuge and juvenile reformatories instead of imprisonment obtain in most States. In this class of cases it is generally held that the statutes must receive the same construction as other penal statutes. Such a provision is also contained in the United States statutes. (See U. S. Rev. Stats., pars. 5544, 5550.)

The proceedings in another class of cases, referred to supra, have been designated quasi criminal. Statutory provisions are found in a number of the codes of various States authorizing the commitment of minors to reformatory institutions upon application or complaint of parents, guardians, or other responsible persons, made before civil magistrates, alleging that the minor is incorrigible and beyond domestic control. Legislation of this kind is not unconstitutional. The object of the detention in these cases is not punishment, but reform and moral training, as is the purpose of the statute before us, and proceedings under statutes authorizing such commitment have been held to be valid on the ground that the parens patriæ, or sovereign right to care for the education of its members, belongs of strict right to the State, under whose sanction the custody or charge of the minor is thus transferred from the guardian who declares his inability to fulfill the purpose of guardianship. (See Roth *v.* House of Refuge, 31 Md., 329; Ex parte Crouse, 4 Whart., 9.)

It is no light matter to compel a boy or girl to spend his or her childhood days in restraint, and there should be clear proof of the necessity of such a course before a child is committed under the provisions of this act. Sections 5, 6, 7, and 8 of this law provide for a system of probation, the object of which is to help the child through a correctional method by the State placing itself in loco parenti. The treatment of a child contemplated by this law is as near as may be that which should be given by its parents. The juvenile courts should, therefore, first exercise the authority conferred by the law and place the child, where possible, on probation either with the child's parents, when suitable, or, where there are no such parents, with any other fit person of good moral character, to be supervised by the probation officer, who is required to make frequent reports to the court. This act should be liberally construed in favor of the welfare and best interest of the child, and only for grave offenses, such as affect the general welfare of the public, should a child be proceeded against in accordance with the laws that may be in force governing the commission of crime. The rights of the child whose welfare is at stake, as well as the rights of his parents, must be duly regarded and protected by the court.

The last class of cases referred to supra, for which children may be committed to juvenile institutions, includes all those cases in which the State intervenes in its capacity of parens patriæ and through its officers assumes the care and education of children who are either without a guardian or place of abode, commonly designated as vagrant and destitute minors, and in some jurisdictions those who are neglected, ill treated, and not properly cared for by their guardians, appointed or natural. In this State this class are cared for in the Orphan's Home at Pryor Creek.

Interference or intervention by process of law in matters affecting the care and guardianship of minors is carried on to an extent in the United States that is unknown to many legal systems of other portions of the civilized world. For this reason it is interesting and instructive to inquire into the precise ground upon which such action rests and the direction and extent it may properly assume. The fundamental doctrine upon which governmental intervention in all such cases is based is that the moment a child is born it owes allegiance to the Government of the country of its birth, and is entitled to the protection of that Government for his person as well as his property. In order to discharge this duty of protection the Government, by way of safeguard and for the benefit of the infant, places him under guardianship, but it is only that there may be best secured to him the assistance and protection of law and that he may acquire that education which will enable him afterwards to discharge the duty which he owes to his country as well as to himself. The authority of all guardians is derived from the State, such guardians being appointed when the occasion for them arises or is expected to arise. The nature of a guardianship is that of a trust, the execution of which is at all times superintended by the State.

It has been held by the highest courts of Massachusetts, Ohio, Wisconsin, New York, and others that the legislature not only has the power to enact such provisions as those under consideration, but that it is the duty of the State in its character of parens patriae to do so. The performance of such duty is justly regarded as one of the most important governmental functions, and a constitutional limitation must be so understood as not to interfere with its proper and legitimate exercise. See Roth *v.* House of Refuge, supra; Prescott *v.* State, 19 Ohio St. 184; Ex parte Nichol, 110 Cal. 653. The cases cited do not all discuss the identical question under consideration, but the reasoning applies with full force.

It is evident that this law was enacted by the legislature in the interest of the highest principles of humanity and for the greatest and best interests of the childhood of the State, especially that type of children who need the help and guardianship of the highest power of the State. It is but natural that the jurisdiction in this class of cases should be conferred on the county courts. The statutes already existing at the time of the passage of this law conferred upon the county courts the duty of looking after the property rights of children. In fact, the county court is properly the children's court, and the selection of the judges of these courts is usually had with this in view.

Again it is objected that this statute attempts to punish violations of the Federal laws. This point was not extensively argued. We have already determined that this is not a punitive statute, but a reformative one. It is not the purpose or intention of this statute to punish for the violation of any specific provision of any code, but merely to provide that a child who, without knowing the wrongfulness of his acts, commits such acts is guilty not of an infraction of those provisions of either nation, State, or municipalities, but is to be adjudged and considered a juvenile offender. In other words, a delinquent child as defined in the act itself. No provision of the statute under consideration prescribes a penalty for the violation of any statute, nor is a child committed for that purpose, but for the purpose of reformation, education, and development.

There is one other proposition raised by this petition that we deem it well to dispose of. That is the question of the jurisdiction of the district or other courts than the juvenile courts, to commit juvenile offenders to the Training School for Boys. Section 8539, Snyder's Statutes, is as follows:

"When complaint, the facts of which are established by due proof, shall be made to a magistrate or justice, as aforesaid, that any boy between the ages of 7 and 16 years is a proper subject for the guardianship of the State training school, in consequence of vagrancy or incorrigibly vicious conduct, and that from the moral depravity or other insuperable obstacle on the part of the parent, guardian, or next friend, in whose custody such boy may be, such parent, guardian, or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious boy, such magistrate or justice, as the case may be, shall commit such boy to the state training school for such term as he shall deem proper within the limits prescribed in a previous section of this act."

Section 8543, Snyder's Statutes, is as follows:

"All boys committed under this act shall be committed until they arrive at the age of 21, unless sooner reformed. Boys not over 16 nor under 10 years of age may be committed to said school by any judge of the police court, county judge, or district judge, or the judge of any court of record having jurisdiction in criminal cases which may be created by law, or any conviction of any offense against the laws of the State, and any such boy convicted of any crime or offense, the punishment of which is in whole or in part confinement in the jail or penitentiary may, at the discretion of the court giving sentence, in lieu of being sent to the jail or penitentiary, be committed to the State training school."

These provisions apparently confer this jurisdiction, but these sections were enacted prior to the enactment of the law in question, and are directly in conflict with the fundamental purpose of many of its provisions.

This act in addition to providing for the jurisdiction of the county court sitting as a juvenile court has many other mandatory provisions, such as requiring the keeping of separate dockets, journals, and reports to the commissioner of charities and corrections; the appointment of probation officers, and the procedure in general to be had in dealing with children such as are not provided for nor contemplated in any other court of the State.

Section 11 of the act before us provides that "All acts and parts of acts in conflict herewith are hereby repealed." The general provisions of Snyder's Statutes, supra, were sufficient to confer this right upon the district and other courts, but the provision last quoted clearly repeals them. Should the general provisions of sections 8539 and 8543 stand, the very purpose of the law under consideration would be destroyed. It was evidently the intention of the legislature to give this right to commit children to the State training school for the purposes of reform, education, and development into the exclusive control of the juvenile courts, and we are impelled to the conclusion that this is the effect of the law as it stands. It is also provided that a child committed under the provisions of this act shall be committed until he is 21 years of age, unless sooner reformed. A commitment to the State Training School for Boys for a definite period is not warranted by this statute. Commitment should follow statutory provisions. In the case before us the child was committed for two years.

The issues raised by the petition were orally argued and have been exhaustively briefed by Dr. J. H. Stolper, counsel for the commissioner of charities and corrections, on behalf of petitioner, and extensively argued by Robert Wimbish, county attorney for Pontotoc County, on behalf of the State.

The questions here discussed were not raised before the district court of Pontotoc County, and the attention of that court was not called to any of the provisions of this act. Had that been done it is probable that this cause would not be here on habeas corpus.

From the views expressed upon the questions raised by the petition in this case we conclude that the statute is constitutional and valid in every respect. (See Commonwealth *v.* Fisher, supra; Ex parte Nichol, supra; State *v.* Reed, 123 La., 411; 49 So., 3; Blanchard *v.* Raines, 20 Fla., 467; Baldwin *v.* Bennett, 6 Rob. (La.), 309.)

Let the writ issue and petitioner be discharged from the custody of the sheriff of Pontotoc County. Said sheriff is ordered to deliver the prisoner into the custody of the juvenile court of said county to be proceeded with according to law.

Furman, presiding judge, and Doyle, judge, concur.

LEGAL DEPARTMENT.

[Dr. J. H. Stolper, general attorney, department of charities and corrections.]

THE PRINCIPLES OF THE OKLAHOMA JUVENILE COURT, AS CONSTRUED BY OUR APPELLATE COURTS.

The juvenile-court law is, in my humble opinion, as I have recently said in briefing the matter for the Oklahoma Criminal Court of Appeals, the greatest law given to mankind since the handing down of the Ten Commandments by Moses. While the several provisions of the law, as all human laws, can be more perfect and should be improved in many details, the principle upon which the law is based is so sublime as to make it almost perfection. The principle is that, while a child can and often does commit acts which are wrong and may even cause injury either to society or to individuals, yet the average boy and girl under the age of 16—and I would be willing to go higher and say under the age of 18 years—lacks that mature conscious knowledge in a criminal sense that his or her act is wrong. Such acts, especially in younger children, are entirely without those elements of turpidity or moral depravity essential to constitute a crime in a criminal sense, and such acts of omission or commission by children never rise above mere childish wrong, which the Oklahoma law, as construed by Hon. James R. Armstrong, of the Oklahoma Criminal Court of Appeals, are designated as juvenile delinquency.

The juvenile-court law goes a great step further than the criminal law does. According to Mr. Justice Holmes, in speaking of the principle on what punishment by criminal law is based, says: "It has never ceased to be one object of punishment to satisfy the desire for vengeance. * * * The desire for vengeance imports an opinion that its object is actually and personally to blame." (The Criminal Law; The Common Law, 40 Holmes.) Again, our great justice of the Supreme Court of the United States in proving his views, says in relation to the criminal law punishment: "If punishment stood on the moral grounds which are proposed for it, the first thing to be considered would be those limitations in the capacity for choosing rightly which arise from abnormal instincts, want of education, lack of intelligence, and all other defects which are most marked in the criminal classes. I do not say they should not be, or at least I do not need to, for my argument. I do not say that the criminal law does more good than harm. I only say that it is not enacted or administered on that theory." (Holmes, The Common Law, 45.)

The juvenile law is enacted primarily with the view of prevention instead of punishment. Its object is to save the feeble child, through the parental care of the State, by placing the child—the boy and girl of to-day; the man and woman, the father and mother of to-morrow—in favorable surroundings where the child can be taught to do right and form good and proper habits. The juvenile-court law takes cognizance of all those elements which Mr. Justice Holmes says the criminal law does not. It is reformative instead of punitive, and tends to preserve the child from the evil consequences of a childish act instead of destroying the child, either physically or morally, as the criminal-law punishment does.

The juvenile-court law in the United States has become widely known through the activity of such men as Judges Hurley and Julian Mack, of Chicago; Hon. Flexner, of Kentucky; Judge Ben Lindsay, of Denver, Colo.; and others. In Oklahoma it was enacted through the efforts of the department of charities and corrections, during the administration of Miss Kate Barnard as commissioner and Hobart Huson as assistant commissioner, before the writer became connected with the department of charities and corrections; but it has been the writer's privilege to defend the children of Oklahoma coming within the operation of the juvenile-court law from being punished under the criminal law, and during such litigations to succeed in having this law adjudicated, and to give the solemn act of the wise legislature that additional force which every act receives by being construed by the two highest courts of the State.

The opinion of Judge James R. Armstrong, concurred in by the full court of the Oklahoma Criminal Court of Appeals, is epoch making. Twice was it the privilege of the writer to appear before Judge James R. Armstrong in defense of the juvenile-court law and the rights of the childhood of Oklahoma, and each time this learned judge has been called upon he has upheld the juvenile-court law. In each case, In re Habeas Corpus Ennis Tuck and In re Habeas Corpus of John Powell, he has shown himself a friend of childhood as well as a profound lawyer and judge.

The opinions of Judges Armstrong and Hayes verily deserve to be treasured next to the family Bible in each home where the are children and where the mother's and father's hearts beat with love for such children, for in these two opinions the juvenile-court law of Oklahoma is firmly and finally established. The amount of work accomplished by Judge Armstrong in the decision In re Habeas Corpus of John Powell was enormous; in fact, so great that the opposing counsel was under the impression that we would not be able to get a full construction of all the fundamental questions involved; but the reading of the decision and opinion of Judge Armstrong at once shows that there is no limit to the capacity for labor of the three great lawyers, the present judges of Oklahoma Criminal Court of Appeals. Truly have the children of Oklahoma and each true mother of Oklahoma to be grateful that, at a very critical moment of this juvenile law's existence, where every section was challenged as unconstitutional, that on the bench of Oklahoma's highest criminal court is found a judge whose love for children and for the future best interest of the State is so great that he neither spared himself nor his worthy associates, and finally by a unanimous decision of the whole court sustained the juvenile law and has protected the best interest of the childhood of the State of Oklahoma, for Judge Armstrong leaves nothing vague. It clearly and fairly adjudicates all questions pertaining to the treatment of children in Oklahoma; and may judges of other courts, especially of our beloved State of Tennessee, profit by the great classical work of Judges Armstrong, Furman, and Doyle, to whom, if justice is done, a monument of pure love should be built in the heart of every child-loving man and woman in Oklahoma and the whole world.

The Supreme Court of the State of Oklahoma, in State of Oklahoma ex rel., etc., *v.* The Board of County Commissioners of Seminole County, has shown itself as truly great by the clear, definite opinion written by the true law scholar, Samuel W. Hayes. It has for all time shown that the interests of the children are safe in the hands of Judges Hayes, Williams, Turner, Dunn, and Kane, for, by a unanimous opinion, these learned judges have held affirmatively that the dependent, neglected, and delinquent children of Oklahoma shall have a friend in the person of county probation officers. It is held that a probation officer, when qualified according to law and appointed by the juvenile-court judge, must be confirmed by the boards of county commissioners.

It would be unbecoming for me to comment upon the efforts and labors of the officers of the department of charities and corrections. This I leave to the unbiased judgment of Oklahoma's mothers and fathers, whose best interest it is the sincere wish of this department always to serve, as long as the present personnel have authority to act. To those who are inclined to resent the activity of the commissioner and the department of charities and corrections of Oklahoma, I beg them to remember that all the acts of this department have only one object and one purpose, which is to serve the best interest of all the people, and do our full duty, irrespective of consequences, except the welfare of the whole State of Oklahoma.

In conclusion, I beg to congratulate the people of the State of Oklahoma that our highest judiciary consists of such men as Judges Armstrong, Furman, Doyle, Samuel W. Hayes, Robert L. Williams, Dunn, Turner, and Kane. May they long live and may the State of Oklahoma be always just and generous to the children and the helpless who need the State's help.

A perusal of the opinion of Judges Armstrong and Hayes, published in this number, will convince Oklahoma's citizenship that Oklahoma's justice and law is universal law and true justice, and may it ever be so.

DR. J. H. STOLPER.

INSPECTIONS.

[Dr. R. C. Meloy, State inspector department of charities and corrections.]

The following institutions have been inspected on the dates mentioned and recommendations made, as follows:

OTTAWA COUNTY JAIL,
Miami, Okla., January 4, 1912.

This county is still using the city jail building, which is very poorly arranged for the use of the county.

Recommended: That jail be whitewashed and cells painted at once; that bedding be thoroughly washed and disinfected; that clothing be procured for such prisoners as were suffering from the want of the same; that toilet (right by the bunks, which is open) be inclosed.

CRAIG COUNTY JAIL,
Vinita, Okla., January 5, 1912.

This county having the old Federal jail at Vinita is well equipped.

Recommended: That jail be whitewashed and cells painted at once; that a lot of junk which has accumulated in basement be destroyed.

CRAIG COUNTY POOR HOME,
Vinita, Okla., January 5, 1912.

Owing to the fact that the Federal Government has a specialist on diseases of the eyes, stationed at Vinita at the present time, for the purpose of furnishing free treatment to Indians who are suffering from any such diseases, and owing to the fact that many Indians apply for treatment who have no funds out of which to maintain themselves while staying at Vinita for treatment, the county commissioners opened the county home to such as were residents of Craig County, therefore they are badly crowded, having 14 charges, aside from about an equal number of those taking treatment.

Recommended: That walls of home be treated with a coat of kalsomine, and that great care be taken to guard against the possibility of any infectious eye trouble being communicated to other inmates of the home.

MAYES COUNTY JAIL,
Pryor, Okla., January 6, 1912.

During the year 1911, Mayes County erected a new brick jail, which while not approximating a good jail, is a great improvement over former conditions.

Recommended: That a trap door be placed in the large ceiling ventilator so that it would be possible to close same during extreme cold weather; and further, that it be done at once and without delay; that beef furnished prisoners be properly cooked, and that jail be whitewashed at once.

OKLAHOMA STATE HOME,
Pryor, Okla., January 6, 1912.

Recommended: That an adequate water supply be provided for boiler of heating plant, so that it would not be necessary to again shut down the plant during zero weather, simply on account of the city water system going to the bad.

Further, that under existing circumstances the hospital building be occupied as living rooms temporarily, there being stoves therein, and no one sick at present.

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WAGONER COUNTY JAIL,
Wagoner, Okla., January 8, 1912.

This jail is in very good shape and they are painting the walls at this time.

Recommended: That kitchen be cleaned up and kept in better shape.

—

WAGONER CITY JAIL,
Wagoner, Okla., January 8, 1912.

Recommended: That jail be cleaned up, whitewashed and painted; that proper connection be made to gas stove, the same being in a dangerous condition at present.

—

OKLAHOMA SCHOOL FOR THE BLIND,
Fort Gibson, Okla, January 9, 1912.

Recommended: Sewerage arrangement. Facilities at present very poor.

—

CHEROKEE COUNTY JAIL,
Tahlequah, Okla., January 9, 1912.

This is an old-time prison, and while furnishing plenty of room, is in very poor shape.

Recommended: That sewerage connection be made; that windows be put in place; that concrete floor be put in, the old wooden floor having rotted out; that prisoners be given a change of meat diet occasionally; that the walls of the jail be whitewashed at once.

—

ADAIR COUNTY JAIL,
Stilwell, Okla., January 10, 1912.

Here they occupy a large upstair room which was formerly used as a schoolroom.

Recommended: That the entire jail—walls, floor, tables, kitchen, and bedding—be given a thorough cleaning and disinfecting, and that the walls be then whitewashed.

They are badly in need of sewerage facilities, having none whatever at present.

DR. R. C. MELOY.

Mr. BURKE of South Dakota. I desire to submit a request for unanimous consent. I ask unanimous consent that all gentlemen who have spoken on this question may have five legislative days in which to extend their remarks in the RECORD.

The SPEAKER. The gentleman asks unanimous consent that all gentlemen who have spoken have five legislative days in which to extend their remarks. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. Under the leave granted I desire to submit an extract from the hearing in the investigation of Indian contracts before the select committee of the House of Representatives in 1910 from the statement of E. P. Hill, as follows:

Q. Who would be the principal beneficiary if that suit was to result favorably to the plaintiff?—A. ROBERT L. OWEN the principal.

Q. Was he in the United States Senate when any of the legislation relative to this claim was enacted?—A. He was a Member of the Senate when the amendment granting Howe et al. the right to intervene was passed. He was not a member when the original act was passed.

Q. The act was to enable the estate of Charles F. Winton, Mr. Winton being dead, to recover?—A. Yes.

Q. What has been done in that case?—A. We have taken testimony in Minnesota, Colorado, Ohio, Mississippi, Oklahoma, the District of Columbia, and Missouri in that case, and the court has extended the time of taking testimony on the part of some of the intervenors until the 1st of this next October. The case will be ready for brief and argument some time this winter.

Q. Who represents Senator OWEN?—A. Mr. W. H. Robeson, of Washington, whose offices are in the Bond Building.

Q. And you and Mr. McCurtain appear for the Mississippi Choctaws?—A. Yes, sir; and Mr. George M. Anderson, of the Department of Justice, appears for the Government.

Q. Has Mr. McHarg entered an appearance for the Choctaws?—A. No, sir.

Q. Has his attention been called to the suit?—A. No, sir; not that I know of. We have not called his attention to it.

Q. How many are there of the Mississippi Choctaws?—A. My recollection is that there are some fifteen or sixteen hundred of them that were finally enrolled and secured allotments. I think it is approximately that. I might be mistaken for all that. The greatest number of the people with whom Mr. Winton secured contracts, however, were never enrolled, it appears.

Q. I wish you would identify this paper I hand you and tell what it is.—A. This is the printed copy of the record on file in the Department of the Interior at Washington that was printed on request of the department in this case, and was printed and filed in this suit in the Court of Claims and now constitutes a part of the record in this case.

Q. Can you supply this committee a few copies of that record for its information?—A. I will try to.

Q. We don't care to burden this record with that if we can have a few copies for our information.—A. Before you leave that case I want to impress this on your mind: The Supreme Court of the United States has held once unless jurisdiction lays the right of appeal may be had. I have tried to get the right of appeal in this case. It would be a calamity to these people if these claims were sustained in the courts. I have always believed that these people could defeat this act, and I think it nothing but right and just that they should at least be granted the appeal to the Supreme Court of the United States.

Q. Do you think it important that the next omnibus Indian bill have further legislation in regard to this case?—A. I think either party should be granted the right of appeal to the Supreme Court of this case. If I had known of this last legislation, it would not have gotten through without a vigorous protest on my part. I refer to that portion incorporated in the last Indian omnibus bill of May, 1908.

Q. And the probable attorneys' fees in that case would be approximately $6,000,000?—A. It would be more than that. The suit has been a quantum meruit.

The SPEAKER. The question is on the motion of the gentleman from South Dakota [Mr. BURKE] to concur in Senate amendment 99 with an amendment.

The question being taken; on a division (demanded by Mr. BURKE of South Dakota) there were—ayes 24, noes 36.

Mr. CAMPBELL. Mr. Speaker, at this hour in the day and at this time in the session I do not want either to make the point of no quorum or to ask for the yeas and nays. I simply want to protest against the defeating of this amendment, but I refrain from calling for the yeas and nays.

The SPEAKER. The noes have it, and the motion to concur with an amendment is lost.

Mr. STEPHENS of Texas. Does the gentleman from Illinois [Mr. MANN] desire to make any further point against any of these Senate amendments?

Mr. MANN. I want to submit some remarks on several of the amendments.

Mr. STEPHENS of Texas. How much time does the gentleman desire?

Mr. MANN. I do not know how much time; not a great deal.

The SPEAKER. Has the gentleman any motion to make?

Mr. MANN. I understand the gentleman has a motion pending to disagree to all of the Senate amendments.

Mr. STEPHENS of Texas. Yes; and to send the matter back to conference.

Mr. MANN. I wish to be heard on that.

The SPEAKER. The gentleman from Illinois.

Mr. MANN. Mr. Speaker, I call attention very briefly to Senate amendment No. 105, which provides for the construction of a sanitary sewer system in the Platt National Park, Okla., under the direction of the Secretary of the Interior, at an expense of $35,000. I believe the conference report which was agreed to by the conferees provided that this should be divided equally between the Government and the local authorities.

Mr. STEPHENS of Texas. And to be applied under the direction of the Secretary of the Interior.

Mr. MANN. The Committee on Indian Affairs has no jurisdiction of this matter. It is an item which, if it is to go into any bill, ought to go into the sundry civil bill from the Committee on Appropriations. It is a matter that has been pending for a number of years and has been rejected by the Committee on Appropriations. It proposes to involve the Government in the construction of a sewer system for the benefit of a municipality.

Mr. CARTER. It has also been adopted by the Committee on Appropriations since it was rejected.

Mr. FITZGERALD. When?

Mr. MANN. I think the gentleman from Oklahoma is mistaken.

Mr. CARTER. I can give the gentleman the citation, if he will permit me.

Mr. MANN. As I stated, I do not desire to occupy a great deal of time.

Mr. CARTER. On February 25, 1909—page 3172, CONGRESSIONAL RECORD, second session Sixtieth Congress—I offered an amendment carrying $16,000, $15,000 of which was authorized to be spent for a sewer in Platt National Park when the people of Sulphur, Okla., contributed an equal amount. This amendment was adopted without a roll call, there being no opposition whatever.

Mr. FITZGERALD. That was in the Committee of the Whole.

Mr. MANN. Evidently it has not been done and it ought not to be done. The Government is not under any obligation to complete sewer systems for cities. The Platt National Park does not need a sewer system and no other small park needs a sewer system.

Mr. FERRIS. Now, if the gentleman will yield for a short statement before he passes away from this, it may obviate a reply and save time. The Platt National Park was established by two different acts of Congress. It was established on either side of a ravine, and it caused the town to be moved twice. They took up the only outlet in the park that the town of Sulphur has, and that is the reason for this thing. I will say that the department has estimated for it, and the total estimate of the department is $53,455.60. There is much to be said in favor of the statement that this ought not to be on an Indian appropriation bill, but it was placed there by another body and it is here before us and agreed to.

Mr. MANN. Not agreed to.

Mr. FERRIS. Agreed to by the conferees; not adopted. So the proposition is not quite so ferocious as the gentleman from Illinois stated it to be.

Mr. MANN. It is exactly what I stated it to be. I have not any doubt but there are arguments to be made in favor of the proposition, or else no one would have proposed it, but the question is whether any argument can be made sufficiently strong to warrant the General Government in paying out of the Treasury for a sewer system for a city anywhere in the country.

Mr. FERRIS. The department has for three years made the estimates, and have estimated this year for $35,000.

Mr. MANN. Yes; and that estimate went to the Committee on Appropriations and was turned down, and thereupon gentlemen went to the Senate and had the item inserted in the Indian appropriation bill, where it does not belong, after the House had refused to insert it in the bill where it was proper, if it was proper at all.

Mr. FOSTER. If the gentleman will allow me, is not this the same proposition where Congress tried to give this park to the city or the State?

Mr. MANN. I believe so, and when the sundry civil bill was in the House the gentleman from Oklahoma [Mr. FERRIS] himself agreed to eliminate from the sundry civil bill all provision for a sewer in the park.

Mr. FERRIS. I see by reading the RECORD that the gentleman from Illinois has stated that once before. I agreed to the elimination after the gentleman made a point of order on it, which was a very natural thing to do. In other words, when you are forced to agree to a thing you can not help it, and that was the kind of an agreement this was.

Mr. MANN. Why, certainly I made the point of order on the entire paragraph. There were other things in it and the gentleman agreed to have this part stricken out in order that the other things might remain in, and I think common fairness requires the gentleman to stand by his agreement. I stood by mine, and he got in the very things he wanted, which he could not get in over the point of order.

Mr. STEPHENS of Texas. Is the gentleman aware that this was a Senate amendment, put on in the Senate, and was germane, in accordance with their rules, and hence we were compelled to make the best agreement we could with the Senate? There are 157 amendments, and we did the best we could. We cut it in two and required the city of Sulphur to pay one-half.

Mr. MANN. I am aware of the first principles of a conference, which are if one body of Congress, either the Senate or the House, inserts a new proposition which the other body does not agree to, it has to go out in conference.

Mr. FITZGERALD. The gentleman from Illinois does not think there was any lack of insistence on this side?

Mr. MANN. I do not think there was any long discussion.

Mr. STEPHENS of Texas. I trust that is no insinuation against the members of the House conferees.

Mr. MANN. No insinuation, but a plain statement of fact. Probably both gentlemen desired to have it in, but I do not know about that. There is no reflection on the distinguished gentleman from Texas or the distinguished gentleman from Oklahoma.

Mr. CARTER. Mr. Speaker, just a word. I want to relieve the gentleman from South Dakota and the gentleman from Texas, the two other managers on the part of the House, from any responsibility——

Mr. MANN. Oh, the gentleman can not, because the gentleman from Oklahoma [Mr. CARTER], who was one of the conferees, can not deliver the House conferees without the consent of one or the other members of the House conferees.

Mr. CARTER. I understand that; that is perfectly plain. The gentleman did not let me finish. I wanted to relieve them of responsibility to this extent—that both of them were perfectly willing to have that item go out of the bill.

Mr. MANN. If they had said so, it would have gone out.

Mr. CARTER. They did say so.

Mr. MANN. Then they said so winking the other eye.

Mr. BURKE of South Dakota. Oh, Mr. Speaker——

Mr. MANN. Mr. Speaker, the gentleman from South Dakota did not sign the conference report.

Senate amendment No. 110 proposes a departure from the theory of our Government, which in the course of a few years, if adopted, will cost the Government millions of dollars and probably change the method of controlling the public schools of the country. Years ago there was a proposition made by the distinguished Senator from New Hampshire, I believe, Mr. Blair, proposing that the General Government should donate certain amounts of money for the public schools of the country. That proposition was bitterly opposed by the Democratic Members of Congress, if I recall rightly, although I was not then a Member of the House, and in the end it was defeated. Here comes now a bold, simple, cold proposition that out of the Federal Treasury we shall appropriate $300,000 for the common schools of Oklahoma. Gentlemen may say they desire this money because they have Indians to educate. They have no more Indians to educate there than there are colored people to educate in the Southern States, and if the General Government is to appropriate money out of the Federal Treasury for the support of common schools in Oklahoma in order to educate the Indians, by the same reasoning we should appropriate money out of the Federal Treasury to help educate the colored people of the South or of the North or the ignorant people anywhere—or the people, regardless of ignorance—the children of the country; and when they do that they will insist upon having the control over the disposition of the money. If we enter upon this proposition of appropriating out of the General Treasury for the support of the common schools of Oklahoma, then, having common schools in Illinois, we may desire to have money appropriated out of the Federal Treasury to support our schools, if we should retain control of them, and we have no desire in our State to put money into the Treasury in order to have it paid out in Oklahoma for the support of the common schools in Oklahoma, nor do we ask that Oklahoma shall pay money in to pay out for our common schools.

Next there are amendments 111 and 112.

Mr. Speaker, I have been a Member of this House now for several years. I am not very much in favor, ordinarily, of presidential vetoes, and I never before have made this statement on the floor of the House, but if these two amendments remain in this bill I shall consider it obligatory upon myself to urge the President to veto the bill. Amendment No. 111 is, in my judgment, a cold steal for the benefit of an attorney, who has already received $26,000 for services worth nothing like that, if worth anything at all.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. MILLER. Mr. Speaker, that statement was made by the gentleman from Illinois when this was up before to be referred to conference. I wondered then upon what facts he based his statement. I have since made an investigation to ascertain if such facts exist. I have not been able to find them, and I should be very glad to be enlightened.

Mr. MANN. Mr. Speaker, if I could get a day in the House, or two hours, I think I could convince the gentleman from Minnesota.

Mr. BURKE of South Dakota. There is no dispute about that.

Mr. MANN. And I am sure that I could convince the House. I have a stack of papers an inch thick upon this subject which I have gone through and which I think conclusively demonstrates that this is a proposition to take money out of the Treasury to pay an attorney for services never rendered.

Mr. MILLER. Mr. Speaker, is the gentleman aware that there is not one cent of attorneys' fees in that item?

Mr. MANN. I am aware of what it says.

Mr. STEPHENS of Texas. Mr. Speaker, will the gentleman permit me to read that amendment?

Mr. MANN. No; but I will read it if the gentleman desires me to.

Mr. STEPHENS of Texas. There is not a word of anything about attorneys' fees in there at all.

Mr. MANN. Mr. Speaker, I will read the item. The item is for the purpose—

of reimbursing the trust funds of the Kickapoo Community in Mexico, said funds having been created under the provisions of an act of Congress of April 30, 1908—

And that statement is not correct—

for legal expenses necessarily incurred in defending said community, its funds, lands, and members from fraud.

The fact is that most of the services rendered were in themselves fraudulent, for the purpose of swindling the Indians out of an appropriation which Congress made to pay them, and $26,000 was taken out of a fund of only two or three hundred thousand dollars or less, for the payment of the attorney in the case.

Mr. BURKE of South Dakota. Mr. Speaker, for the information of the gentleman and other Members of the House, I want to say that $215,000 was appropriated for the Mexican Kickapoos. The gentleman that he referred to received twelve or twelve and a half per cent of that amount. He also received $86,000 of the $215,000 which belonged to that portion of the tribe that were in Mexico. It was paid him and he retained out of that, according to his own statement, $8,000 that he said that he had expended for the Indians prior to that time, so he got $26,000 in the fee, $8,000 to reimburse himself, and then had the balance of the money to disburse supposedly for the benefit of the Indians, but he accounts to no Government official for the expenditure of the money.

Mr. MANN. He expended a part of it by buying property in Mexico for a portion of the Indians, the title to which he took in himself and now retains.

Mr. MILLER. Admitting the statement of the gentleman from South Dakota, it has not any bearing at all on the reimbursement of the Kickapoo Tribe for moneys actually expended which is the result of absolute fraudulent acts on the part of——.

Mr. MANN. There is no charge.

Mr. MILLER. I make the charge now.

Mr. MANN. The gentleman can make the charge, but——

Mr. MILLER. I can make the charge just as strong as the gentleman from Illinois and based on just as good facts.

Mr. MANN. The gentleman can make them very strong without facts, and this is one of those times.

Mr. BURKE of South Dakota. In order to keep the record straight, I want to say this money that is now claimed, every dollar of it, I believe, with the exception of a few hundred, was expended at the time when Congress made the appropriation of $215,000, and the appropriation expressly provided that before the money could be obtained the Indians had to file a receipt in full, and I refer the gentleman to the act, and this is simply a claim based upon the supposition that the money was expended after that, when, in fact, nearly all of it, if expended, was expended before.

Mr. MANN. Now, let us see what the Senate amendment provided—not that this money should be disbursed by the department controlling Indian affairs, not that it shall be controlled in any way, not that vouchers should be presented, not that anybody should scan the matter, but that it should be paid to one Okemah; and the House conferees agreed to it, saying that it should not be paid to one Okemah, but should be paid to Messrs. Okemah, Jim Deer, Pah ko tah, Owue mah them, and Wah pe che quah [applause], all of whom are mere puppets of the attorney against whom the charge is made, all of whom are under the thumb of the attorney, all of whom are mere puppets controlled by the attorney, who is desirous of obtaining this money for himself.

Mr. STEPHENS of Texas. If the gentleman will see, I submit this, showing that the gentleman is not correct. Under the seal here are the thumb marks of these Indians, showing that they agreed to hold Okemah as trustee.

Mr. MANN. I have no doubt the gentleman can get these old Indians with their thumb marks to sign anything. That is what I said—they are under the control of this man, and they will do whatever he tells them to do; and the intention is, if this item goes through, to have them pay this money over to this attorney, who himself has helped to swindle these Indians already.

Now, here is another item, 112, which provides that the Secretary of the Interior be, and he is hereby, authorized and directed to immediately cause to be deposited to the credit of the Indian owner in the First National Bank of Douglas, Ariz., all money known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1904, and so forth. The receipt by such bank for any such money shall operate as a receipt of the Indian owner and as a complete release of all liability on the part of the officer paying the money as herein directed. If they have any lease money, we have adequate machinery by which we can pay it to the Indians to whom it belongs, but here is this fine-haired, delicate proposition to have the Government pay it all over to a bank and take a receipt of the bank. To do what? To do as it pleases with the money within the authorization provided.

And, by the way, I would call the attention of the conferees to the fact that, under the terms of the proposition which they submitted, the Government would now be required to send checks for all the money that would be due or collectible prior to the 1st day of January, 1914, although not yet collected; and that the Government would now pay out the money which would not be collected in for more than a year. But the proposition itself is fixed, even with the conference report, so that these checks go to the bank payable to the Indians, in order that the Indians, under the control of this same man, will turn the money over to him or pay his fees and services out of the amount. If we have any money due to these Indians, we have ample administrative machinery by which we can pay it to them.

Then there is Senate amendment numbered 114, which I think I shall not discuss to any extent. It was referred to here yesterday, I believe. I can see no reason why we should buy farms for the Apache Indians whom we discharge from their nominal confinement. Those who wish to go to another Indian reservation, I am perfectly willing, so far as I am concerned, to pay the expenses for transporting them there. I do not think the time has come when the Government of the United States is under obligations, when it discharges a man from prison, to buy him a home for him to squander or do otherwise with.

Mr. FERRIS. May I interrupt the gentleman there?

Mr. MANN. Certainly.

Mr. FERRIS. I think the gentleman would hardly want to state that the same rigid, harsh rules with reference to the discharge of an ordinary hardened criminal should be applied to women and children that are born in captivity, would he? Out of these 257 that are there in captivity, and have been there for 26 years, only 30 of them were even alive when the atrocities for which they were incarcerated were committed. So that the gentleman's rule might be a correct one so far as the guilty 30 are concerned, but it certainly would be an incorrect one so far as my own sense of justice is concerned as to the 227 that have been born since these atrocities were committed.

Mr. MANN. These people have been in nominal captivity. If we have retained them in captivity, that is no reason why, if we should discharge them, we should deal better by them than we do with people who have not been even in captivity. Is it proposed that we shall have to buy a farm for every Indian in the country who has not one at present, and every time a child is born to Indian parents that we will have to provide a farm for that Indian? The fact that they have been in captivity makes no difference. That has been a nominal captivity. We give them their freedom, as these people who were born in captivity were entitled to their freedom at any time.

Mr. FERRIS. If the gentleman will permit, this is a matter that comes up in my home county. If I may ask the gentleman a question, I think it will economize time. If these women and children, 227 of them that have been born and raised since the original offenders were captured, had been out of prison all these years the Federal Government has had in that time plenty of opportunities to allot them, and doubtless would have done so by giving them allotments. Now, they have been kept there homeless and defenseless all these years unable to assert their rights until the public lands that are suitable are all gone on which they can be properly allotted. Does not the gentleman think that after they have been kept there 26 years the Government ought to feel a little duty toward starting them off as other Indians are started off? If not, why not? This is not an Oklahoma item; it is a national item. If not attended to we will be subject to criticism.

Mr. MANN. The gentleman has given his reasons for supporting the proposition. It is in his district. It is not to his discredit. Looking after his district, as he always ably does, he seeks to obtain for them something he would not be in favor of if they had been in my district. But we can look at the matter a little more impartially than my friend can on the ground of personal interest. I have no bias against any of these people, but where we take Indians and hold them in captivity that does not mean, when we are willing to discharge them from captivity, we are under obligations to do better by them than we would if there had never been any occasion for putting them in captivity.

Then, the Senate amendment 117 is a long amendment, in reference to various tribes of Indians in Oregon. I will confess I know nothing whatever concerning the merits of the proposition. I know it has no place in this bill.

I know it has no place in this bill. It never has been discussed here. No one has ever said a word about it in the House. It is two or three pages long, providing for the payment of a number of Indian claims. Let the Committee on Indian Affairs bring in a bill concerning the matter and let it be considered in the House, so that the House can dispose of it.

I notice among other provisions of that amendment—

Provided further, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder.

Of course that is the real meat in the shell.

Mr. LAFFERTY. Will the gentleman yield there? That is in my district, partially.

Mr. MANN. I suppose, if the gentleman wants to get the money out of the Treasury, I will have to yield to him. [Laughter.]

Mr. LAFFERTY. Mr. Speaker, this amendment, No. 117, provides for final settlement with six different Indian tribes for lands in the State of Oregon which they ceded by treaty to the Government over 50 years ago. They voluntarily abandoned and relinquished the possession of those lands to the Gov-

ernment at that time, and peaceably. The Government has got the benefit of the lands. The Indians never received the money that the Government agreed to pay them for the lands. The Indians and their descendants are now scattered all over the United States. Some of those Indians are in Oklahoma, some are in the State of Washington, and some are in the State of Oregon.

Now, two attorneys in the State of Oklahoma, one attorney in the State of Oregon—a very able attorney, too, Mr. Harris Nallon—and one attorney here in the District of Columbia have performed valuable services in presenting this whole matter to the Court of Claims. The Court of Claims found that the meager allowance of $66,000 for the six tribes was just and ought to be paid.

Now, then, the Secretary of the Interior is authorized by this amendment only to investigate and find out what reasonable amount, if anything, ought to be paid to these attorneys. The Secretary is authorized to make up a roster of the descendants of these Indians, and, if found to be lineal descendants, to pay them such proportional amounts as they may be entitled to.

Mr. BUTLER. If you do not know who these Indians are, who set this in motion?

Mr. LAFFERTY. A census of them had to be taken in order that they might be located. This matter has been going on practically ever since the treaties were made, and two of those tribes have received favorable reports from the House Indian Committee in years gone by. All of these six tribes have time and time again secured the passage of bills through the Senate for the payment of these just claims. This year the six bills were introduced in the House, and also in the Senate by the junior Senator from Oregon. The bills came up and were discussed before the subcommittee of the House Committee on Indian Affairs and favorably considered, but in the meantime the junior Senator from Oregon procured the favorable action of the Senate—procured the passage of the bills in the Senate—and when the Indian bill went over there he procured their insertion in this bill, and the House conferees agreed to it.

I know that this is a just claim. Nothing can be paid without the approval of the Secretary of the Interior. He must first find out under the terms of the bill that these are the lineal descendants of the Indians who owned the land and that they have not been paid for it. They have lost all the interest and they have lost the use of the money for half a century.

Mr. MANN. Mr. Speaker, the gentleman from Oregon [Mr. LAFFERTY] a moment ago stated—at least I understood him to state—that the money was not to be paid to the Indians unless the Secretary of the Interior found it ought to be paid to them. That is not the case under the amendment. The amendment says:

> That there be paid to the Tillamook Tribe of Indians of Oregon the sum of $10,500, to be apportioned among those now living and the lineal descendants of those who may be dead by the Secretary of the Interior as their respective rights may appear.

There are a number of other items of the same sort. It requires the payment of this sum of money to the Indians, and if there should be only one Indian found of the tribe, he is to receive the entire amount, and it is not left to the discretion of the Secretary as to whether the money is owing to the Indians at all. There is no discretion in reference to it, except the discretion of the Secretary to find the lineal descendants of the Indians. Here are claims based upon treaties made in 1851.

Mr. LAFFERTY. I think the gentleman has overlooked the proviso, in line 9 of page 51, which, if the gentleman will permit, I will read. It says:

> *Provided further*, That if, after investigation by the Secretary, he shall find that all of the Indians of either of said tribes or bands and their lineal descendants are dead, then none of the money hereby appropriated for such tribe or band shall be paid to any person for any purpose.

Mr. MANN. No, Mr. Speaker; I have not overlooked that provision. I said if he could find one Indian he would have to pay the entire amount to the one. The only case where he may not pay the money is where he can not find the Indian or a descendant of the Indians.

Mr. LAFFERTY. If he finds a descendant of the tribe, why should he not pay the money to the descendant of that tribe?

Mr. MANN. No, Mr. Speaker; I stated that I do not know the merits of this question. No one else here knows. Treaties were made in 1851. Claims have been handed around Congress for many years. The Committee on Indian Affairs has had the bill pending before it and has not reported upon it. Thereupon the attorneys in the case slip over and have an amendment inserted in this bill in the Senate, carefully providing that the attorneys' fees shall be paid.

It has no place in this bill. It is purely a claim. Let it come before the House in the regular manner, when it can be properly considered by the House and the Committee on Indian Affairs can make a report of the facts in the case.

Mr. STEPHENS of Texas. Will the gentleman allow me to read a few sentences from the department, in justification of this matter?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. This is what the department says about it:

> 117. The amendment, beginning with line 17, page 54, and running down to line 7, page 57, authorizes the payment of certain amounts to Tillamook and other tribes of Indians in Oregon. The claims of these Indians have been carefully investigated by the department. These Indians ceded large tracts of valuable land to the Government for a very nominal consideration and have never received full compensation for those lands. The records show that the lands ceded by these Indians to the Government were subsequently sold by the Government for many times what the Government promised to pay to the Indians, and it does not appear that the promise of the Government was fully kept. The department has reported favorably on Senate bills 4533 to 4537. While the department is not disposed to recommend that claims of this nature be incorporated in the Indian appropriation bill, yet if Congress sees fit to enact this legislation it will reimburse worthy bands of Indians for money that has long been due them by the Government.

And whether it comes in an Indian appropriation bill or any other kind of a bill, it is the duty of this Government to pay its debts to white, black, and red alike. [Applause.]

Mr. MANN. I am sorry that the chairman of the Committee on Indian Affairs favors the payment of these claims. These bills have been pending before the Committee on Indian Affairs. Why has not the chairman of that committee reported bills into the House with the facts? Because they were afraid of the light of day which would be shed upon the bills when they came before the House, where they could be discussed.

Mr. STEPHENS of Texas. Is the gentleman aware of the fact——

Mr. MANN. Here are six or seven bills, included in one item in a single amendment, where it is impossible to discuss them properly and fully.

Mr. STEPHENS of Texas. Is the gentleman aware that it is almost absolutely impossible to take care of all the various bills that come before this House, where not more than one in a hundred receives consideration?

Mr. MANN. I am aware that all the meritorious bills, as a rule, receive consideration, and I know that if the gentleman properly attends to his duties as chairman of the Committee on Indian Affairs, as I believe he intends to, he will see that meritorious bills do receive consideration in his committee and are brought before the House. The gentleman's committee occupies as much of the time of this House as any other committee in it.

Mr. BURKE of South Dakota. Will the gentleman yield for a suggestion?

Mr. MANN. I yield.

Mr. BURKE of South Dakota. The gentleman has had a great deal of experience in serving on conference committees, and he must take into consideration the fact that in this bill the conferees eliminated several millions of dollars. The bill was doubled in the other body, as compared with what passed the House. The conferees succeeded in eliminating a very large part of that amount. These claims aggregate only about $66,000, and the State most concerned was represented on the conference committee by a Senator. The gentleman certainly will take into consideration the fact that the House conferees can not have their own way on everything.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. BURKE of South Dakota. Certainly.

Mr. FITZGERALD. The appropriation in this particular amendment is for attorneys' services. Were those services rendered before the committee?

Mr. BURKE of South Dakota. Mr. Speaker, I want to say that, so far as these claims are concerned, they do not stand in the class of claims that I have repeatedly objected to, where large attorneys' fees have been collected and paid where an attorney never appeared before any committee of either the House or Senate, but simply secured legislation by lobbying methods. The attorneys who have been pushing these claims are reputable attorneys, who have appeared from time to time before committees of the House and Senate and in the present Congress. The attorneys in some of these claims appeared before a subcommittee of the House Committee on Indian Affairs in the present session of Congress. The same was true in the last Congress; and in my experience on the Indian Committee I have never met attorneys who have more honestly and openly, and in a proper, lawyerlike way, presented their claims than these claims have been presented by the attorneys who represent the claims in this bill that the gentleman from Illinois [Mr. MANN] is objecting to.

Mr. FITZGERALD. That may be; but if the statement of the gentleman from Texas [Mr. STEPHENS] be correct, that the Department of the Interior takes the position that from all the information in its possession certain sums are due these Indians for lands taken, what necessity is there for attorneys to be employed by the Indians, so that the moneys actually due them shall be reduced by some amount because of fees for the presentation by these attorneys to the committee of facts that ought to be pressed by the executive departments of the Government?

Mr. BURKE of South Dakota. Largely because, unless a lawyer is present, the matter would not receive the attention it should by Congress.

Mr. FITZGERALD. That is rather a surprising statement, that, however meritorious a question may be, it will not receive the attention of Congress unless an attorney handles it.

Mr. BURKE of South Dakota. I do not want the gentleman from New York to assume that I am in favor of claims being put on Indian appropriation bills, because if I could have my way there would not be any claim on an Indian appropriation bill of any amount—more than a few hundred dollars—where there was some mistake in administration.

Mr. MANN. If you get three conferees with the proper amount of backbone, there would be no trouble about eliminating all claims. I have served on conference committees a good many times, and it is unnecessary to tell me that you have got to swap off and divide up in conference. I have gone into conference repeatedly where items were included in a bill that had no proper place there, and I never have agreed to one yet, and I never have failed to come back with a conference report. When the conferees meet and one House insists on a proposition which the other will not accede to, the House that insists must yield.

Why, here we have a conference on the sundry civil bill. The Senate of the United States is strongly in favor of a Tariff Commission. The House is strongly opposed to it. The conferees might remain in session until the lower regions froze over, and do you not know that in the end the Senate is bound to yield, because it is insisting on a new item in the bill which the House will not agree to, and it would be the same way if it were reversed.

Mr. STEPHENS of Texas. Will the gentleman yield?

Mr. MANN. Yes.

Mr. STEPHENS of Texas. Has the gentleman examined the figures of the Indian appropriation bill, and does he know what we have done?

Mr. MANN. I know that I have examined the figures, and the gentleman makes a great claim that they have cut out some items to which I have called attention, one item which amounted to more than $3,000,000, which the gentleman defended and left out of the bill. That has nothing to do with it.

The other day the gentleman from Georgia went into conference on the aid to navigation bill, and there were many Senate amendments to it. When the conferees came back there was just one Senate amendment agreed to, and the rest were all disagreed to, and the Senate had receded.

I have repeatedly gone into conference on such bills when there were dozens and dozens of items. Did we go on the theory that we would give the Senate a few of the items they had inserted in the bill? Not at all. Those items which we were not convinced ought to be in the bill went out of the bill. That is where they ought to go, and that is where they will go now if the gentlemen on the conference committee have the backbone to say so. These items of claims have no place in the bill, and the Senate knows that they have no place in it. They inserted them practically by unanimous consent, and if the House says that this is not a bill where the items belong the Senate will recede.

Mr. STEPHENS of Texas. Is the gentleman aware that the bill as it passed the Senate carried $16,383,000? After we went from conference it carried $9,836,000. We have cut it down nearly one-half. Has the gentleman ever exceeded that?

Mr. MANN. Yes; repeatedly.

Mr. STEPHENS of Texas. Is the gentleman aware that we have saved over $7,000,000?

Mr. MANN. That is no reason for allowing items to remain in the bill that ought not to be there.

Mr. STEPHENS of Texas. There is no item in the bill but that we can readily and easily defend and that the department is in favor of. We have put claims in the Indian bill that are justly due.

Mr. BUTLER. Will the gentleman allow me a question?

Mr. MANN. Yes.

Mr. BUTLER. I want to ask the gentleman from Texas how much the bill now carries in excess of the House bill as it passed?

Mr. STEPHENS of Texas. About a million dollars. We cut it down $7,000,000. We have agreed to $9,826,000 instead of $16,000,000, as it came from the Senate, and still the gentleman from Illinois is not satisfied.

Mr. MANN. I am not satisfied. You did cut out a lot of bad claims to which I called attention at the time. Now, go back and cut out the rest of the rotten steals in the bill, and I will be glad to approve of what you do.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly

Mr. CANNON. This is a bill for the Indian service for the fiscal year 1913, is it not?

Mr. MANN. It is.

Mr. CANNON. Do I gather from the gentleman's statement that it has been turned into a claims bill?

Mr. MANN. That is precisely what was done with it.

Mr. CANNON. For matters that are alleged to have occurred in the past? If it is to pay judgment, then another bill would carry it. If it is to pay claims, why, there are Claims and War Claims Committees to consider them. I would be very glad to be informed on the matter.

Mr. MANN. These claims to which I have just been alluding accrued over 60 years ago.

Mr. BURKE of South Dakota. And that is a good reason why they should be paid.

Mr. MANN. That is a good reason why they should be considered in the House before they are agreed to by a conference committee on a Senate amendment, the prime purpose of them being to pay attorneys' fees.

Mr. FERRIS. Mr. Speaker, it is fair to say that every amendment which the gentleman has criticized is a Senate amendment.

Mr. MANN. Certainly. I could not criticize anything else.

Mr. FERRIS. The gentleman does not desire to.

Mr. MANN. I could not criticize anything else. There is nothing else before the House.

Mr. BUTLER. Is that amendment for the public schools a Senate amendment?

Mr. FERRIS. Yes.

Mr. STEPHENS of Texas. What objection has the gentleman from Illinois to my motion that we send this back to conference?

Mr. MANN. Oh, I have no objection to that, but I am going to ask a separate vote on certain amendments.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, I do not believe the conferees on this bill should agree to Senate amendment 105 in any shape. It has no place in this bill at all. It is an amendment to provide for the building of a so-called sanitary sewer through the Platt National Park. The House conferees agreed with an amendment providing that one-half should be paid by the city of Sulphur. The city of Sulphur has about 4,000 people. Two years ago, according to the Secretary of the Interior, it was bankrupt. It could not pay a dollar toward the construction of this sewer, if that were the only contribution exacted by the Federal Government. This park is the whole industry of the city of Sulphur in the State of Oklahoma. Without it there would be no city of Sulphur. These people are despoiling the park.

Mr. STEPHENS of Texas. Mr. Speaker, is the gentleman aware that it is the county seat of one of the best counties in Oklahoma?

Mr. FITZGERALD. I know a good deal about it, I will say to the gentleman. We tried to give this park to the State of Oklahoma—842 acres, with mineral springs of the most marvelous character ever described, whether in poetry or prose.

Mr. CARTER. Was the gentleman for or against that?

Mr. FITZGERALD. But lest the State of Oklahoma might be compelled to spend some money on it, the gentlemen from Oklahoma on the floor of the House prevented the United States Government donating the park to the State in accordance with the Indian treaty.

Mr. CARTER. Was the gentleman for or against that proposition?

Mr. FITZGERALD. I was in favor of it.

Mr. CARTER. Can the gentleman tell that from reading his speech?

Mr. FITZGERALD. Mr. Speaker, I think it is about time that the conferees on appropriation bills coming from this House that do not originate in the Committee on Appropriations should stop consenting to Senate amendments which do not belong on the bills. The Committee on Appropriations has jurisdiction over this item for the Platt National Park.

Mr. MILLER. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. MILLER. If this item should be submitted to the Committee on Appropriations, would the gentleman consent that it go on any of the appropriation bills?

Mr. FITZGERALD. I would not.

Mr. SHERLEY. And it ought not to.

Mr. FITZGERALD. It should not go on any.

Mr. MILLER. Maybe not, but we differ about that.

Mr. FITZGERALD. And the Committee on Appropriations has repeatedly refused to permit it to go into any appropriation bill. In this appropriation bill, and in four other appropriation bills over which other committees of the House have jurisdiction than the Committee on Appropriations, the Senate in this session of Congress have placed provisions which, after careful investigation, the Committee on Appropriations of the House has rejected, and in every instance the managers representing the House upon these bills have accepted these amendments in the first instance. I think it is about time that these gentlemen attended to their own business, and when matters over which they have no jurisdiction are placed in these bills they should do what the managers representing the Committee on Appropriations do under similar circumstances—tell the Senate to put them upon bills where they properly belong.

There is an amendment in this bill appropriating money for the Public Health and Marine-Hospital Service, and the Committee on Indian Affairs has no jurisdiction over that service. If the Public Health and Marine-Hospital Service is required in the Indian country, application should be made to the proper committee of the House. I agree thoroughly with the gentleman from Illinois [Mr. MANN] as to certain other amendments.

Mr. STEPHENS of Texas. Is it not a fact that we look after the health of the Indians and that this Marine-Hospital Service is well equipped for that duty and could perform it more efficiently than any other department of the Government?

Mr. FITZGERALD. It is not. The Public Health and Marine-Hospital Service to-day claims it has not sufficient men to do the work which properly devolves upon it under the law, and because the gentleman assumes its facilities to do this work he incorporates upon this bill an appropriation of $10,000 to enable that service to make an investigation, while the President the other day requested Congress to appropriate $250,000 in order that the work be properly done.

It just shows that either the President is very much mistaken as to what is necessary or that these gentlemen, not having the information, are attempting to devolve upon a service that has no connection at all with the Indian service, has no money to spend for this service, duties that should not be devolved upon it.

Mr. STEPHENS of Texas. Does the gentleman believe that more than $4,000 could be used between now and next winter when the next bill will be in?

Mr. FITZGERALD. I do not know whether it can or not, but I know the Senate amendment was $10,000, and I think the Public Health and Marine-Hospital Service claims now that it has insufficient men properly to do the work at this time in the duties which it should discharge.

Mr. Speaker, the gentleman from Illinois did not call attention to the peculiar features of Senate amendment numbered 117, relative to these attorneys' fees. The gentleman from Texas stated that the department states there is money due these Indians, and the facts well establish it, and yet here is this provision, and most of the scandals growing out of the Indian service during my service in this House are because of provisions incorporated in the Indian appropriation bills providing for attorneys who have rendered or claimed to have rendered service to various Indians. The provision is:

Provided further, That the Secretary of the Interior shall find and investigate what attorney or attorneys, if any, have rendered services for or on behalf of said Indians, and shall fix a reasonable compensation to be paid said attorney or attorneys for their services in prosecuting the claims of said Indians hereunder, which compensation, if any, shall be paid out of the sum hereby appropriated, in full payment of services rendered; and the decision of the Secretary of the Interior with respect to the attorneys and their compensation shall be final and conclusive.

My recollection is that there is a general statute which provides for contracts to be made by Indians with attorneys, with a limitation upon the amount that can be paid, and they are valid only when approved by the Secretary of the Interior.

Mr. LAFFERTY. Will the gentleman yield for a question there?

Mr. FITZGERALD. I yield to the gentleman.

Mr. LAFFERTY. The fact is——

Mr. FITZGERALD. I yielded for a question, not a speech.

Mr. LAFFERTY. The gentleman is not aware, is he, that this provision in this bill is a limitation upon the rights of these attorneys, not an extension of any rights to them, because——

Mr. FITZGERALD. Has the gentleman asked his question?

Mr. LAFFERTY. The gentleman did not know that, did he?

Mr. FITZGERALD. No; I did not. I find that that is a provision, Mr. Speaker, which absolutely validates the claims of these attorneys without any information before the House as to whether the contract was properly approved before they started their services.

The only service rendered apparently is in presenting information to committees of the two Houses of Congress, information which existed in the Interior Department and which is of such a character that the Secretary of the Interior insists that these sums of money are due and should be paid; but it seems to be unfortunate that no individual claiming any money on a meritorious case, no matter how clear the facts, no matter how certain the claim, no matter how positively it is established by the Department, no bill can ever be considered or be favorably acted upon by Congress unless some attorneys, or some so-called attorneys, have contracts, some of them obtained during the services of some men in Congress who afterwards turn up as beneficiaries under them; others under equally unsavory circumstances, in which whatever is to be paid to the Indians must be shared by some of these so-called attorneys.

I think it is time for Congress to stop the practice. We had an illustration the other day where over $200,000 was paid out of the Ute Indian moneys for services of so-called attorneys rendered before committees of Congress. Some compensations have been paid to men who had served in one or the other Houses of Congress at the time the contracts were made under which compensation was paid. I do not believe it reflects credit upon Congress and I do not believe we can justify such action.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I hope this will not appear in the bill as finally agreed upon.

Mr. LAFFERTY. Mr. Speaker——

Mr. STEPHENS of Texas. I would like to have an agreement and would ask that debate on this matter close at 5.30.

Mr. MANN. How much more time does the gentleman want?

Mr. STEPHENS of Texas. A very few minutes on our side. Mr. Speaker, I believe the gentleman from Illinois has used one hour, and we would like to reply in half an hour, and I ask that debate close at 5.30.

The SPEAKER. The gentleman from Texas asks that debate on this matter close at 5.30. Is there objection? [After a pause.] The Chair hears none.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. The situation as I understand it is the chairman of the conference committee moves to disagree to all the Senate amendments.

Now, the only thing at issue is the Senate amendments. What do we gain if we debate this all day? The gentleman here seeks a vote on it; the chairman of the committee asks to disagree to everything. What is the issue here?

The SPEAKER. The Chair can not tell what anybody will gain.

Mr. STEPHENS of Texas. I ask for a vote, Mr. Speaker.

Mr. LAFFERTY. Mr. Speaker, I would like to have five minutes.

Mr. STEPHENS of Texas. Mr. Speaker, I move that the debate close in five minutes.

The SPEAKER. The gentleman from Texas asks that debate close in five minutes. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Oregon [Mr. LAFFERTY] is recognized.

Mr. LAFFERTY. Mr. Speaker, I do not know how other Members feel about the business of this House, but so far as I am concerned I am growing the least bit weary of two or three men attempting to run the business of this Nation in the House of Representatives. The people of the United States elect their Representatives and send them to Washington, and when they arrive here the House is organized by the selection of its proper committees, and if we can not trust those men to do their duty honestly and faithfully, then our representative system of government is a failure and we had better have a monarchy. I do not believe in any one man setting himself up as having a monopoly upon the wisdom of this House or the wisdom of this Nation.

Now, objections have been made to amendment 117, one by the gentleman from Illinois [Mr. CANNON], the ex-Speaker, who said this was not a proper bill on which such an amendment should be placed. The title of this bill is:

An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes.

The object of this amendment is to fulfill six treaties with six Indian tribes and their lineal descendants. Objection is made by the gentleman from New York [Mr. FITZGERALD] on the ground that the committee framing this bill, or this amendment, took the extreme precaution of providing that no lawyer or set of lawyers should collect more compensation than the Secretary of the Interior might prescribe. These lineal descendants of these Indians are now full citizens of the United States. We do not know but that they have 40 or 50 per cent contracts with some of these attorneys, and therefore the limitation in this bill is a precautionary measure rather than one extending any rights to any lawyer. For that reason the objection of the gentleman from New York falls to the ground.

I have already adverted to the gentleman from Illinois who said that this was not a proper bill in which this item should be carried. If this is not a proper bill to carry an item paying a debt which the Indian Department says the Government owes, making the statement after it had sent Indian agents to visit the various States and investigate the facts—if it can not be proper on an Indian bill, passed for the purpose of carrying out treaty obligations, I ask, in Heaven's name, in what sort of a bill could it be included?

Mr. MANN. Mr. Speaker, I ask for a separate vote on amendments Nos. 105, 110, 111, 112, 114, and 117.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. STEPHENS] to further insist on amendment No. 105.

Mr. MANN. Mr. Speaker, I am willing to take a separate vote on the six amendments together.

The SPEAKER. The question is on the motion of the gentleman from Texas [Mr. STEPHENS], chairman of the Committee on Indian Affairs, to further insist on the disagreement to Senate amendment No. 105.

Mr. STEPHENS of Texas. All of them en bloc.

The SPEAKER. The gentleman from Illinois asks for a separate vote on amendments Nos. 105, 110, 111, 112, 114, and 117. The motion of the gentleman from Texas is to further insist on the House disagreement to all of the Senate amendments and ask for a further conference.

Mr. CARTER. Mr. Speaker, if there is going to be a separate vote on these different amendments, some of which I am greatly interested in——

A MEMBER. Oh, let it go.

The SPEAKER. The gentleman from Illinois is entirely within his rights in demanding a separate vote on these different amendments.

The question is on the motion of the gentleman from Texas as applies to these six amendments.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. MANN. A division, Mr. Speaker.

Mr. CARTER. In those six amendments is there included——

Mr. MANN. We are voting now.

The SPEAKER. Debate is out of order.

Mr. CARTER. Then I make a parliamentary inquiry. Does the motion of the gentleman from Illinois [Mr. MANN] include amendment 110 as to Oklahoma schools?

Mr. MANN. It does.

Mr. CARTER. The gentleman wants a separate vote in order to instruct us to knock that amendment out?

The SPEAKER. The motion is not to instruct anybody as to anything.

Mr. CARTER. It is all right then.

The SPEAKER. The question is on the motion of the gentleman from Texas as to the six amendments.

The House divided; and there were—ayes 71, noes none.

So the motion was agreed to.

The SPEAKER. The vote is now on the rest of the motion of the gentleman from Texas [Mr. STEPHENS] to insist on the disagreement to all the rest of these other amendments and ask for a conference.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Does the Senate ask for a conference?

Mr. STEPHENS of Texas. The Senate did not ask for a conference, but I am proposing to ask for a conference. They appointed conferees, but did not ask for a conference.

Mr. MANN. Then the motion is to agree to a conference that has not been asked for.

Mr. STEPHENS of Texas. The Senate did not ask for a conference, I may say to the gentleman.

The SPEAKER. The Clerk informs the Chair that the Senate conferees were appointed, and then the announcement of their appointment was rescinded. The Clerk will report the order.

The Clerk read as follows:

Resolved, That the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 20728.

Mr. UNDERWOOD. Mr. Speaker, that is the original order, I understand, that sent the bill to conference. There is another order there, I believe.

Mr. STEPHENS of Texas. I think it is on the other side of those papers.

The SPEAKER. That is the order made on August 19.

Mr. MANN. I understood that the Senate agreed to the conference report.

The SPEAKER. The Clerk will read the order over again.

The Clerk read as follows:

Resolved, That the Senate disagrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 20728.

Mr. STEPHENS of Texas. Then I ask, Mr. Speaker, that a further conference with the Senate on this bill be asked for.

The SPEAKER. The gentleman from Texas moves that the House further insists on its disagreement to the Senate amendments, and asks for a further conference. The question is on agreeing to that motion.

The motion was agreed to.

The SPEAKER. The Chair will announce the following conferees on the part of the House.

The Clerk read as follows:

Mr. STEPHENS of Texas, Mr. CARTER, and Mr. BURKE of South Dakota.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington, July 7, 1911.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities without a draw;

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.; and

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137).

ORDER OF BUSINESS.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

Mr. UNDERWOOD. Mr. Speaker, pending that motion, I desire to ask the gentleman from South Carolina [Mr. LEVER] whether he expects to have anything except general debate on the bill this afternoon or this evening?

Mr. LEVER. Mr. Speaker, I will say to the gentleman from Alabama that the ranking member of the Committee on Agriculture and myself have agreed that we will ask to proceed for one hour to-night with general debate, after which time we will agree to adjourn.

Mr. MANN. Pending the motion, may we not get a little further information? To-morrow is Calendar Wednesday. There is pending a bill in reference to the payment of pensions to widows of Spanish War soldiers. If no one objected, it would probably be disposed of very quickly. I apprehend a veto message will come in on the legislative appropriation bill to-morrow, and I suppose we can dispose of that to-morrow. Is there anything else that could come up to-morrow in the way of a conference

report? May I ask the gentleman from New York [Mr. FITZGERALD] whether the sundry civil conference report is likely to be considered to-morrow?

Mr. FITZGERALD. It will not be considered to-morrow.

Mr. MANN. Is there any chance for us to get through this week, probably, with the conference reports, if things run with ordinary smoothness?

Mr. FITZGERALD. It depends upon the ability of some gentlemen to make up their minds. The House has got down to the irreducible minimum.

Mr. MANN. It does not take very long, when gentlemen get down to an irreducible minimum, to reach a conclusion of business.

Mr. FITZGERALD. We are down to that now.

Mr. MANN. This bill that the gentleman from South Carolina [Mr. LEVER] calls up I would like to see passed. I take it that that is the last thing we are likely to do in the way of general legislation at this session.

Mr. FITZGERALD. I know of nothing that the Committee on Appropriations has to present to-morrow. The sundry civil bill is still in conference. The Senate has not yet reported the general deficiency bill, and I understand——

Mr. ADAMSON. Mr. Speaker, I can not hear the gentlemen in the private conversation they seem to be conducting. If they are trying to wind up the business of this session, I want to pass a bill for the physical valuation of railroads before the session is over.

Mr. FITZGERALD. I understand that the general deficiency bill will very likely not be passed by the Senate until after the determination of some matters on which it is possible there may be slip-ups.

Mr. MANN. I take it that the general deficiency bill is likely to follow the usual procedure—to be passed the last thing—and that the conferees will meet on the last night and we will probably have an all-night session to dispose of it; but that is always easy to dispose of. The question is as to the other matters.

Mr. FITZGERALD. I am unable to speak as to the Army bill and the Post Office bill.

Mr. UNDERWOOD. I will say to the gentleman from Illinois that, unless the House directs otherwise, it is not my purpose to bring in a resolution for adjournment until all of these appropriation bills are in the hands of the President.

Mr. MANN. Of course, we would have nothing to do for a a day or two then. I think the custom has been not to wait for that, as far as the general deficiency bill is concerned.

Mr. FITZGERALD. I think in this instance it will be a very wise course to follow.

Mr. MANN. If we are going to stay here that long, then I will make the point now that there is no quorum present.

Mr. FITZGERALD. It is not going to cause any delay to wait for that.

Mr. ADAMSON. Mr. Speaker, the first time the Speaker finds a lack of something to do I hope he will recognize me to take up the physical-valuation bill.

Mr. LEVER. I renew my motion that the House resolve itself into the Committee of the Whole House on the state of the Union.

REPRINT OF INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Will the gentleman yield to allow me to ask for a reprint of the Indian bill?

Mr. LEVER. I yield to the gentleman for that purpose.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for a reprint of the Indian appropriation bill, with the amendments numbered.

The SPEAKER. The gentleman from Texas asks unanimous consent for a reprint of the Indian appropriation bill. Is there objection?

There was no objection.

AGRICULTURAL EXTENSION.

Mr. HAUGEN. Mr. Speaker, I trust that the gentleman from Illinois [Mr. MANN] will withdraw his point of no quorum. There are a number of Members here who desire to speak on the agricultural extension bill, which the gentleman from South Carolina desires to call up. It is a bill of some importance. It is now only a little after 5 o'clock, and it seems to me we might go along for an hour or so and get through with some of this debate.

The SPEAKER. Does the gentleman withdraw his point of no quorum?

Mr. MANN. It is my purpose, as far as I can help to control things, to endeavor to pass this bill before we adjourn. We had a session yesterday from half past 10 o'clock in the morning until after 8 o'clock at night. We have been in session since 10 o'clock this morning. I have some other work to do. I do not think it will be any loss if we take a rest now.

The SPEAKER. The gentleman from Illinois insists on his point of order that no quorum is present, and evidently there is no quorum.

Mr. UNDERWOOD. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The SPEAKER. The Doorkeeper will lock the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The Clerk proceeded to call the roll.

Before the roll was completed the following occurred:

Mr. MOORE of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

Mr. UNDERWOOD. I make the point of order that the motion has not been seconded.

The SPEAKER. That only applies under the automatic call. The gentleman from Pennsylvania moves that the House do now adjourn.

Mr. MANN. Mr. Speaker, I demand the yeas and nays.

Mr. SULZER. I make the point of order that the motion of the gentleman from Illinois is dilatory.

Mr. MANN. The right to demand the yeas and nays is a constitutional right, and constitutional rights are not dilatory.

The SPEAKER. They are not dilatory, but they are very aggravating sometimes. [Laughter.] Those in favor of taking the question by yeas and nays will rise and be counted. [After counting.] Thirty-two gentlemen have risen—not a sufficient number.

Mr. MANN. I demand the other side.

The SPEAKER. The gentleman from Illinois demands the other side. Those opposed to taking the question by yeas and nays will rise. [After counting.] Sixty Members have risen in the negative. Thirty is a sufficient number, and the Clerk will call the roll.

The question was taken; and there were—yeas 31, nays 119, answered "present" 12, not voting 229, as follows:

YEAS—31.

Ainey	Danforth	Greene, Vt.	Rees
Blackmon	Davis, Minn.	Helgesen	Sloan
Bowman	Dent	Hill	Speer
Browning	Dwight	Howland	Thayer
Cannon	Floyd, Ark.	Kinkaid, Nebr.	Towner
Cooper	Foss	McCreary	Utter
Crago	Gardner, N. J.	Mann	Vare
Curry	Greene, Mass.	Moore, Pa.	

NAYS—119.

Aiken, S. C.	Flood, Va.	Kendall	Ransdell, La.
Alexander	Foster	Kennedy	Rauch
Allen	French	Kitchin	Roddenbery
Ashbrook	Gallagher	Korbly	Russell
Austin	George	Lafferty	Saunders
Brantley	Gill	La Follette	Sisson
Brown	Glass	Lamb	Small
Buchanan	Godwin, N. C.	Lee, Ga.	Smith, J. M. C.
Bulkley	Goeke	Lee, Pa.	Smith, Saml. W.
Burke, Wis.	Goodwin, Ark.	Lever	Stephens, Miss.
Burnett	Graham	Littlepage	Stephens, Tex.
Byrns, Tenn.	Hamilton, Mich.	Lobeck	Sterling
Candler	Hamilton, W. Va.	McCoy	Stone
Cantrill	Hardy	McDermott	Sulzer
Carlin	Harrison, Miss.	McKellar	Sweet
Claypool	Harrison, N. Y.	McKinley	Talcott, N. Y.
Clayton	Haugen	McKinney	Thomas
Cline	Hawley	Maguire, Nebr.	Tribble
Cullop	Hay	Moon, Tenn.	Turnbull
Curley	Hayden	Morgan	Underhill
Davenport	Heflin	Moss, Ind.	Underwood
Davis, W. Va.	Helm	Murdock	Watkins
Denver	Hensley	Murray	Wedemeyer
Difenderfer	Howell	Norris	Weeks
Donohoe	Hull	Oldfield	White
Doremus	Humphreys, Miss.	Padgett	Willis
Driscoll, D. A.	Jacoway	Pepper	Wilson, Pa.
Faison	James	Post	Woods, Iowa
Farr	Johnson, Ky.	Rainey	The Speaker
Ferris	Jones	Raker	

ANSWERED "PRESENT"—12.

Adamson	Garrett	McLaughlin	Mondell
Butler	Gillett	McMorran	Rucker, Mo.
Campbell	Hughes, N. J.	Miller	Sparkman

NOT VOTING—229.

Adair	Borland	Cravens	Estopinal
Akin, N. Y.	Bradley	Crumpacker	Evans
Ames	Broussard	Currier	Fairchild
Anderson, Minn.	Burgess	Dalzell	Fergusson
Anderson, Ohio	Burke, Pa.	Daugherty	Fields
Andrus	Burke, S. Dak.	Davidson	Finley
Ansberry	Burleson	De Forest	Fitzgerald
Anthony	Byrnes, S. C.	Dickinson	Focht
Ayres	Calder	Dickson, Miss.	Fordney
Barchfeld	Callaway	Dies	Fornes
Barnhart	Carter	Dixon, Ind.	Fowler
Bartholdt	Cary	Dodds	Francis
Bartlett	Clark, Fla.	Doughton	Fuller
Bates	Collier	Draper	Gardner, Mass.
Bathrick	Connell	Driscoll, M. E.	Garner
Beall, Tex.	Conry	Dupré	Goldfogle
Bell, Ga.	Copley	Dyer	Good
Berger	Covington	Edwards	Gould
Boehne	Cox, Ind.	Ellerbe	Gray
Booher	Cox, Ohio	Esch	Green, Iowa

Gregg, Pa.	Lawrence	Patten, N. Y.	Slemp
Gregg, Tex.	Legare	Patton, Pa.	Smith, Cal.
Griest	Lenroot	Payne	Smith, N. Y.
Gudger	Levy	Peters	Smith, Tex.
Guernsey	Lewis	Pickett	Stack
Hamill	Lindbergh	Plumley	Stanley
Hamlin	Lindsay	Porter	Stedman
Hammond	Linthicum	Pou	Steenerson
Hanna	Littleton	Powers	Stephens, Cal.
Hardwick	Lloyd	Pray	Stephens, Nebr.
Harris	Longworth	Prince	Stevens, Minn.
Hartman	Loud	Prouty	Sullaway
Hayes	McCall	Pujo	Switzer
Heald	McGillicuddy	Randell, Tex.	Taggart
Henry, Conn.	McGuire, Okla.	Redfield	Talbott, Md.
Henry, Tex.	McHenry	Reilly	Taylor, Ala.
Higgins	McKenzie	Reyburn	Taylor, Colo.
Hinds	Macon	Richardson	Taylor, Ohio
Hobson	Madden	Riordan	Thistlewood
Holland	Maher	Roberts, Mass.	Tilson
Houston	Martin, Colo.	Roberts, Nev.	Townsend
Howard	Martin, S. Dak.	Robinson	Tuttle
Hughes, Ga.	Matthews	Rodenberg	Volstead
Hughes, W.Va.	Mays	Rothermel	Vreeland
Humphrey, Wash.	Moon, Pa.	Rouse	Warburton
Jackson	Moore, Tex.	Rubey	Webb
Johnson, S. C.	Morrison	Rucker, Colo.	Whitacre
Kahn	Morse, Wis.	Sabath	Wilder
Kent	Mott	Scully	Wilson, Ill.
Kindred	Needham	Sells	Wilson, N. Y.
Kinkead, N. J.	Neeley	Shackleford	Witherspoon
Knowland	Nelson	Sharp	Wood, N. J.
Konig	Nye	Sheppard	Young, Kans.
Konop	Olmsted	Sherley	Young, Mich.
Kopp	O'Shaunessy	Sherwood	Young, Tex.
Lafean	Page	Simmons	
Langham	Palmer	Sims	
Langley	Parran	Slayden	

So the motion to adjourn was rejected.

The Clerk announced the following pairs:

Until further notice:

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. MORRISON with Mr. HUMPHREY of Washington.

Mr. PETERS with Mr. MCCALL.

Mr. HOWARD with Mr. DE FOREST.

Mr. COLLIER with Mr. ANDERSON of Minnesota.

Mr. HUGHES of New Jersey with Mr. LONGWORTH.

Mr. WEBB with Mr. FOCHT.

Mr. STEPHENS of Nebraska with Mr. TAYLOR of Ohio.

Mr. HAMLIN with Mr. YOUNG of Kansas.

Mr. BATHRICK with Mr. ANTHONY.

Mr. BEALL of Texas with Mr. FULLER.

Mr. BOOHER with Mr. MICHAEL E. DRISCOLL.

Mr. CARTER with Mr. BARTHOLDT.

Mr. FINLEY with Mr. BURKE of South Dakota.

Mr. GRAY with Mr. GREEN of Iowa.

Mr. HOLLAND with Mr. KAHN.

Mr. LINTHICUM with Mr. MCLAUGHLIN.

Mr. MOSS of Indiana with Mr. NEEDHAM.

Mr. ROTHERMEL with Mr. OLMSTED.

Mr. RUCKER of Missouri with Mr. PICKETT.

Mr. SLAYDEN with Mr. RODENBERG.

Mr. SIMS with Mr. PRAY.

Mr. STEDMAN with Mr. SWITZER.

Mr. WITHERSPOON with Mr. WILSON of Illinois.

Mr. DOUGHTON. Mr. Speaker, I desire to know if I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. DOUGHTON. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in the Hall listening when his name was called?

Mr. DOUGHTON. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. MILLER. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is recorded in the affirmative.

Mr. MILLER. Mr. Speaker, I am paired with the gentleman from Mississippi, Mr. SISSON. I desire to withdraw my vote of "no" and answer "present."

The Clerk called the name of Mr. MILLER, and he answered "Present."

Mr. HUGHES of New Jersey. Mr. Speaker, is the gentleman from Ohio, Mr. LONGWORTH, recorded?

The SPEAKER. He is not recorded.

Mr. HUGHES of New Jersey. Mr. Speaker, I desire to withdraw my vote of "no" and answer "present."

The Clerk called the name of Mr. HUGHES of New Jersey, and he answered "Present."

The result of the vote was announced as above recorded.

Mr. MOORE of Pennsylvania. Mr. Speaker, does the vote disclose the presence of a quorum on the motion to adjourn?

The SPEAKER. Which one, the motion to adjourn? No; it does not disclose a quorum.

Mr. MOORE of Pennsylvania. It does not disclose a quorum?

The SPEAKER. It lacks two of making a quorum.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE of Pennsylvania. A roll call was pending and a quorum was not present, and a motion to adjourn was made and entertained by the Chair, and on the announcement of the vote on the motion to adjourn there appeared to be present 158 Members.

The SPEAKER. That is true.

Mr. MOORE of Pennsylvania. There were less than a quorum and a number wholly insufficient, so far as the roll call was concerned, to make a quorum.

The SPEAKER. That is true.

Mr. MOORE of Pennsylvania. The question is whether another motion to adjourn would be regarded as dilatory?

The SPEAKER. It would, absolutely. A man does not have to vote unless he wants, and the Chair does not know, and neither does the gentleman from Pennsylvania or anybody else know, whether the 194 we got in were all here or not. The presumption is they were.

Mr. MANN. The Chair and everybody else knows there are not 158 Members in the Hall now.

The SPEAKER. The Chair does not know anything of the sort.

Mr. MANN. Nor in the corridors.

Mr. MOORE of Pennsylvania. Does the Chair rule that a motion to adjourn now would be a dilatory motion?

The SPEAKER. That is exactly what the Chair rules.

Mr. MOORE of Pennsylvania. The Speaker has worked industriously for at least 10 hours to-day, and he worked industriously about 15 hours yesterday, and out of consideration for the Speaker and the Members alike, I should like to move to adjourn.

The SPEAKER. The gentleman can not move to adjourn until this call of the House is over.

The Clerk completed the calling of the roll, and the following Members failed to answer to their names:

Adair	Ellerbe	Langham	Randell
Akin, N. Y.	Esch	Langley	Redfield
Ames	Estopinal	Lawrence	Reilly
Anderson, Minn.	Evans	Legare	Reyburn
Anderson, Ohio	Fairchild	Lenroot	Richardson
Andrus	Fergusson	Levy	Riordan
Ansberry	Fields	Lewis	Roberts, Mass.
Anthony	Fordney	Lindbergh	Roberts, Nev.
Ayres	Fornes	Lindsay	Robinson
Barchfeld	Francis	Linthicum	Rouse
Barnhart	Fuller	Littleton	Rubey
Bartholdt	Gardner, Mass.	Lloyd	Rucker, Colo.
Bartlett	Garner	Loud	Sabath
Bates	Goldfogle	McCall	Scully
Bell, Ga.	Good	McGillicuddy	Sells
Berger	Gould	McGuire, Okla.	Sharp
Boehne	Green, Iowa	McHenry	Sheppard
Borland	Gregg, Pa.	McKenzie	Sherwood
Bradley	Gregg, Tex.	Macon	Simmons
Broussard	Gudger	Madden	Slayden
Burgess	Guernsey	Maher	Slemp
Burke, Pa.	Hamill	Martin, Colo.	Smith, Cal.
Burleson	Hammond	Martin, S. Dak.	Smith, N. Y.
Byrnes, S. C.	Hanna	Matthews	Stack
Calder	Hardwick	Mays	Stephens, Cal.
Callaway	Harris	Miller	Stephens, Nebr.
Cary	Hartman	Moon, Pa.	Stevens, Minn.
Clark, Fla.	Hayes	Moore, Tex.	Switzer
Collier	Heald	Morrison	Talbott, Md.
Connell	Henry, Conn.	Morse	Taylor, Ala.
Conry	Higgins	Mott	Taylor, Colo.
Copley	Hinds	Neeley	Taylor, Ohio
Cox, Ind.	Hobson	Nelson	Thistlewood
Cox, Ohio	Howard	Nye	Tilson
Cravens	Hughes, Ga.	Olmsted	Townsend
Crumpacker	Humphrey, Wash.	O'Shaunessy	Tuttle
Currier	Jackson	Palmer	Volstead
Dalzell	Johnson, S. C.	Parran	Vreeland
Daugherty	Kahn	Patten, N. Y.	Warburton
Davidson	Kent	Patton, Pa.	Webb
De Forest	Kindred	Payne	Weeks
Dickinson	Kinkead, N. J.	Peters	Whitacre
Dickson, Miss.	Kitchin	Plumley	Wilder
Dies	Knowland	Porter	Wilson, Ill.
Dodds	Konig	Pou	Wilson, N. Y.
Draper	Konop	Powers	Wood, N. J.
Dupré	Kopp	Prince	Young, Mich.
Dyer	Lafean	Prouty	Young, Tex.
Edwards	Lamb	Pujo	

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he answered "Present."

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I regret that we have not been able to get a quorum to-night, but I hope on Thursday there will be a quorum here to close the debate on this bill; as we can not get them now, I move that the House do now adjourn.

Mr. MANN. Mr. Speaker, I make the point of order that that motion is dilatory. The Chair has just stated he would hold it was dilatory.

The motion was agreed to; accordingly (at 6 o'clock and 40 minutes p. m.) the House adjourned to meet to-morrow, Wednesday, August 21, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. BROUSSARD, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 25762) for the construction of a bridge across the Mississippi River at or near Baton Rouge, La., reported the same with amendment, accompanied by a report (No. 1227), which said bill and report were referred to the House Calendar.

Mr. GEORGE, from the Committee on the District of Columbia, authorized under H. R. 154 and H. R. 200 to inquire into the assessment and taxation of real estate in the District, submitted a report (No. 1215), which was referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WATKINS, from the Committee on Military Affairs, to which was referred the bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army, reported the same with amendment, accompanied by a report (No. 1226), which said bill and report were referred to the Private Calendar.

Mr. PEPPER, from the Committee on Military Affairs, to which was referred the bill (H. R. 26078) for the relief of Charles S. Kincaid, reported the same without amendment, accompanied by a report (No. 1231), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 25301) granting a pension to Martha C. McCorkle, and the same was referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. CARLIN: A bill (H. R. 26354) to establish a commission; to create a national interstate highway system; to effect preliminary surveys of seven national interstate highways and the establishment of said highways, said highways to be constructed from Washington, the Capital of the United States, respectively to Portland, Me.; to Niagara Falls, N. Y.; to Seattle, Wash.; to San Francisco, Cal.; to Los Angeles, Cal.; to Austin, Tex.; and to Miami, Fla.; and for which surveys, and maps, profiles, and estimates of the same, for the use of the Congress of the United States, the sum of $1,000,000, or so much as may be necessary, is hereby authorized to be expended out of any moneys in the Treasury of the United States not otherwise appropriated, said national interstate highways to be trunk-line highways, to which branch highways and good roads can be established throughout the country; to the Committee on the Post Office and Post Roads.

By Mr. CURRY: A bill (H. R. 26355) to amend the homestead laws as to certain unappropriated and unreserved public lands in New Mexico; to the Committee on the Public Lands.

By Mr. CRAGO: A bill (H. R. 26356) to provide for the purchase of a site and the erection of a public building at Uniontown, Pa.; to the Committee on Public Buildings and Grounds.

By Mr. SULZER: A bill (H. R. 26357) to reduce postage rates, improve the postal service, and increase postal revenues; to the Committee on the Post Office and Post Roads.

By Mr. STANLEY: Resolution (H. Res. 702) authorizing the printing of the majority and minority reports of the committee to investigate violations of the antitrust act; to the Committee on Printing.

By Mr. NORRIS: Resolution (H. Res. 705) requesting the President to furnish information regarding the alleged killing of James W. Rodgers by British soldiers in Africa; to the Committee on Foreign Affairs.

By Mr. JONES: Joint resolution (H. J. Res. 358) requesting from the President of the United States information concerning the exemption of American importers of manila hemp from payment of the export tax thereon; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26358) granting a pension to Charlotte S. Manley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26359) granting an increase of pension to Charles R. Green; to the Committee on Pensions.

By Mr. BROWN: A bill (H. R. 26360) granting a pension to Charles H. Keefer; to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 26361) granting a pension to Emma L. Taylor; to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 26362) for the relief of the legal representatives of Peter M. Sheibley, deceased; to the Committee on War Claims.

By Mr. RUSSELL: A bill (H. R. 26363) granting an increase of pension to Nimrod P. Ginger; to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 26364) granting an increase of pension to Frances M. Rounds; to the Committee on Invalid Pensions.

By Mr. SPEER: A bill (H. R. 26365) granting an increase of pension to Philip Shirk; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 26366) granting a pension to Melissa L. Gomersall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26367) granting a pension to Antoinette Scholz; to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 26368) granting an increase of pension to Thomas W. Wheeler; to the Committee on Pensions.

Also, a bill (H. R. 26369) granting a patent to Joseph Robicheau; to the Committee on the Public Lands.

By Mr. GEORGE: A bill (H. R. 26370) granting an increase of pension to Ferdinand Windgoetter; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of William T. Howells, of Jeddo, Pa., and Albert W. Zeislop, of Freeland, Pa., favoring passage of House bill 25309, relative to flag of the United States on lighthouses of the United States, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. CRAGO: Memorial of William McKinley Post, No. 3, of Pittsburgh, Pa., favoring passage of House bill 25224; to the Committee on Military Affairs.

By Mr. LEVY: Memorial of the Maritime Association of the Port of New York, favoring the building of two battleships; to the Committee on Naval Affairs.

By Mr. RAKER: Petition of citizens of California, against passage of Senate bills 940 and 7968 and House bill 4706; to the Committee on the Public Lands.

By Mr. SCULLY: Petition of John E. Bernard, of Perth Amboy, N. J., favoring passage of the immigration bill; to the Committee on Immigration and Naturalization.

By Mr. WILSON of New York: Memorial of the Maritime Association of the Port of New York, favoring the building of two battleships; to the Committee on Naval Affairs.

SENATE.

WEDNESDAY, *August 21, 1912.*

The Senate met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BRANDEGEE and by unanimous consent, the further reading was dispensed with and the Journal was approved.

The PRESIDENT pro tempore. Petitions and memorials are in order.

Mr. BRISTOW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martine, N. J.	Root
Bacon	Fall	Massey	Smith, Ariz.
Brandegee	Fletcher	Myers	Smith, Ga.
Briggs	Gallinger	Nelson	Smith, S. C.
Bristow	Heyburn	O'Gorman	Smoot
Bryan	Johnston, Ala.	Oliver	Stone
Burnham	Jones	Overman	Thornton
Chamberlain	La Follette	Page	Tillman
Chilton	Lippitt	Penrose	Williams
Culberson	McCumber	Perkins	Works
Cullom	McLean	Pomerene	

Mr. THORNTON. I wish to announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary proceeded to call the names of absent Senators, and Mr. BANKHEAD and Mr. BORAH answered to their names when called.

Mr. WARREN, Mr. POINDEXTER, Mr. BOURNE, Mr. WETMORE, Mr. MARTIN of Virginia, Mr. CRAWFORD, Mr. SIMMONS, Mr. CLARKE of Arkansas, and Mr. SWANSON entered the Chamber and answered to their names.

Mr. JONES. I will state that the junior Senator from Michigan [Mr. TOWNSEND] is unavoidably detained on important business.

The PRESIDENT pro tempore. Fifty-four Senators have answered to their names. A quorum of the Senate is present.

PERSONAL EXPLANATION.

Mr. PENROSE. Mr. President, I gave notice yesterday that I intended to rise to a privileged statement this morning at the close of the routine morning business. For certain reasons I would prefer to make that statement later in the day. I shall not, therefore, attempt to interfere with or delay the unanimous consent secured by the Senator from Minnesota [Mr. CLAPP] for the bill relating to bills of lading, but I will ask the Senate to consent to hear me later in the afternoon.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 20498) for the relief of certain homesteaders in Nebraska.

The message also announced that the House had passed a joint resolution (H. J. Res. 349) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion to be held at Ada, Okla., in September, 1912, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 24224) to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909, and it was thereupon signed by the President pro tempore.

PETITIONS AND MEMORIALS.

Mr. WORKS presented resolutions adopted by the board of directors of the Chamber of Mines and Oil of Los Angeles, Cal., remonstrating against the enactment of legislation to provide for agricultural entries on oil lands, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Coachella, Thermal, Riverside, and Indio, all in the State of California, praying that certain lands in Coachella Valley, Riverside County, Cal., now held as an Indian reservation, be disposed of in homesteads of not to exceed 10 acres each, which was referred to the Committee on Public Lands.

He also presented a memorial of sundry citizens of Muskogee, Okla., remonstrating against the establishment of a department of public health, which was ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SMOOT, from the Committee on Public Lands, to which was referred the bill (H. R. 25764) to subject lands of former Fort Niobrara Military Reservation and other lands to homestead entry, reported it without amendment.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (H. R. 25282) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River, reported it without amendment and submitted a report (No. 1060) thereon.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 7488) for the relief of George L. Thomas; to the Committee on Post Offices and Post Roads.

By Mr. BRADLEY:

A bill (S. 7489) granting an increase of pension to Solomon Riddell (with accompanying paper); to the Committee on Pensions.

By Mr. CHILTON:

A joint resolution (S. J. Res. 135) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. BRIGGS submitted an amendment proposing to appropriate $500 to pay William E. Burns for extra services in the Senate document room, etc., intended to be proposed by him to the general deficiency appropriation bill (H. R. 25970), which was ordered to be printed and, with the accompanying paper, referred to the Committee on Appropriations.

UNITED STATES DISTRICT COURTS.

Mr. THORNTON submitted an amendment intended to be proposed by him to the bill (H. R. 21226) relating to the compensation of clerks of United States district courts, which was referred to the Committee on the Judiciary and ordered to be printed.

THE PLAYGROUNDS MOVEMENT (S. DOC. NO. 937).

Mr. GALLINGER presented the report of Edgar S. Martin, supervisor of playgrounds of the District, made to the Commissioners of the District of Columbia July 1, 1912, which was ordered to be printed as a Senate document.

AFFAIRS IN NICARAGUA.

Mr. BACON. I offer a resolution, which I ask may be read from the desk.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution (S. Res. 385), as follows:

Resolved, That the Committee on Foreign Relations or a subcommittee thereof authorized and appointed under the Senate resolution 335, passed July 26, 1912, to make certain investigations and report concerning influences connected with or inciting rebellion, insurrections, or disorders in Cuba and Mexico, be, and it is hereby, authorized and directed by said committee or a subcommittee appointed or to be appointed to further inquire, investigate, ascertain, and report as to the alleged invasion of the Republic of Nicaragua by the armed sailors and marines of the Navy of the United States during the month of August, 1912, or at any other time preceding or subsequent thereto during said year; and particularly to investigate and report to the Senate:

First. Under what authority of law and by the orders of what official of the United States said armed sailors and marines were at any time during said year ordered to invade the territory of the Republic of Nicaragua.

Second. What armed officers and sailors and marines of the Navy and Marine Corps were under said orders sent into the territory of the Republic of Nicaragua.

Third. What orders were issued to said forces of the Navy and Marine Corps to be executed by the same in the Republic of Nicaragua, and what was done within the period named in pursuance thereof, and particularly what military operations were carried on within the Republic of Nicaragua by said forces in pursuance of said orders, or otherwise.

Fourth. The said committee or subcommittee is further directed to investigate and report to the Senate what citizens of the United States or other person or persons are now or have been during said year assuming to collect customs in Nicaragua, and assuming to be American customs officials, and particularly by whom said collector of customs has been appointed, by whose instigation, and the authority assumed to be exercised by said alleged American customs officials, and all the actings and doings of the same under any authority, actual or assumed.

Resolved further, That all the powers and authority conferred upon said committee or subcommittee by the said original resolution (S. Res. No. 335) of July 26, 1912, be, and the same are hereby, conferred upon said committee or subcommittee in making the additional investigation and report herein authorized and directed.

Mr. BACON. Mr. President, before asking for any action in regard to the resolution, either its reference or otherwise, I wish to say just two or three words.

This resolution, Mr. President, is caused by the press dispatches narrating what is now going on in Nicaragua and the part that is being taken by the armed forces of the United States, parts of the Navy and Marine Corps, all of which matters are of public notoriety, published in our daily papers, and to which I think it is important that the attention of the Congress of the United States should be called. I do not think that the information contemplated by this resolution can be gotten in the usual way by simply making an inquiry of one of the departments. The transactions to which they relate are very far-reaching in their various ramifications. If my conclusions, deduced from other matters and within my knowledge, are correct, I believe that it is necessary that there should be an investigation by a committee of Congress.

Mr. President, I desire to say that this resolution is not exactly connected with but is cognate to the matter that I brought to the attention of the Senate a few days ago when the Army appropriation bill was before the Senate, in which I endeavored by a limitation upon the use of the appropriations to prevent the unlawful use of the Army or Navy of the United States. That was limited to the Army in assigning it to duty in foreign lands without any authority of law, and, in my opinion, in absolute violation of law, and of the fundamental law.

The action then taken upon the amendment has been published to the country as its having been rejected by the Senate of the United States. I simply desire to say that there was no action taken upon that matter when it was brought to the attention of the Senate which would indicate that the Senate was opposed to that proposed limitation upon the powers of the Executive in the use of the Army of the United States. It was proposed in the Senate on an evening when there was not a quorum present, when it was very desirable that the Army appropriation bill should be disposed of. The vote was simply taken by the sound; and, rather than make a demand which would develop the fact that there was no quorum and which would break up the evening work, I refrained from asking for either a division or for a call of the yeas and nays.

I have since introduced a bill on the subject, which I stated at the time I, of course, did not expect to have action upon at the present session of Congress, but which I did hope might receive the attention and action of Congress at the ensuing session.

Mr. President, since that time we have had these developments to which I have referred. It is true they were going on then, but they had not been so pronounced as they are now. Since that time we have the fact stated in the newspapers, and I presume there is no doubt about the correctness of the statement, that there are to-day in the interior of Nicaragua 450 of the armed forces of the United States, some of them sailors of the Navy—armed sailors—and others the marines connected with the Navy, and that they have been actually taking part in a battle between the contending armies in that country, going far beyond any possible suggestion that they are there simply upon the proper mission of protecting a consulate or the lives and property of American citizens from outlawry, rapine, and plunder.

Of course no one who is at all, at least from my point of view, familiar with the rules of international law or rights of one government inside another for the protection of its citizens, would contend that that goes to the extent of taking sides between two contending parties for the purpose of putting up one and putting down the other.

Not only is war being carried on in Nicaragua by the armed forces of the United States without the authority of Congress, but in a narration, in which the information seems to come from the State Department, it seems that this power to make war has been delegated to the American minister to Nicaragua. Speaking of the impending conflict at Managua, in an article in a recent issue of the Washington Post it is stated that—

> the State Department stands ready to sanction any effective methods employed by American bluejackets and marines which George T. Weitzel, the American minister, may direct. It is suggested here that the American armed force may drive the rebels from their positions and capture the guns if the bombardment continues.

And, again, in the same article:

> How this force has been used depends entirely upon the will of American Minister Weitzel, but as he has already protested to the rebels against the bombardment of Managua, filled as it is with women and children and noncombatants, it is believed he has driven the insurgents away from their position and stopped the bombardment. If the force is not sufficient for this purpose, officials feel assured he will hold the city until reinforcements from Panama or the bluejackets of the *Denver*, now en route to Corinto, can be placed at his disposal.

This, sir, is war; and, however just a cause, it is for Congress, and for Congress alone, to determine when a cause, whether good or bad, shall determine the United States to go to war on account of it.

But the matter, Mr. President, that I particularly rose to speak about this morning, and only for a moment, is not limited to the matter to which I have already alluded, because these military invasions had already been brought by me to the attention of Congress; but there is a matter of the utmost vital importance, in furnishing the motive for this invasion of Nicaragua, to which I think it proper that the Congress of the United States should have its attention called.

In the published press dispatches, not only once, but several times, it is mentioned that there is in the capital of Nicaragua—Managua—an officer claiming to be an American collector of customs. I think, Mr. President, when this matter is sifted to the bottom it will be found that that is the secret of the invasion of Nicaragua by the armed forces of the United States. I will read something from these dispatches, simply to show that I am quoting correctly. In one of the dispatches, two or three days ago—I took this from the Washington Post—one of the dispatches, speaking of the operations in Nicaragua, of the battles which had occurred there, the bombardment of the city, and so forth, says this:

> The Chilean consulate and the house of Mr. Hamm, the American collector general of customs, were hit.

I am citing that just simply to show the fact of the alleged existence in Nicaragua of one who assumes to be a general collector of customs—an American collector of customs. In the further reports which were published in this morning's papers, and I suppose found not only in the Washington Post, but in all of the other papers receiving the press dispatches, there is this item. After a long account about what was going on, it says:

> For the present, Managua, the capital, with the American railroad station, steamboat wharves, legation, and the residences of the American customs officials and many others, is considered safe.

Mr. President, there is a little piece of significant history connected with this matter. Some time ago there was a treaty negotiated between this Government and Nicaragua for the purpose of securing the appointment of one who should collect the customs of Nicaragua, the proceeds to be devoted to the payment of certain Nicaraguan bonds and the interest thereon, which were to be negotiated and sold to certain American capitalists, who were to have some very extensive powers, among others the practical appointment of this customs officer, who was to be, nevertheless, clothed with the authority of the United States of collecting customs in Nicaragua and devoting the proceeds to the payment of these debts, which were to be contracted by these American capitalists. That treaty the Senate of the United States has so far refused to ratify, and I may safely say, Mr. President, that that is a treaty which the Senate of the United States will not ratify.

The purpose of that treaty, as we understand it, is to enable certain American capitalists to go into Nicaragua and reap a very high profit out of an enterprise which ordinarily would be considered as hazardous, and which, therefore, has attached to it very great profit on account of that hazard, but which would be absolutely safe when guaranteed by the Government of the United States, with the pledge on the part of the Government of the United States to make it good by supporting this American collector of Nicaraguan customs with the Army and Navy of the United States in the collection of the customs of Nicaragua and the devotion of the proceeds thereof to the payment of this indebtedness. With the United States Senate refusing to allow the Government of the United States to become a party to any such proceeding, and with the Senate of the United States standing in the attitude, where it doubtless will continue, to so refuse, while I have not the details, I have not a doubt in the world—by whose authority I know not, but by some authority—there has been the effort and is now the effort to accomplish without law that which they failed to secure law to accomplish. The purpose of the proposed treaty was to have some one appointed as an American collector of customs to collect the customs duties in Nicaragua and devote the money thus collected to the payment of certain private debts of American capitalists, and more particularly and specially to have the Government of the United Sates set up and maintain the American collector of Nicaraguan customs with the Army and Navy of the United States.

As this treaty could not be secured through its ratification by the Senate, it would appear that the effort is made to accomplish the same thing without any law to authorize it, and that in some way this so-called American collector of Nicaraguan customs has been appointed and is now on duty in Managua and that the armed forces of the United States are there now to support the party in power, which recognizes his authority, and to make war, if necessary, to accomplish it.

Mr. President, I shall not now take further the time of the Senate, but I think I have said enough to indicate that it is

certainly a proper subject matter for investigation by the Senate of the United States. Not only are they endeavoring in this way to accomplish what they could not accomplish in the regular way, having the Army and the Navy and the Marine Corps of the United States used for the purpose of protecting their indebtedness and the collection of the money for its liquidation and payment, but the Government of the United States—I will not say the Government of the United States, because the Government of the United States embraces three departments—but the executive department of the United States is, if the published reports are correct, in my humble judgment, violating the law; and not only violating the law so far as it concerns us in the fact that it is our fundamental law that only Congress can declare when an armed force of the United States shall go into a foreign country for the purpose of taking part in such transactions as are going on there now, but violating the law so far as it concerns a feeble and helpless people, doing those things which we would not dare to do if they were sought to be done in a country capable of resenting such an invasion as a country of sufficient power would resent it.

Mr. President, I do not know whether this is a resolution which should be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. However, the resolution heretofore adopted, to which this is intended as an amendment, did go to that committee, and it was reported back favorably by that committee. This resolution does require additional expenditure, and I presume it would be on the safe side for it to be referred to the Committee on Contingent Expenses of the Senate. So unless I am in error, and if my suggestion meets with the concurrence of the Chair, I will ask that that direction be given to it.

The PRESIDENT pro tempore. The Chair is of the opinion that as this would involve additional expenditure from the contingent fund it ought properly to be referred to that committee.

Mr. BACON. I concur in the views of the Chair in that matter.

The PRESIDENT pro tempore. Without objection, the resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on August 21, 1912, approved the following joint resolution:

S. J. Res. 133. Joint resolution appropriating the sum of $20,000 out of money appropriated by Senate joint resolution No. 129, for subsistence of American citizens who shall have fled or who may hereafter flee from threatened danger in the Republic of Mexico into the States of the United States bordering on the Republic of Mexico.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 349. A joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912, was read twice by its title and referred to the Committee on Military Affairs.

DIVISION OF MARKETS.

Mr. SMITH of Georgia. Mr. President, early in the session a bill was introduced providing for the creation of a division of markets in the Agricultural Department. It was referred to the Committee on Agriculture and Forestry and unanimously reported favorably by that committee.

Later on the Committee on Agriculture and Forestry, when considering the agricultural appropriation bill, modified somewhat the terms of the original bill and incorporated it in the appropriation bill. It was considered when the appropriation bill was before the Senate and unanimously approved. It was again considered by the Senate on the report of the conferees and again approved. In further conference upon the appropriation bill it became impossible to agree to the provision for the division of markets. Since that time the Senate, as in Committee of the Whole, has considered the bill and amended it to make it conform exactly to the bill which the Senate approved as an item in the appropriation bill, with the exception of changing the salary of the chief of the proposed division to $4,000 instead of $3,000, because the Secretary of Agriculture was of the opinion that he could not obtain the character of man he desired for less than $4,000. I do not think the bill will take five minutes of time; if there is any discussion upon it, I will withdraw my request; but under the circumstances I ask unanimous consent for its present consideration. I have spoken to several Senators who are interested in other matters, and they expressed a willingness for the bill to take this course. There are special reasons why I would appreciate its being disposed of at this time.

The PRESIDENT pro tempore. The Senator from Georgia asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets.

The PRESIDENT pro tempore. The bill has heretofore been read and amended, and unless there is objection the reading of the bill will be dispensed with. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. SMITH of Georgia. The Senate as in Committee of the Whole has already agreed to the amendment reported by the committee.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HARRY S. WADE.

Mr. CRAWFORD. I move that House bill 15181, which passed the Senate August 19, be recalled from the House, and I desire to enter a motion to reconsider the vote by which the bill was ordered to a third reading, read the third time, and passed.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from South Dakota?

Mr. HEYBURN. I should like to know what is the bill?

Mr. CRAWFORD. It is a bill for the relief of Harry S. Wade, which was passed by the Senate on August 19. It was then known as Calendar No. 936. It is House bill 15181.

The PRESIDENT pro tempore. The Senator from South Dakota enters a motion to reconsider the vote by which the bill was ordered to a third reading, read the third time, and passed, and asks that the bill be recalled from the House of Representatives. Without objection, that order will be made.

ALICE V. HOUGHTON.

Mr. MARTINE of New Jersey. Mr. President, I ask unanimous consent for the present consideration of Senate bill 5137. I beg to state that this bill was before the Senate some time ago, I think in April last, and was then passed, providing an appropriation of $3,500 to one Alice V. Houghton. Subsequently, upon a motion to reconsider, the bill was reconsidered and brought back.

I have no desire to go over the harrowing details of the awful accident which befell this young woman, Alice V. Houghton. I will say, however, for such Senators—and there are some—who were not here then, that Alice V. Houghton was an employee in the Bureau of the Census, and on January 13, 1911, was there employed. She was sitting at a tabulating machine, there being a hundred or more of them in the room, in the performance of her duties.

A few of the cards had fallen on the floor, and it was her duty to reach down and pick them up. While doing so a whirling shaft, driven by steam or electricity, horizontal with the table or stand at which she worked, caught her hair at the nape of the neck, and coiled it up until it absolutely and literally tore off her scalp, taking with it her forehead and eyebrows.

This girl has suffered the tortures of the damned since that time. Doctors have been in continual attendance upon her. It was thought that they might graft new skin on her scalp, but owing to the fact that there was so little flesh on the scalp progress was exceedingly difficult, and the operations on her have by no means been successful. Her head to-day is a running wound; and in this condition of her scalp and forehead and eyebrows, her sight is practically destroyed. In one eye the sight is entirely gone, and the other is in a very weak and watery condition. The veins on her forehead stand out in a way to make her a spectacle that no one cares to behold.

At the time of this accident she was self-supporting and dependent upon her own labor. She received, I think, $70 a month. This accident occurred January 13, 1911, since which time she has had no means of support. Her father is a very aged man and has no means of satisfying doctors' bills, much less obtaining the necessaries of life.

My heart was touched on account of the horrid situation in which this young woman had been placed; and when the bill providing an appropriation of $3,500 was passed, I felt that it was utterly inadequate, and that this great Government of the United States, having this young woman as an employee, should not stand idly by and see such suffering without aiding her and

making some effort to compensate for her suffering. No money in the Treasury of the United States could compensate for the loss of the health of a man, much less compensate a young woman, not only for the loss of her health, but for the loss of that which is her greatest glory, her locks, to say nothing of the awful tortures through which she has gone.

Now, I ask the Senate in taking up this bill to amend it on line 6 by striking out the words "three thousand five hundred dollars" and inserting in lieu thereof "seven thousand five hundred dollars, to be paid as follows: Twelve hundred dollars upon the passage of this bill and $75 per month for the term of seven years."

Mr. BRISTOW. Mr. President, this bill will take a great deal of discussion, and I do not believe that I can consent to its being taken up.

Mr. MARTINE of New Jersey. It should not provoke a great deal of discussion, permit me to say, Mr. President.

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (S. 5137) for the relief of Alice V. Houghton.

The PRESIDENT pro tempore. The Senator from New Jersey moves to reconsider the votes whereby the bill was ordered to a third reading, read the third time, and passed.

Mr. MARTINE of New Jersey. The votes were reconsidered and the bill is now here in the Senate, as I understand.

The PRESIDENT pro tempore. They have not been reconsidered, as the Chair understands.

Mr. MARTINE of New Jersey. I beg pardon of the Chair, and respectfully move, then, that the votes be reconsidered.

The PRESIDENT pro tempore. The Senator from New Jersey asks unanimous consent that the votes by which the bill was ordered to a third reading, read the third time, and passed, be reconsidered. Is there objection?

Mr. BRISTOW. Mr. President, I must object to that in the absence of the chairman of the Committee on Claims.

Mr. MARTINE of New Jersey. I will say, with the Senator's permission, that I have spoken to the chairman of the committee [Mr. CRAWFORD] on this matter, and he said to me "I have no objection." I said "I shall defer to you and shall not bring the matter up until you are present." That was some months ago, and he said "I have no objection to this bill at all." I say in all seriousness that this is a condition and a situation, Mr. President, in which little technicalities and paliamentary difficulties should not intervene. We are about to go to our homes and adjourn and bask under shady trees and on short-clipped lawns mayhap, and yet this poor woman, an employee of the United States, shorn of her scalp, suffering all of the tortures—more tortures than words can tell—must still go on and suffer.

I submit it is not in the heart of any Member of this body to rest complacent and satisfied that he has done justice to himself, to his country, and to his God unless he does his part in relieving this horrible situation.

Mr. BRISTOW rose.

Mr. BACON. I hope the Senator will not object.

Mr. BRISTOW. I am perfectly familiar with this case. I want to do justice in this case.

Mr. BACON. I hope more than justice.

Mr. BRISTOW. I think I am as familiar with this case as any Senator here.

Mr. BACON. I appreciate that.

Mr. BRISTOW. And I must object.

The PRESIDENT pro tempore. Objection is made. A motion is in order.

Mr. MARTINE of New Jersey. I move that the Senate reconsider the votes.

The PRESIDENT pro tempore. The Senator from New Jersey moves that the Senate reconsider its action in ordering to a third reading and passage the bill which is now before the Senate.

Mr. POINDEXTER. I should like to ask the Senator from New Jersey whether this matter has heretofore been considered by this body?

Mr. MARTINE of New Jersey. It was considered by this body, and all the horrid details gone over. There is nothing new except that which is more aggravating, that nearly a year has elapsed——

Mr. POINDEXTER. It is not anything that is proposed to be done without investigation?

Mr. MARTINE of New Jersey. The committee have investigated it.

Mr. TOWNSEND. I was unfortunately called from the Chamber when the Senator brought it up. My recollection of it is that we passed a bill for the relief of this young lady, and it went over to the House. How does it happen to be before the Senate again?

Mr. MARTINE of New Jersey. We passed a bill appropriating $3,500. The doctors' bills of this young woman are to-day over $2,000, and, as I said, my heart was touched by this matter. I have gone into the horrid subject, and I would fail to be a man if I did not stand here and press this matter. The bill was brought back to this body. I learn from the Presiding Officer that it is before this body. My impression was it was recalled.

The PRESIDENT pro tempore. The Senator is right.

Mr. TOWNSEND. May I inquire what does the Senator want now?

Mr. MARTINE of New Jersey. I ask to amend, on line 6, by striking out the words "three thousand five hundred" and inserting in lieu thereof "seven thousand five hundred, to be paid as follows"——

The PRESIDENT pro tempore. If the Senator from New Jersey will permit the Chair, the bill passed the Senate at $4,200.

Mr. MARTINE of New Jersey. I thought it was $3,500. I still press for the sum of $7,500, and I ask that it be paid as follows—it is a mere pittance for one in such a condition: Twelve hundred dollars to be paid upon the passage of the bill and $75 a month thereafter for seven years.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from New Jersey to reconsider the vote by which the bill was ordered to a third reading, read the third time, and passed.

Mr. BRISTOW. If this motion prevails, then the bill is recalled and takes its place on the calendar?

The PRESIDENT pro tempore. The bill will be before the Senate as in Committee of the Whole.

Mr. BRISTOW. If it is recalled?

The PRESIDENT pro tempore. It has been recalled. If this motion prevails, the bill will be before the Senate as in Committee of the Whole.

Mr. BRISTOW. Then would that interfere with the unanimous consent which has been given to consider the bill-of-lading bill?

The PRESIDENT pro tempore. The Chair thinks, the bill having been recalled from the House, the Senator from New Jersey having entered a motion to reconsider, and now makes that motion, the bill is before the Senate on the question of reconsideration.

Mr. BRISTOW. That is, the bill is now before the Senate?

The PRESIDENT pro tempore. Yes; on the motion to reconsider the vote whereby it was read a third time and passed.

Mr. BRISTOW. And that would set aside the unanimous-consent agreement?

The PRESIDENT pro tempore. Temporarily, the Chair thinks.

Mr. BRANDEGEE. Has morning business been closed?

The PRESIDENT pro tempore. It has been closed.

Mr. BRISTOW. Then it is a motion to set aside the unanimous-consent agreement?

The PRESIDENT pro tempore. It operates that way.

Mr. BRISTOW. Is it customary, the Senate having given unanimous consent, to take up——

The PRESIDENT pro tempore. The Chair thinks that, inasmuch as the Senator in charge of the bill which was to be taken up by unanimous consent was not in the Chamber at the close of morning business, the Senate acted properly in taking up other matters.

Mr. POINDEXTER. The Senate has proceeded to the consideration of several bills this morning in the same way that the Senator from New Jersey is making this application.

Mr. BRISTOW. What I want to get at is——

Mr. CLAPP. Will the Senator from Kansas yield to me for a moment?

Mr. BRISTOW. Certainly.

Mr. CLAPP. I was in conference this morning, and when I came in I was informed that morning business was not closed, so I made no reference to the unanimous-consent agreement. I understand that some business has intervened, and in view of that I would not now, at this particular point, undertake to take the Senator from New Jersey off the floor by insistence——

Mr. BRISTOW. It will probably take the entire morning hour to dispose of this bill.

Mr. MARTINE of New Jersey. Do you refer to this bill?

Mr. BRISTOW. I certainly do.

Mr. MARTINE of New Jersey. I thought it had been so thoroughly considered that it could not provoke any amount of discussion. I have no desire to interfere with the methods of parliamentary procedure, but if there ever was a case when we ought to lay aside all technicalities——

Mr. POMERENE. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Ohio will state his point of order.

Mr. POMERENE. I have no disposition to interfere with this matter if it could be disposed of without discussion.

Mr. MARTINE of New Jersey. I thought it would be.

Mr. POMERENE. I have no doubt the Senator so thought. But it seems there is a difference of opinion on the proposition. Now, the bill about which the unanimous-consent agreement was made is of such very great importance to the entire country that it seems to me the friends of that measure ought to insist upon its having its proper place.

Mr. SMITH of South Carolina. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from South Carolina will state it.

Mr. SMITH of South Carolina. The Chair recognized the Senator from New Jersey in pursuance of what had been done on several bills of like importance which had gone before, and the Chair recognized his right to call up this, and the mere question before the body is whether or not we shall reconsider this vote. In view of the fact that the Senator from New Jersey has the floor and the bill is now before the Senate, I should like to have the ruling of the Chair upon the question whether or not the Chair made a mistake in recognizing him for that purpose or recognizing him to make this motion. The motion now before the Senate is to reconsider the passage of this bill, and I do not think that anything else can be of greater importance than to relieve the distressful condition of the individual in behalf of whom the Senator from New Jersey has called up this bill.

Mr. BRISTOW. I make the point of order that the bill for the consideration of which unanimous consent was given has not been laid before the Senate in harmony with the unanimous-consent agreement, and that it should now, at the close of the morning business, be laid before the Senate as the result of the unanimous consent given by the Senate.

Mr. SMITH of South Carolina. Has the Chair yet announced whether or not morning business has closed?

The PRESIDENT pro tempore. It was so announced.

Mr. SMITH of South Carolina. The Chair has announced that? I should like to have the ruling of the Chair as to whether this bill is in order.

The PRESIDENT pro tempore. The Chair desires, so far as the present occupant of the chair is concerned, to aid in conducting the business of the Senate properly and in strict accordance with the rules. In view of that fact the Chair desires to make a statement.

Morning business closed, and it was so announced. The Senator from Minnesota [Mr. CLAPP] was not present in the Chamber, he being in charge of the bill which had been made in order under the unanimous-consent agreement. Very likely the Chair ought to have laid the bill before the Senate, but did not do so, having instead sent for the Senator from Minnesota to inform him that morning business had closed. Certain Senators asked unanimous consent for the consideration of bills, and it was granted, and one bill at least was passed; possibly two.

The Senator from New Jersey asked that the bill which had been returned from the House, he having entered a motion to reconsider the vote by which it was ordered to a third reading, read the third time, and passed, be laid before the Senate. That action was taken, and the Senator's motion to reconsider was in order.

Now, as to whether or not the Chair erred in not laying before the Senate the bill that was the special order is for the Senate to decide; and the Chair will submit the question to the Senate whether the motion of the Senator from New Jersey is now in order. Senators who are of the opinion that the motion of the Senator from New Jersey is now in order will say "aye." Those opposed will say "no." The ayes appear to have it. The ayes have it. It is the opinion of the Senate that the motion is in order.

Mr. BRISTOW. As it is, the Senate has set aside the unanimous-consent agreement. Unanimous consent was given for the consideration of a bill. That has been ignored. The Senate has refused to carry out what it unanimously agreed to do to-day on the conclusion of the morning business.

Mr. CLAPP. I do not think that criticism is warranted. The Chair, in the absence of the Senator having in charge the bill covered by the unanimous-consent agreement, permitted other matters to be taken up. The trouble is I was out on conference, and did not know when I returned that, and had to make inquiry in order to learn that, the morning business was closed. I think the Chair acted properly.

The PRESIDENT pro tempore. There are many precedents for submitting the question involved to the Senate.

Mr. MARTINE of New Jersey. To relieve the Senate of the situation in which it seems to be involved, I withdraw my proposition for this morning, and give notice that immediately after the morning business to-morrow I will move that this bill be taken up and proceeded with.

Mr. BORAH. I ought to say to the Senator from New Jersey that we have another unanimous-consent agreement for to-morrow morning. The Senator ought to be advised of that fact.

Mr. MARTINE of New Jersey. I was not aware of that fact, but that being the case I withdraw my suggestion, and I will stand by my guns and let us fight it out.

Mr. BRANDEGEE. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Connecticut will state his point of order.

Mr. MARTINE of New Jersey. I think we could pass the bill in a few minutes. I can not understand how it can provoke much debate, and I do not think it reflects pleasantly upon this body that——

Mr. BRANDEGEE. The Senator from Kansas has stated that he would discuss this matter at length, and that it would probably take all day.

Mr. MARTINE of New Jersey. I will withdraw my request.

Mr. BRANDEGEE. I make the point of order that the Senate can not by saying something is in order set aside a unanimous consent to take up immediately after the routine morning business this other matter. It is not within the province of the Senate, by a majority vote, to make something else in order when the Senate has made a unanimous-consent agreement to proceed with a particular measure.

The PRESIDENT pro tempore. The Chair had high authority for submitting the question to the Senate. The Chair finds that, according to Gilfry's Precedents, on February 24, 1902, the President pro tempore [Mr. Frye] stated as follows:

> The Chair can not rule upon a question arising from a unanimous-consent agreement; it is for the Senators themselves to determine what it means. The responsibility for violating the agreement must rest with the Senators themselves. The Chair has no power to enforce it.

On May 8, 1906, the question was again raised, and the Vice President [Mr. Fairbanks] submitted to the Senate whether the question was in order, notwithstanding the unanimous-consent agreement, and it was decided in the affirmative.

On May 14, 1906, the same question was presented to the Senate, and the Vice President [Mr. Fairbanks] stated that, in the opinion of the Chair, the question was settled by the Senate in its interpretation of the rule on the 8th instant.

A more recent decision was rendered by Vice President Fairbanks on March 2, 1909, on a point of order precisely similar to that raised by the Senator from Connecticut, the Vice President ruling as follows:

> The Chair is of the opinion that it is in order. In the case of a unanimous-consent agreement it is for the Senate to determine whether it will violate its agreement.

The Chair is clearly of opinion that the rulings above cited are sound.

Mr. MARTINE of New Jersey. Instead of asking that the bill be taken up to-morrow morning I will ask the Senate to take it up on Friday morning, immediately after the morning business.

INDIAN APPROPRIATION BILL.

Mr. CLAPP. When the Senate took action on the Indian appropriation bill, the Chair substituted a conferee. The House has sent a regular communication to the Senate rejecting the conference report, and asking for a further conference; and to straighten out the parliamentary situation I presume a motion should be made. I ask the Chair to lay before the Senate the action of the House of Representatives.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives insisting upon its disagreements to the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, and requesting a further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate concur in the request for a further conference, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President pro tempore appointed as the conferees on the part of the Senate Mr. CLAPP, Mr. CURTIS, and Mr. CHAMBERLAIN.

BILLS OF LADING.

The PRESIDENT pro tempore. The unanimous-consent agreement will be stated to the Senate.

The Secretary read as follows:

It is agreed by unanimous consent that on Wednesday, August 21, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill—Calendar No. 651—(S. 957) relating to bills of lading; such consideration, however, not to interfere with the consideration of appropriation bills or reports of committees of conference.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 957) relating to bills of lading, which had been reported from the Committee on Interstate Commerce with an amendment to strike out all after the enacting clause and insert:

The words "bill of lading" when used in this act shall apply to a bill of lading for the transportation from a place in any State, Territory, possession, or District of the United States to any State, Territory, possession, or District of the United States, and from any place in any State, Territory, possession, or District of the United States to any foreign country.

SEC. 2. That every carrier which by itself or its agent or servant, authorized to issue bills of lading, shall issue a bill of lading before the property described therein shall have been actually received and at the time under the actual control of such carrier to be transported, or who shall issue a second or duplicate bill of lading for the same property, in whole or in part, for which a former bill of lading has been issued and remains outstanding and uncanceled, without prominently marking across the face of the same the word "duplicate," shall be estopped as against the consignee, and every other person who shall acquire, by written assignment, transfer, or indorsement thereon, any such bill of lading in good faith and for value, to deny receipt of the property as described therein, or to assert that a former bill of lading has been issued and remains outstanding and uncanceled against the same property, as the case may be: *Provided*, That where a bill of lading is issued for property billed "shipper's load and count," indicating that the goods were loaded by the shipper and the description of them made by him, if the goods were so loaded voluntarily by the shipper only and the description made by the shipper only and the carrier or its agent had no knowledge of such count or description, this act shall not apply.

SEC. 3. That any carrier who shall deliver the property described in a bill of lading, drawn to a consignee or order, without requiring surrender and making cancellation of such bill, or in case of partial delivery, indorsing thereon a statement of the property delivered, shall be estopped as against all and every person or persons who have acquired or who hereafter shall acquire, in good faith and for value, any such bill of lading, from asserting that the property described therein has been delivered, or partially delivered; and such carrier shall be liable to every such person for the damages which he may have sustained because of reliance upon such bill.

SEC. 4. That no carrier shall be liable under the provision of this act where the property is replevined, or removed from the possession of the carrier by other legal process, or has been lawfully sold to satisfy the carrier's lien, or in case of sale or disposition of perishable, hazardous, or unclaimed goods, in accordance with law or the terms of the bill of lading.

SEC. 5. That any alteration in a bill of lading after its issue and without authority from the carrier issuing the same, either in writing or note on the bill of lading, shall be void, but such bill of lading shall be enforceable according to its original tenor.

Mr. CLAPP. Mr. President, I desire to make a very brief statement concerning this measure.

Owing to the decision of the courts as to the liability of common carriers where the bill of lading recited the receipt of goods which in fact were not received by the common carrier, a general complaint came up from all over the country. For at least three or four years there has been pending in the two Houses an effort to remedy that situation. Finally, in order to bring the matter before the Committee on Interstate Commerce, I introduced a bill similar to one which had previously been reported by the Committee on Interstate and Foreign Commerce of the House. After the bill was referred to the Senate Committee on Interstate Commerce the Senator from Ohio [Mr. POMERENE] introduced a bill which not only covered the question of the liability of the common carrier for an act of his agent in giving a receipt where the goods had not in fact been delivered, but which also seeks in a measure to codify the law relating to the liabilities and responsibilities accompanying the transfer of bills of lading with reference to their negotiability.

It was thought in the committee that it would be better to report out the short bill. Therefore I reported out the short bill, but it was the consensus of many members of the committee, including myself, that if it were possible it would be much preferable to pass the bill as offered by the Senator from Ohio. Since the report has been made the Senator from Ohio has perfected his bill, and I desire to say that for one I very much favor the passage of the bill of the Senator from Ohio.

Mr. POMERENE. The other day I offered Senate bill 6810 as reprinted July 24, 1912, as a substitute for the pending bill. I understand that is the status of the bill now.

The PRESIDENT pro tempore. If there be no objection, the reading of the original bill will be dispensed with and the amendment of the committee will be read.

Mr. NELSON. The bill on our table contains a substitute for the entire original bill. The substitute reported by the committee is not the same as what the Senator from Ohio is about to offer, but is a separate measure.

Mr. POMERENE. The bill that I have offered is a substitute for the amended bill which was reported out of the committee.

Mr. NELSON. It is a substitute for the amendment reported by the Senate committee.

Mr. POMERENE. It is.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Ohio to the amendment reported by the committee will be read.

The SECRETARY. In lieu of the matter proposed to be inserted by the committee, insert the following after the enacting clause:

That bills of lading issued by any common carrier for the transportation of goods from a place in a State to a place in a foreign country or from a place in one State to a place in another State shall be governed by this act.

SEC. 2. That every bill must embody within its written or printed terms—

(a) The date of its issue;
(b) The name of the person from whom the goods have been received;
(c) The place where the goods have been received;
(d) The place to which the goods are to be transported;
(e) A statement whether the goods received will be delivered to a specified person or to the order of a specified person;
(f) A description of the goods or of the packages containing them; and
(g) The signature of the carrier.

An order bill shall have the words "order of" printed thereon immediately before the name of the person upon whose order the goods received are deliverable.

A carrier shall be liable to any person injured thereby for the damage caused by the omission from an order bill of any of the provisions required in this section.

SEC. 3. That a carrier may insert in a bill issued by him any other terms and conditions: *Provided*, That such terms and conditions shall not be contrary to law or public policy.

SEC. 4. That a bill in which it is stated that the goods are consigned or destined to a specified person is a straight bill.

SEC. 5. That a bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill. Any provision in such a bill that is nonnegotiable shall not affect its negotiability within the meaning of this act.

SEC. 6. That order bills issued in a State for the transportation of goods to any place in the United States on the Continent of North America, except Alaska and Panama, shall not be issued in parts or sets. If so issued, the carrier issuing them shall be liable for failure to deliver the goods described therein to anyone who purchases a part for value in good faith, even though the purchase be after the delivery of the goods by the carrier to a holder of one of the other parts: *Provided, however*, That nothing contained in this section shall be interpreted or construed to forbid the issuing of order bills in parts or sets for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries, or to impose the liabilities set forth in this section for so doing.

SEC. 7. That when more than one order bill is issued in a State for the same goods to be transported to any place in the United States on the Continent of North America, except Alaska and Panama, the word "duplicate," or some other word or words indicating that the document is not an original bill, shall be placed plainly upon the face of every such bill except the one first issued. A carrier shall be liable for the damage caused by his failure so to do to anyone who has purchased the bill for value in good faith as an original, even though the purchase be after the delivery of the goods by the carrier to the holder of the original bill: *Provided, however*, That nothing contained in this section shall in such case for such transportation of goods to Alaska, Panama, Porto Rico, the Philippines, Hawaii, or foreign countries be interpreted or construed so as to require the placing of the word "duplicate" thereon, or to impose the liabilities set forth in this section for failure so to do.

SEC. 8. That a straight bill shall have placed plainly upon its face by the carrier issuing it "nonnegotiable" or "not negotiable."

This section shall not apply, however, to memoranda or acknowledgments of an informal character.

SEC. 9. That the insertion in an order bill of the name of a person to be notified of the arrival of the goods shall not limit the negotiability of the bill or constitute notice to a purchaser thereof of any rights or equities of such person in the goods.

SEC. 10. That except as otherwise provided in this act, where a consignor receives a bill and makes no objection to its terms or conditions at the time he receives it, neither the consignor, nor any person who accepts delivery of the goods, nor any person who seeks to enforce any provisions of the bill, shall be allowed to deny that he is bound by such terms and conditions so far as they are not contrary to law or public policy.

SEC. 11. That a carrier, in the absence of some lawful excuse, is bound to deliver goods upon a demand made either by the consignee named in the bill for the goods or, if the bill is an order bill, by the holder thereof, if such a demand is accompanied by—

(a) An offer in good faith to satisfy the carrier's lawful lien upon the goods;
(b) An offer in good faith to surrender, properly indorsed, the bill which was issued for the goods, if the bill is an order bill; and
(c) A readiness and willingness to sign, when the goods are delivered, an acknowledgment that they have been delivered, if such signature is requested by the carrier.

In case the carrier refuses or fails to deliver the goods, in compliance with a demand by the consignee or holder so accompanied, the burden shall be upon the carrier to establish the existence of a lawful excuse for such refusal or failure.

SEC. 12. That a carrier is justified, subject to the provisions of the three following sections, in delivering goods to one who is—

(a) A person lawfully entitled to the possession of the goods; or
(b) The consignee named in a straight bill for the goods, or
(c) A person in possession of an order bill for the goods, by the terms of which the goods are deliverable to his order; or which has been indorsed to him, or in blank by the consignee, or by the mediate or immediate indorsee of the consignee.

SEC. 13. That where a carrier delivers goods to one who is not lawfully entitled to the possession of them, the carrier shall be liable to anyone having a right of property or possession in the goods if he delivered the goods otherwise than as authorized by subdivisions (b) and (c) of the preceding section; and, though he delivered the goods as authorized by either of said subdivisions, he shall be so liable if prior to such delivery he—

(a) Had been requested, by or on behalf of a person having a right of property or possession in the goods, not to make such delivery, or

(b) Had information at the time of the delivery that it was to a person not lawfully entitled to the possession of the goods.

Such request or information, to be effective within the meaning of this section, must be given to an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a request or information, and must be given in time to enable the officer or agent to whom it is given, acting with reasonable diligence, to stop delivery of the goods.

SEC. 14. That except as provided in section 29, and except when compelled by legal process, if a carrier delivers goods for which an order bill had been issued, the negotiation of which would transfer the right to the possession of the goods, and fails to take up and cancel the bill, such carrier shall be liable for failure to deliver the goods to anyone who for value and in good faith purchases such bill, whether such purchaser acquired title to the bill before or after the delivery of the goods by the carrier and notwithstanding delivery was made to the person entitled thereto.

SEC. 15. That except as provided in section 29, and except when compelled by legal process, if a carrier delivers part of the goods for which an order bill had been issued and fails either—

(a) To take up and cancel the bill, or

(b) To place plainly upon it a statement that a portion of the goods has been delivered with a description which may be in general terms either of the goods or packages that have been so delivered or of the goods or packages which still remain in the carrier's possession, he shall be liable for failure to deliver all the goods specified in the bill to anyone who for value and in good faith purchases it, whether such purchaser acquired title to it before or after the delivery of any portion of the goods by the carrier, and notwithstanding such delivery was made to the person entitled thereto.

SEC. 16. That any alteration, addition, or erasure in a bill after its issue without authority from the carrier issuing the same, either in writing or noted on the bill, shall be void, whatever be the nature and purpose of the change, and the bill shall be enforceable according to its original tenor.

SEC. 17. That where an order bill has been lost or destroyed a court of competent jurisdiction may order the delivery of the goods upon satisfactory proof of such loss or destruction; and upon the giving of a bond, with sufficient surety, to be approved by the court, to protect the carrier or any person injured by such delivery from any liability or loss incurred by reason of the original bill remaining outstanding, the court may also in its discretion order the payment of the carrier's reasonable costs and counsel fees.

The delivery of the goods under an order of the court, as provided in this section, shall not relieve the carrier from liability to a person to whom the order bill has been or shall be negotiated for value without notice of the proceedings or of the delivery of the goods.

SEC. 18. That a bill, upon the face of which the word "duplicate" or some other word or words indicating that the document is not an original bill is placed, plainly shall impose upon the carrier issuing the same the liability of one who represents and warrants that such bill is an accurate copy of an original bill properly issued, but no other liability.

SEC. 19. That no title to goods or right to their possession asserted by a carrier for his own benefit shall excuse him from liability for refusing to deliver the goods according to the terms of a bill issued for them, unless such title or right is derived directly or indirectly from a transfer made by the consignor or consignee after the shipment, or from the carrier's lien.

SEC. 20. That if more than one person claim the title or possession of goods, the carrier may require all known claimants to interplead, either as a defense to an action brought against him for nondelivery of the goods or as an original suit, whichever is appropriate.

SEC. 21. That if some one other than the consignee or the person in possession of the bill has a claim to the title or possession of the goods, and the carrier has information of such claim, the carrier shall be excused from liability for refusing to deliver the goods, either to the consignee or person in possession of the bill or to the adverse claimant, until the carrier has had a reasonable time to ascertain the validity of the adverse claim or to bring legal proceedings to compel all claimants to interplead.

SEC. 22. That except as provided in the two preceding sections and in section 12 no right or title of a third person, unless enforced by legal process, shall be a defense to an action brought by the consignee of a straight bill or by the holder of an order bill against the carrier for failure to deliver the goods on demand.

SEC. 23. That when goods are loaded by a carrier such carrier shall count the packages of goods, if package freight, and ascertain the kind and quantity if bulk freight, and such carrier shall not, in such cases, insert in the bill of lading "Shipper's load and count," or other words of like purport, indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

SEC. 24. That when goods are loaded by a shipper, at a place where the carrier maintains an agency, such carrier shall, on written request of such shipper, and when given a reasonable opportunity by the shipper so to do, count the packages of goods if package freight and ascertain the kind and quantity if bulk freight, within a reasonable time after such written request, and such carrier shall not, in such cases, insert in the bill of lading "Shipper's load and count," or other words of like purport indicating that the goods were loaded by the shipper and the description of them made by him. If so inserted, contrary to the provisions of this section, said words shall be treated as null and void and as if not inserted therein.

SEC. 25. That if a bill of lading has been issued by a carrier or on his behalf by an agent or employee the scope of whose actual or apparent authority includes the issuing of bills of lading, the carrier shall be liable to (a) the consignee named in a straight bill or (b) the holder of an order bill, who has given value in good faith, relying upon the description therein of the goods, for damages caused by the nonreceipt by the carrier of all or part of the goods or their failure to correspond with the description thereof in the bill at the time of its issue.

SEC. 26. That if goods are delivered to a carrier by the owner or by a person whose act in conveying the title to them to a purchaser for value in good faith would bind the owner, and an order bill is issued for them, they can not thereafter, while in the possession of the carrier, be attached by garnishment or otherwise or be levied upon under an execution unless the bill be first surrendered to the carrier or its negotiation enjoined. The carrier shall in no such case be compelled to deliver the actual possession of the goods until the bill is surrendered to him or impounded by the court.

SEC. 27. That a creditor whose debtor is the owner of an order bill shall be entitled to such aid from courts of appropriate jurisdiction by injunction or otherwise in attaching such bill or in satisfying the claim by means thereof as is allowed at law or in equity in regard to property which can not readily be attached or levied upon by ordinary legal process.

SEC. 28. That if an order bill is issued the carrier shall have no lien on the goods therein mentioned except for charges on those goods for freight, storage, demurrage, and terminal charges, and expenses necessary for the preservation of the goods or incident to their transportation subsequent to the date of the bill, unless the bill expressly enumerates other charges for which a lien is claimed. In such case there shall also be a lien for the charges enumerated so far as they are allowed by law and the contract between the consignor and the carrier.

SEC. 29. That after goods have been lawfully sold to satisfy a carrier's lien, or because they have not been claimed, or because they are perishable or hazardous, the carrier shall not thereafter be liable for failure to deliver the goods themselves to the consignee or owner of the goods, or to a holder of the bill given for the goods when they were shipped, even if such bill be an order bill.

SEC. 30. That an order bill may be negotiated by delivery where, by the terms of the bill, the carrier undertakes to deliver the goods to the order of a specified person, and such person or a subsequent indorsee of the bill has indorsed it in blank.

SEC. 31. That an order bill may be negotiated by the indorsement of the person to whose order the goods are deliverable by the tenor of the bill. Such indorsement may be in blank or to a specified person. If indorsed to a specified person, it may be negotiated again by the indorsement of such person in blank or to another specified person. Subsequent negotiation may be made in like manner.

SEC. 32. That a bill may be transferred by the holder by delivery, accompanied with an agreement, express or implied, to transfer the title to the bill or to the goods represented thereby. A straight bill can not be negotiated, and the indorsement of such a bill gives the transferee no additional right.

SEC. 33. That an order bill may be negotiated by any person in possession of the same, however such possession may have been acquired, if by the terms of the bill the carrier undertakes to deliver the goods to the order of such person, or if at the time of negotiation the bill is in such form that it may be negotiated by delivery.

SEC. 34. That a person to whom an order bill has been duly negotiated acquires thereby—

(a) Such title to the goods as the person negotiating the bill to him had or had ability to convey to a purchaser in good faith for value, and also such title to the goods as the consignee and consignor had or had power to convey to a purchaser in good faith for value; and

(b) The direct obligation of the carrier to hold possession of the goods for him according to the terms of the bill as fully as if the carrier had contracted directly with him.

SEC. 35. That a person to whom a bill has been transferred, but not negotiated, acquires thereby as against the transferor the title to the goods, subject to the terms of any agreement with the transferor. If the bill is a straight bill, such person also acquires the right to notify the carrier of the transfer to him of such bill and thereby to become the direct obligee of whatever obligations the carrier owed to the transferor of the bill immediately before the notification.

Prior to the notification of the carrier by the transferor or transferee of a straight bill the title of the transferee to the goods and the right to acquire the obligation of the carrier may be defeated by garnishment or by attachment or execution upon the goods by a creditor of the transferor, or by a notification to the carrier by the transferor or a subsequent purchaser from the transferor of a subsequent sale of the goods by the transferor.

A carrier has not received notification within the meaning of this section unless an officer or agent of the carrier, the actual or apparent scope of whose duties includes action upon such a notification, has been notified; and no notification shall be effective until the officer or agent to whom it is given has had time, with the exercise of reasonable diligence, to communicate with the agent or agents having actual possession or control of the goods.

SEC. 36. That where an order bill is transferred for value by delivery, and the indorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to indorse the bill, unless a contrary intention appears. The negotiation shall take effect as of the time when the indorsement is actually made. This obligation may be specifically enforced.

SEC. 37. That where a person who negotiates or transfers for value a bill by indorsement or delivery, unless a contrary intention appears, warrants—

(a) That the bill is genuine;

(b) That he has a legal right to transfer it;

(c) That he has knowledge of no fact which would impair the validity or worth of the bill;

(d) That he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied if the contract of the parties had been to transfer without a bill the goods represented thereby.

SEC. 38. That the indorsement of a bill shall not make the indorser liable for any failure on the part of the carrier or previous indorsers of the bill to fulfill their respective obligations.

SEC. 39. That a mortgagee or pledgee or other holder of a bill for security who in good faith demands or receives payment of the debt for which such bill is security, whether from a party to a draft drawn for such debt or from any other person, shall not be deemed by so doing to represent or warrant the genuineness of such bill or the quantity or quality of the goods therein described.

SEC. 40. That the validity of the negotiation of a bill is not impaired by the fact that such negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the bill was deprived of the possession of the same by fraud, accident, mistake, duress, or conversion, if the person to whom the bill was negotiated, or a person to whom the bill was subsequently negotiated, gave value therefor in good faith, without notice of the breach of duty, or fraud, accident, mistake, duress, or conversion.

SEC. 41. That where a person, having sold, mortgaged, or pledged goods which are in a carrier's possession and for which an order bill has been issued, or having sold, mortgaged, or pledged the order bill representing such goods, continues in possession of the order bill, the subsequent negotiation thereof by that person under any sale, pledge, or other disposition thereof to any person receiving the same in good faith, for value and without notice of the previous sale, shall have the same effect as if the first purchaser of the goods or bill had expressly authorized the subsequent negotiation.

SEC. 42. That where an order bill has been issued for goods no seller's lien or right of stoppage in transitu shall defeat the rights of any purchaser for value in good faith to whom such bill has been negotiated, whether such negotiation be prior or subsequent to the notification to the carrier who issued such bill of the seller's claim to a lien or right of stoppage in transitu. Nor shall the carrier be obliged to deliver or justified in delivering the goods to an unpaid seller unless such bill is first surrendered for cancellation.

SEC. 43. That, except as provided in section 42, nothing in this act shall limit the rights and remedies of a mortgagee or lien holder whose mortgage or lien on goods would be valid, apart from this act, as against one who for value and in good faith purchased from the owner, immediately prior to the time of their delivery to the carrier, the goods which are subject to the mortgage or lien and obtained possession of them.

SEC. 44. That any person who, knowingly or with intent to defraud, falsely makes, alters, forges, counterfeits, prints or photographs any bill of lading, or with like intent utters or publishes as true and genuine any such falsely altered, forged, counterfeited, falsely printed or photographed bill of lading, knowing it to be falsely altered, forged, counterfeited, falsely printed or photographed, or aids in making, altering, forging, counterfeiting, printing or photographing, or uttering or publishing the same, or issues or aids in issuing or procuring the issue of, or negotiates or transfers for value a bill which contains a false statement as to the receipt of the goods, or as to any other matter, or who, with intent to defraud, violates, or fails to comply with, or aids in any violation of, or failure to comply with any provision of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by imprisonment not exceeding five years, or by a fine not exceeding $5,000, or both.

SEC. 45. That in any case not provided for in this act the rules of law and equity, including the law merchant, shall govern.

SEC. 46. First. That in this act, unless the context or subject matter otherwise requires—

"Action" includes counter claim, set-off, and suit in equity.

"Bill" means bill of lading governed by this act.

"Consignee" means the person named in the bill as the person to whom delivery of the goods is to be made.

"Consignor" means the person named in the bill as the person from whom the goods have been received for shipment.

"Goods" means merchandise or chattels in course of transportation or which have been or are about to be transported.

"Holder" of a bill means a person who has both actual possession of such bill and a right of property therein.

"Order" means an order by indorsement on the bill.

"Owner" does not include mortgagee or pledgee.

"Person" includes a corporation or partnership, or two or more persons having a joint or common interest.

To "purchase" includes to take as mortgagee and to take as pledgee.

"Purchaser" includes mortgagee and pledgee.

"State" includes any Territory, District, insular possession, or isthmian possession.

Second. A thing is done "in good faith" within the meaning of this act when it is in fact done honestly, whether it be done negligently or not.

SEC. 47. That the provisions of this act do not apply to bills made and delivered prior to the taking effect thereof.

SEC. 48. That the sections of this act are independent and severable, and the declaring of any section or sections unconstitutional shall not impair or render unconstitutional any other section.

SEC. 49. That this act shall take effect on the 1st day of January, 1913.

The PRESIDENT pro tempore. The question is upon the amendment proposed by the Senator from Ohio [Mr. POMERENE], which has been reported.

Mr. POMERENE. Mr. President, the subject of bills of lading occupied considerable of the time of the Interstate Commerce Committee. Testimony was taken for and against these measures covering a period of days, and there are probably four or five hundred pages of printed testimony in reference to them. I do not care to discuss the matter in detail, except to give to the Senate something of the history of the legislation upon this subject.

Mr. President, a number of years ago the Supreme Court of the United States in the case of Friedlander against Texas & Pacific Railway Co., in One hundred and thirtieth United States, page 416, had before it a case which involved the validity of a bill of lading and the liability of the railroad company under the terms of that bill of lading. The facts in that case, briefly stated, were these: A conspiracy was entered into between a certain shipper and a freight agent, whereby the freight agent issued to the shipper a bill of lading without the receipt of the goods. The Supreme Court of the United States decided that the railroad company was not liable, in view of the fact that the bill of lading had been issued without the receipt of the goods; and the proposition of law laid down by the Supreme Court of the United States, as it is found in the syllabus, is as follows:

A bill of lading fraudulently issued by the station agent of a railroad company without receiving the goods named in it for transportation but in other respects according to the customary course of business imposes no liability upon the company to an innocent holder who receives it without knowledge or notice of the fraud and for a valuable consideration. And this general rule is not affected in Texas by the statutes of that State.

I may say, without going into the details of this matter, that some of the States have held differently upon this proposition.

About five or six years ago the American Bar Association referred this matter to the commission on uniform State legislation. A bill was prepared by that commission primarily for the States, and it has now been adopted in 10 different States, Maryland, Massachusetts, New York, Connecticut, Pennsylvania, Illinois, Iowa, Michigan, Ohio, and, within the last four weeks, by the State of Louisiana.

I need not suggest to Senators the importance of having uniformity, if possible, between State legislation and Federal legislation. This bill was under discussion for a period of, perhaps, four years. The commission employed Prof. Williston, of the Harvard Law University, to draft the bill after the subject had been thoroughly discussed by the commission. The commission met with lawyers and representatives of the various bankers' associations, shippers' associations, and railway associations; and the bill prepared by Prof. Williston represented the matured views of all of those interests. Some time later the bankers, as I understand—and I think I state their position correctly—fearing that there might be some delay in legislation upon a subject which was so broad, employed the same Prof. Williston to prepare a shorter form of a bill, which appears in the measure presented by the chairman of the committee, and known as Senate bill 957.

I may say that the object of this bill was simply to correct or change the rule of law as laid down in the Friedlander case. The substitute bill, S. 6810, which I have offered contains everything that is in the shorter form of the bill, and seeks to codify the law of the rights and liabilities of the consignor, the consignee, and the common carrier, as well as the indorsers, the indorsees, and the transferrers and transferees of the various bills of lading.

The demand in the commercial world is almost universal that there be some legislation which will correct the difficulties which confront shippers and bankers and railway companies.

Just a word—and I am going to be very brief upon this subject—to show the importance of this measure. It appeared before the Interstate Commerce Committee that bills of lading were issued in this country aggregating about $25,000,000,000 annually, and that upon those bills of lading thus issued, banks make loans annually aggregating about $5,000,000,000 in cash. It is estimated, and was so testified to before the committee, that about 99 per cent in value of the bills of lading pertain to interstate and foreign commerce, leaving only about 1 per cent having relation exclusively to intrastate traffic.

It is not necessary, I take it, for me to describe the advantages that are to be derived in a commercial way from the issuance of these bills of lading. Usually, when shipments are made and a draft is drawn upon the consignee, the bill of lading is attached, and this bill of lading, with the draft attached, is practically the same as commercial paper.

In the original draft of the bill the word "negotiable" was used in describing the one class of bills of lading—they were then divided by the bill into straight bills of lading and negotiable bills of lading—and the word "order" was substituted for the word "negotiable," it being thought—and I believe rightly—that if we were to use the word "negotiable" it might be confused with the words "negotiable instrument," as we commonly understand them. The order bill of lading has many of the features of a negotiable bill of exchange, but not in every particular.

The feeling is general that we ought to have some uniform legislation on this subject. There have been many frauds perpetrated upon banks and upon consignees by the issuance of fraudulent bills of lading, and these frauds have gone on to such an extent that it has cast discredit, particularly in foreign markets, upon the bills of lading which are issued by those merchants who ship their goods abroad.

It is the belief of the friends of the measure that the bill should pass. It would give a greater and a better commercial character to bills of lading generally.

I do not understand that there was any opposition whatsoever to the longer form of bill on this subject, except that at the time it was under consideration it was thought that if we were to take up the shorter bill the legislation could be completed at this session. I do not anticipate that that can be done now. I do not believe that it would be wise to make two bites of this cherry, and it seems to me that when we have the subject before us, with a bill as carefully prepared as this one which I present on behalf of the shipping interests, the bankers, and the railway people, and particularly a bill which represents the mature views of the commission on uniform legislation, there ought not to be any hesitation now in adopting that measure.

Mr. THORNTON. Mr. President, I wish briefly to supplement the introductory remarks of the Senator from Ohio, who has charge of this bill on the floor of the Senate. As he has stated, this bill is really a bill formulated by the National Conference on Uniform Laws of the United States, changed so as to make it conform to interstate and foreign commerce. Inasmuch as I have the honor of being a member of the conference

on uniform laws of the United States, having been a member from the State of Louisiana since the legislature of that State passed an act authorizing the governor to appoint a delegation to that body, and, as a matter of fact, being the president of the board of the Louisiana delegation and having attended all the meetings for many years, I am in a position to state to the Senate some things in reference to the care that is used by the conference on uniform State laws in formulating measures which it presents to the legislatures of different States and asks them to adopt.

This body is really the result of the effort of the American Bar Association, which twenty-odd years ago—about 21 years, I think—recognizing the importance of such a body, so that through its action the various States of the Union could have uniform laws on subjects that were of vital importance to all of the States, advocated the creation of such a board. The governors of the different States, recognizing the importance of the subject as presented to them through the memorial of the American Bar Association, appointed delegates; that is to say, nearly all did; possibly there may be two States in the Union that are not now represented in the conference on uniform laws. They meet always at the same place that the American Bar Association annually meets, and always a few days, at least a week, in advance, because every one of the members of the conference on uniform State laws is also a member of the American Bar Association, and several of its members are the chairmen of some of the most important committees of the bar association, and one of its members three years ago was its president.

I say this in order that the Senate may understand that the legal standing of the members of the conference on uniform State laws is considered by the American Bar Association to be quite as high as its own.

The American Bar Association contributes $2,000 a year toward that association. Many of the States contribute also. My own State is among that number. The American Bankers' Association and the National Traffic Association and some other bodies that recognize the importance of the work being carried on by the conference have likewise done so. None of the representatives receives any compensation for his services. In some cases the legislatures of the States pay their actual traveling expenses, but nothing more.

In no instance has any law been adopted by the conference on uniform State laws to be presented to the various States short of three years of consideration and most earnest consideration by the committee in charge of it, when the conference is not in session, and by the conference itself when it is in session.

After that is done it is submitted to the committee of the American Bar Association and has to run that gauntlet; though, as a matter of fact, no bill which has ever been prepared for adoption and turned over to that body has failed of approval by it.

Now, then, I say this to let the Senate understand that all legislation recommended by that body has been most carefully considered. It does not follow that because of that their judgment is correct, but it does follow that their judgment is not immature, at least, in the matter; that all things have been carefully considered.

Now, in reference to the particular bill which is under consideration, I will give the Senate its history. I shall quote from an address delivered by Mr. W. O. Hart, of New Orleans, La., one of the Louisiana commissioners, before the Bar Association of Arkansas, at Pine Bluff, on June 2, 1910. Among other things, he cites the history of this particular bill, which had then been perfected, and for the correctness of which I can vouch. I will now quote:

In 1905 the commissioners on uniform State laws employed Prof. Samuel Williston, of the Harvard Law School, to prepare an act to make uniform the law of bills of lading. The first draft was submitted to the committee on commercial law at St. Paul, Minn., August 23, 1906, and received some consideration at its hands. The commissioners deferred its discussion for a year, so that it might be submitted to shippers, bankers, and carriers. The committee on commercial law held a meeting at the Bellevue-Stratford Hotel, Philadelphia, Pa., May 13 and 14, 1907, at which all these interests were represented. As a result of the discussion a second draft was prepared and considered by the committee on commercial law at Portland, Me., Wednesday, August 21, 1907, and by the commissioners at the same place August 22, 23, and 24.

A third tentative draft was distributed June 1, 1908. The commissioners, at their annual conference held at the New Washington Hotel, Seattle, Wash., August 21, 22, and 24, 1908, recommitted the draft to the committee on commercial law for the purpose of securing additional expert information in perfecting the act. The committee on commercial law held a meeting at the Waldorf-Astoria Hotel, New York City, April 19 and 20, 1909, at which were present representatives of the American Bankers' Association, the American Warehousemen's Association, the National Board of Trade, Merchant's Association of New York City, the Chamber of Commerce, of Richmond, Va., the National Industrial Traffic League, the National Manufacturers' Association, the Erie Railroad, the Pennsylvania Railroad, the New York, New Haven & Hartford Railroad, the Old Dominion Steamship Co., the bills of lading committee of railroads in official territory, the Harvard Law School, and the law departments of Columbia University and the University of Pennsylvania. In addition written communications were considered from numerous individuals and from commercial organizations. A fourth tentative draft was circulated July 17, 1909, and exhaustively discussed at a meeting of the committee on commercial law at the Hotel Pontchartrain, Detroit, Mich., August 17 and 18, 1909. At this meeting the following organizations and individuals were represented either in person or by letter: The American Bankers' Association, the National Association of Manufacturers, the American Warehousemen's Association, the National Board of Trade, the National Association of Credit Men, the Michigan Central Railway, the Pennsylvania Railroad, the New York, New Haven & Hartford Railroad, the bills of lading committee of railroads in official territory, the National Industrial Traffic League, the Chesapeake & Ohio Railroad Co., the Colorado & Southern Railway Co., Albert Strauss, of J. & W. Seligman & Co., of New York, James Barr Ames, dean of Harvard Law School, and Samuel Williston, Harvard Law School, Cambridge, Mass.

The commissioners on uniform State laws, at their nineteenth national conference, held at the Wayne County courthouse, Detroit, Mich., August 19, 20, 21, and 23, 1909, carefully considered the same, section by section, and duly indorsed the act and recommended it to the legislatures of the various States for passage.

On September 13, 1909, a conference on the whole subject of bills of lading was held at the Auditorium Hotel, Chicago, Ill., under the auspices of the American Bankers' Association, at which all of the diversified commercial interests of the United States were represented.

The conference unanimously indorsed the uniform bills of lading act.

The National Industrial Traffic League, at its annual convention held in the city of Chicago, November 11, 1909, unanimously indorsed the uniform bills of lading act. Similar action was taken by the Ohio State Board of Commerce at its annual meeting held in the city of Columbus, Ohio, November 12, 1909.

The American Bankers' Association, pending the consideration of this act through their general counsel, Mr. Thomas B. Paton, of New York, prepared a uniform bill of lading and it passed in some of the States; but after the act of the conference had been perfected, gave to it unqualified support and will urge its adoption throughout the country, even in those States which had already adopted the one the association fathered. Very few legislative sessions have been held this year, and so far this law has been adopted but in Maryland, though we expect to have it adopted in Louisiana, where our legislature is now in session.

Since that time, as has been stated by the Senator from Ohio, 9 or 10 States have adopted it, including my own. We should have adopted it two years ago, at the first session after it had been introduced, but on account of the difference of opinion in regard to what was then section 6—now section 25—of this act, the legislature was unwilling to do it, because of the decision of the Supreme Court of Louisiana, in conformity with the case which has been cited by the Senator from Ohio. But the commissioners considered it one of the most vital, if not the most vital, features in the whole business, and said they would wait until the next legislature; and the next legislature, as has been stated by the Senator from Ohio, passed it.

I have taken up this time in order to inform the Senate of the great care used in the preparation of this bill by the conference on uniform laws, the same care that has been exercised by it in all other laws, some half dozen of which now, including the great negotiable instruments act, have been adopted by many of the great States of the Union.

Therefore, while it may not be correct in all its details, I wish the Senate to understand that if so, it is not from any lack of care having been exercised in its preparation by the conference on uniform State laws.

Mr. BRANDEGEE. Mr. President, I had intended to say a few words on this bill, but in view of the fact that the unfinished business will come before the Senate within five or six minutes, at 1 o'clock, which would put this over, and in view of the desire to get a vote, I refrain from saying what I intended to say.

But I want to put into the RECORD a reference to Senate Document No. 650, which contains the testimony before the committee, the hearings on this bill, and to say briefly that I agree with what the Senator from Louisiana has said with reference to the extreme care which has been taken by all the parties in interest in the preparation of this bill and of the care which the committee exercised.

There are certain questions which perhaps may be raised, as in all matters of legislation, but I am satisfied that if in experience—in the working of this bill—errors shall be discovered, they can be easily corrected by future legislation, and undoubtedly the decisions of the courts will simplify some of the controverted matters.

My judgment is that the substitute proposed by the Senator from Ohio [Mr. POMERENE] is better, as it is a more comprehensive bill than the one that was reported by the Senator from Minnesota, and I will say that my understanding of the situation was that the bill reported by the Senator from Minnesota, which is a shorter bill, dealing with only the principal feature of the questions at issue, was reported because it was assumed that, being shorter and simpler, it would be more likely to receive the approval of the other branch of the Congress. But I earnestly hope that this substitute may prevail and that the bill, if the substitute is adopted, will pass.

Mr. CUMMINS. As a member of the committee which reported the bill now before the Senate, I desire to say that I also am very much in favor of the substitute offered by the Senator from Ohio. I believe it was the opinion of nearly every member of the committee that the bill which he has brought forward is more complete and will be more efficient than the bill reported by the committee, and I hope it will be adopted.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Ohio [Mr. POMERENE] in the nature of a substitute.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

THE PRESIDENTIAL TERM.

Mr. WILLIAMS. Mr. President, yesterday the Senator from Idaho [Mr. BORAH], between whom and me there had been a pleasant passage of arms about the comparative recklessness of written expressions by Gov. Wilson, of New Jersey, and the ex-President of the United States, Mr. Roosevelt, got permission, and I got permission, to insert quotations in the CONGRESSIONAL RECORD.

When I came to prepare for the printer the quotations, I found it impossible to put them in the RECORD without some preamble—some connecting phraseology, by way of comment, and some explanatory phraseology, by way of comment, prepared by myself. I therefore did not think it would be fair to the Senate to take advantage of the leave which it had given me. I thought I had better be upon the perfectly safe side and say what I had to say upon this subject in the open Senate.

I have had submitted to me by the Senator from Idaho a quotation which he wanted to make from Gov. Wilson concerning President Jefferson. I am confirmed in what I thought before he produced it. There was nothing personal, contemptuous, disrespectful, or uncomplimentary to Mr. Jefferson in what he said. It was a discriminating analysis of a very subtle nature that desired to take things by the smooth handle, and it sometimes led to an appearance of insincerity. I agree with Gov. Wilson in his view substantially.

In the passage of arms between the Senator from Idaho and myself I challenged the recklessness of phraseology and statement of the late President of the United States. I shall now proceed to demonstrate his utter disregard of any connection between words and facts when he was seeking to express himself strongly.

Mr. CUMMINS. May I interrupt the Senator from Mississippi for a moment? I ask that the Chair lay before the Senate the unfinished business, the subject upon which the Senator from Mississippi is now speaking.

Mr. WILLIAMS. Certainly. I am very glad to yield for that purpose.

The PRESIDENT pro tempore. The time had not quite arrived; but the Chair will now lay before the Senate the unfinished business. It will be stated:

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CUMMINS. I do not want to interrupt the Senator from Mississippi, but I simply wanted to have the unfinished business laid before the Senate.

The PRESIDENT pro tempore. Does the Senator from Iowa ask that it be temporarily laid aside?

Mr. CUMMINS. No; the Senator from Mississippi is speaking on this subject.

The PRESIDENT pro tempore. The Senator from Mississippi will proceed.

Mr. WILLIAMS. Mr. President, among the unnecessary, unjust, and historically unveracious things that his late excellency ex-President Theodore Roosevelt has said concerning the great men who have formed this great line of American Presidents to whom I referred the other day, in favorable contrast with any equally numerous line of kings who ever reigned anywhere, not one of whom alone but very many of whom were men "the latchets of whose shoes" his late excellency is "unworthy to untie." I shall quote what follows.

The chief object of his intemperate, if not vicious, animosity seems to have been Thomas Jefferson, hated dead almost as much as he was when alive, in that respect differing from other great Americans; especially the hatred of the so-called better element, because Jefferson incurred the hatred of classes rather than of individuals. Individual hatred ceases with the life of its object; class hatred never. Roosevelt could not write a book without paying his slanderous respects to Mr. Jefferson. In his "Winning of the West," in his "Naval War of 1812," in his "Life of Thomas H. Benton" the following adjectives are to be found as expressing the late President's contempt and hatred of Jefferson. In one place he calls him "vacillating," in another "timid," in another "incompetent," in another "ungrateful," and this celebrated phrasemonger denounced him as "intriguing against Washington," as "secretly aiding the French," as exercising "an influence distinctly evil," and finally—probably shaking his right hand with his left and congratulating himself upon the phrase—pronounced Jefferson to be "the most incapable Executive that ever filled the presidential chair," and then, to cap the climax, this man whose phrase-making ability is at least equal to his love of truth, probably superior to it, studies out another phrase, whose cunning diabolism of untruth he expected all posterity to applaud when he says that Jefferson was "constitutionally unable to put the proper value on truthfulness."

I will not stop to remind American listeners that the man of whom he spoke was the author of "The Summary Statement of the Rights of British North America," the author of the "Declaration of Independence," of the first State "Statute of Religious Freedom," of the first inaugural address, as contradistinguished from a semimonarchial speech from the throne, which has constituted since then a "sermon upon the mount" to all men who love democratic institutions, nor to remind the hearer that Jefferson's photograph was hung up at the late "bull moose" convention, while professions of faith to "Jeffersonian democracy" were being loud voiced, nor will I stop to remind the hearer that Senator Hoar said, "When we recall Jefferson, we recall him with the Declaration of Independence in one hand and the treaty for the annexation of the Louisiana Territory in the other."

Mr. Roosevelt is not quite as hard on Madison, but he applies to him the adjective "timid," and the adjective "incapable," the adjective "feeble," and accuses him of "imbecile incapacity," and of bringing "shame and disgrace to America."

I will not stop to remind the hearer that Madison was "The Father of the Constitution"; one of the three authors of the Federalist; one of the best-educated men of his day; admitted on all hands to be the most learned of all men of his time in past and current political history.

Mr. Roosevelt says of Monroe that he possessed no "especial ability," and, with his love of phrase coining, regardless of historical veracity, says that he was, as Secretary of War, a "triumph of imbecility to the last." When he wrote that phrase I have no doubt that he shook his left hand with his right and said, "Delightful!" Then he calls Monroe a "figurehead." He evidently has two distinct ideas of what the word "figurehead" means, because in another place he calls Andrew Jackson a "figurehead"—Jackson, the man who in his day and generation was sometimes accused of bullheadedness, of arbitrariness, of being "guided by nobody," and of "wanting to run everything," but never accused of being a "figurehead." It was left to Mr. Roosevelt's wild anti-Democratic partisan hate, stimulated by a brilliant imagination, to couple that noun with the name of Old Hickory. In keeping with it, he says that Jackson was "managed by politicians"—this man whom his contemporaries accused of trying to manage everybody.

In connection with Monroe and Jackson I need not take the time of my audience to remind them that James Monroe was one of the bravest soldiers and officers in the Revolutionary Army; that he became so popular with the American people that his régime has gone down to history as the "era of good feeling"; that Thomas Jefferson said of him that he was "so honest that you might turn him inside out and find not a flaw"; that George Washington always professed the highest regard for him and confidence in him.

I need not take up the time of my hearers to remind them that Andrew Jackson was pretty much the same sort of character as Theodore Roosevelt is, except that Jackson had more self-control, less ambition, and less selfish unscrupulousness, and that if Jackson was ever "managed" by anybody or vouched for by anybody it was not, at any rate, by the money power, either in campaign contributions or otherwise; nor to remind them that Andrew Jackson was the commanding officer in the only substantial battle gained in the War of 1812—the Battle of New Orleans.

The ex-President says of Van Buren that he "faithfully served the mammon of unrighteousness." I shall not quarrel with that. There may be some truth in it. Then, with his love of phrase making, regardless of what it means or whether true or false, he adds of that same President that "he succeeded because of, and not in spite of, his moral shortcomings." This ceases to be a criticism of Van Buren and becomes a criticism of the American people, because a man elected "because

of his shortcomings" must have been elected either by a very stupid or a very corrupt people.

Harrison, the hero of Tippecanoe, and old "Rough and Ready"—Zachary Taylor—the hero of Buena Vista, both of them dying before they had had any opportunity to show what sort of Presidents they could make, are designated by him as "small Presidents." So is Fillmore. In his love of extreme utterance, the ex-President refers to Tyler as a "politician of monumental littleness," and then, as if to add "perfume to the violet," he adds that "to call him a mediocre man is unwarranted flattery." Doubtless he congratulated himself and swelled his head when he revised that phrase for the press.

James K. Polk was once or twice Speaker of the House of Representatives, and, with the possible exception of three of the Speakers, he was the equal in intelligence and influence of any man who ever held that office. He was the President who boldly defended American honor after the admission of Texas to the Union by ordering our Army to take possession of every foot of territory belonging to the State of Texas, and therefore constituting a part of the United States. In the great State of Tennessee, always replete with great men, he had stood easily the equal of all with whom he fenced. But concerning Polk this man Roosevelt, the bull moose, said: "He was the very smallest, excepting Tyler, of the line of small Presidents who came in between Jackson and Lincoln." I do not know why he started with Jackson, because he had already said that Jackson was a "figurehead," and that he was "ignorant," and that "low politicians molded him to their will," and that his administration "corrupted the public service in every way"; but I suppose he had to have a starting point somewhere and a stopping point in order to get all the other Presidents in to whom he had not paid especial contemptuous attention. His envy dared not go to Lincoln. If it had, he could not have won office.

Not satisfied with including all the other Presidents generally, he says of Pierce that he was a "truckling, timeserving, northern politician," and in another place, "a small politician of low capacity and mean surroundings." True, Pierce was a brave soldier, as he proved himself to be in the Mexican War in a record ten times greater than any made at San Juan, and a courteous gentleman; true, he gave the country a most prosperous and successful administration; but what difference does that make when there is an opportunity to coin a phrase?

When the Senator from Idaho would suggest that the nominee of the Democratic Party, Hon. Woodrow Wilson, has expressed some opinions that have not stood the test of time—as I doubt not he has in the course of much living and much writing——

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. WILLIAMS. Certainly.

Mr. BORAH. The Senator from Idaho did not make that statement.

Mr. WILLIAMS. Well, I so understood the Senator from Idaho. I did not find any reason for the reference of the Senator from Idaho to Woodrow Wilson's expression about Jefferson except that the Senator from Idaho thought it an unwarranted opinion of Mr. Jefferson.

Mr. BORAH. The occasion for inserting Prof. Wilson's view of Mr. Jefferson was the fact that the Senator from Mississippi had called attention to Col. Roosevelt's view of Mr. Jefferson.

Mr. WILLIAMS. Oh, no; the Senator from Idaho will pardon me.

Mr. BORAH. The RECORD is here before me, and there will be no difficulty in sustaining what I say. The Senator from Mississippi had stated what Col. Roosevelt had said about Jefferson, and I said that Dr. Wilson also uttered some views along the same line, and I read them.

Mr. WILLIAMS. If I remember the language of the Senator from Idaho, it was that Mr. Wilson had expressed opinions essentially the same. But concerning that we need not talk. However, before that the Senator from Idaho had called attention to what he seemed to think was an inconsistency between the Democratic platform and the speech of acceptance of Mr. Woodrow Wilson, and in that connection the pleasant passage of arms between him and me arose. Now, to go on. I will change this, then, if the Senator from Idaho would suggest that the nominee of the Democratic Party, Hon. Woodrow Wilson, has expressed some opinions that have not stood the test of time—as I doubt not he has in the course of much living and much writing—he forgets the old doctrine that "he who lives in glass houses should not throw stones." No man ever lived who ever figured nationally or internationally as a personage of importance, who was as absolutely careless and as thoroughly reckless in the use of words as alleged representatives of facts as Roosevelt has been. He began to write rather young, and I for one have been unwilling to hold him to a strict accounting for all that he ever said, until his adherents began to attack others, notably Woodrow Wilson, for less faults of similar character.

In my reference to these attacks I am not including the Senator from Idaho; but the Republican campaign committee gathered up every unthought phrase that was ever written, or every immature opinion that was ever put in print by Woodrow Wilson, and they are about to distribute it.

Here lately Republicans have had a great deal to say because Mr. Wilson at one time, in one of his books, said that there "began to appear" upon our shores a great many "foreigners of the meaner sort," who did not understand our institutions, and who were a cause of much civil and criminal difficulty. On page 71 of volume 1 of Mr. Roosevelt's American Ideals, he says this of foreigners, when discussing bad legislators:

> It is from these same great cities that the worst legislators come. It is true that there are always among them a few cultivated and scholarly men who are well educated, and who stand on a higher and broader intellectual and moral plane than the country members—

By the way, it seems to be a point of religion with him that where a man does live in a city and is well informed he is broader and wiser than men who live in the country. Oliver Cromwell lived in the country, Hampden lived in the country, Washington lived in the country, Jefferson lived in the country, Madison lived in the country, Monroe lived there, the great men who died for English freedom in the old country, the freedom of the English-speaking race, nearly to a man were country gentlemen. But let us go on with this quotation from ex-President Roosevelt, because that is not the point I am up to right now—

> the bulk are very low indeed. *They are usually foreigners*, of little or no education, *with exceedingly misty ideas as to morality*, and possessed of an ignorance so profound that it could only be called comic were it not for the fact that it has at times such serious effects upon our laws.

That is strong phrasing, too. There was another American President, although not a President of the United States, he having been for five years a President of only a part of the United States. I allude to Jefferson Davis, of Mississippi. His late Excellency ex-President Roosevelt did not seem to think that his task had been completed until Jeff Davis also had been slandered. He says of him, in his Life of Thomas H. Benton, I think, that having been "an archrepudiator in his own State, it was no wonder that he afterwards became an archtraitor." These may not be the exact words, I have them not before me, but they are very near it.

There are two objections to this statement. The first is that Mr. Davis never was a repudiator. He earnestly opposed the action of Mississippi to which the author refers, and which he designates as "repudiation," and he always opposed it. The second objection is that if Mr. Davis were guilty of treason, nobody ever dared try him for it and leave the Supreme Court of the United States to define that secession was treason, although Mr. Davis begged for a trial. I am not raking up any embers of civil strife. God grant the thing may rest always buried. But I am protesting against anybody else raking them up, and especially against the utterance of charges that are historically untrue, the untruth of which a modicum of research might have taught the author. I understand that he relied for his authority upon the autobiography of Gen. Winfield Scott, a man whose favorite passion was hatred of Jefferson Davis because Jefferson Davis had not wanted to continue the office of Lieutenant General of the Army. But leave all that go as it may.

Mr. Roosevelt knows that this charge of repudiation against Mr. Davis is erroneous, and yet he has never corrected it. As to the charge of treason, of course the unsuccessful party in a civil war is always in a certain sense a traitor. He is accounted at any rate as guilty of treason, guilty of rebellion. A successful rebel becomes a patriot, but an unsuccessful rebel continues to wear the badge of his unsuccess. Nobody would quarrel at calling any Confederate soldier guilty of treason if anybody chooses to do so, but there was no reason at all to say that Mr. Davis was guilty of repudiation.

But the most cruel thing that he ever said was about the Populists, especially in view of the fact that his so-called "National Progressive Party" has stolen every plank in its late platform from the old Populists—initiative, referendum, recall, a squint at possible Government ownership of railroads, distrust of the judiciary—et id omne genus.

In his American Ideals (v. 2, p. 23) this language about the Populists occurs:

> Refinement and comfort they are apt to consider quite as objectionable as immorality. * * * A taste for learning and cultivated friends, *and a tendency to bathe frequently causes them the deepest suspicion.* * * * Though they often make war on vice, they rather prefer making war on prosperity and refinement.

And in the campaign of 1896, in a pamphlet which he wrote, this language occurs:

> Thrift, industry, and business energy are qualities which are quite incompatible with the true Populist feeling. *Payments of debts, like the suppression of riots, is abhorrent to the Populist mind.* Such conduct strikes the Populist as immoral.

Now, I should not doubt if that was his real opinion to-day of the people with whom he is at present cooperating, who are historically and politically the receivers of Populist goods though called "National Progressives." For my own part, I thought the Populist somewhat too radical, but I never did imagine that "the payment of debts, like the suppression of riots, was abhorrent to the Populist mind," nor to the bull moose mind, its intellectual and political supplanter; nor did I ever imagine that "a tendency to bathe frequently caused them the deepest suspicion." These are the words of the present leader of the new Populist Party—not mine. I resent their application to good, honest men, who at worst are only mistaken in the length to which they would go.

If I am not mistaken, one of the planks in the present National Progressive platform is in favor of curbing the operation of the writ of injunction when applied to laboring men. But in Mr. Roosevelt's American Ideals (vol. 2, p. 18) there occurs this language:

> The men who object to what they style "government by injunction" are, as regards the essential principles of government, in hearty sympathy with their remote skin-clad ancestors who lived in caves, fought one another with stone-headed axes, and ate the mammoth and woolly rhinoceros.
>
> They are interesting as representing a geological survival, but they are dangerous whenever there is the least chance of their making the principles of this ages-buried past living factors of our present life.
>
> They are not in sympathy with men of good minds and sound civic morality.

This man always mistakes a phrase for an idea. What great man, what class of men have escaped his contemptuous sneers? Take this about the Quakers, the sweetest, by the way, of all the sects. Charles Lamb, one of the sweetest of men, said that if you wanted to learn how good human nature could be, you ought to read the lives of Fox and the early Quakers. It occurs in his Life of Thomas H. Benton, page 37:

> A class of professional noncombatants is as hurtful to the real healthy growth of a nation as is a class of fire eaters, for a weakness or folly is nationally as bad as vice or worse, *and in the long run a Quaker may be quite as undesirable a citizen as is a duelist.*

I do not think either one of them belong to the most undesirable class—

> No man who is not willing to bear arms and to fight for his rights can give a good reason why he should be entitled to the privilege of living in a free community.

Then take this about the farmers and mechanics, which is to be found in his Ranch Life and Hunting Trail, pages 9 and 10. After having spoken of the cowboys as "brutally dissipated," and as "cutting mad antics" when "drunk on villainous whisky," "riding horses in saloons, firing their pistols right and left," he adds, however, that "they are much better fellows and pleasanter companions than small farmers or agricultural laborers; nor are the mechanics and workmen of a great city to be mentioned in the same breath."

Now, he may have slandered the cowboys, and I think he did. I know the Senator from Arizona thinks that he did. But that was his opinion of the cowboys. Then he proceeds with a comparison between them and the small farmers and mechanics, and that is where he brings them out. The old Alexander Hamilton federalistic contempt for the common people will crop out of him even when he is seeking their votes to placate an insatiable sense of superiority.

I have taken the above quotations for the most part from a speech made in the House of Representatives on Friday, April 22, 1904, by the Hon. CLAUDE KITCHIN, of the State of North Carolina. More of the same sort will be found by recurrence to the speech as published in the CONGRESSIONAL RECORD. I wish I had had time and opportunity to have pursued an independent research in order to have added still more to what the Hon. CLAUDE KITCHIN said and to what I happen to remember.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	McLean	Shively
Bacon	Cullom	Martine, N. J.	Simmons
Borah	Cummins	Massey	Smith, Ariz.
Bourne	Curtis	Myers	Smith, Ga.
Bradley	du Pont	Nelson	Smith, S. C.
Brandegee	Fall	Newlands	Smoot
Bristow	Fletcher	O'Gorman	Stone
Bryan	Gallinger	Oliver	Swanson
Burnham	Heyburn	Overman	Thornton
Chamberlain	Johnston, Ala.	Page	Townsend
Chilton	Jones	Penrose	Wetmore
Clarke, Ark.	La Follette	Perkins	Williams
Crane	McCumber	Pomerene	

Mr. THORNTON. I desire to announce the necessary absence of my colleague [Mr. FOSTER], and I ask that this announcement may stand for the day.

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum of the Senate is present.

Mr. CRAWFORD. Mr. President, I wish to make a few remarks in regard to the pending joint resolution. I have no carefully prepared speech to make, and shall detain the Senate but a few moments.

As has been said, a proposal of this kind to submit to the various States of this Union a fundamental change in our organic law is no light matter, but is one which all will concede not only deserves but commands the most grave and serious consideration. It occurs to me that at best when there is a widespread and a strong demand everywhere for a change in the Constitution of the United States Members of the Senate have an individual responsibility in determining whether they shall vote to submit a proposal to amend, and they can not remove the individual responsibility from their shoulders and shift it over upon the fact that there is a demand for it.

I do not believe it will do for a Member of the Senate to say to himself, "Personally my convictions are very deep against the advisability of amending the Constitution in the respect proposed, but because a very large number of people throughout the country are asking to have the proposal submitted I will obliterate myself, except in so far as to merely place upon record a vote that will transfer the question of determining whether or not the Constitution shall be amended to the legislatures of the several States. Personally I relieve myself of all duty to consider the question; I relieve myself of all responsibility as to what the consequences may be, because it is not proper that I should obstruct the most free and unrestrained passing from this forum to other forums throughout the Union of grave and serious questions relating to changes in our fundamental law." I can not agree with that view, Mr. President.

I believe the fathers intended, when they said that no proposition to amend the Constitution of the United States should be submitted to the several States for the consideration of their legislatures except upon the vote of two-thirds of the Members of the Senate and of the other House, that they had in mind the fact that a proposition of this kind is so serious that before the initiative could be taken it must meet with the approval of the judgment, the individual judgment and conscience, of at least two-thirds of the membership of this and the other body.

The amendment of the Constitution of the United States, to my mind, is a very much more grave and serious thing than an amendment of a constitution of a State; and yet, under the provisions in the constitutions of a very large number of our States, not only must a majority of the legislature pass the proposed resolution providing for amending, but it is required that a subsequent legislature shall also pass it by a majority, and often by two-thirds, of the votes before it is competent to submit to the electors of a State the question as to whether or not a State constitution shall be amended.

That indicates that, even with relation to proposals to amend the constitutions of the several States, the people have recognized the fact that there should be some stability in the underlying, fundamental, organic law of the State, and that it should not be susceptible to change by the ephemeral, emotional conditions of the people as they may change from time to time; and yet, with reference to the amendment of the organic law of a State, much may be said in behalf of an easy and liberal method of amendment which can not be said with reference to the amendment of the Constitution of the United States. The constitution or the organic law of a State, particularly in that vast field in which it furnishes the base for erecting legislation in the exercise of police powers, is a field peculiarly within the province of the people of the State, and I myself am inclined to believe that there should be an easy method and means by which the constitutions of the several States may be amended; but as to the fundamental law, which is at the foundation of the

great Republic, comprised of 48 States, with the vastness of territory that the American Republic covers, with its varying conditions in different parts of the country, it is, to my mind, dangerous to remove those safeguards which were deliberately placed around it to secure serious and deliberate consideration and investigation before it can be amended.

Mr. BRANDEGEE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Connecticut?

Mr. CRAWFORD. Yes.

Mr. BRANDEGEE. It may be that the Senator intended to put in his remarks the article of the Constitution which provides for its amendment; but I rose for the purpose of asking him if he objects to having it put in?

Mr. CRAWFORD. Not at all; it may be inserted.

Mr. BRANDEGEE. The Senator has used the words "whenever two-thirds of both Houses shall approve an amendment." The first two or three lines of Article V provide:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

Mr. CRAWFORD. "Shall deem it necessary." I am glad the Senator has called my attention to that. It makes still more emphatic the thought that I was trying to express, that each Member of this body must come to the conclusion that the public welfare makes it necessary, in his opinion, to submit such a proposal for a change.

Mr. President, when we come to consider the immediate resolution now before the Senate, I ask again, as I did the other day when the Senator from the State of Iowa [Mr. CUMMINS] was discussing this question, where do we find any evidence whatever of a widespread, persistent demand that the Constitution be amended by excluding the Chief Magistrate from holding his great position for more than one term or for a longer period than a term of six years? Nearly every day in the life of a session of the Senate during the morning hour, especially during the first half of a session, petitions are presented by Senators from nearly every State in the Union upon nearly every question which the human mind can be supposed to entertain, and such petitions are put into the RECORD. Over and over again a demand was presented in the form of petitions asking that the manner of electing Members of the Senate should be changed and that instead of being elected by the legislatures of the States they should be elected directly by the people. Here and there for several years now we have heard a demand, made in one form and another, that the tenure of office of the members of the judiciary shall be changed, either by a limitation of the term or by subjecting them to a recall, and things of that sort; but I undertake to say, so far as any expression coming to this body indicating a demand that can be called an extensive and widespread demand that the Constitution of the United States should be amended as proposed in this joint resolution, we are without any evidence whatsoever.

In a situation like this, with a joint resolution offered only a short time ago, reported back in the closing days of this session, involving a change in our fundamental law, which, to say the least, is most grave, serious, and far-reaching in its consequences, are we to say that Members of the Senate shall not exercise any individual thoughtfulness, care, deliberation, and judgment in regard to it, and because some one says that somewhere in some locality it is demanded—whether in California or in some other locality—we must submit it now, without serious debate and discussion upon its merits, before this session of Congress shall adjourn, and that we will be derelict in the performance of our duties if we allow it to lie over even until next December? It seems to me it is giving the question of discussion and deliberation and the element of time for the purpose of having the country discuss it, for the purpose of having public opinion throughout the United States have an opportunity to be informed in regard to it, scant attention, indeed, to press it here in the closing hours of this session, as if it were a matter demanding immediate action on our part.

So, Mr. President, I do not feel, under the circumstances in which this joint resolution is now placed before the Senate, that I am called upon to put aside whatever my personal conviction or judgment may be as to its merits and vote to submit it because of a claim that there is a widespread demand for it, when there is an entire absence of any evidence that there is such demand anywhere to any material extent whatsoever. So, for only a short time, I desire to make a few observations in regard to the merits of the proposed joint resolution itself.

Mr. President, what is the reason for the proposal that the term of office of the President of the United States shall be limited to only six years and that he shall then be ineligible to hold another term?

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Kansas?

Mr. CRAWFORD. I do.

Mr. BRISTOW. I should like to inquire of the Senator from South Dakota if he does not feel that this proposed amendment, if adopted, would be the most radical change in the fundamental law of the Nation that has been made in it since the Government was established?

Mr. CRAWFORD. I think it would be one of the most radical and far-reaching.

Mr. President, what is the reason for this proposal? If it is in the interest of the public welfare to limit the term of the President of the United States to four years or six years, by a parity of reasoning why should not a provision be adopted making a Member of the Senate ineligible for more than a term of six years? We are told that the position held by the President is one in which there is an extraordinary and dangerous power. Mr. President, I undertake to say that the position held by Members of the Senate is one clothed with extraordinary power, and a power which, if wrongfully exercised, may be very, very dangerous; and if the reasoning is good in one case, why is it not in the other?

But we are told that with the President there is from the time that he enters into that office until the close of his term a temptation to connive, conspire, plan, and plot, and to use the influence of his great office for the purpose of having himself reelected. Any charge of that kind, so far as there is any merit back of it, can be made with equal force against Members of the Senate or Members of the House of Representatives. There is just as much foundation for saying that a Senator immediately after he takes his oath of office, if he has personal ambition, if he has a desire to continue in the service of the country in this body, begins to plan and to so shape his course as to meet the approval of his people, so that he may be reelected. If patronage can be used for the purpose of strengthening the hold of a public officer upon the support of the people, a Senator has opportunity to use official patronage for the purpose of continuing himself in office, and if the temptation is a dangerous one with reference to the Chief Executive, why is it not a dangerous one in this body to permit Senators to use it?

Mr. President, I undertake to say that, when you analyze the situation, patronage, about which we hear so much in this discussion, is used more directly to help Members of the House of Representatives and Members of the Senate of the United States to secure their continuance in office than it is in any direct way used for the purpose of aiding the President of the United States to reelect himself.

Take the army of postmasters throughout the United States, about whose participation in political campaigns in the selection of delegates and in the running of conventions we hear so much. It is a matter of common knowledge that every one of them residing in districts represented in Congress by members of the party to which the President belongs is named by the Representative. The effect of that is not so much to help the President as it is to help that Representative in his district. Let us be fair in the discussion of this question. If we want to remove whatever abuse there is connected with the use of patronage, as there undoubtedly is some abuse, let us get at it in the right way. We can put all these officials under civil-service rules, if we so desire; we can make them all nonpartisan officers, if we so desire; we can do away with the delegate system, if we so desire; we can, by direct application of remedies, remove the evils that are incident to the use of patronage; but it looks to me as a very inconsistent thing, indeed, for us to say that a Representative shall be allowed to take advantage of all the abuses connected with the distribution of patronage to build up organizations for the purpose of reelecting himself, he being really the direct beneficiary of it, while it is so dangerous in the hands of a President of the United States, that he may so misuse the distribution of patronage that it is necessary to turn him out of office at the end of one term in order to get rid of this abuse.

Mr. President, take it in the other fields of patronage. Appointments of United States marshals, revenue collectors, appraisers of customs, and all the great corps of officeholders, even including the appointment of foreign ambassadors, are made by the President of the United States upon the recommendation of Senators; but when you analyze it for the purpose of ascertaining whether or not there is a dangerous power in it and whether that power may be used for the purpose of building up a machine and who the beneficiaries of it are, I undertake to say that the men who use it the most skillfully and with the

greatest profit to themselves are not Presidents of the United States but Members of the Senate.

Let the President make appointments of marshals and revenue collectors and different officers in the State of one of those Senators, without advising with Senators, and then ask the Senate to confirm the nomination, and he is in a hornets' nest immediately. Plead guilty on both sides of this Chamber. Why? Because Members of the Senate want to exercise power in regard to that patronage, for their own purposes; and yet we, as Senators, propose to remain here during six years, and to get reelected as often as we can, and to hold office in this body all our lives, if we can, while claiming that the public welfare demands that the President of the United States, who uses this patronage in nine cases out of ten for the purpose of assisting the Members of this body or of the other body rather than himself, shall be ineligible to remain in office more than four years or six years.

To my mind it is ludicrous when you look at the real facts in relation to it. I undertake to say that so far as concerns Presidents of the United States, when it comes to the real question whether or not they shall receive the approval of the American people for reelection, patronage has been a curse to them rather than a help. It has been a leaden weight which has taken them down to defeat more often than it has been the means of lifting them to successful results.

The PRESIDENT pro tempore. Will the Senator from South Dakota suspend for a moment in order that the Senate may receive a message from the House of Representatives?

Mr. CRAWFORD. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with his objections thereto, the House had proceeded, in pursuance of the Constitution, to reconsider the same and had passed the bill by a two-thirds vote, the objections of the President to the contrary notwithstanding.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 4679. An act to amend section 95 of the act to codify, revise, and amend the laws relating to the judiciary, approved March 3, 1911;

S. 5458. An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River;

S. 5556. An act to amend an act to create an auditor of railroad accounts, and for other purposes, approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.;

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho;

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes;

H. R. 11877. An act to amend section 8 of the food and drugs act approved June 30, 1906;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909;

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libbey, and Cornish, in the county of Aitken, Minn., to construct a bridge across the Mississippi River in Aitken County, Minn.;

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River at Indiana Avenue, in said city; and

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

The PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

IN THE HOUSE OF REPRESENTATIVES,
August 21, 1912.

The President of the United States having returned to the House of Representatives, in which it originated, the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, with his objections thereto, the House proceeded in pursuance of the Constitution to reconsider the same; and

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same. Together with said bill is transmitted to the Senate the objections of the President thereto.

Mr. WARREN. Mr. President, the matter before the Senate which has just come from the House is, of course, important and should be considered without delay. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum is suggested. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Myers	Smith, Md.
Bradley	Dillingham	Nelson	Smith, S. C.
Brandegee	du Pont	Newlands	Smoot
Briggs	Fletcher	Oliver	Stone
Bristow	Gallinger	Overman	Swanson
Bryan	Guggenheim	Page	Thornton
Burnham	Heyburn	Perkins	Tillman
Catron	Johnston, Ala.	Pomerene	Townsend
Clapp	Jones	Root	Warren
Clarke, Ark.	La Follette	Sanders	Wetmore
Crane	Lippitt	Shively	Williams
Crawford	McCumber	Simmons	Works
Culberson	Martin, Va.	Smith, Ariz.	
Cullom	Martine, N. J.	Smith, Ga.	

Mr. SMOOT. I desire to announce the absence from the city of my colleague [Mr. SUTHERLAND]. He has a general pair with the Senator from Maryland [Mr. RAYNER]. I also desire to announce the unavoidable absence of the senior Senator from Ohio [Mr. BURTON].

The PRESIDENT pro tempore. Fifty-four Senators have answered to the roll call. A quorum of the Senate is present. The question is, Shall the bill pass, the objection of the President to the contrary notwithstanding?

It has been the custom, and it is very likely the duty, of the Senate to have the bill and the message printed in the RECORD and in the Journal of the Senate, and if there be no objection, that order will be made without the reading of the bill and the message.

The message of the President of the United States and the bill are as follows:

To the House of Representatives:

I return herewith H. R. 26321, an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," without my approval, because the bill still contains in section 9 a provision for the repeal of the act establishing the Commerce Court.

My objections to this repeal are stated in my message returning without approval H. R. 24023, communicated to the House of Representatives on August 15 last.

WM. H. TAFT.

THE WHITE HOUSE, *August 21, 1912.*

An act (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

Be it enacted, etc., That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise

appropriated, in full compensation for the service of the fiscal year ending June 30, 1913, for the objects hereinafter expressed, namely:

LEGISLATIVE.

SENATE.

For compensation of Senators, $720,000.

For mileage of Senators, $51,000.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

Office of the Vice President: Secretary to the Vice President, $4,000; messenger, $1,440; telegraph operator, $1,500; telegraph page, $600; in all, $7,540.

Chaplain: For Chaplain of the Senate, $1,200.

Office of Secretary: Secretary of the Senate, including compensation as disbursing officer of salaries of Senators and of the contingent fund of the Senate, $6,500; hire of horse and wagon for the Secretary's office, $420; assistant secretary, Henry M. Rose, $5,000; chief clerk, $3,250; financial clerk, $3,000 and $1,250 additional while the office is held by the present incumbent; minute and Journal clerk, principal clerk, reading clerk, and enrolling clerk, at $3,000 each; executive clerk, and assistant financial clerk, at $2,750 each; librarian, file clerk, chief bookkeeper, assistant Journal clerk, 2 clerks, printing clerk, and clerk compiling a history of revenue bills, at $2,500 each; first assistant librarian, $2,400; keeper of stationery, $2,400; compiler of Navy Yearbook and Senate report on river and harbor bill, Woodbury Pulsifer, $2,220; indexer for Senate public documents, and 2 clerks, at $2,220 each; 2 clerks, at $2,100 each; assistant librarian, $1,800; assistant librarian, $1,600; skilled laborer, $1,200; clerk, $1,800; clerk, $1,600; assistant keeper of stationery, $2,000; assistant in stationery room, $1,200; messenger, $1,440; assistant messenger, $1,200; 3 laborers, at $840 each; 3 laborers, at $720 each; laborer in stationery room, $720; in all, $94,040.

Document room: Superintendent, George H. Boyd, $3,000; 2 assistants, at $2,250 each; assistant, $1,440; 2 clerks, at $1,440 each; skilled laborer, $1,200; in all, $13,020.

Clerks and messengers to committees: Clerk to the Committee on Additional Accommodations for the Library of Congress, $2,220, messenger, $1,440; clerk to the Committee on Agriculture and Forestry, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Appropriations, $4,000, 2 assistant clerks, at $2,500 each, 2 assistant clerks, at $1,440 each, messenger, $1,440, laborer, $720; clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, $2,500, messenger, $1,440, messenger, $1,200; clerk to the Committee on Canadian Relations, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Census, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Civil Service and Retrenchment, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Claims, $2,500, assistant clerk, $2,000, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Coast and Insular Survey, $2,220, messenger, $1,440; clerk to the Committee on Coast Defenses, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Commerce, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Conference Minority of the Senate, $2,220, assistant clerk, $1,800, messenger, $1,200; clerk to the Committee on Conservation of National Resources, $2,220, assistant clerk, $1,200, messenger, $1,440; clerk to the Committee on Corporations Organized in the District of Columbia, $2,220, messenger, $1,440; clerk to the Committee on Cuban Relations, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Disposition of Useless Papers in the Executive Departments, $2,220, messenger, $1,440; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Education and Labor, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Engrossed Bills, $2,220; messenger, $1,440; clerk to the Committee on Enrolled Bills, $2,220, assistant clerk, $1,440; clerk to the Committee to Examine the Several Branches of the Civil Service, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Agriculture, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Department of Commerce and Labor, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Interior Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of Justice, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Expenditures in the Navy Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Post Office Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the Department of State, $2,220, messenger, $1,440; clerk to the Committee on Expenditures in the Treasury Department, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Expenditures in the War Department, $2,220, messenger, $1,440, messenger, $1,200; clerk and stenographer to the Committee on Finance, $3,000, assistant clerk, $2,220, assistant clerk, $1,600, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Fisheries, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on the Five Civilized Tribes of Indians, $2,220, messenger, $1,440; clerk to the Committee on Foreign Relations, $2,500, assistant clerk, $2,220, messenger, $1,440; clerk to the Committee on Forest Reservations and the Protection of Game, $2,220, messenger, $1,440; clerk to the Committee on the Geological Survey, $2,220, messenger, $1,440; clerk to the Committee on Immigration, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Indian Depredations, $2,220, messenger, $1,440; clerk to the Committee on Industrial Expositions, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Interoceanic Canals, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Interstate Commerce, $2,500, 2 assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Committee to Investigate Trespassers on Indian Lands, $2,220, messenger, $1,440; clerk to the Committee on Irrigation and Reclamation of Arid Lands, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $2,220, 2 assistant clerks, at $1,800 each, messenger, $1,440; clerk to the Joint Committee on the Library, $2,500, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Manufactures, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $2,220, assistant clerk, $1,440, messenger, $1,200; clerk to the Committee on Mines and Mining, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on the Mississippi River and its Tributaries, $2,220, messenger, $1,440; clerk to the Committee on National Banks, $2,220, messenger, $1,440; clerk to the Committee on Naval Affairs, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Pacific Islands and Porto Rico, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Pacific Railroads, $2,220, messenger, $1,440; clerk to the Committee on Patents, $2,220, messenger, $1,440, messenger, $1,200; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,800, 3 assistant clerks, at $1,440 each, messenger, $1,440; clerk to the Committee on the Philippines, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Post Offices and Post Roads, $2,500, 3 assistant clerks, at $1,440 each, messenger, $1,440; clerk of printing records, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Private Land Claims, $2,220, assistant clerk, $1,800; clerk to the Committee on Privileges and Elections, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Public Health and National Quarantine, $2,220, assistant clerk, $1,440; clerk to the Committee on Public Lands, $2,500, assistant clerk, $1,800, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Railroads, $2,220, messenger, $1,440; clerk to the Committee on Revolutionary Claims, $2,220, messenger, $1,440; clerk to the Committee on Rules, $2,220, assistant clerk, $1,800, messenger, $1,440; clerk to the Committee on Standards, Weights, and Measures, $2,220, messenger, $1,440; clerk to the Committee on Territories, $2,220, assistant clerk, $1,440, messenger, $1,440; clerk to the Committee on Transportation and Sale of Meat Products, $2,220, messenger, $1,440; clerk to the Committee on Transportation Routes to the Seaboard, $2,220, messenger, $1,440; clerk to the Committee on the University of the United States, $2,220, messenger, $1,440; clerk to the Committee on Woman Suffrage, $2,220, messenger, $1,440; in all, $370,940.

Office of Sergeant at Arms and Doorkeeper: Sergeant at Arms and Doorkeeper, $6,500; horse and wagon for his use, $420, or so much thereof as may be necessary; Assistant Sergeant at Arms, $2,500; Assistant Doorkeeper, $2,592; Acting Assistant Doorkeeper, $2,592; 4 messengers, acting as assistant doorkeepers, at $1,800 each; 37 messengers, at $1,440 each; 2 messengers on the floor of the Senate, at $2,000 each; messenger at card door, $1,600; clerk on Journal work for CONGRESSIONAL RECORD, to be selected by the official reporters, $2,000; storekeeper, $2,220; upholsterer and locksmith, $1,440; cabinetmaker, $1,200; 3 carpenters, at $1,080 each; janitor, $1,200; 4 skilled laborers, at $1,000 each; skilled laborer, $900; laborer in charge of private passage, $840; 3 female attendants in charge of ladies' retiring room, at $720 each; chief telephone operator, $1,200; 2 telephone operators, at $900 each; night telephone operator, $720; telephone page, $720; superintendent of press gallery, $1,800; assistant superintendent of press gallery, $1,400; laborer, $840; 27 laborers, at $720 each; 16 pages for the Senate Chamber, at the rate of $2.50 per day each during the session, $4,800; in all, $132,604.

For the following for Senate Office Building under the Sergeant at Arms, namely: Stenographer in charge of furniture accounts and keeper of furniture records, $1,200; 2 messengers, at $1,440 each; attendant in charge of bathing rooms, $1,800; 2 attendants in bathing rooms, at $720 each; 3 attendants to women's toilet rooms, at $720 each; janitor for bathing rooms, $720; 2 messengers acting as mail carriers, at $1,200 each; and messenger for service to the press correspondents, $900; in all, $13,500.

For police force for Senate Office Building under the Sergeant at Arms, namely: For 16 privates, at $1,050 each; 1 special officer, $1,200, $18,000.

Post office: Postmaster, $2,250; chief clerk, $1,800 (deficiency act July 21, 1911); 6 mail carriers and 1 wagon master, at $1,200 each; 3 riding pages, at $912.50 each; in all, $15,187.50.

Folding room: Assistant, $1,400; clerk, $1,200; foreman, $1,400; 6 folders, at $1,000 each; 8 folders, at $840 each; in all, $16,720.

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $2,160; assistant engineer and electrician, $1,800; 3 assistant engineers, at $1,440 each; 10 conductors of elevators, at $1,200 each; 2 machinists and electricians, at $1,400 each; 4 laborers, at $720 each; laborer in charge of Senate toilet rooms in old library space, $660; attendant for service in old library portion of the Capitol, $1,500; in all, $28,120.

For the following for the Senate Office Building, under the Superintendent of the Capitol Building and Grounds, subject to the control and supervision of the Senate Committee on Rules, namely: Fourteen elevator conductors, at $1,200 each; in all, $16,800.

Clerks to Senators: For 35 annual clerks to Senators who are not chairmen of committees, at $2,000 each, $70,000.

Stenographers to Senators: For 22 stenographers to Senators who are not chairmen of committees, and 3 stenographers to the chairmen of the three junior minority committees, at $1,200 each, $30,000.

Contingent expenses, namely: For stationery for Senators and the President of the Senate, including $6,000 for stationery for committees and officers of the Senate, $18,125.

For postage stamps for the office of the Secretary of the Senate, $200; for the office of the Sergeant at Arms, $150; in all, $350.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, $6,000, or so much thereof as may be necessary.

For materials for folding, $2,000.

For folding speeches and pamphlets, at a rate not exceeding $1 per thousand, $8,000.

For fuel and advertising, exclusive of labor, $2,500.

For purchase of furniture, $8,500.

For materials for furniture and repairs of same, exclusive of labor, $3,000.

For services in cleaning, repairing, and varnishing furniture, $2,000.

For packing boxes, $970.

For miscellaneous items, exclusive of labor, $50,000.

For rent of warehouse for storage of public documents for the Senate, $3,600, and authority is hereby given to use any part or all of said sum for moving documents contained in said warehouse to buildings owned by the Government.

For miscellaneous items on account of the Maltby Building, $17,280.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $25,000.

For reporting the debates and proceedings of the Senate, $30,000, payable in equal monthly installments.

To enable the Postmaster of the Senate to keep a constant supply of postage stamps for sale to Senators, $200.

The library collected by the National Monetary Commission is hereby made a part of the Library of Congress and is placed under the administration of the Librarian of Congress, and the sum of $500, or so much thereof as may be necessary, is hereby appropriated for the purpose of moving the books and the present stacks and shelving to the Library of Congress.

CAPITOL POLICE.

For captain, $1,800; 3 lieutenants, at $1,200 each, 2 special officers, at $1,200 each; and 67 privates, at $1,050 each; one-half of said privates to be selected by the Sergeant at Arms of the Senate and one-half by the Sergeant at Arms of the House of Representatives; in all, $78,150, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

For contingent expenses, $300, one half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

CONGRESSIONAL DIRECTORY.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the Joint Committee on Printing, $1,600.

HOUSE OF REPRESENTATIVES.

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $3,099,500.

For mileage of Representatives and Delegates, and expenses of Resident Commissioners, $154,000.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:

Office of the Speaker: Secretary to the Speaker, $4,000; clerk to the Speaker's table, $3,600, and for preparing Digest of the Rules, $1,000 per annum; clerk to the Speaker, $1,600; messenger to the Speaker, $1,440; messenger to the Speaker's table, $1,200 (transferred from Doorkeeper's office); in all, $12,840.

Chaplain: For Chaplain of the House, $1,200.

Office of the Clerk: Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, $6,500; hire of horse and wagon for use of the Clerk's office, $900, or so much thereof as may be necessary; chief clerk, $4,500; journal clerk, and 2 reading clerks, at $4,000 each; disbursing clerk, $3,400; tally clerk, $3,300; file clerk, $3,250; enrolling clerk, $3,000; chief bill clerk, $3,000 (House resolution May 9, 1911); assistant to chief clerk, and assistant enrolling clerk, at $2,500 each; assistant disbursing clerk, $2,400; stationery clerk, $2,200; librarian, $2,100; assistant file clerk, $1,900; 2 assistant librarians, and 1 clerk, at $1,800 each; 3 clerks, at $1,680 each; bookkeeper, and assistant in disbursing office, at $1,600 each; 4 assistants to chief bill clerk, at $1,500 each (House resolution May 9, 1911); stenographer to clerk, $1,400; locksmith, who shall be skilled in his trade, $1,300; messenger in chief clerk's office, and assistant in stationery room, at $1,200 each; messenger in file room, 1 messenger in disbursing office, and assistant in House library, at $1,100 each; stenographer to chief bill clerk, $1,000 (House resolution May 9, 1911); 3 telephone operators, at $900 each; 3 telephone operators, at $75 per month each from December 1, 1912, to March 31, 1913; night telephone operator, $900; for services of a substitute telephone operator when required, at $2.50 per day, $200; 2 laborers in the bathroom, at $900 each; 2 laborers, and page in enrolling room, at $720 each; allowance to chief clerk for stenographic and typewriter services, $1,000; in all, $92,150.

Under Superintendent of the Capitol Building and Grounds: Chief engineer, $1,900; 3 assistant engineers, at $1,300 each; 24 conductors of elevators, including 14 for service in the House Office Building, at $1,200 each, who shall be under the supervision and direction of the Superintendent of the Capitol Building and Grounds; machinist, $1,300; electrician, $1,200; 4 laborers, at $800 each; in all, $40,300.

Clerks, messengers, and janitors to committees: Clerk to the Committee on Accounts, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Agriculture, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Appropriations, $4,000, and $1,000 additional while the office is held by the present incumbent, assistant clerk and stenographer, $2,500, assistant clerk, $1,900, janitor, $1,000; clerk to the Committee on Banking and Currency, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on the Census, $2,000, janitor, $720; clerk to the Committee on Claims, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Coinage, Weights, and Measures, $2,000, janitor, $720; clerk to the Committee on the District of Columbia, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Elections No. 1, $2,000, janitor, $1,000; clerk to the Committee on Elections No. 2, $2,000, janitor, $720; clerk to the Committee on Elections No. 3, $2,000, janitor, $720; clerk to the Committee on Enrolled Bills, $2,000, janitor, $720; clerk to the Committee on Foreign Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Immigration and Naturalization, $2,000, janitor, $720; clerk to the Committee on Indian Affairs, $2,500, assistant clerk, $1,800, janitor, $720; clerk to the Committee on Industrial Arts and Expositions, $2,000, janitor, $720; clerk to the Committee on Insular Affairs, $2,000, janitor, $720; clerk to the Committee on Interstate and Foreign Commerce, $2,500, additional clerk, $2,000, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Irrigation of Arid Lands, $2,000, janitor, $720; clerk to the Committee on Invalid Pensions, $2,500, stenographer, $2,190, assistant clerk, $2,000, janitor, $1,000; clerk to the Committee on the Judiciary, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on Labor, $2,000, janitor, $720; clerk to the Committee on the Library, $2,000, janitor, $720; clerk to the Committee on Merchant Marine and Fisheries, $2,000, janitor, $720; clerk to the Committee on Military Affairs, $2,500, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Naval Affairs, $2,400, assistant clerk, $1,500, janitor, $1,000; clerk to the Committee on Patents, $2,000, janitor, $720; clerk to the Committee on Pensions, $2,500, assistant clerk, $1,600, janitor, $720; clerk to the Committee on Post Offices and Post Roads, $2,500, assistant clerk, $1,400, janitor, $1,000; clerk to the Committee on Printing, $2,000, janitor, $1,000; clerk to the Committee on Public Buildings and Grounds, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Public Lands, $2,000, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Revision of the Laws, $2,000, janitor, $720; clerk to the Committee on Rivers and Harbors, $2,500, assistant clerk, $1,800, janitor, $1,000; clerk to the Committee on Rules, $2,000, janitor, $720; clerk to the Committee on Territories, $2,000, janitor, $720; clerk to the Committee on War Claims, $2,500, clerk, to continue Digest of Claims under resolution of March 7, 1888, $2,500, assistant clerk, $1,200, janitor, $720; clerk to the Committee on Ways and Means, $3,000, assistant clerk and stenographer, $2,000, assistant clerk, $1,900, janitor, $1,000, janitor, $720; in all, $162,230.

Janitors under the foregoing shall be appointed by the chairmen, respectively, of said committees, and shall perform under the direction of the Doorkeeper all of the duties heretofore required of messengers detailed to said committees by the Doorkeeper, and shall be subject to removal by the Doorkeeper at any time after the termination of the Congress during which they were appointed.

For 9 clerks to committees, at $6 each per day during the session, $6,480.

Office of Sergeant at Arms: Sergeant at Arms of the House of Representatives, $6,500; Deputy Sergeant at Arms, $2,500; cashier, $3,400; financial clerk, $2,700; bookkeeper, $2,200; deputy sergeant at arms in charge of pairs, $1,800; messenger, $1,400; skilled laborer, $840; stenographer and typewriter, $900; and for hire of horse and wagon for the office of the Sergeant at Arms, $600; in all, $22,840.

For police force House Office Building, under the Sergeant at Arms, namely: One lieutenant, $1,200; 10 privates, at $1,050 each; in all, $11,700.

Office of Doorkeeper: Doorkeeper, $5,000; hire of horses and wagons and repairs of same, $1,200, or so much thereof as may be necessary; special employee, John T. Chancey, $1,800; special employee, $1,500; superintendent of reporters' gallery, $1,400; janitor, $1,500; 16 messengers, at $1,180 each; 14 messengers on the soldiers' roll, at $1,200 each; 15 laborers, at $720 each; laborer in the water-closet, $720; laborer, $680; 2 laborers, known as cloakroom men, at $840 each; 8 laborers, known as cloakroom men, 2 at $720 each, and 6 at $600 each; female attendant in ladies' retiring room, $800; superintendent of folding room, $2,500; 3 clerks, at $1,600 each; foreman, $1,800; messenger, $1,200; janitor, $720; laborer, $720; 32 folders, at $900 each; 2 drivers, at $840 each; 2 chief pages, at $1,200 each; messenger in charge of telephones, $1,200; messenger in charge of telephones (for the minority), $1,200; 46 pages, during the session, including 2 riding pages, 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each, $13,800; superintendent of document room, $2,900; assistant superintendent, $2,100; clerk, $1,700; assistant clerk, $1,600; 7 assistants, at $1,280 each; assistant, $1,100; janitor, $920; messenger to press room, $1,000; in all, $148,900.

For employment of Joel Grayson in document room, $2,150.

For the following minority employees authorized and named in the resolution adopted by the House of Representatives April 10, 1911, namely: Special employee, $1,800; special messenger and assistant pair clerk, $1,800; special messenger, $1,500; special chief page and pair clerk, $1,800; in all, $6,900.

For the assistant department messenger authorized and named in the resolution adopted by the House of Representatives December 7, 1897, $2,000.

For the special messenger authorized and named in the resolution adopted by the House of Representatives January 15, 1900, $1,500.

To continue employment and for compensation of the assistant foreman of the folding room, authorized and named in the resolution adopted by the House of Representatives February 6, 1900, at $3.85 per day, $1,405.25.

To continue the employment of the person named in the resolution of the House adopted June 5, 1900, as a laborer, $840.

To continue the employment of the laborer authorized and named in the resolution of the House adopted December 19, 1901, $840.

To continue the employment of the special messenger authorized and named in the resolution of the House adopted April 10, 1911, $1,500.

Successors to any of the employees provided for in the seven preceding paragraphs may be named by the House of Representatives at any time.

For clerk to the conference minority of the House of Representatives, $2,000; assistant clerk, $1,200; janitor, $1,000; in all, $4,200. Said clerk, assistant clerk, and janitor to be appointed by the chairman of the conference minority.

Office of Postmaster: Postmaster, $4,000; assistant postmaster, $2,200; registry and money order clerk, $1,500; 12 messengers, including messenger to superintend transportation of mails, at $1,200 each; 14 messengers, at $100 per month each from December 1 to March 31, inclusive, four months, $5,600; and 1 laborer, $720; in all $28,420.

For hire of horses and mail wagons for carrying the mails, $2,500, or so much thereof as may be necessary.

Official reporters: Six official reporters of the proceedings and debates of the House, at $5,000 each; assistant, $2,500; in all, $32,500.

For janitor for rooms of official reporters of debates, at $60 per month, $720.

Stenographers to committees: Four stenographers to committees, at $5,000 each; in all, $20,000.

For janitor to rooms of stenographers to committees, at $60 per month, $720.

That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean the 120 days from December 2, 1912, to March 31, 1913, both inclusive.

Clerk hire, Members and Delegates: To pay each Member, Delegate, and Resident Commissioner, for clerk hire, necessarily employed by him in the discharge of his official and representative duties, $1,500 per annum, in monthly installments, $618,975, or so much thereof as may be necessary; and Representatives and Delegates elect to Congress whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section 31 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation: *Provided*, That all clerks to Members, Delegates, and Resident Commissioners shall be placed on the roll of employees of the House and be subject to be removed at the will of the Member, Delegate, or Resident Commissioner by whom they are appointed; and any Member, Delegate, or Resident Commissioner may appoint one or more clerks, who shall be placed on the roll as the clerk to such Member, Delegate, or Resident Commissioner making such appointment.

Contingent expenses, namely: For wrapping paper, pasteboard, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of Members of the House, and for use in the Clerk's office and the House folding room, not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the act approved January 12, 1895, for the public printing and binding, $10,000.

For furniture, and materials for repairs of the same, $10,000.

For packing boxes, $3,500, or so much thereof as may be necessary.

For miscellaneous items and expenses of special and select committees, exclusive of salaries and labor, unless specifically ordered by the House of Representatives, $75,000.

For stationery for Members of the House of Representatives, Delegates from Territories, and Resident Commissioners, including $5,000 for stationery for the use of the committees and officers of the House, $54,750.

For postage stamps for the Postmaster, $250; for the Clerk, $450; for the Sergeant at Arms, $300; and for the Doorkeeper, $150; in all, $1,150.

LIBRARY OF CONGRESS.

General administration: Librarian of Congress, $6,500; chief assistant librarian, $4,000; chief clerk, $2,500; Librarian's secretary, $1,800; clerk, $1,200; clerk (assistant to chief clerk), $1,000; stenographers and typewriters—one at $1,200, one at $720; messenger, $840; junior messenger, $360; photostat operator, $600; in all, $20,720.

Mail and delivery: Assistant in charge, $1,500; assistants—1 at $900, 1 at $720; junior messenger, $360; in all, $3,480.

Order and accession: Chief of division, $2,500; assistants—1 at $1,500, 1 at $1,200, 3 at $900 each, 2 at $720 each, 2 at $600 each, 1 at $520; 2 junior messengers, at $360 each; in all, $11,780.

Catalogue, classification, and shelf: Chief of division, $3,000; chief classifier, $2,000; assistants—4 at $1,800 each, 7 at $1,500 each, 6 at $1,400 each, 12 at $1,200 each, 6 at $1,000 each, 14 at $900 each, 4 at $800 each, 13 at $720 each, 3 at $600 each, 10 at $540 each, 4 at $480 each; 6 junior messengers, at $360 each; in all, $87,940.

Binding: Assistant in charge, $1,400; assistant, $900; junior messenger, $360; in all, $2,660.

Bibliography: Chief of division, $3,000; assistants—1 at $1,500, 2 at $900 each, 1 at $720; stenographer and typewriter, $900; junior messenger, $360; in all, $8,280.

Reading rooms (including evening service) and special collections: Superintendent of reading room, $3,000; assistants—2 at $1,800 each, 5 at $1,200 each, including 1 in division for the blind (formerly in free public library), 2 at the charging desk, at $1,080 each, 3 at $900 each, 10 at $720 each, 2 at $600 each; stenographer and typewriter, $900; attendant, Senate reading room, $900; attendants, Representatives' reading room—1 at $900 and 1 at $720; attendants—2 in cloak rooms at $720 each, 1 in Toner Library, $900, 1 in Washingtonian Library, $900, 2 for gallery and alcoves, at $480 each; telephone operator, $600; 4 junior messengers, at $360 each; 2 watchmen, at $720 each; evening service, 5 assistants, at $900 each; 15 assistants, at $720 each; 2 assistants, at $600 each; in all, $53,460.

Periodical (including evening service): Chief of division, $2,000; chief assistant, $1,500; assistants—2 at $900 each, 3 at $720 each; stenographer and typewriter, $900; 2 junior messengers, at $360 each; for arrears of sorting and collating and to enable periodical reading room to be opened in the evenings, 2 assistants, at $720 each; in all, $10,520.

Documents: Chief of division, $3,000; assistants—1 at $1,400, 1 at $720; stenographer and typewriter, $900; junior messenger, $360; in all, $6,380.

Manuscript: Chief of division, $3,000; chief assistant, $1,500; assistant, $900; junior messenger, $360; in all, $5,760.

Maps and charts: Chief of division, $3,000; assistants—1 at $1,400, 2 at $900 each, 1 at $720; junior messenger, $360; in all, $7,280.

Music: Chief of division, $3,000; assistants—1 at $1,500, 1 at $1,000, 2 at $720 each; junior messenger, $360; in all, $7,300.

Prints: Chief of division, $2,000; assistants—1 at $1,400, 2 at $900 each; junior messenger, $360; in all, $5,560.

Smithsonian deposit: Custodian, $1,500; assistant, $1,400; messenger, $720; junior messenger, $360; in all, $3,980.

Congressional Reference Library: Custodian, $1,500; assistants—1 at $1,260, 1 at $900, 1 at $720; 2 junior messengers, at $360 each; in all, $5,040.

Law Library: Law librarian, $3,000; assistants—2 at $1,400 each, 1 at $900, 1 at $480, 1 for evening service, $1,500; junior messenger, $360; in all, $9,040.

Copyright office, under the direction of the Librarian of Congress: Register of copyrights, $4,000; assistant register of copyrights, $3,000; clerks—3 at $2,000 each, 2 at $1,800 each, 7 at $1,600 each, 1 at $1,500, 8 at $1,400 each, 10 at $1,200 each, 10 at $1,000 each, 18 at $960 each, 2 at $800 each, 10 at $720 each, 4 at $600 each, 2 at $480 each; 4 junior messengers, at $360 each. Arrears, special service: Three clerks, at $1,200 each; porter, $720; junior messenger, $360; in all, $96,980.

Distribution of card indexes: For service in connection with the distribution of card indexes and other publications of the Library, including not exceeding $500 for freight charges, expressage, and traveling expenses connected with such distribution, $24,500.

Temporary services: For special and temporary service, including extra special services of regular employees, at the discretion of the Librarian, $2,000.

Carrier service: For service in connection with the Senate and House Office Buildings, $960, or so much thereof as may be necessary.

Sunday opening: To enable the Library of Congress to be kept open for reference use from 2 until 10 o'clock p. m. on Sundays and legal holidays, within the discretion of the Librarian, including the extra services of employees and the services of additional employees under the Librarian, $10,000, or so much thereof as may be necessary.

Increase of Library of Congress: For purchase of books for the Library, including payment in advance for subscription books and society publications, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, to continue available during the fiscal year 1914, $90,000, together with the unexpended balance of the sum appropriated for this object for the fiscal year 1912.

For purchase of books and for periodicals for the law library, under the direction of the Chief Justice, including payment in advance for subscriptions to law periodicals, $3,000.

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress, and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, $2,000.

For purchase of miscellaneous periodicals and newspapers, including payment in advance for subscriptions to the same, $5,000.

In all, $100,000.

Contingent expenses: For miscellaneous and contingent expenses of the Library, stationery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, which sums shall be so apportioned as to prevent a deficiency therein, $6,800.

Custody, care, and maintenance of Library Building and grounds: Superintendent of the Library Building and grounds, $5,000; chief clerk, $2,000; clerks—1 at $1,600, 1 at $1,400, 1 at $1,000; messenger; assistant messenger; telephone switchboard operator; assistant telephone switchboard operator; captain of watch, $1,400; lieutenant of watch, $1,000; 16 watchmen, at $720 each; carpenter, painter, and foreman of laborers, 3 in all, at $900 each; 14 laborers, at $480 each; 2 attendants in ladies' room, at $480 each; 4 check boys, at $360 each; mistress of charwomen, $425; assistant mistress of charwomen, $300; 47 charwomen; chief engineer, $1,500; assistant engineers—1 at $1,200, 3 at $900 each; electrician, $1,200; machinists—1 at $1,000, 1 at $900; 2 wiremen and 1 plumber, at $900 each; 3 elevator conductors and 10 skilled laborers, at $720 each; in all, $72,185.

For extra services of employees and additional employees under the superintendent of Library building and grounds to provide for the opening of the Library building from 2 until 10 o'clock p. m. on Sundays and legal holidays, $2,800.

For fuel, lights, repairs, miscellaneous supplies, electric and steam apparatus, city directory, stationery, mail and delivery service, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, $14,000.

For furniture, including partitions, screens, shelving, and electrical work pertaining thereto, $10,000.

BOTANIC GARDEN.

For superintendent, $1,800.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, $14,593.75.

For procuring manure, soil, tools, fuel, purchasing trees, shrubs, plants, and seeds; and for services, materials, and miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Gardens, under direction of the Joint Library Committee of Congress, $6,500.

EXECUTIVE.

For compensation of the President of the United States, $75,000.

For compensation of the Vice President of the United States, $12,000.

For the following in the office of the President of the United States: Secretary, at the rate of $7,500 per annum until March 4, 1913, and at the rate of $6,000 per annum on and after March 4, 1913; executive clerk, $5,000; chief clerk, $4,000; appointment clerk, $3,500; record clerk, $2,500; 2 expert stenographers, at $2,500 each; accountant, $2,500; 2 correspondents, at $2,250 each; disbursing clerk, $2,000; clerks—3 at $2,000 each, 6 of class 4, 2 of class 3, 5 of class 2, 2 of class 1; 1 clerk-messenger, $1,000; 2 messengers, at $900 each; 2 messengers; 3 laborers, at $720 each; in all, $72,056.66; *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, furniture and carpets for offices, horses, carriages, harness, automobiles, expenses of stable, including labor, and miscellaneous items, to be expended in the discretion of the President, $25,000.

CIVIL SERVICE COMMISSION.

For commissioner, acting as president of the commission, $4,500; two commissioners, at $4,000 each; chief examiner, $3,000; secretary, $2,500; assistant chief examiner, $2,250; 3 chiefs of division, at $2,000 each; examiner, $2,400; 3 examiners, at $2,000 each; 4 examiners, at $1,800 each; clerks—4 of class 4, 21 of class 3, 29 of class 2, 38 of class 1, 32 at $1,000 each, 20 clerks, at $900 each; messenger; assistant messenger; engineer, $840; telephone switchboard operator; 2 firemen, at $720 each; 2 watchmen; 2 elevator conductors, at $720 each; 3 laborers; 3 messenger boys, at $360 each; 2 charwomen; in all, $229,830.

Field force: For 2 district secretaries, at $2,400 each; 1 district secretary, $2,200; 4 district secretaries, at $2,000 each; 2 district secretaries, at $1,800 each; clerks—1 of class 4, 1 of class 3, 1 of class 1, 7 at $1,000 each, 6 at $900 each, 5 at $840 each, 2 at $720 each; messenger; messenger boy, $480; in all, $42,560.

No detail of clerks or other employees from the executive departments or other Government establishments in Washington, D. C., to the Civil Service Commission for the performance of duty in the District of Columbia shall be made for or during the fiscal year 1913. The Civil Service Commission shall, however, have power in case of emergency to transfer or detail any of its employees herein provided for to or from its office force, field force, or rural carrier examining board.

Expert examiners: For the employment of expert examiners not in the Federal service to prepare questions and rate papers in examinations on special subjects for which examiners within the service are not available, $2,000.

Electric conduit and connections: For electric conduit and connections connecting the commission's building with the State, War, and Navy Department Building, $4,000.

For necessary traveling expenses, including those of examiners acting under the direction of the commission, and for expenses of examinations and investigations held elsewhere than at Washington, $12,000.

Members of the Civil Service Commission and its duly authorized representatives are hereafter authorized to administer oaths to witnesses in any matter depending before the Civil Service Commission.

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; director of the Consular Service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—2 of class 3, 2 of class 1, 2 at $1,000 each; 3 assistant messengers; chief clerk, $3,000; 2 Assistant Solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 2 chiefs of bureaus, at $2,250 each; 5 chiefs of bureaus, at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—16 of class 4, 16 of class 3, 25 of class 2, 41 of class 1, 3 of whom shall be telegraph operators, 16 at $1,000 each, 19 at $900 each; chief messenger, $1,000; 5 messengers; 22 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; in all, $317,560.

For 2 clerks to be employed in the Department of State and to be charged with the distribution of information among the diplomatic missions, 1 at the rate of $1,800 per annum and 1 at the rate of $1,600 per annum; in all, $3,400.

Contingent expenses, Department of State: For stationery, furniture, fixtures, typewriters, including exchange of the same, repairs, and material for repairs, $11,000.

For books and maps, and periodicals, domestic and foreign, including the payment in advance for subscriptions to the same, for the library, $2,000.

For services of lithographer and necessary materials for the lithographic press, $1,500.

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of vehicles and harness, telegraph and electrical apparatus and repairs to the same, street-car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

For purchase of an automobile mail wagon for official use of the Department of State, and maintenance of the same for fiscal year 1913, $1,000.

For rent of buildings in the District of Columbia for the use of the Department of State, $11,720.

TREASURY DEPARTMENT.

Office of the Secretary: Secretary of the Treasury, $12,000; 3 assistant Secretaries of the Treasury, at $5,000 each; clerk to the Secretary, $2,500; executive clerk, $2,400; stenographer, $1,800; 3 private secretaries, 1 to each Assistant Secretary, at $1,800 each; Government actuary, under control of the Treasury, $2,250; clerks—1 of class 4, 4 of class 3, 2 of class 2; chief messenger; $1,100; 2 assistant chief messengers, at $1,000 each; 3 messengers, at $900 each; 3 messengers; in all, $60,670.

Office of chief clerk and superintendent: Assistant and chief clerk, including $300 as superintendent of Treasury Building, who shall be the chief executive officer of the department and who may be designated by the Secretary of the Treasury to sign official papers and documents during the temporary absence of the Secretary and the assistant secretaries of the department, $4,000; assistant superintendent of Treasury Building, $2,500; clerks—4 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 1 at $1,000, 1 at $900; 2 messengers; 3 assistant messengers; messenger boy, $360; storekeeper, $1,200; telegraph operator, $1,200; telephone operator and assistant telegraph operator, $1,200; chief engineer, $1,400; 3 assistant engineers, at $1,000 each; 8 elevator conductors, at $720 each, and the use of laborers as relief elevator conductors during rush hours is authorized; 8 firemen; coal passer, $500; locksmith and electrician, $1,400; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 65 watchmen; foreman of laborers, $1,000; 2 skilled laborers, at $840 each; 2 skilled laborers, at $720 each; wiremen—1 at $1,000, 1 at $900; 34 laborers; 10 laborers, at $500 each; 1 plumber, and 1 painter, at $1,100 each; plumber's assistant, $720 (in lieu of watchman-fireman, $720, Cox Building); 85 charwomen; carpenters—2 at $1,000 each, 1 at $720. For the Winder Building: Engineer, $1,000; 3 firemen; conductor of elevator, $720; 4 watchmen; 3 laborers, 1 of whom, when necessary, shall assist and relieve the conductor of elevator; laborer, $480; and 8 charwomen. For the Cox Building, 1709 New York Avenue: Two watchmen-firemen, at $720 each; and 1 laborer; in all, $170,760.

General Supply Committee: Superintendent of supplies, $2,000, and 2 clerks of class 2; in all, $4,800.

Division of Bookkeeping and Warrants: Chief of division, $3,500; assistant chief of division, $2,700; estimate and digest clerk, $2,500; 2 principal bookkeepers, at $2,100 each; 12 bookkeepers, at $2,000 each; clerks—14 of class 4, 6 of class 3, 6 of class 2, 3 of class 1; messenger; 3 assistant messengers; in all, $86,700.

Division of Customs: Chief of division, $4,000; assistant chief of division, $3,000; law clerks—5 at $2,500 each, 2 at $2,000 each; clerks—3 of class 4, 3 of class 3, 3 of class 2, 6 of class 1, 5 at $1,000 each; messenger; assistant messenger; messenger boy, $360; in all, $51,620.

Division of Appointments: Chief of division, $3,000; assistant chief of division, $2,000; executive clerk, $2,000; law and bond clerk, $2,000; clerks—3 of class 4, 4 of class 3, 5 of class 2, 6 of class 1, 4 at $1,000 each, 1 at $900; messenger; 2 assistant messengers; in all, $42,180.

Division of Public Moneys: Chief of division, $3,000; assistant chief of division, $2,000; clerks—5 of class 4, 4 of class 3, 4 of class 2, 1 of class 1, 1 at $1,000; messenger; assistant messenger; in all, $29,760.

Division of Loans and Currency: Chief of division, $3,500; assistant chief of division, $2,700; custodian of paper, $2,250; bond and interest clerk, $2,000 (in lieu of division chief at $2,000 transferred from register's office); clerks—5 of class 4 (1 transferred from register's office), 4 of class 3 (2 transferred from register's office), 5 of class 2 (3 transferred from register's office), 5 of class 1 (2 dropped and 4 transferred from register's office), 1 clerk, $1,000; 18 at $900 each; assorter of bonds, $800 (transferred from register's office); 12 expert money counters, at $720 each; messenger; 3 assistant messengers (1 transferred from register's office); 8 laborers; in all, $73,770.

Division of Revenue-Cutter Service: Assistant chief of division, $2,400; chief clerk, $2,000; law and contract clerk, $1,800; clerks—1 of class 4, 4 of class 3, 1 of class 2, 3 of class 1, 4 at $1,000 each, 3 at $900 each; messengers; laborer; in all, $27,600.

Division of Printing and Stationery: Chief of division, $2,500; assistant chief of division, $2,000; clerks—4 of class 4, 3 of class 3, 3 of class 2, 3 of class 1, 1 at $1,000, 1 at $900; bookbinder, $1,250; 3 messengers; assistant messenger; 2 laborers; messenger boy, $360; in all, $32,370.

Division of Mail and Files: Superintendent of Mail, $2,500; registry clerk, $1,800; distributing clerk, $1,400; clerks—1 of class 2, 1 of class 1, 1 at $1,000; document clerk, $1,000; mail messenger, $1,000; 2 assistant messengers; messenger boy, $360; in all, $13,100.

Division of special agents: Assistant chief of division, $2,400; clerks—1 of class 3, 1 of class 2, 4 of class 1, 2 at $900 each; messenger; in all, $12,840.

Office of disbursing clerk: Disbursing clerk, $3,000; deputy disbursing clerk, $2,750; clerks—3 of class 4, 2 of class 3 (1 transferred from office of Auditor for War Department), 3 of class 2 (1 transferred from office of Auditor for Interior Department), 2 of class 1 (1 transferred from office of Auditor for Interior Department); clerk, $1,000; messenger; in all, $22,790.

Office of the Supervising Architect: Supervising Architect, $5,000; executive officer, $3,250; chief constructor (formerly superintendent of drafting and constructing division), $3,000; chief computer (formerly superintendent of computing division), $2,750; chief of files and records division (formerly chief of law and records division), $2,500; chief of accounts division, $2,500; chief of maintenance division (formerly chief of inspection division), $2,500; chief mechanical and electrical engineer, $2,750; four technical clerks, at $1,800 each; clerks—7 of class 4, additional to 1 clerk of class 4 as bookkeeper, $100, 9 of class 3, 5 of class 2, 1 of class 1; foreman of duplicating gallery, $1,800; 4 messengers; assistant messenger; 1 laborer; 4 inspectors, at $2,190 each; inspector, $1,800; in all, $83,850.

For the following now authorized and payable from general appropriations, namely: For chief of technical division, $3,000; assistant constructor, $2,750; assistant chief of files and record division, $2,250; chief structural engineer, $2,750; assistant chief structural engineer, $2,400; inspectors of supplies—1 at $2,300, 1 at $1,800; inspectors—5 at $2,300 each, 3 at $2,000 each, 1 at $1,800; photographer, $2,000; 6 administrative clerks, at $2,000 each; clerks—1 of class 4, 4 at $1,700 each, 4 of class 3, 6 at $1,500 each, 8 of class 2, 8 at $1,300 each, 13 of class 1, 4 at $1,100 each, 6 at $1,000 each, 3 at $900 each, 2 at $840 each; duplicating paper chemist, $1,200; foreman vault, safe and lock shop, $1,100; assistant messenger; messenger boys—3 at $480 each, 2 at $360 each; skilled laborers—4 at $1,000 each, 7 at $960 each, 1 at $900, 1 at $840; laborer, $600; in all, $144,770, which shall be paid out of the appropriation made in the sundry civil appropriation act for the fiscal year 1913 for "General expenses of public buildings."

For the fiscal year 1914 and annually thereafter specific estimates shall be submitted for salaries for all personal services of the foregoing character required in the office of the Supervising Architect of the Treasury, and except as appropriations may be made thereunder no such personal services shall be employed in said office at Washington, D. C.

Office of Comptroller of the Treasury: Comptroller of the Treasury, $6,000; Assistant Comptroller of the Treasury, $4,500; chief clerk, $2,500; chief law clerk, $2,500; 9 law clerks revising accounts and briefing opinions—1 at $2,100, and 8 at $2,000 each; expert accountants—6 at $2,000 each; private secretary, $1,800; clerks—8 of class 4, 3 of class 3, 1 of class 2; stenographer and typewriter, $1,400; typewriter-copyist, $1,000; 2 messengers; assistant messenger; 1 laborer; in all, $73,460.

Hereafter the administrative examination of all public accounts, preliminary to their audit by the accounting officers of the Treasury, shall be made as contemplated by the so-called Dockery Act, approved July 31, 1894, and all vouchers and pay rolls shall be prepared and examined by and through the administrative heads of divisions and bureaus in the executive departments and not by the disbursing clerks of said departments, except those vouchers heretofore prepared outside of Washington may continue to be so prepared and the disbursing officers shall make only such examination of vouchers as may be necessary to ascertain whether they represent legal claims against the United States.

Office of Auditor for Treasury Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; two chiefs of division, at $2,000 each; clerks—18 of class 4, 15 of class 3, 13 of class 2, 31 of class 1, 10 at $1,000 each, 4 at $900 each; 3 assistant messengers; 3 laborers; in all, $114,790.

Office of Auditor for War Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division of accounts, $2,500; 2 chiefs of division, at $2,000 each; clerks—24 of class 4, 49 of class 3 (1 transferred to disbursing clerk), 62 of class 2, 50 of class 1, 10 at $1,000 each, 5 at $900 each; skilled laborer, $900; messenger; 5 assistant messengers; 10 laborers; messenger boy, $480; in all, $310,070.

Office of Auditor for Navy Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; chief of division, $2,000; assistant chief of division, $2,000; clerks—11 of class 4, 20 of class 3, 16 of class 2, 23 of class 1, 11 at $1,000 each, 9 at $900 each; messenger; assistant messenger; 3 laborers; in all, $136,690.

Office of Auditor for Interior Department: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—14 of class 4, 16 of class 3, 28 of class 2 (1 transferred to office of disbursing clerk), 25 of class 1 (1 transferred to office of disbursing clerk), 11 at $1,000 each, 1 at $900; 2 messengers; 3 assistant messengers; 1 laborer; in all, $148,650.

Office of Auditor for State and Other Departments: Auditor, $4,000; chief clerk and chief of division, $2,250; law clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—16 of class 4, 1 of class 4 (special examiner), 17 of class 3, 13 of class 2, 13 of class 1, 5 at $1,000 each, 5 at $900 each; 1 messenger; 2 assistant messengers; 2 laborers; in all, $116,950.

Office of Auditor for Post Office Department: Auditor, $5,000; assistant and chief clerk, $3,000; law clerk, $3,000; expert accountant, $2,750; 4 chiefs of division, at $2,250 each; 4 assistant chiefs of division, at $2,000 each; 4 principal bookkeepers, at $2,000 each; clerks—27 of class 4, 51 of class 3, 62 of class 2, 91 of class 1, 59 at $1,000 each; 55 at $900 each; skilled laborer, $1,000; skilled laborers (formerly money-order assorters)—15 at $840 each, 25 at $780 each, 84 at $720 each, 49 at $660 each; female laborer, $660; 8 skilled laborers, at $840 each; 11 skilled laborers, at $720 each; messenger boys—4 at $480 each, 5 at $360 each; 9 male laborers, at $660 each; forewoman, $480; and 19 charwomen; in all, $629,370.

Provided, That the Secretary of the Treasury may, during the fiscal year 1913, in his discretion, diminish the number of positions of the several grades below the grade of clerk at $1,000 per annum in the office of the Auditor for the Post Office Department and use the unexpended balances of the appropriations for the positions so diminished as a fund to pay, on a piece-rate basis, to be fixed by the Secretary of the Treasury, the compensation of such number of employees as may be necessary to tabulate, by the use of mechanical devices, the accounts and vouchers of the postal service.

Postal Savings System, audit of the accounts of, office of Auditor for the Post Office Department.—The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items, as may be necessary, in his judgment, to audit the accounts of the Postal Savings System in the office of the Auditor for the Post Office Department: *Provided*, That the money required to pay such clerks and employees and contingent and miscellaneous items, not exceeding $50,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914 and annually thereafter.

Office of the Treasurer: Treasurer of the United States, $8,000; Assistant Treasurer, $3,600; Deputy Assistant Treasurer, $3,200; cashier, $3,600; assistant cashier, $3,000; chief clerk, $2,500; five chiefs of division, at $2,500 each; assistant chief of division, $2,250; vault clerk, $2,500; principal bookkeeper, $2,500; assistant bookkeeper, $2,100; two tellers, at $2,500 each; two assistant tellers, at $2,250 each; vault clerk, Bond Division, $2,000; clerk for the Treasurer, $1,800; clerks—24 of class 4, 18 of class 3, 15 of class 2, 33 of class 1, 18 at $1,000 each, 24 at $900 each; coin clerk, $1,400; expert counters—29 at $900 each, 15 at $800 each, 40 at $720 each, 17 at $700 each; mail messenger, $840; 8 messengers; 7 assistant messengers; 23 laborers; 6 messenger boys, at $360 each; compositor and pressman, $1,600; pressman, $1,400; silver piler, $1,000; in all, $345,390.

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: Superintendent, $3,500; teller, $2,500; bookkeeper, $2,400; assistant teller and assistant bookkeeper, at $2,000 each; clerks—5 of class 4, 7 of class 3, 9 of class 2, 25 of class 1; expert counters—10 at $1,200 each, 52 at $1,000 each, 42 at $900 each, 32 at $800 each, 18 at $700 each; 2 messengers; 4 assistant messengers; 4 charwomen; in all, $220,720.

Salaries, force employed on work of the Postal Savings System in the office of the Treasurer of the United States (reimbursable): The Secretary of the Treasury may employ such number of clerks and employees of the several classes and at the several rates of compensation recognized by law, and expend such sums for contingent and miscellaneous items as may be necessary, in his judgment, to transact the business of the Postal Savings System in the office of the Treasurer of the United States: *Provided*, That the money required to pay such clerks and employees and contingent and miscellaneous items, not exceeding $18,000 for the fiscal year 1913, shall be advanced to the Secretary of the Treasury at regular intervals out of any available appropriation for the establishment, maintenance, and extension of postal savings depositories: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914 and annually thereafter.

For repairs to canceling and cutting machines in the office of the Treasurer of the United States, $200.

Office of the Register of the Treasury: Register, $4,000; Assistant Register, $2,500; chief of division, $2,000 (one transferred to Loans and Currency Division); clerks—3 of class 4 (1 transferred to Loans and Currency Division); 3 of class 3 (2 transferred to Loans and Currency Division and 1 dropped); 2 of class 2 (3 transferred to Loans and Currency Division); 5 of class 1 (4 transferred to Loans and Currency Division); 4, at $1,000 each; 18, at $900 each; messenger; assistant messenger (1 transferred to Loans and Currency Division); and 2 laborers; in all, $50,580.

Office of the Comptroller of the Currency: Comptroller of the Currency, $5,000; deputy comptroller, $3,500; deputy comptroller, $3,000; chief clerk, $2,500; chiefs of division—1 at $2,500, 2 at $2,200 each; bookkeeper, $2,000; assistant bookkeeper, $2,000; clerks—8 of class 4, additional to bond clerk, $200; 13 of class 3, 13 of class 2, 26 of class 1, 13 at $1,000 each; 7 at $900 each; stenographer, $1,600; 6 counters, at $840 each; messenger; 5 assistant messengers; 3 laborers; 2 messenger boys, at $360 each; in all, $142,780.

For expenses of the national currency (to be reimbursed by the national banks), namely: Superintendent, $2,500; teller, $2,000; clerks—1 of class 4, 1 of class 3, 4 of class 2, 5 of class 1, 4 at $1,000 each, 5 at $900 each; engineer, $1,000; 12 expert counters, at $840 each; 3 counters, at $700 each; assistant messenger; fireman; messenger boy, $360; 2 charwomen; in all, $43,460.

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury Building in repair, and for other incidental expenses attending the working of the macerator, and for procuring information relative to banks other than national, $4,800.

Office of the Commissioner of Internal Revenue: Commissioner of Internal Revenue, $6,000; deputy commissioner, $4,000; deputy commissioner, $3,600; chemist, $2,500; first assistant chemist, $1,800; second assistant chemist, $1,600; third assistant chemist, $1,400; 3 heads of divisions, at $2,500 each; 6 heads of divisions, at $2,250 each; superintendent of stamp vault, $2,000; private secretary, $1,800; clerks—2 at $2,000 each; 29 of class 4, 25 of class 3, 37 of class 2, 37 of class 1; 32 at $1,000 each; 42 at $900 each; 3 messengers; 21 assistant messengers; and 16 laborers; in all, $336,100.

For the following, formerly authorized and paid from appropriation for "withdrawal of denatured alcohol," namely: Chief chemist, $3,000; first assistant chemist, $1,800; clerks—1 of class 4, one of class 3, 4 of class 2, 3 of class 1; 1 messenger; in all, $18,240.

For stamp agent, $1,600; stamp agent, $900; counter, $900; in all, $3,400, the same to be reimbursed by the stamp manufacturers.

Office of Life-Saving Service: General Superintendent of the Life-Saving Service, $4,000, and $500 additional while the office is held by the present incumbent; assistant general superintendent, $2,500; principal clerk, $2,000; title and contract clerk, $2,000; topographer and hydrographer, $1,800; civil engineer, $1,800; draftsman, $1,500; clerks—3 of class 4, 5 of class 3, 4 of class 2, 5 of class 1, 3 at $1,000 each, 2 at $900 each; messenger; assistant messenger; laborer; in all, $48,120.

Bureau of Engraving and Printing: Director, $6,000; assistant director, $3,500; chief of division of assignments and reviews, $3,000; chief clerk, $2,500; medical and sanitary officer, $2,000; stenographer, $1,800; clerks—1 of class 4, 6 of class 3, 9 of class 2, 9 of class 1, 8 at $1,000 each, 10 at $900 each, 6 at $840 each, 15 at $780 each; disbursing agent, $2,400; storekeeper, $1,600; assistant storekeeper, $1,000; clerk in charge of purchases and supplies, $2,000; 9 attendants at $600 each; helpers—two at $900 each, 2 at $720 each, 2 at $600 each; 3 messengers, 7 assistant messengers; captain of the watch, $1,400; 2 lieutenants of the watch, at $900 each; 46 watchmen; 2 forewomen of charwomen, at $540 each; 19 day charwomen, at $400 each; 52 morning and evening charwomen, at $300 each; foreman of laborers, $900; 4 laborers; 75 laborers, at $540 each; in all, $216,380; and no other fund appropriated by this or any other act shall be used for services, in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act, and then only on the written approval of the Secretary of the Treasury.

Secret service division: Chief, $3,600; assistant chief, who shall discharge the duties of chief clerk, $3,000; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 of class 1, 1 at $1,000; assistant messenger; in all, $15,720.

Office of the Director of the Mint: Director, $5,000; examiner, $3,000; computer and adjuster of accounts, $2,500; assayer, $2,200; clerks—2 of class 4, 2 of class 3, 1 of class 1; private secretary, $1,400; messenger; assistant in laboratory, $1,200; assistant messenger; skilled laborer, $720; in all, $25,580.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, $25,000.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the director, namely: For assay laboratory chemicals, fuel, materials, balances, weights, and other necessaries, including books, pamphlets, periodicals, specimens of coins, ores, and incidentals, $800.

For examinations of mints, expense in visiting mints for the purpose of superintending the annual settlements, and for special examinations, and for the collecting of statistics relative to the annual production and consumption of the precious metals in the United States, $4,000.

Office of Surgeon General of Public Health and Marine-Hospital Service: Surgeon General $5,000; chief clerk, $2,000; private secretary to the Surgeon General, $1,800; clerks—3 of class 4, 2 of class 3, 6 of class 2, 1 of whom shall be translator, 7 of class 1, 3 at $900 each; messenger; 3 assistant messengers; 2 laborers, at $540 each; in all, $40,980.

Contingent expenses, Treasury Department: For the following sums, which shall be so apportioned as to prevent deficiencies therein, namely:

For stationery for the Treasury Department and its several bureaus and offices, $50,000, and in addition thereto sums amounting to $86,150 shall be deducted from other appropriations made for the fiscal year 1913 as follows: Contingent expenses, Independent Treasury, $7,200; contingent expenses, mint at Philadelphia, $500; contingent expeses, mint at San Francisco, $300; contingent expeses, mint at Denver, $300; contingent expenses, assay office at New York, $500; materials and miscellaneous expenses, Bureau of Engraving and Printing, $3,300; suppressing counterfeiting and other crimes, $400; expenses of Revenue-Cutter Service, $2,100; Public Health and Marine-Hospital Service, $1,850; Quarantine Service, $590; preventing the spread of epidemic diseases, $260; Life-Saving Service, $1,400; fuel, lights, and water for public buildings, $4,750; general expenses of public buildings, $3,550; collecting the revenue from customs, $37,300; miscellaneous expenses of collecting internal revenue, $18,700; and for expenses of collecting the corporation tax, $3,150; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $50,000, the total appropriation for stationery for the Treasury Department and its several bureaus and offices for the fiscal year 1913.

For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, $1,000.

For materials for the use of the bookbinder located in the Treasury Department, $250.

For newspaper clippings, law books, city directories, and other books of reference relating to the business of the department, $1,000.

For investigation and experimentation and to secure better methods of administration, with a view to increased efficiency or to greater economy in the expenditure of public money, including necessary traveling expenses, in connection with special work, or obtaining of better administrative methods in any branch of the service within or under the Treasury Department, including the temporary employment of agents, stenographers, accountants, or other expert services either within or without the District of Columbia, $20,000.

For freight, expressage, telegraph and telephone service, $7,000.

For rent of buildings, $52,000.

For purchase, exchange, maintenance, and repair of motor trucks, and maintenance of horses and carriages, to be used for official purposes only, including not exceeding $6,000 for the purchase of two motor trucks and one motor delivery wagon, $8,000.

For purchase of file holders and file cases, $4,000.

For purchase of coal, wood, engine oils and grease, grates, grate baskets and fixtures, blowers, coal hods, coal shovels, pokers, and tongs, $12,000.

For purchase of gas, electric current for lighting and power purposes, gas and electric-light fixtures, electric-light wiring and material, candles, candlesticks, droplights and tubing, gas burners, gas torches, globes, lanterns, and wicks, $17,000.

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters; flower-garden, street, and engine hose; lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, toilet paper, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, street car tickets not exceeding $250, advertising for proposals, and for sales at public auction in Washington, D. C., of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, $11,500.

For purchase of labor-saving machines, including the purchase and exchange of registering accountants, numbering machines, and other machines of a similar character, including time stamps for stamping date of receipt of official mail and telegrams, and repairs thereto, $8,000.

For shelving and transferring records and files from and to the Treasury Building and its annexes in Washington, $500.

For purchase of carpets, carpet border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, cutting, making, laying, and relaying of the same, by contract, $3,000.

For purchase of boxes, book rests, chairs, chair caning, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber, screens, tables, typewriters, including the exchange of same, wardrobe cabinets, washstands, water coolers and stands, and for replacing other worn and unserviceable articles, $10,000.

For maintenance of the automatic fire-alarm systems in the Treasury and Winder Buildings, $2,166.

Electrical burglar-alarm devices, Treasury Building, Washington, D. C.: For installation and maintenance of electrical burglar-alarm devices in the Treasury Building at Washington, D. C., $720.

Contingent and miscellaneous expenses, Office of Auditor for the Post Office Department, namely: For miscellaneous items, including purchase, repair, and exchange of typewriting machines of which not exceeding $375 may be used for rental of telephones, and not exceeding $300 may be used for the purchase of law books, books of reference, and city directories, $3,500;

For furniture and repairs, $1,500;

For purchase, exchange, and repair of adding machines, $1,000.

In all, $6,000, to be expended under the direction of the Auditor for the Post Office Department under rules and regulations to be prescribed by the Secretary of the Treasury and to operate as a specific exception, of the said office from the appropriation for contingent expenses, Treasury Department, unless otherwise provided by law.

For the purchase of tabulating equipment for use in auditing accounts and vouchers of the postal service, including exchange, repairs, miscellaneous expenses of installation, cards and filing devices, $81,700, to be expended under the direction of the Auditor for the Post Office Department under rules and regulations to be prescribed by the Secretary of the Treasury: *Provided*, That not exceeding $16,800 may be expended for the rental of tabulating and card-sorting machines.

COLLECTING INTERNAL REVENUE.

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks, messengers, and janitors in internal-revenue offices, $2,100,000: *Provided*, That no part of this amount be used in defraying the expenses of any officer, designated

above, subpœnaed by the United States court to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."

On and after October 1, 1912, the whole number of collection districts for the collection of internal revenue and the whole number of collectors of internal revenue shall not exceed 63.

For salaries and expenses of 40 revenue agents provided for by law, and fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, $2,565,000.

For rent of offices outside of the District of Columbia, telephone service, and other miscellaneous expenses incident to the collection of internal revenue, and for the purchase of necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed $500, and reasonable expenses for not exceeding 60 days immediately following the injury of field officers or employees in the Internal-Revenue Service while in line of duty, of medical attendance, surgeon's and hospital bills made necessary by reason of such injury, and for horses crippled or killed while being used by officers in making raids, not exceeding $150 for any horse so crippled or killed, $75,000.

For expenses of collecting the corporation tax authorized by the tariff act approved August 5, 1909, $150,000.

For classifying, indexing, exhibiting, and properly caring for the returns of all corporations required by section 38 of the tariff act approved August 5, 1909, including the employment in the District of Columbia of such clerical and other personal services and for rent of such quarters as may be necessary, $30,000: *Provided*, That any and all such returns shall be open to inspection only upon the order of the President, under rules and regulations to be prescribed by the Secretary of the Treasury and approved by the President.

INDEPENDENT TREASURY.

Office of assistant treasurer at Baltimore: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,900; exchange teller, $1,800; vault clerk, $1,800; 2 clerks, at $1,600 each; 3 clerks, at $1,400 each; 4 clerks, at $1,200 each; 5 clerks, at $1,000 each; messenger, $840; 3 watchmen, at $720 each; in all, $34,700.

Office of assistant treasurer at Boston: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,500; clerk, $2,200; vault clerk, $2,000; receiving teller, $2,000; redemption teller, $1,800; 5 clerks, at $1,600 each; clerk, $1,500; 1 clerk, $1,400; 4 clerks, at $1,200 each; 3 clerks, $1,100 each; 5 clerks, at $1,000 each; clerk, $900; chief guard, $1,100; 3 watchmen, at $850 each; laborer and guard, $720; in all, $47,270.

Office of assistant treasurer at Chicago: Assistant treasurer, $5,000; cashier, $3,000; vault clerk, $2,250; paying teller, $2,500; assorting teller, $2,000; redemption teller, $2,000; change teller, $2,000; receiving teller, $2,000; clerk, $1,600; bookkeeper, $1,800; 2 bookkeepers, at $1,500 each; clerk, $1,600; clerk, $1,750; 3 clerks, at $1,500 each; 6 clerks, at $1,500 each; 22 clerks, at $1,200 each; clerk, $900; hall man, $1,100; messenger, $840; 3 watchmen, at $720 each; janitor, $720; in all, $76,120.

Office of assistant treasurer at Cincinnati: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $1,800; 4 clerks, at $1,200 each; 2 clerks, at $1,300 each; vault clerk, $1,800; bookkeeper, $1,800; clerk, $1,200; 2 clerks, at $1,000 each; clerk and stenographer, $1,000; chief watchman, $840; 2 watchmen, at $600 each; in all, $27,790.

Office of assistant treasurer at New Orleans: Assistant treasurer, $4,500; cashier, $2,250; paying teller, $2,000; receiving teller, $2,000; vault clerk, $1,800; bookkeeper, $1,500; clerk, $1,500; assorting teller, $1,200; 6 clerks, at $1,200 each; 2 clerks, at $1,000 each; typewriter and stenographer, $1,000; day watchman, $720; night watchman, $720; messenger, $500; in all, $28,890.

Office of assistant treasurer at New York: Assistant treasurer, $8,000; cashier (formerly deputy assistant treasurer and cashier), $4,200; assistant cashier (formerly assistant cashier and chief clerk), $3,600; chief of check pay division (formerly assistant cashier and vault clerk), $3,000; bond clerk and assistant vault clerk (formerly chief of division), $2,800; paying teller (formerly chief of division), $3,000; receiving teller (formerly chief of division), $2,800; chief of redemption division (formerly chief of division), $2,700; vault and authorities clerk (formerly chief of division), $2,500; chief clerk (formerly chief paying teller), $3,000; chief of coin division (formerly chief of division), $2,700; chief bookkeeper, $2,400; assistant chief of canceled check division (formerly assistant teller), $2,250; assistant chief of redemption division (formerly assistant teller), $2,250; assistant paying teller (formerly assistant teller), $2,250; paying teller, coin division (formerly assistant teller), $2,100; assistant chief, check pay division (formerly assistant teller), $2,000; assistant chief, coin division (formerly assistant teller), $2,000; chief of minor coin division (formerly assistant teller), $2,000; 4 bookkeepers (formerly assistant tellers), at $2,000 each; paying teller, minor coin division (formerly assistant teller), $1,800; assistant receiving teller (formerly assistant teller), $1,800; 2 bookkeepers (formerly assistant tellers), at $1,500 each; clerks—1 at $2,300, 1 at $2,100, 2 at $2,000 each, 1 (formerly assistant teller), $1,900, 3 (formerly assistant tellers) at $1,800 each, 1 (formerly assistant teller), $1,700, 6 at $1,600 each, 9 at $1,500 each, 13 at $1,400 each, 8 at $1,300 each, 14 at $1,200 each, 5 at $1,100 each, 5 at $1,000 each; messengers—2 at $1,200 each, 5 at $900 each, 2 at $800 each; chief guard (formerly chief detective), $1,500; guard (formerly assistant detective), $1,200; 2 guards (formerly 2 hall men), at $1,000 each; superintendent of building, $1,800; chief engineer (formerly engineer), $1,200; 2 engineers, at $1,050 each; 8 watchmen, at $720 each; in all, $190,610.

Office of assistant treasurer at Philadelphia: Assistant treasurer, $5,000; cashier, $2,500; paying teller, $2,250; coin teller, $2,000; vault clerk, $1,900; bookkeeper, $1,800; assorting teller, $1,800; receiving teller, $1,700; redemption teller, $1,600; clerks—1 at $1,600, 2 at $1,500 each, 3 at $1,400 each, 1 at $1,300, 5 at $1,200 each, 1 at $1,000; chief guard, $1,100; 6 counters, at $900 each; 6 watchmen, at $720 each; in all, $48,470.

Office of assistant treasurer at St. Louis: Assistant treasurer, $4,500; cashier, $2,500; paying teller, $2,000; receiving teller, $1,800; assorting teller, $1,800; change teller, $1,600; 3 clerks, at $1,500 each; coin teller, $1,200; bookkeeper, $1,500; 7 clerks, at $1,200 each; 2 clerks, at $1,100 each; 3 clerks, at $1,000 each; 3 clerks, at $900 each; 2 watchmen, at $720 each; 2 janitors, at $600 each; guard, $720; in all, $41,060.

Office of assistant treasurer at San Francisco: Assistant treasurer, $4,500; cashier, who also acts as vault clerk, $3,000; bookkeeper, $2,000; clerk, $2,000; paying teller, $2,400; receiving teller, $2,000; 3 clerks, at $1,800 each; clerk, $1,500; clerk, $1,400; 2 clerks, at $900 each; messenger, $840; 4 watchmen, at $720 each; in all, $29,720.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, $9,000.

MINTS AND ASSAY OFFICES.

Mint at Carson, Nev.: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,500; chief clerk, $1,600; clerk, $1,000; in all, $6,350.

For wages of workmen and other employees, $6,200.

For incidental and contingent expenses, $3,000.

Mint at New Orleans, La.: Assayer, who shall have general charge of the institution as under section 3560, Revised Statutes, and who shall be a practical assayer, $2,500; assistant assayer, $1,500; chief clerk, who shall perform the duties of cashier, $1,500; 3 clerks, $1,200 each; assayer's assistant, $1,200; in all, $10,300.

For wages of workmen and other employees, $7,500.

For incidental and contingent expenses, $3,500.

Mint at San Francisco, Cal.: Superintendent, $4,500; assayer, superintendent melting and refining department, and superintendent coining department, at $3,000 each; chief clerk, and cashier, at $2,500 each; bookkeeper, $2,000; assistant assayer, $2,200; assistant melter and refiner, and assistant coiner, at $2,000 each; assistant cashier, $1,800; assistant bookkeeper, $1,800; assayer's assistant, $2,000; deposit weigh clerk, $2,000; 1 clerk, $2,000; 1 clerk, $1,800; 6 clerks, at $1,600 each; private secretary, $1,400; 2 clerks, at $1,400 each; 2 clerks, at $1,200 each; in all, $54,300.

For wages of workmen and other employees, $122,500.

For incidental and contingent expenses, including new machinery and repairs, exclusive of that required for the refinery, melter and refiners' wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and for wastage and loss on sale of coiners' sweeps, $40,000.

Assay office at Boise, Idaho: Assayer in charge, who shall also perform the duties of melter, $2,250; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,500; assayer's assistant, $1,500; 1 clerk, $1,200; in all, $8,050.

For wages of workmen and other employees, $3,540.

For incidental and contingent expenses, $2,500.

Assay office at Charlotte, N. C.: Assayer and melter, $1,500.

For wages of workmen and other clerks and employees, $900.

For incidental and contingent expenses, $400.

Assay office at Deadwood, S. Dak.: Assayer in charge, who shall also perform the duties of melter, $2,000; clerk, $1,200; assistant assayer, $1,600; assayer's assistant, $1,400; in all, $6,200.

For wages of workmen and other employees, $3,000.

For incidental and contingent expenses, new machinery, etc., $1,500.

Assay office at Helena, Mont.: Assayer in charge, $2,500; chief clerk, who shall also perform the duties of cashier, $1,800; clerk, $1,600; clerk, $1,400; assistant assayer, $1,700; assayer's assistant, $1,400; in all, $10,400.

For wages of workmen and other employees, $6,500.

For incidental and contingent expenses, $3,250.

Assay office at Seattle, Wash.: Assayer in charge, who shall also perform the duties of melter, $2,750; assistant assayer, $2,000; chief clerk, who shall also perform the duties of cashier, $2,000; 1 clerk, $1,700; 2 clerks, at $1,600 each; clerk, $1,400; in all, $13,050.

For wages of workmen and other employees, $22,000.

For incidental and contingent expenses, including rent of building, $6,500.

Assay office at Salt Lake City, Utah: Assayer in charge, who shall also perform the duties of melter, $2,500; assistant assayer, $1,600; chief clerk, who shall also perform the duties of cashier, $1,600: *Provided*, That the chief clerk shall perform the duties of assayer in charge in his absence; clerk, $1,400; in all, $7,100.

For wages of workmen and other employees, $4,500.

For incidental and contingent expenses, $3,500.

The position of coiner, which has heretofore existed in each of the coinage mints, and the position of melter and refiner, which has heretofore existed in each of the coinage mints and in the United States assay office at New York, are hereby abolished, to take effect on and after July 1, 1912, and on and after that date the duties and responsibilities heretofore imposed by law on the officers holding said positions in each of said mints and the assay office shall devolve upon the superintendents of said institutions; and all assistants and employees of the mints and assay offices of the United States shall, from and after July 1, 1912, be appointed by the Secretary of the Treasury.

Mint at Denver, Colo.: Superintendent, $4,500; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk and cashier, at $2,500 each; deposit weigh clerk, and bookkeeper, at $2,000 each; assistant assayer, $2,200; 2 clerks, at $2,000 each; assayer's assistant, $2,000; assistant cashier, $1,800; 2 clerks, at $1,800 each; 4 clerks, at $1,600 each; 2 clerks, at $1,400 each; 1 clerk, $1,200; private secretary, $1,200; in all, $47,200.

For wages of workmen and other employees, $94,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining department and coining department, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coin, $35,000.

Mint at Philadelphia: Superintendent, $4,500; engraver, $4,000; assayer, $3,000; superintendent melting and refining department, $3,000; superintendent coining department, $2,500; chief clerk, $2,500; assistant assayer, $2,200; assistant superintendent of melting and refining department, $2,000; cashier, and bookkeeper, at $2,500 each; one clerk, and deposit weigh clerk, at $2,000 each; assistant cashier, and curator, at $1,800 each; 2 clerks, at $1,700 each; 8 clerks, at $1,600 each; 1 clerk, $1,500; 6 clerks, at $1,400 each; 1 clerk, $1,300; 3 clerks, at $1,200 each (including 1 formerly paid from "parting and refining"); 5 clerks, at $1,000 each; 1 clerk, $900; in all, $73,200.

For wages of workmen and other employees, $305,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in melting and refining and in coining departments, and loss on sale of sweeps arising from the treatment of bullion and the manufacture of coins, $70,000.

Assay office at New York: Superintendent, $5,000; assayer, $3,000; superintendent of melting and refining department, $3,000; chief clerk, cashier, deposit weigh clerk, and assistant assayer, at $2,500 each; 2 clerks, and assayer's assistant, at $2,000 each; bookkeeper, $2,350; assistant cashier, and 4 clerks, at $1,800 each; 1 clerk (formerly paid from "parting and refining"), $1,600; 1 clerk, $1,500; private secretary, $1,400; 1 clerk, $1,250; 7 clerks, at $1,000 each; in all, $51,100.

For wages of workmen and other employees, $80,000.

For incidental and contingent expenses, including new machinery and repairs, wastage in the melting department, and loss on sale of sweeps arising from the treatment of bullion, $60,000.

GOVERNMENT IN THE TERRITORIES.

District of Alaska: Governor, $7,000; 4 judges, at $7,500 each; 4 attorneys, at $5,000 each; 4 marshals, at $4,000 each; 4 clerks, at $3,500 each; in all, $87,000.

For incidental and contingent expenses, clerk hire, not to exceed $2,250; janitor service, not to exceed $900; traveling expenses of the governor while absent from Juneau on official business; rent of offices and quarters in Juneau, stationery, lights, and fuel, to be expended under the direction of the governor, $7,150.

Territory of Hawaii: Governor, $7,000; secretary, $4,000; chief justice, $6,000; 2 associate justices, at $5,500 each; in all, $28,000.

For judges of circuit courts, at $4,000 each, so much as may be necessary, for the fiscal year ending June 30, 1913.

For contingent expenses of the Territory of Hawaii, to be expended by the governor for stationery, postage, and incidentals, $1,000, and for private secretary to the governor, $2,000; in all, $3,000.

For legislative expenses, namely: Furniture, light, telephone, stationery, record casings and files, printing and binding, indexing records, postage, ice, water, clerk hire, mileage of members, and incidentals, pay of chaplain, clerk, sergeant at arms, stenographers, typewriters, janitors, and messengers, $30,000: *Provided*, That the members of the Legislature of the Territory of Hawaii shall not draw their compensation of $200 or any mileage for an extra session, held in compliance with section 54 of an act to provide a government for the Territory of Hawaii, approved April 30, 1900.

WAR DEPARTMENT.

During the fiscal year 1913 no vacancy occurring in the classified service of the War Department herein provided for shall be filled except by promotion or demotion from among those within said service, until the whole number of those herein authorized in said classified service of the department shall have been reduced not less than 5 per cent. And the salaries or compensation of all places herein provided for that may be embraced within such reduction shall not be available for expenditure but shall lapse and be covered into the Treasury.

Office of the Secretary: Secretary of War, $12,000; Assistant Secretary, $5,000; assistant and chief clerk, $4,000; private secretary to the Secretary, $2,500; clerk to the Secretary, $2,000; stenographer to the Secretary, $2,000; clerk to the Assistant Secretary, $2,400; assistant chief clerk, $2,400; disbursing clerk, $2,750; appointment clerk, $2,250; 4 chiefs of division, at $2,000 each; superintendent of buildings outside of State, War, and Navy Department Building, in addition to compensation as chief of division, $500; chief telegrapher, $1,800; clerks—4 of class 4, 5 of class 3, 15 of class 2, 19 of class 1, 6 at $1,000 each, 1 at $900; foreman, $1,200; carpenter, $1,200; chief messenger, $1,000; carpenter, $900; skilled laborer, $900; 6 messengers; 7 assistant messengers; telephone switchboard operator; assistant telephone switchboard operator; 2 messenger boys, at $360 each; engineer, $900; assistant engineer, $720; fireman; 4 watchmen; 5 watchmen, at $660 each; 8 laborers; 2 laborers, at $540 each; hostler, $600; 2 hostlers and 1 watchman, at $540 each; elevator conductors—1 at $600, 1 at $540; 4 charwomen; in all, $149,820.

Adjutant General's Office: Chief clerk, $2,000; 10 chiefs of division, at $2,000 each; clerks—48 of class 4, 64 of class 3, 94 of class 2, 232 of class 1, 88 at $1,000 each; engineer, $1,400; assistant engineer, $900; 2 firemen; skilled mechanic, $1,000; 10 messengers; 58 assistant messengers; messenger boy, $360; 8 watchmen; superintendent of building, $250; and 18 laborers; in all, $781,950; all employees provided for by this paragraph for the Adjutant General's Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year 1913.

Office of the Inspector General: Clerks—1 of class 4, 2 of class 3, 3 of class 2, 1 of class 1; messenger; assistant messenger; and messenger, $600; in all, $12,560.

Office of the Judge Advocate General: Chief clerk and solicitor, $2,500; law clerks—1 at $2,400, 1 at $2,000; clerks—1 of class 4, 2 of class 3, 3 of class 2, 6 of class 1; copyist; 2 messengers; assistant messenger; in all, $26,000.

Signal Office: Chief clerk, $2,000; clerks—2 of class 4, 1 of class 3, 1 of class 2, 4 of class 1, 10 at $1,000 each; 2 messengers; assistant messenger; in all, $25,800.

The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, and for the Signal Service of the Army, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $25,000, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

The services of 1 wireless engineer and 1 wireless assistant, as the Secretary of War may deem necessary, may be employed only in the Signal Office to carry into effect the appropriation for the Signal Service of the Army, to be paid from such appropriation, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $3,600, and that the Secretary of War shall each year in the annual estimates report to Congress the persons so employed, their duties, and the amount paid to each each.

Office of the Quartermaster General: Chief clerk, $2,500; 2 chiefs of division, at $2,000 each; clerks—9 of class 4, 14 of class 3, 27 of class 2, 58 of class 1, 40 at $1,000 each, 13 at $900 each; advisory architect, $4,000; experienced builder and mechanic, $2,500; inspector of supplies, $2,500; draftsmen—3 at $1,800 each, 7 at $1,600 each, 5 at $1,400 each, 1 at $1,200; supervising engineer, $2,750; 2 civil engineers, at $1,800 each; assistant civil engineer, $1,200; electrical engineer, $2,000; electrical and mechanical engineer, $2,000; marine engineer, $3,500; assistant marine engineer, $1,800; sanitary and heating engineer, $1,800; blue-print operator, $900; 4 messengers; 11 assistant messengers; 2 assistant messengers, at $600 each; female messenger, $480; 7 laborer; laborer, $480; in all, $275,610.

Office of the Commissary General: Chief clerk, $2,000; clerks—6 of class 4, 8 of class 3, 8 of class 2, 18 of class 1, 13 at $1,000 each, 4 at $900 each; messenger; 2 assistant messengers; laborer; in all, $77,940.

Office of the Surgeon General: Chief clerk, $2,000; law clerk, $2,000; clerks—13 of class 4, 11 of class 3, 26 of class 2, 32 of class 1, 10 at $1,000 each, 3 at $900 each; anatomist, $1,600; engineer, $1,400; 3 firemen; skilled mechanic, $1,000; 2 messengers; 10 assistant messengers; 3 watchmen; superintendent of building (Army Medical Museum and Library), $250; 6 laborers; chemist, $2,088; assistant chemist, $1,500; principal assistant librarian, $2,250; pathologist, $1,800; microscopist, $1,800; assistant librarian, $1,800; 4 charwomen; in all, $166,108.

Office of the Paymaster General: Chief clerk, $2,250; clerks—6 of class 4, 7 of class 3, 12 of class 2, 11 of class 1, 5 at $1,000 each, 9 at $900 each; messenger; assistant messenger; 4 laborers; laborer, $600; in all, $72,150.

Office of the Chief of Ordnance: Chief clerk, $2,000; chief of division, $2,000; clerks—5 of class 4, 7 of class 3, 12 of class 2, 28 of class 1, 9 at $1,000 each, 4 at $900 each; 2 messengers; assistant messenger; messenger, $780; messenger, $720; laborer; in all, $91,760.

The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications and for the arming and equipping of the Organized Militia, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June 30, 1913, shall not exceed $45,000, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of the Chief of Engineers: Chief clerk, $2,000; 2 chiefs of division, at $2,000 each; clerks—8 of class 4, 11 of class 3, 13 of class 2, 16 of class 1, 10 at $1,000 each, 11 at $900 each; 6 messengers; 3 assistant messengers; and 2 laborers; in all, $103,820.

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $42,000; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

Office of the Bureau of Insular Affairs: Law officer, $4,500; chief clerk, $2,000; clerks—10 of class 4, 3 of class 3, 10 of class 2, 19 of class 1, 18 at $1,000 each; 3 messengers; 2 assistant messengers; 5 laborers; 2 charwomen; in all, $91,840.

Division of Militia Affairs, Office of the Chief of Staff: For the following now authorized by section 20 of the act approved January 21, 1903, as amended by the act approved May 27, 1908, namely: Chief clerk, $2,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 9 of class 1, 7 at $1,000 each; messenger; 1 assistant messenger; 2 laborers; 2 charwomen; in all, $34,160.

For rent of quarters, $2,500.

For miscellaneous expenses of the Division of Militia Affairs, including stationery, fuel, light, furniture, telegraph and telephone service, and necessary printing and binding, $3,500, which sum, together with the foregoing amounts for salaries and rent, shall be paid from the permanent appropriation for militia under the provisions of section 1661, Revised Statutes as amended, and no other or further sums shall be expended from said appropriation for or on account of said Division of Militia Affairs during the fiscal year 1913.

Contingent expenses of the War Department: For purchase of professional and scientific books, law books, including their exchange; books of reference, blank books, pamphlets, periodicals, newspapers (subscriptions to periodicals may be paid for in advance), maps; typewriters and adding machines, including their exchange; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to the building (outside of the State, War, and Navy Department Building) occupied by Adjutant General's office, the Bureau of Insular Affairs, and the other offices of the War Department and its bureaus located in the Lemon Building; expenses of horses and vehicles, including their exchange, to be used only for official purposes; freight and express charges; street car tickets, not exceeding $300; temporary labor not to exceed $1,000, and other absolutely necessary expenses, $48,000.

For stationery for the War Department and its bureaus and offices, $25,000.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, $500.

For rent of buildings in the District of Columbia for use of the War Department as follows: Medical dispensary, Surgeon General's office, $1,000; War Department, $7,200; Adjutant General's office, $2,300; Bureau of Insular Affairs, $2,220; in all, $12,720.

PUBLIC BUILDINGS AND GROUNDS.

Office of Public Buildings and Grounds: Superintendent, $3,000; assistant and chief clerk, $2,400; clerks—1 of class 4, 1 of class 3, 1 of class 2 and stenographer, 1 of class 1; messenger; landscape architect, $2,400; surveyor and draftsman, $1,500; in all, $16,140.

For foremen, gardeners, mechanics, and laborers employed in the public grounds, $31,200.

For one sergeant of park watchmen, $950.

For second sergeant of park watchmen, $900.

For day watchmen, as follows: One in Franklin Park and adjacent reservations on New York Avenue; 1 in Lafayette Park; 2 in Smithsonian Grounds and neighboring reservations; 1 in Judiciary Park; 1 in Lincoln Park and adjacent reservations; 1 in Iowa Circle and reservations to the northeast; 1 in Thomas and Scott Circles and neighboring reservations; 1 in Washington Circle and neighboring reservations; 1 in Dupont Circle and neighboring reservations; 1 in McPherson Park and Farragut Square; 1 in Stanton Park and neighboring reservations; 2 in Henry and Seaton Parks and neighboring reservations; 1 in Mount Vernon Park and reservations to the northeast; 1 in grounds south of the Executive Mansion; 1 in Garfield and Marion Parks and reservations to the east; 1 in Monument Park; and 3 in Potomac Park; 21 in all, at $720 each, $15,120.

For night watchmen, as follows: Two in Smithsonian Grounds and neighboring reservations; 1 in Judiciary Park; 2 in Henry and Seaton Parks and adjacent reservations; 1 in grounds south of the Executive Mansion; 1 in Monument Park; 1 in Garfield Park and neighboring reservations; 1 in Iowa, Scott, and Thomas Circles and neighboring reservations; 1 in Stanton and Lincoln Parks and neighboring reservations; 1 in Lafayette and McPherson Squares and Franklin and Farragut Parks; 1 in Washington and Dupont Circles and neighboring reservations; 1 in Mount Vernon Park and neighboring reservations; 2 for greenhouses and nursery; and 4 in Potomac Park; 19 in all, at $720 each, $13,680.

For watchman for the care of the monument and dock at Wakefield, Va., the birthplace of Washington, $300.

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, $700.

For purchase and repair of bicycles and revolvers for park watchmen and for purchase of ammunition, $400.

For purchasing and supplying uniforms to park, Monument, and bridge watchmen, $2,800.

Of the foregoing amounts appropriated under Public Buildings and Grounds, the sum of $32,875 shall be paid out of the revenues of the District of Columbia.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Office of the superintendent: Clerk of class 3; stenographer and typewriter, $900; chief engineer, $1,400; 5 assistant engineers, at $1,000 each; electrical machinist, $1,200; captain of the watch, $1,200; 2 lieutenants of the watch, at $840 each; 49 watchmen; carpenter, $1,000; electrician, $1,200; machinist, painter, and plumber, at $1,000 each; 3 dynamo tenders, at $900 each; 7 skilled laborers or mechanics, at $840 each; messenger; foreman of laborers, $840; 10 firemen; 11 conductors of elevators, at $720 each; 17 laborers; 3 second-class firemen, at $660 each; 4 forewomen of charwomen, at $300 each; 77 charwomen; gardener, $720; in all, $112,440.

For fuel, lights, repairs, and miscellaneous items, and city directories, $32,000.

Navy Department Annex, Mills Building: Engineer, $1,200; 4 firemen; 2 elevator conductors, at $720 each; 5 watchmen; 4 laborers; 1 forewoman, $300; 9 charwomen; in all, $14,220.

For repairs, supplies, and miscellaneous articles, Mills Building (Navy Department Annex), $2,000.

For purchase and installation of one 300-kilowatt electric generator and appurtenances, in main building, $14,000.

State Department Annex: Laborer, $660.

NAVY DEPARTMENT.

Office of the Secretary: Secretary of the Navy, $12,000; Assistant Secretary of the Navy, $5,000; chief clerk, $3,000; private secretary to Secretary, $2,500; clerk to Secretary, $2,250; clerk to Assistant Secretary, $2,000; disbursing clerk, $2,250; stenographer, $1,800; clerks—4 of class 4, 2 of class 3, 4 of class 2, 5 of class 1, 1 at $1,100, 4 at $1,000 each; stenographer, $1,200; telegraph operator, $1,100; 2 copyists; carpenter, $900; 4 messengers; 4 assistant messengers; 3 laborers; 3 messenger boys, at $600 each; messenger boy, $420; messenger boy, $400; telephone-switchboard operator; assistant telephone-switchboard operator; in all, $75,060.

Office of the Solicitor: Solicitor, $4,000; law clerks—1 at $2,500, 1 at $2,250, 1 at $2,000; clerks—1 of class 4, 1 of class 3, 1 of class 2, 1 at $840; messenger, $600; in all, $16,990.

Library of the Navy Department: Clerk of class 2; clerk of class 1; assistant messenger; 1 laborer; in all, $3,980.

Office of Naval Records of the Rebellion: Chief clerk, $2,000; agent, to be selected by the Secretary of the Navy from the officers of the late Confederate navy, $1,800; clerks—1 of class 3 (indexer), 3 of class 2, 3 of class 1, 2 at $1,000 each; copyist; copyist, $720; assistant messenger; necessary traveling expenses for collection of records, $100; in all, $17,640; all employees provided for by this paragraph shall be exclusively engaged on the work of this office during the fiscal year 1913.

For continuing the publication of an edition of 11,000 copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the act of Congress approved July 31, 1894, and for the purpose of making such maps and illustrations as relate to the work, $21,000.

Judge Advocate General, United States Navy: Law clerk, $2,200; clerks—1 of class 4, 1 at $1,300; 2 of class 1, 3 at $1,000 each, 1 at $900; assistant messenger; in all, $12,320.

Bureau of Navigation: Chief clerk, $2,000; clerks—1 at $2,000, 4 of class 4, 5 of class 3, 5 of class 2, 8 of class 1, 3 at $1,100 each, 14 at $1,000 each; 14 copyists; 9 copyists, at $840 each; 2 assistant messengers; messenger boy, $600; 5 laborers; in all, $78,600.

Office of Naval Intelligence: Clerk of class 4; clerks—1 of class 2, 1 at $1,300, 3 at $1,000 each; 2 translators, at $1,400 each; assistant draftsman, $1,200; messenger boy, $600; in all, $12,100.

Bureau of Equipment: Chief clerk, $2,000; expert in wireless telegraphy, $3,000; draftsman, who shall be an expert in marine construction, $2,000; bookkeeper and accountant, $1,800; 1 draftsman, $1,700; electrical expert and draftsman, $1,600; clerks—1 of class 4, 2 of class 3, 1 of class 2, 1 at $1,300, 2 of class 1, 4 at $1,000 each; draftsman for work in connection with depots for coal, $1,200; 2 copyists; assistant messenger; messenger boy, $600; blue printer, $600; messenger boy, $360; and 2 laborers; in all, $32,800.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Equipment, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Equipment of vessels," to be paid from the appropriation "Equipment of vessels": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $9,500. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Hydrographic Office: Hydrographic engineer, $3,000; assistant, $2,200; assistant, $2,000; nautical experts—1 at $1,800, 2 at $1,600 each, 1 at $1,400, 3 at $1,200 each, 3 at $1,000 each; clerks—1 of class 2, 1 of class 1; custodian of archives, $1,200; copyists—3 at $900 each; 1 at $840, 2 at $720 each; compiler, $1,400; editor of Notice to Mariners, $1,800; computer, $1,400; draftsmen—3 at $1,800 each, 4 at $1,600 each, 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each, 1 at $900; 3 apprentice draftsmen, at $700 each; chief engraver, $2,000; engravers—2 at $1,800 each, 3 at $1,600 each, 1 at $1,400, 6 at $1,200 each, 2 at $1,000 each, 1 at $720; apprentice engraver, $800; apprentice engraver, $700; plate printers—chief $1,400, 1 at $1,200, 1 at $1,000, 2 at $900 each, 1 at $800; apprentice plate printers—1 at $700, one at $600; chief lithographer, $1,800; 2 lithographers, at $1,000 each; apprentice lithographer, $700; electrotyper and chart plate maker, $1,200; assistant messenger; 4 laborers; helpers—2 at $720 each, 2 at $660 each, 1 at $600, 1 at $500, 1 at $480; in all, $102,700.

Additional employees, for production of charts from metallic plates by photolithographic process: Draftsmen—1 at $1,800, 2 at $1,400 each, 2 at $1,200 each, 5 at $1,000 each; process photographer, $1,600; photographic printer, $1,200; lithographic pressman, $1,400; lithographic transferer, $1,400; 2 negative cutters, at $1,000 each; 2 feeders, at $480 each; in all, $20,560.

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates, cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements, and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, $7,000.

Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oreg.), Portland (Me.), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, Sault Ste. Marie, Panama, and Galveston, including furniture, fuel, lights, works and periodicals relating to hydrography, marine meterology, navigation, surveying, oceanography, and terrestrial magnetism, stationery, miscellaneous articles, rent and care of offices, care of time balls, car fare and ferriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the lastest information for the Pilot Charts, and for other purposes for which the offices were established, $11,000.

For services of necessary employees at branch offices, $17,960.

Additional equipment and supplies for production of charts from metallic plates by photolithographic process:

For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios; electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of Pilot Charts and their supplements and the printing and mailing of the same; purchase of data for charts and sailing directions and other nautical publications; books of reference, and works and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, and to other professional and technical subjects connected with the work of the Hydrographic Office, $19,000.

Lithographic press and attachments, including motors, $6,500.

Additional drafting equipment, $820.

Additional photographic equipment, $3,120.

For a monthly Pilot Chart of the North Pacific Ocean showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; the best routes to be followed by steam and by sail; expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for and printing and mailing the chart, $2,000.

No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office at Washington, District of Columbia, during the fiscal year nineteen hundred and thirteen except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.

Naval Observatory: Four assistant astronomers—1 at $2,400; 2 at $1,800 each; assistant in department of nautical instruments, $1,600; clerks—1 of class 4, 1 of class 2; instrument maker, $1,500; electrician, $1,500; librarian, $1,400; assistants—3 at $1,600 each, 3 at $1,400 each, 2 at $1,000 each; stenographer and typewriter, $900; foreman and captain of the watch, $1,000; carpenter and engineer, at $1,000 each; 3 firemen; 6 watchmen; elevator conductor, $720; 9 laborers; in all, $43,240.

For miscellaneous computations, $5,000.

For professional and scientific books, periodicals, engraving, photographs, and fixtures for the library, $750.

For apparatus and instruments, and for repairs of the same, $2,000.

For repairs to buildings, fixtures, and fences, furniture, gas, chemicals, and stationery, freight (including transmission of public documents through the Smithsonian exchange), foreign postage, and expressage, plants, fertilizers, and all contingent expenses, $3,000.

For fuel, oil, grease, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, $8,000.

Nautical Almanac Office: For assistants in preparing for publication the American Ephemeris and Nautical Almanac, namely: One at $2,000, who may act as or be appointed director; 2 at $1,600 each, 2 at $1,400 each, 3 at $1,200 each, 2 at $1,000 each; copyist and typewriter, $900; assistant messenger; and 1 messenger boy, $420; in all, $15,640.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and in improving the tables of the planets, moon, and stars, $7,000.

Bureau of Steam Engineering: Chief clerk, $2,000; clerks—1 of class 4, 1 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 3 at $1,000 each, 1 at $840; assistant messenger; 2 laborers; 2 laborers, at $600 each; messenger boy, $600; draftsman, $1,400; assistant draftsman, $1,200; stenographers and typewriters—1 at $1,000, 1 at $900; in all, $26,380.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Steam Engineering and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Steam machinery," to be paid from the appropriation "Steam machinery": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $33,700. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Bureau of Construction and Repair: Chief clerk, $2,000; clerks—2 of class 4, 2 of class 3, 3 of class 2, 3 at $1,300 each, 3 of class 1, 9 at $1,100 each, 15 at $1,000 each; 5 copyists; 2 assistant messengers; laborer; messenger boys—9 at $600 each, 1 at $400; in all, $57,800.

The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in

the Bureau of Construction and Repair and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Construction and Repair," to be paid from the appropriation "Construction and Repair": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $88,300. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Bureau of Ordnance: Chief clerk, $2,000; ordnance engineer, mechanical draftsman, and computer, $3,000; draftsman, $1,800; assistant draftsman, $1,400; clerks—2 of class 3, 2 of class 2, 1 at $1,300, 3 of class 1, 1 at $1,100, 5 at $1,000 each; 3 copyists; 2 copyists at $840 each; assistant messenger; messenger boys—2 at $600 each, 2 at $400 each; laborer; in all, $32,960.

The services of clerks, draftsmen, and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Ordnance, and at rates of compensation not exceeding those paid hereunder prior to January 1, 1912, to carry into effect the various appropriations for "Increase of the Navy" and "Ordnance and ordnance stores" to be paid from the appropriation "Ordnance and ordnance stores": *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $12,800. A statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates.

Bureau of Supplies and Accounts: Civilian assistant, $2,500; 2 chief bookkeepers, at $2,000 each; clerks—4 of class 4, 8 of class 3, 7 of class 2, 15 of class 1, 10 at $1,100 each, 28 at $1,000 each, 12 at $900 each; 2 copyists, at $840 each; 5 assistant messengers; messenger boys—1 at $600, 3 at $400 each; laborer; 2 laborers, at $600 each; in all, $113,040.

Bureau of Medicine and Surgery: Chief clerk, $2,000; clerks—2 of class 4, 1 of class 3, 1 of class 2, 1 of class 1, 2 at $1,100 each, 3 at $1,000 each; copyist, $840; assistant messenger; laborer; driver for naval dispensary, $600; and laborer for naval dispensary, $480; in all, $18,300.

Bureau of Yards and Docks: Chief clerk, $2,000; draftsman and clerk, $1,800; clerks—1 of class 3, 1 of class 2, 2 of class 1, 1 at $1,100, 6 at $1,000 each; assistant messenger; 3 messenger boys, at $600 each; and 2 laborers; in all, $20,140.

The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations and allotments thereunder and be paid from such appropriations and allotments: *Provided*, That the expenditures on this account for the fiscal year 1913 shall not exceed $50,000. A statement of the persons employed hereunder, their duties, and the compensation paid to each, shall be made to Congress each year in the annual estimates.

Naval Militia Office: For the following, now authorized and being paid from the appropriation for "Arming and equipping Naval Militia," namely, chief clerk, $1,600; stenographer, $1,200; messenger boy, $600; in all, $3,400, which sum shall be paid from the appropriation for "Arming and equipping Naval Militia" for the fiscal year 1913, and no other or further sums shall be expended from said appropriation for or on account of said Naval Militia office; but all other expenses on account thereof shall be paid out of the appropriations for contingent expenses and for printing and binding for the Navy Department, as in the case of other like expenses of that department.

Contingent expenses, Navy Department: For professional and technical books and periodicals, law books, and necessary reference books, including city directories, railway guides, freight, passenger, and express tariff books, for department library, $2,000.

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons to be used only for official purposes, street-car tickets not exceeding $250, freight, expressage, postage, typewriters and computing machines and exchange of same, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, $40,000; it shall not be lawful to expend, for any of the offices or bureaus of the Navy Department at Washington, any sum out of appropriations made for the Naval Establishment for any of the purposes mentioned or authorized in this paragraph.

Toward installing steel fireproof file cases and file boxes required to furnish additional filing space and to replace old wooden file cases and file boxes, $2,500.

For the rental of the Mills Building during the fiscal year 1913, $24,500.

No part of any appropriations made for the naval service shall be expended for any of the purposes herein provided for on account of the Navy Department at Washington, D. C., except for personal services in certain bureaus, as herein expressly authorized.

DEPARTMENT OF THE INTERIOR.

Office of the Secretary: For compensation of the Secretary of the Interior, $12,000; First Assistant Secretary, $5,000; Assistant Secretary, $4,500; chief clerk, including $500 as superintendent of buildings, who shall be chief executive officer of the department and who may be designated by the Secretary of the Interior to sign official papers and documents during the temporary absence of the Secretary and the Assistant Secretaries of the department, $4,000; assistant to the Secretary, $2,750; assistant attorney, $2,500; 2 special inspectors, whose employment shall be limited to the inspection of offices and the work in the several offices under the control of the Department of the Interior, at $2,500 each; 6 inspectors, at $2,500 each; chief disbursing clerk, $2,250; clerk in charge of supplies, $2,250; clerk in charge of mails, files, and archives, $2,250; clerk in charge of publications, $2,250; private secretary to the Secretary of the Interior, $2,500; clerks—4 at $2,000 each, 13 of class 4, 18 of class 3, 21 of class 2, 24 of class 1, 3 at $1,000 each; returns office clerk, $1,600; female clerk, to be designated by the President, to sign land patents, $1,200; 8 copyists; multigraph operator, $900; assistant multigraph operator, $720; typewriter repairer, $900; 2 telephone switchboard operators; 9 messengers; 7 assistant messengers; 21 laborers; skilled mechanics—1 at $900 and 1 at $720; 2 carpenters, at $900 each; plumber, $900; electrician, $1,000; laborer, $600; 6 laborers, at $480 each; packer, $660; 2 conductors of elevator, at $720 each; 8 charwomen; captain of the watch, $1,200; 40 watchmen; additional to 2 watchmen acting as lieutenants of watchmen, at $120 each; engineer, $1,200; assistant engineer, $1,000; 7 firemen; clerk to sign, under the direction of the Secretary, in his name and for him, his approval of all tribal deeds to allottees and deeds for town lots made and executed according to law for any of the Five Civilized Tribes of Indians in the Indian Territory, $1,200; in all, $275,579.

For employees, for the proper protection, heating, care, and preservation of the old Post Office Department building, occupied by the Department of the Interior, namely: Engineer and electrician, $1,600; assistant engineer, $1,000; 4 firemen; 3 watchmen, acting as lieutenants, at $840 each; 20 watchmen; conductor of elevator, $720; 14 laborers; 9 laborers, at $480 each; 3 skilled mechanics (painter, carpenter, and plumber), at $900 each; in all, $39,380.

Office of Assistant Attorney General: Assistant attorneys—1 at $3,000, 2 at $2,750 each, 4 at $2,500 each, 7 at $2,250 each, 11 at $2,000 each; medical expert, $2,000; 4 clerks of class 3, 1 of whom shall act as stenographer and 1 of whom shall be a stenographer and typewriter; clerk of class 1; in all, $65,850.

For per diem in lieu of subsistence of two special inspectors, Department of the Interior, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $4 per day, and for actual necessary expenses of transportation (including temporary employment of stenographers, typewriters, and other assistance outside of the District of Columbia, and for incidental expenditures necessary to the efficient conduct of examinations), to be expended under the direction of the Secretary of the Interior, $4,500.

For traveling expenses of 6 inspectors, at $4 per day, when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of negotiation, inspection, and investigation, including telegraphing and expenses to and going from the seat of government and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed 20 days, $9,600

General Land Office: Commissioner of the General Land Office, $5,000; assistant commissioner, $3,500; chief clerk, $2,750; chief law clerk, $2,500; 2 law clerks, at $2,200 each; 3 law examiners of surveyors general and district land offices, at $2,000 each; recorder, $2,000; chiefs of division—2 at $2,400 each, 10 at $2,000 each; assistant chief of division, $2,000; law examiners—13 at $2,000 each, 10 at $1,800 each, 18 at $1,600 each; clerks—27 of class 4, 51 of class 3, 74 of class 2, 77 of class 1, 65 at $1,000 each; 65 copyists; 26 copyists, at $720 each; 2 mesengers; 10 assistant messengers; messenger boys—10 at $600 each, 6 at $480 each; 6 skilled laborers, who may act as assistant messengers when required, at $660 each; 16 laborers; laborer, $480; packer, $720; depositary acting for the commissioner as receiver of public moneys, $2,000; clerk and librarian, $1,000; in all, $630,650.

For per diem in lieu of subsistence of examiners and of clerks detailed to inspect offices of United States surveyors general and other offices in surveying service, to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding $4 per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, $8,500.

For law books for the law library of the General Land Office, $400.

For connected and separate United States and other maps prepared in the General Land Office, $20,000: *Provided*, That of the United States maps procured hereunder 7,200 copies shall be delivered to the Senate and 14,400 copies shall be delivered to the House of Representatives, 500 copies shall be delivered to the Commissioner of the General Land Office, and the residue shall be delivered to the Secretary of the Interior for distribution. And all maps delivered to the Senate and House of Representatives hereunder shall be mounted with rollers ready for use.

For separate State and Territorial maps, including maps showing areas designated by the Secretary of the Interior under the enlarged-homestead acts, prepared in the General Land Office, $3,300.

For appliances in connection with filing system in the General Land Office, $3,000.

Indian Office: Commissioner of Indian Affairs, $5,000; assistant commissioner, $3,500; second assistant commissioner, who shall also perform the duties of chief clerk, $2,250; financial clerk, $2,250; chiefs of division—1 at $2,250, one at $2,000; law clerk, $2,000; assistant chief of division, $2,000; private secretary, $1,800; clerks—14 of class 4, 25 of class 3, 24 of class 2, 2 at $1,500 each, 43 of class 1, 23 at $1,000 each; stenographer, $1,000; 29 copyists; messenger; 4 assistant messengers; 4 messenger boys, at $360 each; in all, $231,710.

For the fiscal year 1914 and annually thereafter estimates in detail shall be submitted for all personal services required in the Indian Office, and after the end of the fiscal year 1913 it shall not be lawful to employ in said office any personal services other than those specifically appropriated for in the legislative, executive, and judicial appropriation acts, except temporary details of field employees for service connected solely with their respective employments.

Pension Office: Commissioner of Pensions, $5,000; deputy commissioner, $3,600; chief clerk, $2,500; assistant chief clerk, $2,000; medical referee, $3,000; assistant medical referee, $2,250; 2 qualified surgeons, at $2,000 each; 15 medical examiners, at $1,800 each; 8 chiefs of division, at $2,000 each; law clerk, $2,250; chief of board of review, $2,250; 57 principal examiners, at $2,000 each; private secretary, to be selected and appointed by the Commissioner of Pensions, $2,000; 16 assistant chiefs of division, at $1,800 each; 3 stenographers, at $1,600 each; clerks—95 of class 4, 100 of class 3, 275 of class 2, 295 of class 1, 65 at $1,000 each; 30 copyists; 27 messengers; 12 assistant messengers; 17 skilled laborers, at $660 each; 20 messenger boys, at $400 each; superintendent of building, $1,400; 23 laborers; 10 female laborers, at $400 each; 15 charwomen; 1 painter and 1 cabinetmaker, skilled in their trades, at $900 each; captain of the watch, $840; 3 sergeants of the watch, at $750 each; 20 watchmen; for the following under the chief clerk of the Interior Department: Engineer, $1,200; and 2 firemen; in all, $1,478,100.

No transfers from the Pension Office existing July 1, 1912, shall be returned to said office.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said bureau, in lieu of expenses for subsistence, not exceeding $3 per day, and for actual and other necessary expenses, including telegrams, $215,000.

For completing the installation of the card-index system of the records of the Pension Office, $5,000.

For an additional force of 45 special examiners for one year, at $1,300 each, $58,500, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Patent Office: Commissioner of Patents, $5,000; first assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner, $4,500; assistant commissioner, who shall perform such duties pertaining to the office of commissioner as may be assigned to him by the commissioner,

$3,500; chief clerk, who shall be qualified to act as principal examiner, $3,000; two law examiners, at $2,750 each; three examiners in chief, at $3,500 each; examiner of interferences, $2,700; examiner of trade-marks and designs, $2,700; 6 assistant examiners of trade-marks and designs, at $1,500 each; examiner of classification, $3,600; 43 principal examiners, at $2,700 each; 63 first assistant examiners, at $2,400 each; 73 second assistant examiners, at $2,100 each; 88 third assistant examiners, at $1,800 each, 110 fourth assistant examiners, at $1,500 each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, $2,250; librarian, $2,000; 6 chiefs of division, at $2,000 each; 3 assistant chiefs of division, at $1,800 each; private secretary, to be selected and appointed by the Commissioner of Patents, $1,800; translator of languages, $1,800; clerks—9 of class 4, 9 of class 3, 17 of class 2, 130 of class 1, 90 at $1,000 each; 3 skilled draftsmen, at $1,200 each; 4 draftsmen, at $1,000 each; messenger and property clerk, $1,000; 90 copyists; 50 copyists, at $720 each; 4 messengers; 25 assistant messengers; 14 laborers, at $600 each; 45 laborers, at $480 each; 40 messenger boys, at $360 each; in all, $1,311,010.

For purchase of professional and scientific books and expense of transporting publications of patents issued by the Patent Office to foreign governments, $2,500.

For purchase of law and other reference books, $500.

For producing copies of the weekly issue of patents, designs, and trade-marks; for the reproduction of copies of drawings and specifications of exhausted patents and other papers, $140,000.

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and such other questions arising in connection with applications for patents as may be deemed necessary by the Commissioner of Patents; and for expense attending defense of suits instituted against the Commissioner of Patents, $500.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, $750.

Bureau of Education: Commissioner of Education, $5,000; chief clerk, $2,000; specialist in higher education, $3,000; for the investigation of rural education, industrial education, and school hygiene, including salaries, $15,000; editor, $2,000; statistician, $1,800; specialists in charge of land-grant college statistics, $1,800; translator, $1,800; collector and compiler of statistics, $2,400; specialists—1 in foreign educational systems, and 1 in educational systems, at $1,800 each; clerks—2 of class 4, 3 of class 3, 4 of class 2, 8 of class 1, 7 at $1,000 each; 6 copyists; 2 copyists, at $800 each; copyist, $720; 2 skilled laborers, at $840 each; messenger; 1 assistant messenger; 3 laborers, at $840 each; laborer, $400; in all, $81,800.

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, including payment in advance for subscriptions to publications, $500.

For collecting statistics for special reports and circulars of information, $4,000.

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, textbooks, and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and for repairing the same, $2,500.

Office of the Superintendent of the Capitol Building and Grounds: Superintendent of the Capitol Building and Grounds, $6,000; chief clerk, $2,000; chief electrical engineer, $3,000; civil engineer, $2,400; 2 draftsmen, at $1,200 each; clerk, $1,600; stenographer and typewriter, $1,000; compensation to disbursing clerk, $1,000; messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, $1,000; laborer in charge of water-closets in central portion of the Capitol, $660; 7 laborers for cleaning Rotunda, corridors, Dome, and old library portion of Capitol, at $660 each; 2 laborers in charge of public closets of the House of Representatives and in the terrace, at $720 each; bookkeeper and accountant, $1,800; and 1 stenographer, at $720; in all, $30,480.

Contingent expenses, Department of the Interior: The following sums, which shall be so apportioned as to prevent deficiencies therein, namely: For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including $7,500 for the Civil Service Commission: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, street car tickets, not exceeding $250, expressage, wagons and harness, motor trucks, motor cycles, and bicycles, maintenance and exchange of same, food, forage, and shoeing of horses, diagrams, awnings, filing and labor-saving devices, constructing model and other cases and furniture, and other necessary expenses not hereinbefore provided for, including traveling expenses, fuel and lights, typewriting and adding machines and exchange of same, $122,000.

For stationery, including tags, labels, index cards, cloth-lined wrappers, and specimen bags, printed in the course of manufacture, and such printed envelopes as are not supplied under contracts made by the Postmaster General, for the Department of the Interior and its several bureaus and offices, including not to exceed $5,000 for the Civil Service Commission, $69,500; and, in addition thereto, sums amounting to $44,400 shall be deducted from other appropriations made for the fiscal year 1913, as follows: Contingent expenses of pension agencies, $18,000; protecting public lands and timber, $2,000; contingent expenses of offices of surveyors general, $2,600; Capitol Building and repairs, $300; Geological Survey, $2,100; Bureau of Mines, $1,200; Indian warehouses, $500; Five Civilized Tribes of Indians, $1,000; Indian schools, $17,000; and said sums so deducted shall be credited to and constitute, together with the first-named sum of $69,500, the total appropriation for stationery for the Department of the Interior and its several bureaus and offices for the fiscal year 1913.

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the department, $1,000, of which sum $250 may be used for the Civil Service Commission.

For rent of buildings for the Department of the Interior, namely: For Geological Survey, $29,200; additional rooms for the engraving and printing divisions of the Geological Survey, $1,200; rent of additional rooms for the Geological Survey, $2,500; Civil Service Commission, $16,875; in all, $49,775.

For rent of basement of the addition to the main building of the Geological Survey, required for additional storage of documents, maps, etc., and for workroom, $1,500.

For rent of additional office accommodations for the Geological Survey in the main building of the survey, Washington, D. C. (formerly occupied by the Reclamation Service), $3,000.

For rent of building for the Bureau of Mines, $10,000.

For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, $3,500.

SURVEYORS GENERAL AND THEIR CLERKS.

For surveyor general and ex officio secretary of the district of Alaska, $4,000; clerks in his office, $7,000; in all, $11,000.

For rent of offices for surveyor general, pay of messenger, stationery, printing, binding, drafting instruments, typewriters, books of reference for office use, furniture, fuel, lights, and other incidental expenses, including the exchange of typewriters, $2,500.

For surveyor general of Arizona, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

For rent of office for the surveyor general, stationery, binding records, books of reference for office use, typewriter and repairs, repairs of furniture, freight and drayage, filing cases, drafting supplies and tables, and other incidental expenses, including the exchange of typewriters, $1,800.

For surveyor general of California, $3,000; and for the clerks in his office, $11,400; in all, $14,400.

For pay of messenger, stationery, binding records, repairing maps, repairs to locks, clocks, furniture, batteries, and typewriter, towels, telephone, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of the State of Colorado, $3,000; and for the clerks of his office, $22,000; in all, $25,000.

For rent of office for the surveyor general, pay of messenger, stationery, printing and binding, furniture and repairs, muslin for mounting plats, drafting instruments, record books, indexing volumes of letters, ice, telephone, post-office box rent, and register stamps, books of reference for office use, typewriter, and other incidental expenses, including the exchange of typewriters, $4,000.

For surveyor general of Idaho, $3,000; and for the clerks in his office, $16,000; in all, $19,000.

For pay of messenger, stationery, binding, printing, drafting instruments, post-office box rent, furniture, typewriters, ice, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Montana, $3,000; and for the clerks in his office, $20,000; in all, $23,000.

For pay of messenger, lights, post-office box rent, ice, stationery, printing, binding, furniture, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Nevada, $3,000; and for the clerks in his office, $8,000; in all, $11,000.

For stationery, and drawing materials, post-office box rent, registering letters, telephone, ice, repair of furniture, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,000.

For surveyor general of New Mexico, $3,000; and for clerks in his office, $15,500; in all, $18,500.

For pay of messenger, stationery, printing, drafting instruments, plats, drawing paper, binding records, telephone, registration of letters, post-office box rent, drayage, towels, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Oregon, $3,000; and for the clerks in his office, $13,000; in all, $16,000.

For stationery, telephone, towels, binding, post-office box rent, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $900.

For surveyor general of South Dakota, $2,000.

For the clerks in his office, $4,000.

For rent of office for the surveyor general, pay of messengers, stationery supplies, drafting instruments, fuel, ice, binding records, post-office box rent, telegrams, registration of letters, towels, furniture and typewriter repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $800.

For surveyor general of Utah, $3,000; and for the clerks in his office, $14,000; in all, $17,000.

For pay of janitor, stationery, plats and supplies, printing and binding, drawing tables, drafting instruments, post-office box rent, typewriters, drayage, towels, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,000.

For surveyor general of Washington, $3,000; and for the clerks in his office, $11,000; in all, $14,000.

For rent of office for the surveyor general, pay of janitor, furniture and repairs, stationery, binding records, books, blanks, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,500.

For surveyor general of Wyoming, $3,000; and for the clerks in his office, $17,000; in all, $20,000.

For pay of messenger, stationery, and supplies, lights, printing, binding, books, post-office box rent, drafting instruments, mounting maps, ice, towels, furniture and repairs, books of reference for office use, and other incidental expenses, including the exchange of typewriters, $1,200.

That no expenses chargeable to the foregoing appropriations for clerk hire and incidental expenses in the offices of the surveyors general shall be incurred by the respective surveyors general in the conduct of said offices, except upon previous specific authorization by the Commissioner of the General Land Office.

POST OFFICE DEPARTMENT.

Office Postmaster General: For Postmaster General, $12,000; chief clerk, Post Office Department, including $500 as superintendent of Post Office Department buildings, $4,000; private secretary, $2,500; disbursing clerk, $2,250; bookkeeper and accountant, $1,800; two stenographers, at $1,600 each; appointment clerk, $2,000; clerk, assistant to chief clerk, $2,000; clerks—two of class 4, five of class 3, including assistant printing clerk, six of class 2, three of class 1, four, at $1,000 each; three, at $900 each; curator of museum $1,000; telephone switchboard operator; assistant telephone switchboard operator; messenger in charge of mails, $900; messenger; two assistant messengers; page, $360; engineer, $1,400; eight assistant engineers, at $1,000 each; electrician, $1,400; two assistant electricians, at $1,200 each; three dynamo tenders, at $900 each; fireman, who shall be a blacksmith, and fireman, who shall be a steam fitter, at $900 each; 10 elevator conductors, at $720 each; 17 firemen; carpenters—one at $1,200, one at $1,000; two at $900; captain of the watch, $1,000; additional to two watchmen acting as lieutenant of watchmen, at $120 each; 24 watchmen; foreman of laborers, $800; 45 laborers; plumber and awning maker, at $900 each; female laborers—one at $540, three at $500 each, three at $480 each; 45 charwomen; in all, $172,150.

Division of Post-office Inspectors: Chief inspector, $4,000; chief clerk, $2,000; clerks—3 of class 4, 8 of class 3, 12 of class 2, 16 of class 1, 14 at $1,000 each, 15 at $900 each; three assistant messengers; laborer; in all, $90,520.

Division of the Purchasing Agent: Purchasing agent, $4,000; chief clerk, $2,000; clerks—1 of class 4, 1 of class 3, 1 of class 2, 2 of class 1, 2 at $1,000 each; assistant messenger; actual and necessary expenses of the purchasing agent while traveling on business of the Post Office Department, $500; in all, $16,420.

Division of Assistant Attorney General for the Post Office Department: Assistant attorneys—1 at $2,750, 1 at $2,000; law clerk, $1,800; clerks—2 of class 4, 1 of class 3, 3 of class 2, 1 of class 1, 1 at $1,000, 1 at $900; assistant messenger; in all, $19,770.

Office First Assistant Postmaster General: First Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent division of salaries and allowances, $4,000; assistant superintendent division of salaries and allowances, $2,250; chief division of correspondence, $2,000; clerks—8 of class 4, 7 of class 3, 11 of class 2, 8 of class 1, 4 at $1,000 each, 8 at $900 each; messenger; four assistant messengers; laborer; two pages, at $360 each; in all, $82,650.

Division of postmasters' appointments: Superintendent, $3,000; 2 assistants, at $2,000 each; clerks—3 of class 4, 14 of class 3, 10 of class 2, 6 of class 1, 4 at $1,000 each, 2 at $900 each; 2 messengers; in all, $63,480.

Division of City Delivery: Superintendent, $3,000; assistant superintendent, $2,000; clerks—3 of class 3, 2 of class 2, 7 of class 1, 4 at $1,000 each, 2 at $900 each; messenger; laborer; in all, $28,300.

Office Second Assistant Postmaster General: Second Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent Division of Railway Adjustments, $3,000; assistant superintendent Division of Railway Adjustments, $2,250; superintendent Division of Foreign Mails, $3,000; assistant superintendent Division of Foreign Mails, $2,000; superintendent Division of Inspection, $2,000; superintendent Division of Equipment, $2,000; clerks—11 of class 4 (3 transferred to office of Fourth Assistant), 24 of class 3 (17 transferred to office of Fourth Assistant), 24 of class 2 (10 transferred to office of Fourth Assistant), 14 of class 1 (14 transferred to office of Fourth Assistant), 12 at $1,000 each (4 transferred to office of Fourth Assistant), 5 at $900 each (2 transferred to office of Fourth Assistant); messenger in charge of mails, $900; 5 assistant messengers (2 transferred to office of Fourth Assistant); page, $480; in all, $151,830.

Division of Railway Mail Service: General superintendent, $4,000; assistant general superintendent, $3,500; chief clerk, $2,000; clerks—2 of class 4, 5 of class 3, 6 of class 2, 5 of class 1, 3 at $1,000 each, 2 at $900 each; in all, $40,300.

Office Third Assistant Postmaster General: Third Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent Division of Stamps, $2,750; superintendent Division of Finance, who shall give bond in such amount as the Postmaster General may determine for the faithful discharge of his duties, $2,250; assistant superintendent Division of Finance, $2,000; superintendent Division of Classification, $2,750; chief Division of Redemption, $2,000; superintendent Division of Registered Mails, $2,500; clerks—9 of class 4, 23 of class 3, 32 of class 2, 44 of class 1, 28 at $1,000 each, 18 at $900 each; messenger; 5 assistant messengers; 12 laborers; page, $360; in all, $229,270.

Division of Money Orders: Superintendent, $3,500; chief clerk, $2,250; clerks—3 of class 4, 7 of class 3, 11 of class 2, 11 of class 1, 10 at $1,000 each, 10 at $900 each; assistant messenger; 4 laborers; in all, $73,310.

Office Fourth Assistant Postmaster General: Fourth Assistant Postmaster General, $5,000; chief clerk, $2,500; superintendent Division of Rural Mails, $3,000; assistant superintendent Division of Rural Mails, $2,000; chief clerk Division of Rural Mails, $2,000 (in lieu of superintendent Division of Contracts, transferred from office of Second Assistant); clerks—7 of class 4 (including 3 transferred from office of Second Assistant), 20 of class 3 (including 17 transferred from office of Second Assistant), 22 of class 2 (including 10 transferred from office of Second Assistant), 44 of class 1 (including 14 transferred from office of Second Assistant), 43 at $1,000 each (including 4 transferred from office of Second Assistant), 10 at $900 each (including 2 transferred from office of Second Assistant); stenographer, $1,000; stenographer, $1,200; 2 messengers; 3 assistant messengers (including 2 transferred from office of Second Assistant); 2 laborers; 2 pages, at $360 each; in all, $203,380.

Division of Dead Letters: Superintendent $2,750; clerk of class 4, who shall be chief clerk; clerks—5 of class 4, 8 of class 3, 10 of class 2, 34 of class 1, 38 at $1,000 each, 39 at $900 each; messenger; 3 assistant messengers; 15 laborers; 6 female laborers, at $480 each; in all, $170,030.

Division of Supplies: Superintendent, $2,500; assistant superintendent, $2,000; clerks—2 of class 4, 3 of class 3, 11 of class 2, 18 of class 1, 16 at $1,000 each, 8 at $900 each; messenger; 11 assistant messengers; 18 laborers; page, $360; in all, $94,100.

Division of Topography: For topographer, $2,750; assistant topographer, $2,000; skilled draftsmen—4 at $1,800 each, 4 at $1,600 each, 4 at $1,400 each, 5 at $1,200 each; examiner, $1,200; clerk of class 2; map mounter, $1,200; mechanic, $1,000; copyists of maps—7 at $1,000 each, 4 at $900 each; assistant map mounter, $720; assistant messenger; in all, $46,790.

Contingent Expenses, Post Office Department: For stationery and blank books, index and guide cards, folders, and binding devices, including amount necessary for the purchase of free penalty envelopes, $20,000.

For fuel and repairs to heating, lighting, and power plant, including repairs to elevators, the purchase and exchange of tools and electrical supplies, and removal of ashes, $35,000.

For gas and electric lights, $350.

For telegraphing, $4,000.

For painting, $2,000.

For purchase, exchange, hire, and keeping of horses and vehicles, and repair of vehicles and harness, to be used only for official purposes, $2,500.

For miscellaneous items, including the exchange of typewriters, adding machines and other labor-saving devices; street car tickets not exceeding $200; plumbing, floor coverings; and postage stamps for correspondence addressed abroad which is not exempt under article 11 of the Rome convention of the Universal Postal Union, $20,000, of which sum not exceeding $3,985 may be expended for telephone service, and not exceeding $1,500 may be expended for law books, books of reference, railway guides, city directories, books necessary to conduct the business of the department; and repairs to the Post Office Department building.

For furniture and filing cabinets, $5,000.

For rent of a suitable building for storage of the files of the Post Office Department, $3,000.

For rent of stables, $500.

For the publication of copies of the Official Postal Guide, including not exceeding 3,000 copies for the use of the executive departments, $24,000.

For miscellaneous expenses in the Division of Topography in the preparation and publication of post-route maps and rural-delivery maps or blue prints, including tracing for photolithographic reproduction, $26,000. And the Postmaster General may authorize the sale to the public of post-route maps and rural-delivery maps or blue prints at the cost of printing and 10 per cent thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps and rural-delivery maps or blue prints. Of this amount $100 may be expended in the purchase of atlases, geographical and technical works needed in the Division of Topography.

No part of any appropriations made for the service of the Post Office Department in conformity with the act of July 2, 1836, shall be expended for any of the purposes herein provided for on account of the Post Office Department at Washington, D. C.

DEPARTMENT OF JUSTICE.

Office of the Attorney General: Attorney General, $12,000; Solicitor General, $10,000; assistant to the Attorney General, $7,000; 7 Assistant Attorneys General, at $5,000 each; Assistant Attorney General of the Post Office Department, $5,000; Solicitor of Internal Revenue, $5,000; Solicitor for the Department of State, $5,000; 4 attorneys, at $5,000 each, one of whom shall have charge of all condemnation proceedings in the District of Columbia and supervise the examination of titles and matters arising from such condemnation proceedings in which the United States shall be a party or have an interest, and no special attorney or counsel, or services of persons other than of those provided for herein, shall be employed for such purposes; attorneys—1 at $3,750, 3 at $3,500 each, 1 at $3,250, 12 at $3,000 each, 2 at $2,500 each; assistant attorneys—1 at $3,500, 2 at $3,000 each, 2 at $2,750 each, 5 at $2,500 each, 1 at $2,400, 2 at $2,000 each; assistant examiner of titles, $2,000; chief clerk and ex officio superintendent of the buildings, $3,000; superintendent of buildings, $500; private secretary and assistant to the Attorney General, $3,000; clerk to the Attorney General, $1,600; stenographer to the Solicitor General, $1,600; law clerks—3 at $2,000 each, 2 of class 4, clerk in office of the Solicitor of Internal Revenue, $1,800; attorney in charge of pardons, $3,000; superintendent of prisons, $4,000; disbursing clerk, $2,750; appointment clerk, $2,000; Chief of Division of Investigation, $3,500; examiners—3 at $2,500 each, 4 at $2,250 each, 2 at $2,000 each, 3 at $1,800 each; librarian, $1,800; clerks—8 of class 4, 12 of class 3, 7 of class 2, 16 of class 1, 14 at $1,000 each, 21 at $900 each; chief messenger, $1,000; packer, $900; messenger, $960; 5 messengers; 13 assistant messengers; 7 laborers; 7 watchmen; engineer, $1,200; 2 assistant engineers, at $900 each; 4 firemen; 2 conductors of the elevator, at $720 each; head charwoman, $480; 22 charwomen. Division of Accounts: Chief of Division of Accounts, $2,500; chief bookkeeper and record clerk, $2,000; clerks—3 of class 4, 4 of class 3, 6 of class 2, 5 of class 1, 2 at $900 each; in all, $424,610.

The administrative audit of all expenditures under the control of the Department of Justice shall hereafter be made in the Division of Accounts of that department.

Contingent expenses, Department of Justice: For furniture and repairs, including carpets, file holders, and cases, $4,500.

For books for law library of the department, $3,000.

For purchase of session laws and statutes of the States and Territories for library of department, $500.

For books for office of Solicitor of the Department of Commerce and Labor, $300.

For stationery for department and its several bureaus, $6,500.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of buildings, care of grounds, books of reference, periodicals, typewriters and adding machines and exchange of same, street car tickets not exceeding $200, and other necessaries, directly ordered by the Attorney General, $25,000.

For official transportation, including purchase and exchange, keep, and shoeing of animals, and purchase, exchange, and repairs of wagons and harness, $2,500.

For the rent of buildings and parts of buildings in the District of Columbia used by the Department of Justice, $32,200.

Office of the Solicitor of the Treasury: Solicitor of the Treasury, $5,000; Assistant Solicitor, $3,000; chief clerk, $2,000; 2 law clerks, at $2,000 each; 2 docket clerks, at $2,000 each; clerks—2 of class 4, 2 of class 3, 2 of class 2; assistant messenger; laborer; in all, $28,980.

For law books for office of the Solicitor of the Treasury, $300.

Office of the Solicitor of the Department of Commerce and Labor: Solicitor of the Department of Commerce and Labor, $5,000; Assistant Solicitor, $3,000; clerks—3 of class 4, 2 of class 3, 3 of class 2, 3 of class 1; messenger; in all, $25,240.

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary: Secretary of Commerce and Labor, $12,000; Assistant Secretary, $5,000; private secretary to the Secretary, $2,500; confidential clerk to the Secretary, $1,800; private secretary to Assistant Secretary, $2,100; chief clerk and superintendent, $3,000; disbursing clerk, $3,000; Chief of Appointment Division, $2,500; Chief, Division of Publications, $2,500; Chief, Division of Supplies, $2,100; clerks—10 of class 4, 11 of class 3, 12 of class 2, 11 of class 1, 10 at $1,000 each, 6 at $900 each; 2 telephone operators, at $720 each; messenger to the Secretary, $1,000; 5 messengers; 10 assistant messengers; 7 messenger boys, at $480 each; engineer, $1,000; 3 skilled laborers, at $840 each; 2 conductors of elevators, at $720 each; 2 firemen, at $660 each; 18 laborers; 5 laborers, at $480 each; cabinetmaker, $1,000; carpenter, $900; chief watchman, $900; 11 watchmen; 18 charwomen; in all, $170,300.

Bureau of Corporations: Commissioner of Corporations, $5,000; deputy commissioner, $3,500; chief clerk, $2,500; clerk to commissioner, $1,800; clerks—4 of class 4, 4 of class 3, 6 of class 2, 10 of class 1, 15 at $1,000 each; 16 copyists; messenger; assistant messenger; 3 messenger boys, at $480 each; in all, $79,200.

For compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents, for the purpose of carrying on the work of said bureau, as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be, subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe, in lieu of subsistence, at a rate not exceeding $4 per day to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations while absent from their homes on duty outside of the District of Columbia, and for their actual and necessary traveling expenses, including necessary sleeping-car fares; in all, $175,000.

Bureau of Labor: Commissioner of Labor, $5,000; chief statistician, who shall also perform the duties of chief clerk, $3,000; 4 statistical experts, at $2,000 each; clerks—5 of class 4, 5 of class 3, 6 of class 2, 12 of class 1, 9 at $1,000 each; 2 copyists; 2 assistant messengers; 2 laborers; special agents—4 at $1,800 each, 6 at $1,600 each, 8 at $1,400 each, 4 at $1,200 each; in all, $102,160.

For per diem, in lieu of subsistence, of special agents and employees while traveling on duty away from their homes and outside of the District of Columbia, at a rate not to exceed $3 per day, and for their transportation, and for employment of experts and temporary assistance, to be paid at the rate of not exceeding $8 per day, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the reports and bulletins of the Bureau of Labor, and for subvention to "International Association for Labour Legislation," and necessary expenses connected with representation of the United States Government therein, $64,090.

For books, periodicals, and newspapers for the library the sum of $100 may be expended for newspapers for the purpose of procuring strike data, and the annual subscriptions for newspapers and periodicals for the bureau may be paid in advance, $1,000.

To enable the Secretary of Commerce and Labor to provide and pay for the medical examination of employees of the United States receiving compensation for injuries under the provisions of the act of May 30, 1908, as directed by section 5 of said act, $3,000.

Bureau of Lighthouses: Commissioner, $5,000; deputy commissioner, $4,000; chief constructing engineer, $4,000; superintendent of naval construction, $3,000; chief clerk, $2,400; clerks—1 at $2,000, 2 of class 4, 1 of class 3, 2 of class 2, 6 of class 1, 5 at $1,000 each, 7 at $900 each, 1 at $840, 1 at $720; messenger; assistant messenger; 2 messenger boys, at $480 each; assistant engineers—1 at $3,000, 1 at $2,400, 1 at $2,250; draftsmen—1 at $1,800, 1 at $1,560, 1 at $1,440, 1 at $1,200; in all, $64,630.

Census Office: For director, $6,000; 4 chief statisticians, at $3,000 each; chief clerk, $2,500; geographer, $2,000; stenographer, $1,500; 8 expert chiefs of division, at $2,000 each; clerks—11 of class 4, 20 of class 3, 32 of class 2, 300 of class 1, 83 at $1,000 each, 87 at $900 each; engineer, $1,000; electrician, $1,000; skilled laborers—2 at $1,000 each, 4 at $900 each, 10 at $720 each; 6 watchmen; 3 messengers; 3 firemen; 5 assistant messengers; 8 unskilled laborers, at $720 each; 4 messenger boys, at $480 each; 14 charwomen; in all, $696,340.

In certifying eligibles from the civil-service registers for the purpose of appointments to positions of clerkships in the Census Office hereinbefore provided for at salaries of $1,200 or less, the Civil Service Commission shall, so far as practicable under the law of apportionment, certify those who have had at least one year's experience in census work.

Temporary clerks: In addition to the employees hereinbefore provided for, the Secretary of Commerce and Labor may appoint, on the recommendation of the Director of the Census, for such time as may be necessary, but not beyond June 30, 1913, not exceeding 175 temporary clerks, from among the employees of the Thirteenth Census force, such clerks to be paid salaries not greater than $900 per annum, or to be paid on a piece-price basis, and for the payment of the compensation of said temporary clerks there is appropriated the sum of $120,000.

For securing information for census reports, provided for by law, semimonthly reports of cotton production, and periodical reports of stocks of baled cotton in the United States and of the domestic and foreign consumption of cotton; per diem compensation of special agents and expenses of the same and of the detailed employees, whether employed in Washington, D. C., or elsewhere; the cost of transcribing State, municipal, and other records; the temporary rental quarters outside of the District of Columbia; for supervising agents, and the employment by them of such temporary service as may be necessary in collecting the statistics required by law: *Provided*, That the compensation of not to exceed 5 special agents provided for in this paragraph may be fixed at an amount not to exceed $8 per day, $342,000.

For rental of quarters, $22,080.

For stationery, $10,000.

For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraph and telephone service, photographic work and supplies, transportation and preparing articles for shipment, horses, wagons, electric truck, and maintenance thereof, diagrams, maps, blue prints, awnings, shelving, filing apparatus, fuel, light, office fixtures, street-car tickets not exceeding $200, and other absolutely necessary expenses, including the purchase, rental, construction, repair, and exchange of mechanical appliances, repairs to the Census Building, and necessary expenses in connection with the prosecution of fraudulent census returns, $15,000.

For purchase of books of reference and periodicals, $500.

For experimental work in developing tabulating machines and repairs to such machinery and other mechanical appliances, including technical and mechanical service in connection therewith, whether performed in Washington, D. C., or elsewhere, and the purchase of necessary machinery and supplies, $26,000.

For printing and binding in connection with the results of the Thirteenth Decennial Census, $272,000.

The Bureau of Manufactures and the Bureau of Statistics, both of the Department of Commerce and Labor, are hereby consolidated into one bureau to be known as the Bureau of Foreign and Domestic Commerce, to take effect July 1, 1912, and the duties required by law to be performed by the Bureau of Manufactures and the Bureau of Statistics are transferred to and shall after that date be performed by the Bureau of Foreign and Domestic Commerce.

Those certain duties of the Department of Labor, or Bureau of Labor, contained in section 7 of the act approved June 13, 1888, that established the same, which especially charged it "to ascertain, at as early a date as possible, and whenever industrial changes shall make it essential, the cost of producing articles at the time dutiable in the United States, in leading countries where such articles are produced, by fully specified units of production, and under a classification showing the different elements of cost, or approximate cost, of such articles of production, including the wages paid in such industries per day, week, month, or year, or by the piece; and hours employed per day; and the profits of manufacturers and producers of such articles; and the comparative cost of living, and the kind of living; what articles are controlled by trusts or other combinations of capital, business operations, or labor, and what effect said trusts, or other combinations of capital, business operations, or labor have on production and prices," are hereby transferred to and shall hereafter be discharged by the Bureau of Foreign and Domestic Commerce, and it shall be also the duty of said Bureau of Foreign and Domestic Commerce to make such special investigation and report on particular subjects when required to do so by the President or either House of Congress.

Bureau of Foreign and Domestic Commerce: Chief of bureau, $4,000; assistant chiefs of bureau, 1 at $3,000, 1 at $2,750; Chief of Division of Consular Reports, $2,500; chief clerk, $2,250; stenographer to chief of the bureau, $1,600; clerks—7 of class 4, 5 of class 3, 1 at $1,500, 11 of class 2, 14 of class 1, 17 at $1,000 each, 11 at $900 each; messenger; 5 assistant messengers; 4 laborers; laborer, $480; in all, $104,860.

To enable the Bureau of Foreign and Domestic Commerce to collate and publish the tariffs of foreign countries in the English language, with the equivalents in currency, weights, and measures of the United States of all such foreign terms used in said tariffs, and to furnish information to Congress and the Executive relative to customs laws and regulations of foreign countries, and the purchase of books and periodicals, $10,000.

To further promote and develop the foreign and domestic commerce of the United States, $60,000, to be expended under the direction of the Secretary of Commerce and Labor.

Steamboat-Inspection Service: For Supervising Inspector General, $4,000; chief clerk and Acting Supervising Inspector General in the absence of that officer, $2,000; clerks—2 of class 3, 1 of class 2, 1 of class 1, 2 at $1,000 each; messenger; in all, $14,640.

Salaries of steamboat inspectors: For salaries of 10 supervising inspectors, at $3,000 each, as authorized by section 4404, Revised Statutes United States; for salaries of inspectors of hulls and inspectors of boilers, as authorized by the acts of Congress approved April 9, 1906, and May 28, 1908, $167,100; for salaries of assistant inspectors, as authorized by the act of Congress approved April 9, 1906, as follows: For the port of New York, N. Y., 27, at $2,000 each; for the port of New Orleans, La., 4, at $1,800 each; for the port of Baltimore, Md., 6, at $1,800 each; for the port of Boston, Mass., 6, at $1,800 each; for the port of Philadelphia, Pa., 8, at $1,800 each; for the port of San Francisco, Cal., 8, at $1,800 each; for the port of Buffalo, N. Y., 4, at $1,600 each; for the port of Milwaukee, Wis., 8, at $1,600 each; for the port of Norfolk, Va., 4, at $1,600 each; for the port of Seattle, Wash., 8, at $1,600 each; in all, $347,100.

Clerk hire, service at large: For the compensation, not exceeding $1,500 a year to each person, of clerks to boards of steamboat inspectors, to be appointed by the Secretary of Commerce and Labor in accordance with the provisions of the act of April 9, 1906, $83,000.

Contingent expenses: For the payment of fees to witnesses; for traveling and other expenses when on official business of the Supervising Inspector General, supervising inspectors, local and assistant inspectors, and clerks; for instruments, furniture, stationery, janitor service, and every other thing necessary to carry into effect the provisions of title 52, Revised Statutes, of the act of April 4, 1888, amending the act of June 19, 1886, as amended by the acts of March 1, 1895; February 15, 1897; March 3, 1905; April 9, 1906; and May 28, 1908, $90,000.

Bureau of Navigation: Commissioner of Navigation, $4,000; Deputy Commissioner, $2,400; chief clerk, $2,000; clerk to commissioner, $1,600; clerks—2 of class 4, 1 of class 3, 3 of class 2, 4 of class 1, 2 at $1,000 each, 6 at $900 each; 2 messengers; in all, $33,280.

Shipping service: For salaries of shipping commissioners in amounts not exceeding the following: At Baltimore, $1,200; at Bath, $1,000; at Boston, $3,000; at Gloucester, $600; at Honolulu, $1,200; at Mobile, $1,200; at New Bedford, $1,200; at New Orleans, $1,500; at New York, $5,000; at Norfolk, $1,500; at Pascagoula, $300; at Philadelphia, $2,400; at Portland, Me., $1,300; at Port Townsend, $3,500; at Providence, $1,800; at Rockland, $1,200; at San Francisco, $4,000; in all $31,900.

Clerk hire: For the compensation to be fixed by the Secretary of Commerce and Labor not to exceed $1,600 per annum to each person, of clerks in the offices of the shipping commissioners, $35,000.

Contingent expenses: For rent, stationery, and other requisites for the transaction of the business of shipping commissioners' offices and rent of temporary quarters for the United States shipping commissioner at New York, N. Y., not to exceed $3,150, and for janitor in his office, $840; in all, $9,000.

For tools, appliances, and instruments for the admeasurement of vessels and the counting of passengers, $1,000.

Enforcement of navigation laws: To enable the Secretary of Commerce and Labor to provide and operate such motor boats and employ thereon such persons as may be necessary for the enforcement, under his direction by customs officers, of the laws relating to the navigation and inspection of vessels, boarding of vessels, and counting of passengers on excursion boats, $15,000.

Wireless communication: To enable the Secretary of Commerce and Labor to enforce the act approved June 24, 1910, entitled "An act to require apparatus and operators for radio-communication on certain ocean steamers"; and to employ such persons and means as may be necessary, $10,000.

Bureau of Immigration and Naturalization: Commissioner General of Immigration, $5,000; Assistant Commissioner General, who shall also act as chief clerk and actuary, $3,500; private secretary, $1,800; chief statistician, $2,000; clerks—3 of class 4, 5 of class 3, 6 of class 2, 8 of class 1, 8 at $1,000 each, 6 at $900 each; 2 messengers; assistant messenger; in all, $59,500.

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, $3,500; assistant chief of division, $3,000; clerks—4 of class 4, 6 of class 3, 8 of class 2, 11 of class 1, 8 at $1,000 each, 2 at $900 each; messenger; 2 assistant messengers; messenger boy, $480; in all, $60,260.

For Division of Information established under section 40 of the act approved February 20, 1907, entitled "An act to regulate the immigration of aliens into the United States," namely: Chief of division, $3,500; assistant chief of division, $2,500; clerks—2 of class 4, 1 of class 3, 2 of class 2, 3 of class 1, 1 at $900; messenger; in all, $19,340.

Bureau of Standards: Director, $6,000; chief physicist, $4,800; physicist, qualified in optics, $3,600; 2 physicists at $3,600 each; associate physicists—1 at $2,700, 3 at $2,500 each, 3 at $2,200 each, 5 at $2,000 each; assistant physicists—7 at $1,800 each, 11 at $1,600 each, 14 at $1,400 each; chief chemist, $4,800; associate chemists—1 at $2,500, 1 at $2,200; assistant chemists—2 at $1,800 each, 3 at $1,600 each, 2 at $1,400 each; laboratory assistants—15 at $1,200 each, 12 at $1,000 each, 11 at $900 each; 3 laboratory helpers, $720 each; aids—9 at $720 each, 6 at $600 each; laboratory apprentices—6 at $540 each, 6 at $480 each; storekeeper, $1,000; librarian, $1,400; secretary, $2,200; clerks—1 of class 4, 1 of class 3, 2 of class 2, 2 of class 1, 4 at $1,000 each, 2 at $900 each, 2 at $720 each; telephone operator, $720; messenger boys—2 at $480 each, 3 at $360 each; elevator boy, $360; chief mechanician, $1,800; mechanicians—1 at $1,500, 1 at $1,400, 2 at $1,200 each, 3 at $1,000 each, 1 at $900; 3 watchmen;

skilled woodworkers—1 at $1,000, 1 at $840; 5 skilled laborers, at $720 each; draftsman, $1,200; packer and shipper, $840; messenger; superintendent of mechanical plant, $2,500; assistant engineers—2 at $1,200 each, 1 at $1,000, 1 at $900; 3 firemen; glass blower, $1,400; electricians—1 at $1,200, 1 at $900; 4 laborers; janitors—2 at $660 each, 1 at $600; 2 female laborers, at $360 each; in all $239,940.

For apparatus, machinery, tools, and appliances used in connection with the buildings or with the work of the bureau, laboratory supplies, materials and supplies used in the construction of apparatus, machinery, or other appliances, including their exchange; piping, wiring, and construction incident to the installation of apparatus, machinery, or appliances; furniture for laboratories and offices, cases for apparatus, $50,000.

For repairs and necessary alterations to buildings, $2,000.

For fuel for heat, light, and power; office expenses, stationary, books and periodicals (subscriptions to periodicals may be paid in advance); traveling expenses; street-car tickets not exceeding $100; expenses of the visiting committee; expenses of attendance of American member at the meeting of the International Committee of Weights and Measures; and contingencies of all kinds, $25,000.

For grading, construction of roads and walks, piping grounds for water supply, lamps, wiring for lighting purposes, and other expenses incident to the improvement and care of grounds, $3,000.

For completing investigation of the effects of electric currents upon gas and water pipes, and upon the reenforced foundations of buildings, bridges, and other structures, and for determining methods of discovering and preventing the destructive effects of such currents, including personal services in the District of Columbia and in the field, $10,000.

For the continuation of the investigation of the structural materials, such as stone, clays, cement, etc., including personal services in the District of Columbia and in the field, $75,000.

For the maintenance and operation of testing machines, including personal services in connection therewith in the District of Columbia and in the field, for the determination by the Bureau of Standards of the physical constants and the properties of materials as authorized by law, $30,000.

For the construction of a water current meter testing tank, $5,000.

Children's Bureau: For the following as authorized by the act entitled "An act to establish in the Department of Commerce and Labor a bureau to be known as the Children's Bureau," approved April 9, 1912, namely: Chief of bureau, $5,000; assistant chief of bureau, $2,400; statistical expert, $2,000; private secretary to the chief of bureau, $1,500; clerks—2 of class 4, 2 of class 3, 1 of class 2, 1 of class 1, 1 at $1,000; special agents—1 at $1,400, 1 at $1,200; copyist; messenger; in all, $25,640.

Contingent expenses, Department of Commerce and Labor: For contingent and miscellaneous expenses of the offices and bureaus of the department for which appropriations for contingent and miscellaneous expenses are not specifically made, including the purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, maps, newspapers (not exceeding $2,500), stationery, furniture and repairs to the same, carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, lighting, and heating; for the purchase, exchange, and care of horses and vehicles, to be used only for official purposes; freight and express charges, postage to foreign countries, telegraph and telephone service, typewriters and adding machines, including their exchange; repairs to the building occupied by the offices of the Secretary of Commerce and Labor; storage of documents belonging to the Bureau of Lighthouses, not to exceed $1,500, and for storage of documents belonging to the Bureau of Labor, not to exceed $750, street-car tickets not exceeding $300; and all other miscellaneous items and necessary expenses not included in the foregoing, $60,000, and in addition thereto sums amounting to $66,500 shall be deducted from other appropriations made for the fiscal year 1913 and added to the appropriation "Contingent expenses, Department of Commerce and Labor," in order to facilitate the purchase through the central purchasing office, as provided in the act of June 17, 1910 (36 Stat. L., 531), of certain supplies for bureaus and offices for which contingent and miscellaneous appropriations are specifically made, as follows: General expenses, Lighthouse Service, $8,000; stationery, Bureau of the Census, $10,000; miscellaneous expenses, Bureau of the Census, $15,000; books and periodicals, Bureau of the Census, $500; contingent expenses, Steamboat-Inspection Service, $3,000; contingent expenses, shipping service, $500; instruments for measuring vessels and counting passengers, $500; expenses of regulating immigration, $13,500; equipment, Bureau of Standards, $1,000; general expenses, Bureau of Standards, $1,800; general expenses, Coast and Geodetic Survey, $4,200; miscellaneous expenses, Bureau of Fisheries, $8,500; and the said total sum of $126,500 shall be and constitute the appropriation for contingent expenses, Department of Commerce and Labor, to be expended through the central purchasing office (Division of Supplies), Department of Commerce and Labor, and shall also be available for objects and purposes of the several appropriations mentioned under the title "Contingent expenses, Department of Commerce and Labor," in this act.

For rent of buildings and parts of buildings in the District of Columbia for the use of the Department of Commerce and Labor, $50,000.

JUDICIAL.

Supreme Court: Chief Justice of the Supreme Court of the United States, $15,000; 8 associate justices, at $14,500 each; marshal, $4,500; 9 stenographic clerks, one for the Chief Justice and one for each associate justice, at not exceeding $2,000 each; in all, $153,500.

Circuit courts of appeals: Thirty-four circuit judges, at $7,000 each; 9 clerks of circuit courts of appeals, at $3,500 each; messenger, to act as librarian and crier, circuit court of appeals, eighth circuit, $3,000; in all, $272,500.

No circuit judge shall hereafter be appointed until the whole number of circuit judges shall be reduced to 29, and thereafter there shall not be more than 29 circuit judges.

District courts: Ninety-three district judges, at $6,000 each, $558,000.

District court, Territory of Hawaii: Two judges, at $6,000 each; clerk, $3,000; reporter, $1,200; $16,200.

Retired justices and judges: To pay the salaries of the United States justices and judges retired under section 714 of the Revised Statutes, so much as may be necessary for the fiscal year ending June 30, 1913, is hereby appropriated.

Court of Appeals, District of Columbia: Chief justice, $7,500; 2 associate justices, at $7,000 each; clerk, $3,250, and $250 additional as custodian of the Court of Appeals Building; assistant or deputy clerk, $2,250; reporter, $1,500: *Provided*, That the reports issued by him shall not be sold for more than $5 per volume; crier, who shall also act as stenographer and typewriter in the clerk's office when not engaged in court room, $1,000; 3 messengers, at $720 each; necessary expenditures in the conduct of the clerk's office, $1,000; 3 stenographers, 1 for the chief justice and 1 for each associate justice, at $1,200 each; in all, $36,510; one-half of which shall be paid from the revenues of the District of Columbia: *Provided*, That on and after July 1, 1912, the fees collected by the clerk of the Court of Appeals, District of Columbia, shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

Supreme Court, District of Columbia: Chief justice and 5 associate judges, at $6,000 each; 6 stenographers, 1 for the chief justice and 1 for each associate justice, at $900 each; in all, $41,400, one-half of which shall be paid from the revenues of the District of Columbia: *Provided*, That on and after July 1, 1912, the surplus fees collected by the clerk of the Supreme Court of the District of Columbia shall be deposited in the Treasury, one-half to the credit of the District of Columbia.

Commissioner, Yellowstone Park: Commissioner in Yellowstone National Park, $1,500. And the provisions of section 21 of the legislative, executive, and judicial appropriation act approved May 28, 1896, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

Books for judicial officers: For the purchase and rebinding of law books and books of reference for United States judges, district attorneys, and other judicial officers, including the 9 libraries of the United States circuit courts of appeals, to be expended under the direction of the Attorney General: *Provided*, That such books shall in all cases be transmitted to their successors in office; all books purchased thereunder to be plainly marked, "The property of the United States," $16,000.

Court of Customs Appeals: Presiding judge and 4 associate judges, at $7,000 each; marshal, $3,000; clerk, $3,500; assistant clerk, $2,000; 5 stenographic clerks, at $1,600 each; stenographic reporter, $2,500; and messenger, $840; in all, $54,840.

For rent of necessary quarters in Washington, D. C., and elsewhere, $7,000; for necessary traveling expenses of members of the court and clerk, $330; for books, periodicals, and stationery, supplies, freight, telephone and telegraph, heat, light, and power service, drugs, chemicals, and cleansers, furniture, and printing; for pay of bailiffs and all other necessary employees not otherwise specifically provided for; and for such other miscellaneous expenses as may be approved by the presiding judge, $8,000; in all, $15,330.

Court of Claims: Chief justice, $6,500; 4 judges, at $6,000 each; chief clerk, $3,500; assistant clerk, $2,500; bailiff, $1,500; clerks—1 at $1,600, 2 at $1,400 each, 3 at $1,200 each; stenographer, $1,200; chief messenger, $1,000; 3 firemen; 3 watchmen; elevator conductor, $720; 2 assistant messengers; 2 laborers; 2 charwomen; in all, $56,480.

For auditors and additional stenographers, when deemed necessary, in the Court of Claims, and for a stenographer, at $1,600, for the chief justice, to be disbursed under the direction of the court, $6,000.

For stationery, court library, repairs, including repairs to bicycles, fuel, electric light, electric elevator, and other miscellaneous expenses, $3,900.

For reporting the decisions of the court and superintending the printing of the forty-seventh volume of the reports of the Court of Claims, $1,000, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

For pay of a custodian of the building occupied by the Court of Claims, $500, to be paid on the order of the court, notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874.

SEC. 2. The pay of telephone-switchboard operators, assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this act, except those employed in mints and assay offices, unless otherwise specially stated, shall be as follows: For telephone-switchboard operators, assistant messengers, firemen, and watchmen, at the rate of $720 per annum each; for laborers, at the rate of $660 per annum each; assistant telephone-switchboard operators, at the rate of $600 each, and for charwomen, at the rate of $240 per annum each.

SEC. 3. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons incapacitated otherwise than temporarily for performing such service: *Provided*, That no part of any money appropriated in lump sum in this act shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the fiscal year 1912; nor shall any person employed at a specific salary under this act be transferred during the fiscal year 1913 and be paid from a lump-sum appropriation a rate of compensation greater than such specific salary and the heads of departments shall cause this provision to be enforced.

SEC. 4. The Civil Service Commission shall, subject to the approval of the President, establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. Such system shall provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; it shall also provide a rating below which no employee may fall without being demoted; it shall further provide for a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals shall be governed by provisions of the civil-service rules. Copies of all records of efficiency shall be furnished by the departments and independent establishments to the Civil Service Commission for record in accordance with the provisions of this section: *Provided*, That in the event of reductions being made in the force in any of the executive departments no honorably discharged soldier or sailor whose record in said department is rated good shall be discharged or dropped or reduced in rank or salary.

Any person knowingly violating the provisions of this section shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

SEC. 5. That any person violating section 4 of the legislative, executive, and judicial appropriation act approved August 5, 1882 (Stat. L., vol. 22, p. 255), shall be summarily removed from office, and may also upon conviction thereof be punished by a fine of not more than $1,000 or by imprisonment for not more than one year.

SEC. 6. That in addition to the apportionment required by the so-called antideficiency act, approved February 27, 1906 (Stat. L., vol. 34, p. 49), the head of each executive department shall, on or before the beginning of each fiscal year, apportion to each office or bureau of his department the maximum amount to be expended therefor during the fiscal year out of the contingent fund or funds appropriated for the entire year for the department, and the amounts so apportioned shall not be increased or diminished during the year for which made except upon the written direction of the head of the department, in which there shall be fully expressed his reasons therefor; and hereafter there

shall not be purchased out of any other fund any article for use in any office or bureau of any executive department in Washington, D. C., which could be purchased out of the appropriations made for the regular contingent funds of such department or of its offices or bureaus.

SEC. 7. That no money appropriated by this or any other act shall be expended for telephone service installed in any private residence or private apartment or for tolls or other charges for telephone service from private residences or private apartments, except for long-distance telephone tolls required strictly for the public business, and so shown by vouchers duly sworn to and approved by the head of the department, division, bureau, or office in which the official using such telephone or incurring the expense of such tolls shall be employed.

SEC. 8. That no money appropriated by this or any other act shall be used after the 1st day of October, 1912, for services in any executive department or other Government establishment at Washington, D. C., in the work of addressing, wrapping, mailing, or otherwise dispatching any publication for public distribution, except maps, weather reports, and weather cards issued by an executive department or other Government establishment at Washington, D. C., or for the purchase of material or supplies to be used in such work; and on and after October 1, 1912, it shall be the duty of the Public Printer to perform such work at the Government Printing Office. Prior to October 1, 1912, each executive department and other Government establishment at Washington, D. C., shall transfer to the Public Printer such machines, equipment, and materials as are used in addressing, wrapping, mailing, or otherwise dispatching publications; and each head of such executive department and other Government establishment at Washington, D. C., shall furnish from time to time to the Public Printer mailing lists, in convenient form, and changes therein, or franked slips, for use in the public distribution of publications issued by such department or establishment; and the Public Printer shall furnish copies of any publication only in accordance with the provisions of law or the instruction of the head of the department or establishment issuing the publication. The employment of all persons in the several executive departments and other Government establishments at Washington, D. C., wholly in connection with the duties herein transferred to the Public Printer, or whose services can be dispensed with or devolved upon another because of such transfer, shall cease and determine on or before the 1st day of October, 1912, and their salaries or compensation shall lapse for the remainder of the fiscal year 1913 and be covered into the Treasury. A detailed statement of all machines, equipment, and material transferred to the Government Printing Office by operation of this provision and of all employments discontinued shall be submitted to Congress at its next session by the head of each executive department and other Government establishments at Washington, D. C., in the annual estimates of appropriations: *Provided*, That nothing in this section shall be construed as applying to orders, instructions, directions, notices, or circulars of information, printed for and issued by any of the executive departments or other Government establishments or to the distribution of public documents by Senators or Members of the House of Representatives or to the folding rooms and documents rooms of the Senate or House of Representatives.

SEC. 9. That the Commerce Court created and established by the act entitled "An act to create a Commerce Court and to amend the act entitled 'An act to regulate commerce,' approved February 4, 1887, as heretofore amended and for other purposes," approved June 18, 1910, be, and the same hereby is, abolished and the jurisdiction vested in said Commerce Court by said act is hereby transferred to and vested in the several district courts of the United States.

All cases pending and undisposed of in said Commerce Court are hereby transferred to and shall be deemed pending in the district court of any of the judicial districts within which the original cause of action brought before the Interstate Commerce Commission arose, such district to be designated by the complainant; and the venue of all suits and proceedings hereafter brought to enforce, set aside, annul, or modify any order of the Interstate Commerce Commission shall be in any of the judicial districts within which the original cause of action brought before the commission arose.

The venue in suits brought to enforce an order for the payment of money shall be in the district court of the judicial district in which the complainant resides. The procedure in the district court in respect to cases of which jurisdiction is conferred upon them by this act shall be the same as that heretofore prevailing in the said Commerce Court and the right of appeal from the district courts in such cases shall be the same as the right of appeal heretofore prevailing under existing law from the Commerce Court. No interlocutory injunction suspending or restraining the enforcement, operation, or execution of any order made or entered by the Interstate Commerce Commission shall be issued or granted by any justice of the Supreme Court, or by any district court of the United States, or by any judge thereof, or by any circuit judge acting as district judge, unless the application for the same shall be presented to a justice of the Supreme Court of the United States, or to a circuit or district judge, and shall be heard and determined by three judges, of whom at least one shall be a justice of the Supreme Court, or a circuit judge, and the other two may be either circuit or district judges, and unless a majority of said three judges shall concur in granting such application. When such application as aforesaid is presented to a justice of the Supreme Court, or to a judge, he shall immediately call to his assistance to hear and determine the application two other judges: *Provided, however*, That one of such three judges shall be a justice of the Supreme Court, or a circuit judge. Said application shall not be heard or determined before at least five days' notice of the hearing has been given to the Interstate Commerce Commission, to the Attorney General of the United States, and to such other persons as may be defendants in the suit: *Provided*, That if of opinion that irreparable loss or damage would result to the complainant unless a temporary restraining order is granted, any justice of the Supreme Court, or any circuit or district judge, may grant such temporary restraining order at any time before such hearing and determination of the application for an interlocutory injunction, but such temporary restraining order shall remain in force only until the hearing and determination of the application for an interlocutory injunction upon notice as aforesaid. The hearing upon such application for an interlocutory injunction shall be given precedence, and shall be in every way expedited and be assigned for a hearing at the earliest practicable day after the expiration of the notice hereinbefore provided for. An appeal may be taken direct to the Supreme Court of the United States from the order granting or denying, after notice and hearing, an interlocutory injunction in such case; and upon the final hearing of any suit brought to annul, enjoin, or restrain any order of said commission the same requirement as to judges and the same procedure as to appeal shall apply. The provisions of this section shall also apply to the issuing and granting of interlocutory injunctions suspending or restraining the enforcement, operation, or execution of orders made by any administrative board or commission created by and acting under the statute of a State. That in such case the notice required shall be served upon the defendants in the case, and upon the attorney general of the State. All cases pending in the Commerce Court at the date of the passage of this act shall be transferred forthwith to said district courts. Each of said cases and all the records, papers, and proceedings shall be transferred to the district court wherein it might have been filed at the time it was filed in the Commerce Court if this act had then been in effect, and if it might have been filed in any one of two or more district courts it shall be transferred to that one of said district courts which may be designated by the petitioner or petitioners in said case, or, upon failure of said petitioners to act in the premises within 10 days ofter the passage of this act, to such one of said district courts as may be designated by the judges of the Commerce Court. The judges of the Commerce Court shall have authority, and are hereby directed, to make any and all orders and to take any other action necessary to transfer as aforesaid the cases and all the records, papers, and proceedings then pending in the Commerce Court to said district courts.

SEC. 10. That until otherwise provided by law, the regular annual estimates of appropriations for expenses of the Government of the United States shall be prepared and submitted to Congress, by those charged with the duty of such preparation and submission, only in the form and at the time now required by law, and in no other form and at no other time.

SEC. 11. That all laws or parts of laws inconsistent with this act are repealed.

The PRESIDENT pro tempore. The roll will be called on the question of passing the bill the objections of the President to the contrary notwithstanding.

The Secretary proceeded to call the roll.

Mr. THORNTON (when Mr. FOSTER's name was called). Again announcing the necessary absence of my colleague [Mr. FOSTER], I will say in addition that on this question he is paired with the Senator from Tennessee [Mr. LEA] and with the Senator from Indiana [Mr. KERN]. If my colleague were present, he would vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER]. That pair has been taken care of by another arrangement, and I therefore am at liberty to vote. I vote "nay."

Mr. POMERENE (when the name of Mr. JOHNSON of Maine was called). I desire to announce the necessary absence of the Senator from Maine [Mr. JOHNSON], and I have been requested to announce that on this bill the senior Senator from Ohio [Mr. BURTON] is paired with the senior Senator from Maine [Mr. JOHNSON] and the junior Senator from Iowa [Mr. KENYON].

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is unavoidably absent. He is paired as already announced. If he were present, he would vote "yea."

Mr. LIPPITT (when his name was called). I have a general pair with the senior Senator from Tennessee [Mr. LEA], but on veto questions I am relieved from that pair. I therefore feel at liberty to vote. I vote "nay."

Mr. SMOOT (when Mr. LODGE's name was called). I desire to state that the Senator from Massachusetts [Mr. LODGE] is paired upon this question with the Senator from Kentucky [Mr. PAYNTER] and the Senator from West Virginia [Mr. WATSON].

Mr. McCUMBER (when his name was called). I am relieved by my pair, and so I am at liberty to vote on this question. I vote "nay."

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. He is absent. I have agreed with him that upon this question I will not vote. If I were at liberty to vote, I would vote "yea."

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is absent on account of illness. He is paired on this question with the junior Senator from Nebraska [Mr. HITCHCOCK] and the junior Senator from Maine [Mr. GARDNER].

Mr. ROOT (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN]. It does not apply, however, to a vote where two-thirds are required, and I accordingly vote. I vote "nay."

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE]. That pair has been transferred to the senior Senator from Kentucky [Mr. PAYNTER] and the Senator from West Virginia [Mr. WATSON]. Therefore I will vote. I vote "yea."

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is necessarily absent from the city. As has been stated by the junior Senator from Missouri [Mr. REED], he is paired on this question with that Senator.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the Senator from Delaware [Mr. RICHARD-

SON], and I transfer it to the Senator from Maine [Mr. GARDNER] and the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "aye."

Mr. SMOOT (when the name of Mr. STEPHENSON was called). I desire to announce the unavoidable absence of the Senator from Wisconsin [Mr. STEPHENSON]. He has a general pair with the Senator from Oklahoma [Mr. GORE].

Mr. STONE (when his name was called). I have a pair with the Senator from Wyoming [Mr. CLARK], which I transfer to the senior Senator from Mississippi [Mr. PERCY] and the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

Mr. SMOOT (when Mr. SUTHERLAND's name was called). I desire to announce the absence from the city of my colleague [Mr. SUTHERLAND] and that he has a pair on this question with the Senator from West Virginia [Mr. CHILTON] and the Senator from Maryland [Mr. RAYNER].

Mr. WARREN (when his name was called). My general pair with the Senator from Louisiana [Mr. FOSTER] has been transferred as announced by his colleague. Therefore I will vote. I vote "nay."

Mr. WILLIAMS (when his name was called). I have a standing pair with the Senator from Pennsylvania [Mr. PENROSE]. If he were present and I were at liberty to vote, I should vote "yea."

The roll call was concluded.

Mr. BORAH. The Senator from Montana [Mr. DIXON] and I have a pair with the Senator from Texas [Mr. BAILEY]. If the Senator from Texas were present, I understand he would vote "nay." The Senator from Montana and I would vote "yea."

Mr. MYERS. I will ask if the Senator from Connecticut [Mr. MCLEAN] has voted?

The PRESIDENT pro tempore. The Chair is informed that that Senator has not voted.

Mr. MYERS. I have a general pair with the Senator from Connecticut. If I were at liberty to vote, I should vote "yea," and I take it that I am not therefore in a position to demand a double pair with anyone on the other side who would probably vote "nay." Therefore I feel bound, having given no notice of any intention of dissolving the pair, to withhold my vote.

Mr. CHILTON (after having voted in the affirmative). I inadvertently voted. I desire to withdraw my vote for the reason that I have a pair with the Senator from Utah [Mr. SUTHERLAND], the Senator from Maryland [Mr. RAYNER] and myself constituting the two.

Mr. BRIGGS (after having voted in the negative). In casting my vote I inadvertently failed to call attention to the fact that my pair with the Senator from West Virginia [Mr. WATSON] has been transferred, he being paired with the Senator from Massachusetts [Mr. LODGE].

Mr. WARREN. I desire to announce the necessary absence of my colleague [Mr. CLARK], who is paired as stated by the Senator from Missouri [Mr. STONE].

Mr. SMOOT. I desire to announce the absence from the city of the Senator from Nebraska [Mr. BROWN]. He has a general pair with the Senator from Oklahoma [Mr. OWEN].

Mr. LA FOLLETTE. I wish to announce that the junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. If present, he would vote "yea."

Mr. DU PONT. In making the announcement I did in respect to my colleague, I believe I omitted to state that if he were present and free to vote, he would vote "nay."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber on account of sickness in his family. He is paired with the senior Senator from New York [Mr. ROOT]. Were he present, he would vote "yea."

Mr. SMOOT. I desire to announce the unavoidable absence on account of sickness in his family of the Senator from South Dakota [Mr. GAMBLE].

Mr. MYERS. In view of the announcement by the Senator from Wisconsin [Mr. LA FOLLETTE] that the Senator from North Dakota [Mr. GRONNA], if present, would vote "yea," I transfer my pair with the Senator from Connecticut [Mr. MCLEAN] to the Senator from North Dakota [Mr. GRONNA] and will vote. I vote "yea."

The roll call resulted—yeas 34, nays 27, as follows:

YEAS—34.

Ashurst	Crawford	Nelson	Smith, Ga.
Bacon	Culberson	Newlands	Smith, Md.
Bankhead	Cummins	O'Gorman	Smith, S. C.
Bourne	Fletcher	Overman	Stone
Bristow	Johnston, Ala.	Poindexter	Swanson
Bryan	La Follette	Pomerene	Tillman
Chamberlain	Martin, Va.	Shively	Works
Clapp	Martine, N. J.	Simmons	
Clarke, Ark.	Myers	Smith, Ariz.	

NAYS—27.

Bradley	Curtis	Lippitt	Sanders
Brandegee	Dillingham	McCumber	Smoot
Briggs	du Pont	Massey	Thornton
Burnham	Gallinger	Oliver	Townsend
Catron	Guggenheim	Page	Warren
Crane	Heyburn	Perkins	Wetmore
Cullom	Jones	Root	

NOT VOTING—33.

Bailey	Foster	Lea	Richardson
Borah	Gamble	Lodge	Smith, Mich.
Brown	Gardner	McLean	Stephenson
Burton	Gore	Owen	Sutherland
Chilton	Gronna	Paynter	Watson
Clark, Wyo.	Hitchcock	Penrose	Williams
Davis	Johnson, Me.	Percy	
Dixon	Kenyon	Rayner	
Fall	Kern	Reed	

The PRESIDENT pro tempore. On the question, Shall the bill pass, the objections of the President to the contrary notwithstanding? the yeas are 34, the nays 27; not two-thirds; and the bill fails of passage.

THE PRESIDENTAL TERM.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CRAWFORD. I was remarking, Mr. President, that there is no claim with reference to the abuse by an ambitious man in the office of Chief Magistrate of patronage for the purpose of securing another term of office that does not apply with practically the same force against Members of the Senate and Members of the other House, and that in fact the power of patronage is more directly used by Members of Congress to secure themselves in tenure of office than by the President to secure himself in office, and with greater effect. It is a question whether it does not more often injure both than it helps them. But the question of abuses connected with the distribution of patronage can be reached in an effective fashion in other ways rather than by impairing, as I think, the public service by limiting the service of a President of the United States to a term of four or six years.

Mr. President, experience is valuable in any field of activity. The most valuable asset any man can have in an energetic life is experience. When he has an experience that his competitor has not, his advantage is certainly very great. Take the Members of the Senate who have been here term after term for 18 and 24 years, and who have been so long in this service that all the details of governmental affairs are as familiar to them as the most common everyday experiences in life. Does anyone undertake to discount the value of that experience to the public when applied here by honest men? A tried and true man of long experience in one of these departments, who has become an expert, familiar with all its details, brings to bear in the solution of every question that comes before him an experience that has encountered difficulties of that kind before time and again.

Does anyone undertake to say that we can lightly throw aside all the result of the years of experience in public service, and do it in the interest of the public welfare, by exchanging such a man for a raw recruit who has had no opportunity to become acquainted with the vast, multifarious business affairs, for that is what they are, connected with the administration of a great Republic like this? Experience is just as valuable and necessary in the conduct of public affairs as it is in the conduct of private business affairs. Take it in the great industrial concerns of the United States, which are the marvel of the world and are commanded by the men of genius of the world; take the trained, skilled man who is responsible, who has a desire to meet the approval of the men who put their capital into his hands and who have their all invested in the business; he has wanted to secure their support and he has been there for a long term, acquainted everywhere, with his hand on the lever, knowing how it should be conducted. Would you help the conduct of that business by making a change in that place every four years and trying an experiment, because necessarily it would be an experiment, with a new man? Would you say running that risk was in the interest of the public?

You can take the illustrious names of the great characters who have added to the glory of the Republic in this Chamber, your Calhoun, your Clay, your Webster, your Benton, all these great figures served here for nearly a lifetime. The men who came in here and served one term have disappeared. You will find their names in the Directory as you would find names in an almanac, and you do not know who they are until you look them up because they came and went; their career was too short for them to be of substantial service. They never got in touch with the work of public life. They never were able to develop with experience and become intrenched in the service so as to render that character of service which the Republic demands.

It is just so in the White House. Do you think this country would have been better off if George Washington had served for only four years instead of eight? Do you think its history would have been any brighter or greater if Madison had served only four years, if Jefferson had served only four years, and if the experiment had been tried with a new man at the end of each four-year period. Instead of this, take your one-term men and compare them with your two-term men from the beginning of the constitutional history of the Government to the present time. Do you think that the public welfare was promoted to a greater extent, that the interests and the destinies of the Republic were more secure in the hands of men who were President for only one term than in the hands of those who were President for two? I challenge the statement that that is true.

It is a simple question as to whether experience is of any value to the public service. A man comes in the White House for four years to preside over the executive department of this great Republic of 90,000,000 people, with all its ramifications everywhere touching life in all its different forms, with the vastness of its transactions. He has to select the heads of all the departments and in a general way to keep his hand on the lever and see to it that the laws are enforced and wise policies urged. One term of four years, or six years, possibly, is a short period in the administration of the affairs of a great nation, especially with a new man coming into this great office, sometimes perhaps finding the legislative department out of sympathy with him. With the great policies for which he stands, connected with important public questions, with the administration of great policies, delays would naturally follow the obstruction of a hostile legislative branch of the Government, which might afterwards change and come over to his side in two years or in four years. I say conditions could exist which would practically make it impossible for him to propose and secure the enactment of a single great measure that the people of the country had commissioned him to carry out, because of the short tenure of his office.

Then you break the continuity. You propose that when he has just barely got started, when in the last year of his term he has finally secured a Congress in sympathy with him, selected his men, great and strong, in sympathy with him, and is equipped and ready to launch forth and accomplish something, down shall go the hammer; the time is up; the thing is broken; the continuity is destroyed; there is no permanency of policy; and a new man comes in. Is that in the interest of the public welfare? Does the interest of the public welfare require such a change as that in the fundamental law of our land?

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from South Dakota yield to the Senator from Iowa.

Mr. CRAWFORD. I do.

Mr. CUMMINS. I rose only for the purpose of suggesting that the Senator from South Dakota has not made himself familiar with the joint resolution under discussion in all its parts. It provides for a six years' term, not a four years' term.

Mr. CRAWFORD. I am discussing the proposition, and I have used four years or six years; I do not care which. The joint resolution does propose a term of six years.

Mr. CUMMINS. Would it meet the approval of the Senator from South Dakota if the joint resolution were amended so as to make the term eight years?

Mr. CRAWFORD. No, it would not; because my belief rests on a different foundation from that. I say, in the first place, what is, in a way, a repetition, but it is so brief that it will not cause delay, the question of patronage and the abuse of patronage can be dealt with effectively without shortening the term. In the second place, whatever abuse is connected with the distribution of patronage lies as largely at the door of Senators and Representatives as at the door of the President. If you are going to shorten the term of one and make it one term only, make it one term for all. But you would take from the public welfare service that can only be rendered by those who have become more fit than others through long experience.

In addition to that, you break into the continuity of policy and the destruction or the impairment of the value of a man's service, which necessarily grows out of experience. It is not in the interest of the public welfare and continuity of policy in carrying on governmental affairs to have this continuity broken at short intervals.

Now, another point, Mr. President, you can not get away from, and that is the fact that men do love the approval of their fellow citizens. They love to receive that reward which exists in an expression of their countrymen that "we are pleased with your service, and we desire you to continue it for four years longer, or six years longer." Take that element out of the public service and you have given a tremendously serious blow to it. It is human nature. Put a man in office for four years or for six years and have him know absolutely that his public career ends with the six years, that there is no future for him, so far as service to the public is concerned, that no more honors can come to him, that all the power connected with the great office must be exercised by him during the six years, and compare that situation with the other, where if he has so administered the trust as to meet their approval his fellow citizens will say to him at the end of four years or of six years, "We approve what you have done, we appreciate your service; you have made a faithful servant; the people want you to continue during four years or six years more as you have done during the four years or six years past." No more powerful incentive can be given to a public officer than that, outside of the approval of conscience, which, of course, should govern the actions of men always. But men are human. They love the approval of their fellow men. They love fame. Remove this desire for the approval of your fellow men and the love of fame from the hearts of men, and the most glorious pages of history would never have been written.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield further to the Senator from Iowa?

Mr. CRAWFORD. I do.

Mr. CUMMINS. A few minutes ago the Senator from South Dakota said that only those Senators who had served for a long period of time would be remembered for great accomplishment.

Mr. CRAWFORD. If the Senator will permit me, I did not make that as an absolute statement. I made it as a general statement.

Mr. CUMMINS. I understood that to be the general statement of the Senator from South Dakota and I do not care to dispute it. The Senators who were in the mind of the Senator from South Dakota served for 20 or 30 years. Does the Senator from South Dakota see any objection to the President being reelected for 20, or 30, or 40 years, and why?

Mr. CRAWFORD. I see a serious objection to extending one term, making it 10 years, 15 years, 20 years, but I see no objection to having a President of the United States or any other servant of the people serve them as long as the people desire him to serve them, they having the power to express their wish at intervals that are not so long that they are unable to get rid of an unworthy servant. There is the protection to the public.

Mr. CUMMINS. I understood the Senator from South Dakota to say that no considerable efficiency could be expected unless there was this long term of service. That is equivalent to saying that no President could serve the people very well unless he served them for 20 or 30 years in that capacity, and I wanted to know whether that was said upon reflection.

Mr. CRAWFORD. The Senator does not deal quite justly with what I said. I did not make it as broad as that. I undertook to say that with the same public servant newly inducted into office, if that servant afterwards had added to his strength and equipment 10 years of experience, one of the most valuable features of his equipment would be the fact that he had 10 years of public service and experience.

Mr. CUMMINS. It means, then, that it might be wise on the part of the people, if they found an efficient President, to reelect him from term to term until he had served 20 or 30 years in that office.

Mr. CRAWFORD. The Senator and myself have heard a good deal of talk about trusting the people and about faith in the people. Here is a proposition of that kind. I am absolutely willing at all times to trust to the good sense of the people.

Mr. CUMMINS. Every time, except to vote upon this particular constitutional amendment.

Mr. CRAWFORD. Oh, no; in my opening remarks I stated my position in regard to that.

Mr. CUMMINS. I then ask the Senator from South Dakota whether he is in harmony with the rule or the principle established by Washington, that we have respected every since, which has limited the service of a President of the United States to two terms?

Mr. CRAWFORD. I am perfectly willing to leave that to the good faith of the people. They have made no mistake in 125 years. They have not amended the Constitution in that particular.

Mr. CUMMINS. They have never elected a President more than twice.

Mr. CRAWFORD. Yes; I am aware of that.

Mr. CUMMINS. And yet we have had very efficient Presidents in that time. Why did not the people reelect them for a third term?

Mr. CRAWFORD. Apparently they did not care to do it, and they may not care to do it, although there seems to be a very serious apprehension in the land that they might do it.

Mr. CUMMINS. Was it not because the people did not regard it as wise to continue this vast power in a single hand for more than two terms?

Mr. CRAWFORD. I presume so.

Mr. CUMMINS. And does not that afford some evidence, at least, that if we were to limit the service to six years we would accomplish all the beneficial purposes the Senator has in mind and still guard against a danger which a great many people believe to be serious?

Mr. CRAWFORD. In regard to that I can not agree with the Senator. I would rather leave it to the people, as we have left it to them for 125 years, than to put up an absolute barrier which through all future time will prevent the people from utilizing the services of some man who serves them well. I would rather leave it to their good sense and to their good judgment, as we have been leaving it for 125 years.

Mr. President, the continuity of policy, I say, would be broken every four or six years. In the tremendous business affairs of a great Republic every four or six years, arbitrarily, by a hard-and-fast limitation, a new hand must come in and go to the helm. With an old, tried, experienced hand that we had every day for four or six years, who continued to weld himself into the hearts and affections of the people and to serve them, and whose services they may wish to demand for four years or six years longer, and who is carrying out policies that they want and wish carried to completion, the curtain falls arbitrarily on the 4th day of March at the end of six years, and that tried and true public servant whom the people may want to retain in service goes out, and the green hand comes in. I do not believe that is a good policy or in the interest of the public welfare.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield further to the Senator from Iowa?

Mr. CRAWFORD. I do.

Mr. CUMMINS. What right has the President of the United States to have a policy?

Mr. CRAWFORD. He has the same right to have a policy that the Senator has to have a policy. I differ with the Senator in regard to that in this respect: I would not be unfair to the Senator, but it seems to me that the Senator's standpoint is that we want a sort of harmless, inoffensive, nonaggressive man in the White House who has no policy, who stands for nothing. I would rather see a great, strong, aggressive man there who stands for something and who does have policies, and I believe the American people prefer such a man.

Mr. CUMMINS. Mr. President, I do not know exactly what the American people do want with respect to the Presidents. We seem to be in some doubt about that matter just now. There is at least a question in the minds of some people about the liberty of expression on the part of the American people, or those of them who belong to the party to which the Senator from South Dakota and myself belong, but I look upon a President as a creature of the Constitution, and that he has just such power as is given to him in the Constitution and by the laws of the country. I do not agree to the modern notion which is held by a great many people that the President of the United States should enact the legislation which alone can create a policy, which alone can carry forward a policy. I do believe the President is limited and ought to be limited in his political activity to the recommendations which he may make from time to time to Congress. I repudiate utterly the modern thought that it is his business to use his influence, no matter in what direction or upon whom, to compel legislation according to his view of the public welfare. The Constitution did not create any such office as that, and whenever those powers are exercised they are usurped by the President of the United States.

I am not referring to any particular instance, but the history of our country is full of that usurpation, and I shall never lose an opportunity to lift up my voice against it. If that view makes a President inefficient and harmless and generally weak, then that is the view of the Constitution, and I can not change it.

Mr. CRAWFORD. Mr. President, I have not taken the position, and far be it from me to take the position, that the President has any right to undertake to compel legislation by usurping legislative power. This is the legislative department. I do not believe it would willingly admit that it has so lost its dignity and its strength that a President of the United States can compel it to do anything. The President of the United States, however, is expected to be a man of some character, of some individuality, and a man of some leadership before the American people. In every one of the States where men have gone out and undertaken to advocate measures in the interests of the people, have gone out as candidate for governor demanding the control of corporations in their States and a more equitable law for taxation of corporate properties, and all that, these men have had policies. They have gone out and advocated policies and they discussed policies, and the people approved all the policies—if you want to call them "proposals," call them "proposals"—at any rate, the minds of the public and of these men met in regard to these policies, and when they went into executive offices they made recommendations to the legislatures, and the result was the enactment of these laws. Were those men usurpers?

Mr. CUMMINS. Mr. President, any man has a right to have a policy. I said the President of the United States——

Mr. CRAWFORD. He has the same right that any other man has.

Mr. CUMMINS. He has the right as a man to have the policies that his judgment may dictate; but I wish the Senator from South Dakota would instance some of the great policies which have been formulated and carried out by a President of the United States that would have been interrupted if that President had been limited to a single term of six years.

I think I do not disagree with the Senator from South Dakota about the influence that a President ought to exercise. He has more power, as I said yesterday, than any other man on earth. His duties are so vast and comprehensive and so important that they will employ the highest capacity which the Creator of the Universe ever gave to any mortal man, and he has this field to occupy these energies without entering upon another field that was reserved by the Constitution for another department of the Government.

Mr. CRAWFORD. Mr. President, I do not propose to pick out individual cases. We might differ with reference to those cases and get into collateral discussions here with reference to details that would extend the discussion to undue length. I am not discussing this question from the standpoint of any particular individual, whether a candidate for President or not. I am discussing a question here which I think relates to the public welfare. Whether it is the Senator from Wisconsin [Mr. LA FOLLETTE], or the ex-President, or the candidate of the Democracy who shall be in the White House, if he is in harness, if he is serving the public faithfully, and if at the end of one short term the public welfare demands that he be continued in office, and it is the wish of the people that he should be continued there, I say it is against public policy to put up an arbitrary barrier, saying that the curtain must fall upon his acts on the 4th of March, in the midst of his public service.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Minnesota?

Mr. CRAWFORD. I do.

Mr. CLAPP. In other words, does not this proposed amendment to the Constitution reach the remarkable conclusion that the people can be trusted to elect a man President who has never been tried, but, after four years of trial, it is unsafe to trust them again with the selection of President?

Mr. CRAWFORD. Certainly.

Mr. CLAPP. That is the way it strikes me.

Mr. CRAWFORD. I have spoken now longer than I intended; but I simply say that the erection of this barrier would militate against stability, against continuity of policy, against the utilization by the people of the United States of experience and deprive them in hours of great trial and danger, in great emergencies, of their most valuable asset.

There was mentioned here yesterday an instance near the close of President Lincoln's first administration. One man is not absolutely necessary—I am not a hero worshiper—to the public; but there are times when a certain man can perform a service to his people that no other man in that situation could perform. Then why deprive them of the opportunity of making use of the services of such a man in an emergency of that kind?

Remember all the time that here is the corrective: Every four years the conduct of this officer must be submitted to his countrymen. The power of patronage vanishes like frost before the rising sun if the people of the United States feel that a cold-blooded, selfish plotter in the White House has been using patronage simply for selfish purposes and has neglected their interests. When the ballots fall at the election on the 4th day of November, or whatever the election day may be, they pass judgment upon the conduct of this officer; and before him all the time while he is in office hangs the fruit that will fall into the bowl if he so conducts himself as to meet the approval of his countrymen. There is the power; there is the corrective.

Every four years the case is submitted. Take that away, and this man in office, governed by those influences that affect human nature, may say to himself, "I have no future; I will utilize this power while I am in office for myself, and there is no going back to the jury so far as I am concerned; this is my last opportunity." It depends on the man. If he is avaricious, he may plant his favorites here and there; if he is ambitious for power, he will have the opportunity to use all the power in his possession to put one of his favorites holding a Cabinet position into office as his successor. A six years' limitation will not prevent him from doing that. He can use all of this power, that is said to be so dangerous, this great machine, as an engine to put somebody else in the office as his successsor, and he may put somebody else in who is not half so efficient and serviceable as he.

So, what have you gained? You have taken from him the opportunity to have his acts passed upon by his countrymen for the purpose of securing their approval, and you have exposed him to the temptation of using his power to put a favorite in his place.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Iowa?

Mr. CRAWFORD. I do not want to take up more time.

Mr. CUMMINS. If the Senator will allow me for a moment, I was about to say that I recognize the truth of what the Senator has just said. It is not impossible that a President limited to a single term may use his power for the nomination of a favorite; possibly it has been done in times past. I wish I could take it away. This joint resolution does not take it away. I admit that; but it does take away the opportunity to use the power in his own behalf; and the very fact that the Senator has just mentioned is complete proof of the soundness of my position. He has said, and we very sorrowfully admit it to be true, that a President can overcome the public will, can divert the public judgment, and can secure the nomination at the hands of a political party of a candidate not desired by a great proportion of the members of that party. It is to prevent just such diversion of the public judgment with regard to the man himself, at least, that this joint resolution proposing this amendment is brought forward.

Mr. CRAWFORD. Mr. President, the proposed amendment would not do it; and that is not all. I doubt if any law can take away the power of leadership. You can not define leadership. It is not coercing the people into the support of another; it is not destroying the will of his fellow men; but it is the invincible power, undefinable, of personal leadership, personal influence which arouses men. I repeat, you can not define it; you can not analyze it; but in this discussion the Senator from Mississippi [Mr. WILLIAMS] spent quite awhile this afternoon indirectly individualizing one man, so that we could not escape the knowledge of who it is that is being talked about in this connection. He is a great leader. I do not approve of all that he has done. Some things I regret; but certainly he has a power that is indefinable; and it is the power of leadership. Give him credit for some things: A couple of years ago this man was not a candidate for the Presidency, but he went out into the anthracite coal mines in western Pennsylvania; got into a car; went away down into the bowels of the earth; watched those laboring men there at their work; investigated with reference to safety appliances by which they might escape in time of peril; what their wages were; what the ventilation was; what the surroundings were. He then came above the ground; went through the collieries; went over to the little shanties with the priest; talked with the women and their children as to their school facilities, their environment, thus showing intense human interest. This is the secret of his power—human interest—and you can not destroy it by amending the Constitution of the United States.

Mr. CLAPP. Mr. President, the pending proposition to amend the Constitution, while superficially aimed at the effort to render an individual ineligible for reelection, is, in fact and in principle, aimed at the right of the American people to determine for themselves whom they will select as Chief Executive of the Republic. My objection to it is that it seeks to place a limitation, not upon the action of an Executive but upon the people themselves. If this proposed resolution were adopted, it would not in any manner limit, curtail, or even regulate by law the action of an Executive while he is Executive, but simply after he has served his term, good, bad, or indifferent as his service may have been, it lays its hands upon him and imposes the same consequence upon him, whether he has been a good and efficient public servant or an indifferent and inefficient public servant. The real limitation which this amendment would impose would be upon the people themselves.

Mr. President, free government, in its last analysis, is bound to be popular government, and every single effort to limit the people has failed thus far or is within the prophecy of failure in the present trend of the purpose of the American people.

Mr. NELSON. Will my colleague allow me to ask him a question right there?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to his colleague?

Mr. CLAPP. With pleasure.

Mr. NELSON. Are not all constitutional provisions and restrictions in some form restrictions upon the direct power of the people to act, and is not that the purpose of a written constitution?

Mr. CLAPP. The question, Mr. President, is susceptible of a division. Incidental to the orderly administration of the policies of a free people there must of necessity be regulation; but the primary thought in the constitution of a free government is not a limitation upon the people, but a limitation upon the representatives of the people upon that concrete identity which finally develops as government. In the foundation of our Government our forefathers sought to place certain limitations upon the rights of the people themselves. One of those limitations was an effort to prevent the people from voting for President of the United States; but, Mr. President, no system of checks and balances ever devised could prevent a free people sooner or later from burning away the limitations and prevent their will from directly bearing upon the selection of as important an office as that of Chief Executive; and so, without changing one line in the written Constitution, to-day we vote practically as directly for President as though the presidential electors were eliminated from the face of the Constitution.

Again, they were afraid to let the people vote directly for United States Senators. Here, again, they ran counter to the fundamental spirit of the organic law of a free Government, which is to place limitations upon the Representatives and not upon the people. So the American people in different States, in different and varying degrees and by different methods, have moved along that line—along the line that is inevitable when you put in operation the forces of free government; that is that, in the last analysis, it shall be a Government by the people. So in different States, as I say, we have developed, according to different lines and in different degrees, the direct election by the people of their Representatives in this Chamber.

Mr. President, this proposed amendment to the Constitution proposes to reverse this whole system and to place a limitation upon the right of the American people to select their Chief Executive. It is urged that this should be done because a President is likely to use his office against the interests of the people to secure his renomination and reelection. Unless we are likely to get men who are so lost to every sense of duty that they will subordinate the public welfare to their individual interests, then it is idle to discuss even a suggestion of this limitation.

So the proposition to amend the Constitution and to put this limitation upon the people must be based upon the theory, altruistic and ethical as we may like to regard the situation, that there are men likely to get that office who need some kind of restraint placed upon them to prevent them from subordinating the public interest to their own welfare.

It is urged that they will use patronage for this purpose. I differ somewhat from my friend the Senator from South Dakota [Mr. CRAWFORD]. I do not believe that the evil of patronage can be cured by law; but it can be cured in one way, and it is being cured in one way, and that is by the people gradually taking back to themselves the functions of government which they have allowed to be taken from them, and acquiring those functions of government which ought to have been placed in their hands in the beginning. In other words, the remedy for the patronage situation is to rob patronage of its power as a factor in politics; and we are very rapidly accomplishing that desired result.

The best remedy for an evil is that remedy which is found by allowing natural forces to move along natural lines, instead of trying to establish artificial restrictions and limitations. I do not think it is a far cry to say that the American people will never again witness a national convention where there will be any considerable number of the delegates in that convention who have come there by the caucus and convention system. The next national conventions of the parties which will exist four years from now will consist of delegates in an overwhelming majority who come there as the express choice of the people to carry out an expressed will of the people; in other words, to represent and serve the voters instead of arrogating to themselves the function of dictating to the voters; they will recognize that they are sent as the servants of the voters instead of assuming the rôle of masters.

We extend the system of presidential preference primaries just in proportion as we take by a natural process from the President the political power to control nominations through the use of patronage.

Mr. President, no one can exceed me in my deprecation of the lure of patronage. I am almost prepared to say that the man who would sell his vote for an office differs only from the man who would sell his vote for money in that he might be deterred in the former instance because of the fear of detection. The man who will purchase another's influence with patronage differs only from the man who would purchase it with his bank check in the fear of resulting detection. Instead of trying to put up an artificial regulation of patronage we are now engaged in regulating it by the most natural process, and that is by the people freeing themselves from the influence of patronage; and it has come to that point, I undertake to say, to-day that patronage has been changed from an asset to a liability, so far as trying to control conventions by it goes, in the hands of a presidential candidate. There may be some States left where this is not true; but in those States where the people have developed a means by which they can express their own choice for President the Federal officeholder is not only powerless but those who have not received the favor of Federal patronage are likely not only to resist the influence of the Federal officeholder but to treat with resentment his attempt to dictate to them. So I repeat that in those States where we have been able to put the power in the hands of the people themselves patronage has been transferred from the asset column to the column under the head of liabilities if its use is undertaken to control political conventions.

This is equally true with reference to Representatives and Senators. There is no egotism in the suggestion that Senators naturally are an important force in political activity, and in the years gone by they, too, have lived in the shadow of a fear of the withdrawal of patronage; but, Mr. President, instead of attempting an artificial method of weakening and curtailing this power, again we are curtailing it along natural lines.

It happened to be my privilege to be the first man, so far as the public records show, who ever advocated on the floor of this Chamber the direct election of United States Senators from the standpoint of the benefit to the Senator himself. Scores of speeches had been made to the effect that the people have a right to elect their Senators. In my humble way it occurred to me that even a United States Senator had some rights, and that among those rights was the right to be elected by the people and to be free from the domination of political machinery and ordinary political methods, and just in proportion as we have in the various States given the people a more direct participation in the election of Senators we have relieved the Senators from any fear of patronage in the hands of an Executive.

I do not want to bring up any soul-harrowing pictures and reflections, but I want to remind the Senate that during the last three years those Senators who have been deprived of patronage and who owe their seats here more directly to the voice of the people expressed in various ways, have prospered quite as well in retaining their seats as those who have basked in the sunshine of presidential patronage favors. Just in proportion, then, I say, as we put the power in the hands of the people to nominate the President or to nominate Senators, we leave patronage where it is, except that we have taken the fangs and the teeth from patronage. It does seem to me that it is much better to deal with the patronage evil in this natural and logical way than to attempt to deal with it by artificial means.

But, Mr. President, it is said that, aside from patronage, a President is apt to use his office for the advancement of things that will appeal to the popular will and to the detriment of the public. It strikes me that that is a reductio ad absurdum.

To say that the President is likely to work injury to the best interests of the public, in doing those things which will receive the approval of the public, is equivalent to saying that the public is so lacking in ordinary intelligence as to approve policies injurious to itself, and is a reflection upon the public which I, for one, would not want to indorse.

I do not believe it is possible, developed as the American people are to-day, for any man to pursue a course that appeals to popular favor, and that course be one of hostility to the interests of the general public.

But assuming that we had a President who was willing to subordinate the interests of the public to his own personal aggrandizement, there are two ways of dealing with temptation: One is to draw the temptation, if you can, and the other is to strengthen one temptation by destroying a lesser temptation. If it is true that a man in the White House is so lost to the welfare of the public that he will sacrifice that welfare along any line, then we face the alternative that he may sacrifice that welfare in appealing to the favor of the public or, with that door closed upon him, he will sacrifice along a line far more disastrous to the American people.

I am not here this afternoon to dwell at any length upon conditions as they exist in this country, but the man is blind, indeed, who does not realize that there is that impersonal spirit, the same spirit which, as in the centuries gone, resists the effort of man to better his condition, that same spirit which has ever sacrificed the rights of the great rank and file of humanity in the interest of the few. In the field of its activities that spirit has been transferred from the battle field to the field of American industry and commercial activity, but the man is blind who does not recognize its presence here and recognize the fact that upon this new field of activity it will battle as strongly to retain its power and influence as it did through the centuries gone. That force which, during the centuries, so slowly and so sullenly retreated before the advance of human progress will never without a struggle yield the fair field of exploiting American industrial life and American commercial life.

We stand to-day approaching the threshold of that struggle. There are those who would have us believe we are in the struggle. I, however, believe we are but approaching the threshold of that struggle, and in the years to come the effort will be not to protect a President from the people but to protect him from this influence; and the moment you close the door upon a man, the moment you say to him, "You can no longer appeal to the verdict of the people whom you have served," then, instead of taking away that temptation—if it is a temptation—we strengthen it against that man, for it is the only temptation that is left, and that is one of the vices of this proposed amendment.

If it is true we are going to have men who would sacrifice and subordinate the public interest to their own welfare, then I say it is a thousand times safer to leave them to exploit it in the greater field of political activity, where they have to meet the judgment and decision of the people; it is better than to close upon them the door to that verdict and force them back along the only avenue where they can subordinate the public interest to their own, and that is in the interest of the service of the spirit of which I have spoken, with no prospect of an appeal, with no hope of an appeal, and no restraining power of a possible verdict.

The longer and the more a man studies this question the more it seems to me it is absolutely at variance with every principle of free government. Instead of leaving open the avenue to popular approval, instead of trusting the people—and if we can not trust them then sooner or later free institutions must perish—it is proposed to take away from the people the exercise of their judgment by a limitation upon their right to approve or condemn—the exercise of their judgment as to who shall be President—and if perchance a man is elected who needs a limitation, to force that man along an avenue of betrayal which he would gladly exchange for popular approval and a verdict of the people if that avenue were left open to him.

Something has been said during this discussion of our duty to vote for this joint resolution. There are, under our form of government, three ways in which the Constitution can be amended. One is by the courts. That is the most convenient way, because it is the most elastic—by the declaration of a court that a certain authority is not in the Constitution. If later that does not appeal to the court, it can turn around and put it into the Constitution. I am not quite in favor of that method of amending the Constitution. There are two other methods that are open, within the Constitution itself. One is that whenever two-thirds of both Houses shall deem it necessary Congress may propose amendments. The other is that whenever two-thirds of the States shall ask for a constitutional convention it shall be the duty of Congress to call it.

Now, in the latter case I hold that when two-thirds of the States have asked for a constitutional convention it is the duty of Congress to accede to that request, just as much as it is the duty of the cashier of the Senate to pay a bill for something which the Senate has ordered, whether the wisdom of that purchase appeals to the cashier or not. That is one avenue that was provided by which the people could secure an amendment to the Constitution—through a constitutional convention—without appealing to the judgment of either House of Congress upon that subject.

I, for one, would favor a method by which the people might more readily, upon their own initiative, amend the Constitution, and wish it were possible to pass the joint resolution offered by the Senator from Wisconsin [Mr. LA FOLLETTE] for that purpose. But as the Constitution stands now, there are but two methods, one by which the people can act independent of Congress and the other leaving it to Congress to initiate a proposition to amend the Constitution; and when it comes to Congress

acting upon the latter course, initiating the question, then it is for Congress to decide whether in its judgment it will initiate the proposed amendment or not.

So I say I do not regard that phase of the argument made in support of the resolution as important in this connection. The people have not taken up the subject along the line where they can have it without our judgment. The proposition is initiated here; it has its origin here; and consequently it is for us to say whether or not we will thus initiate this proposed amendment.

That is about all I care to say on this subject. I believe we are rapidly taking the fangs out of patronage. I believe that to close one lesser temptation to a man who will yield to temptation is to drive him into the avenue wherein lies the larger temptation and the greater danger to the American people.

But, Mr. President, everything can be resolved to a fundamental. Under our system of government, even under the proposed amendment, it is proposed that the American people are competent to vote for a man who never has been President. Then, it is proposed that after a man has been tried the American people, who could be trusted to vote for him before he was tried, are no longer safely to be trusted with the question whether he shall continue. It does seem to me that if ever a proposition was reduced to a simple plain reductio ad absurdum it is to say that the American people can be trusted to vote for a man for President before he has been tried and that the man can be trusted to hold the office before he has been tried, but that after he has been tried neither he can be trusted for another term nor can the American people be trusted to exercise their judgment in reference to his reelection, and that is what the proposed resolution means; and believing in the capacity of the people to choose for themselves, I can not support the resolution.

Mr. POINDEXTER. I ask unanimous consent that the joint resolution go over until next session and be taken up as the unfinished business.

Mr. WILLIAMS. I did not hear the request of the Senator from Washington.

Mr. POINDEXTER. I ask unanimous consent that the joint resolution may go over until the next session of Congress.

Mr. WILLIAMS. Being of opinion that this resolution is more important immediately than it will be later, I object.

The PRESIDENT pro tempore. Objection is made. The joint resolution is in the Senate as in Committee of the Whole and open to amendment.

Mr. BACON. I have an amendment I desire to offer.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Georgia.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The Senator from Kansas——

Mr. POINDEXTER. I think I have the floor. I have not yielded.

The PRESIDENT pro tempore. The Chair apologizes. The Chair thought the Senator from Washington had yielded the floor.

Mr. POINDEXTER. I was just going to say that before a vote is taken upon the joint resolution I propose to make some remarks upon it, but I understand the Senator from Pennsylvania [Mr. PENROSE] desires to address the Senate probably at some length and I do not care to begin to speak upon this proposition at a time that would interfere with his address. I simply desire to make that announcement.

Mr. CUMMINS. Mr. President, the Senator from Pennsylvania advised me that he did not expect to ask the attention of the Senate upon his privileged matter until after 4 o'clock.

Mr. PENROSE. Mr. President, I have just entered the Chamber. I will say that a number of Senators and others who have made inquiries of me have received the answer from me that after 4 o'clock I intended to address the Senate. Is there anything before the Senate?

The PRESIDENT pro tempore. The joint resolution is in the Senate, as in Committee of the Whole, and the question is on the amendment offered by the Senator from Georgia.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator from Mississippi will state his parliamentary inquiry.

Mr. WILLIAMS. I have offered a substitute. I take it for granted, from my limited knowledge of parliamentary law, that it is in order first to perfect the original proposition, and therefore the amendment of the Senator from Georgia will take precedence of mine. That is correct, is it not?

The PRESIDENT pro tempore. It is. The Senator's amendment is a substitute for the House text?

Mr. WILLIAMS. No; a substitute for the joint resolution reported to the Senate.

The PRESIDENT pro tempore. The question would first be upon the amendment submitted by the Senator from Georgia, perfecting the amendment.

Mr. WILLIAMS. I thought so.

The PRESIDENT pro tempore. It will be stated.

The SECRETARY. On page 2, line 6, in the committee amendment, strike out "six" and insert "four," so as to read:

The term of office of President shall be four years.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

Mr. HEYBURN. Mr. President, I did not expect or desire to speak upon this question at the present time. I am quite sure, however, that the time has not arrived when the Senate should vote upon the joint resolution or any amendment or any substitute for it, and under those conditions we are confronted with the alternative of voting or discussing it.

I am opposed to the joint resolution, to the amendment to the joint resolution, and to the substitute for the joint resolution. I am opposed to action upon the joint resolution. We are confronted with a specific duty. It has not as yet been clearly presented. The discussion has proceeded from the standpoint that we were to elect between equally meritorious propositions relative to the government. That is not the situation. Article V of the Constitution says:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

The question of necessity is the first consideration; not whether we might do it, not whether as between the two propositions we would select one as against the other, but the question is, Is it necessary to amend the Constitution? That is an affirmative proposition; and the necessity must be established not by criticism of existing conditions, not by criticism of the administration of those who have held this high office, but upon the rule of necessity for a change in the Constitution in this respect.

No testimony has been brought to the attention of the Senate to sustain the claim of necessity; no argument has been made to sustain the question of necessity, and that is the only question before the Senate.

Upon what ground can it be claimed that it is necessary at this time to amend the Constitution of the United States in its provisions providing for the election of a President of the United States? What facts have been stated or brought to the attention of the Senate upon which it can be claimed that a necessity exists? Necessity implies an affirmative proposition. What has occurred in the history of this country that renders it in this hour or at this time necessary to provide for a different tenure for the office of President of the United States? The argument has proceeded along the line that some Senators have not agreed with the action of those who have held this position or that they are apprehensive that some who may hold it in the future will create a necessity. No necessity can exist arising out of the future. A necessity can only exist arising out of the present. Even a bad past does not necessarily establish a necessity for a change, because the men who in the past have acted contrary to what some may conceive to be the rule of wisdom, the presumption is that the man of the present will act in conformity with the principles and the dictates of his duty. In order that we should change the Constitution of the United States there must exist specific, well-defined reasons based upon existing conditions, not upon threats, not upon conjecture as to whether or not some man in the future may create a necessity. So that I desire to premise my remarks upon this question by calling attention to the real question for consideration, Would the people diminish the term of the present Executive? Some would, perhaps. Has the present Executive been guilty of any act that would justify the shortening of his term? If he has there is already a provision in the Constitution under which he may be dealt with.

The desire to do a thing is not proof of the wisdom of doing it. A majority of the people of the United States have selected the present Executive for a term of office that does not expire until the 4th day of next March. That is the existing verdict of the American people, and no man can base the claim of necessity upon any charge against that officer unless he chooses to put behind it the responsibility of official action looking to impeachment. As to those who are candidates for office, nothing has yet transpired that would seem to make it necessary to anticipate a shortening of their term. It may be that some Senators have it in mind that in the event certain candidates are elected the term should be six years, and that in the event certain other candidates are elected it should be six months. [Laughter.] But that does not come within the reason given, as stated in the fifth article of the Constitution, which is "necessity." With me, Mr. President, every presumption is against

every proposition to amend the Constitution of the United States. This article now under consideration represents the sustained wisdom of more than 120 years in contemplation of legal interpretation; the people have passed upon it during every one of those years; they have passed upon it during every day that the Congress of the United States has been in session and has not acted; during every day, whether Congress has or has not been in session, when the legislatures of the States might have raised this question and demanded its solution. I say it represents the wisdom of all the years that have elapsed since the making of the Constitution, and it will require something more than innuendo, something more than suggestion, something more than a weighing in the balance to determine the evenness of the scales to induce me to vote for a change of a principle of our Government upon so short notice. Mr. President, for nearly 10 years we had no President of the United States.

The United States of America by title existed for nearly 10 years without a President or a provision for the election of a President. That title originated in the Articles of Confederation. It was invented, if I may use that term, by those who made the Articles of Confederation. We should not forget that the Articles of Confederation were proposed before the Declaration of Independence. Seven days before the Declaration of Independence it was proposed in the Congress that Articles of Confederation should be agreed upon and the Declaration of Independence owes something to that fact for the support it received. The Declaration of Independence was preliminary to the adoption of the Articles of Confederation, because those articles created the Government of the United States, not the Government as it now exists or as it has existed under the Constitution, but when the Members of Congress took up for consideration and final action the question whether or not we should form a united government it was apparent to them that we should first sever our connection with the English Government, and it was one of the inducements, that we must get rid of an acknowledged status before we took upon ourselves the responsibility of making a new government. The Declaration of Independence did not create a government.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. I yield.

Mr. WILLIAMS. Does the Senator from Idaho contend that, chronologically, the Declaration of Independence antedated the formation of the Continental Government in the United States between the Colonies?

Mr. HEYBURN. Mr. President, I did not use language that could be construed as the Senator from Mississippi has expressed it. Did I think it necessary to enter into specific details, I would have no difficulty in giving the exact dates and proceedings representing the beginning of the adoption of the Articles of Confederation and the proceedings which led up to the Declaration of Independence. They were going on at the same time, in the same Congress, by the same men. If my recollection serves me, the first proposition for the adoption of the Articles of Confederation—in fact, the first draft of those articles—was about the middle of June preceding the 4th of July, 1776. There is no difficulty in ascertaining the facts. I think, if we will turn to our Manual—it should be in there—we will find the facts. I do not intend to make any irresponsible statement. I find in our Manual, on the desk of every Senator, the following:

> While the Declaration of Independence was under consideration in the Continental Congress, and before it was finally agreed upon, measures were taken for the establishment of a constitutional form of government, and on the 11th of June, 1776, it was resolved that a committee be appointed to prepare and digest the form of a confederation to be entered into between these Colonies.

That language is quoted from the proceedings of the Continental Congress.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. HEYBURN. I yield.

Mr. WILLIAMS. Go ahead. Read what you wish to read.

Mr. HEYBURN. No; I will yield to the Senator if he desires to interrupt me at this point.

Mr. WILLIAMS. I would rather the Senator would finish whatever he was quoting.

Mr. HEYBURN. I had not stated when they reported. I can give the Senator that information without any difficulty.

Mr. WILLIAMS. Very well. Then what the Senator has already quoted proves that these particular Articles of Confederation to which he has been referring antedated the Declaration of Independence. But it must be remembered that, in addition to that, the Colonies in British North America had been operating under an agreement antedating even that by over two years.

Mr. HEYBURN. Mr. President, I was speaking of these historical facts merely for the purpose of laying a foundation and not for the purpose of delivering an historic lecture. I was seeking to lay the foundation for the consideration of the relations that existed between the Confederacy and the constitutional Government, one of which provided for a President and the other of which did not. That was the purpose I had in view. But I desire to leave nothing in confusion.

A committee was appointed on the next day, June 12, pursuant to the resolution that I have read, and it consisted of a member from each Colony, namely, Mr. Bartlett, Mr. S. Adams, Mr. Hopkins, Mr. Sherman, Mr. R. R. Livingston, Mr. Dickinson, Mr. McKean, Mr. Stone, Mr. Nelson, Mr. Hewes, Mr. E. Rutledge, and Mr. Gwinnett. That is the committee to whom was intrusted the duty of making the Confederation, which was this Government for nearly 10 years. Those articles are worthy of some consideration. Article I of the Confederation reads—now bear this in mind; it is not only interesting, but it is important—

> The style of this confederacy shall be "The United States of America."

There is the beginning of the Government of to-day. It vested the power of the execution of the laws in the States. It limited the power to make laws within strictly Federal lines. But it was the Government under which we reorganized ourselves and under which we took birth and life and sustained it for nearly 10 years.

Those Articles of Confederation were submitted to the Colonies under their new name of States. Nearly two years elapsed before they were ratified. In that age, when men could not communicate with each other by telegraph or reach each other upon railroad trains, the time was not unreasonable.

Now, Mr. President, when the Constitutional Convention met one of the first necessities that confronted it was the making of a provision for the execution of the laws. That was the point wherein the Confederacy was weak and most wanting. They had no definite department of the Government with power to execute the will of Congress. They had to rely upon the uncertain execution of laws by States and by a committee which they authorized, which committee had a president whose term was limited to one year.

We must consider the conditions that exist at the time of the organization of a government in order fairly to estimate the intention of those who organize it. We can not intelligently know the purpose of those who organized the Government unless we are familiar with the conditions that confronted them.

Two great difficulties had arisen under the Confederacy; first, the impossibility of administering and executing the laws under uniform rules and conditions; second, the exercise of sovereignty by the States, which was guaranteed to them by the Articles of Confederation, in which they claimed and exercised the right to make treaties one with another.

It was because of those difficulties that the Constitutional Convention met. It was not called nor did it meet for the purpose of changing the form of the Government. It was not contemplated when that Constitutional Convention met that they would make a new Constitution. The purpose for which they were called together was that of so amending the existing organic law as to avoid the difficulties that had arisen under it. The situation developed after the delegates came together. They lived in widely separated parts of the country, and many of them had never communicated with any other member of that convention. They came to the city of Philadelphia by the crude means of travel then existing, and they met as strangers with the exception of a very few of them who had served together in the Continental Congress.

It will be observed that the distinguished gentleman of whom the Senator from Mississippi spoke to-day was not a member of the committee or of the Congress that laid the foundation for the Confederacy.

Mr. WILLIAMS. What was that?

Mr. HEYBURN. I say it will be observed that the name of the distinguished gentleman who was afterwards the distinguished President, Mr. Jefferson, did not participate in the making of the Confederacy.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Mississippi?

Mr. WILLIAMS. The encyclopedic misinformation of the Senator from Idaho demands no particular criticism.

Mr. HEYBURN. I can not hear the remark of the Senator.

Mr. WILLIAMS. If the Senator from Idaho means by that that upon the particular occasion to which he referred Mr.

Jefferson was not a Member of the Continental Congress, the Senator from Idaho is perfectly accurate.

Mr. HEYBURN. I did not go so far. I said he did not participate in the making of the Articles of Confederation.

Mr. WILLIAMS. He was not even a Member of the Continental Congress at that time. He had accepted the position of minister plenipotentiary to the Court of France. But prior to that time there had been organized upon the American continent a practical working government, and one of the men who served in the Continental Congress when that was done was Mr. Jefferson. That antedated the period to which the Senator from Idaho is now referring. The Senator from Idaho seems to forget that the United Colonies of America preceded the United States of America, and that the territory and the people of America, which constituted later on the United States of America, had previous to that time constituted a government under the appellation of the United Colonies of America.

Mr. HEYBURN. Mr. President——

Mr. WILLIAMS. Wait one moment. Now, if the Senator means that Thomas Jefferson had nothing to do with the formation of the present Government under the present Constitution of the United States or with the resolution to which he refers as immediately preceding the calling of the Continental Congress at Annapolis, the Senator is right. But if the formation of the Government of the United States be put where the formation of the Government of the United States began—in the formation of the Government of the United Colonies of America—if it be carried still further back to the meeting of the members of the Virginia Assembly in the Apollo room at the tavern at Williamsburg and the committees of correspondence between Virginia and Massachusetts, which really did form the actual working Government of the United Colonies in the interim between throwing off kingly authority and establishing an independent authority, there can be no man in America so ignorant as to contend that Thomas Jefferson had nothing to do with it.

Mr. HEYBURN. Mr. President, I will——

Mr. WILLIAMS. Wait one moment.

Mr. HEYBURN. I must call the Senator's attention to the fact that he is proceeding on an erroneous assumption.

Mr. WILLIAMS. I did not ask to interrupt the Senator from Idaho.

Mr. HEYBURN. No; I can not stand that. The Senator can not treat me in that manner.

Mr. WILLIAMS. I did not ask to interrupt the Senator from Idaho. The Senator from Idaho, as Zeb Vance said once, personated me and asked me to respond to a question, and I am now responding.

Mr. HEYBURN. I insist now on saying what I have undertaken to say. The Senator is speaking from an entire misunderstanding of what I set out to say. I know not willfully, but he is assuming that I took a position which I did not, and he is basing an argument upon a wrong assumption.

The PRESIDENT pro tempore. The Senator from Idaho is entitled to the floor, and he will proceed.

Mr. HEYBURN. I will yield now to the Senator, but with the warning to him that he is speaking upon a fictitious premise.

Mr. WILLIAMS. If I have misunderstood the Senator from Idaho, of course what I have said can not be relevant as a reply to anything that he has said. But if I did understand him—the RECORD will show, if unrevised, whether I did or not——

Mr. HEYBURN. Just a moment. Why does the Senator say unrevised? Why does the Senator use the term "unrevised"?

Mr. WILLIAMS. The Senator from Mississippi did not use it in any personal, obnoxious, or hostile manner, but he merely meant that, in his opinion, if what the Senator from Idaho had said appeared in the RECORD, then what the Senator from Mississippi had said would appear as a relevant reply to it. If owing to any defect of hearing or memory the Senator from Mississippi has been mistaken, it will appear that the Senator from Idaho is justified by what has occurred.

Mr. HEYBURN. Mr. President, there is no reason on earth why the Senator from Mississippi and the Senator from Idaho should have any difference about this question. He has no higher opinion of Mr. Jefferson than that I entertain as to his intelligence, his integrity, and his patriotism.

Mr. WILLIAMS. Mr. President, I hope the Senator will pardon me one moment further. Perhaps I have got two things mixed up. My mind frequently includes the things that I knew beforehand with the things that I have recently heard, and sometimes that leads to some degree of confusion. But if I did not misunderstand the Senator from Idaho on a previous occasion in the Senate, he denied that Thomas Jefferson was either the author of the Declaration of Independence or had anything to do with the founding of the American Government.

Mr. HEYBURN. The Senator misunderstood me. I am rather surprised that he would make that statement. I spoke to a specific question which was then before the Senate, and I said that Thomas Jefferson did not write the Declaration of Independence.

Mr. WILLIAMS. Mr. President——

Mr. HEYBURN. I have only to refer to the original document on file in the archives of the Government to substantiate that statement. But it does not follow that because he did not write that document I have not that high regard for him and for his ability and intelligence and integrity to which he is entitled. I was speaking of a fact.

Mr. WILLIAMS. Now, Mr. President, if the Senator will pardon me—and I recognize that I have interrupted him too much——

Mr. HEYBURN. No; I do not mind the interruption.

Mr. WILLIAMS. And I recognize that I have no excuse for it except an undying allegiance to historical fact. I have no other excuse at all. I have just said that upon a previous occasion the Senator from Idaho denied that Thomas Jefferson was the author of the Declaration of Independence, and also denied that he had anything to do with the foundation of the American Government.

Mr. HEYBURN. The first part of that statement is correct and well founded, and the second part is not.

Mr. WILLIAMS. Exactly as it appears in the RECORD is that the Senator from Idaho denied that Thomas Jefferson was one of the founders of the American Government.

Mr. HEYBURN. I do not think we are discussing founders now.

Mr. WILLIAMS. Let it go at that—one of the founders of the American Government. Not as a matter of disputation between the Senator from Idaho and me, because that amounts to nothing, but in the interest of historical truth, there was a committee appointed to draft a Declaration of Independence. It was thought that their independence and the declaration of it should appear in appropriate words. A committee was appointed. The first man upon the line of the committee was Thomas Jefferson, of Virginia.

Mr. HEYBURN. That is history.

Mr. WILLIAMS. Who became by that fact the chairman of the committee.

Mr. HEYBURN. That is history.

Mr. WILLIAMS. That is history, too. When the committee met the committee unanimously agreed that Thomas Jefferson should draft the declaration.

Mr. HEYBURN. Should formulate the ideas that the committee entertained.

Mr. WILLIAMS. Never mind about that, but that——

Mr. HEYBURN. But I do mind.

Mr. WILLIAMS. But that he should draft this Declaration. Of course the Declaration was to be the formulation of the opinions of the committee, like any report from a committee must be the formulation of the report of the opinions of the members of the committee. Thomas Jefferson was appointed for that purpose.

John Adams later on said that there was a subcommittee appointed of which Thomas Jefferson, he himself, and Benjamin Franklin were members. There seems to be a difference of recollection between him and Mr. Jefferson on one side and between him and Benjamin Franklin on one side as regards that. Jefferson says that no subcommittee was appointed at all, but that the committee insisted upon his drafting the resolution. Mr. Adams says that Mr. Jefferson said to him, "You draw it," and Mr. Jefferson confesses that that was true; he did suggest that Mr. Adams draw the Declaration. Mr. Adams said, "No; you do it," and he gave several reasons for it.

Mr. HEYBURN. What did Benjamin Franklin say?

Mr. WILLIAMS. Wait a minute; I will come to that after a while if the Senator will let me alone. Benjamin Franklin had very little to do with it one way or the other. John Adams said, "You draw it." Jefferson said, in substance, "Why?" He said, "In the first place, because you are from Virginia." That seemed to be the main reason. Then he added, "In the second place, because you are very facile with the pen and I am not." Whereupon Jefferson said, in substance—I am not quoting the exact language of these men, but you will find it in both of their writings—"Very well, I will undertake it," and he undertook it.

Now, then, the first difference of recollection between Franklin and Adams and Jefferson presents itself after that time, and not before it. Franklin agrees with Jefferson that there was no subcommittee. Jefferson says that Franklin got the idea that there was a subcommittee by his own subsequent action. He said that after he had drafted the Declaration, regarding John Adams, of Massachusetts, and Benjamin Franklin, of

Pennsylvania, as the most important members of the committee, he concluded he would submit it to them before he reported it to the full committee. He submitted it to Mr. Adams; and there will be found in Mr. Adams's handwriting the only change that he suggested, which, with Mr. Jefferson's usual disposition to take things by the smooth handle, he adopted.

There were three suggestions made by Benjamin Franklin, and they appear in his handwriting in the original manuscript of the Declaration of Independence. Mr. Jefferson accepted them, and then it was submitted to the full committee. By the way, before I go to that I will say that neither of Benjamin Franklin's suggestions were anything except an amendment of phraseology—nothing else. In one case he seems to have thought that Mr. Jefferson's language was too rhetorical, and he pruned it down to the common-sense expression of English, for which Benjamin Franklin stands peculiarly an exemplar; but in none of the cases was there the slightest change of meaning, not the slightest.

It was then submitted to the full committee, adopted—with the suggestion of Adams and with the suggestions of Franklin—by the committee, and reported to the Continental Congress. It was then adopted by the Continental Congress with no essential exception except that South Carolina and Georgia, wanting more slaves, and Massachusetts and Connecticut wanting to sell them more slaves, insisted that those parts of the Declaration which arraigned George III for having prevented the freedom of slaves in America should be stricken out and that those parts of the Declaration which arraigned George III for perpetuating the slave trade and the importation of slaves should be stricken out.

There is not a line or a word in the Declaration of Independence of any other authorship, except amendments of phraseology, that did not flow from Thomas Jefferson; and the Declaration as offered by him is his, except for the omissions—not any commissions—in connection with it.

One other word, and then I shall cease to interrupt the Senator from Idaho. When you come to what formed the foundation of the Government you are not restricted by an inquiry into form, but you go back to substantiality—not phenomena, but substance. In substance the Government of the United States was formed when the committees of correspondence prevailed upon Virginia, upon Massachusetts, and the other colonies later on to elect delegates to a Continental Congress. The Government of the United States, the territory forming the United States, the population forming the United States, did not begin with the adoption of the present Constitution at all; it began not even with the Declaration of Independence; it antedated that, and, for a time, between the toppling over of the old system and the inauguration of the new system, the real Government of America was constituted of the committees of correspondence, revolutionary committees of safety and of correspondence in the several colonies, taking counsel of one another, raising troops, and raising revenue by voluntary subscriptions, and no man figured more in that than did Thomas Jefferson. He was the author of the Summary Statement of the Rights of British North America.

Mr. HEYBURN. I want to suggest to the Senator that it might well be claimed that the foundation of the Government of the United States was upon the battle field, with George Washington at the head of the Army. I would not have spent three minutes in discussing the relation of Thomas Jefferson to the making of the Declaration of Independence, except that the Senator has given us an accurate and very nice picture of it; but it has nothing to do with the question I was discussing. I referred incidentally to the relation between the dates of laying the foundation for the civil government and the Declaration of Independence, and the relation that one bore to the other.

I regret, however, inasmuch as I shall yield the floor inside of the next four minutes for other business, that I have not time to meet the suggestions of the Senator, not in any spirit of antagonism, but in a spirit of harmony. My mind has been attuned by his remarks to a consideration of those very interesting times; but I must forego that pleasure and that duty—it would be a duty—because we have agreed in three minutes now to take up another matter.

Mr. WILLIAMS. Well, within those three minutes will the Senator permit me to express my regret——

Mr. HEYBURN. Would it not occur to the Senator that I might be entitled to a portion of those three minutes after his very extended discussion? [Laughter.]

Mr. WILLIAMS. If the Senator will pardon me, not the portion of it that I would require to express my regret that I have prevented the Senate from receiving any degree of information or enlightenment from any remarks that might have been made by the Senator from Idaho. If my interruption has prevented the Senate from gaining, or if it has foreclosed the possibility of the Senate being pleased and informed by the Senator from Idaho, I now express my full regret. [Laughter.]

Mr. HEYBURN. There are other matters due to come before the Senate at this time, and so, without concluding my remarks, I will yield the floor.

Mr. CUMMINS. Mr. President, I will ask unanimous consent that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. SMOOT. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Utah suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Massey	Smith, Ariz.
Bacon	Cullom	Myers	Smith, Ga.
Bankhead	Cummins	Nelson	Smith, Md.
Borah	Curtis	Newlands	Smith, S.C.
Bradley	Dillingham	O'Gorman	Smoot
Brandegee	Fall	Oliver	Stone
Briggs	Fletcher	Overman	Swanson
Bristow	Gallinger	Page	Thornton
Bryan	Heyburn	Penrose	Tillman
Burnham	Johnston, Ala.	Perkins	Townsend
Catron	Jones	Poindexter	Warren
Chamberlain	La Follette	Pomerene	Wetmore
Chilton	Lippitt	Reed	Williams
Clapp	McCumber	Root	Works
Clarke, Ark.	McLean	Sanders	
Crane	Martin, Va.	Shively	
Crawford	Martine, N. J.	Simmons	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

PERSONAL EXPLANATION.

Mr. PENROSE. Mr. President, I rise to a question of personal privilege. Certain letters from John D. Archbold, addressed to me, have recently been published, and an effort has been made to establish a connection between the work of the Industrial Commission, of which I was a member, and an alleged letter purporting to inclose $25,000 from John D. Archbold. These stories have been circulated in Hearst's Magazine, a sensational periodical; in the Munsey daily papers, which are Roosevelt organs; and more particularly in the North American, in Philadelphia, and the Leader, in Pittsburgh, yellow journals, the chief organs of the Flinn-Van Valkenburg-Roosevelt combine in Pennsylvania.

These letters have been in the possession of the periodical referred to about five years, since the theft of the Archbold correspondence occurred, but apparently there has been no occasion for their publication until prompted by present political exigencies. Their publication now, with the malignant insinuations accompanying them, is in the nature of political blackmail, the purpose of which is to punish, coerce, or intimidate me because of my political course.

The statement that there is any connection between the Industrial Commission and a certain check from John D. Archbold is false, malicious, and without justification.

I was one of the senatorial members of the Industrial Commission, but the work of the commission, as is well known, was performed largely by the noncongressional members of the commission. As the sessions of the commission were continuous over a considerable period it turned out to be impossible for me at least to attend very many of the prolonged sessions. I do not believe that I was able to attend more than one or two meetings during the whole life of the commission. I certainly never participated in their deliberations or conclusions, neither did I in any way try to influence the same. The commission was engaged in a general line of investigation into industrial conditions, and in no case did anyone refuse to appear before the commission or object to appearing. The only question raised as to the appearance of witnesses where all witnesses were entirely willing to appear might have been the question of arranging the dates of appearance in individual cases to suit individual convenience or engagement, a question not unusual in protracted hearings of this character. Upon the death of Senator Kyle, the president of the commission, my name was mentioned by a large number of persons to succeed him as president, I being the ranking senatorial member and representing a great industrial State. Realizing, however, that I had not been able to attend the sessions of the commission regularly or keep up with the work, I declined to be considered for the place and the commission, as is well known, elected Mr. Clarke. The hearings of the commission were open, and there was no secrecy about their proceedings. There was no occasion to furnish anyone with any particular information, as it was open and accessible to the general public.

I now come more particularly to the letter alleged to have been written to me by John D. Archbold, inclosing a certificate of de-

posit in my favor for $25,000, written under date of October 13, 1904. I have reason to believe that this letter is a forgery, and I challenge its production; but it is true, and at the time it was well known, that during the presidential campaign of 1904 I did receive such a contribution from Mr. Archbold for the campaign in Pennsylvania. The contribution was part of a much larger one, which I will now explain.

I was at the time the chairman of the Republican State committee of Pennsylvania and a member of the Republican national committee representing that State. I was at the Republican headquarters in Philadelphia in full and sole charge of the State campaign, and, as a member of the national committee, I was every week in New York in close touch with many of the phases of the national campaign.

Mr. John D. Archbold had several interviews with Cornelius N. Bliss, treasurer of the Republican national committee, and with me, relative to financial assistance in the presidential campaign of 1904. Finally, after some discussion, we came to an understanding by which Mr. Archbold made a contribution of $125,000, of which $100,000 was to go to Mr. Bliss as treasurer of the Republican national committee for the national presidential campaign outside of Pennsylvania and $25,000 was to be contributed to me as State chairman for the campaign in Pennsylvania. Mr. Archbold received the receipt of Mr. Cornelius Bliss as treasurer of the Republican national committee and for the Republican national committee for the amount of $100,000. The contribution of $25,000 so received by me as chairman of the Republican State committee of Pennsylvania was expended in the presidential campaign in that State.

While the result of the election of 1904 was a splendid victory for the Republican candidate it must not be forgotten that there were times during the campaign when apprehension existed among the Republican managers and when it was felt that it was necessary to wage the contest with all possible vigor. The vigorous and effective efforts then made largely contributed to the final result. Not long after the contribution of $100,000 to Mr. Bliss for the Republican national committee, Mr. Bliss, on behalf of the committee, called again to see Mr. Archbold and asked for a further contribution of $150,000. He represented to Mr. Archbold and a large number of his associates, known as the group which was chiefly interested in the Standard Oil Co., that Mr. Roosevelt had been advised of the original contribution, and also that the chairman of the Republican national committee, Mr. Cortelyou, had been similarly advised, and that the original contribution, $100,000, was greatly appreciated by them both, but that the need of further financial assistance was badly felt at headquarters and that such further assistance would be still more keenly appreciated by both of the gentlemen referred to. The demand was urgent, insistent, I may say imperative, and purported to come directly from Mr. Roosevelt and Mr. Cortelyou. I knew personally at the time, as I was in more or less touch with the situation, that Mr. Archbold wanted to make this further contribution and felt that it was presented to him in such an imperative manner, a way that made him desire to make it, but he was overruled by his associates, who felt that sufficient had been done, and a further contribution was not made.

It should be explained that the Pennsylvania Republican State committee seldom receives any financial assistance from the Republican national committee, such as is extended to other States.

On the contrary, treasurers are appointed by the chairman of the Republican national committee in Philadelphia and in Pittsburgh, and large sums are collected in a presidential year, and this money so collected in Pennsylvania is sent direct to the Republican national committee in New York for use in other States outside of Pennsylvania. Thus the resources of the Pennsylvania State committee are frequently impoverished in presidential years. In the campaign of 1904 no contribution was made to the Pennsylvania Republican State committee by the Republican national committee, and hence the special arrangement for the Pennsylvania Republican State committee in this instance, and the transaction was part of the general plan of financial aid extended for the presidential campaign. The fact that the contribution of $25,000 for Pennsylvania made a contribution of $125,000 from Mr. Archbold and his associates to the presidential campaign was one reason given for the refusal of Mr. Archbold and his associates to comply with the additional requisition of Mr. Bliss for another $150,000.

The State ticket in Pennsylvania was not in danger in the fall of 1904, and the campaign was waged entirely to poll as large a vote as possible for electors for the presidential and vice presidential candidates and to elect to Congress as large a number of Republicans from the State as possible. The result was a majority of over 500,000 in Pennsylvania for Mr. Roosevelt for President, and a delegation which was all Republican with the exception of one congressional district. Immediately after the election I received a letter from Mr. Roosevelt, expressing his warm and heartfelt thanks for the result in Pennsylvania.

Senator Quay had recently died; the burdens of the Republican organization in Pennsylvania had apparently devolved upon me. I was a good deal younger then than I am now and quite enthusiastic. The State chairmanship had been forced upon me the year previous as the result of political conditions in Pennsylvania. I did not think it likely that I should ever be compelled to take the office again and I knew I certainly would not seek it, and I was anxious on my own account in the new field opened before me to make as good a record as possible. I was therefore highly gratified by the result in the State, which broke all previous records for majorities not only in Pennsylvania but in any other State in the Union.

The malicious efforts made to misrepresent a transaction which at the time was entirely legal and proper is only part of the systematic efforts of the Flinn-Van Valkenburg combination in Pennsylvania to break me down and deceive the people through the unscrupulous methods of yellow journalism.

Mr. William Flinn, of this unsavory combination, which until recently Mr. Roosevelt would have been quick to denounce and repudiate, has made a fortune out of crooked municipal contracts and the corrupt control of municipal councils and State legislatures. Mr. E. A. Van Valkenburg, editor of the North American in Philadelphia, was arrested and indicted for bribery in my first senatorial contest in 1896 and only escaped conviction through the leniency of Senator Quay and upon the payment of about $10,000 for costs for lawyers, detectives, and for other expenses of prosecution, which amount was paid by his attorney the day before the trial was set to take place in Pottsville, the county seat of Schuylkill County.

Upon the death of Senator Quay in 1904 Mr. Flinn became a candidate to succeed him in the United States Senate. In Philadelphia during a discussion of the successorship to Senator Quay Mr. Flinn offered to Israel W. Durham, a Republican leader in Philadelphia, and to me, $1,000,000, or even $2,000,000, to favor his ambition, and the offer was known to others at the time. The offer was declined, and we refused to support his candidacy.

The governor of Pennsylvania, Hon. Samuel W. Pennypacker, desiring to uphold the honor and dignity of the State, appointed the Hon. Philander C. Knox to succeed Mr. Quay. Mr. Knox was subsequently elected by the legislature for the full term. His appointment and election and resignation from the Cabinet occurred with the full knowledge and acquiescence of Mr. Roosevelt. Mr. Flinn still desires to go to the United States Senate. His friends openly avow his ambition, and his activity for Mr. Roosevelt and the reforms to which he has recently become a convert from his unrepentant days are prompted by this desire.

The effrontery, hypocrisy, and mendacity of the Van Valkenburg-Flinn combination are disclosed by the following correspondence between John D. Archbold and William Flinn. I call attention to the following telegram sent to J. D. Archbold by William Flinn, the Roosevelt leader in Pennsylvania:

PITTSBURGH, PA., *June 7, 1904.*

I tried to talk to you over the phone last night, but could not hear you. I am making an effort to go to the United States Senate as M. S. Quay's successor. As it now stands the appointment will go to Allegheny County, and I expect to get it. The Republican organization of Allegheny County are desirous of my appointment and are working in. Also the Republican organization of the surrounding counties. The decision of the question is up to Senator BOIES PENROSE, State chairman, and Israel W. Durham. The efforts of a few of my influential friends put forth at once with PENROSE and Durham will settle the question. If you will use your influence with them in my behalf I will greatly appreciate it. The decision will probably be reached Wednesday. Can you help me?

WILLIAM FLINN.

Under the same date the following reply was sent in cipher to William Flinn from John D. Archbold:

NEW YORK, *June 7, 1904.*

Telegram received. Sorry that the posy did not shout friskiness. I expect to jail pop sharply parsed fanning, and until flagon prefix it is lamented for me to have flood hatred reship.

[Laughter.]

Which being translated reads as follows:

Telegram received. Sorry that the phone did not work better. I expect to have talk with Senator PENROSE, and until after that it is impossible for me to have any definite view.

JOHN D. ARCHBOLD.

[Laughter.]

This is addressed to William Flinn, a noted reformer in Pennsylvania.

Thus it is discovered that while the Flinn yellow journals in Pennsylvania are expressing their abhorrence of what they denounce as a malodorous transaction on my part, within a few months of the date of the alleged letter from John D. Arch-

bold to me, Mr. William Flinn was asking the aid of the same John D. Archbold to secure his appointment and election to the United States Senate and conducting an active correspondence with him under a cipher code.

Mr. STONE. Mr. President, while the Senator from Pennsylvania is at the confessional and in a confessing mood, it occurred to me that he might be able and willing to add something more to the gayety of the occasion. He has laid before the Senate and the country some very interesting facts as to one transaction.

The Senator was a member of the Republican national committee in the year 1904 and is familiar with its work and seemingly familiar with the financial affairs of the committee. There was a man in this country at that time very celebrated for his achievements in the industrial world, a great constructor of railroads, one of the master men in the financial centers of the country. I refer to Mr. E. H. Harriman. He came down to Washington about the time of which the Senator has been speaking to call on President Roosevelt, then the Republican candidate for President. There will be no need for me to take time in detailing the circumstances and the correspondence which followed. Mr. Harriman finally declared that he had raised $250,000, or about that, at the special instance and request of the President. The President denounced him as a liar and conferred upon him the thirty-second degree in his Ananias Club. Can the Senator from Pennsylvania tell the Senate and the country what he knows about that transaction, if he knows anything?

Mr. PENROSE. Mr. President, many years have passed since these transactions occurred. There are papers on file and a number of letters accessible, interesting documents, which I have no doubt as this discussion develops during the campaign, should any gentleman desire to press these matters, will see the light of day, and I think it would be very beneficial to the American public to have many of these transactions exposed.

Mr. STONE. Where are those letters?

Mr. PENROSE. They are hidden in the archives of campaign committees and in cellars and vaults of business houses and offices of lawyers in different places throughout the country. I was only brought to a recollection of these interesting letters about Mr. Flinn in an unexpected way. I had knowledge at the time of their being written, and it was only by accident that I remembered them. I think the time has come, as the Senator brings that point up, when these charges should be met and that the American people should be no longer gulled by an answer which implies the other man is a liar and that a reference to a speech formerly made is a sufficient answer to the charge.

I would just like to add, and I am glad the Senator has called that to my attention, there was a garbled interview. I have carefully refrained from saying anything about this particular matter in addressing the Senate to-day, but I should like to have the Secretary read this answer of Mr. Roosevelt to an alleged interview which appeared as coming from me, containing in a general way the substance of what I have said to the Senate.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Col. Roosevelt's statement follows:

"As regards Senator PENROSE'S statement I have only to say that I have not, and never have had, the slightest knowledge whether he or anyone else during the campaign of 1904 raised any money to be used in carrying the State of New York.

"In 1904 in Pennsylvania, if my memory is correct, Senator Quay was in charge. My relations with him were always cordial and pleasant. He vigorously supported all the policies I advocated, and, as far as I know, he never asked and I never did anything of any kind, sort, or description for him that could not be blazoned in every newspaper throughout the country."

Mr. PENROSE. Now, Mr. President, there is a deliberate statement that I only had the interest in Mr. Roosevelt's election that might have been shared by a member of this body on the Republican side, when Senator Quay had been dead for several months, when I was in correspondence with Mr. Roosevelt on more than one occasion, when I was a member of the national committee, and in constant touch with Mr. Cortelyou. Yet he deliberately states to the American people that I had nothing whatever to do with his campaign.

Mr. President, is this ingratitude, is it mendacity, is it duplicity, or is it political aphasia?

Mr. BACON. I beg the Senator's pardon if I make an inquiry of him, which of course he will use his own judgment in replying to or not. I only venture to do so because the Senator himself made a statement, if I understood it correctly, that in the State of Pennsylvania a citizen of that State offered $2,000,000 to be elected to the Senate. Did I understand the Senator correctly?

Mr. PENROSE. That statement is correct. For various reasons peculiar to the situation at that time it was generally conceded that Mr. Durham and I would have a large voice in the selection of my own colleague. Mr. Flinn, however, in his insatiable desire to go to the Senate may have slightly exaggerated that power. That had not been used by me in any offensive way. It was stated to me by people active in the party at that time.

Mr. BACON. I ask another question with hesitation, prefacing it——

Mr. PENROSE. I am glad to have any questions addressed to me.

Mr. BACON. I give the Senator the assurance that I do not ask it with any desire to seek an answer unless it is entirely convenient to the Senator to do so. To whom was that $2,000,000 to be paid?

Mr. PENROSE. I suppose it was to be paid to Mr. Durham or to me. I did not get far enough to decide those details.

CAMPAIGN CONTRIBUTIONS.

Mr. CULBERSON. I move that the Senate proceed to the consideration of the bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by indivduals or persons.

The PRESIDENT pro tempore. The Senator from Texas moves that the Senate proceed to the consideration of Senate bill 3315.

Mr. CUMMINS. I call for the regular order.

Mr. CULBERSON. On that motion I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. I ask whether, having laid aside temporarily the unfinished business, this would interfere with it?

The PRESIDENT pro tempore. It will displace it, the Chair suggests, if the motion is carried.

Mr. PENROSE. I think the bill ought to be read before the Senate votes on taking it up. I have never read it.

Mr. CULBERSON. The Senator objected to its consideration the other day.

Mr. PENROSE. I have not had time to read it since. I had not read it before.

Mr. CULBERSON. I see the Senator has been very much engaged.

Mr. PENROSE. I have. I ask that the bill be read.

Mr. SMOOT. I understood the Senator from Iowa to ask for the regular order.

The PRESIDENT pro tempore. The motion would have been in order if the unfinished business had been before the Senate. The Chair recognized the Senator from Texas, and he made the motion.

Mr. CUMMINS. I simply want the Senate to understand that if the motion prevails the unfinished business goes over until the next session.

The PRESIDENT pro tempore. A demand is made for the reading of the bill, after which the question will be taken by yeas and nays.

Mr. CLAPP. I offer an amendment which I should like to have read after the bill is read.

The PRESIDENT pro tempore. The bill will first be read.

Mr. OVERMAN. Before that is done could not the Senator from Iowa ask to have the unfinished business temporarily laid aside in order to take this bill up?

Mr. CULBERSON. There is nothing before the Senate except the motion I made. There is no necessity to lay aside anything temporarily.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the bill be read. The bill will be read.

The SECRETARY. The amendment of the Committee on Privileges and Elections is to strike out all after the enacting clause and insert:

That an act entitled "An act to prohibit corporations from making money contributions in connection with political elections," approved January 26, 1907, is amended so as to read as follows:

"SECTION 1. That it shall be unlawful for any national bank or other corporation organized by authority of a law of the United States to contribute any money or other thing of value in connection with any convention, primary, or other election for the nomination or election of any person to any political office. It shall also be unlawful for any corporation whatever to contribute any money or other thing of value in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers. Every corporation which shall make any contribution in violation of this section shall be subject to a fine not to exceed $5,000, and every officer, director, or agent who shall consent to any contribution by the corporation in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed $1,000, or by imprisonment for a term of not more than one year, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 2. That it shall be unlawful for any individual or person to contribute money or other thing of value exceeding in value $5,000 in connection with the nomination of electors for President and Vice President or the nomination of President and Vice President, Senator, or Representative in Congress, or in connection with the election of any of said officers: *Provided*, That this section shall not apply to individuals or persons who at such convention, primary, or election are candidates for President, Vice President, Representative, or Senator. Every individual or person who shall make any contribution in violation of the provisions of this section shall, upon conviction thereof, be punished by a fine not to exceed $10,000, or by imprisonment for a term not more than two years, or by both such fine and imprisonment, in the discretion of the court.

"SEC. 3. That all laws or parts of laws in conflict herewith are hereby repealed."

The PRESIDENT pro tempore. The amendment proposed by the Senator from Minnesota [Mr. CLAPP] will be read.

The SECRETARY. Amend by adding at the end of section 2 the following:

The provisions of the act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States, and limiting the amount of campaign expenses,'" approved August 19, 1911, are hereby made applicable to the provisions of this act.

Mr. CUMMINS. Mr. President, I rise to a question of order.

The PRESIDENT pro tempore. The Senator will state it.

Mr. CUMMINS. There is an agreement by unanimous consent that, following the action of the Senate on the unfinished business, the joint resolution to amend the Constitution, and so forth, the Senate will proceed to consider Senate bill No. 3. I beg pardon; I observe that it is a special order set down by a unanimous-consent agreement. The point of order I was about to make is not well taken.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Texas to proceed to the consideration of the bill which has been read.

Mr. PAGE. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. PAGE. The unanimous-consent agreement, made yesterday, I think, was that when Senate joint resolution No. 78 was concluded, Senate bill No. 3 would be taken up. That was not a motion. It was a request for unanimous consent, as the RECORD will show, and it was agreed to. I ask as a parliamentary inquiry whether that agreement by unanimous consent has been displaced?

The PRESIDENT pro tempore. The Senate has taken no action as yet. The unfinished business is still before the Senate undisposed of, and the unanimous-consent agreement stands at present unchanged. The question is on the motion made by the Senator from Texas.

Mr. OVERMAN. Mr. President, a parliamentary inquiry. If we should take up the bill which has been read and displace the joint resolution which the Senator from Iowa has in charge, proposing a constitutional amendment, would the unanimous-consent agreement then become operative for Senate bill No. 3, which the Senator from Vermont has in charge?

The PRESIDENT pro tempore. The Chair will answer that when the time arrives. The Chair will not undertake to answer it in advance.

Mr. HEYBURN. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crawford	Massey	Smith, Ariz.
Bacon	Culberson	Myers	Smith, Ga.
Borah	Cullom	Nelson	Smith, Md.
Bradley	Cummins	Newlands	Smith, S. C.
Brandegee	Curtis	O'Gorman	Swanson
Bristow	du Pont	Overman	Thornton
Bryan	Fletcher	Page	Tillman
Burnham	Gallinger	Perkins	Townsend
Catron	Heyburn	Poindexter	Wetmore
Chamberlain	Johnston, Ala.	Pomerene	Williams
Chilton	Jones	Reed	Works
Clapp	La Follette	Sanders	
Clarke, Ark.	Lippitt	Shively	
Crane	Martine, N. J.	Simmons	

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. HEYBURN. I move that the Senate do now adjourn.

The PRESIDENT pro tempore. The Senator from Idaho moves that the Senate adjourn. [Putting the question.] The "ayes" appear to have it.

Mr. REED. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ROOT (when his name was called). I have a pair with the Senator from Indiana [Mr. KERN], and therefore withhold my vote. I will let this announcement stand for the remainder of the day.

Mr. SMITH of Georgia (when his name was called). I have a pair with the senior Senator from Massachusetts [Mr. LODGE], who is away from the city. I therefore withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a pair with the junior Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "nay."

Mr. WARREN (when his name was called). I have a pair with the Senator from Louisiana [Mr. FOSTER], and therefore withhold my vote.

The roll call was concluded.

Mr. SMITH of Georgia. I transfer my pair with the senior Senator from Massachusetts [Mr. LODGE] to the junior Senator from Arkansas [Mr. DAVIS] and vote. I vote "nay."

Mr. TOWNSEND. I desire to state that my colleague [Mr. SMITH of Michigan] is necessarily absent from the city. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this statement to stand for the day.

The result was announced—yeas 4, nays 47, as follows:

YEAS—4.

Catron	Crane	McCumber	Smoot

NAYS—47.

Ashurst	Cullom	Massey	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Borah	Dillingham	Nelson	Smith, Ga.
Bradley	du Pont	Newlands	Smith, S. C.
Bristow	Fletcher	O'Gorman	Swanson
Bryan	Gallinger	Overman	Thornton
Chamberlain	Johnston, Ala.	Page	Tillman
Chilton	Jones	Perkins	Townsend
Clapp	La Follette	Poindexter	Wetmore
Clarke, Ark.	McLean	Pomerene	Williams
Crawford	Martin, Va.	Reed	Works
Culberson	Martine, N. J.	Shively	

NOT VOTING—43.

Bailey	Dixon	Kenyon	Richardson
Bankhead	Fall	Kern	Root
Bourne	Foster	Lea	Sanders
Brandegee	Gamble	Lippitt	Smith, Md.
Briggs	Gardner	Lodge	Smith, Mich.
Brown	Gore	Oliver	Stephenson
Burnham	Gronna	Owen	Stone
Burton	Guggenheim	Paynter	Sutherland
Clark, Wyo.	Heyburn	Penrose	Warren
Curtis	Hitchcock	Percy	Watson
Davis	Johnson, Me.	Rayner	

So the Senate refused to adjourn.

The PRESIDENT pro tempore. The question recurs upon the motion of the Senator from Texas [Mr. CULBERSON] to proceed to the consideration of the bill named by him, on which the yeas and nays have been ordered.

Mr. BACON. I should like to make a parliamentary inquiry, Mr. President.

The PRESIDENT pro tempore. The Senator will state it.

Mr. BACON. As I understand, the unfinished business had been temporarily laid aside. The inquiry which I wish to make is, if, in the absence of any demand for the regular order, a motion is made to take up a measure, does that displace the unfinished business? Of course I recognize the fact fully, Mr. President, that if a Senator demands the regular order and a motion to take up another bill is interposed and agreed to, undoubtedly it would displace it; but the unfinished business having been laid aside by unanimous consent—and it can only be laid aside by unanimous consent—in the absence of a demand, which any one Senator can make to return to the unfinished business, it seems to me that any intervening motion is made subject to unanimous consent that it is for the time laid aside, and that under those circumstances the prevailing of the motion would not displace the unfinished business. I repeat, I quite grant, if any Senator asks for the regular order——

Mr. CUMMINS. Mr. President, the Senator from Georgia is under a misapprehension. I did demand the regular order. It was not demanded, however, until after the motion of the Senator from Texas [Mr. CULBERSON] was made; but as soon as I could thereafter I demanded the regular order.

Mr. BACON. I did not know of that fact.

Mr. CUMMINS. I think the RECORD will show that to be so.

Mr. BACON. I think, with that fact, undoubtedly the motion prevailing to take it up would displace the unfinished business.

The PRESIDENT pro tempore. It was so made; and the Chair is of opinion that under the circumstances the unfinished business will be displaced if the motion prevails.

Mr. BACON. I quite concur in the opinion of the Chair. I was making my parliamentary inquiry, not knowing the fact that the demand for the unfinished business had been made by the Senator from Iowa [Mr. CUMMINS].

The PRESIDENT pro tempore. The question is upon the motion of the Senator from Texas [Mr. CULBERSON].

Mr. BACON. I would suggest that if the Senator from Iowa [Mr. CUMMINS] does not wish that the unfinished business shall be displaced by the withdrawal of that demand the prevailing of this motion would not displace it.

Mr. CUMMINS. Mr. President, I can not withdraw it, because I feel under a pledge of good faith to the Senator from Vermont [Mr. PAGE], who has a bill the coming on of which depends upon the disposition of the unfinished business. I therefore can not delay that disposition, except in so far as it is necessary to consider conference reports and appropriation bills.

The PRESIDENT pro tempore. The roll will be called. The motion is not a debatable one.

Mr. McCUMBER. Before the roll is called I want to get the parliamentary status. I understood that unanimous consent was yesterday given that immediately on the disposition of the pending business the bill in which the Senator from Vermont has been interested should become a special order. I want to know whether I am correct that there was a unanimous-consent agreement that it should become the special order?

The PRESIDENT pro tempore. The Senator is correct.

Mr. McCUMBER. Very well. Then I want to ask a further question. If the unfinished business is disposed of by being displaced in any way, I ask if then the bill of the Senator from Vermont, under the unanimous-consent agreement, will not become the business of the Senate, and not this joint resolution?

The PRESIDENT pro tempore. The Chair thinks not. It is always within the power of the Senate to determine its procedure.

Mr. BRISTOW. Mr. President, did I understand the Chair to declare that it was by unanimous consent that Senate bill No. 3 should be taken up on the disposition of the unfinished business? On the calendar it only stands as a special order and it does not appear that any such unanimous consent has been given.

Mr. PAGE. The RECORD shows unanimous consent.

Mr. BRISTOW. It is not so printed on the calendar.

Mr. McCUMBER. What is the effect of a special order? Has not a special order by unanimous consent the full force and effect of a unanimous-consent agreement?

Mr. SMITH of Georgia. Unanimous consent took the place of a vote on the special order.

Mr. CULBERSON. I call for the regular order, Mr. President.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas [Mr. CULBERSON] that the Senate proceed to the consideration of Senate bill 3315. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. As he is absent, I withhold my vote.

Mr. HEYBURN (when his name was called). I have a general pair with the senior Senator from Alabama [Mr. BANKHEAD]. While he has been present to-day, I do not now see him in the Senate Chamber, and I withhold my vote until it is known whether he will be present.

Mr. McCUMBER. I have a general pair with the senior Senator from Misssissippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. SMITH of Georgia (when his name was called). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I transfer that pair to the Senator from Maine [Mr. GARDNER] and will vote. I vote "yea."

Mr. SMITH of South Carolina. I again announce my pair with the Senator from Delaware [Mr. RICHARDSON]. I transfer that pair to the Senator from Nebraska [Mr. HITCHCOCK] and will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. CHAMBERLAIN (after having voted in the affirmative). I ask whether the junior Senator from Pennsylvania [Mr. OLIVER] has voted?

The PRESIDENT pro tempore. The Chair is informed he has not.

Mr. CHAMBERLAIN. I have a general pair with that Senator and desire to withdraw my vote.

Mr. REED. I have a pair with the Senator from Michigan [Mr. SMITH], who is absent. I am informed by his colleague [Mr. TOWNSEND] that, if present, he would vote "yea," and as that is the way I intend to vote I feel at liberty to cast my vote. I vote "yea."

Mr. PERKINS (after having voted in the affirmative). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. As he is absent, I will withdraw my vote.

Mr. SMOOT. I am requested to announce that the Senator from Nebraska [Mr. BROWN] is paired with the Senator from Oklahoma [Mr. OWEN]; that the Senator from Ohio [Mr. BURTON] is paired with the Senator from Maine [Mr. JOHNSON]; that the Senator from Montana [Mr. DIXON] is paired with the Senator from Texas [Mr. BAILEY]; that the Senator from Wisconsin [Mr. STEPHENSON] is paired with the Senator from Oklahoma [Mr. GORE]; and that the Senator from Utah [Mr. SUTHERLAND] is paired with the Senator from Maryland [Mr. RAYNER].

The result was announced—yeas 38, nays 9, as follows:

YEAS—38.

Ashurst	Fletcher	Newlands	Smith, Md.
Bacon	Johnston, Ala.	O'Gorman	Smith, S. C.
Borah	Jones	Page	Stone
Bradley	La Follette	Poindexter	Swanson
Bristow	McLean	Pomerene	Thornton
Bryan	Martin, Va.	Reed	Tillman
Burnham	Martine, N. J.	Shively	Townsend
Clapp	Massey	Simmons	Williams
Clarke, Ark.	Myers	Smith, Ariz.	
Culberson	Nelson	Smith, Ga.	

NAYS—9.

Brandegee	Cummins	Gallinger	Wetmore
Catron	Dillingham	Smoot	Works
Crane			

NOT VOTING—47.

Bailey	Davis	Johnson, Me.	Percy
Bankhead	Dixon	Kenyon	Perkins
Bourne	du Pont	Kern	Rayner
Briggs	Fall	Lea	Richardson
Brown	Foster	Lippitt	Root
Burton	Gamble	Lodge	Sanders
Chamberlain	Gardner	McCumber	Smith, Mich.
Chilton	Gore	Oliver	Stephenson
Clark, Wyo.	Gronna	Overman	Sutherland
Crawford	Guggenheim	Owen	Warren
Cullom	Heyburn	Paynter	Watson
Curtis	Hitchcock	Penrose	

The PRESIDENT pro tempore. A quorum has not voted. The roll will be called.

Mr. CULBERSON. I suggest that the roll of absentees be called.

The PRESIDENT pro tempore. The rule is imperative that the roll shall be called in the event of the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Ashurst	Cullom	Massey	Simmons
Bacon	Cummins	Myers	Smith, Ariz.
Borah	Dillingham	Nelson	Smith, Ga.
Bradley	du Pont	Newlands	Smith, Md.
Bristow	Fletcher	O'Gorman	Smith, S. C.
Bryan	Gallinger	Overman	Smoot
Burnham	Heyburn	Page	Stone
Catron	Johnston, Ala.	Perkins	Swanson
Chamberlain	Jones	Poindexter	Thornton
Chilton	La Follette	Pomerene	Townsend
Clapp	McLean	Reed	Wetmore
Clarke, Ark.	Martin, Va.	Sanders	Williams
Culberson	Martine, N. J.	Shively	

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum is present. The roll will again be called, on the motion of the Senator from Texas to proceed to the consideration of a certain bill.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER] and therefore withhold my vote.

Mr. DILLINGHAM (when his name was called). In the absence of the senior Senator from South Carolina [Mr. TILLMAN], with whom I have a pair, I withhold my vote.

Mr. ROOT (when his name was called). On account of the pair heretofore announced I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). According to the pair already announced, and the transfer made on the previous vote, I will vote. I vote "yea."

Mr. STONE (when his name was called). I have a general pair with the Senator from Wyoming [Mr. CLARK]. I transfer it to the junior Senator from Arkansas [Mr. DAVIS] and will vote. I vote "yea."

The roll call was concluded.

Mr. WILLIAMS. I wish to announce the fact that my colleague [Mr. PERCY] is absent necessarily and is paired. I should like to have this announcement stand for the day.

Mr. WARREN. I wish to announce my general pair with the Senator from Louisiana [Mr. FOSTER].

Mr. SMITH of Georgia (after having voted in the affirmative). I did not announce my pair with the senior Senator from Massachusetts [Mr. LODGE], but I announced on a former vote that I transferred it to the junior Senator from Maine [Mr. JOHNSON]. I let that transfer stand and let my vote stand, and let this announcement stand for the day.

Mr. CHILTON. My colleague [Mr. WATSON] is necessarily absent and is paired with the senior Senator from New Jersey [Mr. BRIGGS].

Mr. LA FOLLETTE. The junior Senator from North Dakota [Mr. GRONNA] is unavoidably absent. If present, he would vote "yea."

I also desire to announce that the junior Senator from South Dakota [Mr. CRAWFORD] is not in the Chamber, but if present would vote "yea." He is obliged to be away.

Mr. CULBERSON (after having voted in the affirmative). I desire to inquire if the Senator from Delaware [Mr. DU PONT] has voted.

The PRESIDENT pro tempore. The Chair is informed he has not voted.

Mr. CULBERSON. I am compelled to withdraw my vote, being paired with that Senator.

Mr. WILLIAMS (after having voted in the affirmative). I should like to ask whether the Senator from Pennsylvania [Mr. PENROSE] has voted?

The PRESIDENT pro tempore. He has not voted, the Chair is informed.

Mr. WILLIAMS. I withdraw my vote.

Mr. JONES. I desire to announce that the Senator from Michigan [Mr. TOWNSEND] is necessarily absent. If present he would vote "yea."

Mr. CHAMBERLAIN. I have a pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer it to the Senator from North Dakota [Mr. GRONNA] and will vote. I vote "yea."

Mr. BRYAN (after having voted in the affirmative). I will have to withdraw my vote because of my pair with the Senator from New Mexico [Mr. FALL], as he has not voted.

Mr. CULBERSON. I transfer my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from South Dakota [Mr. CRAWFORD] and will vote. I vote "yea."

The result was announced—yeas 39, nays 4, as follows:

YEAS—39.

Ashurst	Culberson	Myers	Shively
Bacon	Cullom	Nelson	Simmons
Borah	Fletcher	Newlands	Smith, Ariz.
Bradley	Johnston, Ala.	O'Gorman	Smith, Ga.
Bristow	Jones	Overman	Smith, Md.
Burnham	La Follette	Page	Smith, S. C.
Chamberlain	McLean	Perkins	Stone
Chilton	Martin, Va.	Poindexter	Swanson
Clapp	Martine, N. J.	Pomerene	Thornton
Clarke, Ark.	Massey	Reed	

NAYS—4.

Brandegee	Crane	Gallinger	Smoot

NOT VOTING—51.

Bailey	Dillingham	Kenyon	Root
Bankhead	Dixon	Kern	Sanders
Bourne	du Pont	Lea	Smith, Mich.
Briggs	Fall	Lippitt	Stephenson
Brown	Foster	Lodge	Sutherland
Bryan	Gamble	McCumber	Tillman
Burton	Gardner	Oliver	Townsend
Catron	Gore	Owen	Warren
Clark, Wyo.	Gronna	Paynter	Watson
Crawford	Guggenheim	Penrose	Wetmore
Cummins	Heyburn	Percy	Williams
Curtis	Hitchcock	Rayner	Works
Davis	Johnson, Me.	Richardson	

The PRESIDENT pro tempore. No quorum has voted. The roll will again be called.

Mr. SMOOT. I move that the Senate adjourn until 11 o'clock to-morrow morning.

The motion was rejected.

The PRESIDENT pro tempore. The previous roll call having disclosed the absence of a quorum, the roll will again be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Newlands	Smith, Ariz.
Bacon	Dillingham	O'Gorman	Smith, Ga.
Borah	Fletcher	Overman	Smith, Md.
Bradley	Gallinger	Page	Smith, S. C.
Bristow	Johnston, Ala.	Perkins	Smoot
Bryan	Jones	Poindexter	Stone
Burnham	La Follette	Pomerene	Swanson
Chamberlain	Martin, Va.	Reed	Thornton
Chilton	Martine, N. J.	Root	Warren
Clapp	Massey	Sanders	Williams
Clarke, Ark.	Myers	Shively	
Culberson	Nelson	Simmons	

Mr. CULBERSON. I suggest that the absentees be called.

The PRESIDENT pro tempore. The names of the absentees will be called.

Mr. OLIVER and Mr. BRANDEGEE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum is present. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, returned to the Senate in compliance with its request the bill (H. R. 15181) for the relief of Harry S. Wade, together with the amendment of the Senate thereto.

The message also announced that the House had passed a bill (H. R. 26371) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 26371. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, was read twice by its title and referred to the Committee on Appropriations.

CAMPAIGN CONTRIBUTIONS.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Texas [Mr. CULBERSON] that the Senate proceed to the consideration of Senate bill 3315, the title of which will be read.

The SECRETARY. A bill (S. 3315) to prohibit corporations from making contributions in connection with political elections and to limit the amount of such contributions by individuals or persons.

The PRESIDENT pro tempore. On this question the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from North Dakota [Mr. GRONNA] and vote. I vote "yea."

Mr. CHILTON (when his name was called. I have a general pair with the Senator from Illinois [Mr. CULLOM].

Mr. SMITH of South Carolina (when his name was called). I again announce my pair and the transfer of my pair as on the previous vote. I vote "yea."

Mr. STONE (when his name was called). I transfer my pair with the Senator from Wyoming [Mr. CLARK] to the Senator from Arkansas [Mr. DAVIS] and vote "yea."

The roll call was concluded.

Mr. DILLINGHAM. I again announce my pair with the senior Senator from South Carolina [Mr. TILLMAN]. I will let this announcement stand for all subsequent votes to-day.

Mr. BRYAN (after having voted in the affirmative). I withdraw my vote, inasmuch as the Senator from New Mexico [Mr. FALL], with whom I am paired, has not voted.

Mr. CULBERSON (after having voted in the affirmative). I will again announce the transfer of my pair with the Senator from Delaware [Mr. DU PONT] to the Senator from South Dakota [Mr. CRAWFORD] and let my vote stand.

The result was announced—yeas 35, nays 2, as follows:

YEAS—35.

Ashurst	Fletcher	O'Gorman	Smith, Ariz.
Bacon	Johnston, Ala.	Overman	Smith, Ga.
Borah	Jones	Page	Smith, Md.
Bristow	La Follette	Perkins	Smith, S. C.
Burnham	Martin, Va.	Poindexter	Stone
Chamberlain	Martine, N. J.	Pomerene	Swanson
Clapp	Massey	Reed	Thornton
Clarke, Ark.	Myers	Shively	Williams
Culberson	Newlands	Simmons	

NAYS—2.

Gallinger	Smoot

NOT VOTING—57.

Bailey	Cummins	Johnson, Me.	Richardson
Bankhead	Curtis	Kenyon	Root
Bourne	Davis	Kern	Sanders
Bradley	Dillingham	Lea	Smith, Mich.
Brandegee	Dixon	Lippitt	Stephenson
Briggs	du Pont	Lodge	Sutherland
Brown	Fall	McCumber	Tillman
Bryan	Foster	McLean	Townsend
Burton	Gamble	Nelson	Warren
Catron	Gardner	Oliver	Watson
Chilton	Gore	Owen	Wetmore
Clark, Wyo.	Gronna	Paynter	Works
Crane	Guggenheim	Penrose	
Crawford	Heyburn	Percy	
Cullom	Hitchcock	Rayner	

Mr. WILLIAMS. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

Mr. MASSEY. I move that the Senate adjourn until 11 o'clock to-morrow.

The Senate refused to adjourn, there being on a division—ayes 8, noes 22.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Mr. BANKHEAD entered the Chamber and answered to his name.

Mr. CULBERSON. I move that the Senate adjourn until 10 o'clock to-morrow.

The PRESIDENT pro tempore. The Senator from Texas moves that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 14 minutes p. m.) the Senate adjourned until to-morrow, Thursday, August 22, 1912, at 10 o'clock a. m.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *August 21, 1912.*

The House met at 12 o'clock noon.

The Rev. M. A. Matthews, D. D., pastor of First Presbyterian Church of Seattle, Wash., offered the following prayer:

Kind heavenly Father, we are grateful to Thee for the preservation of our lives until this moment. Pardon every sin we have ever committed. Guide this House of Representatives through the duties and responsibilities of this day. Bless the officers and officials attached thereto. Cause everything to redound to Thy glory and the advancement of Thy Kingdom; and when Thou hast finished with us in this world, gather us to that beautiful home above. We ask it for Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL—VETO MESSAGE.

The SPEAKER. The Chair lays before the House the following message from the President of the United States, which the Clerk will read.

The Clerk read as follows:

To the House of Representatives:

I return herewith H. R. 26321, an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," without my approval, because the bill still contains in section 9 a provision for the repeal of the act establishing the Commerce Court.

My objections to this repeal are stated in my message returning without approval H. R. 24023, communicated to the House of Representatives on August 15 last.

WM. H. TAFT.

THE WHITE HOUSE, *August 21, 1912.*

Mr. FITZGERALD. Mr. Speaker, I move that the bill do pass the objection of the President notwithstanding.

The SPEAKER. The question is, Will the House on reconsideration agree to pass the bill the objections of the President to the contrary notwithstanding?

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to print in the RECORD that portion of the President's message of August 15 in which he assigns what purport to be reasons for the veto of this bill, on the ground that it abolishes the Commerce Court.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the CONGRESSIONAL RECORD that portion of the President's message of August 15 vetoing the legislative, executive, and judicial appropriation bill, which refers to the Commerce Court.

Mr. MANN. It will not be very easy to differentiate the rest of the message from that portion referring to the Commerce Court.

Mr. FITZGERALD. This bill is vetoed because of the provision relating to the Commerce Court. The other portion of the message refers to the civil-service tenure provision.

Mr. MANN. And part of the message refers to the subject of legislation on appropriation bills.

Mr. FITZGERALD. I have no objection to that, and with it I shall put in the remarks I made on the subject myself the other day.

Mr. CANNON. I think the whole of the message ought to be printed, because, as I recollect it, it was vetoed on account of two provisions. Now, in passing the bill you substantially make a portion of the veto message meet his statement, so far as the civil service in concerned, or the tenure of office of clerks in the departments, and the two necessarily go together.

Mr. FITZGERALD. They do not. The gentleman is mistaken. The message has a distinct reference to the civil-service provision, and I do not wish the public mind to be confused in reading this RECORD by having that injected into it.

Mr. MANN. That is the reason why I want the whole message printed.

Mr. FITZGERALD. But I want this particular part of the message printed as a part of my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. MANN. I ask unanimous consent that the entire message of the President, the former veto message, be inserted.

Mr. FITZGERALD. I object to that request at this time.

The SPEAKER. The gentleman from New York objects.

Mr. MANN. Then I ask that it be inserted as a part of my remarks.

The SPEAKER. The Chair will submit the request of the gentleman from New York [Mr. FITZGERALD] first.

Mr. MANN. I will object, Mr. Speaker, unless they are put together.

The SPEAKER. Then the Chair will put them together. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to print that part of the President's message of August 15, vetoing the legislative, executive, and judicial appropriation bill which pertains to the Commerce Court as a part of his remarks, and the gentleman from Illinois [Mr. MANN] couples with that a request to——

Mr. FITZGERALD. Mr. Speaker, I ask that my request be submitted separately.

The SPEAKER. Is there objection?

Mr. MANN. I object, unless the gentleman is willing to couple with it the request that I made.

The SPEAKER. The gentleman from Illinois objects.

Mr. FITZGERALD. Then, Mr. Speaker, I ask to have read in my time that part of the message I referred to.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks that there be read in his time that part of the message he referred to.

Mr. MANN. I shall object to that.

Mr. FITZGERALD. Then I move, Mr. Speaker, as I have the right, to have it read in my own time.

Mr. MANN. Well, Mr. Speaker, I will withdraw the objection, if the gentleman is so much afraid to print the entire speech and wants to cull out extracts from it.

The SPEAKER. The gentleman from Illinois withdraws his objection, and the Clerk will read.

Mr. MANN. It is not necessary for the Clerk to read. I withdraw my objection. It can be printed. I withdraw my objection to printing it.

The SPEAKER. The Clerk will read. The gentleman from Illinois withdraws his objection to the request of the gentleman from New York to print that part of the message that has been two or three times referred to.

Mr. FITZGERALD. Mr. Speaker, I intend to print the first portion, and——

The SPEAKER. The gentleman from Illinois has withdrawn his objection.

Mr. FITZGERALD. I wish to state, for the benefit of the gentleman, that I will print that portion where, speaking of the two causes of the veto, the President assigns the first, that portion relating to the civil service, which I shall eliminate. I say I wish that to be printed before I address the Chair in the few remarks I wish to make on this veto message.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The extract from the message is as follows:

"*To the House of Representatives:*

"I return herewith, without my approval, H. R. 24023, entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.' This is one of the great supply bills necessary for the maintenance of the Government, and it goes without saying that nothing but reasons of especial importance would lead me to interpose objections to its passage.

"In a message returning the Army appropriation bill to the House of Representatives with my objections to its approval, under date of June 17, 1912, I ventured to point out the dangers inherent in the practice of attaching substantive legislation to appropriation bills, and I need not repeat them here. It is sufficient to say, however, that when it is thought wise by Congress to include in general supply bills important substantive legislation, and the Executive can not approve such legislation, it is his constitutional duty to return the bill with his objections, and the responsibility for delay in the appropriation of the necessary expenses to run the Government can not rest upon the Executive, but must be put where it belongs—upon the majority in each House of Congress that has departed from the ordinary course and united with an appropriation bill amendments to substantive law. The importance and absolute necessity of furnishing funds to maintain and operate the Government can not be used by the Congress to force upon the Executive acquiescence in permanent legislation which he can not conscientiously approve.

"There are two provisions in this bill which I can not permit to become law with my approval. One concerns the permanent statutory regulation of the tenure of office of those now included within the classified service in the departments and independent establishments of the Government within the District of Columbia. The other is a provision repealing the statute creating a Commerce Court, to consist of five circuit judges, for the purpose of passing on appeals from the decisions of the Interstate Commerce Commission.

* * * * * * *

"Second. The Commerce Court was created by the amendment to the interstate-commerce act passed June 18, 1910. Prior to that time, whenever an order of the Interstate Commerce Commission was made against a railroad company over which the Interstate Commerce Commission was given supervision, and it was contended that the order was contrary to law, or was a taking of the property of the company without due process of law, or, in other words, was confiscatory, jurisdiction belonged to the circuit courts of the United States to enjoin the orders of the commission until their validity could be established. It had been the purpose of many to give to the Interstate Commerce Commission complete regulatory control over the railroads of the country in the matter of rates and in other features of their management, without allowing courts to interfere.

"But it was clearly developed that any law was unconstitutional by which it was attempted to deprive the railroad companies of the right to go into court to test the validity of an order as confiscatory or violative of the statutory authority of the commission, and that if no provision at all were made for such judicial review, then the courts would possess it without special authority. So such jurisdiction in circuit courts of the United States was recognized in the act. The system involved hearings in circuit courts of 84 different districts in which the cause of action might arise. The litigation begun at Washington and carried through the Interstate Commerce Commission might then be transferred to some distant district. The district judge, or the circuit judge, or the circuit court of appeals took up the case, presenting a subject matter often entirely new, and found it difficult promptly to dispose of it in the multitude of other duties. This system imposed a delay in the necessary judicial consideration of interstate-commerce orders before they became effective that sometimes postponed their going into force for several years. In the interest, therefore, of the dispatch of business, in the interest of the public, and especially in the interest of the shippers, who were seeking to prevent injustice by the railroads, it was thought wise to create a court of five circuit judges whose first duty should be to sit en banc as a Court of Commerce into which all complaints might be brought for prompt hearing and disposition.

"The statistical record of the last two years shows that the average time in which this ordinary litigation, following the Interstate Commerce Commission's orders before the order of the commission shall become effective, has been reduced from more than two years to about six months. The litigation has not occupied all the time of the Commerce Court, and under special provisions of the act, the Chief Justice of the United States has assigned the circuit judges to judicial labors in the Federal courts all over the country, greatly to the advantage of litigants and to the dispatch of business in those courts. It should be said that under the provisions of the section abolishing the Commerce Court in this bill, jurisdiction to consider the validity of the orders of the Interstate Commerce Commission is given to a court of three judges in each of the nine circuits, one of the judges to be a circuit judge or a Supreme Justice. This requirement, good in many ways, only makes the delays of such a countrywide jurisdiction more certain and is in no way comparable in the matter of dispatch of business to the Commerce Court system.

"It appears from the decisions of the Supreme Court of the United States that the Commerce Court in several cases has amplified its jurisdiction beyond that which a proper construction of the statute justified. It also appears that in a number of cases the decisions were against the shippers and for the railroads when the Supreme Court decided that they ought to have been the other way. On the other hand, it appears that in a number of other cases the decisions of the Commerce Court were in favor of the shippers and in favor of giving relief to the shippers, against the railroad companies, but that the Supreme Court has since denied the existence of such jurisdiction under the statute. A series of decisions of the Supreme Court has satisfactorily established the limits of the jurisdiction of the new court, and there is no reason to believe that those limits thus established will in future be exceeded. There is every reason to believe that the dispatch of business already promoted by the court will continue. And now the question is, Why should the court be abolished? Because it has made some mistakes that the Supreme Court has rectified? Lower courts, especially when exercising new jurisdiction, are likely to make errors to be corrected by the Supreme Court. The presiding judge of the Commerce Court was the chairman of the Interstate Commerce Commission for a great many years. Three of the Commerce Court judges before their appointment to the Commerce Court had been United States district judges of long experience, and one had been a State judge of standing and experience. The personnel of the court is to change from year to year by the assignment of one of the Commerce Court judges to a circuit court of appeals, and the designation of another circuit judge to fill the vacancy thus made.

"I have read the arguments upon which this proposed legislation is urged and I can not find in them a single reason why the court should be abolished except that those who propose to abolish it object to certain of its decisions. Some of those decisions have been sustained and others have been disapproved or modified by the Supreme Court. I am utterly opposed to the abolition of a court because its decisions may not always meet the approval of a majority of the legisalture. It is introducing a recall of the judiciary, which, in its way, is quite as objectionable as the ordinary popular method proposed. Next to impartial and just judgment the great desideratum in judicial reforms to-day is the promotion of the dispatch of business and the prompt decision of cases. The establishment of the Commerce Court has brought this about in a substantial way by reducing the average delay from two years to six months, and I doubt not that as time goes on and the procedure becomes better understood this period of six months will be further reduced. It is greatly in the interest of the shippers and therefore of the public that this means of reducing the time of effective remedial litigation against railroads should be preserved.

"WM. H. TAFT.

"THE WHITE HOUSE, *August 15, 1912.*"

Mr. FITZGERALD. Mr. Speaker, the President, in this message to which I have referred, calls attention to the fact that he has read the arguments upon which the proposed legislation is urged, and can not find in them a single reason why the court should be abolished, except that those who propose to abolish it object to certain of its decisions.

In certain tariff vetoes sent by the President to Congress he calls attention to the fact that he has been unable, from a careful reading of the debate and the reports of the two Houses of Congress, to ascertain the reasons actuating the two Houses of Congress in taking a certain action. For instance, in his veto on the steel bill, he says:

> A bill for a complete revision of this schedule was presented to me a year ago in the extra session of this Congress. Many increases and decreases of rates are now made from those named in the former measure. The changes are not explained, and indicate the hasty method pursued in the preparation of both.

Mr. Speaker, the President announces a novel doctrine. Heretofore it has always been assumed that the debates in the two Houses of Congress and the reports made by the committees of the two Houses of Congress and the investigations made by the various committees of the two Houses of Congress were for the purpose of furnishing information to the two Houses which would be called upon to act upon legislation submitted to them.

But apparently the President seems to think that that is not a sufficient reason to cause these investigations, reports, and debates. Hereafter when the gentleman from Alabama [Mr. UNDERWOOD] presents a bill to revise the tariff, he must frame his speech along such lines that it will not only satisfy the Members of this House, but will convince the occupant of the White House that the legislation he proposes is advisable. Not only must the House convince its own Members and the other House as to the desirability of legislation, but it must undertake the impossible task of educating the present Chief Executive upon public questions. How futile that will be, in view of the fact that he has been insisting upon commissions from time to time to give him information or to obtain information for him to enable him properly to discharge his duties.

We created a special commission at his instance and for his benefit to investigate the question of the issuance of stocks and bonds by corporations. He insisted on the appointment of a Tariff Board to furnish him with information to enable him properly to pass upon tariff bills. I rejoice in one fact more than anything else that this campaign assures us, and that is that after the 4th of March, as the result of the election of the Democratic candidate for the presidency, there will be a man in the White House who is himself competent to pass upon public questions without the aid of these expensive and unnecessary commissions. [Applause on the Democratic side.]

The President in this message on the Commerce Court, in attempting to justify its existence, calls attention to the personnel of the court. He says in his message:

> The presiding judge of the Commerce Court was chairman of the Interstate Commerce Commission for a great many years. Three of the Commerce Court judges before their appointment to the Commerce Court had been United States district judges of long experience, and one had been a State judge of standing and experience.

The President's reference to the personnel of the court at this particular time is most unfortunate. It is to be regretted that he did not complete the record, and emphasize the fact that one

member of this court at present is awaiting trial upon an impeachment voted by this House for high crimes and misdemeanors committed while a judge of that court itself. If the President wished to call attention to the personnel of the court he might also have referred to that unfortunate and regrettable fact.

Mr. Speaker, I believe that the sentiment of the country demands the abolition of this court. It is an un-American court. It is the only court of original jurisdiction created by Congress and outside of the Supreme Court, which has original jurisdiction in certain matters and is created in the Constitution, to which a party can be dragged from his home to the seat of Government from any part of the United States to have his case heard.

Mr. CLAYTON. Congress did not create the Supreme Court. That was created by the Constitution.

Mr. FITZGERALD. That is correct. An attempt was made in recent years to take from the localities where they occurred the disposition of cases arising out of certain acts which were alleged to constitute offenses against the Federal law. It was the purpose to bring to the seat of government for trial the person charged with crimes in a locality in which, with perhaps a different atmosphere, results might be expected which would be different from those to be obtained in properly conducted local courts. I believe the sentiment of the country demands the abolition of this court. The President states that it is simply another form of judicial recall. He states that the only reason he has been able to find urged for the abolition of this court is that some of its decisions have been unsatisfactory, and he asserts upon his own contention that this is in the nature of a recall of courts and judges, to which he is opposed.

Mr. Speaker, the President himself approved a bill during his term of office by which the circuit courts of the United States were abolished and their jurisdiction placed in the district courts of the United States. There is no distinction to be drawn between that act and his approval of it and this act abolishing the Commerce Court, with which there is universal dissatisfaction, and placing its jurisdiction in the district courts of the United States. I believe the court will not long survive. Not to delay the House, however, I shall be content with reprinting as a part of these remarks what I said on the subject a few days ago.

I therefore ask unanimous consent to reprint, as a part of these remarks, the remarks I made the other day upon the President's veto messages.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to is as follows:

"Mr. Speaker, it is refreshing to find Republicans studying the Democratic platform. After the action of the House in the last two days in passing two important tariff bills over the President's vetoes, I feel quite confident that if more Republicans studied attentively the Democratic platform we could enact our entire program before the session ends. [Laughter and applause.]

"The President of the United States in his message asserts that nothing but reasons of special importance justify the vetoing of a great supply bill for the Government. He states that in his veto message of the Army bill he gave reasons justifying the vetoes of this character which he would not repeat. In that veto message, Mr. Speaker, the President says:

"The dangers inherent in the practice of attaching substantive legislation to appropriation bills have been frequently pointed out by my predecessors. The only justification that has been offered for such practice is that it has been found a convenient method for facilitating the passage of measures which are deemed expedient by all the branches of government which participate in legislation. Thus, it has more than once occurred that useful items of Army legislation, generally of an urgent character, have been passed in this manner, when the desirability of the enactment was recognized and acquiesced in by the common consent of both the Executive and of Congress.

"It is almost impertinent for a President to criticize the manner in which the Congress transacts its business. It is the display of a shocking ignorance of the history and of development of the free institutions among the Anglo-Saxon people for the President and others to inveigh against the practice of attaching important legislation demanded by the representatives of the people to the bills which carry the public money for the maintenance of the Government.

"In the Federalist, fifty-seventh number, in an article written by Madison or Hamilton, and generally accredited to Hamilton, we find the following passage:

"The House of Representatives can not only refuse but they alone can propose the supplies requisite for the support of the Government. They, in a word, hold the purse, that powerful instrument by which we behold, in the history of the British constitution, an infant and humble representation of the people gradually enlarging the sphere of its activity and importance, and finally reducing, as far as it seems to have wished, all the overgrown prerogatives of the other branches of the Government. This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people for obtaining a redress of every grievance and for carrying into effect every just and salutary measure.

"Here are succinctly stated the reasons that, in our Constitution, no limitation was placed upon the power of the representatives of the people to grant supplies of public money for the maintenance of the Government, under such conditions as the people's representatives themselves should determine.

"Formerly the rules of the two Houses prohibited legislation on appropriation bills. Such was not the custom for a long period after the organization of the Government. The rules of the House to-day, adopted under specific grant of power in the Constitution, authorize legislation designed to accomplish certain reforms upon such bills. The rules adopted at various times by both Houses to prohibit designated legislation upon the appropriation bills were adopted without reference to or thought of the Executive. They were designated merely to prevent deadlocks between the two Houses, and not for the convenience of or to please the Executive. The President's statement that legislation has at various times been included in appropriation bills when the Congress and the Executive were in accord as to its wisdom is erroneous, and based upon a misunderstanding of events in our history.

"All of the commentators on the Constitution, Mr. Speaker, are agreed as to the grounds upon which the veto should properly be exercised.

"Mr. Tucker, in his well-known work on the Constitution, sums them up as well as any of them:

"The purpose of the veto power—

"He says—

"may be summarized to protect the Executive power against invasion by Congress; against hostile or insufficient action of Congress under the eighteenth clause of section 8, Article I, above referred to; to protect the Constitution against the unconstitutional legislative action and against injudicious and hasty legislation.

"Calhoun, in a memorable speech on the veto power, delivered in the Senate in 1842, gave one other reason that might justify the President's action. He said that—

"he might find it necessary to interpose his veto for the maintenance of his views of the Constitution, or the policy of the party of which he is the head, and which elevated him to power.

"The President bases his veto, Mr. Speaker, of this bill, first because he disapproves of section 5, one of the provisions relating to the civil service, because, as he states:

"I do not think it will accomplish its proposed purpose. I do not think it adds anything in efficiency to the provision of section 4.

"He objects because he does not think it will be effective and because he is not willing to risk the possible danger to the civil service by its enactment. Is that one of the grave reasons set forth by the commentators as a justification for a veto? The other reason is that the Congress proposes to abolish the Commerce Court.

"What is the history of the Commerce Court? It appeared for the first time in what was known as the administration bill in the Sixty-first Congress, relative to the regulation of rates. It failed of being stricken out of the bill in the Committee of the Whole House on the state of the Union when under consideration in the House by a tie vote. It was retained in the bill on a motion to recommit on May 10, 1910, by a vote of 157 ayes to 176 noes.

"In the Senate, on June 3, 1910, the vote on the motion to strike out the court was 25 ayes to 38 noes. This Commerce Court has never been recommended in any Republican platform. It was not even mentioned in the recent Republican platform. It is the single pet idea of the Chief Executive of the United States. There is now an overwhelming sentiment in both Houses against its continuance. In the Senate, at this session, the vote was 24 for retaining the court and 36 for abolishing it. The action of the Democratic House in abolishing this court was approved by the Democratic convention at Baltimore because it approves our record here. It is approved by the only progressive party, the Democratic Party. The answer to the President's question as to why the court should be abolished can be found in the platform of the pseudoprogressive party, the so-called Bull Moose Party, the head of which is his erstwhile great friend and former sponsor, Col. Roosevelt. [Applause on the Democratic side.]

"In that platform is found this declaration:

"In order that the power of the commission—

"The Interstate Commerce Commission—

"to protect the people may not be impaired or destroyed, we demand the abolition of the Commerce Court.

"Real progressives and pseudoprogressives all unite in the demand for the abolition of the court, and only those stand against it who have been stigmatized and fixed as the real reactionaries, headed by the President, William H. Taft. [Applause on the Democratic side.]

"Mr. Speaker, I have had prepared this volume of 300 pages containing a résumé of legislation enacted upon appropriation bills during the last 16 years of Republican Congresses. I have a list of the more important items which I shall include in the RECORD. The President declaims against the practice of including legislation in appropriation bills. He should be the last man in public life to do so. He has been the chief beneficiary personally of two of the most important pieces of legislation ever enacted upon appropriation bills during our history. In 1910 the salary of the President was increased in an appropriation bill from $50,000 to $75,000 a year, and he has been the only beneficiary of such legislation. I wonder whether the man who was then President, if he could have foreseen the future and pictured the events of to-day, would have so readily approved that bill giving such benefits to the present Chief Executive? [Applause and laughter on the Democratic side.]

"On July 4, 1901, the Army appropriation bill, one of the bills lately vetoed by the President because it carried far-reaching legislation, was approved by President McKinley, and that bill contained the legislation under which Mr. Taft was appointed as the civil governor of the Philippine Islands, and under which he exercised the comprehensive powers given to him as such governor [applause on the Democratic side], and under which he obtained his first recognition at the hands of the American people since the time he had been guilty of issuing indefensible injunctions in labor cases when a judge of the United States Court.

"Mr. Speaker, what is the justification for legislation on appropriation bills? This very bill speaks more eloquently of the necessity than any other action that could be taken by Congress. It contains a provision that no vacancies in the War Department shall be filled until the number of employees there shall be reduced 5 per cent. The President has the power to make this necessary reduction. The War Department is overloaded with unnecessary employees. The President knows that better than any other man in the Government, because he served at the head of this department himself as the Secretary of War. He does not criticize Congress for putting this coercion into this legislative appropriation bill. He does not find fault with Congress for enacting this legislation. He knows it is a necessity. He knows that if he performs his duty, or if he had performed his duty, that Congress would not be obliged to put this coercion into this bill; and yet, failing to perform his duty, he acquiesces in this provision to compel them to make the necessary reduction.

"Mr. Speaker, that brings me to remind the House that Mr. Bryce, in his great work on the American Commonwealth, calls attention to the fact that the Congress has only two powers of coercion over the Executive; one the power of impeachment, which can only be exercised under conditions of the most extraordinary character; and the other the power to place legislation in appropriation bills and to compel the President to accept legislation demanded by the people in return for the grants of money to maintain the Government. [Applause on Democratic side.]

"Let me in this connection call attention to the attitude of a Republican Senate upon this question of vetoes by the President. It had long been contended that the only ground upon which the President should exercise the power was that the legislation was an invasion of the Constitution. By degrees this contention was abandoned. The commentators have concluded, however, that only for the most weighty reasons, either the encroachment of Congress upon the Executive or because of hasty, ill-considered legislation, should the President interpose his veto. None of those reasons exists in this case. No such reasons are given in the veto message.

"The SPEAKER. The time of the gentleman from New York has expired.

"Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that my time be extended for three minutes.

"The SPEAKER. Is there objection?

"There was no objection.

"Mr. FITZGERALD. A Republican Senate in the Fiftieth Congress took up the question of certain vetoes by President Cleveland, and a committee made an elaborate report thereon, in which is this statement:

"It can not be maintained upon any fair construction of the Constitution that the power of Executive disapproval ought to be exercised upon acts of this character for the sole reason that the President differs in opinion from Congress upon a mere question of the weight of testimony, or upon the expediency of a special act which subserves a proper general purpose and which imperils no power of any other department.

"Mr. Speaker, this House within the past few days reasserted its prerogative when it compelled another branch of the Congress to accept its dictation that in granting supplies for the support of the Government useless and unnecessary offices should be abolished. That fight has continued for eight or nine years.

"The House has finally been vindicated in its right to control the purse of the people. Here comes a second controversy now between the House—the representative of the people—and the Executive. I believe the most important thing before this House is that it shall assert again its prerogatives and that it shall send notice to the Executive and to every other branch of the Government that the Representatives of the people propose to maintain inviolate their right to control the supplies for the support of the Government upon the conditions which they lay down and upon no other. I hope the House will rally to the support of that principle and send this bill to the Senate, the objections of the President notwithstanding. [Applause on the Democratic side.]

"List of most important legislation enacted on general appropriation acts during the period December 6, 1897, to March 4, 1911:

"Meat-inspection law.
"Declaration of relations with Cuba following the Spanish War (known as the Spooner Act).
"Travel allowances and pay of the Army.
"First provision for civil government of the Philippine Islands.
"Creation of the Dental Corps of the Army.
"Amendment of the Chinese-exclusion act.
"Antideficiency law.
"Jamestown Exposition.
"District of Columbia:
"Creation of the board of education.
"Taxation of real estate.
"Taxation of personal property.
"Taxation by licenses.
"Vagrancy law.
"Regulation of gas and electric companies.
"Reformatory and workhouse established.
"Regulation of public lighting.
"Coeur d'Alene, Red Lake, and Blackfeet Indian Reservations opened to entry.
"Important agreements effected with Indian tribes.
"General law regulating purchase of supplies for executive departments.
"Pay and allowances of the Navy.
"Increase in strength of Navy and Marine Corps.
"Paris Exposition.
"Amendment of the act providing for the Louisiana Purchase Exposition.
"House of Representatives and Senate Office Buildings and the Capitol power plant.
"Jamestown Exposition.
"Alaska-Yukon-Pacific Exposition.
"Enlargement of the Capitol Grounds.
"Many important acts affecting the construction of the Panama Canal.

"The foregoing, together with much other legislation general in character but of minor importance, comprises about one-half of the entire bulk of legislation enacted on general appropriation acts during the period stated. The one-half not included in the volume is legislation, but of such a personal or unimportant character as to preclude its inclusion therein.

"In addition to the foregoing, much minor legislation affecting all branches of the Government service has been enacted. Acts regulating estimates of appropriations, expenditure of appropriations, correcting abuses in the administration of governmental affairs, affecting employees of the Government, purchase or disposition of public property; in fact, touching every branch of the service in every conceivable manner.

"The legislative, executive, and judicial appropriation act for the fiscal year 1910 increased the salary of the President of the United States from $50,000 to $75,000 per annum and fixed the compensation of the President thereafter at $75,000.

"On July 4, 1901, President McKinley appointed Mr. Taft first civil governor of the Philippine Islands under authority of legislation enacted on the Army appropriation act for the fiscal year 1902, and under the provisions of which legislation he performed the duties of civil governor.

"The legislative, executive, and judicial appropriation bill for the fiscal year 1908 contained a provision increasing salaries of Members of Congress and of the heads of the executive departments. The salary of the Secretary of War under the provisions of this legislation was increased from $8,000 to $12,000."

Mr. GILLETT. Mr. Speaker, I desire only a brief time.

Mr. FITZGERALD. I yield five minutes to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, the gentleman's undignified fling at the President of the United States which excited applause on that side of the House is, it seems to me, one of those remarks which, while it splits the ear of the groundlings and makes the unskillful laugh, can not but make the judicious grieve; for if there is one question on which I think sensible, intelligent men will admit that the President is well informed and needs no assistance from the House or the Senate, or other experts, it is his knowledge of the judicial character and purpose of this court and the need the country has for it. The question has been thoroughly discussed already in the House.

The members of the committee having charge of that particular bill have debated it, and I do not wish further to take the time of the House on that.

But I wish to indicate that this condition to-day well illustrates the danger of general legislation upon appropriation bills which has been so vigorously defended on that side of the House. Here we are in the very last days of the session, this side of the House at least anxious to adjourn, and they persist in attaching legislation to appropriation bills which they know the President is opposed to, which they know the President has a right to an independent opinion upon, and yet they keep us here and keep sending it in and compelling a veto. The President is entitled to his opinion upon the existence of this court. He is entitled to the veto. To legislate upon supply bills is wrong, not because it violates the rules of the House, but because it violates those underlying principles which compelled the House to adopt rules against it.

The practice is not vicious simply because the rules of the House forbid it, but the rules of the House forbid it because it is vicious. Now, why is it vicious? It is vicious because experience has shown it is sure to load up appropriation bills until necessary legislation is blocked. There is no excuse for it as against the President; there is some excuse as against the Senate, because by putting legislation on appropriation bills we can compel the Senate to consider legislation which perhaps a majority of that body is in favor, but which otherwise they would not consider. We can compel the Senate to give it consideration.

But that does not apply to the President, because the President is obliged to give consideration to every bill that we send to him. The only purpose against the President is to try and constrain him, by the desire to have appropriation bills passed, to attach his signature to legislation in which he does not believe. In other words, it is an attempt to take away from him the right that he has under the Constitution to express his opinion on legislation.

There is no analogy between the President of the United States and the King of England as has been suggested on the other side. I remember we were appealed to from that side of the House because the liberties of England had largely been acquired by legislation on appropriation bills.

There is no analogy at all between that and this case, because when they made those bargains with the King of England by giving him supplies in exchange for his allowing legislation the supplies went to him personally. They supported him; he had a personal interest in them; they were to supply his personal expenses; they were to support the army by which he maintained at that time his crown; and there is no analogy between that and the President of the United States. The appropriation bills are no more for him than they are for each one of us, and the only object, the only pressure upon him is the pressure to hurry through a supply bill which the whole country needs.

The SPEAKER. The time of the gentleman from Massachusetts has expired.

Mr. GILLETT. I would like two minutes more.

Mr. FITZGERALD. I yield the gentleman two minutes more.

Mr. GILLETT. In England all power came from the King, and unless he yielded the people were helpless, while here all power comes from the people and whatever is not used by law remains with them. In England the King had an absolute veto. There was no other way to pass legislation. Here two-thirds can pass it over the President's veto, and if two-thirds is not in favor of it they have no right to try to constrain the President to approve the legislation by the threat of stopping the wheels of government. Therefore it seems to me that the present situation illustrates the inherent viciousness of such legislation. The only excuse for it is when legislation is necessary which is generally acquiesced in by the three branches of the Government, which the House wishes, which the Senate wishes, which the President wishes, and which can be facilitated by attaching it to appropriation bills and thereby hastening the legislation. But there is no excuse for attaching to appropriation bills legislation which it is known the President disapproves, and so threatening him to embarrass the Government if he does not give up his constitutional right.

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the gentleman from New York [Mr. FITZGERALD] criticizes the President because he has endeavored to ascertain the reason which actuated the Congress in enacting legislation. To me it is a very queer proposition that the President, who has the responsibility of approving or disapproving measures, is to be forbidden by the gentleman from New York from endeavoring to learn the reasons why Congress passes bills. Every day we have reports of bills in the House which contain copies of reports on the same bills in the Senate so that we may be informed here of the reasons which actuated the Senate in passing bills, and the same thing occurs in the Senate constantly. Yet the gentleman from New York criticizes the President for reading the debates in Congress and for reading the reports of committees in Congress in order that he may know the reasons why Congress passes bills.

I hope that the time will never come when the President of the United States is grown so great that he refuses to learn the reasons actuating both the House and the Senate in passing bills. Perhaps we will have that situation when we have a schoolmaster for the President, who is unwilling to hear the opinions of his pupils, who considers it his business to speak in didactic language and tell Congress what to do and not learn why Congress believes in doing things.

Mr. KINKEAD of New Jersey. Mr. Speaker, does the gentleman refer to the esteemed governor of New Jersey?

Mr. MANN. Mr. Speaker, I am not referring to my distinguished friend from New Jersey [Mr. KINKEAD], because he is neither a schoolmaster nor will he ever be President. [Laughter.]

Mr. KINKEAD of New Jersey. I am too young yet to be President.

Mr. MANN. Mr. Speaker, the gentleman from New York endeavors to make a criticism of the President in reference to the Commerce Court. It would have been better for my friend if he had left out all observations concerning the Commerce Court, because evidently he has never read the law creating the court. The gentleman also claims that the abolition of the circuit courts and transferring the circuit judges into courts of appeals and the circuit courts into district courts is parallel to this case. Not at all. There is no similarity, and the gentleman again shows he has never read either the law or the report of the committee concerning the change from circuit courts to district courts.

I believe, Mr. Speaker, that the President has the right, when Congress sends him appropriations bills having in them legislation to which he is opposed, to exercise his veto power. In ths case it was entirely unnecessary to put the provision abolishing the Commerce Court into the appropriation bill, because, if two-thirds of the House and two-thirds of the Senate favor a proposition, there is ample way under the rules of both bodies to pass a separate bill, without attempting to coerce the President into signing the bill, when he is opposed to certain features in it. In almost every State of the Union now the governor may veto items in appropriation bills. In many of the municipalities the mayor may veto items in appropriation ordinances, and yet we have here the example of a majority of the House attempting to coerce the President by putting in an appropriation bill legislation to which he is opposed, in the hope that the President will yield the position that he believes is right, in order to carry on the Government, when the gentlemen themselves decline to yield and threaten to stop the progress of the Government.

Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing the former veto of the President, together with the veto of to-day.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The veto message of the President of the United States of August 15, 1912, is as follows:

To the House of Reprcsentatives:

I return herewith, without my approval, H. R. 24023, entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes." This is one of the great supply bills necessary for the maintenance of the Government, and it goes without saying that nothing but reasons of especial importance would lead me to interpose objections to its passage.

In a message returning the Army appropriation bill to the House of Representatives with my objections to its approval, under date of June 17, 1912, I ventured to point out the dangers inherent in the practice of attaching substantive legislation to appropriation bills, and I need not repeat them here. It is sufficient to say, however, that when it is thought wise by Congress to include in general supply bills important substantive legislation, and the Executive can not approve such legislation, it is his constitutional duty to return the bill with his objections, and the responsibility for delay in the appropriation for the necessary expenses to

run the Government can not rest upon the Executive, but must be put where it belongs—upon the majority in each House of Congress that has departed from the ordinary course and united with an appropriation bill amendments to substantive law. The importance and absolute necessity of furnishing funds to maintain and operate the Government can not be used by the Congress to force upon the Executive acquiescence in permanent legislation which he can not conscientiously approve.

There are two provisions in this bill which I can not permit to become law with my approval. One concerns the permanent statutory regulation of the tenure of office of those now included within the classified service in the departments and independent establishments of the Government within the District of Columbia. The other is a provision repealing the statute creating a Commerce Court, to consist of five circuit judges, for the purpose of passing on appeals from the decisions of the Interstate Commerce Commission.

First. By section 4 of this act the Civil Service Commission is directed, subject to the approval of the President, to establish a system of efficiency ratings for the classified service in the several executive departments in the District of Columbia, based upon records kept in each department and independent establishment with such frequency as to make them as nearly as possible records of fact. The system is to provide a minimum rating of efficiency which must be attained by an employee before he may be promoted; a rating below which no employee may fall without being demoted; and a rating below which no employee may fall without being dismissed for inefficiency. All promotions, demotions, or dismissals are to be governed by provisions of the civil-service rules. Records of efficiency are to be furnished by the departments and independent establishments to the Civil Service Commission.

This section 4 is an admirable section, and, if properly carried out, will greatly improve the present civil service.

Section 5, however, introduces a new and radical feature into the present system. It provides that every appointment in the classified service after the 1st of September of next year shall be for a term of seven years after the probationary period of six months has expired, and that at the expiration of each such appointment the employment of each person so appointed shall cease and determine; and that the employment of all persons, appointed prior to September 1, 1912, in such classified service at annual rates of compensation shall cease and determine within one year after August 31, 1919, the date of termination during that year to be determined by the head of the appropriate department according to previous length of service. The cessation of employment and the ending of the term in these cases is absolute, without regard to efficiency rating under section 4, but section 5 contains the proviso that all persons separated by its terms from the classified service, if they are up to the standard of efficiency then in force and capable of rendering a full measure of service, may, in the discretion of the head of the executive department, be reappointed without examination for another term of seven years.

The effect of this section is to leave it to the discretion of the head of the department in the case of each classified employee at the end of his term of seven years to say whether that employee, no matter how high his standing, shall continue, or whether another shall be selected from the eligible list submitted in accordance with law and regulation by the Civil Service Commission.

I believe this to be a genuine effort on the part of those who propose it to meet the difficulty presented in the present civil-service system by superannuation of the employees and the impossibility of eliminating those who through age and disease have ceased to be efficient. It is recognized that one method of meeting this difficulty is by a system of civil pension which will retire persons from the civil service at a certain age, or upon confirmed disability. It has been found impossible to secure an enforcement of the present law which requires every person who is not efficient in the service of the Government to be discharged, because it imposes upon the heads of departments and bureaus the disagreeable and ungracious duty of throwing out of employment, without any means of livelihood, the men and women who have spent many years in the employment of the Government and in time past have rendered good service.

I disapprove of section 5 because I do not think it will accomplish its proposed purpose, and I do not think it adds anything in efficiency to the provisions of section 4. If section 4 is carried out, then the superannuated will have to go when their inefficiency is properly determined, and this whether section 5 is on the statute book or not; and if section 4 is not enforced, then section 5 adds little or nothing in the way of getting rid of superannuated and inefficient clerks.

If section 4 is loosely enforced, so that the rate of efficiency of the superannuated clerk is charitably maintained by his superior at or above the minimum standard, there will be the same pressure to retain the clerk at the end of his seven years as there was to maintain his minimum rate, and the same reluctance as in the present system to turn him out at an advanced age without means of a livelihood after long years of service.

I do not share in the objection to a civil-pension system. I am strongly in favor of it, provided it involves features of compulsory insurance of employees, secured by an application of part of the salary of each toward the maintenance of the necessary funds. Such a system has already been embodied in the Gillett bill, and I know of no reason why it should not be adopted.

As to the present measure, I object to it, first, because for the reasons stated it will prove ineffective, as the present system has, in the matter of superannuated clerks; and, second, because it impairs that feature of the civil service which I regard as a most valuable one, to wit: The permanence of tenure on the one hand, balanced by a wide and almost absolute power of removal in the department head on the other. If at the end of each seven years it becomes necessary for one who has spent the best years of his life in the public service to ascertain whether he is to continue, it is certain that he will bring pressure to bear in every direction upon the appointing power to continue him in office. I am perfectly aware that the motive for not reappointing him will be much reduced by the fact that his successor must be appointed from the eligibles of the Civil Service Commission, but the play which this will give for prejudice and arbitrary action in the appointing power will constitute a serious injury to the present tenure of office.

Much has been said in the way of criticizing the present service as to the overpayment of the civil servants. It is true that in the departments there are many at salaries between $900 and $2,000 who are overpaid, but it is also true that there are many within those limits and nearly all who serve at salaries higher than $2,000 who are underpaid. The efficiency and wonderfully loyal service rendered by many of the employees of the Government who have concluded to devote their lives to the public service, to be content with only moderate salaries, because of the permanence of the tenure, can only be known to those who have had large experience in the character of the service rendered by the civil servants in the District of Columbia. I am not content to risk serious injury to the tone and efficacy of that service to accomplish something that in my judgment will not be accomplished by a change which will rob those who are in the service of a peace of mind that makes up in some degree for the sacrifices they have been obliged to undergo in devoting their lives at small pay to the Government. I am aware that there are malingerers and others in the service who contribute but little to its efficiency. They would be disposed of by the proper enforcement of section 4.

But there is a large part of the civil-servant body which consists of hard-working, loyal, and efficient persons, who render to the Government more than they receive and who give character to the service. It is their permanence of tenure that led them to seek the service and keeps them in it. Of course it will be said that such clerks are likely to be retained. Probably; but the difference between mere probability of continuance and permanent tenure is the difference between worry and active solicitation of every influence in the seventh year and that contentment of mind that is alone consistent with undivided attention to public duty.

Second. The Commerce Court was created by the amendment to the interstate-commerce act passed June 18, 1910. Prior to that time, whenever an order of the Interstate Commerce Commission was made against a railroad company over which the Interstate Commerce Commission was given supervision, and it was contended that the order was contrary to law, or was a taking of the property of the company without due process of law, or, in other words, was confiscatory, jurisdiction belonged to the circuit courts of the United States to enjoin the orders of the commission until their validity could be established. It had been the purpose of many to give to the Interstate Commerce Commission complete regulatory control over the railroads of the country in the matter of rates and in other features of their management, without allowing courts to interfere.

But it was clearly developed that any law was unconstitutional by which it was attempted to deprive the railroad companies of the right to go into court to test the validity of an

order as confiscatory or violative of the statutory authority of the commission, and that if no provision at all were made for such judicial review, then the courts would possess it without special authority. So such jurisdiction in circuit courts of the United States was recognized in the act. The system involved hearings in circuit courts of 84 different districts in which the cause of action might arise. The litigation begun at Washington and carried through the Interstate Commerce Commission might then be transferred to some distant district. The district judge, or the circuit judge, or the circuit court of appeals took up the case, presenting a subject matter often entirely new, and found it difficult promptly to dispose of it in the multitude of other duties. This system imposed a delay in the necessary judicial consideration of interstate-commerce orders before they became effective that sometimes postponed their going into force for several years. In the interest, therefore, of the dispatch of business, in the interest of the public, and especially in the interest of the shippers who were seeking to prevent injustice by the railroads, it was thought wise to create a court of five circuit judges whose first duty should be to sit en banc as a Court of Commerce into which all complaints might be brought for prompt hearing and disposition.

The statistical record of the last two years shows that the average time in which this ordinary litigation, following the Interstate Commerce Commission's orders before the order of the commission shall become effective, has been reduced from more than two years to about six months. The litigation has not occupied all the time of the Commerce Court, and under special provisions of the act, the Chief Justice of the United States has assigned the circuit judges to judicial labors in the Federal courts all over the country, greatly to the advantage of litigants and to the dispatch of business in those courts. It should be said that under the provisions of the section abolishing the Commerce Court in this bill, jurisdiction to consider the validity of the orders of the Interstate Commerce Commission is given to a court of three judges in each of the nine circuits, one of the judges to be a circuit judge or a Supreme Justice. This requirement, good in many ways, only makes the delays of such a countrywide jurisdiction more certain and is in no way comparable in the matter of dispatch of business to the Commerce Court system.

It appears from the decisions of the Supreme Court of the United States that the Commerce Court in several cases has amplified its jurisdiction beyond that which a proper construction of the statute justified. It also appears that in a number of cases the decisions were against the shippers and for the railroads when the Supreme Court decided that they ought to have been the other way. On the other hand, it appears that in a number of other cases the decisions of the Commerce Court were in favor of the shippers and in favor of giving relief to the shippers, against the railroad companies, but that the Supreme Court has since denied the existence of such jurisdiction under the statute. A series of decisions of the Supreme Court has satisfactorily established the limits of the jurisdiction of the new court, and there is no reason to believe that those limits thus established will in future be exceeded. There is every reason to believe that the dispatch of business already promoted by the court will continue. And now the question is, Why should the court be abolished? Because it has made some mistakes that the Supreme Court has rectified? Lower courts, especially when exercising new jurisdiction, are likely to make errors to be corrected by the Supreme Court. The presiding judge of the Commerce Court was the chairman of the Interstate Commerce Commission for a great many years. Three of the Commerce Court judges before their appointment to the Commerce Court had been United States district judges of long experience, and one had been a State judge of standing and experience. The personnel of the court is to change from year to year by the assignment of one of the Commerce Court judges to a circuit court of appeals and the designation of another circuit judge to fill the vacancy thus made.

I have read the arguments upon which this proposed legislation is urged, and I can not find in them a single reason why the court should be abolished except that those who propose to abolish it object to certain of its decisions. Some of those decisions have been sustained and others have been disapproved or modified by the Supreme Court. I am utterly opposed to the abolition of a court because its decisions may not always meet the approval of a majority of the Legislature. It is introducing a recall of the judiciary, which, in its way, is quite as objectionable as the ordinary popular method proposed. Next to impartial and just judgment the great desideratum in judicial reforms to-day is the promotion of the dispatch of business and the prompt decision of cases. The establishment of the Commerce Court has brought this about in a substantial way by reducing the average delay from two years to six months, and I doubt not that as time goes on and the procedure becomes better understood this period of six months will be further reduced. It is greatly in the interest of the shippers and therefore of the public that this means of reducing the time of effective remedial litigation against railroads should be preserved.

WM. H. TAFT.

THE WHITE HOUSE, *August 15, 1912.*

The veto message of the President of the United States of August 21, 1912, is as follows:

To the House of Representatives:

I return herewith H. R. 26321, an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes," without my approval, because the bill still contains in section 9 a provision for the repeal of the act establishing the Commerce Court.

My objections to this repeal are stated in my message returning without approval H. R. 24023, communicated to the House of Representatives on August 15 last.

WM. H. TAFT.

THE WHITE HOUSE, *August 21, 1912.*

The SPEAKER. The question is, Will the House on reconsideration pass the bill the objections of the President to the contrary notwithstanding?

The Clerk will call the roll.

The Clerk called the roll; and there were—yeas 154, nays 53, answered "present" 13, not voting 171, as follows:

YEAS—154.

Aiken, S. C.	Estopinal	Johnson, Ky.	Roddenbery
Alexander	Faison	Jones	Rothermel
Allen	Farr	Kendall	Rucker, Mo.
Ashbrook	Fergusson	Kent	Russell
Bathrick	Ferris	Kinkaid, Nebr.	Saunders
Beall, Tex.	Finley	Kinkead, N. J.	Sherley
Blackmon	Fitzgerald	Kitchin	Sims
Booher	Flood, Va.	Korbly	Sisson
Borland	Floyd, Ark.	Lafferty	Slayden
Brantley	Foster	La Follette	Small
Brown	Fowler	Lamb	Smith, Tex.
Buchanan	French	Lee, Ga.	Stedman
Bulkley	Gallagher	Lee, Pa.	Steenerson
Burke, Wis.	Garrett	Lever	Stephens, Miss.
Burleson	Gill	Lewis	Stephens, Tex.
Burnett	Glass	Lindbergh	Stone
Byrns, Tenn.	Godwin, N. C.	Lobeck	Sweet
Candler	Goeke	McCoy	Taggart
Cantrill	Goodwin, Ark.	McKellar	Talcott, N. Y.
Carlin	Graham	Maguire, Nebr.	Thayer
Carter	Gray	Martin, Colo.	Thomas
Claypool	Hamilton, W. Va.	Miller	Towner
Clayton	Hamlin	Moon, Tenn.	Townsend
Cline	Hardy	Morrison	Tribble
Cooper	Harrison, Miss.	Moss, Ind.	Turnbull
Covington	Hawley	Murdock	Underhill
Cullop	Hay	Murray	Underwood
Curley	Hayden	Norris	Watkins
Curry	Henin	Oldfield	Webb
Davenport	Helgesen	Padgett	Whitacre
Davis, Minn.	Helm	Palmer	White
Davis, W. Va.	Henry, Tex.	Patten, N. Y.	Wilson, N. Y.
Dent	Hensley	Pepper	Wilson, Pa.
Denver	Holland	Post	Witherspoon
Difenderfer	Houston	Rainey	Woods, Iowa
Dixon, Ind.	Hughes, N. J.	Raker	Young, Kans.
Donohoe	Hull	Ransdell, La.	The Speaker
Doughton	Humphreys, Miss.	Rauch	
Driscoll, D. A.	James	Rees	

NAYS—53.

Anthony	Dwight	McCall	Smith, Saml. W.
Austin	Focht	McCreary	Speer
Barchfeld	Foss	McKinley	Sterling
Bartholdt	Gardner, N. J.	McKinney	Sulloway
Bowman	Greene, Mass.	McLaughlin	Sulzer
Browning	Greene, Vt.	McMorran	Utter
Burke, S. Dak.	Griest	Mann	Vare
Butler	Hamilton, Mich.	Moore, Pa.	Weeks
Campbell	Hill	Morgan	Willis
Cannon	Howland	Needham	Wilson, Ill.
Crago	Humphrey, Wash.	Olmsted	Wood, N. J.
Crumpacker	Kahn	Payne	
Danforth	Kennedy	Pray	
Driscoll, M. E.	Lafean	Rodenberg	

ANSWERED "PRESENT"—13.

Adamson	Hughes, W. Va.	Sloan	Wedemeyer
Doremus	Longworth	Smith, J. M. C.	
Gillett	McDermott	Sparkman	
Goldfogle	Mondell	Talbott, Md.	

NOT VOTING—171.

Adair	Boehne	Cox, Ind.	Dyer
Ainey	Bradley	Cox, Ohio	Edwards
Akin, N. Y.	Broussard	Cravens	Ellerbe
Ames	Burgess	Currier	Esch
Anderson, Minn.	Burke, Pa.	Dalzell	Evans
Anderson, Ohio	Byrnes, S. C.	Daugherty	Fairchild
Andrus	Calder	Davidson	Fields
Ansberry	Callaway	De Forest	Fordney
Ayres	Cary	Dickinson	Fornes
Barnhart	Clark, Fla.	Dickson, Miss.	Francis
Bartlett	Collier	Dies	Fuller
Bates	Connell	Dodds	Gardner, Mass.
Bell, Ga.	Conry	Draper	Garner
Berger	Copley	Dupré	George

Good	Konig	Neeley	Scully
Gould	Konop	Nelson	Sells
Green, Iowa	Kopp	Nye	Shackleford
Gregg, Pa.	Langham	O'Shaunessy	Sharp
Gregg, Tex.	Langley	Page	Sheppard
Gudger	Lawrence	Parran	Sherwood
Guernsey	Legare	Patton, Pa.	Simmons
Hamill	Lenroot	Peters	Slemp
Hammond	Levy	Pickett	Smith, Cal.
Hanna	Lindsay	Plumley	Smith, N. Y.
Hardwick	Linthicum	Porter	Stack
Harris	Littlepage	Pou	Stanley
Harrison, N. Y.	Littleton	Powers	Stephens, Cal.
Hartman	Lloyd	Prince	Stephens, Nebr.
Haugen	Loud	Prouty	Stevens, Minn.
Hayes	McGillicuddy	Pujo	Switzer
Heald	McGuire, Okla.	Randell, Tex.	Taylor, Ala.
Henry, Conn.	McHenry	Redfield	Taylor, Colo.
Higgins	McKenzie	Reilly	Taylor, Ohio
Hinds	Macon	Reyburn	Thistlewood
Hobson	Madden	Richardson	Tilson
Howard	Maher	Riordan	Tuttle
Howell	Martin, S. Dak.	Roberts, Mass.	Volstead
Hughes, Ga.	Matthews	Roberts, Nev.	Vreeland
Jackson	Mays	Robinson	Warburton
Jacoway	Moon, Pa.	Rouse	Wilder
Johnson, S. C.	Moore, Tex.	Rubey	Young, Mich.
Kindred	Morse, Wis.	Rucker, Colo.	Young, Tex.
Knowland	Mott	Sabath	

So the bill was passed, the objections of the President to the contrary notwithstanding.

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "aye."

The Clerk announced the following pairs on the legislative bill:

Affecting veto of the President:

Mr. AYRES and Mr. MCDERMOTT with Mr. PATTON of Pennsylvania.

Mr. GOULD and Mr. RUBEY with Mr. KNOWLAND.

Mr. RICHARDSON and Mr. BARTLETT with Mr. MARTIN of South Dakota.

Mr. BROUSSARD and Mr. BURGESS with Mr. YOUNG of Michigan.

Mr. DAUGHERTY and Mr. ELLERBE with Mr. CURRIER.

Mr. SHERWOOD and Mr. BELL of Georgia with Mr. LANGHAM.

Mr. PETERS and Mr. HOBSON with Mr. FAIRCHILD.

Mr. ROBINSON and Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. BARNHART and Mr. LINDSAY with Mr. HENRY of Connecticut.

Mr. BOEHNE and Mr. CLARK of Florida with Mr. FULLER.

Mr. REDFIELD and Mr. MCGILLICUDDY with Mr. GUERNSEY.

Mr. SMITH of New York and Mr. CALLAWAY with Mr. MOON of Pennsylvania.

Mr. CONNELL and Mr. FORNES with Mr. BRADLEY.

Mr. DICKSON of Mississippi and Mr. TAYLOR of Alabama with Mr. HARTMAN.

Mr. DICKINSON and Mr. NEELEY with Mr. ROBERTS of Massachusetts.

Mr. SHEPPARD and Mr. DUPRÉ with Mr. BATES.

Mr. MACON and Mr. SCULLY with Mr. SIMMONS.

Mr. KONOP and Mr. FIELDS with Mr. LANGLEY.

Mr. YOUNG of Texas and Mr. EDWARDS with Mr. DALZELL.

Mr. GREGG of Pennsylvania and Mr. REILLY with Mr. CALDER.

Mr. GREGG of Texas and Mr. KONIG with Mr. KOPP.

Mr. ANDERSON of Ohio and Mr. GARNER with Mr. HINDS.

Mr. ROUSE and Mr. CRAVENS with Mr. HAYES.

Mr. FRANCIS and Mr. EVANS with Mr. TILSON.

Mr. MOORE of Texas and Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. COX of Ohio and Mr. LEGARE with Mr. LOUD.

Mr. COX of Indiana and Mr. LITTLETON with Mr. COPLEY.

Mr. DIES and Mr. TAYLOR of Colorado with Mr. AMES.

Mr. MCHENRY and Mr. BYRNES of South Carolina with Mr. MADDEN.

Mr. HUGHES of Georgia and Mr. HOWARD with Mr. DE FOREST.

Mr. GOLDFOGLE and Mr. PAGE with Mr. MONDELL.

Mr. KINDRED and Mr. JOHNSON of South Carolina with Mr. GILLETT.

Mr. LINTHICUM and Mr. ADAIR with Mr. SLEMP.

Mr. STACK and Mr. MAHER with Mr. ROBERTS of Nevada.

Mr. GEORGE and Mr. SABATH with Mr. HIGGINS.

Mr. HARDWICK and Mr. TUTTLE with Mr. AINEY.

Mr. ANSBERRY and Mr. PUJO with Mr. FORDNEY.

Mr. HAMILL and Mr. CONRY with Mr. HOWELL.

Mr. HAMMOND and Mr. HARRISON of New York with Mr. MCGUIRE of Oklahoma.

Mr. JACOWAY and Mr. LEVY with Mr. MATTHEWS.

Mr. LLOYD and Mr. LITTLEPAGE with Mr. TAYLOR of Ohio.

Mr. DOREMUS and Mr. SLOAN with Mr. DODDS.

Until further notice:

Mr. O'SHAUNESSY with Mr. PLUMLEY.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. STANLEY with Mr. PICKETT.

Mr. STEPHENS of Nebraska with Mr. GREEN of Iowa.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. POU with Mr. PORTER.

Mr. SHARP with Mr. MOTT.

Mr. COLLIER with Mr. ANDERSON of Minnesota.

For the session:

Mr. RUCKER of Colorado with Mr. DRAPER.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RIORDAN with Mr. ANDRUS.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations.

The message also announced that the Senate had further insisted upon its amendments to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, disagreed to by the House of Representatives, had agreed to the further conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. CLAPP, Mr. CURTIS, and Mr. CHAMBERLAIN as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 5556. An act to amend "An act to create an Auditor of Railroad Accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake, at Conway, S. C.;

S. 5808. An act granting right of way across Port Discovery Bay, United States military reservation, to the Seattle, Port Angeles, and Lake Crescent Railway, of the State of Washington; and

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 15181) for the relief of Harry S. Wade, and the amendment of the Senate to said bill.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolution of the following titles:

On August 20, 1912:

H. R. 14770. An act for the relief of Martin A. L. Olsen;

H. R. 21324. An act providing for the refund of certain duties incorrectly collected on a certain horse;

H. R. 22199. An act to extend the limits of the port of entry of Galveston, Tex., to include Port Bolivar, in that State;

H. R. 25520. An act to amend section 107 of the act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

H. R. 17709. An act for the relief of John M. Oak;

H. R. 22650. An act to amend sections 4214 and 4218 of the Revised Statutes;

H. R. 24119. An act to regulate the importation of nursery stock and other plants and plant products; to enable the Secretary of Agriculture to establish and maintain quarantine districts for plant diseases and insect pests; to permit and regulate the movement of fruits, plants, and vegetables therefrom; and for other purposes; and

H. R. 9833. An act to accept and fund the bequest of Gertrude M. Hubbard.

On August 21, 1912:

H. R. 24026. An act to incorporate the Naval History Society;

H. R. 4512. An act for the relief of Mary Beal;

H. R. 7650. An act for the relief of I. S. Rogers and J. L. Worthley;

H. R. 14333. An act for the relief of John Johnson;

H. R. 20124. An act for the relief of E. Rosenwald & Bro.;

H. R. 5145. An act authorizing the city of Hot Springs, Ark., to occupy and construct buildings for the use of the fire department of said city on lot No. 3, block No. 115, in the city of Hot Springs, Ark.;

H. J. Res. 337. Joint resolution requesting the President to cause an investigation of the Patent Office and make a report with recommendations to Congress;

H. R. 24796. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25304. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

H. R. 21221. An act making a grant of lands for school purposes in block No. 31, town site of Powell, Shoshoni reclamation project, Wyoming.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 11877. An act to amend section 8 of the food and drugs act, approved June 30, 1906;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libbey, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.; and

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River at Indiana Avenue in said city.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 5458. An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.;

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation, in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho;

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.;

S. 5556. An act to amend "An act to create an Auditor of Railroad Accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes; and

S. 4679. An act to amend section 95 of the "act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911; and

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1909.

INDUSTRIAL COMMISSION.

Mr. WILSON of Pennsylvania. Mr. Speaker, I desire to submit the conference report on the bill (H. R. 21094) to create a commission on industrial relations, and ask unanimous consent for its immediate consideration.

The SPEAKER. Has it been printed?

Mr. WILSON of Pennsylvania. It has not.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the conference report notwithstanding it has not been printed under the rule.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to have the conference report reported.

The SPEAKER. The Clerk will report the conference report.

The Clerk read as follows:

CONFERENCE REPORT (NO. 1233).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: On page 4, line 10, after the word "thereof," insert the following: "*Provided*, That the commission may expend not to exceed $5,000 per annum for the employment of experts at such rate of compensation as may be fixed by the commission, but no other person employed hereunder by the commission, except stenographers temporarily employed for the purpose of taking testimony, shall be paid compensation at a rate in excess of $3,000 per annum"; and the Senate agree to the same.

W. B. WILSON,
W. L. HENSLEY,
J. J. GARDNER,
Managers on the part of the House.

WILLIAM E. BORAH,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.

The SPEAKER. Is there objection to the present consideration? [After a pause.] The Chair hears none. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

HARRY S. WADE.

The SPEAKER. The Chair lays before the House the following resolution from the Senate, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
August 21, 1912.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 15181) for the relief of Harry S. Wade, and the amendment of the Senate to said bill.

Attest:

CHARLES G. BENNETT, *Secretary.*

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

WITHDRAWAL OF PAPERS.

Mr. LAMB, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Isidore Cohen, Fiftieth Congress, no adverse report having been made thereon.

PENSIONS.

The SPEAKER. This is Calendar Wednesday, and the bill under consideration is the bill H. R. 17470, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Mr. CRAGO. Mr. Speaker, I ask unanimous consent that general debate on this bill be closed at 4.30 o'clock p. m., after which it may be read under the five-minute rule.

Mr. RODDENBERY. Mr. Speaker, I desire to submit a point of order.

The SPEAKER. The gentleman will submit it.

Mr. RODDENBERY. Mr. Speaker, I submit the point of order that the bill is not in order as unfinished business under the Calendar Wednesday rule, for the reason that the rule states that it shall not apply during the last two weeks of the session.

The SPEAKER. The point of order is overruled, because nobody knows which are the last two weeks of the session. [Laughter.]

The gentleman from Pennsylvania [Mr. CRAGO] asks that general debate on this bill be closed not later than 4.30 o'clock p. m. Is there objection?

There was no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 17470, with Mr. CLAYTON in the chair.

The CHAIRMAN. The House is in the Committee of the Whole House on the state of the Union for the further consideration, as unfinished business, of the bill H. R. 17470, of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Mr. KAHN. Mr. Chairman, "Audacity, and more audacity, and always audacity," screamed the French revolutionist Danton during the reign of terror in the last decade of the eighteenth century. And for a time his countrymen were thrilled by his audacious attacks upon his enemies. They believed in his professions. They placed a halo of glory upon his head. Day after day he administered political nostrums to the delight of the frenzied populace of the French capital. Day after day, with terrific vehemence, he denounced this individual or that institution. Day after day he disseminated doctrines of hatred and misanthropy. Day after day, always aggressively audacious, he implanted seeds of bitterness, hatred, and vindictiveness in the hearts and minds of the excitable masses of Paris. But there came an awakening. He who with remorseless zeal had been teaching the lessons of blind, unreasoning, relentless fury was ultimately consumed and destroyed by that very fury which he had conjured up for others, and finally his own head fell into the basket in front of the guillotine, with "none so poor to do him reverence." I merely cite the case of Danton as as apt illustration of the immortal Lincoln's axiom, "You can not fool all the people all the time."

Mr. Chairman, we recall the fact that every tyrant who ever overthrew the liberties of a free people justified himself upon the ground that he alone was the true friend of the people; that he alone was capable of ministering to their welfare; that he alone could alleviate their sufferings and bring them happiness; that he alone could be trusted to work out problems for their salvation; and while loudly vociferating his devotion to the people's cause he was invariably undermining their institutions, creating a distrust of their laws and their officials, in order that he might build up an autocratic governmental machine for himself. The pages of history are replete with instances of that character.

In our own country, with a Constitution and free institutions that have stood the test of a century and a quarter, and have brought peace and happiness and contentment to millions of human beings, there is no need for the indulgence of vituperative invective in any political campaign. Those candidates for official station who, in their mad lust for power, indulge in it, are to be looked upon with suspicious fear, lest ultimately they prove to be but masquerading tyrants. And the rule is the same whether they who indulge in the practice seek offices that are exalted and powerful, or humble and inconsequential. It is proper that great political questions and propositions of government should be discussed and argued before the people. They should receive all the light that can be thrown upon the problems that confront them. What an illuminating page in the political history of our country is the joint discussion between Lincoln and Douglas. They were giants in intellect. They were masters of debate. They were teachers of the people, and each has won a well-earned niche in the temple of fame. They did not resort to personal abuse. They did not indulge in vindictive vituperation. They did not descend to the tactics of the charlatan or the demagogue. And their fame is securely established in the hearts of their admiring countrymen. One of Lincoln's greatest attributes was his unvarying rule to state his opponent's position on any question with absolute fairness. That trait alone disclosed the nobleness of his character. He taught us that even in politics we can afford to be fair. And many of our present-day politicians who quote the sayings of the Great Emancipator on every possible occasion, and with great volubility, ought particularly to pattern after his example in this matter of fairness. Personal abuse is not, and never has been, argument. Whenever it is resorted to it is invariably a confession of the weakness of his cause on the part of him who utters it. It always reminds me of the story that is told of an old practitioner who was looked upon as one of the leaders of the bar of his State. He had a young protégé who had just been admitted to practice by the Supreme Court. Giving him some fatherly advice on the subject of professional ethics, the old lawyer continued: "If you are trying a case before a jury and the facts are with you while the law is against you, dwell hard on the facts; on the other hand, if the law is with you while the facts are against you, dwell hard on the law. But if neither the law nor the facts are with you, abuse your opponent." [Laughter.]

Mr. Chairman, it is not my purpose to vilify or abuse anyone, but as a friend and sincere admirer of the present Chief Executive of our country I desire to briefly call attention to his record of achievement during his incumbency of the high office which he has filled with signal credit to his country as well as to himself. I may begin by saying that I have not always agreed with him in his policies. I have spoken and voted against measures that he indorsed and recommended. But I have never questioned his purity of purpose, and I thank God that I am broad-minded enough to respect his views, even as I know that he respects mine. If he has erred it has not been through a lack of patriotism or devotion to his country's welfare. All men at times err, but every man has the right to ask that he be judged by the entire record and not by an isolated instance.

When the present occupant of the White House was inaugurated he fell heir to a number of vexatious problems that came to him as legacies from the preceding administration. Although there had been constant clamor for a tariff revision during the administration of his predecessor, nothing had been attempted in that direction. This, therefore, was the first and foremost problem that had to be grappled with. The Dingley law, which had revived our industries and for a considerable period of time filled our Treasury, was found inadequate to meet the new financial requirements by reason of the rapidly increasing expenditures of the Government. And so a revision of the tariff had been promised in all the party platforms of 1908. The outgoing administration had left a depleted Treasury. There was a deficit of $58,000,000. Unless the constant drain upon the Treasury should be checked by proper remedial legislation, there was danger that it might become necessary to issue bonds during a period of profound peace, as had been done during the Cleveland administration.

The President, therefore, immediately after his inauguration, called an extraordinary session of the Sixty-first Congress, and in the early part of August, 1909, the Payne tariff bill was enacted into law. It was not satisfactory to everybody, but in that respect it was not different from any previous tariff law, for no tariff law that has ever been enacted was satisfactory to everybody. And the Payne law was framed just as other tariff laws had been framed theretofore. The importers submitted their views before the Ways and Means Committee. The manufacturers and producers of this country expressed their views before the committee, and after weighing such facts as had been submitted the majority membership of the committee reported the bill to the House of Representatives. Here it was debated pro and con, and finally it went to the Senate, where further discussion was had before it was eventually written upon the statute books. It is not a perfect law. No tariff law has ever been a perfect law. It made substantial reductions in many schedules. It largely increased the free list. And it has served one very important purpose—it has again filled the Treasury of the United States; and in lieu of the deficit of $58,000,000 bequeathed by the preceding administration there was a surplus of $36,000,000 at the end of the last fiscal year. And no American industry has been crippled, nor has a single American wage earner been thrown out of employment by reason of its enactment.

The President realized at an early date that the existing method of framing such an important measure of legislation as a

tariff law was unscientific; that the information upon which the proposed changes were predicated was apt to be inaccurate and misleading. And so he wisely recommended to Congress the appointment of a bipartisan board or commission whose duty it should be to investigate the cost of production of any given commodity both at home and abroad. Thus it was expected an adequate measure of protection to American industries and American labor might be given, based upon the difference between the cost of production at home and abroad, plus a reasonable profit to the manufacturer or the producer. If I mistake not, the entire country was loud in its praise of the President's proposal, and Congress enacted it into law. At Sioux City, Iowa, on September 3, 1910, Col. Roosevelt gave the President full credit for having advocated the legislation for a tariff commission, as follows:

I was particularly pleased with what the President [Taft] said in his letter on the subject of the Tariff Commission. A number of Senators and Congressmen have for some years advocated this as the proper method of dealing with the tariff, and I am glad the country now seems awakened to the idea that a tariff commission offers the only solution of the problem which is both rational and insures the absence of jobbery. The President [Taft] from the beginning advocated this commission.

Mr. Chairman, I believe the Tariff Board was fully justifying all the hopeful predictions that had been made for it by the friends of scientific tariff revision. But the Democratic Party does not believe in a protective tariff. The leaders of that party on this floor have repeatedly stated during the present session that they believe in a tariff for revenue only. Their party platform, adopted at Baltimore on July 2, 1912, goes to the ridiculous length of proclaiming the protective tariff unconstitutional. Buy in the cheapest and sell in the dearest markets seems to be present-day Democratic doctrine, even though it shall result in the closing down of every factory and workshop in the land. A tariff for revenue only does not require scientific and accurate data as to the difference between the cost of production at home and abroad, and so the Democratic majority in the House undertook to abolish the Tariff Board. But, like Banquo's ghost, the Tariff Board will not down, and our Democratic friends will have ample opportunity to discover the sentiment of the country in that regard before many more weeks shall have rolled around.

Mr. Chairman, numerous unscrupulous charlatans and demagogues, in the hope of riding into political power, no matter how untrue the statements they make, have been claiming that the Payne bill is responsible for the increase in the cost of living. Why, sir, the cost of living kept increasing constantly during the preceding administration, long before the present tariff law was enacted. Nor are the people of this country the only ones to have felt the hardship. In free-trade England the high cost of living is just as acute a complaint as it is in the United States. Indeed, everyone knows that the high cost of living is a universal complaint that stretches across the face of Europe even into China and Japan. And all those areas and countries are beyond the jurisdiction of the Payne Tariff Act. Many causes have contributed to the result, and I regret that I have not the time to go into the question more fully.

Another prominent feature of the Payne tariff law is the corporation tax. This provision was generally commended at the time of its adoption by the masses of our countrymen, and the President was given due praise and credit for his share in securing the legislation. The Supreme Court has sustained its constitutionality, and it yields approximately $30,000,000 of revenue per annum.

There has been so much misrepresentation and so much abuse of the present Chief Executive in some quarters that I deem it a duty to recall these matters to the attention of my fellow citizens lest they forget.

The growth of trusts during the administration of the President's predecessor had been enormous. In the period between 1901 and 1909 they had expanded from a capitalization of $3,000,000,000 to over $30,000,000,000. There were then 149 of these industrial combinations in this country. During that period we heard a great deal said about trust busting and trust busters. While a few suits had been brought, beyond the so-called Northern Securities case, which was instituted to prevent a combination of transcontinental railroads with extensive mileage, none of these suits had been pressed to a final issue in the courts. The prosecution of malefactors of great wealth was another legacy that was inherited from the former administration. True, the suit against the Standard Oil Trust was begun by the preceding administration. And it is only fair to that administration to say that in deciding the case the Supreme Court followed exactly the prayer of the complaint and granted the very relief that that administration had asked for. During the administration of President Taft suit after suit has been instituted against illegal combinations in restraint of trade under the Sherman antitrust law. He found the law upon the statute books upon his accession to the Presidency. It had not been vigorously enforced prior to his induction into the office. With characteristic intrepidity he began to enforce it without fear or favor. By his courage in enforcing the Sherman law he has incurred the active hatred of the trust magnates, and we find the latter actively engaged in trying to encompass his defeat for reelection. They are contributing time and money to his political opponents. That fact alone ought to convince the plain people of the President's absolute sincerity in his effort to make all men obey the laws of our country.

It was during President Taft's administration that the notorious Sugar Trust frauds were unearthed. This rapacious trust, not content with taking the lion's share of the 20 per cent reduction on Cuban raw sugar after the passage of the Cuban reciprocity law in 1904, in its greed for greater dividends resorted to a system of bribery of Government employees. These employees were bribed by this trust to induce them to return false weights on the imported raw sugar at the customhouses of several of our large seaports. The practice had been going on for a number of years during the preceding administration. Only a short time after the inauguration of President Taft the frauds were unearthed and the whole scheme of theft and bribery was exposed. Prosecutions of the guilty participants in the crooked transactions promptly ensued and millions of dollars that had been fraudulently withheld were covered into the National Treasury. No wonder the trust magnates are opposed to the reelection of the President. No wonder they are subscribing funds to defeat him. No wonder they are giving their aid, moral and financial, to his enemies. [Applause on the Republican side.]

Among the many trusts that have been proceeded against by the present administration is the Publishers', or Magazine, Trust. There is probably no medium through which so much abuse has been disseminated against President Taft as through the muckraking magazines of this country. They have tried in every possible manner to poison the minds of the people against him. Their attacks have been unremitting and vitriolic. Why? I do not suppose that they are actuated by motives of self-interest. Of course not. The President sent a message to Congress pointing out that of the annual deficit in the Post Office Department $63,000,000 thereof was due to the fact that the magazine publishers were paying that amount less than the actual cost to the Government of carrying their magazines through the mails. In other words, these publishers were the recipients of special privileges to the extent of $63,000,000 a year; and as they had been inveighing against special privileges the members of the Magazine Trust may have felt a bit aggrieved at the President when he so fearlessly exposed their particular form of special privilege.

Of course I do not pretend to say that is the direct cause of the attack of the muckrakers against him. But it may have helped somewhat. And then, also, the Attorney General commenced a suit against this trust as being an illegal combination in restraint of trade. It developed during the court proceedings that there was an agreement among the members of the trust to maintain a blacklist upon which was placed the name of every retail dealer in periodicals who dared to sell any publication issued by the trust at a less sum than the publisher's printed retail price. Think of it! The uplifters maintaining a blacklist! And the President dared to expose the fact. "Woe unto you, Scribes and Pharisees, hypocrites!" The present administration exposed you, and in your hatred of the man who had the temerity to enforce the law you fill your pages with abusive vituperation in order to cover up your own iniquity. [Applause on the Republican side.]

Under the preceding administration an effort was made to join the Territories of Arizona and New Mexico and admit them into the Union as one State. A decided insurrection broke out in the ranks of the Republican Party in Congress against this administrative program. This was in the Fifty-ninth Congress. An earlier insurrection had broken out in the Fifty-seventh Congress over the attempt to pass the Cuban reciprocity bill. So that insurgency in the Republican Party first manifested itself in the former administration and was another legacy to which President Taft fell heir when he became the occupant of the White House. But, happily, under the present administration both Arizona and New Mexico have been admitted to separate statehood; they have added two resplendent stars to the union of blue in Old Glory, and each will be enabled to work out that splendid destiny which those who fought and voted against the unholy alliance in defiance of the mandate of the then administration so confidently predicted.

Mr. Chairman, it would take entirely too long to recount all the beneficial achievements and the really progressive legislation that has been written into law since the inauguration of President Taft on March 4, 1909. It would take altogether too much time to recite in detail all the various activities of the present

administration. Suffice it if I briefly recapitulate some of the more important measures and policies which have been approved or inaugurated by the present Chief Executive: Postal-savings banks have been established, in which $30,000,000 of the people's money have been deposited thus far. The Post Office Department, for the first time in the history of the Government, was conducted without deficit. Railroads were prevented from putting rate increases into effect without the approval of the Interstate Commerce Commission. While this legislation was pending an effort was made on the part of certain trunk lines to increase the rates. A temporary injunction was immediately obtained by the Attorney General, and by agreement with the railroad presidents they did not put the increases into effect, but waited until the foregoing legislation was enacted. They then applied to the Interstate Commerce Commission for permission, under the new law, to make the increase, but their application was denied by the commission. The railroads roundly denounced the President and his Attorney General for the stand they took in protecting the rights of shippers. The white-slave traffic has been vigorously and effectively attacked, and severe punishment has been meted out to those engaged in the nefarious business. A Bureau of Mines has been established, so as to safeguard the lives of miners. The Panama Canal is being rushed to early completion without scandal of any kind. The canal is to be fortified. American ships in the coastwise trade are to enjoy free tolls. Railroad-owned ships are to be excluded from the canal. Our foreign markets have been extended so that our foreign trade during the last fiscal year reached the enormous aggregate of $3.000,000,000, while the balance of trade in our favor totaled $550,000,000, the largest excess of exports over imports in the history of our country.

An income-tax amendment to the Federal Constitution has been submitted to the States and now lacks only the affirmative action of the legislatures of three or four additional States to secure its promulgation as a part of the fundamental law of the land. An amendment for the election of United States Senators by direct vote of the people has been submitted to the States for their ratification. A boiler-inspection law to safeguard human life has been put into operation. A Childrens' Bureau has been established. A Commission of Fine Arts has been created. The Lighthouse Establishment has been reorganized and a Bureau of Lighthouses has been created. A parole law for Federal prisoners has been put into operation. The employers' liability law has been sustained in the courts and its provisions have been extended so that employees of railroad carriers may bring suits in any district in which the defendant was doing business at the time of the commencement of the action. A measure for the issuance of bonds for the completion of irrigation projects in the West has been approved. The open-door policy in China has been maintained and extended. Millions of dollars have been saved to the taxpayers by the inauguration of modernized business methods in the various executive departments of the Government. Bucket shops and get-rich-quick concerns have been destroyed and put out of business. There have been extensions of the safety-appliance laws. Laws for the publication of campaign contributions and expenses before and after elections, and which include primary as well as general elections, have been approved. A Court of Commerce has been created, thus lessening delay in litigation arising out of decisions of the Interstate Commerce Commission from an average of over two years in each case to an average of six months in each case. A Court of Customs Appeals has been created, thereby stopping undervaluations to a large extent.

Laws have been extended and enforced for practical conservation of natural resources. The civil service has been extended by Executive order, and what was deemed an attempt to break down the existing system by providing for a seven-year tenure was promptly vetoed. A law creating a commission on industrial relations to investigate labor conditions and the relations of employers and employees was recommended by the President and will probably be enacted. Efforts to preserve the fur-seal herds in Bering Sea have been undertaken. An act giving the Department of Agriculture the power to declare a quarantine against infected plants and their products, nursery stock, and seeds is of inestimable value to the agriculturists and horticulturists of the country. Successful efforts have been made to wipe out and prevent the spread of epidemic diseases.

A direct American mail route to Australia via Honolulu and Pagopago has been reestablished. The construction and maintenance of an adequate and efficient Navy has been constantly urged.

A law compelling the installation of radiotelegraph devices on ocean-going vessels and a competent and sufficient force to operate them has been approved, thereby lessening the probability of another marine accident similar to the sinking of the *Titanic*.

The danger of a return to reactionary laws and practices, such as brought about the downfall of the Grecian and Roman Republics long before the birth of Christ, and that some of the so-called progressives of our day are lauding as panaceas, has been called to the attention of the American people, and the fallacy of such doctrines has been exposed.

And the President, fervently believing in the efficiency of the Federal Constitution and the necessity for following its mandates, has constantly regarded it as the true beacon light by which to steer the Ship of State. He has never allowed his personal inclinations to swerve him from what he deemed the true path of duty.

He has met every crisis that has arisen during his administration with firmness and resolution. The bluff and bluster of political enemies have not made him flinch an iota from his determination to do that which he believes to be for the general welfare of all classes in this Republic. He has never mistaken transient political hysteria for sound political doctrine. The wail of the disappointed office seeker and the cry of the lawbreaker have not frightened him into complacent compliance with their demands. The fear of losing political support has never alarmed him into violating his oath of office. In short, Mr. Chairman, he stands for law and order and he battles for the right. [Prolonged applause on the Republican side.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HENRY of Texas, having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 3045) to provide for agricultural entries on oil and gas lands.

PENSIONS.

The committee resumed its session.

Mr. GRAHAM. Mr. Speaker, I have always believed in an efficient navy, and I have not changed my mind in that regard. I favor an efficient navy for the same reason that I am opposed to a large standing army. A large standing army may become a menace to the liberties of the country. Absolute obedience is the primary duty of the soldier. He has no discretion. To him the word of his superior is the law. Civil authorities, local interests, public rights are of no avail. If he is ordered by his commander to take possession of a voting booth, to suppress an election, to empty a parliament house, or to upset a government, his first duty is to obey. Patriotism, loyalty to his country or to liberty have no place in his program; he only recognizes the rule of obedience to the commands of his superior. The professional soldier is useful—indeed, necessary—in time of war, but a standing army beyond reasonable necessity for police duty is a standing menace in time of peace. Therefore I am for an efficient navy, among other reasons because it renders a large standing army unnecessary.

I am aware that sailors have the same duty of obedience that soldiers have, but there is much less danger to the civil order from sailors, as their duty takes them to the sea, where they can not interfere in local affairs, while the contrary is true of the soldier.

Our geographical position renders us practically immune from foreign attack by land. Therefore any foreign attack upon us is apt to be from the sea. As security against such attack we need an efficient defensive navy.

Moved by these reasons, I voted against my party for two battleships when the last naval appropriation bill was before this House.

Why have I changed? Why do I vote for but one battleship now?

Mr. Speaker, I have what seems to me convincing reasons for not voting for two battleships, and I am in grave doubt whether I ought to vote for any, but I am willing to resolve the doubt in favor of one battleship, and will cast my vote for one.

Have I changed the views I have just expressed? Not at all. It is because I am for an efficient navy that I have changed my vote as to battleships. It is because I am convinced that battleships of the type we have been and are building do not constitute an efficient navy that I vote for only one and that makes me uncertain whether I should vote for even one.

I am almost convinced that the building of the present type of battleships is more in the interest of the Steel Trust and the Armor Trust than for the safety of the country or in the interest of the American people.

The only battle between ships of modern construction worthy of mention, or which really tested their fighting capacity, is

the Battle of the Sea of Japan on May 27 and 28, 1905, between the Russian and Japanese fleets. In that battle Russia had 8 battleships and Japan 4, Russia had 3 coast-defense armor-clad ships, Japan none; Russia, 3 armored cruisers, and Japan 8, besides other craft. In the matter of armament, Japan had 16 12-inch guns to Russia's 26; one 12-inch gun to Russia's 15; no 9-inch guns, while Russia had 8. Russia had 45 guns of 9-inch caliber or over to Japan's 17. The Japanese had a large preponderance in guns of 8 inches and under. Their ships, also, averaged over 2 knots greater speed than the Russian ships. In the matter of bravery, there was little to choose. The men on each side were as brave as men can be. What was the result? Out of 38 Russian ships all told 22 were sunk and only 2 escaped.

Of the Japanese fleet three torpedo boats were sunk and not one single ship was incapacitated for future service.

How can this result be explained? Concede superior skill to the Japanese as well as superior speed to their ships and it does not explain the result.

Capt. Semenoff, of the Russian Navy, who was on board the *Suvoroff*, the Russian flagship, during the battle, with no specific duties to perform, took notes during the fight, and afterwards expanded and published them in book form under the title of the Battle of Tsushima. He gives a vivid and intensely interesting account of the battle, which, it seems to me, is pretty convincing in some respects. He attributes the success of the Japanese to the use of explosive shells, with which the Japanese were well supplied, while the Russians had none of them. Capt. Semenoff says:

> The difference between our main force and that of the Japanese was very material. The oldest of Togo's 12 ships—the *Fuji*—was two years younger than the *Sissry*, which among our 12 best came sixth in seniority. Their speed was one and one-half times as great as ours, but their chief superiority lay in their new shells, of which we had no inkling.

Speaking of these shells he says:

> It seemed as if these were mines, not shells, which were striking the ship's side and falling on the deck. They burst as soon as they touched anything—the moment they encountered the least resistance in their flight.

They even exploded when they struck the water. They tore in pieces everything in the vicinity when they exploded, and he says of the result:

> Such havoc would never be caused by the simple impact of a shell, still less by splinters. It could only be caused by the force of the explosion.

He quotes an officer from the *Oslyabya* as to the effect on that ship as follows:

> Three shells, one after another, in the same identical spot. Imagine it! All of them in the same place! All on the water line under the forward turret. Not a hole, but a regular gateway. She almost keeled over at once, then settled under the water.

Again I quote:

> The four 75-millimeter guns had been torn off their mountings, and in vain I looked for marks of direct hits. None could be seen. The havoc had clearly been caused by the force of the explosion and not by the impact of the shell. How was this? Neither mines nor pyroxylene were stored in the battery, so the enemy's shells must have exploded with the force of mines.

While my information is that the navies of Japan, England, and Germany are supplied with these explosive shells, it is most singular that our Navy is entirely without them and without guns for throwing them. We have only the armor-piercing shells, although the Government made a number of tests with Gathmann high-explosive shells as long ago as 1899. On February 25 of that year Asst. Naval Constructor Dashiel appeared before the Naval Committee of the Senate and made the following statement in answer to questions by Senators:

> Senator PERKINS. What do you think of his (Gathmann's) device for the detonator and primer?
>
> Mr. DASHIEL. I think it is ingenious, efficient, and thoroughly safe. I think it would be impossible to set off in the gun the detonator as devised at present. Secondly, if we can permit such a hypothesis, if that detonator were set off in the gun it would do no injury at all. It is so separated from the charge of wet guncotton at the instant of firing that the detonator can be exploded and yet the wet guncotton, which is the principal charge in the shell, will not be injured in any way.
>
> Senator PERKINS. What are the advantages of the guncotton to repel an enemy or to sink or destroy a ship of war over that of the ordinary shell now used?
>
> Mr. DASHIEL. Taking the case of a 12-inch gun, which is our largest and latest accepted gun, we have a photograph of the results at Sandy Hook of a 12-inch projectile against the standard thick armor plate. It was a 10-inch plate. That shows a blowing up of a butt and structure such as no 12-inch gunpowder-carrying shell could possibly do. As an example of what a 12-inch shell will do we have the Spanish cruiser *Maria Teresa*. She was struck by two 12-inch shells. They exploded in her. Therefore, they had the maximum effect. That ship was not so injured but that she could be raised and started for home. Had a 12-inch Gathmann shell exploded, I think it would have carried off her entire stern and everything aft the point of impact. There would have been nothing left on that ship to float.
>
> Guncotton is the simplest and safest high explosive that we have. It is just as inert as firing wet sand.
>
> Senator HANNA. I should like to ask you whether, as the result of the experiments which you are familiar with and from such information as you have been able to get, you consider that the Gathmann shell has revolutionized the high-explosive business for the use of Army and Navy guns?
>
> Mr. DASHIEL. I do.
>
> Senator HANNA. That is, that it has uspet all previous theories, and that the results show that it is not only safe, but is the most efficient destructive for artillery that is known?
>
> Mr. DASHIEL. As I know anything about it, that is the case.
>
> Senator HANNA. You consider that this fuse is entirely safe for use either on land or on deck in the firing of high explosives?
>
> Mr. DASHIEL. I do.

Mr. O'Neill, Chief of the Bureau of Ordnance, who consistently, and it seems to me somewhat unfairly, opposed the use of the Gathmann shell, among other reasons, because of the danger of explosion in firing it, unwittingly gives testimony to its tremendous destructive power in a letter to the Secretary of the Navy, dated May 4, 1900.

After giving the results of an explosion of only 25 pounds of guncotton at the Du Pont powder works, he says: "The Gathmann project proposes to use 500 pounds as a charge for a single shell, and the result of a premature explosion can only be imagined, and it is too dreadful to contemplate." Probably so, but suppose it can be safely thrown against or on the enemy's ship? If it can, the reason urged by the bureau chief against the use of it becomes an unanswerable reason in favor of its use.

And Mr. Dashiel's testimony that it can be used with perfect safety is borne out by the experience of the Japanese. What is the probable effect in actual battle of thus ignoring the destructive power of high-explosive shells? Let us see:

According to naval authorities the armor-piercing shells are effective only at a range of 2 or 3 miles. While the large caliber guns can throw shells 7 or 8 miles, yet it is only at the shorter range of 2 or 3 miles they can pierce modern armor. Hence at a greater range than that they are comparatively harmless.

How about the explosive shells at long distances? Semenoff says, and I believe it is conceded, that they explode on contact with anything, even the surface of the water; therefore they can be fired at long range and the shell will be as effective if it hits as if fired at short range. Thus it appears that a ship throwing explosive shells, if a little faster than her adversary, keeps out of effective range, can destroy that adversary, or for that matter a whole fleet at her leisure and with practical immunity to herself.

In a statement before the Naval Committee on March 12, 1912, Mr. W. S. Isham tells of tests made with these different kinds of shells. Two armor-plated ships were chosen for these experiments, the *San Marcos* and the *Puritan*. He says:

> They battered away at the *San Marcos* for two days with armor-piercing shells, and hit the turrets repeatedly, but never once penetrated them or put them out of business.

On the other hand, a single charge of gelatin exploded against the turret put it out of business, and a similar charge hung on the side of the *Puritan* and exploded there blew in two lengths of armor and sunk the ship in two minutes.

True, Admiral Twining, who was also present before the committee, insists that she did not sink for about 24 hours after the explosion of the charge. Even though he be right as to the time, it still demonstrates the terrible effect of the explosion and its superiority as a destructive agent over armor-piercing shells; but my understanding of the experiment is that it was made in shallow water, only 2 feet below the ship's keel; that the damaged end at once settled to the bottom, and that it was 24 hours before the entire keel settled down.

If this be the fact—and I have reason to believe it is—the admiral is scarcely frank in his statement, as it is quite apparent that if the damaged end had not rested on the bottom the whole ship would have promptly settled under the water. Had the *Titanic* been in shallow water when she struck the iceberg the injured end would have rested on the bottom, but the uninjured end would not have settled down for days. On the other hand, had the *Puritan* been in deep water when the shell was exploded on her side she would have gone down much quicker than the *Titanic* did.

Without going into this matter further, does it not seem clear that before constructing more battleships, at an expense of $15,000,000 each, they should be so constructed and so armed as not to invite defeat and become mere burial places for brave men?

Is there not some plan of construction which is better adapted to meet the plan of attack which destroyed the Russian fleet? And should not the whole matter be thoroughly investigated by Congress before appropriating such vast sums of money?

I venture the prediction that the $15,000,000 about to be appropriated for one battleship would in the near future build three or even five marine fighting machines, any one of which would destroy a fleet of the present type of battleships.

But this is not the only objection, nor is it the most important one.

Conditions point to changes in naval warfare as radical as the change from wooden ships to iron ones, or from sailing ships to steamers.

Not alone has the submarine and the torpedo rendered huge floating batteries of very doubtful utility, but the aeroplane and the dirigible balloon have come to stay, and it requires no argument to prove that the charge of gelatin which sunk the *Puritan* when hung against its side would sink the *Texas* when dropped upon its deck.

Then, again, it is well known that oil is being substituted for coal as fuel for ships. What changes in construction should be made to meet this radical change in fuel?

Or, more important yet, what is the probability of ships being propelled by the internal-combustion engine such as now drives the automobile? In the latter event, all the boiler space and nearly all of the fuel space needed in the battleship of to-day can be eliminated, the machinery of the ship hidden away beyond reach, smokestacks abolished, and thousands of tons of coal space eliminated. If the internal-combustion engine is practical for maritime purposes it will permit of a type of ship somewhat on the lines of an enlarged monitor, or even of the *Merrimac* type with a sloping roof heavily armored to protect against explosives dropped from the air as well as those fired from ships or batteries.

The situation certainly warrants and should receive thorough congressional consideration.

But it may be said that the officers of the Navy are the best judges as to these matters and that we should yield to their judgment.

It would at first thought appear as if that should be so, but more careful thought will, I think, change that view.

The Navy, like other Government services, is divided into bureaus, an apparently necessary evil in governmental affairs. Among the various bureaus of that department is a Bureau of Ordnance. Is it likely that the heads of the Ordnance Bureau would admit that any device pertaining to that bureau not of their own discovery could be an improvement? New devices, especially those intended to supersede appliances in the use of which they are expert, are received with great reluctance.

A large proportion of the ridicule heaped on Ericsson's *Monitor* came from the naval experts, but the *Monitor* revolutionized naval warfare just the same. Seamen outdid landsmen in denouncing Fulton's scheme for propelling vessels by steam as utterly impracticable. Armor plate and armor-piercing shells did not originate with naval bureaus, nor did the breech-loading gun or the submarine boat meet with favor at their hands. These had to force their way into use in spite of the bureaus, rather than through their assistance.

Whatever the reasons may be, the fact remains a fact that the country need not look to the officers of the Navy for initiative in the construction of marine fighting machines which will meet the new conditions under which sea fighting will have to be done. Hence, a thorough investigation of the whole situation should be conducted, not by naval experts, but by Congress.

I do not forget that there is a class of hopeful, guileless spirits who dream of, and talk about, universal peace. It is a very pretty subject to grow eloquent upon, but there is scarcely one of those eloquent gentlemen who would not knock you down if he could, should you kick him in the shins in anger, or spit in his face in anger, or even should you call him a vile name in anger. The Nation is mainly made up of people who would do the same thing under similar provocation, and so are the other nations, and the aggregate is very likely to be, and to act, like the individuals of which it is composed.

So long as this remains true, so long as the average individual retains a considerable portion of the "old Adam" in him, so long as human pride and greed and ambition and envy and the spirit of revenge exist in men, so long will individual and national quarrels continue, and just so long will universal peace and universal disarmament be nice subjects for academic declamation, a fine ideal to work to, a condition to be hoped for, but hardly expected; in short, what the late Senator Ingalls would call an iridescent dream.

In the meantime we must take ordinary precaution for the national safety, based on human nature, as it is, rather than as we might wish it to be; and in doing this we must be careful not to be like the mole, boring ahead in the dark, pushing right on in a self-satisfied way toward a fatal trap believing we have an effective Navy when in fact we have not. We must reconnoiter the situation; we must carefully examine the ground ahead; we must study every new condition; and when we have intelligently determined by a mercilessly thorough investigation what the true facts of the situation are and what the exigencies require for the construction of a really effective navy, then I am ready to vote in favor of the necessary appropriation for its construction, but till that is done I shall vote for only one battleship, and I shall do that with much reluctance, and in the hope that before it is contracted for better methods of construction will prevail.

In concluding, I quote a London dispatch, which appeared in the Washington Herald a few days ago, which furnishes plenty of food for reflection:

LONDON, *August 10, 1912.*

No vessel that came to England in time of peace has probably ever been the indirect cause of so much anxiety and alarm to the Government as the big Danish motor ship *Selandia*, which arrived here the first time four months ago and which has just left the port of London for her second trip to East India. The success of this vessel means that oil will displace coal in the navy, that the internal-combustion engine will banish the steam engine, and that in a comparatively few years every battleship and cruiser in the British Navy will be antiquated and outclassed, for not only will motor battleships be less vulnerable and steered with must greater ease, but they will be able to carry heavier guns and armor, freed from the enormous weight of boilers and coal. It has not relieved the public mind in England that the Kaiser's friend, Herr Ballin, of the Hamburg-American Line, has bought the only other large motor ship from the Danish East Asiatic Co., and that the results of all the tests which it will be put through will be at the disposal of the German Government, that in the strict secrecy of Germany's naval dockyards may put down and finish motor battleships before the fact of this may become known in England.

Just as Great Britain had to build a new navy at the time when steam replaced sails, she will have to do so again now that oil is about to drive out coal; but while a country rich in coal, like England, had the advantage when the former change came, she will now be severely handicapped, because nowhere in the British Empire is oil found in such quantities as will be needed before long. To the dread of not being able to get food supplies in times of war, which has long been haunting England, now comes the dread of being cut off from the supply of oil abroad, which is to insure the fighting strength of England's floating line of defense.

Quick and alert as First Lord of the Admiralty Mr. Churchill always is, he immediately grasped the importance of the new invention, and he was among the very first to inspect the *Selandia* during her first visit, and it is also he who has seen the necessity of appointing a royal commission to decide what is to be done on the eve of a new revolution on sea.

Another scare, and this time not a newspaper-made one, has been added to the many forebodings which haunt the soul of the poor Englishman, who is asking himself if, having lost his world supremacy in sports, he is also about to lose forever his naval supremacy.

A good healthy scare is sometimes very desirable. There is nothing more to be dreaded than a false sense of security, and that is a disease from which I fear we are suffering just now. Relying on the present type of battleship and armament is but cultivating the same sense of security which the ostrich feels when its head is hidden under the sand while the danger approaches nearer and nearer.

Let us ignore the Steel Trust and the other trusts and by careful and thorough investigation find out the way to build naval fighting machines which will conform to existing conditions and which will constitute a really efficient navy.

[Applause.]

Mr. PADGETT. Mr. Chairman, as there has been some controversy relative to the naval program and the legislation for the Navy at the present session of Congress, I think it appropriate that I make a statement relative to the provisions made for the Navy at the present session of Congress.

The naval appropriation bill, recently passed and in the hands of the President for his approval, provides one first-class battleship carrying as heavy armor and as powerful armament as any vessel of its class, to have the highest practicable speed and the greatest desirable radius of action. The cost of this battleship will be about $15,000,000, and will be about 31,300 tons normal displacement, and will carry twelve 14-inch guns, and when completed will be the most powerful and effective battleship afloat.

The bill also provides for two fuel ships, or colliers, six torpedo-boat destroyers, eight submarine torpedo boats, one tender to destroyers, one submarine tender, and authority to convert a collier into a repair ship. It also provides for an additional 4,000 men to the enlisted personnel of the Navy and 400 marines and 13 marine officers, and also 30 paymasters. The bill also makes provision for modernizing the guns, projectiles, and turrets of the ships of the Navy so as to bring the ordnance of the Navy to its highest state of perfection and efficiency. It also provides for enlarging the dry dock at Pearl Harbor, Hawaii, to a length of 1,000 feet, thus making it the largest dock in the possession of the United States and capable of docking the largest ships built or contemplated and affording splendid docking facilities for the Pacific Ocean.

The bill also provides for a world-wide wireless radio system at a cost of $1,000,000, with stations located in the Isthmian Canal Zone, on the California coast, Hawaiian Islands, American Samoa, the Island of Guam, and in the Philippine Islands, thus belting the world with wireless communication and keeping the ships of the Navy at all times in communication with Washington and with each other and with all important sta-

tions, and in addition affording communication and protection for humanity in every sea.

The bill also provides for the establishment of a dental corps in the Navy for the care and preservation of the health of the officers and enlisted men, and it also establishes a medical reserve corps and a dental reserve corps.

The bill contains legislation amending the laws relative to the retired list of the officers of the Navy and will materially reduce the expenses of the retired list.

The bill also contains legislation codifying, revising, and amending legislation with reference to the enlistment of men in the Navy, the result of which will be greatly to improve the status of the enlisted men and effect great economies in administration, and it also contains other legislation for efficiency and economy of administration in the Navy.

The Congress also passed an act commissioning as ensigns the midshipmen upon graduation from Annapolis.

An impartial review and a just consideration of the legislation of the present session of Congress in behalf of the Navy will justify the statement that the present session of Congress has enacted legislation of a constructive character and of a wise and helpful influence, which has not been exceeded in any Congress for many years and makes a record of legislation in behalf of the Navy in which the Congress and the people may feel a just pride and satisfaction.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. FLOYD of Arkansas having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to inform the House of Representatives that the bill (H. R. 26321) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, failed to pass the Senate over the veto of the President of the United States, not receiving the necessary two-thirds vote.

The message also announced that the Senate had passed the bill (S. 5294) to establish in the Bureau of Statistics, in the Department of Agriculture, a division of markets.

PENSIONS.

The committee resumed its session.

Mr. DONOHOE. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD by inserting therein a letter which I have received from a gentleman relating to the high cost of living and suggesting a remedy therefor.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. DONOHOE] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The following is the letter referred to:

303 NINTH AVENUE,
Leavenworth, Kans., August 8, 1912.

The Hon. MICHAEL DONOHOE,
House of Representatives, Washington, D. C.

MY DEAR SIR: In addition to what you recently said before the House on the "increased cost of living," I beg to call your attention to a letter of mine inclosing communications, which I claim will greatly remedy this world-wide malady.

The letter I refer to is now filed with the Department of Commerce and Labor.

I am advocating the utilizing of the surplus land alongside of our public highways and railways for growing fruit trees and bushes. This could be done at very small expense to the comparative good it would do the community in a few years.

According to current press reports the Government has 50 men setting out timber trees on Pikes Peak. It is said, "they will make a fine showing in 10 years more."

However, I am inclined to think that if those 50 men were setting out fruit trees along some of our highways, that would make a better showing in three years than a probable forest fire "10" years hence.

Another proposition I am introducing, is the relief of homesteaders, whereby instead of the Government giving away a homestead of 160 acres valued at, say, $10 per acre, or a total valuation of $1,600, why not give 40 acres—all one man can handle—in addition to transportation, provisions, lumber, implements, etc., to a valuation of $600, making a total valuation of only $1,000.

In this case holding the applicant responsible to remain on the homestead for three years, on the same principle whereby the soldier is required to remain in that branch of service until his enlistment expires. (I have had three years in the ranks myself.)

The man who files for a 160-acre homestead is going to first consider whether or not he is "rich" enough to hold it down until he can raise his first crop. In most cases if he is rich enough to do so, he is rich enough to live comfortably in the city and prefers to do so. Thus it is that 60,000,000 of acres of unappropriated unreserved lands are standing idle in the United States, while people everywhere are crying out for work, for homes, for bread, and are unable to help themselves to where they could be a great benefit to themselves as well as to others.

This year fruits of various kinds are selling at $2 per crate, and I want to emphasize the fact that the demand can not be supplied at that price. What will the poor people do who are unable to buy fruit, those who, under my proposition, would go out along the highways this summer and gather the fruit and prepare it for winter use.

It is a question to me as to which will be the worst, the increased cost of living, or the length of time it will take Congress to do something after a remedy has been found

Yours, very truly,

JAY A. WORDEN.

Mr. MANN. Mr. Chairman, I propose to detain the committee but a short time. The other day when we had under consideration in the House the Post Office appropriation bill with Senate amendments, I moved to concur in the Senate amendment known as the Bourne amendment, providing for a parcel post, and the gentleman from Tennessee [Mr. MOON] moved to amend my motion by substituting another parcel-post proposition, which I understand was partially prepared—I do not know to what extent—by the gentleman from Tennessee [Mr. MOON], in collaboration with the gentleman from Maryland [Mr. LEWIS].

On the floor the other day, in private conversation, several gentlemen who have expressed a desire to me to vote for a parcel post stated that they had been informed that the Bourne Senate amendment did not provide for a parcel post which would cover agricultural products. I stated to the gentlemen who talked to me that it did so provide. I did not know the authority of the statement that it did so provide, and do not now know what the authority was, but I find in the RECORD of yesterday a speech made by the gentleman from Maryland [Mr. LEWIS], presenting a comparison of the Moon proposition with the Bourne proposition. I have not had an opportunity to complete the reading of the speech, which no doubt is full of interesting and valuable matter, but my desire to complete the reading was somewhat lessened by reading the first comparison which was made, in which occurs this statement:

House substitute.	*Senate section.*
MATTER MAILABLE.	MATTER MAILABLE.
Farm and factory products and matter carried by express and fourth-class mail matter.	Fourth-class mail only; excludes farm and factory products.

The Bourne amendment commences this way:

That hereafter fourth-class mail matter shall embrace all matter not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any post-office employee or damage the mail equipment or other mail matter, and not of a character perishable within the period reasonably required for transportation and delivery.

In the parcel-post bill which I introduced some time ago, and which was in the main taken from the parcel-post bill previously introduced by the gentleman from Minnesota [Mr. ANDERSON] and some others who had worked upon the matter, I particularly stated that we included agricultural products.

Now, there are two ways of doing that. One is by making a statement that you include agricultural products in fourth-class mail matter and the other is by stating what you exclude in determining what is fourth-class mail matter.

The Bourne amendment includes everything, all kinds of articles—agricultural, mineral, manufactured, not manufactured—everything under the sun or in the earth that is not excluded by this language:

Not exceeding 11 pounds in weight, or greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee, or damage the mail equipment or other mail matter, and not of a character perishable within a period reasonably required for transportation and delivery.

The gentlemen who said this did not include agricultural products were not very careful in their reading of the English language.

Mr. RODDENBERY. Will the gentleman yield?

Mr. MANN. I yield.

Mr. RODDENBERY. The gentleman is now reading from what is commonly known as the Bourne amendment?

Mr. MANN. From the Bourne amendment. If the Bourne amendment had said that hereafter fourth-class mail matter shall embrace all mail matter not now embraced by law in either the first, second, or third class of existing mail matter, it would have excluded agricultural products. But it says that fourth-class mail matter shall embrace all matter not now embraced in first, second, and third classes. That includes everything, and is a far more inclusive proposition than it is to say that you include agricultural products. And yet the statement was made all over the floor of this House, and is made in the speech of the distinguished gentleman from Maryland [Mr. LEWIS], that the Bourne amendment does not include agricultural products. Here is a new definition of fourth-class mail matter. First-class matter consists of the letter mail; second-class matter consists of certain newspaper and magazine mail; third-class matter consists of certain circulars, books, and package mail under the existing law.

Mr. MURDOCK. And seeds.

Mr. MANN. Now, under this definition, fourth-class mail matter includes everything else there is that is not too large, either in weight or girth or length, or that will not injure the mail matter or the employees, or that will keep while being transported. Yet we are told by the gentleman from Maryland [Mr. LEWIS], who is sincerely entitled to be considered an expert

on the subject, and whom many believe to be the leading expert on the subject, that this would not include agricultural products. When I got that far in the gentleman's speech I stopped, because, I said, "What is the use of reading the comparison between these two bills any further when the gentleman who makes the comparison has not read the Bourne bill?" I yield to my friend from Maryland [Mr. LEWIS] for an explanation.

Mr. LEWIS. I will wait until the gentleman is through.

Mr. MANN. I will reserve the balance of my time.

Mr. LEWIS. Mr. Chairman, I ask for five minutes to reply to the gentleman from Illinois.

Mr. MANN. I will yield the gentleman five minutes.

Mr. LEWIS. I can quite understand the misapprehension of the gentleman from Illinois on this subject, in view of the very great field of labor he endeavors to occupy, and which he does occupy so well.

There is a history connected with this subject. What is fourth-class matter at the present time? It is any matter that can be put in the mail bag without, first, injuring itself; second, injuring anything else in the mail bag; or third, injuring the mail bag, which is an equivalent expression for "equipment" in these bills. Mail equipment is made up of mail bags.

The Post Office Department have had occasion for a generation to interpret the fourth-class provision, and in the course of departmental interpretation they have indicated specifically the articles that are now admissible to fourth-class mail. Gentlemen can find the articles by name in any postal guide they may consult. I will say to the House that under their interpretation of the clause, as it now reads, only queen bees and dried fruits in the way of agricultural products are admissible to the mails, because almost any other agricultural product, if put in the bag (keep the bag in mind in this matter; it is what is meant by "equipment"; and it is the test of the sense of this argument) would injure itself, would injure other contents of the mail bag, or would injure the mail bag.

Mr. RODDENBERY. Will the gentleman yield?

Mr. LEWIS. Yes.

Mr. RODDENBERY. If a constituent of mine should decide to send me in a small box two Georgia pecans or four Tennessee ground peas, and put the requisite stamps on the box, would they not come through the mail?

Mr. LEWIS. As fourth-class matter? I understand not, according to the interpretation of the department, because in the course of things a matter of that kind shipped in that way in the mail bag, the other contents might be liable to get injured; that is, injure other contents of the mail bag.

When we come to the definition of fourth-class matter in the Bourne bill, to which the gentleman has referred, we find it is not a new definition at all. It provides that all matter not first, second, or third shall be fourth-class matter, and by its restriction as to its injuring equipment or other mail matter it in effect again provides that nothing shall go in the mail bag that will get hurt itself, like eggs, for example, or will hurt the contents of the mail bag or the mail bag.

The practical view, then, is this: That the Bourne measure ties itself up to the mail bag; the mail bag is not adapted to carrying agricultural products. Agricultural products must have containers of their own; and they must be, as the experience of every Member of the House will suggest, adapted to the natures of farm products? Meanwhile an argument ad hominum might be made. The House realizes that there was some doubt as to whether agricultural products might be included in fourth-class mail, and the gentleman himself included an expression, appropriate and unquestioned in its character, to cover that field, and so the House substitute does now, by saying that factory and agricultural products and matters carried by express companies shall be admissible as parcels.

If those on the Senate side who had charge of the matter of drafting this classification wished to be explicit and exclude all questions of doubt, then they would not have stricken out of the bill the classification inserted in the House that in terms included agricultural and factory products.

The question, of course, is largely academic in the practical situation here now.

This House, I am sure, will take no chances on the question whether agricultural products should be admitted to the mails as parcels when, by inserting language proper and definite, they can make it absolutely clear.

Mr. BURLESON. Will the gentleman from Illinois yield to me a minute?

Mr. MANN. I will yield to the gentleman.

Mr. BURLESON. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MANN. Mr. Chairman, it is true, as I stated before, that in the bill I introduced I specifically named agricultural and factory products. Afterwards it was concluded, so far as I was concerned, that it was better not to confine fourth-class matter in any way, but to make it to embrace all matter that could be produced, subject to the provision that it should not injure the person of the employee or the equipment. It is perfectly patent that the gentleman's statement that injury to equipments would exclude agricultural products is a fancy of the imagination. I know of nothing ordinarily which would be so free from injury to the person and the equipment as would agricultural products.

Mr. LEWIS. Will the gentleman yield?

Mr. MANN. I will yield to the gentleman.

Mr. LEWIS. Does not the gentleman understand that the word "equipment" used in the postal statute means mail bag? If he does not understand that, we are wholly apart.

Mr. MANN. It would undoubtedly include mail bags and other things besides mail bags, but just how anyone can claim that agricultural products, properly packed, would injure a mail bag is a mystery to me. No man of common sense, except the distinguished gentleman from Maryland, who has a great deal of common sense but is obsessed with a different idea, would doubt that the ordinary agricultural product, properly packed, would go through without injury to the mail bag or any other mail equipment or any post-office employee. And if they would not go through that way the gentleman would not be in favor of taking them in the mails. The gentleman has no intention, and no one else has, of putting into the parcel post matter which will injure or destroy the mail equipment. No one desires that, but the limitation of the gentleman is much more narrow than the provision of the Bourne amendment, which permits everything to go in the mails.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MANN. Mr. Chairman, I promised to yield first to the gentleman from Georgia [Mr. TRIBBLE] for 10 minutes. I now yield to the gentleman for 10 minutes.

Mr. TRIBBLE. Mr. Chairman, in a discussion of the agricultural bill introduced by the gentleman from South Carolina [Mr. LEVER] there were some objections urged by different Members of Congress which I conceived to be good objections to this bill in its present form. At the time when these objections were being urged I had in my possession certain amendments, to which I called attention then, and propose to offer for consideration of the House when this bill is taken up for discussion under the five-minute rule. These amendments will cure the objections offered, and one of the amendments I propose has been accepted by the gentleman from South Carolina [Mr. LEVER].

In order that the membership of the House may study these amendments and their application to this bill, I desire to get them in the CONGRESSIONAL RECORD before the bill is again considered.

Add at end of section 2:

Provided, That the demonstrators shall be appointed by the trustees or corresponding board of governors of the college administering the fund. Said demonstrators shall have not less than five years of practical and successful experience in farming, and shall be over 27 years of age.

Add at end of section 4:

Provided, That no part of the amount appropriated in this bill shall be applied in college-course teaching, lectures in colleges, promoting agricultural trains, or in the repair or construction of buildings.

This is a bill providing specifically for demonstration work upon the farm and it should be administered in a way that the farmers, and the farmers alone, can get the benefit of it. There is no conflict between this bill and the Page bill, as some of the gentlemen urge. This bill is specifically for demonstration work upon the farm. It is not for agricultural school education. The Page bill provides agricultural vocational education in agricultural schools in connection with demonstration work. The Lever bill provides for demonstration work on farms, the Page bill is an agricultural-school bill—the former for adults, the latter for youths.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. TRIBBLE. Certainly.

Mr. MOORE of Pennsylvania. Does not the gentleman think that whatever is done to benefit the farmer should be done in such a way that the advantages will be general throughout the

country? There should be no difference as between the interests of the man who is an urbanite and the man who is a suburbanite, one being dependent upon the other.

Mr. TRIBBLE. Mr. Chairman, I will answer the gentleman's question. In 1800, 4 per cent of the inhabitants of the United States lived in cities of over 2,000 inhabitants. At the present time over half of the population of the United States live in cities of over 2,000 inhabitants. We propose in some way to solve the proposition that will help the farmer, and in helping him to also help the man in the city as well.

Mr. MOORE of Pennsylvania. The gentleman answers my question just as I had hoped he would, and indicates that there ought to be in the proposed law looking to the education of the farmer provision that would enable all of the people to enjoy the benefits of it, and particularly those who live in the cities.

Mr. TRIBBLE. If the gentleman will permit me to say it, I am in favor of the Page bill. It does not conflict with this bill. What we want to do with this bill is to reach the farmer now. The needs of this bill are pressing. It is proper and right to give the boy an agricultural education, and no man in this House advocates with more earnestness agricultural education for the boys than I do, but let us meet the present demands on the farm. It will take years and years for the boys to grow up and give the benefit of their knowledge to the farmer. We want to go to the farmer now and help him at this time.

Mr. MOORE of Pennsylvania. So far as the gentleman goes, he and I thoroughly agree upon this question, but I would like to ask him whether it is not true that the very best field of operation to procure men to work on the farm would be the city, which is already congested with boys qualified to work on the farm if they could be induced to go there?

Mr. TRIBBLE. Yes; but let me tell the gentleman something. In order to keep the boy on the farm you must show the boy on the farm a profit in farming, and in order to induce the boy to leave the city for the farm you must show him a profit.

Mr. MOORE of Pennsylvania. I agree with the gentleman there. That is true.

Mr. TRIBBLE. The reason that the country is being depopulated is because there is not sufficient yield in the production on the farm for the farmer to keep abreast with the expensive habits of the times. Conditions have brought about expensive habits on the farm as well as elsewhere, and expensive surroundings are increasing there just as well as they are in cities, and you must show the farmer a profit, you must increase the attractiveness of the farm, and you must bring about better social advantage on the farm. The purpose of this bill is to go direct to the farm and give the farmer the benefits of the information obtained by investigations and experiments made by the Department of Agriculture, schools, and experiment stations, and give actual demonstrations on his farm.

Mr. MOORE of Pennsylvania. I would like to have the allurements of the farm as attractive to the boy as are the allurements of the city. Then I believe we would have the boy stay on the farm and make himself a useful citizen.

Mr. TRIBBLE. That is the purpose of this bill. The purpose of my amendments is to give direction how the fund shall be administered. If this is a bill for the benefit of the farmer, then we want to direct how the money shall be administered in order that the farmer may get the benefit of it. The bill does not provide how the fund shall be administered. It simply turns it over to the States and to the agricultural schools of the State. I propose to provide that the demonstrators shall be appointed by the trustees of the colleges administering the fund, or the corresponding board of governors, and that said demonstrators shall have not less than five years of practical, successful experience in farming, and shall be over 27 years of age.

Mr. Chairman, the purpose of these amendments is to keep the colleges, after they get charge of this fund, from administering it according to their views of agricultural work. The intention of the friends of this bill is to give immediate help to the adults on the farm. No part of this fund is to be used in the maintenance of a school or promote the upbuilding of any school by furnishing employment for the students thereof.

If the fund is placed in the hands of colleges and the faculties send out the beardless youths as demonstrators, you imperil the usefulness of this fund. The teachers in the school and faculty feel liberal toward the boys who are under them. If this is left to the faculty to appoint the demonstrators, the young men who are at the head of the classes will receive the most, it not all, the appointments. We all know the feeling of friendship that grows up between the teacher and pupils—it is like a father to a son—and they will send boys out to the farmers from these agricultural schools, boys 19, 20, or 21 years of age. I do not care if he did lead his class, that does not qualify him for demonstration work. Let him undertake to demonstrate and teach the farmer how to farm, and the farmer will tell him "You would starve to death upon my farm."

Mr. MOORE of Pennsylvania. Will the gentleman yield there?

Mr. TRIBBLE. I will.

Mr. MOORE of Pennsylvania. Does this bill provide for anything of that kind? This bill does not provide that the boy, but the full-fledged instructor, shall go to the farmers.

Mr. TRIBBLE. The bill does not provide how demonstrators shall be appointed, but my amendment provides how the instructor is to be appointed. It provides that they shall be practical successful farmers.

Mr. MOORE of Pennsylvania. Why not go a step further and provide that in consideration of this appropriation by the Government, in conjunction with whatever the State may appropriate, boys shall be put to work by the college, so that they may be enabled to go out equipped for this work of demonstration?

Mr. KINKEAD of New Jersey. In line with what my distinguished friend from Pennsylvania says, I quite agree that in our schools and colleges to-day there is too much theoretical knowledge being imparted and the practical side being neglected——

Mr. MOORE of Pennsylvania. That is it, exactly.

Mr. KINKEAD of New Jersey. I am heartily in favor of that feature, and I congratulate the gentleman from Pennsylvania on his foresight and uniform good sense in introducing an amendment on that proposition.

Mr. MOORE of Pennsylvania. I propose, if this bill comes up, to offer an amendment which will provide, wherever the colleges accept the conditions imposed by this act and receive appropriations thereunder, that they shall appoint and teach for the period of at least three years one boy coming from every congressional district in the State. I shall offer that amendment when the time comes.

Mr. TRIBBLE. Now, Mr. Chairman, the second amendment is this: It provides that no part of the amount appropriated by this bill shall be applied in a college course, teaching, lectures in college, promoting agricultural trains, or in the repair and construction of buildings. The purpose of this bill is to go to the farmer and teach the farmer by giving him the information obtained through agricultural research and give him lessons by practical demonstration, thus enlarging his vision of successful farming. Therefore, in the administration of the bill, the purpose of the amendment is to direct the agricultural colleges how to spend the money and say, Thus far and no farther.

Mr. Chairman, I talked with Dr. Knapp on the questions I have been presenting to this body, and Dr. Knapp thoroughly agrees with the position I have taken. He says that the demonstrators who have been successful are men who know how to farm, men who have a personality, men who can go out to the farmer, get right close to the farmer and give him practical demonstrations in farming after he gets the farmer's confidence. How do you think the boy who goes out of school, a beardless youth, would succeed in reaching the farmer of fixed habits? Unless we inserted in this bill a certain amount of restrictions, he would be appointed. He can not reach the farmer, because the farmer has no confidence in his knowledge of farming. [Applause.] And the farmer would not be far wrong in such a conclusion, successful experience in farming being essential to success as a demonstrator. Dr. Knapp makes this statement: He says the demonstrator should have practical successful experience in farming, who knows the people among whom he is to work, who has had an education along this line and, above all, a fine sense of native shrewd business tact and a personality that will call men to him.

Mr. BEALL of Texas. Will the gentleman yield?

Mr. TRIBBLE. Yes, sir.

Mr. BEALL of Texas. Does the gentleman understand if this bill passes and the maximum appropriation of $3,000,000 is reached, that that is intended to entirely supersede the amount of the appropriation for demonstrating work that is being carried on by the Department of Agriculture?

Mr. TRIBBLE. I do not so understand, and I want to say to the gentleman from Texas that if I thought it was wiping out the work of the Agricultural Department I would not support this bill.

Mr. BEALL of Texas. I very much fear that is going to be the effect of it. I think the work that is being done by the Agricultural Department is of more value than the work that is being done by the colleges of the country.

Mr. TRIBBLE. And I want to say that the work that has been done by the Department of Agriculture in the South has been of great benefit. We can not estimate it. I am glad to say the agricultural school in my State is working at present in perfect harmony with the Agricultural Department at Washington, and under the direction of both Georgia is fast pushing to the front in agricultural pursuits. Under the direction of the Department of Agriculture, in connection with our State agricultural school, I can point you to 100 boys who have raised an average of 100 bushels of corn per acre. [Applause.]

Mr. KINKEAD of New Jersey. Before the gentleman concludes may I ask him a question, the answer to which I believe I can anticipate, and I ask the question in order to set him right before my constituents. He realizes probably that four-fifths of the money that has been appropriated for the Agricultural Department, especially the experimental stations, has been devoted to the great West and the great South. Now, in New Jersey we are planning a vast campaign to rid our State effectually of mosquitoes. Our State has appropriated in the last two years the sum of $100,000, and 21 counties in the State devote a certain amount of their taxes to that purpose as well. Now, realizing that four-fifths of the appropriations for experimental purposes in the Agricultural Department have been spent in the South and West, would not the gentleman, as a Representative of the southern country, favor an amendment in the proper form, to either this bill that he is talking on now or another one to which an amendment will be proper, for the elimination of the mosquito pest in the State of New Jersey? I will ask for a small appropriation of, say, $50,000 or $60,000.

Mr. TRIBBLE. I will say that I realize the force of the gentleman's argument, but I doubt if the amendment would be germane to this bill.

Mr. KINKEAD of New Jersey. I said, when an amendment was germane to a bill at hand.

Mr. TRIBBLE. Yes, sir; if it was germane.

Mr. KINKEAD of New Jersey. As I said, I knew before he gave it what his answer would be. There is no Member on either side of the House more anxious to act in continuing the good work the gentleman from Georgia has successfully started during his first term here as a Member of this body than I am. [Applause.]

Mr. TRIBBLE. I do not think there is a man in this House that has cooperated with Members from the South more cheerfully and more conscientiously than the gentleman from New Jersey. [Applause.]

Mr. KINKEAD of New Jersey. Thank you.

Mr. DONOHOE. Will the gentleman from New Jersey permit a suggestion?

Mr. KINKEAD of New Jersey. There is no gentleman on either side of the House whose question I would answer with more grace than one asked by the gentleman from Pennsylvania [Mr. DONOHOE].

Mr. DONOHOE. Would the gentleman permit his amendment to be so worded that it would read "mosquitoes and other pests"?

Mr. KINKEAD of New Jersey. In New Jersey, I am happy to say to the gentleman from Pennsylvania, that other than the mosquito pests we have none, except Republicans, who are few and far between.

Mr. MANN. You live off the Republicans.

Mr. TRIBBLE. Mr. Speaker, in conclusion I will say that it is time for every man in this House to give his attention to farming and farm prosperity. The farmer produces the wealth of the country. From the beginning of this Government he has borne its burdens upon his shoulders. In time of war the ring of his hammer is heard no more on the peaceful highways of his home. His plowshare stands in the field where first he heard the bugle call. He has gone to the front. He bivouacs on the battlefield at night. It is true, Mr. Speaker, that often his clothes are soiled with honest toil, but "He is a man for a' that." [Applause.]

Mr. MANN. Mr. Chairman, I yield five minutes to the gentleman from Michigan [Mr. MCLAUGHLIN].

Mr. MCLAUGHLIN. Mr. Chairman, I appreciate what the gentleman from Pennsylvania [Mr. MOORE] has said about the desirability of teaching agriculture to the boys, but I want to have his attention directed particularly to this fact, that this bill is not intended to provide money for teaching agriculture in the common acceptation of the term. The money is not intended to be used in conducting schools. It is intended for the purpose of engaging practical, educated men to go out to the farmers and help them to put into practical operation what has been learned in the colleges and what has been discovered and developed by the Agriculture Department.

Appearing before the Committee on Agriculture at its meetings when this bill was considered were several presidents of agricultural colleges and men eminent in that line of work, and they said that if results of investigations and experiments and analyses, and so on, can be taken to the farmers of this country in such a way that they can be understood and made readily available, agriculture can be revolutionized in this country. We asked them why the colleges do not now send men out to teach these things to the farmers, and they called our attention to the provisions of the acts providing funds from the National Treasury for the assistance of agricultural colleges in the States. In every one of these acts is a provision to the effect that not a dollar shall be used outside of the colleges. The result is that while men have been at work for many years making investigations, conducting experiments, making analyses, and the colleges are literally filled with the results of that work, there is as yet absolutely no way of taking them to the farmer in such a way that he can make them available on the farm.

Mr. MOORE of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. MCLAUGHLIN. Yes.

Mr. MOORE of Pennsylvania. Where are the men educated whom the colleges send out?

Mr. MCLAUGHLIN. They are educated in the colleges, as a general thing.

Mr. MOORE of Pennsylvania. Do they come up from the people, and is their tuition paid by their parents or by themselves?

Mr. MCLAUGHLIN. The different agricultural colleges have different ways of providing for the education of young men. Sometimes scholarships are given, sometimes tuition is practically free, and sometimes a small charge is made for it.

Mr. MOORE of Pennsylvania. It seems to me if it were a mere matter of sending out experts to teach the farmers, that matter might just as well be conducted by the Department of Agriculture as by the agricultural colleges.

Mr. MCLAUGHLIN. I suppose a question may arise as to the best method of doing this kind of work.

Mr. MOORE of Pennsylvania. The gentleman sees no objection to taking the boy in the beginning and teaching him the practice of farming, so that he may be qualified to engage in that work and teach others?

Mr. MCLAUGHLIN. No. I have no objection to that. It is a very worthy work; and I will say, so far as I am concerned, that I will favor any measure that will have the effect of assisting the colleges in the education of boys or boys in getting an education. But this bill does not provide, and it is not intended to provide, for teaching boys in college or elsewhere; this is not that kind of a bill, and I do not want to see it, except as the instructor or representative of the college meets them on the farms, and I do not wish to see this bill encumbered by any such provision as the gentleman suggests. The agricultural colleges have been conducting these investigations, and it was supposed that it would only be necessary to establish the colleges and provide the demonstrations and analyses and all that and to issue bulletins to the farmers and to hold institutes, and that farmers would learn all results and receive all benefits in that way. But there seems still to be a space between the work in the college and the practical application of scientific and improved and up-to-date methods on the farm, and it is necessary to supply that missing link and to fill that space. It is found that it can best be done by sending a learned or experienced man from a college or from the department to get right down on the land with the man.

Now, that is the purpose of this bill, and while the purpose of the gentleman from Pennsylvania is worthy, I will say to the gentleman that there are bills providing for it. The Page bill, among others, provides for it, but this bill does not provide for it, and I do not want to see it encumbered or its passage endangered by incorporating in it the ideas of the gentleman from Pennsylvania.

Mr. BEALL of Texas. Mr. Chairman, will the gentleman yield?

Mr. MCLAUGHLIN. Yes.

Mr. BEALL of Texas. I would like to ask the gentleman from Michigan the same question that I asked the gentleman from Georgia [Mr. TRIBBLE]. Is it the gentleman's understanding, if this bill is passed and these appropriations are made to the agricultural colleges of the different States, that the demonstration work, such as Dr. Knapp's department is conducting in the South in the last few years, will be suspended?

Mr. MCLAUGHLIN. It is not my idea that that work will be suspended. I have talked with the gentlemen in charge of the Office of Farm Demonstration, and they say that if this fund is supplied and the ultimate sum provided by the bill is reached it may make necessary some change in their plan of

work, but that they will look forward to the time when their own work will be extended rather than reduced, and that they will have an opportunity to cooperate with agricultural colleges in a manner and to an extent that they have not now, but that that work will not be superseded.

Mr. BEALL of Texas. I am glad to hear the gentleman say that, but I rather suspect that if this bill passes the real effect of it will be to suspend the cooperative demonstrative work of the department.

Mr. McLAUGHLIN. It may change it to some extent, but I do not think it will suspend it or supplant it. I hope not, at least, because the work in the South, especially where it has been carried on extensively, has been splendidly done and the results have been far beyond expectations, and it has been very, very creditable indeed to those who have undertaken it.

Mr. GARRETT. Mr. Chairman, will the gentleman yield to me?

Mr. McLAUGHLIN. I will if I have time.

Mr. GARRETT. I want to ask the gentleman if he does not think a fundamental objection to this bill, aside from its purposes, is the fact that it provides that an appropriation shall be made to be expended by a State, conditioned upon the State making a similar appropriation?

Mr. McLAUGHLIN. A part of the fund is conditional; yes.

Mr. GARRETT. Does the gentleman think that is a correct governmental principle?

Mr. McLAUGHLIN. Yes. I will tell the gentleman why. There is evidence of a disposition in some sections of the country to look to the Government to do too much. There is an unwillingness on the part of some of the people to do enough for themselves; and if they can only start the Government to taking care of a certain line of work, they can sit down quietly and see the Government furnish all the money and do all the work without any trouble or expense to themselves. This bill provides that $10,000 shall be given to each State for its agricultural college. After that the additional appropriations are given only on condition that the State shall duplicate them. We have discussed that a great deal in the committee, and have many times asked the opinion of gentlemen appearing before us, and this is the result of the work we have done along that line; this bill is the conclusion we have reached.

Mr. MANN. Mr. Chairman, if I may be permitted at this time, I will say that I myself am in favor of the Lever agricultural extension bill, with some doubts as to whether the work ought to be done wholly by the States or by the General Government. The Lever bill contemplates that it shall be done under the direction of the States. I do not see how it is possible for the Government to make an appropriation to a State for agricultural extension work or farm demonstration work—and that is what is contemplated—and then have the Government in addition make an appropriation to do the same thing side by side with the State officials who are paid out of the fund appropriated by the Government. It would be very anomalous for us to appropriate to the State to do the work and then appropriate for our own officers to do it also.

Mr. BEALL of Texas. Before the gentleman yields to anybody else, let me see if I understand him. The gentleman from Illinois understands that if this bill passes and is put into operation, the effect of it will be to suspend or supersede the work that is now being done through the Agricultural Department in the way of farm demonstration?

Mr. MANN. The inevitable effect of it will be a controversy as to whether this work ought all to be done by the State or all done by the General Government. This starts the State to working at it, and there will be a continued controversy between the two sets of people, until in the end one or the other will triumph. I do not know which one it will be.

Mr. BEALL of Texas. I do not know that the gentleman from South Carolina has said so on the floor, but in private conversation I have understood from him that it was intended to put in charge of the different States of the Union the work that has heretofore been done and is now being done by the Agricultural Department.

Mr. MANN. If we make an appropriation, for instance, to the State of South Carolina to carry on this farm demonstration work on condition that that State puts up an equal sum of money, and we turn the money over, and the work is being done, I do not see how it will then be practicable to ask Congress to appropriate to have the Agricultural Department do the same work.

Mr. BEALL of Texas. I do not think so, either.

Mr. GARRETT. Will the gentleman permit the reading of an extract from the report, just in line with the idea the gentleman has expressed?

Mr. MANN. Certainly.

Mr. GARRETT. After quoting from Dr. Knapp, the committee say:

> The foregoing is an outline of the work as given by Dr. Bradford Knapp in a recent address. Your committee is informed and believes that this system of bringing home to the actual farmer upon his actual farm the best methods of agriculture is working a revolution in the agriculture of the South. The proposed legislation intends to do this same kind of work on a bigger, broader, and better scale, under the direction of State rather than Federal authorities, believing that each State has its own peculiar problems which can be worked out best under local environment. Your committee confidently expects the system provided for in the bill recommended for your favorable consideration to do for the whole country, in a larger measure, what has been accomplished for the South in a smaller way under the farmers' cooperative demonstration work.

That is the avowed purpose of it, as I have understood from the beginning.

Mr. MANN. I think that is correct.

Now, Mr. Chairman, I yield 10 minutes to the gentleman from Pennsylvania [Mr. MOORE].

The CHAIRMAN. The gentleman from Illinois only has nine minutes remaining.

Mr. MANN. I did not think, Mr. Chairman, that I had yielded that much time.

The CHAIRMAN. The gentleman's time will expire at half past 3. The gentleman has probably yielded more than he was aware of.

Mr. MANN. I accept the statement of the Chair.

Mr. MOORE of Pennsylvania. Mr. Chairman, during the last half hour the discussion has revolved around very many interesting matters. But in some respects it has come back to that problem which is more important at the present day than any other, the problem of transportation. Some have discussed the increase in the cost of living and assumed to find a remedy for it; others have discussed the importance of educating the boy upon the farm, and demonstrated its value; others have spoken of the great manufacturing interests as vital to the prosperity of the country. Each and all of these are, in a measure, dependent upon transportation.

Mr. OLMSTED. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I shall be very glad to do so.

Mr. OLMSTED. Is it not a fact that transportation is the only thing that has been going down all these years while everything has been going up?

Mr. MOORE of Pennsylvania. In the matter of cost, that is true. Transportation has been growing cheaper while other things have been growing dearer.

Mr. KINKEAD of New Jersey. And proportionately, is it not true that as the cost of transportation has decreased the railroads have increased their net earnings? Is not that necessarily true?

Mr. MOORE of Pennsylvania. I think it is not necessarily true.

Mr. KINKEAD of New Jersey. It may not be necessarily true, but it is true.

Mr. MOORE of Pennsylvania. The gentleman from New Jersey may be better informed about that than I am, but I am quite well informed in making the statement that the cost of transportation has decreased in recent years.

Mr. KINKEAD of New Jersey. Yes; and the fact is true that the earning power of the railroads has increased.

Mr. MOORE of Pennsylvania. I will not dispute with the gentleman as to that; he agrees with me on the main proposition.

Mr. Chairman, in the beginning we had two methods of transportation, that of the dirt road, which was a very expensive means of transportation; then we built boats and used the waterways, and that was a much less expensive means of transportation.

In this country, in particular, roads and waterways were the principal means of transportation until the advent of the railroad. Then came the great transportation problems of to-day. Waterways afforded cheaper means of communication, as between the peoples, than dirt roads, because roads had to be blazoned through the wilderness and the forests, rock had to be supplanted and dislodged in order that traffic might spread. The waterway was the easier means of communication, and in the earlier days of our history our forefathers utilized the waterways to the fullest extent. They improved rivers and harbors with a view to increasing international trade; they developed the rivers, so far as they were able to do so, with a view of penetrating the country, joining hands with those who had gone on to the frontier; and they built canals in order that one body of water might be united with another, and a safe and cheap passage be afforded to those who had commodities to send from one section of the country to another.

Until the period of the railroad, canals were the great means of transportation along the Atlantic seaboard, and most of the population of the country was then along the Atlantic seaboard. At that time the canal was a profitable and valuable investment. It was a great convenience to the people. It brought the coal to the consumer, it brought the product of the farm to the market, it carried to remote places those who wanted to go to the new country, and it afforded that means of transportation which in time of peril enabled troops to pass from one district to another.

The South had her canals, New England had hers, and Pennsylvania, developing her coal fields, had her canals, and by this means the people were brought together, value was given to land, and farm products amounted to something. Gentlemen speak of the wealth created on the farm. I agree that the farmer is a wealth creator.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAGO. Mr. Chairman, I will ask to be recognized.

The CHAIRMAN. Very well. The Chair recognizes the gentleman from Pennsylvania [Mr. CRAGO].

Mr. CRAGO. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

Mr. MOORE of Pennsylvania. Mr. Chairman, the railroads came along about 1830, and immediately with their advantages and superior facilities they attracted the attention of the business world. They took the place of the canals and waterways along the Atlantic coast and, to a large extent, resulted in the abandonment of the older means of communication. It need not be stated at this time why property in canals lost its value. Those who had business to do with each other followed the lines of greatest convenience and sought the best facilities. They flocked to the lines of the railroads, with the result that cities grew, large communities settled where the country had been wild, and new methods were engendered. The time has now come when we need them again.

I rose, Mr. Chairman, not to dilate extensively upon the question of transportation, but in the few minutes allotted to me to speak particularly of one of those old links left by our forefathers in the waterway chain along the Atlantic coast. Properly improved, to-day it would be a connecting means between the North and the South, and if modernized as it should be for the benefit of commerce that circles around about, it would exceed in tonnage carried in any one year ten times that which is estimated for the Panama Canal during the first year of its operation.

Between the cities of New York and Philadelphia and Baltimore and the cities south extends the old Chesapeake & Delaware Canal, a waterway of the past, still in operation, started in 1825, cut out by hand labor in the old-fashioned way, with pick and shovel. It was cut for a distance of 13 miles, completed in 1825, in the short period of four years, and connected up the waters of the Delaware River and Delaware Bay with those of Chesapeake Bay and the South, and made possible a union passageway, which saved an outside sailing distance around Cape Charles, in the open sea and bay, up the Chesapeake, from Philadelphia to Baltimore of 325 miles. To-day the Congress of the United States appropriates vast sums of money for the improvement of rivers and harbors throughout the United States, and in the bill passed the other day, and since signed by the President, dedicated no less than $6,000,000 to the improvement of river banks alone along the lower Mississippi, but this old canal has stood as it was left by its builders in 1829, carrying a mere modicum of commerce when it might carry millions of tons, and awaiting the day when a generous and farseeing Government will open it up and permit it to be used as an artery of the trade that seeks a passage through it. Owned by a private company in which the Government of the United States is a stockholder, there it stands, with its depth of 9 feet, and its old locks not more than 24 feet wide, with boats built especially to its own limitations. There it stands to-day, checked by its ancient limitations, an opportunity to the public, but enthralled. There it still stands, charging freight upon such commerce as passes through it at a rate sometimes far exceeding that charged by the competing railroads. The time has come——

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MOORE of Pennsylvania. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. GRIEST. Mr. Chairman, the official reports emanating from the Post Office Department during the past two or three years have contained much data relating to the receipts and operating costs of the postal service. These data have presented opportunity for wide consideration of postal problems in which the public has direct interest, and one consequence has been an increased demand for a reduction in the postage rate on letters or first-class mail matter. During the present Congress hundreds of petitions, resolutions, and memorials have been filed in the Senate and House of Representatives favoring a reduction of the first-class postage rate from 2 to 1 cent per ounce or fraction thereof. It is evident that a strong public sentiment has developed in favor of cheaper letter postage, and as petitions are constantly arriving it is the duty of the Congress to give this subject serious consideration.

The people have based their appeals upon official statements. The Postmaster General, in his annual report for 1909, gave the annual receipts from first-class mail as $132,304,844.51, out of a total postal revenue of $203,562,383. He reported the expenses on first-class mail as $78,630,649.89, leaving a profit of $53,674,194 on the letter mail. For the year 1911 it has been reported that the first-class mail receipts were much greater than in 1909, when specific official figures were gathered, and the letter mail profits for the fiscal year 1911 have been estimated as exceeding $70,000,000. The facts clearly demonstrate that the ratio of profit on the first-class or letter mail is out of proportion and places upon the public a high rate of postal cost.

In the Post Office Department reports for 1909 there were supplied interesting figures illustrating postal-service revenues and expenses. One statement gives the revenue, expense, and profit and loss per pound and per piece for first-class mail.

These figures are reported:

Revenue per pound	$0.84001
Expense per pound	$0.49923
Profit per pound	$0.34078
Pieces per pound	45.10
Revenue per piece	$0.01862
Expense per piece	$0.01107
Profit per piece	$0.00755

It is hoped that the time will not be far distant when a rate of 1 cent per ounce can be authorized by Congress for the universal handling of letters throughout the United States, and it is regretted to find that the general average expense for handling letters now exceeds 1 cent per piece. The average number of pieces per pound is stated as 45.10, which includes letters and postal cards; and as the expense is reported as $0.01107 per piece, it is evident that a universal rate of 1 cent an ounce would be less than the expense per piece for the service rendered.

The official figures are not convincing that universal 1-cent letter postage throughout the United States is feasible at the present time. It is quite probable that a flat reduction in the first-class postage rate from 2 to 1 cent per ounce or fraction thereof would curtail the postal revenues by at least $30,000,000 and produce a greater postal deficit during the first year under such reduced rate than has ever heretofore been known. But the official reports have exhibited a large profit on the letter mail and in some form the people should benefit by participation in the earnings.

The present first-class letter rate of 2 cents is applicable to all letter mail whether addressed to your neighbor or to a correspondent thousands of miles distant. The law does not differentiate between the letter for delivery from the post office of mailing and the letter sent from Washington to San Francisco, Alaska, Canada, Mexico, or even England or Germany. The letter addressed to a person in the town of mailing involves no transportation charges by railroads, steamboats, or steamships. If letters can be sent all over the country and to England and Germany for 2 cents, and if the profit per piece on all first-class mail matter exceeds three-fourths of a cent, it is evident that the local or so-called drop letters are handled at an exorbitant profit, and the people are entitled to cheaper rates for their local letters.

As previously stated, the expenditures for first-class mail transportation and handling in 1909 were $78,630,649.89, as applied to the following purposes:

1. Transportation	$9,958,917.77
2. Railway post-office car service	1,061,804.24
3. Railway Mail Service	8,102,140.48
4. Rural Delivery Service	15,439,230.94
5. Compensation of postmasters, clerks, carriers, rentals, miscellaneous	40,519,373.35
6. Other expenditures directly assignable	2,300,558.60
7. Other expenditures not directly assignable	1,248,624.51
Total	78,630,649.89

Items 1, 2, 3, and 4, aggregating $34,562,093.43, do not enter into the cost of handling local or drop letters. The last three items aggregate $44,068,556.46 and only part of that amount is chargeable to the local correspondence, as approximately 20 to 30 per cent of the mail in the towns and cities having letter-carrier service is of a strictly local character. In this con-

nection it will be of interest to note the following official and authoritative statement in a report to the Postmaster General in 1909 by a special commission of expert postal officials who conducted an investigation of the pneumatic-tube mail service. These gentlemen said:

It is shown that the combined postal revenue collected during the fiscal year ended June 30, 1908, at the six post offices in Boston, New York, Brooklyn, Philadelphia, Chicago, and St. Louis was nearly $51,000,000, this being about 27 per cent of the entire postal receipts of the country. The first-class mail originating in these cities is about 27 per cent of the first-class mail originating in the United States, amounting to about 8,000,000 pieces daily. The special-delivery matter delivered at these offices last year was over 4,000,000 pieces, this being about 30 per cent of all such matter delivered in the entire country. The first-class mail of local origin for local delivery—a very profitable class of matter—amounted to 2,629,000 pieces daily, this being about 31½ per cent of the total first-class mail of these cities. The subcommittee estimates a profit to the postal service of about $9,000,000 per annum from this mail alone.

In the six cities mentioned they say that about 31½ per cent of the total first-class mail was of local origin and for local delivery, and, as reported, it was "a very profitable class of matter," producing a profit of $9,000,000 per annum in the cities mentioned.

If we again refer to the seven items of expense heretofore stated for the transportation of first-class mail, and eliminate the first four items and 60 or 70 per cent of the cost of the last three items, therefore ascertaining the charges applicable to the "mail of local origin for local delivery," it will be seen that the cost of handling local letters on an average in all cities and towns having mail carrier service will figure less than one-quarter of a cent per piece, leaving fully three-fourths of a cent profit on the local letter mail under a postage rate of 1 cent per ounce on local or drop letters, including delivery by carriers. Can there be sound argument against granting a local delivery 1-cent postage rate? The people seek a reduction. They are entitled to it, and the Congress is honor bound to grant some concession.

No one can complain of a 2-cent rate to England and Germany as being extortionate. The people distinguish between the local service and that involving transportation by railroads or steamboats, and which necessitates an expense for railway postal cars and railway postal clerks for sorting mail en route so as to insure expeditious delivery. In view of the official figures showing a large profit on the general handling of letter mail, and an excessive profit on the handling of local or drop letters for delivery by carriers from the post office of mailing, it is impossible for the Congress to defend its failure to enact legislation reducing the letter rate on local letters from 2 to 1 cent per ounce or fraction thereof, including delivery.

To recite at length the various minor changes in letter postage rates since the establishment of this Government would be monotonous. Prior to 1845 the number of pieces or sheets of paper to a letter formed the basis of postage rates, but the act of March 3, 1845, declared weight as a standard, and fixed one-half ounce as the basis. Length of haul and zone limits also served as the basis upon which postage charges were made in the early days of the postal service, but with the development of improved transportation facilities these complicated methods of computing the postage were superseded by a universal rate over the entire United States. Postage on letters was reduced to 5 cents for each half ounce or fraction thereof; then to 3 cents; and the Congress finally authorized a postage charge at the rate of 2 cents an ounce or fraction thereof.

In 1872 Congress officially recognized the difference between the cost of handling letter mail for local delivery and letters which require an expense for transportation or special attention. The letter-postage rate established in 1872 (R. S., 3904) provided that—

Letters commonly known as drop or local letters delivered through the post office or its carriers shall be charged with postage at the rate of 2 cents where the system of free delivery is established, and 1 cent where such system is not established, for each half ounce or fraction thereof.

This act was partly repealed by an act approved March 3, 1885, which gave an additional advantage to the public by fixing the letter rate at 2 cents per ounce instead of "for each half ounce."

The present law says:

Upon all matter of the first class * * * postage shall be charged * * * at the rate of 2 cents for each ounce or fraction thereof, including delivery at letter-carrier offices, and 1 cent for each ounce or fraction thereof where free delivery by carrier is not established.

The Congress in 1872 and in 1885 appreciated the great advantages to be derived from cheap means for the conveyance of intelligence to the people, and no congressional enactment has served the people to greater purpose than has the act of June 8, 1872, which reads:

To facilitate letter correspondence and to provide for the transmission in the mails, at a reduced rate of postage, of messages, orders, notices, and other short communications, either printed or written in pencil or ink, the Postmaster General is authorized and directed to furnish and issue to the public, with postage stamps impressed upon them, "postal cards" manufactured of good stiff paper, of such quality, form, and size as he shall deem best adapted for general use; which cards shall be used as a means of postal intercourse, under rules and regulations to be prescribed by the Postmaster General, and when so used shall be transmitted through the mails at a postage charge of 1 cent each, including the cost of their manufacture.

This law, enacted "to facilitate letter correspondence" and provide "a reduced rate of postage," directs that the Postmaster General shall not only furnish the cards of "good stiff paper," but shall print them and transmit the postal cards through the mails at a charge of 1 cent each, including the cost of the manufacture. That the people have appreciated this facility and postage reduction is evident, for they purchase nearly a billion of these postal cards annually, while, in addition to the Government postal cards, they also send through the mails many millions of private post cards, upon which the 1 cent first-class rate is paid. From $7,000,000 to $9,000,000 are annually paid to the Government for postal cards, and the Post Office Department is at an expense of $170,000 to $190,000 for the paper and printing plus many thousands of dollars for shipping the cards to the various post offices in addition to the cost of selling this great volume of cards.

But these facts merely go to illustrate that the United States postal service now has a 1 cent postage rate which could be extended to the great benefit of the people. The statistics of postal revenues and expenditures clearly demonstrate that a further reduction in the rate for letter postage is feasible, and as an entering wedge H. R. 32892 was presented in the Sixty-first Congress and reintroduced in the Sixty-second Congress as H. R. 15.

The bill provides:

That upon drop or local letters, for delivery through the post office or its carriers, postage on mail matter of the first class shall be charged at the rate of 1 cent per ounce or fraction thereof, including delivery at letter-carrier offices where the system of free delivery is established: *Provided*, That the postage be fully prepaid by stamps affixed to said matter.

The postal service of the United States was not established as a money-making institution, and no feature of the service should be operated by the Government at an exhorbitant cost to the people.

Without attempting to argue pro or con as to whether the time has arrived for the authorization of a 1 cent letter postage rate universally throughout the United States, it must be conceded and generally recognized that, inasmuch as the postal receipts and profits on first-class mail matter are proportionately abnormal as compared with other classes of postal business, some portion of the profits on the letter mail should be rightfully granted the public. As previously stated, the natural conclusion would prompt a distinction between transportation and nontransportation letters, and the solution is a cheaper rate on letters of local origin for local delivery, a class of mail which is acknowledged as a "very profitable class of matter."

By all means the postage rate on these local drop letters should be reduced to 1 cent per ounce or fraction thereof, including delivery by carriers. Such reduction in the drop letter rate of postage would not materially affect the revenues, as it is probable that it would not involve a curtailment of more than five millions of dollars when allowance is made for the normal annual increase in postal business. The change being but slight in proportion to the aggregate of first-class receipts and profits, a further step—looking to a reduction in the first-class postage rate to 2 cents for the first ounce and 1 cent for each additional ounce instead of two cents for each ounce in excess of the first ounce—would give some benefit of the profits to all patrons of the mail service. These concessions will eventually lead to the adoption of a universal 1 cent letter rate in the United States, which should be approved as soon as the postal revenues and expenditures shall warrant such legislation.

For many years 1-cent letter postage has been authorized for local drop letters at post offices "where free delivery by carrier is not established." The time has now arrived when the 1-cent rate can be extended to include the delivery of local or drop letters from letter-carrier offices, and the profits derived from handling letter mail indicate that the 1-cent letter rate should not be restricted to letters delivered by carriers in the cities, towns, and villages having mail-carrier service, but should also be applied to letters of local origin for local delivery on the rural mail routes emanating from the various post offices.

The patrons of the post-office service will appreciate a 1-cent letter rate for letters of local origin for local delivery, and with the establishment of the new rate will come a great increase in the number of local letters, producing greater postal revenues and profits. Individuals, business establishments of all classes, banks, churches, societies, fraternities, clubs, and, in fact, all forms of business, social, and domestic life, would bene-

fit by the proposed reduction in letter postage. A reduction in the letter rate of postage would be tantamount to a decrease in taxation or a curtailment in the cost of living, and the Government should lead the way to lighten the burden of taxation and high prices.

Mr. CRAGO. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. WILLIS].

Mr. WILLIS. Mr. Chairman, the very interesting discussion that we have had this afternoon has taken a wide range, embracing everything from politics to the question of transportation and the development of agriculture, but in the few minutes that I shall speak I wish to address myself more particularly to the bill under discussion, H. R. 17470, introduced by my friend from Pennsylvania [Mr. CRAGO], to whom great credit is due for his untiring and patriotic efforts in behalf of the measure. The stated purpose of this bill is to pension the widow and minor children of any officer or enlisted man who served in the War with Spain or in the Philippine insurrection.

Mr. Chairman, on the 26th day of July, 1911, I introduced a bill in this House (H. R. 12816) to provide for pensions to widows and minor children of soldiers, sailors, and marines who served in the War with Spain. The bill H. R. 12816, to which I refer, is as follows:

A bill (H. R. 12816) to provide for pensions to widows and minor children of soldiers, sailors, and marines who served in the War with Spain.

Be it enacted, etc., That if any officer or enlisted man in the Army, Navy, or Marine Corps of the United States who served 90 days or more during the War with Spain or Philippine insurrection, and who has been honorably discharged therefrom, has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed upon the pension roll from the date of the filing of her application therefor under this act at the rate of $12 per month during her widowhood: *Provided*, That said widow shall have married said soldier prior to passage of this act; and said widow shall also be paid $2 per month for each child of such officer or enlisted man under the age of 16 years, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability.

SEC. 2. That no claim agent or attorney, or other person engaged in preparing, presenting, or prosecuting any claims under the provisions of this act, shall directly or indirectly contract for, demand, or receive for such services in preparing or prosecuting such claim a sum greater than $10, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed, and any person who shall violate any of the provisions of this section, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of a pension, or any part of a pension claim allowed or due such pensioner or claimant under this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding $500, or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

I introduced that bill after careful consultation with people in the State which I have the honor in part to represent, who are particularly interested in a measure of this kind. This bill, introduced by me, was quite generally considered in our State by those interested in this legislation and generally indorsed. I have before me General Order No. 5, issued from the headquarters of the Department of the Ohio, United Spanish War Veterans, Akron, Ohio, February 16, 1912, signed by Harry S. Quine, department commander, and Joseph Wein, department adjutant, paragraph 8 of which says:

8. The Willis bill. This bill, known as House resolution 12816, to provide pensions for widows and minor children of soldiers, sailors, and marines of the Spanish-American War, is now before Congress. This is a most important measure. See that your Congressman hears from you, and work in every way possible for its passage.

So you will see there is a very clear indorsement of H. R. 12816, which I introduced. This statement is due me, Mr. Chairman, because I wrote to and conferred with a large number of people who are interested in legislation of this kind in the State of Ohio, and had pledged them my enthusiastic efforts in securing the passage of H. R. 12816. Subsequently the gentleman from Pennsylvania [Mr. CRAGO], who has served his country and his State with such distinguished ability, both here and on the battle field, without knowing that I had introduced any such bill introduced his bill, H. R. 17470, which has been generally indorsed by Spanish-American veterans throughout the country. I am perfectly willing to transfer my allegiance from the bill which I introduced to the bill now under discussion, which was prepared by the gentleman from Pennsylvania [Mr. CRAGO]. There is no difficulty between us and no pride of authorship. He is interested and I am interested, Mr. Chairman, in getting some legislation along this line, and it makes no difference whose bill is passed. It seems to me, Mr. Chairman, we have reached the time in the history of this country when it is proper that there should be some legislation for the relief of widows and those dependent upon the boys who went out and fought in the war of 1898.

It is now some 14 years since that war came to a close, and it ought to be noted, as a matter of fairness, that this is the first time that the Spanish-American veterans have asked anything at the hands of the Government, and they are not now asking anything in their own behalf. They are asking legislation for the benefit of the widows and minor children of those who fought in that war. It has been stated that there was not that degree of hardship in the war of 1898 that was experienced in other wars. That is true, to some extent, but yet there was enough of hardship; in the fever camps, in the new conditions of climate, which the boys had to endure, there was suffering, there was disease, and there was death. I have taken pains to look up the matter in the statistics furnished by the publication which I have before me, a statistical exhibit prepared in the Adjutant General's Office in 1899, and I find by that publication from the State of Ohio alone, of the troops that went out in the Spanish-American War, not counting those who lost their lives in the Philippine insurrection, 219 lost their lives from disease. From the country as a whole there were 3,729 who lost their lives from disease. In the committee report some other facts are given which are of interest. There was much fierce fighting, with heavy losses. In this war there were 826 battles and skirmishes, in 515 of which men were killed and wounded. The whole mortality of the campaigns was something like 12,000 lives. I think in any legislation of this kind it is only proper that the results of the conflict should be taken into consideration. This is not the place nor have we the time to go into the great results of the Spanish-American War. Everybody knows that as one result Cuba is free and is now one of the flourishing Republics of the world; that Porto Rico is emancipated, and this great Republic is performing its duty in the Philippine Islands, and as a result the people of those islands are enjoying peace and prosperity never before known there.

Another important result was the reuniting of our common country. Men from the North and men from the South served side by side and shoulder to shoulder. Union blue and Confederate gray were blended in the Nation's banner; the sons of Union soldiers and the sons of Confederate soldiers—yes, and the sons of those who had once been slaves—all vied with each other in devotion and service to our country. Lincoln's words in his first inaugural address were almost prophetic when he said:

We are not enemies, but friends; we must not be enemies. Though passion may have strained, it must not break our bonds of affection. The mystic chords of memory stretching from every battle field and patriot grave to every living heart and hearthstone all over this broad land will yet swell the chorus of the Union when again touched, as surely they will be, by the better angels of our nature.

This was prophecy; the reunited Nation resulting from the Spanish-American War was the fulfillment. The soldiers, sailors, and marines who fought in the Spanish-American War and the Philippine insurrection made history. We must not forget the widows and orphans of those who bore the heat and burden of the day.

I think it is only proper that this Government at this time should take some steps to make it possible for the widows and helpless minor children to have some further recompense at the hands of the Government. It should be noted, Mr. Chairman, and I alluded to it earlier in my remarks, that this bill is not for the purpose of giving anything to the soldiers. They are not asking anything for themselves. They are simply asking that the same rule shall be applied to their widows and orphans as has been applied to the widows and minor children of soldiers of other wars. As the committee report well says:

The amended measure merely continues the well-recognized statutory policy of our Government in dealing with the veteran soldier and sailor and their dependents. Ordinary gratitude and public policy dictate that the Government shall not abandon in their need those few who offered their lives to it in the time of its dire need.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIS. Just one more minute.

Mr. CRAGO. I yield to the gentleman two minutes additional.

Mr. WILLIS. It seems to me, then, Mr. Chairman, that the time has come that we should apply to the widows and minor children of those who fought in the Spanish-American War the same rules of justice and equity that have heretofore been applied to the dependents of soldiers, sailors, and marines of other wars.

And it should be noted that the provisions of this bill are extremely modest. The report states that—

In amended form, the measure grants $12 monthly to the widow of an honorably discharged soldier or sailor who served during the War

with Spain or the Philippine insurrection during her widowhood, and $2 monthly for each child under 16 years of age, provided that the widow shall have married the soldier prior to the passage of this act. The pension is to be limited only to the widow who is "without means of support other than her daily labor and an actual net income not exceeding $250 per year."

It proposes to grant a pension of $12 a month to the widow of any officer or enlisted man who fought in the Spanish-American War or Philippine insurrection, provided that widow does not have an annual income of $250 or more. It seems to me that that is a very modest and reasonable proposition and ought to meet with the unanimous approval of this House.

It must be perfectly apparent that when we are considering the granting of pensions to soldiers it is a comparatively easy matter for a soldier himself to get his evidence; but it is otherwise with his helpless widow; she does not know the name or residence of her late husband's comrades and can not secure the necessary evidence. The report clearly shows this difficulty when it says:

Under present law the widows of the veterans of these warfares have pensionable status if they can show that their husbands' deaths were directly caused by disabilities incurred in the service. This limitation has, however, been removed by statute with reference to the widows of veterans of prior wars because of the difficulty of furnishing proof that the death was traceable to antecedent disability incurred in war service. When the veteran seeks a pension for himself he knows, and probably can trace, his comrades in arms in order to furnish the required proof. When the widow asks a pension for herself she is left helpless and invariably has no knowledge of the identity and whereabouts of the men who served with the deceased veteran. In practice it has been found that it is rarely practicable for her to gather the proofs.

I have cases in the eighth district, and I think of one just now. It is of a boy who fought in an Ohio regiment. He served his country well. No disease developed in the service, but subsequent to his home-coming he was stricken by a fatal malady and died, leaving a wife and little family without means of support. His widow has been unable to locate his comrades or to furnish the necessary evidence. As a matter of fact, the widow and those children are being supported to-day by the local camp of Spanish-American War Veterans. That this is the case in many instances is shown by the following from the report:

At present the destitute widows and their dependents are cared for in the main by the United Spanish War Veterans. It is inequitable to ask the men who offered their lives to their country in war service to make this additional financial sacrifice, when the burden should be carried by the mass of our population which did not serve with the colors.

It does not seem to me that that is just; it does not seem to me that it is wise or patriotic that these widows and children, the children of these defenders of the flag, should have to look to the camp of the Spanish War Veterans or to any other source than the Government of the United States for recompense. Let us do justice by passing this bill. [Applause.]

The CHAIRMAN. The time of the gentleman from Ohio [Mr. WILLIS] has expired.

Mr. WILLIS. Mr. Chairman, I desire to extend my remarks in the RECORD by inserting certain portions of the committee's report.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CRAGO. Mr. Chairman, I yield three minutes to the gentleman from Pennsylvania [Mr. OLMSTED].

Mr. OLMSTED. Mr. Chairman, the year of 1898 witnessed an outburst of patriotic enthusiasm in this country most agreeable and encouraging to every lover of American institutions. Some of the results of that war have already been stated by the gentleman from Ohio [Mr. WILLIS]. He might perhaps have summarized all by stating that the one great result was to compel the recognition of the United States as a world power and to advance us into the front rank of all the nations of the world.

The men who enlisted in that war took their lives in their hands, the same as those who enlisted in other wars, and many of them served just as faithfully, just as patriotically, and suffered and endured equally as much. A few miles from my own city there was encamped a large number of men, who had been sent home from that war ill. They were known as the "typhoid regiment." Some of them died. I know of no reason, Mr. Chairman, why their widows, left, as this bill provides, without any means of support save an income of not more than $250 per annum, should not have the small pension which this bill awards.

I call the attention of those in charge of the bill to the fact that one of the proposed amendments perhaps changes the sense of the bill. It provides, as drawn and introduced by my colleague [Mr. CRAGO], "that when a soldier who has been honorably discharged has died, or shall hereafter die, leaving a widow or minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll," and so forth. In amending so that it shall apply only to widows "without means of support," and so forth, the word "without" has been so placed that it might be held to connect the entire sentence and limit the pensions to widows without minor children as well as without an income. I call attention to that. It can readily be corrected. The intention, of course, is that a widow without the specified income shall have a pension for herself and a pension for each minor child, and that if she dies the children shall have a pension until they are 16 years of age.

I am heartily in favor of this bill. I ask unanimous consent to extend my remarks concerning it, and on a number of other subjects. [Applause.]

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. CRAGO. Mr. Chairman, as per agreement, I now yield one-half hour to the gentleman from Georgia [Mr. RODDENBERY].

Mr. RODDENBERY. Mr. Chairman, I yield 10 minutes of the time so kindly allotted to me by the gentleman from Pennsylvania [Mr. CRAGO] to the gentleman from New Jersey [Mr. KINKEAD].

[Mr. KINKEAD of New Jersey addressed the committee. See appendix.]

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield?

Mr. KINKEAD of New Jersey. I yield, Mr. Chairman, to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CLAYTON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 17470, and had come to no resolution thereon.

LEAVE TO WITHDRAW PAPERS—WILLIAM FAY.

By unanimous consent, at the request of Mr. MCLAUGHLIN, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of William Fay (H. R. 20816, 60th Cong.), no adverse report having been made thereon.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. BURLESON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 26371) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, which I send to the Clerk's desk.

The SPEAKER. The gentleman asks unanimous consent for the present consideration of a bill which the Clerk will report.

Mr. MANN. Reserving the right to object; as I understand this is the bill to carry the legislative, executive, and judicial appropriations, to take the place of the bill which was vetoed by the President?

Mr. BURLESON. It is.

Mr. MANN. What changes have been made in it?

Mr. BURLESON. The only change is that we have eliminated those provisions which attempted to abolish the Commerce Court and in lieu thereof we embody provisions carrying an appropriation for the support and maintenance of the court until March 4, 1913.

Mr. MANN. All the other provisions of the bill are just the same as in the bill that went to the President?

Mr. BURLESON. They are identical with the bill which went to the President.

Mr. MANN. All right.

The bill was read.

The SPEAKER. Is there objection to the present consideration of this bill?

There was no objection.

Mr. BURLESON. I yield to the gentleman from Massachusetts [Mr. GILLETT].

Mr. GILLETT. Mr. Speaker, I simply wish to say that I shall not at this late stage of this late session object to this method of presenting the bill. I wish that it had provided for the Commerce Court until June 30, 1913, instead of March 4, as it naturally should have; but I presume gentlemen hope that next winter they can by some bill abolish the court, so that no appropriation will be necessary after March 4. In view of the vote that has just been taken in the Senate, I do not see how that can come to pass, and I think it would have been more gracious and less grudging if you had appropriated for the court for the full fiscal year; but I make no objection to the

passage of the bill. In the deficiency bill next winter we can appropriate for the other four months.

Mr. FITZGERALD. Does not the gentleman think that next winter some people will have seen a great light?

Mr. GILLETT. I think very likely, and I think it very probable that the bill to abolish the court will not be pressed by you at all next winter.

Mr. BURLESON. I hope one person will have seen a great light by that time.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BURLESON, a motion to reconsider the last vote was laid on the table.

PENSIONS.

The SPEAKER. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union.

Mr. KINKEAD of New Jersey. Mr. Speaker, before that is done, I ask unanimous consent, inasmuch as some time has been used in the consideration of another matter, that general debate on the Spanish War pension bill (H. R. 17470) be extended until 10 minutes before 5 o'clock.

Mr. MANN. There will be no trouble about extending the time in committee.

Mr. KINKEAD of New Jersey. There was before.

Mr. MANN. There will be no trouble in extending the time.

The SPEAKER. The gentleman from New Jersey asks that the time for general debate on this bill be extended until 10 minutes before 5 o'clock.

Mr. MANN. We have only used 10 minutes in the consideration of the other bill.

The SPEAKER. Until a quarter to 5 o'clock.

Mr. MANN. Until a quarter to 5 o'clock.

The SPEAKER. Is there objection?

There was no objection.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, with Mr. CLAYTON in the chair.

Mr. KINKEAD of New Jersey. Mr. Chairman, I do not think a real doubt exists in the mind of any man on the floor at this time that a Beef Trust exists; second, that the Beef Trust controls the source of supply.

The CHAIRMAN. The time of the gentleman from New Jersey has expired.

Mr. KINKEAD of New Jersey. I ask unanimous consent that the extended time be given me.

Mr. CRAGO. Take half of it.

Mr. MANN. The understanding was that the gentleman from Georgia should have how much time?

Mr. KINKEAD of New Jersey. That he should have 20 minutes.

Mr. MANN. And the gentleman from Pennsylvania [Mr. CRAGO]?

Mr. CRAGO. I should like 10 or 12 minutes.

The CHAIRMAN. There are only 40 minutes remaining for general debate.

Mr. CRAGO. Twenty to the gentleman from Georgia, 10 to the gentleman from Pennsylvania, and 10 to myself.

The CHAIRMAN. Only 40 minutes remain for general debate, and the gentleman from Georgia is to have 20 minutes.

Mr. KINKEAD of New Jersey. Yes; and the gentleman from Pennsylvania 10, and the gentleman from New Jersey 10.

Mr. RODDENBERY. Mr. Chairman, I yield to the gentleman from Pennsylvania [Mr. FARR].

Mr. FARR. Mr. Chairman, I shall vote with pleasure for this just measure, and I ask unanimous consent to extend my remarks in the RECORD upon it and other subjects.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RODDENBERY. Mr. Chairman, in the 20 minutes that have been accorded me I intend to confine my remarks to the pending bill proposing to pension certain widows and minor children of officers and enlisted men who served in the War with Spain and the Philippine insurrection—not for the purpose of discussing the bill in its phraseology or present form, but to direct some observations generally to the subject upon which the House is about to take action. Some few months ago the opportunity was presented me to discuss this bill, and at that time my remarks were addressed particularly against that portion of the bill which provided for pensions to assistant surgeons, contract doctors, dentists, veterinary surgeons, and the like. It is a pleasure to note that as the bill comes back from the Pensions Committee that committee has stricken from it that portion of the bill to which my objections were then stated, leaving the remaining part of the bill intact.

I agree altogether with the remarks made by the gentleman from Ohio [Mr. WILLIS] when he said that the time has come when the soldiers who fought in this war should be recognized with pensions, but I submit that this bill is not a proposal to pension the widows and children of soldiers who fought in the Spanish War and the Philippine insurrection. This bill provides pensions for widows of all officers and enlisted men of the Army and the Navy and the Marine Corps who served in that war, whether they fought or not. As a public policy in a matter of this character a distinction should be made as between the word "served" and the word "fought." To-day the Government pensions the soldier of the Spanish War who fought and by wound or by disease or infirmity contracted disabilities, and to widows and children if the soldier died during the war or at any time afterwards.

The law now provides a pension for him and his widow and dependent children. I approve that legislation, for it is both wise and right. The law now provides a pension for the widows and children and other dependents of soldiers who were engaged or served in that war and who in consequence thereof lost their lives as a result of wounds and disabilities so contracted. The report of the Commissioner of Pensions recites payment at present for War with Spain as follows: To invalids, widows, minor children, mothers, fathers, brothers, sisters, sons and daughters, and helpless children. The statute to-day gives them pensions, and in addition to that each recurring session the Congress passes many special private bills for cases not now covered by the general law. So what is this proposal? It is to give to the widow and children of soldiers who served in that war and came out without being in any battle, without a wound, without disease, strong and sound in body, a pension of $12 a month for all time to come. I recognize that whoever rises here to oppose a proposition to give a gratuity or pension to a woman in black or a child without father invites the criticism of this House. I recognize that from the State of Georgia well-nigh 5,000 volunteered and went to the service, with the usual quota from my district, to say nothing of those from our State who were in the Regular Army, Navy, and Marine Corps. They know there is no just service I will not perform for them. They likewise know that I will not lay unjust burdens upon their neighbors and all the people to carry out a political propaganda. They do not expect, they do not want it done—not the real men. Colleagues, does not this bill involve a public policy of the Government in regard to the duty the Government owes to its soldiery and also to the rest of the country, who are the toilers and taxpayers? Has the time come when we shall pass an act that gives a right of pension to the widow of a young man, by reason of his service when he never left the camp in which his company and regiment were quartered? The terms of this bill will give a pension to a widow whose husband volunteered in the service and never left his State when the war was in Cuba and the insurrection over in the Philippines. Yet you see this bill proposes in its terms to take the widow of a young man who for 90 days was enlisted and was never ordered to the front, never heard a command to charge or to retreat, and gives her a pension on the theory that it is the duty of the Government and a wise policy. This bill provides in its terms that there is no young man on the roll as a Spanish or Philippine soldier whose widow and child shall not be a recipient in the case of his death of a pension, having due regard for the date of his marriage to his wife.

Mr. WILLIS. Will the gentleman yield?

Mr. RODDENBERY. I will.

Mr. WILLIS. I want to ask the gentleman if there is not a provision in the bill which says in order to receive a pension the widow must not have an income in excess of $250 and that that would cut out a great many?

Mr. RODDENBERY. Undoubtedly. Now, Mr. Chairman, this particular legislation has no precedent in pension legislation of any sort. The war of 1898, as it is called under the terms of the bill, covers a period of four years, and yet the record shows that almost every regiment of volunteer soldiers who enlisted for the War with Spain in 1898 was discharged and mustered out the same year or early the next. Is it a wise policy or public duty for the Government to accord a pension to a widow of a soldier when the young man enlisted for the war, served 91 days, 4 months, or 5 months, and was mustered out hale, hearty, strong, without an infirmity, with experience in the world, having confronted no danger, encountered no peril, as thousands of them were turned out; never in the

hospital, never ill with a disease, never within 1,000 miles of a cannon, nor within 1,000 miles of an armed force with loaded guns? I can not give the exact per cent of the soldiers who under this bill would have pensions extended to their widows, who during their service carried no gun on their shoulders except for military drill in camps. Yet they are to transmit the right of pension at the expense of the National Treasury and the toiling masses.

Mr. PAYNE. Will the gentleman yield for a question?

Mr. RODDENBERY. I will.

Mr. PAYNE. Does not the gentleman know that the conditions over here at Camp Alger, almost in sight of the city of Washington, were more deadly than any battle fought in that war?

Mr. RODDENBERY. And I will say to the gentleman that the existing law already provides for a pension to the widow and children of everyone who died from a disease contracted at that camp or anywhere else. That is the law now.

Mr. PAYNE. Is it not impossible to trace that because of the undermining of the boys' constitution while they were in camp under these deadly conditions?

Mr. RODDENBERY. That might be true, but it is hardly as impossible of ascertainment as to ascertain how much the life of the gentleman from New York will have been shortened by reason of his arduous and long service here.

Mr. Chairman, at the end of 10 years after the great Civil War the Government had paid in pensions $28,000,000, and already at the end of 10 years after the Spanish War and Philippine insurrection the Government has paid $35,000,000 to the Spanish War pension roll. That great conflict recalls Bull Run, Manassas, Vicksburg, Cold Harbor, Spottsylvania, and, finally, Gettysburg. With a Government policy wisely extended to soldiers and their widows, beginning the first year of the war, at the end of 10 years we had paid out $28,000,000, and at the end of 10 years from the Spanish conflict, never to be dignified in this country as a war comparable to the one of the sixties, the Government has paid to the soldiers and their widows $35,000,000. Stand and contemplate it if you will.

I will not apologize for these remarks. I base them, gentlemen, upon my deliberate judgment as an humble Member charged with the performance of a public duty as a legislator. As much as I would be disinclined to oppose a bill to give a Government gratuity to unfortunate widows and children, I can not subscribe to this measure, whatever be its penalty, when I believe it is an unwise public policy and an unsound legislative proposal, and one that the real fighting soldier of any war would not ask. My opposition to this bill was voiced on the floor months ago. Each constituent was mailed a copy of my observations then. They know my opinion and position. To-day with full knowledge the voters of my district in the Georgia primary are returning me to Congress without an opposing candidate. As they honor me with their ballots at this hour I render to them and the country the service which my judgment dictates and perform my official duty as God gives me to see it.

Under the five-minute rule we shall submit some amendments to this bill, with the desire and purpose of making it accord with what, in our humble judgment, is a wiser and better policy. I regret that it is to be passed in the closing days of this Congress. Last Wednesday this bill was on the calendar all day, and no Member raised his voice to support or to oppose it. To-day it has been under consideration all day, and when the distinguished gentleman from California [Mr. KAHN] and the distinguished gentleman from Illinois [Mr. MANN] and other gentlemen discussed other subjects, there was at no time 35 Members on the floor, and those gentlemen always speak with intelligence, with ability, and with knowledge that is calculated to give information. One was discussing the important parcel-post legislation, another was discussing the agricultural extension bill, and when the gentleman from Ohio [Mr. WILLIS] rose to address the House with intelligence and ability, as he always does, there were but 22 Members on the floor. Where are these patriotic gentlemen that a roll call will bring in here after awhile to do justice to the Spanish War soldiers and their widows? When the gentleman from Pennsylvania [Mr. OLMSTED] rose to support this measure there were 19 Members on the floor. Where were the gentlemen that are moved to support this legislation because of their love of the soldier and their desire to render patriotic devotion to the dependent widows? Where are they? Some gentleman says they are at the ball game. I do not know. But when the roll is called many of them will answer, and they will go back home and tell of their devotion to the men who fought for the country.

Mr. BUTLER. And the fairness of the umpire.

Mr. RODDENBERY. Ah, gentlemen, I address these remarks to your sound and candid judgment. Let us pension, as we are doing, the soldiers of these wars under existing law. But before we extend a policy to grant a pension to the widow of a soldier who braved no danger——

Mr. GREENE of Vermont. What?

Mr. RODDENBERY (continuing). Who enjoyed a holiday——

Mr. GREENE of Vermont. What?

Mr. RODDENBERY (continuing). And who drilled and had delightful encampments, let us stop and think——

Mr. GREENE of Vermont. Will the gentleman yield?

Mr. RODDENBERY. I can not. If I had the time I would. I will under the five-minute rule.

Gentlemen of the committee, this bill is sweeping, it is inclusive, it takes in all. The committee report says 401,000 soldiers served in this war. Shall we pass this bill and place on the backs of our people added millions to bear? Is that what we shall do in order to encourage men to enlist in defense of the country? Is that the policy that we should adopt to reward men who fight for the flag? Is that a part and parcel of a wise national policy of pensions? On the other hand, gentlemen, will not this character of legislation ultimately arouse the sentiment of the people in the country and cause them to doubt and disavow the wisdom of such legislation? On the contrary will it not cause many soldiers in this country who volunteered from really patriotic motives to reach the conclusion—the deliberate conclusion—that the pensions they get hereafter are not a mark of national love but a token of political cowardice? Will they not come to the conclusion that the Congress of the United States is an asylum where are gathered those whose minds are so fevered with political ambition that all one needs to do is to say, "Pension," and the pension comes? This proposed legislation does not honor the genuine American soldier. It does not dignify the real American soldier. It does not write into our law a statute that bears on its face a just and gracious consideration for the widows of the fighters who enter the armies of this Republic.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRAGO. Mr. Chairman, in following this legislation under discussion through the various phases of a legislative bill it did not occur to me that it was necessary to gather much information or argument in favor of such a plain, straightforward bill as that under consideration to-day.

I would that I had plenty of time in which to answer the strictures, the remarks, made by the gentleman from Georgia [Mr. RODDENBERY]. The ignorance displayed by him of the events of 1898 and 1899 is almost sublime. It is only equaled by the supreme indifference with which he reads into this bill something which the bill itself does not contain, and which you to-day know that it does not contain.

Mr. Chairman, I am not one of those who believe that there is no limit to the amount of money that this Government may expend on pensions. The friends of this measure are not of that class who would have our Government enter new fields in the matter of pension legislation. We do believe, however, that the policy heretofore pursued by this Government makes not only possible but necessary such legislation as is proposed by this measure.

You, of course, are aware of the fact that before a widow of a Spanish-American War soldier, or of a soldier who served in the Philippine insurrection, can be pensioned it must be shown to the complete satisfaction of the Pension Department that the soldier died as a direct result of wounds or disease received in the service. This is not the case with the widow or minor child of a soldier who served in any other war of the United States, and this has not been necessary for a period of more than 22 years. The bill under consideration merely seeks to extend the provisions of the act of 1890, applying to widows and minor children of the men who served in the Civil War, to the widows and minor children of the soldiers who served during the Spanish-American War and the Philippine insurrection. Can any good reason, other than that it is an additional expenditure of public money, be given in opposition to such a measure? Can any good reason be shown why any discrimination should be made between the widows *and minor children* of the soldiers who served in the war of 1898–99 and the war of 1862 and the widows and minor children of the soldiers of other wars?

I claim not; and, therefore, I contend that this bill should become a law. It should be adopted because it agrees with the well-established policy of this Government in caring for the dependents of those who went to the front and fought the battles of our country in the past. We look with pride on the valor and the heroism of the men who have upheld this Government in its hour of need.

In 1898, in answer to the call of the President, thousands of our young men abandoned the peaceful walks of life, shouldered their muskets, and went forth to do or die, as might be required of them. Many of them came back after serving six months, a year, or two years, as the case may be. During this time they were out of the earning class and were forming habits of life in many cases not calculated to later put them in the front ranks of the earners, and on their return many of them were incapacitated. In nine cases out of ten this service in the Tropics, under conditions never before endured by American soldiers, left its marks, and while the hospital records may not tell it, there had been implanted in them the seeds of disease which a few years later was to tell its awful tale of weakness and distress, either in the shortened span of the soldier's life or in the soldier's death.

The men of 1898–99 were widely scattered. In many cases after the war they left their homes and went to the larger centers of population. Being a smaller fraction of the total population than were the men of the Civil War, they did not form that great powerful organization which could and did demand, and rightly so, that the Government should give them needed legislation.

Again, the old home life of half a century ago made it less necessary that the dependents be cared for by outsiders than it is to care for the dependents of the Spanish-American veterans. Many of these dependents are now being cared for by organizations and individuals, comrades in many cases, and it does not seem fair that out of their love for a comrade they should have this additional burden.

I ask you to-day is it not fair that this great Government of our should take from the shoulders of those men who served their country as best they knew how in its hour of need the burden of caring for these dependents?

Mr. TRIBBLE. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. I regret I can not yield. I have but a few minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. CRAGO. We closed the Spanish-American War with practically no debts. We have added to our wealth, we have added to our commerce, we have added to the greatness of our country as the direct result of the Spanish War.

Oh, it is easy to stand in places like this and talk about the smallness of the Spanish-American War. I am not here to compare it with any of the other great wars that this country has had, or anything of that kind. I am not here to laud the Spanish-American War soldier. His deeds speak for themselves; and the flag of our country floating proudly to-day on the ruin of a former despotic Government, with a peaceful Republic on our east, and our great extension of commerce, speak louder than any words of mine of the good and splendid service done by those soldiers of the war of 1898 and 1899.

Mr. Chairman, I have practically no time to go into the details of this question. We are simply asking here for the first time on the floor of this Congress some legislation, not for these men themselves, but for those whom they may leave behind them, dependent on them for their living. We are asking that they be cared for by this great Government of ours, and we assert it is abundantly able to assume any burdens in that respect.

And now in looking up the record of the first few months of the Spanish-American War and the first few months of the Civil War, I want to read some remarks made by the Secretary of War in his report, made for an entirely different purpose. I have no doubt it will be a surprise to the gentleman from Georgia. He says:

> Taking all organizations which were in service from 90 days to 5 months during the rebellion, and whose records are sufficiently complete to enable a definite statement to be made with regard to them, it is found that the total strength of these organizations amounted to 157,484 officers and men, and that the deaths in action, or of wounds received in action, numbered 367, while the deaths from disease, or causes other than wounds received in action, numbered 2,356, making the total deaths from all causes 2,723. From the commencement of the Spanish War in the latter part of April until the 30th of September, 1898, there were 274,717 officers and men in service. The deaths in action, or from wounds received in action, during this period numbered 345, and the deaths from disease, or causes other than wounds received in action, numbered 2,565, making the total deaths 2,910. In this connection, it should be remembered that a good part of our Army during this period was operating in a tropical country at the worst season of the year.

The record of deaths in the Spanish War was almost a repetition of the record of deaths in the first five months of the Civil War.

It must be remembered that no complete record was kept of much of the sickness incurred by the soldiers of the Spanish-American War, and to-day it is practically impossible for the widow of such a soldier to show the cause of his death to be due to his service, even though we believe and know the soldier would be living to-day were it not for the disease incurred in the service.

The CHAIRMAN. The time of the gentleman has expired. All time for general debate has expired.

By unanimous consent, Mr. TRIBBLE was given leave to extend his remarks in the RECORD.

The Clerk read the bill, as follows:

> *Be it enacted, etc.*, That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow or minor children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall not have married said officer or enlisted man after he shall have passed the age of 50 years: *And provided further*, That the beneficiaries under this act shall include the widows and orphans of acting assistant surgeons, contract doctors, dentists, veterinary surgeons, and officers and enlisted men in the United States Revenue-Cutter Service on vessels temporarily under the control of the War or Navy Departments: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

The Clerk read the following committee amendment:

> On page 1, line 7, after the word "insurrection," insert the words "between April 21, 1898, and July 4, 1902, inclusive."

Mr. AUSTIN. Mr. Chairman, I move to strike out the last word.

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. AUSTIN. I shall be very glad to.

Mr. TRIBBLE. What does the gentleman understand by "service" in this bill? The point I want made clear is this: The United States had a standing Army and a standing Navy at the time when this war began. Of course, a part of that Navy was in defferent parts of the world and did not come in contact with this Spanish-American War service at all. Does this bill include those men, and just because of the fact that the war happened to be going on at that time, are they to receive pensions, when they may not even have heard of the war? They might have been in Alaska and the war have been over before they heard of it.

Mr. AUSTIN. In answer to the gentleman I will say that I had nothing to do with the preparation of this bill, and the author of it will be better prepared to answer the gentleman's question than myself.

Mr. TRIBBLE. I undertook to get an answer from the gentleman who drew the bill, and he declined to answer.

Mr. CRAGO. I will be glad to answer the gentleman.

Mr. AUSTIN. This bill provides for the widows of all officers and men who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as Regulars or Volunteers, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902.

Mr. TRIBBLE. Suppose a battleship was standing off the coast of Alaska and did not participate in the Spanish War, never was ordered to take part in that war, and suppose, for the sake of illustration, that the officers and men on that battleship did not hear of the war until it was over. Would they be included in this bill?

Mr. AUSTIN. I should think their widows would be included. These men were in the service, ready to be called, and for the purpose of meeting the enemy wherever they could be found.

Mr. Chairman, I was elected to the Sixty-first Congress, and one of the first bills I introduced was a bill similar to the one we have under consideration.

I followed the introduction of that bill with a speech on the floor of the House, giving the reasons why, in my opinion, that legislation should receive the favorable consideration of Congress. I not only entertained that view, but I founded my belief in the justice of that legislation on personal knowledge. I knew that it deserved the approval of the American Congress.

Four regiments for the Spanish-American War were enlisted in the district that I have the honor to represent, and one of the smallest counties of that district, Scott County, with a voting population of 2,500, furnished 500 private soldiers to the Spanish-American War. Knoxville, my home town, stood next to New York City in the number of recruits furnished to the Volunteer and Regular Army during the Spanish-American War. Ninety per cent of the men who enlisted in that section of the country were poor men. They were laboring men. They were

men who depended upon their daily toil to meet the responsibilities of life. These men were born and reared in a mountain country, in a healthful, salubrious climate. The First Tennessee Regiment served in the Philippines, the Fourth Tennessee in Cuba, and the Ninth Tennessee Immunes in Porto Rico.

Now, I know from traveling over the 10 counties in my district, coming in contact with the men who served in our Army, that many of them came home with tropical fevers and malaria, and every year a majority of these men are afflicted and their earning capacity impaired, if not destroyed, as a result of the recurring tropical fever and malaria which they will carry in their systems as long as they live.

These men, as I say, were laboring men; they were the sons of the toilers in the shop and in the field; young men in the prime of life. One gentleman discussing this bill said that they spent a delightful time in encampment. Why, Mr. Chairman, we have not forgotten the terrors and fatalities that overcame the American troops——

The CHAIRMAN. The time of the gentleman has expired.

Mr. AUSTIN. Mr. Chairman, I ask unanimous consent for five minutes more.

The CHAIRMAN. The gentleman from Tennessee asks that his time be extended five minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Chairman, we certainly have not forgotten when the soldiers had to be trained and schooled and drilled on the field of Chickamauga, near Chattanooga, when the dread scourge of typhoid fever mowed them down by hundreds, until the War Department was compelled to move them into the mountains of eastern Tennessee and northern Alabama.

We can all remember when the Regular Army and the Volunteers were brought home from the battlefields of Santiago, Cuba, where many had died of yellow fever, and the survivors were carried in our vessels to the extreme eastern point of Long Island, and there during the summer nursed and cared for. I remember distinctly the pathetic pictures and the scenes described in the eastern papers about the emaciated condition of the young stalwart men that left the American shores for Cuba when they were unloading from the vessels from Santiago and had to be carried like children into the hospitals and tents and there nursed for months.

Why, there passed through this city only a few months ago a procession carrying the remains of the sailors from the battleship *Maine*. There were hardships and suffering all along the line, in Porto Rico, in Cuba, in the Philippine Islands, and in the instruction camp at Chickamauga, and elsewhere. As to this war not being full of hardships, I want to quote from the record. The whole mortality of the campaign was 12,000. There were 826 battles and skirmishes, and in 515 of them men were killed or wounded. I distinctly remember the occasion of the First Tennessee Regiment that had actually served out its term in the Philippine Islands and had embarked to return home, when, on account of a dangerous uprising in the islands, they returned and took part in the fighting.

Now, Mr. Chairman, there are hundreds of deserving widows of these men scattered all over the country. While the gentleman says that this is a sweeping bill, there are more hardships and restrictions under the provisions of this bill to secure a pension than in any pension bill that ever passed the House for the relief of widows of soldiers. The amendment submitted by the committee requires that the widow must show that she is without means of support other than her daily labor.

Here is a rich and prosperous country. These men volunteered and enlisted without the hope of bounty, pension, or reward. They had no thought or object except the honor of our country and the preservation of our flag, and ill does it become the American Congress to halt or cavil or hesitate for a moment in doing justice to these deserving widows and orphans. [Applause.]

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I submit an amendment.

The CHAIRMAN. If the gentleman will wait until the committee amendments are disposed of. The Clerk will read the next committee amendment.

The Clerk read as follows:

Amend, page 1, line 10, by inserting after the word "widow" the following: "without means of support other than her daily labor and an actual net income not exceeding $250 a year."

Mr. McLAUGHLIN. Mr. Chairman, I am opposed to this amendment. I think it ought not to be adopted. It has no place in this bill, in my judgment. Members who have had experience with pension cases in the Pension Bureau know that no class of cases causes more trouble than those that arise under what is known as the remarried widows' act, where a widow receives no pension unless she is able to show, just what this amendment would require, that she has no support except her daily labor and has no income exceeding $250 a year.

In my judgment, and I think my judgment will be borne out by the experience of other Members who have had work in the bureau, no cases offer more chance for injustice, or result in more injustice, than those involving this very provision. The gentleman from Tennessee [Mr. AUSTIN] has spoken very well of the character of men composing regiments sent into the Spanish War and to the Philippines to put down the insurrection there and of the hardships undertaken by these men. He spoke eloquently of the fact that those regiments were recruited from what we know as the common people. It is always so; our soldiers come from that walk in life, and rarely, if ever, is one of them a man of property. Companies were recruited from the district that I represent. I know a very large number of the young men who went to that war and took part in the putting down of the insurrection. Almost without exception they were of the class of men spoken of by the gentleman from Tennessee, men without property; and with very few exceptions they are workingmen to-day, and the widows of the men who have died are in great need. I believe this amendment would make an improper discrimination and would result in opportunity for injustice such as we encounter when we try to operate under the law now in existence containing this provision. I sincerely hope that it will be stricken from this bill.

Mr. CRAGO. Mr. Chairman, just one word in explanation in favor of the committee amendment. Speaking for the friends of this bill, and as it was originally introduced, we of course much prefer to have the measure passed without this committee amendment, but this same provision was for several years in the act which was passed for the benefit of the widows of the soldiers of the Civil War, and it was thought that by making this restriction, while I admit it is a hardship, it would have a better chance of becoming a law at this time with this amendment in it.

Mr. CANNON. Mr. Chairman, will the gentleman yield?

Mr. CRAGO. Certainly.

Mr. CANNON. My recollection is that up to 1890 no widow should be pensioned unless she traced the death of her husband to injury received in line of duty, and in 1890 was passed a law giving the widow $8 a month, provided she could not support herself by her own labor and provided, as the law was administered, that she did not have to exceed $100. That afterwards was changed to $250; but I had the honor, if I recollect right, in 1907, of advocating and voting for the law that increased, some 40 years after the close of the Civil War, the pension of those widows from $8 to $12 a month. This begins at $12 a month.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken; and, on a division (demanded by Mr. NORRIS), there were—ayes 62, noes 13.

So the amendment was agreed to.

The CHAIRMAN. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend, page 2, line 3, by inserting after the word "minor" the words "child or."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Amend, page 2, by striking out after the word "man," in line 20, all of line 20 and all of lines 21, 22, 23, 24, and 25 on page 2, and line 1 on page 3, and inserting in lieu thereof:

"Previous to the passage of this act: *Provided, however.*"

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Amend, page 2, line 19, by striking out after the word "shall" the word "not."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the words "90 days" and inserting in lieu thereof the words "six months."

Mr. RODDENBERY. Mr. Chairman, I shall not consume the five minutes, but I would have the committee bear in mind that the proposal of this amendment is to require six months' service instead of 90 days' service before the pensionable status

shall arise. This does not affect the provision of existing law respecting the widow of any soldier or the dependent child whose husband or father contracted disease or wound and died from that cause. It does not affect that in any manner whatever. They get their pension without regard to whether their husbands served 6 days, 1 day, or 90 days. Under existing law the widow, dependent child, mother, father in certain cases, get a pension where the soldier died from disease, wounds, or from disabilities contracted in the service. Now, this amendment merely provides before the widow of a soldier who contracted no disease, who received no injury, who received no wounds, but who came out without any record of infirmities of any kind, can obtain a pension that he shall have served 6 months instead of 90 days. The fairness of it I simply submit to the judgment of the committee.

Mr. CRAGO. Mr. Chairman, I move to strike out the last word. In answer to the request for this amendment, permit me to call the gentleman's attention to the fact that all of our pension legislation is based on this 90 days' service, and also to the fact that in the Spanish-American War so fast were events moving that our regiment, the Tenth Pennsylvania, crossed the continent, crossed the Pacific Ocean, engaged a large part of the Spanish army in the Philippine Islands in the engagement of July 31, had nine men killed and many others sent back home as a result. The widows of many men who served in that engagement, under the provision of the gentleman from Georgia, would not be entitled to a pension.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken, and the Chair announced the noes seemed to have it.

On a division (demanded by Mr. RODDENBERY) there were—ayes 39, noes 55.

So the amendment was rejected.

Mr. CRAGO. Mr. Chairman, in looking over the language of the bill, it has been suggested in an informal meeting of the committee, in line 3, page 2, after the word "or," there should be inserted the words "leaving a," so it would read "or leaving a minor child."

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to make the verbal correction which is indicated. Is there objection? [After a pause.] The Chair hears none, and the amendment suggested is agreed to.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, at the end of line 5 and the beginning of line 6, by striking out the words "regular or."

Mr. RODDENBERY. Mr. Chairman and gentlemen of the committee, so many Members have just come in since general debate closed on this bill that I desire to state that the provisions of the present bill give a pensionable status to widows of soldiers of both the Volunteer Army and the Regular Army, as well as the Navy and Marine Corps. Under orders of the War Department during the entire period of the war there were stationed in various parts of the United States soldiers of the Regular Army and naval forces who were never ordered to the front, who were never ordered out of their State or location. They continued during the entire war in just the same status that those soldiers and regiments and naval forces were in prior to the war and have continued since the war. This bill by its provisions gives to widows of officers and soldiers of the Regular Army and Navy the same pensionable status as it gives to the volunteer soldier who went to the front. It gives the same status to the soldier who enlisted in the Regular Army, who remained in the same situation he was the two years before the war, who stayed there during the war, and has been there ever since; and I want Members to understand that the passage of this bill gives to the widow of every officer and enlisted man of the United States Army and Navy a pensionable status although he may never have left the place of his camp or the seas 2,000 miles from Cuba or the Philippines. For these reasons I feel it my duty to oppose it. I submit this amendment respectfully to the judgment of the committee.

Mr. CRAGO. Mr. Chairman, just a few remarks in reply to the proposed amendment. If Members will recall at the beginning of the Spanish-American War our regular establishment was a very, very small Army. The Army was increased in size, and many patriotic men who wished to see service under their country's flag flocked into the Regular regiments just as they did into the Volunteer regiments, and I want to say, as one who served in a volunteer regiment, we never felt better than when we had alongside of us a Regular organization of the United States Army. [Applause.] And I want to say, too, that the men who served in these Regular regiments during the Spanish-American War or the Philippine insurrection—and every one of these organizations served either in Cuba or the Philippines—deserve great praise, and I think it would be the rankest injustice to let these men who saw their three full years of service get less than that which is awarded to the Volunteer soldier——

Mr. HOUSTON. What was the size of the Regular Army?

Mr. CRAGO. It was increased from 25,000 to 62,000, and was then raised, according to my recollection, to something over 100,000.

Mr. HOUSTON. I understand it was 25,000 in the beginning.

Mr. CRAGO. Just about that, I think.

Mr. HOUSTON. That is what I thought.

Mr. KINKEAD of New Jersey. Mr. Chairman, I heartily agree with the sentiments expressed by the gentleman from Pennsylvania [Mr. CRAGO] regarding the regular soldier. It is true that we had but a meager standing Army when the Spanish-American War broke out and young men rushed into our militia, and those who were acceptable to the Regular Army requirements and whose who were able to pass the stringent rules necessary for admission into the Regular Army served this country, whether they were stationed at home or whether they saw service on the battlefields of Cuba. Those who were at the front were no more willing to shed their blood in the defense of the Stars and Stripes than were those men who joined the Regular Army and under force of circumstances were compelled to spend their time here in this country.

I am glad to hear my friend from Pennsylvania say that, as a volunteer soldier, a member of the militia of his own State, he was glad to see the regular soldiers, the men of the Regular Army, advancing to their aid when their colors were fired upon.

I had not the good fortune to serve either in the militia or with the Regular Army during the War with Spain, but I did offer my services to the colonel in command of the First Regiment of Volunteer Cavalry, known as the Rough Riders. And again, unfortunately for me, his quota was filled, and I was not needed to serve in his regiment. But if I had had the good fortune, as did my good friend from Pennsylvania [Mr. CRAGO], to serve with the militia, I might well say with him that when our regiment was fired on we would have been mighty glad to have had the assistance and the aid of the Regular Army of the United States. And I for one do not propose to vote for anything that will prevent the regular soldier from receiving the same consideration from this Nation that we propose this afternoon to accord to the volunteer soldier. [Applause.]

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

Mr. CURLEY. Mr. Chairman——

The CHAIRMAN. The gentleman from Massachusetts [Mr. CURLEY] is recognized.

Mr. CURLEY. Mr. Chairman, this amendment, like the opposition of the gentleman from Georgia, has a peculiar basis, and one that it is difficult for the average Member of this House to understand, and one that in my opinion can never be understood by the average intelligent American citizen. His opposition to the bill originally was based on the fact that it proposed to do something for the widows or the orphans of persons who had rendered service during the Spanish-American War rather than for those who had died during the war. It is a peculiar position to take, Mr. Chairman, that only those are deserving of reward whose lives have been sacrificed. When that war broke out, Mr. Chairman, there were no means of knowing that it would not eventually result in a world-wide war and might perhaps continue over a period of years; but the fact remains that those men enlisted, and if they were not fortunate enough from the standpoint of the reasoning of the gentleman from Georgia [Mr. RODDENBERY] to have been shot down in battle, then they were deserving of no consideration.

The fact that they stood ready to risk their all that this Union might continue in its mission was of no consideration at all provided they did not die. I contend, Mr. Chairman, that any sum of money that may be appropriated by this Government to make possible a purer and a more ideal degree of patriotism in this country of ours is well spent. After all you can not create patriotism unless it is founded on justice.

I contend, Mr. Speaker, that the Spanish War destroyed every vestige of rancor and hatred engendered during the great internecine struggle from 1861 to 1865. [Applause.]

And nowhere was the lesson of unity better evidenced than in the Army, both Regular and Volunteer, where could be found every time the band played "My country, 'tis of thee" men who had fought under Lee vying with those who had fought under

Grant in one sublime chorus proclaiming "Sweet land of liberty." [Prolonged applause.]

It was an object lesson of unity and patriotism as confusing and astounding to monarchical Europe as it was pleasing and gratifying to all America.

The Member from Georgia would have the House believe that the Spanish and Philippine Wars were of little moment, and because no great battles entailing large mortality had been fought consideration other than for widows and orphans of those who had been killed should not be given.

Permit me to point out to the gentleman that in every great war the mortality from disease is invariably three times as great as from wounds or death in actual conflict.

That in this war there were 826 skirmishes and battles and in 515 of these men were killed and wounded.

That these wars which he treats so lightly represent an actual toll of 12,000 lives, each carrying with it not a light but a heavy burden of sorrow.

The pittance proposed in this measure is poor recompense to the widows with children to support and unworthy of a Nation to preserve whose honor and integrity they yielded their all.

These men confronted fevers, pestilence, impure food, and an enemy's bullets, and made sacrifice because they had faith in the honor of their country's lawmakers.

They returned by thousands broken in health, racked with tropical fevers, to find their means of livelihood gone, their places usurped by others less patriotic, and are now informed because they were not killed in battle they deserve no consideration.

This bill provides poor recompense for needy dependents, and I regret that its terms are not more liberal. True, it provides against actual poverty, but no more. It states:

A bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection.

Be it enacted, etc., That from and after the passage of this act if any officer or enlisted man who served 90 days or more in the Army, Navy, or Marine Corps of the United States, either as a regular or volunteer, during the War with Spain or the Philippine insurrection, between April 21, 1898, and July 4, 1902, inclusive, and who has been honorably discharged therefrom, has died or shall hereafter die leaving a widow, without means of support other than her daily labor, and an actual net income not exceeding $250 per year, or minor child or children under the age of 16 years, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his Army or Navy service, be placed on the pension roll from the date of the filing of her application therefor under this act, at the rate of $12 per month during her widowhood, and shall also be paid $2 per month for each child of such officer or enlisted man, under 16 years of age, and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man, under the age of 16 years, such pension shall be paid such child or children until the age of 16: *Provided*, That in case a minor child is insane, idiotic, or otherwise permanently helpless, the pension shall continue during the life of said child, or during the period of such disability, and shall commence from the date of application therefor after the passage of this act: *Provided further*, That said widow shall have married said officer or enlisted man previous to the passage of this act: *Provided, however*, That this act shall not be so construed as to reduce any pension under any act, public or private.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $5, which sum shall be payable, only on the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

This bill represents a partial measure of justice. Deserving women and little children throughout this broad land devoutly pray for its enactment; let their prayer be granted.

Realize that the marvelous prosperity and progress of this Republic was in a measure due to the loyalty of those who served. Let all share a portion of the burden entailed by this bill, then none will be overburdened, and all can rejoice in the knowledge that our best traditions have been respected, and that justice has once more been established for the survivors of those who preserved our national honor.

The CHAIRMAN. The question is on the amendment of the gentleman from Georgia.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. RODDENBERY. Division, Mr. Speaker.

The committee divided; and there were—ayes 3, noes 63.

So the amendment was rejected.

Mr. RODDENBERY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Georgia [Mr. RODDENBERY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend, page 2, line 7, by striking out the word "filing" and substituting therefor the words "approval and allowance."

Mr. RODDENBERY. Mr. Chairman and gentlemen of the committee, this bill provides in the usual form that occurs in other pension legislation that the pension shall accrue to the person who is to draw it from the date of the filing of the application for the pension. This amendment proposes that the pension shall accrue to the person who may be entitled to it from the date of approval and allowance of the pension applied for and not from the date of filing.

The object of this amendment is to so frame this law that it will not cause the pension lawyers and political manipulators to stir heaven and earth to convince every widow of every Spanish-American War soldier that she has got some ground for drawing a pension and that the quicker she gets her application filed the quicker she will begin to draw. The object of this is to prevent, if possible, what exists in a great measure today, the practice of pension attorneys and other agitators along this line urging on a widow that for some particular cause she is dependent, when she is not, or that her income is so small, when it is not, so that they can get the pension application on file early and quick, knowing that if it takes them 10 years to logroll it through the Pension Office, when it does come there will be a big Christmas gift in the bag. My purpose is to so amend the bill that the widow who is entitled to a pension will file her application, establish the fact of her right to the pension, and that the Pension Office will, after prompt and fair action, approve and allow it, and that the pension will accrue from that date.

I respectfully submit the amendment to the judgment of the committee.

Mr. SLAYDEN. Mr. Chairman, this is perhaps the first pension act ever offered in Congress, prodigally reckless in its pension legislation as it has been, which has proposed to establish a new class of pensioners and at the same moment provide an arrears-of-pensions act. If gentlemen will go to the files of Congress and turn over the records of the Forty-second and the Forty-third Congresses—I think it is—and will read the discussions that attended the consideration and passage of the arrears-of-pensions act they will find some very illuminating statements from such distinguished men as Mr. Garfield, of Ohio, afterwards Senator and President, at that time chairman of the Committee on Appropriations, and others.

The appropriations for pensions had then reached what appeared to them to be the enormous total of about $30,000,000. In discussing further legislation it was suggested that if the act was liberalized pensions might reach the total of $50,000,000 a year. In reply to that suggestion Mr. Garfield, and Mr. Atkins, of Tennessee, and one or two other gentlemen suggested that they had already reached the summit of pension appropriations and that the decline had begun.

The arrears-of-pensions bill was enacted in 1879, and gave pensioners a claim upon the Treasury from the date of the incurrence of disabilities. I have heard in the last few days from a gentleman formerly a Member of this House, and a distinguished one, how he was instrumental in turning over to one of his constituents the sum of $9,000, with which the constituent had the good fortune and the good judgment to buy black lands in Iowa, which made him a rich man, and from that day to this he has lived in luxury on his fortunate investment. That is one instance of how such bills as this have operated in the past.

Mr. Chairman, if I may be indulged for a moment longer, I want to tell the House a little story that came to me a few months ago: An eminent gentleman and citizen of this city told me he was at a dinner party at which Mr. William R. Morrison, formerly a Member of this House from Illinois, and afterwards chairman of the Interstate Commerce Commission, was present. They were discussing the enormous growth of pensions.

Mr. Morrison said that if the Republican Party during the period from 1870 down to the passage of the arrears-of-pensions act in 1879, and subsequently, had remained in unquestioned control of the country, and if its political supremacy had not been seriously menaced, in his judgment Mr. Garfield's opinion would have proved to be correct, and the pension charges would not have reached $50,000,000. But greedy pension attorneys saw an opportunity. A raid on the Treasury was organized. Voters combined and made their demands and then, as now, they compelled Members of Congress to do their bidding. Billions of dollars have been paid out since and more billions, I fear, will be paid out hereafter.

Mr. Morrison said in the same conversation that Mr. Garfield stated that it would be imposible for it to reach such a

sum as $50,000,000, because long before that the American people would have lost their patience, and the system would break down of its own weight.

A few days ago, in discussing this particular bill, I ventured to say that it appeared that no demand for pensions made by any organized body of voters could be withstood. I did not anticipate that there would be so speedily and so overwhelmingly submitted evidence of the truth of my statement.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GARDNER of Massachusetts. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. GARDNER of Massachusetts. The rules of the Committee of the Whole require that when an amendment is proposed the Member offering it may speak for five minutes, and after that some gentleman in opposition must be recognized for five minutes, and thereafter no other debate shall be in order on that amendment. I claim the floor in opposition to the amendment of the gentleman from Georgia.

The CHAIRMAN. The gentleman shall have the floor.

Mr. GARDNER of Massachusetts. I yield the floor to the gentleman from New Mexico [Mr. CURRY].

The CHAIRMAN. The Chair will state that under the rules and practice of the House a Member recognized under the five-minute rule can not yield time to another Member.

Mr. CURRY. Mr. Chairman, I have repeatedly tried to get the attention of the Chair.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] was recognized for five minutes.

Mr. GARDNER of Massachusetts. Did the Chair rule that I can not yield the floor to another Member for debate in Committee of the Whole?

The CHAIRMAN. The gentleman can not yield time under the five-minute rule. If the gentleman from Massachusetts yields the floor, the Chair will recognize the gentleman from New Mexico [Mr. CURRY], if that will suit the gentleman.

Mr. GARDNER of Massachusetts. That is perfectly satisfactory to me.

Mr. CURRY. Mr. Chairman, I do not propose to go into a lengthy discussion of the merits of this bill. With the most that has been said on the floor of the House I entirely agree. There are a few arguments made by the gentleman from Georgia, Mr. RODDENBERY, that, however, I want to answer. I take this occasion to say that I think the gentleman from Georgia or the gentleman from any other State who stands up here and intimates to the people of this country that any man who went out and bore arms for the Government is not a patriot is misrepresenting his constituents.

I was a soldier in the Spanish-American War, and I served for 21 months in the Philippine Islands. My father bore arms for four years in the Confederate Army and stood shoulder to shoulder with Senator THORNTON, and they were "bunkies" for many a day. My grandfather was a soldier in the Mexican War and my great-grandfather fought with George Washington, and I am proud of them all and have no apologies to offer for what I myself did. I say to you, sir, we soldiers who went to the Philippines were all of us anxious to get home just as soon as we possibly could. I think you will all remember that when the American Army and the Philippine army were facing each other outside of Manila on the 4th and 5th of February, 1899, every soldier prayed that we would have no war; but it came, no matter who was to blame—it was really a soldier's battle—shots were exchanged between the armies.

The treaty of Paris was then pending, and many here will recall that it was impossible at that time to secure ratification of that treaty until Mr. William J. Bryan, the Democratic leader then, came to Washington and had a conference with the Democratic Senators, and owing to his persuasive eloquence the treaty of Paris was ratified by 1 majority in the United States Senate, and the Philippines became a part of this country.

The first American troops in the Philippines were State troops. They had not originally enlisted for service beyond the borders of their Commonwealths. They had become national guardsmen to uphold their constitutions and the statutes of their States, if necessary, after all civil power had failed, by force of arms. That is all.

But the accident of an international conflict took them into Federal service. The President ordered them to Cuba and to Porto Rico, and then to the Philippines, and, like good soldiers, they obeyed.

They landed and occupied Manila on the 13th of August, 1898, and thereafter to the night of the 5th of February, 1899, were inactive—in garrison. They became restive. They yearned to return to the homeland. They were among strangers in the Tropics, 10,000 miles from the White House, and many were sick, and some others had died from disease contracted in the line of duty.

But a clash came between them and the army of Aguinaldo, and they went forward, following the flag in its defense, valiantly, and to the glory of the Republic. Later they were relieved and were succeeded by Regulars, and Volunteer Regulars, and the war, inaugurated without fault on the part of the Americans who actually engaged in it, was prosecuted, as of record, to the 4th day of July, 1902. As a matter of fact, it was prolonged even into 1906.

In the Spanish-American War and the Philippine insurrection incidental thereto, more than 400,000 men took part, only about 100,000 serving exclusively in the Philippine Islands—Regulars, Volunteer Regulars, and Volunteers.

There were, the statistics show, all told 826 battles, engagements, and skirmishes, in 515 of which Americans were killed and wounded. The total mortality of the campaigns was 12,000. In other words, the most of the men who went to the Spanish-American War still live and are not dead heroes, and because of this fact some gentlemen, it seems, are of opinion that the average Spanish-American War soldier was not much of a fighter; that instead, he was a faker.

A soldier may survive a war, he may never have been shot at, he may never have fatally experienced dangers commonly attending such strife, and yet he may have rendered valuable and useful service.

I cite a case in point, that of the Thirty-first Infantry Volunteer Regiment, commanded by a gallant officer, Col. James S. Pettit, a disciplinarian of the first order. Gen. Otis was in quest of a regiment for hazardous duty, requiring tact and diplomacy on the part of officers, to go against the Moros in Mindanao, fierce and ferocious warriors, professional pirates and religious fanatics. At least half a million of them. They dwelt within a stone's throw of the equator, so to speak. He could spare but one regiment to keep the peace down there, and he detailed the Thirty-first.

There was not a night of the long stay among the Musselmen that assassination, and oftimes massacre, of the entire post was not imminent, there being one, two, and three companies at a post.

Yet so successful was the undertaking that when Gen. Kobbe, commanding the Department of Mindanao and Jolo, came to muster out the regiment in 1901 he expressed deep regret therefor, saying in orders:

> It was the fortune of the regiment to have little of the active field service for which it is preeminently fitted by discipline, through instruction, and the determined character and manhood of a carefully selected personnel, but they may return to their homes with the fullest assurance that the services of no other organization in the Philippines has been more valuable than theirs scattered among hostile and suspicious people, alien in race, religion, and habits, the regiment by the fine example of its conduct and by just and honorable dealings converted these into friends and adherents. It could have rendered no greater service to the country to which it is returning, nor to the races with whom it has been thrown. From the beginning the duties have been most trying and perplexing, often at lonely and remote stations in a tropical climate and without respite and relaxation.

To-day, because the Thirty-first began its occupation in the right way, Mindanao is not only amenable to American rule, but it is content and prosperous and protests against any change from the governmental order of things under the Stars and Stripes.

It was said by the gentleman from Georgia that the surviving soldiers of the Spanish-American War are fakers. Wherein, pray?

We associate with them daily. They belong to the professions, they are in all lines of business, they even have seats on the floor of this House, and one of them was President of the United States, and all the world knows that he was, and many people desire that again he may be returned to that high position.

Indeed, there are some conspicuous living heroes of the Spanish-American War whose careers form pages of our brilliant military history who scarcely can be classed as fakers. As, for example, Gen. Wood, than whom in these latter days the Army has not had a bigger or brainier head. Then there are Funston, and Bell, and Pershing, and Col. Lockett, who commanded the Eleventh Cavalry, the only volunteer mounted regiment serving in the Philippines in the days of the empire. Then there are many others, and of those who are gone there was Lawton, who rests in Arlington, a grand soldier, a fair fighter, and a fine gentleman.

Turning to the Navy we find inscribed on imperishable tablets such names as Dewey, Bob Evans, Schley, Sampson, Sigsbee, and Sperry, and they are magnificent men, who earned for our Navy by their service in the Spanish-American War a rank in efficiency, discipline, and achievement not eclipsed by any navy of Europe.

The Spanish-American War was not much of a war in its number of casualties, but in accomplishment it scored for the renown of the Republic and the courage of the people as no other event since the War between the States.

The truth is, Mr. Chairman, and every Member of this House who knows his constituency knows it is, the Spanish War veterans are among the good, respected, and industrious citizens of their communities. They do not and have not attempted to do business on their soldier records. Indeed, if they are to be blamed it is because they do not exploit these enough to let it be simply known that they were in our latest war, which did more to make the United States a recognized world power and first-class nation than any other cause contributing to the effacement of the almost universal impression among foreigners that the Yankee's God was gold and his spunk spurious.

Furthermore, the Spanish War demonstrated beyond all cavil the existence in the souls of our youth the same spirit of patriotism that made minute men in 1776 and volunteers in sixty and sixty-five, so that we need not fear.

It is now 14 years since war was declared against Spain by the Washington Government. The Spanish War veterans have not asked and are not asking as much as a favor at your hands. They only say to you that precedent should be followed, that indigent widows and orphans of dead Spanish War veterans should be cared for, in part, by the United States. They themselves are doing this now. They should not be expected to, though; they should not be permitted to do so. It is discreditable to the Government and the people to put this burden on these veterans or to suffer them longer to assume it.

Nor do I believe that Congress will be parsimonious and cheap in this matter. Individual pique may prompt certain Members to be hostile to and slanderous in their assaults against these veterans, but, in my judgment, there are too many true-blue Americans in the Senate and the House to defeat, or long delay, the passage of this bill, meritorious in every sentence and word, although, it must be said, scant in its liberality.

Mr. SPEER. Mr. Chairman, it seems to me we are getting away from the amendment that has been offered here.

The CHAIRMAN. Does the Chair understand the gentleman to make a motion to strike out the last word?

Mr. SPEER. Yes. I wish to speak on the amendment that was offered by the gentleman from Georgia [Mr. RODDENBERY]. His amendment is that the pensions shall begin with the date of approval instead of the date of the filing of the application.

Now, that is against the general rule. Why should we introduce a new rule in pension legislation, which has not been in force before? It would be a premium on the holding up of approvals, to make pensions begin at the time of approval. Surely the Members of the House will not favor that.

Also, the remarks by the gentleman from Texas on this amendment as to arrears of pensions are out of place. There is nothing of that kind in this bill. It does not grant to anyone arrears of pension. The pensions will begin only from the date of filing of the application. It does not provide that the pension will be retroactive, and go back to an earlier period.

Mr. KINKEAD of New Jersey. Mr. Chairman, I move to strike out the last two words. I am opposed to the adoption of this amendment for reasons that every man on the floor must be familiar with. All of us know that at times it requires us to go two or three times to the Pension Bureau in order to obtain a pension for a deserving soldier or a more deserving widow of a soldier. If the pension was to start from the day on which the application was approved, then, in many instances, the widow of the soldier would be deprived of the legitimate pension sometimes for as long as a period of six or eight months. I do not believe it is the desire, wish, or intention of the gentleman from Georgia to impose a hardship of this nature on the Spanish-American War soldier or on his widow. I think that if he will think for a moment or two longer he will realize that the widow of a soldier, if she is actually entitled at all to this pension, is entitled to it from the date on which the application is filed.

In this connection I wish to state that in every pension bill, whether general or private, it reads that the pension shall start from the date on which the application is filed. I trust the gentleman from Georgia, in order to have us pass on to more important business, will withdraw his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were 3 ayes and 66 noes.

Mr. CRAGO. Mr. Chairman, I move that debate on this section and all amendments close in five minutes.

Mr. RODDENBERY. Mr. Chairman, before that is put, I want to state that there was an understanding that I should have eight amendments, and I really only have six, and this is the fifth.

Mr. CRAGO. Mr. Chairman, I withdraw the motion.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend, page 2, by adding, in line 19 after the colon, the following: "*Provided further,* That any widow or child as aforesaid shall not be construed to have a pensionable status under this act unless it is affirmatively shown that the deceased husband or father being an officer or enlisted man was during the said War with Spain or the Philippine insurrection actually engaged in or present and exposed to danger in one or more battles or skirmishes."

Mr. RODDENBERY. Mr. Chairman, I desire to direct the committee's attention to this amendment. It provides that a pensionable status shall accrue to the widow of an enlisted soldier of the Army or Navy who was present at or actually exposed to danger in one or more battles or one or more skirmishes during the war.

The gentleman from New Mexico [Mr. CURRY] observed a moment ago that there was fighting in the Philippines and in Cuba. I well understand it. My amendment proposes—and I should be glad to support not only the amendment, but the bill, if the amendment is adopted—that those who shall be pensioned under this act shall be the widows and children of men whose husband or father at some time during said War with Spain or the Philippine insurrection engaged in or was present and exposed to danger in one or more battles or skirmishes.

Now, gentlemen, what can be the objection to this amendment? It opens the door of the Treasury to the widow of every soldier or sailor engaged in a battle or a skirmish, or exposed to danger in a battle or skirmish, or who was actually in battle, although he sustained no injury, received no wound, and contracted no disease. What more does a soldier or sailor want than that? What more does wisdom, justice, or gratitude require?

Mr. KINKEAD of New Jersey. Mr. Chairman, a parliamentary inquiry?

The CHAIRMAN. The gentleman will state it.

Mr. KINKEAD of New Jersey. As I understand, the motion of the gentleman from New Mexico was to close all debate on this matter in five minutes?

The CHAIRMAN. That motion was withdrawn.

Mr. RODDENBERY. Mr. Chairman, if the committee adopt the amendment the effect on the bill is to say that if a soldier was engaged in a battle or skirmish, or exposed to danger in a battle or skirmish, his widow and children are entitled to a pensionable status. Remember that the present and existing law now gives to every widow and child of a soldier a pension without regard to the time of service; if while in camp or on a vessel of the Navy or in the Army anywhere he was wounded or contracted a disease of which he then or subsequently died. Let me call attention to the fact that unless you adopt this amendment, if a war vessel was at New York or in California during the War with Spain, when the officer or enlisted man of such ship dies the widow and children of every such man would draw a pension under this bill.

Do the people indorse it? Is it right, is it just that the family of the regular officers and regular enlisted soldiers of the Army or Navy should have this pension when they were in the service before and in it now and were moored and anchored in the different ports and harbors of this country far removed from the seat of war? Yet this bill takes them in. My amendment does not deny to naval officers or an Army officer or an enlisted man of the Navy or an enlisted man of the Army or the volunteer forces a pension for his dependent widow if he was engaged in battle skirmish, exposed to danger in one or more battle skirmishes. Gentlemen, vote it down if you choose, but I submit that it is founded in the very essence of justice, it is embedded in the eternal principles of love and gratuity to those who deserve it, and it distinguishes between the struggles in the great war of the sixties and the skirmishes of the war of 1898, if you may so call it. I hope gentlemen will support this amendment, and I respectfully submit it to your candid judgment as Representatives of all of the American people. I am ready to support this bill if this amendment is adopted in substance as offered. It is just, and the country and the fighting soldiers will approve it.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I hope this amendment will not prevail. There can be no reason founded in justice and right why the widow of a soldier who died in

the service from disease should be denied a pension, and the widow of a soldier who died in battle should be given a pension. This amendment, as I understand it, provides that the widow shall not receive a pension unless the soldier engaged in actual battle and was subjected to danger on the battle field. The record of all the armies of the past 200 years, as reported in Longmore's tables, shows that out of every four men who died one died as the result of wounds received upon the battle field, while three died from diseases contracted in the service.

Mr. RODDENBERY. But they get a pension for that now.

Mr. HUMPHREYS of Mississippi. No. The gentleman proposes to cut off the widows of those who faced disease in the hospitals, who subjected themselves to the real dangers of war, without its pomp and glorious circumstance, and to confine the gratuity, as he chooses to call it, to the widows of those who were fortunate enough to find the enemy on the battle field.

Mr. RODDENBERY. The gentleman is in error.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I was a soldier in the Spanish War, and though I did not participate in any of its battles I have nevertheless seen soldiers die. I believe there is some compensation for the sacrifice when a soldier gives up his life upon the battle field. It is at least a glorious death, and his children will point their children to the fact as their brightest legacy. He goes down in the storm of battle cheered on by the shouts of his comrades, the gleam of his banners, and the din of resounding arms. He gets some taste of—

> That stern joy which warriors feel
> In foemen worthy of their steel.

But the boy who is stricken with disease, who languishes and suffers the tortures which are known to none as they are known to the helpless, fever-racked soldier in an Army hospital, is the one who makes the real sacrifice, who pays the debt of patriotism in its fullest measure. No soldier ever feared the enemy on the battle field; it is that silent, sulking foe, who passes the sentinel unchallenged and saps the lifeblood of its victim as he sleeps, who sounds no bugle call, beats no drum, and whose battle field is the division hospital. This is the enemy the soldier fears, and from him, and him alone, he prays the god of battles for deliverance.

Two boys march side by side, undergo all the hardships of the campaign, both inspired by the same lofty patriotism. One is stricken with disease, and while he suffers the tortures of a pain-racked body and a broken heart the other goes out to battle. Both survive; yet the gentleman from Georgia would pension the widow of the one whose great good fortune brought him face to face with the enemy, and say to the widow of the other, "Your husband's sacrifices are not worthy this grateful tribute of his country's love." I know that the soldiers who were fortunate enough to participate in the battles of that war would never countenance such an unjust discrimination, and I do not believe this House will. [Applause.]

The soldier who volunteered in the Spanish War, who obeyed every lawful order of his superior officer, is entitled to as much credit and his widow is entitled to as generous consideration by this Government as the soldier who, by some good fortune, was able to meet the enemy on the battle field. [Applause.] And in the name of thousands of soldiers who volunteered, animated by patriotism as high as ever inspired soldiers who engaged in any battle in the history of this Republic, I call upon this House, by an overwhelming vote, to vote down the amendment offered by the gentleman from Georgia. [Applause.]

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia.

The question was taken; and on a division (demanded by Mr. RODDENBERY) there were—ayes 4, noes 78.

So the amendment was rejected.

Mr. STERLING. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

At the end of section 1 insert:
"*Provided*, That the widow of any soldier or sailor of the Civil War who married the soldier after June 27, 1890, shall be entitled to the same pensionable status as those widows who married the soldier or sailor prior to that date."

Mr. CRAGO. Mr. Chairman, on that I reserve the point of order.

Mr. BEALL of Texas. Mr. Chairman, I make the point of order on that.

The CHAIRMAN. The gentleman from Pennsylvania has already reserved the point of order.

Mr. RODDENBERY. Mr. Chairman, I reserve all points of order on that amendment. No point of order has been stated, and I reserve all points of order on the amendment.

The CHAIRMAN. The Chair will hold that the reservation of the gentleman from Pennsylvania is quite as comprehensive as that of the gentleman from Georgia.

Mr. STERLING. Mr. Chairman, the purpose of this amendment is to give pensions to widows of soldiers of the Civil War who married after June 27, 1890. It is proposed, now, in this bill to give to the widows of soldiers of the War with Spain a pension, regardless of the origin of the cause of the death of the soldier. That war occurred eight years after the passage of the law of 1890, which limited pensions to widows who married prior to that date. There are many of these old soldiers who have but little, and some who have nothing outside of their pensions on which to support themselves and wives. If they married after that date, their widows are left penniless. It is the dread of their declining years to know that this Government will not care for their widows. They go to their graves feeling that the Government which they defended is not entirely just; and they are right. It is not just, and we here in Congress are responsible for the injustice. This amendment will cure this most unjust discrimination, and we ought to pass it. I am in favor of the bill now before the House, and I trust it will become a law at this session, but we can not justify our course in depriving this other class of widows of the right to a pension. When we do justice to a part, why not do justice to all? There are thousands of widows who married soldiers of the Civil War in their old age and cared for them in their declining years. They are not pensionable because they married after June 27, 1890. Why should that arbitrary date control a widow's right to pension? I appeal to this House to correct this wrong. Let us do justice, even at this late day. Twenty-two years have passed since then, and that is all too long a time for Congress to permit this wrong to prevail. There are thousands of old soldiers who have no other means of support for themselves and wives except their pensions.

Mr. KINKEAD of New Jersey. I want to ask the gentleman from Illinois if at the time of the passage of that amendment it was not the intention of the House to do away with the idea of women marrying soldiers for the purpose of obtaining pensions after their death, and if it is not a fact, in spite of the law at that time, that these widows married old soldiers knowing they were not going to receive any pension because of the passage of the act of June 27, 1890? So the widows merely desired, as the gentleman from Illinois well stated, to care for the soldiers in their old age; that affection instead of a paltry pension was the basis for their act.

Mr. STERLING. Yes; and many widows who married after 1890 were widows of soldiers who had died, and these widows were then getting pensions and gave up the right to a pension and married the soldier knowing that under that law they would be deprived of the pension in the case of his death. That reason does not exist now. Twenty-two years have elapsed since that law was passed. We have passed a law increasing pensions to the old soldiers; we have passed a law increasing pensions to widows who married prior to that date, and I submit to the House in justice and fairness that those widows who married after that time should be given a pension.

The CHAIRMAN. The time of the gentleman has expired. Does the gentleman from Pennsylvania insist upon his point of order?

Mr. CRAGO. Mr. Chairman, with all due deference to the wishes and arguments of the gentleman from Illinois, I must make the point of order against his amendment.

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STERLING. Mr. Chairman, I insist it is germane. The subject matter of the bill is pensions. It relates to pensions to widows, and the amendment which I offer relates to the same subject. You have no right under the rules to defeat this joint provision simply because it relates to the widows of another war.

The CHAIRMAN. The Chair has not had an opportunity to look up any precedents on the question, but as the Chair understands it a measure of the kind referred to, covered by the amendment of the gentleman from Illinois, would come from the Committee on Invalid Pensions. This comes from the Committee on Pensions, and this relates entirely to widows of officers and enlisted men who served in the War with Spain or the Philippine insurrection and not with the War between the States, commonly called the Civil War. The Chair is of opinion that the amendment is not germane to the bill, and therefore the Chair is of the opinion that the point of order is well taken, and sustains the same.

Mr. RODDENBERY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend, on page 3, line 2, by striking out the words "previous to the passage of this act" and substitute therefor the following: "Prior to July 5, 1902."

Mr. RODDENBERY. Mr. Chairman and gentlemen, the bill which we have before us provides that the widow of a soldier who married prior to the passage of this act shall be entitled to a pensionable status if other conditions required obtain. The amendment which I offer provides that the widow only shall have a pensionable status in case where the soldier was married to her prior to July 5, 1902. Now, the holdings of the War Department are to the effect that the War with Spain and the Philippine insurrection ended July 4, 1902. My amendment provides that only the widows of those soldiers who were married on that day, or prior to the close of the war, shall have a pensionable status. Under the provisions of this bill the effect of it is that a strong, hale, healthy young man, with no disease, no sickness, no dangers in the insurrection or skirmishes, comes out a single man and subsequently marries, and if in the prime of life, from an accident or otherwise, he dies, his widow draws a pension, although during the period of his service he was a single man.

No such consideration on principle has yet been applied to the widows of the old soldiers of a war that was a war, and the wars in the past were Herculean as compared with the Spanish War. And I say, if you propose to extend pensions broadcast and open the doors of the Treasury of this country on political grounds, the amendment I offer is wise, prudent, and well timed. This may be, gentlemen, a good political bill to pass. It originates from the Republican side of the House and comes from a Democratic committee. It may afford a refuge of political safety for some gentlemen whom the "bull moose" seeks and would destroy, and possibly others, but when it comes to real patriotism and real reward to the brave American soldier, it is a travesty, it is a fraud. It is a political sham. Its passage will be an unwise use, with all due respect to my colleagues, of sacred legislative power with which the people have intrusted us.

[Cries of "Vote!" "Vote!"]

Mr. SLOAN. Mr. Chairman, I notice this afternoon's procedure is very similar to what has frequently occurred during this session.

Mr. RODDENBERY. I am glad the gentleman has arrived. He has not been here during the day.

Mr. SLOAN. I have listened to three installments of the gentleman from Georgia, at least, and expect to hear some more, because in the last eight months when pension matters came up, two brilliant young Members from Georgia, RODDENBERY and TRIBBLE, have succeeded in obstructing the embattled hosts of those beyond the middle aisle. And it reminds me of a Spanish War story.

Some citizens of this city decided to remove what they considered a reproach upon their race and decided to furnish a company, uniformed, armed, and equipped at private expense, and present it to President McKinley on a certain day shortly after the declaration of war. The time for the company to appear was set at 4 o'clock p. m. President McKinley was waiting for it down in front of the White House. Four o'clock came, and no company; 4.10 o'clock came, and no company; 4.20 o'clock came, and no company, not a foot beat; 4.30 o'clock came, and no company, not a drum beat. Finally the President said to his private secretary, "Cortelyou, call up the barracks and see what is the matter with that company." The voice that came back said: "Mr. Cortelyou, Mr. Cortelyou, send down the White House police to der barracks. There are two drunken Irishmens in front of der barracks and won't let the company oudt." [Laughter.]

I thought when they got through with the pensions relating to the Civil War there would be no further obstructions in front of the barracks. But I know now that the two obstructionists still stand before the barracks. [Laughter.]

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. Debate on this amendment has been exhausted. The question is on the amendment offered by the gentleman from Georgia [Mr. RODDENBERY].

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. RODDENBERY. Mr. Chairman, I demand a division.

The committee divided; and there were—ayes 20, noes 65.

So the amendment was rejected.

The CHAIRMAN. The Clerk will read.

SEC. 2. That no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of this act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than $5, which sum shall be payable, only on the order of the Commissioner of Pensions, by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section, or shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every offense, be fined not exceeding $500 or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court.

Also, the following committee amendment was read:

Page 3, line 10, strike out the word "ten" and insert in lieu thereof the word "five."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I offer an amendment to section 2, in lines 11 and 12, by striking out the words "pension agent" and inserting in lieu thereof the words "disbursing clerk."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 3, lines 11 and 12, strike out the words "pension agent" and insert in lieu thereof the words "disbursing clerk."

Mr. CRAGO. We accept that amendment.

Mr. AUSTIN. Let me ask the gentleman if it is not a fact that under the pension appropriation bill adopted the other day and signed by the President the pension agencies are abolished, to take effect on the last day of January, and if you amend the bill as you propose now you are giving the authority to the officer designated in that change of the pension law, whereas the authority will remain in the pension agencies of the country until the 1st of January?

Mr. MANN. I suggest to the gentleman that he insert after the word "agent" the words "or disbursing clerk."

Mr. KINKEAD of New Jersey. Would it not be safer to insert before the gentleman's amendment, "on and after the date the new law goes into effect"?

Mr. BORLAND. I think in deference to these suggestions the language would be perfectly clear if all these words "by the pension agent making payment of the pension allowed" should be stricken out, making the payment only on the order of the Commissioner of Pensions. It strikes me that that language is clear without designating who makes the payment. The words "by the pension agent making payment of the pension allowed" do not add anything to the force of the language. I ask leave to modify the amendment by striking out, on lines 11 and 12, the words "by the pension agent making payment."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The Clerk read as follows:

Amend, page 3, lines 11 and 12, by striking out the words "by the pension agent making payments."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Missouri [Mr. BORLAND].

The question was taken, and the amendment was agreed to.

Mr. BORLAND. Mr. Chairman, I offer a further amendment, to insert a semicolon after the word "Pensions," in line 11, in lieu of the comma.

Mr. MANN. The semicolon is there.

Mr. BORLAND. It is after the word "allowed." It should be after the word "Pensions." If the amendment, however, is not necessary I will withdraw it.

The CHAIRMAN. The gentleman from Missouri withdraws his amendment.

Mr. CRAGO. Mr. Chairman, I move that the committee do now rise and report the bill favorably, with amendments, to the House.

[By unanimous consent, leave was granted to the following gentlemen to extend their remarks in the RECORD: Mr. CURLEY, Mr. CRAGO, Mr. THAYER, Mr. KINKEAD of New Jersey, Mr. SLOAN, Mr. HUGHES of West Virginia, Mr. HUMPHREYS of Mississippi, Mr. SPEER, and Mr. DONOHOE.]

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CRAGO] moves that the committee do now rise and report the bill, with amendments, to the House.

The motion was agreed to.

Accordingly the committee rose; and the Speaker, having resumed the chair, Mr. CLAYTON, Chairman of the Committee

of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 17470) to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports that that committee has had under consideration the House bill 17470, and has authorized him to report it back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. CRAGO. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment?

Mr. RODDENBERY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERY. Is it in order now to offer a motion to recommit?

The SPEAKER. Not right now. That comes after the third reading. If a separate vote is not demanded on any amendment the Chair will put the amendments en bloc. The question is on agreeing to amendments.

The question was taken, and the amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill

The question was taken, and the bill as amended was ordered to be engrossed and read a third time.

Mr. RODDENBERY. Mr. Speaker, I offer the following motion to recommit with instructions.

The SPEAKER. The gentleman from Georgia [Mr. RODDENBERY] offers a motion to recommit with instructions, which the Clerk will report.

The Clerk read as follows:

Moved to recommit H. R. 17470, a bill to pension widow and minor children of any officer or enlisted man who served in the War with Spain or Philippine insurrection, to the Committee on Pensions, with instructions to said committee to report the same back with the following amendments:

Amend, on page 2, by adding in line 19 after the colon the following: "*Provided further*, That no widow or child as aforesaid shall be construed to have a pensionable status under this act unless it is affirmatively shown that the deceased husband or father—being an officer or enlisted man—was during the said War with Spain or the Philippine insurrection actually engaged in or present and exposed to danger in one or more battles or skirmishes."

The SPEAKER. The question is on the motion to recommit.

Mr. GARDNER of Massachusetts. I move to lay the motion to recommit on the table.

SEVERAL MEMBERS. Oh, no.

Mr. GARDNER of Massachusetts. Mr. Speaker, if the gentleman does not wish to debate it, I am perfectly willing to withdraw the motion to table it.

Mr. MANN. The motion to recommit is not debatable after the previous question has been ordered.

Mr. GARDNER of Massachusetts. The motion to recommit is debatable unless the previous question is moved on the motion to recommit.

Mr. MANN. The gentleman is mistaken.

Mr. GARDNER of Massachusetts. The gentleman is not mistaken.

The SPEAKER. It is as broad as it is long.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Massachusetts that the motion to table an amendment would carry the bill with it, and I think a motion to table a motion to recommit might do the same thing.

Mr. GARDNER of Massachusetts. I think the gentleman is mistaken. The reason that a motion to table an amendment takes all the papers with it is very obvious, but a motion to recommit has nothing to do with the papers.

Mr. UNDERWOOD. I have not had a chance to look it up, but I think the gentleman is endangering the bill by his motion.

Mr. MURRAY. I ask the gentleman to withdraw his motion to lay on the table. I have tried to help the gentleman from Pennsylvania [Mr. CRAGO], who has had charge of the bill in the committee, and have had an understanding with the gentleman from Georgia [Mr. RODDENBERY] with reference to his attitude in regard to this entire matter.

Mr. RODDENBERY. I do not understand that the gentleman from Massachusetts is under any obligation to make that request. I certainly appreciate it, but I ask the gentleman not to make the request at my instance, because I do not understand that it is any violation of the agreement.

Mr. MURRAY. I ask the gentleman from Massachusetts [Mr. GARDNER] to withdraw the motion, so that we will not have to vote it down.

The SPEAKER. Does the gentleman from Massachusetts withdraw his motion to table?

Mr. GARDNER of Massachusetts. I withdraw it.

The SPEAKER. The question is on the motion to recommit.

The question being taken on a division (demanded by Mr. RODDENBERY), there were—ayes 10, noes 57.

Mr. RODDENBERY. Mr. Speaker, I make the point of order that no quorum is present.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 5294. An act to establish in the Bureau of Statistics in the Department of Agriculture a Division of Markets; to the Committee on Agriculture.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city;

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war; and

H. R. 11877. An act to amend section 8 of the food and drugs act, approved June 30, 1906.

HOUR OF DAILY MEETING.

Mr. UNDERWOOD. Mr. Speaker, I ask the gentleman from Georgia to withdraw his point of order for a moment. I wish to ask for an order concerning the hour of daily meeting of the House.

Mr. RODDENBERY. I withhold the point of order for a moment.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that for the remaining days until the final adjournment of Congress the daily hour of meeting of the House shall be 11 o'clock instead of 12.

Mr. MANN. Will the gentleman simply make that for the remaining days of this week?

Mr. UNDERWOOD. At the request of the gentleman from Illinois, the minority leader, I make the request for the balance of this week.

The SPEAKER. The gentleman from Alabama asks unanimous consent that during the remaining days of this week the hour of daily meeting be fixed at 11 o'clock instead of 12. Is there objection?

There was no objection.

PENSIONS.

Mr. RODDENBERY. Mr. Speaker, I now renew my point that there is no quorum present.

Mr. CRAGO. I move a call of the House.

Mr. CANNON. Would not the gentleman attain his object just as well to raise the question on the passage of the bill, rather than on the motion to recommit? We have been here all day and some of us are pretty tired.

Mr. RODDENBERY. I should be more than pleased to accede to any suggestion coming from the gentleman from Illinois, but in this particular instance I raise the question now of no quorum present.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. The previous question having been ordered on the bill, it being Calendar Wednesday, if the House should

now adjourn would the bill come up to-morrow as unfinished business?

The SPEAKER. The bill would come up next Wednesday as unfinished business.

Mr. MANN. I think the Chair is right.

Mr. MURRAY. Mr. Speaker, may I ask if, by unanimous consent, the bill can be taken up to-morrow, failing the absence of a quorum at this time, as unfinished business?

The SPEAKER. Speaker CANNON decided half a dozen times that you could do anything by unanimous consent.

Mr. MURRAY. Then I ask, Mr. Speaker, unanimous consent that this matter be considered the unfinished business when the House meets to-morrow at 11 o'clock, immediately after the reading of the Journal.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent, the previous question having been ordered on the bill and amendments to final passage, that it shall be considered as unfinished business, when the House meets to-morrow, immediately after the reading of the Journal.

Mr. KINKEAD of New Jersey. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. KINKEAD of New Jersey. I want to see this measure pass, but I want to know, if some one who is not here to-day should object to-morrow, would it interfere with the bill being considered as unfinished business?

The SPEAKER. He could not object to-morrow to what was done to-day. Is there objection to the request of the gentleman from Massachusetts?

Mr. RODDENBERY. Mr. Speaker, I am constrained to object.

The SPEAKER. The gentleman from Georgia makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and forty-one Members present—not a quorum.

Mr. CRAGO. I move a call of the House.

Mr. UNDERWOOD. Mr. Speaker, was not the House dividing when the point of no quorum was made?

The SPEAKER. It was. The call of the House will take place automatically. The Doorkeeper will close the doors, the Sergeant at Arms will bring in the absentees, and the Clerk will call the roll.

Mr. MURRAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURRAY. Is the roll call on the motion of the gentleman from Georgia to recommit?

The SPEAKER. The roll call is on the motion of the gentleman from Georgia to recommit, and those in favor of the motion will answer "aye," and those opposed will answer "no."

The question was taken; and there were—yeas 13, nays 166, answered "present" 8, not voting 203, as follows:

YEAS—13.

Candler	Harrison, Miss.	Sisson	Witherspoon
Doughton	Kitchin	Stedman	
Faison	Oldfield	Stephens, Miss.	
Goodwin, Ark.	Roddenbery	Tribble	

NAYS—166.

Aiken, S. C.	Davis, Minn.	Helgesen	Mann
Allen	Dent	Helm	Martin, Colo.
Anthony	Denver	Henry, Tex.	Moon, Tenn.
Ashbrook	Difenderfer	Hensley	Moore, Pa.
Austin	Dixon, Ind.	Hill	Morgan
Bartholdt	Donohoe	Holland	Moss, Ind.
Bathrick	Doremus	Houston	Murdock
Beall, Tex.	Driscoll, D. A.	Howland	Murray
Blackmon	Dwight	Hughes, N. J.	Needham
Booher	Farr	Hull	Norris
Borland	Fergusson	Humphreys, Miss.	Padgett
Bowman	Ferris	Johnson, Ky.	Palmer
Brantley	Finley	Jones	Payne
Brown	Fitzgerald	Kahn	Pepper
Buchanan	Flood, Va.	Kendall	Post
Bulkley	Floyd, Ark.	Kennedy	Pray
Burke, S. Dak.	Foss	Kent	Rainey
Burke, Wis.	Foster	Kinkaid, Nebr.	Raker
Burleson	French	Kinkead, N. J.	Ransdell, La.
Burnett	Gallagher	Korbly	Rauch
Butler	Gardner, Mass.	Lafean	Rees
Byrns, Tenn.	Gardner, N. J.	Lafferty	Russell
Campbell	Gill	La Follette	Sherley
Cannon	Goeke	Lamb	Sloan
Cantrill	Graham	Lee, Ga.	Small
Carter	Gray	Lee, Pa.	Smith, J. M. C.
Claypool	Greene, Mass.	Lever	Smith, Saml. W.
Clayton	Greene, Vt.	Lewis	Smith, Tex.
Cline	Hamilton, Mich.	Littlepage	Speer
Cooper	Hamilton, W. Va.	Lobeck	Stanley
Crago	Hamlin	McCoy	Stephens, Tex.
Crumpacker	Hardy	McKellar	Sterling
Curley	Haugen	McKinley	Stone
Curry	Hawley	McKinney	Sulloway
Danforth	Hayden	McLaughlin	Sulzer
Davenport	Heflin	Maguire, Nebr.	Sweet
Taggart	Townsend	Watkins	Wilson, Pa.
Talcott, N. Y.	Turnbull	Wedemeyer	Wood, N. J.
Taylor, Ohio	Underhill	Whitacre	Woods, Iowa
Thayer	Underwood	White	Young, Kans.
Thomas	Utter	Willis	
Towner	Vare	Wilson, N. Y.	

ANSWERED "PRESENT"—8.

Adamson	Hay	McDermott	Saunders
Garrett	Hughes, W. Va.	McMorran	Sparkman

NOT VOTING—203.

Adair	Edwards	Konop	Pujo
Ainey	Ellerbe	Kopp	Randell, Tex.
Akin, N. Y.	Esch	Langham	Redfield
Alexander	Estopinal	Langley	Reilly
Ames	Evans	Lawrence	Reyburn
Anderson, Minn.	Fairchild	Legare	Richardson
Anderson, Ohio	Fields	Lenroot	Riordan
Andrus	Focht	Levy	Roberts, Mass.
Ansberry	Fordney	Lindbergh	Roberts, Nev.
Ayres	Fornes	Lindsay	Robinson
Barchfeld	Fowler	Linthicum	Rodenberg
Barnhart	Francis	Littleton	Rothermel
Bartlett	Fuller	Lloyd	Rouse
Bates	Garner	Longworth	Rubey
Bell, Ga.	George	Loud	Rucker, Colo.
Berger	Gillett	McCall	Rucker, Mo.
Boehne	Glass	McCreary	Sabath
Bradley	Godwin, N. C.	McGillicuddy	Scully
Broussard	Goldfogle	McGuire, Okla.	Sells
Browning	Good	McHenry	Shackleford
Burgess	Gould	McKenzie	Sharp
Burke, Pa.	Green, Iowa	Macon	Sheppard
Byrnes, S. C.	Gregg, Pa.	Madden	Sherwood
Calder	Gregg, Tex.	Maher	Simmons
Callaway	Griest	Martin, S. Dak.	Sims
Carlin	Gudger	Matthews	Slayden
Cary	Guernsey	Mays	Slemp
Clark, Fla.	Hamill	Miller	Smith, Cal.
Collier	Hammond	Mondell	Smith, N. Y.
Connell	Hanna	Moon, Pa.	Stack
Conry	Hardwick	Moore, Tex.	Steenerson
Copley	Harris	Morrison	Stephens, Cal.
Covington	Harrison, N. Y.	Morse, Wis.	Stephens, Nebr.
Cox, Ind.	Hartman	Mott	Stevens, Minn.
Cox, Ohio	Hayes	Neeley	Switzer
Cravens	Heald	Nelson	Talbott, Md.
Cullop	Henry, Conn.	Nye	Taylor, Ala.
Currier	Higgins	Olmsted	Taylor, Colo.
Dalzell	Hinds	O'Shaunessy	Thistlewood
Daugherty	Hobson	Page	Tilson
Davidson	Howard	Parran	Tuttle
Davis, W. Va.	Howell	Patten, N. Y.	Volstead
De Forest	Hughes, Ga.	Patton, Pa.	Vreeland
Dickinson	Humphrey, Wash.	Peters	Warburton
Dickson, Miss.	Jackson	Pickett	Webb
Dies	Jacoway	Plumley	Weeks
Dodds	James	Porter	Wilder
Draper	Johnson, S. C.	Pou	Wilson, Ill.
Driscoll, M. E.	Kindred	Powers	Young, Mich.
Dupré	Knowland	Prince	Young, Tex.
Dyer	Konig	Prouty	

The Clerk announced the following pairs:

For the session:

Mr. RIORDAN with Mr. ANDRUS.

Mr. ADAMSON with Mr. STEVENS of Minnesota.

Mr. RUCKER of Colorado with Mr. DRAPER.

Mr. FORNES with Mr. BRADLEY.

Mr. TURNBULL with Mr. HAYES.

Mr. GLASS with Mr. SLEMP.

Mr. HOBSON with Mr. FAIRCHILD.

Mr. EVANS with Mr. TILSON.

Mr. HOWARD with Mr. DE FOREST.

Mr. BELL of Georgia with Mr. LANGHAM.

Mr. MCGILLICUDDY with Mr. GUERNSEY (all questions except battleships, appropriations, free tolls, interstate shipment, and intoxicating liquors).

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Until further notice:

Mr. KONOP with Mr. RODENBERG.

Mr. JACOWAY with Mr. PRINCE.

Mr. HUGHES of Georgia with Mr. NYE.

Mr. HAMMOND with Mr. MILLER.

Mr. GREGG of Texas with Mr. MCKENZIE.

Mr. GREGG of Pennsylvania with Mr. MCCREARY.

Mr. GODWIN of North Carolina with Mr. LONGWORTH.

Mr. DUPRÉ with Mr. LAWRENCE.

Mr. DIES with Mr. HOWELL.

Mr. DICKINSON with Mr. HEALD.

Mr. DAVIS of West Virginia with Mr. HARRIS.

Mr. CULLOP with Mr. HANNA.

Mr. COX of Indiana with Mr. GRIEST.

Mr. COVINGTON with Mr. FOCHT.

Mr. CALLAWAY with Mr. DODDS.

Mr. BOEHNE with Mr. CARY.

Mr. ALEXANDER with Mr. BURKE of Pennsylvania.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BURGESS with Mr. WEEKS.

Mr. GARRETT with Mr. FORDNEY.

Mr. MORRISON with Mr. HUMPHREY of Washington.
Mr. SHERWOOD with Mr. CALDER.
Mr. GOULD with Mr. AINEY.
Mr. DAUGHERTY with Mr. SIMMONS.
Mr. SAUNDERS with Mr. PICKETT.
Mr. BARTLETT with Mr. VREELAND.
Mr. COLLIER with Mr. ANDERSON of Minnesota.
Mr. SHARP with Mr. MOTT.
Mr. POU with Mr. PORTER.
Mr. TALBOTT of Maryland with Mr. PARRAN.
Mr. STEPHENS of Nebraska with Mr. GREEN of Iowa.
Mr. MAYS with Mr. THISTLEWOOD.
Mr. O'SHAUNESSY with Mr. PLUMLEY.
Mr. LEVY with Mr. MATTHEWS.
Mr. HARRISON of New York with Mr. MCGUIRE of Oklahoma.
Mr. RANDELL of Texas with Mr. SMITH of California.
Mr. TAYLOR of Colorado with Mr. AMES.
Mr. EDWARDS with Mr. DALZELL.
Mr. CONRY with Mr. JACKSON.
Mr. RUBEY with Mr. KNOWLAND.
Mr. PETERS with Mr. MCCALL.
Mr. WEBB with Mr. REYBURN.
Mr. FRANCES with Mr. POWERS.
Mr. SLAYDEN with Mr. MOON of Pennsylvania.
Mr. SIMS with Mr. WILSON of Illinois.
Mr. RUCKER of Missouri with Mr. WILDER.
Mr. REILLY with Mr. WARBURTON.
Mr. PATTEN of New York with Mr. VOLSTEAD.
Mr. LLOYD with Mr. STEPHENS of California.
Mr. LINTHICUM with Mr. SELLS.
Mr. SHACKLEFORD with Mr. DYER.
Mr. SPARKMAN with Mr. DAVIDSON.
Mr. RICHARDSON with Mr. MARTIN of South Dakota.
Mr. GUDGER with Mr. HUGHES of West Virginia.
Mr. NEELEY with Mr. ROBERTS of Massachusetts.
Mr. HARDWICK with Mr. CAMPBELL.
Mr. GEORGE with Mr. GOOD.
Mr. GARNER with Mr. HINDS.
Mr. MCDERMOTT with Mr. PATTON of Pennsylvania.
Mr. ELLERBE with Mr. CURRIER.
Mr. BARNHART with Mr. HENRY of Connecticut.
Mr. CLARK of Florida with Mr. FULLER.
Mr. SHEPPARD with Mr. BATES.
Mr. SCULLY with Mr. BROWNING.
Mr. PAGE with Mr. MONDELL.
Mr. PUJO with Mr. MCMORRAN.
Mr. SABATH with Mr. HIGGINS.
Mr. MAHER with Mr. ROBERTS of Nevada.
Mr. JOHNSON of South Carolina with Mr. GILLETT.
Mr. FIELDS with Mr. LANGLEY.
Mr. GOLDFOGLE with Mr. SWITZER.
Mr. LEGARE with Mr. LOUD.
Mr. LITTLETON with Mr. COPLEY.
Ending August 28:
Mr. BYRNES of South Carolina with Mr. MADDEN.
Ending August 24:
Mr. ROTHERMEL with Mr. MICHAEL E. DRISCOLL.
For August 21:
Mr. JAMES with Mr. OLMSTED.

Mr. MCDERMOTT. Mr. Speaker, I voted "no," but I am paired with the gentleman from Pennsylvania, Mr. PATTON, and I answer "present."

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The gentleman from Alabama moves that the House do now adjourn. All in favor will rise and stand until counted. [After counting.] Fifty-one gentleman have risen in the affirmative. Those opposed will rise and stand until counted. [After counting.] Thirty gentlemen have risen in the negative. The ayes have it, and the motion is agreed to.

Accordingly (at 7 o'clock and 17 minutes p. m.) the House adjourned until to-morrow, Thursday, August 22, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13563) to provide for the construction of four revenue cutters, reported the same without amendment, accompanied by a report (No. 1232), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. FITZGERALD: A bill (H. R. 26371) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; to the Committee of the Whole House on the state of the Union.

By Mr. ROTHERMEL: Resolution (H. Res. 706) to pay witnesses and other expenses of the Committee on Expenditures in the Department of Commerce and Labor; to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CURLEY: A bill (H. R. 26372) granting an increase of pension to John Carroll; to the Committee on Pensions.

Also, a bill (H. R. 26373) granting an increase of pension to Humphrey E. Connors; to the Committee on Pensions.

Also, a bill (H. R. 26374) granting an increase of pension to Daniel Sullivan; to the Committee on Pensions.

By Mr. HULL: A bill (H. R. 26375) for the relief of the estate of James B. Hallum; to the Committee on War Claims.

By Mr. LANGHAM: A bill (H. R. 26376) granting an increase of pension to Martha Jane B. Phillips; to the Committee on Invalid Pensions.

By Mr. MCCALL: A bill (H. R. 26377) granting a pension to Cassie L. Lowden; to the Committee on Invalid Pensions.

By Mr. RAKER: A bill (H. R. 26378) for the relief of Victor E. Shaw, and for other purposes; to the Committee on the Public Lands.

By Mr. SPARKMAN: A bill (H. R. 26379) granting a pension to John G. Buehler; to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 26380) granting an increase of pension to J. M. Butterworth; to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 26381) granting a pension to Mrs. D. C. Russell; to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 26382) granting an increase of pension to John Doerflinger; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. FORNES: Memorial of the Maritime Association of the Port of New York, favoring the building of two battleships; to the Committee on Naval Affairs.

By Mr. FULLER: Petitions of the Typographical Union of Ottawa, Ill., and citizens of the State of Illinois, against sending second-class mail by freight and any increase in rates; to the Committee on the Post Office and Post Roads.

Also, papers to accompany House bill 26259, for the relief of Harriet M. Deml; to the Committee on Invalid Pensions.

By Mr. HAYDEN: Memorial of the board of directors of the Phoenix and Maricopa County Board of Trade, of Arizona, relative to restoring the American merchant marine to its former importance; to the Committee on the Merchant Marine and Fisheries.

By Mr. MONDELL: Petition of citizens of Sheridan, Wyo., favoring passage of House joint resolution 163; to the Committee on the Judiciary.

By Mr. HAMILTON of West Virginia: Papers to accompany House bill 14283, for increase of pension for Jacob Conkle; to the Committee on Invalid Pensions.

By Mr. RAKER: Petition of citizens of Greenville, Cal., favoring passage of bill for improvement of Greenville Indian School; to the Committee on Indian Affairs.

By Mr. SULLOWAY: Petition of citizens of the State of New Hampshire, favoring passage of bill to regulate express rates; to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of the State of New Hampshire, against passage of a parcel-post bill; to the Committee on the Post Office and Post Roads.

By Mr. TAYLOR of Ohio: Memorial of the Grand Council of Ohio, United Commercial Travelers, favoring 1-cent letter postage; to the Committee on the Post Office and Post Roads.

Also, memorial of the Grand Council of Ohio, United Commercial Travelers, favoring change in date of national elections; to the Committee on Election of President, Vice President, and Representatives in Congress.

SENATE.

THURSDAY, *August 22, 1912.*

The Senate met at 10 o'clock a. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

LEAVE OF ABSENCE.

Mr. CULBERSON. At his request, I ask unanimous consent that the Senator from West Virginia [Mr. CHILTON], on account of illness, be excused from further attendance in the Senate at the present session.

The PRESIDENT pro tempore. Without objection, the request will be granted.

CALLING OF THE ROLL.

Mr. BRISTOW. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Kansas suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Crane	McCumber	Root
Bacon	Culberson	Martin, Va.	Simmons
Bankhead	Cullom	Martine, N. J.	Smith, Ga.
Borah	Cummins	Massey	Smith, Md.
Bourne	Dillingham	Myers	Smoot
Bristow	du Pont	Nelson	Thornton
Bryan	Gallinger	Overman	Townsend
Burnham	Heyburn	Page	Warren
Catron	Johnston, Ala.	Perkins	Wetmore
Chamberlain	Jones	Pomerene	Works

Mr. THORNTON. I announce the necessary absence of my colleague [Mr. FOSTER]. I ask that this announcement may stand for the day.

Mr. TOWNSEND. I desire to state that the senior Senator from Michigan [Mr. SMITH] is unavoidably absent from the city. I desire this statement to stand for the day.

The PRESIDENT pro tempore. Forty Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of absent Senators, and Mr. TILLMAN answered to his name when called.

Mr. OLIVER entered the Chamber and answered to his name.

The PRESIDENT pro tempore. Forty-two Senators have answered to their names; not a quorum.

Mr. SMOOT. I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some little delay, Mr. SMITH of South Carolina, Mr. BRADLEY, Mr. REED, Mr. CLAPP, and Mr. CURTIS entered the Chamber and answered to their names.

Mr. CLAPP. I desire to state that the Senator from Kansas [Mr. CURTIS] and myself were at a conference committee meeting and that is the reason why we did not sooner appear.

Mr. SANDERS entered the Chamber and answered to his name.

The PRESIDENT pro tempore (at 10 o'clock and 28 minutes a. m.). Forty-eight Senators have answered to their names. A quorum is present. Without objection, further proceedings under the call will be dispensed with. Petitions and memorials are in order.

HOUR OF MEETING TO-MORROW.

Mr. WARREN. Mr. President, there are a good many very important conferences going on which take the time of Senators. I therefore move that when the Senate adjourns to-day it adjourn to meet to-morrow at 12 o'clock.

The PRESIDENT pro tempore. The Senator from Wyoming moves that when the Senate adjourns to-day it adjourn to meet at 12 o'clock noon to-morrow. The question is on that motion.

Mr. REED. Mr. President, what is the special reason for that?

Mr. WARREN. To give Senators who are engaged on conference committees time to confer. Senators, like myself, who are busy in conference can hardly remain in the Senate to keep a quorum.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21094) to create a commission on industrial relations.

ENTRIES ON RECLAMATION LANDS.

Mr. ASHURST. I present a letter in the nature of a petition from the president of the Yuma County Water Users' Association of Arizona, which I ask may be printed in the RECORD and referred to the Committee on Public Lands.

There being no objection, the letter was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

YUMA COUNTY WATER USERS' ASSOCIATION (INC.),
Yuma, Ariz., August 15, 1912.

Hon. HENRY F. ASHURST,
United States Senate, Washington, D. C.

DEAR SENATOR: I do not know how soon Congress may adjourn, but I judge from the complicated matters yet on hand that the session may continue for some time yet, and much contrary to my intentions to ask further work from you and Senator SMITH and Congressman HAYDEN, I am compelled to call your attention to a grave emergency matter which we have thought would not come to be acute for quite a while; but in this I find I am mistaken, therefore I trust you will pardon my further solicitation.

President Orme, of Salt River project, visited me a few days ago and informed me that Mr. Davis, of Reclamation Service, had recommended that the farm unit at Salt River project be established at 40 acres, and that engineers are now staking out the entered land in accordance with such recommendation, and that an official order is not unexpected to be issued at any time.

Should this matter become established before the next session of Congress, relief may not be possible, therefore an emergency exists which we ask our Representatives to determine what can be done now with this matter.

The law provided for units of 160 acres or less, thus raising the presumption that where lands were adapted to grain, hay, and stock propositions the maximum acreage would, in all reasonableness, be adopted by the Secretary of the Interior.

Such was the expressed opinion and assurance of the preceding Secretary of the Interior, Mr. Ballinger, and upon such opinion many entrymen made investments and improvements that will be almost a total loss if the acreage is now reduced.

What unit is established at Phoenix will, in all probability, be established at Yuma.

Let me now explain wherein the hardship affects the entryman:

First. The Government invited entries of 160 acres—of course with the reserved right to reduce. That put the entryman upon his own judgment as to the amount he should enter and improve, and that judgment was, of course, based upon reason and experience as to the nature of the crops the lands and climate were adapted to. Fruits are out of the question except upon the mesa. Vegetables are also out of the question for want of market, and under all reasonable conditions only a limited acreage could be put to such crops. Ninety-five per cent of all our valley lands are best adapted to the staples of grain and hay; therefore our entrymen used caution, reason, and good business sense in entering 160 acres.

Second. Many such entries are now fully improved or in process of improvement upon such basis. They are laid out in fenced lots—some for alfalfa, some for grain, some for pasturage—and the houses, corrals, barns, and farm machinery have been provided on such a basis, proportion, or scale as make a complete farm of such necessary diversity of crops as the soil, climate, and market indicate. Should such farms now be reduced, all plans will have to be made over again to adapt them to the reduced acreage.

Third. It was for just such condition of affairs that Congress passed the law of June 25, 1910, prohibiting further entries on reclamation lands until the project is declared open and the farm unit is established. Such was a wise provision, for the reason that no one could be misled into making an investment on a larger scale than the unit permitted. But what about those entries made prior to June 25, 1910, upon which, both previous and since, the entrymen have extended their clearings, cultivation, and other improvements in accordance with the expressed urgent requests of the department that they should prepare

as much land to utilize the water as possible? The price of land here, if compelled to be thrown on the market, will not bring the cost of clearing and work of putting in cultivation, and if the acreage is reduced, it will mean bankruptcy for a large majority of such entrymen. We believe the land will eventually come up in price, but not in time to save the present generation from terrific losses. Can it be possible to believe that Congress will permit its industrious citizens to be so entrapped? The department is controlled by the ideas of theorists and land agents, who make wild statements, such as how many tomatoes or melons may be grown to the acre, etc., whereas if one one-hundredth of the land was put to such crops they would rot on the ground for want of a market.

This is, indeed, an emergency that I believe should be met by the present Congress now in session. Unless settled it will paralyze further efforts in the line of development, and retrenchment and hedging against the inevitable will be the principal occupation from now henceforth.

These entries are scattered all through the patented lands, which are immune from reduction to less than 160 acres.

To see these struggling entrymen singled out for such hardships and uncertainties makes enemies of the Government.

There is nothing to be gained by such procedure. The reclamation law is all right, but its administration is controlled by men who have no experience with the soil and are deficient in business experience—all of which is embarrassing for a Republican to admit.

I propose the following amendment to the reclamation law:

"Land entries under the reclamation law of June 17, 1902, of 160 acres or less, and made prior to June 25, 1910, shall not be subject to reduction to a lesser farm unit than the acreage entered."

Yours, truly,

EARL B. SMITH, *President.*

PROTECTION AGAINST FLOODS OF THE COLORADO RIVER.

Mr. ASHURST. I present a telegram in the nature of a petition from the mayor of the city of Yuma, Ariz., and also a telegram from the Yuma County Commercial Club, which I ask may be printed in the RECORD and referred to the Committee on Appropriations.

There being no objection, the telegrams were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

YUMA, ARIZ., *August 20, 1912.*

Senator HENRY ASHURST,
Washington, D. C.

The following resolution was this day introduced and unanimously adopted:

Be, and it is hereby, resolved by the Common Council of the town of Yuma, Ariz., That the Congress of the United States of America be, and the same is hereby, memorialized and prayed to make the appropriation for the protection of lands and property in the United States against the flood waters of the Colorado River, as recommended by the President of the United States in his message of June 14, 1912, and the recommendation of the Interior under date of June 13.

J. H. SHANNSSEY, *Mayor.*
S. FRANK STANLEY, *Clerk.*

—

YUMA, ARIZ., *August 21, 1912.*

Senator ASHURST,
From Arizona, Washington, D. C.

The citizens of Yuma solicit your assistance in enacting into law the resolution introduced in Congress per Document No. 846, appropriating million and quarter for completion of protection work on Colorado below Yuma.

YUMA COUNTY COMMERCIAL CLUB.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. I report favorably from the Committee on Appropriations the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, with amendments, and I submit a report (No. 1061) thereon. I give notice that I shall endeavor to bring up the bill at the first moment when the floor is available.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

REPUBLIC OF NICARAGUA.

Mr. BRIGGS, from the Committee to Audit and Control the Contingent Expenses of the Senate, to which was referred Senate resolution 385, authorizing the Committee on Foreign Relations to investigate the alleged invasion of the Republic of Nicaragua by the armed sailors and marines of the Navy of the United States, reported it without amendment.

EXCHANGE OF CERTAIN PROPERTIES BETWEEN PORTO RICO AND WAR DEPARTMENT.

Mr. WARREN, from the Committee on Military Affairs, to which was referred the bill (S. 313) relative to the exchange of certain properties between the insular government of Porto Rico and the War Department, reported it without amendment and submitted a report (No. 1063) thereon.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PRIVATE LAND CLAIMS.

Mr. BACON, from the Committee on Private Land Claims, to which was referred the bill (S. 6781) in reference to the issuance of patents and copies of surveys of private land claims, reported it with an amendment and submitted a report (No. 1064) thereon.

Mr. CATRON subsequently said: I ask for the present consideration of Senate bill 6781, reported by the Senator from Georgia [Mr. BACON] from the Committee on Private Land Claims this morning.

Mr. CULBERSON. What is the calendar number?

Mr. CATRON. There is no calendar number.

The PRESIDENT pro tempore. The bill was reported this morning and has no calendar number.

Mr. CULBERSON. From what committee was it reported?

Mr. NELSON. From the Committee on Private Land Claims.

The PRESIDENT pro tempore. The Senator from Georgia reported the bill from the Committee on Private Land Claims.

Mr. CULBERSON. Is it a unanimous report of that committee?

Mr. CATRON. Yes, sir; it is reported with an amendment.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 1, line 6, after the word "claim," to insert "in New Mexico," so as to make the bill read:

Be it enacted, etc., That upon the payment into the Treasury of the United States of one-half of the cost of surveying and platting, which may have heretofore been made or which may be hereafter made, of any private land claim in New Mexico which may have been confirmed, and in reference to which the survey and plat thereof may have been or may be reported to the General Land Office and approved, a patent shall be issued to the confirmee, his heirs or assigns, for such claim, and also copies of the field notes of such approved survey and plat thereof when requested from the proper officer, the cost of the copies of such field notes of such survey and plat to be paid for by the confirmee, his heirs or assigns, in addition to paying the said one-half of the cost of surveying and platting said claim.

SEC. 2. That all laws and parts of laws in conflict herewith are hereby repealed.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CONFEDERATE VETERANS' REUNION AT ADA, OKLA.

Mr. JOHNSTON of Alabama. From the Committee on Military Affairs I report back favorably without amendment the joint resolution (H. J. Res. 349) authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' reunion to be held at Ada, Okla., in September, 1912. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. SMOOT. I should like to ask the Senator if the joint resolution contains the usual provision that some parties are held responsible for the safe return of the tents and cots?

Mr. JOHNSTON of Alabama. Yes; there is such a provision in it.

Mr. SMOOT. I did not hear that part of it read.

Mr. JOHNSTON of Alabama. There is a provision in the joint resolution holding the parties responsible for the safe return of the articles.

The PRESIDENT pro tempore. The usual provision for a bond is in the joint resolution.

Mr. SMOOT. Very well.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PORT OF ENTRY, NEW ORLEANS, LA.

Mr. NELSON. From the Committee on Commerce I report back favorably without amendment the bill (H. R. 23112) to extend the limits of the port of entry of New Orleans, La., and I submit a report (No. 1062) thereon. I call the attention of the Senator from Louisiana [Mr. THORNTON] to the bill.

Mr. THORNTON. I ask unanimous consent for the present consideration of the bill.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. O'GORMAN:

A bill (S. 7490) for the relief of Carl Anderson (with accompanying paper); to the Committee on Claims.

By Mr. WILLIAMS:

A bill (S. 7491) to authorize the Postmaster General to settle the accounts of Capt. J. H. Estes; to the Committee on Claims.

By Mr. DILLINGHAM:

A bill (S. 7492) for the relief of John E. Johnson (with accompanying papers); to the Committee on Military Affairs.

By Mr. MYERS:

A bill (S. 7493) for the relief of Thomas G. Running; to the Committee on Appropriations.

By Mr. CULLOM:

A bill (S. 7494) granting an increase of pension to Mary J. Forbes; to the Committee on Pensions.

By Mr. MYERS:

A joint resolution (S. J. Res. 136) concerning the release and payment of individual Indian moneys.

Mr. MYERS. The joint resolution is accompanied by a memorial in favor thereof, which I ask may be printed with it, and that it also may be printed in the RECORD.

There being no objection, the joint resolution and accompanying memorial was referred to the Committee on Indian Affairs and the memorial was ordered to be printed with the joint resolution, and also in the RECORD, as follows:

Memorial of the Brotherhood of North American Indians.

To Sixty-second Congress, second session, the honorable the United States Senate:

Your memorialists desire to call attention to the needs and requirements of the individual Indians throughout the Indian country in connection with the restricted use and enjoyment which they now have in their own money and funds.

According to statistics published by the Department of the Interior there are in the hands of Indian superintendents and agents and deposited in national and State banks about $20,000,000 which belong to individual Indians. In other words, these moneys and funds are the absolute property of certain individual Indians and are not, in anywise, the property of the Indians as a tribe or nation, and should not be supervised by anyone, not even a Government official.

By the act of April 30, 1908 (35 Stat. L., 70-73), authority is granted to disbursing officers to deposit individual Indian funds in national banks. This has been modified by subsequent legislation which allows these funds to be deposited in solvent State banks as well as national banks. Instead of pursuing the policy inaugurated in the Interior Department and Indian Office when these individual funds began to accumulate, after the passage of the Dawes Act of February 8, 1887, the Indian Department has seized upon the legislation referred to as an excuse and justification for depriving the Indians of the moneys that belonged to them and have accordingly deposited these funds in banks, refusing to allow the Indians to use all their money for any purpose without an order of the Commissioner of Indian Affairs. This has been of great benefit to the banks and parties interested in the use of the money, but has been a detriment to the Indians and has deprived them of their property without adequate reason. The policy was inaugurated several years ago of allowing some of the Indians $10 a month of their own money with which to buy food, clothing, and other necessaries of life; but the complaints of the Indians were so insistent and so frequent that the Indian Department was authorized, in certain cases, to modify the $10 a month order and to allow the superintendents to recommend in certain individual cases the use and expenditure of money in more liberal amounts. This latter method has been entirely unsatisfactory to the Indians and hundreds of complaints have been received from which it appears that Indians who are actually in want of the bare necessities of life and who have to their credit in banks thousands of dollars, have been unable to obtain a dollar for food, clothing, and other necessary household expenses. In many instances these Indians have died in want. Many references to this can be furnished. They did not even have the money to pay for a coffin or other burial expenses and an order had to be secured from the superintendent to buy such articles, to be paid for out of the Indian's funds, after his death, and the balance to be held in the bank, after his heirs were determined by the Secretary of the Interior, to the credit of such heirs, and, if no heirs were found, all of the money would revert to the State wherein the Indian died.

The system now in use in the Indian Department in this respect has grown to be so powerful, and the influence of the banks controlling these moneys is so great, that it is next to impossible for Indians to receive any part of their funds in such quantity as to make every use really profitable and beneficial to the Indians. The Indians can not even build a barn or a house, or buy a horse or a cow without the close supervision of an Indian superintendent and the payment by such superintendent for these things. Accusations are frequently made that the Indian superintendent gets some pecuniary benefit from such transactions. This close supervision, unnecessary and unwarranted attention has resulted, in more than one instance, in the abuse of the power, gross favortism to dealers and Indian traders as well as contractors and financiers.

Particular attention is called to one case of very recent origin, that of the superintendent of the La Pointe Indian School, where a gross abuse was found by Government officers in the handling of these individual funds.

In the education and civilization of the Indians in accordance with the present allotment policy of the Government and the gradual elimination of the Indian Service, permitting the Indians to take care of themselves, it is impossible that they should have the necessary experience in the use and expenditure of funds unless they are permitted to have the control of their own moneys, derived from the sale of lands which they may have inherited, from the leases of their lands, from the sale of timber, or from other sources. Children are taught the wise use and expenditure of money by placing in their hands that which belongs to them and instructed the use of such funds, permitting them to buy their own clothes and gradually to become self-supporting and self-sustaining.

The present policy of the administration branch of the Government toward the Indians has resulted in many instances in pauperizing them and placing them in a condition and position where they can not with any degree of respect or honor properly care for themselves or their families. They do not have respectable homes in which to live or proper or nourishing food, and yet these same families or some member thereof may have on deposit thousands of dollars and can not get a cent of the money for use for any purpose. It is no wonder that the President, in a special message, has recommended appropriations for hospitals for the care of these Indians. But why not, instead of providing for their care, give them what is theirs—i. e., their own money—that the diseases may be prevented? Starvation, poverty, and the lack of occupation is the cause of much disease, suffering, and sorrow among the Indians. Why not remove the cause rather than provide for the remedy? It has been said by people advocating hospitals for the Indians that much of their disease and ill health is caused by too many people using the same towels or by insanitary conditions in their homes. But what can they do on $10 or $25 per month; how can they provide the necessary articles required when they can not get their own money deposited in banks, much less get assistance from the Government attempts to guide and protect them? Many of the Indians are told, so the brotherhood is informed, that they can not have any of their money until they demonstrate to the officers of the Government that they can make a living for themselves and be entirely self-supporting; that they must go to work at some gainful occupation and report periodically regarding their occupation, expenditure of money, etc., and that if the superintendent is satisfied after 6 months or 12 months that they have been diligent and have succeeded in accumulating a competence during that time he will give them ten or twenty-five dollars of their money. What self-respecting white man anywhere in the United States would have the ambition or desire to better his condition under such circumstances, and why should the Indian do any more? Any white man under the same circumstances, no matter how incompetent or imprudent, would be allowed to have sufficient of his own money and funds to support and maintain him. The Indians do not have the right of appeal to any tribunal after they are turned down by the Indian Department. They make a few calls upon the superintendent and ask for their money, through an interpreter, and are turned away with some flimsy excuse and soon lose heart and settle down to the hard life again, or, as the Indian officer says, "Gamble what little they have away or get drunk." Wouldn't a white man do the same thing?

There is every reason why individual Indians should have the unrestricted use of their own moneys. The resolution under consideration provides for payment of one-fourth of the moneys within 30 days after the passage of the act and the balance in quarterly installments at periods of three months until the entire sum now on hand or on deposit is paid out to the Indians to whom the moneys belong. It prohibits the further use of banks as depositaries for individual funds and authorizes and directs the payment of all Indians' money directly to the Indians as soon as it comes into the hands of a superintendent or Indian agent.

We believe that this is the only way in which the Indian can be taught the correct use of his own resources. The Indians can learn the use and value of a dollar much quicker by expending it themselves than they can by having the money spent for them by an Indian agent. Besides the right and exercise of self-dependence given an Indian, the same as a white man, courage and ambition. If the first fourth is not spent properly the remaining three-fourths can be withheld for their benefit.

We earnestly urge the prompt and favorable report of your committee on this joint resolution in order that it may, if possible, become a law at this session of the Congress.

BROTHERWOOD OF NORTH AMERICAN INDIANS,
By RICHARD C. ADAMS,
Great Sachem.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL (H. R. 25970).

Mr. GUGGENHEIM submitted an amendment proposing to pay a sum equal to one month's salary to the employees on the maintenance roll of the Senate Office Building, intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BRADLEY submitted an amendment proposing to appropriate $200 for an additional amount to pay the superintendent of the Senate Press Gallery a salary of $2,000 for the fiscal year ending June 30, 1913, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CULLOM submitted an amendment to pay Clarence Johnson and Rodney Sacket $10,000 for indexing the executive journals of the Senate, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to lie on the table and to be printed.

Mr. REED submitted an amendment proposing to appropriate $5,000 for the Columbia Polytechnic Institute of the District of Columbia, intended to be proposed by him to the general deficiency appropriation bill, which was ordered to lie on the table and to be printed.

STATUE OF SAM HOUSTON.

Mr. SANDERS submitted the following concurrent resolution (S. Con. Res. 30), which was read and referred to the Committee on the Library:

Whereas the city of Chattanooga, Tenn., has a beautiful park named Houston Park in honor of Sam Houston, who was at one time governor of Tennessee, and said city is desirous of erecting a statue in his honor in said park like the one in the Statuary Hall in the Capitol of the United States: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That the city of Chattanooga, Tenn., be allowed to send a proper representative, who is hereby authorized to make a cast of the statue of

Sam Houston now located in the Statuary Hall in the United States Capitol.

THE AMERICAN NAVY (S. DOC. NO. 939).

Mr. GALLINGER presented an address by Maj. F. A. Mahan, United States Navy, retired, made before the American Chamber of Commerce in Paris, on the subject of the United States Navy, our country's urgent need, which was ordered to be printed as a Senate document.

PERSONAL EXPLANATION—CAMPAIGN CONTRIBUTIONS.

Mr. PENROSE. I desire now to make a motion that the statements made by me yesterday (S. Res. 386) be referred to the subcommittee of the Committee on Privileges and Elections, of which I believe the junior Senator from Minnesota [Mr. CLAPP] is chairman, for their consideration and investigation at the earliest date practicable, and that they be empowered to send for the persons mentioned by me in my statement and such other witnesses as they may desire to call and find available. I ask that this motion lie on the table until later in the day.

Mr. BACON. I do not want to interfere in the slightest degree with what the Senator from Pennsylvania seeks to accomplish, but I suggest, in order that it may be considered before he brings it up later, whether the motion should be directed to a subcommittee. I think the motion must be addressed to the committee, and they can submit it to the subcommittee.

Mr. PENROSE. I modify the motion in accordance with the suggestion of the Senator from Georgia—that the Committee on Privileges and Elections be directed to instruct the subcommittee.

Mr. BACON. Yes.

Mr. PENROSE. I ask that the motion lie on the table until later in the day, at such time as it may be convenient for the Senate to consider it and convenient for any Senators who may desire to do so to address themselves to the question.

The PRESIDING OFFICER (Mr. OLIVER in the chair). The motion of the Senator from Pennsylvania will lie on the table, in the absence of objection.

MISSOURI RIVER BRIDGE AT OMAHA, NEBR.

Mr. CUMMINS. I ask unanimous consent for the present consideration of the bill (H. R. 25282) to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River.

Mr. WARREN. Mr. President, I have no objection to the consideration of the bill, only there is some morning business which I wish to present. However, I will wait.

The PRESIDENT pro tempore. The Chair calls attention to the rule of the Senate, which the Chair has no disposition to enforce in this case:

3. Until the morning business shall have been concluded, and so announced from the Chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer unless by unanimous consent.

Is there objection to the request made by the Senator from Iowa?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Union Pacific Railroad Co., a corporation organized and existing under the laws of the State of Utah, and its assigns to construct, maintain, and operate a bridge and approaches thereto across the Missouri River at a point suitable to the interests of navigation at or near the city of Omaha, in the county of Douglas, State of Nebraska, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and expressly reserves the right to alter, amend, or repeal the act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ADMISSION OF ADULTERATED SEEDS.

Mr. SMOOT. Mr. President, the other day, while the calendar under Rule VIII was under consideration, the Senator from Massachusetts [Mr. LODGE] asked that the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes, be transferred from Rule VIII to Rule IX. The bill was reported to the Senate by the Senator from North Dakota [Mr. GRONNA] from the Committee on Agriculture and Forestry. I have a telegram from that Senator asking that the bill be acted upon at this session, with section 4 eliminated from the bill as reported to the Senate. That is the part of the bill which was objectionable to the Senator from Massachusetts. I ask unanimous consent that the bill be now considered and that section 4 be eliminated.

Mr. BORAH. Will the bill lead to any debate?

Mr. SMOOT. If it does, I will withdraw the request.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. McCUMBER. Mr. President, I have received a number of objections concerning this bill, and I understood that the Senator reporting it was not desirous of bringing it to the front at this session. As I have received no further information regarding it, I am not prepared at this time to present to the Senate such matters as have been communicated to me.

Mr. SMOOT. I should like to call the attention of the Senator to the facts. I stated that section 4 was proposed to be stricken from the bill, and that that was agreeable to the Senator from North Dakota [Mr. GRONNA]. That is the only objectionable part of the bill, so far as I know—the only section against which protests have been made.

Mr. McCUMBER. I think the bill had better be read, and then I can see what section 4 is. I will withhold my objection to the bill until it can be read.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. TOWNSEND. Mr. President, has this bill been taken up by unanimous consent?

The PRESIDENT pro tempore. It has not yet been taken up by unanimous consent. It is being read for information.

Mr. TOWNSEND. I have had a great many complaints made in reference to this bill. I talked with the author of it, the Senator from North Dakota [Mr. GRONNA]; and my understanding was that it was not to be brought up at this session, and I have so stated to my correspondents.

The PRESIDENT pro tempore. The Chair will ask is there objection?

Mr. McCUMBER. Mr. President, I believe when the Senator from Michigan understands the particular matter that is to be eliminated from the bill he will find that it covers the question about which he had correspondence. Before the Senator came in I made the same objection, not understanding that section 4 was to be eliminated.

Mr. TOWNSEND. I will permit the bill to be read, so that we may understand what it contains, reserving the right to object.

Mr. NELSON. Mr. President, I simply want to corroborate in part what the Senator from Utah [Mr. SMOOT] has said. I have had a great many letters objecting to the new section 4 in the bill. Outside of that everybody from whom I have heard seems to be in favor of the bill. If the new section 4 is eliminated I think it will remove all objections that exist to the bill.

Mr. SMOOT. I shall move to strike section 4 from the bill.

Mr. WORKS. Mr. President, I also want to say that I have had a good many protests against section 4, but, as my recollection goes now, the protests were confined entirely to that section.

The PRESIDENT pro tempore. The Secretary will state the amendments reported by the committee.

The SECRETARY. The first amendment of the Committee on Agriculture and Forestry was, in section 1, page 2, line 15, after the word "purposes," at the end of the line, to insert "when shipped in bond through the United States or imported for the purpose of manufacture, but such shipment shall be subject to the provisions of the act of August 5, 1909."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment was, on page 3, after line 18, to insert a new section, as follows:

SEC. 4. That no person, firm, or corporation shall ship or deliver to any common carrier for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any such grain or seeds for seeding purposes, the car, case, bag, or package containing which is not plainly marked so as to show the kind of grain or seeds, the percentage of germination, the percentage of adulteration, the name and address of the consignee, and the place where the grain or seed was grown.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I only rise to express my surprise at the change possible in the sentiment of the Senate within so short a time. In 1905, when I offered an amendment to the agricultural appropriation bill covering this class of questions it received the most prompt disposal. One of the most distinguished Senators, the then Senator from the State of Wisconsin, Mr. Spooner, joined by those of the same class in point of service, said that it had never been considered for a moment that Congress should undertake to deal with such a question. They did not proceed to the point of ridicule, but they made it evident that the amendment which I offered, which was intended to protect seeds and plants, could not re-

ceive even respectful consideration. Only a few years have elapsed; we have now drifted away from conservative lines; and I suppose we will do what they said the proposed legislation at that time would do, set one man against another as a spy to criticize, either justly or unjustly, his act in order that he might perform his act. That was the line of the attack. They said we would have every man who ships a tree constituting himself a censor over every other man who ships a tree, and every man who raised seed and shipped it a censor over every other man's actions. I am not going to oppose this legislation. I thought at that time it was a legitimate subject of legislation, but the Senate did not. I think probably there were one or two—not to exceed three—Members of the then Senate who seemed to think it might be a proper subject of legislation.

Mr. SMOOT. Mr. President, the junior Senator from Michigan [Mr. TOWNSEND] desires to have the bill go over until tomorrow, and therefore I ask that the bill go over.

The PRESIDENT pro tempore. The bill will go over.

Mr. HEYBURN. I rise to a point of order. I understood the order was that the bill go over. It has not yet received unanimous consent for consideration, as I understand.

Mr. SMOOT. Then I will withdraw the request for unanimous consent.

The PRESIDENT pro tempore. The request is withdrawn.

Mr. HEYBURN. So that it will not "go over"; it will merely remain on the calendar.

The PRESIDENT pro tempore. That is correct.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. From the Committee on Appropriations, I report favorably, with the late amendments, the legislative, executive, and judicial appropriation bill (H. R. 26371) and as we are getting pretty well along in the term, I ask unanimous consent for its immediate consideration.

The PRESIDENT pro tempore. The Senator from Wyoming, from the Committee on Appropriations, submits a report.

Mr. CULBERSON. I ask the Senator from Wyoming if that bill has yet been submitted to the committee?

Mr. WARREN. If the Senator asks has the full committee been called together, I will say no, it has not; but I think I have spoken to every one of the members of the committee regarding it. Does the Senator wish to resist the present consideration of the bill?

Mr. CULBERSON. I have not been consulted about it, Mr. President, and I am on the committee.

Mr. WARREN. Well, Mr. President, of course I am perfectly willing to take it up in the committee, but I am not always able to get the members of the committee together, I am sorry to say.

Mr. CULBERSON. I am ready to meet with the committee at any time. I do not know what are the proposed changes in the bill.

Mr. WARREN. I had supposed, of course——

Mr. CULBERSON. I object to its present consideration.

Mr. WARREN. I supposed, of course, we would have the bill read.

Mr. CULBERSON. I think it ought to go to the committee, Mr. President.

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (H. R. 26371) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The Senator from Texas objects to the present consideration of the bill.

Mr. McCUMBER. Are we not entitled under the rules to have the bill read at this time? Can it not be read the first time at length?

Mr. CULBERSON. This is a bill which passed the House of Representatives and has not even been submitted to the Committee on Appropriations, as I understand, though it may have been considered by a subcommittee.

The PRESIDENT pro tempore. The Senator from Wyoming [Mr. WARREN] asks unanimous consent for the present consideration of the bill, and the Senator from Texas [Mr. CULBERSON] objects. So that, under the rule, the bill——

Mr. WARREN. Let me say to the Senator from Texas he probably remembers that when we were in full committee and the bill came back from the House after it had been vetoed by the President, the chairman of the committee was instructed how to handle the bill; and I am handling this bill in the way I was instructed; but, if the Senator wishes, I will withdraw it and call the committee together, so that the Senator can take any course he wishes. I have no desire to——

Mr. CULBERSON. This is an entirely different bill from the one which was considered by the committee on the occasion referred to by the chairman of the committee. This bill, as I understand it from the public prints, has passed the House of Representatives with a change limiting the appropriation for the Commerce Court to the 4th of March instead of the end of the next fiscal year, and that bill, so far as I have any information, has never been submited to the full Committee on Appropriations.

Mr. WARREN. The way to find out what is in the bill is to have it read, if the Senator desires to go into it and read it all. Of course he has that right. We had before us in committee two bills, two forms which were passed upon, one of which I offered, the other of which the Senator from North Carolina [Mr. OVERMAN] offered. The committee was fully advised of every item in both those measures. Now, if the present measure is different from that the reading will develop it. I do not think it is. I thought I had the authority of the committee then given me to present it.

Mr. CULBERSON. If the chairman of the committee states that he was under the impression that he had authority from the full committee to act upon this bill, I will withdraw my objection.

Mr. WARREN. I do not want to act upon it until the Senator is satisfied, and that can only come from a reading of the bill. There may be changes distasteful to the Senator and to me, but I think the Senator will find that it corresponds almost exactly with the measure we agreed upon.

Mr. CULBERSON. I will ask the Senator if the change is not what I have already indicated?

Mr. WARREN. So far as I know, the change is confined to four employees of the court and to the rent and contingent expenses.

Mr. CULBERSON. As I remember it, it is limited until the 4th of March.

Mr. WARREN. Until the 4th of March as to those four employees.

Mr. CULBERSON. If that is the bill, I repeat that, so far as I have any information, it has never been submitted to the full committee; but, in view of what the chairman of the committee states—that he understood he was authorized on the previous meeting of the committee to report a bill which had not been passed—I will not object.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

Mr. BORAH. I understand there is no change in the bill except the four changes which the Senator from Wyoming has stated. If that be true and if it is not necessary to read the entire bill, I shall not object to its consideration.

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole. It will be read.

Mr. BORAH. Is it necessary to read the entire bill under those circumstances? We dispensed with the reading of the bill day before yesterday.

Mr. ROOT. The bill had better be read.

The PRESIDENT pro tempore. It is not necessary to read it, if the Senate by unanimous consent orders otherwise.

Mr. BORAH. I ask that the reading of the bill be dispensed with.

Mr. ROOT. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. TOWNSEND. I should like to ask the chairman of the committee if it is not possible for him to indicate what portions of the bill are changed from the bill as it was presented and passed upon by the Senate the other day?

Mr. WARREN. The chairman's authority seems to have been challenged. I would rather the bill would speak for itself.

The PRESIDENT pro tempore. Objection is made to dispensing with the reading of the bill, and it will be read in full.

The Secretary proceeded to read the bill.

Mr. ASHURST. Mr. President, I do not arise to enter any objection, but in order that I may be properly advised, for if I understood the Senator from Idaho [Mr. BORAH] aright, he stated a moment ago that he would not object to the consideration of the bill if it were not to be read at length, thereby indicating that he might object if the bill were read at length. I desire to know what the rule is? It seems to me that it is not fair to that Senator to proceed with the reading after he has thus indicated that he would object to the consideration of the bill if it was to be read at length.

The PRESIDENT pro tempore. There is not a specific rule on that subject, but Senators can not make qualified objections. The bill was ordered to be read, and the reading will proceed.

The Secretary resumed the reading of the bill and read to line 11 on page 2.

Mr. BORAH. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Idaho suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashhurst	Cullom	Martin, Va.	Shively
Bacon	Cummins	Martine, N. J.	Simmons
Bankhead	Curtis	Massey	Smith, Ariz.
Brandegee	Dillingham	Myers	Smith, Ga.
Bristow	du Pont	Nelson	Smith, Md.
Bryan	Fall	Oliver	Smith, S. C.
Burnham	Gallinger	Overman	Smoot
Catron	Heyburn	Page	Thornton
Chamberlain	Johnston, Ala.	Penrose	Townsend
Clapp	Jones	Perkins	Warren
Clarke, Ark.	Lippitt	Pomerene	Watson
Crane	McCumber	Root	Works
Culberson	McLean	Sanders	

The PRESIDENT pro tempore. Fifty-one Senators have answered to their names. A quorum is present. The reading of the bill will proceed.

Mr. ROOT. Mr. President, so far as I am concerned, I will withdraw the objection to dispensing with the reading of the bill.

The PRESIDENT pro tempore. The Senator from New York withdraws his objection.

Mr. McCUMBER. I object to dispensing with the reading of the bill. I ask that the reading be proceeded with.

The PRESIDENT pro tempore. The Senator from North Dakota objects to the reading being dispensed with, and the reading of the bill will be continued.

The Secretary resumed and continued the reading of the bill to line 21 on page 9.

Mr. BORAH. I move that the further consideration of the bill be postponed until 12 o'clock.

The PRESIDENT pro tempore. The Senator from Idaho moves that the further consideration of the bill be postponed until 12 o'clock.

Mr. McCUMBER. Mr. President, if we are going to pass on the question whether we shall carry over an appropriation bill for an hour or two, I think we ought to have a quorum. I therefore suggest the absence of a quorum.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. The Senator from North Dakota suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Myers	Smith, Ga.
Bacon	Dillingham	Nelson	Smith, Md.
Borah	Fall	O'Gorman	Smith, S. C.
Brandegee	Fletcher	Oliver	Smoot
Bristow	Gallinger	Overman	Thornton
Bryan	Heyburn	Page	Townsend
Burnham	Jones	Perkins	Warren
Catron	La Follette	Pomerene	Watson
Chamberlain	Lippitt	Reed	Wetmore
Clarke, Ark.	McLean	Root	Williams
Crane	Martin, Va.	Simmons	
Culberson	Martine, N. J.	Smith, Ariz.	

The PRESIDENT pro tempore. Forty-six Senators have answered to their names. Not a quorum. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. CURTIS and Mr. MCCUMBER answered to their names when called.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. The question is on the motion of the Senator from Idaho [Mr. BORAH] that the further consideration of the bill be postponed until 12 o'clock.

The motion was not agreed to.

The PRESIDENT pro tempore. The reading of the bill will be proceeded with.

Mr. REED. I move that the further reading of the bill be dispensed with.

The PRESIDENT pro tempore. The Chair can not entertain the motion to dispense with the reading of the bill, the rule providing that it shall be read upon demand, and objection is made to unanimous consent to dispense with its reading.

Mr. REED. Can not the reading be waived by unanimous consent?

The PRESIDENT pro tempore. Yes. Does the Senator from Missouri ask unanimous consent?

Mr. REED. Yes; I ask unanimous consent that the further reading of the bill be dispensed with.

The PRESIDENT pro tempore. The Senator from Missouri asks unanimous consent that the further reading of the bill be dispensed with.

Mr. SMOOT. Is not that in violation of the unanimous-consent agreement, which is—

It is agreed by unanimous consent that on Thursday, August 22, 1912, immediately upon the conclusion of the routine morning business, the Senate will proceed to the consideration of the bill (H. R. 22913) to create a department of labor; such consideration, however, not to interfere with the consideration of appropriation bills or the reports of conference committees. (Aug. 20, 1912.)

The PRESIDENT pro tempore. The Chair does not see that the request interferes with that. The Senate has given consent to consider the pending bill. The Senator from Missouri [Mr. REED] asks unanimous consent that the further reading of it be dispensed with. Is there objection?

Mr. McCUMBER. Mr. President, I will withdraw my objection for the present.

The PRESIDENT pro tempore. The Chair hears no objection.

Mr. JONES. Mr. President, I ask the chairman of the committee whether he would have serious objection to adding an amendment to the bill? I do not want to delay the bill, but there is one matter—it is not of great general importance, and yet it refers to a matter, I think, that would be a very great individual injustice in connection with the appropriations for the Indian Office if carried out as proposed. The salary of the First Assistant Indian Commissioner prior to the passage of the last legislative bill was $3,000. An estimate was sent down to make that salary $3,500, and that was adopted. An estimate was also sent down to make the salary of the Second Assistant Indian Commissioner, who is really, I think, the most hard-worked officer connected with the Indian Office—and in saying this I do not disparage any of the others—$2,750; but in some way that was overlooked, and his salary was left at $2,250. In the deficiency bill of last session this injustice was recognized, and $500 was added so as to make the second assistant's salary $2,750. Then it came down to this session, when a further estimate was sent in increasing the salary of the first assistant commissioner, and also for an increase in the salary of the second assistant commissioner over the $2,750, but some mistake was made in considering the bill in the other House, and the salary of the second assistant commissioner was put back to $2,250, while the salary of the first assistant commissioner was left at $3,500, making a difference between the salary of those two officials of $1,250. It was the intention of Congress at the last session to make the salary of the second assistant commissioner $2,750, and it ought not to be less than that. The bill as now reported carries only $2,250 for this officer.

I do not want to delay the bill by offering an amendment making this salary $2,750, if the chairman thinks it would delay the bill, but will depend on it being taken care of in the deficiency appropriation bill that is to follow. I should like to know of the chairman what he thinks about that?

Mr. WARREN. I will say to the Senator from Washington that it would open a very wide door and would very materially delay matters if we should entertain adding an amendment of that kind to this bill. It would throw the bill back where we would have to have another conference upon it, and we would have to meet the same conferees on the part of the House, who have absolutely refused to allow the amendment to which the Senator refers.

I will say further to the Senator that I agree with him as to the capacity of the official to whom he refers; I agree with him that that official ought to have the salary which the Senator has named; and I agree with him that I intend, so far as I can, that he shall have it. A year ago in the legislative bill that provision went out with other matters, but the case was so plain that he ought to have the increase that later it was put into the deficiency bill and the conferees on the other side were satisfied to let it go through.

As the Senator from Washington has said, it was estimated for this year to go into the legislative bill as a regular salary, and we inserted it in that way. We met the conferees on the part of the House, but for some reason, while it was one of the very last things that we surrendered, we were compelled to surrender it, because they said we could again take care of it in the deficiency bill. Of course, many things are said in conference that I do not wish to repeat, but the only way we could take care of it was to let it go out there and to introduce it in the deficiency bill, which I hope soon to report here for passage.

Mr. JONES. Mr. President, with that statement of the chairman of the committee, I shall not offer the amendment; but I wanted to get these facts into the RECORD, because I know Congress did intend that this salary should be $2,750 per annum,

and that Congress does not desire to treat unjustly this competent and hard-working official.

Mr. ROOT. If I am in order, Mr. President, I should be glad to hear read those paragraphs of the bill which make provision for the Department of State.

The PRESIDENT pro tempore. That is in order, and the paragraphs will be read.

Mr. SIMMONS. Mr. President, the Senator from New York [Mr. ROOT] has asked that a certain part of the bill be read. I should like to inquire from the Chair if the bill has ever been read in the Senate?

The PRESIDENT pro tempore. The reading of the bill was dispensed with by unanimous consent a few moments ago.

Mr. SIMMONS. Will it not be necessary to read the bill at some stage before its passage?

The PRESIDENT pro tempore. The Chair thinks not——

Mr. SIMMONS. I do not see how we are to know what is in the bill unless it is read in the Senate.

The PRESIDENT pro tempore. The Chair thinks not, if the Senate, by unanimous consent, dispenses with the reading. Bills ordinarily are read twice by title by unanimous consent, and not read in full.

Mr. SIMMONS. I ask the Chair, when the bill gets into the Senate, if that unanimous consent would still be binding against the reading of the bill?

The PRESIDENT pro tempore. The Chair is of the opinion that unanimous consent having been given to dispense with the reading of the bill, it would not be competent to raise the question again in the Senate. The portion of the bill requested by the Senator from New York to be read will, without objection, be read:

The Secretary read as follows:

DEPARTMENT OF STATE.

For Secretary of State, $12,000; Assistant Secretary, $5,000; Second and Third Assistant Secretaries, at $4,500 each; director of the Consular Service, $4,500; counselor for the Department of State, to be appointed by the President, by and with the advice and consent of the Senate, $7,500; 8 officers to aid in important drafting work, 4 at $4,500 each and 4 at $3,000 each, to be appointed by the Secretary of State, any one of whom may be employed as chief of division of far eastern, Latin American, near eastern, or European affairs, or upon other work in connection with foreign relations; assistant solicitor, $3,000; law clerk, $2,500; clerks—2 of class 3, 2 of class 1, 2 at $1,000 each; 3 assistant messengers; chief clerk, $3,000; 2 Assistant Solicitors of the Department of State, to be appointed by the Secretary of State, at $3,000 each; law clerk and assistant, to be selected and appointed by the Secretary of State, to edit the laws of Congress and perform such other duties as may be required of them, at $2,500 and $1,500, respectively; 2 chiefs of bureaus, at $2,250 each; 5 chiefs of bureaus, at $2,100 each; 2 translators, at $2,100 each; additional to Chief of Bureau of Accounts as disbursing clerk, $200; private secretary to the Secretary, $2,500; clerk to the Secretary, $1,800; clerks—16 of class 4, 16 of class 3, 25 of class 2, 41 of class 1, 3 of whom shall be telegraph operators, 16 at $1,000 each, 19 at $900 each; chief messenger, $1,000; 5 messengers; 22 assistant messengers; messenger boy, $420; packer, $720; 4 laborers, at $600 each; telephone switchboard operator; assistant telephone switchboard operator; in all, $317,560.

For 2 clerks to be employed in the Department of State and to be charged with the distribution of information among the diplomatic missions, 1 at the rate of $1,800 per annum and 1 at the rate of $1,600 per annum; in all, $3,400.

Contingent expenses, Department of State: For stationery, furniture, fixtures, typewriters, including exchange of the same, repairs, and material for repairs, $11,000.

For books and maps, and periodicals, domestic and foreign, including the payment in advance for subscriptions to the same, for the library, $2,000.

For services of lithographer and necessary materials for the lithographic press, $1,500.

For miscellaneous expenses, including the purchase, care, and subsistence of horses, to be used only for official purposes, repair of vehicles and harness, telegraph and electrical apparatus and repairs to the same, street car tickets not exceeding $100, and other items not included in the foregoing, $7,000.

For purchase of an automobile mail wagon for official use of the Department of State, and maintenance of the same for fiscal year 1913, $1,000.

For rent of buildings in the District of Columbia for the use of the Department of State, $11,720.

Mr. SIMMONS. As the bill, by unanimous consent or order of the Senate, is not to be read, and as there is but one copy of the bill in the Senate, and Senators can not get that, I ask unanimous consent that that part of the bill which relates to the Commerce Court be read.

Mr. SMITH of Georgia. I desire to ask, for information, what reading of the bill is now going on?

The PRESIDENT pro tempore. The bill was read a first and second time by title when it was referred to the Committee on Appropriations. It will be read a third time before the vote upon the passage of the bill is taken. It is the opinion of the Chair that the reading of the bill at this stage is simply for information and not one of the three readings required by the rules of the Senate. By unanimous consent, the reading of the bill in full has been dispensed with. Without objection, the portion of the bill referred to by the Senator from North Carolina [Mr. SIMMONS] will be read.

The Secretary read as follows:

Commerce Court: For the following until and including March 4, 1913, namely: Clerk, at the rate of $4,000 per annum; deputy clerk, at the rate of $2,500 per annum; marshal, at the rate of $3,000 per annum; deputy marshal, at the rate of $2,500 per annum; for rent of necessary quarters in Washington, D. C., and elsewhere, and furnishing same for the Commerce Court; for books, periodicals, stationery, printing, and binding; for pay of bailiffs and all other necessary employees at the seat of government and elsewhere, not otherwise specifically provided for, and for such other miscellaneous expenses as may be approved by the presiding judge, $33,888.89; in all, $42,022.22.

Mr. WARREN. Mr. President, I can only give what I learned from the other side. I am informed that it is the opinion that the abolition of the Commerce Court having received so large a vote at another place, and in fact in two places, the court might be abolished by a special act early in 1913, and that anyway Congress will pass the next legislative, executive, and judicial appropriation bill before March 4 and could care for the other four months, for on March 4 the Congress ends. That seemed to be the opinion of those who have introduced the measure as it is. The Senate committee is submitting to it on the ground that it provides for the operations of the court until beyond the day on which the next appropriation bill will pass and future contingencies can be therein provided for.

Mr. TOWNSEND. Do I understand that the committee, having been polled or interviewed by the chairman, agree to the passage of the bill as proposed here?

Mr. WARREN. It does.

Mr. HEYBURN. Mr. President, it would seem to me that the adoption of that provision would be an indication of very great confidence on the part of one of the political parties that they would be in power after that time. That is about the way it seems to me. They are quite confident, according to that expression, that after the 4th of March they will be able to do as they please; and among the things that they please to do will be the abolishment of this court. They may not be correct.

Mr. BACON. Mr. President, I would suggest another reason for it in addition to that suggested by the Senator from Idaho, and that is that the opposition to this court is by no means confined to the Democratic Party, but that the opposition to it in both parties is so general that the conviction is quite fixed that the court is certainly to come to an end in the near future. Therefore, so large a proportion of the membership of the two parties being of that opinion, it is better merely to appropriate a little at a time, so as not to run beyond the time when the court doubtless will be abolished. I presume there is no doubt about the fact that the court is doomed, and it is only a question about when that sentence will be carried into execution.

Mr. HEYBURN. I do not mean to indorse their prophecy. I think their prophecy will fail. They are basing it upon their expectation of electing a Democratic President and having a Democratic Congress, in both of which expectations, I believe and sincerely hope, they will be mistaken.

Mr. BACON. Mr. President, if we do not have a war, or something of that kind, to divert public attention from the issues that are now uppermost in the minds of the American people, I think that confidence is well founded; but if in the meantime we get up a war with some other country there is no telling what may happen.

Mr. HEYBURN. With Nicaragua, for instance.

Mr. BACON. Or Mexico. There is a very general feeling that possibly something of the kind may develop between now and the 1st of November; and if we should have a war with Mexico, possibly the well-founded anticipation of the Democrats will be disappointed, because war is something which generally claims the public mind, occupies their thoughts, diverts their attention, and warps their judgment.

Mr. SIMMONS. Mr. President, the Senator is a member of the Foreign Relations Committee, and the observations he has just made strike me as very interesting and suggestive. I should like to ask the Senator from Georgia if he really entertains any apprehension that between now and the election we may have a war with some foreign country?

Mr. BACON. I do not know whether the State Department—which now seems to be in control of the armed forces of the United States, orders them around, without even saying that it is being done in the name of the President of the United States, and invades a friendly country—will continue that course. We have now some 500 men, I think, in Nicaragua, and I see by the newspapers this morning that preparations are being made to put 2,000 more there. If the State Department is to control the question as to whether or not the Army of the United States shall be used and the Navy of the United States shall be used in taking part in hostilities in a country with which we are at peace, and if the State Department is to be consistent and apply the same rules to Mexico that it has

applied to Nicaragua, of course we shall have war. I do not know whether the State Department is going to be permitted, especially in the absence of its chief, who is on his way to the Orient, to order transports filled with marines and send them to other countries, or whether it is going to be permitted to order men-of-war and battleships and cruisers, without even a suggestion of by-your-leave or even a matter of information being given to Congress—I do not know whether that is going to be done or not.

I should like very much for some Senator to point out conditions in Nicaragua which justify an invasion by some 2,500 or 3,000 of the armed forces of the United States to take part in battles in that country. I should like some one to point out the difference in conditions in Nicaragua in that regard from the conditions in Mexico.

As suggested to me by the Senator from Arizona [Mr. SMITH], and absolutely correctly, there is not one-tenth of the justification of it in Nicaragua that there would be in Mexico. The fact is, Mr. President, I have not a doubt in the world, as I said yesterday, that this matter of a pretended interference in Nicaragua for the alleged purpose of protecting consulates and American property or citizens is, in reality, for the purpose I indicated yesterday, of protecting an officer who has been sent there as a collector of customs and known and designated as an American collector of customs. It is, in my opinion, for the purpose of protecting him in the collection of customs, to protect some American capitalists who have made loans to that country, and a condition of the loan is that the customs shall be collected by this officer and paid over, and I have not a doubt it is to protect that situation that the armed forces of the United States are being employed. I do not charge it as a fact; I am simply expressing an opinion.

I am well founded in that opinion, however. I do know the fact that they tried to negotiate a treaty with the Government of the United States and that a treaty was negotiated by the executive department and sent to the Senate, and that the Senate has refused to ratify the treaty, and will not ratify it—I am sure of that—which treaty was for the purpose of accomplishing the very thing that is now being done without a treaty and without any shadow of law. I have a copy of that treaty in my desk, but I will not stop to read it, because Senators are familiar with the general outlines of it; but it distinctly provided for the negotiation of a loan between Nicaragua and some capitalists in the United States, who were named, by the way, and then went on to provide that an officer should be selected who would be known as—I have forgotten the exact title; but he was to be, in fact, a collector of customs; and, while he was to be appointed by the authority of the Government of the United States, he was to be nominated by these capitalists, who were going to have their loans thus protected; so that they were, in fact, the ones who appointed him or were to appoint him. Then the proposed treaty went on to provide that the United States Government would sustain that officer in the collection of customs, which means, of course, that the United States Government, with its Army and Navy, or so much thereof as may be necessary, will sustain that officer in the collection of customs and that no armed forces or any other kind of forces shall interfere with him in that function, which, of course, means the guaranteeing of the permanency of whatever government may be back of that loan. I presume it makes no difference to these capitalists who may be in force and in power in Nicaragua, provided he is one who will recognize their appointee down there—at least, that would be the case under this treaty—and provided they could have the assurance that the United States Government would with its military forces sustain in power those who would thus recognize their appointee.

That treaty was urged and pressed with the utmost earnestness upon the Senate. It was not only urged and pressed upon the members of the Committee on Foreign Relations, but, as every Senator within the sound of my voice knows, by personal appeals to each individual Senator made from the State Department for the ratification of that treaty. Then it eventuated that it was discovered that the treaty could not be ratified; it was then apparently dropped, and we heard nothing more about it.

The next thing we had was the information that the officer had, in fact, been appointed; that he is in Nicaragua discharging this function—collecting customs duties for the purpose, I presume—though I do not have the details—of paying them over to the capitalists who have loaned money down there; and as internal disorders and revolutions endanger this officer and his collection of these customs duties here is the Navy and the Marine Corps of the United States used for the purpose of protecting the Nicaraguan Government, that recognizes and sustains that officer, and protecting that Nicaraguan Government against revolutionists because of the fact that that Nicaraguan Government recognizes and sustains him.

I say, Mr. President, I state that as my opinion, but it is a little more than an opinion; it is a conviction, and it is borne out by the narration of events which appear in the newspapers in a manner and under conditions which would clearly indicate that the narration was inspired and authoritative.

The point I am coming to is this: The learned Senator from North Carolina asked me whether I had any apprehension of any such catastrophe as war being forced upon this country, and I replied that if the same authority which now assumes and does, in fact, send an armed force into another country is to continue to exercise that power, there will be very much more reason and justification in the Secretary of State or those who represent him in his absence ordering the Army of the United States into Mexico than there is in ordering the armed forces of the United States into Nicaragua. Why? Because, in the first place, it would rest upon a very much stronger foundation. It would not rest upon the pretended premise that the invasion of Nicaragua rests upon, but it would rest upon the very strong foundation that it was, in fact, for the protection of the lives and property of American citizens, which are there seriously jeopardized, and are not only jeopardized but are now being destroyed in Mexico.

I do not wish to be misunderstood about this. I do not myself think that the conditions in Mexico would justify any invasion of Mexico, but I do say there is tenfold the justification there than there is for the invasion of Nicaragua, because we need not term it anything else but an invasion of Nicaragua. Nicaragua, it is true, is rent with civil war, and our armed forces are there taking sides with one particular side, which happens to be the side which now has the distinction of being known as the Government in power and of being the supporter of this so-called American collector of customs. But the conditions are otherwise very much the same there.

I say, Mr. President, I do not wish to be misunderstood. I do not think there could be any possible justification for the invasion of Mexico. We deplore the conditions there, and the time must come when those who are suffering on account of those conditions must be compensated and made whole; but for us to precipitate a war with Mexico would be a matter of infinitely greater moment and of greater disaster than it would be if we were to undertake to assume compensation for every injury that the Government of Mexico, or, rather, the people of Mexico, either those in armed rebellion or those in arms in favor of the Government, have inflicted upon innocent persons or property of American citizens.

The Senator from North Carolina asked me whether I had any apprehension of a war being forced upon us by executive officers in the near future, and between now and the election. Sir, I do not know what to expect. When, while Congress is in session, the branch of the Government which the Constitution says shall have the power and which shall alone have the power to declare war or to originate actions of war, that a subordinate in the State Department, or the head of the State Department, or the President of the United States himself, if you please, should assume the authority and usurp the function of Congress, and without even communicating with Congress, undertake to invade a country with the armed forces of the United States—I say, when that is done I do not know what is going to happen.

I had occasion to say on a former day that we have had assurances from the President of the United States that we would not invade Mexico or order troops across the border without first receiving the authority so to do from Congress, and until there is something to the contrary from him I must assume that such is his determination.

I think it would be absolutely without any possibility of justification or authority if it was done without the authority of Congress. Even if Congress were not in session it would be his most imperative duty to call Congress in session before he ever undertook such a responsibility and such an authority, which could not be otherwise than a usurped authority. I say we have had his assurances that it shall not be done, and until something arises to indicate a change of mind on his part I shall not anticipate that it is to be done. I sincerely hope not.

Now, Mr. President, while I am on my feet I want to say another word about this Nicaraguan matter. On yesterday I introduced a resolution for the purpose of having an investigation as to the circumstances under which this invasion of Nicaragua has been undertaken and prosecuted, specifying other matters in connection therewith to be investigated. As that involved the expenditure of money, the Chair very properly, upon a suggestion made by myself, ruled that it should go to

the Committee to Audit and Control the Contingent Expenses of the Senate, and it was sent there yesterday morning. I saw the chairman of that committee yesterday afternoon and asked him to report the resolution back from the committee this morning. We are nearing an adjournment, and it is important that it should be done, and done promptly.

Mr. President, before this day's session is over I hope, and shall certainly expect, that a report shall be made from that committee, and that the expenditure required to investigate that performance in Nicaragua will be authorized by the report.

I want to say just one further word, Mr. President, in regard to this resolution for this investigation, and that is this: There is but one doubt in my mind as to the propriety of its introduction, and that is that it is a matter, in my opinion, of such gravity that it may be necessary to investigate it at the other end of the Capitol. That is the only doubt there is in my mind as to the propriety of the Senate proceeding with the investigation.

Mr. President, this is no slight matter. If we have a Government of laws, then those of us who are charged with the responsibility of making laws and those of us who are charged with the responsibility of carrying out a very fundamental feature of law, to wit, the question of deciding whether there shall or shall not be war—if we have, I say, this Government of law, it becomes us not to sit supinely and see that usurpation of power and do nothing to correct it.

What can happen in this country if officers can deliberately and knowingly and defiantly set aside law, and, above all things, set aside law in the use of the Army and Navy of the United States? Of course, there is an old adage that all men think all other men mortal but themselves, and we naturally think that our Government is superior to the disasters and calamities which have overtaken other Governments; but, Mr. President, the fathers did not think so when they made the Constitution of the United States. They designed this to be a Government of laws, and that no man, and especially no official of the Government, shall be above law or be authorized to disregard law.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. I wish to make what I deem a pertinent suggestion. A former President of the United States by an Executive proclamation in terms suspended the operation of the land laws of the United States for an indefinite period.

Mr. BACON. It matters not to me who that President was, whether he was a Democrat or a Republican, unless there was something in the law which authorized him so to do I think it was a question which ought to have been investigated at the other end of the Capitol.

Mr. HEYBURN. No one claimed that there was any authority of law for such an action by the President.

Mr. BACON. Without knowing who that President was——

Mr. HEYBURN. It was President Roosevelt.

Mr. BACON. I am sorry the Senator mentioned him because I shall not now finish my sentence. I do not wish to be personal in regard to the matter.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the junior Senator from Idaho?

Mr. BACON. I do.

Mr. BORAH. I am just as much opposed to the suspension of the law, so called, by President Roosevelt, as anyone, but it ought to be said that not only the President but his legal advisers claimed that he had the power to do so.

Mr. BACON. Of course we all recognize the principle laid down in the books that——

The PRESIDENT pro tempore. The hour of 12 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CUMMINS. Mr. President, the vote yesterday very clearly indicated that it was not the desire of the majority of the Senate here to further continue the consideration of this joint resolution or to vote upon it at the present session. Therefore I ask unanimous consent that the unfinished business be laid aside for the session, to take its place on the calendar under Rule VIII.

Mr. HEYBURN. Mr. President, I do not know of any rule governing this body that authorizes such a proceeding. It may be laid aside temporarily, but it may not be laid aside to a given time under any rule to which my attention has been called. I object.

The PRESIDENT pro tempore. Objection is made.

Mr. PAGE. Mr. President——

Mr. BACON. I do not know that I have lost the floor.

The PRESIDENT pro tempore. The Senator from Georgia has not. The unfinished business is before the Senate.

Mr. BACON. I am not finding any fault with the Chair, but I simply want other Senators who are now claiming the floor to understand that I had not yielded it. I do not know whether the Senator from Vermont rose with reference to the question of the unfinished business or not.

Mr. HEYBURN. I suggest a point of order, whether the Senator at this hour has the floor or not. The unfinished business is in order.

Mr. BACON. Undoubtedly.

Mr. HEYBURN. And it has not been laid before the Senate formally.

The PRESIDENT pro tempore. It has been laid formally before the Senate.

Mr. HEYBURN. Then I was inattentive.

The PRESIDENT pro tempore. The Senator from Georgia has the floor.

Mr. WARREN. Will the Senator permit me? I wish to suggest that, if agreeable to the Senator from Iowa, who has charge of the floor, I should be glad, at the conclusion of the remarks of the Senator from Georgia, to have him lay the unfinished business temporarily aside for two purposes—to complete the appropriation bill under consideration and also to permit the Committee on Appropriations to report to the Senate the deficiency appropriation bill, so that it may go to print and copies be distributed and the Senate become familiar with its terms.

Mr. CUMMINS. Mr. President, I made the statement I did because I felt compelled in good faith to make it, and to prefer the request which I submitted to the Senate. I have long ago said to the Senator from Vermont [Mr. PAGE] that whenever I became convinced that there was no intent on the part of the Senate to vote upon the joint resolution at the present session I would no longer press it. I have made the request, it has been denied, as I understand it, and therefore I ask that it be temporarily laid aside, inasmuch as it has been my understanding all the while that it was not to interfere with the consideration of appropriation bills and reports of committees of conference.

The PRESIDENT pro tempore. The Senator from Iowa asks that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The further consideration of the appropriation bill is in order. The Senator from Georgia will proceed.

Mr. BACON. Mr. President, I was about to say at the time of the arrival of the hour requiring the unfinished business to be laid before the Senate that, of course, we all recognize the legal principle that whatever a man does under an honest claim of right does not constitute a crime. Of course I do not refer to personal violence; but a man may even take property which does not belong to him and yet if he is indicted for having so done he can plead in justification that de did it under an honest claim that it was his property; and a good defense to be made by the man would be the fact that he did in good faith claim it as his right. Therefore what I said in response to the senior Senator from Idaho as to the investigation at another end of the Capitol would not apply to a case where, as the junior Senator from Idaho says, it was done under a claim of right and under an advice from legal advisers that he did have the right. It may have been an entirely mistaken claim and a mistaken advice, but it would free one from crime or from liability to conviction for crime. It would free him from a judgment of the violation of the law if he honestly did it under the claim that the power did rest with him to do it.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. I do.

Mr. HEYBURN. That probably would be interpreted to mean that it would free him against any charge for impeachment. I was not referring to anything so drastic. Of course he could not be impeached now; he is not in office.

Mr. BACON. No; and I did not know when the Senator propounded the question the fact to which he alluded. I had not had my attention called to it.

Mr. HEYBURN. I did not intend to carry the suggestion that far. I cited it as an instance of the careless manner of the execution of the law. No advice by the Attorney General could change the law. No wrong impression in the mind of the President could change the law.

Mr. BACON. No; it could not change the law; and it could not make it a proper thing for him to have done, but it would

free him from liability for the charge of a willful violation of the law.

I do not hesitate to say, Mr. President, that whenever an executive officer does undertake to set aside and suspend the execution of a law, he does that which he is not only not authorized to do, but for which he is greatly to be censured, to put it in the mildest form, whenever he does it.

But, Mr. President, at the time the Senator from Idaho made the suggestion, which was really in furtherance of the idea which I was endeavoring to present to the Senate, I was endeavoring to call to the attention of the Senate the great danger that there is in this Government, intended to be a government of law, in acquiescing in and by our acquiescence in a manner indorsing the violation of law by any man charged with the administration of the law or the execution of the law or any other official of the Government, whatever department he may be in, in a case in which there is a higher responsibility to obey the law than there is, if possible, upon the private citizen.

I may be wrong about this proposition, Mr. President, as to whether the executive department has the right to use the Army and Navy of the United States in a foreign country, except in cases of great emergency for a very limited purpose, without the authority of Congress. Anything which looks to military operations, anything which looks to taking part in warfare, to taking sides between contending armies in a foreign country is, to my mind, an absolute and an utter violation of the law of the land, and should not be passed by by the Senate of the United States or the House of Representatives without properly noticing it and condemning it.

I had not the slightest idea when I rose of saying anything on this subject, but the question of the Senator from North Carolina led me into it. I do not disguise the fact, in response further to the inquiry of the Senator from North Carolina, that there are whisperings going around which I will not myself credit as to what is going to happen when Congress adjourns. While I do not credit it, I repeat if the power exists in the case of Nicaragua it exists in the case of Mexico.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. BACON. I do.

Mr. SIMMONS. I should like to ask the Senator from Georgia if in the conclusion which he reached in the earlier part of his remarks, that because the Government had sent marines to Nicaragua for the purpose of protecting certain property rights there was therefore a probability that troops would be sent to Mexico for the purpose of protecting personal rights which have been invaded here, rights affecting life and liberty, the Senator has not overlooked the fact that this is a day of dollar diplomacy.

Mr. BACON. Mr. President, in the differentiation which I made between the case of Nicaragua and the case of Mexico I called attention to the fact of the negotiation, I presume the negotiation, of a loan. Certainly there is one contemplated in the proposed treaty, in the appointment of an officer there to collect customs known as an American officer, an American collector of customs, although there is no authority of law for him to use any such designation or to represent the Government of the United States or the authority of the United States in any particular. I have endeavored to show the difference between that and the case in Mexico.

I want to say that there are some features in what we commonly know as dollar diplomacy which are commendatory. I think it is to be commended whenever it is sought by legitimate means to extend the trade of this country, and the use of the term "dollar diplomacy" in that connection I have no objection to. But when it is sought to promote the personal fortunes and interests of particular individuals and to put the power of the Army and Navy of the Government of the United States back of the particular enterprise upon which those individuals are engaged, then so far as that may be designated to be "dollar diplomacy" I do not believe in it.

I presume that the inquiry of the Senator from North Carolina is directed to the fact that there is that condition of affairs in Nicaragua. In Mexico, on the other hand, we have a large number of American citizens, some of whom have gone there to live and have taken up their residence there, who have been exposed to all the dangers which result from the internecine war, the rebellion, and the revolution, and that there are still a larger number of our citizens who have invested their money there and who otherwise have many millions of dollars invested in the Republic of Mexico in mining industries and cattle industries and others of kindred character, all of which, of course, it is important should be protected, and all of which I want protected, with the limitation that we shall not embroil ourselves in war, and all of which I constantly hope and anticipate shall in the future be properly compensated in regard to any damage which may be suffered by any of those injured.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I understand the Senator to agree that there might be exceptional cases in which the President would be justified in landing or authorizing or directing the landing of marines or troops for the protection of property or life in a foreign country where it was in danger.

Mr. BACON. That is true, but it is within certain limitations.

Mr. FALL. Of course I understand the Senator to take the position that the question as to the justification for such an act is one which is personal to the Chief Executive.

Mr. BACON. Not altogether.

Mr. FALL. I want to see if we are not in pretty thorough accord. In the particular instance which is under discussion, that of the landing of marines and of men from the ships of war in Managua, granting for the moment that there has been nothing preceding their arrival there which could in any way indicate that the United States or any of its citizens were interested in fomenting the revolution, if there had been a sudden outbreak in Managua and the American consulate was threatened and lives of American citizens were threatened and a gunboat happened to be in the harbor within reach, does the Senator agree that under those circumstances there would have been justification in their landing for the purpose of protecting lives?

Mr. BACON. Mr. President, we have the right to land there for the purpose of seeing that the consulate itself is not violated, because that is American territory.

Mr. FALL. Exactly, and——

Mr. BACON. But the Government has not the right to land an Army, because that is what it amounts to, and say that one of the opposing armies shall not make war on that particular section.

Mr. FALL. I am not in disagreement with the Senator at all. I think that to land an army and to say to the present Government, on the one hand, or to those who are attacking the present Government, upon the other, that we are going to retain the Government as it stands, or we are going to overthrow the Government as it exists, would not possibly be justifiable under any circumstances without the authority of Congress. I have that distinction in mind as clearly as the Senator. But, on the other hand, I would not like to see the rule laid down that, even in Great Britain, for instance, if there was a riot in Liverpool and the property of the American Government in its consulate there was endangered, and the life of the American consul, or the lives of those who might seek sanctuary in the American consulate, because foreigners, or even citizens of the country itself, seek sanctuary in American consulates, where they are supposed to be under the protection of the American Government. Under those circumstances I think the captain of an American ship would have the authority, and it would be his duty, to land marines for the purpose of protecting that consulate; and in the event the consulate was attacked, under his duty to humanity and his Government and under international law, he would be clearly justifiable in using such force as was necessary for the defense of that consulate and using such weapons as he had at hand with which to do it.

I do not believe that under any circumstances a civilized nation like Great Britain would consider it an act of war. She would have a right to make diplomatic representations to this Government, and we would have the right to reply, showing exactly the conditions under which we landed, and that no offense was intended to the Government of Great Britain. Does not the Senator agree with me?

Mr. BACON. When the Senator gets through I will be glad to reply.

Mr. FALL. I was simply stating a case and asking if the Senator would not agree with me.

Mr. BACON. I want to state the case as I understand it when the Senator has finished. I can not answer yes or no. I yielded to the Senator to make his statement, and I will wait until he concludes.

Mr. FALL. I appreciate the courtesy of the Senator.

Mr. BACON. I simply want to give the Senator an opportunity to conclude.

Mr. FALL. Then the question is, Under these particular circumstances would not the Senator justify the landing of a sufficient force to protect the American consulate and the use of such force as was necessary, even in Liverpool?

Mr. BACON. Now, Mr. President, the proposition is simply this: The Senator has very fortunately instanced a case that

is one where the conditions would be easily understood and the rights of the Government under those conditions I think somewhat easily defined. The sole function of the landing of the United States marine forces, for instance, in a foreign country for the purpose of protection indicated by the Senator is to protect the consulate itself and those who are connected with it. It does not go to the extent of saying that nobody shall make war in such manner as to endanger that consulate in the progress of that war. It does not go to the extent of saying that the United States Government has the right to land troops in Liverpool for the purpose of preventing warlike operations which may endanger the consulate in their legitimate prosecution.

For illustration, suppose England were at war with Germany and there should be a German fleet drawn up in the Mersey for the purpose of bombarding the city of Liverpool. We have a fleet of battleships there, if you please, superior in numbers and in power to the ships of the German fleet. It would certainly be beyond our power to say to the German fleet, "You shall not bombard Liverpool, because in so doing you will endanger the consulate of the United States." That is absolutely out of the question, and yet that is an exactly parallel case to that which is presented.

We have the right to land troops in case of disorder for the purpose of protecting the consulate from being looted or from being itself specifically attacked; but we have not the power to interfere with our Army and Navy for the purpose of stopping military operations in a hostile country or government against another government upon the ground that in the prosecution of those hostile operations, in the ordinary course of warfare, the shot and shell which should fall in Liverpool would endanger the consulate. It is the same thing as to a small country as to a large country, except in one case we do not assume to do it while in the other case we do so as flippantly and carelessly as a boy robs a bird's nest.

Mr. FALL. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield further to the Senator from New Mexico?

Mr. BACON. I do.

Mr. FALL. I will ask the Senator, if with nations having no particular interest except the preservation of life or the preservation of their consular agencies or their consulate quarters, it is not a matter of common knowledge that other nations do say, and always say, that it is a rule of international law, generally well understood, that in the bombardment by an attacking army or an opposing force, as in the case supposed, for instance, the German Army, which the Senator instanced, the bombardment of a post not fortified can be stopped by other nations, and that it is a general rule of international law that it shall be stopped?

Mr. BACON. I think not. I think there is no doubt about the recognition in the interest of humanity of the fact that there must be opportunity given for noncombatants to leave the zone of danger, but——

Mr. FALL. That is, where there is a fortified post and the same character of resistance is likely to be made as in making an attack?

Mr. BACON. Of course, there must be a resistance; but the question of fortification must be armed resistance. Of course, where there is no armed resistance there is no excuse for it. It is wanton barbarity. If that is what the Senator means, I agree with him, but the simple fact that there is no fortification does not affect the case. There must be a condition where those who are in possession of the town are holding it by an armed force.

Mr. FALL. Then, does not the Senator agree that even in the case of two attacking armies we have a perfect right to land our marines, take charge of our consulate, and use armed forces to repel the forces of either of the armies which might undertake to attack our consulate?

Mr. BACON. If they undertook to attack the consulate per se, undoubtedly that is a different thing altogether, but the fact that the consulate is located in the city which is on the scene of war does not justify it.

Mr. FALL. But if there is an attack made upon the consulate, we have the right to repel force with force.

Mr. BACON. If it is the consulate proper, nobody will dispute that.

Mr. FALL. Now, admitting that certain capitalists in the United States are interested in Nicaraguan affairs, by the assistance of the State Department of the United States—I am not stating these as facts, but admitting all that the Senator has drawn out, as I understand, from the facts which he has adduced here—admitting that an attack was made on the American consulate in Managua, simply because of the fact that by an assumption of authority of the State Department a man who was not authorized to act was acting there, if that man had sought a sanctuary in the consulate and the consulate was attacked because of his being there, would we not yet have the right to repel that force?

Mr. BACON. Where is the line or letter which indicates anything of that kind in the Nicaraguan case?

Mr. FALL. I understood the Senator had been arguing all morning the proposition that somebody, without any authority of law, had appointed a collector of the port, or collector of customs, at Managua at the behest of certain capitalists in the United States, and that because of this appointment we were landing troops to protect this collector.

Mr. BACON. Not at all. It was the landing of troops for the purpose of taking sides with the faction that is identified with this man. There was no attack upon the consulate at all. There is no such evidence.

Mr. FALL. If the Senator means to say that the troops of the United States have been landed in Nicaragua for the purpose of taking sides between two clashing forces, I think the Senator will be perfectly justified in introducing a resolution here of the very strongest character, expressing the sentiment of Congress as to such a circumstance.

Mr. BACON. If such is not the fact, I certainly would not have taken the time of the Senate. It is upon the assumption that that is the fact, as I gather it from the narration in the papers, which I repeat, appears to be given upon authority. There is in yesterday's dispatches a narration or a story, as the newspaper men call it, a statement of the fact that the State Department has given out that one of these factions has alienated itself from the State Department, and it is assumed that the State Department is the Government of the United States. Of course, I want to say that my whole contention is upon the basis of that being the condition, as stated by the Senator.

Mr. FALL. That is what I wanted to bring out clearly. We have the right to use an armed force to protect life and property when they are threatened, and I agree with the Senator, when he holds that we have no right simply to interfere between contesting bodies and take sides with either of them.

Mr. BACON. In this particular case, if I recollect the statement in the paper correctly, these troops were landed and carried over a 6-mile run of railway to the city of Managua for the purpose; I think the statement made this morning is that 2,100 other men, making in all 2,500 marines, that we are to have there—an Army, indeed—and in support of that Government. It can be for no other purpose. Of course nobody will say that 2,500 men are ever sent into the interior of a country for the purpose of protecting a consulate. It is for the purpose of taking part in a war, and in my humble judgmen it is a gross violation of the laws of this country.

Mr. FALL. If the Senator will allow me, I will say that, admitting these facts to be as stated, we have no right to take sides.

Mr. BACON. The only thing which gives me any hesitation in what I say about this investigation by the Senate is that if the facts are true there may possibly be developments on account of which there might be an investigation at the other end of the Capitol.

Mr. PAGE. Mr. President, I suppose I have at least a common interest with the Senator from Georgia in the matter which is now under discussion. It will be remembered that his original resolution was referred to the Committee on Cuban Relations. At that time I advised with the President with reference to that resolution, and he assured me that in his opinion there was no reasonable doubt as to his right to pursue the course which had been pursued in Cuba.

But, Mr. President, while I propose to talk upon the matter now under discussion, I want for a few moments to refer to another matter, which is of deeper interest to me, and that is to Senate bill No. 3.

Mr. WARREN rose.

Mr. PAGE. I will yield in a moment. If I remember correctly, on Monday evening, as we were about closing, I asked unanimous consent that at the termination of the consideration of the joint resolution providing for a constitutional amendment the Senate would take up Senate bill No. 3. I want to read from the RECORD as to what occurred.

I now ask unanimous consent that at the conclusion of the consideration of the joint resolution of the Senator from Iowa my bill be taken up and made the special order, if that is a proper request, Mr. President.

* * * * * * * *

The President pro tempore. The Chair will state the request as the Chair understands it. It is that upon the conclusion of the consideration of the joint resolution now before the Senate, Senate bill

No. 3 be made a special order and be taken up for cosideration. Is there objection?

* * * * * * *

The President pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Now, it is apparent——

Mr. SMITH of Georgia. I should like to ask the Senator from Vermont if he has not skipped a part of the report of what took place? Has the Senator not omitted some of it?

Mr. PAGE. I have read what I thought to be the vital part of the request for unanimous consent. The Chair stated the request, asked if there was objection, and said: "The Chair hears none, and it is so ordered." If the Senator would like to have the other part read, I will read it.

Mr. SMITH of Georgia. I will read it later.

Mr. PAGE. Very well. It seems to me that it was the sense of the Senate as expressed at that time that when we got through with the joint resolution which was being discussed by the Senator from Iowa [Mr. CUMMINS] we should take up Senate bill No. 3. I personally believe that we have substantially concluded the consideration of that joint resolution, and I further believe that I am doing no wrong to the Senate, but rather that I am carrying out the unanimous-consent agreement of the Senate when I proceed now in my own right upon the floor to take up and discuss Senate bill No. 3.

I want to say to the Senator from Wyoming [Mr. WARREN] that at any time when I may do so without prejudice to my right to the floor I shall be glad to yield to him temporarily, but I do not wish to yield the floor unless assured by the Chair that I may do so without surrendering it, except temporarily, to the Senator from Wyoming.

Mr. WARREN. The Senator from Vermont holds the floor, does he?

The PRESIDENT pro tempore. The Senator from Vermont has the floor on the pending bill.

Mr. WARREN. I want to put no obstacle in the way of the Senator. Of course he has the right under the rules of the Senate to debate any subject he pleases. I would be glad, if the Senate is in the humor to now permit the legislative bill to pass, to get it out of the way, so that it may go to the other House and be perfected. I would also be very glad, let me say without comment, to report for printing, so as to have it ready to take up later, another appropriation bill.

Mr. PAGE. Mr. President, I must insist upon retaining the floor unless I can be assured that there will not be a general discussion precipitated to interfere with the consideration of Senate bill No. 3.

Mr. MASSEY. Mr. President, I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. MASSEY. I ask what is the bill pending before the Senate?

The PRESIDENT pro tempore. It is the legislative appropriation bill.

Mr. WARREN. Of course, Mr. President, I can not make an agreement of the kind suggested by the Senator from Vermont, because any Senator may break it. I should be glad to make an attempt to conclude the legislative bill, but I can only put the request in that way.

Mr. PAGE. Mr. President, I confess that my knowledge of parliamentary practice is sadly deficient, as has been shown by the treatment of this bill for the past six months. I believe, however, unless the Senator from Wyoming can assure me that there is some way by which I may temporarily yield the floor and then resume it, that I must insist upon retaining the floor.

Mr. WARREN. Let me ask the Senator from Vermont to yield to me to make a report from a committee.

Mr. PAGE. I yield with pleasure.

[At this point Mr. PAGE yielded to Mr. WARREN.]

Mr. MYERS. I will ask the Senator from Vermont if he will yield to me for a moment for routine business, without taking the floor from him?

Mr. PAGE. If I may do so without prejudice, but I am fearful I may lose the floor if I should yield. I think, therefore, I had better maintain my position.

I now ask, Mr. President, that the Senate will consider some remarks I am about to make upon Senate bill No. 3, and I would be glad if Senators would place this bill upon their desks as well as Report No. 405, made on Senate bill No. 3, Calendar No. 348.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Iowa?

Mr. PAGE. For a question.

Mr. CUMMINS. For a question. About how long does the Senator from Vermont expect to address the Senate?

Mr. PAGE. I am unable to say.

Mr. CUMMINS. I ask so that we may arrange our affairs accordingly.

Mr. PAGE. I am unable to say, Mr. President.

Mr. CUMMINS. During the remainder of the day, probably?

Mr. PAGE. Possibly; perhaps during the rest of the session.

This bill is to provide cooperation with the States in promoting instruction in agriculture, and so forth, and if the Secretary will kindly read the caption of the bill I will be obliged, if I may be permitted to ask him to do so.

The PRESIDENT pro tempore. The title of the bill will be stated.

The SECRETARY. A bill (S. 3) to provide for cooperation with the States in promoting instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for these vocational subjects in State colleges of agriculture and the mechanic arts, in State normal schools, and in other training schools for teachers supported and controlled by the public; in maintaining extension departments of State colleges of agriculture and the mechanic arts; in maintaining branches of State experiment stations; and to appropriate money and regulate its expenditure.

Mr. SMITH of Georgia. Mr. President, I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Georgia will state his point of order.

Mr. SMITH of Georgia. I understand the unfinished business is still the amendment which has been proposed by the Senator from Iowa [Mr. CUMMINS] to the joint resolution proposing a constitutional amendment.

The PRESIDENT pro tempore. The unfinished business has been temporarily laid aside by unanimous consent.

Mr. SMITH of Georgia. May I ask the Chair when it was so laid aside?

The PRESIDENT pro tempore. About half an hour ago.

Mr. SMITH of Georgia. I did not understand that the unfinished business had been temporarily laid aside.

Mr. PAGE. Mr. President, a parliamentary inquiry. Having taken the floor, can I be disturbed in making any remarks I wish to make here?

The PRESIDENT pro tempore. The Senator will be protected in his rights. Of course any Senator has the right to rise to a question of order or to ask a ruling of the Chair.

Mr. PAGE. I have no objection to that. I have not only no objection, Mr. President, but I would be exceedingly pleased if every Senator in this body would ask any questions that occur to him as I proceed with this discussion. I do not want the discussion of this bill limited in any way whatever. The fullest discussion is what will best please me.

Section 1 gives a definition or construction to the several descriptive terms used in specifying the classes of institutions which are to receive the benefits of the several appropriations under this act.

I should like to have the construction clause, which appears on the second and third pages of the bill, read,

The PRESIDENT pro tempore. Without objection, the portions of the bill referred to will be read.

The Secretary read as follows:

CONSTRUCTION.

That the following words and phrases, as hereafter used in this act, shall, unless a different meaning is plainly required by the context, have the following meanings:

First. "School of secondary grade" or "secondary school" or "high school" shall mean a school offering studies and courses of lower than college grade which are designed to provide vocational education in agriculture and home making for persons above 12 years of age and in the trades and industries for persons above 14 years of age; and which, by courses of training approved under the provisions of this act, give vocational instruction in all-day classes to those persons who are preparing for agricultural, industrial, or home-making occupations; or in part-time and continuation classes to persons engaged in or experienced in agricultural, industrial, or home-making vocations; or in evening classes to persons above 16 years of age employed during the day in the respective vocations for which they are given instruction.

Second. "State college of agriculture and the mechanic arts" shall mean a college now receiving, or which may hereafter receive, the benefits of the act of Congress of July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts" and of acts supplementary thereto.

Third. "Agricultural-extension department or division" shall mean a department or division which is established under the provisions of this act and under the direction of a State college of agriculture and the mechanic arts in any State, and which gives instruction and demonstrations in agriculture and home economics to persons not residing at said college nor at the district agricultural schools provided for in this act and which conveys or imparts to such persons information on such subjects through field demonstrations, publications, and otherwise.

Fourth. "Separate industrial or home economics school" shall mean a school fitting for useful service in the trades and industries and the home, and having a separate plant and equipment, and separate organization of teachers and courses of study.

Fifth. "District agricultural high school" shall mean a separate agricultural school of secondary grade, in a district composed of a group of counties, and located on a farm.

Sixth. "Branch station" shall mean a branch of a State experiment station conducting field tests and breeding work, and located on a district agricultural high-school farm.

Mr. PAGE. Mr. President, section 2 is a general clause making the appropriation and stating that the sums designated in sections 3 to 10, inclusive, are "for instruction in agriculture, the trades, and industries, and home economics, for agricultural tests and demonstrations, and for administrative purposes."

I now ask that the Secretary read section 3 of the bill.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 3. That for the maintenance of instruction in agriculture, the trades and industries, and home economics in departments or divisions of schools of secondary grade, other than the separate industrial or home economics schools and the separate district agricultural high schools for which provision is hereinafter made, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the secondary school department fund.

Mr. PAGE. By oversight I omitted to ask the Secretary to read section 2, and I will read it myself:

APPROPRIATIONS.

SEC. 2. That the several sums as herein provided in section 3 to section 10, inclusive, be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to be paid, as hereinafter provided, to the respective States and the District of Columbia and to the Federal departments named herein, for instruction in agriculture, the trades and industries, and home economics, for agricultural tests and demonstrations, and for administrative purposes.

Section 3 provides $3,000,000 for what is denominated in the bill the "secondary school department fund." This appropriation is for instruction in agriculture, the trades and industries, and home economics in clearly defined departments or divisions of existing high schools of secondary-school grade. That means schools which are usually conducted in the villages and towns of a few hundred population, and perhaps it would be well that I should explain to the Senate how this is likely to work out in the different communities.

It is estimated that about 15,000 communities outside the large cities will take advantage of this appropriation, or an average of 300, or a little more, for each State. Unquestionably the number will increase from year to year, and for the first few years there may be less than this number; but upon the hypothesis that this number of communities will avail themselves of the provisions of this section of this bill, it would mean that the Federal Government will contribute toward each of these schools $200. If the State should supplement this Federal fund with a like fund, it would mean, of course, $400 that each rural community would be benefited through the joint State and national appropriation.

If, as is expected will be the case, the rural community is asked to match the joint State and Federal appropriation, it means that each rural community will have a separate unit, room, or division of its school work at each high school, which will be presided over by a teacher costing, say, $800 per year.

The bill provides that the money shall be distributed, unless otherwise provided, according to the amount which the local community shall raise for the same purpose, although it wisely preserves the autonomy of the States by providing that if any State thinks it best to distribute the fund upon some other basis it can do so; always on condition, however, that the method of distribution be approved by the Department of the Interior, which, of course, in this case means the Commissioner of Education.

It should be said, however, that under the terms of the bill the State and local communities would be jointly compelled to contribute only twice as much as the Federal appropriation; but educators believe that the example set by States like New Jersey and Massachusetts—which have worked out this problem upon the basis of a contribution by the local community equal to the amount of the outside help they receive—will be the method followed in the distribution of this fund. The average appropriation to each State and the District of Columbia under the provisions of this section is $61,225.

We next come to the provision which pertains to city industrial schools. This appropriation provides for what are to be known as industrial and home-economic schools. The country schools are supposed to teach agriculture and home economics, and the city schools to teach the trades and industries and home economics. This appropriation is for the maintenance of instruction in the trades and industries and home economics in separate schools. Bear in mind that the provisions of section 3 for the rural schools presuppose that each village or town school will have a separate unit or division of its school, in which there will be a department devoted to agriculture and home economics, and perhaps, incidentally, some other trade; but this matter will probably work out by giving an $800 teacher or an $800 unit or room in the village school. The difference between this appropriation and the appropriation for what is designated as the "secondary-school department fund" is that the latter contemplates assistance to the separate divisions or departments devoted to vocational education in the high schools in the larger villages and towns, while the appropriation in section 4 is presumably to be used for separate schools at industrial centers or in cities large enough to maintain independent schools for the trades and industries.

I want to say in this connection that while the bill takes effect earlier as to certain features, such as educating teachers, it does not take effect until 1916, so far as the appropriations for rural and city schools are concerned.

The $3,000,000 appropriated by section 4 is allotted in proportion to population engaged in trades and transportation and in manufacturing and mechanical pursuits.

The question may be asked why the allotment is so made. The answer is that in taking the Federal census the population is divided under certain subheads, two of which are "Persons engaged in trades and transportation" and "Persons engaged in manufacturing and mechanical pursuits." The language of this section is therefore made to conform to the language of those census subdivisions which every 10 years records those who work in the trades and industries. The average appropriation to the different States and the District of Columbia under the provisions of this section is $61,225. I should like to have Senators see how this appropriation would work out in their own sections, because it is quite interesting to those who live in cities to know what they will get. It is estimated that 30 per cent of the population of this country will be able to take advantage of its benefits; and if, as is expected, our population reaches 100,000,000 by 1916, when this appropriation becomes available, it means that $3,000,000 will be distributed to 30,000,000 people, which would be 10 cents per capita.

Let us, to illustrate, take a city of 10,000 population and see what kind of school would naturally result from this appropriation. Ten thousand population, at 10 cents per capita, would mean that the Federal contribution would be $1,000. If the State should match this by an appropriation of a like amount, and if, as it is supposed will be the case, the town or city shall match the joint Federal and State appropriation, it would mean that the city must raise $2,000 to match the $2,000 contributed by the State and Federal Governments.

In other words, it would give them a $4,000 school, devoted to instruction in the trades and industries and home economics. A city of 100,000 population would have $40,000 to devote to this class of education. A city of 1,000,000 would have $400,000.

I should now like to have the Secretary read section 4.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read section 4, as follows:

SEC. 4. That for the maintenance of instruction in the trades and industries and home economics in separate industrial or home economics schools of secondary grade, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States and the District of Columbia in proportion to their population engaged in trades and transportation and in manufacturing and mechanical pursuits, as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the industrial or home economics school fund.

Mr. PAGE. Mr. President, section 5 appropriates $3,000,000 for what is designated as the "district agricultural high-school fund." This appropriation is for the maintenance of instruction in agriculture and home economics in the district agricultural high schools to be established under the provisions of this act.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Wisconsin?

Mr. PAGE. With pleasure.

Mr. LA FOLLETTE. If it will not interrupt the Senator in the course of his remarks——

Mr. PAGE. Not at all.

Mr. LA FOLLETTE. I wish to inquire whether the appropriation provided in section 4 is made contingent upon a like appropriation, or upon an appropriation being made by each of the States getting the benefit of their proportionate share of the amount proposed to be appropriated by the bill?

Mr. PAGE. Every appropriation in this bill is made contingent upon the States appropriating a like amount or double the amount appropriated by the Federal Government. I will explain that as I go along. In every case, however, there must be an equal sum and in many cases twice as much. I am very glad, indeed, to have the Senator make the inquiry, and will be glad to have any other Senator interrupt me who desires to inform himself as to any part of this bill.

This appropriation—that is, the appropriation for district agricultural high schools—also begins with the fiscal year ending June 30, 1916, and is allotted to the several States in proportion to the number of persons engaged in agricultural pursuits as shown by the preceding Federal census. It provides a special appropriation of $5,000 for each State with less than 100,000 people engaged in agriculture. The average appropriation for each State under the provisions of this section, basing the estimate upon the census of 1900—I have not the figures under the census of 1910—would be $65,000.

I now ask the Secretary to read section 5 in full.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read section 5, as follows:

SEC. 5. That for the maintenance of instruction in agriculture and home economics in district agricultural high schools of secondary grade as hereinafter provided, the sum of $3,000,000 annually, beginning with the fiscal year ending June 30, 1916, such sum to be allotted annually to the States in proportion to the number of persons engaged in agricultural pursuits, as shown by the Federal census next preceding the year for which such allotment is made; and for each State with less than 100,000 people engaged in agriculture, according to such Federal census, the additional sum of $5,000 for the fiscal year ending June 30, 1916, and annually thereafter. The moneys appropriated under this section shall be known as the district agricultural high-school fund.

Mr. PAGE. Mr. President, we now come to section 6 of this bill. It will be observed that we have in the preceding sections appropriated $3,000,000 for each of four different funds. Section 6, however, provides an appropriation of only $1,000,000 for what is designated as the "branch-station fund." This appropriation is for the maintenance of branch or demonstration stations upon farms connected with the district agricultural high schools established under the provisions of section 5. This fund is designed to give these large agricultural high schools, one of which will be in each group of 8 or 10 counties, a practical turn. Here the teachers and pupils will live on a large farm, and much of the practical work will be done by the students. Here experimenters will test and breed plants and animals especially adapted to the conditions of the surrounding counties. Here the matter of rotation schemes needed by the region will be under test, and the use of fertilizers on the local soils will be studied.

Here the college and department extension workers will center such of their work as is needed by the students. Here the students will gain a knowledge of research work, that those gifted in this form of public service may be drawn into this important work. This appropriation begins with the fiscal year ending June 30, 1916, and is allotted to the several States in proportion to the number of persons engaged in agricultural pursuits. It makes a special appropriation of $2,000 for States having a population of less than 100,000 people engaged in agriculture. The average appropriation to each State under the provisions of this bill is $21,833.

Touching the $4,000,000 appropriated for this district agricultural high-school fund and the branch-station fund, it will probably work about as follows:

It is estimated that there will be about 1 school for whites in each congressional district outside of the cities, or about 325 in all. If in the Southern States there shall be 75 additional schools established for the colored race, it will give us a total of 400 schools. The fund to be divided to each of these schools will be substantially as follows:

First, the Government appropriates $3,000,000 under section 5; the State must appropriate the other $6,000,000; the Federal Government appropriates $1,000,000 for the branch stations connected with these schools under section 6; and to this sum another $1,000,000 must be added by the State, making a total of $11,000,000 to be divided among 400 schools, or $27,500 for each school, including the State and Federal appropriations.

Men experienced in the management of schools of this kind say it will cost about $100 for each pupil to conduct such a really good school as is contemplated by this act. If this supposition be correct, it means that every year there will be turned out from these different agricultural schools 275 boys and girls who, it is hoped, will return to the farm to join with the father—who, meanwhile, has been educated under the provisions of section 7 of this bill, which provides for college extension and farm demonstration work—in vitalizing, energizing, and stimulating a more intelligent and more profitable management of the farm.

Mr. President, I ask that section 6 be now read, as when I am through with my remarks I wish to be able to state that the entire bill has been read in the Senate.

The PRESIDING OFFICER (Mr. OLIVER in the chair). Without objection, the Secretary will read as requested.

The Secretary read section 6, as follows:

SEC. 6. That for the maintenance of branch stations, as provided for in this act, the sum of $1,000,000 annually, beginning with the fiscal year ending June 30, 1916, to be allotted annually to the States in proportion to the number of persons engaged in agricultural pursuits, as shown by the Federal census next preceding the year for which such allotment is made; and for the maintenance of such branch stations in each State with less than 100,000 people engaged in agriculture, according to such Federal census, the additional sum of $2,000 for the fiscal year ending June 30, 1916, and annually thereafter. The moneys appropriated under this section shall be known as the branch station fund.

Mr. PAGE. I will now proceed to explain section 7. It appropriates $3,000,000 for what is designated as the "extension-work fund," being for the support at each State college of agriculture and the mechanic arts of an extension department or division to enable the several State colleges of agriculture to take to the adult farmer upon the farm in his own locality the accumulated results of experimentation and research at the agricultural colleges and experiment stations and at the departments of agriculture; and is designed to further the work of teaching and demonstrating in a practical way to persons not in the schools how actual farming can be conducted with more profitable results than at present. This appropriation begins with the fiscal year ending June 30, 1913, the appropriation for that year being $480,000, or $10,000 for each of the 48 States. This sum is increased from year to year until 1921, when it reaches the maximum sum of $2,980,000. All sums, aside from the $10,000 per year to each State, are to be allotted on the basis of population engaged in agricultural pursuits. The average sum to each State in 1921 and thereafter is $62,083.

I now ask that section 7 be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested,

The Secretary read section 7, as follows:

SEC. 7. That for the support in each State college of agriculture and the mechanic arts of an extension department or division the sum of $640,000 annually, beginning with the fiscal year ending June 30, 1913, of which annual appropriation $10,000 shall be allotted to each of the 48 States for the benefit of such extension departments; and for the maintenance of such extension departments, the additional sum of $400,000 for the fiscal year ending June 30, 1914; the additional sum of $700,000 for the fiscal year ending June 30, 1915; the additional sum of $1,000,000 for the fiscal year ending June 30, 1916; the additional sum of $1,300,000 for the fiscal year ending June 30, 1917; the additional sum of $1,600,000 for the fiscal year ending June 30, 1918; the additional sum of $1,900,000 for the fiscal year ending June 30, 1919; the additional sum of $2,200,000 for the fiscal year ending June 30, 1920; the additional sum of $2,500,000 for the fiscal year ending June 30, 1921, and annually thereafter; these additional sums to be allotted annually to the States in proportion to their population engaged in agriculture, as shown by the Federal census next preceding the year for which such allotment is made. The moneys appropriated under this section shall be known as the extension-work fund.

Mr. PAGE. Section 8 of this bill appropriates $480,000 for what is designated as the "college teachers' training fund." This appropriation is for the preparation of teachers in departments or divisions of education in the State colleges of agriculture and the mechanic arts of the respective States, to give instruction in, or closely related to, agriculture, the trades and industries, and home economics. I wish to make it plain that this measure not only provides the means for the employment of teachers in the school service and in college-extension service but also the means with which these teachers may be trained by the agricultural colleges and State normal and other teachers' training schools. It begins with the fiscal year ending June 30, 1913, and allots $10,000 to each of the 48 States.

Mr. President, I must correct myself—it allots $10,000 to each of the 48 States, but an additional $10,000 for those States having colored agricultural colleges. That makes an addition of $160,000, making the total aggregate appropriation, as the bill now reads, of $640,000.

It is perhaps best, Mr. President, that I explain about this additional appropriation of $160,000, as the original bill only called for $480,000.

In December last the Southern Commercial Congress, an organization having for its special object the promotion of the welfare of the South, held a meeting here in Washington for the purpose of discussing vocational education generally, and especially with reference to its effect upon the Southern States. Upon its invitation, the executive committee of the American Association of Agricultural Colleges and Experiment Stations attended in a body and assisted in the discussion and amendment of this bill. This meeting was presided over by the Senator from Florida [Mr. FLETCHER], and was attended by a large

number of leading educators from all parts of the country, the session lasting for three days.

At that time the bill was gone through very carefully by a subcommittee appointed at that meeting, and the result was a practically rewritten bill, the bill which was reported to the Senate from the Committee on Agriculture and Forestry in February last.

The question of the unpreparedness of the country to take up this work was one of the leading topics of discussion at this meeting, and the conclusion reached was that we must add another half million dollars to the appropriation for the education of teachers by agricultural and mechanical colleges, and that we should put off the time when the main features of the appropriation should become available till the year ending June 30, 1916.

The bill provided that we should commence in 1914, I think, originally, to appropriate money for those schools, but after a quite lengthy and somewhat spirited discussion the conclusion was reached that we were so unprepared to go on with the main work that before the main appropriation became available we should provide for the education of teachers, and so this $10,000 per year to each agricultural college was added to the bill at that time. I believe it is one of the best provisions of the bill.

This change not only gives the several States sufficient time to prepare for the education of teachers, but it gives them ample opportunity to enact any legislation which may seem to be necessary to make the State laws harmonize with the national law; and it hardly need be said that if during the next three years it should be found that any minor changes not affecting the fundamental principles of the bill are desirable, the National Congress will be quick to make those changes.

I now ask that section 8 be read by the Secretary.

The PRESIDING OFFICER (Mr. ASHURST in the chair). The Secretary will read as requested.

The Secretary read as follows:

SEC. 8. That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics, in departments or divisions of education in the State colleges of agriculture and the mechanic arts of the respective States, the sum of $640,000 for the fiscal year ending June 30, 1913, and annually thereafter; of which annual appropriation $20,000 shall be allotted for the use and benefit of said departments or divisions of education in land-grant colleges in each of the 16 States which maintain separate land-grant colleges for persons of the colored race, $10,000 of which shall be for the education of persons of the white race and $10,000 for the education of persons of the colored race; and $10,000 shall be annually allotted for the use and benefit of said departments or divisions of education in each of those States which do not maintain separate land-grant colleges for persons of the colored race. The moneys appropriated under this section shall be known as the "College teachers' training fund."

Mr. PAGE. I want to say with reference to this $10,000 for the different colored schools that the bill originally did not call for this sum; but at a meeting here in Washington last December Dr. Hardy, of the State Agricultural College of Mississippi, who seemed to be a very intelligent, able educator, made a plea for the South. He said: "You do not know how much we in the South need help, and I hope that this gathering here at this time will recommend to the Committee on Agriculture and Forestry that they amend this measure by giving to each State having a colored agricultural college an additional $10,000." And because of his plea the bill was so amended.

Later, upon the motion of Senator SMITH of Georgia, I think, this $10,000 was stricken out. Very soon thereafter I began receiving a good many communications asking why the $10,000 had been denied to the colored agricultural colleges of the South, which were very needy. The Senator from Kentucky [Mr. BRADLEY] was especially earnest in his plea that the $10,000 appropriation be restored. I said to him, "Senator, this is a matter that pertains to the Southern States. They have asked that it be stricken from the bill, and I do not think those of us who come from the North should go so far as to force this additional appropriation upon you. So far as I am concerned, I believe it is right and should be very glad to have it restored."

I afterwards took up this matter with the junior Senator from Georgia, Senator SMITH, telling him that there seemed to be a strong demand for the restoration of this $10,000 appropriation. He replied that if we wished to give them the option of taking or not taking the $10,000 he could see no objection. The result was that the rewritten bill contained the appropriation so earnestly contended for by Dr. Hardy, of Mississippi.

Mr. LA FOLLETTE. Is the Senator from Vermont able to state the number of agricultural colleges in the South that would receive this sum?

Mr. PAGE. Yes, sir; 16.

Mr. LA FOLLETTE. That is the number of colored schools?

Mr. PAGE. Yes, sir.

Mr. LA FOLLETTE. Are those colleges maintained by the States?

Mr. PAGE. No; they are provided for by the Morrill Act. The Morrill Act gives to these colored colleges the same amount given to the colleges for the whites.

Mr. LA FOLLETTE. I understand.

Mr. PAGE. It may be remarked with reference to all these appropriations that it is entirely optional with the States to accept them or not. For instance, if a State does not care to accept the $10,000 or the $20,000 it is not compelled to do so, but if it does do so it must match it with as much more. I will come to that later.

Section 9 appropriates $1,000,000 for what is known as the "normal teachers' training fund," being for the preparation of teachers to give instruction in, or closely related to, agriculture, the trades and industries, and home economics in State normal schools and in other training schools for teachers.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Florida?

Mr. PAGE. With pleasure.

Mr. FLETCHER. I should like to inquire of the Senator whether his view of the bill is that in case a State is given $10,000, where it has an agricultural college, or, speaking generally, where there is an agricultural college for the colored citizens of that State, the State has a right to accept either one of the contributions, say $10,000, and use it as it sees fit, either for the white or the colored agricultural college, or must the State accept or reject both the $10,000 for the agricultural college for white students and the $10,000 for the agricultural college for colored students? The point is, whether or not under the provisions of this bill the State can accept one and reject the other.

Mr. PAGE. One-half of the fund and not the other?

Mr. FLETCHER. Or whether it must accept or reject both propositions of $10,000, and, of course, if it accepts, contribute a like amount?

Mr. PAGE. If the Senator will allow me to answer that question later on, when we get to that provision of the bill which says how the fund must be allotted, I shall be glad to do so, although I will say that at this moment I am not entirely certain as to the answer to his interrogatory. I should like to consider it later when we get to that particular provision, if the Senator will allow me.

Mr. MYERS. I desire to ask the Chair if the bill is now in Committee of the Whole and open to amendment?

The PRESIDING OFFICER. It is not, the Chair is informed.

Mr. MYERS. For what purpose is the bill before the Senate?

The PRESIDING OFFICER. The legislative appropriation bill is the measure which is before the Senate.

Mr. MYERS. At any rate, at this stage, by unanimous consent, I ask leave to amend section 9 of the bill by changing the word "three," in line 23, on page 8, to the word "four."

Mr. BRISTOW. Mr. President, I do not see how the Senator's motion can be in order when the legislative bill is before the Senate.

Mr. MYERS. It is no motion. I did not make a motion.

Mr. PAGE. If the Senator will allow me, I would be very glad, indeed, if, as this bill is read, Senators would consider the necessity for amendments precisely as though the bill were before the Senate. I would be very glad if they would prepare their amendments and let me consider them, so that when the bill is really before the Senate I may, if possible, accept them without contest. I think if the Senator will prepare his amendment and let it lie on the table, to be taken up at the proper time, it will effect the purpose he desires.

Mr. MYERS. I ask unanimous consent that the bill be amended by changing the word "three," in line 23, on page 8, to the word "four."

Mr. CURTIS rose.

Mr. MYERS. Of course if there is any objection, that is the end of it.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Kansas?

Mr. CURTIS. I object to this amendment, as I have a right to, because the bill is not before the Senate.

The PRESIDING OFFICER. Objection being made——

Mr. MYERS. Mr. President, for what purpose is the bill before the Senate now?

Mr. CURTIS. As I understand, the bill is not before the Senate. The Senator from Vermont is discussing this bill while the legislative bill is before the Senate. The bill is not now before the Senate.

Mr. MYERS. Very well; I will try to offer my amendment at an opportune time. I was under a misapprehension as to the parliamentary situation.

Mr. PAGE. This appropriation for what is known as normal teachers' training fund begins with the fiscal year ending June 30, 1913, that the preparation of teachers may begin at once, and is allotted to the several States and the District of Columbia in proportion to population. It makes a special appropriation of $3,000 to each of the States having a population of less than 300,000. The average appropriation to each State under the provisions of this section is $21,333.

I ask the Secretary to read section 9.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

SEC. 9. That for the preparation of teachers to give instruction in or closely related to agriculture, the trades and industries, and home economics in State normal schools and in other schools furnishing special training for teachers, the sum of $1,000,000 annually, beginning with the fiscal year ending June 30, 1913, to be allotted annually to the States and the District of Columbia in proportion to their population as shown by the Federal census next preceding the year for which such allotment is made; and for such instruction as in this section is provided, in each State with less than 300,000 inhabitants the additional sum of $3,000 for the fiscal year ending June 30, 1913, and annually thereafter. The moneys appropriated under this section shall be known as the normal teachers' training fund.

Mr. PAGE. We now come to the administrative features of the bill, and while they are not all as important as the general appropriation features, I apprehend that they will be the subject of quite as much interest to Senators who wish to give attention to this matter as the others, because in these administrative features we take up a good many points that might properly be the subject of discussion.

Section 10 appropriates $90,000 for what is designated as the "administration fund." This appropriation is subdivided as follows: Forty thousand dollars to be expended by the Secretary of the Interior in paying the necessary expenses of administering the provisions of this act relating to schools of secondary grade and to the preparation of teachers in agriculture, the trades and industries, and home economics; $35,000 to be expended by the Secretary of Agriculture, of which $20,000 is for administering the provisions of the act relating to extension departments or divisions and branch stations, $15,000 to enable him to cooperate with the Secretary of the Interior in relation to schools of secondary grade giving instruction in agriculture and home economics and to the preparation of teachers in these vocations; and $15,000 to be expended by the Secretary of Commerce and Labor in paying the expenses of administering, in cooperation with the Secretary of the Interior, those provisions of the act relating to instruction in the trades and industries and in the preparation of teachers for these vocations. These appropriations begin with the fiscal year ending June 30, 1913.

I want to say in regard to these administrative features that there has been some criticism with reference to the dividing or subdividing of responsibility between the three departments—Interior, which means the Commissioner of Education; Agriculture, and Commerce and Labor.

The Commissioner of Education is in charge of all matters that pertain strictly to schools; the Secretary of Agriculture is in charge of matters which pertain to purely college extension work and to the agricultural schools and branch experiment stations.

The connection of the Department of Commerce and Labor with this matter has been at the earnest suggestion of the laboring men, who say that the Department of Commerce and Labor is nearer to them than any other. They seem to have an approach to that department which they have to no other. They have asked that the Secretary of Commerce and Labor hold an advisory position with reference to this bill, and the committee thought it wise to observe their wishes touching this matter.

Now, let the Secretary read section 10.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read section 10, as follows:

SEC. 10. That the sum of $40,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of the Interior in paying the necessary expenses of administering the provisions of this act relating to schools of secondary grade and to the preparation of teachers in agriculture, trades and industries, and home economics; the sum of $20,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of Agriculture in paying the necessary expenses of administering the provisions of this act relating to extension departments or divisions and branch stations; the sum of $15,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended by the Secretary of Agriculture in paying the necessary expenses of giving advice and assistance, as herein provided, to the Secretary of the Interior in the administration of the provisions of this act relating to all schools of secondary grade giving training in agriculture and home economics, and to the preparation of teachers in these vocations; the sum of $15,000 annually, beginning with the fiscal year ending June 30, 1913, to be expended under the direction of the Secretary of Commerce and Labor in paying the necessary expenses of giving advice and assistance, as herein provided, to the Secretary of the Interior in the administration of the provisions of this act relating to instruction in the trades and industries and to the preparation of teachers for these vocations. The moneys appropriated under this section shall be known as the administration fund.

Mr. PAGE. Now, Mr. President, we have proceeded through the appropriating sections of this act. The following table shows, in a condensed form, just what the bill purposes doing in the matter of appropriations.

To summarize, it may be said that the entire appropriations in 1921 will aggregate $14,912,000.

The appropriations increase from 1913 to 1921 as follows:

1913	$2,077,000
1914	2,477,000
1915	2,777,000
1916	13,412,000
1917	13,712,000
1918	14,012,000
1919	14,312,000
1920	14,612,000
1921	14,912,000

Let me repeat that every appropriation made by this bill may be accepted by the State or not as it may elect. I do not suppose that the appropriation will at any time aggregate quite as much as this table shows. In 1921 we shall unquestionably have more than 100,000,000 population, and the appropriation at most will never be as much as $15,000,000. It will therefore be readily seen that the entire appropriation can not amount to 15 cents per capita of the population of this country.

Now, I realize that we might appropriate $15,000,000, or 15 cents per capita, for a great many things for which we ought not to appropriate any sum, but the objection which some urge to the appropriations made in this bill that they are extravagant, is not, in my judgment, well founded.

Senators, here is a bill that affects every city, town, village, and hamlet in this country from Canada to the Gulf and from the Atlantic to the Pacific, and yet the utmost that can be taken from the Federal Treasury for this great educational work in case every State shall accept every provision of the bill will be less than 15 cents per capita of our population.

Touching section 11, let me state briefly that it safeguards the funds appropriated for schools of the secondary grade and the preparation of teachers for these schools. It charges the Secretary of the Interior with the duty, and gives him the necessary power to administer the provisions of this act in relation to the $9,000,000 appropriated for schools teaching the trades and industries, home economics, and agriculture, as provided for in sections 3, 4, and 5 of this act; the $640,000 for the education of teachers in State agricultural colleges, as provided in section 8; and the $1,000,000 appropriated for the education of teachers in State normal and other training schools, as provided in section 9. Section 11 also provides that the Secretary of the Interior shall have the cooperation of the Secretary of Agriculture and the Secretary of Commerce and Labor.

I now ask that section 11 may be read by the Secretary.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read section 11, as follows:

SEC. 11. That the Secretary of the Interior is hereby charged with the duty, and to him is hereby given all necessary power, to administer the provisions of this act relating to all schools of secondary grade and to the preparation of teachers in agriculture, the trades and industries, and home economics as herein provided; to secure advice and assistance from the Secretary of Agriculture and the Secretary of Commerce and Labor in carrying out the provisions of this act, in the making of investigations concerning education in the industries, home economics, and agriculture, and in the making of reports thereon; to cooperate with the State boards for vocational education herein provided for the respective States and the District of Columbia in developing the work of such secondary schools and in the training of such teachers; and to give to such boards for vocational education such advice and assistance as will best enable them to carry out the provisions of this act.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Vermont yield to the Senator from Washington.

Mr. PAGE. I do.

Mr. JONES. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Washington suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cummins	Martin, Va.	Smith, Ga.
Borah	Curtis	Martine, N. J.	Smoot
Bradley	Dillingham	Massey	Stone
Brandegee	Fall	Myers	Swanson
Briggs	Fletcher	Nelson	Thornton
Bryan	Gallinger	Oliver	Townsend
Burnham	Guggenheim	Page	Warren
Catron	Heyburn	Perkins	Watson
Chamberlain	Jones	Pomerene	Wetmore
Clapp	Lippitt	Reed	Williams
Cullom	McLean	Shively	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. ROOT, Mr. SIMMONS, Mr. SMITH of Arizona, and Mr. TILLMAN answered to their names when called.

Mr. CLARKE of Arkansas, Mr. JOHNSTON of Alabama, Mr. SMITH of Maryland, Mr. BACON, Mr. OVERMAN, and Mr. CULBERSON entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Fifty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. PAGE. Mr. President, I would now invite the attention of the Senate to section 12. It safeguards the other $4,000,000 appropriated in sections 6 and 7. It charges the Secretary of Agriculture with the duty, and to him is given the power, to administer the provisions of the act relating to the $1,000,000 appropriated for branch stations at the district agricultural high schools, and the $3,000,000 appropriated for the extension-work fund, and it authorizes him to aid the Secretary of the Interior in carrying out the provisions of this act, so far as they relate to instruction in agriculture and home economics in schools of the secondary grade, and the preparation of teachers for those vocations.

I call the attention of Senators especially to the fact that here is a bill appropriating a very large amount of money, and it is exceedingly essential that every possible precaution be taken to see that the money is not where it can be misappropriated or diverted. I want to say that not only hours, but days and weeks, have been devoted to the safeguarding of this fund. I believe that Senators will find, when they read the bill carefully, that it is an effective bill, and that it will carry out the purposes for which it was drawn in a manner that will prove entirely satisfactory.

I now ask that section 12 of the bill be read in full.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 12. That the Secretary of Agriculture is hereby charged with the duty, and to him is hereby given all necessary power to administer the provisions of this act relating to extension departments and branch stations; to make investigations and studies relating to the work of such departments and branch stations, and to issue reports thereon; to cooperate with the authorities of the State colleges of agriculture and the mechanic arts and the State experiment stations in developing the work of such departments and branch stations and in giving such State experiment stations such advice and assistance as will best enable them to carry out the provisions of this act; and to aid the Secretary of the Interior by giving advice and assistance to him in carrying out the provisions of this act relating to instruction in agriculture and home economics in schools of secondary grade and to the preparation of teachers for these vocations, and to make such investigations in relation to agriculture and home economics and such reports thereon as may be necessary in discharging this responsibility.

Mr. PAGE. I now call attention to section 13. Section 13 gives the Secretary of Commerce and Labor authority to assist the Secretary of the Interior in carrying out those provisions of the act which relate to instruction in the trades and industries and the preparation of teachers for those vocations.

Mr. BRISTOW. Mr. President, I have been called out of the Chamber for a time while the Senator from Vermont has been occupying the floor, and I should like to inquire if he is going through each section of the bill and explain in detail just what the provisions are and what their effect will be?

Mr. PAGE. I am.

Mr. BRISTOW. And will his explanation be printed in pamphlet form so that during the vacation it may be distributed to those who are interested in the subject?

Mr. PAGE. Well, Mr. President, I should be very glad indeed to furnish the Senator from Kansas with a pamphlet copy of my speeches. The facts are that by the kindness of the senior Senator from New Hampshire [Mr. GALLINGER] my original speech upon this bill was made a Senate document, which permitted the printing of 1,200 copies. Since that time the calls upon me for those speeches from many States in the Union have been such that I have felt compelled to order 10,000 additional copies, for which I have paid out of my own pocket—first for 5,000 and then for 5,000 more. That means a tax upon me of about $500 for speeches that I have ordered printed. I do not know that I shall feel like continuing that kind of work extensively, but my speeches will, of course, be found in the RECORD.

Mr. BRISTOW. The Senator's speech I have, and it is, of course, a very exhaustive discussion of the subject; but I was impressed with the reading of these paragraphs and the Senator's explanation of each one, and of course I know it would be an imposition on the Senator to ask him to have published an elaborate pamphlet such as that would be; but if that were printed and properly indexed, it seems to me it would be of value, especially to the busy man who might want to look up any special phase of the subject and study it, and it would be a more convenient, though not a more scholarly, presentation of the matter than was the original speech.

Mr. PAGE. I am exceedingly gratified that the Senator from Kansas takes an interest in this bill. I want to say to him, however, that what I am saying now is practically what I said in my original speech; and if he will turn to pages 8 to 28 of my original speech, which he has—if he has not, I will furnish him a copy—he will find all the data he requires to understand exactly what the bill does, what it safeguards, and how it does it. I speak advisedly when I say that the Senator will be entirely satisfied if he will read my original speech on this bill.

Mr. BRISTOW. The Senator, as I understand, expects to have at least the RECORD show the detailed explanation, such as he has here been going through with, so that those of us who desire can turn to the RECORD and get the explanation of the bill as he is now presenting it.

Mr. PAGE. I certainly expect that what I say here will find its way into the RECORD. I have no idea of cutting it out. I want to say, further, to the Senator from Kansas, before I close upon this point, that I designed that my original speech should give a full and complete abstract of the bill, so full and so complete that he probably will not care to read what I am saying here to-day.

I now come to section 13 of this bill, which provides the duties and responsibilities of the Secretary of Commerce and Labor in assisting the Secretary of the Interior. The Secretary of the Interior, as the designation is used in this bill, practically means the Commissioner of Education, who, presumably, will have charge largely of the school work, although it will be under the control, of course, of the Secretary of the Interior.

The question is asked as to why the administrative features of this act have not been left entirely with a single department. This I have explained, although I shall be glad to explain it again if any Senator would like to be further advised about it. The main point is that the bill has been worked out with a great deal of painstaking detail, as I am sure that any Senator who will carefully examine into its provisions will confess. I now ask that the Secretary read section 13.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 13. That the Secretary of Commerce and Labor is hereby charged with the duty, and to him is hereby given all necessary power to aid the Secretary of the Interior by giving advice and assistance to him in carrying out the provisions of this act relating to instruction in the trades and industries in schools of secondary grade and to the preparation of teachers for these vocations, and to make investigations relating to education and research in the trades and industries and issuing reports thereon.

Mr. PAGE. I now ask the attention of the Senate to section 14. This is a particularly important section. It provides that in order that any State may secure the benefits of this act it shall, through the legislative authority of said State, accept its provisions and shall designate a State custodian to receive and be responsible for each and all of the seven funds appropriated. I would call the attention of Senators especially to the last paragraph of this section, for in many respects it contains one of the most important changes made in the bill as originally introduced. It reads as follows:

Any State or the District of Columbia may accept the benefit of any one or more of the respective funds herein appropriated to it and may defer the acceptance of the benefit of any one or more of such funds, and shall be required to meet only the conditions imposed in relation to those funds the benefit of which it has accepted.

This paragraph has been incorporated in the bill at the suggestion of several States which were in doubt as to whether they would or would not deem it advisable to accept all the appropriations and provisions of the bill, as they were required to do under the measure as it was originally drawn, in order to be the recipients of any of the appropriations named in the measure.

The effect of this amendment is to leave it optional with any State to accept any one or all of the appropriations and to permit it to defer the acceptance of any one or more of its provisions until such time as the State may wish to avail itself of the benefits of those particular provisions.

My judgment is that, without a single exception, every State will avail itself of every provision of the bill. Inasmuch as the $3,000,000 appropriation for each of the three classes of secondary schools—$9,000,000 in all—and only a part of the appropriation for college extension work becomes effective until 1916, all the States will be given ample opportunity to provide by legislative enactment for taking advantage of the provisions of the bill.

I confess, Mr. President, that I may be mistaken about this matter. This is only an opinion. The junior Senator from

Louisiana [Mr. THORNTON] has said to me that the condition of affairs in Louisiana was such that he feared they could not accept the provisions of the bill, and yet he is a warm supporter of the measure, because he believes, as he says, that it is a good measure, even though they can not accept it. He said:

I would not think that we were doing just and right to do anything to injure the cause of vocational education, but whether we do or do not accept, makes no difference with the support which I shall give to the measure.

I now ask that section 14 be read by the Secretary.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SEC. 14. That in order to secure the benefits of any fund provided for in this act any State shall, through the legislative authority thereof, accept the provisions of this act relating to such fund, and shall appoint the State treasurer custodian, to be known as custodian for vocational education, for all moneys received by such State under this act, and shall provide for the proper custody, administration, and disbursement of such moneys, as herein provided; and the District of Columbia shall, through the commissioners thereof, accept the provisions of this act, and shall appoint a custodian of all the moneys received by the District of Columbia under this act, to be known as custodian for vocational education, and shall provide for the proper custody, administration, and disbursement of such moneys. Any State or the District of Columbia may accept the benefit of any one or more of the respective funds herein appropriated to it, and may defer the acceptance of the benefit of any one or more of such funds, and shall be required to meet only the conditions imposed in relation to those funds the benefit of which it has accepted.

Mr. PAGE. Mr. President, I now invite the attention of the Senate to section 15 of this bill. I would especially ask the attention of those Senators who feel that the Federal Government should not interfere with the educational machinery of the several States. As the bill was originally drawn it provided for the formulation of rules and regulations by the Department of the Interior acting in conjunction with the several States. Perhaps I may digress a little to refer to my experience with a single State—the State of Massachusetts. One of the leading minds, as it seems to me, of the educational forces of that State is Hon. Frederick P. Fish, of Boston. He visited me here in Washington. In my contact with many leading educators I have found no one who, it seemed to me, understood more fully about all matters pertaining to education than Mr. Fish. He insisted stoutly that Massachusetts did not want the fingers of the Federal Government in their educational pie in any sense whatever; Massachusetts has one of the best educational systems in the United States, and they did not want it disturbed by injecting the Federal Government into it at any point or in any way that to them seemed obnoxious. I said, "Mr. Fish, touching the fundamentals of this bill I feel very unyielding; but, so far as the administrative features are concerned, I am not only willing, but I am glad to get the advice and counsel of a man who is as well versed in educational matters as you are, and I shall esteem it a great favor if you will bring to bear upon this bill the benefit of your great ability and experience in the lines of education."

After Mr. Fish's return to Boston, and after a conference with Dr. Snedden, it was decided to send here to aid in redrafting this bill their deputy commissioner of education, Mr. Charles A. Prosser, who came here and devoted at least two full weeks to this bill. The great obstacle to be overcome was that feature of the bill which seemed to interfere with State autonomy. At one time it seemed improbable that a satisfactory compromise could be reached, but after two weeks of hard work the idea of a State board of control, to be designated the State board for vocational education, was decided upon as the best possible solution, and it was adopted exactly in the form in which it now appears in this bill.

To this State board for vocational education is committed the important duty of preparing and putting into operation educational standards along the lines of vocational training, which it is believed will work out with entire satisfaction to the State and without sacrifice of that oversight and control which makes it certain that the funds appropriated by this bill shall not be misappropriated or diverted from the purposes for which they are intended. The principle underlying this whole measure is that inasmuch as the Federal Government was to furnish this money it should properly be given power to safeguard that fund that it should not be diverted from the purposes contemplated by the appropriation.

Mr. HEYBURN. Mr. President, I should like to ask a question.

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. Certainly.

Mr. HEYBURN. Was this to be a board of education within the State in addition to the regular State board?

Mr. PAGE. I will say to the Senator that it was to be a board of control, a board for vocational education, but that board might either be the board which already controlled the educational affairs of the State, or it might be a new board, according as the State should decide.

Mr. HEYBURN. Then it might result in two boards in one State—one for vocational education and the other for general education.

Mr. PAGE. If the State by its constitution, as in the case of Idaho, is compelled to have only one board, then I apprehend they could not have two boards, although, as provided by this measure, they might have two if they so desired.

Mr. HEYBURN. I had that in mind.

Mr. PAGE. Yes; but the facts are that it is absolutely and entirely within the province of the States to say what they shall do about this matter. Let me repeat that the only way in which the Federal Government can interfere with these matters is to see that the State board of vocational control shall not misappropriate or divert this fund.

Let me rehearse a little of the history of vocational education, which I believe every Senator here has experienced. In 1890 Congress added very largely to the appropriation for the agricultural colleges under the Morrill Act. In Vermont—and I imagine that in Vermont we had substantially the experience of other States—this additional appropriation was properly considered by the farmers as a matter of great importance. They discussed the matter in their granges and other farmers' gatherings. They examined into the results which had flowed from the original Morrill Act and found that, while it had given to the country a body of trained experts—men who had gone out into various parts of the Union and done excellent work, men who had entered the employ of the Government in the Department of Agriculture and under the Department of Agriculture all over this country were doing the country excellent service—while they had done all this and had given to the country a lot of experienced teachers in agricultural colleges and normal schools and in the agricultural high schools in the different States, nevertheless it was found, upon actual canvass, that after some 40 years' existence in Vermont, the University of Vermont and the State agricultural college had returned to the farm only 15 thoroughly equipped farmers in the entire State.

Mr. NELSON. Will the Senator allow me there?

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Minnesota?

Mr. PAGE. With pleasure.

Mr. NELSON. I was under the impression that the addition made to the Morrill Act, to which the Senator has referred, was much later than 1890. That addition was made by an amendment offered by myself to the agricultural appropriation bill which provided for an increase of $5,000 a year up to $25,000 for five years, so that at the end of five years the fund for each State under the Morrill Act would be $50,000 instead of $25,000. Prior to that—and I imagine that is the date the Senator refers to—we made an agricultural-college grant of 30,000 acres of public lands to each State.

Mr. PAGE. May I interrupt the Senator there?

Mr. NELSON. Yes.

Mr. PAGE. Was not that the original provision of the Morrill Act?

Mr. NELSON. No; that was not the provision of the original Morrill Act. The Morrill Act gave $25,000 a year to agricultural colleges established under the original grant. I have always understood that that $25,000 a year appropriation was what is commonly called the Morrill Act. The other act was much later, and I want to say that it gave 30,000 acres of public lands to each State. The States that had public lands in their midst had a right to select the lands, and many of the the public-land States did so.

It was a very valuable grant to them, and they made money out of it; but the States that had no public lands got scrip, and that scrip was sold to speculators and hawked about at a very low figure. I think most of the States that had no public lands did not realize over 75 cents an acre on that college grant, and some of them received as low as 50 cents an acre. I remember one case where a speculator at Cleveland, Ohio, many years ago, had bought up the scrip of many States. I can recall that when I first went to Minnesota that scrip was retailed at a dollar an acre, so that the speculator must have bought it at a much cheaper rate. That was the original grant for agricultural colleges. The Western States, which had public lands in their midst, kept those lands and got a good deal out of that grant; but the other States which did not have public lands sold their college scrip in bulk and realized only small

amounts for it. I think, if the averages were figured out, it would not run over 50 to 75 cents an acre—that is, the original grant. The Senator will excuse me for interrupting him, but I had occasion to look into this matter some years ago and thus became familiar with it.

Mr. PAGE. The Senator from Vermont is not only not disturbed by the interruption, but he wishes that every Senator upon the floor here was sufficiently interested in this great measure to interrupt him at every point and touching every section of this bill. In my judgment, there is nothing to-day that is so important an asset to the American people as the American boy, and while we are conserving our forests, our mines, and our water powers we are neglecting the boy. Every Senator here, it seems to me, ought to feel an interest in this measure so keen, so intense, that he will interrogate me at every important point. When we get through with this bill, if it is bad, let us cast it out and if it is good I hope we will adopt it.

Mr. NELSON. Will the Senator from Vermont allow me to interrupt him further?

Mr. PAGE. With pleasure.

Mr. NELSON. I will say that in the State of Minnesota we have made a most beneficent use of this grant and of this fund. We have established, in connction with our State university, an agricultural school, in connection with our agricultural station, and in that school the conditions are so adapted that the boys and girls on the farms can attend the school. While it is a part of the university, its method of instruction and its curriculum are entirely different from those of the State university. There are two terms a year—one late in the fall and throughout the winter and one in the later spring—so that the boys can in the interval go home and work on the farm. They have, in connection with it, a woman's or girls' department, in which women are taught everything pertaining to domestic science—cooking and sewing and everything that will make a woman or a girl a good housekeeper as a farmer's wife or a mechanic's wife.

We have a veterinary school in connection with it. In fact, we have taken pains to make that agricultural school especially adapted for the boys and girls on the farm and have made great progress; and the farmers and their children have availed themselves of it. We have, on an average, from seven to eight hundred students every year in the agricultural college.

Now, if the Senator will pardon me, I must tell him an incident. It may encourage him. I labored here some years ago to get an amendment to the Agriculture appropriation bill to double the Morrill fund, as I have stated. After I had succeeded in that, a large number of resolutions were sent to me from agricultural colleges throughout the country congratulating me on my work. There was a national convention somewhere in New England that year, and it sent me resolutions congratulating me. But after I had been home in Minnesota, on my farm in Alexandria, I got a letter from the accountant of our State university. He said:

> This year we get $5,000 more from the Morrill fund than we had ever had before. Will you please explain that to me?

And that put me in mind of the fact that a prophet was not without honor save in his own country. Everywhere else they knew that I had succeeded in getting the appropriation doubled, except in my own State.

The Senator from Vermont, who has taken so much pains with this bill and has taken it to heart, may have the same experience that I had in that matter, but I hope not.

Mr. PAGE. I have had an experience, although different. If the Senate will pardon me for referring to it, I will say that I was certain that the fund to which I referred was appropriated under the law of 1888 or 1889 or 1890, because I was governor in 1890, and the matter came up before our legislature. The additional appropriation was perhaps made either under the Hatch Act or the Adams Act——

Mr. NELSON. The Hatch Act related to appropriations for experimental stations, and the other act that you mentioned——

Mr. PAGE. The Adams Act.

Mr. NELSON. The Adams Act was supplemental to that. It did to the Hatch Act what my amendment did to the Morrill Act—doubled it up.

Mr. PAGE. At any rate, the fund became such a large fund that the farmers of Vermont sat up and took notice. They said the fund had been diverted from the purpose of the Morrill Act, because Senator Morrill's design was to have the fund aid in the cause of agriculture. I do not know but that Vermont is like other States. I am almost ashamed to refer to my own State in this regard. The complaint was that the University of Vermont and State agricultural college had so diverted that fund that agriculture practically received no benefit; that they had devoted this fund to the education of engineers—civil engineers, mechanical engineers, electrical engineers—and when a boy came down to the university to enter and wanted to join some of the societies of the college they would not receive him. The result was, as the then President Buckham told me, that they lifted him up out of agriculture and away from the farm.

The farmers of Vermont were indignant, and they said "Unless this fund can be devoted more to agriculture than it has been, we will vote to sever the agricultural college from the University of Vermont;" and the university had to get down on its knees and beg. I know I insisted that the fund should not go to the University of Vermont unless they would give some assurance that it would not be diverted.

I want to say that having had that experience, one of the important things that appealed to me in regard to this bill was to safeguard the money, so that it should not be diverted from the purposes designed by Congress; and I believe the bill does this perfectly.

But at the same time we must not interfere with the educational machinery of the States. The State autonomy must be fully preserved, and to effect this end this State board of control, or State board for vocational education, has been authorized by this act to occupy an intermediate position between the schools themselves and the Federal Government.

These State boards of control may formulate—indeed must formulate—the plans whereby vocational education may be established; but in doing this they have the benefit of the advice and superior knowledge of the Commissioner of Education and their power is supreme if they formulate a plan which satisfies the Commissioner of Education—or, using the language of the bill, the Secretary of the Interior—that the plans and purposes of this act are being complied with in spirit and in letter.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Idaho?

Mr. PAGE. Certainly.

Mr. HEYBURN. I ask the Senator whether or not it is possible, in his judgment, to maintain in a university covering general subjects of education, a separate agricultural branch to which this fund could be segregated and applied? Would it be sufficient merely that a class in agriculture should form a part of the general college course?

Mr. PAGE. The Senator from Idaho has mistaken the purpose of this measure. None of the funds appropriated by this bill go to the State agricultural colleges for general educational purposes. They are to educate teachers for the general work of vocational education, and they have something to do with the administration of the branch station farms at the district agricultural schools. Some of the State agricultural colleges have been a little hostile to this bill because it did not give them more of the funds appropriated, but the fact is that we say to them, "You may educate the teachers, but we must have these district agricultural schools where the boy who has not passed the eighth grade, who has not gone through a high school, may have a sort of agricultural college of his own, and where he may receive a practical agricultural education, and be stimulated and encouraged in such a way that he will go back to the farm to promote and energize farm life at home."

Mr. HEYBURN. I had in my mind a condition existing in the University of Idaho. The agricultural department there is merged with the general educational system of the university.

I beg the Senator's pardon. I do not mistake the purpose of the bill. I was inquiring more particularly as to its practical application, as to whether the fund would be so handled that it might be used solely for the purpose of educating those who were to be teachers or whether it might be put in a general fund and without specific apportionment used for that purpose in connection with the general purposes of education.

Mr. PAGE. As we go along in the consideration of this bill the Senator will find that that has been specifically cared for. They can not use the fund except for the education of teachers, and for the especial purposes called for by this bill.

Mr. HEYBURN. Then if persons were engaged in studying in the agricultural department or along those lines the funds would have to be segregated, would it not? The same students might be engaged in a variety of studies, and how would it be possible to confine the fund to education along agricultural lines unless they could drop all of the other studies?

Mr. PAGE. I am exceedingly pleased that the Senator from Idaho is interested in this bill enough to make these inquiries. I want to say to him that I will come to that particular feature in a very short time, as I take up section by section the remaining provisions of the bill.

WEST KENTUCKY COAL CO.

During the delivery of Mr. PAGE's speech.

Mr. BRADLEY. Will the Senator from Vermont yield to me for just a moment?

Mr. PAGE. If it takes no discussion.

Mr. BRADLEY. I do not think it will take any time. I wish to call up and ask immediate action upon the bill (H. R. 13016) for the relief of the West Kentucky Coal Co.

Mr. PAGE. I can not consent if it is to take any discussion; otherwise I shall be glad to yield.

Mr. BRADLEY. I do not think it will. It has passed the House and been reported by the Senate Committee on Claims favorably, and there are no amendments to it.

Mr. PAGE. Reserving the right to object, I yield for that purpose.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13016) for the relief of the West Kentucky Coal Co.

Mr. POINDEXTER. I should like to ask the Senator from Kentucky the circumstances of the destruction of the barge of coal that makes the United States liable for it.

Mr. BRADLEY. The United States had a boat towing three barges of stone that it failed through negligence to properly secure to the bank. They broke loose and drifted out into the stream and collided with the West Kentucky Coal Co.'s fleet and destroyed the same of the value named in the bill. The War Department reports the facts and says the Government was guilty of negligence and the damages ought to be paid.

The bill passed the House, came to the Senate, and the Senate Committee on Claims reported it favorably. The loss was due to the negligence of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS AND INCREASE OF PENSIONS.

After the conclusion of Mr. PAGE's speech,

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the house to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 6, 7, 8, and 10.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, and 9, and agree to the same.

P. J. McCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.
DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The report was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7343) to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 7343. An act to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka;

H. R. 21094. An act to create a Commission on Industrial Relations;

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.; and

H. R. 25282. An act to authorize the Union Pacific Railway Co. to construct a bridge across the Missouri River.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Vermont yield to the Senator from Delaware?

Mr. PAGE. I yield for the presentation of a conference report.

ARMY APPROPRIATION BILL.

Mr. DU PONT. I submit a conference report on the Army appropriation bill.

Mr. WARREN. I am yielding, having the floor on the legislative bill, for a conference report. This does not displace the legislative bill.

The PRESIDENT pro tempore. Not at all. The Secretary will read the conference report on the Army appropriation bill.

The Secretary proceeded to read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 7, 8, 12, 14, 15, 27, 28, 61, 64, 76, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 13, 16, 24, 25, 26, 30, 31, 32, 35, 38, 40, 42, 44, 45, 49, 50, 53, 54, 55, 56, 57, 58, 59, 63, 67, and 71; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: "*: Provided*, That hereafter in time of peace whenever any officer holding a permanent commission in the line of the Army with rank below that of major shall not have been actually present for duty for at least two of the last preceding six years with a troop, battery, or company, of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such troop, battery, or company, for duty of any kind; and all pay and allowances shall be forfeited by any superior for any period during which, by his order, or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso; but nothing in this proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the troop, battery, or company to which he shall belong in that branch in which he shall hold a permanent commission, nor shall anything in this proviso be held to apply to the detachment or detail of officers for duty in the Judge Advocate General's Department or in the Ordnance Department, or in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in the Philippine Constabulary until the 1st day of January, 1914, or to any officer detailed, or who may be hereafter detailed, for aviation duty. And hereafter no officer holding a permanent commission in the Army with rank below that of major shall be

detailed as assistant to the Chief of the Bureau of Insular Affairs with rank of colonel, or as commanding officer of the Porto Rico Regiment of Infantry, or as chief or assistant chief (Director or Assistant Director) of the Philippine Constabulary, and no other officers of the Army shall hereafter be detailed for duty with the said constabulary except as specifically provided by law"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "sixteen million"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert as follows: "That no officer or enlisted man in active service who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Fifteen"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Thirty-eight"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Seventy"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Seventy-one"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Sixty-five"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three hundred and seventeen thousand eight hundred and forty"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: At the end of said amendment, after the word "enlist," insert the following: ": *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "man," strike out all down to and including the comma after the word "twelve," in line 2; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Panama," insert the following: ", or Hawaii or Porto Rico"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 7 of the matter proposed to be inserted by said amendment strike out the article "an" and insert in lieu thereof the word "any"; and in the same line, after the word "Army," strike out all down to and including the word "thereto" in line 9; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"Equipment of Coast Artillery, armories, Organized Militia: There is hereby made available and the same shall remain available until the end of the fiscal year 1913, the unexpended balances of any appropriations heretofore made for dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars; and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia." And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment to the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$8,797,080.42"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seven million five hundred and fifty-seven thousand seven hundred and seventy-three"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert: "one million eight hundred and eighty-six thousand"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert: ": *Provided further*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell and convey to the State of Texas, on or before July 1, 1913, for the purposes of a State tuberculosis sanitarium, the military reservation of Fort Clark, Tex., or such portion of it as in the judgment of the Secretary of War may be sold, at a price to be fixed by a board of three appraisers, one of whom shall be designated by the Secretary of War, one by the governor of Texas, and the third to be agreed upon by the two appraisers first designated: *And provided further*, That no part of the appropriations contained in this act shall be expended for permanent improvements at any Army post which has been abandoned or which may be ordered abandoned by the President of the United States, $1,700,000:"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ten million eight hundred and fifty thousand"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and twenty-five thousand three hundred and fifty"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Beginning in line 1 of the matter proposed to be inserted by said amendment, strike out all after the word "*Provided*" down to and including the words "*Provided further*" in line 9; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "five hundred"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "five million"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "hundred," strike out the words "and thirty-seven"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$150,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "one million"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the amount as proposed at the end of said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: At the end of line 6 of the matter proposed to be inserted by said amendment, after the words "may be," insert the words "hereafter specifically"; and in line 7 strike out the word "law" and insert in lieu thereof the word "Congress"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert as follows:

"SEC. 2. That, for the purpose of utilizing as an auxiliary to the Army reserve hereinafter provided for the services of men who have had experience and training in the Regular Army, in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who having been found physically qualified for the duties of a soldier, if not over 45 years of age, shall reenlist in the line of said Army or in the Signal or Hospital Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period, but no bounty in excess of $300 shall be paid to any person under the terms of this act."

Mr. REED. I should like to inquire whether this is new matter, or is it an amendment of an amendment which was made in the Senate.

The PRESIDENT pro tempore. It is a modification of an amendment agreed to in the Senate.

Mr. REED. May I ask to have the amendment that was agreed to in the Senate read in connection with this? It is a little irregular, but we have no copy of the report before us.

Mr. PAGE. Is the Senator from Missouri going to consume much time on this subject?

Mr. REED. Not at all. I am just trying to get some information It will take but a moment.

Mr. JOHNSTON of Alabama. I will say to the Senator from Missouri that the amendment has been twice passed by the Senate.

Mr. REED. In its present form?

Mr. JOHNSTON of Alabama. In its present form. There has been an addition to it, which I ask the Secretary to read.

The PRESIDENT pro tempore. The original amendment will be read.

The SECRETARY. Amendment No. 70 was to strike out all of section 2, as follows:

SEC. 2. That hereafter all enlistments in the Army shall be made for the term of five years, and for all enlistments hereafter accomplished five years shall be counted as an enlistment period in computing continuous-service pay.

Mr. NELSON. From the reading of the conference report I infer that the period of enlistment is extended to seven years. Is that correct?

Mr. DU PONT. The nominal period is extended to seven years.

Mr. NELSON. That is, a soldier can not enlist for less than seven years?

Mr. DU PONT. That is true, but for only four years of the time is he under the colors. For three years he is in the reserve, at his home, and not liable to be called out except in time of actual or threatened war and by the authority of Congress.

Mr. NELSON. But he must enlist absolutely for seven years?

Mr. DU PONT. That is the provision.

Mr. NELSON. Four years in active duty in the Army and three years on the retired list?

Mr. DU PONT. Yes; and on his own application he can be passed into the reserve with the approbation of the Secretary of War after three years' service.

Mr. NELSON. That is a revolutionary plan. It is something we never have had before.

Mr. REED. Mr. President, I could not hear the Senator from Delaware. His face was turned away from me.

Mr. DU PONT. What information does the Senator from Missouri desire?

Mr. REED. I wanted to know whether in the bill as it passed the Senate the period of enlistment was extended.

Mr. DU PONT. The period of enlistment as the bill passed the House was five years of active service. The Senate disagreed to that, and wished to leave it as at present—at three years of active service. In conference there was an agreement reached to make it four years of active service, and later in conference, on the recommendation of the War Department, the period has been extended to seven years, four years in active service and three years in the Army Reserve, which is not to be called out except in case of actual or threatened war, and then only by authority of Congress.

The PRESIDENT pro tempore. The reading of the conference report will proceed.

Mr. SMITH of Georgia. Are those provisions embodied now fully in this report?

The PRESIDENT pro tempore. The provision in the report was not fully read, and the Chair will ask that it be read in full.

The Secretary read as follows:

"And that on and after November 1, 1912, all enlistments in the Regular Army shall be for the term of seven years, the first four years in the service with the organizations of which those enlisting shall form a part, and, except as otherwise provided herein, the last three years on furlough and attached to the Army Reserve hereinafter provided for: *Provided*, That at the expiration of four years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That any enlisted man, at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, upon his written application, may be furloughed and transferred to the Army Reserve, in the discretion of the Secretary of War, in which event he shall not be entitled to reenlist in the service until the expiration of his term of seven years: *Provided further*, That for all enlistments hereafter accomplished under the provisions of this act, four years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That hereafter the Army Reserve shall consist of all enlisted men who, after having served not less than four years with the organizations of which they form a part, shall receive furloughs without pay or allowances until the expiration of their terms of enlistment, together with transportation in kind and subsistence as provided for by this act in the case of discharged soldiers, but when any soldier is furloughed to the reserve his accounts shall be closed and he shall be paid in full to the date such furlough becomes effective: *Provided further*, That any enlisted man, subject to good conduct and physical fitness for duty, upon his written application to that effect, shall have the right of remaining with the organization to which he belongs until the completion of his whole enlistment, without passing into the reserve: *Provided further*, That except upon reenlistment after four years' service or as now otherwise provided for by law, no enlisted man shall receive a final discharge until the expiration of his seven-year term of enlistment, including his term of service in the Army Reserve, but any such enlisted man may be reenlisted for a further term of seven years under the same conditions in the Army at large, or, in the discretion of the Secretary of War, for a term of three years in the Army Reserve; and any person who may have been discharged honorably from the Regular Army, with character reported as at least good, and who has been found physically qualified for the duties of a soldier, if not over 45 years of age, may be enlisted in the Army Reserve for a similar term of three years: *And provided further*, That in the

event of actual or threatened hostilities the President, when so authorized by Congress, may summon all furloughed soldiers who belong to the Army Reserve to rejoin their respective organizations, and during the continuance of their service with such organizations they shall receive the pay and allowances authorized by law for soldiers serving therein, and any enlisted man who shall have reenlisted in the Army Reserve shall receive during such service the additional pay now provided by law for the soldiers of his arm of the service in their second enlistment period. Upon reporting for duty, and being found physically fit for service, they shall receive a sum equal to $5 per month for each month during which they shall have belonged to the reserve, as well as the actual cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons."

And the Senate agree to the same.

Mr. SMITH of Georgia. Mr. President, I do not think we ought to adopt any such provision as that without the fullest consideration. I think this measure will have to go over until to-morrow if the conferees insist upon that provision.

The PRESIDENT pro tempore. Will the Senator from Georgia permit the reading of the report to be completed?

Mr. SMITH of Georgia. Certainly.

The reading of the report was resumed and concluded, as follows:

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Change the numerical designation of section 4 so as to read "Sec. 3," and restore the matter proposed to be stricken out by this amendment with amendments as follows: After the word "occurred," in line 14, page 53, strike out so much of the next 15 lines as begins with the words "*Provided*, That every permanent officer" and ends with the words "in those grades," and insert in lieu thereof the following: "*Provided*, That on and after the 1st day of January, 1917, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That not to exceed six officers holding commissions with the rank of captain in the Quartermaster Corps and who have lost in relative rank through irregularities of promotion and the operation of separate promotion within the three departments hereby consolidated, may, in the discretion of the President and subject to examination for promotion as prescribed by law, be advanced to the grade of major in the Quartermaster Corps, and any officer who shall be advanced to said grade under the terms of this proviso shall be temporarily an additional officer of said grade, but only until a vacancy shall occur for him on the list of officers of said grade as hereafter limited; and no officer shall be detailed to fill any vacancy on the list of majors of the Quartermaster Corps until after all additional officers authorized by the proviso shall have been absorbed"; after the word "*Provided*," in line 21, page 53, strike out the comma and the word "That" and insert "*further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers in that grade shall not exceed 12; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by three, and thereafter the number of officers of that grade shall not exceed 18; and"; in line 24, page 53, strike out the word "eleven" and insert in lieu thereof the word "nine"; in line 25, page 53, strike out the word "forty-six" and insert in lieu thereof the word "forty-eight"; in line 3, page 54, strike out the word "thirty-one" and insert in lieu thereof the word "twenty-nine"; in line 4, page 54, after the word "hundred," insert the words "and two"; and in line 20, page 54, after the word "perform," insert "but such regimental, battallion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organization to which they belong"; and in line 17, page 55, after the word "law," insert "*And provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the Chief of the Quartermaster Corps herein provided for immediately upon the passage of this act, and it shall be the duty of the said chief, under the direction of the President and the Secretary of War, to put into effect the provisions of this section not less than 60 days after the passage of this act"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Change the numerical designation of section 5 so as to read "Sec. 4," and restore the matter proposed to be stricken out by this amendment, amended as follows: In line 1, page 56, after the comma which follows the words "rate clerks," insert "civil-service employees and"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 5. That hereafter the General Staff Corps shall consist of 2 general officers, 1 of whom shall be the Chief of Staff, 3 colonels, 4 lieutenant colonels, 10 majors, and 10 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods prescribed by law: *Provided*, That hereafter, except as otherwise provided herein, when any officer shall under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, staff corps, or staff department from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, staff corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office unless he shall be reappointed thereto; and if under the operation of this proviso the number of officers of any particular grade in any arm, staff corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grades shall be filled until after the total number of officers therein shall have been reduced below the number authorized by law; but nothing in this proviso shall be held to apply in the case of any officer who now holds a four-year appointment to an office with rank above that of colonel and whose return to the relative position that he would have held if he had not been appointed to said office is not possible under existing law."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 6. That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army."

And the Senate agree to the same.

Change the numerical designations of section 8 and section 9 so as to read section 7 and section 8.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

Mr. SMITH of Georgia. I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Martine, N. J.	Simmons
Bacon	Curtis	Massey	Smith, Ga.
Borah	Dillingham	Myers	Smith, Md.
Bradley	du Pont	Nelson	Smoot
Brandegee	Fletcher	Oliver	Stone
Briggs	Gallinger	Overman	Swanson
Bristow	Heyburn	Page	Thornton
Catron	Johnston, Ala.	Penrose	Townsend
Chamberlain	Jones	Perkins	Warren
Clapp	La Follette	Reed	
Clarke, Ark.	McCumber	Sanders	
Crane	McLean	Shively	

The PRESIDENT pro tempore. Forty-five Senators have answered to their names. Not a quorum. The roll of absentees will be called.

The Secretary called the names of absent Senators, and Mr. LIPPITT, Mr. MARTIN of Virginia, and Mr. BURNHAM entered the Chamber and responded to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. DU PONT. Mr. President, I move the adoption of the conference report on the Army appropriation bill.

Mr. BACON. What is that?

The PRESIDENT pro tempore. The Senator from Delaware asks for the present consideration of the conference report on the Army appropriation bill.

Mr. McCUMBER. Mr. President, before that is done, I should like to have the Senator in charge of the conference report make some explanation of the new provision which, in substance, makes the term of enlistment seven years. From what I have learned of the Army since I have been here, I have been of the opinion that it was with the utmost difficulty that privates were kept in the service even one year, and that most of them were trying to get out. If we are now to publish to the world that the term of enlistment is to be for seven years, it seems to me that we shall have some difficulty in securing enough young, aggressive, independent Americans to fill up the quota even of our small standing Army. I myself have always believed that there ought to be some way by which any person who had been lured into joining the Army in times of peace might get out of his bargain if he wanted to do so, and that there ought to be a way, upon giving three or six months' notice, by which he could sever his connection with the Army, without having to go to the penitentiary for attempting to do so. I believe we ought to liberalize it just as much as possible. Personally, I do not fall in with the idea of having a sort of semistanding Army scattered among the public generally, which may be called upon at any time to enter the service. I do not like the military idea permeating the generality of our citizenship, and I wish the Senator would explain exactly what the new provision means, and especially what is to be gained by it.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Before the Senator from Delaware proceeds, the Chair will have Rule XXVII read, so that there may be no misunderstanding as to the parliamentary situation.

The Secretary read Rule XXVII, as follows:

> The presentation of reports of committees of conference shall always be in order, except when the Journal is being read, or a question of order, or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report, if raised, shall be immediately put, and shall be determined without debate.

The PRESIDENT pro tempore. The Chair has had the rule read for the reason that debate can only be had by unanimous consent.

Mr. BACON. Mr. President, I ask unanimous consent just to say a word in regard to this matter.

I want this report to go over until we can have an opportunity to examine it. To bring in here a provision of this kind, which I think is absolutely foreign, in the first place, to the functions of a conference report, and talk about our being required to go into a consideration of it without an opportunity to read it or anything else——

Mr. SMITH of Georgia. Or any right to amend it.

Mr. BACON (continuing). Or any right to amend it, it seems to me is hardly fair. I want to say one word in regard to this matter. I recognize this bill as an old acquaintance. The feature of this bill about a reserve was here as an independent bill 10 or 12 years ago, and after a very long discussion of it in the Senate, that feature now embraced here was defeated in the Senate. As it is now brought in, it is exactly the same thing. It does not originate in the Senate. It comes from the War Department.

Mr. WARREN. Oh, Mr. President, the Senator wants to be correct. It originated in the other House, so far as the length of service is concerned.

Mr. BACON. I am not talking about the length of service; that is an entirely different thing.

Mr. WARREN. If the Senator will allow me to finish, the term of service in the House bill was five years, and in compromising the differences between the two Houses the time was both lengthened and shortened. It was shortened to a four years' positive or a three years' permissive term under the colors, with the other four years in reserve without salary, unless, perchance, the reserve were called into active service. Then there was a reserve also provided for in the bill when it passed the Senate——

Mr. DU PONT. I will add to that the statement that the reserve will not be called out except by authority of Congress.

Mr. BACON. Mr. President, this is an utter revolution of our whole Army organization and Army system. It is the converting of this country into a military organization in part, and when extended will be so in whole.

Mr. LA FOLLETTE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. BACON. I do.

Mr. LA FOLLETTE. If the Senator will yield just to permit me to make an inquiry, I should like to inquire of the chairman of the committee if this conference report has been printed?

Mr. DU PONT. It has been printed; yes.

Mr. LA FOLLETTE. I have called for a printed copy and have been unable to get one.

Mr. DU PONT. It was printed in the House; it has not been printed in the Senate, for there has not been time.

Mr. LA FOLLETTE. I should like to examine the provisions of the conference report.

Mr. BACON. We ought to have time to examine it. The idea that a matter of this kind, which, as I say, not only revolutionizes the organization of the Army, but the entire military system of this country, converting it into the German system, and only needed to be extended to make it absolutely the German system—to say that we shall be called on to pass on this on a conference report, injected here improperly, not belonging to it at all, is going pretty far, to say the least.

Mr. President, there is much more in it than a mere question of bounty or length of service. This is not a legitimate action on the part of the conferees. It is altogether new matter, and, as I have said, is nothing but an old acquaintance brought back here in a new guise. It was before us as an independent bill some 10 or 12 years ago, and was resisted most strenuously and finally defeated. Now, Mr. President, I do insist that this report go over until we have an opportunity to examine it, for we have never even had an opportunity to read it.

Mr. DU PONT. Mr. President, in reply to the Senator from North Dakota [Mr. McCUMBER], who has asked me to make some explanation in regard to the enlistment provision of the conference report, and also replying to some of the remarks of the Senator from Georgia [Mr. BACON], I will say, in the first place, that the provision as to an Army reserve has no relation whatever to the reserve measure to which the Senator from Georgia refers, which measure was proposed when the Senator from New York [Mr. ROOT] was Secretary of War and was based on a totally different principle. It involved an expenditure in time of peace for the maintenance and upkeep of the reserves. The provision before the Senate does not involve the expenditure of a single penny during time of peace and will cost the Government nothing except in the event of war. When there are actual or threatened hostilities it is provided that the reserve may be called out, not by the President alone, but with the consent of Congress, which seems to me a conservative proposition.

The bill as proposed by the House changed the period of enlistment from three to five years. The Senate disagreed to the proposition and insisted on the maintenance of the three-year term of enlistment. As a compromise a basic term of four years was provided as an enlistment period, and in connection with this compromise a suggestion was made and favorably considered by the unanimous vote of the conferees that the period of nominal enlistment should be increased, the real enlistment being for four years absolutely and for three years permissively. The nominal enlistment includes service in the reserve, and service in the Army reserve involves no military duty whatever unless the reservists be called out and service rendered to the Government. In time of peace service in the Army reserve, if it can be called service, imposes no expense to the Government, there being no pay or allowances attached to it. It is provided, however, that if we were threatened with war or actually engaged in war and Congress authorizes the calling out of the Army reserve, then, in that event, the reservists shall be paid for the time they are actually engaged in the service of the United States.

Mr. McCUMBER. May I ask the Senator a question right there, Mr. President?

Mr. DU PONT. Yes.

Mr. McCUMBER. What is to be gained by having this sort of a reserve army?

Mr. DU PONT. I was just coming to that.

Mr. McCUMBER. Allow me to finish the sentence——

Mr. DU PONT. I will say to the Senator from North Dakota that the object to be gained by an Army reserve is as follows: I suppose the Senator is aware that the strength of the regular companies, troops, and batteries of the Regular Army on a war footing is nearly twice as great as in time of peace?

Mr. OVERMAN. Does this report present the same provisions as the bill on the calendar which has been so much objected to?

Mr. DU PONT. That is a totally different measure, which deals with the raising of Volunteer troops. This measure deals only with soldiers in the Regular Army, and has no analogy or connection whatsoever with the bill to which the Senator referred.

Mr. McCUMBER. May I suggest to the Senator that at the time of the Spanish-American War the Government simply called upon the several military organizations of the States, the State Militia, the National Guard, and so forth, and there were twice as many as could be taken by the Government; and since that time the number has increased probably four or five fold at least? Does not the Senator believe, with the vast number of these military organizations in every State, that in almost any kind of a war in which we could be engaged we could call out a sufficient number, and more than a sufficient number, who would immediately volunteer, without the necessity of having this semistanding army scattered over the country?

Mr. DU PONT. The semistanding army, as the Senator styles it, will amount under the provisions of this bill to a maximum of not over 40,000 men, and most probably will be nearer 25,000 men. There are less than 13,000 men discharged from the Regular Army every year, who would pass into the reserve. In two years that would amount to about 25,000 or 27,000 men at most, and if some of the three-year men are permitted to enter the reserve the figures might be as high as some 35,000 men; but I doubt very much if the army reserve would ever exceed those figures. The purpose is to render the Regular Army efficient to meet the situation should we become involved suddenly in hostilities. When the companies are doubled in strength, it is plain that if you add to them raw, untrained men the Army will not be as efficient as if you fill up the ranks with old soldiers, who are familiar with the discipline, with the service, with the manual of arms, and the duties of a soldier in general. That is the idea of this provision of the bill and that is all it involves. It will cost the Government nothing; it is a measure of small proportions, so far as numbers are concerned. There is no semistanding army involved; it is simply intended to promote the immediate readiness and efficiency of the Regular Army in case we are suddenly called upon to repel invasion. In my judgment it will do this, in large measure, provided that the men will enlist for six or seven years and are not deterred by that long period. Although the idea is largely experimental, the War Department instructed its recruiting officers some time ago to question every recruit who enlisted—of course under the present three-year term—as to whether he would object to enlisting for six years if he were allowed to go home at the end of three years and not be called out except in case of war.

So it was reported to the committee that the returns showed that over 90 per cent of those enlisting said they had no objection whatever to that. Based on those facts and the urgent recommendation of the War Department and the practical conclusions reached after full debate and discussion in the committee and in conference, we agreed to report the measure as it now stands.

Mr. BACON. Mr. President, I do not want to continue the discussion longer at this time, because I want an opportunity to read the provision.

Mr. DU PONT. Certainly.

Mr. BACON. But was there anything in the bill either as it passed the Senate or the House about any reserve force who should go into civil life?

Mr. DU PONT. I will answer the Senator from Georgia in the affirmative.

Mr. BACON. I do not believe there was.

Mr. DU PONT. I will quote to the Senator the exact language. The bill as it passed the Senate provided:

> That for the purpose of utilizing as an Army reserve the services of men who have had the experience and training in the Regular Army, in time of war or when war is imminent—

And so on. That is the provision to which I refer.

Mr. LA FOLLETTE. On what page is that?

Mr. DU PONT. On page 9 of the bill under the head of "Pay of enlisted men."

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Delaware that the Senate proceed to the consideration of the conference report.

Mr. BACON. I trust the Senator from Delaware will give us an opportunity to examine the report. We have had no chance at all to read it, and to me the request seems unreasonable. I can recognize it by even glancing at it, but as to reading it through carefully, it is impossible to do so at this time, and I trust the report will not now be taken up.

Mr. DU PONT. It is a simple subject and involves no expenditure of public money; and there is so much crowding upon us in the closing hours of Congress that, as much as I would like to oblige the Senator from Georgia, I must insist upon my motion.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable. The question is on agreeing to the motion of the Senator from Delaware.

Mr. REED. Does it not require unanimous consent?

The PRESIDENT pro tempore. It does not.

Mr. REED. I thought there had been a unanimous consent preceding that.

The PRESIDENT pro tempore. There had not been. The report was presented and read, and then the Senator from Delaware moved to proceed to its consideration.

Mr. REED. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON]. I transfer the pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea."

Mr. DU PONT (when his name was called). I have a general pair with the senior Senator from Texas [Mr. CULBERSON]. As I do not see him in the Chamber, I withhold my vote. If I were at liberty to vote, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). In the absence of my general pair, I withhold my vote.

Mr. REED (when his name was called). I have a pair with the Senator from Michigan [Mr. SMITH]. I transfer the pair to the Senator from Nevada [Mr. NEWLANDS] and will vote. I vote "nay."

The roll call was concluded.

Mr. SMITH of Georgia (after having voted in the negative). I have a general pair with the senior Senator from Massachusetts [Mr. LODGE], and I voted inadvertently. However, I transfer the pair to the Senator from Nebraska [Mr. HITCHCOCK], and will let my vote stand.

Mr. STONE. I have a pair with the Senator from Wyoming [Mr. CLARK].

Mr. POMERENE. I have been requested to announce that the Senator from Maine [Mr. JOHNSON] is necessarily absent and that he has a general pair with my colleague, the senior Senator from Ohio [Mr. BURTON]. I will let this announcement stand for the week.

Mr. BRANDEGEE. I am paired with the Senator from New York [Mr. O'GORMAN]. I transfer it to the junior Senator from Massachusetts [Mr. CRANE] and will vote. I vote "yea."

Mr. SHIVELY. I wish to announce that my colleague [Mr. KERN] is unavoidably absent from the Chamber on account of illness in his family. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. BRIGGS. I am paired with the senior Senator from West Virginia [Mr. WATSON] and wish to inquire whether he has voted.

The PRESIDENT pro tempore. The Senator from West Virginia has not voted.

Mr. BRIGGS. I have a pair with the senior Senator from West Virginia, and in his absence I withhold my vote.

Mr. FALL. I should like to inquire whether the Senator from Florida [Mr. BRYAN] has voted.

The PRESIDENT pro tempore. The Chair is informed that the Senator has not voted.

Mr. FALL. I have a general pair with him. However, I am informed by the senior Senator from Florida that if the Senator from Florida were present he would vote "yea," and I will therefore vote. I vote "yea."

Mr. ROOT. I have a pair with the Senator from Indiana [Mr. KERN] and therefore withhold my vote.

Mr. DILLINGHAM (after having voted in the affirmative). I should like to inquire if the senior Senator from South Carolina [Mr. TILLMAN] has voted.

The PRESIDENT pro tempore. The Senator from South Carolina has not voted.

Mr. DILLINGHAM. Then I withdraw my vote.

The result was announced—yeas 32, nays 17, as follows:

YEAS—32.

Bankhead	Cullom	Jones	Perkins
Bourne	Cummins	McCumber	Poindexter
Bradley	Curtis	McLean	Sanders
Brandegee	Fall	Massey	Smoot
Bristow	Fletcher	Nelson	Thornton
Burnham	Gallinger	Oliver	Townsend
Catron	Heyburn	Page	Warren
Chamberlain	Johnston, Ala.	Penrose	Wetmore

NAYS—17.

Ashurst	Martin, Va.	Reed	Swanson
Bacon	Martine, N. J.	Shively	Williams
Clapp	Myers	Smith, Ariz.	
Clarke, Ark.	Overman	Smith, Ga.	
La Follette	Pomerene	Smith, Md.	

NOT VOTING—45.

Bailey	Dillingham	Kern	Simmons
Borah	Dixon	Lea	Smith, Mich.
Briggs	du Pont	Lippitt	Smith, S. C.
Brown	Foster	Lodge	Stephenson,
Bryan	Gamble	Newlands	Stone
Burton	Gardner	O'Gorman	Sutherland
Chilton	Gore	Owen	Tillman
Clark, Wyo.	Gronna	Paynter	Watson
Crane	Guggenheim	Percy	Works
Crawford	Hitchcock	Rayner	
Culberson	Johnson, Me.	Richardson	
Davis	Kenyon	Root	

So the Senate agreed to proceed to consider the report of the committee of conference on the Army appropriation bill.

PERSONAL EXPLANATION—CAMPAIGN CONTRIBUTIONS.

Mr. REED obtained the floor.

Mr. PENROSE. Will the Senator from Missouri yield to me for a moment?

Mr. REED. I desire to retain the floor, but I will yield temporarily to the Senator from Pennsylvania.

Mr. PENROSE. I this morning offered a resolution in reference to certain statements made by me in the Senate yesterday, and I desire to modify its phraseology and have it read to the Senate, and in that way will bring up the matter to which the Senator from Missouri desires to address himself.

The PRESIDENT pro tempore. The resolution (S. Res. 386) as modified will be read.

The Secretary read as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania [Mr. PENROSE] in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under Senate resolution No. 79, agreed to on April 29, 1912.

Mr. PENROSE. Mr. President, I simply want to say, if the Senator will pardon me a moment, that I find on investigation that the resolution under which this committee has been acting covers the ground so far as the expenses of investigation are concerned, or the ability to subpœna witnesses, and therefore all I have to do in this instance is to make a special request for the reference of this particular matter to that committee.

Mr. REED. Mr. President, a little later it is my intention to offer an amendment to the resolution just read extending the scope of the investigation so as to include all moneys expended by all candidates for the nomination for President during the present year. It has occurred to me if we are to investigate, we might as well not stop at the mere personal controversy now existing between ex-President Roosevelt and the senior Senator from Pennsylvania [Mr. PENROSE].

When the Senator from Pennsylvania had the floor yesterday he invited Members of the Senate to ask him any questions pertinent to the matter of personal privilege he had brought before the Senate. While the time, strictly speaking, has passed, I nevertheless desire to ask the Senator from Pennsylvania a question or two which are especially inspired by the reply of ex-President Roosevelt published in the newspapers this morning.

Mr. President, the Senator from Pennsylvania on yesterday stated that there was some doubt as to the authenticity of a certain letter dated October 13, 1904.

Mr. PENROSE. Is that the letter which purported to inclose a check?

Mr. REED. It is.

Mr. PENROSE. That is the letter regarding which I have my suspicions as to its genuineness, but I attached no importance to the statement one way or the other, and proceeded immediately to go on with the main issue involved, which was that it was true that the check had been received. I only expressed a belief about the letter if genuine. It may be, it may not be. This is rather an old transaction.

Mr. REED. The letter bore the purported date of October 13, and professedly inclosed the certificate of deposit for $25,000, which the Senator tells us was a contribution by Mr. Archbold of the Standard Oil Co. to the Pennsylvania Republican campaign. Can the Senator state whether the additional $100,000, which he says was paid by the Standard Oil people to the National Republican Committee, was paid on or prior to the 13th day of October, 1904?

Mr. PENROSE. My understanding was that it was paid on or about that time; perhaps a little time before that. Just how it was paid I do not recollect at this time, and it may be I did not know exactly at any time. I am positive that those details will come out in the investigation, which I expect will be promptly made by the Committee on Privileges and Elections. As near as I can recall it now, the check to the national committee was given to them early in October.

Mr. REED. I want to ask the Senator what he has to say to this statement of President Roosevelt as it appears in the Washington Post of this morning?

Col. Roosevelt then read from copies of letters which he said he had sent to Mr. Cortelyou in the latter part of October, 1904.

In these letters he said that he had been informed that "the Standard Oil people" had contributed $100,000 to the campaign, and he told Mr. Cortelyou that if it was true that such a contribution had been made, the money should be returned at once. He wrote that, "in view of the open and pronounced opposition of the Standard Oil Co. to the establishment of a bureau of corporations, one of the most important accomplishments of my administration, I do not feel willing to accept its aid. I request, therefore, that the contributions be returned without further delay."

That statement is said to have been made in the latter part of October. I should like to ask the Senator whether to his knowledge the money ever was paid. I refer to the $100,000 to the national committee. And if so, was it ever returned?

Mr. PENROSE. I understand the Senator has the paper there before him. The date of this letter or alleged letter to Mr. Cortelyou is about the 26th of October, is it not?

Mr. REED. Yes; the date of the letter is October 26.

Mr. PENROSE. The letter was sent about a week before the election. It was several weeks after both the transactions to which I referred yesterday, namely, the payment of $100,000 to Mr. Bliss and the declination to furnish a further amount of $150,000. The letter was sent to the chairman of the national committee. The dates indicate that.

Mr. REED. As I understand the Senator, then, the $100,000 had been received before this letter of Mr. Roosevelt was dictated.

Mr. PENROSE. Considerably——

Mr. REED. Had the money been spent or was it on hand and was it, in fact, returned?

Mr. PENROSE. The information I have always had as to the transaction was that Mr. Roosevelt was advised that the money had been spent and could not be returned, and the letter was sent to make a record for future reference.

Mr. REED. Mr. President, can the Senator, then, state to us whether, in fact, the letter was written with full knowledge that the money was gone?

Mr. PENROSE. That is my information, Mr. President.

Mr. STONE. Mr. President, let us have order. We can not hear.

Mr. PENROSE. That is my distinct information, and also the information of many others.

Mr. REED. I desire to ask the Senator a further question. Does he know of any large sums of money that were contributed to the National Republican Committee in 1904 that were returned to the donors?

Mr. STONE. Again I ask that there may be order in the Chamber so that Senators may be heard.

Mr. PENROSE. Will the Senator kindly repeat his question?

The PRESIDENT pro tempore. The Senate will please be in order and Senators will refrain from audible conversation.

Mr. PENROSE. There was such confusion in the Chamber that I did not catch the full question.

Mr. REED. As nearly as I recall my question, it was whether the Senator knew of any large sums of money that had been donated to the Republican National Committee in 1904 that were returned to the donors.

Mr. PENROSE. The returning of contribution is such a rare instance on the part of political committees that if there had been any such case it would have made a profound impression on my mind. I do not recall any.

Mr. REED. The Senator has no knowledge of it?

Mr. PENROSE. I have no knowledge of it, Mr. President.

Mr. REED. In this connection I desire to put into the RECORD the reply of Mr. Roosevelt as it appears in the Washington Post of this morning. I do not want to take time to read it, but ask permission that it may be printed as a part of my remarks, including the part I have just read.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

"Mr. Penrose and his allies and the entire crowd of crooked politicians and crooked financiers, who have attempted to make these attacks upon me," said Col. Roosevelt, "have made them and are making them not only knowing that they are false, but because they are false, and because that they know that the forces behind me, and which I at this time represent, are the only forces which the crooked politicians and crooked financiers of the country have really to fear.

"The only part of Mr. Penrose's statement that needs comment by me is that portion in which it is asserted that I had been advised of a heavy campaign contribution from Mr. Archbold in behalf of the Standard Oil Co. to the Republican national campaign committee, and that I directly or indirectly requested a contribution from Mr. Archbold and his associates interested in the Standard Oil Co. This statement is false."

Col. Roosevelt then read from copies of letters which he said he had sent to Mr. Cortelyou in the latter part of October, 1904.

In these letters he said that he had been informed that "the Standard Oil people" had contributed $100,000 to the campaign, and he told Mr. Cortelyou that if it was true that such a contribution had been made, the money should be returned at once. He wrote that, "in view of the open and pronounced opposition of the Standard Oil Co. to the establishment of a Bureau of Corporations, one of the most important accomplishments of my administration, I do not feel willing to accept its aid. I request, therefore, that the contributions be returned without further delay."

"Mr. Cortelyou informed me," said Col. Roosevelt, "that there had been no contribution received from the Standard Oil people and that none would be received. Over the phone last night, in response to a question of mine, he stated that he had at that time made this statement, and that his memory and mine agreed entirely as to the circumstances of the occurrence. If any contribution was received it was against my explicit and reiterated directions as set forth in these letters."

Col. Roosevelt then quoted from an open letter issued just prior to the 1904 election by Mr. Cortelyou, saying that the campaign fund of that year was much smaller than that of any presidential campaign. During all trust prosecutions the Colonel said, no one had asked any favor because of campaign contributions.

Referring to "Mr. Penrose and his allies," Roosevelt said:

"They know that the triumph of the progressive cause, and only the triumph of the progressive cause—that is, the Progressive Party—means the elimination from politics of the Penroses, and means driving from their intrenchment, in both business and politics, the powers of special privilege such as the Standard Oil Co. Naturally, these men, aided by the newspapers which they control, will stop at nothing in order to rid themselves of the only enemies they really fear."

Mr. REED. Mr. President, also in this connection I desire to read a statement which I find in the New York Sun of this date:

These disclosures by Penrose are, it is acknowledged, only a beginning. If Col. Roosevelt or Mr. Cortelyou attacks the Pennsylvania Senator on the ground of his statements it is likely that Mr. Penrose will have something further to say. The Senator himself intimated clearly on the floor of the Senate that he would welcome a further discussion of this subject.

"There are papers on file and a number of letters accessible, interesting documents," said he, "and I have no doubt as this discussion develops during the coming campaign should any gentleman desire to press it these matters will see the light of day."

Senator Penrose added that these letters are hidden in the archives of campaign committees and in the cellars and vaults of business houses and offices of lawyers throughout the country. Penrose's friends declared that he had only scratched the surface in the statement made by him to-day, and that when the proper time comes further documentary evidence would be available.

In this connection rumors of disclosures of contributions by other corporations to the Roosevelt 1904 campaign were in circulation to-day. Charges will be made soon that the Gould interests, controlling the Missouri Pacific, contributed $100,000 to the Roosevelt campaign fund and that the Southern Pacific contributed a like amount. This $100,000 contribution by the Southern Pacific, it is said, was in addition to the $240,000 that E. H. Harriman raised and dumped into New York State.

LETTER FOR THE RECORDS.

A circumstantial story was being told to-night of how a member of President Taft's Cabinet has knowledge that Roosevelt was aware of the contribution by the Standard Oil Co. to the 1904 campaign. It is said that this member of the Cabinet entered Mr. Roosevelt's office while he was dictating a letter to the chairman of the National Committee warning him that the Standard Oil Co.'s contribution must not be accepted.

According to the story it was pointed out to Mr. Roosevelt that the contribution had been made 10 or 12 days previously; that the money had been spent and that it would be impossible to pay it back. Mr. Roosevelt is said to have remarked then that the letter should at least go on the record.

I ask the Senator whether he has any knowledge now of the fact that the Missouri Pacific or the Gould interests did contribute to this campaign fund of 1904.

Mr. PENROSE. I have no direct knowledge, Mr. President; simply my information at the time that large contributions were made from those interests.

Mr. REED. Does that answer also include the Southern Pacific?

Mr. PENROSE. That is my understanding.

Mr. REED. If I understand the Senator now, he means by this last statement that while he was actively engaged there with the committee he understood, as a member of the committee, that these interests had contributed heavily to the fund.

Mr. PENROSE. That is correct, Mr. President. I was not in the close personal touch with the situation that I happened to be in relation to the particular Archbold contribution. My relation to that situation arose from the fact that half the counties in Pennsylvania are the original oil part of the State; that a large number connected with the oil interests are Pennsylvanians, and Mr. Archbold was a citizen of Pennsylvania for a great many years and had been known to me since he had been a young man in Titusville, in Pennsylvania, long before he was worth a dollar. In that way I happened to be accidentally in touch with this particular situation in a way to know the details personally.

Mr. REED. While the Senator is on his feet may I ask him another question? To what extent were the acts of the national committee concealed from Mr. Roosevelt?

Mr. PENROSE. My observation of Mr. Roosevelt has been that he was well calculated to have pretty superior knowledge about everything that was going on in the national committee. I do not think there was a day, and some days an hour in the day, when the chairman of the national committee was not in communication with him over the telephone.

Mr. REED. Who was the chairman at that time?

Mr. PENROSE. I understand it was Mr. Cortelyou.

Mr. REED. Formerly Mr. Roosevelt's secretary?

Mr. PENROSE. Yes.

Mr. REED. Will the Senator state to us what he knows in reference to the information conveyed to the President from time to time in regard to the progress of the campaign and the funds that were contributed?

Mr. PENROSE. I assume, Mr. President, that as he and the chairman were communicating every day, and sometimes every hour of the day, and knowing the vigorous and energetic way with which Mr. Roosevelt pursues political campaigns, that he was not a child in the wilderness.

Mr. REED. Was he regularly consulted with reference to the campaign as it went along?

Mr. PENROSE. It is my impression that he was very much consulted. He absolutely named his Cabinet officer and former Secretary as chairman of the national committee, and I suppose that every act of that chairman was dictated by his chief.

Mr. REED. Was Mr. Cortelyou at that time in the confidence of the President?

Mr. PENROSE. He was put there by the President, and I do not imagine he lost the confidence of the President during the three months of the campaign. I never heard that he did. He was absolutely designated by the President as chairman of the committee. The national committee sat, in a docile way at Chicago, until the word was received as to whom Mr. Roosevelt wanted for chairman.

Mr. REED. So that, as I understand you, Mr. Roosevelt dictated the chairmanship of the committee?

Mr. PENROSE. He named the chairman of the national committee as absolutely as he would name his stenographer or private secretary.

Mr. REED. And kept in active touch with him. I want to ask the Senator if, as a matter of fact, President Roosevelt largely directed the campaign? What are the facts about that?

Mr. PENROSE. I think he chiefly directed the campaign.

Mr. REED. I thank the Senator.

In that connection and just as a bit of character sketching I want to present the following from the New York World:

HIS GREATEST AMBITION.

"'Col. Roosevelt's greatest ambition,' said Greenway, 'is to be shot on the field of battle.'"—Saturday Evening Post.

"Nonsense! Col. Roosevelt's greatest ambition is to be a one-man war.

"He wants to be the commanding generals on both sides, standing calm and collected in front of his tents while the wireless spits out its reports from the front, while the telephones clatter and the telegraph clicks his orders to his corps commanders.

"He wants to be the general staff of both armies, scrutinizing the monster maps of the field of operations and shifting the pins that mark the positions of the opposing forces.

"He wants to be the trusty scouts dashing up breathlessly from the firing line.

"He wants to be the roar of the artillery, the rattle of the small arms, and the flashing detonations of the smokeless powder.

"He wants to be the last desperate charge upon the batteries, sabering himself at the guns.

"He wants to be the rear guard that bravely covers the retreat, and the smashing attack of the reserves which turns defeat into rout.

"He wants to be the dead and the dying on the field of battle, who have yielded up their lives as a last sacrifice to their beloved countries.

"He wants to be the dust-stained correspondents painting his countless acts of heroism in words that will never perish.

"He wants to be the commission that negotiates peace with honor, and, lastly, he wants to be the grand review at the close of the war, standing silently in front of the flag-draped stand, saluting himself as he marches past and pinning medals of honor to his dauntless breast.

"That is what the Colonel wants. 'To be shot on the field of battle' is only one of the minor incidents of his great ambition."—New York World.

Mr. PENROSE. Mr. President, will the Senator permit me to interrogate him?

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I yield to the Senator from Pennsylvania.

Mr. PENROSE. Just let me ask him the date. Has the Senator the date of that editorial?

Mr. REED. February 29, 1912.

Mr. PENROSE. I do not think it could have been published within the last week or so, because only yesterday I read in one of the August periodicals that Mr. Roosevelt's chief ambition was to kill a grizzly bear with a knife. [Laughter.]

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Mississippi?

Mr. REED. I yield to the Senator from Mississippi.

Mr. WILLIAMS. Mr. President, of course I am absolutely a nonpartisan; I always have been, and I do not desire to interject any partisan references into the debate; but I have before me a couple of pieces of more or less exquisite literature—principally less—that I should like to inject into the remarks of the Senator from Missouri at this moment, if he thinks that the magnitude of his aim and the chastity of his diction could admit of the association.

Mr. REED. I have no objection so long as the Senator from Mississippi assumes full responsibility.

Mr. WILLIAMS. The first poem, Mr. President—I do not know who the author is, but it was sent to me in the mail—is entitled "What Teddy thinks"; and it reads:

I'm twice as great as Washington,
I'm twice as great as Grant;
Because third terms they didn't get
They needn't think I can't.

I'm twice as great as Jefferson
And Madison combined;
I'm twice as great of all the lot
Of Presidents, I find!

I'm greater than my country,
And its customs and its laws,
It's poor old Constitution,
And its precedential flaws.

I'm twice as great as any man
Above or 'neath the sod;
In fact, I'm half inclined to think
I'm most as great as Nod!

Some time ago, Mr. President, in the course of a political fling in the Senate, I quoted a paraphrase of the Apostles' Creed in a manner which was extremely offensive to a great deal of religious sentiment. I therefore withdrew it from the permanent RECORD, not because it was irreligious or blasphemous, as was charged, but because it was, upon my own second thought, in bad taste, to say the least of it. I was much astonished to find, when I had imitated Martin Luther, who once wrote a paraphrase upon the Litany, making fun of Zuinglius and the Zurichers, who were ultra Swiss Protestant reformers, and when I imitated two archbishops of Canterbury, one of whom wrote a paraphrase upon the Litany, ridiculing the Pope at Rome, and another of whom wrote a paraphrase upon the Litany ridiculing Oliver Cromwell and the Puritans, that some real good men and some pure, true, sweet, good women, especially of my own church, the Episcopal Church—the Church of England—thought me guilty of irreverence and sacrilege. Of course, everybody who listened to me knew that I was not making fun of the Creed; that I was making fun of Theodore Roosevelt; that I was making fun of the people who had erected him into the place of a demigod, if not a god. I at that time offered what I had to say as an illustration of the blind hero worship of his followers. I did not think then that what I had to say in way of criticism and prophecy would be so soon confirmed by his own followers. I now want to read what confirms it.

There is a sweet old hymn beginning in this way:

Follow, follow,
I will follow Jesus.
Everywhere He leads me
I will follow on.

I have no selfish, servile instincts, but when I have helped in my semi-impotent way to sing this good old hymn I have felt it to the bottom of my bones—

I will follow Jesus.
Everywhere He leads me
I will follow on.

Jesus the Savior of man and the Son of God.

Not that I have ever actually followed Him, but because I was always willing to confess that the man who did follow Him followed in the right course, and was better than I.

At the Chicago convention there was another rendition of the hymn. If any further proof were needed of blind, absurd, and stupid hero worship of Theodore Roosevelt, it is here. "Demigod," I said in the former speech; but they have erected him into a god now. I am reading now from a squib in a newspaper:

Had Theodore Roosevelt been guilty, in place of Senator WILLIAMS—

Because of this parody upon the Apostles' Creed, in which I was only, I repeat, imitating the example of Martin Luther and two archbishops of Canterbury, and of which I was not even the author, but which had been going around in the press for a month and more and only read by me, I was solemnly rebuked later on by the ecumenical council of the Church of the Latter-day Saints, held in the State of Pennsylvania and presided over by Archbishop Bill Flinn. [Laughter.] Was he archbishop or cardinal? At this ecumenical council there was a solemn resolution passed taking me as a text and denouncing me for having paraphrased the Apostles' Creed, and being therefore guilty of disrespect to God, when all I had meant was disrespect to Roosevelt, and when everybody who heard me knew what I meant. The confusion was a natural result of the state of mind of the Rooseveltians.

Mr. PENROSE. Mr. President, will the Senator from Mississippi permit me to interrupt him?

Mr. WILLIAMS. I had not paraphrased the Apostles' Creed; I had merely repeated it. But if I had paraphrased it, I would, I repeat, have stood in the shoes of Martin Luther and in the shoes of two of the greatest archbishops of Canterbury who ever existed, except that I would have been paraphrasing a profession of belief adopted by a church convention of men, and they were paraphrasing a solemn prayer—a communion in passion and faith of men with God.

Let the hearer go back in our history and read the trial in the municipal court of the city of Boston at the December term, 1822, where the grand jurors were John Adams, Moses Williams, and others, in which is included the first trial of William Hone before Justice Abbott and his second trial before Lord Ellenborough, and his third trial, with another change of judges, instructed to instruct a conviction, and his acquittal on all three charges in spite of Crown and ministry, and let him remember the bonfires that were built in London and all over England, celebrating the three juries' position in behalf of freedom of the press when they acquitted him.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. WILLIAMS. Let me finish this, so as to keep the connection, and I will then yield.

Mr. PENROSE. Very well.

Mr. WILLIAMS. This article goes on:

Had Theodore Roosevelt been guilty in place of Senator WILLIAMS no doubt the incident would have passed without notice, or even been counted to him for righteousness. For surely no one has called the personally conducted Roosevelt convention to account for its own odd dereliction.

It sang with great gusto these words:

Remember, the original is—

Follow, follow,
I will follow Jesus—

Jesus—the Son of God—

Everywhere He leads me
I will follow on.

I accused these people of being sacrilegious in their blind hero worship, demigod worship, and in proof here is what I am informed that they sang at the Chicago convention:

Follow, follow,
We will follow Teddy.
Anywhere he leads us
We will follow on.

Now, I yield to the Senator from Pennsylvania.

Mr. PENROSE. Mr. President, I hope the Senator from Mississippi will not press this line of criticism too far. Anything that would bring about a condition where a crooked municipal contractor, like William Flinn, could lead in any kind of a chorus that approached a hymn is certainly progress upward.

Mr. WILLIAMS. Mr. President, I dare not agree with the Senator from Pennsylvania. I do not desire to incur the odium theologicum any further than I have already unwittingly and very innocently incurred it. I agree with Thomas Jefferson when he said that the thing to be chiefly avoided in all life was incurring the odium theologicum.

A few words seriously. There is not a man in the Senate, or anywhere else, that attaches more importance than I do to the solemn form of words of a solemn human creed. Of course, a creed is nowhere the word of God; it is the word of men trying to express in unison with one another their ideas of what the word of God would induce them to believe. The Apostles' Creed, which is the word of man, and not the word of God, appeals to me in the strongest way, because it was the recognized endeavor of honest men trying to learn the philosophy of love to one's neighbor and love to one's God, to put into words in a solemn form what they believed. I believe with Saint Paul that "the form of sound words" is worthy of remembrance and of observance everywhere. There was not a man sitting in the Senate the day I spoke who imagined for one moment that I had the slightest idea of ridiculing the Apostles' Creed, or of ridiculing the solemn assertion of faith of any creed of people upon the surface of this earth, whether Christians, Mohammedans, or Jews.

The thing most sacred for a man is what he shall formulate to himself as his relationship with God and his fellow man, and whether he forms it in an ecumenical council, in a religious assembly, or whether he formulates it by himself, with

nobody present except himself and his God, it is sacred to any man who respects himself and God; and yet I found that a crowd of men in the State of Pennsylvania, actuated, so far as I know, by no political or religious principle of any description up to that day anywhere or at any time confessed or displayed, held an ecumenical council, in which they pronounced themselves to be latter-day saints, and pronounced me to be a great sinner, an irreverential sort of a man, and all this occurred under the superintendency of Archbishop or Cardinal Bill Flinn, of the city of Pittsburgh, in that good old Commonwealth of Pennsylvania. Why, I would have been even less surprised if the present Senator from Pennsylvania [Mr. PENROSE] had undertaken to read religious lessons to men of lesser pretense than I. Mark it once more.

Follow, follow,
We will follow Teddy.
Anywhere he leads us
We will follow on.

If there is any madness of demigod worship and of hero worship to equal that in the history of the civilized world I do not remember it. If there is any craze to equal it, since the craze of speculating in tulips in Holland, expiring in the eighteenth century, I do not remember it. There was a time when men swore allegiance to tulips of a certain form and a certain color, and when they bought tulips to be hybridized and crossed down unto the third and fourth generation, when all Holland—peopled by the most phlegmatic people in the world—went crazy about tulips; but from the tulip craze down to now there has been nothing equal in sacrilege and irreligion, folly and stupidity, demigod worship, to these lines, a paraphrase, not upon a profession of faith, but upon a prayer in music.

Follow, follow,
We will follow Teddy—

Not Jesus—

Anywhere he leads us
We will follow on.

Mr. REED. Mr. President, I have no interest in the controversy between the Senator from Pennsylvania and ex-President Roosevelt save as it affects the general welfare. One of these gentlemen, the Senator, is a Republican of the most extreme school; the other was a Republican who walked by day and by night in company with the Senator from Pennsylvania and with all that portion of the Republican Party which are sometimes known as "stalwarts" and sometimes as "standpatters," but who always and forever have been standing guard upon the ramparts of the Republican Party. Just what Mr. Roosevelt's views or creed may be at this time I do not much care to guess, because his opinions change as rapidly as the colors of the rainbow shift, albeit they little resemble the glorious beauty of the rainbow's varying hues. The Senator from Pennsylvania and the "Third Termer" belong to schools of politics I have never attended and never even respected. I say frankly that I think they are both doing the greatest service to the country now they have ever rendered because they are each destroying that organization which has so long assisted monopoly to levy tribute upon the people of the United States. For once they are serving the Lord, for they are rending the mask of hypocrisy and exposing the ugly and infamous truth to an astonished and disgusted world.

Mr. President, I do not believe that Theodore Roosevelt was ignorant of that which took place in the Republican National Committee. I do not believe that that man who has thrust his hand into everything terrestrial and who has sought to regulate every avocation of life, to control all attributes of mind and aspirations of soul, who has instructed motherhood and specified the number of children each woman must bear in order to be considered a good citizen, who has revised the English language and abolished the spelling book, who has always and everywhere been guilty of impudent, insistent, pestiferous intermeddling with the business of everybody now living and the reputations of all the dead who sleep, did not know where the money for his own campaign was coming from. I do not believe his own private secretary and confidential man, placed by him in control of the Republican committee, failed to report regularly and in detail. I do not believe that Mr. Roosevelt afterwards promoted that man because he had deceived and lied to him, but rather that he gave him promotion because he had carried out his orders and obeyed his instructions.

Mr. President, here is an editorial in the New York World which states the case better than I have:

But if we are to believe one who is often detected in misstatements, Mr. Roosevelt knew nothing about what was going on.

Corruption funds, then, are the only things in this world as to which the ex-President frankly admits ignorance. He can regulate everything, from the size of families to the contents of a spelling book. He can rewrite all our constitutions and laws single-handed. In one day he can upset the jurisprudence of a thousand years and make a better one. But when it comes to the question of the tainted money that elected him in 1904 his mind is a blank.

Mr. President, I say it is impossible for a candid thinking man to believe that Theodore Roosevelt did not know what was going on, and that the only difference between him and some of those whom he denounces to-day is that the latter frankly admit where they got the money, how they got the money, and what they did with the money, while Theodore Roosevelt is clamorously declaring that, while he got the money and accepted the benefit of the money, he remained as innocent of its origin as a babe, a lunatic, or an idiot. Between the man who makes frank avowal of that which he has done, assuming full responsibility, and the creature who takes the money and then in sheer craven cowardice turns to denounce those who gave it, the American people will know how to judge. They may condemn both, but they will not condemn both alike. From my standpoint they ought to condemn both, because I can find no justification for collecting money from these great corporations and using it to corrupt the public. But when Mr. Roosevelt tells the American people he is utterly ignorant of the sources from which his own campaign fund came, I venture the prediction that the people will write under his name the short, ugly word he has so often branded upon the brows of honest men and good women.

I am about to show that if Theodore Roosevelt did not know that money was received from the Standard Oil, he did know that money was being procured from sources more wicked, more vicious, more dangerous than was the Standard Oil Co. in the blackest hours of its long criminal history.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. And since the Senator from Pennsylvania is on his feet, as he seems to have dealt extensively with these large concerns, I ask him whether the refusal of the Standard Oil people to give up the additional $150,000, of which he told us, was what caused Mr. Roosevelt to transfer his valorous banner from the citadel of the house of Rockefeller to the fortress of Morgan.

Mr. PENROSE. As the Senator from Missouri was proceeding to describe the odious character of the Standard Oil Co., I rose to remind him that perhaps if the requisition for $150,000 had been honored that company might have remained in the list of good trusts. I do not say it would have.

Mr. REED. I have in my hand the Washington Star. Under the headline "Taft, a Dead Issue, etc.," is an account of a speech made by Roosevelt at Boston on August 17, 1912. I quote:

At the outset Col. Roosevelt announced that he would answer any question that anybody asked, and that nobody could embarrass him for a minute.

I regard that as the most accurate statement of a fact ever made by Theodore Roosevelt, for I do not believe that any person or any thing or any condition could embarrass him even for a second.

"How about Perkins?" a man called out.

Now, Senators, I challenge your attention to Mr. Roosevelt's answer:

"I am delighted to tell you about Mr. Perkins," the Colonel replied. "I will satisfy everybody's thirst for information."

"Mr. Perkins is a rich man," said he. "He came into this movement, not at my request, but of his own initiative. I felt just the same curiosity that a man in the crowd who asked me about him felt. I said to him 'Mr. Perkins, why are you supporting me?'

Roosevelt is astonished to find Perkins is supporting him.

"Why are you supporting me?"

"Mr. Perkins flushed, and said he did not know but that he ought to be offended, but I told him he should not be, and that I was both surprised and pleased to have his support.

"'The prime reason why I am with you,' he told me, 'is because I have children. I came to the conclusion that this country won't be a good place for my children unless we have substantial justice, unless the relations between capital and labor are on a better basis. I wish to support any movement which will bring that about. So far as I can see,' Mr. Perkins told me, 'you are the only public man who, in good faith, is supporting those views.'

"I have told you literally what Mr. Perkins said."

Mr. President, there was not a man in that audience, there was not a man who read this account, who was not led to believe, and it was intended they should believe, that only within the past few weeks had an alliance for the first time been formed between Perkins and Roosevelt; that Perkins, after all his record of corporation promotion and of trust building, had suddenly turned and looked into the face of his little innocent children and exclaimed: "If wicked men like me pursue their present course then there will be no place where the children of the future may dwell, and my little love blossoms will suffer with the rest." And so with a heart bowed down, with contrite and penitential soul, he came and prostrated himself at the feet of the master reformer of the century and exclaimed: "Behold, I am a stranger to thee, O wise and righteous one, yet I come

to serve thee." Is that the truth? Is this the first alliance between Roosevelt and Perkins and the Morgan interests?

If there is anyone who has a right to speak by authority in regard to Theodore Roosevelt and Mr. Perkins it is certainly Mr. Munsey. I do not know what Mr. Munsey's property interests may be, but if has been repeatedly charged that he is the heaviest individual owner of the common stock of the Steel Trust.

Mr. PENROSE rose.

Mr. REED. I do not charge that as a fact, but it has been stated publicly and never to my knowledge denied. Certain it 's that for years he has been a most ardent supporter of Mr. Roosevelt. He has traveled with him, worked with him, plotted with him, and striven for him, so that what he says of Roosevelt—what he said years ago—ought to be accepted as satisfactory proof of Roosevelt's friendship for and relations to Mr. Perkins.

Mr. PENROSE. Will the Senator from Missouri permit me to refresh his recollection about a matter?

Mr. REED. Certainly.

Mr. PENROSE. I should like to recall to the recollection of the Senator that Mr. Perkins had been wounded in the service of his master; that he was indicted for the diversion of the funds of widows and orphans interested in life insurance companies, and was dismissed on a demurrer, the funds having been applied to campaign purposes, and, according to my recollection, having been applied in the campaign of 1904.

Mr. REED. I am coming to that a little later. But I want to start back of that transaction, so I call Mr. Munsey as a witness. Let us see whether or not Perkins is a new recruit to the Roosevelt cause. Let us see whether he has just joined Roosevelt because his little children, looking up with innocent eyes, are pleading with him for their future and for the salvation of the country. Imagine, if you please, these tiny tots, their countenances stained with tears, lining up some morning before their fond parent, holding out baby hands, in supplication, and exclaiming in lugubrious chorus: "Dear papa, if you don't quit stealing everything in the world we will not have any place to live." At such a vision every eye must fill with tears—every heart must bleed. I pass from the pathetic scene to call attention to Munsey's Magazine of April, 1903. That is nine years ago. Here is an article headed "The Men about the President." I read from page 517, quoting at some length that the context may fairly appear:

The personnel of the list of the President's friends and confidants indicates that he believes in quality rather than quantity when it comes to advice. He has selected men who have a reputation not only in statecraft but in the various spheres of finance, industry, law, education, and commerce—each a specialist in his particular phase of human activity.

It is a question if any of Mr. Roosevelt's predecessors consulted with so many people outside of the cabinet room. Some very important suggestions have come from men who are not members of his official family, but who have had the pleasure of knowing that the President deferred to their experience.

I am wondering if Archbold had that pleasure, but for the present I stick to Perkins.

The episodes that marked the ending of the strike in the anthracite coal regions will long be remembered, especially the meeting in the cabin of a steam yacht in New York harbor between two men, one of whom was Mr. Pierpont Morgan and the other a member of the Cabinet. Just what was said no one knows except these two gentlemen and Mr. Roosevelt; but the immediate result was a message to the mine owners which ended the greatest labor disturbance in the history of the country. Many a statesman has crossed the continent or has gone from the New World to the Old on "official business," but none, perhaps, has been intrusted with a more important mission than was Elihu Root when he represented the President in that conference on the Morgan yacht. There could not have been a more signal proof of Mr. Roosevelt's confidence in his ability.

Over at page 521 is where Mr. Perkins comes in directly.

The President's Unofficial Counselors.

This was not nine days ago or nine weeks ago, bless your heart; it was nine years ago. I wonder if at this time Perkins's youngest child had been born, I wonder whether he had any children. If he did then I wonder why he did not think of them then.

But I proceed with the article.

In a New York building *where some of the greatest combinations of transportation and industry have been conceived is* the office of a man *who could probably have almost any position in the power of the President to offer. The relation which George W. Perkins bears toward Mr. Roosevelt is as unique as it is intimate.* There is a certain likeness between Messrs. ROOT and Perkins.

I apologize to the Senator from New York [Mr. ROOT] for having to read this.

Not only because they are self-made in every respect, but because they have similar traits and abilities. The President——

That is McCall——

of the great life insurance company whose methods were revolutionized by Mr. Perkins, said of him: "He can handle men as no other man I ever saw."

I think he is doing tolerably well to-day handling Teddy—Mr. Roosevelt. I apologize for having irreverently referred to the great man as Teddy.

He (Perkins) can handle not only men, but governments. When he placed Russia in debt to an American corporation by negotiating the famous five-million-dollar loan—a transaction that may be said to mark a new era in international banking—Mr. Morgan realized here was the man he needed for his lieutenant. His first task as a partner of the famous financier was to map out the plan of the United States Steel Corporation. Even in this country of miraculous transformation Mr. Perkins's rise has been phenomenal. He possesses a wonderful power of hard work; and with his present business responsibilities he needs all of it; yet with all the demands on his time, the President has the benefit of his best thought whenever it is desired. Communications between the two men are far more frequent than the people at large might imagine, considering the present administration's attitude upon the so-called "trust question."

The last sentence furnishes the key to unlock many mysteries, if we but amend it by inserting the word "pretended" before the word "attitude," so that it will read, "Communications between the two men are far more frequent than the people at large might imagine, considering the present administration's pretended attitude upon the so-called trust question." Thus reformed the sentence is illuminating.

Mr. President, in the light of that statement, what can any honest man think of a candidate for President who seeks to impose upon an audience and upon the country the thought that he has just been joined by Mr. Perkins for the first time, and that Mr. Perkins comes humbly in sackcloth and ashes repentant, praying forgiveness for sins, and seeking to make atonement by assisting in the regeneration of his country; and that he was induced to approach the penetential altar by the awful thought that his children are likely to suffer for want of a place to live.

The Munsey article, taken in connection with Roosevelt's speech, demonstrates the hypocrisy, the cant, the reckless disregard this man who poses as the regulator of public morals and the censor of all human conduct has for the truth.

Roosevelt's relations with Perkins not only have been intimate for nine years, but they began prior to that time. I challenge your attention to the fact that this is not Mr. Perkins's first advent into politics; that he is no a novice, a tenderfoot, an amateur, led by love of children into the political arena. Oh, no; nor are his contributions for the first time affecting the political equation.

This gentleman has been in the political game since 1896; before, possibly. This much is sure, that as early as 1896 his hands have regularly gone deep into the coffers of corporations and brought forth corruption money.

Let us see. It was proven to a demonstration in the insurance investigations in New York, that in the campaigns of 1896, 1900, and 1904, the Equitable Life Insurance Co., the New York Life Insurance Co., and one other insurance company had contributed in every campaign; Perkins in 1896 took out of the coffers of the New York Life Insurance Co., of the money that belonged to the children and the women who would become the widows and the orphans of the men who were insured $50,000, and contributed it as a part of the vast corruption fund that was sent forth to pollute the politics of the United States.

In 1900 this same man Perkins was instrumental in having drawn from the same coffers $50,000 more which went into the campaign fund of the same party and was expended as the former sum had been. It was this same Perkins who in 1904 advanced to the Republican campaign fund $48,702.50, and then when the election was over laid his dishonest and corrupt hands upon the money of the women and children his company held in trust and pocketed $48,702.50.

That occurred eight years ago. I wonder if Perkins was then induced to purloin the money of the children of other men by the fact that his own little children opened their rosy lips praying him, "Papa, for God's sake, save us by helping Mr. Roosevelt save the country."

That is not all. It appears that when Mr. Harriman was sent by Mr. Roosevelt to raise a corruption fund for his benefit, Mr. Perkins was once more in evidence and contributed personally $10,000.

Yet Mr. Roosevelt has the cool insolence to stand before an audience of American citizens and ask them to believe that until very recently he and Perkins were absolute strangers, and that Perkins, being in penitential mood, just sort of slid in behind the band and, unbeknownst to everybody, joined the sweet-voiced choristers, Flynn and Hanna, Brown and Roosevelt, in the glad refrain, "This is the way I long have sought and mourned because I found it not."

Mr. President, what is after all the kernel of this matter? The Democratic Party has for years declared that no corporation should be allowed to contribute to political campaigns.

We have condemned the practice in our platforms, prohibited it by law in many of the States we control, and we have tried to write the same prohibition into the laws of the nation. Ours has been a warfare against the reception of contributions from any and all corporations.

But this is not the doctrine of the latter-day saint and reformer. Roosevelt bars the Standard Oil, or, to speak with accuracy, pretends to bar it.

Sir, if it be wicked to accept the money of the Standard Oil people, in what does the wickedness consist? If it be said that the Standard Oil is engaged in a conspiracy against trade, that it is a trust, I answer so likewise is the steel combination a trust. If it be said that the Standard Oil has broken the law, I answer so did the Northern Securities Co.; so did the Harriman interests break the law. If the wrong consists in taking money from corporations that are engaged in breaking the law, then why is it worse to take the money of the Standard Oil Co. than it is to accept the money of the Morgan combinations? Is it worse to serve John D. Rockefeller's company than it is to serve the Perkins and Morgan consolidated interest? In capital the latter ten times outmeasures the Standard Oil. In the impudent consolidation of various competing interests they have offended more than the Standard Oil.

The Steel Trust has practically cornered the steel and iron business of the greatest Nation on earth. It has gathered within its grasp nearly all valuable iron mines, the furnaces, the mills, the essential lines of transportation. It is the colossus of the commercial world. It dominates the markets of America and largely controls world prices.

Sir, steel and iron are the greatest of modern necessities. You might stop all the oil wells of the country, and the damage would not be irreparable; you might absolutely put out every lamp that burns kerosene, and yet the world would be lighted. But if we were to lose the ability to produce steel and iron, the clock of civilization would be turned back 5,000 years. Railroads would disappear from the land, ships vanish from the sea, modern building cease, bridges rust upon their piers and be no more, the wheels of workshops and factories become silent, the tools of industry and implements of husbandry no longer exist. We would be back to the Stone Age. The Big Stick would again be the symbol of law and authority.

But the Morgan interests have extended their field of operations far beyond the iron and steel industries. They dominate a vast system of banks, covering the United States, the heart and center of which is located in New York City, where the word of Morgan and Perkins is supreme. This mighty coalition of financial power is able to control, directly or indirectly, the business of the country. It can arrest all development; it can bring on panics; it can crush railroads; it can depopulate cities and decimate Provinces. It can produce good times or bad times; it can annihilate fortunes in a night; it can create them in an hour. Indeed, as Mr. Munsey boasted in the article I have read, it is able even to control the policies of foreign nations. It surely has been largely controlling the policy of our own Government. This concern, having cornered the steel and iron business of the land, gained a dominating control over transportation lines and created what is in fact a national money trust, concluded at last that the time had arrived when it could name and own a President.

So handy-man Perkins is sent out to finance Roosevelt's campaign. The Morgan interests thought at first they would have an easy victory. Were they not all-powerful? Did they not have for a candidate the greatest demagogue since Cola di Rienzi ranted on the streets of Rome? They got in so deep before they knew it that they could not back up. Now that their scheme has been exposed to the American people, Roosevelt is trying to pretend that Perkins is as a man "fit for repentence"; aye, indeed, "already repentant"; who comes with tear-washed countenance, an utter stranger, to the Roosevelt camp, anxious to make amends for past misdeeds; and that he has been admitted solely because he has a large family of interesting children; otherwise, the party of progress and reform would not tolerate his presence.

Who is George W. Perkins? Here is the answer, cut from the pages of the report of the Steel Investigating Committee of the House of Representatives:

Director of the United States Steel Corporation.
Chairman of finance committee and director of International Harvester Co.
Director of Astor Trust Co.
Director of Bankers' Trust Co.
Director of Cincinnati, Hamilton & Dayton Railroad Co.
Director Cincinnati, New Orleans & Texas Pacific Railway Co.
Director Erie Railroad Co.
Director German-American Insurance Co.
Director German Alliance Insurance Co.
Director International Mercantile Marine Co.
Director Marquette & Bessemer Dock & Navigation Co.
Director National City Bank of New York.
Trustee of New York Trust Co.
Director of Northern Pacific Railway Co.
Chairman of board, Pere Marquette Railroad Co.

Nearly all of these companies control or own a large number of other companies.

Mr. PENROSE. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Missouri yield to the Senator from Pennsylvania?

Mr. REED. I yield.

Mr. PENROSE. Did I understand the Senator a few moments since to refer to the expenditure in the recent primary election for nomination for President?

Mr. REED. I have not yet. But if the Senator has any information, turn on the light.

Mr. PENROSE. I would be very glad to advise the Senator that there is quite a lot of information leading to the thought that some $3,000,000 was underwritten by Mr. Perkins and his associates to nominate Mr. Roosevelt for President of the United States for their own personal purposes. I expect that there will be those having the proof and data to submit to the proper committee of investigation of the Senate at the proper time.

Mr. REED. Then may the gods speed the hearing!

Mr. PENROSE. The largest campaign fund in the history of the United States raised for a nomination was raised for Mr. Roosevelt at the primaries last winter and last spring.

Mr. STONE. For a nomination by what convention?

Mr. PENROSE. For the primaries, to be applied to the primaries in different States having popular primaries, and for the promotion of bogus conventions and contests in the Southern States.

Mr. STONE. Does the Senator mean that $3,000,000 were underwritten by Mr. Perkins and others to secure the nomination of Mr. Roosevelt at Chicago, at the convention which nominated President Taft, or at the Progressive convention?

Mr. PENROSE. No; I meant to state that the object of this enormous and unprecedented campaign fund was the ultimate control of the regular Republican nomination in the convention held in June in Chicago which nominated Mr. Taft for President and Mr. Sherman for Vice President. What underwriting has occurred since then for the third party remains to be developed.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. REED. I do.

Mr. BORAH. I suppose the only thing that prevented the campaign fund from having effect was the national committee?

Mr. PENROSE. The majority of the national committee exercised every care possible to restrict and restrain the efforts to purchase colored Taft delegates at $5,000 a head.

Mr. BORAH. Does the Senator know that the national committee took jurisdiction of that subject?

Mr. PENROSE. The national committee spent many anxious moments after some of those gentlemen wandered off the reservation. [Laughter.]

Mr. BORAH. Did the national committee as a national committee take jurisdiction of it or individually?

Mr. PENROSE. The war board of the national committee kept close watch on the proceedings as to some of those delegates who wandered off for a day or so at a time, and they applied their efforts to get them back.

Mr. BORAH. I suppose the Senator is not prepared to state how they got them back?

Mr. PENROSE. We got them back by appealing to their manhood and their reputation for honor and integrity, and in almost every case we got them back.

Mr. BORAH. I take it, Mr. President, that the men who would wander off the reservation for the purpose of raising the price would not have very much manhood left to appeal to to get back.

Mr. PENROSE. There is a certain kind of political etiquette that exists in these matters. It seemed to be paramount in this case, and they did come back. [Laughter.]

Mr. REED. Mr. President, I read somewhere the other day an article which spoke of us as a nation that walked through tragedy with a laugh upon its lips, and as I hear this laughter in the Senate I think how true that statement was. Yet, sir, what is disclosed by the colloquy we have just heard? A direct charge upon one side of $5,000 bribes being offered to delegates of the national convention, and upon the other side a practical admission of the fact, and a jeering interrogatory, "How did you get them back?"

Mr. President, what does that admission mean? Sir, no man can be elected President of the United States save he receive a nomination at a great national convention. Therefore, when the leprosy of corruption reaches a national convention it taints the very source of presidential elections, for, as I have said, without the nomination of such a national convention there can be no hope of an election.

If you corrupt our national conventions, then the people are either deceived into voting, or forced to vote, for the man thus nominated. So that the result is that the President of the United States comes into office because bribes have been paid. The bribe monger, not the people, select the President. Thus crime is rewarded by gaining control of the greatest Government beneath God's kindly skies. And yet we laugh at the shameful story just now told.

We take the wretch who has accepted a bribe of $10 for his vote and send him to the penitentiary; and we ought to. We ought, therefore, so much the more to visit punishment and obloquy and shame upon the man and upon the men who would purchase the votes of men selected to represent great constituencies of great States in a national convention that is to nominate a candidate for President of the United States. Why, sir, if such things as these can be in our Republic, how long until the vile and foul poison shall have spread itself into the hearts and homes of the people, until pride of country and patriotism shall be dead, and until this Republic shall become a thing at which other nations shall mock.

When villainy lays its scaly hand upon the white throat of decency, in the very temple where the guardians of justice and virtue are supposed to stand, when the awful fact is laid bare in the Senate of the United States we make it cause for laughter and for jeers. Sir, at such a tale as has been told the pale flag of fear might well mount to the cheek of any man who loves his country. And yet bribery was done; and done, I doubt not, with Perkins's money and with Roosevelt's active connivance.

When men gain office by the crimes of others they prove themselves at once unworthy of trust and the tools of those whose polluted hands lifted them to place and power.

Thus far I have demonstrated that Mr. Roosevelt's pretense that Perkins has only recently become his ally is utterly and abominably false. I have already shown that this alliance has existed for years; that the interests represented by Perkins contributed enormously to Roosevelt's 1904 campaign. I now propose to show how Perkins sought, demanded, and obtained his reward. I propose to prove that he came with the arrogance of power, with threats upon his lips, and that Roosevelt cringed before him in an attitude at once base and cowardly. I propose to prove that for every dollar Perkins or his associates contributed to the Roosevelt campaign they were permitted by Roosevelt to rob the American people of tens of thousands of dollars.

It is said Morgan has never yet made a bad investment. Whether that statement be true or not I think it can be asserted with absolute certainty he has never failed to demand and take his "pound of flesh." In yielding to his demands Theodore Roosevelt violated his oath of office as President of the United States and trampled upon the laws enacted by the people.

The public is familiar with the story of how the Morgan-Perkins interests, in order to prevent the competition of Andrew Carnegie, and create a monopoly, paid him for his property over $200,000,000 more than it was worth. The public knows how the steel corporation was formed with less than $400,000,000 of actual assets, but with a capital of $1,400,000,000. The public knows the story of how a new rival appeared in the field, known as the Tennessee Coal & Iron Co. This concern was capitalized at a little over $30,000,000. It possessed such natural advantages that its independent continuance menaced the monopoly prices of the Morgan-Perkins trust. When the panic of 1907 came on, the great money power threatened to close down upon it. Controlling the money power was Morgan and Perkins.

Representatives of Morgan and Perkins came to Washington, laid the entire transaction before the President, Mr. Roosevelt, and secured from him a promise of immunity from punishment. He sanctioned the destruction of the last great rival of Morgan's and Perkins's steel trust.

If it was worth more than $200,000,000 to remove the rivalry of the Carnegie plants, it certainly was worth much more to destroy the rivalry, and at the same time acquire the properties of the Tennessee Coal & Iron Co. Is it any wonder that Perkins still remains faithful.

I call attention to the second incident: In April of this year there was printed in a Senate document the correspondence which showed that when the Attorney General, in the year ——, was about to prosecute the Harvester Trust Perkins insolently demanded that Roosevelt stop the prosecutions. His orders were truculently obeyed.

This is what Perkins told the President's representative, Herbert Knox Smith, all of which Smith wrote to the President. Mr. Perkins concluded with great emphasis with the remark "that if after all the endeavors of his company and the other Morgan interests to uphold the policies of the administration and to adopt their methods of modern publicity this company was now to be attacked in a purely technical case the interests which he represented were going to fight."

This impudent and unparalleled message was communicated to the President by Mr. Smith, and in whining, disgraceful obedience to it Roosevelt ordered the discontinuance of the prosecution. It was not a case of the clay saying to the potter, "Why hast thou made me thus?" but of the potter saying to the clay, "I made you and you must serve me."

Mr. President, there is some other evidence, also a little ancient. Yet I would not pass this opportunity to put it into the RECORD. In April, 1907, startling disclosures were made.

Somebody got hold of some letters that Mr. Harriman, the creator of railroad combinations, had written to a friend of his named Webster. In that letter, which was confidential and never expected to see the light of day, Mr. Harriman had said that as the campaign of 1904 was drawing toward a close, President Roosevelt had sent for him and had asked him to raise a campaign fund of $250,000, in order to save the election in the State of New York. Mr. Roosevelt was himself a candidate. Mr. Harriman stated to Mr. Roosevelt, in substance, that the money could probably be raised, but upon certain considerations; that in order to get this money and get it easy they had to arrange for a foreign mission for the then Senator from New York, Mr. Depew; that another man had ambitions to occupy his seat in the Senate, and that if this trade could be made the money would be produced. Harriman claims Roosevelt agreed to the deal. Certain it is that Mr. Harriman "fared forth" to get the money. To whom did he go? Mr. Harriman himself subscribed $50,000; Mr. H. McK. Twombly, representing the Vanderbilt interests, $25,000; Chauncey M. Depew, personally, $25,000; James Hazen Hyde, $25,000; the Equitable Life Assurance Society, $10,000. They had been robbing the babes down there for the benefit of Roosevelt in every campaign—not once, but many times; George W. Perkins, New York Life Insurance Co., $10,000; H. H. Rogers, John D. Archbold, William Rockefeller (the Standard Oil), $30,000. This is the very campaign, this is the very time, when Mr. Roosevelt tells the American people his heart was so pure and his mind was so righteous that he ordered sent back the $100,000 which the Senator from Pennsylvania says was paid by the Standard Oil, and which, by the way, the Senator says, was not ordered back until the money had been spent. However that may be, it is clear that in the same campaign and at about the same time there was raised at Roosevelt's personal request $250,000, and $30,000 of it came from that source which he now says was so polluted, so vile, so corrupt, so infamous that he ordered the money sent back.

It is a notable fact that Roosevelt did not order the return of the Harriman money. He does not even pretend that he ordered it sent back. Ah, no; this time he sets up another defense. What is it? That "he got the money for the State committee of New York and not for his own benefit." Why, God bless you all, what difference does that make? The State committee of New York was engaged in getting Republican ballots into the ballot boxes of the State of New York to elect a State ticket and also to elect one Theodore the good. Whether the money was expended by the one political agency or the other was and is utterly immaterial. Subsequent developments are, however, that the money raised by Harriman was, in fact, turned over to the chairman or treasurer of the Republican national committee, who drew his check for $200,000 of it, sending it to the State committee to be used in the campaign, and the balance, either $50,000 or $60,000, was actually retained and spent by the national committee.

But what difference? Here is a man who sends a great trust magnate out to other great trust magnates to raise a great political fund to be used in the campaign in which he is a candidate. If it is wrong to take the money from trusts for the purpose of putting it into the coffers of a national committee to be used in a national-State campaign, it is certainly just as wrong to take it for the purpose of putting it into the coffers of a State committee to be used in a State-national campaign. No man can draw a moral line between the two. If one was corrupt, then the other was equally villainous. All this money, wherever spent, by whomsoever spent, however spent, was used to put Republican ballots, upon which Theodore Roosevelt's name was printed, into the boxes.

Mr. Roosevelt now declares that he knew nothing as to the source of his campaign funds. Yet he is compelled to admit that at his personal solicitation Mr. Harriman raised over a quarter of a million of dollars, and that he knew it at the time.

It is most significant, and not to be overlooked, that this money was raised by Mr. Harriman, at the request of Roosevelt,

made about one week before the election of 1904; that Mr. Harriman visited Roosevelt on October 26, made the deal, and agreed to raise the money, and that this is the very day when Roosevelt wrote his fake letter to Mr. Cortelyou, telling him not to accept the money which he knew had already been accepted and spent. That Mr. Harriman actually raised the money on October 29, the very day when Mr. Roosevelt sent his fake telegram, demanding to know whether the request contained in his letter of October 26 had been complied with. Surely this is a singular, curious, and laughable coincidence. Evidently the fact that Harriman was engaged in prying the trust magnates loose from their money led Mr. Roosevelt to conclude that there might be an aftermath of investigation, and suggested the precaution of writing some letters "for the record."

Mr. President, was the $48,000 which Perkins took out of the insurance fund, and to which I adverted in my remarks, honest money? Was it honestly obtained?

When the facts were discovered years afterwards, the district attorney of New York City filed a charge against Perkins for grand larceny, alleging that he had stolen the $48,000 from the trust funds of the insurance company.

The majority opinion of the court of appeals of New York, in which Justices O'Brien and Bartlett concurred with Justices Gray and Hiscock, held that under the circumstances Perkins did not intend actually to steal the money and therefore he could not be prosecuted as a thief, but even those judges said of and concerning this transaction the following—I read from People ex rel. Perkins *v.* Moss, 187 New York Reports, at page 422—

> It is unquestionably true that the purpose for which the moneys of the company were promised was foreign to the chartered purpose of the corporation.
>
> We are all agreed upon certain fundamental principles pertaining to this case. The contribution of the president of the New York Life Insurance Co. from its funds of $50,000 to a political campaign committee, even in the absence of any statutory prohibition, was absolutely beyond the purposes for which that corporation existed and was wholly unjustifiable and illegal.

The minority opinion by Chief Justice Cullen, and concurred in by Justices Werner and Chase, held that Perkins was guilty of larceny. The opinion states:

> The depositions show that in September, 1904, the relator, who was a trustee and vice president of the New York Life Insurance Co., had a conversation with the president of said company, in which the latter stated that he had promised to contribute to Cornelius N. Bliss, treasurer of the Republican national committee, the sum of $50,000, or so much thereof as might be necessary for the purposes of the Republican campaign. It was then substantially agreed between the parties that the relator should pay the money out of his own funds and thereafter be repaid by the company. In pursuance of this understanding the relator did pay Bliss sums aggregating $48,500. On December 30, 1904, the relator demanded repayment of the sums advanced by him, which was made by order of the president through the method of a check of the company, drawn not to the order of the relator personally, but to that of J. P. Morgan & Co., a firm of bankers of which the relator was a member. This occurred at a meeting of the finance committee, at which the relator's agreement with the president was stated, and no vote authorizing the payment was taken and no minutes of the transaction entered. * * * (p. 435.) It thus appears that by the joint action of the relator and the president of the company this large sum of money was taken from the funds of the company and given to Cornelius Bliss for expenditure for political purposes. Mr. Bliss, neither in his personal nor in his representative capacity, had any claim on the company for the money, legal, equitable, or moral. The company was to be permanently deprived of it, for it never was to be returned, nor was any consideration to inure to the company for the money paid. The purpose for which it was to be employed was wholly foreign to the business of the corporation and one in which the company had no possible interest, except that of every citizen in the good government of the country. That this was an illegal misappropriation of the company's funds, for which every director or officer engaged therein was personally liable to the corporation, seems to me too clear for debate. * * * He (the relator) has without right deprived the company of its property and appropriated the same to the use of another person not the owner nor entitled to the benefit thereof.
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> * * * (p. 437). It must be remembered that the relator was not a mere clerk or subordinate, to whom the word of the president was law, and whose means of livelihood might be dependent on the president's favor, but a trustee and vice president of the company and a member of one of the greatest banking firms in the country. He owed the company the duty, not only of abstaining from participating in any misappropriation of the funds by the president, but of aggressive action against the president to prevent or expose such misappropriation.
>
> * * * (p. 438). Something is also said in the opinion below of the beneficent character of the purpose to which the money was appropriated. Of that we can hardly take judicial notice. Probably at all times it would be regarded as beneficent in Vermont and maleficent in Georgia, while in New York its character would vary from year to year. The meritorious character of the object to which the money was appropriated has no bearing on the question of larceny. The gist of that offense is not the application of money to a bad purpose, but taking money that does not belong to the taker to appropriate to an object, good or bad. It is the fraudulent deprivation of an owner of his property that constitutes larceny. It is a crime to steal, even though with the intent to give away in charity and relieve distress. * * * If the citizen, with his own means, contributes to legitimate political expenses to secure the success of the party which he deems will most inure to the welfare of the nation, his action is laudable, and * * * it may be justifiable; but to apply the money of another without his consent to such an object is neither laudable nor justifiable, but dishonest. The money given to Bliss belonged neither to the president nor to the relator, but was simply in their custody. Its legal owner was the artificial being—the corporation; its beneficial owners were the policy holders * * *.
>
> (p. 440.) The indirect method in which the payment to Mr. Bliss was made and the fact concealed by having the money, in the first instance, advanced by the relator instead of by the company, and the method in which the relator was reimbursed by a check, not to him personally, but to the order of J. P. Morgan & Co., a banking firm with which the corporation may have large legitimate dealings, casts suspicion on the good faith of the relator and might be considered by the magistrate as militating against him. The explanation of this course offered by the relator, that it was to relieve the president from solicitations from other political parties, might also be discredited. It is difficult to imagine how the representatives of other parties would have access to the company's books; nor would the scheme of payment enable the officers of the company, when solicited, to say that the company had made no contributions to other parties, because such an answer would be as essentially a falsehood as if the money had been paid by the company in the first instance. The concealment of the payment as described would warrant the magistrate in finding that the parties were conscious of wrongdoing in making it and feared exposure.

So, Mr. President, Roosevelt sent Harriman out to raise money, and he went to one who in the teeth of the law, in the teeth of all morals, in the teeth of all decency, plundered the trust funds held by the New York Life Insurance Co. and robbed the women and the children of the policyholders, and the larceny was actually perpetrated by the penitential, holy hand of friend Perkins, who now wants to rescue his children by working some more for Theodore Roosevelt! All this Roosevelt has known for years, and yet the friendship between him and Perkins burns with unabated fervor.

Mr. President, I reserve the right to put the Harriman letters into the RECORD. I desire now to call attention to John D. Archbold. Who is he? In what kind of politics does he engage? He was one of the contributors to the Harriman fund; one of the men to whom Perkins went. You can not always prove the political designs of a man by one letter or one act, but I am about to introduce in evidence here a series of letters that are of more force than a thousand tongues. I propose to show by these letters, which I now introduce, that the Standard Oil Co. has been regularly in the political field; that it has been regularly in the business of suborning the services of public officers; that it has regularly poured its corruption funds into the channels of politics; that it has not been a mere onlooker, but has been actively seeking control in State and national affairs. I am putting this evidence in at this time because I want it to be known that Mr. Harriman, at Mr. Roosevelt's request, went to Archbold, and I want it to be known to all the world the kind of political business Mr. Archbold was in and had been in for nearly a quarter of a century. I ask permission, Mr. President, to print all the letters appearing in Hearst's Magazine for May, June, July, and August of this year.

The PRESIDENT pro tempore. Without objection leave is granted.

[The letters referred to appear at the end of the speech and are followed by the Harriman-Roosevelt letters.]

Mr. REED. Mr. President, we may differ, and we do differ in politics. There are men on the other side of this Chamber who just as much as I, just as much as my conferees over here love this country. A bill was offered yesterday to limit campaign contributions, to stop the flood of evil money being thrown into the streams of politics, and upon the other side of the Chamber time and again Senators walked out in order to break a quorum, and roll call after roll call disclosed their absence when the yeas and nays were being taken, and their presence immediately afterwards when a quorum roll was called.

My countrymen—for let me address you by that term—upon what is this Government founded? All the long battles of history, all the bloody contests in all of the ages, all the struggles of slave against master, all of the sufferings behind prison walls, all of the blood poured out upon the field of battle in all the course of time brought but one result, and that was a Government where men would cast a ballot, where each free man, once in two or four years, could go to the polls and deposit a little slip of paper that would express his honest judgment, his conviction, and his hope.

But, Mr. President, when men take great sums of money, when they pollute the ballot and corrupt the voter, they strike at the very heart's core of popular government and they plunge a dagger into the bosom of liberty.

Over in Ohio we are told that nearly every male citizen in an entire county has been convicted of selling his vote. Over in Delaware vast sums are accumulated and carried to the polls annually or biennially, and men sell their votes as they might sell merchandise in the market place. Men sit in this Chamber who, according to witnesses produced before committees of the Senate, were instrumental in dividing up huge sums of money to be sent out on the eve of election, to corrupt the voters, and a resolution of investigation I introduced sleeps today as it has slept for months in the committee to which it

was referred. Another sits here who expended over $100,000 to gain a mere party nomination.

And so, on every hand, it is money, money, money, always and forever until men are coming to believe that it is right to sell their manhood suffrage for money. I say the man who will give a bribe to a voter, or who will be a party to raising a fund to bribe voters corrupts the fountain sources of our Government and that he is as bad as the man, he is as wicked as the man who conspires openly for the overthrow of the Government, and it seems to me more contemptible that that man is the creature who, backed by those who raise corrupt funds, supported by those who contribute vast amounts that the electorate may be corrupted, stands with a sniveling pretense of virtue and proclaims himself the savior of his country.

HARRIMAN-ROOSEVELT LETTERS—HARRIMAN TO WEBSTER.

On April 2, 1907, a sensation was created by the publication of a letter written in December, 1905, addressed to Mr. Sidney Webster, of New York, and signed by E. H. Harriman. Following is the letter:

Mr. SIDNEY WEBSTER,
No. 5 East 17th Street, New York.

DEAR SIR: I am glad to see that you are in town and hope soon to have an opportunity of talking matters over with you. I had printed copies of the testimony sent you, in hopes that you would, after reading them, give me some idea of where I stand, for I confess that I feel somewhat at sea in the whole insurance matter. The trouble originated in allowing myself to be drawn into other people's affairs, and partly from a desire to help them at their request. I seem to be like the fellow who got in between the man and his wife in their quarrel.

As to my political instincts to which you refer in your letter of December 13, I am quite sure I have none, and my being made at all prominent in the political situation is entirely due to President Roosevelt, and because of my taking an active part in the autumn of 1904, at his request, and his taking advantage of conditions then created to further his own interests. If it had been a premeditated plot it could not have been better started or carried out.

About a week before the election in the autumn of 1904, when it looked certain that the State ticket would go Democratic and was doubtful as to Roosevelt himself, he, the President, sent me a request to go to Washington to confer upon the political conditions in New York State. I complied, and he told me he understood the campaign could not be sucessfully carried on without sufficient money, and asked if I would help them in raising the necessary funds as the national committee, under control of Chairman Cortelyou, had utterly failed of obtaining them, and there was a large amount due from them to the New York State committee.

I explained to him that I understood the difficulty here was mainly caused by the upstate leaders being unwilling to support Depew for reelection as United States Senator; that if he, Depew, could be taken care of in some other way I thought matters could be adjusted and the different contending elements in the party brought into alliance again. We talked over what could be done for Depew, and finally he agreed, if found necessary, he would appoint him as Ambassador to Paris.

With full belief that he, the President, would keep this agreement, I came back to New York, sent for Treasurer Bliss, who told me that I was their last hope, and that they had exhausted every other resource. In his presence I called up an intimate friend of Senator Depew, told him that it was necessary, in order to carry New York State, that $200,000 should be raised at once, and if he would help I would subscribe $50,000. After a few words over the telephone the gentleman said he would let me know, which he did, probably in three or four hours, with the result that the whole amount, including my subscription, had been raised.

The checks were given to Treasurer Bliss, who took them to Chairman Cortelyou. If there were any among them of life insurance companies, or any other like organizations, of course Cortelyou must have informed the President. I do not know who the subscribers were other than the friend of Depew, who was an individual. This amount enabled the New York State committee to continue its work, with the result that at least 50,000 votes were turned in the city of New York alone, making a difference of 100,000 votes in the general result.

There are between 2,200 and 2,300 districts in Greater New York, and in a campaign such as that the expenditure of, say, $50 in each district for campaign purposes, not including the watchers on election day, would take more than $100,000.

Some time in December, 1904, on my way from Virginia to New York, I stopped and had a short talk with the President. He told me then that he did not think it necessary to appoint Depew as ambassador to Paris, as agreed; in fact, favored him for the Senate. I had not expected that he was the one to say as to what would be necessary, but he arrogated that to himself, and I, of course, could say nothing further. After that I used what influence I could to have Depew returned to the Senate, as I considered there had been an implied obligation which should be lived up to.

This is the way I was brought to the surface in the political matters, as I had never before taken any active part and had only done what I could as any private citizen might, so you see I was brought forward by Roosevelt in an attempt to help him, at his request, the same as I was in the insurance matter by Hyde and Ryan by their request for my help; and in the case of Ryan I probably would have dropped the matter after our first interview had it not been for my desire to save Belmont from taking a position for which he could have been criticized by the public press, as he was the one Ryan desired me to influence from opposing Morton for election as chairman of the Equitable board, and Belmont afterwards thanked me for taking his part, as, if he had voted against Morton in view of his local traction contentions with Mr. Ryan, it would have been misconstrued.

Ryan's success in all his manipulations, traction deals, tobacco combinations, manipulation of the State Trust Co. into the Morton Trust Co., the Shoe and Leather Bank into the Bank of Commerce—thus covering up his tracks—has been done by the adroit mind of Elihu Root, and the present situation has been brought about by a combination of circumstances which has brought together the Ryan-Root-Roosevelt element.

Where do I stand?

Yours, sincerely, E. H. HARRIMAN.

ROOSEVELT-HARRIMAN LETTERS.

[Roosevelt to Harriman. Personal.]

JUNE 29, 1904.

MY DEAR MR. HARRIMAN: I thank you for your letter. As soon as I come home I shall want to see you. The fight will doubtless be hot then. It has been a real pleasure to see you this year.

Very truly, yours,

THEODORE ROOSEVELT.

[Harriman to Roosevelt; reply to letter of June 29.]

NEW YORK, *September 20, 1904.*

DEAR MR. PRESIDENT: I was very glad to receive your note of June 29 last while I was in Europe. I am now getting the mass that accumulated during my absence somewhat cleared up, and if you think it is desirable will go to see you any time, either now or later. It seems to me that the situation could not be in better shape.

Yours, sincerely, E. H. HARRIMAN.

[Roosevelt to Harriman; reply to letter of Sept. 20. Part of letter given out by Roosevelt.]

At present there is nothing for me to see you about, though there were one or two points in my letter of acceptance which I should have liked to discuss with you before putting it out.

[Roosevelt to Harriman; part of letter given out by Roosevelt.]

OCTOBER 10, 1904.

In view of the trouble over the State ticket in New York, I should very much like to have a few words with you. Do you think you can get down here within a few days and take either lunch or dinner with me? The trouble I spoke of had reference to the bolt against Higgins.

[Then follows Roosevelt's comment.]

That is, in reality, against Mr. Harriman and Mr. Harriman's friend, Gov. Odell. A reference to the files of the New York papers at that time would show that there was a very extensive bolt against Mr. Higgins upon the ground that Gov. Odell had nominated him, and that he had in some matters favored Mr. Harriman over much; neither ground, in my judgment, being tenable. Mr. Harriman's backing of Gov. Odell and extreme anxiety that he should win out by securing Higgins's election, was a matter of common notoriety and mentioned in all the papers, notably in the New York Sun.

[Harriman to Roosevelt; part of letter given out by Roosevelt.]

OCTOBER 12, 1904.

I am giving a very large part of my time to correcting certain troubles here, and intend to do so if any effort on my part can accomplish it. * * * I will take occasion the first of next week to run down to see you, and think by that time the conditions will be very much improved.

[Roosevelt to Harriman.]

OCTOBER 14, 1904.

MY DEAR MR. HARRIMAN: A suggestion has come to me in a roundabout way that you do not think it wise to come on to see me in these closing weeks of the campaign, but that you are reluctant to refuse, inasmuch as I have asked you. Now, my dear sir, you and I are practical men, and you are on the ground and know the conditions better than I do. If you think there is any danger of your visit to me causing trouble, or if you think there is nothing special I should be informed about, or no matter in which I could give aid, why, of course, give up the visit for the time being and then a few weeks hence, before I write my message, I shall get you to come down to discuss certain Government matters not connected with the campaign.

With kind regards,

Sincerely, yours, THEODORE ROOSEVELT.

[Harriman to Roosevelt.]

NOVEMBER 30, 1904.

DEAR MR. PRESIDENT: I have just had a telephone talk with Mr. Loeb and requested him to give you a message from me. I drew his attention to the last paragraph of your letter to me of October 14 and explained that of course I did not want to make a trip to Washington unless it should be necessary; that the only matter I knew of about which I had any apprehension, which might be referred to in your coming message to Congress is that regarding the Interstate Commerce Commission, and what the attitude of the railroads should be toward it. I have communications from many conservative men in the West asking me to take the matter up, they having, as I have not, information as to what you propose to say in your message on the subject, and I am very apprehensive about it. Mr. Loeb stated he believed that that part of the message could be sent me, and I hope that he will do so. I certainly believe it would be best for all interests that no reference be made to the subject, and in any event, if referred to, in such as not to bring about increased agitation. It is, as you well know, the conservative element, and the one on which we all rely, which is most seldom heard from.

Yours, sincerely, E. H. HARRIMAN.

[Roosevelt to Harriman. Strictly personal.]

NOVEMBER 30, 1904.

MY DEAR MR. HARRIMAN: Mr. Loeb tells me that you called me up today on the telephone and recalled my letter to you of October 14, in which I spoke to you of a desire to see you before sending in my message, as I wanted to go over with you certain governmental matters, and you added that you had heard that I had referred to the Interstate Commerce Commission; that you regretted this and wished I had left it out. in writing to you I had in view especially certain matters connected with currency legislation and had not thought of discussing railroad matters with you. However, if it had occurred to me I should have been delighted to do so; but if you remember when you were down here both you and I were so interested in certain of the New York political developments that I hardly, if at all, touched on governmental matters. As regards what I have said in my message about the Interstate Commerce Commission, while, as I say, I should have been delighted to go over it with you, I must also frankly say that my mind was definitely made up. Certain revelations connected with the investigation of the Beef Trust caused me to write the paragraph in question. I went with extreme care over the information in possession of the Interstate Commerce

Commission and of the Bureau of Corporations before writing it. I then went over the written paragraph again and again with Paul Morton, who is of all my Cabinet the man most familiar with railroad matters, of course, and with ROOT, Knox, Taft, and Moody. It is a matter I have been carefully considering for two years, and had been gradually, though reluctantly, coming to the conclusion that it is unwise and unsafe from every standpoint to leave the question of rebates where it now is and to fail to give the Interstate Commerce Commission additional power of an effective kind in regulating these rates.

Let me repeat that I did not have this question in mind when I asked you to come down, but that I should most gladly have talked it over with you if it had occurred to me to do so; but as a matter of fact, as you will remember, when you did come down to see me, you and I were both so engaged in the New York political situation that we talked of little else, and, finally, that the position I have taken has not been taken lightly, but after thinking over the matter and looking at it from different standpoints for at least two years, and after the most careful consultation with Morton, Taft, Moody, Knox, and ROOT as to the exact phraseology I should use.

I do not send you a copy simply because I have given no one a copy, not even the men above mentioned. It is impossible if I give out copies of any portion of my message, to prevent the message being known in advance, and the free press associations who now have the message are under a heavy penalty not to disclose a word of it before the appointed time.

Sincerely, yours, ——— ———

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[Harriman to Roosevelt.]

DECEMBER 2, 1904.

MY DEAR MR. PRESIDENT: Thank you for your favor of the 30th. It was natural for me to suppose that railroad matters would be included in any discussion you and I might have before writing your message. I am of the opinion that an effective Interstate Commerce Commission could regulate the matter of rebates and absolutely prevent the same without any additional power of any kind, and, as you say, Paul Morton is more familiar with such matters than anyone else in your Cabinet, and I believe he will agree with me in this. I fear there has been a lack of cooperation. During the enormous development of the last four years the railroads have found it very hard to keep pace with the requirements imposed upon them, and the so-called surplus earnings, as well as additional capital, have been devoted to providing additional facilities and the bettering and enlarging of their property, so as to give the increased and better service required of them. This work of betterment and enlargement must go on, and is all important for the proper development of all sections of the country. There is little doubt that during the next decade every single-track railroad in the country will have to be double-tracked, and provide enlarged terminal and other facilities, and any move that will tend to cripple them financially would be detrimental to all interests over the whole country.

I beg that you will pardon my not signing this personally, as I have to leave to catch my train for Arden, and have asked my secretary to sign it for me.

Yours, sincerely, ——— ———

—

[Harriman to Roosevelt.]

DECEMBER 10, 1904.

MY DEAR MR. PRESIDENT: A great many of your friends here in New York would be very much delighted and pleased if you could find it possible to appoint Mr. James H. Hyde as minister to France. * * * Large business interests have given to him splendid executive ability, and his association with so many prominent business men would be fitting recognition of the effective work done by them in the last campaign. In addition to this, he has behind him, I am sure, the approval of Senator Platt and Senator Depew, and, so far as I can speak for the organization, I believe his appointment would be without question more satisfactory than any that could be made from New York at the present time.

Personally, I should appreciate your favorable consideration of this suggestion almost beyond anything else you could do for me. If you so desire, I shall be glad to come down to Washington and talk with you about it, but I believe there are others who are close to you and who feel just as I do, and I thought, therefore, that this letter would be sufficient as showing the attitude of the organizations and myself personally upon this important appointment.

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[John D. Archbold to Senator J. B. Foraker.]

26 BROADWAY, NEW YORK, *January 20, 1899.*

MY DEAR SENATOR: I have your very kind note of the 18th, for which please accept thanks. I am sure that you will watch carefully every phase of the matter and will leave nothing undone. We may want to talk with you regarding a special feature of the case within the next week or so. Will it be at all possible for you to come here for a short interview?

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *Senate Chamber, Washington, D. C.*

—

[John D. Archbold to Senator M. A. Hanna.]

26 BROADWAY, NEW YORK, *January 19, 1900.*

DEAR SENATOR: The matters regarding which I wanted to talk with you this afternoon are those of threatened and very objectionable legislation at Columbus. The first is a bill introduced by Mr. Russell, of Meigs, amending the so-called antitrust law in a way that would be most objectionable to every corporate interest in the State. Probably you are familiar with this bill.

The second is a most malicious resolution for an investigating committee to be headed by Griffin, of Lucas, giving them power to investigate pretty much everything within the State from the supreme court down. The resolution does not limit the expense of the investigation and authorizes the employment of counsel. It is said to be the intention of the committee to employ Mr. Monnett as its counsel. We want to enlist you actively and promptly to the defeat of these measures. They are undoubtedly inspired by Monnett and his followers, and their purpose is unquestionably of the most vicious character. That appointment of the "marauding" committee comes up by agreement on the 25th, so that it, as well as the other, should be attended to very promptly. Will you do everything possible to compass their defeat? Shall be glad to hear from you promptly.

I inclose you clipping from the Plaindealer describing the Willis resolution.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. M. A. HANNA, *Washington, D. C.*

—

[John D. Archbold to Senator Foraker. Personal.]

26 BROADWAY, NEW YORK, *February 16, 1900.*

MY DEAR SENATOR: Here is still another very objectionable bill. It is so outrageous as to be ridiculous, but it needs to be looked after, and I hope there will be no difficulty in killing it.

Am anxious to hear from you as to the situation as a whole.

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *1500 Sixteenth Street, Washington, D. C.*

—

[John D. Archbold to Senator Foraker.]

26 BROADWAY, NEW YORK, *February 27, 1900.*

MY DEAR SENATOR: Attorney General Sheets has written a letter to Mr. Kline, in which he asks to have a time fixed for the oral argument of the contempt case. If this argument is to be simply a formal matter, we have no objection to it; otherwise, it might be well to have it postponed as long as possible, especially until after the next national and State conventions.

We thought you should know about this before going to Ohio.

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *1500 Sixteenth Street, Washington, D. C.*

—

[John D. Archbold to Senator Foraker.]

MARCH 8, 1900.

MY DEAR SENATOR: I beg to inclose you herewith letter from our counsel, Mr. Elliott, with copy of another very objectionable bill recently introduced at Columbus. There will undoubtedly be a uniform sentiment against it in the oil section. Hope you can take care of it with the others.

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *Senate Chamber, Washington, D. C.*

—

[John D. Archbold to Senator Foraker.]

MARCH 9, 1900.

MY DEAR SENATOR: I have your favor of last night with inclosure, which letter, with letter from Mr. Elliott commenting on same, I beg to send you herewith. Perhaps it would be better to make a demonstration against the whole bill, but certainly the ninth clause, to which Mr. Elliott refers should be stricken out, and the same is true of House bill No. 500, also introduced by Mr. Price, in relation to foreign corporations, in which the same objectionable clause occurs.

Am glad to hear that you think that the situation is fairly well in hand.

Very truly, yours, JNO. D. ARCHBOLD.

—

[John D. Archbold to Senator Hanna.]

26 BROADWAY, NEW YORK, *March 12, 1900.*

MY DEAR SENATOR: I hope everything is going well at Columbus. There are a number of the vexatious bills there and we are resting on your statement that they are all well in hand.

One of our people writes that it is a little doubtful as to how the Hon. Ralph D. Cole, of Findlay, will vote on the Russell bill. He says that H. C. Crouse, editor Findlay Republican, and formerly chairman Republican State committee, is very close to Cole, and that Crouse is a warm friend of yours. It occurs to me that if you think it worth while you might ask Mr. Crouse to try and see Mr. Cole immediately and persuade him to vote against the bill. You will know best, however, as to all matters pertaining to the different things there.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. M. A. HANNA, *The Arlington, Washington, D. C.*

—

[John D. Archbold to Senator Foraker.]

MARCH 26, 1900.

DEAR SENATOR: In accordance with our understanding I now beg to inclose you certificate of deposit to your favor for $15,000. Kindly acknowledge receipt and oblige.

Yours, very truly, JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *1500 Sixteenth Street, Washington, D. C.*

—

[John D. Archbold to Senator Foraker.]

APRIL 17, 1900.

MY DEAR SENATOR: I inclose you certificate of deposit to your favor for $14,500. We are greatly at a loss in the matter, but I send this, and will be glad to have a frank talk with you when opportunity offers, and if you so desire.

I need scarcely again express our great gratification over the favorable outcome of affairs.

Very truly, yours, JOHN D. ARCHBOLD.

Hon. J. B. FORAKER, *1500 Sixteenth Street, Washington, D. C.*

—

[John D. Archbold to Senator Foraker.]

NOVEMBER 26, 1900.

MY DEAR SENATOR: In pursuance of our understanding in our talk over the telephone to-day, I now beg to inclose you certificate of deposit to your favor for $10,000.

Truly, yours, JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *1500 Sixteenth Street, Washington, D. C.*

[John D. Archbold to Senator Foraker.]

DECEMBER 11, 1900.

MY DEAR SENATOR: Referring to our telephonic conversation to-day, I now beg to inclose you certificate of deposit to your favor for $5,000.

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *1500 Sixteenth Street, Washington, D. C.*

—

[Senator M. A. Hanna to John D. Archbold.]

CLEVELAND, OHIO, *September 22.*

JOHN D. ARCHBOLD, Esq.

MY DEAR JOHN: I am in receipt of yours of the 18th instant, with inclosures as stated, for which I am obliged. I am "holding the bag," and this is going to be an expensive campaign. I can see where I will land before the thing is over, so I have no doubt I will have to call again. I feel a delicacy about this, as it is my funeral. I can beg for others better than when I have a personal interest.

There are many important interests in this fight. Should Johnson carry the legislature, corporations will catch it, as I am their representative, so called.

Sincerely, yours,

M. A. HANNA.

—

[John D. Archbold to Senator Foraker.]

FEBRUARY 25, 1902.

MY DEAR SENATOR: I venture to write you a word regarding the bill introduced by Senator Jones of Arkansas, known as S. 649, intended to meet the act "to protect trade and commerce against unlawful restraints and monopolies," etc., introduced by him December 4.

It really seems as though this bill is very unnecessarily severe and even vicious. Is it not much better to test the application of the Sherman Act before resorting to a measure of this kind? I hope you will feel so about it, and I will be greatly pleased to have a word from you on the subject. The bill is, I believe, still in committee.

With kind regards, I am,

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER, *Washington, D. C.*

—

[Senator M. A. Hanna to John D. Archbold.]

CLEVELAND, OHIO, *September 15, 1903.*

MY DEAR ARCHBOLD: I am in receipt of yours of the 14th instant, and wish to thank you for your assistance.

Your prediction that I will have a "walk-over" does not seem likely. As to the governor it is true, but the contest for the legislature will be the hottest we have known for 50 years. Johnson is straining everything to that end. We have 30 close counties out of 88, many of which we carried two years ago by narrow margins. Of course Johnson is making every effort and using money in those counties. Now I am the target, for my defeat means more to J. than anything else he hopes to accomplish. If we lose Cuyahoga County with its 14 members, it is a close proposition. Daly can help us here and in Toledo, and I want your people to help our State committee liberally. The demands on me are simply awful.

Truly, yours,

M. A. HANNA.

—

[Senator M. A. Hanna to John D. Archbold.]

CLEVELAND, OHIO, *September 16, 1903.*

MY DEAR JOHN: I am in receipt of yours of the 15th instant, and reply that I can not go east as I can not leave this situation for a day.

I know you will do the fair thing, and I want the State Republican committee to get a liberal subscription from you this time. Although the fight is all directed against me, I don't want them to think I am selfish in taking subscriptions from my friends to use in the legislative fight, nor do I feel like bearing the whole burden, as there is more than me interested in the result. There is no haste about it, only we must cut our garments to our cloth.

Sincerely, yours,

M. A. HANNA.

[Personal.]

P. S. Your people can be of great help in Allen County, Hancock and Wood Counties, which, if successful, will secure the election of three members. This whole fight is against corporations and me as their champion.

M. A. H.

—

[Senator M. A. Hanna to John D. Archbold.]

CLEVELAND, OHIO, *September 22.*

JOHN D. ARCHBOLD, Esq.

MY DEAR JOHN: I am in receipt of yours of the 18th instant with inclosures as stated, for which I am obliged. I am "holding the bag," and this is going to be an expensive campaign. I can see where I will land before the thing is over, so I have no doubt I will have to call again. I feel a delicacy about this, as it is my funeral. I can beg for others better than when I have a personal interest.

There are many important questions in this fight. Should Johnson carry the legislature corporations will catch it, as I am their representative, so called.

Sincerely, yours,

M. A. HANNA.

—

[John D. Archbold to Senator M. A. Hanna.]

26 BROADWAY, NEW YORK, *May 31, 1898.*

MY DEAR SENATOR: Responding to your favor of the 28th, it gives me pleasure to inclose you herewith certificate of deposit to your favor for $2,000 to aid in the Oregon matter.

Trusting the desired end will be accomplished, I am, with kind regards,

Very truly, yours,

JNO D. ARCHBOLD.

Hon. M. A. HANNA,
Senate Chamber, Washington, D. C.

—

[John D. Archbold to Senator M. A. Hanna. Personal.]

26 BROADWAY, NEW YORK, *March 20, 1903.*

MY DEAR SENATOR: To our amazement, it is reported that Smith W. Bennett is making a canvass for the attorney generalship in Ohio. Mr. Bennett is a brother-in-law of F. S. Monnett, recent attorney general, and was associated with Monnett in the action against us in that State. If there is any possible danger, which I can not believe, of Mr. Bennett's candidacy assuming serious proportions, I would like to tell you something of our experience and impressions of the man in connection with that case. I am sure, however, that you will agree that Ohio is not so poorly off as to take that sort of timber for its attorney general. I will be very glad to hear from you on the subject.

Sincerely,

JNO. D. ARCHBOLD.

Hon. M. A. HANNA, *Washington, D. C.*

—

[John D. Archbold to Senator J. B. Foraker.]

26 BROADWAY, NEW YORK, *March 20, 1903.*

MY DEAR SENATOR: We are surprised beyond measure to learn that Smith W. Bennett, brother-in-law of F. S. Monnett, recently attorney general of Ohio, is in the race for the attorney generalship on the Republican ticket. Bennett was associated with Monnett in the case against us in Ohio, and I would like to tell you something of our experience and impressions of the man gained in that case. If you know him at all I am sure you will agree that his candidacy ought not to be seriously considered from any point of view.

I would esteem it a favor to have a line from you on the subject.

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. J. B. FORAKER,
1500 Sixteenth Street NW,
Washington, D. C.

—

[John D. Archbold to C. H. Grosvenor, M. C.]

26 BROADWAY, NEW YORK, *October 12, 1900.*

MY DEAR GENERAL: I have your favor of the 10th, and it gives me pleasure to inclose you herewith certificate of deposit to your favor for $1,000 to aid in the good work, and with very best wishes, I am,

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. C. H. GROSVENOR, *Athens, Ohio.*

—

[John D. Archbold to C. H. Grosvenor, M. C.]

26 BROADWAY, NEW YORK, *November 20, 1900.*

Hon. C. H. GROSVENOR,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have your favor of yesterday and beg to thank you very cordially for your kind expression. I fully agree that the retirement of the gentleman is a matter of very special congratulation.

I wish again to congratulate you on your own magnificent run.

Very truly, yours,

JNO. D. ARCHBOLD.

—

[John D. Archbold to C. H. Grosvenor, M. C.]

OCTOBER 3, 1901.

MY DEAR GENERAL: Referring again to your favor of September 6 regarding Mr. Bond, of Columbus, I had been delayed in answering awaiting some report on the matter. I regret to say that I do not now have anything definite as to promise of employment for him in the localities named; but if he will decide on a locality which he would prefer, we will send him out and put him on the roll. I am sure that work will be found for him within a very short time, if not immediately. If you will, therefore, let me know what your wish is in the matter, I will endeavor to meet it as nearly as possible.

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. C. H. GROSVENOR, *Athens, Ohio.*

—

[C. H. Grosvenor, M. C., to John D. Archbold.]

COMMITTEE ON MERCHANT MARINE AND FISHERIES,
HOUSE OF REPRESENTATIVES, U. S.,
Athens, Ohio, September 27, 1904.

MY DEAR SIR: I have had some correspondence with our mutual friend Sibley, which you will understand, and he has suggested that I go in person to see you. It is exceedingly difficult for me to get away from here by reason of my local campaign, but if you think it necessary I will come to New York, but if I do could I see you on Sunday, the 9th of October? I must make a hurried dash to New York and back, and I would like very much to meet you, if it is possible, at your residence, on the morning of Sunday. Could you meet the emergencies just as well without my coming to New York? I think you will understand it, as you know I have come to you for friends, but never for myself, and now there is a great necessity at home. I am not complaining of the general tendency of my campaign, but it is most burdensome and one that requires the utmost care and the utmost ability to meet great emergencies. There are 10,000 coal miners in this congressional district, and there are seven counties, stretching from the Ohio River on the south to within 12 miles of Columbus on the north, and covering about 45 per cent of the coal output of Ohio. You can see something of what I have got on my hands, with a State committee unable to assist anybody, and a fight all myself alone, practically.

Now, if it is best for me to come to New York, please say you will see me, as suggested.

Yours, truly,

C. H. GROSVENOR.

JOHN D. ARCHBOLD, Esq.,
New York City, N. Y.

—

[John D. Archbold to J. C. Sibley, M. C.]

26 BROADWAY, NEW YORK, *January 13, 1902.*

DEAR MR. SIBLEY: I am duly in receipt of your favor of the 10th, in all of which we are much interested. We appreciate your courtesy in bringing any such matter to our attention and value, beyond expression, your kind and friendly attitude.

With reference to our Ohio friend our feelings are most cordial, and we will be glad to lend a hand in a reasonable way. How would it do for you to say to him that I suggested that he see me for a little talk? If this proves impossible within the necessary time, he can write me under personal cover and I will answer him promptly and confidentially.

I can not learn that we or any of our people have taken any active interest in the New Jersey senatorship matter. What you said to Mr. G. met the case thoroughly and we thank you cordially for it.

Of course I am much interested as to who your dark horse may be, and if you are in a position to intimate to me, in confidence, who it is, it may be possible for us to extend some aid.

Heartily reciprocating your kind wishes for the new year, I am,

Yours, very truly,

JNO. D. ARCHBOLD.

Hon. J. C. SIBLEY, *Washington, D. C.*

—

[John D. Archbold to Senator BOIES PENROSE.]

MAY 17, 1899.

MY DEAR SENATOR: I don't suppose it is at all necessary to bother you again regarding the Washington matter, but Mr. Wardwell is this morning in receipt of the inclosed letter from the secretary of the commission urging him to appear before them in June. I have said to him that he need give himself no uneasiness about it, and that the understanding is clear that none of our parties are to appear in June. As I think I have told you, Mr. Wardwell is in poor health and is planning to leave for Europe. I have thought best, however, to send this to you out of the fullness of precaution.

Apologizing again for troubling you in the matter, I am,

Very truly, yours,

JNO. D. ARCHBOLD.

Hon. BOIES PENROSE,
1331 Spruce Street, Philadelphia, Pa.

—

[John D. Archbold to Senator BOIES PENROSE.]

JANUARY 5, 1900.

MY DEAR SENATOR: I have to-day telegraphed you as follows:

"Corporations should not be required to make public the names or holdings of all stockholders. It is an unjust and unnecessary inquisition into the private affairs of individual stockholders and serves no public good. If demanded by creditors, State laws now provide the means of obtaining the information. Private corporations should not be required to make public items of receipts and expenditures, profits and losses. A statement of assets and liabilities is all that can benefit the public. Items of receipts and expenditures, profits and losses can only benefit the competitors."

I beg to acknowledge also with many thanks your favor of January 1, the inclosures accompanying, which I beg to return you herewith. Was very sorry not to see you here last week, but as you know, I was away on a little vacation.

Sorry to learn to-day of the report of the committee in the Quay case, but still hope for favorable action by the Senate.

With thanks for all your courtesy, I am,

Very truly, yours, JNO. D. ARCHBOLD.

Hon. BOIES PENROSE, *Washington, D. C.*

—

[John D. Archbold to Senator BOIES PENROSE.]

26 BROADWAY, NEW YORK, *February 21, 1900.*

Hon. BOIES PENROSE,
Senate Chamber, Washington, D. C.

MY DEAR SENATOR: I have your kind note of yesterday with inclosures which latter I beg to return herewith. We think the report is so fair that we will not undertake to suggest any changes.

With many thanks, I am,

Very truly, yours, JNO. D. ARCHBOLD.

—

[John D. Archbold to Senator BOIES PENROSE.]

JULY 3, 1901.

MY DEAR SENATOR: Following the lamentable death of Senator Kyle, we are very strongly of the opinion that you should take the chairmanship of the Industrial Commission. This seems eminently fitting from every point of view. Your name as chairman would undoubtedly give to the report exceptional assurance of integrity and intelligence; you are the ranking senatorial member of the commission; the interests of your State are preeminent in the matter; and lastly, and we may hope not unfairly, we make it as a strong personal request.

May I venture to ask for an affirmative answer by wire, so that we may do what seems possible to aid in the matter.

With kind personal regards, I am,

Very truly, yours, JNO. D. ARCHBOLD.

Hon. BOIES PENROSE, *Philadelphia, Pa.*

—

[John D. Archbold to Senator M. S. Quay.]

JULY 3, 1901.

MY DEAR SENATOR: The death of Senator Kyle, chairman of the Industrial Commission, at this critical juncture, makes it very important that the place be filled by a man abreast of the times as to our industrial and commercial evolution. We think that Senator PENROSE should take the place. He is the ranking senatorial member of the commission, and surely the interests of his State are very great in this matter.

Won't you strongly urge him to do so, and oblige,

Yours, very truly,

JOHN D. ARCHBOLD.

Hon. M. S. QUAY, *Beaver, Pa.*

—

[John D. Archbold to Senator M. A. Hanna.]

AUGUST 21, 1901.

MY DEAR SENATOR: I have your kind favor of the 19th, and note the suggestion regarding PENROSE. I am this morning in receipt of a letter from Senator PENROSE'S secretary, the former being absent in the far West, from which I quote an expression from the Senator: "Will be entirely satisfied with the election of Col. Clarke to the place referred to." I am writing now again urging that he be present at the meeting called early in September.

Sincerely yours, JOHN D. ARCHBOLD.

Hon. M. A. HANNA, *Cleveland, Ohio.*

—

[John D. Archbold to Senator M. A. Hanna.]

AUGUST 19, 1901.

MY DEAR SENATOR: My attention is called to the fact of the appointment of Senator Thomas R. Bard of Hueneme, Cal., as a member of the industrial commission to fill the vacancy caused by the resignation of Senator Mantle, of Montana. I have further information that a determined effort will be made at the meeting early in September by the Democratic and disgruntled Republican members of the commission to make political capital against the so-called trusts. If Senator Bard can be counted on for sensible action in regard to this question, an effort should be made to have him present at the meetings. It is very desirable also to have him favor Col. Clarke for the chairmanship. Can you reach him, and will you do so?

Very truly, yours, JOHN D. ARCHBOLD.

Hon. M. A. HANNA, *Cleveland, Ohio.*

—

[John D. Archbold to Senator BOIES PENROSE.]

26 BROADWAY, NEW YORK, *November 24, 1902.*

MY DEAR SENATOR: I most earnestly hope that it is in the line of your intention and desire to favor the reappointment of Hon. E. W. Smiley as chief clerk of the senate of Pennsylvania. His qualifications for the position need no word, I am sure, at my hands. I will esteem it a personal favor if you will aid in his reelection.

Yours, very truly,

JOHN D. ARCHBOLD.

Hon. BOIES PENROSE,
1331 Spruce Street, Philadelphia, Pa.

—

[John D. Archbold to Senator BOIES PENROSE.]

SEPTEMBER 22, 1902.

MY DEAR SENATOR: It proved that the Butler County gentleman named in your recent note to me is not in our employ, but I have fortunately succeeded in reaching him through a mutual friend, and I am very sure you will find him in line all right.

Very truly, yours, JOHN D. ARCHBOLD.

Hon. BOIES PENROSE, *Philadelphia.*

—

[John D. Archbold to W. R. Andrews. M. C.]

SEPTEMBER 5, 1900.

Hon. W. R. ANDREWS, *Meadville, Pa.*

DEAR SIR: I have your favor of August 31, and it will give me pleasure to write a letter at once as suggested by you. With the earnest hope that it will have some favorable effect, I am,

Very truly, yours,

JNO. D. ARCHBOLD.

—

[John D. Archbold to C. W. Stone, M. C. Personal.]

OCTOBER 11, 1888.

Hon. C. W. STONE, *Warren, Pa.*

MY DEAR SIR: Referring to our conversation of yesterday, it now gives me pleasure to inclose you certificate of deposit to your favor of $2,000. I have also written the letter suggested.

Truly, yours,

JNO. D. ARCHBOLD.

—

[John D. Archbold to Senator BOIES PENROSE. Personal.]

26 BROADWAY, NEW YORK, *October 13, 1904.*

MY DEAR SENATOR: In fulfillment of our understanding, it gives me great pleasure to hand you herewith certificate of deposit to your favor of $25,000, and with good wishes, I am,

Yours, truly, JNO. D. ARCHBOLD.

Hon. BOIES PENROSE,
1331 Spruce Street, Philadelphia, Pa.

—

[John D. Archbold to A. J. Cassatt, president Pennsylvania Railroad. Personal.]

SEPTEMBER 6, 1900.

DEAR MR. CASSATT: In Mr. Patton's absence I venture to write you on a political question which seems to me of real importance and interest. In the twenty-seventh congressional district L. Emery, jr., the old-time agitator, is running for Congress against J. C. Sibley, of Franklin. Sibley has had, as you know, rather a variegated political career, but he is now again squarely in the Republican fold, and I think sound in every way. Emery's election would certainly be a great misfortune, and I venture to ask that you do everything possible in the matter in Mr. Sibley's favor, on the sure ground that all corporate and vested interests will have at least fair consideration and treatment at his hands.

With kind regards, I am,

Very truly, yours, JNO. D. ARCHBOLD.

Mr. A. J. CASSATT, President,
Broad Street Station, Philadelphia, Pa.

—

[John D. Archbold to W. A. Patton, Pennsylvania Railroad Co. Personal.]

OCTOBER 5, 1900.

DEAR MR. PATTON: In re the Emery-Sibley contest, it is reported that a good many of your W. N. Y. & P. men are actively for Emery, and especially a Mr. Wilmoth, a detective officer, of Bradford, Pa., who is said to be working hard for Emery. Judge Logan's department will know about him. Won't you see what you can do?

Very sincerely, yours, JNO. D. ARCHBOLD.

Mr. W. A. PATTON,
Pennsylvania Railroad Co., Philadelphia, Pa.

—

[John D. Archbold to Willis J. Hulings.]

MARCH 29, 1900.

Gen. WILLIS J. HULINGS, *Pittsburgh, Pa.*

MY DEAR SIR: Responding to your favor of yesterday, I think you will readily see that we can not take the initiative in such a matter. Could you ask Sibley to go to the President on it? I think he would be as efficient a medium as could be employed.

Very truly, yours, JNO. D. ARCHBOLD.

—

[Joseph C. Sibley, M. C., to John D. Archbold.]

COMMITTEE ON MANUFACTURES,
HOUSE OF REPRESENTATIVES, U. S.,
Washington, February 26, 1900.

MY DEAR MR. A.: Yesterday I had a long talk with a friend in the Senate whom you know I have always regarded as one of the strongest

men in that body, "Mr. B., a Democrat." He is wholly and unalterably opposed to the President's and Garfield's policy vs. corporations. I think he is prepared to make a great fight against the vicious principle that the Government can open my books or reveal my trade secrets because some one thinks I am engaged in making too much money.

He has the courage and the ability to make a legal argument on the floor of the Senate second to no man of that body.

Had you ought not to have a consultation with him some day?

One great man at the proper time would be a "tower of strength and safety."

He comes nearest to-day to being the leader of his party of any one man in it.

If you want to see him think I could arrange for him to call when in New York. I put in all day yesterday in the Democratic cloakroom of the Senate, and I guess I answered about 25 different Senators "What is the trouble in Kansas?" I told them that "it was an attempt to nullify the law of supply and demand."

The cotton growers could as well with their surplus crop this year demand some spinners to pay last year's prices. That increasing production from 6,000 barrels to 40,000 per day meant a surplus, and in oil, as in cotton, the surplus fixes the price of the whole crop.

If you think of anything for me to do let me know, but I guess the Members of the House of Representatives, including the Speaker, pretty well understand the situation.

I could quietly give away a dozen or two more of the little books. I have bought and given away many copies of Lloyd's "Newest England," and I think it is doing good work.

If at any time my long scribbles annoy you, chuck them in the basket; but one has, at times, to pour out wrath somewhere, and I make you the victim.

Sincerely, yours, JOSEPH C. SIBLEY.

P. S. In re power to fix railroad rates.

Mr. B. is for giving power to make rates, but will fight the idea of a separate court. I was sorry not to be able to change his views on that topic.

[B. J. Haywood, State treasurer of Pennsylvania, to James McManes, president People's Bank.]

COMMONWEALTH OF PENNSYLVANIA,
TREASURY DEPARTMENT,
Harrisburg, Pa., July 31, 1896.

DEAR SIR: On Monday we will mail you check for $10,000 for credit of Commonwealth of Pennsylvania, general fund, which will make a credit to our account of $600,000. The understanding is that I am not to draw against any part of this $600,000 deposit until the Hon. R. R. Quay has paid or arranged satisfactorily to you the loan of $100,000 which you are to make to him next week.

Very truly, yours, B. J. HAYWOOD, *State Treasurer.*

JAMES MCMANES, Esq.,
President People's Bank, Philadelphia, Pa.

[John D. Archbold to Senator M. S. Quay. Personal.]

26 BROADWAY, NEW YORK,
July 18, 1898.

MY DEAR SENATOR: I have your favor of the 15th and will do as you request, provided that you finally say that you need so much. Please ask for it in installments, as needed, from time to time, not all at once.

I have your kind note about Walter and will do as you suggest.

Very truly, yours,
JNO. D. ARCHBOLD.

Hon. M. S. QUAY, *Mountville, Lancaster Co., Pa.*

[John D. Archbold to Senator M. S. Quay.]

26 BROADWAY, NEW YORK,
September 22, 1898.

MY DEAR SENATOR: Answer to your favor of September 11 has been delayed because of my absence on vacation.

It now gives me pleasure to inclose you certificate of deposit to your favor for $12,500, in fulfillment of promise.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. M. S. QUAY,
100 States Avenue, Atlantic City, N. J.

[John D. Archbold to Senator M. S. Quay.]

26 BROADWAY, NEW YORK,
September 25, 1899.

MY DEAR SENATOR: In accordance with request in your favor to me of the 23d, I now beg to inclose you cashier's check, National City Bank of New York, to your favor for $10,000.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. M. S. QUAY,
Care W. A. Patton, Philadelphia, Pa.

[John D. Archbold to Senator BOIES PENROSE.]

MAY 5, 1899.

Hon. BOIES PENROSE, *Philadelphia:*

I would like to talk with you over the telephone to-morrow—Saturday—morning at 10.30. Can you give me a call number and address on which I can call you at that time. Please answer.

J. D. ARCHBOLD.

[John D. Archbold to W. R. Andrews, M. C.]

MAY 6.

Hon. W. R. ANDREWS, *Washington, D. C.:*

Your kind telegram received. Many thanks. I have had the talk.

JNO. D. ARCHBOLD.

[John D. Archbold to Senator BOIES PENROSE. Personal.]

DECEMBER 7, 1899.

MY DEAR SENATOR: Referring to our conversation by telephone and your favor of yesterday, one of my associates, who is on friendly personal terms with Mr. Smith, of the L. & N., has seen him and had a very full talk. It seems that Mr. Smith had just been in Washington. He seemed to know that Senator Lindsay would be unfavorable, but is quite sure that Senator Deboe will be all right. I have had a very strong letter written to both Senators Proctor and Ross, of Vermont, which I hope will have some influence with them. I have not as yet found any ground of approach to either Senator Turley, of Tennessee, or Senator Fairbanks, of Indiana. I have a possibility as to the latter, which I will know of to-morrow morning, but it is not sure. Unfortunately, Mr. Flagler was South. I communicated with him at once by telegraph after Mr. Quay's visit.

I earnestly hope that the outcome will be all right and will be glad to aid continuously in any way that I can. We all feel rather disappointed over the President's treatment of the corporation or so-called trust question. I inclose you a bit of to-day's Wall Street gossip on the subject.

I have taken the liberty of telegraphing you to-day, with reference to the appearance of our Mr. Howard Page to answer a recent adverse witness before the industrial commission. The witness referred to, George Rice, is so erratic and ridiculous as to defeat himself with anybody who would give his testimony careful consideration, but I think, aside from its unfairness to us, there is a possible political point in having it answered.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. BOIES PENROSE, *Washington, D. C.*

[John D. Archbold to Senator BOIES PENROSE. Personal.]

DECEMBER 11, 1899.

MY DEAR SENATOR: I have your kind favor of Saturday. We appreciate highly your effort with the Industrial Commission with reference to Mr. Page's appearance. We are advised to-day that the examination is put over until to-morrow. I am making a further special effort to-day to reach Senator Fairbanks on the Quay case and hope to do so. We shall not soon forget Guffey's course in this whole matter.

I have favorable word from Mr. Flagler. With kind regards, I am

Very truly, yours,
JNO. D. ARCHBOLD.

Hon. BOIES PENROSE, *Washington, D. C.*

[John D. Archbold to Senator BOIES PENROSE.]

DECEMBER 13, 1899.

MY DEAR SENATOR: I have been doing what I can and hope that some influence has gone, especially to Senator Fairbanks, that will have some effect. I, just at this moment, had a call from our friend, Gen. Charles Miller, of Franklin, Pa., who has asked a personal friend of his from Indianapolis, Ind., who knows Senator Fairbanks very well, to go to Washington at once and see what he can do.

I most earnestly hope that matters are progressing more favorably than the newspaper accounts seem to indicate.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. BOIES PENROSE, *Washington, D. C.*

[John D. Archbold to Senator M. S. Quay. Personal.]

FEBRUARY 13, 1900.

MY DEAR SENATOR: Referring to your note regarding the new California Senator, Senator PENROSE has already written to me on the subject, and I have asked our people to do everything they can through the Santa Fe, as we have no direct relations of any kind with the new Senator, and I am dubious about the effect of our efforts through the Santa Fe.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. M. S. QUAY, *Beaver, Pa.*

[John D. Archbold to Senator M. S. Quay.]

26 BROADWAY, NEW YORK,
October 30, 1902.

MY DEAR SENATOR: I duly received your favor of the 26th. Not because we think we should, but because of your enticing ways, I inclose your certificate of deposit for $10,000. I have heard that you have recently said some disagreeable things about me, for which I think you ought to be ashamed.

Very truly, yours, JNO. D. ARCHBOLD.

Hon. M. S. QUAY,
Hotel Walton, Philadelphia, Pa.

The PRESIDENT pro tempore. The question is on agreeing to the resolution offered by the Senator from Pennsylvania [Mr. PENROSE] as modified.

Mr. PENROSE. I should like to have the resolution read.

The Secretary read as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania [Mr. PENROSE] in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under Senate resolution No. 79, agreed to on April 29, 1912.

The PRESIDENT pro tempore. The question is on agreeing to the resolution.

Mr. REED. I send the following to the desk as an amendment.

The PRESIDENT pro tempore. The amendment will be read.

The Secretary read as follows:

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania [Mr. PENROSE] on the floor of the Senate, August 21, 1912; and, further, said committee is authorized and directed to investigate into and ascertain the amount of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year 1912, or by any committee or person acting for or in behalf of such candidate, or in the interest of such candidate or party, and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate, and during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to subpœna witnesses, send for persons, books, records, and papers, and to administer oaths.

The PRESIDENT pro tempore. The amendment of the Senator from Missouri will, under the statute, have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. PENROSE. I was going to call the attention of the Senator to the fact that it would have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. REED. For what reason?

Mr. PENROSE. Because it has in it a provision for expenses to be paid out of the contingent fund of the Senate.

Mr. REED. I will ask that that be stricken out.

Mr. PENROSE. I was going to suggest to the Senator that I looked into this very carefully this morning, and I find that the resolution which the Senate has already passed gives the Committee on Privileges and Elections, or any subcommittee thereof, full power to subpœna witnesses, and authorizes the payment of the expenses out of the contingent fund of the Senate. It was for that reason that I modified my motion and made it simply a reference to that committee of the statement made by me, having in the meanwhile been assured by the chairman of the committee that he would proceed promptly. In line with that, I understand he has already sent for John D. Archbold, who will be here to-morrow.

I think if the Senator will strike out of his amendment the reference to expenses, and simply ask to have referred to the Committee on Privileges and Elections, or any subcommittee thereof, the question of the expenses of the recent primaries of all parties, he will accomplish the object he has in view.

Mr. REED. I will modify the amendment by striking out the provision for the payment of expenses from the contingent fund and the provision with reference to the printing of the report.

Mr. PENROSE. The provision about subpœnaing witnesses, while it does not do any harm, is not necessary.

Mr. REED. But this directly calls for an investigation of the expenses at the recent primaries, which is what I want to get at.

The PRESIDENT pro tempore. Does the Senator from Missouri offer it as an amendment to be added to the resolution of the Senator from Pennsylvania?

Mr. REED. Yes; I offer it in that way.

Mr. PENROSE. I accept the amendment.

The PRESIDENT pro tempore. If the Senator will permit the Chair for a moment, the resolution will be read as it would read if amended.

The Secretary read as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania [Mr. PENROSE] in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under Senate resolution No. 79, agreed to on April 29, 1912.

The Committee on Privileges and Eelections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania [Mr. PENROSE] on the floor of the Senate, August 21, 1912; and, further, said committee is authorized and directed to investigate into and ascertain the amount of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year 1912 or by any committee or person acting for or on behalf of such candidate, or in the interest of such candidate or party; and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention, or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate, and during any recess of the Senate, or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to subpœna witnesses; send for persons, books, records, and papers; and to adminster oaths.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the resolution.

Mr. POINDEXTER. A parliamentary inquiry.

The PRESIDENT pro tempore. The Senator from Washington will state his parliamentary inquiry.

Mr. POINDEXTER. When was the resolution of the Senator from Pennsylvania introduced?

The PRESIDENT pro tempore. The present occupant of the chair was not in the chair at the time, but it was some time during the afternoon of to-day.

Mr. POINDEXTER. I ask that it go over under the rule.

Mr. PENROSE. Has the Senator from Washington any objection to this inquiry?

Mr. POINDEXTER. I do not know that I have any objection to the inquiry. I am perfectly free to say, however, that I would like to see the form of the resolution and to understand clearly its purposes. This drama that we witnessed here this afternoon, being played between the leading representatives of the Democratic Party and the representative of the old Republican machine of Pennsylvania, was a very unexpected development in the political situation, and any proposition which grows out of this joint work, team work, so to speak, between these two political forces, which would seem on the surface to be opposed to each other, is a matter that requires a little thought and examination before it be consented to. I should like to see the resolution and to have a little opportunity to consider it.

Mr. PENROSE. As far as concerns my motion, it is really unnecessary. The committee, under the resolution already passed by the Senate, has full authority to take up an investigation of the statements that I made, and whether the Senator from Washington persists in his objection or not, that investigation will proceed at half past 9 o'clock to-morrow morning.

Mr. POINDEXTER. I am not responsible for the Senator's statement, nor for what he proposes to do, nor for any investigation he refers to. I have no objection to his plan. My position has been fully stated—that I desire an opportunity to see this resolution and to examine and understand it, and that I hesitate to allow it to go through without examination on account of the peculiar combination of interests which seems to be backing it up since it was introduced here this afternoon.

The PRESIDENT pro tempore. Under the objection, the resolution will go over and be printed.

Mr. WILLIAMS. I should like to ask the Senator from Washington a question. What is the peculiar combination of interests to which he refers?

Mr. POINDEXTER. Well——

Mr. WARREN. What is before the Senate?

The PRESIDENT pro tempore. The resolution of the Senator from Pennsylvania.

Mr. WARREN. I understood that it had been objected to, and that under the rule it had gone over.

The PRESIDENT pro tempore. It has been objected to, and it does go over and will be printed under the rule.

Mr. POINDEXTER. Mr. President, I should like to answer the question of the Senator from Mississippi. The peculiar combination of interests to which I have referred is composed of the Senator from Mississippi and the Senator from Missouri and the Senator from Pennsylvania.

Mr. WILLIAMS. Does the Senator from Washington mean by that that there is any combination of interest between the Senator from Pennsylvania and the Senator from Mississippi?

Mr. POINDEXTER. I made that statement upon what has occurred here in the Senate this afternoon—the joint efforts of the three Senators whom I have named, bringing out into very clear relief the one issue really that there is in the politics of the country to-day—upon the one side those measures of progress and improvement in political conditions which are represented by Col. Roosevelt, his platform, and his candidacy—and those opposed to him. It has brought out the fact that those who are working in harmony and in conjunction in opposition to that platform and those measures are the Senators I have just named.

Mr. WILLIAMS. Mr. President——

Mr. POINDEXTER. And the peculiarity about it is the apparent understanding and the harmony with which this combination operates.

Mr. WARREN. Mr. President, a point of order.

The PRESIDENT pro tempore. The Senator from Wyoming will state it.

Mr. WILLIAMS. I believe I am entitled to the floor.

Mr. WARREN. I ask for the regular order.

Mr. WILLIAMS. I believe I am entitled to the floor in consequence of the consent of the Senator from Washington to permit an interruption.

The PRESIDENT pro tempore. The point of order raised by the Senator from Wyoming has been sustained.

Mr. WILLIAMS. I yet do not quite distinctly understand, in spite of the intimation and insinuations——

Mr. POINDEXTER. There are no imputations and no insinuations. I am not in the habit of making insinuations or speaking by innuendo. On the contrary, I am in the habit of speaking rather too bluntly—too plainly—and there is nothing that I have in mind that is not upon the record, the public record, and the RECORD of the Senate. I base it upon what has occurred here this afternoon—upon the apparent bitterness and I might say rancor displayed in like degree by the representative of the crumbling, notorious Republican machine of Pennsyl-

vania and two of the principal spokesmen of the Democratic Party in this Chamber—the apparent community of interest and the apparent——

The PRESIDENT pro tempore. The Chair must insist that objection having been made to the resolution, it goes over under the rule, and the question before the Senate——

Mr. WILLIAMS. Mr. President——

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

Mr. BRISTOW. Mr. President——

Mr. WILLIAMS. Do I understand from that that I have no present opportunity to reply to the insinuation, intimations, and the assertions of the Senator from Washington?

The PRESIDENT pro tempore. The Senator can proceed by unanimous consent.

Mr. BACON. The Senator from Mississippi has the floor. He can speak on the pending motion——

Mr. WILLIAMS. It seems to me I had the floor.

The PRESIDENT pro tempore. A point of order was made, and the regular order was called for, and the Chair held that the resolution had gone over under objection, and the regular order is the conference report on the appropriation bill which is under consideration.

Mr. WILLIAMS. Mr. President, will I be permitted to say—I ask the Chair's opinion and I submit myself to the order of the Chair—that so far as I am concerned and so far as my utterance of opinion is concerned, that every syllable of the intimation that I could possibly be in any sort of alliance, confederation, or understanding with the senior Senator from Pennsylvania is absolutely false. I do not care one whit which faction of the Republican Party wins. Abiding in the absolute confidence that the Democratic Party will win, I have never found any reason in all my political history why I should have a particle of respect either for the machine, the stand-pat Republican organization, or for the so-called progressives. I would rather say "progresivistas."

Mr. POINDEXTER. How about Murphy's machine?

Mr. WILLIAMS. And, Mr. President, I shall not be deflected from the present question to that.

Mr. POINDEXTER. I think it is the same question. There is the community of interest—the natural community of interests, which I referred to—between those machines. They are bipartisan. This battle between the Republican machine and the Democratic machine is a sham battle—not a real battle.

Mr. WILLIAMS. Mr. President, there is no battle, or any sham battle, right now between the Democratic machine and the Republican machine. The real battle in issue right now is between the self-appointed representatives of the bull moose convention and the old stand-pat Republican machine represented by the Senator from Pennsylvania. I have no love for either; I have an equal hate for both; I have an equal distrust of both. The Senator from Washington can not deflect the argument. He can not undertake to make the appearance before the country that the Democratic Party is interested at all in this discussion.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. Pardon me. Wait a minute.

Mr. POINDEXTER. Mr. President, I have the floor I believe. I am perfectly willing to give the Senator from Mississippi an opportunity to correct a statement, or to ask a question, or to put himself right, but if he desires to make a speech upon this subject, I prefer not to yield.

Mr. WILLIAMS. Then, Mr. President, of course I have no recourse except to sit down; but immediately after the Senator from Washington is through I will arise and will address the Senate in response to whatever he has said.

The PRESIDENT pro tempore. The Chair will state that there may be no misunderstanding that the question is upon agreeing to the conference report. Of course Senators may discuss that matter in any way they choose. The Chair can not control that.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. I hope the Senator from Washington will withdraw his objection to the resolution being referred to the Committee on Privileges and Elections. I, of course, do not want in any way to influence him against what he thinks ought to be done, but I would like to see the matter disposed of, and I am perfectly satisfied, as far as I am concerned, that the investigation will result the same as this discussion has, greatly to the credit of Col. Roosevelt, and strengthen him very much throughout the country.

Mr. POINDEXTER. I do not know what the resolution is. I did not understand that the proposition was to refer it to the committee. My understanding was that it was to be adopted.

Mr. BRISTOW. I understood that it was to refer it to the Committee on Privileges and Elections. Am I right?

The PRESIDENT pro tempore. The question was on agreeing to the resolution.

Mr. BRISTOW. I thought it was on referring the resolution to the committee.

Mr. POINDEXTER. At this moment I would have no objections to referring it, but I insist on my objection that it shall go over under the rule until to-morrow morning. As far as Col. Roosevelt is concerned, there is no resolution calling for an inquiry into any of his actions. There has been nothing which has been said here that indicates that any part of his conduct needs to be investigated. There is no charge that he received any money.

Mr. PENROSE. There has been nothing but a shower of bouquets and compliments all the afternoon.

Mr. POINDEXTER. There has not been published any letters from Mr. Archbold forwarding him any sum of money. I understood that the resolution of the Senator from Pennsylvania was to investigate that matter, and I think it ought to be done. The consideration of the matter of personal privilege upon which he addressed the Senate did not involve a personal privilege made by Col. Roosevelt or by anybody speaking for Col. Roosevelt.

The Senator from Mississippi says that my statement that there was a community of interest between the Senator from Pennsylvania and himself was false. I do not know in what sense he intended to use that word. I do not desire to have any unpleasant controversy with the Senator from Mississippi. The use of language of that kind does not accomplish anything in ascertaining the truth. It does not in any way change the record. It does not in any way lead to a proper conclusion upon the statements which have been made.

The Senator from Mississippi and the Senator from Missouri and the Senator from Pennsylvania during the entire afternoon have been indulging in a harmonious and vehement tirade upon Col. Roosevelt.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Will the Senator from Washington yield to the Senator from Minnesota?

Mr. POINDEXTER. I yield.

Mr. CLAPP. While the discussion of the last few days has been limited to matters which took place some eight years ago, an effort was made yesterday afternoon to amend the law in existence now so that it would have a salutary effect upon the coming election. The amendment of the Senator from Missouri to the pending resolution relates to present times, and I earnestly hope that the Senator from Washington will withdraw his objection so that this whole matter may be gone into with reference to what has happened recently as well as to what happened some four years or eight years ago.

Yesterday I could not see the logic of those who were anxious to bring up what happened eight years ago, and yet, by every effort known, finally to a vacation of the Chamber, the enactment of a law was prevented that would operate upon the coming election. I earnestly hope the Senator from Washington will withdraw his objection and let the resolution be adopted at this time.

Mr. POINDEXTER. Mr. President, if the Senator from Minnesota is of the same mind on to-morrow morning I will probably have no objection. I have not made any objection; I only asked for the regular order, for I did not know of any occasion of putting the resolution through this evening. I do not understand that the committee is going to sit this evening to begin an investigation.

Mr. CLAPP. I do not know whether the pending resolution would enlarge the scope of the inquiry of the committee or not.

Mr. POINDEXTER. That is one reason why I object. I do not know whether it would or not. I have not examined it.

Mr. CLAPP. It could only do one of two things. It either could not enlarge it, or it could enlarge it. The committee meets to-morrow morning at 9.30 to take up the hearing of Mr. Archbold. So it occurred to me that it would be well to let the resolution be adopted to-night for whatever it may be worth, as bearing upon any possible enlargement of the authority of the committee when they proceed to their work to-morrow morning.

The PRESIDENT pro tempore. The Senator from Washington will proceed.

Mr. POINDEXTER. I want to repeat the fact that we are very glad to have developed that the Democratic Party, in so far as it has been represented by very distinguished Senators of that party who have spoken this afternoon, at least upon a

number of the issues in this campaign, speak from the same standpoint and in a common cause with one of the prominent members of the national committee which presided over the Republican convention in Chicago, which convened there on June 18, and notwithstanding the fact that one candidate in the Republican Party had presented his cause to the people composing that party from Maine to California and had been indorsed by them, this national committee, whose cause these Democratic Senators are now adopting gave the nomination to the defeated candidate. This committee had as one of its most conspicuous members the representative of the Pennsylvania organization, which he himself has described in part this afternoon. That national committee proceeded, notwithstanding the verdict of the people, taken in a formal and lawful and deliberate election expressing the preference of the Republican Party for one candidate, in defiance of the wishes of the party as regularly expressed to give the nomination to another candidate—the candidate who secured these negro delegates from the State, among others, which the Senator from Mississippi represents, the States which his party in large part speaks for, and obtained those negro delegates, if not with the use of money at least with the use of what was equivalent to money—offices and political patronage and the preferment which they seek at the hands of the Republican Party in the Southern States, and except for which the party there has no object of existence.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. It was that element——

The PRESIDENT pro tempore. Does the Senator from Washington yield?

Mr. POINDEXTER. Just a moment. It was that element in the Republican Party, coming from States like Mississippi and Territories like Hawaii and the Philippine Islands, that furnished the political sentiment which, passing through the alembic of the national committee, formed itself into the nomination by the Republican Party of Mr. Taft for the Presidency of the United States.

Mr. REED. Mr. President——

Mr. POINDEXTER. That is the sentiment of the Republican Party and those are the elements in the party which this nominee represents, and it is with that element that the Senator from Mississippi and the Senator from Missouri are combining in their attacks upon the nominee who was the real choice of the party.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield to the Senator from Missouri.

Mr. REED. I do not intend to quarrel with the Senator about his conclusion. I know it is a mighty exasperating thing to have a man's idol exposed as a hypocrite, and any devotee of such an idol is quite likely to discredit and misconstrue the motives of the man who is exposing the iniquities; he is likely to not understand that he is only interested in seeing iniquity exposed and villainy proven.

Now, since the Senator has spoken of it, to what extent was patronage used to control the votes of delegates in Chicago and to get the delegates? Was that practiced to any great extent?

Mr. POINDEXTER. It was practiced to the greatest extent of which it was capable.

Mr. REED. The Senator thinks that is an iniquitous thing, just as bad as the payment of money.

Mr. POINDEXTER. Is the Senator asking me a question or making a statement?

Mr. REED. Yes; I ask the question.

Mr. POINDEXTER. It is not necessary to draw a nice balance between bribery with money and bribery with office. Morally they stand upon the same plane, in my judgment.

Mr. REED. I agree with the Senator about that; and I wish the Senator now to enlighten us as to the extent the stand-pat Republicans in Chicago resorted to these nefarious practices. I think if the Senator will tell us about that he and I would have a community of interest established in a few minutes.

Mr. POINDEXTER. I do not understand the Senator from Missouri would want to bring out anything which would be damaging in any way to the stand-pat Republicans.

Mr. REED. You would not think so? Is the Senator serious?

Mr. POINDEXTER. My understanding was that there was a coalition.

Mr. REED. The Senator is not serious. He does not say that seriously.

Mr. POINDEXTER. Just a moment——

Mr. REED. He has never dreamed of a coalition between myself and the Senator from Pennsylvania. He does not dream of it now. I can relieve the Senator's anxiety. Whenever one Republican wants to tell on another I am going to help him tell and when the other Republican wants in turn to expose the iniquities of the fellow who told on him I am going to help him tell. There will be a community of interest between myself and the Senator who has the floor in a moment if he will now tell some of the iniquities that were practiced by the standpatters out there in Chicago.

Mr. POINDEXTER. I should not like to detain the Senate to tell about all of them. I can tell a few of them.

Mr. REED. Well, just a few samples; of course, not all.

Mr. POINDEXTER. I should like to say that the difference between the Senator from Missouri and myself in the matter of this inquiry is that, so far as I am concerned, I would not limit it as he limits it to the two wings of the Republican Party, but I would also include the Democratic Party. I would make some inquiry into the $250,000 contribution of Mr. August Belmont to Mr. Parker in 1904. I do not think it ought to be a partisan investigation.

Mr. REED. The Senator is just a little bit inclined now, I would not say to dodge but to sidestep the issue.

Mr. POINDEXTER. Oh, no.

Mr. REED. The issue is this: Because I asked the Senator from Pennsylvania some questions to which he returned answers that the Senator who has the floor did not like, the Senator has charged that there was a community of interest. Now, in order to show that I am quite impartial, I am asking the Senator if he will not now please lift the lid a little and let us have a view of the standpat Republicans, so that the whole country can get an impartial view of both sides. When the Senator attacks my party I will defend it, and when the Senator from Pennsylvania attacks it I will defend it as best I can.

Mr. POINDEXTER. There is no danger, I apprehend, of the Senator from Pennsylvania attacking it.

Mr. REED. I think he has been doing it.

Mr. POINDEXTER. The Senator from Pennsylvania seems to be confining his attacks to Col. Roosevelt, and the Senator from Missouri seems to be confining his attacks to Col. Roosevelt.

Mr. REED. Oh, no.

Mr. POINDEXTER. The candidate who was nominated as the nominal candidate of the Republican Party by the votes of the black belt of the South and the Territories of the United States seems to have become a negligible quantity.

Mr. REED. Oh, no.

Mr. POINDEXTER. He seems to have become obscured in this rush on the part of Senators representing the old organizations, those representing the Republican Party and those representing the Democratic Party, to focus their fire upon the candidate whom they seem to regard as their formidable opponent.

Mr. WILLIAMS. Oh, no.

Mr. REED. No; this was the afternoon to shoot bull moose, that is all. To-morrow we will go for the other branch of the party. But this is one reason why there is no contest between the Senator from Pennsylvania and ourselves this afternoon. You can hardly have a contest with a man who stands at the confessional and says, "Yes; I did get money from the corporations." There is no room for contest. But here is another gentleman who is denying it. Now, having a confession from one man we propose to have a confession from the other or prove his guilt, and we will do it by a former companion and partner just as quick as we will by any other witness. Then we intend, as far as possible, to eliminate them both and let the American people know that what we have charged for 20 years, that the elections of this country have been corrupted, and that the great corporations have used political leaders of the Republican Party as their tools—we propose to let the people know that, and to let them also know that Theodore Roosevelt was one of the gentlemen whose hands are most thoroughly tarred.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from Missouri if in this pursuit of the big moose, which is fine game, hunting along with the Senator from Pennsylvania [Mr. PENROSE], he has given an immunity bath to the Standard Oil Co. and to its beneficiaries, so that when this good time comes of which he speaks, when, by this little arrangement that he is making with the stand-pat element in the Republican Party, he says the Democrats will come into power, they will have a certificate of innocence and security from that party?

Mr. REED. Mr. President, the only man who has ever assumed to give an immunity bath in this country to great corpora-

tion managers or to sanction a conspiracy among them was one Theodore Roosevelt when he authorized the consolidation of the Tennessee Coal & Iron Co. and the Steel Trust and agreed in advance to set aside the laws of the people of the United States. He is the only man who has ever tried to give immunity baths in this country.

Mr. POINDEXTER. O Mr. President, the record does not bear out that statement at all.

Mr. REED. And he is the only man who ever truckled—and I had forgotten to mention that—at the demand of George W. Perkins, impudently and insolently made, and stopped the prosecution of the Harvester Trust, that has been robbing the farmers of this country, the proof of which is here in a Senate document. He is the only man who sets aside the law, and he is the only man that I know of who grants immunity baths; but if the Senator knows where William H. Taft has granted immunity, if he knows where he has been getting any money that we do not know of now, if he knows of anything that he has done that is not already public property, then I wish he would tell us this afternoon.

I will say another thing, just so that my position may be clear. I think that from the moment William H. Taft wrote the letter to Theodore Roosevelt thanking him for having made him President of the American people and acknowledging his servitude to him, William H. Taft's pathway through the years has been one of complete, absolute failure, without a single ray of light to illumine the dark passage. I think William H. Taft will get all the money he can from the big corporations in this campaign, and the Senator from Pennsylvania [Mr. PENROSE] does not deny that his crowd deal in that kind of campaign argument; but Theodore Roosevelt and many of Theodore Roosevelt's advocates wrap the garments of their righteousness around them; thank God they are not as other men; they make broad their phylacteries, enlarge the borders of their garments, stand on the street corners and make long prayers, and it appears they are now opening their meetings with hymns. I merely want the American people to know that they are the same crowd of fellows who got into office with the corrupt money of corporations. If the Senator from Pennsylvania wants to turn State's evidence, I am glad that he is here.

Mr. POINDEXTER. Mr. President, if the Senator from Missouri in his pursuit of Roosevelt, with the aid and assistance of John D. Archbold and the Senator from Pennsylvania, should be so fortunate as to be successful in that hunt I do not suppose he would have the heart in him to turn around then and prosecute his associates and colleagues in this prosecution which he is waging against Col. Roosevelt.

Mr. REED. What associates and colleagues?

Mr. POINDEXTER. The Senator from Missouri asked me to describe some of the actions——

Mr. REED. But, before the Senator leaves it, he said I would not stop to prosecute my associates and colleagues. To whom does the Senator refer or to what?

Mr. POINDEXTER. I said that if you, in company with the Senator from Pennsylvania, with the assistance of John D. Archbold and other Knights of the Round Table, succeeded in your quest of the Holy Grail, you then would not have the heart to turn around and prosecute your colleagues in that pursuit.

Mr. REED. What colleagues? Whom do you mean?

Mr. POINDEXTER. The ones whom I have mentioned.

Mr. REED. Archbold or the Senator from Pennsylvania?

Mr. POINDEXTER. Yes; both of them.

Mr. REED. Which one?

Mr. POINDEXTER. Both of them.

Mr. REED. Well, Mr. President, I do not know what the Senator from Washington means by that question, but he knows that I have stood here in the Senate giving my aid to the resolution offered by the Senator from Ohio early in this session directing the Attorney General to prosecute the Standard Oil Co. for its criminal practices.

Mr. POINDEXTER. Oh, yes; I understood, if the Senator will yield for just a moment, that that was the attitude of the Senator and of his party; and that is why I am so astonished to see the combination they have now formed with those same people.

Mr. REED. Oh, well, Mr. President, the Senator is seeing shadows. The only combination there is is in the Senator's mind.

Mr. POINDEXTER. Well, it is a joint effort; we will call it that. I do not insist on the word "combination"; but it is a working together for a common end.

Mr. REED. Mr. President, I never prosecuted a criminal in my life where anybody had turned State's evidence but that the attorney for the defendant always said I had formed a combination with the State's witness. [Laughter.]

Mr. POINDEXTER. Well, it was true, was it not?

Mr. REED. No. It was only true in the sense that I used the witness to convict the criminal. I am willing, as prosecuting attorney for the moment, to listen now to whatever evidence the Senator has to produce against the "standpatters," and we will try to convict them both. It has been suggested that we will hunt bull moose to-day and elephants to-morrow.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Kansas?

Mr. POINDEXTER. I yield.

Mr. BRISTOW. If the Senator will permit a suggestion, would he be kind enough to withdraw his objection to the resolution, and let it go, and then let us take up the appropriation bills, and after we have got them out of the way let the Senator from Washington and the Senator from Missouri settle this controversy to suit themselves. I merely make the suggestion. I hope the Senator will understand the spirit in which it is made.

Mr. POINDEXTER. If it were a matter of importance really whether I should withdraw my objection or not, I would be very glad to consider the suggestion of the Senator from Kansas; but it is not a matter of importance whether this resolution is considered to-night or whether it is considered to-morrow morning. I do not desire to interrupt the Senate and am not going to interrupt the Senator.

Mr. REED. Mr. President, will the Senator pardon me a word?

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Missouri?

Mr. POINDEXTER. I yield.

Mr. REED. We have had a pleasant little passage with each other, but, in all seriousness, all in the world there is in this resolution is an attempt to extend the resolution offered by the Senator from Pennsylvania to an investigation of the money expended by all of the candidates and by all of the committees in the present presidential primaries, and it puts the hearing in the hands of the committee headed by the Senator from Minnesota [Mr. CLAPP].

The reason I ask the Senator to let the resolution pass to-night is that we are in the closing days of the session, the business is crowded, and we may not get up the resolution again. It could be passed in a few moments if permitted to come up now. Whatever the facts are from any source in regard to any candidate, I want them fully developed; and, in all seriousness, while the Senator and I differ upon matters political, we do not differ, I know, on the question of desiring purity in American politics. I hope he will withdraw his objection and let us vote on the resolution.

Mr. POINDEXTER. Mr. President, I only desired to emphasize the fact that the political system which has governed this country, outside of the Constitution and outside of any statutes, by party organizations, which is absolutely unresponsive to the people and beyond the reach and control of the people, as demonstrated this summer, particularly at the convention in Chicago in conjunction with the votes of the people in the primary election which preceded it, is the same in both parties and that there is no difference between a Democratic boss and a Republican boss. A political institution—the political "boss"—has grown up in this country that was never heard of in any other country in the world, and never heard of in the United States until comparatively recent years, having its existence fortified and maintained by combinations with great pecuniary interests, as has been disclosed in the question of privilege upon which the Senator from Pennsylvania has spoken.

I only desire to point out—and it has been illustrated by the course of the debate—that there is no difference whatever between those interests in their combination with the Democratic Party and their combination with the Republican Party. I do not mean to insinuate anything. There is nothing back of my remarks. I do not mean to say that the Senators from Mississippi and Missouri have had any connection with those interests, because I do not believe they have had; I am satisfied they have not; but they belong to a party which has; they have worked with an organization which has, and which has sought to place itself in power by the same means, and which is now seeking to place itself in power again with the same assistance and with the same means. I desired to call attention to the fact that the only remedy for that condition, the only remedy against the political bosses, about whom you have talked here—Flinn, of Pittsburgh, and the corresponding representative of the trusts, as it is charged, Mr. Perkins, supposing they are all you charge them with being—the only way that the boss and his business ally can be eliminated from politics is to eliminate the party system, the plan of party government, by

which they have controlled the nomination of candidates, which, in most instances, was equivalent to an election.

The people of this country do not care whether Mr. Flinn was a political boss in Pittsburgh, or whether Mr. Perkins was connected with great financial interests, if they can establish a system for carrying on this Government, in which neither Mr. Flinn nor Mr. Perkins nor any other political boss or pecuniary interest will have an opportunity to go back of the election returns, or to fix up a slate which will make the election a mere pretense of a choice of the officials of the Government, and destroy the system constituting the "invisible government," as it has been called, this extraconstitutional government by holdover committees, which go through the pretense of making investigations and having hearings upon contested delegates.

I happened to be present during one of these so-called hearings before the national committee at Chicago. It was conducted by allowing one side 45 minutes to make a statement and the other side 45 minutes, without allowing an opportunity to the opening side to make an additional statement. Of course, in closing, the Taft representatives stated things which suited their case. The national committee, which was supposed to be investigating, refused to allow an interruption, even for a question, to correct bald misstatements of fact as to the choice of delegates. The national committee refused to allow even five minutes for rebuttal statements to correct misstatements which had been made in the closing of the case by the Taft representatives. The national committee, which was asserting itself as an investigator supposed to be holding a hearing for the purpose of discovering the truth, refused to examine any of the evidence in the case, refused to examine documentary proof of the things which were alleged and placed before the committee; they absolutely ignored it; and when members of the committee sought to interrogate witnesses they were cried down by the majority of the committee and prevented from discovering the actual facts in the case. The truth of it was that the cases had been decided before hearing. There was nothing particularly new in that, except to the extent to which it was carried. The system was old, but it had never been abused to the extent to which it was abused at that particular time; and it may be for the good of the country that the abuse was carried to that extent, in order to put in a clear light before the people the system by which the Government has been carried on.

There is only one movement to do away with that system. You have one great man in the Democratic Party who fought it in your convention at Baltimore, and only by the support of the people and the force of public opinion was he able to gain, so far as he did, the great victory which he achieved in that convention; but when the victory was gained the candidate nominated was the candidate of the same old organization, governed by the same system.

What difference does it make how many primary-nomination laws are passed by the various States, if a committee appointed four years ago, a committee composed of men who have been repudiated by the voters of their party in their several States, meet together, with the power to hold sham hearings, such as I have just described, and to unseat delegates whom the people elected and to put in their places delegates of their own political complexion? I say the only movement to do away with that system is not in your party and it is not in the party or the organization represented by the Senator from Pennsylvania; and so there is cause for uniting those two parties against the Progressive movement, which proposes to do away with the system, to make political bosses and their combinations with corrupt business impossible, and to establish a system of affairs in this country out of which there never could grow circumstances like the disgraceful and humiliating disclosures which the Senate has been compelled to listen to here in the last two days.

Mr. WILLIAMS. Mr. President, in behalf of American manhood, in behalf of American womanhood, and in behalf of American honor and common honesty, I shall not go into a discussion of any of the proceedings of the Republican national convention at Chicago. I recognize, as does every other honest American, that there were two opposing equally dishonest forces there. One of them had made a whole lot of sham, fraudulent contests as to the rights of delegates to seats upon the floor, and subsequently confessed that over half of them were sham and fraudulent. The other unscrupulously possessed itself of a "steam roller," with the idea of running over the ground. God forbid that any Democrat should ever align himself upon either side of that most disreputable situation. It was not a new disreputable situation; it was an old one. It began in 1896, when Mark Hanna was directing the fortunes of the Republican Party in opposition to the Democracy at that time, and when it was publicly avowed by distinguished Republican so-called statesmen that anything that could defeat Bryan and free silver was justifiable.

The Senator from Washington [Mr. POINDEXTER] says that somebody was in search of the Holy Grail. It seems to me that is a sort of putting Tennyson into an abomination; but if the Republican Party was ever in the possession of the Holy Grail, or if any wing of it ever was in possession of the Holy Grail or was ever seeking anything like it, I do not remember it.

Mr. POINDEXTER. My statement was not that the Republican Party was, but that the Senator from Pennsylvania, and the Senator from Missouri, and the Senator from Mississippi were.

Mr. WILLIAMS. Ah, then the partnership is utterly impossible. It may be possible that the Senator from Missouri and the Senator from Mississippi were in search of the Holy Grail, but it is absolutely impossible that the Senator from Pennsylvania ever could have been in search of the Holy Grail, either in partnership with us or in partnership with anybody else or by himself. There is nothing that I hate more than the pretense and hypocrisy of that wing of the national Republican Party which calls itself the National Progressive except that wing of the Republican Party that calls itself Stand-pat. I do recognize that the so-called national Progressive Republican Party does possess the virtue of hypocrisy, which is the reverence that vice pays to virtue." The stand-pat wing of the Republican Party does not even possess that virtue. It is not even hypocritical. It does not even pretend to any virtue of any description.

The Senator speaks of the rule of the nigger delegates from the South. How long has it been going on in Republican national conventions? And when did he awake to voice his protest against it? And when did the chief bull moose awake to voice his protest against it? When did he awake, and how did he awake? He awoke——

Mr. POINDEXTER. If the Senator from Mississippi will allow me to answer that question——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I yield, of course.

Mr. POINDEXTER. I awoke at the time when that element in the Republican Party named the candidate of the party in the face of a different choice by the great white Republican States.

Mr. WILLIAMS. Then I will ask the Senator one more question. Did he awake in 1896, when Mark Hanna controlled that element of the Republican Party in order to nominate McKinley? Did he awake in 1900, when the same element was in control in order to nominate the succeeding Republican candidate, or in 1904, when every "nigger" delegate belonged bodily to Roosevelt, or in 1908, when he controlled all of them for Taft?

Mr. POINDEXTER. The Senator asks a very pointed question, and I suppose it ought to be answered. But the same conditions did not exist at all in 1896. Mr. McKinley was supported by the predominant Republican sentiment of the white Republican States of the country. There is no comparison whatever between Mr. McKinley's nomination——

Mr. WILLIAMS. I have not asked the Senator from Washington whether the other conditions were the same or not. I admit——

Mr. POINDEXTER. That is a particular condition.

Mr. WILLIAMS. I admit, in the interest of frankness, that they were not, but I do ask him whether that same condition existed then that existed afterwards, and I ask him as a man, belonging to a distinguished family that has left records in the State of Mississippi, whether he is willing to stand here and state that Mark Hanna did not use the nigger delegates to the Republican national convention just in the same way that Taft's deputies did this year?

Mr. POINDEXTER. I never had any association with Mark Hanna, and my knowledge of his political methods is largely from reading and from hearsay; but if I understand correctly Mr. Hanna's situation in the Republican Party, he was a leading exponent of that theory of politics to which the Senator from Pennsylvania belongs and against which the Progressive Republicans of this country have been waging war at least for the last three years, and with which during this afternoon, in the particular matter involved at least, the Senator from Mississippi has been cooperating.

Mr. WILLIAMS. Mr. President, the Senator from Washington has divided his discourse like ancient Gaul was said to have been divided—into three parts. The first part is absolutely true, and the other parts are not absolutely true. That the Senator from Pennsylvania [Mr. PENROSE] has in the past been

cooperating with that wing of the Republican Party which exercised a corrupting influence upon American politics I admit. I not only admit it, but I assert it. That the so-called Progressive Party has ever departed from that line of politics I deny; and my denial is proved by the admitted fact that the chief Bull Moose is now seeking funds from all the trusts in America. It is furthermore established by the fact that the chief Bull Moose has announced a policy on the trust question which was first submitted to George Perkins and Pierpont Morgan, and approved by them, to wit, the policy of not disintegrating the trusts, but permitting them still to exist under governmental regulations and have them under a bureau in the city of Washington.

Mr. POINDEXTER. Coupled, if the Senator will permit me, with the destruction of those special advantages and special privileges which have been the means of building up trusts in this country.

Mr. WILLIAMS. And in that respect the Senator from Washington is almost as far wrong as he uniformly is. In the Theodore Roosevelt idea of regulating trusts there is none of the idea which he has just suggested—not a particle. The Roosevelt idea is to form some sort of a bureau at Washington, similar, as he says, to the Interstate Commerce Commission, which shall not disintegrate trusts, but which shall regulate trusts and divide the good trusts from the bad trusts. So far as the language dividing the good trusts from the bad trusts is concerned, that does not occur in the national platform, but it did occur in the previous utterances of the nominee of the Bull Moose convention.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. Wait a moment. When a man comes down to the last analysis, if a bureau appointed by an Executive is to decide which is a good trust, and therefore should be permitted to remain in business; and which is a bad trust, and which, therefore, should be immediately booted out of business, a man of ordinary common sense, if he were not 11 years old, could distinguish that the Executive would have absolute control of interstate commerce. He would have power through his bureau or department to say to every great big business in the country, "You shall step out," or "you may remain in"; and, being an ordinary human being and not an angel, and even Theodore Roosevelt is not an angel; the Senator from Washington is not an angel, and even I myself, with all my virtues, am not an angel——

Mr. POINDEXTER. I admit that is true, but I am sorry to have you put it in the record.

Mr. WILLIAMS. Any ordinary man who is not an angel will be more likely to solve the question of which is a good or bad trust by asking on which side of "my policies" a particular trust stands.

Mr. POINDEXTER. The Senator from Mississippi has taken such a direct issue that I hope he will allow me to make a brief statement in that connection. He says there is nothing in the program of the progressive movement in this country which has in view the abolishment of special privilege.

Mr. WILLIAMS. Oh, no; I did not say that.

Mr. POINDEXTER. I think the record will show you said that.

Mr. WILLIAMS. I beg your pardon. The record will not show that, the record can not show that. I said there was nothing in your program in favor of the disintegration of trusts.

Mr. POINDEXTER. I made the statement that the policy of allowing large combinations of business to exist, where conditions required it, was coupled with the proposition that they should not enjoy special advantages and special privileges, and the Senator flatly contradicted my statement——

Mr. WILLIAMS. If I did I did not mean to do it, because I do remember that the Senator did say that.

Mr. POINDEXTER. So far as concerns the Senator's notion about the effect of a commission that it would be subject to the control of the President, that illustrates the faculty which the Senator has for dressing up an idea in beautiful form and surrounding it with attractive imaginings so as to give it a semblance of the absolute truth. The Senator knows perfectly well that a commission can be established that is not subject to Executive control at all, and with which the Executive would have nothing whatever to do.

A commission can be established, on the contrary, which is subject to the control of Congress, and it ought to be subject to the control of Congress.

And, so far as concerns the Senator's assertion that it would lead to bureaucratic law, bureaucratic government——

Mr. WILLIAMS. Mr. President, I really thought the Senator rose merely for the purpose of asking me a question, but I still yield.

Mr. POINDEXTER. I will conclude right now. I said that there could not be any such thing as that properly, because the powers of such a commission ought to be fixed and limited by statute. The Interstate Commerce Commission is not a creature of the Executive, neither is it necessary that an industrial commission should be the creature of the Executive. The great agency by which the great Standard Oil Co. was built up in this country——

Mr. WILLIAMS. Mr. President, Senators are urging me on every side to finish my address as soon as possible, and I yielded to the Senator from Washington to ask a question.

Mr. POINDEXTER. Just one word and I will take my seat.

The great agency was favoritism in railroad rates, and if it had been put upon an equal basis with its competitors in that regard it probably never would have developed as it did.

Mr. WILLIAMS. The Senator has attempted to narrow the discussion. The Democrats in the House of Representatives long antedated Mr. Roosevelt in their efforts to terminate railroad rebates. The Senator has attempted in his previous discourse to show that the Democratic Party was particularly attacking that faction of the Republican Party which was in favor of the election for a third term, in contradiction of all American precedents, of Theodore Roosevelt. The Senator can not make that effect upon the country, because it would not be true, and because the Senator, of all men with whom I am personally acquainted, would be the least willing to make an untruthful impression. I have no higher contempt for anything than I have for the so-called Progressive Republican Party, except my contempt for the stand-pat Republican Party. The Senator has just mentioned the fact that his Bull Moose candidate pretends that he wants to strike down special privilege. Yes, he pretends it; his platform says he does, but history contradicts him; his own biography contradicts him. He has never raised his voice in favor of disintegrating a single trust in the United States.

He has frequently said that the trust business was a natural evolution, naturally evolved and historically developed, and that we could not go back to the old business of competition, free competition; and he has suggested that we should have a bureau in the city of Washington, not a bureau appointed by Congress, as the Senator would have us believe, but a bureau appointed by the President.

Mr. POINDEXTER. To whom is the Senator referring in stating "his policies"?

Mr. WILLIAMS. Theodore Roosevelt, of course. I did not know that you had the slightest doubt upon that question.

Mr. POINDEXTER. I did not hear.

Mr. WILLIAMS. I forgot to give his given name after about 10 minutes of conversation about him, and I kept on calling him "he," "him," and "his." But I hoped that the Senator's intelligence, which I so highly honor, had kept up with the discourse.

Theodore Roosevelt, he—and of course he is the chief "he" in America, and he is the bull moose and par excellence a he—whenever I say "he" in this discourse I mean "him," regardless of the ungrammatical expression of submitting a subjective to the accusative—he never dared to advocate and he never came out in favor of the disintegration of a single trust. He always stopped short. He says, "I want a bureau, I want a commission." He never advocated a commission to be appointed by Congress, but a commission to be appointed by the President. And this commission was to decide whenever a good trust should remain in business and whenever a bad trust should go out of business. Now, wise men always take counsel when they are discussing general questions. When they are discussing a question deductively they take counsel of the inductive philosophy, of history, and biography. What is the history of this gentleman who wants now to stand out from under the burden of being a Republican. By the way, he can not do it; neither can the Senator from Washington. They are both Republicans; they have both been responsible for all the sins and shames and disgraces and toleration of special privileges, and denial of equal opportunities that the Republican Party has put upon this country for the last 30 or 40 years. What is his history in connection with this question? Did he ever quarrel with George W. Perkins, although George W. Perkins dared him to quarrel, although Knox Smith wrote a letter to him saying, "Perkins says, 'If you do not let us alone, we will fight.'"

No, he did not quarrel with Perkins. He did not quarrel with the Perkins trust. He dared not quarrel—hero of San Juan, and alone in Cuba, as he writes himself, he surrendered basely, servilely. He agreed with Knox Smith that that particular fight was not worthy of being carried on against the great Standard Oil interest, and he quit. President Taft, who is not a distinguished Executive, but was a lawyer and thought therefore he ought to execute the laws equally against everybody, proceeded, as far as he could, to execute the laws against the Standard Oil Co., including George Perkins and Pierpont Morgan and the

balance of them. They had previously served notice upon Roosevelt that if he dared to do it they would fight. I suppose they thought that notice was sufficient for Taft, but Taft, under the leadership of the Attorney General, proceeded in an unthoughted moment to try to execute the laws against them, and they kept their word and proceeded to fight Taft, and the consequence was that Perkins has contributed, God knows how much, to the bull moose campaign, and behind him stands, as I believe, Pierpont Morgan with the balance of the purse.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Washington?

Mr. WILLIAMS. I do.

Mr. POINDEXTER. All I have to say, if the Senator will yield to me, is that if they have contributed anything to that campaign they have contributed it to a mighty good cause.

Mr. WILLIAMS. Mr. President, now is that not funny; is not that absolutely comic? All you have got to do is to say that your cause is a good cause and then, of course, you can make all your trusts in America contribute to it. I was trying to prove that Theodore Roosevelt had made a distinction between good trusts and bad trusts, and inadvertently and without the slightest idea of stumbling upon the political fact, I have discovered that the Senator from Washington thinks that the distinction between a good trust and a bad trust is that a good trust contributes to your campaign fund and a bad trust does not.

Mr. POINDEXTER. Mr. President, that is just another specimen of poor logic coupled with eloquence.

Mr. WILLIAMS. That may be, Mr. President. I am the least egotistical of all human beings. I never imagined that I had any power of logic nor had any acumen as a debater. It is cruel for a master of the logical art, like the Senator from Washington, to refer to my obvious defects. The only mistake in the statement of the Senator from Washington is attributing to me some degree of eloquence. I never even had that. I am just an ordinary Mississippi farmer without much complete understanding of any public question, but with a tolerably fair farmer's understanding of facts.

The fact is that I was attacking the late President of the United States upon the ground that he made a distinction between good trusts and bad trusts upon the ground that good trusts contributed to his campaign and bad trusts did not. I leave it to the Senate as to whether the Senator from Washington did not afterwards confess by what he said that he shared the opinion which I had attributed to the late President of the United States.

Now, Mr. President, I am going to yield the floor in a second. The Senator from Washington said that we, on this side, have been indulging in a tirade against Theodore Roosevelt. The Senator from Washington is by ancestry a sort of Mississippian. I remember an old story. A man's dog got after a man down in Mississippi in the county in which old George H. Poindexter lived and the man hit the dog on the head with the handle of his whip and killed him. The fellow came up to him and said, "Why didn't you hit my dog with the whiplash of your whip?" He said, "Why didn't your dog come at me with his other end?" [Laughter.]

Now, the Republican Party is divided into two camps. Just as soon as Taft makes himself appreciable we will fight him, too. Just the minute the Republican Party decides that Taft is the biting end we have plenty in store for him—God knows the Progressives have provided enough, and, by the way, a good deal that is not true.

Mr. POINDEXTER. Just one word.

Mr. WILLIAMS. Wait one minute. Let me tell the Senator from Washington to keep his soul in patience. We have cannon—with proper and suitable habiliments of one sort or another—to direct against the common enemy, and we are not going to waste any of our ammunition, except where somebody comes out and proposes to fight, and when they do we are ready.

The Senator tells us that he thinks perhaps we may be mistaken on the 4th of March next. I assure him that as one of the political prophets of this country who has shown his right to the name by having been wrong about seven times in succession, I think next year neither Roosevelt nor Taft will be in it. By that time Woodrow Wilson will be President of the United States, and at that time we will appeal to the Senator from Washington to vote in favor of real, good, common-sense Democratic legislation in spite of his former Republican affiliations.

Mr. POINDEXTER. Mr. President——

Mr. WILLIAMS. Now, in connection with the Senator's former Republican affiliations, I should like to ask the question now, because it applies to him peculiarly, At what particular moment he found out that the Republican Party was ruling American politics through the Negro vote? There have been only three Republican Presidents ever elected without the Negro vote, and one of them happened to have been Theodore Roosevelt. McKinley was elected a second term without the Negro vote. During all this time the Negro delegates in the Republican national conventions stood there as the equals by Republican admission, by Republican confession, and by Republican profession of any white man who was there.

Mr. POINDEXTER. I should like to ask the Senator a question.

Mr. WILLIAMS. When the general election took place, with the exception of three national presidential elections, no Republican ticket has ever been elected by a majority of the white vote of the United States.

Mr. POINDEXTER. On that question which the Senator asks I have already answered it fully, and I will let it stand upon that answer. Promising not to interrupt the Senator again, I am not surprised to hear him state what he hopes as to the Democrats being successful and in power March 4, but I was gratified to hear the Senator admit and to hear him assert that the political campaign is to be fought between his party and the Progressives who have nominated Col. Roosevelt.

Mr. WILLIAMS. O, Mr. President, the absolute and encyclopedic power of the Senator from Washington to misunderstand what has been said to him is miraculous. I have said nothing of that sort. I do not admit that in the contest which the Democratic Party has to wage against both of these factions of the old enemy of the Democratic Party the progressive element will be in the majority, even in the Republican Party, at all. It is the contrary, in so far as I can predict. I am not a prophet and never have been. Old Marlin Stubblefield told me two months after I was elected to Congress, "John, never turn prophet, because prophets are mostly derned fools." But in as far as a man can undertake to prophesy at all, I will prophesy that Theodore Roosevelt will not carry the electoral vote of three States in the American Union, and that the Democratic Party will still have to fight its old enemy, with a lot of its new enemies privately voting for Taft.

Mr. POINDEXTER. I am very glad to hear that, in view of the statement the Senator made a moment ago that he was wrong seven times out of eight in his prophecies.

Mr. WILLIAMS. Mr. President, I confess that that criticism is absolutely just. As a prophet I am not a prophet known outside of my own country, nor am I very reputably known even there. I have made a very great many mistakes. I have often thought that the Democratic Party would win when that opinion was my sincere and honest opinion, and it did not win; and my opinion now is my sincere and honest opinion.

Do you know what I really think? When the American people get through considering the false pretenses and hypocrisy and limelight play of Theodore Roosevelt, in view of the sober light of his past career, during seven years of which as President he never pretended that he even wanted to disintegrate a single trust and during the seven years of which he never expressed an idea in favor of reducing a single item of a single tariff bill—not one, and he has not expressed it yet—they will bury him under a mountain of adverse ballots. He is the only one of the three candidates who has not advocated any tariff reduction. His mind seems to run only to a more proper distribution of the loot. He is the only one of the three candidates who, in obedience to the almost mandatory order of the American people, has not. When the American people get through considering him and his pretenses in comparison with his achievements they will be awfully tired. They will not vote for him at all. Here he stands for initiative, referendum, and recall, woman's suffrage, anything anywhere that anybody wants; and when he went out of the White House he did not stand for a single, solitary one of these things. With seven years of power he never tried to put a single, solitary one of them into effect. In fact, if what I hear in a sort of private, confidential way be true, and no gentleman ever betrays a confidence, he spent the great part of the seven years' time ridiculing the whole business, especially woman's suffrage, to which he has become a very recent convert.

I do not believe there is a man in the Senate Chamber who, in the bottom of his heart, believes that Theodore Roosevelt's present professions and past performances can be brought into any accord at all. I do not believe there is one intelligent man in the country who believes it. I do not believe there is one intelligent man in America who does not know that the only reason why he seized upon these things right now is that he hopes by their instrumentality to be President of the United States.

I have no personal animosity against the man. He was always kind and courteous to me and I always so to him. I do not love Taft any better than I love him. I have an equal contempt for the political philosophy of both of them. Here

is an ultraconservative and reactionary who does not want the American Government to move forward a step. Here is an ultraradical who wants the American Government to revolutionize itself over night. I have no use for either. In between them stands Woodrow Wilson, the present governor of the State of New Jersey, who answers to the description given in a chapter of one of his books by John Fiske: "Jefferson was a conservative reformer"—conservative as to means, diplomatic as to methods, a reformer, and a radical reformer as to ends to be attained.

Neither Taft nor Roosevelt can possibly furnish the solution of present problems. The one man who can furnish it is not an ultrareactionist nor an ultramad, self-confident, self-opinionated, egotistical radical, but a conservative reformer—a man who has the information to understand, in the first place, the condition of the country; and, in the next place, to carry policies out that will cure present evils, and the wisdom coupled with the courage to be radical about nothing.

There is no difference at all, Mr. President, between an ultraconservative and an ultraradical. Extremes meet. The worst enemy of reform in the world is an ultraradical. The worst enemy of conservation in the world is an ultraconservative. I want in the White House a man a little more radical than I am, because I know if necessary I can check him up. I do do not want anybody there more conservative than I am, because I know that both Houses and all the public can not hurry him up.

I am surprised that the Senator from Washington, with his good old Mississippi name, with his good Democratic teaching, is not out to-day upon the stump advocating the election of Woodrow Wilson.

One other word and I am through. The Senator said something about whether we are going to give an immunity bath to the Senator from Pennsylvania. No; we are not going to give him any immunity bath. We are not going to give any Bill Flinn any immunity bath either. We are not going to give this man Archbold any immunity bath either. If this Republican Congress does not put them all through the first and the second and the third degree, the next Democratic Congress that meets will put them all through. We have no favorites to play in this game. I know that this game of corruption in the Republican Party was not only a corruption used against the Democracy, but was the attempted corruption of one faction in the Republican Party against another and the attempted corruption of the other faction against that. You both are equally corrupt all the time. You have stood for special privilege; you have stood against equal opportunity, and you have all stood for it. Some of you have got ashamed of it and are now quitting the game, and you are trying to play with us in your game here at the eleventh hour, while we have been fighting for equal opportunity and justice and honesty for God knows how many years. Because you came in at the eleventh hour you want to be put at the head of the procession. Even Scripture does not say that. It admits the eleventh-hour convert to forgiveness, but it never did make him the captain in command of the cohorts of reform.

I yield to the Senator from Oregon [Mr. BOURNE].

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War.

POST OFFICE APPROPRIATION BILL (S. DOC. NO. 940).

Mr. BOURNE. I present the conference report on the Post Office appropriation bill. I ask that it be printed and lie over.

The PRESIDENT pro tempore. The report will be printed and lie over.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 23, 26, 28, 30, 33, 34, 35, 43, 44, 63, 78, 79, 95, 109, 115, 117, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 29, 31, 32, 38, 39, 41, 42, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 64, 66, 67, 70, 71, 73, 74, 75, 76, 77, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 96, 97, 99, 100, 101, 102, 103, 104, 107, 108, 111, 112, 113, 116, 119, 120, 121, 123, 124, and 125, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the words "six hundred" and insert the words "six hundred and fifty"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out the words "six hundred" and insert the words "five hundred and fifty"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Strike out the words "seven hundred and forty thousand" and insert in lieu thereof the words "seven hundred and fifty-two thousand one hundred and seventy-five"; and the Senate agree to the same.

Amendments numbered 58, 59, and 60: That the House recede from its disagreement to the amendments of the Senate numbered 58, 59, 60, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For inland transportation by railroad routes, $47,646,000: *Provided*, That a joint committee shall be appointed, composed of three members of the Senate Committee on Post Offices and Post Roads and three members of the House Committee on the Post Office and Post Roads, to be designated by the respective chairmen to make inquiry into the subject of postage on second-class mail matter and compensation for the transportation of mail and to report at the earliest practicable date, and for this purpose they are authorized, by subcommittee or otherwise, to sit during the sessions or recess of Congress, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary, and to pay the necessary expenses of such inquiry there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000 to be paid out upon the audit and order of the chairman or acting chairman of said committee. From and after the passage of this act the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains: *Provided further*, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *And provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $35,000: *Provided further*, That on account of the floods in the

Mississippi Valley commencing about April 1, 1912, the Postmaster General, for the purpose of adjusting compensation on such railroad routes in the second section as were affected by the floods and the consequent diversion of mails, is hereby authorized and directed to take the weights of mails ascertained on such routes during the successive working days from February 15 to April 3, 1912, both inclusive, and for the remainder of the weighing period from April 4 to May 29, 1912, both inclusive, to estimate the weights by applying to the weights taken during the period from February 15 to April 3, 1912, both inclusive, the ratio shown to exist between the weights taken on all routes during the first 49 days of the quadrennial weighing period of 1908 and the weights taken on such routes during the last 56 days of the said weighing period, the actually ascertained weights and the estimated weights to form the basis for the average daily weight upon which to adjust the compensation according to law on such railroad routes for the transportation of mails during the quadrennial term beginning July 1, 1912, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the weighing of the mails for such a number of successive working days, not less than 90, as the Postmaster General may direct."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lines 24 and 25 of the matter inserted by said amendment strike out "twenty-two million nine hundred and forty-one thousand seven hundred and eleven" and insert in lieu thereof the words "twenty-two million four hundred and sixty-five thousand one hundred and seventy-one"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In this amendment strike out the words "ninety thousand" and insert in lieu thereof the words "ninety-seven thousand five hundred"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the words "one hundred and eight thousand" and insert in lieu thereof the words "eighty-three thousand two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert the word "thirty"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out the words "nine hundred and ninety-six" and insert in lieu thereof the words "five hundred and thirty-one"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: On page 24 of the bill, line 14, after the word "thirteen," insert the following: "nineteen hundred and fourteen"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the word "thirteen" and insert in lieu thereof the word "seventeen"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That a joint committee shall be appointed, composed of five Members of the Senate to be designated by the chairman of the Senate Committee on Post Offices and Post Roads, and five Members of the House to be designated by the chairman of the House Committee on the Post Office and Post Roads, to make inquiry into the subject of Federal aid in the construction of post roads and report at the earliest practicable date, and for this purpose they are authorized by subcommittee or otherwise to sit during the sessions or recess of Congress, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary, and to pay the necessary expenses of such inquiry there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, to be paid out upon the audit and order of the chairman or acting chairman of said committee.

"*And provided*, That there is hereby appropriated the sum of $500,000, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of Agriculture in cooperation with the Postmaster General in improving the conditions of roads to be selected by them over which rural delivery is or may hereafter be established, such improvement to be for the purpose of ascertaining the increase in the territory which could be served by each carrier as a result of such improvement, the possible increase of the number of delivery days in each year, the amount required in excess of local expenditures for the proper maintenance of such roads, and the relative saving to the Government in the operation of the Rural Delivery Service, and to the local inhabitants in the transportation of their products by reason of such improvement, and report the results in detail to Congress: *Provided*, That the State, or the local subdivision thereof in which such improvement is made under this provision, shall furnish double the amount of money for the improvement of the road or roads so selected. Such improvement shall be made under the supervision of the Secretary of Agriculture.

"That the Secretary of Agriculture and the Postmaster General are hereby directed to report to Congress within one year after the ratification of this act the result of their operations under this act, the number of miles of road improved, the cost of same, and such other information as they may have acquired in connection with the operation of this act, together with such recommendations as shall seem wise for providing a general plan of national aid for the improvement of postal roads in cooperation with the States and counties, and to bring about as near as possible such cooperation among the various States as will insure uniform and equitable interstate highway regulations, and for providing necessary funds for carrying out such plans of national aid, if it shall be deemed feasible to provide the same or any part thereof otherwise than by appropriation from the Treasury for that purpose."

And the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That on and after September 30, 1912, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,100 per annum: *Provided, however*, That because of the compensation herein provided no rural letter carrier shall receive less salary than before the passage of this act"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, after the word "holders," insert the following: "And also, in the case of daily newspapers, there shall be included in such statement the average of the number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding six months"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: On page 36 of the bill, in line 13, after the word "States," strike out the word "employed"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: On page 37 of the bill, in line 18, after the word "after," strike out the word "June" and insert in lieu thereof the word "September"; and on page 39 of the bill, in line 14, after the word "after," strike out the word "June" and insert in lieu thereof the word "September"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 8. That hereafter fourth-class mail matter shall embrace all other matter, including farm and factory products not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery.

"That for the purposes of this section the United States and its several Territories and possessions, excepting the Phil-

ippine Islands, shall be divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude, represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

"The first zone shall include all territory within such quadrangle in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of any given unit of area.

"The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

"The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

"The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately 600 miles from the center of a given unit of area.

"The fifth zone shall include all units of area outside the fourth zone lying in whole or in part wihin a radius of approximately 1,000 miles from the center of a given unit of area.

"The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

"The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

"The eighth zone shall include all units of area outside the seventh zone.

"That the rate of postage on fourth-class matter weighing not more than 4 ounces shall be 1 cent for each ounce or fraction of an ounce; and on such matter in excess of 4 ounces in weight the rate shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by distinctive postage stamps affixed.

"That except as provided in the next preceding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

"On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

"For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

"For delivery within the second zone, 6 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

"For delivery within the third zone, 7 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

"For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

"For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

"For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 9 cents for each additional pound or fraction of a pound.

"For delivery within the seventh zone, 11 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

"For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound.

"That the Postmaster General shall provide such special equipment, maps, stamps, directories, and printed instructions as may be necessary for the administration of this section; and for the purposes of this section, and to supplement existing appropriations, including the hiring of teams and drivers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

"The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, after investigation, to reform from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

"The Postmaster General shall make provision by regulation for the indemnification of shippers, for shipment injured or lost, by insurance or otherwise, and, when desired, for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional services.

"The Postmaster General may readjust the compensation of star-route and screen-wagon contractors if it should appear that as a result of the parcel-post system the weight of the mails handled by them has been materially increased. Before such readjustment, however, a detailed account must be kept as to the amount of business handled by such star-route or screen-wagon contractors before and after this section becomes effective for such a period as to clearly demonstrate the amount of the increase, and that such increase in the weight of the mails was due to the adoption of the parcel-post system.

"That the establishment of zones and postage rates of this section shall go into effect January 1, 1913.

"That this act shall not in any affect the postage rate on seeds, cuttings, bulbs, roots, scions, and plants as fixed by section 482 of the Postal Laws and Regulations.

"That for the purpose of a further inquiry into the subject of the general parcel post and all related subjects a joint committee of six persons (Members of Congress), three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress at the earliest date possible.

"That all laws and parts of laws in conflict with the provisions of this section are hereby repealed."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "That the Postmaster General may expend for the service of the Post Office Department during the months of July and August, 1912, a greater amount than that provided for by the joint resolutions extending appropriations for the necessary operations of the Government under certain contingencies, approved July 1, August 1, and August 15, 1912: *Provided*, That the total expenditures under this act for the whole of the fiscal year 1913 shall not exceed the amounts thereby appropriated"; and the Senate agree to the same.

JONATHAN BOURNE, Jr.,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.
JOHN A. MOON,
D. E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore. The pending question is on agreeing to the report of the committee of conference on the Army appropriation bill (H. R. 25531).

Mr. BACON. I want to be heard on this question for a comparatively brief time, not very long. I really do not wish to go on to-night if I can be indulged until to-morrow. We have been here now more than nine hours. It is very warm. I do not feel that I should like to do so. I do not think anything will be lost by letting it go over.

Of course, I do not expect to occupy any undue length of time, but I regard this as a very important question. It is more than probable, because of being attached to a conference report in the closing days of the session, they may be able to get through something that they would not otherwise get through; but I am unwilling for this provision to go on the statute books without expressing my reasons for objecting to it. I wish to have the opportunity to do so; and I do not think it is an unreasonable request that the matter go over until to-

morrow. This matter has been thrust upon us to-day. I did not know of it at all until this afternoon. I think the conference committee far exceeded their powers. I think it was a gross abuse of the opportunity furnished those who were in charge of the conference to engraft upon the report something entirely foreign to the bill; something which had not been before either House. I would be very glad if the matter could go over until to-morrow.

Mr. WARREN. Mr. President, I think the Senator from Georgia knows that, so far as I am concerned, I have always been inclined to accommodate all Senators. I call his attention to the fact that I have been here all these hours and have not had time even to get my meals. I had charge in the morning of the legislative appropriation bill, which ought not to have taken 10 minutes to pass. I think the Senator from Georgia favored us with some considerable discussion on that bill. He was very interesting, as he always is, but he spoke in regard to conditions in Mexico; in fact, he went through a discussion of our relations with Mexico and with Nicaragua. The chairman of the Committee on Military Affairs is not in good health; he expects to leave the city to-night and to leave the country to-morrow night or the next day. I have endeavored to accommodate him, as I wish the Senator from Georgia would, and, if he does not feel too fatigued, I wish he might proceed to-night.

Now, one word in regard to what the Senator has said about this being new matter. The Senator is mistaken about that. We had under the old law a three-year enlistment. The bill came from the House with a five-year term of enlistment, and there was put on in the Senate a provision for a reserve, which went through the Senate. The conferees have composed the differences, as they always do, by undertaking to unite the two and to work out this matter. It is not sprung upon the Senate; it is not new matter; it may be new to the Senator, and perhaps he did not notice it when it went through the Senate, but it is entirely within the lines of the usual procedure. If the Senator feels that he can finish to-night, it will accommodate the chairman of the Committee on Military Affairs, and I should be glad to see him so accommodated.

Mr. BACON. Well, Mr. President, I could only do so at very serious personal discomfort. I will say that to the Senator. I do not expect any presentation that I shall make will unduly delay the passage of the measure or the action of the Senate upon it, but I should greatly regret to be forced to go on to-night. Like all other Senators, I am weary with the day's session. We have been here since 10 o'clock this morning.

Mr. WARREN. As the Senator knows, the chairman of the committee is not now in the Chamber.

Mr. BACON. I think the Senator from Delaware has not spent any more time in the Chamber than I have, nor quite so much—that is, I mean during the day's session. I am not speaking of the length of service. I presume that other matters can be attended to if the Senate wishes to remain in session so as to save their consuming time to-morrow morning.

Mr. WARREN. If it is in order to reach a conclusion while I am endeavoring to get into communication with the chairman of the Committee on Military Affairs, without displacing this matter, I could make a conference report upon another bill, and, if there is no objection, we could act upon it.

The PRESIDENT pro tempore. The presentation of a conference report is a privileged matter.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. WARREN. I present the conference report on the sundry civil appropriation bill. The Secretary need not read the statement, but let it go in the RECORD.

The PRESIDENT pro tempore. The Senator from Wyoming submits a conference report, which will be read.

The Secretary read the conference report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 5, 6, 9, 11, 12, 13, 16, 17, 18, 21, 22, 25, 28, 29, 30, 32, 33, 34, 35, 36, 46, 49, 50, 51, 52, 53, 55, 57, 60, 61, 64, 65, 66 68, 74, 75, 78, 80, 95, 96, 100, 101, 103, 104, 109, 113, 114, 123, 125, 127, 136, 137, 138, 140, 141, 142, 143, 147, 149, 150, 151, 153, 160, 164, 166, 167, 170, 173, 174, 177, 183, 184, 186, 187, 188, 189, 190, 191, 193, 196, 197, 198, 199, 200, 205, 210, 212, 213, 214, 217, 220, 221, 222, 223, 224, 225, 226, 229, 231, 233, 234, 235, 240, 241, 242, 249, 250, 251, 259, 261, 262, 263, 264, 267, 268, 269, 270, 271, 272, 274, 275, 277, 280, and 284.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 7, 8, 15, 19, 20, 23, 24, 26, 31, 39, 40, 41, 44, 56, 58, 59, 62, 67, 71, 72, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 99, 105, 106, 107, 110, 112, 115, 117, 118, 119, 121, 129, 130, 131, 132, 139, 145, 152, 154, 156. 162, 165, 168, 169, 171, 175, 176, 180, 181, 185, 192, 194, 195. 201, 202, 203, 204, 206, 207, 208, 209, 211, 215, 218, 219, 227, 230, 237, 243, 244, 245, 247, 248, 252, 253, 254, 265, 266, 278, 279, 281, 282, 283, 285, 286, 287, and 289, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 17 of said amendment, after the word "building" and before the semicolon, insert the following: ": *Provided*, That the additional work herein authorized on the said old building, together with the cost of the addition to the heretofore authorized building, shall all be done within the limit of $250,000, fixed in the above-mentioned act of June 25, 1910"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$144,770"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,658,845"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$412,500"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Hereafter all plans and specifications for the construction of buildings in the National Zoological Park shall be prepared under the supervision of the municipal architect of the District of Columbia, and all plans and specifications for bridges in said park shall be prepared under supervision of the engineer of bridges of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Transpose line 1 on page 54 of the bill to precede the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Cave Hill Cemetery, Louisville, Ky., purchase of additional land: For the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., for the burial of soldiers of the Union Army in the late Civil War and in the War with Spain, $25,000: *Provided*, That the amount of land herein authorized to be purchased and the price paid therefor shall be within the discretion of the Secretary of War"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 62 of the bill, in line 1, after the word "occurring," insert the following: "by death or resignation"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum first proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"International Waterways Commission: For continuing until December 31, 1912, the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $10,000: *Provided*, That report as to the progress of the work be made by the American commissioners to Congress at the beginning of the next session."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$437,360"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$421,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,995,660"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For the repair of roof and skylights on the Pension Office Building, $4,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To enable the Commissioner of the General Land Office to temporarily employ additional clerks as follows: Eight clerks, at the rate of $1,200 per annum each; 8 clerks, at the rate of $1,000 per annum each; 8 copyists, at the rate of $900 per annum each; in all, $21,700, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lines 1 and 2 of the matter inserted by said amendment strike out the following ", 1912 and 1913"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$700,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 98 of the bill, in lines 18 and 19, strike out the following words: ", the sum hereby appropriated to be"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For temporary employment of clerks for the purpose of bringing up arrears of work upon the returns of surveys in the General Land Office: Four clerks, at the rate of $1,200 per annum each; three clerks, at the rate of $1,000 per annum each; two copyists, at the rate of $900 per annum each; four copyists, at the rate of $720 per annum each; in all, $10,920, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"The Secretary of the Interior is authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., and to prepare plans and estimate of the cost of increasing the present storm drainage system as well as the present sanitary sewer system of the city of Hot Springs, the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The expenses incurred hereunder shall not exceed $10,000; one half of such expenses shall be paid out of the revenues derived from privileges and otherwise on the Hot Springs Reservation, and the other half shall be paid by the city of Hot Springs, Ark."

And the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, $50,000: *Provided*, That no part thereof may be used for investigation in behalf of any private party, nor shall any part thereof be used for work authorized or required by law to be done by any other branch of the public service."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "$3,500."; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the proposed sum insert "$583,100"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: After the word "of" in said amendment insert the word "actual"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the amendment of the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$92,000"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "one year"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "prevent," insert the words "or authorize"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $10,000 for necessary employees at the seat of government"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$193,120"; and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$335,000"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,525,000"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$15,000"; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Joint Committee on Printing, as provided for in an act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, and acts amendatory thereof: Clerk, $3,000, to be paid by the Secretary of the Senate"; and the Senate agree to the same.

Amendment numbered 255: That the House recede from its disagreement to the amendment of the Senate numbered 255, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$132,700"; and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,252,880"; and the Senate agree to the same.

Amendment numbered 257: That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,949,900"; and the Senate agree to the same.

Amendment numbered 258: That the House recede from its disagreement to the amendment of the Senate numbered 258, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,000"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000"; and the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000"; and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,980,000"; and the Senate agree to the same.

Amendment numbered 288: That the House recede from its disagreement to the amendment of the Senate numbered 288, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 10. That section 8 of the District of Columbia appropriation act, approved June 26, 1912, shall not take effect or be operative during the fiscal year 1913 except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year 1913 expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the government of the District of Columbia; and a detailed statement of all such expenses incurred from June 30 until December 1, 1912, shall be submitted to Congress on or before January 1, 1913."

And the Senate agree to the same.

F. E. WARREN,
GEO. C. PERKINS,
C. A. CULBERSON,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
J. G. CANNON,
Managers on the part of the House.

STATEMENT.

Amount of bill as passed House	$109,567,974.40
Reduction by Senate	75.00
Total	109,567,899.40
Added by Senate	6,754,830.80
As passed by Senate	116,322,730.20
Restored by conference	75.00
Total	116,322,805.20
Reduction in conference	4,283,620.80
Total of bill as agreed on	112,039,184.40
Added by Senate	6,754,830.80
Senate recessions	4,283,620.80
House recessions	2,471,210.00

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. WARREN. While we are waiting, I ask that the Senate resume the consideration of the legislative, executive, and judicial appropriation bill, upon which we were about to vote this morning.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 26371) making appropriation for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. WARREN. Mr. President, if I may have the attention of the Senator from Georgia a moment I wish to say that I

am not able to get in communication with the chairman of the Committee on Military Affairs, but I will take the responsibility of asking that the conference report on the Army appropriation bill (H. R. 25531) go over, at the same time asking unanimous consent that it may come up and be disposed of the first thing in the morning after the Journal has been read.

Mr. BACON. I have no objection to any time being fixed for the conference report to be considered. The only reason I want it to go over is that I am really weary and the heat is very intense. I do not wish it to be understood that I expect to make any very elaborate speech upon it, and I am very sorry that I have to say anything at all, but I am desirous that my reasons against this measure shall be presented. If it is enacted into law, I intend to devote some future efforts to its repeal, and I want to have it known now why I am opposed to it. I am not opposed to it simply for the present, but I expect to continue so, and if I can in the future get it off the statute books I shall certainly do so. I say that in order that it may not be understood that I propose to make any very long or any very elaborate speech, for I do not so intend; but it is really very inconvenient, after a long and weary day, to be compelled to go on at this time of the evening.

Mr. WARREN. I think we could agree to take up the conference report on the Army appropriation bill the first thing in the morning after the reading of the Journal and the routine morning business.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that after the reading of the Journal the Senate will proceed to the further consideration of the conference report on the Army appropriation bill.

Mr. CLAPP. Mr. President, I have no desire to object to that request, but the conference report on the Indian appropriation bill has finally been agreed upon all around, and is satisfactory to everyone. It is on the table. Of course it can not pass the House until it passes here, and if we could take that up this evening before we leave and close it up, I think it would be very well to do so.

Mr. WARREN. I will be glad to yield to the Senator for that purpose.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Wyoming that——

Mr. BACON. I was going to say that it seems to me, in view of the progress we are making, there will be no trouble in the next two days in disposing of these matters about which there has been a general agreement.

Mr. WARREN. Mr. President, if the Senator will allow me, under the rules of the other House, after a conference report is agreed to here, it goes over to that body, and it must lie over a day and be printed. So, of course, if the report leads to any debate here, it will make it very late at this stage of the session in being disposed of. I think the Senator from Minnesota is right in wanting to take care to-night of the matter to which he has referred. I hope I may have unanimous consent for what I have asked.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming? The Chair hears none, and that order is made.

INDIAN APPROPRIATION BILL (S. DOC. NO. 938).

The PRESIDENT pro tempore. The Chair lays before the Senate the conference report on the Indian appropriation bill, which will be read.

The Secretary proceeded to read the conference report, which is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 12, 13, 16, 18, 27, 34, 35, 38, 39, 42, 43, 50, 52, 59, 63, 64, 65, 70, 72, 76, 77, 88, 89, 90, 91, 92, 95, 99, 108, 109, 115, 125, 127, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 152, 153, and 154.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 14, 15, 17, 24, 30, 31, 33, 40, 44, 45, 46, 47, 51, 53, 54, 55, 58, 62, 66, 74, 78, 79, 80, 81, 82, 84, 85, 97, 116, 117, 118, 119, 120, 121, 124, 128, 136, 144, 145, 148, 149, 151, and 155, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and twenty-five"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and twenty"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and eighty." After the word "dollars," in line 11, page 5, insert the following: ": *Provided*, That out of the above amount the following expenditures shall be made, to wit: Thirty thousand dollars for the construction of buildings for agency headquarters on the Coeur d'Alene Reservation in Idaho; $10,000 for general repairs and improvements at the Yankton Agency in South Dakota; $15,000 for improvements at the Fort Bidwell School in California, as follows: Seven thousand dollars for the erection and construction of a water and electric-light system, $3,000 for sewerage system, $3,000 for a steam laundry, and $2,000 for complete heating system of the school and accessory buildings"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 8 of the proposed amendment, after the word "to," strike out the word "twenty" and insert in lieu thereof the word "fifteen"; in line 8 of the proposed amendment, after the word "and," strike out the word "twenty-five" and insert in lieu thereof the word "twenty"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-two"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., $5,000.

"To enable the Secretary of the Interior to make an investigation of the conditions on the Papago Indian Reservation in Arizona with a view to determining the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands and the development of a water supply for domestic and stock purposes, $5,000: *Provided*, That the Secretary of the Interior shall cause surveys, plans, and reports to be made together with an estimated limit of cost of said project and shall

submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make an investigation of the conditions on the White Mountain or San Carlos Indian Reservation in Arizona, with respect to the necessity of constructing, for the use of the Indians, suitable bridges across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, $1,000, and the Secretary of the Interior is hereby authorized and directed to cause surveys, plans, and reports to be made, together with an estimated limit of cost of construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make an investigation of conditions on the Yuma Reservation, in California, with respect to the necessity of constructing, for the use of the Indians, a bridge across the Colorado River between Fort Yuma, Cal., and the town of Yuma, Ariz., $1,000, and the Secretary of the Interior is hereby authorized and directed to cause plans, surveys, and reports to be made, together with an estimated limit of cost of said bridge, and to submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 2 of the Senate amendment, after the word "Reservation," strike out the word "thirty-three" and insert in lieu thereof the word "twenty-five"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,362.62"; on page 11 of the bill, in line 13, strike out the first two words of said line, to wit, "and third"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Indians," insert the words "in full settlement"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirty-eight"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "appropriated," strike out the word "for" and insert in lieu thereof the words "to complete"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 1 of the amendment, after the word "of," strike out the word "thirty" and insert in lieu thereof the word "five"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: After the word "Congress" in line 12 of the proposed amendment, strike out the colon and insert in lieu thereof a period; strike out the remainder of said amendment; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,600"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-eight"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 3 of the amendment, after the word "attorney," strike out the word "four" and insert in lieu thereof the word "two"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty thousand"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,000"; in line 10, page 20, of the bill, strike out the words "hundred and fifty dollars"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand five hundred"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following: "for erection of silo and purchase of ensilage cutter and other farm machinery, $2,000; for purchase of milch cows and other live stock and poultry, $2,000; for erection and completion of hospital building and equipment of same $12,500"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-six thousand"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed and insert "$7,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,500"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June 17, 1910, entitled 'An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes,' and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be de-

posited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payments at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited: *Provided further*, That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In line 3 of the amendment, after the word "employees," strike out the words "one hundred and seventy-four" and insert in lieu thereof the words "two hundred"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: After the word "sale," at the end of said amendment, insert the following: " : *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For expenses incident to and in connection with collection of rents of unallotted lands and tribal buildings, such amount as may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate 10 per cent of the amount collected."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make the appraisement and sale hereinafter provided, $5,000: *Provided*, That the houses and other valuable improvements, not including fencing and tillage, placed upon the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in Oklahoma, by private individuals while in actual possession of said land and prior to February 19, 1912, and not purchased by the Indian nations, shall be appraised independently of the surface of the land on which they are located and shall be sold with the land at public auction at not less than the combined appraised value of the improvements and the surface of the land upon which they are located. Said improvements shall be sold for cash and the appraisement and sale of the same shall be made under the direction of the Secretary of the Interior, and 95 per cent of the amount realized from the sale of the improvements shall be paid over, under the direction of the Secretary of the Interior, to the owner of the improvements, and the appropriation hereinbefore made for this purpose shall be reimbursed out of the 5 per cent retained from the sale of the said improvements: *Provided*, That any improvements remaining unsold at the expiration of two years from the time when first offered for sale shall be sold under such regulations and terms of sale, independent of their appraised value, as the Secretary of the Interior may prescribe: *Provided further*, That persons owning improvements so appraised may remove the same at any time prior to the sale thereof, in which event the appraised value of the improvements and land shall be reduced by deducting the appraised value of the improvements so removed: *Provided further*, That this section shall not apply to improvements placed on said lands by coal and asphalt lessees for mining purposes, but improvements located on lands leased for mining purposes belonging to, or heretofore paid for by, the Choctaw and Chickasaw Nations shall be appraised and the appraised value thereof shall be added to the appraised value of the land at the time of the sale: *Provided further*, That where any cemetery now exists on the said segregated coal and asphalt lands, the surface of the land within said cemetery, together with the land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery, and where a church was in existence on said lands on February 19, 1912, land not exceeding 1 acre for each church may, in the discretion of the Secretary of the Interior, be sold to the proper party, association, or corporation under such terms, conditions, and regulations as he may prescribe, provided application to purchase the same for such purpose is made within 60 days from the date of the approval of this act."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: After the word "resold," in line 7 of the proposed amendment, strike out the colon and insert in lieu thereof a period, and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the amendment insert the following: ", to June 30, 1913"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, $17,500: *Provided*, That the said sum shall be available whenever a like amount is appropriated and made available by the town of Sulphur, Okla., for the same purpose: *Provided further*, That whenever said appropriation is made by the town of Sulphur, Okla., the entire amount, or so much thereof as may be necessary, of the total appropriation made by this act and the town of Sulphur, Okla., shall be expended under the direction of the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 13 of the proposed amendment, after the word "family," strike out the period and insert a colon and the following: "*Provided*, That before such payment shall be made, the heirs or legal representatives of said John W. Noble and R. V. Belt shall sign a receipt in full for all claims for the services above specified and file the said receipt with the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: After the word "Huff," in line 18 of the proposed amendment, strike out the period and insert in lieu thereof a colon and the following: *Provided*, That before such payments shall be made in full, said Albert J. Lee shall sign a receipt in full for all claims for services as herein specified and file the same with the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "thirteen," at the end of said amendment, insert the following: ": *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act, limiting the expenditure of money to educate children of less than one-fourth Indian blood"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"The Secretary of the Treasury is hereby authorized to pay for the relief of the Kickapoo Indians in Mexico the sum of $15,000 to be expended in the payment of taxes, salary of farmers, maintenance and repairs of irrigation ditches, indebtedness for supplies already furnished, court costs and obligations heretofore incurred in settlement of land titles, said sum to be paid to the treasurer of a corporation to be known as the Kickapoo Community of Mexico, to be organized under the laws of the State of Arizona, the organization of said corporation shall be authorized by a majority of the members of the Mexican Kickapoo Indians now residing in the State of Sonora in the Republic of Mexico, in council assembled."

And the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sent to the First National Bank of Douglas, Ariz., checks payable to the order of the individual Indian owners who are members of the band of Mexican Kickapoo Indians now resident in the Republic of Mexico, for and in the amount of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the said Mexican Kickapoo Indians."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lines 7 and 8 of the proposed amendment, after the word "than," strike out the words "February 1, 1913," and insert in lieu thereof the words "December 1, 1912"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, $200,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven"; in line 20, page 28, after the first word "dollars," insert ": *Provided*, That $4,000 of this amount shall be used in the construction and maintenance of an irrigation system for the use of said school"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-three"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-two thousand five hundred"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to expend the unexpended balance, which is hereby reappropriated, of the appropriation of $15,000, or so much thereof as may be necessary, appropriated by the act approved March 3, 1911 (36 Stat. L., p. 1074), 'for the purpose of constructing a bridge across the Duchesne River at or near the town of Theodore, Utah,' for the purpose of straightening the said Duchesne River at or near said bridge, with a view to protecting said bridge."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For cash payment to the Confederated Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, $100,000, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said Confederated Bands of Ute Indians, dated February 13, 1911."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable, and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto."

And the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement of the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,170"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Wisconsin," strike out the word "nine" and insert in lieu thereof the word "seven"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five thousand and twenty-five"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., $10,000, reimbursable in accordance with the provisions of the act of March 3, 1905: *Provided*, That this amount shall be expended, as far as practicable, in the employment of Indian labor."

And the Senate agree to the same.

MOSES E. CLAPP,
CHARLES CURTIS,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

Mr. CLAPP. Mr. President, I would suggest that the report was read in the Senate the other day. There were only two items which were the subject of discussion, both of which have now been satisfactorily adjusted, and, unless the Senate cares to have the entire report again read, I suggest that the further reading be dispensed with.

The PRESIDENT pro tempore. The Senator from Minnesota asks that the further reading of the report be dispensed with. Is there objection? The Chair hears none. The question is upon agreeing to the conference report.

The report was agreed to.

EXECUTIVE SESSION.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 7 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Friday, August 23, 1912, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate August 22, 1912.

PROMOTION IN THE ARMY.

INFANTRY ARM.

Maj. Wendell L. Simpson, Fifteenth Infantry, to be lieutenant colonel from August 16, 1912, vice Lieut. Col. Fielder M. M.

Beall, Twenty-eighth Infantry, retired from active service August 15, 1912.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of three years' service as ensigns (subject to the examinations required by law):

George Joerns,
Cortlandt C. Baughman,
William T. Mallison,
Herbert A. Jones,
Chauncey E. Pugh, and
Herman E. Welte.

Ensign Jere H. Brooks to be a lieutenant (junior grade) in the Navy from the 7th day of June, 1912, upon the completion of service as an ensign of three years plus service during suspension from promotion after failure at examination (subject to the examinations required by law).

Asst. Surg. David G. Allen to be a passed assistant surgeon in the Navy from the 3d day of October, 1911, upon the completion of service as an assistant surgeon of three years plus service during suspension from promotion after failure at examination, and to correct the date from which he takes rank as previously confirmed (subject to the examinations required by law).

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the 14th day of April, 1912, upon the completion of three years' service as assistant surgeons (subject to the examinations required by law):

John G. Ziegler and
William M. Kerr.

The following-named assistant naval constructors to be naval constructors in the Navy from the 21st day of October, 1912, upon the completion of eight years' service as assistant naval constructors (subject to the examinations required by law):

Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher, jr.,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, jr., and
Emory S Land.

Gunner William H. Dayton to be a chief gunner in the Navy from the 22d day of March, 1912, upon the completion of six years' service as a gunner (subject to the examinations required by law).

The following-named commanders to be captains in the Navy from the 1st day of July, 1912, to fill vacancies (subject to the examinations required by law):

George W. Kline,
Harrison A. Bispham, and
Charles M. McCormick.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1912, to fill vacancies (subject to the examinations required by law):

Thomas S. Wilson and
Henry A. Pearson.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1912, to fill vacancies (subject to the examinations required by law):

George W. Steele, jr.,
John W. Timmons,
John G. Church, and
Paul Foley.

Lieut. John T. Bowers to be a lieutenant commander in the Navy from July 28, 1912, to fill a vacancy (subject to the examinations required by law).

Lieut. (Junior Grade) Virgil Baker to be a lieutenant in the Navy from March 4, 1911, to fill a vacancy (subject to the examinations required by law).

Lieut. (Junior Grade) Stuart W. Cake to be a lieutenant in the Navy from May 10, 1912, to fill a vacancy (subject to the examinations required by law).

The following-named lieutenants (junior grade) to be lieutenants in the Navy from July 1, 1912, to fill vacancies (subject to the examinations required by law):

Charles A. Woodruff,
Francis M. Robinson,
John F. Connor,
George A. Alexander,
James P. Olding,
Charles S. McWhorter,
Sherwoode A. Taffinder, and
Lesley B. Anderson.

Lieut. (Junior Grade) Reuben L. Walker to be a lieutenant in the Navy from July 28, 1912, to fill a vacancy (subject to the examinations required by law).

Medical Inspector Philip Leach to be a medical director in the Navy from the 29th day of July, 1912, to fill a vacancy (subject to the examinations required by law).

Medical Inspector Lloyd W. Curtis to be a medical director in the Navy from the 7th day of August, 1912, to fill a vacancy (subject to the examinations required by law).

Surg. Charles F. Stokes to be a medical inspector in the Navy from the 2d day of June, 1911, to fill a vacancy (subject to the examinations required by law).

Surg. Rand P. Crandall to be a medical inspector in the Navy from the 29th day of July, 1912, to fill a vacancy (subject to the examinations required by law).

Surg. George T. Smith to be a medical inspector in the Navy from the 7th day of August, 1912, to fill a vacancy (subject to the examinations required by law).

Passed Asst. Surg. James H. Holloway to be a surgeon in the Navy from the 20th day of July, 1912, to fill a vacancy (subject to the examinations required by law).

Passed Asst. Surg. John L. Neilson to be a surgeon in the Navy from the 29th day of July, 1912, to fill a vacancy (subject to the examinations required by law).

Passed Asst. Surg. Frederick W. S. Dean to be a surgeon in the Navy from the 7th day of August, 1912, to fill a vacancy (subject to the examinations required by law).

Passed Asst. Paymaster Noel W. Grant to be a paymaster in the Navy from the 8th day of December, 1911, to fill a vacancy (subject to the examinations required by law).

CONSULS.

Charles Forman, of Louisiana, to be consul of the United States of America at Turks Island, West Indies, vice Joseph A. Howells, resigned.

George M. Hanson, of Utah, to be consul of the United States of America at Hobart, Tasmania, vice Henry D. Baker, nominated to be consul at Nassau.

Perry C. Hays, of Montana, to be consul of the United States of America at Zanzibar, Zanzibar, vice Alexander W. Weddell, nominated to be consul at Catania.

Frank Anderson Henry, of Delaware, to be consul of the United States of America at Guadeloupe, West Indies, vice Frederick T. F. Dumont, nominated to be consul at Madrid.

Walter A. Leonard, of Illinois, to be consul of the United States of America at Stavanger, Norway, vice P. Emerson Taylor, nominated to be consul at Trinidad.

David J. D. Myers, of Georgia, to be consul of the United States of America at Puerto Cortes, Honduras, vice Claude I. Dawson, nominated to be consul at Valencia.

COLLECTOR OF CUSTOMS.

Lewis R. Barrett, of New Jersey, to be collector of customs for the district of Great Egg Harbor, in the State of New Jersey, in place of Walter Fifield, resigned.

SUPERINTENDENT OF THE MINT.

Frank A. Leach, of California, to be superintendent of the mint of the United States at San Francisco, Cal., in place of Edward Sweeny, deceased.

POSTMASTERS.

ALABAMA.

Shipwith Coale to be postmaster at Jackson, Ala., in place of Clyde P. Loranz. Incumbent's commission expired December 11, 1911.

ILLINOIS.

W. H. Alexander to be postmaster at Pana, Ill., in place of Alexander H. McTaggart. Incumbent's commission expired February 20, 1909.

William S. Chittenden to be postmaster at Park Ridge, Ill., in place of William S. Chittenden. Incumbent's commission expired December 11, 1911.

Mary E. Sullivan to be postmaster at Riverside, Ill., in place of Cornelius Sullivan, deceased.

Dominick Turigliatti to be postmaster at Toluca, Ill., in place of Charles A. Brown. Incumbent's commission expired April 22, 1912.

MINNESOTA.

Paul H. Tvedt to be postmaster at Nashwauk, Minn., in place of Paul H. Tvedt. Incumbent's commission expired March 31, 1912.

NEW JERSEY.

William C. Howell to be postmaster at Blairstown, N. J., in place of William C. Howell. Incumbent's commission expired February 4, 1912.

OHIO.

Frederick Greenwood to be postmaster at Minerva, Ohio, in place of George F. McDonald. Incumbent's commission expired May 26, 1912.

OKLAHOMA.

Charles D. Campbell to be postmaster at Apache, Okla., in place of Charles D. Campbell. Incumbent's commission expired March 20, 1912.

A. D. Dailey to be postmaster at Edmond, Okla., in place of Elta H. Jayne. Incumbent's commission expired May 23, 1912.

Presley H. Gallion to be postmaster at Arapaho, Okla., in place of Cyrus Howenstine. Incumbent's commission expired April 28, 1912.

PENNSYLVANIA.

James E. Rupert to be postmaster at Conneautville, Pa., in place of James E. Rupert. Incumbent's commission expired April 28, 1912.

TEXAS.

John J. Bartlett to be postmaster at Hughes Springs, Tex., in place of John J. Bartlett. Incumbent's commission expired April 28, 1912.

Belle W. Bridges to be postmaster at Mason, Tex., in place of Belle W. Bridges. Incumbent's commission expired December 12, 1909.

John L. Burke to be postmaster at Elgin, Tex., in place of John L. Burke. Incumbent's commission expired May 15, 1912.

David Doole, jr., to be postmaster at Brady, Tex., in place of David Doole, jr. Incumbent's commission expired April 2, 1912.

John M. Hill to be postmaster at Cooledge, Tex., in place of John M. Hill. Incumbent's commission expired April 22, 1912.

Louis Elmer Hill to be postmaster at Alvarado, Tex., in place of Louis Elmer Hill. Incumbent's commission expired December 16, 1911.

Leland S. Howard to be postmaster at Roscoe, Tex., in place of Leland S. Howard. Incumbent's commission expired April 28, 1912.

Oscar Hunt to be postmaster at Canyon, Tex., in place of Oscar Hunt. Incumbent's commission expired December 16, 1911.

Anna J. Roach to be postmaster at Atlanta, Tex., in place of Anna J. Roach. Incumbent's commission expired December 12, 1909.

John G. Ross to be postmaster at Garrison, Tex., in place of John G. Ross. Incumbent's commission expired April 28, 1912.

Nicholas D. Smith to be postmaster at Dublin, Tex., in place of Nicholas D. Smith. Incumbent's commission expired December 16, 1911.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 22, 1912.

SECRETARIES OF EMBASSIES.

Hoffman Philip to be secretary of the embassy at Constantinople, Turkey.

Alexander Benson to be second secretary of the embassy at Rome, Italy.

Franklin Mott Gunther to be second secretary of the embassy at Rio de Janeiro, Brazil.

Frederick A. Sterling to be second secretary of the embassy at St. Petersburg, Russia.

Frank D. Arnold to be third secretary of the embassy at Tokyo, Japan.

Fairman R. Furness to be third secretary of the embassy at St. Petersburg, Russia.

Hallett Johnson to be third secretary of the embassy at London, England.

Henry F. Tennant to be third secretary of the embassy at Mexico, Mexico.

SECRETARIES OF LEGATIONS.

William W. Andrews to be secretary of the legation at Lisbon, Portugal.

Harry E. Nolan to be secretary of the legation at Panama, Panama.

SECRETARIES OF LEGATIONS AND CONSULS GENERAL.

Sheldon L. Crosby to be secretary of the legation and consul general at Bangkok, Siam.

Ralph B. Strassburger to be secretary of the legation and consul general to Roumania, Servia, and Bulgaria.

Craig W. Wadsworth to be secretary of the legation and consul general at Teheran, Persia.

CONSULS GENERAL.

Fleming D. Cheshire to be consul general at Canton, China.

Edwin S. Cunningham to be consul general at Singapore, Straits Settlements.

Heaton W. Harris to be consul general at Frankfort on the Main, Germany.

Charles A. Holder to be consul general at Christiania, Norway.

Will L. Lowrie to be consul general at Lisbon, Portugal.

CONSUL GENERAL AT LARGE.

James E. Dunning to be consul general at large.

CONSULS.

Leo Allen Bergholz to be consul at Kingston, Jamaica.
Frederic W. Cauldwell to be consul at Tapachula, Mexico.
Arthur Garrels to be consul at Alexandria, Egypt.
Edward J. Norton to be consul at Bombay, India.
Julian Potter to be consul at Rouen, France.
Alexander W. Weddell to be consul at Catania, Italy.
Charles L. Hoover to be consul at Carlsbad, Austria.
Henry D. Baker to be consul at Nassau, New Providence, Bahamas.
David R. Birch to be consul at Bahia, Brazil.
Frederick T. F. Dumont to be consul at Madrid, Spain.
Claude I. Dawson to be consul at Valencia, Spain.
Charles N. Daniels to be consul at Sherbrooke, Quebec, Canada.
W. Roderick Dorsey to be consul at Jerez de la Frontera, Spain.
Robert Frazer, jr., to be consul at Malaga, Spain.
Franklin D. Hale to be consul at Huddersfield, England.
Albert H. Michelson to be consul at Hanover, Germany.
John Ball Osborne to be consul at Havre, France.
Charles B. Perry to be consul at Turin, Italy.
Nicholas R. Snyder to be consul at Leipzig, Germany.
P. Emerson Taylor to be consul at Trinidad, West Indies.
Robert J. Thompson to be consul at Sheffield, England.
Southard P. Warner to be consul at Harbin, China.

COLLECTOR OF CUSTOMS.

Lewis R. Barrett to be collector of customs for the district of Great Egg Harbor, N. J.

SUPERINTENDENT OF THE MINT.

Frank A. Leach to be superintendent of the mint at San Francisco, Cal.

APPRAISER OF MERCHANDISE.

Frederick A. Higgins to be appraiser of merchandise in the district of New York.

DEPUTY COMMISSIONER OF CORPORATIONS.

Francis Walker to be Deputy Commissioner of Corporations in the Department of Commerce and Labor.

SURVEYORS OF CUSTOMS.

Charles B. Quinn to be surveyor of customs for the port of Memphis, Tenn.

Charles L. Peacock to be surveyor of customs for the port of Chattanooga, Tenn.

POSTMASTERS.

ILLINOIS.

W. H. Alexander, Pana.
William S. Chittenden, Park Ridge.
Mary E. Sullivan, Riverside.
Dominick Turigliatti, Toluca.
William H. Whitehouse, Mount Olive.

KANSAS.

Theodore Iten, jr., Ellinwood.
Harvey J. Penney, Hays.

NEW JERSEY.

Judson W. Parker, Verona.

OHIO.

M. G. Bell, Bellefontaine.

SOUTH DAKOTA.

O. G. Oyloe, Brookings.

TENNESSEE.

Samuel F. Carroll, Lenoir City.

VIRGINIA.

Beverly A. Davis, Rockymount.

WITHDRAWAL.

Executive nomination withdrawn August 22, 1912.

POSTMASTER.

SOUTH CAROLINA.

John R. Tolbert, jr., Abbeville.

HOUSE OF REPRESENTATIVES.

THURSDAY, *August 22, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, help us to praise and magnify Thy holy name by the purity of our thought, the wisdom of our speech, the nobility of our acts, that we may be one with Thee. "The Spirit itself beareth witness with our spirit that we are the children of God; and if children, then heirs; heirs of God and joint heirs with Christ; if so be that we suffer with Him, that we may be also glorified together." Thus may we be indeed followers of Him who spake as never man spake, the paragon of perfection, who died like a God and opened the gates of heaven to every living soul. For Thine is the kingdom and the power and the glory forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

PENSION BILLS.

Mr. CRAGO. Mr. Speaker, I am directed by the Committee on Pensions to call up the conference reports on Senate bills 6384 and 6851 and move their adoption.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the report.

The report was read, as follows:

CONFERENCE REPORT (NO. 1224).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6384) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers or sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1 and 2.

That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of Rebecca Strouther (S. 799): This is a case where the Senate proposes to grant a pension to the beneficiary as the dependent mother of a soldier who was stabbed by a comrade. The item was stricken from the bill by the House on the grounds that injury was not received while in line of duty. In the opinion of your conferees, the soldier, being in his bunk when he was stabbed, was in line of duty, and hence it is recommended that the House recede from its amendment striking that item from the bill.

Amendment No. 2, the case of Maggie Boutiette (S. 2850): The beneficiary is the widow of a scout and guide in the Indian uprisings. The House struck the item from the bill on the grounds that soldier's death was not due to service. The soldier's service was recognized by act of Congress, and the Senate passed this item upon the grounds that as Congress had recognized the service of the soldier that recognition should not be withheld from the widow. The House recedes from its amendment.

Amendment No. 3, Mary Meade Sands (S. 5655): The House struck this item from the bill on the grounds that the widow has some $15,000 worth of property, producing her an income in addition to her pension of $30 per month, and that a showing of dependency is not made. The Senate recedes from its disagreement to the amendment of the House.

DAN. A. DRISCOLL.
IRA W. WOOD.

The question was taken, and the conference report was agreed to.

The SPEAKER. The Clerk will report the next bill.

The Clerk read as follows:

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The SPEAKER. The Clerk will read the conference report.

The conference report was read, as follows:

CONFERENCE REPORT (NO. 1223).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 6851) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 1, 6, 7, 8, and 10.

That the Senate recede from its disagreement to the amendments of the House numbered 2, 3, 4, 5, and 9, and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

Amendment No. 1, the case of John A. Connolly (S. 347): The House struck the item from the bill on the grounds that soldier's disability is not shown to be due to service. But in view of the fact that soldier did incur malarial poisoning in the service, which is a progressive disease, it is possible that his condition is now due to that disability. The House recedes from its amendment.

Amendment No. 2, the case of Benjamin A. Yates (S. 757): The soldier is now pensioned at $8 per month. The Senate passed the bill at $12 per month. The soldier has not applied for pension for a number of years and is suffering from a progressive disease. According to the rules of both committees he should exhaust all rights at the bureau, hence the House struck the item from the bill, and the Senate recedes from its disagreement to that amendment.

Amendment No. 3, the case of James Tompach (S. 1481): The House struck this item from the bill on the grounds that the soldier is suffering from a progressive disease and has not made application at the bureau for a number of years. The Senate recedes from its disagreement to that amendment.

Amendment No. 4, Albert W. Kelley (S. 2557): The House struck this item from the bill on the grounds that the soldier's disability is not due to service and on the further grounds that bills for the relief of this soldier in the Sixtieth and Sixty-first Congresses were adversely acted upon by that body. The Senate recedes from its disagreement to the amendment.

Amendment No. 5, Andrew L. Weatherford (S. 2616): The House struck this item from the bill on the grounds that claimant has not exhausted all rights at the bureau, not having had his claim there rejected. If his disability has increased he should get relief at the bureau. The Senate recedes from its disagreement to this amendment.

Amendment No. 6, Roscoe C. Tartar (S. 3188): The House struck this item from the bill on the grounds that soldier's condition is not due to service. The soldier did incur disability in the service and is in bad physical condition. The House recedes from its amendment.

Amendment No. 7, the case of Otto Paulson (S. 3589): The House struck this item from the bill on the grounds that evidence of incurrence of disability in the service is not satisfactory. Evidence of the Member who introduced the bill is that the soldier was a strong, healthy young man when he entered the service, and that upon his return home has not been able to hold any position on account of ill health. The House recedes from its amendment.

Amendment No. 8, Tivis C. Simmons (S. 3715): The House struck this item from the bill on the grounds that the evidence was not conclusive as to disability, except malaria, being of service origin. A further examination of the evidence leads them to believe that rheumatism, resulting from malarial poisoning, brought on soldier's present condition, and the House recedes from its amendment.

Amendment No. 9, Emily J. Chambers (S. 6117): The House struck this item from the bill on the grounds that the soldier had not served full time in the Indian wars, and the widow did not marry him until some 25 years after service was performed. The Senate recedes from its disagreement to this amendment.

Amendment No. 10, John Mooney (S. 6309): The House struck this item from the bill on the grounds that the evidence was not conclusive as to disability being due to service. A further examination of the testimony shows that 11 neighbors testified that soldier was in good health prior to enlistment, but since his return has been in poor health, whereas two neighbors testify that some years before his enlistment the soldier had an attack of rheumatism. The preponderance of evidence being in favor of the soldier, the House recedes from its amendment.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The question was taken, and the conference report was agreed to.

Mr. CRAGO. Mr. Speaker, I desire to take from the Speaker's table the bill H. R. 25713 and to move to concur in the Senate amendment.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25713) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows and dependent relatives of such soldiers and sailors.

The Senate amendment was read.

The question was taken, and the Senate amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.; and

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 957. An act relating to bills of lading.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21094. An act to create a Commission on Industrial Relations;

H. R. 25282. An act to authorize the Union Pacific Railway Co. to construct a bridge across the Missouri River; and

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 957. An act relating to bills of lading; to the Committee on Interstate and Foreign Commerce.

DAM ACROSS COOSA RIVER, ALA.

Mr. HEFLIN. Mr. Speaker, I am authorized by the Committee on Interstate and Foreign Commerce to call up the bill S. 7343.

The SPEAKER. The gentleman will read the authorization.

Mr. HEFLIN. I have here, Mr. Speaker, the action of the committee that there was a quorum present, signed by the chairman and the clerk.

The SPEAKER. Are those the minutes of the committee?

Mr. HEFLIN. Yes, sir.

The SPEAKER. First, the Clerk will report the bill.

The Clerk read as follows:

S. 7343. An act to authorize the building of a dam across the Coosa River, Ala., at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

Mr. FOSTER. Mr. Speaker——

Mr. HEFLIN. Mr. Speaker, I desire to state——

The SPEAKER. First, the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Alabama Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, are authorized to construct, maintain, and operate a dam across Coosa River, in the State of Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. AUSTIN. Mr. Speaker, I rise to a point of order.

The SPEAKER. For what purpose does the gentleman rise?

Mr. AUSTIN. Mr. Speaker, I wish to make the point that there is no quorum present. I want these speeches to be heard by a quorum present.

Mr. UNDERWOOD. A quorum will be here shortly. I ask the gentleman not to do that.

Mr. AUSTIN. I will withdraw it.

Mr. HEFLIN. Mr. Speaker, I would like to inquire of gentlemen who desire to oppose this bill, if there are any, if they would like to have some time.

Mr. FOSTER. Mr. Speaker, I desire to say to the gentleman from Alabama I am not opposed to the bill, providing we put certain amendments on it.

Mr. HEFLIN. I do not think we can agree on the amendments.

Mr. FOSTER. No; but I think we would like to have a little time.

Mr. UNDERWOOD. I would like to suggest to the gentleman from Alabama [Mr. HEFLIN] and the gentleman from Illinois [Mr. FOSTER] if agreeable, that they offer their amendments now and have them pending, and agree on a time for debate. How would an hour and a half do, equally divided between the two sides?

Mr. FOSTER. That would be all right.

Mr. UNDERWOOD. I suggest to the gentleman from Alabama, then, that he ask unanimous consent that the——

Mr. MANN. Make it two hours.

Mr. UNDERWOOD. Make it two hours, and that amendments may be offered now, so that everybody may understand them and have them pending.

Mr. HEFLIN. Mr. Speaker, I ask unanimous consent that we may have two hours for debate, one hour to be controlled by myself and one hour by the gentleman from Illinois [Mr. FOSTER], in which to discuss this matter, and that amendments be introduced and pending so that they may be discussed.

The SPEAKER. That would not cut off anybody from offering amendments at the end.

Mr. MANN. I suppose the purpose of the gentleman is to have the previous question operate at the end of the two hours to cut off amendments?

Mr. HEFLIN. At the end of two hours.

Mr. MANN. If my colleague offers amendments such as were proposed the other day, I think I would like to offer some amendments to the amendments.

Mr. HEFLIN. We can have them all pending, and the previous question ordered at the end of two hours.

Mr. MANN. Suppose at the end of two hours we have opportunity to offer amendments, and at the end of two hours——

Mr. UNDERWOOD. I think it will be all right if the gentlemen will offer their amendments as soon as they possibly can.

The SPEAKER. Let us see if we can get this right. The gentleman from Alabama [Mr. HEFLIN] asks unanimous consent that the debate on this bill shall continue for two hours, one half of the time to be controlled by himself and the other half by the gentleman from Illinois [Mr. FOSTER]; and that during the two hours anybody can offer an amendment and have it pending, and at the end of two hours the previous question shall be ordered on the bill and amendments to its final passage. Is there objection?

Mr. MANN. That is, the vote would be taken on the amendment at the end of two hours?

The SPEAKER. Yes; of course. Is there objection?

Mr. MOORE of Pennsylvania. Mr. Speaker, reserving the right to object, I have really no objection if I may have some of the time to oppose the bill in its present form.

Mr. FOSTER. I will say to the gentleman from Pennsylvania [Mr. MOORE] that I shall be glad to accommodate him.

Mr. MOORE of Pennsylvania. Five minutes will be sufficient.

Mr. FOSTER. All right.

Mr. MOORE of Pennsylvania. I have no objection, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Alabama is recognized for one hour.

Mr. HEFLIN. Mr. Speaker, I desire to consume only about five minutes in opening the debate.

EXTENSION OF REMARKS.

Mr. BOWMAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the election contest of McLean against Bowman.

The SPEAKER. The gentleman from Pennsylvania [Mr. BOWMAN] asks unanimous consent to extend his remarks in the RECORD on the election contest of McLean against Bowman.

Mr. HEFLIN. Mr. Speaker, I can not yield any time now.

Mr. GARRETT. Reserving the right to object, Mr. Speaker, the chairman of the Committee on Elections is not present. I remember from the RECORD that there was some reason interjected the other day, and for the present I object.

The SPEAKER. The gentleman from Tennessee objects, and the gentleman from Alabama is recognized for an hour.

DAM ACROSS COOSA RIVER IN ALABAMA.

Mr. HEFLIN. Mr. Speaker, this bill conforms to the general dam act. Quite a number of permits have been granted by the General Government to dam navigable streams under the very same provision that we now seek to invoke in building a dam across the Coosa River. The bill which I call up for consideration at this time is a bill that has been unanimously reported by the Senate committee and almost unanimously passed by the Senate. The Committee on Interstate and Foreign Commerce of this House has authorized me to bring it up for consideration here. It is very important that this bill pass at this session of Congress. It is an exact copy of my bill now on the calendar.

Mr. HUMPHREYS of Mississippi. I would like to ask this question. I have an amendment which I propose to offer. Would the gentleman like me to offer it now?

Mr. HEFLIN. Just send it up and have it pending, and not to be taken out of my time, however.

Mr. HUMPHREYS of Mississippi. It will not take any time away from the gentleman.

Mr. HEFLIN. Well, I will take but five minutes, and the gentleman from Illinois [Mr. FOSTER] will yield to you out of his time.

It is very important that this bill be passed at this session of Congress. The capital for building this dam by the Alabama Power Co. at Lock 18 on the Coosa River has been arranged for, and I desire to state to the House at the outset that they will contribute more to the construction of this dam in the Coosa River—more toward making that river navigable—than the General Government has contributed in 22 years.

There is nothing mysterious about this desire to dam the Coosa River. It is a splendid power site, and will be, when developed, useful to our people. Some of these gentlemen who imagine that they are conservationists are standing in the way of industrial development, and they are hampering the work of navigation.

Congress has already granted a permit to build a dam at Lock 12 on the Coosa project. It did so four or five years ago. That dam is under construction. The capital required to build that dam was obtained upon the terms of that act, passed under the provisions of the general dam act. Now, if gentlemen would hamstring this measure to build a dam at Lock 18, they will have made a distinction between Lock 12 and Lock 18. They did not hamper our people in getting capital under the Lock 12 provision, but they do hamper us in getting capital under Lock 18 if their amendments should be adopted.

The capital, I will state, that was secured from English capitalists and Canadian capitalists, together with some furnished by gentlemen in my own State, was secured under the provisions of the general dam act passed years ago. It was introduced by the gentleman from Illinois [Mr. MANN]. The Federal Government reserves the right and the power to change, alter, or repeal at any time acts passed under its provisions. I ask these gentlemen who pretend to want to encourage industry and enterprise, why hamper us now in the effort to dam the Coosa at Lock 18 by unauthorized Federal restrictions? These gentlemen have a mistaken idea about what conservation is. Oh, conservation, many an ignorant blunder is committed in thy name. Some of these gentleman do not know anything more about conservation than the schoolboy did about the human anatomy. The teacher called upon him to write an essay on the human anatomy. The great, big, gawky boy, 17 years old, reported in a few days, and this is what he wrote:

> The human anatomy is divided into three parts, the head, the "chist," and the stomach. The head contains the brains, if there is any. The stomach contains the liver and the lights, and the chist, it holds the bowels. There are five bowels—a, e, i, o, u, and sometimes w and y.

[Laughter and applause.]

Now, Mr. Speaker, I do not desire to say anything more at this time. I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. SPARKMAN. Before that, will the gentleman yield to me for a question?

Mr. HEFLIN. I have yielded to the gentleman from Georgia.

Mr. SPARKMAN. I just wanted to ask a question or two of the gentleman from Alabama.

Mr. HEFLIN. Very well.

Mr. SPARKMAN. Has this improvement that is proposed to be made there received the approval of the Chief of Engineers?

Mr. HEFLIN. It has.

Mr. SPARKMAN. Could the gentleman give us any idea of the extent of the navigable features that this improvement will add to that stream?

Mr. HEFLIN. Well, I do not know just how much of the river will be made navigable, but the Alabama Power Co. will spend $1,600,000 in the construction of this dam, and that is more than the Federal Government has appropriated for navigable purposes on that river in 22 years.

Mr. SPARKMAN. I did not know but that the gentleman could give me particular information on that point.

Mr. ADAMSON. Mr. Speaker, I have several times stated to the House the position of the Committee on Interstate and Foreign Commerce as to granting the consent of Congress for private owners, on their own land, to construct, at their own expense, dams for the development of water power in navigable rivers. I have deprecated the unfair conduct of obstructionists under the false, misleading, and fraudulent name of "conservationists," unjustly assumed, in objecting to consideration by which only debate on specific propositions could be had and amendments proposed and voted on. Those gentlemen have preferred to hide behind the bulwark of objecting to consideration and then indulge in what they call general debate, which consists in railing at particular individuals, misrepresenting the attitude of the committee, and deluging the country with gush, poppycock, and innuendo, which, boiled down, means unconstitutional centralization as imperialistic and autocratic as that of Xerxes or Ptolemy in relation to the particular matter. The committee had not intended to advert to the subject any more until arrangements could be had for consideration, as talk is worthless without an opportunity for action. To this end we were endeavoring to reach a basis by which action could be had. That effort has failed. In fact, the conciliatory attitude assumed for the sole purpose of securing harmony and action at this session has been misunderstood and abused. The objections on Monday and the repetition of the old stock-in-trade innuendos on Tuesday scatter to the winds all hope of agreement and all those efforts are at an end. I have nothing to do with the personal issues between gentlemen, nor would I be surprised to find some bad men and some bad projects in the development of water power. They are found everywhere in this sinful world, from Eden down. According to the opinions of the gentleman from Tennessee and the gentleman from Illinois, there are two in this House, but I do not agree with their reciprocal statements that they are the two. I do not mean to give offense to any of my colleagues. I have high regard for all who have spoken. What I complain of is that they refuse to consider the principles involved and the scheme under which progress is to be made in this respect, insisting that the committee assume the burden of investigating in detail all the physical features involved, which under our scheme it is the duty of the War Department to do. The reason for this mistake, however, is found in their other fundamental error, that the Federal Government has some right and title to the water powers of the country, although it does not spend one cent nor acquire any property rights to the titles, and that it has the right both to charge rent and collect taxes from the private property of citizens in water power. Laboring under those hallucinations, the charge is repeated that the committee had no hearing nor investigations of the projects involved, and that such a reckless practice is the policy of the committee. The following is the truth, and any contrary statement or contention is fallacious: The right of the Government in the streams is to promote the navigation thereof. The only other right it can ever have is not in the streams, but may arise hereafter to control rates and practices of power companies, if ever they begin to transmit the power generated across State lines. That being the policy as to dams built at the expense of persons other than the Government, the committee, in accordance with the general dam act, refers every bill to the Chief of Engineers through the Secretary of War. They make a thorough and exhaustive investigation in every instance, and the report of the Chief of Engineers on each of these bills shows that that is true, and every assertion to the contrary is false. That investigation covers the relation of the dam to navigation and constitutionally can not cover anything else. In these cases, it is true, the Secretary of War suggested two things entirely ultra vires, contrary to the principles of our Government, violative of private rights, and regardless of local authority, to wit, that the Government should reserve and assert what it has not and can not have without paying for it, a title in water power; and second, a

right to regulate and control the distribution, practices, and rates of power companies without waiting for them to enter the domain of interstate commerce and thereby come within the jurisdiction of the Federal Gvernment.

Recognizing those doctrines as heretical, the committee ignored them and followed the findings of the Chief of Engineers, who had thoroughly investigated the subject. The objectors have not aided the committee by offering any information nor valid objection to any of the projects. Further referring to the policy under the general dam act, this preliminary investigation does not end the duty of the War Department. When a bill is passed, the consent of Congress being granted in accordance with the general dam act, it imposes on the Chief of Engineers the duty in approving plans and specifications of prescribing in connection therewith all necessary provisions for the protection of the interests of the Government, and he has done it in every case under the general dam act. This brings us to the other false charge, a thousand times recklessly repeated in the sensational press and by the men who pander to the sensational press and flourish by their laudation, such flourish as it is, to wit, that no provision is made for the protection of the people. The consent of Congress in every case is granted that the person, natural or artificial, authorized and to be controlled by the State in which the project is located may construct a dam in a navigable stream. The only additional safeguard necessary to prescribe being that navigation shall not be obstructed thereby, but promoted. The constitutional right of the owner to the use of his property and the constitutional reserved power of the State to sanction or forbid the project, to control and regulate the property and derive revenue from taxing it, are not questioned by our action at all, but required; and the Federal Government has no business or concern with it. The doctrine, implied by some and asserted by others, that the Federal Government can take away from the State every right and duty to regulate the security of property and the rights of its citizens sound very strange to thinking people in this Republic. There is but one way given under the Constitution whereby the Federal Government can derive revenue from water power, unless developed at the expense of the Treasury, and that is by a general, uniform excise tax on all water power and all water-power sites. Whenever the Government finds itself in such a strait that it must seek to usurp to itself the last vestige of resources for raising revenue and leave nothing on which the States may maintain their government it will be a sad day for the Republic. This propaganda, filled with hallucination and innuendo, bristles, however, with one clear and distinct false doctrine, and that is the idea that nothing can be done in this country except by the Federal Government; that private property and morality and business interests can not be fostered under the good old democratic way of supervision and regulation by local authority. The truth is, that is the only way, and whenever centralists and misguided enthusiasts succeed in overturning that plan, progress, honesty, morality, and liberty will be gone forever from the land. If all those gentlemen will suspend their fads and prejudices and devote the next three months to studying the Constitution and the report of Senator NELSON and the letter from Bishop Candler, printed herewith under leave to print, they will return to the next session with much clearer ideas and with a much fairer and better frame of mind for approaching consideration and action upon this question with a view solely to the following two, and the only two, relevant questions: First, what can we do under the Constitution in granting the consent of Congress to permit private owners to develop and use their private property in the shape of dam sites and at the same time promote the navigation of the rivers in which they are to be located? And, second, what is expedient in the way of good governmental policy? Shall we do what we constitutionally can do, and less if necessary, to encourage capital to aid in the development and progress of the country, or shall we continue to blight all hope and prospect of development and prosperity from the source in question by imposing terms so harsh or unconstitutional that certain litigation and uncertain profits will deter all energy and capital from making an effort? Senator NELSON'S report follows:

[Report of the subcommittee of the Committee on the Judiciary, United States Senate, on S. Res. 44, directing the Committee on the Judiciary to report to the Senate on the power of the Government over the development and use of water power within the respective States.]

POWER OF THE FEDERAL GOVERNMENT OVER THE DEVELOPMENT AND USE OF WATER POWER.

Mr. NELSON, from the subcommittee to which was referred S. Res. 44, submitted the following:

To the Committee on the Judiciary:

Your subcommittee which was directed to report on the following resolution:

Resolved, That the Committee on the Judiciary of the Senate be, and it is hereby, directed to report to the Senate, at as early a date as possible in the next regular session of Congress, upon the power and authority of the National Government over the development and use of water power within the respective States, and especially:

First. Has the National Government any authority to impose a charge for the use of water power developed on nonnavigable streams, whether State or interstate?

Second. Has it any authority in granting permits to develop water power on a navigable stream to impose and enforce conditions relating to stated payments to the Government, regulation of charges to consumers, and determination of the right to make use of such developed power?

Third. Has it authority in disposing of any of its lands, reserved or unreserved, necessary and suitable for use in connection with the development or use of water power on a nonnavigable stream, whether State or interstate, by lease or otherwise, to limit the time for which such development may continue, or to impose and enforce charges for the use and development of such water power, or to control and regulate the disposition of such water power to its consumers?

have considered the same and report as follows:

The interrogatories embraced in the foregoing resolution involve the rights of riparian owners, the rights of the States, and the rights of the Federal Government in the navigable and nonnavigable streams and watercourses of the country. A solution and understanding of these several rights will tend to answer and solve the question propounded.

NAVIGABLE STREAMS.

The rule of the common law, that only those streams are held navigable in which the tide ebbs and flows, and only so far as such ebb and flow, has not been adopted and does not prevail in this country. With us the question of navigability is one of fact in each case. If a stream can be used for commerce or trade, in any form, to any substantial extent, even for the floating of rafts of logs or lumber, it is held to be a navigable stream. (The *Genessee Chief*, 12 How., 443; the *Daniel Ball*, 10 Wall., 557; the *Montello*, 20 Wall., 430; Barney *v.* Keokuk, 94 U. S., 324; Water Power Co. *v.* Water Commissioners, 168 U. S. 349.)

Most of our streams and watercourses are in fact more or less navigable in some of their reaches, and the nonnavigable portions serve as feeders for, and are so connected with, the navigable sections that it is difficult and scarcely practicable to apply a separate rule for each. This must needs be so where ample regulation of the navigable section can only be secured through regulation of the nonnavigable section. In such cases, for the purposes of interstate commerce, the Federal Government has full regulative power over the entire stream, the nonnavigable as well as the navigable sections.

In United States *v.* Rio Grande Irrigation Co. (174 U. S., 690) the Supreme Court, in passing upon certain statutes relating to the use of water for mining and irrigation purposes, makes this declaration:

To hold that Congress, by these acts, meant to confer upon any State the right to appropriate all the waters of the tributary streams which unite into a navigable watercourse, and so destroy the navigability of that watercourse in derogation of the interests of all the people of the United States, is a construction which can not be tolerated. It ignores the spirit of the legislation and carries the statute to the verge of the letter and far beyond what under the circumstances of the case must be held to have been the intent of Congress (p. 706–707).

TITLE OF THE STATES IN THE BEDS AND WATERS OF NAVIGABLE STREAMS.

The several States of the Union are each primarily the proprietors of, and have the sovereignty over, the beds and waters of the navigable streams and watercourses within their respective borders, subject only to the rights of the Federal Government under the interstate-commerce clause of the Constitution (par. 3, sec. 8, Art. I), and to the rights of the Federal Government as owner of the riparian lands (par. 2, sec. 3, Art. IV), which rights will hereafter be referred to and enlarged upon.

In the case of Martin *v.* Waddell (16 Peters, 367), where the question of tidelands and tidewaters was involved, the Supreme Court of the United States makes this clear and comprehensive declaration:

For when the Revolution took place the people of each State became themselves sovereign; and in that character hold the absolute right to all their navigable waters, and the soils under them, for their own common use, subject only to the rights since surrendered by the Constitution to the General Government.

The same doctrine was laid down by the court in the case of Pollard *v.* Hagan (3 How., 212), and it was held to apply to the newer States in as full a measure as to the original States of the Union. In this case the court concludes its opinion as follows:

By the preceding course of reasoning we have arrived at these general conclusions: First. The shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States respectively. Second. The new States have the same rights, sovereignty, and jurisdiction over this subject as the original States. Third. The right of the United States to the public land and the power of Congress to make all needful rules and regulations for the sale and disposition thereof conferred no power to grant to the plaintiffs the land (tidewater land) in controversy.

In the case of Barney *v.* Keokuk (94 U. S., 324), Justice Bradley declares that the correct principles were laid down in the foregoing cases, and then adds:

These cases related to tidewater, it is true; but they enunciate principles which are equally applicable to all navigable waters.

The rule laid down in the foregoing cases is reaffirmed and amplified with the citation of numerous authorities in the case of Shively *v.* Bowlby (152 U. S., 1).

RIPARIAN TITLE.

It is the rule of the common law that a grant of land upon the borders of a navigable stream carries the grant only to the high-water line, while a grant of land bordering upon a non-navigable stream carries the title to the center of the stream, subject to the public easement in the water of the stream. While this is the rule of the common law, the Supreme Court of the United States, in the case of Hardin *v.* Jordan (140 U. S., 371), has determined that the limits and extent of the riparian ownership is governed by the law of the State in which the land is situated. Justice Bradley, who delivered the opinion in this case, after discussing the question and citing numerous authorities, concludes as follows:

We do not think it necessary to discuss this point further. In our judgment the grants of the Government for lands bounded on streams and other waters, without any reservation or restriction of terms, are to be construed as to their effect according to the law of the State in which the lands lie (p. 384).

The case of Shively *v.* Bowlby, heretofore cited, approves of and adheres to this rule, and the following cases indorse and adhere to the rule: Barney *v.* Keokuk (94 U. S., 324), St. Louis *v.* Myers (113 U. S., 566), Packer *v.* Bird (137 U. S., 661), St. Louis *v.* Rutz (138 U. S., 226), Mitchell *v.* Smale (140 U. S., 406), Grand Rapids *v.* Butler (159 U. S., 87), Water Power Co. *v.* Water Commissioners (168 U. S., 349), Kean *v.* Calumet Canal Co. (190 U. S., 452), United States *v.* Chandler Dunbar Co. (209 U. S., 447).

The rule of riparian ownership as to grants of land bordering on streams is diverse in the various States. Some States hold that the grant extends only to high-water mark; other States hold that it extends to low-water mark; while another class of States—and perhaps the most numerous—hold that the grant extends to the middle of the stream, subject to the public easement in the water of the stream. But whatever may be the law in this respect as to the effect of the grant, it only relates to the proprietorship in the banks and bed of the stream and not to the ownership of the water in the stream.

In those States which hold that the title of the riparian owner only extends to the high or low water mark the title to the bed of the stream is deemed to be in the State, and whether the title to the bed of the stream is in the riparian owner or in the State, in either case the sovereignty over and the paramount title to the water of the stream is deemed to be in the State, but it holds it not absolutely but in trust for all lawful public uses, and in subrogation to the rights of the Federal Government.

PROPRIETORSHIP AND CONTROL OF THE WATER IN STREAMS.

While the riparian proprietor may be the absolute owner of the bed of the stream, he has no such proprietorship in the water of the stream. The water is a movable thing, and as to that he has only a usufruct. His rights in the water are subject to the sovereignty and control of the State, to the rights of the other riparian owners, and to the public easement or use. Lord Chief Justice Hale in his De Juris Maris (Hargrave, p. 6), in the quaint law language of those days, states:

Though fresh rivers are in point of propriety, as before, prima facie of a private interest; yet, as well fresh rivers as salt, or such as flow and reflow, may be under these two servitudes, or affected with them—viz, one of the prerogatives belonging to the King, and another public interest, or belonging to the people in general.

Commenting on a case in which the riparian owner claimed the title up to the thread of the stream in the Severn River as against the King, Lord Hale says (Hargrave, p. 36):

But though the subject may thus have the propriety of a navigable river part of a port, yet these cautions are to be added, viz: First, that the King has yet a right of empire or government over it in reference to the safety of the kingdom and to his customs, it being a member of a port, prout inferius dicitur; second, that the people have a public interest, a jus publicum, of passage and repassage with their goods by water and must not be obstructed by nuisances or impeached by exactions, * * *. For the jus privatum of the owner or proprietor is charged with and subject to that jus publicum which belongs to the King's subjects; as the foil of an highway is, which though in point of property it may be a private man's freehold, yet it is charged with a public interest of the people, which may not be prejudiced or damnified.

Sir J. Leach, vice chancellor, in the case of Wright *v.* Howard (1 Simons & Stuart's Reports, 203), an English case in chancery, decided in 1823, explains the right of a riparian as follows:

The right to the use of the water rests on clear and settled principles. Prima facie, the proprietor of each bank of a stream (not tidal) is the proprietor of half the land covered by the stream, but there is no property in the water. Every proprietor has an equal right to use the water which flows in the stream, and, consequently, no proprietor can have the right to use the water to the prejudice of any other proprietor. Without the consent of the other proprietors, who may be affected by his operations, no proprietor can either diminish the quantity of water, which would otherwise descend to the proprietors below, nor throw the water back upon the proprietors above.

Chancellor Kent, in his Commentaries, states the common-law rule in these words:

Every proprietor of lands on the banks of a river has, naturally, an equal right to the use of the water which flows in the stream adjacent to his lands, as it was wont to run (currere solebat), without diminution or alteration. No proprietor has the right to use the water to the prejudice of other proprietors above or below him unless he has a prior right to divert it or a title to some exclusive enjoyment. He has no property in the water itself, but a simple usufruct while it passes along. Aqua currit et debet currere ut currere solebat is the language of the law. Though he may use the water while it runs over his land as an incident to the land, he can not unreasonably detain it or give it another direction, and he must return it to its ordinary channel when it leaves his estate. (3 Com., 439.) (Stein *v.* Burden, 29 Ala., 127.)

In the case of Head *v.* Amoskeag (113 U. S., 9), involving the right of the riparian owner to construct and maintain a mill-dam on his own land under a statute of New Hampshire, Justice Gray, who delivered the opinion of the court, declares:

We prefer to rest the dicision of this case upon the ground that such a statute, considered as regulating the manner in which the rights of proprietors of lands adjacent to a stream may be asserted and enjoyed, with a due regard to the interests of all, and to the public good, is within the constitutional power of the legislature (p. 21).

He further declares:

The right to the use of running water is publici juris and common to all the proprietors of the bed and banks of the stream from its source to its outlet. Each has a right to the reasonable use of the water as it flows past his land, not interfering with a like reasonable use by those above or below him (p. 23).

In the case of the United States *v.* Rio Grande Co. (174 U. S., 690), in considering a nonnavigable reach of the Rio Grande River, in the Territory of New Mexico, Justice Brewer, who delivered the opinion of the court, after quoting the foregoing paragraph from Chancellor Kent, adds:

While this is undoubted, and the rule obtains in those States in the Union which have simply adopted the common law, it is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it deems wise.

That the sovereignty and control over, and paramount title to, the waters in a stream is in the State is further established by that line of decisions sustaining the rule of public ownership, and "prior appropriation," prevailing in the mining and semi-arid States, and acquiescing in its application to the lands of the United States. (Jennison *v.* Kirk, 98 U. S., 45; Broder *v.* Water Co., 101 U. S., 274; Gutiers *v.* Albuquerque Co., 188 U. S., 545; Boquilla Cattle Co. *v.* Curtis, 213 U. S., 339.)

The case of Kansas *v.* Colorado (206 U. S., 46) was a controversy between two States, one recognizing the doctrine of public ownership and prior appropriation and the other the common-law rule. Chief Justice Shaw, in the case of Elliott *v.* Fitchburg Railway Co. (10 Cush., 191), describes the rights of the riparian owner under the common-law rule in the following terms:

The right to flowing water is now well settled to be a right incident to property in the land; it is a right publici juris, of such a character that, while it is common and equal to all through whose land it runs, and no one can obstruct or divert it, yet, as one of the beneficial gifts of Providence, each proprietor has a right to a just and reasonable use of it as it passes through his land; and so long as it is not wholly obstructed or diverted, or no larger appropriation of the water running through it is made than a just and reasonable use, it can not be said to be wrongful or injurious to a proprietor lower down. What is such a just and reasonable use may often be a difficult question, depending upon various circumstances. To take a quantity of water from a large running stream for agricultural or manufacturing purposes would cause no sensible or practicable diminution of the benefit to the prejudice of a lower proprietor; whereas, taking the same quantity from a small running brook passing through many farms would be of great and manifest injury to those below, who need it for domestic supply or watering cattle; and therefore it would be an unreasonable use of the water, and an action would lie in the latter case and not in the former. It is therefore to a considerable extent a question of degree; still the rule is the same, that each proprietor has a right to a reasonable use of it, for his own benefit, for domestic use, and for manufacturing and agricultural purposes. * * *

That a portion of the water of a stream may be used for the purpose of irrigating land we think is well established as one of the rights of the proprietors of the soil along or through which it passes. Yet a proprietor can not, under color of that right or for the actual purpose of irrigating his own land, wholly abstract or divert the water course or take such an unreasonable quantity of water or make such unreasonable use of it as to deprive other proprietors of the substantial benefits which they might derive from it if not diverted or used unreasonably. * * *

This rule, that no riparian proprietor can wholly abstract or divert a watercourse, by which it would cease to be a running stream, or use it unreasonably in its passage and thereby deprive a lower proprietor of a quality of his property, deemed in law incidental and beneficial, necessarily flows from the principle that the right to the reasonable and beneficial use of a running stream is common to all the riparian proprietors, and so each is bound to use his common right as not essentially to prevent or interfere with an equally beneficial enjoyment of the common right by all the proprietors. * * *

The right to the use of flowing water is publici juris and common to all the riparian proprietors; it is not an absolute and exclusive right to all the water flowing past their land, so that any obstruction would

give a cause of action; but it is a right to the flow and enjoyment of the water, subject to a similar right in all the proprietors to the reasonable enjoyment of the same gift of Providence. It is, therefore, only for an abstraction and deprivation of this common benefit or for an unreasonable and unauthorized use of it that an action will lie.

The assertion of public ownership and of prior appropriation, already referred to, is thus described by Justice Field in the case of Jennison *v.* Kirk (98 U. S., 453). After describing the system of discovery and appropriation and development of mining claims, he adds the following:

But the mines could not be worked without water. Without water the gold would remain forever buried in the earth or rock. To carry water to mining localities when they were not on the bank of a stream or lake became, therefore, an important and necessary business in carrying on mining. Here, also, the first appropriator of water to be conveyed to such locality for mining or other beneficial purposes was recognized as having, to the extent of actual use, the better right. The doctrine of the common law respecting the right of riparian owners was not considered as applicable, or only in a very limited degree, to the conditions of miners in the mountains. The waters of rivers and lakes were, consequently, carried great distances in ditches and flumes, constructed with vast labor and enormous expenditures of money, along the sides of mountains and through canyons and ravines, to supply communities engaged in mining as well as for agriculturists and ordinary consumption. Numerous regulations were adopted, or assumed to exist, from their obvious justness, for the security of these ditches and flumes, and for the protection of rights to water, not only between different appropriators, but between them and the holders of mining claims. These regulations and customs were appealed to in controversies in the State courts, and received their sanction; and properties to the value of many millions rested upon them. For 18 years, from 1848 to 1866, the regulations and customs of miners, as enforced and molded by the courts and sanctioned by the legislation of the State, constituted the law governing property in mines and in water on the public mineral lands.

These water rights, by prior appropriation, as described by Justice Field, were recognized and confirmed by congressional legislation in 1866 and in 1870. Those acts are now sections 2339 and 2340 of the Revised Statutes. Justice Field further adds:

It will thus be seen that the Federal statutes merely gave a formal sanction to the rules already established. Those rules had been built up in reliance on the tacit acquiescence of the United States, the true owner of the lands and waters on which appropriations were made, and these statutes acquiesced therein expressly "a voluntary recognition of a preexisting right rather than the establishment of a new one."

In the case of Broder *v.* Natoma Water Co. (101 U. S., 274) the Supreme Court, in referring to the contention that these statutes established a new right, uses the following language:

We are of the opinion that it is the established doctrine of this court that rights of miners, who had taken possession of mines and worked and developed them, and the rights of persons who had constructed canals and ditches to be used in mining operations and for purposes of agricultural irrigation, in the region where such artificial use of the water was an absolute necessity, are rights which the Government had, by its conduct, recognized and encouraged and was bound to protect before the passage of the act of 1866, and that the section of the act which we have quoted was rather a voluntary recognition of a preexisting right of possession, constituting a valid claim to its continued use, than the establishment of a new one.

While the common-law rule prevails—in some instances with slight modifications—in all of the States, except the so-called semiarid or mining States, there can be no doubt that it is in the power of these common-law States, by virtue of their sovereignty, to modify or change the rule of the common law. In the language of Justice Brewer (in U. S. *v.* Rio Grande Co., 174 U. S., 702–703):

It is also true that as to every stream within its dominion a State may change this common-law rule and permit the appropriation of the flowing waters for such purposes as it may deem wise.

The same justice, in the case of Colorado *v.* Kansas (206 U. S., 94), describes the power of the State as follows:

It may determine for itself whether the common-law rule in respect to riparian rights or that doctrine which obtains in the arid regions of the West of the appropriation of waters for the purposes of irrigation shall control. Congress can not enforce either rule upon any State. (See also McGilvra *v.* Ross, 215 U. S., 70.)

We append hereto Exhibit A, which names most of the States in which the rule of prior appropriation prevails, and also gives the constitutional and statutory provisions, with some of the decisions of the courts relating to the subject in each of these States.

PROPERTY AND RIGHTS OF THE UNITED STATES.

Except as the owner of riparian lands and except for the purpose of regulating interstate commerce, the United States has no property in or sovereignty over the streams or watercourses within the boundaries of the several States. The sovereignty and ultimate control is in the State, and the proprietorship is either in the State or in the riparian owner, or in both, according to the constitutions and laws of the several States, and the power of the Federal Government over the streams is no greater in the so-called public-land States than in the States east of the Mississippi River. In Kansas *v.* Colorado (206 U. S., 92), already cited, Justice Brewer declares:

As to those lands within the limits of the States, at least of the Western States, the National Government is the most considerable owner and has power to dispose of and make all needful rules and regulations respecting its property. We do not mean that its legislation can override State laws in respect to the general subject of reclamation. While arid lands are to be found mainly, if not only, in the Western and newer States, yet the powers of the National Government within the limits of those States are the same (no greater and no less) as those within the limits of the original thirteen, and it would be strange if, in the absence of a definite grant of power, the National Government could enter the territory of the States along the Atlantic and legislate in respect to improving by irrigation or otherwise the lands within their borders.

THE RIGHTS OF THE FEDERAL GOVERNMENT AS RIPARIAN OWNER.

Through the treaty of independence and subsequent treaties with Great Britain, through cessions from foreign countries, and some of the original States of the Union, and through discovery and exploration and by virtue of its national sovereignty, the Federal Government became the proprietor of a vast domain of unsettled and undeveloped lands. Chancellor Kent (1 Com., 257) describes the title of the United States to this domain in the following language:

Upon the doctrine of the court in Johnson *v.* McIntosh, 1823 (8 Wheat., 543), and Fletcher *v.* Peck, 1810 (6 Cranch, 142, 143), the United States own the soil as well as the jurisdiction of the immense tracts of unpatented lands included within their territories, and of all the productive funds which those lands may hereafter create. The title is in the United States by the treaty of peace with Great Britain, and by subsequent cessions from France and Spain, and by cessions from the individual States.

By paragraph 2, section 3, Article IV of the Constitution, Congress was given plenary control over this public domain in the following terms:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; * * *

The power thus conferred on Congress is as full and complete as the power, conferred by another paragraph of the Constitution, to regulate foreign and interstate commerce. The power of Congress is paramount and plenary in each case. Justice Brewer, in the case of The United States *v.* Rio Grande Co. (174 U. S., 690, 703), declares:

Although this power of changing the common-law rule as to streams within its dominion undoubtedly belongs to each State, yet two limitations must be recognized: First, that in the absence of specific authority from Congress a State can not by its legislation destroy the right of the United States as the owner of lands bordering on a stream to the continued flow of its waters, so far at least as may be necessary for the beneficial uses of the Government property. Second, that it is limited by the superior power of the General Government to secure the uninterrupted navigability of all navigable streams within the limits of the United States. In other words, the jurisdiction of the General Government over interstate commerce and its natural highways vests in that Government the right to take all needed measures to preserve the navigability of the navigable watercourses of the country even against any State action.

The rights of the Federal Government as riparian owner is that of a riparian owner at common law. (Sturr *v.* Beck, 133 U. S., 541; Lux *v.* Haggin, 69 Cal., 336.) This right vested in the Federal Government when it acquired its public domain and of this right it is not divested on the admission of a State into the Union, for this right is expressly reserved by the Constitution. The title of the Federal Government to the public lands in the States where the rule of prior appropriation prevails antedates the admission of those States into the Union, and over that title the Constitution reserved plenary power of disposal and regulation to the Federal Government. It is only when the Federal Government has entirely parted with that title and it has passed into other ownership that the power of regulation on the part of the Federal Government becomes extinct. The water on the riparian land of the Federal Government is an appurtenance of the land of which it can not be divested without its consent, no more than of its riparian lands. In the case of the United States *v.* Winans (198 U. S., 371) it was held that the Federal Government had the power to reserve a fishing right for the Yakima Indians in the Columbia River, and that such reservation, though made when the State was a Territory, bound the future State. And in the case of Winters *v.* The United States (207 U. S., 564) it was held that the Federal Government had the right to reserve the water in the Milk River for the benefit of the Indians and officers of the Government on the Fort Belknap Reservation, in Montana, and that this reservation of the water, though made while Montana was a Territory, bound it after it became a State. The court affirms and asserts the doctrine and rule in these terms:

Another contention of appellants is that if it be conceded that there was a reservation of the waters of Milk River by the agreement of 1888, yet the reservation was repealed by the admission of Montana into the Union February 22, 1889 (ch. 180, 25 Stat., 676), "upon an equal footing with the original States." The language of counsel is that "any reservation in the agreement with the Indians, expressed or implied, whereby the waters of Milk River were not to be subject of appropriation by the citizens and inhabitants of said State, was repealed by the act of admission." But to establish the repeal counsel rely substantially upon the same argument that they advance against the intention of the Government to reserve the waters. The power of the Government to reserve the waters and exempt them from appropriation under the State laws is not denied, and could not be. (The United States *v.* The Rio Grande Ditch & Irrigation Co., 174 U. S., 690, 702; United States *v.* Winans, 198 U. S., 371.)

In the case of Camfield *v.* United States (167 U. S., 518) the court declares:

> While we do not undertake to say that Congress has the unlimited power to legislate against nuisances within a State, which it would have within a Territory, we do not think the admission of a Territory as a State deprives it of the power of legislating for the protection of the public lands, though it may thereby involve the exercise of what is ordinarily known as the police power, so long as such power is directed solely to its own protection. A different rule would place the public domain of the United States completely at the mercy of State legislation.

These opinions of the Supreme Court of the United States have been concurred in by some of the courts of those States in which the rule of prior appropriation prevails.

Judge Rudkin of the Supreme Court of the State of Washington (now a Federal district judge) in the case of Kendall *v.* Joyce (48 Wash., 492–493) declares:

> It has never been contended that a mere squatter on public land who subsequently sells out or abandons his claim acquires, or can acquire, riparian rights in a stream flowing through the land. Riparian rights are a mere incident to ownership in the soil, and, while they may relate back by fiction of law to the date of the settlement or filing, by virtue of the patent subsequently issued, yet they do not vest until patent issues, for up to that time the patent to the land with all its incidents is vested in the United States, utterly beyond the power or control of State legislatures. And the party thereafter acquiring title from the Government acquires the land with all its incidents.

In the case of Cruse *v.* M'Cauley (96 Fed. Rep., 369) the United States Circuit Court for Montana, through Judge Knowles, declares:

> It must be conceded that the United States, as the proprietor of the land over which the South Fork of McDonald Creek flowed, had a right to the flow of the waters thereof over its land, as an incident thereto. In the eastern part of Montana the United States acquired its title to land by virtue of what is called the "Louisiana purchase." There can not be one rule as to the right to the flow of water over its lands in Montana and another rule as to its lands in Iowa and Missouri. In these last-named States there can be no doubt of the rule that the National Government would be entitled to water which is an incident to its land. As the United States then owns the waters which are an incident to its lands, it can dispose of them separate from its lands if it chooses. Section 2339, Revised Statutes, provides:
>
> "Whenever by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued and the same are recognized and acknowledged by the local customs, laws, and decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same."
>
> The practical construction of this statute has been that as long as land belonged to the United States the waters flowing over the same was subject to appropriation for any of the purposes named, when such appropriation was recognized by the local customs, laws, or decisions of the courts. But if the water was not so appropriated when it flowed over the public domain, it was not subject to appropriation after the land over which it flowed became private property. Patents of the United States to lands contain this clause:
>
> "Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes," etc.
>
> Certainly this means subject to such water rights as existed at the time when the patent took effect. * * *
>
> If a person receives a patent from the United States for land subject only to accrued water rights—that is, existing water rights—and as an incident to or a part of this land there is water flowing over the same or upon the same, he would have all the rights the United States had at that time. I do not think any State law or custom can take away such rights, except for some public purpose.

The Federal Government has the undoubted right to lease its riparian and other lands with all their appurtenances. (United States *v.* Gratiot, 14 Pet., 526.)

Congress has also the undoubted power to create and establish forest reserves on the lands of the United States within any State, and to authorize the Secretary of Agriculture to make proper rules and regulations for the use of the same, and to charge a compensation for the use of any portion of the reservation; and such a statute amounts to a revocation of the implied license to graze the public lands, referred to and sustained in the case of Buford *v.* Houtz (133 U. S., 320). (See United States *v.* Grimaud, 220 U. S., 506; Light *v.* United States, 220 U. S., 523.)

In this connection it may be observed that the right to occupy and use the public lands of the United States for canals and ditches, for the appropriation of water for agricultural and mining purposes, is based upon and conferred by the following acts: July 26, 1866 (R. S., sec. 2339), and July 9, 1870 (R. S., sec. 2340). There is, in addition to these acts, the right-of-way law contained in the act of March 3, 1891. (26 Stat., p. 1101.) It is through these laws and not by virtue of any State authority that the use of the public domain for the appropriation of water is conferred and acquired.

It is further to be noted that the act of June 25, 1910 (36 Stat., 847), confers the following-described power upon the President in these terms:

> That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States, including the District of Alaska, and reserve the same for water-power sites, irrigation, classification of lands, or other public purposes to be specified in the orders of withdrawals, and such withdrawals or reservations shall remain in force until revoked by him or by an act of Congress.

In the light of the constitutional provision and of the interpretation placed upon it by the decisions of the Supreme Court and other courts in respect to this subject, it seems clear that the Federal Government, through Congress, has the power to lease its riparian lands, with the waters appurtenant thereto, situate within the several States, for such a period, on such terms, and for such rent as Congress in its discretion may prescribe, but the lessee would, at most, only acquire the common-law usufruct in the water of the appurtenant stream, as defined by Chancellor Kent and Chief Justice Shaw.

THE POWER OF THE FEDERAL GOVERNMENT UNDER THE INTERSTATE-COMMERCE CLAUSE OF THE CONSTITUTION.

For the purpose of promoting and regulating foreign and interstate commerce Congress is given plenary power over all the navigable waters of the United States, to the end of improving and maintaining their navigability; and this power is not limited to the navigable sections of streams, but extends to the tributaries and feeders of the same, for without the control of these the power over the navigable sections might become wholly impotent. (United States *v.* Rio Grande Co., 174 U. S., 690.) Neither can any limits be placed upon the methods of improving the navigability of streams nor upon the means by which commerce can be carried on upon the same.

Science has in recent years evoked from the great storehouse of nature the hidden and well-nigh limitless power of electricity and utilized the same in various ways for the promotion of commerce, industry, and the domestic and social well-being of mankind. The bounds of such power and use can not well be defined or foretold. That such power has become and may still much further become one of the great instrumentalities of commerce is evident. While sail, aside form the oar, was the only known motive power on water the limits of navigation was confined to tide water. The discovery of steam extended navigation on our streams far beyond the limits of tide water, and who can tell how much further hydroelectrical power generated by a dam in a stream may extend navigation on that or some other stream? The water in a stream may not only be used to float and carry a vessel, a boat, or a barge, but it may also be used to furnish the motive power for the navigation of the same. And a dam erected in a stream carrying interstate commerce can well be utilized for this double purpose; and Congress, having jurisdiction over the improvement and regulation of an interstate navigable stream, has ample power to resort to all reasonable means for the improvement of navigation and the promotion of commerce on such a stream. (Gibbons *v.* Ogden, 9 Wheat., 1.)

If, for the purpose of improving the navigability of a stream carrying interstate commerce, the Federal Government constructs and maintains a dam, with locks and gates, the Government has the undoubted right to establish and maintain, in connection with such dam, an electric-power plant for the purpose of furnishing motive power to operate such locks and gates. And the Federal Government has the right to sell, lease, or rent, for compensation, any surplus power that may arise from and be an incident to such an improvement of navigation. (Kaukauna Water Power Co. *v.* Green Bay & Mississippi Canal Co., 142 U. S., 254.)

This case relates to the construction of a dam for purposes of navigation and the use of the surplus water incident thereto. In 1846 Congress made a grant of land to the State of Wisconsin for the improvement of the navigation of the Fox and Wisconsin Rivers. The State assumed the grant and the work. In the act of assumption it was provided among other things:

> Whenever a water power shall be created by reason of any dam erected or other improvements made on any of said rivers, such water power shall belong to the State, subject to the future action of the legislature.

The court, in passing upon the effect of this reservation to the State, declares:

> But if, in the erection of a public dam for a recognized public purpose, there is necessarily produced a surplus of water, which may properly be used for manufacturing purposes, there is no sound reason why the State may not retain to itself the power of controlling or disposing of such water as an incident of its right to make such improvement. Indeed, it might become very necessary to retain the disposition of it in its own hands, in order to preserve at all times a sufficient supply for the purposes of navigation. If the riparian owners were allowed to tap the pond at different places and draw off the water for their own use, serious consequences might arise, not only in connection with the public demand for the purposes of navigation, but between the riparian owners themselves as to the proper proportion each was entitled to draw—controversies which could only be avoided by the State reserving to itself the immediate supervision of the entire supply. As there is no need of the surplus running to waste, there was nothing objectionable in permitting the State to let out the use of it to private parties, and thus reimburse itself for the expenses of the improvement.

The court, after further comments and the citation of three Ohio cases, adds:

> The true distinction seems to be between cases where the dam is erected for the express or apparent purpose of obtaining a water power to lease to private individuals, or where in building a dam for a public improvement a wholly unnecessary excess of water is created, and cases where the surplus is a mere incident to the public improvement and a

reasonable provision for securing an adequte supply of water at all times for such improvement.

Also, see Green Bay Co. *v.* Patten Co. (172 U. S., 58), relating to the same water power and dam after the Federal Government had taken over the work and improvement.

In general, it may be said that whenever the Federal Government is engaged in improving the navigability of a stream on which there is interstate commerce, if by reason and in consequence of such improvement, and as an incident thereto, surplus power is created, the Federal Government has the right to lease or sell such power on such terms and for such compensation as it may deem just.

Congress, as in the case of Wisconsin, Ohio, and other States, can delegate the work of improving portions of navigable rivers to States, municipalities, private corporations, and individuals, and if in connection with such improvement and as an incident thereto surplus power is created, Congress may authorize those to whom the right of improvement is delegated to lease and secure compensation for such surplus power. In such cases those to whom the power of making the improvement is delegated are the agents for and stand in place of the Federal Government. But unless such work of improvement is primarily made for the purpose of improving the navigation on streams or other waters carrying interstate commerce, the Federal Government could not confer the power to obtain compensation for the use of the water.

Provision has been made in several acts of Congress for the utilization of surplus water power on navigable streams. In a part of the cases the dam or other improvement has been carried on and made directly by the United States; in other cases by private parties. Senate document No. 57, first session Sixty-second Congress (see Exhibit B appended hereto), contains a list of the cases where so-called water-power privileges have been granted. The case of the Black Warrior River in Alabama has been added to the document since it was issued.

ANSWER TO THE INTERROGATORIES PROPOUNDED IN THE RESOLUTION.

Coming now, in the light of the Constitution and of the construction and interpretation put upon it by the courts in the authorities we have cited, to the direct consideration of the interrogatories propounded in the foregoing resolution, and before attempting to directly respond to the same, it must be borne in mind that it is always difficult to give a satisfactory and instructive answer to a hypothetical or abstract question. It is much easier to solve a concrete case.

As to the first interrogatory, the only answer we can make is this: That whether a stream is navigable or nonnavigable, State or interstate, the rights of the Federal Government as riparian owner are practically the same; and barring any power that may rest in the Federal Government under the commerce clause of the Constitution, that Government has manifestly the right to lease, for compensation and on such terms as it sees fit, its riparian lands with the water appurtenant thereto, but the lessee would not acquire a greater right or interest in such water than the usufruct as defined by the common law, and such right or interest would be subject to and charged with any right acquired under the act of July 26, 1866 (R. S., sec. 2339). The Federal Government has no water power aside from the usufruct to lease in such case; and if the utilization of the water in a stream is sought beyond such usufruct and for other purposes, authority therefor must be obtained from the State where the residuary power over the water resides.

Responding to the second interrogatory, we are of the opinion, divorcing the question from riparian rights, that the Federal Government, in authorizing the construction and maintenance of a dam on a navigable stream by States, municipalities, or private parties, for the chief and primary purpose of improving the navigation of the stream, has the same right to prescribe the terms and compensation for the use of the surplus power, created as an incident to the main improvement, as the Government would have in case it had itself built the dam or made the improvement, and that the Government having delegated the power of building such dam to private parties might well confer upon them as compensation for the work thus undertaken the right to do what the Government itself could do in case it had itself constructed the work. In this connection, and as a further response to the interrogatory, it must be noted that the mere grant by the Federal Government of authority to construct a dam in a navigable river, not for purposes of navigation, but really for the creation of a water power, is merely a license or permit, the effect of which is that if the dam is constructed and operated conformable to plans approved by the Government it will not be deemed an obstruction or impediment to navigation. And in such case the Government would be authorized to charge a nominal license fee for inspecting and passing upon the plans and for watching over the work to see that it conforms to the plans and is properly maintained; but the regulative power of the Government would not extend to the use of the water for other purposes than navigation and interstate commerce. In such a case it seems to us that the Federal Government has no water power to sell or charge compensation for, for it is only authorized by the Constitution to regulate interstate and foreign commerce, which in this case means navigation.

As to the third interrogatory, it may be remarked that it has in part been responded to in the answer to the first interrogatory. And as a further answer we will add that the Federal Government has under the Constitution plenary power to sell or lease its riparian lands with the water appurtenant thereto, and that if on any such land there is a water-power site, that, as a part of the riparian land, can of course be sold or leased. The Federal Government has no water power distinct or separable from its riparian lands or any water-power site on the same. The only water power the Federal Government owns is the common-law usufruct in the water appurtenant to its riparian lands. In leasing its riparian lands with their appurtenant water, which is all the Government has to lease within the limits of a State, it can no doubt prescribe such terms as it sees fit in respect to rent, duration of lease, and the uses to which the leased premises may be put. It can say in its lease to the lessee: "If you succeed in creating and maintaining a water power on the premises I lease you, you will be required to rent such power on such and such terms. This condition will be in your lease; without it I will not lease you the premises. If you accept a lease with this condition and fail to comply with the condition, your lease will be forfeited." In this connection it must be borne in mind, however, that the leasing of the water-power site as a part of the riparian lands of the Federal Government does not in and of itself confer the right to create a water power. At most, as we have already stated, it merely confers the common-law right of usufruct in the water. If any other or further use of the water in the stream is required, the right to such use must be obtained from State authority, and therefore it is difficult to see how water power can be established in such cases without the cooperation or consent of the State.

Several acts have been passed by Congress relating to obstructions and the construction of dams in navigable rivers. Among these, to which we call your attention, is the act of September 19, 1890 (26 Stat., 426), which contains important provisions for the removal or change in bridges that are found to be an obstruction to navigation by the Secretary of War, and other provisions relating to the construction of wharves, piers, bridges, etc.

The act of July 13, 1892 (27 Stat., 88), relates particularly to the construction of wharves, piers, and bridges over navigable waters, and requires the approval of the Secretary of War for any improvement or bridge. (See sec. 3, p. 110.)

Section 10 of the act of March 3, 1899 (30 Stat., 1121), prohibits the creation of any obstruction to the navigable capacity of any of the waters in the United States not affirmatively authorized by Congress, etc., and prohibits the construction of any breakwater, jetty, or other obstruction in any river or water of the United States except on plans recommended by the Chief of Engineers and authorized by the Secretary of War. Section 9 of the same act prohibits the construction of any bridge, dam, etc., over any navigable river without the consent of Congress and without the approval of plans by the Chief of Engineers and Secretary of War.

The act of June 21, 1906 (34 Stat., 386), relates to the construction of dams by parties other than the Federal Government, and the act of June 23, 1910 (36 Stat., 593), is amendatory of the preceding act, and lays down many important rules and regulations for the construction of dams in navigable rivers, etc.

EXHIBIT A.

CALIFORNIA.

California was admitted into the Union in 1850, and the only provision in the act for admission of September 9 (9 Stat., 453) relating to water rights is "that navigable waters are declared common highways and forever free to the inhabitants of the State and citizens of the United States without any tax, impost, or duty therefor."

Section 1 of article 14, constitution, 1879 (p. 443, vol. 1, Am. Chs., Cons., and Oc. L.), provides:

> The use of all waters now appropriated or that may hereafter be appropriated for sale, rental, or distribution is hereby declared to be a public use and subject to the regulation and control of this State, in the manner to be prescribed by law.

Section 1410, California Civil Code, provides:

> The right to the use of running water flowing in a river or stream, or down a canyon or ravine, may be acquired by appropriation.

Section 1411, California Civil Code, provides:

The appropriation must be for some useful or beneficial purpose, and when the appropriator or his successor in interest ceases to use it for such purpose the right ceases.

Section 1422, which, as originally enacted, provided that "The rights of riparian proprietors are not affected by the provisions of this title," i. e., the title relating to the appropriation of water, was enacted March 21, 1872, with section 1410 and the following sections, but repealed March 15, 1887. (Stats. and Amendts., p. 114.) This repealing act contains the following provision:

The repeal of this section shall not in any way interfere with any rights already vested.

One who bases his right on appropriation of water over land then part of the public domain acquires no right superior to those attaching to riparian lands which at the time of the appropriation were private. (Hargrave *v.* Cook, 108 Cal., 78.) 1895.

In the case of Hill *v.* Newman (5 Cal., 446), Justice Bryan in explaining a water right said:

The right to running water is defined to be a corporeal right, or hereditament, which follows or is embraced by the ownership of the soil over which it naturally passes * * *. From the policy of our laws, it has been held in this State to exist without private ownership of the soil—upon the ground of prior location upon the land, or prior appropriation and use of the water.

And in the case of McDonald & Blackburn *v.* Bear River & Auburn Water & Mining Co. (13 Cal., 232, 233), Justice Baldwin put it in this language:

The ownership of water as a substantive and valuable property, distinct, sometimes, from the land through which it flows, has been recognized by our courts; and this ownership, of course, draws to it all the legal remedies for its invasion. The right accrues from appropriation; this appropriation is the intent to take, accompanied by some open, physical demonstration of the intent and for some valuable use. We have held that there is no difference in respect to this use, or rather purpose, to which the water is to be applied; at least, that an appropriation for the uses of a mill stands on the same footing as an appropriation for the use of mines.

The rule of the common law as to riparian rights in its extreme rigor is not adapted to the conditions existing in this State. It is relaxed to a certain extent, and moreover right to the use of water may be procured by prior appropriation thereof where the absolute title to the soil has not passed from the Government or State. But where the title to the riparian soil is in private parties it seems to be the law that they are under the protection of the common-law rule. The rights in water acquired by a riparian proprietor are attached to the soil and pass with it (Lux *v.* Haggin, 69 Cal., 255) and may be lost only by grant, condemnation, or prescription. (Hargrave *v.* Cook, 108 Cal., 77; Bathgate *v.* Irvine, 126 Cal., 142; Eddy *v.* Simpson, 3 Cal., 249; Pet *v.* Santa Rosa, 119 Cal., 392; Gould *v.* Stafford, 77 Cal., 66; Union M. & M. Co. *v.* Ferris, 2 Sawy., 176; Union M. & M. Co. *v.* Dangby, 2 Sawy., 450; Land & Water Co. *v.* Hancok, 85 Cal., 219.)

Justice Heydenfeldt, in a leading case (5 Cal., 147), said:

The miner who selects a piece of ground to work must take it as he finds it, subject to prior rights, which have an equal equity on account of an equal recognition from the sovereign power. If it is upon a stream the waters of which have not been taken from the bed, they can not be taken to his prejudice; but if they have been already diverted, and for as high and legitimate purpose as the one he seeks to accomplish, he has no right to complain, no right to interfere with the prior occupation of his neighbor, and must abide the disadvantage of his own selection.

Chief Justice Murray, in Hill *v.* King (8 Cal., 338), speaking on this subject said:

The only test as between parties where the lands belong to the United States or this State is priority of location, and whether a party locates above or below the claim of another his right depends or originates in appropriation alone; he must take subject to the higher right of those who were first in point of time to appropriate. If the parties both claimed as riparian proprietors, then each alike would be entitled to the reasonable use of the water for proper purposes. But in such case the suprariparian proprietor must so do the same as to do his neighbor the least possible injury.

IDAHO.

The constitution of Idaho, 1889, section 1 of article 15, contains the same provision as section 1 of article 14 of the California constitution, supra (pp. 943, 944, vol. 2, Am. Ch., Con., and O. L.), with the additional provision that the use "of all water originally appropriated for private use, but which after such appropriation has heretofore been or may hereafter be sold, rented, or distributed" is also a public use.

Section 3 provides:

The right to divert and appropriate the unappropriated waters of any natural stream to beneficial use shall never be denied. Priority of appropriation shall give the better right as between those using the water; but when the waters of any natural stream are not sufficient for the service of all those desiring the use of the same, those using the water for domestic purposes shall (subject to such limit as may be prescribed by law) have the preference over those claiming for any other purpose; and those using the water for agricultural purposes shall have preference over those using the same for manufacturing purposes. And in any organized mining district, those using the water for mining purposes, or milling purposes connected with mining, shall have preference over those using the same for manufacturing or agricultural purposes. But the usage by such subsequent appropriators shall be subject to such provisions of law regulating the taking of private property for public and private use as referred to in section 14, article 1, of this constitution.

Section 3240, Revised Statutes, puts the control of water within the borders of the State in the State and declares that all waters are the property of the State; section 3242 provides for acquiring the right to the use of water by appropriation, and section 3243 that it must be for a useful and beneficial purpose.

The State engineer is prohibited from granting permits to divert waters of a lake, pond, or pool situated wholly upon lands of a person or corporation except to the owner. (Chap. 230, Sess. Laws, 1911.)

In the case of Drake *v.* Earhart (2 Idaho, 716) it was held that a prior appropriator of the water of a stream, all of which he claimed, had used, and needed for irrigation, was entitled to the whole as against a patentee of land through which the stream flowed, though no custom to that effect was shown.

Said Chief Justice Beatty (p. 720):

The important question * * * is what, if any, rights the appellant has to any of that water as a riparian proprietor. His claim is not based upon prior or any appropriation under our Territorial laws, but upon the fact that the stream in question flows by its natural channel through his land; hence that he is entitled to the use thereof allowed by the common law. This doctrine of riparian proprietorship in water as against prior appropriation has been very often discussed and nearly always decided the same way by almost every appellate court between Mexico and the British possessions and from the shores of the Pacific to the eastern slope of the Rocky Mountains, as well as by the Supreme Court of the United States. While there are questions growing out of the water laws and rights not fully adjudicated, this phantom of riparian rights, based upon facts like those in this case, has been so often decided adversely to such claim and in favor of prior appropriation that the maxim "first in time, first in right" should be considered the settled law here. * * * It is the lineal descendant of the law of necessity.

It is evident, therefore, that in the State of Idaho, according to the constitution, statutes, and decisions of the courts, all waters are in full control of the State, subject to appropriation for beneficial uses and the sale, rental, or distribution thereof.

MONTANA.

Section 15, article 3, constitution, 1889, provides (p. 2302, vol. 4, Am. Ch., Con., and O. L.):

The use of all water now appropriated or that may hereafter be appropriated for sale, rental, distribution, or other beneficial use, and the right of way over lands of others for all ditches, drains, flumes, canals, and aqueducts necessarily used in connection therewith, as well as the sites for reservoirs necessary for collecting and storing the same, shall be held to be a public use. * * *

Section 4432, Revised Statutes, 1907 (in part):

The State is the owner of all land below the water of a navigable lake or stream.

Section 4840, Revised Statutes, 1907 (approved Mar. 16, 1901):

The right to the use of any unappropriated water of any natural stream, watercourse, spring, dry coulee, or other natural source of supply, and of any running water flowing in the streams, rivers, canyons, and ravines of this State, may hereafter be acquired by appropriation.

Section 4846, Revised Statutes, 1907, gives the United States, through the Secretary of the Interior, the right to appropriate the waters of streams or lakes within the borders of the State in the same manner as an individual.

In the case of Columbia Mining Co. *v.* Holter (1 Mont., 300) Chief Justice Warren, in speaking of the doctrine of prior appropriation, used this language:

By appropriation a man acquires only the right of possession and user of water, qualified by the right of others to its use, in such manner as shall not materially diminish or deteriorate it at the place of his appropriation in quantity or quality.

From the above sections it would appear that the right of the United States to the streams and waters therein in this State is no greater than that of an individual—i. e., to acquire a right therein by appropriation.

WASHINGTON.

Section 1, article 17, constitution, 1889 (p. 4001, vol. 7, Am. Ch., Con., and O. L.):

The State of Washington asserts its ownership to the beds and shores of all navigable waters in the State up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all navigable rivers and lakes: *Provided*, That this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the State.

Section 2:

The State of Washington disclaims all title in and claim to all tide, swamp, and overflowed lands patented by the United States: *Provided*, The same is not impeached for fraud.

Section 1, article 21:

The use of the waters of the State for irrigation, mining, and manufacturing purposes shall be deemed a public use.

Justice White:

The provision of article 17, section 1, of the constitution was evidently for the purpose of establishing the right of the State to the beds of all navigable waters in the State, whether lakes or rivers, or fresh or salt, to the same extent the Crown had in England in the sea and in the arms and inlets thereof and in the tidal rivers, and to eliminate the distinctions existing under the rule of the common law in this respect.

A lower riparian owner can not be deprived of his right to the usual and undiminished flow of water without the exercise of eminent domain, even where the upper proprietor is a municipal corporation which seeks to divert the waters for necessary public use. It was contended that by section 1, article 17, the State could authorize the diversion of a stream for the use of the inhabitants of a city, it being a public use and a paramount necessity superior to every other use. Justice White said further:

Though this section has the effect, as has been held by this court in Eisenbach *v.* Hatfield (2 Wash., 236) and Harborland Commissioners *v.* State (2 Wash., 530), of vesting in the State the entire and exclusive ownership of the beds and shores of all navigable waters, it should not be construed as affecting the rights of riparian proprietors upon nonnavigable watercourses, though their source is in navigable waters. The use of the water in such nonnavigable streams is not inconsistent with the retention of the fee in the bed of navigable waters in the State. The provision of section 16, article 1, of the constitution protects private property from confiscation for public use; and the proviso to article 17, section 1, clearly indicates that so far as rights had become vested, notwithstanding the other provisions of this section, the owner thereof should have the right to assert them in the courts; and, if this language means anything, it is that those rights should be protected and guarded by the courts. (24 Wash., 499, 500, 501, New Whatcom *v.* Fairhaven Land Co.)

Section 6316, Remington & Ballinger's code, 1910:

The right to the use of water in any lake, pond, or flowing spring in this State or the rights of the use of any water flowing in any river, stream, or ravine of this State, for irrigation, mining, or manufacturing purposes, or for supplying cities, towns, or villages with water, or for waterworks, may be acquired by appropriation and as between appropriators the first in time is the first in right.

Section 6325, Remington & Ballinger's code, 1910, gives the right to any person, corporation, or association of persons, and section 6326 the right to riparian proprietors to appropriate surplus and unappropriated waters for purposes of irrigation and mining.

Section 4102 provides for the procuring of right of way across intervening lands for ditches, etc.

"The common-law doctrine of riparian rights in the use of waters of a stream has become a rule of property in this State." (Nesalhous *v.* Walker, 45 Wash., 621.)

A prior appropriator of water over public lands can not be defeated of his rights by subsequent homesteaders on the land. (Thorpe *v.* Tenem, 1 Wash., 566.)

NORTH DAKOTA.

Article 17, section 210, constitution, 1889 (p. 2885, vol. 5, Am. Ch., Con., and O. L.):

All flowing streams and natural watercourses shall forever remain the property of the State for mining, irrigating, and manufacturing purposes.

Section 4798, Revised Codes, 1905:

The owner of the lands owns the waters standing thereon, or flowing over or under its surface, but not flowing in a definite stream. Water running in definite stream formed by nature, over or under the surface, may be used by him as long as it remains there; but he may not prevent the natural flow of the stream or of the natural springs from which it commences its definite course, nor pursue or pollute the stream.

Section 7604:

All waters within the limits of the State from all sources of water supply belong to the public, and except as to navigable waters, are subject to appropriation for beneficial use.

Section 7639 gives the United States the right to appropriate waters within the State the same as an individual.

The homestead settlers have superior rights over subsequent miner's claims. (Sturr *v.* Beck, 6 N. Dak., 71; 133 U. S., 541.)

A riparian owner may use reasonable quantity of water for irrigation purposes. An appropriator who acquires subsequent rights can not complain of use made of water by upper riparian proprietor. (Lone Tree Ditch Co. *v.* Cyclone Ditch Co., 15 S. Dak., 519.)

In the case of Bigelow *v.* Draper (6 N. Dak., 152) Justice Corless said:

At common law the owner of lands through which a nonnavigable stream flowed was possessed of the title to the bed of the stream as well as of the right to a reasonable use of the water. The land under the water was his; the right to a reasonable use of the stream was as much his property as the land itself. The course of the stream could not be so diverted as to cause it to cease to flow in its accustomed channel upon his property. These doctrines of the common law were in force in the Territory of Dakota at the time of the adoption of the constitution of this State. By virtue of them the riparian owners in the Territory were vested with specified property rights in the bed of all natural watercourses, and in the water itself. Such rights were under the protection of the fourteenth amendment to the Federal Constitution, which protects property against all State actions that does not constitute due process of law. It follows that section 210 of the State constitution would itself be unconstitutional in so far as it attempted to destroy those vested rights of property, if it should by construction be given a scope sufficiently wide to embrace such matters. For this reason we feel constrained to hold, despite its broad language, that section 210 was not framed to divest the rights of riparian owners in the waters and beds of all natural watercourses in the State.

SOUTH DAKOTA.

Section 192, Revised Code, 1903:

The ownership of land below ordinary high-water mark and the land below the water of a navigable lake or stream is regulated by the laws of the United States, or by such laws of the State as the legislature may enact.

Section 278, Revised Code:

The owner of the lands owns the waters standing thereon or flowing over or under its surface, but not flowing in a definite stream. Water running in definite stream formed by nature over or under the surface may be used by him as long as it remains there, but he may not prevent the natural flow of the stream or of the natural springs from which it commences its definite course, nor pursue nor pollute the stream.

Section 289, Revised Code:

Except where the grant under which the land is held indicates a different intent, the owner of the upland, when it borders upon a navigable lake or stream, takes to the edge of the lake or stream at low-water mark, and all navigable rivers shall remain and be deemed public highways. In all cases where the opposite banks of any streams not navigable belong to different persons the stream and the bed thereof shall become common to both.

Section 2563, Revised Code:

Any person or persons, corporation or company, who may have or hold a title or possessory right to any mineral or agricultural lands within the limits of this State shall be entitled to the usual enjoyment of the waters of the streams or creeks in said State for mining, milling, agricultural, or domestic purposes: *Provided*, That the right to such use shall not interfere with any prior right or claim to such waters when the law has been complied with in doing the necessary work.

Section 2567, Revised Code:

The waters of the streams or creeks of the State may be made available to the full extent of the capacity thereof for mining, milling, agricultural, or domestic purposes, without regard to deterioration in quality or diminution in quantity, so that the same do not materially affect or impair the rights of the prior appropriator.

Sections 2564 and 2568 give right of way through and over any tract or piece of land for the above purposes and provide for damages for such cutting over lands.

To the contention that the provisions of section 278, Revised Code, were of no effect after the adoption of the prior appropriation doctrine, Justice Corson, in the case of The Lone Tree Ditch Co. *v.* Cyclone Ditch Co. (15 S. Dak., 525), said:

The Government has by these provisions (secs. 2339 and 2340, U. S. Rev. Stats.) recognized the right to appropriate water and taking the same from its natural channel. The legislature of this State has properly provided for the making of such appropriation, but the right of the riparian owners to the use of such waters which have become vested are such as are prescribed by section 2771, Compiled Laws (sec. 278, Rev. Code). In our opinion, therefore, the provisions of section 2771 are still in force, and this seems to have been the opinion of the Supreme Court of the United States in Sturr *v.* Beck. * * *

In that State (California) as in this, two systems prevail: One for acquiring the use of water for irrigation purposes by appropriation, and the other the common-law right to the use of water not so legally appropriated for irrigation purposes, by the riparian owner.

UTAH.

Section 1, article 17, constitution, 1895 (p. 3728, vol. 6, Am. Ch., Con., and O. L.):

All existing rights to the use of any of the waters in this State for any useful or beneficial purpose are hereby recognized and confirmed.

Section 1288x5, Compiled Laws, 1907, provides that right to the use of unappropriated waters may be acquired by appropriation for a beneficial use; section 1288x6, that the application to State engineer must be made before commencing actual appropriation; section 1288x17, date of receipt of application determines priority; section 1288x19, that the water of all streams and other sources is the property of the public subject to the use thereof.

Section 1288x10, as amended March 20, 1911, provides that—

An application for water made by a homesteader, desert entryman, or person in possession of land under contract to purchase the same, such water to be used exclusively upon the land of such person, may be approved without reference to prior conflict.

Section 1288x21 provides for secondary rights in water; for acquiring right of way over adjacent land for ditches, and so on, by eminent domain; and for just compensation to the owner of land injured thereby.

A municipal corporation took possession and control of the waters of a certain stream with the express consent of the original locators and had held the stream more than seven years; held, that it acquired the ownership of the water under the statute of limitations. (Springville *v.* Fulmer, 7 Utah, 450.)

A prior appropriator of water of a certain stream can not so increase his demands and use the water as to deprive a subsequent appropriator of his rights acquired before such increased demands and use.

Justice Cherry, in the case of Becker *v.* Marble Creek Irrigation Co. (15 Utah, 228, 229), said:

The waters of a prior appropriator are fixed by the extent of his appropriation for a beneficial use, and others may subsequently appropriate any water of a stream not so used by a prior appropriator; and such latter appropriation becomes a vested right, and entitled to as much protection as the former, and a right of which he can not be deprived

except by voluntary alienation or forfeiture by abandonment. The rights of the former being thus fixed, he can not enlarge his rights to the detriment of the latter by increasing his demands or by extending his use to other lands, even if used for a beneficial purpose.

As illustrative of the necessity and importance of applying the doctrine of appropriation in this State, hear what Justice Blackburn, in the case of Stowell *v.* Johnson (7 Utah, 225), has to say:

Riparian rights have never been recognized in this Territory, or in any State or Territory where irrigation is necessary; for the appropriation of water for the purpose of irrigation is entirely and unavoidably in conflict with the common-law doctrine of riparian proprietorship. If that had been recognized and applied in this Territory it would still be a desert, for a man owning 10 acres of land on a stream of water capable of irrigating 1,000 acres of land or more, near its mouth, could prevent the settlement of all the land above him.

So it is apparent that in the State of Utah the doctrine of prior appropriation is applied to the use of water in its extreme rigor.

WYOMING.

The following are sections of the Wyoming constitution, 1889, relating to water rights (p. 4117, vol. 7, Am. Ch., Con., and O. L.):

Section 31, article 1. Water being essential to industrial prosperity of limited amount, and easy of diversion from its natural channels, its control must be in the State, which, in providing for its use, shall equally guard all the various interests involved (p. 4119, id.).

Section 32, article 1. Private property shall not be taken for private use unless by consent of the owner, except for private ways of necessity, and for reservoirs, drains, flumes, or ditches on or across the lands of others for agricultural, mining, milling, domestic, or sanitary purposes, nor in any case without due compensation (p. 4119, id.).

Section 1, article 8. The water of all natural streams, springs, lakes, or other collections of still water, within the boundaries of the State, are hereby declared to be the property of the State (p. 4138, id.).

Section 3, article 8. Priority of appropriation for beneficial uses shall give the better right. No appropriation shall be denied except when such denial is demanded by the public interests (p. 4138, id.).

Section 917, Revised Statutes, 1899, and the following sections give the right to persons, associations, and corporations to appropriate water for beneficial uses by first making application to the State engineer before constructing any ditches or commencing any work for the diverting of the water.

Chapter 68, Session Laws 1909, defines water rights and its preferred uses and declares that the right to the use of water shall attach to the land.

To the contention that the State could not acquire ownership in the waters of the State by mere assertion, Chief Justice Potter, in the case of Farm Investment Co. *v.* Carpenter (61 Pacific, 259), said:

In this State the doctrine prevails that the right to the use of water may be acquired by priority of appropriation for beneficial purposes, in contravention to the common-law rule that every riparian owner is entitled to the continued natural flow of the water of the stream running through or adjacent to his lands. The appropriation consists in a diversion of the water by some adequate means and its application to a beneficial use. * * * (Moyer *v.* Preston, 6 Wyo., 308.)

At the outset, however, it is strenuously insisted that the declaration contained in the constitution, that the waters of the natural streams, etc., are the property of the State, is meaningless and of no force and effect. It is argued that the State no more than an individual can acquire property by mere assertion of ownership, and that the United States as the primary owner of the soil is also primarily possessed of title to the waters of the stream flowing across the public lands. This contention demands more than a passing notice. So far as any proprietary rights of the United States are concerned, the question would seem to be settled in favor of the effectiveness of the declaration by the act of admission which embraces the following provision, "and that the constitution which the people of Wyoming have formed for themselves, be, and the same is hereby, accepted, ratified, and confirmed," * * * The common-law doctrine of riparian rights relating to the use of water of the natural streams and other natural bodies of water not prevailing, but the opposite thereof, and one inconsistent therewith, having been affirmed and asserted by customs, laws, and decisions of courts, and the rule adopted permitting acquisition of rights by appropriation, the waters affected thereby become, perforce, publici juris. It is therefore doubtful whether an express constitutional or statutory declaration is required in the first place to render them public. * * * If any consent of the General Government was primarily requisite to the inception of the rule of prior appropriation, that consent is to be found in several enactments by Congress, beginning with the act of July 26, 1866, and including the desert-land act of March 3, 1877.

The act of July 26, 1866 (14 Stat., 253, ch. 262, sec. 9), above referred to, which is now section 2339, United States Revised Statutes, and section 2340, Revised Statutes, reads as follows:

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 2340. All patents granted, or preemption or homesteads allowed, shall be subject to any vested and accrued water rights, or rights to ditches and reservoirs used in connection with such water rights, as may have been acquired under or recognized by the preceding section. (July 9, 1870, 17 Stat., 218.)

The desert-land act of March 3, 1877 (19 Stat., 377), which applies to the States of California, Oregon, Nevada, Washington, Idaho, Montana, Utah, Wyoming, Arizona, New Mexico, and the Dakotas, sanctions the prior appropriation of water and provides that:

All surplus water over and above such actual appropriation and use, together with the water of all lakes, rivers, and other sources of water supply upon the public lands and not navigable, shall remain and be held free for the appropriation and use of the public for irrigation, mining, and manufacturing purposes, subject to existing rights.

NEVADA.

Chapter XVIII, section 1, laws 1907:

All natural water courses and natural lakes, and the waters thereof, which are not held in private ownership, belong to the State and are subject to appropriation for beneficial uses.

Section 355, Compiled Laws, 1900:

All existing rights to the use of water, whether acquired by appropriation or otherwise, shall be respected and preserved and nothing in this act shall be construed as enlarging, abridging, or restricting such rights.

Section 356, Compiled Laws, 1900, provides that no right except usufructuary right can be acquired, i. e., for beneficial purpose, and there shall be no absolute property in waters of lakes or streams.

In the case of Walsh *v.* Wallace (26 Nev., 327), it was held that the act of 1866 did not introduce any new system or policy, but merely confirmed to the owners of water rights on public lands the same rights which they held under the local customs. Chief Justice Massey said further:

And it has been held by this court that the doctrine of riparian rights is so unsuited to the conditions existing in this State of Nevada and is so repugnant in its operation to the doctrine of appropriation that it is not a part of the law and does not prevail here.

NEBRASKA.

The common-law rules as to rights and duties of riparian owners are in force in every part of the State of Nebraska, except as altered or modified by statute. (Meng *v.* Coffey, 67 Nebr., 500; Crawford *v.* Hathaway, 67 Nebr., 325.)

Section 6821, Cobbey's Annotated Statutes, 1911:

The water of every natural stream not heretofore appropriated within the State of Nebraska is hereby declared to be the property of the public and is dedicated to the use of the people of the State, subject to appropriation, as hereinbefore provided.

Section 6844, Cobbey's Annotated Statutes, 1911:

Water for the purpose of irrigation in the State of Nebraska is hereby declared to be a natural want.

Section 6822, Cobbey's Annotated Statutes, provides that water in the streams within the State may be appropriated for beneficial uses, priority of appropriation to have the better right; also, that domestic purposes are preferred over any other purpose and agricultural purposes over manufacturing purposes.

Riparian owners on navigable rivers hold to the thread of the stream subject to the public easement of navigation. A riparian right is not an easement, but a part and parcel of the land itself; it is a property right, and as such is entitled to protection the same as private property. (Kinkhead *v.* Turgeon, 74 Nebr., 580; Cline *v.* Stock, 71 Nebr., 70.)

In the case of Crawford *v.* Hathaway (67 Nebr., 325) the court held that the right of a riparian proprietor as such to use water for irrigation purposes is limited to riparian lands. Even though he does not use the water on riparian lands, that does not permit him to divert the water to nonriparian lands.

COLORADO.

Section 5, article 16, constitution, 1876 (p. 507, vol. 1, Am. Ch., Con., and O. L.):

The water of every natural stream not heretofore appropriated within the State of Colorado is hereby declared to be the property of the public; and the same is dedicated to the use of the people of the State, subject to appropriation as hereafter provided.

Section 6, article 16, constitution, provides that priority of appropriation gives the better right as between those using for the same purpose, and the right to divert unappropriated streams shall never be denied. (When there is not sufficient water, domestic purposes have preference over any other purpose and agricultural over manufacturing purposes.)

Section 7, article 16, constitution, provides for the acquiring of right of way over public, private, and corporate lands for ditches, canals, and flumes for domestic purposes, irrigation, mining, manufacturing, and drainage, upon the payment of just compensation.

Section 2256 et seq. (ch. 69), Mills's Annotated Statutes, 1891, relates to the appropriation and use of water.

The common-law doctrine is also inapplicable to the State of Colorado. Said Chief Justice Hoyt, in the case of Fort Morgan Land & Canal Co. *v.* South Platte Ditch Co. (18 Colo., 1):

Under our constitution the water of every natural stream in this State is deemed to be the property of the public. Private ownership of water in the natural stream is not recognized. The right to divert water therefrom and apply the same to beneficial uses is, however, expressly guaranteed. By such diversion and use a priority of right to the use of the water may be acquired.

And Justice Helm, discussing the doctrine of prior appropriation in the case of Wheeler *v.* Irrigation Co. (10 Colo., 582), says:

Our constitution dedicates all unappropriated waters in the natural streams of the State to the use of the people, the ownership thereof being vested in the public. We shall presently see that after appropriation the title to this water, save, perhaps, as to the limited quantity that may be actually flowing in the consumer's ditch or lateral, remains in the general public, while the paramount right to its use, unless forfeited, continues in the appropriator.

See also the following cases: Strickler *v.* Colorado Springs (16 Colo., 67); Coffin *v.* Left Hand Ditch Co. (6 Colo., 446, 447); Yankee *v.* Nichols (1 Colo., 551).

OKLAHOMA.

Section 3915 of the Compiled Laws of 1909 declares the rivers and streams of the State to be the property of the public, and that use of the water in the streams may be acquired by appropriation.

Section 3918, Compiled Laws, provides for the procuring of right of way over private and public lands for irrigation, etc., by condemnation.

Section 3920, Statutes 1909:

The appropriation of water must be either for irrigation, mining, milling, construction of water works for cities and towns, or stock raising.

Section 23, article 2, constitution, 1907 (p. 4275, vol. 7, Am. Ch., Con., and O. L.):

No private property shall be taken or damaged for private use with or without compensation unless by the consent of the owner, except for private ways of necessity or for drains and ditches across lands of others for agricultural, mining, or sanitary purposes, in such manner as may be prescribed by law.

In regard to appropriation of waters for beneficial uses, Chief Justice Burford, in Gates *v.* Settlers' Milling, Canal & Reservoir Co. (91 Pac., 858), said:

It seems the settled law in States where irrigation problems have been dealt with that, in order to acquire a vested right in the use of water for such purposes from the public streams, three things must concur: There must be the construction of ditches or channels for carrying water; the water must be diverted into the artificial channels and carried through them to the place to be used; and it must actually be applied to beneficial uses, and he has the best right who is first in time.

OREGON.

The act for admission of Oregon, February 14, 1859 (11 Stat., 383), section 2, declares:

* * * And said rivers and waters, and all the navigable waters of said State, shall be common highways and forever free, as well to the inhabitants of said State as to all other citizens of the United States, without any tax, duty, impost, or toll therefor.

Section 6525, Lord's Oregon Laws, 1910:

The use of the water of the lakes and running streams of the State of Oregon for general rental, sale, or distribution for purposes of irrigation, and supplying water for household and domestic consumption, and watering live stock upon dry lands of the State, is a public use, and the right to collect rates or compensation for such use of said water is a franchise. A use shall be deemed general within the purview of this act when the water appropriated shall be supplied to all persons whose lands lie adjacent to or within reach of the line of the ditch or canal or flume in which said water is conveyed, without discrimination other than priority of contract upon payment of charges therefor, as long as there may be water to supply.

Section 6526, Lord's Oregon Laws, 1910, gives to corporations the right to appropriate and to divert water from its natural bed or channel, to condemn land for the purpose of right of ways for ditches, and to condemn the rights of riparian proprietors upon the lake or stream from which such appropriation is made.

Section 6551, Lord's Oregon Laws, 1910:

The use of the water of the lakes and running streams of the State of Oregon for the purpose of developing the mineral resources of the State, and to furnish electrical power for all purposes, is declared to be a public and beneficial use and a public necessity, and the right to divert any unappropriated waters of any such lakes or streams for such public and beneficial use is hereby granted.

Section 6575, Lord's Oregon Laws, 1910:

All water within the State from all sources of water supply belong to the State.

Sections 6594 and 6595 provide that all waters within the State may be appropriated for beneficial use, and preserves the vested rights of riparian proprietors who have made actual application of water for a beneficial use provided such use has not been abandoned for a continuous period of two years. (Enacted 1909.)

In this State it has been held that a riparian owner holds to high-water mark on navigable streams and to the middle of nonnavigable streams.

Each riparian owner is entitled to a reasonable use of the water for domestic purposes and also, in addition thereto, a reasonable use for irrigation, even though such use may diminish the flow to lower riparian owners. (Shaw *v.* Oswego, 10 Oreg., 371; Jones *v.* Conn, 39 Oreg., 30.)

In the case of Kahler *v.* Campbell (13 Oreg., 596) it was held that where two settlers on Government land severally divert a stream at a point above them, and subsequently one of them acquires title to the land at that point, prior appropriation and not common-law riparian rights govern.

A settler upon a nonnavigable stream may elect to rely upon his riparian rights or make an appropriation; but he can not do both. (Williams *v.* Altnow, 51 Oreg., 275.)

EXHIBIT B.

[Senate Document No. 57, Sixty-second Congress, first session.]

Memorandum of acts of Congress concerning power privileges at Government dams.

Names of rivers.	Grantee.	Date of act.	Provisions of act.	By whom improvement made.
Muskingum, Ohio	General authorization	Aug. 11, 1888 (25 Stat., 417)	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient.	United States.
Green and Barren, Ky.	do	Sept. 19, 1890 (26 Stat., 447)	The Secretary of War authorized and empowered to grant leases or licenses for the use of the water powers, at such rate and on such conditions and for such periods of time as may seem to him just, equitable, and expedient, with added condition that leases are not to extend beyond the period of 20 years.	Do.
Cumberland, Tenn., at Lock No. 1.	do	June 13, 1902 (32 Stat., 408)	The Secretary of War authorized to grant leases of licenses for the use of the water power at such rate and on such conditions and for such periods of time as may seem to him expedient. (See also act of June 28, 1902.)	Do.
Tennessee at Hales Bar	City of Chattanooga or other private corporation.	Apr. 26, 1904 (33 Stat., 309)	Grantee to purchase necessary lands and deed same to United States to construct lock and dam and give them to United States completed, free of all cost except expenses connected with preparation of plans, superintendence, cost of lock gates, etc., and to furnish United States free electric current for operating locks and for lighting. Grantee to have use of water power for 99 years.	Private.
Mississippi at Des Moines Rapids.	Keokuk & Hamilton Water Power Co.	Feb. 9, 1905 (33 Stat., 712)	Grantee to build a lock and dry dock and appurtenant works, and United States to have ownership of them. Grantee to provide suitable power plant for lighting and operating the lock, dry dock, and appurtenances, and to provide fishways.	Do.
Cumberland and tributaries	Cumberland River Improvement Co.	Mar. 3, 1905 (33 Stat., 1132)	Right to collect tolls to cease at expiration of 40 years from date of completion of Lock and Dam No. 21, Cumberland River, and United States may then assume the possession, care, operation, maintenance, and management of the lock or locks constructed by the corporation, but without in any way impairing the right or ownership of the water power and dams created by the corporation.	Do.
Coosa, Ala., at Lock No. 2	General authorization	May 9, 1906 (34 Stat., 183)	United States reserves right to control dams and pool level and to construct locks. Land for lock and approaches to be conveyed to United States free of charge, and United States to have free water power for building and operating locks. Fishways to be constructed.	Do.
White, Ark., at Lock No. 1	Batesville Power Co.	June 28, 1906 (34 Stat., 536)	The Secretary of War authorized and directed to fix from time to time reasonable charges to be paid for use of power.	Do.

EXHIBIT B—Continued.

Memorandum of acts of Congress concerning power privileges at Government dams—Continued.

Names of rivers.	Grantee.	Date of act.	Provisions of act.	By whom improvement made.
Coosa, Ala., at Lock No. 12	Alabama Power Co.	Mar. 4, 1907 (34 Stat., 1288)	Dam to be built so that the United States may construct a lock in connection therewith. The grantee to have the right to use Government land necessary for the construction and maintenance of the dam and appurtenant works, to convey to the United States free of cost such suitable tract or tracts as may be selected by the Chief of Engineers and the Secretary of War for establishment of locks and approaches, and to furnish the necessary electric current to operate locks and for lighting grounds.	United States.
St. Marys, Mich	General authorization	Mar. 3, 1909 (35 Stat., 821)	Water power to be leased by the Secretary of War upon such terms and conditions as shall be best calculated, in his judgment, to insure the development thereof. A just and reasonable compensation to be paid for use.	Do.
Wabash, Ind., at Mount Carmel.	do	Mar. 3, 1909 (35 Stat., 819)	Secretary of War authorized to grant leases or licenses for periods not exceeding 20 years at such rate and on such conditions as may seem to him just, equitable, and expedient.	Do.
Mississippi from St. Paul to Minneapolis.	do	June 25, 1910 (36 Stat., 659)	A reasonable compensation for leases of water power shall be secured to the United States.	Do.
Coosa, Ala., at Lock No. 4	Ragland Water Power Co.	Feb. 27, 1911 (36 Stat., 939)	The dam to be property of the United States free of charge. Grantee to have water-power rights for 50 years. United States to have right to construct a lock and to have free electric current for operating and lighting. Grantee to raise height of dam at Lock No. 4 and to stop leaks. Beginning in 1925, grantee shall pay to United States $1 per 10-hour horsepower, with an increase if natural flowage is increased by storage reservoirs.	Private.
Wabash at Mount Carmel, Ill.	Mount Carmel Development Co.	Feb. 14, 1889 (25 Stat., 670); Feb. 12, 1901 (31 Stat., 785)	Withdrawal of water shall be under the direction and control of the Secretary of War.	United States.
Rock near Sterling	Sterling Hydraulic Co.	Mar. 2, 1907 (34 Stat., 1103)	Secretary of War authorized to permit erection of a power station in connection with United States dam. Grantee to waive certain claims against United States.	Do.
White, Ark., above Lock No. 3.	J. A. Omberg, jr.	June 29, 1906 (34 Stat., 628)	Grantee to purchase lands, construct lock and dam, and give them to the United States free of charge and furnish United States electric current to operate locks, light grounds, etc. Grantee to have use of water power for 99 years.	Private.
Black Warrior, Ala., Lock and Dam No. 17.	General authorization	Aug. 22, 1911 (p. 32, laws, 1st sess. 62d Cong.).	Secretary of War authorized to change detailed plans and specifications so as to increase height of pool level over the dam crest of Lock No. 17, and for the development of water power.	United States.

LIQUEFYING THE CONSTITUTION.

(By Bishop W. A. Candler.)

The historian Grote speaks of the fact that a nation may acquire the habit of "constitutional immorality," and notes such a habit as a mark of national decadence.

Nothing more surely indicates decay in the moral character of a nation than a disposition to break away from the restraints of its constitution. This must be apparent when we consider what is the nature and office of a constitution.

Constitutional government is not, as some vainly talk, a government by the majority; but it is a government by the majority under the restraints and limitations of the constitution. There are things which a majority can not do under constitutional government. A constitution is, therefore, the protection of the minority against the passion and oppression of the majority. Under a republican form of government, in which the people are sovereign, the constitutional restraints put over majorities are like those limitations of law put upon kings under constitutional monarchies. The humblest and obscurest citizen of Great Britain is protected against the oppression of the King by constitutional principles which no British monarch has dared to infract since Charles I lost his head for such infractions. In like manner the poorest and weakest man in the United States is defended against the oppression of the majority by constitutional principles which all the civil officers of the land, from President to constable, are sworn to support. In the absence of such restraints no man's liberty in our country would be secure. It behooves every man, therefore, to insist upon absolute respect and submission to the fundamental law of the Republic and the States.

Constitutions are the embodiment of great fixed principles of right, not subject to sudden changes, as the fickle feelings or transient interests of the majority may dictate. Statutes may vary with varying conditions, but the principles established in a constitution are not subject to such mutations. In the main, constitutional limitations are the expression of essential and eternal rules of right and wrong; they are ethical in their character. When, therefore, men or nations grow impatient of constitutional principles they show thereby a disposition toward immorality and manifest a desire to dethrone righteousness and set up their own willfulness in the place of moral law. Once they set out on such a course, neither they nor anyone else can say where they will stop; their destination becomes as uncertain as capricious desire and lawless expediency can make it. All political conduct under such conditions becomes a mere matter of power, without regard to principle. Demagogues flourish at such times, flattering the majority with high-sounding eulogies of "the people" in order to accomplish their own ambitious designs and selfish ends. All the distinctions of right and wrong become dim and wavering in the minds of the people; conscience grows feeble and virtue withers. Minorities are oppressed, and the individual becomes the sport of popular waves of superheated sentiment. Even demagogues cease to be secure, for one follows another in quick succession as the fitful purposes of a fickle populace change from one sensation to another, just as in the French Revolution men who were the idols of the people on one day were guillotined the next amid cries of popular execration.

It is to be feared that our country is in a danger of this sort. The light and sportive manner in which some among us assume to deal with our constitutional limitations is positively alarming. In a public address widely circulated some years ago Theodore Roosevelt, while President of the United States and sworn to support the Constitution, said, "We need through executive action, through legislative action, and through judicial interpretation and construction of law to increase the power of the Federal Government." Such an utterance fairly construed was nothing less than an exhortation to the officials in every branch of the Government to violate furtively the Constitution which they were sworn to observe faithfully. It was an incitement to commit a crime akin to treason. Since then he has not ceased to take appeals against the Constitution. He is fond of reenacting the Ten Commandments in season and out of season, emphasizing always, "Thou shalt not steal"; but in the words quoted he deliberately counseled that the rights of the States should be systematically stolen and given to the Federal Government. Evidently this energetic talker does not conceive that the commandment against stealing is of universal application; when it serves his ends he invokes it, and when it is in his way he sets it aside without so much as making reference to it.

Now, the worst form of secession is the nullification of the Constitution; for the Union without the Constitution is not the Federal Union, under which the Nation has prospered and grown great, but it is an organized tyranny of an unscrupulous majority trampling under foot the sacred rights of minorities. This proposal to filch the powers of the States to centralize the Federal Government is a revolutionary proposition as truly as if it were a call to arms to overthrow the Government. Orozco and Zapata, in Mexico, make a more open show of revolution, but they are not engaged in a more real or dangerous uprising against constitutional government.

If the Federal Government needs more power to fulfill its proper functions, there is a regular and legitimate way for amending the Constitution; but it does not appertain to the executive, legislative, or judicial departments, or to all of them combined, to steal slyly the reserved rights of the State or the people to confer such power on the Government at Washington.

But does the Federal Government need more power than it now has under the Constitution? Scarcely. It is said that there has been accomplished a perilous concentration of wealth in the hands of a few people in our country during the last 25 years. Suppose we should centralize the Government and that eventually concentrated wealth should get hold of the centralized Federal power. What then would become of the rights of the people? What powerful men would do then would be simply what might be desired by them while wielding this stupendous combination of financial and political power. The limit of their evil deeds would be the boundary of their eager desires. Of course they would prate about "the dear people" while destroying our political institutions and enslaving the Nation. Did any tyrant or set of tyrants ever fail to profess vehemently their devotion to popular rights and interests? The worst of the Cæsars did that.

Men wielding concentrated wealth and centralized political power would use millions to corrupt the electorate. Such expenditures they would regard as productive investments. They would lay hands on the processes of both the production and distribution of wealth so as to win the votes of the ever numerous classes of the indolent and thriftless, and they would claim benevolence as the motive of the schemes by which they skillfully purchased the favor of the proletariat. Such cant phrases as "social justice," "a square deal for every man," "civic righteousness," and the like would become the shibboleths of the political Pharisees while they fattened by devouring the Nation and flourished by persistent pretenses of righteousness affected for the uses of the market place only. Men who lead revolutions, whether openly or furtively, always promise material good to the multitude. Socialistic schemes are the baits by which nations have always been lured to the subversion of their institutions and beguiled to their own enslavement.

Equally with proposals to violate the Constitution surreptitiously by executive, legislative, and judicial usurpation of power is the proposition to make its amendment easy. A constitution being the embodiment of fixed principles, little subject to change in any particular and in most particulars as unchangeable as eternal right, ought not to be susceptible of too easy amendment. A process of easy amendment reduces a constitution to the level of an ordinary statute. Such ought not to be the case. When a people frame a constitution it is agreed by them that there are some things so settled that they may not be readily changed, and they thus covenant, all with each and each with all, that these fixed principles shall be held inviolable. It amounts to infidelity to sacred pledges when such an instrument is set aside hastily and carelessly.

At what point is our National Constitution hindering any real or worthy progress? Why should it become the object of attack? Is socialism so desirable and settled government so evil that we should be asked to overthrow the structure of our Federal system in order to make way for the visionary schemes of passionate reformers or to gratify the aspirations of inordinate ambition? Let us be sure that when we break settled principles of government and fundamental morals we are not progressives advancing toward a blessed industrial millenium, but prodigals squandering a great inheritance, and that we will soon find ourselves in dire destitution amid a famine in a region of life far from any real good.

A conspicuous man, professing to be an authoritative exponent of a certain picturesque movement, issued from Chicago a few days ago a statement in which he said that our Government was too solid and that it was proposed to "liquefy" the Constitution. That word is exact, even though it express a shameless purpose. It is fortunate that the secret is out and that we know what is proposed. "Liquefy the Constitution!" Make that fluid and fickle which in its very nature ought to be fixed and stable! "Liquefy the Constitution" or make a flood by cutting the dikes which protect good government against perilous waves, and then let us go to sea! And that is called progress! It is revolution.

While publicists debate matters of mere policy the rest of us may sit quietly down to hear without serious alarm the discussion, but when it is openly proposed to revolutionize our system of government patriotic men who fear God and love men can not view the proposal with indifference.

Mr. HEFLIN. Mr. Speaker, I will ask the gentleman from Illinois [Mr. FOSTER] to consume some of his time.

Mr. FOSTER. Mr. Speaker, I yield 15 minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I have an amendment to this bill which I will send to the Clerk's desk to have read. I wish to state to the membership of the House that the amendment which I propose to offer is, in fact, House bill 26341, and any gentleman who is interested in it can procure a copy at the desk. This bill was prepared as an amendment, not as an original bill, to be offered to the omnibus dam bill, which was pending a few days ago. I had it printed in the form of a bill, so that the membership of the House might secure copies in the event they desired them.

Mr. Speaker, the gentleman from Alabama [Mr. HEFLIN] and the gentleman from Georgia [Mr. ADAMSON] have both occupied very few minutes in the presentation of the merits of this case, but in the few minutes which they did consume I submit to the House that each gentleman gave what should be a convincing reason why this bill should not be passed.

A few days ago the gentleman from Alabama [Mr. HEFLIN] most vigorously called upon the House to consider his bill, and alleged as an impelling reason therefor that it was in his congressional district; that all the delegation from Alabama favored it in the House; that both Senators from Alabama favored it in the Senate; that the rest of the country had no right to interfere with an enterprise that was satisfactory to their part of the country.

If that were a good reason, Mr. Speaker, if the House should adopt that as the course by which to shape its action in such matters, it means, in the last analysis, that we can never have a general law to regulate water powers in this country, for the good and sufficient reason that there is not a water power anywhere that is not in somebody's congressional district. And whatever bill any committee might report as a general proposition regulating the water powers in this country, in order to meet the objection urged by the gentleman from Alabama and the delegation from Alabama it would be compelled to state in the report accompanying the bill that the water site proposed to be regulated was not situated on the face of the earth. [Laughter.]

The gentleman from Alabama a few minutes ago stated that he urged as a reason for the adoption of this bill that a water-power site has already been granted at Lock 12, unhampered by conditions, and therefore it is unfair to put restrictions on the lock to be constructed at No. 18. If that argument is sound, every other gentleman who comes to this House in the times to come will urge exactly the same reason—that you have already granted authority at Lock 12 and Lock 18 in the Coosa River, and therefore you should not put any restrictions on the dam that is to be constructed in his congressional district.

Mr. Speaker, that reason of itself is sufficient to make the House halt to-day and wait until we are fully advised in this matter under consideration and can thrash out a general policy that will be applicable to Lock No. 18 and every other lock and dam hereafter to be constructed in the United States.

The gentleman from Georgia insists that no amendment be put on this bill. Why? What reason does he assign? The reason he gives is the very strongest reason why the bill should be amended. He says that his committee now has under consideration a bill regulating all the water powers in the country, and therefore, strange to relate, this particular water site must be exempt from the provisions of the law which he proposes to apply to all other water sites that may hereafter be authorized by Congress. I submit that, for the reason assigned by the gentleman from Alabama and the reason assigned by the gentleman from Georgia, this bill should either be amended or be defeated.

Mr. Speaker, I am embarrassed by being called upon before the merits of this bill have been presented to the House. I do not know what the intention of the gentleman is, whether it is to make those opposed to it speak first and then occupy all the time in opposition; but if that be true, it is not a fair disposition of the time for and against the bill. The amendment which I offer, as I understand, has only one provision in it that is seriously opposed.

Mr. AUSTIN. May I ask the gentleman a question about his amendment?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. AUSTIN. Under section 3——

Mr. HUMPHREYS of Mississippi. No; I ask the gentleman to wait until I get to section 3. If I understand the particular objections to the amendment, and it has been submitted to these gentlemen, it is that the Federal Government is authorized under this amendment to collect tolls; that that is the vital objection to the amendment.

Mr. UNDERWOOD. I will say to the gentleman that the principal objection I have to his amendment—there may be some smaller objections—is that I deny the right of the Federal Government to tax the people of the State for the use of water running in a stream in their State. If the Government itself

builds a dam, I admit the right, if it has created power by building that dam, to charge what it pleases for that; but if the Government itself does not build the dam I contend that the only power it has is to regulate the place where the dam shall be built and how it shall be built, so that it shall not interfere with navigation.

Mr. HUMPHREYS of Mississippi. I understood that to be the gentleman's position. But not more than a year ago the distinguished gentleman from Alabama [Mr. UNDERWOOD] and myself and others stood upon this floor and fought and contended for the passage of the Black Warrior dam bill, in which there was a provision that the dam should be built by private enterprise and not by the Government.

Mr. UNDERWOOD. I beg the gentleman's pardon right there.

Mr. HUMPHREYS of Mississippi. Yes. It was to be raised to 63 feet and built in lieu of the dams above there.

Mr. UNDERWOOD. But the gentleman is wrong about that.

Mr. HUMPHREYS of Mississippi. I have the bill here.

Mr. UNDERWOOD. I know, but the Government was to build the dam. I had no objection, when the Government built the dam, to their charging for the use of the power they created.

Mr. HUMPHREYS of Mississippi. These gentlemen were to contribute the money themselves to raise this dam to 63 feet, and there was a provision in the bill that they should pay to the Federal Government $1 per horsepower, and that rate was to be readjusted at 10-year intervals. From that bill——

Mr. UNDERWOOD. The gentleman is not advised as to his facts.

Mr. HUMPHREYS of Mississippi. And from that bill is copied the provision in the amendment which I offer. The first provision is that before these parties may be permitted to construct the dam they must get a written permit therefor from the Secretary of War, which shall contain the stipulations contained in this amendment, which shall be specifically agreed to by the grantee and subscribed by him. The second provision is that the grantee shall pay to the United States annually not less than $1 per horsepower developed, and that thereafter that annual rate shall be readjusted at 10-year periods; provided, that if there is any disagreement the Secretary of War shall fix the charge. He is authorized to do that under the general bridge act, and the language of that act is copied here. It is provided further that the charge shall not be unreasonable or confiscatory.

There can be no difference, so far as the question of Federal power is concerned, whether the Government build the dam or permit the grantee to build it. No corporation can go into the Coosa River and build a dam without first obtaining the permission of Congress. Everybody concedes that. Then I submit that Congress has the power to give its permission on such conditions as we may deem proper. Under the general dam act as it is on the statute books to-day numerous conditions are imposed upon all persons who ask permission to build dams in navigable rivers—among others, that the grantee must maintain fishways so that fish may go up and down the river; the grantee is required to furnish electrical power to operate the locks free of cost, light the Government grounds adjacent to the dam, and so forth. This is where the dam is built wholly by the grantee.

The Government has the right to build the dam—nobody else has. The grantee thereupon asks to be subrogated to this right, and Congress agrees upon such terms and conditions as seem good for the public interests.

Section 3 of the amendment provides for the payment annually of an amount equal to $1 per horsepower developed.

Mr. AUSTIN. I want to call the gentleman's attention to the fact that the Forestry Bureau has already entered into contracts with private parties for the use of water power on Government reservations where the Government is the sole owner of the lands on both sides of the river.

Mr. HUMPHREYS of Mississippi. The gentleman will secure me the time that he is taking up now. I have only 15 minutes.

Mr. AUSTIN. I will give the gentleman time. The rate per horsepower is fixed at 10 cents for the first year, and gradually increased up to the end of 10 years, and at the end of 10 years the rate is to be $1 per horsepower. Here in this amendment you are fixing to charge these people $1 per horsepower, where the Government does not own a foot of the land.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. AUSTIN. Before they have sold their power under this amendment they can be charged $1 per horsepower from the very beginning of operations.

Mr. HUMPHREYS of Mississippi. In my opinion the amount to be charged is immaterial. So long as the hand of the Federal Government is there it matters not to me whether the amount is 10 cents or 10 dimes. In Canada, where the Government built the canals, and permits the municipalities to take the water, they charge $2 per horsepower; but that is immaterial. The fact is, as reported by the National Waterways Commission, that hydroelectric power, developed as it is in this country, can be produced at $20 per horsepower per annum less than power can be produced by steam, and that being true, it has occurred to me that one-twentieth of that amount would be a very small charge.

Mr. AUSTIN. Will not the consumer have to pay that dollar?

Mr. HUMPHREYS of Mississippi. In my opinion, the consumer will not. The gentlemen who appeared in the interest of the Niagara Falls development project claimed that they could develop power there for $20 which it costs $40 to develop by steam. They were going to sell for $20 to the manufacturing establishments power that then cost them $40, and those who desired to purchase that cheaper power appeared before the committee also. I asked every one of them whether this cheaper power would be reflected in the price of their finished product, and every one very frankly confessed it would not. So that when you save to this company the dollar a horsepower or the 50 cents a horsepower, you save it to the company and not to the consumers.

Mr. AUSTIN rose.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I hope the gentleman will make his speech in his own time and not interrupt me. He can get time yielded to him.

The SPEAKER. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes more to the gentleman.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, it is utterly impossible for me to explain this amendment in five minutes.

Mr. FOSTER. Mr. Speaker, I will yield the gentleman 10 minutes instead of 5.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, there are only very general observations that I can make. I had hoped before I took the floor to speak for 15 minutes that I would have heard from the argument on the other side something to which to make reply. We are now able, according to the statement of the engineers, to produce 10,000 horsepower at this plant. Who is willing to say that in the future we will not be producing 100,000 horsepower there? Mr. Leighton, of the Geological Survey, reports that there are now 200,000,000 horsepower possible in this country from water power. Multiply that by 10, as it will be multiplied in the near future, and one can see what will result.

The first man who put his wheel in a running stream developed so much power. The next step forward was an overshot wheel and it increased that, and from that it has grown to-day to the turbine, which has multiplied the number of horsepower by an hundredfold. At Niagara Falls now, as the progress of science has developed new methods, they have been able to increase from 10 horsepower per cubic foot to 20 horsepower a cubic foot, and no man is willing to say that in the near future some wizard like Edison will not appear who will make it possible to produce 100,000 horsepower at this Coosa River plant instead of 10,000; that instead of 35,000,000, as exist to-day, we will have 350,000,000 primary horsepower in this country, and then every home in the land may be lighted and heated by hydroelectric power, and every wheel that is turned will be turned by that power. When that time comes, if we proceed upon the theory suggested by the gentleman from Alabama that when all of the local representatives insist upon it, it is the business of no one else and none shall therefore speak, we will have a water-power trust in this country in comparison with which the Steel Trust which he mentioned the other day and the Standard Oil Trust will be as nothing, will seem as mere benevolent societies organized for the dissemination of Christian charity. There is no trust possible in this country that will have the power which the water-power trust will have, unless the Federal Government puts its hand upon it and regulates it; and if we are now to give it away before the committee which has it under consideration has been able to thrash out the general policy, if we are to give this away and all of the others that are now pending before this House, it will be too late to legislate, we will then have locked the stable door after the mare is gone. I hope that the House to-day will realize the importance of this matter and not be influenced by considerations such as have been suggested, that the development is favored by the local community, and that all of the people in this country dependent upon this power have no interest in it.

Only a few years ago this power could be transmitted 15 miles. It is now transmitted 200 miles and in some places 300.

Who will say that in 20 years from now it will not be conveyed 2,000 miles? Who would be willing to say that in the course of the years it will not be transmitted without wires at all, and then what will happen? Where this power can now be sold at half of the cost of developing it by steam, the developments of the future will make it possible to sell it at 10 per cent of that, and who can compete then in any manufacturing enterprise in this country with those who control all of the power? Under my amendment it is proposed that these parties who are to get this right shall not transfer it to others without the consent of the Federal Government. If gentlemen do not wish to have this transferred instantly to some water-power companies that are associated together throughout this country, the water-power trust, so called, why not agree to that amendment and make it impossible, then, to create a trust? My amendment provides that this company shall have incorporated within its charter a provision requiring it to submit to such reasonable regulations as to its charges and rates as may be fixed by the State of Alabama. The Federal Government is not attempting to come in and usurp the functions of the State. This amendment simply provides for reasonable regulation by the State of Alabama, and when the power enters into interstate commerce that the grantee shall then submit to such reasonable regulations as may be prescribed by the Federal Government.

Let me read the amendment:

(d) That the grantee shall have incorporated in its charter a provision requiring it to abide by whatever reasonable regulation of the rates and of the service may be prescribed by the State wherein the power is developed and sold, or of any delegated agency of the State, whether that agency be a State commission, municipality, or other local governing body.

Is that any usurpation of the sovereign rights of the State? The Federal Government is to attempt regulation only when the power enters into interstate commerce:

(e) That whenever the hydroelectric power produced with the surplus water at said dam enters into interstate commerce the grantee shall agree to abide by whatever reasonable regulation of its rates and of its service may be prescribed by the Secretary of War.

There are other matters, but all of similar purport, in the amendment, and I challenge any gentleman here to point out specifically his objections to them.

It is no answer to say that this power will be used in the manufacture of some useful and needed article of commerce. All the water powers of the country are used for some legitimate industrial development. Coal oil is just as necessary to the farmer as fertilizer but it is not therefore to his interest that the Standard Oil Co. be permitted to run amuck in the country.

Railroads are essential to his prosperity, but he none the less wants them subjected to reasonable regulation. He is deeply interested in having the latest improved farming machinery, but he is still opposed to the unlawful methods of the Harvester Trust. We are asking only that this company, when it secures the right to build this dam and develop this power, shall submit its activities to reasonable, not unreasonable, regulation by the State of Alabama and contribute a very small, an almost infinitesimal, part of its saving in the cost of producing power to the General Treasury.

One other provision of the amendment is that the franchise or permit granted by this bill shall not be transferred to anyone else without the consent of the Federal authority.

What objection can there be to that? If this company does not intend to secure this right and then transfer it to the so-called "water-power trust," why not let it be so provided in this bill.

I put into the RECORD some weeks ago an extract from the report of the Inland Waterways Commission showing how completely the water-power sites of California had been gobbled up by a few companies. The same is true in Pennsylvania, and is measurably true in Tennessee. We are trying to prevent its recurrence in Alabama and in all the other States before all the power sites have been unconditionally given away.

On the other hand, my amendment proposes to be more liberal with this company than is provided in the general law.

The bill as it now reads subjects this company to all the provisions of the general dam act, and that provides that at the end of 50 years all the power houses, and so forth, are to become the property of the Government without compensation.

Under my amendment, at the end of 50 years the Government can not take that property except upon payment of its reasonable value, and the reason for that is plain. If this property has to be confiscated at the end of 50 years, the company has the right in the meantime to create a sinking fund out of its profits with which to meet the cost of its building, and so forth, and that means that the people to-day must pay more than the power is worth in order that those who come after us 50 years hence will get theirs for less. All of this matter has been thrashed out by the National Waterways Commission. We appointed a commission, set them to work, gave them power and money to investigate this question. We appointed eminent men, lawyers for whose opinion we have great respect, headed by the great Senator from Ohio, Senator BURTON. They have, after a most laborious investigation, after examinations made by experts throughout the country, made their report, and this amendment which I introduced follows the recommendations of that report. They have given it as their opinion, after the most elaborate investigation, that the Federal Government has the power to lay these conditions, and they have recommended that no further power sites be given away at all until Congress has had an opportunity to act upon the recommendations of that commission. I had expected to devote some time to the question of the power of the Federal Government, but I see now that it is impossible. We are not opposed to the development of water powers; we want them developed. We want railroads in this country, but we want the right to regulate them; we want the water powers of this Nation developed, but that commission reports they can not be developed; that financiers will not invest their money in their bonds until some general policy is thrashed out, until they are freed from the conflicting requirements of 48 different policies established by the 48 different States of the Union. [Applause.]

The SPEAKER pro tempore (Mr. TALCOTT of New York). The time of the gentleman has expired.

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Speaker, I desire to briefly call attention to something of the history of the navigation of this river in order that gentlemen may see the importance to navigation of the construction of this dam. The only interest I have in it, Mr. Speaker, is from that standpoint and in the large air-nitrogen factory it will promote. The dam is not to be constructed in my district, but the Coosa River, whose navigation we have been trying to secure for years, runs through a portion of my district. It is a river that forms at Rome, Ga., by the confluence of two other streams. It is navigable for 180 miles, from Rome for some 20 miles below Gadsden, where I live. Then obstructions occur for a distance of 87 miles. Just below where these obstructions end there is a confluence of this river with the Tallapoosa, forming the Alabama, and then it continues to Mobile Bay. With these obstructions removed, Mr. Speaker and gentlemen of the House, this river is the longest navigable stream in the South, next to the Mississippi, that flows into deep water. From Rome, Ga., it is navigable for more than 100 miles above Rome, by the Ostanaula, one of the confluent rivers. We have, then, with these obstructions removed, 825 miles of continuous navigation, running through the richest mineral and agricultural land in any part of that entire section of country. We have been trying for years to secure the removal of these obstructions by the Government, and have at last secured the erection of four locks and dams on the upper stretch of the river. This dam will relieve the Government of the necessity of building three dams, thus relieving the Government of the expense of $1,622,000 in the construction of this dam alone, leaving the Government to construct one lock, which is to be used in connection with the dam, and throwing out two others, where the Government would necessarily construct both locks and dams and buy the land and build houses and maintain lock keepers' homes. As to Dam 18, as has been said by my colleague from Alabama [Mr. HEFLIN], there are English capitalists who propose to build this dam, who have constructed in Canada, on the Niagara, an immense cyanamide plant for the purpose of making nitrogen fertilizer from the air, something that has not been done up to this time at any place in the United States. It has been done in Norway and other countries of Europe. The granting of the right at Lock 12 will not give them power to run this to its full capacity. They propose to construct a plant which can manufacture 15,000 tons of nitrogen per annum. This is the highest ingredient of fertilizers and the most costly, of course.

In that way the farmers and agricultural people of our section of the country, where they use so much fertilizer, will be immensely benefited. They have already secured the right to construct Dam No. 12. They are at work upon that. The construction of Dam No. 12 opens up 20 miles of navigation of the 87 that remains to be opened. The construction of Dam 18, where this concession is sought, will open up 30 miles more. These people, without asking a cent of aid from the Federal Government, propose to construct 30 miles of navigation. According to the report of the engineers, the cost of the construction of these dams would be equivalent to $6.40 per horsepower to the Government per annum. I have it here, expressed on a rental basis, that if the Government itself should build a dam at

this place—just this dam—and should furnish 10,000 continuous horsepower, the Government would have to receive $6.40 per horsepower as rental in order to earn 4 per cent on the estimated cost of the dam. The highest price that the Government has yet charged, so far as I know, is $2 per horsepower. The cost of this dam, according to the report of the Government engineers, will be about $1,600,000. The annual interest on this at 4 per cent would be $64,000. The company can generate 10,000 horsepower per year. Divide $64,000 by 10,000 and you have $6.40 per horsepower, which would be the equivalent of what the company would pay per annum.

Gentlemen who oppose this proposition, I think, are going far afield of the old doctrine of State rights when they undertake to authorize a bureaucratic Government, a central Government, to control the waterpowers that flow across a riparian owner's land. Under the Constitution all the rights the Government has, Mr. Speaker, are simply those for the purpose of navigation. Here is a proposition that will aid the Government in the navigation, opening up 30 miles in that river, and here is a doctrine that has been announced time and time again by the Supreme Court of the United States, and many cases are collated by Justice Peckham announcing this doctrine in Water Co. *v.* Water Board (168 U. S., 358–365):

The following proposition is stated in said opinion:

The jurisdiction of the State over this question of riparian ownership has been always, from the foundation of the Government, recognized and admitted by this court. The extent of the plaintiff's riparian right of property was therefore the subject of adjudication by the State court, and the rule has been definitely stated by that court in its judgment, which is now under review.

I hope gentlemen will read this opinion and run down the various cases cited.

In Minnesota it was held, and in the Supreme Court of the United States it was so held; in many cases in the Union the question was taken up to the Supreme Court of the United States, and when it came to that court of last resort the court has said the State courts alone had the right to control the water power of navigable streams as to riparian owners for the use thereof, except when navigation is affected.

In State *v.* Mill Co. (26 Minn., 229–231), it is said:

The general rule arrived at was that a riparian owner may use the waters of a navigable stream adjoining his land for any purpose for his own advantage so he does not impede navigation, and in the absence of any counterclaim by the State or the United States. He may erect dams there, and such other structures as will promote and facilitate the enjoyment of this right.

The same doctrine is clearly announced in Hall *v.* Hobart (186 Fed. Rep., 108). This is stated to be the rule whether the stream is entirely an intrastate or a boundary stream by the United States Supreme Court in United States *v.* Chandler Dunbar Co. (209 U. S., 447). (See also Grand Rapids Co. *v.* Butler, 159 U. S., 87.)

Alabama, Connecticut, and in fact all the other States, except perhaps Pennsylvania, Massachusetts, and Maine, have, by their supreme courts, announced the same doctrine.

Senator NELSON, in Senate Report No. 585, Sixtieth Congress, first session, says:

The Federal Government under its taxing power could possibly reach to a tax on water powers, but it must be general and uniform throughout the United States. It must apply to all dams and water powers in the United States.

In the same report he says:

It has been customary in many cases to apply to Congress for a Federal license, and the granting of it, while not necessary, serves a twofold purpose: First, it authorizes the Federal Government, through the War Department, to control and direct the construction of the dam; and, second, it recognizes the fact, which might otherwise require proof, that the dam will not affect the navigability of the stream in its navigable portions. * * * But in such cases the Federal Government has nothing to sell, and therefore has no moral or legal ground to demand compensation in any form.

In support of these views he cites Kansas *v.* Colorado (206 U. S., 46); U. S. *v.* Rio Grande Co. (174 U. S., 690).

Alabama has already granted the right to riparian owners of the use of navigable waters for power purposes, and has fixed the conditions and limitations on the use of the same. Then, what right or property has the Federal Government in this case to fix any condition other than such as will protect navigation?

The object of the company, as said before, is to secure power to manufacture air nitrogen for fertilizer. One horsepower will produce 1 ton of fertilizer per annum. Should the Government levy a tax of $2 per horsepower, the inevitable result would be to increase the price of the fertilizer $2 per ton, and our farmers would have it to pay. Thus, the consumer would be forced to further pay tribute to the coffers of a rich Government, to be wasted on battleships and a standing army. Gentlemen, this is unjust; it is undemocratic and unpatriotic. Would any gentleman here contend that Congress has the right to make a farm owner on the banks of the Coosa River pay for the water which his cattle and horses drink, or with which he irrigates his fields? Yet the principle is exactly the same.

In fact, my illustration is even a stronger case. In the case of the farm the water is consumed in its use. In the case of the water power the water, like that in Tennyson's "Brook," "goes on forever," is not depleted in its use, navigation is promoted, and the Government saved a vast expenditure of money.

The company owns the lands on each side of the river and simply asks to be allowed to use the water for this magnanimous purpose and at the same time vastly aid the Government and thousands of people. We have long hoped to see boats running upon the bosom of this splendid river from Rome, Ga., to Mobile; now, gentlemen, when we are about to realize these fond hopes do not blast them.

I will set out as a part of my remarks extracts from a little booklet on cyanamid, which I am sure Members will find interesting and instructive. Also, extracts from several Government publications on the same subject:

MANUFACTURE OF CYANAMID.

A mixture of lime and coke is heated in an electric furnace. At a temperature of 6,000° F. the lime and coke combine and form calcium carbide. It is a dazzling, white-hot liquid as taken from the furnaces. After cooling the carbide is crushed, packed in steel vessels, and again heated by electricity to redness. Pure nitrogen, obtained from the atmosphere by the liquid-air process, is now added and combines directly with the carbide, forming calcium cyanamid. On cooling, the mass is removed from the vessels in which it is contained, is ground, and treated by a special process to eliminate every trace of unchanged carbide. Its free lime is then converted into stable organic compounds. The final material is granulated and packed in bags.

AS A DRYER IN FERTILIZER MIXTURES.

Cyanamid has a double drying action, due, first, to its extreme dryness (0.50 per cent moisture) and, second, to its neutralizing action on the free acids of the acid phosphate.

The slow heat generated by the neutralization of the free acids in the acid phosphate drives the moisture from the wet materials to the drier ones of the mixture and gives the entire mass a uniform dryness.

Its large capacity for fixing water chemically reduces all kinds of wet goods to excellent condition.

PREVENTS LOSS OF NITRATE NITROGEN.

It is well known that when nitrate of soda is mixed with acid phosphate in ordinary complete mixtures there is a loss of from 10 per cent to 20 per cent of the nitrate nitrogen. This is due to the production of niter fumes by the active acidity of the acid phosphate.

The use of cyanamid in the mixture with nitrate of soda absolutely prevents the generation and escape of the niter fumes, simply by neutralizing the active acid properties of the acid phosphate.

PREVENTS BAG ROTTING.

Bag rotting is usually due to the liberation of hydrochloric acid gas in complete mixtures by the action of the free acids in acid phosphate on muriate of potash.

Cyanamid properly used neutralizes all active acids and thus effectively prevents the formation of destructive gases.

The prevention of bag troubles and their resultant expense to the manufacturer justifies the use of cyanamid in all complete mixtures.

LIME IN CYANAMID.

The lime in cyanamid adds a distinct agricultural value to mixed fertilizers. Every 100 pounds of cyanamid adds to the soil an amount of lime equivalent to 75 pounds of lime hydrate.

This lime sweetens the soil, loosens and warms it, and increases its bacterial activity. The maximum benefit can not be obtained from an acid fertilizer applied to an acid soil. Cyanamid makes the fertilizer neutral and corrects soil acidity.

AVAILABILITY.

Ninety-six per cent of the nitrogen in cyanamid is soluble in cold water and is therefore available. The neutral permanganate test gives an availability of from 87 per cent to 92 per cent—the sample used being too large to be entirely dissolved.

SOIL ACTION.

As fast as cyanamid dissolves in the soil solution it is converted into the organic compound, urea. This substance exists in large quantities in Peruvian guano. It is directly assimilated by plants and faster than any other known nitrogen compound. If the plant is not ready to take up all the urea formed, it reacts with the soil and is fixed therein so firmly that no amount of rain can wash out the nitrogen.

The nitrogen now being in the form of double ammonium compounds it is readily absorbed by the plant as needed.

AGRICULTURALLY.

The question of cyanamid's fitness for agricultural purposes has been thoroughly investigated by European and American agriculturists and chemists, and all results are favorable to its general use. It has passed the experimental stage and is extensively used in continental Europe, Japan, and America. It can be successfully applied to all soils in any climate and under a diversity of crops.

CYANAMID IN STORAGE.

Numerous accurate factory and laboratory tests in various sections of the United States and Europe have proven without exception that cyanamid does not lose ammonia in storage.

Occasionally the percentage of nitrogen decreases, but in every case there is a proportionate increase in the weight of stored material. The pounds of ammonia in storage always remains constant.

Increase in weight is due to cyanamid absorbing carbon dioxide and moisture from the air, but most of the moisture goes into complex nitrogen compounds.

The change in analysis of the present grade of cyanamid is so small as to be negligible.

AS AN INSECT DESTROYER.

Engineer Vincent Albanes, Palermo, says in fertilizing garden crops insects entirely abandoned field where cyanamid was used and badly damaged similar unfertilized crops in neighboring fields.

Mr. Francesco Lozzi, Vittoria, Italy, says that with cyanamid he obtained three times usual quantity of potatoes, all perfectly sound, free from insects which follow the use of stable manure.

ATMOSPHERIC NITROGEN.

ABSTRACTS AND QUOTATIONS.

[From the Reports of the Department of Commerce and Labor, Bureau of Manufactures, and from Daily Consular and Trade Reports, upon the subjects of the "Utilization of atmospheric nitrogen" and "Manufacture of air nitrate fertilizers."]

Mr. A. H. Baldwin, Chief of the Bureau of Manufactures, writes the following letter of submittal in submitting the report of Thomas H. Norton, Consul at Chemnitz, Germany, on the subject of the "Utilization of atmospheric nitrogen," as follows:

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF MANUFACTURES,
Washington, April 3, 1912.

To Hon. CHARLES NAGEL,
Secretary of Commerce and Labor.

SIR: I have the honor to submit herewith a report on the air-nitrate industry by Consul Thomas H. Norton, of Chemitz, who is on special detail for the Department of Commerce and Labor for the investigation of the chemical industries of Europe. For many years the world has been dependent on the nitrate beds of Chile for supplies of combined nitrogen, and as these beds are not inexhaustible, and as the demand for combined nitrogen by manufacturing and agricultural interests is rapidly increasing, serious efforts have been made to discover new deposits, and many prominent chemists have endeavored to perfect processes for utilizing atmospheric nitrogen. The report deals with the present supply of nitrogen, the synthetic production of ammonia, the synthesis of nitric acid, hydrocyanic acid, cyanides, nitrides, and calcium cyanamide from atmospheric nitrogen, and coal waste and peat as sources of ammonia. It should be of value, in view of the fact that the United States now spends over $32,000,000 abroad for nitrogen in its various combinations.

Respectfully, A. H. BALDWIN, *Chief of Bureau.*

On page 10 of the same report, as follows:

"* * * The United States is now sending abroad over $32,000,000 annually for the purchase of nitrogen in its various combinations, and over half of the sum is expended for a single item and goes to a single country—Chile. Further, nearly all of the nitrogen contained in the list of more valuable nitrogenous compounds is derived from Chile saltpeter exported to European countries, chiefly Germany.

"The fact that the United States, in common with all civilized countries, and especially with all manufacturing countries, is so dependent upon this one source, and the additional fact that the deposits of nitrate in Chile are not particularly extensive and are destined at an early date to complete exhaustion, constitute the nitrogen problem."

On page 23 of the same report, as follows:

"No attempt is made by the Chilean Government to restrict the output, although there is an export duty of $11.16 per short ton on saltpeter. From this one source 60 per cent of the Chilean revenues are now derived. During the 31 years, beginning with 1879, the industry and agriculture of the world have paid a tax of $425,000,000 to Chile."

On pages 27 and 28 of the same report, as follows:

"It is evident that the deposits of nitrate outside of Chile, barring new and not very probable discoveries, possess a purely local and transient importance. They have no bearing upon the world's problem.

"The world's demand for nitrogen is rapidly increasing. This demand can be met in four ways, as follows:

"1. By a temporarily increased supply of saltpeter from deposits, soon, however, to be exhausted.

"2. By an increased supply of ammonia as a by-product of coal and peat, dependent on a general reform in the use of these materials as fuel, and limited by the extent to which they may be used as sources of light and heat, and limited, further, in point of time, by the world's supply of fossil fuel, with a possible exhaustion within a few centuries.

"3. By the closest economy in preserving all waste forms of combined nitrogen, vegetable or animal, so that they may be utilized as plant food.

"4. By the technical transformation of atmospheric nitrogen into combined forms available for the needs of agriculture and the arts."

In a publication of the Department of Commerce and Labor, issued in 1909, on the "Manufacture of Air Nitrate Fertilizers," by Henry Bordewich, consul general at Christiania, Norway, and W. H. H. Webster, consul at Niagara Falls, Canada, on page 5, will be found the following:

"The possibility of manufacturing nitrate fertilizers from the air, on a commercial scale, has been successfully demonstrated in Norway, where plants that utilize the vast water power of that country have been erected. There has recently been completed in Canada a plant for the manufacture of such fertilizers, which will derive its power from Niagara Falls, and it is stated that other establishments will be erected in the United States at points where water power and the necessary raw materials are available. The effect of this new industry on both the domestic and the foreign trade of the United States will no doubt be far-reaching."

On page 6 of the same report, as follows:

"For the manufacture of air nitrate fertilizers on a commercial scale, cheap electrical power is essential, and for this reason water power for generating electricity is sought. Limestone and coke are used in large quantities, and supplies of these materials, if available at relatively low cost, prove important factors in reducing the cost of manufacture and in assuring the success of the industry. It is estimated that the undeveloped water power of the United States is equivalent to approximately 30,000,000 horsepower.

"With the rapid appreciation in recent years of the cost of fertilizer materials, their much more general use, and the prospect that a few decades at most will witness the exhaustion of the Chilean deposits of nitrates, it is not surprising that efforts have been made to draw upon other sources, and especially to utilize the supply of nitrogen in the air. With limestone and coke in abundance and vast water power unused, it would appear that the new processes by which the air is drawn upon for nitrogen might enable the United States to manufacture fertilizers in sufficient quantity to keep at home the $17,000,000 now going abroad annually for such goods."

On page 13 of the same report, Consul Webster writes as follows:

"Within the past year an entirely new industry has been established in Canada—one which has attracted a great deal of attention because of its direct bearing on the cost of manufacture of fertilizers, and hence its bearing on the cost and production of foodstuffs."

On page 16 of the same report, Mr. Webster says:

"The exhaustion of soils in the United States has increased with great rapidity in recent years, and this has resulted in the establishment of great fertilizer industries, there being invested in factories for this purpose alone in the United States about $70,000,000, and yet the fertilizer industry is said to be only in its infancy. The world's chief supply of nitrogen comes from the Chilean desert, from which was exported in one recent year $75,000,000 worth of nitrate, practically 80 per cent of which was used in agriculture. During the last decade the exportation of Chilean nitrate has increased 60 per cent in quantity, 60 per cent in price, and 250 per cent in total value. The Chilean Government estimates that the nitrate fields will be exhausted in about 45 years."

From Daily Consular and Trade Reports, No. 3427, of March 12, 1909, on page 14, as follows:

"Representatives of European interests manufacturing air nitrates by hydroelectric power for fertilizers are in the United States to see what can be done in the way of securing large water powers for establishing such factories in this country. An industry of this kind is needed, as the imports of Chilean nitrate of soda now amount to $14,000,000 a year. Difficulty is being experienced, however, in securing suitable water powers at reasonable cost. Governments of other countries are said to be offering inducements for the location of the extensive nitrate mills which the company proposes to erect."

From Daily Consular and Trade Reports, No. 3689, of January 19, 1910, on page 13, as follows:

"Supplementing previous articles in Consular and Trade Reports on the manufacture of air nitrates for fertilizer in Norway, Germany, and Niagara Falls, Canada, it is learned from British consular reports that the industry is undergoing rapid expansion in the first-named country, where nearly $15,000,000 will be invested.

"Though there are vast water powers in the United States running to waste which could be utilized to produce this article, nothing has yet been done in that line, although this country is buying annually about $15,000,000 worth of Chilean nitrates."

Mr. HEFLIN. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. CLAYTON].

Mr. CLAYTON. Mr. Speaker, of course, in the brief time allotted to me I can not say very much about this important subject.

Mr. HEFLIN. I will yield six minutes to the gentleman, Mr. Speaker.

Mr. CLAYTON. I am obliged to my friend, but even in that time I can not hope to say very much. We all know the business conditions which confront the House at this time.

Mr. Speaker, this bill on its face shows that it is for the utilization of a natural resource. We hear a great deal in these days about the conservation of our natural resources, and here is a bill that provides for the utilization and conservation at once of a great water power down in Alabama that is now going to waste, and the bill shows that the dam by which this water power is to be utilized is to be erected at the expense of a corporation authorized by the laws of the State of Alabama to erect a dam, or incorporate it under the laws of Alabama. And the bill also shows that the right to alter, amend, or repeal it is reserved to the Federal Government. So it seems, Mr. Speaker, that this bill is in the interest of the conservation and utilization of a great natural resource, of a great water power now going to waste and benefiting nobody. There is but one legal proposition, I think, underlying the controversy, and that is the power of the Federal Government to collect tolls in a dam erected by private capital.

Mr. Speaker, the power of the Federal Government over the navigable streams is derived from the commerce clause of the Constitution and nowhere else—the power to regulate commerce between the States. For when we look to the exercise of a Federal power, the Federal Government being a government of delegated and limited powers, we must look to the organic instrument to see the power that the Federal Government seeks to invoke or apply in any given case. If there is any authority on the part of the Federal Government to collect tolls for the utilization of flowing water, which the amendment of the gentleman from Mississippi proposes, it is derived—if it can be derived at all—from the power to regulate commerce between the States. No grant of such power can be found elsewhere in the Constitution.

The Federal Government has nowhere the power to set up and carry on the business of making and selling water power. Its control over a navigable stream is for the sole purpose of regulating the commerce between the States, and that means to improve that stream for the benefit of the commerce between the States and to keep that stream free of obstruction for the benefit of commerce between the States.

Now, it is said that the Federal Government can exercise the taxing power. It can not do that in this case. The taxing clause is limited by the words "taxes must be uniform throughout the United States." But the power to levy this toll can not be derived from the taxing power. If it can be derived anywhere, it must be from the power to regulate commerce; and, Mr. Speaker, I think that the power and authority of the Federal Government is limited to regulation for the specific purpose of navigation, and that all other power and all other interest or authority, both sovereign and proprietary, belongs to the State

or to the individual riparian owners. I do not believe that the Federal Government has the right, where private capital is authorized to construct a dam, to require the constructors of that dam to pay a toll for the water that goes over that dam. In other words, the water does not belong to the Federal Government. To sell water power is no part or parcel of the regulation of commerce between the States. It is a business enterprise, it is a business undertaking, that the Constitution of the United States does not authorize the Federal Government to embark in. It is not connected with navigation. The sale of the water power in this case where the dam is to be constructed by private capital is something that the Federal Government is not concerned in.

It is worthy of remark that the pending bill is not a case where the Federal Government has built a dam and then permits private parties to use the water flowing from that dam. Here the Alabama corporation proposes to construct and maintain the dam at its own expense for the purpose of improving the navigability of the river and taking for itself as compensation the incidental benefit to be derived by utilizing the overflowing water.

As early as Pollard *v.* Hagan (3 Howard, 212) the Supreme Court held that the shores of navigable waters and the soils under them were not granted by the Constitution to the United States, but were reserved to the States, respectively. In this case the court said:

> This right of eminent domain over the shores and the soils under the navigable waters, for all municipal purposes, belongs exclusively to the States within their respective territorial jurisdictions, and they, and they only, have the constitutional power to exercise it.

Blackstone in substance states that it is an elementary proposition that nobody, whether sovereign or individual, owns the waters themselves of a running stream, and that the right, whether it be of sovereign or subject, is simply to the beneficial use of the waters as they naturally flow (2 Blackstone, 18), and this doctrine is upheld in United States *v.* Chandler-Dunbar Water Power Co. (209 U. S., 447).

But, Mr. Speaker, owing to the brief time which I have, I must pretermit further discussion of this question. The Supreme Court in the Pollard case recognized that the act admitting Alabama into the Union provided—

> That all navigable waters within said State shall forever remain public highways, free to the citizens of the State and of the United States without any tax, duty, impost, or toll therefor imposed by the said State—

And the court held there that the United States did not possess any more power over the navigable waters of Alabama than it possessed over the navigable waters of the original States. The title to the shore and lands under the water being in the State—

> the lands are subject to such regulation and control, under the condition, however, of not interfering with regulations which may be made by Congress with regard to public navigation and commerce.

The facts of the case presented by this bill are that an Alabama corporation asks permission of Congress to build at its own expense and operate a dam across the Coosa River in Alabama—

> at a place suitable to the interests of navigation * * * in accordance with the act of Congress to regulate the construction of dams across navigable waters.

And the right to alter, amend, or repeal this act authorizing the construction and maintenance of a dam is expressly reserved to Congress. It is admitted that the proposed bill would help make navigable a stream which is now in fact not navigable. This Alabama corporation proposes to pay for this improvement of the navigation of this river. The Federal authorities have said that it will improve navigation and not obstruct navigation. Why not let the improvement of the navigability of the river be thus made free of expense to the Government of the United States? And why not let the people of Alabama have permission to conserve this great water power, now flowing uselessly or in wild waste to the Mexican Sea? The spirit that would deny such use of this water to the people of Alabama is even narrower than the spirit which actuated the dog in the manger, for while the dog could not eat the hay he did use it as a bed. Here this water is not used for any purpose whatever. It is not conserved, but is wasted. This Alabama corporation is no part of any trust. It proposes to take of the abundant coke and limestone in Alabama and by use of this water power to combine the residuum of such coke and limestone with nitrogen extracted from the air and thereby make a valuable element of commercial fertilizers. Any tyro knows that the three principal elements of plant food are phosphate, potash, and ammonia or nitrogen.

The most expensive of these elements is nitrogen. We get our phosphate largely from the phosphate rocks of Tennessee, South Carolina, and Florida. We get most of the potash from Germany. We use dried blood, dried fish, and barnyard manure for nitrogen. But these do not supply the agricultural demands for nitrogen. Hence we import into the United States from Chile every year about $32,000,000 worth of nitrate of soda, upon which there is paid a tax to the Chilean Government of $11.16 per ton. Upon an average our farmers have to pay about $50 per ton for this nitrate of soda. This Alabama company proposes to manufacture nitrogen and thereby keep at home a large part of this money which goes to Chile. Alabama is blessed with the coke, coal, and limestone in a stone's throw of this proposed water power, and therefore if permitted to construct this dam can manufacture the nitrogen and sell it to the farmers of Alabama and adjacent States at a much lower cost than they can buy the Chilean nitrate of soda. Why not let this benefit go to the farmers, and why not save these millions of money at home instead of sending them abroad? The farmers of the South are doing their part to lessen the high cost of living. They are engaging more and more in intensive and scientific farming, and as a part of their plan to make the soil yield more abundantly of corn, small grain, cotton, fruits, and vegetables they are compelled to use more and more commercial fertilizers. I appeal to this House to pass this beneficent act and let the farmers of Alabama and adjacent States be supplied with cheaper commercial nitrogen. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. FOSTER. Mr. Speaker, I yield five minutes to the gentleman from Pennsylvania [Mr. MOORE].

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for five minutes.

Mr. MOORE of Pennsylvania. Mr. Speaker, I stand for the development of the resources of this country, and I am particularly interested in the movement to develop the resources of the South—an extremely fertile country that has too long remained dormant while the other sections have been progressing along industrial lines. I would like to see every river in the South—there are many of them there—opened up, so that the fertility of the land might be utilized, the mines might be reached and operated, and the navigation developed. Alabama in particular is a State in which there are many rivers, rivers of great importance if they are properly improved and developed.

But when States come to Congress, as they now do, having stood against the development proposed in other sections, and demand the opening up without limitation of certain streams for the purposes of water power, it induces one to hesitate and to ask just whither we are drifting.

Had these seven or eight propositions come into this House during the last Congress, bills in behalf of private individuals, affecting navigation by the construction of dams for the creation of water power, there would have been such an outcry as would have reached to high Heaven. But things are different now. Our friends who are looking forward to the development of their country—and very properly so—who would have held their noses two or three years ago had any proposition of this kind been introduced in this House, have changed position.

Mr. BURNETT. Mr. Speaker, may I say to the gentleman that no Member of this House from Alabama has ever opposed the granting of these dam rights?

Mr. MOORE of Pennsylvania. I am glad to hear the gentleman from Alabama say that. I know he wants to see the true and proper development of the water power of his State, and I rejoice in the fact that he is taking the progressive side of this question. But in the limited time allotted to me I want to speak of the failure of the bill now under consideration to properly conserve the resources of the country and of the particular State to which the bill applies, and to protect the interests of the consumers of that water power which it is proposed to create by this grant of the Government.

This bill is a bill which permits the Alabama Power Co., unknown and without responsibility, so far as the information of this House is concerned, to construct, maintain, and operate a dam across the Coosa River, in the State of Alabama. So far, so good. Suppose we had brought in a bill of this kind two years ago; would not our friends on the other side have arisen at once and with one voice asked, Who is the Alabama Power Co.? What is there behind the Alabama Power Co.? What is its responsibility, and who will pay if the Alabama Power Co. fails to make good? This is but one of a series of bills that have been brought in suddenly——

Mr. CLAYTON. May I ask the gentleman a question?

Mr. MOORE of Pennsylvania. I have not the time, unless I may have five minutes more.

Mr. CLAYTON. I suppose that the State authorities will take care of all those matters.

Mr. MOORE of Pennsylvania. I hope that may be so.

Mr. CLAYTON. We have ample State laws and very honest officials down there who will see to it that all the restrictions that the people need are imposed.

Mr. MOORE of Pennsylvania. I hope that may be so, but in order to make my statement I shall have to proceed. The Committee on Interstate and Foreign Commerce, through the chairman, the gentleman from Georgia [Mr. ADAMSON], has another bill upon the calendar which provides that the same governmental privilege shall be granted to the Hydro-Electric Co. of the State of Tennessee to build four dams upon the Clinch River. I have no question with regard to the propriety of this thing if properly safeguarded, for I should like to have the water power developed on the Clinch River.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. I ask for two minutes more.

Mr. FOSTER. I yield to the gentleman two minutes more.

Mr. MOORE of Pennsylvania. In addition to that, this omnibus bill, brought in by the Committee on Interstate and Foreign Commerce, provides that Ralph Morrison shall have the right to construct, maintain, and operate a dam across the Osage River in Miller County, Mo. We have a right to ask who Ralph Morrison is, and what is his responsibility, and who stands behind him, and who will make good if he fails.

Then, again, the bill provides that the Kootenai Power Construction Co. shall have the right to build a dam across the Kootenai River in the State of Montana.

Then authority is given to the Great Northern Development Co. to build a dam in the State of Iowa, and to the Clinch River Power Co. to build one in Tennessee, and to Carl J. Kiefer and Laurent Lowenberg to build two dams across Duck River in Hickman County, Tenn. May we not ask who these gentlemen are and what their responsibility is?

Mr. ADAMSON. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from Pennsylvania yield to the gentleman from Georgia?

Mr. MOORE of Pennsylvania. I regret very much that I can not.

Mr. ADAMSON. The gentleman has asked a question, and now he denies me the opportunity to answer it.

Mr. MOORE of Pennsylvania. I have not the time. The bill also gives M. C. McCanless, W. C. Hale, W. H. Mullins, John Loop, and E. M. Grant, of Morristown, Tenn., the right to build a dam across the Clinch River in the State of Tennessee. Who are these gentlemen?

It also gives authority to B. E. Debler to build a dam or dams across the Current River in Ripley, Carter, and Shannon Counties, Mo. What assurance have we about Mr. Debler?

I ask gentlemen upon the other side of the House if they are prepared in this way to vote away these rights to individuals and concerns when we have here no word as to their responsibility and the right is to be granted without any limitation whatever.

Mr. ADAMSON. Mr. Speaker, the gentleman from Pennsylvania asked me a question and then declined to yield to me to answer it. I ask for one minute in which to answer him.

Mr. HEFLIN. I yield to the gentleman one minute.

Mr. ADAMSON. The gentleman from Pennsylvania ought to be fair. There is not a word of truth in the statement of anybody that we have granted away any privilege to anybody except to consent for a dam to be built in each case under the authority of the State in which the river is located. The only consent we have to grant is that they may build a dam under the authority and jurisdiction of the State, and each bill requires the express authority and control by the State, and if the gentleman lives in a State so unworthy of statehood that it is unable or unwilling to regulate and control property, property rights, and enterprises, and the conduct of its citizens, he ought to run away from that State if he has any self-respect. [Applause.]

Mr. HEFLIN. I yield to the gentleman from Alabama [Mr. CLAYTON] the other half minute.

Mr. CLAYTON. Mr. Speaker, I want to say in reply to the suggestion made by the gentleman from Pennsylvania as to the guardianship that Congress ought to exercise over the probable users of this hydroelectric power that the State of Alabama in her sovereign capacity has chartered this corporation and that it is amenable and subject to the laws of that State. The users of this hydroelectric power which is proposed to be generated will be subject to the control of the State, and the people of the State of Alabama are quite willing and able to see that their State laws shall take care of all these matters.

Mr. HEFLIN. I yield to the gentleman from Indiana [Mr. CLINE].

[Mr. CLINE addressed the House. See Appendix.]

Mr. FOSTER. Mr. Speaker, I now yield to the gentleman from Illinois 15 minutes.

Mr. MANN. Mr. Speaker, the immediate question that is pending before the House is the passage of the bill to give to the Alabama Power Co. the right to dam the Coosa River in the State of Alabama. But the real question pending before the House is, What shall be the policy of the Government concerning the construction of dams across navigable waters?

Some years ago, while I was serving on the Committee on Interstate and Foreign Commerce, I found that the practice in regard to bills relating to the construction of dams was for the attorney of some company that desired the privilege to prepare a bill, in some cases one section long, occupying half a page of bill form, and in some cases 9 or 10 or 12 sections long, occupying several pages of bill forms. There was no pretense of preserving any rights of the General Government in most of these cases.

By direction of the Committee on Interstate and Foreign Commerce, with other members of that committee, I proceeded to prepare the draft of a bill which was finally enacted, called the general dam act of June 21, 1906. One of the questions involved was whether the Government in giving its consent to the construction of a dam as an obstruction to navigation could exact any conditions for the consent. Various gentlemen at different times have insisted that all that the Government could do was to exercise its power under the commerce clause of the Constitution over the question of navigation, and to give or not to give its consent, without exacting anything in addition if the consent was given.

I call the attention of the House, however, to a portion of the general dam law carried in the original act, and again in the amended act of 1910, which seems to me rather to foreclose the question.

It is the contention of gentlemen who are opposed to the power of the Government to exact money as a condition, that the Government has no power except over the question of navigability, and has no power to require any money to be paid as one of the conditions of granting the right. This is the condition provided in the general dam act:

> And also that whenever Congress shall authorize the construction of a lock or other structures for navigation purposes in connection with such dam, the persons owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States free water power or power generated from water power for building and operating such constructions.

Here is a case where the Government has done nothing itself except to grant its consent to the construction of a dam across a navigable water. It has expended no money itself, and yet it insists that the persons taking the permit to construct the dam shall expend money for the benefit of the Government, shall furnish power free for the use of the Government.

Mr. UNDERWOOD. The gentleman read as if he was reading from a decision of the Supreme Court of the United States. I did not catch the authority he was reading from.

Mr. MANN. I was reading from the general dam act.

Mr. UNDERWOOD. The gentleman will not insist that what is in the general dam act is authority on a constitutional question?

Mr. MANN. I said that no one had ever questioned this. Does the gentleman from Alabama question it?

Mr. UNDERWOOD. There may be some terms on which the Government can authorize or can agree on how the dam shall be built, but that is a different question from exercising the power of taxing the flow of the water in the stream.

Mr. MANN. The gentleman sidesteps the question. The gentleman is seeking to pass a bill which refers to this act, and one of the provisions of this act is that the Government does require the company to furnish free of cost certain power, and to buy land and present it to the Government. What is the difference between that and requiring them to pay money directly to the Government, so far as the constitutional question is involved?

Mr. HUMPHREYS of Mississippi. And it requires them to provide for fishways.

Mr. MANN. Now, Mr. Speaker, the original dam act also contained this provision, and so does the amended act:

> *Provided*, That in approving the plans, specifications, and location for any dam, such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that the persons constructing or maintaining such dam shall construct, maintain, and operate, without expense to the United States, in connection with any dam and accessory

or appurtenant works, a lock or locks, booms, sluices, or any other structure or structures which the Secretary of War and the Chief of Engineers or Congress at any time may deem necessary in the interests of navigation, in accordance with such plans as they may approve.

When that provision was written into the bill which became the general dam act, it was the intention of the gentleman who wrote it into the draft of the bill that it would give the Secretary of War the right to impose conditions and stipulations which might include the power to exact charges for the use of the stream, and also the power to regulate charges of the company creating the electric power. I thought it was perfectly clear when we made the plan subject to the approval of the Secretary of War and permitted the Secretary to exact conditions and stipulations, that he had the power to exact these provisions and stipulations. I endeavored to persuade President Roosevelt that that was what the act provided for, but I was unable to obtain the approval of the War Department, under the President, and did not obtain any direction from the President to the War Department to exact such stipulations. The present Secretary of War is of the opinion, as I understand, that either the provisions in the dam law do not give him the property, or that it is doubtful. If the provisions in the general law are doubtful upon the subject, I am in favor of withholding the consent of the Government to construct any dams at all until it is determined by Congress what its policy shall be, and I hope it will determine that it has the power to exact such conditions and stipulations as we may think proper, including the right to exact a charge, if necessary, and the right to regulate charges made by the company to its consumers. [Applause.] Until that is done I do not believe it is proper to take up a particular bill and pass it.

Mr. CRUMPACKER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. CRUMPACKER. The gentleman perhaps is as well prepared to judge of the prospect of the Congress agreeing upon a general policy for the construction of dams as any man in either branch of Congress. I would like to know what his judgment is as to the probability of Congress at any time within the near future getting together upon that great question, and if there is no reasonable probability whether all of the enterprises should be held up awaiting a prospect of that kind?

Mr. MANN. Mr. Speaker, I do not exact as a condition to my voting for a bill that my own particular or peculiar views shall be adopted by Congress. What I am seeking is to have Congress wait concerning the passage of a particular bill until it has determined upon its policy, and plainly it is not now determined upon the policy, although it has passed two general dam acts.

Mr. CRUMPACKER. That is the only question that makes me hesitate in relation to this particular bill. If I thought that Congress would in the near future adopt a general policy, I would vote against the passage of this bill unhesitatingly, to have it come within the policy that Congress may adopt.

Mr. MANN. Mr. Speaker, I was going to explain my views upon that, and I am glad the gentleman has called attention to it. It seems to me when we have on the calendar six or eight bills, all substantially the same, providing for the construction of dams in different parts of the country—I think there are a dozen dams in contemplation in bills pending before Congress—that the proper thing to do would be for Congress to wait until the next session, when the Committee on Interstate and Foreign Commerce, which has reported these bills, has its day in the House, and then take up one of the bills and fully discuss it and determine what our policy shall be, and pass all the other bills upon the same basis. Whatever of general character we put in one we should put in the others, and if we pass one upon one basis we ought to pass the others upon the same basis. I can see no reason why, after two hours only of discussion this morning, with very little opportunity for amendment, we should now seek to settle the policy which will control us in the future as to all of these water-power propositions. We can easily wait now. There is no pressing necessity for the passage of this bill. I understand that gentlemen desire it. I appreciate the fact that we ought to be, as far as practicable, developing the various water powers of the country, but it is far more important to have them developed under the proper conditions and under the proper policy than it is to pass one bill now, a few months ahead of when we will settle the future policy of the country. There has been and is dissatisfaction in reference to the two dam laws that have been passed. When the first law was passed, in 1906, there was opposition expressed to its provisions, and in the last Congress, while I was the chairman of the Committee on Interstate and Foreign Commerce, the second law, amending the old law, was passed. I introduced a bill upon the subject, expressly reserving to the Government power to regulate charges to consumers and the power to exact charges for the use of the stream. The rest of my committee did not agree with me upon that subject. Perhaps they were right. I yielded to them, to the superior wisdom and superior numbers, and the bill was reported to the House and passed.

Personally, I never have thought that the amended bill would secure the rights of the Government and the people as well as the original bill, though it was intended to, I think, by the gentleman who perfected it and adopted it in committee and on the floor of the House.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HEFLIN. I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I have not gained much definite knowledge about the real merits of this proposition. I listened to the gentleman from Alabama [Mr. BURNETT] and I understood from his statement, which I take to be true, something of the desirability of the utilization of power that would come from the building of this dam at 18; 12 already authorized. I gather from the remarks that pretty well up to a million is contributed if this bill passes, and more than that in connection with the construction of Lock 12 saved to the Government Treasury. Now, if this navigation is ever to be developed on the Coosa River, I suppose it will be developed by the authority of Federal appropriation. If it be true that of the 80 miles that is now absolutely unnavigable, 30 miles of that 80 can be developed, so far as the dams are concerned, at a saving of between one and two million dollars to the Government, I am for saving that which is in sight, especially as under the general dam act this act is subject to amendment or repeal. Mr. Speaker, I have never lost much sleep about the powers of the State and the power of the General Government to prohibit water monopolies for power. Why, I recollect when the grangers agitation came in 1873, and when Illinois and all the other States practically had granted railway franchises, 99 years some of them and hundreds of years to others, to fix the charge for freight and passengers it was alleged to be a contract, but under the police powers of the States and to regulate public utilities, under the decisions of the Supreme Court of the United States and under the decisions of the State courts, you now can fix the charges for public utilities by the States, and as to interstate commerce by Congress, railway and water by the legislature, and there is only one limitation on the exercise of this power, and that is that the charges shall not be confiscatory. Now, as to the Coosa River, I hardly know where it is, except it is said to be in Alabama and rises in Georgia, for all time that water has been running to waste. [Applause.] God knows how much longer it will run to waste if we shut out what seems to be a reasonable proposition. You say you are going to improve the navigation. If you tell the truth this will save well up to a million dollars to the Government.

Mr. BURNETT. A million and a half.

Mr. CANNON. A million and a half, the gentleman says. Now, I am quite willing to risk Alabama preventing any monopoly [applause] on the one hand and Congress under this bill can repeal or amend this act according to the general dam act. [Applause.] I see no reason for delaying. Great heavens, we have just begun to develop. It is not improbable that men listening to me now will see the tides of the ocean harnessed for power. Oh, gentlemen, let us, if the gentleman from Alabama is correct, save this million and a half and trust to Alabama to prevent a monopoly and trusts and combinations, and the Congress of the United States to amend or repeal this act rather than wait and let this water continue to run to the ocean unvexed by the turning of wheels. I like always to be practicable; I do not believe much in posturing before the country for power in political contests; I do not think, gentlemen, that we are to fall down and disrupt the Government, if these gentlemen are correct in their statements, by enacting this law. [Applause.]

Mr. HEFLIN. Mr. Speaker, I yield two minutes to the gentleman from Wyoming [Mr. MONDELL].

Mr. MONDELL. Mr. Speaker, I shall vote for this bill, but I would vote for it with more enthusiasm if the general dam act contained a provision which it does not now contain and which provision, in my opinion, would so amend that act as to fully protect beyond all question the people of the localities in which these structures are to be operated. I would provide in addition to the present provision of the general dam act as follows:

Provided, That the authorization herein granted is on the express condition that any denial on the part of any person or corporation enjoying or using the same, for the generation or transmission of electric power or energy, of the authority of the State to supervise and control all such operations and to fix conditions and determine reasonable rates under which power may be generated, transmitted, or sold, or any

refusal to accept or abide by any supervision, control, condition, or rate established by or under State authority, shall work a forfeiture of all claim or right to maintain or operate the dam authorized herein; and upon the determination of such denial or refusal by a court of competent jurisdiction, in a suit which may be instituted by any party in interest, the authority herein granted shall be revoked.

I expect to prepare and present an amendment to this bill along these lines.

All that is needed in addition to what we have in the general dam act to fully protect the people is to make it clear that the State has full and complete authority and control over these corporations, which are generating electricity. The Federal Government has no right under the Constitution to attempt to assert authority and control in those matters. The State authority is complete, and if we make it a condition of the authorization there can be no question but that the people of the States will protect themselves. [Applause.]

Some of the gentlemen who are advocating what they are pleased to term conservation are, in fact, simply seeking to fasten on local enterprises a system of Federal taxation. Some of those who claim to be anxious to protect the people from the alleged dangers of water-power monopolies are, in fact, simply furthering the schemes of those who would establish a centralized Federal bureaucracy which would rob the people of the States of the right to control and regulate industries within their borders.

No one will go further than I to make clear State control over water-power development and the use and sale of electric current. So far as the irrigation States are concerned, this State authority and control has been generaly clearly recognized. That is true of the State which I have the honor to represent on this floor.

If what we seek is a clear establishment and recognition of the right of the people to protect themselves from any threatened monopolies in connection with power development we shall have but little difficulty in arriving at an adjustment of our difficulties. Federal taxation of water-power development is certainly not in the interest of people who are seeking cheap power, and in the long run control of operations and of rates by a Federal bureau will not only lead to abuse and scandal but will necessarily shorten the power of the people directly affected in each case through their local courts and legislatures. As these are the provisions which the so-called conservationists are demanding, one is forced to the conclusion that this is but another effort to substitute the rule of Federal bureaus for the rule of the people.

This whole matter would be greatly simplified if all of the States would enact legislation, as the irrigation States have already done, clearly defining rights to the use of water, and would provide an administrative bureau, as we have in Wyoming, through which application to use the waters within the State for beneficial purposes might be made. Parties having acquired from the State a right to the use of water for power purposes, under a clear recognition of the right of the State to control, could very properly be granted by the Federal Government the right to erect dams under the general provisions of the dam act, coupled with the provision I have suggested as an amendment, making the authorization dependent upon full recognition of the right of the State to control in every way proper and necessary for the protection of the people. We now have such a system in Wyoming, so that if we had navigable rivers in our State the Federal Government could safely grant to those seeking to divert water for power purposes the right to erect dams, because such right could only be exercised by those who had secured the right to do so from the State and subject to its control.

Mr. HEFLIN. Mr. Speaker, I yield 15 minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, so far as the discussion of this bill has developed it does not appear there is very much criticism of the project itself, and, as a matter of fact, the project is not subject to criticism. Alabama has been knocking at the doors of this Congress for 40 years, asking you to improve the navigation of the greatest river in the State, and Congress in that time has repeatedly refused to improve it. Now, through the energy and patriotism of her own citizens she is making an attempt to have this river navigable without asking the Congress of the United States to foot the bill. It is footing the bill, however, in other States. Alabama is here to-day merely asking your permission that she may allow through her own charter, through a corporation regulated by her in the interests of her people, capital to come into the State and build dams across her own rivers in order that she may make them navigable and carry commerce to the seas. That is all there is of this project. There is no trust standing behind it. I know of my own knowledge that this proposition was offered to the General Electric Co., and they refused to take it and build the dam. I know the men who promoted this. They are citizens of Alabama and men of good character. They could not float their bonds in New York. They could not get the General Electric Co. and its associate bankers of New York to help them, and they finally went to Canada and borrowed the additional money they needed to construct this dam, provided you allowed this bill to go through.

Now what they propose to do is to spend $1,600,000 to help make this river navigable and allow the Government to use all the water it needs for navigable purposes, and then take the balance of the power created, not for the purpose of selling electricity for light or heat, but for the purpose of manufacturing cyanamid, or lime nitrogen, and fertilizer for the benefit of the farmers of Alabama and of the South. It is to create a cheaper fertilizer for the people of our State, and to make our own river navigable without costing the United States Government anything. Now, that is the proposition that is confronting you, and yet gentlemen say that there is a great trust that is confronting you; that you are giving away the resources of Alabama, a power that belongs to the people. My God, gentlemen, have not the people of Alabama a right to use their own resources when you will not do it? Have they not the right to convert this water that is running down this stream, and which has run down the stream for thousands of years, wasting it day by day, into fertilizer to improve our agricultural interests? That is what we are asking you to do. Now, as to the amendments, I do not think any man can controvert that this is an honest, clean, justifiable proposition. But they say if you grant them the right to build this dam you must do so under conditions. Now, so far as I am concerned, I assume that when the Government of the United States itself builds a dam, and by the expenditure of its own money creates a power, that that power belongs to the Government, and it can dispose of it as it sees fit. But, so far as the running water in the streams of the States are concerned, I deny the right of the United States Government to appropriate that water for any purpose except for the purpose of navigation. [Applause.] If you can demand the right to charge for the use of this water to run an electric dynamo, you can demand the right to charge for this water to run a steam engine. If you say you have the constitutional right when this water power is used to create an electric power and put a tax on it, then you have got a right to put a tax on this water when it is withdrawn from the running stream to go through an engine boiler and create electricity in that way. You have the right to put the tax on the water when it is withdrawn from the running stream to give water to your cities to drink and to wash with. If you have got a right to tax it for the one purpose, you have the right to tax it for another. And I deny your right absolutely to say to the people of my State that we can segregate this particular water in this particular stream and put a price on it.

But I do admit—if the gentlemen who are here as the guardians of the American people want to do something for them and say that the rights of the American people have been interfered with—that there is a just and a fair way for them to accomplish the result they have in view, and not to say that you have got to levy a tax upon a particular project—a project that the people can not protect themselves in. Why, do you know, my friends, that hundreds of years ago the rich Valley of the Nile belonged to the landowners; but in an evil hour they consented that certain satraps and rulers might charge them for the use of the water that was needed to irrigate their lands, and in the course of a hundred years the owner of the land became the peon of the man who held the right to tax the water?

These gentlemen here to-day are asking of this Congress that it grant to the Secretary of War the right to levy a tax on our people, a tax on the water that they use to create power, a tax on the water that they use to create industries. If you can do that, it will ultimately mean a tax on the water that they have to drink and live by. [Applause.]

Are you gentlemen prepared to say that you will give the taxing power that belongs to this Congress to the Secretary of War, to levy it on the rights and on the industries and on the very lives of your people? That is what you are asking us to do.

Now, if you want to be just, if you say that this great water power has been given to special interests, and has been appropriated by special interests, and that the people of the United States have not got their fair rights out of it, why do not you set about to accomplish the object you have in view in a constitutional way? You have the power if you want to tax this enterprise. Why do not you tax your own enterprises in your own districts? That is fair. If you want to tax the

man in the future, why do not you tax the man who has got the right in the past? There is not a man on this floor who does not know that any one of these gentlemen who desire to have the Government of the United States make the people of the States pay taxes for the use of a stream has got a constitutional right to introduce a bill into this House providing for an excise tax on dams. There is not one of these gentlemen but has the right to introduce a bill to levy a tax on every steam power that an engine produces. The Supreme Court of the United States, in the celebrated carriage case, upheld many years ago the right of levying a special excise tax.

Now, I want to say to you, Why should you tax the power that is created by a so-called navigable stream and exempt from taxation the power that is created by a stream that is not navigable? Why, I say to you right now that within 50 miles of the place where this dam will be built, or within 100 miles of it at the outside, are immense water powers that will be created on nonnavigable streams that do not have to come to this Congress to ask permission to build a dam, and those you will exempt from taxation for all time.

Now, what is the difference? Why should the people who get that water power go untaxed and you insist upon putting a tax on these other people? It is unjust; it is discriminatory; it is unfair. Why should you want to tax the man who wants to build a dam to-day and leave untaxed the man who built a dam yesterday? [Applause.]

Now, you, if you are honest, if you are fair, if you say the rights of the American people have been jeopardized in the past and that a great trust has taken away from them their rights and taken the right away from the people, why do not you introduce a bill and send it to the Committee on Ways and Means providing for an excise tax on every single kilowatt of power that is created by an electrical dam? You know you can do it.

Mr. ADAMSON. I will ask the gentleman to state right there if it is not the only clear and constitutional method that the Government shall impose all taxes uniformly?

Mr. UNDERWOOD. Exactly. The Constitution of the United States provides that the taxation shall be uniform, and that is the only way the people can protect themselves. You think to levy a tax, if you can do it constitutionally, by this indirect method; you seek to put it on one dam at a time, one place, where only a small community is interested; and if the great Federal Government has got the power, through its Secretary of War, to levy a tax, how much injustice can you do them? You can oppress them. You can destroy them. But when you make the tax uniform, when you exercise the power of taxation on every dam in the United States, old and new, then the Representatives of the people of the United States here will all be sufficiently interested to see that abstract justice shall be done.

There is no trust concerned in this proposition. But gentlemen complain and say that there are trusts that have grabbed these sites and taken away the rights of the people. If that is so, why should they want to tax this proposition and not level their law at the face of the trust that they complain of? Here is their opportunity. There is the box through which bills are introduced in this House. It will take half an hour to write a bill providing for an excise tax on the kilowatt power and the horsepower of the dams that you say are owned by trusts. Now, if you are fair about it, if you say they have got something from the American people to which they are not entitled, and that they should bear a portion of the burdens of this Government, to be distributed in any way you want to, put your bill in the box and let every man stand on the same basis, and do not let the men who have already grabbed this power in a way which you say is unjust—I do not know whether it is or not—do not let them escape, but let every man stand on the same basis. [Applause.]

Mr. FOSTER. How much time have I remaining?

The SPEAKER pro tempore. The gentleman has 12 minutes.

Mr. FOSTER. I yield four minutes to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. Mr. Speaker, I can not undertake in four minutes to discuss adequately a question of this magnitude, but I am not willing to accept the proposition just made by my distinguished friend from Alabama that the only way in equity to deal with this question is to levy an excise tax on all the water power of America. If you analyze that, it comes down to this proposition, to use an analogy, that we ought not to impose conditions upon the disposition of the public domain unless we at the same time provide for similar conditions on land the title of which belongs to the States. And yet that has not been the policy of the Government in the past and, I take it, will not be the policy of the Government in the future.

When you strip this whole question of all the fine-spun distinctions that lawyers undertake to make, you have this plain proposition, that men come to the Federal Government asking a grant. Now, it is clearly within the power and the province of the Federal Government in making that grant to put conditions upon it; and it does not answer the question to say that the way to deal with the matter is by taxing previous monopolies. The way to prevent future monopolies is by putting conditions on the grant such as will prevent the creation of a monopoly, and that is the proposition that we confront here.

I do not profess to argue the facts of this particular case, but I do submit to the House of Representatives that we can not afford to deal with this great question of water-power grants according as each particular case is presented by the advocates of such particular grant. What this House owes to itself and owes to the country is a consideration of the question in all of its aspects, and the enactment of a general law touching water-power grants.

We hear a great deal about State rights. I doubt if there has been any man in this Congress who has been more solicitous for the rights of the States than I have been, but I occasionally lose a good deal of my belief in State rights when I find they are made the refuge for individual privilege. [Applause.] I hold that when the power rests in the Federal Government to give a grant, it owes to give it upon conditions of equity to all the people of America.

It is not true that this river belongs to the State of Alabama. The river is in the State of Alabama, but it does not belong to that State. The power that can be generated there by virtue of a dam on this navigable stream does not belong to the State of Alabama. The gentleman says, What is the difference between that and water power developed on nonnavigable streams? That is very plausible, and yet the gentleman knows, and every student of American history knows, that there are many matters that fall arbitrarily within the domain of the Federal Government and others that fall arbitrarily within the domain of the State governments. And the fact remains that under the laws that we live under the navigable streams are within the exclusive jurisdiction of the Federal Government. If it were not true, do you suppose that gentlemen would be coming here and asking a grant? They come here because they must come.

Mr. UNDERWOOD. This portion of the Coosa River is entirely within the State of Alabama. If a crime were committed in the middle of that river, does the gentleman contend that the Federal Government would have jurisdiction of it? It has no jurisdiction in the world.

Mr. SHERLEY. I am glad to have the gentleman ask that question, because it illustrates the arbitrary jurisdictions that exist.

Whether they ought to have existed or not they do exist, and the fact is that the control of navigation belongs to the Federal Government. The Kentucky River rises in Kentucky and flows only through Kentucky and empties at the border into the Ohio River. There are propositions for water-power sites all along the Kentucky River created by virtue of dams that have been built to help the navigability of the stream. In my judgment such power does not belong simply to the State of Kentucky, but it is not so much a question of whether it belongs to a State or to the Nation; it is a question whether you shall put conditions upon it which will guarantee the people the proper use of such water power. [Applause.]

Mr. FOSTER. Mr. Speaker, I yield to the gentleman from Illinois six minutes.

Mr. RAINEY. Mr. Speaker, I regret exceedingly that I can not support this bill. It is being advocated on the floor by my colleagues on this side of the House and by my very best friends, but I have never voted for a bill of this kind in this House which did not provide for the protection of the consumers, and which does not provide for tolls to the National Government, and I can not vote for a bill which does not contain these provisions. We have never had an opportunity until now to raise that question in this House. Bills have gone through in the past without containing this provision, but none of them have ever received my vote. Only a small part of the water-power possibilities of the United States has as yet been given away in this manner. If we have made errors in the past—if we have adopted an improper policy—that is no reason why we should continue that policy into the future years. I hope some way can be found to compel these companies now operating power propositions on our rivers to regulate their prices to consumers and to pay the tolls they ought to pay to the National Government.

Mr. Speaker, I am not in accord with those of my friends in this House who insist that States can prevent water-power

monopolies. It is impossible to prevent water-power monopolies. It never has been done, it can not be done in the future, and it never will be done. In the very nature of things a water-power proposition that is profitable and useful is a monopoly, a natural monopoly. It is necessary to hook together these various propositions in the same section to make of them a monopoly, in order to make them of real service, in order that certain storage pools may be full, upon which the company can draw, in order that at certain times in the afternoon what is known as the peak of the load can be carried in all factories served by the various water powers united in certain localities.

But you can not make hydroelectric propositions compete. In the very nature of things they do not compete. But you can make them regulate their charges to consumers, and you can compel them to pay tolls to the Government. The very fact that they come to the National Congress asking for permission to build the dams, the fact that they can not build them without our consent, gives us the right to impose conditions on the consent we grant to them.

This proposition has merit that other propositions pending on the calendar of this House do not possess. Many of the propositions pending that we are required to pass upon are evidently speculative in their character, because the corporations and individuals asking for the franchises can not possibly build them; they can only accomplish what they claim they want to accomplish by transferring the franchise at a profit to some other larger company. That is not true with reference to this proposition. The Alabama Light & Power Co., which will furnish this capital, so far as I know, is not connected with the six great water-power aggregations in the United States. It is not a monopoly. It has this advantage, it is not asking for this franchise for the purpose of transferring it to anybody else. It is asking for this franchise for the purpose of building this dam itself in this river, and it will build this dam. In that particular it possesses merit which many of these other bills do not possess. It will build up a great industry. There is no man denies that it will improve this important river. It is something we ought to have, but we can not stop at the beginning of this fight and give to this company something it ought not to have if we are to enter upon the policy of conservation which is being so widely discussed and so widely favored throughout the country.

The reason this company is not connected with any great water-power group in the United States is due to the fact that it is a Canadian company. The Alabama Traction, Light & Power Co. owns all the stock of the Alabama Power Co. It is a $30,000,000 proposition, capitalized and controlled by a company in the Dominion of Canada, and some of its stockholders, I understand, live in England. We are, therefore, asked here to give away this river, with its tremendous possibilities, to a group of Canadian capitalists and let them go down there and make just as much money out of this as they please and charge to the citizens of Alabama just as much as they please and pay no tolls to the National Government.

I yield to no one in my advocacy of the improvement of our rivers. They ought to be improved. The time has come to do it. Improved rivers will furnish to railroads the only competition they can ever have, but in order to do it I am not anxious to give away to groups of American capitalists the right to exploit our rivers and I am still less anxious to give away valuable franchises to a group of Canadian and English capitalists.

In the United States hydroelectric power is produced and marketed at from $19 to $28 per horsepower and in many places even higher charges than that are made In Norway and Sweden from $4 to $6 per horsepower is charged consumers. In the Dominion of Canada tolls of $2 per horsepower are exacted from companies operating power plants and the price of hydroelectric power to consumers is regulated. It is safe to say that in no other great commercial nation in the world are water-power companies granted the privileges that are granted to them here. The production of hydroelectric energy is regulated by all the most advanced nations in the world except the United States.

It costs more per horsepower to install a hydroelectric plant than it does to install a steam plant, but after that the rivers, running on forever, furnish the power that can be converted into electric energy and sold without appreciable loss two or three hundred miles away. It is safe to say that in any part of this country where there are declivities in rivers hydroelectric power can be generated and sold at $12 per horsepower and, after allowing for interest on the investment and depreciation of the plant, the owners of the stock in that enterprise can divide every year at least 10 per cent on the amount of cash invested therein.

There is no way of regulating the price to consumers of electric energy except by the State or the National Government. The States have tried it and have failed everywhere. The power ought to be reserved to the National Government to regulate prices to consumers. This can be done now better than at any other time—now when we are giving away these franchises. The National Government is called upon to maintain our rivers. No section of the country makes greater demands per capita upon the National Treasury than the Southern States, where nearly all of the power propositions for which franchises are sought at the present time are located.

We expend money from the National Treasury—millions of it every year—for the lower Mississippi River, for the harbors of the South, for the improvement of the rivers of Alabama, Tennessee, Arkansas, and these other States where these franchises are sought. Can it be argued with consistency on this floor that the National Government must continue its policy of improving the rivers which connect the interiors of great States with the sea and at the same time give up to private companies and to individuals the right to take from our navigable rivers within the States enormous profits, without contributing tolls to the National Government, to be used by the National Government in improving the very rivers upon which these plants are to be located and other waters connected therewith? The Southern States make demands upon the Treasury for millions of dollars to fight the boll weevil and other pests. The National Government even maintains throughout the South levees along the Mississippi River—something it does for no other section.

The power possibilities of our rivers, no matter where they are located, belong to the National Government. They are as much a part of our national assets as is the public domain or the coal fields of Alaska. It will be as unpopular in the years to come to monopolize them, to turn them over to private interests, without compensation to the Government, as it is now unpopular to absorb the coal lands of Alaska.

The Senate committee has submitted, for the enlightenment of the House, a report to accompany this bill—a characteristic report, a meager report, as all these reports are, whether submitted by the Committee on Commerce of the Senate or the Committee on Interstate and Foreign Commerce of the House. The report which accompanies this bill for the enlightenment of the House is simply this: The committee says that having considered the same, it recommends that it pass. There is absolutely nothing else in the report, which contains less than two lines of printed matter. A more voluminous report, giving the facts the House and the Senate ought to have, might have resulted in the defeat of this bill.

This bill seeks to give to the Alabama Power Co. the right to construct these dams. The Alabama Power Co. is an Alabama corporation, but its stock is owned—all of it except just enough, perhaps, to give it a status in Alabama, two or three shares—by the Alabama Traction, Light & Power Co. (Ltd.). This is a Canadian company, organized on the 5th day of January of this year under the laws of the Dominion of Canada.

The prospectus it has issued recently shows that it owns or controls the entire capital stock or bonds of the Alabama Power Co. and its subsidiaries. It controls several important power companies in Alabama. This Canadian company was formed for the purpose of supplying electric energy to all the important cities and towns in the State of Alabama and also to acquire and operate tramway systems in the State of Alabama.

The Birmingham, Montgomery & Gulf Power Co. and the Muscle Shoals Co. possess a charter granted in 1900 by the State of Alabama, unlimited in time, and not forfeitable for nonuse. This charter gives these companies the right to build plants and dams on the Tallapoosa River and its tributaries. It is given the right of eminent domain. It can acquire controlling interests in any electric railroad or electric-light company in Alabama and can exercise all the powers belonging to manufacturing companies under the Alabama law, and it is exempt from taxation for 10 years from the commencement of its works. In view of such facts as these, it is nonsense to talk about the ability of the State of Alabama to control its corporations.

At the present time the capital stock of all these companies I have mentioned is owned by this Canadian company. In other words, the power possibilities in the State of Alabama, so far as the State of Alabama has been able to control them, have been turned over absolutely to the tender mercies of an alien corporation—a $30,000,000 corporation. This corporation now controls power sites in Alabama, along the Tallapoosa, Coosa, and Tennessee Rivers, capable of developing 400,000 horsepower for 10 hours daily during the driest season ever recorded in that State.

In other words, this company, which is to be favored by this proposed legislation, already is in a position to exact tribute from consumers in the State of Alabama and adjoining States

of $8,000,000 per annum, computing the electric power it can develop and sell at $20 per horsepower. This company can develop hydroelectric power there, pay $2 per horsepower to the National Government as tolls, charge consumers less than $12 per horsepower, and make more than 10 per cent on its invested capital after allowing the proper deductions for depreciation. In addition to this, it can pay interest at the legal rate on its entire investment, and the 10 per cent it could distribute will be absolute profit each year. In other words, this company, under the franchises it has already acquired, could distribute in profits 10 per cent per year after paying $2 per horsepower tolls to the National Government and after paying for depreciation of plant and interest on the investment and still charge consumers about half as much per horsepower for electric energy as they will be able to charge unless the National Government in some way can regulate their charges; and it is proposed to give them this additional asset without tolls to the Government and without reserving the right to regulate cost to consumers.

It is to be hoped that no more of these bills can become laws. The advanced position taken by the Secretary of War and by the President of the United States makes it impossible, even if this House by a slight margin should pass this bill, for its promoters to ever hope that this tremendous national asset can be delivered up to any company, least of all to a foreign corporation. An awakened public sentiment in the near future will make it impossible for the people of this country to permit further diminution of our national assets. Too many Members of this House are trying to find methods of taking money from the National Treasury; too few of them are earnestly endeavoring to provide revenues for the Government. We have passed corporation tax laws through this House and excise laws; we are trying to protect our forest reserves and our coal lands from exploitation by unscrupulous corporations and individuals, and the people of this country will demand in no uncertain tones in the near future that this House, intrusted with the protection of our national resources, shall discharge its full duty and extend to all of our resources that character of conservation which is consistent with the advanced ideas of the present century. There is no national asset so valuable and so important as the power that can be developed in our rivers and which belongs not to those who may desire to exploit it and reap tremendous profits, but to the whole people of the United States, who have the right to demand that it shall be sold at reasonable prices and that the National Treasury shall receive its share of the proceeds.

The SPEAKER. The time of the gentleman from Illinois has expired.

Mr. RAINEY. Mr. Speaker, I ask permission to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. CLAYTON. Mr. Speaker, I make the same request.

Mr. KENT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentlemen from Alabama [Mr. BURNETT and Mr. CLAYTON] and the gentleman from California [Mr. KENT] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

The SPEAKER. The gentleman from Illinois [Mr. FOSTER] has one minute and a half remaining.

Mr. FOSTER. Mr. Speaker, I could not go into a discussion of this question in a minute and a half, and I shall not attempt to do so. I take it that if this bill passes as it comes from the Senate the President will send back a veto of it, which he ought to do, and I hope that he will have the courage to veto a bill which does not conserve the rights of the people. [Applause.] The gentleman from Alabama [Mr. UNDERWOOD] and others—and no doubt it will be said by the one who may speak next—say that this is for the great purpose of helping out the farmers of this country with a cheaper fertilizer. I would suggest, if this be the object of securing this water-power right, that they should submit to an amendment which would provide—

That whenever the said corporation shall cease to manufacture air nitrate fertilizer, known as calcium cyanamid, this permit or grant shall become null and void, and all right and title to said dam and property located therein belonging to said corporation shall become the property of the United States.

Mr. Speaker, if they are so willing and so anxious to have it for that particular purpose I am sure they would submit to an amendment which would provide that they must keep up their contract for which they are claiming the right to put up this water power at this particular place. This side of the House only a short time ago stood upon this floor as one man saying to the Secretary of the Interior at that time that we proposed to stand by the resources of Alaska and that no grants or rights should be given there which take away the power of the people to control. Are you upon this side to-day upon this great question going to stand here and vote for a proposition which may become just as bad as that in Alaska?

These water powers should be developed, and I hope they will, but I do not propose to be swerved from my course to do what is in my power to protect the rights of the people. This is not a local question, but one that affects the people generally. The claim is absurd that it is only a matter that concerns the district of any one particular Representative. We are not here to give away these valuable franchises for nothing and without any right to regulate the same. I hope that the Members on this side of the aisle will stand for the rights of the people on this question. We have always claimed to stand for the people and for their rights; let us not fail to do so now.

Mr. HEFLIN. Mr. Speaker, I have listened to the speech of the gentleman from Kentucky [Mr. SHERLEY], and he reminds me of what the old justice of the peace said about his member of the legislature. They said to him, "Bill made a good speech to-day, Uncle Johnnie," and he replied, "Yes, by gosh, old Bill can speak just as good on one side as he can on the other." [Laughter.] So the gentleman from Kentucky is always earnest and eloquent and speaks well, even on the wrong side. I regret to see him standing in the way of industrial development in the South. The southern farmer must now pay freight charges of $4 per ton for all the nitrate of soda that comes to him from Chile or Canada, and I regret to see the gentleman from Kentucky lining up with the gentleman from Illinois [Mr. FOSTER], who feels, I fear, that he is called upon to represent every district in the United States. [Laughter.] And then there is my dear old friend BEN HUMPHREYS. [Laughter.] He comes from the home of Sargent S. Prentiss. He hails from Mississippi, but, Mr. Speaker, I am uneasy about him. The theorists and doctrinaires of new nationalism have given him a dose of something and they called it conservation, and, in his effort to conserve something, he is making the mistake of going through the door of the Federal Government when he ought to resort to the State. So the gentleman from Kentucky [Mr. SHERLEY] and the gentleman from Illinois [Mr. FOSTER] and the gentleman from Mississippi [Mr. HUMPHREYS] may be freely forgiven upon the theory that they know not what they do. [Laughter and applause.]

Mr. SHERLEY. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Oh, I have not the time to yield now.

Mr. Speaker, I hold here a report from the Chief of Engineers and Mr. Taft when Secretary of War, and here are some of the things it says:

In connection with legislation of this kind (damming a river) careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters, regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States. It should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by State laws on the subject of private property as above set forth. The Federal Government can regulate it and control it only to such extent as may be necessary in the interest of navigation.

It agrees entirely with my contention. What does the gentleman say to that doctrine? When I speak of State rights I am not talking about the things that divided us in the sixties; I am talking about the doctrine that no section has ever denied—the doctrine that Lincoln stood for, that Jefferson Davis stood for, that Jefferson and Jackson and Grant and McKinley and Cleveland stood for. It is as old as the Constitution itself—the doctrine that the State has powers that can not be exercised by the Federal Government. [Applause.] Mr. HUMPHREYS offers an amendment that is in the very teeth of the Constitution. No court can fix rates to be charged by any concern, and yet the gentleman has said in his amendment that under certain conditions the courts shall fix the rate. His amendment is unconstitutional. I appeal to the gentleman from Illinois [Mr. MANN], who is the author of the general dam act, to aid us in defeating this amendment. Permits have been granted under the provisions of the general dam act, and why not allow us to dam the Coosa under the same provisions?

The SPEAKER. The gentleman desired to be notified when he had only six minutes remaining. He has six minutes.

Mr. HEFLIN. I want to remind gentlemen that the Government has built three dams on the White River, in Arkansas, and it has offered the horsepower for sale. It started out demanding $10 per horsepower. Nobody made a bid. It came

down to $5, and nobody made a bid. It came down to probably $1, and the power still goes begging; nobody is purchasing that power. In the report upon this bill the Chief of Engineers says that it is very probable that the development of the Coosa for navigation will not be made without the aid of some water-power company, and yet gentlemen stand in the way of this movement of so much interest to us and of so much benefit to the river for navigation purposes. Sixty-four thousand dollars a year of interest on the money expended building this dam at 4 per cent means $6.48 per horsepower.

If you divide that $1,600,000 by 50 years, there is $32,000 a year for the use of this little strip of river now singing the song of wasted strength as it rolls its way to the sea. [Applause.] And gentlemen talk about conservation. Now, what is a conservator? One who protects from injury. Are we injuring the river? No. We are improving it for navigable purposes and at the same time utilizing the power of that river, now serving no purposes and going to waste. That is what we are doing, Mr. Speaker. Conservation and preservation. For what? For useful purposes. Are we undertaking to do that? Most assuredly we are; but some gentlemen here are planting themselves in the way of the development of this river in my district. Mr. Speaker, I recall an occasion in this House when Senator BURTON, of Ohio, a Republican, then a leading Member of this House, had a bill providing for the construction of a public building in his district. It provided that it should be built of granite, and the sandstone people wanted it built of sandstone. Mr. BURTON said, "I ought to have the right to say of what material it shall be built; it is in my district." Some of his own colleagues turned against him. I took the fight up on this side, with other gentlemen here, and I said the matter pertained to Mr. BURTON'S district and outsiders had no business running their noses into it and depriving a Representative of his rights upon this floor. [Applause.] We voted with him. We saved the day; and Democrats and Republicans stood here and saw to it that Mr. BURTON was allowed to represent his district. But we have gentlemen here who talk about a dam site, and every time they hear of a dam site or see a dam-site bill they throw a fit. [Laughter and applause.] My friend from Illinois [Mr. FOSTER], my friend from Mississippi [Mr. HUMPHREYS], and my friend from Wisconsin [Mr. COOPER] all look cross-eyed every time they hear of a dam-site bill.

They remind me of the fellow who was treated for the drink habit.

Old Uncle Jerry, in telling the story, said: "Old man Jimmie Simpkins's boy tuck powerfully to licker a while back and the old man tuck the guts of three green gourds and a double handful of green tobacco stems and boiled them down to a simmering stew. He then strained the juice into a glass, give it to his boy on his empty stomach early in the morning."

"Well, what became of him?" was the inquiry. The reply was, "Oh, he is doing fairly well now. He is getting to where he can drink a little water biled on the white of an egg and eat a snowflake cracker if it is browned and powdered good, and give to him in a spoon, but when we exercise him we have to blindfold him, for the mere sight of a tobacco patch or gourd vine sets him to vomiting again. [Laughter.] And they can't tell yet whether his relishment fer licker is gone or not." [Laughter and applause.]

Mr. Speaker, every time these gentlemen hear of a dam site, or see a dam-site bill, they are miserable, they suffer in the flesh, and hereafter when we exercise the gentleman from Mississippi [Mr. HUMPHREYS] and the gentleman from Illinois [Mr. FOSTER] we will have to blindfold them, because the mere sight of a dam-site bill sets them to heaving and sighing and we can not tell yet whether their relishment for representing all the districts in the United States is gone or not. [Laughter and applause.]

Then, Mr. Speaker, the gentleman from Illinois [Mr. FOSTER], the self-selected Member from the Nation at large [laughter], the astute and self-constituted guardian of every district in the United States [laughter], drew his little legislative blade, and cutting the air as he came [laughter], rushed recklessly into the arena to defend his people against the calamity that would overtake them if Congress should grant a permit to dam the Coosa. [Loud applause and laughter.]

Then, Mr. Speaker, I saw the gentleman from Wisconsin [Mr. COOPER], with an air determined and resolute, rise and lean forward, eager to hear all that was being said about building a dam across the Coosa River, down in my district. I could see his nostrils distend with indignation [laughter] and his eyes flash with the fire of serious concern [laughter] as he contemplated the outrage about to be perpetrated upon his people by the building of a dam across the Coosa River, way down in Alabama, in my district. [Laughter.] Then I could hear his big heart beating with fury as he expressed in lurid language his opposition to the construction of a dam across the Coosa River [laughter], and as he took his seat I could hear wailing and gnashing of teeth amongst his constituents in far-away Wisconsin. [Laughter and applause.] Then I seemed to hear his terror-stricken constituents say, "What will become of us and ours? Who will keep the wolf from the door—who will shelter us in time of storm if they dare to dam the Coosa River?" [Laughter and applause.] Then they lifted up their voices and shouted in unison with the gentleman from Wisconsin, "You may dam the Ohio and dam the Tombigbee, you may dam the Hudson and dam the Tennessee, and you may dam the Mississippi, but dam the Coosa—not by a dam site." [Loud laughter and applause.]

Mr. Speaker, if the men who have grown gray in the service of their States and through their States have contributed to the strength and glory of the Republic could witness the effort of gentlemen here to encroach upon the reserved rights of the State by demanding that the Federal Congress shall prescribe rules of conduct for and demand toll from a local enterprise in a sovereign State, they would shake their hoary heads in sadness and admonish these gentlemen to venture not upon this dangerous road of new nationalism. [Applause.]

If the men in middle life who glory in the traditions of Bunker Hill and Yorktown, who still cling with love and loyalty to the principles of the Constitution, could witness the effort of zealous but misguided conservationists to deprive the State of rights and powers vouchsafed unto it by the founders of the Republic—aye, if the young men, the hope of the country, the thoughtful students of our system of State and Federal Government, could witness this effort to strip the State of its just powers and leave it a useless, meaningless thing in what is now the household of sovereign States—they would all exclaim, "This does not mean conservation, but it means damnation to the wisest and best system of State and Federal Government ever devised by the genius of man." [Applause.]

Mr. Speaker, upon the exercise of the virile strength and sovereign power of the State depends the strength and well-being of the Republic. Destroy the State and you destroy the Republic, for—

> When the stem dies the leaf that grew
> From out its heart must perish too.

[Applause.]

Yes, Mr. Speaker, some of these theorists and doctrinaires of new nationalism are confounding the powers of the Federal Government with those of the State, and in their misunderstanding of what real conservation means they have allowed themselves to stand in the way of industrial development and to hinder and delay the great work of navigation. Of all the horsepower in the navigable streams of my State none has been developed; and now, Mr. Speaker, we seek to harness power going to waste at lock 18 on the Coosa River.

Mr. Speaker, the dam at Lock 18 will be built without expense to the Federal Government. It will be a distinct and tremendous aid to the Federal Government in its work to make the Coosa River navigable. It is in the interest of a legitimate and much-needed enterprise. It will be the means of establishing and operating the first plant for manufacturing atmospheric nitrogen in the United States, and will result in the furnishing to our farmers cheaper fertilizers.

Now, Mr. Speaker, I submit to this House that instead of hampering and discouraging this project Congress ought to encourage it, and welcome the opportunity to have this dam built without expense to the Federal Government. The only question that concerns the Federal Government is the question of navigation. The regulation of the conduct of the Alabama Power Co. is a question for the State of Alabama to determine. The Federal Government should rejoice in the fact that it has been relieved of the expense and responsibility of improving the Coosa River at Lock 18, that the river has been made navigable there by the enterprise and at the expense of a local corporation. It is the purpose of the Alabama Power Co. to build and operate a nitrogen plant at Lock 18 on the Coosa River. The manufacture of nitrogen in Alabama would be a great blessing to our people, and the electricity generated at the power plant at Lock 18 will light up the homes, the villages, and the cities along the Coosa River. This electricity will not only be used for lighting purposes, but for power purposes in various ways.

As Benjamin Franklin brought lightning from the clouds and was the means of making it the obedient servant of man's will, man's inventive genius has devised ways and means of extracting nitrogen from the air. The Alabama Power Co. proposes to manufacture at Lock 18 atmospheric nitrogen. Our farmers now have to go to Chile or to Canada to buy nitrogen,

and they spend millions of money in freight rates. The cotton growers of the South will hail with delight the time when their nitrogen supply will be manufactured in the cotton belt, when the output of the local plant will be the means of leaving in their pockets millions of dollars now paid out in freight charges on nitrogen coming from Canada and Chile. [Applause.]

The question is, Shall we invite capital to come and aid us, capital encouraged and controlled by State laws in the development of a local power plant, or shall we postpone this development, lose this opportunity to aid navigation and keep capital out of the State because of foolish and unauthorized Federal restriction? [Applause.]

Permit the Alabama Power Co. to build this dam across the Coosa River and establish this nitrogen plant and you have not only aided navigation and advanced the cause of industrial development in Alabama, but you have contributed to the comfort, happiness, and prosperity of our people. [Applause.]

I repeat, this bill is in the interest of industrial development in the State of Alabama. It is in the interest of navigaion, and the Alabama delegation is united in the support of this meritorious measure, and I beg you gentlemen to vote for my bill. [Loud and continued applause.]

Here is a copy of my bill:

A bill to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

Be it enacted, etc., That the Alabama Power Co., a corporation organized under the laws of the State of Alabama, its successors and assigns, are authorized to construct, maintain, and operate a dam across Coosa River, in the State of Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka, in accordance with the provisions of the act approved June 23, 1910, entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters,' approved June 21, 1906."

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Now, Mr. Speaker, my time has expired and I desire to print in this connection certain papers and documents.

(Circular No. 14.)

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF ENGINEERS,
Washington, April 4, 1905.

The following report on a bill introduced and considered at the third session of the Fifty-eighth Congress is published for the information of officers of the Corps of Engineers in charge of river and harbor works, it being thought that the important legal propositions discussed and a knowledge of the department's position regarding the subject matter may be of interest and value:

WAR DEPARTMENT,
January 17, 1905.

Respectfully returned to the chairman Committee on Interstate and Foreign Commerce, House of Representatives, inviting attention to the accompanying report of the Chief of Engineers, United States Army, of yesterday's date, and to drafts of bills therein referred to. The report seems to me to be very comprehensive, accurate, and instructive.

WM. H. TAFT, *Secretary of War.*

3. In connection with legislation of this kind careful consideration should be given to the question of the limitations of the power of the Federal Government over navigable waters. By virtue of its power to regulate commerce, Congress may exercise control over the navigable waters of the United States, but only to the extent necessary to protect, preserve, and improve free navigation. The Federal Government has no possessory title to the water flowing in navigable streams, nor to the land comprising their beds and shores, and hence Congress can grant no absolute authority to anyone to use and occupy such water and land for manufacturing and industrial purposes. The establishment, regulation, and control of manufacturing and industrial enterprises, as well as other matters pertaining to the comfort, convenience, and prosperity of the people, come within the powers of the States, and the Supreme Court of the United States holds that the authority of a State over navigable waters within its borders, and the shores and beds thereof, is plenary, subject only to such action as Congress may take in the execution of its powers under the Constitution to regulate commerce among the several States.

6. Regarding the proposition to empower the Secretary of War to authorize the use and development of water power at localities not improved by the United States, it should be borne in mind that natural water power—that is, power made available by the existence of natural falls and rapids in a river—is appurtenant to riparian ownership, and the right to use it is governed by State laws on the subject of private property. As above set forth, the Federal Government can regulate and control it only to such extent as may be necessary in the interest of navigation. * * *

A. MACKENZIE,
Chief of Engineers, United States Army.

On pages 27 and 28 of the same report, as follows:

It is evident that the deposits of nitrate outside of Chile, barring new and not very probable discoveries, possess a purely local and transient importance. They have no bearing upon the world's problem.

The world's demand for nitrogen is rapidly increasing. This demand can be met in four ways, as follows:

First. By a temporarily increased supply of saltpeter from deposits, soon, however, to be exhausted.

Second. By an increased supply of ammonia as a by-product of coal and peat, dependent on a general reform in the use of these materials as fuel and limited by the extent to which they may be used as sources of light and heat and limited further, in point of time, by the world's supply of fossil fuel, with a possible exhaustion within a few centuries.

Third. By the closest economy in preserving all waste forms of combined nitrogen, vegetable or animal, so that they may be utilized as plant food.

Fourth. By the technical transformation of atmospheric nitrogen into combined forms available for the needs of agriculture and the arts.

Mr. Speaker, I will extend my remarks and say: The first source and supply for meeting the demand for nitrogen is controlled by the London nitrate kings, who have the most complete monopoly in the world. To vote against this bill is to vote in favor of this monopoly, whose imports of Chilean nitrate of soda into the United States annually now amount to $14,000,000 yearly, and a vote against this bill is in favor of this monopoly which, during 31 years, beginning from 1879, has placed a tax upon the industry and agriculture of the world of $425,000,000 paid to Chile, the Chilean export duty being $11.16 per short ton.

The second chief supply is that of ammonia, a by-product from the manufacture of coke, and this by-product, ammonium sulphate, is controlled by the United States Steel Corporation, which has almost a complete monopoly, receiving for this by-product over $3,500,000 annually. To vote against this bill is to vote in favor of the steel corporation's monopoly in the production of ammonium sulphate as a fertilizer, and is to vote for the interest of the United States Steel Corporation and against the interest of the farmers of this country.

The third supply, as above, comes largely from the waste products from slaughterhouses of the Beef Trust, and this is animal nitrogen, and to vote against this bill is to vote in favor of the monopoly of animal nitrogen by-products at the slaughterhouses of the Beef Trust.

The fourth way is the transformation of atmospheric nitrogen into a fertilizer, in this case calcium cyanamid, to be manufactured from the power created by the building of this dam if this bill is passed, and to vote for the bill is a vote against all of the monopolies described, and to vote for this bill will be in favor of the use of the nitrogen in the atmosphere as a fertilizer, the supply of which is inexhaustible and going to waste, as the power in the water of the Coosa River at Lock 18 is going to waste by nonuse, and to vote against this bill is to vote against the conservation of these natural resources created by God for the use of mankind and not to go to waste by nonuse.

To vote against this bill is to vote against the express wishes of the farmers of Alabama, who, through the legislature of the State, passed every necessary law to regulate power companies, and also, in order to secure the manufacture of lime nitrogen in Alabama, passed laws exempting water-power companies and calcium-cyanamid companies from taxation for a period of 10 years from the time of beginning the construction of such plants. Will Congress deny Alabama's farmers the right to have a dam built in the Coosa River under the law passed by Congress for the express purpose of allowing the building of such a dam? It is unbelievable, it is unthinkable, it is inconceivable that the House will refuse to pass the bill as it is now written.

WASHINGTON, D. C., *August 22, 1912.*

Hon. J. THOMAS HEFLIN,
House of Representatives, Washington, D. C.

DEAR MR. HEFLIN: Referring to the questions you asked me in person regarding the Alabama Power Co., its purposes and intentions, on the Coosa River, in Alabama, I beg to say:

The Alabama Power Co. was organized under the laws of the State of Alabama by a few Alabama friends and myself as a part of our well-known efforts, covering over a period of almost a quarter of a century, for the improvement of the Coosa River. After a long and tiresome undertaking we not only succeeded in interesting some splendid capital in the development of power on the Coosa River at Lock 12, but we also succeeded in interesting the American Cyanamid Co. in locating a large plant on the Coosa River, in Alabama, for the manufacture of an air nitrate fertilizer, known as calcium cyanamid, the particulars of all of which are set out very fully in a letter by Mr. J. W. Worthington of date July 3, 1912, attached to the report of the Senate Committee on Commerce on Senate bill 7343, and to which I beg to call your especial attention.

The Alabama Power Co. owns the power development at Lock 12, on the Coosa River, Ala., and is now at work building its dam for the development of power at this place, and for which we obtained the consent of Congress several years ago. The power plant at Lock 12 will develop, when complete, 10,000 continuous 24-hour horsepower. The Alabama Power Co. made a contract with the American Cyanamid Co. for 14,000 24-hour horsepower, to be used for the manufacture of the nitrate fertilizers, therefore, the development of power at Lock 12 will be insufficient to supply the needs and demands of the cyanamid company, to say nothing of the power that may be desired for other purposes, hence it is that the Alabama Power Co. is now asking a grant for the privilege of building a dam at Lock 18 on said river. The contract made with the American Cyanamid Co. is conditioned that the Alabama Power Co. succeed in getting a grant for the building of a dam at Lock 18, as contained in Senate bill 7343; hence you can realize why we are so anxious that this bill pass at the very earliest moment possible.

In our efforts to finance the Alabama Power Co. we tried for quite awhile to raise the money with which to make the development at Lock 12 in this country, but were unable to do so. We then took the matter up with foreign capitalists, and finally succeeded in interesting English and Canadian capital in the undertaking. Before going into this undertaking, however, these people examined the laws of this country bearing on this subject, both State and United States laws, and the money was raised with the expectation of being governed by the general dam laws of the United States as they now stand; hence any amendments to the bill from the way it passed the Senate would probably be fatal, and I trust that Congress pass Senate bill 7343 just as the same is now pending.

Kindly bear in mind this is not a promoting or speculating scheme; we have the money, and are now at work at Lock 12, and if the bill

passes granting the Alabama Power Co. the right to build a dam at Lock 18 work will be commenced at this development within 60 days. Work will also be commenced in due time on the Cyanamid Co.'s plant, as the money is all ready now for its construction.

I hope you will also bear in mind that by the construction of these two dams proposed by the Alabama Power Co. they will save the United States Government, in its plans for the improvement of the Coosa River for navigation, $1,622,000 at each dam, making a total saving to the Government of $3,244,000 on the two dams, which, at 4 per cent interest, would be equivalent to a royalty of $6.42 per horsepower per annum.

There are quite a number of Alabama stockholders in this undertaking, and in which they are all very much interested, and not only that, but all Alabama is very vitally interested in seeing that these developments are carried through.

As for my record for the improvement of the Coosa River for the past quarter of a century, I herewith hand you several booklets and memorials touching on this subject which I had the honor of compiling, and to which I refer you.

Hoping the bill now pending will have the favorable consideration to which it is so justly due and that it will promptly pass the House and become a law, and with kindest personal regards, I am,

Very truly, yours,

W. P. LAY.

CONSTITUENTS AND RELATIVE VALUE OF CYANAMID.

The principal facts about cyanamid can briefly be told. It is a nitrogenous fertilizer whose ammonia is derived from the atmosphere. The available ammonia content is 94.4 per cent, the highest of any form of commercial ammoniates, as is shown by Bulletin No. 56 of the United States Department of Agriculture. The ammonia content is not volatile, being a trifle slower than sulphate of ammonia. It has the special quality of aiding plants to withstand droughts, and rains do not waste it. The results of fertilizing tests made with cyanamid by 37 Government experiment stations in Europe on all kinds of crops and covering a number of years show that it has a higher fertilizing value per unit of ammonia than either saltpeter or sulphate of ammonia, the relative values being: Sulphate of ammonia, 97; Chilean saltpeter, 100; and cyanamid, 105. The free lime content of cyanamid will be entirely eliminated in the United States, in deference to the requirements of the American trade, though this is not done in Europe. Cyanamid can be stored indefinitely in bags, with no loss of ammonia; it dries wet acid phosphate; it mixes well with all kinds of fertilizing material, without heat or reversion; it is cheaply handled, and is incombustible. It has been accepted by State agricultural departments throughout the country and its use as a fertilizer approved.

WORLD'S SUPPLY OF NITROGEN.

The exhaustion of soils in the United States has increased with great rapidity in recent years, and this has resulted in the establishment of great fertilizer industries, there being invested in factories for this purpose alone in the United States about $70,000,000; and yet the fertilizer industry is said to be only in its infancy. The world's chief supply of nitrogen comes from the Chilean desert, from which was exported in one recent year $75,000,000 worth of nitrate, practically 80 per cent of which was used in agriculture. During the last decade the exportation of Chilean nitrate has increased 60 per cent in quantity, 60 per cent in price, and 250 per cent in total value. The Chilean Government estimates that the nitrate fields will be exhausted in about 45 years.

The only other material sources of nitrogen are by-products of other industries in no way connected with agriculture. In the United States these by-products come chiefly from packing houses in the form of blood and tankage, and from gas plants and coke ovens in the form of sulphate of ammonia. Fish scrap, cottonseed meal, animal skins, and even the offal from whaling ships, are used by the fertilizer manufacturers for their nitrogen content. In fact, the world is being scoured for nitrogenous substances for use as fertilizers, and the supply in available form is entirely inadequate to the demand.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent for one minute.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, the Government, in building and improving navigable streams out of the pockets of all of the people, in order to grant the free use of them to a few of the people, while at the same time imposing a charge for power incidentally developed by private capital in building a dam, is simply straining at a gnat and swallowing a camel. [Applause.]

During the debate in this House on the Black Warrior River bill I asked gentlemen here who were in favor of this new conservation policy what would be the difference in principle, in law, or in any other respect, between charging for the use of a river improved out of the Federal Treasury and charging for the use of a power incidentally developed by the construction of a dam built across the river. Gentlemen failed to answer that question in the open House, but admitted to me privately that it was unanswerable; that there was not any difference in principle or in law or in any other respect. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. MARTIN of Colorado. Give me just one more minute.

The SPEAKER. The gentleman from Colorado [Mr. MARTIN] asks for one minute more.

Mr. HEFLIN. Is the gentleman opposing this measure?

Mr. MARTIN of Colorado. No, sir; I am going to vote for the gentleman's bill.

Mr. HEFLIN. Then I will extend to the gentleman two minutes. [Laughter.]

The SPEAKER. The gentleman from Colorado is recognized for two minutes more.

Mr. MARTIN of Colorado. I do not know that I want two minutes. This proposition of building and improving rivers and harbors and other navigable waters out of the Federal Treasury grew out of the condition existing in this country when all the people lived near the seashore and along the banks near the mouths of these large navigable streams; it grew out of a time antedating the railroads, out of a condition that no longer exists. But the practice still exists, ostensibly for the purpose of improving the navigable waters of the United States, but in reality to furnish the gentlemen representing those districts with campaign ammunition and the means of perpetuating themselves in office, so that the river and harbor bill to-day is known the country over as the "pork-barrel" bill, and has long since attained the proportions of a national scandal. [Applause.]

You are going to impose a tax upon the water power incidentally created by a dam in a river in the State of Alabama, while at the same time you are going into the pockets of all the people of this country for more than $60,000,000 to improve the Ohio River and make the use of it a present to the fleets of the Anthracite Coal Trust. That is "conservation" in the eyes of some gentlemen; and it is a singular fact, Mr. Speaker, that many of those gentlemen who are now attempting to hold up the development of the water power of this country until they can devise a method of wringing a few millions in Federal taxes from the users of the power are strongly in favor of the pork-barrel plan of spending many millions of the people's money——

The SPEAKER. The time of the gentleman has again expired.

Mr. MARTIN of Colorado. The injustice, the absurdity, the economic unsoundness of this condition have led me to give this subject some study, as the result of which I prepared and introduced the following bill:

A bill (H. R. 22142) to develop a national system and policy of waterways; to create the waterways commission; to regulate and charge for the use of the improved navigable waters of the United States; to provide a fund for the improvement of the same; to regulate and charge for the use of water powers, and for other purposes.

Be it enacted, etc., That the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation of passengers or property by water, and using water craft propelled by other than hand power (and excepting all State or municipally owned water craft not operated for profit and all vessels belonging to the Government of the United States), which are hereby designated to be water carriers, in and upon the navigable waters of the United States, the District of Columbia, and Alaska (and excluding the Panama Canal), upon which navigable waters the United States has heretofore expended or shall hereafter expend any money or services upon improvements, and which shall include the coast lines within the jurisdiction of the Government of the United States, rivers, harbors, lakes, bays, sounds, creeks, canals, channels, and their appurtenant dams, locks, docks, wharves, transfers, and other water terminal facilities, all of which, for the purposes of this act, shall be known as waterways.

SEC. 2. That a commission is hereby created and established to be known as the waterways commission, which shall be composed of three commissioners who shall be appointed by the President by and with the advice and consent of the Senate. The commissioners first appointed under this act shall continue in office from the time of their appointment and for the term of two, four, and six years, respectively, from the 1st day of January, 1913, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the commissioner whom he shall succeed. Any commissioner may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than two of the commissioners shall be appointed from the same political party. No person in the employ of or holding any official relation to any water carrier subject to the provisions of this act, or any common carrier subject to the provisions of the interstate-commerce laws of the United States, or owning stock or bonds in either class of said carriers, or who is in any manner pecuniarily interested therein, shall enter upon the duties of or hold such office. Said commissioners shall not engage in any other business, vocation, or employment. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission.

The salaries of said commissioners shall be $10,000 per year each, and the offices of said commission shall be in Washington, D. C. Said commissioners shall provide such quarters, properly furnished and equipped, and shall further provide such clerical and other help as the business of the commission may require. Except as otherwise provided herein, the commissioners may fix the compensation of all subordinate officers and employees.

The commission may make and enforce the necessary rules and regulations to carry into effect the provisions of this act.

SEC. 3. That it shall be the duty of the waterways commission, with the assistance, when authorized by the Secretary of War, of the Office of the Chief of Engineers, United States Army, and the Board of Engineer Officers in said office, to cause to be made surveys of the navigable waters of the United States, which shall include all the waters and their appurtenances mentioned in section 1 of this act, and to revise the same from time to time. There may be employed only in the Office of the Chief of Engineers and placed at the disposition of said Board of Army Engineers such civil engineers as may be deemed necessary to assist in the discharge of the additional duties hereby entailed upon said office. No money or services shall be expended upon any existing or proposed waterways improvement until it shall have been examined and reported upon by said Board of Engineer Officers and until it shall be approved by the Secretary of War as feasible and practicable and not incompatible with the interests of navigation.

Such surveys shall embrace the boundaries, character, and description of each of said waterways, the improvements theretofore made by or with the aid of the Government and heretofore or now existing in, upon, or along each of said waterways, where made and for what purpose, the cost of the same as near as may be, the portion of said cost paid by the Government, the portion paid by others and by whom, the quantity and character of the annual traffic in and upon each of said waterways, including every character and description of water craft, transportation, and facilities embraced in this act in so far as they relate to the carrying of passengers or property by water, together with such other information as may be deemed necessary to enable said commission to properly classify and value said waterways and facilities from the standpoint of improvements and traffic, for the purpose of fixing and collecting just and reasonable charges for the use of said waterways.

Such surveys shall be sufficiently completed for the purposes of the next section hereof on or before January 1, 1914.

The waterways shall be divided into districts, not to exceed nine in number, reference being had to natural grouping and such other considerations as may simplify and convenience the administration of the law. Each of said districts shall be under the immediate supervision of a district surveyor, who shall be appointed by the commissioners to hold office until removed for cause, at a salary to be fixed by the commissioners not to exceed $3,500 per year; and to have his office at a capital place in the district, designated by the commissioners; and to perform such duties and have such assistance as may be ordered by the commissioners.

SEC. 4. That when such surveys shall have been sufficiently completed as aforesaid to enable the commissioners to approximate the cost and relative value to the waterways of said improvements, it shall be their duty to impose an annual charge, where advisable; otherwise some form of toll or other usage charge for the use of such waterways, which shall be equivalent in the aggregate to not less than 1 nor more than 5 per cent of the part of said cost contributed in money and services by the Government, the actual rate fixed on or between these limits to be determined as near as may be by the relation the cost of the improvement to the Government bears to the value thereby given said waterways for navigation and transportation purposes, to the end that the greater value thus given shall bear the greater burden of recompense to the Government, but said charge to be equitably and uniformly distributed, without any discrimination whatsoever, over all classes of water carriers and traffic embraced in this act, both foreign and domestic: *Provided*, That the commissioners may classify waterways and water carriers and traffic in such manner as they may deem practicable for the purpose of simplifying and effectuating the operation and enforcement of this act, and may grade the charges to be attached to such classifications, and, upon due notice, to alter such classifications and rates from time to time: *Provided always*, That such classifications and the attaching grade of rates and changes of the same shall not be permitted to work any discrimination or preference of any character with reference to any class of waterway, water carrier, or traffic.

The commissioners shall make a thorough and exhaustive study of waterways and water craft for the purposes of this act and before putting the same into operation within the time fixed in this act, and may recommend to the Congress such additional legislation as they may deem necessary touching the improvement, regulation, and use of the waterways for the purposes of this act.

All data secured under direction and authority of law by the Engineer Corps touching water traffic, freight classification, ton-mileage statistics, terminal and transfer facilities, development and utilization of water power for industrial and commercial purposes, and other subjects connected with the improvement and use of navigable waters shall be available to the Waterways Commission for all of the purposes of this act.

SEC. 5. That to assist said commissioners to properly impose and collect the aforesaid charges it shall be the duty of the owners of all water craft embraced in this act, on or before the 1st day of January, 1913, and the 1st day of January in each year thereafter, upon forms prescribed by the Waterways Commission, to make a true and accurate return under oath or affirmation of the individual owner, copartner, or one of the principal officers of a corporation, as the case may be, to the commission, through the district surveyor of the district in or nearest to which the owner, if there be but one, or if more than one, the husband or acting and managing owner of such vessel, usually resides, setting forth:

First. In the case of registered vessels, whether registered under the laws of the United States or of any foreign Government, a duly authenticated copy of the certificate of registry.

Second. In the case of unregistered vessels, such description thereof approximating the information contained in certificates of registry as the commissioners may deem necessary to indicate the character, capacity, and business of such vessel, with a view to determining its proper class and grade of navigable water tax.

Third. Such other information, applicable to all classes of vessels, domestic or foreign, registered or unregistered, coastal or inland, and including tugs, barges, ferries, lighters, and every form of water vessel embraced in this act, which will enable the Waterways Commission to put into effect and administer the provisions of this act.

Upon the filing of said return with and its approval by the commission, a certificate of authority in due form shall be given said vessel to ply for the purposes and in the waters mentioned in said certificate for a period of one year from the date thereof upon payment of the aforesaid charge, which payment, however, may be made at the aforesaid district surveyor's office in such part or parts and at such time or times as may be fixed by the Waterways Commission.

Inspectors may be employed by the commissioners to assist in securing complete and accurate returns of all the water craft herein included, and for this purpose said inspectors shall have access to any books, records, and other information kept at any ports of entry or water-route terminals or elsewhere, either by the owners of such craft or any public authority, and used in the assessing of tonnage or other port duties, dockage, pilotage, and similar charges.

SEC. 6. That the basis of charge for carrying freight upon registered vessels and vessels practicably capable of such measurement shall be the net tonnage as ascertained by the vessel-measurement laws of the United States.

Vessels of all other descriptions shall be classified and charged upon such practicable basis as will correspond in amount as nearly as may be to the net tonnage charges; and upon this basis also annual licenses may be charged to passenger-carrying vessels plying daily between ports in domestic waters, ferries, tugs, barges, lighters, launches, and similar craft.

In the laying and collecting of charges upon vessels plying between ports of the United States, the District of Columbia, and Alaska and foreign ports, the laws and practices governing tonnage duties shall be followed as nearly as practicable, and the same may be done with reference to the coastwise, coast to coast, lake and river traffic, and other watercourses, where the regularity and volume of the traffic renders such methods practicable.

All other passenger-carrying vessels and vessels carrying both freight and passengers shall, as to such passenger traffic, pay a head tax or an annual tax upon the gross receipts of such traffic, which shall correspond to and represent as nearly as may be the comparative value of passenger to freight traffic.

Pleasure and all other craft included but not enumerated in this act and using such waters shall be licensed in such manner as the commissioners may determine, upon payment of fees to be prescribed by the commissioners, in the fixing of which fees the commissioners shall be guided as far as practicable by the rule of charging set forth in this section; that is to say, the reasonable value. It shall be the duty of the owners of all the water craft embraced in this paragraph to make and file their sworn statement at the time and place mentioned in section 5 of this act, upon forms prescribed by the Waterways Commission, containing such information as the commissioners may call for to insure the identity, description, and taxation of all such craft.

SEC. 7. That all returns or statements called for by this act shall be filed in the Waterways Commission, and in case of any return or statement made with a false or fraudulent intent, 100 per cent shall be added to such charge, and in case of a refusal or neglect to make such return or statement, or to verify the same 50 per cent shall be added to such charge: *Provided*, That the district surveyor may, upon good cause shown, allow such further time for making and delivering such return as may be deemed necessary, not exceeding 30 days. The amount so added to the charge shall be collected at the same time and in the same manner as the charge originally assessed, unless the refusal, neglect, or falsity is discovered after the date of payment of such charges, in which case the amount so added shall be paid by the delinquent owner or owners immediately upon notice given by the commissioners (or district surveyor).

All charges shall be made and the several owners shall be notified of the amount for which they are, respectively, liable on or before the 1st day of June of each successive year, and said assessment shall be paid before the 30th day of June.

Every officer or employee of the United States who knowingly makes or is concerned in making any false record, or who knowingly grants or is concerned in granting any false certificate or other document whatever required to be issued under the provisions of this act and contrary to the true intent and meaning of this act, or who receives any voluntary reward or gratuity for any of the services performed pursuant thereto, or who knowingly violates any other provision of this act, shall be guilty of a misdemeanor and shall be fined not to exceed $1,000 or be imprisoned not to exceed one year, or both, in the discretion of the court, with the costs of prosecution, and shall be rendered incapable of serving in any office of trust or profit under the United States.

Any person authorized by law to make, render, sign, or verify any return or statement who makes any false or fraudulent return or statement, with intent to defeat or evade or diminish the charge required by this act to be made, shall be guilty of a misdemeanor and shall be fined not to exceed $1,000 or be imprisoned not to exceed one year, or both, in the discretion of the court, with the costs of prosecution.

Jurisdiction is hereby conferred upon the circuit and district courts of the United States for the district within which any person summoned under this act to appear, to testify, or to produce books and records, shall reside to compel such attendance, production, and testimony by appropriate process.

SEC. 8. That for the purposes of this act only jurisdiction of canals and other waterways, if any, now paying tolls or charges to the Government, and including water-power leases or licenses under existing law, and all forms of navigable-water use for which a charge is made by the Government, shall for the purposes of this act be, and the same are hereby, transferred from the Secretary of War to the Waterways Commission, and for such purposes only exclusive jurisdiction shall henceforth vest in said commission over all waterways included in section 1 of this act.

The commission is hereby authorized and directed to fix and collect just and proper charge or charges for the privilege granted to all dams authorized and constructed under the provisions of an act entitled "An act to amend an act entitled 'An act to regulate the construction of dams across navigable waters, approved June 21, 1906,' approved June 23, 1910," whether or not such navigable stream is benefited by Government storage reservoirs, forested watersheds, or lands.

The commission is authorized and empowered to lease to the highest responsible bidder, for a period not exceeding 50 years and at an annual rental to be fixed by the commission, the right to construct, maintain, own, and operate, in connection with storage reservoirs, dams, and locks, upon any navigable stream, whether such storage reservoirs, dams, and locks are constructed or owned by the Government or others, electrical plants and other structures for the development of light, heat, and power for industrial and other purposes, including the right to sell, lease, or otherwise dispose of said light, heat, and power, at rates to be fixed and regulated from time to time by the commission. The lessee shall furnish and deliver free of charge to the Government at any such electrical plant all light, heat, and power necessary for the use of the Government in connection with the occupancy of grounds and buildings situated at, and for the operation of, locks owned by the

Government. The right of cancellation for forfeiture or violation by the lessee of his terms of lease shall be expressly reserved by the commission in all leases, licenses, or permits issued or renewed under this act.

SEC. 9. That there is hereby created and established in the Treasury of the United States a fund to be known as the waterways improvement fund, in which shall be deposited all moneys collected under the provisions of this act, to be used in waterways improvements, maintenance, and repairs, as the Secretary of War may direct, preference being given to the specific waterway or course from which such funds were collected; and all such moneys are hereby appropriated to the uses herein set forth: *Provided*, That the creation of said fund shall not be held to affect, change, or diminish the existing practice and right of Congress to authorize or make appropriations for specific improvements.

Annual reports of such receipts and expenditures shall be made to the President and the Congress.

SEC. 10. That the Waterways Commission, with the aid of the Engineer Corps of the Army, through the Chief Engineer, shall apply itself to the study and working out of a comprehensive and systematic plan of waterways improvement, development, and articulation, including all waters mentioned in section 1 of this act, whether improved or not; the questions of water transportation facilities, terminals, appliances, and equipment, both public and private; the general location and description of water terminals and the extent and method of their use by water carriers and their general efficiency, and whether open to use by all water carriers on equal terms, and such information as may be accessible as to the terms and conditions of use; whether physical connection exists between such water terminals and the railroad or railroads serving the same territory or municipality, and whether there exists between any of the water carriers operating upon waters under improvement or heretofore improved and any railroad or railroads a mutual contract for interchange of traffic by prorating as to such long-distance traffic as may be desired to be carried partly by rail and partly by water to its destination; and whether improved and adequate highways have been constructed to each water terminal; combinations, monopolies, or conditions affecting competition, facilities, traffic, rates, and service, either among water carriers or between such carriers and common carriers; the cooperation of States and cities with the General Government in waterways improvements; ways and means; and such other proper related questions as may arise; and to report their findings and recommendations to the Congress annually, and oftener if called for, to the end that the United States may establish and develop a national system and policy of waterways which shall be self-sustaining as far as practicable.

The commission is specifically directed to investigate conditions in the coastwise shipping trade, with particular reference to the alleged exclusive monopoly of water routes, terminal ports, and traffic territory enjoyed by each ship line or company now engaged in such coastwise traffic; the cause of such conditions; the effect thereof upon the coastwise trade and its transportation facilities, service, and rates, and upon rail competition; and whether and to what extent such conditions of monopoly exist upon any and all other waterways and courses of the United States, with the like information concerning the same as that herein called for touching the coastwise trade, and to report their findings and recommendations to the Congress.

The commission shall also, in the manner provided in section 3 of this act, make a comprehensive study of water powers upon navigable streams, with a view to the development and utilization of the same for industrial and commercial purposes, and report from time to time their findings and recommendations to the Congress.

SEC. 11. That the President of the United States may, in his discretion, impose upon the Waterways Commission such duties touching the administration of the commercial usages of the Panama Canal as he may deem advisable, and particularly that part of the power and authority now or hereafter conferred by the Congress upon the President concerning commercial traffic through the Panama Canal and the basis, rates, and collection of tolls, and the enforcement of rules and regulations made or authorized by the President, relating to the foregoing features of the canal administration; and it shall further be the duty of said Waterways Commission to make and continuously carry on investigations and study of the water routes and traffic, shipping, shipping laws, and practices of the world, with a view to the encouragement and promotion of the commercial use of the Panama Canal and the means whereby this end may be properly promoted.

SEC. 12. That until otherwise provided by law, jurisdiction of the navigable waters of the United States for all purposes shall remain in the Secretary of War, as prescribed by the several acts of Congress, except as in this act otherwise provided.

SEC. 13. That to defray the cost of this act for the fiscal year ending June 30, 1913, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $250,000, or so much thereof as may be necessary.

SEC. 14. That all acts and parts of acts in conflict with this act are hereby repealed.

Mr. Speaker, I will get through in one minute more.

The SPEAKER. The gentleman from Colorado asks for one minute more.

Mr. SHERLEY. Regular order, Mr. Speaker. I am willing to have the debate run for an hour, but I am not willing to have one gentleman go ahead after the debate is closed. It is not fair.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I will ask that the amendment which I offered be read.

The SPEAKER. The Clerk will report the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

The Clerk read as follows:

Strike out section 2 and insert the following:

"SEC. 2. That the said corporation, its successors or assigns, authorized by this act to construct, maintain, and operate the dam shall not be permitted to construct, maintain, own, or operate in connection with such dam any electrical power stations or other structures for the development of hydroelectric power for industrial or other purposes unless and until such corporation has received a written permit therefor from the Secretary of War which shall contain the stipulations hereinafter prescribed and which shall be specifically agreed to and subscribed by the grantee as the condition upon which the consent of the United States is granted.

"SEC. 3. That the permit herein required shall provide:

"(a) That the grantee shall pay to the United States annually not less than $1 per horsepower developed by the water so used, the proceeds to be used for the improvement of navigation on the stream to be affected by the proposed dam or to be used for the improvement of navigation on the waters connected therewith.

"(b) That the annual charge thus fixed shall continue in force for a period of 10 years from a date to be fixed in the permit, which shall not be later than the date upon which the grantee, under the terms of the permit, is to begin the development of hydroelectric power. That every 10 years thereafter the annual rate shall be readjusted for the ensuing 10-year period, and if for any reason the Secretary of War and the grantee fail to agree upon a new rate for the ensuing 10-year perior, then and in that event the rate for such ensuing 10-year period shall be fixed by the Secretary of War and the rate so prescribed shall be the legal rate during the ensuing 10-year period: *Provided*, That such rate shall not be unreasonable or confiscatory: *Provided further*, That if the courts hold the rates fixed by the Secretary of War to be unreasonable the court so holding may fix a reasonable rate, and thereafter the rate so fixed shall be the annual rate for that 10-year period. That at the end of each 10-year period, and before the annual rate to be paid by the grantee for the ensuing 10-year period has been fixed, the Secretary of War shall ascertain how much hydroelectric power can economically be developed by the surplus waters at said dam, and the annual rate thereafter shall be based upon the amount of hydroelectric power so ascertained to be possible of economical development.

"(c) That the Secretary of War shall have free access to all books of the grantee and all other records necessary for ascertaining and calculating the amount of power developed and possible of development by the grantee with the surplus water at such dam, and the rates and prices at which such power is sold by the grantee.

"(d) That the grantee shall have incorporated in its charter a provision requiring it to abide by whatever reasonable regulation of the rates and of the service may be prescribed by the State wherein the power is developed and sold, or of any delegated agency of the State, whether that agency be a State commission, municipality, or other local governing body: *Provided*, That the Secretary of War may prescribe such reasonable regulations if the State or other delegated agency thereof fail for any reason so to do.

"(e) That whenever the hydroelectric power produced with the surplus water at said dam constructed by authority of this act enters into interstate commerce the grantee shall agree to abide by whatever reasonable regulation of its rates and of its service may be prescribed by the Secretary of War.

"(f) That the corporation having a permit to develop hydroelectric power under the provisions of this act shall not, without having first obtained the written consent of the Secretary of War, sell or deliver any power so developed to any transmission company, or sell or deliver more than 25 per cent of the power developed to any one person, firm, or corporation.

"(g) That the grantee shall have ingress and egress over Government lands for the operation of its plants and works and the right to use Government lands at or near the said works for the erection of power houses and appurtenances in connection therewith, subject to the approval of and regulation by the Secretary of War.

"(h) That at the expiration of the term for which the permit is granted all of the buildings, plants, and other property of the grantee constructed or used in the development of hydroelectric power under the provisions of this act, and all other property and rights appurtenant thereto, shall be transferred to the United States by the grantee upon payment by the United States of the reasonable value thereof.

"(i) That the Secretary of War, whenever authorized by Congress so to do, may, at any time before the expiration of the term for which the permit shall have been issued, purchase the buildings, lines, plants, and other property of the grantee at such dam constructed or used by it in the development or transmission of hydroelectric power, upon payment to the grantee or its assigns of the reasonable going value thereof: *Provided*, That the value of the franchise or permit issued in pursuance of this act shall not be reckoned as an element of value in determining the reasonable value of such buildings, lines, plant, and other property.

"SEC. 4. That if the grantee under this act shall transfer by alienation, lease, or otherwise any right or privilege granted under the provisions of this act without the consent and approval of the Secretary of War the permit issued by the Secretary of War to such grantee shall thereby be rendered null and void.

"SEC. 5. That the right to alter, amend, or repeal this act is hereby expressly reserved, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other person interested in said dam or other structure which shall have been constructed in accordance with its provisions."

Mr. MONDELL. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MONDELL. During the debate I suggested an amendment which I had not at that time reduced to writing. Can I present the amendment now and have it considered at the proper time?

The SPEAKER. The Chair thinks under that agreement that the gentleman could.

Mr. MONDELL. Then I present the matter now, to be considered at the proper time.

The SPEAKER. The question first is on the adoption of the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. COOPER. Mr. Speaker, has the time for debate expired?

The SPEAKER. The time for debate has expired. The vote is to be taken on these amendments. The question is on agreeing to the amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS].

The question was taken, and the Speaker announced that the "noes" seemed to have it.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 39, noes 55.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. On this vote the ayes are 39, the noes are 55. The gentleman from Mississippi [Mr. HUMPHREYS] makes

the point of order that there is no quorum present. Evidently there is not. The Doorkeeper will lock the doors; the Sergeant at Arms will notify absentees; and the Clerk will call the roll. Those in favor of the Humphreys amendment will vote "yea," and those opposed will vote "nay."

The question was taken; and there were—yeas 89, nays 98, answered "present" 12, not voting 191, as follows:

YEAS—89.

Alexander	Gardner, Mass.	McKinney	Sterling
Allen	Gray	McLaughlin	Stone
Anthony	Greene, Mass.	Maguire, Nebr.	Sulloway
Beall, Tex.	Griest	Moon, Tenn.	Sulzer
Bowman	Hamilton, Mich.	Moore, Pa.	Sweet
Buchanan	Helgesen	Morgan	Talcott, N. Y.
Bulkley	Helm	Morrison	Taylor, Ohio
Burke, Wis.	Howland	Moss, Ind.	Thayer
Butler	Humphreys, Miss.	Murdock	Thomas
Candler	Jones	Norris	Towner
Cline	Kendall	Olmsted	Tuttle
Cooper	Kennedy	Payne	Utter
Crumpacker	Kent	Rainey	Wedemeyer
Curley	Korbly	Raker	White
Danforth	Lafean	Rees	Willis
Davis, Minn.	Lever	Sherley	Wilson, Ill.
Dixon, Ind.	Lloyd	Sisson	Wilson, Pa.
Donohoe	Lobeck	Sloan	Witherspoon
Doremus	Longworth	Small	Woods, Iowa.
Farr	McCall	Smith, J. M. C.	Young, Kans.
Foster	McCoy	Speer	
Fowler	McCreary	Steenerson	
Gallagher	McDermott	Stephens, Miss.	

NAYS—98.

Adamson	Dwight	Henry, Tex.	Patten, N. Y.
Aiken, S. C.	Faison	Hensley	Pepper
Ashbrook	Fergusson	Holland	Post
Austin	Ferris	Houston	Ransdell, La.
Blackmon	Finley	Howell	Roddenbery
Booher	Fitzgerald	Hull	Rodenberg
Borland	Flood, Va.	Humphrey, Wash.	Rucker, Mo.
Brantley	Floyd, Ark.	Johnson, S. C.	Russell
Brown	Foss	Kinkead, N. J.	Sims
Burke, S. Dak.	French	Lafferty	Slayden
Burleson	Gill	La Follette	Smith, Saml. W.
Burnett	Gillett	Lamb	Smith, Tex.
Byrns, Tenn.	Glass	Lee, Ga.	Stedman
Cannon	Godwin, N. C.	Lee, Pa.	Stephens, Tex.
Cantrill	Goeke	Lewis	Taggart
Carlin	Goodwin, Ark.	Littlepage	Townsend
Carter	Graham	McKellar	Tribble
Claypool	Hamilton, W. Va.	McKinley	Turnbull
Clayton	Hamlin	Mann	Underhill
Crago	Hammond	Martin, Colo.	Underwood
Curry	Hardy	Miller	Watkins
Davenport	Hawley	Murray	Webb
Dent	Hay	Needham	Whitacre
Denver	Hayden	Oldfield	
Doughton	Heflin	Padgett	

ANSWERED "PRESENT"—12.

Browning	Garrett	Hill	Mondell
Campbell	Greene, Vt.	Linthicum	Sparkman
Difenderfer	Harrison, Miss.	McMorran	Talbott, Md.

NOT VOTING—191.

Adair	Driscoll, M. E.	Kindred	Pujo
Ainey	Dupré	Kinkaid, Nebr.	Randell, Tex.
Akin, N. Y.	Dyer	Kitchin	Rauch
Ames	Edwards	Knowland	Redfield
Anderson, Minn.	Ellerbe	Konig	Reilly
Anderson, Ohio	Esch	Konop	Reyburn
Andrus	Estopinal	Kopp	Richardson
Ansberry	Evans	Langham	Riordan
Ayres	Fairchild	Langley	Roberts, Mass.
Barchfeld	Fields	Lawrence	Roberts, Nev.
Barnhardt	Focht	Legare	Robinson
Bartholdt	Fordney	Lenroot	Rothermel
Bartlett	Fornes	Levy	Rouse
Bates	Francis	Lindbergh	Rubey
Bathrick	Fuller	Lindsay	Rucker, Colo.
Bell, Ga.	Gardner, N. J.	Littleton	Sabath
Berger	Garner	Loud	Saunders
Boehne	George	McGillicuddy	Scully
Bradley	Goldfogle	McGuire, Okla.	Sells
Broussard	Good	McHenry	Shackleford
Burgess	Gould	McKenzie	Sharp
Burke, Pa.	Green, Iowa	Macon	Sheppard
Byrnes, S. C.	Gregg, Pa.	Madden	Sherwood
Calder	Gregg, Tex.	Maher	Simmons
Callaway	Gudger	Martin, S. Dak.	Slemp
Cary	Guernsey	Matthews	Smith, Cal.
Clark, Fla.	Hamill	Mays	Smith, N. Y.
Collier	Hanna	Moon, Pa.	Stack
Connell	Hardwick	Moore, Tex.	Stanley
Conry	Harris	Morse, Wis.	Stephens, Cal.
Copley	Harrison, N. Y.	Mott	Stephens, Nebr.
Covington	Hartman	Neeley	Stevens, Minn.
Cox, Ind.	Haugen	Nelson	Switzer
Cox, Ohio	Hayes	Nye	Taylor, Ala.
Cravens	Heald	O'Shaunessy	Taylor, Colo.
Cullop	Henry, Conn.	Page	Thistlewood
Currier	Higgins	Palmer	Tilson
Dalzell	Hinds	Parran	Vare
Daugherty	Hobson	Patton, Pa.	Volstead
Davidson	Howard	Peters	Vreeland
Davis, W. Va.	Hughes, Ga.	Pickett	Warburton
De Forest	Hughes, N. J.	Plumley	Weeks
Dickinson	Hughes, W. Va.	Porter	Wilder
Dickson, Miss.	Jackson	Pou	Wilson, N. Y.
Dies	Jacoway	Powers	Wood, N. J.
Dodds	James	Pray	Young, Mich.
Draper	Johnson, Ky.	Prince	Young, Tex.
Driscoll, D. A.	Kahn	Prouty	

So the amendment was rejected.

The Clerk announced the following pairs:

For the remainder of this session:

Mr. RUCKER of Colorado with Mr. DRAPER.

Mr. RIORDAN with Mr. ANDRUS.

Mr. MCGILLICUDDY with Mr. GUERNSEY (on all questions except battleship appropriations, free tolls, and interstate shipment of intoxicating liquors).

Mr. HOBSON with Mr. FAIRCHILD.

Mr. HOWARD with Mr. DE FOREST.

Mr. FORNES with Mr. BRADLEY.

Mr. EVANS with Mr. TILSON.

Mr. BROUSSARD with Mr. YOUNG of Michigan.

Mr. BELL of Georgia with Mr. LANGHAM.

Until further notice:

Mr. WILSON of New York with Mr. WOOD of New Jersey.

Mr. STANLEY with Mr. WILDER.

Mr. ROUSE with Mr. VARE.

Mr. RAUCH with Mr. PRAY.

Mr. KONOP with Mr. PRINCE.

Mr. KONIG with Mr. REYBURN.

Mr. KITCHIN with Mr. PATTON of Pennsylvania.

Mr. KINDRED with Mr. MOON of Pennsylvania.

Mr. JACOWAY with Mr. KOPP.

Mr. HUGHES of New Jersey with Mr. KINKAID of Nebraska.

Mr. GEORGE with Mr. KAHN.

Mr. DANIEL A. DRISCOLL with Mr. HAUGEN.

Mr. CULLOP with Mr. GOOD.

Mr. COX of Indiana with Mr. GARDNER of New Jersey.

Mr. CONNELL with Mr. BURKE of Pennsylvania.

Mr. AYRES with Mr. BARTHOLDT.

Mr. ADAIR with Mr. BARCHFELD.

Mr. BURGESS with Mr. WEEKS.

Mr. JAMES with Mr. SELLS.

Mr. TALBOTT of Maryland with Mr. PARRAN.

Mr. TAYLOR of Colorado with Mr. AMES.

Mr. SHERWOOD with Mr. CALDER.

Mr. SAUNDERS with Mr. PICKETT.

Mr. SHARP with Mr. MOTT.

Mr. STEPHENS of Nebraska with Mr. GREEN of Iowa.

Mr. SHACKLEFORD with Mr. DYER.

Mr. SABATH with Mr. HIGGINS.

Mr. SHEPPARD with Mr. BATES.

Mr. SCULLY with Mr. BROWNING.

Mr. SPARKMAN with Mr. DAVIDSON.

Mr. RANDELL of Texas with Mr. SMITH of California.

Mr. RUBEY with Mr. KNOWLAND.

Mr. REILLY with Mr. WARBURTON.

Mr. RICHARDSON with Mr. MARTIN of South Dakota.

Mr. PALMER with Mr. HILL (with mutual privilege of transfer).

Mr. PETERS with Mr. HAYES.

Mr. POU with Mr. PORTER.

Mr. PAGE with Mr. MONDELL.

Mr. PUJO with Mr. MCMORRAN.

Mr. O'SHAUNESSY with Mr. PLUMLEY.

Mr. NEELEY with Mr. ROBERTS of Massachusetts.

Mr. MAHER with Mr. ROBERTS of Nevada.

Mr. MAYS with Mr. THISTLEWOOD.

Mr. LEVY with Mr. MATTHEWS.

Mr. LITTLETON with Mr. COPLEY.

Mr. LEGARE with Mr. LOUD.

Mr. HARRISON of New York with Mr. MCGUIRE of Oklahoma.

Mr. GREGG of Texas with Mr. MCKENZIE.

Mr. HARDWICK with Mr. CAMPBELL.

Mr. HUGHES of Georgia with Mr. NYE.

Mr. GARRETT with Mr. FORDNEY.

Mr. GOULD with Mr. AINEY.

Mr. GARNER with Mr. HINDS.

Mr. GUDGER with Mr. HUGHES of West Virginia.

Mr. GOLDFOGLE with Mr. SWITZER.

Mr. FRANCIS with Mr. POWERS.

Mr. FIELD with Mr. LANGLEY.

Mr. ELLERBE with Mr. CURRIER.

Mr. EDWARDS with Mr. DALZELL.

Mr. DAVIS of West Virginia with Mr. HARRIS.

Mr. DUPRÉ with Mr. STEVENS of Minnesota (on water bills and vetoes only).

Mr. DAUGHERTY with Mr. SIMMONS.

Mr. DICKINSON with Mr. HEALD.

Mr. DIES with Mr. LAWRENCE.

Mr. COVINGTON with Mr. FOCHT.

Mr. COLLIER with Mr. ANDERSON of Minnesota.

Mr. CLARK of Florida with Mr. FULLER.

Mr. CALLOWAY with Mr. DODDS.

Mr. CONRY with Mr. JACKSON.

Mr. BOEHNE with Mr. CARY.

Mr. BARTLETT with Mr. VREELAND.
Mr. BARNHART with Mr. HENRY of Connecticut.
On this vote:
Mr. HARRISON of Mississippi with Mr. SLEMP.
From August 20 to August 24:
Mr. ROTHERMEL with Mr. MICHAEL E. DRISCOLL.
Until August 28:
Mr. BURNES of South Carolina with Mr. MADDEN.

Mr. MONDELL. Mr. Speaker, I voted "no," but I find I am paired with the gentleman from North Carolina, Mr. PAGE, and I want to change my vote to "present."

The Clerk called the name of Mr. MONDELL, and he answered "Present."

Mr. CAMPBELL. Mr. Speaker, I answered "no," but I am paired with the gentleman from Georgia, Mr. HARDWICK, and I wish to withdraw that and vote "present."

The Clerk called the name of Mr. CAMPBELL, and he answered "Present."

The result of the vote was then announced as above recorded.

The SPEAKER. A quorum is present, the Doorkeeper will open the doors, and further proceedings under the call are dispensed with. The gentleman from Wyoming [Mr. MONDELL] offers an amendment, which the Clerk will report.

Mr. HEFLIN. Mr. Speaker, my understanding was that amendments had to be introduced or offered during the two hours' debate, and at the expiration of the two hours we were to vote steadily on the amendments and then on the bill, without the introduction of any other amendments or further discussion.

The SPEAKER. The Chair has forgotten the precise language of the agreement.

Mr. MONDELL. Mr. Speaker, the amendment that I offered was an amendment that I referred to during the brief time that I had for the discussion. I did not have it in written form at the time, but sent it to the desk later.

The SPEAKER. The reporter's notes will show what the agreement was.

Mr. MONDELL. I hope the gentleman from Alabama will not object, in any event.

Mr. HEFLIN. There might be some difference in the situation of the gentleman from Wyoming, because I remember that he did refer to his amendment during the debate. If the gentleman from Illinois and other Members are to offer amendments now, we might as well not have had any agreement to close the matter up.

Mr. MONDELL. I understood that amendments must be offered during the period of debate, and I referred to my amendment, but did not have an opportunity to present it in written form until later. As soon as I had it in written form I presented it.

The SPEAKER. The Chair will read the statement of the Speaker at the time:

The SPEAKER. Let us see if we can get this right.

There have been several propositions and suggestions one way and the other.

The gentleman from Alabama asks unanimous consent that the debate on this bill shall continue for two hours, one half of the time to be controlled by himself and the other half by the gentleman from Illinois, and that during the two hours anybody can offer an amendment and have it pending, and at the end of two hours the previous question will be ordered on the bill and amendments to its final passage.

That will shut out the gentleman from Wyoming.

Mr. MONDELL. But, Mr. Speaker, I referred to my amendment during the debate.

The SPEAKER. This agreement is as plain as day, that during the two hours anybody could offer an amendment and have it pending.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent, under the circumstances, having referred to the amendment during the debate, that I may be allowed to have the amendment now pending.

Mr. KINKEAD of New Jersey. Mr. Speaker, I am constrained to object.

The SPEAKER. The gentleman from New Jersey objects. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

Mr. FOWLER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. FOWLER. I rise to make a motion to recommit.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FOWLER moves to recommit the bill to the committee, with instructions to report the same back to the House forthwith with the following amendment:

On page 2, after the word "six," line 7, by adding the following: "*Provided*, That not less than 7 per cent of the gross income of all business operated by water power developed by such dams shall be paid into the Treasury of the United States."

The SPEAKER. The question is on the motion to recommit.

The question was taken, and the motion to recommit was lost.

The SPEAKER. The question is on the passage of the bill.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 94, nays 87, answered "present" 16, not voting 193, as follows:

YEAS—94.

Adamson	Ferris	Howell	Raker
Aiken, S. C.	Flood, Va.	Hull	Ransdell, La.
Austin	Floyd, Ark.	Humphrey, Wash.	Roddenbery
Beall, Tex.	Gill	Johnson, S. C.	Rodenberg
Blackmon	Gillett	Jones	Rucker, Mo.
Booher	Glass	Kinkead, N. J.	Russell
Borland	Godwin, N. C.	Lafferty	Sims
Brantley	Goeke	Lamb	Slayden
Brown	Goodwin, Ark.	Lee, Ga.	Smith, Tex.
Burnett	Hamilton, Mich.	Lee, Pa.	Stanley
Byrns, Tenn.	Hamilton, W. Va.	Lewis	Stedman
Cannon	Hamlin	Linthicum	Stephens, Tex.
Cantrill	Hammond	Littlepage	Sweet
Carlin	Hardy	McKellar	Taggart
Carter	Harrison, Miss.	McKinley	Tribble
Claypool	Hawley	Martin, Colo.	Turnbull
Clayton	Hay	Miller	Tuttle
Curry	Hayden	Moon, Tenn.	Underhill
Davenport	Heflin	Murray	Underwood
Dent	Helm	Oldfield	Watkins
Denver	Henry, Tex.	Padgett	Webb
Doughton	Hensley	Patten, N. Y.	Whitacre
Faison	Holland	Pepper	
Fergusson	Houston	Post	

NAYS—87.

Alexander	French	McCreary	Smith, Saml. W.
Allen	Gallagher	McDermott	Speer
Anthony	Gardner, Mass.	McKinney	Steenerson
Bowman	Gardner, N. J.	McLaughlin	Stephens, Miss.
Buchanan	Gray	Maguire, Nebr.	Sterling
Bulkley	Greene, Mass.	Mann	Stone
Burke, Wis.	Greene, Vt.	Moore, Pa.	Sulloway
Butler	Griest	Morgan	Talcott, N. Y.
Candler	Helgesen	Morrison	Taylor, Ohio
Cline	Howland	Moss, Ind.	Thayer
Cooper	Humphreys, Miss.	Murdock	Thomas
Crumpacker	Kendall	Norris	Towner
Curley	Kent	Olmsted	Utter
Danforth	Korbly	Payne	Vare
Davis, Minn.	Lafean	Pray	Wedemeyer
Donohoe	La Follette	Rainey	White
Doremus	Lever	Rees	Willis
Dwight	Lloyd	Sherley	Wilson, Ill.
Farr	Lobeck	Sisson	Witherspoon
Foss	Longworth	Sloan	Woods, Iowa
Foster	McCall	Small	Young, Kans.
Fowler	McCoy	Smith, J. M. C.	

ANSWERED "PRESENT"—16.

Ashbrook	Campbell	Hill	Needham
Barchfeld	Dixon, Ind.	Konig	Sparkman
Browning	Fitzgerald	McMorran	Talbott, Md.
Burke, S. Dak.	Garrett	Mondell	Weeks

NOT VOTING—193.

Adair	Dalzell	Guernsey	Littleton
Ainey	Daugherty	Hamill	Loud
Akin, N. Y.	Davidson	Hanna	McGillicuddy
Ames	Davis, W. Va.	Hardwick	McGuire, Okla.
Anderson, Minn.	De Forest	Harris	McHenry
Anderson, Ohio	Dickinson	Harrison, N. Y.	McKenzie
Andrus	Dickson, Miss.	Hartman	Macon
Ansberry	Dies	Haugen	Madden
Ayres	Difenderfer	Hayes	Maher
Barnhart	Dodds	Heald	Martin, S. Dak.
Bartholdt	Draper	Henry, Conn.	Matthews
Bartlett	Driscoll, D. A.	Higgins	Mays
Bates	Driscoll, M. E.	Hinds	Moon, Pa.
Bathrick	Dupré	Hobson	Moore, Tex.
Bell, Ga.	Dyer	Howard	Morse, Wis.
Berger	Edwards	Hughes, Ga.	Mott
Boehne	Ellerbe	Hughes, N. J.	Neeley
Bradley	Esch	Hughes, W. Va.	Nelson
Broussard	Estopinal	Jackson	Nye
Burgess	Evans	Jacoway	O'Shaunessy
Burke, Pa.	Fairchild	James	Page
Burleson	Fields	Johnson, Ky.	Palmer
Byrnes, S. C.	Finley	Kahn	Parran
Calder	Focht	Kennedy	Patton, Pa.
Callaway	Fordney	Kindred	Peters
Cary	Fornes	Kinkaid, Nebr.	Pickett
Clark, Fla.	Francis	Kitchin	Plumley
Collier	Fuller	Knowland	Porter
Connell	Garner	Konop	Pou
Conry	George	Kopp	Powers
Copley	Goldfogle	Langham	Prince
Covington	Good	Langley	Prouty
Cox, Ind.	Gould	Lawrence	Pujo
Cox, Ohio	Graham	Legare	Randell, Tex.
Crago	Green, Iowa	Lenroot	Rauch
Cravens	Gregg, Pa.	Levy	Redfield
Cullop	Gregg, Tex.	Lindbergh	Reilly
Currier	Gudger	Lindsay	Reyburn

Richardson	Scully	Stephens, Cal.	Vreeland
Riordan	Sells	Stephens, Nebr.	Warburton
Roberts, Mass.	Shackleford	Stevens, Minn.	Wilder
Roberts, Nev.	Sharp	Sulzer	Wilson, N. Y.
Robinson	Sheppard	Switzer	Wilson, Pa.
Rothermel	Sherwood	Taylor, Ala.	Wood, N. J.
Rouse	Simmons	Taylor, Colo.	Young, Mich.
Rubey	Slemp	Thistlewood	Young, Tex.
Rucker, Colo.	Smith, Cal.	Tilson	
Sabath	Smith, N. Y.	Townsend	
Saunders	Stack	Volstead	

So the bill was passed.

The Clerk announced the following additional pairs:

Until further notice:

Mr. DIXON of Indiana with Mr. CRAGO.

Mr. BATHRICK with Mr. NEEDHAM.

Mr. SULZER with Mr. WILDER.

Mr. BURLESON with Mr. MATTHEWS.

Mr. RAUCH with Mr. KENNEDY.

Mr. COX of Indiana with Mr. SLEMP.

Mr. ASHBROOK. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. ASHBROOK. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman in his seat listening when his name was called?

Mr. ASHBROOK. No.

The SPEAKER. The gentleman does not bring himself within the rule.

Mr. HEFLIN. Mr. Speaker, the gentleman from Ohio may be recorded for the purpose of making a quorum, may he not?

The SPEAKER. The Chair has a right to count the gentleman for the purpose of a quorum. The Chair can not see any objection to his answering "present" to make a quorum.

Mr. ASHBROOK. Then, Mr. Speaker, I will answer "present."

The Clerk called the name of Mr. ASHBROOK, and he answered "Present."

Mr. BURKE of South Dakota. Mr. Speaker, I desire the same privilege.

The Clerk called the name of Mr. BURKE of South Dakota, and he answered "Present."

The names of Mr. FITZGERALD, Mr. HILL, Mr. NEEDHAM, and Mr. BARCHFELD were also called, and they responded "Present."

The result of the vote was announced as above recorded.

On motion of Mr. HEFLIN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. HEFLIN. Mr. Speaker, I make the request for all gentlemen who spoke upon this bill.

Mr. MARTIN of Colorado. Mr. Speaker, I ask unanimous consent that I may——

The SPEAKER. The gentleman from Alabama asks unanimous consent that all gentlemen who spoke upon this bill may have permission to extend their remarks.

Mr. MANN. Mr. Speaker, I couple with that a request that the gentleman from Pennsylvania [Mr. BOWMAN] have leave to extend his remarks in the RECORD.

Mr. HEFLIN. Mr. Speaker, I mean for five legislative days.

The SPEAKER. Five legislative days. Is there objection to the request of the gentleman from Alabama? [After a pause.] The Chair hears none. The gentleman from Illinois asks unanimous consent——

Mr. MANN. No; I coupled that with the other request.

The SPEAKER. The gentleman puts Mr. BOWMAN, of Pennsylvania, in with the others.

Mr. GARRETT. Mr. Speaker, I object to the request as stated in its last form.

The SPEAKER. The gentleman from Tennessee objects to the request.

Mr. MANN. If gentlemen are unwilling to let a gentleman make a speech concerning his own seat, there will be no further extensions by unanimous consent.

The SPEAKER. Debate is out of order.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I submitted a request for unanimous consent to extend my remarks.

The SPEAKER. But the gentleman from Alabama extended it so as to take in everybody else, and the gentleman from Illinois objected.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BATHRICK, for one day, on account of illness.

To Mr. WILSON of New York, for the remainder of the session, on account of illness.

CONDEMNED BRASS AND BRONZE CANNON.

The SPEAKER. The Chair lays before the House the following House bill with Senate amendments.

The Clerk read as follows:

A bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned brass or bronze cannon with their carriages and outfit of cannon balls, etc.

Mr. SHERLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SHERLEY. How does this particular bill which the clerk has read get before the House?

The SPEAKER. Why, it was on the Speaker's table.

Mr. SHERLEY. By what right is it called from the Speaker's table?

The SPEAKER. The Chair laid it before the House.

Mr. SHERLEY. Mr. Speaker, I submit that the rule requires that it should be referred to a committee——

Mr. HAY. I hope the gentleman will not object.

Mr. SHERLEY. I am very much opposed to the passage of the bill——

The SPEAKER. If the amendments required it to go to the Committee of the Whole House on the state of the Union, why then the rule the gentleman cites applies.

Mr. SHERLEY. It is appropriating property of the Government of the United States.

Mr. HAY. Well, I do not think it is. I think it is a bill simply loaning these cannon, but makes them subject to be recalled at any time if the Government or the War Department needs them.

Mr. MANN. Mr. Speaker, if the Chair will permit, while I am very much in favor of the passage of this bill—H. R. 24458—it is a Union Calendar bill, and I think was properly on the Union Calendar at the time, and if it was properly on the Union Calendar at the time the Senate amendments are Union Calendar amendments.

The SPEAKER. That is absolutely true, and in that case it will have to go to the Committee on Military Affairs.

Mr. MANN. The amendments of the Senate in this case are precisely the same, so far as that is concerned, as the original provisions of the House bill.

The SPEAKER. Why, of course that is true; but the Chair, without examining it, supposed it was on the House Calendar.

Mr. HAY. I hope the gentleman will not object.

The SPEAKER. If the gentleman makes the point of order, the Chair will sustain it.

Mr. SHERLEY. Mr. Speaker, this bill was on the Unanimous-Consent Calendar. It was stricken off. I made a protest against it at the instance of the War Department. It was then passed through by unanimous consent when I was absent from the Chamber. I feel, in view of the representations which have been made to me by the War Department of the undesirability of the passage of this bill, that I should make the point of order, which I do now make.

Mr. HAY. Mr. Speaker, I want to state in reply to what the gentleman says that every bill or every request for cannon put in the House bill was approved by the War Department, and it is a very curious thing that the War Department should now give out that it is opposed to the passage of this bill, when these bills were sent to the War Department for report and they reported that there was no objection to them.

I simply want to say that in defense of the House committee and in defense of gentlemen who are affected by these bills.

Mr. MANN. Will the gentleman from Kentucky [Mr. SHERLEY] reserve his objection for a moment?

Mr. SHERLEY. Yes.

Mr. MANN. This bill only disposes of condemned cannon?

Mr. HAY. That is all.

Mr. MANN. Without any expense to the Government? What possible objection can the War Department have to it?

Mr. SHERLEY. I will tell you. Already all of the old, worthless cannon have been given away, and this relates to brass cannon that are now being used by the Ordnance Department in remanufacturing, and this bill means to give away that much valuable property of the Government.

Mr. HAY. I will ask the gentleman from Kentucky [Mr. SHERLEY] if he does not think it a very strange thing when these bills were sent to the War Department that they did not in their report to the Committee on Military Affairs urge objections which the gentleman is now urging?

Mr. SHERLEY. It may be; but I can only say that in a personal talk to some gentlemen the statement was made, and my own knowledge of ordnance stores verified it, that these cannon are valuable to the Government and that the useless cannon have long ago been disposed of.

Mr. HAY. Does the gentleman think that such Revolutionary cannon as were captured at the Battle of Saratoga and sent out as relics were not valuable?

Mr. SHERLEY. The gentleman does not think so, and when the matter was up before the gentleman plainly stated he would be glad to have such relics disposed of, but this bill, as the gentleman from Virginia [Mr. HAY] well knows, goes beyond the question of guns that have historical significance.

Mr. MANN. The gentleman from Kentucky [Mr. SHERLEY] just stated, as I understood him, that the only purpose the War Department has for this cannon is in remanufacture. The only value is in the material, which may be valuable. But does not the gentleman believe that after all it will be of greater value to the country to have these cannon located in places where they will inspire patriotism, rather than to save the small expense of the value of the material melted down?

Mr. SHERLEY. If I thought they would be so distributed as to inspire patriotism I would unquestionably answer the gentleman, yes. But I do not think his premise is borne out by the facts.

Mr. MANN. There is one in the city of Chicago that, I think, will be worth to the Government thousands of dollars' worth of patriotism eventually.

Mr. SHERLEY. There are instances in which requests should be granted, but anybody who has read the CONGRESSIONAL RECORD and knows the history of the bill in this House and in the other body and knows the way that they were there reaching out and grabbing for this cannon to be sent out to various and sundry places without regard to whether they had any claim or not will think the gentleman's claim of patriotism is spread pretty thin.

Mr. MANN. The gentleman must recall that no one could get these cannon without going to considerable expense. They have to be shipped a long distance, and there are heavy freight charges on them every time, and when a society or a community is willing to go to the expense of bringing the cannon there it shows that they have something in the way of patriotism or they would not do it.

Mr. SHERLEY. Mr. Speaker, I recognize that the man who exercises his individual view at this time of the session is taking advantage of a time situation that he would not have earlier. I have voiced my protest. I am not going to put my judgment against the judgment of the House. If the House wants to vote away Government property under these circumstances, I have no objection.

The SPEAKER. The gentleman withdraws his point of order. The Clerk will report the Senate amendments.

The Senate amendments were read.

Mr. SLAYDEN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SLAYDEN. How does this bill get before the House at this particular time?

The SPEAKER. The Chair laid it before the House. It was on the Speaker's table. It is a House bill, with Senate amendments.

Mr. SLAYDEN. Then, I beg pardon of the Chair for asking a question that has been answered before, as I am told. But I was not in the House at the time. I was called out. I think there ought to be some information about how much property of the Government is going to be given away in this manner, and therefore, Mr. Speaker, I object.

Mr. HAY. Object to what?

The SPEAKER. It is not a question for unanimous consent.

Mr. SLAYDEN. I understood it was.

The SPEAKER. No.

Mr. SLAYDEN. I make the point of order, Mr. Speaker, that the bill should be referred to the committee.

Mr. HAY. It is too late. The gentleman from Kentucky [Mr. SHERLEY] made a point of order and withdrew it, and the amendments have been read, and it is now too late to make a point of order on it.

The SPEAKER. The Chair was in error about its being a question of unanimous consent. If the gentleman objects, his objection is valid.

Mr. HAY. But the objection has been withdrawn, Mr. Speaker. The objection could have been made when the bill was called up. The gentleman from Kentucky [Mr. SHERLEY] objected, as well as made a point of order, and the objection was withdrawn, and the Senate amendments were read. Of course, the gentleman from Texas can move to disagree to the Senate amendments if he wants to.

Mr. SLAYDEN. Mr. Speaker, has the question of unanimous consent been put?

The SPEAKER. The question of unanimous consent never has been put. They had a long wrangle here about whether this bill ought to be referred to the committee, because it disposed of what purports to be some property of the United States, and that point of order was withdrawn.

Mr. SLAYDEN. It is proposing to give away valuable property of the United States, and aside from the fact that that ought not to be done, it is not a square division. The donations are improperly distributed.

The SPEAKER. If the gentleman insists upon it, the point will be sustained.

Mr. MANN. I do not think the gentleman is entitled to insist upon it.

The SPEAKER. It seems to the Chair that the proper time to raise a point of order is past.

Mr. HAY. I move to concur, Mr. Speaker, in the Senate amendments. The question is on agreeing to that motion.

The SPEAKER. The gentleman from Virginia [Mr. HAY] moves to concur in the Senate amendments.

The question was taken, and the Speaker announced that the "ayes" seemed to have it.

Mr. BUTLER. Mr. Speaker, I ask for a division.

The House divided; and there were—ayes 57, noes 9.

Mr. BUTLER. Mr. Speaker, I raise the point of order that there is no quorum present.

Mr. MANN. Oh, no. I ask the gentleman to withdraw his point.

The SPEAKER. The gentleman from Pennsylvania [Mr. BUTLER] raises the point of order that there is no quorum present.

Mr. BUTLER. I withdraw it, Mr. Speaker, but I give notice now that I want my colleague [Mr. BOWMAN] to have a proper chance.

The SPEAKER. The gentleman from Pennsylvania withdraws his point of order.

So the motion of Mr. HAY to concur in the Senate amendments was agreed to.

EXTENSION OF REMARKS.

Mr. MANN. I ask unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may be permitted to extend his remarks in the RECORD.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may be permitted to extend his remarks in the RECORD. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object, I wish to make this statement: That when the objection was made by me this morning, I was under the impression, from a reading of the RECORD of last Saturday, that a committee objection had been made, and the chairman of the committee not being present, I objected for the time being. I understand now that that was not a committee objection. Of course, I have no personal interest in the matter, and no feeling about it, one way or the other, and do not insist upon the objection, so far as I am concerned.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I will say that I made the arrangement which I think brought that controversy to a close, and which gave the gentleman from Ohio [Mr. ANSBERRY], the chairman of the Committee on Elections No. 1, the floor. It was subsequently on my suggestion that he was given leave to extend his remarks in the RECORD. I am very confident that if the gentleman from Ohio were here, he having been called away, he would not object to the request now.

Mr. GARRETT. Mr. Speaker, I have said that so far as I am concerned, I shall not insist on the objection.

Mr. GOEKE. Mr. Speaker, I object.

The SPEAKER. The gentleman from Ohio [Mr. GOEKE] objects.

Mr. MANN. Then I shall object to any unanimous-consent requests that are made.

Mr. BUTLER. I am going to see that there is a quorum present. I give notice to that effect right now.

Mr. MANN. There will be no more unanimous consents.

EVAN URNER RINEHART.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill S. 7267, and that it be taken up for the consideration of the House.

The SPEAKER. Let the gentleman send the bill up to the Clerk's desk and have it reported. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Evan Urner Rinehart in consideration of his previous naval service.

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, as I understand, this is a private bill, and of course can not go on the Unanimous Consent Calendar. If one private bill is called up in this way, others ought to be. This bill has no privilege under the rules of the House. I have no personal objection to it. At some time in the session I think Members ought to have an opportunity to call up private bills by unanimous consent, but I think when one comes the others ought to come, too.

Mr. BROWNING. Mr. Speaker, the reason I have called up this bill is this: A bill of exactly the same character was reported from the Committee on Naval Affairs and is now on the House Calendar. This is a Senate bill, and I would like to pass it instead of the House bill.

Mr. UNDERWOOD. Is this on the Speaker's table?

Mr. BROWNING. No.

Mr. UNDERWOOD. Then it does not come within the rule.

Mr. BROWNING. It has been referred to the Committee on Naval Affairs, and I ask that the Committee on Naval Affairs be discharged from the further consideration of it.

Mr. UNDERWOOD. I do not care to object to the gentleman's bill, but there are a number of other bills similar to this, and this does not come within the rule which permits the taking of a bill from the Speaker's table. I would be very glad to have an opportunity before we adjourn, if we can do so, to have some of these little private bills called up by unanimous consent; but I think if we do they ought all to have an equal opportunity.

The SPEAKER. The Chair wants to state this situation: Some time ago—the Chair thinks it was at the end of the Sixtieth Congress—the House established a Unanimous Consent Calendar. That was to relieve Members from the alleged necessity of going to the Speaker cap in hand, to use the phrase that was popular then, to get unanimous consent. I never had to go with cap in hand.

This Unanimous Consent Calendar was established, and Mr. Speaker CANNON declared from the Speaker's chair that it was a great relief to the Speaker. It is. I thoroughly agree with him about it.

Now, once or twice the Chair recognized a Member to call up a matter of pressing necessity, some emergency matter like the Mississippi flood resolution, and three or four or five others where the United States Government would absolutely lose money if the thing was not done at once. The Chair has no idea of going back to the old system; but one gentleman rose and notified all concerned that hereafter he would object. That is the whole statement. The Chair wants to carry out the rule in good faith and wants to treat everybody alike.

Mr. UNDERWOOD. Mr. Speaker, to-morrow is Private Calendar day. Of course there may be public business that may prevent private bills being considered; but in order that every man may have the same chance for the consideration of these private bills, I will ask unanimous consent that on to-morrow, Private Calendar day, it may be in order for the Chair to recognize gentlemen to ask unanimous consent for the consideration of bills on the Private Calendar, not to interfere with the public business.

Mr. LEVER. Reserving the right to object to that request, the Committee on Rules some weeks ago made the agricultural extension bill a continuing order.

Mr. UNDERWOOD. I have included in my request that it is not to interfere with public business.

Mr. LEVER. My question is whether it will interfere.

Mr. UNDERWOOD. No; my request will except bills that have been made in order for consideration by the House and conference reports.

Mr. MANN. This is only a matter of unanimous consent.

Mr. UNDERWOOD. Only a matter of unanimous consent.

Mr. SIMS. Reserving the right to object, I want to state this to the gentleman from Alabama: The Committee on War Claims has not had a day since the Democratic convention. Now, there are a few Tucker Act resolutions that have been reported since for Members who were ill at the time or away from home on account of sickness or other things just about as bad. There are only a few of them, and it will take only a few minutes to dispose of them. I ask that they be made an exception, as we are entitled to to-morrow under the rule.

Mr. MANN. If the gentleman from Tennessee will permit me to make a statement, the resolutions to which he refers are away down on the calendar. Bills reported from other committees would take precedence, and if the request of the gentleman from Alabama [Mr. UNDERWOOD] does not go through, the gentleman's bills would not come up until about the end of the Sixty-fourth Congress, but will come up to-morrow under the request made by the gentleman from Alabama.

Mr. SIMS. The last day was private-claims day, and the Committee on War Claims will be entitled to it next.

Mr. MANN. Other committees also come in all the time. The War Claims Committee does not come ahead of the Committee on Military Affairs.

Mr. SIMS. It will only take a few minutes to dispose of these bills, and it may be of benefit to absent Members who are absent on account of illness.

Mr. UNDERWOOD. I am trying to provide a way so that all gentlemen who have private bills can really get in.

Mr. SIMS. Well, I did not want to be forgotten.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, while this is going on, I present a conference report on the Army bill for printing under the rule.

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

H. R. 25531. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Mr. GILLETT. Mr. Speaker, I should like to ask the gentleman from Virginia [Mr. HAY] whether the amount now appropriated by this conference report for the manufacture of arms is $600,000, as originally passed by the House, or $700,000, as increased by the Senate?

Mr. HAY. It is $700,000.

Mr. GILLETT. I am very glad the larger sum was finally agreed upon.

In this connection, Mr. Speaker, I thing it might be interesting to some Members of the House to know the history of this appropriation, and as it is a matter I have studied every year and have been active in securing, I will give a short account of the manufacture of arms by the Government since I have been in Congress.

When I came here in 1893 Congress had been for many years making an appropriation of $400,000 per annum for the manufacture of small arms at Springfield, my home. The Congress I entered had a Democratic majority, and like this Congress was making loud professions of economy. I was appointed a member of the Military Committee, and when the question arose as to how much we should appropriate for the manufacture of small arms the Democratic subcommittee cut down the amount to $350,000. It was a time of all others when there was least excuse for such a reduction, and when, on the contrary, there was every reason for an increase, because the Krag rifle had just been adopted; the Army was waiting to be equipped with it, and so there ought to have been an unusually large appropriation to provide a decent supply of the new arm. I pressed those arguments in the committee and made a motion to increase the appropriation from $350,000 to $400,000, but the Democratic leaders were obdurate. When it came to a vote, however, two Democrats, both of them distinguished generals in the Civil War—Gen. Sickles, of New York, and Gen. Joe Wheeler, of Alabama—joined the solid Republicans and my amendment prevailed, and from that time on I never had to fight against a reduction of the appropriation, but could devote my efforts to increasing it.

The outbreak of the War with Spain proved at once that our appropriations had been inadequate, for you will remember how some of our regiments had to meet the Spanish Mausers with the old Springfield musket; and Congress became more liberal and appropriated a million dollars that year, and increased it until, in 1902, it had risen to $1,700,000 a year, and continued at that figure until last year it was reduced to a million, and this year the House cut it to $600,000, but the Senate increased it to $750,000. By these liberal appropriations about a million modern rifles have been manufactured, so that all the regular troops are supplied with them—all the militia—and the balance are stored ready to be distributed in case of war. To be exact, 410,940 Krag-Jörgensen rifles have been made up to July 1, 1912; 63,528 Krag-Jörgensen carbines; and 491,924 United States rifles, model of 1903; or a total of 966,402 of the modern rifle.

With such a large supply on hand, I admit that the necessity for continued manufacture is diminished, and it is reasonable that some reduction should be made. The present appropriation would only pay for 100 a day, and that is not a large addition to the existing supply. I do not think it is large enough, and, moreover, it should be borne in mind that it is of great importance to the Government that the body of trained and skilled mechanics which it has assembled should not be separated from the service and scattered, for, in case of emergency, it would be impossible to fill their places at once. The Springfield armorers have always felt a just pride that they were picked men, at the top in their line of work, and it is of great value to the Government to keep such a force always at com-

mand. I have always urged strenuously since I have been here that no matter what the size of the annual appropriations they should be steady—not large one year and small the next, but any increase or decrease should be gradual, so that there should be no sudden change in the size of the force. That is only fair to the men who come to the armory with the expectation of permanent employment and who ought not to be turned out suddenly at a time, perhaps, when the labor market is glutted; and it is fair to the Government itself, for only by such regular, steady, permanent employment can it build up the force of skilled and contented men which will do the best work. I think its success in late years has been remarkable, and so I deplore the recent heavy reductions in appropriations, which have diminished the force by a half and have turned away hundreds of trained experts.

Although the earnings of the men have steadily increased, yet at the same time the expense of the rifle has steadily decreased. I remember when the Krag-Jörgensen rifle was first adopted one of the foremen at the armory, an exceedingly intelligent and skillful man, told me he thought the United States was making a great mistake in selecting that weapon, for the gun was so intricate that the expense of manufacturing would be tremendous, and that it could never be made for less than from $20 to $30 per gun. Yet so great have been the inventions and economies introduced that, commencing the first year at $20, the cost has been gradually reduced so that now it only costs $14.67 per gun, not much more than the simple old Springfield musket was costing at the end of its era, and this has been in part due to the system of keeping a constant, steady force of trained expert men. Under the reductions of appropriations a large part of that force will be lost and scattered and could never be assembled again.

The rifle which is now manufactured and which our troops are now using is not only a splendid specimen of mechanical development, but it has also proved itself, in competition with the weapons of all the nations of the world, superior in its exactness and effectiveness, and its recent success at the Olympic games, in South America, England, and Canada have shown that our national rifle maintains our national reputation for mechanical inventiveness and skill and efficiency. In this the Springfield armory can take a just pride.

My 20 years' service in this House happens to be contemporaneous with the 20 years during which this rifle has been manufactured, and I have actively participated in securing the legislation and regulations and changes which have accomplished the development of the rifle and of the plant. A statement of it will show one phase of the growth of this Government as a manufacturing agency and one small phase of the constant expense of keeping prepared for a possible war.

The mere outgo of money is impressive, for during that 20 years there has been expended in Springfield in the actual making of the rifles $19,000,000. Besides that we have spent quite a large sum in improving and enlarging the plant. The armory was located more than a hundred years ago on a sightly hill in the suburbs of Springfield, but the city has grown around it so that it now occupies a most beautiful site in the very heart of the residence section of the city. The Government has insisted on retaining the ownership of most of the streets that surround it, and to keep these streets in condition there has been appropriated in the 20 years more than $25,000. During the same period there has been spent for the general repair and upkeep of the reservation $225,000.

An addition to the "water shops" was built at a cost of about $100,000, which enabled a portion of the manufacture of the rifles to be transferred and the water power to be utilized.

About $10,000 was appropriated for better fire protection; $18,000 for a dry house and a room for the convenience and comfort of the workmen. In different years appropriations amounting in all to $260,000 were made for additional machinery and fixtures and $40,000 was expended in making better railroad connections, and thus diminishing the cost of manufacture.

So in the 20 years there has been appropriated and expended on the Springfield Armory:

For manufacture of arms	$19,000,000
For improvement of buildings and grounds	780,000
For improvement to manufacturing plant	500,000
Total	20,280,000

What has been the result of this enormous expenditure? I think on the whole it is very creditable to the management of the armory. Personally I have been in favor of civilian management. At one time I was firmly convinced that the treatment of the men was not such as they were entitled to. I concluded that the education and environment of an Army officer did not tend to fit him to successfully administer a large manufacturing plant with many hundreds of skilled self-respecting mechanics, and I endeavored to bring about a return to the early practice of a civilian control, but divorced by strict civil-service rules from any civilian patronage or spoils system. I was unsuccessful, and I must in fairness admit that of late years the military management has been eminently fair and successful. It has handled with as much consideration and forbearance as possible the great reduction of force which has recently been necessary because of the large supply of rifles on hand and the program of the Democratic House to economize in our military expenditures.

The processes of manufacture have been so well conducted that the cost of the rifle has been steadily reduced from $20 to $14.67. But this has not been accomplished by any unreasonable exactions from the men employed. On the contrary, I think it can be fairly said that the condition of the employees has been steadily improved during the period by numerous small changes, all for their benefit, and in all of which I have had the pleasure of being interested and instrumental. So that I think to-day the status of an armorer is more favorable than ever before.

In 1904 the payment of wages was changed from monthly, as it had always been, to semimonthly, and in 1908 that was again changed to weekly payments. In 1908 the change was made from payment by check to payment in cash, as desired by the men.

In 1906 half holidays were established for Saturdays in July, August, and September.

In 1911 shower baths, drinking fountains, and an employees' room were established.

During 10 years, while the cost of the rifle was steadily diminishing, the average pay of the men was as constantly increasing, which is the ideal every manufacturer should seek to attain, and while the average wage in 1899 was $2.09, the average wage in 1912 was $2.98, an increase of 42 per cent.

Up to 1904 the only Government factory for small arms was at Springfield. The Spanish War impressed upon the administration the need for a larger output in emergency. To accomplish that at Springfield new buildings would be necessary. But it happened that at Rock Island, in the Mississippi River, there were fine stone buildings owned by the Government well adapted to this purpose with a large water power, and the War Department recommended that these buildings be equipped with machinery and that a portion of the future rifles be manufactured there. As representing Springfield, I much preferred that the plant there should be increased rather than that a new armory should be initiated in the West, but I soon found that the arguments of the War Department—that at Rock Island the buildings were all ready without any expense, and that it was wise to have the weapons of war manufactured at the West as well as at the East—were favorably received by Members of Congress, particularly those from the West. And it so happened that at this juncture the committees of the Senate and House which would pass upon the question were headed by Senator Allison and Mr. Hull, both from Iowa, and the city of Davenport, Iowa, would be the greatest gainer by the new armory at Rock Island, so I soon found it would be useless to oppose the measure. But Senator Allison and Mr. Hull agreed with me that there should be no reduction of our force at Springfield, but that it should continue the main source of supply, and ever since two-thirds of the product has come from Springfield and one-third from Rock Island, and, in addition to the $20,000,000 expended in Springfield, four million and a half have been expended at Rock Island for the same purpose. So that there has been expended in all for the manufacture of small arms in the past 20 years $25,000,000. I believe it has been honestly, economically, and wisely expended. It is an enormous sum. We all wish it were unnecessary. We all hope the product of it is superfluous and may never be needed. We all sympathize with Longfellow's familiar words in his poem entitled "The Arsenal at Springfield"—

> If half the power that fills the world with terror,
> If half the wealth bestowed on camps and courts
> Were given to redeem the human mind from error,
> There were no need of arsenals and forts.

But we know that human passions and interests have not yet ceased to make war possible and the preparation for it imperative, and so the manufacture of arms must continue at Springfield until that day still distant shall arrive—

> When the war drum throbs no longer and the battle flags are furled,
> In the parliament of man, the federation of the world.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment joint resolution and bill of the following titles:

H. J. Res. 349. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Vet-

erans' Reunion to be held at Ada, Okla., in September, 1912; and

H. R. 13016. An act for the relief of the West Kentucky Coal Co.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 313. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7343. An act to authorize the building of a dam across the Coosa River, in Alabama, at a place suitable to the interest of navigation about 7½ miles above the city of Wetumpka.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 313. An act relative to the exchange of certain properties between the insular government of Porto Rico and the War Department; to the Committee on Insular Affairs.

EXTENSION OF REMARKS IN THE RECORD.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to submit some remarks on the manufacture of arms, which has been reported upon in the Army bill.

Mr. MANN. There will be no more unanimous consents unless unanimous consent is given to the gentleman from Pennsylvania. Pending that request, Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania [Mr. BOWMAN] may be permitted to extend remarks in the RECORD, and that the genfleman from Ohio [Mr. ANSBERRY] be given the same permission.

Mr. WHITACRE. Reserving the right to object, how much time is to be given to Mr. ANSBERRY?

Mr. MANN. Indefinite.

Mr. WHITACRE. With that understanding, I have no objection.

The SPEAKER. What is the request of the gentleman from Illinois?

Mr. MANN. That the gentleman from Pennsylvania [Mr. BOWMAN] be given leave to extend his remarks in the RECORD, and that the gentleman from Ohio [Mr. ANSBERRY] be given the same leave.

Mr. SISSON. Mr. Speaker, the gentleman from Ohio is not here. Does anyone know whether the gentleman from Ohio has any objection to it or not? He objected on a previous occasion.

The SPEAKER. The Chair has no knowledge on that subject.

Mr. SISSON. I did not intend to ask the Chair, but some member of the delegation.

Mr. WHITACRE. I know that he objected before.

Mr. SISSON. One of his colleagues states that he has objected.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

Mr. SISSON. Reserving the right to object, I am unwilling to make objection for the gentleman from Ohio unless some Ohio colleague sees fit to make it. I shall not interpose an objection, but I simply wanted to know if anyone knew that Mr. ANSBERRY did object.

The SPEAKER. Is there objection to the request of the gentleman from Illinois that the gentleman from Pennsylvania [Mr. BOWMAN] shall have leave to extend his remarks in the RECORD, and that the same privilege shall be extended to the gentleman from Ohio [Mr. ANSBERRY]?

Mr. WHITACRE. Provided Mr. BOWMAN will file his statement with Mr. ANSBERRY in advance, so that he may see it, I will not object.

Mr. MANN. I do not think that that would be practicable, but Mr. ANSBERRY can reply.

Mr. WHITACRE. Mr. BOWMAN had an opportunity the other day to make a reply, and refused to make it.

Mr. MANN. The gentleman from Ohio is mistaken.

Mr. WHITACRE. I was here and heard it.

Mr. MANN. The gentleman from Pennsylvania did not have an opportunity, for the time was not given him, and could not be given him under the agreement.

Mr. WHITACRE. Mr. ANSBERRY proposed to Mr. BOWMAN at the time to give him 40 minutes.

Mr. MANN. I beg the pardon of the gentleman, but Mr. ANSBERRY did not have the time to give.

The SPEAKER. Here is what happened, and there is no question about it: The gentleman from Pennsylvania [Mr. BOWMAN] spoke 5 minutes, and the gentleman from Ohio [Mr. ANSBERRY] spoke 20 minutes. That was all there was to it, except an interchange of compliments between the Members. Is there objection to the request of the gentleman from Illinois?

Mr. GOEKE. Reserving the right to object, I want to inquire whether Mr. BOWMAN is to file his remarks within a reasonable time?

Mr. MANN. I have no doubt that he will, and under the practice, even if he did not file them until after the adjournment of Congress, the gentleman from Ohio would still have an opportunity to have a RECORD printed, even if it was only to print the extension of his remarks.

Mr. GOEKE. I have no objection to that, but I think he ought to be limited to 30 or 20 days.

Mr. MANN. I will make it 10 days.

The SPEAKER. Does that apply to both Members?

Mr. MANN. No; only to the gentleman from Pennsylvania [Mr. BOWMAN].

The SPEAKER. The request is that within 10 days the gentleman from Pennsylvania [Mr. BOWMAN] shall send his remarks to the Public Printer, and then the gentleman from Ohio [Mr. ANSBERRY], at any time he chooses, shall have the right to file a rejoinder.

Mr. CANNON. Within another 10 days?

Mr. BURLESON. No; the gentleman from Ohio is gone, and we can not reach him.

The SPEAKER. Is there objection to the request of the gentleman from Illinois as modified? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GILLETT. Mr. Speaker, was my request put?

The SPEAKER. What is the gentleman's request?

Mr. GILLETT. Mr. Speaker, some time ago I made a request that I be given unanimous consent to extend my remarks in the RECORD on the Army appropriation bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I make the same request, and in connection with the gentleman's request I ask that all gentlemen who spoke on the dam bill which was passed this afternoon be permitted to extend their remarks in the RECORD.

The SPEAKER. The gentleman from Massachusetts [Mr. GILLETT] asks unanimous consent to extend his remarks in the RECORD upon the Army appropriation bill; and the gentleman from Mississippi [Mr. HUMPHREYS] couples with that the request that every gentleman who spoke on the bill called up by the gentleman from Alabama [Mr. HEFLIN] this afternoon shall have the right to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to extend my remarks upon the question of passport to Jewish citizens.

The SPEAKER. Is there objection?

There was no objection.

Mr. UTTER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an article written by Gov. Pothier, of Rhode Island, on the subject of noise.

The SPEAKER. Is there objection?

There was no objection.

The article referred to is as follows:

Noise is an expedient used to-day by men who would confuse, break down, and destroy.

Noise is an expedient of those who, from motives of personal ambition or dissatisfaction, would seek to overthrow the established institutions of our republican form of government; to change the existing order of things and to set up in its place something of their own fashioning.

We see instances of this every day. We have seen instances of it for the past 50 years.

And the reason the American people have not been overwhelmed by noise is because the American people think.

Thought is the most effectual weapon with which to combat noise.

The power of thought is given to every human being, and it is to the interest of every human being to cultivate this faculty, that he may be able to determine the true from the false—the real from the visionary.

The capacity for thinking clearly and logically is more highly developed in America than anywhere else on the face of the globe.

Under our free form of government, where men are the masters of themselves, they are encouraged by their very environment to think for themselves.

The great majority are able to do their own thinking in the face of oise and in spite of attempts to confuse them.

But there are many, very many, whose ideas become confused when the noise becomes great, and with whom the efforts of the noise makers to mislead are, at times and in some degree, successful.

It is to those people who unwittingly permit noise to overwhelm their reason that the demagogue addresses himself.

It is upon those people that he depends for support in his outcry against our system of government.

It is to them that he appeals, in phrases calculated to arouse passion and prejudice, to stimulate enthusiasm, and to incite an uprising against fancied grievances.

Our political life is full of illustrations.

Not many years ago the cry of the demagogue was—as in a measure it still is to-day—"the workingman."

It was heard everywhere.

It was the keynote of the spellbinders of all political parties. It was the clarion call used for all sorts of purposes, until the workingman began to fancy that he was the especial protégé to be looked after, and his interests made the personal concern of every candidate for office of whatever party.

Next it was "the dinner pail."

From every rostrum the magic word resounded throughout the land, and "the dinner pail" became the slogan by which the masses were to be swayed.

A little later there was another modification, and "the people" became the battle cry of the political exhorters.

It was the open sesame to prestige and power.

To-day we see the process of evolution carried one step farther, and "Progressive" has become a rallying cry.

The time has again come for the American people to think.

They must ask themselves, "What is progressiveness?"

What kind of progress does progressiveness, as it is professed by those who are shouting it most loudly, mean?

What policies of government, what economic principles, what industrial program, what character of political adjustment, will result in real progress for the American people?

The noise makers are already abroad in the land, ready with their own answers to these questions.

Some of them tell you that the policies of Government under which we have lived for three generations, with the vested rights of our citizens protected by a Constitution and the operation of that Constitution safeguarded and perpetuated by a judicial system that brooks no contempt, are the only ones under which the Republic can endure.

Others declare that the Constitution is a halter about the necks of the people by which the courts are leading them servilely hither and thither according to the dictates of a soulless plutocracy; that your only relief is a system whereby judicial decisions and the judges themselves can be recalled by the people at will, and the Constitution thus remolded in a day to suit a passing fancy.

Some will tell you that industrial prosperity in this country can be perpetuated only by the policy of protection to American industries which has prevailed for the past half century.

Others will declare that the protection policy is restricting the market in which the consumers may purchase the necessaries of life, while enabling the producers of commodities to maintain prices at a level which is enriching them and impoverishing the consumer through "the high cost of living."

Some will tell you that the most perfect political adjustment lies in our present form of representative Government; that legislation by the whole people is cumbersome and impracticable, and that the remedy for ill-advised legislation is by the ballot.

Others will declare that the people should initiate their own legislation, and that the work of their representatives should be subject to revision and to repeal by the people at will; and likewise that the veto power of the Executive should be susceptible of similar review by a popular majority.

Much noise will be made by the men who will harangue the people on both sides of these questions.

A very noisy noise will be made about the high cost of living and the causes thereof.

The high cost of living is a subject on which the great mass of consumers in this country should think and think deeply, that they may arrive at the truth and not be misled by noisy contentions.

They must think clearly, and ask themselves if there are not other causes for the prevailing prices of commodities than the fact that the production of those commodities is protected by our tariff laws.

They should examine carefully every item of expense that goes into the manufacture and handling of various articles of consumption and general use, from the time the raw material is gathered until the article is sold over the counter.

They should consider the expense of gathering the raw material, and see if it has increased within the past generation.

They should consider the item of transportation of this raw material to the factory, and see if there has been an increase in expense there.

They should, in their mind's eye, contemplate the various processes to which the raw material is subjected in producing the finished product, and ask themselves if these various processes can be performed as economically as they could a few years ago.

They should take into consideration the cost of transportation of the finished product to market; the cost of handling this product through the wholesale houses and by the retailers, and the cost of selling it over the counter, and should ask themselves if there has been any increased expense involved in these various stages of the journey.

They should ask themselves if the higher wages which are to-day paid American workmen have not increased the cost of gathering the raw material, of transporting it to the factory, or producing the finished product, of transporting the finished produce to market, of delivering it over the counter through the salesman or saleswoman into the hands of the ultimate consumer.

Then they should ask themselves if this increase in wages all along the line is not, in fact, the principal element that has entered into the increase in the price of practically every commodity to the consumer.

They should ask themselves if the average increase in wages of workingmen and working women in nearly every line of industrial activity in the country has not increased the purchasing power of those workingmen and working women to a degree equal to, if not in excess of, the increased cost of the necessaries of life which they purchase with their increased wages.

They should ask themselves honestly if they are not living better to-day than they or their fathers and mothers were living 20 or 30 years ago.

After they have settled these questions to their own satisfaction by honest thinking, they should ask themselves whether they can honestly believe that without our system of protection to American industries—that without the assurance to the American manufacurer that he will receive a price for his goods commensurate with the cost of protection—the American wage earner could possibly continue to command or expect from the manufacturer the same scale of wages that he now receives.

The noise makers tell you that this country has been deprived of her "natural industrial expansion and progress" by the system of protection.

But the United States census figures show that from 1904 to 1909 the capital invested in manufacturing increased from $12,675,000,000 to $18,428,000,000; that the value of products increased from $14,793,000,000 to $20,672,000,000; that the number of wage earners increased from 6,213,612 to 7,678,578, and that wages increased from $2,610,000,000 to $3,427,000,000.

The cotton industry, in which New England is heavily interested, increased its products $290,000,000 in the 10 years from 1899 to 1909; while the woolen industry showed an increase of $210,229,000.

Do these figures show that our country has been deprived of her "natural industrial expansion and progress," or do they demonstrate that we have enjoyed a period of remarkable development?

I do not believe that you believe that a change in our protective policy offers the solution to the high cost of living.

I believe that you realize fully that such a change could mean only one of two things—either that our machinery must stop for lack of profitable employment or our wages must be cut down to the foreign level.

There is, however, one item affecting the price of commodities to the consumer which we may well consider seriously.

The cost of transportation is a continual subject of dispute between shippers and merchants and the transportation companies.

It is so important an item that the Government maintains a department charged with the specific duty of regulating transportation rates.

As the industries of the country, and especially of New England, continue to grow and multiply, traffic will become more and more congested, and the expense incident to delayed shipments and the loss on perishable goods increase.

The only solution is increased transportation facilities by both land and water.

I believe that such an increase can not come too soon.

The railway systems that now serve New England will presently be supplemented by a great transcontinental system which has already undertaken extensive preparations for sending its branches into Boston and into Providence.

It will not be many years, at the rate our industries and our population are growing, before the additional facilities thus afforded will be found to be an actual necessity, and the wisdom which prompted their admittance to our New England ports appreciated and applauded.

With the trade centers of the great Northwest and of the ports of the South Atlantic brought into direct communication with us by this means, and with improved avenues of waterway communication between New England and the distributing points on the Atlantic coast, which are certain to follow the determined agitation in their behalf, we shall see, I believe, a decrease in transportation charges and a resultant decrease in the price of the commodities which we import from every section of the country.

A thoughtful study of the economic bearing of these questions—of their relation to the cost of living and the welfare and prosperity of our citizens—is the best antidote for noise.

Noise must not be permitted to drown thought.
While the noise makers are busy, think.
And the more noise they make the harder you must think.

A. J. POTHIER.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent, and particularly that of the gentleman from Alabama [Mr. UNDERWOOD], for the extension of my remarks in the RECORD, in order that I may publish an open letter written by George C. Hetzel, a wool manufacturer of Chester, Pa., to the Hon. OSCAR W. UNDERWOOD.

The SPEAKER. Is there objection?

There was no objection.

Unanimous consent was granted to the following gentlemen to extend their remarks in the RECORD: Mr. BURLESON, Mr. HAUGEN, Mr. HAYDEN, Mr. BULKLEY, Mr. BUCHANAN, Mr. FAISON, Mr. LAFFERTY, Mr. FARR, and Mr. MCMORRAN.

Mr. GILLETT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, for the purpose of printing a short statement by the Attorney General upon the antitrust prosecutions.

Mr. JAMES. Does the gentleman say it is short?

Mr. GILLETT. Yes.

Mr. JAMES. As it is like the prosecutions against trusts, I shall not make any objection.

The SPEAKER. Is there objection?

There was no objection.

Unanimous consent was granted to extend their remarks in the RECORD to Mr. CRUMPACKER, Mr. HILL, Mr. NEEDHAM, Mr. STEENERSON, and Mr. TOWNER.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the dam bill which was passed this afternoon.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I find that there is objection to the proposition I offered a short time ago, and I shall not renew it.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mr. BROWNING] to discharge the Committee on Naval Affairs from the consideration of the bill to which he referred.

Mr. MANN. Mr. Speaker, as I understand it, this is a private bill.

The SPEAKER. It is a private bill to extend the time in which some one may enter the public service.

Mr. MANN. Mr. Speaker, does the Speaker give recognition for the purpose of asking unanimous consent to consider a private bill?

The SPEAKER. The Chair thinks, under the circumstances, that the Speaker ought to decline any request of the kind. That is the rule.

PENSIONS.

Mr. CRAGO. Mr. Speaker, I call up the conference reports on the bills H. R. 24602, 24322, 24996, and 25166, granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, and I move the adoption of the conference reports on the several bills.

The Clerk read the conference reports, as follows:

CONFERENCE REPORT (NO. 1221).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24602) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Frank E. Lyman (H. R. 7169): The House passed this item at $24 per month. The Senate increased the amount to $50 per month, partly on the grounds that the soldier should have been retired for disability and partly on the grounds that later evidence filed with the Senate Committee on Pensions is to the effect that soldier is almost totally helpless. The House recedes from its disagreement to the amendment of the Senate.

Amendment No. 2 is simply inserting the word "dependent" to correct the record, and is in accordance with the usual custom in such cases. The House recedes.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

CONFERENCE REPORT (NO. 1222).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24322) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 3.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 5, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter stricken out by the Senate amendment insert:

"The name of John H. Brown, late U. S. S. Worden, United States Navy, and pay him a pension at the rate of $12 per month."

And the Senate agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Anna J. Meilstrup (H. R. 3674): The House proposes to grant a pension of $12 per month to the dependent mother of a sailor of the United States Navy who was killed by the destruction of the battleship *Maine*. The evidence in the case clearly shows that at the time of sailor's death the beneficiary could not be classed as the dependent mother of the sailor, as her husband was living at that time. The husband died in 1909 and left the widow considerable property. The Senate struck the item from the bill on the grounds that the facts do not justify granting a pension to the lady as the dependent mother of the sailor, and the House recedes from its disagreement.

Amendment No. 2, the case of John H. Brown (H. R. 4583): The House proposes to grant a pension of $15 per month in this case. The Senate struck the item from the bill, and the conferees agreed that, giving the soldier the benefit of the doubt, he did incur some disability in the service, and recommended that a rate of $12 per month be allowed. The House recedes from its disagreement and agrees to the amendment with an amendment reinserting the item at $12 per month.

Amendment No. 3, the case of George C. Rimes (H. R. 11342): The House passed the item at $12 per month and the Senate struck it from the bill. It appears that the soldier is totally blind from the effect of taking poison with suicidal intent, probably due to mental derangement due to service. The Senate recedes from its amendment.

Amendments Nos. 4, 7, and 8 are the cases of William Ramsey (H. R. 12436), Wesley J. Banks (H. R. 14649), and John G. Morgan (H. R. 18814): These are cases where the House proposes to increase the pension of soldiers of the Mexican War to $30 per month. A general law has since been passed which grants all soldiers of that war that amount, and they can receive it by applying at the bureau, hence the Senate struck the items from the bill, and the House recedes from its disagreement to those amendments.

Amendments Nos. 5 and 6 are simply corrections of the record by inserting the names of the ships on which the sailors served, and do not affect the items, except to make identification more certain. The House recedes from its disagreement to those amendments.

Amendment No. 9, Charles Myer (H. R. 20099): The soldier incurred slight disability from malaria in the service. He is now blind, but the evidence is not very conclusive that blindness was due to service. The House passed the bill at $24 per month; the Senate struck the item from the bill and, in the opinion of the conferees, additional proof should be furnished; therefore it is recommended that the House recede from its disagreement to that amendment.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

CONFERENCE REPORT (NO. 1220).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 24996) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 1.

That the House recede from its disagreement to the amendment of the Senate numbered 2 and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Elizabeth L. Bayless (H. R. 6978): The House passed this at $12 per month and $2 additional for each of the minor children. The Senate struck it out on the grounds that the soldier's death was not due to service, he having been killed by a maniac while he was confined to his bed from a disability incurred in the service. It is of course true that his death was not directly due to service, but in view of the fact that he was suffering from a very aggravated case of consumption, which would have resulted in his death in a short time, and which prevented him from protecting himself from the maniac, the conferees took the charitable view of the case, and the Senate recedes from its disagreement striking the item from the bill.

Amendment No. 2 is merely a correction of service of the sailor by inserting the name of the ship upon which he served, and the House recedes from its disagreement to that amendment.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

CONFERENCE REPORT (NO. 1219).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25166) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, and 4, and agree to the same.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.
P. J. MCCUMBER,
HENRY E. BURNHAM,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1, the case of Samantha Morrison Flint (H. R. 18135). This is a case in which the House proposes to grant a pension to the daughter of William Morrison, who, it is alleged, served in the Revolutionary War. There are no pensioners on the rolls at the present time on account of service in the Revolutionary War. It is true that in years gone by in a few cases daughters of Revolutionary War soldiers were pensioned, but the practice has always been regarded as questionable, and no bills of that character have been passed in a decade. The item was stricken from the bill by the Senate on the grounds that it is unwise to reopen that roll at this date. The House recedes from its disagreement to that amendment.

Amendments Nos. 2, 3, and 4 are simply amendments to correct the military record of Gen. Lee in accordance with the records of the War Department and have nothing whatever to do with the amount allowed, and the House recedes from its disagreement to these amendments.

DAN. A. DRISCOLL,
IRA W. WOOD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference reports.

The conference reports were agreed to.

PUBLICITY OF CONTRIBUTIONS MADE FOR INFLUENCING ELECTIONS.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. BULKLEY].

Mr. BULKLEY. Mr. Speaker, I move to discharge the Committee on Election of President, Vice President, and Representatives in Congress from the further consideration of House resolution 679 and ask for its present consideration. It is a privileged resolution of inquiry.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 679.

Resolved, That the Attorney General be, and he is hereby, requested to inform the House of Representatives what, if any, steps have been taken by the Department of Justice to prosecute violations of the act of June 25, 1910, providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected, as amended by the act of August 19, 1911.

Mr. MANN. Mr. Speaker, reserving the right to object, what is that?

The SPEAKER. It is a resolution which becomes privileged under the seven-day rule.

Mr. BULKLEY. Mr. Speaker, my motion to discharge the committee is not intended as any discourtesy to the committee, and I yield such time as he may desire to the gentleman from Missouri [Mr. RUCKER], the chairman of the committee, to make a statement.

Mr. GARDNER of Massachusetts. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARDNER of Massachusetts. I make the point of order that a motion to discharge a committee is not debatable. The committee has to be discharged first before there can be debate.

The SPEAKER. The Chair thinks that point is well taken.

Mr. BULKLEY. I ask for a vote.

The SPEAKER. The question is on the motion to discharge the Committee on Election of President, Vice President, and Representatives in Congress from the further consideration of the resolution.

Mr. RUCKER of Missouri. Mr. Speaker, I hope that motion will be agreed to.

The question was taken, and the motion was agreed to.

Mr. BULKLEY. Mr. Speaker, I now yield to the gentleman from Missouri for such statement as he may desire to make.

Mr. RUCKER of Missouri. Mr. Speaker, I will only consume a moment. This measure was presented to me with the request that it be considered by the committee, but I found some difficulty in getting a commitee meeting; and it was my opinion, after talking with some of the Members about it, that there was no objection to taking this course, discharging the committee and considering the resolution by unanimous consent. I hope the resolution will pass.

Mr. MANN. Will the gentleman yield for a question?

Mr. RUCKER of Missouri. Certainly.

Mr. MANN. Mr. Speaker, may I ask the gentleman whether there is any penalty for a candidate for Congress who either does not file a statement of expenses and receipts at the primary or at the election?

Mr. RUCKER of Missouri. I think there is.

Mr. MANN. What is the penalty?

Mr. RUCKER of Missouri. A fine of not exceeding $1,000, or imprisonment not more than one year, or both.

Mr. MANN. Is the gentleman sure that applies? I venture to say that not more than half the men who have been candidates for Congress at the primaries have filed both a statement before and after the primary. I am not referring now to gentlemen in the House who may be well informed upon the subject, but to gentlemen throughout the country.

Mr. RUCKER of Missouri. Mr. Speaker, if I may answer the question, I am inclined to think the gentleman's statement is correct. I am inclined to think a good many have not, technically at least, complied with the law. I believe, however, that in most instances the failure grows out of a misapprehension——

Mr. MANN. I wondered whether there was a penalty. A very distinguished reformer was a candidate against me at the primaries, and I believe he filed a statement before the primaries stating he had expended no money; but he has filed no statement since, and I requested some time ago the Clerk to give me a list of those who had filed in certain districts in Illinois. I am satisfied that not more than half the people who were candidates complied with the law, but I did not recall whether there was a penalty against that provision of the law.

Mr. OLMSTED. If the gentleman will allow me for just a moment. The act to provide for publicity of contributions, and so forth, approved June 25, 1910, in the tenth section provides:

That every person willfully violating any of the foregoing provisions of this act shall, upon conviction, be fined not more than $1,000 or imprisoned not more than one year, or both.

Now, the act of August 11—an amendment to that act—which amends sections 5, 6, and 8——

Mr. RUCKER of Missouri. Inserts a new section 8.

Mr. OLMSTED. It was generally considered at that time that a penalty would attach for any violation of the act of 1910 as amended.

I notice, however, that the reading is, "violating any of the foregoing provisions of this act." Now, whether the insertion of the new section, section 8, would be subject to a penalty, would raise a question; but the intention of penalties should attend to all violations of the act.

Mr. MANN. The gentleman from Kentucky [Mr. JAMES] the other day, when we had under consideration the proposition to amend the publicity act as to where the affidavit should be sworn to, stated in his opinion that that portion of the act was merely directory. Now, suppose some gentleman in the House or some candidate for Congress has not sworn to his statement at the correct place, is he liable to this penalty? He has not complied with the act. Whether he has violated the act I do not undertake to say. Is this provision with reference to filing statements a mere suggestion to men who are candidates, or is it compulsory upon them? It seems to me that the act itself needs amending so that it may be known whether the man who runs for Congress at the primaries or at the election with no intention of complying with its provisions is subject to any penal provision.

Mr. JAMES. My statement was as to where this law required the affidavit to be made, whether in the State or by the Member here when in attendance upon his duties. My position was that the Government could not come along with a prosecution and say you made the affidavit, but you ought to have made it in the State instead of in Washington. They would say, "We have you indicted here. You took the oath in one place instead of another." I said the place where the oath was taken was directory, and I do not think any court would hear for a moment any such contention that he could not swear to the affidavit in Washington instead of where he was

elected in the State, when the Federal court has jurisdiction of either place.

Mr. MANN. That may be correct, but the same direction applies to filing the statement at all. If one is directory the other is.

Mr. RUCKER of Missouri. I do not believe the gentleman from Kentucky is correct, though it may be. I believe there is a reason for the law as it is written. That reason appears in the act itself, and I think it is obligatory upon the candidate to make the affidavit as required by that statute, unless the affidavit shall be made since the last amendment.

Mr. JAMES. In regard to filing of statement—and I know of some in Kentucky—it is not where gentlemen fail to file statements, perhaps as required by law, according to the technical construction of it, but as to whether they willfully did. That is the point.

Mr. MANN. The gentleman says the question is not pertinent. It seems to me it is. Here is a resolution asking the Attorney General if he has made any prosecution against Members of Congress, although he does not say that, or anybody else, for not filing statements under the publicity act.

Mr. RUCKER of Missouri. I want to say to the gentleman from Illinois I do not believe any district attorney will prosecute in any case where the candidate is a Member of Congress in attendance upon Congress and has made his affidavit here and filed it. I want to say that I did not initiate this movement, and there are reasons why I would not have initiated it. I am satisfied that a certain reformer, to quote from the gentleman from Illinois [Mr. MANN], in my district has not complied with the law. He says he did, but I am sure he did not.

Mr. BUTLER. It is not the proper thing to prosecute gentlemen under this law yet. It was passed only a year ago.

Mr. MANN. They send notices and blanks to all the candidates for Congress in my district.

Mr. RUCKER of Missouri. I quite agree with the gentleman from Pennsylvania [Mr. BUTLER]. I believe the American people have reached that stage in our national progress when they desire and demand real, actual, practical publicity, and at the next session of Congress, with the aid of such friends as will help me in the matter, I will attempt to revise this statute so as to provide for actual, practical publicity. In other words, I believe that the law should require each candidate for Representative to file a declaration of candidacy with the Clerk of this House, and require the Clerk of the House, after the time has passed for filing publicity statements, to notify the district attorney having jurisdiction of all instances in which candidates have failed to comply with the requirements of this law. I believe, moreover, in order to give practical publicity, that the candidate or candidates for Representative in Congress ought to be required, in addition to filing a sworn statement with the Clerk of the House, to furnish within the same time duplicates of his sworn statement to the opposing candidate or candidates for such nomination, so that there will be actual and effective publicity in the community most interested, and, if a wrong has been done, if money has been improperly used, or the limit of expense exceeded, those who are opposing each other will have opportunity to discuss it before the people before the primary election or the nominating convention is held

Mr. CANNON. What would the gentleman say, provided it is advertised in the New York American and the Chicago Tribune?

Mr. RUCKER of Missouri. There are some places in which New York and Chicago papers are not read.

Mr. CANNON. Or to have the people fully informed in every country newspaper?

Mr. RUCKER of Missouri. I do not believe the gentleman understood me. My proposition is that the candidate who is required to file with or to mail to the Clerk of the House a statement under oath should be required to mail or deliver to his opponent or opponents a duplicate of that statement. Then it could be known and would be known in the community at least 10 days before the nomination if money is being improperly used or this law is being violated.

Mr. JAMES. As the gentleman from Pennsylvania [Mr. BUTLER] has stated, this law has not been on the statute books very long. Suppose a man comes up and says:

> I did not know anything about this law, and I am perfectly willing to comply with it now and make my return under it; I have spent only forty or fifty dollars.

Mr. BUTLER. Many gentlemen find themselves in the position stated by the gentleman from Kentucky.

Mr. RUCKER of Missouri. I will say to the gentleman that ignorance of the law, of course, excuses no one. At the same time we are too generous to demand that gentlemen who have failed to comply with the provisions of this law, because, as a matter of fact, they did not know of it, should be embarrassed by proceedings against them.

Mr. JAMES. I know a very distinguished gentleman who did not know that he ought to comply with this law, as he had not spent a dollar.

Mr. RUCKER of Missouri. I think the most distinguished gentleman in my district, in his own estimation, was in that condition, though he did spend money. [Laughter.]

Mr. CANNON. Why not amend this resolution by asking the Attorney General what steps he has taken to prosecute people guilty of violations of the white-slave act and every other penal statute? Let us have a clean out of the whole thing.

Mr. RUCKER of Missouri. I supposed that in the course of time the gentleman from Illinois would introduce a resolution along that line. I have given no attention to that matter.

Mr. CANNON. I suppose it will be in order to amend this resolution.

Mr. RUCKER of Missouri. Let me say, in all frankness and candor, to the gentleman that I did not initiate this resolution, and, while I would like to see it passed for the moral effect it will have, yet I would not of my own volition have started this movement, because I know one man, at least, who might be taken to task, and I do not care to pose as an informer.

Mr. CANNON. If the gentleman will yield to me, I will say that, so far as I am individually concerned, I have complied literally and truly with this law. I know of a gentleman—he is very much of a gentleman—who did not know about it, and he complied with the law after the primary. I doubt if he ever expended a cent.

Two other gentlemen, of whom I will not speak by name, were candidates and made a great deal of fuss. I suspect they are now genuine followers of the new party. They were candidates in my district on the Republican ticket, and on inquiry I find that they have never filed any statement whatever. But, after all is said and done, in the main I expect that this law has been quite as well observed as any other law upon the statute books, at least by Members that had knowledge of it.

I have no particular objection to the passage of this resolution, but I want to make the suggestion that, with the muckraking magazines and with the muckraking newspapers and with the hysterical condition existing with some people in the country, it is quite in good taste and in good policy to make motions of this kind and agree to them, calling the attention of the country to the matter, which is equivalent to an intimation, at least, that the average Member of Congress is under a cloud, and under suspicion, and all that kind of thing. I do not object to the law.

Mr. RUCKER of Missouri. Mr. Speaker, I want to make my statement as emphatic as I can that I heartily agree with the gentleman from Illinois [Mr. CANNON]. I do not believe that Members of Congress have willfully violated the publicity law. I believe that every one of them has desired and attempted to comply with the law.

I was told down in the Clerk's office that the construction placed on the law here is that an affidavit taken and subscribed to in the District of Columbia fully complies with the law, Congress being in session. I do not believe that construction is correct, but I do believe that the membership of this House in good faith has attempted to comply with the law; and I for one would not advise or advocate any procedure that would taint the character of any Member where it is apparent that his failure to comply with this new law—the existence of which is not generally known yet—is not due to a willful purpose to violate law.

Mr. LONGWORTH. Did the Committee on Elections consider this resolution?

Mr. RUCKER of Missouri. I have just stated that the committee did not.

Mr. LONGWORTH. I could not hear what the gentleman said.

Mr. RUCKER of Missouri. My attention was called to this resolution, and I was requested to convene the committee for the purpose of considering it, and I will state to the gentleman frankly the two reasons why I did not convene the committee. One reason was the absence of a considerable part of the membership of the committee. Another reason is personal to myself. I know one man who, I think, has violated the law.

If I should be directly connected with the report and passage of this resolution it would look as if I was seeking to punish somebody, and I want to say to this House that I punished the one in my mind to my entire satisfaction on the day of the Missouri primary and seek no further punishment.

Mr. OLMSTED. While we are revising and amending this law, I want to ask the gentleman this question: The act of August, 1911, does not in itself contain any penal provision, does it?

Mr. RUCKER of Missouri. It does not.

Mr. OLMSTED. The act of 1910, to which the act of 1911 is an amendment, says that every person willfully violating "any of the foregoing provisions of this act" shall be fined not more than $1,000 or imprisoned not more than a year. That is section 10.

That penalty is for violating "any of the foregoing provisions of this act." That is, the act of 1910. Now, I ask the gentleman if he thinks anybody violating any of the new provisions in the act of 1911 would be subject to that penalty of fine or imprisonment under the act of 1910?

Mr. RUCKER of Missouri. I think so; clearly.

Mr. OLMSTED. Would the "foregoing provisions" be those which were enacted a year later?

Mr. RUCKER of Missouri. I think they become "foregoing provisions" when they are inserted by the same legislative power, in the body of the original act. I do not believe that when a State legislature or this Congress enacts a criminal statute and sees fit to amend it by making something criminal to-day which was not criminal last year, that, therefore, we have got to add a new penal section to apply to the amendment or the amendment will become a dead letter.

Mr. OLMSTED. Penal statutes are, of course, always strictly construed, and I call this to the gentleman's attention in order that he may think of it when he comes to revise the law. It may be worthy of consideration.

Mr. RUCKER of Missouri. I will say to the gentleman that if I take another chance at it, after the experience and observation we have had in the practical workings of the law, I believe the feature under discussion can and will be made absolutely clear.

Mr. OLMSTED. I certainly doubt very much whether you could convict anybody of a violation of the act of 1911 under the act of 1910, which imposes a penalty only for the violation of the "foregoing provisions."

Mr. RUCKER of Missouri. I recognize the well-merited distinction of the gentleman as a lawyer, and I have great respect for his legal opinions, though I differ from him in the views he has just expressed.

Mr. BUTLER. I suggest to the gentleman who introduced this resolution [Mr. BULKLEY] not to press it for consideration now. A number of gentlemen have been candidates for Congress since this law was recently passed. The law was unknown to them. I know of at least one instance of a gentleman who was a candidate for membership of this House who did not comply with the provisions of this law because he was in ignorance of it. I should greatly deplore having this resolution put up to me for my vote. I would not want to embarrass the gentleman whom I have in mind, whose name I need not mention—a man who stands well in his community, living in obedience to all the laws of the land. I should not want to advertise him as a violator of any law. His good conduct at all times through a successful business life shows his desire to observe all laws regulating his conduct. Why not let this resolution stand for another year? Why not give the country an opportunity to become acquainted with the provisions of this law and what it requires of candidates for Congress? I can see no harm to come to the administration of justice if we allow the law to be well advertised and well understood before we move to enforce it. The passage of this resolution will only embarrass gentlemen who would violate no law, men who would not knowingly do wrong.

Mr. HUMPHREYS of Mississippi. In the meantime the statute of limitations will be running.

Mr. BUTLER. I do not know how long the statute of limitations may run. What I have in mind is the embarrassment of these gentlemen who, in the conduct of their campaigns at the delegate elections, have failed to comply with a statute of which they were ignorant, having failed innocently to do something which the law required them to do—simply an act of omission. If, when knowledge of this publicity act is spread abroad, a resolution like this should be passed by the House there could be no criticism of it, because the law will have then been on the statute books two or three years and everybody will be expected to be well acquainted with it. These recent candidates will be advertised as men who violate the law. I would not like to have this charge put up to me. This resolution is in the line of order, and its object is to expose infractions of law. It is, of course, in the right direction, but its passage should not be insisted upon at this time for the reasons I have given. If compelled I will vote against it, because I would not like to give some men needless pain. However, it is for the gentleman who introduced it to determine. The House has the power to pass it.

Mr. BULKLEY. Mr. Speaker, I would deplore as much as the gentleman from Pennsylvania the putting in jail of any candidate who has neglected to file an affidavit, being in ignorance of this law. I think, however, we can leave to the Attorney General and to the courts the consideration of such circumstances as there may be in mitigation of any violation of the law. The gentleman speaks of advertising; can he suggest any better method of advertising than this, any better means of having this law known from one end of the country to the other than the means we are proposing here to inquire of the Attorney General what he is doing about it?

Let me call the attention of the gentleman to this fact: The resolution does not ask the Attorney General to take any action; it does not urge any action upon him; it simply asks him what he is doing. If there be anything in the suggestion of the gentleman from Pennsylvania [Mr. OLMSTED] that the penal provisions of the act of June 25, 1910, do not apply to violations of the provisions of the amendment of August 19, 1911, I think it most likely that this inquiry will elicit from the Attorney General an opinion upon that point, and it would be a very valuable opinion to have in connection with the proposed amendment of the law which the gentleman from Missouri intends to make next winter.

Mr. JAMES. Will the gentleman yield?

Mr. BULKLEY. Certainly.

Mr. JAMES. Is it not the duty of the United States district attorneys throughout the various districts of the United States to enforce the law, and not the duty of the Attorney General, except as to affidavits that may have been made in the city of Washington? Ought not the resolution, to get the full facts, to be directed to the Attorney General and the district attorneys? The Attorney General will have to make inquiry of the district attorneys in the various States to know whether they have instituted the prosecutions. I have no doubt that the Attorney General knows nothing at all about any prosecutions having been instituted in any of the various districts of Kentucky, where it is the duty of the district attorney to prosecute the cases, and not the duty of the Attorney General, only as it may apply to the city of Washington.

Mr. BULKLEY. I think the Attorney General is in a position to find out anything which is being done in his department. If gentlemen think it would be desirable to amend the resolution and add the district attorneys, I have no objection to doing that.

Mr. RUCKER of Missouri. I doubt very much, Mr. Speaker, whether the Attorney General or the district attorneys themselves, or any officer of the Government, will institute any prosecution until complaint is made. He has no official notice, there is no way for the Attorney General or any district attorney to know who the candidates were.

Mr. JAMES. The point I was directing the attention of the gentleman from Ohio to was that he is making inquiry of the Attorney General as to what steps he has taken to prosecute, when it is not his duty to prosecute. It is the duty of the district attorneys of the United States to make the prosecution.

Mr. BULKLEY. The resolution asks what steps have been taken by the department. I take it that that would include the district attorneys, although I am willing to accept an amendment including the district attorneys.

Mr. LONGWORTH. Will the gentleman yield?

Mr. BULKLEY. Certainly.

Mr. LONGWORTH. Has my colleague any particular case in mind that induced him to bring in this resolution?

Mr. BULKLEY. No; I understand there have been instances of failure to file expense statements, but I do not know by name anyone who has failed to file.

Mr. OLMSTED. May I ask the gentleman a question?

Mr. BULKLEY. Certainly.

Mr. OLMSTED. How would the Attorney General know who were the candidates who ought to file affidavits?

Mr. BULKLEY. I think if he is unable to find out he would probably say that in his answer to this resolution. I consider the value of the answer to be largely in helping us to perfect this law. If there is any such loophole in the law it ought to be amended. I believe the answer to this resolution will help us to perfect it.

Mr. OLMSTED. The Attorney General does not know who the candidates were. The Clerk of the House knows what candidates have filed affidavits.

Mr. BULKLEY. It is a public record, and the Attorney General can read it as well as anybody else.

Mr. OLMSTED. But he would not come up here to read it.

Mr. BULKLEY. He could send some one.

Mr. RUCKER of Missouri. The record here would not throw any light on the situation. The record will contain nothing until some one files a complaint. If nobody files a complaint, there will be nothing in the record.

Mr. KENDALL. Mr. Speaker, the Attorney General is liable to reply that he has not made any prosecutions because no complaints have been made.

Mr. RUCKER of Missouri. I take it that that would be his reply.

Mr. KENDALL. Then, what would be the use of this?

Mr. LONGWORTH. In other words, the record here consists merely of statements that have been filed.

Mr. RUCKER of Missouri. I suggested that the law ought to be amended to file a declaration of candidacy with the Clerk, and then require the Clerk to advise the legal department or the particular district attorney of the United States that certain men who had declared themselves candidates had not filed under the law. In that way it would give official notice.

Mr. BULKLEY. Mr. Speaker, I take it that the Attorney General has a broader duty than merely to act on complaints that come in. I think it is his duty to find out something about where there are violations of the law, and I really believe he will make a more thorough and comprehensive answer than the gentleman suggests.

I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and on a division (demanded by Mr. BULKLEY) there were—ayes 40, noes 1.

So the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and on a division (demanded by Mr. BULKLEY) there were—ayes 5, noes 53.

So the resolution was rejected.

AGRICULTURAL COMMITTEE.

Mr. LAMB. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement showing the work of the House Committee on Agriculture of the second session of the Sixty-second Congress.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to say that so far as I am concerned, the gentleman from Virginia may print everything that he desires to in the RECORD. My only regret is that he is not to be with us here for many years to come. [Prolonged applause.]

Mr. BUTLER. Mr. Speaker, I believe that to be the regret of every man in this House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The statement is as follows:

WORK OF THE HOUSE COMMITTEE ON AGRICULTURE.

(Second session Sixty-second Congress.)

As is well known to the House, the Department of Agriculture embraces many and varied subjects, the chief of which are—

The Weather Bureau, with all its varied duties relating to climatic reports, etc.

The Bureau of Animal Industry, with the meat-inspection service, southern cattle tick work, the great dairy industry, and the breeding of horses for military purposes, and numerous other matters.

The Bureau of Plant Industry, charged with multitudinous duties relating to the cultivation and breeding of cotton, tobacco, fruit, vegetables, grains, grasses, and forage, as well as drug, medicinal, poisonous, fiber, and other plants, and the congressional seed distribution.

The Forest Service, with the care and administration of the 168,000,000 acres in the 163 national forests, and the conservation of the national resources therein, such as water power, grazing lands, etc., and the fighting of forest fires.

The Bureau of Chemistry, with investigations relating to agricultural chemistry in all its varied branches, the enforcement of the food and drug act, and collaboration with all other departments of the Government desiring chemical investigations; also the enforcement of the insecticide act.

The Bureau of Soils, with investigations of varied nature as to soil types, explorations for natural fertilizers, etc.

The Bureau of Entomology, charged with investigations looking to the suppression of the great insect pests, such as the cotton-boll weevil, the gipsy and brown-tail moths, the Mediterranean fly, the alfalfa weevil, and many others equally dangerous to all the many agricultural, horticultural, and arboricultural interests and truck crops of the country.

The Bureau of Biology, which investigates the food habits of the American birds and mammals in relation to agriculture, horticulture, and forestry, and preserves the bison and elk and other American game animals.

The Division of Publications, the duties of which are indicated by its title.

The Bureau of Statistics, which collects domestic and foreign agricultural statistics and disseminates the same.

The Office of Experiment Stations, which directs or exercises a general supervision over the land-grant colleges and the various experiment stations; not only in the continental United States but also in the insular possessions, with the exception of the Philippines.

This office also has charge of the nutrition investigations and the investigations connected with the great irrigation and drainage projects.

The Office of Public Roads, the duties of which are to make inquiries in regard to the system of road making, investigate the best methods of road making and the best kind of material, and to furnish expert advice on road building and maintenance.

* * * * * * *

The House Committee on Agriculture, during the session now drawing to a close, has met 47 times, with flatteringly full attendance, and in addition to formulating the agricultural appropriation bill has considered and given hearings on many bills and resolutions on many and varied subjects, and has made favorable reports on the following:

H. J. Res. 117. House joint resolution amending the act of March 1, 1911, "For the acquisition of lands to conserve the navigability of navigable rivers." This is to cure a serious defect in the act referred to and to make possible the carrying out of the evident intent of Congress.

H. R. 14052. A bill authorizing certain important changes in the dates of making cotton reports through the Bureau of Statistics.

H. R. 24119. A bill known as the nursery-stock inspection bill, a most important measure for the protection of orchardists and growers of trees, vegetables, etc., one insect pest alone, viz, the San José scale, having already cost the orchardists of the United States over $50,000,000, and is adding to this cost at the rate of $5,000,000 each year.

H. R. 22871. A bill providing for the establishment of agricultural-extension departments in connection with agricultural colleges in the several States receiving the benefits of the act of July 2, 1862, and the acts supplementary thereto; to aid in carrying to the people useful and practical information on subjects relating to agriculture and home economics through field instructions, demonstrations, publications, and otherwise.

H. R. 22952. A bill providing that the United States in certain cases shall make compensation for the use of highways for carrying rural mail.

No practicable scheme of joint operations, using in part Federal and in part State money for road improvement, has yet been devised. One sole and responsible agency must do the work, and it is believed this act will accomplish the much-desired end.

H. R. 20738. A bill transferring from the jurisdiction of the Solicitor of the Treasury to the jurisdiction of the Secretary of Agriculture the so-called Olmstead lands in North Carolina, thus making them available for use in the conservation of navigability of navigable rivers without cost to the Government.

H. R. 36. A bill providing for the protection of migratory and insectivorous game birds of the United States. The economic aspects of this bill are twofold. The game birds yield a considerable and an important amount of highly valued food and the insectivorous migratory birds destroy annually thousands of tons of noxious weed seeds and billions of harmful insects.

H. R. 56. An antioption bill, relating to cotton transactions. The purpose of this bill is to restrict, so far as may be, those transactions on the cotton exchanges which are recognized as dealing only with the fluctuations in the price of cotton and which do not contemplate the actual transfer of the commodity, and it does not seek to prohibit or to interefer with a single legitimate transaction in cotton.

H. R. 18323. A bill bearing exactly the same relations to transactions in grain and other farm products as House bill 56 bears to transactions in cotton, and has exactly the same objects in view.

H. R. 24029. A bill providing for emergency crops on the recently overflowed lands in the Mississippi Valley; and needs no further comment.

H. R. 24828. An amendment to the oleomargarine law so as to include adulterated butter, and was urgently recommended by the Commissioner of Internal Revenue and the Department of Agriculture.

H. J. Res. 340. House joint resolution provides a small appropriation for use until the regular appropriation provided by the agricultural act shall become available for the suppression of an insect pest known as the army worm, which had recently become acute and which was doing great damage to the young crops of cotton and corn.

H. R. 26329. Is an amendment to the meat-inspection law, and is for the sole purpose of preserving the United States market for oleomargarine and renovated butter in the West Indies and Central and South America.

In addition to the foregoing separate bills the committee has provided in the general appropriation act for the Department of Agriculture for the fiscal year ending June 30, 1913, for the following new and additional measures:

1. Extension of the rules of meat-inspection service so as to cover inspection of renovated-butter factories.
2. Experiments in breeding horses for military purposes.
3. The establishment of an experiment station in the Great Plains section to demonstrate the kind and character of trees, plants and shrubs, etc., best adapted thereto.
4. Providing prompt and easy methods of opening to settlement in the national forests all lands therein adapted to homesteading.
5. Providing for surveying and listing lands within the national forests chiefly valuable for agriculture and describing same by metes and bounds.
6. Granting an additional 10 per cent of the receipts from the national forests for construction of roads, etc., to the States from which such receipts are derived.
7. Providing for the eradication of the chestnut-bark disease.
8. Provides for the establishment and maintenance of an agricultural experiment station devoted solely to the improvement and development of that most important vegetable—the potato.

It affords me the greatest pleasure to say in conclusion that while the labors of the committee have been arduous and unremitting, and the demands upon the time of the members most exacting, the chairman has always received, and hereby gratefully acknowledges, the hearty cooperation of the entire membership. No difficulty in securing a quorum has ever been experienced and the pleasant relationship and esprit de corps have greatly facilitated the transaction of business and made smooth the duties of the chairman.

JOHN LAMB, *Chairman.*

PUBLIC HIGHWAY IN CADDO COUNTY, OKLA.

Mr. FERRIS. Mr. Speaker, I call from the Speaker's table the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes, with a Senate amendment thereto, and I move to concur in the Senate amendment.

The SPEAKER. The gentleman from Oklahoma calls up a House bill with Senate amendments thereto, and the Clerk will report the Senate amendment.

The Clerk read the Senate amendment.

The SPEAKER. The question is on agreeing to the Senate amendment.

The Senate amendment was agreed to.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. J. Res. 349. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 13016. An act for the relief of the West Kentucky Coal Co.; and

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 25282. To authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River; and

H. R. 21094. To create a commission on industrial relations.

AGRICULTURAL EXTENSION.

Mr. LEVER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 22871), and pending that, I ask the gentleman from Iowa [Mr. HAUGEN], whether we can not agree upon some time for general debate.

Mr. HAUGEN. Mr. Speaker, about how much time is desired by the gentleman?

Mr. LEVER. Mr. Speaker, I think this side could get along very well with thirty or forty minutes.

Mr. HAUGEN. Mr. Speaker, inasmuch as the gentleman has already used an hour and a quarter, I suggest that this side be given two hours, and that the gentleman be given one hour, or two hours. I am perfectly willing to have that done.

Mr. UNDERWOOD. Mr. Speaker, I suggest to the gentleman from Iowa that if he insists on running the general debate to the extent he apparently desires, he may jeopardize the passage of the bill at this session.

Mr. MANN. Mr. Speaker, let me make this suggestion, if I may, that there be two hours of general debate, and that then the bill be taken up under the five-minute rule, but that the whole of two hours be in the House instead of in the committee, so that as conference reports are ready we will be able to dispose of them and then proceed without any delay or point of no quorum upon the bill. I think we can get through with it in that way to-morrow.

Mr. UNDERWOOD. Mr. Speaker, if it is to be understood that no point of no quorum will be made, that is all right.

Mr. MANN. Of course, that can not be certain, but it would save the delay of rising to consider conference reports in the House. I think we will be able to agree on the Army appropriation bill in a very few minutes. I do not think the Indian appropriation bill will take very long. I do not know how long the sundry civil appropriation bill will take.

Mr. CANNON. The gentleman from New York [Mr. FITZGERALD] is not here, but I would suggest it would not take a great while.

Mr. MANN. If we could do that and go ahead with conference reports without rising, I think we can run through with this very rapidly.

Mr. UNDERWOOD. Well, I would like to-morrow to give an opportunity, if possible, to agree to allow some gentlemen who have private bills to ask unanimous consent for their consideration. I think it ought to be done before we adjourn.

Mr. MANN. I agree with the gentleman that ought to be done, and that probably could be done by sitting at night, or something of that kind.

Mr. UNDERWOOD. If we extend the time of general debate on this bill too long, I think we will cut off all opportunity for the other proposition.

Mr. MANN. Let me make this suggestion to the gentleman from Alabama: The Lever bill is a bill carrying about $3,000,000 annually, and the Page bill in the Senate is a bill carrying in the neighborhood of $15,000,000 annually when put into operation. It is perfectly apparent that the probabilities are that when the bill passes the House and goes to the Senate that the Page bill will be substituted in the Senate for the House bill. Then the bill will go to conference, and it seems to me in the consideration of this bill the two Houses ought to be fairly well informed in advance, because we have got to meet that question next winter, and we will not have as much time then, in the short session, as now.

Mr. LEVER. What is the gentleman's suggestion about time?

Mr. MANN. My suggestion was to take the time the gentleman from Iowa [Mr. HAUGEN] suggested, that we agree upon that time in general debate, and then take the bill up under the five-minute rule in the House without going into the Committee of the Whole at all, so we can run right along in connection instead of letting other things come in, excepting conference reports or such privileged matters.

Mr. UNDERWOOD. The gentleman understands, of course, this bill has the right of way in the House, and if we have not disposed of it and conference reports come in here to-morrow with this bill, and the conference reports, and so forth, having the right of way, there will be no opportunity whatever for gentlemen who have private bills, to many of which there is no objection, to get a chance to pass their bills.

Mr. MANN. I would be perfectly willing to assist the gentleman from Alabama, as far as I am concerned, and I will be willing to stay to-morrow night to get on the Private Calendar on a unanimous-consent agreement Without a unanimous-consent agreement there will be no opportunity to get on the Private Calendar.

Mr. UNDERWOOD. I agree the only opportunity is by unanimous agreement, but I would like to see the opportunity given.

Mr. MANN. I agree with the gentleman.

Mr. LEVER. If the gentleman from Iowa will allow general debate to run for two hours, he to control one hour and a half and we to control 30 minutes——

Mr. MANN. As far as I am concerned, whatever time agreed to is satisfactory to me. If he has general debate to-night it is all right. I think it is desirable, if possible, that instead of having to rise out of the committee to-morrow or at any other time to consider conference reports that we stay in the House and proceed right ahead with the other business.

Mr. UNDERWOOD. With the understanding between the gentleman and myself, as far as we can do so, there will be no point of no quorum on this bill. Of course, we can not speak for everybody.

Mr. MANN. As far as I am concerned, I am friendly to the bill, but I do not know what anybody might do who is opposed to the bill, but I do not think anybody will make a point of no quorum at this stage of the proceedings.

Mr. CANNON. If there is nothing against the bill, then let us pass it by unanimous consent now if the gentlemen have got it as they want it.

Mr. LEVER. I will say to my friend from Pennsylvania I am quite willing to have the previous question ordered on the bill and pass it.

Mr. JAMES. If we do that, then we can have the debate after the bill is passed.

Mr. LEVER. But of course I would not be willing to make that motion, in fairness to the other side.

Mr. HAUGEN. I wish to say, in reply to the gentleman from South Carolina, that I know of no disposition on the part of anybody to delay proceedings on the passage of this bill, but a number of gentlemen have expressed a desire to speak on this bill, and it occurs to me, in justice to these gentlemen, they

should be given at least a reasonable time, and it seems to me that two hours on this side and one hour more on the other side is a reasonable request; but if we could get along with less I would be perfectly willing to yield the time that we might take a vote earlier. It is now 4 o'clock, or a little after, and we can well afford to sit here three or four hours and pass this bill.

Mr. LEVER. The gentleman is willing to vote on the bill to-night if we give him time?

Mr. HAUGEN. Any time after we have given the gentlemen opportunity to speak on the bill.

Mr. CANNON. I hope and believe that this bill will pass. We commenced this morning pretty early. It is very hot weather, and I hope, as there is no great question about the passage of it, that you will not go beyond ordering the previous question by unanimous consent, especially if the yeas and nays are to be called. Frankly, I want to get out and get a little fresh air. I do not want to vote on a yea-and-nay vote to-night.

Mr. MANN. I want to make a suggestion, if I may, that the gentleman from Alabama [Mr. UNDERWOOD] ask unanimous consent that general debate on this bill run two hours and a half, two hours on this side and a half hour on the other side.

Mr. LEVER. That will be plenty of time. I think you could get through with one hour and a half on your side.

Mr. MANN. And that the bill be then considered for amendment in the House, and after the final disposition of this bill it shall be in order for the Speaker to recognize requests for unanimous consent for bills on the Private Calendar.

Mr. CANNON. To-morrow?

Mr. MANN. Yes.

Mr. LEVER. After this bill has been finished?

Mr. MANN. After the conclusion of this bill.

The SPEAKER. Have the gentlemen come to any agreement?

Mr. UNDERWOOD. The proposition is this: I ask unanimous consent that this bill may be considered in the House and that general debate shall be limited to two hours and a half, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and half an hour by the gentleman from South Carolina [Mr. LEVER], at the end of which time the general debate shall be closed. The bill shall then be considered in the House as in the Committee of the Whole under the five-minute rule, and after the disposition of this bill, in the balance of the time that is not taken up with conference reports or great public business, the Speaker shall be authorized to recognize gentlemen who ask unanimous consent for the consideration of bills on the Private Calendar to-morrow.

Mr. CANNON. Not to the exclusion of a question of consideration.

Mr. ADAMSON. Just to-morrow, and not Saturday?

Mr. UNDERWOOD. To-morrow.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent that the bill shall be considered in the House. There shall be two hours and a half of general debate, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 30 minutes by the gentleman from South Carolina [Mr. LEVER]. At the end of that time that the bill shall be considered under the five-minute rule in the House as in the Committee of the Whole—for how long?

Mr. UNDERWOOD. Until the bill is completed.

The SPEAKER. Until the bill is completed; at which time the previous question shall be considered as ordered.

Mr. UNDERWOOD. I will ask the Speaker to put that question first, and then I will make the other request.

The SPEAKER. Is there objection?

Mr. CANNON. I should like to suggest to the gentleman that the previous question be considered as ordered after the debate is closed. In other words, no vote on it to-night or any other business to-night.

Mr. UNDERWOOD. I will say to the gentleman from Illinois it may be possible that the Army bill may get back in here this afternoon, and I would not like to foreclose the question of its passage.

Mr. MANN. Oh, no; do not raise that question.

The SPEAKER. It is the understanding, is it, that this bill is not to interfere——

Mr. UNDERWOOD. I will put the request again, Mr. Speaker. My request is that this bill shall be considered for two hours and a half in the House for general debate, two hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and half an hour by the gentleman from South Carolina [Mr. LEVER]; that at the end of that time the general debate shall close and the bill shall be considered in the House as in the Committee of the Whole under the five-minute rule; that when this bill is disposed of it shall be in order any time to-morrow for the Speaker to recognize gentlemen to ask unanimous consent for consideration of bills on the Private Calendar.

Mr. CANNON. I do not want to object, but if I should leave and others should leave I do not want this bill to be considered under the five-minute rule. I am content with the bill as it stands, with the committee amendments, but with a handful of people considering it under the five-minute rule the Lord knows what improvident things might go on it. Therefore I hope the gentleman will modify his request so that after the two hours and a half, which will bring us to 7 o'clock, that then the consideration shall go over until to-morrow at 11 o'clock under the five-minute rule.

Mr. MANN. That is, under the five-minute rule to-morrow?

Mr. CANNON. Yes.

Mr. MANN. That is under the five-minute rule to-morrow?

Mr. CANNON. Yes.

Mr. MANN. That will be done anyhow.

Mr. UNDERWOOD. I will say to the gentleman, outside of the agreement, that after two hours and a half of debate upon this bill to-night the bill will go over under the five-minute rule. I do not want to interfere with conference reports if they should come in.

Mr. MANN. There is no prospect of disposing of this bill under the five-minute rule to-night.

Mr. GARRETT. Mr. Speaker, if I can get a chance I would like to ask some one a question about it. Is the gentleman from Iowa [Mr. HAUGEN] opposed to this bill?

Mr. HAUGEN. I am not.

Mr. GARRETT. The gentleman is favorable to the bill?

Mr. HAUGEN. I am.

Mr. GARRETT. It seems that this time is all to be disposed of by gentlemen who are in favor of the bill.

Mr. HAUGEN. Oh, no.

Mr. GARRETT. There are some gentlemen on this side of the House who doubt the wisdom of the passage of the bill, "one of whom I am which" [laughter], and there are other gentlemen who are inclined to be directly opposed to the bill. I do not mean to say that I am opposed to it, but there are some gentlemen who are positively opposed to the bill, and I think they ought to have some time.

Mr. LEVER. I will say to the gentleman from Tennessee that only one gentleman opposed to the bill has requested any time, and I have promised to yield to him.

Mr. HAUGEN. And I propose to yield time to the gentleman.

Mr. GARRETT. I know of a gentleman who is opposed to the bill and who will have something to say on it.

Mr. HAUGEN. When I say I am for the bill I mean that I am for it generally, but I would like to see it amended in some particulars.

Mr. MANN. I think there will be a fair division of the time.

The SPEAKER. The suggestion of the gentleman from Alabama [Mr. UNDERWOOD] is that the bill be debated for 2 hours and 30 minutes—2 hours to be controlled by the gentleman from Iowa [Mr. HAUGEN] and 30 minutes by the gentleman from South Carolina [Mr. LEVER]—and then that the bill shall go over until to-morrow, to be considered under the five-minute rule. Is that all of the request?

Mr. UNDERWOOD. And after the bill is disposed of it shall be in order for the Speaker to recognize to-morrow gentlemen who ask unanimous consent for the consideration of bills on the Private Calendar, provided it does not interfere with the public business.

The SPEAKER. And after this bill is disposed of to-morrow the Chair is authorized to recognize gentlemen who have bills on the Private Calendar, but not to interfere with the public business, such as the consideration of conference reports.

Mr. UNDERWOOD. That is, for unanimous consent.

The SPEAKER. Yes; for unanimous consent. Is there objection?

Mr. BLACKMON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from South Carolina [Mr. LEVER] in charge of the bill if he will accept an amendment which would prevent the bill from interfering with the present activities of the farmers' cooperative demonstration work which is now being conducted by the Government?

Mr. LEVER. I will say to the gentleman that I would have to see that amendment and give it some consideration before making any promise as to that proposition.

Mr. BLACKMON. Before I can consent that this order should go through, I must be assured that some provision will be incorporated in the bill to protect the present methods that we have now, which seem to be doing a great deal of good. Otherwise I shall have to object.

Mr. MANN. Let me suggest to the gentleman that, after all, his objection will not help it any. We will go into Committee of the Whole on this bill now.

Mr. BLACKMON. I think not.

Mr. MANN. The gentleman will not be any better off. It will only interfere with the procedure in the closing days of the session, when every gentleman must make concessions to the convenience of the House.

Mr. BLACKMON. I appreciate the suggestion of the gentleman from Illinois that in the closing days of the session it is not a good idea to interfere with the public business, and I have entertained that view all along and have interfered with it very little.

Mr. MANN. I would not quarrel with the gentleman about interfering. The same thing will be accomplished, only at less convenience to the Members.

Mr. BLACKMON. I would like to have opportunity here to make a fight for certain corrections and modifications of this bill without which I believe it will be dangerous to pass it.

Mr. MANN. The gentleman will have an opportunity to make a fight under the five-minute rule. The rights of the gentleman are fully protected under the suggestion of his colleague [Mr. UNDERWOOD].

The SPEAKER. Is there objection?

Mr. CAMPBELL. Mr. Speaker, reserving the right to object, will there be an opportunity to call up bills, under suspension, before the end of this session?

Mr. MANN. There will not be.

The SPEAKER. That stands this way: The first and third Mondays in the month are suspension days, after we get through with the Unanimous Consent Calendar. It so happens that in the last three months we never have gotten through with the Unanimous Consent Calendar. There never was but one of those Mondays when anybody asked to call up a bill under suspension of the rules.

Mr. CAMPBELL. It is in order to move to suspend the rules during the last six days of the session.

The SPEAKER. But there are no "last six days" unless the two Houses fix the last six days.

Mr. MANN. And they will not stay here to accommodate anybody after they fix the last six days. After they know when they can go, they will go.

Mr. CAMPBELL. I think we should have an opportunity to call up bills under suspension of the rules.

The SPEAKER. But you can not call them up under suspension of the rules unless you suspend the rule itself, because the rule fixes the first and third Mondays. Is there objection to the request of the gentleman from Alabama touching this bill?

Mr. BLACKMON. Mr. Speaker, I have not entirely made up my mind to oppose this bill if it can be properly amended so as to protect this work, and therefore I shall not make any objection.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Now, Mr. Speaker, may we have a still further understanding, if possible? If the Army conference report is agreed to in the Senate—which I suppose is not very likely now; there was some talk of taking it up this afternoon—is the gentleman willing to say that at the end of the general debate on the Lever bill, if not sooner, the House will adjourn, and that nothing else will be taken up except the Army conference report, if that comes in?

Mr. UNDERWOOD. I will say to the gentleman that I will make a motion to adjourn when the general debate on this bill is finished this evening, provided these conference reports do not come in in the meantime.

Mr. MANN. And that nothing else will be taken up except conference reports.

Mr. SHERLEY. The sundry civil conference report may be in a position to be taken up.

Mr. MANN. I said nothing else except conference reports.

Mr. CANNON. The conference report on the sundry civil bill was submitted for printing to-day. It would have to go over until to-morrow under the rule.

Mr. SHERLEY. It might come up by unanimous consent.

Mr. CANNON. We had better have a gentleman's agreement.

Mr. MANN. It would expedite things if the Army conference report should come over and be agreed to. I do not think it will come over.

Mr. UNDERWOOD. I do not think it will come over, and we will adjourn at 7 o'clock.

Mr. MANN. Nothing else except conference reports and the general debate on this bill?

Mr. UNDERWOOD. I understand that there will be nothing else taken up except the general debate on this bill, and the consideration of the conference report if it should come over.

The SPEAKER. On the Army bill?

Mr. UNDERWOOD. Any conference report.

The SPEAKER. It is understood, then, that there will be nothing else done to-night except these two hours and a half of general debate, and the consideration of conference reports if any come in. Is there objection to that agreement?

There was no objection.

The SPEAKER. The gentleman from South Carolina is recognized for 30 minutes.

Mr. LEVER. Mr. Speaker, I suggest that the gentleman from Iowa occupy some of his time. I used an hour and fifteen minutes the other day.

Mr. HAUGEN. I yield 3 minutes to the gentleman from Indiana [Mr. CRUMPACKER].

Mr. CRUMPACKER. Mr. Speaker, among all the important questions which have a direct relation to the advancement of the welfare of human kind, none is of greater importance than that of the conservation of the natural resources, and particularly the conservation of the capacity of the soil to produce food. The essence of the Malthusian law of population is that the tendency of population to increase in numbers is greater than the increase of the capacity of the soil to produce food; that population, under normal conditions, will increase in a geometrical ratio, while the food products of the earth can increase in an arithmetical ratio at the most. The author of that great law predicted that the time would come, in the then comparatively near future, when the population of the earth would be so dense that there would be a struggle between individuals for means of subsistence, and that the strongest and the best adapted to that condition of industrial life would survive. While Malthus's prophecy respecting the multiplication of the inhabitants of the earth has not been verified in the full, yet the high cost of living, which is felt in all the civilized countries of the world, suggests the thought that the world may be feeling the influence of the Malthusian law at this time. The large increase in the price of the necessaries and comforts of life in the last 25 years is a world-wide phenomenon. It is influenced comparatively little by tariffs or industrial trusts and combinations. The cost of living has increased relatively as much in free-trade England during those years as it has in protected America, France, or Germany. The price of food products is influenced chiefly by two factors:

First. The large increase in the world's stock of gold that has occurred during the last 25 years. I believe in the quantitative theory of money, applied, of course, only to standard money, money that is universally recognized as a measure of value. The quantitative theory of money can not relate to silver nor to paper currency, because they do not have any share in the measurement of values.

Second. The most common, and, perhaps, the most potent factor in the high cost of food is the obvious fact that consumption is outrunning production. Beef animals are selling in the markets of the country to-day at $10.50 per hundred pounds on the foot, in gold. This is the highest price for which beef animals have ever sold in this country. The chief reason for this exceptionally high price is that there is a scarcity of beef animals in the country. This same reason holds true, in a greater or lesser degree, respecting all other lines of food.

The situation, as a whole, impresses upon the Government the imperative necessity of encouraging in every legitimate way the increase of food production. Great work has already been accomplished by the Department of Agriculture in collecting and disseminating knowledge respecting soil adaptation and scientific methods of culture, harvesting, and marketing the products of the farm. When I first became a Member of this body the annual appropriations for the maintenance of the Department of Agriculture were about $3,000,000 a year, and now they amount to nearly $15,000,000 a year. There has been an increase of substantially 500 per cent in appropriations for agricultural experiments, research, and dissemination of information in the last 15 years, and in my judgment no money paid out of the common Treasury has yielded to the people of the country as a whole larger or more beneficent returns than that which has been expended in improving methods of farming and marketing.

The preservation of the fertility of the soil is of vital importance. In some sections of the country methods of culture are such that the virgin fertility of the soil is early exhausted, and the capacity of the soil in a rapidly growing population is gradually depreciating. This ought not to be. There seems to be a scarcity of some lines of food in this country to supply a

population of only ninety millions. If all the arable lands were under cultivation and our methods were thoroughly scientific, the country could produce food enough to comfortably support a population of at least a billion people.

There is no greater duty resting upon the Government than to use its agencies in collecting and disseminating information that will prompt the cultivators of the soil to employ better and more scientific methods of culture. The cost of food products may be reduced to the mutual benefit of the farmer and the consumer. Improved methods will enable the farmer to raise more at a smaller cost than he is now raising. His products may be sold at a lower price than he receives for them now, and yet his profit may be substantially increased.

I am heartily in favor of the present bill because it will be an important aid to the facilities for promoting a more scientific method of land culture. The agricultural colleges throughout the country are great agencies in carrying on this important work. There are more college graduates on the farm to-day than there ever were before in the history of the Government. Great progress has been made along scientific lines in many sections of the country, and a spirit of scientific enterprise, investigation, and vocational pride has been instilled into the minds of the tillers of the soil. The Purdue University, located in the district which I have the honor to represent, is the State agricultural and technological college. That institution has made its beneficent influence felt in all parts of the State of Indiana and in adjoining States. It has done a marvelous work toward improving the methods of farming within the range of its influence.

The authority given by the pending bill will gradually increase and expand the capacity of that and similar institutions to carry on this great work. This bill ought to be passed by a unanimous vote of the House. It should become a law before this session of Congress closes.

I will print with my remarks a letter from Dr. W. E. Stone, the president of Purdue University, giving the measure his unqualified indorsement.

PURDUE UNIVERSITY,
PRESIDENT'S OFFICE,
February 19, 1912.

Hon. EDGAR D. CRUMPACKER,
House of Representatives, Washington, D. C.

MY DEAR SIR: I desire to call your attention to a bill designated as H. R. 18160, introduced by Mr. LEVER, now before Congress, and under consideration by the Committee on Agriculture, the purpose of which is to establish departments of agricultural extension in connection with the agricultural colleges in the various States.

The bill is an expression of a very widespread interest throughout the whole country in improved agriculture by applying to its practices the results of scientific study, by better business and social conditions in rural communities, by increasing production and developing resources.

The very great interest in this movement has given rise to a variety of proposals for legislation for its encouragement. Many of these propositions are radical and impracticable. The bill to which I refer is strictly in line with the most improved efforts now being made in this work by the various agricultural colleges and experiment stations in all parts of the country.

You doubtless know a great deal about the agricultural extension work in our own State, which is responsible for the farmers' institutes, district short courses, demonstration trains, field experiments and demonstrations, and a great variety of agencies of this sort now successfully operating to help farmers and for which present resources are quite inadequate.

This bill has the indorsement and preference above other measures of the Association of Agricultural Colleges and Experiment Stations as expressed at their November meeting. It is approved by the authorities of Purdue University. It is constructive legislation, proposing to apply a small appropriation to the improvement of a fundamental industry. I believe few other measures before Congress would touch more intimately the life of our people and produce quicker and more positive results than this if it were enacted.

I trust that you will give the measure careful consideration, that you will inquire into the attitude of your constituents concerning its value, and that you will see your way not only to approve the measure but to do something to secure its consideration and passage. If I can give you any information or assist you in any way in this connection, I shall be glad to do so.

Very truly, yours,
W. E. STONE.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Washington [Mr. LA FOLLETTE].

Mr. LA FOLLETTE. Mr. Speaker, I presume there has not been any bill before this Congress that has excited the interest among the agricultural States of this Union and the agricultural people that this bill has. I am satisfied that I have received more requests, not only from my own district and State but from other States for the passage of this bill than all other bills put together, with the exception of, perhaps, the parcel-post and the Canadian reciprocity bill. I sincerely hope that all the Members of the House will study this bill and give it their support. I ask permission to extend my remarks in the RECORD, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. RAKER). The gentleman from Washington asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LEVER. Mr. Speaker, I yield 10 minutes to the gentleman from Missouri [Mr. RUSSELL].

Mr. RUSSELL. Mr. Speaker, I desire to offer an amendment, to be read at the Clerk's desk and have it pending, to be voted on at the proper time.

The SPEAKER pro tempore. The gentleman from Missouri offers an amendment to be considered as pending, which the Clerk will report.

The Clerk read as follows:

Amend, by adding after the word "established," line 8, page 2, the following: "The normal schools and colleges that have received State appropriations to promote the diffusion of information in agricultural and home economics."

[Mr. RUSSELL addressed the House. See Appendix.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, this is a very important bill. I think each Member of the House will give me credit for usually knowing my own attitude upon a proposition when I arise and endeavor to speak to it, but I confess that upon this bill I am somewhat at sea. In the first place there is a principle involved in this bill which viewed as a governmental proposition is of rather doubtful propriety to my mind. This bill provides that an appropriation shall be made out of the Federal Treasury to be allotted among the several States, each State to get its allotment—which is to be distributed or administered through the agricultural colleges—of course, provided that the State itself sees fit to make a similar appropriation. Now, Mr. Speaker, I have a very great doubt whether it is a sound governmental principle to make an appropriation out of the Federal Treasury conditioned upon another sovereign power making a similar appropriation. That is a somewhat academic discussion, and academic questions are not very popular now.

Mr. LEVER. If the gentleman will permit, I was just about to suggest to the gentleman from Tennessee the problem about which the gentleman is doubtful was settled at the Baltimore convention in the platform of the Democratic Party in these words:

We recognize the value of vocational education and urge Federal appropriations for such training and extension teaching in agriculture—

Listen—

in cooperation with the several States.

Mr. GARRETT. Now, let me say this to the gentleman with respect to that proposition: That is really the practice now and my construction of that plank of the national platform has been that it is an indorsement of what is now being done. The practice now of the Department of Agriculture is to cooperate with the county, taking the county as a unit, where money is raised by private subscription, for instance, and not by compelling taxation through the sovereign power of the State as a condition precedent. The gentleman's bill makes no provision for that. I construe that plank of the platform to be an indorsement of the practice that is already in operation by the department, and I do not construe it to be an indorsement of a governmental principle of making an appropriation by one sovereignty conditioned upon another sovereignty making a similar appropriation.

Mr. BORLAND. I was going to ask the gentleman whether it is not true now that the Federal Government makes an appropriation for soil surveys conditioned upon an appropriation by the State?

Mr. GARRETT. No, sir; it does not.

Mr. BORLAND. And the joint appropriation is used in particular States.

Mr. GARRETT. I do not understand that that is made by law. I understand that to be the practice of the department. I do not understand that to be written into the law of Congress. I may be in error, of course.

Mr. BORLAND. I will not dispute the gentleman about the law of Congress, but the State statutes of Missouri appropriated $10,000 upon the condition that the Government appropriate a like amount and a like amount was appropriated or apportioned by the Government from some proper fund and the joint appropriation was used for soil surveys in Missouri.

Mr. GARRETT. I will say to the gentleman——

Mr. BORLAND. The principle involved was done by the Missouri statute.

Mr. GARRETT. If it was a mistake to make that sort of a law, then, of course, it was a mistake on the part of Missouri and not of the Federal Congress.

Mr. BORLAND. We do not think so.

Mr. LEVER. I would like on that point to read what the bill itself says.

Mr. MONDELL rose.

Mr. GARRETT. If the gentleman from Wyoming will excuse me a moment I will yield to the gentleman from South Carolina.

Mr. LEVER. The bill specifically provides that an appropriation to meet the Federal appropriation may be made by the State, the agricultural college, the county, or any local authority, and we put that into this bill to meet the very objection which the gentleman has raised, and I will read the language:

To be paid in any year to any State under this act shall be a sum not exceeding the amount appropriated for that year by the legislature of such State, or provided by State, county, college, or local authority for the maintenance of said agricultural extension department.

Mr. GARRETT. Maybe that improves the bill. I do not get the connection of the sentences clearly.

Mr. LEVER. So I consider that meets the gentleman's objection.

Mr. GARRETT. The gentleman and myself discussed the particular point of what should be the unit, and that language was not in the bill at the time.

Mr. LEVER. It was put in the bill on the gentleman's suggestion.

Mr. GARRETT. I am very glad it is in the bill, because I think it is very important it should go in there if the bill is to pass; still it is maintaining a principle of making an appropriation conditioned on receipts through some other source. Now, as I say, this is somewhat academic, but after all is it not a governmentally sound proposition that if any work ought to be done by the Federal Government, then the Federal Government ought to make the appropriations to do the work without condition? Now I yield to the gentleman from Wyoming.

Mr. MONDELL. The gentleman has clearly given this matter considerable attention and study, and I am frank to confess that I have not. But I would like to have the gentleman's opinion as to what control, if any, the Federal authorities would have of the appropriations proposed in the bill, inasmuch as they are to be turned over to the agricultural colleges to be expended in connection, so far as the additional sums are concerned, with like appropriations made by the States.

Mr. GARRETT. Now, I will say to the gentleman that I have given some attention to the bill, but I would much prefer that that question be answered by some one who is a member of the committee who has given greater attention to it than I have. I am not a member of the committee. As I read and construe the bill it would have practically no control.

Mr. LEVER. If the gentleman will yield for that purpose——

Mr. MONDELL. The gentleman states that his view is that the Federal Government would have practically no control?

Mr. GARRETT I think so.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Can the gentleman from Iowa [Mr. HAUGEN] give me a little more time?

Mr. HAUGEN. How much time does the gentleman want? I have not very much, but I shall be glad to accommodate the gentleman so far as I can.

Mr. GARRETT. There is another phase of the question I would like to touch upon before I sit down, and five minutes will be sufficient for me.

Mr. HAUGEN. I yield five minutes to the gentleman.

Mr. GARRETT. I will yield to the gentleman from South Carolina [Mr. LEVER] a minute of that time.

Mr. LEVER. It is in the language of the Adams Act. Mr. Galloway, in writing to me, says:

DEAR MR. LEVER: Referring to our conversation over the telephone regarding the authority of the Secretary, as set forth in the Hatch Act and in the Adams Act, I beg to say that in the original Hatch Act the Commissioner, now Secretary, of Agriculture, had no authority whatever in the matter of controlling the operations or funds appropriated under the Hatch Act. Secretary Morton, recognizing the weakness of the act, had section 3, which you read to me over the telephone, incorporated. This merely gives the Secretary authority to, so far as practicable, secure uniformity of methods and results of the work of said stations and to furnish, so far as practicable, forms for the tabulation of results of investigations or experiments, to indicate from time to time such lines of inquiry as to him shall seem most important, etc. There is nothing in the act anywhere that gives the Secretary authority to administer the act as an act.

The Adams Act, on the other hand, gives the Secretary express authority to administer the entire act, as you will find at the end of section 4, reading as follows:

"If the next Congress shall not direct such sum to be paid it shall be covered into the Treasury, and the Secretary of Agriculture is hereby charged with the proper administration of this law."

That is, the Secretary of Agriculture, as you will see, is charged with the entire administration of the law, and as a result of this I am informed by the Office of Experiment Stations that it is practicable for them to much more rigidly control the work inaugurated than is the case under the Hatch Act.

I think your bill carries this clause in it, and, if so, it is my opinion—and Dr. True concurs with me in this—that nothing further is needed to give the Secretary sufficient authority to keep definite control of all operations under your bill.

Very sincerely,

B. T. GALLOWAY,
Chief of Bureau.

And the language of this bill is the language of the Adams Act. So the Federal Government has all the control which, in my judgment, it should have.

Mr. GARRETT. Oh! The Federal Government determines whether the State has made the appropriation, but after the money has left the Treasury of the United States there is no control by that Federal Government over the expenditure and no control over the men who go forth to do the demonstration work. That is true?

Mr. LEVER. To that extent it is true.

Mr. GARRETT. There is one other thing I want to say, if the gentleman from Wyoming [Mr. MONDELL] will pardon me for not yielding further. In my judgment, the farmers' cooperative demonstration work initiated by Dr. Knapp is the greatest single work of the United States Department of Agriculture. In those communities in which it has been put into operation it has been worth untold millions of dollars to the agricultural interests. Now, if I understand correctly—and I ask the gentleman from South Carolina [Mr. LEVER] if I am not correct in this statement—it is the purpose of this bill to destroy that work as it exists now and to transfer it to the agricultural colleges of the States?

Mr. LEVER. If the gentleman will permit, it is not the purpose of this bill to destroy the farmers' cooperative demonstration work. I think the ultimate result will be in the course of 10 or 12 or 15 years that this work will be transferred to the colleges, and I think and I trust will be much better done by the colleges than it can possibly be done from a central bureau in Washington.

Mr. GARRETT. Now, let me ask the gentleman another question. There is now, of course, a certain appropriation made from the Federal Treasury for this cooperative demonstration work?

Mr. LEVER. About $600,000 a year.

Mr. GARRETT. That fund is added to a fund that is obtained from the General Educational Board?

Mr. LEVER. From John D. Rockefeller.

Mr. GARRETT. Well, whatever its source may be. It is a good thing for which Mr. Rockefeller's money is being spent, if that is correct. Does the gentleman think that the Committee on Agriculture of the House in the future, if this bill shall pass, will, as a committee, report in favor of appropriating, at least, an amount equal to the amount which has heretofore been appropriated for this cooperative demonstration work, without reference to this bill?

Mr. LEVER. As a matter of fact, I will say to the gentleman that the Committee on Agriculture this year increased the appropriation for the farm demonstration work to be done in other sections of the country than the South $50,000. That amount was increased $50,000 on the floor of the House, and that amount was increased $150,000 by the Senate, and the House conferees agreed to it.

My thought is that unless we can make this work an impersonal work, in which Members of Congress can have no interest, we shall in the course of 10 years be so overwhelmingly swamped by applications from our own people for more money that a man will be absolutely under the dominance of the agents in the districts.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GARRETT. Will the gentleman from Iowa [Mr. HAUGEN] give me three minutes more? I do not want to impose upon the gentleman from Iowa at all.

Mr. HAUGEN. I would be very glad to give the time the gentleman asks, but the time is all apportioned. I can give the gentleman two minutes more.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GARRETT] is recognized for two minutes more.

Mr. GARRETT. I want to ask the gentleman from South Carolina [Mr. LEVER] this question in regard to the bill: Does not the gentleman think this legislation is likely to result in there being a political machine built up in the several States composed of the demonstrators?

Mr. LEVER. No; I think not. We can judge of the future only by the past. We made the first appropriations for the agricultural colleges 50 years ago. We also make the appropriations for these experimental stations out of the Federal Treasury. We have a continuing appropriation for the agricultural experiment stations with the result that neither the experiment stations nor the colleges have any interest in a Member of Congress whatever, because it makes no difference whatever to them whether the gentleman from Tennessee, for instance, is in Congress or some other gentleman is representing his district here, because they known that, whoever represents the district, these permanent appropriations are coming anyhow. I believe that this proposition in the end is going either

to save the demonstration work or else build up the biggest political machine here in Washington that has ever been put on foot in this country.

Mr. GARRETT. Suppose some State is willing to make appropriations and some county in that State is unwilling. Where will the man go from in that case?

Mr. LEVER. He would go from the agricultural college. The college would control the administration of it.

Mr. GARRETT. The county would have no college. Then he would go from the State college?

Mr. LEVER. If it is a local matter, the local college would administer it.

Mr. GARRETT. Mr. Speaker, I want to say in conclusion that I should certainly regret, not only for the academic reasons stated but also for the practical reasons that I have stated, to vote for this bill if I thought it would destroy the cooperative work that is now in progress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Washington [Mr. HUMPHREY] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAUGEN. Mr. Speaker, this bill has been discussed in detail, and I will not take up the time of the House in discussing the bill section by section, and will simply say that it has for its object to establish agricultural-extension departments in connection with agricultural colleges in the several States, to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, and appropriating, to begin with, $10,000 annually for and to be paid each State, which shall by action of its legislature assent to the provisions of this act, to which public lands have been donated, for colleges for the benefit of the agricultural and mechanic arts, under the so-called Morrill Act and acts supplementary thereto; that the additional sum of $300,000 shall be appropriated for the fiscal year ending June 30, 1914, and an additional increase of the amount of such appropriation thereafter for nine years; that the annual sum to be paid thereafter to the States shall be $3,000,000, and that the additional sum to be allotted annually to each State in the proportion which the rural population bears to the total rural population of all the States on the condition that the State receiving the benefit under this act shall appropriate an equal amount to that paid by the Federal Government. Thus, I have briefly stated the object of the bill. I might add that Congress has, as set out in this report, at various times passed laws making liberal appropriations for State colleges and experiment stations. I read from page 2 of the report:

As a result of this encouragement and Federal recognition, every State has a well-equipped agricultural and mechanical college, training its young men to solve agricultural and industrial problems.

It was soon discovered that their peculiar difficulty lay in a lack of sufficient, definite, and exact scientific information. Realization of this insufficiency became so manifest and so insistent that the Hatch Act, establishing agricultural experiment stations, "to promote scientific investigation and experiment, respecting the principles and applications of agricultural science," was enacted 25 years after the land-grant colleges were authorized. Under this act agricultural experiment stations, devoting their energies to gathering scientific truths and exploding harmful fallacies touching agriculture, have been established in each of the States.

Subsequent legislation has been confined to the enlargement of the funds for the furtherance of the fundamental ideas involved in the original Morrill and Hatch Acts, such as the Adams and Nelson Act, since the enactment of which the Federal Government has expended $67,000,000 upon these institutions, as follows:

Statement showing the amount of money that has been expended by the Federal Government for State experiment stations and agricultural colleges.

STATE EXPERIMENT STATIONS.

Total amount expended under the Hatch Act from 1888 to June 30, 1911	$16,807,338.94
Total amount allotted under the Hatch Act during the the fiscal year 1912, up to and including the fiscal year 1912 up to and including the quarter ending Mar. 30, 1912	540,000.00
Total under Hatch Act	17,347,338.94
Total amount expended under the Adams Act from 1906 to June 30, 1911	2,828,665.21
Total amount allotted under the Adams Act during the fiscal year 1912, up to and including the quarter ending Mar. 30, 1912	540,000.00
Total under Adams Act	3,368,665.21
Total for State experiment stations under both acts	20,716,004.15

STATE AGRICULTURAL COLLEGES.

Total amount paid from 1890 to 1912, inclusive, under the acts of Aug. 30, 1890, and Mar. 4, 1907	$28,802,000.00
Proceeds from sale of land	13,348,041.00
Value of unsold land (estimated)	5,042,388.00
Total for agricultural colleges under both acts, etc	47,192,429.00

RECAPITULATION.

Total for State experiment stations	20,716,004.15
Total for agricultural colleges	47,192,429.00
Grand total	67,908,433.15

The total annual appropriations made for the Department of Agriculture, including permanent annual appropriations, now exceed $22,000,000. Much of that amount goes for education, besides nearly 500,000 teachers are employed and are paid about $220,000,000 annually in salaries. The total expense for public schools aggregates more than $371,000,000 annually. These are, indeed, large sums, and may suggest Congress going slow in increasing appropriations for education. But we are a rich and great Nation; this Government pays annually a greater sum for war, Navy, and pensions, and it seems to me if a nation can in time of profound peace pay about $400,000,000 annually on account of war it can afford to pay an equal amount for education. While there should be no extravagance in appropriations for education or anything else, we should meet every proper and legitimate demand. We all take a just and pardonable pride in our Nation's growth and greatness, in the fact that we are living in this age of marvelous expansion, and are moving forward with a mighty speed; that the wheels of industry are moving; the fact that we rank among the most practical, prosperous, and intelligent people on earth; that progress, prosperity, and happiness are in evidence everywhere. We feel it our duty, no matter what our political affiliation, creed, occupation, or prejudices may be, to strive to benefit this country, to relieve the distressed, to protect the weak, to uplift humanity, to promote and to perpetuate true greatness, to give honest and thoughtful consideration in securing full benefit for our natural resources, for the development of mechanical appliances and the skill and genius of American labor; to see to it that nobody is imposed upon; that everybody is given adequate protection against any invasion on the part of unscrupulous and dishonest interests, in order that we may have the fullest development of every worthy and deserving enterprise. If so, how are we to proceed? The general contention is that we must have a general education. Knowledge is power; it always was power and always will be power. The importance of a general education in a republic that must be sustained by the virtue and intelligence of her people can not be too highly appreciated. Knowledge is the greatest security of freedom, and all we have and enjoy of human liberty was acquired by the people. They fought the battle of our Revolution; they declared our independence; they made our Constitution and have sustained it in peace and in war.

These people, this Republic demands, and, I am proud to say, it receives liberal provision for a general education. But while generous provisions are made for education yet the question remains, Can it be improved upon? I believe it can. We are educating too many men now for "white-shirt man's job." As everybody knows, the major portion of money now expended for education is to prepare men and women for the professions; only eight out of every hundred of our people belong to the professions, and the balance—92—to the industrial, agricultural, commercial, and idle classes. I believe we should give more consideration to and spend more money for the Government to fit a man to work effectually with his hands and to dignify labor; that seems to me as laudable a purpose as to fit one for a professional career. I believe that part of the public money appropriated for education should be used for the purpose of giving a practical training in developing skill and efficiency in the different trades and occupations; and if I had my way about it I would amend this bill so as to make it apply to secondary schools, high schools, State colleges of agriculture, and mechanic arts. [Applause.] In my opinion the people in agricultural, industrial, and commercial pursuits are as much entitled to consideration at our hands as the professions. Why not extend the advantages of education and training to them for their life work as well as for the professions, so that they may enter into their particular callings well trained and equipped? I believe that young men should not only be given an education but should also be taught to work. They should know that there is pleasure, satisfaction, honor, and dignity in toil, be it by hand or head, be it providing for the bodily want of the individual, be it carrying the hod, molding or laying the brick, extracting the gold, silver, or other ore from the bowels of the earth, preaching a sermon from a pulpit, or digging a

ditch, erecting a cottage or mansion, or promoting any worthy enterprise; they should know that all reputable labor is honorable and dignified. Of course all employment which requires manual labor is more independent and conducive to good health; but there should be no line drawn as between occupations, for all honest work is dignified and honorable.

Every article used represents more or less labor. It is toil that has made our great and glorious country what it is; it has cleared the forest and transformed the prairies and wilderness into a bed of roses, and these productive fields producing bread, the staff of life, feeding millions and millions of families. It is toil that has made our farms and has built our towns and cities, our factories and mills, our schools and temples of religion, and anyone who has contributed his share of this great work may well feel proud of his part in developing this great and glorious country. [Applause.] It must be clear to everybody that the people in industrial and agricultural pursuits should be given the kind of education that will enable them to earn a living and equip them for better service, as well as those of the professions. The other day my attention was called to a sign over a door which read: "Shoeing done by horseshoers." This sign appealed to me; it suggested the value of skill and knowledge in every calling of life—that skill and knowledge in shoeing horses are as important as is the knowledge of law, rules, and practices of the courts to the lawyer in trying a lawsuit. If true as to the horseshoer, is it not true as to everybody, no matter what his occupation may be? If so, we must have practical and scientific education and training to fit our men and women for their particular life work. It has been pointed out that our farms yield less per acre than those in European countries, and that it is due to lack of knowledge of agriculture. No one will deny but that it is very necessary for the farmer to have knowledge of the plant he plants and the soil which he tills, that he may know how to bring about such conditions of the soil that it will make it more fertile and productive. If such knowledge is of value to the farmer, it is of value in other lines of work; if it increases the yield of grains and fruits, as is claimed it has done in other countries, why not provide for it in our own country? All our interests are in common; we go up and down together. All wealth comes from the soil. With prosperity on the farm we have prosperity in the cities; with close times on the farm we have closed banks, stores, factories, and mills in the cities. Why not provide for education in home economics, not only in cooking but in every science conducive to making better homes and home life?

If it is necessary for the farmer to study the life and conditions of plants and soil, to know under what conditions the highest and best results may be obtained, is it not of even more importance to the mothers and housewives to know what food to give the child and members of the family; to know that certain kinds of food build up the tissues of the body and that certain other foods supply heat for the body, others energy and strength; that she may know what proportions should be fed in producing the right physical condition; that certain foods are conducive to health and longevity and that others are destructive? A knowledge of these things is of vital importance to the health, happiness, and prosperity of all of us. It seems to me that the teaching of domestic science and the practical application in the homes are of much greater importance than the teaching of many of the other sciences. Our schools should be provided with teachers equipped to teach practical vocational education. We should stimulate love for the practical things of manual labor. [Applause.] Deplorable yet true, in some sections of the country young men and women believe it below their social standing to do manual labor, to do housework; hence they are left home with nothing to do. It is not like in the old pioneer days, when every young man and woman was taught not only how to work, but made to work; they were taught to work on the farm, in the store, and in the home, and were proud of their skill and ability. Now it is quite different. Many feel above work and inclined to shun it. Without work they become restless, and many drift into mischief and some sink into melancholy. We are confronted with the deplorable fact that 1 out of every 10 of American marriages end in the divorce courts. Many contend that this condition is largely due to idleness or the absence of some definite, useful, and honorable occupation, caused by the lack of desire on the part of many young men and women for really healthful and productive employment, not being trained in a right use of their abilities.

An idle brain is the devil's workshop; a lazy man the devil's bolster.

Work is what God intended us to do. "In the sweat of thy face shalt thou eat bread till thou return unto the ground." "If any one will not work, neither let him eat." Let every man and woman go to work and do not wait. Let no young man or woman delay; "procrastination is a thief of time"; let him work and forget his trials, troubles, and tribulations of life. Nature, the soul, mind, and the body never stand still; they either go up or down. The mind, the soul, and body are naturally active; it is with the human as it is with the plant and tree—it either goes up or down; if you suffer the mind or body to be unoccupied, temptation and evil thoughts will overtake you; toil terminates in enjoyment. If one is not engaged in some honorable business, he sinks into melancholy or drifts into mischief; but work keeps one out of mischief. One reaps what he sows. No one has the right to expect a good fortune unless he goes to work and earns and deserves it; every man and woman is the architect of his or her respective fortune; the life of constant and useful employment is the only safe and happy one; and the proud possessor of a robust health and a will to work his way honestly and courageously through the world is the proud possessor of God's greatest gift and blessing to mankind. If so, we may well ask, What is the best capital a young man can start out with? The answer is, generally, a good education, good morals and sound judgment, foresight, good common sense, energy, a robust health, a will to work his way honestly and bravely, a character of the highest type and founded upon integrity. If a young man's ambition is to be a truly great man, he must have something to do; toil is the price of success. If a young man's ambition or desire is to have a good business, a big farm, a sweet, charming, and beautiful wife, a comfortable, congenial, happy home, and all that this world affords, what is there to hinder him from having it in this land of plenty, under this grand and glorious Government, with its splendid, magnificent institutions which Washington and his noble band of patriots so wisely provided for? Industry with proper economy will bring it; live within your income, pay your debts; an obligation once made, great or small, to friend or foe, must be redeemed unconditionally.

First, let a young man be sure that his trade, profession, or calling in life is to his liking and that it is an honorable and a good one; then stick to it, think for it, plan for it, work for it, live for it, and be true as steel to it; harden his hands, sweat his brow, tax his brain, throw his mind, might, life, strength into his actions for it and success will crown his efforts. Work is not a curse; it is a blessing that an all-wise Providence has provided for man's development. Without toil, care, sorrow, worry, poverty, reverses, and adversaries there would be fewer great characters.

If you will study the life and character of our great and successful men, the so-called shining lights, the men of wealth and worth, eminence, intelligence, prominence, power, and influence, you will find that a large majority of them began early in life in some useful employment, and many of them poor orphan boys—poor, without means, compelled to work for subsistence, work their way through schools, shouldering heavy burdens, assuming responsibilities and contending with sharp and keen competition and opposition, thus developing their power in the field of employment, gradually going onward and upward.

A good education, careful training, and a gentle breeding, good society and good morals, a good environment, a healthful atmosphere, good and timely advice and instruction by kind, good, and generous parents are essential; they are grand instrumentalities in molding characters; but the real and most important means in man making is constant and useful employment. The secret of making a good, useful, and happy man out of a young man is to put him to work and keep him at it. It hardens his hands and muscles, strengthens his body, and sharpens his mind and wits, arouses ambition and promotes patriotism and longevity, and, in my opinion, the man or woman who is above work or despises the laborer shows a lack in judgment, common sense, and appreciation of a business or ordinance of God. Yes; there is dignity in work. All reputable work is honorable and dignified; it is good for the body and the soul; it is conducive to good health.

Do not understand me to contend that if you pursue your duties with industry, fidelity, with rectitude to purposes dominated with lofty ideals, with a firm determination to do justice and right, with sincerity and honesty, shunning deceit and cunning practice, that you will be immune from attack by the muckraker, the demagogue, the slanderer, the blackmailer, the egotistical and jealous man, or the yellow journal. No; far from that; to the contrary, it is the active men and women who do things that are attacked; as long as we have the muckrakers and blackmailers, unprincipled and dishonest men, and yellow journals, you will be in danger of being pursued and

persecuted. The indolent man, the lazy man, or one who never accomplishes anything is never attacked, as there is nothing to attack; but never mind; pay no attention to that; pursue your duty with integrity, fidelity, and industry—plug away.

Longfellow says:

Do the duty that lies nearest to you and have no thought of fame.

Crockett says:

Be sure you are right. Then go ahead.

Do it with an iron will and a velvet smile and your efforts in public and private life will be crowned with success. That eloquent Roman said:

I hold that no man deserves to be crowned with success who is a failure.

He who lives to eat, drink, and accumulate money is a failure. The world is none the better for him being in it. He never wiped a tear from a sad face; he never builded a fire on a frozen hearth. I repeat with emphasis that he is a failure; he worships no god but gold.

Errors, like straws, upon the surface flow;
He who would search for pearls must dive below.

But I want to get back to the subject of the bill. It is the farmer, the workingman, and their wives who are going to make this country prosperous. The time is coming when men and women who are physically and mentally able to work and do not work will be looked down upon; therefore we should at once begin to teach our boys and girls to work and to honor the man and woman who works, to educate them and fit them for agricultural, industrial, and commercial pursuits, as well as for the profession. That is what this bill in part proposes to do. We have accumulated the facts and have bottled up in the Department of Agriculture millions of dollars' worth of valuable knowledge. Our scientists over there, generally conceded to be the greatest in the world, are full of it. They have been endeavoring to disseminate knowledge on agricultural and home economics through the mails by publishing and sending out bulletins, and much has been accomplished, but, as a general thing, the people do not apply things simply by reading or hearing about them. Now, let us send practical men with expert knowledge in the field and demonstrate what can be done when labor is practically, scientifically, and intelligently applied, as has been done in the cotton-boll weevil districts, in the acre-corn contest, carried on all over this country. With the permission of the House, I will print in the RECORD a statement of the late Dr. S. A. Knapp, special agent in charge of the work in the South.

Of the visit of the corn club boys in Washington he says:

The visit to Washington this week of the prize-winning boys from 11 Southern States is the crowning event of the year's work of 46,225 boys. These boys are members of the corn clubs under the farmers' cooperative demonstration work of the United States Department of Agriculture.

About a year ago all of the members of the corn clubs agreed to work 1 acre of corn in accordance with the instructions of the department. Merchants, bankers, and other public-spirited citizens offered more than $40,000 worth of prizes, consisting of cash, farm implements, trips, ponies, pigs, bicycles, watches, and many other things calculated to gladden the adolescent heart. Government agents, public-school officers, and teachers cooperated in the organization and instruction of clubs in nearly 600 counties. The names and addresses of the members of the clubs were filed with the United States Department of Agriculture. Circulars of instruction, prepared by Dr. S. A. Knapp, in charge of the demonstration work, were mailed to all of the boys at various times during the year. When the boys studied seed selection the whole county got interested. When they took up the preparation of the soil there was a general movement for better preparation. The prize winners, now in Washington, plowed their acres from 8 to 16 inches deep and thoroughly pulverized their seed beds. When the subject of fertilization came up the general knowledge about nitrogen, potash, and phosphorus was increased, leaves and wood mold were sought to increase humus, and stable and poultry houses were cleaned out for the benefit of the prize acre. Shallow and frequent cultivation was kept up during the spring and summer, because the boys had learned that the roots of the corn must not be broken, and that the corn must have a good dust mulch in order to conserve moisture.

According to the regulations making awards of prizes, the following points were considered: Yield, cost per bushel, best 10 ears, and written history of crop. Not all of the boys who won prizes made the largest yields in their States. The economical side must be considered. The farming must be profitable. A record must be kept and a good exhibit made at the county corn show or fair.

A year ago Secretary Wilson gave diplomas of merit to four boys who came to Washington. At that time there were 12,000 members of the clubs. This year business organizations and individual citizens gave prize trips in 11 Southern States. Governors and superintendents of education are also giving diplomas of honor to all boys who produced 75 bushels per acre, at a reasonable cost. It is a common occurrence for 500 to 1,000 people to witness the awards of 15 or 20 certificates at a county seat. In one Mississippi county 48 boys averaged 92 bushels per acre. In one South Carolina county 20 boys produced 1,700 bushels of corn on 20 acres. In another county in the same State 142 boys averaged 62 bushels per acre.

This work is having much to do with the increased averages of the Southern States in corn production. It will have something to do with reducing the cost of living, also.

The following are the names and addresses of the winners of the trip to the capital of their country, and also the yields of their respective acres and the cost per bushel:

Names and addresses.	Number of bushels.	Cost per bushel.
		Cents.
Hughey A. Harden, Banks, Ala	120	32
Ira Smith, Silver, Ark	119	8
Joseph Stone, Center, Ga	102⅝	29
Stephen G. Henry, Melrose, La	139 9/10	13 9/10
William Williams, Decatur, Miss	146⅔	18
W. Ernest Starnes, Hickory, N. C	146⅔	38
Floyd Gayer, Tishomingo, Okla	95 1/12	8
Jerry H. Moore, Winona, S. C	228¾	43
Norman Smith, Covington, Tenn	125½	37
William Rodger Smith, Karnes City, Tex	83½	13⅜
Maurice Olgers, Sutherland, Va	168	40

Dr. Knapp's experience and accomplishment in this work are told in his letter printed in the CONGRESSIONAL RECORD February 2, 1911. Dr. Knapp says that he realized that it was almost impossible to teach old men how to respond—they knew much better than he or anyone else—they had been raising corn in a way all their lives. So he conceived the plan of organizing boys' corn clubs in a small way, and met with wonderful success, as is shown in his statement. He tells of Hopping, of Rogers, who, without the aid of a mule or a horse, except to have his land plowed, actually raised 50 bushels on an acre with a plow manufactured by his own hands and pulled by a goat trained by him.

Dr. Knapp tells pathetic stories of how hard it is to get the old father to help the boy. He tells of one boy who was very anxious to raise some corn, but had no ground. So his father said, "Well, you can have an acre over there on the hillside if you will clear the stumps and logs off." The little fellow worked hard and cleared the land, and then his unkind father took it away from him. The little chap was not discouraged. When the farm demonstrator came around the boy appealed to him, and he in turn appealed to the father, who said, "Well, I will let him have another acre over there on the same hillside, provided he clears off the logs and stumps." He cleared them, worked as vigorously as he could, and produced 85 bushels of corn on that acre, while the old man, who cultivated by the old method on the acre that the boy had first cleared, made only 18 bushels.

Also a statement giving the result of the Iowa Boys' and Girls' Clubs, 1911:

WINNERS OF THE WASHINGTON TRIPS IN THE ACRE CORN-GROWING CONTEST AND THE BREAD-BAKING CONTEST.

Sweepstakes, State wide:
Lester Finch, Fairbank, Buchanan County.
Score, 93.47 per cent; bushels, 99.67; production cost per bushel, 11 cents.
Donor of Washington trip, Wallace's Farmer.

Third congressional district:
Vivian Edwards, Clarksville, Butler County.
Score, 93.05 per cent; bushels, 97.17; production cost per bushel, 14⅝ cents.
Donor of Washington trip, Congressman CHARLES E. PICKETT.

Fourth congressional district:
Harry E. La Ville, Postville, Fayette County.
Score, 89.58 per cent; bushels, 96.22; production cost per bushel, 12½ cents.
Donor of Washington trip, Congressman GILBERT N. HAUGEN.

Sixth congressional district:
David Jones, New Sharon, Poweshiek County.
Score, 81.47 per cent; bushels, 81.32; production cost per bushel, 28½ cents.
Donor of Washington trip, Congressman NATHAN E. KENDALL.

Seventh congressional district:
Charles Whitehouse, Granger, Polk County.
Score, 85.28 per cent; bushels, 86.22; production cost per bushel, 24 cents.
Donor of Washington trip, Congressman SOLOMON F. PROUTY.

Eighth congressional district:
Glen Mead, Percival, Fremont County.
Score, 92.01 per cent; bushels, 97.66; production cost per bushel, 18¾ cents.
Donor of Washington trip, Congressman HORACE M. TOWNER.

Tenth congressional district:
Ivyl E. Naylor, Stratford, Hamilton County.
Score, 79.19 per cent; bushels, 75.55; production cost per bushel, 21⅓ cents.
Second prize, railway and Pullman tickets, round trip:
Lewis Heim, Rutland, Humboldt County.
Donor of Washington trip, Congressman FRANK P. WOODS.

Eleventh congressional district:
Clarence L. Brown, Salix, Woodbury County.
Score, 90.58 per cent; bushels, 84.69; production cost per bushel, 21 cents.
Donor of Washington trip, Congressman ELBERT H. HUBBARD.

Pottawattamie County:
Arthur Strohbehn, Treynor, Pottawattamie County.
Score, 74.30 per cent; bushels, 60.01; production cost per bushel, 21 cents.
Donor of Washington trip, citizens of Pottawatamie County.

BREAD-BAKING CONTEST.

Sweepstakes, State wide, bread; baked at Ames Junior Short course, January 11, 1912:
Miss Lois Edmonds, Clarinda, Page County.
Score, 93 per cent.
Donor of Washington trip, Successful Farming.
The mothers of the two sweepstakes winners will accompany the party at the expense of the Wm. Galloway Co., Waterloo, Iowa.
The score for selecting winners was based upon the following items:

	Per cent.
Yield of credit bushels	40
Quality as shown by exhibit of best 10 ears	20
Written account telling history of growing crop	20
Production cost per bushel	20
Total	100

The credit bushels were ascertained by a moisture and shelled-corn test of a sample peck of corn submitted by the acre-yield committee of each contestant to the State College of Agriculture at Ames. The credit bushels in each case represent the value of shelled, air-dried corn.

Here we have the results of demonstration work by practical and scientific men. It is proposed in this bill to extend this work so as to not only educate the boys and girls in school but to send men and women out to demonstrate to them how it is to be done and to encourage them to work, to take up some occupation, no matter whether it be in professions, agricultural, commercial, industrial, or whatever it may be, just so it is an honorable and a good one, so that they may become good and useful men and women, strong physically as well as mentally, to teach not only how to do things but to actually do things and not to drift into mischief through idleness, but to do as other great men and women who have achieved great success in life—men who rose from the ranks without money for a start, yet with their intelligence, industry, enterprise, and a will to rise to work, to conquer, they succeeded, such as Lincoln, Grant, McKinley, Napoleon, Cromwell, Clay, Webster, Marshall Field, and thousands of other memorable men. The surest and safest path to success is untiring industry, energy, constant and useful occupation, integrity, and good common sense. We hear much about luck; take no stock in it; it is too uncertain. If you will be nothing or a failure in life, just stand around and wait to be somebody and to do much and great things at once. Success does not come by accident, but by purpose and persistent industry. The fruits of endeavor and success depend upon one's own efforts, his capacity and inclination to work.

If one wishes to get through this world successfully he must rely mainly upon his own efforts. In this great and expanding country no one need to be without some useful employment. All trades and professions are open to him if he will give his services freely and honestly. If he does he will succeed. He may not get as many millions as some, but he will get more honor, glory, and money than the man who gives his services reluctantly, who holds his pick or hoe or hammer at an angle of 45 degrees, throwing his head back over his shoulders to see if he is being watched by his overseer; or he who is constantly clamoring for additional "off hours" and impatiently looking at his watch for the hour of quitting to arrive, robbing his employer by loafing or giving dishonest work. It is the man who gives his service cheerfully and honestly who is rewarded both by the public and his employers, and not the lazy or dishonest man. Occasionally we see unprincipled lazy and dishonest men carry off honors and wealth, but nine times out of ten it is the man who is willing to work; the man whose character is founded on integrity is the one who succeeds. What a misconception it is on the part of some who believe and contend that it is the indolent, dishonest man who succeeds. No; it is not the demagogue, the liar, the scoundrel, the over-reaching man who succeeds. Let a man be known to be honest and upright, square and fair in all his dealings, and he will enjoy the respect, admiration, and confidence of all who know him. Let him part with anything rather than conscientious rectitude to purposes. The world is looking for men and women of integrity, men who neither lie nor steal, men who know their places and fill them; who will denounce wrong in friend or foe or in themselves. The merchant is looking for him as a salesman or clerk, the patient as his physician, the farmer as his manager or his hired man, the client as his lawyer, and the sweet, charming, and beautiful neighbor girl will be only too glad to accept of his hand if he is of the right character.

Apply energy and integrity and he need have no fear but he will succeed in this land of plenty. What is American citizenship to me? It seems beyond the power of comprehension. Here where all the avenues of American citizenship are thrown wide open for the advancement of every American citizen, be he humble or exalted, native or foreign born, rich or poor, this applies to all positions of honor, trust, and the acquirement of wealth. Here where the man of the lowest walks of life may have an even chance, where we are not required to follow in the beaten paths of former ages, but each allowed to map out his future destiny, where all our schools are open to each and every resident child, from the remotest school district to the highest classrooms in our universities, where the rail splitter, the country merchant, the country teacher became President of the United States and among the greatest and grandest men who ever occupied that chair.

We have many self-made men, and what an inspiration and what an encouragement it is to our young, and what an example and lesson. If one is to succeed in life it is by hard work; it is by fidelity to duty, unfaltering faith in rectitude of purposes, dominated by the noblest and loftiest ideals, with a firm determination to do justice, to do right. One's guiding star should always be sincerity, integrity, shunning deceit and cunning practice. Let no young man delay; let him go to work. Of all the contemptible things idleness is the worst; it is degrading, degenerating, demoralizing, unbecoming; it leads to sin, device, and destruction.

And, deplorable as it is, nevertheless it is true; idleness predominates in too many lives. See the millions who go ragged, hungry, and poor, gambling, swindling, stealing, and robbing, plundering, sponging at the expense of his fellow man rather than to work.

My friends, is it not time that we are giving more thought and attention to the American boy? Let us teach our children in our home and in our schools to work. It has been a hobby of mine that we should have a branch of manual training in all our colleges, universities, academies, public schools, and secondary schools, and it is gratifying to me to have this dream brought into realization to a large extent in our common schools already. Now, one word and I am done. Much has been said in commendation of the Department of Agriculture and scientists employed therein. While I concur in practically all that has been said and appreciate the splendid work done and am proud of its achievement and feel certain that much good will come from it in the future and from the enactment of this bill, yet I do not share in the contention that the department or scientists are entitled to all the credit for what has been accomplished or that we must look to them alone for our future prosperity and happiness. Due credit should and must be given those who have really made this country what it is; those who have built our towns, villages, and homes, our roads, our farms, our bridges and charitable institutions; those who have constructed this vast system of public schools, many of them in poverty, in sickness, in reverses, privation, and sorrow; others in health, wealth, joy, and prosperity, sympathizing with each other's woes, sharing each other's joys, step by step advancing along the lines of accumulation of wealth, culture, and refinement, until to-day we boast of the fact that we rank among the most successful, practical, and intelligent people upon earth. Their onward march to true greatness has placed them in the foremost ranks of modern civilization and refinement.

These towns, these villages, these temples of religion and industrial institutions, the morality and industry of our people all accomplish in this government of the people, by the people, and for the people, are not the achievements of an ignorant or indolent people; to the contrary, they bear upon them the impress of the most enlightened views and policies executed with the greatest prudence, firmness, and wisdom—they are the trophies of freedom and the grandest monuments of our national glory. [Applause.]

By unanimous consent, Mr. RUSSELL was given leave to extend his remarks in the RECORD.

Mr. TOWNER. Mr. Speaker, I certainly approve of the splendid statement to which we have just listened from the gentleman [Mr. HAUGEN] through whose courtesy I am yielded this time. His long and distinguished service on the Committee on Agriculture eminently fits him for a proper consideration and determination of the merits of this class of legislation.

And, Mr. Speaker, I desire to congratulate the young and already distinguished Member from South Carolina [Mr. LEVER], who has introduced and so faithfully worked for the passage of this bill. I am exceedingly sorry that we are called to consider it so late in the session. As has been said by other gentlemen on the floor, it is one of the most important bills for consideration by the present session of this Congress.

There are some features of this bill that I am in doubt about. In fact, there are some features of it that I think ought to be remedied, and that I hope will be remedied when it shall be considered for amendment in this House. For instance, there is now appropriated in the agricultural appropriation bill a large amount for extension work by that department. It seems to me that the extension work which is provided for here ought in some way to correlate with the work of the extension department of the Agricultural Department. As I understand, there

is no correlation of this work. No one knows how the amount appropriated for the department is to be expended or what proportion of it is to be expended, if any, in conjunction with the work here provided for. In fact, it would appear this is an independent appropriation along lines that seemingly have no connection with the work already provided for in the Agricultural Department.

VOCATIONAL EDUCATION.

There is another matter in this connection, Mr. Speaker, that I think ought to be carefully considered in this House. There is no provision in this bill for educational work except by demonstration work in the field. I think I am justified in saying that the agricultural societies of the United States, the agricultural journals of this country, the associations in the interest of labor, all who are interested in vocational and industrial education, hope that when Congress shall take action on this subject it may be on broader grounds than this merely demonstration work in the field. [Applause.]

There is no provision here by which there shall be any assistance or supervision by the General Government of educational work for the child in industrial, vocational, or agricultural pursuits. While professional education can await mature years, vocational education should commence with early childhood.

And so it has been thought by those especially interested in this work that the field of vocational education should be enlarged. This is not a new thought. Already many bills have been introduced in Congress along these lines. The distinguished gentleman from Minnesota [Mr. DAVIS] introduced last year a comprehensive bill. The gentleman from Pennsylvania [Mr. WILSON] has on the calendar a bill of that character, and there is one also pending now in the Senate introduced by Senator PAGE.

There are meritorious features in each of these bills, as there is certainly merit in the bill we now have under consideration. I regret, therefore, that at this late period of our session we are compelled to pass upon this most important subject of legislation with only a few hours of debate and no opportunity for an analysis and comparison of the other bills referred to.

I shall vote for this bill because I entirely approve its object. It is not likely it can receive consideration at this session by the Senate and become a law, but as it will be pending at the beginning of the next session it ought to result in a completed and well-considered act before this Congress shall close.

IOWA A LEADER IN THIS WORK.

I am proud, Mr. Speaker, of the fact that the great State I have the honor in part to represent early recognized the need of vocational education, especially for the farmer. Her great school, the Iowa State College, primarily devoted to such purpose, was a pioneer in this line, and has given the strongest impetus and the most distinguished leaders to this great work. It gave to the country such men as the present Secretary of Agriculture, Hon. James Wilson, the lamented Dr. Seaman A. Knapp, and many others. I am glad to insert as part of my remarks a letter referring to the legislation under consideration from Prof. Charles F. Curtis, now dean and director of the division of agriculture of that college.

IOWA STATE COLLEGE,
AGRICULTURE AND MECHANIC ARTS,
DIVISION OF AGRICULTURE,
Ames, Iowa, May 16, 1912.

Hon. H. M. TOWNER,
House of Representatives, Washington, D. C.

DEAR SIR: I have already written to the members of the Agricultural Committees in regard to the Lever extension bill. This bill has my hearty indorsement, but I have all along had the feeling that it does not go far enough to reach the real problem of vital importance to the educational and industrial interests of the United States, namely, vocational education and the training of teachers for such work. This is the most important problem that has been before Congress since the Morrill Act establishing the land-grant colleges. It is of even greater importance than that, because it makes for higher efficiency on the part of our people in preparation for work in agriculture, home economics, and the trades and industries. This is the next and logical step to follow the provision that has already been made for collegiate education along these lines and for experimental and research work pertaining to agriculture.

Extension work is only a part of this secondary educational movement. It will be of immediate and direct benefit to those engaged in production on the farms, but the real hope lies in the training and future efficiency of the boys and girls who are soon to bear the burden of industrial work. This can only be accomplished through the proper direction of the public-school work by Federal aid and a Federal policy, such as has been established in the land-grant colleges through the Federal appropriation for higher education. Provision for extension work, or even for vocational education in agriculture, will not fully meet the requirements. No nation ever became great or maintained a strong place in the commerce of the world by merely playing the part of a producer of raw materials. Education for the trades and industries is just as important as for agriculture.

The only objection I have heard urged against the immediate passage of the Page bill in the Senate and the Page-Wilson bill in the House is on the ground of economy pending the present political situation. I wish to call your attention to the appropriations made by Congress during the past 10 years, and the almost insignificant amount that has been appropriated for agriculture.

Annual appropriations made by Congress.

Year.	Total appropriation.	Appropriation for agriculture.	Per cent for agriculture.
1903	$486,439,306.68	$5,208,960.00	1.07
1904	464,846,770.57	5,978,160.00	1.28
1905	467,159,617.03	5,902,040.00	1.26
1906	489,241,777.30	6,882,640.00	1.40
1907	549,434,246.55	9,930,440.00	1.80
1908	555,739,446.78	9,447,290.00	1.70
1909	627,516,246.83	11,672,106.00	1.86
1910	648,191,676.26	12,995,036.00	2.004
1911	663,725,794.84	13,487,636.00	2.03
1912	634,549,561.40	16,900,016.00	2.66

The appropriations for agriculture during this period have ranged from 1.07 per cent in 1903 to 2.66 per cent in 1912. In view of this record, I do not believe that any Member of Congress can consistently hold that the amount of money carried by this bill, covering the whole field of industrial education and extension work, is a valid objection.

No more important measure has been presented for consideration by Congress during the present generation, and, viewed from the standpoint of politics alone, no more popular piece of legislation could be passed by Congress at the present time.

With high regard, I am,
Very truly, yours,
C. F. CURTIS.

AGRICULTURAL INTERESTS OF THE UNITED STATES.

Mr. Speaker, there is no more important subject of legislation than the promotion of the agricultural interests of the United States. It is our largest industry, and the one which most intimately and vitally affects the lives and the happiness of our people. To its development should be brought the best thought, the greatest skill, and the highest scientific attainment. The day of empiric knowledge in this great field of human endeavor has passed. The requirements of an exacting era are making insistent and continually increasing demands on the productive resources of the Nation. It will be a double problem the farmers of this age must solve—to be able to meet these demands and to do so without sacrificing their material interests, their manhood and independence, or their rightful share of the benefits of a civilization they have done so much to establish.

CAN OUR FARMERS SUPPLY OUR FOOD?

In the first place, the farmers of the United States must be able to supply the food products for our already immense and rapidly increasing population. Within the lives of those now living our population will exceed 200,000,000. Not only are we increasing numerically, but individual demands are increasing. The per capita consumption of food products now largely exceeds that of even 30 years ago. There are many who believe our farmers will soon be unable to supply the Nation and that we had better arrange to obtain our food supplies elsewhere. The assertion and widespread belief that the farmers of this country are no longer able to furnish at reasonable prices our food supply carried the Canadian reciprocity act. The President has recently said:

> The food problem in the United States may in the near future become a serious one. * * * The total acreage of farming lands in the last 10 years has increased only 4 per cent while the population has increased 21 per cent. * * * During the last decade the productivity has increased 1 per cent per acre. * * * Only 150,000,000 more are capable of tillage either by irrigation, reclamation, or drainage.

Recently, at a meeting in Washington of one of the scientific societies, it was openly advocated that a national commission should be established to fix the prices of all food products so as to prevent further increase in the high cost of living. The demand for low-priced food products is imperative in the cities, and is general among those who purchase but do not produce.

It is easy of demonstration that the farmers of the United States can meet every possible demand for food supplies that the Nation may make upon them without calling for help to Canada, or Argentina, or Australia. Throughout our history we have produced an excess of food products. We have been exporters instead of importers. We have never had to call on other countries to feed our people. While it is true that our lands capable of profitable cultivation are now principally occupied or reduced to ownership, it is also true that not one-half of such lands are now tilled. While it is true that our surplus for export grows less, that is because cheaper lands and cheaper labor supply foreign demands.

The productive capacity of our lands now in cultivation has not been nearly attained. The average yield of wheat per acre is but 12 to 14 bushels. It can easily be doubled. The average yield of corn can be still more largely increased. The production of cattle, sheep, and swine is capable of almost indefinite increase. We can support a billion people instead of a hundred millions without calling for outside help.

EDUCATION NECESSARY.

It is because of these facts that education along these especial lines is of such vast importance, not only to the farmer but to all the people. Those who most carefully consider the subject believe that it is possible to secure such an intelligent adjustment of supply and demand that adequate food products can be secured and reasonabe prices obtained. It is not wise nor would it be permanently profitable for the farmers to exact exorbitant prices, if they could. Neither is it wise nor would it be permanently profitable for the consumers to demand that the farmer sell his products at ruinous prices.

There is not a material interest in the United States that will not suffer if the farmers suffer. On the other hand, every industry more easily flourishes when agriculture flourishes. It is especially true that general business, the professions, all branches of human endeavor find their opportunity for fullest development in a nation where agriculture is fostered and is prosperous. Conditions which bring and keep prosperity to the farmers are those which tend to the prosperity of all.

As Prof. Curtis has shown, the farmers of the United States have received little direct encouragement from the General Government. It will not only be an act of justice but a wise and prudent policy for the Nation to take a larger part in encouraging and a more immediate interest in developing the agricultural interests of the country. It is for these reasons that this bill and the others of like character referred to should receive the careful consideration of Congress. [Applause.]

Mr. HAUGEN. I yield to the gentleman from Ohio 10 minutes.

Mr. WILLIS. Mr. Speaker, I offer the following amendment and ask to have it pending, and ask that the Clerk may report it.

Mr. LEVER. Mr. Speaker, these amendments are being offered, and I wish to inquire whether it would be in order to reserve points of order now or when they are considered? I wish to know whether it is necessary to reserve a point of order at this time.

The SPEAKER pro tempore. The Chair understands that these amendments are offered for information, to be considered as pending, and the point of order can be reserved and made when the matter is called up after general debate is concluded.

Mr. LEVER. To be on the safe side, Mr. Speaker, I reserve a point of order.

The Clerk read as follows:

In line 5, page 7, after the word "law," insert the following: "And he shall have authority to coordinate all the work contemplated in this act with the work of the United States Department of Agriculture."

Mr. WILLIS. Mr. Speaker, the only objection I have heard from any quarter to this bill was as to the point whether or not it might interfere with the farm-management work now being carried on by the Department of Agriculture. I am frank to say that if I entertained the fears on that point which are entertained by the gentleman from Tennessee [Mr. GARRETT], I think I should be disposed to vote against the bill. It seems to me that that work, the farm-management work, that brings the scientific attainments in agriculture right to the door of the farmer, is of immense importance, and I should be very loth, indeed, to vote for any bill which I thought would interfere with it. I do not believe that this bill would interfere with it, but if there is any danger of it so doing, the amendment which I have offered will remove that danger.

As the Clerk read it, the amendment provides that the Secretary of Agriculture shall have authority to coordinate all the work contemplated in this act with the work of the United States Department of Agriculture. It seems to me that that would do away with any danger of conflict between the work that is sought to be established in this bill and the work already provided for in the United States Department of Agriculture.

Mr. Speaker, I think that no subject which has engaged the attention of this House at this session is of more vital importance than the one now before us. As stated in the first paragraph of the bill, the purpose of the pending measure is to aid in diffusing among the people of the United States useful and practical information on the subjects relating to agriculture and home economics, and to encourage the application of the same.

This purpose is altogether commendable, and the contemplated legislation ought to pass with certain amendments, because it is a long step in the right direction. In the consideration of this subject it seems to me that it is proper to invite attention to the peculiar conditions now surrounding agriculture in this country.

When we make our Fourth of July speeches, and speeches at the county fairs, we are accustomed, and properly so, to talk about the wonderful resources and productivity of this country. We enlarge upon the fact, for example, that the corn crop of this country for a single year is worth a billion and a half of dollars, a sum so enormous that the product of the cornfields of this country for a single year, when converted into money, would pay all of the national debt, would pay for the Panama Canal, and still leave a few millions of dollars in spending money for the American farmer. Or, to put it in another way, if that corn were put into freight cars, it would make a line almost 20,000 miles long—the product of the American cornfields for a single year. Or take the wheat crop, for illustration. If you put that in freight cars, it will make six lines of freight cars reaching across this continent. That is the wheat crop for a single year. Our cotton crop is worth a billion dollars per year. Our hay crop is worth something like $700,000,000 per year and would fill a dozen freight trains each reaching from New York to the Golden Gate; or, taking another illustration, while it is a fact that the product of the poultry business in this country is almost double the product of our mines of silver and gold, and all these things indicate the marvelous productivity of American agriculture, yet we ought not to forget the fact that is set forth in a recent report by the Secretary of Agriculture, and that is, that one phase of all our too prevalent, vulgar, boastfulness would be cured if we but realized that Europe, without Russia, the granary of Europe, occupying but 45 per cent of our surface area, tills double the number of acres of wheat, rye, oats, barley, and potatoes that we till, and from that double area devoted to these five crops the farmers harvest four times the number of bushels that our farmers harvest; and in these five crops Europe produces more bushels per capita for their 300,000,000 of people than we do for our 90,000,000. During the past 30 years Europe has increased her acreage yield of these five crops 75 per cent, while we have increased ours but 8 per cent. Their increase is more than nine times as much as ours.

In that connection I desire to refer to a table showing these crop increases, and at this time I will ask unanimous consent to extend my remarks in the RECORD by inserting certain tables and other matter.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WILLIS. For example, here is a table showing the increase in the yield of the five staple crops in the United States and Germany:

Increase in yield of five staple crops in Germany and the United States.

	Germany.		United States.		Increase.			
	1878–1883	1909	1879	1909	Germany.	United States.	Germany.	United States.
	Bushels per acre.	*Bushels per acre.*	*Bushels per acre.*	*Bushels per acre.*	*Bushels.*	*Bushels.*	*Per cent.*	*Per cent.*
Rye	15.7	29.4	14.5	16.1	13.7	1.6	87.2	10.9
Wheat	19.2	30.5	13.8	15.8	11.3	2.0	58.8	14.2
Barley	24.5	39.4	24.0	24.3	14.9	.3	60.8	1.2
Oats	31.8	59.1	28.7	30.3	27.7	1.6	85.8	6.7
Potatoes	115.5	208.9	98.9	106.8	93.4	7.6	80.8	7.6

Let us take the production of rye, for example. In Germany, in the year 1878, the production of rye was 15 bushels per acre. In the year 1909 they had increased that production to 29 bushels per acre. In the United States, in the year 1879, our production of rye was 14 bushels per acre, and in 1909 we had increased our production only to 16.1 per acre. In other words, in that period in which Germany had increased her yield of rye per acre 13.7 bushels, we had increased ours only 1.6 bushels. Let us take wheat. In Germany, in 1878, the average yield of wheat per acre was 19 bushels. In 1909 it was 30 bushels per acre. In this country in 1879 the yield of wheat was 13.8 bushels per acre, and in 1909 we had increased it to only 15.8 bushels per acre. In other words, while Germany had increased her yield of wheat 11.3 bushels per acre, we had increased ours only 2 bushels per acre, and the same thing is shown relatively of the other crops—barley, oats, potatoes, and so forth. In other words, the fact is that through improved methods of agriculture Europe, which we are accustomed to denominate as old and worn out, has been increasing its agricultural production at an amazing rate, and going clear beyond this country in the rate of increase.

Now, coupled with that fact there is another fact we must not lose sight of, and a very important one and one which I think well worth dwelling upon. That is the amazing drift of population to the city, and before I take up that matter I want to refer to some other facts——

Mr. BORLAND. Will the gentleman permit a question?

Mr. WILLIS. Certainly.

Mr. BORLAND. Does not the gentleman think that the different methods, the difference in the production in Germany

and other European countries as compared with our country, are largely due to the difference in the labor conditions? Does not the gentleman know the American farmer, while being intelligent in his profession, is operating largely upon relatively cheap land and relatively far from a labor supply, and he must depend upon casual labor conditions and compete with labor conditions of the city, where work is generally steady and regular, and the opportunity of the American farmer to get good labor makes it harder for him to produce and hampers him——

Mr. WILLIS. Undoubtedly there is merit in the suggestion made by the gentleman from Missouri, but it does not seem to me that the reason given is sufficient to account for the great difference in comparative agricultural production in this country and in Germany. These startling facts so true of the whole country are true to some extent of the great State of Ohio, which I have the honor in part to represent. Relatively, Ohio is producing less fruit, less grain, less meat than a dozen years ago, and yet has almost 1,000,000 more people to feed now than then. Some counties show a gradual decrease in the average crop yield, and within the State of Ohio are thousands of acres of worn-out and abandoned farm lands. Our average yield of wheat per acre is 14 bushels; corn, 38 bushels; oats, 32 bushels; and hay, 1 ton. It is perfectly apparent that these yields are far below what they ought to be and what they can be and will be under a system of scientific agriculture. The average product of the Ohio dairy cow is 150 pounds of butter fat annually. Feeding and proper care would easily increase this product to 200 pounds.

The time has come when we must realize that farming to be successful must be carried on scientifically. And if we are to feed our increasing millions and to maintain the amazing prosperity of this Republic we must look to it and see that agriculture is carried on in this country according to the best methods.

Coupled with this comparatively small increase of agricultural production, and in some cases a positive decrease, is the further fact that under our modern system of transportation and distribution the rural producer gets only a comparatively small share of the selling price of his product. As is shown in a table which I shall insert here and which is carefully prepared from statistics collected by the Department of Agriculture, the producer's share in per cent in the price of milk is only 50.

Commodity.	Unit of sale.	Producer's share.
		Per cent.
Milk	Quart	50
Butter	Pound	87
Poultry	do	50
Eggs	Dozen	69
Cabbage	Head	48
Do	Pound	65
Celery	Bunch	60
Apples	Bushel	56
Do	Barrel	66
Strawberries	Quart	49
Do	Crate	76
Onions	Peck	28
Do	Barrel	58
Oranges	Dozen	20
Do	Box	59
Oats	Bushel	74
Melons	Pound	50
Parsnips	Bunch	60
Potatoes	Bushel	59
String beans	Barrel	80
Sweet potatoes	do	61
Turnips	Bunch	60
Watermelons	Each	34

That is to say, the man who runs the dairy farm, furnishes the cow, cares for her, feeds her, and attends to the milking, gets but 50 per cent of what is paid for the milk by the ultimate consumer. In case of poultry the farmer's wife who raises the chickens gets but 50 cents out of every dollar that is paid for them by the consumer. The producer of onions gets only 28 per cent of the consumer's price. The producer of oranges gets only 20 per cent. The producer of cabbage gets only 48 per cent of the price paid by the consumer. The producer of potatoes gets only $59 out of every $100 paid by the consumer. The man who raises the watermelon gets only 34 per cent of the price to the consumer. In other words, with the agricultural production increasing only slowly and in some cases absolutely decreasing, with only a small share of the consumer's price going to the producer, it is very apparent why the cost of living is high. We see clearly two of the reasons that enter into this great problem. Of course, there are other factors, which it is not our purpose here to discuss.

What are the remedies? First, an improved system of transportation and distribution; second, a better system of agricultural production. An immediate necessity for relief in both of these suggested directions is made apparent from an examination of the statistics prepared by the Census Bureau relative to the drift of population to the cities and the comparative depopulation of the agricultural districts. For example, in the State of Ohio, as shown by the bulletin issued by the Bureau of the Census, there are 39 counties that have decreased in population during the last decade, the rate of decrease ranging from one-tenth of 1 per cent in Lawrence County to 17.4 per cent in Paulding County. The decrease in numbers was from 46 in Lawrence County to 5,225 in Wood County. In Ohio, in 1890, 41 per cent only of the total population lived in cities. In 1900 it had increased to 48 per cent and in 1910 it had increased to 55.9 per cent. In 1890, 59 per cent of the total population lived in the country; in 1900 it was only 51 per cent and in 1910 it had decreased to 44 per cent. The urban population is increasing and the rural population is decreasing. There are in the State of Ohio 62 counties out of 88 in the whole State in which the rural population decreased, but there are only 8 in which there was a decrease of urban population.

A study of the map in this bulletin on the population of Ohio shows the startling fact that all through the great agricultural regions of that rich State the population has decreased relatively in the past 10 years. In some cases there has been a steady decrease for 20 and even 30 years. The same general truth is illustrated in another census bulletin which I have before me showing population in the United States. In this bulletin the fact is brought out that there are 252 counties in the United States that have a smaller population than 30 years ago, and practically all of the 252 are agricultural counties. The census bulletin classifies as urban population all that residing in cities and other incorporated places of 2,500 inhabitants or more. I present here a table showing the population of continental United States and the per cent distribution as between urban and rural population.

Class.	Population of continental United States.			
	1910	1900	1890	1880
Total	91,972,266	75,994,575	62,947,714	50,155,783
Urban	42,623,383	30,797,185	22,720,223	14,772,438
Rural	49,348,883	45,197,390	40,227,491	35,383,345
	Per cent distribution.			
Total	100.0	100.0	100.0	100.0
Urban	46.3	40.5	36.1	29.5
Rural	53.7	59.5	63.9	70.5

According to this table, in 1880, 70 per cent of our people lived in the country; in 1890 only 63 per cent; in 1900, 59 per cent; and in 1910, 53 per cent. In 1880 only 14,000,000 of our people lived in cities; in 1890 there were 22,000,000; in 1900, 30,000,000; and in 1910, 42,000,000. Our people are leaving the country and drifting to the city, and we may just as well face the fact and legislate accordingly.

From the hearings before the Senate committee on the Page vocational educational bill, it is shown that for a hundred years in this country we have been taking the boys and the girls away from the farm and bringing them into the cities. Fifteen or 25 years ago it used to be the practice for one or two boys or one or two girls from a large family to go to the city. Now the farmer sells the farm, and the whole family moves there, and he is oftentimes the best farmer in the community. These cold facts are startling and amazing, and are worthy of the most serious consideration by all those who are interested in our country's welfare.

In the New England division of our country more than four-fifths of the population, in 1910, lived in urban territory, as set forth in the report by the Census Bureau. In the Atlantic division the urban population consisted of more than seven-tenths of the total. The proportion for the State of New York was very nearly four-fifths. In the east, north, central, and Pacific divisions the urban territory contained more than one-half the total population in 1910.

In each of the nine geographic divisions the proportion of the population living in urban communities was larger in 1910 than in 1900 and larger in 1900 than in 1890. The increase from 1900 to 1910 in urban and rural population for the United

States is shown in the following table from the census bulletin referred to before:

Class.	Population in—		Increase, 1900–1910.	
	1910	1900	Number.	Per cent.
Urban territory in 1910	42,623,383	31,609,645	11,013,738	34.8
Rural territory in 1910	49,348,883	44,384,930	4,963,953	11.2
Total population	91,972,266	75,994,575	15,977,691	21.0

The increase for the population in urban areas was over three times that of the population living in rural territory. Of the total increase in the population of continental United States during the past decade seven-tenths was in urban territory and only three-tenths in rural territory. These startling conditions demand a remedy, and a remedy is at least indicated by this bill and by the work which has heretofore been done by the Farm Management Bureau and other bureaus in the Department of Agriculture. In the report of the committee accompanying this bill a quotation is made from a recent address by the President, in Kansas City, in which he said:

The welfare of the people is so dependent on improved agricultural conditions that it seems wise to use the welfare clause of the Constitution to authorize the expenditure of money for improvement in agricultural education and leave to the States and private enterprise general and other vocational education. The attitude of the Government in all this matter must be merely advisory.

It is now proposed to organize a force of 3,000 men, one to every county in the United States, who will conduct experiments within the county for the edification and education of the present farmers and of the young embryo farmers who are being educated. It is proposed that these men shall be partly paid by the county, partly by the State, and partly by the Federal Government; and it is hoped that the actual demonstration on the farms in the county—not agricultural stations or schools somewhere in the State, but in the county itself—shall bring home to the farmers what is possible to do with the very soil that they themselves are engaged upon.

This is a wise and statesmanlike suggestion and in harmony with the general purposes of the pending bill. It is quite apparent with our rapidly increasing population and the comparatively small increase in our agricultural production that the time is close at hand when if there is not more efficient work done on the farm under scientific management the country at large is bound to suffer.

At the same time that our population has increased 20 per cent the farm acreage has increased only 4 per cent. If our population shall increase as rapidly in the next 50 years as it has heretofore, this country will have a population of upward of 200,000,000 people. In order to keep this vast population upon the high standard of living to which American citizens are accustomed and with the maintenance of which we are all concerned, the interest of our people in farm work must be increased and better methods must be used everywhere. The United States Department of Agriculture, working through its various bureaus, especially through the Bureau of Farm Management, blazes the way. No appropriation made by the Government brings so large returns as does the appropriation which goes to the Department of Agriculture. None of that money is more productively expended than that which is used for the farm-management work. The funds so expended are vastly more beneficial to all our people than are ambitious foreign policies and huge navies.

It is hoped and believed that this bill if enacted into law will not interfere with farm-management work, but on the contrary will be carried on in coordination with it.

The problem of the distribution of our population and the proper increase in our agricultural production is one of the mightiest that can possibly concern us, and we can make no mistake in legislation for the encouragement of agriculture. To the end that the life of the American farmer may be made more attractive and profitable and that more of our people may be encouraged to live in the country, where the good Lord intended them to live, and thereby aid in the solution of this mighty national problem, let us pass this bill.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that all who desire to extend their remarks on this bill may have five legislative days within which to do so.

The SPEAKER pro tempore. That request has been submitted, that all who speak upon this question have five legislative days to extend their remarks upon this bill. Is there objection? [After a pause.] The Chair hears none.

Mr. CLINE. Mr. Speaker, I am in favor of this bill because it proposes that this Government of ours shall not only find the young men and women of the country, but "help them to find themselves." It proposes that the State shall go into the business of making the future citizens of the Republic useful to a greater degree than heretofore. I have no other purpose than to vote for this bill, but before doing so I should like to see it very much enlarged in its scope and purpose. I believe in vocational training. I would not limit the Federal aid that we are proposing to give the several States to agricultural and home economics. I would embrace within its provisions the mechanic arts. The great commercial countries of the world that enter into competition with us are teaching their young men how to do mechanical and technical work, and turning them from the Government shop into the factories to meet us with the skill of their acquirements in the markets of the world. Our purpose in the giving of Federal aid ought not to be to advance one line of employment to a higher plane, but to move the great mass of our citizens to a sphere of greater usefulness and efficiency. I believe fully in the Democratic platform of vocational training for the youth of the country. The interdependency of all the agencies in the commerce of the country go to make up the splendid whole. I would extend with an impartial hand to every young man and woman, through proper educational agencies, the assistance that would help us to advance with that confidence we now have in our ability to compete with our brains and our energy in the markets everywhere. The Government should get close to the boys and girls and teach them to know, more forcibly than ever before, that this great force called organized society has emergency use for these units in the social structure. I do not underestimate the necessity for and value of scientific knowledge in the pursuit of agriculture, but agriculture is only one of the elements of our commerce.

Men and women interested in social problems may well inquire what we are to do with the multiplied thousands of young men and women who are flocking to the cities and centers of population of the country, where employment is becoming harder and more difficult to find every day.

Voicing the demand that is now becoming insistent for the special training of the youth for such lines of employment as the country needs and as a partial solution of the social problem confronting us, I quote from the recent report of the president of the board of education of the city of Chicago, made for the year ended June 30, 1912, as follows:

VOCATIONAL AND CONTINUATION SCHOOLS.

The attention of the educators of the country is now centered on the question of necessary provision for the children of our schools who pass the legal compulsory age limit without graduation. Every year thousands of these children are leaving school from the fourth to the eighth grades, inclusive, with little or no preparation for the work which the industrial interests can offer to persons of immature age and experience. The one dominating purpose of both the child and the parent is "to find a job," regardless of the lack of adaptability of the child to the particular work which he finds to do. It is readily seen that the problem of the child in his unguided effort to secure employment is a serious one, and the hope of permanency in the position which he may attempt to fill is based wholly on the laws of chance. As an outgrowth of the inadequate facilities which our schools can offer to these young people, we have the example of many boys without employment who are roaming the streets, forming habits of idleness and consequent immorality. The duty of the public toward these children has long been a matter of discussion, and the evidence of their right and needs are so apparent as to carry the question beyond the necessity for further argument.

The last census report, just out, shows that the urban population in the last decade increased 34.9 per cent, while the rural population increased only 11.2 per cent. The great drift is to the cities of the country, and not to the farm. The problem for the Nation to solve is how to find employment for the thousands of young men and women who must earn a living either in mechanical, professional, or clerical work. Industry is the greatest enemy of crime and immorality. The man or woman who is constantly employed not only is taken out of the conditions that foster crime, but becomes interested in the success of business and the prosperity of the country. The changed requirements in commercial lines not only require more labor, but better and more efficient labor. Always that labor that is most intelligent is most profitable to its employer. That knowledge need not be, either, especially along the line of the employment. A wide general knowledge covering all subjects possible that gives a fund of general information benefits the employee in his general work. This intelligence reenforced by special knowledge to enable him to do certain work becomes especially valuable not only to the employer, but it becomes valuable to the wage earner, because his ability brings him far greater returns. Now, what is the condition of our student population with reference to either vocational or general scholastic training as a basis for the work of the future?

Dr. Claxton, United States Commissioner of Education, states that 92.93 per cent of all the children entering the public schools never get beyond the eighth grade. Only 5.35 per cent ever get into the high school and only 1.71 per cent reach the college and

university. The fact might further be stated that only this 1.71 per cent ever have any special training for their future work. The other 98 per cent go out into the world asking employment in lines they have scant qualifications for. I am not concerned about the high-school and college portion, the 7 per cent of the school population—they can take care of themselves in the teaching and professional work of the country. It is the 93 per cent that I am interested in—the class from which are recruited the unemployed, the criminal classes, and the immoral recruits in the social fabric, the men and women without a job who should interest and receive our attention. In the swift competition for wages, places, and employment the uneducated girl or boy does not find the gates open to them. They lack that skill to do the work and do it quickly that the employer is looking for when he employs help. This age, with its enterprise and demand for swift result, does not have any time for the boy nowadays to learn a trade at the expense and time of the employer. That period has passed. The man who wants to work must come with his tools and know how to use them to the very best advantage of the employer or there is no job open for him. The employer must have that kind of help, for he must reduce the cost and increase the volume of his output so that he can meet competition wherever it exists, and to do this he must have skilled labor.

We ought not only to support this bill that provides for better industrial education of the girl and boy, but we ought to support it from a moral and commercial standpoint. Whenever you persuade a boy to earn a living, as a rule, you make a moral man of him and commercially he succeeds. All trades and commercial lines of business and agricultural pursuits are demanding more and better labor—more and better mechanical equipment—increasing the necessity for ability to operate the business. The energy and strenuousness of our industrial life force us to meet the demands of the commercial age. The upward trend, in not only our own country but in every country, makes it a necessity for us to educate the boys and girls, especially for the business they desire to be employed in. Quickness of communication, rapid transportation of merchandise, facilities for information, all these elements of business make the demand strong for the best skilled labor constantly attainable. We want to set on fire the latent capabilities of every boy and girl and make him feel that he is a factor in this mighty rush of progress with which we are filling the world. We can not afford to repress a great force in our industrial life by failing to invite, through special education, the latent powers of the girl and boy from its confines and let it do its best. There is not a State in the Union but that needs these vocational schools that will point as a guideboard to the successful highway for the girls and boys to travel in to success. We want the masses of our citizenship to succeed. That is the perfection of government—to make the citizen self-supporting and happy; and the way to do it is to help him who wants to help himself. Our unlimited resources are welcoming the industrious on every hand to create the wealth for this mighty Nation and share in the fruits of industry and economy. Capital ought to invite this investment to their aid as an auxiliary force in accumulation of larger and larger dividends. Give us the trained intellect of this young Nation of young boys and girls that they may put their brains into the business in which they are employed, and we will not only double our exports of manufactured products but increase immeasurably the comfort and happiness of our own people.

There are other angles of viewpoint to this question. We have spent millions and millions of Federal money in our coast cities, in fortification, shipyards, rivers and harbors, resulting, of course, in benefit to the whole people. All parts of the country have cheerfully given to these great national measures. Why not distribute some of this Federal help to the interior of the country in the shape of vocational schools where the hundreds and thousands of growing youth can have the practical benefits of the expenditure. We owe it to the laboring man, the man on a small salary, with children to whom he can not give the advantages that his more fortunate neighbors can, to place his children on an equality in the start for the world's work that they shall have to engage in. We want to send back to the farm the girls and boys with a practical and experimental education that they may not only know how to retain the productivity and fertility of the soil, but that they may know how to produce more and get quicker and better returns for their labor.

We are landing in this country, approximately, 100,000 foreigners a month, many of them desirable citizens. Many of them, though, not in sympathy with our institutions. It must be the business of this great country to assimilate them into this Government, and instead of making their coming a menace to our liberties to make them a factor in good government. A great vicious force, set against capital and industry individually, must be wrought into the citizenship by teaching them that industry and good morals and an obedience to law are the first elements of personal liberty and free government.

It has been said that the expense will be great. No man counts the expense or the amount of an investment so long as the investment brings a good return. That is all we are interested in. No one doubts that the dividend will be paid. The great growth in industrial training and the results show whether there is a demand for this kind of instruction.

There is another feature of this bill that I like. That is the partnership feature in it. It says to the State it will go into company with you and if you will contribute so much for the industrial education of your boys and girls the Federal Government will give as much as you do for the purpose. The Government wants to unite with the State in the perfection of her citizenship. I do not agree entirely with the administrative features of this bill, but I do most heartily agree with its ultimate purpose.

Mr. LEVER. I yield two minutes to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I do not know whether I shall vote for this bill or not. I hope I may, but I shall not do so unless I am satisfied that it will not interfere with or handicap or circumscribe the activities of the bureau in the Department of Agriculture recently presided over by Dr. Knapp. I think Dr. Knapp was one of the greatest men, measured by deeds done, that we have had in this country for many years. The people throughout the South, our farmers and farmers' organizations, are raising a fund in that country to erect a monument to the memory of Dr. Knapp as a tribute to the great work he did in this farm demonstration and cooperative work. I hope that if the bill as drawn now can be construed to limit the activities of that bureau or to transfer from the department to the State the functions that are now performed in that particular bureau, that the bill will be amended so as to make that construction impossible. I understand one of the purposes of the bill was to curtail the activities of that bureau. Now, if that is true, it is my personal intention to vote against it, because I think it is too valuable a work to be interfered with in any possible way.

Mr. LEVER. I will yield to the gentleman one minute more.

Mr. HUMPHREYS of Mississippi. I have no intention of trying to elaborate on what I have suggested. I simply wanted this opportunity to express that view and to get the assurance of the gentleman from South Carolina—for whose opinion I have the greatest respect, because I know there is no man in this country who is more deeply interested in all that makes for the betterment of the farmer than he—that this bill will not cripple the activities of that particular bureau.

Mr. LEVER. I will say to the gentleman from Mississippi frankly—and I wish I had time to discuss it—as I said to the gentlemen from Tennessee [Mr. GARRETT] awhile ago, that in the course of time, 10 years it may be—and it is bound to be that long; it may be 20 years—the work in a measure will be transferred from the department to the agricultural colleges.

I yield to my colleague from South Carolina [Mr. AIKEN].

Mr. AIKEN of South Carolina. Mr. Speaker, having been reared upon a farm, I can never be weaned from the country people and am glad to embrace every opportunity to aid in the advancement and betterment of people engaged in agricultural pursuits of our entire country.

It is not generally known by the Members of this House what a long, hard fight was made to elevate the Department of Agriculture to the position it now occupies—second to none in importance in this Government.

My father, then a Member of this House, made the first report from the Committee on Agriculture, January 21, 1884, to the House to provide for the establishment of the Department of Agriculture and for the appointment of a Secretary thereof. The act creating the Department of Agriculture became a law February 9, 1889, and President Cleveland appointed Norman J. Colman the first Secretary of Agriculture February 11, 1889.

Now, Mr. Speaker, this bill to establish agricultural extension departments in connection with agricultural colleges in the several States should have the ready and unanimous support of Congress.

In agriculture, as in charity, "there is a giving that enricheth." The soil is a storehouse in which are locked the secrets of nature, and science carries the key. By national aid and by effort of the States the door of opportunity in agriculture is being opened, but science alone can not carry its re-

searches to the people. This is the part of the understudy, the experimenter, and it is the purpose of this bill.

Our fathers knew that newly cleared lands were more productive than lands planted continuously to a single crop, but they did not know the secret of restoration, and so they wore out their old fields, abandoned them, and cleared new lands. With a scattered population and millions of acres of land, fresh from the hand of nature, this country has long since outstripped all others in the aggregate of production. But our natural advantages of soil are waning, our population is increasing rapidly, and we now find ourselves face to face with the prospect of being forced into foreign markets to buy much of our food supply.

Twenty-five years ago, the agriculture of Belgium was in a deplorable condition. The remedy was found in extension work, such as is proposed in this bill. As a direct result of demonstration work in Belgium, between the years 1885, when demonstration work was introduced, and 1910, the average yield of wheat per acre increased 14.01 bushels; rye, 12.73 bushels; oats, 31.09 bushels; and barley, 19.32 bushels. Nearly all European countries lead this country in production per acre averaged, a fact that is explained by the more intensive methods of farming by the foreigner. In Germany and Holland large families subsist on the products of 2 to 4 acres of ground, while here 25 acres make but a small farm. The foreigner has been driven to intensive methods by the lash of necessity. This country has been living on the prodigality of nature.

The United States spends less for farm-extension work, in proportion to its population and agricultural area, than any European country with the possible exception of Spain. Liberal as we may think this Government has been in promoting agriculture, less than 1 per cent of its annual appropriations have been used for this purpose. And yet, for many years to come, agriculture must of necessity be the chief source of national wealth.

Agriculture in the United States is still in its infancy, and with the touch of applied science can be made to double production many times. Nearly all the States, realizing this, have established agricultural colleges which are teaching the science of agriculture. The deductions of the scientist had to be tried out in experiments, and in this the Government has aided by passing the Hatch Act, contributing to the maintenance of experiment stations. The next logical step was to carry the experiments to the people, a work begun under Dr. Knapp in 1904, and which this bill is intended to amplify.

One scientific farmer in a neighborhood will bring up the standard of farming in the entire community. At first his methods are scouted, then watched, and finally adopted. All of us have seen this result, and it demonstrates in a homely way the wisdom of extension work. There should be located a farm demonstration agent in every county of the United States, about 3,000 in all. These men should give immediate supervision to one or more farms in each county and should coordinate with all adjoining farmers, so that from these centers would radiate influences that would revolutionize farming. Such work has already been begun on a small scale and results have been amazing.

Just prior to the Civil War all the property of this country was assessed at $12,000,000,000, and the South owned 44 per cent of this. It is estimated that the Civil War destroyed, directly and indirectly, more than $5,000,000,000 worth of property in the South. Prior to the war South Carolina was $68,000,000 richer than Rhode Island and New Jersey combined. After the war so great was the reduction of values in the South that Massachusetts alone returned more than half as much property as all the Southern States combined. Stripped of her wealth, bereft of much of the flower of her manhood, the task of recuperating the agriculture of that section would have staggered and perhaps crushed any other people on earth. How well she has acquitted herself of the task let the records say.

Marvelous as has been the agricultural recuperation of the South, the real work of production is just begun. Drake's 255 bushels of corn per acre and the boy Jerry Moore's prize acre of 228¼ bushels, both raised on South Carolina lands, only demonstrate what may be done in the South. We need but to put a Drake, a Moore, or a Williamson in every township of the South, and this country can feed the world. The South Atlantic and Gulf States, by reason of the long growing season, abundant rainfall, favorable climatic conditions, and varying soils of varying altitudes, are the natural agricultural States of the Union, and the products of these States constitute the Government's largest commercial asset. Nowhere on the earth's surface is there a large area of land so favored by points of advantage for farming and so signally free of disadvantages as the Gulf and South Atlantic States. Uncle Sam has his hog pasture and his cattle pasture and his wheat and corn patches that he can depend on sometimes, but his real farm, his money crops, and his garden spots lie in the Atlantic and Gulf States. Until recently this part of his possessions has been neglected—left to work out its own salvation.

To illustrate the leavening effects of demonstration work, I desire, in brief, to cite the history of the work in South Carolina, for the reason that I am more familiar with this.

About 25 years ago Clemson Agricultural College, the greatest agricultural college in the Southern States, was established in South Carolina. At that time more than 75 per cent of the lands of the State were under mortgage; farmers were discouraged, and many abandoned their farms and moved into small towns. In time an experiment station was established in connection with the college. The station took up the analysis and adaptability of soils while the college was educating hundreds of boys in agriculture. For 10 years the work of the college and station was scarcely perceptible; it was preparatory work. Then extension work was introduced on a small scale, and good results were immediate. In 1904 Dr. S. A. Knapp came into the State, and working with and through the college amplified and enlarged the extension work of the college. As a result of the small amount of extension work done agriculture has improved more than 33 per cent; and during the year 1911 the corn yield in South Carolina was double the average yield for the 10 years previous, and yet the production of all other crops was greatly in excess of previous years.

There is a large area of land in South Carolina between Columbia and Charleston that has been considered worthless. The Southern Railway deeded 300 acres of the worst of this land to Clemson College, conditioned that the college establish an experiment station on it. Soil experts of the college made analysis of the soil and found that it was rich in all or nearly all the requirements for plant food, but that these properties were inactive because the section was submerged in water. Drainage then was the solution, and to this the college directed its energies. Prior to the college taking over the land it would not make a pound of cotton or a peck of corn to the acre. Now, under the skilled hand of the scientist, it is yielding crops that would rival the crops of the Nile. Corn, cotton, vegetables, grasses, all grow to perfection on the station, and this demonstration alone will likely be developed into one of the richest producing areas of the State. The station is located about 20 miles above Charleston on the Southern Railroad, and already scientific agriculturalists and truck men are making preparation to settle near by.

Clemson College has under way still another station, and, I am informed, contemplates still a fourth. These will each be located in sections of varying soils and altitudes, and will practically cover conditions over the entire State. If other States will follow South Carolina's lead, and the National Government will carry the work of the stations and colleges to the people, the problem of rural emigration will have been solved. Give farming an equal chance with other vocations, demonstrate the profit in it, and the farmer will stick.

Conditions as regards rural advantages have very much improved in South Carolina in the last decade, though in many sections of the State there is great room for improvement still. In my district practically every section is connected by telephone. The mail is carried to the door of almost every man. Trolley lines are being built, connecting country and town. Many farmers have their own electric lights and waterworks and travel in automobiles. These are the immediate results of improved methods of farming, and the State is not yet even in the morning of its development. Though we hold the world's record for the production of corn per single acre and the championship for the production of cotton in proportion to area; though we grow apples in the mountains, peaches and plums in the midland, vegetables on the coastal lands, and field crops everywhere; and though we grow all these things in perfection, we need the assistance of the National Government to make the best conditions general and to carry development to the door of every man. Every dollar spent in this way will, in time, be returned to the wealth of the Nation a hundredfold. Agriculture can be restored, in point of preference as a vocation, to its proper station; the Nation, already the richest in the world, can double its assets; and our people will become more and more content as agriculture becomes more and more prominent in our industrial policy. Profitable farming spells back to the farm. Back to the farm spells relief for the congestion of unemployed in our cities, and a consequent healthy public sentiment.

Though South Carolina is the second cotton manufacturing State in the Union, and hundreds of thousands of horsepower waterpower are yet unharnessed, manufacturing is normally a secondary industry with our people. Opportunities for manufacturing were so great as to hasten prematurely our manufac-

turing period, and this, considering our small white population from which the manufacturer had to draw, seriously crippled agriculture.

Now, with improved methods of farming, the exodus has again set in toward the country, and the two great industries, farming and agriculture, are working hand in hand for the certain preeminence of our State.

We are on our feet; we are working for the prosperity of the Nation; we beckon to our sister States to follow. Give us and our sister States a helping hand and the achievement of the past will not even foreshadow the future wealth of this Nation. [Loud applause.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Oklahoma [Mr. MORGAN].

Mr. MORGAN. Mr. Speaker, I desire to have the following amendment read and remain pending until the proper time.

Mr. HAUGEN. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting, after the word "to," in line 13, page 2, the following: "Students in graded public schools in districts of not less than 25 square miles in area and to other," so that section 2 when so amended shall read as follows, to wit:

"SEC. 2. That it shall be the object and duty of said agricultural extension departments to give instruction and practical demonstrations in agriculture and home economics to students in graded public schools in districts of not less than 25 square miles in area and to other persons not resident in said colleges in the several communities, as may be provided by the States accepting the provisions of this act, and to convey and impart to such persons information on said subjects through field demonstrations, publications, and otherwise."

The SPEAKER pro tempore. The gentleman from Iowa reserves a point of order on the proposed amendment. The gentleman from Oklahoma [Mr. MORGAN] is recognized.

Mr. MORGAN. Mr. Speaker, as indicated by the amendment which I offered, I believe this bill should be amended, and I believe it can be improved by the amendment which I offer. However, if the amendment which I shall offer be not adopted, I shall then support the bill as it has been presented by the committee.

Mr. Speaker, I regard this in many respects the most important bill that has been before this House during this long session of Congress. I do not think that we as representatives of the people of the United States really comprehend the importance of this subject. In my judgment, if something is not done to encourage the agricultural interests of this country, in the near future many great evils will overtake all classes.

In some remarks which I made here a few weeks ago on this very bill, when another bill was under consideration, I said that there were four propositions which I considered self-evident: First, that agriculture should grow as rapidly as our population; second, that the production of food products should also increase as rapidly as our population; third, that our rural population should increase as rapidly as our urban population; and fourth, that agriculture should grow as rapidly as other important fundamental industries of our country. The fact is, Mr. Speaker, that the statistics gathered by the Census Bureau in 1910 demonstrate that not one of these propositions is true. Agriculture is not growing as rapidly as our population. From 1900 to 1910 the population of this country increased 21 per cent, the number of our farms increased 5 per cent, the amount of our farm land increased 7 per cent, the amount of our improved land increased 15 per cent, showing that the growth of agriculture is not keeping pace with our population. Second, the production of food products is not increasing as rapidly as our population. Our population increased 21 per cent. The acreage devoted to the production of cereals in this country, between 1900 and 1910, increased but 7 per cent, and the production of cereals increased but 1.7 per cent. Now, to my mind, it is alarming that in this great country our population is increasing in a decade 21 per cent, and our cereals, which constitute largely our food products, are increasing but 1.7 per cent. The rural population is not increasing as rapidly as our urban population. As has been stated here this afternoon, from 1900 to 1910 the urban population increased 34 per cent and a fraction and the rural population increased but 11 per cent. Thirty years ago 70 per cent of our population was in the rural districts. To-day not exceeding 45 per cent of our population is in the rural districts. Ten per cent of the entire population of the United States is in three of our great cities. Twenty-five per cent of our entire population is in cities containing 100,000 or more of population. In some way we must arrest this flow of population from the country to the city. In some way agriculture must increase as rapidly as the population. In some way the production of food products must be made to increase as rapidly as the growth of our population. There has been in recent years much discussion about the high cost of living. To my mind, Mr. Speaker, the figures which I have quoted here in my few remarks explain a large part of that condition.

Now then, I believe that this bill should be amended in accordance with the amendment which I have presented, in order that the instruction which is given by virtue of this appropriation shall go to the rural graded schools, and when I have an opportunity I hope to discuss that part of the subject. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAUGEN. Mr. Speaker, I yield five minutes to the gentleman from Iowa [Mr. PEPPER].

The SPEAKER pro tempore. The gentleman from Iowa [Mr. PEPPER] is recognized for five minutes.

Mr. PEPPER. Mr. Speaker and gentlemen of the House, I have become very much interested in this bill because it carries forward a work that has been in progress for the last six or seven years, a work that is going to accomplish in practical results more than has ever been accomplished before since the Agriculture Department has been organized.

I suppose the question of the increased efficiency in the science of agriculture would not arise to as great an extent in the State from which I come as it would in some other States. I do not think I need be accused of exaggeration when I say that there is perhaps no State in the Union that stands as high in agriculture, in the broad and systematic development of that science, as the State of Iowa. [Applause.] The soil and climate of Iowa conduce to the raising of immense crops. The farmers out there are prosperous. There is not any question about a famine in that State. And yet I find that the statistics show that the progress in agriculture in my State has not been as rapid as it has been in foreign countries and in some other States of this Union.

The fact of the matter is, that the pioneers who went to such States as Iowa and settled there and developed that country went there chiefly to found homes. For years farming has been simply a means of securing a livelihood only. In recent years, however, we have come to recognize the fact that farming is a business proposition. In other words, it is not going to be a question in the future of securing a fair price for farm products, but the problem is going to be to raise enough of farm products to supply the demand.

And so I say that this bill is along the right lines. It is going to bring the technical knowledge, the actual developments of science, right down to the door of the American farmer, and I want to assure the Members of this House that this so-called question of book farming is not the bugaboo that it once was among the farmers. Recently I had reason to go out to a certain farming locality in my district, and I found there a discussion going on among farmers about raising enough money to secure the services of one of these farm experts to come among them and inaugurate their demonstration work. I was interested in the number of farmers who had gathered to discuss that proposition, and I was surprised to find that the farmers are vitally interested in this proposition. I was surprised to find the amount of interest that had been stirred up already among the farmers of my State with reference to the developments in the Department of Agriculture. And so I say that this bill is going to help to bring this technical information to the door of the American farmer. [Applause.]

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. PEPPER. Can I have a little more time?

Mr. LEVER. I yield three minutes more to the gentleman, Mr. Speaker.

Mr. HAUGEN. And I yield two minutes to the gentleman.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for five minutes more.

Mr. PEPPER. Now, if I thought, with other gentlemen, that this enactment would interfere with the crop demonstration work that is now being conducted by the Department of Agriculture, I would certainly be disposed to criticize this bill. But gentlemen know that to-day the Agricultural Department is cooperating with the agricultural colleges of this country in the very kind of work proposed by this bill. The plan of Dr. Spillman is to have a State leader in every State, half of whose salary is to be paid by the General Government and half by the agricultural college of that State, for the purpose of general supervision of the experts in the employ of the counties, and I can not see how there can be any lack of harmony between the purposes of this bill and the general plans of the department.

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from Iowa yield to the gentleman from Texas?

Mr. PEPPER. I do.

Mr. BEALL of Texas. Do I understand from the gentleman's argument that there is to be a duplication of this cooperative work?

Mr. PEPPER. I do not believe so.

Mr. BEALL of Texas. In other words, that the Agricultural Department will carry on this work as it has been carried on heretofore, and in addition to that the States of the Union will engage in it?

Mr. PEPPER. I do not believe that will happen, for the reason that you will find that in every State where an agricultural college is in existence the men connected with it in every capacity—the professors and the instructors—are insisting upon a thorough cooperation with the department at Washington, so that there is not any possibility of conflict.

Mr. BEALL of Texas. Do they have cooperation now? If so, what is the necessity of spending this extra $3,000,000 a year?

Mr. PEPPER. The necessity is just this, as I look at it: Under the present agricultural bill, to illustrate, there are three counties in the State of Iowa that are going to have the benefit of the appropriation carried in the bill. Every county in the State of Iowa would have the benefit under this bill. I believe that there can be a more scientific handling of the money. It is all the same money. It comes out of the Federal Treasury, whether you appropriate it in the agricultural bill or whether you carry it in this bill. It is a Federal fund. I believe the plan can be handled better by having it enacted into law in the form of a definite policy of this Government, and carry the extension work into every county in the United States and bring to the farmer the actual technical knowledge gathered by the experts and by the men who have given years of study to this subject, who will bring it to their doors.

Mr. BEALL of Texas. What basis have you for the belief that the passage of this bill will not interfere with the demonstration work such as is now being conducted by the department?

Mr. PEPPER. Nobody has pointed out how it will interfere, and therefore in the absence of any information of any kind showing why it will interfere I assume, I think quite naturally, that it will not interfere.

Mr. GARRETT. Will the gentleman permit me there?

Mr. PEPPER. I yield to the gentleman from Tennessee.

Mr. GARRETT. The report of the committee points out where it will interfere.

Mr. McLAUGHLIN. Will the gentleman allow me to ask him a question?

Mr. PEPPER. Yes.

Mr. McLAUGHLIN. Does not the gentleman know that the money to be used in the South is solely to combat the ravages of the boll weevil.

Mr. BEALL of Texas. I know that originally the demonstration cooperative work in the South started as the result of the boll weevil, but it has far outgrown that.

Mr. LEVER. But they have made it under that pretense.

Mr. McLAUGHLIN. The expenditure of the money is not permitted except for the purpose of meeting the ravages of the boll weevil. Is not that true?

Mr. BEALL of Texas. The boll weevil in some respects was a very unfortunate business.

Mr. McLAUGHLIN. No; I think it was a fortunate business.

Mr. BEALL of Texas. But in another way it has served a very useful purpose.

Mr. PEPPER. I want to say to the gentleman that, so far as I am concerned, I believe the disposition of the amount of money that is contemplated in this work should be fixed by law, rather than by a policy of the Agricultural Department. Therefore I am in favor of whatever policy Congress adopts being put into law, saying exactly how we want this money expended.

Gentlemen opposed to this bill can not hope to hide behind mere technicalities. If you are opposed to the proposition, you should come out in the open and say so. So far as I am concerned, I believe in giving every aid possible to the American farmer. He and the work that he does forms the bulwark of our national prosperity. If the Government can assist him in solving the many problems constantly arising, we owe it to him and to the people generally to do so.

We hear these days a good deal about "conservation of our national resources." In my judgment the real problem of conservation consists in being able to conserve our soil, making it more productive instead of less so; increasing the yield instead of decreasing it.

During the past 30 years Europe has increased her acreage yield of wheat, rye, oats, barley, and potatoes 75 per cent, while we have increased ours 8 per cent.

Their necessities has compelled them to progress. Our abundant resources seem to have made us careless.

Mr. Speaker, I have not the time to elaborate upon this phase of the subject, but I hope that this bill will soon be enacted into law, and I am sure if it is no man in this Hall will ever regret having voted for it. [Applause.]

Mr. BEALL of Texas. It will keep cooperation in the Agricultural Department.

Mr. PEPPER. It will not kill the work. It may modify the appropriation in some respects, but the work is identical, and will not stop as long as the American people are in favor of conserving and developing their national resources. [Applause.]

The SPEAKER pro tempore (Mr. RAKER). The time of the gentleman has expired.

Mr. HAUGEN. How much time have I?

The SPEAKER pro tempore. The gentleman from Iowa has 49 minutes, and the gentleman from South Carolina [Mr. LEVER] has 11 minutes.

Mr. HAUGEN. I yield five minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Speaker, only a little while ago, on a beautiful Indian summer day in early September, I took my leave of the rustling cornfields of Pike County, Mo., and went away to attend the law department of the State university.

At present I have the honor and the pleasure to represent in this House a district made up almost entirely of one of the great cities of the Nation. But my heart goes back to the farm, and my sympathies go out to the people everywhere who are now on the farm, no matter whether they were there then or have since located there.

I desire to congratulate the committee for having reported this bill to extend agricultural experiment-station work to the farmers. We of the cities will profit thereby in cheaper and better food products. My observation has convinced me that it is as much to the interest of the residents of a great city to have the farmer prosper as it is to the farmer himself.

When the Union Station was recently completed here in the Capital the literature of the world was searched for appropriate sentiments to be inscribed upon the face of that magnificent marble structure. One of the inscriptions is a tribute to agriculture and reads: "The farm—Best home of the family—Main source of national wealth—Foundation of civilized society—The natural providence." [Applause.]

I desire to see reforms that will make farm life more cheerful and pleasant, and which will bring the farm and the city closer together. To this end I have worked at this session for Federal aid to roads used as post roads and for an outright parcel express.

A parcel express would form a conduit between the farm in the country and the kitchen in the city. It would likewise bring to the farm very many of the advantages of city shops and stores. A parcel express would go further than any other single reform in reducing to the city dweller the present high cost of the vital necessaries, such as butter, eggs, milk, vegetables, fruit, and other farm products. At present the express companies exact such exorbitant prices that it is next to impossible for the farmer to ship his products in small packages to the city. And when such shipments do go by express the charges are such that the consumer frequently pays as much or more to the express company than he does to the farmer. The parcel express is now in full, complete, and successful operation in Germany. There the Government postal authorities provide specially manufactured containers for shipping liquids, and these containers may be returned to the shipper at a reduced charge.

During the consideration of the Post Office appropriation bill by this House it was proposed to add an amendment providing for a parcel express. The Lewis-Goeke bill was deemed the best measure to accomplish that end. The Committee on Rules brought in a rule which was adopted making the Lewis-Goeke bill in order, otherwise such an amendment could have been objected to by any Member as being out of order for the reason that new legislation is not permissible on an appropriation bill. But even with the special rule making the Lewis-Goeke bill in order, when the time came to offer the bill as an amendment the leaders had decided to let the latter drop for this session. Accordingly, I offered the Lewis-Goeke bill myself as an amendment, but it was voted down.

Thereupon the bill went to the Senate about May 1, and was considered for several months by the Senate Committee on Post Offices and Post Roads, of which the senior Senator from Oregon [Mr. BOURNE] is chairman. That Senator succeeded in having an amendment adopted in the Senate known as the Bourne parcel-post amendment. Meantime our Democratic friends had met in convention at Baltimore and declared in their platform for a parcel post, so that when the bill came back to the House the Democrats could not with very good grace refuse to concur in the Bourne amendment. Accordingly the Bourne parcel-post amendment was agreed to and became a law.

While I should have liked very much to have seen an outright parcel-express provision adopted, with a weight limit of 125 pounds, instead of a parcel post with a weight limit of 11 pounds, still I regard the Bourne amendment as a long step in the right direction, and as it gives wide latitude to the Postmaster General in working out the plan, I hope to see the parcel post grow in a short time into a genuine parcel express. I shall work to that end, and shall favor additional legislation for that purpose.

While I believe I am the most radical Member of this House upon subjects of legislation to relieve the people from the burdens now imposed upon us by trusts and monopolies, still I feel at heart that I am as conservative as any Member ought to be.

No gentleman upon this floor has any greater regard for established rules of law than myself.

Of the patriotism that is instilled into the bosom of every American youth I received my full share.

By my training I have learned to revere the rules of justice which for centuries have vouchsafed to our people the right to be free, the right to acquire property, and the right to hold and enjoy property when once acquired.

No vote of mine, either as a citizen at the polls or as a public officer in legislative halls, will ever be cast in such a way as to trench upon those rights.

But Sir William Blackstone recites that the object of the law is to protect the weak against the aggressions of the strong, and to my way of thinking the laws of the United States to control monopolies are at least a half century behind the times.

To enable our national laws to overtake conditions full and sweeping reforms are necessary. Naturally enough most of those who have profited by the absence of suitable laws are opposed to these reforms. However, we find a man of that class here and there who is farsighted enough to see that injustice persisted in can only result in disaster, and who is therefore aiding the present movement for laws to set matters right.

Such a man, in my opinion, is George W. Perkins.

In my speech in this House of August 21, 1911, I made this statement:

> If those who now enjoy the profits from large blocks of industrial and public-service corporation stocks want their children and their grandchildren to enjoy that same opportunity they will see the wisdom and the necessity of placing all industrial and public-service corporations upon a basis that is fair to the public. Otherwise Government ownership will come as surely as one day follows another. For that reason I stated in my campaign speeches that those who advocated Government control, as I do, were in reality the best friends of the owners of such stocks, and I am glad to note that in the past few weeks several of the greatest captains of industry in the United States have come to see the matter just as I do.

On August 17 of this year, in a speech on Boston Common, Col. Roosevelt was questioned by a man in the crowd who called out, "How about Perkins?"

"I am delighted to tell you about Mr. Perkins," the Colonel replied.

"Mr. Perkins is a rich man," he said. "He came into this movement not at my request, but of his own initiative. I felt just the same curiosity that a man in the crowd who asked me about him felt. I said to him, 'Mr. Perkins, why are you supporting me?' Mr. Perkins flushed and said he did not know but that he ought to be offended; but I told him he should not be, and that I was both surprised and pleased to have his support.

"'The prime reason why I am with you,' he told me, 'is because I have children. I have come to the conclusion that this country won't be a good place for my children unless we have substantial justice; unless the relations between capital and labor are on a better basis. I wish to support any movement that will bring that about.'"

Now, I do not know just how much good I have done in the progressive cause, but I do know that I introduced in this House on April 29, 1911, a bill to enlarge the powers of the Interstate Commerce Commission, giving to that body authority to fix rates based upon physical valuations, and also the power to fix maximum prices in the interstate sale of any commodity when found to be controlled by an absolute monopoly. And that was the first bill ever introduced in the House that went that far.

I stand for the progressive program, and hope that after the people are heard from at the coming election a majority of the Members of the House and Senate will feel the same way about it. [Applause.]

The present value of the wealth of the United States is one hundred and twenty-five billions of dollars. Fifty men own 40 per cent of this wealth. Two hundred thousand men own 70 per cent of our total wealth, leaving only 30 per cent for the remaining nearly ninety millions of people.

The 20 directors of the United States Steel Corporation are also directors in various other corporations. The total corporations represented by those 20 men own nearly one-fourth of the total wealth of the United States.

It is little wonder, when we consider that the commercial conditions of the country are in such shape that all the profits are drifting into the tills of a few men, that the average family is poor and is maintaining a more or less struggling existence.

Two-thirds of the families of this country have an income of less than $900 a year. Those two-thirds of our population must rigidly economize in order to exist. Those two-thirds of our population could control elections and get fair laws put upon the statute books if they would but determine to do so. Nearly one-fourth of the families of this country have an income of less than $400 per year. These are census figures. Can any mere party name longer control the ballots of thinking people in the face of these facts? [Applause.]

Mr. HAUGEN. Mr. Speaker, I yield 10 minutes to the gentleman from Nebraska [Mr. SLOAN].

Mr. SLOAN. Mr. Speaker, I support this bill because it seeks to bring home our national educational forces to communities. Agricultural education, so beneficently and auspiciously started under the Morrill Act of 50 years ago, seeks in this bill to achieve the rich fruition of its early sponsors.

Agricultural education stood a long time in splendid isolation, receiving the contempt of the learned and the prejudiced opposition of the unlearned. That was the day when, if a boy started to college—a girl seldom did—the community inquiry was "would he be a pedagogue, or would he pettifog, was it to be preaching or practicing, pills or prayers." [Laughter.] The proposed book farmer brought forth the humorous wink, the doubting head shake, and the pitying dismissal as of a "sad case."

I remember when I finished my course at Ames, Iowa, and carried home my diploma, signed by its then president, Seaman A. Knapp, so graciously referred to in the report filed with this bill and so frequently named in this debate, I was asked many questions. I recall one, "Did Knapp teach you to rock the cradle or swing it?" Well, whatever I was taught, I have rocked the cradle since, but have never swung one. To be perfectly frank with you gentlemen, one of the reasons why I went to the agricultural college, instead of to the State University, was because I could have a job such as milking cows night and morning at 10 cents an hour. This had the laudable purpose of enabling me to pay my board. Now, when I petition some lusty youth to work for twice that and his board on my farm and dairy, I see the inspiration of a modern Virgil for a twentieth century volume of Bucolics.

Let me tell you, brother of the Southland, whose love and veneration for Dr. Knapp prompt eulogies on every fitting occasion, and to whom through southern gold alone there is to be erected here in Washington a monument to preserve his memory and commemorate his deeds, Dr. Knapp, at Ames, as dean of agriculture, vice president, and president, had a stormy career. Do you know the serious fault urged against him was, he was not practical? He was of those who had a vision, but the man was master of the vision and never became a visionary. Knapp, Wilson, Wallace, and Budd saw the vision of the great Northwest. They saw its fecund soil, bathed by the rain and the dews, tilled by the brain-directed hand of toil, made to yield a thousand times the gold which comes in response to weary pick and dangerous blast of the Rocky Mountain Range. [Applause.] Was Dr. Knapp practical? If intensely so and for himself he might have stayed in my native State, there to have profited by and enjoyed his opportunities. I love to think of Iowa, my native State, from which the ranking member of the Agricultural Committee comes, and is now generously granting me time for speech. There she rests, the central jewel in the diadem of the Union, rich in the wealth of her vales and plains, wrought out by the industry and genius of her sons and daughters; blessed with forestry, water power, and a measure of minerals. She was the first to snatch the laurel of literacy from the Commonwealth of Massachusetts. For two or three

decades she has been struggling with Nebraska for its retention. Her fame rests in the wise words and prudent deeds of her statesmen at either end of this Capitol, living or dead. [Applause.] For years it has been a greater honor to be an Iowa Member than it was anciently to be a Roman, and that was greater than to be a king. [Applause.] When a boy I heard an Iowa orator use the following extravagant language:

"The Lord made the heaven and the earth. At His mandate there was the separation of the land and the sea. He made man, and He caused there to be established states, principalities, kingdoms. Then having looked upon it and called it good, and profiting by His experience, made Iowa, adorned with beauty, filled with fatness, and naught lacking for the comfort and happiness of man."

[Applause.]

Let not my Iowa friends too soon congratulate themselves upon this unanswered encomium.

"Friends, the Lord seems to have profited further by His experience. He long since learned that for the happiness of His people He could do too much. His enterprise at Eden was not a complete success. He had done too much for the early children of His creation. We all know that a smooth sea never makes a skillful sailor. We know that success uninterrupted without serious obstacles to overcome never qualify men for the highest happiness. And the Creative Genius, recognizing and following these principles, looked upon a desert waste unadorned, unproductive, and uninviting, and He said, 'Here in this part of My dominion, apparently marred by My manifest neglect, I place a few of the choice children of My creation. And if in the years to come they shall through diligence and enterprise make these apparently barren plains yield their abundance, cause beauty to stand where unsightliness stood, raise cities where solitude once sat, establish thousands of homes where children and happiness are; if the wheels of industry shall roll unceasing; if great colleges and universities shall be established; if happiness shall be in humble cot and marble mansion; if pæans of praise and voices of prayer shall rise to My name and glory from humble chapel and vast cathedral, then will I visit My children, look upon the works of their creation, call it "good" and make My dwelling place with them forever.'" [Applause.]

It is finished. He has looked upon the work of the children of His creation in our fair State. He has blessed it. He has called it "good"; and He is making His home with us forever. Men call this place Nebraska. [Applause.]

But I have wandered far afield. I was talking of Dr. Knapp. This bill represents a concrete statement of a portion of his vision. He was said not to have been practical. I do not know how his assets scheduled when the executor took charge. It may have been that—permit a pardonable paraphrase—"for others he could save, for himself he could not save." I only know that his old neighbor, the head of the Department of Agriculture, favored his going to the Southland, not to deepen the people's prejudice for free trade, not to convert them to the doctrine of protection, but to aid them to see that which they had. He traveled where De Allyon had marched, where Ponce de Leon led his band, and where De Soto forced his army to the Father of Waters. Some of these sought fame, others youth, still others conquest; but all sought gold, and they found it not; but wherever Seaman A. Knapp placed his foot and industry followed, convertible gold came up and continues to come without aid of shovel or pick, drill or dynamite. More gold than would have satisfied the dreaming demands of pillaging Pizarro or conquering Cortes. [Applause.] I am pleased with the zeal of the author of this bill, whose industry is proverbial and which could not well escape the notice of a new minority Member with time on his hands. His work is doing much for his section, and this bill broadened, as I hope it ultimately will be, without taking anything from it, will register a great forward step. You will permit a pardonable pun if I say the author of this bill will be referred to as the "Lever of the South." [Applause.]

I would not be didactic, but, seeing the beginning of a great industrial transition in the southland, permit me to encourage it by saying:

"Arise, if the past detain you;
"Her sunshine and storm forget;
"No change so unworthy to bind you
"As those of a vain regret.

"Sad or bright, she is lifeless ever;
"Cast her phantom arms away,
"Nor stop, save to learn the lesson
"Of a nobler strife to-day."

[Applause.]

While I favor this bill and all of it, I hope it will be completed when in conference between the House and the Senate by the additional provisions embodied in the Page-Wilson vocational bill. Then we will have the greatest scheme of education ever evolved by the educational forces of America. A fulfillment of the plan taken up and advocated by its statesmen and written into the law by the Representatives of the people and the States.

The new learning, then called the novum organum of early England, was the work of one man, and he a high officer of the Government, an aristocrat, Lord Bacon. This system of education will be the crystallization of the most advanced and matured thought among all the educational, industrial, and professional forces of America.

The bill before us will enable the farmers to produce more cheaply, at the same time with greater profits, food for the entire people. The Page-Wilson bill will, in addition, be a similar service in the trades and industries. It will further add the science and practice of home making. The present bill will extend farm demonstration, found so effective in the South, to all the States of the Union. The Page-Wilson bill will take up the work of State colleges of agriculture and mechanic arts, carrying it to the mass of the people in these industries, as was intended by the authors of the land-grant act of 1862. The present bill will enable the bright farmers to advise and direct their neighbors. The Page-Wilson bill will carry the new education, the new inspiration, the modern science and technique to the youth of both farm and town. The general purpose of the Page-Wilson bill is to place the college of agriculture and mechanic arts at the head of a unified system of education relating to agriculture, the trades and industries, and home economics, extending through practically all the schools of the State, including bureaus of demonstration and extension work in each county. Further, while the present bill will set to work practical men as teachers of less practical men, the Page-Wilson bill will direct State colleges and normal schools in providing sufficient well-equipped teachers in the three great departments of practical learning. In short, while the present bill will reach but one great branch of vocational education, the Page-Wilson bill will comprehensively grasp our entire school system and make it useful to all the people who toil.

The work sought to be done through the Page-Wilson bill is not entirely new, nor will it be sporadic. In small and independent ways it is being attempted and wrought out in many different communities through private enterprises or municipal or State plan and aid. To do a thing in America our leaders in thought have but to see the need. Our enterprising men and women seek out, experimentally, the way and then the public, duly advised, places behind it its sanction and support, and within the lapse of reasonable time it is accomplished. Formerly we were a Nation hampered by overproduction, but that period is passed. Consumption, fast speeding on its way, is overtaking production, and our economists of all schools and parties agree that if America would feed itself its depleted soil must be restored. Its swamps and wastes must be reclaimed and the efficiency of its producers enhanced. If America would construct for times of peace and war the things which America needs, the strong hand must be taught to move obedient to a clear and active well-trained brain. So that our youths who will mingle our substances, shape our tools, and form our implements must bring about that mingling of hand and brain which comes only from proper training in the formative periods of life. [Applause.]

There have been in times past vast sums spent in schools to train men to fight, schools to prepare them for business, schools to fit them for teaching, preaching, thinking, and the alleviation of suffering and the saving of life; but for the establishment and care of that bit of heaven here on earth, the home, where women and children's time is mostly spent and more of the husband and father's time should be, has been left to guess and haphazard. It was allowed to be wrought out from the doubtful experiences of too often antagonistic mothers-in-law who would fain perpetuate their own peculiar system of disorder upon the family constituted by the son of one and the daughter of the other. [Applause.]

The young woman on the farm, coming from the sources of the foodstuffs and textile materials, has a better opportunity in our colleges and public schools, where domestic science shall be taught, to develop into intelligent educational conductors or superintendents of homes than are those reared in city life or factory shadow. As such, in the years to come, there will be a demand at an increased scale of salary. All reputable labor is honorable, and conduct of a home as wife or employee would be more desirable than toiling in factory, wearying at bargain counters, patiently withstanding, without rebuke, the sneers of haggling customers, or even enduring the strains incident to the teacher's life. And where the best women are, there men are usually found to linger, and many arrange to stay for life.

With the poultry and dairy, the two best money-making departments of the farm, women are scoring financial success.

As time goes on woman's activities in other farm departments will, with our improved facilities, take the lead and reap the benefits of farming's financial opportunities. Parlors and drawing-rooms are negligible apartments. Comfort and happiness lie in the sanitary kitchen, orderly dining room, and well-ventilated bedchamber. These three can always be had in the country. They constitute the best balm for family friction and the most potent antidote for divorce. [Applause.]

There may be inspiration in tariff changes, in battleship construction, in transportation enterprise, in canal building, and many other activities of our Government, but I know of none entitles to more consideration than the Government seeking to aid the upbuilding of intelligent, well-ordered, sanitary, and happy homes, where the children are to be born who will appreciate and defend the nation which took an interest in them and theirs. [Applause.]

I recently attended the commencement exercises of a large country school in Maryland, 18 miles north of Baltimore. The young graduate of one of our State colleges of agriculture was graduating his first class in agriculture and home economics. I saw the practical demonstrations on and by the platform of these young men and women. There were fruit demonstrations, dairy tests, chemical experiments, There were the products of the manual training of the different classes which showed clear conception and creditable execution. Perhaps more interesting than all upon the platform, the young ladies tested the purity of the various food substances, measured the quantities to be used, prepared inviting and palatable foods within the view of thousands there assembled.

I saw there in miniature, probable results of vocational learning, aided by this great Government, carried on by the intelligent educational forces of the country in every community of the land, and I thought that with these, no department of our labor could or would be repulsive, but that it all would and could be made attractive, and when labor is attractive, the products of labor will be valuable, wholesome, and beautiful. [Applause.]

A thought of this school's work should not be overlooked, because it seemed to connect the homes and the farms in such a way as to give it not only desirability but durability. I learned that each of 16 boys had been supplied with four varieties of corn to plant one-fourth of an acre in all; and I further learned that in every case the boy had beaten his father in bushels of corn per acre raised in the same field. The boys were growing potatoes to obtain new varieties, and the fathers were vying with them in the enterprise. The fathers were also aiding the teacher in experiments to determine what were the best fertilizers for the soils in that immediate community. More than this, I learned that the teacher of home making was cooperating with the mothers of the community.

These mothers came to school for classes and domestic science on Saturday of each week. This led me to see the need of a more comprehensive legislation than that embodied in the present bill. I saw that they needed for the great enterprise more teachers for agricultural industrial training and home making. Upon study of the Page-Wilson bill—which I trust will be called the Lever-Page-Wilson bill—I found ample provision in the articulation of all the public school systems, including agricultural, normal, high, and country schools, provided for in this excellent Page-Wilson measure. I shall not take the time nor space to go into detail of this favored measure, but let me say this: That it does not shift the burden nor does it grant too great authority to the General Government. It seeks merely to cooperate in effort and equally contribute to the necessary expense. Nor does this system propose to make over or abolish the best lines of intellectual training now followed. They are not to be modified except as the best educational thought of our country unitedly sees fit to modify them.

It is a matter of congratulation that the school forces of our country, the agricultural forces, and the labor forces are practically united upon this measure, and some day it will be a proud fact, to be recalled by every Member of this body, that he assisted, in whatever capacity, to crystallize into law the proposed measure.

We are all disappointed in that our census figures show a strong current of our young life moving from the farm to the cities. Philosophers may think, economists may reason, and politicians debate, but one of the large reasons for the high cost of living is this selfsame drift. Upon the ocean currents move that mighty swelling force as if they would submerge the nearing continent, but neighboring and countering currents in due time set in, and the great balance is reestablished and maintained. So should our currents moving from farm to city, from city to village, and from village to farm not be a vast movement, but a nice balancing of currents, which will show the intelligent choice, based upon comfort and opportunity and all callings to become respectable, honorable, and desirable.

I have left entirely the discussion of the trade schools to Members from the large cities. Of them I am not informed. I think, in a measure, I do know the farm and home, and whatever can be done to better them will better the generations to come and strengthen our Nation. This must be done if we would retain our leadership in the arts and industries. This must be done if the American race is ultimately to be built up as the distinctive leading race, to see the way, to lead the way, and to hold our rights for the enlightenment and betterment of all mankind. [Applause.]

Mr. HAUGEN. Mr. Speaker, I now yield 20 minutes to the gentleman from Minnesota [Mr. DAVIS], and the balance of my time I yield to the gentleman from South Carolina [Mr. LEVER].

Mr. DAVIS of Minnesota. Mr. Speaker, I was in hopes that when the question of industrial education arose in the Congress that ample time might be given to all those who desired to express their convictions fully upon the subject. But it is quite apparent that at this late stage of the session and at this hour it will be impossible to discuss all of the subjects involved in industrial education.

A remark was made a moment ago touching the subject of the law and the learned professions, and especially concerning the lawyer. That recalls to my mind that quite frequently I have heard it said that if there was a smart boy in the family, we would make a lawyer of him; the next in intelligence perhaps should become a physician, and so on down through the learned professions; and, finally, if we had a boy or a girl of little intelligence, we would make a farmer of the boy and a cook of the girl.

Now, Mr. Speaker, from my investigation of the subject of scientific agriculture, I wish to be recorded in this presence and upon the records of this House as saying that more intelligence and more scientific research and knowledge is necessary in making a perfect farmer, thoroughly versed in the complete science of agriculture, than it is a lawyer, or any of the learned professions. A learned and skillful lawyer, if unscrupulously inclined, may, by dextrous presentation of judicial pronouncements, apparently apt, and by failure through ignorance or otherwise withhold or refrain from presentation, and by deceit and sophistry, obtain from a court or jury an erroneous, unjust, and illegal decision. But when nature and nature's laws pertaining to mother earth is the subject for solution there is but one key that can unlock the treasure vault that lies hidden in the soil, and that key is "know how"—not "guesswork." No sophistry, deception, or special pleading can deceive nature, and yet the farmer, without skill or training, without scientific knowledge of the subject, is expected to and is forced to grapple with it unaided, and without being given even rudimentary technical information. [Applause.]

Mr. Speaker, the perpetuity of this Government largely depends upon the proper education of our people. They must be intelligent, temperate, industrious, skillful, and constantly employed, if prosperity and happiness are to be their lot. These qualities can only come through right kind of educational and industrial training.

To-day there is a very strong demand for the education and training of the entire individual mentally and physically. The demand for culture and scholarship in the broadest meaning of the terms is just as great as it ever was. But there is a greater demand now than ever before for the education and training that will fit the boy and girl for the practical affairs of life, be their residence either in the city or country.

It is apparent that the problem of education is industrial as well as academic. It must exalt the dignity of labor and teach habits of industry. Education heretofore, I am inclined to believe, has been rather too academic; that is, it has held too closely to the textbook and shut the door to nature and life. Our greatest educators see this problem and are trying to solve it. It is not proposed to do less headwork, but it is proposed to do more skillful handwork to supplement the head. By making this handwork more skillful and scientific tends to make it more interesting and alluring. To-day, Mr. Speaker, vocational education, either upon the farm or in the workshop, has become a vital problem to solve if we expect to compete industrially with the civilized nations of the world. Germany, France, England, and many others far outstrip us in this regard at the present time. But to-day there is a new awakening, and our educators, legislators, farmers, professional and leading business men are of one mind in a desire that the evolution of our school system shall be directed into lines which shall carry to all the people at least a portion of our accumulated technical knowledge, and thus add greater efficiency to our

workers. Our population to-day reaches 90,000,000, and of this number at least 33,000,000 are engaged in what is known as the gainful occupations. Of this latter number at least 30,000,000 are interested in agriculture and mechanic arts and fully 25,000,000 others are interested in home economics, and I maintain that education, vocational and practical, along lines which will teach this army of our producers more skillfully to perform the occupation which they must follow is the greatest problem which confronts us as a nation to-day, and any legislation designed for such purposes and which will accomplish this result will be doing simple justice to the workers and home makers of our country.

Heretofore considerable legislation has been enacted along this line, and as a result thereof material results have been accomplished, and to-day other bills are proposed and are now pending, awaiting the action of this Congress.

Mr. Speaker, in view of the magnitude of this subject and with the prospect of speedy action upon some of the measures now pending, it might not be amiss to briefly trace the history of some of the present laws now upon the statute book and the accomplishments thus far obtained thereunder.

In 1862 the original Morrill Act was passed and is still in force. This law gave to each State 30,000 acres of public land for each Senator and Representative in Congress, to be expended in—

The endowment, support, and maintenance of at least one college where the leading object shall be, without excluding other scientific and classical study, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in such manner as the legislature of the States may respectfully prescribe, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions in life.

The income from this amounts to about $16,000 annually to each State on the average, varying greatly in the different States. The income from this land amounted for the year 1911 to $797,628.

The act which is known as the second Morrill Act, passed in 1890, gives to each State maintaining one of these colleges an additional sum of $25,000 a year for the following purpose:

To be applied only to instruction in agriculture, the mechanic arts, the English language, and the various branches of mathematical, physical, natural, and economic sciences, with special reference to their applications in the industries of life and to the facilities for instruction.

Again in the year 1907 another act of Congress was passed known as the Nelson amendment, which adds a like amount annually to each State maintaining one of these colleges, to be expended for the following purposes:

The expenditure of said money shall be governed in all respects by the provisions of said act of Congress approved July 2, 1862 (first Morrill Act), and the said act of Congress approved August 30, 1890: *Provided*, That said colleges may use a portion of this money for providing courses for the special preparation of instructors for teaching the elements of agriculture and mechanic arts.

Thus giving a total of about $66,000 annually to each State on an average.

At the present time there are in existence and in successful operation in the various States 67 agricultural and mechanic arts colleges initiated and maintained under and by virtue of the original Morrill Act of 1862 and the various acts supplemental thereto.

The total number of students enrolled in these agricultural and mechanical colleges in 1911 was 45,871, only a part of whom study agriculture and the mechanic arts. In correspondence and extension courses there are 169,458; nearly all in agriculture and home economics.

The total appropriation from the Federal Government to the several States under the second Morrill Act of 1890 to date amounts to $23,752,000, while those under the Nelson amendment of 1907 amount to date to $2,490,000, making a grand total for these two direct appropriations of $26,242,000. This, together with the income from the proceeds of the land-grant act of 1862, aggregates nearly $40,000,000. Of this sum at least thirty-five millions have been expended in the interest of educating that 2 per cent of our school-going population who attend colleges. A few millions have been expended in State agricultural experiment stations and for college extension work in educating the adult farmers.

Not 5 per cent has been used in schools of lower grade in educating boys for the trades and industries and to return them to the management of the home farm, and practically nothing to train men already in the trade, for their occupation.

Figures concerning the total amount appropriated by the various States for the support of these land-grant colleges are not available, but the amounts appropriated for the year ending June 30, 1910, were $11,041,000. Owing to the fact that these colleges and universities have many courses other than agricultural and mechanic arts, only a part of these sums have beeen used in the teaching of agricultural, mechanic arts, and home economics.

These various Federal appropriations have had a very large effect in building up our State colleges and universities. They are beginning to have a tremendous effect on agriculture and home economics, but have done less directly for educating the trades worker.

Their engineering departments have dealt almost wholly with producing engineer graduates of the higher or collegiate courses.

Mr. Speaker, in 1887 the Congress passed what is known as the Hatch Act, providing for establishing a State agricultural experiment station in each State. Thus Congress took the lead in establishing at each State college of agriculture an institution of research. Under this act each State receives from the Federal Treasury $15,000 annually, to be expended at such stations in—

conducting original researches and verifying experiments on the physiology of plants and animals; the diseases to which they are severally subject, with the remedies of the same; the chemical composition of useful plants at their different stages of growth; the comparative advantages of rotative cropping as pursued under the varying series of crops; the capacity of new plants or trees for acclimation; the analysis of soils and water; the chemical composition of manures, natural or artificial, with experiments designed to test their comparative effects on crops of different kinds; the adaptation and value of grasses and forage plants; the composition and digestibility of the kinds of food for domestic animals; the scientific and economic questions involved in the production of butter and cheese; and such other researches or experiments bearing directly on the agricultural industry of the United States as may in each case be deemed advisable, having due regard to the varying conditions and needs of the respective States and Territories.

Supplemental to this Hatch Act of 1887, the Congress in 1906 passed what is known as the Adams Act, under which an additional sum of $15,000 annually is given to each State for the following purpose:

To be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying condition and need of the respective States or Territories.

Thus making an annual appropriation of $30,000 for this research and experimental work. Up to date these experiment stations have received from the Federal Treasury $21,600,000; the average State thus receiving annually $96,000 for its agricultural college and its experiment station, making for the 48 States an annual appropriation of $4,608,000.

Mr. Speaker, I have thus far called attention to the various acts of Congress authorizing, initiating, and establishing our present system of industrial education, as aided from the Federal Treasury, showing the nature of the work done, amounts appropriated therefor, and those particularly benefited thereby. It must be apparent that only a small portion of our population have received this direct benefit and that a vast amount of accumulated technical knowledge is stored in the minds of the few. The captains have virtually received it all, while the vast army of our industrial workers and the actual producers of our wealth are left to toil ignorantly and unaided by scientific training. This vast army of workers comprises nearly 93 per cent of our entire population. They work at a great disadvantage.

Mr. Speaker, the latest statistics show the school population in the United States between the ages of 5 and 18 years is 24,240,000, and the number of pupils and students of all grades in both public and private schools and colleges is as follows: Elementary, 17,960,000; secondary, 1,035,000; higher, including all colleges and normal schools, 331,400. Grand total, 19,326,400.

To further illustrate the great need for the dissemination of this technical, scientific, and useful information to the masses it is but necessary to revert to other statistical facts. At present our population is approximately 90,000,000 people. Counting 5 persons to the family, there are 18,000,000 families. Counting one breadwinner to the family, there are 18,000,000 breadwinners. But the most casual observation will convince anyone that two out of every five, rather than one, must, and do, toil for a living, making 32,000,000 breadwinners. There are in this country about 112,000 ministers of the gospel, 115,000 lawyers, 132,000 doctors, and about 500,000 teachers; fewer than 1,000,000 engaged in the so-called learned professions. Let us say that there are about 1,000,000 merchants, superintendents, and managers of the vast business enterprises—men and women who do the headwork in the country's business.

It is apparent from this that of the 36,000,000 breadwinners at least 33,000,000 of them must work with their hands. It is therefore quite apparent that our problem of education is not only academic but largely and, as I contend, chiefly industrial as well. Can there be any doubt of the great importance in successfully solving a problem which has to do with the moral, social, and industrial uplifting of the vast majority of our people, in whom and upon whom rests the material work of in-

creasing the prosperity and happiness of our beloved country? As a Congress, representing as we do a constituency unequaled, what are we now doing along legislative lines to improve conditions? Are we moving at all? And, if moving, are not our movements too slow and upon too narrow a plane and too parsimonious? More recently various attempts have been made by the introduction of bills in the Congress to extend our system of industrial education more directly to the masses. Briefly, to enumerate, will say that in 1906 Congressman Livingston, of Georgia, introduced a bill to appropriate $10,000 annually for an agricultural high school in each rural congressional district in the United States, and Congressman ADAMSON, of Georgia, also introduced a bill seeking to appropriate $2,500 for a branch experiment station at each of such agricultural high schools. I am informed that these measures were introduced at the suggestion of Gov. J. M. Terrell, of Georgia, who was instrumental in organizing 11 agricultural high schools in the respective congressional districts of Georgia under a State law passed in July, 1906. These bills were never acted upon. These suggestive bills of Representatives Livingston and ADAMSON were the nucleus of a bill which I introduced in the Congress in January, 1907, which was quite generally known and approved throughout the United States as the Davis bill, and numbered H. R. 24575 and entitled:

A bill to provide an annual appropriation for industrial education in agricultural high schools and in city high schools and for branch agricultural experiment stations and regulate the expenditures thereof.

This bill I have reintroduced in each succeeding Congress, including the present, and it is now known as H. R. 6333 and entitled:

A bill to cooperate with the State in encouraging instruction in agriculture, the trades and industries, and home economics in secondary schools; in preparing teachers for those vocational subjects in State normal schools, and to appropriate money therefor and regulate its expenditure.

This bill in its present amended form, and after much consultation with nearly all of the leading educators of the country, has received the indorsement and approval of most of the educators and institutions of learning, including hundreds of others, such as boards of trade, transportation companies; National Grange, Patrons of Husbandry; agricultural organizations in various States, commissioners of agriculture, commercial clubs, manufacturers and business men's associations, the National Society for the Promotion of Industrial Education, all normal-school associations, and hundreds of others, in all business and industrial lines.

Mr. Speaker, in 1910 the late lamented Senator Dolliver, of Iowa, introduced this bill in the Senate, and the Committee on Agriculture, of whom he was then chairman, after an extended hearing thereon, reported the bill favorably to the Senate, and, no doubt, were it not for his untimely death the same would now be a monument to his name upon the statute books of the Nation.

During the present session of Congress Senator PAGE, shortly after the death of Senator Dolliver, became sponsor for that measure and reintroduced it in the Senate. Elaborate hearings have been had thereon, and it is now before the Senate for passage, and I trust will be favorably considered and passed. The Page bill, while embodying the main features of the Davis-Dolliver bill, is much more elaborate and extensive, calling for far greater appropriations, yet, in my mind, wholly warranted. Every dollar invested for the education of our people along this line, and especially for the conservation and uplift of the youth of this Nation, is not wasted, but, on the contrary, the benefits to be derived therefrom will be of untold value.

Mr. Speaker, I have now come to the bill under consideration, introduced by the gentleman from South Carolina [Mr. LEVER], it being a bill—

To establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

This bill seeks to aid in diffusing among the masses of people of the United States some of the useful and practical information which has accumulated by and through the work and teachings of our agricultural colleges and experiment stations. The principal object of this bill is to teach the farmer by actual demonstration the scientific methods which are taught theoretically in these great institutions. Of the beneficial results which will be obtained by the enactment of this bill into law there can be no doubt, and I commend it in all ways and trust that Congress will unanimously approve it, and that the insignificant expenditure from the Federal Treasury will not deter in the least a favorable vote for its passage. I apprehend that, if objection there be, it can only arise from the fact that the bill is too limited in its scope; that it should be enlarged so as to include scientific education to youth of our country along all industrial lines—agricultural, mechanic arts, and home economics—as well as actual demonstration to the older upon the farm.

But, Mr. Chairman, if we can not get all that is desired, that is no reason why we should not gladly accept a part. I shall not attempt to add to the already luminous speech of the gentleman from South Carolina concerning his bill, which he delivered a few days ago on the floor of this House. It is replete with knowledge, aptly put, and contains statistics irrefutable and of great value.

Mr. Chairman, thus far I have dealt largely with the legislative structural portion of our industrial educational problem, and perhaps somewhat crudely. Now, if the House will bear with me, I should now like to devote a little time in giving speech to some of the ideas that have crowded on me for several years during my investigation of this subject. I would like to give some of the reasons why I think it is imperative upon us to grapple at once with this all-important subject of vocational education.

Mr. Chairman, an education which educates away from the soil is wrong both in tendency and results. Agriculture is fundamental and basic, and in the final analysis we revert to the soil as the source of our wealth, prosperity, and happiness as a people. Our higher institutions of learning reach only 1 or 2 per cent of the population. The assumption is that society should provide technical education for certain professional classes, but that primary and general education is all that those who till the soil, work in the mechanical industries, and keep the homes in our city and country are entitled to.

My correspondence and personal investigation and conferences in reference to technical secondary school education along industrial lines have revealed to me many facts concerning our industrial educational facilities. It clearly appears that Congress inaugurated a revolution in our education by the passage of the Morrill land-grant act of 1862. I am now ready to question whether mere literary education is not radically narrow for the great body of our boys and girls, nearly all of whom must work in the productive and home-making vocation. Of some things my investigations have given me decided opinions. They are past the stage of inquiry. I know that agricultural research as developed in the United States Department of Agriculture and in the State experiment stations is a public enterprise of vast good to our agricultural industries and to our home making. Agricultural schools have also become a great power for good. The agricultural collegiate course in our State colleges and universities are coming into their own, and their graduates now form the nucleus of an army which is to transform American country life so as to give us a higher rural civilization. These graduates have already begun the work of developing a country-life education into a system in which are articulated agricultural collegiate courses, agricultural high-school courses, and consolidated farm school courses, supplemented by various forms of college extension, such as traveling schools, farmers' institutes, and demonstration farms, and by a literature which will make available to all farmers the results of agricultural research.

Mr. Speaker, judged by the conditions existing at the time of the passage of the land-grant act 50 years ago, the progress made in industrial education is flattering, but much more should be done to accomplish desired results. There is a broad chasm to be spanned educationally from the common school to the college, at least so far as vocational education is concerned. The bridging of this chasm seems to me to be the all-important subject for consideration now. The secondary school, sometimes called the "people's college," is the greatest factor in accomplishing this result.

The essential features of the Davis-Dolliver and Page bills provide for about 300 rural district schools of secondary grade, in which scientific agriculture and home economics are to be taught, in addition to the ordinary branches usually taught in secondary schools. The various States are to provide the farm and buildings upon which such schools are located and provide and maintain all equipment required for teaching the ordinary courses of a school of secondary grade, and the Federal appropriation shall be used only for instruction for distinctive studies in agriculture and home economics.

These bills further provide an appropriation for distinctive instruction in the trades and industries, home economics, and agriculture in separate secondary schools organized for that purpose.

We may roughly estimate that we have about 5,000,000 pupils preparing for country life and about 10,000,000 preparing for city life, and that 93 per cent of these pupils at present receive only an ordinary primary-school education, wholly devoid of any scientific or practical training along the line of the occupations

which they are expected to follow. Most of the teachers in our primary-grade schools are graduates from our present secondary schools, and without vocational education, hence are unfitted to teach along these lines. The graduates from the secondary schools contemplated by this system of education provided for in these various bills would be competent instructors, therefore are much needed, and until they are obtained little progress will be made in the proper education of our industrial army of workers and home makers.

The specialization of industries and the close division of labor have made a new world, into which the graduates of our schools are precipitated. The old education leads the pupil to believe that he is prepared for life. His preparation is only general. The new education must prepare the pupil for some specific line of life. It must be broad and practical. It must combine the theme written in the book, the theme written in the soil and in the machinery, with the inspiration for the best living which modern conditions can provide.

A properly equipped Army and Navy are essential to the stability and peace for our industries; but should we not also see the importance of expenditures which create individual efficiency and wealth? Should we not make it possible for every boy and girl to secure at least the rudiments of technical industrial education? Surely our financial ability would warrant this.

The three great wastes in the economies are land, material, and labor, and by far the greatest waste is from inefficient labor. The nation that uses its labor, lands, and products to the best advantage will take the lead in civilization and in power. Again, our most important racial and national institution—the home—can be developed along with our other institution only as we give to it the discoveries of science and build it up through education. It is not enough that America have homes averaging better than homes of other parts of the world; they should be very much better. When the homes of our rural population are made more attractive through the proper education of the dwellers therein, then, and only then, will the farm homes as places to develop splendid families be appreciated at their true American value.

The feverish desire to leave the land and go to the city, which is quite prevalent to-day, should be removed. Scientific agriculture, horticulture, and home economics will dignify rural employment and thus tend to produce more comfort, satisfaction, and contentment upon the farm.

Recurring again to these proposed secondary schools, it is noticeable that our State colleges have been the means of developing a limited, but very substantial, number of them. Minnesota in 1888 took the initiative and established one of these schools upon its State college grounds, and since then the States of Nebraska, North Dakota, South Dakota, Oklahoma, Maine, Alabama, Georgia, New York, Rhode Island, Washington, Wisconsin, Kansas, Tennessee, and a few others have established one or more of these schools, until the total at present is about 40.

There are about 3,000 agricultural counties in this country, and the Davis-Dolliver and Page bills contemplate establishing these secondary schools on an average of one in each district comprising not less than 5 nor more than 15 counties, making 300 schools in all. Should we be fortunate enough within the next few years to establish, equip, and maintain these 300 schools, very soon thereafter a sufficient number of teachers would be evolved therefrom to amply supply the quota required for instruction in vocational education in all of the rural primary schools of the country. Then and only then will we be in position to give to the rural youth of this country the practical education which they should obtain.

The paramount reason for broadening our education is that we may produce a higher and more efficient civilization. We want leaders who are more definitely trained as to their heads and hands; as to their power to be useful in productive industries, in home making, and in character building; we want the whole people to produce sufficient wealth that they can afford means for schools and time for going to schools. And we want the home, the school, and the great school of practical life organized to develop men according to the highest standard, each man and woman combining high efficiency in practical production, or in home making with the ability to be useful to their fellows in whatever may arise.

Those who are personally in contact with the education in such agricultural secondary schools as those at the University of Minnesota, Lincoln, Nebr., and in other States, and those who have followed the young men and women when they return from these schools to the farm community, are unanimous in their belief of their beneficiality. These young people are to be the Nation's best guaranty that our agriculture and our country home will be of that quality which our ever-improving times make possible. We need no better evidence of the value of our city mechanic high schools than the fact that manufacturers are ever alert to secure those graduates who have been developed into efficient technical workers.

Listen to statements from some of our great educators. Kenyon L. Butterfield, president of Amherst Agriculture College, says:

> There is great need of the kind of school provided for by the Davis bill. I have felt for many years that there was a "missing link" in our agricultural education. The agricultural colleges have done noble work, but they can never solve the problem of educating practical farmers without the help of the agricultural high school, and what may be said of agriculture may also be said of the other industries. I can not too strongly emphasize the need of a system of secondary school of agriculture.

George E. Fellows, president of the University of Maine, in speaking of these schools says:

> It will take a century to otherwise accomplish throughout the country what may be thoroughly established in five years by means of the assistance proposed in the Davis bill.

Rufus W. Stimpson, president of Connecticut Agricultural College, says:

> We need more strong secondary schools of industry in New England. A start has been made, but in forwarding this movement help should come from Congress as the Davis bill proposes. There is only one organized body competent to deal with the question of the rapid development of technical education for the workers in the industries throughout all the States, and that is Congress.

K. C. Davis, of the New York State College of Agriculture, speaking of the secondary schools, says:

> The need for well-organized, well-equipped secondary schools of this order is reaching a climax which can not be ignored or postponed.

H. E. Deemer, chief justice of the Supreme Court of Iowa, in a somewhat lengthy letter written to the Hon. Charles F. Scott, chairman of the Committee on Agriculture, on April 29, 1908, discussing the subject of industrial education, uses this language:

> We have no secondary school of agriculture or for industrial training. Intensive farming is our salvation agriculturally, and industrial efficiency is demanded in the commercial world. Neither of these is now being supplied to the boys who are to be our farmers or those who are to be the mechanics in the shops. The greatest gap we have in our educational system is due to the lack of such secondary schools as are proposed in the Davis bill. The only armies we need fear in the future are the industrial forces of our competitors.

Mr. Speaker, of the many hundreds of distinguished men who have fully indorsed this system of secondary education, I shall be content with mentioning two others. Mr. H. H. Seerley, president committee on agricultural education of teachers, National Educational Association, Iowa State Normal School, in a letter addressed to the chairman, House Committee on Agriculture, April 30, 1908, says:

> The organization and development of systems of industrial education in the several States for the purpose of educating and training the masses of the pupils in secondary and elementary schools is the most important question of the present day. The prosperity and the success of these industrial classes are so important to the whole country that the Nation can not be indifferent to the demand for this sort of education.

During the year 1907, while Mr. Roosevelt was President, in addresses made at Lansing, Mich., he said:

> Our school system has hitherto been well-nigh wholly lacking on the side of industrial training, of the training which fits a man for the shop and the farm. This is a most serious lack, for no one can look at the peoples of mankind without realizing that industrial training is one of the most potent factors in national development.

Again, at Keokuk, Iowa, he said:

> We should strive in every way to aid in the education of the farmer for the farm, and we should shape our school system with this end in view; and so vitally important is this that, in my opinion, the Federal Government should cooperate with the State governments to secure a needed change and improvement in our schools. It is significant that both from Minnesota and Georgia there have come proposals in this direction in the appearance of bills introduced in the National Congress. Such agricultural high schools as those in Minnesota and Nebraska for farm boys and girls, such technical high schools as are to be found, for instance, in both St. Louis and Washington, have by their success shown that it is entirely feasible to carry in practical fashion the fundamentals of industrial training into the realms of our secondary schools. At present there is a gap between our primary schools in the country and the cities and the industrial college collegiate courses which must be closed; and, if necessary, the Nation must help the States to close it.
>
> Too often our present schools tend to put altogether too great a premium upon mere literary education, and therefore train away from the farm and the shop. We should reverse this process.

Mr. Speaker, this new system of education which I contend for, and in which I think the Nation should assist the various States in establishing by cooperation, is neither radical nor revolutionary. It is the logical extension of the policy which the Government adopted when the act of 1862 was passed. In answer to the arguments of the opponents, that this legislation is a subject for State initiative, my observation has been that the effect of Federal aid has been, not to paralyze or weaken State or local activity and effort for industrial education, but to stimulate to greater exertion. It is safe to say that the passage of a

secondary-school bill of the kind which I have mentioned would inaugurate in all these States a movement for practical education which without Federal aid would be long in finding fulfillment. Again, to quote President Fellows, of the Maine University:

> It will take a century to otherwise accomplish throughout the country what may be thoroughly established in five years by means of the assistance proposed in the Davis bill.

Mr. Speaker, the product of our old-time education is often precipitated into a world for which he has been but poorly prepared. We have fostered an education which cultivates tastes in our young people beyond their ability to satisfy, hence they are easily discouraged and discontented with their home surroundings, if living in the country, and flee to the city in the belief and hope of bettering their condition. Most pernicious miscalculation, for these hopes are ofttimes blasted.

The tendency of the old education was, and is, to separate the world of culture from the world of work—to separate the ornamental from the useful. It said in effect that one set of men should do the work and the other have the learning. It fostered the fallacy that there was no relation between the theme of the book and the work to be done. It separated men into two classes, in one class the professional man—the scholar—the man who lives by his wits, and in the other the toiler—the laborer. The new education makes no such separation. It has faith in the democracy of learning, and believes that honest toil, whether performed in field, factory, or home, when properly and intelligently done, is of equal dignity and worth with the work performed in the so-called higher profession, and has a more practical value to society. Labor takes on new dignity when performance of the task is inspired by intelligent effort of mind and soul. Teach the youth to be more proud of the things he can properly do than what he can say, and then contentment is assured. [Applause.]

The new education must prepare the pupil for some specific work. The great need of the country to-day is not more lawyers, more doctors, more professional men, but more skilled toilers, more trained farmers, and more home makers, who will dignify their several vocations by intelligent performance of duty.

The establishment of the land-grant colleges has resulted in the accumulation of a great body of scientific and technical knowledge in the industries that is now in the possession of a few, and the problem presented to-day is how to successfully impart this knowledge to the 5,000,000 boys and girls preparing for rural life and the 10,000,000 boys and girls preparing for city life.

As I said before, one of the most important services these secondary schools of agriculture will perform, will be the education of many young people from whom will be developed a class of teachers who can successfully direct our rural schools. Not only that, but these graduates will be an important factor in rendering country life more attractive. The experience of my own State of Minnesota, and of Nebraska, and other States which have successfully conducted these secondary schools shows that the majority of the graduates actually do go back to the farm. I believe the number in my State is about 70 per cent. Farming, with its maximum financial returns, will never be a realized fact in this country until the science of tilling the soil becomes the possession of the millions who till the soil. It is often said that anyone knows enough to be a farmer, but such is not the case. The science of agriculture in all its branches is as intricate as any other science. Through it alone can nature be induced to yield up its most bounteous treasure.

The correct, the equal and proper distribution of population as between city and country can only be brought about, or at least more easily be brought about, by making country life more attractive through a proper conception of the dignity of the science of agriculture and home making.

I believe, Mr. Speaker, in fact am thoroughly convinced, that our various States are ready and willing to cooperate with the Federal Government in the practical solution of the problem of providing scientific industrial education, and that every dollar invested by the Federal Government in this behalf will be multiplied manyfold by the respective States. Such has been the result in the past, and doubt can not be entertained that the future will do likewise.

Statistics show that the Federal Government has charge of the easy and indirect methods of taxation and secures much more of the people's wealth for public expenditures than do all the States combined. Such being the case, how can Congress better aid the States than by thus returning some of the people's money to them, to be used in promoting and in better supporting the education of the Nation's workers, thus conserving the young men and women of our country, which are our greatest asset?

Finally, Mr. Speaker, in my judgment no institutions are better adapted to build up true American citizenship than our agricultural and mechanical colleges and secondary schools, where literary, ethical, scientific, industrial, and military training are blended into a strong, sensible, inspirational scheme of education. Congress did wisely in establishing them, and as this great Nation grows in power and wealth it should further recognize them and build them up. [Applause.]

NOTED EDUCATORS WHO INDORSE THE DAVIS INDUSTRIAL VOCATIONAL BILL.

Prof. Charles H. Morse, executive officer, Massachusetts, commission on industrial education.
Prof. Thomas H. Hunt, dean of the school of agriculture of the Pennsylvania College.
Hon. J. A. Wilkinson, commissioner of agriculture for Alabama.
Prof. Fassett A. Cotton, State superintendent of public instruction, Indiana.
Hon. William M. Liggett, dean of department of agriculture, St. Paul, Minn.
Dr. George E. Myers, principal of the McKinley Manual Training School, Washington, D. C.
Hon. William F. Hill, master of the State Grange of Pennsylvania.
Prof. H. H. Seerley, president committee on agricultural education of teachers, National Education Association, Iowa State Normal School.
Prof. Kenyon L. Butterfield, president Massachusetts Agricultural College.
Dr. Rufus W. Stimson, president Connecticut Agricultural College.
Prof. P. P. Claxton, president University of Tennessee.
Prof. W. M. Alexander, president National Society for the Promotion of Industrial Education, West Lynn, Mass.
Hon. H. E. Deemer, chief justice Supreme Court of Iowa.
Prof. William Robertston, superintendent of Crookston School of Agriculture and Northwestern Experiment Farm.
Prof. Arthur D. Dean, president Young Men's Christian Association of Massachusetts and Rhode Island, Boston, Mass.
Hon. James J. Hill, former president of Great Northern Railway Co., St. Paul, Minn.
Mason S. Stone, superintendent of education, Vermont.
E. I. Sanderson, New Hampshire Agriculture College, New Hampshire.
W. C. Palmer, Winona Agricultural Institute, Winona Lake, Ind.
E. B. Norris, chairman executive committee, National Grange.
P. H. Mell, president Clemson Agricultural College, South Carolina.
R. A. Moore, University of Wisconsin.
E. W. Lyttle, Albany, N. Y., formerly president of National Educational Association.
W. D. Gibbs, president New Hampshire College of Agriculture.
H. C. Morrison, superintendent public instruction, New Hampshire.
Albert B. Cummins, governor State of Iowa.
John C. Cutler, governor State of Utah.
David S. Simpson, judge district court, Minneapolis, Minn.
J. L. Sheldon, governor State of Nebraska.
E. F. Ladd, food commissioner, North Dakota.
Peter J. Shields, judge superior court, California.
F. B. Lenfield, director Montana Agricultural Experiment Station.
W. M. Munson, West Virginia Experiment Station.
Cyrus W. Northrop, president University of Minnesota.
J. M. Terrell, ex-governor of Georgia.
Fred M. Tisdel, president University of Wyoming.
Charles Schuler, commissioner of agriculture and immigration, Louisiana.
E. J. Watson, commissioner department of agriculture, etc., South Carolina.
W. J. Beal, agricultural college, Michigan.
Horace Edwards, president Rhode Island College of Agriculture and Mechanic Arts.
E. A. Jones, State commissioner of common schools, Ohio.
J. C. Hardy, president Mississippi Agricultural and Mechanical College.
W. M. Holloway, superintendent of educational department, State of Florida.
P. B. Barringer, president Virginia Polytechnic Institution.
J. D. Eggleston, jr., superintendent public instruction, State of Virginia.
President H. C. White, Georgia, chairman executive committee American Association of Agricultural Colleges and Experiment Stations.
J. W. Olsen, St. Paul, Minn., State superintendent public instruction.
E. W. Randall, dean department of agriculture, University of Minnesota.
Dean C. F. Curtiss, Iowa State College.
Prof. H. A. Morgan, Knoxville, Tenn., dean of agricultural college.
Dr. A. N. Soule, Athens, Ga., president agricultural college.
Dr. Tait Butler, Raleigh, N. C., superintendent farmers' institutes.
Hon. F. A. Derthick, Mantua, Ohio, master State grange.
O. B. Martin, Columbia, S. C., superintendent public instruction.
John M. Stahl, Chicago, Ill., president Farmers' National Congress.
Supt. George McKerrow, superintendent farmers' institutes, Wisconsin.
Dr. H. L. Russell, dean agricultural college, Madison, Wis.
Dr. Wallice Buttrick, secretary general educational board, New York.
Dr. Wycliffe Rose, Knoxville, Tenn., general agent Peabody Fund.
Prof. L. G. Carpenter, Fort Collins, Colo.
Dr. K. C. Davis, director New York School of Agriculture, Canton, N. Y.
Judge James A. Beaver, Bellefonte, Pa., judge superior court of Pennsylvania.
President J. H. Worst, Fargo, N. Dak., president North Dakota Agricultural College.
President George E. Fellows, Orono, Me., president University of Maine.
Dr. N. C. Schaeffer, Harrisburg, Pa., State superintendent of public instruction.
E. C. Bishop, Lincoln, Nebr., State superintendent public instruction.
Judge Peter J. Shields, Sacramento, Cal., judge supreme court.

ORGANIZATIONS INDORSING THE DAVIS BILL.

J. W. L. Corning, president Minnesota State Association of Builders' Exchange.
A. V. Williams, secretary Employers' Association of Minnesota.
National Grange, Patrons of Husbandry.
Allied agricultural organizations of Pennsylvania.
Barnard Club, Providence, R. I.
Commercial Club, Joplin, Mo.
Board of Trade, Newark, N. J.
Chamber of Commerce, Honolulu.
Commercial Club, Cedar Rapids, Iowa.
Commercial Club, Topeka, Kans.
Farmers' National Congress.
Southern States Association of Commissioners of Agriculture and other agricultural workers.
Merchant Tailors' National Protective Association of America.
Commercial Club, Duluth, Minn.
Minnesota State Association of Builders' Exchanges.
State Board of Agriculture, Rhode Island.
Commercial Club, Ardmore, Okla.
California State Grange.
Board of Trade, Camden, N. J.
Commercial Club, Dallas, Tex.
Chamber of Commerce, Erie, Pa.
Business Association, East Liverpool, Ohio.
Chamber of Commerce, Los Angeles, Cal.
Minnesota State Butter and Cheese Makers' Association.
Board of trustees, Georgia agricultural high schools.
Merchants' and Manufacturers' Association, Milwaukee, Wis.
Board of Trade, Little Rock, Ark.
Commercial Club, Lewiston, Idaho.
Merchants' Exchange and Board of Trade, Portland, Me.
Chamber of Commerce, Quincy, Ill.
Farmers' State Alliance, North Carolina.
Savannah Cotton Exchange.
Chamber of Commerce, Syracuse, N. Y.
Colorado State Teachers' Association.
Red Wing, Minn., Commercial Club.
Manufacturers' Bureau of Indiana.
Alabama Live Stock Association.
Minnesota State Dairymen's Association.
Eastern Manual Training Association.
National Agricultural Press League.
Minneapolis Chamber of Commerce.
Builders' Exchange, Faribault, Minn.
Board of Education, Erie, Pa.
State Teachers' Association of South Carolina.
Commercial Club, Faribault, Minn.
Alabama State Horticultural Society.
Vermont Schoolmasters' Club.
New York Cotton Exchange.
Minnesota Farmers' Club.
Builders' Exchange, St. Paul, Minn.
Rhode Island League for Rural Progress.
Minnesota Educational Association.
National Society for the Promotion of Industrial Education.

Mr. LEVER. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. Fifteen minutes. The gentleman from Iowa [Mr. HAUGEN] has consumed all of his time. That leaves 15 minutes remaining.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Tennessee [Mr. MCKELLAR].

Mr. MCKELLAR. Mr. Speaker, the City Club of Memphis, Tenn., is an association of thinkers and doers. It is composed of the best men in our great city. It has for its object the building up, beautifying, and uplifting of our city and country. It takes the liveliest interest in all civic and governmental affairs. Since the recent floods on the Mississippi River it has devoted a great deal of time, study, and research to floods and levees. It has had learned lecturers before it, and some time ago it passed a resolution on the Newlands river regulation bill, which resolution, after maturer consideration, it has modified. I have before me a copy of the report of the committee on the subject of levees and the resolution modifying its former utterance on this subject, and the report is such a learned and able one that I think it should go into the RECORD so that the country can have the benefit. I therefore ask unanimous consent that this report and resolution may be printed in the RECORD as a part of my remarks.

Mr. C. C. HANSON,
President City Club of Memphis.

SIR: The committee on levees and reclamation respectfully reports as follows:

A resolution adopted by the club on May 18, 1912, directed that this committee publish and distribute the address made to the club by Mr. George H. Maxwell on that date, and ask other commercial bodies in Memphis to indorse the Newlands bill for river regulation. After a more thorough study of the Newlands bill than was possible by the members of the club before they voted on the resolution indorsing it, your committee is led to the conclusion that such unqualified indorsement of this bill by the club will at the outset greatly handicap or practically tie the hands of your committee in the performance of its duties.

The matters that are assigned to the attention of the levee and reclamation committee are necessarily of more vital importance to the prosperity of this city and the surrounding country, to which the City Club is committed, than are any one or several other factors. Further than this, the question of flood protection and reclamation is the most vital question to-day with which the entire lower Mississippi Valley has to deal. The alluvial lands on both sides of the Mississippi must be protected from overflow, or the valley will begin a movement of retrogression or at least cease to advance. The adoption of the Maxwell resolution and the unqualified indorsement of the Newlands bill is to say, "The levee system is a failure; we can not depend upon it, and are ready to grasp any vague hope that is held out to us of something better." It is to say to our Representatives in Congress, "You do not know what you are doing in asking Government appropriations for levees specifically. Help Senator NEWLANDS to pass his bill, and we will be saved."

We ask the club not to handicap this committee and our Representatives in any such way. We recommend that the club, in the light of the careful analysis of the Newlands bill which we present below revoke the Maxwell resolution and adopt as a substitute therefor the one which we herewith present.

The Newlands bill provides that a board of river regulation be created, to be composed of—

The Chief of Engineers, United States Army;
The Director of the United States Geological Survey;
The Chief of the Bureau of Plant Industry;
The Secretary of the Smithsonian Institution;
One civil engineer;
One sanitary engineer; and
One hydroelectric engineer.

This board shall cooperate with States, municipalities, counties, districts, corporations, persons, etc., in carrying out the purposes of the act, and pay more than half in such cooperation, to secure the highest development and utilization of the waterways and water resources of the United States.

The appropriation of $50,000,000 per year is to be divided as follows:

For building irrigation systems to aid in the regulation of the flow of source streams or navigable rivers	$10,000,000
For the Forest Service, for guarding against and fighting fires, two items	3,000,000
And	1,000,000
For the protection, enlargement, etc., of water supplies by reforestation	1,000,000
For the Smithsonian Institution for study and dissemination of knowledge	1,000,000
For the Bureau of Plant Industry, to maintain garden schools and instruction in irrigation	2,000,000
For the Geological Survey	3,000,000
For the acquisition of forest lands	5,000,000
For the Corps of Engineers, United States Army, for building and maintaining revetments, dikes, walls, levees, embankments, gates, wasteways, by-passes, flood-water canals, restraining dams, impounding basins, and bank-protection works for river regulation, and, as a means to that end, the building of works for reclamation, drainage, and flood protection, and for building reservoirs and artificial lakes and basins for the storage of flood waters to prevent and protect against floods and overflows, etc	24,000,000

You will note that $10,000,000 go to irrigation, $10,000,000 to forestry, and $6,000,000 to surveys, the museum, and a garden school.

The operation of this bill is Nation wide. How much of the remaining $24,000,000 will go to works which will tend to relieve us of overflows? If it all went to building impounding reservoirs it would take 25 years to have available the $600,000,000 that it is estimated would be required to build enough reservoirs to relieve us from flood waters. If half of it should be expended in the entire Mississippi Valley, one-fourth for reservoirs and one-fourth for levees and revetment, we would possibly in 100 years have an effectual reservoir system if enough suitable sites can be found. Meanwhile, we would get the same sum annually for levees and revetment that the present appropriation carries just passed by the two Houses of Congress.

Since the operation of the Newlands bill appropriation terminates in 10 years, the reservoirs would be one-tenth built. It is probable that the irrigation and forest land interests, with $200,000,000 expended, would be in better shape than this. But under provision of this bill it is contemplated that the Government will only pay one-half the cost of any work. If the $600,000,000 is ever expended in building reservoirs, and if those with partnership interest must volunteer to pay $300,000,000 of it, it is a safe prediction that three-fourths of the $600,000,000 will never be spent.

Those reservoirs that might be built would doubtless be owned partly by water-power companies, who would always have the reservoirs as near full as they could keep them, reducing to a minimum their available capacity to retain flood waters.

The subject which we are most interested in at the present time is the protection from overflows of the valley lands. The circulars and papers distributed hold out the alluring idea that this protection is to be furnished by levees supplemented by a system of comprehensive storage reservoirs in the headwaters of the tributaries of the Mississippi River.

This question of storage of water for the double purpose of preventing floods and assisting navigation was pretty well thrashed out 14 years ago in the investigations carried out by the Senate Committee on Commerce in the year following the disastrous floods of 1897.

Active in the investigation in examining witnesses were NELSON, of Minnesota; Catchings, of Mississippi; Berry, of Arkansas; Maj. Harrod, of New Orleans. Several hundred pages of printed testimony on the subject, with maps, hydrographs, etc., may be found in Senate Report No. 1433, Fifty-fifth Congress, third session.

The principal contributors were Prof. Willis L. Moore, of the United States Weather Bureau; Mr. Ockerson, of St. Louis, for 20 years previously employed on the Mississippi River surveys and studies under the Mississippi River Commission (he is at present a member of that commission); Maj. Dabney, then, as now, chief engineer of the Yazoo-Mississippi (upper) Levee Board; Maj. William Starling; Mr. Pillsbury, of Minneapolis, of flour and lumber fame; and some United States engineers on the upper Mississippi River improvements.

To condense the testimony of these witnesses into short sentences, Mr. Pillsbury claimed that the five reservoirs above St. Paul had helped conditions by improving logging operations and river traffic; but did not attach much importance to the river traffic, as not more than 1 per cent of his flour traffic was water borne.

The engineer estimated that navigation was improved for a short period above Lake Pepin, but that the effect was wholly lost below that point. All available sites had been developed within reasonable cost.

Maj. Dabney estimated that to protect the lower central valley subject to overflow it would be necessary to submerge an area equal to the State of Wisconsin.

Prof. Moore testified that nothing happens west of Fort Smith nor north of Keokuk, Iowa, to affect materially the flood conditions of the Lower Mississippi on account of the extreme lightness of the precipitation. He told how the watersheds, where the damaging rains actually occur, had been literally ransacked for 30 years to locate any suitable place for the storage of flood waters. The only possible location he had to suggest was the upper portion of the St. Francis Basin.

Mr. Ockerson testified that to keep the discharge of the Mississippi River below 1,000,000 cubic feet per second at Cairo, Ill., there would have to be diverted in all of the large floods sufficient water to cover 6,000 square miles to a depth of 10 feet, or 11 cubic miles of water, and he also suggested the St. Francis Basin for this, if it were to be taken up, 175 miles north and south by an average of 30 miles east and west; but since this area slopes or falls 120 feet in the distance, cross divisions would be required to keep the water from all flowing out at the lower end of the basin. The spillways for passing the water down were estimated to need a width of 5 miles, by 5 feet deep, flowing at usual velocity.

Well did the committee close its paragraph on "Reservoirs" in its report thus: "The scheme is regarded by nearly all committees and other experts as wholly impracticable. In short, your committee can discover no just or adequate relief in reservoirs."

In the Pittsburgh plan of reservoir construction, 17 reservoirs proposed for early construction, to afford partial relief to their present conditions, are estimated to contain 59,481,400,000 cubic feet of water, and the estimated cost is $21,672,100.

Now, 59,481,400,000 cubic feet is only 0.4 of 1 cubic mile, and to store 11 cubic miles would require approximately 27 times the capacity of those 17 reservoirs. Unless more favorable sites and cheaper storage capacity can be found, the Maxwell idea points toward an expenditure of about $600,000,000.

Your committee believes that the lesson of the recent high water is that levees properly built according to the best engineering advice and practice are a success, and not a failure. Nearly all breaks occurred in levees that were practically overtopped. These levees had never been built to the adopted standard grade because of lack of money to complete them. Those levees that were built to standard grade and section did not break. Such levees required attention in some places because of sand boils, due to seepage through porous strata underneath.

The first necessity is to build the levee high enough and wide enough. Levee engineers and the highest authorities of the United States Weather Bureau agree that had there been no breaks the 1912 water would not have gone above 48 on the Memphis gauge, or 3 feet higher than it did go.

It is possible to have a greater volume of water to resist, but for any assumption that shall be made as to the highest water that we should provide for, a levee can be built so high and strong as to resist it with perfect success at much less cost than the same water can be provided for in any other way. You can build all levees 2 feet higher and correspondingly wider for within one-tenth the cost of building any other works that will reduce the flood stage 2 feet. If your assumption as to the volume of water to provide for is too small, the reservoirs or other works built to provide for it will fail much more surely than would levees fail if built with the same factor of safety.

That there is a reasonable limit to the necessary height of levees is emphasized by the agreement of authorities above referred to that this year's water would not have gone above 48 at Memphis. To hold this water, the levees generally in this section should be raised an average of 5 or 6 feet.

In 1,720 miles of levee in the lower St. Francis and all districts on both sides of the river below Memphis there were 9 miles of breaks. Of the entire 1,720 miles of levee 99½ per cent stood intact against a stage of water much higher than it was designed to withstand.

Your committee recognizes that after the building of the levees high and strong enough it is of the greater importance to their stability that the seepage underneath shall be prevented or minimized; and while the details as to the best methods of accomplishing this are engineering questions, which they are not prepared to solve conclusively, they belive that in isolated cases that are especially aggravated some form of sheet piling might be advantageously used, and that at other places the principles of increased base width and of sublevees, which have been very successfully used in some of the districts, should be applied.

Your committee justifies its position by a reference to the highest authorities, whom they have studied carefully, to wit:

Humphrey and Abbott's report; Thomas and Watt; Maj. Chittenden; testimony before Senate committee, 1898; report of Board of United States Engineers on deepening channel, 1909; Engineering News, editorials; a careful study of the existing grades in their relation to the standard grades in the several levee districts and of the levee heights and sections at the several breaks.

C. C. PASHBY, *Chairman.*
A. L. DABNEY.
ELLIOTT LANG.

Resolution.

Whereas, on May 18, 1912, this club was addressed by the Hon. George H. Maxwell, executive director of the Pittsburgh flood commission, on matters covered by the Newlands river-regulation bill; and

Whereas a resolution of unqualified indorsement of said bill was passed on that date by this club; and

Whereas the levee and reclamation committee (a special committee appointed by this club and charged with the duty of securing indorsements of this bill from the other civic and business organizations in this city), after careful study of the Newlands bill, the literature placed in the hands of the committee, the speeches by Senator NEWLANDS and others in Congress, the Government reports, and a wide range of technical writings on the subject treated, comes and requests a reconsideration by this club of its former indorsement: Therefore be it

Resolved, That this club thanks Mr. Maxwell for the scholarly presentation of his interpretation of the provisions of the Newlands bill; and be it further

Resolved, That while this bill possesses many admirable features, such as its provisions for irrigation, reforestation, and the drainage of swamp lands capable of being drained and cultivated, as a whole it is Utopian in its character and does not differentiate between public improvements to which the United States Government has already committed itself by many years of substantial assistance and such projects as impounding of waters for the purpose of flood prevention which have been almost universally rejected by the engineering profession, and which alone would require far in excess of the whole funds set apart in the division of the bill where reservoirs are authorized; and be it further

Resolved, That this club does hereby qualify its indorsement of the Newlands bill by requesting its amendment by striking out all provisions for the construction of levees, constructing artificial lakes, basins, or reservoirs for the single purpose of impounding flood waters, constructing by-passes, flood-water canals, waterways, and other devices intended to divert the waters of streams for flood protection; and be it further

Resolved, That this club recognizes in the levee system of the lower Mississippi River a system of flood protection which has become standard practice the world over by reason of centuries of successful application; and be it further

Resolved, That the Senators and Representatives in Congress from the lower Mississippi Valley States are hereby urged to give their first and untiring attention to the passage by Congress of a bill which shall commit the United States Government to cooperate with the States or levee districts to the extent of a definite obligation to bear at least half the cost in each district, of building the levees to an early completion, and to the building of a general system of bank revetment, with an appropriation of $8,000,000 per year for 10 years, one-half to be used for revetment, for which the Government shall bear the entire cost, and one-half for levees to be paid for by the Government and the districts or States jointly; and that the present status of the Mississippi River Commission be left unchanged, and that all commercial bodies in the lower valley be requested through the press to indorse this policy; and be it further

Resolved, That copies of these resolutions be transmitted to other civic and business bodies in this city, to all Senators and Representatives in Congress from the lower Mississippi Valley, to the Pittsburgh Chamber of Commerce, and to the press of Memphis.

Mr. LEVER. Mr. Speaker, I yield to the gentleman from Virginia [Mr. FLOOD].

Mr. FLOOD of Virginia. Mr. Speaker, a great campaign is pending, one involving mighty interests to the country and the great body of the people. I desire to place in brief compass my view of the principal candidates for the Presidency and the parties which are contending for the control of this Government for the next four years.

In doing this I desire that what I shall say shall be preceded by an account of the reception that the news of Gov. Wilson's nomination for the Presidency was received in the town of his birth by a speech which was made on that occasion by one of his early friends and schoolfellows. Gov. Wilson was born in Staunton, Va., the Queen City of the beautiful Shenandoah Valley; a land so beautiful that we can imagine God smiled upon it and that smile crystallized on the landscape; a land rich in memories, rich in material resources, and rich in the splendid character of its people.

I now send to the Clerk's desk and ask to have read the account of the demonstration in Staunton upon the reception of the news of Gov. Wilson's nomination:

The Clerk read as follows:

[The New York Sun, July 7, 1912.]

Nowhere was the nomination of Woodrow Wilson as the Democratic candidate for President of the United States received with greater enthusiasm than at Staunton, Va. Of course, the enthusiasm is accounted for by the fact that Gov. Wilson was born there. People at Staunton remember him as a boy and as a young man. They also recall his father, the Rev. Joseph Ruggles Wilson, who was for a time minister of the Presbyterian Church at Staunton.

The Rev. Dr. A. M. Fraser, who has charge of the church now and who lives in the manse in which Woodrow Wilson was born, was a schoolmate of Wilson's at Davidson College in North Carolina when Wilson was a youth of 16. He describes Wilson as not overstudious, popular with the student body, fond of reading and of outdoor sports, especially of baseball, at which game he was especially expert.

On Tuesday night, when the news of Wilson's nomination by the Democratic convention at Baltimore reached Staunton, a crowd gathered around the Fraser home and called on Dr. Fraser for a speech on Woodrow Wilson. What Dr. Fraser said is of special interest as showing how Gov. Wilson impressed his friends as a young man. Dr. Fraser said, among other things:

"This occasion does not call for a political speech. It is merely a time of rejoicing and mutual congratulation that one who was born in this town and in this house has been set before the world as the chosen standard bearer of a great party. I offer you my congratulations, fellow citizens, upon this notable occasion in our history.

"We do not misunderstand each other. We do not rejoice merely because Woodrow Wilson was born in Staunton nor because he is a Democrat, but we are elated beyond all expression that one who was born in our town and has party affiliation with us has proved himself before all the world to be so eminently capable and worthy to be the Chief Magistrate of this Nation. If he had been chosen to this honor and had been incompetent to be a President we would have hung our heads in mortification at the thought that he was a native of our town. If having received the honor he had been unworthy of it, we would have hidden our faces in shame at the mention of his having been born here. But it is because he is both capable and worthy that we are proud to acclaim him a native of our city.

"We have many good reasons for our admiration for Gov. Wilson. We admire him because of his scholarly mastery of the science of government. We have no sympathy with the snarl at the 'schoolmaster in politics.' Some people seem to think it an intolerable impertinence for a man who knows the subject of government in a thorough and scientific way, knows it in the light of history and in its application to modern economic conditions, to take any part in the practical manage of affairs. Our enthusiasm for Gov. Wilson is our protest against that view.

"We admire him also because of his lofty character, his ideals of political honor and the gracious dignity, self-respect, and independence he has shown under the powerful strain that has been upon him. Most of you know that I was associated with him when he was a boy in his teens. I testify now that he was laying the foundation of that sort of character then.

"He was a manly youth, genial and fun-loving, but of decided religious conduct, and pure in his conversation. I do not recall that I ever heard him say anything that he might not have said anywhere. I must express the gratification I feel at the fact that you seem to have caught the influence of the man in your celebration to-night. Your demonstrations have been joyous and wild, and I have gone the full length with you in my feelings, yet I have not observed anything un-

becoming or that he would disapprove, and I trust it may be so to the end.

"Again, we admire him for the way he has of getting what he goes after. You have heard the story of Gov. Wilson and Gov. Glenn when they played baseball together at college. Glenn, who was captain of the team, said to Wilson:

"'Wilson, you would make a first rate baseball player if you were not so lazy.'

"You will bear me out in the sentiment that on the political diamond on which Gov. Wilson has been playing of late there is no grass growing. He has made a good batter in political life. He has so far made every base he has run for, and we believe he will make a home run for the White House in November.

"I claim the honor of having made the first speech in the campaign of Gov. Wilson for the Presidency. The first Wilson Club was organized in Staunton. As soon as the organization was effected the club asked me to make some remarks, as I have known the candidate at college. I did make a brief speech. That was the first one I have any knowledge of. And now, up to the present time, I have made also the last speech in the campaign.

"I deeply sympathize with the feeling that has led this great crowd to come and pay its respects to this house in which Woodrow Wilson was born. The room to my right is his birth chamber. It is the place where he drew his first breath of free American air and where he gave his first Democratic yell."

Gov. Wilson was born at Staunton on December 28, 1856. In the early fifties Gov. Wilson's father was pastor of the Presbyterian Church of Staunton, a very old town as age goes in America, but of only a few thousand population before the Civil War. The elder Wilson is only remembered by the eldest inhabitants. In the minute book of Lexington Presbytery he is entered as pastor of the Staunton charge from March, 1855, to October, 1857, at which time he removed with his family to Augusta, Ga.

There were only three children born to the Wilsons, one son, Woodrow, and two daughters, Annie, wife of the late Dr. George Howe, of Columbia, S. C., and Marion, deceased wife of Dr. Ross Kennedy, of Little Rock, Ark.

After the Wilson family moved to Georgia Staunton saw little of any of them until young Wilson's college days at the University of Virginia, when he had grown to young manhood and frequently visited Staunton. The chief attraction that Staunton held then, as now, to the young men of the Virginia schools was the girls' schools, chiefly the Presbyterian Seminary, now the Mary Baldwin Seminary, one of the largest schools for girls in the South. One of the buildings of the present institution formed the church in which young Wilson's father held his services during his pastorate here.

Young Wilson first went to college at Davidson, N. C. Later he changed to the University of Virginia, at Charlottesville, about 40 miles from Staunton. There he studied law.

During his university days he was a frequent visitor to Staunton, his chief object being, as he himself expressed it later in life, to see his "fair cousins" at the Mary Baldwin Seminary. No college man in those days, or in these either for that matter, could pass the portals of the seminary unless he were at least a cousin of the young woman he wished to visit, so strict were the rules in regard to callers.

From the university he returned South and practiced law several years before entering Johns Hopkins University at Baltimore, whence he entered upon his literary and educational career which brought him prominently before the public, made him president of Princeton, governor of New Jersey, and the Democratic nominee for President.

Staunton has seen little of Gov Wilson since those early lays, but the town is as proud of his achievements as though he had spent his whole life there. Just as soon as he was elected governor of New Jersey city officials and personal friends wired their congratulations, and the following night the Staunton Woodrow Wilson Club, to boom Wilson for the Democratic Presidential nomination, was formed. The charter membership numbered over a hundred. Peyton Cochran, a graduate of the University of Virginia and of Princeton while Wilson was president of that university, is the president of this club, which is said to be the first and only original Woodrow Wilson club in the United States. Mr. Cochran was one of Wilson's most active supporters in the Virginia delegation at Baltimore.

Staunton has played a rather prominent part in Wilson's campaign for the Presidential nomination. On the occasion of his speech to the Virginia Legislature last spring Staunton sent a band of several hundred men to whoop things up for him. The town also gave him an instructed delegation from city and county to the State convention, fought valiantly but unsuccessfully for an instructed delegation from Virginia, and sent a crowd of Wilson rooters with an enormous orange and black banner to Baltimore. These rooters tried to place their banner on the stage of the convention, and the scrap that followed formed part of the convention.

Following the big demonstration in Staunton the night that Wilson was nominated a Wilson banner was strung across the principal business street of the city. This was many hours before Gov. Thomas R. Marshall, of Indiana, was nominated for second place on the Democratic ticket. Yet the next morning Staunton awoke to the fact that the banner by a curious coincidence united the drug stores of the Messrs. Wilson, on one side of the street, and W. C. Marshall on the other. They now have it "Wilson and Marshall, druggists and Presidents."

Druggist Marshall picked Wilson and Marshall as the winners months ago and sent them each a Virginia fairy stone, which is looked upon as an omen of the best of luck. The story goes that one of these stones has been sent to every President of the United States except Lincoln, Garfield, and McKinley, and including Theodore Roosevelt. Mr. Marshall in writing the Indiana executive called attention especially to the latter's good luck, which was then at its zenith. The governor wrote back that he hoped the stone would "neutralize the mixture in American politics." Staunton hopes it will do that and more.

After leaving Staunton the next period of Gov. Wilson's childhood was passed at Augusta, Ga. There his father established a reputation as a forcible and fearless preacher. The boy was a precocious youngster. His Scotch-Irish strain insured to him a vigorous constitution, and he was always mentally active.

It was not until he was 9 years old, however, that he was taught his alphabet, and then he was sent to school. He was placed in the care of Prof. Joseph T. Derry, who kept a private school, and there he had as a schoolmate Associate Justice of the Supreme Court Joseph R. Lamar.

In the meantime, however, the Civil War had been begun and young Wilson's father had sided with the southern cause. Of these dark days Gov. Wilson has often said he recalls but little. One incident that made such an impression on him that he never forgot it was the meeting of two men in front of his father's house and the startling announcement by one of them that Lincoln had been elected and there would surely be war. He was then a boy of 4.

He has never forgotten the day that Jefferson Davis was taken through Augusta as a prisoner on his way to Fort Monroe. This happened when he was 9.

Young Wilson was popular with his playmates and was known by them as a good fellow. He was full of nervous energy. He learned to ride a horse at an early age and often galloped along the roads of Augusta on the back of an old nag that his father was in the habit of driving when he made his pastoral calls.

As the boy Tommie—he was christened Thomas Woodrow Wilson—Gov. Wilson was recognized as a chum of his father. They were together much of the time, especially after the church service on Sunday afternoons, which they almost invariably spent together. The clergyman frequently took his boy on trips through the city, visiting manufacturing plants, and the youth was always extremely interested in his father's explanation of things that are not always gleaned from books.

Dr. Wilson had a faculty of describing things as he saw them that made an impression on his son's mind, and many of the allusions which Gov. Wilson has made in his campaign speeches to the operators of great industrial plants and the men who make the wheels go around are first-hand impressions obtained on these trips with his father in his boyhood days.

At the age of 14 Wilson moved with his parents to Columbia, S. C., and buckled down to preparing himself to enter college.

In the fall of 1873—he was then 17—Wilson was admitted to the Presbyterian College at Davidson, N. C. He became ill before finishing the first year's course and returned to his home at Wilmington, N. C., where his father had been called to the Presbyterian Church.

His liking for ships and things of the sea, which developed when he was a small boy, made the port of Wilmington very fascinating, and he spent many hours a week idling along the water front and listening to the tales of sailor folk. It was here for the first time in his life that Wilson manifested a liking for social events.

For a year he dreamed and brushed up on Latin and Greek, and in the fall of 1875 he went to Princeton. He didn't hide his light under a bushel, and it wasn't long before he became a conspicuous figure in his class, but not, however, as a student. At his graduation he was the forty-first man in his class.

The members of the class of '79 recall Wilson as a young man with a liking for political science and a great interest in things political, who gave up as much of his time as he could spare from his studies in fitting himself for the thing that he seemed to like the best.

While at college Wilson learned shorthand, and had the advantage over some of his classmates whom he engaged in debate by making stenographic notes of points made by them.

Gov. Wilson was married in 1885 to Miss Helen Louise Axson, of Savannah, Ga. Mrs. Wilson is intensely interested in her husband's career and is said to know as much about inside politics as many of the cleverest politicians in the country. She doesn't like publicity.

The governor has three daughters—Margaret, Jessie, and Eleanor—each of whom has her own particular hobby. Miss Margaret Wilson is 26, and bears a strong resemblance to her father. She is a musician. Miss Jessie Wilson is 25 and is devoted to settlement and religious work. Miss Eleanor Wilson, who is 21, inherited her mother's liking for things artistic, and is a student at the Academy of Fine Arts in Philadelphia.

Gov. Wilson retained Princeton as his home town after giving up the presidency of Princeton University to become governor of New Jersey. He moved from the president's house to a fine residence in Cleveland Lane. The home life of the Wilsons is ideal, and the governor has often said he is never happier than when he is permitted to escape from the affairs of state to enjoy the society of his family.

Mr. FLOOD of Virginia. There can be no doubt that Gov. Woodrow Wilson will be the next President of the United States. There can be no doubt that the people of this country prefer him to the swashbuckling Ananias who is leading the Progressive Party or the ponderous and inefficient candidate of the Republican Party. There can be no doubt that the people of this country prefer the conservative progressiveness of the Democratic Party to the reactionary policies of the Republican Party or the extreme radical declarations of the "Bull Moose" Party.

Broadly speaking, the three parties present the following programs:

(1) The Republican Party promises that its historical policies, methods, and alliances shall remain unchanged.

(2) The Roosevelt party engages to destroy government as now established and to create a new system operated by direct popular control and based upon socialistic and communistic principles.

(3) The Democratic Party pledges a restoration of popular rule, not by the destruction of representative government, but by a reformation of those agencies and methods by the use of which the Republican Party has wrested representative government from its true functions and made it subject to secret influences and the servant of special interests.

The maxim that we shall have a government of law instead of men is true in the sense that the popular will as expressed in laws and institutions should prevail rather than the uncontrolled discretion of individuals. But in another sense government, in its practical results, takes its color and form from the men who control it—the men who make laws, interpret laws, and administer laws. No wisdom in framing institutions can safeguard the future against the corruption or inefficiency of those who actually govern. The value of the human element in government is the greatest factor in the equation. As Gov. Wilson has pointed out, inasmuch as our Government consists of three great functions, balanced against each other, and subject to no common, affirmative control, there must be some organization outside the Government to give coherence and direc-

tion to the action of political forces. This organization is a political party which by the pressure of its discipline and because of its control of the personnel of the branches of government draws the great functions into agreement and system. In this country some party must actually govern, and in the degree that the dominant party is responsive to popular will and popular needs, to that degree exactly we will have popular government. For many years the Republican Party has been in fact the National Government. From its extraconstitutional, but none the less its real seat of power, it has through its agents dictated laws, administered them, and in effect performed all the functions of government. What has been written in the statute books, they have written; what has been done, they have done; what has been omitted, they have failed to do.

So far as any government can be responsible for present conditions, they are responsible. Have they governed for the common good or with common counsel? Have they not made secret and sinister alliances with those who desired to exploit public law for private gain? Have they not so used this large power that our Government is now notoriously out of adjustment with the needs of the people, and has been used to create conditions that are hostile to the well-being of the masses? Have they not brought the Government of our fathers to such a pass that many honest men actually think that the Government itself must be changed in its most fundamental conceptions?

This campaign presents a choice of parties and a choice of candidates who in an unusual degree personify their party.

President Taft, by conviction and temperament, stands for the old Republican régime. What Bourbon ever lolled on the thrones of France or Spain who learned less or forgot less than has Taft since he began his political career? To him the furtive and profitable alliance between big business and big politics is natural and commendable. He believes that the people's affairs are best administered by trustees who are permitted by law to filch the estates of their wards.

Ex-President Roosevelt offers the candidacy of a man who, with the Republican Party for seven years, was in complete control of the National Government. According to his own confession he steered the ship of state upon the shoals, and now says that the fault was not with him, but the ship itself—that the ship must be torn to pieces and rebuilt upon fundamentally different plans and then put under his permanent command.

The nomination of Gov. Wilson has given confidence to his party and hope to the country. His wide vision, his extraordinary acquirement, and his acute insight into the heart of economic and political problems, makes him the foremost interpreter of the eager and insistent popular desire for better conditions. In the administration of government the country will not only have the benefit of his supreme ability, but holding up his hands and carrying into effect his program of reform will stand the Democratic Party, now restored to its ancient significance and performing its historic functions.

Methods and policies of government can not be changed without the defeat of the now dominant party. No reform can be accomplished as long as the Republican Party is in power, because even if Taft was not himself hopelessly entangled in all the abuses which are so gross and have lasted so long that many people have lost confidence in the very principle of representative government, he could work no good thing with the Republican Party as his instrument, because its personnel is composed of the innumerable filaments of privilege, which bind it irrevocably to the service of special interests. Taft might harangue the worshipers, but the oracle would always be worked by the Aldriches and the Penroses. It is not possible that the Nation can at this time find any serviceable instrument of reform except the Democratic Party under the leadership of Gov. Wilson.

Among the constituents of the Democratic Party there are few whose privileges will be taken away by measures of reform. It does not owe anything to the sinister influences which, for their own purposes, have so long administered government in the name of the Republican Party.

The thing that most concerns the electorate is the spirit and purpose with which the Democratic Party, under its great leader, now seeks power and responsibility.

It is their purpose, as Gov. Wilson has set forth, to apply the rule of right, to take common counsel with all the people, to discard all that is furtive and indirect.

In such spirit and purpose all of our problems can be solved and the threads of true democracy woven into the Government of our complex civilization. [Applause.]

Mr. LEVER. Mr. Speaker, I yield eight minutes to the gentleman from Alabama [Mr. BLACKMON].

The SPEAKER pro tempore. The gentleman from Alabama [Mr. BLACKMON] is recognized for eight minutes.

Mr. BLACKMON. Mr. Speaker, I have not to a great extent imposed my views on this House during my service here. I am very much gratified at the legislation that has been passed by this House. I have aided in my feeble way in the passage of many bills that I believe will be of great benefit to the masses of the people.

When the Lever bill was first caled to my attention, the suggestion was that it would increase the amount of money to be appropriated by the Federal Government for the extension of agricultural educational work throughout the country, and I said I was in favor of the bill. But, after examining its provisions, I have reached the deliberate conclusion that there are many dangerous features in it—that is, if we are in favor of the present methods of farm demonstration work. It can not be questioned that the cooperative demonstration work, as carried on by the Department of Agriculture, has been of great value and will be of lasting benefit to the people.

Now, this bill proposes to change the present methods. That is all there is to it. I propose to offer amendments to section 2 of the bill. I challenge any Member on the floor of this House and the author of the bill, if he now favors the present method of farm demonstration work, to oppose these amendments. If he does, he proposes to strike down our present methods. I will offer these amendments and ask that they be printed in the RECORD.

Mr. LEVER. Mr. Speaker, I reserve a point of order on the amendment.

The SPEAKER pro tempore. The amendment will be reported. The gentleman from South Carolina reserves the point of order on the amendment. The Clerk will report the amendment.

Mr. BLACKMON. I propose to offer two amendments.

The SPEAKER pro tempore. Let the Clerk read them.

Mr. BLACKMON. I would not like to have that time taken out of my allotment.

The SPEAKER pro tempore. They should be read; otherwise the amendments can not be pending.

Mr. BLACKMON. Then I will have them read.

The SPEAKER pro tempore. The Clerk will report the amendments offered by the gentleman from Alabama [Mr. BLACKMON].

The Clerk read as follows:

Amend, section 2, lines 14 and 15, by striking out the word "communities" and inserting in lieu thereof the following: "counties of such State."

Amend, section 2, line 18, by striking out the period after the word "otherwise" and adding the following: "*Provided*, That nothing contained in this act shall be construed or held to in any wise interfere with the demonstration work now being conducted by the Department of Agriculture of the United States of America and known as the 'Farmers' cooperative demonstration work.'"

Mr. LEVER. Mr. Speaker, I make a point of order on those amendments.

Mr. BLACKMON. Now, Mr. Speaker, during the service I have had here I have seen gentlemen make great protestations and air their views and express their deep love for the farmers. I have never done that myself. I was reared on the farm, and I am proud of it. But I find that gentlemen who make such great professions of devotion to the farmers offer, when it comes down to brass tacks, new schemes of doubtful value. Our present work is admitted to be of value. The State from which I come and from which comes the distinguished leader of the majority [Mr. UNDERWOOD] in the last year produced a yield of corn amounting to twenty million-odd bushels over any previous annual yield, and this proportion applies to all other crops. Now we propose to change the present methods of instruction. We propose to turn it over to the colleges. I am not a college man myself, but I appreciate the advantages to be obtained from a college education. But if you destroy this work, I do not believe that that great institution in Alabama—Auburn, one of the great institutions of the country—can improve on this work that is being carried on by the farmers themselves through our present methods. I have not the slightest objection to this bill if you will incorporate an amendment providing that it shall not interfere with the work that is now being carried on.

I am glad to see the agricultural schools get an additional appropriation, and it will no doubt be well spent; but I do oppose and shall always oppose a provision to take from the farmers, who know what they are about, anything that they now have. I have very little respect for a newspaper farmer; I have very little respect for a man who sits in his office or sits in the shade and undertakes to tell me when I am out in the field how to do my work. I do not believe he can do it. So

this is the proposition. I make the prediction now that if this bill is enacted into law in four years farm demonstration work as it is now conducted will be a thing of the past. A professor of a college might write a splendid bulletin. He might deliver a splendid lecture on the best and most improved methods of farming, but I say that the method that we now have, where a man goes out into the field with the farmer and stays there in the hot sun and goes through the work with him, that this is a better method than to have a man sit in his office and write a letter or a bulletin telling how to do it.

I propose in the amendment that I shall offer to section 2 that the provisions of this bill shall in no way interfere with our present system, and I say to the author of the bill and I say to gentlemen on the floor that unless you are in favor of cutting down and destroying our present method, then you will support the amendment. [Applause.]

Of course, in eight minutes it is impossible to discuss an important matter of this kind. For that reason I opposed this bill being brought up at this time.

I would have liked very much to point out in my feeble way other serious objections that I have to this bill, but my limited time will not permit me to do so.

Mr. LEVER. I yield to the gentleman from South Carolina [Mr. FINLEY].

[Mr. FINLEY addressed the House. See Appendix.]

Mr. BOWMAN. I ask unanimous consent to extend my remarks in the RECORD on this bill.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. BOWMAN] asks unanimous consent to extend his remarks in the RECORD on the pending bill. Is there objection?

There was no objection.

Mr. LEVER. I yield the balance of my time to the gentleman from Indiana [Mr. MOSS].

Mr. MOSS of Indiana. Mr. Speaker, if there is any one thing connected with my life that I am proud of beyond another, it is the fact that I was not only born upon a farm, but that I have lived upon that farm all of my life. The place of my birth is my present home. Whatever education I received above that of the common school was received in our State agricultural college. Hence by environment and by study the question of agricultural education has been ever an active factor in my life, and I believe that agricultural education is the greatest question before this Nation. More than that, Mr. Speaker, I am willing to declare my belief that the acquirement of an agricultural education is a most abstruse and complex labor. In agricultural education you have to do not only with the forces of nature, but you are dealing with the germs of life, both vegetable and animal life. No man has ever fully comprehended the mystery which we call life; nor has fully understood the law of its nutrition, but I am not going to discuss that question on the floor to-night. I wish to deal more particularly with the subject in hand—the consideration of the Lever bill.

Mr. Speaker, it is the fashion of the hour in the discussion of economic questions to assert that the ingenuity of man has solved the problem of the creation of wealth, and that our trouble is that we have failed in devising any method whereby society is assured of an equitable distribution of the wealth which the labor of man has produced. So deeply is this assumption rooted and grounded in popular belief that political parties have been formed with this assumption as the basic plank in their confession of faith. The men who make this profession belong to that class who worship manufacturing as a national idol, and who can see in the strength of a steam engine the energy to create national wealth. What is a workshop except a place where the life energy of men is expended in changing one form of wealth which has been produced by man's labor into different forms of the same material? There is no machine yet invented which can create something out of nothing, and thus truly add to the total sum of our national wealth. To find such a manufacturing enterprise you must seek the farm, the great laboratory where the eternal energy of the Creator is at work as busily in this age as in the first six days of the beginning. The mine and quarry are but sources where we may find a limited store of hidden wealth, but when the supply is once exhausted there can be no further additions to man's comfort from these industries, but in the soil we find an unlimited source of national wealth—the one place in all the earth where Christ still feeds the multitude by miracle. The heat of the sun, the moisture of the clouds, and the nitrogen of the air are not more eternal than is the productivity of the soil. The fields which fed the Roman soldiers in their long marches around the world are to-day yielding to the needs of their owners more liberally than they did centuries ago, and so far as the human mind can foretell will continue to feed the multitude for unnumbered ages yet to come. The great primary needs of man—food, clothing, and shelter—are products of the soil, and the goodness of God to His children is strikingly shown in His decrees that their production shall be unlimited and inexhaustible, so that it is man's crime if a single human being shall go hungry, ill clad, or poorly housed.

Asserting, then, with confidence, Mr. Speaker, that the soil is the true source of national wealth, it naturally follows that no nation can master the production of wealth until that people shall have been able to obtain the maximum yield from the soil of its domain; nor can a plenitude of the necessities of life be assured to any people except that they increase the productivity of the soil in due proportion to the increase of the prime needs of their population. These truths are so elementary, Mr. Speaker, that a mere statement of them establishes their verity. It remains only to show that we are not meeting these requirements as a Nation to establish a cause for the uneasiness and unrest which is so plainly manifest among our people and to make it our imperative duty to enact this pending measure into law.

As a nation we have made rapid advances in every calling except that of farming, and have demonstrated the efficiency of American endeavor in every industry except that of agriculture. The national averages of England and Germany in agriculture are more than double that of our Nation, and yet their fields were under cultivation for centuries before the ship was builded which landed Columbus on our shores. Corn is our great national grain crop, and so perfectly is our soil and climate adapted to the growth of this giant grass that we produce 75 per cent of the world's crop of this great cereal. We have statistics for a period of only 40 years as to our production of this crop, but within that time our average has fallen from 26.2 bushels per acre to 25.4 bushels. We have apparently about reached the maximum acreage which can be devoted to corn growing, as the acreage in 1909 was but 3.7 per cent greater than it was in 1899, while the total production was actually less. This decline in yield of corn—0.8 bushel per acre—if computed at current prices, means a net annual loss to the Nation of $50,000,000, while if our average yield had been regularly increased one-fourth of 1 per cent per year, or 10 per cent in the 40 years, our national wealth would have been increased last year in the vast sum of $170,000,000. In 30 years Belgium by a national campaign of education has added 14 bushels to her national average yield of wheat; in 40 years, under our educational methods, we have added 1.8 bushels to our national yield. If we had advanced as rapidly in 40 years in wheat culture as Belgium did in 30, our national income would have been increased in the sum of $600,000,000 last year. If some method of extracting a billion of dollars annually from the rocks of our hills could be invented, it would usher in a golden era in the life of our Nation, yet a truly progressive system of national agriculture would add more than a billion dollars per year to our national income.

It is time that plain words be spoken about this subject. Our orators speak eloquently about the great results which flow from our present system of agricultural education. I call for the proofs. The record from our national census proves that our yields are stationary or are declining per acre in all standard crops. The census year of 1909 shows a lower yield per acre in corn, oats, and barley than the census year of 1899, while wheat, rye, and buckwheat give increases—but the year of 1899 was an abnormally low yield in both wheat and rye. Thus compared with normal yields, there would be an increase in buckwheat alone during a period of 10 years in the life of our Nation.

During this 10-year period, while our total population increased 21 per cent, the farm population decreased. No further back than 1880 we were a nation of farmers; now we are a nation of city dwellers. In 1880, 70.5 per cent of our population was rural; 7 out of 10 lived on farms and in the country; in 1910 but 53.7 per cent of our people lived in country homes. The result of these changes is that while our total population increased 21 per cent between 1900 and 1910, our acreage of all cereal crops increased but 3.5 per cent, and the actual yield in 1909 was but 1.6 per cent greater than it was 10 years before, in 1899. If we make this calculation per capita, it means that our national production in cereals has fallen in 10 years from 58.4 bushels per capita to 49.1 bushels per capita.

This reduction in our production per capita is a most important fact, yet it is coupled with an increased consumption per capita, so that the candle is burning at both ends. In 1880 our per capita production of wheat was 9.2 bushels and our consumption was 3.59 bushels, leaving a free surplus of 5.61 bushels. In 1910 our production of wheat had fallen to 7.4

bushels per capita while our consumption had risen to 6.48 bushels per capita, leaving a free surplus of only 0.92 bushel per capita. The statistics as to corn tell a similar story. In 1880 we produced 34.9 bushels per capita and our consumption was 17.9 bushels, leaving a free surplus of 17 bushels per capita. In 1910 our production had fallen to 27.7 bushels per capita while our consumption had risen to 27.3 bushels per capita, leaving a free surplus of 0.4 bushel per capita. In proof of the accuracy of these remarkable figures, I submit the exports of both wheat and corn for the year 1910 as given me by the Bureau of Statistics. Exports of wheat (combining flour in terms of bushels of wheat), 87,364,214 bushels; corn, 36,802,374 bushels. These figures almost exactly agree with the sums of the free surpluses of these two great crops as given in the above calculations.

During this census period in the State of Indiana we lost population in 56 counties out of a total of 92. There was a loss in population in every strictly agricultural county in the State. Benton County is conceded to be the first agricultural county in our State. The average price of land in this county is given in the Federal census as being over $100 per acre. If there is one spot above another in Indiana where the agricultural population should be well satisfied it would be in this great agricultural county. When I was a student in Purdue University this county was principally an unreclaimed swamp; now it is thoroughly drained and improved; yet the loss in farm population in this modern Garden of Eden was 3.3 per cent for the last census period. The same story is repeated in every other prime agricultural county in the State.

Since the days of Abraham every agricultural nation has estimated its wealth by taking a census of its cattle. During the last census period our cattle decreased 6,500,000 head, so that while our population increased 21 per cent out cattle decreased in number 4.7 per cent. This creates a practical crisis in the affairs of our Nation, because we can not permanently sustain a rapidly growing population with a steadily declining cattle supply. In Indiana the situation is even worse than in the Nation, for, accepting either State or Federal census returns, for every 100 head of cattle which we had in 1900 we have but 90 head in 1910—a loss of 10 per cent or an average loss of 1 per cent per year. The Federal census returns give the total number of calves in the United States in 1900 as being 15,000,000; 10 years later the number had fallen to 7,000,000; in the State of Indiana the number had fallen from 428,000 to 184,000. Yearling steers had decreased in numbers 50 per cent, and all other classes of steers showed a like heavy reduction in numbers. The steady advance in price of cattle in all markets of our country during this period attest the substantial accuracy of these estimates, and we must admit that our Nation is facing an acute shortage in beef cattle. Yet some statesmen are seriously proposing an investigation of the Beef Trust as a remedy for this most serious condition of the agricultural life of our Nation.

The final evidence as to our condition as an agricultural nation is an examination of the mortgage indebtedness. We have seen that agricultural production has remained practically stationary; it could easily be shown that land values have risen very rapidly—in fact, they have nearly doubled within 10 years; taxes have increased; fertilizer bills have increased 40 per cent on the average; labor and all other cost items have increased—yet the ordinary impression has gone forth that this is the millennium for the farmers, and that every other class of citizenship is bearing a burden of tribute to the farmers as a class. The one positive barometer to measure the financial condition of the farmer is the mortgage record in the courthouse. In the Nation farm mortgages have steadily risen, both in number and in total amount, during the last census period. If our national yield of grain had increased at the same rate that our farm mortgages have increased the result would have enriched the Nation and have reduced the cost of living to the world. In 1900 only 31.1 per cent of our farms which are operated by their owners were mortgaged; in 1910 this percentage had risen to 33.6 per cent. In Indiana 70 per cent of the farms are operated by their owners; in 1880 76.3 per cent were operated by their owners, so that we have had a progressive increase in tenant farmers—the figures for owners being: 1880, 76.3 per cent; 1890, 74.6 per cent; 1900, 71.4 per cent; and in 1910, 70 per cent. In 1900 the average mortgage debt on the mortgaged farm in Indiana was $972; in 1910 this sum had risen to $1,443 per farm, while the percentage of mortgaged farms had risen from 36.5 per cent to 38.8 per cent. We have thus shown that agricultural production is stationary per acre, that our free surplus of cereals is rapidly approaching the vanishing point, that tenant farming is increasing, that rural population is decreasing, and that farm indebtedness is increasing.

I assert with confidence that no other set of facts are of equal importance to the people of our Nation or of the world. The food supply is one of prime importance to any people; and as the United States have been the principal exporters of foodstuffs to feed the world, our local conditions are reflected in the markets of the world.

This is not a political question except that political government is instituted among men to promote the general welfare. It is primarily a question of education. In the beginning God wrote the law that controls the production of the earth and no man nor legislature has ever been given the power to modify or to amend it. While it is true that the maintenance and productivity of the soil has been a subject of study and concern from the earliest historic times, but little progress was made in our knowledge of the soil and its relation to crops or of methods of management until the modern science of agricultural chemistry was established by Liebig about 1840. At that date we had slave labor in the United States and it was a crime in certain States to teach the farm laborer, if he were a slave, to read and to write. The great Civil War was fought only 50 years ago. At that date we had but few schools, and only those who were intended to follow the so-called professions were given any but the most limited schooling. In fact, it is but recently that our most progressive States have adopted the policy to teach every child to read and to write, and in some States of the Union, if all citizens are considered, perhaps 40 per cent of the total number can not read and write. The resolution that every citizen shall be educated is the greatest advance in government which has been made since the Declaration of Independence was written, and when fully accomplished will work greater changes in our life as a people than any other event since Christ gave His life to advance the interests of mankind.

The educational leaders of our great cities are urging the establishment of vocational schools, so as to assist the boy and girl to discover themselves and thereby more truly prepare for their proper calling in industrial life. The work of training the children for industrial life is so appalling in its magnitude that not a single city in the United States can report any considerable progress; yet this is a pigmy's task compared to educating the agricultural workers of America, but if we are to give our children the heritage we derived from our fathers—if we are to bequeath to succeeding generations an opportunity in life equal to that we received from our parents—then that task must be successfully accomplished. This is true conservation; this is true progressive government; this is the only method by which wealth can be created in perpetuity, so as to give to every citizen sufficient to meet his daily needs as imposed by the law of his nature.

Man by divine decree was ordered to work in order to create wealth; he was endowed with a mind fashioned after the divine intelligence, so that he might interpret the law of the universe, and it is the highest duty of the State and Nation alike to aid this great educational movement. For this reason I am for this bill. I would support any bill which would forward agricultural education among the masses of our population, but I am for the Lever bill because it comprehends the very best method to augment this extension work at the present stage of the movement. I am proud to say that I helped to frame and to adopt the first statute in Indiana which appropriated public money from our State treasury to organize agricultural extension work. We were fortunate in our methods and placed the leadership of this work in the control of our State Agricultural College. As a result, we have the best corps of educational workers of any State in the Union. It would not be possible to organize another as efficient teaching force in our State on this subject. Our legislature has most wisely increased the fund available for this purpose from time to time, until now we are spending more than $150,000 annually for this purpose. This bill most wisely proposes to recognize this splendid organization and similar organizations in every other State where it has been created and to add the funds of the Nation to those of the State under one common leadership. This is the strength of this great measure. It is practical; it is effective; it unifies State and national aid and effort in this field.

No student of this great question believes that this legislation is the last word on this subject. It is a splendid measure to meet the most pressing needs, but other legislation must be enacted, both by States and by Congress. More money must be appropriated from both Treasuries, but I gladly support this measure because it is a timely and practical recognition that the question of better agricultural education is the most vital and important question before the American people and is the

best method to insure a square meal and a full dinner pail to every American citizen in the future cycles of our national life. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

INDIAN APPROPRIATION BILL.

Mr. UNDERWOOD. Mr. Speaker, I understand the conference report on the Indian bill will be in here in a few minutes to be presented for printing in the RECORD.

Mr. STEPHENS of Texas. Mr. Speaker, the conference report is not quite completed, but I ask unanimous consent to have it printed in the RECORD under the rule.

The SPEAKER. The gentleman from Texas asks unanimous consent to print the conference report on the Indian bill in the RECORD under the rule after the House adjourns. Is there objection?

There was no objection.

POST OFFICE APPROPRIATION BILL.

The SPEAKER. The Chair will inquire if anyone knows anything about the conference report on the Post Office appropriation *bill*?

Mr. FINLEY. My understanding is, Mr. Speaker, that the conference report is nearly, if not quite, ready.

The SPEAKER. The Chair is informed that it will not be ready until about 11 o'clock.

Mr. FINLEY. I ask unanimous consent, Mr. Speaker, that it be printed in the RECORD under the rule.

The SPEAKER. The gentleman from South Carolina asks unanimous consent that the conference report on the Post Office appropriation bill may be printed in the RECORD, notwithstanding the rule. Is there objection? [After a pause.] The Chair hears none.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one its clerks, announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 6781. An act in reference to the issuance of patents and copies of surveys of private-land claims.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6781. An act in reference to the issuance of patents and copies of surveys of private-land claims; to the Committee on the Public Lands.

ENROLLED BILL SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers or sailors.

SPEECH OF HON. W. C. REDFIELD.

Mr. SWEET. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting a speech of Hon. WILLIAM C. REDFIELD before the Flatbush Democratic Club on September 20, 1911.

The SPEAKER. Is there objection?

There was no objection.

The speech is as follows:

WAS THE PRESIDENT RIGHT?

[Speech of Hon. WILLIAM C. REDFIELD before the Flatbush Democratic Club Sept. 20, 1911.]

"In discussing the address which President Taft delivered at Hamilton, Mass., on the 26th of August last, I wish to avoid anything that approaches political prejudice or passion, and to treat it as a serious public utterance of our Chief Magistrate in a calm and thoughtful spirit. The dignity of the presidential office demands this, as does the personal character of Mr. Taft. The substance of the President's address is a defense of his vetoes of the several bills reducing the tariff passed at the recent extra session of Congress, or what are popularly known as the wool, the free list, and the cotton bills. The President attempts to justify his vetoes on the broad grounds that these bills were based upon insufficient knowledge, were defective in form as the result of haste, or were the result of purely partisan motives, being intended to embarrass the Executive rather than to effect any actual bettering of conditions. In general, he alleges that the work of Congress was based upon insufficient knowledge and upon a somewhat reckless desire to carry out a party policy without due consideration of its results upon our industries.

"One can not dismiss the statements of the President with a laugh or a word as idle or incorrect. If he is wrong, it should be shown, for in so far as he may be right the truth will ultimately appear, and the Democratic Party has no desire to fight against the truth even if stated by a Republican President, nor does the Democratic Party wish to work in the dark when light can be had.

"Inasmuch, however, as the President's speech is a summing up from his point of view of a whole situation, let us clear the air by definiug clearly that situation out of which his speech arose.

"Mr. Taft was elected President in 1908 after a campaign in which a leading issue, and one which he accepted and approved, was the revision of the tariff. It was the clear public understanding about which there is not the faintest doubt that this revision of the tariff was to be a downward revision. True, certain of the so-called 'standpatters' now allege that this was not explicitly stated to be the fact, and it is true that the word 'downward' is itself not a part of the platform of the Republican Party. None the less, the whole spirit of the Republican campaign and the whole public point of view was saturated with the idea of a reduction of the tariff, and no voice was lifted—and this is significant—in that campaign to say even that the tariff should be maintained on the basis where it then stood; much less was it hinted that it should be in any respect raised. Mr. Taft himself when a candidate said, September 24, 1908, there should be 'a substantial revision downward.' He received the support of many independent Democrats who believed him committed to a reasonable reduction of the tariff, and who confided in his judicial temperament and training and in his personal character. Had it been then supposed that Mr. Taft was the man who would sign the Payne-Aldrich tariff law, he would have lacked much support, quite apart from any other considerations. I think candid men will concur in the above statements. The Political Science Quarterly for March, 1910 (edited by Columbia University), says in an article on page 39:

"It seems very clear that so far as Mr. Taft was concerned tariff revision meant downward revision, and it is difficult to ignore the fact that a very respectable number of voters so understood him.

"But the Payne-Aldrich tariff law came into being with Mr. Taft's approval, and he indorsed it as the best tariff law the country had ever had, although he also stated that the wool schedule was indefensible, and that a combination of woolgrowers and wool manufacturers had been in substance too strong for Congress and the Executive then to overcome.

"It is history that at the first opportunity and after full discussion, namely, in the elections of 1910, the people of the country resented this, and showed it by turning out the Republican House of Representatives and substituting for it a Democratic House with a majority of 65 Members. It is also history that the Democratic Members of this House of Representatives elected in 1910 were so elected under the most explicit and clear pledges to reduce the tariff, and not only so, but expressly to do it on those items which were of widest popular use, to wit, clothing, food, and other similar articles of widespread and general consumption. Were I standing before you to say that for any cause I had in any degree taken any action which in the most indirect way looked toward maintaining the existing duties upon food, clothing, and the like, you would know that I had been false to my pledges, for you also know that the campaign was made upon the basis that the tariff upon these things must be reduced. What was true of myself was generally true throughout the country. When Mr. Taft summoned the Sixty-second Congres in special session, he knew, for he was plainly told so, that he was summoning a House of Representatives pledged to reduce as speedily as possible the duties upon clothing and upon food, and a House, furthermore, which would have been dishonorable and derelict had it failed to do so. For the President to argue, therefore, that the House of Representatives should have waited for any board by whomsoever created or of whatever nature in the face of this express, clear, and definite public mandate is to suggest something unworthy of serious thought. The House of Representatives which Mr. Taft summoned in extra session was created for the purpose of taking off the duties on clothing, food, and the like. That was the cause of its being. The mandate which ordered it to do

this superseded the mandate on which Mr. Taft was himself elected, but even this latter, as I have above pointed out, was itself a mandate looking toward the reduction of the tariff.

"But the President himself afforded in his reciprocity campaign the first opportunity to assault the tariff wall. In so far as this reciprocity bill looked toward a reduction in the excessive taxes upon food and clothing and the like, it was good Democratic doctrine, and the Democratic House would have failed to keep its pledges had it failed to approve it by whomsoever suggested. What the Democratic House therefore did in passing the reciprocity bill it did because it believed that bill to be true Democratic doctrine, and because it believed then and believes now that in substantial principle it does not differ from the wool bill, the cotton bill, and the free-list bill which the President later vetoed.

"The President frankly acknowledged his indebtedness to the Democratic Party for passing the reciprocity bill. He might well do so, for without the Democratic votes the bill would have failed, and it is to be noted here that so long as the Democratic House agreed with the President's point of view, the latter thought the House was patriotic, but when following precisely the same principle on which it approved the reciprocity bill it passed the wool bill, then the Democratic House became ill advised, ignorant, and guilty of political trickery. This brings the situation up to the time when the wool bill came under consideration.

"In view of the President's attack upon this bill, it is pertinent to think who the men are that had it in charge, and how it was treated prior to its passage. The Democratic majority of the Ways and Means Committee was composed of men, most of whom had been members of that committee throughout the discussion in the previous Congress on the Payne-Aldrich bill. They were and are familiar with that discussion. They took an active part in it. They had before them all the facts out of which the Payne-Aldrich bill grew, and they had in their hands the report of the Republican Ways and Means Committee that created the Payne-Aldrich tariff. Whatever information the authors of the Payne-Aldrich law had—and this law the President said was the best tariff law we ever had—was available to the Democratic Ways and Means Committee when it began work on the wool schedule. They had before them fully and in detail all the facts upon which the bill was based, which the President signed. Furthermore, they were familiar with the combination between the woolgrowers of the West and the woolen manufacturers of the East to which the President objected, to which he admits the Republican Congress yielded, but which the Democratic Congress resisted.

"This is history, and is not denied. The Democratic Ways and Means Committee took the President at his word, and his word coincided with their instructions from their constituents, namely, that the tariff on clothing, which in its present form the President stated was indefensible, and against which in its present form the carded wool manufacturers have been loud in protest, should be promptly reduced But not only was the Democratic Ways and Means Committee actuated by the mandate of the people behind them, by the criticism of many woolen manufacturers themselves, and by the President's own criticism of the measure with which they had to deal, and not only were they in possession of all the information that the President had when he signed the tariff act, and that the Ways and Means Committee had when they created the act, and not only did they consider facts submitted by the carded woolen manufacturers who protested against the continuance of the act in its present form, but they had further and special information and equipment for their work. There was in the House of Representatives one of the largest woolgrowers in the country, Mr. KENT, of California, a Republican who voted for the bill and in favor of passing it over this veto. There was in the Democratic majority one man who had had the experience of building, equipping, and operating a textile mill in Asia with Chinese labor, Mr. DIFENDERFER, of Pennsylvania. The chairman of the Ways and Means Committee himself is in direct and immediate touch with manufacturing practice and theory, and I presume it was largely because I had myself spent one-fourth of a century in active manufacturing life that I was deemed worthy to represent you there. They had before them also the facts laid by the late Senator Dolliver before the Senate in the debate on the Payne-Aldrich bill. Neither that able and lamented man nor those who had the benefit of his studies can properly be accused of ignorance on the subject so fully presented by him. More time was put by the Ways and Means Committee under these conditions upon the woolen schedule than was ever in the history of the country devoted to the consideration of a single schedule. This is not denied. Mr. PAYNE said, indeed, that prior to the passage of the Payne-Aldrich law they had been considering the whole tariff two years. This is perhaps true, but it is also true that the very men who were during those two years upon the Ways and Means Committee are on the Ways and Means Committee now; and that whatever that two years' study may have meant, its results were familiar to the Democratic majority on the present committee. Among these results were 16 volumes of Tariff Hearings, 950 pages of Notes on Tariff Revision, and 4,000 pages of a Report on Wood, Pulp, and Paper. Apart from this, however, three months' hard work were spent by well-equipped and experienced men upon this single schedule; and no such amount of time was ever given in the past to a single schedule by any Ways and Means Committee.

"The bill was submitted to the Treasury Department and received its approval as to its form and language, and from this it passed into the hands of the Democratic caucus. Anyone who thinks that it received there a perfunctory approval is singularly misinformed. I was present throughout. The debate lasted 10 hours. It was outspoken and unrestrained. Men from all over the country spoke their minds without let or hindrance. If ever a measure received a grilling at the hands of the men who had to become responsible for it, this was it. It was a splendid example of the keenest kind of self-criticism. For any man to say of a measure that passed through that fire that it was either ill-considered or hasty, is absurd. In the end the Democratic Members agreed in their approval of the measure.

"After several weeks of open debate in Committee of the Whole, the bill passed by a majority nearly double that which the Democrats had in the House. It was by this simple fact immediately lifted out of the realm of mere party measures. Substantially one-half of the majority for the bill were men from the great Republican States of the Central West. The bill passed through subsequent stages in the Senate, of which the President speaks. Whatever modifications were there made were in the direction of making it less radical. I do not believe it was radical when it first passed the House, but it was less radical when it passed with the Senate amendments. It was more of a protective measure and less of a purely revenue measure when it passed the Senate than it was as first created, but if this was as the President states—and truly—a compromise, it was a compromise in the direction of moderation. If experienced men had made a safe measure before which had stood the fire of criticism, the compromise made it safer if, indeed, there were any risk at all. And the Democratic majority, frankly preferring its own bill, yet pledged to any reasonable course in reducing the burdens of taxation and the cost of living, in candor and fairness of spirit and with an open mind, accepted the amended measure as a step in the path they were commanded to tread. It was not so long a step as they wished to take, but a good long step, all the same.

"I believe this to be a truthful and impartial statement of the facts. The President descending from the dignity of his high office may, as a partisan speaker, say if he will that this is a "tariff for politics only," yet he knows—and so does every Republican leader—that the Democratic House would have been dishonored had it acted in any substantial way other than as it did.

"The President vetoed the bill. For this act he must account, and the accounting will be given in the open and subject to the judgment of men who will be made to know the whole truth. For myself, I do not see on what grounds the President justifies the continuance longer of the combination between the woolgrowers of the West and the woolen manufacturers of the East, which he said was too strong for the last Republican Congress and with which he has now aligned himself.

"But there are two points of justification which the President uses with which we must briefly deal.

"Although the House of Representatives is charged by law with the duty of originating revenue measures, and although its Ways and Means Committee, composed of experienced and thoughtful men, acted in the light of full information and after mature thought in preparing carefully the wool bill, which the President vetoed, none the less Mr. Taft insists that the House should not exercise such lawful duties at all or perform the function for which it was expressly elected until after another body, unknown to the Constitution, and not authorized by law for the particular purpose for which it is now to be used, shall have reported. You will look in vain

in the Constitution and in the precedents that have arisen in our national history for any case in which the right or the duty of the House of Representatives to originate financial legislation is questioned until another board shall have informed it how to proceed. I venture to think the President has introduced a novel and a dangerous element into our constitutional life, and one the present use of which can only be justified, if it can be justified at all, by the existence of two conditions simultaneously. These are that Congress was so ignorant that it could not fitly exercise the functions for which it was elected, and that the Tariff Board is so well informed on the very matters upon which Congress is ignorant that the latter must be arrested in its work until it has the advice and counsel of the former. In other words, Congress did not know how to do its work, though charged by law to do it, and the Tariff Board did know how to do it, though not charged by law so to do. Therefore, Congress, elected for a certain duty, must not do it till it is told how. I do not think this is a strained or unfair statement of the situation. We have already seen that it is not true that Congress failed in knowledge or experience in respect of the wool schedule. It can not be successfully denied that if any former Congress was competent to deal with the wool schedule, then the present Congress was more so. If the President admits by inference that the last Congress in creating the Payne-Aldrich law was ignorant and ill advised, I agree, but without in the least admitting that the present Congress was at all its fellow in these respects.

"But if Congress is not ignorant, is the Tariff Board well informed? I have in an address upon the cotton schedule before the House of Representatives already touched upon the difficult, and to my thought the impossible, task placed upon the Tariff Board. I have no doubt they will submit a report excellent in form and attractive in substance. Their sincerity, their ability is not questioned, but I doubt the possibility of their giving to Congress or to the country any information of special value for the purpose of basing taxation thereon. This arises from the very nature of the problem with which they have to deal.

"Figures showing the relative cost of production are worthless by themselves. The facts behind the figures which cause those costs are the essential things. They have gone, for example, for costs in one case I know to a certain mill. The figures derived from that mill are worthless until it appears as an explanation of them that the mill is an ancient, wooden one with a high fire risk, that it is located miles from a railway and with insufficient and variable water power. You and I do not purpose to be taxed to make good the deficiencies in this mill. In another case, they have gone to a mill well equipped indeed, but keeping no accurate and continuing thorough scientific costs. I do not care to be taxed, nor do you, upon the basis of an estimated cost. Further, these costs change constantly. They are not now what they were when the year began. They will not be when the Tariff Board report comes in what they are to-day. The whole effort to base taxes upon the changing and fluctuating elements in cost is absurd.

"We have an example of the Tariff Board work in their report upon the wood-pulp and print-paper industry. This report I have analyzed before the House of Representatives. Speaking thoughtfully as a business man, and after reading the report with some care, I can not find in it one fact that would make it possible to base a tariff upon anything it shows. There is in it the frank admission that cost is variable. There is in it the plain statement that the cost of a single article in a single respect may vary from 98 cents per ton to $5.90 a ton. There is in it the clearest evidence of the fluctuating nature of costs. There is nothing in it that is helpful for the purposes of taxation. Yet with this report before him and with an amusing ignorance of manufacturing costs the President solemnly says that Congress shall not act until another such report has furnished it the information it needs.

"An illustration is worth many arguments. In a factory in Brooklyn, well managed and prosperous, it became necessary to change the superintendence. A young man of energy and brains, with a good knowledge of the business, but without any special factory experience, seemed to be the person available. He was put in charge. The opportunity to him was an inspiration. In two years the product of that shop was doubled without adding a man or a machine. In those two years the costs of production went down so that every six months nullified the costs of the previous like period. Suppose just before this man took charge the Tariff Board had come along for a statement of costs; then before the report was printed those costs were ancient history. Suppose that at the date of the report they had been revised, then before Congress could have acted they would have needed revision again, and by the time a law based on them had come into effect the result of a tariff based upon the costs then existing would have been the payment of a great bonus on the basis of new costs which had meanwhile come into being.

"My own business has factories in Detroit and Troy. In making similar goods the costs are not alike; on which will you base the tariff? A week ago I sat at lunch with two gentlemen connected with one of our largest industries. They have six factories. The costs are not alike in them, and a man who can make them so can not be had. Which of their shops is to be made the basis?

"It may be said by the uninformed that while theoretically changes in cost exist, yet practically in old industries they are established. Nothing could be farther from the truth. By hunting up what have passed till now as trifles, the supervisor of locomotive operation on one division of the Erie Railroad saved in the first three months of this year over $28,000 in fuel alone while performing the same work as in a like time in 1910. The brickmaking industry is thousands of years old. A friend is now operating an apparatus developed within two years that cuts the cost of brickmaking in half as compared with ordinary methods. There is no limit to cost reduction save the capacity of the human mind.

"I have said enough to show you the folly of making the changeable costs the basis of a fixed tax, and I only add these words taken from a quarter of a century experience as a manufacturer—any statement of costs made by the Tariff Board will be to me useless as a means of basing taxation thereon, for I shall know beyond all shadow of doubt that those costs may have been so radically altered since they were obtained by the Tariff Board that nothing whatever can be predicated upon them, and, further, that a mere historical cost is of small value. It is the possible costs that count.

"But, finally, there is one thing in the President's veto message which, to my mind, shows the fundamental difference between the Republican and the Democratic outlook upon these tariff matters. It is a trifling thing, doubtless the President and some editors would say, but to me it seems one of those revealing lapses which, like a small light, may cause one to see large things. The President says there is 'no exigency' in public affairs which requires prompt action. I deal only with cold, plain truths in asking of what conditions arose the cry of 1908 for a reduction of the tariff? Was it not an exigency caused by the high cost of living? Out of what arose the public mandate which the present Congress has obeyed, and which destroyed the Republican majority in the House of Representatives? Was it not the severer pressure of that same exigency arising from the high cost of living? What do you find at home now unless it be the continued exigency of the high cost of living? True, this particular exigency does not affect the leaders of our industries. The margin of safety is broader for the mill owner than for the mill worker, and conceding the former all he claims to have suffered from unfavorable business conditions, his suffering has been relative rather than actual, the loss of profits rather than poverty. But what about the men in his mill and the worker on the daily wage and the working woman and the clerks and the men at small salaries? Did these men feel the pressure of the high cost of living in 1908? If so, did they not feel it more in 1910? Is it released to-day, or are they still under pressure? What do the 60,000 textile operatives in New England who were laid off during August think of this? We shall not go, you and I, in this thoughtful meeting into convulsions or spasms of oratory about this, because the results in the homes of many of our people arising from this high cost of living are too serious, but looking at all the facts calmly and quietly is it not true that it was an exigency of serious importance out of which arose the orders to the present Congress to reduce taxation, and is it not the fact that that exigency stands to-day as a real, daily pressing matter in the homes of the average man and woman? As I look back it seems to me the Democratic majority in the House of Representatives saw always before them this exigency. They were pledged and commanded to meet it, and they did so; but, upon the other side, the minority in the House and the President in the White House could not see that exigency. They looked at the picture from a different angle. They saw and the President states the point of view of the mill owner. Doubtless they did it sincerely, but the division between the parties comes plainly into view just here that the Democrats see from the consumers' end and the workers' end and the Republicans see from the owners' end, each looking at different sides of the shield. And it is

perhaps an incidental evidence of this outlook that you did not find the suggestion that the Tariff Board shall include in their report any statements from the consumers and from the mill workers. It is admitted that the manufacturers are providing them with information. It is not suggested that the workers shall do so, and I confess that a statement of costs that does not include facts as to how they bear upon the mill worker and how they bear upon the consumer of the mill products does not interest me greatly.

"Despite 90 per cent protection under Schedule K, wages in the woolen mills compare unfavorably with those in other industries less highly protected. Woolen manufacturers complain that their labor is inefficient. Other manufacturers less favored by duties do not so complain. And I get hints that there is not unanimity among our woolen people, that some woolen manufacturers say they do not care what is done with the tariff so long as it is settled. Will the Tariff Board inform us on these factors?

"This principle we may safely lay down: Manufacturers must go to the limit of self-help before they can ask the public to tax itself to keep them. No tariff can righteously cover costs arising from mistakes in management, errors in location, bad equipment, faulty methods, or neglect to adopt the most modern system of cost keeping and supervision.

"Meanwhile we await with interest the report in which the Tariff Board will tell us what many manufacturers do not themselves know—the cost of the goods they make—and we give them this final hint. The actual or historical costs do not greatly concern the public. The possible costs are the greater thing, and these, so far as we know, are not to be a part of their report."

EXTENSION OF REMARKS.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the gentleman from Georgia [Mr. HUGHES] who is ill, be granted leave to extend his remarks in the RECORD on the agricultural-extension bill.

The SPEAKER. Is there objection?

There was no objection.

ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 7 o'clock and 10 minutes p. m.), the House adjourned until to-morrow, Friday, August 23, 1912, at 11 o'clock a. m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. FLOOD of Virginia, from the Committee on Foreign Affairs, to which was referred the bill (S. 7409) to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries, reported the same without amendment, accompanied by a report (No. 1228), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SULZER, from the Committee on Foreign Affairs, to which was referred the resolution (H. Res. 705) requesting the President to furnish information regarding the alleged killing of James W. Rodgers by British soldiers in Africa, reported the same without amendment, accompanied by a report (No. 1236), which said bill and report were referred to the House Calendar.

Mr. TOWNSEND, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet, reported the same without amendment, accompanied by a report (No. 1237), which said bill and report were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LAFFERTY: A bill (H. R. 26383) to amend section 2 of an act entitled "An act supplementing the joint resolution of Congress approved April 30, 1908, entitled 'Joint resolution instructing the Attorney General to institute certain suits,' etc.," approved August 21, 1912; to the Committee on the Public Lands.

By Mr. LOBECK: A bill (H. R. 26384) for the recognition of the military services of officers and enlisted men of certain State and military organizations; to the Committee on Military Affairs.

By Mr. STANLEY: Concurrent resolution (H. Con. Res. 63) authorizing the printing of 25,000 copies of the majority and minority reports of the committee to investigate violations of the antitrust act of 1890 and other acts; to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BYRNS of Tennessee: A bill (H. R. 26385) for the relief of the estate of Ferdinand E. Kuhn; to the Committee on War Claims.

By Mr. CLARK of Missouri: A bill (H. R. 26386) for the relief of James A. Griffith and Hannibal I. Griffith; to the Committee on War Claims.

By Mr. DOREMUS: A bill (H. R. 26387) granting a pension to Mary A. O'Donnell; to the Committee on Invalid Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 26388) granting an increase of pension to Jacob J. Brake; to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 26389) granting an increase of pension to Susan Billet; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 26390) granting an increase of pension to William P. Wells; to the Committee on Invalid Pensions.

By Mr. PEPPER: A bill (H. R. 26391) for the relief of Michael H. Morrin; to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 26392) for the relief of the family of Railway Mail Clerk Bruce Hodge; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. CALDER: Petition of Henry C. Maine, of Rochester, N. Y., against passage of Senate bill 4043, the Kenyon interstate liquor bill; to the Committee on the Judiciary.

Also, petition of the American Embassy Association, of New York City, favoring passage of House bill 22589, relative to embassy, etc., buildings; to the Committee no Foreign Affairs.

Also, petition of the Regular Colored Democratic Association, of Brooklyn, N. Y., favoring passage of Senate bill 180, relative to celebration of the fiftieth anniversary of the freeing of the negro; to the Committee on Industrial Arts and Expositions.

Also, petition of the International Association of Machinists, favoring passage of House bill 25305, against the stop watch for Government employees; to the Committee on Labor.

Also, petition of the State Council of Pennsylvania, Order of Independent Americans, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

Also, memorial of the New York Produce Exchange, favoring passage of House bill 25572, to amend the laws relating to the judiciary; to the Committee on Interstate and Foreign Commerce.

Also, petition of the B. V. D. Co., of New York City, against passage of the Oldfield bill (H. R. 23417), proposing change in patent law; to the Committee on Patents.

Also, petition of A. G. Marshuelz & Co., of New York, against passage of the Kenyon interstate liquor bill; to the Committee on the Judiciary.

Also, memorial of the National Association of Talking Machine Jobbers, of Pittsburgh, Pa., against passage of the Oldfield bill, proposing change in the patent law; to the Committee on Patents.

By Mr. SULZER: Petition of openers and packers of the United States appraisers' stores, port of New York, relative to raise in salaries; to the Committee on Ways and Means.

By Mr. UTTER: Petition of citizens of the State of Rhode Island, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

SENATE.

FRIDAY, *August 23, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CULLOM and by unanimous consent, the further reading was dispensed with and the Journal was approved.

RESIGNATION FROM COMMITTEE ON PRIVILEGES AND ELECTIONS.

Mr. HEYBURN. Mr. President, I present a paper for reading and consideration.

The PRESIDENT pro tempore. There is a unanimous-consent agreement that immediately following the reading of the Journal the Senate will take up for consideration the report of the committee of conference on the Army appropriation bill. The paper will be received if there is no objection.

Mr. HEYBURN. It is a privileged matter.

The PRESIDENT pro tempore. It will be read by the Secretary.

The Secretary read as follows:

UNITED STATES SENATE,
COMMITTEE ON MANUFACTURES,
Washington, D. C., August 23, 1912.

PRESIDENT PRO TEMPORE UNITED STATES SENATE.

Mr. PRESIDENT: I hereby resign as a member of the Senate Committee on Privileges and Elections, the resignation to take effect at once.

Very truly, yours,

W. B. HEYBURN.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Idaho? The Chair hears none, and it will be so ordered.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore. The conference report on the Army appropriation bill will now be taken up for consideration.

Mr. PENROSE. There is a resolution offered by me yesterday that went over on objection. Perhaps the discussion is exhausted and that resolution may be passed, although I do not want to interfere with the conference report on the Army appropriation bill.

The PRESIDENT pro tempore. If there is no objection, the Chair will lay the resolution before the Senate.

Mr. SMOOT. We want to go on with the conference report, but perhaps the resolution is not going to lead to any further discussion.

Mr. CULBERSON. I understood the Chair to announce that there was a unanimous-consent agreement. I beg to invite the attention of the Chair to the language. It is merely a notice that a motion would be made after the Journal had been read to consider the conference report.

Mr. JOHNSTON of Alabama. If the calendar shows that, it is erroneous, because there was a unanimous-consent agreement to take up the conference report on the Army appropriation bill at this time.

Mr. CULBERSON. I have not looked at the RECORD, but the notice printed on the calendar does not state that there was a unanimous-consent agreement.

Mr. PENROSE. It is merely a misprint on the calendar, and it is not the first time recently that consent agreements have been misprinted on the calendar.

Mr. WARREN. Of course, there can be no possible question but that there was a unanimous-consent agreement.

The PRESIDENT pro tempore. The RECORD shows that the Senator from Wyoming asked unanimous consent, and the President pro tempore asked if there was objection, and declared there was no objection and that it was agreed to.

Mr. PENROSE. In view of that unanimous-consent agreement, I will withdraw my request for the consideration of the resolution until after the agreement has been carried out.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

Mr. BACON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Georgia suggests the absence of a quorum. The roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Martine, N. J.	Smith, Ga.
Bacon	Cullom	Massey	Smith, Md.
Bailey	Cummins	Nelson	Smoot
Bankhead	Curtis	Oliver	Stone
Borah	Dillingham	Overman	Sutherland
Bourne	Fletcher	Page	Thornton
Brandegee	Gallinger	Penrose	Tillman
Briggs	Heyburn	Perkins	Townsend
Bristow	Johnston, Ala.	Poindexter	Warren
Bryan	Jones	Pomerene	Watson
Burnham	La Follette	Root	Wetmore
Catron	Lippitt	Sanders	Works
Chamberlain	McCumber	Shively	
Clapp	McLean	Simmons	
Crane	Martin, Va.	Smith, Ariz.	

Mr. TOWNSEND. I wish to state that my colleague [Mr. SMITH] is absent from the Senate on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I desire this announcement to stand for the day.

Mr. LA FOLLETTE. I was requested to state, on behalf of the junior Senator from North Dakota [Mr. GRONNA], that he is necessarily absent.

I wish to make the same statement for the junior Senator from South Dakota [Mr. CRAWFORD], by his request.

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the conference report.

Mr. BACON. Mr. President, I very much regret the necessity of having to say anything to the Senate at this time. I would really very much prefer not to do so. I would not do so, but I regard this as a matter of very grave importance, and whatever may be the result I am unwilling that this legislation should go upon the statute books with any apparent acquiescence on my part. So far from that, I am unwilling for it to go upon the statute books without the expression of my very decided and positive dissent from and objection to it.

The proposition boiled down is simply this: It is an effort to have a part of those who are really a part of the citizenry of the country, engaged in civil pursuits, mingling in common with their fellow citizens, so enrolled that they at the same time shall constitute a part of the Army of the United States. To that I am unalterably opposed.

In my opinion, Mr. President, it is an absolute violation of the spirit and intent of the Constitution, however it may fail to be a violation of the letter of the Constitution; and while it may be within the technical power and right of the Federal Government to enact this legislation, it does not relieve us of the responsibility to so legislate as to carry out the purpose and intent of the Constitution. I think it is the plain purpose and intent of the Constitution that the Army of the United States shall be a distinct organization, and that the military power of the United States, speaking of it as the power exerted over individuals who may be incorporated into the Army, shall not extend to persons in civil life and citizens of States and residents in States.

The provisions in the Constitution with reference to the organization of the Army and the militia are found on the same page in the same article, and are two in number—two clauses in the same section enumerating the powers of Congress. One of them is:

> To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.

The other provision, several clauses below that, enumerating these powers of Congress, is:

> To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

Mr. President, those two provisions plainly contemplated the condition that it being manifestly not desirable that we should have a great standing Army, and that at the same time it being equally manifestly desirable that we should have available, when required, a great military force, keeping in view our dual system of government, intended that the States should have their jurisdiction over their citizens, and that that jurisdiction should not be transferred to the Federal Government to the enlistment and organization of citizens in private life in such a way as to give the Government military control over their persons while remaining in civil life.

Mr. President, the power of the Federal Government was intended to reach just as far as it was necessary to make that reserve force which was left within the States available and efficient. Therefore, the provision, it will be noticed, gives to Congress the power to organize the militia, for arming the

militia, for disciplining the militia, and, when called into active service, "governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress."

Mr. President, ever since the Spanish War there has been an effort to do away with the provision of the Constitution which I have just read, and to destroy the power of the State over its citizens, who should be desired thereafter for soldiers when emergency arose, and to extend the power of the Federal Government over them; in other words, there has been for the last 12 years, at various times and in various ways, the effort made to extend the power of the Federal Government beyond the control simply of active military organizations and to make it embrace those who are engaged in civil life and residents in States. The accomplishment of that purpose is, in my opinion, an absolute violation of the spirit and intent of the Constitution.

This came before Congress, Mr. President, 10 years ago in another shape. The same power, it is true with some difference in detail, was endeavored to be ingrafted upon a militia bill just 10 years ago. That bill was introduced in Congress, passed the House of Representatives, and came to the Senate. It was at a time when the present senior Senator from New York [Mr. ROOT] was Secretary of War, and the provision was then section 24 of the general militia bill. I am going to read that, Mr. President, for the purpose of showing that, while it differs in detail, yet it involves the same principle. The fight then made in the Senate was the same fight that we have got to make now. The main difference was this: It was debated in the other House, though I do not recall that that particular provision was debated there; but it was debated here at great length.

In this instance, Mr. President, if this had been a piece of general legislation put upon an Army appropriation bill, there would have been the general objection which is made to ingrafting upon an appropriation bill general legislation. But here, Mr. President, this most important and, as I think, vital matter is absolutely originated and brought here on a conference report, at a time when there is no opportunity for its proper discussion, when we have no opportunity for amendment, and when, I presume, the conditions are such that it is known, in view of the fact that the session is about drawing to a close, that Senators will vote for the report, even though they object to what may be in it, because of the fact that it is now too late in the close of the session to do otherwise.

I think, Mr. President, that it is absolutely indefensible that this measure should have been put upon this conference report. If this kind of thing is to go on, Mr. President, we must have some change of rules about conference reports, and we shall have to have some change of rules as to the membership and constitution of conference committees if they are to be the chief legislators. That is what it amounts to—the conferees are the chief legislators and put the Senate in bonds, manacle them, and compel legislation to which they have had no opportunity to give proper consideration and where there is no opportunity to have either discussion or amendment, and when conditions are such that legislation can be forced upon us just the same as if we were bound and gagged. Mr. President, that condition of affairs can not last always. There must be some way—I hope the Senator from Wyoming will hear me, because I am talking about a matter now in which I think he is interested.

Mr. WARREN. I am hearing every word the Senator is saying.

Mr. BACON. The Senator can not talk to somebody else and listen to me at the same time.

Mr. WARREN. To show the Senator that I am hearing what he says, I want to say to him again what I have said before——

Mr. BACON. I withdraw my suggestion if the Senator will not pursue that.

Mr. WARREN. I wanted to correct the Senator, but I will let that matter go and correct it later.

Mr. BACON. I was saying, Mr. President, that if we are to have these efforts made to force legislation at such a time and in such a way, it is going to be necessary that there should be some reformation as to the question of what shall be the powers of conferees and as to the power of the Senate to deal with original items on conference reports, so that we shall not have matters rammed down our throats at a time when it is impossible to give proper consideration to them or to offer any amendment.

Mr. WARREN. Will the Senator yield to me for a moment?

Mr. BACON. Yes.

Mr. WARREN. Mr. President, I do not think I ought to let that accusation go without stating the facts, and I hope I may not have to state the facts again. I desire the facts to go into the RECORD.

I have served many times on conference committees, but we have never had a year or a Congress where we have had such strenuous times in connection with conference committees as we have had this session. This particular matter, however, in my judgment, with whatever experience I have had and whatever has gone before, was entirely within the rights of the managers of the conference, because, in the first place, the bill came from the House asking us to extend the enlistment period from three to five years under the colors in the regular service. In the Senate committee there was added a reserve proposition, which provided that after discharge from the regular service the soldier should serve the remaining period of enlistment in the reserve, subject to call and without pay unless called into active service, and if called the pay was to be at the rate of a certain number of dollars the first year and a certain number the second year, but in no case to exceed $300 up to time called into service, and when called into service the pay to be at regular rates of service pay. That provision went through the Senate. It has been through the Senate twice, once on the bill which was vetoed and again on the present bill.

Mr. BACON. That is a very different thing from this.

Mr. WARREN. As the bill comes from conference the provision in regard to the $300 is the same as it was when the bill passed the Senate. The matter of the enlistment is a compromise between five years and three years. Under the present proposition before us, a private must serve four years under the colors if required to——

Mr. BACON. I hope the Senator——

Mr. WARREN. Allow me to finish, if you please.

Mr. BACON. Well, if the Senator wants to answer my argument, I prefer that he do so in his own time.

Mr. WARREN. Mr. President, I do not propose to submit to being called to book by a Senator who asks my attention and then refuses me an opportunity to correct an error he is making. I submit that either I be allowed to explain what I am talking about or that the Senator refrain from alluding to me in his remarks.

Mr. BACON. Well, Mr. President, if the Senator desires, I will wait until the Senator gets through.

Mr. WARREN. If I may finish, I shall do so. Now, I want to say that under this bill the soldier enlists for four years of active service, subject to three years in the reserve; but on his request, submitted to the Secretary of War, if approved, he serves but three years, as before, in the regular service and four years in the reserve.

The only possible issue that can be raised as to whether or not the managers have exceeded their powers is the fact that seven years is the limit of the reserve. There was no limit before; it might have been 10 years.

Mr. BACON. Mr. President, I repeat what I was saying, or, rather, I will resume the thread of it. If such legislation as this is to be brought in here on a conference report—which I think revolutionizes the conditions which have heretofore existed, involving the differences between the Regular Army and the control and power of the Federal Government over citizens engaged in their ordinary civil pursuits within the State—if a measure of this far-reaching nature, which has heretofore been before the Senate and which was defeated, can be brought in here as an original matter on a conference report, where we have no opportunity to amend it, where the opportunity for discussion is limited, and where the possibility of having it properly considered by Senators is remote; that on the last day, or the next to the last day of a session, when everybody knows that Senators will vote for a measure, even though they may not approve of it, rather than prolong the session—I say, Mr. President, if that condition of affairs in the introduction of new matter is to exist that the time has come for some specific reform by law or by rule by which the powers of conferees shall not be extended to any such limit, and by which they shall be curbed in the exercise of any such power.

I say, furthermore, Mr. President, that there will have to be some arrangement made if we have got to be subjected to things of this kind, by which in some way different items in a conference report can be passed upon by the Senate and where we will not be compelled to accept a whole report, including every item, or reject a report in its entirety.

I think, Mr. President, if the Senator will pardon me, another thing will have to be looked after, and that is this: I

think the distribution of appointments of those who shall be conferees ought to be more general in the Senate than it is. It is a tremendous power the conferees have. Bills go out to them and they are considered by them in their secret meetings. Matters of great volume and detail are involved, and the reports involving matters upon which the conferees have agreed come back here and are read from the desk without anybody knowing anything that is contained in them. It is really a fact that the conferees, practically two men in the Senate and two men in the House—because two of each set of conferees control—do some of the most important legislation that is had. If they would confine themselves properly to the differences between the two Houses it would not be so bad, although it would still be bad enough, because nine times out of ten the conference reports are agreed to without knowledge of their contents by the Senate.

For illustration, last night here was the great sundry civil bill brought into this Chamber. I do not know how many millions it carries. Possibly the Senator from Wyoming can inform me.

Mr. WARREN. The conference report was brought in yesterday morning. The amount involved is something like $116,000,000.

Mr. BACON. Very well. There was that bill carrying $116,000,000. A conference report was brought in here yesterday morning, laid on the desk, and not read by a Senator. I want to ask not only any Senator in this Chamber, but anyone who may be brought into the Chamber on the call of the roll, to get up and say he knows what the conferees did. Who will get up here and say he is advised as to a single item upon the report of the conference committee—the bill carrying $116,000,000, the report read in three minutes at the desk, the amendments designated simply by number, without specifying any of the different details, and the report agreed to? I again challenge any Senator to rise in his place and say he knew about a single item or a single change in that bill upon which the conferees had agreed. [A pause.]

I knew I could make the challenge with absolute safety, because I knew no one would rise.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. BACON. I do.

Mr. WARREN. I did not rise, and many others did not rise, who know all about the bill.

Mr. BACON. Of course, the Senator knew.

Mr. WARREN. That challenge, not being answered, signifies nothing. The committee knew, and it had been known for two or three days, that it had been concluded by those who are charged with the responsibility; that is, the members of the Appropriations Committee.

Mr. BACON. Of course, the Senator knows, because he is on all the conference committees as to these great bills.

Mr. WARREN. No.

Mr. BACON. Speaking generally, and especially on the larger appropriation bills.

Mr. WARREN. I am not a conferee on the Post Office appropriation bill, the naval bill, and a number of others. I am very glad I do not have to serve on the others.

Mr. BACON. I think we expect too much of the Senator. I think when a Senator is on a conference committee on one great supply bill he might very well be relieved of the burden of attending to others.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. WORKS. I should like to ask the Senator from Georgia what more can be expected of Senators in that regard, when all these great appropriation bills are brought into the Senate at the very close of the session?

Mr. BACON. That is true. I am not criticizing Senators, but I am speaking of the importance of some change in the law or the rule by which when a conference report is brought in here the Senate will be able to deal with it intelligently.

Mr. WORKS. I did not intend to criticize the Senator from Georgia, and I did not understand that he was criticizing other Senators, but the fault lies back of that—that these large appropriation bills are neglected and reported just at the close and no opportunity is given for that consideration of them which their importance deserves.

Mr. BACON. That is very largely true, but it emphasizes the importance of what I am saying, that their importance is such that the opportunity for dealing intelligently with them in spite of the difficulties ought to be given.

Mr. JOHNSTON of Alabama. I should like to ask the Senator from Georgia if the rule in that respect has been changed during his long and distinguished career in this body?

Mr. BACON. They have not been changed since I have been here.

Mr. ROOT. May I suggest that Senators refrain from inaudible conversation?

Mr. OVERMAN. Will the Senator from Georgia yield to me?

Mr. ROOT. I should like to hear what is said. We are very much interested in this matter.

Mr. JOHNSTON of Alabama. I asked the Senator from Georgia whether during his long and distinguished service in this body, aggregating some 18 years, the rules have been different?

Mr. BACON. I advised the Senator that they have not been.

Mr. ROOT. Has not the change which has caused the special stress and hindrance this year arisen from a change in the rules of the House, a change under which upon substantially all of our appropriation bills a great mass of substantive legislation has been placed, so that under the stress of being required to provide for the support of government our conference committees have been required to deal with a great number of laws precisely as the Senator from Georgia has said? That is the difference it seems to me.

Mr. BACON. That is undoubtedly true.

Mr. OVERMAN. Mr. President——

Mr. BACON. Pardon me a moment. That is undoubtedly true, but that makes it all the more important, with the disadvantage flowing from the fact just mentioned by the Senator from New York of a lot of general legislation being put upon appropriation bills, that conferees should not go outside of that and bring in a lot of other and new legislation in addition thereto.

It is true that the placing of general legislation upon appropriation bills presents very great difficulties, but even though those items are put upon appropriation bills, they are matters with which we are capable of dealing. We have ample opportunity for discussion and we have full opportunity for amendment, but when a conference report puts upon a great appropriation bill a piece of new legislation we have no opportunity to discuss it, we have no opportunity to examine it, and we have no opportunity to amend or to offer to amend it, and, worse than that, no opportunity to decide upon it independently and by itself, but it must be taken in connection with a hundred other things mixed up in the bill, and either all must be accepted or all rejected on account of it.

Now I yield to the Senator from North Carolina.

Mr. OVERMAN. Mr. President, is it not a fact that the appropriation bills this year came in earlier than usual and that they were discussed longer and more vigorously on the floor of the Senate than has been known in the history of the Senator's service here?

Mr. BACON. I think that is true.

Mr. OVERMAN. The legislative bill was discussed for 10 days here on this floor. It was in conference for a month. That was so of the Army appropriation bill. It is so as to all other appropriation bills. But this deficiency bill that is brought in here necessarily has come in during the last days of the session, and while I do not object to certain provisions on a general appropriation bill when there is a chance for discussion, I do object to the conferees bringing in new legislation upon the deficiency bill which necessarily has to be brought in here at the last of the session.

The Senator is right in complaining about that. As to all the other bills, they came in earlier than ever before. They have been discussed more than ever before, because the sundry civil bill, you will remember, and the legislative bill were brought in here and passed through the Senate heretofore when there was no chance to discuss them in committee; they were considered at the last session within 10 days of the close, and there was no discussion on the floor. On the other hand, these bills have been brought in here and discussed and discussed at length—the general legislation and every item upon the bill. Five hundred and fifteen disagreements were reported upon one bill. It was discussed here day after day. Who ever knew that to happen before in the Senate?

But as to this bill, this being the last one to be passed, at the last moment——

Mr. WARREN. The Senator from North Carolina is mistaken. The Army bill is under discussion now. He thinks it is the deficiency bill. This is the Army bill.

With reference to the other bill, it was under discussion 11 days instead of 10, and the other large bill 12 days. The Army bill has been through here twice with the reserve proposition.

This proposition has been fully discussed. This is one of the first bills that came here.

Mr. OVERMAN. I thank the Senator from Wyoming for the correction. But while the Army bill was discussed here for days, this matter was not discussed. It went to the President, and he vetoed it, and it was not on; and when it comes back the conferees add matters that were not in disagreement here, right in the closing days of the session. When they took it back, after the veto, it does seem to me they ought to have tried to get on the bill only those matters which were discussed here and taken out those matters which the President objected to, and reported the bill just like it passed the Senate, and not inserted matter which we can not discuss.

Mr. WARREN. I do not wish to take the time of the Senate, but there ought to be read into the RECORD right here the reserve portions which passed twice. It is not a new matter. I deny it.

Mr. BACON. Does the Senator refer to the first paragraph?

Mr. WARREN. I refer to the whole matter taken together.

Mr. BACON. I am going to read the whole of it if that is what the Senator refers to. I did not know——

Mr. WARREN. It is on page 9 of the bill.

Mr. BACON. I understand. Does the Senator refer to what is in italics, beginning on page 7, section 2?

Mr. WARREN. We have to take into consideration the matter in italics and also the part stricken out.

Mr. BACON. I am asking for information when I ask the Senator that. What part of it does the Senator say was passed on by the Senate?

Mr. WARREN. Take the amendment commencing on line 2, page 9.

Mr. BACON. I must have a different print from the one the Senator has.

Mr. WARREN. Possibly.

Mr. BACON. Is it to the page of the bill or the report that the Senator has reference?

Mr. WARREN. I have a copy of the bill here.

Mr. BACON. We have wandered somewhat from the direct point. I did not intend, at this particular stage of it, to discuss the question about conferees. But I think it will have to be discussed a good deal more hereafter than we can possibly do to-day. Something undoubtedly must be done. The conferees must be limited strictly to the recommendation of matters of difference between the two Houses.

Mr. WARREN. I agree with the Senator from Georgia entirely, but unfortunately we can not control either the rules or the action of the House, and the bill comes before us with this proposed legislation from time to time which we must eradicate, agree to, or change, or modify in some manner by a new proposition.

Mr. BACON. What was the provision which the Senator said passed the Senate?

Mr. WARREN. I will find it in a moment. There are two or three provisions. In one place there is the five-year enlistment, and in the other there is the reserve.

Mr. BACON. I understand that this House report contains, on page 7—I hope the Senator has that before him—the provision proposed by the committee of conference. It begins on page 7, the words being in italics, beginning section 2.

Mr. WARREN. If the Senator will look on page 9 he will find in italics the part that passed the Senate, which conforms in the first part of it almost entirely to the conference report.

Mr. BACON. I am not unfamiliar with that. I thought the Senator had something else to show me. I stand by the proposition that that provision which passed the Senate is no authority whatever for the conferees to ingraft upon it such a provision as they have ingrafted here. It is absolutely new and original matter.

What are we to do when conferees bring in here matters of legislation which are beyond their powers? What is our remedy when they bring such matters in here within the last day or two of the session and put us in the position of either accepting that which they have illegally and unwarrantably put upon a bill or of defeating the whole bill? If I can not demonstrate that this is an excess of their powers, it is because I have not the faculty of properly expressing myself, or else my ideas are all wrong on it.

I ask, What are we to do? Are we just tamely to submit to the conferees going out and bringing in legislation here and putting it upon a bill—a bill that we are obliged to pass before the Congress can adjourn—and trust to the future that we may undo the wrong? Because that is about the position in which these gentlemen have placed us.

Now, Mr. President, I am going back to what I said, that this is legislation which in one shape or another has been attempted for the past 10 or 12 years, and when they could not accomplish the legislation by direct methods, by bills introduced or by amendments offered to bills while pending in either House, they now have presumed to accomplish it by putting upon a conference report a new and original provision that it is known the Senate can not reject, because at this late hour the Army bill must be passed even if it does contain objectionable matter.

Mr. WARREN. May I ask the Senator whom he means by "they"?

Mr. BACON. I am speaking about either House.

Mr. WARREN. The Senator says "they have tried heretofore." Whom does the Senator mean?

Mr. BACON. Those who favor this legislation.

Mr. WARREN. Will the Senator kindly go further and say whom he means?

Mr. BACON. I will. The War Department, for one.

Mr. WARREN. Who else?

Mr. BACON. Senators who favor it, possibly the Senator from Wyoming.

Mr. WARREN. I have never passed upon it before in any form.

Mr. BACON. I did not want to be specific, but the Senator insisted on it. I am speaking generally of those who favor this legislation. I say it originates with the War Department, and I say the War Department for the past 12 years has been studiously endeavoring and industriously endeavoring to so arrange matters that they could get what was needed for the use of the Army when the time of war came, without having to rely upon the constitutional provision that they should go to the militia of the States for it, and that they have sought on more occasions than one to so arrange it that when there was need for troops they would not have to call for volunteer organizations, or the National Guard, as they call them, or for any other of the organizations which come under the general head of militia, but that they could directly get these men as a part of the Army; and the device by which it is sought to be accomplished is to create organizations of men in civil life who should remain in civil employment, apparently subject to the laws of the State, and at the same time be enrolled under Federal law in such a way that they would not, in many important particulars, be subject to the laws of the State.

Of course, we all know the fact that when a man is enrolled as a soldier he is no longer subject to the civil jurisdiction of the State, except that he is liable like any other man for an infraction of law. He can not be called upon to perform any civil duty. He can not be called on to serve as a juror. He can not be called upon to answer the summons of an officer to make one of a posse comitatus. He can not be required to do any of those ordinary duties that a citizen is required to perform. He can not be called upon to serve as a juror. The effect of this is to put in each State a lot of men going about like other citizens, dressing like everybody else, engaged in ordinary avocations as everybody else, and yet a class of men set apart with peculiar privileges and exemptions and peculiar rights, under an enrollment as enlisted men in the Army, when the Constitution says they shall do it in a certain way and contemplates they shall do it in a certain way, by calling upon those who constitute the great body of the citizen soldiery of the country. These men can thus be drawn directly to the Army without compliance with any of the restrictions which the Constitution puts upon the manner in which the militia shall be brought into service. And when I speak of militia I speak of all State military organizations, such as the National Guard.

Now, the thing at the bottom of the whole of it is this: It is the thing that the War Department resents, the thing that the War Department tries to get rid of, and this is one of the devices for getting rid of it. The Constitution prescribes that these men called for from the States shall be officered by the States. That they do not wish to submit to. They do not wish to do that; and if they are called in the ordinary way contemplated by the Constitution, of course that will have to be done. They want to get rid of that.

Senators say this is a small matter. In the first place, I say it is a violation of a great principle, which principle is that the private citizen living in a State, either as a citizen or a resident of the State, shall occupy the relation of a citizen to that State in common with all others occupying the same position that he does, and that he shall not be set apart and differentiated from the others as an enrolled enlisted man of the United States Army.

Mr. REED. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Missouri?

Mr. BACON. I do.

Mr. REED. I wish to ask the Senator from Georgia whether it is not in fact an enormous increase of the Regular Army?

Mr. BACON. I think it is a large increase of those enrolled. I am coming to that before I get through. I am speaking of the alleged small matter to start with. I say in principle it is wrong, because the Constitution clearly drew the distinction. It did not contemplate any Regular Army, except a Regular Army on active duty. In the very same sentence in which it gave authority to raise armies it says that the appropriation for that purpose shall not last longer than two years. It never contemplated anything of this kind. It never contemplated an Army of enrolled men who should be scattered throughout the United States, without organization or subjection to the control of officers.

This thing of having a reserve, of course, Mr. President, we all know is copied from Germany. It has come from the visitations our Army officers have been making every year to be entertained by the German Emperor. I see that one of them, a distinguished one, is about to depart soon upon a similar mission. They come back here and try to engraft the militarism of Germany upon the United States.

It is one thing for a great military power like Germany, situated in Europe, where they have to stand at arms, not knowing at night but what the drum call may beat before morning, and where the whole Empire is in a measure a camp, where it is made up of an army of half a million men actually under arms, and where there are these various organizations of reserves which may be called to the colors; that is one thing; but, Mr. President, that is not in accord with our system. We have a dual system of government, and the Constitution contemplates but two classes of military organization, the Regular Army of the United States on the one hand and the militia of the States upon the other.

I want to say that everything which can be done for the purpose of aiding the militia to be made the most efficient of military corps possible, giving them the best of equipment, giving them the best of instruction, giving them the best of experience in camps, and everything else, and giving them all the money that is needed to make them efficient—all that I am in favor of, and I will go as far as any man to accomplish this for the National Guard.

I think that is the great need. But when it comes to saying that the great purpose of the Constitution shall be negatived, and that the citizenry of the country, instead of belonging to the militia of the States, to be availed of by the General Government in the way in which the Constitution provides, shall themselves be set apart and be reached by the direct enrollment of the Federal Government of those in civil life and while they remain in civil avocations is to my mind a violation of the Constitution and is not to be approved.

Senators say that in point of numbers to be enrolled it is a small thing. In the first place, I think that matter is very much underestimated, even as to this bill. This bill prescribes that soldiers enlisted for seven years shall at the expiration of four years be furloughed, and that they shall continue to be in the service but shall live in the States as furloughed soldiers, without pay, subject to be called back to the Army when they are needed. I repeat that those are men in nowise subject to the ordinary duties of citizenship while they are in that position. They are not subject to the call of the governor for any purpose. They are not subject to the call of any peace officer for any purpose. They are not subject to the call of the courts for any purpose except as witnesses. That, of course, can not be refused by anybody.

The Senator from Delaware [Mr. DU PONT], speaking of this, said that there were only about 13,000 discharges in the Army each year, if I recollect aright. Am I correct as to his statement?

Mr. WARREN. I did not hear the statement, but that is approximately true.

Mr. BACON. That was the statement of the Senator from Delaware yesterday, if I remember rightly.

Mr. WARREN. It is approximately that.

Mr. BACON. But that does not make it the number by any means of the men who would be put in this position, being in each State in the ordinary avocations of life, occupied as other men are, and yet not be subject to the jurisdiction of the States in the ordinary duties of citizenship. If the State should have a law which required a man to do military service, he could not be called out for it, because he is enrolled in the Army of the United States.

He would have the exemption, as I previously stated, from jury duty. He could not be called upon and compelled to act as a member of the posse comitatus or to perform any duty of that kind. In other words, he is set apart; he is separated from other citizens of the State.

To that 13,000 a great many are to be added. The ordinary discharges from the Army, as I understand from the Senator from Delaware, are about 13,000 a year; but, according to this provision, a soldier now will be enlisted for seven years, and the entire number of that enlistment will at the expiration of four years be put upon this reserve. That will certainly very largely exceed the 13,000. But it does not stop there. Every year the numbers would accumulate and increase.

There is a further provision here which will enable every soldier of the United States who has heretofore been discharged, who is in good physical condition and under 45 years of age and is honorably discharged, to come and be enrolled in this service. So it vastly exceeds the number which the Senator speaks of. In a few years it would or could run up to 100,000 men.

But, Mr. President, what guaranty have we that it is to stop here? If it be true that the purpose is to provide the supply of soldiers which will be needed upon a case of emergency, what is the limit to it except the estimate as to how many will be needed? It is not necessary that the soldier should have gone through four years of his enlisted service in order to be available for that if the law can be changed to meet the requirement in some other way. It is entirely possible for Congress to pass a law which shall say that the soldier shall be enlisted for a month and then furloughed for seven years. They can provide by a law to enlist them for a day, and then to furlough them for the balance of the seven years.

Of course, those are extreme cases, but if the policy is to be pursued, if we are to enter upon this policy of the Federal Government having in reserve men who are to be called in sufficient numbers to meet the emergency, instead of calling the troops from the States, as has heretofore been done, why will they not go to the extent of making a provision which will provide all that are necessary for that purpose? It is manifest and indisputable that if this legislation is constitutional and is good policy to best secure the efficiency of the Army, then the system can be so extended by the necessary legislation as to secure in this way all the men needed for military service and utterly destroy the National Guard.

Mr. President, I think it is a fundamental proposition that every citizen of a State capable of bearing arms and not in the active military service of the United States is, by every principle of our Government, subject to the order of the governor when required to enfore the law or maintain authority.

It is a violation of this fundamental principle to enact a law by the Federal Government which will set apart a certain class of citizens of the State and say that they shall be subject only to the call of the President and to the military duty prescribed by Congress; that they shall not be subject to the call of the governor for any military duty that may be laid upon them by the legislatures of their States. It is equally true that the citizen not only owes the duty of bearing arms upon the call of the governor, but he owes all this other public service of which I have spoken and which it is improper that the State should be deprived of—all the duties of maintaining order, responding to the command of a peace officer, or serving on a posse comitatus, serving on juries, or doing anything else in the way of ordinary duty that is required of a citizen. This, Mr. President, absolutely prevents that. If a State should by law require all able-bodied men to be enrolled and organized militia—as has been frequently done—these men although mingling as ordinary citizens would be exempt from such duty.

My purpose in presenting these views is to put myself on the record and register my protest against this legislaton, for I am satisfied that as time passes the evil will be seen and realized.

I said that for 10 years past there had been an effort on this line. I am going to read now from a bill which was introduced here 10 years ago. At that time it was most vigorously opposed by the then Senator from Virginia, Mr. Daniel, and the then Senator from Alabama, Mr. Pettus, and I contributed what little I could on the same line, and it was then defeated because it was in a bill where it could be discussed and where Senators could consider it. Senators are not now considering this amendment reported by the conferees. We all know that fact. I did not expect when I started that they would consider it, because they take it as a foregone conclusion that having been put upon an appropriation bill in these last hours of the session it is obliged to be enacted, as they can not get it out of the report. They are not considering it. They have had no opportunity to consider it. They will have an opportunity hereafter, I think.

Here is the act which was introduced 10 years ago. It was then sought to accomplish practically the same thing by engrafting it upon a militia bill, through the twenty-fourth section of that militia bill, which is in these words. Senators will see that while there is a difference in detail, there is a

marked resemblance in the effort to accomplish exactly the same thing.

Section 24, a section which I said was finally taken out of the bill, is as follows:

SEC. 24. That for the purpose of providing a reserve force of trained men which shall be ready for immediate service whenever called for and organized under authority of Congress, the Secretary of War is authorized to apportion among the several States and Territories and to enroll not exceeding 100,000 men who shall have served in the Regular or Volunteer Armies of the United States or in the Organized Militia. Such reserve force shall be designated as the national volunteer reserve, and when called forth by the President shall serve wherever ordered, within or without the territory of the United States. Such enrollment shall, in each case, continue for a period of five years, but in the event they shall be called into the service of the United States, other than for the purpose of drill, inspection, and instruction, they shall be entitled to be discharged at the close of the war or after nine months' service. The persons so enrolled shall report for drill, inspection, and instruction at such times and places to be specified and under rules and regulations to be prescribed by the Secretary of War, and each person so reporting shall, during the time of such service, be subject, as far as practicable, to the regulations and discipline governing the military establishment, and shall be entitled to the same pay and allowances as are or may be provided by law for the Army of the United States, to be paid out of the appropriation for the pay of the Army, but in time of peace, except in case of threatened invasion, said national volunteer reserve shall not be required to perform military duty to exceed 10 days in any one year. Whenever a volunteer force shall be called for by authority of Congress, and the members of any companies, troops, batteries, battalions, or regiments of the Organized Militia shall enlist in the Volunteer Army in bodies, such companies, troops, batteries, battalions, or regiments shall be received as the first organizations of such volunteer force. Whenever a volunteer force shall be called for by authority of Congress exceeding in number the companies, troops, batteries, battalions, and regiments of the Organized Militia, which shall enlist in bodies pursuant to the provisions of section 6 of the act entitled "An act to provide for temporarily increasing the military establishment of the United States in time of war, and for other purposes," approved April 22, 1898, the persons so enrolled as a reserve force of trained men, or so many thereof as shall be required, shall be organized in the manner provided for the organization of the volunteer force by section 12 of the act entitled "An act for increasing the efficiency of the Army of the United States, and for other purposes," approved March 2, 1899: *Provided*, That the President of the United States, in time of peace, may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *Provided further*, That no person shall belong to both organizations at the same time.

In discussing that bill on that occasion I said:

"This bill in so far as it provides for the organization and arming and discipline of the militia is substantally all right and meets my approval. But section 24 violates this provision of the Constitution as well as others. It takes out a part of the citizen soldiery of a State, provides for their being officered by the United States, and takes them away from the authority and training of the State in which they live and puts them, so far as military duty is concerned, under the exclusive authority of the President and of Congress. The President of the United States can call on these citizens for military duty, but the governor of the State can not, although riot and insurrection may be at their doors. These men, thus enrolled and set apart, are to be still citizens and civilians in a State, but the governor can not call on them for any military duty whatever, nor can the State by any law impose any military duty upon them. They are to be subject to the orders of the President in military matters, but not to the orders of the governor.

"The governor of a State is the military head of the State in the same way that the President is the military head of the United States. The duty to preserve order, to put down insurrection, to maintain law, devolves upon the governor in a State in the same manner and even in greater degree than it devolves upon the President in the United States. Every citizen of the State capable of bearing arms and not in the active military service of the United States is, by every principle of our Government, subject to the order of the governor when required to enforce law and maintain authority. It is a violation of this fundamental principle to enact a law by the Federal Government which shall set apart a certain class of the citizens of the State and say that they shall be subject only to the call of the President and to the military duty prescribed by Congress; that they shall not be subject to the call of the governor or to any military duty which may be laid upon them by the legislature of their State."

That section 24 was offered as a section to a general militia bill, but the purpose was the same. It was to affect the great organization of citizens in the military service of the United States, men engaged in civil vocations, men living at their homes, men in every respect, so far as outward appearance and occupation are concerned, just like all other citizens of the same community, and yet that they should be enrolled, and be a part of the Army of the United States and that they should not be subject to the same duties and liabilities to the State that other citizens are. When such a man is summoned as a juror, he would say "No, I will not serve as a juror; I am enrolled in the Army." If he were summoned by a sheriff on a posse comitatus, he would answer, "No, I will not go with you; I belong to the United States Army." If he is summoned for any public duty that can be conceived of he can respond, "No, I am not subject to your law, and I will not obey your command. I am subject only to the law and the command of those who are in authority in the Army."

Mr. President, I repeat, it may seem like a small thing when there are a few men who are thus set apart, but if it is wrong in principle it ought not to be countenanced even as to the few men, and if it is a proper policy to pursue, it should not be limited to a few men, but it can be as easily extended to a million men as it can be to 25,000 or 50,000 men.

Right in that connection I am going to read, in order that it may appear in juxtaposition, the provision of law which is proposed by these conferees:

SEC. 2. That, for the purpose of utilizing as an auxiliary to the Army reserve hereafter provided for the services of men who have had experience and training in the Regular Army, in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who having been found physically qualified for the duties of a soldier, if not over 45 years of age, shall reenlist in the line of said Army or in the Signal or Hospital Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period, but no bounty in excess of $300 shall be paid to any person under the terms of this act.

Mr. President, the provision which I have just read is not subject to any criticism which I have made at all because that does not enroll the discharged soldier; it simply provides that any discharged soldier who is of the proper age and physically qualified, if he will reenlist when called for by the President, shall have these amounts of money paid to him; and while it might be questioned as to whether or not that was a proper expenditure, there is nothing in the principle to be objected to in that. I should like to ask the Senator from Wyoming if it is not the provision practically that was in the bill as it passed the Senate? Am I correct in that?

Mr. WARREN. The Senator from Georgia refers to the provision as to what? I do not know whether I caught it clearly.

Mr. BACON. The provision that I have just read, which contemplates the enlistment of the discharged soldiers and that they be paid certain amounts according to the length of time they have been out of service.

Mr. WARREN. That is, if brought into the service?

Mr. BACON. Yes; if brought into the service. That is what passed the Senate, is it not?

Mr. WARREN. That was a part of it.

Mr. BACON. Well, the subsequent part about soldiers who would remain who are furloughed was not in the Senate part of the bill.

Mr. WARREN. May I suggest to the Senator from Georgia, since he has asked the question, that he must remember that we had to merge two differences into that.

Mr. BACON. I understand that, but that fact does not make legal or proper the action of the conferees in introducing and reporting this provision for a reserve composed of furloughed men. That is absolutely new and beyond their power.

Mr. WARREN. And that required the assembling of the two, as both sides had to be considered.

Mr. BACON. I am going to read this through. I am coming back to that discussion. I am going to read it through, because I wish in the RECORD to appear the bill which was acted upon 10 years ago and this provision in reasonable juxtaposition; and when I get through that I am coming back then to discuss the question whether that provision which I have just read authorizes the subsequent provision which has been engrafted on the bill. I will read the remainder of it. Here comes a part of it:

And that on and after November 1, 1912, all enlistments in the Regular Army shall be for the term of seven years, the first four years in the service with the organizations of which those enlisting shall form a part, and, except as otherwise provided herein, the last three years on furlough and attached to the Army reserve hereinafter provided for: *Provided*, That at the expiration of four years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That any enlisted man, at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, upon his written application, may be furloughed and transferred to the Army reserve, in the discretion of the Secretary of War, in which event he shall not be entitled to reenlist in the service until the expiration of his term of seven years—

I pause here just long enough to call attention to the fact that this furlough term is not limited to three years; but instead of serving out his four years and then being furloughed for three years he may, at the expiration of three years, be furloughed for four years and then occupy this distinguished and exceptional position in the community in which he lives as a furloughed soldier. This would increase the number of these reserves (practically civilians) by 33 per cent—

Provided further, That for all enlistments hereafter accomplished under the provisions of this act four years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That hereafter the Army reserve shall consist of all enlisted men who, after having served not less than four years with the organizations of which they form a part, shall receive furloughs without pay or allowances until the expiration of their terms of enlistment, together with transportation in kind and subsistence as provided for by this act in the case of discharged soldiers, but when any soldier is furloughed to the reserve his accounts shall be closed and he shall be paid in full to the date such furlough becomes effective: *Provided further*, That any enlisted man, subject to good conduct and physical fitness for duty, upon his written application to that effect, shall have the right of remaining with the organization to which he belongs until the completion of his whole enlistment, without passing into the reserve: *Provided further*, That except upon reenlistment after four years' service or as now otherwise provided for by law, no enlisted man shall receive a final discharge until the expiration of his seven-year term of enlistment, including his term of service in the Army reserve, but any such enlisted man may be reenlisted for a further term of seven years under the same conditions in the Army at large, or, in the discretion of the Secretary of War, for a term of three years in the Army reserve; and any person who may have been discharged honorably from the Regular Army, with character reported as at least good, and who has been found physically qualified for the duties of a soldier, if not over 45 years of age, may be enlisted in the Army reserve for a similar term of three years: *And provided further*, That in the event of actual or threatened hostilities the President, when so authorized by Congress, may summon all furloughed soldiers who belong to the Army reserve to rejoin their respective organizations, and during the continuance of their service with such organizations they shall receive the pay and allowances authorized by law for soldiers serving therein, and any enlisted man who shall have reenlisted in the Army reserve shall receive during such service the additional pay now provided by law for the soldiers of his arm of the service in their second enlistment period. Upon reporting for duty, and being found physically fit for service, they shall receive a sum equal to $5 per month for each month during which they shall have belonged to the reserve, as well as the actual cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons.

Now, Mr. President, I return to the first paragraph and the question as to whether or not that or anything else in this bill authorized the conferees to engraft upon this bill the provision for a furloughed force, which should constitute the Army reserve. In the first paragraph which passed the Senate, and to which I had no objection, there was simply a provision that any discharged soldier who, when called upon by the President, should reenlist, should be paid a certain amount of money as a bounty; that is all. There is not a line or a letter about any outside force in civil life that should exist as a furloughed force. It contemplated simply those who should have been discharged, and says that any soldier who has heretofore or who may hereafter be discharged and who shall respond to the call of the President to reenlist shall be paid a certain bounty; and that is the entire thing.

Outside of that, the only other point of difference upon which this committee relies as a justification for this radical and new measure is that the House had provided for an enlistment of seven years and the Senate had provided for an enlistment of three or four years; I have forgotten which. That certainly has nothing to do with the question of the organization of a large force of men which shall be scattered throughout the country as a reserve force enrolled in the Army and standing nominally on furlough. Of course, anybody can see that this furlough provision is only a device. The object is to, in fact, set apart a body of men in civil life in the States who shall be subject to the orders of the military authority of the United States and who shall not be subject to the orders of their State in the performance of either civil or military duties.

Mr. HEYBURN. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Idaho?

Mr. BACON. With pleasure.

Mr. HEYBURN. Could one of these furloughed soldiers be made amenable to military trial or punishment for publishing an attack upon a superior officer in the command to which he belonged?

Mr. BACON. I do not know to what extent in detail the Army regulations would apply to him; but certainly, if he is on furlough, he is a soldier; and it would seem to me that he would be subject to the Army regulations, as any other soldier would be who is on furlough for a day.

Mr. HEYBURN. Any soldier on furlough under existing law and regulations is liable to punishment by the military authorities. Whether the furlough be for 1 day or 10 years would make no difference. He might wear his uniform. Might he vote?

Mr. BACON. Soldiers vote, except where they are prohibited in certain States.

Mr. HEYBURN. He might take part in political campaigns and make speeches.

Mr. BACON. Yes.

Mr. HEYBURN. And exercise the influence of citizenship; but he would not pay the poll tax.

Mr. BACON. And he could not be made to serve on a jury.

Mr. HEYBURN. No.

Mr. BACON. Nor could he be made to serve on a posse comitatus or do military service to the State.

Mr. HEYBURN. A soldier, under the laws of many of the States, is not liable for jury duty.

Mr. ROOT. That is, by the laws of the States?

Mr. HEYBURN. Yes. I am familiar with the laws of some of the States, and I doubt if any State allows a soldier—and, of course, a man being on furlough is a soldier—to perform jury duty. I think the bill is insufficient in its provisions. It does not sufficiently define the status of a furloughed soldier of this peculiar class. The bill should in express terms define the status of a furloughed soldier under the circumstances presented by this measure. I have no particular objection to the establishment of a reserved force, but I think it should be done so guardedly as to avoid embarrassing situations. When you turn twenty-five or thirty thousand people loose among a community whose rights are defined and limited in their relations to each other and to the Government, they should all be uniform in those rights and those duties. I do not like a class of military citizenship in the open body of the citizenship of the country. The bill should be so framed as to define their status and avoid any obnoxious features that might arise. I merely make these suggestions in order that it may not seem hereafter that we passed them over without giving them at least some consideration.

Mr. BACON. Mr. President, what the Senator says illustrates the absolute impropriety, if I may use so strong an expression as that, in bringing this provision in here on a conference report, where we can not perfect it. I am very free to say to the Senator that, while I think the provision is fundamentally objectionable, it could be made in detail very much less objectionable.

Mr. HEYBURN. I have grown so accustomed to that course of procedure in about 10 years of service here that I suppose my political conscience is somewhat calloused. There are a good many important features of legislation that are now laws which were brought in in that way, so that I do not feel impelled to raise that objection.

Mr. President, as I have said, this is but a beginning. Are we to establish it as a policy? If it is a policy, and a correct policy, then the only limitation is the securing of enough men upon this volunteer reserve force to answer the needs of the Government in times of emergency. And to that there is the objection that it is the utter annihilation of the provision in the Constitution which looks to our militia in the various States, of which the National Guard is the important part, as the great reserve to be drawn on for an army. I repeat that is the feature to which the War Department to-day should turn its attention—to make that an efficient force; to make it a strong force, so that the National Guard should be effective and everything in harmony between the National Government and the States. I think it should be very much larger than it is and that there should be very much more attention paid to making it efficient.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. BACON. I do.

Mr. WORKS. The Senator from Georgia has had long and honorable service in this body. He has very earnestly expressed his condemnation of the practice of engrafting general legislation upon appropriation bills. I suppose every Member of this body recognizes that practice as being wrong.

I should like to ask the Senator from Georgia what he thinks is the remedy for that evil.

Mr. BACON. I will reply to that with pleasure. In this case it is not the engrafting of general legislation upon an appropriation bill, but it is the engrafting of it by a conference report.

Mr. WORKS. But the principal is the same.

Mr. BACON. It is, I think, vastly different in practical operation, for this reason. When a supply bill comes over from the other House with a piece of general legislation engrafted upon it, we have full opportunity for the discussion of it, at a time when Senators will give it their proper considera-

tion. We have full opportunity to amend it or to attempt to amend it and we have full opportunity to reject it without at the same time rejecting the whole bill. In the case of a provision put upon a bill by the conference committee we do not have full opportunity for discussion, because these reports, especially upon the supply bills, come in during the closing hours of a session. We do not have any opportunity for amendment, and we can not reject a part of the report as to one item without rejecting the whole of it.

Mr. WORKS. But notwithstanding that, when it comes to the final vote, Senators are frequently forced to vote for a part of a bill in which they do not believe simply because it is on an appropriation bill.

Mr. BACON. That is true, and as a rule, I think that practice ought to be condemned.

I recognize the fact, however, and the Senator from California, as a student of history, must recognize it, that there are occasions when it is necessary to secure legislation and the legislation may be of paramount importance. It is a fact that many of the most important provisions of our present law, the benefits of which we enjoy, were secured only by being engrafted upon supply bills and which could not have been secured otherwise.

Mr. WORKS. At all events, there is only one certain way to break up that practice, and that is for Senators to follow the dictates of their judgment and cease to indulge in the practice.

Mr. BACON. I think it should be condemned. I say, without the limitation that I put upon that particular response, that it not only should be condemned as a general practice, but it should be universally condemned whenever it is sought to engraft new matter upon a bill through the recommendation of a conference committee.

In this particular instance, I repeat that, so far as I am able to judge of the correctness or incorrectness of the action of the conference committee, it is absolutely and utterly without warrant. There was nothing in the bill providing the manner in which discharged soldiers could reenlist which in any manner relates to or justifies the incorporation of a provision that after four years' service, through the fiction of a pretended furlough, soldiers should in fact be returned to civil life and yet remain on the rolls of the Army and exempt from all the duties which citizens ordinarily owe to their State—set apart as a set of men peculiar to themselves under an authority from the Federal Government which must in no manner be trenched upon or violated by the State in demanding of that citizen of the State the services which ordinarily are due to it.

Mr. JOHNSTON of Alabama. Mr. President, I wish to say a few words in regard to this provision of the bill. I happen to be one of the conferees who agreed to it, and I think it is an excellent provision. Whether it was prepared or recommended by the Secretary of War or not is not a material matter. The question is, whether it is good legislation.

You know, Mr. President, that in time of peace the companies are reduced to about half their number, and this bill simply provides a means by which the companies can be filled in time of war or when war is threatened to the necessary number of trained soldiers.

I have had some little experience in war, and I know something about the necessity for trained soldiers. I became a trained soldier myself, but it took me nearly a year so to become.

Now, the Senator from Georgia [Mr. BACON] speaks of the vast number of men who will be withdrawn from the duties of civil life. According to the best information I can obtain the whole number who would probably be in this reserve corps would not exceed 30,000, not as many as 700 to the average State, to be withdrawn from jury and other civil duties.

Now, there is no provision in the bill by which the Secretary of War has any authority whatever over these reserve soldiers. They get no pay, and they can only be called in after Congress has authorized the President of the United States to call them; and I hardly think that Congress or the President would call them except upon grave occasion, and when that arose we should be most delighted to have them come.

Mr. BACON. If the Senator from Alabama will allow me, my objection is not so much to what they shall do when they are called back to service as it is during the time when they are not so called.

Mr. JOHNSTON of Alabama. They are merely citizens of the State. They can go on and pursue the usual vocations without any restraint from the War Department, and so far as concerns this provision they can go along; they draw no pay and are subject to the law of the State, to keep the peace and in every way. They could become members of volunteer companies. They could become members of the organizations—Organized Militia—and they would be a valuable accession to it. So I think this is an excellent provision and one that should be adopted.

Mr. ROOT. Mr. President, I wish rather to put into the RECORD the statement of what I conceive to be the true basis for this legislation than to occupy the time of the Senate by any extended discussion.

I have the highest respect for the opinions of the Senator from Georgia. Whatever he says upon a question arising out of the Constitution of the United States I regard as entitled to most serious and respectful consideration. But I think, and I have thought for many years, during all the long history the Senator from Georgia has referred to—the history of the attempt to secure something which may be called a reserve force for the Army of the United States—that the Senator from Georgia builds up his opinion, regarding a reserve force, upon an essentially false basis.

The Senator has said that the spirit of the Constitution forbids the creation of a reserve force other than the militia. I am not endeavoring to give his words accurately, but that is the substance, and the Senator now indicates his assent.

Mr. BACON. The Senator from New York is entirely accurate in that statement if he will include in it "other than the regular active force of the Army."

Mr. ROOT. Yes; I mean to indicate that distinction, by including the word "reserve" in my statement.

Now, sir, the Senator has referred to the two provisions in the Constitution contained in the first article, which sets out the powers of the legislative branch as the basis for the assertion that the creation of any reserve force for the Army of the United States is in violation of the spirit of the Constitution. He does not say that it is in violation of the letter of the Constitution, but of the spirit. Those two provisions are, first, that Congress shall have power—

to raise and support Armies.

And, second—

That Congress shall have power to provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States, respectively, the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

And then there is the further provision—

for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Mr. President, there are here two independent and different fields of action indicated. The one is to raise and support armies, with no limitation upon the scope of action of the armies so raised and supported. The other is to provide for organizing the Army and for disciplining the militia, with a limitation upon the use to which the militia can be put. For the power of Congress over the militia is to call it forth to execute the laws of the Union, suppress insurrections, and repel invasions, and that I take it to be unquestioned, is the enumeration of the things to be done within the territory of the United States—whatever has to be done within our territory—the execution of the laws of the Union that are to be executed within our jurisdiction; the suppression of insurrections, which must be within our jurisdiction; the repelling of invasions, which must be invasions in our own jurisdiction. For these things the militia must be used. But for all that field of warlike operations which go beyond the frontier of the United States the militia may not be used, and for all offensive defense the Army of the United States is the sole military power under the control of the Nation.

Now, sir, we have during our entire military history experienced upon each recurring occasion of war the necessity of immediately and greatly, and under stress of imminent need for action, increasing the Army of the United States. That is to say, whenever war comes we are obliged to increase the Army, which is not subject to the restrictions resting upon the use of the militia. We have always done it. An effort was made in the War of 1812 to get armed militia and then to get armed volunteer companies, officered by appointment by the governors of the States, and it was a dismal and humiliating failure. In the act of January 29, 1813, passed at the instance of James Madison, the President was authorized to increase the Army of the United States, to increase that military force which was not subject to the limitations resting upon the militia, by raising a force of 50,000 volunteers, to be officered by the appointment of the President with the advice and consent of the Senate, volunteers who became a part of the military establishment of the United States. In the Mexican War——

Mr. BACON. I should like to interrupt the Senator.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Georgia?

Mr. ROOT. I do.

Mr. BACON. I do not want the Senator to understand me as taking a position in conflict with that action.

Mr. ROOT. I will answer the Senator in a few minutes if he will pardon me, for not breaking in on the line of remarks which I am now making. In the Mexican War we endeavored to get on by the use of the small Regular Army, which at the beginning of the war was only between six and seven thousand, and militia, illegally sending the militia across the boundary into Mexico.

The PRESIDENT pro tempore. The Senator from New York will suspend for a moment. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. CUMMINS. I ask unanimous consent that the unfinished business may be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from Iowa asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from New York will proceed.

Mr. ROOT. I say illegally sending the militia across the border at a time when it was universally agreed that they had a right to refuse to go. We were unable to carry on the war in that way, and were compelled to have recourse to a statute providing that the President of the United States might call for and accept the services of volunteers, not exceeding 50,000 in number.

In the Civil War, immediately upon the breaking out of hostilities we had recourse to the raising of a volunteer force, and that great conflict was fought by volunteers and not by militia.

In the War with Spain the first thing we did was to call for volunteers; that is to say, an increase of the military establishment of the United States as distinguished from militia, and that war was fought by such a force and not by militia.

Mr. BACON. If the Senator will pardon me, I do not wish to unduly interrupt him.

Mr. ROOT. Certainly, I yield.

Mr. BACON. But the Senator and I can not misunderstand each other on that point. When I speak of militia I include in that term all military organizations of a State, including those whom the Senator calls volunteers, the National Guard, or anything of that kind. I think that general term embraces all that class of soldiery, and of course all the soldiers on both sides in the Civil War were in that sense militia. But I am not splitting hairs on the subject of the term militia, except so far as to say that I understand it to mean all State military organizations.

Mr. ROOT. I am not going to discuss the meaning of militia. I mean the militia of the States; and I am drawing a distinction between those forces which are a part of the military establishment of the United States and the militia of the States.

When we came to suppress the insurrection in the Philippines Congress provided for the raising of a force of 35,000 volunteers, the officers to be appointed and commissioned by the President of the United States, and that war was fought by those volunteers in addition to the Regular Army.

The militia, including all the organizations which the Senator from Georgia describes, is insufficient in number to answer to the demands of the country in any considerable war. The purposes for which its members are enlisted are not the purposes that have to be attained in any considerable war. The constitutional authority of the Commander in Chief of the Army of the United States over them, the constitutional authority of Congress over them, are inevitable to the carrying on of any considerable war by the use of them.

The only way in which we can prepare for any war which would really exhibit danger to our country is to make adequate preparation in time for the increase of the military establishment of the United States. I say that all our history shows that inevitably immediately when the stress comes we turn to the increase of that military establishment.

Now, sir, the object of this legislation is to take one not very great step, but a step dictated by ordinary common sense, suggested by the experience of all countries in the world, suggested by our own experience, toward having the preparation for that necessary process made beforehand. Statesmanship consists in foreseeing the necessities of the future. When war comes action must be swift, decisive, and effective. There is no time to consider and discuss the details of organization and the machinery necessary to progress. In time of peace, when men can consider deliberately the methods by which the military establishment may be quickly and effectively increased, is the time to discuss and adopt provisions for the machinery, instead of waiting until everybody is in excitement and judgments are swayed by feeling and impulse and then hurriedly adopting a jury-writ system which is sure to be defective and inefficient.

We have long had upon our statute books a provision recognizing that, and which provides for a maximum and miuimum of the Regular Army, the idea being that in time of peace the Regular Army need not be kept up to its war standard so that they are obliged to maintain an unnecessary number of soldiers. We fix the number of regiments of Infantry, of Cavalry, and of Artillery, and the numbers of the different corps. We fix the maximum number, the war strength, and we fix the minimum, and we allow the President, according to the exigencies which appear to him, to let the numbers run down to the minimum. I am not certain what it is just now, but when that system was established in the statutes it made a maximum of about 100,000 and a minimum of about 60,000; that is to say, a difference of about 40,000 between the amount of the Army at war strength and the amount of the Army on a peace basis. Whenever the President under that system sees the war cloud rising he can without any display, any discussion in Congress, or any of those pronunciamentos or educations which tend to increase the danger of war, quietly enlist up to the war strength.

That is our system, a system adopted upon mature consideration and great discussion, in order that there might be in existence the machinery ready to move quietly and effectively to put our Regular Army on a war footing, and so that in the meantime during peace we would not be obliged to support the 40,000 men who would be called in for purposes of war.

Mr. President, this is a provision to accomplish the plain, common-sense purpose of enabling the military authorities to keep track of the trained soldiers whom they can call in in order to bring the Army up to its war footing. It is carefully framed so as to be adjusted to the existing statutes. That is the substance of what it is. It is to enable the President to execute the existing law effectively, to enable him to bring the Army up to its war strength, as he is now authorized to do, not by getting into it the raw men who offer themselves first, but by sending out and getting the experienced men who have had service, and who coming back to the colors will give it instantly an effective first line of defense. That is all there is to it.

The Senator from Georgia speaks about these people not being subject to the duties of citizenship. What is to hinder their being subject to the duties of citizenship? Where is the law that interferes with it?

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from New York yield to the Senator from Georgia?

Mr. ROOT. Certainly.

Mr. BACON. That is just what I intended to ask the Senator, whether he thought this provision would relieve the reserve force from all civil obligations.

Mr. ROOT. Mr. President, not at all. If that is a question of the statutes of the United States and the statutes of the States, I should like to be shown any law which prevents a man from being required to perform his duties toward his State, unless that performance interferes with his performance of duties to the United States.

If a man is furloughed for three years and goes to his home and goes to working his farm or plying his trade or practicing his profession, there is no interference at all with his duties to the United States by his being made subject to the requirements of his State law to perform his duties as a citizen. It is true that many States do grant to men who enlist in the militia, members of the National Guard, exemptions from jury duty as an inducement to get them to enlist, but that is entirely voluntary with the State. The State may exempt its furloughed soldiers from jury duty if they wish to, or it may not exempt them if they wish to.

Mr. BACON. Does the Senator think that a soldier at Fort Myer could be summoned to jury duty in that county?

Mr. ROOT. I do not think that a soldier at Fort Myer could be summoned to jury duty, because it would be inconsistent with the performance of his duties as a soldier, serving under the colors and in his military organization, but I think if one of those men was given a leave of absence for three years and should go back home and become a part of the community in which he lived he could be summoned for jury duty; and he certainly can be unless you can point to some statute of the United States which prevents it. There may be such a statute, but I do not know of it.

Mr. BACON. Suppose he is furloughed for a week, does the Senator think that he could be summoned for jury duty?

Mr. ROOT. It is a question of interference. I will not go with the Senator into the question whether if he is furloughed for a day, a week, a month, or a year, or three years it would constitute an interference.

Mr. BACON. It is the principle which must control, and the principle is the same in one case as in the other.

Mr. ROOT. The principle that controls I have already stated, I think, correctly. It is that there can not be any demand made upon him which interferes with the performance of his duty to the Nation.

Mr. BACON. Who would be the judge of that?

Mr. ROOT. That depends upon how the demand is made. If the soldier is called upon to perform a civil duty and he objects to it, I suppose the judge, in the first instance, would be, whatever authority is entitled to hold him to the performance of that duty, and punish him for not performing it; and if he is threatened with punishment for not performing his duty he doubtless, under the existing statute, could remove his case into the Federal court and have the question determined by the Federal authority.

Mr. BACON. But if he were not an enlisted soldier he could not do that.

Mr. ROOT. If he were not?

Mr. BACON. No.

Mr. ROOT. The Senator is talking about men who are enlisted soldiers.

Mr. BACON. I am trying to show the Senator that an enlisted soldier on furlough would occupy a different relation to the State government from what the citizen who is not an enlisted soldier would occupy. In one case, if he is summoned to jury duty and refuses, the judgment of the judge as to whether he has been in contempt of court and is liable to jury duty would be final, and in the other case it would go to the United States court; and if the judge of the State court should find him in contempt and send him to jail the Federal judge would release him, while he would not release the ordinary citizen.

Mr. ROOT. That is to say, the difficulty arises from the fact that the measure of one man's obligation to perform a duty under the State authority would be decided by one tribunal, and that of another man by another tribunal.

Mr. BACON. No; it is to say that the relation and obligation in the one case is not the same as the relation and the obligation in the other.

Mr. ROOT. The relation is the same, the obligation is the same. If the citizen of a State alleges a public duty to the United States then he is entitled to have his claim passed upon by the authorities of the United States, but the obligation is the same and the relation is the same.

Now, this is attenuated, it is unsubstantial, it is impracticable, it is of no practical consequence compared with the efficiency of our law for the maintenance of a military establishment.

The Senator from Georgia differs from the War Department now and the War Department 10 years ago, because he has never felt the stress of the obligation to create an efficient military establishment.

Mr. BACON. Why does the Senator say that?

Mr. ROOT. I say that because the Senator never has been put where that responsibility was upon him.

Mr. BACON. The Senator is mistaken. I was a Member of Congress before the Spanish War; I was a Member of Congress during the Spanish War; I was here when the act was passed to which the Senator has alluded. If the Senator should take pains to look back he would find there was a very considerable debate upon that subject and that I was standing right where I stand now, that while I was opposed to the acquisition of the Philippine Islands and would set them free if I could do so, yet under my responsibility as a Senator I believed that I should contribute my aid to the raising of that Army. So I did have in part the responsibility.

Mr. ROOT. Mr. President, I said that the Senator did not feel the stress of responsibility to make an effective provision for the military establishment of the United States, and I refer to the Senator's own argument to-day and to the record of the argument he made 10 years ago in support or that assertion. I say that this provision is a small and simple step toward making it possible to produce an efficient military establishment whenever war comes. It is a step along the line——

Mr. BACON. Will the Senator allow me?

Mr. ROOT. In one moment. It is a step along the line that has been followed by every civilized nation which undertakes to maintain any army at all, so far as I know. It simply provides a means by which the Executive, whom we have already authorized to raise the Army from a minimum to a maximum, when war threatens, may be able to raise it by bringing in trained and efficient men instead of bringing in raw and incompetent men who do not know how to shoot or how to live out of doors, and whose inclusion in the military organizations would decrease the efficiency of those organizations when their efficiency is most urgently needed. Now, I yield to the Senator, and I yield the floor.

Mr. BACON. I wished to ask the Senator before he resumed his seat what he alluded to when he said he referred to the argument which I made 10 years ago? Did he mean in regard to section 24?

Mr. ROOT. I do; I refer to that.

Mr. BACON. I thought the Senator was referring really——

Mr. ROOT. I referred to that, and I think if the Senator from Georgia had ever had upon him the pressure which goes upon an officer who is charged with making an efficient army he never would have made the argument he made 10 years ago or the argument he has made here to-day.

Mr. BACON. The Senator is entirely mistaken about that. As I have said, I have stood here in a position of responsibility and to the best of my ability I met that responsibility. The Senator referred to my argument of 10 years ago. I thought he was referring to that, as I had myself alluded to the question of raising the army for the Philippine Islands.

Mr. President, there is a large part—in fact, I may say the larger part—of the argument of the Senator with which I not only take no issue but with which I entirely agree. The only criticism I would have to make upon it is the application which he attempted to make of it to my position now. I am not in favor of putting any impediment in the way of all legitimate measures for the making of an efficient Army and for securing the services of the most efficient men. I am simply objecting to this particular method because I think it has in it a fatal vice and a very great objection. For illustration, in this same bill and in this same provision reported from the conference committee there is a provision under which all soldiers who have served in the Army and who are now under 45 years of age and in good physical condition, will have an inducement offered to them to reenlist whenever their services are required, and a bounty to an extent not exceeding $300 is provided for the purpose of accomplishing that end.

Mr. President, I am in thorough sympathy with that. While possibly, as I said, I am not prepared to pass on the question as to whether the amount of bounty is too great or not, I certainly would make no issue in regard to that. I approve that method and I approve other methods, and there are many of them which can be resorted to for the purpose of securing the services of the best men, best from the point either of experience or condition at that time. The act under which the army was raised for the Philippine service is still on the statute books and in force, if I am correct in my recollection. Of course I would yield to the Senator's superior familiarity with matters connected with the Army from the fact that he served as Secretary of War, but unless I am very much mistaken there is now upon the statute book a law which makes provision for the raising of troops in the same manner as the troops were raised for the Philippine war. I think it is the same law, and the matter which has called it to my recent recollection is that there is a bill now pending in the Senate, introduced by the Senator from Delaware [Mr. DU PONT], if I recollect aright, referring to that law and proposing to amend it, although I may be in error about that. I can not be misunderstood on that question.

I am in favor of everything which is necessary for the effective reenforcement of the Army. There is no question about the fact, and I stated it myself in my remarks this morning, that the power to raise armies on the part of the United States is one without limitation. It is only within the judgment of Congress as to what the size of the Army shall be. It is within the constitutional limitations on the particular methods adopted for the purpose of raising the Army. My objection is to constituting a part of the citizenry of the country in each State as a reserve instead of permitting them to be as the Constitution intended they should be, a part of the citizenry of the State, their services to be secured either by calling for them through the channel provided by the Constitution, through the State authorities, or by the Government itself making provision of law, as they did in 1898 and 1899, by the creation of the army which went to the Philippine service.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. BACON. Mr. President, I want to say one word with regard to that question. I realize, of course, as I said in the beginning, that the Senate is not now really a free agency. It is under bonds; it is obliged to pass this bill; and Senators who would disapprove of it would feel under obligation to support it. But my sole purpose was to put upon record my opposition to it and my reasons therefor.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

PUBLIC BUILDING AT DETROIT, MICH.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an item of appropriation for remodeling driveway and mailing platform at the post office and courthouse at Detroit, Mich., $8,000, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the bill (H. R. 16611) setting apart a certain tract of land for a public highway, and for other purposes.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 24458) authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

H. R. 13016. An act for the relief of the West Kentucky Coal Co.;

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 26371. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

H. J. Res. 349. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912.

RELIEF FOR NATIVES OF ALASKA.

Mr. PAGE presented a petition of members of the Woman's Auxiliary to the Board of Missions of the Protestant Episcopal Church of Brattleboro, Vt., praying for the enactment of legislation to provide medical and sanitary relief for the natives of Alaska, which was referred to the Committee on Territories.

SAN JUAN, P. R., BRIDGE.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (H. R. 26114) to authorize the Government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R., reported it without amendment and submitted a report (No. 1065) thereon.

HEARINGS BEFORE COMMITTEE ON THE LIBRARY.

Mr. WETMORE. I ask the Senate to take from the calendar and put on its passage Senate resolution 365, submitted by me and reported favorably from the Committee to Audit and Control the Contingent Expenses of the Senate by the Senator from New Jersey [Mr. BRIGGS].

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on the Library, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee during the Sixty-second Congress, and to have the same printed for its use; and that such stenographer be paid out of the contingent fund of the Senate.

BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GALLINGER:

A bill (S. 7495) to prohibit the sale of intoxicating liquor to minors and Indians within the admiralty and maritime jurisdiction of the United States; to the Committee on Education and Labor.

By Mr. McLEAN:

A bill (S. 7496) granting an increase of pension to Ephraim Benedict Murphy (with accompanying papers); to the Committee on Pensions.

By Mr. WORKS:

A joint resolution (S. J. Res. 137) requesting from the President of the United States information concerning the exemption of American importers of manila hemp from payment of the export tax thereon; to the Committee on Finance.

NATIONAL SOLDIERS' HOME, SANTA MONICA, CAL.

On motion of Mr. WORKS, it was

Ordered, That the papers accompanying Senate resolution No. 160, Sixty-second Congress, "providing for an investigation of the management of the branch National Home for Disabled Volunteer Soldiers, Santa Monica, Cal.," be withdrawn from the files of the Senate, there having been no adverse report thereon.

WITHDRAWAL OF PAPERS—GEORGE KILLEEN.

On motion of Mr. BANKHEAD, it was

Ordered, That the papers accompanying Senate bill 4828, Fifty-eighth Congress, "for the relief of George Killeen," be withdrawn from the files of the Senate, there having been no adverse report thereon.

RECALL OF JUDGES (S. DOC. NO. 941).

Mr. CLAPP. I have a copy of an address by James Manahan, of Minneapolis, delivered before the Minnesota State Bar Association at Duluth, Minn., July 19, 1912, on the recall of judges. I ask that the address be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 23, 1912:

S. 4301. An act authorizing the Secretary of War to lease to the Chicago, Milwaukee & Puget Sound Railway Co. a tract of land in the Fort Keogh Military Reservation in the State of Montana, and for a right of way thereto for the removal of gravel and ballast material;

S. 4679. An act to amend section 95 of the "Act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911;

S. 5882. An act to extend the time for the completion of a bridge across the Missouri River at or near Yankton, S. Dak., by the Winnipeg, Yankton & Gulf Railroad Co.;

S. 6688. An act to repeal section 13 of the act approved March 2, 1907, entitled "An act amending an act entitled 'An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes'";

S. 6763. An act to authorize the cities of Bangor and Brewer, Me., to construct or reconstruct, wholly or in part, and maintain and operate a bridge across the Penobscot River between said cities without a draw;

S. 7424. An act to amend an act approved July 20, 1912, entitled "An act to authorize Arkansas & Memphis Railway Bridge & Terminal Co. to construct, maintain, and operate a bridge across the Mississippi River"; and

S. 4050. An act for the relief of Catherine Ratchford.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. I now ask unanimous consent for the consideration of House bill 25970, being the general deficiency appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the

fiscal year 1912 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the committee amendments to be first considered.

Mr. SMITH of Georgia. I object to limiting the reading to committee amendments. As the bill is read, I insist that any amendment which any Senator desires to submit should be presented as well as committee amendments.

The PRESIDENT pro tempore. Does the Senator from Wyoming modify his request?

Mr. WARREN. Mr. President, I am only making the request for the convenience of the Senate. If Senators will notice, as we go through the bill, what it already contains they will, I think, be better informed at what point they desire to offer amendments.

Mr. SMITH of Georgia. I do not think it is practicable to read the bill merely for committee amendments, without giving the same opportunity to Senators to offer amendments.

Mr. WARREN. Then I withdraw the request. We can have the formal reading of the bill.

The PRESIDENT pro tempore. The bill will be read.

The Secretary proceeded to read the bill.

Mr. SMITH of Georgia. Mr. President, I think the Senator from Wyoming must have misunderstood me. I will enter no objection to the reading of the bill for amendment, but I insist that any Senator who desires to present an amendment should have the privilege of doing so when a clause is read at the same time the committee amendments are considered. We pursued that course in the consideration of the Post Office appropriation bill, with the approval of the chairman of that committee, and we found that it very greatly facilitated our work.

Mr. WARREN. I prefer that the rule should prevail.

The PRESIDENT pro tempore. The bill will be read.

The Secretary resumed and concluded the reading of the bill.

The PRESIDENT pro tempore. The reading of the bill having been concluded, the first amendment proposed by the committee will be stated.

Mr. WARREN. I think it would be well to take up the bill for amendments, such as may be offered by Senators and such as the committee has reported.

The PRESIDENT pro tempore. That will be done.

The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 22, to insert:

Eradication of the opium evil: To enable the Government to conclude its efforts to mitigate our national opium evil and, with the cooperation of the other nations of the world, to mitigate, if not entirely stamp out, the abuses connected with the international traffic in opium and other habit-forming drugs through a second international conference, to be held at The Hague, and otherwise by further investigation and proceedings, to continue available during the fiscal year 1913, $25,000, to be expended under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, on page 3, after line 8, to insert:

Exemption from requirements of section 8 of District of Columbia act for fiscal year 1913: The provisions of section 8 of the act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1913, and for other purposes," approved June 26, 1912, shall not be applicable to any appropriation made under the control of the Department of State.

The amendment was agreed to.

The next amendment was, on page 3, after line 18, to insert:

Payment to Malambo fire claimants: To pay the allowances made to the Malambo fire claimants under article 6 of the treaty of November 18, 1903, between the United States and Panama, as recommended by the President in his special message to Congress of December 13, 1911, in accordance with the recommendations of the Secretary of War, $53,800.

The amendment was agreed to.

The next amendment was, on page 4, after line 2, to insert:

Payment of sums contributed for the release of Miss Ellen M. Stone: To enable the Secretary of State to return to such contributors as may file their claims, duly proved and authenticated, within two years from the passage of this act, the money raised to pay the ransom for the release of Miss Ellen M. Stone, an American missionary to Turkey, who was abducted by brigands on September 3, 1901, $66,000.

Mr. WARREN. I send to the desk an amendment to the amendment.

The PRESIDENT pro tempore. The Senator from Wyoming offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 4, line 5, after the word "contributors," insert "or their legal representatives."

Mr. SMITH of Georgia. Mr. President, I should like to know something about that before it is passed.

Mr. WARREN. I think the honorable Senator from Georgia will remember that this lady some years ago was made a captive by brigands, who seemed to be betwixt and between the Governments, and after long imprisonment there was, on the part of the generous people of this country, a fund raised to ransom her. It was raised among many contributors. Many of them were very poor people. In fact, to raise that amount 2,264 persons contributed. The circumstances were such that the foreign governments could not or were not held responsible. I will ask to have read from the desk, if I may, two extracts of a letter from the honorable Secretary of State, and perhaps the Senator from New York [Mr. ROOT] will give us further information.

The PRESIDENT pro tempore. Without objection, the Secretary will read as requested.

The Secretary read as follows:

It seems imperative that the amount (of the ransom) should be raised or pledged so as to be available by your treasurer at Constantinople in season to save Miss Stone. Statutory prohibitions make it impossible for this Government to advance the money or guarantee its payment. If paid by Miss Stone's friends, every effort will be made to obtain reimbursement from whichever Government may be found responsible under international law and precedent. In the event of its proving impossible to hold any foreign government responsible for the capture and to secure the repayment of the money, this Government is willing in the last resort to urge upon Congress as strongly as possible to appropriate money to repay the contributors.

* * * * * * *

After careful consideration of all the facts my predecessor, Mr. Hay, decided on January 19, 1905, that it was not advisable to attempt to hold the Turkish Government responsible for the capture and to secure the repayment of the money. Upon the subsequent application for reconsideration of this decision Mr. Hay again, on April 11, 1905, reaffirmed the judgment which he had originally expressed. Upon a further review of the same subject I have come to the conclusion that it is not advisable to reverse or change the conclusion which Mr. Hay reached.

It would seem, therefore, that the executive department is bound to make good its promise to recommend to Congress that money be appropriated to repay the ransom money, a promise which was probably relied upon by many of those who contributed of their private means to save the life of an American citizen believed to be in the gravest peril.

Accordingly I have the honor to advise that Congress be recommended to appropriate an amount sufficient to repay the contributors.

Respectfully submitted.

ELIHU ROOT.

Mr. WARREN. The matter of this repayment has also received the sanction of the Senate on two different occasions. But at those times the House did not seem to be sufficiently advised to take it up. However, since then the House has, in two Congresses, reported the matter favorably, and I understand it now stands upon its calendar favorably reported.

Mr. ROOT. Mr. President, I do not suppose I can add anything to the letter from which extracts have just been read. There is no doubt that the people who contributed the fund to rescue this lady from her captivity did so in reliance upon the good faith of the Government of the United States, in compliance with the recommendation which the Secretary of State, Mr. Hay, agreed to make.

Of course, there is no legal obligation. Mr. Hay could not bind the Government of the United States, and he said he could not, but he said he would urge a recognition of the moral obligation on the part of Congress, and undoubtedly these people did make the contribution on the faith of that. I hope the Senate will concur in the amendment.

Mr. SMITH of Georgia. I should like to ask the Senator how long has it been since the department heard anything from the original contributors? I ask the question, because I wish to know whether we can feel sure there has been no effort recently to gather together these various subscriptions, by purchase or assignment, so that the money will go to some assignee instead of the original subscriber.

Mr. ROOT. Mr. President, I can not answer the Senator directly as to how long it has been since the department has heard, but I can say this, that down to the beginning of the year 1909 there were no indications whatever of the familiar process to which the Senator refers—of the collection of claims. All the communications which were received down to that time impressed me as coming from original contributors or from Miss Stone herself, who felt under great obligation to press a repayment to the people of the money they had spent in order to rescue her.

I observe that that matter, down to the present time, appears to have been chiefly in the hands of the Senator from Massachusetts [Mr. LODGE]. Miss Stone is, I believe, a constituent of his, and I think the contributors were largely from that section, and the only person I have observed to have any interest in it whatever is the Senator from Massachusetts [Mr. LODGE], who has received communications from his constituents upon the subject.

Mr. WARREN. Will the Senator from New York permit me for a moment?

Mr. ROOT. Certainly.

Mr. WARREN. I think I ought to say that in all the applications that have been made since I have been approached, I have never heard of any attorney or collection agency. All I have ever heard has been from one or two private citizens in New England whom I happened to know, who desired to represent how many of their neighbors had subscribed, and the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Massachusetts [Mr. LODGE] and other Senators who knew a large number of these contributors.

I think it is entirely free from what the Senator from Georgia fears and what I should want to fear with him. If it was a matter of some attorney having gotten together these claims, who was going to profit largely by their payment, I should not feel like wanting to vote to appropriate the money; but I think it will go directly to the contributors, of whom there are over 2,000 and widely scattered.

Mr. SMITH of Georgia. I have no objection to the money going to the original subscribers, but I should object seriously if at this late day any assignments were to be recognized and the money should go to somebody who might have gathered up the assignments.

Mr. BRISTOW. I should like to make some inquiries in regard to this matter. Why should not some foreign Government be responsible to the American Government for this sum? Suppose an American citizen should be kidnaped in Mexico by a revolutionist there and held for a ransom and some of his friends should pay some bandit there $25,000 to let him loose, would the United States Government reimburse that man?

Mr. ROOT. All I can say about that is: Mr. Hay considered the subject, I know, very carefully and came to the conclusion that we could not maintain the claim against the Government of Turkey. Just why, I do not now remember. I think there had been notices given that there was danger, and the capture was a capture by brigands, or persons supposed to be brigands, from the mountains, who acknowledge no allegiance to government. It was doubtful just who they were and where they were from, except that they came down from the hills.

This lady was a missionary. I think quite likely the dictates of prudence would have kept her away from the place to which she went. On the whole, I am rather disposed to admire missionaries who are not too prudent. She probably went where strict observance of the rules and the notices by the Government regarding the safety of travelers would not have justified her in going. On the whole, Mr. Hay came to the conclusion that we could not maintain the claim.

Mr. BRISTOW. Are there any precedents for this kind of legislation?

Mr. WARREN. I will say, if the Senator addresses his question to me, that I do not know of any of that nature.

Mr. GALLINGER. Mr. President, if the Senator from Kansas will permit me, I desire to say that I have been very familiar with this case from its inception to the present time, knowing Miss Stone and knowing some of the contributors to her ransom fund, many of whom are in my own State. Miss Stone is a citizen of Massachusetts. As a missionary she was in Turkey discharging her duties. She is a very superior woman, and is devoted to religious matters. She was captured by brigands in Turkey in 1901. The brigands made a demand for a large amount of money as a ransom. I have forgotten how much, but it was a very large amount, considerably over $100,000. It was impossible to raise that sum, but upon the suggestion by the State Department, in a telegram to Rev. Judson Smith, of Boston, that unless some foreign government could be held responsible it would be recommended that our Government should pay this ransom money, some twenty-two hundred and sixty-odd people contributed. Many of them were poor people, some of them clergymen. Most of them are alive; not all of them. Some of them contributed 50 cents. Kidder, Peabody & Co., bankers in Boston, who had charge of the fund, personally contributed a thousand dollars, and in one or two instances parties gathered together and contributed as much as $5,000. That was done by churches in Massachusetts. The list of contributors has been kept intact, and it has seemed to me all along that our Government was morally bound to repay these contributors. The Senate has since passed a bill appropriating the full amount of the ransom money.

When we stop to think of the appropriations we make here day after day for almost every conceivable purpose, it occurs to me that when we come to a moral obligation of the Government to pay an obligation such as this we ought not to hesitate a moment. This matter was taken up in the House of Representatives on two occasions and very thoroughly investigated. On one occasion Mr. PRINCE of Illinois, chairman of the Committee on Claims, favorably reported it, but it was then, I think, somewhat late in the session and the matter was not acted upon. Again, Mr. Fowler of New Jersey investigated it and made a very strong report, and upon inquiry I find that there was no objection in either case to the report, which recommended the payment of the claim.

Mr. President, I quite agree that this is not a legal claim, but there is certainly a very strong moral obligation under which the Government rests to these people, and I have personally been talked to by a good many of the contributors, who wonder why our Government, having given them reason to believe the money would be repaid, has not kept its implied promise.

I sincerely trust that as this matter has received the approval of the Senate twice and the approval of two committees of the House the amendment will be agreed to. Not only has the Senate passed the bill twice, but I think the Senate on two or three occasions has put this amendment on a deficiency appropriation bill, but it has been lost in conference. The Committee on Foreign Relations of the Senate has twice favorably reported an amendment offered by me. I sincerely hope that it may be allowed to go to conference again, because I am very hopeful, in view of the fact that the House committees having reported favorably on it, the House conferees will agree to it and allow it to remain in the bill. This great Nation can not afford to be niggardly when its honor is at stake.

Mr. BRISTOW. Mr. President, the reason I made the inquiry is that it is not a very pleasing thought to an American citizen that his Government has to pay ransom to bandits anywhere to secure to American citizens their rights.

Mr. GALLINGER. Just one word here. I have always felt that it was an unfortunate circumstance that our Government did not hold the Government of Turkey responsible for this ransom money, but wiser men than I examined the matter and thought it was not advisable, and for some reason, undoubtedly for some good reason, no demand was made upon Turkey. I think if Great Britain had been involved, she would have made demands—that is my impression—and I think the Turkish Government would have been held responsible.

Mr. BRISTOW. I am inclined to agree with the Senator from New Hampshire on that, and I think we are entirely too good-natured in dealing with bandits in other countries than our own, whether they are or are not regarded as enemies to the Government in whose territory they operate.

Mr. SMITH of Georgia. I should like to ask the Senator from Wyoming whether he would consent to the following addition to his proposed amendment, in this language:

Provided, however, That no payment shall be made to any assignee of any contributor.

Mr. WARREN. Suppose it were a brother or sister

Mr. SMITH of Georgia. He or she would not be an assignee. Then it would be given to the legal representative.

Mr. WARREN. I am in sympathy with what the Senator wants. Perhaps we might lay aside the amendment, and I will ask him to re-form his amendment so that it shall not cut out——

Mr. SMITH of Georgia. Your language is "or to their legal representatives."

Mr. WARREN. Yes.

Mr. SMITH of Georgia. I desire to add—

Provided, however, That no payment shall be made to any assignee of any contributor.

The legal representative or representatives can receive it. But if the claim has been sold, I do not believe the obligation of the Government should extend to the assignee.

Mr. WARREN. Very well. We shall accept the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Wyoming [Mr. WARREN] as modified to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. ROOT. I offer an amendment, to be inserted immediately after the amendment just adopted.

The PRESIDENT pro tempore. The Senator from New York offers an amendment, which will be read:

The SECRETARY. On page 4, after line 10, insert:

INTERNATIONAL CONGRESS ON UNIFORM LETTERS OF EXCHANGE.

For preparation, translation, and publication of the report of the American delegate to the adjourned meeting of the International Conference on Uniform Letters of Exchange, held at The Hague, to continue available during the fiscal year 1913, $2,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New York.

The amendment was agreed to.

Mr. WARREN. I have an amendment, to immediately follow the last one adopted.

The PRESIDENT pro tempore. The Senator from Wyoming submits an amendment, which will be read.

The SECRETARY. After the amendment just agreed to insert:

Arbitration of outstanding pecuniary claims between United States and Great Britain: For the expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain, in accordance with the special agreement concluded for that purpose August 18, 1910, and the schedule of claims thereunder, including office rent in the District of Columbia, and the compensation of arbitrator, umpire, agent, counsel, clerical and other assistants, to be expended under the direction of the Secretary of State, the balance unexpended July 1, 1912, of the appropriation made for all the foregoing purposes for the fiscal year 1912 is hereby reappropriated and made available for expenditure for said purposes during the fiscal year 1913, to be disbursed under direction of the Secretary of State.

Mr. SMITH of Georgia. I do not understand from the reading of this proposed amendment what amount it carries.

Mr. WARREN. Let me say that it is whatever amount we have appropriated heretofore to be made available. The arbitration was provided for by two appropriations, one of $25,000 and the other, if I remember correctly, of $50,000. One was in the bill of a year ago and the other was in the urgent deficiency bill early in the session.

One of those appropriations becomes covered into the Treasury the 1st of July unless it is reappropriated. This same provision has already passed the Senate in the sundry civil bill, but in conference, through a misunderstanding, it went out. It went out on the supposition that the one fund not exhausted would be sufficient to last until the next session. Since then we were advised, from the department it seems, that it is liable to need both, and hence I wish to put it in the bill and let it again go to conference, and we shall then have the newer information before us. It makes no appropriation of money that has not already been appropriated.

Mr. SMITH of Georgia. It does not make an appropriation of an additional sum.

Mr. WARREN. No.

Mr. SMITH of Georgia. Is it not an additional appropriation on the line of the former appropriation?

Mr. WARREN. Not at all. The estimate covered the two appropriations and the amount was appropriated accordingly. This is merely to take care of that which has lapsed.

Mr. SMITH of Georgia. Will the Senator state whether it was considered by the committee?

Mr. WARREN. The committee considered it fully on the sundry civil appropriation bill, and the House conferees demanded that it should go out, thinking, with the information we then had, that the remaining portion would be sufficient. Just now, since I have been in charge of the bill, without any opportunity to refer it to any members of the committee except the two who happen to be near me, the matter is brought to my attention, and as it is necessary I put it in, subject to further consideration. If the Senator from Georgia has any objection, of course it will go out.

Mr. SMITH of Georgia. No; I do not make any objection to it.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Treasury Department," on page 4, after line 14, to insert:

The Secretary of the Treasury may employ such number of expert money assorters, feeders, and other employees, and expend such sums for contingent and miscellaneous items and for the purchase or construction and installation of paper-money laundering machines as may be necessary, in his judgment, to install, maintain, and operate such laundering machines in the Treasury at Washington and at the subtreasuries: *Provided*, That the money required to pay for such purpose shall not exceed $60,000, which sum is hereby appropriated, the same to continue available during the fiscal year 1913: *Provided further*, That estimates hereunder shall be submitted in detail for the fiscal year 1914, and annually thereafter.

Mr. HEYBURN. I should like to inquire of the chairman of the committee if he knows why the money that has been laundered or repaired should be sent to the Middle and Far West for use, as it is stated in the newspapers. Why is it not distributed or placed in circulation in the East as well as in the West?

Mr. WARREN. I will say to the Senator I understand there were only some few lots, and they were distributed and sent East and West to see how transmission and handling in the express or mails would affect the money. I understand that those receiving it did not know the difference between the new and the laundered.

Mr. HEYBURN. They want to see whether or not it would stand transportation and hold together until it reached the West?

Mr. WARREN. I do not think they "tried it on the dog," to use that phrase. I think it was a genuine wish to ascertain whether it would be acceptable in different parts of the country.

Mr. HEYBURN. Was it understood that the West would be willing to accept this responsibility of testing the laundered money and the East would not?

Mr. WARREN. No.

Mr. HEYBURN. It is a rather curious situation.

Mr. WARREN. The West was willing to take it and wanted more.

The amendment was agreed to.

The next amendment was, under the subhead "public buildings," on page 6, after line 15, to insert:

Boston, Mass., customhouse: For expenses incident to the temporary removal of the force employed in the customhouse during the enlargement, remodeling, or extension, for the fiscal year ending June 30, 1913, $96,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to insert:

Charlotte, N. C., post office and courthouse: Section 7 of the omnibus public building act, approved June 25, 1910, authorizing the enlargement, extension, remodeling or improvement of the United States post office and courthouse at Charlotte, N. C., at a limit of cost not to exceed $250,000, is hereby amended so as to authorize, in lieu thereof, the demolition of the present building and the construction of a new building for the use and accommodation of the post office, United States courts, and other governmental offices at Charlotte, N. C., including fireproof vaults and heating and ventilating apparatus and approaches, complete, within said limit of cost hereby fixed of not to exceed $250,000; the materials of which the old building is composed to be utilized, so far as they may be found suitable, in the construction of the new building, and all appropriations heretofore made for the enlargement, extension, remodeling, or improvement of the post office and courthouse at Charlotte, N. C., or which may be contained in appropriation acts now pending for said purposes, be, and the same are hereby, reappropriated and made available for the construction of the new post office and courthouse in said city hereby authorized. And the Secretary of the Treasury is hereby authorized to enter into contracts for the construction of said building within the said limit of cost hereinbefore fixed.

The amendment was agreed to.

The next amendment was, on page 7, after line 20, to insert:

Charlotte, N. C.; rent of buildings: For rent of temporary quarters for the accommodation of Government officials, and moving expenses incident thereto, to be available until expended, $5,000.

The amendment was agreed to.

Mr. JONES. After the amendment just adopted, I move to insert what I send to the Chair.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. After the amendment just adopted, at the foot of page 7, insert:

That the limit of cost heretofore fixed for the erection of a public building at Olympia, Wash., be, and the same is hereby, increased to $150,000.

Mr. WARREN. I will make a point of order against the amendment that it raises the limit. Does it not?

Mr. JONES. It raises the limit; but before the Senator makes the point of order I should like to say a word.

Mr. WARREN. I will withhold the point of order for that purpose.

Mr. JONES. It increases the limit of cost of this building by $30,000. Olympia is the capital of the State. A contract has already been let for a public building at that place, but the amount available was not sufficient to provide for a fireproof building. The Senate has already passed this bill. The House committee has also reported it favorably. I desire to read a few words from the report of the House committee. I call the attention of the chairman of the committee to it.

Mr. WARREN. Of course, I do not wish to cut off the Senator, but what he may read will not change the point of order.

Mr. JONES. This is what the House committee said:

The sum heretofore authorized does not permit the construction of a fireproof building, and the Treasury Department, in a letter of July 6, 1912, which is herewith appended and made a part of this report, states that, in order to make the building fireproof and to provide for gutters, drains, and other alternates that are named in said letter, legislation must be enacted at this session of Congress or work must be suspended pending further legislation. As the contract has already been let, the committee is of the opinion that it would not be right to suspend the work until Congress could act at some subsequent session, and therefore believes that this is an emergency case and that the bill should be passed at this session.

I think that ought to convince the chairman that this item ought to go in the bill.

Mr. WARREN. I am perfectly convinced that they ought to have the money, but we are between the upper and the lower stone. Authorizations for public buildings are contained in legislation that is especially provided from time to time and if we permit the limit to be raised upon other succeeding general appropriation bills control of the subject is lost. It never has been done, and it seems to me that it is pretty late now to undertake it. For instance, in the consideration of the sundry civil appropriation bill there were more than 40 applications of this nature. As a special instance, in the city of Denver, the building is standing there without inside finish and it requires $400,000 more. They are paying large rents and they can not do anything until next year. But the committee could not see its way to raise that limit. As I think of it, I believe we had between 50 and 60 applications of that nature. In this bill we

can not interfere with what belongs to the Committee on Public Buildings and Grounds, and when we have legislation that makes the limits we must stay within them until the proper committee authorizes the raising of the limit.

The PRESIDENT pro tempore. On what ground does the Senator from Wyoming make the point of order?

Mr. WARREN. Because it is not estimated for and has not been presented to the committee.

Mr. JONES. It has been reported from a committee.

The PRESIDENT pro tempore. The point of order is sustained.

The next amendment was, on page 8, after line 12, to insert:

Authority is granted the Secretary of the Treasury to pay from the appropriation for "General expenses of public buildings, 1912," the claims amounting to $47.32 arising in connection with the public-building service, as set forth in House Document No. 826 of the present session.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 9, after line 2, to insert:

Payment of judgments against internal-revenue officers: To pay the Central Trust Co. of New York the amount of a judgment obtained in the United States Circuit Court, Southern District of New York, against the collector of internal revenue for the second district of New York, as settled by the Auditor for the Treasury Department by his certificate No. 17097, of August 15, 1912, $93,477.17.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health and Marine-Hospital Service," on page 9, after line 18, to insert:

For pay, allowance, and commutation of quarters for commissioned medical officers and pharmacists, to continue available during the fiscal year 1913, $50,000.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert:

To enable the Secretary of the Treasury to provide for increased quarantine facilities at the port of Portland, Me., $43,880.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous, Treasury," on page 11, after line 2, to insert:

Suppressing counterfeiting and other crimes: To supply a deficiency in the appropriation "Suppressing counterfeiting and other crimes," fiscal year 1912, $3,000.

The amendment was agreed to.

The next amendment was, on page 11, after line 6, to insert:

Payment to Emma Morris: To pay Emma Morris, widow of Frank H. Morris, late Auditor of the Treasury for the War Department, $4,000, the same being equivalent to one year's salary of the said Frank H. Morris.

Mr. SMITH of Georgia. I should like to understand why that is proposed.

Mr. WARREN. Frank H. Morris was the Auditor of the Treasury for the War Department, and I may say parenthetically that I think the department never had a more competent one. I say it without having any interest in the man, and only a slight acquaintance, except as the dispatch of his business acquainted me with his work.

In the operations of his office it became necessary to demote a clerk, and while at his office, before all the other clerks and the people who were there doing business, he was shot down by this demoted clerk. It is a case that perhaps would never happen again. He left his family unprovided for. He was shot because of his defense of the Government's interests, and therefore I think we ought to make the allowance.

Mr. BRISTOW. Why should that be put in a deficiency bill? Why should it not come up in the regular way, as any other claim? If it is a claim against the Government, it ought to be presented and considered as a claim.

Mr. WARREN. I am glad the Senator asked that question, because in my long service upon the Committee on Claims I know how often personal claims come up, and they seem to belong there; but this is not a claim. It is like the case we passed on a few moments ago. It is a gratuity. Whether we pass it or not, it is not a case, perhaps, that requires the legal investigation which is naturally necessary in claims. It is a matter I wanted to bring before the Senate. There is the whole story. It takes only a few moments to tell it. As I said, the man was shot dead because of the work he did in the department.

Mr. BRISTOW. To what precedent does the Senator refer? He said we passed one a few months ago.

Mr. WARREN. No; I said a few moments ago.

Mr. CULLOM. The Stone case.

Mr. WARREN. The Stone case, the payment of which would be a gratuity rather than payment of a claim.

Mr. BRISTOW. It seems to me it is a rather dangerous precedent to set. However, in view of what the Senator has said, I do not like to object to it.

Mr. WARREN. I think it is such a case as will not occur again in the Senator's lifetime and mine. There never will be another such case, I hope.

The amendment was agreed to.

The next amendment was, on page 11, after line 10, to insert:

Reimbursement of board of regents, University of Idaho: To reimburse the State board of regents of the University of Idaho for the premium paid on an indemnity bond on account of the loss of a United States draft for $25,000 in transit between the United States Treasury and the State treasury of Idaho, $500.

The amendment was agreed to.

The next amendment was, on page 11, after line 16, to insert:

Payment to Benjamin S. Hanchett: To pay Benjamin S. Hanchett, of Grand Rapids, Mich., to reimburse him for money expended for necessary expenses while attending the meetings of the Assay Commission in March, 1905, held at Philadelphia, Pa., $77.68.

The amendment was agreed to.

The next amendment was, on page 11, after line 22, to insert:

Payment to Alfred Harrison, H. E. Ticknor, and F. W. Oakley: The Secretary of the Treasury is hereby authorized and directed to adjust the accounts of the clerks of the United States courts for the western district of Wisconsin and pay to said clerks, respectively, out of any money in the Treasury not otherwise appropriated, such amounts as may be found due them as fees earned between January 1, 1912, and January 26, 1912, the same as though they had been clerks regularly reappointed on January 1, 1912, the amounts of said accounts being as follows: Alfred Harrison, at La Crosse, Wis., $88.20; H. E. Ticknor, at Superior, Wis., $57.90; F. W. Oakley, at Madison, Wis., $194.78; in all, $340.88.

The amendment was agreed to.

The next amendment was, on page 12, after line 12, to insert:

Credit in the account of Hobart J. Shanley: The Auditor for the State and Other Departments is hereby authorized and instructed to give a credit of $1,501.75 to Hobart J. Shanley, special disbursing officer of the Department of State, for certain credits claimed and suspended for lack of itemization, etc., in the settlement of his account of disbursements for "Expenses of Commission, Centennial Republic of Mexico," under appropriation made in deficiency act of June 25, 1910, to carry out the provisions of joint resolution of June 24, 1910 (Public resolution No. 39), creating a commission to represent the United States at the celebration of the first centennial of the Republic of Mexico.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to insert:

Payment to the State of Virginia: For payment to the treasurer of the Mount Vernon Avenue Association, of Virginia, assignee of the State of Virginia under act of the General Assembly of Virginia approved March 5, 1888, $120,000, to be used by the said Mount Vernon Avenue Association toward the construction of a boulevard from Mount Vernon to Washington, being the principal of the sum, without interest, advanced by the State of Virginia to the United States by act of its general assembly December 27, 1790, toward erecting public buildings in the District of Columbia for the use of the Federal Government; said sum of $120,000 to be in full compensation for all debts, claims, or demands on the part of the State of Virginia, or of her assignee aforesaid, arising out of the aforesaid act of the general assembly of date December 27, 1790; and to the State of Maryland $72,000, being the sum advanced by the said State of Maryland in 1791 to the United States to be used toward erecting public buildings in the District of Columbia for the use of the Federal Government.

Mr. WARREN. I should like to amend line 3 by adding after the words "Payment to the State of Virginia" the words "and Maryland" and change "State" to "States."

The SECRETARY. Amend the side head so as to read:

Payment to the States of Virginia and Maryland.

The amendment to the amendment was agreed to.

Mr. BRISTOW. Mr. President, it seems to me this is a strange deficiency. This claim is about 100 years old, is it not?

Mr. WARREN. More than that.

Mr. BRISTOW. Why should it be put in a deficiency bill? It has been before the Committee on Claims 15 or 20 years, has it not?

Mr. MARTIN of Virginia. The Committee on Claims instructed me to report it as an amendment to this appropriation bill, and, if I am not very much mistaken, the Senator from Kansas was present and concurred in the direction that was given.

Mr. BRISTOW. The Senator from Virginia is very much mistaken. The Senator from Kansas was not present and did not concur in any such proposition.

Mr. MARTIN of Virginia. I know the committee authorized its report as an amendment, and that was my impression.

Mr. BRISTOW. Some year or two ago such a bill was reported from the Committee on Claims to the Senate upon certain conditions. Now, why is the State of Maryland given $72,000, the same to be used in the erection of public buildings in the District of Columbia?

Mr. MARTIN of Virginia. It was advanced by Maryland to the General Government to be used by the General Government in the construction of public buildings.

Mr. BRISTOW. When was that?

Mr. MARTIN of Virginia. In 1791, I think.

Mr. BRISTOW. I thought so. I want to make a point of order against this amendment that it is general legislation.

Mr. MARTIN of Virginia. It is certainly not general legislation; it is a specific appropriation to pay a particular claim.

It is not in any sense general, and it is not legislation; it is an appropriation.

Mr. BRISTOW. Then, I inquire if it has been estimated for? Is it in the Book of Estimates?

Mr. MARTIN of Virginia. It does not require an estimate. It is shown on the books of the Treasury Department and it has been reported. I do not know that I made the formal report, but I know that I was authorized to report it. I did not even think it necessary, as the Committee on Appropriations adopted it, but I was instructed by the Committee on Claims to report it as an amendment to the deficiency bill.

Mr. BRISTOW. What authority has the Committee on Claims to offer an amendment to the general deficiency bill?

Mr. MARTIN of Virginia. It has the authority under one of the rules of the Senate to report to the Senate amendments to an appropriation bill, and it does that constantly.

Mr. BRISTOW. I make the point of order against the amendment.

Mr. MARTIN of Virginia. I will remind the Senator that if I am not very much mistaken this claim has been very much discussed in the Committee on Claims.

Mr. BRISTOW. I know it.

Mr. MARTIN of Virginia. I think the Senator from Kansas has approved it. Perhaps he did make a condition that it had to go for a road. It is generously donated by the State of Virginia to the construction of a boulevard from Washington to Mount Vernon.

Mr. BRISTOW. I remember stating once to the Senator from Virginia that I would be willing to favor an appropriation of the amount that Virginia claims to have paid at one time, some century or so ago, for some purpose for which she had not been properly reimbursed, provided Virginia would devote the money to aid in the construction of a highway from here to Alexandria——

Mr. MARTIN of Virginia. That is exactly what is done here.

Mr. BRISTOW. Or from here to Mount Vernon, but I never have consented that the State of Maryland should be given $72,000, and I do not believe there has been any bill presented to the Committee on Claims since I have been a member of it that justifies any such appropriation. I do not think that the State of Virginia is entitled to this appropriation. If it is made, it ought to be made for the purpose of constructing a highway between the home of Washington and the National Capital.

I do not think an appropriation like this ought to be incorporated into a deficiency bill the last day of a session of Congress, and I insist upon the point of order that it is general legislation, that it is not estimated for, and can not be properly incorporated in this bill.

Mr. MARTIN of Virginia. Mr. President, this is as much an honest debt to the State of Virginia against the United States Government as is any outstanding bond of this Government in the hands of an honest holder. The books of the Treasury Department show that this amount was advanced under an act of the General Assembly of Virginia for the purpose of constructing public buildings. I will read to the Senator what a distinguished Senator from New York said in reference to it a good many years ago.

This claim has been knocking at the door of the National Congress for a very long time. It has been reported favorably perhaps a score of times. It has passed the Senate time and again. It has passed as an independent bill; it has passed as an amendment in an appropriation bill; it has passed in the general deficiency bill once I know, and it failed in conference. There is no more doubt about its existence as an honest debt against the National Government than there is a doubt about the existence of any other obligation against the Government. The books of the Treasury Department show that the National Government got the money and that it has not been paid back.

Mr. BRISTOW. Mr. President——

Mr. MARTIN of Virginia. If the Senator will allow me a moment, I will read what Mr. Seward, of New York, said many years ago, when Virginia was here demanding the payment of this money. He said:

> Mr. President, the State of Virginia, beyond all doubt, contributed to the erection of this Capitol and of these public edifices which we now use for the Government of the United States the sum here specified. She either advanced that money as a loan, to be repaid at some future time, or she gave it to the Government of the United States. If this money was advanced as a loan, the advance created a debt which it is now the duty of the Government to discharge. If, however, the money was contributed by way of gift or donation to the Government of the United States, I do not see that it materially alters the case. In the one case there would be an obligation already existing, a debt already to be paid, for money which has been borrowed. In the other case there is an advance, which is the basis of a moral obligation, which the Government may at any time recognize and assume, and that creates the debt. * * * This moral obligation strikes me as peculiarly appealing to the sense of honor of the Government of the United States. We are here occupying an edifice which was in part built for us by the State of Virginia. She is comparatively poor; we are only too rich. I think it does not comport with the pride and dignity of the United States that Congress and the executive departments should occupy halls for which they are indebted in whole or in part to the generosity of the States. * * * I am for discharging this obligation and securing to ourselves the right to feel that this Government owes nothing but gratitude to these States.

I could read here lengthy extracts from speeches of other Senators who took the broad and honorable and worthy position that it was for the State of Virginia to say whether she meant it as a loan or a gift. The Government of the United States got it and used it, and Virginia claims that it was a loan. It is demonstrable that it was a loan. I will briefly advert to the reason why I say it is demonstrable that it was a loan and not a gift.

In the original act introduced in the Legislature of Virginia the language was used that the State of Virginia granted to the United States $120,000, to be used in the construction of public buildings at Washington. John Marshall, afterwards Chief Justice of the Supreme Court of the United States, then a member of the Legislature of the State of Virginia, moved that the word "grant" be stricken out and that the word "advance" be inserted.

There is not a lawyer in the hearing of my voice but knows that the word "advance" imports a return of the money, and that the word "grant" does not import the return of the money. There is not a man in the United States who does not know that if the meaning and import of legal terms be known to anyone, they were known to John Marshall, and he deliberately struck from the bill the word "grant" and substituted for it the word "advance." Under that resolution, which provided that the State of Virginia should advance $120,000 to the National Government to be used in the construction of public buildings at Washington, the United States got that $120,000 and used it to build this Capitol, which we are now occupying. I say, Virginia has been knocking at the door of the Nation for a century asking that this money be returned.

Mr. BRISTOW. I think, if the Senator will look at the record, he will find that it is not quite a century. I think it was 60 years before Virginia ever made any claim in this matter.

Mr. MARTIN of Virginia. It was a long time, and if I had time to read the history of it, the reason for that long time—not so much as 60 years, however—was that the United States continued up to, including, and after the War of 1812, to be very impecunious, and Virginia did not press the demand while the Government was in need of funds, and Virginia had ample funds for her own purposes; but, Mr. President, it was incumbent upon the National Government, unimportuned and unsolicited, to take the initiative and return to the Commonwealth of Virginia the money which she had borrowed from Virginia; and it does not become the Nation, after having denied justice for, as the Senator says, 60 years, now to rely upon her delinquency and her neglect of her obligation as an excuse why she should not pay it when it is called for.

Mr. BRISTOW. Mr. President, it has been some time since this bill was discussed in the Committee on Claims when I was present, and I have been present at all the meetings, except a few recent ones when I was engaged on other committee meetings on the same day on which the Committee on Claims met, and could not be in two places at the same time; but, as I remember, this alleged claim—and it is a very hazy one—is based upon some consideration or contribution which the States of Virginia and Maryland made before the Capital was established here at Washington. I believe it was proposed by some interest up in Pennsylvania to give a tract of land for the location of the National Capital there, and a controversy grew up as to whether the Capital should be located here on the Potomac or on the Delaware. It was in the nature of a political controversy. Finally, in the course of time, the Capital was established here.

These alleged claims were never presented; they were never claimed. I think I am safe in saying that for half a century nobody ever believed that the Federal Government was under any obligation to pay this money that may have been contributed by some people at that time or by the States of Virginia and Maryland at that time.

Mr. MARTIN of Virginia. If the Senator will excuse me right at that point to correct his information on the subject, which is not at all due to lack of evidence, I will say that in 1793, I think it was, immediately or very soon after this money was advanced to the Federal Government, George Washington wrote a letter to the District authorities in which he ordered that an account should be kept showing the use of this money advanced by the State of Virginia and the State of Maryland with a view to a settlement with the States of Maryland and Vir-

ginia. It seems that George Washington in 1793 took a different view from what the Senator from Kansas says everybody took.

Mr. BRISTOW. The State of Virginia never presented her claim to the Federal Government for approximately 60 years.

Mr. MARTIN of Virginia. I think it was 1840 before a bill was introduced in Congress. How much effort Virginia had been making to get the money without a bill in Congress I do not know; but certain it is that——

Mr. SMITH of Maryland. Mr. President, I would say to the Senator that the State of Maryland made a demand for this claim in 1842. So far as the claim that is being asked for now is concerned, it seems to me, as a matter of honor, the Government ought not only to pay the claim, but to pay the interest on it from the date of the demand. We, however, are only asking the amount of the claim itself.

Mr. BRISTOW. I want to submit to the Senate if on a general deficiency appropriation bill, which is presumably to make appropriations for the maintenance of the Government, it is proper to incorporate claims that have been disputed here for more than a century.

Mr. MARTIN of Virginia. It is a deficiency, Mr. President.

Mr. BRISTOW. If the Senators want to present a bill and let the Senate decide the bill upon its merits as to whether it is a just claim or not, and let it be gone into and let the Senate pass upon it, nobody could have any objection to that; but I think it is improper here in a deficiency appropriation bill for the purpose of providing money to maintain the Government for a few months until Congress meets again to run in an old claim for $200,000 that I do not believe has the slightest basis of justification, and I think it can be demonstrated to the Senate that it has not if time is given to do so. I insist upon my point of order, Mr. President.

Mr. MARTIN of Virginia. Mr. President, the claim is not so old but that honor requires it to be paid. There is not a scintilla of doubt about its existence. The books of the Treasury Department show that the Government got the money and owes it. As to investigation, I will say that since I have been in the Senate the claim has been investigated a dozen times. The Committee on Claims—the Senator from Kansas has been present when it has been discussed up and down all around—have always reported favorably on the claim. It has been investigated until investigation is stale and senseless and useless. The Senator from Kansas knows this claim, and that all the facts about it are those that I have stated. There is nothing to investigate; there is nothing else to find out. Everybody who has given five minutes' thought to the matter knows that the Government owes this claim.

Mr. HEYBURN. Mr. President, I am rather glad that this amendment has been reported by the committee. It will accomplish two good purposes. It will get rid of the question as to whether the Government owes this money, and it will, I hope, result in the building of a road over which one may travel between Washington and Mount Vernon. I would be willing to resort to almost any resource for the purpose of building that road, and I would be willing to waive a lot of sentiment if we could have a road over which one might go in comfort to Mount Vernon. We have none now.

I am not going to animadvert upon the patriotism of Virginia, only to express surprise that a State which is endowed with such memories as cluster around Mount Vernon should not have provided a road by which that sacred spot could be reached in comfort. I have made the effort on more than one occasion by ordinary methods of travel, but have not been able to do so on account of the condition of the roads.

I do not believe that it would be wise at this time—perhaps it would be wise at no time—to enter into a striking of the balance of accounts between what Virginia has contributed to the Government and what she has cost the Government. I will not enter upon the consideration of that question. I would support this amendment for the reasons I have given, and I hope that it will accomplish both purposes expressed upon the face of it, that of forever getting rid of this claim and that of building a respectable boulevard or road between here and Mount Vernon.

Mr. MARTIN of Virginia. Mr. President, I thank the Senator from Idaho for his kind support of this measure, but there is no need of resorting to any resource in this matter other than the resource of fair dealing and honesty. This money is due, and it ought to be paid, but the resource of patriotism is also available, because it goes to the patriotic purpose of building a boulevard to Mount Vernon. The Senator, in chiding Virginia for not earlier undertaking that patriotic duty, may at least find some extenuation in the fact that Virginia, many years ago, commenced that work, and dedicated to that purpose this money which she now asks the National Government to provide, and to pay a debt at the same time.

Mr. HEYBURN. Mr. President, in my judgment—and I do not stand alone—the portion of the road between Washington and Alexandria is in the District of Columbia, and Congress long since should have taken up that question and settled it by authorizing the building of an avenue up to the best standard of construction between this part of the District of Columbia and that part of the District of Columbia. Some conservative and wise generation will take into account some day the obligation resting upon the Government of the United States to undo the mistake that was attempted by the recession of a part of the District of Columbia to the State of Virginia. What did the State of Virginia pay for that recession? What consideration passed to the Government of the United States for that recession? I have no intention of bringing on a discussion——

Mr. MARTIN of Virginia. I hope the Senator will not expect me to go into a discussion of the validity of the act of retrocession.

Mr. HEYBURN. But I want Senators to understand that there are back in my mind many questions that enter into the consideration of this matter that I have taken into consideration in arriving at the conclusion that these old scores had better be settled up and that the new boulevard had better be built.

The PRESIDENT pro tempore. On the point of order, submitted by the Senator from Kansas [Mr. BRISTOW], an examination of the bill discloses the fact that this language is used:

> To be used by the said Mount Vernon Avenue Association toward the construction of a boulevard from Mount Vernon to Washington.

That seems to the Chair to be general legislation. Subsequently language is found as follows:

> Said sum of $120,000 to be in full compensation for all debts, claims, or demands on the part of the State of Virginia.

It would seem to be——

Mr. MARTIN of Virginia. Mr. President, I ask that that language be stricken out. In doing so, I will explain that that is in accordance with the assignment from the State of Virginia. The Mount Vernon Avenue Association was compelled by its charter and by the act assigning this claim from the State of Virginia to that association to use the money for that purpose and no other. I therefore ask that that part of the amendment be stricken out.

The PRESIDENT pro tempore. The Senator from Virginia moves to amend the amendment by striking out the language referred to, which will be stated by the Secretary.

The SECRETARY. In the committee amendment on page 13, lines 7, 8, and 9, it is proposed to strike out the words "to be used by the said Mount Vernon Avenue Association toward the construction of a boulevard from Mount Vernon to Washington."

Mr. HEYBURN. Mr. President, that is the only redeeming feature in the amendment.

Mr. MARTIN of Virginia. Mr. President, if the Senator will excuse me for a moment, I said I had made it clear that the boulevard is compelled to be constructed by the act of the Legislature of Virginia making the assignment of this claim to the Mount Vernon Avenue Association.

Mr. HEYBURN. Why should not the paymaster of this $120,000 also have something to say about it, so that the Government may enforce it?

Mr. MARTIN of Virginia. The Government can enforce it anyhow; that is a condition of the assignment made by the State of Virginia; but, as it seemed to make a point of order available to defeat the amendment, and inasmuch as the language is not necessary to accomplish the purpose, as I have explained, I moved that it be stricken out.

Mr. HEYBURN. Why not say, then, "subject to the obligations entered into between the Mount Vernon Avenue Association and the State of Virginia"?

Mr. MARTIN of Virginia. That is perfectly agreeable to me. It is going to that purpose and none other.

Mr. HEYBURN. I am taking the Senator's statement that the provision in the charter is definite.

Mr. MARTIN of Virginia. I have the act of the legislature here; it is a part of the report made to the Senate; and it provides absolutely that the money shall be used for that purpose.

Mr. HEYBURN. I think it well to have some reference to it in order that we may know where it is going. I now move to insert the words "to be used by the said Mount Vernon Avenue Association for the purpose specified in the charter of said association granted by the State of Virginia."

Mr. MARTIN of Virginia. I think that is but a limitation on the appropriation, and I do not think it can be out of order.

Mr. BRISTOW. I make the same point of order. If that is not legislation, I do not know what would be. Then, if the language referred to should be stricken out, this is a claim; it is not a deficiency for maintenance of the Government; it has not been estimated for, and it is clearly out of order on an appropriation bill.

Mr. MARTIN of Virginia. It is recommended by a standing committee of the Senate. I hope the Senator from Idaho [Mr. HEYBURN] will withdraw his amendment, so as to avoid all question and controversy. I can assure him that the money can not possibly be used for any other purpose, because the charter of the company to which it is to be paid requires that use of it and because the act of the Legislature of Virginia assigning the claim to that company makes the same restriction as to its use. So the amendment is but an embarrassment to the situation and not at all necessary to attain the object which the Senator has in view. Under those circumstances, I hope he will withdraw his amendment.

Mr. HEYBURN. I do not desire to embarrass the situation.

Mr. MARTIN of Virginia. I know the Senator does not.

Mr. HEYBURN. I only want to see that road built.

Mr. MARTIN of Virginia. The Senator may be assured it will be built, so far as this money may go.

Mr. HEYBURN. Let me inquire, then, in view of that statement, will this association be required to furnish any additional money necessary to build that road and to complete it under the charter?

Mr. MARTIN of Virginia. It is created for that purpose. I can not speak as to its present resources. It has spent a good deal of money already; but as to the resources of that association I am not prepared to say what they are or how much it has available for this purpose. It was chartered, however, for the purpose of building this boulevard; the people south of the river, in Alexandria, are taking the deepest interest in it, and I have no doubt that the funds will be provided and that the boulevard will be built.

Mr. SMITH of Georgia. What is the mileage of the road?

Mr. MARTIN of Virginia. I think about 14 miles.

Mr. HEYBURN. Mr. President, this money should not be paid to this association until it is known that the association will carry out the plan or the contract to build the road.

Mr. MARTIN of Virginia. The foremost men in my State constitute this association, which was chartered for this sole purpose. It has no other object for existing than to construct a boulevard from Washington to Mount Vernon.

Mr. HEYBURN. It was evidently contemplated——

Mr. SMITH of Georgia. If the Senator will pardon me, if the road is only to be 14 miles long, they ought to be able to construct it for $120,000.

Mr. HEYBURN. How many miles long?

Mr. SMITH of Georgia. Fourteen.

Mr. HEYBURN. Oh, no; the road is to be, as I understand, from Mount Vernon to the city of Washington.

Mr. MARTIN of Virginia. I do not know the exact distance; but my impression is it is not more than 14 miles by road from Alexandria.

Mr. ROOT. It is 20 miles, I think.

Mr. HEYBURN. I think it is about 20 miles.

Mr. MARTIN of Virginia. This money will not build such a boulevard as we ought to have. We ought to have connected with the Lincoln memorial a memorial bridge and a magnificent boulevard from the Capital to Mount Vernon; and, if the Nation will extend that generosity and that patriotic consideration which, I think, ought to be extended, all of those things will be accomplished; but we can certainly make a good road, a respectable road, a comfortable road, for $120,000.

Mr. HEYBURN. May I ask the Senator what funds or resources did this association have in view when it entered into contract with the State of Virginia to build this road?

Mr. MARTIN of Virginia. Mr. President, I do not like to make a statement about that, as I am not sufficiently familiar with the matter. I know I have been waited on a dozen times by the most prominent, most intelligent, and most patriotic people in the city of Alexandria, who organized this organization and attempted to construct this boulevard. I have not inquired into their resources or the details of their plans; but they have certainly looked largely to this aid in accomplishing that patriotic purpose.

Mr. HEYBURN. What is the date of the charter?

Mr. MARTIN of Virginia. I can not give you that. I have not a copy of the charter here, but I can give you the date of the act of the legislature which made the assignment. I have a copy of that here. In 1887 the General Assembly of Virginia made an assignment of this claim to the Mount Vernon Avenue Association, to be used for the purpose of constructing this boulevard.

Mr. HEYBURN. That was 25 years ago.

Mr. MARTIN of Virginia. Yes, sir; in 1887.

Mr. HEYBURN. Since that time have they expended any money for the purpose?

Mr. MARTIN of Virginia. I understand that they have; but I can not, as I said before, give the details of the work of the association.

Mr. HEYBURN. I know the Senator from Virginia feels just as intensely patriotic about this measure as I do or as does any other Senator. I am not questioning his sincerity at all. I believe that he feels that there should be such a road or boulevard and that he would cooperate for the purpose of seeing that the plan was carried out; but I wanted to get such facts in the record here as that in the future we might be able to refer to them in determining the intent of this appropriation.

Mr. MARTIN of Virginia. There is not, Mr. President, the slightest doubt about the intent or that the money will be used for the purposes intended. It will be applied intelligently and patriotically to the construction of this boulevard.

Mr. HEYBURN. At once?

Mr. MARTIN of Virginia. At once—just as soon as it can be obtained. It concerns the people of the entire United States who come to the National Capital and who visit Mount Vernon. It is of as much importance and interest to them, and perhaps more, and to the people of Washington than it is to the people of Virginia.

Mr. HEYBURN. I will say that the Senator's late colleague, who was a Member of the Senate when I entered it, spoke to me about this fund and about the possibility of securing its diversion or appropriation to the building of a memorial bridge, so that the subject is not new to me, because we talked it over on a number of occasions. I would, however, rather see it devoted to the building of the road.

Mr. MARTIN of Virginia. That is what is asked, Mr. President.

The PRESIDENT pro tempore. The Senator from Virginia moves an amendment to the amendment, which will be stated.

The SECRETARY. In the committee amendment, on page 13, lines 7 and 8, it is proposed to strike out "to be used by the said Mount Vernon Avenue Association toward the construction of a boulevard from Mount Vernon to Washington."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

The Senator from Virginia offers another amendment to the committee amendment, which will be stated.

The SECRETARY. In the committee amendment, on page 13, in line 14, after the word "Government," it is proposed to strike out "said sum of $120,000 to be in full compensation for all debts, claims, or demands on the part of the State of Virginia, or of her assignee aforesaid, arising out of the aforesaid act of the general assembly of date December 27, 1790."

Mr. HEYBURN. Mr. President, I did not hear that amendment proposed.

The PRESIDENT pro tempore. The Senator from Virginia proposed it, as the Chair understood.

Mr. MARTIN of Virginia. I said I would be willing for those words to be stricken out to meet the suggestion from the Chair, though it seems to me they constitute but a limitation upon the appropriation and could hardly make the amendment out of order. The amount is in full for the claim, and I have not the slightest objection to its being so stated. It is a final disposition of this matter; but if those words make the amendment out of order, of course I would want them to go out.

The PRESIDENT pro tempore. Does the Senator withdraw the amendment to the amendment?

Mr. MARTIN of Virginia. I do.

The PRESIDENT pro tempore. The Senator from Virginia withdraws the amendment to the amendment. The Chair will now submit the question to the Senate, Is the amendment proposed by the committee as amended in order on an appropriation bill? [Putting the question.] By the sound the "ayes" appear to have it.

Mr. BRISTOW. I ask for the yeas and nays on that. It is clearly general legislation on an appropriation bill.

Mr. MARTIN of Virginia. For manifest reasons I hope the Senator will not ask for the yeas and nays.

Mr. BRISTOW. I will insist, because this amendment has no more right on an appropriation bill than any other claim of the thousands that are pending before the Claims Committee.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

Mr. BRISTOW. If it is proposed here to make a deficiency bill a claims bill, that is one thing, but if it is proposed to conform to the rules of the Senate and make it a deficiency bill for

the maintenance of the Government, as the rules provide, then we ought to adhere to the rule.

Mr. MARTIN of Virginia. Mr. President, there are thousands of items in this bill more in the nature of claims than is this one, as the Senator knows.

The PRESIDENT pro tempore. Is the demand for the yeas and nays seconded?

The yeas and nays were not ordered.

The PRESIDENT pro tempore. The question is now on agreeing to the committee amendment as amended.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "Customs Service," on page 14, after line 2, to insert:

To enable the Secretary of the Treasury to pay to the J. Kennard & Sons Carpet Co., as authorized by private act No. 77, approved August 16, 1912, $2,427.88.

The amendment was agreed to.

Mr. WARREN. Mr. President, there is an amendment which I wish to add on page 14, after line 6, to provide for a bill carrying an appropriation which has passed since this bill was made up.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 14, after line 6, it is proposed to insert the following:

To enable the Secretary of the Treasury to pay Mary J. Manning, as authorized by Private Act No. 82, approved August 17, 1912, $334.49.

The PRESIDENT pro tempore. In the absence of objection, the amendment is agreed to.

Mr. REED. Mr. President, I now desire to call up an amendment which I offered yesterday and which I ask to have read.

The PRESIDENT pro tempore. The Senator from Missouri submits an amendment, which will be stated.

The SECRETARY. On page 16, after line 19, it is proposed to insert:

Columbia Polytechnic Institute: For the instruction and employment of the blind of the Columbia Polytechnic Institute who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, $5,000, to be expended under the direction of the Commissioners of the District of Columbia.

Mr. WARREN. Mr. President, the committee did not approve of that when considering it; but, unless objection is offered by some other Senator, I am willing that it shall go to conference and we will look it up.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "District of Columbia," on page 16, line 22, after the date "1912," to strike out the amount "$596.50" and insert "$775.50," so as to make the clause read:

Payments to destitute women and children: For additional amount required for payments to destitute women and children, fiscal year 1912, $775.50.

The amendment was agreed to.

The next amendment was, on page 18, after line 23, to insert:

Outstanding liabilities: The Commissioners of the District of Columbia are authorized and directed to pay to Ida Steger the sum of $4.43, being amount to her credit, account "Outstanding liabilities, District of Columbia," for amount of check drawn in her favor and subsequently lost, without requiring surrender of said check as required by law.

The amendment was agreed to.

The next amendment was, on page 19, after line 4, to insert:

Damages and payment for ground on account of condemnation proceedings: To pay Thomas W. and Alice N. Keller for ground taken and damages on account of condemnation proceedings in square No. 2838, in the city of Washington, $4,140.

The amendment was agreed to.

The next amendment was, on page 19, line 12, after the numerals "777," to insert "and Senate Document No. 909"; and in line 13, after the word "session," to strike out the amount "$8,944.04" and insert "$9,087.29," so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 402, 634, 648, and 777, and Senate Document No. 909, of this session, $9,087.29, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, on page 20, line 7, after the words "District of Columbia," to strike out the amount "$13,000" and insert "$23,349.95," so as to make the clause read:

Miscellaneous expenses, supreme court: For payment of such miscellaneous expenses as may be authorized by the Attorney General for the Supreme Court of the District of Columbia and its officers, including furnishing and collecting of evidence where the United States is or may be a party in interest, including also such expenses as may be authorized by the Attorney General for the Court of Appeals, District of Columbia, $23,349.95.

The amendment was agreed to.

Mr. BRANDEGEE. I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Connecticut offers an amendment, which will be stated.

The SECRETARY. On page 20, after line 8, it is proposed to insert:

Jury commission, District of Columbia: For expenses of the jury commission, including stationery and clerical assistance, to continue available during the fiscal year 1913, $400.

Mr. WARREN. That is involved in the previous amendment, but I shall not object to it, and it can go to conference.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. BRANDEGEE. In connection with the amendment I should like to have inserted in the RECORD a letter from the jury commissioners showing the necessity for the appropriation and an indorsement by Judge Clabaugh.

The PRESIDENT pro tempore. Without objection, the letter will be printed in the RECORD.

The paper referred to is as follows:

JURY COMMISSION, DISTRICT OF COLUMBIA,
May —, 1912.

Hon. FRANCIS E. WARREN,
Chairman Committee on Appropriations,
United States Senate.

SIR: The jury commission of the District of Columbia respectfully request that an item be inserted in the legislative, executive, and judicial appropriation bill, to read as follows:

"Jury commission, District of Columbia: For expenses of the jury commission, including stationery and clerical assistance, $400, one-half of which shall be paid from the revenues of the District of Columbia."

The sections of the code providing for a jury commission and the selection of jurors in this District are as follows:

"SEC. 198. Jurors: The clerk of the Supreme Court of the District of Columbia, the United States marshal, and the collector of taxes for said District are hereby constituted a commission to from time to time make the list of jurors for service in said court and fix the number of jurors to be listed therefor.

"SEC. 199. The said jurors shall be selected, as nearly as may be, from the citizens in the different parts of the District.

"SEC. 200. Jury box: The names shall be written on separate and similar pieces of paper, which shall be so folded or rolled up that the names can not be seen, and placed in a box to be provided for the purpose.

"SEC. 201. The box shall be sealed and, after being thoroughly shaken, shall be delivered to the clerk of the supreme court for safe-keeping."

From the above provisions it will be seen that a large amount of clerical work is increasingly involved in compiling and sifting the lists of competent jurors for two criminal, two circuit, one police, one juvenile courts and grand jury, keeping the lists and records of service, comparing said lists, and preparing the slips for the jury box. The entire list of names has not only to be tabulated, but the name of each juror entered upon a card index together with such information as to his age, occupation, and previous record of jury service. It is impossible for the clerk of the court, the marshal, and the collector of taxes to perform properly the detailed clerical work involved in preparing and keeping the jury records.

The compensation of jury commissioners before the code went into effect amounted to over $400 per annum, but the new commissioners have not received any compensation for their personal services, and no provision has been made for the necessary expenses of the commission.

Very respectfully,

JOHN R. YOUNG,
AULICK PALMER,
C. C. ROGERS,
Jury Commission, District of Columbia.

The court has requested me to earnestly indorse the above.

HARRY M. CLABAUGH,
Chief Justice.

The next amendment of the Committee on Appropriations was, under the head of "War Department," on page 21, after line 22, to insert:

Reimbursement of the State of Texas: To reimburse the State of Texas in full payment of all claims of any nature whatever on account of expenses incurred by that State prior to February 9, 1861, the payment of which was provided for in appropriation acts enacted by the Legislature of the State of Texas, and approved on February 13, 1858, February 3, 1860, and February 8, 1861, respectively, for the pay and maintenance of State volunteers or rangers called into service by authority of the governor of Texas in defense of the Texas frontier against Mexican marauders and Indian depredators, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March 3, 1905, and certified in House Document No. 551, Sixty-second Congress, second session, $217,693.39.

Mr. WARREN. There is a repetition of the subhead there, and in line 23 the words "Reimbursement of the State of Texas" should be stricken out.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 22, after line 15, to insert:

Payment to the State of Oregon: To pay the State of Oregon, in settlement of its claim for expenses incurred in raising volunteers for service in the Indian wars from 1862 to 1867, as audited and reported to Congress for appropriation by the Secretary of the Treasury under the general deficiency act of June 28, 1910, $193,543.02.

Mr. REED. Mr. President, I wish to ask a question. Does the size of a claim have anything to do with its consideration? From my State there are a large number of small claims arising during the war for the occupation of property, et cetera, which have been passed upon, as well as the loyalty of the people, and all other questions. Those claims were thrown out by the committee—not this committee, I believe, but the committee to which they were sent—and I merely wanted to know if the fact that these were small claims was any reason for their being thrown out?

Mr. WARREN. Does the Senator refer to any committee on which I serve?

Mr. REED. The Senator is not the chairman of the committee to which these claims went. I should like to know how I could get under the jurisdiction of this committee. I wish to have my claims considered.

Mr. WARREN. It is not the intention of the Committee on Appropriations to deal with claims as such. We have been compelled at times to provide for them. For instance, take this very claim. It is a part of what was originally a claim for nearly $2,000,000 for Oregon and Nevada. We provided that the Treasury Department should take it up, compute and audit it, and render us a decision upon it. We paid Nevada, I think, something over a hundred thousand dollars, and now this Oregon item has been sent up to us, at $193,000, and thus something like $300,000 will wipe out the claim of what was originally a million and a half to two million dollars.

As to the Missouri claims I am unadvised. I have not seen them and do not know what the condition is.

Mr. REED. I take it these claims are just claims. I am not raising that question. I suppose they are just claims or they——

Mr. WARREN. I can not hear the Senator from Missouri.

Mr. REED. I am talking loud enough, but the people around me are talking louder.

I say, I have not challenged the justice of these claims. I take it they would hardly be advanced by the Senators from those States unless they were just claims, but it has struck me as a little peculiar that claims very similar in their nature, but smaller in amount, have been thrown out by the wholesale by the Committee on Claims; and I should like to be advised how I can get a change of venue from the Committee on Claims to this committee.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the Committee on Appropriations.

The amendment was agreed to.

The next amendment was, on page 23, after line 3, to insert:

Relief of Lieut. David H. Biddle: For payment of the amount of judgment of the circuit court of Meade County, S. Dak., against Lieut. David H. Biddle, United States Army, including $43.05 costs, also the costs ($29.80) attending appeal to the Supreme Court of the State of South Dakota, and $84.97 interest under the laws of South Dakota, at 7 per cent; in all, $407.82.

The amendment was agreed to.

The next amendment was, on page 23, after line 10, to insert:

Reimbursement to Figueras Hermanos: To pay to Figueras Hermanos, of Manila, P. I., to reimburse them for expenses incurred in repairing damages to their lorcha *Tomas*, $40.

Mr. WARREN. I am not sure whether that should be "him" or "they," and I propose to make it "reimbursement for expenses," leaving out the word "them"; strike out "to" and make it read "as reimbursement for expenses incurred."

The SECRETARY. In line 12, after the word "Islands" strike out the words "to reimburse" and insert "as reimbursement"; strike out the word "them," in line 13, and the word "their," in line 14.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 23, after line 14, to insert:

National cemeteries: For pay of 76 superintendents of national cemeteries, for the fiscal year 1913, $275.

Mr. WARREN. I offer at this point, to be inserted after line 17, on page 23, an amendment to carry into effect a law passed since the bill was made up.

The SECRETARY. On page 23, after line 17, it is proposed to insert the following:

To carry out the provisions of public resolution No. 48, entitled "A joint resolution directing the Secretary of War to investigate the claims of American citizens for damages suffered within American territory and growing out of the late insurrection in Mexico" approved August 9, 1912, $5,000.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Military Establishment," on page 23, after line 18, to insert:

UNDER THE SURGEON GENERAL OF THE ARMY.

For providing medical and hospital supplies and services for the relief of sufferers from floods in the Mississippi and Ohio Valleys in 1912, and for reimbursing to the Medical Department of the Army the value of supplies issued and expenditures made by that department toward such relief, the funds herein appropriated to be available for relief measures subsequent to June 30, 1912, should the same continue to be necessary, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Pay Department," on page 24, after line 19, to insert:

For payment of mileage to officers and contract surgeons traveling under orders of the War Department in connection with the relief of sufferers from floods in the Mississippi and Ohio Valleys, and for the reimbursement of the appropriation of the Pay Department for the amounts heretofore expended for this purpose, $4,500.

The amendment was agreed to.

The next amendment was, under the subhead "Settlement of accounts," on page 25, after line 23, to insert:

Credit in the accounts of First Lieut. George Ruhlen, jr.: The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of First Lieut. George Ruhlen, jr., Coast Artillery Corps, United States Army, the sum of $96.39, for which he is held on the books of the Treasury.

The amendment was agreed to.

The next amendment was, on page 26, after line 4, to insert:

Relief of Lieut. Sanderford Jarman: To pay Lieut. Sanderford Jarman, Coast Artillery Corps, United States Army, $550.91.

The amendment was agreed to.

The next amendment was, on page 26, after line 7, to insert:

Credit in the accounts of Col. Frederick G. Hodgson, Capt. Briant H. Wells, and Capt. Girard Sturtevant: The accounting officers of the Treasury are authorized and directed to allow and credit in the accounts of the following-named officers of the Army the sums set opposite their names, respectively, which have been disallowed and charged against them on the books of the Treasury, namely:

Col. Frederick G. Hodgson, February, 1912, $21.

Capt. Briant H. Wells, September and October, 1911, $171.

Capt. Girard Sturtevant, December, 1911, $2.99: *Provided*, That said accounting officers are authorized and directed to remove any other suspensions or disallowances in the accounts of quartermasters of the Army for the fiscal years 1910, 1911, and 1912, for the temporary hire of animals and vehicles for use of officers of the Army while traveling on official duty under competent orders, and hereafter to allow all proper accounts for such purposes.

The amendment was agreed to.

Mr. JONES. After line 2, on page 29, I move to insert what I send to the desk.

The SECRETARY. On page 29, after line 2, it is proposed to insert:

For the protection of the buildings and property of the United States at Valdez, Alaska, from glacial floods, $55,000.

Mr. WARREN. I should like to ask the Senator from Washington if that is estimated for?

Mr. JONES. It has been estimated for.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 29, line 1, after the words "Six hundred and six," to strike out "and 828, $2,135.48," and insert "828, and Senate Documents Nos. 901 and 906, $2,371.54," so as to make the clause read:

To pay the claims adjusted and determined by the Navy Department, under the naval appropriation act for the fiscal year 1911 (36 Stat. L., p. 607), on account of damages occasioned to private property by collisions with vessels of the United States Navy and for which the naval vessels were responsible, certified to Congress at its present session in House Documents Nos. 394, 484, 569, 606, 828, and Senate Documents Nos. 901 and 906, $2,371.54.

The amendment was agreed to.

The next amendment was, on page 32, after line 2, to insert:

To supply a deficiency in the appropriation "Contingent, Bureau of Supplies and Accounts," including all objects mentioned under this title of appropriation in the naval appropriation act for the fiscal year 1912, $25,000.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 32, after line 14, to strike out:

There is reappropriated and made available for the payment of the balance found due the Noel Construction Co. for extra work under its contract dated May 31, 1907, for the erection of 10 main buildings at the naval training station, Great Lakes, so much as is necessary, not exceeding $2,100.91, of the unexpended balance of the appropriation made in the naval act approved May 13, 1908, for "cost of inspection of public works" at said station.

The amendment was agreed to.

The next amendment was, under the subhead "Marine Corps," on page 34, after line 4, to insert:

For the fiscal year 1912, $17,500.

The amendment was agreed to.

The next amendment was, on page 34, after line 12, to insert:

For the fiscal year 1912, $15,000.

The amendment was agreed to.

The next amendment was, on page 34, after line 21, to strike out:

For military stores, Marine Corps, including items specified under this head in the naval appropriation act for the fiscal year 1911, $8,730.

And insert:

For military stores, Marine Corps, including items specified under this head in the naval appropriation acts, fiscal years as follows:
For the fiscal year 1912, $25,000.
For the fiscal year 1911, $8,730.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," on page 36, after line 6, to insert:

Enlarging the Capitol Grounds: The Secretary of the Interior is hereby authorized, until their removal becomes necessary, to rent for such periods and under such terms and conditions as he may deem proper, any building or buildings, or vacant land, that may be acquired under the provisions of the sundry civil acts of June 25, 1910 (36 Stat., p. 738), and March 4, 1911 (36 Stat., p. 1414), or subsequent acts, for the enlargement of the Capitol Grounds, the proceeds to be deposited in the Treasury and a detailed report thereof to be submitted to Congress at the beginning of each regular session thereof. The Superintendent of the United States Capitol Building and Grounds, under the direction of the Secretary of the Interior, is hereby charged with the immediate care of said buildings and the direction and supervision of all repairs thereto and the lands acquired under the provision of the above-mentioned acts: *Provided*, That the authority hereby granted shall also apply to the Maltby Building, now under the control of the United States Senate.

Mr. HEYBURN. I should like to inquire as to the purpose of providing for the renting of buildings that we have bought for the purpose of destruction. The Government has condemned this property with a view of removing the buildings and converting it into a park until we shall have opportunity to legislate to convert it into its final permanent purpose. Now, why should we provide that these buildings should remain there after we have bought them and paid for them, and that we shall rent them and continue the nuisance they now constitute?

Mr. WARREN. The inquiry of the Senator from Idaho is very pertinent, but, if he will remember, the legislation that laid the foundation of these purchases provided that we should spend $500,000 a year, if I correctly recall the sum, and that they could buy as best they could here and there, and condemn if it should come to the extreme. Now, it occurs that sometimes they may buy house A and are not yet able to buy B and they buy house D, and the idea is to obtain some little rental and income until they can, as the Senator says, remove the buildings. That is all.

Mr. HEYBURN. I think the removal of those we have purchased would facilitate the purchase of those remaining. If we devastate that section in part, we probably will be able to get the remaining portion at a very much lower price and more speedily.

Mr. WARREN. As against that, let me say to the Senator that oftentimes tearing down a building which we have bought would undermine an adjoining structure and let that building down.

Now, that is being cared for, and it is not intended either to perpetuate the nuisance or to provide except for the time being. This provides for only one year.

I think the Senator knows we are getting quite a large revenue from buildings on property we have bought now upon which it is proposed to erect the three department buildings. I refer to the block adjoining the White Lot.

Mr. HEYBURN. I regret to say I know that.

Mr. WARREN. And the Senator regrets with me that Congress has not yet made the appropriation for tearing down those buildings and constructing the new ones.

Mr. HEYBURN. That is not the controlling feature. The buildings at Fifteenth and Pennsylvania Avenue should have been removed ere this. They are unsightly. The Government of the United States is renting buildings for its legitimate purposes. There is no reason why it should become a landlord, to own a lot of discredited buildings. One reason that we were able to secure legislation for the purchase of that property was that it was an eyesore—a lot of Chinese restaurants and other undesirable property fronting the city, standing between the city and its park, and one of the inducements that has been urged for the purchase of that property is that it is an undesirable thing to have such property between the city and its park.

Now, if we are going to enter upon a period of landlordism, I wonder if we are going to rent all of the buildings south of the Avenue for the purpose for which they are now occupied. It will be an interesting question when we are confronted with it.

Here we are reaching out to grasp a few petty rentals at the expense of continuing an undesirable condition in the city. I do not believe the committee should have reported such an amendment as this.

I happened to be on the train the other day when one of the present occupants of a building on Pennsylvania Avenue nearly opposite the Willard was riding in the same compartment of the car, and I heard a discussion as to the character of the premises and the purposes for which it was being used. It was not one that was calculated to awaken any spirit of pride or of patriotism in my breast. I can not recite it, because of the nature of it, but shall merely characterize it as a most unpleasant occurrence.

Now, we have paid out vast sums of money for that property, more than we should have paid for it. Transfers were made immediately before the Government took up the question of acquiring it, for the purpose of holding up the Government of the United States, and there were margins of profit made, by reason of two certain transfers, to build a pretty good sized Government building.

Now we have it, and we are going to perpetuate, not a business community, not buildings occupied by reputable business and maintained as such buildings are, but a lot of unoccupied, staring, vacant buildings, interspersed with those kept for other purposes.

No; it is the wrong policy, and I would not detain the consideration of this measure did I not feel very strongly upon this question.

Quite a long time ago I commenced an endeavor in this body to secure the purchase of all the property and the destruction of the buildings thereon, south of the Avenue. That was supplemented by legislation introduced and secured by the Senator from Rhode Island [Mr. WETMORE] covering this property. Now, we have been successful in part on the south side of the Avenue, and not entirely as to the property involved in this amendment.

Why should we now provide for the rental of those buildings? Let us allow them to become vacated; let us tear them down as rapidly as possible, and convert an unsightly condition into a spot of beauty.

THE TARSNEY ACT—BUREAU OF PUBLIC BUILDINGS.

Mr. NEWLANDS. Mr. President, while the subject of public buildings is up, I should like to say a word regarding the provision in the sundry civil bill repealing the Tarsney Act. I came here this morning expecting to oppose the approval of the conferenec report, and upon my arrival I ascertained that yesterday, while I was ill, the conference report had been approved by the Senate. I was quite surprised to find that the Senate conferees had agreed to the repeal of the Tarsney Act, for I supposed that they realized how strongly many of the Members on this floor felt regarding it. I regard the repeal of the Tarsney Act as a piece of reactionary legislation, practically restoring, in part, the old spoils system regarding public buildings and striking out from the statute books of the country the only measure that has passed in the last 20 years regarding public buildings that is at all constructive in character.

The Office of the Supervising Architect of the Treasury has been an evolution. It was, in the first place, a small office, as its name indicates, and without any material change in its organization except so far as the Tarsney Act was concerned, it has grown until it has become practically a great bureau under which $15,000,000 or $20,000,000 annually is expended.

I had hoped that if anything was done regarding that bureau or office something would be accomplished in the way of constructive legislation, merging that bureau with its officials and functions and duties and funds into a great bureau of public buildings and architecture, which, with the National Commission of Fine Arts as an advisory council, would recommend some comprehensive plan for the development of our public buildings in an orderly and consecutive way, providing for the standardization of certain classes of public buildings where that was practicable, providing for the utilization of the services of the best architects and artists in the country in the construction of these buildings, and providing for efficient organization and administration and artistic excellence. I had hoped that this office would be put upon as substantial a basis as some of the great architects' offices of the country are, offices which embrace the employment of two or three hundred men, and which are models of efficient administration. I had hoped that the aid of the Commission of Fine Arts would be sought in this great matter, as it embraces not only artists and sculptors of distinction, but architects and constructors of the greatest ability and reputation, men who have been identified with the great works of the country, in our expositions at Chicago and elsewhere; men who have taken the lead in the great architectural development of the country and who have advanced in certain lines the architecture of this country to European standards and even beyond.

I did not expect that a Congress in this day of intelligence would strike down the only measure that now provides for the utilization of these men of ability and distinction and would repeal an act introduced by a Democrat 20 years ago, sustained by the great profession of architects and by artistic associations

throughout the country; an act which provided for a competitive system under which the great buildings of the country should be constructed by the most noted architects; an act which has worked beneficially, according to the testimony of every Secretary of the Treasury; an act which has worked beneficially, according to the opinion of the present Secretary; and an act which is sustained by the artistic sentiment of the country.

I did not feel that in this era of American development, when a movement has been inaugurated of which the democratization of art, its identification with the daily lives of our people, applying the stamp of beauty to everything useful, was the chief aim, the Congress of the United States, which is supposed to represent the highest intelligence of the people, would strike from the statute books so beneficial a statute.

I have looked over the records to see how this was accomplished, upon what recommendation. I found this measure of repeal upon the sundry civil appropriation bill, general legislation, subject to a point of order as such. I found that the House of Representatives by some general rule had abrogated that rule with reference to new legislation and practically made the Committee on Appropriations of the House the arbiter of all legislation, enabling that committee, with its great powers of coercion, to drive the Senate and to drive the President into legislation which it thought desirable and beneficial.

I am not unaware of the fact, Mr. President, that many beneficial measures affecting administration have been put upon appropriation bills, but it seems to me the safe rule to pursue with reference to such measures is that wherever any opposition is presented in the other body comity between the two bodies demands that the House presenting the new legislation upon an appropriation bill should yield. The Senate declared its opposition to that kind of legislation. There were Senators upon this floor who were preparing to make a stout resistance against the repeal of that act. There were Senators on this floor who felt that it ought to have full consideration by the appropriate committees, the Committee on Public Buildings and Grounds of the House and the Committee on Public Buildings and Grounds of the Senate, that the great artistic sentiment of the country should be consulted, that architects and constructors should be allowed to appear and present their views, and that hasty legislation inaugurated by a few men in the Committee on Appropriations in the House should not be permitted to have its way, aided by the power of coercion to which I have referred.

What inquiry was made with reference to this subject? I find that no inquiry was made by the proper Committee on Public Buildings and Grounds of the Senate having jurisdiction of the subject. I find that no investigation was made, so far as I am informed, by the Committee on Public Buildings and Grounds of the House. The only inquiry which was made was made by a Committee on Expenditures in the Treasury in the House of Representatives, and their inquiry consisted only of a hearing of the Supervising Architect himself and one or two subordinates. The great body of the architectural profession of the country, the great body of artists of the country, the great body of constructors and engineers in the country were not consulted at all.

I find that, dissatisfied with the administration of the Supervising Architect's office, instead of striking at things which perhaps might have been subject to just criticism, they struck at the most beneficial measure which has been adopted in connection with public buildings. We find in the hearing and in the report of the Committee on Expenditures the most egregious errors. They seemed to be of the impression that the commission paid to the outside architects of 5 per cent surpassed the expenditures of the Supervising Architect's office in making plans and drawings for works under their control, whereas the fact is, as shown by a public document which I had printed the other day and which I presented to the conferees upon this bill, that the cost of making plans and specifications in the Supervising Architect's office has been larger during the last seven years than the commissions of the private architects. We all know that the Supervising Architect can not command among his employees the genius and the talent and the capacity that can be commanded by a competition among distinguished architects under the ordinary commission plan.

One statement was made in the report of the House Committee on Public Expenditures which bears its own refutation. The declaration was made that a commission of 5 per cent, aggregating about $150,000, had been paid to the architect upon the Cleveland public building, the cost of which, I believe, was about $3,000,000. The statement was made that this commission amounted almost to the total annual expenditure of the Supervising Architect's Office, whereas the fact is that the Supervising Architect's Office expends annually between six and seven hundred thousand dollars, and while $150,000 was paid to the architect for the Cleveland building, it covered work and supervision not for one year, but for about five years, and of the 5 per cent commission which that architect received, according to the testimony which has been presented in past cases, at least three-fifths of it was paid out by the architect in the expenses of designers and draftsmen.

Mr. President, this simply illustrates what general legislation upon appropriation bills means. Three men upon the Appropriations Committee of the House have been able, through the coercive power which they possess, to force through legislation against the judgment of the Senate and practically without consulting the House.

It is of a piece with other mistaken legislation upon a recent appropriation bill, legislation regarding the civil service, a most important question, demanding the attention of the Civil Service Committees in both bodies, demanding serious consideration in debate, particularly under the pledges of both parties in the late conventions that there should be a just organization of the civil service. We all know how the Senate conferees were coerced upon this subject, and how a presidential veto alone saved the situation.

I do not doubt that the intention of the Committee on Appropriations of the House was a good one; that they had in view the benefit of the service; but the debate in the Senate demonstrated that that measure was unjust, ill considered, and likely to be demoralizing to the public service. There was hardly any difference of view in the Senate on that subject, and yet, after protracted conference the Senate was compelled to yield.

This growing habit of general legislation upon appropriation bills is a habit which should be checked, for it makes the Senate not a coordinate body with the House but the victim of coercion.

Mr. President, as the provision in the sundry civil appropriation bill repealing the Tarsney Act was general legislation, which passed without thorough consideration by the proper committees and without any debate, practically, in either body, and as it represents simply the judgment of the conferees of the House and the coerced judgment of the conferees of the Senate, I ask the chairman of the committee whether he will make any objection to this general legislation or new legislation of a remedial character upon this deficiency appropriation bill. I ask the Secretary to read, and I offer the amendment which I send to the desk.

The PRESIDENT pro tempore. Without objection, the Secretary will read the amendment.

The SECRETARY. It is proposed to insert the following:

The Office of the Supervising Architect of the Treasury shall hereafter be known as the bureau of public buildings, and such Supervising Architect shall hereafter be known as the director of public buildings. The present officials and employees of the Supervising Architect's Office shall be the officials and employees of such bureau of public buildings; and all appropriations, compensations, funds, and salaries now authorized by law regarding the Office of the Supervising Architect of the Treasury shall belong, pertain to, and be available by such bureau; and all duties now required of the Supervising Architect of the Treasury and of the officials and employees in his office shall become the duties of the director of public buildings and of the officials and employees hereby transferred to such bureau; and the director of public buildings shall have general direction over all work placed in such bureau. Such bureau shall, until otherwise provided by law, be under the general supervision of the Secretary of the Treasury. The director of public buildings shall be appointed by the Secretary of the Treasury on the certification of the Civil Service Commission, and he must be by education and experience technically fitted to carry out the work of the bureau.

The bureau of public buildings shall have control of the construction, alteration, and maintenance of all public buildings, including the furniture and equipment for the same; the selection of sites for buildings and monuments; the landscape treatment of public buildings and parks; the selection and installation of statuary and paintings; and all other work of an architectural or artistic nature, and of the repair and preservation of the same, unless specifically otherwise directed by Congress.

The Commission of Fine Arts shall, in addition to their existing duties, aid the director of public buildings by their advice in matters of a general artistic character in the various branches under his control; shall aid in the selection of competitors, where work in any of the branches is to be carried out under competition; shall advise upon the character, design, site, and landscape treatment of all public works of architecture, painting, sculpture, monuments, parks, bridges, and other works of which the art of design forms a part; and shall make recommendations for the conservation of all historic monuments. Such commission shall serve without compensation, but the expenses necessarily incurred in the performance of their duties shall be paid from appropriations made for the conduct of the bureau. Such commission shall also aid the director of public buildings in recommending to Congress a plan for the organization of such bureau, with a view to efficient and economical administration, and with a view to reasonable expedition in meeting the requirements of the Government as to public buildings.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. WARREN. The Senator from Nevada is right in saying that this is legislation. He is also right in saying that the

repeal of the Tarsney Act is legislation. The difference lies in this: The House under its new rules has the liberty and right to put legislation in its appropriation bills, as far as it is concerned, while we under our rules are debarred from putting in legislation.

I will say to the Senator that, as rank as that legislation is, I do not propose myself to object to it. I want to say to the Senator that the efforts of the conferees to protect the Tarsney Act could hardly be exceeded in earnest opposition and continued effort, and it was the very last thing in the 289 amendments the Senate conferees receded from; but in the judgment of the Senate conferees they were compelled to so recede.

As I said, the House had a right to put it in under their rules. We do not have the right to put it in, but I am willing, as far as I am concerned, to refrain from any objection.

Mr. NEWLANDS. Let me submit to the chairman of the committee that this amendment will give an opportunity to the House conferees to do what I believe they wish to do, to organize the bureau upon a substantial and businesslike basis. I am very glad to know that the Senator makes no objection to the amendment. I ask for its adoption.

The PRESIDENT pro tempore. The question is on agreeing to the amendment offered by the Senator from Nevada.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 37, after line 21, to insert:

Authority to use a certain unexpended balance by the State of Arizona: The Secretary of the Interior is hereby authorized to pay to the governor of the State of Arizona, for the use of the said State of Arizona, any and all unused balance of the sum of $100,000 now remaining and unexpended, heretofore appropriated under an act (H. R. 18166) entitled "An act to enable the people of New Mexico and Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," etc., to be used for the payment of election expenses of the first State election and in repaying to the different counties, pro rata, of the State certain amounts of money expended by them in such election and canvassing the returns thereof, after first paying the expenses of canvassing the general election returns to the persons and in the amounts certified by the governor of the Territory of Arizona.

The amendment was agreed to.

The next amendment was, on page 38, after line 12, to insert:

Authority to use a certain unexpended balance by the State of New Mexico: The Secretary of the Interior is hereby authorized and directed to pay over to the treasurer of the State of New Mexico the sum of $14,825.62, now in the Treasury of the United States, being the unexpended balance of the appropriation of $100,000 made under the provisions of the act of Congress of June 20, 1910, for the payment of the expenses of the constitutional convention and the election held upon the adoption of such constitution, said sum to be applied by the treasurer of the State of New Mexico for the payment of the expenses and the reimbursement to said State, and to the various counties thereof, pro rata, of the moneys already expended in the election and canvass of the returns of the election held under the provisions of Public Resolution No. 8 (Senate joint resolution No. 57), approved August 21, 1911 requiring the people of New Mexico to vote upon certain amendments to their constitution previous to the admission of said Territory as a State.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to insert:

PENSION OFFICE.

For the purchase of necessary furniture, supplies, and equipment, and purchase and exchange of typewriters, including $2,000 for stationery, for the temporary additional force for the Bureau of Pensions, $14,695.

The amendment was agreed to.

The next amendment was, on page 39, after line 12, to insert:

For the purchase of necessary furniture, supplies, and equipment, and purchase and exchange of typewriters, which will be required on account of the transfer of employees from the pension agencies to the Bureau of Pensions at Washington, D. C., $7,612.50.

The amendment was agreed to.

The next amendment was, on page 39, after line 17, to insert:

INDIAN OFFICE.

To pay the Second Assistant Commissioner of Indian Affairs, for the fiscal year 1913, $500: *Provided*, That hereafter said salary shall be at the rate of $2,750 per annum.

The amendment was agreed to.

The next amendment was, on page 39, after line 22, to insert:

To pay the Turner Produce Co., of Mitchell, S. Dak., the amount due said company under a contract dated November 8, 1907, for furnishing merchandise to the United States Indian School at Chamberlain, S. Dak., $20.32.

The amendment was agreed to.

The next amendment was, on page 40, after line 2, to insert:

To enable the Secretary of the Interior to purchase not to exceed 10 acres of land for an agency site for the Pottawatomie Indian School, Kansas, $500.

The amendment was agreed to.

The next amendment was, on page 40, after line 5, to insert:

For payment of rent of office and storage rooms for Office of Indian Affairs, Department of the Interior, including heat, light, and janitor service, $27,500; for labor, purchase of material and boxes, and transfer charges in moving desks, furniture, and other equipment of the Office of Indian Affairs from Pension Building to quarters to be rented, $2,500; for purchasing desks, filing furniture, and equipment, $7,500; for pay of employees in reclassifying and refiling old files, $10,000; in all, $47,500.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 47, after line 18, to strike out:

The accounting officers of the Treasury Department are authorized and directed to credit in the accounts of F. E. McCalip, special disbursing agent of the Bureau of Mines, the payment, amounting to $12.50 for a Pittsburgh Directory, made by him during the quarter ended December 31, 1911, voucher No. 1007.

The amendment was agreed to.

Mr. BORAH. Mr. President, are amendments other than committee amendments now being considered?

The PRESIDENT pro tempore. That has been the procedure.

Mr. BORAH. I offer an amendment to come in under the subhead "Reclamation Service," on page 42, after the word "act," in line 6.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Idaho will be stated.

The SECRETARY. On page 49, after line 6, it is proposed to insert:

That any desert-land entryman whose desert-land entry has been embraced within the exterior limits of any land withdrawal or irrigation project under the act of June 17, 1902, known as the reclamation act, and who may have obtained a water supply for the land embraced in any such desert-land entry from the reclamation project by the purchase of a water-right certificate, may at any time after having complied with the provisions of the law applicable to such lands and upon proof of the cultivation and reclamation of the land to the extent required by the reclamation act for homestead entrymen, submit proof of such compliance, which proof, if found regular and satisfactory, shall entitle the entryman to a patent and a final water-right certificate under the same terms and conditions as required of homestead entrymen under the act entitled "An act providing for patents on reclamation entries, and for other purposes, approved August 9, 1912."

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Idaho.

Mr. SMOOT. I should like to ask the Senator from Idaho—I was not listening very closely to the reading of the amendment—if the amendment applies to homesteaders or to those who settle upon reclamation projects only.

Mr. BORAH. No; this applies solely to settlers upon reclamation projects. It puts desert-land entrymen—that is those settling upon reclamation projects—upon the same footing as homestead entrymen.

Mr. SMOOT. It places desert-land entrymen on a reclamation project on the same footing with homesteaders.

Mr. BORAH. Yes. I will say, Mr. President, that this is substantially approved by the Secretary of the Interior, and that it has also been reported favorably by the Committee on Public Lands of the other House.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

The next amendment of the Committee on Appropriations was, under the head of "Department of Justice," on page 50, after line 8, to insert:

Payment to O. J. Field: To pay the expenses incurred by O. J. Field, chief clerk Department of Justice, in attending the annual meeting of the American Association of Law Libraries, under the direction of the Attorney General, $74.44.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous, Department of Justice," on page 51, line 2, after the words "Attorney General," to strike out the sum "$4,000" and insert "$5,000," so as to make the clause read:

MISCELLANEOUS, DEPARTMENT OF JUSTICE.

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, and referees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice as may be directed by the Attorney General, to be expended under the direction of the Attorney General, $5,000.

The amendment was agreed to.

The next amendment was, on page 51, after line 14, to insert:

To pay W. and J. Sloane, New York City, for material and labor furnished in making alterations in the judges' platform and screen, court of appeals addition to courthouse, Washington, D. C., $175.

The amendment was agreed to.

The next amendment was, under the subhead "United States Courts," on page 52, after line 10, to insert:

The disbursing clerk of the Department of Justice is hereby authorized to pay from the appropriation known as "Salaries, fees, and expenses of marshals, United States courts, 1912," the salary of Creighton M. Foraker, for acting as United States marshal during the period from January 7, 1912, to March 1, 1912, inclusive, at the rate of $4,000 per annum, and also the salary of W. R. Forbes, for acting as

chief office deputy marshal during the same period of time, at the rate of $1,800 per annum.

Mr. SMITH of Arizona. Mr. President, if it is in order, I offer an amendment to the amendment of the committee.

The PRESIDENT pro tempore. The amendment to the amendment proposed by the Senator from Arizona will be stated.

The SECRETARY. On page 52, at the end of line 20, after the amendment just agreed to, it is proposed to insert a semicolon in place of the period and the words—

and said disbursing clerk is further authorized to pay from the same appropriation the salary of Charles A. Overlock, for acting as United States marshal during the period from February 14 to March 4, 1912, and to the regularly appointed deputy marshals acting under him for said period, as per accounts rendered the Treasury Department by said marshal's office and which would have been audited and paid if Arizona had remained a Territory.

Mr. SMITH of Arizona. In support of the amendment I ask for the reading of the letter which I send to the desk.

Mr. WARREN. I wish to ask the Senator from Arizona whether he has the audit of the Treasury Department to show the amounts due?

Mr. SMITH of Arizona. I will leave it entirely with the department. If Arizona had remained a Territory the accounts would have been allowed.

Mr. WARREN. The reason I asked the question was because the department sent us estimates and figures for New Mexico, but did not send an estimate for this item. I am not objecting to it; only when we meet in conference we shall be unable to sustain it unless we have the figures from the department to show that the amounts are proper. I say that to the Senator so that he can reenforce it before we get to conference.

Mr. SMITH of Arizona. I appreciate that, and if I only had time I would be glad to follow the suggestion of the Senator. I think if the Senator will observe the letter which I will ask to have inserted in the RECORD, and the amendment he will find that, except for the hiatus caused by the change from a Territorial to State condition, this marshal's accounts would have been paid. They were all filed.

Mr. WARREN. I understand exactly what the Senator wishes to arrive at. I have no objection whatever to the amendment. I desire to have the amount paid, provided it is approved by the department, and I ask the Senator to reenforce the conferees, if he will, by going to the department in the morning and getting the figures to correspond with the amendment.

Mr. SMITH of Arizona. I will attempt to do so.

Mr. WARREN. I have no objection to the amendment.

The PRESIDENT pro tempore. Does the Senator from Arizona desire the letter read?

Mr. SMITH of Arizona. I will not delay the Senate for that purpose.

The PRESIDENT pro tempore. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SMITH of Arizona. I will ask to have the letter printed in the RECORD in connection with the amendment.

The PRESIDENT pro tempore. Without objection, that order will be made.

The letter referred to is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES MARSHAL
FOR THE TERRITORY OF ARIZONA,
Tucson, June 26, 1912.

Hon. MARCUS A. SMITH,
United States Senator, Washington, D. C.

DEAR FRIEND MARK: I am taking the liberty of asking a favor of you at this time. On the 14th of February this year, when Arizona became a State, it naturally caused a termination of the office of United States marshal under my previous appointment, and owing to the fact that there was no judge in the district of Arizona so that I could qualify under my new appointment, the office of United States marshal for Arizona from February 14 to March 4 was virtually vacant, as far as the appropriation for salaries was concerned, but on account of there being no judge who could qualify my successor I had to still retain the office, as there was no one to turn over the office to, and was forced to keep my deputies during this period, which, according to estimate, was 19 days, and there is no appropriation for paying for such service. As I understand the law, there would have to be a special act of some kind in order to obtain pay during this time.

I would not have taken the matter up on my own account, but inasmuch as my salaried deputies, five in number, are working for small salaries, it does not look quite fair that they should not be allowed their regular salaries during this time, and knowing that you would know how to handle this matter, and see if you can get some bill to relieve the situation, I would be very pleased to hear from you in regard to the matter and to know if there is anything that can be done to help out the boys in receiving pay for the stated time.

Anything you can do for me in the matter will be greatly appreciated, not only by myself but my deputies, who are interested in the matter.

Truly, yours,

C. A. OVERLOCK.

The next amendment of the Committee on Appropriations was, on page 53, line 10, after the date "nineteen hundred and twelve," to strike out the sum "$40,000" and insert "$50,000," so as to make the clause read:

For payment of assistants to the Attorney General and to United States district attorneys employed by the Attorney General to aid in special cases, to be available also for the payment of foreign counsel employed by the Attorney General in special cases, and such counsel shall not be required to take oath of office in accordance with section 366, Revised Statutes of the United States, fiscal years as follows:

Fiscal year 1912, $50,000.

The amendment was agreed to.

The next amendment was, under the head of "Out of the postal revenues," on page 55, after line 23, to strike out:

For payment of limited indemnity for the loss of pieces of first-class domestic registered matter, fiscal year 1911, $10,000.

The amendment was agreed to.

The next amendment was, on page 57, after line 2, to insert:

DEPARTMENT OF AGRICULTURE.

FOREST SERVICE.

To pay to former employees of the Forest Service and certain other persons named herein the amount recommended by the Secretary of Agriculture for injuries incurred in and losses resulting from fighting forest fires in 1910, as follows: D. R. Sullivan, Wallace, Idaho, $800; James G. Danilson, Pullman, Wash., $322.33; Anton Canyor, Coeur d'Alene, Idaho, $2,500; Samuel W. Stockton, Phoenix, Ariz., $995; Gust Keating, Grangeville, Idaho, $200; Frank D. Freeman, Goff, Idaho, $732.50; R. L. Irwin, Goff, Idaho, $100; Dr. W. A. Foskett, White Bird, Idaho, $15; Mrs. Emma Woods, Pollock, Idaho, $25; Dr. T. R. Mason, Wardner, Idaho, $50; Dr. Albert Knudston, Kettle Falls, Wash., $80; in all, $5,819.83.

BUREAU OF BIOLOGICAL SURVEY.

General expenses: So much of the fund for the maintenance of the Montana National Bison Range and other reservations as remains unexpended on June 30, 1912, is reappropriated and made available until expended for fencing on said national reservations and for transportation of game; and hereafter the appropriation for maintenance of said reservations may be utilized for fencing and for construction of shelters, sheds, and other necessary buildings: *Provided*, That the cost of any one building shall not exceed $500.

The amendment was agreed to.

The next amendment was, on page 58, after line 2, to insert:

DEPARTMENT OF COMMERCE AND LABOR.

Authority to lease building for a five-year period: For the purpose of providing adequate space for those bureaus and branches of the Department of Commerce and Labor, the rent of which is now paid from the appropriation "Rent, Department of Commerce and Labor," the Secretary of Commerce and Labor is hereby authorized, in his discretion, to enter into a contract for the lease, for a period not to exceed five years, of a modern fireproof office building, containing no less than approximately 100,000 square feet of available floor space for Government uses, at an annual rental not to exceed the present annual rental as now provided for by law.

Mr. WILLIAMS. Mr. President, I do not understand that last amendment. Is that a provision for the rent of some building in the city of Washington in addition to those we already have rented? I ask the Secretary to read the amendment again.

The PRESIDENT pro tempore. The amendment will be again stated.

The Secretary again stated the amendment.

Mr. WILLIAMS. Mr. President, I should like to ask the Senator in charge of the bill what particular building is going to be rented under that provision?

Mr. WARREN. There is no particular building; but, as the Senator knows, the Department of Commerce and Labor is now occupying various buildings in different parts of the city. They have before them two or three, or perhaps more, offers to construct a building during the present season large enough to include all the bureaus now in various buildings and also to provide extra room at a rate not to exceed what they are now paying and what has been appropriated for.

Mr. WILLIAMS. Why would it not be cheaper for the United States Government to provide in this bill for a building for the Department of Commerce and Labor?

Mr. WARREN. If the Senator will permit me, we have already provided for that department and two other departments, so far as buying the site is concerned, down near the White Lot, but we have not yet appropriated for the construction of the building. It would take in the ordinary course of Government building, considering the character of buildings the Government constructs, I think probably five years; so this proposition is to make a short lease, not exceeding five years, to use no more money than is now being used, and get all the bureaus of the department together in the meantime.

Mr. WILLIAMS. The Senator says "a short lease, not exceeding five years." It does not strike me that that is a "short lease." If we are going to construct these buildings for the departments, it seems to me that we will have them ready at a much earlier period than five years. I shall not make any objection to the amendment, but I want to call attention to the fact that we are constantly providing for unnecessary rentals in the District of Columbia.

Mr. WARREN. If the Senator has observed the kind of leases which the Government makes, he must have noticed that

they nearly always contain a clause that when the new Government building to be constructed is ready for occupancy the lease is canceled; so that while the owner of the building, whether a corporation or a private individual, is bound to the five years, the Government is not bound beyond the time it may need the leased building and can at once occupy the new quarters which have been provided.

Mr. WILLIAMS. I appreciate what the Senator says, and I reckon it is all right, so I will let it pass; but it does seem to me that we are constantly anxious to fix up rentals for somebody.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 58, after line 16, to insert:

For reimbursement to the owners of the schooner Thomas W. H. White for losses incurred when the lighthouse tender Lilac swung against the schooner, $260.02.

The amendment was agreed to.

The next amendment was, on page 58, after line 19, to insert:

For payment to Crowley Launch & Tug Boat Co., for repairs to launch damaged by Coast and Geodetic Survey launch Reynard, $10.

The amendment was agreed to.

The next amendment was, at the top of page 59, to insert:

LIGHTHOUSE SERVICE.

Additional aids to navigation: For the construction and equipment of additional light vessels for general service, $250,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 4, to insert:

For the completion and reestablishment of the light and fog-signal station marking Thimble Shoal, Chesapeake Bay, Va., $39,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 7, to insert:

For completing the lighting and marking with aids to navigation of Cape Fear River, N. C., $30,000.

The amendment was agreed to.

Mr. JONES. Mr. President, to come in after the amendment just adopted, I desire to offer an amendment.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 59, after line 9, it is proposed to insert the following:

Cape St. Elias Light Station, Alaska, No. 6: For establishing light and fog signal at or near Cape St. Elias, Alaska, $115,000.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WARREN. Mr. President, I think I ought to ask unanimous consent at this point to have the Secretary correct all totals before the bill leaves the desk.

The PRESIDENT pro tempore. That order will be made.

The next amendment of the Committee on Appropriations was, on page 59, after line 9, to insert:

For improving the lighting of Guantanamo Bay, Cuba, and the construction of a dwelling for the keepers of the lights, $14,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 12, to insert:

For repairs and improvements to aids to navigation in St. Marys River, Mich., $60,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 14, to insert:

In all, $393,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 15, to insert:

BUREAU OF IMMIGRATION AND NATURALIZATION.

Immigrant station, Galveston, Tex.: For locating and correcting leak in cast-iron water main constructed at Galveston, Tex., for use of the United States immigration station, to continue available during the fiscal year 1913, $3,000.

The amendment was agreed to.

The next amendment was, on page 59, after line 21, to insert:

BUREAU OF NAVIGATION.

Radio communication: To enable the Secretary of Commerce and Labor to enforce the acts of Congress "to require apparatus and operators for radio communication on certain ocean steamers" and "to regulate radio communication" and carry out the International Radiotelegraphic Convention, and to employ such persons and means as may be necessary, this employment to include salaries of employees in Washington not exceeding $5,000, traveling and subsistence expenses, printing, purchase and exchange of instruments, technical books, rent, and all other miscellaneous items and necessary expenses not included in the foregoing, to continue available during the fiscal year 1913, $27,880.

The amendment was agreed to.

The next amendment was, on page 60, after line 20, to insert:

SENATE.

To pay Helen Frye White and Alice Frye Briggs, daughters of the late Senator William P. Frye, from the State of Maine, $7,500.

The amendment was agreed to.

The next amendment was, at the top of page 61, to insert:

To pay Mamie Love Taylor, widow of the late Senator Robert Love Taylor, from the State of Tennessee, $7,500.

The amendment was agreed to.

The next amendment was, on page 61, after line 2, to insert:

To pay Kate I. Nixon, widow of the late George S. Nixon, from the State of Nevada, $7,500.

The PRESIDENT pro tempore. In the committee amendment, in line 3, page 61, the Chair will call the attention of the Senator from Wyoming to the fact that the word "Senator" should be inserted after the word "late."

Mr. WARREN. I suggest that the amendment be so modified.

The PRESIDENT pro tempore. In the absence of objection, the amendment will be so modified, and the amendment as modified will be agreed to.

The next amendment of the Committee on Appropriations was, on page 61, after line 4, to insert:

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred to July 1, 1912, for clerk hire and other extra clerical services, $4,810.

The amendment was agreed to.

The next amendment was, on page 61, after line 8, to insert:

For miscellaneous items, exclusive of labor, $10,600.

The amendment was agreed to.

The next amendment was, on page 61, after line 9, to insert:

For repairs to Maltby Building, $500.

Mr. WARREN. I move to amend that by making the appropriation available during the current year.

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to add in the amendment on page 61, line 10, after the word "Building," the words "to continue available during the fiscal year 1913."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 61, after line 10, to insert:

To pay E. C. Talbot $750, Addison T. Smith $500, and J. K. White $150 for services rendered to the Committee on Privileges and Elections making investigation of the charges against Isaac Stephenson involving his right to his seat in the United States Senate as a Senator from the State of Wisconsin; in all, $1,400.

The amendment was agreed to.

The next amendment was, on page 61, after line 16, to insert:

To pay Harry B. Straight for extra clerical services, $360.

The amendment was agreed to.

The next amendment was, on page 61, after line 18, to insert:

To pay F. H. Wakefield for preparing the history of legislation for the Senate in the first and second sessions of the Sixty-second Congress, for carrying out his tracing and notification plan to Members of the Senate and clerks of committees, $1,200.

The amendment was agreed to.

Mr. SANDERS. I offer the amendment I send to the desk.

The SECRETARY. On page 61, after line 23, it is proposed to insert:

To pay Grant Jarvis $600 for services in carrying on the notification work to the Members of the Senate and clerks to committees in the extra session and in the present session of Congress.

Mr. WARREN. I shall make no objection to the amendment, as it is a matter I wish to submit to the conferees.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, on page 61, after line 23, to insert:

To pay J. H. Jones for services in the care of the Senate chronometer and for the work in connection therewith, for the second session of the Sixty-second Congress, $100.

The amendment was agreed to.

The next amendment was, at the top of page 62, to insert:

To pay Robert W. Farrar for extra services as clerk to the Committee on Pensions, Sixty-second Congress, first and second sessions, $750.

Mr. McCUMBER. I am going to move an amendment to this paragraph and the succeeding one. I refer to the first two paragraphs on page 62. In the first instance, I am going to move to strike out "$750" and insert in lieu thereof "$1,200," and in the second paragraph to strike out "$750" and insert "$1,000."

I am quite certain that the Senator in charge of the bill will, with his general sense of fairness, accede to this request for a modification. The Senate, of course, understands the vast amount of work that is thrust upon the Committee on Pensions in both the House and the Senate, but what I especially desire to call attention to is the fact that the Senate has but one Committee on Pensions. The House has two Committees on Pensions, one that has jurisdiction over questions relating to pensions of the Civil War, and the other to all other wars and also the general establishment.

Mr. OVERMAN. What salaries do these gentlemen get now?

Mr. McCUMBER. I think $1,440 in the one instance and $2,000 in the other.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution (H. Con. Res. 64) authorizing the conference reports on the Army appropriation bill (H. R. 25531) to be changed so that amendment 11 of the Senate will be changed so as to read "after the words 'aviation duty' insert a comma and the words 'any student officer in attendance at the service school at Leavenworth, Kans.'"; in which it requested the concurrence of the Senate.

ARMY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the following message from the House of Representatives, which was read:

IN THE HOUSE OF REPRESENTATIVES,
August 23, 1912.

House concurrent resolution 64.

Resolved by the House of Representatives (the Senate concurring), That the conference reports on the Army appropriation bill be changed to this extent: That amendment 11 of the Senate be changed so as to read "after the words 'aviation duty' insert a comma and the words 'any student officer in attendance at the service school at Leavenworth, Kans.'"

Mr. WARREN. That is intended to correct a bill before it is enrolled, and as there is no time in which to call together the Committee on Military Affairs——

The PRESIDENT pro tempore. The Chair will suggest to the Senator from Wyoming that this is a concurrent resolution.

Mr. WARREN. I understand that, Mr. President, and as I was going to ask that it be now acted upon, I was about to give the reason why it does not come from the committee. There is no time to carry it to the committee. Therefore I ask unanimous consent for its present consideration.

There being no objection, the concurrent resolution was considered by unanimous consent and agreed to.

Mr. WARREN subsequently said: I am just informed by a representative of the House that the resolution just adopted is not in form to correct the error, and that there is a corrected resolution about to follow, so I move to reconsider the vote by which the concurrent resolution was concurred in.

The motion to reconsider was agreed to.

Mr. WARREN. I move that the resolution lie on the table.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. OVERMAN. I want to see if I correctly understand the Senator from North Dakota. He says one of these clerks has $2,250 and the $750 would give him $3,000 a year.

Mr. McCUMBER. Each committee has one person delegated from the Pension Bureau. Now, the House has already, by another bill, voted an amount for the chief clerk and for the one delegated from the Pension Bureau. In the one instance they have granted $1,200 additional, and in the other instance they have granted $1,000 additional. I am asking for the same amount for the Committee on Pensions of the Senate, that which has been done year after year, as has been allowed in the House.

I simply call attention to the fact that the Pensions Committee of the Senate does the work of both Pensions Committees in the House and, in addition to that, has the pension appropriation bill; and, further than that, this year it has considered some 4,000 bills——

Mr. OVERMAN. Does the clerk in the House of Representatives get the same salary?

Mr. McCUMBER. I think it is the same in the House. I am not certain.

Mr. OVERMAN. I understand the committee has agreed to increase this by $750—to $3,000—and the Senator proposes——

Mr. McCUMBER. I intend to make it just the same as it was. I am not certain as to the amount paid to Mr. Kerr.

Mr. WARREN. Two thousand dollars.

Mr. McCUMBER. That would make it $3,000. He remains here all summer and does work during the entire summer months on bills which have not been acted upon. The investigation requires an immense amount of work. The clerks work from 8 o'clock in the morning until 6 o'clock in the evening, and a great deal of work is required to be done in the evening, besides.

When it is remembered that about four-fifths of all bills introduced are pension bills, and that each one requires a separate investigation, it will be understood the amount of extra work that is thrown upon the chief clerk of the Pension Committee and also in the House. Now, all I am asking for is that he be granted the same amount that the House has allowed in another bill to its clerks performing not the same service but less service.

Mr. WARREN. In the House they have allowed from their contingent fund $1,000 to one detailed clerk and $600 each to two other detailed clerks.

Mr. McCUMBER. Yes.

Mr. WARREN. This year. If the Senator will allow me, I suppose the most ungracious and unpleasant thing that a Senator can do and has to do when he is in charge of a bill is to debate with other Senators the subject of salaries of their clerks; but I think I ought to say that there seemed to be extreme reluctance this year on the part of the Committee on Appropriations to go into the matter of extra payments at all, on the ground that we ought to make the salaries commensurate with what the men are earning and then have no more additions or extras. That is the proper way to do, in fact.

The committee brought in these smaller amounts. It is true, as the Senator says, that last year the clerks of the Pension Committee had an extra payment of $1,200 each, one drawing a regular salary of $2,500 and the other $2,000; and it is true that the House extra payment has run all the way from $200 to $1,000 each; I think in one man's case $1,200 was paid for a number of years. This matter of extra pay for the pension clerks is almost as old as the subject of pensions. I looked into the subject, going back 10 years, and I find in both Houses they have had extra pay each year, ranging from $200 each to $1,200 each. We cut down the other amounts. In cases where $500 has been usually granted the committee has cut the amount to $360.

I can only say to the Senator now on the floor, and others, that I hope they will bear down as lightly as possible on the committee, because, as I stated, it is an ungracious thing to oppose any of these requests; and, on the other hand, I do not divulge any secret when I say we are having a pretty strenuous time with Representatives in the other House who maintain that they have the same right, on the House side, as the Senate itself has, to examine into and allow or reject every dollar we propose to expend on the Senate side. That is a new doctrine, I will admit, and one which I do not favor, but that is the situation.

Mr. McCUMBER. That is the reason I should like the Senate to stand by the amendment I have proposed and put it up to the House and let the House determine whether a committee here, which does the work of two committees in the House, shall not have a payment for clerical work equal to the amount paid in that body.

I find that the amount paid for clerical services by the House on pension matters is 50 per cent higher than that paid by the Senate, and the Senate does 50 per cent more work. It has but one committee, at least, which does as much work as both of the House committees, and has the pension appropriation bill in addition. If a Senator or a Representative comes and asks for information we must go over the case and give a report in each case and then inform him what additional testimony is required.

The House has granted this additional amount. It is not, of course, in this bill. It is in another bill. It has granted it for its employees, and I am asking, inasmuch as one of the committees of the House has granted that again this year, and it is a grant we have given for several years, that the Committee on Pensions of the Senate be treated exactly in the same way.

If the Senator from Wyoming will accept the amendment, then if the House disagree I agree to abide by whatever the conferees decide to do.

Mr. OVERMAN. Mr. President, it is not that I complain of the increase of the salary of these people, but I complain, and I shall hereafter complain more and contend more strenuously against this kind of legislation. We incorporate in the legislative appropriation bill a salary of $2,700 or $2,500 for a certain employee, and then you will find stuck around in some other appropriation bill an increase of the salary. It is not as to these pension clerks that I am speaking, but it is the general system. You will find here a whole page of appropriations for extra clerical services for clerks to particular committees. If one clerk is entitled to extra pay for extra clerical services why should not somebody else's clerk be entitled to the same amount?

I am not complaining of the Senator's clerks, but if Mr. Kerr is entitled to the $3,000 give it to him and do not in one appropriation bill pay $2,200 or $2,500 and then, in another bill, say that he shall have extra pay to the extent of $1,200.

Mr. McCUMBER. Mr. Kerr can scarcely be said to be clerk of the committee. He is delegated from the Bureau of Pensions.

Mr. OVERMAN. Yes.

Mr. McCUMBER. And of course his salary is fixed by the bureau. But his work is at least a third more than it would be if he were doing work in the bureau.

Mr. OVERMAN. He is used for that purpose, and let us fix the salary at what the employee deserves. I believe there should be ample compensation to each for the work he is doing.

Mr. McCUMBER. We are trying to fix it in this way.

Mr. OVERMAN. I object to this way of legislating. I think there is a great reform here. I have introduced an amendment, which has been carried forward by the committee. There has been a practice growing up in this Government of appropriating, say, $200,000, in a lump sum, and we find heads of departments and secretaries paying a $1,500 clerk $2,000 or $2,700, when the law says he shall have $1,500. The committee has an amendment here that the salaries shall not be increased except by act of Congress.

I am not going to object in this instance, but I give notice that hereafter, if I am on the Committee on Appropriations, I shall see to it that this plan is not continued. Increase the salaries, if necessary, but I am opposed to fixing the salary in one bill and then saying in another bill that the employees shall have an extra sum.

Mr. McCUMBER. I myself would greatly favor that proposition, but let me again call the attention of the Senator to the fact that the Senate Committee on Pensions performs all the work that both committees on Pensions of the House do, and at an expense of nearly $4,000 less for clerk hire. In other words, we do all their work and the additional work of looking after the pension appropriation bill and other matters of that character, and yet the expense for clerk hire is nearly $4,000 less than in the House. I am simply asking that the Senate employees receive the same sum that has been granted in the House.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from New Hampshire, which will be stated.

The SECRETARY. In the amendment of the committee on page 62, line 3, after the word "session," strike out "$750" and insert "$1,200."

Mr. BRADLEY. Mr. President, in addition to what has been said by the chairman of the committee I wish to add that I have witnessed the faithful and intelligent service of these men. In my judgment this little increase at best does not make the salary of these men as much as it should be. They commence early in the morning and they work until 6 o'clock. They are faithful, they are efficient, they are accommodating, and the volume of work done by these men during a session is enormous. I trust the Senate will agree to the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from North Dakota to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, on page 62, after line 3, to insert:

To pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, Sixty-second Congress, first and second sessions, $750.

Mr. McCUMBER. I move to strike out "$750" and insert "$1,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. NEWLANDS. Mr. President, for many years I have been profoundly impressed by the racial complications of the United States, holding within its boundaries, as its does, nearly twelve millions of blacks, and facing on the Pacific hundreds of millions of people of the brown and yellow races, who look upon the United States as the promised land of opportunity.

At the Baltimore Democratic convention I presented a platform plank proposing to restrict suffrage in and immigration to this country to people of the white race. Later on Mr. Roosevelt, whose views regarding the right of the blacks in the South to suffrage, to office holding, and to social recognition have hitherto been in marked hostility to the prevailing sentiment of the South, astonished the country by his declaration in favor of organizing a Progressive Party as a white party in the South and as a white and black party in the North.

So far as the platform plank which I sought to have adopted at Baltimore is concerned, I found that whilst there was little disposition to insist upon the exercise of the privilege of suffrage by the blacks, there was an unwillingness to add this issue to the many presented by the Democratic Party in this campaign; the sentiment of the southern men, particularly, being that whilst northern sentiment was gradually changing upon this subject, it was not yet ripe for a rational consideration of the subject. I therefore withdrew the plank. I have no disposition to enter into a discussion at this time of the race question; but as the various publications of interviews with me on this subject have not contained my full expression and have not made clear the humanitarian and kindly considerations which have controlled me, I shall ask leave to publish in the RECORD—

First. The platform containing the race plank which I offered at the Baltimore convention.

Second. The full statement which I gave the press upon the subject.

Third. My full press statement regarding Col. Roosevelt's decisive action on the race question at Chicago.

Fourth. A letter to Gov. Dickerson, of Nevada, dated February 3, 1909, at a time when the legislatures of the various Pacific Coast States were preparing to take action upon the Japanese question and were expressing themselves with an emphasis that was likely to jeopardize our friendly relations with Japan. In this letter I took up the whole race question as it relates to the question of the black, the brown, and the yellow peoples; and I publish it for the purpose of showing how futile the policy of drift is and how important it is that the conservative thought of the country should anticipate the most serious racial difficulties of the future, which may result in bloodshed and war, by a deliberation that will force a calm and rational solution of these important questions.

I ask leave to insert in the RECORD the matter to which I refer.

The PRESIDENT pro tempore. Without objection, permission will be granted.

The matter referred to is as follows:

A TENTATIVE PROPOSAL FOR A NATIONAL DEMOCRATIC PLATFORM, SUGGESTED BY SENATOR NEWLANDS, OF NEVADA.

First. We, the representatives of the national Democracy in convention assembled, reaffirm our belief in an indestructible Union of indestructible States and in the exercise of all the powers of popular sovereignty, both National and State, for the common good.

Second. Whilst reaffirming our faith in home rule and in keeping the powers of government as far as practicable in the hands of the people, in the municipalities and States, we also believe in the full exercise of the granted powers to the Nation and in the cooperation of the Nation with the States, within their respective jurisdictions, in the promotion of the general welfare.

Third. We declare that the Republican Party has drifted from the teachings of Lincoln and has become during long years of power the protector of privilege and abuse, whilst the Democratic Party still stands true to the doctrines declared by Jefferson—of equal rights to all and special privilege to none.

THE TARIFF.

Fourth. The protective tariff is one of the chief sources of high prices. Whilst refusing to indorse the principle of protection, we recognize the fact of protection, and that under a protective policy industries have been stimulated which it would be unwise violently to disturb. We therefore favor the gradual reduction of tariff duties toward a revenue basis, so accomplished as to disarm the charge that reduction of excessive duties will cause a flood of importations which will displace American labor and impair American industries. We declare our purpose to feel our way prudently and with a due regard to American wages and industry toward a revenue basis.

THE TRUSTS.

Fifth. We declare that private monopoly is indefensible and that combinations of plants and of capital having such monopoly in view should be restrained and broken up.

We declare against any modification of the Sherman Anti-Trust Act, but we favor supplementing it by the organization of a nonpartisan independent interstate trade commission possessing powers of investigation, publicity, and recommendation regarding interstate trade similar to those possessed by the Interstate Commerce Commission regarding interstate transportation, and giving such commission the power to aid the courts in the disintegration of monopolistic combinations and to act independently upon complaint, or its own initiative in investigations, with a view to bringing such combinations to justice, where they fail to conform with the law.

We declare that the system of enforcing the Sherman law regarding monopolies in interstate trade through the Attorney General's office, with its shifting incumbencies and varying policies, has not been satisfactory, as compared with that of the Interstate Commerce Commission in enforcing the laws regarding interstate transportation, and that this experience constitutes a controlling reason for organizing an independent interstate trade commission which, regardless of political exigencies or executive or political influence, will insure the steady and continuous enforcement of the laws relating to trusts and monopolies.

We also favor the declaration by law of the conditions upon which corporations shall be permitted to engage in interstate trade, including among others the prevention of holding companies, of interlocking directors, of stock watering, and the control by any one corporation of so large a proportion of any industry as to make it a menace to competitive conditions.

BANKING AND FINANCE.

Sixth. Whilst opposing the Aldrich plan for the organization of a central banking and reserve association, we favor the union, under national law, of both National and State banks within the boundaries of each State in reserve associations analogous to existing clearing-house associations, for the purpose of protecting their reserves and cooperating in the prevention of bank panics, the membership of the State banks in such reserve associations to be made dependent upon their complying with the requirements of the national banking act re-

garding capital and reserves and upon their submitting to such examination as the national banks are subjected to.

We also favor federating, under national law, such reserve associations of the respective States by the organization of a central reserve commission, composed of nine members, to be selected by the various State reserve associations, one member thereof from each judicial circuit; such commission to have such powers in bringing the various State reserve associations into cooperation as Congress may determine, and to be advisory to Congress and to the Executive Department.

We also favor the merger of the comptroller's office, with all its officials, funds, powers, and duties, in a nonpartisan national banking commission, to be appointed by the President, of which commission the Secretary of the Treasury shall be the charman and the Comptroller of the Currency the secretary, such commission to have powers of investigation, correction, and publicity over banks engaged in interstate exchange analogous, so far as practicable, to those now exercised by the Interstate Commerce Commission over carriers engaged in interstate transportation.

We favor a law which will bring such banking commission into cooperation with similar commissions organized by the respective States.

We also favor legislation which will gradually do away with the existing pernicious practice of allowing a large proportion of the reserves of the country banks to be deposited in reserve city and central reserve city banks, to be used there for purposes of speculation instead of exchange.

CONSTRUCTIVE POLICIES.

Seventh. We favor constructive policies under which at least one-fifth of the total revenue of the Government will be expended in constructive work of a durable character, and to this end we favor the expenditure of at least $50,000,000 annually in the regulation of our rivers for navigation and in supplementing bank and levee protection below by the diversion and storage of flood waters above in aid of the reclamation of swamp and arid lands and of water-power development, such work to be accomplished under the direction of a board of experts appointed by the President, of which board the Chief of Engineers of the Army shall be the chairman, to act, with the approval of Congress, in cooperation with the States in plans and works intended to accomplish the full development of our rivers for every useful purpose, under the respective powers and jurisdictions of the Nation and the States. The recent devastation of the lower Mississippi Valley accentuates this movement and necessitates not only additional bank and levee protection below, but the control of the headwaters above.

We favor the expenditure of $25,000,000 annually in the construction of model interstate roads, such work to be conducted under a system of cooperation with the States, approved by Congress.

We favor also the appropriation of at least $30,000,000 annually for public buildings, the construction of which shall be conducted under a board of architecture and arts, composed of experts in architecture, construction, and art; such work to be taken out of the spoils system and put upon the basis of adaptability to locality and use, based upon public necessity.

We also favor the expenditure of at least $30,000,000 annually in the construction of a proportionate Navy, consisting of fighting and auxiliary ships, the latter to be used in time of war in aid of the fighting ships and in time of peace, so far as practicable, as training schools for the Naval Reserve and in opening up new routes of foreign commerce under lease to shipping companies.

We also favor the expenditure of at least $10,000,000 annually in the construction of fortifications and the expenditure of at least $10,000,000 annually in securing the national control and ownership of deforested areas within the watersheds of navigable rivers.

We insist that all the foregoing works shall be conducted continuously through the creation of funds in the Treasury for that purpose and without the breaks hitherto experienced through political change and exigency.

THE MILITARY DEFENSE.

Eighth. We favor high efficiency in our military expenditure by regarding the military defense as a unit and by uniting the Navy and the Army in cooperation through a board of military defense, consisting of distinguished Army and naval officers, which board shall be advisory to the President and to Congress. We also favor the cooperation of our Army with the militia of the various States in securing discipline and drill that will result in a citizen soldiery able at any time to respond to the demands of war.

Realizing the importance of having officers trained in drill, sanitation, and care of troops to take charge of the citizen soldiery in case of war, we favor an increase in the military school at West Point, with a view to meeting such requirements.

RENEWAL OF PLEDGES.

Ninth. We renew the declarations made in our last platform relating to the neutralization of the Philippines, the development of waterways, the conservation of natural resources, the imposition of an income tax, the enforcement of the civil-service law, a generous pension policy, the organization of a health bureau, and the extension of agricultural, mechanical, and industrial education. We also favor cooperation with the States in the establishment of vocational schools which will serve as models for vocational training.

MERIT IN WORKS AND PROJECTS.

Tenth. We favor the abolition of the spoils system in projects and works as well as offices. We condemn the practices under which the apportionment of river and harbor improvements and public buildings are made dependent upon logrolling rather than on merit. We favor the construction of all public works under the direction of a board of experts, to be organized by law, which will bring into coordination with it the various bureaus and services affected. And we favor the enlargement of the Engineer Corps of the Army with a view to increasing their employment in such public projects and works. We favor the enlargement of the functions of the National Art Commission, so that it may embrace all matters of art and architecture in national works and include cooperation with similar commissions organized by States and municipalities.

BUDGET COMMITTEE.

Eleventh. We favor the organization of a budget committee in each House of Congress, such committees to act in cooperation with the executive department in matters relating to efficiency and economy and to recommend the apportionment of revenue between the different departments and offices of the Governemnt.

INCOME, OCCUPATION, AND INHERITANCE TAXES.

Twelfth. In addition to the income tax, we favor an extension of the occupation tax imposed on corporations to all individuals, firms, and persons, and also a graduated inheritance tax under which a deduction not exceeding one-half may be made in States now deriving a portion of their revenue from inheritance taxes, such taxes to make up any deficit in revenue caused by a reduction of customs duties and also to be applied to the constructive work herein demanded regarding river regulation, public buildings, and other public works.

LABOR AND INJUNCTIONS.

Thirteenth. We renew the declarations made in our last platform regarding labor and injunctions. We favor a workingmen's compensation act applied to common carriers engaged in interstate commerce. We favor the frank imposition of the expenditures under such an act of interstate commerce as a part of the transportation charge and as a compensation for the hazard of the occupation.

THE PUBLIC DOMAIN.

Fourteenth. We declare that the Nation has always regarded itself, and should now regard itself, as the trustee of the public domain, holding the great natural resources in land, water, timber, and minerals included in such domain as trustee for the interest of settlers of the West, both those who are there now and those who are to come; and whilst it is the duty of the Nation to guard these natural resources against combination and monopoly, it is also its duty to see that they are not unduly withheld from development or from the taxing powers of the States within which they are situated.

We therefore favor the passage of laws that will break the existing deadlock and which will secure the full development of western resources, at the same time guarding against monopolistic control.

The rapidly approaching exhaustion of the public domain and the increasing difficulty which would-be settlers on the land find in securing homes have created a condition which makes it the duty of the Nation to take charge of the settlement of the people on such lands. We favor the establishment of a homestead service with appropriate officials and machinery for aiding settlers in finding homes on the land, instructing them how to make a living from it, and making the remainder of the national domain available to the people on conditions favorable to successful settlement and cultivation.

The following plank is also presented for consideration:

THE RACE QUESTION.

Fifteenth. History shows that wherever two races differing in color have coexisted upon the same soil the result has been either amalgamation or the subordination of one to the other. Both are undesirable—the one resulting in the impairment of race integrity, the other in conditions that are incompatible with the maintenance of true democracy.

Experience has demonstrated that the granting of the franchise to the blacks under the belief that it was necessary for their protection was a mistake, and that it has led, and can lead, to nothing but their injury.

We declare that our whole policy regarding the blacks since the war has been a mistaken one; that their sudden elevation from a condition of slavery to that of political sovereignty was a cruel injury both to them and to the white race; and that the blacks should have been regarded as an infant race, wards of the Nation, entitled to vocational training and to intelligent and humane assistance in emigration from this country to the land of their origin under the plan proposed by Lincoln in 1862, and so gradually conducted, without injury to the industrial development of the South, as to result in the colonization of the blacks on African soil under such conditions of territorial control as would secure their advancement and progress.

Our country is peculiarly subject to race complications by reason of the residence of 12,000,000 blacks within our borders, whose constantly increasing numbers threaten our race integrity and our institutions. Confronting us on the Pacific are nearly 700,000,000 people who look upon the United States as the promised land of opportunity. Experience on the Pacific coast has demonstrated the danger of race complications and of race war resulting from their unrestricted immigration to this country.

Entertaining nothing but the most humane and helpful purposes regarding the blacks in our midst and the most friendly disposition to races differing in color and confronting us on the Pacific, we declare our purpose to maintain this as a white man's country, and to that end we favor a constitutional amendment confining the privilege of voting to the white race, and legislation prohibiting the immigration to this country of all peoples other than those of the white race, except for such temporary purposes of education, travel, or commerce as comity between friendly nations may require.

—

THE BLACK QUESTION.

[Press dispatch.]

"Col. Roosevelt opened up a very interesting question," remarked Senator NEWLANDS, of Nevada, "in declaring that his new party should be a white man's party. It is true that he weakened the logic of his position by declaring that it should be white in the South and black and white in the North, but perfection in mental process is not to be expected of one who is going through a revolution of long-held opinions. He will come out all right in the end, and will reach the inevitable conclusion that the blacks as a race must everywhere in this country be deprived of sovereignty; and that is what black suffrage means. The same reason that justifies disfranchisement of the blacks in party justifies it in government. If we ought to have a white man's party, we should also have a white man's government.

"The colonel complained of black domination at Chicago. But what does he think of black domination at Washington, maintained by the black vote in five pivotal Northern States where they have the balance of power?

"What does he think of the black domination in the South—once actual, and, if the fifteenth amendment is enforced, always possible and even probable?

"There is but one real party in the South to-day—the Democratic Party—the white man's party. The colonel proposes to organize another white man's party there. What will happen when they get into hot rivalry with each other? Will they then both suppress the black vote at the polls as they will at the primaries, or will they bid for it? And if they do, will the candidates at the primaries long desist?

"Carrying out the analogy nationally, what will become of our dreams of a perfected Government which will abolish privilege, establish wise economics, and secure social and industrial justice when the political activities of 12,000,000 blacks are aroused by the bidding of rival parties and candidates and government—national, State, and municipal—is thus weakened at its very source?

"Does not the same reasoning which demands the negro's disfranchisement in parties demand his disfranchisement in government?

"A cruel suggestion, it may be said. How cruel? The blacks had a right to be made free men; but did they have the right to be made sovereigns? And was not their sudden transformation from slaves to sovereigns the greatest cruelty that could be inflicted upon them as well as upon the whites? Freedom was a right; suffrage was a privilege. The former was beneficial; the latter prejudicial. Whilst securing and strengthening the former, why not withdraw the latter, avoiding even the appearance of injustice by applying the withdrawal only to those hereafter born?

"And then how humanely and beneficially we could bring the Nation into cooperation with the States in plans for the real—not the sham—betterment of this unfortunate race—plans involving the training in industrial vocations and in self-control of an infant race, simple, kindly, affectionate, and dependent, recognizing always the historical fact that wherever two races differing in color have coexisted upon the same soil the result has been either the amalgamation of the two or the subordination of the one; and, frankly determined, to maintain subordination, because amalgamation, with the attendant evils of a mixed breeding, is unthinkable.

"But the colonel as to this question is on the right road, though he is as yet unwilling to go far enough. And we who regard the race question as the most important of the time, who realize the gravity of the yellow and the brown peril as well as that of the black peril, who want to do justice to all races, but in such a way as to preserve the integrity of our own race and our own institutions, and who believe that for the protection of our race and our institutions we should write 'white' in the suffrage clause of the Constitution as well as in our immigration laws will hope to have ultimately his full cooperation, for this is a question that will not down."

THE JAPANESE QUESTION—THE RACIAL COMPLICATIONS OF THE UNITED STATES.

[Letter from Hon. FRANCIS G. NEWLANDS to Hon Denver S. Dickerson, governor of Nevada.]

WASHINGTON, D. C., *February 3, 1909.*

Hon. DENVER S. DICKERSON,
Carson City, Nev.

MY DEAR GOVERNOR: With a view to moderating any action tending to create friction between Japan and this country, I take the liberty of suggesting to the legislature, through you, a plan of action which, whilst indicating a proper solicitude for relations of friendship and amity with Japan, will mark clearly our purpose to maintain this country as the home of the white race, free from such racial competition and antagonism on our own soil as will surely breed domestic violence and international hatred.

Entertaining no prejudice against any foreign race and particularly admiring the vigor, courage, and patriotism of the people of Japan, and disposed to advance rather than to thwart her career of national greatness, we of the West are yet profoundly impressed with the view that the United States, possessing a vast territory as yet undeveloped and capable of supporting many times our present population, with natural resources unrivaled anywhere, with climates adapted to every people, will, with the cheapening of transportation, draw to itself the surplus population of all peoples.

Nature has classified the peoples of the world mainly under three colors—the white, the black, and the brown. Confronting us on the east lies Europe, with a total population of about three hundred million white people. We are finding it difficult to assimilate even the immigrants of the white race from that continent and have been obliged to carefully restrict such immigration. We have drifted into a condition regarding the black race which constitutes the great problem and peril of the future. Confronting our Pacific coast lies Asia, with nearly a billion people of the brown race, who, if there were no restrictions, would quickly settle upon and take possession of our entire coast and intermountain region. History teaches that it is impossible to make a homogeneous people by the juxtaposition of races differing in color upon the same soil.

Race tolerance under such conditions means race amalgamation, and this is undesirable. Race intolerance means, ultimately, race war and mutual destruction or the reduction of one of the races to servitude. The admission of a race of a different color in a condition of industrial servitude is foreign to our institutions, which demand equal rights to all within our jurisdiction. The competition of such a race would involve industrial disturbance and hostility, requiring the use of a large armed force to maintain peace and order, with the probability that the nation representing the race thus protected would never be satisfied that the means employed were adequate. The presence of the Chinese, who are patient and submissive, would not create as many complications as the presence of the Japanese, whose strong and virile qualities would constitute an additional factor of difficulty. Our friendship, therefore, with Japan, for whose territorial and race integrity the American people have stood in active sympathy in all her struggles, demands that this friendship should not be put to the test by bringing two such powerful races of such differing views and standards into industrial competition upon the same soil.

This can be prevented either by international treaty or by national laws regulating, restricting, or preventing immigration. International negotiation and treaty is, in my judgment, an unsatisfactory method. It requires a nation with which we have treaty relations to prevent its own people from going where they will—a restriction which we would never in any treaty apply to our own people. We would therefore be asking other nations to put a restriction upon the movements of their people which we would refuse to prescribe regarding our own. There is but one consistent position to assume, and that is to relegate the whole question to domestic legislation in each country, permitting each to make such laws regarding the regulation, restriction, or prevention of immigration as it sees fit. The time has come, in my judgment, when the United States, as a matter of self-protection and self-preservation, must declare by statutory enactment that it will not tolerate further race complications. Our country should by law, to take effect after the expiration of existing treaties, prevent the immigration into this country of all peoples other than those of the white race, except under restricted conditions relating to international commerce, travel, and education; and it should start immediately upon the serious consideration of a national policy regarding the people of the black race now within our boundaries which, with a proper regard for humanity, will minimize the danger to our institutions and our civilization.

Japan can not justly take offense at such action. She would be the first to take such action against the white race, were it necessary to maintain the integrity of her race and her institutions. She is at liberty to pursue the same course. Such action constitutes no charge of inferiority against the race excluded; it may be a confession of inferiority in ability to cope economically with the excluded race. It involves no insult, or the possibility of war, for Japan could not possibly sustain a war, even were her finances in better condition than they now are, without the sympathy of the world as to the justness of her cause.

I give this utterance reluctantly, for I am not disposed to participate in the prevailing sensationalism; but the issue has been made; the public attention is called to the question; and failure upon the part of our Western communities to meet it candidly and courageously might be regarded in the Eastern States, whose people are unfamiliar with the economic and social dangers attendant upon Asiatic immigration, to believe that we have abandoned our convictions and acquiesce in the view that a great question of national and domestic policy shall be turned over to the bargaining of diplomats. I am opposed to sporadic legislation here and there by the various States, intended to meet only certain phases of what constitutes a national peril—phases which will necessarily be covered by broad national legislation. I am opposed to terms of opprobrium and of insult. Japan deserves from us only respect and admiration; we deserve from her a proper regard for the integrity of our race and institutions. A temperate declaration made at this time by the legislatures of the Western States upon the lines here indicated will aid much to advance the enlightened, calm, and forceful presentation of this question in such a manner as shall convince the judgment of the world, including that of Japan herself. Thus, upon the expiration of the present treaty with Japan and without attendant attacks upon Japanese sensibilities, public opinion will be so shaped as to force a calm and rational solution of the question by purely domestic and national legislation.

Very sincerely, yours,

FRANCIS G. NEWLANDS.

The next amendment was, on page 62, after line 6, to insert:

To pay Edward T. Clark for extra services rendered the Committee on Immigration during the fiscal year 1912, $360.

The amendment was agreed to.

The next amendment was, on page 62, after line 9, to insert:

To pay the assistant clerk to the Committee on Public Buildings and Grounds, $360.

The amendment was agreed to.

The next amendment was, on page 62, after line 11, to insert:

To pay Clinton R. Thompson for extra clerical services in connection with the work of the Committee on the District of Columbia, $360.

Mr. WARREN. In line 14, I move to strike out "$360" and insert "$500."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 62, after line 14, to insert:

To pay the assistant clerk to the Committee on Public Health and National Quarantine for extra clerical services, $360.

The amendment was agreed to.

The next amendment was, on page 62, after line 17, to insert:

For payment for services rendered to the special committee of the Senate making investigation of the election of William Lorimer as a Senator of the United States from the State of Illinois, as follows: To E. L. Cornelius, $500; Miss Kathleen F. Lawler, $250; F. N. Webber, $250; Michael Eidsness, $150; and Frank G. Jones, $50; in all, $1,200.

Mr. WARREN. On page 62, line 23, I move to strike out "Michael" and insert "Magnus L." before the name "Eidsness."

The amendment to the amendment was agreed to.

Mr. JONES. In line 21 I move to strike out "five hundred" before dollars and insert "one thousand." I want to make a statement in just a word as to the reason why I move the amendment to the amendment. On page 61 we adopted an amendment allowing certain amounts for services in connection with the Stephenson investigation. I make no question as to the justice of those amounts. While the Stephenson investigation occupied weeks, the Lorimer investigation occupied months. No one could have rendered more efficient service nor more extra service than Mr. Cornelius rendered in connection with the Lorimer investigation. He worked day and night, and away into the hours of the night. In view of what we have allowed in the Stephenson case, I think that in justice we should increase this amount to $1,000, and it would still lack what he really deserves to receive. I therefore move to insert "$1,000" instead of "$500."

The PRESIDENT pro tempore. The amendment to the amendment will be stated.

The SECRETARY. On page 62, line 21, strike out "$500" and insert "$1,000."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment of the Committee on Appropriations was, at the top of page 63, to insert:

To pay A. W. Prescott for extra clerical services, $360.

The amendment was agreed to.

The next amendment was, on page 63, after line 1, to insert:

To pay Robert H. Turner for extra clerical services, $360.

The amendment was agreed to.

The next amendment was, on page 63, after line 2, to insert:

For the Capitol: For repairs, improvements, and equipment for Senate kitchens and restaurants, Capitol Building and Senate Office

Building, including personal and other services, to be expended by the superintendent of the Capitol Building and Grounds, under the supervision of the Committee on Rules, United States Senate, to continue available during the fiscal year 1913, $17,500.

The amendment was agreed to.

The next amendment was, on page 63, after line 9, to insert:

Senate Office Building: For maintenance, miscellaneous items, and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, to continue available during the fiscal year 1913, $2,460.

The amendment was agreed to.

Mr. BRADLEY. I desire to offer three amendments, which I send to the desk.

The PRESIDENT pro tempore. The amendments will be stated in their order.

The SECRETARY. On page 63, after line 15, insert:

For additional amount to pay the superintendent of the Senate press gallery a salary of $2,000 for the fiscal year ending June 30, 1913, $200.

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment submitted by the Senator from Kentucky will be stated.

The SECRETARY. After the amendment just agreed to, insert:

For additional amount to pay the assistant superintendent of the Senate press gallery a salary of $1,600 for the fiscal year ending June 30, 1913, $200.

The amendment was agreed to.

The PRESIDENT pro tempore. The third amendment submitted by the Senator from Kentucky will be stated.

The SECRETARY. After the amendment just agreed to, insert:

For additional amount to pay messenger to correspondents a salary of $1,200 for the fiscal year ending June 30, 1913, $300.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was, under the subhead "House of Representatives," on page 63, line 20, after the words "Philippine Islands," to strike out "$3,708.90" and insert "$14,498.28," so as to make the clause read:

For compensation of Members of the House of Representatives, Delegates from Territories, the Resident Commissioner from Porto Rico, and the Resident Commissioners from the Philippine Islands, $14,498.28.

The amendment was agreed to.

The next amendment was, on page 64, after line 12, to insert:

To pay the legal heirs of George W. Kipp, late a Representative from the State of Pennsylvania, $7,500.

The amendment was agreed to.

The next amendment was, on page 64, after line 16, to insert:

For allowance to the following contestants and contestees for expenses incurred by them in contested-election cases, as audited and recommended by the Committees on Elections:

Gilbert N. Haugen, $2,000;
Daniel D. Murphy $2,000;
Rankin Wiley, $2,000;
James Antony Hughes, $2,000;
Fred J. Crowley, $2,000;
William W. Wilson, $2,000; in all, $12,000.

The amendment was agreed to.

The next amendment was, on page 65, after line 19, to insert:

To pay Fannie M. Page, widow of Fernando Page, late a messenger of the House of Representatives on the soldiers' roll, the sum of $90, accrued salary due said Fernando Page at the time of his demise.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States courts," on page 66, line 18, after the words "seventy-four," to insert "and Senate Document No. 926," so as to make the clause read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney General in House Document No. 774 and Senate Document No. 926, and which have not been appealed, namely.

The amendment was agreed to.

The next amendment was, on page 66, line 21, after the words "Treasury Department," to strike out "$393.12" and insert "$972.35," so as to make the clause read:

Under Treasury Department, $972.35.

The amendment was agreed to.

The next amendment was, on page 66, line 22, after the words "War Department," to strike out "$34,081.88" and insert "$43,250.69," so as to make the clause read:

Under War Department, $43,250.69.

The amendment was agreed to.

The next amendment was, on page 66, line 24, after the words "in all," to strike out the sum "$38,038.15" and insert "$47,786.19," so as to make the clause read:

Under Department of Justice, $420; in all, $47,786.19.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 67, line 9, after the words "seventy-five," to insert "and Senate Document No. 924," so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 775 and Senate Document No. 924, namely.

The amendment was agreed to.

The next amendment was, on page 67, line 12, after the words "Treasury Department," to strike out "$6.80" and insert "$24,960.28," so as to make the clause read:

Under Treasury Department, $24,960.28.

The amendment was agreed to.

The next amendment was, on page 67, line 13, after the words "War Department," to strike out "$189,293.43" and insert "$190,253.62," so as to make the clause read:

Under War Department, $190,253.62.

The amendment was agreed to.

The next amendment was, on page 67, line 14, after the words "Navy Department," to strike out "$5,175.85" and insert "$7,366.14," so as to make the clause read:

Under Navy Department, $7,366.14.

The amendment was agreed to.

The next amendment was, on page 67, line 15, after the words "Interior Department," to strike out "$2,589.06" and insert "$6,104.51," so as to make the clause read:

Under Interior Department, $6,104.51.

The amendment was agreed to.

The next amendment was, on page 67, line 18, after the words "in all," to strike out "$200,665.27" and insert "$232,284.68," so as to make the clause read:

In all, $232,284.68.

The amendment was agreed to.

The next amendment was, on page 67, after line 20, to insert:

For the net amount of a judgment rendered by the Court of Claims in favor of the Confederated Bands of Ute Indians dated February 13, 1911, exclusive of the amount awarded for attorney's fee, pursuant to the provisions of the jurisdictional act approved March 3, 1909, the same to bear interest at the rate of 4 per cent per annum from and after the date of said judgment, the amount thereof and the interest accruing thereon to be available for cash payments to the Indians, or for expenditures for their benefit, in the discretion of the Secretary of the Interior, $3,305,257.19.

The amendment was agreed to.

The next amendment was, under the head of "judgments in Indian depredation claims," on page 68, after line 7, to strike out:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 776, at its present session, $39,971; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act; and the amounts paid shall be reimbursed to the United States: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

The amendment was agreed to.

The next amendment was, at the top of page 69, to insert:

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress in House Document No. 776 and Senate Document No. 925, at its present session, except the judgment in favor of Martha J. Riddle, administratrix of James Anderson, reported to Congress at its present session in House Document No. 776, which has been vacated by the Court of Claims, $49,459; said judgments to be paid after the deductions required to be made under the provisions of section 6 of the act approved March 3, 1891, entitled "An act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this act; and the amounts paid shall be reimbursed to the United States: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

The amendment was agreed to.

The next amendment was, on page 83, after line 10, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1910 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. 923, reported to Congress at its present session, there is appropriated as follows,

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For collecting revenue from customs, $530.
For payment of judgments against internal-revenue officers, $2,066.33.
For expenses of Revenue-Cutter Service, $602.06.
For Life-Saving Service, $418.47.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $56,270.66.
For commutation of quarters to paymaster's clerk, act of March 3, 1911, $194.40.
For encampment and maneuvers, Organized Militia, $45.22.
For subsistence of the Army, $8.
For regular supplies, Quartermaster's Department, $7,054.66.
For transportation of the Army and its supplies, $1,083.83.
For water and sewers at military posts, $26.40.
For engineer depots, $28.95.
For headstones for graves of soldiers, $2.03.
For pay of volunteers, Cayuse Indian War of 1847 and 1848, in Oregon, $582.85.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For pay of the Navy, $13,602.95.
For pay, miscellaneous, $152.67.
For pay, Marine Corps, $576.21.
For contingent, Marine Corps, $6.08.
For pay, Naval Academy, $962.08.
For transportation, Bureau of Navigation, $511.83.
For recruiting, Bureau of Navigation, $26.70.
For ordnance and ordnance stores, Bureau of Ordnance, $665.92.
For equipment of vessels, Bureau of Equipment, $159.28.
For maintenance, Bureau of Yards and Docks, $3,281.15.
For Medical Department, Bureau of Medicine and Surgery, $17.50.
For provisions, Navy, Bureau of Supplies and Accounts, $10.56.
For freight, Bureau of Supplies and Accounts, $332.84.
For naval supply fund, $306.52.
For construction and repair, Bureau of Construction and Repair, $1,463.58.
For steam machinery, Bureau of Steam Engineering, $48.10.
For navy yard, Charleston, S. C., $1,075.60.
For enlistment bounties to seamen, $366.67.
For indemnity for lost property, naval service, act March 2, 1895, $120.30.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For contingent expenses, Department of the Interior, 1911, $4.81.
For contingent expenses, Department of the Interior, $12.75.
For library, General Land Office, 1912, $120.77.
For return of funds of patients, Government Hospital for the Insane, $19.86.
For contingent expenses of land offices, $1.52.
For surveying the public lands, $23,141.90.
For restoration of lands in forest reserves, $27.31.
For Geological Survey, $14.92.
For irrigation, Indian reservations, $35.
For Indian schools, support, $168.
For telegraphing, transportation, etc., Indian supplies, 1911, $1,992.91.
For telegraphing, transportation, etc., Indian supplies, 1910, $146.55.
For telegraphing, transportation, etc., Indian supplies, $12.52.
For support of Sioux of different tribes, employees, etc., South Dakota, $26.23.
For support of Sioux of different tribes, subsistence and civilization, South Dakota, $192.46.
For support of Indians of Colville and Puyallup Agencies, Wash., 1911, $2.45.
For support of Yakima and other Indians, Washington, 1912, $49.27.
For indemnity to certain Chickasaw Indians for losses, treaty June 22, 1855, $13,205.
For Army pensions, $36.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For transportation of diplomatic and consular officers, 1911, $190.05.
For contingent expenses, United States consulates, $6.
For general expenses, Forest Service, $15.67.
For general expenses, Weather Bureau, $0.85.
For contingent expenses, Department of Commerce and Labor, $1.12.
For special examiners, etc., Division of Naturalization, $4.21.
For expenses of regulating immigration, $62.50.
For miscellaneous expenses, Bureau of Fisheries, $102.65.
For supplies of lighthouses, $1,614.
For prosecution of Indians in Arizona, act of March 4, 1907, $1,948.90.
For support of prisoners, United States courts, $107.66.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST OFFICE DEPARTMENT.

For inland mail transportation—star, $570.24.
For mail transportation—boat, $1,323.75.
For indemnity for losses by registered mails, $72.40.
For shipment of supplies, $14.30.
For freight on mail bags, postal cards, etc., $93.31.
For compensation to postmasters, $209.32.
For Rural Free Delivery Service, $34.20.
For Rural Free Delivery Service—tolls, $3.80.
For rent, light, and fuel, $187.50.
For Railway Mail Service, $13.33.
For claims for additional salary of letter carriers under section 2 of act of January 3, 1887, $455.49.

The amendment was agreed to.

The next amendment was, on page 88, after line 22, to strike out:

SEC. 3. The Secretary of War is authorized in his discretion to grant and lease in the manner hereinafter provided, for a period of 25 years, such surplus water of the United States within the limits of or pertaining to the military reservation of Schofield Barracks (Waianae Uka), island of Oahu, Territory of Hawaii, as may not be needed for the supply of the military post and troops on said reservation; and he is further authorized and directed to include in such grant or lease authority to the grantee or lessee thereunder to enter upon such reservation and make surveys thereon for and construct and maintain dams, reservoirs, canals, ditches, flumes, tunnels, and pipe lines for the purpose of diverting and conducting from the reservation the water covered by such grant or lease, at such places on said land as said grantee or lessee may select, subject to the approval of the Secretary of War; and to include also the right to said grantee or lessee to take from the lands of the United States adjacent thereto, subject to the approval of the Secretary of War, earth and stone necessary for such construction and maintenance: *Provided*, That said grant or lease shall be made to or entered into with the highest responsible bidder for such surplus water, under sealed proposal, after public advertisement of the terms and conditions thereof for a period of not less than 30 days in a newspaper or newspapers of general circulation published at Honolulu, in the Territory of Hawaii, such terms and conditions to be fixed by the Secretary of War when not inconsistent with the provisions of this section: *Provided further*, That the Secretary of War may, in his discretion, reject all bids and report his action to Congress: *Provided further*, That the right to amend, alter, or repeal this section is hereby expressly reserved.

The amendment was agreed to.

The next amendment was, on page 92, after line 17, to insert as a new section the following:

SEC. 6. Refund of sums paid for documentary stamps: The time within which claims may be presented for refunding the sums paid for documentary stamps used on foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries, specified in the act entitled "An act to provide for refunding stamp taxes paid under the act of June 30, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, be, and is hereby, extended to December 31, 1912.

The amendment was agreed to.

The next amendment was, on page 93, after line 11, to insert as a new section the following:

SEC. 7. No part of any money contained herein or hereafter appropriated in lump sum shall be available for the payment of personal services at a rate of compensation in excess of that paid for the same or similar services during the fiscal year 1912; nor shall any person employed at a specific salary be hereafter transferred and hereafter paid from a lump-sum appropriation a rate of compensation greater than such specific salary, and the heads of departments shall cause this provision to be enforced.

The amendment was agreed to.

The PRESIDENT pro tempore. This completes the amendments of the committee. The bill is still open to amendment as in the Committee of the Whole.

Mr. CATRON. I offer an amendment, which I send to the desk.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. After line 18, on page 8, insert:

For additional vault facilities in the Federal building at Santa Fe, N. Mex., in which to guard and care for the records and files belonging to the Federal court, $1,100.

The amendment was agreed to.

Mr. CATRON. I send to the desk a letter which I ask may be printed in the RECORD for the use of the conference committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES COURT CHAMBERS,
DISTRICT OF NEW MEXICO,
Santa Fe, N. Mex., August 12, 1912.

Hon. T. B. CATRON,
The Senate, Washington, D. C.

MY DEAR SENATOR: The organization of the Federal court for the new State has resulted in bringing to Santa Fe the records from all of the former seven districts dealing with United States business. The result is a great mass of papers, dockets, and records extending over 50 years, the loss of which, as you can well see, would be a public calamity. We find the vault facilities for the accommodation of these records totally inadequate, and many of them are necessarily being kept where in case of fire their loss would be almost inevitable. Accordingly I requested the Department of Justice some time since to take up with the Treasury Department the matter of enlarging the vault facilities. I am just in receipt of a letter from the Attorney General in which he incloses one from the Secretary of the Treasury indicating that while "the department believes that additional vault facilities are necessary" yet on account of a lack of appropriation for the department there is no immediate prospect of the improvement being made, and indeed when it will be made is a matter of great indefiniteness.

I write to ask if you can not have attached to one of the appropriation bills a provision of $1,100 for this most necessary improvement. Of course, I realize that the time elapsing to the adjournment of Congress is very short and that there is great difficulty to get anything of this kind just now. However, we would all feel very badly if between now and the next session of Congress these records should be destroyed by fire because of a lack of this concededly necessary protection.

With kind regards,
Sincerely, yours,

WILLIAM H. POPE.

TREASURY DEPARTMENT,
Washington, August 5, 1912.

The honorable the ATTORNEY GENERAL.

SIR: By direction of the Secretary I have the honor to refer further to your communication of June 18 last in connection with enlargement of vaults in the Federal building at Santa Fe, N. Mex. A representative of the office was detailed to investigate and to submit estimate for the work found necessary, and in his report of the 26th ultimo he recommends that the work be undertaken, estimating the cost of same at approximately $1,100.

This department believes that the additional vault facilities are necessary, but there are no funds available with which to take up the work, and it is probable that it will be several months hence before it will be in a position to authorize the expense. The work is chargeable to the appropriation for "Vaults, safes, and locks for public buildings,"

and Congress has allowed the department one-eighth of last year's appropriation up to the middle of the present month, which allowance has already been practically expended in the purchase of safes for the protection of Government funds and for exigency authorizations.

No further provision has been made as yet for the balance of the present fiscal year, and when the regular annual appropriation is placed at the disposal of the department the strictest economy must be used in limiting authorizations to safes and to the purchase of lock boxes for post offices, which are chargeable to the appropriation named and for which requisitions have been on hand since last spring awaiting funds.

As soon, however, as the department is in a position to do so steps will be taken looking to the improvement of the vault facilities at the Santa Fe building.

Respectfully,

SHERMAN ALLEN,
Assistant Secretary.

Mr. JONES. I offer an amendment.

The PRESIDENT pro tempore. It will be read.

The SECRETARY. After the end of the bill add as a new section the following:

That every person who located or entered, or attempted in good faith to locate or enter, any coal land in Alaska under the coal-land laws of the United States, prior to November 12, 1906, and whose location or entry thereof has been suspended, contested, denied, or canceled by the United States, is hereby authorized, at any time within one year from the date of the approval of this act, to bring a suit in equity against the United States in any court of competent jurisdiction in the district where the land is situate to quiet his title thereto; and if, upon the trial of such cause, it shall be found by the court upon the evidence that the said locator or entryman had complied with the coal-land laws of the United States up to the time of the suspension, contest, denial, or cancellation of his location or entry, such location or entry shall be reinstated by order of the court, and the locator or entryman may thereupon complete said entry by making the proof required to the court; and the court, upon satisfactory proof by the locator or entryman that he has complied with all the requirements of the coal-land laws of the United States, and that he has paid to the United States, or if he shall pay into court for the United States, the purchase price fixed by said laws of the United States for said land, and shall prove to the satisfaction of the court that he has complied with all the requirements of the coal-land laws of the United States in respect to his said location or entry, then in every such case the said court shall enter a decree in conformity with the law and the evidence quieting the title to the said lands in the said locator or entryman: *Provided further*, That either the locator or entryman so bringing said suit or the United States may appeal said cause in the manner provided by law for taking appeals in said court; that if the final decree of said court shall be in favor of said locator or entryman, a patent shall be issued by the Secretary of the Interior in the usual form conveying said land to said locator or entryman. That if the final decree of said court in said cause shall be in favor of the United States, the said locator or entryman shall be held to have no right to or equity in said land, and his location or entry shall be canceled and held for naught.

Mr. WARREN. It would prejudice the matter rather than help it to attach it to this bill. I shall be compelled to make the point of order that it is general legislation.

The PRESIDENT pro tempore. The point of order is sustained.

Mr. McCUMBER. I offer an amendment to be inserted after line 15, on page 63.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. On page 63, after line 15, insert:

To enable the Secretary of the Senate to pay to the officers and employees of the Senate borne on the annual and session rolls on the 1st day of July, 1912, including the Capitol police appointed by the Sergeant at Arms of the Senate, and the official reporters of the Senate, in lieu of all transportation and other expenses in coming to and returning from Washington, for the first and second sessions of the Sixty-second Congress, a sum equal to one-twelfth of the annual compensation then paid them by law, the same to be immediately available.

Mr. SMOOT. Mr. President, as I understand the reading of the amendment, it refers only to employees of the Senate.

Mr. McCUMBER. That is all. If this amendment is adopted it will afford the basis for the House if they desire to give their corresponding employees the same amounts, and they can do so under the amendment.

Mr. SMOOT. I hardly think that it should be left to the other House to include the House employees, because if we adopt the amendment, the House not having passed any provision of this kind, I scarcely think the conferees would have the power to provide for the employees of the House. I believe that if the employees of the Senate are to be provided for, the employees of the House should be provided for as well.

Mr. McCUMBER. If the Senator takes that view of it, I have not objection to so modifying the amendment.

Mr. SMOOT. I have no objection to the amendment if that modification is made.

Mr. OVERMAN. Would that, then, include all the employees of the Senate and of the House?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. The Senator from North Dakota modifies his amendment in the manner which will be stated

The Secretary read the amendment as modified, as follows:

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 30th day of June, 1912, including the employees on the maintenance rolls of the Senate and House Office Buildings, the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, in lieu of all transportation and other expenses in coming to and returning from Washington, for the first and second sessions of the Sixty-second Congress, a sum equal to one-twelfth of the annual compensation then paid them by law, the same to be immediately available.

Mr. WARREN. Mr. President, in the West we sometimes hear the command, "Hold up your hands!" I am holding up my hands now. Of course, I know what would be the effect if I should make any objection to the amendment. It would be put before the Senate and carried. I understand, however, from another place that this amendment, or something like it, has been unfavorably considered in one of those night gatherings in which are settled political policies. If that be true, I can only say that I hope my colleagues will not expect any more of the conferees on the part of the Senate than human effort can bring forth.

The PRESIDENT pro tempore. Without objection, the amendment as modified will be agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read the third time.

The bill was read the third time and passed.

POST OFFICE APPROPRIATION BILL.

Mr. BOURNE. I ask unanimous consent that the Senate proceed to the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

The PRESIDENT pro tempore. The Senator from Oregon asks unanimous consent that the Senate proceed to the consideration of the conference report on the Post Office appropriation bill. Is there objection? The Chair hears none, and the Secretary will read the report.

The Secretary read the report, which appears on page 11553 of yesterday's RECORD.

Mr. POINDEXTER. Mr. President, I should like to inquire of the chairman of the Committee on Post Offices and Post Roads the state of affairs with reference to amendment numbered 60, which involved the matter of paying a bridge company at St. Louis for the use of the bridge in transferring mail across the bridge for terminal facilities there?

Mr. ROOT. That was agreed to with an amendment.

Mr. POINDEXTER. My understanding was that the House and the Senate were agreed substantially in striking out altogether any payment for this service. I do not understand how the conferees restored it to the bill apparently allowing a lesser amount—$35,000.

Mr. BOURNE. Mr. President, the facts in reference to that are these: The House struck out the provision allowing the Postmaster General to pay this terminal company up to $50,000 under the law, as I remember, of 1899, but it was imperfect in its provisions. It simply prohibited out of the appropriation any payment being made that did not agree with the law. The Senate committee recommended the repeal of the law, perfecting the action of the House. In conference the fact was presented that the cost to the St. Louis company, under the testimony and representations that were made, was about $20,000. The cost in the way of transportation, under the regular laws applying to railway mail pay, would be about $12,000. After considerable discussion, the conferees finally put in the amendment stated, allowing the Postmaster General to pay up to $35,000, provided it was found upon investigation that the cost to the terminal company would be that amount. It is a diminution of the discretionary power on the part of the Postmaster General by some $15,000.

Mr. POINDEXTER. Mr. President, I understand that originally when payment was made to this company for these so-called terminal services, it was a company really separate from the railroad company, but now it is owned by the railroad companies, the same as any other depot company which furnishes and manages the terminal facilities of railroads. The payment that is provided for in this bill to this particular company is for a service which is identical with the service that is rendered by other railroad companies all over the country, for which the Government does not make any payment.

Mr. BOURNE. Mr. President, if the Senator from Washington had taken the time to read the hearings that were printed, he would have found that he was misinformed. This is rather a unique situation. It is sui generis, so far as any other terminal companies that the committee were cognizant of in the United States. I quote from memory, but my recollection is that there are some 15 railroads interested in the property of this terminal company. My recollection also is that 7 companies—I may be incorrect in the number—who are interested in the terminal company haul no mail over the 4

miles of railroad owned by this terminal company. Consequently, if this were operated at a loss, they would receive nothing whatever in the way of compensatory pay, under the regular railway mail pay.

The presentation made to the committee and the action of the department in connection with the payment of this $50,000, which, as I recollect, the law of 1899 permitted the Postmaster General to pay, or gave him discretionary power to pay, led the committee to believe that it was just and right to give this discretionary power up to $35,000, being a reduction of $15,000 from the amount which it has been in the power of the Postmaster General to pay from the time of the enactment of the law of 1899.

The House provision was inserted on the floor of the House without, as I am informed, any discussion or consideration. I am sure the Senator from Washington would not want an injustice done to any corporation or to any citizen; and it was the belief of the conferees that a probable injustice might be done to individuals if the action of the Senate was not changed in conference.

Mr. POINDEXTER. Mr. President, the railroad companies which carry the mail over this bridge into the terminal grounds are paid for carrying the mail. This is extra pay, additional pay, to the same companies. I know the chairman of the committee has devoted a great deal of attention to the question of reducing the amount, if possible, or, at least, arriving at some more equitable basis of ascertaining the amount to be paid to the railroads for carrying the mails; and yet, when the amount that this bill carries for railway mail pay is considered, altogether aside from the extra payments, such as the one to which I have referred, we find that it is still $47,646,000. The amount of money that that annual payment represents at 4 per cent interest is $1,191,000,000 or more, a sufficient amount of money to construct, if you estimate the cost of railroad construction at $25,000 a mile, over 47,000 miles of railroad complete. This is equivalent to a great number of lines of railroad from the Atlantic to the Pacific coast, and the excessiveness of this amount of money, or the apparent excessiveness of it at least, appears by comparison of the rates upon which the payment is based with the rates which are paid to railroads in Canada, where the amount of business is much less, where the population is sparse, and where, if there is any difference at all, the rates ought to be higher; and yet the amounts paid are much less.

Mr. President, the House struck out this payment for this year; the Senate struck it out in a different form; so that the House and the Senate agreed upon that proposition, and, while I realize——

Mr. BOURNE. I am sure, if the Senator will permit me, that he does not wish to be put in the position of making a misstatement. The House did not strike out the provision; it simply prohibited any part of this appropriation being operative under the law of 1899.

Mr. POINDEXTER. The language I used probably was not appropriate, but the House——

Mr. BOURNE. The Senate perfected the provision.

Mr. POINDEXTER. But the House refused to make an appropriation for this purpose this year. I understand that is correct, is it not?

Mr. BOURNE. Yes; that is, it prohibited the use of the general appropriation——

Mr. POINDEXTER. For this purpose.

Mr. BOURNE. For this purpose.

Mr. POINDEXTER. And the Senate did likewise, although the Senate provision went further——

Mr. BOURNE. And perfected the amendment.

Mr. POINDEXTER. And perfected the amendment. Therefore, there was an agreement between the House and the Senate, at least so far as the appropriations for this year carried by this bill are concerned.

I make the point of order, Mr. President, that the change made by the report of the conference committee in this respect is beyond the power of the conferees and amounts to the repeal of a substantive matter which was agreed upon between the House and the Senate.

The PRESIDENT pro tempore. No point of order can lie in the Senate against a conference report. The only question to be considered is, Will the Senate agree to the conference report?

Mr. BOURNE. Mr. President, a parliamentary inquiry. As I understand, the report as a whole has to be agreed to or disagreed to?

The PRESIDENT pro tempore. Absolutely so, under the rule.

Mr. BOURNE. Before the Senator from Washington takes his seat, Mr. President, if he will permit me, I should like to say, in regard to the adjustment of railway mail pay, that a provision has been placed in the bill as reported by the conferees for the appointment of a joint committee to take up and study the question of the adjustment of the railway mail pay and make a report to Congress at the earliest possible opportunity.

Mr. POINDEXTER. Mr. President, I realize in the closing hours of the session the futility of making an issue upon this proposition, where the entire bill is involved with it; but I desired to call this matter to the attention of the Senate and have it put in the RECORD, saying at the same time that I know of the efforts the chairman of the committee has made along the lines he has suggested to bring about a readjustment of this general matter.

Mr. BRISTOW. Mr. President, I think I ought to say, in confirmation of what the Senator from Washington [Mr. POINDEXTER] has said, that I thoroughly agree with him as to the undesirability of this appropriation and this provision. If it were standing alone and could be voted on by itself I should oppose it most vehemently, because I do not think that it can be justified. I know that the chairman of the committee has done everything that he could to sustain the position the Senate took when the bill was before the Senate, and I know that he has done everything that any other Senator could possibly have done. I do not feel justified in opposing the conference report because of this provision, for I know that we should get nowhere if it were defeated.

Mr. HEYBURN. Mr. President, did the Secretary read the amendment relating to the parcel post? I think not.

The PRESIDENT pro tempore. The Secretary may have overlooked that. Does the Senator desire to have it read?

Mr. HEYBURN. The Secretary must have overlooked that, I think. Mr. President, I do not intend to do more than register my protest against that provision. I was detained from the Chamber by illness when the matter was under consideration.

I am opposed to the parcel post, and in a few words I can state the grounds of my opposition. I believe that it will tend to the centralization of business in cities and towns that should be conducted in country communities. I believe it will strike down the community life in small towns. I mean by country towns places of from a few inhabitants to those of two or three thousand inhabitants. In my judgment, the most valuable life in this country is in the country. I believe that the civilization of this country depends upon maintaining the standard of country life and of country village and town life.

The inducement to reside in small towns consists in a large part in the convenience of that class of community life where those people engaged in business—commercial business, mercantile business—furnish the supplies needed in everyday life to the people of the country districts, where the country producer may find a ready market for the sale or exchange of his products, where the people may come together and know each other, keep up and maintain the acquaintances incident to the life of small communities. Under the proposed system what are known as catalogue houses will in a large measure take the place of the country store, the village store, the larger commercial institution in places of a few thousand population. When those people can no longer conveniently go to the country store for the necessities of everyday life, the institutions—that is, the business institutions—will close their doors; they will cease to exist. Why not? Why would they continue in business if this parcel-post system is to furnish the community with the necessities of everyday life? Either one or the other must go out of business.

Either the parcel post must be a failure or the country store must go out of business. One is intended to take the place of the other, and one will take the place of the other. What inducement would there be for people to live and maintain their homes in the country, or in a country town or village, if no stores were maintained there? When those stores have disappeared whatever inducements may have existed at other times to purchase through the catalogue houses will also disappear. Their prices will be advanced because they will have a monopoly of the market. The catalogue houses furnish no market for the produce of the farm such as is now and has been for centuries found at the country store or in the small town. The character of the articles that come within the provisions of this bill covers practically the complete list of everyday necessities. When the country store disappears, where will the country residents get the sugar and the salt and the pepper and the flour? Get it from the catalogue houses! Suppose they find themselves unexpectedly without the necessary supply to last them over Sunday or over the period necessary to secure it from the catalogue house, where will they get it? Where will they find that market for the eggs and vegetables and the small products which are now purchased freely by the country stores?

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him?

Mr. HEYBURN. Certainly.

Mr. SMITH of Georgia. Is not the very difficulty to which you refer guarded against in this bill? A lower rate is furnished for the short distance carried by the rural carrier, a very low rate, and then from the neighboring larger towns, 50 miles off probably, a higher rate because of the cost of transportation, and a still higher rate for 150 miles, and very much higher when reaching the big department stores in the great cities to which the Senator refers.

I would like to say to the Senator, if he will permit me——

Mr. HEYBURN. Under the provisions of this bill, under the circumstances stated by the Senator from Georgia, it would cost 16 cents a pound, 1 cent an ounce, for transportation; that is to say, instead of a pound of sugar costing what it does now it would cost that plus the postage.

Mr. BOURNE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I yield to the Senator.

Mr. BOURNE. Mr. President, did I understand the Senator to say that under the provisions of this bill the cost would be a cent an ounce?

Mr. HEYBURN. I will read the provision in order that it may appear in the RECORD.

Mr. BOURNE. It is the first 4 ounces.

Mr. HEYBURN. Yes.

Mr. BOURNE. After that the rate changes.

Mr. HEYBURN (reading)—

That the rate of postage on fourth-class matter weighing not more than 4 ounces shall be 1 cent for each ounce or fraction of an ounce.

Mr. BOURNE. That is the present rate.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. I yield.

Mr. ROOT. I wish to say to the Senator from Idaho that many of my constituents have written to me under the same impression which he has expressed—that the parcel post would tend to enable the great department stores, the mail-order houses, to drive out the smaller dealers in the small places, and I gave a great deal of consideration to the different schemes of parcel post which had been proposed. It seemed to me that this plan which we know as the "zone system," worked out by the Senate Committee on Post Offices and Post Roads, and to which the Senator from Oregon has devoted a great amount of very intelligent and discriminating labor, met that difficulty. I think it does pretty substantially and practically meet it.

So I became quite reconciled to it because, it seemed to me, it would meet the strong desire of the farmers among my constituents to have the rural mail carrier, instead of driving an empty buggy by their place, bring to their homes, while he was on his way, their little packages, instead of requiring them to send to the express office for them, and because it would at the same time meet the desire of the small dealer in the country place to be protected against the loss of his business.

Mr. SMITH of Georgia. Mr. President, I desire to say just a word or two more, if the Senator from Idaho will allow me.

Mr. HEYBURN. Certainly.

Mr. SMITH of Georgia. I gave upon the committee a great deal of attention to this matter, and my opinion is that it entirely takes care of the local merchant. Instead of breaking up his business it will facilitate his business. The very low rate given to the local merchant by the rural route carrier, so much lower than any other rate, puts him in close touch all the time with his farmer customer in the country, enabling the farmer to send to his home town at a very low rate his own smaller products, and by dropping a postal card to his home merchant to obtain at a very low rate the small things he needs from his local merchant.

When it comes to a distance of more than 50 miles from his local merchant there is quite a considerable increase, covering the normal additional cost of transportation, and it increases as the distance increases, which brings him to the big department houses. Buying from them he will pay not a flat rate similar to that which he pays to his own merchant, but a rate commensurate with the difference of distance in the haul, measured by the cost of transporting the goods. The distance articles have to go is considered in this bill, so that nothing is really given as an advantage to anyone, but the bill contemplates furnishing, at rates based upon the cost of transportation, facilities of communication for short and long distances. Its final result, therefore, must be that no merchant is given an advantage over another, but facilities for trade are furnished according to distance, short and long, and the danger to which the Senator has given expression is avoided.

I am taking no issue with the Senator as to the evil which would result if that was produced to which he objects, but I believe by this bill that evil is not caused, but instead legitimate and helpful aid is given to all interested in the exchange of products.

Mr. HEYBURN. Mr. President, I fully realize the suggestions, and the apparent reasonableness of them, made by both the Senator from Georgia and the Senator from New York. I suppose, outside of the pure-food legislation, there is no subject upon which my correspondence has been more extensive than in regard to this question. It seems to have become known through some source that I was not in favor of the parcel post, and that knowledge has resulted in perhaps more communications being addressed to me on the subject than otherwise would have been. I have gone out through the country and met the people engaged in keeping the local stores. I have talked with them and have received from them statements that lead me to believe that a very large per cent of the country stores will disappear. No man will maintain a store for the purpose of competing with mail-order houses in the class of goods that are handled by those houses. We know from statements made in the press and from general information that there is now on foot a plan for the organization of a combination of mail-order houses that will create the largest monopoly, perhaps, or one of the largest monopolies, in the business of this country. I have in my committee room statements in regard to this matter that, were I discussing this under other circumstances, I would bring to the attention of the Senate.

Mr. SMITH of Georgia. Will the Senator allow me to interrupt him just a moment?

Mr. HEYBURN. I yield.

Mr. SMITH of Georgia. I think the Senator can rely upon the fact that the big mail-order houses do not obtain what they sought in this bill. Their demand was for a flat rate, uniform. That demand was disregarded and the rate of the character to which I have referred, recognizing the cost of transportation, was given.

Mr. HEYBURN. Mr. President, I give due weight to that suggestion, and have considered it in arriving at a conclusion in this matter. There are only certain articles of merchandise in which country stores deal upon which there is any profit. Many articles of merchandise are handled by them merely as an accommodation, in order to keep together their business and keep the friendship of their customers.

Now, it so happens that among the actual everyday rapid necessities of life are those articles upon which there is comparatively little profit, oftentimes none. No attempt is made to make a profit. They will not maintain their stores in order to sell that class of commodities. Just as soon as you place them in competition with mail-order houses upon the goods on which they make a reasonable profit they will quit business.

There is not so much in this question of the zone system as appears upon the face of it or has been stated in the discussion of it. Your difficulty will begin right at home with your neighboring store. In the first place, his competition will be emphasized, because he must compete with the mail-order houses, and I used that term in a broad sense as representing the class of business that will benefit by or under which the people are expected to benefit by this legislation. When you provide for a postal charge of a cent an ounce or for each fraction of an ounce up to 4 ounces, you cover a very large class. There are a great many articles that come within that limitation.

Under present conditions the provisions of this bill have no application whatever. You are now providing for the small articles. You are providing for a postage rate of 1 cent an ounce on them. They will not stand it. You may argue that it is worth that much for the party to go to the store and get them. It does not cost the party anything to go to the store and get these articles. They do not charge anything up against that effort.

Mr. President, if they had no store to go to, then they must of necessity come within the terms and operation of this legislation. If this measure could be carried into effect without disturbing or destroying existing conditions in regard to supply points, then you might say he may still go to the store and get them, but when the store disappears he is at the mercy of the mail-order house. A package of 4 ounces represents many purchases of supplies, and drugs, and cottons, and a hundred other articles of daily necessity. Take away the opportunity to go to the store without expense or to send a child to the store to get the article and you compel them to

patronize this new machine and to send somewhere and pay postage on it.

The great evil, as I see it, is in the destruction of the opportunity to deal with your neighbor, the destruction of the maintenance of commercial institutions that accommodate the varying wants of the urban resident. That is one of the great evils. If you could compel them to remain in business and supplement the parcel-post system, you might answer a good many of the objections, but you can not do it. I talked with a number of them within the last two weeks for the purpose of ascertaining the sentiment in regard to it. I went out into the country districts and advised myself with regard to the sentiment, and the sentiment is universally against it. You can get some organizations to indorse the parcel post in general terms, but when you catechise them as to the reason of their indorsement they fall down and they retreat; they say, "We had not considered that phase of it."

I was starting to say, when the Senator from Georgia interrupted me, that I have in my committee room a statement from a newspaper as to the arrival in one of the cities in our State of a carload, not of merchandise, but of circulars of mail-order houses. They sent a carload into that city to be distributed among its inhabitants in order that they might be armed and ready for this proposed legislation. If you saw the figures representing the number and cost and expense of mail-order circulars and books you would be astonished. The money expended for that class of advertising runs into millions of dollars.

You will increase the business of the railroads at the expense of the people of the country. It will be of no value to the people in large cities one way or the other. The smallest possible portion of them would patronize a parcel post, because they would have such a number and variety of stores from which to select where they would purchase their goods.

Country stores in this section of the United States, and in all sections, so far as I know, exchange the product of the farmer for their own merchandise. They keep yearly or semiyearly accounts with the farmers and balance them up, sometimes neither owing the other anything.

Now, you are about to enter upon it where the cash must be sent out of the neighborhood, all of it, to a distant part of the country. It does not return. You are not going to maintain these local institutions under the provisions of this bill, because you will take away the profitable part of their business and they will go out of business.

Do not make such a mistake as to think that the people of the country districts are in favor of this measure. They are not. The agitators are. The great lobby of mail-order houses are in favor of it. Those now engaged in that business and those who expect to be interested in it are in favor of it; but go into the small country town, with its prosperous, well-kept country store, and talk either to the proprietor of the store or to the people who constitute his customers, and you will find that 90 per cent of them are against it and the other 10 per cent simply say, "Well, we do not know."

The most valuable asset in this country is country life. The inducements to life in the country must not be overlooked. How many of the young folks of the country would live there if there were no central communities in the country, no small or considerable towns at which they could gather, where they could go to do their shopping and meet in the incidental way in which meetings come about in those towns? How many would stay there in the solitude of their own farms? How often would they go to these towns, except upon the errands of necessity? Would they go without any excuse for going? No; they would stay in isolation upon their farms and what effect does that have upon the mentality and the civilization of a community?

Mr. President, that is the largest part of this question. When you have once driven out the local business it will require many generations and much assurance to induce them to reinstate the country business. This is an evil that will not be readily cured. You can not say, "Well, if it does not work well we will repeal it and return to the old system." You will be compelled to find some one willing to reengage in business in these towns and communities, and it takes years to reestablish that condition, when you are at the mercy of the mail-order house for your daily groceries, which may be unexpectedly exhausted at a most inconvenient time. I suppose you will go and borrow of the neighbor, backed on the assumption that the neighbor is more provident than you are.

In my inquiry, which extended over a very large section of the country, and in my correspondence, which covers this whole country from ocean to ocean, I did not meet with a single instance where the country merchant did not say that it would be destructive of his business and that he would be compelled, of course, to go out of business.

The social life will be affected by it—the social life in the country and in the towns of the country, I mean. The business life will be affected by it. What remains? An imaginary convenience within the scope and possibilities of the mail-order house, and the money going out of the country and not returning to it, because there is nothing that the mail-order house or those who contribute to its stock or supplies have to draw upon the country district for.

You are making a mistake. You are going to make it, of course. That has been evident for some time. It is one of those crazes in the air and the age—it is full of them—that seem to come over those invested with responsibility, who seem quick to respond to anything or any idea that is new.

This country has grown up because of the existence of present conditions, and you would change it overnight in the pessimistic idea, "Oh, well, it can not do much harm; the people are clamoring for it." More bad legislation comes in response to that false statement and false idea that the people are clamoring for something than from any other cause. We have been entering upon some of those mistaken policies during this session of Congress, and now we are proposing to enter upon the greatest mistake of all of them. The country represents the real life of our people as a nation; not the cities. The cities produce nothing. They are consumers. They are the market of the country and make the country. Discourage the country, and it will find its revenge upon the people of the cities. Depopulate a country or make it so that the younger generations will not remain there, and the cities will feel it in the very near future.

I am not going to enter into any very extended or lengthy discussion of this question. I had intended to do it. I had intended to stand upon this floor until I had exhausted every possible resource within my grasp to prevent this legislation. But it has passed beyond that point, and I can only stand here to record my judgment and my protest against it. It is a toy, but it is an awfully expensive toy. It is attractive to put a map on the wall with zigzag lines and theories that would require the microscopic mind of Mephistopheles to understand it. "Why, yes; a thing so intricate and complicated as this must have merit of course"; and you cipher the people out of their rights.

The Senator from New York [Mr. ROOT] seems to think that the zone theory solved this question. Well, it did, I guess. I do not know whether the Senator from Oregon [Mr. BOURNE] could possibly have succeeded in inducing any branch or part of Congress to adopt this thing in type. It required that artistic map. Men were appalled by it. It looked to them like a possible engine of destruction or some kind of aero machine that would carry them over any difficulty. It might represent anything. It looked like a zebra. It looked like a map of the heavens.

Mr. ROOT. Or oilcloth.

Mr. HEYBURN. It looked like oilcloth. Yes; that is a very excellent simile. It looked like this ornamented, figured oilcloth that you see on floors and such places and you slip up on it. Mr. President, the people will slip up on it, and then they will stoop down, like the Senator would do if he stumbled and stumped his toe on a broken oilcloth; he would rip it up from the floor and throw it out of the window. That is where it will land.

They will say to the country stores, "Come back, we want you. We are out of groceries, and we can not send off 50 or 100 miles to get them by mail. We can not wait. We have no sugar for the coffee, no salt for the meat." And what will be the reply? They will say, "We will not come back to sell you sugar and salt; there is no profit in either, and you do not buy anything but those things of us." They will say, "We have brought down here some eggs and other familiar products of our gardens and we want to sell them to you." He will say, "I am not buying eggs to-day."

I know personally of an incident of that kind within two weeks, where a man who had been sending off to a mail-order house for the things that the merchant would make a profit on went to the merchant and said, "I have some eggs and vegetables here. How much will you give me for them?" He replied, "I will not give you anything for them. You are not buying anything of me upon which there is any profit and I will not buy anything of you. Send your eggs to the mail-order house." That is an actual occurrence, and it will be repeated a million times when you get this beautiful system in operation.

Mr. President, I am so constituted that I grieve for the people at times when I see them being led away from the conditions which they are entitled to merely because of the ambition of some men to-day, something that looks as if it was business and is nothing on earth but simply a crystallized mistake.

I will not detain the Senate longer. I am not going to vote against an appropriation so necessary as that to carry on the business of the post offices of the United States. I am not even going to record my vote against it. I have preferred to record my sentiments in what I have said, but the temptation would be very great to vote against the adoption of this report because of the great evil that exists in it.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. WARREN. As I must be out of the Chamber in conference now all the time, I ask to call up the bill (S. 4495) for the relief of George W. Hoyt. It is a local matter and a short bill.

Mr. BRISTOW. Will the Senator yield to me a moment to make a statement before he proceeds? I am perfectly willing that consent be given for his request.

Mr. WARREN. Very well.

The PRESIDENT pro tempore. The Senator from Wyoming yields to the Senator from Kansas.

Mr. BRISTOW. Mr. President, I feel like I should make a statement in regard to the paragraph in the conference report relating to the parcel post. I am very much in favor of the parcel-post provision as it passed the Senate and as it remains in the bill, because the zones and the rates as they are incorporated in the law are the same as were agreed to by the committee and adopted by the Senate; but the conferees on the part of the Senate found it necessary to accept the paragraph which is found at the bottom of page 7 of the report of the conferees, which reads as follows:

> The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they, or any of them, are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission, after investigation, to re-form from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

In other words, that paragraph permits the Postmaster General to fix the rates, to change the zones, and to fix any limit of weight from 1 pound to 100 pounds, or whatever it may be.

Mr. BOURNE. Will the Senator permit me?

Mr. BRISTOW. In a moment. I want to express my dissent in the most positive terms from such power being given to the Postmaster General. Now I yield to the Senator from Oregon.

Mr. BOURNE. Mr. President, before this picture that the Senator has painted could be put upon the wall the Postmaster General would have to have the experience growing out of the working of the provision, and if he desired to make a change he would have to have the consent of the Interstate Commerce Commission. He could not secure the consent of the Interstate Commerce Commission until after an investigation on their part. So that no power of action on these changes is centralized in the hands of the Postmaster General, except with the conditions I have enumerated attached.

Mr. BRISTOW. I desire to say to the Senator from Oregon that the conditions to which he refers constitute the reasons why I did not oppose the conference report. I realized that before the Postmaster General could exercise any such authority as is conferred upon him, Congress will have an opportunity to take from him this authority; and I hope that Congress will do so, and I believe it will. Therefore, I made no objection. I believe that no such provision could possibly pass either branch of Congress if it were not submitted as part of a conference report, thereby necessitating the rejection of the entire bill in order to secure the elimination of the objectionable provision.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. The Senator from Wyoming has asked unanimous consent for the present consideration of a bill.

Mr. WARREN. It is a very short bill and concerns a local matter only.

The PRESIDENT pro tempore. Is there objection?

Mr. NELSON. I desire to say a word about this conference report.

Mr. WARREN. As that has been concluded, I trust the Senator will permit me to have my request acted upon.

Mr. NELSON. We have just heard some remarks on the subject.

The PRESIDENT pro tempore. Does the Senator from Wyoming yield to the Senator from Minnesota?

Mr. WARREN. I appeal to the Senator. I have not yet had a bite to eat since morning. I should like to get through.

Mr. NELSON. I merely wish to say one or two words.

Mr. WARREN. Yes; and there are several others who wish to do the same.

Mr. NELSON. No; I want to say, Mr. President, that this session of Congress has demonstrated more clearly than other sessions of Congress the necessity of having a rule of the Senate in reference to conference reports. There has never been in my experience of now nearly 18 years in the Senate a session when there have been put into general appropriation bills so many new matters not agreed to by either House. It has come to be legislation by committees of conference instead of legislation by Congress. There is a rule in the other House respecting conference reports, but we have no such rule here at all, and we are in the predicament of being compelled either to reject a conference report in its entirety or adopt it in its entirety.

Some of the most dangerous and far-reaching provisions I have ever seen in any legislative session I have attended have been inserted in several of the appropriation bills. In the Post Office appropriation bill—and I am not criticizing the members of the conference committee—there has been injected, in connection with the parcel-post provision, the paragraph quoted by the Senator from Kansas [Mr. BRISTOW], which practically confers legislative power upon the Postmaster General; gives him the power to make any changes in the rates or to provide new rates as to the parcel post, and not only to make changes in the rates, but in regard to the weight of packages, and so forth.

Mr. BOURNE. Will the Senator permit me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. NELSON. I do.

Mr. BOURNE. The House sent over to the Senate, in the nature of an instruction, a supplemental action to the bill as it came here. It was contained in the bill which was before the Senate and before the conferees, so that the provision is perfectly germane; and no criticism can possibly lie against the conferees, because the matter was before both Houses.

Mr. NELSON. There is a double criticism; first, in its present form it was not before either House, and, in the next place—and that is the most vital part of it—it practically confers legislative power upon the Postmaster General in as bald a form as possible.

I trust that at the next session of Congress we shall have our rules amended so that conferees no longer can resort to the expedient of putting into a bill legislation which has never been passed upon by either House.

Mr. HEYBURN. Just a moment, Mr. President.

Mr. BOURNE. Mr. President——

Mr. WARREN. Who has the floor Mr. President?

The PRESIDENT pro tempore. The Senator from Wyoming has the floor.

Mr. WARREN. I want to oblige everybody, but it does not seem to me, after the conference report has been agreed to, that it is necessary for Senators to keep me standing and waiting. They can just as well follow me. I am willing to yield for a moment, however.

Mr. BOURNE. If the Senator will yield to me for a moment, I merely want to correct a statement made by the Senator from Minnesota [Mr. NELSON]. The matter to which he refers was before the House. It was passed by the House and sent over to the Senate almost exactly in the form in which it is found in the conference report.

GEORGE W. HOYT.

Mr. WARREN. Mr. President, I now ask unanimous consent for the present consideration of Senate bill No. 4495.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent for the present consideration of a bill, the title of which will be stated.

The SECRETARY. A bill (S. 4495) for the relief of George W. Hoyt.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Wyoming for the consideration of the bill?

Mr. SMITH of Georgia. I object.

Mr. WARREN. Mr. President——

The PRESIDENT pro tempore. The Senator from Georgia objects.

Mr. WARREN. I want to appeal to the Senator from Georgia. Is his objection directed to the present consideration of the bill?

Mr. SMITH of Georgia. I do not know what the bill is.

Mr. BRYAN. If the Senator will permit me, I will say that the bill has been thoroughly examined by the Committee on

Post Offices and Post Roads, and that it is a perfectly legitimate case.

Mr. WARREN. I hope the Senator will let the bill be now considered and passed.

Mr. SMITH of Georgia. Very well.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to credit the accounts of George W. Hoyt, postmaster at Cheyenne, Wyo., in the sum of $11,236, due to the United States on account of money-order funds embezzled by Joseph Kingman, late assistant postmaster at Cheyenne, Wyo., in the year 1911, and appropriates $11,236 in payment of the claim.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes;

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze and brass cannon, with their carriages and outfit of cannon balls, etc.; and

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

ADMISSION OF ADULTERATED SEEDS.

Mr. SMOOT. Mr. President, yesterday the Senator from Michigan [Mr. TOWNSEND] asked that the consideration of House bill 22340 be postponed until he could examine some telegrams which he had received. He has since examined those telegrams, and he has now no objection to the consideration of the bill and its passage. I ask unanimous consent for the present consideration of the bill.

Mr. SMITH of Maryland. What is the bill?

Mr. SMOOT. It is the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes. Being a House bill, it must go to conference, and if it is not passed to-night it can not be acted upon by the House.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT pro tempore. The question is on agreeing to the amendment inserting section 4.

The amendment will be stated.

The SECRETARY. On page 3, after line 18, it is proposed to insert:

SEC. 4. That no person, firm, or corporation shall ship or deliver to any common carrier for shipment from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia any such grain or seeds for seeding purposes, the car, case, bag, or package containing which is not plainly marked so as to show the kind of grain or seeds, the percentage of germination, the percentage of adulteration, the name and address of the consignee, and the place where the grain or seed was grown.

Mr. SMOOT. The bill has already been read and one amendment agreed to. I ask that the Senate disagree to the amendment inserting section 4.

The PRESIDENT pro tempore. The question is on the amendment of the committee inserting section 4.

The amendment was rejected.

The next amendment was, on page 4, after line 2, to insert a new section, as follows:

SEC. —. That any person or persons who shall knowingly violate the provisions of this act shall be deemed guilty of a misdemeanor and shall pay a fine of not exceeding $500 and not less than $200: *Provided*, That any person or persons who shall knowingly sell for seeding purposes seeds or grain which were imported under the provisions of this act for the purpose of manufacture shall be deemed guilty of a violation of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes."

SPEECH OF ACCEPTANCE OF VICE PRESIDENT SHERMAN (S. DOC. NO. 943).

Mr. SANDERS. I ask that the speech of the Senator from Utah [Mr. SUTHERLAND] notifying JAMES SCHOOLCRAFT SHERMAN of his nomination for the Vice Presidency by the Republican national convention, and the speech of JAMES SCHOOLCRAFT SHERMAN accepting the nomination by the Republican national convention, both delivered at Utica, N. Y., August 21, 1912, be printed as a Senate document, and also that they be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The speeches referred to are as follows:

SPEECH OF SENATOR SUTHERLAND.

Mr. Vice President, it has become my pleasant duty, speaking for the committee appointed for that purpose, to convey to you the formal information that at the national convention recently held in Chicago you were renominated as the candidate of the Republican Party for the high office of Vice President of the United States—an office which you have so creditably filled during the past four years.

It has seldom fallen to me to perform a duty in which my sense of personal pleasure and my judgment have coincided in such equal proportions. The many years of my association with you in the House of Representatives and in the Senate qualify me to say that if the people of this country have not lost their ability to appreciate faithful, conscientious, and unselfish public service, your reelection may be predicted with confident assurance. You have presided over the deliberations of the Senate with such fairness, courtesy, ability, and constant devotion to duty as to win the uniform and unanimous commendation of the entire membership of that body.

The Vice President should always be selected with the possibility in mind of his being called upon to assume the larger duties of the presidency, and I but give expression to the opinions of all those who know you best when I say that if that contingency should ever arise in your case the duties of that great office would fall into hands fully capable of bearing the new and increased responsibilities.

We shall have arrayed against us in the coming campaign our ancient and hereditary enemy, the Democratic Party. In addition we shall be called upon to contend with some former associates who have concluded to abandon their amiable custom of firing upon the flag they have been following in order that they may engage in the more honorable, but no more effectual, occupation of assaulting it from the front. For the next few months our ears are to be filled with the voice of the malcontent, strident and many-keyed, calling upon the people to forsake the tried and beaten paths of constitutional government, along which they have walked with sure feet for more than a century, and enter upon a personally conducted pilgrimage through the political wilderness to a promised land as shadowy and unsubstantial as a desert mirage.

The advance agents of this delirious excursion tarried a few days at Chicago, long enough to pool their individual grievances, visions, and vagaries in a bewildering farrago of impractical political nostrums such as never before has been collected at one time outside the violent wards of a madhouse. And thus the so-called Progressive Party was born, its sole excuse for existence being the unfounded claim that its nominee for the Presidency was defeated for a like nomination by stolen votes at the Republican convention.

I can not, of course, take the time to discuss this claim in detail and point out its utter and reckless falsity. The overwhelming majority of the national committee, the credentials committee, and the tribunal of ultimate appeal, the convention

itself, after the most thorough and patient consideration, decided, and fairly decided, against this contention. Of the delegates elected for Mr. Taft, 238 were contested. Of these contests, 164 were rejected as wholly without merit, Mr. Roosevelt's own friends on the national committee joining in the decision. Mr. Roosevelt himself, although acquiescing in the filing of contests against 24 Alabama delegates, openly stated, after the national committee had unanimously seated 22 of them, that he had only counted on 2 delegates for himself and exhibited a list in which 22 were conceded to President Taft. Why were these 22 and the remainder of the 164 confessedly frivolous contests instituted?

The Washington Times, a Munsey newspaper, and an ardent supporter of Mr. Roosevelt, ingenuously furnished the explanation, namely—and I quote the exact statement:

For psychological effect, as a move in practical politics, it was necessary for the Roosevelt people to start contests in these early Taft selections, in order that a tabulation of delegate strength could be put out that would show Roosevelt holding a good hand.

Larceny for "psychological effect" is something quite new in the history of penology

In other words, more than two-thirds of all the contests which were instituted were known to be fraudulent from the beginning. Though instituted for "psychological effect," they were apparently continued before the national committee for more practical reasons. It is difficult to imagine a more indecent attempt to dishonestly deprive duly elected delegates of their seats and secure unelected Roosevelt delegates in their places. In view of this conceded attempt to steal 164 of the delegates, it might not be unreasonable to require something more than the mere assertion of the unsuccessful freebooter to demonstrate the merit of the remaining 74 contests.

It would be a strange rule of evidence which would require us to accept the testimony of a buccaneering psychologist who confesses to an attempt to purloin the larger portion of an honest man's property as conclusive evidence of the psychologist's title to the remainder of the honest man's possessions.

There never has been in all history a more unique convention than that of the Progressive Party at Chicago. Heretofore, when a party has been organized, its organizers have in advance entertained at least a suspicion respecting their principles; but the delegates to this convention, wholly ignorant of the things for which they stood, waited, with patiently folded hands, the appearance of Mr. Roosevelt in the convention to tell them what they believed. Upon his appearance he was received with reverent adoration. With a spirit of self-abnegation never witnessed since the charge of the Light Brigade at Balaklava—a "Their's not to reason why, their's but to do and die" sort of exaltation, led by the Grand Young Man from Indiana, devout but tuneful, the assembled vassals proclaimed their joyous intellectual surrender to the feudal lord in the following hymn of driveling irresponsibility:

Follow, follow,
We will follow Roosevelt,
Anywhere, everywhere,
We will follow him.

Follow, follow,
We will follow Roosevelt,
Anywhere he leads us
We will follow on.

All of which being chanted to the ravishing air of that stirring ditty entitled, "We don't know where we're going, but we're on the way," wrought the multitude into such a state of blind and benighted idolatry that authentic information to the effect that the colonel had just waylaid a perfectly respectable minister of the gospel and robbed him of his last month's donations would have brought forth enthusiastic cheers for the colonel and a vote of stern condemnation for the man of God as the representative of a dangerous and iniquitous plutocracy.

In form 2,000 delegates, more or less, gathered in the Coliseum; in reality Mr. Roosevelt met in convention at Chicago, made a confession of faith, gave his hand to the colored brother from the North and his foot to the colored brother from the South, adopted a platform, nominated himself and Brother Johnson, and adjourned with the ease of a thoroughly trained thimblerigger plying his vocation among the rural visitors to the midway plaisance.

The campaign upon which we are about to enter presents issues of more serious moment to the American people than any they have confronted since the grave questions which immediately preceded and accompanied the Civil War. The overshadowing question then was whether the Union, under the Constitution, could be perpetuated; that which confronts us to-day is whether the Constitution itself, and the Government which the Constitution established, shall be preserved—a question of equal, if not greater gravity, since it would be of little avail to have preserved the Union from the chaos of disintegration if the Government of the Union is to be given over to the chaos of disorganization.

The party to which we belong, Mr. Vice President, stands in this supreme contest for the independence and integrity of the judicial tribunals of the land, without which the guaranty of life, liberty, and property would be a meaningless platitude. It stands for the settled rule of impersonal government, as opposed to the shifty opportunism of personal manipulation; for the liberty and order of general law, as against the tyranny of special edicts of changing men. It plants itself upon the impregnable ramparts of the Constitution and, solemnly protesting against any subversion of the terms of that great compact by the arrogant and revolutionary process of amendment by misconstruction, appeals from the midsummer madness of that portion of the people which can be fooled all the time to the sober second thought of the great body of the American electorate who will render judgment in November.

SPEECH OF JAMES SCHOOLCRAFT SHERMAN.

Gentlemen of the committee, this company appreciates the honor of this visit by your distinguished membership. You represent the 48 States of the Union and the 8,000,000 Republican voters in our wide domain. You bear the commission of the convention which, representing them, met in Chicago in June. That convention declared anew our fidelity to the historic Republican Party, our purpose to carry forward the work it has so well done, and to promote further the prosperity and progress of the United States. The annals of American parties do not record the proceedings of a political gathering conducted with more openness, fairness, deliberation, sobriety, and worthy purpose than that for which you speak. This assemblage will gladly concede the fact that other procedure were impossible in a body presided over by Oneida's native son, ELIHU ROOT.

Not deceived by the clamor of those who attempted to bolster up claims without basis by hundreds of contests resting on foundations so flimsy that, in the light of investigation, most of them melted away like snow in a furnace heat and were rejected by quite or nearly a unanimous vote, the convention adopted a platform that rings true for patriotism and constitutional government and worthily bestowed a renomination upon our present Chief Executive.

You, gentlemen, notify me that the convention named me as the party's candidate for Vice President. Our party has never before conferred a second nomination for that office upon any man. This distinction was not sought by me, but, unsolicited, it is the more appreciated and its value is augmented by the generous words in which you, Senator SUTHERLAND, are pleased to announce it. I can not but recognize your message, gentlemen, as a mandate which I must obey. As a loyal Republican, a disciple of the party of Lincoln and Grant, of Harrison and McKinley, and of him for whom the ground upon which we stand, dedicated to public use is named, Roscoe Conkling, I stand squarely upon the party platform. I approve of the admirable statement of Republican principles and achievements made in the address accepting the nomination for President by William Howard Taft. Upon that platform and associated with President Taft, I gratefully accept the renomination as the Republican candidate for the office of Vice President of the United States.

Fortunate are we, Republicans, in the fact that our opponents are divided into two camps, rivaling each other in their efforts to excel in disturbing the civic and economic order of the country. The new party thrusts itself forward into the vacuum left by the phantoms of other third parties which have passed into oblivion. Oblivion, too, awaits it. The Democratic Party in the Nation has many times defeated its Republican rival in August; but twice has it done so in November. The political skies are often confused and lowering in midsummer, but the cooling breezes of November render them clear and normal. Astronomers tell us that many shooting stars flash into vision in August, but, dazzling though they be in their flight, they disappear in unknown space, while the planets roll on in splendor in their regular orbits. So in the political firmament, comets may cross the canopy; they have no fixed place in the solar system. The Democratic rallying cry has always been "a tariff for revenue only," and the bitterest assaults on the policy of protection to American industry. This year sees no innovation. The Democratic candidate, Dr. Wilson, is Bryan and Parker over again without the oratory of the one or the legal training of the other, but with the free-trade prejudices of both seemingly intensified. It is not unkind to discern that Dr. Wilson is a pedagogue, not a statesman, and, in his mode of thought, academic rather than practical. Job appealed:

"O, that mine adversary had written a book." Dr. Wilson has written several, and many utterances in them will prove both an embarrassment and a burden in this campaign. In his History of the American People he says (vol. 5, p. 212):

> Now came multitudes of men of the lowest class from the south of Italy, and men of the meaner sort out of Hungary and Poland, men out of the ranks, where there was neither skill nor energy nor any initiative of quick intelligence, and they came in numbers which increased from year to year, as if the countries of the south of Europe were disburdening themselves of the more sordid and hapless elements of their population.

And almost immediately thereafter the learned doctor further says:

> The Chinese were more to be desired as workmen, if not as citizens, than most of the coarse crew that came crowding in every year at the eastern ports.

Was the statement when made well founded? Is it to-day? Was it just? Was it worth while for the learned writer to give expression to such sentiments? Do my hearers to-day believe the Chinese to be more desired than the European immigrants? Do they concede the immigrants from the land of Kosciuszko and Columbus to be of the "lowest class," of the "meaner sort," the "most sordid," and the "coarsest crew"? By their votes in November they must say if they believe a man who gave utterance but a few years ago to such thoughts and sentiments is now best fitted to be the Chief Executive of their adopted Government and country.

For the first time in the memory of my oldest hearer the country witnessed a convention, held in Chicago two weeks since, in which there was no roll call of delegates, no ballots cast; where red bandannas were preferred to the Stars and Stripes; where the scene was scarlet overmuch, like the flag of anarchy, not red, white, and blue, the symbol of patriotism. The unquestioned master of the situation was greeted by his satellites as "an inspired leader," and the irreverence which fell from many lips reached its climax in the closing utterances of the chairman. The "leader's" right to rule was recognized and proclaimed. Never in the history of the English tongue was greater assumption of power proclaimed. Thoughtful and patriotic citizens will inquire the meaning of the pronunciamiento of that gathering that there will follow "a dangerous revolution" unless its policies are adopted. American voters of all parties will, I believe, resent any appeal to the terror of violence. Both of the opposing parties assault with equal vehemence the present tariff, under which our country has so markedly prospered. They abuse the Payne-Aldrich law without stint and without reason. That tariff act has closed no factory, has put out the fires in no furnace, has thrown no mechanic or laborer out of employment. It has opened no free-soup houses for starving families deprived of the wage of the bread earner; it has formed no bread line of jaded, disheartened seekers for employment. It has kept wide open the home markets for the produce of the farm and the factory. Industrious workingmen, having the highest wage ever known, have been able to build new houses, to clothe well their children, to provide for their schooling, and to give them a generous measure of the comforts and luxuries of life. The landlord is not embarrassed in the collection of his rent, the grocer in receiving pay for his supplies. The church of his choice is receiving his free gifts from the prosperous citizen. Nearly 10,000,000 of depositors in the savings banks had last year laid away over four thousand millions of dollars—$4,212,583,000—while every branch of moral, social, and educational betterment has received vital impulse and generous support. Wherein can the thoughtful citizen see promise of a betterment in the frantic cry for "a change"?

I have seen in no speech or literature made or issued by a member of either of the opposing parties the fact stated that of the hundreds of millions of foreign goods imported last year 51 per cent came in duty free. Have any of the rancorous critics of the Payne tariff law cited the fact that under its provisions the duties on all importations were reduced 21 per cent? And yet this "revision downward" was accomplished without harm to American labor. Unbridled ambition and long-deferred hope have little regard for reason and for truth. Our export trade has mounted marvelously. In the last fiscal year in manufactures alone it passed the billion-dollar mark ($1,021,000,000). The annual product of our manufactories surpasses that of any other nation, and besides fully supplying our own people, exceeds all competitors in the value of exports.

The Democratic majority in our House of Representatives is writing in lurid characters the extent to which our opponents are willing to go in their zealous efforts to ruin protection. The several bills reducing various schedules, passed by the House, and under the strange condition existing in the Senate acquiesced in by that body, exhibit the crudities and destructive aims of the advocates of a tariff for revenue only. The need of a Republican President is clearly proven by the defense of American industry by President Taft in his vetoes of these recent tariff bills from which he has saved every interest of labor and production. Had he no other title to both gratitude and support (and he has a multitude) these vetoes alone call for the support at the polls of every American citizen who toils with hand or brain, on the farm or in the factory, in the mill or in the shop or in the office, who values present blessings and desires to preserve them.

The Republican Party has never claimed to possess within its membership all the world's virtue and patriotism. We do not pretend to be better than other men of good intent who try to behave well. We concede to the followers of other party standards, be they Democratic, Progressive, Prohibition, or what not, a desire to do that which shall serve the public weal. We insist that in their advocacy of many economic, financial, and governmental theories they are in error, grievous error. While admitting the sincerity of their beliefs, we maintain that the principles in which we believe and the policies which we advocate are far the best to be upheld and applied for the best interests of the hundred million of American people. We insist that experience justifies our contention. With but two intervals Republican rule has for half a century guided the majestic forward and upward strides of this Nation. That, we assert, is a demonstration of the capacity and the purpose and the success of the Republican Party in securing for this country sane, certain, and all-embracing progress.

The crime of this "new age" is frenzied speech and action; lack of thought, a spurning of deliberation and of the weighing of consequences. Fakers with projects to "get rich quick" draw gaping crowds. Mad haste is the pastime of the multitude. Automobiles race to carry their passengers to death at a mile a minute. The British Board of Trade attributes the awful sinking of the *Titanic*, with its cruel sacrifice of life of crew and passengers, to excessive speed. The third-term party and Candidate Wilson urge the country to like disaster and ruin.

When the American people, in the quiet of the home fireside, about the evening lamp, in the late autumn days, shall have given careful thought to the history of the past; shall have considered the blessings that have come from tried policies; when they shall have contemplated the possible dangers that may follow from unwise and unripe changes, they will give heed to the warning and will not repeat in our political and economic fields the frightful and ghastly experience of the *Titanic*. We Republicans are not men worshipers. We contend with Jefferson for "principles, not men." We are free and we follow blindly no leader and bow to no dictator. The people have and the people always will rule. We grip our anchor firmly to the Constitution and the American system of representative government. The more savage and truculent the attacks upon them, the more insolent the bluster, the more steadfast is our stand for free institutions, which are the glory of mankind. An untrammeled judiciary is their strong bulwark. We warn the electorate not to be drowned by a Niagara of denunciation and abuse. Every tirade against the Constitution and the law and the courts is a strident call to the American people to protect their homes and to maintain inviolate constitutional government; every assault upon protection a summons to preserve their opportunities, to maintain existing conditions which places the American wage earner in every calling on a higher scale of living and civilization than enjoyed elsewhere in the world. Such protection can be guaranteed only by adequate customs duties, justly and wisely applied to hold our broad and immense home market against the world. Such protection, to be safe and certain, must be based upon a Republican protective tariff.

The evidence upon which the American electorate will base its verdict in November will be submitted upon the hustings, through the press, and by pleas through the mails. The evidence should be based upon the experience of the past. The jury of American people must weigh it well and sift the false from the true. The verdict will be rendered within a few hours of a single day; its effect will be with us for years. Let no juror reach his conclusion, render his verdict, without due care for the welfare of himself, his kinsmen, and his fellows.

We ask that the Republican Party and its candidate be tried upon the record of service and accomplishments. We near the end of President Taft's first term of service with our Government at amity with all foreign powers, amid domestic tranquillity, and with our people blessed by prosperity and abundance; our Navy among the foremost of the world; our Army in a high degree of excellence; our postal service, for the first time in its history, self-sustaining; the colossal dream of the centuries, an Isthmian Canal, almost a completed reality; our

foreign and domestic commerce in a condition of activity, vigor, and health, meeting the desires of the most optimistic, and every department of the Government rendering proper and efficient aid to law-abiding citizens in every calling. Confident that the American people are not yet willing to destroy and discard the Constitution, which has stood the test of more than a century, which was framed, expounded, and upheld by the great men of the past, that they have not yet forgotten the direful result of the mistake of 1892, we calmly await the ides of November.

LIFE-SAVING AND QUARANTINE FACILITIES.

Mr. BRYAN. On behalf of my colleague [Mr. FLETCHER] I report back from the Committee on Commerce, without amendment, House bill 26005. It is a brief bill, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The Senator from Florida, on behalf of his colleague, reports from the Committee on Commerce a bill, the title of which will be stated.

The SECRETARY. A bill (H. R. 26005) to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y., and to provide increased quarantine facilities at the port of Portland, Me.

The PRESIDENT pro tempore. The Senator from Florida asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT pro tempore. The Chair will call the attention of the Senator from Florida to the fact that the second section of the bill regarding quarantine facilities at Portland, Me., has been incorporated in the deficiency appropriation bill. Without objection, that provision will be stricken from the bill.

Mr. NELSON. That provision on the general deficiency bill may not be agreed to in conference, as it is a Senate amendment. Therefore I think it had better be retained in this bill.

The PRESIDENT pro tempore. Very well.

The bill was reported to the Senate without amendment, ordered to a third reading, read the thrid time, and passed.

AFFAIRS IN NICARAGUA.

Mr. BACON. I ask unanimous consent for the consideration of Senate resolution 385 which I introduced two days ago and which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

There being no objection, the resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Committee on Foreign Relations, or a subcommittee thereof, authorized and appointed under Senate resolution 335, passed July 26, 1912, to make certain investigations and report concerning influences connected with or inciting rebellion, insurrections, or disorders in Cuba and Mexico, be, and it is hereby, authorized and directed by said committee, or a subcommittee appointed or to be appointed, to further inquire, investigate, ascertain, and report as to the alleged invasion of the Republic of Nicaragua by the armed sailors and marines of the Navy of the United States during the month of August, 1912, or at any other time preceding or subsequent thereto during said year; and particularly to investigate and report to the Senate—

First. Under what authority of law and by the orders of what official of the United States said armed sailors and marines were at any time during said year ordered to invade the territory of the Republic of Nicaragua.

Second. What armed officers and sailors and marines of the Navy and Marine Corps were under said orders sent into the territory of the Republic of Nicaragua.

Third. What orders were issued to said forces of the Navy and Marine Corps to be executed by the same in the Republic of Nicaragua, and what was done within the period named in pursuance thereof, and particularly what military operations were carried on within the Republic of Nicaragua by said forces in pursuance of said orders or otherwise.

Fourth. The said committee or subcommittee is further directed to investigate and report to the Senate what citizen of the United States or other person or persons are now or have been during said year assuming to collect customs in Nicaragua, and assuming to be American customs officials, and particularly by whom said collector of customs has been appointed, by whose instigation, and the authority assumed to be exercised by said alleged American custom officials and all the acting and doings of the same under any authority, actual or assumed.

Resolved further, That all the powers and authority conferred upon said committee or subcommittee by the said original Senate resolution 335 of July 26, 1912, be, and the same are hereby, conferred upon said committee or subcommittee in making the additional investigation and report herein authorized and directed.

PUBLIC BUILDING AT APALACHICOLA, FLA.

Mr. SUTHERLAND. I ask leave, out of order, to report favorably from the Committee on Public Buildings and Grounds, with an amendment, the bill (S. 2345) to provide for the erection of a public building in the city of Apalachicola, Fla. The senior Senator from Florida [Mr. FLETCHER] is very much interested in the bill, and in his behalf I ask unanimous consent for its present consideration. It is a very short bill of not more than a dozen lines.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah for the consideration of the bill named by him?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Buildings and Grounds with an amendment, on page 2, line 1, after the word "dollars," to strike out the remainder of the bill, so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, for the use and accommodation of the United States post office and other Government offices at the city of Apalachicola, in the State of Florida, the cost of said site and building, including said vaults, heating and ventilating apparatus, elevators, and approaches, complete, not to exceed the sum of $75,000.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

VALIDATION OF HOMESTEAD ENTRIES.

Mr. SMOOT. I move that the Senate proceed to the consideration of executive business.

Mr. MYERS. Will the Senator withhold that motion for just a moment? I should like to have a minute of the Senate's time.

Mr. SMOOT. If the matter the Senator has in mind will not lead to any discussion, I will yield.

Mr. MYERS. I do not think it will lead to discussion. If I thought it would, I would not ask to have it taken up at this time. I ask unanimous consent for the present consideration of House bill 21826. It is a bill that was introduced by my colleague [Mr. PRAY] in the other House.

The PRESIDENT pro tempore. The Senator from Montana asks unanimous consent for the present consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21826) validating certain homestead entries.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It provides that all pending homestead entries made in good faith prior to September 1, 1911, under the provisions of the enlarged homestead laws, by persons who, before making such enlarged-homestead entry, had acquired title to a technical quarter section of land under the homestead law, and therefore were not qualified to make an enlarged-homestead entry, are validated, if in all other respects regular, in all cases where the original homestead entry was for less than 160 acres of land.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRAGG HILL LAND CO., TENNESSEE.

Mr. SANDERS. I am directed by the Committee on Military Affairs, to which was referred the bill (H. R. 19276) authorizing the Secretary of War to convey by deed to D. B. Loveman and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn., to report it without amendment. It is a very brief bill, and I ask unanimous consent for its present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. SMOOT. I ask unanimous consent that immediately after the routine morning business to-morrow the Senate take up the calendar under Rule VIII and proceed to the consideration of bills to which there is no objection, not to interfere, however, with the consideration of conference reports.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah?

Mr. SMITH of Georgia. Mr. President, I object to one part of the request, which is that we only take up those bills to which there is no objection. I think we ought to take up the calendar under Rule VIII.

Mr. SMOOT. If we did that, I think we would not proceed far with the calendar. If the Senator objects, I will withdraw the request.

Mr. SMITH of Georgia. I think there are some measures on the calendar under Rule VIII to which there might be some objection. The one in which I am especially interested is what is known as the parole bill which has passed the House. We have, I think, in the southeastern district——

Mr. SMOOT. If the Senator objects, I withdraw the request.

The PRESIDENT pro tempore. The request is withdrawn.

EXECUTIVE SESSION.

Mr. SMOOT. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened.

HOUR OF MEETING TO-MORROW.

Mr. NELSON. I move that when the Senate adjourns to-day it adjourn to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

Mr. NELSON. I move that the Senate adjourn.

The motion was agreed to, and (at 7 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Saturday, August 24, 1912, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate August 23, 1912.

NAVAL OFFICER OF CUSTOMS.

Lewis K. Torbet, of Illinois, to be naval officer of customs in the district of Chicago, in the State of Illinois, in place of Thomas N. Jamieson, whose term of office expired by limitation February 10, 1908.

CHIEF OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Albertus H. Baldwin, of Connecticut, to be Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce and Labor.

ASSISTANT CHIEFS OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Oscar P. Austin, of the District of Columbia, to be Assistant Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce and Labor.

Etherd A. Brand, of Virginia, to be Assistant Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce and Labor.

COUNSELOR FOR THE DEPARTMENT OF STATE.

Chandler P. Anderson, of New York, to be counselor for the Department of State. (Reappointment.)

ASSISTANT ATTORNEY GENERAL.

Jesse C. Adkins, of the District of Columbia, to be Assistant Attorney General. (An additional position created by the act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913.)

PROMOTION IN THE ARMY.

PAY DEPARTMENT.

Maj. Beecher B. Ray, paymaster, to be deputy paymaster general with the rank of lieutenant colonel from February 16, 1912, vice Lieut. Col. Hamilton S. Wallace, promoted.

POSTMASTERS.

ARIZONA.

Harry C. Adams to be postmaster at Hayden, Ariz. Office became presidential July 1, 1912.

CALIFORNIA.

George D. Barron to be postmaster at El Monte, Cal., in place of Lulu Mayes, resigned.

IOWA.

Alfred F. Wright to be postmaster at Denison, Iowa, in place of Frederick W. Meyers, resigned.

MONTANA.

Charles Weber to be postmaster at Thompson Falls (late Thompson), Mont., in place of Charles Weber. (To change name of office.)

PORTO RICO.

Julio Ramos to be postmaster at Cayey, P. R., in place of Julio Ramos. Incumbent's commission expired May 26, 1912.

SOUTH DAKOTA.

James D. Reeves to be postmaster at Groton, S. Dak., in place of John G. Ropes, removed.

TEXAS.

Wilard R. Crittenden to be postmaster at Sugar Land, Tex. Office became presidential July 1, 1912.

Dallas Harbert to be postmaster at Commerce, Tex., in place of Dallas Harbert. Incumbent's commission expired February 24, 1912.

George B. McManis to be postmaster at Baird, Tex., in place of Lulu F. McManis, resigned.

William J. Miller to be postmaster at Hallettsville, Tex., in place of William J. Miller. Incumbent's commission expired March 20, 1912.

Charles O. Nelson to be postmaster at Clifton, Tex., in place of Charles O. Nelson. Incumbent's commission expired January 23, 1910.

Orion L. Niccolls to be postmaster at Marfa, Tex., in place of Orion L. Niccolls. Incumbent's commission expired April 28, 1912.

Denny E. Walshe to be postmaster at Grand Saline, Tex., in place of Denny E. Walshe. Incumbent's commission expired April 28, 1912.

Effie Walton to be postmaster at Walnut Springs, Tex., in place of Effie Walton. Incumbent's commission expired December 16, 1911.

VIRGINIA.

Otis Tucker to be postmaster at Drakes Branch, Va., in place of William S. Gregory, jr., removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 23, 1912.

CONSULS.

Charles Forman to be consul at Turks Island, West Indies.

George M. Hanson to be consul at Hobart, Tasmania.

Perry C. Hays to be consul at Zanzibar, Zanzibar.

Frank Anderson Henry to be consul at Guadeloupe, West Indies.

Walter A. Leonard to be consul at Stavanger, Norway.

COUNSELOR FOR THE STATE DEPARTMENT.

Chandler P. Anderson to be counselor for the State Department.

ASSISTANT ATTORNEY GENERAL.

Jesse C. Adkins to be Assistant Attorney General.

NAVAL OFFICER OF CUSTOMS.

Lewis K. Torbet to be naval officer of customs in the district of Chicago, Ill.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

George Joerns,
Cortlandt C. Baughman,
William T. Mallison,
Herbert A. Jones,
Chauncey E. Pugh, and
Herman E. Welte.

Ensign Jere H. Brooks to be a lieutenant (junior grade).

Asst. Surg. David G. Allen to be a passed assistant surgeon.

The following-named assistant surgeons to be passed assistant surgeons:

John G. Ziegler, and
William M. Kerr.

The following-named assistant naval constructors to be naval constructors:

Isaac I. Yates,
George C. Westervelt,
Charles W. Fisher, jr.,
Holden C. Richardson,
John H. Walsh,
Edward C. Hamner, jr., and
Emory S. Land.

Gunner William H. Dayton to be a chief gunner.

The following-named commanders to be captains:

George W. Kline,
Harrison A. Bispham, and
Charles M. McCormick.

The following-named lieutenant commanders to be commanders:

Thomas S. Wilson, and
Henry A. Pearson.

The following-named lieutenants to be lieutenant commanders:
George W. Steele, jr.,
John W. Timmons,
John G. Church, and
Paul Foley.
Lieut. John T. Bowers to be a lieutenant commander.
Lieut. (Junior Grade) Virgil Baker to be a lieutenant.
Lieut. (Junior Grade) Stuart W. Cake to be a lieutenant.
The following-named lieutenants (junior grade) to be lieutenants:
Charles A. Woodruff,
Francis M. Robinson,
John F. Connor,
George A. Alexander,
James P. Olding,
Charles S. McWhorter,
Sherwoode A. Taffinder, and
Lesley B. Anderson.
Lieut. (Junior Grade) Reuben L. Walker to be a lieutenant.
Medical Inspector Philip Leach to be a medical director.
Medical Inspector Lloyd W. Curtis to be a medical director.
Surg. Charles F. Stokes to be a medical inspector.
Surg. Rand P. Crandall to be a medical inspector.
Surg. George T. Smith to be a medical inspector.
Passed Asst. Surg. James H. Holloway to be a surgeon.
Passed Asst. Surg. John L. Neilson to be a surgeon.
Passed Asst. Surg. Frederick W. S. Dean to be a surgeon.
Passed Assistant Paymaster Noel W. Grant to be a paymaster.

POSTMASTERS.

CALIFORNIA.

Robert K. Haines, La Mesa.
Henry E. Kay, Jackson.

GEORGIA.

George F. Flanders, Swainsboro.

MINNESOTA.

Paul H. Tvedt, Nashwauk.

NEBRASKA.

E. C. Colhapp, Humboldt.

NEVADA.

Joseph M. Lyon, National.

NEW JERSEY.

William C. Howell, Blairstown.

OHIO.

Frederick Greenwood, Minerva.

PENNSYLVANIA.

James E. Rupert, Conneautville.

TEXAS.

F. C. Allen, Bonham.
James W. Bradford, Mount Vernon.
Belle W. Bridges, Mason.
John L. Burke, Elgin.
John W. Chichester, Eagle Pass.
Wilard R. Crittenden, Sugar Land.
David Doole, jr., Brady.
Clinton J. Farrell, Vernon.
Christopher C. Gates, Sanderson.
Frederick W. Guffy, Belton.
William P. Harris, Sulphur Springs.
Louis Elmer Hill, Alvarado.
John M. Hill, Cooledge.
Leland S. Howard, Roscoe.
Oscar Hunt, Canyon.
Arthur P. McCauley, Sabinal.
George B. McManis, Baird.
William J. Miller, Hallettsville.
Charles O. Nelson, Clifton.
Orion L. Niccolls, Marfa.
Anna J. Roach, Atlanta.
John G. Ross, Garrison.
Nicholas D. Smith, Dublin.
Charlie B. Starke, Holland.
George F. Taylor, Royse City.
Denny E. Walshe, Grand Saline.
Effie Walton, Walnut Springs.
Louis Weete, Columbus.

WEST VIRGINIA.

Allen D. Fitzhugh, Bridgeport.
Louis Lowmiller, Weirton.

HOUSE OF REPRESENTATIVES.

FRIDAY, *August 23, 1912.*

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

O Thou, who are infinite in wisdom, power, and goodness, our God and our Father, we would draw near to Thee in the spirit of the Master and receive that uplift of the soul which shall enable us with patience, fidelity, dignity, and courage to meet all the duties and responsibilities Thou hast laid upon us, that we may weave for ourselves out of the great loom of life's activities a character which shall stand the test of time and eternity, and to Thee we will ascribe all praise, through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 26371. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House to bills of the following titles:

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors; and

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 26371. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year, ending June 30, 1913, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. McCOY, for the day, on account of illness.

To Mr. ADAMSON, indefinitely, on account of illness in his family.

EXTENSION OF REMARKS.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent to insert in the RECORD as a part of my remarks a letter addressed by George Fred Williams to Senator R. F. Pettigrew, of Sioux Falls, S. Dak., dated December 15, 1911.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to insert in the RECORD as a part of his remarks the letter addressed by George Fred Williams to Senator R. F. Pettigrew, dated December 15, 1911. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, I insist on the regular order at this time until the conference reports are out of the way.

INDIAN APPROPRIATION BILL.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up the conference report on the bill H. R. 20728, the Indian appropriation bill, and move its adoption. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the statement being read in lieu of the report? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1238).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20728) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 2, 5, 6, 12, 13, 16, 18, 27, 34, 35, 38, 39, 42, 43, 50, 52, 56, 59, 63, 64, 65, 70, 72, 76, 77, 88, 89, 90, 91, 92, 95, 99, 108, 109, 115, 125, 127, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 152, 153, 154.

That the House recede from its disagreement to the amendments of the Senate numbered 7, 9, 14, 15, 17, 24, 30, 31, 33, 40, 44, 45, 46, 47, 51, 53, 54, 55, 58, 62, 66, 74, 78, 79, 80, 81, 82, 84, 85, 97, 116, 117, 118, 119, 120, 121, 124, 128, 136, 144, 145, 148, 149, 151, 155, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and twenty-five"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-five"; and the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "ninety"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of sum proposed insert "four hundred and twenty"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four hundred and eighty." After the word "dollars," in line 11, page 5, insert the following: ": *Provided*, That out of the above amount the following expenditures shall be made, to wit: Thirty thousand dollars for the construction of buildings for agency headquarters on the Coeur d'Alene Reservation in Idaho; $10,000 for general repairs and improvements at the Yankton Agency in South Dakota; $15,000 for improvements at the Fort Bidwell School in California, as follows: Seven thousand dollars for the erection and construction of a water and electric-light system, $3,000 for sewerage system, $3,000 for a steam laundry, and $2,000 for complete heating system of the school and accessory buildings"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In line 8 of the proposed amendment, after the word "to," strike out the word "twenty" and insert in lieu thereof the word "fifteen"; in line 8 of the proposed amendment, after the word "and," strike out the word "twenty-five" and insert in lieu thereof the word "twenty"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nine"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-eight"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-two"; and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifteen"; and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the development of a water supply for domestic and stock purposes and for irrigation for nomadic Papago Indians in Pima County, Ariz., $5,000.

"To enable the Secretary of the Interior to make an investigation of the conditions on the Papago Indian Reservation in Arizona with a view to determining the possibility of enlarging the irrigation system for the protection and irrigation of the Indian lands and the development of a water supply for domestic and stock purposes, $5,000: *Provided*, That the Secretary of the Interior shall cause surveys, plans, and reports to be made together with an estimated limit of cost of said project and shall submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make an investigation of the conditions on the White Mountain or San Carlos Indian Reservation in Arizona, with respect to the necessity of constructing, for the use of the Indians, suitable bridges across the San Carlos Creek and the Gila River, in the vicinity of San Carlos, on said reservation, $1,000, and the Secretary of the Interior is hereby authorized and directed to cause surveys, plans, and reports to be made, together with an estimated limit of cost of construction of said bridges, at such sites as he may select, and submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make an investigation of conditions on the Yuma Reservation, in California, with respect to the necessity of constructing, for the use of the Indians, a bridge across the Colorado River between Fort Yuma, Cal., and the town of Yuma, Ariz., $1,000, and the Secretary of the Interior is hereby authorized and directed to cause plans, surveys, and reports to be made, together with an estimated limit of cost of said bridge, and to submit his report thereon to Congress on the first Monday in December, 1912."

And the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment as follows: In line 2 of the Senate amendment, after the word "Reservation," strike out the word "thirty-three" and insert in lieu thereof the word "twenty-five"; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$52,362.62"; on page 11 of the bill, in line 13, strike out the first two words of said line, to wit, "and third"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 of the proposed amendment, after the word "Indians," insert

the words "in full settlement"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and thirty-eight"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In line 3 of the proposed amendment, after the word "appropriated," strike out the word "for" and insert in lieu thereof the words "to complete"; and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In line 1 of the amendment, after the word "of," strike out the word "thirty" and insert in lieu thereof the word "five"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: After the word "Congress," in line 12 of the proposed amendment, strike out the colon and insert in lieu thereof a period; strike out the remainder of said amendment; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,500"; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$66,600"; and the Senate agree to the same.

Amendment numbered 67: That the House recede from its disagreement to the amendment of the Senate numbered 67, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-six"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "fifty-eight"; and the Senate agree to the same.

Amendment numbered 71: That the House recede from its disagreement to the amendment of the Senate numbered 71, and agree to the same with an amendment as follows: In line 3 of the amendment, after the word "attorney," strike out the word "four" and insert in lieu thereof the word "two"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty thousand"; and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$38,000"; in line 10, page 20, of the bill, strike out the words "hundred and fifty dollars"; and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "twenty-six thousand five hundred"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following: "for erection of silo and purchase of ensilage cutter and other farm machinery, $2,000; for purchase of milch cows and other live stock and poultry, $2,000; for erection and completion of hospital building and equipment of same, $12,500"; and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "forty-six thousand"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed, insert "$7,000"; and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,500"; and the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior is hereby authorized and directed to extend for a period of one year the time for the payment of any annual installment due or hereafter to become due on the purchase price for lands sold under the act of Congress approved June 17, 1910, entitled 'An act to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes,' and upon the payment of interest for one year in advance, at 5 per cent per annum upon the amount due, such payment will be extended for a period of one year, and any payment so extended may annually thereafter be extended for a period of one year in the same manner: *Provided*, That the last payment and all other payments must be made within a period not exceeding one year after the last payment becomes due by the terms of the act under which the entry was made; that all moneys paid for interest as herein provided shall be deposited in the Treasury to the credit of the Indians as a part of the proceeds received for the lands: *Provided further*, That failure to make any payment that may be due, unless the same be extended, or to make any extended payments at or before the time to which such payment has been extended as herein provided, will forfeit the entry and the same shall be canceled, and any and all payments theretofore made shall be forfeited: *Provided further*, That nothing herein contained shall affect any valid adverse claim initiated prior to the passage of this act."

And the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In line 3 of the amendment, after the word "employees," strike out the words "one hundred and seventy-four" and insert in lieu thereof the words "two hundred"; and the Senate agree to the same.

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: After the word "sale" at the end of said amendment insert the following: ": *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year"; and the Senate agree to the same.

Amendment numbered 101: That the House recede from its disagreement to the amendment of the Senate numbered 101, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For expenses incident to and in connection with collection of rents of unallotted land and tribal buildings, such amount as

may be necessary: *Provided*, That such expenditures shall not exceed in the aggregate 10 per cent of the amount collected."

And the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"To enable the Secretary of the Interior to make the appraisement and sale hereinafter provided, $5,000: *Provided*, That the houses and other valuable improvements, not including fencing and tillage, placed upon the segregated coal and asphalt lands in the Choctaw and Chickasaw Nations, in Oklahoma, by private individuals, while in actual possession of said land and prior to February 19, 1912, and not purchased by the Indian nations, shall be appraised independently of the surface of the land on which they are located and shall be sold with the land at public auction at not less than the combined appraised value of the improvements and the surface of the land upon which they are located. Said improvements shall be sold for cash and the appraisement and sale of the same shall be made under the direction of the Secretary of the Interior, and 95 per cent of the amount realized from the sale of the improvements shall be paid over under the direction of the Secretary of the Interior to the owner of the improvements and the appropriation hereinbefore made for this purpose shall be reimbursed out of the 5 per cent retained from the sale of the said improvements: *Provided*, That any improvements remaining unsold at the expiration of two years from the time when first offered for sale shall be sold under such regulations and terms of sale, independent of their appraised value, as the Secretary of the Interior may prescribe: *Provided further*, That persons owning improvements so appraised may remove the same at any time prior to the sale thereof, in which event the appraised value of the improvements and land shall be reduced by deducting the appraised value of the improvements so removed: *Provided further*, That this section shall not apply to improvements placed on said lands by coal and asphalt lessees for mining purposes, but improvements located on lands leased for mining purposes belonging to, or heretofore paid for by, the Choctaw and Chickasaw Nations shall be appraised and the appraised value thereof shall be added to the appraised value of the land at the time of the sale: *Provided further*, That where any cemetery now exists on the said segregated coal and asphalt lands, the surface of the land within said cemetery, together with the land adjoining the same, where necessary, not exceeding 20 acres in the aggregate to any one cemetery, and where a church was in existence on said lands on February 19, 1912, land not exceeding 1 acre for each church, may, in the discretion of the Secretary of the Interior, be sold to the proper party, association or corporation, under such terms, conditions, and regulations, as he may prescribe, provided application to purchase the some for such purpose is made within 60 days from the date of the approval of this act."

And the Senate agree to the same.

Amendment numbered 103: That the House recede from its disagreement to the amendment of the Senate numbered 103, and agree to the same with an amendment as follows: After the word "resold," in line 7 of the proposed amendment, strike out the colon and insert in lieu thereof a period, and strike out the remainder of the amendment; and the Senate agree to the same.

Amendment numbered 104: That the House recede from its disagreement to the amendment of the Senate numbered 104, and agree to the same with an amendment as follows: In lieu of the amendment insert the following: ", to June 30, 1913"; and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the construction of a sanitary sewer system in Platt National Park, Okla., to be expended under the direction of the Secretary of the Interior, $17,500: *Provided*, That the said sum shall be available whenever a like amount is appropriated and made available by the town of Sulphur, Okla., for the same purpose: *Provided further*, That whenever said appropriation is made by the town of Sulphur, Okla., the entire amount, or so much thereof as may be necessary, of the total appropriation made by this act and the town of Sulphur, Okla., shall be expended under the direction of the Secretary of the Interior."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 13 of the proposed amendment, after the word "family" strike out the period and insert a colon and the following: "*Provided*, That before such payment shall be made, the heirs or legal representatives of said John W. Noble and R. V. Belt shall sign a receipt in full for all claims for the services above specified and file the said receipt with the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: After the word "Huff," in line 18 of the proposed amendment, strike out the period and insert in lieu thereof a colon and the following: "*Provided*, That before such payments shall be made in full, said Albert J. Lee shall sign a receipt in full for all claims for services as herein specified and file the same with the Secretary of the Interior"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: After the word "thirteen," at the end of said amendment, insert the following: ": *Provided*, That this appropriation shall not be subject to the limitation in section 1 of this act, limiting the expenditure of money to educate children of less than one-fourth Indian blood"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"The Secretary of the Treasury is hereby authorized to pay for the relief of the Kickapoo Indians in Mexico the sum of $15,000, to be expended in the payment of taxes, salary of farmers, maintenance and repairs of irrigation ditches, indebtedness for supplies already furnished, court costs, and obligations heretofore incurred in settlement of land titles, said sum to be paid to the treasurer of a corporation to be known as the Kickapoo Community of Mexico, to be organized under the laws of the State of Arizona; the organization of said corporation shall be authorized by a majority of the members of the Mexican Kickapoo Indians now residing in the State of Sonora, in the Republic of Mexico, in council assembled."

And the Senate agree to the same.

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sent to the First National Bank of Douglas, Ariz., checks payable to the order of the individual Indian owners who are members of the band of Mexican Kickapoo Indians now resident in the Republic of Mexico, for and in the amount of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the said Mexican Kickapoo Indians."

And the Senate agree to the same.

Amendment numbered 113: That the House recede from its disagreement to the amendment of the Senate numbered 113, and agree to the same with an amendment as follows: In lines 7 and 8 of the proposed amendment, after the word "than," strike out the words "February 1, 1913," and insert in lieu thereof the words "December 1, 1912"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, $200,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe."

And the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eleven"; in line 20, page 28, after the first word, "dollars," insert: ": *Provided*, That $4,000 of this amount shall be used in the construction and maintenance

of an irrigation system for the use of said school"; and the Senate agree to the same.

Amendment numbered 123: That the House recede from its disagreement to the amendment of the Senate numbered 123, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "forty-three"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "sixty-two thousand five hundred"; and the Senate agree to the same.

Amendment numbered 129: That the House recede from its disagreement to the amendment of the Senate numbered 129, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"The Secretary of the Interior is hereby authorized to expend the unexpended balance, which is hereby reappropriated, of the appropriation of $15,000, or so much thereof as may be necessary, appropriated by the act approved March 3, 1911 (36 Stat. L., p. 1074), 'for the purpose of constructing a bridge across the Duchesne River at or near the town of Theodore, Utah,' for the purpose of straightening the said Duchesne River at or near said bridge, with a view to protecting said bridge."

And the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For cash payment to the Confederated Bands of Ute Indians, or for expenditure for their benefit, in the discretion of the Secretary of the Interior, $100,000, said amount to be reimbursed out of the appropriation, when made, to cover the net amount of the judgment rendered by the Court of Claims in favor of said Confederated Bands of Ute Indians, dated February 13, 1911."

And the Senate agree to the same.

Amendment numbered 137: That the House recede from its disagreement to the amendment of the Senate numbered 137, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to investigate the conditions on the Yakima Indian Reservation in the State of Washington with a view to determine the best, most practicable, and most feasible plan for providing water for such lands of said reservation as may be irrigated and to cause surveys, plans, and reports to be made thereon, together with an estimated limit of cost of such irrigation project, and to submit his report thereon to Congress on the first Monday in December, 1912, together with such facts and reasons in support of the same as may be necessary to advise Congress fully in regard thereto."

And the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "18"; and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$57,170"; and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "Wisconsin," strike out the word "nine" and insert in lieu thereof the word "seven"; and the Senate agree to the same.

Amendment numbered 156: That the House recede from its disagreement to the amendment of the Senate numbered 156, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "35,025"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For continuing the work of road and bridge construction on the Shoshone Reservation, Wyo., $10,000, reimbursable in accordance with the provisions of the act of March 3, 1905: *Provided*, That this amount shall be expended, as far as practicable, in the employment of Indian labor."

And the Senate agree to the same.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.
MOSES E. CLAPP,
CHARLES CURTIS,
GEO. E. CHAMBERLAIN,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The department sent in estimates as follows:

Original estimates	$8,517,440.00
Supplemental estimates (H. Doc. No. 432)	281,174.95
Fort Sill supplemental estimate (S. Doc. No. 695)	250,000.00
Chippewas (Turtle Mountain Band)	100,000.00
Total	9,148,614.95

This bill as it passed the House carried an appropriation amounting to $8,149,359.90.

The bill as it passed the Senate, including appropriations out of trust funds and all, $16,383,039.34.

The bill as it was agreed to by the conference committee carries $9,854,184.46, not including Senate amendment 88, which amount is not known.

The Senate conferees have receded on the following amendments: 2, 5, 6, 12, 13, 16, 18, 27, 34, 35, 38, 39, 42, 43, 50, 52, 56, 59, 63, 64, 65, 70, 72, 76, 77, 88, 89, 90, 91, 92, 95, 99, 108, 109, 115, 125, 127, 131, 132, 133, 134, 135, 138, 139, 140, 141, 142, 152, 153, and 154.

The House conferees have receded unqualifiedly on the following amendments: 7, 9, 14, 15, 17, 24, 30, 31, 33, 40, 44, 45, 46, 47, 51, 53, 54, 55, 58, 62, 66, 74, 78, 79, 80, 81, 82, 84, 85, 97, 116, 117, 118, 119, 120, 121, 124, 128, 136, 144, 145, 148, 149, 151, and 155.

The effect of the recession of the House conferees on the amendments on which they have unqualifiedly receded is as follows:

No. 7. Authorizes the sale of wine for sacramental purposes.

No. 9. To enable the Public Health and Marine-Hospital Service to investigate the cause of the prevalence of disease among Indians.

No. 14. To enable the Board of Indian Commissioners to employ a secretary.

No. 15. To increase special agents' allowance from $85,000 to $125,000.

No. 17. To classify and index files in the Indian Office.

No. 24. To make appropriation for Pima Indians for irrigation purposes reimbursable.

No. 30. For salary due Clarence I. Stacy, supervisor of ditches, Pima Indians in Arizona.

No. 31. For salary due N. D. Brayton, physician on said reservation.

No. 33. For continuing the construction of irrigation plants on the Colorado River in Arizona.

No. 40. Increase for improvements, Haskell Institute in Kansas.

No. 44. For purpose of paying balance due John E. Meyer, of Shepherd, Mich., for work at Mount Pleasant Indian School.

No. 45. Increase appropriation at Pipestone School in Minnesota for improvements.

No. 46. For construction of a drain at same school.

No. 47. Totals the above two increases.

No. 51. Striking out the provisions relating to Jocko and Pablo units.

No. 53. Striking out the provisions relating to the Two Medicine units.

No. 54. For continuing the construction of an irrigation system at Fort Peck, Mont.

No. 55. For erection of buildings on the Flathead Indian Reservation in Montana, and for agency purposes.

No. 56. Appropriating $5,000 for the surveying of lands on the Fort Belknap Indian Reservation in Montana.

No. 58. Authorizing an easement on Indian lands bordering Flathead Lake in Montana, to be used for irrigation purposes.

No. 62. For construction of a septic tank at Genoa Indian School in Nebraska.

No. 66. For an addition to girls' dormitory at Albuquerque Indian School in New Mexico.

No. 74. For rebuilding employees' quarters destroyed by fire at the Cherokee Indian School in North Carolina.

No. 78. Purchase of water for irrigating trees, gardens, and so forth, at the Bismarck Indian School in North Dakota.

No. 79. Increase of amount of total of appropriation for the Bismarck school, and as provided in last above amendment.

Nos. 80 and 81. Increase the appropriation for the Fort Totten Indian School in North Dakota.

Nos. 82, 84, and 85. Increase the appropriation for the Wahpeton Indian School in North Dakota.

No. 97. Authorizing the issuance of a patent for lands to the heirs of Buck Bill, as provided by court judgment.

No. 98. Increasing the appropriation for administering the affairs of the Five Civilized Tribes in Oklahoma.

No. 110. Making appropriation for school purposes in the Five Civilized Tribes in Oklahoma.

No. 116. For the erection of a bridge on the Warm Springs Indian Reservation, Oreg.

No. 117. For payment of amounts of money due certain Indian tribes in Oregon.

Nos. 118 and 119. Increasing the appropriation for improvements at the Carlisle Indian School in Pennsylvania.

No. 120. For the construction and equipment of a gymnasium at the Flandreau Indian School in South Dakota.

No. 121. Fixes the total for above appropriation.

No. 124. Increasing the appropriation for the Rapid City School in South Dakota.

No. 128. To pay amount due A. C. Brink, of Pierre, S. Dak., for repairs to an engine, and other items, for supplying water at the Pierre Indian School.

No. 136. For support of Indian pupils at Cushman Indian School at Tacoma, Wash.

Nos. 144 and 145. For building addition to the dormitories at the Indian school at Hayward, Wis.

Nos. 148 and 149. For improvements and repairs at the Tomah Indian School in Wisconsin.

No. 151. Extending the time of bringing suit under the act of April 4, 1910.

No. 155. Increasing the amount for improvements at the Shoshone Indian School, Wyo.

On the following amendments the House conferees receded with modifying or substitute amendments, to wit:

No. 1. To better enable the department to make individual allotments so as to aid Indians to build homes.

No. 3. For construction and maintenance of irrigation plants.

No. 4. Incidental expenses for irrigation purposes increased to $335,000.

No. 8. For increase from sixty to ninety thousand dollars for the suppression of disease among Indians.

No. 10. A decrease for support of day and industrial schools from $1,450,000 to $1,420,500.

No. 11. An increase for construction and improvements in schools and agencies, from four hundred and twenty-five to four hundred and eighty-five thousand dollars.

No. 19. Decrease in amount of appropriation for salaries and compensation of employees from ten to fifteen thousand dollars.

Nos. 20 and 21. An increase of $1,000 for repairs and improvements in the school at Phoenix, Ariz.

Nos. 22 and 23. An increase of $1,000 for repairs and improvements at the Truxton Canon School in Arizona.

No. 25. For the purpose of conducting an investigation upon the Gila River, Ariz., for the purpose of irrigation for the San Carlos Indians, an increase of from ten to fifteen thousand dollars.

No. 26. For the development of a water supply for the Papago Indians.

No. 28. An appropriation for the purpose of ascertaining the necessity of building a bridge on the San Carlos Reservation in Arizona, a decrease from two to one thousand dollars.

No. 29. An appropriation for the purpose of ascertaining the necessity of building a bridge across the Colorado River at Yuma, Ariz., and for the estimation of its cost.

No. 32. A decrease from thirty-three to twenty-five thousand dollars for the purpose of constructing a dike to protect allotments on the Fort Mojave Indian Reservation in Arizona.

No. 36. An increase from eighteen to fifty-two thousand three hundred and fifty-six dollars and sixty-two cents for maintenance charge on the Yuma irrigation allotments.

No. 37. To make the receipt read in full settlement of claims for damages reimbursing Peter Moctelmy.

No. 41. An increase of $1,000 for repairs and improvements for the Indian school at Haskell, Kans.

No. 48. An appropriation to complete the construction of a bridge across the Clearwater River on Red Lake Indian Reservation in Minnesota.

No. 49. A decrease from twenty-five to twenty thousand dollars for support and civilization of Indians at Fort Belknap, Mont.

No. 57. Striking out the last paragraph of the amendment relating to timber on the Flathead Indian Reservation, Mont.

Nos. 60 and 61. An increase for general repairs and improvements from three thousand to forty-five hundred dollars at the Genoa Indian School in Nebraska.

No. 68. An increase for general repairs and improvements from three to five thousand dollars at Indian school at Santa Fe, N. Mex.

No. 69. Changes the total appropriation for above school as provided for in amendment 68.

No. 71. Providing a special attorney for the Pueblo Indians in New Mexico, a decrease from four to two thousand dollars.

No. 73. A decrease from thirty-one thousand five hundred and sixty to thirty thousand dollars for support and education of pupils at the Cherokee Indian School in North Carolina.

No. 75. For the purpose of rebuilding employees' quarters at above school.

No. 83. A decrease on Senate amendment from twenty-eight thousand five hundred to twenty-six thousand five hundred dollars for support and education of Indians at Wahpeton, N. Dak.

No. 86. Adding an appropriation of $12,500 for the erection and equipment of a hospital at the Wahpeton Indian School.

No. 87. Changing the total for above appropriation at said school.

No. 93. A decrease of $500 for repairs and improvements at the Chiloco Indian School in Kansas.

No. 94. Changing total of the above item.

No. 96. Extending the time of payment for certain Indian lands in Oklahoma and making interest payable annually in advance.

No. 100. Requiring the Secretary of the Interior to pay certain salaries of employees in connection with disposition of tribal property of the Five Civilized Tribes, the same to be reimbursable from tribal funds of the Five Civilized Tribes.

No. 101. An amendment relative to the expenses incident to the collection of tribal revenue, not including royalties on coal and asphalt land in Oklahoma.

No. 102. Relative to appraising improvements on the coal and asphalt lands in Oklahoma.

No. 103. Relative to sale of town lots belonging to the Five Civilized Tribes in Oklahoma, and the forfeiture for nonpayment, by striking out that part of the amendment relating to cemeteries and churches.

No. 104. Limiting the time of the salary of Douglas H. Johnston, governor of the Chickasaw Nation, to July 1, 1913.

No. 105. For the construction of a sewer on the Platt National Park, in Oklahoma, reducing the amount from $35,000 to $17,500, and providing the town of Sulphur shall pay a like amount before this appropriation is available, all to be expended under the direction of the Secretary of the Interior.

No. 106. To limit the appropriation made to John W. Noble and R. V. Belt to the sum of $3,569.95, to be in full payment of said indebtedness.

No. 107. To limit the appropriation mentioned in this amendment to the amount named therein to read "for settlement in full."

No. 111. Is an appropriation of $15,000 to the Kickapoo Indian community in Mexico for the purpose of paying taxes, salary of farmer, maintenance and repairs to their irrigation ditches, supplies already furnished, court costs, and obligations heretofore incurred.

No. 112. Requiring the payment of lease money due Kickapoo Indians at the First National Bank of Douglas, Ariz.

No. 113. Changing the date for the completion of the classification and appraisement of the coal and asphalt lands in Oklahoma.

No. 114. Releasing as prisoners of war the Apache Indians now held on the Fort Sill Military Reservation, in Oklahoma.

No. 122. An increase of $4,000 for the purpose of constructing an irrigation system at the Pierre Indian School, in South Dakota.

No. 123. Changing the total as per above item No. 122.

No. 129. For the purpose of straightening the channel of the Duchesne River in Utah.

No. 130. Changing the appropriation from $3,305,257.19 to $100,000, the same in part payment of the said judgment of the Court of Claims in favor of the Ute Indians in the States of Colorado and Utah.

No. 137. No appropriation carried, but requires the department to submit report and estimated cost for irrigating the Yakima Indian lands in Washington.

No. 143. A reduction of $500 in the appropriation for repairs and improvements in the Hayward Indian School in Wisconsin.

No. 146. Changing the amount appropriated from $20,000 to $18,000.

No. 147. Correcting totals as per above items.

No. 150. A reduction of $2,000 in the appropriation for the support and education of the Pottawatomie Indians in Wisconsin.

No. 156. Changing the appropriation for support and education of pupils at the Shoshone Indian School, in Wyoming, from $35,500 to $35,025.

No. 157. Is an appropriation of $10,000 for the purpose of continuing the construction of roads and bridges on the Shoshone Indian Reservation in Wyoming.

JNO. H. STEPHENS,
C. D. CARTER,
CHAS. H. BURKE,
Managers on the part of the House.

Mr. STEPHENS of Texas. Mr. Speaker, I move the adoption of the report unless some one desires information on certain portions of the bill. If that is the case, I will yield to him such time as he desires.

Mr. BURKE of South Dakota. I desire some time.

Mr. STEPHENS of Texas. How much?

Mr. BURKE of South Dakota. I do not think I will use it all, but I will say 10 minutes.

Mr. STEPHENS of Texas. I will yield to the gentleman from South Dakota 10 minutes.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] is recognized for 10 minutes.

Mr. STEPHENS of Texas. I desire to state that there was a mistake made in the RECORD of this morning. The gentleman from South Dakota [Mr. BURKE] and the Senator from Kansas, Mr. CURTIS, signed this report. It was a unanimous report of the House and Senate. But their names have been omitted from the RECORD by error, for the reason that this report was sent up to the Printing Office, and they neglected to copy the names.

Mr. MANN. Did they not correct the report?

Mr. STEPHENS of Texas. No. The Printing Office having had the matter set up in type, forgot to add the names of these two gentlemen.

Mr. MANN. Did they correct the balance of the report?

Mr. STEPHENS of Texas. They did. It is all right with that exception.

Mr. BURKE of South Dakota. I wished to ask that the RECORD be changed so that it will show I signed the report and statement, and it also ought to show that the Senator from Kansas [Mr. CURTIS] signed the report.

The SPEAKER. The gentleman from South Dakota [Mr. BURKE] asks unanimous consent that the RECORD be corrected to show that he signed this conference report.

Mr. MANN. Properly saying, the conference report as presented to the Senate, which, of course, must have been the same as presented to the House, did have the names of Senator CURTIS and of the gentleman from South Dakota [Mr. BURKE] attached to it.

The SPEAKER. The gentleman from South Dakota asks unanimous consent that the RECORD shall be corrected to show that he and Senator CURTIS, of Kansas, signed the conference report. Is there objection?

There was no objection.

Mr. BURKE of South Dakota. Mr. Speaker, when the conference report on this bill was before the House two or three days ago it did not meet with my approval and for that reason I did not sign it. I am, however, in accord with this report, did sign it, and I hope that it will be adopted. There are some things that I am not satisfied with and that would be different if I could have had my way, but every gentleman understands that in a conference you can not have your own way on everything, but must yield on some matters very much against your will. There are some things in the bill that I wish were not there and some things are omitted that I regret. One of the reasons that I declined to sign the conference report on the former occasion was because it contained an item to pay the Mexican Kickapoo Indians, now residing in the Republic of Mexico, the sum of $41,000. In this report we have agreed to a compromise and appropriate $15,000 as a gratuity for these Indians, and we have endeavored to provide so that the money will be actually used for the purpose for which it is given. I say "given," because it is a gratuity in the fullest sense, and I think it is the first instance where Congress has made a gratuity appropriation for Indians who have removed from the United States and are residing in a foreign country.

For the purpose of making a record relative to why I objected to agreeing to the original Senate amendment appropriating $41,000 for these Kickapoo Indians, I desire to set forth my reasons therefor, as I have no doubt the matter will again be presented, if not at the next session of Congress then at some future session. My principal objection to the item was based upon the fact that I found, by the Indian appropriation act approved April 30, 1908, that there had been appropriated for the Mexican Kickapoo Indians the sum of $215,000, and the act provided that the payment of the same and the expense thereof should be in final settlement of all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States. The entire provision is as follows:

That there be, and hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $215,000 for the fulfillment of certain treaty obligations to the Mexican Kickapoo Indians for differences arising out of the stipulations of article 4 of the treaty of June 28, 1862, and for all other differences growing out of any and all treaties and agreements heretofore made between said Indians and the United States. Said sum of $215,000 shall be paid by the Secretary of the Treasury as authorized and directed by a majority of the members of said Mexican Kickapoo Tribe in council assembled. Such council shall be composed of a majority of those surviving members of said tribe, male and female, heretofore allotted in Oklahoma. The authorization above mentioned and the proceedings of said council shall be attested by a clerk of the United States district court of the Territory of Arizona. Said sum shall be immediately available and the indorsement of the warrant issued in payment thereof shall be deemed and shall be a receipt in full for all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States, and such authorization to the Secretary of the Treasury by said Indians as herein provided shall be considered to be and shall be an acceptance of said sum in final settlement of all claims of every kind whatsoever of the said Mexican Kickapoo Indians against the United States.

After discovering this item in the act of 1908 I made a careful inquiry to ascertain where it originated and upon what information the legislation was enacted and the appropriation made. I found it was an amendment to the Indian appropriation bill offered in the Senate and concurred in in conference. It was originally embodied in Senate bill 4735, upon which bill a hearing was had and a report made. (S. Doc. 350, 50th Cong., 1st sess.)

The hearing disclosed that Mr. Martin J. Bentley, who has been here for several months urging the appropriation of $41,000, appeared at that time, claiming to have authority to represent the Indians, and he assured the committee that if an appropriation was made nothing further would be asked for, and that it would be in full payment of all claims or demands on the part of these Indians against the United States. In order that there may be no misunderstanding as to what he said, I will read from page 27 of the hearings:

Mr. BENTLEY. Yes, sir; we know that the Government owes us five times the amount we are asking, and we could get a judgment for that if it was referred to the courts, and taking all the circumstances into account, I feel I am doing the best thing for the Indians; that I am only asking for practically a pittance of the amount that is due them, but a dollar to-day to them might be worth more than $40 at some future time. Again, this amount of money will be sufficient to put them in a position where they can secure a home and estate that will support them, and they will not need to ask anything further from the United States.

The CHAIRMAN. Have they authorized you to settle all their claims and demands against the Government for $300,000?

Mr. BENTLEY. I have had authority from them time and time again, which appears in these records, binding themselves to ratify my acts, and this bill, looking to a final settlement, that you have before you will, if it becomes a law, be a receipt when the Indians accept the money from the United States. The bill was so drawn that the Government will be absolutely protected against any future claim of these Indians, and they in good faith understand clearly and fully what the proposition is.

The CHAIRMAN. They understand now that you are here in the interest of this bill?

Mr. BENTLEY. Yes, sir; they understand it fully. A year ago we would have been satisfied to have taken the one claim of $215,000, and the committee passed on that favorably and recommended it, as they did the year before, but time has gone on and their estate has been dissipated because of being held up by the departments of the Government, and we have finally gotten into a condition where it will require the sum named in this bill to put us in such shape that we can take care of ourselves, and for this reason the Indians are willing for the consideration named in the bill to absolve the United States from any and all obligations, financial or otherwise.

The CHAIRMAN. I notice that your bill provides that the indorsement of the warrant issued in payment thereof shall be taken and shall be a receipt in full for all claims. The indorsement of whom?

Mr. BENTLEY. By the person or persons authorized by the majority of the tribe in council to receipt and receive the money provided for in the bill.

The CHAIRMAN. You ought to put that in the bill.

Mr. BENTLEY. It is in the bill, I think. It is specifically provided that the indorsement of the warrant on which the money shall be paid shall be a receipt in full and shall be indorsed.

It is claimed that the $41,000 amount was for moneys expended subsequent to the passage of the act of April 30, 1908, in defending suits instituted by the Government, compelling

them to be to great expense, and that when the act of 1908 was passed and the appropriation made it did not bar them from making this claim, but it was stated by Mr. Bentley in the hearings that they needed the appropriation in order to pay expenses that would be incurred in defending suits, and so forth. In other words, he urged the appropriation that they might have money to meet just such expenses as the present claim is based upon.

I also found that there was no question but what the committee fully expected that the appropriation would be a final settlement, as the report of the subcommittee concludes as follows:

The payment of the small sum will enable the Government to satisfy a large and very embarrassing claim for an amount far less than the sum due. At the same time it will rid itself finally and for all time of all supervision over and responsibility for the affairs of these oft-reputed "unreasonably stubborn, nonprogressive" people. They are, at the present time, in a foreign country without a home and without means to procure a livelihood. They went there by the advice of the United States Senators. They will not return. They have been impoverished and disgraced by the unwise attempts on the part of agents of the Government to compel their return. Never have they been in such need of assistance as now, and the small sum they offer to accept will enable them to procure the long-desired home where they may again see their tribe increase in strength.

When the amendment was offered in the Senate, on February 28, 1908 (see CONGRESSIONAL RECORD, p. 2655), proposing to appropriate $300,000 to pay these Indians, it was fully stated that it was to be a full settlement, as will appear by what transpired at the time (see CONGRESSIONAL RECORD, 60th Cong., 1st sess., pp. 2655–2656):

Mr. GALLINGER. Mr. President, I should like the Senator to explain the amendment somewhat. Has it been recommended by the department?

Mr. CLAPP. No, sir; I was going to state to the Senate that the department is opposed to this measure. The department was opposed to it last session. Last session, if I recall correctly, we put it on the bill in the form of an amendment.

Mr. TELLER. Yes.

Mr. CLAPP. And it was lost in conference. A statement covering this matter would necessarily be a very long one and would go into the history of the tribe. They have a very large claim, as they allege. The committee has gone over it very carefully, and, notwithstanding the attitude of the department, the committee by a majority voted in favor of recommending the payment of $215,000 in final settlement of this claim.

These Indians are known as the Kicking Kickapoos, and they have been trying for some time, at least a large number of them, to get to Mexico. Arrangements have been partially made once or twice whereby they could have secured a large tract of land in Mexico had the Government not withheld what it owed them. I am speaking now not of the $215,000 but the money which was actually in the Treasury and which we have heretofore voted to them. They were further embarrassed by the fact that notwithstanding a plain and direct authorization by Congress to 17 of them, I think, to dispose of their allotments in Oklahoma, the permission was withheld, and it was brought again to the attention of Congress.

The Senator from Colorado [Mr. TELLER] has given the details of this matter more study than has the chairman of the committee. It is one of those cases where, perhaps, without being able to point out specifically the various steps upon which the claim is founded, I for one have no hesitation in standing here and saying that I believe we should pay these Indians this sum of money.

My own view would be that we owe them much more than this, but I believe that this granted to them now while their negotiations are pending for land in Mexico which they want, surrounded by conditions much more congenial to them than the conditions of Oklahoma, will enable them to be placed in a position where they will in every way be self-sustaining. They prefer this. A good many of them have been trying for years to get away, insisting that they would not remain in the United States. As I said before, the Senator from Colorado knows all the details. I can only say to the Senate, for one, that I am thoroughly satisfied that we ought to make this settlement with this tribe of Indians.

Mr. GALLINGER made further inquiry.

Mr. TELLER. I should like to say to the Senator that the committee has twice reported this favorably heretofore. This is the third time. I do not want to discuss it. It would take an hour or two.

Mr. GALLINGER. If this amendment should become law, it would be a final adjustment with these Indians?

Mr. TELLER. A final adjustment.

Mr. GALLINGER. The amendment provides that they shall relinquish all claims against the Government?

Mr. TELLER. Everything. I join with the Senator from Minnesota in saying that I think they would recover if they went into the court for three or four times this amount. I say that as a lawyer, having examined the case during the last four or five years.

Mr. GALLINGER. They would have rights in court if this was denied to them?

Mr. TELLER. They need something right now. It is a question of life or death. I shall be content if we can have a vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Minnesota.

The amendment was agreed to.

In the statement filed by the House conferees explaining the amendment making the appropriation, which was a compromise on the amount as it passed the Senate, it is stated it is to be a full settlement, and I quote from the statement as follows:

Amendment No. 82 provides for the payment of $215,000 as a full and complete settlement of all differences growing out of all treaties between the United States and the Mexican Kickapoo Indians, and provides that the receipt of said money shall be a discharge in full of all claim and demand of said Indians against the United States.

If there was no other reason than what I have shown as to why these Indians should not now be paid further money, I think it will be admitted that this is sufficient. There are, however, other very good and sufficient reasons why we ought not to appropriate a dollar for the Kickapoo Indians residing in Mexico. They appear to be under the complete control of Martin J. Bentley. He had much to do in inducing them to remove from Oklahoma to the Republic of Mexico. That of the $215,000 appropriated in 1908 he received for his services $26,000, and then withheld the sum of $8,000 to reimburse himself for moneys that he claims to have expended for them. By the terms of the act making the appropriation the portion of the money that went to the Indians in Mexico was paid to Mr. Bentley, and he had the disbursement of it without being required to give any bond or account for the expenditure of the fund. As might be expected, the money is gone, and about all that the Indians have is a tract of land in Mexico, aggregating about 28,000 acres, and the title to that is in Mr. Bentley. I might say, however, that, at the instance of the conferees, he has now executed a proper declaration of trust, and the same will be filed with the Department of the Interior, so that the Indians will in the future be protected in their title to the land.

The statement filed in support of the $41,000 was not accompanied by any vouchers, and originally showed that practically the entire amount was expended before the appropriation of April 30, 1908; but when the attention of Mr. Bentley was called to the fact that the act stated that it was to be a final settlement, the statement was mutilated and dates were changed, showing many of the expenditures later than April 30, 1908, thereby destroying any value that it may have had as evidence; and before making an appropriation to pay any amount that might justly be due the Indians there should be a most careful inquiry and a full investigation of the whole subject, which could not be done in conference. The Indians are in distress; they owe $15,000, a portion of the amount being for taxes on their lands, and while I do not wish to be understood as favoring the payment of any money to Indians in a foreign country, I have reluctantly consented to the compromise that was arrived at by the conferees, and, as I have before stated, we have endeavored to provide that the money shall be expended for the purpose for which it is appropriated.

Another reason why I objected to the former conference report, and the principal reason, was because the Senate receded from its amendment appropriating $100,000 for district agents in the Five Civilized Tribes in Oklahoma. I have discussed the subject at length in the House on several occasions, first when the bill was considered in the Committee of the Whole, and again the other day when the conference report was under consideration. I am not therefore going to discuss it at any length at this time, but I want to call the attention of the House to misleading statements that are being made from time to time relating to these district agents by the gentlemen on the other side of the House from Oklahoma; but I do not wish in doing so to in any way criticize or impugn their motives, because I believe that whatever they represent they say so believing that they are stating facts, and when making statements that are not facts or that are exaggerated they have been misinformed and imposed upon by some one, probably some of their constituents, who purposely deceive and mislead them from some selfish standpoint. I want to call attention to one or two statements made by the gentleman from Oklahoma [Mr. DAVENPORT] the other day, and I hope to have his attention while I do so. He made the statement that it was impossible to get from the Interior Department a statement showing the moneys expended for the Five Civilized Tribes. There never has been any trouble to get such a statement, as there have been annual reports showing exactly the amount collected and disbursed, the source of the collections, and the purpose of expenditures. I want to call his attention to the fact that he will find in the RECORD a statement of all moneys expended for the Five Civilized Tribes for the years 1908, 1909, 1910, 1911, on page 11130 of the RECORD, in some remarks submitted by me on August 16, of this year.

Mr. DAVENPORT. Mr. Speaker, will the gentleman yield?

Mr. BURKE of South Dakota. With pleasure.

Mr. DAVENPORT. I want to ask the gentleman if in that statement it shows or draws a distinction between the money expended, which was United States Government funds, and as between the funds of the respective tribes?

Mr. BURKE of South Dakota. I will say it does show it in the minutest detail to a cent.

Mr. DAVENPORT. I will say this to the gentleman, that my statement was based upon a letter addressed to the Interior Department August 11, to which they replied that it would

be impossible for them to give it; that it would take three months' time and very much work.

Mr. BURKE of South Dakota. Mr. Speaker, this is not the matter that I wanted particularly to call the gentleman's attention to, but I was simply giving him this information in order that he may know where he can get a statement of the receipts and disbursements up to the close of the fiscal year ending June 30, 1911, so that hereafter he can not claim that no statement can be obtained.

Mr. DAVENPORT. If the gentleman will permit one further question I am through. Is it not a fact that the statement made by the Secretary of the Interior in 1908 to the Speaker of this House and the statement the gentleman incorporated in the RECORD are essentially different?

Mr. BURKE of South Dakota. I think not; I think they are substantially alike.

Mr. DAVENPORT. I beg the gentleman's pardon; I think they are very different.

Mr. BURKE of South Dakota. There was one item that was inadvertently carried in the statement as a debit, when it should have been a credit, but the statement was corrected almost immediately afterwards by the department.

Mr. CARTER. Will the gentleman yield?

Mr. BURKE of South Dakota. I will if I can have a little more time.

Mr. CARTER. Mr. Speaker, these matters of district agents and expenditures of tribal funds have been repeatedly thrashed out, both in the committee room and upon the floor of this House, and there is nothing to be gained by taking up the time of the House in the closing hours of the session by rehashing these already fully discussed questions. They were discussed before the subcommittee making up the Indian appropriation bill and reported favorably to the general committee. After a discussion of several days before the entire committee, upon a full attendance of said committee, both matters were reported to this House by a substantial majority of the committee. When we first passed the Indian appropriation bill several days were given to the discussion of these two topics, and after this full and lucid debate the Committee of the Whole House sustained the action of the Indian Committee by a substantial majority. The House then adopted the report of the Committee of the Whole by a substantial majority. Two days ago, during consideration of the Senate's disagreement to our conference report, a separate vote was again taken upon this item of district agents, and the action of your committee was again sustained by eliminating that appropriation. On the same occasion the House again sustained the Indian Committee on the proposition of restricting the department in the use of tribal funds; and I now desire to ask only this one question of the gentleman from South Dakota and then I am through: Is it not a fact that the Interior Department has furnished to this House three distinct and separate statements as to the amount of expenditures made from tribal funds; and is it not a fact that those three statements all differed as to the amount which had been expended, not only from the tribal funds, but from the Federal funds, in the administration of the Five Civilized Tribes?

Mr. BURKE of South Dakota. I think not.

Mr. CARTER. Then I will again call the gentleman's attention to the fact that the first statement given to the subcommittee making up the Indian appropriation bill and placed in the RECORD by the gentleman from Oklahoma [Mr. FERRIS] set forth that, in round numbers, $1,308,000 had been expended for this purpose from both tribal and the Federal funds They then made another statement from the same office setting out something like $1,177,000 as the total amount expended from both funds; and a still more recent statement to our conference committee from the same source sets out, as I remember, $1,190,000.

Mr. BURKE of South Dakota. As I stated before, I think there was an item of $90,000 which was erroneously charged as a debit when it should have been a credit. That, however, was corrected by the supplemental statement made to me and while the bill was being considered by the Committee on Indian Affairs, and when the first statement was put in the RECORD it was known that it had been corrected, and it was therefore unfair and misleading to have it printed in the RECORD.

Mr. CARTER. How do you account for the more recent statement of $1,190,000?

Mr. BURKE of South Dakota. That was the corrected statement that was made that I have referred to, and it is a correct statement.

Mr. CARTER. But the fact remains that the three different statements of the same transaction for the same period of time by the same department differed as follows: First, $1,308,000; second, $1,177,000; and third, $1,190,000. Who can say which is correct?

Mr. BURKE of South Dakota. That was on account of the error I referred to, of charging a certain amount as a debit instead of a credit. I do not recall ever seeing any statement showing the amount to be $1,117,000.

Mr. CARTER. Oh, yes; the three reports set out three different sums—$1,308,000, $1,177,000, and $1,190,000.

Mr. BURKE of South Dakota. Mr. Speaker, it is impossible to obtain a statement at this time showing exactly what the expenditures have been for the fiscal year ended June 30, 1912, but that statement will be available in the very near future, and surely will be available by the time Congress reconvenes in December.

The particular thing that I want to call to the attention of the gentleman from Oklahoma [Mr. DAVENPORT] is the statement that he made the other day when the conference report was under consideration. The gentleman stated that when a piece of land is sold they take every dollar of the expense out of the proceeds of the sale, and he cited one alleged instance where a tract of land was sold for $200, belonging to one Jim Daly, of Bartlesville, and $36 was taken out of the $200 to cover the expense of advertising. I have caused an inquiry to be made with reference to that transaction, and I have received a telegram from the superintendent of the Union Agency saying that this land which the gentleman from Oklahoma says was sold for $200 was sold for $780, and that instead of there being an expense of $36 the total expense and the only amount deducted from the proceeds was $2.50 for advertising.

It will be observed that the facts are quite different from what the gentleman from Oklahoma stated, and it certainly will be an easy matter for him to ascertain exactly what the facts are, and if he finds the statement of the superintendent is true he ought to acknowledge it, which I believe he will do.

Mr. DAVENPORT. Mr. Speaker, in that connection I want to ask the gentleman this question: If he has been so diligent in securing that information, why was he not diligent enough to get the Interior Department to answer my letter of April last, when I asked the department to furnish me with the information?

Mr. BURKE of South Dakota. Mr. Speaker, I do not think that is a proper interrogation and the gentleman ought not to expect me to yield for such a question.

Mr. DAVENPORT. Somebody took $36 out of the money, whether it was $780 or $200 for which the land was sold.

Mr. BURKE of South Dakota. I will say that, instead of somebody taking $36 from him, if he got the $780 it would all be taken from him very promptly if not protected by the Government, and because the district agents do protect the Indians is the principal reason why there is such a clamor to get rid of them.

Mr. DAVENPORT. I am talking about the $200 sale, not the $780 sale, and Long, the district agent, says he took out $36.

Mr. BURKE of South Dakota. Mr. Speaker, the gentleman made a further statement the other day and I will quote the substance of what he said. This is the substance of his statement: In the case of Jackson Barnett, a Creek Indian, who made a lease for 160 acres for $40 bonus, he states the Union Agency required an additional $200 bonus, making $240, which was recommended for approval. He further states that it was discovered that Barnett was a weak-minded Indian, not competent to make a lease, and that a guardian was appointed by the probate court, Judge Johns presiding, and that the lease sold for $2,400 bonus, and that when he was home a few weeks ago he was personally in Judge Johns's court and the district agent, Mr. Farrar, representing Barnett, claiming his right as the agent of the Government, appeared and offered a motion to set aside the proceedings and insisted that the first lease for $240 bonus should be approved, and that Jackson Barnett should lose $2,160, and that that was the way the district agents are proceeding, of which no mention is made.

That is substantially the statement made by the gentleman. Now, as to the facts: The superintendent advises me that the lease was for oil and gas; that said Barnett, who was an adult, made a first lease for $40 bonus early in March of this year, prior to discovery of oil in that immediate vicinity; that when the lease was submitted the oil inspector was directed to make an investigation, and considered the bonus value at that time should be $240; that subsequently a good well was developed in the same locality, which materially increased the demand for leases and the speculative value. It appears that on a showing of Barnett's incompetency made before Judge Johns, of the Okmulgee County court, a guardian was appointed, and another lease was made with the approval of the court on May 1 for a $2,400 bonus, the land having increased

in value by reason of developments on adjoining lands since March, when the first lease was taken.

The superintendent further states that the relatives and friends of Barnett represented to District Agent Farrar that Barnett was competent, and prevailed upon him to ask the county court to discharge the guardian, which the court refused to do, and that the matter was carried up and litigation continued on appeal by lessees who had paid the $2,400 bonus, at which time Farrar withdrew from the case.

The district agent could not have insisted to the court that the first lease of $240 be approved, for the reason that the court would have no jurisdiction in the matter provided the guardian was dismissed, the Indian being an adult; but it would then be a question whether the superintendent would recommend to the department the approval of the original lease for a bonus of $240, which he certainly would not do in view of the great increase in value in the lease, and he apparently had no other purpose but to get the lease already made by the probate court disapproved in order that it might be leased at its actual value, which it appears was $4,600, as I will show.

Mr. DAVENPORT. Mr. Speaker, I should like to ask the gentleman a question.

The SPEAKER. Does the gentleman yield?

Mr. BURKE of South Dakota. I yield.

Mr. DAVENPORT. In that connection, to stop the argument, I should like to read these two telegrams——

Mr. BURKE of South Dakota. Mr. Speaker, I decline to let the gentleman read a telegram in my time. He can have the opportunity in his own time.

Mr. DAVENPORT. I should like the opportunity to show that the superintendent has secured for this Indian a bonus of $4,600.

Mr. BURKE of South Dakota. I decline to yield.

The SPEAKER. The gentleman declines to yield.

Mr. BURKE of South Dakota. I would like the gentleman's attention.

Mr. DAVENPORT. I am listening.

Mr. BURKE of South Dakota. The superintendent further states that when considering the two conflicting leases, the first one made by Barnett in March for $240 bonus, and the subsequent one to another party for $2,400, he satisfied himself that a sufficient showing had been made to warrant the guardianship for Barnett; but as the land was located in Creek County, while the lease was approved by Judge Johns, of Okmulgee County, where the court had no knowledge or facilities for ascertaining the value of the property, but accepted $2,400 offered May 1, when in fact the lease was actually worth much more, subject to the approval of the department; and with the knowledge and approval of County Judge Johns, of Okmulgee County, the superintendent recently adjusted the controversy by the lessee agreeing to pay what should be considered a fair bonus at the date Judge Johns approved the lease for $2,400, and which, in the opinion of the superintendent, was worth $4,600 instead of $2,400, thereby saving $2,200 in cash to the Indian.

Mr. Speaker, the point I want to make is that in the very case cited by the gentleman, as the result of the activities and presence of the district agent in that locality, $2,200 was obtained for that Indian over what the county court would have obtained for him upon the lease which the court had approved.

Mr. DAVENPORT. Will the gentleman yield now for a question?

Mr. BURKE of South Dakota. Yes; I will yield.

Mr. DAVENPORT. The superintendent forgot to tell the gentleman that I immediately left Judge Johns's court room and filed a protest against the approval, did he not?

Mr. BURKE of South Dakota. I know nothing about what the gentleman did, but presume he did what he states.

Mr. DAVENPORT. I did.

Mr. BURKE of South Dakota. The statement made by the United States agent at Muskogee explains these charges or statements made by the gentleman from Oklahoma [Mr. DAVENPORT]. I stated at the outset that I had no intention of impugning his motives, for I believe he stated what had been represented to him as the facts in relation to this transaction. It simply shows that gentlemen are imposed upon; that they get up here and make extravagant statements, believing the facts to be as they relate them. I mention it in order that in future they may be more careful in what they say. One word as to the conference report. It carries a sufficient amount so that, in my judgment, the district agents, or most of them, will be continued for this fiscal year. Did I not believe so, I would not favor the adoption of the report. I would not have signed it, because I have repeatedly stated that I would not consent to any report that proposed to take away from these poor, helpless people—and when I say "helpless people" I refer to the 36,000 full-blood Indians who need all the protection it is possible for the Federal Government to give them. To take away the district agents would mean, in my opinion, that in a very few years they would be despoiled and robbed of what they have and would be paupers, and the State of Oklahoma, while being responsible for the support, would neglect them, refuse to care for them, but would come to Congress and ask for appropriations for their maintenance.

Oklahoma ought to understand that when the affairs of the Five Civilized Tribes are finally concluded the United States will have nothing further to do with them, and that if they become paupers will not be responsible for their support any more than for other citizens of that State.

Mr. DAVENPORT. Mr. Speaker, I had hoped that in the consideration of this conference report the accusation and counter accusation that had heretofore been brought by the gentlemen who hold a different view from the Representatives from Oklahoma had ceased. The provisions of this bill were considered fully by the House before it went to conference, and this is the second time the conference report has been before the House for consideration.

In the presentation of the contention of the Representatives from Oklahoma the facts have been presented in a way which they believe to be right and fair to all parties interested. The gentleman from South Dakota [Mr. BURKE] or the Interior Department, one or the other—and I know not which—has been freely using the wires at the expense of the United States Government for the last few weeks in order to get indorsements from the people in Oklahoma favoring the retention of the district Indian agents, and also to secure information presenting a different view from the facts submitted by the Representatives from Oklahoma. This is the first time, as disclosed by the CONGRESSIONAL RECORD, that the Interior Department has gone to the extreme it has in order to try to save a number of its employees, and in their efforts to do so statements have been made upon the floor of the House without any facts to substantiate them.

A few days ago when I mentioned the Day and Barnett cases I stated the facts as I knew them and as the records disclosed them. To-day it is sought by the gentleman from South Dakota, backed up by the Interior Department, to discredit those facts and to show a different state of facts. I desire to say to this House, and upon my honor as a Member of the House, and as a man who has lived in the Indian Territory 22 years, and as a man whose family is of Indian blood, whose wife and children first saw the light of day and were reared in the Cherokee Nation, that there have been statements made by Members of this House on this floor with reference to the Oklahoma Representatives not being loyal to the Indians in Oklahoma which are untrue, and the gentlemen making them would have known they were untrue had they sufficiently investigated the facts and conditions in the Indian Territory.

The gentleman from South Dakota [Mr. BURKE] a few moments ago read what purported to be a telegraphic statement from the superintendent of the Indian agency at Muskogee, Okla., regarding the Jackson Barnett case, by which statement the superintendent, Mr. Kelsey, sought to show that he was responsible for the lease on the Barnett land, which lease had been taken by an oil company, the oil company agreeing to pay Barnett $40 bonus on the land, and which lease had been recommended for approval by the district Indian agent for the said bonus of $40. This statement and explanation read by the gentleman from South Dakota was evidently procured from the district agent at Muskogee since I called attention to the Barnett case in my remarks when the motion to send this bill to conference was being considered two days ago, and evidently they are trying to have the last say on this proposition and thereby lead the Members of this House to believe that the Representatives from Oklahoma are not stating the facts.

I desire to say that I was present in Judge Johns's court in Okmulgee County, where the district Indian agent filed his written protest to have the order appointing a guardian for Jackson Barnett set aside, and in the hearing upon the motion of the district Indian agent it developed that he was urging the approval of the lease, which had been taken on the Barnett land for a bonus of $40, and recommended for approval by this district Indian agent, and it also developed at the hearing that when the lease was sent in to the Union Agency at Muskogee the agent there had required the lessee to pay an additional bonus of $200, making a total of $240 which Barnett would have received had the original lease which the district Indian agent and the superintendent at Muskogee recommended for approval been approved. The guardian of Barnett had sold the lease through the court for a bonus of $2,400. When I saw what

the district Indian agents were doing in this case I returned to Washington and filed a protest with the Secretary of the Interior asking him not to approve the first lease, and also asked him to furnish me a report showing the original lease and the recommendations of the district agent and the Indian superintendent at Muskogee, and to this good day he has not done so. He did send the original lease, with some other papers, to the chairman of the Committee on Indian Affairs of the House, and that is as far as they have gone with the case; but I believe had I not filed the protest with the Secretary of the Interior before this time the original lease would have been approved and Jackson Barnett would have been deprived of $2,400, which his lease sold for through the court. Yet with my protest pending before the Secretary of the Interior we are confronted with a message from the superintendent endeavoring to claim that he investigated the matter and is responsible for the increase of bonus Barnett received. This statement by the superintendent is not true and comes with bad grace at this late date, as his office had recommended the approval of the original lease. Not only did my protest prevent the approval of the original lease, but it has been the means by which the parties who hold the original lease and the parties who bought the same from the guardian getting together and agreeing to pay $4,600 bonus for the lease on the lands of Jackson Barnett.

I have just received from both parties a message to that effect.

Now, Mr. Speaker, I ask that the messages that I have received be read into the RECORD.

The Clerk read as follows:

MUSKOGEE, OKLA., *August 22, 1912.*

Hon. JAMES DAVENPORT,
Washington, D. C.:

We have been representing Bartlett in Jackson Barnett lease contest. Have adjusted controversy satisfactory to Gooch and Cornelius. Would appreciate early approval of lease to Bartlett and assignment to Southwest Oil Co., which is Gooch's company. County commissioner of Okmulgee has approved settlement.

RAMSEY & THOMAS.

MUSKOGEE, OKLA., *August 22, 1912.*

Hon. JAMES DAVENPORT,
Washington, D. C.:

Jackson Barnett lease has been settled in a way entirely satisfactory to us. We want lease to Bartlett approved. Bartlett has assigned us sufficient interest. Have increased lease bonus to $4,600. Guardian has joined in Bartlett lease. We believe that nothing further should be said about this lease, and all we want is an early approval of lease to Bartlett. Lease and assignment will be forwarded in next few days.

IRA CORNELIUS.
H. B. GOOCH.

It seems to me that any fair-minded man who will examine into the affairs in Oklahoma can understand that the appropriation sought to be included in this bill for the district Indian agents is unnecessary. I can cite you case after case where the parties are compelled to buy teams by the district Indian agents that they have no use for when the agents would refuse to give them a dollar of the money which the agent had received by reason of the selling of the Indian's land. Neither the Secretary of the Interior nor the district agents in Oklahoma in the Five Civilized Tribes have any jurisdiction of the lands of any of the Indians in the Five Civilized Tribes, except the restricted Indians where the restrictions have not been removed under the provisions of the act of May 27, 1908. The Indian is an intelligent American citizen and has been relieved from the bondage cast upon him by reason of the treaty stipulations, and the would-be guardians and protectors of the Indians can only control the restricted Indians' property.

Anyone, by referring to the act of May 27, 1908, can see the class of Indians in the Five Civilized Tribes that are restricted. All Indians by blood of less than half blood are unrestricted as to all their allotment, and from half blood to three-quarter blood are unrestricted as to their surplus land, and therefore you will see that it is only the homestead of the Indian from one-half blood to three-quarter blood that is restricted and from three-quarter blood to full blood the entire allotment is restricted.

I desire now to repeat the statement I made on the 8th of April last when this bill was up for consideration, and that is, that the Indians in Oklahoma are as competent to manage their own affairs as are the district Indian agents sent into Oklahoma to manage the affairs of the restricted Indians. It is simply a question of a job for these employees and an effort by many of the Members to save their appointees in that country.

The gentleman from Kansas [Mr. CAMPBELL] referred to a conveyance of some Indian girl, wherein he claims she only received $15 for her allotment. He did not present to this House affidavits or records showing this to be a fact, but if he had done so, the answer could have easily been made, and that is, if the allotment was sold at all it was done in the face of the district Indian agents, as the sale could not have been made had not the district agents known of the transaction. If the gentleman from Kansas had investigated the matter he could have learned that none but restricted Indians were controlled by the district agents in the Five Civilized Tribes in Oklahoma, and I submit that the appropriation for the district agents is not needed and should not be included in the bill; that they are parasites, holding on to their jobs in the Five Civilized Tribes, and sucking the lifeblood from the restricted Indians' property that is under their control.

Mr. STEPHENS of Texas. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, the other day when the Indian appropriation bill was before the House I asked for a separate vote on the motion made by the gentleman from Texas to disagree to all the Senate amendments, so that we might vote separately on Senate amendments 104, 110, 111, 112, 114, and 117. It was then in order for any gentleman of the House who desired to concur in any of these Senate amendments to offer a preferential motion to concur in the amendment. No one made such a preferential motion. We had a rising vote on the question of disagreeing to these Senate amendments.

I believe the vote was unanimous in favor of disagreeing to all of the amendments, no one having the hardihood to move to concur in any of them. I would like to ask the distinguished gentleman from Texas how many of these amendments have been disagreed to in conference and how many have been agreed to in conference.

Mr. STEPHENS of Texas. Will the gentleman permit me to make a statement after the gentleman is through?

Mr. MANN. That is what I am trying to get.

Mr. STEPHENS of Texas. Number 114 is with reference to the Fort Sill Reservation, known as the Apache prisoners of war.

Mr. MANN. I do not want to take time to discuss the merits of the different propositions. The gentleman knows what the amendments are, I think, perfectly well. Amendment 105 is agreed to, as I understand, in the conference report. Amendment 110 is agreed to in the conference report. Amendment 111 with some slight modification—I think a desirable modification—has been agreed to. I am not complaining about that. Amendment 112 is agreed to with a modification as previously agreed to, and amendment 114 is agreed to a little more expensively or a great deal more expensively than it was provided for in the Senate amendment. Amendment No. 117 is agreed to. I would just like to know the attitude of mind—the frame of mind—of the House conferees, who, having risen on their feet and voted to disagree to the Senate amendments on a rising vote, on six of them, then go into conference, notwithstanding the virtual instruction of the House, and agree to all of the six amendments, when they did not dare to make a motion in the House to concur in any of them.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to say to the gentleman that my only desire was to have a full and free conference, so as to send the bill back to conference. It was for that purpose that the motion was made and sustained by the House.

Mr. Speaker, I yield one minute to the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. Mr. Speaker, I desire to discuss at length Indian legislation with reference to Minnesota, and as I would not have the time to do that now, I ask unanimous consent to extend my remarks in the RECORD upon that subject.

The SPEAKER. Is there objection?

There was no objection.

[Mr. CLAYTON addressed the House. See Appendix.]

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. AUSTIN. Mr. Speaker, I make the same request.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

Mr. MARTIN of Colorado. Mr. Speaker, I think I ought to object to that request, as the other day the gentleman got rather miffed over some request that was refused him and denied all of us the right to extend our remarks in the RECORD upon the question of the Coosa Dam.

Mr. MANN. Oh, it will not hurt my feelings if the gentleman objects.

Mr. MARTIN of Colorado. But out of personal consideration for the gentleman——

Mr. MANN. Not at all. The gentleman can object if he wants to.

Mr. MARTIN of Colorado. Seeing that it is who it is, I will not make any objection. [Laughter.]

The SPEAKER. Is there objection?

There was no objection.

Mr. DAVENPORT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. MARTIN of Colorado. Mr. Speaker, I desire to ask the chairman of the Committee on Indian Affairs a question.

Mr. STEPHENS of Texas. Mr. Speaker, I yield to the gentleman.

Mr. MARTIN of Colorado. The Indian appropriation bill as it came from the Senate carried an appropriation to pay the confederated bands of Ute Indians a judgment of the Court of Claims amounting to three million three hundred and five thousand and odd dollars. The conferees have agreed upon the sum of $100,000. For public information and for the purpose of the record I wish to ask the chairman of the committee upon what, if any, information the conferees acted in agreeing upon this sum, with reference to its sufficiency for the needs of the Utes, until such time as they can be further provided for at the next session of Congress?

Mr. STEPHENS of Texas. Mr. Speaker, I will state to the gentleman that there had been an annuity of $50,000 granted these Indians, reimbursable by treaty, for several years. Two years ago or a little more, as has been shown by the debates in this House recently, a judgment was rendered for something over $3,000,000, and that was carried in the Senate amendment. That amendment was disagreed to in the House, and the conferees refused, at the instance of the House, to accept the Senate amendment. But we restored to these Indians the gratuity that had been given them for several years, which is $50,000 a year for two years, and which makes $100,000, with the statement that whatever amounts shall be found due them in claims against the Government shall be taken from the amount we give them as a gratuity this year.

Mr. MARTIN of Colorado. It is the opinion of the Indian Office that this amount, $100,000, will carry the Utes over until the next Congress?

Mr. STEPHENS of Texas. That is the supplemental estimate submitted to the committee in regard to this matter. Now, Mr. Speaker, I yield to the gentleman from Minnesota [Mr. MILLER] 10 minutes and I will couple with that the request that at the end of the 10 minutes the previous question shall be considered as ordered.

Mr. FERRIS. Mr. Speaker——

Mr. STEPHENS of Texas. I understand the gentleman from Oklahoma desires five minutes.

Mr. FERRIS. I am not sure I shall use that much time.

Mr. MANN. The gentleman can move the question at any time.

Mr. STEPHENS of Texas. Then I will modify my statement and yield 10 minutes to the gentleman from Minnesota.

Mr. MILLER. Mr. Speaker, these are days when nearly every individual has a platform of his own, composed of planks of his own manufacture, nailed down by nails of his own selection with a hammer that he favors. In harmony with that independence common to this hour I conclude it is possible for me to agree to some and disagree with other features of this report and proper to express my views. However, I am not going to take this occasion to express disapproval of any items in the bill. I desire to discuss with approval certain features that have attracted criticism. I feel it is only just to some of us who have been fairly active in support of these items and an act due to the items themselves that a statement should be made in reference to their character. I refer to the items criticized to-day and on former occasions by the gentleman from Illinois [Mr. MANN]. The first one to which I desire to call attention is amendment No. 105—that which provides an appropriation of $17,500 to aid in the building of a sewer at the Platt National Park in Oklahoma. The fact that there have been repeated statements made upon the floor of this House that this is not an Indian project, has no place in an Indian bill, and that any expenditure of Government money in its support can not be justified under any circumstance, may lead some to believe this appropriation is not possessed of real merit. This item is an eminently proper one, and should have been passed years ago. They tell us this is not Indian soil, not on an Indian reservation. Mr. Speaker, it is in the very heart of the Chickasaw territory and is identified—perhaps to a greater extent than any other spot in the South—with Indian lore, Indian history, and Indian song. Indian life has centered there for three-quarters of a century, and the spot is hallowed in Indian thought.

The Wichita Mountains, rolling to the eastward, gently fade into the landscape at Sulphur. From near the summit of a hill gushes forth a great spring, and the stream there formed leaps down the valley, forming rapids and cataracts and pools of surpassing beauty. When well down the slope it passes by other springs of marvelous medicinal value. The sulphur springs and the bromide spring of that place in their power to bring departing health back to man are the equal of any of the celebrated springs of the world. By reason of the moderate elevation climatic conditions at this spot are particularly good.

Platt National Park embraces these springs and the upper part of the valley. The city of Sulphur had its limits defined, as far as this park is concerned and its location in that vicinity, by the Government. The contour of the land is such as to drain directly from the city into the stream in the park and above several of these health springs. If the Government is to own this park, then the Government must do something to relieve present conditions, for much of the flowage is over Government land. The estimate for the work is $35,000, and this item provides that Sulphur and the Government shall each pay half, an eminently proper arrangement, it seems to me.

And I am one of those, Mr. Speaker, who believes that the Government should own, develop, and beautify this park, not for its scenic qualities, but for its health-giving powers. Conservation of the elements of wealth is to-day most popular; the program has to do with material wealth—lands and forests and mines.

How infinitely more important is the conservation of the sources of health. What are water power and coal mines compared with life and health? Such springs as these should never get into the hands of private ownership, to be exploited for private profit. They should be developed by the Government and offered free to suffering humanity.

This is an ideal spot upon which to construct a sanitarium, to which can be sent convalescing soldiers and sailors from the Tropics. Such an institution is emphatically needed, and here is the place to build it.

In reference to amendment numbered 111, I think the gentleman from Illinois will agree with me that this is not the amendment to which the objection was raised the other day. No. 111, which is here in the conference report for our agreement or disagreement this morning, is not at all similar to that to which objection was raised the other day by the gentleman and other Members of the House. This does not propose to reimburse the Kickapoo Indians in any way for anything they may have suffered in the past along the line then discussed. It simply provides a gratuity of $15,000 to the Kickapoos now in Mexico. The question now is, Do they need it? That is certain. Whatever may have been the history of the Kickapoos, or the branch thereof that now lives in Mexico, they are in an extremely precarious condition at the present time. They are surrounded by fighting federals and fighting rebels, and their lives and property are jeopardized. The natural resources of these people have been curtailed, and they find themselves in a position of want. The money which heretofore was paid to them one way or another has been exhausted. As I understand, this particular branch of the Indians has not received a gratuity from the hands of the Government in a large number of years. This simply provides that $15,000 may be expended by the Secretary of the Interior to aid these Indians in their present pressing condition, to pay for farmers in doing their work, teaching them in their work, aiding them in the completion of the irrigation ditches they have constructed and nearly completed, and for other matters.

Mr. BURKE of South Dakota. Will the gentleman yield for a question?

Mr. MILLER. Certainly.

Mr. BURKE of South Dakota. I would like to ask the gentleman if he wishes to be understood as favoring a policy of making gratuity appropriations in the aid of an Indian tribe that does not reside in the United States?

Mr. MILLER. As a policy I answer immediately, no; I do not. But I do think that the present condition of these Indians requires some assistance, and this is probably the easiest way out of the difficulty. I would not want to consider this as a precedent at all; not in any sense of the term.

Now, a word or two in respect to amendment No. 112. The gentleman from Illinois [Mr. MANN], when this measure first came up from the other legislative body in this Capitol, used pretty strong language against amendment 112, based upon the fact that the money would be paid to a bank in Douglas, Ariz., and payment to the bank would be a receipt in full, as far as the Indians were concerned, whether they ever got it or not. His criticism was absolutely sound. There was no adverse opinion here, and there could have been none

at that time. Recognizing the correctness of the gentleman's position, the conferees have so redrafted and so reframed this that it appears to me to be a perfectly feasible proposition and one that can be carried out without injuring the Indains at all. There is due to a large number of these Indians certain sums, arising as a usufruct of lands in Oklahoma and other parts of the country, and the money should be paid to them in some way. It is a positive governmental crime that Indians on the verge of starvation or in pressing want have funds sleeping in the Government Treasury and which they can not get. The thing to do here and now is to get this money to these Indians, whose money it is, and who need it very badly. It would be practically impossible to send the money into Mexico, under the difficulties there existing, and pay it to them there. Douglas, Ariz., is on the border line, the nearest American point to the Indians, and the method of payment here devised is not open to any of the objections heretofore urged.

The SPEAKER pro tempore (Mr. BULKLEY). The time of the gentleman from Minnesota has expired.

By unanimous consent, Mr. RAKER, Mr. STEPHENS of Texas, Mr. MILLER, Mr. CARTER, Mr. FERRIS, and Mr. SMALL were granted leave to extend their remarks in the RECORD.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to make the following statements in reference to this bill:

The department sent in estimates as follows:

Original estimates	$8,517,440.00
Supplemental estimates (H. Doc. No. 432)	281,174.95
Fort Sill supplemental estimate (S. Doc. No. 695)	250,000.00
Chippewas (Turtle Mountain Band)	100,000.00
Total	9,148,614.95

This bill as it passed the House carried an appropriation amounting to $8,149,359.90.

The bill as it passed the Senate, including appropriations out of trust funds and all, carried $16,383,039.34.

The bill as it was agreed to by the conference committee carries $9,854,184.46, which said sum is $6,528,854.88 less than the bill carried when it passed the Senate; we have saved that sum of money to the taxpayers of this country. During the preparation and consideration of this bill the House committee held the most extensive hearings ever before held on an Indian appropriation bill, having had before it Commissioner Valentine, E. B. Meritt, law clerk of the Indian Bureau; also Director Newell, of the Reclamation Service, the latter appearing with reference to irrigation projects on Indian reservations.

It has been the policy of our committee to go carefully into each item of expense and to require a full and complete justification therefor. Extensive hearings have been held on each item where any question arose in the minds of our committee that the Federal Government was expending money for which adequate returns were not received and where a saving might be made in the appropriation.

This bill, with but few exceptions, is the same as was passed in the last Congress.

After extensive hearings as to schools, our committee decided to adopt an amendment excluding children of less than one-fourth Indian blood where adequate school facilities exist in their own State, thus permitting Indian children now deprived of school facilities an opportunity to secure an education under the laws of the State wherein they live.

Extensive hearings were also held as to the administration of the affairs of the Five Civilized Tribes in Oklahoma, and, after careful consideration, it is the opinion that the requirements specified in this bill as to future appropriations of money should be adopted. The Commissioner of Indian Affairs stated in the hearings that approximately $1,177,000 was expended for all purposes at the one agency at Muskogee, Okla. There being no Indians in Oklahoma for which rations are issued, this sum is entirely too large to be justified. Only $275,000 of the above amount was carried by the last appropriation bill. Only about $217,000 of this sum was used for equalization purposes, leaving approximately $1,000,000 that was expended for salaries and expenses. The subcommittee of our committee interrogated Commissioner Valentine closely on this item and it was the commissioner's opinion that a marked saving could be made in the administration of the affairs of the Five Civilized Tribes at that office. It was also developed in the hearings that practically a duplication of work was going on at the Muskogee Agency and that the office was too highly organized and too expensive for the services rendered. It developed also in the hearings, and is a fact, that the rolls were closed March 4, 1907, hence no expense of administration is now imposed for that purpose. It was also developed in the hearings, and is a fact, that the unallotted lands of the Five Civilized Tribes have been twice offered for sale during the last year and all of the unallotted lands of the Cherokee, Creek, and Seminoles, except 1,280 acres, have been sold, hence avoiding the necessity of immediately again offering the same for sale, and this feature of expense has been dispensed with.

What is known as the segregated coal-land bill, which became a law at this session of Congress, contains an item for a $50,000 appropriation for the disposition of that tract and the establishment of a temporary land office at the town of McAlester to transact the business, thus relieving the Muskogee office from any additional burdens and really obviating some of their present duties and expense in this way.

Inasmuch as practically all of these moneys are to be taken from the funds of the Indians and used for salaries and expenses, our committee was of the opinion that hereafter no expenditures of money from the funds of the Five Civilized Tribes should be made until estimates were filed and specific appropriations given therefor. The Commissioner of Indian Affairs was asked the specific question, "Would havoc or any disaster result if the committee should take this course?" and his answer was, "I think not." The expenditure of such an enormous sum annually for salaries and expenses, either from the Federal Treasury or Indian funds, can not longer be justified, and certainly not without specific appropriation by Congress.

This bill also eliminates the appropriation for district agents in connection with the Five Civilized Tribes in Oklahoma. This bill appropriates $125,000 for special agents, which are under the full control of the Secretary of the Interior and may be detailed to any part of the United States. It was deemed not necessary or right to appropriate the further sum of $100,000 for such district agents designated for Oklahoma. The State has been admitted five years, the conditions which made the appointment of these agents necessary at the start has entirely passed away, most of the business of the Indians has been closed up, the Indians themselves are fully equal if not superior in competency to any other Indians in the United States, and inasmuch as such district agents are not maintained on any other reservation in the United States, they are and should be discontinued, and the appropriation was left out of the bill, thus saving $100,000 to the Treasury on this one item.

The appropriation for the Hampton Institute, Va., is stricken from the bill. There are adequate facilities provided for the higher education of the Indian pupils now being educated at Hampton on or near their reservation. Some of these non-reservation industrial schools, similar to the Hampton School, have been closed for want of patronage, the department recommending this year that another school, the Bismarck School, should be closed. Several of these industrial schools have less pupils enrolled than can be accommodated at the present time. A considerable saving to the Government can be made by educating these children in Government schools already provided for the higher education of Indians, thus saving the needless expense in the transportation of these pupils and otherwise incurred in taking them from their reservations in the West and educating them at the farthest point in the East, and paying $167 per capita for their education at that point, while it is shown that schools with equal facilities and advantages are educating pupils similar to these being educated at Hampton at much less than $167 per capita. The bill has been carrying an appropriation for 120 pupils, when there are but 83 enrolled at this school, thus showing that there are no great demands for this school among the Indians themselves. Your committee therefore decided to eliminate this item from the bill, and by so doing we have eliminated the contract-school system from the Indian Service.

We have also eliminated the court adjudication of all claims from this bill, and the bill as presented carries no unnecessary amounts of money known to us; on the other hand, we have appropriated as much money as we thought would meet the demands of the Indians for the fiscal year ending June 30, 1913.

Mr. Speaker, amendments Nos. 98, 99, and 100 relate to the salaries and expenses of the administration of the affairs of the Five Civilized Tribes of Oklahoma. Amendment of the Senate No. 99 carried an appropriation of $100,000 for salaries and expenses of district agents for said tribes. We have eliminated that item from this bill for the reason that we believe that these agents are wholly unnecessary and useless, and we restore the law as it was before these agents were provided for and as it had existed for 14 years before their appointment. To prevent crippling this service by striking out the district agents and their appropriation of $100,000, we have increased the amount carried in amendment No. 98 from $174,000 to $200,000, and for the same purpose we have increased the amount carried in amendment No. 15 of the Senate from $85,000 to $125,000, making an increase of $66,000 in these amendments Nos. 98 and 100.

This will recompense in part for the $100,000 stricken out for the salaries of district agents, and is as much money as can be legitimately used in properly administering the affairs of the Five Civilized Tribes.

These amendments, Nos. 98 and 100, are adopted by the conference committee and are as follows, viz:

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In line 3 of the amendment, after the word "employees," strike out the words "one hundred and seventy-four" and insert in lieu thereof the words "two hundred."

Amendment numbered 100: That the House recede from its disagreement to the amendment of the Senate numbered 100, and agree to the same with an amendment as follows: After the word "sale" at the end of said amendment insert the following: ": *Provided*, That during the fiscal year ending June 30, 1913, no moneys shall be expended from the tribal funds belonging to the Five Civilized Tribes without specific appropriation by Congress, except as follows: Equalization of allotments, per capita and other payments authorized by law to individual members of the respective tribes, tribal and other Indian schools for the current fiscal year under existing law, salaries and contingent expenses of governors, chiefs, assistant chiefs, secretaries, interpreters, and mining trustees of the tribes for the current fiscal year, and attorneys for said tribes employed under contract approved by the President, under existing law, for the current fiscal year: *Provided further*, That the Secretary of the Interior is hereby authorized to continue the tribal schools of the Choctaw and Chickasaw Nations for the current fiscal year."

Mr. Speaker, Senate amendment No. 111 relates to the Mexican Kickapoo Indians now residing in Mexico but owning lands in Oklahoma, and now being supervised by the Indian Bureau of this Government. After a full hearing on this question by the conferees, we have unanimously agreed upon the following provision as a substitute for all of the amendments proposed for said purposes. Said amendment is as follows, viz:

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"The Secretary of the Treasury is hereby authorized to pay for the relief of the Kickapoo Indians in Mexico the sum of $15,000, to be expended in the payment of taxes, salary of farmers, maintenance and repairs of irrigation ditches, indebtedness for supplies already furnished, court costs, and obligations heretofore incurred in settlement of land titles, said sum to be paid to the treasurer of a corporation to be known as the Kickapoo Community of Mexico, to be organized under the laws of the State of Arizona; the organization of said corporation shall be authorized by a majority of the members of the Mexican Kickapoo Indians now residing in the State of Sonora, in the Republic of Mexico, in council assembled."

Amendment No. 112 relates to the same subject, and is as follows, viz:

Amendment numbered 112: That the House recede from its disagreement to the amendment of the Senate numbered 112, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"That the Secretary of the Interior be, and he is hereby, authorized and directed to cause to be sent to the First National Bank of Douglas, Ariz., checks payable to the order of the individual Indian owners who are members of the band of Mexican Kickapoo Indians now resident in the Republic of Mexico, for and in the amount of all moneys known as lease money now on deposit with or in any manner under the control of the agents and officers of the Interior Department and all like money due or becoming due or collectible by them prior to the 1st day of January, 1914, and belonging to any of the said Mexican Kickapoo Indians."

Mr. Speaker, amendment numbered 114 has been a subject of much controversy between the two Houses of Congress, as well as between the Interior and the War Departments of this Government, and your committee have agreed upon the following amendment as a solution of this vexed question. The amendment is as follows, viz:

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: Strike out all of the Senate amendment and insert in lieu thereof the following:

"For the relief and settlement of the Apache Indians now confined as prisoners of war at Fort Sill Military Reservation, Okla., on lands to be selected for them by the Secretary of the Interior and the Secretary of War, $200,000, to be expended under such rules and regulations as the Secretary of the Interior and the Secretary of War may prescribe."

Mr. Speaker, the following letter from the War Department fully justifies the action of your conference committee in adopting said amendment. The letter is as follows, viz:

WAR DEPARTMENT,
OFFICE OF THE CHIEF OF STAFF,
Washington, August 20, 1912.

Hon. JOHN H. STEPHENS,
House of Representatives, Washington, D. C.

MY DEAR MR. STEPHENS: I understand the matter is now up in Congress of making some suitable disposition of the Apache Indian prisoners of war now at Fort Sill, Okla. I wish to lay before you the great desirability of taking some final action on this matter during this session of Congress. It is a question which the War Department has been striving for years to settle, but without success. The Department's principal consideration has been to do justice to the Indians and to relieve them from the thoroughly unsatisfactory situation in which they now find themselves. Only a very few of these Indians ever lived in Arizona. Most of the original members of the band are dead. The greater proportion of the present band have been born in captivity. Being held as prisoners of war, they are still kept together as a band, and their affairs are managed by an officer of the Army. Their surroundings have been made as favorable as the circumstances would permit, but the Indians are dissatisfied, because they see other Indians allotted lands and allowed to take care of their own affairs. It is the department's principal wish to meet this desire of the Indians, to relieve them from the status of prisoners of war, and to place them under conditions most favorable to their happiness and comfort.

Another consideration is that the reservation on which the Indians are now held is needed for military purposes. Over a million dollars, has, within recent years, been spent in providing quarters for troops there. A school of fire for Field Artillery has been established, and it is desired to place there a school of musketry for the Infantry. But it is entirely impracticable to reconcile the proposition of keeping the Indians on this reservation and at the same time utilizing it for the military purposes contemplated. As the military use proposed is that of target practice on a large scale for both Infantry and Field Artillery, this necessitates most careful measures to prevent accidents to people moving about in the different parts of the reservation. While the Indians and their cattle are there the value of the land for these military purposes is most seriously restricted. It would not be practicable to divide the reservation, giving one part to the Indians and assigning another part for military purposes, for the reason that only a small proportion of the reservation is well adapted for agricultural purposes. This part lies in the valleys of the two small streams; the large proportion is available for grazing purposes only.

In view of the large expenditure of money for the construction of the regimental Field Artillery post at Fort Sill and the urgent necessity for the use of this reservation for the purpose of Field Artillery and Infantry schools of fire, it is most important that the Indian question should be disposed of on the general lines previously and herein indicated.

The effort of the department has been to arrive at a solution which would meet the needs of both parties and which would be fair to the interests of both the Indians and of the Federal Government. Many consultations have been had with the Indians and their representatives, and the solutions now proposed appears to meet with general approval, namely, to send those Indians to the Mescalero Indian Agency, in New Mexico, who desire such a transfer, and to provide for those who do not care to go by purchasing the allotments of deceased Indians on the Kiowa, Comanche, and Apache Reservation, in Oklahoma.

I fully believe that this affords a satisfactory solution of this most vexed problem. I regard it as of the utmost importance to settle the matter now, and I would urge that if it meets with your views you will do what you can to have the legislation now proposed enacted before Congress adjourns. The Indians want to be freed, their representatives are continually besieging the department to have this done, and the solution proposed, in my belief, offers the most happy settlement of the problem which, if not settled now, will continue to vex us for years to come.

Very sincerely,

HENRY L. STIMSON,
Secretary of War.

Mr. Speaker, the amendments I have discussed are all of the amendments that have been questioned by any Member of this House, and the reasons for the adoption of this conference report are very apparent to every Member of the House. I therefore move the adoption of the report as a whole, and on that motion I move the previous question.

The SPEAKER pro tempore. The gentleman from Texas moves the previous question.

The previous question was ordered.

Mr. STEPHENS of Texas. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER pro tempore. The gentleman from Texas moves the adoption of the conference report.

The conference report was adopted.

On motion of Mr. STEPHENS of Texas, a motion to reconsider the vote by which the conference report was adopted was laid on the table.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I call up the conference report on the bill (H. R. 25069) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

The SPEAKER pro tempore. The Clerk will report it.

Mr. FITZGERALD. I ask unanimous consent, Mr. Speaker, that the statement be read in lieu of the report.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York that the statement be

read in lieu of the report? [After a pause.] The Chair hears none. The Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1234).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25069) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 5, 6, 9, 11, 12, 13, 16, 17, 18, 21, 22, 25, 28, 29, 30, 32, 33, 34, 35, 36, 46, 49, 50, 51, 52, 53, 55, 57, 60, 61, 64, 65, 66, 68, 74, 75, 78, 80, 95, 96, 100, 101, 103, 104, 109, 113, 114, 123, 125, 127, 136, 137, 138, 140, 141, 142, 143, 147, 149, 150, 151, 153, 160, 164, 166, 167, 170, 173, 174, 177, 183, 184, 186, 187, 188, 189, 190, 191, 193, 196, 197, 198, 199, 200, 205, 210, 212, 213, 214, 217, 220, 221, 222, 223, 224, 225, 226, 229, 231, 233, 234, 235, 240, 241, 242, 249, 250, 251, 259, 261, 262, 263, 264, 267, 268, 269, 270, 271, 272, 274, 275, 277, 280, and 284.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 7, 8, 15, 19, 20, 23, 24, 26, 31, 39, 40, 41, 44, 56, 58, 59, 62, 67, 71, 72, 79, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 94, 99, 105, 106, 107, 110, 112, 115, 117, 118, 119, 121, 129, 130, 131, 132, 139, 145, 152, 154, 156, 162, 165, 168, 169, 171, 175, 176, 180, 181, 185, 192, 194, 195, 201, 202, 203, 204, 206, 207, 208, 209, 211, 215, 218, 219, 227, 230, 237, 243, 244, 245, 247, 248, 252, 253, 254, 265, 266, 278, 279, 281, 282, 283, 285, 286, 287, and 289, and agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In line 17 of said amendment, after the word "building" and before the semicolon, insert the following: ": *Provided*, That the additional work herein authorized on the said old building, together with the cost of the addition to the heretofore authorized building, shall all be done within the limit of $250,000 fixed in the above-mentioned act of June 25, 1910"; and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$144,770"; and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,500,000"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$17,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,658,845"; and the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$200,000"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$300,000"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$412,500" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senated numbered 47, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"Hereafter all plans and specifications for the construction of buildings in the National Zoological Park shall be prepared under the supervision of the municipal architect of the District of Columbia, and all plans and specificataions for bridges in said park shall be prepared under the supervision of the engineer of bridges of the District of Columbia."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$225,000"; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: Transpose line 1 on page 54 of the bill to precede the matter inserted by said amendment; and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Cave Hill Cemetery, Louisville, Ky., purchase of additional land: For the purchase of additional land in Cave Hill Cemetery, at Louisville, Ky., for the burial of soldiers of the Union Army in the late Civil War and in the War with Spain, $25,000: *Provided*, That the amount of land herein authorized to be purchased and the price paid therefor shall be within the discretion of the Secretary of War."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment amended as follows: On page 62 of the bill, in line 1, after the word "occurring," insert the following: "by death or resignation"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the sum first proposed insert "$100,000"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as folows: In lieu of the sum named in said amendment insert "$50,000"; and the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$35,000"; and the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$5,000"; and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"International Waterways Commission: For continuing until December 31, 1912, the work of investigation and report by the International Waterways Commission, authorized by section 4 of the river and harbor act approved June 13, 1902, $10,000: *Provided*, That report as to the progress of the work be made by the American commissioners to Congress at the beginning of the next session."

And the Senate agree to the same.

Amendment numbered 97: That the House recede from its disagreement to the amendment of the Senate numbered 97, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$45,000"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$437,360"; and the Senate agree to the same.

Amendment numbered 102: That the House recede from its disagreement to the amendment of the Senate numbered 102, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$421,000"; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$3,995,660"; and the Senate agree to the same.

Amendment numbered 111: That the House recede from its disagreement to the amendment of the Senate numbered 111, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For repair of roof and skylights on the Pension Office Building, $4,000"; and the Senate agree to the same.

Amendment numbered 120: That the House recede from its disagreement to the amendment of the Senate numbered 120, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "To enable the Commissioner of the General Land Office to temporarily employ additional clerks as follows: Eight clerks, at the rate of $1,200 per annum each; eight clerks, at the rate of $1,000 per annum each; eight copyists, at the rate of $900 per annum each; in all, $21,700, or so much thereof as may be necessary"; and the Senate agree to the same.

Amendment numbered 122: That the House recede from its disagreement to the amendment of the Senate numbered 122, and agree to the same with an amendment as follows: Restore the matter stricken out by said amendment; and the Senate agree to the same.

Amendment numbered 124: That the House recede from its disagreement to the amendment of the Senate numbered 124, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lines 1 and 2 of the matter inserted by said amendment strike out the following: ", nineteen hundred and twelve and nineteen hundred and thirteen"; and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$700,000"; and the Senate agree to the same.

Amendment numbered 133: That the House recede from its disagreement to the amendment of the Senate numbered 133, and agree to the same with an amendment as follows: Omit the matter stricken out and inserted by said amendment, and on page 98 of the bill, in lines 18 and 19, strike out the following words: ", the sum hereby appropriated to be"; and the Senate agree to the same.

Amendment numbered 134: That the House recede from its disagreement to the amendment of the Senate numbered 134, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For temporary employment of clerks for the purpose of bringing up arrears of work upon the returns of surveys in the General Land Office: Four clerks, at the rate of $1,200 per annum each; three clerks, at the rate of $1,000 per annum each; two copyists, at the rate of $900 per annum each; four copyists, at the rate of $720 per annum each; in all, $10,920, or so much thereof as may be necessary."

And the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "The Secretary of the Interior is authorized and directed, at the earliest practicable date, to make a survey of the sewer system of the city of Hot Springs, abutting the Hot Springs Reservation, Ark., and to prepare plans and estimate of the cost of increasing the present storm drainage system as well as the present sanitary sewer system of the city of Hot Springs; the report of survey, including estimate of cost of the work, to be submitted to Congress as soon as practicable after the 1st day of December, 1912. The expenses incurred hereunder shall not exceed $10,000; one half of such expenses shall be paid out of the revenues derived from privileges and otherwise on the Hot Springs Reservation, and the other half shall be paid by the city of Hot Springs, Ark."; and the Senate agree to the same.

Amendment numbered 144: That the House recede from its disagreement to the amendment of the Senate numbered 144, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "For inquiries and investigations into the mining and treatment of ores and other mineral substances, with special reference to safety and waste, $50,000: *Provided*, That no part thereof may be used for investigation in behalf of any private party, nor shall any part thereof be used for work authorized or required by law to be done by any other branch of the public service"; and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "$3,500"; and the Senate agree to the same.

Amendment numbered 148: That the House recede from its disagreement to the amendment of the Senate numbered 148, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$583,100"; and the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: After the word "of" in said amendment insert the word "actual"; and the Senate agree to the same.

Amendment numbered 157: That the House recede from its disagreement to the amendment of the Senate numbered 157, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$80,000"; and the Senate agree to the same.

Amendment numbered 158: That the House recede from its disagreement to the amendment of the Senate numbered 158, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$15,000"; and the Senate agree to the same.

Amendment numbered 159: That the House recede from its disagreement to the amendment of the Senate numbered 159, and agree to the same with an amendment as follows: Omit the matter inserted by said amendment and in lieu of the sum proposed insert "$20,000"; and the Senate agree to the same.

Amendment numbered 161: That the House recede from its disagreement to the amendment of the Senate numbered 161, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$75,000"; and the Senate agree to the same.

Amendment numbered 163: That the House recede from its disagreement to the amendment of the Senate numbered 163, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$8,000"; and the Senate agree to the same.

Amendment numbered 172: That the House recede from its disagreement to the Senate numbered 172, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$92,000"; and the Senate agree to the same.

Amendment numbered 178: That the House recede from its disagreement to the amendment of the Senate numbered 178, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the words "one year"; and the Senate agree to the same.

Amendment numbered 179: That the House recede from its disagreement to the amendment of the Senate numbered 179, and agree to the same with an amendment as follows: In line 6 of the matter inserted by said amendment, after the word "prevent," insert the words "or authorize"; and the Senate agree to the same.

Amendment numbered 182: That the House recede from its disagreement to the amendment of the Senate numbered 182, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "including not to exceed $10,000 for necessary employees at the seat of government"; and the Senate agree to the same.

Amendment numbered 216: That the House recede from its disagreement to the amendment of the Senate numbered 216, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$193,120"; and the Senate agree to the same.

Amendment numbered 228: That the House recede from its disagreement to the amendment of the Senate numbered 228, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$335,000"; and the Senate agree to the same.

Amendment numbered 232: That the House recede from its disagreement to the amendment of the Senate numbered 232, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$90,000"; and the Senate agree to the same.

Amendment numbered 236: That the House recede from its disagreement to the amendment of the Senate numbered 236, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$2,525,000"; and the Senate agree to the same.

Amendment numbered 238: That the House recede from its disagreement to the amendment of the Senate numbered 238, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$15,000"; and the Senate agree to the same.

Amendment numbered 239: That the House recede from its disagreement to the amendment of the Senate numbered 239,

and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$30,000"; and the Senate agree to the same.

Amendment numbered 246: That the House recede from its disagreement to the amendment of the Senate numbered 246, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Joint Committee on Printing, as provided for in an act providing for the public printing and binding and the distribution of public documents, approved January 12, 1895, and acts amendatory thereof: Clerk, $3,000, to be paid by the Secretary of the Senate"; and the Senate agree to the same.

Amendment numbered 255: That the House recede from its disagreement to the amendment of the Senate numbered 255, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$132,700"; and the Senate agree to the same.

Amendment numbered 256: That the House recede from its disagreement to the amendment of the Senate numbered 256, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,252,880"; and the Senate agree to the same.

Amendment numbered 257: That the House recede from its disagreement to the amendment of the Senate numbered 257, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,949,900"; and the Senate agree to the same.

Amendment numbered 258: That the House recede from its disagreement to the amendment of the Senate numbered 258, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$145,000"; and the Senate agree to the same.

Amendment numbered 260: That the House recede from its disagreement to the amendment of the Senate numbered 260, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$290,000"; and the Senate agree to the same.

Amendment numbered 273: That the House recede from its disagreement to the amendment of the Senate numbered 273, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$500,000"; and the Senate agree to the same.

Amendment numbered 276: That the House recede from its disagreement to the amendment of the Senate numbered 276, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$28,980,000"; and the Senate agree to the same.

Amendment numbered 288: That the House recede from its disagreement to the amendment of the Senate numbered 288, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 10. That section 8 of the District of Columbia appropriation act, approved June 26, 1912, shall not take effect or be operative during the fiscal year 1913 except to the extent that it prohibits the payment of membership fees or dues in societies or associations: *Provided*, That during the fiscal year 1913 expenses of attendance of officers or employees of the Government at any meeting or convention of members of any society or association shall be incurred only on the written authority and direction of the heads of executive departments or other Government establishments or the government of the District of Columbia; and a detailed statement of all such expenses incurred from June 30 until December 1, 1912, shall be submitted to Congress on or before January 1, 1913."

And the Senate agree to the same.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
GEO. C. PERKINS,
C. A. CULBERSON,
Managers on the part of the Senate.

The statement was read as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25069) making appropriations to provide for sundry civil expenses of the Government for the fiscal year 1913, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended as to each of the said amendments in the accompanying conference report:

On amendment No. 1: Strikes out the modification, proposed by the Senate, of the appropriation for the Economy Commission, permitting payments at greater rates of compensation than $4,000 per annum.

On amendment No. 2: Strikes out the appropriation of $225,000, proposed by the Senate, for the continuance of the so-called Tariff Board.

On amendments Nos. 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and 17, relating to public buildings: Appropriates for the public building at Greenville, N. C., $1,000, as proposed by the House, instead of $15,000, as proposed by the Senate; strikes out the appropriations proposed by the Senate of $10,000 for the public building at Huron, S. Dak., $5,000 for rent of temporary quarters pending completion of the public building at Kansas City, Kans., and $15,000 for a new roof on the mint building at Philadelphia, Pa.; strikes out the provision for removing the Board of Appraisers to the second floor of the Appraisers' Stores in New York; authorizes necessary alterations in the old portion of the public building at Winston-Salem, N. C., within the authorized limit of cost for the addition to said building; appropriates $625,000, as proposed by the House, instead of $650,000, as proposed by the Senate, for repairs and preservation of public buildings; appropriates $440,000, as proposed by the House, instead of $465,000, as proposed by the Senate, for mechanical equipment for public buildings; appropriates $17,000, as proposed by the House, instead of $20,000, proposed by the Senate, for electrical protection to vaults in public buildings; increases the maximum pay of computers and estimators in the Supervising Architect's office from $2,200 to $2,500, as proposed by the Senate; strikes out the provision, proposed by the Senate, authorizing details of employees on public buildings throughout the country to temporary duty in the Supervising Architect's office; and restores to the bill the provision, proposed by the House, repealing the so-called Tarsney Act.

On amendment No. 18: Appropriates $1,960,000, as proposed by the House, instead of $2,031,620, proposed by the Senate, for pay of crews of surfmen, etc., of the Life-Saving Service.

On amendments Nos. 19, 20, 21, 22, and 23, relating to the Revenue-Cutter Service: Provides, as proposed by the Senate, for two civilian instructors and for temporary leases and improvement of property for revenue-cutter purposes; appropriates for the service $2,260,000, as proposed by the House, instead of $2,280,000, as proposed by the Senate; restores the provision, proposed by the House, prohibiting additional appointments as cadets in the Revenue-Cutter Service; and appropriates $175,000, as proposed by the Senate, instead of $165,000, as proposed by the House, for repairs to revenue cutters.

On amendment No. 24: Inserts the provision, proposed by the Senate, with reference to the use of power presses in the Bureau of Engraving and Printing.

On amendment No. 25: Appropriates $140,000, as proposed by the House, instead of $150,000, as proposed by the Senate, for detecting and bringing to trial persons guilty of violating internal-revenue laws.

On amendment No. 26: Appropriates, as proposed by the Senate, $1,565 for a special witness of the destruction of United States securities.

On amendment No. 27: Appropriates $2,500,000, instead of $2,450,000, as proposed by the House, and $2,570,000, as proposed by the Senate, for operating force for public buildings.

On amendment No. 28: Appropriates $800,000, as proposed by the House, instead of $900,000, as proposed by the Senate, for furniture and repairs to furniture for public buildings.

On amendment No. 29: Appropriates $1,550,000, as proposed by the House, instead of $1,600,000, as proposed by the Senate, for operating supplies of public buildings.

On amendment No. 30: Strikes out the proposed authority for purchase and exchange of typewriters under the appropriation for suppressing counterfeiting and other crimes.

On amendment No. 31: Appropriates $10,000, as proposed by the Senate, for the expenses of the International Irrigation Congress.

On amendments Nos. 32, 33, and 34: Appropriates $4,650,000, as proposed by the House, instead of $5,000,000, as proposed by the Senate, for expenses of collecting the revenue from customs; repeals, as proposed by the House, the permanent appropriation for expenses of collecting the customs; and restores to the bill the provision, proposed by the House, authorizing the President to reorganize the Customs Service.

On amendments Nos. 35, 36, 37, 38, 39, 40, 41, and 42, relating to the Public Health and Marine-Hospital Service: Appropriates $200,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for pay of acting assistant surgeons; strikes out the provision for expenses of medical officers in attendance at meetings of associations; appropriates $17,000, instead of $14,900, as proposed by the House, and $20,000, as proposed by the Senate, for maintaining the Hygienic Laboratory; appropriates, as proposed by the Senate, $4,000 for

the sanatorium at Fort Stanton, N. Mex., and $35,000 for the quarantine station at Hawaii; and appropriates $200,000, instead of $100,000, as proposed by the House, and $500,000, as proposed by the Senate, for the prevention of epidemics.

On amendments Nos. 43, 44, and 45: Appropriates $300,000, instead of $250,000, as proposed by the House, and $350,000, as proposed by the Senate, for preservation of exhibits in the National Museum; and authorizes, as proposed by the Senate, the purchase of a fireproof and burglar-proof safe for the use of the Smithsonian Institution.

On amendments Nos. 46 and 47: Excludes payment of architects' fees or compensation out of the appropriation for the National Zoological Park and restores to the bill the provision requiring plans and specifications for construction work in the Zoological Park to be made under the supervision of the municipal architect and engineer of bridges of the District of Columbia.

On amendment No. 48: Appropriates $225,000, instead of $200,000, as proposed by the House, and $250,000, as proposed by the Senate, for expenses under the so-called boiler-inspection act.

On amendments Nos. 49, 50, 51, 52, and 53, relating to armories and arsenals: Strikes out the appropriations proposed by the Senate, of $5,100 for the Augusta (Ga.) Arsenal, $23,000 for the Frankford Arsenal, Philadelphia, Pa., and $250,000 for the Rock Island (Ill.) Arsenal.

On amendments Nos. 54, 55, 56, 57, 58, 59, 60, and 61, relating to military posts: Appropriates, as proposed by the Senate, $250,000 for accommodations for the seacoast artillery in the Philippine Islands and $70,000 for additional land for Fort Sam Houston, Tex.; inserts the provision, proposed by the Senate, authorizing the exchange of land with the State of Wyoming in the military reservation at Fort McKenzie, Wyo.; strikes out the appropriations, proposed by the Senate, of $50,000 for the Keithley-Overton Railway in the Philippine Islands; $50,000 for a bridge at Fort Riley, Kans.; $25,570 for purchase of land for Vancouver Barracks, Wash.; and $50,000 for Fort Taylor Military Reservation, Fla.; and inserts the provision, proposed by the Senate, authorizing the expenditure of $175,000 out of the unexpended balance of the appropriation for "Water and sewers at military posts," fiscal year 1912, for the construction of the water system for the military reservation and post of Schofield Barracks, in Hawaii.

On amendments Nos. 62, 63, 64, 65, 66, and 67, relating to national cemeteries: Authorizes the sale of China or White Hall Cemetery, Pennsylvania; appropriates $25,000 for additional land for burial of soldiers in the Cave Hill Cemetery, Louisville, Ky.; strikes out the appropriation of $5,000, proposed by the Senate, for a rostrum in the Florence Cemetery, South Carolina; strikes out the provision authorizing the removal of the remains of Col. George Pomutz from St. Petersburg, Russia, and the provision to reimburse the Government of the Philippine Islands for expenses incurred in disinterring and transporting to San Francisco the remains of a soldier; and appropriates $1,000, as proposed by the Senate, for monuments or tablets in Cuba and China.

On amendments Nos. 68 and 69: Reappropriates, as proposed by the House, the unexpended balance of the appropriation for the Union naval monument in the Vicksburg National Military Park for bronze portraits of brigade or division commanders and inserts a provision prohibiting the filling of vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks.

On amendments Nos. 70, 71, 72, and 73: Appropriates $100,000, instead of $70,000, as proposed by the House, and $150,000, as proposed by the Senate, for maintenance and repair of improvements in the Yellowstone National Park, and $77,000, as proposed by the Senate, for widening and improving certain roads in said park, and appropriates $50,000, instead of $100,000, as proposed by the Senate, for Crater Lake National Park, Oreg.

On amendments Nos. 74, 75, 76, 77, 78, and 79: Appropriates $27,000, as proposed by the House, instead of $30,000, as proposed by the Senate, for improvement and maintenance of various reservations in Washington; appropriates $35,000, instead of $25,000 as proposed by the House and $75,000 as proposed by the Senate, for grading, soiling, seeding, and planting Potomac Park west of the railway embankment; appropriates $5,000, instead of $10,000, as proposed by the Senate, for improvement of Montrose Park; strikes out the appropriation of $25,000, proposed by the Senate, for commencing the improvement of Meridian Hill Park; and appropriates $500, as proposed by the Senate, for care and repair of the telegraph line connecting the Capitol with the departments.

On amendment No. 80: Appropriates $5,000, as proposed by the House, instead of $8,800, for the Commission of Fine Arts.

On amendments Nos. 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92, relating to river and harbor contract work: Appropriates $160,000, as proposed by the Senate, instead of $31,400, as proposed by the House, for the harbor of refuge at Point Judith, R. I., and makes certain verbal changes in the text of the appropriations for rivers and harbors work, as proposed by the Senate.

On amendment No. 93: Appropriates $5,000, instead of $10,000, proposed by the Senate, for the International Waterways Commission to continue its work until December 31, 1912.

On amendment No. 94: Inserts the provision, proposed by the Senate, requiring plans and specifications for a new building for Columbia Hospital, in Washington, D. C., to be prepared under the supervision of the president of the board of directors of the hospital and the Superintendent of the Capitol Building and Grounds.

On amendments Nos. 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, and 108, relating to the National Home for Disabled Volunteer Soldiers: Strikes out the appropriation of $7,500, proposed by the Senate, for a chapel at the Eastern Branch, Togus, Me.; appropriates $45,000, instead of $40,000, as proposed by the House, and $48,000, as proposed by the Senate, for repairs at the Western Branch, Leavenworth, Kans.; appropriates $20,000, as proposed by the Senate, for sewage-disposal plant, and strikes out the appropriations, proposed by the Senate, of $8,500 for repairs to barracks and $3,000 for improving the water supply, at the Pacific Branch, Santa Monica, Cal.; appropriates $40,000, as proposed by the House, instead of $42,000, as proposed by the Senate, for current expenses at the Mountain Branch, Johnson City, Tenn.; appropriates $24,000, as proposed by the Senate, instead of $23,000, as proposed by the House, for current expenses at the Battle Mountain Sanitarium, Hot Springs, S. Dak.; and strikes out the provision prohibiting the filling of vacancies occurring in the membership of the board of managers of the home.

On amendments Nos. 109, 110, 111, 112, 113, and 114, relating to buildings under the Interior Department: Limits the amount to be used out of the appropriation for "Repairs of buildings" for personal services to $7,500, as proposed by the House, instead of $10,000, as proposed by the Senate; appropriates, as proposed by the Senate, $20,000 for renewing plumbing and repairs in the Pension Office Building, $3,500 for construction of the conduit connecting the Patent Office Building and the old Post Office Department Building, and $4,000, instead of $25,000, as proposed by the Senate, for repair of the roof of the Pension Office Building; strikes out the appropriations, proposed by the Senate, of $220,000 for an interior court building in, and $50,000 for repairs and improvements of, the Patent Office Building.

On amendment No. 115: Appropriates $3,725 for pedestals for statues in the Capitol Building.

On amendments Nos. 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, and 127, relating to the public-land service: Appropriates $560,000 for salaries of registers and receivers, as proposed by the Senate, instead of $280,000, as proposed by the House, for salaries only of registers of district land offices; strikes out the provision, proposed by the House, abolishing the office of receiver of public moneys for land districts; appropriates $410,000, as proposed by the Senate, instead of $490,000, as proposed by the House, for contingent expenses of land offices; provides for 24 temporary clerks in the General Land Office; inserts the provision, proposed by the Senate, with reference to the failure of homestead entrymen to give notice of election of making proof as required by the act of 1912, authorizes the expenditure of not exceeding $25,000 additional out of the appropriation for preventing depredations on the public timber, etc., for expenses of hearings held by the Commissioner of the General Land Office; strikes out the appropriation of $5,000, proposed by the Senate, for the purchase of a motor boat for Alaska; appropriates $20,000, instead of $2,000, as proposed by the House, and $26,000, as proposed by the Senate, for advertising incident to restoration of land in forest reserves; strikes out the provision, proposed by the Senate, authorizing the use of an unexpended balance for extension of the drainage survey to the Red Lake Diminished Reservation; appropriates $28,000, as proposed by the Senate, for examination of selected lieu lands in California; and strikes out the appropriation of $5,000, proposed by the Senate, for the protection of national monuments.

On amendments Nos. 128, 129, 130, 131, 132, 133, 134, and 135, relating to the survey of public lands: Appropriates $700,000, instead of $450,000, as proposed by the House, and $850,000, as proposed by the Senate, for the survey and resurvey of public lands; strikes out the provision making the appropriation available until expended; authorizes the employment of 13 temporary clerks to bring up arrears of work on returns of surveys; and inserts a provision for survey and plans for a sewer system for

the city of Hot Springs, Ark., the cost not to exceed $10,000 and one-half of the expense to be borne by the city of Hot Springs.

On amendments Nos. 136, 137, 138, 139, and 140, relating to the Geological Survey: Strikes out the increases proposed by the Senate.

On amendments Nos. 141, 142, 143, 144, 145, 146, 147, and 148, relating to the Bureau of Mines: Appropriates $320,000, as proposed by the House, instead of $347,900, as proposed by the Senate, for investigation of causes of mine explosions; strikes out the authority to employ personal services under said appropriation at Washington and the provision for attendance at meetings; limits the authority to employ personal services in the District of Columbia out of the appropriation for testing coal to those employed in the Bureau of Mines; appropriates $50,000 instead of $100,000, as proposed by the Senate, for investigations into the mining and treatment of ores and other mineral substances with the restriction that no part thereof may be used for investigations in behalf of private parties or for work authorized or required to be done by other branches of the public service; provides for one mine inspector for duty in Alaska, as proposed by the Senate; strikes out the provision, proposed by the Senate, authorizing the acceptance of land or building at Pittsburgh, Pa., for the Bureau of Mines.

On amendment No. 149: Strikes out the provision, proposed by the Senate, authorizing under the Bureau of Education expenses of attending meetings or conventions.

On amendment No. 150: Strikes out the appropriation of $30,000, proposed by the Senate, for investigation and detection of violations of the law against the introduction of alcoholic liquors into the portion of Oklahoma formerly known as Indian Territory

On amendment No. 151: Strikes out the appropriation of $70,000, proposed by the Senate, for the medical relief of the natives of Alaska.

On amendment No. 152: Inserts the provision proposed by the Senate, authorizing the lease of property at Hot Springs, Ark.

On amendments Nos. 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, and 163, relating to national parks: Appropriates $5,500, as proposed by the House, instead of $10,140, as proposed by the Senate, for expenses of administration of Yellowstone Park; extends the limit of the cost of buildings in the national parks to $1,000, as proposed by the Senate, instead of $500, as proposed by the House; strikes out the provision, proposed by the House, restricting the expenditure of the revenues derived from national parks to construction and improvement of roads, trails, and bridges; appropriates $80,000, instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for Yosemite National Park; appropriates $15,000, instead of $7,500, as proposed by the House, and $27,500, as proposed by the Senate, for Mesa Verde National Park; appropriates $20,000 instead of $5,400, as proposed by the House, and $48,500, as proposed by the Senate, for Mount Rainier National Park; strikes out the appropriation of $3,100, proposed by the Senate, for the Wind Cave National Park; appropriates $75,000, instead of $50,000, as proposed by the House, and $100,000, as proposed by the Senate, for the Glacier National Park; and appropriates $8,000, instead of $5,000, as proposed by the House, and $10,000, as proposed by the Senate, for Platt National Park.

On amendments Nos. 164, 165, and 166, relating to the Government Hospital for the Insane: Strikes out the appropriation, proposed by the Senate, of $55,209 for a cement wall and for shop and storehouse building, and $50,000 for new barns, piggeries, and silo; and appropriates $20,000, as proposed by the Senate, for tubercular cottages.

On amendment No. 167: Appropriates $5,000, as proposed by the House, instead of $10,000, as proposed by the Senate, for repairs to buildings at the Columbia Institution for the Deaf.

On amendments Nos. 168, 169, 170, 171, and 172, relating to Howard University: Appropriates $60,000, as proposed by the Senate, instead of $57,400, as proposed by the House, for payment of part of the salaries of officers, teachers, and employees; appropriates $2,000, as proposed by the House, instead of $2,500, as proposed by the Senate, for use in the laboratories of the new science hall; and inserts the provision, proposed by the Senate, authorizing a conduit under W Street in Washington, D. C., to connect the buildings of the university with the power plant of Freedmen's Hospital.

On amendments Nos. 173 and 174: Appropriates $32,040, instead of $33,040, as proposed by the Senate, for salaries for Freedmen's Hospital.

On amendments Nos. 175 and 176: Strikes out the limitations, proposed by the House, restricting the payment of architects' fees for the penitentiaries at Leavenworth and Atlanta to $3,500 each.

On amendment No. 177: Strikes out the appropriation of $25,000, proposed by the Senate, for continuing the construction of the penitentiary at McNeil Island, Wash.

On amendments Nos. 178 and 179: Modifies the provision, inserted by the House, prohibiting the payment out of certain appropriations under the Department of Justice to persons previously employed under the Government, by restricting such payments to persons so employed within one year instead of two years, as proposed by the House, and six months, as proposed by the Senate, and the further provision that such inhibition shall not apply except in cases where the persons shall have previously rendered service in connection with the same subject matter or to prevent or authorize transfers not involving increases of compensation.

On amendments Nos. 180 and 181: Appropriates $35,000, as proposed by the Senate, instead of $30,000, as proposed by the House, for special attorneys for the conduct of customs cases.

On amendment No. 182: Authorizes the expenditure of not exceeding $10,000 for necessary employees at the seat of Government out of the appropriation for detection and prosecution of crimes.

On amendment 183: Appropriates $200,000, as proposed by the House, instead of $300,000, as proposed by the Senate, for the enforcement of the antitrust laws.

On amendment No. 184: Appropriates $10,000, as proposed by the House, instead of $25,000, as proposed by the Senate, for enforcement of acts to regulate commerce.

On amendment No. 185: Appropriates $500, as proposed by the Senate, for indexing the judicial code.

On amendments Nos. 186, 187, 188, 189, and 190: Strikes out all of the appropriations, amounting to $146,340, proposed by the Senate, to supply law books for courts and court officials.

On amendment No. 191: Appropriates $75, as proposed by the House, for 15 copies of volume 56 of the Lawyers' Cooperative Edition.

On amendments Nos. 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, and 204, relating to the United States courts: Makes the appropriations for United States marshals available for certain cases in Oklahoma; appropriates $550,000, as proposed by the House, instead of $568,000, as proposed by the Senate, for United States district attorneys; appropriates $325,000, as proposed by the Senate, instead of $315,000, as proposed by the House, for assistants to United States attorneys; inserts the provision, proposed by the Senate, providing for the compensation of the clerk of the district court for the northern district of Illinois as other clerks are compensated; strikes out the increases, proposed by the Senate, in the appropriations for the United States penitentiaries at Leavenworth, Kans., and Augusta, Ga.; and provides, as proposed by the Senate, for a chief clerk at $1,000 and an increase in the pay of the secretary and treasurer from $600 to $900, in the National Training School for Boys.

On amendment No. 205: Strikes out the appropriation of $115,000, proposed by the Senate, for the Cape St. Elias Light Station, Alaska.

On amendments Nos. 206, 207, and 208: Readjusts, as proposed by the Senate, amounts appropriated for certain items under the Lighthouse Establishment without changing the sum total thereof.

On amendments Nos. 209, 210, 211, 212, 213, 214, 215, 216, and 217, relating to the Coast and Geodetic Survey: Makes the appropriation for special surveys available for aid to the shellfish commission of Maryland; strikes out the provision, proposed by the Senate, making interchangeable to the extent of 10 per cent the amounts of the appropriations; appropriates $20,000, as proposed by the Senate, for repairs to the steamer *Pathfinder;* strikes out the changes proposed by the Senate in the salaried force, except that provision is made for one additional employee at $600; and appropriates $50,000, as proposed by the House, instead of $55,000, as proposed by the Senate, for office expenses.

On amendments Nos. 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, and 232, relating to the Bureau of Fisheries: Strikes out the provision, proposed by the Senate, for a terrapin and fish culturist at $900 and a fish pathologist at $2,500, the increase in the salary of the warden of Alaska from $1,200 to $1,500 and 4 deputy wardens in Alaska from $600 to $900 each; provides for the purchase of reference books; appropriates $335,000, instead of $325,000, as proposed by the House, and $340,000, as proposed by the Senate, for propagation of food fishes; strikes out the appropriation of $40,000, proposed by the Senate, for repairs of the steamer *Albatross;* appropriates

$5,000, as proposed by the Senate, to investigate the method of fishing known as "beam or otter trawling"; strikes out the provision making interchangeable to the extent of 10 per cent the appropriations for the bureau; and appropriates $90,000, instead of $75,000, as proposed by the House, and $100,000, as proposed by the Senate, for the Alaskan Fisheries Service.

On amendments Nos. 233, 234, and 235: Strikes out the appropriations, proposed by the Senate, for the immigration station at Ellis Island, amounting to $170,000.

On amendments Nos. 236 and 237: Appropriates $2,525,000, instead of $2,500,000, as proposed by the House, and $2,575,000, as proposed by the Senate, for the expenses of regulating immigration, and $200,000, as proposed by the Senate, instead of $185,000, as proposed by the House, for the Division of Naturalization.

On amendments Nos. 238 and 239, relating to the Census Bureau: Appropriates $15,000, instead of $25,000, proposed by the Senate, for collecting statistics concerning leaf tobacco, and $30,000, instead of $57,250, proposed by the Senate, for securing information of cotton production.

On amendment No. 240: Strikes out the provision, proposed by the Senate, for the employment of counsel at $4,000 per annum for examination and preparation of cases before the International Joint Commission on Boundary Waters between Canada and the United States.

On amendment No. 241: Strikes out the appropriation of $5,000, proposed by the Senate, for the International Conference on Maritime Law.

On amendment No. 242: Strikes out the provision, proposed by the Senate, reappropriating the unexpended balance of the appropriation made for expenses of the arbitration of outstanding pecuniary claims between the United States and Great Britain.

On amendment No. 243: Reappropriates, for use during 1913, the appropriations heretofore made for removing the fence around the Botanical Gardens.

On amendment No. 244: Appropriates $1,500, as proposed by the Senate, for indexing for use by committees of the Senate.

On amendment No. 245: Appropriates $5,000, as proposed by the Senate, for compiling the Biographical Congressional Directory.

On amendment No. 246: Authorizes the employment of a clerk for the Joint Committee on Printing, at $3,000, and strikes out the provision for an assistant clerk, at $2,500.

On amendment No. 247: Appropriates $2,000, as proposed by the Senate, for the inspector to the Joint Committee on Printing.

On amendment No. 248: Appropriates $46,000, as proposed by the Senate, for the Senate Office Building.

On amendment No. 249: Strikes out the appropriation of $250,000 for a pneumatic-tube system to connect the Capitol the Senate and House Office Buildings, the Congressional Library, the Union Railroad Station, the new post-office building, and the Government Printing Office.

On amendments Nos. 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, and 272, relating to the Government Printing Office and printing and binding: Increases the compensation of 11 clerks from $720 to $840 each and of one clerk from $720 to $900; strikes out the proposed increase in the salary of one clerk from $1,800 to $2,000 in the office of the Public Printer; appropriates for public printing and binding $4,949,900, instead of $4,878,400, as proposed by the House, and $5,046,600, as proposed by the Senate; strikes out the proposed increases in salaries of certain clerks in the office of the Superintendent of Documents; and strikes out the provision, proposed by the Senate, authorizing an expenditure of $1,000 for inspection of libraries.

On amendments Nos. 273, 274, 275, 276, 277, and 278, relating to the Panama Canal: Appropriates $500,000, instead of $300,000, as proposed by the House, and $563,520, as proposed by the Senate, for salaries of officers and employees other than skilled and unskilled labor in the department of civil administration; appropriates $15,000, as proposed by the House, instead of $20,000, as proposed by the Senate, for skilled and unskilled labor, and $75,000, as proposed by the House, instead of $110,000, as proposed by the Senate, for materials and supplies in that department; restores to the bill the provision, proposed by the House, prohibiting payment of allowances for longevity service; and inserts a provision authorizing the establishment of a division of records.

On amendments Nos. 279 and 280: Strikes out the provision, proposed by the Senate, excepting from the operation of section 6 requiring certain comparative information to be submitted with the estimates, the estimates for United States courts, rivers and harbors, and fortification work.

On amendments Nos. 281, 282, 283, and 284: Modifies section 7 of the bill, specifying what shall constitute permanent continuing appropriations, so that said section shall apply only to appropriations made hereafter, and strikes out the provision, proposed by the Senate, excepting from the operation of the section surveys and resurveys of public or Indian lands, increase of the Navy, public works of the Navy, and fisheries stations.

On amendments Nos. 285 and 286: Enlarges the number of officers or employees of the Government, as proposed by the Senate, who may administer oaths to accounts for travel or other expenses against the United States.

On amendments Nos. 287, 288, and 289: Corrects the numbering of the sections; inserts a section providing that section 8 of the District of Columbia appropriation act for the fiscal year 1913, approved June 26, 1912, shall not be operative during the fiscal year 1913 except to the extent that it prohibits the payment of membership fees or dues in societies or associations.

JOHN J. FITZGERALD,
SWAGAR SHERLEY,
J. G. CANNON,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. FITZGERALD. Mr. Speaker, the sundry civil appropriation bill, when submitted to the House by the Committee on Appropriations, carried $109,577,414.40. The estimates considered by the committee in the preparation of the bill footed up $151,991,106.87, and as reported to the House the bill was $42,413,692.47 under the estimates, and a reduction of $33,060,629.74 under the appropriations for the current fiscal year. The bill as it passed the House carried $109,567,974.40. The Senate struck out $75 and added $6,764,830.80. As passed by the Senate, the bill carried $116,322,730.20. Between the time the bill passed the House and the time it was passed by the Senate supplemental estimates, aggregating in the neighborhood of two and one-half million dollars, were transmitted from the various departments. In the adjustment of the differences between the two Houses the Senate conferees yielded upon items aggregating $4,283,620.80. The House conferees receded on items aggregating $2,171,210, and the House itself concurred in an amendment which appropriated $300,000.

The bill, Mr. Speaker, is $30,225,859.74 less than the bill for the last fiscal year. The bill, as now before the House carries some very important legislation, which will result in important reforms, which will result in improved efficiency and greater economy in the public service.

Within a day or two I expect to place in the RECORD a comprehensive review of the appropriations made by Congress, together with a review of the legislation which will tend to promote efficiency and economy in the public service. I shall not therefore take up further time of the House at this time.

Mr. SMALL. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. FITZGERALD. In a moment. I understand the gentleman from Tennessee [Mr. MOON] wishes to make a request.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I find in the RECORD on pages 12677–12680, inclusive, what purports to be the conference report made by the conference committee on the Post Office appropriation bill. This is a substantial copy of the conference report, varying, perhaps, a million dollars. It was not put here by authority of the conference committee. They have not put in a report up to this time, and I ask unanimous consent that it be stricken from the RECORD in order that the committee may make the report which they intend to make.

The SPEAKER. The gentleman from Tennessee [Mr. MOON] moves to strike from the RECORD what purports to be the conference report on the Post Office appropriation bill.

Mr. MANN. Reserving the right to object—which, of course, I shall not do—I understood that there were some clerical mistakes in the conference report.

Mr. MOON of Tennessee. The mistakes are clerical. The report was not finally completed until this morning. As the gentleman knows, the conferees often sign the report, but the clerks go over it and make up the statement and corrections.

Mr. MANN. All I wished to ask was whether in fact or in substance in the main a conference report was agreed upon.

Mr. MOON of Tennessee. It was all agreed upon, and is now.

Mr. MURDOCK. Mr. Speaker, may I ask the gentleman from Tennessee a question?

The SPEAKER. Does the gentleman from Tennessee yield?

Mr. MOON of Tennessee. Yes.

Mr. MURDOCK. This is not a motion to correct?

Mr. MOON of Tennessee. No. This is simply a motion to strike from the RECORD what purports to be a conference report and which is not a conference report.

The SPEAKER. Is there objection?

Mr. FINLEY. On yesterday afternoon Mr. Speaker CLARK asked the question, "The Chair will inquire if anyone knows anything about the conference report on the Post Office appropriation bill." After the statement was made that the conference report was not quite ready I asked unanimous consent that the report might be printed in the RECORD. Afterwards I endeavored to call up the chairman of the committee, Mr. MOON of Tennessee, and then somebody at the Government Printing Office called me up, and I directed them not to print the report unless they got the authority from the chairman of the committee, Mr. MOON of Tennessee.

Mr. MOON of Tennessee. I am not complaining of anybody. It is just an error that ought not to have occurred.

Mr. FINLEY. It was plainly stated here that the conference report was not ready, and the request for unanimous consent for its printing was made in order to expedite the business of the House.

Mr. MOON of Tennessee. I understand that. It was not finally ready until this morning. Let me say that a similar mistake was made at the other end of the Capitol.

Mr. MANN. May I ask the gentleman is the purported conference report as printed in the RECORD substantially correct?

Mr. MOON of Tennessee. It is substantially correct. There is a difference of a million dollars on footing up. It is substantially the report which I now present.

Mr. MANN. It is information. I am glad it was printed in the RECORD.

Mr. MOON of Tennessee. It was agreed upon to be reported when the details were finished up. It was simply prematurely presented, that is all.

The SPEAKER. Is there objection?

There was no objection.

Mr. SMALL. Is it not to be acted upon until it is printed?

Mr. MOON of Tennessee. By unanimous consent it may be acted upon to-day, if the Senate first acts. The Senate has the papers.

Mr. MANN. If the Senate acts on the conference report on the Post Office bill and messages that action over to the House, does the gentleman expect to ask unanimous consent to consider it in the House?

Mr. MOON of Tennessee. I do.

SUNDRY CIVIL APPROPRIATION BILL.

The House resumed consideration of the conference report on the bill H. R. 25069, the sundry civil appropriation bill.

Mr. SMALL. Mr. Speaker, I wish to direct the attention of the gentleman from New York [Mr. FITZGERALD] to two amendments in the sundry civil appropriation bill. The first is Senate amendment numbered 4, on page 9. That is the appropriation for the commencement of the public building at Greenville, N. C., for which the House made an appropriation of $1,000, which was increased in the Senate to $15,000. The Senate amendment was stricken out by the conferees. I desire to know why that was stricken out, my purpose being to ascertain if it was because no money could be used until after the next session.

Mr. FITZGERALD. The House made an appropriation in accordance with the recommendation of the Supervising Architect's Office of the amount required between now and the 4th of March. The Senate increased the appropriation from $1,000 to $15,000, but as there was no recommendation from the Supervising Architect's Office that that amount of money would be required the managers on the part of the House insisted that that particular building should be treated as every other one had been, and only the sum allowed which could be used until the 4th of March.

Mr. SMALL. Did your committee get any affirmative information from the Supervising Architect that he would not be able to use any more money before the 4th of March?

Mr. FITZGERALD. We had no information from him at all after we passed the bill. Those representing the Senate and interested in the amendment had no information from him that he would need the money. In the absence of that information the managers on the part of the House declined to accede to the amendment.

Mr. SMALL. I did not desire any appropriation unless it could be used. My information was that it could not be used before the 4th of March, but I desired to know specifically.

Mr. FITZGERALD. The sum agreed upon is all that can be used between now and the 4th of March.

Mr. SMALL. I will say to the gentleman that the Senate did not insert it at my request.

Mr. FITZGERALD. I so understand.

Mr. SMALL. Now I call attention to another amendment, No. 239, on page 173. The Senate inserted an amendment to secure information for census reports of cotton, regarding production, stocks of baled cotton on hand, and domestic and foreign consumption.

Under a recent act approved June 22, 1912, there was appropriated $57,250, which the conferees have reduced to $30,000. I desire to inquire if that amount is sufficient to enable the Bureau of Census to carry out the provisions of the recent act?

Mr. FITZGERALD. The conferees believe it will be sufficient. This appropriation is supplemental to the regular appropriation for the conduct of the Bureau of Census, and there is a force there now which is engaged upon reports of a certain character. The conferees believe that with this additional money they can fully comply with the law.

Mr. SMALL. That is a very important act, and the bureau ought not to be crippled in its execution.

Mr. FITZGERALD. There is no danger of the Census Bureau being crippled, but there would be danger of the Treasury being completely depleted if estimates of bureau chiefs were accepted by Congress.

Mr. SMALL. I understand that as a general statement.

Mr. FITZGERALD. The conferees endeavored to give what they honestly believed would be sufficient in the light of all the information that could be obtained and with the knowledge of the condition of the office and the organization that exists there for work of this character.

Mr. SMALL. Did the conferees investigate and reach the conclusion that the sum of $30,000 was sufficient to carry out the provisions of the act?

Mr. FITZGERALD. That was the deliberate judgment of the conferees.

Mr. MILLER. May I ask the gentleman a question?

Mr. FITZGERALD. I will yield to the gentleman.

Mr. MILLER. I would like to ask the gentleman something in regard to amendments 136 and 137, on page 114. I call attention to the fact that the Senate increased the appropriation for surveys in amendment 137 $100,000. The House having passed it at $300,000, the Senate voted $400,000, and the additional $100,000 was stricken out. I do not suppose it is of any value to myself or anybody else to make objection to the failure on the part of the conferees to accept the Senate amendment, but I would like to call attention of the chairman of the committee to the fact that a large appropriation for the Geological Survey is eminently needed in certain sections of the country. We have lately come to the belief that all the lands allotted to the Indians in the Northwest, and all homesteads before final proof, should be examined by the Geological Survey. I believe that ought to be done in order that there may not be water-power sites and mineral lands acquired. But the Geological Survey, by reason of the increased work, is getting behind. For instance, certain allotments in Minnesota; it has been three years since the allotment was authorized, and they have not been made because the Geological Survey has not got around to make the surveys.

A large forest fire went through the Northwest a year ago, seriously damaging pine timber on the public domain. Large quantities of it were on lands that were in the process of being acquired by private individuals. Very likely delay in the transmission of the title to the individual may not result in any injury except in the rapid decay of the burnt timber. I am informed that unless an increased appropriation is given none of these surveys can be expected within a reasonable future. In other words, there is going to result a large loss of pine timber by reason of the land having been burnt over a year ago, and that this timber will be spoiled in six or eight months.

Now, the matter of the allotment of Indian lands and the matter of the disposition of homestead applications for final proof is being held up by reason of the deficiency in this appropriation.

I thank the gentleman for the opportunity to make the statement, and I hope next winter some careful consideration will be given to these facts.

Mr. FITZGERALD. Mr. Speaker, perhaps I should say something in view of the statement that has just been made by the gentleman from Minnesota. The sundry civil bill as it passed the House carried as large sums for the various works of the Geological Survey as have ever been appropriated. I have not obtained this information officially, but I gathered it from other sources similar to those from which Members get information of different matters, that those interested in the work of the Geological Survey were so surprised and gratified at the liberality of the Democratic House that they felt there should be an organization in Washington to suppress anybody who complained that Congress was niggardly in appropriations for the public service.

The Geological Survey, like other services, has been for a great many years endeavoring to get as large appropriations as possible. Congress deemed it wise to give it for the present

year as large an appropriation as it has had at any other time. The committee believed in so doing that it had done all that could reasonably be expected.

It may be that some of the force of the Geological Survey should be diverted from some work it is now doing to this work which the gentleman says is so pressing. I know that for some years the Committee on Appropriations was engaged in the difficult task of compelling appropriations for the Geological Survey to be expended upon the public domain rather than in some sections of the country where it benefited private enterprises almost exclusively. I think that result has been brought about, and much greater results are now being obtained with the same appropriations than some years ago

Mr. MILLER. Mr. Speaker, I remember the gentleman severely criticized an appropriation bill because the sums in it were lumped and not itemized, and I think he very properly criticized it. That was some time ago. In that connection, does not the gentleman think it would be advisable, as long as the Geological Survey is really performing a dual purpose, that of making investigations to determine mineral deposits and things of that kind for the general mining world and also the work of testing the public land to determine whether it is of the character that should be passed to private ownership under the laws of the United States, to divide in future appropriation bills that item and set aside so much for the examination of public lands about to be transferred, so that that work would be carried on even if the other had to be halted for a time?

Mr. FITZGERALD. The committee appropriates in this way in the hope that the pressure will be sufficient to compel all of this money to be expended upon the public domain, where I think properly it should be expended.

Mr. MILLER. If the gentleman could suggest any way in which I could help in that matter, I would be very glad to cooperate with the gentleman.

Mr. FITZGERALD. Whatever influence I have I shall be very glad to join with that of the gentleman in exerting that pressure. That is where the money should be expended, and that is where it is practically expended now.

Mr. PEPPER. Mr. Speaker, I desire to call the gentleman's attention to amendment No. 52, on page 56. I notice the conferees have stricken out the amendment put on in the Senate carrying an appropriation of $250,000 for the production of field artillery at the Rock Island Arsenal. I would like to know from the gentleman upon what information the conferees based their action in striking out that amendment?

Mr. FITZGERALD. On the same information the conferees had at the time the matter was discussed in the House, when they convinced the House that it should not be put in.

Mr. PEPPER. By a very narrow majority, I may say.

Mr. FITZGERALD. The reason is this: This appropriation was requested by Gen. Crozier, because when the Army bill passed the House the first time it carried $600,000 for the manufacture of small arms instead of $700,000, estimated by him to be necessary. He thereupon communicated to Congress that if that reduction of $100,000 remained, in the interest of economy he would concentrate that manufacture at the Springfield Arsenal, and in order to prevent the discharge of men employed at the Rock Island Arsenal he thought it would be necessary to obtain certain equipment to enter upon another line of manufacture. When the Army bill passed the Senate and was agreed to by the conferees it contained $700,000 for small arms instead of $600,000, so that there would be no diminution of the amount of work done in both arsenals during this year. I may say, speaking for myself and, I think, reflecting the views of others who have gone into the matter, the belief is that, according to the statement of Gen. Crozier, next year the manufacture of small arms will fall off very considerably and will necessitate this appropriation. The committee expects that provision for this equipment will be made at the next session of Congress so as to prevent the conditions that are feared.

Mr. PEPPER. The gentleman recognizes, of course, that the main argument of Gen. Crozier was not the laying off of men, but in the saving of money to the Government in the economic manufacture of field artillery.

Mr. FITZGERALD. I think both arguments were combined. At any rate, the excuse taken advantage of for the transmission of the estimate was to prevent the laying off of the men at the Rock Island Arsenal.

Mr. PEPPER. Mr. Speaker, I appreciate the force of the point presented by the gentleman. However, I think we had a very good case, based on the actual saving to the Government in the installation of this plant.

Mr. FITZGERALD. There is no difference of opinion as to the necessity of making provision for it at the next session of Congress.

Mr. STEENERSON. Mr. Speaker, I desire to call the attention of the gentleman to an item on page 109 of the bill. The Senate inserted an amendment—125—making available the unexpended balance of the acts of April 13, 1908. I would like to ask the gentleman on what ground the confereees disagreed to that amendment?

Mr. FITZGERALD. Mr. Speaker, the managers on the part of the House refused to agree to that amendment, because it did not belong in this bill. If it belonged any place, it belonged in the Indian bill. The Senate had shown such great liberality in putting every conceivable thing in the Indian bill that the managers felt if there was any merit whatever or any suspicion of merit in the item it surely would have gone into the Indian appropriation bill.

The House and its conferees on a bill of this character should have a sufficient opportunity to inform themselves about matters which properly may be inserted in this bill without being compelled to pass upon matters connected with other departments of the Government with which they are not expected to be as familiar as members of committees who have to do with those departments.

Mr. STEENERSON. I would like to ask if this rule has been uniformly adhered to?

Mr. FITZGERALD. No; it is a great misfortune that that rule has not been uniformly adhered to. The members of the Committee on Appropriations are doing their best to bring about such a condition that it will be adhered to.

Mr. STEENERSON. Why did not they adhere to that rule in another instance?

Mr. FITZGERALD. We did it to relieve the pressure, which was so great we could not resist.

Mr. STEENERSON. That might be a reflection upon Representatives who did not bring pressure to bear in these other cases.

Mr. FITZGERALD. No; I think not. It is a matter that did not belong in this bill.

Mr. STEENERSON. I recognize that.

Mr. FITZGERALD. This bill has nothing to do with the question of making surveys for irrigation of Indian lands.

Mr. STEENERSON. I recognize that, and the only question for the item being on the bill is it did not come in from the Indian council until after the Indian appropriation bill had passed, so it was too late to insert it. Of course, if it is the uniform rule to exclude all items that do not strictly belong to the sundry civil appropriation bill but belonged to another bill——

Mr. FITZGERALD. That is the rule of the committee, but occasionally, without realizing it, the committee may slip.

Mr. STEENERSON. The gentleman does not think that they complied strictly to the rule in all these items?

Mr. FITZGERALD. It endeavors to do so, because it believes it results in much better legislation. The Committee on Appropriations has had this experience during the progress and preparation of bills during this session. After having thoroughly investigated and rejected items, they have been put by the Senate on five different appropriation bills over which other committees have had jurisdiction. The committee is endeavoring to compel the placing of items which belong on bills not under the jurisdiction of the Committee on Appropriations on such bills, and it is endeavoring to bring about a condition where items of appropriation belonging upon bills over which the Committee on Appropriations has jurisdiction shall be confined to those bills. In that way the Members whose duties in the House require them to obtain special information about various matters will be in a position to pass upon them and much better results will be obtained.

Mr. STEENERSON. As I understand the gentleman, it is simply because it applies to another bill.

Mr. CANTRILL. Mr. Speaker, I would like to get some information from the gentleman from New York relating to Senate amendment No. 238, allowing in this bill $25,000 for the purpose of carrying into effect the bill which was passed this session of Congress known as the tobacco census bill. The House conferees have reduced that amount to $15,000. The information I would like to get from the gentleman is this: The Director of the Census, in a communication to the Senate Appropriations Committee, claims it will take $25,000 to carry this bill into effect. I would like to ask the gentleman from New York if, in his opinion, this $15,000 that has been agreed upon in conference will enable this bill to be put into effect in all of its provisions? The bill requires a report to be made by the Director of the Census the 1st of October of this year.

Mr. FITZGERALD. I have a great deal of doubt whether there should have been any appropriation. One of the misfortunes of the Government is that we have great departments

organized to do certain kinds of work and whenever any additional duties are devolved upon them which could well be performed by them as organized, the legislation is made the basis for a request for an additional appropriation to furnish a largely increased force not always necessary. An organization like the Census Office can do a much greater amount of work than it now does under the law, and the committee believes, in view of that organization and the appropriations made for it and the fact this is supplemental to the regular force, that it would be ample to do the work required in the most effective manner possible.

Mr. CANTRILL. And in no manner will it affect the carrying out of the proposition.

Mr. FITZGERALD. We think there is not the slightest danger but that we have given the amplest means with which to carry on the work.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on this conference report on the sundry civil appropriation bill.

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, I yield 10 minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, this bill carries, in round numbers, by the conference report $112,000,000, and carries many of the branches of the public service. The House passed the bill. After all, I think in many respects the House did not adequately provide for the public service.

I voiced my opinion of this bill upon its consideration in the House in part, but the majority of the House overruled the minority and passed the bill. That is behind us, and I am not seeking to revive it except to call attention to it at this time. The bill went to the Senate. The Senate has power to amend, and the Senate did amend. The House disagreed to the Senate amendments. It went to conference. In the conference the Senate receded on many amendments and the House receded to some extent. My judgment is that the House might have agreed to some Senate amendments that the House conferees did not agree to, and some of them very important and far-reaching. My judgment is that this conference report does not adequately properly provide for the public service all along the line. But when an irresistible force meets an immovable body, unless the force prevails or the body prevails, or unless both move, or one moves, or the other moves at times, there would be no report at all. And, therefore, I have again discovered, as I have known for many years, that the Senate could not have its way or the House its way in all matters, it resulted, as all legislation, in a compromise. And, if I had a free hand, I would restore some of the Senate amendments entire. I would make a more liberal appropriation in many instances for the public service, but, of course, a minority member in a conference committee kicks if he desires to kick and presents his views to the majority members, but they, being a majority, are independent of the minority member. So, when the end came, I signed the conference report. It did not make any difference whether I signed it or not. Two can sign a conference report, but I ordinarily do sign unless there is something so outrageous, some sin of omission or commission, that I can not as a conferee sign a report without doing violence to my conscience. That is one way of protesting. But, having signed the report, I thought so far as it is important to protest somewhat at this time and make the statement that I have made.

A little later on the gentleman, possibly during consideration of the deficiency conference report if there is one, or without it if there is none, will ask unanimous consent, as is usual, that he may make his statement of appropriations. If he does I shall also ask unanimous consent that I may make a statement for the minority, or at least for myself, and that the same may be printed in the RECORD at an early day. I apprehend, following the usual course in similar cases at the close of a session, that the unanimous consent will be given, and that the statements will be made simultaneously.

Mr. MANN rose.

Mr. FITZGERALD. How much time does the gentleman from Illinois [Mr. MANN] want?

Mr. MANN. Just a moment.

Mr. FITZGERALD. I yield five minutes.

Mr. MANN. Mr. Speaker, this bill carries items of appropriation for the Panama Canal, and I rise only for the purpose of calling the attention of the House to a condition which I hope we managed to take care of. Under the existing law, where accidents occur on the canal construction work, the Isthmian Canal Commission is authorized to pay the amount of compensation allowed under the general law, in other cases the general law being enforced through the Secretary of the Interior; but, on the canal, through the Canal Commissioners. The utmost that is allowed is one year's pay. In the recent Panama Canal bill, which has passed both Houses and has gone to the President, there is a provision authorizing the President to devise a method for the determination and adjustment of claims arising out of personal injuries to employees on the canal, with the further provision that such claims when allowed shall be paid out of the money hereafter appropriated for that purpose. And the further provision that when the President does provide the method of adjustment, then the existing law providing for the payment for injuries on the Canal Zone shall cease to be of effect as to injuries occurring thereafter. I am informed by the President, although I do not make the statement officially, that his expectation is to sign the Panama bill, if it has not already been signed, and put into effect under this power in the bill a scheme of adjustment similar to the compensation act which has passed the Senate as to employees in interstate commerce, and also similar to the bill which has been reported into the House from the Committee on the Judiciary as to Government employees. This situation would then arise: There would have been no money appropriated out of which any claims could be paid between the time the President put the scheme into effect and when Congress meets and makes an appropriation hereafter. I would like to ask the gentleman from New York [Mr. FITZGERALD], with whom I have talked upon the subject, whether he thinks it would not be practicable when the deficiency bill comes back to the House with Senate amendments, to agree in the House by unanimous consent, if unanimous consent can be obtained, that the conferees when appointed in the conference on the general deficiency bill shall have the authority of the House, so far as the House is concerned, to insert in that bill a provision authorizing the payment of the amounts which may be found due between now and the 1st of January, say, out of the appropriations already carried in the sundry civil bill for the Panama Canal.

Mr. FITZGERALD. I think that could possibly be done, and I would be very glad to cooperate in any way possible to bring it about.

Now, Mr. Speaker, I yield 10 minutes to the gentleman from Kentucky [Mr. SHERLEY].

The SPEAKER. The gentleman from Kentucky [Mr. SHERLEY] is recognized for 10 minutes.

Mr. SHERLEY. Mr. Speaker, we are about to pass the largest supply bill of the Government, a bill that deals with more matters of varied importance than any other, and it is a matter of gratification to me, as one of the conferees on the bill, to be able to repeat the statement made by the gentleman from New York [Mr. FITZGERALD], that this bill, while carrying an adequate sum for the proper conduct of the Government bureaus that are sustained by appropriations made in it, yet carries a sum $30,225,859.74 less than the sundry civil bill that passed in the last session of the last Congress.

The bill as it passed the House carried something like $42,000,000 less than the total of the estimates. There were submitted to the Senate additional estimates of about two and one-half millions dollars. The Senate added $6,754,830.80, and the conferees agreed to $2,471,210 of that sum. So that, despite the criticism of the gentleman from Illinois, we find that, although the bill carried as it passed the House a sum in round figures $42,000,000 under the estimates, there was added in all only a little over $6,000,000 by the Senate, and there has remained on the bill of that sum a little over $2,000,000.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. SHERLEY. Certainly.

Mr. CANNON. The appropriations for the construction of the Panama Canal are continuing, as I understand it. The appropriation made last year, a year ago last winter, for the past fiscal year for the Panama Canal was how much larger than the amount that was expended? From six to ten million dollars, as I recollect.

Mr. SHERLEY. About $6,000,000, as I recall.

Mr. CANNON. So that that $6,000,000 is available for this year, and in that item alone the gentleman's statement is misleading.

Mr. SHERLEY. The gentleman points out a particular instance.

Mr. CANNON. Six million dollars—that is a big child, and it counts twelve millions.

Mr. SHERLEY. Of course, it is big, but it is not nearly as big as the $30,000,000 of savings. But the gentleman will find, if he goes on that basis, that it is possible to take the bill of last year and show how the Republican Congress, extravagant though it was, made its showing by taking over something from the year before. I will not go into the details of it, but the

fact remains and the individual items will warrant the statement that there has been a saving of $30,000,000 made without harm to the Government. Of course it follows that some of that is the result of changed conditions, but it also follows that some of it has resulted from a proper scrutiny of the estimates and a proper pruning of those estimates as submitted to the Congress.

I do not desire to undertake now to anticipate the statement that will be made by the distinguished gentleman from New York [Mr. FITZGERALD], the chairman of the Committee on Appropriations, touching the appropriations, but in passing I want to say that, as one of those who have served with him in the majority, I feel that the House of Representatives and the country owe to him a vote of cordial thanks for the efficient and diligent manner in which he has performed his very arduous services. [Applause.]

No man not in intimate touch with the chairman of the Committee on Appropriations can know the tremendous pressure to which he is subjected by Members of Congress, by those outside, but in the Government service, and by the public generally, for appropriations for objects of all kinds, some meritorious, and many not meritorious; and that he has shown the firmness and the courage to resist the unfair and the unwise demands is a matter of congratulation to the party to which he belongs and should be to the country and to the membership of this House. [Applause.]

Mr. MANN. I desire simply to add that I think that it is a source of congratulation not only to the majority, but to the entire membership of the House and the country, and I personally am very glad to congratulate the gentleman from New York [Mr. FITZGERALD] and also the gentleman from Kentucky [Mr. SHERLEY] [applause] upon the ability which they have shown in the responsible charge of the appropriations, in connection with the other gentlemen on the Committee on Appropriations. [Applause.]

Mr. SHERLEY. Mr. Speaker, in concluding my brief remarks I desire to call the attention of the membership of this House to the unscientific way in which we appropriate public moneys and to emphasize, if I can, the need of a real budget system in our national affairs. We are within 24 hours of the close of the first regular session of this Congress [applause], and yet there is no human being who now knows how much money will be appropriated by this Congress, even in round figures.

Some of us who have watched are enabled in a general way to estimate what the total will be, but it is an illustration of the unscientific method. Nearly every really serious trouble that has arisen in connection with appropriations in this Congress has come about by virtue of the fact that we consider the individual bills separately and apart from their relationship to the whole expenditure. I hope that this Congress will be the last one that will ever appropriate the vast sums that we do for the conduct of the public business without having presented to it at the beginning of its labors a statement of proposed expenditures that when approved by the Congress shall represent the total that may be expended for the ensuing fiscal year, leaving the details to be worked out by the various committees, as they now are.

I shall not undertake at this time to elaborate the plan that I have proposed to the Congress for the concentration of appropriating power. I have no desire to enhance the power of the committee of which I happen to be a member; but I realize that unless you have somewhere one central authority dealing with the general subject of appropriations you can not have that proper consideration of the relative value of appropriations that ought to be had. In the beginning of a Congress we ought to consider how much we propose to expend for war purposes, for what might be called national insurance; how much we propose to spend for the ordinary machinery of government; how much we propose to expend for the administration of justice; how much for internal improvements; and those are questions that can only be considered properly when considered in relationship to each other. A debate on a naval appropriation bill by itself is necessarily an inadequate debate. A debate on a river and harbor bill by itself is necessarily an inadequate debate. If we could have presented to the people of America a real budget program, letting the party in power here defend and the party in opposition criticize, you would then present to the American people the real issues upon which parties should be formed, instead of many of the false, transitory issues that come up from day to day.

You would then have the attention of the American people directed to the tremendous expenditures that are going on in public affairs. You would then have the American people understand that very salutary lesson that you can not have governmental activity without paying for it. Under our system of raising a very large portion of the public moneys through indirect taxation, so that the individual citizen is not aware of the fact that he is paying the tax even at the very time that he is paying it, you constantly have an invitation toward extravagant appropriations. If men had to pay their Federal taxes as they pay their State taxes by walking up to the wicket and paying the tax bill, there would then be a proper inquiry as to whether the particular governmental activity that required the additional expenditure was worth the price or not. But you can not get the attention of the American people upon the matter of a budget as long as the debates in the House of Representatives consist largely in sharpshooting at particular items without any survey of the whole matter. We are the only great Nation on earth that undertakes to appropriate these vast sums without a consideration of the matter as a whole. And when you think that the Congress of the United States appropriates annually a thousand millions, and yet we bring in from various and sundry committees bill after bill, and no one, except as he may gain by private conference, has any knowledge of what the totals may be, you can see the absolutely unscientific character of the method. The wonder is that with such a method the expenditure is not even more than it has been in the past.

It is always difficult to make people change their habits. A Government is very much like the individuals that compose it. It has its habits. We dislike to give up power. A committee having charge of a bill does not want any supervision over it. Yet I appeal to this House, that we ought to rise above the question of our own particular power as members or chairmen of certain committees and bring about a system whereby there can be presented to the House at the beginning of the session a real budget, and to that end I shall propose in the near legislative future a concrete program. I have made this statement in order that the attention of the House and of the country might again be drawn to this situation. [Applause.]

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the last vote was laid on the table.

AGRICULTURAL EXTENSION.

Mr. LEVER. Mr. Speaker, I call up the bill (H. R. 22871) to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto.

The Clerk, proceeding with the reading of the bill, read as follows:

Be it enacted, etc., That in order to aid in diffusing among the people of the United States useful and practical information on subjects relating to agriculture and home economics, and to encourage the application of the same, there may be established, under the direction of the college or colleges in each State now receiving, or which may hereafter receive, the benefits of the act of Congress approved July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and of acts supplementary thereto, a department to be known and designated as an agricultural extension department: *Provided*, That in any State in which two or more such colleges have been or hereafter may be established the appropriations hereinafter made to such State shall be administered by such college or colleges as the legislature of such State may direct.

The following committee amendment was read.

On page 2, line 7, after the word "two," insert the words "or more."

The committee amendment was agreed to.

Mr. RUSSELL. Mr. Speaker, I want to call attention to the fact that I had an amendment that was offered yesterday and is pending.

The SPEAKER pro tempore. What section does it relate to?

Mr. RUSSELL. Section 1, page 2, line 8.

Mr. LEVER. Let the Clerk read the amendment.

The Clerk read as follows:

Amend by adding after the word "established" in line 8, page 2, the following:

"And normal schools or colleges that receive state appropriations to promote the diffusion of information in agriculture and home economics."

Mr. LEVER. To that, Mr. Speaker, I reserve a point of order.

Mr. RUSSELL. Mr. Speaker, I desire to speak briefly upon this amendment. I have not offered it as one unfriendly, but as a friend to the bill, and I will vote for it whether the amendment is agreed to or not. [Applause.]

The purpose of this bill is to carry practical education and information to the farmers of the country through the State agricultural colleges that were given land grants by Congress, and this amendment proposes to extend its provisions to the agricultural colleges of the different States that have been established and are maintained by appropriations from the several States.

In my own State we have five State normal schools that have been established by the State, and annually the State legislature appropriates money for the purpose of maintaining the agricultural departments in these normal schools. One of them is located in the district I represent. This normal school has an agricultural department with ample equipment in land, farm machinery, and laboratories for giving the best of instruction, and is now giving instruction to many boys of that section of the State.

I am opposed to monopoly in any form, whether it be religion, politics, business, or education. The purpose of this bill is to extend education to farmers of the country; and that being true, I believe that it can be done by agricultural colleges located in different parts of the State better than by one agricultural college located in the center of the State.

Under the present Republican administration postmasters are selected upon the indorsement of Members of Congress, and I presume after the 4th day of next March that will be the policy of the Democratic administration. That wise policy has been adopted and is followed because the Member of Congress or the defeated Member of Congress of the dominant party knows the people of his district and knows who is best qualified for the place better than the appointing power.

If that is a wise policy, it would seem that it would be a wise provision to adopt this amendment and bring the agencies that are to render this service to the farmers nearer to the people they are to serve, so that they may be better acquainted with those to be appointed to render the service.

We all know that usually a large part of every appropriation made by Congress is consumed in expenses, and oftentimes in traveling expenses. Under this bill as now written the one agricultural college in Missouri that will send out instructors is located 300 miles from my district, but the agricultural department of the State Normal School is within its borders, from which the proposed educational work upon the farms could be carried on more conveniently and with much less expense.

I am not only a friend of this bill, but I am a friend of the farmer. I do not pose as a practical farmer to-day, even for political purposes, yet I came from the farm, and for more than 35 years I have caused to be produced annually upon the old farm where I was born several thousand bushels of corn and wheat. By the way, it now occurs to me, as I speak of this, that it was 58 years ago to-day that I was born upon that farm. [Applause.] I know of no way that I could better celebrate that, to me, important event than in raising my voice in this House in support of a bill like this that is intended to, and I believe will, prove to be a great benefit to the farmers of the country. I realize, as every sane man must realize, that agriculture is the most important vocation among men.

George Washington once said:

Agriculture feeds and to a great extent clothes the human race.

That was true when it was spoken, and it is as true to-day as it was a century and a quarter ago, when it was uttered by the Father of his Country. The United States, and principally the Mississippi Valley, from which I come, produces the corn and wheat that feeds the great majority of people of this country and sends a large surplus every year to foreign countries that are less fortunate than ours. I desire, however, to call attention to this fact: The surplus in farm products shipped to foreign countries is being rapidly reduced. The wheat exported from this country in 1900 was 215,990,073 bushels. In 1910 we shipped abroad only 69,311,760 bushels. In 1900 we exported 181,405,473 bushels of corn, and in 1910 only 65,614,522 bushels. In 1851 82 per cent of all of the exports to foreign countries were the products of the farm, but 60 years later, in 1911, only 51 per cent of our exports were produced upon the farm. This falling off may be accounted for in several ways. In the first place the public domain is almost exhausted, and the tillable acreage of land in the country is not keeping pace with the increase in population. Again, land as it grows older, unless it is fertilized or is kept up by a rotation of crops, becomes less productive, and then we know that a great many farmers have left the farm and gone into the cities and towns. All these things but serve to convince us of the importance of this bill or some measure that will aid our farmers in acquiring the knowledge that will enable them to produce more upon each acre of land.

There is another thing to which I desire to call attention: We have often heard statesmen and students of economics say that when the balance of trade is in our favor the vaults of the United States Treasury are swelling with gold, that we have a large amount of money per capita in circulation, and that we have good times. If that is true, to the farmers of this country much of the credit is due, for even under the relatively reduced exportation of farm products, as now, they still produce a majority of the exports that go to foreign countries which gives to our country the balance of trade, and that helps to bring this prosperity of which we boast.

I desire to call attention to the further fact that the appropriations of Congress for the benefit of agriculture are always less than 2 per cent of the total annual appropriations made for all purposes, while about 60 per cent is expended by Congress every year to maintain the military arm of the Government even in these years of profound peace. Congress expends more annually to construct, to man, and to maintain one single battleship than all of the money that is appropriated the same year to promote the cause of agriculture in the United States.

We often to-day hear the cry of "back to the farm," and I confess that it is an important theme to agitate and a desirable result to encourage, but if we desire those who have left the farms to return or to induce those now there to remain, we can best do it by making life more tolerable upon the farm, by making it more convenient and more comfortable, and by carrying more contentment and more happiness to the boys and girls upon the farm than they have enjoyed heretofore.

This House has done more in that direction than has been done by any preceding Congress in the history of this country.

Some of the bills, however, have failed to pass the Senate, and some have failed by reason of the President's vetoes. We have passed a bill extending aid for the construction and the improvement of post roads in the several States. We have passed a bill the purpose of which is to make cheaper the transportation of necessary articles to and from the farm.

We passed bills reducing the tariff taxes upon cotton and woolen goods and other necessaries of life to all the people.

We passed a bill known as the "farmers' free-list bill," that proposed to put upon the free list more than 100 articles that are necessary upon every farm and in every home in the land, but it was vetoed by the President.

I hope this amendment will be agreed to, believing, as I do, that it will improve the bill and make it more beneficial to the farmers of the country. [Applause.]

Mr. LEVER. Mr. Speaker, I renew the point of order.

The SPEAKER pro tempore. What is the gentleman's point of order?

Mr. LEVER. That it is not germane to this section of the bill. The bill provides for and is applicable to land-grant colleges.

Mr. RUSSELL. Mr. Speaker, I can not understand why this should not be in order. Here is a bill providing for the expenditure of a certain amount of money for the purpose of educating farmers of certain States, and it is conditioned on the fact that the States are to spend an equal amount before this appropriation is operative. Now, then, my State has appropriated not only money for a State college of agriculture at Columbia, where the university is located, but every year the legislature is appropriating for normal schools of the State, and it seems to me that this would be in order and along the line of the purposes of the original bill.

The SPEAKER pro tempore. The matter is so close that I think the House ought to have the right to vote on the matter, and the Chair overrules the point of order. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken, and the amendment was lost.

Mr. TRIBBLE. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama [Mr. BLACKMON] shall not lose any of his rights as to his amendment. I do not know to what part of the bill he expects to offer it, but I ask unanimous consent if we pass the section to which he expects to offer it that we may return to it when he comes in.

Mr. LEVER. As I understand, his amendment is pending and is in print in the RECORD.

Mr. TRIBBLE. Yes.

Mr. MANN. Has he been sent for?

Mr. TRIBBLE. We have sent for him.

The Clerk read section 2, as follows:

SEC. 2. That it shall be the object and duty of said agricultural extension departments to give instruction and practical demonstrations in agriculture and home economics to persons not resident in said colleges in the several communities, as may be provided by the States accepting the provisions of this act, and to convey and impart to such persons information on said subjects through field demonstrations, publications, and otherwise.

Mr. TRIBBLE. Mr. Speaker, I offer the following amendment, which I send to the Clerk's desk.

Mr. MORGAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MORGAN. I just came into the Hall. I offered an amendment yesterday which applies to section 2. Would not that come in before amendments offered to-day?

The SPEAKER pro tempore. The Chair will recognize the gentleman from Oklahoma presently. The Clerk will read the amendment offered by the gentleman from Georgia.

The Clerk read as follows:

Amend, by adding at the end of section 2 the words *"Provided,* That the demonstrator shall have not less than five years of practical and successful experience in farming and home economics and shall be over 27 years of age."

Mr. TRIBBLE. Mr. Speaker, I understand the chairman of the committee will accept that amendment and consent to its being adopted.

Mr. McLAUGHLIN. Mr. Speaker, I think the gentleman from Georgia and myself are not far apart as to the objects of this bill and what it ought to contain. I have not seen his amendment, so do not know just what it contains, but I doubt the advisability of putting in the bill the requisite that a man shall not be appointed until he has reached a certain age.

I think the judgment of the department and the officials of the agricultural colleges ought to be trusted in that matter. I have just come into the Chamber and do not now recollect the other provisions of the amendment. The experience required may be all right, but I doubt very much the advisability of putting into cold print, into the law, that a man shall not, under any circumstances, regardless of his qualifications, be appointed unless he has reached the age of 27 years. I trust the gentleman will modify his amendment in that respect, and if he does not I shall feel compelled to vote against it.

Mr. CULLOP. Mr. Speaker, I am opposed to this amendment. It makes years and not ability a qualification. I have always understood that in every department of life it was ability and not years that made the person competent for the discharge of prescribed duties. This provides that a person must not be less than 27 years of age and must have had so many years of successful experience. There are some men who in 1 year will have more and better knowledge of a given subject than other men will acquire in 20 years. Ability must control those things and not the age of the individual or the five or six years of experience. It depends upon ability, upon application, upon the study of an individual, and, therefore, to fix a qualification of 5 years of experience and 27 years of age for a demonstrator it seems to me will be to ignore the most essential qualification of a good instructor or demonstrator. In our farming districts we do not judge qualifications according to the number of years a man has farmed. Many men have farmed for 50 years who are not as good farmers as those who have farmed for less than 10 years. It is the application that the individual has given to the work and the study that makes him the competent person. I hope that this amendment will be voted down, as it is unjust and unfair. If it be adopted, it might prevent the best qualified person from taking part in the educational promotion of this great work. I therefore hope that the amendment will be voted down.

Mr. TRIBBLE. Mr. Chairman, some of the qualifications of a demonstrator, as I undertook to explain in my speech two or three days since, are practical, successful experience in farming, thorough understanding of the people with whom he is to come in contact, a fine sense of native shrewd business tact, and a personality that will call men to him. My first amendment provided that the trustees of the college should appoint the demonstrators. I struck that section, and Mr. LEVER agreed to the amendment. If you permit this fund to go to these agricultural schools and turn it over to the faculties to select the demonstrator and let them send the beardless youths, as they will do—the leaders of the class—I fear for the usefulness of this bill in its operations. The teacher naturally prefers his pupil, and if they select boys 19 or 20 years of age the farmers will not hear them as freely as they would a man of successful experience as a real farmer. Many farmers would tell the boys that they would starve to death on their farms and would refuse to hear liberally the beardless youth talk about scientific farming. Certainly, to be a graduate of an agricultural school would better qualify a demonstrator, provided he possessed other necessary qualifications. I deny most emphatically that it is necessary to have a college education, and I do assert that he should have experience. Let the graduate get experience first and then the appointment.

The Page bill provides for agricultural school education. I stated yesterday that I favored the passage of the Page bill. I desire to qualify that statement. When I made that statement I had not read the bill, but had read part of Senator PAGE'S speech. There are certain provisions in the Page bill to which I am opposed, not necessary to now mention. I noted them while the bill was being read as a substitute to the Lever bill.

The Lever bill is proposed to reach the farmer. I talked to Dr. Knapp about this question and others have talked with him, and he will tell you that unless you send a man with personality, a man of some age, a man with experience in farming, a man who knows how to reach the farmer, this fund may not succeed. The farmer knows that a youth without experience, who has never farmed, who has never had any practical experience, can not teach him how to farm. He must have practical experience, and, if we would make this a success, let us go at it in a practical way. This is a reasonable provision. Twenty-seven years of age is not old. I would remind gentlemen that our Master, the Great Teacher, was 30 years of age before He went into the world to teach men. There are professions that young boys can enter and succeed, but this is one calling in which men of experience are required, and I want to see this fund succeed.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I move to strike out the last word. It occurs to me this amendment ought not to be adopted because it puts unnecessary and I think altogether unreasonable limitations on the discretion of the authorities in choosing competent men for the work. The fact that a man is 27 years old is no guaranty whatever that he will be a good farmer and it is no guaranty whatever that he will not be a good one. The fact that a man has not had five successive and successful years as a farmer does not necessarily mean that he would not be a good teacher. Now, here is what this amendment says, "that the demonstrator shall not have had less than five years of practical and successful experience in farming and home economics." What is successful experience? What is a successful farmer? What does it take to constitute five years of success as a farmer? Does it mean that the man who gets good crops is a successful farmer, or a man who at the end of five years is a prosperous man? If a man has demonstrated his ability as a teacher and as an instructor, what difference does it make whether he has gone on a farm and for five years has made money out of it? It says "successful experience in farming," and I take it that a man who goes on a farm and who goes broke has not had any successful experience in farming.

Mr. CULLOP. Will the gentleman permit a question?

Mr. HUMPHREYS of Mississippi. Certainly.

Mr. CULLOP. Who is to determine whether he has been successful or not and what is the standard by which the success is to be measured? Is it that one man has farmed 20 acres and done fairly well, or is it that a man has cultivated 200 acres in different crops and done exceedingly well? Who is to fix the standard under which the amendment works?

Mr. TRIBBLE rose.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I can not yield now. I think perhaps we could designate the man to make the selection, but what standard he would likely erect in making them passes my comprehension. He must not only have had successful experience as a farmer but he must have had it for 5 years. I do not know whether it is 5 successive years or 5 years out of the 30 he has been engaged in it, but in addition to that he must have 5 successful years of home economics. What a successful year in home economics is I am unable to say. I think that we ought not to burden this bill with an amendment which, I venture the opinion, nobody on this floor can tell the meaning of, and I hope that the amendment will not be agreed to.

Mr. LEVER. Mr. Speaker, I ask for a vote.

Mr. BUTLER. Mr. Speaker, I ask that the amendment be again reported.

The amendment was again reported.

The question was taken, and the amendment was rejected.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment offered by the gentleman from Pennsylvania.

The Clerk read as follows:

Page 2, line 13, after the words "economics to" add the words "enrolled scholars and."

Mr. LEVER. I reserve a point of order on the amendment, and I ask that the amendment be read as it will appear when amended.

The SPEAKER pro tempore. The Clerk will report the language of the bill as it would appear when amended.

The Clerk read as follows:

That it shall be the object and duty of said agricultural extension department to give instructions and practical demonstration in agriculture and home economics to enrolled scholars and persons not residents of said colleges, etc.

Mr. MOORE of Pennsylvania. Mr. Speaker, the purpose of the amendment is to provide that those colleges to which appropriation is made shall teach boys in the college as well as those who are not residents of the college. It seems to me to be a perfectly fair proposition that if we are going to make appropriations by the Government in conjunction with the States for the employment of teachers we also ought to require the boys

to be educated to be teachers. That is the purpose of the amendment.

Mr. LEVER. Mr. Speaker, I very much hope that this amendment will not be agreed to by the House for the reason that this bill does not undertake to teach the boys agriculture in the schools in the various States. The main object of the bill is to demonstrate to the adult farmer and to his boy upon the farm the best methods of agriculture. To adopt this amendment would absolutely destroy the symmetry of this bill and place it upon a basis that has not been agreed to or thought about by the men who have considered it. I trust it will be voted down.

Mr. ALEXANDER. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. ALEXANDER. The gentleman says that the object and duty of said agricultural extension department are to give instructions and practical demonstration in agriculture and home economics to persons not residents in said colleges. Now, who are persons resident in said colleges that the bill has in mind?

Mr. LEVER. We have in mind the expression "resident in said colleges" the students of the college, and this bill is drawn for the purpose of preventing the use of this money in giving lectures, and so forth, and that aid can be given to the demonstration work in the field and teaching of home economics away from the colleges.

Mr. ALEXANDER. And teaching it to the farmer.

Mr. LEVER. To the farmer, the man on the farm away from the colleges and not a student of a college.

Mr. ALEXANDER. My understanding of the amendment offered by the gentleman from Pennsylvania is if that amendment is agreed to the teachers in the colleges can go to the various communities who organize the boys into classes and teach them, and that that is not the purpose of this bill?

Mr. LEVER. Not at all.

Mr. MOORE of Pennsylvania. Will the gentleman yield?

Mr. LEVER. I yield.

Mr. MOORE of Pennsylvania. As I read this section it provides, in substance as well as in fact, that the college shall merely be the agency through which a trained man shall go to the farmer.

Mr. LEVER. I think that is entirely correct.

Mr. MOORE of Pennsylvania. If we should make an appropriation to a college to be an employment agency, should we not also require that college to teach a boy to qualify as a tutor?

Mr. LEVER. I will say to the gentleman that the purpose of this bill is not pedagogic—to teach how to teach—but to teach farmers how to farm. As a matter of fact, under the Nelson amendment, we are now teaching a great many men how to teach agriculture, and this bill does not propose to teach boys how to teach agriculture, but, as I said a moment ago, to teach the farmer upon his own farm the best method of agriculture.

Mr. MOORE of Pennsylvania. It does seem to me the amendment should be supported. The purpose of the bill, as it stands, is to provide qualified teachers to instruct the farmer, and that could be as well done under a more economical basis as it is being done through the Department of Agriculture. That is the reason I want the scholar to get something out of this appropriation.

Mr. CANNON. If the gentleman will allow me, agricultural colleges do have students, all that can be procured to come, where they take a course in agriculture. They are not suffering from a lack of that kind of instruction. This is not to supplement that work but is to go into a new field.

Mr. LEVER. If the gentleman from Illinois [Mr. CANNON] will permit, this bill seeks to supply the missing link between the colleges and the man on the farm.

The SPEAKER pro tempore. The time of the gentleman from South Carolina [Mr. LEVER] has expired.

Mr. BUTLER. Mr. Chairman, I ask unanimous consent that the gentleman have five minutes more.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. BUTLER. Mr. Speaker, I am so thoroughly in accord with the gentleman's bill that I want to ask some questions in order to be better acquainted with it. Why do you employ this language in section 2, "Not resident in State colleges"? I understood from the answer to the gentleman from Missouri [Mr. ALEXANDER], the gentleman from South Carolina [Mr. LEVER] said it referred to the students at the college. Why does not the gentleman use the language "students enrolled in a college"? I never knew of a student as a resident of a college. The gentleman does not intend that the student at the college shall in any way be included within those who are to receive the instruction?

Mr. LEVER. Let me say to my friend from Pennsylvania [Mr. BUTLER] that that matter was looked into very carefully, and we have followed the language of some other bill, language that has been passed upon and agreed to as being the proper language to convey the idea. I do not think it will make a great deal of difference.

Mr. MANN. If the gentleman will permit me, I will suggest that I think the term "resident student" is a very common term in nearly all colleges.

Mr. BUTLER. It has been settled otherwise in Pennsylvania.

Mr. MANN. Pennsylvania is a very exceptional State in many respects.

Mr. BUTLER. We are largely engaged in agriculture, and I will remind the gentleman right now that if he will read the report on this bill he will find we are far ahead of all others in rural population in Pennsylvania, and thus we are very much interested in this bill.

Mr. MOORE of Pennsylvania. Pennsylvania is one of the greatest agricultural States in the Union.

Mr. MANN. This demonstration work shall be done at the farm, and the expression in the bill is to prevent people coming as resident students at the colleges to employ this money. The money is to go to them and they not come to the money.

Mr. BUTLER. This language is plain to the other gentlemen, but I want it to be plain to me. As I understand the purpose of this bill it is to assist people engaged in agriculture who are not connected in any way with State colleges? I would like it to be made plain. And if the gentleman who drew this bill is satisfied that it does not in any way include students at State colleges, it will satisfy me.

Mr. LEVER. It does not, I can say very definitely.

Mr. CULLOP. Mr. Chairman, will the gentleman yield?

The SPEAKER pro tempore. Does the gentleman from South Carolina yield to the gentleman from Indiana?

Mr. LEVER. I do.

Mr. CULLOP. As I understand it, the intention is to make plain the distinction of the purpose. Instead of having the pupil go to the college to be taught, the instructor goes to the community for that purpose?

Mr. LEVER. That is the proposition, and that is the intention of the bill; and we feel that this language more nearly covers it than any we could find.

Mr. CULLOP. I think the gentleman is correct about that, because the word "resident" there means the pupil attending the college.

Mr. LEVER. Mr. Chairman, I ask for a vote.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMALL. Mr. Speaker, I move to strike out the last word.

I am opposed to this amendment offered by the gentleman from Pennsylvania [Mr. MOORE] and also to the amendment offered by the gentleman from Oklahoma [Mr. MORGAN], which I understand will be offered next, and I would like to discuss both of them briefly together.

The amendment of the gentleman from Pennsylvania [Mr. MOORE] seeks to add the words "and enrolled scholars" to the language defining those among whom this demonstration work is to be done. The gentleman from Oklahoma [Mr. MORGAN] seeks to enlarge it so that it will be extended to "students in graded public schools in districts not less than 25 square miles in area," and to other persons not resident in said colleges, and so forth.

Now, Mr. Speaker, the idea has already been expressed several times, but it may not be amiss to emphasize the purposes of this bill. As has been stated, we have in each State some college, either separate or in connection with other colleges, in which agriculture is taught; also many of the States have progressed so far as to require the teaching of elementary agriculture in the public schools. The purpose of this act is to get away from the agricultural college, which so small a proportion of farmers' sons attend; to get away even from the public schools, without in the least minimizing agricultural instruction in the public schools; to get out into the field, to teach the farmer by actual demonstration better farm methods; to get into the homes of the farmers, where the farmer's family resides, and teach home economics. In other words, the purpose of this bill is to supply a class of instruction in the betterment of agriculture in the United States which is not supplied in any other way except one, and that one method is what is known as the farmers' cooperative demonstration work, instituted by Dr. Seaman A. Knapp.

And in connection with that, I think all of us who have given the slightest attention to that work will agree to the statement

made yesterday afternoon by the gentleman from Mississippi [Mr. HUMPHREYS], eulogizing it as perhaps not only the most radical, but the most useful departure in the introduction of improved farm methods of reaching the average farmer who can not be reached by any other method, which has ever been devised or introduced into agricultural teaching in the United States.

And while upon that subject I wish to say that, in my opinion, gentlemen who are jealous of that work—the farmers' cooperative demonstration work, and I think no one estimates its value more highly than I—need have no fear that it will be seriously jeopardized by this bill. As great a work as is being accomplished by this farmers' cooperative demonstration work in the South, as valuable as it is esteemed in every section of the country——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMALL. May I ask unanimous consent for five minutes more?

Mr. MOORE of Pennsylvania. I move that the time of the gentleman be extended five minutes, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MOORE] asks unanimous consent that the time of the gentleman from North Carolina [Mr. SMALL] be extended five minutes. Is there objection?

There was no objection.

Mr. SMALL. I say, Mr. Speaker, that as highly esteemed as this farmers' cooperative demonstration work may be in the results which it has wrought in the Southern States and as evidenced by the fact that the agricultural appropriation bill for the current year, which I have before me, carries an appropriation of $325,000 for the extension of similar work in States other than in the South—I say, no matter how valuable it may be, it does not reach all of the farmers which it was intended to reach.

Take my State of North Carolina, for illustration, where it is extremely popular and where for its introduction counties are required to cooperate to the extent of appropriating $1 for every dollar that is supplied by the Department of Agriculture. Out of 100 counties in the State, it has been introduced into only 48 counties, and that in the face of the most diligent efforts made by the State, the Department of Agriculture, and through other instrumentalities.

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. SMALL. Yes.

Mr. BEALL of Texas. Does not the gentleman think that it is a most remarkable showing, considering the fact that this cooperative demonstration work has been in vogue only for the last 10 years?

Mr. SMALL. I agree entirely with the gentleman in that opinion, but I doubt not, Mr. Speaker, that in several of these Southern States, at least, the proportion of the counties in which it has been introduced has not been so great.

The point I was making was not in the slightest to minimize the work of the farmers' cooperative demonstration work, but to wish it Godspeed and to join in all the eulogies which have been passed upon that work by other Members of the House. Yet I wish to repeat that the passage of this bill will not in the least jeopardize that work. Ultimately, in the future, at a date which none of us can anticipate, it may be that that work will be undertaken entirely by cooperation between the United States and the several States under the provisions of this bill, or this bill as it may be subsequently amended. I call attention to the fact that even as it is this farmers' cooperative demonstration work is to some extent precarious. We appropriate $300,000 for this work and for the control of the boll weevil. That alone does not represent the amount expended in that work in the South. Not only do the counties and the local agencies cooperate by appropriating money in the establishment of this work in the South, but the general education board makes an appropriation, the amount of which I do not now recall; and, added together, these three agencies constitute a very much larger sum—three times as large, perhaps—as is appropriated by the United States.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield there?

Mr. SMALL. Certainly.

Mr. HUMPHREYS of Mississippi. If this bill is enacted into law, will it be practicable for the general educational board to do the work that they have been doing through the agencies of the Bureau of Farm Demonstration Work in the Department of Agriculture?

Mr. SMALL. There is certainly nothing in this act which will prevent them from continuing their contributions, and in my opinion they will not so construe it.

[The time of Mr. SMALL having expired, by unanimous consent it was extended two minutes.]

Mr. SMALL. In the two minutes which I have remaining, Mr. Speaker, I wish to say that, having read this bill very carefully, in my opinion, it is admirably suited to the purposes for which it was intended. In connection with these two amendments which I am discussing, I will call attention to the language in the latter part of section 2, which provides that in the extension of this work it is to convey and impart to such persons information on such subjects through "field demonstrations, publications, and otherwise"; and the point I make is that the agricultural colleges in the States, which are to administer this fund under such general supervision as is provided in the bill, and which does not affect the details, may, if they choose to do so, within the limits of the act, extend it, so that it shall not only embrace instruction of adult farmers in the field, and not only demonstrations and instruction in economics in the home, but also, if the limitations of the act permit, such instruction and demonstration may include the public schools. There is sufficient provision in the bill already to give to the States the power to extend it, in so far as it ought to be extended for demonstration and field work, in the field and in the home, and in such other ways as may be desired.

Mr. LEVER. I ask for a vote on this amendment.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Pennsylvania [Mr. MOORE].

The question being taken, the amendment was rejected.

The SPEAKER pro tempore. The Clerk will report the next amendment, which was offered by the gentleman from Oklahoma [Mr. MORGAN].

The Clerk read as follows:

Amend by inserting, after the word "to," in line 13, on page 2, the following: "students in graded public schools, in districts of not less than 25 square miles in area, and to other," so that the section when so amended will read as follows:

"SEC. 2. That it shall be the object and duty of said agricultural extension departments to give instruction and practical demonstrations in agriculture and home economics to students in graded public schools in districts of not less than 25 square miles in area, and to persons not resident in said colleges in the several communities, as may be provided by the States accepting the provisions of this act, and to convey and impart to such persons information on said subjects through field demonstrations, publications, and otherwise."

Mr. LEVER. Mr. Speaker, I reserve a point of order on that amendment.

Mr. UNDERWOOD. Mr Speaker, I wish to make the following supplemental statement to that made by me under date of August 15, and published in the RECORD of August 21, entitled "Review of work of Democratic House of Representatives, Sixty-second Congress, first and second sessions":

This Congress has made provision in the Post Office appropriation bill for a parcel post, whereby delivery shall be made at fixed postal rates within a period reasonably required for transportation and delivery of fourth-class mail matter, which shall embrace farm and factory products not now embraced by law in either the first, second, or third class mail matter, not exceeding 11 pounds in weight nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter, and not of a perishable character.

The House has, in its legislation touching the Panama Canal, incorporated an antitrust feature and provided for free ships, free shipbuilding materials, and for the joint and independent operations of ships and railroads.

A bill has been passed reconstructing the Public Health and Marine-Hospital Service, which establishes a comprehensive and most efficient health service.

A bill has been passed strengthening the pure food law so as to conform to the decisions of the Supreme Court since the passage of the original pure food law.

A bill has been passed for the improvement of the Lighthouse Service.

Measures are pending before the House which look to the betterment of facilities of commerce through provisions for bridges, dams, and the proper encouragement of the development of water powers and private navigation, the investigation of the physical values of property of all public carriers, and the status of their stocks and bonds; also providing for much-needed life-saving and quarantine stations and for greater efficiency in the Revenue-Cutter Service.

Mr. MORGAN. Mr. Speaker, I have offered this amendment, not with any unfriendly feeling toward this bill and its provisions, so far as it goes. I am heartily in favor of it, but I believe that this bill may be improved. I believe its benefits may be extended. I believe that by adding the amendment, which I have offered, it will be perfected. The proposed amend-

ment will extend the benefits, advantages, and usefulness of the act.

The gentleman from North Carolina [Mr. SMALL] says in his remarks with reference to this amendment that the object and purpose of this bill is to provide education or instruction by demonstrators or by demonstration. However, section 2 especially provides that this information may be given on subjects through field demonstrations, publications, and otherwise. So that section 2 is broad enough to include the provisions of my amendment.

But, Mr. Speaker, the object of this amendment is not to make the public schools generally come within the provisions of this act. You will observe that my amendment provides simply that this instruction shall be given in district public schools, or any graded public schools in districts with 25 square miles of territory. I do not know what the condition of all the States of the Union are in regard to graded district schools, but I am certain that throughout the country generally the number of graded district schools are, comparatively speaking, very limited.

I believe that there is nothing, absolutely nothing, so important to the interests of this country as the public schools of this Nation. We talk about doing something in the interest of the farmer. The very object and purpose of this bill is to do something in the interest of the farmer. What is the condition of the farmer's boys and girls? They are to-day absolutely without adequate provision for education. Ninety-eight per cent of the farmer's boys and girls of the United States absolutely have no means of education, except in the one-room country schoolhouse. The boys and girls that live in the towns and cities have ample facilities afforded them in the high schools, but the boys and girls in the country do not have those facilities.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent that my time be extended five minutes.

The SPEAKER pro tempore. The gentleman from Oklahoma asks that his time be extended five minutes, is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, now to come to the point I wish to get before the House, and I am very much in earnest in this matter. I have two objects in offering this amendment. First, I want to encourage the establishment of the graded country school. In my State there are about a thousand district schools, and we have to-day 86 graded district schools, where four or five districts have been combined, and have graded schools where the boys and girls of the farmers have a reasonable opportunity to get the fundamentals of education, and thus in a way start out in life so that they may become intelligent farmers and understand and appreciate what is scientific farming.

So if this amendment is adopted and these $3,000,000 are to be appropriated from year to year in this cause, it will give great encouragement to the farmers of the United States to consolidate their district schools into graded schools so that they can have the benefit of this appropriation.

My amendment does not contemplate giving instruction in lectures or through books, but in graded schools where you have 40 or 50 boys and girls from 14 to 16 years of age, where this demonstrator can go and establish his farm in order that he may, through demonstration and otherwise, give this information to the people. The boy and girl from 12 to 16 years of age will comprehend this information and grasp it perhaps more readily than would the adult farmer. If you leave the bill as reported by the committee and leave out the graded schools in the country district, you are limiting and restricting this great fund which we are about to appropriate for the encouragement of agriculture.

It will not be a very important change in the bill when you simply include the district graded schools. It does not require this instruction to be given in one-room schoolhouses, but only graded schools. It seems to me that we may well extend the instruction to be given to graded-school districts. I hope the gentleman who has charge of the bill will see that there can be no more appropriate place to give instruction in scientific farming than in a graded country school. It will not take any large part of the fund. It will not restrict the provisions of the bill. The demonstrators can go out among the farmers individually and also reach the graded district schools, where there will be gathered 40 or 50 embryo farmers, the very best persons to whom this instruction could be given.

I ask you to support this amendment, to broaden the field and the scope of the work to be done under this bill so that it may give an impetus and encouragement to the people of the country to improve their country schools. [Applause.]

Mr. Speaker, I have here a letter, which I wish to publish as a part of my remarks, from the Hon. John Field, editor of the Oklahoma Farm Journal.

The SPEAKER pro tempore. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. MORGAN. Mr. Speaker, I submit a letter on this subject from the Hon. John Field, editor of the Oklahoma Farm Journal. Mr. Field is authority upon all matters pertaining to agriculture.

The letter is as follows:

[From the Oklahoma Farm Journal, Oklahoma City.]

OKLAHOMA CITY, *May 16, 1912.*

Hon. DICK T. MORGAN,
House of Representatives, Washington, D. C.

DEAR SIR: I cordially indorse the bill (H. R. 20282), which you have introduced in the House. As you know, I regard all of these things from an Oklahoma standpoint, but believe that anything which is good for the farmers of Oklahoma will be good for the farmers of the entire country and for every line of business.

The provision in section 2, "That it shall be the object and duty of said agricultural extension departments or divisions to give instruction and demonstrations in agriculture and home economics to students in graded public schools in districts of not less than 25 square miles in area," will, if the bill is adopted, place instruction in agriculture and home economics in the public schools on a basis where real instruction will be possible. As you know, our State constitution provides that these things shall be had in the common schools, and three State legislatures have cheerfully assumed that this constitutional provision will qualify teachers who know nothing of agriculture and home economics, and care less, so that they can impart useful instruction along these lines.

The effect of your bill, if adopted, would be to cause the Oklahoma Agricultural and Mechanical College to take an active interest in the development of graded public schools. The employees of the extension department of the college would have as their job the teaching of agriculture and home economics in such schools. If there were no such schools there would be no jobs. If there were 1,000 such schools there would be many jobs.

While a great deal of talk is indulged in concerning the beauties of higher learning, and all of that, the fact remains that the jobs in sight are the important things to those who manage State institutions.

The chief cause for the general movement from the country to the cities and towns is, I am convinced, the difference between the character of the school system of the country and of the towns.

Vast sums have been expended for the development of agricultural colleges and district agricultural schools, and the former have done a large amount of very useful and necessary work. The great educational problem which is, as yet, unsolved is the improvement of the system of schools where 98 per cent of the children get their only education. Money from the State and Nation has worked a great improvement in facilities for higher education. Money from the State and Nation properly applied will work a similar improvement in the system of schools for elementary education—and such improvement will not come without it.

Of the various measures before Congress which I have examined, looking toward an extension of knowledge concerning scientific agriculture among the people of the country, none except your bill strikes at the root of the difficulty. Farmers with a thorough elementary education find no difficulty whatever in obtaining from the published results of the investigations of experiment stations and through farm papers the information which they need to make their business increasingly profitable. The ignorant man who had no opportunity for education and who has not the natural ability or the training to think connectedly can not make a success of farming any more than of any other business.

I sincerely hope that your bill will be substituted for all of those now pending, and am confident that the expenditure of funds along the lines indicated in your bill will be of vastly more benefit than if spent for any other purpose than the improvement of elementary schools.

The last Oklahoma Legislature passed a law which, in effect, promised $2,500 toward half the cost of a building in each rural graded-school district of not less than 25 square miles in area. Notwithstanding the fact that none of this money has yet been paid to such districts, the number of districts of this character has increased from 30 to 86 in less than a year. This means that 10,000 more country children have the same chance for elementary education that all town children have. There is the big educational problem and your bill is drawn along exactly the right lines to reach it.

Faithfully, yours, JOHN FIELDS, *Editor.*

Mr. LEVER. Mr. Speaker, I insist on the point of order. I call the attention of the Chair to the fact that this bill proposes to establish agricultural extension departments in connection with the agricultural colleges of the several States, receiving the benefit of the act of Congress approved July 2, 1862, and acts supplemental thereto. The amendment proposed by the gentleman from Oklahoma would broaden this appropriation to go to district or graded schools, a proposition not contemplated in the bill at all, and is not germane to the bill.

The SPEAKER pro tempore. The Chair would like to ask the gentleman from South Carolina is it not a fact that the bill and amendment refer to the qualifications of persons who are to receive the instruction? The amendment extends the qualifications, and that is entirely for the House to pass upon, whether it will extend or limit those to whom the instruction shall be given.

Mr. LEVER. Mr. Chairman, it seems to me that the amendment offered by the gentleman is a very great broadening of

the purposes of the bill, and carries it away from the main object of the bill, the main object being that the agricultural colleges shall do a certain kind of work with a certain class of people.

Mr. MANN. Mr. Speaker, while I am in favor of the amendment, I do not think it is subject to the point of order. The gentleman from South Carolina has entitled his bill—

A bill to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress, etc.

But the title to a bill does not control amendments which may be offered to the bill. The purpose of this bill is to provide agricultural extension and development and demonstration work. It can not be said that because a Member who draws a bill covering certain subjects attempts to limit it by the title he can thereby prevent the House, upon consideration of the bill, from adding amendments to it relating to the subject matter of the bill. The subject matter of this bill is plainly agricultural extension. It is wholly within the power of the House, on amendment, to provide for agricultural instruction in one way or another, regardless of the title to the bill, and when the House is through amending the bill it has the power to change the title to correspond to the bill as amended.

Mr. GARRETT. Mr. Speaker, I had desired to make an observation on the point of order, but the gentleman from Illinois has so completely and thoroughly covered the subject, as he always does, that I think my observations are unnecessary.

The SPEAKER pro tempore. Then the gentleman is of the same opinion as the gentleman from Illinois as to the point of order?

Mr. GARRETT. I am.

The SPEAKER pro tempore. The point of order is overruled.

The question is on the amendment offered by the gentleman from Oklahoma.

The question was taken, and the amendment was rejected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25531) making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I call up the conference report on the Army appropriation bill (H. R. 25531) and ask that the report be read.

The Clerk read the conference report, as follows:

CONFERENCE REPORT (NO. 1235).

The committee of conference on the disagreeng votes of the two Houses on the amendments of the Senate to the bill (H. R. 25531) making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 6, 7, 8, 12, 14, 15, 27, 28, 61, 64, 76, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 13, 16, 24, 25, 26, 30, 31, 32, 35, 38, 40, 42, 44, 45, 49, 50, 53, 54, 55, 56, 57, 58, 59, 63, 67, and 71; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert "airships"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following: ": *Provided*, That hereafter in time of peace whenever any officer holding a permanent commission in the line of the Army with rank below that of major shall not have been actually present for duty for at least two of the last preceding six years with a troop, battery, or company of that branch of the Army in which he shall hold said commission, such officer shall not be detached nor permitted to remain detached from such troop, battery, or company, for duty of any kind; and all pay and allowances shall be forfeited by any superior for any period during which, by his order, or his permission, or by reason of his failure or neglect to issue or cause to be issued the proper order or instructions at the proper time, any officer shall be detached or permitted to remain detached in violation of any of the terms of this proviso; but nothing in this proviso shall be held to apply in the case of any officer for such period as shall be actually necessary for him, after having been relieved from detached service, to join the troop, battery, or company to which he shall belong in that branch in which he shall hold a permanent commission, nor shall anything in this proviso be held to apply to the detachment or detail of officers for duty in the Judge Advocate General's Department or in the Ordnance Department, or in connection with the construction of the Panama Canal until after such canal shall have been formally opened, or in the Philippine Constabulary until the 1st day of January, 1914, or to any officer detailed, or who may be hereafter detailed, for aviation duty. And hereafter no officer holding a permanent commission in the Army with rank below that of major shall be detailed as assistant to the Chief of the Bureau of Insular Affairs with rank of colonel, or as commanding officer of the Porto Rico Regiment of Infantry, or as chief or assistant chief (director or assistant director) of the Philippine Constabulary, and no other officers of the Army shall hereafter be detailed for duty with the said constabulary except as specifically provided by law"; and the Senate agree to the same.

Amendment numbered 10: That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "sixteen million"; and the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert as follows: "That no officer or enlisted man in active service, who shall be absent from duty on account of disease resulting from his own intemperate use of drugs or alcoholic liquors, or other misconduct, shall receive pay for the period of such absence from any part of the appropriation in this act for the pay of officers or enlisted men, the time so absent and the cause thereof to be ascertained under such procedure and regulations as may be prescribed by the Secretary of War"; and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "fifteen"; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Thirty-eight"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Seventy"; and the Senate agree to the same.

Amendment numbered 20: That the House recede from its disagreement to the amendment of the Senate numbered 20, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Seventy-one"; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert "Sixty-five"; and the Senate agree to the same.

Amendment numbered 22: That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "three hundred and seventeen thousand eight hundred and forty"; and the Senate agree to the same.

Amendment numbered 23: That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: At the end of said amendment, after the word "enlist," insert the following: ": *And provided further*, That nothing in this provision shall be so construed as to forfeit credit for double time already accrued"; and the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after

the word "man," strike out all down to and including the comma after the word "twelve," in line 2; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment as follows: At the end of said amendment, after the word "Panama," insert the following: ", or Hawaii or Porto Rico"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In line 7 of the matter proposed to be inserted by said amendment strike out the article "an" and insert in lieu thereof the word "any"; and in the same line, after the word "Army," strike out all down to and including the word "thereto" in line 9; and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"Equipment of Coast Artillery, armories, Organized Militia: There is hereby made available, and the same shall remain available until the end of the fiscal year 1913, the unexpended balances of any appropriations heretofore made for dummy guns and mortars; mounts for dummy guns and mortars; dummy ammunition; loading appliances; range and position finding equipment; aiming and laying devices; subcaliber tubes and mountings therefor; labor and material necessary to install dummy guns and mortars; and to provide appliances and devices for instructional purposes in armory buildings provided by States for Coast Artillery companies of the Organized Militia."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$8,797,080.42"; and the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seven million five hundred and fifty-seven thousand seven hundred and seventy-three"; and the Senate agree to the same.

Amendment numbered 41: That the House recede from its disagreement to the amendment of the Senate numbered 41, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one million eight hundred and eighty-six thousand"; and the Senate agree to the same.

Amendment numbered 43: That the House recede from its disagreement to the amendment of the Senate numbered 43, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert: "*Provided further*, That the Secretary of War be, and he is hereby, authorized, in his discretion, to sell and convey to the State of Texas, on or before July 1, 1913, for the purposes of a State tuberculosis sanitarium, the military reservation of Fort Clark, Tex., or such portion of it as in the judgment of the Secretary of War may be sold, at a price to be fixed by a board of three appraisers, one of whom shall be designated by the Secretary of War, one by the governor of Texas, and the third to be agreed upon by the two appraisers first designated: *And provided further*, That no part of the appropriations contained in this act shall be expended for permanent improvements at any Army post which has been abandoned or which may be ordered abandoned by the President of the United States, $1,700,000"; and the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ten million eight hundred and fifty thousand"; and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and twenty-five thousand three hundred and fifty"; and the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: Beginning in line 1 of the matter proposed to be inserted by said amendment, strike out all after the word "*Provided*" down to and including the words "*Provided further*," in line 9; and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "five hundred"; and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "five million"; and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In line 1 of the matter proposed to be inserted by said amendment, after the word "hundred," strike out the words "and thirty-seven"; and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred"; and the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$150,000"; and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: In lieu of the amount proposed by said amendment insert "one million"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In lieu of the amount as proposed at the end of said amendment insert "$100,000"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: At the end of line 6 of the matter proposed to be inserted by said amendment, after the words "may be," insert the words "hereafter specifically"; and in line 7 strike out the word "law" and insert in lieu thereof the word "Congress"; and the Senate agree to the same.

Amendment numbered 70: That the House recede from its disagreement to the amendment of the Senate numbered 70, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert as follows:

"SEC. 2. That, for the purpose of utilizing as an auxiliary to the Army Reserve hereinafter provided for the services of men who have had experience and training in the Regular Army, in time of war or when war is imminent, and after the President shall, by proclamation, have called upon honorably discharged soldiers of the Regular Army to present themselves for reenlistment therein within a specified period, subject to such conditions as may be prescribed in said proclamation, any person who shall have been discharged honorably from said Army, with character reported as at least good, and who having been found physically qualified for the duties of a soldier, if not over 45 years of age, shall reenlist in the line of said Army or in the Signal or Hospital Corps thereof within the period that shall be specified in said proclamation, shall receive on so reenlisting a bounty which shall be computed at the rate of $8 for each month for the first year of the period that shall have elapsed since his last discharge from the Regular Army and the date of his reenlistment therein under the terms of said proclamation; at the rate of $6 per month for the second year of such period; at the rate of $4 per month for the third year of such period; and at the rate of $2 per month for any subsequent year of such period, but no bounty in excess of $300 shall be paid to any person under the terms of this act.

"And that on and after November 1, 1912, all enlistments in the Regular Army shall be for the term of seven years, the first four years in the service with the organizations of which those enlisting shall form a part, and, except as otherwise provided herein, the last three years on furlough and attached to the Army Reserve hereinafter provided for: *Provided*, That at the expiration of four years' continuous service with such organizations, either under a first or any subsequent enlistment, any soldier may be reenlisted for another period of seven years, as above provided for, in which event he shall receive his final discharge from his prior enlistment: *Provided further*, That

any enlisted man, at the expiration of three years' continuous service with such organizations, either under a first or any subsequent enlistment, upon his written application, may be furloughed and transferred to the Army Reserve, in the discretion of the Secretary of War, in which event he shall not be entitled to reenlist in the service until the expiration of his term of seven years: *Provided further*, That for all enlistments hereafter accomplished under the provisions of this act, four years shall be counted as an enlistment period in computing continuous-service pay: *Provided further*, That hereafter the Army Reserve shall consist of all enlisted men who, after having served not less than four years with the organizations of which they form a part, shall receive furloughs without pay or allowances until the expiration of their terms of enlistment, together with transportation in kind and subsistence as provided for by this act in the case of discharged soldiers, but when any soldier is furloughed to the reserve his accounts shall be closed and he shall be paid in full to the date such furlough becomes effective: *Provided further*, That any enlisted man, subject to good conduct and physical fitness for duty, upon his written application to that effect, shall have the right of remaining with the organization to which he belongs until the completion of his whole enlistment, without passing into the reserve: *Provided further*, That except upon reenlistment after four years' service or as now otherwise provided for by law, no enlisted man shall receive a final discharge until the expiration of his seven-year term of enlistment, including his term of service in the Army Reserve, but any such enlisted man may be reenlisted for a further term of seven years under the same conditions in the Army at large, or, in the discretion of the Secretary of War, for a term of three years in the Army Reserve; and any person who may have been discharged honorably from the Regular Army, with character reported as at least good, and who has been found physically qualified for the duties of a soldier, if not over 45 years of age, may be enlisted in the Army Reserve for a similar term of three years: *And provided further*, That in the event of actual or threatened hostilities the President, when so authorized by Congress, may summon all furloughed soldiers who belong to the Army Reserve to rejoin their respective organizations, and during the continuance of their service with such organizations they shall receive the pay and allowances authorized by law for soldiers serving therein, and any enlisted man who shall have reenlisted in the Army Reserve shall receive during such service the additional pay now provided by law for the soldiers of his arm of the service in their second enlistment period. Upon reporting for duty, and being found physically fit for service, they shall receive a sum equal to $5 per month for each month during which they shall have belonged to the reserve, as well as the actual cost of transportation and subsistence from their homes to the places at which they may be ordered to report for duty under such summons."

And the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Change the numerical designation of section 4 so as to read "Sec. 3," and restore the matter proposed to be stricken out by this amendment with amendments as follows: After the word "occurred," in line 14, page 53, strike out so much of the next 15 lines as begins with the words "*Provided*, That every permanent officer" and ends with the words "in those grades," and insert in lieu thereof the following: " : *Provided*, That on and after the 1st day of January, 1917, any vacancies occurring among officers of the Quartermaster Corps with rank above that of colonel may, in the discretion of the President, be filled by selection from among officers who shall have served by detail in said corps for not less than four years: *Provided further*, That not to exceed six officers holding commissions with the rank of captain in the Quartermaster Corps and who have lost in relative rank through irregularities of promotion and the operation of separate promotion within the three departments hereby consolidated, may, in the discretion of the President and subject to examination for promotion as prescribed by law, be advanced to the grade of major in the Quartermaster Corps, and any officer who shall be advanced to said grade under the terms of this proviso shall be temporarily an additional officer of said grade but only until a vacancy shall occur for him on the list of officers of said grade as hereafter limited; and no officer shall be detailed to fill any vacancy on the list of majors of the Quartermaster Corps until after all additional officers authorized by the proviso shall have been absorbed"; after the word "*Provided*," in line 21, page 53, strike out the comma and the word "That" and insert: "*further*, That no details to fill vacancies in the grade of colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers in that grade shall not exceed 12; and no details to fill vacancies in the grade of lieutenant colonel in the Quartermaster Corps shall be made until the number of officers of that grade shall have been reduced by 3, and thereafter the number of officers of that grade shall not exceed 18; and"; in line 24, page 53, strike out the word "eleven" and insert in lieu thereof the word "nine"; in line 25, page 53, strike out the word "forty-six" and insert in lieu thereof the word "forty-eight"; in line 3, page 54, strike out the word "thirty-one" and insert in lieu thereof the word "twenty-nine"; in line 4, page 54, after the word "hundred," insert the words "and two"; in line 20, page 54, after the word "perform," insert: ", but such regimental, battalion, and squadron quartermasters and commissaries shall not be required to receipt for any money or property which does not pertain to their respective regiments, battalions, or squadrons, and they shall not be separated from the organization to which they belong"; and in line 17, page 55, after the word "law," insert: ": *And provided further*, That for the purpose of carrying into effect the provisions of this section the President is hereby authorized to appoint, by and with the advice and consent of the Senate, the Chief of the Quartermaster Corps herein provided for immediately upon the passage of this act, and it shall be the duty of the said chief, under the direction of the President and the Secretary of War, to put into effect the provisions of this section not less than 60 days after the passage of this act"; and the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Change the numerical designation of section 5 so as to read "Sec. 4," and restore the matter proposed to be stricken out by this amendment amended as follows: In line 1, page 56, after the comma which follows the words "rate clerks," insert "civil-service employees and"; and the Senate agree to the same.

Amendment numbered 74: That the House recede from its disagreement to the amendment of the Senate numbered 74, and agree to the same with an amendment as follows: In lieu of the matter proposed in said amendment insert the following:

"SEC. 5. That hereafter the General Staff Corps shall consist of two general officers, one of whom shall be the Chief of Staff, 4 colonels, 6 lieutenant colonels, 12 majors, and 12 captains or first lieutenants, all of whom shall be detailed from the Army at large in the manner and for the periods prescribed by law: *Provided*, That hereafter, except as otherwise provided herein, when any officer shall under the provisions of section 26 of the act of Congress approved February 2, 1901, be appointed to an office with rank above that of colonel, his appointment to said office and his acceptance of the appointment shall create a vacancy in the arm, staff corps, or staff department from which he shall be appointed, and said vacancy shall be filled in the manner prescribed by existing law, but he shall retain in said arm, staff corps, or staff department the same relative position that he would have held if he had not been appointed to said office, and he shall return to said relative position upon the expiration of his appointment to said office unless he shall be reappointed thereto; and if under the operation of this proviso the number of officers of any particular grade in any arm, staff corps, or staff department shall at any time exceed the number authorized by law, no vacancy occurring in said grades shall be filled until after the total number of officers therein shall have been reduced below the number authorized by law; but nothing in this proviso shall be held to apply in the case of any officer who now holds a four-year appointment to an office with rank above that of colonel and whose return to the relative position that he would have held if he had not been appointed to said office is not possible under existing law."

And the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the matter proposed by said amendment insert:

"SEC. 6. That hereafter the service of a cadet who may hereafter be appointed to the United States Military Academy or to the Naval Academy shall not be counted in computing for any purpose the length of service of any officer of the Army."

And the Senate agree to the same.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

H. A. DU PONT,
F. E. WARREN,
JOS. F. JOHNSTON,
Managers on the part of the Senate.

The statement is as follows:

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on H. R. 25531 submit the following statement:

Amendment No. 1 gives the privilege to the Army War College of buying and exchanging typewriters, but does not increase the appropriation, and the House recedes from the amendment.

Amendment No. 2 struck out "air planes" and inserted "aeroplanes," and the House recedes with an amendment inserting "airships."

Amendment No. 3 reduced the appropriation from $375,000 to $350,000, and the House recedes.

Amendment No. 4 increased the amount to be used for the purchase of airships from $75,000 to $100,000, and the House recedes.

Amendment No. 5 is the same as amendment No. 2, and the House recedes with an amendment.

Amendment No. 6 provided for the reduction of tolls of the Alaska cable and telegraph messages to 50 per cent of the present rates, and the Senate recedes.

Amendment No. 7 provided for $7,700,000 for pay of officers of the line, being $806,792 more than the House had appropriated for this purpose, and the Senate recedes.

Amendment No. 8 provided $1,767,120 for additional pay of officers for length of service, being $243,000 more than was appropriated by the House, and the Senate recedes.

Amendment No. 9 changed House provision providing for the nonpayment of money to any officer in cases in which he may have been detached for duty for more than four of the preceding six years from the organization in which he is commissioned, and the House recedes with an amendment which is fully set out in the conference report.

Amendment No. 10 provided $16,232,954 for pay of enlisted men, being $400,954 more than was appropriated by the House, and the House recedes with an amendment making the amount $16,000,000.

Amendment No. 11 provides for the withholding of pay from officers and enlisted men who are absent as a result of their intemperate use of drugs, alcoholic liquors, or other misconduct, and the House recedes, the House conferees believing that the language of the Senate accomplishes the purpose desired better than that of the House. This amendment also provides for a reserve to be used in time of war. This reserve can be used without any cost to the Government until it is called into active service in the Army during war and will cost the Government nothing except in the event of war.

Amendment No. 12 provides for $1,635,000 for additional pay for length of service of enlisted men, being $100,000 more than was appropriated by the House, and the Senate recedes.

Amendment No. 13 strikes out the House provision for the abolition of five regiments of Cavalry, and the House recedes.

Amendment No. 14 provides for $940,000 for pay of the enlisted men of the Hospital Corps, being $90,000 more than the House appropriated, and the Senate recedes.

Amendment No. 15 provides $165,000 for additional pay for length of service to enlisted men of the Hospital Corps, being $5,000 more than the House appropriated, and the Senate recedes.

Amendment No. 16 increases the number of clerks by one, and the House recedes.

Amendment No. 17 increases the number of clerks by two, and the House recedes with an amendment making an increase of one clerk over the House provision.

Amendment No. 18 increases the number of clerks by five, and the House recedes with an amendment making an increase of two clerks over the House provision.

Amendment No. 19 increases the number of clerks by six, and the House recedes with an amendment making an increase of two clerks over the House provision.

Amendment No. 20 increases the number of clerks by two, and the House recedes with an amendment making an increase of one clerk over the House provision.

Amendment No. 21 increases the number of messengers by 11, and the House recedes with an amendment making an increase of 5 messengers over the House provision.

Amendment No. 22 changes the total.

Amendment No. 23 provides that in the future length of service for retirement for double time for foreign service shall not be given to those who hereafter enlist, and the House recedes with an amendment providing that nothing in this provision shall be construed to diminish the time of any soldier who has already received the benefit of the law as it now is.

Amendment No. 24 provides that the superintendent of the Nurse Corps shall receive allowance of quarters, subsistence, and medical care, and the House recedes.

Amendment No. 25 reduces the amount appropriated by the House for contract surgeons from $18,000 to $13,000, and the House recedes.

Amendment No. 26 provides that the age limit for the retirement of Army paymasters' clerks shall be the same as the age limit for the retirement of commissioned officers of the Army, and the House recedes.

Amendment No. 27 provides $500,000 for commutation of quarters to commissioned officers and others on duty without troops, being $30,000 more than the House appropriated, and the Senate recedes.

Amendment No. 28 provides for $900,000 for travel allowance for enlisted men on discharge, being $100,000 more than the House appropriated, and the Senate recedes.

Amendment No. 29 provides that hereafter an enlisted man on discharge shall be entitled to transportation in kind and subsistence from the place of his discharge to the place of his enlistment. Or in lieu of such transportation and subsistence he shall receive, if he so elects, 2 cents per mile for sea travel. And the House recedes with an amendment which puts this provision of law into effect at once. It is computed by the Pay Department that this provision will save $500,000 annually.

Amendments Nos. 30 and 31 strike out quotation marks, and the House recedes on both.

Amendment No. 32 provides $266,000 for additional 10 per cent increase of pay of officers on foreign service, and the House recedes.

Amendment No. 33 provides for $750,000 additional 10 per cent increase on pay of enlisted men on foreign service, and the House recedes with an amendment providing that hereafter the laws allowing increase of pay to officers and enlisted men for foreign service shall not apply to service in the Canal Zone, Panama, Porto Rico, and Hawaii.

Amendment No. 34 provides that section 3602, Revised Statutes, as amended by the act of Congress of February 27, 1877, shall not be construed as precluding Army paymasters from drawing checks in favor of persons or institutions designated by indorsement made on his monthly pay account by an officer of the Army who is stationed beyond the continental limits of the United States, or in Alaska, or the Canal Zone, Panama, and the House recedes with an amendment which will include all officers of the Army wherever stationed.

Amendment No. 35 strikes out the appropriation for encampment and maneuvers, Organized Militia, because this appropriation has been provided for by a joint resolution.

Amendment No. 36 provides an appropriation for dummy guns and mortars and other appliances, and the House recedes with an amendment striking out the appropriation of $275,000 and providing that the unexpended balance of the appropriation made for this last year be reappropriated.

Amendment No. 37 provides $8,988,867.42 for the purchase of subsistence supplies, etc., being $383,594.42 more than was appropriated by the House, and the House recedes with an amendment reducing the appropriation by $191,787.

Amendment No. 38 provides that the provisions of section 5 of the act of June 30, 1906, shall not apply to the Subsistence Department, and the House recedes.

Amendment No. 39 provides for $7,865,688 for regular supplies for the Quartermaster's Department, being $408,915 more than the House appropriated, and the House recedes with an amendment reducing the appropriation made by the Senate by the sum of $308,915.

Amendment No. 40 increases the appropriation for the equipment of officers' schools from $400,000 to $600,000, and the House recedes.

Amendment No. 41 provides $2,000,000 for incidental expenses, Quartermaster's Department, being $263,663 more than the House appropriated, and the House recedes with an amendment reducing the amount appropriated by the Senate by the sum of $114,000.

Amendment No. 42 provides for $300,000 for horses for Cavalry, Artillery, etc., being $25,000 more than the House appropriated, and the House recedes because this sum is necessary, as the Cavalry is not to be reduced.

Amendment No. 43 strikes out the House provision making immediately available $25,000 of the appropriation, and also strikes out the House provision as to expenditure of money at certain Army posts, and the House recedes with an amendment which provides that no part of the money appropriated in this act shall be spent at any Army post which the President has

decided or may decide to abandon. This amendment also provides for the purchase of a part of the Fort Clark Military Reservation, Tex., by the State of Texas.

Amendment No. 44 appropriates $10,000 for a building at Fort Leavenworth, Kans., and the House recedes.

Amendment No. 45 strikes out the provision as to brigade and regimental posts, and the House recedes.

Amendment No. 46 provides $11,250,000 for the transportation of the Army and its supplies, being $526,472 more than the House appropriated, and the House recedes with an amendment reducing the amount appropriated by the Senate by the sum of $400,000.

Amendment No. 47 provides for $994,600 for roads, walks, and drainage, and the House recedes with an amendment reducing the amount by $69,250.

Amendment No. 48 strikes out certain Army posts therein mentioned and the House recedes from that part of the amendment. This amendment also provides for the appropriation of $70,000 for the purchase of certain land near Fort Sam Houston, Tex., and the Senate recedes from that portion of the amendment. This amendment also provides $66,000 for two roads on Government property through the Arlington Reservation, and for the purchase of not to exceed 4 acres of land in order to extend said roads through said reservation; it also appropriated $25,750 for a target range for Vancouver Barracks, Wash., and $3,600 for completing roadway between the city of Vancouver and Vancouver Barracks; and the sum of $30,000 for draining and filling swamps within the Government reservation on Constitution Island, West Point, N. Y.; and $50,000 for filling ponds and lowlands of the Fort Taylor Military Reservation at Key West, Fla., and the House recedes.

Amendment No. 49 strikes out the House provision as to the expenditure of money at certain military posts, and the House recedes; it also provides for the expenditure of $1,000 for improvement of the Crow Creek Target and Maneuver Reservation, Wyo., and the House recedes.

Amendment No. 50 provides $125,000 for the construction and maintenance of military and post roads, bridges, and trails in Alaska, and the House recedes.

Amendment No. 51 provides for $600,000 for barracks and quarters in the Philippine Islands, being $150,000 more than the House appropriated, and the House recedes, with an amendment cutting down the amount appropriated by the Senate by the sum of $100,000.

Amendment No. 52 provides for $5,431,700 for clothing and camp and garrison equipage, being $628,426 more than the House appropriated, and the House recedes, with an amendment reducing the amount appropriated by the Senate by the sum of $431,700.

Amendments Nos. 53, 54, and 55 provide for the payment of certain claims against the Government of the United States, making in all $50,862. These claims are due entirely to damages to and loss of private property occasioned by heavy gunfire and target practice of troops and for damages to private property during maneuvers and other military operations for which the Government is responsible. A part of this amount is due to Indians for the value of improvements made by them upon lands afterwards included in the Fort William H. Seward Military Reservation, and another part of the amount is due to an officer and certain enlisted men of the Army for the money value of clothing worn out by them in the summer of 1910 while fighing forest fires in the Northwest. Amendment No. 53 also provides for the ascertainment and adjustment of amounts which may become due on all claims for damages to and loss of private property when the amount of claim does not exceed the sum of $1,000, occasioned by heavy gunfire and target practice and other military operations for which the Government is responsible, and the House recedes from all of these amendments.

Amendment No. 56 is the insertion of a comma, and the House recedes.

Amendment No. 57 corrects the spelling of a word, and the House recedes.

Amendment No. 58 is the insertion of certain words left out by mistake in the item for the equipment and maintenance of the school at Washington Barracks, and the House recedes.

Amendment No. 59 is the same as amendment No. 57, and the House recedes.

Amendment No. 60 provides $337,118.30 for ordnance service, and the House recedes, with an amendment reducing the amount by $37,000.

Amendment No. 61 provides $350,000 for ordnance stores, ammunition, and the Senate recedes.

Amendment No. 62 provides $875,000 for small-arms target practice, being $135,000 more than the House appropriated, and the House recedes with an amendment cutting down the appropriation made by the Senate by the sum of $75,000.

Amendment No. 63 provides for $700,000 for the manufacture of arms, being $100,000 more than the House appropriated, and the Senate recedes.

Amendment No. 64 provides for $750,000 for ordnance stores and supplies, being $50,000 more than the House appropriated, and the Senate recedes.

Amendment No. 65 provides for $200,000 for automatic machine rifles, being $100,000 more than the House appropriated, and the House recedes with an amendment cutting down the appropriation of the Senate by the sum of $50,000.

Amendment No. 66 provides for $1,250,000 for field artillery for the Organized Militia, being $480,000 more than the House appropriated, and the House recedes with an amendment cutting down the amount appropriated by the Senate by the sum of $250,000.

Amendment No. 67 strikes out the words "immediately available," and the House recedes.

Amendment No. 68 provides $500,000 for ammunition for the Organized Militia, and the House recedes with an amendment providing $100,000 for this purpose.

Amendment No. 69 appropriates $33,000 to reimburse the government of the District of Columbia for the site acquired for a reformatory, the title of which is now in the Commissioners of the District of Columbia, and giving to the Commissioners of the District of Columbia the use of certain clay deposits, etc., and the House recedes with an amendment providing that the title to this site be transferred to the Secretary of War for such purposes as may be hereafter specifically authorized by Congress and striking out the two provisos in the Senate amendment. The conferees agreed to this amendment because of the representations made to them by the regents of the Mount Vernon Association.

Amendment No. 70 struck out the provision of the House providing for a term of enlistment in the Army of five years, and the House recedes with an amendment providing that after November 1, 1912, the term of enlistment shall be seven years, four years of which shall be with the colors and three years in the reserve.

Amendment No. 71 struck out the provision of the House which repealed the laws authorizing increase of pay of commissioned officers and enlisted men for foreign service, and the House recedes.

Amendment No. 72 struck out the provision of the House providing for a Quartermaster Corps, and the House recedes with sundry amendments, as follows:

Providing that there shall be 1 major general, 2 brigadier generals, 12 colonels, 18 lieutenant colonels, 48 majors, and 102 captains in the Quartermaster Corps, and providing further that regimental, battalion, and squadron quartermasters and commissaries shall not be required to account for property when they are ordered away with their commands, and that after January 1, 1917, the chief of the corps may be selected from the detailed as well as the permanent officers of the corps; and providing for the promotion of six captains in the Commissary Department.

Amendment No. 73 struck out the provision of the House for a service corps, and the House recedes with an amendment, on page 67, line 18, by inserting after the word "clerks" the words "civil service" and after the word "employees" the words "and employees."

Amendment No. 74 struck out the provision of the House providing for the consolidation of the office establishments of The Adjutant General ,Inspector General, and the Chief of Staff of the Army, and the House recedes, striking out all of section 6 and inserting in lieu thereof the amendment as it appears in the conference report. These changes provide that there shall be 4 colonels, 6 lieutenant colonels, 12 majors, and 12 captains or first lieutenants, in the General Staff Corps. And that Chiefs of Staff Corps may return to the position they would have held in their respective corps after they have served four years unless they shall be reappointed.

Amendment No. 75 strikes out the provision of the House for the reduction of general officers, and cadet service in computing for any purpose the length of service of any officer of the Army, and the House recedes with an amendment providing that hereafter service as a cadet at West Point or Annapolis by anyone who may be hereafter appointed as such shall not be counted hereafter in computing length of service.

Amendment No. 76 strikes out the provision of the House providing that the appropriation provided for for the several departments consolidated shall be available, and the Senate recedes.

Amendment No. 77 strikes out the repealing clause of the bill, and the Senate recedes.

The bill as it passed the Senate appropriated	$94,128,380.98
The Senate receded from items amounting to	4,994,977.72
And the bill now carries	89,133,403.16
Amount appropriated for fiscal year 1912	92,587,785.97
Reduction over amount appropriated for fiscal year 1912	3,454,382.81

Legislation is agreed to by the conferees which will result in a very large saving in the future. This legislation embraces a four-year term of enlistment, the consolidation of the Supply Departments, the Service Corps, the reduction of travel-pay allowances to enlisted men on discharge, the abolition of double time for purposes of retirement, and other minor features, which, it is conservatively estimated, will effect in the future an annual saving for the maintenance of the Military Establishment of not less than $10,000,000 annually.

JAMES HAY,
JAMES L. SLAYDEN,
JULIUS KAHN,
Managers on the part of the House.

Mr. HAY. Mr. Speaker, unless some gentleman desires to discuss the matter, I call for a vote.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. HAY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

Mr. HAY. Mr. Speaker, in order to correct an error, I offer the following House concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 64.

Resolved by the House of Representatives (the Senate concurring), That the conference reports on the Army appropriation bill be changed to this extent: That amendment 11 of the Senate be changed so as to read "after the words 'aviation duty' insert a comma and the words 'any student officer in attendance at the service school at Leavenworth, Kans.'"

The SPEAKER. The question is on agreeing to the concurrent resolution.

The resolution was agreed to.

AGRICULTURAL EXTENSION.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. BLACKMON].

The Clerk read as follows:

Amend, section 2, page 2, lines 14 and 15, by striking out the word "communities" and inserting in lieu thereof the following: "counties of such States."

Mr. BLACKMON. Mr. Speaker, the purpose of this amendment is to provide that this work will be done in all the counties of the State. The amendment is to require the college or colleges to do this work in all the counties. Under the provisions of this bill it provides that it shall be done in the different communities, and I do not think that "communities" is equivalent to counties. In other words, it might be that the officials of the college would determine to do this work in localities contiguous to the place where the college is situated. I propose that this work shall be done all over the State, in each county of the State, and it seems to me there can be no objection to this amendment. It certainly makes it clear that the work shall be done in all the counties. I therefore insist upon the amendment.

Mr. LEVER. Mr. Speaker, if the gentleman would modify his amendment to some extent, I think we could accept it without any further discussion. If the gentleman will add after the word "communities" the words "counties or parishes in such States," I should have no objection.

Mr. BUTLER. Will the gentleman yield to me for a question?

Mr. BLACKMON. I will accept that.

The SPEAKER pro tempore. The Clerk will report the amendment as amended.

Mr. BUTLER. Will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. BUTLER. I am quite familiar with the gentleman's comprehensive and very interesting report on this bill, but in the report made on this section it is not clearly stated what is meant by the use of the word "communities." As I understand, the object of this bill is to teach agriculture and home economics to all those engaged in agriculture not residents of State colleges. Now, is it proposed to exclude persons engaged in agriculture in the counties in which the State college is located?

Mr. LEVER. No; the amendment suggested by the gentleman from Alabama is the very point in question, and his proposed amendment is to clarify this language and make certain which counties shall have this demonstration work.

Mr. BUTLER. Then, I understand persons engaged in agriculture in the counties where State colleges are now located, if they are not residents of the State colleges, will have the benefit of this act?

Mr. LEVER. Undoubtedly. I think there is no question of that.

Mr. BUTLER. I wanted to have that entirely clear in my mind.

Mr. LEVER. I think there is no question.

Mr. PEPPER. Mr. Speaker, I would like to know what is the object and necessity of using the word "communities." Is there any place in the United States where the term "county or parish" would not cover the proposition?

Mr. LEVER. Well, we use the word "community," in the first place, because we thought that particular term would cover county or parish. I have no objection to the word "community" going out. I do not see that it makes any difference one way or the other.

Mr. PEPPER. I think it does. I think there might be a doubt as to the unit to be followed if we use the word "community," and I think that the unit ought to be a municipal unit—for instance, a county or parish. For instance, some township might want to use that as a unit, which I think would be a great mistake, and therefore I would like to ask the amendment be modified by striking out the word "community."

Mr. BLACKMON. I have no objection.

Mr. LEVER. I am willing to that. I have no objection to the amendment.

Mr. BUTLER. How would it read?

The SPEAKER pro tempore. The Clerk will report the amendment as amended.

The Clerk read as follows:

Page 2, line 14, strike out the word "communities" and insert in lieu thereof the words "counties or parishes in such States," so it will read, "persons not residents in said colleges in the several counties or parishes of such States."

Mr. BUTLER. Mr. Speaker, now this section will provide as follows:

That it shall be the object and duty of said agricultural extension department to give instruction and practical demonstrations in agriculture and home economics to persons not residents in such colleges in——

Mr. LEVER. "In the several counties and parishes of such States."

Mr. BUTLER. Would not that exclude them?

Mr. LEVER. I do not think so.

Mr. BUTLER. Let us make plain that which to me is not yet plain. It is not intended to give instruction to any resident in said colleges. It is not proposed, if this amendment is adopted, to give instruction to residents of these counties or parishes in which these colleges are located?

Mr. LEVER. No; the idea is——

Mr. PEPPER. There should be a comma.

Mr. BUTLER. Is it the intention to exclude a certain class of people located in the parishes or counties in which these colleges are located?

Mr. LEVER. What we do try to do is to exclude that class of people who are residents of the college communities—students of the colleges, people who are living upon the campus, those connected with the college—professors, wives of professors, laborers, and students in the college.

Mr. BUTLER. But the word "county," you know, may include a large tract of land. It may be a parish, and there may be many people living in the county or parish not in any way connected with a college. They may be people residing near it.

Mr. LEVER. I do not think the amendment will exclude any but those who are directly connected with the college.

Mr. PEPPER. I would like to ask the gentleman what is the need of excluding anybody?

Mr. LEVER. The need of excluding students of the college is that we fear the college authorities may divert these funds from the purposes for which they are appropriated and spend them in employing teachers and experts, and the like of that, to deliver lectures.

Mr. BUTLER. Why not add the words "connected with the colleges"?

Mr. CULLOP. Mr. Speaker, I would like to suggest to the gentleman if he would just transpose the language now "to persons in the several counties and parishes not resident in said colleges," it will make it then perfectly plain and free from all ambiguity. Just transpose the language.

Mr. MOSS of Indiana. Will the gentleman from South Carolina yield?

Mr. LEVER. Yes.

Mr. MOSS of Indiana. It is perfectly clear by using the language "as may be provided by the States accepting the provisions of this act." That requires a State to name the unit, and so I do not see any particular necessity of saying "counties and parishes," when the State legislatures themselves would have the power to pass upon the unit. That matter could be left with entire safety to the States.

Mr. MANN. Will the gentleman yield to a question?

Mr. LEVER. Yes.

Mr. MANN. I take it that the language "in the several communities" does not mean a limitation upon the word "colleges" at all, but upon the word "persons." It would possibly make it plainer to put a comma after the word "persons" and after the word "colleges," making it read "home economics to persons, not resident in said colleges, in the several communities."

Mr. BUTLER. Or add the word "or" there.

Mr. MOSS of Indiana. Leaving it to the power of the State to determine the size of the community.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. CULLOP. Mr. Speaker, I desire to make a modification of the amendment by the transposition of the language, so that it will read as follows:

To persons in the several counties and parishes not resident in said colleges.

The transposition clears the section of the ambiguity which has been an objection raised to it.

Mr. CANNON. I suppose that would include anybody who did not reside inside the college walls or on the campus.

Mr. LEVER. I did not hear the amendment of the gentleman from Indiana [Mr. CULLOP].

Mr. CULLOP. Modify, as I suggested, by the transposition of the language.

Mr. MANN. It is all right as it is in the bill.

Mr. BUTLER. Let it go in the bill the way it is.

Mr. LEVER. I think we might as well stand by the language in the bill.

The SPEAKER pro tempore. Did the gentleman make his motion to amend?

Mr. CULLOP. Yes, sir.

The SPEAKER pro tempore. The Clerk will report it.

Mr. BLACKMON. Mr. Speaker, the amendment was agreed on, and the Chair put the question.

The SPEAKER pro tempore. The gentleman's motion is in order. The Clerk will report it.

Mr. MOORE of Pennsylvania. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MOORE of Pennsylvania. What is the proposition before the House?

The SPEAKER pro tempore. There is pending an amendment by the gentleman from Alabama [Mr. BLACKMON] as amended by the gentleman from Indiana [Mr. CULLOP]. The Clerk will report it.

The Clerk read as follows:

Page 2, lines 14 and 15, strike out the word "communities" and insert in lieu thereof "counties or parishes in such States."

The SPEAKER pro tempore. Now, will the gentleman from Indiana [Mr. CULLOP] restate his amendment?

Mr. CULLOP. It is simply a transposition of the language of the amendment, so as to read:

To persons in the several counties or parishes not resident in said colleges.

The SPEAKER pro tempore. The question is on the amendment of the gentleman from Indiana to the amendment offered by the gentleman from Alabama.

The question was taken, and the Speaker pro tempore announced that the Chair was in doubt.

Thereupon the committee divided; and there were—ayes 9, noes 21.

So the amendment to the amendment was rejected.

The SPEAKER pro tempore. The question now recurs upon the amendment offered by the gentleman from Alabama [Mr. BLACKMON].

Mr. MANN. Mr. Speaker, may I ask the gentleman from Alabama [Mr. BLACKMON] just what is the purpose of his amendment?

Mr. BLACKMON. I have already stated it, but I will restate it. My idea is that the bill should state clearly that it is the intention of Congress that this work shall be done in each county of the State where the work is proposed to be carried on. It is in the nature of a direction to the legislature of the State that in the attempt to deal with this question it is the intention of Congress that the work shall be done in every county of the State.

Mr. MANN. But suppose the legislature for very good reasons should not provide for it in every county in the State? I live in a county in which I do not know just how much agricultural-extension work will be done. There may be some, but there would be very little, if any done in the county of New York. Now, does the gentleman mean that no portion of this money shall be paid to a State unless the State legislature provides for demonstration in every county in a State, when it is impossible to do that, for instance, in the county of New York, in New York State, and thereby deprive that State entirely of the advantage of this work?

Mr. BLACKMON. That may be an exceptional case, but I want the law to declare that there shall be no discrimination as to any county entitled to the provisions of this act. That may be an exception, but there can be no good reason, I will say to the gentleman, in any other State in the Union that I have knowledge of where this work should not be carried on.

Mr. MANN. I have given the gentleman an instance of where it is impossible to do it in every county of the State.

Mr. BLACKMON. I imagine that would be an isolated instance. Perhaps they would not do a great deal of farming in the county of New York, but in other States it might be that a small county would not be entitled to this work in the opinion of the college authorities.

Mr. PEPPER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Yes.

Mr. PEPPER. I wanted to suggest to the gentleman from Illinois [Mr. MANN] that the point he makes would indicate that he thought it would compel the legislature to provide for agricultural extension work in every county, when, as a matter of fact, the language of the section provides that it shall be done in the several communities and counties and parishes, as the case may be, as provided by the State. That would leave it open to the legislature to except such counties or parishes as might not have any use for the work.

Mr. MANN. That is the point I was trying to get at. If it is not obligatory on the State to require that it shall be done in every county or parish, then it is still left to the discretion of the State legislature. And if it is obligatory on the State legislature, what is the object of changing the language? The State legislature has the power under the bill to provide for this work, either by counties or at half a dozen places in one county. I am inclined to think that if the gentleman's amendment were agreed to it would forbid the State having demonstration work at more than one place in a county.

Mr. BLACKMON. I think the gentleman is so clearly wrong on that that it is evident he does not understand what this farmers' cooperative demonstration work is.

Mr. MANN. I understand it as well as does the gentleman from Alabama.

Mr. BLACKMON. What is it?

Mr. MANN. Oh, I have seen it in operation.

Mr. BLACKMON. You can send an agent to any county in the United States that I know of. You do not limit him to one farm. He may cover 40 farms or more in one county.

Mr. MANN. Certainly; you do not limit him to one farm or one county, nor to one person in a county. It seems to me the change proposes to affect something that is already in the bill as it now stands. The State legislature now has the power to provide for demonstration work in as many counties as it pleases, and as to as great an extent in any county as it pleases. If the gentleman's amendment is not obligatory as to each county, it does not accomplish anything, and if it is obligatory it would shut out New York State entirely from receiving any benefit from the bill.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on agreeing to the amendment.

The question was taken, and the Speaker pro tempore announced that the "noes" seemed to have it.

Mr. BLACKMON. I demand a division.

The House divided; and there were—ayes 19, noes 21.

So the amendment was rejected.

Mr. McLAUGHLIN. Mr. Speaker, I offer an amendment.

Mr. BLACKMON. Mr. Speaker, I have another amendment pending.

The SPEAKER pro tempore. The Chair thinks, under the agreement last night, we had better dispose of the other amendment pending to this section, and then the Chair will recognize the gentleman from Wisconsin for an amendment. The Clerk will report the amendment offered by the gentleman from Alabama [Mr. BLACKMON].

The Clerk read as follows:

Amend, section 2, line 18, by striking out the period after the word "otherwise" and adding the following: ": *Provided*, That nothing con-

tained in this act shall be construed or held to in anywise interfere with the demonstration work now being conducted by the Department of Agriculture of the United States of America and known as the 'farmers' cooperative demonstration work.'"

Mr. BLACKMON. Now, Mr. Speaker, I observe that our brethren here are extremely technical and are bitterly opposed to the dotting of an "i" or the crossing of a "t" unless they do the dotting and the crossing themselves. But this amendment can not be construed in a technical sense.

And, briefly, I want to put these gentlemen on record whom I have listened to so long in this House; they almost weep when you touch a question affecting the poor downtrodden farmer. They are thoroughly in love with him, and you can not discuss any question but what a number of distinguished gentlemen in this Chamber have to inject something about their love and affection for the farmer.

Now, it has been demonstrated conclusively that the Department of Agriculture, under the able management of the lamented Knapp and under the present management of this department, has done a great and lasting good to the agricultural interests of this country. I make this charge, that to-day, when this work is in its best condition, when we are going forward with it at a rapid rate, it is now determined to change it and turn it over to untried hands. What is the purpose of it? As I said last night, I have no objection to your making this appropriation for some of the land-grant agricultural schools. I will support that; but when a Member votes against this amendment he goes on record as being opposed to the demonstration work as it is now being conducted by the farmers' cooperative demonstration department here in Washington.

Mr. TALCOTT of New York. Farm management work.

Mr. BLACKMON. Yes; as opposed to it. If so, why are you opposed to it?

Mr. PEPPER. Will the gentleman yield?

Mr. BLACKMON. Yes; I do.

Mr. PEPPER. I have heard the statement made several times that this bill will interfere, and the report seems to indicate that it might ultimately. I should like to have the gentleman's opinion as to just how the interference will come about.

Mr. BLACKMON. It will come about in this way: In the first place, in my judgment, when you take this work out of the hands of the men who know how to farm, and who do farm, you are going to render it, in a measure, unpopular. Then you are going to come up against this proposition: Congress is not going to have two separate and distinct departments dealing with this question. If you start it with the colleges, will they consent that it be taken from them?

Mr. TRIBBLE. Will the gentleman yield for a question?

Mr. BLACKMON. Yes.

Mr. TRIBBLE. I want to ask the gentleman if he finds much sympathy among the farmers in his State for these agricultural schools sending out boys to teach the farmers how to farm?

Mr. BLACKMON. So far as I know, there is not any great sentiment in favor of it; but I do know this, that in my State there are nine agricultural schools that are being kept up by the State government, and not one dollar of this money goes to those agricultural schools in Alabama, but it goes to the land-grant schools.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BLACKMON. I ask unanimous consent that I may proceed for five minutes.

There was no objection.

Mr. BLACKMON. In the State of Alabama this money would go to Auburn, a white school, to the University of Alabama, a white school, and to Normal, a colored school.

But my objection to the bill is this, that you are taking this work that is now successful out of the hands of the farmers themselves.

Mr. PEPPER. Right there, is it not a fact that under the present plan of the Farm Management Bureau they take graduates from the agricultural colleges, men who have considerable acquired knowledge—book learning—and put them into these counties and allow them and authorize them and direct them to instruct the farmers, and is not that now being carried on by the Department of Agriculture?

Mr. BLACKMON. My personal observation is that that is not the fact, because the salary paid is not sufficient.

Mr. PEPPER. The salary being paid is from $1,800 to $2,200 a year, which I think will catch a great many of the graduates of agricultural colleges.

Mr. BLACKMON. Does this bill provide that?

Mr. PEPPER. I am talking about the work that is being carried on now under the direction of the Farm Management Bureau in the Department of Agriculture, by which they are using the graduates of agricultural colleges by making them county agents and agricultural inspectors in the various counties.

Mr. BLACKMON. I know of no such salaries to county demonstrators being paid in my section as the gentleman speaks of.

Mr. PEPPER. So far as I am informed, practically every man that they are employing is a graduate of an agricultural college.

Mr. BLACKMON. That is true as to the office work.

Mr. PEPPER. The three counties in my State where we have employed agricutural experts, they are every one of them a graduate of the college of Ames, and receive a salary of $1,800 to $2,000.

Mr. BLACKMON. Your State is supplementing the work.

Mr. PEPPER. That is a part of the plan, the counties raise half and the Government furnishes the other half.

Mr. BLACKMON. My point is that under the present plan there is not a county so poor in the United States that they can not find a man, a farmer, that will accept the salary of $75 a month, and he goes out among the farmers and teaches them how to farm. He does not write bulletins or various kinds of letters, but he goes out and teaches the people how to farm. That is why I object to your killing the farm-demonstration work.

Mr. McLAUGHLIN. Will the gentleman yield?

Mr. BLACKMON. Yes.

Mr. McLAUGHLIN. It is not my desire to interfere with the farm-demonstration work carried on in the South.

Mr. BLACKMON. I yielded for a question.

Mr. McLAUGHLIN. I am going to ask the question. Will the gentleman modify his amendment so that neither the farm-demonstration work nor the farm-management work shall be interfered with by the men who are employed under this bill? If the gentleman does not understand the difference, or just what that means, permit me to state that the farm-demonstration work is the kind of work being carried on in the South under the appropriation that was originally made for combating the ravages of the boll weevil.

Mr. BLACKMON. I think I would agree to that amendment. Does the gentleman suggest the change?

Mr. McLAUGHLIN. I suggest a change or modification, so that it will include farm-demonstration work in the South and a similar work, farm-management work, in the North, East, and West.

Mr. BLACKMON. I am perfectly willing to do that.

The SPEAKER pro tempore. The time of the gentleman from Alabama has expired.

Mr. HEFLIN and Mr. GARRETT asked unanimous consent that the time of the gentleman from Alabama be extended for five minutes and there was no objection.

Mr. CANNON. Mr. Speaker, I do not understand that this farm-demonstration work is in the South alone.

Mr. LEVER. If the gentleman from Alabama will yield and permit me I want to say that the demonstration work of the South is known as the farmers' cooperative demonstration work, while the same character of work in the North and East and West is known as farm management work. The appropriations for these are carried in different items and known under different items. I was about to suggest to the gentleman from Alabama this amendment: After the word "work" in his amendment insert "farm management." If he will accept that amendment I am willing to adopt it.

Mr. CANNON. So that it will read——

Mr. LEVER. So that it will read "provided that nothing contained in this act shall be construed or held to in any way interfere or prevent demonstration work now being conducted by the Department of Agriculture of the United States of America and known as farm cooperative demonstration work or farm management work."

Mr. CANNON. Then the appropriation that the agricultural bill carries will be devoted to farm demonstration and farm management?

Mr. LEVER. Exactly.

Mr. CANNON. Then the appropriation, according to the gentleman's view, that is provided for in extension work would be worked out through the agricultural colleges and their superintendents?

Mr. LEVER. Yes.

Mr. McLAUGHLIN. Mr. Speaker, if the gentleman had ever called on the Department of Agriculture for men to do farm-demonstration work, he would have learned that the appropriation is to be used only in the cotton States where work is done in combating the ravages of the boll weevil. That was the only place where the work is done under the demonstration work. But similar work is done generally, largely in the Northern States, under the appropriation providing for farm management. That is done in the North largely for the very reason

that all of the work done under farm demonstration is done in the South.

Mr. BLACKMON. Mr. Speaker, I ask unanimous consent to modify my amendment by inserting the suggestion of the gentleman from South Carolina.

Mr. MANN. Will the gentleman yield?

Mr. BLACKMON. Yes.

Mr. MANN. I notice that the amendment of the gentleman reads "Department of Agriculture or the United States of America." What is the purpose of providing that the work should be done by the United States of America?

Mr. BLACKMON. It is being done now.

Mr. MANN. If the gentleman means Department of Agriculture of the United States of America, I do not think it is necessary to use those words.

Mr. BLACKMON. I am willing to cut that out.

Mr. LEVER. I think the language would be better.

Mr. MANN. I can not see the point of saying that the work should be carried on by the Department of Agriculture or the United States of America.

Mr. BLACKMON. That is wrong. It is undoubtedly a typographical error. It should be "or the United States of America."

Mr. MANN. That either ought to be corrected or left out.

Mr. CULLOP. Leave out "or the United States of America."

Mr. MANN. The Department of Agriculture is quite a sufficient description.

The SPEAKER pro tempore. The gentleman from Alabama asks unanimous consent to modify his amendment, and the Clerk will report the amendment as modified.

The Clerk read as follows:

Modify the amendment by striking out the words "or the United States of America."

Mr. LEVER. Mr. Speaker, I ask for a vote.

Mr. McLAUGHLIN. Mr. Speaker, I think the amendment is wrong in including the words "farmers' cooperative demonstration work." There is no appropriation for that kind of work, and work done under that name is not recognized by the Government. It is simply farm-destruction work.

Mr. LEVER. I have the agricultural appropriation bill for the current year before me.

Mr. McLAUGHLIN. If I am wrong I will be glad to be corrected.

Mr. LEVER. It contains this language:

For farmers cooperative demonstrations and for the study and demonstration of best methods for meeting the ravages of the cotton-boll weevil, etc.

Mr. McLAUGHLIN. There have been some amendments to the law. Evidently I am wrong in some respects, and I presume the amendment of the gentleman is all right.

Mr. BUTLER. Mr. Speaker, I desire to ask the chairman of the committee one question. Was it contemplated by this act to destroy the work or to interfere with what is known as farm-demonstration work?

Mr. LEVER. I have answered that question several times, but will be glad to answer it again. My judgment is that in the course of 8 or 10 years, when this bill has ripened, and all of the appropriations have become available, the management of the Department of Agriculture over the matter of the appointment of local demonstrators or agents will be transferred from the Department of Agriculture to the agricultural colleges of the several States, and wherever work is done through the two bureaus now doing cooperative demonstration work, and what is known as farm-management work, will be work of a much broader character, dealing more largely in fundamental ideas, gathering together scientific truths and disseminating those truths to the local agents under the control of the Department of Agriculture.

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Alabama.

The question was taken and the amendment was agreed to.

Mr. MORGAN. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by adding to section 2, page 2, the following:

"*Provided*, That the respective States accepting the fund herein appropriated may cause the instruction herein provided to be given also to students in graded public schools in districts having not less than 25 square miles in area."

Mr. MORGAN. Mr. Speaker, it seems to me that this amendment could not do any harm, and that the gentleman in charge of the bill should accept it. Under this bill the States are required to make an appropriation that equals the appropriation received from the National Government. We are anxious, of course, that all of the States should accept the provisions of this bill and receive the benefit of its supervision. I know in my own State there are many persons who are deeply interested in agricultural education, men of large experience, men who have manifested a great deal of interest in the success of this bill, who are anxious that the State shall have the authority to give instruction in graded district schools, because they believe that that will have a tendency to increase the number of graded schools in the State. This amendment will not interfere—could not interfere materially, at least—with the general instruction that will be given under the bill as reported from the committee. For instance, in my own State we have over 1,000 school districts.

We have but 86 consolidated or graded school districts. We want the privilege of instructing our boys and girls in the graded public schools in the country. We do not want to accept this bill if we can help it, unless we can use this fund to improve our country schools. We do not object to this fund being used to instruct adult farmers. We favor instruction being given to farmers in any way that will improve agriculture and add to the profits of the farming industry. But we believe the most effective way to give proper instruction in scientific agriculture is to give this instruction in the graded district schools to the rising generation of farmers. Oklahoma has a splendid system of public schools. Our district schools compare favorably with the best in the country. But we are not satisfied with our country schools. The boys and girls in the country do not have the facilities to acquire an education offered to the boys and girls in the towns and cities. The crying need of the hour is better schools for the country districts. My State has made ample provision for instruction in our colleges and universities.

We have over 500,000 persons of school age. Less than 4,000 of these are in our higher institutions of learning. There is a movement in our State, led by able, intelligent, and forceful men, animated with a noble purpose to contribute to the public welfare, to give to the boys and girls on our farms facilities for education that shall, in measure, compare with the high-school privileges of the towns and cities. In due time we hope to set all the States of the Union an example of what may be done in the way of improving country schools. We want the National Government to aid us in this cause. We want this bill amended so that this fund, appropriated by the National Government to encourage agriculture, may be used to improve our country schools. No great improvement can come to the conditions on the farm without better school facilities for the boys and girls on the farm.

In passing this bill we are making history. We are entering upon a new movement, and a great movement. We ought to begin right. We will not begin right if we fail to provide that the funds appropriated in this bill may, in part at least, be used to impart to students in graded district schools instruction in home economics and scientific agriculture. Mr. Speaker, I hope the amendment will prevail.

Mr. LEVER. Mr. Speaker, I ask for a vote.

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Page 2, line 13, after the word "to" add "residents of the State," and in line 14, after the word "colleges," strike out the words "in the several communities."

Mr. MOORE of Pennsylvania. Mr. Speaker, the defeat of the amendment offered by the gentleman from Alabama [Mr. BLACKMON] leaves section 2 stand as it was on the disputed proposition in regard to the "several communities," I take it that the purpose of this bill is to disseminate information throughout the State, and to limit the benefits of it to residents of the State. The term "communities" is confusing, as shown by the amendment offered by the gentleman from Alabama suggesting counties or parishes. It is assumed that you did not propose to limit this education in the States to certain localities, but proposed to give it to the residents of all the State. Apparently, the intent of the drafter of the bill was to provide that the benefits of the act should be limited to the residents of the State. If that is so, it is not necessary to say "communities" or "counties" or "parishes," and I submit this amendment would correct the trouble that seems to have been in the minds of some gentlemen while the amendment of the gentleman from Alabama was under discussion.

The question was taken, and the amendment was rejected.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I want to propound a parliamentary inquiry in my time, to begin with.

The SPEAKER pro tempore. For what purpose does the gentleman rise now?

Mr. HUMPHREYS of Mississippi. I rise to offer an amendment to strike out the last word.

The SPEAKER pro tempore. There is nothing pending.

Mr. MANN. The last word is the amendment which was adopted.

Mr. HUMPHREYS of Mississippi. The last word of the paragraph

Mr. MANN. But we have just inserted an amendment, and the gentleman can not now move to strike that out.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I offer an amendment; I will send it up later on.

The SPEAKER pro tempore. The gentleman will have to send it up now.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I move to amend, line 12, page 2, afer the word "departments," by inserting the words "in cooperation with the United States Department of Agriculture."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 12, by inserting after the word "departments" the words "in cooperation with the United States Department of Agriculture."

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I offered that amendment in order to get the floor. Mr. Speaker, I may have been mistaken, but I understood yesterday that amendments to the bill offered then would be pending and to-day would be disposed of first, and, proceeding upon that theory, I thought that we were to wait until all those amendments were disposed of before any other amendments could be offered. For that reason I did not offer an amendment to section 1, where I wished to offer it. Now, the parliamentary inquiry which I wish to propound is, Was I correct?

The SPEAKER pro tempore. If the Chair understands it, he believes the gentleman, strictly speaking, has not the record as it appears.

Mr. HUMPHREYS of Mississippi. Then I will ask, Mr. Speaker, in view of that mistake, unanimous consent to return to paragraph 1 for the purpose of offering this amendment. After the word "department," in line 6, add these words: "and to be conducted in cooperation with the United States Department of Agriculture."

The SPEAKER pro tempore. The gentleman from Mississippi asks unanimous consent that he may return to section 1 for the purpose of offering an amendment. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page——

Mr. HUMPHREYS of Mississippi. I withdraw my first amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 2, line 6, by adding after the word "department" the words "and to be conducted in cooperation with the United States Department of Agriculture."

Mr. FOSTER. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I yield.

Mr. FOSTER. This bill is to give the States a certain amount of money to be used by the schools of agriculture. That is the object, as I understand.

Mr. HUMPHREYS of Mississippi. Yes.

Mr. FOSTER. Now, this paragraph requires they must do that work in cooperation with the Department of Agriculture.

Mr. HUMPHREYS of Mississippi. This work is to be done in cooperation by the United States Department of Agriculture and the State institutions.

Mr. FOSTER. Is that the intention—to do that work in connection with the demonstration work that is now being done?

Mr. HUMPHREYS of Mississippi. Yes; it is solely for the purpose of having this work done in cooperation with the Bureau of Farm Demonstration work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HUMPHREYS of Mississippi. I ask for five minutes more. It took me five minutes to get started.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none.

Mr. LEVER. Will the gentleman yield for a question?

Mr. HUMPHREYS of Mississippi. Yes.

Mr. LEVER. To what extent, in the gentleman's mind, will this cooperation contained in his amendment give to the Department of Agriculture the control over the funds carried in this bill?

Mr. HUMPHREYS of Mississippi. I can not answer that question.

Mr. LEVER. That is the crux of the whole situation.

Mr. HUMPHREYS of Mississippi. The crux of the whole situation, in my mind, is that this will preserve the present activities of this particular bureau, and it is for that reason only that I offer this amendment. The work which this bureau has done in my particular part of the moral vineyard has been crowned with most remarkable and gratifying success. It is the most popular and, I believe, the most important to that particular section of the country of all the activities of the Department of Agriculture. And if it is true, and if the gentleman from South Carolina [Mr. LEVER] will assure me that in his opinion it is true, that the amendment offered by the gentleman from Alabama [Mr. BLACKMON], which has just been adopted, will save that bureau, then I will be satisfied. Just answer that briefly, because I have very little time.

Mr. LEVER. The gentleman from Mississippi knows, as I know, that the only authority for the farm-demonstration work and farm-management work is carried each year in the Agriculture appropriation bill, and I suspect that if the gentleman from Mississippi remains here, as I hope he will——

Mr. HUMPHREYS of Mississippi. I hope so.

Mr. LEVER (continuing). That there will not be much trouble about these annual appropriations for this work.

Mr. HUMPHREYS of Mississippi. I congratulate the country on that prospect.

Mr. TRIBBLE. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I will.

Mr. TRIBBLE. The gentleman says the work is a success at the present time. I challenge him in the three days he has in which to revise his remarks to put in the name of a gentleman in the State of Mississippi engaged in this work who is under 27 years of age.

Mr. HUMPHREYS of Mississippi. I do not know the age of any of them. I know the department here has selected parties in the State of Mississippi to do the work.

Mr. TRIBBLE. Name them in your remarks.

Mr. HUMPHREYS of Mississippi. And I know when the Sultan, if he is a Sultan, the King or Emperor or Grand Mogul of Siam, called upon the Government of the United States to recommend an expert to send over to his domain, the President called on the Secretary of Agriculture——

The SPEAKER pro tempore. The time of the gentleman from Mississippi [Mr. HUMPHREYS] has expired.

Mr. FOSTER. I ask unanimous consent that the gentleman from Mississippi have five minutes more.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the gentleman from Mississippi have five minutes more. Is there objection?

There was no objection.

Mr. HUMPHREYS of Mississippi. The Secretary of Agriculture called on Dr. Knapp to name a young man, and he named a young man who was a graduate of the agricultural college of the State of Mississippi. That young man is now in charge of the agricultural department in Siam. He has sent a number of young men into my district, he has sent them into neighboring States, and while I can not testify as a witness on oath, I believe a number of those young men were less than 27 years of age. They looked the part, at any rate.

Mr. TRIBBLE. The gentleman will have plenty of time to get the information from the department here.

Mr. HUMPHREYS of Mississippi. It is utterly immaterial. I would not burden the RECORD with it. The question is, Is he competent? The gentleman does not think that a man being under 27 ought to bar him from service in this House. Some of the most successful farmers in this country are young men, and some of the biggest failures are old farmers. There are a number of old farmers in Mississippi, just as in Georgia, and old lawyers, and old merchants, who think they know it all, but they do not know nearly as much as can be taught by the young men who are educated by the agricultural colleges of the country, and those young men have been selected by this bureau to do the work in the part of the country in which I live. And they have been so successful, as I stated yesterday and repeat now, that after Dr. Knapp died (and his work was done through these young men) a great movement was started throughout the South to raise funds and erect a monument to him because they believed the work he had done would redound to the good of that country through the years to come. They did not believe, as some gentlemen do, that the only man who should have a monument was "the man on horseback." This man had done his great work in times of peace, educated men in the arts of peace, and those are the sort of young men who are being sent out by this department now, and they are the ones who are doing the work now, and if this particular amendment is agreed to they will continue to do it. I hope, under the provisions of the amendment offered by the gentleman from

Alabama [Mr. BLACKMON], which has just been agreed to, they will be continued.

I am sorry to have been led off into a discussion of young men and away from the merits of the proposed amendment. This bureau is not made up of young men nor of old men. The tests there is fitness, not age, just as it is here and everywhere else. My time is about to expire, and so I will simply repeat that I hope the amendment offered by the gentleman from Alabama [Mr. BLACKMON] will save this bureau. I will say frankly to the gentleman from Georgia and to the gentleman from South Carolina also that if I did not believe it I would vote against this bill, unless the pending amendment wins.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOSS of Indiana. Mr. Speaker, it is entirely to the credit of the gentleman from Mississippi [Mr. HUMPHREYS] and other Representatives from the Southern States that they are supporting the Agricultural Department in all the work that it is doing in the Southern States. I am glad of the fact that that work is successful. There is no opposition to its continuance. I do not think there is a Representative on the floor of this House who has ever opposed a dollar of the appropriation for this purpose or will ever do so. We are glad that the work is successful and would like to see it continued just as long as it brings good results to the vicinity in which it is being carried on.

I call attention to the fact that this work is done by annual appropriations. It is done under the terms laid down in the annual Agricultural appropriation bill, and so long as it is successful, that work will undoubtedly be provided for in this appropriation bill and will be continued. There can be no question about that. But this measure is a great national bill, and I ask the gentlemen who profess to favor it that they do not embarrass the work contemplated by introducing amendments which will interfere with the successful working of its provisions. There has been a decisive recognition of the farm demonstration work written in this bill by an amendment which was adopted by a unanimous vote to the effect that the work in which gentlemen of the South are particularly interested shall not be interfered with by the provisions of this measure. We ask the same recognition that we have given. We who come from other States, where the farm demonstration work has been carried on largely from State funds, earnestly hope you will not embarrass our work, but let us have this aid on such terms that we can all work together and make a great national bill.

Mr. HUMPHREYS of Mississippi. The gentleman from Indiana should not misunderstand my purpose.

Mr. MOSS of Indiana. We have a certain line of farm demonstration work done within our States, and we are just as jealous of our system as you gentlemen are of yours. We feel called upon to support as strongly the system which exists in our States as you are to support that existing in your States; and inasmuch as we concede that the work in your States which you are interested in shall not be interfered with, we ask simply the same concession in return.

Mr. HUMPHREYS of Mississippi. If the gentleman will show to me how I am interfering with the work in his State or in States similarly situated, I will withdraw that interference. I want the work to go on in all the States. I would like to ask the gentleman in what respect he thinks I am interfering?

Mr. MOSS of Indiana. I will be very glad to make that matter plain. There are two amendments pending, one of which in direct terms provides that the work carried on in the States shall be placed under the control of the Department of Agriculture. There can be but one leadership in this work in a State, for instance, like Indiana, and because the agricultural workers of our State are enlisted under the leadership of our agricultural college we shall not be content that our agricultural extension work shall be placed under the leadership and control of the Department of Agriculture, thereby giving undue control to that department over the agricultural educational system of our State. We do not ask that it be so done in your States, and we will not submit to it in ours.

Mr. HUMPHREYS of Mississippi. I have not suggested a domination over that work by the Department of Agriculture, but cooperation with it.

The SPEAKER pro tempore. The time of the gentleman from Indiana has expired.

Mr. MOSS of Indiana. Mr. Speaker, I ask unanimous consent to proceed for one minute more.

The SPEAKER pro tempore. The gentleman from Indiana [Mr. Moss] asks unanimous consent to proceed for one minute. Is there objection?

There was no objection.

Mr. MOSS of Indiana. I wish to call the attention of my friend from Mississippi [Mr. HUMPHREYS] to the fact that whenever you establish a line of work that is being so successfully carried on as is this work in many of the Northern States it should not be sought to put it under a divided leadership. Perhaps the farm demonstration work is the best system in the gentleman's State. But we beg that you will not seek to ingraft upon this bill amendments which would embarrass the work in our State and bring it, to a great degree, under the control of the Department of Agriculture. Having established that work along our own lines, we ask that you do not interfere with it or embarrass it, inasmuch as we do not seek to embarrass yours. Let us carry on our work in our own way. For these reasons I am opposed to this amendment.

Mr. LEVER. Mr. Speaker, I thoroughly agree with the proposition enunciated by the gentleman from Indiana, and I trust this amendment will be voted down.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

Mr. McLAUGHLIN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment offered by the gentleman from Michigan [Mr. McLAUGHLIN].

The Clerk read as follows:

Amend, page 2, line 14, after the word "not" by inserting the words "attending or."

The SPEAKER pro tempore. Where does that amendment come in?

We were back on section 1. The gentleman from Massachusetts [Mr. THAYER] desires to offer an amendment to section 1. That requires unanimous consent.

Mr. McLAUGHLIN. Unanimous consent has been given to the gentleman from Mississippi to return to that section.

The SPEAKER pro tempore. That is true. The gentleman from Michigan is recognized. His amendment has been reported and he is recognized for five minutes.

Mr. McLAUGHLIN. Mr. Speaker, there is some misunderstanding and confusion as to the meaning of section 2 as it stands, some question as to the meaning of the words "persons not resident in said colleges." I offer as an amendment the two words "attending or" to remove the misunderstanding and to make it clear. If adopted, the clause will then read:

To persons not attending or resident in said colleges.

Mr. LEVER. I accept that amendment, Mr. Speaker.

The amendment was agreed to.

Mr. MANN. Mr. Speaker, I suggest to amend by inserting after the word "colleges" a comma, so as to make it perfectly clear.

Mr. McLAUGHLIN. That is right.

The SPEAKER pro tempore. If there be no objection, that amendment will be agreed to.

There was no objection.

Mr. THAYER. Mr. Speaker, I ask unanimous consent to return to section 1.

The SPEAKER pro tempore. The gentleman asks unanimous consent to return to section 1 for the purpose of offering an amendment. Is there objection?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts offers an amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 2, line 10, amend by striking out all after the word "colleges" and inserting in lieu thereof the words "in such proportion as the Secretary of Agriculture may determine."

Mr. THAYER. Mr. Speaker, the purpose of this amendment is that as these colleges were first founded by the bounty of the United States, and in certain States several colleges have been founded, the proportion of this fund expended shall be divided between these colleges as the United States authorities shall direct. That will give uniformity of practice and not leave the division of the moneys to the legislatures of the States.

Mr. LEVER. Mr. Speaker, I trust that that amendment will not be adopted. It will absolutely destroy the bill.

The amendment was rejected.

The Clerk read as follows:

SEC. 3. That all printed matter and correspondence for the furtherance of the purposes of this act issued from the agricultural colleges or by the agents of the said extension departments thereof receiving the benefits of this act shall be transmitted in the mails of the United States and dependencies free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe.

Mr. MANN. I move to strike out the last word. This section provides that all printed matter and correspondence issued by the agricultural colleges or by the agents of the extension de-

partments shall go through the mails free of postage. I am very much afraid that if this provision goes in, giving to the agricultural colleges and the extension departments the privilege of sending anything they wish in first-class mail, the result will be that all the circular matter that ought to be sent third class will go as first-class mail.

Mr. LEVER. If my friend from Illinois will yield, I thoroughly agree with him on that proposition. I have a substitute for this section, that I will read in the gentleman's time, if he will yield.

Mr. MANN. I shall be very glad.

Mr. LEVER. My amendment reads:

That all correspondence for the furtherance of the purposes of this act issued through the agricultural colleges to its agents or by the agents of the said extension departments thereof receiving the benefits of this act shall be transmitted through the mails of the United States and dependencies free of charge for postage, under such regulations as the Postmaster General from time to time shall prescribe.

By this substitute I seek to prevent the doing of the very thing that the gentleman suggests, and at the same time give to the agent in the field the right from time to time to send free of postage his reports to the man who may be stationed at the college, or vice versa. I think I have done so in this amendment.

Mr. MANN. I notice the gentleman uses the words "and dependencies." What is the object in carrying "and dependencies" in this section?

Mr. LEVER. That language is copied from some of the other acts—I think the Hatch Act. I took the language as I found it, believing that the language that had been passed upon was proper language.

Mr. MANN. I do not know what the Hatch Act would mean if it said anything about "dependencies." We did not have any dependencies at that time. But no portion of this money goes outside of the States of the United States.

Mr. LEVER. That is true.

Mr. MANN. I do not see any object in using those words.

Mr. HAWLEY. Will the gentleman yield?

Mr. LEVER. Certainly.

Mr. HAWLEY. When the matter was before the committee it was stated that some of the institutions in the Philippines or Porto Rico or Hawaii might wish to have the advantage of the information that was gathered in this country.

Mr. LEVER. I was about to make that suggestion, that some of the bulletins printed on extension work might be valuable in those islands.

Mr. MANN. If it is to be printed by the Agricultural Department, it will be sent from there.

Mr. LEVER. I have no objection.

Mr. MANN. I do not think it is advisable for 48 States to start in to correspond with the Philippine Islands without any limit as to postage.

Mr. KINDRED. Does not the gentleman think that the verbiage employed in regard to correspondence is sufficient, and will there not be an enormous amount of printing?

Mr. LEVER. I would think that any printed matter in the form of a circular of information to the local demonstrator or agent would be proper. Mr. Speaker, I offer the following substitute for section 3.

The Clerk read as follows:

Substitute for section 3 of the bill: "That all correspondence for the furtherance of the purposes of this act issued from the agricultural colleges to their agents, or by the agents of said extension department thereof receiving the benefits of this act, shall be transmitted in the mails of the United States free of charge for postage, under such regulations as the Postmaster General from time to time may prescribe."

The SPEAKER pro tempore. The question is on agreeing to the substitute.

The question was taken, and the amendment as a substitute was agreed to.

The Clerk, proceeding with the reading of the bill, read section 4, as follows:

SEC. 4. That for the purpose of paying the necessary expenses of maintaining said agricultural extension departments and printing and distributing information on agriculture and home economics, as hereinbefore prescribed, and for otherwise carrying out the provisions of this act, the sum of $10,000 shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid, as hereinafter provided, to each State which shall by action of its legislature assent to the provisions of this act: *Provided*, That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the legislature meeting next after the passage of this act shall be made upon the assent of the governor thereof, duly certified to the Secretary of the Treasury: *Provided further*, That the additional sum of $300,000 shall be appropriated for the fiscal year ending June 30, 1914, to be paid as hereinafter provided, and an annual increase of the amount of such appropriation thereafter for nine years by an additional sum of $300,000 over the preceding year, and the annual additional sum to be paid thereafter to the States shall be $3,000,000, to be used only for the purposes hereinbefore stated; these additional sums to be allotted annually to each State in the proportion which its rural population bears to the total rural population of all the States, as determined by the next preceding Federal census: *Provided further*, That no State shall be entitled to any part of its allotment of these additional sums unless its legislature has heretofore provided or until it shall provide for the establishment of an agricultural extension department in its college or colleges receiving the benefits of this act, and the additional amount to be paid in any year to any State under this act shall be a sum not exceeding the sum appropriated for that year by the legislature of such State or provided by State, county, college, or local authority for the maintenance of said agricultural extension department: *And provided further*, That in each State which shall assent to the provisions of this act there shall be expended each year for field instruction and demonstrations not less than 75 per cent of all moneys available under the provisions of this act.

Mr. GARRETT. Mr. Speaker, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Page 4, line 18, after the word "act," insert the following: "*And provided further*, That if any State shall fail in any year to make the appropriations required as a condition precedent for obtaining the allotment from the Federal appropriation provided under this act, then any county or parish in such State that may make appropriation, or in which there may be raised by private subscription or otherwise the pro rata which said county or parish would have to pay under the per capita provisions of this act, shall receive a like amount from the appropriation provided under this act from the Treasury of the United States.

Mr. GARRETT. Mr. Speaker, I concede in the beginning that that amendment is perhaps crudely drawn. It was drawn hurriedly, and if the idea that is involved in it should be adopted by the House, it is not improbable that the section may have to be re-formed. But I feel like it is important to bring the idea before this House for action.

I have no doubt that if this bill shall prevail eventually all this cooperative demonstration and farm management work will be done through the agencies herein provided and that the bureau now in the Department of Agriculture and conducting that work will go out of business. Whether that is wise or unwise I do not care to discuss now. I doubt it, but I believe it will happen, and it would not surprise me, knowing the attitude of my distinguished friend from South Carolina, who in all probability will be chairman of the Committee on Agriculture in the next Congress, if that should come about within less than 10 or 12 years.

Now, if that bureau is destroyed and the demonstration is carried on through the agency herein provided alone, I want to call the attention of gentlemen to the importance of having some provision in here that a lesser unit than the State may have authority to join in and obtain the benefits under the act.

I do not know, Mr. Speaker, with what enthusiasm this act, if it shall become a law of Congress, will be accepted in some of the States. Now, in my own State it is really only in my section of the State that the cooperative demonstration work has been instituted, because I live in the cotton section, and it is only in cotton sections so far that this particular work has been instituted. The department has not as yet initiated the work in the other sections, so that the whole people of our State are not as yet trained up to the benefits of this work, and I do not know whether the legislature of my State will see proper to make the appropriation that will be required to obtain its proportion of the fund provided in this act, but that there will be counties in that State that will desire to obtain the benefits is not to be questioned. I apprehend that that is true of many other States of the Union. I have no doubt that there will be a number of States that for one reason or another will fail during some years to make the appropriation which is the condition precedent for obtaining the amount of the allotment appropriated under this bill from the Federal Treasury.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. GARRETT. Certainly.

Mr. CANNON. Does not the gentleman think if there are such States and they know the value of this work as it is proposed to be, and as I believe it to be, it would be better to throw the burden upon those who are enlightened and enlighten those who are not enlightened, and if we get down to dealing with communities of less size than States do we not do harm to the majority of the people in the respective States that do not care to cooperate?

Mr. GARRETT. Mr. Speaker, I hardly think that reasoning is sound. As a matter of fact, there is this seemingly inherent injustice in this bill, anyway, and that is that if any State fails to make its stated appropriation, while the people of that State will continue to pay their proportion of the Federal taxes out of which the Federal appropriation is to be made, they will still receive absolutely none of its benefits.

Mr. MANN. Mr. Speaker, will the gentleman yield in that connection?

Mr. GARRETT. Certainly.

Mr. MANN. That is true entirely of the district which I represent.

Mr. GARRETT. Yes.

Mr. MANN. I am not complaining about that. Does the gentleman think that he ought to complain?

Mr. GARRETT. I am not complaining about that. I am not making that now a basis of opposition to the bill.

Mr. MANN. Large cities pay their proportion of the taxes, but they get no portion of this.

Mr. GARRETT. That is true. I understand that. Of course that is true of many appropriations that are made; but, Mr. Speaker, I do not suggest that as ground of opposition to this bill. The observation was called out rather by the observation made by the gentleman from Illinois.

Mr. CANNON. There is probably one-half of the people of the State of Illinois, almost so, in the city of Chicago, who would receive no benefit.

Mr. GARRETT. Of course.

The SPEAKER pro tempore. The time of the gentleman from Tennessee has expired.

Mr. GARRETT. Mr. Speaker, I should like to have five minutes more.

Mr. CANNON. Mr. Speaker, I hope the gentleman may be granted five minutes more.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Tennessee may be extended for five minutes. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, I would state to the gentleman from Illinois that I think there is some wisdom in the theory that whatever would benefit the agricultural interests of Illinois would indirectly, I might say almost directly, benefit the people of the city of Chicago. The people of the city of Chicago must live from the produce of the farm, and there is a pretty well developed theory that if we had some better agricultural development in the country now the cost of living to the people in the cities would be reduced.

Mr. CANNON. Oh, if the gentleman will allow me, we have very good authority that no man lives unto himself alone. We are all interested in the prosperity and well-being of all of the people, and our interests, whether in Illinois or Louisiana or elsewhere, in the city or on the farm, are reciprocal.

Mr. GARRETT. Mr. Speaker, I know that that is the attitude of the distinguished gentleman from Illinois, demonstrated by a long life of earnest, honest service, based upon that theory. [Applause.]

Coming back to the proposition which I brought before the House, it seems to me that in view of the conditions that do exist in various States—and of course I know much more about my own State than I do about the others—considering the conditions that exist there, and that I am sure exist in a measure in the same form in various other States, it seems to me it would be the part of wisdom to have some provision of this bill that would at least permit the county as a unit to obtain benefits under the bill if the larger community, or the State, in its wisdom or unwisdom, did not see fit to do so.

Mr. MANN. Will the gentleman yield?

Mr. GARRETT. Yes; I yield to the gentleman from Illinois.

Mr. MANN. Appreciating all that the gentleman has said, and the gentleman admitting that a change of the bill would be necessary, it would require changes all through——

Mr. GARRETT. I am not sure that it will require changes other than in this section.

Mr. MANN. Oh, I assure the gentleman it would require changes in many places to carry out his purpose. In reference to the payment of money and all that, does not the gentleman believe that it would be quite time enough to do what the gentleman suggests when some of the States have refused to accept the proposition under this bill? If it should happen that the States would not accept this, or one State, would it not be quite time enough then to give encouragement to the county or similar municipality other than the State, and would it not be better first to make the offer to the State in the expectation and hope that the State will accept it?

Mr. LEVER. Let me make this suggestion to the gentleman from Illinois: We authorize unconditionally an appropriation of $10,000 to each State which will accept, and does not the gentleman think the States will very rapidly avail themselves of that money?

Mr. GARRETT. I have no doubt they will take that $10,000; but that is only a preliminary proposition. Here, Mr. Speaker, is the situation. This requires annual or biennial appropriations by the legislatures. In some of the States the legislatures meet every two years, in some others every four years, and in some every year. Now, occasions may arise where a State, even after it has appropriated one year, may fail to make the annual appropriation in another year. We know how those things arise often.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. MOORE of Pennsylvania. Mr. Speaker, I make the same request.

The SPEAKER pro tempore. Is there objection to the request of these gentlemen? [After a pause.] The Chair hears none.

Mr. MOORE of Pennsylvania. Mr. Speaker, as a contribution to the agitation over the Tariff Board, and as a suggestion to those who have been reading statements criticizing that body, I append the following letter written by the chairman, Mr. Emery, to the editor of the Daily Trade Record:

STATEMENT BY CHAIRMAN EMERY, OF THE TARIFF BOARD.

AUGUST 20, 1912.

EDITOR DAILY TRADE RECORD:

DEAR SIR: I have your letter of August 19 referring to the articles by R. K. MacLea, published in the New York World regarding the report of the Tariff Board on the cotton schedule.

I do not care to enter into a controversy in detail with a disgruntled employee whose action is determined by a desire to "get even" and a desire to sell his wares.

I have been expecting his attack because he threatened me directly that, unless he was continued on the pay roll, he would make charges against the board. Naturally, this threat severed all relations between us at once.

That his other motive is a mercenary one is shown by the facts that he offered to make his own reports to us show more favorably to the protective system, and that, after the publication of our report, he offered his services (for pay) to certain New England manufacturers to offset what he anticipated would be the radical influence of our findings. He was then willing to receive pay to show that our report was too unfavorable to them. He now receives pay for charging us with working in their interests.

The statement that foreign material was suppressed from ulterior motives is absolutely without foundation. Certain figures were not used because our statistical and accounting staff reported that they could not be verified, and therefore could not be guaranteed as true. Mr. MacLea was familiar with the open discussion of this material, and made no protest at the time.

As to the violation of confidence, it is somewhat difficult from the make-up of the articles to tell what portions of them are supposed to be under Mr. MacLea's signature. In at least one case the cost of a fabric is given for the mill making it, and the name of the mill revealed. If this information came from any employee of the Tariff Board, it is in distinct violation of a solemn oath, which reads, in part, as follows:

"* * * and that I will not disclose, either during the period of my connection with the Tariff Board or thereafter, any information contained in the schedules, lists, or statements obtained for or prepared by the Tariff Board to any person or persons except those designated by the board. So help me God. * * *"

Very truly, yours,

HENRY C. EMERY, *Chairman.*

The question was taken, and the amendment was rejected.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Pennsylvania next. The Chair tacitly agreed to recognize the gentleman from Massachusetts [Mr. THAYER].

Mr. THAYER. Mr. Speaker, I offer the following amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 4, line 1, amend by striking out the word "rural," and in line 2 the words "total rural."

Mr. THAYER. Mr. Speaker, the definition of "rural" by the census and meaning of this bill would be communities of less than 2,500 population. Now, in Massachusetts there are very few communities of less population than that, and the old, dead hill towns number from 100 to 500. They would get no advantage from this act because they have not the people there to reap the advantages. All the live towns and live places in Massachusetts have a great deal larger population, and yet they would be willing to accept the benefits that would accrue by this act. Massachusetts contains about one-thirtieth of the total population of the country and would provide—because Massachusetts is at least equal to the average wealth of the country—one-thirtieth of the total appropriation for this act, whereas under the words "rural population" she will be restricted in expenditure to only about one-eighth, and with an appropriation of about $120,000 she would receive about $15,000. Now, this act is not exclusively for the benefit of agriculture, as the text shows. It is to extend useful and practical information on subjects relating to agriculture and home economics. The population not only in our large towns, but even in our large manufacturing centers, requires that the money expended by this act should be expended for their benefit, and I think they should get something from it. Whereas if the word "rural" is left in and the words "total rural," large centers and even small ones would receive no benefits whatever. It seems to me that the best distribution would be in proportion to the population of the different States.

Mr. MOORE of Pennsylvania. Mr. Speaker, the amendment offered by the gentleman from Massachusetts is substantially the same as that offered by me. I believe the word "rural" ought to be stricken out of this paragraph, and I hope gentlemen on the other side will accept this as a fair proposition. If we are going to make a Federal appropriation for education it ought not to be made for any special section of the country. A little while ago I offered an amendment to the second paragraph, proposing that where the money was applied to the purpose of education in the State all the residents of the State should have an opportunity to be benefited by it.

That was voted down. It would appear from that vote that it is proposed that certain parts of the State are to be preferred over certain other parts of the State. Now, in the matter of Federal appropriations it seems to me we should not sectionalize at all. The proposition is that we shall disseminate useful information to the farmer. Some of us have tried to insert amendments that would tend to educate the boy to be a farmer. By keeping the word "rural" in the bill we shall confine education only to rural sections. I did not hear what the gentleman from Massachusetts [Mr. THAYER] said in support of his amendment, but I know that the Census Bureau applies the word "rural" to communities of less than 2,500 people. So that if the benefits of this legislation are limited only to those who live in rural sections of the country, anyone living in a community in excess of 2,500 people is absolutely barred from the benefits of this bill.

Mr. PEPPER. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I yield to the gentleman.

Mr. PEPPER. I would like to know if the gentleman has estimated just how much the amendment of the gentleman from Massachusetts would increase the appropriation, or the proportionate appropriation, in the State of Pennsylvania or the State of New York?

Mr. MOORE of Pennsylvania. I question whether it would increase it at all, because we are dealing with proportions.

Mr. PEPPER. I understand. The gentleman recognizes, of course, that in each of those States are large cities, which would cause the proportionate amount to be increased?

Mr. MOORE of Pennsylvania. I am glad the gentleman mentions that, because while the charge is made—and it is substantiated by the facts—that the boys are leaving the farms and going into the city, you propose here that we shall have no counterbalance, and that once the boy goes into the city he shall stay there and we shall continue to deprive the farm of his services. Now, I say, if you are going to educate the boy to be a farmer, we have plenty of them in the cities who should have the opportunity to go upon the farm. You should as readily consider the boys who live in the city as those who live upon the farm. You can not charge congestion altogether to those who are residents of the city, because that congestion in the cities is due largely to the fact that boys leave the farm before they are sufficiently educated in farming and come to live in the city. The increase in the cost of living is involved in this proposition. I want the boy in my district, which is congested, to have a right to apply for admission into one of these agricultural colleges for which we are making an appropriation of Federal money. It is not the money of the rural districts any more than it is the money of the cities; it is the money of all the people, and my boy in the city has as much right to have the advantage of an education in an agricultural college supported by it as the boy who is now a resident of the country.

Mr. LAMB. Will he go to the country?

Mr. MOORE of Pennsylvania. I want to make it an inducement for him to go.

Mr. CANNON. Will the gentleman yield?

Mr. MOORE of Pennsylvania. I will.

Mr. CANNON. This is, as I understand it, demonstration work and farm-management work. The gentleman's boy, or my boy, if I had one, has just as much the right of admission to the State agricultural colleges as the farmer's boy. Now, can there be demonstration of farm-management work in the gentleman's city?

Mr. MOORE of Pennsylvania. I think I can answer the gentleman. The only definition of the word "rural" by which the man who interprets this law can be guided is the definition fixed by the Census Bureau, which holds that "rural" means communities of less than 2,500 people. You are barring out the community, whether urban or suburban, in which more than 2,500 people dwell, and you are denying this education, this demonstrating, this lecturing, to those who live in a community made up of more than 2,500 people.

Mr. McLAUGHLIN. Mr. Speaker, the gentleman from Pennsylvania [Mr. MOORE] persists in misunderstanding the purpose of this bill. It is not for the purpose of educating the youth of the country; it is not for the purpose of conducting education within agricultural colleges.

From 1862 down to the present time the Government of the United States has contributed millions upon millions of money for the establishment and support of agricultural colleges within which the boys that the gentleman from Pennsylvania talks about, from the cities and from the country as well, may be educated, and there is no exclusion of boys from a city or from the country. No line of discrimination is drawn, no distinction is made, and no question is asked as to where the child comes from. If he is able to enter an agricultural college, entrance is permitted regardless of residence.

But this is not a bill to provide for educating children. It is to provide for the practical work of teaching improved methods of farm management by making demonstrations and by giving practical instruction upon the farm itself.

I have said before, in speaking upon this bill, which comes from the committee of which I am a member, that there is evidently a space between the college and the farm. Under the appropriations that the Government has made and under the appropriations made by the States agricultural colleges have been established. The Department of Agriculture has also been established and conducted, and the result is that the colleges and the department are literally filled with results of investigations, experiments, demonstrations, and analyses, but no way has yet been found to take those results to the farmer in such a way that he can make practical use of them. The appropriations heretofore made by the Government for the assistance of agricultural colleges have in so many words forbidden the use of that money or any part of it outside of the colleges, so that all this work must be done within the walls of the colleges. Bulletins, of course, have been issued, and institutes have been held, but in the majority of cases the man who speaks at an institute talks over the heads of his hearers, and the bulletins are prepared in such a way—although they are perhaps made as skillfully as they can be—that they are not understood by the farmers whose hands they reach.

We are therefore in a position where either this information will remain locked up in the colleges and in the department—information which has cost millions and millions of money—or else we must provide some such machinery as this bill suggests, by which this information can be taken directly to the farmer on the farm and explained to him in such a way that he can make practical use of it.

If the gentleman from Pennsylvania [Mr. MOORE] wishes additional assistance to the agricultural colleges, where education can be given to the youth of the land, I for one am willing to join him. I wil vote for an appropriation of any reasonable amount. I will vote to incorporate into a law any feasible scheme or plan for the education of the youth of this country. But I do not want to have this bill encumbered by incorporating here something that does not belong to it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. McLAUGHLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. McLAUGHLIN. I am heartily in favor of the pending bill, because I believe it is needed and if carrrid into successful operation will bring great profit and resulting comfort to the people of our country engaged in agricultural pursuits. The idea involved in the bill has had my earnest support since it was first advanced and brought to my attention. The bill we are now considering is almost the same—it involves exactly the same idea—as the bill introduced by me in the Sixty-first Congress, H. R. 15422. That bill was prepared by the executive committee of the Association of Agricultural Colleges of the United States, and was presented by me at their request. There were hearings on the bill before the Committee on Agriculture, at which members of the executive committee of the above association and representatives of the Department of Agriculture and other interested parties appeared. There was an immense amount of correspondence between me and colleges and associations interested in agriculture throughout the country, and the widespread demand for enactment of the legislation was brought to the attention of the committee. But the committee in its wisdom, or otherwise, refused to consider the bill favorably, and it was not reported to the House. When the Sixty-second Congress convened this bill (H. R. 22871) was, at the request of the said executive committee, introduced by the gentleman from South Carolina [Mr. LEVER], who, on account of his wisdom and experience, his deep interest in matters to which the bill relates, and because he is prominent on

the Committee on Agriculture, where he holds a high place as a member of the majority party in control of the committee and the House, has been able to bring the bill to its present stage.

Mr. LEVER is entitled to credit for the valiant fight he has put up in committee and on the floor of the House. I congratulate him on the measure of success he has achieved. I have supported his efforts heartily and am just as favorable to the measure as if it bore my name or as I would have been if the bill had again been intrusted to my care.

As is clearly set forth in the report accompanying the bill, the bill, if enacted into law, will provide that $10,000 shall be appropriated annually to each State which has established or which shall hereafter establish an agricultural college recognized under national law and if the State shall assent to the provisions in this act. This annual appropriation is made unconditionally to the several States, and will amount each year to an aggregate sum of $480,000. The bill would provide an additional sum of $300,000 for the fiscal year 1914, and an annual increase of $300,000 over the preceding year for a period of nine years, or until the total amount of the additional appropriation (that is, above the $480,000 which is unconditional) reaches the sum of $3,000,000 annually. But the additional appropriation of the sum of $300,000 annually is to be allotted to and divided among the several States in the proportion which their rural population bears to the total population of the United States, as determined by the next preceding Federal census. The Census Bureau defines urban population as "that residing in cities and other incorporated places of 2,500 inhabitants or more, including New England towns of that population." So rural population is that residing on the farms or in the country or in cities or villages having a population of less than 2,500. The bill, if enacted into law, will provide the sum of $10,000 per year to each State unconditionally, but the additional sums shall be paid to a State only on condition that the State shall, by affirmative action, accept and bring itself within the provisions of the law; and no additional sum shall be paid to any State unless its legislature, its college, or other local authority has provided or shall provide for an agricultural extension department, as provided in the bill, and a sum each year equal to such proposed additional appropriation under this bill. The idea is, as expressed in the report, that if any State wishes to receive any sum of money in excess of the annual appropriation of $10,000 there must be furnished by some authority, other than the Federal authority, as much as is offered or provided by the Federal Government—no more and no less.

I insert herewith a table showing the total population of each State, the total rural population, the per cent of total rural population by States, and the amount or portion of said increase of $3,000,000 which will be allotted or available to each State if it accepts and brings itself within the requirements of the law:

State.	Total population.	Total rural population.	Per cent of total rural population in the United States and by States.	Amount of appropriation allotted each State.
United States	91,972,266	49,348,883	53.7	$3,000,000
Alabama	2,138,093	1,767,662	3.58	107,400
Arizona	204,354	141,094	.29	8,700
Arkansas	1,574,449	1,371,768	2.78	83,400
California	2,377,549	907,810	1.84	55,200
Colorado	799,024	394,184	.80	24,000
Connecticut	1,114,756	114,917	.23	6,900
Delaware	202,322	105,237	0.21	$6,300
Florida	752,619	533,539	1.08	32,400
Georgia	2,609,121	2,070,471	4.19	125,700
Idaho	325,594	255,696	.52	15,600
Illinois	5,638,591	2,161,662	4.38	131,400
Indiana	2,700,876	1,557,041	3.16	94,800
Iowa	2,224,771	1,544,717	3.13	93,900
Kansas	1,690,949	1,197,159	2.43	72,900
Kentucky	2,289,905	1,734,463	3.51	105,300
Louisiana	1,656,388	1,159,872	2.35	70,500
Maine	742,371	360,928	.73	21,900
Maryland	1,295,346	637,154	1.29	38,700
Massachusetts	3,366,416	241,049	.49	14,700
Michigan	2,810,173	1,483,129	3.01	90,300
Minnesota	2,075,708	1,225,414	2.48	74,400
Mississippi	1,797,114	1,589,803	3.22	96,600
Missouri	3,293,335	1,894,518	3.84	115,200
Montana	376,053	242,633	.49	14,700
Nebraska	1,192,214	881,382	1.79	53,700
Nevada	81,875	68,508	.14	4,200
New Hampshire	430,572	175,473	.35	10,500
New York	9,113,614	1,928,120	3.91	117,300
New Jersey	2,537,167	629,957	1.28	38,400
New Mexico	327,301	280,730	.57	17,100
North Carolina	2,206,287	1,887,813	3.83	114,900
North Dakota	577,056	513,820	1.04	31,200
Ohio	4,767,121	2,101,978	4.26	127,800
Oklahoma	1,657,155	1,337,000	2.71	$81,300
Oregon	672,765	365,705	.74	22,200
Pennsylvania	7,665,111	3,054,442	6.15	184,500
Rhode Island	542,610	17,956	.04	1,200
South Carolina	1,515,400	1,290,568	2.62	78,600
South Dakota	583,888	507,215	1.03	30,900
Tennessee	2,184,789	1,743,744	3.53	105,900
Texas	3,896,542	2,958,438	5.99	179,700
Utah	373,351	200,417	.41	12,300
Vermont	355,956	187,013	.38	11,400
Virginia	2,061 612	1,585,083	3.21	96,300
Washington	1,141,990	536,460	1.08	32,400
West Virginia	1,121,119	992,877	2.01	60,300
Wisconsin	2,333,860	1,329,540	2.69	80,700
Wyoming	145,965	102,744	.21	6,300

Generally speaking, the only objection urged against this bill by Members of the House who have expressed themselves on the subject is that it does not go far enough; that it ought to provide for establishing and maintaining schools in rural communities where boys and girls can be educated in agriculture and home economics, and thereby prepared to become scientific as well as thoroughly practical farmers or housekeepers. Perhaps there is foundation for this criticism of the bill, but its framers and those who are responsible for it and those who present it to the House have prepared it, and are urging its passage as a plain and simple measure to provide money for the teaching of agriculture in a practical way, by educated and experienced men who will do their work in personal communication and actual contact with farmers right on the farms. The Federal Government has spent many millions of dollars in the operations of its Agricultural Department, the scientific and experimental work of which exceeds in volume and results that of any other similar department in the world. The Federal Government has also encouraged the establishment of agricultural colleges in the States, and has contributed many millions of dollars in support of these colleges and in support of experiment stations in connection therewith. The department and the colleges have worked intelligently, industriously, and incessantly in carrying on their investigations to discover the secrets of the soil and to learn the very best methods of cultivation and fertilization of the soil and the best methods of preparing, harvesting, and marketing farm crops. Evidently, when the department was organized and provision was made for substantial aid to agricultural colleges, it was thought that it would be necessary only for these organizations to make investigations, experiments, and analyses for the purpose of discovering the facts necessary to be known and to be put into operation for the improvement of agriculture. This was evidently the thought in the minds of men who framed the laws, because no adequate provision was made and very little, if any, preparation was made for communication between the department and the colleges on the one hand and the farmers of the country on the other. No method was provided for getting the results of the work of the department or the colleges to the farmers in such manner or form as to be readily understood or made available for use on the farm. The men who have prepared and who are supporting this bill realize the fault of former laws and the discrepancy existing in the methods employed by the department and the colleges, which methods, in justice to the men in charge, are clearly defects in the law and not in the disposition of men whose duty it is to follow it.

As I have said, the purpose of this bill is not to provide for making further investigations; it is not for the purpose of assisting or encouraging the teaching of the youth of the land in schools. It has a practical purpose. It proposes to take the results of investigations and experiments heretofore and from time to time made directly to the farmers of the country.

I may say in passing that I am urging passage of this bill just as it came from the committee, not because I do not admit the value of the suggestions made by gentlemen who would incorporate provisions for establishing and maintaining schools, but because I think it is absolutely necessary to enact without delay a practical measure for taking results already reached to the farmers who need them and are entitled to them. I am ready at the proper time to support any feasible measure for locating and maintaining schools for teaching agriculture—schools that will give practical instruction to the boys and the girls of rural communities. I shall give hearty support to any measure that seems to me wise that will provide for "vocational teaching," to use a term so often used by gentlemen on this floor who are urging that this bill ought to be larg-

in its scope; that is, large enough to include vocational teaching in the country and in communities of comparatively small population. But this bill, substantially in its present form, ought to be passed now, and my only objection to the measures suggested by the gentlemen who are urging legislation for vocational teaching is that an attempt to incorporate such a provision in this bill will so delay its passage, will so encumber it, as to make its defeat in this Congress, or at least in this session, almost a certainty.

Since the organization of the Department of Agriculture experiments and investigations have been made for the purpose of improving agriculture. The ultimate result to be reached has been the improvement of agriculture, but up to this time the principal result has been the accumulation of information; comparatively little has been done in the way of getting information to the people.

About 50 years ago Congress began to make appropriations for the assistance of agricultural colleges of the States and has passed other acts to establish or assist experiment stations at these colleges. Annual appropriations have been made and the aggregate of money appropriated and expended for these purposes is many millions of dollars. But each act expressly forbids the use of the money outside of the colleges; no part of it can be used to take results of investigations to the farmers, except by means of bulletins and by lectures at farmers' institutes. This means has been ineffective and little effort besides has been made to take results discovered and produced by infinite labor and immense outlay of money to the farmers of the country.

The result of the policy of the Congress, the Department of Agriculture, and the colleges is that laboratories and libraries are full to overflowing with results of analyses, experiments, and investigations; the heads of learned men of the Department of Agriculture and of the agricultural educational institutions of the country are filled with valuable information, all of which is or ought to be available for the use of the farmers and for the benefit of all the people of the country. A remarkable statement, but entirely within truth and reason, I believe, was made by presidents of agricultral colleges who appeared before the Committee on Agriculture of the House, to the effect that the department and the colleges have learned secrets of the soil and have discovered and worked out methods of culture and of farm management which, if disclosed and carried to the farmer in such a way as to be understood and available for practical use, would revolutionize agriculture in this country.

Bulletins contain much information and lectures are helpful, but they reach or are understood by only a small portion of the farming population. A story told by Prof. Hopkins, of the agricultural department of the University of Illinois, in his book, The Story of the Soil, illustrates the situation. Prof. Hopkins made a demonstration of raising oats. His method of culture and fertilization produced a splendid yield, compared with which the results on neighboring and near-by farms were insignificant. Many people of the part of the country in which the work was done came to see it. One old gentleman came with his family, and when he saw the splendid yield of oats produced on land apparently similar in every respect to his own, he broke down and said: "Why could I not have known this 20 years ago? I have the same soil, and if I had only known how to treat it, it would not have been necessary for me to bring up my family in poverty and ignorance." The professor said: "You did have a chance to know; the department has issued bulletins and has conducted institutes around here." The old gentleman replied: "I never could understand the bulletins, and when I attended the institutes I could not fully understand the lectures."

A few weeks ago, while talking in the House in support of my motion to amend the appropriation bill for the Department of Agriculture so as to provide about $65,000 in addition to the amount recommended by the committee "for farm management and farm practice," I told that story. The applause showed the House agreed with me; the Members think the farmer needs and is entitled to advice and instruction right on the farm, especially as the secrets to be disclosed and the information to be imparted were obtained by the use of public funds, to which the farmer contributed his full share.

Except the trifling appropriation above referred to, Congress has never made an appropriation for this kind of helpful work of instruction and demonstration in Northern States. The language of acts has enabled the department to carry on demonstration work on an immense scale in the cotton States; or, rather, the work has been done in a large number of places, instruction and assistance have been given to and in cooperation with a large number of farmers. Liberal appropriations by Congress (this year the bill carries about $325,000) have been supplemented by the funds of the general education board and by appropriations made by States in which the work is done.

But investigations by entomologists and other scientists, and by practical men in and out of the department, very soon disclosed that the boll weevil has come to stay; that its ravages can be overcome in some measure by planting an early maturing variety of cotton which is far enough advanced when attacked to enable it partially to withstand the attack, but "the best" and only sure "method of meeting the ravages of the boll weevil" has been found to be diversified agriculture. The South has for the first time been taught to produce corn and potatoes and to raise hogs, cattle, and other stock.

Congress has never made an appropriation for this kind of helpful work of instruction and demonstration in the North; the language of acts permits expenditures in cotton States only. Appropriations made "to investigate and encourage the adoption of improved methods of farm management and farm practice" produce the only money available for direct assistance or instruction in the North.

The department has recently put a new construction upon the law and the acts of appropriation under which the farm management and farm practice work is done, and men engaged in this work are now directed to assist and advise farmers in all farm work and in the transaction of all farm business. The new directions will so enlarge the duties of men sent into the field to assist farmers as to remove the distinction between the farm management and the work of demonstration.

But even before the department enlarged its different kinds of work I was unable to see that there was material difference between them as they were actually carried on in the field. An expert, sent out by the department to spend "demonstration" money, takes time from the arduous labor of watching his pupil farmer plowing, sowing, and cultivating to offer advice as to selection and rotation of crops, raising of live stock, keeping of farm accounts, and so forth. The expert on "farm management," while giving instruction strictly in line with the act of Congress by which he is employed, gives valuable advice also as to preparation of the soil, need and use of particular fertilizers, selection of seed, proper cultivation, and care of crops. Each representative of the department is an expert in his work, but each is abundantly able and willing to give instruction and to impart information gained by scientific and practical investigation in the wide field of agriculture. And the work of each is done in such a way as to be helpful to farmers. The expert in each class of work meets the farmer on the farms, almost every one of whom, with limited means and unable to understand or apply improved methods, has been confronted and baffled by the very problems the expert is able to assist him to solve.

I had learned of the splendid work done in the South, so I called on Dr. Galloway, Chief of the Bureau of Plant Industry, and asked him for men to do the same or similar work in Michigan. The doctor replied that the work in the South is done with the "boll-weevil" appropriation, supplemented by the funds of the general education board, which appropriation can be used only in the cotton States. I asked about the "farm-management" money. He said the appropriation of last year was altogether too small ($142,000) to permit of the use of any of it in Michigan. I said: "The Committee on Agriculture will recommend an increase of $44,000." He thought there would still be little, if any, money for Michigan, inasmuch as demands upon the fund are so numerous and so urgent. I then tried to induce the committee to make a further increase in the bill soon to be reported to the House. Failing in this, I offered an amendment on the floor of the House during the consideration of the bill. This amendment provided an increase of the "farm-management" appropriation to $250,000, an increase of about $64,000 above the recommendation of the committee. Debate on the amendment showed it to be very popular and likely to be adopted, whereupon Democrats who favored the amendment, unwilling to permit a Republican to have credit for proposing it, arranged to have one of their own party—Mr. STONE, of Illinois—offer an amendment to the amendment increasing the amount to $251,000. The Stone amendment was accepted and substituted for mine, and was adopted by the House.

Money having been provided, the department has sent men into the States of the North. I have paid particular attention to demands from Michigan, which I in part represent, and have, to the best of my ability, brought these demands to and urged them upon the favorable consideration of the department. I do not know how many men will be sent to Michigan, but 12, I believe, are employed there now, and more will be added as arrangements can be made. I am particularly gratified by the fact that the department, in recognition of my effort to secure increased appropriation, has employed a man to work exclusively in the counties of the congressional district I represent. He

began his work about the middle of April. He will devote his entire time to learning local soil and climatic conditions, and, when the result of his investigation will justify him in so doing, he will offer advice and assistance to farmers in arranging and conducting their work; will make suggestions as to selection of seed, preparation and fertilization of soil, methods of culture, care of crops, and so forth. He will meet farmers on the farm, will conduct meetings called by himself, will attend farmers' or Grange meetings and take part in consideration of questions in which farmers are interested. The work of the expert will extend over a term of years; he will practically become a resident of the district. The work can not be completed in one year; considerable time, perhaps several years, will be required to determine the full benefit or value of "methods and practice" recommended by the expert.

There is no room for doubt as to the urgent need of better methods of agriculture. Lengthy discussion or citation of statistics is not necessary to show that agriculture is actually declining in this country. The average annual yield of many important and necessary crops is diminishing year by year. In many of the countries of Europe where agriculture has been the employment of the people for centuries, centuries even before agriculture was begun in this country, the soil is so cultivated and its fertility is so conserved and improved that it becomes more productive and more valuable as time goes on.

The story of development of agriculture in France, Denmark, and Germany by the practice of scientific, sensible methods of culture and fertilization is interesting and instructive. The people of these countries have been rescued from poverty by intelligent agriculture; they are in large measure self-supporting and self-contained countries. England, on the other hand, is dependent upon other countries for much of the food her people need. Settlement of a strike on the railroads of England is forced by act of Parliament, because if transportation of food products from the seaboard to the interior of the country is interrupted the people will at once suffer for lack of food and will starve if transportation is not renewed.

The United States ought to begin, before it is too late, to increase the products of its farms and improve the conditions of its farmers. This country ought to profit by the experience of European countries. The Federal Government and the States as well have enacted legislation for the conservation of timber and mineral wealth; the development and use of waterways and water powers are regulated by law for the purpose of preventing monopoly or waste; but there is absolutely no law to prevent waste of fertility of the soil. If we are to conserve the fertility of the soil of this country, we must conserve the intelligence and add to the sum of scientific and practical knowledge of the people who till the soil.

It is a matter in which the people of the entire country are interested, and it is the right and duty of Congress to legislate in respect to it. The production of any great agricultural crop is not of purely local interest. The quantity of cotton produced in the States of the South, the cost of its production, and the welfare of the people producing it are matters in which the people of every State of the Union are directly and vitally interested, as the people of the entire country are interested in the production of corn in Illinois, cattle in Iowa, sheep in Montana, and fruit in Michigan. These interests are country-wide in their magnitude and importance, and the Federal Government only is able properly to protect and promote them.

The population of the cities of the country is even more interested than the farmer in the price of farm products. The farmer eats his own product regardless of its value, but a city man may find it necessary to measure his consumption of food by the expense of producing it on the farm. The cities are complaining of the cost of the products of the farms and are showing ill feeling toward farmers because of high prices, but an investigation of conditions on the farms, of the cost in labor and investment to produce crops, and the prices actually received by farmers show clearly that prices can not be reduced and that the only way by which consumers in the cities can be relieved and the farmers at the same time be given reasonable returns for labor and money expended is for the farmers so to carry on their business as to enable them to produce a great deal more than is now produced with the same expenditure of money and labor as at present.

In support of the statement that although prices of farm products are high, or are so considered by consumers, the work of farming is not very profitable and that the producer of farm products gets only a comparatively small share of the selling price of his products, I wish to quote from the Yearbook of the Department of Agriculture for 1910, page 20:

From the details that have been presented with regard to the increase of the prices of farm products between farmer and consumer, the conclusion is inevitable that the consumer has no well-grounded complaint against the farmer for the prices that he pays. The farmer supplies the capital for production and takes the risk of his losses; his crops are at the mercy of drought and flood and heat and frost, to say nothing of noxious insects and blighting diseases. He supplies hard, exacting, unremitting labor. A degree and range of information and intelligence are demanded by agriculture which are hardly equaled in any other occupation. Then, there is the risk of overproduction and disastrously low prices. From beginning to end the farmer must steer dextrously to escape perils to his profits, and indeed to his capital, on every hand. At last the products are started on their way to the consumer. The railroad, generally speaking, adds a percentage of increase to the farmer's prices that is not large. After delivery by the railroad the products are stored a short time, are measured into the various retail quantities, more or less small, and the dealers are rid of them as soon as possible. The dealers have risks that are practically small, except credit sales and such risks as grow out of their trying to do an amount of business which is small as compared with their number.

The above quotation from the Yearbook is brief, but contains much truth and offers explanation of conditions under which farm products are produced and of manifold difficulties under which they pass from the farm to the retail dealer and ultimately to the consumer.

I wish also to insert a table prepared by the Department of Agriculture, showing the proportion of selling prices actually received by the farmer at the time the investigation by the department was made:

Commodity.	Unit of sale.	Producers share.
		Per cent.
Milk	Quart	50
Butter	Pound	87
Poultry	do	50
Eggs	Dozen	69
Cabbage	Head	48
Do	Pound	65
Celery	Bunch	60
Apples	Bushel	56
Do	Barrel	66
Strawberries	Quart	49
Do	Crate	76
Onions	Peck	28
Do	Barrel	58
Oranges	Dozen	20
Do	Box	59
Oats	Bushel	74
Melons	Pound	50
Parsnips	Bunch	60
Potatoes	Bushel	59
String beans	Barrel	80
Sweet potatoes	do	61
Turnips	Bunch	60
Watermelons	Each	34

The above table, which is correct, I believe, shows clearly the truthfulness of the claim made by farmers that the high cost of living is not to be attributed to them or to excess of profits received by them. The modern system of transportation and distribution approximately doubles the price consumers have to pay for farm products. There is only one remedy for the situation: Production must be increased. Scientific and practical men tell us that production can easily be doubled without additional outlay of strength and at trifling additional expense in money. The average yield of corn on the farms of South Carolina and Georgia is or has been about 15 bushels per acre, but the prize winner in the boys' corn clubs of the Southern States, following instructions of representatives of the Department of Agriculture, produced 228 bushels and 24 pounds of shelled corn on 1 acre. More than 500 boys in Georgia last year raised over 100 bushels of shelled corn per acre; 750 boys in that State raised more than 84 bushels per acre.

Last year the farmers of Georgia sat up and took notice. They had heard, with more or less incredulity, the stories of representatives of the Department of Agriculture as to improvements that could be made and of increases in corn yield that might be reached. They were, as a rule, willing to permit their boys to follow instructions of the department and see what they could do, but the farmers themselves felt there was nothing for them to learn; they knew the soil of Georgia and knew what it can and can not do. But as President Suell, of the agricultural college of that State, says:

The gray-haired grandsires who believed that only 10 or 12 bushels of corn per acre could be raised have been converted. Last year the value of the corn crop of Georgia was increased $10,000,000, which was remarkable, in view of the worst drought in the history of the State.

A statement made by the late Dr. Knapp, a representative of the department, who had charge of the work in the South, is interesting, and I insert it as a part of my remarks:

The visit to Washington this week of the prize-winning boys from 11 Southern States is the crowning event of the year's work of 46,225 boys. These boys are members of the corn clubs under the farmers' cooperative demonstration work of the United States Department of Agriculture.

About a year ago all of the members of the corn clubs agreed to work 1 acre of corn in accordance with the instructions of the department. Merchants, bankers, and other public-spirited citizens offered

more than $40,000 worth of prizes, consisting of cash, farm implements, trips, ponies, pigs, bicycles, watches, and many other things calculated to gladden the adolescent heart. Government agents, public-school officers, and teachers cooperated in the organization and instruction of clubs in nearly 600 counties. The names and addresses of the members of the clubs were filed with the United States Department of Agriculture. Circulars of instruction, prepared by Dr. S. A. Knapp, in charge of the demonstration work, were mailed to all of the boys at various times during the year. When the boys studied seed selection the whole county got interested. When they took up the preparation of the soil there was a general movement for better preparation. The prize winners, now in Washington, plowed their acres from 8 to 16 inches deep and thoroughly pulverized their seed beds. When the subject of fertilization came up the general knowledge about nitrogen, potash, and phosphorus was increased, leaves and wood mold were sought to increase humus, and stable and poultry houses were cleaned out for the benefit of the prize acre. Shallow and frequent cultivation was kept up during the spring and summer, because the boys had learned that the roots of the corn must not be broken, and that the corn must have a good dust mulch in order to conserve moisture.

According to the regulations making awards of prizes, the following points were considered: Yield, cost per bushel, best 10 ears, and written history of crop. Not all of the boys who won prizes made the largest yields in their States. The economical side must be considered. The farming must be profitable. A record must be kept and a good exhibit made at the county corn show or fair.

A year ago Secretary Wilson gave diplomas of merit to four boys who came to Washington. At that time there were 12,000 members of the clubs. This year business organizations and individual citizens gave prize trips in 11 Southern States. Governors and superintendents of education are also giving diplomas of honor to all boys who produced 75 bushels per acre, at a reasonable cost. It is a common occurrence for 500 to 1,000 people to witness the awards of 15 or 20 certificates at a county seat. In one Mississippi county 48 boys averaged 92 bushels per acre. In one South Carolina county 20 boys produced 1,700 bushels of corn on 20 acres. In another county in the same State 142 boys averaged 62 bushels per acre

This work is having much to do with the increased averages of the Southern States in corn production. It will have something to do with reducing the cost of living, also.

The following are the names and addresses of the winners of the trip to the capital of their country, and also the yields of their respective acres and the cost per bushel:

Names and addresses.	Number of bushels.	Cost per bushel.
		Cents.
Hughey A. Harden, Banks, Ala	120	32
Ira Smith, Silver, Ark	119	8
Joseph Stone, Center, Ga	102⅜	29
Stephen G. Henry, Melrose, La	139⅝	13⅝
William Williams, Decatur, Miss	146½	18
W. Ernest Starnes, Hickory, N. C	146½	38
Floyd Gayer, Tishomingo, Okla	95⅛	8
Jerry H. Moore, Winona, S. C	228½	43
Norman Smith, Covington, Tenn	125½	37
William Rodger Smith, Karnes City, Tex	83⅛	13⅜
Maurice Olgers, Sutherland, Va	168	40

The average yield of wheat in the section of Illinois where Prof. Hopkins carries on his experiment and demonstration work is about 20 bushels per acre, but Prof. Hopkins produces 58 bushels per acre by methods which he says are easily understood and within the reach of the farmers of the country.

President Edwards of the Rhode Island Agricultural College gives an instance where in his State "the application of scientific knowledge has increased the production of hay on a particular farm from 400 pounds to 3½ tons per acre," which result, Dr. Edwards adds, is "purely and simply and absolutely, without any question whatever, the result of the application of the knowledge we have at present at the college ready to be communicated to the people."

Examples giving the experience and results of scientific up-to-date methods of management and production might be multiplied. They all teach better business methods that must be applied to the business of farming. Farmers realize their need and are willing and anxious to secure help. They may scoff at "science" and laugh at "book farming," but science is "only crystallized common sense reduced to practical form."

The proposition involved in "farm management" and "farm demonstration" is how to put into practice on the farms the vast fund of information gathered by 50 years of labor by department and college, information now practically in cold storage and without value to the men who need it and want it and have a right to demand it. No way has been found so effective as to get the man who knows down on the ground beside the men who want to know. If this plan can be begun promptly and carried on intelligently, systematically, and on a wide scale, the great industry of agriculture will be fostered and advanced, many of the perplexing problems of farm and city life will be solved, and the welfare of the entire country will be immensely improved.

And when one is considering conditions that concern the farmer and that prevail in rural communities it is impossible for him to fail to take notice of the poor condition of highways or the ordinary country roads. Conditions on the farms ought to be, and by intelligent action under the measures we are considering will be, materially improved. The next step to be taken by the Federal Government, or a step that ought to be taken in connection with the work of improving agricultural methods, is that of giving encouragement and financial aid in constructing and improving highways.

Some Members of the House, particularly gentlemen from large cities, oppose every bill which has for its object the improvement of country highways, because the measures, in their opinion, are either contrary to the Constitution or contrary to the policy they think the Government ought to pursue in the expenditure of public money. In my judgment the measure does not violate the letter or the spirit of the Constitution, which instrument expressly confers power upon Congress to establish post offices and post roads. A highway over which the Government, by its agents, carries mail is a post road, and as such may properly be established, and having been established may properly be maintained by the Government. The right of the Federal Government to expend money is upheld or defended under the "general-welfare clause" of the Constitution in so many different directions and for so many different purposes that I hesitate to invoke this clause in support of an appropriation for the use of highways over which mail is carried, but I think this clause, if it were necessary to resort to it, gives ample authority to Congress to make such appropriation.

One of the first messages, if not the first message, sent to Congress by President Washington called the attention of that body to the advisability and duty of building national roads; and later in his administration he referred again to the matter and urged establishing of post offices and the building of post roads as "instrumentalities in diffusing knowledge of the laws and proceedings of Government which contributes to the security of the people, serves to guard against effects of misrepresentation and misconception." Other Presidents, as well as other eminent statesmen, some of whom took part in the work of framing the Constitution, have expressed themselves in language which can not be misunderstood. Each of them, recognizing the urgent need and inestimable value of well-improved highways, urged Government aid in their construction and maintenance, under the authority contained in the Constitution. One of the most distinguished statesmen of our country, John C. Calhoun, conspicuous for the force and ability with which he advanced and defended the idea of State rights, took an advanced and consistent position in favor of Government aid in the building and maintaining of highways throughout the country, not only such highways as we now propose to construct as memorials to great men who have passed away, or as masterpieces of engineering skill, to be constructed for the sole purpose of being generally admired, and particularly to be used by automobilists touring the country; he advised and defended the use of money from the Federal Treasury for what we now call common country highways. Even a casual reading of history or a meager knowledge of constitutional interpretation by early statesmen, who may very properly be credited with as much knowledge of the meaning of that document as statesmen of this late day possess, shows that the use of Federal money for public highways is and always has been considered a proper and worthy use of such money.

Both of the great political parties of the country at their national conventions in 1908 declared unequivocally for the improvement and maintenance of country roads by the use of money from the Federal Treasury. The Republican national convention at Chicago declared as follows: "We recognize the social and economic advantages of good country roads, more and more largely at public expense and less and less at the expense of abutting property owners." The declaration of the Democratic convention at Denver is as follows: "We favor Federal aid to State and local authorities in the construction and maintenance of post roads." So it is made clearly to appear by citation of early authority and by declarations of modern political tenets that Government aid is proper and necessary in the construction and maintenance of the highways of the country.

Even if my time were not limited, and even if I had prepared myself with facts and figures to give to the House, I should hesitate to speak at length on this subject, because the need and value of good highways are so well known as to make extended argument in behalf of the policy of constructing and maintaining them altogether unnecessary. Study of the question of good roads or of the condition of the country where good roads have been denied to the people impresses us with the supendous loss the country has sustained on account of the condition of its highways.

A person is apt to look at local conditions only and to estimate the need or the value of an improvement by its effect upon him alone. One who takes this narrow view of the subject of good roads and the loss suffered as a result of failure or refusal of communities to construct and maintain good roads has little, if any, appreciation of the immense loss in the aggregate sustained

by the country on account of the failure of proper governmental authorities to establish and maintain proper highways. It is estimated, conservatively I believe, that the loss to this country every year by reason of bad roads equals the national debt. On account of poor country roads it costs a farmer of Michigan more per bushel to deliver his wheat to his usual market than it costs per bushel to deliver wheat from New York to Liverpool. The Secretary of Agriculture places the annual loss to this country on account of poor roads at the sum of $350,000,000, but many believe that Speaker CLARK is nearer right when he says such annual loss is $800,000,000.

The value of each piece of farming land in this country is influenced by its distance from market and the facility with which crops can be transported. The value of every bushel or pound of a farmer's product is large or small, depending upon the distance to market and the character of highways over which the product must be carried. And good country highways are valuable and helpful to a city as well as to the country around it. The value of every piece of city property is higher if the farming land about the city is good than if it is poor. The business of every merchant in a city is influenced by the condition of the roads leading to and from the farms in the territory tributary to the city.

The reasons for building and maintaining good roads are many, and I might, if I had the time, speak of more of them. I simply wish to make my position clear. I believe one of the best ways a Government has of spending its money is in providing good highways and that no expenditure of money brings a better return. I believe there is no respect in which there is greater need of improvement than in the building of country roads.

The Federal Government has abundant resources, has a perfect right to spend its money for roads, and local communities need the help the measures pending in Congress will give if they are enacted into law. There is no reason whatever for withholding the money, so I favor these measures, and shall continue my effort to secure early and favorable consideration of them.

There are questions of great importance, involving the safety and happiness of the country, that many of us are altogether unable to speak about intelligently, but the importance of agriculture and the necessity of systematic and radical change of policy respecting its development are known and appreciated by all. This country will increase in population and wealth, but it will not be able to occupy and hold the position to which it is entitled in the vanguard of nations if it fails to give proper consideration to great interests like agriculture which so largely and intimately concern the welfare of the people.

Mr. GARRETT. Mr. Speaker, was not an order made yesterday that everybody who spoke on this bill would have the right to extend his remarks?

The SPEAKER pro tempore. The Chair is not aware of it.

Mr. GARRETT. If not, I want to ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. Is there objection to the gentleman's request?

There was no objection.

Mr. MANN. Mr. Speaker, I represent a district located wholly within the limits of the city of Chicago, and while there are some farms and market gardens in the district, I am not at all certain that the farm demonstrators would be able to give them any special advantages. I, in part, represent a State which has a population under the last census of 5,638,000, and a rural population of 2,161,000, so that the total population is in the neighborhood of two and one-half times what the rural population is, and I think if anyone had the right to complain of the provisions in the bill, which proposes to divide the money according to the number of people belonging to the rural population, I would have that right.

This appropriation proposed by this bill, however, is for a particular purpose, and when we consider making an appropriation we have to consider the purpose for which the appropriation is made.

We make an appropriation for the improvement of a river or harbor at some place, or for a public building, and we make it for that purpose. We can not divide the appropriation according to the population of the different States of the Union for these purposes; and here we are making an appropriation for the purposes of aiding farmers in actual demonstration work on the farm.

Mr. LEVER. Let me suggest to the gentleman that we do that work by a certain method.

Mr. MANN. It would not be advisable to divide the money appropriated according to the total population of the State, because that would give to the farmers in my State two or three times the proportion of the money that would be given to the farmers in a strictly agricultural State. In the State of New York it would give a very large sum, more than would be needed for the farm demonstration work, while in the State of Georgia, for instance, the amount appropriated would not perhaps be sufficient, Georgia having a very large rural population and not so large an urban population.

Mr. SMALL. In North Carolina 85 per cent of the population live on farms.

Mr. MANN. So, when we consider the purpose for which we propose to appropriate the money, it is eminently proper that we should divide up the money among the States in proportion to the people who need the benefit of it.

Mr. THAYER. Is not this benefit to be distributed in regard to agriculture and home economics?

Mr. MANN. Yes; that is what the bill says; but, in fact, it is for the purpose of carrying on farm demonstration work, and is not intended to tell to city people how to bake beans or cook pork. If it were, the amount appropriated is not sufficient.

Mr. MOORE of Pennsylvania. Is not this the money of all the people, farmers and residents of the cities alike?

Mr. MANN. Yes; and the money we appropriated for a quarantine station in the city of Philadelphia was the money of all the people, but no portion of it will ever come to my district.

Mr. MOORE of Pennsylvania. I think the gentleman sees the point as to the right of Congress to appropriate the money of all the people for one class of people.

Mr. MANN. We do that all the time. We appropriate money for a public building at some place. We appropriate money to do away with the cattle plague at some place, or the hog cholera at some place, neither of which will ever be found in my district.

Mr. MOORE of Pennsylvania. But every man in the country has equal rights with regard to it, and here you say only "the rural" population.

Mr. MANN. It is quite certain that the gentleman from Pennsylvania—the gentleman from Philadelphia, I might properly say—will never lose an opportunity to get for the people of his district their share of the money out of the Federal Treasury.

Mr. MOORE of Pennsylvania. Not so long as I am able to get it; that is true.

Mr. MANN. And I have observed that up to date he has gotten for his district and his people a little more than their share.

Mr. MOORE of Pennsylvania. I think not.

Mr. KENT. I should like to suggest that the object of this bill is to increase the production of food, and it is acknowledged that every person in the United States is interested in the increase of food products, which must come from the farm. It is but pettifogging to claim that the money of all the people is to be unfairly expended for a part of the people, when all the people need greater production of grub.

The SPEAKER pro tempore. All time has expired on this amendment.

Mr. LEVER. I ask for a vote.

The question being taken, the amendment was rejected.

Mr. THAYER. Mr. Speaker, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

Amend, page 4, line 1, by striking out all after the word "which," and line 2, as far as the word "of," and insert in lieu thereof the words, "the school population between the ages of 5 and 20, inclusive, of each State bears to the total of such school population in all the States."

The question being taken, the amendment was rejected.

Mr. THAYER. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Amend, page 4, line 1, by striking out all after the word "which," and line 2, as far as the word "of," and insert in lieu thereof the words "the population of towns of 5,000 inhabitants, or less, bears to the total population of such towns."

Mr. THAYER. Mr. Speaker, this amendment is for the purpose of extending the provisions of this bill among the agricultural population, where they will receive a little more benefit than they will under the word "rural." I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Massachusetts asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. THAYER submitted the following as extension of his remarks:

THE COMMONWEALTH OF MASSACHUSETTS,
OFFICE STATE BOARD OF AGRICULTURE,
Boston, March 9, 1912.

Hon. JOHN ALDEN THAYER,
Washington, D. C.

DEAR SIR: At a meeting of the New England Conference on Rural Progress, March 8, at the offices of the State Board of Agriculture, State House, Boston, the following resolutions were unanimously voted:

"Recognizing the latent possibilities of the New England States for agricultural development, especially along certain high-class, specialized

lines, and realizing that this development can be most speedily and effectively brought about through well-organized extension teaching in agriculture, the New England Conference on Rural Progress, representing more than 70 organizations interested in rural life, to-day assembled in convention in the city of Boston, would respectfully urge upon Congress the necessity and advisability of passing legislation granting Federal funds for the development of extension teaching in agriculture. Of the bills now before Congress we believe Senate bill 4563 and House bill 22871 to be the wisest and most practical forms of legislation yet proposed."

The delegates represent the agricultural colleges, the experiment stations, the State granges, and various special agricultural, livestock, dairying, and other organizations and agencies of New England.

Yours, very respectfully,

JAMES A. MCKIBBEN,
Secretary New England Conference on Rural Progress.

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MASSACHUSETTS AGRICULTURAL EXPERIMENT STATION,
Amherst, Mass., January 27, 1912.

Hon. JOHN A. THAYER,
House of Representatives, Washington, D. C.

DEAR SIR: I take the liberty of addressing you in opposition to one of the provisions of the so-called Lever bill providing for the establishment of agricultural extension departments in connection with agricultural colleges (H. R. 18160). I refer to the section which provides that the Federal appropriation for the support of such departments ($3,000,000 annnually) shall be allotted to the several States of the Union upon the basis of their relative rural population.

The bill provides that rural population is to be determined by the next preceding census. In the last census that part only of the total population of the country found in places of less than 2,500 people is classified as rural and I assume that this is likely to continue to be the basis of classification. As you will readily understand, an allotment upon this basis must be grossly inequitable and unfair to many of the older States, and especially so in its application to Massachusetts.

Among the different States, Massachusetts, I believe, ranks seventh in total population and third in wealth. It contains about one-thirtieth of the total population of the country and possesses probably about one-sixteenth of its total wealth. Under our systems of raising Federal revenues, which for the most part are derived from taxes upon consumption, Massachusetts would undoubtedly contribute somewhat more than one-thirtieth of the $3,000,000 appropriated by the bill. I say more than one-thirtieth, because consumption is affected by wealth as well as numbers.

I find that on the basis of determining rural population, to which I have referred, Massachusetts would receive about one two-hundredth part of the $3,000,000. It seems to me likely that her contribution to the total, if this bill passes, will be not less than $120,000 annually, while she would receive only about $15,000. In other words, she would contribute eight times the amount which she would receive under the act.

Such a plan as this I submit can not possibly be justified. More than one-half of the rural population of this State is found in places with population greater than 2,500, and a very considerable proportion of those residing even in our cities are interested, even if in a small way only, in gardening, poultry keeping, etc. Moreover, the Lever bill provides for extension work in home economics. There is no possible doubt that instruction in the subjects classified under this heading is needed equally in the homes of those engaged in our industries as in our farm homes.

In view of these facts, it becomes perfectly apparent that an allotment to this State on the basis of population found in places of less than 2,500 people would be extremely unfair. It seems to me that allotment upon the basis of total population would be far more equitable, although it is quite possible that a yet better plan may be found.

I have no doubt you will give this matter most careful consideration, and I sincerely hope that the bill may be so amended as to provide for an allotment of the appropriation upon a basis more equitable and just to the older and more densely populated States.

With sincere respect.

Most truly, yours,

WM. P. BROOKS,
Director.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts.

The question was taken, and the amendment was lost.

Mr. MOORE of Pennsylvania. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Mr. MOORE of Pennsylvania offers the following amendment:

Page 4, line 18, after the word "act," insert the following: "*Provided, however,* That any and every college assenting to the provisions of this act shall, on the recommendation of Members of Congress, receive for a term of at least three years one scholar for every congressional district of the State in which such college is located, and shall afford to such scholar, free of all tuition charges, a full course of instruction in the science and practice of farming: *And provided further,* That such scholar shall be given the opportunity to participate in field instruction and demonstrations wherever practicable."

Mr. LEVER. To that, Mr. Speaker, I make a point of order.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask the gentleman to reserve it.

Mr. LEVER. I will reserve it.

Mr. MOORE of Pennsylvania. Mr. Speaker, I listened with a great deal of interest to the address of the gentleman from Michigan [Mr. MCLAUGHLIN], who is rightfully eloquent on the subject of farming. He has taken an interest in agriculture, which is highly commendable, and I am sure he correctly represents the wishes of his constituency. But, Mr. Speaker, he intimated that I had been very persistent in pressing matters which apparently did not pertain to the bill. I know exactly what I want in regard to the bill, and I think the gentlemen on the other side know what I want. I am more interested in having the American boy educated in practical farming than I am in having provision made for the employment of lecturers to go out from the agricultural colleges. It is a splendid thing to have colleges that have the patriotic desire to improve farming and advance the agricultural interests. It may probably not be so good a thing to divorce the Government's interests in the employment of experts to go abroad and teach the people farming. But I feel that if you propose this afternoon to vote it into the power of colleges, independent of the Department of Agriculture, to send out experts to lecture who will teach farmers practical farming, you should also at least give consideration to the boys, both in the city and on the farm, by adopting the amendment I propose, and accord to them the opportunity to learn farming in a practical way. You are giving an inducement to the colleges, you are giving them an opportunity to employ men who shall go out as teachers and experts under their direction. Now, let them give some quid pro quo; let them give to each congressional district, for that is a fair proposition, one scholarship, to be suggested by the Member of Congress. It would be a fair and just apportionment.

We have a scholarship coming up for the Army and the Navy, and in order that the distribution shall be fair, each Member of Congress, at the end of the allotted time, names one scholar, and it makes no difference whether he comes from the city or the country, from the North or the South, he goes to West Point or Annapolis. We support these two institutions. You are now going to support these colleges of agriculture merely for the employment of experts, and they can come from anywhere—Europe or the United States. I want education to go back to the farm. By refusing to adopt this amendment you are going to refuse him the opportunity to obtain the education of youth at the hands of the institutions you support. I make an appeal for the boy on the farm, who has a right to be educated in farm work, and for the city boy, too. I ask for the adoption of the amendment. [Applause.]

Mr. LEVER. Mr. Speaker, I withdraw the point of order and ask for a vote.

The SPEAKER. The gentleman from South Carolina withdraws his point of order, and the question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken; and on a division (demanded by Mr. MOORE of Pennsylvania) there were—ayes 13, noes 26.

So the amendment was lost.

The Clerk read as follows:

SEC. 5. That whenever it shall appear to the Secretary of the Treasury, from the annual statement of receipts and expenditures of any of said agricultural extension departments that a portion of the preceding annual appropriation remains unexpended, such amount shall be deducted from the next succeeding annual appropriation for such agricultural extension department, in order that the amount of money appropriated for any agricultural extension department shall not exceed the amount actually and necessarily required for its maintenance and support.

Mr. DAVIS of Minnesota. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend by inserting, after the word "support," in line 2, on page 5, the following:

"SEC. 6. That commencing with the fiscal year beginning July 1, 1913, there shall be appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided to the respective States and Territories and to the District of Columbia, for the maintenance of instruction in agriculture and home economics in State district agricultural schools of secondary grade, as herein provided, the sum of $4,000,000 annually; for the maintenance of branch agricultural experiment stations to be located at said agricultural secondary schools, to be administered as parts of the respective State experiment stations now established or which may hereafter be established in the respective States and Territories, in accordance with the act of Congress approved March 2, 1887, the sum of $1,000,000 annually; and that commencing with the fiscal year beginning July 1, 1913, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the maintenance of instruction in agriculture and in home economics in State and Territorial normal schools, the sum of $1,000,000 annually.

"SEC. 7. That the funds appropriated under this act for instruction in State normal schools shall be allotted to the States and Territories and the District of Columbia in proportion to their population as shall be determined by the census of 1910, and that the funds for the district agricultural high schools and branch experiment stations shall be apportioned to the respective States and Territories in proportion to the persons engaged in agricultural pursuits as shall be shown by the census of 1910: *Provided,* That in each State and Territory with less than 300,000 inhabitants there is hereby appropriated for normal-school instruction the additional sum of $3,000, and that to each State and Territory with less than 100,000 people engaged in agricultural pursuits there is hereby appropriated for district agricultural high schools the additional sum of $5,000 annually, and for branch experiment station work the additional sum of $2,500 annually.

"SEC. 8. That each State and Territory in order to secure the benefits of this act for said agricultural secondary schools and branch experiment stations shall accept its provisions and shall divide the State or Territory into districts, providing in each district for one secondary agricultural school and a branch experiment station, the total number of such districts in a given State or Territory to be not

less than 1 for each 15 counties nor more than 1 for each 5 counties and fraction of 5 counties; and shall enact laws providing for the allotment of the funds herein appropriated to the respective schools to which it may choose to allot funds under the provisions of this act, and shall provide for the administration of the use of the respective funds herein appropriated: *Provided*, That in States where separate schools are maintained for the colored race the allotment of money for the encouragement of instruction in the aforesaid vocations shall be divided in each State in proportion to the population of the two races, respectively, and whether the districts for agricultural secondary schools for the two races are conterminous or not conterminous their total number shall be determined by the number of districts permissible under the provisions of this act: *Provided*, That in case the legislature of any State or Territory has not been in session to comply with the terms of this act the governor, acting for the State or Territory, may accept the provisions of this act in its relation to State normal schools pending the convening of the legislature.

"SEC. 9. That no State or Territory shall be entitled to its allotment for branch experiment station work until its legislature shall by law have provided for the establishment of said branch experiment stations and shall have provided for the annual maintenance of such stations at least an equivalent sum to that appropriated annually to the State or Territory under this act; and the sum paid to each State and Territory for branch experiment stations shall be applied only to paying the necessary expenses of conducting by such branch experiment stations experiments bearing directly on the agricultural industry of the United States, having due regard for the varying conditions and needs of the respective States and Territories.

"SEC. 10. That the funds appropriated in this act for instruction shall be used only for distinctive studies in agriculture and home economics in agricultural secondary schools in the respective districts provided for in this act, and for distinctive normal courses in agriculture, home economics in State and Territorial normal schools; and that all States, Territories, and the District of Columbia accepting these funds shall provide other funds with which to pay the cost of providing the necessary lands and buildings, and to pay the cost of instruction in such other and general studies as will complete well-rounded courses, the main purposes of which are to give vocational as well as general preparation for agriculture suited to the needs of the respective sections and communities of the United States.

"SEC. 11. That the sums hereby appropriated to the respective States and Territories and the District of Columbia for the maintenance of instruction in agriculture and home economics and for branch agricultural experiment stations shall be annually paid, one-half on the first day of July of each year and one-half on the first day of January of each year, by the Secretary of the Treasury, upon the requisition of the Secretary of the Interior, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards or departments of the schools and experiment stations designated by State law to receive the same: *Provided*, That in any State there shall be not more than one State board or department thus designated for the agricultural secondary schools and branch experiment stations, not more than one State board or department for the State normal schools.

"SEC. 12. That if any portion of the moneys allotted under this act for secondary schools and branch experiment stations shall by any action or contingency be diminished or lost or misapplied, it shall be replaced by said State, Territory, or the District of Columbia, and until so replaced no subsequent appropriation shall be allotted or paid to such State, Territory, or the District of Columbia: *Provided*, That no portion of said moneys shall be applied directly or indirectly, under any pretense whatever, to the purchase, erection, repair, or rental of any building or buildings, nor to the purchase or rental of lands.

"SEC. 13. That it shall be the duty of each institution receiving funds under this act annually, on or before the 1st day of February, to make to the governor of the State or Territory, or to the Commissioners of the District of Columbia, in which it is located, a full and detailed report of its operations, including a statement of all receipts and expenditures, a copy of which shall be sent to the Secretary of the Interior, and a copy to the Secretary of Agriculture; and on or before the 1st day of September in each year to make to the Secretary of the Interior, on blanks provided by him for that purpose, a statement of receipts and expenditures of money under this act for secondary schools and experiment stations during the preceding fiscal year.

"SEC. 14. That on or before the 1st day of July in each year after this act becomes operative the Secretary of the Interior, under cooperation with the Secretary of Agriculture, shall certify to the Secretary of the Treasury as to each State and Territory and the District of Columbia, whether it has complied with the provisions of this act and is entitled to receive its share of the allotments herein provided for schools and experiment stations under this act, and the amounts which it is entitled to receive. If the Secretary of the Interior shall withhold a certificate from any State, Territory, or the District of Columbia, for the whole or any part of its allotment, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separately in the Treasury as a special fund until the close of the next Congress, in order that the State, Territory, or the District of Columbia may, if it shall so desire, appeal to Congress from the determination of the Secretary of the Interior. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury, and the Secretary of the Interior, in cooperation with the Secretary of Agriculture, is hereby charged with the proper administration of this law.

"SEC. 15. That the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall annually ascertain whether the schools receiving the benefits of this act are using the funds granted to them in accordance with the terms of this act, and make a report thereon to Congress; and he shall also make an annual report to Congress on the receipts and expenditures, and on the work of the schools and experiment stations to which allotments are made under this act, and also whether the appropriation of any State, Territory, or the District of Columbia has been withheld, and if so, the reasons therefor.

"SEC. 16. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 annually, to be expended under the direction of the Secretary of the Interior, in paying the necessary expenses of administering this act, concerning said schools and experiment stations, in cooperation with the Secretary of Agriculture, and the respective States, in paying the expenses of cooperating with the respective departments and States in developing the courses of study provided for in this act, and in paying the expenses of preparing the reports provided for in this act.

"SEC. 17. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $20,000 annually, to be expended under the direction of the Secretary of Agriculture, acting in cooperation with the Secretary of the Interior and the respective States, in paying the necessary expenses of the administration of this act with reference to instruction and investigations in agriculture and home economics in said schools and experiment stations, as provided for in this act; and the Secretary of Agriculture is hereby authorized to give the schools and branch experiment stations designated in this act such advice and assistance as will best aid them in carrying out the provisions of this act in relation to instruction and research in agriculture and home economics.

"SEC. 22. That this act shall take effect immediately on its passage."

Mr. DAVIS of Minnesota. Mr. Speaker, I know the spirit of the House as now constituted, with the membership sitting here, is very much opposed to any amendment of the present bill along any lines. I want the present bill to be adopted and to become a law. The amendment which I have offered does not detract one letter, syllable, or sentence, or take away one dollar of the money sought to be appropriated by the bill. I simply desire to add to and make the bill more efficient.

Briefly, this amendment calls for an additional appropriation for educational instruction to the amount of $6,000,000 annually, or at least it would amount to that after the expiration of 5 or 10 years. We have in this country at least 30,000,000 of our population who are engaged in agricultural pursuits. The school population of the United States between the ages of 5 and 18 is 24,240,000, and the number of pupils and students of all grades in both public and private schools and colleges is as follows: Elementary, 17,960,000; secondary, 1,035,000; higher education, including all colleges and normal schools, 331,000; the total of all who attended school during last year being 19,326,400. Of this number over 5,000,000 of the youth of school age reside upon the farm. In these 5,000,000 of young people I am very much interested, for I want them educated along practical lines. We have the agricultural college at the top; we have the common school at the bottom; and this common school has to do almost exclusively with these 5,000,000 young people who are dwellers upon the farm, and is their only source of education along any line. Nothing along practical vocational lines is taught them. The great desire of the author of this bill is to disseminate the vast accumulation of industrial education, which is now centered in the college professors and technicians, to the masses below, and in order to do that the plan is to send among the farmers, and it will be the older men who will receive it, an army of between three and four thousand experts, to teach them some better methods of agriculture. The object of my amendment is to produce a considerable number of agricultural high schools in the rural communities, and engage these experts and graduates from the agricultural colleges to teach these agricultural high schools, and thus disseminate this scientific knowledge to at least 5,000,000 boys and girls who dwell upon the farm.

I am as anxious as the gentleman from South Carolina to disseminate this knowledge, but, in my judgment, while this bill goes a considerable step in that direction, it will accomplish but a small fractional part of the actual benefits that would be derived from these secondary schools in educating the mass of farmers, and especially the young and rising generation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MOORE of Pennsylvania. Mr. Speaker, I ask unanimous consent that the time of the gentleman from Minnesota be extended for five minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. DAVIS of Minnesota. Mr. Speaker, the bill of the gentleman from South Carolina seeks to appropriate $3,000,000. How much, in imagination even, can the three or four thousand men accomplish, supposing that one of them goes into an agricultural county? And we have three or four thousand agricultural counties. How many of the older farmers can he teach even the rudiments of the science of agriculture? This amendment of mine appropriates, or would appropriate, $6,000,000 ultimately, after 5 or 10 years.

But, in the same length of time that this army of 3,000 would educate a few of the older farmers in a particular branch of agriculture, the money I propose to appropriate would educate 5,000,000 of the youth of the country to such an extent this army of experts would be obsolete, because unnecessary, for much greater and more satisfactory education would be given to virtually all.

Mr. Speaker, sending a man into one of our large agricultural counties to teach the old men new tricks is like the traveling professor of penmanship going around and teaching, as he did in olden times, or the traveling music professor going around and teaching. We have gone beyond that day in industrial education. We have arrived at the time now when we want to begin to educate the youth from the foundation while they are easy to teach and impressionable.

Yesterday I made a speech on this floor praising the bill of the gentleman from South Carolina, and I shall reaffirm all that I said. Yet I then said, and I now repeat, that the bill is not far-reaching enough. It does not solve the problem. It does not reach the 93 per cent of the laborers in agricultural pursuits who are toiling in an unscientific manner, who, if properly trained, would produce double the quantity and of superior quality than they do now.

This matter should be gone at scientifically. This amendment of mine will probably not be adopted at this time owing to a combination of circumstances, but soon this amendment or similar legislation will be enacted. I am informed that in the other branch of this Congress an amendment along this line, but more extensive in scope, is waiting and ready to embrace the pending bill and so broaden and extend its beneficial qualities that upon its return to this Chamber it will be joyfully received by all who desire the uplift of the youth of this land.

Yet, Mr. Speaker, I have indulged the hope that this House, representing as it does the more nearly direct representatives of the people, would initiate some substantial measure to advance the education of the youth of our country. They are the grand army, Mr. Speaker, that we must rely upon for wealth and prosperity. They are the army, the thinking and toiling army, that stay upon the farm and always respond to every patriotic call to duty. A yeomanry that is our country's pride and the army that produces our greatest material wealth. We have invested almost $100,000,000 in teaching higher branches to a few captains in industrial education, but we have now another army of actual toilers to train. Shall we begin now? Fifty years ago, when the original Morrill Act was passed, what a picture it would have been to gaze at our present condition.

It would have been a dazzling picture; but, Mr. Speaker, that picture only dazzles at the top; it does not dazzle at the bottom, where the humble toiler abides. This bill is right in one way and absolutely wrong in another. The foundation is wrong in that it is too small. The proper foundation to build upon is the youth of our country. Teach him and the superstructure will be grand. He will remain in the pure air of the country and make the home of his childhood a dwelling place unsurpassed. [Applause.]

Mr. Speaker, we need to build up a class of people educated in distinctive, industrial, and agricultural schools, highly organized, so as to give instruction and to inculcate pride in industrial affairs and in the American home. At present the teachers of our elementary and secondary schools are trained in schools devoted mainly to nonindustrial interests, hence they can not teach the younger generation how to build up an industrial community successfully, and with full knowledge and inspiration for their life work. It will not be long after inaugurating the system of agricultural secondary schools as proposed in this amendment until the graduates therefrom will be sufficient in number and suitably trained to teach the science of agriculture in all the schools of our land. Then, Mr. Speaker, will we have a dominating force in the education of our country youth that will make life on the farm so prosperous and happy that few will care to remove therefrom.

When country life becomes more attractive through a proper conception of the dignity of the science of agriculture, the boys and girls will not leave the farms for the overcrowded cities.

Mr. Speaker, in this country of ours we are blessed with great natural facilities, and the energy of our people is unsurpassed, yet the sad fact is apparent that in many ways industrially, and especially so agriculturally, many of the European countries far surpass us. This has been done chiefly through their superior industrial training. We should be foremost, and this can only be accomplished by a thorough scientific training of our millions of toilers, both upon the farm and in the workshop.

At present the scepter of industrial supremacy is gone from us, but it will return. The remedy is within our grasp. Industry is the ticket that will admit us to the world's great feast, and if that industry is scientifically and earnestly directed the seat of honor at this board and the choicest viands surely will be ours.

Universal technical education of the workers will bring the greatest possible results industrially and commercially. Yes, even more than that, it will be the upbuilding of American manhood and womanhood, and produce a higher civilization socially, morally, and intellectually. [Applause.]

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 6. That the sums hereby appropriated for extension work shall be annually paid in equal quarterly payments on the 1st of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said colleges to receive the same; and such officer shall be required to report to the Secretary of Agriculture, on or before the 1st day of September of each year, a detailed statement of the amount so received during the previous fiscal year, and of its disbursement, on forms prescribed by the Secretary of Agriculture.

The SPEAKER pro tempore. The Clerk will report the committee amendments.

The Clerk read as follows:

Page 5, line 4, strike out the word "quarterly" and insert in lieu thereof the word "semiannually."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Page 5, line 5, strike out the word "April" and insert the word "and," and strike out the words "and October," in lines 5 and 6.

The question was taken, and the amendments were agreed to.

Mr. MOSS of Indiana. Mr. Speaker, I move to strike out the last word for the purpose of making this request, that by unanimous consent I may extend my remarks in the RECORD by printing the speech of Gov. Marshall, made in accepting the Democratic nomination for Vice President, delivered in the city of Indianapolis on August 20.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, Mr. MANN, Mr. LINTHICUM, Mr. ASHBROOK, Mr. FARR, and Mr. TOWNER were granted leave to extend their remarks in the RECORD.

Mr. DAVIS of Minnesota. Mr. Speaker, I desire to have printed in the RECORD an article written by a man in my district by the name of John B. Donaldson on the currency question. He is a man who has given thought to the matter and I desire to have it extended in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

The article is as follows:

A CENTRAL BANKING SYSTEM.

The following is an extract which appeared in the Minneapolis Tribune recently:

EDITOR OF THE TRIBUNE:

I beg space in your great daily to briefly set forth the salient points in an honest, simple, safe, and sane system for Government banking.

First stop free coinage and buy the gold and silver bullion needed for money, paying for gold bullion in gold certificates and for silver bullion in silver certificates, such gold and silver certificates to be a legal tender for any sum, except as hereinafter provided, and coin the gold and silver bullion so purchased into gold and silver money according to the provisions of the coinage act of 1837. And so fast as the charters of national banks expire or otherwise fail issue United States Treasury notes and fill their places with Government banks. And in emergencies, as the public safety may require it, the United States Treasury may issue its notes to pay the current expenses of the United States Government and for other purposes, the Government regulating the value of its money by controlling the amount in circulation, which shall not be less than $40 or more than $50 per capita. All money created under this system shall be a legal tender for any sum for all debts, public and private, contracted subsequently to the passage of this act, except duties on imports and exports, which shall be paid in gold coin. And to satiate the sordid souls of goldbugs, silver coins, silver certificates, gold certificates, and Treasury notes shall be redeemable in gold coin at the discretion of the Secretary of the Treasury. The above five kinds of money are honest, and prime money needs no redeemer. Maintain their parity, not through the collusion of the money changers in their stack of 150 tons of gold in the United States Treasury, but through equal and uniform power of legal tender.

JOHN B. DONALDSON.

Mr. FOWLER. Mr. Speaker, I desire to ask unanimous consent to be allowed to proceed for 10 minutes.

The SPEAKER pro tempore. The gentleman from Illinois asks unanimous consent that he may proceed for 10 minutes. Is there objection?

Mr. LEVER. I hope the gentleman can get along with five minutes. The Post Office conference report may come in and keep us here until 12 o'clock.

Mr. CANNON. And the deficiency bill as well.

The SPEAKER pro tempore. Is there objection? [After a pause.] The Chair hears none, and the gentleman from Illinois is recognized for 10 minutes.

Mr. FOWLER. Mr. Speaker, the bill before the House is a most admirable bill, because it seeks to relieve that class of labor in this country which has so sadly been neglected in the past.

The achievements of the world are the achievements of labor. The history of the world is a history of labor. It is the great fountain of supply for man in every station in life and in every undertaking of his genius. It is the source of all creative wealth and the firm basis upon which the civilization of the world stands. It is the ladder upon which all nations have climbed from the low depths of society to the intellectual heights of light and liberty. It is to all organized government what electricity is to life. It is just as familiar with the sweat of

the low-browed hoe under tropical skies and the noisy ax in primeval forests as it is with the quiet lever which regulates the speed of flying trains across continents or guides the airship in its trackless course through the clouds. Notwithstanding its marvelous achievements and its inestimable value to civilization, yet in every age and in every clime it has been the poorest paid and the least respected.

We are informed by the Bible that man was made in the image of God, given dominion over the earth, the fish of the sea, the fowl of the air, and all things that live upon the earth; that he was commanded to multiply and replenish the earth and to subdue it; that he was placed in a beautiful garden in the east of Eden, wherein grew every tree that was pleasant to sight and good for food, with the express privilege to eat freely of all of its fruits except the fruit of knowledge of good and evil, which fruit he was forbidden to eat and informed that in the day "thou eatest thereof thou shalt surely die"; that through the influence of the evil spirit he transgressed this holy command and was driven out of Paradise into the world to contend with the thorns and thistles of time, with this sentence imposed upon him: "In the sweat of thy face shalt thou eat bread till thou return unto the ground."

What a heavenly spot of beauty and plenty was committed to the care and keeping of this god-like man, and yet we are told that he lost dominion over this earthly heaven through disobedience, and that as a punishment therefor he was reduced to a condition of servitude to himself to supply his own wants. Whatever might have been man's wants prior to his transgression, and however bountifully they may have been supplied without effort on his part, yet we find him soon after his disobedience, and before sentence was passed upon him by his Divine Master, busily engaged with his wife, manufacturing their own clothing by sewing fig leaves together for aprons. Here we find no masters armed with whips to drive, no slaves to punish and torture. All were on the same level, busily engaged in the same pursuit for the accomplishment of the same common purpose.

Mr. Chairman, when we examine ourselves we find at the very threshold of life nature has entailed upon us certain temporal wants upon which life itself depends, such as air, light, and water. These may be termed primary temporal wants, all of which nature has supplied in such abundance that it takes but little effort on our part to supply ourselves with them. But, on further examination, we find that by nature we are possessed with other temporal wants, which must be supplied in order to perpetuate life, such as food, raiment, and shelter. These may be termed secondary temporal wants. Yet there is still another set of wants no less intimately interwoven with our complex nature, such as our demand for intellectual and moral culture. These may be denominated our spiritual wants. The proper supply of these human wants requires manual labor, but the adequate supply of food, raiment, and shelter to mankind constitutes by far our greatest demand for manual labor. Thus we are confronted with the solemn fact that nature has entailed upon us a servitude to ourselves from which we can not escape, however much we may desire—a servitude upon which life itself depends.

I believe, Mr. Speaker, that that divine injunction, "In the sweat of thy face shalt thou eat bread," was intended by our Creator to be universal in its application, and broad enough to include every man, and that he who seeks to escape his just share of this burden not only violates the law of nature upon which life depends, but that he violates the divine law of God. The adage that "All work and no play makes Jack a dull boy" reveals the philosophy underlying labor and exposes the crime which is committed when we heap our share of these burdens upon the shoulders of others. The magnitude of this sin is not reached in making "dull boys," but it extends much further in its more intensified forms and reveals itself in the "stooped shoulders," "low brows," and "long jaws" of ancient times. Its hideous form is more completely revealed in denying the rights of citizenship to labor, in excluding it from the holy altar of matrimony, in locking the doors of learning against it, and in depriving it of the right to kneel and worship at the shrine of God. Who has been guilty of this crime? I desire to call upon history to submit the evidence for your candid consideration.

SLAVES.

In the early dawn of civilization, when its first glimmering streaks of light penetrated the mist of time and shed their radiant luster upon organized society, labor was found in the firm clutches of foul and bloody slavery, without marriage, without property, and without legal and political rights. For more than 5,000 years it toiled in chains by day under the lash of cruel masters and was guarded by night in miserable quarters by armed sentinels. What it suffered during these long centuries of struggle and toil can only be approximated, as the records of its strife and struggles for higher levels are meager and somewhat confused. But we pause here for a moment while history recounts a few of the crimes against labor.

Mr. Speaker, I believe that it is conceded by all historians that all of the ancient forms of government, whether imperial or democratic, practiced slavery and advocated the doctrine that its origin was divine. In every age and in every country the classes have usurped to themselves the right to rule and have ever sought to control labor and use it for the purpose of collecting fortunes to gratify their own avarice and to magnify their own egoism. While it must be conceded that among the Semitic tribes and especially among the pastoral Hebrews labor was better respected and maintained upon a higher level in ancient times than elsewhere, yet these people are not without an unsavory record in their treatment of the lowly and helpless sons of toil. It is recorded of them in the Bible that they practiced slavery and engaged in its traffic for profit. They reduced their own kin sometimes to limited and sometimes to perpetual bondage. Their law governing slavery is found in the twenty-first chapter of Exodus, which provides among other things that "If thou buy an Hebrew, six years he shall serve, and in the seventh he shall go out for nothing." He was not permitted to take his wife and children with him, for by the same law they belonged to his master at the end of his servitude. But if his love for his wife and children was greater than his love for his own liberty and he refused to be separated from them, then his master took him before the judges and in their presence and, according to the provisions of the law, he led him to the door post, and in the language of the law. "His master shall bore his ear through with an awl; and he shall serve him forever." While these people practiced slavery, yet when we compare their treatment of labor with its treatment by the Aryan tribes, such as the Greeks and Romans, it will be seen that they were much more liberal and humane. Their religion was the religion of Abraham, Isaac, and Jacob, based upon the Bible doctrine that man was created in the image of God, and that God is the father of all, bond and free alike. Their religion was superior to all others and may well account for their leniency toward labor.

It seems to be well settled in history that slavery had its origin in the law of the survival of the fittest. The law of primogeniture made room for its expansion, and the pagan religion, the cradle in which it was rocked, made it possible to perpetuate it and hold it in subjection. According to the ancient law of primogeniture, the oldest son by the legitimate wife was trained as a prince to become a lord at the death of his father. His pagan religion required him to bury his father under the hearthstone, to keep a light burning at the sacred spot forever, and to worship and glorify his spirit throughout life, and that as a recompense therefor he at once became the owner of all of his father's estate, both real and personal, and all of his brothers and sisters became his slaves. He was clothed with unlimited authority over them He was entitled to all of their earnings. He could punish them, torture them, sell them, and even kill them at will without being amenable to any authority or required to make answer to any jurisdiction. His will was supreme. This seems to have been the practice in most all of the ancient governments. They practiced polygamy, often being the father of 50 children. They taught the slaves that it was blasphemy to run away or to question the right of the property of the father to pass to the oldest son to the exclusion of all of his brothers and sisters; that he was earthborn and had no right to claim any of the privileges of a man; that he had no soul, and was on a level with the beasts of burden and could not change his condition, and that he should be contented with his lot and serve his master. They assumed that they were heaven-born and that after death their spirits would become gods. They practiced the pagan religion, lived a life of sin and debauchery, and ruled their slaves with an iron hand. By the lash of cruel masters slaves were driven, half naked and half fed, to their working places in shops, fields, and mines, and were compelled to toil for long consecutive hours, often ranging from 18 to 40, without rest or sleep.

These ancient lords often organized themselves for protection against the uprising of their slaves and against their enemies, as in case of the Amphictyonic Council of Ancient Greece, which was organized 2,000 years B. C. among the Grecian States and the Islands of the Grecian Archipelago for mutual protection. It remained intact for more than fourteen centuries, during which time it afforded an unlimited opportunity for the practice of paganism and the extension of slavery, but about 600 B. C. dissension arose among them, which resulted in the wars of extermination. They held their meetings twice a year in the

temples of Apollo and Demeter and drew up articles of agreement for their own mutual protection.

According to some historians the history of Egypt dates back more than 5,000 years B. C., and it is quite evident that slavery was practiced here long before history began, for when she was visited by the ancient Greeks slavery was in abundance. The Pyramids were undoubtedly built by slave labor, and when we consider that in 4700 B. C. it required the work of 100,000 men 30 years to construct one of these earthly wonders, Cheops of Gezeh, it gives us some idea of the extent of slavery in those early times. Slaves sold in Egypt for only a few dollars. An account is given of the sale of a beautiful Egyptian girl for $15.

The legendary history of Hindustan dates back far beyond what historians are willing to accept, but it is quite certain that she was settled many centuries ago and that slavery flourished there at a very early period. During the reign of Manu, which was about 1,000 years B. C., slaves were plentiful, often selling for less than the price of a sheep, and could be acquired in seven different ways: 1, captives in war; 2, those serving for their daily food; 3, those born in the family; 4, by purchase; 5, by gift; 6, by inheritance; 7, those enslaved as punishment. Their penal code was based upon the principle that the member of the body by which the offense was committed should be destroyed. For insult to his lord the slave's tongue was cut out; for contemptuous language to the upper class, a red-hot iron, 10 fingers long, was thrust in his mouth; for assuming to teach a Brahman his duty, hot oil was poured into his mouth and ears; for insult, both of his lips were cut off; for larceny, his hands were cut off; for adultery, he was burned to death on a red-hot iron bed. He was called "Sudra," and could never escape labor even after he was manumitted or set free. His life was valued at the price of a cat, a blue jay, a dog, and a cow.

The Babylonian Empire was one of the oldest countries in the world, and many of its inhabitants were Hebrews, but it early fell under the rule of Aryans. Slavery is found to exist as far back as its history can be traced. It is said to have numbered four slaves to one freeman at times. They were so plentiful that a slave often sold for less than the price of a sheep. If he should be killed, only one-half of his selling price was required to be paid to his master. In the reign of Nebuchadnezzar II a girl slave sold for 2 shillings, while a sheep often sold for 18 shillings. It was said that as a sheep was worth more than a slave it should receive more attention than the slave. Thus it will be seen that a slave was placed upon a lower plane than the animal. To harbor a slave or induce him to escape was punished by death. For a slave to deny his master's ownership his ears were cut off. There is no doubt but the mighty structures of Babylon, such as the wall of Babylon, which was 80 feet thick at the base, 350 feet high, and 56 miles long, and the Hanging Gardens of Babylon, which rested upon 20 walls 11 feet apart, each of which was 22 feet thick, were constructed by slave labor.

Ancient Greece was composed of many States, each of which played an important part in the sum total of Grecian democracy; but Athens, Sparta, Corinth, and Attica were the most conspicuous, perhaps, of all. While these political divisions were constantly engaged in warfare, yet they all practiced slavery. Paganism was the religion of all and they worshiped many gods. While, indeed, they built up a civilization in letters, philosophy, art, architecture, and sculpture which has been the marvel of all succeeding generations, yet it was a civilization of the few. Prior to the time of Solon, Athens was governed by a few powerful families, and, as Aristotle says, the poorer classes were "in absolute slavery to the rich." The extent of the slave practice in Greece can be better illustrated by comparing the number of slaves with the freemen. In 309 B. C. Athens boasted of her democracy and her literature, yet out of a total population of 515,000 only 9,000 had a voice in her government. It is said that more than 400,000 were slaves. In wealthy Corinth, the home of freedom and culture, out of a population of nearly 700,000 it is said that only 40,000 were free; the entire remainder of nearly 650,000 were slaves. In Attica, with an equal boast of culture and liberty to her people, we find a population of 550,000, more than 400,000 of whom were slaves. In Sparta the slaves outnumbered the rich nearly four to one. Thus it will be seen that the liberty of Greece was liberty for the rich few and slavery for the many. "O liberty, what crimes have been committed in thy name!"

The same conditions prevailed in Rome, Persia, and Macedonia. In Rome, during the first century of the Christian era, out of a population of about 90,000,000 people, more than 60,000,000 were slaves. During all of the life of the Roman Republic slavery was rife and sanctioned by her laws. In fact, at the beginning of the Christian era the whole world was "slave sick" and its civilization was ready to crumble. Lycurgus of Sparta, Aristotle, Plato, and Pericles of Athens, and Cato, Cicero, and Cæsar of Rome were all firm believers in the institution of slavery and used all of their genius and powerful influence with their respective governments to perpetuate it, while Numa Pompilius of Rome and Solon of Athens were less impressed with it and succeeded in giving to those countries during their times a code of lenient laws which relieved the poor largely, yet these laws were intended mostly for relief to that class of freemen who had but little property and who were in danger of becoming slaves to their creditors on failing to pay their debts, which was a most common way of reducing freemen to slavery in all of the civilized countries.

CONQUEST FOR PLUNDER.

All of the ancient countries delighted in conquest. They picked quarrels with each other on trivial matters in order to justify invasion for plunder. They raised large armies at great expense to the state, invaded the territory of their rich neighbors, pillaged their country, sacked their cities, and carried away their inhabitants as captives and sold them into slavery by the thousands, regardless of age, sex, or previous station in life. It was common to see the learned and the aristocratic, and even children of kings, in slave quarters. It is said that Andromache, the wife of Hector, and Plato, one of Greece's greatest philosophers, were once slaves, and it is claimed that Achilles once sold to a king the son of a king. During these conquests slave merchants followed the armies and the sale of men became so common that it constituted one of the greatest sources of revenue. They often became so numerous that they were ordered killed to prevent uprisings and the overthrow of organized government. Indeed, it was once the common boast that slavery was the wealth of nations, and it is equally true that its sinful practice finally became the downfall of nations.

LABOR UPRISINGS.

The enslavement of the free and men of high rank undoubtedly had a wonderful effect upon this question. Their longings and efforts to regain their lost liberties inspired those who had never tasted liberty to make like efforts to gain their liberties, yet other causes operated as an incentive. While they were taught that they had no soul and were not permitted to attend any of the religious rites and ceremonies of the classes, not being permitted to worship any god in many instances, yet they had a legendary god, in Greece at least; his name was Cronus, and was supposed by the legend to be a god who was once in good standing, but for some unknown cause he had lost his divine rights, but that by effort he would some day regain his liberty. They strove to emulate this fallen god and lived in hope that they, too, might some day regain their liberties. This was the shrine at which they ever worshiped. Again, the extreme burdens to which they were subjected, the low estimate placed upon their lives, and the inhuman punishment inflicted upon them by cruel masters, such as being chained in distant mines for months and for years at a time without being brought to light, made them reckless and determined all the more to fight for their liberties.

Mr. Speaker, let us now inquire of history what labor has done to relieve itself of the burdens of slavery. It is not reasonable for us to expect that men would meekly submit to extreme and unreasonable servitude for seven days in the week the year round, chained to their places of toil in fields, mines, and shops; lashed and tortured worse than beasts of burden; sold to foreign slave drivers and carried away from friends and kindred; branded with red-hot irons in the forehead; their ears, nose, hands, and lips cut off; their eyes burned out, and suffer death in all the most painful and excruciating forms that the wicked minds of cruel masters and bloody rulers could devise without making some effort to relieve themselves from the clutches of such human vultures. Neither is it to be expected that such tyrants would willingly consent to release their bloody hands from the throat of slave labor as long as such labor constituted the burden of their wealth and the main source of their income. It has always been the rule of greed to gobble up all that is in sight and to surrender nothing until it is compelled to by law or might.

We may expect to find such labor in constant conflict with its masters, with its secret organizations for mutual protection and the overthrow of slave masters and slave government, often bursting forth like mighty volcanoes and sweeping everything before it—strong in victory, but always strongest when best organized. On the other hand we may expect to find it weak in defeat and suffering the severest punishment as a warning against resistance, its strongest and boldest leaders executed in the most cruel and inhuman manner and the greatest restraints thrown around it to hold it in perpetual subjection, but like the slumbering volcano we may expect to find it gathering its

lost prestige and strength by greater caution in its organizations and more secret in its meetings, ever active and exerting itself in devising and executing plans for the overthrow of the power which held it in the torment of an earthly hell. In considering this question we can only refer to a few incidents which have occurred in the various parts of the world.

Off the coast of Greece lies a beautiful and rich island by the name of Scio or Chio, belonging to the Grecian Archipelago. It is one of the oldest States in point of settlement and one of the most powerful in the ancient group of island governments. At one time it had a very dense population, and, like all other countries, it practiced slavery for all that it was worth and inflicted upon its labor the usual indignities and punishment of the times. I desire to call your attention to one historical incident which will in itself shed much light upon the condition of labor and its effort to seek higher levels. Sometime, perhaps about 300 or 400 B. C.—the time is not definitely fixed by any of our authors—there lived in this island a young man, Drimakos, strong in muscle and brilliant in intellect, yet he was a slave and was owned and worked like other slaves. He was a natural born leader of men, and early determined to make his escape from bondage, so he associated with him a few of his most intimate and trusty slave friends, who organized themselves into a little army and bravely fought their way out from under their masters, tore off their chains, and made their escape to the mountains. They were followed by their masters with the army of the State for the purpose of bringing them back, dead or alive, but Drimakos, with his little army of brave slaves, managed to defeat them and set up a kingdom among the peaks and the clouds, where he ruled for many years as king of the slaves. His fame went out, and his army increased rapidly, and soon the crags and peaks, the home of eagles, were transformed into homes and breastworks for men fighting for liberty. While the number of battles which were fought between them and the Scian army is not recorded, yet it is certain that there were several, and that the genius of the slave king and the bravery of his followers outwitted the king's army and defeated them in every contest. Excitement ran high and slaves escaped from their masters from every quarter and cast their lot with the slave king in the mountains. Drimakos soon found himself master of the situation, and forced the men who had lately been his masters and lords to kneel at the foot of his mountain throne and beg for peace, the terms of which he dictated. I reproduce them here to show how completely he was master of the situation.

An oracle has been consulted and our revolt has, from the start, been upheld by the gods. We will never again submit to the drudgery of bondage. We are fixed in our minds and act under counsel of the Almighty. Nevertheless, if you follow my advice and adhere to it in the strictest faith, after signing this pledge and contract, the war may be terminated and the further effusion of blood dispensed with; then we can mutually live in peace and enjoy tranquillity on terms which will be full of prosperity to the whole state of which we all are members.

Drimakos now explained what he demanded and the terms which must be agreed to in order that peace might be assured; here it is in full:

What we want is enough to subsist upon—no more. In future, when hunger need inspire us, we shall visit your granaries, flocks, and stores and take what we require, but always by weight and measure. The weights and measures are to be these which we have brought you and exhibit before your eyes. Here also is a signet with which we propose to seal up your storehouses and granaries after taking from them what we require, as by this means you will be able to distinguish our work from common robbers. Regarding the slaves who in future shall escape from you to our camp, I shall rigidly investigate the causes of each man's running away, weigh his story carefully, and after submitting his case to an unbiased examination, if he be found to have suffered injustice at your hand, proving that he has been treated wrongfully by you, I shall protect him. If, on the contrary, the runaway slave be found not to have had a sufficient cause, I shall return him to his master.

This instrument clearly shows that the whole government of Scio was at the mercy of this new and miraculous king. When his strength failed him in old age and his time was near at an end, a reward in gold of considerable size was offered to anyone who would bring his head to the King and liberty to him who should bear the head. He induced one of his intimate friends, a strong and brilliant young man, to behead him, carry his head to the King, receive the reward in gold and his liberty. Thus ended the life of one of labor's bravest and most daring leaders. The Greeks erected a monument, called by them Heroon, to his memory, the ruins of which may yet be seen.

Our next great slave hero in the cause of labor is Viriathus, a shepherd laborer in the mountains of Spain. The powerful conquering armies of Rome had overrun many countries, plundered their cities and destroyed them, carried away their gold, and killed or sold their inhabitants into slavery. Hannibal had overrun Egypt, captured Carthage, and butchered her inhabitants in part and sold the remainder into slavery. Nearly all of that part of Europe south of Spain had been subjugated by her destructive armies. Epirus, a fruitful and industrious people east of Italy, had been subjugated, seven of her cities had been sacked and burned, 150,000 industrious farmers and laborers had been butchered or sold into bondage, of which Gracchus, a Roman tribune and friend of the lowly, complained, and as a punishment therefor he was foully murdered, and now this dreadful devastating and bloody army threatened to destroy Spain. The Roman army under Galba was already in Spain, and, after securing the confidence of the people, he treacherously fell upon them, unarmed and unawares, butchered them in great numbers, robbed them of their wealth, and carried many of her inhabitants away and sold them. The people of Spain were demoralized and without organization, but restless and revengeful. Our shepherd hero of the mountains in 149 B. C. tendered his services in the cause of the people and soon became the commanding general of her entire army. He was large of stature, strong in muscle and mind, and a leader of men. He met the Roman forces and routed them three times and became master of the situation. He was elected king and tendered in marriage a lady of high rank and great wealth. He accepted the woman as his wife, but refused her wealth. His habits were plain and unassuming, always temperate, refusing everything except a bare support. His heart was enlisted in the cause of labor with an ambition to redeem his people from slavery and from the blighting hand of bloody Rome. His last battle was fought at Erisane, where he defeated the Roman forces and through leniency dictated mild terms in which he was to be King of Spain and the ally of Rome. But this is where he made a mistake, for Rome sent a new army under a new general who succeeded in bribing the friends of Viriathus and had him murdered while asleep. The fall of Viriathus resulted in the wholesale enslavement of the working people.

Mr. Speaker, I now desire to consider the social conditions of Sicily. It had been conquered by Rome in 210 B. C., and as it was one of the richest countries for farming, it also became one of the greatest fields for the practice of slavery. The immense wealth of the island had drifted into the hands of a few property owners, who owned large numbers of slaves, who were worked without sleeping, and tortured and murdered without restraint to such extent that it resulted in one of the greatest labor uprisings known to history. One of the most productive plateaus in the island, and one of the most beautiful, was that of Enna, on which lived a millionaire lord by the name of Damophilus, owning slaves by the legion, who were compelled to work naked on his farms. On a cold day many of his naked shivering slaves meekly begged him for some rags to protect their naked bodies from the cold. He brutally tied them to stakes and whipped them to warm them. He often tortured them and killed them. His wife was no less cruel to her female slaves, but his daughter was kind to them. Among the slaves was a young man by the name of Unus, originally from Antioch, but who had been sold to a planter on the plains of Enna. He had learned to blow fire out of his mouth, and claimed to be ordained to lead the slaves out of bondage. The cruelties of Damophilus aroused the slaves to action, and 400 of them met one dark night and took a solemn oath to fight to the bitter end. They marched up to the plantation of Damophilus, captured him and his family, and put him and his cruel wife to death, but they sent his daughter home under guard because of her kindness to the slaves. A great uprising of the slaves followed, and Unus soon found himself at the head of a large army, who proclaimed him king of the slaves. He met the army of Rome in many battles and defeated them in every engagement, overran the island, and made himself the ruler of Sicily for 10 years, from 143 to 133 B. C., but he was finally defeated in 133 B. C. by the Roman general, Rupilius. He often had 200,000 slave soldiers at his command. Thus ended one of the greatest servile wars of the world, followed by the slaughter of slaves in great numbers.

The uprisings of labor were not confined to narrow limits. The defeat of this great labor leader did not check them, for their restlessness spread like a great contagion. Let us now turn our attention to Asia Minor, another hotbed of slavery. From 138 to 133 B. C., Attalus III was King of ancient Pergamus, of Asia Minor. At his death, in 133 B. C., by testament he transferred his kingdom to the Romans without contest. Tiberius Gracchus, the tribune of Rome, made a bold effort to restore the Licinian laws, which made it a crime for anyone to own more than 500 acres of land. The unscrupulous aristocrats combined and had him and 300 laborers foully murdered. The labor of Asia Minor was strongly organized into unions, and when they heard of the news that Pergamus had been deeded to Rome they raised an army, made common cause with Aristonicus, whose ancestors were half royal and half plebeian, but now a cast-off from his rights to the throne of Pergamus.

Blossius, a follower of Gracchus in his plea for the lowly, escaped the mob in Rome which murdered Gracchus and many others, now made his way to Asia Minor and joined Aristonicus in freedom's cause. From 133 to 129 B. C. the war raged with marked success for the arms of the lowly, having defeated the Romans in many engagements and having destroyed one large, well-equipped army; but after three long years of struggle through blood and death, they were finally routed, defeated, surrounded, and starved into capitulation. Aristonicus was taken to Rome and strangled to death in prison. His followers were slaughtered and crucified by the thousands. Blossius, disheartened, committed suicide. Thus ended another struggle of the lowly for liberty.

It will be remembered that the laws of Rome provided, among other things, that a freeman who could not pay his debt at once became the slave of his debtor until the debt was paid. By this means many freemen of moderate means became slaves. This was the case in all the Roman Provinces, which now covered a mighty territory. This was the case in Sicily. But the resistance which Rome was now receiving from every quarter became so great and so costly in the loss of her soldiers that she was forced to draw heavily upon her Provinces for men in order to properly equip her vast armies. However, the loss of freemen had been so great by failure to pay debts in Sicily that she was put to straits to furnish her quota. It will be remembered that none but freemen were allowed to train in the manly arts of war, and no slaves were permitted to enter the army to fight against lords and gentlemen. But in this case a trick was resorted to, and that is this: These once freemen, but now slaves because of a failure to pay debts, bribed Nerva, the proprætor of Rome, to recruit the Roman army by setting them free, so that they might join the army. He accepted the bribe and issued a proclamation of freedom to all who thought themselves entitled to freedom if they would come and claim it. Many flocked to the appointed place, and on the day when they expected to be set free he issued another proclamation, directing them to go home. This was the basis of an army against him. They collected after night in great numbers, but through treachery of some of their own men the first battle was lost to them in 104 B. C. They then called a meeting and elected as their leader Slavis, a flute player who claimed the power to foretell events. An army of 20,000 to 30,000 slaves soon organized under him for another desperate struggle to overthrow the power of Rome over Sicily.

The real slaves organized in other quarters of the island under a slave genius of daring military gifts, by the name of Athenion, who was a stargazer and a prophet. They elected him their king and leader. He accepted only good strong men as recruits, fit for military duty; but others unfit for duty were directed to return to their masters and prepare for a famine. By military discipline and skill he soon found himself at the head of more than 10,000 well-equipped men; he met the army of Rome in many engagements and won six battles, making himself master of Sicily; but after three years of hard fighting, stung by defeat, Rome mustered a large force of her best soldiers under Aquillius and sent him to conquer the slave king. They met near Macella and the leaders of both armies, eager for each other's blood, rushed together at first opportunity in deadly combat and fought a hand-to-hand duel to death. The slave king fell, never to rise again. His army, now without a leader, was routed and the greater portion of the 20,000 slave soldiers were brutally put to death. The slaves still mustered another army and kept up the war until 99 B. C., when they capitulated under Satyros, a bold slave leader, on terms that they should be treated as prisoners of war without punishment, but when Aquillius reached Rome, triumphant with his slave prisoners, he turned them over to the rich showman as a basis of a great triumph in his honor as the great hero who suppressed the rebellion. They were required to fight duels with wild beasts in the arena at the great auditorium; but, by prior agreement between themselves, when they were driven in the arena for slaughter by famishing wild beasts, they willingly fell upon each other and killed themselves before the great throng of excited and much astonished multitude. Satyros, being the last, stood in full view of that vast crowd, drew himself up to his full manhood, and plunged a dagger through his own heart. Thus another mighty burning and overflowing volcano of human effort for human rights was cooled down by the blood of the lowly.

Mr. Speaker, let us now recount some of the bloody deeds against labor. During the 27 years of the Peloponnesian War between Sparta and Athens, Sparta had lost so heavily that defeat stared her in the face, and in order to save herself she promised many of her slaves that if they would enter the war and help to defeat Athens they should have their liberty after the war was over. Many slaves accepted the proposition and fought bravely in the front ranks, yet lightly armed, and won the day. After peace was concluded, and while more than 2,000 of these brave labor soldiers were in the temple to take the oath of liberty, they were foully murdered by the order of the Ephori or Spartan council. This occurred 413 B. C. In 200 B. C. Laevinus, a big slave owner of Rome, had 24 slaves put to death to embalm the ghost of his dead father, and in 174 B. C. Flaminius, another Roman slave owner, put 74 gladiators to death for the same purpose. He had one of his slaves put to death so that one of his young friends might see a man die; Callio, another big slave owner, had slaves thrown into his fishpond so that his lampreys might feed on human flesh. A slave in a family of 400 killed his cruel master and, under the law of Rome, the whole family, consisting of men, women, and helpless children, were murdered. A brave slave on a chase with his master, was confronted with a huge ferocious wild boar and he seized a lance and slew him. He was executed, not for killing the wild boar, but for using a lance, an implement of war which only a gentleman could use.

During slave uprisings, large number of slaves were placed in large pits, and big fires were kindled around the edge of the pit and the poor, naked victims were tortured and burned to death by degrees. When flesh for wild animals was scarce, Rome fed live slaves with prisoners awaiting trial to her wild beasts for food. They were crucified by the thousands on the cross during slave outbreaks. Rome built a big circus, constructed upon amphitheater style, with a big arena in the center, which she called the Circus Maximus, with a seating capacity of 285,000, and a colosseum of fine marble, with a seating capacity of 87,000. She kept on hand a large number of wild beasts, many of which were captured in the wilds of Africa, for show and for the arena, such as lions, tigers, bears, and poisonous serpents. Here she assembled her idle rich, and for their amusement she forced naked men, women, and children into this ring to fight duels to death, sometimes against each other, and sometimes against these wild beasts and serpents. During the reign of Trajan, a Roman emperor, his majesty gave a great show which lasted 123 days, during which time the 10,000 gladiators fell weltering in their own blood in this arena. About 80 B. C., Tulla, a Roman emperor, had 50,000 cruelly put to death because of a dissension over labor legislation. Tiberius and Caius Gracchus, brothers and officers of Rome, whose duty it was to look after the interest of agriculture, were foully murdered with many of their followers, because they tried to revive the agrarian laws limiting the number of acres which any one man could own to 500; this occurred about the time of the servile wars in Sicily, Spain, and Asia Minor. The slave was tortured in the most inhuman manner, often for trivial causes. Runaways had their ears cut off, thieves had their hands cut off, slander was punished by cutting off the lips in some cases, and in others the tongue was cut out, while in others a red-hot poker was thrust in the mouth. They were all branded in the forehead. Who has committed sin against labor? Listen; it is said that during the servile wars in Rome and her Provinces she murdered more than a million laboring people.

The population of Rome was now large, but it was fluctuating. They were not all Romans, many of them being foreigners who had been swept together by the high tide of warfare which had been raging throughout the world for conquest, and consisted of an aggregation of men of different habits, tastes, and tongues, ranging from the ebony sons of the Lybian Desert to the refined Grecian philosopher from Athens. They were just as anxious for liberty as the people elsewhere, and while the great struggles for liberty had been going on in other parts of the world the labor of Rome was not idle by any means. They had their organizations and had their leaders worked up to a high pitch for reforms, the cowardly murder of Tiberius and Caius Gracchus, inflamed them, and their spirit swelled in their bosoms for revenge; all that was necessary to stir up open rebellion was a bold military genius who could inspire confidence among the masses. The hero was at hand in the person of a slave gladiator, who had been forced to fight many battles in the arena, but who was now full of resentment and ready to sacrifice all for liberty. His name was Spartacus, nothing more, 74 B. C., just the time when the Roman senate was active in trying to suppress organizations.

The twelve tables under Numa Pompilius had given the right to organize. When 15 years old, Spartacus saw his father tied and nailed to the trunk of a tree, held his head in his hands as he expired, and solemnly vowed before his dying father that he would avenge his death. His intellectual bearing and muscular manhood peculiarly fitted him as a leader of the lowly. He was a Greek by birth and had been captured and sold as a slave and trained as a gladiator because of his muscular size and

perfect physique. He and 77 other gladiators at Cupua, near Naples, Italy, armed themselves with knives, fought their way through the guards and made their escape to the mountains near Mount Vesuvius. He pitched his tent high up in the mountain at a place which had but one narrow approach. The Roman army was sent to capture him and his band. They camped at the foot of the mountain leading to his heights in order to block his escape. But during the day he and his men wove a ladder of vines sufficiently strong to allow their descent, which they did under cover of darkness, and while the Roman army was asleep he fell upon them, killed many, and routed them without losing a man. The little army of 78 gladiators had now whipped an army of 3,000 well-drilled Roman soldiers. His army soon increased to 10,000, which made him secure. Enraged at this defeat, Rome organized a large force for his destruction, but he was equal to the occasion. His military genius and forethought as a general made him a formidable foe. He bravely met and defeated 11 well-equipped armies of Rome in 11 successive battles. These victories swelled his ranks until his army numbered 300,000 men eager to overthrow the power of their masters. During these battles he had seen the powerful armies of Rome cut to pieces and put to flight; he had captured their princes and made them fight duels in the arena; he had seen the institutions of Rome reel and totter and make ready to fall. All that was needed to capture the mighty capital was military sagacity and patience.

But the restless forces were so eager to make a dash for the final prize that they rebelled against the wisdom of Spartacus, divided his army, and made a dash for the capital. They met the enemy at Croton in the tenth battle and fought one of the bravest and most bloody battles in history. Thirty-five thousand braves fell in that awful contest, and only two were found to have been stabbed in the back. Spartacus arrived in time to save the day. The insubordination in his army finally led to ruin. The Roman army was now recruited to 400,000 men, divided into three divisions under Crassus, Pompey, and Lucullus. They met Spartacus at Silarus, where the final and decisive battle was fought. Spartacus slew his steed with his own hand and then shouted "Onward" to his men, leading the charge, saying, "Victorious I shall find horses in plenty among the enemy; defeated I shall no longer want one." He strove to meet the Roman general, Crassus, in a hand-to-hand contest, but in vain, but he slew two of his centurions. Long after victory was hopeless his course could be traced by the heaps of dead soldiers which he slew by his own powerful hand, but he finally fell, pierced with so many wounds that his dead body could never be found. Thus ended the greatest of the servile wars, followed by the execution of thousands of laboring men. Who has sinned against labor?

LABOR UNIONS.

It will be conceded by all, I have no doubt, that ancient labor was well organized into strong unions, the prime object of which was to relieve itself from beastly servitude and inhuman punishment with a hope finally to gain liberty. When we remember that ancient labor was not permitted to own any property at all in its own right, and when we further consider that it was not allowed to train in the arts of war nor to become skilled in the use of weapons of warfare without subjecting itself to death penalties, we are led to inquire how it was possible for labor to raise large armies of laboring men and conduct successful military operations covering long periods of time against the well-trained armies of the world. It could have been done in no other way than by the most secret and skillful organizations, with secret grips, signs, and passwords, whereby they could understand themselves without danger of communicating their designs to their enemies. This, in my opinion, and this alone is the secret of the mighty movements of labor in ancient times. Again, when we consider that the labor rebellions in different parts of the world followed closely upon the heels of each other, we are forced to conclude that these labor unions were not only local in character, but that they were world-wide and that there was some definite means of communication between them from country to country. The traffic in slaves might have afforded an opportunity to disseminate this information, and probably did, to a large extent.

In most all, if not all, of the ancient governments there were two kinds of slaves—slaves owned by private masters, who were entitled to the entire earnings of his slave, and those owned by the State, used for performing menial services of government, such as forging arms, furnishing munitions of war, metal and image workers for the state, collecting taxes, operating mills for grinding corn, and managing commerce. These laborers were of a higher order than the private slave and were often conceded rights not accorded to them. As far back as the laws of Solon of Athens and the laws of Numa Pompilius of Rome these slaves for the state had a right to organize under the law for the protection of their respective occupations, a right not accorded to the private slave. This right was guaranteed to them by law until the time of Julius Caesar, who was the first ruler of Rome who interferred with them, but he suppressed them. But there must have been strong unions among private slaves.

Information of these ancient unions has been revealed to us in the form of inscriptions on stones and slabs which have been interpreted by scholars to mean unionism of labor. At Athens a slab has been found containing evidence of a washerwoman's union. This information dates back from 400 to 600 years before Christ. It is evident that the great undertakings of the nations have been constructed by unions. The Parthenon of Athens, the Colosseum of Rome, and Solomon's Temple at Jerusalem were constructed by the masonic, carpenters', and sculptors' unions. These are three of the greatest structures of either ancient or modern times. The Temple of Diana was 425 feet long and 220 feet wide, studded with 128 marble columns 60 feet high.

Until the birth of Christ the doctrine of an eye for an eye and a tooth for a tooth was the law of the land and controlled both master and servant in their relations with each other everywhere. It was the law of the survival of the fittest, based on brute force, and necessarily entailed bloodshed. All of the great labor leaders had resorted to force in their struggles for relief. But when the lowly Nazarene stepped upon the stage of time He substituted the law of love for the law of force, proclaimed the Bible doctrine that man was made in the image of God, preached the universal fatherhood of God and the universal brotherhood of man, and prescribed the Golden Rule as the proper guide for the future conduct of men with each other for all time to come: "Do unto others as you would have them do unto you." He exposed the sins of the oppressive greedy by telling them that it was easier for a camel to pass through the eye of a needle than it was for a rich man to enter the Kingdom of Heaven. He inspired the hopes of the lowly by forgiving the sins of the poor who but touched the hem of His garment. He prescribed a balm of Gilead for the aching heart by teaching men to look beyond the wealth of this world for true happiness and exhorting them to lay up their treasures in Heaven. Instead of many pagan gods for the few and none for the many, He offered to the world one God for all, not a cruel, revengeful God, but a loving, forgiving God, everlasting and all powerful, ready at all times to listen to the petition of the bond as well as the free; wanting none punished, but rather that all would turn from their sins and be saved. He organized a union of 12 men from the walks of the lowly, taught them His new creed, and commissioned them to go into the world and preach His gospel.

The danger to all who opposed the will of those in authority or the laws and customs of the times or the pagan religion is most strikingly illustrated in the caution which He gave His disciples just before sending them out on their divine mission, which he likened to the danger of sheep in the midst of wolves, "Behold, I send you forth as sheep in the midst of wolves." He well knew that the wolves were in authority in the administration of the Government, that the wolves were the owners of the wealth of the country, that they were herding the labor of the world upon vast estates, and annually appropriating the fruits thereof to satisfy their own greed; that any effort made to alter or interfere with this order of things would be resented in bitter terms and likely to be punished by death at any time, but the importance of his cause was of such magnitude and the necessity of reforming the world was so great that death was no terror to Him. The only thing that was necessary was time to get before the people the wisdom of His divine teachings; He therefore cautioned them to be "wise as serpents and harmless as doves." When these heartless wolves saw men by multitudes following Him wherever He went and accepting His religion they were alarmed and sought to check the tide by the destruction of the Master of the sheep. So they crucified Him, but His betrayal and trial are hedged about with the foul stench of bribery and perjury.

Mr. Speaker, they not only crucified Jesus, but they hunted down His apostles and burnt some of them at the stake, and tried to exterminate His followers by murdering 1,100,000 helpless Jews while attending their religious rites at the Passover A. D. 70. But His teachings were not intended to die. His Sermon on the Mount is the great emancipation proclamation, which lays down the correct principles of life and teaches us our duty to each other and our duty to God. The potent influence of His teachings has revolutionized the world, and in my opinion has had much to do with the liberation of the lowly, for at the time of His advent slavery was at its zenith

and the rights of men were settled by the law of force. Rome was mistress of the world, but she was a mighty nation in chains, governed by a few rich and powerful families. Theretofore all the labor wars had been waged by force and all had resulted in defeat of the cause of labor, but now the gospel of the equality of men before the law is substituted for the sword and the war for liberty is to be waged by appealing to the conscience of men in the language of the Golden Rule, "Do unto others as you would have them do unto you." The mellowing influence of this doctrine softened the hearts of men which, in the course of time, resulted in the manumission of many slaves.

But Rome maintained her cherished institution—slavery—until the last. It was one of the reefs upon which her ship of state was wrecked. Slaves continued to form the greatest per cent of her population, and as they were not permitted to train for war, and as her freemen were reduced in number her strength as a military nation was gradually undermined, and when the hardy Goths and Vandals swept down from the north upon her she reeled upon her own rotten foundation and fell because of a want of liberty to the masses, which is the basis of loyalty to government. After the fall of Rome the center of activity for human rights and human control was transferred to the battle ground of the north, where Teutonic, Celtic, and Anglo-Saxon blood mixed and struggled for supremacy for many centuries; but whatever may have been the fate of kings or countries, there was one thing upon which there was no difference of opinion, and that is, the classes of all nations agreed that the right to rule was divine and belonged to royal blood, and that the many should be held in subjection and compelled to labor for royalty, and stubbornly refused to concede to labor either legal or political rights. But labor, guided by the light which streams from Calvary's cross, wisely husbanded its strength by organizing into unions, where it could discuss social questions and agree upon plans of action. It hoisted above the bloody horizon of time its banner on which were written in living letters the immortal words, "Man was made in the image of God," "He who would be greatest among you, let him be the servant of all."

It often found itself compelled to resort to strikes and rebellions and meet force with force, but it has never faltered in defeat nor grown despondent in chains; ever active, ever hopeful, it has bravely met its fate on fields of carnage, on the scaffold, and in the guillotine. It has waged an unrelenting war against its enemies and has driven back the despoilers of human rights and human happiness step by step, until it has risen from the lowest depths of human slavery, where it toiled on a level with the beasts of burden for more than 5,000 years before any visible progress was attained, through the various degrees of scanty local rights, until it reached the misty plane of serfdom and villenage of the Middle Ages where only the cactus of human rights grew. Encouraged by the victory of this first step, it pressed onward and upward by leaps and bounds in its anxious strides to gain the coveted prize, until it merged into the rosy morning of the common servant of the seventeenth and eighteenth centuries, where it found itself in the possession of the legal rights of property ownership and property inheritance, with the full right to enjoy the fruits of its own labor. Still not satisfied without a full measure of human rights, it struggled on in tatters through the deserts of low wages and disease, bravely enduring the hardships of bloody wars, waged by ambitious princes, until it reached the plane of the nineteenth and twentieth centuries, where it stands to-day in the beautiful sunlight of the intelligent employee, enjoying a full measure of all of the civil and political rights of a free government. What a victory! It is the marvel of the world. Nothing can equal it. But the work is not over. Labor is confronted with well-organized capital as its greatest rival in the division of its earnings, and it must continue its fight henceforth for a division of profits. We are often told that the whole labor problem would be settled if unions and strikes could be broken up, but nothing could be more misleading, for it is through well-organized unions, aided by strikes, that labor has been able to reach its vantage ground of the twentieth century.

STRIKES.

More than 400 years before the birth of Christ a labor union, 20,000 strong, struck against the cruelties of their Athenian masters and went over in a body to aid Sparta in her struggle against Athenian rule. More than 1,400 years before the beginning of the Christian era a labor union of more than 600,000 men, besides women and children, struck against the lash of their cruel Egyptian taskmasters. The cause of the children of Israel is the cause of labor to-day. Pharaoh followed them and tried to bring them back and perpetuate their bondage. The French Revolution was a strike in the cause of labor. The streets of France ran red with the blood of the lowly that France might be free. The labor problem has been at the bottom of nearly all of the great reform movements of the past, and I have no doubt but that it will continue to be one of the most vitalizing problems for all time to come.

It is true that the rights of labor are being cared for by the enactment of wise laws regulating sanitary conditions of labor and limiting the day to short hours, all of which is most commendable, but there is yet much room for future improvements. In the canneries of Maryland and California and in the steel works at Bethlehem, Pa., labor is compelled to work 16 and 17 hours per day for 7 days a week. In these canneries labor often receives less than $5 per week. The recent investigation of the conditions of labor in the woolen mills at Lawrence, Mass., found children taxed for the water that they drank. Long hours of toil and poor pay must be considered by labor in its unions, for it is through this channel that all of the labor reforms have been accomplished. Its potent influence is much more weighty than all the laws which have been enacted.

In 1910 the Commissioner of Labor was empowered by a Senate resolution to make an investigation of the wages and hours of labor in the iron and steel industry in this country. This investigation covered nearly all of the iron and steel plants in the United States. It included 338 blast furnaces, steel works, and rolling mills. It covered the wages and the hours of work for 172,705 employees, which is more than 80 per cent of all the men employed in the plants examined. The investigation was made in May, 1910.

HOURS.

It revealed that 50,000 employees in these works were compelled to work seven days a week and that more than two thirds of these men were compelled to work more than 84 hours per week, meaning a 12-hour working day, or more, for seven days per week. More than 88 per cent of the employees in the blast furnaces worked seven days a week. It was found that the seven-day work was not confined to the blast furnaces alone, but that it extended to the Bessemer converters, the open-hearth furnaces, and blooming, rail, and structural mills. The hardships of the 12-hour 7-day work was found to be augmented at least once a week. When the night shift was changed to the day shift, and vice versa, workmen were required to remain on duty for 18 to 24 consecutive hours without rest or sleep.

This report shows that 72,529 employees out of the whole number, 172,705, being more than 42 per cent of the whole number, worked more than 72 hours per week, making a 12-hour day or more for six days in the week. More than 60 per cent had a working week of 60 hours or more, while a little over 22 per cent had just 60 hours a week, and only a little over 14 per cent had a working week of less than 60 hours.

FOREIGN LABOR.

The report also shows that these industrial plants are employing much unskilled labor, ranging from half to two-thirds of the entire forces; these raw recruits are made up largely of foreigners, who are unable to speak the English language and whose wages are comparatively low.

WAGES.

Out of a total of 172,705 employees, 13,868, or a little more than 8 per cent, received less than 14 cents per hour; 20,527, or nearly 12 per cent, received 14 and less than 16 cents per hour; 51,417, or nearly 30 per cent, received 16 and less than 18 cents per hour. Thus it will be seen that nearly 50 per cent of the entire working forces in these iron and steel works were working for less than 18 cents per hour. This is the unskilled labor. The semiskilled labor received a wage ranging from 18 to 25 cents per hour and represents about 27 per cent of all, leaving only a little over 23 per cent of skilled labor. The wages paid for unskilled labor was found to range as follows in different parts of the United States: New England district, 15 cents; eastern district, 13 and 14 cents; Pittsburgh district, 16 and 17 cents; Great Lakes and Middle West district, 15, 16, and 17 cents; and in the southern district, 10 to 13½ cents per hour.

Mr. Speaker, here is one of the wonders in modern industry. The largest trust in the world controlling a capital of its own plants and the plants of other industries, such as banks, insurance, and other corporations, amounting to more than $33,000,000,0000, forcing laboring men to work not six days in the week at more than 12 hours each, but compelling them to work 12 hours or more on Sunday. It was said that Rome had her thousands of slaves. Here is a modern Rome of the twentieth-century type with its thousands of employees reduced to a drudgery that challenges the boast of our institutions and is cause sufficient to make the goddess of liberty weep. Here is

a field of labor for all who are interested in the cause of labor. Here the labor unions have a problem to solve with legislative bodies of the various States in securing the passage of wholesome laws, regulating the hours of labor so that the eight-hour day will be respected by corporations and trusts the same as it is on public works.

During this session of Congress the House has passed 21 measures for the relief of labor in various ways. But there is one question of much importance to labor which has not yet been dealt with by law, and that is a division of profits. It has been variously estimated by students of economics as to what is the average annual profits of the individual laborer over and above the cost of his economic support. But for the present let us admit that the amount of wealth produced by such labor amounts to $1,150 annually and that his support and that of his family amounts to $550. These figures are a little less than what is usually estimated now, but the ratio is about the same as to profits. Here we have a net profit of $600 per annum. How much of this profit does labor get? None. Why? Because capital has learned by careful computation just what the daily laborer must have for bare sustenance, and, finding labor dependent for support and bound to work for its support, takes the advantage of this situation and fixes the amount to be paid for labor at just what is necessary for its meager support and appropriates to itself all of the net profit. If I am correct in this proposition, it will be seen that capital is not willing to make a division of profits at all. Many theories have been advanced as to what is best to be done by labor in order to secure its just share of the profits of its own toil. One of the most favorable theories advanced is that which is advanced by capital itself, and that is there should be no more war between capital and labor; that they can best serve each other by going hand in hand in peace in their march along the highways of industry. Mr. Speaker, this is the same doctrine that was advanced by the lion when he advised that the lamb should lie down with him in peace; it is the doctrine that the strong and designing have always advanced to the complaining weak, and as long as labor will permit capital to appropriate all of the profits there will be no trouble about the question of peace between them; but whenever labor demands a division of the profits it is equal to an open declaration of war, and labor will never receive its adequate share of the wealth which it has created without waging a relentless war, such as it has manfully waged in the past for an equality of legal and political rights.

Just what character of war shall be waged in order that labor may be permitted to enjoy its full share in profits is difficult of solution. It may be that labor will be compelled to enter the commercial field both as the owner and operator of business enterprises, because as matters now stand only owners of capital are permitted to share in profits. This question challenges the wisdom of organized labor for its careful consideration. If labor should be compelled to continue without sharing in profits it can never hope to be other than poor.

Mr. Speaker, it is claimed by some writers that organized labor of America now has to its credit in banks the sum of $16,000,000,000, of which sum the coal miner owns $6,000,000,000. If capital should persistently continue to appropriate all the profits it would be far better, in my opinion, for labor to invest some of its savings in the construction and equipment of modern plants of industry and operate them and divide the profits among the owners thereof. Under the present system of industrial operations capital is compelled to rely upon the skill and wisdom of labor for its success. If labor can thus succeed and be the means whereby capital can continue to swell its bank accounts by leaps and bounds, why should it not be able to do the same thing for itself? I can see no reason why labor should not be able to own and manage business as successfully for itself as it does for capital. Whatever may be the solution of this question the relief must come through the channels of well-organized labor, aided by the passage of wholesome measures at the hands of righteous legislative bodies. In this fight—for a fight it must be—labor has a wonderful advantage in one sense of the word. They are many. They have an equal right with capital at the ballot box and when the vote is cast their choice may be supported by the many while the choice of capital will be supported by the few. Thus labor is all-powerful at elections and can place both in the State and national legislative bodies a vast majority pledged to the cause of labor. In this contest capital is no match for well organized labor.

Mr. Speaker, at the close of each day the mighty mountains are compelled to admit that their tops have been lowered by virtue of the inevitable law of erosion. The skies which their peaks kissed to-day will be far above their heads to-morrow; and in the course of time huge mountains will become hills, and the hills of to-day will meet the valleys of to-morrow in happy embrace on the plains, thereby widening the area of production and opening up a new hope for the future activities of man. Likewise labor unions have revealed to the world a powerful leveling force, whereby the lowly have been elevated and the haughty and oppressive have been lowered until all stand to-day on a common plane of equality before the law. By the potent influence of this same force, may we not hope to see in the near future the sons of toil elevated to a common level with capital in the division of profits? This is my greeting; this is my message to labor.

Mr. Speaker, the next great task for labor is a struggle for an equitable division of profits. While complete relief can not be expected to come all at once and everywhere at the same time, yet it may be attained more readily by the enactment of wise laws directing the course to be pursued by both labor and capital. The world owes a duty to labor which has not been faithfully discharged by legislative bodies in the past. In my opinion, Mr. Speaker, the time is now ripe for prompt action in this respect, for upon the success of labor depends the success of our institutions of liberty and learning. The mighty Roman Empire crumbled and fell because of her abuse to labor. Her playhouses of crime lie in monumental ruins to remind the world of the magnitude of her sins against labor. Let us take warning from this sad example and in the sweat of our legislative faces accord to labor a just recognition of its rights, so that it may have an equal chance in the race of life for prosperity and happiness. We owe much to labor. It is our staff of life. It is our storehouse of supply. Yea more—it heard the voice of God in judgment against sin and answered the righteous sentence in the sweat of its face for the adequate supply of human wants. Indeed, Mr. Speaker, labor found man in the jungles of barbarism and blood, conducted him safely through the winding, misty valleys of superstition and ignorance, pointed out the fruitful fields of knowledge, led him up the sober heights of judgment and reason, placed a crown upon his head, and transformed him into an intellectual and moral god. [Applause.]

The Clerk read as follows:

SEC. 7. That if any portion of the moneys received by the designated officer of any State for the support and maintenance of agricultural extension departments, as provided in this act, shall by any action or contingency be diminished or lost, or be misapplied, it shall be replaced by said State to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to said State, and no portion of said moneys shall be applied, directly or indirectly, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land, and not more than 5 per cent of each annual appropriation shall be applied to the printing and distribution of publications. It shall be the duty of each of said colleges annually, on or before the 1st day of January, to make to the governor of the State in which it is located a full and detailed report of its operations in the direction of extension work as defined in this act, including a detailed statement of receipts and expenditures from all sources for this purpose, a copy of which report shall be sent to the Secretary of Agriculture and to the Secretary of the Treasury of the United States.

Mr. TRIBBLE. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. TRIBBLE] offers an amendment which the Clerk will report.

The Clerk read as follows:

Amend, section 7, on page 6, line 1, after the word "land," by inserting the words "or in college-course teaching, lectures in colleges, promoting agricultural trains, or any other purpose not specified in this act."

Mr. TRIBBLE. Mr. Speaker, I do not propose to make an argument on this amendment. I have previously spoken at length on this question. The language of the amendment well expresses the purpose of it. If the gentlemen really desire the farmers to get the benefit of this act, now is the time to show it by supporting this amendment. Gentlemen have frequently stated on the floor of the House that this fund is for the purpose of reaching the farmers and not to be used in the colleges. And this provision provides in specific language how the fund must be used. If you adopt my amendment this fund will be devoted to actual farm demonstration and home economics. I contend that previous acts making provision for agricultural education have not been sufficiently specific in directing the administration of the fund. The representations made by gentlemen on the floor of the house as to the purposes of the bill are clear and unmistakable, but, Mr. Speaker, let us make the language of this bill express the purposes of this appropriation. Future generations will be bound by the language in the bill and not by speeches on the House floor.

Mr. LEVER. I have no objections to the amendment.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Georgia [Mr. TRIBBLE].

The question was taken, and the Speaker pro tempore announced that the Chair was in doubt.

Thereupon the committee divided, and there were—ayes 21, noes 1.

So the amendment was agreed to.

The Clerk read as follows:

SEC. 8. That on or before the 1st day of July in each year after the passage of this act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State whether it is entitled to receive its share of the annual appropriation for agricultural extension departments under this act, and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State of its appropriation, the facts and reasons therefor shall be reported to the President, and the amount involved shall be kept separate in the Treasury until the close of the Congress next succeeding a session of the legislature of any State from which a certificate has been withheld, in order that the State may, if it should so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury. And the Secretary of Agriculture is hereby charged with the proper administration of this law.

Also the following committee amendment was read:

Page 6, line 22, strike out the word "next."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The question being taken, the amendment was agreed to.

Also the following committee amendment was read:

Page 6, line 23, after the word "Congress" insert the following: "Next succeeding a session of the legislature of any State from which a certificate has been withheld."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

Mr. HAMILTON of West Virginia. Mr. Speaker, I move to insert in place of the word "next," which is stricken out, the words "session of." It seems to me it is ambiguous, to say the least.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 22, after the word "the" where it occurs the third time in the line, insert the words "session of."

The SPEAKER pro tempore. Without objection, the amendment will be agreed to.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER pro tempore. The question is on agreeing to the amendment. Does the gentleman from Illinois [Mr. MANN] desire to be heard?

Mr. MANN. It is almost impossible to carry out the idea of the gentleman. The expiration of Congress on the 4th of March is the expiration of the Congress. This leaves the money. The gentleman will notice on the next page:

If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury.

Mr. HAMILTON of West Virginia. I am aware of that. I am going to follow that with an amendment.

Mr. MANN. Well, there might be great difficulty in determining what the next session of Congress was.

The SPEAKER pro tempore. The question first is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. HAMILTON of West Virginia. Mr. Speaker, I will withdraw my amendment and move in place to strike out the word "close," on line 22, and insert the word "expiration."

The SPEAKER pro tempore. The gentleman from West Virginia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 6, line 22, strike out the word "close" and insert in lieu thereof the word "expiration," so that the line will read: "Separate in the Treasury until the expiration of the Congress next succeeding," etc.

The amendment was agreed to.

The SPEAKER pro tempore. There is an amendment which was offered heretofore that is on the Clerk's desk, which the Clerk will report.

The Clerk read as follows:

In line 5, page 7, after the word "law," insert the following: "And he shall have authority to coordinate all the work contemplated by this act with the work of the United States Department of Agriculture."

Mr WILLIS. Mr. Speaker, the subject matter of this amendment has already been pretty thoroughly discussed during the session of the House to-day. I understand an amendment of similar import has already been accepted by the committee, and I trust therefore that this one will be also. The issue that is made by this amendment is perfectly clear. It is stated in the second section of this bill—

That it shall be the object and duty of said agricultural extension departments to give instruction and practical demonstrations in agriculture and home economics to persons not resident in said colleges in the several communities, as may be provided by the States accepting the provisions of this act, and to convey and impart to such persons information on said subjects through field demonstrations, publications, and otherwise.

In other words, if this bill accomplishes anything, it will be a means of extending, through these agricultural extension departments of the agricultural colleges, the benefits of farm demonstration work. It has been stated a number of times that that is the purpose of the bill. Everybody knows that the work that is now being carried on through the Bureau of Farm Management of the Department of Agriculture is farm demonstration work, exactly the same as is contemplated by this bill. It is perfectly apparent, then, that if this bill shall become a law you will have two different agencies of the Government, each one of them proposing to carry on farm demonstration work.

Now, it is apparent to anyone that unless we can have some system of coordination, such an arrangement as is proposed in the pending amendment, we shall have what you might call two different bureaus of the Government carrying on the same work in the same field. Such a division of authority is bound to lead to friction and largely destroy the beneficent results of the work.

Now, it is proposed in this amendment simply this, that the Secretary of Agriculture, in the language of the amendment, "shall have authority to coordinate all the work contemplated in this act with the work of the United States Department of Agriculture."

It seems to me, Mr. Speaker, that anyone who opposes this amendment puts himself in the absurd and absolutely indefensible position of saying that it is desirable that two different branches of the Government shall carry on work in the same line, with the same objects in view, in the same field, and yet that these two branches of work should not be coordinated. In other words, those who oppose this amendment put themselves in the position of saying that it is desirable to have such a system here as is bound to lead to opposition and friction such as will eventually very largely destroy the value of the work.

Now, it seems to me, Mr. Speaker, that this amendment ought to be accepted. There is not any purpose in this amendment to break down the objects of this bill. The purpose of this amendment is simply to carry out in good faith the objects of the bill. Everybody knows that the work of the Farm Management Bureau is tremendously valuable, and those who may oppose this amendment put themselves in the position of saying one of two things—either, as I have indicated before, that these two classes of work in the same field, with the same objects, shall not be coordinated, but shall be so carried on as to lead to opposition and discord, or else they must have in mind a sinister purpose to bring about the cessation of one or the other branch of this work. If I thought it to be the purpose of this bill ultimately to cripple or destroy the Bureau of Farm Management, I for one am so much interested in agricultural and vocational education and in the farm-demonstration work carried on by the Department of Agriculture that this bill would not receive my support. I do not believe it would receive the support of the Members of this House. Consequently, it seems to me only fair that we should adopt this amendment, which will guarantee the maintenance and efficiency of both these branches of work.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVER. Mr. Speaker, this is a very important amendment, although I shall take very little time in discussing it.

If this amendment is adopted it will turn over to the Agricultural Department practically all of the funds provided for extension work through the colleges carried in this bill.

Under the terms of this bill as found in lines 3, 4, and 5, in the following language—

And the Secretary of Agriculture is hereby charged with the proper administration of this law—

To my mind the Agricultural Department has all of the authority for the administration of this law that it should have. It has been held by the comptroller, and by the rulings of the department, that under that language, which is copied from the Adams Act, the Secretary of Agriculture has the authority to see to it that the projects and the purposes of the bill, as shown in the bill, shall be carried out by the colleges; and it seems to me that that is as far as we ought to go in permitting the Secretary of Agriculture to have control of the work provided in this bill. I trust therefore that those of us who desire this bill to pass in the shape in which it has been prepared and amended will vote down the amendment of the gentleman from Ohio [Mr. WILLIS], because it is the one amendment that to my mind is the most dangerous to the intent of the bill.

Mr. WILLIS. Mr. Speaker, will the gentleman yield for a question?

Mr. LEVER. Yes.

Mr. WILLIS. Does the gentleman say that in his judgment it is desirable that the work of the Farm Management Bureau and the work contemplated under this act shall not be coordinated?

Mr. LEVER. As I understand the meaning of the language of the gentleman's amendment, I take it that if we adopt his amendment we will give the Secretary of Agriculture the complete right to veto absolutely any propositions in the way of work that the colleges may set on foot under the provisions of this bill, and that is the very thing we do not want to have done.

Mr. MANN. Mr. Speaker, I suggest to the gentleman from Ohio that if both services are carried on, there is no practical difficulty in the Secretary of Agriculture expending the money which is appropriated to be expended for farm-demonstration work under his control in such a manner that it will not conflict with the money which is being spent by the State.

The same question which the gentleman raises was raised in connection with the pure-food law when at one time it was proposed to have the Department of Agriculture coordinate with the officials of the different States in reference to the enforcement of the pure-food law.

It is perfectly apparent to everybody that when it comes to the enforcement of the pure-food law the Federal officials are constantly called upon to rely upon information received from State officials or municipal officials. And yet to state that the work should be coordinated was thought to give to the Secretary of Agriculture an attempted authority over the State officials which it did not seem proper to do; and I fear that if the gentleman's amendment should be agreed to, it would be claimed that the Secretary of Agriculture had the authority to dictate to the State officials in a way which the State officials would not consent to.

There is nothing to prevent the Secretary of Agriculture using ordinary good sense, which up to date I think the Secretaries of Agriculture have always used in expending any money over which they have had control; and to a certain extent the Secretary would have control over the expenditure of money by the colleges or the State officials, but not jurisdiction directly over the State officials themselves. I do not believe that the Secretary of Agriculture ought to have direct jurisdiction over the actions of the State officials.

Mr. WILLIS. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. WILLIS. It seems to me there is a slight difference between this case and the one the gentleman states, in this: That here we are proposing to appropriate a portion of the funds of the United States; we are proposing to appropriate that entire portion for the farm-management work. Since they are the funds of the United States, it seems to me desirable that some officer should have authority to control it, if there were any conflict in the expenditure of these two different funds.

Mr. MANN. I take it that under this bill the Secretary of Agriculture, who has to make a certificate, in a wide way has control over what theory the State officials shall proceed upon, but can not give directions to the officials actually doing the work. I do not believe it is desirable that the Secretary of Agriculture should directly superintend the work done by the officers of the State in the farm-demonstration work. Of course, I mean if this bill is to pass.

Mr. MONDELL. Is it not the gentleman's opinion that if this bill passes, the work proposed to be carried out under the bill will largely supersede the farm-demonstration work now being carried on by the department?

Mr. MANN. The farm-demonstration work now being carried on by the department is very limited in its extent—not a large amount.

Mr. WILLIS. A considerable sum of money is expended.

Mr. MANN. Yes; but nothing like the $3,000,000. Now, I apprehend what will take place will be this: We appropriate now quite a sum for the Federal Government to do this farm-demonstration work. Not a very large sum is appropriated by this bill to begin with—$300,000 a year additional for nine years, until the total amounts to $3,480,000.

As the additional amounts are appropriated it will be up to Congress or the department to determine whether there is any occasion for the General Government to pursue the same line of work. Until a much larger sum is appropriated than there will be for a number of years undoubtedly the agricultural bill will carry the appropriation for farm-demonstration work through the department and the additional sum through the colleges.

Mr. MONDELL. If the gentleman will pardon me, is not this what will occur: That the first years after it becomes a law the sums appropriated under this bill will be used by the States in cooperation with the Secretary of Agriculture?

Mr. MANN. I have no doubt that will be the case always.

Mr. MONDELL. And, therefore, whatever other appropriations we make in the agricultural appropriation bill will be used in connection with this appropriation?

Mr. MANN. Undoubtedly, if any sort of sense is used; and I think we are entitled to presume that good sense will be used.

Mr. WILLIS. Does the gentleman think that under the bill without my amendment the Secretary of Agriculture will have any discretion as to the certification of the right of a State to the Secretary of the Treasury? Does he have to consider anything except whether the legislature has made the appropriation? Has he any power?

Mr. LEVER. If the gentleman from Illinois will pardon me, I will answer the gentleman from Ohio by saying that, in view of the department, he has; the Adams Act contains this.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio.

Mr. WILLIS. Mr. Speaker, I ask that the amendment be again reported.

The Clerk again reported the amendment.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the amendment was lost.

Mr. NORRIS. Mr. Speaker, I move to strike out, after the word "Treasury," in line 3, page 7, the balance of the section.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Beginning after the word "Treasury," in line 3, strike out the words "and the Secretary of Agriculture is hereby charged with the proper administration of this law."

Mr. NORRIS. Mr. Speaker, this particular language that my amendment is to strike out, it seems to me, is entirely unnecessary in the bill, and may result in a great deal of confusion in the administration of the law. The language I am seeking to strike out reads as follows:

And the Secretary of Agriculture is hereby charged with the proper administration of this law.

Now, this law has provisions in it providing duties for the Secretary of Agriculture. It provides certain things shall be done by the Secretary of the Treasury, and other duties that shall be performed by the governors of the States, the legislatures of the States, and in one place in the bill it provides for certain duties that shall be performed by the Postmaster General in making rules and regulations.

It seems to me without this language everybody's duty is clearly defined, including the duty of the Secretary of Agriculture. But with this language the Secretary of Agriculture might assume that he had supervision over the duties that the law provided should be performed by other officials, by the governors of the States, by the Secretary of the Treasury, and by the Postmaster General, in making rules and regulations for carrying out certain provisions of the bill.

Mr. LEVER. If the gentleman from Nebraska will permit an interruption, I called Dr. Galloway on the telephone on this very proposition, because I had received letters from college presidents to the effect that they were afraid that there was too much authority in this bill. Dr. Galloway writes me this letter:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF CHIEF OF BUREAU OF PLANT INDUSTRY,
Washington, D. C., April 1, 1912.

DEAR MR. LEVER: Referring to our conversation over the telephone regarding the authority of the Secretary as set forth in the Hatch Act and in the Adams Act, I beg to say that in the original Hatch Act the Commissioner, now Secretary, of Agriculture had no authority whatever in the matter of controlling the operations or funds appropriated under the Hatch Act. Secretary Morton, recognizing the weakness of the act, had section 3, which you read to me over the telephone, incorporated. This merely gives the Secretary authority to, so far as practicable, secure uniformity of methods and results of the work of said stations and to furnish, so far as practicable, forms for the tabulation of results of investigations or experiments, to indicate from time to time such lines of inquiry as to him shall seem most important, etc. There is nothing in the act anywhere that gives the Secretary authority to administer the act as an act.

The Adams Act, on the other hand, gives the Secretary express authority to administer the entire act, as you will find at the end of section 4, reading as follows:

"If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury and the Secretary of Agriculture is hereby charged with the proper administration of this law."

That is, the Secretary of Agriculture, as you will see, is charged with the entire administration of the law, and as a result of this, I am informed by the Office of Experiment Stations that it is practicable for them to much more rigidly control the work inaugurated than is the case under the Hatch Act.

I think your bill carries this clause in it; and if so, it is my opinion—and Dr. True concurs with me in this—that nothing further is needed to give the Secretary sufficient authority to keep definite control of all operations under your bill.

Very sincerely,

B. T. GALLOWAY,
Chief of Bureau.

It gives him authority only to see that the funds that we are appropriating shall go to the purposes for which they were appropriated.

The SPEAKER pro tempore. The time of the gentleman from Nebraska has expired.

Mr. NORRIS. Mr. Speaker, I would like to have three minutes more.

Mr. LEVER. Mr. Speaker, I ask unanimous consent that the gentleman be permitted to proceed for three minutes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. NORRIS. Mr. Speaker, I would like to submit to the membership of this House, and particularly to the gentleman from South Carolina, that if this language were stricken out the Secretary of Agriculture would have all of the authority that is anywhere given him by the law; but if it is left in I fear he may have authority, or some Secretary of Agriculture might at least claim it, to supervise the duties and make rules and regulations that the law itself explicitly gives to some one else. I desire to call the gentleman's attention to page 2, section 3, of the printed bill—

That all printed matter and correspondence for the furtherance of the purpose of this act issued from the agricultural colleges, etc., shall be transmitted in the mails of the United States * * * free of charge of postage, under such regulations as the Postmaster General from time to time may prescribe.

There is a duty devolving upon the Postmaster General, and we ought not to give to the Secretary of Agriculture any hint in this law that he should have any authority to control the action of the Postmaster General. There are other places in the bill where the Secretary of the Treasury is specifically authorized and instructed to perform certain duties and acts. We ought not to put anything in the bill that might throw a cloud upon his authority or his right to carry out according to the law as laid down in the act prescribing his duties. I would like to have the gentleman say, if this language is stricken out, what particular place in the bill, if any, would there be any lack of authority on the part of anybody to perform the duties prescribed by the act. But if you leave it in, there may be a dispute between different officials as to who shall have authority, and therefore bring about confusion.

Mr. HAMILTON of West Virginia. Mr. Speaker, could not the gentleman get his object by restricting the language a little?

Mr. NORRIS. I think it could be done. I thought at first that I would offer the amendment to strike out the word "law" and insert "section." I thought in reading it that the author of the act intended this particular clause to apply to this particular section, and if it did only apply to this section I would have no objection to it. It could not bring any harm because this section provides duties for the Secretary of Agriculture, but when I saw that the word "law" was used I could clearly see that much uncertainty and perhaps friction might ensue in the enforcement of the law.

Mr. LEVER. Mr. Speaker, this language is identical with the language in the Adams Act, as contained in section 4.

Mr. NORRIS. Mr. Speaker, will the gentleman permit a question right there?

Mr. LEVER. Yes.

Mr. NORRIS. Does the Adams Act contain other provisions like this act, defining the duties of these other officials?

Mr. LEVER. Yes; I think so; free mailing and all those things, and I was about to say that since the enactment of the Adams Act the relationship between the Department of Agriculture and the agricultural colleges and experiment stations has become closer and closer, and they have found a line of demarcation between their duties that is perfectly understood by each of them. There is another point I would like to suggest, and it is this: We are appropriating from the Federal Treasury $3,000,000 here to the various States of the Union—$3,480,000 annually at the end of 10 years from now—for the purpose of doing certain things, and while I am a State-rights Democrat, I am willing to and I believe Congress ought to reserve to itself the right to see to it that the funds appropriated by it to the various States should be used for the purposes for which they were appropriated. If we give this money outright to the States, with no control upon it at all by the Department of Agriculture or by Congress, the agricultural colleges might—I do not think they would, but they might—use it for purposes entirely beyond and without the pale of the provisions of this bill. Instead of using 75 per cent of these appropriations for the purpose of doing field demonstration, they might use 75 per cent of it for the purpose of teaching home economics, and somebody somewhere ought to have authority to see to it that the funds are being used in a general way for the general purposes for which they were appropriated.

Mr. NORRIS. Is it specifically provided for in this bill?

Mr. LEVER. I think not. I think this is the only language in this bill which gives the Secretary of Agriculture any authority whatever or anybody else to see to it that the colleges do with the money which is appropriated for them what it is intended that they should do under the law.

Mr. NORRIS. What particular section does the gentleman think this applies to?

Mr. SMALL. To section 1, which provides specifically that this work shall be done under the immediate direction of the college or colleges in each State which shall receive the benefits of this act. That is in section 1. Now, it is also provided that this work shall be done by the several colleges in the several States.

Mr. LEVER. I ask for a vote.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 10. That Congress may at any time annul, suspend, or repeal any or all of the provisions of this act.

Mr. MANN. Mr. Speaker, I move to strike out the last word. The usual language is "may at any time amend, alter, or repeal." I suppose this covers it, but when we have a form it is desirable to follow it.

Mr. LEVER. I suggest to the gentleman from Illinois this language is copied from the Adams Act.

Mr. MANN. Because it was written by some outside party.

Mr. LEVER. I have no objection.

Mr. MANN. I move to strike out the words "annul, suspend" and insert "alter, amend" in place thereof.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 7, lines 13 and 14, strike out the words "annul, suspend" and insert in lieu thereof the words "alter, amend."

The question was taken, and the amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. LEVER, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. LEVER. Mr. Speaker, just one moment. There are a number of gentlemen who have spoken on this bill who request unanimous consent to extend their remarks in the RECORD. I ask unanimous consent that gentlemen who have spoken on the bill may have leave to extend their remarks in the RECORD for five legislative days.

The SPEAKER. The Journal clerk informs the Chair that leave was given yesterday.

EVAN URNER RINEHART.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent that the Committee on Naval Affairs be discharged from the further consideration of the bill S. 7267 and that it be considered.

The SPEAKER. The gentleman from Maryland asks unanimous consent to discharge the Committee on Naval Affairs from the further consideration of Senate bill 7267. Is there objection?

Mr. SISSON. Reserving the right to object——

Mr. MANN. Reserving the right to object——

Mr. SISSON. I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Whether the Speaker recognized the gentleman for that purpose? This bill is not on the Private Calendar.

The SPEAKER. The gentleman said it was, and that is all the Chair knows about it.

Mr. MANN. Then the gentleman's motion is incorrect, because his motion was to discharge the Committee on Naval Affairs from the further consideration of the bill.

Mr. LINTHICUM. The Senate bill is identical with the bill I introduced. If my bill passes it would have to go back to the Senate, and that is the reason I asked leave to call up this bill.

Mr. MANN. Reserving the right to object, let the bill be reported.

The SPEAKER. The Chair thinks the gentleman from Illinois will agree that this bill ought to have been on the Private Calendar all the time.

Mr. MANN. But it has not been reported yet. Let the gentleman ask unanimous consent to call up the House bill.

If that is granted, then he can ask unanimous consent to substitute the Senate bill.

Mr. LINTHICUM. Mr. Speaker, I ask unanimous consent to call up House bill 25428 and to discharge the Committee on Naval Affairs from its further consideration, and that it be considered at this time.

The SPEAKER. The gentleman from Maryland asks unanimous consent to call up House bill 25428 and to discharge the Committee on Naval Affairs from its further consideration.

Mr. UNDERWOOD. I will suggest to the gentleman he ask unanimous consent to consider the House bill, and if he gets it I have no doubt the House will give him unanimous consent to substitute the Senate bill.

The SPEAKER. The gentleman asks unanimous consent to call up the bill H. R. 25428, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 25428) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart.

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and it is hereby, waived for one year in the case of Evan Urner Rinehart, in consideration of his previous naval service.

The SPEAKER. Is there objection?

Mr. MANN. I object.

Mr. LINTHICUM. I will ask the gentleman to withhold his objection. I would like to make a few remarks.

Mr. MANN. I will withdraw the objection so far as that is concerned and reserve it on anything else until 6.30 p. m., when, I understand, we are likely to take a recess.

Mr. BUTLER. Then why not take it now?

The SPEAKER. The gentleman from Illinois [Mr. MANN] objects.

Mr. MANN. I said I would reserve the objection.

Mr. LINTHICUM. I ask the gentleman to reserve his objection, so that I may explain the bill. I think possibly he will not object after he is acquainted with its merits. This is a young man who entered the Naval Academy, graduated therefrom, and after graduation served two years and three months of sea duty. Upon examination his hearing was found to be slightly defective, and he was therefore asked to resign from the Navy. He is just three months over the limit of entering the Pay Corps, which is the age of 26 years, and he asks that this limit be waived in his case in order that he may take the examination for that corps. The reason he desires to enter the Pay Corps is that the requirements as to hearing there are not as strict as the regulations under which he has been serving. In sea duty one is compelled to have an acute hearing in case of fogs, or anything of the kind, but in the Pay Corps conditions do not require such keenness. As I have stated, Rinehart was educated for the Navy at the expense of the Government. He is thoroughly equipped to enter the Pay Corps, and by reason of his naval experience and training would prove a valuable member of that department.

In case of actual battle he would not only be a good man in the Pay Corps Department, but if his services were needed in any other capacity on the vessel he would be able to discharge the duty assigned him. I think, in view of these facts, and in view of the fact that the young man comes from one of our very best families and has devoted his time and energies to the Navy, there should be no objection to waiving the age limit so that he may take the examination. He does not ask any rights that anybody else would not have, but he desires to have the requirement waived so that he may take the examination necessary to be taken to enter the Pay Corps. The Navy would be getting the services of a good man, and the Navy Department has no objection to the passage of this bill. Young Rinehart comes from a long line of splendid men of our State. He is a nephew of Rinehart the sculptor, the man who completed the bronze doors in front of this Capitol when, after the death of Crawford, he was asked to finish the work. It was this same sculptor, Rinehart, who designed those statues on the side of the clock there [indicating]. This young Rinehart is a splendid young man and comes from a splendid family. He has done good work in the Navy, and I ask that the gentlemen do not object to the age limit being waived. I want him to be given another chance. As I say, he is only three months above the required age.

Mr. MANN. Mr. Speaker, I have no doubt that the gentleman's statement that this young man comes from a good family, and that his service has been satisfactory, is correct. His abilities ought to enable him to secure employment elsewhere, and Congress should not be asked to set aside the regulations in his behalf. I do not regard these matters as personal affairs, either in cases of promotion or assignments to the retired list, or anything of that kind. I object to all of them, and I shall object to this one.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On August 20, 1912:

H. R. 11149. An act to authorize the Secretary of the Treasury to convey to the city of Sulphur Springs, Tex., certain lands for street purposes;

H. R. 16191. An act to convey certain real estate in the village of Jonesville, Hillsdale County, Mich.;

H. R. 5763. An act for the relief of William K. Harvey, alias William K. Hall; and

H. R. 16621. An act for the indemnification of Frank Wenzel.

On August 22, 1912:

H. R. 25806. An act to provide for the entry under bond of exhibits of arts, sciences, and industries;

H. R. 13566. An act for the relief of soldiers and sailors who enlisted or served under assumed names, while minors or otherwise, in the Army or Navy of the United States during any war with any foreign nation or people;

H. R. 22648. An act to authorize a change in the location of Fourteenth Street NE., in the District of Columbia, and for other purposes;

H. R. 25060. An act for the relief of Joe Cook;

H. R. 19190. An act for the relief of John P. Risley;

H. R. 606. An act for the relief of John Treffeisen;

H. R. 5135. An act for the relief of John J. Troxell;

H. R. 6722. An act for the relief of Stephen Campbell and Isaac Overdorf;

H. R. 21963. An act to make Fort Covington, N. Y., a subport of entry;

H. R. 13417. An act granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes;

H. R. 2875. An act to provide for the exchange of national forest timber in New Mexico for private lands lying within the exterior limits of the Zuni National Forest;

H. R. 19339. An act granting public lands to the cities of Boulder and Canon City, in the State of Colorado, for public park purposes;

H. R. 19409. An act granting certain lands to the town of Yuma, Ariz.; and

H. R. 1248. An act to authorize the Secretary of the Interior to convey a certain frame building.

On August 20, 1912:

H. R. 22002. An act supplementing the joint resolution of Congress approved April 30, 1908, entitled "Joint resolution instructing the Attorney General to institute certain suits," etc.

On August 22, 1912:

H. R. 24565. An act making appropriations for the naval service for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 17483. An act amending sections 1998, 1420, and 1624 of the Revised Statutes of the United States, and to authorize the President, in certain cases, to mitigate or remit the loss of rights of citizenship imposed by law upon deserters from the military or naval service, and to authorize certain reenlistments in the Army and naval service.

On August 23, 1912:

H. R. 26278. An act amending paragraph 10 of section 8 of an act entitled "An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected," approved June 25, 1910, as amended by section 2 of an act entitled "An act to amend an act entitled 'An act providing for publicity of contributions made for the purpose of influencing elections at which Representatives in Congress are elected' and extending the same to candidates for nomination and election to the offices of Representative and Senator in the Congress of the United States and limiting the amount of campaign expenses," approved August 19, 1911;

H. R. 24626. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 21094. An act to create a Commission on Industrial Relations;

H. R. 11877. An act to amend section 8 of the food and drugs act approved June 30, 1906; and

H. R. 26371. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes; and

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVEN, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 13016. An act for the relief of the West Kentucky Coal Co.;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. J. Res. 349. A joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912:

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Cival War, and to widows and depcndent relatives of such soldiers and sailors;

H. R. 26371. An act making appropriations for the legislatiye, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes; and

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.

FRANK D. COURTRADE.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to call up the bill (H. R. 23604) for the relief of Frank D. Courtrade.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] asks unanimous consent to call up the bill H. R. 23604, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the disqualification to make homestead entry found by the Department of the Interior to exist by reason of the ownership by Frank D. Courtrade of thirty one-hundredths of an acre of land in excess of 160 acres, at the time, to wit, July 2, 1910, that he made settlement upon, and on August 1, 1910, when he applied to make homestead entry of the south half of north half of section 18, township 37 south, range 7 east, Willamette meridian, Oregon, be, and the same hereby is, removed; and the Secretary of the Interior is hereby authorized and directed to allow homestead entry by said Courtrade under his application to enter said land, filed August 1, 1910, and known as No. 03882, series of the United States land office at Lakeview, Oreg., as of the date applied for; but nothing herein contained shall be construed as waiving full compliance with the homestead laws in the matter of residence and improvement under such entry.

The SPEAKER. Is there objection?

Mr. SISSON. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Oregon [Mr. HAWLEY] whether this party owns more than 160 acres now?

Mr. HAWLEY. No. He sold the 160 acres he had and put the improvements on the land he is now living on, and the department in its report makes a strong statement in his favor.

Mr. SISSON. How much land will he have after he gets this? Will he have more than the law permits?

Mr. HAWLEY. He gets just 160 acres that the law permits him to enter. He has three small town lots that were not supposed to count against him when he made the filing on this land.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the first committee amendment.

The Clerk read as follows:

Amend, page 1, line 5, by striking out the name "Courtrade" and inserting in lieu thereof the name "Courtade."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend page 1, lines 5 and 6, by striking out the words "thirty one-hundredths" and inserting in lieu thereof the words "thirty-one sixty-fourths."

The amendment was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Amend page 2, line 3, by striking out the name "Courtrade" and inserting in lieu thereof the name "Courtade."

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Frank C. Courtade."

On motion of Mr. HAWLEY, a motion to reconsider the vote whereby the bill was passed was laid on the table.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until half past 8 o'clock to-night.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p. m.) a recess was taken until 8 o'clock and 30 minutes p. m.

EVENING SESSION.

The recess having expired, at 8 o'clock and 30 minutes the House was called to order by the Speaker.

AGRICULTURAL EXTENSION.

Mr. TRIBBLE. Mr. Speaker, my colleague from Georgia [Mr. HUGHES] has been ill for some weeks. Before he became ill he prepared a very fine speech on this agricultural extension bill, and at the request of the gentleman from South Carolina [Mr. LEVER] and myself, he is desirous that the same be published in the CONGRESSIONAL RECORD. I ask leave that that be done.

The SPEAKER. The gentleman from Georgia [Mr. TRIBBLE] asks leave to have printed in the RECORD a speech by Representative HUGHES of Georgia, who is now sick. Is there objection?

There was no objection.

The remarks are as follows:

"Mr. HUGHES of Georgia. Mr. Speaker, this bill has been ably presented by the author, Mr. LEVER, of South Carolina. Ten thousand dollars is appropriated annually to each State which shall assent to the provisions of the act. This appropriaton is unconditional to the several States. Three hundred thousand dollars is appropriated for the fiscal year of 1914, and an annual increase of this appropriation of $300,000 a year over the preceding year for a period of nine years is provided until the total amount of the additional appropriations will be the sum of $3,000,000, which is to be allotted to the several States in the proportion which their rural population bears to the total rural population of the United States.

CONDITIONS.

"Before any State can avail itself of its pro rata share of this appropriation the said State must supplement an equal amount to its pro rata share. The amounts appropriated to each State by this bill are under the direction of the land-grant colleges, the agricultural colleges of the several States. Not less than 75 per cent of all moneys available under this act shall be expended each year for field instruction and demonstration. The remainder is available for home economics and allied subjects—

"When a Federal grant is made conditioned on State aid, the State support comes and a great system of education follows.

"This appropriation, in the last analysis, will be an investment the result of which will reach, in proportions, the Na-

tional and State Treasuries and every artery of trade, business, and enterprise in this land.

"This bill as amended was unanimously recommended by the Committee on Agriculture.

WHY I SUPPORT THIS BILL.

"In supporting this bill I do so as a practical farmer, having been actively engaged in this occupation for 40 years.

"Four years of this time I was president of the Georgia State Agricultural Society, the duties of which office carried me into almost every county of my State. During these visits I carefully studied farm conditions both in the field and in the home. My conclusions were that education, education that could be applied, was the important question. I found unrest on the part of the young man, who was dissatisfied with his surroundings, believing that the tiller of the soil was not getting just compensation for his labor. I found that the adult farmer had accepted the aphorism that the farmer was 'a hewer of wood and a drawer of water'; that the mother was burdened with the monotony of household duties, committed to her confines, without restful diversion. She accepted the monotonous duties and seclusion with resigned fate. The daughter without social contact showed discontent. This I found to be the condition of ostracized farm life.

CONDITIONS IMPROVING.

"I am happy to say, however, that within the last few years conditions are being changed and farm life with them. Good roads are eliminating distance, putting neighbor in closer touch with neighbor and the country home in touch with the town home. Telephones are connecting many homes. Churches are more accessible and social relations are made possible. Good school buildings have been erected, with capable school-teachers, under direct control of competent county school commissioners, who are visited and directed by the State school commissioner. The rural free-delivery carriers daily disseminate various kinds of literature, magazines, daily papers, and bulletins. Such improved agricultural conditions have caused the farm home to become enlightened or more cheerful, giving more happiness and contentment. These improved conditions have brightened the hope and aspiration of the father and son. But the young man, ambitious and determined to better his financial condition, is still dissatisfied with the financial results of his farm life. Hence he is seeking employment in the city. A question of importance is, What must be done to keep the boy on the farm? I answer farm conditions must change in order to keep him there. He must be brought to the realization of the fact that he is engaged in a great business undertaking. For him to become content the farm must become remunerative, with increased intellectual interest. In my opinion the passage of this bill will consummate this end. I am in favor of education, and compulsory education if necessary, for it generates light. I favor academic, scientific, and industrial education.

GEORGIA'S EDUCATIONAL INSTITUTIONS.

"Georgia is preeminent in her educational institutions, namely, the Georgia Normal and Industrial College for Girls, the Technological School, her State Agricultural College, for the establishment of which I rendered my best efforts and of which I have been a trustee since its organization. Her agricultural schools are situated or located in every congressional district, her system of common schools is in operation throughout the State, and the great University of Georgia, in the classic city of Athens, has sent forth men of mark in every calling of life, some of whom within this very Hall of "our fathers' house" have electrified the Nation with their logic, eloquence, and statesmanship.

"This advanced stand in education speaks well for Georgia, but, alas, with all these institutions the farmer in Georgia—like the farmers North, East, South, and West—has been unable to get and use that practical information which would raise the standard of his occupation to the position it deserves. This information, which has been obtained by scientific research, is locked up in the vaults of our agricultural colleges, dormant and rusty. This bill is the key which will unlock these vaults and take this valuable information to the farmer on the land and by demonstration put it into the various agricultural channels where it will render service.

DEMONSTRATION NEGLECTED.

"It may be asked why the various agricultural colleges of this Union have not inaugurated this great plan of demonstration and put it into effective operation. In the first place, I think they have neglected an important duty, relying too much on the graduates, who were expected to return to the farm and employ their scientific information; and, in the second place, they have not been sufficiently equipped financially to undertake and conclude so gigantic an undertaking. The agricultural trains, the farmers' institutes, and the various agricultural bulletins have disseminated much knowledge and information, but these have reached successfully only a very small percentage of the farmers of this country, and especially have they failed to comprehensively reach the great majority of the farmers who were most in need of practical information. This bill will reach and grasp this great majority—about 90 per cent—and will revolutionize the agricultural interest of this entire country.

DR. KNAPP'S GREAT WORK.

"In my opinion Dr. Knapp, late of the United States Department of Agriculture, who extended this demonstration in the South, has accomplished more, directly, for the farmer than all other agencies combined. He has carried pent-up, inert, scientific information through his demonstrations by his demonstrators to the man in the field. Wheresoever he has reached this man he has awakened his energies, his thoughts, his purposes, and that man is proceeding to-day with new life and brighter hopes. His land has been made to yield 100 per cent more and his profit has been correspondingly increased.

"This bill proposes to put the Knapp demonstration plan into active operation in every county throughout the broad limits of this Union on a larger and broader scale.

"Just here permit me to say that the name of the late Dr. Knapp is stamped indelibly upon the hearts of the farmers of this country, especially those of the South, and a monument should be erected to his memory, the handiwork of every State.

HOW DEMONSTRATION HELPS.

"Demonstration on the land proves the importance and value of scientific research. For the district which I represent I obtained from the United States Department of Agriculture, through Dr. Knapp, demonstrators, men who had qualified by reducing theory to practice, for 6 of the 15 counties of my district. They established in each county from 10 to 20 1-acre farms (and in one instance a farm of 100 acres) so distributed as far as possible to include the different classifications of soil. Each proprietor of these farms contracted with the United States Department of Agriculture to conduct these farms as directed by agents of the department as to preparation, fertilization, and cultivation. These farms were inspected weekly and a report made to the department after each inspection.

"At first it was difficult to get the farmers to cooperate with the Government, but those who did readily saw by comparison and results that science was not a myth. Demonstration alone could have convinced, and those who complied with the requirements of the Government to-day have adopted the Knapp system, not only on the one acre, but the entire farm. Under this bill that which was accomplished in these counties will be accomplished not only in all of the 15 counties which I represent, but in every county in every State of this Union.

THE CASE OF A LARGE LANDOWNER.

"Demonstration is effective and conclusive not only to the man behind the plow and with the hoe, but to the large farmer, with his agents and supervisors. I know a large landowner conducting several farms, who has two sons who have remained on the farm and are his partners. They have attempted to be progressive along agricultural lines. They are members of the State agricultural society, attend the farmers' institutes, subscribe to the best agricultural publications, and apply to the State agricultural college for scientific information. They declare they have obtained better results and more practical information by and through the Knapp demonstration work than from any other source, and now they are conducting their farms exclusively on scientific plans which have been demonstrated.

NECESSITY FOR DEMONSTRATION UNIVERSAL.

"Now, if demonstration is necessary for a class of farmers who are supposed to operate under progressive systems and advanced idea, how much more necessary is it to the large majority of farmers—at least 90 per cent—who have neither the time nor inclination for study, who could not if they would, and would not if they could, solve the abstruse problems as set forth by bulletins, lectures, and agricultural trains.

"Demonstration is necessary to every class of farmers. Experimentation is costly to our experiment stations in their efforts to hand results to the farmer in digested form, to save him the heavy cost of personal experiment, which is almost prohibitory to the individual farmer, all of whose time must be devoted to execution, in order to successfully manage, control, and work his land. The agricultural college is the dynamo and demonstration the motor. To realize full force and power they are inseparable. This bill unites them and the spark is flashed.

BOYS' CORN CLUBS.

"The boys' corn clubs of Georgia achieved remarkable results and planted a spirit of laudable ambition in the hearts of the young boys on the farm that is encouraging. Five hundred of

these boys raised over 100 bushels of corn on 1 acre each last year, and 750 raised more than 80 bushels per acre. This result was surprising not only to the fathers of these young men, but to the entire State, remembering that the average yield of corn per acre for the last 10 years was about 12½ bushels per acre in Georgia.

COOPERATION BETWEEN STATE AND UNION.

"The Lever bill will cause such cooperation between State and Union, through the agricultural colleges, accelerating and intensifying agricultural education by the only method that can possibly reach the farmer. He will hear, but he must see to be convinced. Demonstration convinces and arouses latent action and inspires hope, and progress is the result.

THE BOLL WEEVIL.

"The cotton crop of the United States is a national crop which directly or indirectly enters into every business enterprise in this great country. Its condition from the planting of the seed until it is baled is heralded throughout this country and cabled to every foreign land, for it not only keeps intact the gold reserve of this Union, but it clothes 60 per cent of the people of the entire globe. It reaches every home, whether the mansion or the cot. This great national crop is to-day being attacked by the increasing and indestructible boll weevil, first on the frontier of Texas and gradually, but surely, marching toward all the Atlantic cotton States; and if permanent demonstration is not inaugurated and pushed with all possible force and power before and after the weevil reaches the Atlantic cotton States, millions of dollars will be lost to the producer and millions of dollars of the loss will accrue to the consumer. If this bill is passed this great destroyer will be met with the combined power of State and Nation and the loss from the ravages of the weevil will be reduced to a minimum.

THE PEACH INDUSTRY.

"The peach industry is an important summer crop to many States of the Union. It is a crop conducive to health and wealth. It is being attacked by various destructive insects and fungi growths. This has cost the producers of this country millions of dollars. Many States have in operation departments of entomology which, in connection with the United States Department of Agriculture, have carried their experiments to the peach orchard, consummating remarkable results.

PERMANENT DEMONSTRATION.

"The passage of this bill will inaugurate a system of continued demonstration which no State alone can or will do; but by this united effort of the various States this summer crop will be preserved as an asset to the national wealth.

"I could mention other important crops which suffer from disease and insects, the continued production of which at a profit to the producer depends upon scientific demonstration.

LANDS DETERIORATING IN FERTILITY.

"Due to absence of scientific cultivation and rotation, the fertility of the soil has greatly deteriorated, and we are now forced to use commercial fertilizers to supply chemical ingredients which are necessary to plant life and soil preservation. This condition is recognized by all farmers. They realize their land has become less productive and that the soil must be impregnated with artificial fertility, but those farmers whose circumstances have been such that they have had no opportunity for scientific study—a college course—do not know the fertilizer required to supply the deficiency in the different and varied soils.

"This expert knowledge which the farmers will be able to obtain under this bill through the demonstrators will be to them just what the prescription of a physician is to the patient and the advice of a lawyer to the layman who is confronted with a legal question. Mr. Speaker, the need of a physician by a patient who is suffering from a malignant disease, the need of a litigant who is hard pressed in the courts for a lawyer, is no more imperative than is the need of the farmer for scientific demonstration. Under this bill it is anticipated, and it will be demanded that a scientific man of practical experience, as a county commissioner of agriculture or a doctor of agriculture, be placed in every county to answer the calls of the farmer.

CONSERVATION OF THE SOIL.

"The soil of this country, in the last analysis, is the storehouse of all wealth. Every living soul is dependent upon it. The very best thought of this Nation should be directed to its conservation.

"We hear much of the conservation of our timber, our mineral lands, and our rivers and harbors. The soil is the mother of all, and by whom or when has a voice been raised and decisive, active stand taken to conserve and perpetuate the soil?

"In the hearings before the Agricultural Committee Dr. Soule, president of the Georgia State Agricultural College, said: 'We have a great problem in this country, the conservation of our soil. That industry and science have practically developed hand in hand, but agricultural science has altogether outrun the practice of farming. In other words, our colleges to-day and the Department of Agriculture of the United States are in possession of thousands of fundamental facts that would increase crop production in this country were they placed within the reach of the farmer in a way which he could understand and apply.' This bill enlarges and perfects the Knapp plan and will place within the reach of the farmer that which he can understand and apply.

"Demonstration deferred for whatever cause has been a mistake which should be corrected, and this bill will not only correct but inaugurate and put into execution, in no uncertain way, this great system of reaching every farmer.

THE NEGRO LABORER.

"On the large plantations in the South negroes are the principal laborers. The older negroes, the heads of families, are generally renters and tenants, the younger, as a rule, wage-workers. Negro labor annually is growing less effective on the farm. The tenants, and especially the renters, are not only absolutely indifferent as to the care of the land and preservation of the soil, but destructive, remaining on one plantation until they have denuded the soil, then moving on some other plantation to rent and cultivate lands that have been kept in fair condition under the strict surveillance of the proprietor under the wage system.

"The younger generation is congregating in cities as day laborers and on public work, where they have the opportunity which they seek of immediate investment in that which they do not need, and frequently to their detriment, injury, and ruin. It is the desire of the South to change and improve these conditions. It is to the interest of the landowner to improve and advance the negro laborer. Something must be done to prove to him that it is to his interest, as well as to that of the proprietor, to preserve the soil, thereby reaping better returns. They attend as a holiday "conclave" the presentations by the agricultural colleges from agricultural trains and farmers' institutes, called extension work, and receive not one atom of information which they will or can apply. There are in my State and in the South quite a number of negro landowners. We wish to make them better farmers and object lessons to the tenants and renters.

"The passage of this bill, in my opinion, will mean as much to the negro as to the landowner. It will go to him on the land and prove to him by demonstration that he can make and get better returns for his labor by the progressive methods inaugurated by Dr. Knapp and concluded by this bill. When you convince them of this, with the eternal vigilance of the proprietor as a daily teacher, they will be better renters, tenants, and owners and will be attracted back to the farm.

INDIVIDUAL OWNERSHIP OBTAINS.

"Our land is farmed by individuals, not corporations. It is farmed by many millions of small farmers, and these can only be reached by national aid. The passage of the Morrill Act created a system of agricultural colleges which was impossible for the States to accomplish acting separately. The Hatch Act passed in 1887; and when this act became operative, experimentation attracted national interest; and when this bill—the Lever bill—is enacted into law, it will carry into operation the very intent and purpose of this great system which these earlier enactments intended for the perpetuation of the soil, making better farmers and more prosperous country life.

DEMAND OUTGROWING SUPPLY.

"It is estimated that in the last 10 years there has been a 23 per cent increase in acreage, 35 per cent in production, and 60 per cent in consumption. If this ratio continues, this country will, in 10 or 15 years, be importers of food instead of exporters. Our cities are growing rapidly, the inhabitants of which are consumers of farm products.

"Every industry—manufacturing enterprises, railroads, banking and mercantile institutions—relies upon the farm for their daily food supply. These facts and conditions should attract the attention of every Member of this Congress to the national necessity of preserving and improving the soil, thereby giving increased production to the farmer. The discussion of this question—the preservation of the soil—has attracted wide interest throughout the Nation. The scientist in his laboratory, the agricultural colleges, the banker, the merchant, the railroad president, have spoken in its behalf. The farmers' union, the grange, representing millions of farmers, urge the passage of this measure. Whereas much has been done in behalf of agriculture, less than 1 per cent of all the appropriations has been devoted to this interest, of such vital importance; and should

this bill pass, it will be a tax of only about three and a half cents per capita. It will not do for this great country to defer this matter. It has been delayed too long.

"From information just compiled by the Bureau of Statistics it is shown that in the case of corn, the most important of the great cereal crops, the total yield in 1911 was little more than 2,500,000,000 bushels, or slightly below the average for the past 10 years, and to produce this corn required a larger area than was ever planted for this crop. The average yield per acre throughout this country was 23.9 bushels—less than any year since 1901. The average yield of wheat in 1911 was 12.5 bushels per acre, or less than in any year since 1900, except in 1904, when this low level was reached. While the increases per acre of American crops have been slight for the last 25 years. the European countries, which have been tilled for centuries, have shown a much greater gain in productivity within the same period. Germany in 1884 was producing an average of 40.6 bushels per acre of wheat, rye, barley, oats, and potatoes. The United States the same year had an average of 20.6 bushels. Twenty-five years later, in 1909, the average yield of these same crops in Germany had advanced to 71.8 bushels per acre, while in the United States the average was 24.8 bushels. Experts who have studied the question agree that this remarkable improvement in European agriculture is due to the adoption of new methods of farming, such as this bill proposes.

"This great Union has resources so varied, and in her confines the soil and climate are so adapted to the production of all crops, that we have grown indifferent, thoughtless, and inert, seemingly believing that the soil is indestructible and that its fertility is eternal, but facts show that such is not the case. The soil is deteriorating rapidly for the want of intelligent care, and it would be criminal on the part of those with whom the very destiny of the people rests to continue to delay and finally realize that they have been aroused too late.

"The soil—the land—is an inheritance, handed down to man for humanity. It belongs to future generations, and, as it passes through our hands, we are as responsible as the man with the talents. Let us do our duty—pass this bill—and receive the plaudit, 'Well done, thou good and faithful servants.'"

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed without amendment bills of the following titles:

H. R. 21826. An act validating certain homestead entries;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, California; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.; and

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the following title:

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 25531. An act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.; and to provide increased quarantine facilities at the port of Portland, Me.;

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn.; and

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913.

TUCKER ACT RESOLUTIONS.

Mr. SIMS. Mr. Speaker, I wish to ask unanimous consent, if it is required, to consider several resolutions, known as Tucker Act resolutions, reported by the Committee on War Claims, sending claims to the Court of Claims for action in the ordinary way. The resolutions are in the hands of the Clerk.

The SPEAKER. As soon as the Chair recognizes the gentleman from California [Mr. RAKER] he will recognize the gentleman from Tennessee. It is understood that gentlemen are to be recognized in their order.

CORBETT TUNNEL.

Mr. RAKER. Mr. Speaker, while I have a couple of small matters on the Private Calendar——

The SPEAKER. The gentleman can not take up more than one of them on this call until others get through.

Mr. RAKER. While those are personal matters in my district, I am going to ask unanimous consent to take from the Speaker's table Senate joint resolution 134, which has unanimously passed the Senate and is now on the Speaker's table, relating to the Corbett Tunnel matter. The Senate is familiar with it and the House has discussed it thoroughly. I have seen the gentlemen who were opposed to it heretofore, and they are all agreed that they have now no objection to this resolution. I shall offer an amendment to the resolution so that it can get back to the Senate.

The SPEAKER. What is it?

Mr. RAKER. The resolution is that a certain amount of money be paid out of the Treasury in connection with the Corbett Tunnel matter; that is, claims of people who have furnished labor and materials in connection with the work. That was considered in the discussion of the President's veto here last Friday. I do this in behalf of humanity, in order that the laborers may be paid.

The SPEAKER. Is this the resolution that the President vetoed?

Mr. RAKER. No, sir; it is not the same resolution. It has been revamped.

The SPEAKER. Where is that resolution now?

Mr. RAKER. It is on the Speaker's table.

The SPEAKER. Has it ever been referred to a committee?

Mr. RAKER. No, sir. I am going to ask unanimous consent that it be taken up and considered without being referred to the committee, because it has been gone over by the committee heretofore and it has unanimously passed the Senate. The House considered it in connection with the President's veto and the Senate has unanimously passed it.

The SPEAKER. The gentleman from California [Mr. RAKER] asks unanimous consent to take from the Speaker's table Senate joint resolution 134. Is there objection?

Mr. MANN. Reserving the right to object, Mr. Speaker, I ask to have the bill or resolution reported.

The SPEAKER. The Clerk will report the Senate joint resolution.

The Clerk read the joint resolution, as follows:

Joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

Resolved, etc., That there be, and is hereby, appropriated out of the Treasury of the United States the sum of $42,000, or so much thereof as may be necessary, for the payment of and to be paid to those persons who have and hold and who have presented, or may present, claims, remaining unpaid, on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor in the construction of the Corbett Tunnel, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States; and the Secretary of the Interior is hereby authorized and directed to forthwith, and as soon as may be, investigate, hear evidence about, determine and declare the several amounts due and remaining unpaid on account thereof, and to whom so due, and to certify the amounts due to the Secretary of the Treasury, who is hereby authorized to pay the several amounts so ascertained to the persons entitled to the same.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object——

Mr. RAKER. Mr. Speaker, I desire to offer the following amendments if unanimous consent is given:

Lines 3 and 4, strike out the words "Treasury of the United States" and insert in lieu thereof "any moneys in the reclamation fund in the Treasury."

In line 4, page 2, after the word "unpaid," insert the words "if any."

Mr. FERRIS. Mr. Speaker, if the gentleman will allow me, as I understand, he proposes not to charge the money to the project on which it was spent but to go into the general fund?

Mr. RAKER. Yes.

Mr. FERRIS. What can be the theory of constantly diverting the reclamation fund? We have diverted it for bridges and other things; why not let each proposition stand on its own merit? Why not let the fellows have the benefit of each project?

Mr. RAKER. Let me say that after the engineers of the Reclamation Service had made a thorough examination as to the probable cost of this tunnel they let the contract, and there were six or seven bidders. After the tunnel was completed it was found to cost $80,000 more than the contract price, but it came within a few hundred dollars of the amount bid by the highest bidders, showing that the work was worth that much. These people furnished the labor and the material, and it actually went into the project, and as a matter of fact I will say that 16.2 per cent of the work done by the contractors was $57,000 less than any other 16 per cent of the same work. The Reclamation Service must have a little experience. They are doing the best they can, but these poor people that mortgaged their homes to pay off the laborers' claims and the material in order to get their money will lose their homes if they do not get this. I believe the laborers and small merchants are to be paid.

The SPEAKER. The Chair thinks he will have to interrupt the hearing on this bill, and recognize the gentleman from Tennessee, who has a conference report.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I call up for consideration the conference report on the Post Office appropriation bill.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

H. R. 21279, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

Mr. MOON of Tennessee. Mr. Speaker, I ask unanimous consent to dispense with the reading of the report, and that the statement be read in lieu thereof.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to have the statement read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is it now in order to make a point of order on a conference report?

The SPEAKER. If the gentleman is to make it at all, now is the time.

Mr. MURDOCK. I make the point of order, Mr. Speaker, that the House conferees, in receding from their disagreement to the Senate amendment No. 60 and agreeing to the same with an amendment, exceeded their authority and incorporated matters in the amendment not in difference between the two Houses.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. Has consent been given that the matter may be taken up?

The SPEAKER. It seems to the Chair that consent was given this morning.

Mr. LAFFERTY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. LAFFERTY. There was a unanimous-consent agreement yesterday afternoon that on the completion of the Lever agricultural bill the Chair should recognize Members to call up bills on the Private Calendar, and I would like to ask if, after the conference report on the post-office bill is disposed of, there will be any opportunity for Members to be further recognized?

The SPEAKER. As far as the Chair is concerned, there will, but anybody can move to adjourn. The gentleman from Tennessee asks unanimous consent to take up this conference report and consider it, notwithstanding the rule in regard to printing. Is there objection? [After a pause.] The Chair hears none.

Mr. MURDOCK. Now, Mr. Speaker, I renew my point of order.

The SPEAKER. The point of order will be pending, and the Clerk will read.

The conference report is as follows:

CONFERENCE REPORT (NO. 1242).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 23, 26, 28, 30, 33, 34, 35, 43, 44, 58, 63, 78, 79, 95, 109, 115, 117, and 122.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 29, 31 32, 38, 39, 41, 42, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 61, 62, 64, 66, 67, 70, 71, 73, 74, 75, 76, 77, 80, 82, 83, 84, 85, 87, 88, 89, 90, 91, 93, 94, 96, 97, 99, 100, 101, 102, 103, 104, 107, 108, 111, 112, 113, 116, 119, 120, 121, 123, 124, and 125, and agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: Strike out the words "two hundred" and insert the words "one hundred and fifty"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: Strike out the words "six hundred" and insert the words "six hundred and fifty"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment as follows: Strike out the words "six hundred" and insert the words "five hundred and fifty"; and the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: Strike out the words "seven hundred and forty thousand" and insert in lieu thereof the words "seven hundred and fifty-two thousand one hundred and seventy-five"; and the Senate agree to the same.

Amendments numbered 58, 59, and 60; That the House recede from its disagreement to the amendments of the Senate numbered 58, 59, and 60, and agree to the same with an amendment as follows: In lieu of the amended paragraph insert the following:

"For inland transportation by railroad routes, $47,646,000: *Provided*, That a joint committee shall be appointed, composed of three members of the Senate Committee on Post Offices and Post Roads and three members of the House Committee on the Post Office and Post Roads, to be designated by the respective chairmen, to make inquiry into the subject of postage on second-class mail matter and compensation for the transportation of mail and to report at the earliest practicable date, and for this purpose they are authorized, by subcommittee or otherwise, to sit during the sessions or recess of Congress, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary; and to pay the necessary expenses of such inquiry there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $25,000, to be paid out upon the audit and order of the chairman or acting chairman of said committee. From and after the passage of this act, the Post Office Department shall not extend or enlarge its present policy of sending second-class matter by freight trains: *Provided further*, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *Provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and heating of the mail building and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $35,000: *Provided further*, That on account of the floods in the Mississippi Valley, commencing about April 1, 1912, the Postmaster General, for the purpose of adjusting compensation on such railroad routes in the second section as were affected by the floods and the consequent diversion of mails, is hereby authorized and directed to take the weights of mails ascertained on such routes during the successive working days from February 15 to April 3, 1912, both inclusive, and for the remainder of the weighing period from April 4 to May 29, 1912, both inclusive, to estimate the weights by applying to the weights taken during the period from February 15 to April 3, 1912, both inclusive, the ratio shown to exist between the weights taken on all routes during the first 49 days of the quadrennial weighing period of 1908 and the weights taken on such routes during the last 56 days of the said weighing period, the actually ascertained weights and the estimated weights to form the basis for the average daily weight upon which to adjust the compensation according to law on such railroad routes for the transportation of mails during the quadrennial term beginning July 1, 1912, notwithstanding the provision of the act of Congress approved March 3, 1905, requiring that the average daily weight shall be ascertained by the

weighing of the mails for such a number of successive working days not less than 90, as the Postmaster General may direct."

And the Senate agree to the same.

Amendment numbered 65: That the House recede from its disagreement to the amendment of the Senate numbered 65, and agree to the same with an amendment as follows: In lines 24 and 25 of the matter inserted by said amendment strike out "twenty-two million nine hundred and forty-one thousand seven hundred and eleven" and insert in lieu thereof the words "twenty-two million four hundred and sixty-five thousand one hundred and seventy-one"; and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In this amendment strike out the words "ninety thousand" and insert in lieu thereof the words "sixty-seven thousand five hundred"; and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Strike out the words "one hundred and eight thousand" and insert in lieu thereof the words "eighty-three thousand two hundred and fifty"; and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert the word "thirty"; and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out the words "nine hundred and ninety-six" and insert in lieu thereof the words "five hundred and thirty-one"; and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: On page 24 of the bill, line 14, after the word "thirteen," insert the following: "nineteen hundred and fourteen"; and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: Strike out the word "thirteen" and insert in lieu thereof the word "seventeen"; and the Senate agree to the same.

Amendment numbered 98: That the House recede from its disagreement to the amendment of the Senate numbered 98, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That a joint committee shall be appointed, composed of five Members of the Senate to be designated by the chairman of the Senate Committee on Post Offices and Post Roads, and five Members of the House to be designated by the chairman of the House Committee on the Post Office and Post Roads, to make inquiry into the subject of Federal aid in the construction of post roads and report at the earliest practicable date, and for this purpose they are authorized by subcommittee or otherwise to sit during the sessions or recess of Congress, at such times and places as they may deem advisable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ such clerical, expert, and stenographic assistance as shall be necessary, and to pay the necessary expenses of such inquiry there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $25,000, to be paid out upon the audit and order of the chairman or acting chairman of said committee: *Provided*, That there is hereby appropriated the sum of $500,000, out of any money in the Treasury not otherwise appropriated, to be expended by the Secretary of Agriculture in cooperation with the Postmaster General in improving the conditions of roads to be selected by them over which rural delivery is or may hereafter be established, such improvement to be for the purpose of ascertaining the increase in the territory which could be served by each carrier as a result of such improvement, the possible increase of the number of delivery days in each year, the amount required in excess of local expenditures for the proper maintenance of such roads, and the relative saving to the Government in the operation of the Rural Delivery Service, and to the local inhabitants in the transportation of their products by reason of such improvement, and report the results in detail to Congress: *Provided*, That the State or the local subdivision thereof in which such improvement is made under this provision shall furnish double the amount of money for the improvement of the road or roads so selected. Such improvement shall be made under the supervision of the Secretary of Agriculture.

"That the Secretary of Agriculture and the Postmaster General are hereby directed to report to Congress within one year after the ratification of this act the result of their operations under this act, the number of miles of road improved, the cost of same, and such other information as they may have acquired in connection with the operation of this act, together with such recommendations as shall seem wise for providing a general plan of national aid for the improvement of postal roads in cooperation with the States and counties, and to bring about as near as possible such cooperation among the various States as will insure uniform and equitable interstate highway regulations, and for providing necessary funds for carrying out such plans of national aid, if it shall be deemed feasible to provide the same or any part thereof otherwise than by appropriation from the Treasury for that purpose."

And the Senate agree to he same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided further*, That on and after September 30, 1912, letter carriers of the Rural Delivery Service shall receive a salary not exceeding $1,100 per annum: *Provided, however*, That because of the compensation herein provided no rural letter carrier shall receive less salary than before the passage of this act"; and the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: In line 12 of the matter inserted by said amendment, after the word "holders," insert the following: "And also, in the case of daily newspapers, there shall be included in such statement the average of the number of copies of each issue of such publication sold or distributed to paid subscribers during the preceding six months"; and the Senate agree to the same.

Amendment numbered 110: That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: On page 36 of the bill, in line 13, after the word "States," strike out the word "employed"; and the Senate agree to the same.

Amendment numbered 114: That the House recede from its disagreement to the amendment of the Senate numbered 114, and agree to the same with an amendment as follows: On page 37 of the bill, in line 18, after the word "after," strike out the word "June" and insert in lieu thereof the word "September"; and on page 39 of the bill, in line 14, after the word "after," strike out the word "June" and insert in lieu thereof the word "September"; and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"SEC. 8. That hereafter fourth-class mail matter shall embrace all other matter, including farm and factory products, not now embraced by law in either the first, second, or third class, not exceeding 11 pounds in weight nor greater in size than 72 inches in length and girth combined, nor in form or kind likely to injure the person of any postal employee or damage the mail equipment or other mail matter and not of a character perishable within a period reasonably required for transportation and delivery.

"That for the purposes of this section the United States and its several Territories and possessions, excepting the Philippine Islands, shall be divided into units of area 30 minutes square, identical with a quarter of the area formed by the intersecting parallels of latitude and meridians of longitude represented on appropriate postal maps or plans, and such units of area shall be the basis of eight postal zones, as follows:

"The first zone shall include all territory within such quadrangle, in conjunction with every contiguous quadrangle, representing an area having a mean radial distance of approximately 50 miles from the center of any given unit of area.

"The second zone shall include all units of area outside the first zone lying in whole or in part within a radius of approximately 150 miles from the center of a given unit of area.

"The third zone shall include all units of area outside the second zone lying in whole or in part within a radius of approximately 300 miles from the center of a given unit of area.

"The fourth zone shall include all units of area outside the third zone lying in whole or in part within a radius of approximately 600 miles from the center of a given unit of area.

"The fifth zone shall include all units of area outside the fourth zone lying in whole or in part within a radius of approximately 1,000 miles from the center of a given unit of area.

"The sixth zone shall include all units of area outside the fifth zone lying in whole or in part within a radius of approximately 1,400 miles from the center of a given unit of area.

"The seventh zone shall include all units of area outside the sixth zone lying in whole or in part within a radius of approximately 1,800 miles from the center of a given unit of area.

"The eighth zone shall include all units of area outside the seventh zone.

"That the rate of postage on fourth-class matter weighing not more than 4 ounces shall be 1 cent for each ounce or fraction of an ounce; and on such matter in excess of 4 ounces in weight the rate shall be by the pound, as hereinafter provided, the postage in all cases to be prepaid by distinctive postage stamps affixed.

"That except as provided in the next preceding paragraph postage on matter of the fourth class shall be prepaid at the following rates:

"On all matter mailed at the post office from which a rural route starts, for delivery on such route, or mailed at any point on such route for delivery at any other point thereon, or at the office from which the route starts, or on any rural route starting therefrom, and on all matter mailed at a city carrier office, or at any point within its delivery limits, for delivery by carriers from that office, or at any office for local delivery, 5 cents for the first pound or fraction of a pound and 1 cent for each additional pound or fraction of a pound.

"For delivery within the first zone, except as provided in the next preceding paragraph, 5 cents for the first pound or fraction of a pound and 3 cents for each additional pound or fraction of a pound.

"For delivery within the second zone, 6 cents for the first pound or fraction of a pound and 4 cents for each additional pound or fraction of a pound.

"For delivery within the third zone, 7 cents for the first pound or fraction of a pound and 5 cents for each additional pound or fraction of a pound.

"For delivery within the fourth zone, 8 cents for the first pound or fraction of a pound and 6 cents for each additional pound or fraction of a pound.

"For delivery within the fifth zone, 9 cents for the first pound or fraction of a pound and 7 cents for each additional pound or fraction of a pound.

"For delivery within the sixth zone, 10 cents for the first pound or fraction of a pound and 9 cents for each additional pound or fraction of a pound.

"For delivery within the seventh zone, 11 cents for the first pound or fraction of a pound and 10 cents for each additional pound or fraction of a pound.

"For delivery within the eighth zone and between the Philippine Islands and any portion of the United States, including the District of Columbia and the several Territories and possessions, 12 cents for the first pound or fraction of a pound and 12 cents for each additional pound or fraction of a pound.

"That the Postmaster General shall provide such special equipment, maps, stamps, directories, and printed instructions as may be necessary for the administration of this section; and for the purposes of this section, and to supplement existing appropriations, including the hiring of teams and drivers, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $750,000.

"The classification of articles mailable as well as the weight limit, the rates of postage, zone or zones, and other conditions of mailability under this act, if the Postmaster General shall find on experience that they or any of them are such as to prevent the shipment of articles desirable, or to permanently render the cost of the service greater than the receipts of the revenue therefrom, he is hereby authorized, subject to the consent of the Interstate Commerce Commission after investigation, to re-form from time to time such classification, weight limit, rates, zone or zones, or conditions, or either, in order to promote the service to the public or to insure the receipt of revenue from such service adequate to pay the cost thereof.

"The Postmaster General shall make provision by regulation for the indemnification of shippers, for shipment injured or lost, by insurance or otherwise, and when desired, for the collection on delivery of the postage and price of the article shipped, fixing such charges as may be necessary to pay the cost of such additional services.

"The Postmaster General may readjust the compensation of star route and screen wagon contractors if it should appear that as a result of the parcel-post system the weight of the mails handled by them has been materially increased. Before such readjustment, however, a detailed account must be kept as to the amount of business handled by such star route or screen wagon contractors before and after this section becomes effective for such a period as to clearly demonstrate the amount of the increase and that such increase in the weight of the mails was due to the adoption of the parcel-post system.

"That the establishment of zones and postage rates of this section shall go into effect January 1, 1913.

"That this act shall not in any way affect the postage rate on seeds, cuttings, bulbs, roots, scions, and plants, as fixed by section 482 of the Postal Laws and Regulations.

"That for the purpose of a further inquiry into the subject of the general parcel post and all related subjects a joint committee of six persons (Members of Congress), three of whom shall be appointed by the President of the Senate and three by the Speaker of the House of Representatives, is constituted, with full power to appoint clerks, stenographers, and experts to assist them in this work. That the Postmaster General and the Interstate Commerce Commission shall furnish such data and otherwise render such assistance to the said committee as may be desired or available. For the purpose of defraying the expenses of this committee the sum of $25,000 is hereby appropriated out of the moneys in the Treasury not otherwise appropriated. The committee shall report fully to Congress at the earliest date possible.

"That all laws and parts of laws in conflict with the provisions of this section are hereby repealed."

And the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"That the Postmaster General may expend for the service of the Post Office Department during the months of July and August, 1912, a greater amount than that provided for by the joint resolutions extending appropriations for the necessary operations of the Government under certain contingencies, approved July 1, August 1, and August 15, 1912: *Provided*, That the total expenditures under this act for the whole of the fiscal year 1913 shall not exceed the amounts hereby appropriated."

And the Senate agree to the same.

JOHN A. MOON,
D. E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

JONATHAN BOURNE, JR.,
BOIES PENROSE,
J. H. BANKHEAD,
Managers on the part of the Senate.

The Clerk read the statement of the House conferees, as follows:

STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House of the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, submit the following written statement in explanation of the effect of the action agreed upon in the accompanying conference report on each of the Senate amendments, namely:

The Senate made 126 amendments to the bill, involving an increase of $10,781,121.

The bill as passed by the House carried $259,941,199.

As agreed to by the conferees the bill carries $265,801,770.

Amendments Nos. 1 and 2: These amendments relate to per diem allowance of post-office inspectors. The Senate recedes.

Amendment No. 3: This amendment merely makes more definite the language of the paragraph. The House agrees.

Amendment No. 4: This amendment increases the appropriation for post-office inspection service $10,000. The House agrees.

Amendment No. 5: This amendment increases the appropriation for necessary miscellaneous expenses at division headquarters $2,500. The House agrees.

Amendment No. 6: This amendment authorizes the preparation of a revised edition of the Postal Laws and Regulations and appropriates $55,000. The House agrees.

Amendments Nos. 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 27, 29, 31, and 32: These amendments create additional designations in the clerical service of the Post Office Department and relate to changes for better organization in the clerical force of first and second class post offices. The House agrees.

Amendments Nos. 23, 26, 28, 30, 33, and 34: These amendments relate to the promotion of clerks in first and second class post offices. The Senate recedes.

Amendment No. 35: This amendment decreased the appropriation $128,000 by reason of the amendment providing for only a 50 per cent promotion of the clerks in the fifth to the sixth

grade and the fourth to the fifth grade, respectively. The Senate recedes.

Amendments Nos. 36 and 37: These amendments relate to the compensation of watchmen, etc., and provide for compensation of $840 for 150 employees instead of 200 employees and $650 instead of $700 for 600 employees.

Amendment No. 38: This amendment for temporary and auxiliary clerk hire increases the appropriation $550,000, $50,000 of which to provide for the normal growth of the service and the remainder necessary because of the eight-hour provision of section 5. The House agrees.

Amendment No. 39: This amendment is a consolidation of the two items for allowance to third-class post offices to cover the cost of clerical services, increasing the appropriation $395,000. The House agrees.

Amendment No. 40: This amendment is for rent, light, and fuel, first, second, and third class post offices, an increase of $50,000. The House agrees.

Amendment No. 41: This amendment is for additional labor-saving and mechanical devices. The House agrees.

Amendment No. 42: This amendment is to pay rewards to postal employees for inventions. The House agrees.

Amendments Nos. 43 and 44: These amendments provide for the promotion of letter carriers in first and second class post offices. The Senate recedes.

Amendment No. 45: This amendment provides for the pay of letter carriers. A reduction of $50,000 was made in this appropriation on account of a like increase for horse-hire allowance provided in amendment 47. The House agrees.

Amendment No. 46: This amendment is for pay of substitutes for letter carriers. Made necessary by provision in section 5 to pay for overtime if necessary. The House agrees.

Amendment No. 47: This amendment is for horse-hire allowance; an increase of $50,000. The House agrees.

Amendment No. 48: This amendment is for car fare and bicycle allowance, an increase of $25,000. The House agrees.

Amendments Nos. 49 and 50: These amendments are to make the paragraph more definite. The House agrees.

Amendment No. 51: This amendment is for fees to special-delivery messengers; increase of $50,000. The House agrees.

Amendment No. 52: This amendment is for inland transportation by steamboat or other power-boat routes, an increase of $3,700. The House agrees.

Amendment No. 53: This amendment is for mail-messenger service, an increase of $31,900. Increase estimated by the department necessary for additional service. The House agrees.

Amendment No. 54: This amendment provides for the appointment of a commission to investigate feasibility and desirability of the Government purchasing and operating the equipment for pneumatic-tube service, the expense to be paid out of the appropriation for pneumatic tubes. The House agrees.

Amendment No. 55: This amendment is for mail bags, etc. An increase of $7,000 on account of revised estimate of the department. The House agrees.

Amendment No. 56: This amendment is for compensation to labor employed in the mail-bag repair shop at Washington, an increase of $2,000. The House agrees.

Amendment No. 57: This amendment provides for 30 days' leave of absence for employees of the mail-bag repair shop in Washington, D. C., and Chicago, Ill. The House agrees.

Amendment No. 58: In this amendment the appropriation was increased by the Senate on account of proposition to abolish the so-called blue-tag system of sending second-class mail matter by freight trains, the estimated increase being necessary so as to provide for a reweighing of the mails. The Senate recedes.

Amendment No. 59: This amendment provides for the appointment of a joint commission to make inquiry into the subject of postage on second-class mail matter and compensation for transportation of mail, and appropriates $25,000 for the expenses thereof. The House agrees.

Amendment No. 60: This amendment relates to the carriage of the mail over the bridge across the Mississippi River at St. Louis, Mo., and amends section 3 of the act making appropriation for the service of the Post Office Department, approved March 1, 1899, and reducing the maximum amount of compensation from $50,000 to $35,000. This amendment also provides for the adjusting of compensation on such railroad routes in the second section affected by the floods in the Mississippi Valley and for a reweighing. The House agrees.

Amendments Nos. 61 and 62: These amendments relate to the payment of freight on stamped paper, etc., and provide for a deficiency. The House agrees.

Amendment No. 63: This amendment increased the appropriation for railway post-office car service $208,000 on account of proposed abolishment of so-called blue tag. Senate recedes.

Amendment No. 64: This amendment relates to the construction of steel post-office cars. The House agrees.

Amendment No. 65: This amendment is made necessary on account of the reclassification of railway post-office clerks and provides for the number in each grade. The appropriation is increased $1,429,621. This amendment also makes clearer the manner in which travel allowances for railway postal clerks shall be paid.

Amendment No. 66: This amendment provides for travel allowance for railway postal clerks and is made to include substitute railway postal clerks granted leave with pay on account of sickness.

Amendment No. 67: This amendment is made on account of the classification in section 7. The House agrees.

Amendment No. 68: This amendment reduces the amount of the appropriation on account of the classification in section 7. House agrees.

Amendment No. 69: This amendment also reduces the appropriation for the same reason. House agrees.

Amendment No. 70: This amendment is to include post-office inspectors in the payment of indemnity when injured or killed while on duty. House agrees.

Amendment No. 71: Strikes out sea post clerks from this paragraph because of its being included under the item for foreign mails. House agrees.

Amendment No. 72: This amendment reduces the appropriation $10,000 on account of the classification act, section 7. House agrees.

Amendment No. 73: To correct the bill.

Amendment No. 74: This amendment is merely a correction of language.

Amendment No. 75: The same as above.

Amendment No. 76: This amendment increases the appropriation $5,000 on account of the new division of the Railway Mail Service provided for in amendment 65.

Amendment No. 77: This amendment is to provide for office expenses for chief clerks at division headquarters. House agrees.

Amendments Nos. 78 and 79: Relate to per diem allowance for assistant superintendents, Railway Mail Service. Senate recedes.

Amendments Nos. 80 and 81: These amendments provide for the increase of per diem allowance for expenses from $600 to $700 per annum and increases the appropriation $100. House agrees.

Amendments Nos. 82, 83, 84: Relate to the foreign mail, and make no change in the appropriation.

Amendment No. 85: This amendment provides for the employment of acting clerks in place of clerks or substitutes on sick leave or who are injured or killed while on duty. House agrees.

Amendment No. 86: This amendment, providing for delegates to the International Postal Union at Madrid, permits the Postmaster General to make the appointment from the Post Office Department.

Amendment No. 87: Increases the appropriation for same $3,000.

Amendment No. 88: This amendment to correct the wording of the paragraph.

Amendment No. 89: Makes an increase of $20,000 on account of limited indemnity for loss of domestic registered mail matter. House agrees.

Amendment No. 90: Provides that $10,000 shall be immediately available for the fiscal year 1911. House agrees.

Amendment No. 91: Relates to the payment of limited indemnity for the loss of registered articles in international mails in accordance with convention stipulations.

Amendment No. 92: Same item to correct clerical error in amount of appropriation.

Amendment No. 93: Provides that $7,000 shall be available for the fiscal year 1911.

Amendment No. 95: This amendment was for the employment of special counsel to prosecute suits pending in the Post Office Department affecting the second-class mailing privilege. Senate recedes.

Amendment No. 96: This amendment includes in the paragraph publications by State boards or department of public charities and corrections. House agrees.

Amendment No. 97: Relating to fraternal publications as second-class mail matter. House agrees.

Amendment No. 98: Provides for a joint commission to make inquiry into the subject of Federal aid in the construction of post roads and appropriates $25,000. Also includes a provision providing for the appropriation of $500,000 to be expended by the Secretary of Agriculture in cooperation with the Postmaster General in improving the condition of roads to be selected by

them over which rural delivery is or may hereafter be established. The Senate agrees.

Amendment No. 99: This amendment increases the appropriation for blanks and blank books for the money-order service on account of revised estimate of the Post Office Department. House agrees.

Amendment No. 100: This amendment includes in the appropriation for wrapping twine "and tying devices." House agrees.

Amendments Nos. 101, 102, 103: Merely corrections.

Amendment No. 104: This amendment increases the amount of the appropriation for pay of rural letter carriers $3,625,000 on account of amendment No. 105, which increases the maximum pay for rural letter carriers to $1,100 per annum.

Amendment No. 106: This amendment provides that every newspaper, magazine, periodical, or other publication shall file with the Postmaster General and the postmaster at the office at which said publication is entered a sworn statement with the names of the editor, publisher, business managers, and owners, and in addition the stockholders, also names of known bondholders, mortgagees, or other security holders, etc.

Amendment No. 107: Relates to a diversion of the mails.

Amendment No. 108: This amendment provides for the time of the effectiveness of section 5, known as the 8 hours in 10 provision for post-office clerks and letter carriers in the City Delivery Service.

Amendment No. 109: This amendment provides for extra pay in case of additional services.

Amendment No. 110: To correct a clerical error.

Amendments Nos. 111 and 112: Relate to section 6, so-called antigag order.

Amendments Nos. 113 and 114: Relate to the same as above.

Amendments Nos. 115 and 117: Relate to transfers to the regular force of the Railway Mail Service from the clerical force of post offices and vice versa. Senate recedes.

Amendment No. 116: This amendment advances the classification of railway postal clerks from June 30, 1913, to September 30, 1912.

Amendment No. 118: This amendment provides for a parcel-post system and a joint commission to investigate the same.

Amendment No. 119: Section 9 provided for in amendments Nos. 104 and 105, rural free delivery.

Amendments Nos. 120, 121, 123, and 124: These amendments are merely corrections of the number of the section of the bill.

Amendment No. 122: Providing for the classification of the officials and clerks of the postal savings-banks system. Senate recedes.

Amendment No. 125: That the provisions of section 8 of the act making appropriations for the District of Columbia approved June 26, 1912, shall not apply to the appropriation provided by this act.

Amendment No. 126: Permitting the Postmaster General to expend for the service of the Post Office Department during the months of July and August, 1912, as provided in the joint resolutions extending appropriations for the necessary operation of the Government approved July 1, August 1, and August 15, 1912.

JOHN A. MOON,
D. E. FINLEY,
JOHN W. WEEKS,
Managers on the part of the House.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] raises a point of order, which he will state.

Mr. MURDOCK. My point of order is that the conferees, in receding from their disagreement to Senate amendment No. 60, relating to the St. Louis bridge, and agreeing with an amendment, exceeded their authority and incorporated into the agreement matters not in disagreement between the two Houses.

The SPEAKER. Will the gentleman please state the propositions of the House and the Senate and the conferees.

Mr. MURDOCK. If the Speaker will permit me, I should like to proceed first with a statement of the matter itself.

For the last 11 years out of the appropriation for the inland transportation of mail by railroad routes we have paid $50,000 every year for the carriage of the mails across a single bridge at St. Louis, Mo. We pay especially for the carriage of the mail on no other bridge in the United States; and, save at St. Louis, we pay at no union station in the United States—neither at Kansas City, Chicago, Toledo, nor Boston—anything for rooms inside the station or for the transfer of the mails.

This payment at St. Louis has continued for 11 years, now making over one-half million dollars. Repeated efforts have been made to reach it. A provision for that purpose has, I think, been frequently reported out of the committee, but has usually gone out of the bill on a point of order on the floor of the House; but this year the House adopted successfully an amendment to the Post Office appropriation bill which eliminated this payment from current law, the amendment reaching only current law by reason of the limitations of the rules of the House.

The amendment went to the Senate and the Senate amended the House amendment by striking this payment out of the permanent law, as well as out of the current law, and doing away with it entirely. So the House was of one mind—that this payment should cease. The Senate was of the same mind—that the payment should cease. The only difference between the two Houses was the difference between current law and permanent law.

The conferees at their meeting yesterday or the day before, not responding to the wish either of the House or of the Senate, inserted in their agreement not $50,000, but $35,000, a virtual renewal of the sum that both the Senate and the House were trying to get rid of. The House provision was as follows:

Provided, That no part of this appropriation shall be paid for carrying mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular rates for the transportation of the mail by railroad routes.

Now, I want to call the attention of the Speaker to this fact, and this is the crux of my argument: The regular rate for the transportation of mail by railroad routes in this country comprehends all the payments to railroads for the service of carrying the mails from terminal to terminal, housing the mails in transfer stations, furnishing men to carry the mails to any post office within 80 rods of a railroad anywhere, without cost to the Government. So the regular rate for the transportation of the mail by railroad comprehends not only the carriage of the mail upon the trains, but comprehends also the storage of the mail at stations. So the House, when it adopted this provision, that there should be no payment to the terminal trust at St. Louis over and above the regular rates for the transportation of mail by railroad routes, provided that no payment should be made to the St. Louis terminal trust for the heating and lighting of a place to store the mail, or for the place in which to store the mail.

The Senate, elaborating that idea and explaining it, passed this amendment, which I desire to read into the RECORD——

The SPEAKER. Will the gentleman please read that part of the House bill?

Mr. MURDOCK. I did.

The SPEAKER. The Chair wishes the gentleman would read it again.

Mr. MURDOCK. The House provision was—

Provided, That no part of this appropriation shall be paid for carrying mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular rates for the transportation of the mail by railroad routes.

The SPEAKER. Now, will the gentleman read the Senate amendment?

Mr. MURDOCK. The Senate amendment elaborates that idea and makes a permanent elimination of this provision. It is:

Provided further, That no part of this appropriation shall be paid for the special transfer and terminal service between the union station at East St. Louis, Ill., and the union station at St. Louis, Mo., including the use, lighting, and heating of mail building and the transfer service at St. Louis, over and above regular rates for the transportation of the mail by railroad routes: *Provided further*, That section 3 of the act making appropriations for the service of the Post Office Department, approved March 1, 1899, authorizing the Postmaster General to pay from appropriations for transportation by railroad routes for the special transfer and terminal service between the union station at East St. Louis, Ill., and the union station at St. Louis, Mo., including the use, lighting, and heating of mail building and the transfer service at St. Louis, at the rate not exceeding $50,000 per annum—

That is the original law—

be, and the same is hereby, repealed.

So the Senate merely elaborated the House idea, and instead of making this apply to current law made it apply to permanent law. The Senate idea and the House idea are identical, and there was no essential difference between the House and the Senate, but when the conferees on the part of the House receded from their disagreement to the Senate amendment and then agreed to it with an amendment which proposes that there shall be paid to this Terminal Trust the sum of $35,000 for housing this mail at the terminal point, the House conferees exceeded their authority. I want now to read to the Speaker the amendment agreed to by the conferees:

Provided further, That no part of this appropriation shall be paid for carrying the mail over the bridge across the Mississippi River at St. Louis, Mo., other than upon a mileage basis: *Provided further*, That the Postmaster General may, in his discretion, pay within the present law a fair and reasonable price for the special transfer and terminal service at the Union Station at East St. Louis, Ill., and at the Union Station at St. Louis, Mo., including the use, lighting, and

heating of the mail building and transfer service at St. Louis, Mo., provided the amount so paid shall not exceed $35,000.

Mr. Speaker, the House by its action did not give authority to the House conferees to write new law in a conference report giving the St. Louis Terminal Trust $35,000 for the housing of this mail, and when they proposed that amendment to the Senate amendment they exceeded their authority.

Mr. LLOYD. Mr. Speaker, will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. LLOYD. Does the gentleman contend that the $35,000 that is here provided for is simply for the purpose of housing the mail, or is the $35,000 that is appropriated here the limit of appropriation for the transfer of the mail from East St. Louis to St. Louis and for the heating and lighting and housing, and so forth?

Mr. MURDOCK. As a matter of fact, I would say to the gentleman from Missouri that it does not make any difference, but according to this amendment it could not be for the transfer from East St. Louis to St. Louis, because the conferees have interjected between the two transfer stations a mileage pay; that is, for the bridge. It happens that the matter is complicated in this way: There are about 3½ miles between the terminal station at East St. Louis and the terminal station at St. Louis upon which the Government has paid this exorbitant wage of $50,000 a year for the transfer of mail, when, as a matter of fact, on the mileage basis of the average daily weight, multiplied into distance, the pay of $7,000 would be fully adequate for that bridge. In the meanwhile the Merchants' Bridge, a little farther up the river, controlled by the same trust, has mail carried over it twice the amount that is carried over the Eades Bridge, which received this special payment; and the mail carriage over the Merchants' Bridge is paid, not by special payment, but upon the mileage basis, as every other bridge in this country is paid.

Mr. LLOYD. The point I make is, How much does the gentleman understand is paid for the heating and lighting of the terminal station by the provisions of this amendment?

Mr. MURDOCK. I suppose the trust could make any sort of figures it wishes upon that, but what about the heating and lighting at Toledo and Boston and San Francisco and Kansas City? They receive no pay there.

Mr. LLOYD. As I understand the gentleman, under the provisions of this bill, as agreed to by the House and the Senate, that part about which the gentleman makes no contention, the payment to be made on the mileage basis would amount to about $7,000.

Mr. MURDOCK. I think so.

Mr. LLOYD. While by the compromise provision between the House and the Senate the compensation that may be paid to the Terminal Railway Co. or to the railway companies would be $35,000.

Mr. MURDOCK. Yes; that is right.

Mr. LLOYD. Then there might be paid $28,000 for lighting and heating and for the use of the terminal facilities.

Mr. MURDOCK. Oh, no; because they have provided here that this pay on a portion of this bridge, at least on a part of this route, shall be upon the mileage basis.

Mr. LLOYD. It provides that the pay shall be on the mileage basis.

Mr. MURDOCK. Certainly, and they will pay it undoubtedly upon the mileage basis, but my contention is that the conferees of the House have no right to write into a conference report a payment to the St. Louis Terminal Association for heating and lighting and the furnishing of rooms.

Mr. LLOYD. If I understand the gentleman's position it is this, that under existing law there is a payment of $50,000 a year for the transportation of that mail?

Mr. MURDOCK. That is right; over this one bridge.

Mr. LLOYD. Over this one bridge, and by the provisions of the Post Office bill as it passed the House there should only be paid about $7,000.

Mr. MURDOCK. There ought to be under the regular transportation by railroad route.

The SPEAKER. All this discussion is outside of the question. The only question involved in this point of order raised by the gentleman from Kansas is whether or not the conferees in bringing in this report exceeded their authority.

Mr. MOON of Tennessee. Mr. Speaker, I desire to be heard for a moment.

The SPEAKER. Well, the gentleman need not bother——

Mr. MURDOCK. I want to make a statement on the merits of this proposition.

Mr. MOON of Tennessee. I will not discuss the point of order, because it is clear that it is not well taken.

Mr. MURDOCK. Will the gentleman yield? I want to say to the gentleman I am going to discuss this on its merits later.

Mr. MOON of Tennessee. The gentleman has already discussed it on its merits, and I think the gentleman's discussion has no foundation in view of the real facts——

Mr. MURDOCK. I think it has.

Mr. MOON of Tennessee. With the permission of the House, I will say a word on the merits. While I realize it is out of order in the consideration of a point of order, I am convinced the Chair will hold the proposition is not in order as a whole in view of the Speaker's intimation on the point of order. I will not discuss it, the point of order. The gentleman from Kansas made a motion on the floor of the House when this bill was under consideration and added this proviso:

Provided, That no part of this apropriation shall be paid for carrying mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular rate for the transportation of the mail by railroad route.

That was agreed to because the facts were not known and the gentleman's statement at that time was taken is correct, but this matter was brought under consideration in a hearing before the Senate committee and there we got the first information on the subject. The gentleman's argument proceeds upon the idea that all the railroads that carry this mail over the bridge own that bridge or have an interest in the bridge. But that is not the fact. The bridge company is a bridge corporation, a separate entity. There are several railroads which have some stock in it and the balance do not, but they pay tolls on the basis as any other corporation, and the railroad companies must pay if they use the bridge; those, of course, that have stock paying as well as the others, because there can be no readjustment of the interest between the bridge company and the railroad companies except as separate corporations.

The fact is shown that it costs $11,000 a year on the mileage basis to carry the mail over that bridge. This bridge company furnishes a house, light, handles the mails, and transports the cars. There are some 30,000 of them taken over annually. Private railroad companies pay $3 and the Government has been paying less than $1. The mileage basis would make $11,000 due the bridge company. They have testified before the Senate committee that it costs them every year more than $20,000 to transfer this mail, put it into this building, and for light and caring for this mail. Now, in view of the proof that the handling and carriage cost the bridge company the sum of $32,000 or $33,000 a year, in which there is not a cent of profit to the company, we thought that the just thing would be to provide a limit of compensation, not to the $50,000 we heretofore provided, but require or limit this appropriation under existing law to $35,000, a sum that would just about cover the cost to the bridge company for handling and hauling the mails. They can afford to do it, I assume, without any particular profit in view of the relation that exists between the companies that constitute any part of the bridge company, being a part of the railroad company, and it is clear this service could not be rendered for less money; but the committee, in order to protect the Government entirely, provided a limit upon this appropriation to the effect that it should not exceed $35,000 to cover all charges, as that will appear from this section, and we further provide that any amount reasonable and just for this special service over and above the mileage service should be paid by the Post Office Department, leaving the whole question——

Mr. NORRIS. I want to ask the gentleman when he got that information? Was that information he has given us before the Committee on the Post Office and Post Roads of the House?

Mr. MOON of Tennessee. As I remarked when I began, not a particle of that testimony was there, or that the provision striking out the payment for this bridge ever was on the floor of the House. This information that I am now giving the House is from the Senate committee.

Mr. NORRIS. I wanted to get facts as to whether the committee of the House had that information.

Mr. MOON of Tennessee. Not at all. If we had had it as it is now——

Mr. MURDOCK. The gentleman from Tennessee wants to be fair in this matter. The gentleman knows perfectly well that the House committee has had previous hearings on this thing, and not hearsay, because one year in particular the department favored the elimination of this matter, while the gentleman from Massachusetts [Mr. WEEKS] was chairman of the committee.

Mr. MOON of Tennessee. I do not know anything about that. It may have been before other Congresses.

Mr. MURDOCK. Not before this Congress; but it was while the gentleman was a member of the committee.

Mr. MOON of Tennessee. There may have been things that I did not know that I know now. I do not recollect. The question did not arise. But whether it did or not, the existing facts are as I have stated, and it is within the power of the Postmaster General under the section to give only a just and reasonable compensation, it being left as a subject of contract between the bridge company and the department. He could not give any more than was just and reasonable, I assume. But it appeared to us it might be reasonable and just to give a sum within the limitation of the $35,000 and not within $50,000 as heretofore has existed. Hence this provision.

If the Postmaster General thought that the transfer of the mail and the heating of this building, and so forth, were not worth more than, say, $5,000, he could not give over $5,000, or any other sum. It must be left in the discretion of the department. While I am not in favor of placing discretion in the departments in all things, there are some things where discretion has to be left there. When the House has fixed a proper maximum on a question of this sort, it is well to provide that a reasonable and just compensation within that limit may be given, and make that a subject of contract. That is a sensible way of doing business.

Eight of these railroads whose mail is carried over this bridge are under no contract with the Government to-day. They may dump that mail and force a diversion of the mails of the United States.

Mr. MURDOCK. Does the gentleman think they would do it?

Mr. MOON of Tennessee. I do not know whether they would do it or not. They have the right. The Second Assistant Postmaster General, a day or two ago, showed me telegrams from these railroad companies saying that they would not do this for nothing, and that their contract did not require them to carry it further than the east side of the river, and they would dump it there. The Postmaster General then said that "It might be a bluff. I do not know how it is, but I want some measure by which just action shall be taken with these companies, because I shall find it impossible to divert, even beginning with New York, more than 75 per cent of the mail if they refuse to carry it." Now, I understand that may be what you commonly call a "bluff" on the part of the railway company. It is immaterial whether it is or not. The facts are clear before us that the service rendered does not exceed in value $35,000, and it may reach that point. Therefore, we struck out $50,000 as a maximum. It appeared to us that the service might be worth less than $35,000, and, therefore, we provided it should not be more than reasonable and just, and we made it a subject of contract. It is useless to talk about a trust——

Mr. MURDOCK. Let me ask the gentleman——

Mr. MOON of Tennessee. Just one minute. I do not yield now. It is useless for us to talk about trusts and corporations and raise a prejudice of that sort. I am as much opposed to the dominating trusts of this country that influence legislation as anybody, but I shall never consent while I have anything to do with legislation to do an unjust and dishonest thing because a trust is to be punished. [Applause.] I believe we ought to deal with trusts just as we ought to deal with individuals or anybody else.

Mr. MURDOCK. Does the gentleman realize that the Supreme Court of the United States has condemned this same association as a trust?

Mr. DYER. Mr. Speaker, will the gentleman yield?

Mr. MOON of Tennessee. I do not care whether it has condemned it or convicted it or not. If it was a trust, and if you as a representative of the Government came to deal with it afterwards, is it not your duty to deal with it justly and honestly? [Applause.]

Mr. MURDOCK. Yes; but with justice to the Government. There are two bridges at St Louis. One of them is the Merchants' Bridge. That has not been condemned by the Supreme Court as a trust. Does the gentleman from Tennessee contend that the mail can not be transferred over the Merchants' Bridge, which is not paid under this special payment, but is paid on the mileage basis?

Mr. MOON of Tennessee. I only know about it as an administrative proposition and what the department says about it. The department says this service is necessary to the Government. Of course, as the chairman of a legislative committee I could not possibly know anything further than the administrative branch of the Government informs me. They are in adverse opinion to the views of the gentleman from Kansas.

The SPEAKER. The Chair is ready to rule. Twice within the last three weeks the Chair has rendered elaborate opinions on the very point involved here—not about these bridges, but on the very same parliamentary points.

The rule is clear, and it is a hundred years old; a little more than a hundred years, because it was established on the 23d day of June, 1812, by Mr. Speaker Clay. The rule is that a subject that is in a conference report must have been treated either by the House, or by an amendment of the Senate, or by a House amendment to a Senate amendment. It must be germane. That is all that there is in it. It is none of the business of the Chair what the effect of it is. All the Chair has to do with it is to say whether or not it is in accordance with the rules of the House.

Now, let us see. Mr. Speaker CANNON stated the matter in two or three sentences once in a very comprehensive manner, thus:

It is true that if the whole paragraph in the bill as it passed the House had been stricken out—

And that is practically the case here—

and a substitute therefor proposed by the Senate, or if the Senate had stricken out the paragraph without proposing a substitute, and the House had disagreed to the Senate amendment, then the conferees might have had jurisdiction touching the whole matter and might have agreed upon any provision that would have been germane.

That statement can not be improved on as to the rule. Let us see how this case fits the rule. The House provision was that—

No part of this appropriation shall be paid for carrying the mail over the bridges across the Mississippi River at St. Louis, Mo., over and above the regular mileage rates for the transportation of the mail by railroad routes.

What is the subject of the words I have read? Why, it is carrying the mail from East St. Louis, Ill., to the city of St. Louis, Mo. That is all there is to that. What does the Senate amendment do? It treats of identically the same subject, and nothing else. What does this provision which has been put in by the conferees do? It treats of identically the same subject, and nothing else. If there ever was a case that fits the rule as laid down by Mr. Speaker CANNON, in which he simply followed all his predecessors, it is this one, and the point of order is overruled.

The gentleman from Tennessee [Mr. MOON] is recognized.

Mr. MOON of Tennessee. Mr. Speaker, after the reading of the statement on the disagreeing votes of the two Houses, to which I am sure the House has given attention, it is perhaps not necessary for me to enter into any detailed explanation of the amendments made by the Senate and the consideration given by the conference committee to them. There were only about 126 amendments, and the greater portion of them were minor amendments. All of the amendments that were made were, in the opinion of the conferees, necessary, in that they provided for the pay to the various branches of the service.

The Senate proposed amendments in all amounting to $10,781,121. The bill as it passed the House carried $259,941,199, but it did not provide the money for many of the promotions which were provided by law, nor did it provide the full measure of compensation in many instances for services to be rendered.

The Senate, after the consideration of its amendments, receded, so far as dollars and cents were concerned, so that the report as made by the conferees shows $265,801,770.

In other words, in the conference committee half of the money added to this bill by the Senate was stricken off. The Senate additions, as I remarked, were nearly $11,000,000 and the total increase was about $6,000,000 in the conference report.

I shall not discuss the various amendments except briefly, and only two or three, in which the House seemed very much interested.

The classification section of this bill for the clerks and the proposition that was made to make postal clerks and railway mail clerks interchangeable at the discretion of the department, a provision that was placed upon the bill by the Senate, seemed to the conferees not to be good, because of the fact that the work was not of the same character and there would be no advantage in that interchange, and because of the power and grasp that the section proposed by the Senate would give to the department over the employees, carrying with it the power to remove a clerk from New York and put him on a railway train in California. We thought that unwise, and insisted upon our objections to it, and that section went out, and the reclassification proposition is before the House practically as it originally passed the House.

On the subject of what is known in the House as the gag law, the Senate offered an amendment that prohibited any organization of the employees from affiliating with any outside organization that imposed upon the Government employees the obligation to strike against the Government at the demand of an outside organization. We thought it was wise to accept that amendment of the Senate. Whatever our views may be as to

the individual rights of employees—and they are pretty broad along those lines—we believed that when a man entered the postal service of the United States, just as when he enters the Army or the Navy of the United States, he should acknowledge no allegiance to any other power or authority outside that was greater than and above the United States. [Applause.] So we acceded to that proposition.

There was also a proposition upon this bill that provided for the Government paying rent, or hire, if I may so express it, to the States for the use of their roads for post-road purposes. The Senate saw proper to disagree to that action of the House. The action in the House on that proposition was almost unanimous. We were unable to get the Senate to recede from that position under any conditions. Therefore, in order that this question of good roads, the building of post roads, and the uplifting socially and economically of the people of the country by this means should not be lost in the consideration of this question, that it should remain before the House and before the country, we offered a proposition to the Senate by which a commission should be appointed to investigate fully the question of good roads, the feasibility and desirability of legislation along that line, the manner of cooperation between States, counties, and the United States—in fact, the whole question—and provided for a commission which is to report to this House at a later day. We also provided for the sum of $500,000 to be used to experiment, practically, under the direction of the Department of Agriculture and the Postmaster General, for the purpose of obtaining information along lines necessary to the perfection of the good-roads proposition. The Senate accepted these propositions, and they are now contained in this report.

Another question in which the House was very greatly interested, and one in which I believe the Members felt more personal interest perhaps than any other question involved in this bill, was the parcel-post proposition. We have come back to the House with a perfected bill upon this subject. The House will remember that when the Post Office bill was brought before the House it came with a proposition for rural parcel post, 5 cents for the first pound and 2 cents for each pound thereafter, to the limit of 11 pounds for 25 cents.

On the floor of the House the substitute was offered by me, which gave 5 cents for the first pound and 1 cent a pound thereafter and confining it to the rural routes. The Senate, passing upon this question, struck out this provision of the House entirely and adopted a general parcel-post proposition, which, however, can only be experimental in view of the appropriation that was made, by which the country was divided into eight zones and rates fixed in each of those zones for transportation of the mail, with the provision that the rates should not anywhere exceed 12 cents a pound.

It will be remembered that the House afterwards instructed the conferees, adopting an instruction to the effect that a different system of zones, taking the county as the initial, should be perfected, and the Post Office Department should have the power to change rates and zones and weights according to its experience, and that indemnity should be given for lost packages and provision made for C. O. D. packages.

A commission was also provided for further inquiry into this question of parcel post.

That briefly is the history of the legislation up to the conference report. The conferees have presented to the House the Senate bill adopting the zone feature, with the rates as fixed in the Senate bill so amended as to include farm and factory products, and limiting it to 11 pounds. It also embraces the original proposition of the House that gives rural posts 5 cents for 1 pound and 1 cent for each pound after that up to 11 pounds. It includes the House proposition that no rate in the United States shall be over 12 cents per pound.

It includes the House proposition on the question of indemnity and C. O. D. delivery and an elastic proposition which was placed in the bill which gives the Post Office Department the right to change the zones, to change the rates, and to change the general condition of administration of the whole service, not at its will, but upon application to the Interstate Commerce Commission, and with its approval.

That is substantially the details of this bill. We feel that it meets the demands of the farmer, as provided in the House measure, thoroughly, certainly within a zone of 50 to 150 miles; and that, on account of the rate fixed in the second zone, a distance of 300 miles, it will be impossible for the interests of the small towns in the country, the commercial welfare of the county centers, to be affected, and trade which legitimately belongs to them concentrated in the great mail-order houses of the country.

Of course the whole question is experimental. No one can definitely know the effect that it will have on the commerce of the country; no one can know just the amount of revenue, or approximate that; but in order to save the Government on this experiment it is provided that the Postmaster General shall have the power and control over the administration of the service, and that he shall under no conditions permit the cost of this service to the Government to exceed the revenues that come from it. We believe that this is a safe proposition; we believe that it is as nearly just to the farmers and merchants and the whole masses of the people as any we could evolve. Its administration must be left to the department; its efficacy must be determined later on by experiment. It is but the beginning of a great system of transportation by mail that we feel will be beneficial to the masses of the country.

I believe, Mr. Speaker, that that is all, unless some inquiry is desired to be made on the subject, and I move the adoption of the conference report.

Mr. FITZGERALD. If the gentleman will yield, how much does the bill carry as a total?

Mr. MOON of Tennessee. The Senate amendments put on $10,781,121. The bill carried $259,941,199. As agreed to by the conferees the bill carries $265,801,770, or about $5,000,000 less than the Senate amendments amounted to.

Mr. FITZGERALD. The gentleman states that the bill carried two hundred and fifty-nine million and odd thousand dollars. Taking the accurate total of the bill, it was $261,000,000.

Mr. MOON of Tennessee. The statement was made by the clerk, and I think the gentleman from New York is correct. I believe it was the last bill that carried two hundred and fifty-nine millions, and the present bill carries two hundred and sixty-one millions as it passed the House.

Mr. FITZGERALD. What I wish to know is, does the gentleman, in arriving at the total, take the accurate footings of the items in the bill, or does he take the totals which are stated, which, in many instances, are incorrect? For instance, the total of the railway mail clerks appears in the report published in the RECORD $1,978,029 short of the actual footings of the items.

Mr. MOON of Tennessee. The gentleman will recollect that in that section a mistake was made. That is the reason for the suppression of that report, filed last evening. It is $1,000,000 short there.

Mr. FITZGERALD. For the clerks in post offices the accurate footing of the items is $1,942,800 in excess of the total given in the report, so that that will make the bill carry actually $2,920,829 more than appears from an examination by totals, allowing for the $1,000,000 error.

Mr. MOON of Tennessee. Of course, I do not know exactly what the totals are. I have not figured them myself. These are the totals as figured by the clerk, who has made these totals for years.

Mr. FITZGERALD. Heretofore the practice had been, after setting out the items for this service, to provide that not to exceed a certain sum, which was a lump sum, should be expended, and that would control in spite of the act of May 28, 1896. In that way totals could be taken. It is my recollection that the gentleman from Illinois [Mr. MANN] made a point of order——

Mr. MOON of Tennessee. Yes; that is the way that it went out.

Mr. FITZGERALD. Upon some of these matters, but while that limitation was taken out of the bill and does not appear in it——

Mr. MOON of Tennessee. That does appear in the bill.

Mr. FITZGERALD. The total does not control. The statute of May 28, 1896, provides:

> That the total amount appropriated in the various paragraphs of an appropriation act shall be determined by the correct footing up of the specific sums or rates appropriated in each paragraph, unless otherwise expressly provided.

In attempting to ascertain the total amounts appropriated by this Congress, an examination of the bill shows that these totals are not accurate footings of the items. In the absence of the restrictions heretofore carried in the bill the actual footings will count.

Mr. MOON of Tennessee. Of course that section went out on a point of order.

Mr. FITZGERALD. That is true, but I think it went back in the Senate—no; the Senate struck that out also. I did not know whether the gentleman had there and was able to state whether the totals had been changed to correspond to the accurate footings or not.

Mr. MOON of Tennessee. That is what the Clerk undertook to do. Whether it is done exactly in the total, I am unable to say.

Mr. MANN. Mr. Speaker, if the gentleman will permit, I think I can explain to the gentleman's satisfaction in reference to it.

Mr. FITZGERALD. The gentleman can not explain the difference between the alleged footing and an accurate footing.

Mr. MANN. Yes; I can. The gentleman obtains his total by multiplying the number of clerks by the respective salaries, but every Post Office appropriation bill since I have been in the House has carried more clerks multiplied by the salaries than the appropriation that was carried in the bill.

Mr. FITZGERALD. Yes; but there was always the provision that not to exceed a certain total should be expended.

Mr. MANN. I beg the gentleman's pardon. There is no such provision in the law of the last fiscal year, and the same situation was presented. For instance, the total for clerks this year carried by this bill——

Mr. FITZGERALD. But for the last fiscal year the Treasury held that the amount that actually footed up to the total was what controlled under this statute to which I have called attention.

Mr. MANN. I beg the gentleman's pardon. He is mistaken about the Treasury holding.

Mr. FITZGERALD. I am not, because I have had it investigated, and I have the information.

Mr. MANN. So have I had it investigated.

Mr. FITZGERALD. I believe the source of my information is a little more accurate than the gentleman's, however accurate his may be. [Laughter.]

Mr. MANN. The trouble with the gentleman is that he has not followed the Post Office appropriation bill as carefully as I have in recent years, and misses a point. In those cases where the law provides for the automatic promotion the promotion is made, notwithstanding the limitation in the appropriation, and that creates a deficiency appropriation, which has to go through the gentleman's committee.

Mr. FITZGERALD. There never has been such a deficiency.

Mr. MANN. It would be, however, if there were any occasion for it. Now, the situation is this: Suppose you provide for 1,000 clerks or 10,000 clerks at $1,000 each salary, and then you do not appropriate the full amount of money which was provided for all of these clerks. This was the case for years. Why, of course, you do not start in at the beginning of a fiscal year with the full number of clerks, and hence you do not require the full appropriation. The appropriation bill says so many assistant superintendents, so many clerks at such and such a salary. If you multiply the number by the salary, you would get the total amount of appropriation if they all held office for the full 12 months of the fiscal year, but that is not the case in the Post Office Department. There being an increase of number every year, many clerks are not appointed until the second quarter, many not appointed until the third quarter, and many not appointed until the fourth quarter, hence they are not required to appropriate the full sum, and that is the situation in this case.

Mr. FITZGERALD. Not required, but the act itself makes the appropriation.

Mr. MANN. No; I beg the gentleman's pardon.

Mr. FITZGERALD. I beg the gentleman's pardon; I think I am as well informed as the gentleman is, and I know under the law——

Mr. MANN. I do not see that makes any difference.

Mr. FITZGERALD. In casting up the appropriations made by the Congress the accurate footing exceeds the totals unless the restrictive provision——

Mr. MANN. The gentleman misses this point. There is only one place where you appropriate by classes. If you appropriate in one place $100 and in another place $200 and make a total $200, the law provides the total shall be $300, and there is but one place on an appropriation bill where you could appropriate the full sum of money. In this case in reference to clerks it is $37,878,000, and it is the only place where that could be appropriated.

Mr. FITZGERALD. There is another class the gentleman overlooks, railway-mail clerks.

Mr. MANN. Well, the same situation applies to mail clerks and carriers.

Mr. FITZGERALD. What I am calling the gentleman's attention to is there is a difference here of $2,920,827.

Mr. MANN. I called it to the attention of the House when the Post Office bill was under consideration, and gave the actual figures of what the appropriation would need to be if we appropriated for the full number of clerks, but no one has ever claimed in a Post Office bill since I have been a Member of the House that you had to appropriate for the full number of clerks for the entire fiscal year, because we increase the number from year to year, and they are not all appointed on the first of the fiscal year.

Mr. FITZGERALD. They are not required to be appropriated, but in making up the table, unless the limitation that has heretofore been in the bill is in the bill, you actually foot up totals which do not agree with the totals given.

Mr. WEEKS. If the gentleman from New York is satisfied with the explanation made, I will not take up any time.

Mr. FITZGERALD. I am pretty familiar with the matter, and I am correct in my statement that these totals will not be controlling, and if the total of this bill is made up by computing the two totals, one for the post-office clerks of $21,465,171, railway-mail clerks and post-office clerks, $37,878,000, then the total carried in this bill is $2,390,000 less than it actually carries.

Mr. WEEKS. I was going to suggest to the gentleman from New York, in addition to what has already been stated by the gentleman from Illinois, there is one reason why the total amount is not equal to the number of clerks multiplied by the salary which they receive, because the promotions are made quarterly. If all promotions were made at the beginning of the year it would require the amount of money the gentleman from New York suggests, but they are made the 1st of July or the 1st of October or they are made the 1st of January and the 1st of the following April, and therefore it does not require as much money as the gentleman states.

Mr. FITZGERALD. If that was as simple as the gentleman from Massachusetts and the gentleman from Illinois assert, the gentleman from Illinois would not have made the point of order against the provision of the bill, because ordinarily when the gentleman from Illinois makes the point of order to eliminate from an appropriation bill a provision which is a restriction he has a definite purpose in mind, and that is to remove the limitation fixed in the bill.

Mr. MOON of Tennessee. I will say to the gentleman from New York, speaking of the post-office clerks' appropriation of $38,693,000, that this is the total amount that would be required if all grades were to be entirely filled all the year, which is not the case, because of automatic promotions. And I understood the gentleman to insist he desired the total expenditures under the act for the whole of the fiscal year not to exceed the amounts appropriated. That provision is in the bill.

Mr. MANN. If the gentleman will permit, I will state why I made the point of order, which is perfectly plain. I made the point of order because the provision in the bill would have limited the automatic promotions to the amount of the appropriation named in the bill, although the law provided that the automatic promotions should take place when the clerks and carriers were entitled to them, and in order that the department would be justified in meeting a deficiency if a deficiency were needed to pay the automatic promotions.

Mr. MOON of Tennessee. This bill provides a sufficient amount of money for automatic promotions during the whole year. If it does not, there is authority to create a deficiency.

Mr. NORRIS. Will the gentleman from Tennessee yield to me five minutes?

Mr. MOON of Tennessee. Yes.

Mr. NORRIS. Mr. Speaker, this bill provides, as agreed upon by the conferees, for the appointment of several commissions. One of these, perhaps the most important, is a commission, consisting of three Members of the Senate and three Members of the House, to investigate the question of parcel post, the rates, and the zones, and the other provisions of the bill relating to that subject. The three Members of the House are, by the provisions of this conference report, to be appointed by the Speaker.

Now, Mr. Speaker, I know that the custom has long existed that to fill places of this kind the Speaker should take the commission from the members of the Post Office Committee. There are other commissions provided for where there is no doubt but that by following the rule the Speaker would not only follow the precedents, but would satisfy all the membership of the House. But we have in this House one Member who, upon the question of parcel post and express rates, is perhaps the best expert in the United States, if not in the world. [Applause.] He has made a study for 15 or 20 years of this question, until he is a living, walking encyclopedia upon the proposition, and it seems to me that I am not going too far, Mr. Speaker, if I might humbly suggest to the Speaker, and I believe I express the sentiment of every Member of this House [applause], that when he comes to appoint that commission he appoint as one member of it the gentleman from Maryland [Mr. LEWIS]. [Applause.]

Mr. MOON of Tennessee. I yield five minutes to the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. I wish the gentleman would yield me eight or nine minutes.

Mr. MOON of Tennessee. I will yield the gentleman more time if he really desires it.

Mr. MANN. Let the gentleman have 10 minutes.

Mr. MURDOCK. I want to say to this House just one thing, and I say it in rather a kindly spirit. You have had an illustration here to-night, when a thing gets into the law, of how difficult it is to get it out.

Some years ago when the Eads Bridge was constructed across the Mississippi River at St. Louis, it was looked upon as a work of wonder, a modern miracle, and it was through an appreciation of this great mechanical achievement that Congress was persuaded to give a special favor of $50,000 a year for the transportation of the mail across that bridge, then the only bridge crossing the Mississippi at that point. Through the years, against fight after fight, that payment was continued, exorbitant at the start and always exorbitant. Afterwards other bridges were constructed across the river at St. Louis. The Eads Bridge was no longer a great mechanical achievement. It no longer had a monopoly across that stream. But a monopoly grew up in St. Louis which took over that bridge and charged everything and everybody tolls, and took over the other bridges at St. Louis.

Now, some eight or nine years ago this special mail payment was challenged. It was repeatedly brought up in the committees of the House and in the Senate, and finally one of the Post Office Committees of this House adopted a repeal of this payment to the terminal association. It came out here on the floor of this House as part of the appropriation bill. A single Member, under the rules of this House, could raise a point of order against it and put it out of the bill, and a single Member did—a Member from the city of St. Louis. Afterwards the thing was again discussed in Congress, and finally this year this House succeeded in putting through an amendment which took this payment away, a payment which is not warranted by the facts. The bill went to the Senate. The minute the bill went there with this amendment the officials of the St. Louis Terminal Trust, one that has been condemned by the Supreme Court of the United States, one that has St. Louis by the throat, both as regards her wharfage and her ferriage across the Mississippi River, as well as the bridge service, came down here and presented arguments before the Senate committee. You have heard what those arguments were from the gentleman from Tennessee [Mr. MOON]. How profound, how moving they must have been, when, as a result of the data placed before that committee by the officials of the St. Louis trust, the United States Senate drafted a more drastic provision than the House provision, taking out of all law for all time this payment of $50,000 a year. Here was your House of Representatives demanding that this sum go out of the bill.

Mr. MOON of Tennessee. Mr. Speaker, may I interrupt the gentleman? Will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MURDOCK. Yes; I will yield.

Mr. MOON of Tennessee. I want to say that the conferees of the Senate very readily yielded to the proposition, and the Senate approved it.

Mr. MURDOCK. Oh, yes; but I will say to the gentleman that the Senate committee, backed up by the United States Senate, put into the bill, after the hearings, a more drastic provision than the House provision, cutting this matter out, and here it went finally to conference.

Now, both legislative branches of this Government had finally done away with this proposition of an extra payment of $50,000 to a trust—a payment that is not made to any other railroad or terminal association or union station in the United States. It was out. Then the conference committee restored the major part of that sum. I tell this House that it is unjustifiable, it is unwarranted; it is not justified by the facts, except as they are given by the selfish terminal association of St. Louis.

Mr. MOON of Tennessee. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. MURDOCK. Yes.

Mr. MOON of Tennessee. The House has not done anything of the sort, and the Senate has not done anything of the sort. The proposition heretofore was a payment of $50,000, which was regarded as mandatory. Now, the proposition is to limit it to $35,000, on the condition that it costs that, and it is directory, and it is left alone in the discretion of the Post Office Department.

Mr. MURDOCK. Oh, the gentleman knows that the $50,000 payment has also been for 11 years in the discretion of the department, but notwithstanding that, the trust got the $50,000 every year during that period of 11 years, and twenty or twenty-five thousand dollars over and above the legitimate earning of the railroad in the carriage of the mails. Now, it is not given to any other railroad of the United States. It is not given to the union stations elsewhere, or to the railroads anywhere else, but it is given there as an extra stipend, and I say it is unjustifiable.

This House has the facts before it. It would take only a very few minutes for this House to grant me unanimous consent to have a separate vote taken on this St. Louis item and send this bill back to conference and demand that either this item go out of the bill or that the original Senate amendment to the bill stand. The principle of the thing, if not the sum involved, would seem to dictate and demand that sort of action.

Now, I want to state to the gentleman from Tennessee that I fought this thing for years and years. I thought the gentleman from Tennessee had a thorough knowledge of it. He has been a member of the Committee on the Post Office and Post Roads for a number of years, and this matter has been put before the House heretofore.

Mr. MOON of Tennessee. I know what the gentleman says about it, but the facts conflict with the gentleman's statement.

Mr. MURDOCK. Oh, the facts furnished by the terminal association may conflict. If the facts pointed out in this House by the gentleman from Tennessee are well founded, why did they not move the United States Senate? They moved the House conferees of this body.

Mr. MOON of Tennessee. The gentleman would make it appear that they had moved the House conferees and the Senate also.

Mr. MURDOCK. They did not move the Senate.

Mr. MOON of Tennessee. They have moved the Senate because it has passed it.

Mr. MURDOCK. Before the gentleman from Tennessee now makes his motion to concur, I would like to ask unanimous consent, and I ask unanimous consent, that there be a separate vote taken now upon the St. Louis bridge item.

Mr. MOON of Tennessee. Well, Mr. Speaker, in view of the statement of the facts and the absolute control over the question by the department—and the department might not give a cent if it did not want to—and in view of the entire justice of the provision, I think the request is absurd, and, of course, I object to it.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. MOON of Tennessee. I do.

Mr. CANNON. Is this a final and full report?

Mr. MOON of Tennessee. Yes, sir.

Mr. CANNON. You could reject the report by unanimous consent or vote it down, but there is no possible way that you can pick out this exact item and get rid of it except by rejecting the conference report.

Mr. MOON of Tennessee. I understand that is so.

Mr. MURDOCK. I understood the gentleman from Illinois to say repeatedly that you could do anything by unanimous consent.

Mr. CANNON. Oh, if the gentleman will pardon me, that is on a par with the general run of the gentleman's statements. It seems to me he is talking to far-away Kansas, rather than talking to the facts as they are. [Applause.]

Mr. MURDOCK. I am trying to talk of the facts as they are to this House, and to say that in this House a thing ought to be remedied that was not remedied when the House was under the gentleman's régime.

Mr. CANNON. Then the gentleman will vote against agreeing to this conference report, and if there is a majority that votes with him, the thing is all off, and the bill goes back to conference if the House further insists on its disagreement. The gentleman from Kansas has been long enough a Member of this House not to appeal to the citizens of Kansas, whence he has lately returned from a successful contest for renomination; and if he preached, as I am informed he did, along this line out there, I guess he fooled enough people to get it. [Laughter.]

Mr. MURDOCK. I want to say to the gentleman from Illinois that I never succeeded in getting anything under his régime in this House, and that I am now trying to get something corrected that it was impossible to correct under him, and which it will not be impossible to correct now. [Applause.]

Mr. CANNON. Will the gentleman from Tennessee [Mr. MOON] yield to me?

Mr. MOON of Tennessee. I will yield to the gentleman from Illinois further.

Mr. CANNON. While I had the honor to be Speaker of this House and a Member of the House nothing was ever done ex-

cept by a majority of the House, and this will not be done except by a majority of the House; and the gentleman does not do credit to his intelligence or his knowledge, which, in my opinion, the gentleman has, when he talks to the galleries about unanimous consent to single out this exact thing and vote on it, when he knows, as every Member of the House knows, that it is in the power of a majority of the House here and now to disagree to this conference report.

Mr. MURDOCK. Oh, and the gentleman knows also that you can do anything by unanimous consent, and that unanimous consent is a great deal more difficult to get than a majority.

Mr. CANNON. There is nothing that can be done by unanimous consent touching a conference report, except by unanimous consent to reject it, and it does not require every Member in the House to reject it. It only requires a majority, if a majority is with the gentleman, to vacate this conference report.

Mr. MURDOCK. Mr. Speaker, I made a request for unanimous consent to have a separate vote upon this one item, No. 60.

Mr. MOON of Tennessee. Mr. Speaker, I make the point of order that it is not in order.

Mr. MANN. Mr. Speaker, will the gentleman from Kansas yield——

Mr. MURDOCK. I have a right to have my request for unanimous consent presented.

Mr. MANN. Pending the presentation of it will the gentleman yield?

Mr. MURDOCK. Certainly.

Mr. MANN. While it is quite true that it is within the power of the House by unanimous consent to do anything within the jurisdiction of the House, I call the attention of the gentleman to the fact that it is wholly beyond the power of the House by unanimous consent to do something which requires the action of both the House and the Senate. The Senate has already agreed to this conference report as a whole. Now it is not within the power of the House by unanimous consent or otherwise to agree to a part of the conference report coming from the Senate after it has been agreed to there.

Mr. MURDOCK. I will say to the gentleman that if a majority of the House should vote against this one item we would certainly reject that portion of the conference report.

Mr. MANN. You can not reject that portion of the conference report. You can reject the conference report as a whole. The conference report having been agreed to in the Senate as a whole, it is not within the power of the House, under the rules that govern the practice between the two bodies, to agree to a part of the conference report and reject another part.

Mr. NORRIS. I should like to suggest to the gentleman from Illinois that it is not the contention of the gentleman from Kansas [Mr. MURDOCK] that we could agree to a part and disagree to a part of this conference report.

Mr. MANN. That was his request.

Mr. NORRIS. But he wants to give information to the Senate, if we disagree, as to why we do disagree. It is conceded, I think, by the gentleman from Kansas that if we reject this one item it does reject the entire conference report, but if we should do that the Senate would know just why we did it, and so they would know what to rectify.

Mr. MANN. If the conference report should be rejected, of course, the House could then vote upon any Senate amendment, but the request of the gentleman was to have a separate vote upon disagreeing to this one item in the conference report. Therefore, I submit to the gentleman that it is not possible.

Mr. NORRIS. We can have a separate vote——

Mr. MOON of Tennessee. I make the point of order on the motion of the gentleman from Kansas.

The SPEAKER. The point of order is sustained. This conference report does not stand like an ordinary bill with an amendment to it. It has been ruled time out of mind that a conference report must be adopted or rejected as a whole. If the House agrees with the gentleman from Kansas in his objections to this conference report, the House has its remedy, and that is to vote down the conference report.

Mr. MOON of Tennessee. Mr. Speaker, I yield to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, the House made an order yesterday that gentleman who had bills on the Private Calendar might call them up by unanimous consent to-day. The entire day has been taken up by other business, and I ask unanimous consent that that order may continue in force during to-morrow.

Mr. CANNON. It is one day until the House adjourns.

Mr. UNDERWOOD. But to-morrow will be another day.

Mr. MANN. Mr. Speaker, I should prefer to remain here later to-night rather than to continue the order to to-morrow. There will be time enough to make the request when we adjourn.

Mr. FINLEY. Mr. Speaker, will the gentleman yield?

Mr. UNDERWOOD. I will yield to the gentleman.

Mr. FINLEY. I wish to call the gentleman's attention to the fact that there are a number of resolutions relating to printing in which Members of the House are interested, and I have promised to bring them up. They are privileged, of course.

Mr. UNDERWOOD. But I understand the gentleman from Illinois has objected.

Mr. LAFFERTY. Mr. Speaker, reserving the right to object——

The SPEAKER. The gentleman from Illinois has already objected, and that is the end of it.

Mr. MOON of Tennessee. Mr. Speaker, I yield five minutes to the gentleman from Massachusetts [Mr. WEEKS].

Mr. WEEKS. Mr. Speaker, my only purpose in taking five minutes is to say that it seems to me that the House does not fully understand the St. Louis bridge matter, and I am confident from what the gentleman from Kansas has said that he does not himself understand the facts.

The Pennsylvania Railroad Co. for hauling the mail to the city of New York receives pay on a mileage basis through the tunnel and into its terminal. That is all it is entitled to. Any other railroad terminating, as does the Pennsylvania Railroad, in New York receives pay up to the terminal on a mileage basis, and that is all it is entitled to. For that pay it performs other duties. It furnishes space for the clerks of the Post Office Department, it furnishes light for that space, trucks for unloading the mails, tracks for the cars to stand on, and various other facilities, for which it receives no compensation whatever.

Now, in a station like the Union Station in Washington, which is owned by four or five railroads, the same condition prevails because every railroad which transports mail receives mileage up to the terminal, and therefore there is no reason for paying any additional compensation for handling the mail at the terminal.

Now, the St. Louis terminal is an entirely different proposition. There is nothing like it in the United States. The Eads Bridge is owned by 15 corporations—8 west of the river and 7 east of the river. The 7 east of the river have the long haul to it, and there is no reason why any additional compensation should be paid them. But the 8 owners of the bridge west of the river have no benefit whatever from the haulage of mail that goes into St. Louis from the east, and they are obliged to furnish terminal facilities, clerks, and light for which they get no compensation whatever if only mileage is paid them. Furthermore, there are 5 railroads east of the river that terminate in East St. Louis, and those railroads dump their mail on the terminal company, which takes it across the river, receiving as compensation the mileage basis across the river, or 4 miles. As a matter of fact, it actually costs $20,000 or thereabouts for the clerk hire and for the actual money paid out by the terminal company in connection with the terminal facilities.

The mileage basis across the bridge would be $11,900, or a total definite payment of about $32,000 for the mileage and the actual money paid out by these railroads for the service which they perform. I do not think it is just to ask a corporation or a series of corporations to perform a service without repaying the money which it actually costs them to perform the service.

Mr. NORRIS. Mr. Speaker, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. NORRIS. Mr. Speaker, I am asking entirely for information. I do not claim to know anything about it. I want to get at the facts. The gentleman has made the same statement that the gentleman from Tennessee [Mr. MOON] made, that the cost to this company for transporting mails was a certain amount.

Mr. WEEKS. I have not said anything about transporting mails.

Mr. NORRIS. I understood it to mean that.

Mr. WEEKS. I do not mean that at all.

Mr. NORRIS. I would like to know, for my information, how you can determine and how they do determine what the cost is?

Mr. WEEKS. Let me tell the gentleman what they transfer across that bridge. They transfer 33,000 carloads of mail a year, 100 cars a day. For this they furnish the trackage and all terminal facilities, and you ask them to do it for the mileage basis alone, without paying them anything for the terminals.

Mr. NORRIS. I want to know what the items of cost to the bridge company are of doing this work? How do you get at them? How do you compute it?

Mr. WEEKS. The $20,000 cost to the terminal company is for clerk hire, for light, for the handling of the mail, and for other facilities that are actually furnished, and for which cash

is paid out. That does not take into consideration at all the hauling of the cars across the bridge, for which they receive $3 a car when it is done for any other service than for the United States Government, which would amount to $100,000 a year for hauling the cars across the bridge alone. Now, you ask them to do it on a mileage basis, and in eight cases the railroad which is furnishing the terminal has no benefit whatever for the haulage of the mail up to East St. Louis.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. WEEKS. Yes.

Mr. MURDOCK. The mail goes into St. Louis on two bridges.

Mr. WEEKS. Yes.

Mr. MURDOCK. The Merchants' Bridge and the Eads Bridge.

Mr. WEEKS. Yes.

Mr. MURDOCK. The gentleman knows when he makes this statement that the mail goes over the Merchants' Bridge, paid for on the usual rates of mileage.

Mr. WEEKS. I know perfectly well——

Mr. MURDOCK. If the gentleman will let me conclude—and that twice the amount of mail comes in over the Merchants' Bridge, which is paid for on the regular scale, than comes in over the Eads Bridge, for which $50,000 is paid.

Mr. WEEKS. Yes; but the gentleman from Kansas knows perfectly well that both bridges are owned by the same company.

Mr. MURDOCK. Certainly; and why should we pay extra for one and not for the other?

Mr. WEEKS. And he knows perfectly well that the terminal company loses money every day on the service which it is performing over the Merchants' Bridge.

Mr. MURDOCK. I do not know anything of the kind.

Mr. WEEKS. The gentleman would if he would examine the facts.

The SPEAKER. The time of the gentleman from Massachusetts has expired. The time of the gentleman from Tennessee lacks only half a minute of expiring.

Mr. MOON of Tennessee. Mr. Speaker, I move the adoption of the conference report, and on that I demand the previous question.

The SPEAKER. The gentleman from Tennessee moves the adoption of the conference report, and on that motion he demands the previous question.

Mr. MURDOCK. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, will the gentleman withhold his point of order for a moment?

Mr. MURDOCK. Yes.

Mr. UNDERWOOD. Mr. Speaker, I ask unanimous consent that when the House adjourn to-day it adjourn to meet at 10 o'clock to-morrow morning.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourn to-day it adjourn to meet to-morrow at 10 o'clock a. m. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, will not the gentleman from Kansas withdraw his point of no quorum? Here it is, Friday night. To-morrow is Saturday, and the gentleman knows that there is no quorum in town. On the whole, I consider that we have won quite a victory in the conference report on the Post Office appropriation bill, and even upon the item itself that the gentleman refers to there has been some victory won. If a point of no quorum is made, it is probable that Congress will be in session another week or perhaps two weeks.

Now, we have been here—I am not casting any reflections upon the gentleman—but there are a lot of us here who have very good reasons for wanting to get home, and I do not think that the gentleman wants to take the responsibility——

Mr. CLAYTON. Mr. Speaker, I hope we will have a roll call so those of us who have stayed here all summer may have our presence noted.

Mr. MANN. I do not believe there is a quorum in town, and I do not believe there is a quorum that can be obtained on a roll call for another week.

Mr. MURDOCK. I think the thing to do is to have this St. Louis bridge matter settled now, and I raise the point of no quorum.

Mr. LLOYD. Mr. Speaker, before the gentleman makes the point of order I ask unanimous consent for the present consideration of the following House joint resolution, which provides for the payment of the employees of the House and the Senate on the day of adjournment.

Mr. MANN. I think we will be here after the 1st of September, so for the present I object.

Mr. CLAYTON. Let us get all of the Chautauqua lecturers in their places. [Applause.]

Mr. UNDERWOOD. Mr. Speaker, may I ask the gentleman from Kansas again to withhold his point of order?

Mr. MURDOCK. I withhold it.

Mr. UNDERWOOD. Mr. Speaker, I again ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock.

The SPEAKER. The gentleman from Alabama asks uanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 10 o'clock a. m.

Mr. JAMES. Mr. Speaker, what good will that do?

The SPEAKER. Is there objection? [After a pause.] The Chair hear none, and it is so ordered. Does the gentleman from Kansas adhere to his point of order?

Mr. HAY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HAY. Is the question now before the House that of the adoption of the conference report?

The SPEAKER. No; the gentleman from Kansas made a point that there was no quorum present, and he simply withheld it for the gentleman from Alabama to make a request for unanimous consent. Of course, if the gentleman from Kansas——

Mr. HAY. Mr. Speaker, I ask the gentleman from Kansas at least to permit the Chair to put the question to the House on the adoption of the conference report.

Mr. MURDOCK. I understood the motion had been made to concur.

The SPEAKER. No; the motion was on the adoption of the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. MURDOCK. Now, Mr. Speaker, I raise the point of no quorum.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifty-nine gentlemen are present, not a quorum.

Mr. UNDERWOOD. Mr. Speaker, it is evident we can not get a quorum here to-night—— [Cries of "Call the roll!"]

Mr. CLAYTON. Mr. Speaker, let us call the attention of the country to this evil of absenteeism and point out the men who do not stay here.

SEVERAL MEMBERS. Let us try to get a quorum.

Mr. ALLEN. Mr. Speaker, from the statement it is not a question of Members here now, but there has been absenteeism practically of Members who have gotten here in the last 24 hours, and why should they raise the point of order upon the rest of us; why should they come in and raise this question——

The SPEAKER. There is nothing before the House for debate. Does the gentleman from Alabama make his motion to adjourn?

Mr. UNDERWOOD. Mr. Speaker, I desire to inquire whether or not the Speaker had put the motion and if the automatic rule does not apply?

The SPEAKER. Yes; the automatic rule applies. The House is dividing, the Doorkeeper will close the doors, the Sergeant at Arms will notify absentees, and the Clerk will call the roll.

The question was taken; and there were—yeas 130, nays 24, answered "present" 10, not voting 227, as follows:

YEAS—130.

Aiken, S. C.	Dyer	Holland	Morrison
Alexander	Faison	Houston	Moss, Ind.
Allen	Farr	Howland	Murray
Ashbrook	Ferris	Hull	Needham
Austin	Finley	Humphreys, Miss.	Oldfield
Barchfeld	Flood, Va.	Johnson, S. C.	Padgett
Blackmon	Floyd, Ark.	Kennedy	Pepper
Borland	Focht	Kindred	Post
Bowman	Foster	Kinkaid, Nebr.	Pray
Bulkley	French	Kinkead, N. J.	Rainey
Burke, S. Dak.	Gallagher	Kitchin	Rauch
Burke, Wis.	Gardner, N. J.	Korbly	Rubey
Burnett	Gill	Lamb	Rucker, Mo.
Byrns, Tenn.	Glass	Lee, Ga.	Russell
Candler	Goeke	Lee, Pa.	Sims
Cannon	Greene, Mass.	Lever	Sisson
Cantrill	Greene, Vt.	Lewis	Sloan
Carlin	Griest	Littlepage	Small
Carter	Hamilton, Mich.	Lloyd	Smith, J. M. C.
Clayton	Hamilton, W. Va.	Lobeck	Smith, Saml. W.
Crago	Hamlin	McCoy	Speer
Crumpacker	Hammond	McDermott	Steenerson
Curley	Hawley	McKinney	Stephens, Miss.
Dent	Hay	McLaughlin	Stephens, Tex.
Denver	Hayden	Maguire, Nebr.	Sterling
Dixon, Ind.	Heflin	Mann	Stone
Donohoe	Helgesen	Martin, Colo.	Sulloway
Doughton	Henry, Tex.	Moon, Tenn.	Sweet
Dwight	Hensley	Moore, Pa.	Towner

Townsend	Underhill	Weeks	Wood, N. J.
Tribble	Underwood	Willis	The Speaker
Turnbull	Watkins	Wilson, Ill.	
Tuttle	Wedemeyer	Witherspoon	

NAYS—24.

Bathrick	Hardy	Murdock	Stanley
Booher	James	Norris	Taggart
Cooper	Johnson, Ky.	Raker	Talcott, N. Y.
Cullop	Kent	Rees	Thomas
Difenderfer	Lafferty	Roddenbery	White
Gray	Morgan	Smith, Tex.	Woods, Iowa

ANSWERED "PRESENT"—10.

Brantley	Campbell	Garrett	Sparkman
Browning	Davis, Minn.	McMorran	
Butler	Fitzgerald	Parran	

NOT VOTING—227.

Adair	Driscoll, M. E.	Kendall	Pujo
Adamson	Dupré	Knowland	Randell, Tex.
Ainey	Edwards	Konig	Ransdell, La.
Akin, N. Y.	Ellerbe	Konop	Redfield
Ames	Esch	Kopp	Reilly
Anderson, Minn.	Estopinal	Lafean	Reyburn
Anderson, Ohio	Evans	La Follette	Richardson
Andrus	Fairchild	Langham	Riordan
Ansberry	Fergusson	Langley	Roberts, Mass.
Anthony	Fields	Lawrence	Roberts, Nev.
Ayres	Fordney	Legare	Robinson
Barnhart	Fornes	Lenroot	Rodenberg
Bartholdt	Foss	Levy	Rothermel
Bartlett	Fowler	Lindbergh	Rouse
Bates	Francis	Lindsay	Rucker, Colo.
Beall, Tex.	Fuller	Linthicum	Sabath
Bell, Ga.	Gardner, Mass.	Littleton	Saunders
Berger	Garner	Longworth	Scully
Boehne	George	Loud	Sells
Bradley	Gillett	McCall	Shackleford
Broussard	Godwin, N. C.	McCreary	Sharp
Brown	Goldfogle	McGillicuddy	Sheppard
Buchanan	Good	McGuire, Okla.	Sherley
Burgess	Goodwin, Ark.	McHenry	Sherwood
Burke, Pa.	Gould	McKellar	Simmons
Burleson	Graham	McKenzie	Slayden
Byrnes, S. C.	Green, Iowa	McKinley	Slemp
Calder	Gregg, Pa.	Macon	Smith, Cal.
Callaway	Gregg, Tex.	Madden	Smith, N. Y.
Cary	Gudger	Maher	Stack
Clark, Fla.	Guernsey	Martin, S. Dak.	Stedman
Claypool	Hamill	Matthews	Stephens, Cal.
Cline	Hanna	Mays	Stephens, Nebr.
Collier	Hardwick	Miller	Stevens, Minn.
Connell	Harris	Mondell	Sulzer
Conry	Harrison, Miss.	Moon, Pa.	Switzer
Copley	Harrison, N. Y.	Moore, Tex.	Talbott, Md.
Covington	Hartman	Morse, Wis.	Taylor, Ala.
Cox, Ind.	Haugen	Mott	Taylor, Colo.
Cox, Ohio	Hayes	Neeley	Taylor, Ohio
Cravens	Heald	Nelson	Thayer
Currier	Helm	Nye	Thistlewood
Curry	Henry, Conn.	Olmsted	Tilson
Dalzell	Higgins	O'Shaunessy	Utter
Danforth	Hill	Page	Vare
Daugherty	Hinds	Palmer	Volstead
Davenport	Hobson	Patten, N. Y.	Vreeland
Davidson	Howard	Patton, Pa.	Warburton
Davis, W. Va.	Howell	Payne	Webb
De Forest	Hughes, Ga.	Peters	Whitacre
Dickinson	Hughes, N. J.	Pickett	Wilder
Dickson, Miss.	Hughes, W. Va.	Plumley	Wilson, N. Y.
Dies	Humphrey, Wash.	Porter	Wilson, Pa.
Dodds	Jackson	Pou	Young, Kans.
Doremus	Jacoway	Powers	Young, Mich.
Draper	Jones	Prince	Young, Tex.
Driscoll, D. A.	Kahn	Prouty	

The SPEAKER. The Clerk will call my name.

The name of Mr. CLARK of Missouri was called, and he voted "yea."

The SPEAKER. There are 164 Members present, not a quorum.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. This motion has to have a second. Those in favor of seconding the motion of the gentleman from Alabama to adjourn will rise and stand until they are counted. [After counting.] Ninety-one gentlemen have seconded the motion. Those opposed will rise and stand until they are counted. [After counting.] Twelve gentlemen have risen in the negative. On the motion to second the motion of the gentleman from Alabama [Mr. UNDERWOOD] the yeas are 91 and the nays are 12, and the House stands adjourned until 10 o'clock to-morrow.

Accordingly (at 11 o'clock p. m.) the House adjourned until 10 o'clock a. m., Saturday, August 24, 1912.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. SMITH of Texas, from the Committee on Irrigation of Arid Lands, to which was referred the bill (H. R. 26338) providing for patents to desert-land entries on reclamation projects, and for other purposes, reported the same with amendment, accompanied by a report (No. 1240), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the bill (S. 3947) to provide for a bridge across Snake River, in Jackson Hole, Wyo., reported the same with amendment, accompanied by a report (No. 1241), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. DENT, from the Committee on Military Affairs, to which was referred the bill (H. R. 24661) for the relief of James Parsons, reported the same without amendment, accompanied by a report (No. 1239), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were thereupon referred as follows:

A bill (H. R. 25800) granting a pension to Catherine Patterson; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25668) granting an increase of pension to Marshall H. Smith; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16751) granting an increase of pension to George W. Oertel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21803) granting a pension to Ernest H. Hausmann; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 16750) granting an increase of pension to Gus Bell; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 22240) granting a pension to Caroline E. Mason; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 21258) granting a pension to Oscar Jones; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 23383) granting a pension to Charles B. Scholz; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24510) granting a pension to Peter F. Weasel; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 20214) granting a pension to Mary L. Bach and minor children; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24759) granting a pension to Leander Cook; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24867) granting a pension to Bernard Higgins; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25298) granting an increase of pension to Theo Rasner; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24870) granting a pension to George F. Willard; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25263) granting an increase of pension to Joseph D. Beaubien; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24879) granting an increase of pension to Inez S. Bacon; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 25293) granting an increase of pension to Henry E. Garber; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24943) granting a pension to Thomas B. Kneedler; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24428) granting a pension to Robert K. Lowry; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

The bill (H. R. 25928) granting a pension to John W. Merriman; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24778) granting a pension to Jesse D. McGee; Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. HAYDEN: A bill (H. R. 26393) authorizing the Secretary of War to furnish three bronze or brass cannon or field-pieces and cannon balls to the State of Arizona; to the Committee on Military Affairs.

Also, a bill (H. R. 26394) to establish a mining experiment station in the State of Arizona, to aid in the development of the mineral resources of the United States, and for other purposes; to the Committee on Mines and Mining.

By Mr. DICKINSON: A bill (H. R. 26404) to extend the pension laws of the United States to persons who served as civilian pilots in the Mississippi Marine Brigade during the Civil War and to the widows and children of such persons; to the Committee on Invalid Pensions.

By Mr. HAYDEN (by request): A bill (H. R. 26408) opening certain lands in the Colorado River Indian Reservation to settlement under the provisions of the Carey Act, and for other purposes; to the Committee on Indian Affairs.

Also, a bill (H. R. 26409) to extend the time for the repayment of the cost of reclamation projects, and for other purposes; to the Committee on Irrigation of Arid Lands.

By Mr. STEPHENS of Mississippi: Resolution (H. Res. 707) to provide for printing hearings of subcommittee of Committee on Banking and Currency; to the Committee on Printing.

By Mr. GRAY: Joint resolution (H. J. Res. 359) to provide for the invitation, reception, and entertainment of delegates from the parliaments and national legislative bodies of the world, and to authorize a peace assembly composed of such delegates to be held in the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26395) granting an increase of pension to Solomon D. Brenchley; to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 26396) granting a pension to ——— McClanahan; to the Committee on Invalid Pensions.

By Mr. DONOHOE: A bill (H. R. 26397) granting a pension to Thomas McGuinness; to the Committee on Pensions.

By Mr. FERGUSSON: A bill (H. R. 26398) for the relief of B. A. Nymeyer; to the Committee on Claims.

By Mr. FRENCH: A bill (H. R. 26399) granting a patent to Joseph Robicheau; to the Committee on the Public Lands.

By Mr. HILL: A bill (H. R. 26400) granting a pension to Ellen Burke; to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 26401) granting a pension to Hamilton Shuler; to the Committee on Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 26402) to issue a certificate of honorable discharge to Frank Means; to the Committee on Military Affairs.

By Mr. POWERS: A bill (H. R. 26403) for the relief of Jesse Powers; to the Committee on War Claims.

By Mr. DICKINSON: A bill (H. R. 26405) granting an increase of pension to Samantha E. Clark; to the Committee on Invalid Pensions.

By Mr. LA FOLLETTE: A bill (H. R. 26406) granting an increase of pension to Samuel A. Pearce; to the Committee on Pensions.

Also, a bill (H. R. 26407) granting an increase of pension to Mary C. Round; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the inspectors of customs of the Canadian border relative to reenacting section 2 of House bill 21003; to the Committee on Ways and Means.

By Mr. GRIEST: Petition of citizens of Lancaster County, Pa., favoring adoption of the Hobson resolution proposing amendment of the Constitution prohibiting the sale, manufacturing for sale, etc., of beverages containing alcohol; to the Committee on the Judiciary.

By Mr. LEVY: Petition of the Allied Printing Trades Council of New York State against amendment to the Bourne parcel-post bill; to the Committee on the Post Office and Post Roads.

SENATE.

SATURDAY, *August 24, 1912.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. Ulysses G. B. Pierce, D. D., offered the following prayer:

Almighty God, our heavenly Father, as our labors draw to their close we render unto Thee unspeakable thanks for the mercies which have accompanied all our days. Day by day we have sought Thee, and not in vain have we lifted to Thee our voice in prayer. Thou hast not sent us empty away, neither hast Thou left us to labor in our own unaided strength. It is Thine hand which hath upheld us, as it is Thy providence which hath guided us. We acknowledge Thy guidance and thank Thee for Thy loving kindness. Accept, we pray Thee, our labors and consecrate all our endeavors as seemeth good in Thy sight. Thou hast not left our hearts untouched by sorrow, neither hast Thou taken from us the comfort of Thy presence. Our sorrows no less than our labors we consecrate to Thee.

And now, our Father, as we go our several ways we pray Thee to bless and keep us, to make Thy face to shine upon us and shield us with Thy grace, to lift up the light of Thy countenance upon us and to give us peace. Amen.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BORAH and by unanimous consent, the further reading was dispensed with and the Journal was approved.

MARY J. MANNING (S. DOC. NO. 946).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an item of appropriation to enable the Secretary of the Treasury to carry out the provisions of an act for the relief of Mary J. Manning, approved August 17, 1912, $334.49, which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

POST-OFFICE BUILDING, NEW YORK, N. Y. (S. DOC. NO. 945).

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an item of appropriation for continuation under the present limit of the new post-office building at New York, N. Y., $1,000,000, which was referred to the Committee on Appropriations and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7377) granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 22871. An act to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto; and

H. R. 23604. An act for the relief of Frank D. Courtade.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for prior years, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SISSON, and Mr. CANNON managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of

Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn.;

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913;

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 21826. An act validating certain homestead entries;

H. R. 25531. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes; and

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y.; and to provide increased quarantine facilities at the port of Portland, Me.

FEDERAL INJUNCTIONS.

Mr. PENROSE presented a memorial of the Board of Trade of Philadelphia, Pa., remonstrating against the passage of the so-called injunction limitation bill, which was ordered to lie on the table.

PROTECTION OF AMERICAN CITIZENS IN NICARAGUA.

Mr. THORNTON. I present a telegram from the acting president of the New Orleans Progressive Union, which I ask may be read.

There being no objection, the telegram was read, as follows:

NEW ORLEANS, LA., *August 23, 1912.*

Senator J. R. THORNTON,
Washington, D. C.:

It is the sense of the New Orleans Progressive Union that the present policy of the State Department in Nicaragua, looking toward the protection of American lives and property there, should be continued, and we would therefore respectfully suggest that you use your influence in preventing any legislation which would cause the withdrawal of such protection.

NEW ORLEANS PROGRESSIVE UNION,
Per LEON C. SIMON, *Acting President.*

RANK OF RETIRED ARMY OFFICERS.

Mr. SHIVELY. On March 8, 1912, Senate bill No. 5722, to remedy in the line of the Army the inequalities in rank due to the past system of regimental promotion was introduced, and on that day read twice and referred to the Committee on Military Affairs. That bill has been pending for many weeks before a subcommittee of that committee. I ask unanimous consent to have printed in the RECORD and referred to the Committee on Military Affairs certain memorandum bearing upon the merits of that bill.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The memorandum is as follows:

Memorandum.

A bill (S. 5722) to readjust the rank of certain officers on the retired list who served in the Army during the Civil War.

Measures for the relief sought have been presented to Congress for many years. In the last Congress the officers on the active list were granted relief in the last clause of the Army appropriation bill, approved March 3, 1911, but the provision did not apply to officers on the retired list.

The reasons favorable to the legislation enacted in the act of March 3, 1911, above referred to, were fully set forth in a memorandum of the Chief of Staff (Gen. Bell) which was transmitted to the chairman of the Committee on Military Affairs, House of Representatives, on April 1, 1908, by Secretary of War Taft, with remarks, in part, as follows:

"I have carefully read this bill (H. R. 16502) and the accompanying memorandum thereon by the Chief of Staff. I fully and cordially concur in this effort to bring about a gradual readjustment of rank for the sole purpose of promoting the greater efficiency of the Army. At the same time I think the officers who have lost rank through no lack of merit and no fault of their own have a just claim in equity and are entirely deserving of the relief contemplated by this bill."

RULES OF PROMOTION.

The Chief of Staff, in his memorandum, said:

"Under the system of promotion which so long prevailed, whereby officers were promoted by virtue of seniority in the regiment to include the grade of captain and of seniority in the arms through the field grades, many inequalities arose in the relative rank of officers and in the conditions which surrounded officers in the military service. This may be made clear by considering two officers, approximately of the same age, entering the service at the same date, but assigned to different regiments. In one regiment where casualities through death, retirement, resignations, or other causes were frequent, the subaltern assigned there advanced with comparative rapidity through the grades of second and first lieutenant to captain and took his place on the lineal list for promotion through the field grades perhaps years before the other, assigned to a regiment where casualties were few, could reach it. If it is to be remembered that not two officers but every officer entering the service during this period entered under these conditions the growth of inequalities in rank and position may be appreciated. Not only officers of the same age and date of commission were thus later widely separated, but not infrequently officers of long service were passed by their juniors in years and service. A captain under these conditions was likely at any time to see a man who had entered the service long after him become his post, battalion, or squadron commander.

"It is to be borne in mind that no question of relative merit entered into the question of promotion under these rules, just as no such question enters into the problem that the proposed act is now intended to solve. Officers attained the higher grades through what may be termed the accident of law, or, as many believed, of incorrect construction of the law.

"When this occurred through a rule that put promotion outside of the influence of individual effort or ability, it seems impossible to deny reasonable cause for those not favored by chance to feel themselves unwarrantably injured.

"Furthermore, neither the proposed law nor any other can restore all that the losers have lost or take away anything the gainers have gained. The latter have held for many years rank and position and received increased pay that under an equitable system of promotion would have been secured to those who now seek future restoration only to their proper places. What has been lost in the past can not be restored, nor is it sought by this measure to attempt its restoration.

"The proposed measure does not provide any relief for officers on the retired list who may have suffered equally in the past with others still in the active service.

"In my judgment, therefore, the conclusion is inevitable that we are concerned here not so much with the law as with the equity of the case. If injustice has been done through the operation of law, and it matters not whether the law as applied was correctly interpreted or not, such injustice should be corrected if correction be possible, and provided, of course, that the methods employed do not result in a greater evil than the evil they are designed to remove."

(S. 5722.)

The pending measure is for the relief of certain officers on the retired list, a number of whom are medal of honor men, and the reasons which induced legislation of 1911 for officers on the active list apply with still greater force to the officers on the retired list, for they have suffered longer and have an added claim for favorable consideration, because of their service in the Army during the Civil War. It applies to the officers on the retired list below the grade of brigadier general who served in the Army during the Civil War prior to April 15, 1865. The number in February, 1912, was 189 officers, consisting of 25 colonels, 40 lieutenant colonels, 85 majors, 34 captains, and 5 first lieutenants, as shown by the accompanying list. It is stated as an objection to the measure that these officers have been advanced a grade by the act of 1904 for their Civil War service. But the reasons which induced the legislation in 1911 in favor of the officers on the active list were not based upon nor had they any reference to Civil War service. The reasons for that legislation were fully and clearly stated by the Chief of Staff [Gen. Bell] in the memorandum above referred to, and they apply equally to the officers on the retired list, and hence the measure is drawn to apply to the advanced rank on which they were retired, and it gives them no greater relief than has been granted to the officers on the active list by the act of 1911.

The list includes some staff officers and many line officers, and on this point it is to be observed that there were great inequalities in promotion in the staff, as well as in the line, resulting from legislation which gave much more rapid promotion in some staff corps than in others, and the arguments advanced apply with equal force to those officers who saw their juniors in years and in date of original commission attain promotion which they could not reach, and in these cases, also, it should be remembered that there was no question of merit involved.

The measure does not affect the Army either in its discipline or in the prospect of any active officer for promotion. It can therefore be considered on its merits as a pure question of right without fear of discrimination against any officer.

Instead of a long and exhaustive search of the records to ascertain just what position an officer might have reached, and which might still result in injustice by reason of mistake, or oversight, or other cause it is proposed to grant an advance of one grade for each period of 15 years' service (active or retired) in the regular or volunteer forces on or after April 15, 1861, provided that the rank conferred shall not exceed that of a brigadier general. This period of 15 years is a modification of a suggestion made by Gen. U. S. Grant, that certain officers be advanced a grade for each period of 10 years on the retired list, and is a much greater period of time than that served by officers on the active list in any one grade; this provision, then, will give no greater promotion than that granted to officers on the active list by the act of 1911, and will be much easier to carry into execution.

Those who will be benefited by the measure feel that there has been further discrimination and favoritism in the matter of the selection of officers for promotion to the grade of brigadier general just prior to their retirement, and they feel the discrimination more keenly because much younger men with no Civil War record have been so promoted from the grades of major and lieutenant colonel and immediately retired. Thus in their declining years, when naturally under greater expense, they find themselves resting not on an equality with their comrades but in the unenviable position of having their juniors in years and in service retired with superior rank, a discrimination which subjects them to unjust comparisons and which can only be explained on the ground that some were more highly favored.

The War Department earnestly recommended the legislation referred to for officers on the active list "for the sole purpose of increasing the efficiency of the Army," but Secretary of War Dickinson withheld favorable recommendation for this measure for the relief of the retired officers similarly situated because of the need of economy. The expense involved is not great and will rapidly diminish, because the average age of the beneficiaries is over 73 years. The question whether it was right to grant the relief asked for was settled affirmatively by the act of 1911, but it was applied to the active list only. The officers on the retired list therefore confidently rely for favorable action in their behalf upon the views expressed by Secretary (now President) Taft, that they have "a just claim in equity and are entirely deserving of the relief contemplated."

Under the foregoing measure the 25 colonels and 40 lieutenant colonels would become brigadier generals retired. The 83 majors would become colonels, retired. The 32 captains would become lieutenant colonels, retired. The 5 first lieutenants would become majors, retired.

The officers retired since the Civil War as major generals and brigadier generals without Civil War record number a total of 63. These 63 officers without Civil War record were promoted over the 185 officers

of Civil War record, who pray for the relief in the foregoing memorandum.

CLAIMS FOR NORTHWESTERN TERRITORY (S. DOC. NO. 948).

Mr. SWANSON. There is pending before the Committee on the Judiciary a bill (S. 6247) introduced by the Senator from West Virginia [Mr. CHILTON] for a settlement of the claims of Virginia and other States on account of the gift by Virginia of the northwestern territory. The General Assembly of Virginia directed her Representatives in Congress to present that claim. At the time I submitted a message of the general assembly which stated the facts in reference to the matter, with a report from Dr. Fulton, who had examined it thoroughly. The report is not a very long one. Also, on Virginia day at the Jamestown Exposition, I made an address in reference to this concession and the many contributions that Virginia had made to the national greatness. I submit the papers and ask that they be printed as a document and referred to the Committee on the Judiciary so that the Judiciary Committee can consider them in connection with the consideration of the bill introduced by the Senator from West Virginia.

Mr. OVERMAN. Would it not be well to have the speech of the Senator from West Virginia [Mr. CHILTON] incorporated in the document?

Mr. SWANSON. I accept the suggestion also to include in the public document the speech made by the Senator from West Virginia for the use of the Judiciary Committee in considering this matter.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Virginia? The Chair hears none.

SPEECHES OF JUDGE PARKER AND GOV. MARSHALL (S. DOC. NO. 947).

Mr. SMITH of Georgia. On behalf of the senior Senator from Indiana [Mr. SHIVELY], who is temporarily absent, I desire to request unanimous consent to have printed in the RECORD the speech of Judge Parker notifying Gov. Marshall of his nomination as the vice presidential candidate of the Democratic Party and Gov. Marshall's reply.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Georgia?

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

SPEECH OF JUDGE ALTON B. PARKER.

Mr. Chairman, Gov. Marshall, gentlemen of the national committee and of the executive committee, fellow members of the nominating committee, ladies and gentlemen, the faithful sons of Democracy, proud of the record of their party covering a period of 50 years of Federal administration, welcomed at Baltimore the opportunity to substitute practice for preaching, performance for promise. Indeed, they seized that opportunity by the nomination of Wilson and Marshall for President and Vice President, seized it by so firm a grip that it can not be loosened, aye, either by the hosts of Republicanism or by the deluded followers who have not yet discovered that their leader's battles are waged for himself and not for the Lord; that the pretense is in the hope that thereby he will secure the Lord's hosts in support of himself for the third term, contrary to the unwritten law of his country and in defiance of his pledge once made to the people.

PRAISES NOMINEES.

The Democratic national convention seized the opportunity by a method so simple and straightforward as at once captures confidence and enthusiasm. This it did by placing in nomination for the offices of President and Vice President of the United States men whose records as governors, respectively, of the States of New Jersey and Indiana show that they know how to prepare, to devise, and to apply governmental remedies, and whose lives were so clean and righteous that the people could be assured at once that the pledges made by their party and their own promises to the people would be faithfully kept and executed.

The result has been so well received by the people that to-day even the most cautious observer does not hesitate to accept—the most cautious observer except Thomas Taggart [laughter]—does not hesitate to predict the election of Wilson and Marshall. What remains for us to do, however, is to make it so absolutely clear that it is a necessity for the people of the United States to elect this ticket that there will follow, not a bare majority, but an overwhelming majority in the electoral college for Wilson and Marshall.

GOVERNMENT BY PEOPLE.

It is only 125 years ago that a Government was launched here in the United States, the like of which the world had never seen before, with a Constitution providing for a Government of the people, by the people, and for the people, through their representatives, and a Constitution within which were gathered those great principles of liberty which had cost the people in England a struggle of 500 years to secure. All over the world the students of government hailed this new experiment. From every land flocked those who loved liberty and opportunity in a government by the people, administered according to law. You have prospered. We have prospered in our intelligence. On every hillside is to be found the schoolhouse, from which have come—from many of which have come—leaders of thought in America; and all over the United States we have universities and colleges unsurpassed in the history of the world, with doors wide open to every man who is ambitious for a higher education, and with opportunity for every man, no matter how poor he may be, to secure such an education.

Not only that. Our wealth has increased. Never in the history of the world has there been so much comfort enjoyed by so many people. Our wealth to-day, coming then from a very small wealth with a handful of people, has grown to a population of more than 90,000,000 and our wealth more than double that of any other country in the world, save Great Britain and Ireland combined, and to the wealth of Great Britain and Ireland you must add the entire wealth of Russia before you equal the wealth of the United States. And yet, my fellow citizens, notwithstanding that, you and I know that there is a great feeling of unrest in the United States. Even the people who are the most prosperous and successful are dissatisfied with existing conditions, and it is the proper thing for us to-day to explore deeply into our conditions for the purpose of ascertaining the real cause.

WILSON POINTS OUT EVILS.

Our candidate for the Presidency, the Hon. Woodrow Wilson, in his masterful and exquisite speech of acceptance at Seagirt, put his finger directly and unerringly upon the source, the original source, of the evils from which we complain, wherein he treated of the partnership between Government and privilege. Go where you will, trace any existing evil of to-day back to its original source and you will find that it had its beginning in that day when, mistakenly, the representatives of the people of the United States began to try to help some people at the expense of others.

I am not here to-day to spend any particular time in speaking of the beginning, but, my fellow citizens, it began to expand. It began with the Nation and it spread on down, all the way down to the town, this partnership between Government and privilege. I shall confine myself to the partnership between Government and privilege so far as the Federal Government is concerned. If we were to cover the whole field it would take volumes in order to cover it.

Now, first, my fellow citizens, what is privilege? In the sense in which it is employed by Gov. Wilson and in the sense in which I use it to-day, it is the securing of the right to enjoy the levying of toll in some form or other upon a portion of the people or upon all of them. You can imagine what would happen if in the State of Indiana a law should be passed which permitted John Doe to have the right to collect 5 cents toll of every man that passed in front of his house. But that is practically what has been done by the Federal Government.

ROBBERY THROUGH TARIFF.

Now, we all know—and if we do not, if there are any alive who do not know, they ought soon to find it out—that there has been taken from the pockets of the people of these United States thousands of millions of dollars by means of tariff statutes and transferred them to the pockets of those whom we now speak of as enjoying swollen fortunes. There was a time when the Democratic Party in making, which it has, a consistent and persistent struggle against this form of accumulating wealth in the hands of the few at the expense of the masses—there was a time, I say, when our arguments were attempted to be met by the representatives of the Republican Party, but that time has passed. I need not detain you to-day, nor need we in this campaign detain the audiences, to discuss that fact, for it will be quite sufficient, if there are any doubters, to call their attention to the admissions of the party and its representatives, which is responsible for this condition.

We can look first to the admission in 1908, when the Republican Party for the first time in its history put in its platform a provision that there should be a special session of Congress immediately after the 4th of March following the election to consider the tariff and revise it. We have President Taft's declaration to the people of the United States then, during that campaign, that his party would bring about an honest revision of the tariff, the tendency of the duties being downward.

VETO OF TARIFF BILLS.

We have, again, the assembling of the Congress in pursuance of that promise, and we can hear to-day the denunciation of the tariff bill which was proposed, as it was made by the 13

United States Republican Senators who repudiated the infamy which was about to be perpefrated upon the people. We have the appointment of the Tariff Board in order that they might ascertain what duties should be taken off. We have only recently those Republicans in the House of Representatives and in the Senate who joined the Democrats in passing bills which reduced tariff rates, so that they passed through both Houses and passed to the President, who was compelled to veto them.

Now, my fellow citizens, we have more. We have also the acknowledgment in the confession of faith of one who was but a little while ago a Republican, and a Republican President of the United States. Is it not strange, my friends, that during all those seven and one-half years that he was President of the United States there was no power on earth that could induce him to say a single word in behalf of the relief of the people from the burdens thus imposed? But now, when he no longer relies entirely upon the old party for success——

[Here the seats back of the speaker's stand collapsed, and Mr. Parker resumed his speech after the excitement had passed.]

Our next inquiry is what party is responsible for the condition in which we find ourselves as regards the tariff, and it only requires a few sentences to dispose of it.

RATES ARE RAISED.

When the Republican Party came into power in 1861 the average rate of tariff duty was 20 per cent. It had been higher before, but in those days there was no partnership between Government and privilege, and in 1846 Congress reduced the average rates from 32 to 25. Ten or eleven years passed away and again, under Democratic leadership, the tariff rates were again reduced to an average of 20 per cent, and I venture that you will agree with my assertion that had not the Republican Party come into power there never would have been any increase in the rates, and for the reason that the census of 1860 showed that during this period of lower duties and reduction of rates there had been a greater percentage of increase in the national wealth than has occurred at any other period in our history, before or since, and that there was a greater increase in the percentage of money invested in manufactures than there has been in any period of our history, either before or since.

But the first thing almost that the Republican Party did was to advance the average rate of tariff duties from 20 to 37½ per cent. Within two years it advanced it further to 47 per cent, the excuse being that the exigencies of the Civil War required it. But now nearly 50 years have passed away since that increase on that excuse, and yet the average rate of duties is higher to-day by a small percentage than it was then. So, my fellow citizens, we find not only that they increased it, but they kept it up. We have had the Dingley bill, the McKinley bill, and last we have the Payne-Aldrich bill, and still the average rate of duties is higher than the Republican Party placed it during the war. So that we have no difficulty in finding the party that is responsible, and solely responsible. There has never been a revision by that party downward.

COMPETITION IS DESTROYED.

Now, that brings us to another subject involved in the charge that there has been a partnership between Government and privilege, and that is the combinations to restrain trade and prevent competition, called, for short, "trusts." In the very beginning of tariff discussion, long before the Republican Party came into existence, it was insisted that the effect of high duties would not be to oppress the people, because, it was argued, there will be competition between the various manufacturers, and that will keep rates down. And it was the law then in every State in this country—and we had inherited that law from England—that a combination to restrain trade, to prevent competition, is absolutely void. More than that, now and then some men got together for the purpose of securing the full benefit of these tariff duties, creating combinations in one form and another, and so an act of Congress was passed, known as the Sherman Antitrust Act, which was a criminal statute, and it was believed that now—having made combinations to restrain trade and prevent competition a criminal offense, or, in other words, a combination so that prices may be advanced to the consumer—there would be no further attempt; but, my fellow citizens, there was further effort in that direction. Just before the year 1896 there was a Democratic Attorney General by the name of Judson Harmon, and he prosecuted to the Supreme Court of the United States a case, in which it was determined that the Sherman Antitrust Act was workable. If there had been any effort after that to prevent the creation of combinations to restrain trade and prevent competition, we would never have had the serious situation which now confronts us; but the year 1896 saw every Democratic Northern State pass into the Republican column. On that night of the election there was not left in all the North or East or West one of the old Democratic States. Our Republican friends now had full control not only of the Federal Government but of the Northern and the Eastern and Western States and all their State governments as well.

TRUSTS TAKE ON LIFE.

And then there began to grow these combinations to restrain trade, which we now call trusts. They grew slowly at first, because they were all afraid, or perhaps some of them were afraid, that they might be pounced upon, but as year after year passed and trust after trust was created and not interfered with by the Federal Government, when the Republican State governments were absolutely supine and permitted their creation in the States, then, my fellow citizens, they began to grow more rapidly, because through this form of trusts there was an opportunity to secure practically the full benefit of the excessive tariff rates provided for by the tariff statutes.

On September 14, 1901, the number of trusts in this country had grown to 149, and the amount of capital involved in stocks and bond issues was a little less than $4,000,000,000. And now the carnival of trust building began. So far they had proceeded without opposition. There was adequate law to crush them. That law would have been enforced by the courts, as it ever had been, if the courts had been applied to. They were not applied to, and the reason was that the Federal administration and their State administrations, wherever the Republican Party had influence, was not in favor of curbing the trusts.

Seven years and a half more passed away, and the 4th day of March, 1909, arrived, and that four billions, according to the speech of Senator LA FOLLETTE last Friday in the Senate of the United States, had grown to almost thirty-two billions, and the 149 trusts, so Senator LA FOLLETTE said, had then grown so that there were 10,020 plants in combination in the United States.

HOLDS G. O. P. RESPONSIBLE.

Now, my fellow citizens, we need not talk about responsibility for that. The Republican Party is solely responsible. You ask me why it is that the Republican Party permitted this great wrong to be done—for it is a wrong, not only to all the people of the United States, but to the people who have invested their money in these securities, believing that the Government which watches over all things would not permit securities to be issued by absolutely illegal combinations. You ask me why they did it. In other words, What was the consideration? My fellow citizens, naturally all men in public place would prefer to do the bidding of the people; naturally every human being who holds public office, if he has any heart or conscience at all, would like to do what is right by the people. But this had been growing so slowly, until finally the Republican Party leaders—bosses, Col. Roosevelt now calls them, now that he wants to be the sole boss—the Republican Party leaders, looking over this situation, saw that their great support and strength was in the captains of industry, and in the vast sphere of influence which they exercise, which meant not only certain portions of the press, that were within their beck and call, but it also meant leaders of finance in every direction; and of still more importance yet, in an election, vast armies of employees, who were assured by those who were attempting to secure the benefits of tariff rates, by trusts, that their interests—in other words, their bread and butter—depended upon the success of the party which protected the industries from which they received their wages.

CAMPAIGN FUNDS AIDED.

But that is not all, my fellow citizens. They also received a goodly sum of money in every congressional and national campaign, which was paid into their treasury. Why, only Wednesday of last week, a former Republican chairman of the State of New York testified before a Senate committee that in a certain campaign his State committee for his own State alone received $700,000 in money and that $500,000 of that amount had been paid to him directly by the national committee of his party. What did they do with it? We need not stop to discuss that. I suppose that out here in Indiana you have heard what they do with surpluses of money under such circumstances, but if there is anyone who has any doubt about it, let him read the history of Adams County, Ohio, and the 40 per cent of its population who were indicted and then either pleaded guilty or were convicted of the charge of selling their votes.

My fellow citizens, so well known was this fact among the party workers, all the way down from the Nation to the town, that there was scarcely manifested a shock of surprise when it was disclosed that even a President of the United States had not hesitated to suggest to a distinguished railroad financier, in a letter which is now in existence, that they were both practical men, but also advised him that he would like to

have him, a little later—after the elections were over—come down and discuss certain matters not connected with the campaign.

I pass now from this question of consideration—as time is flying—to the other question: Where are you going to get relief?

RECALLS FORMER PROMISE.

Can you expect relief from the Republican Party? From the tariff? No; you know you can not. Did not that party tell you in 1908 that it would revise the tariff?

I need not stop now to discuss what has happened since. You know, and all the people of the United States know, that the tariff was not reduced, on the average, at all. There were some rates lowered and some elevated, but altogether their friends were still taken care of. Can we trust the Republican Party to change its record with reference to that? Nor can we trust President Taft, for if he were elected President and there should go into power with him a Republican Congress they would pay no attention to him. That is what happened when the Payne-Aldrich bill was passed, you will remember. Taft then pleaded with them to keep faith with the people of the United States, but his party would not do it. His party had the power; the interests, the beneficiaries of the tariff, the trusts, demanded their pound of flesh from the Republican Party, and they received it. So, even though he should be elected and his party go into office with him in control of Congress, they would not allow him to do anything. They would sit on him just as they did before.

But aside from that, we do not feel now that he wants to do anything. Has he not vetoed every one of these bills that have been passed by a Democratic House and by a combination of Democrats and Republicans in the Senate? He presents an excuse, of course, and his excuse is that his Tariff Board knows more about it than Congress. Well, to begin with, my fellow citizens, under our Constitution, Congress is the body to revise the rates, and not a tariff board, which is not known to the Constitution.

AS TO TARIFF BOARD.

And again, my fellow citizens, I deny that this Tariff Board of President Taft possesses in any degree whatever the fund of knowledge possessed by those great Democrats, who in that Congress now for years have been studying the tariff, men who, under the leadership of Speaker CLARK and Leader UNDERWOOD, have made a record for the people and for the Democratic Party in the last two years, which, in my judgment, ought alone to win us this campaign, ought to win us the confidence of all the people of the United States.

Now, certainly there is not anybody outside of a lunatic asylum who has any idea that the creator of the Progressive Party and his own nominee for President of the United States has any intention of giving the people any relief from tariff duties. How could anyone have any such an idea? Was he not there for seven years and a half? And during that time—I call you to bear witness—not one single word did he utter in behalf of a reduction of tariff rates. Oh, he preached a plenty; he invited the attention of the good people of the United States in every direction under heaven in which nothing could be done. With a tariff statute which was bearing down heavily upon the people and under which were supported trusts—there where real financial relief could be given; there at the very fountainhead of the corruption which was slowly but surely destroying the best and highest interests of this country—did he turn their attention there? No; not one word did he utter in behalf of real relief. Certainly there is no one who is going to suggest that Col. Roosevelt, late President of the United States, would hurt the trusts at all, is there? If there is such a person, I would like to hear him.

GROWTH OF TRUSTS.

Senator LA FOLLETTE said in a speech in the Senate, where it is a part of the RECORD, that when President Roosevelt took office we had only 149 trusts, and they had less than $4,000,000,000 of capital, including railroads in combinations, but when he finished and on the day that he left the office those four billions had grown to $31,672,000,000. In other words, in capitalization, seven-eighths of the capitalization of all the trusts in the United States came into existence while he was in office. The number of trusts—again referring to Senator LA FOLLETTE'S speech—grew from 149 to 10,020. Now, my fellow citizens, if there was nothing more to be said, I would ask you whether anyone would suspect that he would do any harm to the trusts that came into existence, when you know and I know that there was an abundance of law to stop them then and there? They have found out how to stop them since. Even President Taft knows how to stop them. Why, he now only has to point a gun up the tree and they come down.

There never was any trouble about the law. We had an abundance of law, but we had no man in great station who was willing to stop them and protect the people from their assaults. There is one more word I want to say before I quit that subject. We have some evidence of consent on his part—very substantial evidence, too, my fellow citizens. You know just a little bit of truth did leak out about those records while the great battle was on between Col. Roosevelt and President Taft for the Republican nomination. It turned out that along about the 1st of November, 1907, his weak and pliant Attorney General was about to prosecute a suit against the Harvester Trust for its dissolution, and then George W. Perkins—the George W. Perkins who confiscated $50,000 out of the New York Life to help him in 1904—turned up and George persuaded him in a very few minutes to write a letter to his Attorney General, which stopped the suit, and the Harvester Trust is going yet.

STEEL MERGER DISCUSSED.

But that is not all. It only took about 20 minutes for the same Perkins and Judge Gary to persuade President Roosevelt that he ought to allow the United States Steel Corporation to swallow up its greatest rival, the Tennessee Coal & Iron Co., and that is on record now. I do not hesitate to say, my fellow citizens, that in view of the fact that these trusts so multiplied without any real serious interference on his part—except with his mouth—I do not hesitate to say that it is a fair deduction from that evidence, plus the letters which I have told you about, in these two great cases, that there are others of like import, and that his Attorney General was probably restrained in more cases than these. But were not these quite enough? Was it not quite enough for any one of these men who had thus been helped, to go and tell his neighbors: "Why, you need not be afraid; press on. We have a friend at court."

My fellow citizens, I have already taken too much of your time in the discussion of these questions, and I want to close this part of my address by saying that we have not any assurance from the colonel, in his confessions of faith, that he has changed his mind about the trusts. He does not tell you now that he is going to curb them. We know he did not, and he now says that they ought to be regulated. In other words, he says to the people of the United States, who ought to be intelligent people, in view of the fact that we have schoolhouses on every hillside, that it was all right for him to sit still and allow these trusts to multiply, until, as Senator LA FOLLETTE said, there was no longer anything of importance enough to combine. He says to the people of the United States that now that these trusts have come into existence, nothing must be done about it; that this old law against combinations to restrain trade and prevent competition, which was in force in England, and still is, and is the law here still—no matter if these men have, in defiance of the law, builded up these great trusts—nothing must be done to interfere with them. The thing to do now, he says, is to regulate them.

WILLING FOR CONTROL.

I delivered an address on constitution day at the Jamestown Exposition, in which I marshaled certain facts which satisfied me that the gigantic corporate interests of this country—I do not mean those not in combination, but those in combination—were desirous of Federal regulation and control. They are quite willing to take their chances—not always, but most of the time—of running the Government the moment the proposition is established by the people that it is all right for them to be regulated. That prediction was based upon evidence that I had of the attitude of certain great financiers in this country. Since that time, as you have all read, Judge Gary and Perkins and others have gone upon the witness stand, in the investigation of the steel corporation, and have testified that they were in favor of regulation. So, my fellow citizens whatever else you may expect, whatever else the people of the United States may expect, from Col. Roosevelt if he should be President again, make no mistake about it, he will never lift his finger in the future, any more than he has in the past, to curb the trusts; and make no mistake about it, he will receive from some of them, at least, his full share of support.

There is a direction, my fellow citizens, in which the people of the United States can turn for relief. Not to the Republican Party, not to the Progressive Party, but the Democratic Party has a record of reduction of the tariff, back before the war, from 32 per cent to 25 per cent, and then to 20 per cent. There were in those days no combinations to restrain trade; there were no such things as trusts; there was no such thing as a partnership between the Government and business.

PEOPLE HAVE ASSURANCE.

Again, my fellow citizens, the people of the United States have this assurance: That we present to them the record of a Congress of the United States, a Democratic Congress, elected by the people, after the fraud of 1908 had been perpetrated upon them by the Republican Party, and with the record of that Congress we had a right to go before the people of the United

States and say, " Here is the evidence of the will, the power, and the intelligence to serve the people of the United States as they ought to be served." Aye, and one thing more, fellow citizens; we have nominated for President of the United States and for Vice President men whose lives from their cradles up are an open book, men whose lives should and will convince every human being in the United States that if the great power of these two great offices be conferred upon these men they will, God helping them, serve the people as they have promised to serve them.

And now, Gov. Marshall, the great Democracy of the United States, in convention assembled at Baltimore, after nominating for the office of President of the United States that eminent Democrat and scholar, statesman, and tried public servant, Woodrow Wilson, unanimously, sir, chose you as most worthy to be his associate.

PRAISE FOR GOVERNOR.

Your nomination, sir, was made amid great enthusiasm and with full appreciation on the part of every delegate present that your ability, your character, your valued public services, made your name an addition to the ticket, so that it became perfectly symmetrical and, in our judgment, absolutely invincible.

The Democratic national convention, too, sir, selected a committee representing every State and Territory in the Union and honored me by making me its chairman, and sent us here, sir, to tender to you, in its behalf, the nomination for the great office of Vice President of the United States. Moreover, in behalf of all the people of these United States, connected at least with the Democratic Party, and many who are not, your nomination has been accepted with such great enthusiasm, such complete confidence indicated, that in their behalf, we, the members of the committee, as well as in behalf of the national convention, whose servants we are, not only tender to you the nomination, but most respectfully, sir, beg you to accept it in behalf of the party which honors and loves you as well as in behalf of the people who, in my judgment, will call upon you and your associate to serve them.

SPEECH OF GOV. MARSHALL.

Judge Parker and gentlemen of the notification committee, permit me to say that it is not my purpose on this occasion to present details. I wish merely to present some general observations clothed in homespun language in the belief that they may be of value in fixing the opinion and determining the conduct of the intelligent voter this year.

Try as we may to separate the religious from the civic, the fact yet remains that good government has in it an element of morality. Neither constitutions, nor laws, nor ordinances can completely divorce civil government from religious sentiment. There are periods in the history of a people when the conflict between the good and the bad may involve almost all of the commandments. There is rarely a conflict in which at least the one commandment against covetousness does not become an issue, and this campaign is no exception to the rule.

It will be well for the voter to clear up same hazy definitions. We have for many years been entertaining a belief, founded upon no fact whatever, that Democracy and Republicanism represent different ideas of government. The Republican has looked upon the Democrat as a man opposed to the Government. The Democrat has looked upon the Republican as a man opposed to the people's rule and in favor of aristocratic sway. It is time for us to remember that democracy is not a system of government. Indeed, democracy may find its expression in any one of numerous systems.

DEPENDS ON CITIZENS.

The rule of the people is not essentially rule by the people. By their votes, even when democracy has unfolded to full manhood suffrage, the people may have a monarchial form of government. The people's rule does not depend upon the number of votes nor necessarily upon the system of government under which they vote. Good or bad government must go back to good or bad citizenship, to intelligent or ignorant, to honest or dishonest electors. I venture the assertion that if the electoral franchise were now granted to all the citizens of Russia, the Little Father would again be crowned in Peter's city.

American democracy in its purity was intended to mean, and I believe does mean, something more than voting, something more than selecting officers. Like the sunlight, we can not see it, yet we can not see without it; and like the sunlight, it has not only bathed this Republic in a sea of beauty and glory, but it has warmed and nurtured every fruitage planted in the garden of universal brotherhood.

American democracy does not depend upon caste or creed or condition, upon race or color, upon wealth or poverty, upon success or failure; but unerringly it does depend upon the inner life of the individual citizen. It is an inspiration and an aspiration. It does not always depend upon the ticket which a man votes; it does depend always upon the motive back of the ballot.

The historic Democratic Party of America had its inspiration and its aspiration in the life and conduct of its great founder. It is time now to have a perfect concept of that democracy, for in recent years we have divided ourselves into three classes, and the classification has been made not by the heart throbs of men, but by their social condition. We have those who are immeasurably rich and who are looking for more, and we have those who are unutterably poor and who are growing poorer. Between these two extremes we have the great middle class, living well and reasonably content, except for the uncertainty of not knowing whether they are to rise into the first class or sink into the third.

DIVISIONS NOT LOGICAL.

Many have assumed that only the unutterably poor and those sinking into that class were Democrats, and that the immeasurably rich and the climbers were Republicans. But these divisions have not been logical. It was not the outward and visible which marked the inward and spiritual of Thomas Jefferson. Born of the bluest blood in the Old Dominion and accustomed, as gentleman, scholar, diplomat, and statesman, to all the luxuries of his generation, he was the man who declared that all men were created equal, and that all were endowed with certain inalienable rights, such as life, liberty, and the pursuit of happiness. Even to his dying hour this seeming aristocrat had not a single heart throb which was not in unison with the heart throbs of his fellow men. His great opponent in statecraft sprang from a lineage so lowly as to be unknown. With none of the advantages of either fortune or family, Hamilton believed in hanging on princes' favors and in catering to the chosen few.

At its best, human nature is weak. The cares of the world and the deceitfulness of riches ofttimes stifle generous impulses. Great crises are necessary to awaken many men to their sense of duty. It was because I thought a crisis to be at hand that four years ago I made the statement that 80 per cent of the people of Indiana were Democrats at heart even though they did not know it. I now enlarge that statement and declare that 80 per cent of the entire country believe in the historic democracy of Thomas Jefferson. This campaign is going to rid the Democratic Party of every man who does not believe in its principles and is going to add to the party's ranks, I hope, every man who does believe in them.

Men have allowed their personal interests, ambitions, and prejudices to sway their political conduct and consequently this great body of American citizens, thinking alike and feeling alike at heart, has never been united under one banner to fight for the common rights of common humankind. The strength of those determined to give every man his chance in life, unhampered and unaided by legislative enactment, and to strike down every species of special privilege inuring to the benefit of a few; of those like-minded in their view that government is a necessity and not a luxury, and that business should have its large opportunity for success, but that this Government was made for men, not corporations; for principles, not interests; and of those with sufficient courage and fortitude to drive the money changers from the temple of our national life, has been impoverished by desertions due to personal interests, ambitions, and prejudices.

CALLS FOR PATRIOTISM.

This campaign calls upon some for justice, upon others for charity, upon all for patriotism. It does not call for the bandying of epithets nor for an appeal to the personal. We may safely leave to that senile dementia which has seized the so-called Republican Party the personalities of this campaign. Its unfitness to rule the Republic is disclosed by its inability to keep its temper. It was cohesive so far as its leadership was concerned while it was engaged in looting the public, but even its leaders are now disorganized while quarreling over the loot. As for the party's bosses, the improper influences in American political life are about equally divided between them. Everywhere, " Boss " Barnes is crossing swords with " Boss " Flinn, and their charges and countercharges disclose greatness only when we apply Emerson's statement: " Consistency is the hobgoblin of little minds."

How comes it that we have reached such a condition in affairs in American life that the party in power is rent in twain, that boss is charging boss with knavery, crookedness, and dishonesty, and that each faction is claiming an exclusive patent upon honesty and patriotism while avowing that the success of the other would spell irreparable ruin for the public? And, more particularly, how comes this to pass under a re-

publican system of government, consisting of coordinate branches to which were ceded by the people none of their inalienable rights, but only such powers as were thought to be needful to redress the wrongs, preserve the rights, and keep unshackled the moral, intellectual, and physical forces of mankind?

Though a majority of the people have been voting the Republican ticket and have been assuming thereby that the majority would rule, the disgraceful but purifying scenes which have been enacted recently in Republican conventions disclose that a large number of those who have been voting the Republican ticket are Democrats at heart. These scenes disclose further that we have been mistaken in some of our conclusions touching government in America. We have yielded a quiet assent to the proposition that a majority is all powerful and that a minority has no rights which a majority is bound to respect. But now we know that the theory of the historic Democratic Party, that it is the right of a majority to rule, but only within constitutional limitations and without the usurpation of a single inalienable right of a single individual, is correct.

"It is only when majorities thus rule that governmental machines move without friction. The right of a majority to thus rule must always be conceded. I wonder, however, if it has dawned upon the sober second thought of this people that it is possible for a majority to be a minority and that it is equally possible for a minority to be a majority. At first blush, it would seem that the officials elected by the plurality of votes become the representatives of the majority and that as such they rule. But I am not in error when I declare that it is not the mere number of votes which determines a majority in America, in the sense of having the power to formulate the policy, enact the legislation, and control the Government, and I point to the election of 1908 for proof. The protest of every man who voted for President Taft and who is now dissatisfied with the President's management of public affairs proves that for four years a minority has been the majority in America. At the risk of offending the sensibilities of the Republican who voted for President Taft only to be dissatisfied with his administration, I am going to tell him that he is one of the men I counted in making 80 per cent of the voters of this country members of the historic Democratic Party. His present protest against the result of his ballot reveals his belief that it is not the business of Government to grant, under the guise of taxation, to any class of citizens or to any member of society special privileges which are not granted to every other class and to every other member of society.

"The social condition which we call democracy, and which finds its avenue of expression at the polls through our party, is unalterably opposed to special privilege, whether granted by the law or seized by ruthless ambition. It is true, the mother of all special privilege is the high protective tariff. All who voted the Democratic ticket at the last presidential election were unalterably opposed to this system of unjust taxation, and a sufficient number of those who voted the Republican ticket were likewise convinced of its iniquity to make an overwhelming majority against it. Save a favored few, all were agreed that relief, to a greater or less extent, should be afforded to the people from the unjust exactions of this system. All knew that we could not educate the people of America indiscriminately, enlarge their views of life and happiness, and then, by the high cost of living, deprive them of their pleasures without making of American life a seething caldron of discontent. Theoretically speaking, therefore, the majority of votes, having put a party in power upon a platform pledged to relieve the people of these burdens, has been ruling under constitutional limitations. But this is not so. Immediately after the election the minority became the majority in the sense that it assumed control of legislation with reference to special privilege. All the members of the Democratic Party and all the protesting members of the Republican Party have been in the minority when it came to counting votes where the count fixed the cost of living. It may be said that this is a mere accident of politics, a single illustration, and that it will not occur again. But it is no accident. It is only one of many illustrations. It simply discloses the utter folly of a man remaining a member of a party when the party policy ceases to voice his inner spirit. The Republican Party does not recede now from its protective theory. Its return to power will mean again the rule of a minority and the theoretical idea of democracy will continue to be the practical aristocracy of special privilege in this country.

PLENTY OF CHOICE.

The voter who can not satisfy himself this year is indeed censorious. Eliminating the verbiage of platforms, taking their substance and viewing the candidates placed on them, the voter who believes that the cost of production at home and abroad should be equalized to the manufacturer of this country and who wants an oligarchy to rule may vote the straight Republican ticket; the voter who believes in a similar protective theory, but who prefers to an oligarchy that the President shall be the state, may vote the Progressive ticket; the voter who believes this Government should be turned into a socialism may vote the socialistic ticket; the voter who thinks that church and state are not separate in America and that the people have a right to settle religious questions and to determine by ballot what is good and what is bad may vote the Prohibition ticket; and all those who insist that it is not the business of Government to equalize the cost of production at home and abroad to the manufacturer until it equalizes the difference in the purchase price to the consumer at home and abroad, who believe that the only equalization justifiable in our Government is the equalization of opportunity, who think that public office is a public trust, who do not believe that disgruntled and defeated politicians are genuine reformers, and who think that reforms are not born with sore toes may vote the Democratic ticket.

I respectfully urge all those who are opposed to special privilege to ally themselves this year with the historic Democracy, the corner stone of whose edifice is the Declaration of Independence and the keystone of which is the golden rule. At Baltimore it proved its right to be because there it arose and by its proposed policy met the needs and wants of a people. Am I to be met with the statement that results like those of the last four years might just as well have been produced under Democratic supremacy? This I deny. The kingdom of Democracy, like the kingdom of heaven, is within us. It comes not by observation. It is a living, growing, vital principle. It is as essential to the life of the man who is a Democrat as pure air or pure blood. The power to resist lying is not in the mouth but in the heart of a man. His power to resist larceny and murder is not in his fingers. Democrats, like poets, are born, not made. They are born with the fixed and unalterable belief that God made all men, not some men; that all men are entitled to an honest chance in life, unhampered and unharmed by law or custom. We may separate in language church and state, but we can never have that social condition which we call democracy until all men living in the Republic are full, not half, brothers; until all have been baptized in the blood of the spirit of the Revolution and consecrated at every altar set up, North and South, in the War between the States.

WARNS WEALTH SEEKER.

Upon whom does this campaign call for justice? Many a man devotes himself sedulously to business not because he wants money for himself but because he believes that jewels and luxuries will make his wife happy. Sometimes, too late, he finds that which she wanted was love, not luxury. So, too, many a man in America is devoting himself to the making of money through legislatively granted privleges, not so much that he wants the money himself as that he wants to disclose the richness, greatness, and prosperity of the American Republic. Meanwhile he has not stopped to consider that while the few, through special privilege, are adding millions to the bank balances of this country the educated and impoverished many are looking down the years and seeing at the end of them nothing but an open grave in the potter's field. The spirit of democracy and his innate sense of justice call upon this man right now to stop and look and listen; to review what really makes for greatness in a people; and to answer in the silent watches of the night the accusing voice of his own conscience, which tells him that it is men, not money; brains, not business; love, not lucre; peace, not prosperity, which mark the greatness of a people. Let him answer that accusing voice by resolving that, though he may not make so many dollars in the future, he will not forget that every other man's wife and every other man's child in America are equally dear to him, and that he desecrates the graves of those who fell from Lexington to Appomattox and stamps himself a coward when he demands or receives the aid of the law in his conflict for supremacy. Too long have some been the recipients of money made through the toil of others and turned over by unequal and unjust taxing laws. It is good to love wealth and all that wealth can bring, but it is better to love the Republic more than all the trappings of outside pomp and circumstance. From this good hour let these men fight their battles of life without handicapping their less fortunate brothers. Let them hang pictures of Nathan Hale in their bedrooms, and as each day's light reveals his features unto them let them vow that as this old hero thought more of men than he did of British gold so they will dedicate their lives and consecrate their efforts to his splendid ideals.

Upon whom does the hour call for charity? There are thousands of us who have not reached the land overflowing with milk and honey. Still, we wander in the wilderness of industrial despair. Still are we able to gather manna only for

a day, and still we look with longing on the fleshpots in Egypt. Discontent and bitterness have entered into our souls. So long have we been impressed with the iniquity of special privilege, with the arrogance of some rich men, with the power of money to produce peace or war, plenty or famine, that we have come to hate all those who have and to believe that the possession of money is the mark of infamy and the badge of dishonor. If you be one of these, my brother, this hour calls upon you for charity. Many have succeeded honestly in this land; most have succeeded, as they thought, honestly. There are but few who have not cared how success has come to them. Let us not condemn until the sheep have been separated from the goats. Let us understand that it is possible for the man in broadcloth and the man in hodden gray to be brethren in America. Let us await the developments of a brief time lest perchance the judgment of misfortune upon fortune may be injustice, not justice. Let us be sure before we strike; let us condemn no man unheard; and let us give to every man his advocate in the forum of American brotherhood.

EQUALITY BEFORE THE LAW.

It will be observed that the sum of the justice and the charity for which I am contending is the revival of Jefferson's idea of equality before the law, not equality in muscle or brain or will or energy, but that equality which guarantees to every honest and industrious man his life, his liberty, his happiness, and his chance. Justice and charity are always needed to enforce this guaranty. Get into the bread line if you will, but beware in so doing not to drive out a weaker brother.

I see a people, the most marvelous which has ever sprung from the loins of time and the womb of destiny. Among them are all kindreds, tribes, and tongues. What are they to become in the melting pot? They are of like passions, men with hopes, fears, ambitions, prejudices. Are they to evolve into castes, not of birth and lineage, but of success and failure? Out of the crucible of these years, heated with the fires of both seeming and real injustice, is a newer generation to be poured forth to the vassalage of the paternalistic system of government born under Republican misrule, or to a socialism where success depends not upon merit and honest endeavor, but upon the mere drawing of the breath of life?

It is idle for a thoughtful man in America, whether millionaire or pauper, to longer play the ostrich. Safety does not consist in hiding one's head in the sands of either sentiment or hope. It is foolish for the vastly rich to keep on insisting that more and more shall be added to their riches through a specious system of special legislation ostensibly enacted to run the Government, in reality enacted to loot the people. It is worse than ignorance for them to smile at the large body of intelligent Americans who regard themselves fortunate if the debit and credit accounts of life balance at the end of each year; and to assume that the mighty many, who are becoming convinced that that social system which we call democracy is but a glittering generality, will long endure the industrial slavery being produced. The hour has come when patriotism must consist in something more than eulogies upon the flag. Whether voting the ticket or not, men everywhere looking upon the awful injustice of this economic system are becoming socialistic in theory if not in conduct. And shall any fair-minded man say that if it redounds to the interests of the people of this country that a hundred men should control its business to the good of everyone, that there is anything fallacious in the theory that government, instead of transferring business to a favored few for the benefit of all, should itself discharge that business for the benefit of all? I have never been able to convince myself that either system would not cast a pall over human action and dull the motives which have heretofore moved mankind to the very loftiest endeavor and produced what I conceive to be the most perfect system of government ever devised by the brain of man since that far-off theocracy of the Jews went down beneath the demand for the pomp and splendor of earthly power. And yet I do not hesitate to say that if it be impossible to restore this Republic to its ancient ideals, which I do not believe, and I must make the ultimate choice between the paternalism of the few and the socialism of the many, count me and my house with the throbbing heart of humanity.

THREE GRADES OF CITIZENSHIP.

The discontent in Republican ranks is Democratic discontent. How much of it has reached the point where, wearied with the bad workings of a good system, it is willing to topple that system over and try something new, I can not prophesy. But I am quite sure that whatever badges men may wear in America this year, whatever ballots they may cast, and whatever battle cries they may utter, there are but three grades of citizens. The first grade is made up of the favored few, their hangers-on, and their beneficiaries, who think the eagle is upon the dollar, not as an emblem of liberty but as an emblem of power, and who look upon government as an annex to their business affairs; these are they who in the past years of Republican misrule have turned the temple of constitutional freedom into a money changers' mart and have made of the coordinate branches of government obeisant lackeys of the jingling guinea.

The second grade consists of those whose outlook upon life has been enlarged by the civilization under which we live, who have been taught by the school and the college, by the press and the magazine, who appreciate and enjoy the good things of life, whose horizon has been enlarged and whose capacity for joy and sorrow has been increased. Year after year they have seen the boundless resources of the richest country the sun ever shone upon pass into the control of the favored few. They have observed that the laws have been enacted, construed, and enforced so that, struggle as they will and act as they may, they see before them naught but long years of servitude and certain poverty at the end. Conditions have become unbearable to them. They hesitate to hope for reform, so often has it been promised to them and so often has it been denied. They have reached the point where, in the struggle for that which they believe to be right, they are willing to destroy the ideals of the Republic. How many there are of these I do not know, but I do know that special privilege in the Republic is breeding them day by day like rabbits in a warren.

The third grade of citizens it pleases me to call old-fashioned constitutional Democrats. These are they who believe that the equality of mankind does not consist in an equality of brain and brawn, but in an equality whereby every man, native and foreign born, has an inalienable right to exercise all of his ability in getting on in the world, just so he realizes that in getting on he owes it to himself, to his family, and to the Republic to see to it that he gets on honestly and that he does not prevent any other man from obtaining the reward of his honesty and enterprise. These old-fashioned Democrats believe in making money, but they believe that every dollar made should be so clean that an infant may cut its teeth upon it. They hold that it is no part of government to boost one man and to boot another, and that any system of government which enables one man to take advantage of another is not a system under which a democratic condition of life can thrive. They hold that from age to age social and economic conditions change, but that the great principle of the equality of all men before the law can never change while time shall last and that the honest interpretation of this great principle in statutory enactment, judicial construction, and executive conduct will take from the life of a people the mighty avarice of the few, bind up the broken hearts of the many, and loose the bonds of all who are in slavery to wrong, injustice, and ignorance.

SYSTEM IS NOT WRONG.

The individualism of Thomas Jefferson is not dead. It has not moldered back to dust in the grave at Monticello. It walks the earth this day knocking at the door of rich and poor, of wise and ignorant, alike, calling upon all men to make this age the millennium of statecraft, wherein no one shall claim to be the master and all shall be glad to be the servants of the Republic.

It can not be that it is the system of government which is wrong. It is the unjust use of the system. From Jefferson to Lincoln the Republic grew in might, in majesty, in pomp and splendor, and the humblest of its citizens could obtain justice, not as a beggar crawling in the sun, but as a man. It has not been the use but the misuse of the powers of government which has produced this discontent in the minds of men.

The historic Democratic Party moves forward, now as always, true to the principles of the Declaration of Independence, loyal to the Constitution, and confident that if men will be imbued with the spirit of these two documents and will guide their public and private life by the concepts of righteousness therein contained, peace and plenty will bless their homes and come as a benison to every weary, downtrodden, and oppressed soul.

The contending forces in America are as they are in nature. There is a centripetal force which is ever drawing the earth toward the sun. There is a centrifugal force which is ever drawing it away. These two contending forces, acting each upon the other, have kept this old world of ours safely in its orbit, and springtime and harvest have not failed. Should either force become superior, desolation and destruction only could result. The centripetal force would draw the earth into the sun and make it but fuel for the warmth of other planets. The centrifugal force would send it whirling out of its orbit to the northern pole of stellar spaces. There are times in July when we long for the North Pole and there are times in January when we pray to be nearer the sun. But our sober second

thought convinces us that the middle course is the safe course for the world.

The contending forces of political life are commonly denominated reactionary and revolutionary. They are the paternalistic forces of the Republican Party which would draw our Government out of its orbit and consume it in the fiery heat of the lust and greed of the favored few, and the socialistic forces which would draw it away from its constitutional conception of three coordinate branches and from its guaranty to each individual of an opportunity to assert his natural and acquired talents in an honest endeavor to succeed. The historic Democratic Party, of which I am an humble member, stands between these contending forces and believes that some harvests for humanity may be garnered by proceeding in the old orbit which the fathers founded, by meeting in the old way each generation of men as they shall rise, by never forgetting that this Government was founded not for business nor success nor for incompetency and for failure, but to guarantee in lawful ways the opportunity of every man for liberty and for the pursuit of happiness. Old principles applied in new ways will convince these two extremes of thought that our historic party can make exist what now is but a name—Democracy under a representative form of government.

CALLS FOR BROTHERHOOD.

If I doubted that the return of the historic Democratic Party to power would fail to right the wrongs of industrial life, to wipe out the injustices of legislation, and to preserve the opportunity of every man for happiness, then my voice, now weak, would be silent. If I did not believe that, in so far as human agency can, this party of ours will promote the brotherhood of mankind, I would here and now repudiate it. But believing, as I do, that the Republic had its origin in an inspiration which did not come from the mere brain of a mere man, but sprang from the heart of humanity; believing that this age more than any which has preceded it calls for conscience and brotherhood in governmental affairs; hoping that every sacrifice of mind and body and personal good which has been made is a guaranty of the perpetuity of this, the latest and greatest experiment upon the part of a democracy to work out its ideals in government; and trusting that the God of Washington, the founder, and of Lincoln, the preserver, will still be the God of the Republic and will not permit his chosen people to wander forever in the wilderness of legislative sin, I accept, upon its platform, the nomination of the Democratic Party for Vice President of the United States. And may my right hand forget her cunning and my tongue cleave to the roof of my mouth if in all my gettings I fail to get that greatest gift—wisdom and understanding to know the heartbreak and the need of our common humanity.

Mr. SMITH of Georgia. I also ask that the speeches be printed as a document.

The PRESIDENT pro tempore. The Chair hears no objection, and it is so ordered.

LIMITATION OF FEDERAL INJUNCTIONS (S. DOC. NO. 944).

Mr. MARTIN of Virginia. I have a copy of a hearing before the subcommittee of the Committee on the Judiciary, United States Senate, on the bill (H. R. 23635) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911. I ask that the paper be printed as a Senate document.

The PRESIDENT pro tempore. Without objection, it is so ordered.

PEARL HARBOR TRACTION CO., HAWAII.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 7377) granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes, which was, on page 1, line 10, after the letter "a," to insert the word "revocable."

Mr. JONES. I move that the Senate concur in the House amendment.

The motion was agreed to.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. WARREN. I move that the Senate insist upon its amendments and agree to the request of the House for the appointment of conferees, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. BOURNE, and Mr. CULBERSON conferees on the part of the Senate.

HOUSE BILLS REFERRED.

H. R. 22871. An act to establish agricultural extension departments in connection with agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto was read twice by its title and referred to the Committee on Agriculture and Forestry.

H. R. 23604. An act for the relief of Frank D. Courtade was read twice by its title and referred to the Committee on Public Lands.

JUDICIAL PROCEDURE.

Mr. ROOT. From the Committee on the Judiciary I report back favorably with amendments the bill (H. R. 16461) to regulate the judicial procedure of the courts of the United States (S. Rept. 1066). I ask for its present consideration.

The PRESIDENT pro tempore. The bill will be read for the information of the Senate.

The Secretary read the bill, as follows:

An act (H. R. 16461) to regulate the judicial procedure of the courts of the United States.

Be it enacted, etc., That section 269 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be, and the same is hereby, amended so as to read as follows:

"SEC. 269. That no judgment, decree, or order shall be set aside, or reversed, or new trial granted, by any court of the United States in any case, civil or criminal, on account of any error which does not injuriously affect the substantial rights of the party complaining. The trial judge may, in his discretion, in any case submit to the jury the issues of fact arising upon the pleadings, reserving any question of law arising in the case for subsequent argument and decision, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the point reserved, if conclusive, as its judgment upon such point may require."

Mr. HEYBURN. I ask that the bill may go over.

Mr. ROOT. I hope the Senator from Idaho will not insist on that. This is practically the identical bill which has already been reported from the Judiciary Committee after long consideration. It has been up here three or four times as the subject of discussion, many suggestions have been adopted, and the House bill as now presented is reported with a recommendation of amendments to make it identical with the Senate bill. So it is the result of great consideration and is the reconciliation of, I think, all the differing views on the part of members of the Senate.

Mr. HEYBURN. The questions involved received consideration for two or three years by a committee having charge of the matter. It was thought then to interject into the procedure of the United States courts what to me seemed to be within the class of modern doctrines to overturn the practice of a century, to create an innovation, taking from the judges judicial power. I am somewhat jealous of any provision or proposition to take from the judges the judicial power to do that which belongs strictly within that class. I do not object to modifications of practice; I do not object so much to a change in the manner of procedure, although I am very slow to concede it; but whenever it strikes at the power of what a judge may do or changes or attempts to control the rule of judicial power, I must be shown.

Mr. WORKS. Mr. President——

Mr. HEYBURN. We considered all those questions during the time that we were revising the judicial code.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California.

Mr. HEYBURN. I do not know whether I have the floor or the Senator from New York has it. If I have the floor, I yield.

The PRESIDENT pro tempore. The Senator from Idaho has the floor.

Mr. WORKS. I hardly expected to have the Senator from New York suspected of any modern innovations in judicial matters. I rose to inquire of the Senator from New York what changes are made by this proposed amendment of the section. I can not tell by the reading.

Mr. ROOT. If the Senator from Idaho will permit me, I will answer the Senator from California. This bill is the residuum of a bill prepared and presented by the American Bar Association, considered at a number of successive meetings of that association, and under discussion by the Judiciary Committee of the Senate for a number of years. It is all that is left of a much broader bill, and it aims to do two things. One is to provide that a judgment or decree shall not be reversed for error which does not do a substantial injury to the complaining party. It is to establish for all the courts of the

United States the rule that the best judges of the United States now follow—not to reverse a judgment for merely technical errors that do no injury. The other is to permit a judge upon a trial where there is a difficult question of law to submit to the jury questions of fact, so that they may be determined and judgment may be rendered in accordance with the facts when the question of law has been decided, whichever way it is decided. Those two things are what this bill aims to accomplish.

Mr. WORKS. Mr. President, I am not opposed to modern innovations if they are calculated to further the interests of justice; and if the Senator from New York correctly states the objects, the purposes, and the effects of these amendments, as I have no doubt he does very clearly, I am certainly not opposed to the amendments. I think they are in the furtherance and for the advancement of the proper administration of justice. For that reason I approve of them.

Mr. HEYBURN. Mr. President, the existing section of the statute is as follows:

SEC. 269. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

That is the existing law, and that has been the law for a hundred years or more. Under that, having the power, our judiciary has administered the law of appeal or new trial without any embarrassment. There have in recent years come before the courts a class or classes of cases in which there was something more than the straight—what shall I say?—principles of law involved, where there was political sentimentality involved, and where there were involved modern ideas, that the hands of the courts in some way should be tied or controlled. It has never met with a responsive echo in my mind. I was trained in rather a strict jurisdiction. I studied law in one of the most conservative States in the Union under the common-law procedure. I never took kindly to the code. I have, of course, adapted myself to it throughout a practice of many years, but I have always been on the alert against new methods in the administration of justice under the organic law of our land.

The power of the judge of the United States court is defined by the Constitution; we can not change it. It is not competent for Congress to undertake to limit judicial power, and all of these are attempts by indirection to do that thing—to limit judicial power. Judicial power is vested in the Supreme Court of the United States, and it is vested in any court that we create. We can not create a court in which judicial power is not vested by the act of creation of the court. We invest the court with judicial power and then undertake to say that that power shall be limited. There is no limit to judicial power, but there are rules governing the exercise of judicial power.

Mr. President, let us for a moment investigate the proposition contained in this amendment. I will again call attention to the basis of the legislation. It is only three lines.

SEC. 269. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury—

That is only a reiteration of the constitutional mandate. Upon what conditions?

for reasons for which new trials have usually been granted in the courts of law.

There is a clear recognition of the record of the jurisprudence of the country. That is an appeal to it; that is a declaration of stability in the judiciary. We have only to appeal to the cases in which the courts have acted in order to know what was the rule heretofore existing. We go to the decisions of the court under existing law. Here the legislative branch undertakes to disregard precedent and to establish statutory grounds upon which the court may act.

The American Bar Association appeared before the committee, through its representatives, on many occasions, and they gave us the benefit of a vast amount of correspondence in regard to this question. I have felt at all times that it was a sacred duty to stand between existing law and established precedent and the innovation that rises in the mind of man to-day and passes out to-morrow, only to be substituted by temporary views of somebody to follow him. In the courts and in this body, the Congress of the United States, I have stood, and I hope always to stand, for stability of action. The danger of to-day is the drifting away from the stability of the law in its enactment or in its application. All of this populistic, sensational sentiment that we hear preached and see written grows out of yielding by men who should not yield. The instinct resulting from the carefully trained and carefully guarded legal mind is against innovation either in the making of law or in the administration of it through the courts.

Mr. President, this proposes very radical changes in the law as it has existed for over a century. The free and unembarrassed right of the court is expressed in existing law. This attempts to place a limitation upon it. It reads:

That no judgment, decree, or order shall be set aside or reversed or new trial granted by any court of the United States in any civil case on account of any error which does not injuriously affect the substantial rights of the party complaining.

Mr. President, heretofore the parties have been permitted to have some voice in determining what were their "substantial rights." Under the provisions of this amendment that matter is to be left to the judges, many in number, varying in intellectual caliber and inclination. One judge would say "that affects a substantial right of these litigants"; another would say, "I do not think that it does," or he would act upon his own judgment; and you would have in one court a new trial granted where in another court under exactly similar circumstances it would be refused. It is not in the interest of uniformity of either procedure or decision, and it is in violation of the rule of stability of the law. I think it is quite serious.

When the matter was urged upon the Committee on the Revision of the Laws by the American Bar Association's representatives, they thought there was a unanimity in the mind of the committee upon this question—a complete agreement. I do not know now that there is not. I know that the committee, composed of Members of both Houses of Congress, rejected any such proposition and stood by the old principle which they wrote into the revision.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. I do not want the statement of the Senator from Idaho to go unchallenged as broadly as it is made. I was a member of that committee. I was then in favor, and have always been in favor, of the principle contained in this bill; but I acquiesced in the existing statutory law. We had very early determined that we would not make substantial changes in the law, but would only revise the existing law. So far, however, as the principle is concerned, I am in most hearty sympathy with it.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. I yield.

Mr. BORAH. I desire to make a parliamentary inquiry. I understood my colleague asked that the bill go over.

Mr. HEYBURN. Yes; but I was appealed to to give consideration to the question, which, under the rules of the Senate, or, rather, under the methods of procedure in the Senate——

The PRESIDENT pro tempore. The Chair has not yet had an opportunity to ask if there was objection to the present consideration of the bill. The Chair will now ask if there is objection to the present consideration of the bill?

Mr. HEYBURN. Unless it may be discussed, there is objection. I do not anticipate a prolonged discussion; but, with the views I entertain, I can not sit supinely by and allow a matter of this kind to go, merely for convenience in point of time.

Mr. BORAH. I do not desire to interfere with the passage of the bill, but I thought that my colleague had objected to its consideration; and, therefore, if that was true, I wanted the regular order; if not, I am perfectly willing that we shall go ahead if there is unanimous consent to take up the bill.

Mr. HEYBURN. I think, then, that I will discuss my objection to it under the consideration of the bill. I will not object to the consideration of the bill; but I will take occasion to express my views here, as I have always insisted on expressing them, when this matter is up.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from New York [Mr. ROOT] that the bill be given consideration at this time?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 16461) to regulate the judicial procedure of the courts of the United States.

Mr. HEYBURN. Mr. President, I have read the first section of the proposed amendment, and I will now read the second:

The trial judge may, in his discretion, in any civil case submit to the jury in connection with the general verdict specific issues of fact arising upon the pleadings and evidence, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the special findings, if conclusive, upon the merits.

We do that now in cases on the equity side of the United States courts. That is quite a familiar practice with us. Where controversies arise over subjects matter not convenient to the court—and in a large country that frequently happens—we submit questions of fact to the jury, and they very often go on the ground and examine mines and premises, where the controverted questions of fact are presented. Then the court

may either disregard those findings and enter a judgment upon matters directly before it or it may accept the findings and render the judgment upon them. That is the equity rule now. We have equity rules that provide for the administration of the law by the courts along those lines. It is proposed now to extend this to actions at law, and it gives the trial judge, in his discretion, in any civil suit the power to submit to the jury, in connection with the general verdict, specific issues of fact arising upon the pleadings and evidence. Of course, all the facts arise upon the pleadings; evidence arises upon the pleadings; if it does not, then it is not properly considered. I notice some changes in this bill, and I assume they were made in committee, for they are lead-pencil changes.

Mr. ROOT. Those changes are to make the bill conform to the Senate bill as reported by the Senate committee.

Mr. HEYBURN. Yes; that is not objected to. It proceeds and says:

And he—

That is, the judge—

and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the specific findings.

I have no doubt at all that the committee considered and weighed that provision in the light of the constitutional provision guaranteeing the right of trial by jury. Of course, this creates an alternative that might in some cases conflict with that guaranty of constitutional right, because we must remember that we are on the law side of the court, and the constitutional provision refers only to the law side of the court.

Mr. SUTHERLAND. Mr. President——

Mr. HEYBURN. I will yield to the Senator in a moment when I have finished my thought.

The Constitution guarantees the right of trial by jury unmodified and unrestricted. This bill gives the court the right to disregard that kind of a jury trial and to enter a verdict upon another proceeding in an action at law; and I am rather wondering what consideration the Judiciary Committee gave to the harmonizing of this provision with that guaranteeing the right of trial by jury. I now yield to the Senator from Utah.

Mr. SUTHERLAND. Mr. President, the provision in the Federal Constitution providing for the right of trial by jury is the same as the provision in most of the State constitutions, the same as it is in the constitution of the Senator's own State. It is very usual in the legislation of a State to provide for a special verdict and for a finding by the jury upon special facts, and then a direction to the court to enter a judgment either upon the general verdict or upon the special verdict.

Mr. HEYBURN. That is in equity cases.

Mr. SUTHERLAND. Oh, no; it is——

Mr. HEYBURN. It is with us.

Mr. SUTHERLAND. It is done repeatedly in personal-injury cases. A question is submitted to the jury whether or not the plaintiff is guilty of contributory negligence, for example.

Mr. HEYBURN. That is statutory.

Mr. SUTHERLAND. Certainly, it is statutory.

Mr. HEYBURN. We have a provision of that kind.

Mr. SUTHERLAND. Certainly; and that is what I am directing the attention of the Senator to, that notwithstanding the provision of the constitution of his State guaranteeing the right of trial by jury the statute of his State provides precisely as we propose to provide here.

Mr. HEYBURN. It provides that the parties may stipulate to do it.

Mr. SUTHERLAND. No. At the discretion of the court special interrogatories may be submitted to the jury. There is no requirement of the Constitution that the jury shall render a general verdict. It may be a general verdict or a special verdict, and the judgment follows upon the verdict as a matter of law.

Mr. HEYBURN. There seems yet to be confusion in the consideration of the two classes of trials provided—one in which the jury specifies the judgment; the other in which the jury finds a fact, leaving the determination of the judgment to the court. The constitutional provision insuring a jury trial belongs to the first class. The second class is advisory to the court and the court takes the liberty either to accept the exact conclusion of the jury or to modify it.

Mr. SUTHERLAND. When the jury returns a special verdict it simply finds——

Mr. HEYBURN. That is not a jury trial under the Constitution.

Mr. SUTHERLAND. Oh, yes. It simply finds the ultimate facts, and from the ultimate facts the conclusion of law naturally flows.

Mr. HEYBURN. Now, I must differ with my colleague. That is not the kind of jury trial referred to in the constitutional provision. That is not a determination of the rights of the parties by a jury. The constitutional provision was intended to protect the parties in having their rights determined by a jury and not by the judge. That was the purpose of the restriction, and you can not consider under the same class the special proceeding in which the jury merely finds a fact without undertaking to determine the rights of the parties, leaving it to the court to determine them.

That question received a great deal of attention, and I have no doubt that my conclusion is sustained or borne out not only by that consideration, but by the decisions of the courts. The courts have considered very thoroughly the difference between a jury trial that determines the rights of the parties, which binds the court, and proceedings by a jury that do not bind the court. The whole question, when that provision of the Constitution was under consideration and when it has been since under consideration, was whether or not the protection intended to be given by it was against the court's variation from the judgment of the jury. In other words, it was intended to make the finding of the jury binding upon the court as distinguished from advisory to the court.

Mr. MASSEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I yield.

Mr. MASSEY. Do I understand from the Senator's statement that questions of fact in a proceeding is equity under the Federal procedure are to be determined by a jury, or can be determined by a jury under the provisions of the bill now before the Senate?

Mr. HEYBURN. This bill does not affect at all proceedings in equity. It does not profess to, but is confined to actions at law. As a matter of fact, under the equity rules governing in our United States courts, the court may submit special facts to be found by a jury, and it does it constantly. I happen to know that they do it as well in the State of Nevada in United States courts.

Mr. SUTHERLAND. The verdict is not conclusive.

Mr. HEYBURN. No; the verdict is not conclusive. I have in my mind a case of very great importance, involving a mine of great value, in which the court entered a decree, and never even referred to the fact that it had been referred to a jury for the purpose of ascertaining whether or not certain conditions existed; and upon having his attention called to it he said it was not obligatory upon him even to refer to it; that he disregarded it because he did not approve of it.

Mr. MASSEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield further?

Mr. HEYBURN. Yes.

Mr. MASSEY. I desire to state that in nearly all jurisdictions, if I am correctly informed as to the law, in proceedings in equity the verdict of the jury upon facts where such verdict is authorized is wholly advisory and may be disregarded by the court or chancellor.

Mr. HEYBURN. I am in thorough accord with the Senator on that proposition.

Mr. MASSEY. And I also desire to say to the Senator that I seriously doubt whether a provision of law allowing questions of fact to be submitted to a jury in a Federal court, in view of the provision of the Federal Constitution, would not be in conflict with the Federal Constitution and in direct opposition to the Constitution so far as concerns the equity powers of the court at the time of its adoption. I also understand that there rests in Congress the power, so far as actions at law are concerned, to determine the procedure—by what method or means those questions of fact may be determined—of course, ultimately vesting in the court the right to determine whether or not the verdict of the jury is right or wrong.

Mr. HEYBURN. I would like to have the particular attention of the Senator, because that is a point that I considered before he entered the Chamber. I have taken and am still inclined to take the position that Congress may control the procedure, but not the power, and in express terms this measure undertakes to deal with the power of the court, the judicial power. Now, that vests under the Constitution and not under Congress. It does not vest by virtue of the creation of the court or legislation, but under the Constitution, and the Senator from Nevada has very properly suggested the line of distinction. If this undertook only to regulate procedure, I could not and would not attempt to raise this objection to it; but it undertakes to define and limit the power, the judicial power, and therein, in my judgment, it is beyond the power of Congress to enact such a law. It does not leave it in doubt. The language is explicit. It says that no judgment, decree, or order shall be set aside. Now, that is a question of the exercise of

judicial power. That is not procedure; that is not method; that is the power to do a thing. It shall not "be set aside or reversed."

Mr. MASSEY. Will the Senator permit me again?

Mr. HEYBURN. Yes.

Mr. MASSEY. I ask him if the courts of the Union—Federal and State—are not and have not generally applied the same rule with respect to decisions upon motions to set aside or appeal that as in the bill in so far as the actions at law are concerned?

Mr. HEYBURN. The courts have the right to establish and follow their precedents, and the courts now say, "We will not do this"; but they do not say it by virtue of any restriction placed upon their action by Congress or in recognition of any power of Congress to do it. The courts themselves may do it.

Mr. MASSEY. Will the Senator permit me again——

Mr. HEYBURN. Certainly.

Mr. MASSEY. To suggest that the power of the court to determine any right involved, being substantial or merely technical right, is still vested in the court, and the court is not deprived in the exercise of that power by the bill before the Senate.

Mr. HEYBURN. They undertake to deprive them of it, but I agree with the Senator that that power is vested in the court. The court is the sole custodian of the power under which it exists and acts, but there is a vast difference between the court exercising that power or controlling it and Congress undertaking to do it, and under the terms of this bill Congress undertakes to control the exercise of the judicial power, and there is no word in the Constitution that gives Congress any authority for such action. And bear in mind that I keep the distinction always before me between courts of law and equity. We are dealing with the only kind of courts mentioned in the Constitution. Those are courts of law. The Constitution nowhere mentions courts of equity, and this bill does not undertake to deal with anything other than courts of law.

Now, Mr. President, I revert to that. I was reading:

The trial judge may, in his discretion, in any civil case—

Of course that means an action at law—

submit to the jury in connection with the general verdict—

What? Something that qualifies the verdict. Now, the Constitution says that the litigant is entitled to the verdict of the jury, and there is no judicial power that can take it away. The limitation upon the judicial power of the courts at law is in the Constitution, but it is not vested in Congress. Now, you are proposing here to merge a power that is constitutional with one that is not. You are proposiug to merge the functions of a court of law with those of a court of equity. I have known the attempt to be made. I have had some rather serious controversies in resisting such attempts, but I have never known a court that sustained the other view; that is, a court of last resort.

There are special actions, statutory actions, actions that would not exist in the absence of a statute. This does not deal with those or with that class of actions. This deals only with the constitutional court, and we must not confuse decisions and judgments of courts of last resort as applied to special actions with those that are strictly common-law actions.

In special actions Congress has provided and may provide for the exercise of a mixed jurisdiction and manner of procedure, but we are not dealing with that. This refers directly to the class of courts mentioned and referred to in the Constitution.

I would not contend that in special actions created for the determination of a peculiar class of cases Congress might not exercise a control approaching that undertaken to be exercised here. But inasmuch as this refers to section 269—and section 269 refers only to the courts of law mentioned in the Constitution—we must avoid the confusion and we must not base any argument or listen with attention to any argument based upon consideration of conditions that exist in relation to special actions, the creation of statute, or of equitable actions which grow out of any statute. If the action grows out of any statute, of course it is not a proper subject for consideration by a court of equity, a court sitting as a court of equity. That court had its origin because of the fact that the law by reason of its universality had no remedy to propose and it was incapable of proposing any remedy. It originated at the king's gate, by the inability, perhaps, of the unlettered and uncouth attendant there to sift the people who went in to see the king to plead for that for which the law, by reason of its universality, had made no provision. By and by the king found it necessary to have a trained man to do the sifting in an intelligent manner, and he provided a seat for him to sit on, and by and by he covered it with a crimson cloth, and by and by they placed a wool sack on it, and then you had the first chancellor of England. But that is not this case. This statute does not refer, even remotely, to that jurisdiction.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. Certainly.

Mr. ROOT. May I ask the Senator whether he does not think that great progress has been made since the early days to which he refers, when the beginnings of equity grew out of the necessities for change and modification of the severe rules of law? It seems to me that necessarily our system of law, using that term in the broadest sense, to include both common law and equity, has been a progressive development; and if the lawyers, the men who are charged with maintaining rights, asserting the sanctity and authority of law, are unwilling to permit that development to go on, laws become discredited; they lose their authority; the ministers of the law come into disgrace, and the necessities of justice sweep away the laws that stand in the way of justice.

This, Mr. President, it seems to me, is one of those steps, not a very long one, but one of those steps which in the fullness of time ought now to be taken in order that the administration of our law, following the natural course of immemorial development, may keep pace with the requirements of our people and their need for justice.

I do not want to interrupt the Senator, although there are some other things I should like to say.

Mr. HEYBURN. I am glad to be interrupted, and I am glad to have the benefit of the very excellent suggestions of the Senator from New York. I think that this belongs to a class of questions about which we might differ in detail but in the essential we would agree.

Mr. ROOT. Then let me say something further. The Senator from Idaho, responding to an impulse with which I sympathize, to resist sentimental changes in the law, has questioned the wisdom of this provision, but I want to say to him that this is not a matter of political sentiment.

Mr. HEYBURN. Oh, not at all.

Mr. ROOT. It so happens, sir, that the bar of my own State, my own people at home, have seen fit to put me in the position of president of the association of the bar of my own city and then as president of the association of the bar of my own State. In those capacities I have been required to attend and be present at all the discussions of those great associations of lawyers during a considerable series of years, and a large part of those discussions has been upon subjects which have gradually led to the evolution of just this provision and of accompanying provisions which were in the bill originally as presented by the American Bar Association, but which have been laid aside because they met too much opposition, and it was desirable to secure the enactment of matters in which there seemed to be very general agreement.

Now, upon these two provisions there has been agreement of very able and experienced and conservative lawyers of the American Bar Association. I know that there has been agreement among the lawyers of my own State as the result of long and thorough discussion. There has been agreement of the Judiciary Committee of the House of Representatives; there has been agreement of the House of Representatives; there has been agreement of the Judiciary Committee of the Senate; and it seems to me that that general agreement of those most conservative of men, the lawyers of the country, upon the wisdom and the value of this step in development may well be accepted by the Senate as indicating that this is not a sudden burst of political sentiment.

These two provisions have a common purpose. As our national life becomes more complicated, as our laws multiply, as the rules of action which control the courts and the laws which have to be applied by the courts increase in number and complexity it becomes more and more difficult for judges to avoid slight errors. There are some branches of the law in which it is almost impossible in a long trial to proceed without some error.

Mr. HEYBURN. Will the Senator permit me there?

Mr. ROOT. Certainly.

Mr. HEYBURN. I am in thorough sympathy as a practitioner with this action of the court, which is almost universal in disregarding them, but I am not in sympathy with Congress dipping into the matter and saying that they shall do it.

Mr. ROOT. Mr. President, we by law impose upon the courts limitations. We set up statutory provisions which they are expected to apply. We constrain them in their action. What we are to do by this provision is to say to them, You are not to consider that we constrain you to do injustice. You are

not to consider that we constrain you by our statutes to reverse a judgment upon technical grounds in which no injury has been done. The effect of it is to declare, by authority of law, the rule of conformity of all our laws to the rule of justice and to relieve the courts from the fancied obligation which many judges consider to be imposed upon them to regard the letter of the law even though injustice may be done by regarding it.

Mr. HEYBURN. If I may interrupt the Senator, there we will meet with the same difficulty when the judges are confronted with the proposition of determining whether or not the errors are material errors.

Mr. ROOT. There is the proper exercise of judicial power. We say to them, although in the hurry and confusion and rush of the trial you find the letter of the law may have been contravened, we declare to you that it is not our purpose that the letter of the law shall work injustice and that you shall reverse a judgment unless substantial injury has been done.

Mr. HEYBURN. But that is outside of our power.

Mr. ROOT. That does not prevent the exercise of judicial power.

Mr. HEYBURN. Where do we get authority to say that is not our purpose? We do not create the power of the court.

Mr. ROOT. We create the law.

Mr. HEYBURN. We do not create the power of the court.

Mr. ROOT. No; we do not. But we declare what the purpose of the lawmaking power is, and we declare that it is not our purpose that our laws shall be used to do injustice upon technical grounds.

Mr. HEYBURN. That is not within our province. We can not declare the purpose of a law that will bind the courts.

Mr. ROOT. We certainly can declare the purpose of a law.

Mr. HEYBURN. It is not binding on the courts.

Mr. ROOT. It will certainly be regarded by the courts.

Mr. HEYBURN. It might be taken, of course, as a matter of inducement or argument.

Mr. ROOT. Now, let me say one other thing. Both these provisions are designed to remedy a very real injustice, I say, not as a matter of theory, but as a matter of practical observation at the bar, and I say it as expressing the consensus of testimony by many experienced lawyers. That practical injustice comes from the necessity of going back over and over and over again for new trials, because there have been errors which did not really affect the merits in the original trial, or because there have been errors which when the facts, when the merits are really ascertained, were of no consequence. The effect of that evil is chiefly against the honest man of modest means.

Mr. POINDEXTER. Mr. President——

Mr. ROOT. Excuse me one minute. I have known cases to be tried and go up on appeal and be reversed and sent back and tried again and go up and be reversed and sent back and tried again and be reversed and sent back and come back for the fourth time to be tried. The result is that only the very rich can afford litigation, and the ordinary honest man of moderate means had better suffer injustice and refrain from prosecuting his rights in the courts.

Both these provisions are designed to obviate that serious difficulty which is bringing the administration of the law and the courts and the bar into disrepute among the plain, honest people of the country, who do not see how such things can be permitted consistently with honesty and good faith. For the credit of my profession, for the credit of this body which is charged with making laws that shall do justice, I hope the Senate of the United States will not be the one body which shall stand against this beneficent step in the development of our law in the interest of justice, the one body remaining in the United States that refuses to hear anything from the world that is less than 100 years old.

Mr. POINDEXTER. Mr. President, I should like to ask the Senator from New York a question.

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Washington?

Mr. ROOT. Certainly.

Mr. POINDEXTER. I have not seen the amendments. I understand there are some amendments reported to the bill. I notice that the bill as it passed the House includes criminal cases as well as civil.

Mr. ROOT. That has been stricken out in deference to the objections of Members of the Senate.

Mr. POINDEXTER. I agree with all the Senator from New York has said, and if it were possible to emphasize it, I should like to do so; but I ask the Senator from New York if he does not think the same objection to our present procedure and the frequent reversal of cases, time after time, upon barren technicalities is as much of an evil in the enforcement of criminal law as it is in the administration of the civil laws, and if the bill as it passed the House, including both civil and criminal procedure, is not a more complete remedy of the evils he speaks of than it would be if limited only to civil cases.

Mr. ROOT. Mr. President, I answer the Senator from Washington that I fully agree that the same evil exists in criminal cases, and the same rule ought to be applied. We have a statute in my own State, which has now been in operation for a considerable number of years, and which applies this rule in substantially these words to criminal cases, and the bar there, doubtful as many of the old conservative members were when the statute was passed, have now, I think, become fully reconciled to it; it works admirably. I should like to see the same rule put into the Federal Statutes.

We struck out criminal cases because of serious objection on the part of a number of Members of the Senate. I wanted to get the law through as far as we could get it through and trust to the future for the consideration of the matters that had to be jettisoned in order to secure passage.

Mr. POINDEXTER. I agree, of course, with the Senator that if we can not obtain complete relief it is a great deal better to take what we can get. I know what the Senator's views are as to that particular matter. The breaking down almost of the administration of the criminal law has come to be one of the most conspicuous subjects of criticism of our institutions. We are constantly hearing comparisons of the great length of time it takes in this country to try even an ordinary criminal case as compared with the expedition—and expedition without the sacrifice of justice in any degree whatever, according to the defendant every constitutional right that is included in our Constitution—that prevails elsewhere, proceeding with the trials in a common-sense and businesslike way. When the cases are disposed of by a jury and by a judge and substantial justice has been accorded they should not be reopened and protracted until the evidence is dissipated and the witnesses are dead, and the most flagrant criminals, in many instances, go unwhipped of justice.

In conclusion, I merely wish to say that I regard this measure, which is advocated so forcibly by the Senator from New York, as one of the most important measures that has been dealt with by Congress at the present session, and either limited, as it is, or with the criminal procedure included I should like very much to see it passed.

Mr. ROOT. Mr. President, I wish to add but one word more following what the Senator from Washington has said. As an incident to these frequent trials and retrials, the sending back and back of the cases for trial, I have known cases in which the parties changed their evidence every time the case was tried to meet the decision of the appellate tribunal. They get a new trial and the evidence conforms to the opinion of the court, and another new trial and the evidence conforms again. It is making a game of litigation instead of the simple ascertainment of facts and the application of the law. It is, as we must concede, though it be to our humiliation, to tangle justice in the net of form. This bill is one small step toward creating a situation in which a plain and honest citizen who thinks he has rights can get them instead of being tied up and hindered and delayed until he is wearied and impoverished and abandons his rights.

Mr. HEYBURN. Mr. President, I am in accord with very much that has been said by the Senator from New York [Mr. ROOT] and the Senator from Washington [Mr. POINDEXTER]. I am not discussing the broad question as to whether the existing law and the existing methods result in speedy and prompt determination of controversies. I have had as much experience as any Member of this body in the trial of cases. I have been at it all my life, both in trial courts and in the appellate courts. I know of the vicissitudes of trial; I know of the resorts of those who are interested in litigation. I have had it before me. But I have thought it necessary in life to stand at attention and on guard whenever a change was proposed in the law. I sat as chairman of the judiciary committee in the constitutional convention that made our constitution, and it was one continual resistance to innovations; nothing that was right.

Mr. ROOT. Mr. President, I can sympathize with the Senator from Idaho because I happened to land against a similar condition as the chairman of the judiciary committee of the convention which made the New York constitution.

Mr. HEYBURN. The Senator then knows with what conditions you are confronted, and not only there, but I have had to stand in a miners' meeting where there was no law within reach, and to perform the same duty, keep the curb upon the impulses of men to disregard established methods and principles of justice. I have seen them rush forward to seize a man's property because of what they thought the law should

be, or to take his life because of what they thought the law should be.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. HEYBURN. Yes; I yield.

Mr. BORAH. We have been discussing this matter about an hour. I do not think the measure is before the Senate at all.

Mr. HEYBURN. Unanimous consent has been given for its consideration.

Mr. BORAH. No one knows what the bill contains. There is a bill here with some amendments which have not been read and of which most of the Senate is wholly uninformed. We ought to at least have the bill read with the amendments, so that we may know what it is.

Mr. HEYBURN. The bill has been read.

Mr. BORAH. It was read at a time when it was under objection, and nobody paid any attention to it. I will ask the Senator from New York to state what are the amendments? We have a bill here that we are informed is not the bill upon which we are to vote.

The PRESIDENT pro tempore. If there be no objection, the bill will be read.

Mr. BORAH. I would just as soon the Senator from New York would explain the amendments. That is all I ask him to do.

Mr. REED. I should like to have the bill read in full.

Mr. HEYBURN. I yield for any purpose necessary to bring it before the Senate.

The PRESIDENT pro tempore. The Chair is informed that the text of the bill has been read, but that the amendments have not yet been stated. If there be no objection, the bill will be read as it would stand if the amendments were adopted.

The Secretary read the bill as proposed to be amended, as follows:

Be it enacted, etc., That section 269 of the act approved March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary," be, and the same is hereby, amended so as to read as follows:

"SEC. 269. That no judgment, decree, or order shall be set aside, or reversed, or new trial granted, by any court of the United States in any civil case, on account of any error which does not injuriously affect the substantial rights of the party complaining. The trial judge may, in his discretion, in any civil case, submit to the jury in connection with the general verdict specific issues of fact arising upon the pleadings and evidence, and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the special findings, if conclusive, upon the merits."

Mr. HEYBURN. Mr. President——

Mr. FLETCHER. Is what has just been read the original bill or the bill as proposed to be amended?

The PRESIDENT pro tempore. It is the bill as it will read if amended as recommended by the committee.

Mr. HEYBURN. Mr. President, I am not endeavoring to prolong this discussion, but I regard this as a matter of so much more importance than anything that is being detained by its consideration that I have no apology to make at all. When you are proposing to change the judiciary system of the United States, you are engaged in a very serious occupation. Perhaps laymen, who have not given attention to such questions, might not appreciate the gravity of that statement, but those accustomed to dealing with organic law and applying it to methods of legislation and administration realize that when you enter upon a change of organic law all of the law from that time on must be changed to conform to it and all of the methods must be adapted to it. Therefore I feel that no apology is due from me for occupying the attention of the Senate, because I am not only occupying the attention of Members of the Senate, but I am making a record by which the action of the Senate may in the future be interpreted and judged.

Mr. President, the jury system is one that was always dear to the English-speaking people, and this is an infringement upon the right of trial by jury. I give due credit and due weight to the consideration that has been given this matter by the American Bar Association and by distinguished lawyers, but I rank in both classes. I am a member of the American Bar Association and have with great pleasure attended its meetings, where the distinguished Senator from New York [Mr. ROOT] presided and where he has spoken, and I have been so associated in my active practice as to entitle me to express views upon this question.

Mr. SUTHERLAND. Mr. President, the Senator from Idaho has just stated that he thought, if I understood him, that this was an interference with the right of trial by jury.

Mr. HEYBURN. It modifies it beyond any question.

Mr. SUTHERLAND. Well, what does the Senator find in the Constitution which in any manner forbids a special verdict?

Mr. HEYBURN. It depends on the nature of the action.

Mr. SUTHERLAND. In a law action?

Mr. HEYBURN. The right of trial by jury means a verdict by the jury. The only possible conclusion of a jury trial is a verdict by the jury, and this proposes to substitute for that, at the option of the judge—which adds to the objection—a finding of facts upon which the judge shall render the verdict.

Mr. ROOT. Would the Senator from Idaho say that the direction of a verdict was depriving a man of a jury trial when the pleadings and the testimony justified it, or would he say that there was no such thing known to the common law as a judgment non obstante veredicto?

Mr. HEYBURN. I should like to answer the Senator's questions in order.

Mr. ROOT. Or would the Senator say that it would be a violation of constitutional right for a judge to charge a jury that, if they find a particular fact so and so, they must render a verdict for the plaintiff or for the defendant?

Mr. HEYBURN. That is only instructing the jury as to the law of the case, and a judgment non obstante is merely saying that, aside from any facts upon the pleadings or admitted facts, the party is entitled to judgment under the law. That is no infringement upon the right of trial by jury at all; but the instructed verdict has always been obnoxious, both to the bar and to the people, and the courts have been constantly on the defense to justify such instructions, and the courts of last resort have generally frowned them down. The verdict rendered under the instructions of the court is presumed always to be the same as a judgment non obstante, because it is based upon the same principle. The court says to the jury, "It matters not what the facts are, you are relieved from the performance of your functions." In the absence of any facts or in the presence of any facts the parties are entitled to a verdict either under the law or the admitted facts.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. Some little time ago I suggested to the Senator, and the Senator agreed with me, as I understood, that the constitutional provision with reference to trial by jury in most of the States was the same as in the Federal Constitution, but that, notwithstanding that, it had been provided by State legislation that the court might require from a jury a special verdict in addition to the general verdict.

Mr. HEYBURN. Because they have nearly all abolished the distinction between law and equity.

Mr. SUTHERLAND. No; the language of the constitution in the Senator's own State is substantially that of the Federal Constitution, that "the right of trial by jury shall be preserved." Of course, that means the right of trial by jury as at common law.

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. That has been held time and time again, both under the State constitutions and under the Federal Constitution. Notwithstanding that these statutes have been passed under which the court may require from the jury answers to specific interrogatories. It is a very common practice, as the Senator from Idaho knows, in personal-injury cases that the jury, in addition to returning its general verdict of damages or no damages or no cause of action, will be required to answer the specific interrogatories, "Was the plaintiff guilty of contributory negligence; did he assume the risk?" and so on. Upon the coming in of the verdict it very often transpires that the special findings of the jury upon these special interrogatories utterly conflict with their general verdict in favor of one side or the other, and the court, under the statute, enters judgment upon the special verdict, because the jury has found the ultimate facts, and the court may pass its judgment upon those ultimate facts found by the jury, just as the court could enter a judgment upon the uncontradicted facts, notwithstanding the verdict of the jury, or, as it was known at common law, non obstante veredicto. Does the Senator think that those statutes were in violation of the State constitutions?

Mr. HEYBURN. Mr. President, the Senator has conceded that which I have been contending was the effect and purpose of this proposed legislation, to modify the right and effect of trial by jury. I am not going to be led into a discussion of the State statutes nor constitutional provisions nor the decisions or action of the courts under them, because that is a wide field, and as varying as there are States. The State courts have not been uniform in their interpretation of that class of statutes.

Mr. REED. Mr. President, some of us over here are very greatly interested in what the Senator is saying, but we can not hear it because his back is to us.

Mr. HEYBURN. I beg pardon. I will try to face the entire body.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. HEYBURN. Yes.

Mr. ASHURST. If in order, Mr. President, I have an amendment which I desire to propose, and which I will propose, with the permission of the Senator.

Mr. HEYBURN. I would prefer that the Senator would withhold it. I will be through in a short time, and I would prefer to have the bill as it is for the purpose of discussing it, inasmuch as I have started out on that line.

Mr. ASHURST. Very well; I will withhold the amendment.

Mr. HEYBURN. Mr. President, I will not say I suspected—because that would not be the proper word—but I anticipated that the effort sought by this legislation was to conform the practice in United States courts to the practice in the State courts under the statutory and constitutional provisions referred to by the Senator from Utah [Mr. SUTHERLAND]. My objection arose out of my anticipation that that was the purpose of it. I do not regard a provision in a State constitution as belonging to the same class or character of organic law as a provision in the Constitution of the United States. I believe that the provisions of the Constitution of the United States should be held more sacred against the mind of changing opinion than is necessary to hold in the case of a State constitution. I have always thought so. Many State constitutions amount, with their provisions for amendment, only to statutes, and they are changed as readily as are statutes. I am partially in sympathy with the more lax system prevailing in the State courts, more than I would be with such systems being introduced in the United States courts.

The Senator from New York [Mr. ROOT], and so much has transpired since he said it that it is not so clear in my mind as I should like it to be—the Senator from New York has spoken of the necessity for this change. If he were discussing provisions confined to a State, I would agree with him perhaps; but any modification of the right of trial by jury instantly and naturally creates an antagonism in my mind. When I use the term "trial by jury," I mean the finding of a jury that is binding upon the judge, subject only to such control as the judge may under existing law exercise over that verdict. That a judge should have the option of taking the verdict of the jury as binding, or, in the alternative, drawing his own conclusion from a statement of facts, is intolerable. It gives the judge the power to disregard the right of the citizen to a trial by jury. The finding of facts is not a trial by jury, any more than is listening to the argument of counsel, or any more than is listening to the charge of the judge. The trial by jury is summed up in the verdict of the jury. Nothing is trial by jury except the verdict of the jury. That which precedes is only the process of trial, the progress of the trial, but the thing referred to in the Constitution of the United States is not the process or the progress of the trial; it is the verdict of the jury.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. I yield to the Senator.

Mr. POINDEXTER. What the Senator has just said is so pregnant with truth and so expresses the full purpose of this bill, that I feel impelled to ask a question at this point. The Senator says that trial by jury is summed up in the verdict of the jury. Of course, the object of trial by jury is to get the judgment of the jury, and any system of jurisprudence which——

Mr. HEYBURN. The verdict of the jury—it is not a judgment.

Mr. POINDEXTER. Well, call it a verdict; I call it a judgment in a broad sense, but it makes no difference whether you call it a judgment or call it a verdict. I understand, of course, that it is a verdict in the law. Any system which tends to preserve and protect that verdict, except in cases where some substantial injustice has been done——

Mr. HEYBURN. That is equity.

Mr. POINDEXTER. Any system, let me repeat, which tends to preserve and protect the verdict of a jury from interference by a judge, except in cases where some substantial injustice has been done, tends to preserve jury trial and the right of trial by jury, does it not?

Mr. HEYBURN. Yes. I thought I would catch the attention of the Senator; that is what I am arguing for.

Mr. POINDEXTER. That being true, I should like to call the Senator's attention to this provision of the bill:

That no judgment, decree, or order shall be set aside, or reversed, or new trial granted by any court of the United States.

Mr. HEYBURN. I am not discussing that part of the measure. I am discussing the second part.

Mr. POINDEXTER. I desire to call the Senator's attention to the fact that what he has just said illustrates the contention that this bill is in the interest of trial by jury and the preservation of trial by jury and prevents judges setting aside the verdicts of juries on immaterial technicalities or errors, as they are called.

Mr. HEYBURN. I should like the close attention of the Senator so that he may distinguish between the two distinct and separate provisions in this proposed measure; one of which deals with one subject, and the other of which deals with an entirely different subject. I will ask the special attention of the Senator from Washington, because he has asked a question——

Mr. ASHURST. Mr. President——

Mr. HEYBURN. I can not yield for the introduction of an amendment now.

Mr. ASHURST. Will the Senator yield for a moment?

Mr. HEYBURN. Yes; I will yield for a moment.

Mr. ASHURST. I have listened to the Senator's discussion of the bill, and I believe the Senate would be further enlightened if the Senator would discuss the matter in the light of the amendment which I desire to offer at this time. I ask that it be read at the desk for information.

The PRESIDENT pro tempore. Without objection the amendment will be read.

Mr. HEYBURN. I yield for that purpose. However, I do not want to broaden the question by the presentation of an amendment of which I do not know anything.

Mr. OVERMAN. It is a good amendment, I think.

The SECRETARY. It is proposed to add at the end:

Provided, however, That no judge of any United States court sitting in the trial of a case, shall be permitted to express an opinion before the jury, on the facts in any case on trial.

Mr. HEYBURN. Have we not now a statute that covers that or is equivalent to it? We have a rule in our court.

Mr. President, it is sometimes difficult in a matter so seldom presented to the mind of this body to secure an accurate, and know that you have secured an accurate, understanding of the point in issue. My objection is based entirely upon the proposition that this modifies, limits jury trials, and if I am right in that then the Senate is up to the proposition whether or not it is ready to place a limitation upon the right of trial by jury in civil actions. The question of the method of trial in criminal cases is not involved. It was in the House bill, but has been stricken out.

Therefore I will ask the Senator from Washington to give me his attention, because he has raised the question, and it is only proper that I should direct my remarks to his attention. The Senator has undertaken to defend the provision which gives the judge the option of entering judgment upon the verdict or of disregarding the verdict in entering the judgment upon a state of facts in a civil action. I would like to know whether or not the Senator from Washington stands ready to advocate that doctrine—that the judge may disregard the verdict and enter a verdict of his own upon a finding of fact by a jury.

It is not the normal function of the fury to find as to facts. It is the normal function of the jury to listen to the facts and render a verdict, the verdict being the important function to be performed by the jury, and when the jury has rendered a verdict it is binding upon the judge.

Mr. POINDEXTER. In answer to the Senator's question I will give the very reason I have advocated this bill. I understand there are a number of amendments to the bill; I have not examined all of them; but I suppose these amendments will undoubtedly of course be submitted separately. The general effect of this bill is to prevent judges and appellate courts from interfering, upon immaterial error, with the verdicts of juries or the judgments of courts based upon verdicts of juries.

Mr. HEYBURN. Now, will the Senator permit me right here, because if he gets beyond that point my reply may not seem to be applicable. That is not the principal point involved in this bill, and it is not the one to which I attach much importance, because that is one the courts should always control.

Mr. BORAH. The proposition to which the Senator from Washington has referred is covered completely by the sentence down to the word "complaining" in that paragraph, and from there on it is a different subject.

Mr. HEYBURN. An entirely different subject matter. But the subject matter referred to by the Senator from Washington is entirely covered, and I think that is a matter of which everybody should be in favor.

Mr. POINDEXTER. I understand, as I stated in the beginning, that there are a number of amendments to the bill which have not yet been presented and have not been considered.

Mr. HEYBURN. No; but I think they are all here now.

Mr. POINDEXTER. I do not know that they have been read by the Clerk separately.

Mr. HEYBURN. Will the Senator permit me? The only objection I raise to the first paragraph, down to the word "complaining," was embodied in the expression of a doubt as to whether or not it was enforceable. We can not interfere with the judicial power invested in the court. We may think we can, and we may legislate upon the subject, but the court is at liberty to disregard it. How would you enforce that first provision? The court would say that it was the sole judge of the question whether or not——

Mr. BORAH. Mr. President——

Mr. HEYBURN. In a moment. As to whether or not these errors, if they found them to be errors, injuriously affected the rights of parties.

Mr. BORAH. We have that statute in our State, as the Senator will recall, and our supreme court has a number of times referred to it; but on a great many occasions they adopted the same rule without the statute at all. Of course, it rests at last for the court to decide whether or not it is substantial error.

Mr. HEYBURN. Our Supreme Court, with a similar provision, has held that it being the judge of the materiality of error, there was no tribunal to control it, and the difficulty would arise in enforcing it. It may be a good doctrine to enunciate; it may be good advice to the court. Much legislation performs no other function than that of giving good advice to the citizen or the court. I am not spending time on it. I say this for the benefit of the Senator from Washington, and I am devoting my attention entirely to the second portion of the amendment which undertakes to modify the right of trial by jury.

No lawyer will contend that when you give the judge the option of rendering judgment upon a verdict or rendering it upon facts found, you have given the judge the option of disregarding the trial by jury, because the trial by jury is summed up in the verdict. Nothing that stops short of a verdict is a trial by jury. I do not need to call attention to the decisions sustaining that doctrine by the courts and especially by the Supreme Court of the United States. They have held time and again that nothing is a trial by jury that stops short of a verdict. They have held it in determining the question between appeal and writ of error, which classifies upon the basis whether or not it was a jury trial.

Mr. President, when you go out to the people of the United States with a proposition to tamper with, modify, or control the verdict of a jury, you will stir up some resentment, and the provisions of this bill do modify the right of trial by jury, because it gives the judge the option to disregard the verdict and enter judgment not in conformity with the verdict.

Of course it is probable that the Senate is going to pass this bill as amended and send it back to the House, but when they pass it I propose that it will carry the brand with it. The courts are too prone to take advantage of any additional authority that may seem to be conferred upon them. That is human nature. I charge them with nothing of a corrupt motive. When you say to a court "the right of trial by jury, guaranteed by the Constitution, has been so modified that you can substitute your judgment for the verdict of the jury," you have made a pretty big breach in the wall the building of which started at Runnymede. And I feel it a solemn duty to admonish Members of Congress and to advise the people of the country what is proposed to be done.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from California?

Mr. HEYBURN. I yield.

Mr. WORKS. Under every rule of practice that I know anything about in this country, the judge now has power to set aside the verdict of the jury and grant a new trial.

Mr. HEYBURN. For error.

Mr. WORKS. For error or for reasons sufficient to him, whatever they may be.

Mr. HEYBURN. Well, a conscientious judge does not act under that second classification.

Mr. WORKS. No; and a conscientious judge would not act improperly under this provision. It gives him no new or additional authority, so far as control of the verdict of the jury is concerned.

Mr. HEYBURN. Mr. President, there seems to have grown up in this country, among some people and in some sections and under some interests, the fear of jury trial. I have heard men occupying judicial position speak lightly of jury trials. Perhaps in the vanity of their minds they felt that all matters affecting human kind should be vested in them for determination.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho further yield to the Senator from California?

Mr. HEYBURN. Yes.

Mr. WORKS. I hope the Senator from Idaho does not refer to me.

Mr. HEYBURN. Certainly I do not refer to the Senator from California, for I have no such feeling as that, I am sure. I am speaking, on the authority of the newspapers, of the agitators—of such as spoke last night in this city in the interest of a man who claims to be a reformer, because he is admitted to be a wrecker.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho further yield to the Senator from California?

Mr. HEYBURN. Certainly.

Mr. WORKS. I have no sympathy with any effort to destroy or limit the power vested in the jury under our system, and I hope the Senator does not suppose that I have any such views.

Mr. HEYBURN. I hope it will not be necessary for me to again disclaim any suggestion that I had the Senator from California in mind. There is nothing upon which to base it.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. HEYBURN. I yield.

Mr. ROOT. With reference to the remarks the Senator has just made about the jury trials, I desire to suggest that this bill is a bill in effect—is a bill in substance—to make the verdict of juries effective. It is a bill to prevent verdicts of juries from being nullified upon technical grounds.

Mr. HEYBURN. I concede that that may be the purpose in the minds of Senators, but I can not concede that that will be the result of the measure.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield to his colleague?

Mr. HEYBURN. Certainly.

Mr. BORAH. I was going to suggest that as I understand the first clause of the bill, that was the effect of it.

Mr. HEYBURN. Yes; that is the first clause of it.

I will acquit the first clause of being either intended or liable to result in disturbing the great principle of jury trial, but as I have already said, I am dealing with the second paragraph, which authorizes the judge to disregard the verdict of the jury and enter a judgment, not after judgment. A judgment non obstante comes at a time not contemplated by this bill and would be out of order at any other time.

The use of the word "he" in line 3, page 2, is very significant. After providing for the trial judge and for the exercise of his discretion it says:

And he—

Now, that is the trial judge—

and he and any court to which the case shall thereafter be taken on writ of error shall have the power to direct judgment to be entered either upon the verdict or upon the special findings.

That gives him a dual power under such circumstances, in cases where the nisi prius judge constitutes a part of the appellate tribunal. That would apply to States and it would apply to Territories. We have a Territory. We created one at the present session of Congress. Some of us had hoped that the supply of Territories was exhausted, but we have created a new one.

Mr. President, it is in the interest of preserving in its fullest measure the integrity of the right of a trial by jury that I have occupied the time of the Senate.

THE PRESIDENTIAL TERM.

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. SMOOT. At the request of the senior Senator from Iowa [Mr. CUMMINS], I ask unanimous consent that the unfinished business be temporarily laid aside.

Mr. HEYBURN. Before that is granted——

Mr. NELSON. We have had no morning business transacted to-day.

Mr. THORNTON. No; we have not.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. REED. Mr. President, I want to know, as a matter of inquiry, what the effect of that is? Would this bill, then, still be before the Senate?

The PRESIDENT pro tempore. The bill now under consideration falls at the hour of 1 o'clock.

Mr. REED. It has already fallen, then.

The PRESIDENT pro tempore. It has.

Mr. REED. I do not make any objection.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Utah? The Chair hears none.

Mr. SMITH of Georgia. Mr. President, one moment before we pass on that. I desire to ask where we would be on the calendar. I wish to suggest that we have a special order that is put back on the calendar to-day, providing that bill No. 3 be considered immediately after the unfinished business, so that displacing the unfinished business I suggest would bring up at once Senate bill No. 3.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The unfinished business is really not disposed of.

Mr. SMOOT. Not yet.

The PRESIDENT pro tempore. It will be laid aside by unanimous consent.

Mr. SMITH of Georgia. One moment. Temporarily laying it aside, is the bill known as Senator PAGE's bill the order before the Senate? When the unfinished business was laid aside temporarily before, Senate bill No. 3 at once came before the Senate.

The PRESIDENT pro tempore. The Senator from Vermont on that occasion addressed himself to Senate bill No. 3, but it was not before the Senate. The unfinished business was before the Senate during the time he discussed that bill. The Chair is constrained to rule that that order does not become operative under existing conditions.

Mr. SMOOT. I call the Senator's attention to the fact that there was objection made to laying aside the unfinished business; that the Senator from Vermont [Mr. PAGE] addressed himself to the unfinished business, and that is what was before the Senate.

Mr. SWANSON. The bill that was recently before the Senate came up on reports of committees. There was no idea that reports of committees would be dispensed with to-day, and on that idea objection was not made at the time to the consideration of that bill. My colleague [Mr. MARTIN of Virginia], who is a member of the Committee on Commerce, has been called from the Senate. He had two reports to make from the Committee on Commerce, and I now ask unanimous consent that I may submit on his behalf these two reports, because it was under the call of reports of committees that the bill came up which has occupied the entire morning.

The PRESIDENT pro tempore. The Chair will put the question in a little different form. It is that the unfinished business having been laid aside, unanimous consent be given for the transaction of morning business. Is there objection?

Mr. THORNTON. I did not hear the request.

The PRESIDENT pro tempore. It is that morning business be now entertained.

Mr. BORAH. I have no objection to unanimous consent for that purpose if it is simply for morning business, but if there is anything going to lead to debate and to consume the time like we have been doing I will object. If it is understood that there is to be no debate, I do not object.

Mr. SMOOT. That will not displace the unfinished business, as I understand it.

The PRESIDENT pro tempore. Not at all.

Mr. BORAH. After having made this statement I will not object, but I object to any debate.

The PRESIDENT pro tempore. Reports of committees are in order.

BIG SANDY RIVER BRIDGES.

Mr. SWANSON. I am authorized by my colleague, the senior Senator from Virginia [Mr. MARTIN], to report from the Committee on Commerce the bill (S. 7410) to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across Big Sandy River and the branches thereof in the States of Virginia and Kentucky (S. Rept. 1068), and I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SWANSON. Also, on behalf of my colleague, from the Committee on Commerce I report back favorably without amendment the bill (S. 7411) to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia (S. Rept. 1067), and I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BRIDGE AT SAN JUAN, P. R.

Mr. NELSON. Yesterday the Senator from Virginia [Mr. MARTIN] reported from the Committee on Commerce the bill (H. R. 26114) to authorize the Government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R. I ask for the immediate consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLEAN:

A bill (S. 7497) granting an increase of pension to Jay Doty (with accompanying papers); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 7498) fixing the punishment for cruelty to or abandonment of animals in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

By Mr. CHAMBERLAIN:

A bill (S. 7499) to reduce fees in the United States courts, to fix the salaries of the clerks of such courts, to increase the mileage and per diem of witnesses and jurymen therein, and to repeal section 840 of the Revised Statutes and all other conflicting laws; to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution (No. 38) providing for the printing of 2,000 additional copies of the Soil Survey of Caddo Parish, La., in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution (No. 49) providing for the printing of 10,000 copies of publication issued by the Bureau of Entomology, Department of Agriculture, entitled "The importation into the United States of the parasites of the gypsy moth and the brown-tail moth," in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution (No. 63) providing for the printing of 25,000 copies of the majority and minority reports of the committee authorized under House resolution 148 to investigate the violations of the antitrust act of 1890, and other acts, etc., in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 7434) for the relief of Patrick Howe.

The message further announced that the House had passed the bill (S. 1484) for the relief of Ferdinand Tobe.

The message also announced that the House had passed the concurrent resolution (S. Con. Res. 26) for printing 3,000 copies of Senate Document No. 654, Sixty-first Congress, second session.

The message further announced that the House had passed the concurrent resolution (S. Con. Res. 27) providing for the printing of 2,000 copies of a wall chart on the "Hookworm and soil pollution."

The message also announced that the House had passed a joint resolution (H. J. Res. 360) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1912, on the day of adjournment of the present session, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 360. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1912, on the day of adjournment of the present session was read twice by its title and referred to the Committee on Appropriations.

PAY OF EMPLOYEES.

Mr. SMOOT. I am directed by the Committee on Appropriations, to which was referred the joint resolution (H. J. Res. 360) to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1912, on the day of adjournment of the present session, to report it back favorably without amendment. I ask unanimous consent for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of the Senate and the Clerk of the House of Representatives to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of August, 1912, on the day of adjournment of the present session; and the Clerk of the House of Representatives is authorized to pay, on that day, to Members and Delegates their allowances for clerk hire for the month of August, notwithstanding said Members and Delegates may not have designated by name their clerks for and during the month of August.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOIL SURVEY OF CADDO PARISH, LA.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 38) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there shall be printed 2,000 additional copies of the Soil Survey of Caddo Parish, La., for the use of the House document room.

IMPORTATION OF GYPSY AND BROWN-TAIL MOTH.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 49) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of the publication issued by the Bureau of Entomology, Department of Agriculture (Bulletin No. 91), entitled "The Importation into the United States of the Parasites of the Gypsy Moth and the Brown-Tail Moth," by L. O. Howard and W. F. Fiske, of which 3,500 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 6,500 copies for the use of the House of Representatives, to be distributed through the House document room.

VIOLATIONS OF THE ANTITRUST ACT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 63) of the House of Representatives, which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That 25,000 copies of the majority and minority reports of the committee authorized under House resolution 148, to investigate violations of the antitrust act of 1890, and other acts, be printed, 10,000 for the use of the House and 15,000 for the House document room.

CAMPAIGN CONTRIBUTIONS.

Mr. POINDEXTER. I should like to call up Senate resolution 386, submitted by the Senator from Pennsylvania [Mr. PENROSE], and I ask for its consideration by the Senate.

Mr. PENROSE. I am very glad that the Senator from Washington has finally acquiesced in permitting the resolution to come up. I had intended to bring it up when other Senators were in the Chamber, but I am willing to have it come up now.

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of Senate resolution 386.

Mr. BORAH. Is that morning business?

The PRESIDENT pro tempore. The Chair will inquire if there is further morning business. If there is it can be presented. [After a pause.] If there is no further morning business, the Senator from Washington asks unanimous consent for the present consideration of a resolution, which will be read.

The Secretary read the resolution submitted by Mr. PENROSE on the 22d instant as modified, as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania, Mr. PENROSE, in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under Senate resolution 79, agreed to on April 29, 1912.

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania, Mr. PENROSE, on the floor of the Senate, August 21, 1912; and further, said committee is authorized and directed to investigate into and ascertain the amount of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year 1912, or by any committee or person acting for or on behalf of such candidate, or in the interest of such candidate or party; and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate, and during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ stenographers and such other clerical force as may be deemed necessary; to subpœna witnesses; send for persons, books, records, and papers; and to administer oaths.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BORAH. Do I understand that the Senator from Washington and the Senator offering the resolution have agreed as to the terms of it?

Mr. POINDEXTER. I have two amendments that I desire to present.

Mr. BORAH. I have not any objection to those amendments.

Mr. PENROSE. I wish simply to state that I have no agreement with the Senator from Washington. I had intended calling up the resolution myself, as is customary in this body, and I did not know that the Senator from Washington had been converted to a desire to have the resolution considered before the adjournment of Congress. But I make no point on that. I am glad it has been brought before the Senate, and I hope the Senate will consent to its consideration.

Mr. BORAH. What I desire to understand is not the relationship between the two Senators, but whether it is going to lead to debate upon the amendments. I understand the Senator from Washington has certain amendments, of which I am in favor, but I want to know whether there has been an understanding that those amendments are satisfactory to the original mover of the resolution.

Mr. PENROSE. I have no idea what the amendments are, and I can not tell whether they are satisfactory until I hear them read.

The PRESIDENT pro tempore. Is there objection?

Mr. STONE. What is the question?

The PRESIDENT pro tempore. The question is on taking up the resolution which has just been read. Does the Senator desire to have it read again?

Mr. STONE. I simply desired to know what is before the Senate.

Mr. NELSON. Mr. President, a parliamentary question. This is a resolution which was introduced the other day under the schedule of morning business. It went over under the rule. It seems to me that it comes up automatically as a part of the morning business, at the conclusion of the other business, and that it is to be proceeded with.

Mr. STONE. I should like to ask the Senator from Idaho——

The PRESIDENT pro tempore. The Senator from Minnesota is correct. The resolution went over under the rule and was printed, and the Chair is of opinion that it is competent for any Senator to call it up.

Mr. NELSON. As morning business.

The PRESIDENT pro tempore. As morning business.

Mr. BORAH. Unanimous consent is not necessary?

The PRESIDENT pro tempore. It is not.

Mr. BORAH. I understood that the Senator from Missouri was addressing a question to me.

Mr. STONE. I desire to ask the Senator from Idaho whether it is his intention now to call up the bill establishing the department of labor.

Mr. BORAH. That is my intention, if I can get an opportunity to do so.

Mr. POINDEXTER. I think this matter will require only a few moments.

The PRESIDENT pro tempore. The resolution is before the Senate and open to amendment.

Mr. BORAH. I was addressing the Chair when I was interrupted.

The PRESIDENT pro tempore. The Chair did not observe the Senator.

Mr. BORAH. I desire to say I am not opposing the resolution. I simply wanted to know the probable time it would take, but as it comes up of necessity, of course I have no control over it.

Mr. STONE. I am not opposing the resolution, but I should like to say that if the resolution is to be debated and lead to political controversy, involving a lot of political folderol, it seems to me it would be in a measure a waste of time. I do not care anything about it, but I am very much interested in the bill the Senator from Idaho has in charge. I do not think the time of the Senate would be well taken in entering into a political acrimonious discussion here and delay the consideration of a measure of real importance. I am in favor of going on with that bill.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment, which will be read.

The SECRETARY. On page 2, line 1, after the words "nineteen hundred and twelve," insert:

And all correspondence and financial transactions between John D. Archbold and Members of Congress and the United States Senate from the year 1900 to the date of the investigation provided for herein.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. POINDEXTER. I offer the following amendment.

The PRESIDENT pro tempore. The Senator from Washington offers an amendment, which will be read.

The SECRETARY. After the word "employ," in the eighteenth line on the second page, insert the words "an attorney."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. OVERMAN. Let it be read so as to show the context.

Mr. POINDEXTER. I will say that it simply authorizes the committee, if they see fit to do so, in conducting this investigation, in addition to a stenographer, to employ the services of an attorney to conduct the examination of witnesses. If in these hearings a witness is simply called to the stand and makes a statement without cross-examination, without the evidence being followed up, the examination amounts to nothing. The only investigations that I am aware of which have resulted in discovering the facts in the cases to anybody's satisfaction have been those in which an attorney was employed.

Mr. PENROSE. I will accept that amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. PENROSE. I desire to amend the resolution so as to include Mr. George W. Perkins with Mr. Archbold in the correspondence to be produced relative to campaign matters in 1904 and correspondence with Members of Congress and ex-Presidents.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Pennsylvania will be stated.

The SECRETARY. In the amendment proposed by the Senator from Washington, after the word "Archbold," insert the words "and George W. Perkins," and after the word "Senate" insert the words "and ex-Presidents of the United States."

Mr. SMITH of Georgia. So as to read?

The SECRETARY. So as to read—

And all correspondence and financial transactions between John D. Archbold, George W. Perkins, and Members of Congress and the United States Senate and ex-Presidents of the United States from the year 1900 to the date of the investigations provided for herein.

Mr. PENROSE. My attention has been called to what is a very proper criticism. It is that as there is only one living ex-President—and we are not interested in the correspondence of dead ex-Presidents—I substitute the words "Mr. Theodore Roosevelt." I believe "Colonel" is his official title. I should like to have that substituted.

The PRESIDENT pro tempore. The amendment as modified will be stated.

Mr. STONE. Mr. President, I do not care much about this matter, but as I caught the reading of one of the amendments it provides for the employment of attorneys. Am I correct about that?

Mr. POINDEXTER. An attorney—one attorney.

Mr. PENROSE. I did not understand that. I want to amend the resolution, then, so that each side shall be represented by attorneys.

Mr. POINDEXTER. I think that is proper, Mr. President. I do not object.

Mr. STONE. Of course it is proper that each side should be represented by attorneys if we are to have attorneys.

Mr. PENROSE. I should like to add the word "reputable" before "attorneys."

Mr. STONE. I desire to ask the Chair whether this proposition, involving an expenditure of perhaps a large amount to be drawn out of the contingent fund of the Senate, can be adopted under the rules of the Senate without a reference to and a report from the Committee to Audit and Control the Contingent Expenses of the Senate.

The PRESIDENT pro tempore. The Chair thinks it is competent when no mention is made in the resolution of an appropriation from the contingent fund, and there is no such mention in the resolution.

Mr. STONE. How would the fees be paid?

The PRESIDENT pro tempore. If the Chair may be permitted, he will suggest probably by a future appropriation.

Mr. PENROSE. As I understand, there is an appropriation; that this resolution is amending the resolution under which the committee is now acting.

Mr. SMOOT. I should like to ask the Senator if in that appropriation attorneys' fees were provided for?

Mr. PENROSE. I think the expenses were to come out of the contingent fund of the Senate.

Mr. SMOOT. That is true. The cost of the investigation is to be paid out of the contingent fund of the Senate. But did the resolution authorize the employment of attorneys?

Mr. PENROSE. No; it did not.

Mr. SMOOT. Then, of course, there is no provision made for paying attorneys employed under this amendment to that resolution.

Mr. PENROSE. No; they would have to pay their own expenses and feel that they were serving their country in so doing. I do not believe there is any provision authorizing the payment of attorneys.

Mr. SMOOT. The Committee on Privileges and Elections of the Senate is composed of some of the best attorneys in this body. As far as one Member of the Senate is concerned, I would be perfectly content with the investigation by the members of that committee rather than have any attorney employed and afterwards perhaps have some claim brought in here for the services of an attorney. I believe that the amendment offered should be defeated by the Senate.

Mr. SMITH of Georgia. Mr. President, there is a still further objection to it. There are a number of different conflicting interests that will be investigated by the committee, and attorneys are likely to occupy positions of sympathy either with one side or the other. There are different interests involved, and it does not seem to me practical that one attorney should represent the committee in this investigation. The only fair way to do it is to let each interest employ its own attorney. I do not believe the Senate understood the amendment, if it has been adopted, employing an attorney. I think the fair thing to do is to let the various interests employ their own attorneys. It is not a situation where the employment of one attorney would cover the case.

Mr. POINDEXTER. I do not suppose the Senator from Georgia would be of the opinion that if the interests that were being investigated had attorneys and there were no other attorneys but their attorneys the committee would be very apt to ascertain the full facts in the case. If anybody interested in the investigation should desire to conceal the facts or to prevent a full investigation, they having an attorney and the committee having no attorney, it would not be conducive to ascertaining the truth.

Mr. SMITH of Georgia. I should like to ask the Senator, if there are any conflicting interests involved, will not each one of the interests have its own attorneys, and would not the natural result be that the attorneys of the one interest would investigate and find out all they could about the other, and vice versa?

Mr. CLAPP. Will the Senator pardon me?

Mr. POINDEXTER. I yield to the Senator from Minnesota.

Mr. CLAPP. This discussion, like a great many others, after all, summed down amounts to nothing. It does not direct any employment of attorneys, but simply authorizes the employment of attorneys by the committee. I can assure Senators who may be interested in the matter of expenditures that the authorization will not add anything to the expenses to be paid out of the contingent fund or any other fund.

Mr. POINDEXTER. So far as the amendment is concerned, I will say, it only authorizes the committee to employ an attorney for the purposes of the investigation. I do not think the Senate or the committee is concerned in whether the parties who come before the committee have attorneys. That is a private matter in which they alone are concerned.

Mr. SMITH of Georgia. Now, there is an issue as to what took place in Chicago. There are two sides to that issue. It seems to me if one attorney is employed two ought to be employed—one who desires to expose any misconduct, if there was any, on the part of the advocates of the candidate for a third term, and one who desires to expose any improprieties, if there were any, of those who secured the nomination of President Taft. It is inconceivable to me that the same man would be suited to press both of those investigations. There are other interests involved. One would be the improper use of money by one candidate; another the improper use of money by another candidate. Lawyers are human, and I do not conceive of the possibility of one attorney being employed who would not necessarily drift into the attitude of partisanship with reference to the investigations. It is not simply the investigation of one matter, but it is the investigation of and concerns improper conduct by Democrats, improper conduct by the Taft Republicans, and improper conduct by the advocates of the candidate for the third term.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Kansas?

Mr. SMITH of Georgia. I do.

Mr. BRISTOW. Does not the Senator from Georgia think that the committee representing the Senate would be endeavoring to find out the facts, regardless of who might be affected by the facts?

Mr. SMITH of Georgia. Frankly, I believe that is scarcely human; I do not believe it is reasonable to expect an extreme partisan of Col. Roosevelt to hunt, and believe that there is an occasion to hunt, for any charge against him. I would hate very much to be called on to hunt for anything against Gov. Wilson; I would not like to be put in that position; and I am applying no harsher terms to those representing the other side than I would apply to myself. It would be an impossible position, and that is why——

Mr. CLAPP. Will the Senator from Georgia pardon an interruption?

Mr. SMITH of Georgia. Gladly.

Mr. CLAPP. Does the Senator assume that the junior Senator from Ohio [Mr. POMERENE] is such an intense partisan of Col. Roosevelt that he would go out of his way in order to make the pathway easier?

Mr. SMITH of Georgia. Not at all; but I am pointing out the impossibility of employing simply one attorney to investigate this matter, and to do it properly. I am not speaking of the committee. There are men on the committee representing each faction.

Mr. CLAPP. That is the point exactly.

Mr. SMITH of Georgia. But when you undertake to select one attorney to conduct all three of the investigations, I doubt whether you would find any able attorney who is not a partisan of one of the three.

Mr. CLAPP. Well, Mr. President, I have already assured the Senator—if he listened—and I think I voiced the sentiment of the committee——

Mr. SMITH of Georgia. I listened.

Mr. CLAPP. That so long as the resolution simply authorizes, and does not direct, the employment of attorneys, there will be no attorneys employed.

Mr. SMITH of Georgia. I understand the chairman of the committee does not want an attorney; and I do not think the Senate understood that it was voting to allow one. I was simply undertaking to point out the fact that it was not an occasion for the employment simply of one attorney. If attorneys should be employed, then the partisans of the respective sides on the committee ought each to select an attorney to represent their side, providing the committee wanted them.

Mr. CLAPP. The Senator in that respect is absolutely correct. If the Senate directed the employment of an attorney, I would not accept further service as chairman without the authority to employ an attorney at least in the three respective divisions of sentiment on this question. If the Senate directed such employment, then I would favor the suggestion of the Senator from Georgia.

Mr. SMITH of Georgia. I want to say, Mr. President, that in not one word I uttered did I mean to question that the chairman of the committee is as fair as any man could be.

Mr. CLAPP. I understand that.

Mr. SMITH of Georgia. But I am pressing the proposition that human nature would unfit one attorney to represent all three of these sides.

Mr. BORAH. Mr. President, did I understand the chairman of the committee to say that if permission simply was given to employ an attorney, that permission would not be used?

Mr. CLAPP. I think I can safely speak for the committee that with simply authority to employ an attorney the committee would not employ an attorney. The committee to-day consists of what we may all recognize as three divisions of political thought, each of which is represented on the committee; and there is no earthly occasion for any attorney. Consequently, if the resolution simply authorizes an attorney, I hardly think—I have not conferred with the committee—that any member of the committee would be in favor of employing an attorney. It is to be an investigation made by the committee. On the other hand, if attorneys were to be employed, the remarks of the Senator from Georgia [Mr. SMITH] are eminently to the point—that there ought to be at least three attorneys.

Mr. TOWNSEND. Mr. President, there is one thing about the discussion of this proposition that I do not like, and that is the assumption that any committee of this Senate, and especially this particular committee, will not proceed to do its duty; that men who are appointed on a committee of investigation are assumed to have been appointed not for the purpose of determining the facts, of determining the things which the resolution sets out they shall determine, but are appointed for the purpose of obtaining some partisan advantage and to defeat the very object of the Senate. In other words, it seems to be assumed that the investigation is to be for political purposes rather than for the good of the Government. I have no patience with this notion.

Mr. SMITH of Georgia. The Senator from Michigan did not understand me to intend any such suggestion?

Mr. TOWNSEND. No; I am not saying that any Senator intends it, but I am simply saying that the arguments thus far seem to indicate that there will be a partisan, unfair, improper investigation made into a great question of this kind. The matter submitted by the Senator from Pennsylvania [Mr. PENROSE] is serious not alone because it affects the honor and reputation of a distinguished American citizen, a political committee, and a great party, but because it goes to the very foundation of parties generally, and it should be investigated, if investigated at all, fairly, fully, and judicially.

When I think of the personnel of the committee, when I understand who constitute that committee, it seems to me that it is improper for the Senate to seek to employ some one outside to assist in the conduct of this case, and thus imply that a senatorial investigating committee is going to act in a political, partisan manner.

I assume that any man who is investigated will present his case through an attorney; he will come to the committee, and that committee will proceed to the investigation of every charge that is presented. As I understand, every member of that investigating committee, with one possible exception, is a lawyer. The experience of other Senators may be different from mine, but in all of the committees that I have been on, whenever the investigation of any question has come up there has been no lack of cross-examination, but Senators have shown themselves entirely capable of probing into the most minute details for the purpose of bringing forth the facts.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Michigan yield to the Senator from Washington?

Mr. TOWNSEND. I do.

Mr. POINDEXTER. Just a word. In the first place I want to disclaim, of course, any intention of reflecting on the committee. The Senator from Michigan could have no higher opinion of the committee than I have. So far as the suggestion that they should be authorized to employ an attorney, the mere form of the resolution leaving it to their discretion whether they should or should not, forecloses any suggestion of any reflection on the committee; but I should like to ask the Senator if, in his experience as an investigator—impartial, of course—to which he has referred, the attitude of the committee is the attitude of a cross-examiner of a witness; if the necessity for cross-examination if it is to be effective in following up evidence, of pressing witnesses, and developing clues of the evidence—if it is not somewhat inconsistent with the attitude of impartiality which the committee has to assume?

Mr. TOWNSEND. I can see nothing inconsistent in presuming that a committee of the Senate, called to do a particular thing, will proceed to do that thing; and, especially, when you give an authority to subpœna witnesses, to sit anywhere, and to proceed to any length for the purpose of acquiring the evidence that is necessary to establish the truth or falsity of the statements which are made.

I have risen at this time because I did not feel that I could longer sit here and not at least protest against the idea that seems to maintain in Congress, to the effect that when committees are appointed to probe some particular thing, they are going to be governed by partisan influences. I protest against that idea. I think, if this matter ought to be investigated, the committee should be given a free hand, as it is contemplated in the resolution, and then it should proceed to make the investigation uninfluenced by any desire other than to get at the truth and to present that naked, uncolored truth to the Senate and to the country. No Senator should participate as a member in the work of an investigation of the kind proposed here who does not feel deeply the responsibility which rests upon him and who does not realize that in a great measure his ability, his integrity, and his character will be determined by the kind of report he makes upon the facts disclosed.

Mr. HEYBURN. Mr. President, I rise to inquire what is the matter to be investigated? It seems to be assumed that there is some matter with which the Senate of the United States is particularly concerned that needs to be investigated. I sat here impatiently a day or two since and listened to hours of indiscriminate attack, vituperation, and abuse of men and parties.

Mr. President, are we to concede that there was a duty impelling those who attacked men and parties and that they were

engaged in the performance of that duty when they occupied the time of this body on the day before yesterday and a part of the day before that? Can any Senator specify that duty, locate it, give it a name? Men who are not in a position to reply or to defend against attack were held up before this body and before the country as being unworthy of the respect due citizens of the United States.

It was intimated and charged that they were guilty of criminal practices. Their voice has not been heard, nor has the voice of any Senator been heard in defense of those men. I can not rest under that silence.

Theodore Roosevelt is not any longer the President of the United States, nor is he a fit and appropriate subject for attack upon the floor of the United States Senate. During the time that it is charged men were seeking to corrupt the political fountain in his behalf he was President of the United States, and he was subject to be charged with malfeasance or disreputable conduct only in the tribunal provided by the Constitution of the United States.

Mr. President, it can not be said that, because he is again a candidate for office, it is proper in this tribunal to assassinate his character while he was President of the United States. If men knew, or thought they knew, of aught against him when he held that high office it was both their privilege and their duty then to call him to account.

It does not, in my judgment, justify an attack upon the great Republican Party and upon its integrity as an organization of government that George W. Perkins or any other man contributed money to the campaign of the Republican Party for the purpose of paying its legitimate expenses. It seemed to be conceded the other day that such an act would be a crime; it seemed to be conceded that men largely interested in the conduct of the affairs of the Government might not contribute to the support of the party whose legislation and legislative policy was responsible for the prosperity in which they shared.

I am not willing that it should appear upon the records of this body that I concede any such thing. The business organizations represented by Mr. Perkins, or any other financial leader, are as much entitled, aye, it is as much their duty, to contribute to the expenses of conducting the contest between rival parties as it is the right or duty of any other citizen.

Is there any law, or would any Senator advocate the enactment of any law, that would make it an offense or offensive for a man having less than $100 to contribute to the campaign expenses of his party? Is there any difference in the moral principle between the act of contribution by the man having only $100 and the man having $100,000 or more? Is it a crime in this country to possess in excess of a certain amount of wealth? If it is, let it be written in the statute books. Would these men who here irresponsibly inveigh against the possession of wealth beyond a given sum support such a measure? They are everyone of them living in the hope that they may be within that class as speedily as possible; and yet within these walls only a few hours ago there was the titter of mirth and the evidence of applause and approval at an irresponsible attack upon the Republican Party because men appreciated the great services of that party which has brought prosperity, in which they share.

Mr. President, it is beneath the dignity; it is, in my judgment, a violation of the functions, of this body that such occurrences should transpire. It has gone to the country, uncontradicted until this hour, that the Republican Party was guilty of a wrong act when it received these contributions. Those who are responsible for such an attack remaining unanswered are not worthy to be members of that great organization. The Republican Party, like the armies of the world, is not all composed of fighting men; there are camp followers, men who trail along behind it in its march for the purpose of enjoying the crumbs of the camp; who are enrolled only so long as that enrollment means office, position, power, comfort, and emolument to them. They are not the Republican Party. The Republican Party is composed of men who are not in office to the extent of an overwhelming majority. So that I do not intend that the responsible part of the party shall be held under the charges made upon this floor on the day before yesterday.

It was a violation of no law or statute, constitutional or moral, that the subscriptions made to the campaign fund of 1904 should have been made either by the persons or in the amounts in which those subscriptions were made. Mr. President, no such assumption can be permitted to go out unchallenged, as it stands to this hour. Since when has it been an offense against any law to contribute voluntarily to the sustaining of principles that you advocate, to the selection of men representing those principles, to the selection of official and responsible bodies in Congress or elsewhere that will make those principles the rule of action and official conduct? Since when is it an offense to receive their assistance and support to any extent? Can right be too strongly supported? Can right receive the support of these men and be corrupted by it? I know of no such rule. We have grown so accustomed to accept dogma and dogmatic statements for reason and truth in this age of muckraking that sometimes it seems to me that statements ought to be branded.

Mr. President, of all the muckraking irresponsibility I have ever heard in a responsible place, that connected with the consideration of this question in and out of Congress has been the most radical. I animadvert upon the purpose or performance of no man more than another. I was offended by the suggestion, as I would be offended by any impropriety that might transpire in this body, that because a man had become an ex-President of the United States he should be open to attack in high places in responsible language, in print, which becomes and remains a part of the history of the country to the end of time, to be read by the growing and coming generations. We have a high responsibility that should render such a thing impossible. Because you oppose a man it does not relieve you from the responsibility of dignified consideration for public acts.

I am not, nor am I apt to be, a supporter of Col. Roosevelt for election as President of the United States; but I would not stand before an audience of the youth of this country and speak one word that would lessen their respect for the Presidency of the United States or those who have held that office. When you begin to lose sight of the fact of responsibility resting upon you to maintain the record of the dignity of our country and of those who hold the offices and places of honor, you have started to undermine and sap the stability of the Government. It rests only for the hour in our hands; but it rests for years in the generations that hear our words.

Much of the trouble that has come in this country has come from thoughtless, irresponsible attacks upon our Government, through the means of attacking the men who represent it; and it is a dangerous thing to do. I would not knowingly be guilty of speaking a word of disrespect against a man who had been President of the United States, whatever his political affiliations, in the presence of the children of the land; and when we speak here we speak in the presence of every child in every home and in every school. We not only speak in their presence, but we speak potently in the presence of those who are coming to our shores to form their impressions of our Government, and when they stand up and take the oath of allegiance it is meet and proper that their minds should not be clouded by the charges made by our own people as to the character of their responsibility.

I have always felt strongly upon this question. Some years ago a man invested with responsible duties in connection with education in our State, an ardent Republican, a supporter of mine, delivered an address before the public schools in which he told the children that the then President of the United States, Grover Cleveland, was a man of unclean life and disreputable. Word came to me, and I took steps to have him removed. He came to me with a piteous plea. He said:

> I had not expected this from you. I have always supported you; and I thought you were my friend.

I said:

> I am your friend, but I am also the friend of these children, and you ought to know that you have violated every rule of good citizenship and decency when you place that poison in the minds of children—children who should be taught to believe that the Government as represented by its Chief Executive is entitled to respect and confidence, especially in the minds of those children.

It was recalled to my mind as I stood here, and I thought of those people who see only the squibs and quips of the newspapers sent out in regard to this matter, selecting as they do the most virulent things that were said to be read throughout this land about a man who had been President of the United States and about a great party that had been responsible for great Presidents of the United States, and for the maintenance of the laws of the land—I thought of it and it hurt me to the heart to think that such things could happen. What promise is there for patriotism and support in the hour of difficulty or during the years of peace from generations into whose minds such things have been injected.

Mr. President, there is no occasion for the investigation of that condition about which Congress is absolutely impotent to act; as to which no good purpose can be served. What difference does it make in this day, except to the man who is actuated by a desire to get even with somebody; what good purpose can be served in this day by ascertaining the fact, if fact it be, that the Standard Oil Co., or the railroad companies, or any other business enterprise contributed one dollar or a million dollars to a campaign that has passed into history? If

I could not beat a man in a contest by fairer means than that I would not have a contest. I would go to some secluded corner of the earth where I could live out my life without coming into contact with such conditions, rather than to be whirled up in this dust cloud of investigation.

Let us return to sane lines of action. Let us step up onto a little higher plane of controversy as to who shall rule or make and execute the laws. The word "rule" has no proper application. No man rules the American people. They rule themselves. But let us see if we can not be of some assistance in elevating the standard of American citizenship. Differ as we may, let our controversies be between clean lines and within clean considerations.

Mr. President, there is no reason why the time of the Senate or of its Members should be occupied, or the country should be appealed to, for the purpose of ascertaining whether or not George W. Perkins contributed this or any other sum to the Republican campaign fund, or whether any other man representing large aggregated and accumulated capital contributed to the campaign fund of the other party.

Now, we have some and are proposing to enact more legislation for the purpose of regulating this matter, for the purpose of saying that the real industries of the country, that the combinations of captial to which labor looks for employment shall not assist to bring about good government. It is a part and parcel of the milksop idea that has been creeping into our Government since men have been dealing in platitudes and innuendo, in the absence of courage and intelligence enough to speak out and act in the open.

Mr. President, the duty of this hour can not be shirked. I stand here to charge that this attempt to open up the sewers of political contests and turn loose the contents upon the plains of peace is a piece of political vandalism unequaled in the history of this country. Where do they flow? Not the best, if there is a best, but the worst, the foulest will flow farthest—flow out into the minds and comprehension of the people as a specimen of public and the acts of public men.

Do you think the question is not serious enough to claim our attention even at this hour? We have been drifting away from conservative lines in the consideration and determination of the character of the men that compose our body. It seems that it is only necessary to make a charge that some one is corrupt and immediately others accept the charge as a challenge, and we enter into this pool, swimming and groping around for all the foul flotsam upon its surface, and hugging it to our bosoms as we swim toward the shore and land at the door of the Senate of the United States, and bring it in as treasure trove, as though it was something that would add to the duties and dignity of this body.

Every presumption is in favor of the innocence of the citizen who is charged, even responsibly, with crime. Is the rule to be changed in this body so that every presumption will be in favor of the guilt of a man who is charged irresponsibly? Is there a man connected with these charges that dares go before a magistrate and place the responsibility of his oath behind a warrant for the detention or arrest of the accused? Is there one? It is the bad habit of talking about men behind their backs. That is not new. Years ago I adopted the rule that when a man attempts to talk to me about another man, to his detriment, I say, "Let us send for him before we proceed and let him be here, and you may talk in his presence." It ends the conversation.

Mr. President, whatever we may say of these political parties that have been contending for power for the last 50 years, I stand here to give them both a clean bill of health as parties. Men within them may transgress the rules, or what I consider to be the rules, of fair, candid, honorable action, but I do not hold the great parties responsible for it. I hold them responsible for the performance of the political duties that they profess. I give them credit for the performance of the political duties that they perform.

I am not given to attacking the private character of men because they are the candidates of the opposing party. I never believed that the wreck of a man whom you pull down is safe standing ground. When the contest is over he is still a citizen of the United States, with equal and coordinate rights; and yet we are starting out or proposing to, under this resolution, on a man hunt, to bring down somebody, to degrade him, and there is not a sworn statement or a responsible statement of any man here upon which he could be held for the charge.

I do not like it. It was because it has been pressed in upon me with such force that I have been impelled to speak on this occasion. We have no business, no right, to spend our time or the money of the Government groping back into past political campaigns for the purpose of developing some fact or charge that some one did something that some one would disapprove of. We have not the right to do it. Man to man, responsible Senators of the United States, presumed to know and bound to observe the rules of honorable men, are we justified in starting out on this man hunt?

It is the most unworthy thing that a man could engage in. I would not serve on a committee or remain a member of a committee whose only function was that of a bloodhound.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. I think there is no doubt we will be able to take an adjournment to-day. The only thing I understand that is holding us now is the deficiency appropriation bill. I think it is quite apparent that during the remainder of this day we can do no effective business. There are a number of Senators who expect to leave immediately after adjournment, and who have some minor arrangements to make before they leave, and I think it would be profitable if we might take a short recess.

Mr. HEYBURN. I did not yield the floor for that purpose.

Mr. SUTHERLAND. I will not make the motion, if the Senator objects.

Mr. HEYBURN. Certainly I object.

Mr. SUTHERLAND. I was undertaking to appeal to the Senator.

Mr. HEYBURN. I am appealing on a very important subject to this body and to the American people. It is not customary to ask a Senator to yield and then move to adjourn.

Mr. SUTHERLAND. I have not moved to adjourn; I have not moved to take a recess. But I appeal to the Senator that the situation is as I state it—that it is quite evident we can not do any effective business during the remainder of this day. The only thing that is holding us from final adjournment is because this one bill is outstanding. There are a number of Senators who want to make some final arrangements and yet do not feel warranted in leaving so long as the Senate is in session, and I think it would be very well if we could take a recess until 4 o'clock.

Mr. BORAH. Mr. President——

Mr. HEYBURN. I am not going to yield at all for the purpose of diverting the proceedings now going on in the Senate, and that is a proper defense of the Republican Party, of which I am a member.

Mr. BORAH. May I interrupt the Senator from Idaho?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to his colleague?

Mr. BORAH. It is just for a moment.

Mr. HEYBURN. Yes.

Mr. BORAH. I hope the Senate will not adjourn even after my colleague shall have concluded his remarks, because I shall insist upon taking up an important measure, in reference to the department of labor, whenever he finishes.

Mr. HEYBURN. I am aware of the condition of business in the Senate. I, of course, shall yield immediately when the outstanding bill comes into this Chamber and will stand ready to adjourn at that time. But I am, at least in my judgment, performing a duty to my party and to the country.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Yes.

Mr. CHAMBERLAIN. I know the Senator from Idaho has always been the friend of the western homesteader. I wish he would yield to me for a moment while I present a report from the Committee on Public Lands, favorably, upon a homestead bill. It is a very short bill.

Mr. HEYBURN. What bill is it? There are some public-land bills which I favor and some which I do not.

Mr. CHAMBERLAIN. It is a very short bill.

Mr. HEYBURN. With what subject does it deal?

Mr. CHAMBERLAIN. It merely allows a man to perfect a homestead entry in lieu of one he abandoned.

Mr. HEYBURN. Oh, an individual case?

Mr. CHAMBERLAIN. Yes.

Mr. HEYBURN. I will yield to that, if I may.

The PRESIDENT pro tempore. The Senator from Idaho yields to the Senator from Oregon.

FRANK D. COURTADE.

Mr. CHAMBERLAIN. I am directed by the Committee on Public Lands, to which was referred the bill (H. R. 23604) for the relief of Frank D. Courtade, to report it favorably (S. Rept. 1069).

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon?

Mr. SMOOT. I am not going to object to the consideration of the bill, but I want to say that the bill should not be taken as a precedent for other bills. There are some things connected with it which I really think require that it should go over. But knowing the Senator's interest in the bill I shall not object to its consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. I ask that the report made in the House upon this bill be printed in the RECORD.

The PRESIDENT pro tempore. Without objection that order will be made.

The report is as follows:

[House Report No. 975, Sixty-second Congress, second session.]

FRANK D. COURTADE.

Mr. DENT, from the Committee on the Public Lands, submitted the following report to accompany H. R. 23604.

The Committee on the Public Lands, to whom was referred the bill (H. R. 23604) for the relief of Frank D. Courtrade, having considered the same, report thereon with a recommendation that it do pass with the following amendments:

Strike out the name "Courtrade" where it appears in the title and insert in lieu thereof the name "Courtade."

Strike out the name "Courtrade" where it appears in line 5, on page 1, and insert in lieu thereof the word "Courtade."

Strike out the name "Courtrade" where it appears in line 14, on page 1, and insert in lieu thereof the name "Courtade."

Strike out the words "thirty one-hundredths" in line 5, on page 1, and insert in lieu thereof the words "thirty-one sixty-fourths."

In support of this report the following letter is hereby submitted:

DEPARTMENT OF THE INTERIOR,
Washington, May 4, 1912.

Hon. JOSEPH T. ROBINSON,
Chairman Committee on the Public Lands,
House of Representatives.

SIR: I have the honor to acknowledge receipt of your request for a report on H. R. 23604, a bill for the relief of Frank D. Courtrade.

Section 2289, Revised Statutes, provides that a homestead entry may not be made by a person who is the proprietor of more than 160 acres of land in any State or Territory. The object of the present bill is to remove the beneficiary's homestead disqualifications, incurred by reason of the fact that he was, on the dates mentioned in the bill, the owner of lands aggregating slightly more than the area named.

It should be noted that the name is properly spelled "Courtade."

The records of the General Land Office show that Mr. Courtade's application, mentioned in the bill, conflicts with four applications for the four several subdivisions under the timber and stone law. An issue was made up between Courtade and said applicants as to the right to enter the land in question, and said issue was decided in favor of Courtade by the Lakeview office and by the General Land Office, and also by the department on appeal from the General Land Office, so far as concerned the question of Courtade's good faith.

The department felt itself constrained, however, to hold, under the plain provisions of the law, that Courtade was disqualified to make entry on account of his ownership of more than 160 acres, the excess consisting of 3 town lots of an area of, as he says, thirty-one sixty-fourths of an acre. However, the decision to this effect, rendered January 9, 1912, has not yet become final, and the case is still pending before the department.

The department is informed that, after the decision by the local officers and the commissioner in favor of Courtade, he sold the 160 acres he owned and invested the entire proceeds in substantial improvements upon the land in question. This would indicate good faith on his part in applying to enter this land, and this is further shown by continued occupancy and improvement of the land by himself and family ever since he made his settlement. At the present time, therefore, Courtade is not disqualified on this ground to make the entry; but the department is without power to give him relief, inasmuch as there is a conflicting applicant under the timber and stone law for the land. This latter applicant, however, has done nothing upon the land and has simply his application pending.

The bill should be amended by striking out the name "Courtrade," where it appears in the title and in lines 5 and 14 on page 1, and inserting in lieu thereof the name "Courtade"; also, by striking out the words "thirty one-hundredths," in line 5, page 1, and inserting in lieu thereof "thirty-one sixty-fourths."

The department sees no objection to the bill as thus amended being enacted into law.

Very respectfully,

SAMUEL ADAMS,
First Assistant Secretary.

BILLS POSTPONED INDEFINITELY.

Mr. CHAMBERLAIN. I move that the Committee on Public Lands be discharged from the further consideration of the bill (S. 7395) for the relief of Frank D. Courtade and that the bill be postponed indefinitely.

The motion was agreed to.

Mr. CHAMBERLAIN. I ask that the bill (S. 4204) to provide for the final settlement with the Tillamook Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 7, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I ask that the bill (S. 4205) to provide for the final settlement with the Clatsop Tribe of Indians of Oregon for lands ceded by said Indians to the United States in a certain agreement between said parties dated August 5, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I ask that the bill (S. 4533) to provide for a final settlement with the Kathlamet Band of Chinook Indians of Oregon for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I ask that the bill (S. 4534) to provide for a final settlement with the Wheelappa Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said parties dated August 9, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I ask that the bill (S. 4535) to provide for a final settlement with the Lower Band of Chinook Indians of Washington for lands ceded by said Indians to the United States in a certain unratified treaty between said dated August 9, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I ask that the bill (S. 4536) to provide for a final settlement with the Waukimum Band of Chinook Indians, of Washington, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 8, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBERLAIN. I ask that the bill (S. 4537) to provide for a final settlement with the Nuc-quee-clah-we-muck Tribe of Indians, of Oregon, for lands ceded by said Indians to the United States in a certain unratified treaty between said parties, dated August 7, 1851, now under Rule IX, be taken from the calendar and postponed indefinitely.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the bill (S. 7378) for the relief of James E. C. Covel.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 1484. An act for the relief of Ferdinand Tobe;

H. R. 7434. An act for the relief of Patrick Howe;

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes; and

H. J. Res. 360. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of August, 1912, on the day of adjournment of the present session.

CAMPAIGN CONTRIBUTIONS.

The Senate resumed the consideration of Senate resolution 386, submitted by the Senator from Pennsylvania [Mr. PENROSE].

The PRESIDENT pro tempore. The Chair recognizes the Senator from Idaho [Mr. HEYBURN].

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Arizona?

Mr. HEYBURN. For what purpose?

Mr. ASHURST. By the same token that the Senator from Oregon interrupted the Senator from Idaho. I have here a favorable report from the Committee on Indian Affairs upon a bill which I should like to have considered. I should like to make the report and to ask unanimous consent for the consideration of the bill, if the Senator will give me an opportunity.

Mr. SMOOT. Is it a House bill?

Mr. ASHURST. A House bill.

Mr. SMOOT. Is it a unanimous report from the committee?

Mr. ASHURST. No. I polled the committee, and I secured a majority and the assent of all the members of the committee who are in the city.

Mr. SMOOT. I hope the Senate will take up the calendar some time this afternoon, and I would prefer it if the Senator would not press his request, as the Senator from Idaho wants to speak.

Mr. ASHURST. There is an elaborate report from the House Committee on Indian Affairs.

Mr. SMOOT. Will the Senator kindly withhold his request until I can examine the report?

Mr. ASHURST. Certainly.

Mr. HEYBURN. I would have been well on to the goal if I had been allowed to proceed. I am not speaking as a stop-gap or for the purpose of consuming time, but I am speaking because I am impelled to do so by a sense of duty.

Mr. President, the resolution as now proposed is enlarged in its scope so as to include an investigation of the campaign under which the President now in office was elected. It is sought to institute a probe into the transactions affecting his election of which he had knowledge. It is sought to prove that those transactions were illegal and in violation of good conscience and that therefore the President of the United States, now in office, was guilty of temporizing with good morals.

Mr. President, an attempt to do that in an irresponsible way is unworthy of any man or any body of men. The man who attacks the President of the United States as to his integrity, except that he does it in a responsible way, is not worthy of an audience or of consideration or of a lot of other things, because if there is a man more helpless than another against that kind of attack it is the man who is President of the United States. However much I might disapprove of his acts, however much I might be displeased from a personal standpoint, if such were the case, in regard to his acts, I would never make an irresponsible attack upon him. I would go to him, and the matter would end with that meeting. We see too much of it. Some puny, little, irresponsible newspaper, whose editor or proprietor could not respond to a liability of 15 cents, attacks the President of the United States merely because the President is not there.

Mr. President, what is true of that class of newspapers is true of those who class themselves as great journals in the country. Within the last 48 hours there have been things published about the President of the United States for which the man who is guilty of publishing them should be beaten down into the mud under the feet of man as you would trample a reptile that attacks humanity. There is a species of cowardice to that kind of attack that ought to merit the contempt of every right-thinking man. Would one of them walk up to the White House and make the statements that have been made in the papers within the last 48 hours about the President of the United States?

Would any one of them confront Mr. Roosevelt with the statements that have been made within the last 48 hours in the newspapers and elsewhere? Would they walk up before that stalwart specimen of manhood and charge him to his face with the things they have charged against him under the cover of miles? If they would not, then not only are they unworthy but their statements are unworthy. Am I talking strained morality? Am I straining the principles of morality that should pertain between citizens of this country? I think not.

I had hoped as the years went by that a better condition of affairs would exist, but I am discouraged in this hour when I find that the most condemned, abused, and despised men are those whose good character 90,000,000 of people have certified.

Mr. President, I hope the Senate will have more respect for its functions and more respect for the individual character of Senators than to enter upon such an investigation as is proposed by the resolution of the afternoon. What good purpose can it serve? It can serve purposes, but they are not good purposes. They are unholy, they are disreputable, and they are purposes that tend to the bad and not to the good.

Does anyone propose to act upon any disclosures that might result from this investigation and put individual responsibility behind that action? Suppose it transpires that Mr. Perkins gave half a million dollars or a quarter million dollars into a campaign fund for the purpose of bringing about the election of the Republican ticket, what then? Was that a violation of the law? No one with intelligence will pretend that it was. Suppose the investigation discloses that in the last campaign of four years ago men whose interests were at stake—not only whose individual interests were at stake but who represented thousands and tens of thousands of others whose interests were at stake—contributed. Was that a crime? If so, this is no criminal court. If it was a crime, go where crimes are punished and put your individual responsibility behind a sworn warrant for their arrest. Put your pocketbook and not that of the Nation behind the prosecution, and stay there, attend upon the trial at whatever inconvenience, and perform a public duty. They will not one of them do it. They will put behind their hands and say, "Did you hear how that investigation came out? Why, so and so gave $100,000"; and they will look and stare at each other as though they had established the existence of a conspiracy or a crime, when the fact would be that a man with vast interests resting upon the stability of intelligent government and having in his hands the interests of thousands of employees had contributed to the success of that upon which his prosperity depended, not by bribing any man, not by any unlawful use of money, but contributed to the natural and legitimate expense of organizing a campaign of education, a campaign that should carry to every corner of the country the truth into the minds of the voters—the truth, not some false statements, but that upon which the voter might base his action. And yet, in this whispered conference somebody would be told that that was a crime, and the man who did it would be looked upon as a criminal.

Is the purpose of the investigation proposed in order that we may lay the foundation for that kind of thing? Are there no honest men in this country except the person who is inveighing against the honesty of men? Can only one honest man stand up at one time and speak at one time? Are we to give confidence or credence to the man whose occupation, whenever he opens his mouth, is to accuse some other man of misdoing and try to drag him down? Is such a man as that worthy of any consideration at the hands of the American people?

Mr. President, there is not a word in all this muddle of charge that we have heard in all these recitations and whereases, there is not a word upon which any charge of misconduct or dishonorable action at the hands of any man could be based. The papers came out the night before, Wednesday, I think it was, and undertook to convey the impression that Senator PENROSE had been bribed in the performance of his duty as chairman of a committee of the Congress of the United States, not merely by innuendo but a charge; and when it was investigated it transpired that as chairman of the Republican State central committee of Pennsylvania he had received a contribution for the benefit of the Republican Party, not for his own use. Now, even those bearers of false testimony and false witnesses would not dare to stand up and say that there was any possible ground to charge Senator PENROSE with being guilty of a treasonable act in receiving that check for $25,000. The testimony is before the Senate and before the people. Have you seen any retraction or apology for the foul lie that was printed in the paper which charged that he received it as chairman of a committee of this body because of the manner in which he had performed his official duty? Retract it! The only way the coward ever retracts is to flee or hide himself.

Mr. President, they do not need to investigate that $25,000 nor the $100,000 which was given by Mr. Archbold to the treasurer of the Republican Party. There was no crime or misdemeanor or misbehavior in doing either of those things. But they started out on a man hunt, and when they found themselves practically out of occupation they undertook to amend their resolutions so as to give them authority to go out and hunt a man anyhow, and pull him down. They propose to get bloodhounds to help them. They want authority to hire men more skillful than themselves to do it. I do not vote for it. I do not approve of it.

Mr. President, there are other ways of contesting the election of candidates for office than by defiling them. There is a little black and white animal found in the swamps whose only method of warfare is to defile its enemy. I do not want to see that method adopted with the consent of the United States Senate. We will do what we can to defeat the aspirations of Theodore Roosevelt in his atempt to be elected President of the United States, but we will do it so that we can look the world in the face when we have accomplished it. We will do what we can to defeat the election of Woodrow Wilson, not because we hate the man, not because we despise the man, but because we stand for a principle of government that we deem essential to the welfare of the people and the perpetuity of their institutions.

Let us keep within those lines.

I could not allow this occasion to pass without an attempt on my part to get the question up out of the slough upon the green fields, on the solid road of controversy.

Mr. WILLIAMS. Mr. President, the situation in the country, which the Senator from Idaho views with so little sympathy and with so much regret, is a regrettable situation. There can be no doubt of that. It is pathetic. It is shameful. Here stand

the two factions of the Republican Party accusing one another of very nearly everything and proving a great part of it, or at any rate asking the consent of the Senate of the United States to prove what they say they can establish. However great may be the regret of the Senator from Idaho, he can not avoid this condition "of charge and challenge" to which he refers. These two parties have already "charged and challenged" one another. One has charged, the other has accepted the challenge, and has charged again. It passes human comprehensibility to prevent the fight from going on. God alone could prevent it, and He does not seem to be inclined to do it. Somebody is either telling the truth or telling a falsehood. I do not know who, neither does the Senator from Idaho know who. Somebody is preaching and hypocrisyzing, if I may invent the word, and somebody else is telling the truth. I do not know who is doing which nor which is being done by whom; neither does the Senator from Idaho.

Mr. President, there is a vast difference between attacking government and attacking governors, between attacking institutions and attacking men in office. If what Mr. Roosevelt has alleged about Senator PENROSE be true, Senator PENROSE deserves to go out of this body without day. If what Senator PENROSE says about Mr. Roosevelt be true, Mr. Roosevelt is entirely ineligible, to express it in the most charitable way, to be President of the United States.

As for myself, Mr. President, I have none of that superstition about place and position and office that would lead me to give any reverence to any man because he is a President or a judge or a Senator, or anything else. If John Smith be an honest man and be a gentleman and a justice of the peace or a constable or private citizen, I have as high regard for him as I have for John Smith, a gentleman and an honest man and President of the United States or a judge of the Supreme Court. If John Smith be not a gentleman and not an honest man, a liar and a bribe taker or a bribe giver, I have just as little respect for him if he were in the toga of a judge of the Supreme Court or the habiliments of a President of the United States as I have for him as a constable or a justice of the peace or a private citizen. I have never been able to subscribe to the doctrine that men ever owe any reverence to office, position, or place. I positively deny that. They do owe reverence to honesty wherever it is to be found.

The Senator from Idaho is right in this, that men ought to be more particular about making charges against men who have been placed in position by the people than against other men. They ought to be more careful, because their respect for the people, and themselves as a part of the people, should lead them rather to solve doubts in favor of men who have received the fiat of popular approval than to solve doubts against them.

But I can not nurse the delusion that President Roosevelt's sins, if he have any, were not the sins of the Republican Party. I can not see how the Senator from Idaho can stand out from under the burden, if there be any burden, of official Republican presidential crimes or sins. I do not know that there is any. I am waiting for the proof on both sides, or either, perhaps neither; I do not know; but at any rate, the Senator from Idaho can not, as a Republican, stand out from under the burden of disgrace that might have been brought upon the country by a Republican President who accepted a large amount of money from a public malefactor, "a malefactor of great wealth," to use his own language, if he accepted it. I do not know whether he did or not. He says he did not; a Senator of the United States said he did. One of the chief "malefactors" said he did, and he says he did not.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER (Mr. BRANDEGEE in the chair). Does the Senator from Mississippi yield to the Senator from Pennsylvania?

Mr. WILLIAMS. What I mean, by chief malefactor, for fear the Senator may have misunderstood me, is the head of the Standard Oil Trust.

Mr. PENROSE. I want to correct the Senator. There is no denial that the money was received that I have ever seen in print.

Mr. WILLIAMS. Well, no——

Mr. PENROSE. There was an allegation——

Mr. WILLIAMS. I am not now weighing the testimony, Mr. President. I believe the Senator is right. There has thus far been no denial of the fact that the money was received.

Mr. PENROSE. The only statement——

Mr. WILLIAMS. The only denial, as I understand it, is that the ex-President knew that it was received. He asserts he said if it had been received he would give it back. I believe that is about the extent of the testimony as far as it has gone.

Mr. PENROSE. The only denial that I can ascertain is the letter which seemed to be carried around the person of the defendant ready for delivery to all inquirers, a letter written directing the return of the money after it had been received, after a requisition for a further amount had been refused, and after the money had been spent. The money was never returned.

Mr. WILLIAMS. Mr. President, I do not desire to go into the testimony. I merely want to express the idea that neither the Senator from Idaho, nor I, nor you, Mr. President, nor anybody, can avoid an unavoidable conflict. Here are assertions upon both sides, and if their assertions be true the one or the other side is disgraced and shamed. Now, then, all that is demanded by the pending resolution, as I understand it, is that the very truth of the matter shall be inquired into.

The Senator from Idaho says it makes no difference whether big politics receive big contributions from big business or not, or, at any rate, although he did not express it in that language, his position amounts to that. For a long, long time the moral sense of mankind has recognized that big business ought to be divorced from big politics, and that big politics ought to be divorced from big business. It has recognized, ever since the human conscience was born, the fact that a man, or a set of men, or an interest does not contribute an immense amount of money just for fun. There must be somewhere either an actual or an anticipated quid pro quo. When the Senator argues that great interests are to be justified for contributing to that party which has "contributed to their prosperity," and, as he expressed it, "to the prosperity of thousands of people dependent upon them," he is merely explaining the quid pro quo, that big business, big finance, financial leaders shall contribute to a party's expenditures in a campaign and shall do it because they recognize that that particular party has served their special interest and——

Mr. HEYBURN. And nobody else?

Mr. WILLIAMS. And has contributed to their prosperity. No; I did not say nobody else. I am more logical than to have said that. They do not care how many other people——

Mr. HEYBURN. Prosper.

Mr. WILLIAMS. The party has contributed to the prosperity of, so far as their contribution is concerned, provided only they think the party has contributed to their special-interest prosperity. The evidence in this case shows that the Standard Oil Co. thought that a contribution of $25,000 to the State campaign in Pennsylvania and a contribution of $100,000 to the national Republican campaign in the country was on their side of prosperity, and that so far as the Standard Oil special interest was concerned it was on that side of the party line, and that they were paying a quid wtih a hope of receiving at some time a quo.

Mr. President, if a President of the United States has received $100,000 as a contribution from a special interest, and that interest one by his own profession outlawed, one by his own profession a criminal, whether his profession was sincere or hypocritical, it will not do to say that if he received $100,000 from it he received it like a little, innocent babe, like a sweet little child with a smile upon its face, and expected it to mean nothing. Of course he knew it meant something if he received it. The Senator from Pennsylvania knew it meant something. But if either received it, did it mean corruption of a personal character? No; it did not mean that necessarily; but it did mean, without necessity of expressing one's self in full verbiage, "We will stand together. I am helping you; and when the time comes you will have to help me, and when the time comes when you can help me, if you do not help me I will denounce you as an ingrate, and you will be in the bottom of your heart an ingrate, because you have accepted something, understanding what it meant, and you refused to pay back in kind." This great alliance between big business and big politics means that.

Mr. President, the Senator draws a comparison between a man who should contribute $50, I believe he said, to a national campaign fund and another man who should contribute $100,000, and he says there is no difference. The difference is simply immense. One represents almost nothing except patriotism and love of party, the idea of furthering a political principle, and the idea of putting into position the masters of a particular school of political thought. The other represents a check, cash essentially, in a word money, in the long run graft, graft expected or graft actual, I do not care which. The Senator was exactly right in his treatment of the school superintendent in Idaho, because when that school superintendent said that the private life of Grover Cleveland was unclean he showed that he was lying, and a man capable of lying is not fit to teach children.

Mr. HEYBURN. Mr. President——

Mr. WILLIAMS. But an attack upon a man and an attack upon government are different.

Mr. HEYBURN. Does not the Senator think that it was sufficient reason for the action that he told it, whether true or not? Is it necessary that it should have been untrue? Would not the violation of proper morals and ethics have been as great whether it were true or not true?

Mr. WILLIAMS. I am not prepared to go that far. If a citizen of the United States, one of the 90,000,000 of joint sovereigns of this great country, is of the opinion that his servant is unclean, publicly or privately, he has a right to say so.

Mr. HEYBURN. Mr. President, that is so——

Mr. WILLIAMS. One moment. He has a right to say so under this condition only: That he ought to be careful to see to it that he had a reasonable ground, a reasonable degree of certainty to act upon.

Mr. HEYBURN. Should he have entered into an investigation of the President of the United States for the purpose?

Mr. WILLIAMS. How could he? That reminds me of the other position taken by the Senator.

Mr. HEYBURN. That illustrates the unsoundness of that.

Mr. WILLIAMS. How could he?

Mr. HEYBURN. In passing let me ask the Senator does he think it right and proper to dwell upon the use of that term "a servant of the people"? He is a representative of the people. I do not like the use of the term "servant" as applied to the President of the United States. He is a chosen representative; he is not a hired man.

Mr. WILLIAMS. I shall not enter into that. Of course, the phrase "A hired man" carries a sort of a menial aspect. A President is not a menial.

Mr. HEYBURN. Any more than a servant?

Mr. WILLIAMS. But at the same time the President is hired and paid by the people to do certain things; he is appointed for the purpose of doing them. He is a salaried man, if not a hired man.

Mr. HEYBURN. He is a representative.

Mr. WILLIAMS. The Senator can not make me say that the President of the United States, or a Senator, ought to be the people's slave. He ought not, but he ought to be in that sense in which Christ used the term, "the people's servant": "Whosoever will be chief among you, let him be your servant."

So the President of the United States is a public servant, although not a public slave. He is a salaried man and he owes certain duties, not to himself and his own conscience only, but to the people and to the people's conscience and the people's will. I do not mean by that that a President or a Senator or Representative ought ever to cast a vote or do a thing contrary to what he thinks right merely because there is a popular majority the other way, but I do mean that when he has in the slightest degree a doubt about it he ought rather to be ruled by the opinion of others than by his own stubbornness.

Mr. President, the Senator spoke of the "duty of financial leaders" to contribute to campaign funds.

Mr. HEYBURN. I would assess them.

Mr. WILLIAMS. The duty to contribute within certain limits to the funds of a political party that a man might think right, I can readily understand. That there should be any duty upon his part, however, I certainly do not comprehend; and when he contributes vast amounts of money, it is evident that he is contributing with the view to vast benefit some time or other, unless he happens to be a very rich and philanthropic altruist, who might contribute an equal amount of money to a public library or to a public charity, and he might regard the Republican Party as an object of philanthropy; but there have not been many of those. As a rule, they have given their money to some other cause; and, if the Senator would pardon me for saying so, they have easily found it possible to give their money to better causes.

I agree with the Senator from Idaho that men in discussing political questions ought to be guided as little as possible by personal animosity or hatred or revenge or dislike, and that they ought to be guided as much as possible by their attitude toward public measures, toward what one party or the other chooses to do. I frankly confess, I would vote for a bad Democrat rather than a good Republican, because I could get rid of the bad Democrat at the next party primary, but I could not get rid of the Republican, even though he were a good Republican, and the better Republican he was, as a Republican, the worse he would be from my standpoint. I could not get rid of him in another party primary.

But, all the same, it will not do to take the position that the average American citizen has nothing to say and nothing to do about a man's wrongful public or private conduct merely because he is a public officer. It is blind, abject, monarchical, and imperial superstition to think that I owe a single duty to the Senator from Idaho or to the Senator from Wisconsin that I would not owe to either one of them if he were in private life, or that I owe a single reverence, observance, or duty to William H. Taft that I would not owe to him if he were in private life, or that I owe a single observance, reverence, or duty to the Chief Justice of the United States Supreme Court, even with his gown on, that I would not owe to him in private life, except that a man, in respect to popular institutions, ought to be more cautious about believing wrong things about public servants, who have at least received the fiat of the approval of the people, than he ought about men who have not received that fiat. Men who, therefore, have not come to him introduced by such a magnificent sponsor as the American people. All history proves that the people of this country elect men to office and rulers frequently appoint men to office who are thoroughly unworthy; and, if so, the people ought to know it; and the very utmost extent of a congressional inquiry ought to be brought to bear as an instrumentality to do what? To persecute anybody? No. To revenge one's feelings upon anybody? To "get even" with anybody? No; but to find out what the very truth and the very right of the case is.

Mr. BAILEY. Mr. President, I only desire to detain the Senate a moment, because I am not willing to vote against this resolution without incorporating a statement of my reasons for that vote in the CONGRESSIONAL RECORD.

I will not vote for this resolution or for any resolution which authorizes an investigation into the methods by which Presidents are nominated or into the methods by which Presidents are elected, because the Congress of the United States has no more power to regulate the election of a President than it has to regulate the election of a State legislature. The Constitution of the United States provides that the President shall be chosen by electors, and it specifically provides that the electors of each State shall be chosen in such manner as the legislature of that State may direct. In other words, every State in this Union has a perfect right and has the ample constitutional power to choose its electors exactly as it sees fit. For many years the State of South Carolina elected her electors by the legislature. Within the memory of all Senators here the State of Michigan elected her electors by congressional districts.

If it be true—and I suppose nobody will dispute it—that the electors are to be chosen as the legislatures of the States may prescribe, then where does the Congress derive its power to regulate their election or to take any part in the election of those electors?

I think no Senator on this side, at least, would be willing to say that the Congress of the United States could pass a law regulating the election of members of any State legislature; and yet I assert that Congress has a better right and a clearer power to pass a law of that kind than it has to pass a law of this kind. I say that because the Constitution expressly declares that the Congress shall have the power to regulate the times, places, and manner of electing Representatives and Senators, except that it has no power to specify the place at which a Senator shall be chosen. That, of course, was intended to leave the State to choose a Senator at the capital, where its legislature naturally would assemble; but, subject to that, the power of Congress to regulate the time and manner of electing Senators is unrestricted.

I have never myself been in favor of exercising that power; and from my boyhood I have been prompt to declare against Federal election laws. I do not believe it any more permissible for Congress to assume control of our elections when it is a question of money than when it was a question of negro suffrage. I was opposed to such a course in that case and I am opposed to it in this case, because, if the States of the Union can not be trusted to protect their elective franchise, no power residing in Congress will ultimately save this Republic.

But whether I am right or wrong about that, and whether Congress ought to exercise the power to regulate the times, places, and manner of electing Representatives and Senators in Congress, I repeat that no Senator, so far as I know, has ever asserted on this floor—although I believe Senator Hoar did save the question once in a report which he made in the Indiana contested-election case—the power of Congress to regulate the election of Members of a State legislature, because Congress had power to regulate the manner of electing Senators.

How much stronger is the case against congressional interference with electors? I invite the Senate for a moment to compare the language of the two provisions. Without stopping to hunt for it through the volume which contains the Constitution—I think I have already substantially repeated it—after saying

that the times, places, and manner may be regulated by the State, the Constitution expressly provides that—

The Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

When we come to the election of a President, let us see what the Constitution says:

Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

The only limitation imposed by the Constitution on the power of the States, as thus expressed, is that no Senator or Representative or other person holding a Federal office shall be eligible to election as an elector; but, outside of that, the State elects or appoints whom it pleases, and in any manner it pleases. The State can elect its electors by ballot at a general election; it can elect them by the legislature; the State could raffle those positions off at a game of hazard, if it chose; it could provide that on a certain day all who chose to participate might assemble at the capital, and out of a box should draw lots, and that those who drew the slip of paper with "elector" on it should be deemed to be an elector of that State.

Indeed, Mr. President, I go further. I declare that, if a State were foolish and base enough to do it, it could auction the choice of its electors off to the highest bidders, and such a choice could not be nullified by Congress, unless the Congress should decide that by such a procedure a State had destroyed its republican form of government.

Mr. President, I ought to say in that connection that the Constitution does reserve to Congress the right to fix the day on which electors shall be chosen and to fix the day on which those electors shall cast their votes, which day, it is provided, shall be the same throughout the United States.

That provision, it is said, was inserted in the Constitution so as to prevent any prearrangement among the electors as to the person for whom they would cast their vote; but that was one of the very few cases in which the foresight of our fathers failed to accomplish its object. They did not foresee the time when political parties would make their nominations and when electors would be pledged in advance to vote for a particular candidate. But whatever the purpose of it was, Congress reserved over those electors only those two powers—one to fix the day when they were to be chosen, and the other to fix the day when they should cast their votes. Subject to that it left the whole power over the presidential election to the States; and, Mr. President, I intend, so far as my vote is concerned, to leave it with them.

My friends over here are eager to prevent the use of money in elections, but they are not more eager in that respect than I am. If I had my way, I would enact a law in every State of this Union forbidding any candidate for any office to spend one farthing for any purpose except for his travel and his hotel bills. Then the poor man would be at no disadvantage in the race against a rich man. My opinion is that under a system of that kind only men of the highest character and the greatest ability would be nominated, because with no purse long enough to send agents into every community, to instruct, in the case of a good man, and to mislead, in the case of a bad man, the average voter of the country would be compelled to judge men by his knowledge of their character and public services. As the matter now stands a campaign fund, if large enough, is better than a long and honorable public service. A campaign fund, if large enough, counts more than patriotism, character, and ability. I would free American politics from that curse forever.

I may be permitted to say, as I can not vote for a proposition of this kind, that I have lived up to my philosophy. I never in my life paid any man a penny to do anything for me in politics; I never paid any man to write a line in my behalf; I never paid any newspaper or other publication a penny to publish anything in my behalf. Recently the seat which I am soon to vacate became the subject of a contest between honorable gentlemen in my own State. One of the candidates spent fourteen or fifteen thousand dollars, and another, who rather boasted of his economy, spent over $4,000. Mr. President, this illustrates the hurtful change in our political conditions. I was elected to the House of Representatives five times, and with an opponent at every election; I was elected to the Senate twice; and my total expenditures in the seven elections were less than a third of the smaller expenditure of the two leading candidates for my seat. I boast no virtue over either of them; I claim no patriotism that I would not freely accord to them; but, sir, it is a change in the times, and perhaps that change in the times is bringing with it changes in men. If candidates themselves will not set their faces like flint against the pernicious practice of using money, the law ought to compel them to do so; and I hope to see the State in which I live, and which has so long honored me, take the lead in this as it has in so many other useful and admirable reforms.

The only thing that ever could tempt me to hold another office would be—and if others do not, I think I shall myself accept an election to the legislature of the State from the county in which I live—to go there and put a law upon our statute books forbidding the men who seek the honors of the people to pursue them with cash.

Not only, sir, would I prohibit the candidate himself expending anything except for his traveling expenses and his entertainment at hotels, but I would make it a crime for his friends to spend it for him, and we should again go back to those elder and those better days, when the people chose their public servants free from the debauchery of campaign funds. But that is a work for the States to do; the Congress can not do it.

I want to say to our friends on this side of the Chamber that when you habituate the Congress to passing one Federal election law after another, in session after session and Congress after Congress, then, sir, you will plead in vain when some Member of the opposition proposes a law to regulate elections with another object. Our majority is in sight now, but it will all depend upon the wisdom with which we use it. There is just one victory for the Democratic Party in the present divisions of the Republican Party, and only one. Whether we shall from that time on succeed ourselves will depend upon our own conduct and our own wisdom. If we choose the next President of the United States and he administers this Government with fidelity both to the people and to the principles of the Constitution, then, sir, we will enter upon a new career of power and glory like unto that upon which we entered with the first presidency of Thomas Jefferson.

From 1800 to 1860 the Democratic Party lost but three presidential elections and never lost two of them in succession. Then came that dreadful slavery question to divide and embitter us and to make the Democrats of the South and the Democrats of the North almost as hostile to each other as if they belonged to different parties, and sometimes as if they belonged to different countries. Out of our division grew the Republican Party and the Republican Party's opportunity; and from 1860 to 1912 we have defeated the Republican Party but three times, and they stole it from us one of those times—I withdraw that word; that is not a word that ought to be used in the Senate of the United States, and if it is a little softer I will say they defrauded us out of it in 1876; but, with that counted to our credit, we have defeated them but three times in these 52 years, and never twice in succession.

Gentlemen on the other side, you have run your course, and you are just as certain to wait outside for the next 50 years as we have waited outside for the last 50 years [laughter], if we are as wise as I devoutly pray we will be. I am not calculating upon your divisions continuing, nor am I calculating upon three parties of important numbers in this country. There is not room for one conservative party and two radical parties, nor is there room for two conservative parties and one radical party in this country. There will come a dissolution and a reorganization; and I think I see some evidences of it now. I notice that down in West Virginia—if it is permissible to talk politics in the Senate—the Republicans and the Progressives have coalesced on a State ticket. I designate them by different names because they claim them, and I really have found great satisfaction in seeing the ex-President appropriate the name "Progressive," because that will spare me having my Democratic friends tell me from time to time that they are "Progressives." It is impossible that the "Progressives" should be in earnest, if they fuse with the Republicans, like they are doing down in West Virginia. It is more a matter of offices with them than it is a matter of principle. If I believed about them what the Republicans say about them, I would not have any fellowship with them; and if I believed about the Republicans what the Progressives say about them, then I would not have any fellowship with the Republicans; and, believing the worst that each says about the other, of course I have no temptation to join either of those parties. [Laughter.]

But, Mr. President, all levity aside, the time may come when that old and most perplexing question of the South—the negro question—will project itself again into American politics. The nominee of the Progressive Party shows his willingness to do that, whenever he can profit by it. Down South, where the negro vote does not count, he not only makes the negro wait for the second table, but compels him to eat in the kitchen, while in the North, where the negro vote is potential in many States, he invites the negro, if the newspapers tell the truth, to the banquets which were provided for him in the State of Rhode Island.

Mr. President, one of the most remarkable spectacles ever witnessed in this country was at the Chicago convention, with Roosevelt at one end of the corridor preaching civic righteousness and his agents at the other end tempting the ignorant negroes of the South to obtain their votes. That can not continue. The American people will come to their senses, and we will again have a contest in this country not only over the principles of this Government but over its administration.

This much I will say, and this much I rejoice to say, that we will never again be compelled to fight over the old struggle to destroy the partnership between politics and industry. I remember a few years ago when the corporations did not concern themselves about the more extreme men in politics. They had no fear that the time would ever come when their rights would be jeopardized in the American Congress; their fear was that their special privileges might be abridged; and, under that belief, they did not hesitate to select as victims men who were ready to defend their rights with zeal and with such poor ability as they might command, but who were likewise as ready to defend with zeal and with ability the rights of the American people. As between the heedless demagogue and the thoughtful public servant they chose the demagogue, because they thought at most the demagogue could only disgust the thoughtful and intelligent people of the land and thus still further fortify their special privileges; but they have lived to learn better than that. In the last 10 years they have seen the very men whose presence in legislative assemblies they welcomed as a disgusting exhibition grow in numbers and in power, until they have taken a just alarm, and to-day they would flee for protection to the men whom a few years ago they denounced with savage fury.

They have created, sir, a sentiment in this country which, being once aroused, has now gone too far; but so surely as God lives and rules this universe, so surely as the American people are capable of self-government, they will come back to a normal condition of mind, and upon the old principle will fight over again the intellectual battle of freedom.

In that day those who may differ with me will acknowledge our intellectual and personal honesty, just as their fathers acknowledged the intellectual and personal honesty of my fathers. And on this side of the Chamber we will feel no inclination to impeach the patriotism or the integrity of our adversaries. It will be a contest over principles, sir, and out of that contest will come the political and intellectual regeneration of this Republic.

Mr STONE. Mr. President, the situation now confronting the Senate is a novel and interesting one. It is well to ask what that situation is and how it has arisen. It arises primarily out of a factional and embittered controversy between conflicting elements in the Republican Party. The whole country is aware that for many months a conflict over questions of great importance and involving radical differences has been waged between distinguished leaders and opposing elements in the Republican Party. We have for quite a long while, for two or three years at least, heard talk in this Chamber and in the House of Representatives—and throughout the country——

The PRESIDENT pro tempore. Will the Senator from Missouri permit an interruption from the Chair?

Mr. STONE. Certainly.

The PRESIDENT pro tempore. This morning, during the consideration of morning business, the Senator from New York [Mr. ROOT] submitted a report which gave rise to a somewhat lengthy discussion. The morning hour expired. By unanimous consent leave was granted to continue the morning business.

More than two hours have elapsed since that leave was granted, and the Chair feels constrained now to say that morning business has closed, and the resolution under consideration will go to the calendar. The Chair thanks the Senator from Missouri for permitting this interruption.

Mr. STONE. Under that ruling I am not at liberty to proceed.

Mr. MARTIN of Virginia. Mr. President——

Mr. POINDEXTER. I ask unanimous consent that a vote may be taken upon the resolution.

Mr. MARTIN of Virginia. It is well known that there are a number of nominations pending here which will have to be considered at once if they are to be considered at all before the dissolution of this session of Congress. I therefore move that the Senate proceed to the consideration of executive business.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. The Senator from Virginia moves that the Senate proceed to the consideration of executive business.

Mr. BORAH and Mr. POINDEXTER addressed the Chair.

The PRESIDENT pro tempore. That motion is not debatable.

Mr. POINDEXTER. I had the request for unanimous consent pending before the Senator made his motion. My request was for unanimous consent that a vote be taken upon this resolution without further debate.

Mr. McCUMBER. I object to the request for unanimous consent. That disposes of that.

The PRESIDENT pro tempore. Objection is made.

Mr. PENROSE. I ask to have printed in the RECORD certain newspaper clippings in relation to this matter. The first is from the New York World.

The PRESIDENT pro tempore. The article will be printed as requested.

The article is as follows:

WORLD SAID THREE YEARS AGO T. R. WOULD SPRING CORTELYOU LETTER—STANDARD OIL PEOPLE KNEW HE HAD WRITTEN IT TO MAKE POLITICAL CAPITAL IF HE SHOULD BE ACCUSED OF RECEIVING TRUST CONTRIBUTION AND DEMANDING MORE.

The World on September 25, 1908, told what happened in regard to the Standard Oil contributions to the Roosevelt campaign fund of 1904 and gave the facts contained in the charges made by Senator PENROSE in his sensational speech of Wednesday, in which he declared that Mr. Roosevelt and Mr. Cortelyou had approved a gift of $125,000 from the Standard Oil Co. and that Mr. Roosevelt had even demanded an extra $150,000, which, had it been granted, would have brought the contribution of the Rockefeller corporation up to $275,000.

In this article the World told how, early in the campaign of 1904, the Standard Oil Co., as well as other trusts, railroads, banks, and large corporations, received a request to contribute to the Roosevelt campaign fund. The first request made of the Standard Oil Co. was refused, Mr. H. H. Rogers being responsible for its refusal.

Later, when the second call for campaign funds was made, Mr. Cortelyou, chairman of the Republican national campaign committee, sent word to Mr. Rogers asking for an appointment at which the then existing conditions could be explained and the financial support of the Standard Oil Co. secured.

BLISS KEEPS CORTELYOU'S APPOINTMENT.

This appointment was made, and Mr. Cortelyou was informed that both Mr. Rogers and Mr. Archbold would be pleased to see him. Mr. Cortelyou, finding that Mr. Rogers was not to meet him alone, but that Mr. Archbold also would be present, concluded that it would be safer and more discreet not to go himself. The appointment was kept by Cornelius N. Bliss, treasurer of the national committee.

At this interview the Standard Oil men accused Mr. Roosevelt of ingratitude, and recalled many past favors from the Standard Oil Co. to Republican candidates and campaign funds. Mr. Bliss admitted that President Roosevelt might have acted harshly toward Standard Oil, but said that while Mr. Roosevelt's first term had been "constructive," his second term would be "conservative."

Relying upon these assurances, Mr. Rogers and Mr. Archbold made a contribution of $100,000. This contribution coming to the knowledge of Mr. Roosevelt, the then President wrote to Mr. Cortelyou a letter denouncing the Standard Oil Co. and directing the return of this contribution.

ROOSEVELT'S ANCHOR TO WINDWARD.

This letter is on Mr. Cortelyou's file, and a copy of it was kept by Mr. Roosevelt for the purpose of making it public if ever the facts of this Standard Oil contribution became known.

(This letter was published by President Roosevelt on Wednesday, exactly as the World said it would be, nearly three years ago.)

The Standard Oil contribution of $100,000 was not returned. Not one cent was paid back. The same was used, as far as Mr. Rogers and Mr. Archbold know, in like manner with other contributions.

Later in the campaign—the World story of September 25, 1908, told—when Mr. Roosevelt became scared about the result and about the time that he summoned Mr. Harriman to Washington and induced Mr. Harriman to raise $260,000 for the campaign fund, a further request was made upon the Standard Oil people.

At the time of the $100,000 contribution Mr. Bliss had expressed his dissatisfaction with its size, and said that the amount should have been several times as great. At the time of the third request the definite sum of $250,000 additional was asked for. (In his speech Senator PENROSE charged that the additional sum asked for was $150,000.)

MAKING POLITICAL CAPITAL.

But the Standard Oil people had learned of Mr. Roosevelt's letter to Mr. Cortelyou and of the direction to return the $100,000. They declined to give any more money and recalled the fact that the President's instructions to return the $100,000 had not been complied with, and that Mr. Roosevelt must have known all along that the $100,000 which he had repudiated had not only been accepted, but had been used.

In view of this fact they declined to accede to the request for a further $250,000 or any other sum, and denounced Mr. Roosevelt for seemingly trying on the one hand to secure contributions from the Standard Oil Co., and on the other hand to make political capital by denouncing the company.

Since this article was written Mr. Rogers has died and Mr. Bliss has died, and the attempt is now being made to place the stain of this transaction upon dead men.

EXACTLY WHAT MR. CORTELYOU SAID.

Mr. Cortelyou, who also denied all knowledge of the Harriman fund of $260,000, stated on oath before the Senate committee on July 11 that he knew nothing of and had never even heard of any contributions to Mr. Roosevelt's campaign fund of 1904 from Mr. Archbold, or from anyone else in any way connected with the Standard Oil Co. The following is an exact transcript of Mr. Cortelyou's testimony upon this point:

By Senator LEA. Did Mr. Rockefeller or Mr. Rogers contribute, representing the oil interests?

Mr. CORTELYOU. I do not remember anything of the kind.

By Senator LEA. Mr. Archbold?

Mr. CORTELYOU. No, sir. Never. I do not recall Mr. Archbold contributing a cent.

Later in the hearings on the same day, Senator CLAPP, the chairman of the committee, took a hand at questioning Mr. Cortelyou, and the queries and answers are thus reported:

By the CHAIRMAN. Did you know of John D. Archbold or anyone in his behalf making a contribution?

Mr. CORTELYOU. No, sir. I never heard of it—Mr. Archbold, or any one in his behalf, making a contribution.

Mr. PENROSE. Mr. President, I desire to submit, with the request that it be printed in the RECORD, parts of an article from the Public Ledger, of Philadelphia, Pa., of August 23, reciting facts in connection with the indictment of E. A. Van Valkenburg for bribery, one of the matters referred to by me in my privileged statement a day or two ago.

The PRESIDENT pro tempore. In the absence of objection, the matter will be printed in the RECORD.

The matter referred to is as follows:

VAN VALKENBURG EXPLANATION IS FLATLY DENIED—POTTSVILLE PROSECUTOR SAYS EDITOR'S FRIENDS PLEADED FOR SETTLEMENT OF BRIBERY SUIT—PAID $8,000 IN COSTS—DECLARES IF CASE IS REOPENED HE CAN STILL CONVICT PUBLISHER ON CHARGE.

[From a staff correspondent.]

POTTSVILLE, PA., *August 22, 1912.*

W. J. Whitehouse, chief of counsel for the Commonwealth in the case of Commonwealth *v.* E. A. Van Valkenburg, in which the Schuylkill County grand jury found a true bill in 1897, charging the Roosevelt leader with conspiracy and attempt to bribe a legislator, to-day branded as false the declaration of Van Valkenburg that the case was settled by the prosecution.

"Mr. Van Valkenburg's friends and his counsel pleaded on their knees for a settlement," declared Mr. Whitehouse, in replying to the statement of Van Valkenburg. "If Van Valkenburg will ask to have the nolle-pros removed and will grant six months' time for us to get our witnesses together and prepare the case, we can still convict him of attempt at bribery," he added.

This was the reply Mr. Whitehouse made to the Roosevelt leader. He has been suffering from a long illness, and was unable to go to his office to refer to his papers bearing upon the case. Yet this lawyer, who was familiar with every development of the case which startled the State 15 years ago, grew aggressively militant as he characterized as absolutely false the declaration that the prosecution had offered settlement. He produced a letter he had written at the time, reciting the details of the settlement, which showed that counsel for Van Valkenburg had paid $8,000 to end the case. He further threatened Mr. Van Valkenburg that he would go into every detail of his record in 1896 if he persisted in declaring that the Commonwealth had made the move to drop the case.

SAYS HE COULD STILL CONVICT.

Mr. Whitehouse was seen at his home, and before he produced the settlement letter he said:

"If the settlement made by the defense did not suit Mr. Van Valkenburg, why in 15 years has he not asked that the nolle-pros be stricken off the record and insist on a verdict in his favor of not guilty?

"I believe that there are enough witnesses still living to convict him. They are scattered over the country, and it would take time to get them. But if I could get them and Mr. Van Valkenburg would consent to a new trial, I would give him a hard shake for his white alley.

"I still think he is guilty, and if it is possible to get the witnesses we could convict him. Why, if the chief witness for the Commonwealth is dead and convicted of perjury as Mr. Van Valkenburg says, does he not ask for an opening of the case and a verdict of not guilty?

"If they insist on saying that the proposition for a settlement came from our side, I shall write a history of the case, give details, and relate circumstances never publicly known. I repeat, and counsel for Van Valkenburg dare not deny, that friends and counsel for Van Valkenburg pleaded for a settlement. No such proposition was ever made by us at any time.

"If Van Valkenburg was not guilty, why did he permit his counsel and friends to allow a nolle-pros to be entered and consent to the heavy cost payment? If he was not guilty, why does he not have the record changed since he says our material witness is dead? An innocent man never allows the costs to be paid and an honest man would insist upon the record being changed to not guilty even after these 15 years.

CHALLENGES VAN VALKENBURG.

"It is true that Gibson, one of our witnesses, got into the clutches of the law, such as did Rosenthal and his crowd in New York. He was not our material witness. If Van Valkenburg thought so, why did he allow a settlement?

"I defy Mr. Van Valkenburg to ask that the record be changed and a new trial started. If he does and gives us time to get our witnesses, I am confident that we can convict him of the true bill returned by the grand jury in this county in 1897."

Mr. Whitehouse then produced a letter he wrote on November 26, 1897, reciting the terms and manner of the settlement. This letter was sent to a citizen, who complained that the settlement was subversive of justice, and is as follows:

"MY DEAR SIR: In reply to yours of the 24th instant, I would say that while it is true the case of the Commonwealth *v.* Van Valkenburg has been settled, it is not true that I or anyone whom I represented contributed one dollar toward a settlement.

"On the night of the 15th of November, the case having been fixed for trial on the following day, I was paid the sum of $8,000 for the purpose of defraying all costs, comprising those of lawyers, detectives, and others employed on behalf of the Commonwealth. On the following day the sum of $1,600 additional was paid in the court of quarter sessions as costs, witness fees, and court charges. I was paid the $8,000 in the office of John F. Whalen, Esq., of Pottsville, of counsel for the defendant, who had sent for me. When I reached the office the only one present excepting myself was Maj. George W. Merrick, of Tioga County, to whom I was introduced by Mr. Whalen. There was some preliminary conversation, and then I was informed they were prepared to pay all costs on our agreeing to drop the prosecution. There was some talk about the kind of a receipt I should give. When this point was decided, Mr. Whalen and Mr. Merrick retired to an inner room. Presently Mr. Whalen came out with $8,000 in two large envelopes, the money being in crisp bank notes and all in $100 bills, if I remember right.

"Maj. Merrick had not previously appeared as counsel in the case, and I know of no connection he had therewith, except perhaps to bring the money to Pottsville and hand it over to us on behalf of those interested in having the case settled.

"If you have any information to the effect that the Commonwealth relented in the matter of the settlement of the case to the extent of $1, I will esteem it a favor if you will give me the name or names of your informant or informants, and I will guarantee he or they shall make a retraction full enough and complete enough to satisfy every doubt, if any exists, on the question. We had the evidence sufficiently strong to have secured the conviction of the defendant of the crime of bribery. We realized at the same time, however, that there were others behind him just as guilty as he was; and on this consideration, coupled with the further fact that he had suffered more than his share through the exposure following his arrest and indictment, we felt that the cause of justice would not suffer by letting off a small fish while other and bigger fish were beyond our reach. Such are the true facts regarding the settlement of this case. Where the money came from I leave to your own inference.

"Yours, truly, W. J. WHITEHOUSE."

John F. Whalen, mentioned in the letter as having paid the $8,000 in settlement, was seen at his home on Market Street and asked to confirm the statement of his client, Mr. Van Valkenburg.

"Did the Commonwealth offer to drop the case, as Mr. Van Valkenburg says?" was asked.

"I have nothing to say about the matter," was his reply.

"But you will not deny the statements made by Mr. Whitehouse as to the terms and manner of settlement he says were made by you as representing Mr. Van Valkenburg?"

"I must repeat that I will not discuss the case."

QUAY STOPPED PROSECUTION.

The story told here is to the effect that on the eve of the time scheduled for the trial, November 15, 1897, there was a long conference of the lawyers representing both sides. As a result of that conference and a telegram which Herman Barring, a detective employed by Quay, received, the case did not come to trial next day, and an agreement to nol-pros was made.

This telegram, according to counsel in the case, which came from Quay at St. Lucie, read:

"Let up."

Counsel in the case told the Public Ledger that fully $16,000 was required to pay all the costs in the case, including those of the defense. The money, counsel also said, was brought to Pottsville by the late John R. Williams, secretary for the late Congressman Connell, of Scranton.

SENATOR PENROSE'S CHARGES.

The rehearsing of the trial and some of the incidents connected therewith was brought about by the speech of Senator PENROSE in the Senate, relating to the Standard Oil check. Senator PENROSE said:

"Mr. E. A. Van Valkenburg, editor of the North American, in Philadelphia, was arrested and indicted for bribery in my first senatorial contest in 1896, and only escaped conviction through the leniency of Senator Quay and upon the payment of about $10,000 for costs for lawyers, detectives, and for other expenses of prosecution, which amount was paid by his attorney the day before the trial was set to take place."

The charge in question refers to an indictment found against Van Valkenburg by the court of quarter sessions of Schuylkill County, entered in the records as "No. 278, January sessions, 1897," when a bill of particulars was filed.

The preliminary trial of Van Valkenburg for this charge was held before Justice J. J. Kuebler at his office in Pottsville December 31, 1896. The prosecution was conducted by the district attorney of Schuylkill County, Edward W. Bechtel, and W. J. Whitehouse, both of Pottsville, and ex-Attorney General Henry W. Palmer and John T. Lenahan. The defense was conducted by District Attorney R. H. Koch, John F. Whalen, and Charles A. Snyder and H. C. Bergner, of Harrisburg.

Van Valkenburg was accused of attempting to bribe Webster C. Weiss, of Northampton County, and he was held by the squire in $1,500 bail for the action of the grand jury. He was indicted by the grand jury January 9, 1897. The case was called for trial in Pottsville September 14, 1897. His attorneys obtained at that time an order for a bill of particulars, which was filed, and that same day the counsel for the defense presented an affidavit to the court setting forth that F. A. Van Valkenburg, a brother of the defendant, was seriously ill in Pottsville and unable to appear to testify. On this plea the case was continued for two months until November, 1897.

W. J. Whitehouse, who was one of the attorneys for the prosecution, states that on the night of November 15, the day before the trial, he was paid the sum of $8,000 for the purpose of defraying all the costs of lawyers, detectives, and others employed on behalf of the Commonwealth, and on the following day the sum of nearly $1,600 additional was paid in the court of quarter sessions to defray witness fees and court charges. The counsel for the defense, J. F. Whalen, of Pottsville, made the payment of $8,000 to Mr. Whitehouse in the presence of George W. Merrick, of Tioga County, and thereupon Mr. Whitehouse states he authorized the proceedings against Van Valkenburg to be dropped.

EXECUTIVE SESSION.

Mr. MARTIN of Virginia. I renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to, and (at 3 o'clock and 40 minutes p. m.) the Senate proceeded to the consideration of executive business.

After 10 minutes spent in executive session, the doors were reopened.

RECESS.

Mr. SMOOT (at 3 o'clock and 50 minutes p. m.). I move that the Senate take a recess until 6 o'clock p. m.

The motion was agreed to, and at the expiration of the recess (6 o'clock p. m.) the Senate reassembled.

Mr. SMOOT. Obviously there are very few Senators present. A good many of them have gone to dinner, and may not be back for some time. Therefore I move that the Senate take a further recess until 8.30 p. m.

The motion was agreed to, and (at 6 o'clock and 1 minute p. m.) the Senate took a recess until 8.30 p. m.

EVENING SESSION.

The Senate reassembled at 8.30 p. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan;

S. 7409. An act to continue a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries;

S. 7410. A act to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky;

S. 7411. An act to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia; and

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet.

The message also announced that the House had passed the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following enrolled bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 3769. An act for the relief of Theodore N. Gates;

H. R. 3957. An act for the relief of Isaac Thompson;

H. R. 16997. An act for the relief of William Bell;

H. R. 19191. An act for the relief of Christian Hedges;

H. R. 22437. An act for the relief of the heirs of Anna M. Toreson, deceased;

H. R. 25515. An act for the relief of Joshua H. Hutchinson;

H. R. 26078. An act for the relief of Charles S. Kincaid;

H. J. Res. 226. Joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers; and

H. J. Res. 362. Joint resolution amending the Army appropriation bill.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 7377. An act granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes;

S. 7378. An act for the relief of James E. C. Covel;

H. R. 23604. An act for the relief of Frank D. Courtade; and

H. R. 26114. An act to authorize the Government of Porto Rico to construct a bridge across the Cano De Martin Pena, an estuary of the harbor of San Juan, P. R.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles and referred to the Committee on Military Affairs:

H. R. 3769. An act for the relief of Theodore N. Gates;

H. R. 3957. An act for the relief of Isaac Thompson;

H. R. 16997. An act for the relief of William Bell;

H. R. 19191. An act for the relief of Christian Hedges;

H. R. 26078. An act for the relief of Charles S. Kincaid; and

H. J. Res. 226. Joint resolution for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The following bills were severally read twice by their titles and referred to the Committee on Public Lands:

H. R. 22437. An act for the relief of the heirs of Anna M. Toreson, deceased; and

H. R. 25515. An act for the relief of Joshua H. Hutchinson.

AMENDMENT OF ARMY APPROPRIATION BILL.

The joint resolution (H. J. Res. 362) amending the Army appropriation bill was read the first time by its title.

Mr. BRIGGS. I ask for the present consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read for the information of the Senate.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That in the "act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," there be substituted for the word "hereafter," where it first occurs in the first proviso under the heading "Pay of Officers of the Line," the words "on and after December 15, 1912."

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, having met, after full and free conference, have been unable to agree.

F. E. WARREN,
JONATHAN BOURNE, Jr,
CHARLES A. CULBERSON,
Managers on the part of the Senate.
JOHN J. FITZGERALD,
THOMAS U. SISSON,
JOSEPH G. CANNON,
Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the report.

The report was agreed to.

Mr. WARREN. Mr. President, the committee of conference have been in session since 10 o'clock this morning continuously until a short time ago when they adjourned for refreshments. There seems to be some considerable difficulty in arriving at a complete agreement. I suppose the only course left open now is for me to move that the Senate shall further insist upon its amendments, that it request a conference on the part of the Senate with the House, and that the Presiding Officer shall name the conferees on the part of the Senate.

The PRESIDENT pro tempore. The Senator from Wyoming moves that the Senate further insist on its amendments, ask a conference with the House of Representatives on the disagreeing votes of the two Houses, and that the Chair appoint the conferees on the part of the Senate.

Mr. McCUMBER. Before that is finally disposed of, can not the Senator from Wyoming give to the Senate a general statement of what matters are still in dispute?

Mr. WARREN. Well, there are quite a number of them. I think the most formidable ones are the State claims of the four States; the legislation proposed for certain waterworks in Hawaii; the extra month's pay for employees of the Senate and House; the reimbursement of the subscribers to the Ellen Stone ransom; the Charlotte (N. C.) public building; the claim of Thomas W. and Alice N. Keller; the reenforcement against floods at Valdez, Alaska; the amendment regarding the Supervising Architect's Office which was proposed on the floor by the Senator from Nevada [Mr. NEWLANDS]; the Ute Indian judgment, of some $3,000,000; and one or two minor matters.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Wyoming.

The motion was agreed to, and the President pro tempore appointed Mr. WARREN, Mr. BOURNE, and Mr. CULBERSON conferees on the part of the Senate at the further conference.

MEMORANDA RELATIVE TO BATTLESHIPS.

Mr. BAILEY. Mr. President, on behalf of the Senator from South Carolina [Mr. TILLMAN] I ask that memoranda prepared by him be printed in the CONGRESSIONAL RECORD. It relates to the battleship which we have authorized, and he thinks it may be of some use to those interested in that subject. I am not asking to have it read, but simply that it be printed in the RECORD.

There being no objection, the matter was ordered to be printed in the RECORD, as follows:

Memoranda.

1. England, Germany, and Japan possess fast battleships of at least 28-knot speed mounting as heavy guns as any battleships and protected by armor of from 7 to 9 inches in thickness, which is impenetrable at the battle ranges imposed by the latest torpedo; therefore these ships are equal for battle purposes to any slower battleship.

2. Slow battleships of the *Dreadnought* type are defenseless against torpedo attack at night or in a fog. (Admiral Bacon, p. 905 House Hearings; Lord Charles Beresford, p. 907; Admiral Twining, p. 907.)

3. Torpedo boats and destroyers are defenseless against fast battleships, which, having the same speed and greater radius of action, can overhaul and destroy them with their long-range batteries.

4. A slow battleship fleet, although possessing a large fleet of torpedo craft and auxiliaries, would be deprived of them as a preliminary step by an enemy possessing fast battleships, and therefore by (2) would be defenseless.

5. Slow battleships can not refuse battle, and therefore must be maneuvered in large fleets in order to be able to meet any force that may be concentrated against them.

6. A fleet of such ships dominates but little more sea area than a single fast battleship unit and is no menace to the movement of fast colliers or supply and troop ships, and therefore presents no opposition to invasion by sea, which is the prime function of a navy.

7. Our Navy possesses no fast battleships, therefore: (a) Our torpedo craft, supply ships, and colliers could be destroyed with immunity on the open sea by the fast battleships of either England, Germany, or Japan. (b) Our battleship fleets, being deprived of their necessary protectors, could be destroyed at night or in a fog by the torpedo boats of those countries. (c) If our fleets were sent out in the most defensible formation of "double line ahead," with our auxiliaries between the lines, the formation could be destroyed by fast battleships passing ahead of the lines and dropping mines or firing torpedoes into the path of our fleet, as shown by prize essay by Capt. J. A. Cuffe, page 909 House Hearings.

Therefore our Navy is defenseless and useless until it is provided with a sufficient number of fast battleships.

NATIONAL SOLDIERS' HOME.

The joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers for the National Home for Disabled Volunteer Soldiers was read twice by its title.

Mr. CURTIS. I ask unanimous consent for the immediate consideration of the joint resolution.

Mr. BRIGGS. I object.

The PRESIDENT pro tempore. The Senator from New Jersey objects. The joint resolution will be referred to the Committee on Military Affairs.

ALASKA NORTHERN RAILWAY.

The PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes, which was to strike out all after the enacting clause and insert:

That the time for filing the map and maps of definite location of the Alaska Northern Railway, formerly known as the Alaska Central Railway, of its branches, station grounds, and terminal grounds, and junction and division terminals provided and required by the act entitled "An act for extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, both within and without reservations and withdrawals, be, and the same hereby is, extended until three years after the pasage of this act, and the time for completing the railway is hereby extended until two years after the filing of said maps; and leave is hereby granted to the Alaska Northern Railway Co., its successors and assigns, to file said map and maps of definite location within the time and the times therefor as above provided: *Provided*, That nothing in this act shall be construed or held to have the effect of renewing or reviving any grant of title to real estate under the act of June 30, 1906, or any subsequent act which may have already lapsed or become forfeited: *Provided further*, That in case the United States shall at any time desire to acquire, by purchase or condemnation proceedings, said railroad, the extension herein made and the right of way secured thereby shall not be deemed or held to constitute any asset or value owned by said Alaska Northern Railway Co., its assigns or successors, above actual cost of the survey and locations thereof, as to any part of said right of way upon or over which said railroad shall not be actually constructed at the time of such purchase or condemnation.

Mr. CHAMBERLAIN. I move that the Senate concur in the House amendment.

The motion was agreed to.

THE CALENDAR—CAMPAIGN CONTRIBUTIONS.

Mr. SMOOT. I ask unanimous consent that the Senate consider unobjected bills on the calendar under Rule VIII, beginning first with House bills and then Senate bills, not to interfere, however, with conference reports.

Mr. LA FOLLETTE. Mr. President, I ask the Senator from Utah to withhold that request for a few moments.

Mr. SMOOT. I will withhold the request, Mr. President.

Mr. LA FOLLETTE. Mr. President, I rise to a question in the nature of a question of personal privilege. A resolution has been introduced into the Senate—I refer to Senate resolution 286, introduced by the Senator from Pennsylvania [Mr. PENROSE]—to which amendments were offered when it was pending before the Senate by the Senator from Washington [Mr. POINDEXTER]. I believe some of the amendments were adopted. I have been unable to get the copy of the amendments offered by the Senator from Washington, as they are not, I think, at the present time at the Secretary's desk, but I believe that the resolution was so amended as to include an investigation of the expenses of those who in the campaign of 1912 were candidates for the Presidency before either of the national conventions. That resolution, Mr. President, with either the amendments to which I have just referred adopted or with them pending, has gone to the calendar.

Mr. President, my name was presented to the Republican national convention at Chicago, and I received the votes of some of the delegates in that convention. I do not want that resolution to die upon the calendar for this session; and I feel such a personal interest in it and such a personal relation to it that I trust no Member of the Senate will object to unanimous consent for the passage of the resolution, so that the committee can go on with the investigation. I believe the public has a right to know all about the campaign expenses of

candidates for office, and I do not, for one, wish to be put in the position, as a Member of this Senate, of sitting here without protest while a resolution for an investigation of campaign expenditures relating to a campaign in which I was a candidate goes to the calendar and to a position from which it can not be possibly rescued during this session, and, very likely, not during the next session, excepting by unanimous consent. I believe that that investigation should be made, and should be made now; and I ask unanimous consent for the present consideration of the resolution and pending amendments.

The PRESIDENT pro tempore. The Senator from Wisconsin asks unanimous consent for the present consideration of the following resolution.

The SECRETARY. Senate resolution 386——

Mr. HEYBURN. Let the resolution be read, Mr. President.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania, Mr. PENROSE, in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under S. Res. 79, agreed to on April 29, 1912.

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania, Mr. PENROSE, on the floor of the Senate August 21, 1912, including all correspondence and financial transactions between John D. Archbold and Members of Congress and the United States Senate from 1900 to the date of the investigation; and further, said committee is authorized and directed to investigate into and ascertain the amount of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year 1912, or by any committee or person acting for or on behalf of such candidate, or in the interest of such candidate or party; and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate and during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ an attorney, stenographers, and such other clerical force as may be deemed necessary; to subpœna witnesses; send for persons, books, records, and papers; and to administer oaths.

The PRESIDENT pro tempore. Is there objection to the request for unanimous consent made by the Senator from Wisconsin?

Mr. HEYBURN. Mr. President, I object.

The PRESIDENT pro tempore. The Senator from Idaho objects.

Mr. HEYBURN. Mr. President, I desire to say that my objection is to the resolution as an entirety. I would not object to an opportunity being given to the Senator from Wisconsin so far as his participation in the campaign was concerned; but the resolution, unfortunately for the Senator from Wisconsin, is so broad and comprehensive in its scope as to open up a subject that, in my judgment, would be sensational and would develop into a dragnet for the purpose of bringing into the investigation and the report of the committee a mass of extraneous matter that could under no circumstances be proper for the consideration of the people of the country at a time such as we are now confronted with. I therefore object.

Mr. LA FOLLETTE. Mr. President, I would ask the Senator from Idaho if he does not know that the Committee on Privileges and Elections is now engaged in investigating the campaign expenditures of the presidential and the congressional campaigns of 1904 and 1908? This body has already sanctioned and approved such an investigation with regard to the campaigns of 1904 and 1908, and the pending resolution simply extends that investigation to the campaign of 1912. I do not see why that is more objectionable than the investigation regarding the campaign expenditures of 1904 and 1908.

I do remember that some amendments to this resolution have been offered and are now pending to investigate campaign expenditures back to 1890; but the Senate has not yet adopted those amendments; the whole matter is in the control of the Senate; and the Senate can limit this proposed investigation in the same way as the investigation which it has already authorized has been limited. I hope that the Senator from Idaho will withdraw his objection and let the resolution come up for consideration. The Senate can then fix the scope of it in such way as to free it from the objections which the Senator has made to it. I make it a personal matter with the Senator from Idaho in so far as I am permitted to, and ask him to withdraw his objection.

Mr. HEYBURN. Mr. President, earlier in the day I expressed myself at some length in regard to this proceeding. In my judgment it is inappropriate at this time, or at any time, to enter upon what to me seems to be a sensational investigation covering campaigns that have long since closed and the transactions of men, some of whom are dead, and I can not see that any good purpose would be served by it.

The Senator from Wisconsin is interested principally in the existing campaign, and it is not reasonable to appeal to me on personal grounds in favor of a resolution that not only comprehends the existing campaign in which he is interested but which undertakes to bring under investigation transactions concerning the campaigns of 1904 and 1908. I am not unmindful of the fact that a committee of the Senate is now engaged in the investigation of certain charges specified and limited by the language of the resolution under which that committee is acting. I would deplore the extension of the scope of that investigation so that it might operate as a dragnet in which to draw not only before the attention of the Senate but before the attention of the country allegations of misconduct and alleged violations of law by men who are before the American people for their indorsement for the high office of President. It is better that the country should be given a rest from this agitation. The attention of the people had better be directed to a consideration of the men who have been nominated, from a personal standpoint, as to their fitness for the office to which they aspire, and more especially to the political issues involved.

I want to see the campaign carried on upon principles and a consideration of principles rather than upon a consideration and determination of the propriety of the action of men in a contest that is closed. The contest for the nomination is closed. It had better remain closed until some future time—if it is to be opened at all—when the public mind will be settled and free from the rancor and prejudice and the extreme feeling that characterized that contest. I must insist upon my objection.

The PRESIDENT pro tempore. The Senator from Idaho insists on his objection.

Mr. LA FOLLETTE. If I may be permitted to say just this word, I suppose I can say nothing to the Senator from Idaho that will move him from his purpose; but I will say to him that the denial of an investigation here will not quiet, allay, or abate the public interest in this subject. The very fact that the Senate does not pass this resolution will stimulate the imagination of all men with respect to what the Senate is trying to withhold from them by preventing this investigation.

But, Mr. President, for my own part if I can do nothing else, if I can not prevail upon the Senator from Idaho, and if this matter must be blocked here at this point by the refusal to give unanimous consent for the consideration of this resolution, it occurs to me that a motion to take up the resolution is in order.

The PRESIDENT pro tempore. A motion to proceed to the consideration of the resolution is in order.

Mr. LA FOLLETTE. Then I move that the Senate proceed to the consideration of Senate resolution No. 386.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. The motion is not debatable.

Mr. SMOOT. I wish to say to the Senator from Wisconsin that I was recognized, and I yielded to the Senator for a question of personal privilege. I did not yield to bring up any question before the Senate other than the matter of personal privilege.

Mr. LA FOLLETTE. The Senator was recognized for unanimous consent. I object to his request for unanimous consent to take up the calendar. And I will ask the Chair to put the question on my motion.

Mr. SMOOT. Then, notwithstanding the objection offered by the Senator from Wisconsin, I move that the Senate proceed to the consideration of the calendar under Rule VIII.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate proceed to the consideration of unobjected cases on the calendar under Rule VIII, and upon that motion the Senator from Wisconsin demands the yeas and nays. Is there a second?

The yeas and nays were ordered.

Mr. ASHURST. I ask that the motion be stated again.

The PRESIDENT pro tempore. The motion is that the Senate proceed to the consideration of unobjected cases on the calendar under Rule VIII, House bills to be first considered.

Mr. WILLIAMS. A parliamentary inquiry, Mr. President. I may have misunderstood, but I understood the Chair a moment ago to rule that the motion of the Senator from Wisconsin was in order, that the Senator had a right to raise the question of consideration upon his motion instead of being compelled to wait to raise it upon the motion of the Senator from Utah.

The PRESIDENT pro tempore. That opinion of the Chair was rendered upon the supposition that the Senator from Wis-

consin was entitled to the floor, but it developed that the Senator from Utah yielded to the Senator from Wisconsin for a personal explanation, and the Senator from Utah did not lose the floor.

Mr. WILLIAMS. May I be pardoned for one more parliamentary inquiry? Did the Senator from Utah yield for a question of personal privilege, or did he yield that unanimous consent might be asked?

The PRESIDENT pro tempore. The Senator from Utah asked unanimous consent, and the Senator from Wisconsin asked him to withhold that request that he might present a question in the nature of a personal privilege.

Mr. WILLIAMS. Then I should like to make this point and let the Chair pass upon it, that although the motion made by the Senator from Wisconsin was not a point of personal privilege, it is a point of the very highest privilege, going to the integrity of the body of which we are Members, and for that reason it was in order.

The PRESIDENT pro tempore. The Chair would feel constrained——

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. If the Senator from Minnesota will permit the Chair, the Chair would feel constrained to overrule that point of order.

Mr. NELSON. I want to speak about the point of order a minute.

The PRESIDENT pro tempore. The point of order is disposed of.

Mr. NELSON. This is what I rose to submit: It may be the practice in the House, but it is not in the Senate. A Senator can not by yielding the floor to another Senator prescribe for what purpose and limit it. If a Senator surrenders the floor to another Senator, it is unconditional. I know no rule under which a Senator yielding the floor to another Senator can limit it.

Mr. SMOOT. I did not yield the floor. I yielded for a question, and that question was in the shape of a personal privilege.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Utah.

Mr. LA FOLLETTE. Mr. President, I just want to correct the statement of the Senator from Utah. I asked him to yield to me, and after he yielded to me I stated that I rose to state a question in the nature of a question of personal privilege. That is the fact about it, as the RECORD will show.

The PRESIDENT pro tempore. The yeas and nays have been ordered on the motion of the Senator from Utah. The question is on agreeing to the motion of the Senator from Utah, which is that the Senate proceed to the consideration of unobjected bills on the calendar under Rule VIII, House bills to be first considered.

Mr. SMOOT. Not to interfere with conference reports.

The PRESIDENT pro tempore. Not to interfere with conference reports. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. As he is absent, I withhold my vote.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the Senator from Alabama [Mr. JOHNSTON] and vote. I vote "nay."

Mr. LA FOLLETTE (when Mr. CRAWFORD's name was called). The junior Senator from South Dakota [Mr. CRAWFORD] is unavoidably absent. If present, he would vote "nay."

Mr. CULLOM (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. CHILTON], and therefore withhold my vote.

Mr. LA FOLLETTE (when Mr. GRONNA's name was called). For the junior Senator from North Dakota [Mr. GRONNA], I will state that he is unavoidably absent, and if present he would vote "nay."

Mr. SHIVELY (when Mr. KERN's name was called). My colleague [Mr. KERN] is unavoidably absent from the Chamber by reason of sickness in his family. He is paired with the senior Senator from New York [Mr. ROOT].

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]. I transfer my pair to the junior Senator from Arkansas [Mr. DAVIS] and vote "nay."

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. He being absent, I withhold my vote.

Mr. OVERMAN (when his name was called). I have a general pair with the senior Senator from California [Mr. PERKINS]. I do not see him in his seat to-night. Therefore I withhold my vote.

Mr. WILLIAMS (when Mr. PERCY's name was called). I wish to announce that my colleague [Mr. PERCY] is unavoidably absent. He is paired with the Senator from North Dakota [Mr. McCUMBER]. If my colleague were present, he would vote "nay."

Mr. REED (when his name was called). I have a pair with the senior Senator from Michigan [Mr. SMITH]. In his absence I withhold my vote. If permitted to vote, I would vote "nay."

Mr. ROOT (when his name was called). I have a general pair with the Senator from Indiana [Mr. KERN], and therefore withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. In his absence, I withhold my vote.

Mr. TOWNSEND (when the name of Mr. SMITH of Michigan was called). My colleague [Mr. SMITH] is absent from the city on important business. He is paired with the junior Senator from Missouri [Mr. REED]. I will let this announcement stand for the day.

Mr. STONE (when his name was called). I have a general pair with the senior Senator from Wyoming [Mr. CLARK], and withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a general pair with the Senator from Maryland [Mr. RAYNER]. On account of his absence I withhold my vote.

The roll call was concluded.

Mr. BRIGGS. As announced a few moments ago I have a general pair with the junior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. CULBERSON (after having voted in the negative). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. CLARKE], and allow my vote to stand.

Mr. BRANDEGEE (after having voted in the affirmative). I am paired with the junior Senator from New York [Mr. O'GORMAN]. I notice on the recapitulation that he did not vote. I withdraw my vote.

Mr. FALL (after having voted in the affirmative). I am informed that the junior Senator from Florida [Mr. BRYAN] is not present. I withdraw my vote, as I have a general pair with that Senator.

The result was announced—yeas 8, nays 27, as follows:

YEAS—8.

Bankhead	Catron	Gallinger	Smoot
Briggs	Crane	Heyburn	Wetmore

NAYS—27.

Ashurst	Fletcher	Myers	Simmons
Bacon	Jones	Nelson	Smith, Ariz.
Borah	La Follette	Page	Thornton
Bradley	Lea	Penrose	Townsend
Chamberlain	McLean	Poindexter	Williams
Clapp	Martin, Va.	Sanders	Works
Culberson	Martine, N. J.	Shively	

NOT VOTING—59.

Bailey	Davis	Kern	Reed
Bourne	Dillingham	Lippitt	Richardson
Brandegee	Dixon	Lodge	Root
Bristow	du Pont	McCumber	Smith, Ga.
Brown	Fall	Massey	Smith, Md.
Bryan	Foster	Newlands	Smith, Mich.
Burnham	Gamble	O'Gorman	Smith, S. C.
Burton	Gardner	Oliver	Stephenson
Chilton	Gore	Overman	Stone
Clark, Wyo.	Gronna	Owen	Sutherland
Clarke, Ark.	Guggenheim	Paynter	Swanson
Crawford	Hitchcock	Percy	Tillman
Cullom	Johnson, Me.	Perkins	Warren
Cummins	Johnston, Ala.	Pomerene	Watson
Curtis	Kenyon	Rayner	

The PRESIDENT pro tempore. No quorum having voted, the roll will be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Cullom	Myers	Smith, Md.
Bacon	Fall	Nelson	Smoot
Bailey	Fletcher	Overman	Sutherland
Bankhead	Gallinger	Page	Thornton
Borah	Heyburn	Penrose	Townsend
Bradley	Jones	Poindexter	Warren
Brandegee	La Follette	Reed	Wetmore
Briggs	Lea	Root	Williams
Catron	McCumber	Sanders	Works
Chamberlain	McLean	Shively	
Clapp	Martin, Va.	Simmons	
Culberson	Martine, N. J.	Smith, Ariz.	

Mr. THORNTON. If I have not already during the day announced the necessary absence of my colleague [Mr. FOSTER], I wish to make the announcement now.

Mr. WILLIAMS. I wish to repeat the announcement I made a moment ago about my colleague [Mr. PERCY] and to ask that it stand for the rest of the day.

Mr. BACON. I wish to announce that my colleague [Mr. SMITH of Georgia] has been called from the city and is unavoidably absent.

The PRESIDENT pro tempore. Forty-five Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absent Senators, and Mr. SWANSON answered to his name when called.

Mr. CULBERSON. I take the liberty of stating that the Senator from West Virginia [Mr. CHILTON], whose name has just been called, has been excused by order of the Senate on account of illness.

Mr. BOURNE and Mr. CRANE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present. The roll will again be called on agreeing to the motion of the Senator from Utah.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer that pair to the senior Senator from South Dakota [Mr. GAMBLE] and vote. I vote "yea."

Mr. FLETCHER (when Mr. BRYAN's name was called). My colleague [Mr. BRYAN] is unavoidably absent. He has a general pair with the Senator from New Mexico [Mr. FALL.] I make this announcement for the evening.

Mr. CHAMBERLAIN (when his name was called). I have a general pair with the junior Senator from Pennsylvania [Mr. OLIVER]. I transfer that pair to the junior Senator from Alabama [Mr. JOHNSTON] and vote. I vote "nay."

Mr. CULBERSON (when his name was called). I transfer my general pair with the Senator from Delaware [Mr. DU PONT] to the Senator from Arkansas [Mr. CLARKE] and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I again announce my pair and withhold my vote.

Mr. OVERMAN (when his name was called). I again announce that I have a general pair with the senior Senator from California [Mr. PERKINS]. He is unavoidably absent, and therefore I withhold my vote.

Mr. REED (when his name was called). As I announced before, I have a pair with the Senator from Michigan [Mr. SMITH]. I am informed, however, by his colleague that he feels it would not be unsatisfactory if I were to vote. I therefore feel at liberty to disregard the pair and to vote. I vote "nay."

Mr. ROOT (when his name was called). I again announce my pair with the junior Senator from Indiana [Mr. KERN] and withhold my vote.

Mr. SMITH of Maryland (when his name was called). I again announce that I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. Therefore I withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair and withhold my vote.

Mr. SWANSON. I should like to know whether the junior Senator from Nevada [Mr. MASSEY] has voted?

The PRESIDENT pro tempore. The Chair is informed that the Senator from Nevada has not voted.

Mr. SWANSON. I have a general pair with the junior Senator from Nevada. I transfer that pair to the junior Senator from Ohio [Mr. POMERENE] and vote. I vote "nay."

Mr. WARREN (when his name was called). I announce my general pair with the senior Senator from Louisiana [Mr. FOSTER].

The roll call was concluded.

Mr. BRANDEGEE. I again announce my pair with the junior Senator from New York [Mr. O'GORMAN], and withhold my vote.

Mr. LEA. I am paired with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the junior Senator from Arkansas [Mr. DAVIS], and vote. I vote "nay."

Mr. CURTIS. I am requested to announce the pair of the Senator from Nebraska [Mr. BROWN] with the Senator from Oklahoma [Mr. OWEN]; the pair of the Senator from Ohio [Mr. BURTON] with the Senator from Maine [Mr. JOHNSON]; the pair of the Senator from Vermont [Mr. DILLINGHAM] with the Senator from South Carolina [Mr. TILLMAN]; the pair of the Senator from Montana [Mr. DIXON] with the Senator from Texas [Mr. BAILEY]; the pair of the Senator from Massachusetts [Mr. LODGE] with the Senator from Georgia [Mr. SMITH]; the pair of the Senator from Delaware [Mr. RICHARDSON] with the Senator from South Carolina [Mr. SMITH]; and the pair of the Senator from Wisconsin [Mr. STEPHENSON] with the Senator from Oklahoma [Mr. GORE].

Mr. LA FOLLETTE. For the junior Senator from North Dakota [Mr. GRONNA], I will say that he is unavoidably absent. If present, the Senator from North Dakota would vote "nay." I make the same announcement for the junior Senator from South Dakota [Mr. CRAWFORD].

The result was announced—yeas 6, nays 30, as follows:

YEAS—6.

Briggs	Gallinger	Smoot	Wetmore
Catron	Heyburn		

NAYS—30.

Ashurst	Fletcher	Nelson	Smith, Ariz.
Bacon	Jones	Page	Swanson
Borah	La Follette	Penrose	Thornton
Bradley	Lea	Poindexter	Townsend
Chamberlain	McLean	Reed	Williams
Clapp	Martin, Va.	Sanders	Works
Culberson	Martine, N. J.	Shively	
Curtis	Myers	Simmons	

NOT VOTING—58.

Bailey	Cummins	Kenyon	Rayner
Bankhead	Davis	Kern	Richardson
Bourne	Dillingham	Lippitt	Root
Brandegee	Dixon	Lodge	Smith, Ga.
Bristow	du Pont	McCumber	Smith, Md.
Brown	Fall	Massey	Smith, Mich.
Bryan	Foster	Newlands	Smith, S. C.
Burnham	Gamble	O'Gorman	Stephenson
Burton	Gardner	Oliver	Stone
Chilton	Gore	Overman	Sutherland
Clark, Wyo.	Gronna	Owen	Tillman
Clarke, Ark.	Guggenheim	Paynter	Warren
Crane	Hitchcock	Percy	Watson
Crawford	Johnson, Me.	Perkins	
Cullom	Johnston, Ala.	Pomerene	

The PRESIDENT pro tempore. No quorum has voted. The roll will again be called.

Mr. WILLIAMS. I move that the Sergeant at Arms be directed to request the presence of absent Senators.

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Sergeant at Arms be directed to request the attendance of absent Senators. The question is on that motion.

The motion was agreed to.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fletcher	Nelson	Smith, Md.
Bacon	Gallinger	Overman	Smoot
Borah	Heyburn	Page	Sutherland
Bradley	Jones	Penrose	Swanson
Briggs	La Follette	Poindexter	Thornton
Catron	Lea	Reed	Townsend
Chamberlain	McCumber	Root	Warren
Clapp	McLean	Sanders	Wetmore
Culberson	Martin, Va.	Shively	Williams
Cullom	Martine, N. J.	Simmons	Works
Curtis	Myers	Smith, Ariz.	

The PRESIDENT pro tempore. Forty-three Senators have answered to their names—not a quorum. The names of absent Senators will be called.

The Secretary called the list of absent Senators, and Mr. FALL responded to his name.

Mr. CRANE, Mr. BOURNE, Mr. BANKHEAD, and Mr. STONE entered the Chamber and answered to their names.

The PRESIDENT pro tempore. Forty-eight Senators have answered to their names. A quorum of the Senate is present.

Mr. POINDEXTER. A quorum being present, I ask unanimous consent to dispense with the further calling of the roll and that the Senate proceed to the consideration of Senate resolution 386.

The PRESIDENT pro tempore. That can not be done.

Mr. LA FOLLETTE. Regular order, Mr. President.

The PRESIDENT pro tempore. The Chair did not understand fully the request of the Senator from Washington.

Mr. POINDEXTER. I ask unanimous consent to dispense with the further call of the roll and that the Senate proceed with the consideration of Senate resolution 386.

Mr. SMOOT. Mr. President, I object.

The PRESIDENT pro tempore. Objection is made.

Mr. BORAH. Is a motion in order at this time?

The PRESIDENT pro tempore. A motion is in order.

Mr. BORAH. I move that we take up the unobjected House bills on the calendar and proceed with their consideration, and that, as soon as they are disposed of, it be followed by this resolution, and that it be voted upon before 10.30.

The PRESIDENT pro tempore. The first part of the Senator's motion is precisely the motion now before the Senate.

Mr. SMOOT. The second part is not.

The PRESIDENT pro tempore. The second part is not. The Chair has some doubt whether that compound motion can be made.

Mr. HEYBURN. I ask that it be stated.

The PRESIDENT pro tempore. The Senator from Idaho will state his motion.

Mr. BORAH. The motion is that we proceed with the consideration of unobjected House bills upon the calendar, and that as soon as they are disposed of we proceed with the consideration of this resolution.

Mr. HEYBURN. Is that all of the motion?

Mr. CULBERSON. I will ask the Senator why limit it to House bills on the calendar? Why not proceed to the consideration of the calendar under Rule VIII?

Mr. BORAH. For the reason that if we do that we would not get to that resolution at all, and it is necessary to get the House bills disposed of in order to get them acted upon.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

On August 24, 1912:

S. 2904. An act to confer upon the Commissioners of the District of Columbia authority to regulate the operation and equipment of the vehicles of the Metropolitan Coach Co. and to provide for transfers between said company and the Capital Traction Co. and the Washington Railway & Electric Co.;

S. 5458. An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River;

S. 5808. An act granting right of way across Port Discovery Bay, United States Military Reservation, to the Seattle, Port Angeles & Lake Crescent Railway, of the State of Washington;

S. 6777. An act to authorize the board of county commissioners of Horry County, S. C., to construct a bridge across Kingston Lake at Conway, S. C.;

S. 7209. An act to authorize the construction of a bridge across the Mississippi River at the town site of Sartell, Minn.

S. 7315. An act to authorize the construction of a bridge across the Clearwater River at a point within the corporate limits of the city of Lewiston, Idaho;

S. 3045. An act to provide for agricultural entries on oil and gas lands;

S. 4753. An act to amend an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906 (34 Stat. L., p. 137);

S. 5679. An act to amend section 2 of an act to authorize the President of the United States to make withdrawals of public lands in certain cases, approved June 25, 1910;

S. 7157. An act to make uniform charges for furnishing copies of records of the Department of the Interior and of its several bureaus;

S. 1484. An act for the relief of Ferdinand Tobe;

S. 5556. An act to amend "An act to create an auditor of railroad accounts, and for other purposes," approved June 19, 1878, as amended by the acts of March 3, 1881, and March 3, 1903, and for other purposes;

S. 6384. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and to certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

S. 6851. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and certain widows and dependent relatives of such soldiers and sailors; and

S. 7377. An act granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes.

COOSA RIVER DAM, ALA.—VETO MESSAGE (S. DOC. NO. 949).

The PRESIDENT pro tempore. Pending the motion, the Chair lays before the Senate a message from the President of the United States, which will be read.

The Secretary read as follows:

To the Senate:

I return herewith, without my approval, Senate bill No. 7343:

To authorize the building of a dam across the Coosa River, Ala., at the place selected for Lock No. 18 on said river.

This bill presents a typical case of a river where its development by the Federal Government for navigation should go hand in hand with its development for water power. The reports of the engineers show that comprehensive plans have been made by the Corps of Engineers for the development of navigation on this river by a series of dams constructed for the purpose of creating deep pools. This bill seeks to authorize the construction of one of these dams through a private agency, the Alabama Power Co., which intends to use the water power created for commercial purposes. If the Federal Government chose to build this dam itself in aid of navigation, its right to the water power incidentally created by the dam would be beyond question. When, instead of building the dam itself, it builds it by an agent, as proposed by this bill, I believe it to be equally clear that the dam and all its incidents, including the water power created, is within the regulative power of the Federal Government in respect to navigation.

It is said that the grantee, the Alabama Power Co., proposes to spend over a million dollars in the construction of the dam, as well as to furnish toward the project its riparian rights, and to stand the expense and cost of the damages by flowage. It is manifestly entitled to be credited for all these expenditures, and is manifestly entitled to a fair, full, and reasonable profit for its investment and work. But, after all of these items are fully allowed for, it is equally manifest that in the course of time the return from the privilege thus granted in the shape of valuable water power created may far exceed a reasonable return for these items.

No provision is made in the bill whereby the Secretary of War may, in granting the permit, exact such compensation as in the course of time may prove to be necessary to equalize this account. I think this is a fatal defect in the bill, and that is is just as improvident to grant this permit without such a reservation as it would be to throw away any other asset of the Government. To make such a reservation is not depriving the States of anything that belongs to them. On the contrary, in the Report of the Secretary of War it is recommended that all compensation for similar privileges should be applied strictly to the improvement of navigation in the respective streams—a strictly Federal function. The Federal Government, by availing itself of this right, may in time greatly reduce the swollen expenditures for river improvements which now fall wholly upon the general taxpayer. I deem it highly important that the Nation should adopt a consistent and harmonious policy of treatment of these water-power projects which will preserve for this purpose their value to the Government whose right it is to grant the permit. The necessity for the adoption of such a policy has recently been pointed out, with my approval, by the Secretary of War, and I see no reason why this bill should be exempted from the safeguards which have been recommended by him in the cases of other bills now pending before Congress.

I therefore return the bill to your honorable body without my approval.

WM. H. TAFT.

THE WHITE HOUSE, *August 24, 1912.*

The PRESIDENT pro tempore. The question is, Shall the bill pass the objections of the President to the contrary notwithstanding?

Mr. BANKHEAD. At this late hour of the session, Mr. President——

Mr. LA FOLLETTE. I rise to a point of order.

The PRESIDENT pro tempore. The Senator from Wisconsin will state his point of order.

Mr. LA FOLLETTE. I make the point of order that the regular order is the calling of the roll upon the pending motion of the Senator from Utah, and this interruption is out of order, and that certainly no remarks upon the veto message which has just been read would be in order or any motion to dispose of the bill.

The PRESIDENT pro tempore. The Chair is of the opinion that, inasmuch as the roll call was not proceeding, a message from the President of the United States is a matter of privilege; and the Chair is further of the opinion that no discussion is to be had upon it.

Mr. BANKHEAD. Mr. President——

The PRESIDENT pro tempore. The Senator from Alabama.

Mr. BANKHEAD. I was about to say that at this late hour——

Mr. LA FOLLETTE. I am compelled to interrupt the Senator from Alabama. Without any disposition to be discourteous, I must demand the regular order.

The PRESIDENT pro tempore. The Chair thinks the message of the President, which has just been read, is the regular order at the present time.

Mr. LA FOLLETTE. I would inquire if the Chair thinks the message is now open to debate pending the roll call upon the motion of the Senator from Utah?

The PRESIDENT pro tempore. The Chair will hold that some disposition can properly be made of the message. If the Senator will permit the Chair for one moment, I think it will be disposed of.

Mr. LA FOLLETTE. I do not want to be captious.

Mr. BANKHEAD. Mr. President, I do not want to discuss the message of the President at this late hour, and I ask that it lie on the table.

Mr. NELSON. With the consent of the Senator from Alabama, or if he has no objection, I move that the bill and the message be referred to the Committee on Commerce.

Mr. BANKHEAD. I hope my friend will not insist upon that motion.

Mr. NELSON. Has the Senator from Alabama objection to that course?

Mr. BANKHEAD. I should prefer to have it lie on the table.

Mr. NELSON. Very well.

The PRESIDENT pro tempore. The Senator from Alabama asks that the message and the bill lie upon the table. Is there objection?

Mr. HEYBURN. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. HEYBURN. The Constitution says the message being received, the House receiving it shall proceed to determine the question whether or not the bill shall pass, notwithstanding the veto of the President.

The PRESIDENT pro tempore. The Chair is of opinion that it is competent for the Senate to dispose of the message at its pleasure, and that the request of the Senator from Alabama is in order. Is there objection? The Chair hears none, and the message will lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House further insists upon its disagreement to the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FITZGERALD, Mr. SISSON, and Mr. CANNON managers at the further conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 20102) relating to proof of signatures and handwriting, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the President pro tempore:

S. 2534. An act to extend the time for the completion of the Alaska Northern Railway, and for other purposes;

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan;

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries;

S. 7410. An act to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky;

S. 7411. An act to authorize the Clinchfield Northern Railway of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia; and

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet.

THE CALENDAR.

The PRESIDENT pro tempore. The roll will be called on the question of agreeing to the motion of the Senator from Utah that the Senate proceed to the consideration of unobjected bills on the calendar, House bills to be first considered.

Mr. McCUMBER. I desire to make an inquiry—whether the subject is still open to discussion before there is a call of the roll?

The PRESIDENT pro tempore. It is not a debatable question under the rule. The roll will be called.

The Secretary proceeded to call the roll.

Mr. NELSON. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NELSON. Would a motion to go into executive session be in order at this time?

The PRESIDENT pro tempore. Not pending the roll call.

The Secretary resumed the calling of the roll.

Mr. BRANDEGEE (when his name was called). I have a pair with the junior Senator from New York [Mr. O'GORMAN], and therefore withhold my vote.

Mr. BRIGGS (when his name was called). I have a general pair with the senior Senator from West Virginia [Mr. WATSON]. I transfer the pair to the senior Senator from South Dakota [Mr. GAMBLE] and will vote. I vote "yea." I will let this announcement stand for the day.

Mr. CHAMBERLAIN (when his name was called). I again transfer my pair, as announced a while ago, and will vote. I vote "nay."

Mr. CULBERSON (when his name was called). I announce the transfer of my pair, as previously made, and will vote. I vote "nay."

Mr. CULLOM (when his name was called). I again announce my pair and withhold my vote.

Mr. FALL (when his name was called). I have a general pair with the junior Senator from Florida [Mr. BRYAN], and withhold my vote.

Mr. LEA (when his name was called). I have a general pair with the junior Senator from Rhode Island [Mr. LIPPITT]; I transfer it to the Senator from Arkansas [Mr. DAVIS]. I vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair and withhold my vote.

Mr. ROOT (when his name was called). On account of my pair, already announced, I withhold my vote.

Mr. SMITH of Maryland (when his name was called). I have a general pair with the junior Senator from New Hampshire [Mr. BURNHAM]. I therefore withhold my vote.

Mr. SUTHERLAND (when his name was called). On account of my pair, already announced, I withhold my vote.

Mr. SWANSON (when his name was called). I have a general pair with the junior Senator from Nevada [Mr. MASSEY]. I transfer the pair to the junior Senator from Ohio [Mr. POMERENE] and will vote. I vote "nay."

The roll call was concluded.

Mr. OVERMAN. I again announce my pair with the senior Senator from California [Mr. PERKINS], who is unavoidably detained.

The result was announced—yeas 7, nays 28, as follows:

YEAS—7.

Bourne	Catron	Heyburn	Wetmore
Briggs	Gallinger	Smoot	

NAYS—28.

Ashurst	Curtis	Martine, N. J.	Simmons
Bacon	Fletcher	Myers	Smith, Ariz.
Borah	Jones	Nelson	Swanson
Bradley	La Follette	Page	Thornton
Chamberlain	Lea	Poindexter	Townsend
Clapp	McLean	Reed	Williams
Culberson	Martin, Va.	Shively	Works

NOT VOTING—59.

Bailey	Davis	Kern	Rayner
Bankhead	Dillingham	Lippitt	Richardson
Brandegee	Dixon	Lodge	Root
Bristow	du Pont	McCumber	Sanders
Brown	Fall	Massey	Smith, Ga.
Bryan	Foster	Newlands	Smith, Md.
Burnham	Gamble	O'Gorman	Smith, Mich.
Burton	Gardner	Oliver	Smith, S. C.
Chilton	Gore	Overman	Stephenson
Clark, Wyo.	Gronna	Owen	Stone
Clarke, Ark.	Guggenheim	Paynter	Sutherland
Crane	Hitchcock	Penrose	Tillman
Crawford	Johnson, Me.	Percy	Warren
Cullom	Johnston, Ala.	Perkins	Watson
Cummins	Kenyon	Pomerene	

The PRESIDENT pro tempore. Not a quorum having voted the roll will again be called.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Curtis	Nelson	Stone
Bacon	Fletcher	Overman	Sutherland
Borah	Gallinger	Page	Swanson
Bradley	Heyburn	Penrose	Thornton
Brandegee	Jones	Poindexter	Townsend
Briggs	La Follette	Root	Wetmore
Catron	Lea	Shively	Williams
Chamberlain	McLean	Simmons	Works
Clapp	Martin, Va.	Smith, Ariz.	
Culberson	Martine, N. J.	Smith, Md.	
Cullom	Myers	Smoot	

Mr. LA FOLLETTE. I make the same statement for the junior Senator from North Dakota [Mr. GRONNA] and the junior Senator from South Dakota [Mr. CRAWFORD] that I made on the previous roll call, and I will let it stand for the balance of the day.

The PRESIDENT pro tempore. Forty-one Senators have answered to their names—not a quorum. The names of the absentees will be called.

The Secretary called the names of the absent Senators.

Mr. FALL, Mr. REED, and Mr. BANKHEAD entered the Chamber and answered to their names.

After some delay Mr. BAILEY and Mr. WARREN entered the Chamber and answered to their names.

After further delay, Mr. BOURNE and Mr. CRANE entered the Chamber and answered to their names.

The PRESIDENT pro tempore (at 1 o'clock and 18 minutes a. m., Sunday). Forty-eight Senators have answered to their names. A quorum of the Senate is present.

JOINT COMMITTEES AND COMMISSIONS.

The PRESIDENT pro tempore. In the Post Office appropriation act there are three provisions for members of joint committees to be appointed by the chairmen of the committees. The Chair is informed that in the House the Speaker announced those committees at the request of the chairman, and the Chair has been requested to do the same in the Senate.

On the committee to inquire into the subject of postage on second-class mail matter and compensation for transportation of the mails, Mr. BOURNE, Mr. RICHARDSON, Mr. BANKHEAD.

On the committee to make inquiry into the subject of Federal aid in the construction of post roads, Mr. BOURNE, Mr. PENROSE, Mr. GRONNA, Mr. SWANSON, Mr. OVERMAN.

On the committee to inquire into the advisability of the Government purchasing pneumatic tubes, Mr. GUGGENHEIM, Mr. SMITH of Georgia.

On the committee to make further inquiry into the subject of parcel post, Mr. BRIGGS, Mr. BRISTOW, Mr. BRYAN.

Under the provisions of the bill S. 7409 the Chair appoints Mr. MARTIN of Virginia, Mr. LODGE, and Mr. BRANDEGEE a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed the joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the Speaker had appointed on the part of the House of Representatives on the committee to inquire into the subject of postage on second-class mail matter and compensation for transportation of mail Mr. LLOYD, Mr. TUTTLE, and Mr. WEEKS.

The message further announced that the Speaker had appointed on the committee to inquire into the subject of Federal aid in the construction of post roads Mr. SHACKLEFORD, Mr. LEE of Georgia, Mr. MCGILLICUDDY, Mr. MADDEN, and Mr. AUSTIN.

The message also announced that the Speaker had appointed on the committee to inquire into the advisability of the Government purchasing pneumatic tubes Mr. BLACKMON and Mr. MURDOCK.

The message further announced that the Speaker had appointed on the committee to make further inquiry into the subject of the parcel post Mr. FINLEY, Mr. LEWIS, and Mr. GARDNER of New Jersey.

The message also announced that the Speaker had appointed on the part of the House of Representatives, under the provisions the bill (S. 7409) to investigate conditions under which foreign governments purchase American-grown tobacco, Mr. FLOOD of Virginia, Mr. STEDMAN, and Mr. MCKINLEY.

ENROLLED JOINT RESOLUTION SIGNED.

The message further announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 362) amending the Army appropriation bill, and it was thereupon signed by the President pro tempore.

Mr. LA FOLLETTE. Mr. President, a quorum having been reported present, I suppose the pending motion should be presented.

The PRESIDENT pro tempore. Yes; if the Senator will permit the Chair for a moment to lay before the Senate a message from the House of Representatives.

CORBETT TUNNEL PROJECT.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, which were, on page 1, lines 3 and 4, to strike out "the Treasury of the United States" and insert "any moneys in the reclamation fund in the Treasury"; on page 1, line 9, after "subcontractor," to insert "and used"; and on page 2, line 4, after "unpaid," to insert "if any."

Mr. MYERS. I would ask the Senator from Wisconsin if he will yield to me long enough to move that the Senate concur in the House amendments.

The PRESIDENT pro tempore. The Senator in his right can make that motion.

Mr. MYERS. Mr. President, the joint resolution went to the other House and was there amended so that the money to pay these claims should be paid out of the general reclamation fund, but not taxable to any particular project. I move that the Senate concur in the House amendments.

The motion was agreed to.

HOUSE BILL REFERRED.

H. R. 20102. An act relating to proof of signatures and handwriting was read twice by its title and referred to the Committee on the Judiciary.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts and joint resolutions:

On August 24, 1912:

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet;

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the Government of foreign countries;

S. 7410. An act to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky;

S. 7411. An act to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia;

S. 7378. An act for the relief of James E. C. Covel;

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; and

S. J. Res. 134. Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the Speaker had signed the enrolled joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel, and it was thereupon signed by the President pro tempore.

EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business. I want to say that there are three or four nominations that ought to be disposed of to-night. It will take but three or four minutes to dispose of them, and then we can go back into legislative session. This will not displace the matter that the Senator from Wisconsin has in charge.

Mr. LA FOLLETTE. Mr. President, I make the point of order that that motion is not in order pending a roll call upon the motion of the Senator from Utah [Mr. SMOOT].

The PRESIDENT pro tempore. The Chair is of opinion that a motion to proceed to the consideration of executive business is in order at any stage of the proceedings, and he will put the motion.

Mr. LA FOLLETTE. Well, Mr. President, pending my right to take an appeal from the decision of the Chair, I inquire in what position that will leave the pending motion and the order for a roll call upon it?

The PRESIDENT pro tempore. In precisely the same position that it is now.

Mr. LA FOLLETTE. At the conclusion of the executive session?

The PRESIDENT pro tempore. It will; and the Chair will ask that the roll shall be called upon the motion of the Senator from Utah at that time.

Mr. LA FOLLETTE. Very well; I have no objection.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Minnesota [Mr. NELSON].

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes in executive session the doors were reopened.

THE CALENDAR.

The PRESIDENT pro tempore. The question is on the motion made by the Senator from Utah [Mr. SMOOT].

Mr. MCCUMBER. I move to lay the motion of the Senator from Utah on the table.

Mr. BACON. What is the motion, Mr. President?

The PRESIDENT pro tempore. The motion is that the Senate proceed to the consideration of the calendar under Rule VIII, House bills to be first considered. The Senator from North Dakota moves to lay the motion of the Senator from Utah on the table.

The motion was agreed to.

CAMPAIGN CONTRIBUTIONS.

Mr. LA FOLLETTE. Mr. President, I move that the Senate proceed to the consideration of Senate resolution 386.

The PRESIDENT pro tempore. The Senator from Wisconsin moves that the Senate proceed to the consideration of Senate resolution 386.

The motion was agreed to.

Mr. LA FOLLETTE. If there are any pending amendments, I should like to have them stated.

Mr. PENROSE. If the Senator from Wisconsin will permit me, I would suggest that as some amendments have already been adopted, the resolution be first read as amended, and then there will probably be other amendments offered.

The PRESIDENT pro tempore. The resolution will be read as it has been amended, and the amendments will likewise be stated separately, so that they may be fully considered.

The Secretary read the resolution as amended, as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania, Mr. PENROSE, in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof appointed under S. Res. 79, agreed to on April 29, 1912.

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania [Mr. PENROSE], on the floor of the Senate, August 21, 1912, including all correspondence and financial transactions between John D. Archbold and Members of Congress and the United States Senate, from 1900 to the date of the investigation; and further, said committee is authorized and directed to investigate into and ascertain the amount of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year 1912, or by any committee or person acting for or on behalf of such candidate, or in the interest of such candidate or party; and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate, and during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ an attorney, stenographers, and such other clerical force as may be deemed necessary; to subpœna witnesses; send for persons, books, records, and papers; and to administer oaths.

The PRESIDENT pro tempore. The amendments already agreed to will be separately stated, so that there will be a full understanding.

Mr. PENROSE. Mr. President, I think I can explain them very briefly to the Senate. The resolution as originally offered and modified by me embraces that portion from line 1 to line 7, inclusive. The remainder of the resolution was added on motion of the Senator from Missouri [Mr. REED], with the exception of an amendment offered by the Senator from Washington [Mr. POINDEXTER] relating to the correspondence of Mr. Archbold and the employment of an attorney, which amendments were adopted this morning. I believe that is a statement of the situation, is it not?

Mr. POINDEXTER. My attention was diverted during the last part of the Senator's statement.

Mr. PENROSE. I stated to the Senate that the resolution as finally modified by me is embraced in the printed copy which I hold from line 1 to line 7. The remainder of the resolution, from line 8 to line 21, on page 2, is the amendment of the Senator from Missouri [Mr. REED]. Then, there were two additional amendments not in this print, but read by the Secretary, one referring to the investigation of the correspondence of John D. Archbold with Members of Congress, and the other relating to the employment of an attorney.

Mr. POINDEXTER. That is correct.

Mr. PENROSE. Those two amendments of the Senator from Washington have been adopted, but I offered an amendment to that amendment, which the Senate has not yet acted on and which I will ask the Secretary now to read.

Mr. POINDEXTER. Mr. President, the amendment offered by the Senator from Pennsylvania really is to the resolution as amended by the amendments already adopted, as I understand.

Mr. PENROSE. The amendment which I now ask the Secretary to read is to the resolution as amended, the amendments having been adopted.

Mr. POINDEXTER. Yes.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. After the name "John D. Archbold" it is proposed to insert "and George W. Perkins and Col. Theodore Roosevelt."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. PENROSE. I also ask to have the word "reputable" inserted before the word "attorney." I should like to have that amendment adopted.

The PRESIDENT pro tempore. The Secretary will state the amendment.

The SECRETARY. It is also proposed to strike out the words "an attorney" and in lieu to insert "reputable attorneys."

Mr. BAILEY. Who is to decide that?

Mr. PENROSE. The committee. I ask for a vote first on the Perkins and Roosevelt amendment.

Mr. McCUMBER. What is that amendment?

The PRESIDENT pro tempore. The amendment will be again stated.

The SECRETARY. After the name "John D. Archbold" it is proposed to insert "and George W. Perkins and Col. Theodore Roosevelt."

Mr. POINDEXTER. Mr. President, I want to inquire if the amendment is inserted at the right place, according to the intentions of the Senator from Pennsylvania? I do not understand that we want to inquire into all correspondence between Col. Roosevelt and Members of Congress.

Mr. PENROSE. That is just what I want to get at.

Mr. POINDEXTER. It is not pertinent to the subject of the inquiry that he had correspondence with Members of Congress on thousands of subjects.

Mr. PENROSE. Supposing there were inclosures in those letters?

Mr. POINDEXTER. Of course I have no objection to it, but it is entirely irrelevant.

Mr. PENROSE. Let the paragraph be read now with my amendment in it.

The PRESIDENT pro tempore. The paragraph covering the amendment submitted by the Senator from Pennsylvania will be read.

The Secretary read as follows:

Including all correspondence and financial transactions between John D. Archbold and George W. Perkins, and Col. Theodore Roosevelt and Members of Congress and the United States Senate from 1900 to the date of the investigation.

The PRESIDENT pro tempore. The question is upon the amendment submitted by the Senator from Pennsylvania.

The amendment was agreed to.

Mr. PENROSE. Now, let the Secretary read the amendment relative to attorneys.

The SECRETARY. On page 2, line 18, after the word "employ," it is proposed to strike out "an attorney," and to insert "reputable attorneys."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. PENROSE. I should like the Secretary to read the whole paragraph relating to attorneys.

The Secretary read as follows:

Said committee or subcommittee is authorized to sit during the sessions of the Senate or during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ reputable attorneys, stenographers, and such other clerical force as may be deemed necessary.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

Mr. PENROSE. Before the question is put I should like to add there "and the parties to the examination may likewise be represented by attorneys."

Mr. BAILEY. That would be in the discretion of the committee.

Mr. PENROSE. It is just as well to have it in the resolution, I think, that any parties to the examination may be represented by attorneys if they so desire.

Mr. McCUMBER. Mr. President, as to this matter in reference to attorneys, I understand the amendment has already been adopted, has it not?

The PRESIDENT pro tempore. It has not been adopted.

Mr. McCUMBER. Well, Mr. President, I want to be heard upon it, if that amendment has not been adopted. I thought that it had been adopted yesterday.

Mr. POINDEXTER. There was an amendment adopted yesterday.

Mr. McCUMBER. Relating to attorneys?

Mr. POINDEXTER. Authorizing the committee to appoint an attorney.

Mr. McCUMBER. Mr. President, I want to oppose that part of the resolution. If it has already been adopted, I shall have to move to reconsider.

The PRESIDENT pro tempore. As the Chair understands, the Senator from Pennsylvania offered an amendment in lieu of the amendment providing for the employment of an attorney. Is the Chair correct?

Mr. PENROSE. I desire to modify that amendment, however, in order to put it in a little better phraseology. I move to insert that "the persons under investigation may be represented by attorneys."

Mr. McCUMBER. I should like to have the proposed amendment read and read in connection with the remainder of the resolution, so that we may understand it.

Mr. PENROSE. I suggest to the Senator from North Dakota if he will permit the amendment to be adopted, then the question will be on agreeing to the resolution as amended, and the Senator will have an opportunity to speak on it.

Mr. McCUMBER. I will take the opportunity now, I believe.

Mr. WARREN. If the Senator from North Dakota is about to proceed with debate, will he yield to me to make a conference report?

Mr. McCUMBER. I yield. I suppose the Senator has the right, of course, without calling on me to yield.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, and adheres to its disagreement to the amendments of the Senate numbered 22, 33, 34, and 114.

DEFICIENCY APPROPRIATION BILL.

The PRESIDENT pro tempore laid before the Senate the action of the House of Representatives agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, and adhering to its disagreements to the amendments of the Senate numbered 22, 33, 34, and 114.

Mr. WARREN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 6, 9, 10, 14, 16, 17, 18, 19, 25, 28, 32, 35, 39, 43, 44, 46, 50, 52, 57, 59, 62, 65, 73, 76, 77, 82, 83, 85, 98, 99, 111, 112, 113, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 11, 12, 13, 15, 20, 21, 23, 23, 26, 29, 30, 36, 37, 38, 40, 41, 42, 43, 47, 51, 53, 54, 55, 58, 60, 63, 64, 66, 67, 68, 69, 70, 71, 72, 74, 78, 79, 80, 81, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131, 132, 133, 134, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,349.95"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$11,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$13,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: After the word "Kansas" in the last line of said amendment insert the following: "payable out of any money in the Treasury belonging to the Pottawatomie Indians"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: Add at the end of the matter inserted by said amendment the following: ", and at a rate per square foot of available floor space not exceeding 40 cents"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment, strike out the following: "to continue available during the fiscal year 1913"; and the Senate agree to the same.

On amendments numbered 22, 33, 34, and 114, the committee of conference have been unable to agree.

F. E. WARREN,
JONATHAN BOURNE, Jr.,
C. A. CULBERSON,
Managers on the part of the Senate.

JOHN J. FITZGERALD,
THOMAS U. SISSON,
J. G. CANNON,
Managers on the part of the House.

Mr. WARREN. Mr. President, the report is that of disagreement, the disagreement being as to four items; that is to say, as to four numbers, but in reality five items. One of the items is the amount for repayment to the States of Virginia and Maryland, $192,000; the other is to pay the State of Texas $217,693.39; the other is to pay the State of Oregon $193,543.02, amounting altogether to $603,236.41; also the amendment providing for the payment of an extra month's pay to the clerks and employees of the Senate and House.

I understand from the message from the House that they have considered this disagreement on that side, and while I did not hear it read, I think they have sent us a message announcing that they adhere to their disagreement.

Mr. President, I believe, and the Chair will correct me if I am wrong, that the motions now in order would be for the Senate to recede, or for the Senate to adhere, or possibly to insist upon its amendments, and ask for a further conference.

Mr. OVERMAN. I should like to ask the Senator what will be the effect if the Senator refuses to accede. Would not that throw the whole bill back into conference, together with the other amendments already agreed to?

Mr. WARREN. How is that?

Mr. OVERMAN. Would it not throw the whole bill back—those amendments which they have agreed to and those upon which there is still a disagreement?

Mr. WARREN. The whole bill, of course, would go to conference, the idea being that if the report is agreed to it would be a closed matter except as to the items in disagreement.

Mr. BAILEY. Mr. President, as I understand, if the Senate adopts the conference report the situation would be as the Senator from Wyoming has described it. If, however, the Senate should reject the report, it would leave the whole matter still in dispute.

Mr. WARREN. Yes. The Senate can now accept the report of the conferees, which will effect the agreement as stated as to all the items except those which are still in disagreement.

The PRESIDENT pro tempore. The question, in the first instance, is on agreeing to the conference report.

Mr. WARREN. Yes.

Mr. OVERMAN. Is a motion in order to reject the report and send the bill back to the conferees?

The PRESIDENT pro tempore. Agreement to a motion to refuse to accept the report would send it back.

Mr. BAILEY. As I understand, a vote "nay" on the question of agreeing to the report would be the equivalent of rejecting it.

The PRESIDENT pro tempore. Precisely. The question is on agreeing to the conference report. [Putting the question.] The "ayes" appear to have it. [A pause.] The "ayes" have it.

Mr. STONE. Does that mean that it goes back to conference?

The PRESIDENT pro tempore. Not necessarily.

Mr. BACON. Did the Chair announce the result? There was scarcely an opportunity for Senators to interpose anything.

The PRESIDENT pro tempore. The Chair announced that the ayes seemed to have it, and then, after a pause, that the ayes had it.

Mr. OVERMAN. That means to adopt the conference report?

The PRESIDENT pro tempore. Yes, sir.

Mr. OVERMAN. What is the effect of that?

The PRESIDENT pro tempore. Merely to agree upon the amendments which have been agreed upon between the conferees of the two Houses.

Mr. WARREN. It means an agreement as far as the conferees have agreed.

Mr. OVERMAN. Would a motion to reject the conference report be in order?

The PRESIDENT pro tempore. It would not.

Mr. STONE. Would a motion to recede from the amendments in disagreement be in order?

The PRESIDENT pro tempore. It would be in order.

Mr. STONE. I understand the matters of difference relate to the claims of four States and the provision inserted by the Senate for an extra allowance of one month's pay to the clerks of the House and the Senate.

Mr. WARREN. The clerks and employees of the House and the Senate.

Mr. STONE. The clerks and employees. Those amendments constitute the difference between the two Houses. Is that correct?

Mr. WARREN. That is correct.

Mr. STONE. Just to test the sense of the Senate, I move that the Senate recede.

The PRESIDENT pro tempore. The Senator from Missouri moves that the Senate recede from the amendments that are in disagreement.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a resolution authorizing a committee of three Members, to be appointed by the Chair, to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the session and are ready to adjourn.

The PRESIDENT pro tempore laid before the Senate the following resolution of the House of Representatives, which was read and referred to the Committee on Appropriations:

House resolution 709.

Resolved, That a committee of three Members be appointed by the Chair to join a similar committee appointed by the Senate to wait upon the President of the United States to inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some communication to make to them.

DEFICIENCY APPROPRIATION BILL.

The Senate resumed consideration of the report of the committee of conference on the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. MARTIN of Virginia. Mr. President, I will occupy a very few moments of the time of the Senate.

I was greatly surprised that the Senator from Missouri [Mr. STONE] should make the motion he has made. It does seem to me that the honest debts of the Government ought to be paid.

The four State claims which will be excluded if the motion of the Senator from Missouri prevails are just demands against the Government of the United States. I have heard no facts alleged and no argument made showing that the Government does not owe these amounts, in the aggregate some six hundred thousand dollars.

The amendments were in order. There were some complaints that while the claims ought to be paid they ought not to be paid on the general deficiency bill. From the parliamentary standpoint these amendments were in order on the general deficiency bill. Therefore this general deficiency bill is the very place where the payment of those claims ought to be provided for.

If the Government owes the money, and if the proposition to pay the money is in order on this bill, why should not the payment be provided for on the general deficiency bill? Why this picking and choosing as to the particular bill on which an honest debt of the Government should be paid?

It seems to me it is in order always for the Government to pay its honest debts. If you would practice a little more of that virtue, these debts would not accumulate and be constantly coming here to occupy the time of the Senate.

The Government, as an individual, should meet its liabilities and pay its debts. There rests on the Government a moral obligation of the very highest nature, higher, if possible, than can be that of an individual, to meet its liabilities, to discharge its obligations.

In addition to that, Mr. President, it has been the custom of Congress to provide for claims of this sort on the general deficiency bill. There are many others provided and which will be paid under this bill.

Is there any reason why there should be an exception made? Why should these be excluded from payment? There is no reason, so far as I know, except the whims and peculiarities and idiosyncracies of certain gentlemen who have seen fit to stand as an obstacle and a barrier to prevent the Government from acting fairly and justly and honestly with its creditors. I am sick and tired of coming here and asking the Congress of the United States to pay this obligation to the State of Virginia. It is absolutely just. It is absolutely meritorious. It has been neglected until it is a shame and a disgrace to the Government that it should be as it is.

The claim of the State of Maryland is equally as meritorious and as just. The claim of the State of Texas and the claim of the State of Oregon are all just claims. There has been no contention against, there has not been a word uttered in the Senate against, the moral obligation of the Government to pay these debts or against the justice and righteousness of these claims.

The only other item which seems to have been excluded is a little pittance of a month's extra pay to the employees of the Senate and the House who have been toiling here for the last nine months. I am not surprised that those who are unwilling to see the Government discharge its moral obligations, who are not willing to see the Government pay its debts, should begrudge to the faithful and useful employees the additional month's pay which is ordinarily voted to them by the Congress. It is true it is not a debt on the part of the Government, but it is a just recognition of faithful service and a generosity which has heretofore been extended and ought to be extended now.

As far as I am concerned, I think we ought to make a stand in this matter. We ought to assert our right to see that the Government acts honestly, to see that it discharges its obligation. We hear talk about waiting and putting it on another bill. Why wait for some other time? When can there ever be a better time than now to do what is right, to do what is honest, to discharge an obligation which exists?

I sincerely hope that the motion of the Senator from Missouri will be defeated. I sincerely hope the Senate is not ready to say that it will refuse to pay the honest obligations of the Government and that it is not ready to refuse the little generosity of a month's extra pay to the employees of the two Houses of Congress.

Mr. CULBERSON. Mr. President, I hope the motion made by the Senator from Missouri [Mr. STONE] will not be adopted, and the reason why I hope the motion will not be adopted rests upon my absolute knowledge that the claim presented by the State of Texas in this instance is a just one and ought to be paid in this particular appropriation bill.

The claims of Oregon, Virginia, and Maryland will be presented by Senators from those States. I will naturally confine myself to a statement of the claim of Texas.

The Federal Constitution declares that the United States shall protect each State against invasion, and that is the broad ground upon which this claim of Texas is founded. In 1859 and 1860, in order to resist the invasion of Mexican banditti, among others those under Cortina, and the incursions of Indians from the northeastern border of Texas, the State, through Gov. Houston, was compelled to organize special ranger forces for the protection of the State against invasion from Mexico and from the Indians in the Territory. Such claims as these have been recognized immemorially by the Federal Government as just claims against that Government, and in many instances have been paid. Even prior to 1905 claims of this character were promptly adjusted and paid.

Coming to this particular claim, in 1905 an amendment was adopted on the general deficiency appropriation bill of that year which provided that the Secretary of War should investigate and report to Congress what amount of money had been expended by the State between certain years named for the special purposes to which I have referred. The Secretary of War in January, 1906, reported that in round figures $375,000 had been so expended by the State, and Congress appropriated in the general deficiency bill of 1906 $375,000 to reimburse the State for this expenditure. He also reported that subsequent to the dates named in the act about $21,000 additional was expended by the State.

In 1908, again under a general deficiency bill such as this, an appropriation of this additional amount of about $21,000 was made and paid to the State.

Now, it turned out, as was discovered in 1908, after the last payment was made, that a still further amount had been expended by Texas prior to the Civil War for the general purposes to which I have called attention, and the Secretary of War in February of this year made a supplemental report under the provision of the general deficiency bill of 1905, after consulting the Judge Advocate General, to the general effect that about $217,000 in addition had been expended by the State in defense of the frontier.

The original vouchers for practically all of this last expenditure were found in the débris of the comptroller's office at Austin, rescued from the fire which destroyed the State capitol in 1881, the original vouchers showing that this amount of money had been expended by the State during these years, under the governorship of Sam Houston. They were presented to the Secretary of War, and on the strength of those original vouchers he reported to Congress as I have indicated, in February, 1912, the additional sum of $217,000 as having been expended.

Mr. President, following the precedents which I have pointed out as to the bill on which such claims should be placed, this claim of $217,000 was presented to the Committee on Appropriations of the Senate to be included in this general deficiency appropriation bill. Following the course of the Senate on the subject, since 1895, at least, and acquiesced in by the House, it was adopted by the subcommittee, by the full committee, by the Senate itself, and was then rejected by the House conferees.

I will not enter into what was said in conference, but I do feel impelled to say generally to the Senate that the House conferees refused to consider the question whether this was a just claim against the Federal Government. It had been audited from original vouchers by the Secretary of War, who represented the Government of the United States. The report of the committee was based upon the original vouchers issued by the State and paid by it. Yet for reasons into which I will not go, even the consideration of this claim of Texas was denied, some of the conferees of the House saying that they had not even read the report of the Secretary of War which had been submitted to Congress in February, 1912.

I submit, Mr. President, that this is a meritorious and a just claim, that it is half a century old, that it has been audited by an officer of the United States, and that it is based upon original vouchers. I want it specially understood that this claim does not rest upon the unstable memory of man, but it is based upon the primary vouchers which are in the archives at Austin and which have been exhibited to and examined by the War Department.

So far as this claim of Texas is concerned, I insist that it would be unjust to adopt the motion of the Senator from Missouri that the Senate recede upon that item.

Mr. CHAMBERLAIN. Mr. President, a year or two ago in the Senate I heard a distinguished Senator from Maine suggest that it was improper for a claimant against the Government of the United States to employ an attorney to represent him in the collection of a claim against the Government. My experience in the few years I have been here is that attorneys representing a claim against the Government, assisted not only by the Senators from a State but by the Representatives of the State as well, are unable sometimes to secure justice to be done by the Government of the United States to those whom the Government justly owes. In proof of that fact, Mr. President, I am going to refer to the record in presenting the merits of the claim of my State against the Government of the United States.

It is improper for me, Mr. President, to animadvert upon any Members of the House of Representatives in reference to this or any other matter that has come up for the consideration of the Senate, but it has seemed to me in the discharge of the duties I have had to discharge in connection with claims against the Government of the United States that some of the Members on the other side insist that no additions to any appropriation bill or supply bill which are made by the Senate of the United States are entitled to any consideration or to any credit whatever.

I think the time has arrived when this body, representing a coordinate branch of the Government of the United States, ought to insist upon its rights and say that the amendments which they suggest, which are just and which are supported by the evidence and by the facts, ought to be retained in these appropriation bills, and ought at least to receive the same fair consideration that any other claim which is presented to the consideration of any branch of Government receives.

With reference to this particular claim, Mr. President, it is not a stale claim. It is a claim that the State of Oregon has been insisting upon ever since it was incurred in 1864.

The amendment which was adopted by the Senate to the deficiency appropriation bill for the relief of the State of Oregon was for the sum of $193,543.02, as a reimbursement for moneys paid out by the State during the years 1864 to 1867 for the expenses incident to raising volunteers who served from 1864 to 1867 in Oregon, Idaho, Washington, and northern Nevada against hostile Indians. These volunteers were raised by the State at the specific request of the Secretary of War, by authority of President Lincoln, and the particular items of expense making up this amount were incurred by the State at the urgent solicitation of the general commanding the Department of the Pacific.

Mr. President, I dislike to detain the Senate with this matter, because I know it is early in the morning and Senators are anxous to get away from here, but so long as I am in the Senate I propose to insist upon the payment of this claim, and, consuming as little time as I do, I promise you that I propose to consume whatever time is necessary to submit this claim of the people of the State of Oregon to the Senate of the United States and to the people of the country and to show the injustice which has been perpetrated against my State as well as the injustice which has been perpetrated against these other States in the rejection of just claims against the Government, and I do not think I owe any apology to the Senate for the time I propose to consume to-night if it takes me until daylight to do it.

This claim was originally filed by the State under the act of July 27, 1861, to authorize the reimbursement of States for expenses incurred in raising volunteers during the Civil War. It was then filed in the sum of $390,820.10. On November 3, 1884, the Third Auditor recommended its transfer to the Secretary of War, stating that in his judgment it did not come within the provisions of the act of July 27, 1861, but should be considered by the Secretary of War for adjudication under the act of June 27, 1882, to reimburse certain States and Territories for expenses incurred in certain Indian wars.

We find in that early day the departments of the Government bandying this claim back from one department to another, just as the committees of Congress have been bandying the claim from one committee to another, and every time for the purpose of defeating a just and an honest claim due from the Government of the United States to the State of Oregon.

On November 12, 1887, the Secretary of War returned the case to the Secretary of the Treasury, holding that the expenses were not within his jurisdiction to pay under the act of 1882; holding, further, that they came under the provisions of the act of July 27, 1861, authorizing the Treasury to make such payment.

On March 10, 1888, the third auditor completed an examination and audit of the claim, and in his report submitted to the second comptroller on that date made a statement of allowances and differences, showing that the total amount claimed by the State, to wit, $390,820.10, had been disbursed by the State in connection with its Indian wars, and was necessitated by the withdrawal of the United States troops from that country, but recommending in a letter of the same date to the second comptroller the conclusion that the claims did not come within the scope or intention of the indemnity act of July 27, 1861. This conclusion was approved by the Hon. Sigourney Butler, second comptroller.

On February 27, 1889, a Senate resolution was adopted directing the Secretary of War, through a bureau which had been established in his department, known as the "Board of War Claims Examiners," appointed under section 2 of the act of August 14, 1886, to audit the accounts of the State of Oregon for the suppression of Indian hostilities at the time of the Civil War, and to ascertain and report to Congress the amount of moneys actually expended for these purposes.

Under this authority the claim was again audited, and an itemized account was certified to the Senate by the Secretary of War aggregating in three items a total of $355,152.88.

That was a second adjudication by the Government of the United States, showing the justice of the claim of the State of Oregon against the United States.

The three items thus certified by the Secretary of War were, first, extra pay to volunteers; second, amounts paid to secure volunteers; and, third, militia expenses.

Appropriations to pay the amount thus certified by the Secretary of War passed the Senate on three occasions as amendments to deficiency bills.

So we see that this claim, which is now included in this bill, passed the Senate three times before this occasion.

In one instance when the general deficiency bill was being considered by the Senate, on March 5, 1891, the appropriation for the amount stated by the Secretary of War, and which had passed the Senate, was not retained in the bill by the conference committee. When the conference report was submitted to the Senate Senator Stewart, of Nevada, objected to the report of the committee, and in reply to his objections Senator Hale, who was in charge of the report, stated:

> I want to say to the Senator from Nevada—I know that he is a reasonable man upon all these subjects—that the Senate is committed to these State claims by vote and by sentiment, and it is only a question of time when they will pass.

In this connection it may be noted that the following year Senator Stewart secured a special provision for the settlement

of the Nevada State claim, appropriation for which has been made. (See act of May 27, 1902, 32 Stat. L., 325.)

Mr. President, I desire to say that the Nevada claim was on all fours with the claim of the State of Oregon against the United States.

On account of the failure to secure the appropriation for the amount reported by the Secretary of War, principally because of the fact that it included items for extra pay, which were regarded by some as a gratuity to volunteers in the State service, the whole case was referred to the Court of Claims for decision by Senate resolution adopted June 28, 1906. Under this resolution the State presented its claim for the entire amount for which it had been originally presented. The first reference being defective, a second resolution was passed on May 29, 1908, ratifying the previous reference. The case was brought to a hearing on November 27, 1908, as a result of which findings were filed, which were certified to the Senate on April 30, 1909, and are printed as Senate Document No. 28, Sixty-first Congress, first session.

Mr. President, I call your attention to this because it seems to me that the decisions of the constituted authorities of this Government ought to be entitled to some weight.

The decision of the Court of Claims was in favor of one branch of the claim, to wit, that including moneys necessarily and properly expended for the purpose of securing volunteers, consisting of several items aggregating $193,543.02. Upon the item for extra pay, aggregating $135,633.82, the court made an adverse finding, its conclusion being that this amount was a gratuity on the part of the State, and that the State has no claim legal or equitable against the United States on account thereof; in other words, the State of Oregon had paid a gratuity to the men who enlisted to fight the battles of the country and the Government of the United States decided that they were not entitled to that gratuity.

On the third item of the claim, that for expenses of militia, the court found that said militia was not mustered into the military service of the United States, and that the State has no valid claim for the reimbursement of its expenses in raising, supplying, and equipping same.

I call your attention to that, Mr. President, because we omit from our claim those last two items.

With respect to the item favorably decided by the Court of Claims, the court, in paragraphs 3 and 4, found the following facts:

1. That the volunteers in question were raised upon telegraphic call, under authority of the Secretary of War.

2. That on account of local conditions it was impossible for the State authorities to secure volunteers without making the payments in question.

In other words, that they could not get men to enlist in the Government service without paying them these gratuities which we abandoned in our claim.

3. That these payments were specifically requested by Brig. Gen. Alvord, commanding the district of Oregon and by the telegraphic request of Gen. Irwin McDowell, commanding the Department of the Pacific, and were authorized by act of the legislature of the State.

4. That the State, not having funds to make these payments, was forced to issue bonds bearing interest, which were redeemed during various years from 1867 to 1887, and that the State—

necessarily and properly expended the following sums:

For principal, the sum of $129,041.02; for interest thereon, the sum of $43,868; and for advertising for the redemption of bonds before maturity, the sum of $481. The State also expended, in connection with the raising of said troops and the payment of bounty under said act, the sum of $153 for printing said bounty bonds, warrants, commissions, bounty certificates, and bond books, making a total expenditure under said bounty act on account of bounties paid the volunteers mustered into the United States service of $193,543.02, no part of which appears to have been repaid to it.

5. The court further found that the troops so organized were never engaged in the service of the United States in the suppression of the War of the Rebellion, but were engaged exclusively in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

I call the Senate's attention to the report of the Secretary of the Treasury:

REPORT BY SECRETARY OF TREASURY UNDER ACT OF JUNE 25, 1910.

By the general deficiency act of June 25, 1910 (35 Stat., 777), the Secretary of the Treasury was directed to reopen, adjust, and audit the claims of the State of Oregon for expenses in raising its volunteer troops during the period of the Civil War, and to report to Congress on January 5, 1911—that is, during the present administration; for after this thing had been gone over by previous administrations the present administration reported on exactly the same plane—the Secretary of the Treasury submitted his report under this act, which report is printed as House Document No. 1265, Sixty-first Congress, third session.

In this report the amount found to have been expended by the State was $193,929.82, or $386.80 in excess of the amount found by the Court of Claims. A comparison of the items allowed by the Court of Claims with those reported by the Secretary of the Treasury shows that this difference arose in the counting of interest coupons on bonds, but in order that there may be no question about the matter, the pending bill—the amendment amending the deficiency bill—adopts the smaller amount, to wit, that allowed by the Court of Claims.

Mr. President, with reference to the authority of Congress for the adjustment and payment of these claims of the State of Oregon, while this case has been, after careful consideration, favorably determined by the Court of Claims in respect to the item which is the subject of the pending bill, it is deemed advisable to refer here to the precedents of congressional action in like cases, that there may be no misunderstanding of the considerations which authorize and direct the recognition and payment of this amount.

I think the same claim might be made with reference to the claim of Texas, and the same claim might be made with reference to the claim of Virginia, and the other claims which are objected to in conference.

The principle upon which the claim rests is that the duty of defending the States and affording to them adequate military protection rests primarily upon the Federal Government, and where a State is called upon to assume the duty thus described, the Federal Government is obliged by the Constitution to indemnify the State for all expenses necessarily so incurred. That applies particularly to the State of Texas. The only question in such cases relates to the matter of necessity. In respect to the pending claim, the findings of the Court of Claims in the first instance recite the facts showing that the payments made by the State were indispensable conditions precedent to the raising of the volunteers, and then specifically state that the amounts expended were necessarily paid.

An elaborate discussion of this subject is contained in the report submitted by the Senate Committee on Military Affairs in connection with a similar claim of the State of Kansas. (S. Rept. No. 139, 46th Cong., 2d sess.) This report concludes as follows:

The General Government owes to the States the duty of protection, especially against the incursions of hostile savages, over whom the United States authorities have from the foundation of our Government exercised a kind of parental control. And this being the case, when, from any cause, the States are not given such protection, and reasonable and necessary expenses are incurred by such States in repelling invasions from the Indians and suppressing hostilities, reimbursement should be made for the same by the United States.

Also quoted in this report is the following extract from the report upon a similar claim of the State of California, an appropriation for the payment of which was made by the act of August 5, 1854. This quotation is as follows:

It is the opinion of this committee that the obligation of the Federal Government to furnish specific and particular defense to each several State is included in its obligation to maintain the "common defense" of the Confederacy. That invasions from abroad, insurrections at home, and aggressions from the savage tribes inhabiting our borders are alike within the protective province of the Federal Government. Congress possesses the exclusive power "to raise and support armies in time of peace," and possesses the power to call forth the militia "to suppress insurrections and repel invasions." In the tenth section of the first article of the Constitution the States stipulate that they will not "keep troops or ships of war in time of peace."

The conclusion necessarily follows that the Federal Government is by the implied, if not by the express, terms of the Federal compact bound.

The question here presented appears to have been distinctly raised in 1831 upon a claim presented by the State of Missouri. By act, approved March 3 of that year, Congress made an appropriation for the service of the Missouri Militia against the Indians, "provided that our Secretary of War shall, upon full investigation, be satisfied that the United States are liable for the payment of said militia under the second paragraph of the tenth section of the first article of the Constitution of the United States. (4 Stat. L., 466.)

Gen. Cass, then Secretary of War, examined the subject submitted and gave the opinion of the Government as to its constitutional obligations, affirming the liability of the Government and directing payment to be made to the State of Missouri.

It also quotes from a report submitted by Mr. Stanton, then a member of the House Committee on Military Affairs, in connection with a bill for the payment of a similar claim of the Territory of Utah. This quotation is as follows:

The liability of the Federal Government for necessary expenses incurred by the States and Territories in repelling invasions of their territory by a foreign enemy, or by hostile tribes of Indians within our borders, has been so often recognized that it can no longer be considered an open question.

This principle has been continued down to the last appropriation bills, and the only restriction placed upon either appropriation or direction for settlement has been that the expense should have been necessarily incurred.

The act of March 3, 1873 (17 Stat. L., 613), directed the settlement of the claims for "expenses necessarily incurred" in the suppression of hostilities in Montana in 1867, "which have been examined and reported on by the inspector general, James A. Hardie; but in no case shall the sum allowed thereon be in excess of the award reported by said Gen. Hardie."

Gen. Hardie's report had been made under authority of the tenth section of the sundry civil act of 1870, providing as follows:

That the Secretary of War be, and he is hereby, authorized and required to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the Territorial authorities of Montana for arms and supplies of the volunteer forces called out to suppress Indian hostilities in the Territory of Montana in the year 1867. * * * (Act of July 15, 1870, sec. 10; 16 Stat. L., 310.)

The act of February 20, 1874, provides for the settlement of expenses incurred by Dakota Territory in 1862, as follows:

That the Secretary of War be, and he hereby is, authorized and required to ascertain, or cause to be ascertained, the amount of expense necessarily incurred by the Territorial authorities of Dakota for arms, equipments, military stores, supplies, and all expenses of the volunteer forces called out to suppress Indian hostilities in the Territory of Dakota in the year 1862, and report to Congress the names of the persons entitled to relief, together with a statement of the facts and sums upon which such report may be based. (18 Stat. L., 17.)

The act of March 3, 1881, providing for the payment of the Montana volunteers in the Nez Perces war, directs:

That each volunteer * * * shall be paid $1 per day during the term of such service, from the time that he left his home until he was returned thereto, including all time spent in hospital under treatment by such as received wounds or other injuries in such service. (21 Stat. L., 641.)

I dislike very much to tire the Senate of the United States with these quotations, but I insist that this claim is absolutely just and defendable not only by the acts of Congress, but by precedents which have been established by the Senate and by the Congress of the United States in the allowance of claims on all fours with the claim which the State of Oregon presents against the Government at this time.

By the acts of March 3, 1899 (30 Stat. L., 1211), and February 27, 1905 (33 Stat. L., 805), Congress appropriated for the settlement of the claims for services and supplies furnished during the Piute (or Washoe) war in Nevada in 1860. The amounts were in most instances those allowed by the State board of examiners of Nevada for services at the rate of $5 per day. Two of the service-claim appropriations were on awards of the Court of Claims under the Tucker Act, in which $45 per month were allowed for service as privates. (Congressional cases of Daniel E. Kimball, No. 10151, and John Alphin, No. 10152.)

As the right of a State under these precedents is founded upon the Constitution and is properly exercisable in cases of necessity, the right is superior to congressional action by way of prior authorization or subsequent recognition. If a State has been confronted with the necessity of seeing its citizens murdered and outraged and its frontiers devastated and defenseless before a merciless foe, and to secure protection it is found necessary to pay certain sums of money to enlist volunteers, it is derelict in its duty if it fails to secure such protection at any necessary cost; and if it be subsequently established as a fact, as it has been in this case, that the amounts so paid were necessary for the State to pay, it is entitled as of right, not as a matter of bounty or generosity, to be reimbursed every dollar so expended.

By an act of the Legislature of the State of Oregon passed in January, 1907, it is directed that the proceeds of this claim, after the payment of expenses, shall become a part of the principal of the common-school fund of the State.

Now, Mr. President, I ask to have inserted, as a part of what I have to say, a letter from the assistant clerk of the Court of Claims transmitting a copy of the findings of the court in the case of the State of Oregon against the United States April 30, 1909. That letter sets out the findings of the Court of Claims in favor of the State of Oregon and fully supports, both in the findings of fact and in the conclusions of the law, all that we claim in reference to this matter.

The PRESIDENT pro tempore. Without objection, permission is granted.

The matter referred to is as follows:

[Senate Document No. 28, Sixty-first Congress, first session.]

MAINTAINING STATE MILITIA DURING THE CIVIL WAR.

Letter from the assistant clerk of the Court of Claims transmitting a copy of the findings of the court in the case of the State of Oregon against the United States.

COURT OF CLAIMS, CLERK'S OFFICE,
Washington, April 30, 1909.

HON. JAMES S. SHERMAN,
President of the Senate.

SIR: Pursuant to the order of the court I transmit herewith a certified copy of the findings of fact filed by the court in the aforesaid cause, which case was referred to this court by the resolution of the United States Senate, under the act of March 3, 1887, known as the Tucker Act.

I am, very respectfully, yours,

JOHN RANDOLPH,
Assistant Clerk Court of Claims.

—

[Court of Claims of the United States. Congressional, No. 13852. The State of Oregon *v.* The United States.]

STATEMENT OF CASE.

This is a claim for money alleged to have been expended by the State of Oregon in recruiting and paying bounty to State volunteers in the United States service, and for recruiting, equipping, and maintaining State Militia during the Civil War. The claim was presented to the War Department and disallowed because the department had no jurisdiction to consider claims of this nature. It was then presented to the Treasury Department in 1884 under the act of June 27, 1882 (22 Stat. L., 111). It was disallowed by the Third Auditor on March 10, 1888, on the ground that the act of July 27, 1861 (12 Stat. L., 276), made no provision to pay expenses of raising troops for State purposes and not called into service by the request or authority of the Secretary of War or the President.

On May 29, 1908, the United States Senate, by resolution, referred to the court, under the act of March 3, 1887, known as the Tucker Act, a bill in the following words:

[S. 2951, Sixtieth Congress, second session.]

"A bill for the relief of the State of Oregon.

"*Be it enacted, etc.*, That the sum of $358,235.61 be, and the same is hereby appropriated, from any money in the Treasury not otherwise appropriated, to pay the State of Oregon, in full settlement of its claim for raising, supplying, and equipping its volunteer troops and militia during the years 1861 to 1865, inclusive."

The claimants appeared and filed their petition in this court July 11, 1908, in which they make substantially the following allegations:

That on the 14th day of October, 1861, the Chief Executive, acting through the agency of the Hon. William H. Seward, Secretary of State of the United States, addressed to the governor of the State of Oregon a letter, a copy of which is hereunto annexed, marked "Claimant's Exhibit No. 3," wherein attention was called to the necessity for the authorities of said State to place the same in a state of defense; to the fact that in previous wars the several States had independently and by separate activity supported and aided the Federal Government in its responsibilities, and that "in view of this fact, and relying upon the increase and continuance of the same disposition on the part of the loyal States, the President has directed me to invite your consideration of the subject of the importance of perfecting the defenses of the State over which you preside, and ask you to submit the subject to the consideration of the legislature when it shall have assembled. Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal Government. Being thus made with the concurrence of the Government for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement."

That in the month of October, 1861, by authority of the War Department, a call was made for the raising of a regiment of Cavalry in the State of Oregon, to be mustered into the service of the United States for a term of three years. Six companies of said regiment were raised during the winter of 1861 and 1862, when, by order of the War Department, it was directed that recruiting should cease. On January 5, 1863, a requisition was made upon the governor of said State for the raising of additional companies to fill the regiment. On account of the conditions then existing in that country, as hereinafter more fully set forth, and the inadequacy of the pay of such troops under the Federal laws then existing, it was found impossible to secure recruits to fill more than one company. One company was, however, raised and mustered into the service of the United States, under the command of Capt. H. C. Small.

That, commencing with the act of September 28, 1850 (9 Stat. L., 504), Congress had provided certain extra pay to the officers and enlisted men of the United States Army serving or enrolled in Oregon and California in recognition of the difference in the conditions existing in that section of the country By said act of September 28, 1850, it was provided that there should be allowed to each commissioned officer while serving in said States, in addition to their regular pay and allowances, a per diem of $2 each, and to each enlisted man a per diem, in addition to their regular pay and allowances, equal to the pay proper of each as established by existing laws, said extra pay to be retained until said enlisted men were honorably discharged. By the act of Congress of August 31, 1852, said appropriation was continued, but the amount of extra pay to be paid enlisted men was reduced to one-half; these appropriations were not continued during the Civil War, and there were no troops of the Regular Army within the State of Oregon after the summer of 1861.

By the act of Congress of June 17, 1850 (9 Stat. L., 438), the President was authorized to enroll privates by volunteer enlistment in regiments of the Regular Army serving at the several military posts on the western frontier, and it was directed that whenever such enlistments were made at these posts a bounty equal to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment should be allowed each recruit so enlisted. The amount so paid these recruits exceeded $150 per man. This provision was repealed by the act of August 3, 1861 (12 Stat. L., 288), although at the time of such repeal the conditions which had theretofore existed still obtained.

In the act of Congress authorizing the President to accept volunteers from the governors of the several States (act of July 22, 1861, 12 Stat. L., 268), and in the act of July 27, 1861, directing the refund to the governors of such States for expenses properly incurred for recruiting, etc., there was no restriction imposed as to the character or amount of such proper expenditures to be incurred or reimbursed.

No troops were raised or recruited by the Federal authorities in the State of Oregon during the Civil War. The pay provided by Congress for volunteers, $13 per month, was paid to the Oregon volunteers in legal-tender notes, notwithstanding that in Oregon and in the other Pacific coast States and Territories gold was maintained as to the standard of value, and such notes had in that section of the United States a commercial value of less than half of their face value. The wages of ordinary laborers in the State of Oregon at that time ranged from $2 to $5 per day, and the cost of living and the prices of all commercial commodities was correspondingly high, so that it became and

was impossible for the State authorities to furnish volunteers for service without offering certain premiums or inducements as a consideration for enlistment, and after consultation and conference with the Federal officers in charge of the military department of the Pacific, said State, acting through its governor and legislature and at the urgent solicitation of said Federal officials, agreed to pay and did pay certain considerations for enlistment, as set forth in the succeeding paragraphs of this petition.

On the 5th day of October, 1864, the governor of the State of Oregon addressed a communication to the general commanding the district of Oregon, Brig. Gen. Benjamin Alvord, stating that the question of passing a law giving bounty for recruits was under consideration, but the fact that when they consider that it will run the State in debt $150,000 to raise 1,000 men seems to make the legislature hesitate, and that "if a call is made for more men I hope it will be made before the adjournment, so that the question will be fairly presented." In reply thereto Gen. Alvord, on October 18, 1865, addressed a letter to the governor of Oregon, wherein he states:

"I feel that it is very important for the public service, as I have continually represented to you for a long time that the Legislature of Oregon should pass a law giving bounty to volunteers."

On October 20, 1864, the legislature having meanwhile done nothing in the execution of these suggestions, Maj. Gen. Irwin McDowell, commanding the Department of the Pacific at San Francisco, Cal., telegraphed to the governor of Oregon that orders had been received from the War Department that a regiment of Infantry be raised in the State of Oregon as soon as possible.

Upon the receipt by the governor of Oregon of this call, he acknowledged the receipt thereof as follows:

"Your telegram requesting a regiment of infantry has just been received.

"I will do all in my power to raise it, but fear I may not have as good success as desired. I recommend the legislature now in session to offer bounties; but now it is but one day to the time of adjournment, and I regret to say that I fear a bill introduced for that purpose will not pass."

On the same day said governor advised the general commanding the district of Oregon, Brig. Gen. Alvord, of the receipt of the call for the regiment of infantry, stating that although there has not been a general disposition in the legislature to offer bounties, the making of this call will, he thinks, occasion the passing of the bill. Upon the receipt by the general commanding the department, Maj. Gen. Irwin McDowell, of the letter of the governor of Oregon of October 20, 1864, above quoted, said general telegraphed to the governor of Oregon urging the passage of said bounty law, and in response to this telegram said governor, on October 28, 1864, addressed to Gen. McDowell the following communication:

STATE OF OREGON, EXECUTIVE DEPARTMENT,
Salem, October 28, 1864.

Maj. Gen. IRWIN MCDOWELL,
Commanding Department of the Pacific.

GENERAL: Your telegram was duly received. I sent to the legislative assembly the inclosed message, and a law has been passed giving a bounty of $150 to each volunteer. Your telegram just in time. Without it the bounty bill would not have passed.

I have the honor to be, very respectfully, your obedient servant,
ADDISON C. GIBBS.

Your petitioner further states that, under stress of the foregoing facts, the Legislature of Oregon, on October 24, 1864, passed two acts, granting in the first what was termed "extra pay," but which was, in reality, an amount equal to the difference between the value of coin and that of the currency paid to troops serving in the United States Army as volunteers from the State of Oregon, the gold standard being then maintained on the Pacific coast and currency being depreciated approximately 50 per cent, and the second, a bounty of $150 to each recruit thereafter voluntarily enlisting.

There being at the time no available funds for the payment of such extra pay and bounty, it was provided in said acts that, to carry out their provisions, bonds of the State should be issued, and by section 6 of the first-named act it was provided that bonds to the amount of $100,000 should be issued, redeemable on the 1st day of July, 1875, bearing interest at the rate of 7 per cent per annum from the date of their issue, payable semiannually, coupons for such interest to be attached to each bond. By section 8 of the second-named act it was provided that similar bonds bearing the same rate of interest should be issued, redeemable on the 1st day of July, 1884.

By another act, passed October 24, 1864, a copy of which is hereunto annexed, marked "Claimant's Exhibit No. 9," an appropriation of $1,000 was made to pay the expenses of engraving and printing in connection with the two acts above named.

On account of the inducements offered by the acts granting extra pay and bounty, as above set forth, the officers of said State were enabled to promptly and efficiently comply with said third call for the raising of a regiment of Infantry, made, as above stated, on the 20th day of October, 1864, and did raise said regiment, which was thereafter mustered into the military service of the United States, and it served for the common defense of the United States until it was mustered out of service by companies at different dates from October 31, 1865, to July 19, 1867; and also, on account of such inducements offered for service in the United States Volunteer Army, said First Regiment of Oregon Volunteer Cavalry, recruited under the calls of October, 1861, and January, 1863, was continued in such service after the expiration of the original terms of service of its veteran volunteers, and, with recruits, continued in the military service of the United States until mustered out by companies at different dates from May 26, 1866, to November 20, 1866.

Your petitioner further states that the difficulties of recruiting troops to serve upon the established rates of Army pay, after the repeal of the provisions of the acts of 1850 and 1851, was fully represented to and recognized by the military authorities of the United States commanding in that country, and was by the general commanding the department duly reported to the War Department; that on November 20, 1863, the general commanding advised the War Department that in the execution of the varied duties and responsibilities in that remote department it had frequently been necessary for him to act promptly and assume responsibilities which in time of peace he would have deferred for the action of the General in Chief and War Department; that he has done and will thereafter do what seems to be his duty, acknowledging his responsibility to the General in Chief, the Secretary of War, and the President, in the concluding paragraph of his letter to the Missouri delegation of October 5, and that he requests of the Secretary of War an approval of all done by him in the matter of raising and organizing volunteer organizations in that department, necessary in view of the fact that objections may be made by the accounting officers in cases where the regulations of the department have not been followed. In closed in this communication he forwarded a copy of his General Orders, No. 40, modifying the general orders relative to recruiting by transferring to the governors of the States and Territories the control exercised by commissaries of musters and superintendents of recruiting service.

Your petitioner further states that the pasage of these acts granting extra pay were reported to the Secretary of War by the military authorities of said Department of the Pacific, and that the troops so recruited were called for and accepted with the knowledge of the conditions under which said States were required and did secure their enrollment.

The value to the United States of said bounty law in the State of Oregon and the interest of the military authorities of the United States therein is further shown by the following letter of the general commanding the district of Oregon:

HEADQUARTERS, DISTRICT OF OREGON,
Vancouver, Wash., January 10, 1865.

His Excellency A. C. GIBBS,
Governor of Oregon, Portland, Oreg.

SIR: I learn from Col. Maury on his return from Portland that the idea is entertained by some persons that the act of the Oregon Legislature of 24th October, 1864, providing for payment of $150 bounty "to every soldier who shall hereafter enlist for three years or during the war in any regiment, battalion, or company now organized or hereafter to be organized or raised as part of the quota of volunteers of this state, etc.," was not intended by the members of the Oregon Legislature for any but the First Oregon Infantry.

I desire to say that this must be a mistake, as at the first of the session I saw that a bill had been introduced by Mr. Donnell, providing for bounties only to the Oregon Cavalry. I instantly wrote to Mr. Donnell begging him to modify the language of the bill so as to apply to any troops which might be called for, as no one then knew what kind of troops would be called for. The bill passed so as clearly to include either Cavalry or Infantry.

It is essential in the new effort to raise the Oregon cavalry that the same bounties shall be promised as have been promised the Oregon Infantry. The law clearly and unmistakably provides for them.

I have the honor to be,
Very respectfully, your obedient servant,
BENJ. ALVORD,
Brigadier General, U. S. Volunteers, Commanding District.

That under said act of October 24, 1864, granting extra pay to the Oregon volunteers in the service of the United States, there was expended by your petitioner the sum of $90,392.99, the bonds to raise funds for payment to the amount thereof being issued on January 2, 1865, and during the period while said bonds were outstanding and unpaid, and until the maturity thereof, said State was required to pay and did pay interest thereon at the rate of 7 per cent per annum, amounting to the sum of $44,745.20, making the total expenditure of said State for extra pay under said act the sum of $135,138.19, as will more particularly appear by reference to the vouchers thereof filed in this case under the title of "Abstract K."

Under said act of October 24, 1864, providing for the payment of bounty to volunteers thereafter enlisting, said State paid to such volunteers the sum of $129,041.02, and, having no available funds to meet said expenditure, did on January 2, 1865, issue bonds bearing interest at 7 per cent per annum, as therein provided, and did actually pay thereon, as interest, the sum of $62,466.45, making a total expenditure of said State on this account of the sum of $191,507.47, as will more fully appear by reference to the vouchers thereof filed in this cause under the title of "Abstract H."

And your petitioner further incurred and paid certain expenses in connection with the office of the adjutant general and the service and expenses of recruiting officers amounting to the sum of $9,731.33, as will more fully appear by reference to the vouchers thereof filed in this case under the title of "Abstract —."

Your petitioner necessarily incurred and paid certain expenses of the adjutant general's office in connection with the recruiting of said troops for postal expenses, amounting to the sum of $121.72, vouchers for which have been filed in this case under the title of "Abstract F."

And your petitioner further paid certain expenses for services of said adjutant general's office for clerk hire and miscellaneous items, amounting to the sum of $805.66, as will more fully appear by reference to the vouchers filed under the title of "Abstract E."

And your petitioner further paid certain expenses for services rendered by various parties for supplies, printing, services, etc., amounting to the sum of $2,276.63, as will more fully appear by reference to the vouchers filed under the title of "Abstract D."

And your petitioner further states that it paid certain expenses of transportation, amounting to $724.42, as will more fully appear by reference to vouchers filed under the title of "Abstract C."

And your petitioner further states that it paid certain expenses for miscellaneous supplies, such as arms, ammunition, and camp equipage, forage, stationery, etc., amounting to the sum of $3,998.46, as will more fully appear by reference to vouchers filed under the title of "Abstract B."

Your petitioner further states that it was during the years 1863 and 1864 called upon at various times for volunteers for temporary service for periods of a few months, and that troops were mustered into such temporary service, occasioning a part of the expenses hereinbefore set forth; that in order to be in readiness to meet such calls, acting with the full knowledge of the military officers appointed by the War Department and the commander of said military district and in the spirit of the letter of the Hon. William H. Seward to the governor of the State above referred to, it made certain provisions for a State militia, and in order to render such militia efficient it was necessary that the same be assembled at various times, and on this account the petitioner paid during the years 1863, 1864, and 1865 the sum of $9,907; that said militia was not as such mustered into service of the United States, but its organization and efficient condition was occasioned and maintained in order to comply with the request of the honorable Secretary of State, as above set forth, and was reasonable and necessary to that purpose.

Your petitioner further states that it has been guilty of no laches or delay in the preparation or presentation of this claim, but that it duly presented the same to the Treasury Department and to the War Department; that said claim was disallowed by the War Department because said department had no jurisdiction over claims of this nature, and it was disallowed by the Treasury Department for the reason that under the construction of the acts of Congress adopted by that department such expenses could not be allowed.

Your petitioner further states that by an act of Congress approved July 27, 1861, the Secretary of the Treasury was directed to reimburse the States for the costs, charges, and expenses properly incurred in enrolling, paying, etc., troops raised for service during the Civil War, and that under the liberal construction of said act which the Supreme Court of the United States (160 U. S., 598) has decided should be applied, the foregoing disbursements of the State of Oregon should have been allowed and paid, in that they were necessary to accomplish the raising of troops for the common defense.

The case was brought to a hearing on loyalty and merits on the 27th day of November, A. D. 1908.

Messrs. Ralston & Siddons and W. E. Richardson, Esq., appeared for the claimant, and the Attorney General, by Clark McKercher, Esq., his assistant, appeared for the protection and defense of the interests of the United States.

The court, upon the evidence adduced and after considering the arguments and briefs of counsel on both sides, makes the following

FINDINGS OF FACT.

I. In the early part of the Civil War the Federal troops in the State of Oregon were withdrawn for service in the East, rendering it necessary for the State authorities to raise troops for the protection and defense of the State and its citizens and the residents of adjoining Territories. Under various calls made by the War Department the State raised seven companies of cavalry and one regiment of infantry during said war, as hereinafter set forth, numbering in all about 1,810 men, which were mustered into the United States service and were engaged during the war and until the close of the year 1866 in operations against hostile Indians.

II. In the winter of 1861–62 private citizens of Oregon, pursuant to calls made by the United States military authorities of the Pacific coast, raised six companies of Cavalry, thereafter known as the "First Oregon Cavalry," which were mustered into the United States service for the term of three years. On January 5, 1863, to meet the then-existing demand for troops, a further call was made on the governor of Oregon for the raising of six additional companies to complete the regiment of First Oregon Cavalry. Efforts were made by the State authorities, assisted by United States officers, to raise these troops, and up to August 10, 1863, they had been successful in raising but one company. The terms of enlistment of many of these men would expire in 1864, and on October 24 of that year the Legislature of the State of Oregon passed an act entitled "An act for the relief of the commissioned officers and enlisted men of the Oregon volunteers in the service of the United States," granting to every Oregon volunteer then in the service of the United States extra pay to the amount of $5 per month from date of enlistment to date of discharge. Said act provided for the issuance of bonds to the amount of $100,000, bearing interest at the rate of 7 per cent per annum. In the redemption of these bonds the State expended for principal and interest the sum of $135,279.72, and for advertising for the redemption of the bonds before maturity the sum of $354.10, making a total of $135,633.82.

The amounts so expended under said soldiers' relief act were paid to volunteers whose terms of service had expired or were about to expire. The payment of same was a gratuity on the part of the State and was granted without any authority from the United States, and the State of Oregon has no claim, legal or equitable, against the United States on account of the expenses so incurred.

III. On October 20, 1864, Maj. Gen. McDowell, commanding the Department of the Pacific, telegraphed the governor of Oregon that orders had been received by him from the War Department that a regiment of Infantry be raised in the State of Oregon as soon as possible. Upon receipt of said telegram the governor wrote Gen. McDowell as follows:

"Your telegram requesting a regiment of Infantry has just been received. I will do all in my power to raise it, but fear I may not have as good success as desired. I recommend the legislature now in session to offer bounties, but now it is but one day to the time of adjournment, and I regret to say that I fear a bill introduced for that purpose will not pass."

The conditions then existing in that State on account of the high rate of wages, the cost of living, the inadequacy of the pay of United States troops, and the depreciation of legal-tender notes in which they were paid, as provided by law, made it impossible for the State authorities to secure volunteers for the military service without offering premiums or inducements as a consideration for enlistment.

Brig. Gen. Alvord, commanding the district of Oregon, in a communication to the governor of the State, dated October 18, 1864, which was transmitted to the legislature in a special message by the governor, stated that he felt it important for the public service, as he had continually represented to the governor, that the Legislature of Oregon should pass a law giving bounty to volunteers; that the inadequacy of the pay was especially evident on the Pacific coast, where the depreciation of legal-tender notes was discouraging to volunteering. It also appears that immediately after the bounty act of October 24, 1864, hereinafter referred to, was passed the governor of Oregon, Addison C. Gibbs, sent the following communication to Maj. Gen. Irwin McDowell:

STATE OF OREGON, EXECUTIVE DEPARTMENT,
Salem, October 28, 1864.

Maj. Gen. IRWIN MCDOWELL,
Commanding Department of the Pacific.

GENERAL: Your telegram was duly received. I sent to the legislative assembly the inclosed message, and a law has been passed giving a bounty of $150 to each volunteer. Your telegram just in time. Without it the bounty bill would not have passed.

I have the honor to be, very respectfully, your obedient servant,
ADDISON C. GIBBS.

On October 20, 1864, the governor sent a special message to the legislature of the State, informing it of the call made by the War Department for a regiment of Infantry and quoting from Gen. Alvord's letter, above referred to, recommending the passage of a law granting bounty to volunteers.

Thereupon the legislature of the State, acting upon the suggestion of Gen. Alvord, passed an act, approved October 24, 1864, granting a bounty of $150 to every soldier who should thereafter enlist for three years or during the war in any regiment, company, or troop then or thereafter to be organized, and by said act appropriated and set aside a fund of $200,000, called the soldiers' bounty fund, for paying said bounties.

The State at the time was without available funds for the purpose of carrying into effect the provisions of said act, and to provide for the fund thereby created authorized the issuance of bonds, redeemable July 1, 1884, bearing interest at the rate of 7 per cent per annum from the date of issue. Thereafter the State raised one regiment of infantry, known as the First Oregon Infantry, which was mustered into the service of the United States for three years, and recruited all the companies of the First Oregon Cavalry whose terms of enlistment had expired.

In the raising of said regiment of infantry the State issued to soldiers enlisting after the passage of said act 2,760 bonds of the State of the par value of $50 each, and in the redemption of said bonds it necessarily and properly expended the following amounts: For principal, the sum of $129,041.02; for interest thereon the sum of $63,868, and for advertising for the redemption of bonds before maturity the sum of $481. The State also expended in connection with the raising of said troops and the payment of bounty under said act, the sum of $153 for printing said bounty bonds, warrants, commissions, county certificates, and bond books, making a total expenditure under said bounty act on account of bounties paid to volunteers mustered into the United States service of $193,543.02, no part of which appears to have been repaid to it.

IV. The troops so organized and mustered into the United States service as aforesaid were never actually called into the service of the United States in the suppression of the War of the Rebellion, but were engaged exclusively in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

V. At the time of the passage of the act of the Legislature of the State of Oregon of October 24, 1864, the act of July 4, 1864 (13 Stat. L., 379), granting bounty to one, two, and three year volunteers was in force and the records of the Treasury Department in the office of the Auditor for the War Department show that the enlisted men of the First Oregon Infantry were paid bounties by the United States under that act.

Said records also show that the enlisted men of the First Battalion of Cavalry, Oregon Volunteers, were paid bounties by the United States under the act of Congress of July 22, 1861 (12 Stat. L., 268, sections 5 and 6), and orders of the War Department, series of 1863, legalized by joint resolution of January 13, 1864 (13 Stat. L., 400).

VI. The Legislature of Oregon passed an act approved October 16, 1862, providing for an enrolled militia out of which the organized militia of the State should be formed. Companies were raised, equipped, and drilled, and the State expended during the years 1863 to 1865 in raising, supplying, and equipping said militia the sum of six thousand three hundred and twenty-three dollars and forty-four cents ($6,323.44).

No part of said militia was ever in the military service of the United States, and the State of Oregon has no claim, legal or equitable, against the United States for expenses incurred by the State in raising, supplying, and equipping the same.

VII. This claim was first presented to the War Department and was disallowed because that department had no jurisdiction to consider such claims. It was then presented to the Treasury Department in 1884 under the act of June 27, 1882 (22 Stat. L., 111), and was disallowed on the ground that the act of July 27, 1861 (12 Stat. L., 276), made no provision to pay the expenses of raising troops for State purposes.

Thereafter the claim was presented to the Fiftieth and subsequent Congresses and was transmitted to the court by resolution of the United States Senate, as hereinbefore set forth.

BY THE COURT.

Filed December 31, 1908.
A true copy.
Test this 29th day of April, 1909.
[SEAL.]
JOHN RANDOLPH,
Assistant Clerk Court of Claims.

Mr. CHAMBERLAIN. I desire to call to the attention of the Senate, and ask to have inserted in my remarks, a copy of a letter from the Secretary of the Treasury—the present Secretary, Mr. MacVeagh—of date January 5, 1911, making exactly the same findings as were made by the Court of Claims, and practically stating in terms that the Government of the United States is indebted to the State of Oregon in the amount of the claim inserted in the deficiency bill.

The PRESIDENT pro tempore. Without objection, permission is granted.

The letter referred to is as follows:

[House Document No. 1265, Sixty-first Congress, third session.]

CLAIM OF THE STATE OF OREGON.

Letter from the Secretary of the Treasury, transmitting a report on the claim of the State of Oregon for equipment of volunteer troops.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 5, 1911.

SIR: I beg to submit my report pursuant to the act of Congress approved June 25, 1910 (35 Stat., 777), authorizing the Secretary of the Treasury to reopen, adjust, and audit the claims of the State of Oregon for expenses incurred in raising, supplying, and equipping its volunteer troops during the period of the Civil War, and to ascertain and report to Congress for consideration what sums, if any, were expended by the said State and have not been reimbursed to it by the United States on account of the principal of bonds issued, interest paid thereon, the expenses of advertising and printing in connection therewith, in providing means for the payment of bounty to volunteers mustered into the service of the United States and who were engaged in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

It is found upon examination that the State of Oregon actually expended $193,929.82 in accordance with said laws in the redemption of bounty lands, interest thereon, and expenses connected therewith, as follows:

Paid for redemption of 2,719 bonds of the par value of $50 each (part redeemed below par)	$128,991.02
Interest on said bonds	64,344.20
Printing bonds, warrants, bond books, and bounty certificates	113.00
Advertising in newspapers for redemption of bonds prior to maturity	481.60
Total	193,929.82

The bonds thus issued, it appears, were not sold and the proceeds thereof used to pay the expenses of raising troops, but instead the bonds were issued directly to volunteers from the State of Oregon after their muster into the United States service, except in a few instances when they were issued to the legal representatives of soldiers who died in the service. The troops thus mustered into the United States service were engaged in the State of Oregon and adjacent Territories in the suppression of Indian outbreaks.

Respectfully,

FRANKLIN MACVEAGH, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

Mr. CHAMBERLAIN. Now, Mr. President, I want to apologize to the Senate for the time I have consumed, but it seems to me that the Government of the United States ought not to be permitted by the Senate or by the House of Representatives to repudiate a claim which has been established by every branch of the Government that has any jurisdiction to ascertain and determine the facts with reference to these claims. Here is the claim of the State of Oregon; it is not stale; it has been insisted upon by Senators and by Representatives ever since the claim was incurred; and, Mr. President, its justice has been established by the Secretary of the Treasury; it has been established by the Secretary of War; it has been established by the Court of Claims; and if there ever was a claim on the face of the earth that neither the Government nor any individual situated as is the Government would be justified in repudiating, this is the claim.

So far as I am concerned, if there is any parliamentary method by which I can defeat this bill, unless this claim of the State of Oregon is allowed, I propose to resort to it, and to ask for a call of the roll or for a quorum or to do anything else that may be proper, because it is just as good a claim against the Government of the United States as any claim that ever was asserted or that ever was allowed. I think the Senate of the United States ought to see to it that the motion of the Senator from Missouri is not concurred in, but that this claim ought to be insisted upon by the Senate of the United States.

Mr. BRANDEGEE. Mr. President, I trust most sincerely that the Senator from Oregon will not enter upon the course he has suggested. I hope the motion of the Senator from Missouri that the Senate recede and concur with the House will prevail, and for this reason: This bill left the House carrying some $6,000,000, and both branches of Congress have agreed upon that amount of deficiency as being justly due to the claimants. Here come certain claims from several States and we may, for the purpose of the argument, admit their justice—some $600,000 worth of claims for these several States.

I assume that they are just claims and that they ought to be paid. What is the use, Mr. President, at this stage of the session, at this hour in the morning, of the Senate, after the House has voted to adhere—which in a parliamentary sense is equivalent to a vote of the House that they will decline to consider any further these claims that the Senate has added to this bill—after that has happened, what is the use of the Senate further insisting upon its amendments and carrying it to the point of defeating $6,000,000 worth of deficiency claims which both branches admit are due, and which, if that action should prevail, would result in putting honest men all over the United States, who have trusted the Government of the United States, who have sold it goods and merchandise, who have a deficiency due them, and who are now being carried on borrowed money in banks in the different cities of the United States—what is the use of putting those honest men into bankruptcy simply because somebody else could not secure the allowance of claims which they think are due them?

Mr. SMITH of Maryland. May I ask the Senator a question?

Mr. BRANDEGEE. With pleasure.

Mr. SMITH of Maryland. Does the Senator think that the claims which have been due those parties for a short time should be paid and that claims which have been standing for fifty or a hundred years should be left unpaid? Why should the claims of these States be left out any more than the other claims? They are just. It has been decided here that the claims as put in the deficiency bill are in order and that it is the proper place for them; and simply because the House of Representatives does not want to pay the bill, is that any reason why the Senate should agree and leave out claims which are just and which have been standing for years and years and payment for which has been demanded over and over again?

Mr. BRANDEGEE. Mr. President, I entirely agree with the Senator from Maryland, and I wish the House had included the claims for Virginia and Maryland and Texas and Oregon. The Senate voted to put them on the bill. I do not deny that they are just claims; but I say to the Senator from Maryland, after the House has declined to pay these four just claims, but has agreed to pay all the other claims, what justice is there, because we can not get these four just claims paid, in throwing all the other just claims out and putting honest men into bankruptcy? The claims to which the Senator from Maryland alludes are claims of States. Those claims can come up again; they can be put on other bills on which the rules of the House will allow them to stay; but in the meantime all these honest men, who, both branches of Congress admit need the money, and that the Government owes it to them to the extent of $6,000,000, are to be kept out of their money, and many of them are to be ruined. The States will not be ruined if they do not get their money now.

But aside from all the questions which the Senators have raised, what is the use of talking about the thing now? The House of Representatives have adhered, and when the House have adhered and said they will not have anything more to do with these claims, it is simply for the Senate to decide whether or not they will kill the whole bill simply because these four States can not get what is justly and honestly due them. It is not the Senate's fault, and the Senate can not remedy it. If the Senate sends this bill back to conference, nothing is accomplished, for the House declines to confer further; and Senators who vote to adhere or to further insist simply vote that they will not pay $6,000,000 worth of claims that both bodies have agreed upon because $600,000 of claims that the Senate added will not be agreed to by the other House.

I submit the reasonable, and as I think the best, thing to do under the circumstances is for the Senate to recede and allow these men who otherwise would be bankrupted to get their money and then all unite in the future to get these other claims allowed if possible.

Mr. CHAMBERLAIN. I desire to say that the same argument is made every time this claim comes before the Senate. They say, "You have it not in the right bill"; and if we take it before one committee they say, "It ought to go before some other committee"; and it seems to me that if the Senate, which has passed this bill three or four times in separate form, intends to see that the Government pays its just debts, we ought to insist upon it now.

Mr. BRANDEGEE. I put it to the Senator. Here are four States whose credit is good and who can survive until the next session. Does the Senator from Oregon think it is fair and right, because those four States can not between them get a total of $600,000, that $6,000,000 of claims of individuals, many of whom will be bankrupted if they can not get their money now, shall be denied payment?

Mr. CHAMBERLAIN. I think the question of bankruptcy is a matter of imagination on the part of the Senator. I feel that possibly some people will suffer, but the State of Oregon and these other States have waited for half a century, and they have been unable to get anything. It seems to me that if we ever expect to get the money we must insist upon the parliamentary situation as we find it and insist upon the adjustment of their rights.

Mr. BRANDEGEE. I am not usually in the habit of talking from my imagination. What I said was upon the basis of a statement made to me by a reputable and trustworthy Member of the House. I do not know a single item in the bill; I do not know that it concerns any constituent of mine; I do not know anything about it except that the committees of both Houses have agreed that these amounts are due. I have been informed, within 15 minutes, by a gentleman who has the honor to represent a district in San Francisco, whom I happened to meet in the cloakroom, that he knew of parties there who were being carried now by the banks of San Francisco, merchants who had trusted this Government, having bills for butter and poultry and things of that kind, and they are being carried by the banks, and if they can not get this money they will be bankrupt in three months. I have no interest whatever in this matter.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Connecticut yield to the Senator from Washington?

Mr. BRANDEGEE. I do.

Mr. JONES. I want to suggest to the Senator that there is one item here, under subsistence for the Army, amounting to $629,000.

Mr. BRANDEGEE. Yes. As I have said, I know nothing about the items in the bill, but, where the two Committees on Appropriations in the House and the Senate report a bill and have agreed upon certain amounts in the bill—and the great bulk of them are just claims—it seems to me to be pretty hard that the people whom we all admit we owe should be kept out of their money and forced to pay interest on borrowed money, if they can tide over; and if they can not, be forced into bankruptcy, because of the fact that four great

States in the Union who have $600,000 of claims—one-tenth of the whole bill—insist they shall be paid now or nobody else shall be. It seems to me, to put it mildly, it is not a just or generous attitude. Therefore, I hope the motion of the Senator from Missouri that the Senate shall recede will prevail.

Mr. OVERMAN. Mr. President, I want to say just one word in criticism of the conferees on the part of the House. Their action is past finding out, and I think they have treated the Senate in some respects with great contempt. There was one little item on this bill recommended by the Secretary of the Treasury. Some years ago an appropriation was made for a post-office building at Charlotte, N. C. Charlotte is a growing town, one of our largest cities. Plans have been made and the contract let to the lowest bidder, and the department has asked for the sum of $5,000 for the rent of a post office while the Federal building is being built. I suppose the conferees expect the post office to be moved out into the street while they are putting up the new building.

I should like to know from some member of the conference committee why the House conferees insisted upon that amendment going out. It was recommended by the Secretary of the Treasury. Congress authorized an appropriation for the building. The plans were prepared, the contract let, and there is no place for the post office to go except out in the street, and yet the House conferees stand here for hours and hours and hours, insisting that that item should go out of this bill. Now, why? What is the reason for it, unless they just want to be contemptuous and bullheaded? [Laughter.]

Mr. WILLIAMS. Mr. President, I want to make a protest in behalf of my old companions at the other end of the Capitol. I do not think they ought to be denounced as bullheaded. They have an equal right to participate in legislation and to stand by whatever they think is right.

In this connection I desire to propound a parliamentary inquiry, in order to determine whether we can not somehow come together. I think that these several claims on the part of Texas and Oregon and Virginia and Maryland, all of them, so far as I can learn, just, might go over until another year, and we might possibly take care of the pages and the clerks with their extra month's pay.

I should like to ask the Chair if it would be in order to move to recede from so much of the Senate position as involves these alleged debts to the States, and to adhere to the Senate's position with regard to the extra month's pay. Mr. President, would that be in order? It seems to me it would be, because it seems to me it would bring the two Houses nearer together than the motion which is now before the Senate.

The PRESIDENT pro tempore. There is no question that a motion to recede from certain of the amendments is in order, but——

Mr. WILLIAMS. But if the Chair——

The PRESIDENT pro tempore. If the Senator from Mississippi will permit the Chair for a moment, it is ordinarily in order, but the Chair is not quite clear whether that would take precedence over the motion which has been made to recede from all the amendments. The Chair will look that up.

Mr. WILLIAMS. If there has been a motion made to recede from all the amendments, I admit that that would have precedence over the motion which I proposed to make, because it would bring the two Houses still nearer to an agreement.

The PRESIDENT pro tempore. The Chair is of the opinion, as there is a motion pending——

Mr. WILLIAMS. I express the hope that that motion may be withdrawn, so that we may proceed to try to settle the differences between the two Houses on a line of compromise. I have no doubt of the fact that a motion to recede from three or four amendments and to adhere to another would have precedence over a motion to adhere.

I would like to ask the Senator from Missouri whether he is not willing to modify his original motion. I am rather anxious to see these people in clerical positions get their extra month's pay. They have generally gotten it. They have worked very arduously; they have had a long term; and many of them will not have enough money to pay their way home unless we provide for them.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a concurrent resolution (No. 65) authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m., in which it requested the concurrence of the Senate.

PROPOSED FINAL ADJOURNMENT.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (No. 65) of the House of Representatives, which was read and referred to the Committee on Appropriations:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

Mr WARREN subsequently said: I report for action the concurrent resolution which I send to the table.

The PRESIDENT pro tempore. The Senator from Wyoming reports from the Committee on Appropriations a privileged matter.

The concurrent resolution was read.

Mr. STONE. Does the Senator from Wyoming wish action on the concurrent resolution now?

Mr. WARREN. I desire to have action. If it is thought necessary to name a different hour, in courtesy to the House we ought to do so now. Perhaps it may be necessary to amend the concurrent resolution, and I suggest that it lie on the table for the present.

The PRESIDENT pro tempore. Does the Senator withdraw the resolution?

Mr. PENROSE. Let it lie on the table.

The PRESIDENT pro tempore. Very well; it will lie on the table.

GENERAL DEFICIENCY BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for prior years, and for other purposes.

Mr. STONE. Mr. President, I should like again to ask the Senator from Wyoming if I am correct in my understanding of the situation that the differences remaining between the conferees of the Senate and of the House now relate to five items in the deficiency bill, namely, those concerning the claims of the States of Virginia, Maryland, Texas, and Oregon, and the one month's additional compensation to the clerks and employees of the Senate and the House?

Mr. WARREN. There are but four numbers, but two of the States are contained in one number. The Senator is correct that there are five items in that respect, and those only.

Mr. STONE. Upon every other point the conferees have come to an agreement?

Mr. WARREN. They have.

Mr. STONE. I move that the Senate recede from these points of disagreement. It is not a pleasant thing to make that motion, for I know that the Senators from these States are greatly interested in the claims. I do not know very much about the claims of these States. They represent in the aggregate claims amounting to some $600,000, as I understand, against the Government of the United States.

Mr. President, Virginia, Maryland, Texas, and Oregon are not the only four States and the people living in these great Commonwealths are not the only people who have claims against the United States, just claims no doubt, that are standing out awaiting the action of Congress.

My friend the Senator from North Carolina [Mr. OVERMAN] says something about a grievance he has with reference to a post office. I always sympathize with any grievance the Senator from North Carolina has, but that point has been settled between the conferees and is no longer in controversy.

Mr. OVERMAN. Will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from North Carolina?

Mr. STONE. I do.

Mr. OVERMAN. Mr. President, I wish to say, in justice to the conferees on the part of the Senate, that they held out on this amendment until they found they could not get an agreement with the other side. They came to see me about it, and I said, rather than to have a disagreement all night and possibly prevent this legislation from becoming effective, I would willingly yield. It was the last thing they agreed to give up, hoping to get an agreement. But the conferees did not come to an agreement. The Senate conferees stood out to the very last on this amendment, because it was right and just.

Mr. STONE. I do not deny that it is right and just; I do not enter into that phase of the subject, but the House of Representatives is a coordinate branch of the law-making power, and the House of Representatives has as much right to speak upon these questions as the Senate—no more, no less. I wish all

other Senators would follow the course of the Senator from North Carolina.

The Senate proposed a large number of amendments to the deficiency bill. May I ask the Senator from Wyoming how many amendments were made by the Senate to this bill?

Mr. WARREN. Something like a hundred and fifty or more.

Mr. STONE. One hundred and fifty or more. Mr. President, legislation of this kind, when it comes to the end, is always the result of compromise and agreement. Differences of opinion as to the wisdom or the right of items in appropriation bills always arise between the two Houses, and they are almost invariably settled by concessions.

I am not contending for a moment that the claims of these four States ought not to be paid, but, Mr. President, the State of Missouri has a claim, too, for as much money and no doubt as justly founded against the Government of the United States as the claim preferred by any of the States named. It is not quite as old as the claims of some of these other States, although it bears the wrinkled front of age. It is a little sere and yellow, but it is an honest claim. I would love to have that claim in this deficiency bill or in some bill. It ought to be considered, adjusted, and paid. It is a claim of the people of my State. There is really no good reason for giving any one of these claims a preference over others. But, Mr. President, we are now close upon adjournment, and we all want to get away. It was thought we would be able to adjourn to-night, and a resolution came to the Senate from the House proposing an adjournment at this hour.

Mr. President, we must concede something to the judgment of the House of Representatives. Out of one hundred and fifty-odd amendments made to this bill by the Senate the House has agreed to all of them except these five.

Mr. WILLIAMS. Mr. President, will the Senator permit an interruption?

Mr. STONE. I will.

Mr. WILLIAMS. I have what I think is good reason to believe that if we recede from these four amendments which involve the debts to these four States and adhere to our amendment in favor of the extra month's pay to the employees we would secure an agreement with the House. I should like to ask the Senator from Missouri if he would not be willing to modify his original motion to recede on everything, which undoubtedly has precedence over my suggestion, so that only one question might come before the Senate. If that one question can come before the Senate, I am satisfied it would pass, and I am equally satisfied that the House would agree to the other amendment.

Mr. STONE. Mr. President, I am in favor of allowing the extra month; and, accepting the statement of the Senator from Mississippi that he has reason to believe an agreement may be arrived at as to that point, I am perfectly willing to modify my motion. I have no information on the subject except the Senator's statement.

Mr. WILLIAMS. I do not wish to mislead the Senator from Missouri. I do not mean to say that I have any information that is absolutely conclusive. I am only expressing my own opinion from what I have heard.

Mr. STONE. I will accept that. Then, Mr. President, I will modify my motion and move that the Senate recede from its disagreement as to the items known as the Virginia, Texas, Maryland, and Oregon claims. I do not know that I have stated the motion as it should be stated. but what I mean is understood by the Senate. I also move that the Senate insist upon the remaining amendment, that an extra month's allowance be made to the employees of the Senate and House. Mr. President, I think that ought to be done in the interest of harmony.

Mr. FLETCHER. Will the Senator yield to me for a moment?

Mr. STONE. I yield to the Senator.

Mr. FLETCHER. I simply want to suggest that I have no inside information, but I have had occasion to observe a little what is going on and I have been discussing matters somewhat with others, and from all I have been able to gather and understand about the situation the item the Senator proposes the Senate shall insist upon is the most objectionable of all the items which are in disagreement. You will come nearer getting them to agree on anything else than on the very item which you propose to insist upon.

Mr. STONE. Mr. President, I am confused now by advice. [Laughter.] I want to see this Congress adjourn. To tell you the God's truth, I believe the public interest will be advanced by an adjournment. Here are claims that may be entirely just and right and all that, but if the House say they will not agree to these items, what is the use of the Senate standing here insisting on these four or five items for hours—weary, disconsolate, and unnecessary hours—when nothing will come of it?

Mr. CHAMBERLAIN. Mr. President——

Mr. STONE. Of course the Senator from Oregon thinks, and no doubt correctly thinks, that his State has a good claim. Concede it, but the House of Representatives does not think so.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Yes.

Mr. CHAMBERLAIN. I know the Senator from Missouri desires that Congress shall adjourn, but I want to say that unless I can get the Oregon claim inserted in this appropriation bill I will undertake to defeat the whole bill. That is the way I feel about it, because we have attempted time and time again to have this claim allowed, with the same results every time—some opposition has come which has succeeded in defeating the claim of our State.

Mr. STONE. Mr. President, that is not a statement which the Senator ought to make, with all due deference, or even adhere to. Here is a great appropriation bill, containing numerous items of vital importance to the public, and the Senator says that unless he can get a claim that his State has against the Government he will use all his great power and influence to defeat the passage of the bill, and thereby in the controversy delay indefinitely the adjournment of Congress.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield further to the Senator from Oregon?

Mr. STONE. Yes.

Mr. CHAMBERLAIN. I probably ought not to say it, and ordinarily I would not say it, but we have been kissed off by such arguments as the Senator is now making for the past 25 years.

Mr. STONE. So have we in Missouri been kissed off.

Mr. CHAMBERLAIN. I will vote for any claim which Missouri has which is as honest as the claim of the State of Oregon.

Mr. STONE. I have not any doubt about the honesty of the claim, or rather I should say I have no reason to doubt the honesty of the claim. I change the form of the expression because I know little about the facts in the case, but I am willing to take what the Senator from Oregon says and "go it blind."

But, Mr. President, I believe we ought to adjust these matters of difference between the two Houses. I do not know how in the name of Heaven we are going to adjust them except by concessions on the part of the House and on the part of the Senate. Heaven knows that I would like to give old Virginia her $125,000. I believe that is the amount. It has been due, my good friend says, for 125 years; or is it 250 years, as my friend here suggests on the side?

Mr. MARTIN of Virginia. I must express my surprise at the ignorance of the Senator on the question that he is discussing when he tells about the claim being 250 years old.

Mr. STONE. I did not say that.

Mr. MARTIN of Virginia. The Senator has misrepresented the situation. The Senator expresses his interest in this claim and he has spent about an hour in making an argument against it. I hope there are not many others interested in the same way.

Mr. STONE. I did not say 250 years. I said 125 years. How nearly is that right?

Mr. MARTIN of Virginia. That is approximately right, according to the Senator's view of the case.

Mr. STONE. Well, then, I am approximately right. About as close as men need to get is to be approximately correct on a question of that kind. The claim is 125 years old. I have no objection to the age. If it was 250 years old, as my friend from Indiana [Mr. SHIVELY] has suggested to me, it ought to be paid, if it is just. [Laughter in the galleries.] I am not speaking against the righteousness of the claim, but I am urging that these differences be compromised for the present, so we may adjourn and go home.

It may be, as my friend from Indiana says, that the older a claim is the better it is; that, like wine, the older the vintage is the better it is. I do not mean by this to assail the integrity or the righteousness of this claim. I am for almost anything Virginia wants, or Oregon or Maryland or Texas may want. All they have to do, as far as I am concerned, or about all they have to do, is to hold out their hands, and if I have anything to drop into their palms I am more than ready and willing to drop it in. I love these States, and I love the people in them and the Senators and the Representatives whom those constituencies have sent to Congress. It ought not to be necessary to say that. It goes without saying.

Nevertheless, Mr. President, we must come to an agreement. I forego the claim of my State. I pass it by for the present. So will other Senators and other Representatives whose States have just claims pass them by. These claims, I have no doubt, are just, but we must not forget that the House of Representatives is at least one-half of the Congress, and that body has just as much right to an opinion upon a question of this kind or upon any other question of legislation as the Senate has.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oregon?

Mr. STONE. Yes.

Mr. CHAMBERLAIN. I desire to say that in ninety-nine cases out of a hundred we have yielded to the claim of the House of Representatives. I feel, as the Senator from Missouri does, that they are entitled to an equal share in questions of legislation, but we have more than done our part in yielding to them in everything that they have asked from us.

Mr. STONE. Mr. President, my friend's statement, I think, is not quite fortunate. I have just asked the chairman of the Committee on Appropriations and the chairman of the Senate conferees how many amendments have been made by the Senate to this deficiency bill. He told me over 150. Now, just how many of those amendments our conferees and the House conferees have agreed upon I do not know, but if out of over 150 amendments there are only 5 left to make the basis of an agreement, it does seem to me in this exigency we might close the account. Nothing grieves me more than to say this when four Senators for whom I have the greatest respect and affection, the Senator from Oregon [Mr. CHAMBERLAIN], the Senator from Virginia [Mr. MARTIN], the Senator from Texas [Mr. CULBERSON], and the Senator from Maryland [Mr. SMITH], stand here in order to get claims averaging about $150,000 for their respective States and insist upon adhering. This means a long contest with the House of Representatives, the great popular branch of the Congress, and I feel that at this stage of the session we ought to recede and adjourn.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator yield further to the Senator from Oregon?

Mr. STONE. I yield.

Mr. CHAMBERLAIN. I hope the Senator will not forget that this is not the first time we have attempted to get these claims through, but in the case of Oregon this is the fourth time that the Senate of the United States has passed the claim favorably, and every time it has been defeated.

Mr. STONE. I know; and three times—not quite four, but three times—a bill in which the people of my State are interested has passed the Senate, and yet it hangs fire.

Mr. CHAMBERLAIN. I want to say to the Senator that if his State has a claim anything near as fair, as honest as the claim of the State of Oregon, or of these other States that have presented claims, there is not a Senator on this side who would not stand by him and do all in his power to assist him in its passage.

Mr. STONE. I have not any doubt of it; but, Mr. President, I wish to say to my good friend from Oregon that I, too, am reluctant to yield, but at a moment like this, when the whole business, practically, of this session is concluded and we are all waiting, tired and anxious, to adjourn, even though my friend from Oregon and my distinguished friends from these other States should say to me, "Stand firm; do not yield; make it a point and an issue between the Senate and the House, and stay here indefinitely until the claim of Missouri is allowed," I would say, "My beloved friend, I thank you for your courtesy and interest; but I will not keep the other ninety-odd Senators and the House of Representatives sitting here hours and days, and it may be weeks, over a contest of that kind. I will yield the point and hope for a satisfactory arrangement and adjustment of the claim later on."

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield further?

Mr. STONE. Yes.

Mr. CHAMBERLAIN. I know that the Senator from Missouri will give me credit for occupying as little of the time of the Senate as any man in it. I never get up to insist upon a claim or to insist upon a proposition unless I think it is right; and when I do feel and when I do think that a claim which is urged by me is just and is honest I am willing to stay here just as long as any man in the United States to insist that that claim shall be recognized and adjusted and paid by the Government of the United States; and I feel that way to-night.

Mr. STONE. Let me ask my friend from Oregon this question: It happens to be that there are claims from four States, and that makes a pretty strong combination. Suppose there was pending here only the one claim from the State of Oregon, all the others having been agreed to or never having been presented, does my friend from Oregon mean to tell the Senate that, if he could do it, he would hold this Congress in session indefinitely in order to compel the Congress to pass a bill paying his claim?

Mr. CHAMBERLAIN. Mr. President, the Senator from Missouri asks me a question, and I will say to him that if I had it in my power to hold the Senate here indefinitely on a claim which was just I would do it every time; and, so far as I am concerned, I would stay here until next December and see to it that a just claim against the Government of the United States in favor of the State of Oregon or of the State of Virginia or of Texas or of Maryland would be paid before we got away from here.

Mr. WILLIAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oregon yield to the Senator from Mississippi?

Mr. CHAMBERLAIN. I do.

Mr. WILLIAMS. I merely wanted to suggest to the Senator from Oregon, who is my warm personal friend, the idea that it is at least to be considered that the nearly 400 Representatives of the people at the other end of the Capitol are equal legislative factors with him; and if he thinks he has a right to hold up nearly 400 immediate Representatives of the people in order to assert what his idea of justice is of a claim against their idea of its justice, or their idea of its nonallowance, at any rate—I do not know what—it seems to me that he is misplacing the two branches of the National Legislature and very much overemphasizing a Senator, either himself or me or anybody else, as a legislative factor.

Mr. CHAMBERLAIN. Mr. President, I do not mean to say that I have the right, but if the occasion ever happens when I have the power I propose to assert it; and I think to-night I have the power, and I propose, so far as in me lies, to exercise that power, because of the parliamentary situation. If I am mistaken in that, then I fail in my effort.

Mr. STONE. Very well, Mr. President, if the Senator has the power to hold up the Congress, and in that way to force the allowance of a claim, then I imagine we may be here until Christmas.

Mr. CHAMBERLAIN. I will stay.

Mr. STONE. Very well, Mr. President, then I have nothing more to say.

Mr. SWANSON. Mr. President, I do not propose to detain the Senate very long in presenting the claim of Virginia for the consideration of the Senate. The claim of Virginia is for a definite amount; it is exact; it is ascertained. There is no dispute as to the amount. It is for $120,000, transferred from the treasury of Virginia to the Treasury of the United States. There is no doubt about the amount; it is not a question of ascertainment; it is specific by the act of the General Assembly of Virginia. The books of the United States show that it was received. The only question that arises is whether or not it is due by the United States. It has never been paid. The only question that the United States ever presented, even by the conferees of the House, was whether Virginia gave this amount to the United States Government or loaned it. That is the only issue. The United States has never paid it.

Let us look at the act of the General Assembly of Virginia which fixed this amount. A bill was first introduced, which granted it as a gift to the United States Government. That bill came before the General Assembly of Virginia. Chief Justice Marshall, who presided for more than 30 years over the Supreme Court, was at that time a member of the General Assembly of Virginia. He opposed Virginia making this gift to the Federal Government; he opposed it as a grant, and he offered an amendment that Virginia advance the money—in other words, to make a loan to the Government of the United States of this amount of money. The Federal Government was poor; Virginia was rich, and Virginia made this loan, and made it by an act of the general assembly. The United States Government accepted the loan of this amount of money from the State of Virginia when its Treasury was empty. Virginia was rich, strong, and powerful. The United States Government used this money, and it helped to build this Capitol. Virginia has tried ever since that time to get the Federal Government to pay that loan. Bills for the purpose of its payment have passed the Senate repeatedly. Every committee that has investigated the claim has decided in favor of it. No man who has the least idea of honesty or justice or pride in his Government should hesitate about paying this loan.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Oregon?

Mr. SWANSON. I do.

Mr. CHAMBERLAIN. I would ask the Senator from Virginia if the same arguments to which he refers that have been made here to-night have not been made every time by the opponents of this claim?

Mr. SWANSON. I will come to that in a moment.

Mr. McCUMBER. Mr. President, if the Senator from Virginia will yield to me for just a moment, I will state my purpose in asking him to yield, so that he need not yield unless he desires to do so. I am going to ask him to yield to allow me to make a motion to adjourn until Monday at 2 o'clock.

Mr. SWANSON. I will not yield until I finish.

Mr. McCUMBER. I want to give my reasons for asking the Senator to yield.

Mr. SWANSON. I will not yield for that purpose.

Mr. McCUMBER. Just let me give one reason now why we ought to adjourn.

Mr. SWANSON. I will only occupy about five minutes, and then I will yield.

Mr. McCUMBER. Will the Senator yield now?

Mr. SWANSON. I will not yield for that purpose, Mr. President.

The PRESIDENT pro tempore. The Senator declines to yield.

Mr. SWANSON. Here is an amount of money that is clear, exact, and specific. The Government of the United States admits it never paid a cent of it. The terms of the act of the General Assembly of Virginia were that it granted it, it loaned it. They were made by Chief Justice Marshall, whose justice and fairness and ability and sense of equity can not be disputed. The Federal Government took the money out of the State treasury of Virginia and put it in the Federal Treasury, and used it to construct this Capitol. The State of Virginia, as I have previously stated, has been asking payment repeatedly for the money which it loaned, and yet the Federal Government refuses to pay the money borrowed from the State of Virginia in the day of its wealth, in the day of its power, when the Federal Government had no credit, no money, and a bankrupt Treasury. In those days Virginia gave her credit and the resources of her treasury to help to sustain the National Government, as she has done repeatedly since the formation of this Government.

This claim of Virginia, as I have said, has been reported favorably by every committee that has ever investigated it; it has passed the Senate repeatedly during the last 20 years, and has gone over to the House of Representatives. In the House of Representatives there are a few men who think they have a right to put their approval or disapproval on every item of appropriation passed by the Senate or by Congress. The bill providing for the payment of this claim has been favorably reported there. There is no dispute about the justice of it; there is no dispute that the amount has never been repaid to Virginia. This bill came over here but a few days ago carrying five or six million dollars of claims against the Government, and in their arrogance of superiority, in their arrogance of judgment, the House conferees say this claim shall not be paid; this claim shall be thrown out. So it has been thrown out for 20 years. For 20 years we have heard the same old siren song, "Wait until the next session; wait until the time comes again; wait until you can get the item on a different bill and we will pay it." I say the time has come for these States to assert their right and for the Senate to insist on its right as a coordinate part of this Government in making appropriations. For my part I am willing to stand here and make a fair and determined fight for the payment of this claim.

Why should a man object to paying money that this Government borrowed, money which was loaned to it by a State in the day of the Nation's poverty, in the day of its want, in the day when it did not have a dollar in its Treasury? Has the time come when a man does not feel a pride in the Federal Government discharging its obligations? Has the time come that the Senator from Missouri had rather return home and receive the acclaim of his people and hear their words of praise and commendation than to stay here for some days and discharge an honest debt, a debt that was incurred at the time the money was needed? Is that the high order of public men that Missouri presents to us? No, sir. Remain here and let the Federal Government be honest; let it pay an honest claimant; remain here several days longer, and let the Senate assert its right as a coordinate branch of this Government, equal to the House of Representatives, to make appropriations and place amendments on appropriation bills.

Mr. STONE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Missouri?

Mr. SWANSON. I do.

Mr. STONE. As I have already said, I do not at all question or impeach the justice of this claim which my friend is so eloquently advocating, but there are other claims equally as just, if not quite so old, and many of them nearly as old. Mr. President, I should like to ask my friend whether he does not think, when we get right down to "brass tacks," that a matter of this kind, in the nature of a claim—in fact, a plain claim of a State or an individual—I can not see that the State has any preference over an individual——

Mr. SWANSON. I have yet to hear the question to be presented to me by the Senator; I am still waiting for the question that he arose to propound.

Mr. STONE. If the Senator will wait, I will get the question stated. The Senator is impatient.

Mr. SWANSON. I am not impatient, but the Senator is very prolonged in his interrogation.

Mr. STONE. I wish to ask the Senator whether he does not think that claims of this kind in fact ought to pass on their merits and not be put on appropriation bills?

Mr. SWANSON. There are about four or five thousand claims put on this bill, claims not as just, not so long delayed, and not so clear as this. The United States Government has admitted this claim; it has stated it was a loan; it accepted the check; it took the money out of the treasury of Virginia and has never paid it back. It is a disgrace that payment has been delayed so long.

But, Mr. President, Virginia has done more than let the Government have this money. It should go back into the treasury of Virginia; it should be paid in cash with interest; but being unable to obtain a repayment of this loan, what have we done?

There is near Washington the most sacred spot in America, where lie entombed the remains of George Washington, the foremost man of this country, the man who made more sacrifices and more efforts to build up this country than all other men combined. This Government has spent millions of dollars for highways leading to its cemeteries and to its public buildings; and yet in all the years we have been here, with all the eulogies which have been delivered both in the House and the Senate on George Washington, this Government has been too parsimonious and too narrow to construct even a highway to Mount Vernon, where lie the remains of Washington.

Mr. CHAMBERLAIN. Mr. President——

Mr. SWANSON. I can not yield just now. The National Government has not given a single cent for that purpose. It has been generous to the memory of other public men not so eminent as Washington. Virginia, being unable to get this money herself, provided by an act of her general assembly that the $120,000, when collected, should be dedicated to build a highway from Washington to Mount Vernon—something the Government ought to have done years ago. Not a cent of this money will go into the treasury of Virginia; it is all dedicated to what the Federal Government should have done years ago—to erect a monument suitable to Washington in the shape of a highway from the capital of the country to Mount Vernon, where repose the remains of the immortal Washington. Is repayment of the money generously loaned by Virginia for a national purpose to be denied because of the attitude of Members of the House of Representatives? Are we to surrender?

I have been in Congress for nearly 20 years and during that time have observed that certain men in the other body always favor claims made for their States or districts, but just and honest claims like this, owed by the Federal Government, are always subject to their disapproval. As for me, I am willing to stay here, if it takes two weeks or three weeks or a month, to see that this honest claim is paid and that this highway to Mount Vernon is constructed. I am glad my State was generous and patriotic enough to dedicate the amount when repaid—if it is repaid—to aid in doing what the Federal Government should have done years ago—to connect the capital of the country, selected by Washington, with his home and his tomb. I shall insist upon this amendment going on this bill.

Mr. McCUMBER. Mr. President, suppose the motion of the Senator from Missouri should carry and the bill should then pass, it would require about five hours to enroll before the bill could be ready for the President. In view of that fact, and in view of the further fact that, in all probability, there is enough determination upon the other side of the Chamber to assure that this motion shall not prevail and to force a roll call, and inasmuch as that roll call would show the want of a quorum and would keep us from doing anything except calling the roll from now until Monday, I think it very proper at this time that the Senate should adjourn, and I therefore move that the Senate now adjourn until Monday at 2 o'clock p. m.

Mr. SMITH of Maryland. Will the Senator give me a very few moments?

The PRESIDENT pro tempore. The motion is not debatable.

Mr. POINDEXTER. I rise to a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. POINDEXTER. The Senator from North Dakota debated the motion before he made it. He stated at some length his reasons for it. Under those circumstances, is it not allowable to answer the argument?

The PRESIDENT pro tempore. A motion to adjourn is not a debatable question. The Senator from North Dakota moves that the Senate stand adjourned until 2 o'clock p. m. on Monday next. [Putting the question.] The Chair is in doubt.

Mr. CHAMBERLAIN. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Senator from Oregon suggests the absence of a quorum.

Mr. CHAMBERLAIN. Pardon me. I withdraw it.

Mr. LA FOLLETTE. The Senator can not withdraw it.

Mr. PENROSE. Oh, yes.

Mr. LA FOLLETTE. No; he can not withdraw it.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Oregon that he be permitted to withdraw the suggestion of the absence of a quorum?

Mr. LA FOLLETTE. I rise to inquire if the Senator can withdraw it whether or not there is objection?

The PRESIDENT pro tempore. The Chair is of the opinion that this body can do pretty much anything by unanimous consent. Is there objection? The Chair hears none, and the suggestion is withdrawn. The question is on agreeing to the motion submitted by the Senator from North Dakota. [Putting the question.] The "ayes" appear to have it.

Mr. LA FOLLETTE. A division, Mr. President.

There were, on a division—ayes 11, noes 16.

So the motion to adjourn was not agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Missouri [Mr. STONE] that the Senate recede from its amendments Nos. 22, 33, and 34, and further insist upon its remaining amendment.

Mr. SMITH of Maryland. Mr. President, I am sorry, indeed, to have to protest against the Senate adjourning. I have but a very few minutes in which I shall make a few remarks. In fact, I hardly think it is necessary for me to say anything in regard to this motion of the Senator from Missouri or in regard to the claim of the State of Maryland, as it has been so forcibly put by the Senators from Virginia.

The claim of the State of Maryland stands upon the same footing as the claim of Virginia. As I have said, I do not think it necessary for me to add anything to what has been said by the Senators from Virginia. Yet I can not refrain from entering my protest, as a Member of this body, against this Government repudiating its just debts, and not only repudiating them once, but over and over again, refusing to pay honest claims against it.

Mr. President, so far as concerns the State of Maryland, the money was advanced to the Government of the United States for the purpose of building this Capitol here, not, as the Senator from Virginia says, from a rich State, but it was advanced by the State of Maryland, and in order to secure the money we sold our coal lands.

Mr. POINDEXTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Washington?

Mr. SMITH of Maryland. I do.

Mr. POINDEXTER. Without interrupting the line of the Senator's argument, I should like to say that I have been very much interested, from the historical point of view, in these claims. I should like to have the Senator state the circumstances under which the claims were incurred—how it was the State of Maryland was called on to contribute, as I understand, to the building of the Capitol.

Mr. SMITH of Maryland. I should say to the Senator from Washington that the State of Virginia, by a resolution, offered to appropriate a certain amount of money if Maryland would appropriate a certain amount. By an act of the Legislature of Virginia and by an act of the Legislature of Maryland they agreed to advance, the State of Virginia $120,000 and the State of Maryland $72,000, to assist in building a Capitol in Washington.

Mr. POINDEXTER. Can the Senator state what action, if any, was taken by the Federal Government at the time with reference to that donation? How was it accepted by the Federal Government? What was the initiation of it?

Mr. SMITH of Maryland. I am not just able to say how it was paid. There is no question as to its having been accepted by the Federal Government and acknowledged as such. There is no doubt that Washington, then President, instructed the accounts to be kept so as to show the amounts due the States of Maryland and Virginia.

Mr. POINDEXTER. The question I ask is in a perfectly friendly spirit.

Mr. SMITH of Maryland. I am accepting it in that spirit and answering it so.

Mr. POINDEXTER. I am favorably disposed toward the claim.

Mr. SMITH of Maryland. I appreciate that, and am very willing to answer any question I can answer, and shall do it with pleasure.

As I was going on to say, this money is due to the State of Maryland. I, for my part, can not understand how anybody can ask us to wait longer for it. In the State of Maryland, as far back as 1842, we asked for the payment of this claim, and the State of Maryland has continued to ask for it at different times—many times—but on every occasion it has been "wait," "postpone it," "wait until the next session." Now, I want to ask, in all seriousness, why should we wait longer? Why should not this money be paid? Is there any reason? These claims have been authenticated and approved by committee after committee.

As the Senator from Missouri, who made the motion to recede, remarked to-night, it is a just claim. I hear nobody dispute the justness of the claim. And why should we wait longer when we have been waiting over 100 years and have been asking for it repeatedly for 60 or 70 years?

I hope the motion of the Senator from Missouri will not prevail. This money is due us. We have asked for it. It is honest. The Government of the United States is able to pay it, and it ought to be paid, and they ought not to ask us to wait longer for what is due and what is just and what is honest and what the Government should have paid long since. It is a disgrace that it has not been paid earlier.

Mr. McCUMBER. I move that the Senate adjourn until 2 o'clock on Monday next.

Mr. LEA. Will the Senator from North Dakota yield to me for a matter of personal privilege?

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota.

Mr. CLAPP. I trust the Senator from North Dakota will withdraw his motion in consideration of the statement made by the Senator from Tennessee that he wishes to rise to a question of personal privilege.

Mr. McCUMBER. I yield.

CAMPAIGN CONTRIBUTIONS.

Mr. LEA. Mr. President, I came to Washington to-day. On account of personal reasons it has been impossible for me to attend certain sessions of the subcommittee of the Committee on Privileges and Elections investigating campaign expenses in the elections of 1904 and 1908. I had determined to ask to be relieved from further service on the subcommittee on account of my inability to attend the sessions at this time. But this morning a resolution was adopted putting it over until September 30. Later a request was received from Col. Roosevelt, asking that he be allowed to appear before the committee on Monday to answer certain testimony of Mr. Archbold.

On account of illness in my family, and being uncertain whether I can attend any of those sessions of the subcommittee, I ask to be relieved from further service on the subcommittee of the Committee on Privileges and Elections.

The PRESIDENT pro tempore. Does the Senator from Tennessee ask to be relieved from service on the Committee on Privileges and Elections?

Mr. LEA. From service on the subcommittee of the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That would seem to be a matter for the committee rather than for the Senate.

Mr. MARTIN of Virginia. I hardly think the Senator from Tennessee wants to be relieved from service on the Committee on Privileges and Elections. He refers to the subcommittee. That is a matter to be settled between himself and the chairman of the committee.

Mr. LEA. I took up the matter with the chairman of the subcommittee, and he has no jurisdiction.

Mr. CLAPP. I do not apprehend that the chairman of the subcommittee could accept resignations or fill vacancies. If he has that power, then that is sufficient.

Mr. LA FOLLETTE. The chairman of the subcommittee has not.

Mr. PENROSE. It is very clear that the chairman of the subcommittee has not the power to fill vacancies. That resides in the chairman of the Committee on Privileges and Elections.

The PRESIDENT pro tempore. That is what the Chair would hold.

Mr. PENROSE. The Senator from Tennessee should address himself to and hand his resignation to the chairman of the Committee on Privileges and Elections, who will appoint a successor.

Mr. MARTIN of Virginia. That is what I endeavored to suggest—that it went to the chairman of the committee. Of course the chairman of the subcommittee can not do it. Neither can the Senate dispose of it.

Mr. LEA. I am sorry to have taken the time of the Senate, but this course was suggested to me.

Mr. REED. I ask unanimous consent of the Senate to incorporate in my remarks of the day before yesterday certain excerpts from the opinion of the judges in the case of "The People ex rel. Perkins versus Moss, 187 New York." I referred to the case, but I find that I did not incorporate all that I desired in my remarks. I now ask unanimous consent to do so.

The PRESIDENT pro tempore. Is there objection to the request made by the Senator from Missouri? The Chair hears none, and permission is granted.

PROPOSED ADJOURNMENT.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from North Dakota that the Senate adjourn until 2 o'clock Monday next. [Putting the question.] The "noes" appear to have it.

Mr. SMOOT. A division, Mr. President.

Mr. WILLIAMS. Some of us have just come into the Chamber, and we do not know what is the motion before the House.

The PRESIDENT pro tempore. The motion is that the Senate adjourn until 2 o'clock on Monday next, on which a division has been demanded.

The motion was rejected, there being on a division—ayes 11, noes 16.

DEFICIENCY APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Missouri to recede——

Mr. THORNTON. Mr. President——

Mr. WILLIAMS. I understood that the Senator from Missouri modified his motion and moved to recede from the four propositions and insist upon the remaining one.

The PRESIDENT pro tempore. The Chair finds it difficult to complete a statement because of Senators intervening. The Senator from Missouri moves to recede from amendments of the Senate numbered 22, 33, and 34 and further insist on its amendment numbered 114.

Mr. REED. As a matter of inquiry, the amendment we are insisting upon relates to what subject?

The PRESIDENT pro tempore. To the extra pay to the clerks and employees of the Senate and the House.

Mr. THORNTON. Mr. President, believing as I do from the statements that have been made during the discussion by the Senators from Maryland, Virginia, Texas, and Oregon as to the claims by those States against the Government being just, I am very earnestly in favor of their payment. I am willing to do anything that I can consistent with reason and with my duty to other people to bring about the results those Senators so earnestly desire.

But some things I can not quite understand. If we agree to the report of the conferees this money is lost to those States at this time in so far as that particular bill is concerned, but I do not understand how it is that if we refuse to concur in the report they will get that money at this time and through this bill. I judge from the statement made by some Senators that they are of opinion if the Senate will not yield to the House in this matter the House will then yield to the Senate, and that in that way the money will be paid.

I very much regret that a Senator during the discussion of the matter this evening felt himself impelled to speak of the House of Representatives as being "contentious and bullheaded"; but if that criticism of the House of Representatives by that Senator is correct, I do not see that our holding out is going to make them come in. The question I wish to ask Senators from the States who are pleading for the rights of their States is, How long would they expect the Senate to refuse to concur in order to try and get the appropriation that they desire? So far as I am concerned, my personal inconvenience will not count at all in the matter, but I happen to know that the pay of hundreds, and I say perhaps thousands, of people all over this country is being held up by the fact that this bill does not pass, and I have to consult their rights. I know that in my own State employees and individuals connected with the Federal courts have received no money at all since last May, and I happen to know that they are borrowing money from the banks and paying interest on it in order to live, because many of them are poor and not able to get along without their salaries. Under those circumstances I would not feel justified in continuing here indefinitely, as the Senator from Oregon says he would, but I am willing to stay a reasonable time. Can we now get any assurance from them as to how long they would like to have us remain and hold out against the House, in the hope by so doing that the House will yield to us?

Mr. CHAMBERLAIN. I should like to ask the Senator from Louisiana one question. Suppose his State had presented a claim against the Government of the United States which was absolutely just, which had been certified by the Treasurer of the United States, which had been certified by the Secretary of War, which had been certified by the Court of Claims after Congress had persistently and constantly turned it down, if he had the power to resist an adjournment would he ever consent to an adjournment under those circumstances?

Here is a claim of the State of Oregon which was incurred between 1861 and 1867. It has been presented to Congress repeatedly since 1867. It has been passed upon favorably in the Senate session after session, referred to conference committees one session after another to which it had been certified as correct, and it has been repeatedly turned down by some young man in the House of Representatives who did not know anything about the circumstances. Suppose the Senator had a claim in exactly the same circumstances, would he ever have surrendered his rights if he had an opportunity to insist upon its payment? Would he have surrendered his rights under any circumstances or conditions?

Mr. SMITH of Maryland. I should like to supplement what the Senator from Oregon said in regard to the claims of Virginia and Maryland. These debts have been due since 1791. The payment has been asked repeatedly since 1842, and at times passed by one House and at times passed by the other House, and it was always insisted that it should wait until the next session. What would the Senator do? When are we to get it? It seems to me that some time must come when we must insist, and probably use what might be termed harsh means.

Mr. THORNTON. Mr. President, replying to the question addressed to me by the Senator from Oregon, I hope he understood me to say at the beginning of my remarks that I believe in the justice of the claim of his State against the Government and it is one which should be paid, and that I am willing to do anything in reason and am willing to submit to any personal inconvenience myself in order to have the debt paid to that State.

Mr. CHAMBERLAIN. Mr. President——

Mr. THORNTON. I will ask the Senator to allow me to finish answering his question and then he can ask another if he wishes. I have not answered his question. It was necessary for me to preface it in the way I did.

I say I would be willing to stay here personally all the balance of the summer in order to obtain the payment of these just debts, but I would not be willing, if the State of Louisiana had a just claim against the Government, to hold out for an indefinite period and delay the payment of salaries to a number of people which the Government owes and who are absolutely dependent for their support upon their salaries. I wish to say to the Senator from Oregon I make a very great distinction between a debt due to a State and a debt due to individuals in this way, the State is not dependent on its recovery and the individuals are dependent on its recovery.

Mr. CHAMBERLAIN. I should like to interrupt the Senator from Louisiana just a moment.

The PRESIDENT pro tempore. Does the Senator from Louisiana yield to the Senator from Oregon?

Mr. THORNTON. I am perfectly willing to yield.

Mr. CHAMBERLAIN. I know the Senator from Louisiana personally, and I knew of him well by reputation before it was my pleasure and honor to become acquainted with him personally. I know that within his breast there beats the same honesty of purpose that beats in my own breast, and I know that no man could appeal to him for the payment of an honest and a just debt, when that appeal would not be granted cheerfully and at once.

Mr. President, I appeal to him as an honest man, I appeal to him as a man who came from a State adjoining my own, I appeal to him as a man who joined in a fight for the same cause that I did, not personally, but by representatives in the person of my brother and my father. I appeal to him to see

to it that justice to my State is granted, just as exactly as he would grant justice to his State if he stood before this body appealing for justice as I do now.

I assure the Senator, as I have assured this body, Mr. President, that the claim which the State of Oregon has presented is a just claim. It is a claim which has been vouched for, not only by the Treasurer of the United States, but it is a claim which has been certified by the Secretary of War. It is a claim which has been vouched for by the Court of Claims in an adjudication, the purpose of which was the ascertainment of the right between the State and the Government of the United States. All of them have held that the claim of my State is a just claim and ought to be paid.

Here we are met by the appeal of the Senator from Missouri that this claim ought to be referred to one or the other committees of the Senate. Every time that this claim was referred they have said to us the claim was referred to the wrong committee, it ought to have been referred to some other committee.

I say to you, Mr. President, it has been now referred to this committee of conference. It has been passed by the Senate. It has been disagreed to in the conference, and I say if any spark of manhood is left in the Senate they will insist upon it that this body, a coordinate legislative body of the United States, has some rights that the House of Representatives shall observe.

Mr. President, I do not need to question the power or the rights or the functions of the House of Representatives, but I do insist that this body has some rights which the House of Representatives ought to respect.

So far as I am concerned, Mr. President, I propose to stand here till doomsday to see to it that not only this claim but the claim of Texas, the claim of Maryland, and the claim of Virginia, and the claim of any State which is a just claim against the Government of the United States, shall be paid.

I propose, so far as the power and authority rest in me to do it, to see to it that no claim shall have any preference over the rights of Maryland or Texas or Virginia or Oregon in the matter of this discussion, and if we have any rights, parliamentary or otherwise, I propose to insist upon them.

I know the Senator from Louisiana, in the big heart he has and with the justice that animates him, will see to it that Oregon and Maryland and Virginia and Texas shall have what is justly their due, no matter whether it happens to defeat the claim of somebody else or that a claim may be asserted that is prior to the claims of these States.

Mr. STONE. I should like, with the consent of the Senator from Louisiana——

Mr. THORNTON. I yield to the Senator from Missouri.

Mr. STONE. I should like to ask the Senator from Oregon this question. He says he would stand here until doomsday—that means the end of time—in order to secure the passage of a bill to grant this claim to Oregon.

Mr. CHAMBERLAIN. I say that, Mr. President, and I mean it.

Mr. STONE. I am repeating what the Senator said. But if we stood here until doomsday and you still did not get the claim, what profit is it to the balance of us if we stay here until doomsday in a vain attempt to get a claim for Oregon? I want to go home.

Mr. CHAMBERLAIN. Mr. President, I said that I would stay here until doomsday, and I will. While I recognize the ability of the Senator from Missouri, and while I realize and know that he can not live in the ordinary course of events as long as I can, he probably will die and be succeeded by a man who has a larger heart than he, by a man who has a heart as large as my good friend from Louisiana, who will consent in the final analysis to the payment of a just claim which the United States owes not only to a State but to individuals in this country.

Mr. THORNTON. I wish to assure the Senator from Oregon that his kindly personal expressions about myself are very highly appreciated and are most cordially reciprocated.

Mr. STONE. And I highly appreciate the compliment.

Mr. THORNTON. But, Mr. President, I can not admit the inference that seems to come from some of his remarks that I would be guilty of an act of injustice if I did not hold out indefinitely for the payment of these claims in this bill. I have already said, as far as I am personally concerned, it would cut no figure; I would be willing to stay at the cost of any amount of personal inconvenience; but I must consult the condition of other people whom the Government has employed and who can not get their pay while this bill is being held up; and I think that I would be guilty of a much greater injustice to them, and a much greater hardship would be entailed on them than would be entailed on the four States by not getting the money.

I have always intended to vote against the motion of the Senator from Missouri at this time, with the hope that by defeating it we could bring about the result desired by the Senators from these four States, but I certainly am not willing to stay here indefinitely in order to do so, and I will not do it in justice to the poor people who need their money owing to them by the Government, and who, to my knowledge, for it has been brought to my attention during this very week, are borrowing money from the banks, paying interest on it, and pledging what is due to them by the Government in order to be able to get the necessities of life for themselves and their families.

I had not expected to speak over three minutes on the subject, and I would not have done it if it had not been for the interruptions that I have received.

I have said now all that I intend to say and I hope I have made my position plain.

Mr. WILLIAMS. Mr. President, I know that my Mississippi friend from Oregon did not mean quite all he said about "doomsday." It may be that owing to the superiority of his age the Senator from Missouri may die before my friend from Oregon does, but I have an equal junior right to him and perhaps may outlive him.

Luckily there is just one thing that the Senate of the United States can do without unanimous consent, only one as far as I have learned, and that is to adjourn. The United States Senate can adjourn without unanimous consent, and if the Senator and those who work with him conclude that they must insist upon those items at this time, we can adjourn and leave the deficiency bill in the air until December.

The Senator says that always when these claims have come up they have been turned down by some young man in the other House. I used to be a Member of the House of Representatives and I made acquaintance with the insolence and arrogance of the Senate in conference. It got to be well understood by me that, while the House conferees could act by majority, the Senate conferees could not act at all, except by having a unanimous consent in the Senate. Any Senator who insisted upon any item, somehow or other by unanimous consent, held up the conferees and everybody else. I think that arrogation of superiority to the other coordinate branch of the National Legislature had better begin to stop, and it is about time now.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. WILLIAMS. I do not mean that my friend from Oregon has been guilty of that sort of arrogance. I mean to refer to my knowledge historically of the relationship between the two Houses.

Mr. CHAMBERLAIN. Mr. President, I desire to interrupt the Senator from Mississippi for just a moment. I said that proceedings for the allowance of these claims were interrupted by some young man in the other House. It has been a long time since the Senator from Mississippi was in the House, and he was a young man then, but I hope the Senator will not think for a moment that I am anywhere near as old as he is now.

Mr. WILLIAMS. Mr. President, we shall not enter that pleasant discussion. I really do not know which one of the two of us is older. I am merely resenting the idea that whoever controls the House of Representatives must be some "young man," mentioned in a contemptuous sort of way. From my experience in the House of Representatives and my experience in the Senate, I have known as many smart, wise men in the House as I ever knew in the Senate, and a few more besides. I do not share the idea that this is a sort of upper house, a sort of club, in which every man has power to hold up the entire country by withholding unanimous consent. I think the first time the House learns that fact the better it will be for the country; the first time it teaches the Senate that it can let an appropriation bill go by the board, if necessary, the better for the country.

Mr. CHAMBERLAIN. Mr. President, just a moment.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. WILLIAMS. I do.

Mr. CHAMBERLAIN. Mr. President, in all seriousness, I desire to ask the Senator from Mississippi, my good friend from my native State, if he feels as a Member of this body that any Member of the other House can practically say to us that the House will not accept any amendment of the Senate to a supply bill which increases an appropriation?

Mr. WILLIAMS. Oh, no, Mr. President——

Mr. CHAMBERLAIN. Well, that is what they do.

Mr. WILLIAMS. I would not say that; I could not say that and remain even tolerably cognizant either of American institutions or of the American Constitution.

Mr. CHAMBERLAIN. Mr. President, I desire to interrupt the Senator once more, and then I shall not do so again. While no Member of the other House has stated that to me—and I

want to be entirely frank in this matter—it has come to me indirectly that Members of the House, who are in a position to say what they propose to do, have said that not only has the House of Representatives the right to initiate revenue bills, but they have the right to initiate supply bills, and that they do not propose to accept any amendment of the Senate which does not conform to the ideas of the House as to what those supply bills should be.

Mr. WILLIAMS. Mr. President, of course the House does not propose to accept any amendments that do not conform to its ideas, except by way of concession and compromise, just as in the case of the Senate; but I do not know who the "young man" in the House is and I do not know how the House happens to assume the position that it has assumed, unless it was because the House differed from the Senate about these questions. I do know, so far as anybody in power being concerned in the matter, that the shoe was on the other foot. I do know that two of the Senate conferees were from States interested in these claims.

Mr. President, the Senator asks me when we are going to get these claims through. If they are just—and so far as I know they may be just; I do not know much about them—why is it that these items are upon an appropriation bill? Senators upon the other side have been lecturing the other House, which has the right to initiate supply bills, a right recognized during the entire history of the country, because they have placed items upon general supply bills that ought to have been in particular bills, and yet there were inserted by the Senate these four claims upon a deficiency bill. Why did not those claims come here as independent bills, so that they could be thrashed out upon their own merits? It is not wrong for the House of Representatives, the House of Commons, the representatives of the people, to put riders upon appropriation bills, but it is wrong for the Senate to do so. The Senators represent nothing but territoriality; and if they are to stand here and lecture the House of Representatives because the latter has put riders upon appropriation bills, with how much more reason could the House lecture us for the same thing? My reply to that argument, then, is that these bills may pass upon their merit, if they have merit. I am rather inclined to think they have, so far as I know anything about them, although I should like to know a little more about them before I vote for them.

Why can we not meet the other House in compromise? The Senator wants to know of me if I would permit one man in the House of Representatives to hold up the Senate. That is not the question. The question is whether you are going to permit one man in the Senate, or three or four men in the Senate, to hold up not only the House, but the Senate, and a supply bill which originates in the House and which is peculiarly the property of the House.

I want, before I sit down, to express the hope that the two Houses of the American National Legislature will not cultivate the habit of each one challenging the other to stay in Washington forever. I see no particular use in that. It seems to me that we can very well afford to compromise with the other House and to recognize that they are at least coordinately our equals. I will go a step further than that, and say that each Member of the House of Representatives is the equal of each Senator and has an equal right, has an absolutely equal right, to avail himself of the Senate unanimous-consent privileges if the House chooses to do it.

Mr. CHAMBERLAIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oregon?

Mr. WILLIAMS. I yield to the Senator.

Mr. CHAMBERLAIN. I do not mean to question that right or that privilege. If anything, I believe I will go just a little bit further than the Senator from Mississippi in saying that inasmuch as the House of Representatives comes directly from the people they are supposed to represent more nearly than the Senate the wishes of the people. I believe I am willing to go just a little bit further than the Senator from Mississippi and to say that when it comes to a proposition of recognizing the difference between the Senate and the House of Representatives the House comes nearer representing the wishes of the people than the Senate. I know, Mr. President, and the people of this country know, and everybody knows, that the charge made against the Senate of the United States is that they do not represent the people of this country, but that they represent a class, and that class is the wealthy class of this country. I am not willing to admit that.

Mr. WILLIAMS. And I do not admit that, either.

Mr. CHAMBERLAIN. Now, wait a moment. My good friend from Mississippi must not gall under the collar.

Mr. WILLIAMS. Not at all; I am just being as amiable as a sweet little cherub, you know. [Laughter.]

Mr. CHAMBERLAIN. I know, Mr. President, that the charge which has been made against the Senate of the United States that it is a club, a millionaires' club, is unjust. I know the Senate of the United States comes pretty near representing the wishes of the people as well as the House of Representatives does, although one body is elected directly by the people and the other body is elected by the State legislatures.

Take it in my own case. Mr. President, Oregon has taken the lead over any other State in this Union. Oregon has been denominated as the freak State, but Oregon is not the freak State. I want my friend from Mississippi to know that the people of the State of Oregon have just as much intelligence as have the people of the State of Mississippi, and the election of Senators is submitted to a popular vote. So that a Senator under our system is as much the choice of the popular vote as is a Representative in Congress.

Mr. SMOOT. Mr. President, I move that the Senate adjourn until Monday at 2 o'clock p. m.

The PRESIDENT pro tempore. The Senator from Utah moves that the Senate adjourn until 2 o'clock on Monday next.

Mr. THORNTON. I move to amend that by making the hour of meeting 12 o'clock.

Mr. PENROSE. Before the Senator presses that motion——

The PRESIDENT pro tempore. A motion to adjourn is before the Senate, and it is not debatable.

Mr. PENROSE. I ask the Senator to withhold the motion for a moment.

Mr. SMOOT. I will withhold the motion for a moment.

Mr. PENROSE. For the information of the Senate, I suggest the following order for the consideration of the Senate——

The PRESIDENT pro tempore. Does the Senator from Utah withhold his motion?

Mr. SMOOT. Yes; I withhold it.

Mr. PENROSE. I do not know whether the Senate is prepared for it or not, but I submit the following order:

Ordered, That a vote be taken on the report of the conference committee on the deficiency appropriation bill not later than 5 o'clock, without further debate; that immediately thereafter the vote be taken on Senate resolution 386 and pending amendments, without further debate; that the concurrent resolution relative to final adjournment be amended so as to provide for adjournment sine die at 1 o'clock p. m., Monday, August 26, and voted on——

Mr. SMITH of Maryland. At what time?

Mr. PENROSE. At 1 o'clock Monday. The House has adjourned until 12 o'clock, so that we are compelled to adjourn—

That no question of a quorum shall be raised, and that no other business than that herein named shall be transacted by the Senate after adjournment to-night.

Mr. CHAMBERLAIN. Mr. President, I am perfectly willing to agree to the request, except that part of it which provides that the question of no quorum shall not be raised.

The PRESIDENT pro tempore. Objection is made.

Mr. SMOOT. I move that the Senate adjourn until 12 o'clock noon Monday.

The motion was agreed to; and (at 4 o'clock and 38 minutes a. m., Sunday, August 25, 1912) the Senate adjourned until Monday, August 26, 1912, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate August 24, 1912.

PROMOTIONS IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Lieut. Col. Alexander O. Brodie, adjutant general, to be adjutant general with the rank of colonel from August 24, 1912, vice Col. George Andrews, appointed the Adjutant General.

QUARTERMASTER CORPS.

Brig. Gen. James B. Aleshire, quartermaster general, to be Chief of the Quartermaster Corps, with the rank of major general, for the period of four years, beginning August 24, 1912.

POSTMASTERS.

NORTH CAROLINA.

Edward C. Beaman to be postmaster at Farmville, N. C. Office became presidential October 1, 1911.

John W. Brown to be postmaster at Oxford, N. C., in place of John W. Brown. Incumbent's commission expired February 27, 1912.

William H. Cox to be postmaster at Laurinburg, N. C., in place of William H. Cox. Incumbent's commission expired December 17, 1911.

Samuel M. Hamrick to be postmaster at Hickory, N. C., in place of Samuel M. Hamrick. Incumbent's commission expired December 17, 1911.

Samuel M. Jones to be postmaster at Sanford, N. C., in place of Samuel M. Jones. Incumbent's commission expired May 16, 1912.

William A. Mace to be postmaster at Beaufort, N. C., in place of William A. Mace. Incumbent's commission expired December 19, 1910.

Frank Roberts to be postmaster at Marshall, N. C., in place of Frank Roberts. Incumbent's commission expired December 17, 1911.

George W. Robbins to be postmaster at Rocky Mount, N. C., in place of George W. Robbins. Incumbent's commission expired May 20, 1912.

Charles F. Smathers to be postmaster at Canton, N. C., in place of Charles F. Smathers. Incumbent's commission expired January 28, 1912.

Thomas E. Wallace to be postmaster at Wilmington, N. C., in place of Thomas E. Wallace. Incumbent's commission expired February 27, 1912.

NEW YORK.

Hattie A. Pettit to be postmaster at Huntington Station (late Fairground), N. Y., in place of Hattie A. Pettit. (To change name of office.)

WEST VIRGINIA.

Albert Snedeker to be postmaster at Wellsburg, W. Va., in place of William R. Miller. Incumbent's commission expired February 4, 1912.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 24, 1912.

PROMOTIONS IN THE ARMY.

ADJUTANT GENERAL'S DEPARTMENT.

Alexander O. Brodie to be adjutant general with the rank of colonel.

INFANTRY ARM.

Maj. Wendell L. Simpson to be lieutenant colonel.

COLLECTOR OF CUSTOMS.

John A. Thornton to be collector of customs for the district of Teche, La.

CONSUL.

David J. D. Myers to be consul at Puerto Cortes, Honduras.

CHIEF OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Albertus H. Baldwin to be Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce and Labor.

ASSISTANT CHIEFS OF BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Oscar P. Austin to be Assistant Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce and Labor.

Etherd A. Brand to be Assistant Chief of Bureau of Foreign and Domestic Commerce in the Department of Commerce and Labor.

POSTMASTERS.

ALASKA.

Harry G. Steel, Cordova.

CALIFORNIA.

George D. Barron, El Monte.

INDIANA.

Thomas B. Woody, Bloomingdale.

IOWA.

Alfred F. Wright, Denison.

MISSOURI.

Marvin E. Gorman, Mansfield.

MONTANA.

Charles Weber, Thompson Falls (late Thompson).

NEW YORK.

William G. Davry, Mechanicsville.
Hattie A. Pettit, Huntington Station.
Robert N. Roberts, Lockport.

NORTH CAROLINA.

S. Arthur White, Mebane.

OKLAHOMA.

A. D. Dailey, Edmond.
Presley H. Galilon, Arapaho.

OREGON.

Charles E. Culbertson, Clatskanie.

PENNSYLVANIA.

John H. Warren, Osceola Mills.

PORTO RICO.

Julio Ramos, Cayey.

HOUSE OF REPRESENTATIVES.

SATURDAY, *August 24, 1912.*

The House met at 10 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With profound faith in Thee, O God, our Father, the same yesterday, to-day, and forever, whose mercy is from everlasting to everlasting, we come with blessings upon our lips for the past and hope in our hearts for the future, that under Thy guidance we may move forward as individuals and as a people to yet higher and grander attainments; that Thy kingdom may come, and Thy will be done, to the honor and glory of Thy holy name, in the spirit of the Lord Jesus Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

GENERAL DEFICIENCY BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take the general deficiency bill (H. R. 25970) from the Speaker's table, to disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take the general deficiency bill from the Speaker's table, to disagree to the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. MANN. Mr. Speaker, in that connection I ask unanimous consent that the conferees be authorized, so far as the House is concerned, to insert in the general deficiency bill, either as an amendment to a Senate amendment or otherwise, a provision which would render available the appropriations already made for the construction of the Panama Canal for the payment of compensation for personal injuries under the Panama Canal act, if they choose to do so.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the House conferees be authorized to agree with the Senate conferees to make at once available from the appropriation for the payment of the Panama Canal expenses the money necessary for the payment of compensation for personal injuries under the Panama Canal act.

Mr. MANN. That is compensation for personal injuries.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will announce the conferees on the part of the House.

The Clerk read as follows:

Mr. FITZGERALD, Mr. SISSON, and Mr. CANNON.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent that when the conferees report the conference report may be considered without being printed under the rule.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent that when the conference report is handed in it may be considered without being printed in the RECORD under the rule. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

EXTENSION OF REMARKS.

Mr. SAMUEL W. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan [Mr. SAMUEL W. SMITH] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. BORLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting an address that I delivered at the unveiling of the Confederate monument erected by the Federal Government in Kansas City.

The SPEAKER. The gentleman from Missouri [Mr. BORLAND] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

GEN. JO. O. SHELBY.

An address by Hon. WILLIAM P. BORLAND, Representative in Congress, at the unveiling of the monument to the Confederate dead, erected by the Federal Government in Union Cemetery, Kansas City, October 22, 1911.

Mr. BORLAND. Every nation has had its civil war and we have had ours. We may thank Heaven that it is over and has left our Nation stronger and more united than ever. The prejudices growing out of that struggle have disappeared from the minds of all good people, and nothing remains except the tenderest sentiments which cluster around the deeds and character of those who took part in the strife. We are here to-day to dedicate a monument erected by the Federal Government to mark the resting place of Confederate dead. The men buried here were not leaders, but were private soldiers who represent only the simple faith and honest courage of those who fought

under the Stars and Bars. That the Federal Government recognizes the beautiful and holy sentiment of commemoration which blossoms in the heart of every southern person is a stronger guaranty of peace and unity of the Nation than standing armies or frowning forts.

We have chosen this day for the dedication of this monument because it commemorates also that clear, cold, beautiful Sabbath, 47 years ago, when the blazing tide of war swept over all these hillsides in that tremendous three days' struggle known in history as the Battle of Westport.

I have chosen to say a few words to you to-day in regard to one of the central figures of that great battle, the figure of a southern leader, who is especially near and dear to us here in Kansas City, and whose last remains now rest in Forest Hill Cemetery—Gen. Jo. O. Shelby. Gen. Shelby was a Kentuckian born, one of that indomitable race, so full of initiative and enterprise, which created, as if by magic, an empire of law and civilization in the vast wilderness west of the Mississippi River. He sprang from that Virginia-Kentucky stock which has given so many famous men to American history. He was related to Senator Thomas H. Benton, and was a cousin of two brilliant men who have made such a profound impression on Missouri history, Francis P. Blair and B. Gratz Brown.

Shelby came to Missouri in early manhood and settled in Lafayette County. He married there a daughter of another branch of the Shelby family, a wife who bore with splendid sweetness and courage all the vicissitudes of those stormy years. In 1861, when the storm of Civil War burst over our devoted country, Shelby was a prosperous rope manufacturer at Waverly, in Lafayette County, and was counted a man of wealth and influence. He had just passed his thirtieth year, and had reached that remarkable point in a man's life when all the fire and enterprise of youth is combined with physical vigor and maturity of judgment. Thirty years has been a wonderful age in all history. If a man passes that age without having felt stir within him the Divine spark of enterprise and originality he may as well be content to submit his neck to the yoke of other men's dictation. All the genius of the world has burst its bounds at the magic age of 30 and at that age a man either becomes a leader or sinks back into the ranks of those who are willing to be led. Shelby's sympathies were with the South. He seems to have believed in the southern cause with the fearless faith of his nature. At the very beginning of hostilities Frank Blair, who was then showing his dominating force in the control of affairs at St. Louis, sent for his beloved cousin and offered him a commission in the Army of the Union. Shelby refused and returned to Lafayette County to organize a company of cavalry in the service of the State government of Missouri, of which company he became captain. He was a born cavalry leader, one of those men of dashing courage who never ordered his troops in a charge, but always led them. Military genius is as mysterious as other forms of human genius. It fires the heart and the imagination and creates a feeling of devotion and loyalty which nothing else can inspire. Shelby's men would follow him anywhere and cherished for him an affection and devotion which was almost a reverence. For the next eight years Shelby's career reads like a romance of knight errantry. To detail his military exploits would be to give a complete history of the Civil War west of the Mississippi River. Shelby's company was always in the post of danger, where the work was hardest and the strain the greatest. His little command was summoned to lead the van in all attacks and to cover the rear in every retreat. He seems to have been insensible to toil, privation, and danger, and had the remarkable power of inspiring the same high courage in his men. His forced marches in the saddle, extending long hours without rest or sleep, amid privation and scant supplies and total lack of support, seem hardly credible in these later days when military officers raise such petty complaints over the slightest lack of modern comforts. It was such heroic devotion as that which made the South so formidable in spite of the overwhelming physical handicaps under which it undertook to wage that great war.

In June, 1862, Shelby's commission as captain expired. He was then on the eastern side of the Mississippi, and he determined to return to Lafayette County with a handful of his followers and recruit a regiment. By that time the tide of the Confederacy had been beaten back until practically the whole western bank of the Mississippi was garrisoned by Federal forces. It was necessary for Shelby and his little band to travel nearly a thousand miles through a country not only desolated by war, but watched and patrolled by overwhelming forces of Federal troops. This journey would form a book in itself. He slipped across the Mississippi River under the very guns of the enemy, paused to help with a knightly generosity the pent-up garrisons of southern soldiers that he encountered on the way, threaded his dangerous path through the Union troops and the militia, and arrived safely in Lafayette County to hurl his defiance to the Federal commanders. Daring exploits like this, recorded in history as done in a mere spirit of bravado, have been heralded far and wide, sung in song and story, graced with all the charms of art and literature; but here was a deed done not in bravado, but with a serious purpose to help a cause to which he was devoted. He recruited a thousand farmers in Lafayette County and became the colonel of a cavalry regiment, with which he threaded his way back again to the southern lines. He was not present at the Battle of Lone Jack, on August 16, 1862, but was in the adjoining county recruiting his men and so near as to be almost within sound of the cannon. This is probably the only important engagement upon Missouri soil that was not lighted up by the brilliant flashes of Shelby's genius. Shelby became the commander of a brigade while holding the rank of colonel. There seems to have been considerable hesitation on the part of the Confederate Government at Richmond to advance Shelby to important commands on account of his youth. The other general commanders west of the Mississippi had the advantage of him in age and military training. He followed them with loyalty and respect, and they reposed in him implicit confidence. Gen. Sterling Price was a veteran of the Mexican War and had been major general of the State troops; Gen. John S. Marmaduke was a military graduate of tried ability; the successive southern commanders in charge of the western department, Gens. Van Dorn, Holmes, and others, were closer in touch with the Richmond authorities. However, in March, 1864, Shelby was at length appointed brigadier general. At this time Shelby's brigade was engaged in the fierce work of holding the Red River against an overwhelming Federal force. He was sent with a thousand men to attack and hold in check Gen. Steele, who had a veteran army of 15,000 troops. This fight is so typical of Shelby's military work that it deserves more than a passing comment. Shelby's biographer says:

> Early in the morning the battle began. A veteran of Steele's command once said: "Shelby made them attack the rear of Steele's army of 15,000 men—only a thousand of them—yet they charged as though they had been the vanguard of an army of 30,000. We drove them back, it is true, but they charged again; we drove them back, and they charged again; we drove them back, and they charged again; and thus they charged until night put an end to the remarkable contest."

During this memorable year the fortunes of the Confederacy were rapidly approaching a crisis. The eastern army was being hemmed in on either side, and the authorities at Richmond were watching their feeble resources dwindle away day by day without hope of replenishment. The army west of the Mississippi River could scarcely maintain itself, but it planned and executed that last remarkable invasion known in northern history as Price's raid in Missouri, culminating in the Battle of Westport, which has been aptly described as the "Gettysburg of the West." The army of invasion consisted of about 10,000 men under the command of Gen. Price. The right wing was commanded by John S. Marmaduke, the center by Gen. Fagan with his Arkansas Brigade, and the left by Gen. Shelby. Thus the army and two of its divisions were led by Missourians and were Missouri troops. Gen. Price marched up the eastern section of Missouri and threatened St. Louis. Shelby was in favor of attacking St. Louis, although it was strongly garrisoned and had been, from the beginning of the war, the seat of Federal power. Gen. Price, however, regarded this as beyond the bounds of military judgment and turned westward to attack Jefferson City. By this time Gen. Pleasanton had been summoned from the East and had organized a pursuing force at St. Louis larger than Price's army. Price's effective fighting force probably never equaled 10,000 men, although he seems to have had a large number of unorganized and unarmed recruits or followers. As they passed beyond Jefferson City the pursuit became hotter and the forces behind them accumulated greater strength by the addition of home guards pressed into service by the Federal commander. By this time also Gen. Curtis at Fort Leavenworth had become thoroughly aroused to the imminence of the danger. A state of panic and terror seems to have spread through Kansas, and the authorities undertook to press into service every able-bodied man in the State. Curtis had a well-organized and well-equipped army of about 15,000 men. Gen. Pleasanton's army approaching from the east came in close contact with Price's forces on the 21st of October at the crossing of the Little Blue. Gen. Marmaduke, who held that wing, kept Pleasanton at bay hour after hour and fell back slowly across the Little Blue and into Independence and the county to the south of it. On the 22d of October the struggle had reached the crossing of the Big Blue. It was necessary for Shelby to force the crossing

of the Big Blue to provide an outlet for Price's army and prevent them being trapped by Gen. Pleasanton.

The Big Blue had been strongly intrenched upon its western bank by Curtis's entire force. In addition to this, the stream had been choked by trees felled by the men of Gen. Blair's command; the bridges had been burned and the passage otherwise obstructed, but the reckless courage of Shelby's brigade hurled back the Federal forces, and by the night of the 22d of October Curtis had retreated into Kansas City with one outlying brigade in the village of Westport and another one driven clear over into Kansas at Shawneetown. All of the country south of Westport, those beautiful rolling hills, where the Country Club now stands and which is being adorned by the architectural beauty and taste of the Kansas City homes, was in the control of Shelby. His troops held back the forces under Curtis to the north, as well as the Kansas militia to the west. When day dawned on the 23d of October Curtis took his stand on the roof of the Harris House, in Westport, from which he could survey the field. He ordered his brigades into action against Shelby, but it was nearly noon before he could shake the lines in front of him, although he hurled against them overwhelming numbers. In fact, during the morning one company of Shelby's command forced its way across Brush Creek and started up the north bank toward the village of Westport. This was the high-water mark of the Confederates west of the Mississippi. It may some time be marked by a stone similar to the stone which marks the high tide of the Confederates on that other three days' battle field at Gettysburg. By noon of the 23d the splendid army of Pleasanton had pounded the position of Gen. Marmaduke until it had forced the crossing of the Big Blue. Marmaduke could no longer hold back the swelling tide of that well-equipped and superior force. As he fell back toward the south and west, both flanks of Shelby's brigade were exposed. Shelby's west flank was exposed to the entire line of Kansas, his east flank was left exposed by the falling back of Marmaduke and Fagan, and his front was receiving the tremendous pounding of all of Curtis's army. It is said that Gen. Price sent word to Shelby to retreat. Shelby sent back word that he could not retreat without reenforcements; that if his men once took a step backward they would be overwhelmed and shot down to the last man. Nevertheless, he succeeded in drawing off his forces and bringing them out of the trap in which they were caught, and stubbornly fought every foot of ground from Brush Creek to Dodson. When night fell on the 23d Price's supply train had passed on its way to the south, and Shelby with his tired and decimated troops, without supplies and without ammunition, was left in the open to guard the road that leads up from Dodson to the crest of the hill beyond. The whole safety of the Southern Army in its retreat to the south depended upon Shelby's watchfulness in holding this position, and it seems extremely doubtful whether it would have been within human power to hold it against the united armies which Pleasanton and Curtis could have hurled against it. However, Shelby did hold it, and Price got away safely to the south, to the intense astonishment and disgust of the authorities in Washington and those of the eastern part of the country, who seemed hardly able to believe how Price could have escaped from the position in which he was caught when the two armies of Pleasanton and Curtis succeeded in coming together.

I need not rehearse for you the bitter experiences of the retreat southward, when daily and almost nightly the exhausted and ill-furnished troops of Shelby were required to protect the rear and hold back the rapidly accumulating force of the Federal pursuit. It is one long series of desperate charges and forlorn hopes, with scarcely an interval for rest or refreshment until the 800 miles were covered and the little fragment was safely across the Red River into Texas. This ended the war in the West.

In the spring of 1865 Shelby and his men were as full of fight as though the Civil War had just begun. He was bitterly opposed to the surrender when the news came of the fall of Lee's army. It seems that he was even bold and outspoken in his insurrection against his commander when it was proposed to surrender the army of the west. He had formed a plan to put his superior officer under arrest and take charge of the Confederate forces and continue the war. Nevertheless Gen. Buckner surrendered to the Federal forces at Shreveport, and Shelby upon mature consideration decided not to endanger the defenseless noncombatants by an attack upon the city. He therefore marched away through Texas with a thousand volunteer recruits on his way to Mexico. At that time the Austrian archduke, supported by the soldiers of France, was on the throne of Mexico under the title of Emperor Maximilian. His beautiful wife Carlotta, who is still living, was one of the most romantic characters of history. Maximilian himself seems to have been a man of good character, but without force or ability. A vigorous revolution was in progress among the Mexican people under the leadership of the patriot Juarez. Shelby, the unconquered and unreconciled, purposed to march into Mexico and continue there his military career. When he reached the Mexican border he was offered an important command in the army of Juarez. This proposal he laid before his officers, but they decided by a general vote to cast their fortunes with Maximilian. They seemed to have been influenced in this decision by the fact that Juarez was supposed to be supported by the moral influence of the Government at Washington. Shelby therefore declined the offer of Juarez and thereby placed a hostile force between himself and the Mexican capital, through which he must march his little command if he expected to reach the armies of Maximilian.

On the 4th day of July, 1865, occurred one of the most pathetic and touching scenes in the career of Shelby and his command. On that day they buried in the waters of the Rio Grande River the battle flag of Shelby's brigade, the unconquered and uncaptured flag that had been carried away in the very face of a commander surrounded by overwhelming forces. There are so many romantic features of Shelby's career that it tempts one to linger upon them. Shelby marched his men through all the difficulties and dangers of a strange and hostile country to the capital city of Mexico, where he offered his services to Maximilian. He assured Maximilian that he could raise from among the disbanded armies of the South 40,000 experienced veterans who could save the army of Mexico. He pointed out to Maximilian that there was not a single regiment under the Emperor's command, not even his household troops, that he could trust; that as soon as the support of the French troops was withdrawn he would be at the mercy of a band of traitors. Maximilian refused Shelby's offer and thereby sealed his own fate. We are tempted to speculate on how the history of our continent might have been changed if Maximilian had decided otherwise. He treated Shelby with great consideration and gave him a concession of land upon which was founded the American colony of Carlotta, named in honor of the beautiful Empress. When the French troops were withdrawn two years later the crash came. Maximilian's young, beautiful, and cultured bride started alone through nameless perils to the seacoast and to Europe to appeal for foreign aid. Maximilian himself marched with unflinching courage, but with a total lack of judgment, into the hands of his traitorous troops and went down to his tragic fate. The unfortunate country passed through the scourge of civil war with all its after results of lawlessness and crime.

In later years Shelby was again a resident of Missouri, and when I had the honor of his personal acquaintance he had been appointed United States marshal of the western district of Missouri under President Cleveland. He was then a quiet, dignified little gentleman of kindly manners, with a grave face and a long white beard. The storms of his career had left no marks upon him except a mellow and settled kindliness of spirit. I remember being in the United States court at Kansas City one morning when a young boy, scarcely of age, pleaded guilty to some petty crime against the post office. When he was sentenced he was turned over by the judge in the usual course to the marshal. Gen. Shelby went up to lead the young man away to his punishment. Instead of seizing him by the arm the general put his arm around the young fellow's shoulders and drew him gently toward him, and with a sudden impulse toward a sympathetic heart, the young fellow turned around and buried his head on the general's shoulder and burst into tears. In 20 years of practice I have never before or since seen an officer of the law and his prisoner in such a relation.

Shelby, in his capacity as a United States marshal, took the customary oath to support the Constitution of the United States; an oath which time had convinced him was right and was to the best interests of himself, his family, and his country. He closed his career in honor and in the confidence and love of his neighbors, and lies buried in Forest Hill Cemetery in Kansas City. It would rejoice his heart to be present to-day and to see the Federal Government, which he took an oath to support, extending in a spirit of liberality this splendid testimonial to these humble soldiers that lie buried here. To be great and brave is also to be magnanimous, and this is true of governments as it is of men. The great Federal Government loses nothing in strength or dignity and gains much in affection and loyalty by this tribute to the holy sentiments of the southern people.

PAYMENT OF AUGUST SALARIES TO HOUSE AND SENATE EMPLOYEES.

Mr. LLOYD. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution which I send to the desk.

The SPEAKER. The gentleman from Missouri [Mr. LLOYD] asks unanimous consent for the present consideration of a joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 360.

Resolved, etc., That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of August, 1912, on the day of adjournment of the present session; and the Clerk of the House of Representatives is authorized to pay on said day to Members and Delegates their allowances for clerk hire for the said month of August, notwithstanding said Members and Delegates may not have designated by name their clerks for and during said month of August.

Mr. LLOYD. Mr. Speaker, the purpose of this resolution is to provide payment of August salaries on adjournment to the House employees and the Senate employees. I ask that the rules be suspended and that the resolution be passed.

The SPEAKER. It is not necessary to suspend the rules.

Mr. LLOYD. All right.

The SPEAKER. Is there objection?

Mr. NORRIS. I want to ask the gentleman from Missouri a question about the resolution.

Mr. LLOYD. I stated the purpose of the resolution.

Mr. NORRIS. I have no objection to the consideration of the resolution.

The SPEAKER. Is there objection to the present consideration of this House joint resolution?

Mr. LLOYD. I ask, Mr. Speaker, that the resolution be considered in the House as in the Committee of the Whole.

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

Mr. NORRIS. Now, will the gentleman yield?

Mr. LLOYD. I will yield to the gentleman.

Mr. NORRIS. I could not hear the reading of the resolution, and I wanted to ask the gentleman if it simply provides that the payment can be made or is it compulsory?

Mr. LLOYD. It provides for the payment to-day instead of the last day of the month.

Mr. MANN. Not to-day.

Mr. LLOYD. It provides that it shall be paid on the day of adjournment, and I take it that we will adjourn to-day.

Mr. NORRIS. If we did not adjourn until after the payment was to be made under the general law, would this make it necessary that the payment should be held up until we did adjourn?

Mr. LLOYD. No, sir.

Mr. NORRIS. I have no objection.

Mr. MANN. Mr. Speaker, if the gentleman from Missouri will yield to me——

Mr. LLOYD. I will yield to the gentleman.

Mr. MANN. I notice that the resolution provides that the clerk hire shall be paid to Members notwithstanding they have not furnished the names of the clerks to the Clerk of the House. In that connection, in order to clear up the matter for the information of the Members of the House, I desire to make an inquiry as to what is the effect of the provision in the legislative bill in reference to furnishing to the Clerk of the House the names of the clerks of Members?

Mr. LLOYD. I will yield to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the comptroller has given an informal opinion, both to myself and to the Clerk of the House, that the provision in the legislative bill provides that the allowance for clerk hire shall be paid to the Members of Congress as heretofore, provided they have first filed with the Clerk of the House the name or names of the clerks employed by them. This resolution, because of the absence of many Members from the House and the fact that the matter has not been called to their attention, provides that the clerk hire for the month of August shall be paid to Members, regardless of whether they have filed the names of their clerks with the Clerk of the House or not. But hereafter the payment will not be made to Members until they have first filed with the Clerk of the House the names of the persons employed by them.

Mr. MANN. Will the gentleman yield?

Mr. FITZGERALD. I will.

Mr. MANN. Does that involve this matter: Take next month, for instance. Suppose the Member does not file the name of his clerk until the middle of the month. Under the opinion of the comptroller, would he be entitled to the proportionate amount of clerk hire for that portion of the month not covered by the name being filed? And if there is any question about it, I want to suggest that, not by direction, but of his own motion, the Clerk of the House send notices to every Member of the House calling his attention to it.

Mr. FITZGERALD. The Clerk of the House is printing 1,500 notices, which are to be sent to Members, both at their residences and at such other places as they may be supposed to be sojourning temporarily.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. Certainly.

Mr. CANNON. As I understand it, from a hasty glance at the provision, a Member can designate one, two, or three, as he may choose to do, and can change the designation at any time.

Mr. FITZGERALD. At any time. My recollection of the communication of the comptroller is that before the money can be paid to the Member the designation must be made, but there is nothing in it that says that it must be made at the beginning of the month.

Mr. MANN. I suspect that that was not brought to his attention. I did not know that the comptroller had held that the designation must be made——

Mr. FITZGERALD. The comptroller did not give an opinion, but he expressed his belief.

Mr. MANN. And he might hold, after that, that if a Member had not designated his clerk he could not receive any clerk hire during the time when the clerk was not designated.

Mr. FITZGERALD. I doubt whether that construction can be placed upon it.

Mr. CANDLER. Suppose the name of the clerk was not furnished until the middle of the month; would he get his pay for that portion of the month?

Mr. FITZGERALD. That is what we are discussing. The statute provides that the names of those employed must be filed with the Clerk.

Mr. MANN. It seems to me in the notices sent out by the Clerk, it would be well for the Clerk to state that where Members designate the clerks two or three days after the first of the month, that the designation shall be from the first of the month.

Mr. KENDALL. Make it retroactive.

Mr. MANN. Yes; from the 1st of September.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

POST OFFICE APPROPRIATION BILL.

Mr. MOON of Tennessee. Mr. Speaker, I demand the regular order.

The SPEAKER. The gentleman from Tennessee demands the regular order. The regular order is on agreeing to the conference report on the bill (H. R. 21279) making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes. The question is on agreeing to the conference report.

The question was taken, and the conference report was agreed to.

On motion of Mr. MOON of Tennessee, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

ADULTERATED SEEDS.

Mr. MANN. Mr. Speaker, I ask the Speaker to lay before the House the bill (H. R. 22340) to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds, and seeds unfit for seeding purposes, with Senate amendments thereto.

The SPEAKER. The Chair lays before the House the bill H. R. 22340, with Senate amendments thereto, and the Clerk will report the Senate amendments.

The Clerk reported the Senate amendments.

Mr. MANN. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

PRIVATE BILLS.

Mr. UNDERWOOD. Mr. Speaker, I understand that the gentleman from Illinois [Mr. MANN] will not now renew the objection to the request I made last evening, that to-day it may be in order for the Speaker to recognize Members who have bills on the Private Calendar to call them up by unanimous consent for consideration when it does not interfere with the public business. I renew that request, that order to continue in force until 2 o'clock p. m.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when it does not interfere with the transaction of necessary public business the Chair be authorized to recognize gentlemen to ask unanimous consent for the consideration of bills on the Private Calendar up until 2 o'clock p. m. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I stated yesterday that there were some half dozen or more resolutions with reference to printing that I have promised to bring up in the House. I take it that this request will not interfere with them.

Mr. MANN. Mr. Speaker, I would suggest to the gentleman that if these are privileged resolutions that request would not interfere with them.

The SPEAKER. Are all of them privileged?

Mr. FINLEY. Yes.

The SPEAKER. Of course it would not interfere. Is there objection to the request of the gentleman from Alabama. [After a pause.] The Chair hears none, and it is so ordered.

THE DEATH OF JAMES W. RODGERS.

Mr. SULZER. Mr. Speaker, by direction of the Committee on Foreign Affairs, I send to the Clerk's desk and ask to have read House resolution 705, and move that it be adopted.

The Clerk read as follows:

House resolution 705.

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to transmit to the House of Representatives all information that may be in his possession or the possession of the Department of State in regard to the alleged killing of James W. Rodgers, an American citizen, by British soldiers in Africa, and to inform the House of Representatives what action, if any, has been taken or is contemplated to investigate the killing of the said James W. Rodgers.

Mr. MANN. Mr. Speaker, I reserve the point of order on the resolution. I would like to inquire what good it would do to pass a resolution of that sort at this time, when the Secretary of State or the President will not probably have much opportunity of replying until next fall?

Mr. SULZER. Mr. Speaker, in answer to my friend from Illinois I will say the State Department has no objection to the passage of this resolution. An investigation is being made concerning the death of Rodgers in the African jungle. All the facts will be ascertained, and we hope the State Department will be able to report to Congress when it meets in December. The truth of the circumstances of Rodgers's death should be known.

Mr. MANN. Mr. Speaker, it seems to me that Congress would be a great deal wiser to pass the resolution, if it is desired, in December, when the House itself probably has more information. I can understand the motive in introducing the resolution, and if it were possible to get a report now——

Mr. SULZER. The resolution was introduced by the gentleman from Nebraska [Mr. NORRIS], and I say that there is no objection to the passage of the resolution so far as the Committee on Foreign Affairs is concerned. For some time the State Department has been trying to get correct information regarding the death of this man Rodgers from the Belgium Government and also from the English Government. If he was killed, we want to know it and all the facts in connection therewith. I do not care to discuss the case now. We institute by adopting this resolution an official inquiry to find out the truth—that is all. I am informed the State Department on its own motion has instituted a rigid inquiry. This resolution will back up the State Department.

Mr. MANN. Well, that could not have occupied a great deal of time, because he just died.

Mr. SULZER. No; he died, or was killed, last year—in November, I believe. Some English officer in charge apparently of the English expedition in Africa has recently made an official report to the English Government.

Mr. MANN. If he was killed last November, the newspapers are unusually slow.

Mr. SULZER. The information came to the newspapers from this report which the English officer recently sent to the authorities of the English Government and——

Mr. NORRIS. Will the gentleman yield?

Mr. SULZER. Yes.

Mr. NORRIS. I would like to say that while it is true, as the gentleman from Illinois says, that if this resolution is passed now we can not get a reply until next December, yet, if I understand the situation aright, the passage of this resolution would give the State Department a better basis for making an investigation in the meantime than they would have without it.

Mr. SULZER. That is quite true.

Mr. GARRETT. Why?

Mr. NORRIS. Because they have been asking for information that applies to the legislative branch of the Government.

Mr. KENDALL. The State Department is now prosecuting an inquiry?

Mr. SULZER. Yes.

Mr. NORRIS. I think the State Department will do everything it can to get the information that is sought.

Mr. SULZER. I said that, and I have stated that I have conferred with the officials of the State Department about it. I hope the resolution will pass. There should be no objection to it.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Was this resolution reported from the committee through the basket?

Mr. SULZER. Yes. It was reported unanimously from the Committee on Foreign Affairs. It is on the calendar.

Mr. MANN. That is what I thought. Of course, that would take away its privilege, although I shall not insist on the point of order.

The question was taken, and the resolution was agreed to.

On motion of Mr. SULZER, a motion to reconsider the vote by which the resolution was passed was laid on the table.

RIGHT OF WAY, FORT SHAFTER MILITARY RESERVATION, TERRITORY OF HAWAII.

Mr. HAMILTON of West Virginia. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 7377.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7377) granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes.

Be it enacted, etc., That to connect the waters of Pearl Harbor, the naval station, and the Fort Kamehameha Military Reservation, and wharf thereon, with the Fort Shafter Military Reservation and with the street railway system of the city of Honolulu, there be, and is hereby, granted to the Pearl Harbor Traction Co. (Ltd.), a common carrier corporation organized and existing under the laws of the Territory of Hawaii, and to its successors and assigns, a right of way 40 feet in width through the Fort Shafter Military Reservation, upon such route as shall be approved by the Secretary of War, and subject to such rules and regulations in the interests of good order, police, sanitation, and discipline as the Secretary of War may from time to time prescribe, but no part of the right of way shall be used for storage of rolling stock or material. The United States shall be entitled to the following easements along or upon the entire right of way of the company now owned or hereafter acquired: (a) For the construction of a Government telegraph line and Government telephone line, using, if desired for such purposes, the standing poles of the company, and (b) of a water-pipe line for Government use; but all such construction, and the operation and maintenance thereof, shall be so conducted as to interfere as little as possible with the construction, operation, and maintenance of the railroad. And said company shall, upon written notice from the Secretary of War, and within a reasonable time, construct, operate, and maintain all such spur and side tracks as may be necessary to serve the reserve storehouses to be built upon the Fort Shafter Reservation by the United States adjacent to said company's line of road, and shall also operate its cars thereto upon any tracks constructed by the United States, and shall erect and maintain on said reservation a suitable passenger shelter and a local freight shelter at such points as may be designated by the Secretary of War. Upon the construction by the United States of such reserve storehouses the said Pearl Harbor Traction Co. (Ltd.) will construct, on a right of way to be acquired by it for the purpose, an extension of its lines to connect with the Government tracks on the Fort Kamehameha Military Reservation, and will operate its cars on such Government tracks, subject to such rules and regulations in the interests of good order, police, sanitation, and discipline as the department commander may from time to time prescribe. In the construction of the railroad upon the Fort Shafter Reservation such earth or other material excavated and not needed therefor shall be deposited on the reservation at such places as may be designated by the commanding officer at Fort Shafter. The said company shall transport free of charge upon its regular passenger cars between the passenger station at Fort Shafter and the terminus on such reservation of the present street car system of Honolulu all through passengers coming from or going to any point on the lines of the said system.

SEC. 2. That Congress may permit any other person or corporation hereafter acquiring a franchise for the operation of a steam, electric, or other railroad on the island of Oahu, Territory of Hawaii, to use the tracks, spurs, sidings, and other construction herein authorized on said reservation upon payment to the Pearl Harbor Traction Co. (Ltd.) of just compensation for such use. And whenever said right of way hereby granted shall cease to be used by said company the same shall revert to the United States.

SEC. 3. That the powers herein granted are limited to a period of 50 years, unless sooner altered, amended, or repealed by Congress.

SEC. 4. That Congress reserves the right to alter, amend, or repeal this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, if the gentleman will yield?

Mr. HAMILTON of West Virginia. Yes.

Mr. MANN. It was stated here on the floor the other day, on another bill granting a right of way through a military reservation, that the Committee on Military Affairs of the House had adopted a fixed policy of granting only a revocable license instead of an actual grant. I notice in the House bill referring to this same matter the committee recommended an amendment striking out all of the original bill and proposing to insert an amendment in the main the same as the Senate bill, but providing for a revocable right of way, while the Senate bill leaves out the word "revocable," and I propose, unless the gentleman does so, to offer an amendment to insert the word "revocable,"

so as to carry out what was said to be the fixed policy of the Committee on Military Affairs.

Mr. HAMILTON of West Virginia. Mr. Speaker, I was going to call the attention of the House to that fact myself. Now, this bill has been reported unanimously by both committees; and not only is that true, but it is recommended and the bill was prepared by the Secretary of War, and the Government gets certain rights under this bill, as well as the grantee of the right of way. I will not object in the least to have the bill amended so as to correspond exactly with the House bill, and I will either make the motion to insert or the gentleman from Illinois can do it.

Mr. MANN. Well, I move to insert—I do not know just what line it comes in.

Mr. HAMILTON of West Virginia. In the Senate bill it will come in line 10.

Mr. MANN. Amend line 10 of the Senate bill by inserting before the words "right of way" the word "revocable."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 10, by inserting before the words "right of way" the word "revocable."

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the passage of the amended bill.

The bill was passed.

On motion of Mr. HAMILTON of West Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. I hope the gentleman will ask to have a similar House bill, H. R. 17481, laid on the table.

Mr. HAMILTON of West Virginia. I will do so. It is H. R. 17481.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

RALPH I. SASSE, ELLICOTT H. FREELAND, TATTNALL D. SIMKINS, AND JAMES D. CHRISTIAN.

Mr. RODDENBERY. Mr. Speaker, I desire to ask unanimous consent to call up the Senate joint resolution No. 99, being a resolution authorizing the President to reassemble the court-martial which, on August 16, 1911, tried Ralph I. Sasse, Ellicott H. Freeland, Tattnall D. Simpkins, and James D. Christian, cadets, of the Corps of Cadets of the United States Military Academy, and sentenced them.

The SPEAKER. The Chair would ask the gentleman where that is, in a parliamentary way?

Mr. RODDENBERY. This meritorious resolution, Mr. Speaker, has passed the Senate, was regularly referred to the House Military Committee, reported favorably in its exact form to the House, and is now on the House Calendar without amendment. It was on the Unanimous Consent Calendar on the last unanimous-consent day, and when called up was objected out. On account of the imminent adjournment the time has not elapsed when it could be properly placed, and reached again, on the Unanimous Consent Calendar. I desire, as an emergency matter affecting these young men, to get it called up by unanimous consent now and have it passed at this time.

Mr. MANN. Is this on the calendar?

Mr. RODDENBERY. It is on the House Calendar.

The SPEAKER. Under what rule does the gentleman expect to get it up?

Mr. RODDENBERY. Under the rule that the House can do anything by unanimous consent.

The SPEAKER. Yes; but the House just decided it was going to take up these private bills.

Mr. RODDENBERY. This is a private bill, Mr. Speaker.

The SPEAKER. The Chair knows that, but the Chair wants to carry out the unanimous-consent rule fairly. The Chair declines to recognize the gentleman.

Mr. RODDENBERY. Would the Chair recognize me to suspend the rules?

The SPEAKER. The Chair would not, because you can not make that motion except on the first and third Mondays.

Mr. RODDENBERY. It could not be called up under the rule that we are now within six days of adjournment?

The SPEAKER. No, sir; because there is not a man on earth who knows we are within six days of adjournment.

Mr. RODDENBERY. I regret very much not to get this up at this session.

The SPEAKER. The Chair regrets it, too, but has to enforce the rules of the House.

Mr. JAMES. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JAMES. Has not the gentleman from Georgia the right to ask unanimous consent for consideration of that resolution?

The SPEAKER. Because the House in its wisdom established a Unanimous Consent Calendar, and while it did not in terms take away from the Speaker the power to recognize people at any time for the purpose of unanimous consent, that was the intention of it.

Mr. JAMES. I had always been under the impression that unanimous consent would permit almost anything to be done in the House.

The SPEAKER. It would if it was not the clear intent of the House in passing that rule that such a thing should not happen. Not very long ago, I will state to the gentleman—I do not know whether he was here or not—there were certain little matters hanging around here that nobody could get up under the ordinary machinery of the House or the extraordinary machinery either, all of which matters, if they were not attended to at once, would cause the United States Government to lose money. One evening the Speaker, in the goodness of his heart, concluded to let three or four of these gentlemen in with a bill, and after he had done it a dozen Members of the House got up and elaborately served notice on the House that they were going to object thereafter, and did not propose to go back to the old system which had been discarded.

Mr. RODDENBERY. Mr. Speaker, inasmuch as this resolution is reported from the Committee on Military Affairs, of which I am not a member, I hope the Speaker will permit me to say that the chairman of the committee is temporarily absent and that the gentleman from Florida, Mr. CLARK, and the gentleman from Florida, Mr. SPARKMAN, and the gentleman from Delaware, Mr. HEALD, and the gentleman from Virginia, Mr. GLASS, are interested in the resolution, and we desire to call it up as an emergency matter, if it can be done. While the chairman of the committee ordinarily should call it up, I hope no point will be claimed in that respect.

The SPEAKER. Nobody made any objection on that head.

HOOKWORM AND SOIL POLLUTION.

Mr. FINLEY. Mr. Speaker, I ask the present consideration of the following privileged resolution:

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Senate concurrent resolution 27.

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate document room 2,000 copies, on manila paper, of a wall chart on "Hookworm and Soil Pollution."

Mr. FINLEY. I ask, Mr. Speaker, that the report also be read. (H. Rept. 1251.)

The SPEAKER. The Clerk will read the report.

The Clerk read as follows:

Mr. FINLEY, from the Committee on Printing, makes the following report, to accompany Senate concurrent resolution 27:

The Committee on Printing, having had under consideration the Senate concurrent resolution (S. Con. Res. 27) providing for the printing of 2,000 copies of a wall chart on Hookworm and Soil Pollution, reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment: On line 3, after the word "copies," insert the following: "and for the use of the House document room, 5,000 copies."

The estimated cost will be $1,889.70.

Mr. FINLEY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

Mr. MANN. Mr. Speaker, may I ask the gentleman a question?

Mr. CULLOP rose.

The SPEAKER. The gentleman from Indiana [Mr. CULLOP] is recognized.

Mr. CULLOP. Mr. Speaker, I desire to ask the gentleman from South Carolina [Mr. FINLEY] what will be the cost of the printing of this document?

Mr. FINLEY. It is stated in the report. It will be $1,800, I think.

Mr. CULLOP. What is the purpose of it—for distribution through the document room?

Mr. FINLEY. It is a report on the treatment and eradication of the hookworm.

Mr. CULLOP. Is it for distribution by Members of Congress from the document room?

Mr. FINLEY. Yes; from the document room.

Mr. CULLOP. How many copies are to be printed?

Mr. MANN. Five thousand for the use of the House, is it not?

Mr. FINLEY. Yes.

Mr. CULLOP. How many for the use of the Senate, if any?

Mr. MANN. Two thousand, I believe.

Mr. CULLOP. Making 7,000 in all?

Mr. MANN. Yes; I think that is it.

Mr. Speaker, I would like to ask the gentleman from South Carolina [Mr. FINLEY] if this is a privileged resolution?

Mr. FINLEY. Yes.

Mr. MANN. I supposed that possibly the hookworm was privileged in the Senate, but I did not know it was privileged in the House. [Laughter.]

Mr. FINLEY. I will not bring up any resolution that is not privileged. Mr. Speaker, I ask for a vote.

Mr. FOSTER. Will the copies of this document go into the document room or into the folding room?

Mr. FOSTER. Why not put them in the folding room?

Mr. FINLEY. The gentleman from Illinois is aware of the fact that this is a disease that does not prevail all over the country.

Mr. FOSTER. I am; but I think it is a pretty good plan to distribute the document through the folding room.

The SPEAKER. The question is on agreeing to the Senate concurrent resolution.

The question was taken, and the resolution was agreed to.

PARASITES OF GYPSY MOTH AND BROWN-TAIL MOTH.

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 49 (H. Rept. 1248).

Resolved by the House of Representatives (the Senate concurring), That there be printed 10,000 copies of the publication issued by the Bureau of Entomology, Department of Agriculture (Bul. No. 91), entitled "The Importation into the United States of the Parasites of the Gypsy Moth and the Brown-Tail Moth," by L. O. Howard and W. F. Fiske, of which 3,500 copies shall be for the use of the Senate, to be distributed through the Senate document room, and 6,500 copies for the use of the House of Representatives, to be distributed through the House document room.

The report (by Mr. FINLEY) was read, as follows:

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 49) providing for the printing of 10,000 copies of the publication issued by the Bureau of Entomology, Department of Agriculture, entitled "The Importation into the United States of the Parasites of the Gypsy Moth and the Brown-Tail Moth," report the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $3,130.04.

Mr. FINLEY. Mr. Speaker, the resolution speaks for itself.

The resolution was agreed to.

THE COTTON WORM OR CATERPILLAR.

Mr. FINLEY. Mr. Speaker, I ask for present consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 685 (H. Rept. 1249).

Resolved, That 70,000 copies of Bulletin No. 164, August 1, 1912, Alabama Agricultural Experiment Station of the Alabama Polytechnic Institute, Auburn, Ala., entitled "The Cotton Worm or Caterpillar," be printed for the use of the House document room.

The report (by Mr. FINLEY) was read, as follows:

The Committee on Printing having had under consideration the House resolution (H. Res. 685) providing for the printing of 70,000 copies of a bulletin of the Alabama Polytechnic Institute entitled "The Cotton Worm or Caterpillar," reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $496.75.

Mr. FINLEY. Mr. Speaker, I ask for a vote.

The resolution was agreed to.

VIOLATIONS OF ANTITRUST ACT.

Mr. FINLEY. Mr. Speaker, I ask for the present consideration of the privileged resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 63 (H. Rept. 1246).

Resolved by the House of Representatives (the Senate concurring), That 25,000 copies of the majority and minority reports of the committee authorized under House resolution 148 to investigate violations of the antitrust act of 1890 and other acts be printed for the use of the House document room.

The report (by Mr. FINLEY) was read, as follows:

The Committee on Printing having had under consideration the House concurrent resolution (H. Con. Res. 63) providing for the printing of 25,000 copies of the majority and minority reports of the committee authorized to investigate violations of the antitrust acts, reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $2,302.58.

Mr. FOSTER. Mr. Speaker, I should like to inquire of the gentleman from South Carolina if this document also is to go through the document room?

Mr. FINLEY. This resolution was introduced by the gentleman from Kentucky [Mr. STANLEY], and it provides that the document shall go to the House document room.

Mr. FOSTER. Is the gentleman willing to offer an amendment providing that these reports shall be distributed through the folding room?

Mr. FINLEY. I am perfectly willing. I move to strike out the words "document room" in line 6, so that it will read "be printed for the use of the House."

Mr. FOSTER. That will send it to the folding room?

Mr. FINLEY. That will send it to the folding room.

Mr. MANN. Will the gentleman yield?

Mr. FINLEY. Yes.

Mr. MANN. I understand that we printed of the hearings on the Stanley investigation in the neighborhood of five to ten thousand copies. I do not know, perhaps the gentleman from Massachusetts can inform us, whether the same people who obtained the hearings have already received the report printed by the direction of the committee.

Mr. FINLEY. The Committee on Printing did not handle that proposition. The matter was called up on the floor of the House.

Mr. MANN. I understand, but what I was getting at is this: Having sent out copies of the hearings from a list in the hands of the Stanley special committee, I take it that the committee would desire to send the report to the same persons who received the hearings, and if they have not already been sent I think the resolution ought to be amended so as to give the members of the special committee a certain number of copies.

Mr. GARDNER of Massachusetts. Mr. Speaker, I think it ought to be divided up. I do not think they all ought to go to the folding room. As a matter of fact, the demand which each individual Member of the House is going to get is comparatively small. They have got them already, for the most part. The distribution of the reports will mostly come on the Stanley committee; on myself as being the senior minority member and on Mr. STANLEY as being the chairman of the committee. I think the gentleman from Kentucky [Mr. STANLEY] knew what he wanted, and he wants to send them out to the people who have had the copies of the hearings, college libraries, economic libraries, newspapers, and bodies of all sorts. The gentleman from Kentucky wants the report to go where the hearings have already gone. In order to do that he must have a large supply in the document room upon which he can draw. I myself, as the gentleman knows, have had a great many minority reports printed at my own expense.

Mr. FOSTER. Could it not be arranged this way, so that so many shall be placed in the folding room and the others go to the document room?

Mr. MANN. Yes; let 15,000 go to the document room and 10,000 to the credit of Members in the folding room.

Mr. GARDNER of Massachusetts. That would be satisfactory.

Mr. FINLEY. Mr. Speaker, I move to amend by inserting after the word "printed," in line 5, the words "ten thousand," so that it would read "10,000 for the use of the House"; and then after the word "House," in line 6, insert "15,000 for."

Mr. GOEKE. Mr. Speaker, I ask that the Clerk read the resolution as it will read if amended.

The Clerk read as follows:

Resolved, That 25,000 copies of the majority and minority reports of the committee authorized under House resolution 148 to investigate violations of the antitrust act of 1890 and other acts, be printed, 10,000 for the use of the House and 15,000 for the document room.

Mr. FOSTER. Under that resolution they would all go through the document room.

Mr. HUMPHREYS of Mississippi. Ten thousand would not go to the folding room.

Mr. FOSTER. I think it should provide that 10,000 should go through the folding room.

Mr. GARRETT. Mr. Speaker, why not make it read "25,000 for the use of the House, 10,000 to be distributed through the folding room and 15,000 through the document room"?

Mr. FINLEY. After the word "House," I move to insert the words "of which 15,000 shall be distributed through the folding room and 10,000 shall be distributed through the document room."

Mr. GARDNER of Massachusetts. Fifteen thousand through the folding room.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend by inserting after the word "House," 25,000 for the use of the House, of which 15,000 shall be distributed through the folding room and 10,000 through the document room.

Mr. GOEKE. Mr. Speaker, I understood the amendment provided for 15,000 through the document room, and the amendment provides for the distribution of 10,000 through the document room.

Mr. FINLEY. I will state that there will be considerable demand on the Membership of the House, and I think that is a proper division.

Mr. SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The amended resolution was agreed to.

BIOGRAPHICAL CONGRESSIONAL DIRECTORY.

Mr. FINLEY. Mr. Speaker, I present the following privileged Senate concurrent resolution 26, which I send to the desk and ask to have read.

The Clerk read as follows:

Senate concurrent resolution 26 (H. Rept. 1255).

Resolved by the Senate (the House of Representatives concurring), That there be printed 3,000 copies of Senate document numbered 654, Sixty-first Congress, second session, entitled "Biographical Congressional Directory," of which 1,000 copies shall be for the use of the Senate and 2,000 copies for the use of the House of Representatives.

The SPEAKER. The question is on agreeing to the concurrent resolution.

The question was taken, and the concurrent resolution was agreed to.

SOIL SURVEY OF RANDOLPH COUNTY, ALA.

Mr. FINLEY. Mr. Speaker, I present the following privileged House resolution 695, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 695 (H. Rept. 1250).

Resolved, That 1,000 copies of a bulletin issued by the Bureau of Soils, Department of Agriculture, entitled "A Soil Survey of Randolph County, Ala.," be printed for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I ask that the Clerk read the report.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 695) providing for the printing of 1,000 copies of a bulletin issued by the Bureau of Soils, Department of Agriculture, entitled "A Soil Survey of Randolph County, Ala.," reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $194.60.

Mr. FINLEY. Mr. Speaker, I yield to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Speaker, this soil survey is in my congressional district, in the county of Randolph. There are about 3,000 farmers who are voters in that county. Under the provisions of the general act we get only 2,000 copies. The soil survey has been completed and I have only 2,000 copies to distribute in the county. It requires 1,000 more to supply the people of that county. I introduced this resolution for the purpose of furnishing a copy of this soil survey which was made by the Department of Agriculture, a valuable document, to the people of the county, and I think it entirely fair to them that each one have a copy instead of giving copies to only 2,000 and leaving each one of 1,000 without a copy.

Mr. KINKEAD of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. KINKEAD of New Jersey. Do I understand that Randolph County is in the gentleman's district?

Mr. HEFLIN. It is.

Mr. KINKEAD of New Jersey. And it has an important bearing on the gentleman coming here next year?

Mr. HEFLIN. It is my native county, I will state, and the people of that county are very enterprising, industrious——

Mr. KINKEAD of New Jersey. And will the gentleman also add intelligent?

Mr. HEFLIN. Yes; and for quite a number of years they have expressed very excellent judgment in the selection of their Member of Congress. [Laughter.]

Mr. KINKEAD of New Jersey. They are to be congratulated upon that fact.

Mr. FINLEY. Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

SOIL SURVEY OF CADDO PARISH, LA.

Mr. FINLEY. Mr. Speaker, I present the following privileged House concurrent resolution 38, which I send to the desk and ask to have read.

The Clerk read as follows:

House concurrent resolution 38 (H. Rept. 1252).

Resolved by the House of Representatives (the Senate concurring), That there shall be reprinted 5,000 additional copies of the Soil Survey of Caddo Parish, La., for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I ask that the report be read.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House concurrent resolution (H. Con. Res. 38) providing for the printing of 5,000 copies of the Soil Survey of Caddo Parish, La., reports the same back to the House with the recommendation that the resolution be agreed to with the following amendment:

On line 2 strike out the word "five" and insert the word "two."

The estimated cost will be $987.96.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MINERS' STRIKE, WESTMORELAND COUNTY, PA.

Mr. FINLEY. Mr. Speaker, I present a privileged House resolution, H. Res. 683, which I send to the desk and ask to have read.

The Clerk read as follows:

House resolution 683 (H. Rept. 1247).

Resolved, That 5,000 copies of House of Representatives Document No. 847, entitled "Report on the Miners' Strike in Bituminous Coal Field in Westmoreland County, Pa., in 1910 and 1911," be printed for the use of the House document room.

Mr. FINLEY. Mr. Speaker, I ask that the Clerk read the report.

The Clerk read as follows:

The Committee on Printing, having had under consideration the House resolution (H. Res. 683) providing for the printing of 5,000 copies of House Document No. 847, entitled "Report on the Miners' Strike in Bituminous Coal Field in Westmoreland County, Pa., in 1910 and 1911," reports the same back to the House with the recommendation that the resolution be agreed to.

The estimated cost will be $472.80.

Mr. MANN. Mr. Speaker, where is this to be distributed? Through the document room?

The SPEAKER. Through the document room.

Mr. MANN. Mr. Speaker, I do not wish to raise any question about it, but I notice, I think, what is a very natural tendency, that whereas formerly nearly every document printed was distributed through the folding room, now a good many resolutions for the printing of documents that are in the main, if not purely, for the benefit of an individual Member of Congress are to be distributed through the document room.

Mr. FINLEY. Mr. Speaker, I will state to the gentleman that in every publication here for the printing of which a resolution is introduced some one is interested. I am not prepared to admit that Members of Congress make use of means of this sort to help themselves politically. I do not think so.

Mr. MANN. I am not asserting anything of the sort. I do not think any Member of Congress would do anything at all that was improper to help himself politically. There are a great many who seem not to know enough to help themselves politically by doing the right thing, much less the wrong, and I do not know that I am not one of those. Yet, if I want to send out anything into my district which is purely personal I find that I have to put it in the form of a speech and pay for its printing.

Mr. FINLEY. This contains information which I think will be of some value.

Mr. FOSTER. Mr. Speaker, let me say to my colleague that I know a little something about this riot condition in Westmoreland County, Pa. It was investigated by an official of the Government, as the gentleman knows, and there were a great many charges made there back and forth. There was a good deal of rioting, and an investigation was made by the Committee on Rules, and it was afterwards taken up by the Government officials, in reference to the location of a post office on the mining company's property.

Mr. MANN. Well, this investigation must have been made before my distinguished colleague from Illinois was on the Committee on Rules if it was made in 1910.

Mr. FOSTER. I did not know it was made in 1910.

Mr. MANN. I understood it was made in 1910-11.

Mr. CULLOP. If the gentleman will pardon me, the riot occurred, or the trouble, strike, in 1910, and the investigation was made subsequent to that time.

Mr. MANN. That may be. To be perfectly candid, I did not know there was a riot or strike there.

Mr. FOSTER. There were quite a number of people killed.

Mr. MANN. I do not endeavor to keep track of everybody in the country who is killed.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. FINLEY, a motion to reconsider the vote by which the several resolutions were passed was laid on the table.

PROTEST AGAINST BEER SELLING, UNITED STATES ARMY.

Mr. WEBB. Mr. Speaker, I ask unanimous consent to insert in the RECORD a statement from the Scientific Temperance Federation, showing the deleterious effect of alcohol and beer upon soldiers and protesting against the reestablishment of the Army canteen.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

Mr. MANN. Mr. Speaker, reserving the right to object, is this the same one that was printed in the Senate proceedings the other day?

Mr. WEBB. I do not think it has been printed before.

Mr. KINKEAD of New Jersey. Mr. Speaker, reserving the right to object, who is the author of this interesting article?

Mr. WEBB. There are about 100 distinguished physicians of America, and the first one is Francis G. Benedict, Ph. D., director, institution of nutrition, Carnegie Institution, Boston.

Mr. KINKEAD of New Jersey. Any from New Jersey?

Mr. WEBB. Yes; I think there are a good many from New Jersey.

Mr. KINKEAD of New Jersey. All right; I have no objection.

Mr. KINDRED. What was the gentleman's request?

Mr. WEBB. To print a statement in relation to the deleterious effects of alcohol and beer upon soldiers.

Mr. KINDRED. I hope it will go through.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

The statement is as follows:

To the honorable the Members of the United States Senate and House of Representatives:

The undersigned physicians respectfully but earnestly protest to your honorable bodies against the passage of any bill to reestablish beer selling in the United States Army.

A study of the Army statistics during the present nonbeer period as compared with the previous beer-selling period shows:

First. That the average admission rate for alcoholism in the Army has been lower during the nonbeer period (1901–1910).

Second. That although the average admission rate for venereal disease has been higher during the nonbeer period than in the preceding beer-selling period, the greatest increase took place in the beer period immediately after the Spanish War. The increase between the first and the last year of that period was 106 per cent. The increase in the nonbeer period was 19 per cent at the highest point reached by the venereal rate, which was seven years ago (1905).

In other words, beer, which is now advocated as a preventive of venereal diseases, failed in the beer-selling period to prevent an increase nearly six times as great as the increase during the nonbeer period.

Third. It is not only in the state of drunkenness that men step into danger of incurring venereal diseases, but in the state of exhilaration and weakened self-control which follows the use of comparatively small amounts of alcoholic liquors. Modern scientific investigation has shown clearly that one of the earliest effects of the use of alcoholic liquors is impaired self-control. This impairment of self-control not only follows the use of the stronger alcoholic liquors, but may also follow the use of beer.

Fourth. Army tests conducted by generals and Army medical officers have repeatedly shown the disadvantage not only of the spirits drinker, but of even the beer drinker, in health, endurance, morale, and marksmanship—the qualities which are especially necessary for the efficiency of the soldier.

In view of the foregoing facts, we respectfully submit that science and experience indicate that the sale of beer in the Army is not only not required to diminish venereal diseases, but that its reinstatement would conflict with the best interests of the soldier himself, physically and morally, both in the Army and when he returns to civil life, and that it would be in direct opposition to the highest efficiency of the Army as a means of national defense.

We therefore respectfully urge you not to pass any bill for the reestablishment of beer selling in the Army.

Francis G. Benedict, Ph. D., director Institute of Nutrition, Carnegie Institute of Nutrition, Boston; Henry S. Brookes, clinical professor of medicine, Washington University, St. Louis, Mo.; William F. Boss, M. D., biological chemist and pharmacologist, Massachusetts General Hospital, Boston, Mass.; Richard C. Cabot, M. D., assistant professor of clinical medicine, Harvard Medical School, Boston, Mass.; Elbridge G. Cutler, M. D., consulting physician, Massachusetts General Hospital, 214 Beacon Street, Boston; N. S. Davis, M. D., professor of medicine, Northwestern University Medical School, Chicago, Ill.; Arthur T. Edwards, M. D., dean Northwestern University Medical School, 32 North State Street, Chicago; Haven Emerson, M. D., A. M., associate in physiology, instructor in medicine, College of Physicians and Surgeons, 120 East Sixty-second Street, New York City; T. Wood Hastings, M. D., professor of clinical pathology, Cornell University Medical College, 477 First Avenue, New York City; Winfield Scott Hall, Ph. D., M. D., professor of physiology, dean, Northwestern Medical School, Northwestern University, Chicago; T. Stuart Hart, A. M., M. D., associate in medicine, Columbia University, associate physician, Presbyterian Hospital, 180 West Fifty-ninth Street, New York City; Henry Jackson, M. D., 380 Marlboro Street, Boston; E. L. Keyes, jr., M. D., professor of genitourinary surgery, Cornell Medical School, 109 East Thirty-fourth Street, New York City; Howard A. Kelly, M. D., professor of gynecological surgery, Johns Hopkins University, 1418 Eutaw Place, Baltimore, Md.; J. Mason Knox, jr., M. D., associate in pediatrics, Johns Hopkins University, 804 Cathedral Street, Baltimore; Jacques Loeb, M. D., Ph. D., Sc. D., member Rockefeller Institute for Medical Research, Sixty-sixth Street and Avenue A, New York City; John A. Lichty, M. D., professor of medicine, University of Pittsburgh, 4634 Fifth Avenue, Pittsburgh, Pa.; Lawrence Litchfield, A. B., M. D., member of executive committee Pennsylvania Society for Prevention of Social Diseases, member of committee on organization of Fifteenth International Congress on Hygiene and Demography, Pittsburgh; Emanuel Libman, M. D., professor of clinical medicines, Columbia University, 180 East Sixty-fourth Street, New York City; Frederick P. Lord, M. D., professor of anatomy, Dartmouth College, Hanover, N. H.; E. E. Montgomery, M. D., professor of gynecology, Jefferson Medical College, 1426 Spruce Street, Philadelphia, Pa.; Henry O. Marcy, A. M., M. D., LL. D., late surgeon and medical director, United States Army, 180 Commonwealth Avenue, Boston; Joseph McFarland, M. D., professor of pathology, Medico-Chirurgical College, Philadelphia, Pa.; Joseph L. Miller, M. D., associate professor of medicine, Rush Medical College, Chicago, Ill.; Mathew D. Mann, A. M., M. D., dean medical department University of Buffalo, 37 Allen Street, Buffalo, N. Y.; Edward O. Otis, M. D., professor pulmonary diseases and climatology, Tufts College Medical School, Boston, Mass.; Charles P. Putnam, M. D., president of Associated Charities, 63 Marlboro Street, Boston, Mass.; Nathaniel Bowditch Potter, M. D., assistant professor of clinical medicine, Columbia University, 591 Park Avenue, New York City; David D. Scannell, M. D., 366 Commonwealth Avenue, Boston, Mass.; Bertram W. Sippy, M. D., professor of medicine, Rush Medical College, Chicago; Paul G. Woolley, M. D., dean College of Medicine, University of Cincinnati, Cincinnati, Ohio; Joseph E. Winters, M. D., professor of diseases of children, Cornell Medical College, 25 West Thirty-seventh Street, New York City; Robert N. Willson, M. D., physician to Philadelphia General Hospital, pathologist to Presbyterial Hospital, 1708 Locust Street, Philadelphia; F. N. Whittier, M. D., professor of pathology and bacteriology, Bowdoin College, Brunswick, Me.; Ralph W. Webster, M. D., assistant professor of pharmacology and therapeutics, Rush Medical College, Chicago; Brooke M. Auspach, M. D., associate in gynecology, University of Pennsylvania, 119 South Twentieth Street, Philadelphia; L. Vernon Briggs, M. D., 64 Beacon Street, Boston, Mass.; Clyde Brooks, Ph. D., assistant professor of physiology and pharmacology, University of Pittsburgh Medical School, Pittsburgh, Pa.; Marshall H. Bailey, M. D., medical adviser, Harvard University, Cambridge, Mass.; David Bovaird, jr., M. D., assistant professor of clinical medicine, Columbia University, 137 East Sixtieth Street, New York City; Scott P. Child, M. D., General Hospital, attending physician, Swope Settlement Dispensary, 1004 Rialto Building, Kansas City, Mo.; W. E. Chenery, M. D., professor of laryngology, Tufts College Medical School, 222 Hunting Avenue, Boston; John M. Connolly, A. M., M. D., LL. D., visiting physician Mount Sinai Hospital, 419 Boylston Street, Boston; Ernest W. Cushing, M. D., professor of abdominal surgery and gynecology, Tufts Medical School, 168 Newbury Street, Boston; John Champlin, M. D., consulting physician, Rhode Island Hospital, 9 Granite Street, Westerly, R. I.; Wm. H. Coleman, M. D., lecturer materia medica, University of Louisville, 3000 Fourth Street, Louisville, Ky.; Frederick C. Curtis, M. D., professor of dermatology, Albany Medical College, Albany, N. Y.; S. C. Emley, A. M., M. D., associate professor of Otology, University of Kansas, 703 Waldheim Building, Kansas City, Mo.; Theodore Erb, M. D., 159 St. Botolph Street, Boston; Eugene L. Fisk, M. D., medical director of Postal Life Insurance Co., 35 Nassau Street, New York City; George J. Fisher, M. D., director of physical training, Young Men's Christian Association of North America, 124 East Twenty-eighth Street, New York City; T. H. Fraser, M. D., president County Medical Society, Mobile, Ala.; Roy K. Flannagan, M. D., director of inspections, Virginia Health Department, 1110 Capital Street, Richmond, Va.; Alfred Gordon, M. D., late lecturer on nervous diseases, Jefferson Medical College, 1430 Pine Street, Philadelphia; Hermon C. Gordinier, M. D., professor of physiology, Albany Medical College, 89 Fourth Street, Troy, N. Y.; R. H. Greeve, M. D., 78 East Fifty-sixth Street, New York City; Samuel G. Gay, M. D., Selma, Ala.; John M. Hundley, M. D., clinical professor of diseases of women, University of Maryland, Baltimore; Walter G. Hope, M. D., ex-president New Mexico State Medical Society, State National Bank Building, Albuquerque, N. Mex.; George H. Hall, M. D., associate professor of medicine, Rush Medical College, 15 East Washington Street, Chicago; Guy L. Hunner, M. D., associate in gynecology, Johns Hopkins University Medical School, Baltimore; Wm. McIntyre Harsha, M. D., professor of surgery, College of Medicine, University of Illinois, Chicago; Henry Reed Hopkins, M. D., ex-president Medical Society State of New York (1902), 433 Franklin Street, Buffalo, N. Y.; Searle Harris, M. D., editor in chief, Southern Medical Journal, Mobile, Ala.; Wm. Van V. Hayes, M. D., professor of diseases of digestive system, New York Polyclinic, 34 West Fiftieth Street, New York City; M. L. Harris, M. D., Chicago, Ill.; David Starr Jordan, M. D., Ph. D., president Leland Stanford, jr., University, Palo Alto, Cal.; D. S. D. Jessup, M. D., instructor in clinical pathology and medical visitor, Columbia University, 601 West One hundred and thirteenth Street, New York City; J. I. Johnston, M. D., assistant professor of medicine and associate professor of clinical medicine, University of Pittsburgh, Pittsburgh, Pa.; George T. Jackson, M. D., professor of dermatology, College of Physicians and Surgeons, 11 East Forty-eighth Street, New York City; Holmes C. Jackson, M. D., professor of physiology, New York

University and Bellevue Hospital Medical College, New York City; J. Thomas Kelley, M. D., gynecologist, Providence Hospital, 1312 Fifteenth Street, New York City; L. F. Kebler, chief of Drug Division, Bureau of Chemistry, Washington, D. C.; George Roe Lockwood, M. D., professor of clinical medicine, Columbia University, 18 East Fifty-second Street, New York City; Bird M. Linnell, first lieutenant and assistant surgeon, associate professor of medicine, Rush Medical College, 32 North State Street, Chicago; Edward E. Mayer, M. D., professor of clinical neurology, University of Pittsburgh, Pa.; Howard H. Mason, M. D., 147 East Sixty-second Street, New York City; Jas. E. Newcomb, M. D., assistant professor of laryngology, Cornell University, 118 West Sixty-ninth Street, New York City; J. G. Palmer, M. D., Opelika, Ala.; John D. Quackenbos, M. D., emeritus professor, Columbia University, 331 West Twenty-eighth Street, New York City; Wm. E. Quine, M. D., dean, College of Medicine, University of Illinois, Chicago; Jas. L. Reat, M. D., late surgeon, Twenty-first Regiment Illinois Volunteers, Tuscola, Ill.; Jn. Edwin Rhodes, M. D., associate professor, Rush Medical College, People's Gas Building, Chicago; B. B. Rogan, M. D., Selma, Ala.; L. E. Sayre, M. D., dean, School of Pharmacy, University of Kansas, 1323 Ohio Street, Lawrence, Kans.; F. N. Seerley, M. D., lecturer, society, sanitary, and moral prophylaxis, Young Men's Christian Association Training School, Springfield, Mass.; Freeman A. Tower, M. D., superintendent Burbank Hospital, Fitchburg, Mass.; Wm. C. Thro, M. D., assistant professor of clinical pathology, Cornell Medical School, 547 West One hundred and fifty-eighth Street, New York City; Geo. H. Washburn, M. D., 377 Marlboro Street, Boston; Wm. A. Wiseman, M. D., member American Medical Association, Chicago; Wm. C. Wallace, M. D., Staff Ohio Valley Hospital, ex-captain Artillery, National Guard of Pennsylvania, 47 Prospect Avenue, Ingram, Pa.; Stephen A. Welch, M. D., consulting physician, Rhode Island Hospital, 253 Washington Street, Providence, R. I.; Ennion G. Williams, M. D., Richmond, Va.; J. W. Wiltse, M. D., lecturer, Albany Medical College, dermatology and genito-urinary diseases, attending dermatologist and genito-urinary surgeon, St. Peter's Hospital, Albany, N. Y.

FERDINAND TOBE.

Mr. GOEKE. Mr. Speaker, I ask unanimous consent to call up Senate bill 1484.

The SPEAKER. The Chair will state the Chair wants to carry out the promises he made about this matter, and there are some gentlemen ahead of the gentleman from Ohio.

Mr. RAKER. Mr. Speaker, put me down as about four following this.

The SPEAKER. Then, the Chair will recognize the gentleman from Ohio. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1484) for the relief of Ferdinand Tobe.

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Ferdinand Tobe, who was a private of Company A, Fifty-eighth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said company and regiment on the 30th day of June, 1863: *Provided*, That no pay, bounty, pension, or other emolument shall accrue prior to the passage of this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

RESTORING TO PUBLIC ENTRY CERTAIN PARCELS OF LAND.

Mr. GRAHAM. Mr. Speaker, I desire to call up the bill S. 2014.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 2014) for the relief of George Owens, John J. Bradley, William M. Godfrey, Rudolph G. Ebert, Herschel Tupes, William H. Sage, Charles L. Tostevin, Alta B. Spaulding, Grace E. Lewis, and Dolly Neely.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to public entry the following parcels of land situate in Trinity County, Eureka land district, in the State of California, to wit:

Parcel No. 1. The south half southwest quarter and the south half southeast quarter section 4, township 25 north, range 11 west.

Parcel No. 2. The southeast quarter northeast quarter, north half southeast quarter, and northeast quarter southwest quarter section 4, township 25 north, range 11 west.

Parcel No. 3. The northwest quarter southwest quarter section 5, and south half northeast quarter and northeast quarter southeast quarter section 6, township 25 north, range 11 west.

Parcel No. 4. The southeast quarter section 5, township 25 north, range 11 west.

Parcel No. 5. The west half northeast quarter and west half southeast quarter section 8, township 25 north, range 11 west.

Parcel No. 6. The southeast quarter northeast quarter section 5, and south half northwest quarter and northwest quarter southwest quarter section 4, township 25 north, range 11 west.

Parcel No. 7. The south half northwest quarter, southwest quarter northeast quarter, and northeast quarter southwest quarter section 5, township 25 north, range 11 west.

Parcel No. 8. The east half northeast quarter, east half southeast quarter section 8, township 25 north, range 11 west.

Parcel No. 9. The west half northwest quarter section 17 and east half northeast quarter section 18, township 25 north, range 11 west.

Parcel No. 10. The south half southwest quarter of section 17 and the north half northwest quarter of section 20, township 25 north, range 11 west.

All being in the Mount Diablo, Cal., principal meridian.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, upon compliance with the foregoing section and proof of compliance by the entrymen under the act of June 3, 1878, to issue—

To George Owens a patent for the parcel designated in the foregoing section as No. 1.

To John J. Bradley a patent for the parcel designated in the foregoing section as No. 2.

To William M. Godfrey a patent for the parcel designated in the foregoing section as No. 3.

To Rudolph G. Ebert a patent for the parcel designated in the foregoing section as No. 4.

To Herschel Tupes a patent for the parcel designated in the foregoing section as No. 5.

To William H. Sage a patent for the parcel designated in the foregoing section as No. 6.

To Charles L. Tostevin a patent for the parcel designated in the foregoing section as No. 7.

To Alta B. Spaulding a patent for the parcel designated in the foregoing section as No. 8.

To Grace E. Lewis a patent for the parcel designated in the foregoing section as No. 9.

To Dolly Neely a patent for the parcel designated in the foregoing section as No. 10.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object——

Mr. GRAHAM. Mr. Speaker, the bill is a bill for the relief of 10 different individuals who entered certain lands in California. At the time they entered it the Land Office and all others believed it open to entry. Afterwards it turned out that it was part of a forest reserve. Before that was determined they spent a good deal of money in making entry. The bill originally asked that it be restored to entry, and they should get patent for it, but the Committee on Public Lands did not see it that way, but recommended that they be given back their actual and necessary expenses in and about the matter of entry. The Senate bill provides for that. This is about all there is to be said, Mr. Speaker.

Mr. LAFFERTY. Will the gentleman yield for a brief statement? The fact is that these 10 people, most of whom are strangers to me, some in the States of Washington, Oregon, and California, three or four years ago went to the Eureka California land district to make timber and stone filings upon any vacant land they might find there. They employed a locator at about $150 apiece who took them and showed them vacant public lands. They went to the land office at Eureka and made filings. The register and receiver advised these people that the lands were vacant.

They then went back three months later and made their final proofs, employed their witnesses, and paid $400 apiece and got their final receipts. Some two years later they received notice to show cause why their entries should not be canceled because of their alleged erroneous allowance. Prior to the date they made their entries an order was made here in Wishington, but not spread on the local records, withdrawing certain lands, including these. Now, these people were not in fault in any way. It was a mistake of the General Land Office at Washington when it made an order withdrawing these lands from entry that it did not send the order to the Eureka Land Office so as to notify the public. The General Land Office admits its mistake, admits these people are out this money. So the people came here and had a bill introduced in the Senate by Senator CHAMBERLAIN to give them their patents notwithstanding this order of withdrawal. But the department made objection and said:

We do not believe they should have patents; that this land is now in a forest reserve, and we suggest they be relieved by paying them back the $400 they paid the Government and filing fees and their actual necessary expenses, to be ascertained by the Secretary of the Interior.

Mr. MANN. Now, let me see if I know any of the facts in this case. An error was made in the office in Washington in reference to this land being withdrawn as a forest reservation, and people supposed they had the right to make a claim or entry upon it. They had employed somebody, apparently, to look out for their interests. If they won, they would pay $400 or $500 for a piece of land which had on it from 5,000 to 10,000 feet of merchantable timber per acre. In one case Lieut. Col. Rudolph G. Ebert, United States Army, would receive a piece of land having on it 3,000,000 feet, board measure, of red fir; 500,000 feet, board measure, sugar pine; and 500,000 feet, board measure, yellow pine. And Mr. William M. Godfrey would receive a piece of land having on it 1,000,000 feet, board measure, yellow pine; 2,980,760 feet, board measure, fir; and 440,000 feet, board measure, sugar pine; and 374,440 feet, board measure, of cedar—valued, as it stands on the ground, at over $8,000. Do not gentlemen think when a man endeavors to make a gamble on obtaining a piece of land, with timber on it

worth $8,000, by paying $400 or $500 he ought to take his loss coolly when he does not win?

Mr. LAFFERTY. Now, Mr. Speaker, I desire to answer that question. These people went down to find vacant Government land that had lain there subject to entry at $2.50 an acre since 1878. These lands were vacant and open to entry for all of that time. The gentleman from Illinois [Mr. MANN] could have gone and entered them, as could any other citizen of the United States 21 years of age. And it is so plain a thing that a common-sense individual, any gentleman with one eye and a grain of sense——

Mr. MANN. The gentleman is talking about himself.

Mr. LAFFERTY. I have two eyes, and some sense. I submit if there is any gentleman on the floor of this House that thinks these lands, which have lain there vacant, subject to be taken by any applicant, since 1878 until 1909 and 1910, were worth $8,000 per claim, he has not sufficient ability to represent any congressional district on the floor of this House.

Mr. MANN. Or in Oregon.

Mr. LAFFERTY. I desire to repeat, further, what I said the other day, that when bills are referred to the regularly constituted committees of this House the facts are placed before those committees and thoroughly thrashed out. The committees make their reports to this House and they are entitled to decent consideration, and I wish to respectfully criticize the action of the gentleman from Illinois in setting up his wisdom against the wisdom of the committees of this House. I did not go to him, and I shall not go to him, and ask that this private bill, coming from Senator CHAMBERLAIN, be not objected to, nor shall I take my hat in my hand and go to his office and ask that another private bill that I introduced myself, that I am going to call up later, be not objected to. He is fooling only himself when he appropriates unto himself a superior wisdom to that of the Committee on the Public Lands or any other committee of this House. This question of the valuation which he is reading of these lands was thrashed out before the Committee on the Public Lands, and they pronounced the statement of this young forestry officer as being ridiculous and absurd. That is the statement the gentleman from Illinois [Mr. MANN] is reading from. These lands to-day are not worth over $3,000 per claim, and some of them are not worth $2,000 per claim. He is giving the estimate there, and I want to state the facts here, and if gentlemen can contradict them hereafter at any time I will get up and make apology to this House and to the gentleman from Illinois [Mr. MANN.]

Mr. MANN. I do not wish any apology from the gentleman.

Mr. LAFFERTY. The gentleman will not get it. I have no special desire to do so, because the gentleman does not deserve it.

Red fir is selling for 40 cents a thousand in that neighborhood now. That would make it worth about $400 a million, or $1,200 for three millions. It stands to reason that when these claims could be had for $420 each, and the additional cost for witnesses would bring the amount up to $600 or $700 and they were worth so much more, there would have been a grand rush for them if these people went to Washington and other States. If put to a vote, the gentleman from Illinois [Mr. MANN] knows that the House in its wisdom will pass it, but he reserves the right to himself to object to every private bill that comes on this floor when a Member does not take his hat in his hand and go to him and ask him to refrain from making any objection.

Mr. MANN. That statement is not true, so that it is not worth answering.

Mr. Speaker, I am used to being abused by some man who has got a bill that is absolutely rotten. The gentleman stated that I read from a letter from one of the officials of the Forestry Service. I read from a statement of the Secretary of Agriculture, over the signature of the Secretary of Agriculture. The people involved in this case went from Oregon, a long ways off, down into California to get in on a good thing.

Mr. KINKEAD of New Jersey. A 10-to-1 shot.

Mr. MANN. Yes. It was a 10-to-1 shot, as the gentleman from New Jersey suggests. If they had won it would have been even better than a 10-to-1 shot, and because they did not win they cry and plead the baby act. I never did have any respect for a man who would gamble and smile when he won and plead the baby act when he lost. I object.

Mr. GRAHAM. Mr. Speaker, on behalf of the Committee on the Public Lands, I think it is proper that I should state that the committee understood that this land was open for entry; that these 10 people entered upon it, and, through no fault whatever of theirs——

The SPEAKER. Does the gentleman object?

Mr. KINKEAD of New Jersey. Yes; I object.

The SPEAKER. That ends it.

Mr. GRAHAM. Mr. Speaker, I thought I was proceeding, not by unanimous consent, but through my committee right.

E. B. M'CLELLAND.

Mr. LLOYD. Mr. Speaker, I offer the following privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

House resolution 700 (H. Rept. 1245).

Resolved, That the Clerk of the House is authorized to pay E. B. McClelland for services rendered as House Office Building policeman from May 1 to May 15, inclusive, 1911, $14.49.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. BROWNING, Mr. SIMS, Mr. SLOAN, and Mr. KINKEAD of New Jersey rose.

The SPEAKER. The Chair feels that he should take these matters up in their order. There should be some order observed about it. The Chair will recognize first the gentleman from New Jersey [Mr. BROWNING], and next the gentleman from Tennessee [Mr. SIMS].

EVAN URNER RINEHART.

Mr. BROWNING. Mr. Speaker, I move that the Committee on Naval Affairs be discharged from the further consideration of Senate bill 7267, and that the bill be placed on its passage in the House. I move to substitute for the Senate bill the House bill—H. R. 25428—waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart.

The SPEAKER. The Clerk will report the bill by its title.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. This bill is not on the Private Calendar. What is the number of the House bill?

Mr. BROWNING. House bill 25428—No. 215 on the Private Calendar.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read the title of the bill, as follows:

A bill (H. R. 25428) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Evan Urner Rinehart.

Mr. MANN. I have already objected to that bill twice. I will do it again.

The SPEAKER pro tempore (Mr. GRAHAM). Objection is heard. The gentleman from Tennessee [Mr. SIMS] is recognized.

JOHN WILSON.

Mr. SIMS. Mr. Speaker, I desire to call up some resolutions reported from the Committee on War Claims. They begin on page 36 of the calendar, the first being House resolution 598, a resolution (in lieu of H. R. 25636) referring to the Court of Claims the claim of John Wilson—No. 184 on the Private Calendar.

The SPEAKER pro tempore. The first of these resolutions is No. 153 on the Private Calendar—House resolution 580.

Mr. SIMS. I think I had better let that go over.

The SPEAKER pro tempore. The Clerk will report the title of the resolution indicated by the gentleman from Tennessee [Mr. SIMS].

The Clerk read as follows:

H. Res. 598. Resolution (in lieu of H. R. 25636) referring to the Court of Claims the claim of John Wilson.

Mr. MANN. What is the number of the resolution?

Mr. SIMS. The number of the resolution is House resolution 598. It is a resolution sending a bill to the Court of Claims.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 598.

Resolved, That the bill (H. R. 25636) for the relief of John Wilson, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

Mr. SIMS. Mr. Speaker, I desire to offer an amendment.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. SIMS. I desire to offer an amendment to strike out the words "a finding of facts and conclusions of law" in lines 3 and 4, and to insert in lieu thereof the words "findings and conclusions."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike out, in lines 3 and 4, the words "a finding of facts and conclusions of law" and insert the words "findings and conclusions."

Mr. CULLOP. Mr. Speaker, if you will strike out the words "of facts" and the words "of law" you will have it.

Mr. MANN. Except that you would have it read "a finding" when it should be "findings."

Mr. SIMS. I ask for a vote on the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF JOHN G. HOLLOWAY.

Mr. SIMS. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 599, referring the bill (H. R. 25274) for the relief of heirs of John G. Holloway to the Court of Claims.

The resolution was read, as follows:

House resolution 599.

Resolved, That the bill (H. R. 25274) for the relief of heirs of John G. Holloway, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. SIMS. I offer the same amendment as the one adopted to the previous resolution.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 4 strike out the words "a finding of facts and conclusions of law" and insert "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

ALVIS A. PERRY.

Mr. SIMS. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 600, referring the bill (H. R. 25277) for the relief of Alvis A. Perry to the Court of Claims.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 600.

Resolved, That the bill (H. R. 25277) for the relief of Alvis A. Perry, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. SIMS. Mr. Speaker, I offer the same amendment to this resolution as to the previous one.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In lines 3 and 4 strike out the words "a finding of facts and conclusions of law" and insert "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4495. An act for the relief of George W. Hoyt; and

S. 2345. An act to provide for the erection of a public building in the city of Apalachicola, Fla.

The message also announced that the Senate had passed, with amendments, bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes; and

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated seeds and seeds unfit for seeding purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2345. An act to provide for the erection of a public building in the city of Apalachicola, Fla.; to the Committee on Public Buildings and Grounds.

S. 4495. An act for the relief of George W. Hoyt; to the Committee on Claims.

HEIRS OF NANCY WILSON.

Mr. SIMS. Mr. Speaker, I call up the House resolution 601. The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 25247) for the relief of heirs of Nancy Wilson, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary." (Public act No. 475, 61st Cong., 2d sess., p. 1138.)

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. I offer the same amendment.

The Clerk read as follows:

Amend by striking out, in line 4, the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

CORNELIUS P. VANKIRK.

Mr. SIMS. Mr. Speaker, I call up House resolution 602.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 25246) for the relief of Cornelius P. Vankirk, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

There was no objection.

Mr. SIMS. I offer the same amendment, Mr. Speaker.

The Clerk read as follows:

Strike out, in line 4, the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

CHARLES M. BUTLER.

Mr. SIMS. Mr. Speaker, I call up House resolution 603.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 25052) for the relief of heirs of Charles M. Butler and Elizabeth Francis Butler, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

Mr. STANLEY. Mr. Speaker, I ask unanimous consent for five minutes, more or less, to present a matter to the House.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for five minutes.

Mr. MANN. What is it about?

Mr. STANLEY. It is practically to address the House——

Mr. MANN. The gentleman from Kentucky comes in and wants to break in on the proceedings. I think the gentleman ought to be willing to wait until we are through with these resolutions.

Mr. STANLEY. I am willing to wait, and I withdraw my request.

The SPEAKER. Is there objection to the consideration of the resolution?

Mr. MANN. Mr. Speaker, reserving the right to object, I will say to the gentleman from Tennessee that this appears to be referring to the Court of Claims a claim for damages done to a farm by the Union Army during the war. I understood that the gentleman from Tennessee himself was not in favor of starting us on the project to pay damages done by the Army during the war.

Mr. SIMS. Mr. Speaker, I ask unanimous consent that this may be passed over.

Mr. MANN. I will object and save any question.

The SPEAKER. The gentleman from Illinois objects.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed without amendment bills of the following title:

H. R. 26114. An act to authorize the government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.; and

H. R. 23604. An act for the relief of Frank D. Courtade.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 7377) granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes.

ELI A. HELMICK.

Mr. SIMS. Mr. Speaker, I call up the House resolution 604.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 24933) for the relief of Eli A. Helmick, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. SIMS. Mr. Speaker, I offer the same amendment to this resolution.

The Clerk read the amendment, as follows:

Amend, in line 4, by striking out the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

MARTIN G. SPRUEL.

Mr. SIMS. Mr. Speaker, I call up House resolution 605.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 25534) for the relief of estate of Martin G. Spruel, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. SIMS. Mr. Speaker, I offer the same amendment.

The Clerk read, as follows:

Amend by striking out, in line 4, the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

YANDELL WOOD.

Mr. SIMS. Mr. Speaker, I call up House resolution 606.

The Clerk read the resolution, as follows:

Resolved, That the bill (H. R. 24809) for the relief of Yandell Wood and J. L. Wood estate, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary." (Public act No. 475, 61st Cong., 2d sess., p. 1138.)

Mr. SIMS. Mr. Speaker, I offer the same amendment.

The Clerk read as follows:

In lines 4 and 5, strike out the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The amendment was agreed to.

The resolution as amended was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed, without amendment, joint resolution of the following title:

H. J. Res. 360. Joint resolution providing for the payment of the salaries of the officers and employees of the Senate and House of Representatives on the day of adjournment of the present session.

JAMES S. GARRISON.

The next business on the Private Calendar was House resolution 607, referring the bill (H. R. 24538) for the relief of James S. Garrison to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 607.

Resolved, That the bill (H. R. 24538) for the relief of James S. Garrison, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary." (Public Act No. 475, 61st Cong., 2d sess., p. 1138.)

With the following committee amendment:

Line 4, strike out "a finding of facts and conclusions of law" and insert "findings and conclusions."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was agreed to.

ERIC BERGLAND.

The next business on the Private Calendar was House resolution 608, referring the bill (H. R. 24773) for the relief of Eric Bergland to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 608.

Resolved, That the bill (H. R. 24773) for the relief of Eric Bergland, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

With the following amendment:

Line 4, strike out "a finding of facts and conclusions of law" and insert "findings and conclusions."

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is a very natural resolution, I suppose, reported from the committee, to refer a bill to the Court of Claims. It was a bill over which the War Claims Committee did not have any jurisdiction, to begin with, and when I tell the gentleman from Tennessee [Mr. SIMS] what it is, he will be almost ready to fall dead in a faint.

Mr. SIMS. Then do not tell me.

Mr. MANN. For years and years the Army and Navy officers have been endeavoring to extract out of Congress back pay barred by the statute of limitations, based upon increased longevity pay on account of counting service in the Military and Naval Academies. They have had those claims come up in every possible way, reported from the Committee on Claims, added as Senate amendments, added as amendments to deficiency bills, added as amendments to claims bills, war claims bills, and in every possible way. This is the first time that I can remember they have worked the War Claims Committee, which has no jurisdiction over the subject, and slipped in a resolution, looking harmless on its face, that would apparently refer the matter to the Court of Claims in the hopes that under a recent law, if the Court of Claims would make a finding, they could then walk to the Auditor of the Treasury Department and take out between five and twenty millions of dollars of back pay, running back, some of it, 40 and 50 years.

Mr. SIMS. This resolution was reported by a subcommittee. I know nothing about it.

Mr. MANN. Mr. Speaker, I object.

JAMES P. KENNELLY.

The next business on the Private Calendar was House resolution 609, referring the bill (H. R. 24467) for the relief of the estate of James P. Kennelly to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 609.

Resolved, That the bill (H. R. 24467) for the relief of the estate of James P. Kennelly, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary." (Public act No. 475, 61st Cong., 2d sess., p. 1138.)

With the following amendment:

Strike out, in line 4, the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was agreed to.

D. T. HATCH.

The next business on the Private Calendar was House resolution 610, referring the bill (H. R. 24466) for the relief of the estate of D. T. Hatch to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 610.

Resolved, That the bill (H. R. 24466) for the relief of estate of D. T. Hatch, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

With the following amendment:

Strike out, in line 4, the words "a finding of facts and conclusions of law," and insert in lieu thereof the words "findings and conclusions."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was agreed to.

NATHANIEL W. LEE.

The next business on the Private Calendar was House resolution 611, referring the bill (H. R. 19664) for the relief of the heirs of Nathaniel W. Lee to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 611.

Resolved, That the bill (H. R. 19664) for the relief of heirs of Nathaniel W. Lee, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public Act No. 475, 61st Cong., 2d sess., p. 1138).

With the following amendment:

Line 4, strike out "a finding of facts and conclusions of law," and insert "findings and conclusions."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution was agreed to.

JOHN A. MILLER.

The next business on the Private Calendar was House resolution 612, referring the bill (H. R. 19091) for the relief of the heirs of John A. Miller to the Court of Claims.

The Clerk read the resolution, as follows:

House resolution 612.

Resolved, That the bill (H. R. 19091) for the relief of heirs of John A. Miller, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary." (Public act No. 475, 61st Cong., 2d sess., p. 1138.)

With the following amendment:

Line 4, strike out "a finding of facts and conclusions of law" and insert "findings and conclusions."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

ESTATE OF ROBERT M. CRENSHAW.

The next business on the Private Calendar was House resolution 613, referring the bill (H. R. 18168) for the relief of the estate of Robert M. Crenshaw to the Court of Claims.

The Clerk read as follows:

House resolution 613.

Resolved, That the bill (H. R. 18168) for the relief of estate of Robert M. Crenshaw, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary." (Public act No. 475, 61st Cong., 2d sess., p. 1138.)

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was read, as follows:

Amend by striking out in line 4 the words "a finding of facts and conclusions of law" and inserting the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF HORACE KING, DECEASED.

The next business on the Private Calendar was House resolution 614, referring the bill (H. R. 14953) for the relief of the heirs of Horace King, deceased, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 14953) for the relief of the heirs of Horace King, deceased, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was read, as follows:

Amend by striking out, in line 4, the words "a finding of facts and conclusions of law" and insert the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

ESTATE OF J. W. DEVERS.

The next business on the Private Calendar was House resolution 615, referring the bill (H. R. 14762) for the relief of the estate of J. W. Devers to the Court of Claims.

Mr. MANN. Mr. Speaker, reserving the right to object, I notice that the bill that is proposed here to be referred to the Court of Claims is a claim for loss sustained from depredation of soldiers during the Civil War, which damages have not yet been approved of by the House, and I object.

WILLIAM WELLS.

The next business on the Private Calendar was House resolution 616, referring the bill (H. R. 10757) for the relief of William Wells to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 10757) for the relief of William Wells, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was read, as follows:

Amend by striking out, in lines 3 and 4, the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

S. ELLEN BOYD, ADMINISTRATRIX.

The next business on the Private Calendar was House resolution 617, referring the bill (H. R. 7432) for the relief of S. Ellen Boyd, administratrix of the estate of Mary Dean, to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 7432) for the relief of S. Ellen Boyd, administratrix of the estate of Mary Dean, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was read, as follows:

Amend, lines 4 and 5, by striking out the words "a finding of facts and conclusions of law" and insert in lieu thereof the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF PETER GOODMAN.

The next business on the Private Calendar was House resolution 620, referring the bill (H. R. 25644) for the relief of the heirs of Peter Goodman to the Court of Claims.

The Clerk read as follows:

Resolved, That the bill (H. R. 25644) for the relief of the heirs of Peter Goodman, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of facts and conclusions of law under section 151 of the act of March 3, 1911, "An act to codify, revise, and amend the laws relating to the judiciary" (Public act No. 475, 61st Cong., 2d sess., p. 1138).

The SPEAKER. Is there objection?

There was no objection.

The committee amendment was read, as follows:

Amend by striking out of lines 4 and 5 the words "a finding of facts and conclusions of law" and insert the words "findings and conclusions."

The amendment was agreed to.

The resolution as amended was agreed to.

HEIRS OF JOSEPH BLOCK.

The next business on the Private Calendar was House resoluton 629, referring the bill (H. R. 25707) for the relief of the heirs of Joseph Block, deceased, to the Court of Claims.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this is another resolution referring a bill having a claim for damages to real estate, and therefore I object.

The SPEAKER. The gentleman objects. The gentleman from Oregon [Mr. LAFFERTY] is recognized.

LEWIS MONTGOMERY.

Mr. LAFFERTY. Mr. Speaker, I desire to call up the bill H. R. 16604, Private Calendar 222, and ask for its present consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16604) for the relief of Lewis Montgomery.

Be it enacted, etc., That the Commissioner of the General Land Office is hereby authorized to cause a patent to be issued to Lewis Montgomery for the south half of the southeast quarter of section 18 and the north half of the northeast quarter of section 19, township 8 south, range 9 west, Willamette meridian, in Oregon.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, if I understand the case it is in reference to whether a man has

made requirements of the homestead entryman showing good faith in making an entry, and it would appear from the statement in the report from the First Assistant Secretary of the Treasury:

The evidence shows that the man selected a rough, steep, and mountainous tract, remote from civilization and railroad facilities, and inaccessible to horses and vehicles, the only way to reach it being on foot; that the land was covered with a dense growth of heavy timber, and was much more valuable for its timber than for any other purpose; that it would be exceedingly costly and difficult to clear the land for agricultural purposes.

The department held that he had not made the homestead entry in good faith, and it does not look to me as if he had. I would be very glad to have any information the gentleman from Oregon has.

Mr. LAFFERTY. Now, Mr. Speaker, as usual, or as he frequently does, the gentleman is presenting a half-baked theory of this case.

Mr. MANN. Well, make it that I always do. I am agreeable, for the sake of argument.

Mr. LAFFERTY. The gentleman has hurriedly referred to the papers on the call of this bill——

Mr. MANN. Oh, the gentleman is mistaken. I read the papers in the quiet of the night, without regard to the call of this calendar, and I expect I am as familiar with it as the gentleman from Oregon.

Mr. LAFFERTY. Mr. Speaker, to show that the gentleman is entirely mistaken, he says he understands this bill is to relieve the man who made a homestead entry upon lands that were remote, inaccessible, and principally valuable for timber, and so forth, and that he does not feel that that man ought to be relieved. Now, the facts are entirely different to what that statement would lead one to believe they are. It is true that James H. Dunn made such a homestead entry as the gentleman has shown by reading the report from the Assistant Secretary of the Interior, but the point in this case is this: After James H. Dunn had made such a homestead entry as that, over 10 years ago, after he had gone to the land office and made his final proof and made his payments and received a final receipt, a number of conveyances were made upon the faith of that final certificate to that original entryman. He went to the president of a bank, Mr. Ralph Williams, and borrowed $1,800, and he went to another man at Dallas, Oreg., and borrowed $1,000 on this land that he had a final receipt for and was paying taxes on. He did not yet have his patent. He failed to make the payment of about $2,800, and there were foreclosure proceedings had in the circuit court of Lincoln County, and a sale was had. The holder of the second mortgage, in order to protect himself, bid the amount of the first mortgage and his own, and received a sheriff's deed. He made the sale in the ordinary course of business. Several conveyances were made. Finally, in 1908, Lewis Montgomery bought the land, eight years after the final proof, for $6,000.

There were no charges pending in the local land office against the legality of the original entry, and there was a law upon the statute books providing that if no contest or protest be made against the validity of a homestead entry prior to the submission of final proof, or within two years thereafter, the entry must be passed to patent.

Lewis Montgomery is a resident of Portland. There is not a better citizen in the United States than he. He bought this land, paying practically all it is worth, in 1908. As I say, there had been numerous conveyances prior to that. He is an innocent purchaser for full value of the original James H. Dunn claim. As I say, the law of the United States was plain, that if there was no contest or protest pending more than two years after the issuance of the receiver's final receipt that any purchaser would be absolutely protected. But what happened? In 1909, the year after this last conveyance was made and placed of record, the Commissioner of the General Land Office wrote a letter to the register and receiver of the Portland land office, saying that on a certain date back in 1901 James H. Dunn made a homestead entry; that thereafter, in 1907, James D. Watts, a special agent of the land office——

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. If the Chair wants me to do so, I am perfectly willing.

The SPEAKER. The only interest the Chair has in it is to expedite matters. If the gentleman is going to object, he might as well object and be through with it.

Mr. MANN. Well, I am going to object. The claim has absolutely no merit in it whatever.

Mr. LAFFERTY. The gentleman will not submit that question to the judgment of this House.

Mr. MANN. We will have a chance to submit it to the gentlemen of the House in regular order.

Mr. LAFFERTY. The bill has not been called in regular order during this session, and other private bills are in the same condition.

BOARD OF MANAGERS, NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the House joint resolution No. 226. This is in the nature of an emergency resolution, and I would like to get it through.

The SPEAKER. The Chair will state to the House that this matter does not fall under the unanimous-consent business; but it seems if it is going to be attended to it ought to be attended to now. The Chair thinks it fair to make that statement to the House. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That George H. Wood, of Ohio; John W. Farris, of Missouri; and Franklin Murphy, of New Jersey, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Oscar M. Gottshall, of Ohio; William Warner, of Missouri; and Franklin Murphy, of New Jersey, whose terms of office will expire April 21, 1912.

With a committee amendment.

Mr. MANN. Reserving the right to object, as I understand it this bill is reported with the unanimous recommendation of the committee, with a certain committee amendment changing a name?

Mr. HAY. Yes.

Mr. MANN. I will ask to have the amendment reported, so that the Members will have information.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the words "Franklin Murphy, of New Jersey," and inserting the words "Patrick H. Coney, of Kansas."

Mr. KINKEAD of New Jersey. Mr. Speaker, I must object to the present consideration of that resolution.

The SPEAKER. The gentleman from New Jersey objects. The Chair recognizes the gentleman from New York [Mr. UNDERHILL].

FRED R. PAYNE.

Mr. UNDERHILL. Mr. Speaker, I ask for the present consideration of the bill H. R. 15241, Private Calendar 168.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized and empowered to place the name of Fred R. Payne, now on the retired list of the United States Navy as a lieutenant commander, on the retired list as a commander: *Provided*, That there shall be no back pay allowed by reason of the passage of this act.

The SPEAKER. Is there objection?

Mr. MANN. I reserve the right to object, Mr. Speaker, in order to give the gentleman a chance to explain the bill.

Mr. UNDERHILL. Mr. Speaker, I am aware of the fact that there has been some objection to private acts of this character, but this bill was examined with great care by the subcommittee of the Committee on Naval Affairs, and the report was considered by the full committee and the bill unanimously reported to this House in the belief that it covered an exceptional case. I think that anyone who will examine the report and will look into the matter will agree that while such acts might not be favored generally, yet this is one of very unusual character. I trust the gentleman from Illinois will not object.

Mr. MANN. Mr. Speaker, I would like to inquire of the gentleman why the report from the Secretary of the Navy on the bill is not incorporated in the report?

Mr. UNDERHILL. The report from the Navy Department was——

Mr. BUTLER. Mr. Speaker, I want to apologize for its absence. It was a mistake. I have had the letter of the Secretary, addressed to the Committee on Naval Affairs, printed, and I have several copies in my hand which I intended to distribute among Members.

Mr. MANN. May I ask the gentleman if the Secretary of the Navy has recommended favorable action on this bill?

Mr. BUTLER. The Secretary of the Navy concluded his letter as follows:

It is recommended, therefore, that favorable consideration be not given to this measure.

Mr. MANN. I thought that was the reason.

Mr. BUTLER. I will say to the gentleman that that was not the reason, but that——

Mr. MANN. Then I will not say that.

Mr. BUTLER. I am glad the gentleman will not say that, because it involves an implication, reflecting on the friends of the bill.

Mr. MANN. If the gentleman from Pennsylvania himself prepared the report, I know that that is not the reason.

Mr. BUTLER. I am obliged to the gentleman for his kind words.

Mr. MANN. However, regardless of that, so long as I am here I shall object to taking a man on the retired list—already under more favorable condition than any other class of citizens in our country—and promoting him in order to give him an increase of pay. They get more now than they would get in any other place in the world. When I am retired, if you will give me the pay of a lieutenant commander I shall not complain.

Mr. BUTLER. Mr. Speaker, I think the gentleman has already said that it is his rule to object to such bills, and therefore, considering the fact that the session of Congress approaches its end and all Members are feeling weary, I do not think I shall ask time to make an explanation. The gentleman is able to get the facts from the report, and anything that I can say will not change his mind.

However, I would like to add this to what I have said: The facts in the case appealed to all of us on the Committee on Naval Affairs, and having considered the case fully, and having reasoned together, we concluded to report the bill, and the report was unanimously made.

The SPEAKER. Is there objection?

Mr. MANN. I object.

The SPEAKER. The gentleman from Illinois objects. The gentleman from New Jersey [Mr. KINKEAD] is recognized.

PATRICK HOWE.

Mr. KINKEAD of New Jersey. Mr. Speaker, I move to take from the Speaker's table the bill (H. R. 7434), and ask unanimous consent that the Senate amendment thereto be agreed to, and that the bill as amended do pass.

The SPEAKER. The gentleman from New Jersey [Mr. KINKEAD] moves to take from the Speaker's table the bill named by him, which the Clerk will report.

The Clerk read the title of the bill, as follows:

An act (H. R. 7434) for the relief of Patrick Howe.

The SPEAKER. The Clerk will read the Senate amendment.

The Senate amendment was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the Senate amendment.

The question was taken, and the Senate amendment was agreed to.

REIMBURSEMENT TO MEN OF BATTLESHIP "GEORGIA."

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent that the bill H. R. 11986, reported from the Committee on Claims, be considered.

The SPEAKER. The gentleman from New Jersey asks that a bill of similar tenor from the House Committee lie on the table.

Mr. KINKEAD of New Jersey. Mr. Speaker, that is not the situation.

The SPEAKER. Is this another bill?

Mr. KINKEAD of New Jersey. Yes, sir.

The SPEAKER. The Chair can not recognize the gentleman for another one.

Mr. KINKEAD of New Jersey. But just think how many bills Judge SIMS had. [Laughter.]

The SPEAKER. Those were from another committee.

Mr. KINKEAD of New Jersey. This is a bill to reimburse the men of the United States battleship *Georgia*, one or two of whom live in my district, who suffered loss from the defalcation of the paymaster's clerk, E. V. Lee. The bill has been recommended for favorable passage by the Secretary of the Navy.

The SPEAKER. Is this bill on the Private Calendar?

Mr. KINKEAD of New Jersey. No, sir.

The SPEAKER. Where is it?

Mr. KINKEAD of New Jersey. In the Committee on Claims, and I have been up there a million times to see about it.

The SPEAKER. If it is in the Committee on Claims, the gentleman can not call it up.

Mr. MANN. Mr. Speaker, I object.

The SPEAKER. The gentleman from Illinois objects.

CORBETT TUNNEL.

Mr. RAKER. Mr. Speaker, in relation to the resolution (S. J. Res. 134) that I called up last night, I ask unanimous consent that the resolution be taken up for consideration.

Mr. DAVENPORT. Mr. Speaker, I dislike very much to object, but I want to reserve the right to object until my colleague [Mr. FERRIS] comes back. He has some objections to this bill, and in his absence I could not consent to have the resolution come up.

Mr. RAKER. This is the only time these poor people will have a chance to get recognition by this House.

The SPEAKER. There is an hour and thirty-five minutes yet.

Mr. DAVENPORT. If when my colleague [Mr. FERRIS] returns he is willing to withdraw his objection, I shall have no objection.

The SPEAKER. The Chair wishes the gentleman from Oklahoma would find his colleague [Mr. FERRIS].

Mr. DAVENPORT. I have been trying to find him. I have learned that he has returned from the Interior Department and gone toward his hotel.

The SPEAKER. This bill will go over without prejudice.

H. C. HODGES, H. A. POWELL, JOHN SMITH, AND JOSEPH RIDLEY.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20692) for the relief of H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley.

The bill was read, as follows:

Be it enacted, etc., That the United States of America hereby forever relinquish, release, remise, and quitclaim all right, title, and interest in and to the southwest quarter section 5 and the southwest quarter northwest quarter section 5, township 1, range 27, in Houston County (formerly Henry County), Ala., now held severally, in separate parcels and by independent titles, by H. C. Hodges, H. A. Powell, John Smith, and Joseph Ridley, under claim or color of title derived, directly in the case of said H. C. Hodges, and indirectly in the cases of the said H. A. Powell, John Smith, and Joseph Ridley, from one F. H. Hodges, deceased; said lands having been the property of the said F. H. Hodges, deceased, and having been, on May 14, 1894, bought in by the United States under a fieri facias issued May 7, 1894, from the United States Circuit Court for the Middle District of Alabama for the sale of the said lands to satisfy a judgment rendered by said court on December 7, 1892, and made final on December 11, 1893, under scire facias issued on December 7, 1892, for $300 principal and $16.25 costs against one H. W. Harrell, principal, and the said F. H. Hodges, deceased, as surety, upon forfeited recognizance or bail bond.

Mr. CLAYTON. There is a committee amendment, and I ask that it be agreed to.

The SPEAKER. Is there objection to the present consideration of this bill?

Mr. MANN. Reserving the right to object, I should like to suggest to the gentleman, first, that the Committee on the Judiciary had no jurisdiction over this bill. Second, I can see no reason why the Government should release or quitclaim any interest it has until the people pay the judgment which the Government recovered, for which this land was sold.

Mr. CLAYTON. Mr. Speaker, I will say to the gentleman that these are substantially the facts in this case: One Harrell was indicted for illicit distilling. Hodges became his surety on his bail or appearance bond. The defendant, Harrell, did not appear at the term of the court at which he should have appeared and a forfeiture was taken on the bond. After this forfeiture was taken, his surety on the bail bond saw that he was apprehended and brought to court.

Mr. MANN. Where is that shown in the report?

Mr. CLAYTON. It is shown toward the bottom of the report that—

He made default at the next term of the court, and under such default capias was issued on December 7, 1892, and the said Harrell was arrested and committed to jail.

Judgment was made final on the 11th day of May, 1893.

Mr. MANN. Yes; but it does not——

Mr. CLAYTON. If the gentleman will permit me, of course, if I can not make my case strong enough to appeal to the gentleman's sense of justice, to say nothing of his usual urbanity and magnanimity, then my case is lost until next session of Congress.

The defendant was tried in the court and dealt with according to law. Mr. Hodges, who is now dead, was not a learned man. He was a plain, unlettered, but good countryman. He knew nothing about legal procedure or processes. He never knew anything of the issuance of this execution against his property. In fact, it did not appear that he knew that the judgment had been made final against him. After the judgment was made final the fieri facias was issued, and his land was sold. The land was sold some 15 years ago or more, and the marshal bid it in in the name of the United States. The amount of the costs was $53 and some cents, and the marshal executed a deed to the Government of the United States. The Government of the United States never asserted any title or claim to that land until 1911—last year. When the Department of Justice was having the district attorneys throughout the country clean up all old matters on their dockets and in their offices this was among the number. It appeared that while the deed had been made in this technical way, either in 1893 or 1894, to the Government of the United States, the Government

had never asserted any claim to the land. These people had gone on continuing the occupation, use, and enjoyment of the land, and in the meantime some of the lands were bought by innocent third parties. In the meantime the principal, Hodges, is dead.

That is my case, and the amendment seeks to make the Government of the United States whole. It provides that the Government shall be paid $53 and some cents before this bill shall operate as a quitclaim.

Now, it seems to me, Mr. Speaker, that the Government of the United States ought not to want to take the land of these people or take $300. All the Government wants in equity and justice is to be reimbursed for the cost which it has been put to, and the committee propose to do that by the amendment.

I recollect a similar case that was passed which the gentleman from Georgia [Mr. BARTLETT] had, and another similar case to this was passed on February 2, 1902, volume 35, United States Statutes at Large, page 1435. I may say that both of these other bills pertaining to this measure came from the Committee on the Judiciary, and for the reason, Mr. Speaker, that it dealt with the court matter, dealt with the judgment of the court, dealt with court proceedings, and in the former case it was held that the Committee on the Judiciary had jurisdiction.

That is my case, Mr. Speaker, and I hope the gentleman from Illinois will not make objection.

Mr. MANN. Mr. Speaker, reserving the right to object, it is very plain that the Committee on the Judiciary did not have jurisdiction, because the Committee on the Judiciary does not have jurisdiction over any private claim of any kind. I will be very candid with the gentleman. I have been unable to find any information in the report as to how much it cost the Government to apprehend the criminal or the party under bond.

Mr. CLAYTON. I can state to the gentleman that $53 was the only cost.

Mr. MANN. I beg the gentleman's pardon.

Mr. CLAYTON. In the main prosecution that was the cost against the defendant.

Mr. MANN. Fifty-three dollars was the cost of the court and sale. How much it cost the Government to apprehend the person out on bail, there is no information. We have frequently—where a man went on a bond and the criminal escaped and the bondsman went ahead and expended his time and money in seeking to apprehend the criminal and was successful doing it—we have frequently released the bondsman, and in some cases paid him back the difference between the amount collected and the actual expense the Government has been put to. But here is a proposition to release a bond out of hand for any liability at all, and release the bond from any liability to the Government or any expense to the Government incurred in securing the principal, which I do not think ought to be done without any consideration in the House. This is a House bill; it is absolutely impossible for the Senate to pass it so as to become a law at this session of Congress. I think it had better go over until next session.

Mr. CLAYTON. Will the gentleman allow me to make one or two more observations?

Mr. MANN. Certainly.

Mr. CLAYTON. Replying to your last suggestion first, the next session will be a short session of Congress.

Mr. MANN. Not as short as the balance of this session.

Mr. CLAYTON. I understand that, of course; and therefore it will be very doubtful whether I can get consideration of this bill in the House at next session. That is the reason why I am anxious to have it considered at this time.

In reply to the other suggestion made by the gentleman, I may say that the man here or those who claim under Hodges, who are seeking relief, was not the man who engaged in the illicit distilling. He was in nowise a violator of the law himself; he was a law-abiding citizen and was merely surety for the violator. The violator was apprehended and dealt with in a criminal proceeding, and for the life of me, I do not see why the faults and offenses of a man who violated the law should be visited on a man who was merely his surety, if the surety makes the Government whole as far as he is concerned, and that the bill proposes to do. That is the whole of the case and I hope the gentleman will not object. I would like very much for this bill to go through at this session.

The SPEAKER. Is there objection?

Mr. MANN. The gentleman from Alabama can do most anything with me, but this time, Mr. Speaker, I shall have to object.

EXTENSION OF REMARKS.

Mr. MICHAEL E. DRISCOLL, Mr. UNDERHILL, and Mr. MOORE of Pennsylvania each asked unanimous consent to extend his remarks in the RECORD, and there was no objection.

ANNIVERSARY OF ADOPTION OF CONSTITUTION BY POLAND.

DEBT WORLD OWES TO BRAVE POLAND—CONGRESSMAN THAYER ADDRESSES NATIONAL POLISH ASSOCIATION.

[Special to The Post.]

WASHINGTON, *May 5, 1911.*

At a banquet commemorating the one hundred and twentieth anniversary of the adoption of a constitution by the people of Poland, given by the National Polish Association of the United States, at Washington, Wednesday night, the association was addressed by speakers of national prominence, and the story was retold in eloquent terms of how Sarmartia fell unwept without a crime.

The principal speakers of the evening were Congressmen THAYER, of Massachusetts, ASHER C. HINDS, of Maine, HENRY A. BARNHART, of Indiana, and PAUL HOWLAND, of Ohio.

Mr. THAYER. Mr. Speaker, under the leave given me I desire to insert the following remarks delivered by me at a banquet commemorating the one hundred and twentieth anniversary of the adoption of a constitution by Poland, given by the National Polish Association of the United States:

"Mr. THAYER. Mr. Chairman and toastmaster, it is a great pleasure for me to be with you this evening and I wish to say in passing that the custom you have inaugurated of bringing your wives with you is one that could be copied with advantage by other bodies. Whenever I have brought home a menu card my wife has commented on the selfishness of the men and I am glad to see that our fellow citizens of Polish blood are more generous or under better marital control. Your learned confrère, who spoke both in Polish and English, has need of no excuses for his English. I envied his dexterity with my own mother tongue and wish that I had the mastery of the sesquipedalian vocabulary he possesses. Much that he said is very similar to what I have to say in a poorer way. Fortunately, you can see that I have my remarks written down so that you will acquit me of copying him.

"A little more than 100 years ago a written Constitution was adopted by two peoples separated by over 2,000 miles of land and the broad Atlantic, in which the hopes and aspirations for a stable form of government were embodied.

"Why did one barely last its promulgation, while the other is still a sacred fire on the altar to a hundred million of people? It was not a basic difference between the two but rather the difference in surroundings.

"One was the product of the people who had played a proud and controlling part in European history for over 1,000 years and the other the outcome of a struggle of but one and a half centuries with the wilderness. Yet the two are inextricably connected both in their inception and in their outcome.

"Of the American Constitution there is at this time to be said but little. There is no interference from outside interests as we are too far removed from European envy or control to be at all endangered. It worked out its own salvation and came to a position of power and independence.

"The circumstances surrounding the promulgation of the Polish constitution from the first were too powerful for its continuance.

"The broad and fertile fields of Poland were the object of the greed of Prussia, Austria, and Russia. While the very source of Poland's wealth presented no natural barriers against the aggrandizement of its neighbors, the principles of freedom and equality enunciated in its constitution were hateful to the despotisms of Europe who at once attacked it to its destruction.

"If it had been a little later it might have succeeded with the priceless aid of the French Republic, and the later history of Europe would have been materially changed, as the monarchies would probably have been ground to pieces between the upper and the lower millstones of popular liberty.

"But in spite of its unhappy fate the constitution of Poland has remained a living force throughout all these 12 decades. And if the hope of a free Poland in Europe seems to be evanescent, yet it has lighted the patriotic ardor of many a young Pole and made him turn with hopes of the fulfillment of their dreams of liberty to this Republic of the West, a Republic which clasps in its wide maternal embrace the hopes of all down-trodden people for pure and perfect liberty.

"And to the Poles especially we, the people of these United States, whether coming of Anglo-Saxon England, Celtic Ireland, or the Gothic or Latin races of Europe, we extend welcome, mindful not only of what their heroes, Pulaski and Koziosko did for us in the War of the American Revolution, but also for what that great Pole, John Sobieski, did September 12, 1683, when he stemmed the invasion of the Turks in their attack upon Vienna and saved Europe to Christianity and to the political development which has found its highest expression in this glorious country of ours."

EXTENSION OF REMARKS.

Mr. HAY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the work of the Military Committee during the session of Congress which is about to close.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I wish to say that while I do not agree with all that the Committee on Military Affairs has done, and all of the propositions that it has made, yet I think it is due to the gentleman from Virginia to say that the House has recognized his ability and his fairness, and his extremely arduous labors in connection with the Committee on Military Affairs, and I am myself very glad that he was made chairman of that committee. [Applause.] I have no objection to the request.

The SPEAKER. The Chair hears no objection, and it is so ordered.

GEORGE P. HEARD.

Mr. McKELLAR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23080) for the relief of George P. Heard, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to allow George P. Heard, late captain, Medical Corps, United States Army, to take the examination prescribed by law and under the regulations for the government of the Army for the grade of major in the Medical Corps: *Provided*, That if the said George P. Heard successfully passes the required examination the President is hereby authorized and directed to appoint him a major, Medical Corps, upon the active list of the Army, to rank from December 15, 1910: *Provided further*, That nothing herein contained shall be construed to carry back pay.

The SPEAKER pro tempore (Mr. CLAYTON). Is there objection?

Mr. MANN. Mr. Speaker, I reserve the right to object. Everybody knows what I am going to do, perhaps including the gentleman from Tennessee.

Mr. McKELLAR. Mr. Speaker, do I understand the gentleman to say that he objects?

Mr. MANN. I reserve the right to object.

Mr. McKELLAR. Is there anything that I can say to the gentleman that will prevent his doing so?

Mr. SIMS. I suggest to the gentleman that he try it on and see.

Mr. McKELLAR. Mr. Speaker, this is a bill for the relief of George P. Heard. He was appointed a surgeon in the Army some years ago, first as a lieutenant, and then afterwards he stood an examination and was promoted to a captaincy, and when the tme rolled around again for him to be again promoted he was requested to stand an examination. His record during all of the time that he was in the Army, as shown by the report here, was most excellent, both as a man and as a surgeon. When his examination papers were reported upon it was found that he lacked 1.8 per cent of making the required amount on the examination. Lacking that small amount, he was honorably retired from the service. For a short time in my life I was a school-teacher, and any of you gentlemen who have ever been school-teachers would know that the difference between 73.2 per cent and 75 per cent is a matter that is entirely within the discretion, so to speak, of the person who makes the marks. The same officer in the Army who marked Dr. Heard 73.2 per cent could not dispose of those papers a month afterwards and make the same mark to save his immortal soul, in my judgment. Under those circumstances, all that this bill asks is that the doctor may be allowed to stand another examination, and if he passes a proper examination, that he may be appointed a surgeon in the Army. If that is not a fair proposition, I do not know one. It seems to me it is one that the gentleman from Illinois should pass by and not object to, and I sincerely hope that he will not object to this. It has been recommended by the committee, and I hope that the bill may be passed.

Mr. DENT. Mr. Speaker, will the gentleman yield?

Mr. McKELLAR. Certainly.

Mr. DENT. Does not the gentleman recall the fact that in the Krebs case, which was somewhat similar to this, although the facts are even stronger in this case, the bill passed this House and has been approved by the President, and in his case it was 4 or 5 per cent below the proper mark, and he was put on the retired list with an increased rank.

Mr. McKELLAR. I will answer that by saying that in the Krebs case he was allowed to stand more than one examination

There was some question about his health, however, but he was allowed to stand several examinations and failed in those examinations. This is a much stronger case, because Dr. Heard was never allowed to stand more than one examination. The Krebs case was reported favorably by the committees in both the House and the Senate and was passed, and the President signed the bill, and I believe he has been retired. By the way, that was for retirement and not for service in the Army. This bill is to permit a man to again serve in the Army. That bill was to place a man upon the retired list. It does seem to me this bill has quite as much, or very much more, merit than that bill. I trust the gentleman will not object.

Mr. MANN. Mr. Speaker, the danger of passing these bills at all is illustrated by what is now taking place. Because the House passed another bill, under entirely different conditions, the gentleman now insists that having passed that bill providing for a reexamination we must pass this bill for a reexamination.

Mr. McKELLAR. Mr. Speaker, will the gentleman yield?

Mr. MANN. I did not interrupt the gentleman, and I hope he will permit me to make a statement.

Mr. McKELLAR. Certainly; and then I will ask the gentleman to yield to me when he finishes.

Mr. MANN. This man is not in the service. He is out of it. He went out because he could not come up to the examination, and my distinguished friend from Tennessee says he might as easily be marked over 75 instead of a little under 75. The trouble is that the man who is marked less than 90 ought to be fired from the service. Of course, they have to make a line somewhere. The gentleman in his report states, and I think it is a very unjust statement to make, that the officer who examined Mr. Heard marked him by a small fraction below the grade that would pass him in order that he might not be passed. These marks are made by a number of different Army officers—surgeons—and to say that one of them deliberately made his mark to put a man out of the service does not do credit, in my opinion, either to the Army officers who conducted the examination or to the man they wanted to get out of the service. Now, there are thousands of men who would like to be examined for appointment in the Army in the Medical Corps, and when you can get it done you pass them all around. I am perfectly willing for the gentleman from Tennessee to take one and the gentlemen from other districts to take one, so that everybody has a chance to examine a surgeon in his district and name them for majors in the Army—a very good rank in the Army. Now I yield to the gentleman.

Mr. McKELLAR. I notice the gentleman is correct about the reading of the report. It must have been inadvertent, because there was no intention to improperly refer to any officer in the Army.

Mr. MANN. I thought that, and I thought it was a pretty serious reflection.

Mr. McKELLAR. I want to correct it here and now. Of course, we did not intend that it should bear the interpretation the gentleman puts on it. However, I desire to say to the gentleman I do not take the position at all that this bill ought to pass because the Krebs bill passed. I think it ought to pass on its merits or it ought not to pass. I merely say this, that under the vigilant and careful scrutiny of the gentleman from Illinois a very much worse bill than this bill has passed this House.

Mr. MANN. Well, I do not agree with the gentleman as to that. I think it was a very much better bill than this. Hence, I thought it was wiser not to pass any of these bills.

Mr. McKELLAR. If its language has anything to do with the objection of the gentleman from Illinois——

Mr. MANN. The language did not affect me at all, except it gave me a pain to have my friend from Tennessee use such a statement. I am glad he disavows the intention to have it read the way it apparently reads.

Mr. McKELLAR. Oh, no; that was a mistake, of course.

The SPEAKER pro tempore (Mr. CLAYTON). Is there objection?

Mr. MANN. I object.

LIEUT. SYDNEY SMITH.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the consieration of the bill H. R. 25623.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 25623) to authorize the transfer of Lieut. Sydney Smith from the retired to the active list of the Army.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, I object, or I will reserve the right to object.

Mr. WATKINS. I hope the gentleman will be kind enough to reserve his objection for a few moments.

Mr. MANN. Mr. Speaker, I reserve the right to object.

Mr. WATKINS. Mr. Speaker, this bill is most heartily and earnestly recommended by the Secretary of War. It is for the transfer of Lieut. Sydney Smith from the retired to the active list of the Army. In 1906, after gallant service of many years, Lieut. Smith received a partial sunstroke, or was exhausted from heat, in the line of duty in the Philippine Islands, and

for some time after that his health was so impaired that he was not fit for active duty, but he was continued in the service until 1908. At that time it was deemed proper to retire him for the purpose of allowing him to recuperate from his affliction. This sunstroke or heat exhaustion caused him to have nervous prostration. It was not a great while after his retirement until his health became almost completely restored, and for nearly two years he has been in the most perfect health. His habits are good; his health is good. He is perfectly restored in every way to his former physical condition, and he is perfectly competent to discharge the active duties of an officer, and after a very careful and very extensive investigation the Secretary of War recommends that he be restored. In connection with this case the Secretary of War refers to the fact that a former United States Senator from Louisiana, Gov. Blanchard, certifies to his physical condition, his moral character, his standing as a business man, and to other people who consider he is worthy to be restored to the Army. The present lieutenant governor, the present mayor of Shreveport and his predecessor, the judge of the district court, and the most eminent citizens there all recommend that he should be restored to the active list of the Army. I can not possibly see how there can be any objection.

It will be an enormous saving to the Government to place him on the active list, because he is not only drawing the pay which he receives as a retired officer, but the officer who is serving in the place which he would fill and which he is so competent to fill is also receiving his pay. From every conceivable standpoint it is for the benefit of the service, and the Secretary of War recommending it, this is a commendable case. If the gentleman desires me to do so, I will read the entire report, which shows in flattering terms the service of this officer. I hope the gentleman will withdraw his objection.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I object.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

JAMES E. C. COVEL.

Mr. KAHN. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 25891) for the relief of James E. C. Covel.

The SPEAKER pro tempore. Is there objection?

Mr. CULLOP. Reserving the right to object, Mr. Speaker, I desire to have the bill read.

Mr. KAHN. Mr. Speaker, I ask unanimous consent that the Senate bill, which is on the Speaker's table, and which is identical with this, be considered in place of the House bill.

The SPEAKER pro tempore. The Clerk will read the bill.

The Clerk read the Senate bill, as follows:

An act (S 7378) for the relief of James E. C. Covel.

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, James E. C. Covel, who was a second lieutenant of Company H, Sixteenth Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably as a member of said company and regiment on the 14th day of April, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

Mr. MANN. Mr. Speaker, has consent been given for the consideration of the bill?

The SPEAKER pro tempore. Is there objection?

Mr. MANN. I do not object. I want to be heard on it a moment.

The SPEAKER pro tempore. The Chair hears no objection.

Mr. MANN. Mr. Speaker, this bill is an illustration of a curious anomaly, if the statement of the War Department is correct. Here is a man who was in the Army and in the service and when in the service was dismissed, although he did not know it. He remained in the service, notwithstanding a dismissal which he knew nothing about for a long time—until his time was up, I think.

Mr. MONDELL. Did he receive pay during that time?

Mr. MANN. He must have received pay. And the facts are admitted. The War Department knows he remained in the service, and while an order was issued to dismiss him, he was not in fact, dismissed. Then they say that under the law, although he remained in the service, although they know he remained in the service and was not, in fact, dismissed, although an order was issued dismissing him, they can not correct the records to show the facts on the ground that the facts are as they appear in the War Department, regardless of what the facts were. That is in a letter from the Adjutant General.

Mr. CULLOP. Does the gentleman mean to say that the department contends it has not the power to correct its own record when it is in possession of the facts, knowing they are wrong?

Mr. MANN. Absolutely, that is what they say.

Mr. KAHN. If the gentleman will allow me, this is the situation with respect to Lieut. Covel. He was serving in the West and was transferred to another department. He went there, or started to go there, and was intercepted on the way and was mustered into the service of another regiment.

Mr. MANN. He was serving on detached duty.

Mr. KAHN. Exactly. And the War Department had no knowledge of the fact that he had been detached.

Mr. MANN. You do not mean the War Department. You mean the "head guy" here.

Mr. KAHN. The officials in the War Department did not know that he had been detached, and finally the officers of his first command, having had no knowledge of his whereabouts, having lost sight of him, reported him as being absent without leave and recommended his dismissal. He knew nothing about that, and he continued to serve, and the order of dismissal was actually made, but he continued with the regiment with which he was then serving.

Mr. CULLOP. Was he paid every 30 days?

Mr. MANN. Yes.

Mr. CULLOP. They knew where he was one day out of every 30 days, then?

Mr. MANN. They were in different departments.

Mr. KAHN. This all occurred during the Civil War at a time when there were a million men in the Army, and I dare say that in the great rush of business they did not scrutinize the lists as carefully as they would to-day, and they did not have the records in the department as carefully prepared as they have them to-day. Now, the War Department takes a position which is exactly as the gentleman from Illinois has stated it; that, as a matter of fact, they learned that Lieut. Covel was in the service subsequent to the order of dismissal, but having ordered him dismissed they held that they could not reinstate him.

Mr. MANN. That is not quite it. They held that they could not change the record showing that he was dismissed; although, in fact, he was still in the service. In other words, if the official record had shown that the man was dead, the production of him alive would not have been permitted to "falsify" the records showing that he was dead. It was an absurd position for the War Department to take.

Mr. MONDELL. Like the laws of the Medes and Persians, they claim that their records could not be changed or altered.

Mr. CULLOP. If the record was wrong and untruthful, it was not possible to make it speak the truth?

Mr. MANN. Yes. It was not possible to make it speak the truth. When you know the facts, the knowledge of the facts does not do any good.

Mr. CULLOP. That gives a good insight into the impractical way in which the War Department is operated.

Mr. MANN. It demonstrates the impracticability of some of the laws that Congress allows to remain on the statute books.

The SPEAKER pro tempore (Mr. CLAYTON). The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. KAHN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

WILLIAM BELL.

Mr. SLOAN. Mr. Speaker, I desire to call up the bill (H. R. 16997) for the relief of William Bell, No. 220 on the Private Calendar, and ask unanimous consent for its present consideration.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws relating to the National Home for Disabled Volunteer Soldiers William Bell, who was a private of Company G, Eighth Regiment Missouri Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service as a member of said company and regiment on the 20th day of of March, 1862.

The SPEAKER pro tempore. Is there objection. [After a pause.] The Chair hears none. The Chair will call the attention of the gentleman from Nebraska to the phraseology of the bill, to what seems to be a verbal inaccuracy or redundancy in line 9 of the bill, where the word "of" was printed twice before the word "March."

Mr. SLOAN. The author does not insist on the duplication. I move to amend by striking out the first "of."

The SPEAKER pro tempore. The gentleman from Nebraska offers an amendment to strike out the word "of" before the word "March." The Clerk will report the amendment.

Teh Clerk read as follows:

Amend, line 9, by striking out the word "of" before the word "March."

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. SLOAN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. FOCHT. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. FOCHT] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

CHRISTIAN H. HEDGES.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. PEPPER] was to be recognized. The gentleman from Ohio [Mr. ASHBROOK] also desires to be recognized.

Mr. FOSTER. Mr. Speaker, I do not believe that there is any objection to the bill of Mr. PEPPER'S, and I ask unanimous consent to have it reported.

Mr. MANN. What is the number of it?

Mr. FOSTER. I have forgotten the number of it.

The SPEAKER pro tempore. Does the gentleman know what bill the gentleman from Iowa [Mr. PEPPER] desired to call up?

Mr. FOSTER. It is House bill 19191, for the relief of Christian H. Hedges, No. 257 on the Private Calendar.

The SPEAKER pro tempore. The Chair will recognize the gentleman from Illinois [Mr. FOSTER] to call up that bill after the gentleman from Ohio [Mr. ASHBROOK] shall have been recognized.

PUBLIC BUILDING, RICHFORD, VT.

Mr. ASHBROOK. Mr. Speaker, I ask unanimous consent to call up Senate bill 6899, No. 372 on the Unanimous Consent Calendar.

The SPEAKER pro tempore. The Chair understands that it is not in order to call up anything except private bills at this time.

Mr. ASHBROOK. Mr. Speaker, if no one objects, it is in order to call up any bill.

The SPEAKER pro tempore. Very well.

Mr. MANN. It is not in order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio [Mr. ASHBROOK]?

Mr. GARRETT. Is it a public bill or a private bill?

The SPEAKER pro tempore. The Chair has not been able to ascertain what the bill is.

Mr. ASHBROOK. The bill was called up the other day and was passed over without prejudice. The gentleman who objected to it the other day is willing to withdraw his objection now. This bill was reported out of the Committee on Public Buildings and Grounds.

Mr. MANN. The order with reference to calling up bills on the Private Calendar expires at 2 o'clock.

The SPEAKER pro tempore. The gentleman from Illinois objects?

Mr. MANN. There are gentlemen here who desire to use up the time with something else. I shall not object.

Reserving the right to object, I take it that no one else has any private bills.

The SPEAKER pro tempore (Mr. CLAYTON). There are quite a number of other private bills that gentlemen have indicated their desire to have called up and considered.

Mr. GARRETT. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GARRETT. I do not want to be in the attitude of objecting to the gentleman's bill, because I do not know anything about the merits of it; but has not the Chair been holding that recognition would not be given for calling up any public bill under this order?

The SPEAKER pro tempore. The present occupant of the chair so understands, but the gentleman from Ohio [Mr. ASHBROOK] asks unanimous consent. It is quite competent for anybody to object, and if objection is made the clerk will call another bill. Does the Chair hear an objection?

Mr. GARRETT. Mr. Speaker, I do not like to be in the attitude of objecting to the bill, but I understand that the Speaker of the House has held positively and plainly that he would not recognize a Member to call up a public bill.

The SPEAKER pro tempore. The Chair will be compelled to hold, then, that what has been suggested by several Members is tantamount to an objection to this bill, and will therefore recognize another gentleman. The Chair recognizes the gentleman from Iowa [Mr. PEPPER].

CHRISTIAN H. HEDGES.

Mr. PEPPER. Mr. Speaker, I desire to call up the bill (H. R. 19191) for the relief of Christian H. Hedges.

The bill was read, as follows:

Be it enacted, etc., That in the administration of the pension laws Christian H. Hedges, late captain Company G, Seventh Regiment Iowa Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from military service of the United States as a member of said regiment on the 6th day of July, 1864.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The following committee amendments were read and agreed to:

Page 1, line 3, strike out the initial letter "H."

Page 1, line 8, after the word "sixty-four," insert the following: "*Provided*, That no pension shall accrue prior to the passage of this act."

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

By unanimous consent the title was amended to read: "A bill for the relief of Christian Hedges."

On motion of Mr. PEPPER, a motion to reconsider the vote by which the bill was passed was laid on the table.

JOSHUA H. HUTCHINSON.

Mr. RAKER. Mr. Speaker, I call up the bill (H. R. 25515) for the relief of Joshua H. Hutchinson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized to issue a patent to Joshua H. Hutchinson for the land embraced in his homestead entry, serial No. 02245, Susanville, Cal., for the east half of the southwest quarter and the west half of the southeast quarter of section 33, township 43 north, range 17 east, Mount Diablo meridian, upon submission of proof of residence upon and improvement and cultivation of said land as required by the homestead laws.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

There was no objection.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. RAKER, a motion to reconsider the last vote was laid on the table.

HEIR OF ANNA M. TORESON, DECEASED.

Mr. RAKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 22437) for the relief of A. W. Toreson, son and heir of Anna M. Toreson, deceased.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to restore to public entry the following parcel of land situate in Modoc County, Susanville land district, in the State of California, to wit:

The south half of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 9, township 41 north, range 10 east, Mount Diablo base and meridian, in California, containing 160 acres.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized, upon compliance with the foregoing section and proof of said compliance by the entryman under the timber-and-stone act of June 3, 1878, and acts amendatory thereof, to issue to A. W. Toreson, son and heir of Anna M. Toreson, deceased, a patent for the south half of the southwest quarter, the northeast quarter of the southwest quarter, and the northwest quarter of the southeast quarter, section 9, township 41 north, range 10 east, Mount Diablo base and meridan, being the same land described in section 1 of this act.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I should like to ask the gentleman very briefly whether the Government is under any legal liability in this case; whether the widow, Mrs. Toreson, had any legal claim to the property at the time of her death?

Mr. RAKER. Yes; she had filed——

Mr. MANN. That is not what I am asking. I am not going to take much time.

Mr. RAKER. From an investigation of the authorities I understand she had. I want to say to the gentleman this——

Mr. MANN. I will not stop to discuss it. If the gentleman will answer two or three questions, I will not object.

Mr. RAKER. I will try to.

Mr. MANN. Does the gentleman say whether the lady had any legal claim to the property?

Mr. RAKER. Yes.

Mr. MANN. If she had any legal claim to the property, how can we convey it to one of her heirs to the exclusion of the others?

Mr. RAKER. There may be a question about that, and I will ask to amend the bill by striking out the words "A. W. Toreson, son and" and to substitute "the" and make the word "heir" plural—"heirs"—and amend the title accordingly.

Mr. MANN. So that it would read how?

Mr. RAKER. So that it will read, "issue to the heirs," and then amend the title so that it will read, "for the relief of the heirs."

Mr. MANN. Then I have no objection to it. I do not want to involve the Government in any liability.

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Page 2, line 3, strike out the word "said," and in the same line strike out the word "entryman" and insert in lieu thereof the words "entry woman or her heirs."

The committee amendment was agreed to.

Mr. RAKER. Now, Mr. Speaker, I move to strike out, on page 2, line 6, the words "A. W. Toreson, son and heir," and insert in lieu thereof the words "the heirs."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 2, line 6, strike out the words "A. W. Toreson, son and heir" and insert in lieu thereof the words "the heirs."

The amendment was agreed to.

The amended bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

On motion of Mr. RAKER, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CORBETT TUNNEL.

The SPEAKER. The Chair will inquire of the gentleman from California about the bill that was partly considered yesterday, in which the gentleman from Oklahoma [Mr. FERRIS] was interested?

Mr. RAKER. There is some discussion going on about that bill, Mr. Speaker, and I think it will be arranged so that it can be taken up after 2 o'clock without objection. It is not on this calendar, and under the ruling of the Speaker, I do not want to trespass.

The SPEAKER. How is it going to be arranged?

Mr. RAKER. After 2 o'clock we can take it up by unanimous consent.

UNITED STATES CORPORATION COMMISSION.

The SPEAKER. The Chair will recognize the gentleman from Massachusetts [Mr. GARDNER].

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent that in introducing this bill (H. R. 26415) creating a United States corporation commission and providing for Federal incorporation, it may be introduced by myself, by Mr. YOUNG of Michigan, by Mr. DANFORTH, of New York, and by Mr. STERLING, of Illinois, if he so desires.

I will say that formerly it was often the custom to introduce bills coming from a large number of Members together, but in the end of the Sixtieth Congress, 27 gentlemen, of whom I was one, introduced a resolution changing the Rules of the House, and at that time there was appointed a committee of which Mr. FITZGERALD, of New York, was chairman, and that committee reported that whereas this practice of introducing bills with more than one Member's name on it had occurred about 10 times in the Fifty-ninth and Sixtieth Congresses, nevertheless, in their opinion, the true meaning of the rule would prohibit more than one Member's name being on the bill.

Now, in this particular case we want in some way to show that this bill is the joint work of the Members introducing it, representing the minority views of the Stanley steel committee, and we know of no other way to do that except by introducing it jointly. Therefore I ask unanimous consent that I may do so.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to suggest to the gentleman that the same situation would arise where a majority or a minority member of a committee desired to have a bill introduced which they had all agreed to. I think it is a reprehensible practice. At one time it threatened to attain such proportions that a bill would be introduced by the majority, and if a man did not put his name down for the introduction of the bill he was held to object to the passing of the bill. I am opposed to the practice.

Mr. GARDNER of Massachusetts. I remember the only case to which the gentleman can refer, where there were 27 signatures to change the rules. That was the occasion of the report of the committee to which I never agreed as a parliamentary proposition. I ask that the gentleman will not interpose an objection at this time. I think it is properly safeguarded.

Mr. MANN. I dislike to interpose an objection, but I only know one way in matters of this sort, and that is to treat everybody alike.

Mr. GARDNER of Massachusetts. Mr. Speaker, I will call to the gentleman's attention the result that is inevitably going to ensue, and that is that three gentlemen at least will introduce exactly the same bill.

Mr. MANN. That may be unfortunate.

The SPEAKER. The Chair would like to ask the gentleman from Illinois his opinion upon the matter. What objection is there to more than one man signing his name to a bill?

Mr. MANN. Mr. Speaker, this is the proposition: Supposing I have a bill that I want to have considered and pressed in the House. I go to every Member of the House and say, "Will you put your name on as an introducer to this bill? If you do you go on record for it, and if you do not you are to be regarded as an enemy to the measure." That method of coercion will never be adopted in the House as long as I can prevent it. It is a dangerous method of coercion.

The SPEAKER. Of course the Chair does not want to argue the matter with the gentleman. He asked his opinion and ought to abide by it, possibly.

Mr. MANN. I do not ask the Chair to do that.

The SPEAKER. The process of getting signers to a petition or a bill is one of the easiest things known among men, and the Chair does not believe that the average Member would really consider that he was under any obligations whatever to support the bill, even though he puts his name to it. The Chair desires to arrive at some reasonable and rational conclusion, and that is the reason he asked the gentleman from Illinois, who has had very large experience, and who has been exceedingly active.

Mr. MANN. Of course, the rule under the special committee was adopted as a practice in the House that not more than one Member could introduce a bill. While that rule has been broken several times during this Congress, nothing has been said about it, because it has not gone to any extent, although at one time somebody threatened to bring it up in the House.

The SPEAKER. The gentleman from Massachusetts [Mr. GARDNER] was kind enough to hand to the Speaker the report of a special committee on the right of Members to present bills or resolutions with the name of more than one Member attached thereto, to be found in the CONGRESSIONAL RECORD of March 3, 1909, on pages 3808 and 3809. That report is signed by JOHN J. FITZGERALD, MARLIN E. OLMSTED, FRANK D. CURRIER, CHARLES E. TOWNSEND, and SWAGAR SHERLEY. It is a long report, and the Chair will not read it all, but will read certain sections of it:

A casual examination of Rule XXII does not disclose any inhibition against the attachment of more than a single name to a bill or resolution. Examined in the light of the evolution of the rules and practice relating to the presentation of bills, however, and bearing in mind the purpose sought to be accomplished by the changes made from time to time, resulting finally in the introduction of all bills without the formality of recognition, it seems clear to the committee that the underlying principle of individual recognition still prevails and that the presentation of a bill involves such recognition.

A careful search has been made to ascertain whether the question referred to the committee had ever been raised and determined. No record of such a decision has been found.

The committee has had called to its attention the action of Mr. Thomas B. Reed, when Speaker, in a matter involving the same question to be determined by this committee.

Mr. JOHN SHARP WILLIAMS, of Mississippi, informed the committee that he had received a memorial from the Legislature of Mississippi while Mr. Reed was Speaker. There were attached to the memorial the names of all of the Representatives from that State, and Mr. WILLIAMS placed it in the basket at the Clerk's desk. In the RECORD the day following the memorial was reported as having been presented by Mr. WILLIAMS alone. Upon inquiry he was informed that the Speaker, Mr. Reed, had stricken all other names from the memorial, and he later informed Mr. WILLIAMS that he had done so since, under the rules, it was impossible for more than one Member to present a memorial.

Had this decision been made in such manner as to have been preserved in the records of the House it would undoubtedly have been regarded as controlling forever.

The committee winds up by indorsing the suggestion of Mr. Speaker Reed. It is unnecessary for the Chair to state his opinion of Speaker Reed. The Chair does not believe that any man who was ever in Congress or in the Speaker's chair used the English language more luminously or more aptly than he did. Whenever he ruled upon a point—which he practically did in this matter by his action, if not by his word—the present Speaker will be exceedingly slow to overrule him. The Chair therefore thinks that not more than one name ought to be on a bill or resolution.

MAJ. GEORGE A. ARMES.

Mr. HAMILTON of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 11397) authorizing the appointment of Maj. George A. Armes, United States Army, retired, to the rank and grade of major

general on the retired list of the Army, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint George A. Armes, now a major on the retired list of the United States Army, to the position of major general on the retired list of the United States Army, with the rank and pay of the advanced grade, and to commission him accordingly.

SEC. 2. That all laws and parts of laws conflicting with the provisions of this act are hereby repealed.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, appoint George A. Armes, now a major on the retired list, a brigadier general in the United States Army and place him upon the retired list with the rank of brigadier general, and with the same pay he is now receiving, namely, that of a major on the retired list, to take rank from the date of the approval of this act, the retired list being increased for that purpose only."

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask my distinguished friend from West Virginia at what grade was Maj. Armes retired from the Army in the first instance?

Mr. HAMILTON of West Virginia. The report in this case was prepared by Mr. HUGHES of Georgia.

Mr. FLOOD of Virginia. I will say he was retired at the grade of captain.

Mr. HAY. And it is desired he be promoted to the grade of major on the retired list.

Mr. MANN. He was retired at the grade of captain and now seeks to be promoted to be major on the retired list. If the gentleman desires to make some remarks I will withhold the objection.

The SPEAKER. The gentleman from Illinois reserves the right to object.

Mr. HAMILTON of West Virginia. I simply desire to state, Mr. Speaker, in connection with this bill, that I am doing this for the benefit of Mr. HUGHES of Georgia, who is sick and confined to his room. He has made a report here in which he says that Maj. Armes was a very brave soldier, and I think perhaps the Members of this House will bear me out in the statement that he must have been a very diligent one also. Certainly if the objection is to be made it is not necessary to discuss the bill.

Mr. MANN. Mr. Speaker, there are certain gentlemen who wish to be heard when this is up in the House, and of course there is not time enough between now and 2 o'clock to afford that consideration, and I object.

The SPEAKER. The gentleman from Illinois objects.

ISAAC THOMPSON.

Mr. HAY. Mr. Speaker, I ask unanimous consent to consider the bill H. R. 3957, Calendar No. 222.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws and the laws governing the National Home for Disabled Volunteer Soldiers, or any branch thereof, Isaac Thompson, now a resident of Columbus, Franklin County, Ohio, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private in Company F, First Regiment Ohio Volunteer Cavalry, on the 26th day of February, 1865: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER. Is there objection?

Mr. MONDELL. Mr. Speaker, reserving the right to object, I would like to hear a statement of this case.

Mr. HAY. I will state, Mr. Speaker, this bill was introduced by Mr. TAYLOR of Ohio, and I called it up for him. The Clerk can read the report.

Mr. MONDELL. Is the gentleman familiar with the facts of the case? I assume that he is, as it comes from his committee.

Mr. HAY. I am to a certain extent, but it was reported to the full committee by a subcommittee, and I am not sufficiently familiar to give the gentleman all the details about this bill.

Mr. MONDELL. This was reported from the full committee unanimously, was it?

Mr HAY. Yes.

Mr. PEPPER. If the gentleman will permit, I have reported several of these, and I think I am familiar with them.

Mr. MONDELL. Mr. Speaker——

Mr. PEPPER. I think the gentleman will have no objection to this bill. It is shown by the records that this soldier did serve from September 5, 1861, to February 26, 1865.

Mr. MONDELL. February 26, 1865; and then he was reported as being absent.

Mr. PEPPER. He was reported as being absent without leave and subsequently was marked a deserter.

Mr. MANN. Is this the man who was in three different regiments?

Mr. PEPPER. He states the reason he left the regiment was that he and a number of others proposed to go home and stay a few days and then return. He was on leave, and he left without any intention of staying away, but he got home and he went to Indiana on a visit, and he did not get back as soon as he intended, and he was afraid he would be taken as a deserter. This is the statement he made in his application, and there are several affidavits from other men corroborating the circumstances under which he served. I remember in this case the committee thought it would not undertake to excuse or explain away his absence, but take into consideration his long and faithful service and consider it under those circumstances.

Mr. MONDELL. In view of the long service of the soldier and the fact that he was marked a deserter practically after the war had concluded, I shall not object.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CHARLES S. KINCAID.

Mr. PEPPER. Mr. Speaker, I desire to ask unanimous consent to call up the bill H. R. 26078.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 26078) for the relief of Charles S. Kincaid.

Be it enacted, etc., That in the administration of the pension laws Charles S. Kincaid, late of Company A, Thirty-seventh Regiment Iowa Volunteer Infantry; Company B, One hundred and ninety-sixth Regiment Ohio Volunteer Infantry; and captain Company B, Third Regiment Arkansas Volunteer Infantry, African descent, subsequently known as the Fifty-sixth Regiment United States Colored Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said Third Regiment Arkansas Volunteer Infantry on the 2d day of August, 1864: *Provided*, That no pension shall accrue prior to the passage of this act.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. PEPPER, a motion to reconsider the vote by which the bill was passed was laid on the table.

CLAIMS OF SETTLERS IN SHERMAN COUNTY, OREG.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to call up the bill S. 295.

The SPEAKER. The gentleman from Oregon calls up the bill, which the Clerk will report.

The Clerk read the title, as follows:

An act (S. 295) to adjust the claims of certain settlers in Sherman County, Oreg.

Mr. MANN. Reserving the right to object, my recollection is that that is a long bill, and it is now nearly 2 o'clock p. m.

Mr. HAWLEY. It is but little over a page, I will say to the gentleman.

Mr. MANN. Well, I have a two or three hour speech on the bill which I think I will deliver when it comes up, and I think the speech will be worth listening to, and I can not say that of all the speeches which I deliver.

Mr. HAWLEY. We have all the summer before us, I will say to the gentleman.

This is a very meritorious measure and ought to pass, so that the relief provided in the bill may be given these former settlers who made entry on the lands in good faith and suffered loss through no fault of their own.

This bill provides for the appropriation of certain sums of money to certain settlers named in a report by Special Agent Thomas B. Neuhausen, of the Department of the Interior, which report was transmitted to Congress December 6, 1904, by Secretary of the Interior E. A. Hitchcock and published as House Document No. 36, Fifty-eighth Congress, third session.

Concerning this report a former Secretary of the Interior says that the investigation conducted by Special Agent Neuhausen was exhaustive; that the department accepts the facts as developed in the investigation; and that the facts so ascertained may be safely made the basis for such further relief as Congress deems proper to extend.

The claims of these settlers are based upon the erroneous action of the Secretary of the Interior, as set forth at length in the report above mentioned. The basis of their claims is essentially the same as that of what were known as the Des Moines River settlers, for whose relief an appropriation was made by Congress in the act of August 18, 1894 (28 Stat., 396).

Believing that the precedent established in the case of the Des Moines River settlers is in accordance with justice and

equity, similar relief should be extended to the Sherman County, Oreg., settlers.

The lands in Sherman County, referred to in the bill, lie within the overlapping limits of the grants by the act of July 2, 1864 (13 Stat., 365), to aid in the construction of the Northern Pacific Railway, and the act of February 25, 1867 (14 Stat., 409), to aid in the construction of The Dalles Military Road. The line of the Northern Pacific road opposite these lands was not constructed, and the grant to the extent of the unconstructed road was declared forfeited by the act of September 29, 1890 (26 Stat., 496).

The Department of the Interior, in carrying this forfeiture act into effect, held that the Northern Pacific grant, being prior in time, defeated the grant for The Dalles Military Road, and restored the lands within the overlap to entry. A large number of entries were made of the lands thus restored, and in some cases patents were issued thereon.

Subsequently the Supreme Court, in the cases of Wilcox *v.* Eastern Oregon Land Co. (176 U. S., 51) and Messenger *v.* Eastern Oregon Land Co. (ibid., 58), rendered decisions in favor of the company. Following these decisions, a number of the erroneously allowed unpatented entries were canceled.

The question as to relief for the settlers who were misled by the action of the department in restoring the lands to entry has heretofore been considered by Congress, and the Senate Committee on Public Lands has made two reports thereon, published in Senate Document No. 8, Fifty-sixth Congress, second session, and Senate Document No. 240, Fifty-seventh Congress, first session.

On April 19, 1904 (33 Stat., 184), Congress passed an act for the relief of these settlers by giving them credit when making homestead entries upon other lands for the period of their bona fide residence upon and the amount of their improvements made on the lands for which they were unable to complete title. Few, if any, of the settlers took advantage of this act.

By act of February 26, 1904 (33 Stat., 51), Congress directed an investigation of the claims of the settlers referred to, and on June 3 following, a special agent was detailed to make the investigation in the field, and the local land officers at The Dalles, Oreg., were instructed to publish a notice advising all claimants that they might supplement the investigation in the field by a showing before their office, if they so desired. In addition, the local officers were instructed to give special notice by registered mail to all known claimants.

The Nenhausen report states the facts at length and, I believe, shows conclusively that the relief asked for should be granted. These claims have been pending before Congress for many years, and I earnestly urge that the House take the matter up and consider the cases on their merits.

Mr. MANN. I will prepare the speech during the summer.

The SPEAKER. Is there objection?

Mr. MANN. I will have to object.

The SPEAKER. If any other gentleman has a bill on the Private Calendar which he wishes to call up he can do so now.

Mr. ASHBROOK. Mr. Speaker, how about the bills on the other calendar?

The SPEAKER. This is for bills on the Private Calendar.

REIMBURSEMENT OF MEN ON U. S. S. "ALABAMA."

Mr. KINKEAD of New Jersey. Mr. Speaker, unless there is something else before the House, I ask unanimous consent that the Committee on Claims to be discharged from the further consideration of the bill H. R. 11986. It is simply a bill, Mr. Speaker, appropriating $4,200 to the men of the U. S. S. *Alabama* who suffered loss through the defalcation of the paymaster's clerk, one E. V. Lee.

The SPEAKER. Is this bill on the Private Calendar?

Mr. KINKEAD of New Jersey. Mr. Speaker, I was over to the Committee on Claims. I do not want to criticize them. I was there once, anyway, and they kind of forgot it. It was not my fault.

The SPEAKER. What the Chair is trying to ascertain is where this bill is in a parliamentary sense.

Mr. KINKEAD of New Jersey. Yes, sir.

Mr. MANN. Is it in print, or only in the gentleman's mind? [Laughter.]

Mr. KINKEAD of New Jersey. Mr. Speaker, I wish my good friend from Illinois [Mr. MANN] would really go down and have his lunch so that we could go ahead and do some business here. [Laughter.] I want to say to him that the bill has been printed and has been before the Committee on Claims, and the bill has been before a subcommittee of that committee, and I was before the subcommittee until I had the chairman's doormat worn out. I furnished him a new one and christened that, and then, Mr. Speaker, he said he would refer the bill to the general committee, but some of the gentlemen on that committee had bills that meant more to them in their districts than this did to me in mine.

Mr. MANN. Mr. Speaker, if my genial, handsome friend from New Jersey, with his dulcet tones and smiling face, was unable to get a favorable report from the Committee on Claims, certainly he has not any such merit in the claim that would justify bringing it in here.

Mr. KINKEAD of New Jersey. Mr. Speaker, that is exactly what I wanted my distinguished, and not altogether uncomely, friend from Illinois to say.

Mr. MANN. I am not in the same class with my friend from New Jersey.

Mr. KINKEAD of New Jersey. I agree to that readily. I want to say to my friend from Illinois, Mr. Speaker, that the bill was reported favorably by the subcommittee in charge of the bill, of which the gentleman from Nebraska [Mr. MAGUIRE] is the distinguished and efficient chairman. And the Secretary of the Treasury, to whom this bill was referred, reported favorably to that committee, and asked that the money be refunded to these boys. Now, there are two of them living in my district, and I think there is one living in the district of the gentleman from Illinois, and I know there is one living in the district of the gentleman from Massachusetts [Mr. GARDNER]——

Mr. FOSTER. There is not any in my district.

Mr. KINKEAD of New Jersey. And there is one in the gentleman's district, possibly.

Mr. MANN. They have been very negligent if there are any living in my district. They have not communicated to me, and therefore I shall have to object.

Mr. KINKEAD of New Jersey. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KINKEAD of New Jersey. I want to know if there is any parliamentary way in which this bill can be brought before the House at this time?

Mr. FOSTER. I suggest the gentleman get a rule.

Mr. KINKEAD of New Jersey. I know the rules, but not how to avoid them.

Mr. MANN. I suggest to the gentleman the way to get his bill before the House would be to send a letter over to the Senate and get the claim put on the deficiency bill. I understand they never object to putting any claim on the deficiency bill. Thereby he will get it before the House.

Mr. KINKEAD of New Jersey. Mr. Speaker, may I ask for a vote? I understand there is no objection to the present consideration of the bill.

Mr. MANN. Did the gentleman ask unanimous consent?

Mr. KINKEAD of New Jersey. Yes.

Mr. MANN. Then I will shorten the time. I object.

THEODORE N. GATES.

Mr. CURLEY. Mr. Speaker, I desire to call up the bill H. R. 3769, Private Calendar No. 258, in behalf of Mr. O'SHAUNESSY.

The SPEAKER. The Clerk will report the title of the bill.

The title of the bill was read.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Theodore N. Gates shall be held and considered to have served as a private of Company K, Twenty-fifth Regiment Massachusetts Volunteer Infantry, from December 31, 1862, up to September 29, 1863, and was honorably discharged as of the last abovementioned date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That in the administration of the pension laws Theodore N. Gates, late of Company K, Twenty-fifth Regiment Massachusetts Volunteer Infantry, shall be held and considered to have been honorably discharged from the military service of the United States as a member of said company and regiment on the 29th day of September, 1863: *Provided*, That no pension shall accrue prior to the passage of this act."

Mr. CURLEY. Mr. Speaker, I have another amendment.

The SPEAKER. Has the gentleman an amendment in addition to the substitute?

Mr. CURLEY. It is just to amend the title.

The SPEAKER. That comes afterwards. The question is on agreeing to the substitute.

The question was taken, and the substitute was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill as amended by the substitute.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

LEAVE TO PRINT.

Mr. PEPPER. Mr. Speaker, I desire unanimous consent to extend my remarks in the RECORD for about two weeks.

The SPEAKER. The gentleman from Iowa [Mr. PEPPER] asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, I make the same request, to extend my remarks immediately.

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

Mr. WEEKS. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY], the gentleman from Oklahoma [Mr. MORGAN], and the gentleman from Massachusetts [Mr. WEEKS] ask unanimous consent to extend their remarks in the RECORD. Is there objection?

There was no objection.

Mr. WEBB. I make the same request, Mr. Speaker.

The SPEAKER. The gentleman from North Carolina [Mr. WEBB] makes the same request. Is there objection?

There was no objection.

Mr. FERRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FERRIS. How long is the RECORD issued after the close of a session of Congress?

The SPEAKER. The Chair understands that the RECORD is issued a month or so after the adjournment.

Mr. HOWELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

MAJ. BEECHER B. RAY.

Mr. MANN. Mr. Speaker, the gentleman from Ohio [Mr. BULKLEY], from the Committee on Expenditures in the War Department, informs me that that committee has put in the basket to-day a report (H. Rept. 1253, pt. 2) on the subject of Maj. Ray. The minority members of the committee are absent. I ask unanimous consent that any member of the minority may have leave to extend his remarks in the RECORD on the subject or to file the minority views.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the minority members of the Committee on Expenditures in the War Department shall have leave to extend their remarks in the RECORD. For how long a time does the gentleman desire them to have that privilege?

Mr. MANN. I was going to ask that they might file their minority views by handing their views to the Clerk after the adjournment of Congress and have them printed.

The SPEAKER. The gentleman adds to his request that the minority views may be handed to the Clerk and printed after Congress adjourns, as though it had not adjourned.

Mr. BULKLEY. Mr. Speaker, reserving the right to object, I would like to join the gentleman from Illinois in hoping that this consent may be given.

Mr. MANN. It is fair to the gentleman from Ohio [Mr. BULKLEY] to say that with that courtesy which he always extends he himself suggested to me that in fairness to the minority I should make the request I have made.

The SPEAKER. Is there objection?

There was no objection.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 21826. An act validating certain homestead entries;

H. R. 23604. An act for the relief of Frank D. Courtade;

H. R. 7434. An act for the relief of Patrick Howe;

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes; and

H. R. 26114. An act to authorize the government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 7377. An act granting a right of way through the Fort Shafter Military Reservation, Territory of Hawaii, to the Pearl Harbor Traction Co. (Ltd.), and for other purposes;

S. 1484. An act for the relief of Ferdinand Tobe; and

S. 7378. An act for the relief of James E. C. Covel.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolution:

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913;

H. R. 25531. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 21826. An act validating certain homestead entries;

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman, and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn.;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y., and to provide increased quarantine facilities at the port of Portland, Me.;

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 26114. An act to authorize the government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan, P. R.;

H. R. 23604. An act for the relief of Frank D. Courtade; and

H. J. Res. 362. A joint resolution amending the Army appropriation bill.

FELIX MORGAN.

Mr. HAMILTON of West Virginia. Mr. Speaker, in the last two minutes devoted to the consideration of private bills, I desire to call up the bill H. R. 21849, No. 230 on the Private Calendar.

The SPEAKER pro tempore (Mr. UNDERWOOD). The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Felix Morgan, of Wirt County, W. Va., out of any funds in the Treasury of the United States not otherwise appropriated, the sum of $10,000, to compensate him for injuries received while in the employ of the Government on the Little Kanawha River, in Wirt County, W. Va.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Reserving the right to object, I would just like to make this brief observation. The case referred to here is undoubtedly a pitiable case. The accident occurred in 1891, 21 years ago. Only two or three years ago did we adopt the policy of the Government paying any compensation at all in case of a personal injury. As far as I am concerned, I am unwilling to give unanimous consent to go back 21 years to take up these personal-injury claims. If we go back 21 years, we might equally go back 31 years or 41 years or 51 years. I do not think we ought to start the practice of considering claims which would be barred by the statute of limitations, if they were against a private individual, and I feel constrained to object.

Mr. HAMILTON of West Virginia. Will the gentleman reserve his objection?

Mr. MANN. I will reserve the objection.

Mr. HAMILTON of West Virginia. As the gentleman from Illinois says, this is a very pitiful case. One of the engineers of the War Department says that if any case needs redress this is the one. I can not appeal to the good looks of the gentleman from Illinois, as my other friend did, but I can appeal to a better part of him——

Mr. MANN. The gentleman had the judgment to say that he did not appeal to my good looks, because that would not carry any weight.

Mr. HAMILTON of West Virginia. The gentleman from Illinois has a great big heart in him, as I have often found during my short career in this House, and I feel under obligations to him in many other matters. I can only appeal to the great heart of the man who says that this is a pitiful case.

The SPEAKER. Is there objection?

Mr. MANN. I object.

REMARKS OF MR. CLARK OF MISSOURI.

The SPEAKER pro tempore (Mr. UNDERWOOD). The time for the consideration of bills on the Private Calendar has expired.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent to address the House for 30 minutes, or so much thereof as I desire to use. [Applause.]

The SPEAKER pro tempore. The gentleman from Missouri asks unanimous consent to address the House for 30 minutes. Is there objection?

There was no objection.

Mr. CLARK of Missouri. Mr. Speaker, the Chicago Republican national convention of 1880 was one of the greatest in the history of the Republic. The "Stalwart" cohorts, marshaled by Roscoe Conkling, a prince among men, went into the fight shouting for "The Old Commander." The "Featherheads," led by Gen. Garfield, soldier, statesman, scholar, orator, had for their war cry, "Anything to beat Grant!" It was a veritable battle of the giants. The most dramatic feature of that historic conclave was Conkling's spectacular speech nominating Grant. The most striking sentence in that magnificent oration was this: "Gen. Grant's fame was earned not alone by things written and said, but by the arduous greatness of things done."

My Democratic brethren, that sentence uttered by the masterful and brilliant New Yorker fits our case like a glove. [Applause on the Democratic side.]

In his old age Frederick the Great had a new mausoleum built for the royal family. When the bodies were removed to their last splendid resting place, the great King had the coffin of his most illustrious ancestor, the Great Elector, opened. Patting the hand of that mighty warrior and statesman, Frederick said—and said most truly: "This one did great things."

When the future historian comes to review the times in which we live, he will declare with absolute truth that the House Democrats of the Sixty-first and Sixty-second Congresses did great things. [Applause on the Democratic side.]

By so doing we have made a sweeping Democratic victory not only possible, but of such high probability as to approximate certainty; a victory which will give us the House, the Senate, and the President, thereby enabling us to work out our destiny with a free hand, accepting both the blame and the praise for what we do and what we do not do. [Applause on the Democratic side.]

The other day the minority leader [Mr. MANN] regretted the fact that we do not have a responsible government as they have in Great Britain. All sensible men who have given thought to the subject join in his regret. The nearest approach we can have to a responsible government is to have House, Senate, and President all of the same political faith, which I hope will be the case after March 4, 1913, and it goes without saying that I hope they will all be of the Democratic faith. [Applause on the Democratic side.]

Every man who had a share in the great work accomplished is entitled to his quantum meruit of the honor. As Admiral Schley said, touching the splendid naval victory off Santiago: "There is glory enough for all." We found the party all shot to pieces and inured to the habit of defeat. Behold it to-day, united, defiant, aggressive, militant, full of hope! [Applause on the Democratic side.]

We have won many victories, but what is far better, we have formed the habit of victory. No such sudden and wondrous transformation was ever wrought in a parliamentary body in the history of the world. When I remember the happy status of our Republican friends March 4, 1909, and think of their present woeful plight, I recall the splendid lines of Byron in his "Destruction of Sennacherib":

> Like leaves of the forest when summer is green,
> That host with their banners at sunset were seen;
> Like leaves of the forest when autumn hath blown
> That host on the morrow lay withered and strown.

[Applause on the Democratic side.]

On the general situation in both parties we have a right to felicitate ourselves and the country, for I believe with all my heart that it is for the best interests of our country and our free institutions, which we all adore, that Democrats should sit in the seats of the mighty; should hold every coign of vantage; should occupy every place of power.

The secret of our marvelous success is simple—unity of thought, unity of purpose, unity of action, frequent counsel together, a spirit of mutual conciliation, strict adherence to principle with utmost latitude in nonessentials, subordination of individual desire to the general party good, sacrifice of personal ambitions in the earnest, honest, and patriotic endeavor to serve the people and the whole people with whatever of capacity God has blessed us.

Montgomery's fine line exactly describes the Democrats of the House in the Sixty-first and Sixty-second Congresses:

> Distinct as the billows; one as the sea.

All we have to do is for Democrats throughout the land to follow our excellent example and we will be conquerors in a contest so stupendous that Sir Edward Creasy might well add it to his "Fifteen Decisive Battles of the World."

While I have said that every Democrat is entitled to his full share of the glory—and I do it gladly—I will add that no majority was ever more successfully led than has been the majority in this House under the leadership of the gentleman from Alabama [Mr. UNDERWOOD]. [Applause.] I would be neither fair nor just if I did not also state that no minority was ever led more ably than has been the Republican minority in this House under the leadership of the gentleman from Illinois [Mr. MANN]. [Applause.] Leader MANN has contested with Leader UNDERWOOD every step of the long and wearisome road which we have traveled with the stubborn courage of the English squares at Waterloo. I have not always agreed with Brother MANN—God forbid!—but it is simple truth to say that he lives up fully to his name. He is in very truth a man. Were it not for him I would feel decidedly lonesome in the Speaker's chair. [Laughter and applause.]

I am intensely proud of the ability of the membership of the House on both sides of the big aisle, and as your Speaker, the dean of the faculty, so to speak, I have a right, and it affords me genuine pleasure, to say so. Pessimists have the bad and incorrigible habit of forever looking back to the Golden Age, but I prefer to believe with St. Simon: "The Golden Age is not behind, but before us." This House will not rank highest in oratory, but in the "arduous greatness of things done" it has had few peers and no superiors. With our educational facilities constantly growing better, the average capacity of public men should increase as the years steal into the centuries.

I utterly refuse to believe that the country is in any sort of danger of going to the dogs, because I have implicit faith in the courage, patriotism, and ultimate good sense of the American people. Government is an experimental, not an exact, science, and we should, and no doubt will, gradually approximate the perfect standard.

Since March 4, 1897, until this Congress convened, all that Democrats, being only a weak minority, could do was to promise what they would do if they got a chance to run the legislative machine. In 1910 the voters of the land commissioned us to control the House, which is one-third of the legislative machine. Now, as this Congress has lived three-fourths of its life, we say to the American people with honest pride: "There stands our record of things accomplished, so far as the House is concerned. It speaks for itself." Of course, we have not done all that we desired to do, because we were confronted with a Republican Senate and a Republican President.

For years we were sneered at as a party of mere negation, but this Democratic House has passed more bills in the nature of constructive statesmanship than did any other House in a generation, notwithstanding the fact that only six Democratic Members of this House had ever served in a majority before. We were green hands in formulating and conducting the public business, but the Democratic Members, including the new recruits, have performed and fought and won like veterans.

For years we were ridiculed as a mob, a rabble, without coherence or discipline, as militia fighting regulars, but we this day constitute as thoroughly a disciplined force as ever appeared in the House of Representatives or any other parliamentary body since parliamentary bodies were instituted among men.

It was freely, gleefully, and maliciously predicted when we carried the House that we would never be able to muster our full strength on any important proposition. Even the exact dates on which we would dissolve into warring factions and go to pieces were set down in cold type. But the record shows that we not only mustered our full strength on every important proposition but more than our full strength by reenforcements from the Republicans. To such an extent have we done this that at last we passed two great tariff bills over the President's veto, the first instance of the kind in the history of the Republic. [Applause.] Our thanks and the gratitude of the country are due to the brave, wise, and patriotic Republicans who have cooperated with us in passing good bills.

Toward the close of his long and heroic career St. Paul proudly boasted: "I have fought a good fight; I have kept the faith." The Democrats in this House could adopt the language of the great apostle without exaggeration or bad taste. [Applause.]

What is it that has produced the astounding change in the political situation since that melancholy day in November, 1908, when we were so completely flattened out? It is a simple and instructive story which public men who would escape the people's wrath should take to heart so long as the earth spins upon its axis or slides down the ecliptic.

In brief, it is this: The Republicans, in order to get in, promised to revise the tariff down; but, being in, they proceeded to revise it up. For this act of bad faith they were

severely punished in 1910 and will be more severely punished in 1912. [Applause.]

The people deserve to be treated honestly, fairly, candidly, and courageously. Platforms should contain those propositions, and those propositions only, which the framers thereof intend to enact into law if they ever get a chance. Promises made to win an election should be religiously carried out after election. Men should say what they mean and mean what they say. The voters of the land are entitled to that square deal of which we hear so much and see so little.

The Republicans failed to keep their promises and came to grief, as they deserved to do. The Democrats came in on six principal promises and have redeemed them every one. The six principal promises were:

To pass a bill compelling publication of campaign contributions and disbursements before the election; to pass a resolution submitting a constitutional amendment for election of United States Senators by popular vote; to economize; to liberalize the rules; to admit Arizona and New Mexico as two States; to revise the tariff down—all of which has been done.

We passed tariff bills which would have saved the American people $5 per capita, or $27.50 to the family, but the President would not permit them to become laws, and the people still groan under an outrageous load of tariff taxes. Our tariff bills, while reducing the amount of money which the present tariff bill costs the people by $5 per capita, would have raised ample revenue to run the Government, for it should never be forgotten that of every $5 taken from the people by the Payne tariff law only $1 goes into Uncle Sam's pockets, while $4 go into the pockets of the tariff barons. Our tariff bills would have gone far toward reducing the high cost of living so oppressive to the masses, but the President would not have it so—more's the pity.

In addition to this, we have passed more bills for the benefit of labor than any Congress that ever sat. We have passed bills liberalizing the homestead law, making it so easy for American citizens to obtain homes in their own country that they will not feel disposed to expatriate themselves into the British Northwest. [Applause.] We passed a bill rendering the condition of our seamen better and life at sea more tolerable. We passed the Panama Canal bill, which is one of the most important pieces of legislation ever placed upon the statute books. We passed the excise bill, which is in its nature an income-tax bill, by which we transferred a large burden of taxation from the backs of the poor, who are least able to bear taxation, to the backs of those who are more able to pay taxes, a most righteous performance. We passed sundry other bills of a reformatory and beneficent character, for which we will receive the support and plaudits of the American people. [Applause.]

"By their fruits ye shall know them," is a rule established by highest authority for measuring human conduct. It is a just rule, a fair rule, and by it we will gladly be judged.

What the Democratic House accomplished, so far as it could, for the amelioration of conditions, thwarted as it has been by a Republican President and a Republican Senate, is only an earnest of what we will do when we come into full possession of the three legislative branches of the Government.

True, President Taft vetoed most of our bills of a remedial character. That was his prerogative, unwisely exercised. He made his record; we made ours. On these records we appeal to the country with absolute confidence that when the polls close in November we will have elected a Democratic House, a Democratic Senate, and Gov. Woodrow Wilson to the Presidency and Gov. Thomas R. Marshall to the Vice Presidency—consummations devoutly to be wished, not only consummations devoutly to be wished, but which, as we believe and hope, will prove of inestimable and enduring benefit to the entire American people, of whatever persuasion—religious or political. [Prolonged applause.]

FEDERAL CONTROL OF CORPORATIONS.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent for five minutes, more or less, in which to address the House.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to address the House for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. STANLEY. Mr. Speaker, Col. Roosevelt has characterized the legislation proposed by the Stanley committee as more foolish and futile than the efforts of the Taft administration to effectively enforce the provisions of the Sherman Antitrust Act. This is indeed a severe arraignment. If it be true that the bills indorsed unanimously by this committee will, when enacted into law, prove of no greater service to the country than the antitrust activities of the present administration, then, indeed, will it be true that the money expended was misappropriated and the long months of time devoted to this strenuous task worse than wasted.

I am not inclined to doubt Col. Roosevelt's sincerity in this statement. The program outlined by the committee must to him seem absurd and ridiculous. The inspired Gospel was—

> To the Greeks foolishness
> And to the Jews a stumblingblock.

This emperor in embryo is not expected to indorse legislation providing for the drastic control and thorough regulation of great monopolies doing an interstate business without in any way increasing the authority of a self-constituted autocrat or providing for a scientific system for the espionage and blackmail of malefactors of great wealth by a select coterie of political spies organized into a bureau operating behind closed doors and whose star-chamber proceedings are known only to the President whose reelection is secured by their successful exploitation. [Applause.]

The late revelations of the relations between Col. Roosevelt and the Standard Oil Co. should surprise nobody. "A practical politician" who knew how to approach "my dear Harriman" and how to receive Frick and Gary in time of stress would surely not overlook so rich a find as John D. Archbold, who for years has made it his business to keep in touch with the Aldriches, the Forakers, the Roosevelts, and other facile and approachable politicians of the same stripe.

The worst part of it is not that Mr. Roosevelt shared the plunder of this lawless monopoly. The money was collected and spent; that is ancient history. The astounding and menacing phase of the situation is not that he once had access to the purse of the Standard Oil Co., but that he is now attempting, with an audacity characteristic of Roosevelt alone, to carry out to the letter the pet policies of H. H. Rogers and John D. Archbold. Col. Roosevelt is, in a way, a thorough "progressive." He is far in advance of his former party associates in his energy and audacity in advocating the schemes of Perkins, Judge Gary, and other leaders in this propaganda for the licensing of organized lawlessness. This program of Federal control which Col. Roosevelt so strenuously advocates is not original with him, nor is it one of "my secondhand policies" purloined from Mr. Bryan or from Democratic platforms. A trust cuckoo laid that malodorous egg in the nest of "progressive capitalism." Just which unclean bird is entitled to the honor I am not prepared to say, since Archbold, Rogers, Perkins, Gary, Garfield, and Herbert Knox Smith have been cackling around the nest ever since the colonel began to "set" on this unfledged scheme for the substitution of a bureau for courts, Congress, and the law.

The SPEAKER. The time of the gentleman has expired.

Mr. STANLEY. I ask for five minutes more.

The SPEAKER. Is there objection?

Mr. LAFFERTY. Mr. Speaker, reserving the right to object, I desire to inquire if the gentleman will answer two questions?

Mr. STANLEY. Three, if the gentleman wishes.

Mr. LAFFERTY. Then I shall not object.

The SPEAKER. Under the agreement, the gentleman from Oregon will proceed with his interrogatories.

Mr. STANLEY. And right here I wish to call the attention of the House to this fact, that this idea of Federal incorporation 20 years ago was preached by Archbold and Rogers and John D. Rockefeller and all the other trust magnates all over the land in order that they might feed upon the unearned increment of monopoly and extortion long before Roosevelt and his progressives ever dreamed of advocating it. I wish to emphasize right here that the secret of successful, licensed, and unimpeded monopoly is to be found in the idea of abolishing Congress and the courts and giving to a bureau the right to say this is a good trust and that is a bad trust. The difference between Russia and America is the difference between the giving to a bureau of the Government and a government of the people through the legal and legally organized authorities the right to control monopoly. [Applause.] I will make those gentlemen on the other side of this aisle sick of this proposition of Federal incorporation before I am through, because I will show it is a foul liason between big business and big politicians.

Mr. LAFFERTY. First, I desire to inquire if the gentleman is not aware that Col. Roosevelt has denounced as absolutely false the allegations that he knew of the Standard Oil's contributions to his campaign fund in 1904?

Mr. STANLEY. I certainly know it; and here, my friend, I will state, I do not care how much he runs his avaricious fingers into the purse of the Standard Oil Co., so long as he does not deliver the goods to this monopoly. It is the policy of the Standard Oil I am now discussing, the very policy Roosevelt is now advocating.

Mr. LAFFERTY. Well, my second question is right along that line. Does the gentleman suppose that John D. Archbold now favors the Roosevelt policies being advocated by the Progressive Party, and does the gentleman consider the action of John D. Archbold in testifying yesterday, insinuating that Roosevelt accepted contributions in money in 1904, as indicative of the fact that Archbold is now favorable to Roosevelt?

Mr. STANLEY. I do not believe Archbold favors the Roosevelt policies; I know it. I defy you to show me a single solitary scheme for Federal incorporation John D. Archbold, Rockefeller, and the rest of them have ever advocated for 20 years which Roosevelt is not now defending.

Mr. LAFFERTY. My question was, Is not the action of Mr. Archbold, without corroboration, in stating that Roosevelt knew of this contribution one of the best proofs that Archbold is now opposed to Roosevelt?

Mr. STANLEY. That is a stage play. Archbold is praying, not to God, but to "the world, the flesh, and the devil," that Roosevelt may succeed.

On September 8, 1899, John D. Archbold appeared before the Industrial Commission in the advocacy of Federal incorporation.

If you should ask me—

Said he—

gentlemen, what legislation can be imposed to improve the present condition, I answer that the next great, and, to my mind, inevitable step of progress in the direction of our commercial development lies in the direction of national or Federal corporations.

Mr. H. H. Rogers, second only to Archbold in the prostitution of public servants, warmly seconded the suggestion of Mr. Archbold. Before the same commission he was asked by Mr. Clarke:

You favor Mr. Archbold's suggestion about conducting such large interests as you are now carrying on under a national corporation?

A. Most certainly.

Q. (Mr. A. L. Harris.) I should like to ask Mr. Rogers whether he has investigated that question from the legal standpoint, to know whether it can be done under the present Federal Constitution?

A. I should judge, from all I have heard, that it can not.

Q. (By Mr. Kennedy.) You would be in favor, then, of amending the Constitution so that it can be done?

A. I believe, if we are going to be the greatest commercial nation in the world, that the Constitution ought to be amended so that Federal charters can be granted on some such plan as the English.

On March 23, 1908, Mr. Hepburn introduced a bill providing for Federal incorporation or Federal license and control. Section 10 in this bill provides:

SEC. 10. That any corporation or association registered under this act, and any person, not a common carrier under the provisions of the said act approved February 4, 1887, or the acts amendatory thereof or supplemental thereto, being a party to a contract or combination hereafter made, other than a contract or combination with a common carrier filed under section 11 of this act, may file with the Commissioner of Corporations a copy thereof, if the same be in writing, or if not in writing, a statement setting forth the terms and conditions thereof, together with a notice that such filing is made for the purpose of obtaining the benefit of the provisions of this section. Thereupon the Commissioner of Corporations, with the concurrence of the Secretary of Commerce and Labor, of his own motion and without notice or hearing, or after notice and hearing, as the commissioner may deem proper, may enter an order declaring that in his judgment such contract or combination is in unreasonable restraint of trade or commerce among the several States or with foreign nations. If no such order shall be made within 30 days after the filing of such contract or written statement, no prosecution, suit, or proceeding by the United States shall lie under the first six sections of this act, for or on account of such contract or combination, unless the same be in unreasonable restraint of trade or commerce among the several States or with foreign nations; but the United States may institute, maintain, or prosecute a suit, proceeding, or prosecution under the first six sections of said act for or on account of any such contract or combination hereafter made, of which a copy or written statement shall not have been filed as aforesaid, or as to which an order shall have been entered as above provided.

No corporation or association for profit or having capital stock, and registered under this act, that hereafter shall make a combination or consolidation with any other corporation or association, shall be entitled to continue its registration under this act unless without delay it shall file with the Commissioner of Corporations, pursuant and subject to the provisions of this section, a statement setting forth the terms and conditions of such combinations or consolidation, together with a notice as hereinabove provided.

This bill was an ideal arrangement by which the Commissioner of Corporations was empowered to issue a plenary indulgence to every munificent monopoly which availed itself of the opportunity to swell the corruption funds of the Republican Party as the price of plundering the American people. This bill was so artfully worded, sounded so sweet, and smelt so bad that the suspicions of a good many thoughtful Democrats were aroused. On close inspection it betrayed the Italian hand of the corporation lawyer and the earmarks of high finance. The ardent and insistent advocacy of the then President of the United States tended to strengthen this suspicion. In a message on March 25, 1908, President Roosevelt advocated this measure, while fiercely assailing the Sherman Antitrust Act.

* * * In addition to the reasons I have already urged on your attention, it has now become important that there should be an amendment of the antitrust law, because of the uncertainty as to how this law affects combinations among labor men and farmers if the combination has any tendency to restrict interstate commerce. All of these combinations, if and while existing for and engaged in the promotion of innocent and proper purposes, should be recognized as legal. As I have repeatedly pointed out, this antitrust law was a most unwisely drawn statute. It was perhaps inevitable that in feeling after the right remedy the first attempts to provide such should be crude; and it was absolutely imperative that some legislation should be passed to control, in the interest of the public, the business use of the enormous aggregations of corporation wealth that are so marked a feature of the modern industrial world. But the present antitrust law, in its construction and working, has exemplified only too well the kind of legislation which, under the guise of being thoroughgoing, is drawn up in such sweeping form as to become either ineffective or else mischievous.

* * * It is mischievous and unwholesome to keep upon the statute books, unmodified, a law like the antitrust law, which, while in practice only partially effective against vicious combinations, has nevertheless, in theory, been construed so as sweepingly to prohibit every combination for the transaction of modern business. Some real good has resulted from this law. But the time has come when it is imperative to modify it.

* * * The Congress can not afford to leave it on the statute books in its present shape.

* * * A bill has been presented in the Congress to remedy this situation (Hepburn-Warner bill).

* * * The substantive part of the antitrust law should remain as at present; that is, every contract in restraint of trade or commerce among the several States or with foreign nations should continue to be declared illegal; provided, however, that some proper governmental authority (such as the Commissioner of Corporations acting under the Secretary of Commerce and Labor) be allowed to pass on any such contracts.

* * * Probably the best method of providing for this would be to enact that any contract, subject to the prohibition contained in the antitrust law, into which it was desired to enter might be filed with the Bureau of Corporations or other appropriate executive body. This would provide publicity. Within, say, 60 days of the filing—which period could be extended by order of the department whenever for any reason it did not give the department sufficient time for a thorough examination—the executive department having power might forbid the contract, which would then be subject to the provisions of the antitrust law, if at all in restraint of trade.

On April 27, 1908, he again urged upon Congress the imperative necessity of enacting into law this mischievous and malodorous law.

Power should unquestionably be lodged somewhere in the executive branch of the Government to permit combinations which will further the public interest, but it must always be remembered that, as regards the great and wealthy combinations through which most of the interstate business of to-day is done, the burden of proof should be on them to show that they have a right to exist.

* * * No judicial tribunal has the knowledge or the experience to determine, in the first place, whether a given combination is advisable or necessary in the interest of the public. Some body, whether a commission or a bureau under the Department of Commerce and Labor, should be given this power.

* * * My personal belief is that ultimately we shall have to adopt a national incorporation law, though I am well aware that this may be impossible at present.

* * * There should be an efficient executive body created with power enough to correct abuses and scope enough to work out the complex problems that this great country has developed.

* * * Therefore it is clear that "unless a national incorporation law can be forthwith enacted some body or bodies in the executive service should be given power to pass upon any combination or agreement in relation to interstate commerce, and every such combination or agreement not thus approved should be treated as in violation of law and prosecuted accordingly.

The bill was referred to the Judiciary Committee, and a subcommittee, on April 4, 1906, exposed the paternity of this offspring of the unholy political liaison between high officials in the Republican Party and the chairman of the board of directors and chief counsel of the steel corporation, as evidenced by the following colloquy between the chairman of the committee and the Hon. Seth Low:

The CHAIRMAN. Right there, Mr. Low, if there is no objection, who are the people that actually participated in the preparation of the bill? Who are the men who actually drew it?

Mr. LOW. We conferred with Mr. Gary, of the United States Steel Corporation.

The CHAIRMAN. E. H. Gary, president of their board of directors?

Mr. LOW. E. H. Gary, who is likely to be here this morning. He is in Washington, and I think he came on purpose for this meeting. The lawyers actually engaged in the drafting of the bill were Mr. Stetson——

The CHAIRMAN. That is, Francis Lynde Stetson?

Mr. LOW. Francis Lynde Stetson, and Mr. Morawetz.

The CHAIRMAN. Victor Morawetz?

Mr. LOW. Victor Morawetz. Prof. Jenks, of the federation, was in constant collaboration upon the subject. We also kept in close touch with the administrative department of the Government through the Bureau of Corporations.

The CHAIRMAN. That is, Mr. Herbert Knox Smith?

Mr. LOW. Mr. Herbert Knox Smith; yes.

It developed in this investigation that this so-called Hepburn bill was not drawn by Mr. Hepburn at all. There was not an "i" dotted or a "t" crossed by any Member of this House. The whole infamous thing was incubated in Wall Street.

The great danger to this country from the ascendancy of Theodore Roosevelt and the coterie of capitalists who are supporting and financing him is not attributed so much to the fact that he is the recipient of dirty money as that he is the proponent of dangerous policies.

Let an honest, fearless, and capable administration enforce the more drastic and stringent provisions of the Sherman law

against corporations and the penal provisions of that act against the officers in control of such corporation, and the Sherman Act can be rendered in a measure effective in restraining, if not preventing, combinations in restraint of trade. For that reason Col. Roosevelt proposes a repeal of the Sherman law and to abandon all suits brought under it for the dissolution of trusts or the punishment of those operating them. According to the "Bull Moose" theory, the Supreme Court of the United States is incapable of interpreting the law; Congress, and committees created by it, knows absolutely nothing about writing the law. The only people who can be trusted to prevent monopoly are those who have created monopolies and who are now fattening upon the rich fruits of extortion. The only punishment which we can safely inflict upon malefactors of great wealth who violate the law is such punishment as the malefactors themselves may be pleased to suggest.

Judge Gary, a few months ago, proposed to a subcommittee of the Interstate Commerce Committee of the Senate a bill providing for Federal incorporation and for the control of large concerns doing an interstate business by means of the Bureau of Corporations. This bill contains in full and in detail Roosevelt's whole scheme for Federal incorporation and Federal control. He never did while he was President, and he does not now, as a candidate, advocate any legislation looking toward the control of trusts or the extermination of a monopoly which trusts and monopolists do not themselves heartily indorse. He has been repeatedly asked whether or not he is in favor of dissolving the Harvester Trust. He said that he is against the dissolution of the Steel Corporation, and I defy him now to suggest one regulation for either one of these concerns, or one act punishing the lawlessness of the men at the head of them, which is not heartily approved by the very interests which he so blatantly denounces in glittering generalities and meaningless tirades.

EXTENSION OF REMARKS.

Mr. BROWNING. Mr. Speaker, I ask unanimous consent that my colleague [Mr. SULLOWAY] be allowed to print in the RECORD some remarks and extracts in regard to pensions.

The SPEAKER. The gentleman from New Jersey [Mr. BROWNING] asks unanimous consent that the gentleman from New Hampshire [Mr. SULLOWAY] may extend his remarks in the RECORD.

Is there objection?

There was no objection.

[Mr. SULLOWAY addressed the House. See Appendix.]

MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the consideration of House joint resolution 226. The gentleman from New Jersey [Mr. KINKEAD] objected to it a moment ago, but has withdrawn his objection.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 226) for the appointment of three members of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

Resolved, etc., That George H. Wood, of Ohio; John W. Farris, of Missouri; and Franklin Murphy, of New Jersey, be, and they are hereby, appointed members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to succeed Oscar M. Gottshall, of Ohio; William Warner, of Missouri; and Franklin Murphy, of New Jersey, whose terms of office will expire April 21, 1912.

Mr. KINKEAD of New Jersey. Mr. Speaker, will the Clerk kindly report the names of the new managers?

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

On page 1, line 4, strike out the name of "Franklin Murphy, of New Jersey," and insert "Patrick H. Coney, of Kansas."

Mr. KINKEAD of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. HAY. I will.

Mr. KINKEAD of New Jersey. As I understand this resolution, when it left the House it contained the name of Franklin Murphy.

Mr. HAY. This is the House resolution reported by the House committee, amending the resolution by placing in the name of "Patrick H. Coney" instead of "Franklin Murphy."

Mr. KINKEAD of New Jersey. Mr. Speaker, the reason I objected when the bill was called up a short time ago was that it was my understanding that the gentleman from New Jersey, Mr. Franklin Murphy, who, in addition to being consistently a regular Republican, and having had a very favorable war record, was, as I understood, unanimously indorsed by the New Jersey delegation for continuation on this board of managers.

Since that time, after a conference with the gentleman from Kansas [Mr. CAMPBELL], who espouses the cause of that God-fearing Irishman, Capt. Patrick H. Coney, I am constrained to withdraw my objection to it, since the New Jersey delegation were not united on Franklin Murphy. But had they been, my objection would still have been continued in force.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 4, by striking out the words "Franklin Murphy, of New Jersey," and inserting the words "Patrick H. Coney, of Kansas."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read the next committee amendment, as follows:

Amend, page 1, line 9, by striking out the words "will expire" and inserting in lieu thereof the word "expired."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution as amended.

The joint resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. HAY, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

EXTENSION OF REMARKS.

Mr. RUSSELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD for the purpose of inserting an analysis of the "Bull Moose" platform.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD.

Mr. RUSSELL. It is a letter from Congressman PEPPER, of Iowa.

Mr. MANN. Reserving the right to object, is it a newspaper editorial?

Mr. RUSSELL. No; this is a letter, as I say, from the gentleman from Iowa [Mr. PEPPER] to the Davenport Times.

Mr. MANN. A letter from a Member of the House?

Mr. RUSSELL. Yes.

Mr. MANN. Then I shall not object.

The SPEAKER. Is there objection? Does the gentleman object?

Mr. MANN. Oh, no.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Following is the letter referred to:

Mr. PEPPER to-day summed up his conclusions as follows:

"Roosevelt announces in favor of the direct election of Senators. The Democratic House and the Republican Senate this session passed a joint resolution proposing a constitutional amendment for the direct election of Senators. Not until the Democratic majority in the House got behind the movement did it succeed. It failed year after year under the Republican régime, seven of these years under Mr. Roosevelt's régime.

LIMITATION ON CAMPAIGN FUNDS.

"Roosevelt now announces himself in favor of the limitation of campaign contributions and expenditures, and of publication of contributions and expenditures, both before and after the election. When Bryan proposed this in 1908, the third term candidate denounced it in his most vigorous manner.

"Roosevelt announces in favor of contempt injunction bills exactly similar to those passed by the House this session.

"He favors agricultural education and farm extension work. The House and Senate have more than quadrupled last year's appropriation for farm extension work. The House now has before it the Lever bill for agricultural education. This bill was indorsed by the Baltimore platform, as was the Democratic action on the farm extension appropriation.

NATIONAL HEALTH BUREAU.

"Mr. Roosevelt has a plank on a national health bureau. It reads almost word for word the same as the last paragraph of Senator OWEN'S report on his health bill. Whether that bill becomes law or not, Mr. Roosevelt can not claim to be the originator of the idea.

"His plank on sociological conditions is covered by the record of the House—by the passage of the eight-hour bill for Government employees, by the convict labor bill, the phosphorus-match bill, the seaman's bill, and the bill to create a commission on industrial relations.

"Mr. Roosevelt now favors the physical valuation of railroads. The Progressives in Congress have advocated this for years, and the Democratic Committee on Interstate and Foreign Commerce has reported a bill providing for the physical valuation of railroads.

AS TO SWAMP LANDS.

"Mr. Roosevelt, in his conservation plank, advocates the reclaiming of swamp lands. The Democrats appropriated money for this work this year and the Baltimore platform specifically indorsed it.

"In his deep-waterway plank he favors national control of the Mississippi River and its levees. This is another Democratic project. The Baltimore platform declared the control of the Mississippi to be a national problem; so did the Republican platform; but the Rivers and Harbors Committee of the House has been considering a measure providing for such national control ever since the great floods of this year began.

FREE TOLLS FOR COASTWISE TRADE.

"He favors free tolls for American coastwise vessels using the Panama Canal. The House passed this provision before his convention met and the Senate passed it before his convention adjourned.

"Mr. Roosevelt advocates a nonpartisan tariff board. In the legislative bill which was vetoed by the President last week there was a provision for a nonpartisan tariff board such as he recommends.

"Mr. Roosevelt favors an income tax. Only two States are needed to ratify a constitutional amendment providing for an income tax. The Democratic House passed a bill providing for an excise tax on all incomes of individuals and dividend-sharing corporations of $5,000 a year or over.

AS TO TREATY DISCRIMINATIONS.

"He declares against any treaty which permits discrimination against American citizens in foreign countries. This refers directly to the trouble between the United States and Russia over the Jewish passports. The House of Representatives started the movement last December which successfully ended in the abrogation of the treaty of 1832. During all the time he was President Mr. Roosevelt permitted this treaty to remain in force, notwithstanding the fact that the Jewish citizens of this country pleaded with him on bended knees to take some action in their behalf.

"Mr. Roosevelt says he is in favor of liberal pensions. The Democratic Party, once declared the enemy of the old soldier, is now accused of being too friendly to him. The Sherwood dollar-a-day pension bill, the most liberal measure of its kind ever advanced in Congress, was fathered by the Democratic majority of the House.

"He says he favors the coordination of bureaus which do the same work. The House has provided for this in many of the supply bills passed this session, one provision alone eliminating the expenditure of $230,000 for hauling documents from the Government Printing Office to the Department of Agriculture for addressing and then back to the Union Station, which is near the Printing Office, for shipping. The credit for this must go to the President's Economy Commission, so here is at least one plank which Mr. Roosevelt has taken from Mr. Taft.

AID FOR PUBLIC ROADS.

"Mr. Roosevelt also favors national aid for public roads. The Democratic House passed the first bill granting national aid to post roads.

"And among other things, Mr. Roosevelt is in favor of the Government's passing upon securities and investments. This anti 'blue-sky' plank seemed new at first, but the Democratic State convention of Nebraska, which met a week or so prior to Mr. Roosevelt's personally conducted convention, recommended such a law for Nebraska.

"Thus having declared himself in favor of all these Democratic accomplishments, Mr. Roosevelt proceeds to dodge the main issues now before the people with his customary ability in evasion. I defy any man to tell me what kind of a tariff program he will carry out if elected. His platform does not indicate. His record in the past shows he is afraid of the tariff.

AS TO THE TRUSTS.

"I challenge any man to tell me how he will regulate or control the trusts and railroads. The same as in his former terms, when the greatest concentration of big business in the world's history was consummated? In the Outlook on July 5, 1911, he said the Sherman antitrust law ought never to have been written and should be repealed. What does he say now? A few pleasant-sounding words of absolutely no meaning—the small talk of the parlor turned into the jolly of the political arena.

"Mr. Roosevelt is a remarkable and interesting man. He is also the least original of all our national figures. He has taken the record of the Democratic House of Representatives and paralleled it. He has taken the platform of the Democratic Party adopted at Baltimore and followed it—on all but the leading issues. Those he evades.

"Mr. Roosevelt is to be congratulated upon the fitness of his selections. But instead of trying to turn Democratic accomplishments into Roosevelt promises, he should tell clearly and concisely what he will do along the lines of revising the tariff downward, what he will do to control the railroads, and how he will deal with the trusts."

MEMORIAL TO MAJ. ARCHIBALD W. BUTT AND FRANCIS DAVIS MILLET.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 108. This resolution provides merely that a committee of patriotic Washington ladies, who have secured a fund, be permitted to erect a monumental fountain in the grounds back of the White House in commemoration of Maj. Butt and Francis Davis Millet, two victims of the *Titanic* disaster. I think that the wives of many of the Members of the House contributed to that fund. I would not have supposed that the permission of Congress is necessary, but good authority supposes that it is necessary, and I merely ask that the resolution, which has passed the Senate, be agreed to by the House.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I desire to ask the gentleman where the location of this monument is to be?

Mr. TOWNSEND. It is on a point of land running east in the grounds between the Executive Road of the White House Grounds and the baseball grounds.

Mr. CULLOP. It is not to be on any part of the White House Grounds?

Mr. TOWNSEND. Oh, no. The resolution specifically states where it is to be placed.

Mr. CULLOP. There is to be no expense to the Government?

Mr. TOWNSEND. No. The money has been raised by the ladies of Washington by private subscription, and the plans are already drawn.

The SPEAKER. The Chair will state, so that all Members can hear, that this is a violation of the rule, but it would seem to be ungallant and churlish to object. It is simply to put up a bronze drinking fountain bearing a plate or tablet in memory of Maj. Butt and Mr. Millet. Is there objection? [After a pause.] The Chair hears none. The Clerk will report the resolution.

The Clerk read as follows:

Joint resolution (S. J. Res. 108) authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet.

Resolved, etc., That the Chief of Engineers, United States Army, be, and he is hereby, authorized and directed to grant permission for the erection on public grounds of the United States in the city of Washington, other than those of the Capitol, the Library of Congress, and the White House, of a joint memorial, of simple and artistic form, to Maj. Archibald W. Butt, United States Army, and Mr. Francis Davis Millet, vice chairman of the Commission of Fine Arts, officers of the United States who perished in the Titanic disaster: *Provided*, That the site chosen and the design of the memorial shall be approved by the President of the United States upon the advice of the Commission of Fine Arts, and that the United States shall be put to no expense in or by the erection of the said memorial.

The joint resolution was ordered to a third reading, and was accordingly read the third time and passed.

LEAVE TO EXTEND REMARKS.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD so as to complete the statement in reference to some of the work done and performed by the Committee on the Judiciary of the House of Representatives at this session of Congress.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD, giving a history of the work of the Committee on the Territories during this Congress.

The SPEAKER. The gentleman from Virginia asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in regard to the experiment station in northern California.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

The matter referred to by Mr. RAKER is as follows:

A bill to establish, equip, and maintain an agricultural experiment station near the town of Dorris, Siskiyou County, Cal., and for other purposes.

Be it enacted, etc., That the sum of $25,000 be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of establishing, equipping, and maintaining an agricultural experiment station near the town of Dorris, Siskiyou County, Cal., under the care and supervision of the Secretary of Agriculture.

SEC. 2. That the Secretary of Agriculture be, and he is hereby, authorized and directed to cause the provisions of this act to be fully carried out.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, August 17, 1912.

Hon. JOHN E. RAKER,
House of Representatives.

SIR: Replying to yours of the 8th, 9th, and 10th instant, inclosing letters from the Dorris Hardware Co., affidavits from A. F. Padgett, dated May 20, 1912, and M. H. Madden, March 22, 1912, letter from Dr. E. J. Wickson, director of the California Experiment Station, dated April 11, 1912, and map, plat, and petition forwarded by citizens of Dorris under date of May 11, 1912, all bearing upon the question of the need of an experiment station at that point, very thorough consideration of these communications has been given in connection with the request of the Hon. JOHN LAMB, chairman of the Committee on Agriculture, for comment on H. R. 26201, which proposes an appropriation for the establishment of an experiment station at Dorris. The result of that consideration I have embodied in a letter to Capt. LAMB, of which I inclose a copy herewith. As you will observe, I have indicated to Capt. LAMB that it would be quite contrary to the policy of the department to establish such a Federal station as suggested independently of the State experiment station. In some respects it would be peculiarly unfortunate to deviate from this policy in this instance at this time, inasmuch as a change has just occurred in the directorship of the California Experiment Station, Dr. T. F. Hunt having been appointed to succeed Director Wickson.

As the similar station which has been urged by some of the Oregon people for Klamath, Oreg., is in quite close proximity to Dorris, and as I understand that the Oregon people are already planning to take the matter up with their State legislature, I would suggest that opportunity be given the new director of the California station to take similar action along the lines discussed by Dr. Wickson in his letter of April 11 last.

In making the above suggestion I desire to express my full sympathy with the people of northern California in their need of an experiment station, and to further indicate that if such a station is established by the State that our experts in the various lines will be able to cooperate heartily and effectively in the prosecution of such research work as appears to be most important.

With a view to expediting as rapidly as possible the consideration of the matter by the State, I have taken the liberty of furnishing copies of your correspondence, and that with Director Wickson to Dr. T. F. Hunt, who I believe takes charge at Berkeley about October 1.

Very respectfully,

JAMES WILSON, *Secretary.*

AUGUST 17, 1912.

Hon. JOHN LAMB,
Chairman Committee on Agriculture,
House of Representatives.

DEAR CAPT. LAMB: Replying to your memorandum of the 12th instant with inclosure of H. R. 26201, I would say that H. R. 26201 is a bill to establish, equip, and maintain an agricultural experiment station near the town of Dorris, Siskiyou County, Cal., under the care and supervision of the Secretary of Agriculture, introduced by the Hon. JOHN E. RAKER. Residents of Dorris and vicinity have for some time past urged the establishment of an experiment station there on the ground that there is a large area of land in northern California and the adjacent portions of southern Oregon and Nevada which, owing to its relatively high elevation—4,000 feet or more above sea level—and its relatively light rainfall—17 to 30 inches per annum—needs special assistance in the way of agricultural experimentation before agriculture can be established upon a sound and stable basis. From the statements that have been submitted by the people at Dorris and other evidence that is available it is quite clear that there is need of experimental work in that region to determine what crops can be profitably grown and what methods of culture, etc., should be adopted. The question requiring consideration by Congress in connection with this bill is apparently whether such needs as appear to exist at Dorris and in other localities should be met by the Federal Government or by the States in which they are located.

It has been the policy of this department to leave local work to the States and to encourage the authorities of the several States to provide for the establishment of such local stations with State funds. Where such stations have been established by the States it has been our policy to cooperate in such features of research work as this department may be better equipped in than are the State stations, and in this way to accomplish the solution of the important problems that present themselves. In my opinion this is the correct policy to be observed by the Federal Government, inasmuch as it leaves the primary responsibility for the meeting of local needs with the several States where it properly belongs, and protects them against any tendency on the part of the Federal department to encroach upon the field of the State experiment stations, which, as you know, are largely maintained by Federal appropriations. It also avoids needless duplication of work and the waste of funds and energy that would result from a system of Federal stations within the several States independent of those already in existence.

In this connection it should be noted, as indicated in the accompanying copy of letter from Dr. E. J. Wickson, director of the California Agricultural Experiment Station, to Hon. JOHN E. RAKER, which Mr. RAKER has furnished us, that this field is recognized by him as one which the State experiment station should occupy by establishing a substation similar to that which was recently established in the Imperial Valley in the extreme southeast corner of California to meet the local needs there. I am also advised that the Oregon Agricultural College is desirous of securing authority and funds from the Oregon State Legislature for the purpose of establishing an experiment farm in the Klamath region of Oregon, which is but a few miles north of Dorris in a district where climatic conditions are quite similar to those of the Butte Creek Valley in Siskiyou County, Cal., in which Dorris is located. This proposed Klamath station has been a matter of conference between the Bureau of Plant Industry, of this department, and the authorities of the Oregon Agricultural College, and it is planned that after the station is established by the State cooperative relations between it and the Bureau of Plant Industry will be arranged. As previously indicated, the same arrangement could be made with any station that California may establish in Butte Creek Valley, thus enabling the Federal experts to assist the State experiment stations in the most effective way without building up and maintaining an unnecessary number of such stations.

For your information I am inclosing copies of some previous correspondence with regard to the proposed stations at both Dorris, Cal., and Klamath, Oreg. I am also sending a copy of this letter to Mr. RAKER.

Very truly, yours, SECRETARY.

By unanimous consent, leave was granted to Mr. MANN, Mr. HAYDEN, and Mr. CULLOP to extend their remarks in the RECORD.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 4.30 o'clock.

The motion was agreed to; accordingly (at 2 o'clock and 57 minutes p. m.) the House took a recess until 4 o'clock and 30 minutes p. m.

At the expiration of the recess the House resumed its session.

AMERICAN-GROWN TOBACCO.

Mr. FLOOD of Virginia. Mr. Speaker, I ask unanimous consent to take up the bill (S. 7409) to constitute a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries, which bill is on the Union Calendar.

Mr. CULLOP. Mr. Speaker, I thought that the leave to take up these bills by unanimous consent was not to extend any further than 2 o'clock.

The SPEAKER. The agreement was that Members could call up bills on the Private Calendar until 2 o'clock.

Mr. CULLOP. Is this bill on the Private Calendar?

The SPEAKER. It is not, and if it were it would not be within that agreement. The Chair will state what he knows, and that is that when the House established a Unanimous Consent Calendar it seems to have intended that the Speaker should not recognize anybody for unanimous consent, and the Speaker determined to adhere to that rule except in cases of emergency.

Mr. CULLOP. Reserving the right to object——

The SPEAKER. We had better have the bill reported, and then the gentleman can reserve his right.

The bill was read, as follows:

Be it enacted, etc., That a commission consisting of three Senators, to be chosen by the President of the Senate, and three Members of the House of Representatives, to be chosen by the Speaker, is hereby created; such commission is empowered to investigate the conditions under which the Governments of foreign countries purchase American-grown tobacco, and whether there is any combination or understanding between the representatives of said foreign Governments with a view of depressing the price of American-grown tobacco. The commission shall report the results of its investigations to the Congress. The sum of $10,000 to defray the expenses of the commission, including the expenses of witnesses and clerical work, is hereby appropriated, to be paid out of the Treasury.

Mr. CULLOP. Mr. Speaker, reserving the right to object, I desire to have the gentleman from Virginia explain the matter of his bill and what is intended to be accomplished by it.

Mr. FLOOD of Virginia. Mr. Speaker, there is a deplorable condition of affairs among the growers of what is known as export tobacco. This tobacco is bought largely by Governments that buy, manufacture, and sell it, and by the English Government, that has a large import duty. In my section of the tobacco-growing belt they buy the very best grades of tobacco we raise and have put the price of that tobacco down to a price that is less than it costs to produce it. Our idea is not that we could force these Governments to give more for it, but that if these facts were brought out clearly and made public in an official way they could be induced to give more.

Mr. CULLOP. Mr. Speaker, will the gentleman yield for a question?

Mr. FLOOD of Virginia. Certainly.

Mr. CULLOP. Is it contended by the tobacco producers that the tobacco is sold in foreign countries for less than the producer sells it here at home?

Mr. FLOOD of Virginia. Oh, no; these foreign countries themselves buy their tobacco here on our market, and for the grades of tobacco they buy there is no other purchaser than the Governments themselves, so there is really no competition. It is not manufactured in these countries that buy the tobacco by individuals, but these countries through their agents buy the tobacco themselves, manufacture, and sell it—France, Japan, Austria, Italy, and Spain, and such countries; and the contention is that the price they pay for it on our markets now is far less than it is worth and is below the cost of production.

Mr. CULLOP. Does the gentleman know what the import duty on tobacco is in France?

Mr. FLOOD of Virginia. They have no import duty on tobacco. France buys tobacco herself. The Government buys it and manufactures and sells it. In England there is an import duty of 88 cents per pound on tobacco and 89 cents on tobacco strips.

Mr. CULLOP. The gentleman says it is free of duty in France?

Mr. FLOOD of Virginia. In France there is no duty because the Government is the purchaser.

Mr. CULLOP. What is the duty there where the citizen is the purchaser?

Mr. FLOOD of Virginia. The citizen is not allowed to purchase it. He can only purchase the tobacco in the manufactured state.

Mr. CULLOP. Then the Government is in the tobacco business?

Mr. FLOOD of Virginia. Yes.

Mr. CULLOP. And the purpose of this is——

Mr. FLOOD of Virginia. To see what combination, if any, exists between the Governments to get our tobacco too cheaply and to see if we can not induce them to give us a better price.

Mr. CULLOP. Does not the gentleman think the resolution ought to be broad enough to investigate the tobacco conditions as to the control of the product in this country as well as in other countries?

Mr. FLOOD of Virginia. I think so, but I think we should take one at a time. I would rather not have the bill amended. It is a Senate bill, and if this proves a good thing with reference to the regi buyers, we can also proceed with reference to the local buyers.

Mr. CULLOP. The gentleman then gives the House to understand that the passage of this measure would be a benefit to the tobacco farmers and producers of this country.

Mr. FLOOD of Virginia. I think it would be of great benefit.

Mr. CULLOP. I have no objection.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. Mr. Speaker, will the gentleman yield?

Mr. FLOOD of Virginia. Certainly.

Mr. MANN. There is another bill on the calendar proposing to give the State Department authority to make an investigation of the purchase of tobacco by foreign countries, to as-

certain whether those countries would be willing to make an arrangement under which they would buy their State monopoly tobacco directly from a tobacco bureau to be maintained by the Government of the United States. That bill would involve, first, the establishment of a bureau of tobacco, or a bureau for the sale of tobacco, by the United States, although it first provides that we ascertain if foreign countries would be willing to buy their tobacco in that way before we agree to establish the bureau. If this bill passes, does the gentleman think it will obviate any necessity for the consideration of the other bill during the next session of Congress?

Mr. FLOOD of Virginia. I can not say that, but I rather hope this bill will do all that we could accomplish by the other bill.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. FLOOD of Virginia, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGES ACROSS BIG SANDY RIVER IN VIRGINIA AND KENTUCKY.

Mr. CULLOP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 7410) to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky.

The SPEAKER. The gentleman from Virginia asks unanimous consent to take from the Speaker's table the bill referred to and consider the same at this time. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7410) to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky.

Be it enacted, etc., That the Carolina, Clinchfield & Ohio Railway, a corporation created, organized, and existing under the laws of the State of Virginia, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate bridges, with single or double tracks, and approaches thereto, over and across the Big Sandy River and the branches thereof, in the States of Virginia and Kentucky, at such points as it may now or hereafter be desired, for the passage of railway engines, cars, and trains, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. CULLOP. Mr. Speaker, I ask to have taken from the Speaker's table the bill S. 7411 and that it be considered and passed.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 7411) to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia.

Be it enacted, etc., That the Clinchfield Northern Railway, of Kentucky, a corporation created, organized, and existing under the laws of the State of Kentucky, its successors and assigns, be, and they hereby are, authorized to construct, maintain, and operate bridges, with single or double tracks, and approaches thereto over and across the Big Sandy River and the branches thereof, in the States of Kentucky and Virginia, at such points as it may now or hereafter be desired, for the passage of railway engines, cars, and trains, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. CULLOP, a motion to reconsider the vote by which the bill was passed was laid on the table.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes;

H. J. Res. 360. Joint resolution providing for the payment of the salaries of the officers and employees of the Senate and House of Representatives on the day of adjournment of the present session; and

H. R. 7437. An act for the relief of Patrick Howe.

ALASKA NORTHERN RAILWAY.

Mr. BOOHER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill S. 2454 and that it be considered and passed.

The SPEAKER. The gentleman from Missouri asks unanimous consent to take from the Speaker's table the bill indicated. The Clerk will report the title.

The Clerk reads as follows:

An act (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, what is the purpose of taking it from the Speaker's table?

Mr. BOOHER. I want to consider and pass it. It was passed by the Senate and referred to the Committee on Territories and has been amended and returned to the House.

Mr. MANN. Has it been reported?

Mr. BOOHER. Yes, sir.

Mr. MANN. In the House?

Mr. BOOHER. No; the Senate bill has been reported back to the House. The Senate passed the bill and it was referred to the House Committee on Territories, and the House committee has reported it back to the House. Of course it is not on the Speaker's table, but it is on the House Calendar.

Mr. MANN. What is the number of it?

Mr. BOOHER. It is Senate bill 2534.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I will ask to have the bill reported.

The SPEAKER. The bill is all stricken and there is a substitute, and there is no use in reading the bill, and therefore the Clerk will read the substitute.

The Clerk read the substitute, as follows:

An act (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes.

Be it enacted, etc., That the time for filing the map and maps of definite location of the Alaska Northern Railway, formerly known as the Alaska Central Railway, of its branches, station grounds and terminal grounds, and junction and division terminals provided and required by the act entitled "An act for extending the homestead laws and providing for the right of way for railroads in the District of Alaska, and for other purposes," approved May 14, 1898, both within and without reservations and withdrawals, be, and the same hereby is, extended until three years after the passage of this act, and the time for completing the railway is hereby extended until two years after the filing of said maps; and leave is hereby granted to the Alaska Northern Railway Co., its successors and assigns, to file said map and maps of definite location within the time and the times therefor as above provided: *Provided*, That nothing in this act shall be construed or held to have the effect of renewing or reviving any grant of title to real estate under the act of June 30, 1906, or any subsequent act which may have already lapsed or become forfeited: *Provided further*, That in case the United States shall at any time desire to acquire, by purchase or condemnation proceedings, said railroad, the extension herein made and the right of way secured thereby shall not be deemed or held to constitute any asset or value owned by said Alaska Northern Railway Co., its assigns or successors, above actual cost of the survey and locations thereof, as to any part of said right of way upon or over which said railroad shall not be actually constructed at the time of such purchase or condemnation.

The SPEAKER. The question is on agreeing to the substitute.

The question was taken and the substitute was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. BOOHER, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I understand that the conferees on the deficiency bill have not yet reached an agreement. The papers are in the Senate, and I understand that the Senate has taken a recess until 6 o'clock. I therefore move that the House take a recess until half past 7 o'clock to-night.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until half past 7.

Mr. STERLING. Mr. Speaker, before the Chair puts the motion I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. SIMS. Mr. Speaker, under the interstate-commerce law passed in 1906 and amended by the act of June, 1910, no question can be made in any court against an order of the Interstate Commerce Commission except by a rail carrier that has been ordered by the commission to either do some particular thing it was not doing or cease and desist from doing something it was then doing. In order to test the validity of such an order the railroad company has to bring an original suit to stay, annul, suspend, vacate, or enjoin the order, and no suit for such a purpose can be brought except upon the charge that the

commission, in making the order, has exceeded the powers delegated to it by Congress or that the order is in effect confiscatory of the railroad's property and violative of the fifth amendment to the Constitution. If the court finds the commission has exceeded its powers or that its order is confiscatory, it will hold the order void and perpetually enjoin same.

These orders are affirmative orders, and in the very nature of things can not apply to the shipper, as the commission never orders a shipper either to do or not to do anything.

After the Commerce Court was established that court held that it had the power to review what is called a negative order of the commission; that is, where the commission, after full hearing, refuses to make an order against a common carrier and dismisses the petition seeking to have an affirmative order made. The Commerce Court made this decision in what is known as the Procter & Gamble case. This case was carried to the Supreme Court and was recently decided by that court, Chief Justice White delivering the opinion of the court, which was unanimous, in which it was held the Commerce Court had no jurisdiction to review any negative order of the commission, that only affirmative orders of the commission are subject to court review.

There was a large number of tap-line railroad cases pending before the Commerce Court wherein the Interstate Commerce Commission had held that said roads were only plant facilities as to the shipments of certain proprietary lumber companies and not common carriers as to such mills and refused to allow a division of the freight charge made by the trunk-line roads carrying lumber from these sawmills served by the tap lines to the markets. When the Procter & Gamble case was decided by the Supreme Court the Commerce Court dismissed these tap-line cases, as all of them involved the same question of court review of the negative action of the commission.

The attorneys representing these industrial tap-line roads immediately sought to have bills introduced and passed by Congress giving jurisdiction to the Commerce Court to pass on the validity of these negative orders of the commission, and one of these bills was favorably reported by the Judiciary Committee.

Chief Justice White, in delivering the opinion of the Supreme Court in the Procter & Gamble case, in commenting on the effect of giving the Commerce Court jurisdiction to pass on negative orders of the commission, said:

> To give to the statute a meaning contrary to that which we have found results from its text, and therefore to recognize the existence in the court below of the power which it deemed it possessed would result in frustrating the legislative public policy which led to the adoption of the act to regulate commerce, would render impossible a resort to the remedies which the statute was enacted to afford, would multiply the evils which the act to regulate commerce was adopted to prevent, and thus bring about disaster by creating confusion and conflict where clearness and unity of action was contemplated.

Mr. Speaker, to give the Commerce Court or any court the power to pass on negative orders of the commission by act of Congress can not be less injurious, because done by legislation instead of by interpretation, as did the Commerce Court. The effect of such jurisdiction must be the same however obtained.

The SPEAKER. The gentleman from Alabama moves that the House take a recess until half past 7.

The motion was agreed to; accordingly the House stood in recess until 7.30 p. m.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

Mr. HAMLIN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD in order that I may put a résumé of the work of the Committee on Expenditures in the State Department in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. Now, Mr. Speaker, I ask unanimous consent to address the House not to exceed five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HAMLIN. Mr. Speaker, we are just about entering upon a national campaign. Those of us who have had some experience, especially in our section of the country, know some of the methods resorted to by our political opponents to win elections. I recollect two years ago in my district a certain post-office inspector, drawing a monthly salary and a per diem, visited my section of the country, and in certain towns in my district he called upon the postmaster and requested him to notify all of the rural carriers to meet him at his hotel on a certain night. Of course they obeyed that summons. He told them that they were not expected to take any part in the campaign, but he made a false statement to them that the Democratic Party was opposed to rural free delivery.

Of course, he must have known that statement was false, because the first bill ever introduced providing for rural free delivery was introduced by a Democrat, and the first route ever established was established under Democratic administration. But he said to them, "I want to make this suggestion to you. If the Democratic Party should come into power, you are liable to lose your position, because rural free delivery would be abolished. This is only made as a suggestion to you," said he, "and you can act upon it if you desire to do so."

Now, then, thus early in the campaign there comes to me this letter which simply shows the methods already put in vogue by the Republican Party in certain sections of the country, and I desire to read it. It is as follows:

> TREASURER'S OFFICE,
> ARKANSAS REPUBLICAN COMMITTEE,
> *Little Rock, July 25, 1912.*
>
> DEAR SIR: In the opinion of some the Republican Party is at the present juncture facing the gravest period of its existence since 1876. Deserted by some of its former foremost leaders, it finds others who, although still claiming the name and prestige of Republicanism, are giving aid and comfort to the enemies of the party.
>
> A vigorous campaign has been planned by the Republican executive committee, which will entail heavy expenditures for literature, speakers' traveling expenses, postage, fees for certifying candidates, and other legitimate expenses.
>
> After advising with others prominent in the party's councils, you are asked to come to the assistance of the party with a remittance for $30. Such a remittance from you, added to others, will go to create a fund that must be raised from some source. A small amount from many will create a larger body interested in the party welfare. A receipt will be mailed you for what you remit.
>
> Arkansas Republicans, casting more than 56,000 votes, enjoying the fruits of universal prosperity, should cheerfully contribute something in defense of their party and to help to maintain the present stable basis of business throughout the country and to advance their party in Arkansas.
>
> This call has been made on you late in the season. Kindly take this into consideration, and make your remittance immediately.
>
> Faithfully, yours,
>
> GORDON H. CAMPBELL, *Treasurer.*

On the envelope which inclosed this letter is this indorsement:

> NOTICE.—This letter not to be opened in a building occupied by the Government in the transaction of official business.
> Return in five days to Gordon H. Campbell, Little Rock, Ark.

Now, Mr. Speaker, I do not know, and I do not undertake to say, that the Republican national committee acquiesces in or indorses this kind of blackmail, and it is nothing else, upon the rural carriers of this country, but unless some open and public repudiation of the action of the Republican committee of the State of Arkansas is made, I think we are warranted in concluding that it meets the approval of the national organization.

I am a friend of the rural carriers in this country. Those boys have not yet received adequate compensation for the work which they perform, and I do not believe that they should be held up by any political party, I care not which one it is, and compelled to contribute to any political campaign fund. And I want the country to know it. [Applause on the Democratic side.]

Now, as I stated, I append herewith an epitome of the work done by the Committee on Expenditures in the State Department, as follows:

> Immediately after the appointment of the committee in the House in April, 1911, as chairman of this committee I called a meeting and organized and proceeded at once to try to carry out the duties enjoined upon the committee by law. It appears that this committee had done practically no work whatever for nearly 30 years, and yet there had been handled through the State Department millions of dollars of public money without any investigation on the part of Congress as to how and in what manner said money had been expended. Early in our work we discovered that instead of having the cooperation of the Department of State in making this investigation, we had their hearty and most active opposition. Practically all irregularities which may exist in that department (like all other departments) are known almost exclusively by parties in the department, and of course the subordinates in these departments do not feel at liberty to testify to any irregularities for fear of losing their positions. Consequently we had to dig out the information which we got in the best way we could, but I feel that our committee succeeded in developing a state of facts which has already been of great benefit to the people of this country, and has had the effect of bringing about certain reforms and will continue to bear fruit throughout years yet to come.
>
> On account of the fact that no investigation of this department had been made for a long series of year there had grown up in the department a very loose and dangerous practice, as the following facts will show:
>
> Each year we appropriate a certain sum of money, the same being $90,000 per year for the last several years, known as the emergency or secret fund. This is given to the President to be expended through the State Department in matters growing out of our relation to foreign countries, and the President is permitted, under the law, in making settlements with the Treasury Department, to simply report the expenditure of this money in a lump sum or secret certificate, namely, without giving an itemized statement of the purpose for which this money was used. The present President and State Department have construed that law to permit them to expend this money and not be compelled to account to any person or department of the Government as to

the purpose for which it was used. It will be seen at a glance that, if this construction is to prevail, it gives the executive department of the Government carte blanche in the expenditure of this money, and it ought not to be surprising that evils and irregularities have grown out of this very loose and dangerous procedure.

Early in our investigation we discovered that a few years ago the State Department ordered the painting of a portrait of ex-Secretary of State William R. Day, now Associate Justice of the Supreme Court, for which the artist was to receive, including the frame, $850. The evidence showed that this portrait was paid for out of the emergency or secret fund above referred to. But, in the judgment of the committee, that was not the worst part of it. Instead of drawing out only $850 to be used for the payment of the portrait, the disbursing officer of the State Department, on the verbal order of the chief clerk of said department, drew out $2,450, and the committee was unable to trace the expenditure of but $850, leaving $1,600 in the hands of the chief clerk of the department unsatisfactorily accounted for. On the strength of which our committee reported a resolution to the House recommending the dismissal, for the good of the service, of the disbursing officer and the (then) chief clerk (now consul general at Calcutta, India). This resolution was passed more than a year ago, but up to date the President seems to have taken no action

We also developed the fact that in the last six fiscal years there was expended through the State Department and covered by secret certificates in settlement with the Treasury the enormous sum of $732,981.52, or an average of $339.45 a day, while the record shows that Congress had only appropriated for emergency purposes $575,000 for that same period of time. When our committee had developed these facts the department was forced to concede, in order to make the figures tally, that they had expended large sums of money which Congress had appropriated for specific purposes (like bringing home criminals, Canadian commission, and the celebration of the discovery of Lake Champlain, etc.), and covered those expenditures by secret certificates—things which were clearly not contemplated by law. After developing this condition of affairs our committee recommended the passage of a bill providing for the appointment of a standing committee to be composed of three Members of the House, together with three Members of the Senate, to which committee the President should report on the first day of each session of Congress in detail how the money given to him for emergency or secret purposes had been expended. This bill is now on the calendar of the House and we feel it ought to be passed. The position of our committee is that inasmuch as this money is made available to be expended by the President and State Department it must be appropriated by Congress, then Congress ought to know specifically how it is being used, and if the executive department declines to give to Congress this information (and they have so declined), then, in our judgment, not one dollar of money should be appropriated.

Our committee also developed that there has grown up in the department the practice, in some instances at least, of carrying parties on the pay roll and assigned to certain duties, when as a matter of fact these parties do not perform those duties—at least not constantly—but are sometimes used in private capacities. This, of course, can not be too severely condemned. Recently we developed the fact that there was a negro put on the pay roll of the State Department, not through civil service but by Executive order, and assigned to the mail room of that department at a salary of $1,200 per year. The chief of that department testified before our committee that this negro had been on the pay roll and assigned to his division for about three years, but during that time had not served in that capacity more than one-third of the time. It also developed that at the time our committee investigated these facts this negro was off on a cruise with the Secretary of State, acting as the Secretary's valet, but, of course, still on the pay roll of the Government at $1,200 per year.

Our committee developed many other things, which the majority of the committee at least believes should be condemned, but which space forbids me to enumerate here.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I understand the conferees have not yet reached an agreement on the general deficiency bill, and I move that the House take a recess until 9 o'clock p. m.

Mr. JOHNSON of Kentucky. I wish the gentleman would withhold that request for just a moment.

Mr. UNDERWOOD. What is the gentleman's bill?

Mr. JOHNSON of Kentucky. It is on the Speaker's table, but has not yet gone to the committee. It is to eliminate a part of North Dakota Avenue from the permanent system of highways plan.

Mr. UNDERWOOD. I will say to the gentlemen that I do not like to interfere with their bills, but these bills are in violation of the rule, and I do not think it is fair for us to embarrass the Speaker. But I will yield for these unanimous-consent requests, with the understanding that I will move a recess when we are through.

ELIMINATION OF PART OF NORTH DAKOTA AVENUE.

Mr. JOHNSON of Kentucky. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 7165) entitled "An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan."

The SPEAKER. The gentleman from Kentucky asks unanimous consent to take from the Speaker's table for present consideration the bill S. 7165, which the Clerk will report.

The Clerk read as follows:

An act (S. 7165) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to eliminate North Dakota Avenue NW., between Third Street on the east and Georgia Avenue on the west, from the permanent system of highways plan for the District of Columbia, adopted in accordance with the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside the cities," and an amendment to said act approved June 28, 1898.

The SPEAKER. Is there objection?

Mr. BUCHANAN. Mr. Speaker, reserving the right to object, I would like to know something about what this bill means and where it applies.

Mr. JOHNSON of Kentucky. On the system of highways for the District of Columbia, North Dakota Avenue is laid out to extend entirely through the District to the Maryland line. That has already been interrupted by the erection of the Walter Reed Army Hospital, so that it is impossible for North Dakota Avenue ever to be extended to the District line without destroying that property. It is now desired to stop North Dakota Avenue two or three squares this side of that. The avenue has never been opened and no work has ever been done upon it, and can not be if this bill passes. There are ample streets there for the accommodation of the public.

Mr. BUCHANAN. It comes in west of Georgia Avenue?

Mr. JOHNSON of Kentucky. Yes. In the northwestern section of the District of Columbia.

Mr. BUCHANAN. I will not object, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question is on the third reading of the Senate bill.

The bill was read the third time and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

CORBETT TUNNEL.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 134 and ask for its present consideration and passage.

The SPEAKER. The Clerk will report it.

The Clerk read the title of the resolution, as follows:

Joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

Mr. MANN. Reserving the right to object, Mr. Speaker, what is the proposition now?

Mr. RAKER. Just the same as I told the gentleman before.

Mr. MANN. Is that agreeable now?

Mr. RAKER. I think so.

Mr. MANN. The gentleman proposes to offer an amendment?

Mr. RAKER. Yes, sir; I propose to offer an amendment.

The SPEAKER. Is there objection?

Mr. BUCHANAN. Has the resolution been read? I would like to hear it read.

The SPEAKER. The Clerk will report the resolution.

Mr. UNDERWOOD. Mr. Speaker, this resolution has been read two or three times to-day already. I ask unanimous consent to dispense with the further reading of it.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] asks unanimous consent to dispense with the reading of the resolution on the ground that it has already been read several times.

Mr. SMITH of Texas. Mr. Speaker, I would like to have the resolution read.

The SPEAKER. The Clerk will report it.

The Clerk read as follows:

Resolved, etc., That there be, and is hereby, appropriated out of the Treasury of the United States the sum of $42,000, or so much thereof as may be necessary, for the payment of and to be paid to those persons who have and hold and who have presented, or may present, claims, remaining unpaid, on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor in the construction of the Corbett Tunnel, as a part of the Shoshone irrigation project, in the State of Wyoming, under any contract or contracts let for that purpose by the Government of the United States; and the Secretary of the Interior is hereby authorized and directed to forthwith, and as soon as may be, investigate, hear evidence about, determine, and declare the several amounts due and remaining unpaid on account thereof, and to whom so due, and to certify the amounts due to the Secretary of the Treasury, who is hereby authorized to pay the several amounts so ascertained to the persons entitled to the same.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. Mr. Speaker, I send up an amendment to strike out, on lines 3 and 4 of page 1, the words "the Treasury of the United States" and insert in lieu thereof the words "any moneys in the reclamation fund in the Treasury."

The SPEAKER. The Clerk will report the amendment offered by the gentleman from California [Mr. RAKER].

The Clerk read as follows:

Amend, page 1, lines 3 and 4, by striking out the words "the Treasury of the United States" and inserting in lieu thereof the words "any moneys in the reclamation fund in the Treasury."

Mr. LAFFERTY. Mr. Speaker, I would like to be heard in opposition to that amendment.

The SPEAKER. The Clerk will report the amendment again. The Chair could not understand it; neither could anybody else.

Mr. RAKER. It is to strike out, in lines 3 and 4, the words "the Treasury of the United States" and insert in lieu thereof "any moneys in the reclamation fund in the Treasury."

The amendment was again read.

The SPEAKER. The gentleman from Oregon is recognized for five minutes.

Mr. LAFFERTY. Mr. Speaker, the circumstances surrounding this claim may be briefly told. A contract was let for the building of the Corbett Tunnel, in connection with the Shoshone irrigation project. A number of people residing in Butte, Mont., advanced money, materials, and labor in the construction of this work. They have not been paid. That is to say, there has been default in the payments of these claims to the extent of $42,000. A Mrs. McDonald, who was in the grocery business with her husband, advanced provisions and groceries to the extent of $12,000. Mrs. McDonald has been here in Washington for the past two months in behalf of securing legislation that would result in the payment of these claims.

The bill passed through the Senate some time ago directing that the Secretary of the Interior ascertain the amounts due the parties and pay the amounts out of the Treasury of the United States. When that bill came to the House it was considered in the Committee on Irrigation of Arid Lands, and it was determined by that committee that this $42,000 ought to be charged to this particular reclamation project, because the $42,000 advanced for labor, materials, and subsistence went into the construction of this project. The project has been benefited to the extent of $42,000, and therefore the House Committee on Irrigation of Arid Lands amended the Senate bill, providing that it should be charged against that particular project.

Now, then, when the bill came over here, it passed the House, went back to the Senate, and the Senate agreed to the House amendments. Thereupon the President vetoed the bill, on the ground that it would raise the price of these lands irrigated by the project to the extent of 33 cents to 90 cents an acre. The bill was sent back to the Senate, that being the body wherein it originated, and the Senate, by a vote of 42 as against 17, overrode the President's veto. Then the bill came to the House. The House, by a vote of 138 to seventy-odd, refused to override the President's veto, there being 6 votes lacking of the necessary two-thirds. The present resolution, directing that the money be paid out of the Treasury of the United States, the same as the original Senate bill provided, was thereupon introduced and has passed the Senate.

The bill now comes up again before the House. I understand the gentleman from Illinois [Mr. MANN] says he would have raised an objection to the consideration of the resolution except for the fact that he understood there would be no objection to this amendment, taxing this sum against the reclamation fund.

The SPEAKER. The time of the gentleman from Oregon has expired.

Mr. LAFFERTY. Mr. Speaker, I ask for two minutes more.

The SPEAKER. The gentleman from Oregon asks unanimous consent for two minutes more. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Speaker, a number of Members of this House refused to vote to override the presidential veto upon the ground that the $42,000 to be paid to these people would be taxed against the Shoshone irrigation project and would raise the price of those lands 33 cents an acre, or a little more. The proposition embodied in the amendment desired by the gentleman from Illinois, which has just been offered by the gentleman from California, would place the burden of the $42,000 against all of the irrigation projects of the West. When the veto of the President was before the House a number of Members said they would be glad to vote for a proposition to pay this $42,000 out of the General Treasury of the United States, but they did not want to tax it against the reclamation lands that settlers have to go upon; that it was a mistake on the part of the General Government not to take a sufficient bond from the contractor, and as the bond taken was only $75,000 and the bill that we attempted to pass over the President's veto simply authorized these claimants to sue upon that bond, they would take it out of the Treasury, out of the general fund; but the Reclamation Service said as these claimants would recover upon the bond it would prevent the Government from recovering to that extent and would accordingly raise the price of these lands. There are three possible propositions in paying this money——

Mr. SMITH of Texas. Will the gentleman yield?

Mr. LAFFERTY. Yes; I will yield to the gentleman.

Mr. SMITH of Texas. I do not think this would be a charge upon any project under this resolution.

Mr. LAFFERTY. It would be a charge on all projects.

Mr. SMITH of Texas. It would not be charged to any fund.

Mr. LAFFERTY. It would reduce the reclamation fund to the extent of $42,000. There are three possible ways in which this money could be paid. It could be charged up to the reclamation project that received the benefit of this labor and material. It could be paid and charged up to all of the reclamation work, as is now proposed by this amendment, or it could be charged up to the General Treasury. I favor passing the resolution. That is embodied in the resolution as it stands and as it has been passed by the Senate. For these reasons I favor passing the resolution without the amendment.

Mr. MANN. Mr. Speaker, just a word. I voted to pass the bill over the President's veto. This bill proposes another way of reaching the matter. The bill that was vetoed proposed to charge the amount against the Shoshone irrigation project, which would put it as a burden upon the land irrigated. This is the proposition that now comes up before the House. There are a great many irrigation projects, and there may be shortage in the way of the payment of materials and labor in a number of them at different times. If that shortage is to be paid out of the General Treasury, there is no one who would have any special reason for scanning the items or objecting to the amount of the payment of improper claims; but if it shall be paid out of the reclamation fund, as a general fund, all of the gentlemen in this House and in the Senate who are interested in irrigation States will scan those items with severe criticism; and then, I think, there would be no danger in that way of claims being paid about which there is any doubt; but if we once embark upon the proposition of paying the reclamation-project expenses out of the General Treasury we are lost.

Mr. MONDELL. Mr. Speaker, I understand that the resolution, as it is amended or proposed to be amended, proposes the payment of these claims out of the general reclamation fund, not to be charged to any particular project. That being the case, I have no objection whatever, and think the resolution ought to pass. I want to have that entirely clear, however, so that there will be no misunderstanding on that point, and I understand there is none.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Speaker, I move to amend, on line 9, page 1, by adding the words "and used" after the word "subcontractor."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Amend, page 1, line 9, by inserting after the word "subcontractor" the words "and used."

The SPEAKER. The question is on the amendment.

The amendment was agreed to.

Mr. RAKER. Mr. Speaker, I also offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amend, page 2, line 4, by inserting after the word "unpaid" the words "if any."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. RAKER, a motion to reconsider the vote by which the joint resolution was passed was laid on the table.

ARMY APPROPRIATION BILL.

Mr. HAY. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The joint resolution (H. J. Res. 362) was read, as follows:

Resolved, etc., That in the act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes, there be substituted for the word "hereafter," where it first occurs in the first proviso under the heading "Pay of officers of the line," the words "on and after December 15, 1912."

The SPEAKER. Is there objection?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

Mr. HAY. Mr. Speaker, I ask the Clerk to entitle the bill, "A joint resolution amending the Army appropriation bill."

The SPEAKER. The joint resolution will be entitled in conformity with the text if there be no objection.

There was no objection.

PROOF OF SIGNATURES AND HANDWRITING.

Mr. CLAYTON. Mr. Speaker, in behalf of the better administration of public justice, I ask unanimous consent for the present consideration of the bill (H. R. 20102) relating to proof of signatures and handwriting, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That in any proceeding before a court or officer of the United States where the genuineness of the handwriting of any person may be involved, any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

Mr. CLAYTON. Mr. Speaker, I may say that this bill is urged by the Department of Justice, and it is found to be essential for the better administration of public justice in the courts, particularly in matters where the fraudulent use of the mail is involved. The report in the case, which I shall not detain the House to read, shows the necessity for this legislation. A number of Federal judges in different parts of the country have urged the passage of this legislation, and it has the unanimous approval of the Committee on the Judiciary.

The SPEAKER. Is there objection?

Mr. CULLOP. Mr. Speaker, reserving the right to object, I want to ask the gentleman from Alabama a question, if he will yield.

Mr. CLAYTON. Certainly.

Mr. CULLOP. Wherein does this change the rule from what it is now?

Mr. CLAYTON. The rule of evidence which controls in criminal cases in Federal courts is the obsolete common-law rule that any admittedly genuine specimens of handwriting are inadmissible for the purpose of comparison, unless such specimens are already in evidence or are competent for other purposes. This is true, because the decisions have held that the rule of evidence obtaining in the Federal courts in any State is that which was in effect at the time of the admission of the State into the Union, unless Congress has provided otherwise. I will say to the gentleman that the law is expounded in the case of Logan *v.* United States (144 U. S., 263, 298, 303) and in Withaup *v.* United States (127 Fed. Rep., 532).

Mr. CULLOP. I understand now what it is; but I could not understand from the reading of the bill what the change is.

Mr. CLAYTON. It changes the rule by admitting into evidence for purposes of comparison by the court and jury and those prosecuting the inquiry admittedly genuine handwriting of the person accused, whereas under the rule obtaining in the Federal courts admittedly genuine handwriting can not be admitted for the purpose of comparison; and I may say, Mr. Speaker, that nearly all of the States in the Union, if not all of them, have conformed to the rule proposed in this bill, and to the reform advocated in this bill. It is reformatory legislation, and brings the rules of evidence in the Federal court up abreast of the rules of evidence which obtain in the State courts.

Mr. HAMLIN. And nothing except admittedly genuine handwriting can be used.

Mr. CLAYTON. Nothing except admittedly genuine handwriting.

Mr. BATHRICK. Do I understand this bill is intended to assist courts in determining evidence in cases of fraud committed through the mails?

Mr. CLAYTON. That is one the purposes of it, and in any criminal case where it is essential to compare the handwriting of the accused person, and to prove it by introducing in evidence the genuine handwriting of the accused, it would be admitted in that case whether it was a fraud-order case or otherwise.

The SPEAKER. Is there objection?

Mr LAFFERTY. Reserving the right to object, I would like to ask if this admitted handwriting is to be introduced in evidence for all purposes or merely for the purpose of comparison by these expert witnesses?

Mr. CLAYTON. This in the bill:

Shall be competent evidence as a basis for comparison by witnesses, or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

That language is in the bill.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the vote by which the bill was passed was laid on the table.

COMMITTEES, COMMITTEE ON THE POST OFFICE AND POST ROADS.

The SPEAKER. The Chair lays before the House the committees appointed by Mr. MOON of Tennessee, chairman of the Committee on the Post Office and Post Roads.

The committees appointed by Mr. MOON of Tennessee, chairman of the Committee on the Post Office and Post Roads of the House of Representatives, under the act of August 24, 1912, making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes, were: Committee on Pneumatic Tubes—Mr. BLACKMON of Alabama and Mr. MURDOCK of Kansas. Committee on Second-Class Mail Matter and Compensation for Railway Mail Service—Mr. LLOYD of Missouri, Mr. TUTTLE, of New Jersey, and Mr. WEEKS of Massachusetts. Committee on the Post Roads—Mr. SHACKLEFORD of Missouri, Mr. LEE of Georgia, Mr. MCGILLICUDDY of Maine, Mr. MADDEN of Illinois, and Mr. AUSTIN of Tennessee.

COMMISSION ON PARCEL POST.

The SPEAKER. The Chair lays before the House the names of members of the Commission on the Parcel Post appointed by the Chair.

The Clerk read as follows:

Mr. FINLEY of South Carolina, Mr. LEWIS of Maryland, and Mr. GARDNER of New Jersey.

[Applause.]

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 9 o'clock.

Mr. MANN. The Senate took a recess until 8.30.

Mr. UNDERWOOD. Mr. Speaker, I desire to amend my motion by making it a quarter past 9.

The SPEAKER. The gentleman from Alabama modifies his motion—that the House take a recess until a quarter past 9.

The motion was agreed to; and accordingly the House stood in recess until 9.15.

AFTER RECESS.

The recess having expired, the House was called to order by the Speaker.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, having met after full and free conference, have been unable to agree.

The message also announced that the Senate had passed the following resolution:

House joint resolution 362.

Resolved, etc., That in the "act making appropriation for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes," there be substituted for the word "hereafter," where it first occurs in the first proviso under the heading "Pay of officers of the line," the words "on and after December 15, 1912."

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 2534) to extend the time for the completion of the Alaska Northern Railway, and for other purposes.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present the conference report on the general deficiency bill.

The SPEAKER. The Clerk will read the conference report.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, having met, after full and free conference have been unable to agree.

JOHN J. FITZGERALD,
T. U. SISSON,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
JONATHAN BOURNE, Jr.,
C. A. CULBERSON,
Managers on the part of the Senate.

Mr. FITZGERALD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendments and agree to the conference asked.

The SPEAKER. The gentleman from New York moves that the House further insist upon its disagreement to the Senate amendments and agree to the conference asked.

Mr. FITZGERALD. Mr. Speaker, the general deficiency bill as it passed the House carried $6,185,238.24. The Senate added, by amendments, $5,515,607.51. Since 10 o'clock this morning the managers upon the part of the two Houses have been in conference. There is no difficulty in adjusting the differences, with the exception of about a dozen different amendments. Tentatively, the House has receded upon amendments aggregating $1,063,236.45, and the Senate has receded on items carrying $418,237.46, and there are still in dispute items aggregating $4,034,133.60. Every one of these items, in the opinion of the managers upon the part of the House, must be given up by the Senate before this bill can be agreed to. This bill carries appropriations to supply deficiencies in appropriations for the expenses of various services of the Government. It is not to be made a general hodgepodge to carry all questionable and hoary-headed claims against the Government since its very existence. [Applause.] Of the items still in dispute, one is to pay $60,000 to those who, in 1904, contributed money to permit the ransom of Miss Ellen M. Stone, and another item in connection with a public building at Charlotte, N. C. Under existing law an appropriation of $250,000 is available to add an extension to the building. It is now desired, without any investigation, without any recommendation of the character that can be acted upon, to give authority for the demolition of the present building and to erect a new one in its stead. Then, there is the claim of four States, the State of Virginia, claiming $120,000, going back to the year 1790; the claim of the State of Maryland for $72,000, originating at the same time; a claim for money which it is contended was advanced by those States to enable the Federal Government to erect the Capitol in Washington. Various opinions are had as to the legality of those claims, but without passing upon them—never having had an opportunity to make that full investigation which should be made of them before the House could agree—the managers upon the part of the House declined to permit this bill—carrying essential appropriations for the payment of moneys which are needed to meet obligations incurred in the ordinary conduct of the Government—to be a vehicle to make possible the payment of these moneys.

The State of Texas has a claim originating prior to 1859. Some three or four years ago Congress appropriated $375,000, supposedly in full discharge of the claim which originated at that time. It is a claim urged to reimburse the State of Texas for placing in the field Texas troops to repel the invasion from Mexico and to suppress certain Indian insurrections. The contention is that after the claim was paid many vouchers which had been lost sight of, bundled together in old storerooms of the State capitol, were discovered after a fire, and upon these vouchers it is now claimed there is due an additional $217,000.

The State of Oregon, not to be behind, has a claim somewhat different, but for reimbursement for the equipment of troops aggregating $193,543.02.

An item of $55,000 to protect Valdez, Alaska, against the glacial floods has been placed upon this bill. It was on the river and harbor bill, and it held up agreement on that bill for some eight weeks. The Senate finally receded from its amendment on the river and harbor bill and is insisting at this late hour that the managers on the part of the House on the deficiency bill shall yield and permit that appropriation to be made.

A very long amendment was inserted in the bill on the floor of the Senate last night, creating a bureau of public works. The House in the sundry civil bill passed a provision to repeal the Tarsney Act. It was the initiation of a movement designed to correct glaring abuses in connection with our public buildings and to pave the way for whatever constructive legislation may be necessary. One particular gentleman, very much interested in the matter, prepared an amendment, and, without consideration by any committee, either of the Senate or the House, it has been incorporated in the bill and is still in disagreement.

There is in the bill an item to pay the employees of the two Houses an extra month's compensation. It is a matter upon which the Democratic caucus passed at the very beginning of this Congress, and one on which the managers on the part of the House can not possibly yield.

The Ute judgment for $3,305,257.19 is carried in the bill. The matter was debated at some length in the House, and by arrangement $100,000 was carried in the Indian appropriation bill in order to enable the annuities that were otherwise due, to be paid, so that between now and the next session of Congress a more thorough investigation might be made to determine what should be done in reference to that judgment. The Attorney General has sent to a number of the Members of the House a very comprehensive paper in reply to the debate which took place in the House. Those who are required to make the investigation have not had time to digest the opinion of the Attorney General or the reasons he urges for the payment of the judgment and which he gives for the failure of the Department of Justice to take an appeal.

One other matter relates to Camp Schofield, in the Hawaiian Islands—the so-called water matter. It may be in the adjustment of the differences between the two Houses that if the Senate persists in its disagreement to this item, even though it be legislation of a most beneficial character, the House may be compelled to recede. But with that exception, Mr. Speaker, the managers on the part of the House have notified the Senate conferees that they are prepared to go back to the conference and permit the Senate conferees to recede on all of the other amendments; and if they are unwilling to do so, so far as the House conferees are concerned, this general deficiency bill can fail. [Applause.] We will be ready to report to the House either that the Senate has receded or that it declines to permit this bill to become a law, and that in either case there is no further necessity for Congress to remain in session. If this House is to permit, in the closing hours of the session, another body to hold it up and to coerce it into granting appropriations for all sorts of things that do not belong upon these bills in order to get the necessary money to pay the current obligations, or judgments, or certified claims of the Government, then the House might just as well abandon its contention that it has some control over the purse of the people. [Applause.]

So far as I am concerned, as this is the first session in which a Democratic House in 16 years has had charge of these appropriations, and since the managers on the part of the House have given up upon every item upon which a legitimate argument could be made or a showing could be made which would justify the yielding upon the part of the House, I am prepared, and my associates on the conference committee are prepared, to let the responsibility for the failure of this deficiency bill rest with the Senate. If it does not wish to recede from these items, then let the country know the facts, and next session arrangements can be made for the deficiencies necessary to take care of those obligations incurred during the past year or two which properly belong in this deficiency bill. [Applause.]

I ask for a vote.

Mr. CANNON. Will the gentleman yield?

Mr. FITZGERALD. How much time does the gentleman want?

Mr. CANNON. I do not wish very much time. Possibly about five minutes.

The SPEAKER. The gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

Mr. CANNON. Mr. Speaker, I agree substantially with what the gentleman from New York [Mr. FITZGERALD] has stated. There ought to be no trouble, following the well-known rules that have existed, when insisted upon by either the House or the Senate, in settling differences upon general supply bills. This is a bill to provide for deficiencies in the past fiscal year. When matters of legislation, placed upon general supply bills, are in dispute between the House and the Senate, the body which initiates those matters of legislation must, under the general practice, recede.

There are two or three matters of minor importance here that, as one conferee, I would be willing to vote to recede upon. But substantially I agree with the gentleman from New York. [Applause.]

Claims under the rules of the House and Senate—so far as they have rules—are to be treated as claims, and are not to be fastened upon general appropriation bills. In theory and substantially in practice, except by unanimous consent, legislation does not go upon general-supply bills. Under that theory and practice, if the House insisted, it would cause the Senate to recede from the Stone claim.

As to the Charlotte public-building item, if it were a matter of legislation pending by itself I would vote for it. The Virginia and Maryland claims, if objected to by the House, would, of course, be receded from by the Senate, otherwise the action of the Senate would not be justified under the practice between the two bodies. The same would be true with respect to the Texas and Oregon claims. The Valdez item is not authorized by law.

There is an item of $250 for increase of pay to the Second Assistant Commissioner of Indian Affairs. It has no place upon this bill. It is prospective and not retrospective, and is not justified by law.

Amendment No. 62, as the gentleman from New York has said, is a proposition legislatively to create a board of public

works. It goes without saying that on that item, the House objecting, the Senate should recede.

As to the extra month's pay for employees of the House and Senate, if it stood by itself, considering the long session that we have had, if my vote could carry it and if the Democratic caucus had not spoken—which, however, does not bind me—in equity and propriety I would approve it, although it should be said that it is not authorized by law but has frequently been authorized in practice by both parties when in power from time to time on this side and on the other side.

As to the Ute judgment, I apprehend that there would be no difficulty in agreeing to it. It ought to be done. It is a judgment of the Court of Claims. Still, there are conditions surrounding it upon which opposition is based. But having already appropriated $100,000 for the Indian appropriation bill, that would justify us in postponing it for future consideration; although upon further inquiry during the conference it appeared that in justice to these Indians, in order to meet claims arising from their necessities, I would be willing to appropriate something further.

As to the Camp Schofield or Hawaiian water question, that is legislation proposed by the House. I believe it is wise legislation, but if the Senate does not agree to it, under the rules obtaining the House ought to recede.

That is all I desire to say touching this conference report. I do not believe this bill ought to fail. It cares for the public service provided for by law; it pays judgments of the Court of Claims; it pays audited accounts; it pays that which we are bound under the law to pay. As we passed it in the House it carried something like $6,000,000, if I recollect aright, and we are ready to concede the larger part of the Senate amendments.

Mr. TOWNSEND. Not the larger part?

Mr. CANNON. Yes; the larger part in amounts.

Mr. CARLIN. That would be the Ute Indian claim?

Mr. CANNON. Well, I would exclude the Ute Indian claim.

I am hopeful that when the conferees of the House and Senate again meet both sets of conferees, representing the House and the Senate, will agree to settle the differences which the gentleman from New York has referred to substantially under the terms that from time almost immemorial have obtained in settling differences between the House and Senate upon general supply bills. [Applause.]

Mr. SISSON. Mr. Speaker, I shall not detain the House except for the purpose of stating to the House that I indorse all that the gentleman from New York [Mr. FITZGERALD] has said in reference to this bill. I want to state, also, that in the main I agree with what the gentleman from Illinois [Mr. CANNON] says. The three conferees on the part of the House have labored earnestly from 10 o'clock this morning up to about 7 this evening in endeavoring to reach an agreement.

As has been stated by the gentleman from New York [Mr. FITZGERALD] and the gentleman from Illinois [Mr. CANNON], the House conferees have yielded upon every item that was possible for us to feel that it was our duty to yield upon, and every single item that was properly in a deficiency bill we have yielded on without a single exception; but matters that do not belong in a deficiency bill we did not feel called upon to yield upon, and we have presented our action to the House for its approval. [Applause.]

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. FITZGERALD] that the House further insist on its disagreement to the Senate amendments and agree to the conference asked by the Senate.

The question being taken, the motion was agreed to, and the Speaker appointed as conferees on the part of the House Mr. FITZGERALD, Mr. SISSON, and Mr. CANNON.

THE SPEAKER.

Mr. BYRNS of Tennessee took the chair as Speaker pro tempore.

Mr. AUSTIN. Mr. Speaker, I wish to address the House for two minutes.

The SPEAKER pro tempore. The gentleman from Tennessee asks unanimous consent to address the House for two minutes. Is there objection?

There was no objection.

Mr. AUSTIN. Mr. Speaker, we are about to adjourn after a long session—nine months in duration. This session has been a busy and important one; and, outside of the unsuccessful attempt at tariff tinkering, it has accomplished much for the good of our common country. The important and useful legislation enacted has been passed with the votes of Republicans and Democrats alike.

In all our labors, stretching over nine long months, the Speaker of this House has made a splendid record as our presiding officer. [Applause.] He has been patient, just, and impartial. From his rulings and in all his official acts no one could tell his politics. [Applause.]

In behalf of myself and every Member on this side of the House I wish to express our high opinion of him as a man and as our presiding officer, and to wish him an enjoyable and well-earned vacation, and a return to us next winter in good health [applause]; and that by and by, when this country decides that a Democratic President should be chosen to preside over its destinies, that honor will be conferred upon him. [Great applause.]

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 10.30 o'clock p. m.

The motion was agreed to; accordingly (at 9 o'clock and 45 minutes p. m.) the House took a recess until 10 o'clock and 30 minutes p. m.

At the expiration of the recess the House resumed its session.

PERMISSION TO EXTEND REMARKS.

Mr. J. M. C. SMITH. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. The gentleman from Michigan asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. KINKEAD of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from Mississippi [Mr. CANDLER] be given 10 minutes, or as much thereof as he cares to consume, in informing the House why the Amazon was not called the Tombigbee and the Tombigbee the Amazon. [Laughter.]

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the gentleman from Mississippi [Mr. CANDLER] have 10 minutes or as much thereof as he desires in which to address the House. Is there objection?

There was no objection.

AMAZON AND TOMBIGBEE RIVERS.

Mr. CANDLER. Mr. Speaker, I desire first to express my thanks and appreciation to my genial friend from New Jersey [Mr. KINKEAD] for asking unanimous consent for me to address the House, and also to the House for the good will shown toward me in granting the request. I had no intention of making a speech at this time, and I must confess that my good friend took me by surprise in submitting his request; but, nevertheless, nothing gives me greater pleasure at any time than to have an opportunity to present the importance of the improvement of the Tombigbee River, a project which every Member of this House knows is near to my heart and the consummation of which I most earnestly desire.

This river has been improved by locks and dams from its mouth up to Demopolis, Ala., and what I am especially urging at this time is the extension of this improvement by the same system of locks and dams from Demopolis on up the river to Columbus, Miss. I am happy to say that in the rivers and harbors bill passed at this session of Congress I succeeded in securing authority to make a survey of the section of the river from Demopolis to Columbus, together with estimates of the improvement necessary to furnish all the year around navigation. I feel absolutely confident that when the report is made by the War Department it will be favorable, and that I shall be made supremely happy by having you all join with me in voting for an appropriation for the permanent improvement of this beautiful river. [Applause.]

Along the banks of the river are inexhaustible deposits of cement, and the virgin forests grow in grandeur and luxuriance, and the fertile soil produces in great quantities the white fleecy staple and the waving corn, the alfalfa, and all varieties of crops.

The commerce, present and prospective, is abundantly sufficient to furnish plenty of freight to be transported by the steamboats, which will promptly enter the trade as soon as assurance can be given that they can safely navigate this river during all the year.

I want you all to join me in accomplishing this great improvement for another reason, and that is, I am assured by my big-hearted and generous constituents that when this river is improved and opened to navigation they propose to construct a great vessel to immediately engage in this trade, and they intend to name it "Tombigbee Zeke Candler." [Applause.] When it makes its first trip I am to be permitted to invite all my friends to join me, and it will afford me great pleasure then to extend an invitation to each and all of you on both sides of this Chamber—because I am happy in the thought that all of you, regardless of political affiliations, are my personal friends—to join me and my constituents on this great and memorable

trip, and I am sure that we all will get out of it supreme happiness and pleasure as we shall plow the silvery waves of the Tombigbee from the Queen City of Columbus to the Mexican Gulf. [Great applause.] So, get ready to help me to secure the appropriation for this improvement, and then be ready to join me on this most pleasant voyage.

So much for the Tombigbee at this time, but you will hear from me further about it later, when I secure that favorable report from the War Department.

Permit me now to address myself for a few moments in another direction. I was very much delighted and entertained this afternoon as our distinguished Speaker stood upon this floor and I heard him tell about the achievements of the Democratic Party during this session of Congress. The truth of it is we have made a great record and one that is in the interest of the people, for the advancement of prosperity, the glory of the flag, and for the development of the Republic. It affords me the greatest pleasure to say that this has been accomplished under the superb and splendid leadership of our great Speaker [Mr. CLARK] and magnificent floor leader [Mr. UNDERWOOD]. [Applause.] To their wise counsel and almost unerring leadership all of us on this side of the House owe much. I believe the record will sustain me in saying that I was the first, or among the first, in a speech on the floor of this House to suggest the election of Mr. CLARK for Speaker. I then said in substance that he would make a great Speaker and would measure up to the standard established during the administrations of his predecessors. I believe that every Member of this House, regardless of politics, will testify now that all I said has been fully and completely verified. [Applause.]

Under the present leadership in the House we are gratified to see a united party and one that has stood together during all this long session of Congress and defined the issues and presented them to the country upon which victory seems certain. When we look back upon the achievements of the grand old party in the past, its successes of the present, and its possibilities for the future, we rejoice and press onward.

We are indeed made happy when we look out all over the country and further see the unanimity that exists in the party, as we see the people rallying beneath its flag, with Woodrow Wilson at the head of the column, all pressing on shoulder to shoulder, with hearts beating in unity, to the great victory that awaits us in November. May it come with all its blessings, and in the great victory may we not only be successful in putting Mr. Wilson in the White House and Mr. Marshall as Vice President to preside over the Senate, but I sincerely hope and trust we shall have a great majority in this House and secure control of the Senate.

If we do succeed in this, and I honestly and sincerely believe we will, we will give to the country a plain old-fashioned Democratic administration of affairs, which will perpetuate in office the Democratic Party for the good of all the people and the glory of this great Republic. [Applause.]

In conclusion, permit me again to thank my good friend from New Jersey and the House for giving me this opportunity in the closing hours of this session to speak a word in favor of the improvement of the Tombigbee and in the interest of the Democratic Party. [Loud applause.]

DEFICIENCY APPROPRIATION BILL.

Mr. MANN. I will ask the gentleman from Alabama [Mr. UNDERWOOD] if he has heard anything more from the conference?

Mr. UNDERWOOD. I have telephoned to the Senate, and I understand the managers on the part of the House and Senate are still in conference, but they will probably reach a conclusion in a very few minutes, and I hope the House will wait, because if they can not agree on the bill to-night it seems it would be impossible for them to agree on it at all. I understand the President is at the Senate awaiting the action of the House, and it is my purpose to offer a resolution for final adjournment if the conferees can not agree.

Mr. MANN. I am quite willing to stay, so far as I am concerned. I do not think it is right that those who are required to stay should be inflicted in addition by the getting off of very old and stale political speeches.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States, by Mr. Latta, one of his secretaries, announced that the President had approved and signed sundry bills.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the Clerk report the titles of the bills which have been approved.

The SPEAKER. The House will be in order, and the Clerk will report the bills that the President has signed.

The Clerk read as follows:

The President has signed the following:

On August 23, 1912:

H. R. 11877. An act to amend section 8 of the food and drugs act approved June 30, 1906.

On August 24, 1912:

H. R. 26114. An act to authorize the government of Porto Rico to construct a bridge across the Cano de Martin Pena, an estuary of the harbor of San Juan;

H. J. Res. 362. Joint resolution amending the Army appropriation bill;

H. R. 23604. An act for the relief of Frank D. Courtade;

H. R. 24458. An act authorizing the Secretary of War, in his discretion, to deliver to certain cities and towns condemned bronze or brass cannon, with their carriages and outfit of cannon balls, etc.;

H. R. 25531. An act making appropriations for the support of the Army for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 24224. An act to amend sections 5, 11, and 25 of an act entitled "An act to amend and consolidate the acts respecting copyrights," approved March 4, 1900;

H. R. 25069. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1913, and for other purposes;

H. R. 25282. An act to authorize the Union Pacific Railroad Co. to construct a bridge across the Missouri River;

H. R. 26099. An act authorizing the towns of Ball Bluff, Libby, and Cornish, in the county of Aitkin, Minn., to construct a bridge across the Mississippi River in Aitkin County, Minn.;

H. R. 26235. An act to authorize the city of Chicago to construct a bridge across the Little Calumet River, at Indiana Avenue, in said city;

H. R. 26236. An act conferring upon the Lawton Railway & Lighting Co. the privileges, rights, and conditions heretofore granted the Lawton & Fort Sill Electric Co. to construct a railroad across certain lands in Comanche County, Okla.;

H. R. 20362. An act granting a pension to Catherine Wise;

H. R. 20498. An act for the relief of certain homesteaders in Nebraska;

H. R. 23112. An act to extend the limits of the port of entry of New Orleans, La.;

H. R. 24016. An act granting pensions and increase of pensions to certain soldiers and sailors of the Civil War and certain widows and dependent children of soldiers and sailors of said war;

H. R. 16571. An act to give effect to the convention between the Governments of the United States, Great Britain, Japan, and Russia for the preservation and protection of the fur seals and sea otter which frequent the waters of the North Pacific Ocean, concluded at Washington July 7, 1911;

H. J. Res. 349. Joint resolution authorizing the Secretary of War to loan certain tents for the use of the Confederate Veterans' Reunion, to be held at Ada, Okla., in September, 1912;

H. J. Res. 360. Joint resolution authorizing the Secretary of the Senate and the Clerk of the House of Representatives to pay the officers and employees of the Senate and House their respective salaries for the month of August, 1912;

H. R. 38. An act to create a legislative assembly in the Territory of Alaska, to confer legislative power thereon, and for other purposes;

H. R. 7434. An act for the relief of Patrick Howe;

H. R. 13016. An act for the relief of the West Kentucky Coal Co.;

H. R. 16611. An act setting apart a certain tract of land for a public highway, and for other purposes;

H. R. 19276. An act authorizing the Secretary of War to convey by deed to D. B. Loveman and D. B. Loveman, president of Bragg Hill Land Co., of Hamilton County, a certain strip or parcel of land in Hamilton County, Tenn.;

H. R. 21826. An act validating certain homestead entries;

H. R. 22340. An act to regulate foreign commerce by prohibiting the admission into the United States of certain adulterated grain and seeds unfit for seeding purposes;

H. R. 23043. An act to patent certain semiarid lands to Luther Burbank under certain conditions;

H. R. 24322. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24602. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors;

H. R. 24996. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25166. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 25713. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows and dependent relatives of such soldiers and sailors;

H. R. 26005. An act to provide for the establishment of one life-saving station on the larger of the two Libby Islands, situated at the entrance to Machias Bay, Me.; one life-saving station at Half Moon Bay, south of Point Montara and near Montara Reef, Cal.; one life-saving station at Mackinac Island, Mich.; and one life-saving station at or near Sea Gate, New York Harbor, N. Y., and to provide increased quarantine facilities at the port of Portland, Me.;

H. R. 20728. An act making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1913; and

H. R. 21969. An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone.

DEFICIENCY APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I present a conference report on the general deficiency bill, and ask that the statement accompanying it may be read instead of the report.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] presents a conference report on the general deficiency bill and asks that the accompanying statement be read instead of the report. Without objection, the Clerk will read the statement.

The conference report is as follows:

CONFERENCE REPORT (NO. 1254).

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 4, 6, 9, 10, 14, 16, 17, 18, 19, 25, 28, 32, 35, 39, 43, 44, 46, 50, 52, 57, 59, 62, 65, 73, 76, 77, 82, 83, 85, 98, 99, 111, 112, 113, and 129.

That the House recede from its disagreement to the amendments of the Senate numbered 5, 7, 8, 11, 12, 13, 15, 20, 21, 23, 23, 26, 29, 30, 36, 37, 38, 40, 41, 42, 43, 47, 51, 53, 54, 55, 58, 60, 63, 64, 66, 67, 68, 69, 70, 71, 72, 74, 78, 79, 80, 81, 84, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 130, 131, 132, 133, 134, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$21,349.95"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$11,500"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$13,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum last named in said amendment insert "$10,000"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows: After the word "Kansas" in the last line of said amendment insert the following: "payable out of any money in the Treasury belonging to the Pottawatomie Indians"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment, as follows: Add at the end of the matter inserted by said amendment the following: ", and at a rate per square foot of available floor space not exceeding 40 cents"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 110, and agree to the same with an amendment as follows: In lines 5 and 6 of said amendment, strike out the following: "to continue available during the fiscal year 1913"; and the Senate agree to the same.

On amendments numbered 22, 33, 34, and 114, the committee of conference have been unable to agree.

JOHN J. FITZGERALD,
THOMAS U. SISSON,
J. G. CANNON,
Managers on the part of the House.

F. E. WARREN,
JONATHAN BOURNE, Jr.,
C. A. CULBERSON,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report:

The bill, so far as agreed upon, appropriates $7,243,474.69, being $1,058,232.45 in excess of the amount it carried as passed by the House.

The Senate added to the bill, by amendment, $5,515,607.15.

It has been agreed by the conference committee that the Senate recede from $3,854,134.65 of that amount and that the House agree to the amount of $1,058,236.45.

The amendments remaining in dispute involve $603,236.41, as follows:

Payment to Virginia and Maryland	$192,000.00
Payment to State of Texas	217,693.30
Payment to Oregon	193,543.02

The committee of conference have also been unable to agree on the amendment of the Senate to pay an additional month's salary to the officers and employees of Congress.

Chief among the amounts added by the Senate and recommended to be agreed to are additional audited accounts transmitted by the Treasury Department after the passage of the bill by the House and for judgments of courts against the United States.

Among the items inserted by the Senate from which it is recommended that body recede are the following:

Eradication of the opium evil, $25,000;

Payment to Malambo fire claimants, $53,800;

Payment of the sums contributed for the release of Miss Ellen M. Stone, $66,000;

Public Health and Marine-Hospital Service, $50,000;

Protection of property and buildings of the United States at Valdez, Alaska, $55,000;

Contingent expenses Bureau of Supplies and Accounts, $25,000;

For payment of a judgment in favor of the Confederated Band of Ute Indians, $3,305,257.19; and

The provision establishing a bureau of public buildings.

JOHN J. FITZGERALD,
T. U. SISSON,
J. G. CANNON,
Managers on the part of the House.

Mr. FITZGERALD. Mr. Speaker, since the last report was made to the House by the managers on the part of the House, a conference has been had upon the 14 Senate amendments in disagreement.

The House receded upon the legislative provision relative to Camp Schofield, in the Hawaiian Islands.

The Senate receded from an item to pay those who advanced money for the ransom of Ellen M. Stone; from a legislative provision for the Charlotte public building; an item for the payment to Thomas W. and Alice N. Kellar of an amount which it is claimed should have been awarded in condemnation proceedings for property taken in the District of Columbia; the item to protect Valdez, Alaska, against glacial floods; the item providing a bureau of public works; the item increasing the compensation fixed in the legislative bill for the Second Assistant Commissioner of Indian Affairs; an item relating to the Montana National Bison Range, and the Ute judgment.

The bill as it passed the Senate carried $11,700,845.75. As it passed the House it carried $6,185,238.24. The Senate has receded from $3,854,134.65, of which $3,305,000 is the so-called Ute judgment.

The House has receded from items aggregating $1,058,236.45.

The amendments still remaining in dispute involve $603,236, and whatever money additional would be required to pay an extra month's compensation to the employees of both Houses.

Exclusive of the items in dispute, the bill carries, to supply deficiencies in the appropriation for the public service, $7,243,474.69.

The managers on the part of the Senate insist that, as a condition for the appropriation of these necessary moneys, the House shall concede the payment of these so-called State claims aggregating $603,236.45.

Mr. Speaker, it is impossible at this time to go into a lengthy discussion of these so-called State claims. They are not audited claims. They are not judgments which are certified by the Treasury Department for payment. Some of them originated in 1790 and have been in Congress since that time. Others originated before the Civil War, and some during the Civil War. In the closing days of this long session of Congress the Senate has placed them upon this supply bill and insists that these claims be paid, without opportunity for investigation and determination, as a condition for the passage of this bill. If the House is to submit to such a condition of affairs——

Mr. FINLEY. Mr. Speaker, will the gentleman yield to me for a question?

Mr. CANNON. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD (continuing). Then it will be forever at the mercy of the Senate.

The SPEAKER. To whom will the gentleman yield?

Mr. FITZGERALD. I will yield to the gentleman from South Carolina.

Mr. FINLEY. I would like to ask the gentleman from New York if any irreparable harm would be done to the public service if this bill should fail? If no such irreparable harm should come about, I think that would be a very happy solution of the trouble.

Mr. CANNON. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from New York yield to the gentleman from Illinois?

Mr. FITZGERALD. I do.

Mr. CANNON. I would suggest to the gentleman that he ask the House to adopt the conference report.

Mr. FITZGERALD. I shall do that, and ask that the conference report be first adopted.

Mr. CARLIN. I would like to ask the gentleman what effect this would have upon the other items?

Mr. FITZGERALD. It would not affect them.

Mr. CARLIN. The adoption of the conference report does not affect the other items?

Mr. FITZGERALD. This report must either be adopted or rejected; and if it be rejected we will never get to the items in disagreement.

Mr. LEVER. Do I understand the gentleman to say that one of the items in dispute is the matter of an extra month's pay for Senate and House employees?

Mr. FITZGERALD. Yes; it is.

Mr. CARLIN. Does not this report recommend that we disagree to these items?

Mr. FITZGERALD. They are reported in disagreement. After the report is disposed of, I shall submit a motion as to those items.

Mr. MANN. The report does not affect those items at all.

Mr. CARLIN. That is what I want to understand.

Mr. MANN. A motion to concur will be in order after the report is adopted.

Mr. CARLIN. That is what I want to be certain about.

Mr. FITZGERALD. There is no doubt about that.

Mr. KINKAID of Nebraska. Will the gentleman yield for a question.

Mr. FITZGERALD. Yes.

Mr. KINKAID of Nebraska. I did not understand the gentleman fully about amendment numbered 73, with reference to the national bison range.

Mr. FITZGERALD. The Senate receded from that amendment.

The SPEAKER. Of course that makes it a part of the conference report. The question is on agreeing to the conference report.

The conference report was agreed to.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. HENRY of Texas. Is it not a fact that in 1906 the general deficiency bill carried an appropriation for $375,000 to reimburse the State of Texas for money expended, just as this item in this general deficiency bill is intended to reimburse the State of Texas?

Mr. FITZGERALD. It did.

Mr. HENRY of Texas. Will the gentleman explain to me the difference between the general deficiency bill in that year, carrying that item of $375,000, and the general deficiency bill in this year, carrying an item of $217,000, found by the Secretary of War, in a report that has been sent to Congress under its direction, to be due the State of Texas. What is the difference in principle between the two?

Mr. FITZGERALD. I am not quite familiar with the deficiency bill of 1906. I was not on the conference committee, but I will state what happened. In 1905 the Secretary of War was directed by Congress to inquire and report to Congress for its consideration what sum or sums of money were actually expended by the State of Texas during the period of time between February 28, 1855, and June 28, 1860, in payment of State volunteers or rangers called into service by the State of Texas in defense of the frontier of that State against Mexican marauders and Indian depredators, for which compensation had not been made from the Treasury of the United States. A report was made in accordance with that, and Congress, after receiving that report, appropriated $375,000.

Subsequently an additional report was submitted, and if I recall correctly, $22,000 was appropriated.

Mr. HENRY of Texas. That is correct.

Mr. FITZGERALD. During this session of Congress another report was submitted, which I have not had an opportunity to examine carefully, but from which it appears that one of four sums may be due the State of Texas—$25,993.75 if one view be taken, $170,270.58 if another view be taken, $198,628.80 if a third view be taken, or $217,693.39 if a fourth view be taken.

The Senate amendment carries the largest of the four sums that Congress might determine is due the State.

Mr. HENRY of Texas. Will the gentleman yield further?

Mr. FITZGERALD. I yield.

Mr. HENRY of Texas. I have the report in my hand as made by the Secretary of War in this year 1912, and under the direction of Congress he finds that in the proper view, if you will read the report carefully, the State of Texas is entitled to $217,000.

Mr. FITZGERALD. That depends on which view you take.

Mr. HENRY of Texas. I think that is the proper view, after reading this report—that that amount is due the State of Texas. It is inserted in this deficiency appropriation bill just as it was in 1906. I can see no difference in principle.

Mr. FITZGERALD. Mr. Speaker, this item does not belong in this bill. The only character of claims that belongs in this bill are claims to pay judgments of courts certified for payment or audited claims certified for payment. If this claim has any standing in Congress, it should go to the Committee on Claims for consideration by that committee. It is impossible for those representing the House to determine whether the State should have this money, which is placed here in the very dying hours of this Congress, and which is made a condition by the managers on the part of the Senate for the passage of this supply bill. It is tied up to the claims of three other States, one of them the State of Oregon, which claim I recall having examined some three or four years ago and of having some very grave doubts as to its validity.

My attention has never been called to it since. I am asked to agree to an item appropriating $193,000 to pay that claim. The Texas claim and the Oregon claim when offered as amendments to appropriation bills in the House were held not to be in order, because they were neither judgments certified by the Treasury Department nor audited claims certified by the Treasury Department and therefore they belonged to that great mass of claims similar to claims reported under resolutions adopted under the Tucker Act and sent to the Court of Claims.

Mr. HENRY of Texas. Was not one of these claims adjudicated by the Court of Claims?

Mr. FITZGERALD. Not in the sense that it is a judgment binding on the Government, nor in the same way that Congress sends a lot of claims to the Court of Claims for a report for action by Congress, but such claims are never placed on an appropriation bill. They go either to the Committee on Claims or to the Committee on War Claims. That is the status of the Oregon claims.

Mr. HENRY of Texas. But if it is due, it has to be paid some time by the Government.

Mr. FITZGERALD. All of the claims reported upon by the Court of Claims are not considered either as due or valid claims by Congress, and there are not only hundreds of thousands, but millions of reports from the Court of Claims which Congress has declined to grant for a great many years.

Mr. CARLIN. Mr. Speaker, will the gentleman yield?

Mr. FITZGERALD. Yes.

Mr. CARLIN. Is it the purpose of the gentleman from New York to move a further disagreement?

Mr. FITZGERALD. No; it is my purpose to ask the House to adhere to its disagreement to these Senate amendments and place upon the Senate the responsibility for the failure of this bill, if it makes a condition that these items must be allowed. [Applause.] We have provided here every dollar that legitimately belongs upon this bill, and I do not believe that in the dying hours of the Congress this House should permit itself to be held up by anybody and compelled to vote $603,000 to settle claims running back to 1790——

Mr. CARLIN. I did not expect to provoke a speech. I was trying to get at the parliamentary status.

Mr. FITZGERALD. Placed on this bill without an opportunity for those charged with responsibility by the House to make a recommendation as to their validity. Gentlemen in this House who serve on conferences representing the House on these appropriation bills have as difficult tasks as can be assigned to anyone, to inquire into the things that may legitimately be placed upon these bills, without being asked in a couple of hours to digest half a dozen volumes of the size of the one I hold in my hand, to form a judgment as to the propriety of these claims. I do not believe, Mr. Speaker, that the Senate of the United States, when this question is placed before them, will dare assume the responsibility for permitting this supply bill to fail, if it fails to coerce the House; and if it

wishes to assume that responsibility I am willing that it should, and I am willing to go before the country upon that issue. [Applause.]

We have been hearing much in this session of Congress about the House putting things in appropriation bills that do not belong there. Every item placed in appropriation bills by the House—in the Army, in the legislative, and in the sundry civil appropriation bills—was designed to protect the Treasury against wasteful, extortionate expenditures; and now many of those who joined in the clamor against the House for attempting to legislate in such a way to protect the Public Treasury are insisting that the House shall consent that legislation be incorporated in these bills as a condition to their passage, when that legislation does not belong in them and is legislation that is destined to take great sums out of the Treasury.

I have no desire to detain the House any longer. The issue is quite clear, and, so that the House may send to the Senate its decision in this matter, Mr. Speaker, I move that the House adhere to its disagreement to Senate amendments numbered 22, 33, 34, and 114. They include the State claims of Virginia, Maryland, and Texas, the extra month's pay to the employees of the House.

The SPEAKER. The gentleman from New York moves——

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Wait until the Chair puts the motion. The gentleman from New York moves that the House adhere to its disagreement to Senate amendments numbered 22, 33, 34, and 114. The gentleman will state his parliamentary inquiry.

Mr. CARLIN. Does not a motion to agree take precedence over a motion to disagree?

The SPEAKER. A motion to concur always takes precedence.

Mr. CARLIN. I want to be heard for just a few moments.

Mr. MANN. Does the gentleman intend to make the motion to concur?

Mr. CARLIN. I expect to do so, but I want to make an explanation before I offer it.

Mr. FITZGERALD. How much time does the gentleman desire?

Mr. CARLIN. About five minutes.

The SPEAKER. The gentleman from Virginia is recognized for five minutes.

Mr. CARLIN. Mr. Speaker, I realize that there is much force in the position taken by the chairman of the Committee on Appropriations regarding legislation upon appropriation bills. There is much force in the position that we should resist the attitude of the Senate in regard to that character of legislation, but there would be much more force if it were not true that every appropriation bill that has been reported to this House by the gentleman and his committee and the conferees carried with it and upon it legislation and matters which did not properly belong upon the bill. [Applause.] There was not one single bill that this Appropriations Committee has reported, so far as I can recall, that some item would not be found upon it that did not belong in the bill. Why, only the other night the Speaker intimated that he would hold that items reported from a conference committee—not this Appropriations Committee, however—had no place upon the bill. The conferees reported foreign matter and the Speaker, under the rules of the House, would have had to rule that they had no right there and had no right to be upon it.

The power of the Rules Committee was invoked to make in order upon that bill a provision which violates the rules of this House. What sanctity is there in this particular piece of paper upon which this bill is written? Why not write upon this bill by amendments as well as upon any other appropriation bill? From whence comes the great sanctity of this particular bill, that the Representatives in the American Congress are denied the right, if they care to, to write upon it and through it and by it?

Mr. CAMPBELL. Mr. Speaker, would the gentleman from Virginia tell us why these claims in which he is interested should be allowed?

Mr. CARLIN. I am coming to that. There are two objections. One is that this is not the method of legislation. So far as the claim I am interested in is concerned, I have heard no criticism of it by the gentlemen of the Appropriations Committee, and I do not feel called upon, therefore, to go into an explanation of it. He has not attacked the Virginia claim, and I am not going to weary this House with that, except by a few cursory remarks.

I want to say, however, these claims are not the claims of single individuals. These claims which are in dispute are claims of sovereign States of this Union. Has the time come when in the Congress of the United States four sovereign States of the Union shall be denied the right to have a claim against its own Government considered because it happens to find itself there upon a piece of parchment that bore a title which perhaps it ought not to bear? I would be willing, were it not for this late hour, to thrash out in this House the merits of the claim for which I desire an appropriation. In brief, my friends, the patriotic State of Virginia when Washington was to be located as the seat of Government here advanced by its act of legislature this money in the amount of $120,000 for the purpose of constructing public buildings. In the original act of the legislature the word "donate" was used, and Chief Justice Marshall, then a member of the Legislature of Virginia, moved to strike out that word and insert the word "advance," and the only question left to talk about is whether the word "advance" meant a gift or a loan. Up to 1836 there was not a dollar in the Treasury of the United States with which to pay a single State——

Mr. MANN. A Democratic administration.

Mr. CARLIN. True, but there were all sorts of administrations. But when a surplus appeared, Virginia and Maryland both—Maryland in the sum of $72,000—asked for the payment of this money.

And from that day to this they have appeared and asked for this advance to be returned, until now you say: "You have been asking so long that the claim has grown old, and its very age entities it to be thrown into the wastebasket."

You pass it through the Senate one year and the House the next year, but it never gets through the two Houses at the same session of Congress.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. CARLIN. Mr. Speaker, I ask for five minutes more.

Mr. FITZGERALD. I yield five minutes more to the gentleman.

Mr. CARLIN. Now, what are the facts? Virginia does not ask for the return of this money now. The old patriotic State has said to the Congress of the United States, "Turn this money over to a patriotic association to be known as the Mount Vernon Avenue Association," and when you do it that association is hereby authorized to build a highway from the Capital City of the Nation that bears his name to Mount Vernon, where rest the remains of the immortal Washington. [Applause.]

That is the claim we are told can not be considered, because the Senate wants to choke it down the throat of somebody. I wish, my countrymen, they would choke more such claims as that down our throats, because if it is an honest debt it ought to be paid. The question of time does not run between sovereigns. That is no question of legislation. No one has ever contended that the money has ever been returned; no one has contended that a single dollar has ever been paid. Is there a man who will raise his voice and say that one cent of that money has been paid to Maryland and Virginia? Why not pay it, especially, my countrymen, when it is to be paid for the patriotic purpose which I have named, the building of that great highway for the use of the whole American people?

I would move to concur were it not for the fact that I do not believe that this House will single one claim from many others. I do not believe that this Congress at this late hour would consider the further merits of this matter. And so I am willing for it to continue in disagreement, with the hope that, at least, the Senate conferees will be able to have my good brothers on the House side conclude, at least, that the claims of Maryland and Virginia ought to be paid. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I would like to have five minutes

Mr. FITZGERALD. I yield five minutes to the gentleman from Texas.

Mr. HENRY of Texas. Mr. Speaker, it seems indeed a little harsh that the gentleman from New York, the distinguished chairman of the Committee on Appropriations, would make a statement to the effect that the Senate of the United States is endeavoring to hold up this House in order to procure the payment of these claims. I feel, Mr. Speaker, that in the gentleman's statement he has reflected on a State which I have the honor to in part represent on the floor of this House. I can not believe that the distinguished Senator from Texas, who is a member of the conference committee on the part of the Senate, who for four years was a distinguished attorney general of his State, four years the chief executive of that State, and three times elected to the Senate of the United States, is endeavoring to hold up the House of Representatives or the Government of the United States.

Mr. FITZGERALD. The gentleman understands that I intended no reflection on the Senator.

Mr. HENRY of Texas. I understand that the gentleman intends no reflection on him. But, Mr. Speaker, the gentleman has stated his side of this question. I realize that in the closing hours of this session of Congress it is not possible to debate the merits of this controversy, but has the Senator from Texas endeavored to do anything strange or unusual by inserting the claim of Texas for $217,000 in this general deficiency bill? Let us for a moment argue it and see.

In 1905 the Congress of the United States directed by explicit language that the Secretary of War make an investigation to ascertain whether or not the United States Government owed the State of Texas any sum for sending troops to the frontier of that State and defending not only Texas, but this whole country against bands of Mexican marauders and Indians on the outposts of our country. Old Sam Houston, a native of the State of Virginia, who had gone to the State of Texas to cast his fortunes with that great empire, sent the troops of that State to the frontier to repel invasion of foreign foes not only against the State of Texas, but against this entire country. An investigation was made by the Secretary of War, and he reported that the United States Government owed and should pay to the State of Texas the money that was expended for the defense of the frontier of our State and this entire country.

And in 1906, in pursuance of that investigation and report by the Secretary of War to the Congress of the United States, this body inserted in a general deficiency bill such an item as we are now considering—the sum of $375,000 as a part payment to the State of Texas. And afterwards, upon further investigation, additional testimony was found showing that the State of Texas had not been entirely reimbursed, and another sum of $21,000 was paid to the State. And, again, upon a further and more searching investigation, it was ascertained that there is still due the State of Texas $217,000; and now——

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I yield five minutes more to the gentleman.

The SPEAKER. The gentleman from Texas [Mr. HENRY] is recognized for five minutes more.

Mr. HENRY of Texas. Now, the Senate of the United States has inserted in this bill, as has been inserted in general deficiency bills before, an appropriation of $217,000. Mr. Speaker, I shall not endeavor to argue the merits of that sum, but I am willing to stand upon the statement of the distinguished Senator from Texas, a painstaking legislator, and take his word for it that the amount is due the State of Texas, because I know that he would not claim anything from this Government which is not justly due to the State which he represents in the United States Senate.

Oh, the gentleman from New York [Mr. FITZGERALD] says that a deficiency bill is not the place on which to legislate; that it is a bill made up of claims not in the same class with this claim. Why, Mr. Speaker, well do you remember that the gentleman's committee came to the Committee on Rules and asked that committee to make in order a proposition in regard to Schofield Barracks in the Hawaiian Islands, so that a point of order could not be made against it, to the end that they might legislate on the deficiency bill. Why, the gentleman has been declaiming eloquently here in the last few days concerning the great legislative triumphs which have been brought about in England and in this country by placing upon supply bills meritorious matters of legislation, pointing out that some of the greatest legislative triumphs both in England and in this country have been won in that way.

Why, this Congress can put legislation in supply bills if it desires. I am not one of those who would exclude entirely the Senate of the United States from participation in the making up of appropriation bills of this Government. While I recognize that the House is supposed to hold the purse strings of the Nation, yet the money bills must go to the Senate of the United States, a coordinate branch of this Government; and when painstaking legislators there have made investigation and state that they arrive at certain conclusions, I am willing to take the word of some of them, even though they do represent their States in another branch of this Government. There is nothing strange or unusual about it.

Now, whether this bill should fail or not, I am not prepared to say to-night, but in behalf of my State, in the closing hours of this session, I wish to repel the accusation that the State of Texas is endeavoring to hold up the House of Representatives, or that the distinguished Senator from Texas is asking that any unusual thing shall be done in inserting this item in an appropriation bill.

The SPEAKER. The time of the gentleman from Texas has again expired.

Mr. HAWLEY. Mr. Speaker, I will ask the gentleman from New York [Mr. FITZGERALD] to yield to me.

Mr. FITZGERALD. I yield five minutes to the gentleman from Oregon [Mr. HAWLEY].

The SPEAKER. The gentleman from Oregon [Mr. HAWLEY] is recognized for five minutes.

Mr. HAWLEY. Mr. Speaker, I desire to speak briefly on the Oregon claim. First, I wish to say that it has been the practice of the House for a long period of years to pay claims like this on a deficiency bill. Some years ago I looked up the matter, and I found that on 21 deficiency bills a large number of these claims of the States which had rendered assistance to the Government in the Civil War had been paid, and it is not unusual and it is not an innovation to offer these amendments to the general deficiency bill at this time.

The Oregon claim arose in this way: At the beginning of the Civil War the Government of the United States withdrew its troops from the Northwest Territory and left the mail trains, the emigrant trains to the Northwest, and the people of the Northwest open to the attacks of Indians. Unable to provide for our protection, the Government appealed to the State of Oregon, then the only State on the northwest Pacific coast, to provide protection for her own citizens against Indians, to provide for the protection of emigrants coming across the country to the Northwest, and to provide for the safety of the mails of the United States.

The government of the State of Oregon, which at that time was not rich in money and did not have a great amount of property to tax, pledged its future revenues for the protection of the Government's mails, for the protection of the people of the United States who were coming to the Northwest, and for the protection of her own people; and the troops so raised actually fought the Indians in Oregon, Washington, northern California, and Idaho in the protection of the Government's property, the Government's mails, and the settlers who were crossing the country. The State issued bonds to secure the necessary funds. We have paid the bonds. The debt was incurred at the direct request of the Government of the United States, with the understanding that when the Government was able it should repay the money.

Some years ago the State of Oregon, in order to be sure of the justice of its claim, and that it might be a case proven, caused a suit to be instituted in the Court of Claims, and under the direction of her attorney general prosecuted the suit and obtained from the Court of Claims a favorable finding of facts.

The Court of Claims in a long opinion concluded that under the request of the Government of the United States the State of Oregon had raised troops, paid them their compensation, subsisted them, and had done everything that was necessary to raise troops, to equip them, and maintain them in the field for effective service in aid of the United States. The court found that the State of Oregon was entitled to $193,543.02.

In 1910, in conference with the then chairman of the Committee on Appropriations, I presented an amendment which is found in the CONGRESSIONAL RECORD of June 16, 1910, and which was agreed to by the House in order that the finding of facts made by the Court of Claims might be submitted to the Treasury Department for investigation and for audit as to its amounts, to see whether any amount of this had been paid, whether the work had been done as it was stated to have been done; and the Secretary of the Treasury, under date of January 5, 1911, reported to the Committee on Appropriations the facts that I have just stated.

Now, we have proceeded as far as we can. We have established the facts of the service beyond dispute. We have established the fact that the money is yet due and legitimately owing to the State of Oregon, and that we were promised repayment.

We have established these things in the Court of Claims and by an examination made by the Treasury Department under a special item in one of the appropriation bills in 1910. The gentleman from New York [Mr. FITZGERALD] was slightly in error a moment ago when he stated that it was some three or four years ago that an amendment was offered to pay this claim. I offered it in 1911, and he himself made the point of order against the item.

We have prosecuted the claim with all diligence. At the request of the Government we protected the people of the country in the Northwest. We fought wars in four States against the Indians. We protected the mails, we did everything that we were asked to do; and some 15 or 20 other States, under practically the same conditions, have had paid to them many millions of money for similar services.

Our claim does not cover quite half of all that we expended. The Court of Claims only found about half the amount that we

claimed, and we are asking only for the amount found by the Court of Claims after exhaustive and careful hearing, after examination of all the records, and proof of our statements verified by the Secretary of the Treasury, and we appeal to this body that this is a just claim that ought to be paid. I have never been able to understand why this claim has not been paid promptly.

Mr. SAMUEL W. SMITH. I should like to ask the gentleman a question.

The SPEAKER. The time of the gentleman has expired.

Mr. HAWLEY. I should like an opportunity to answer the gentleman's question.

Mr. FITZGERALD. I yield to the gentleman from Oregon one minute.

Mr. SAMUEL W. SMITH. I should like to know what other States have had their claims paid through deficiency bills like this?

Mr. HAWLEY. I think almost all the Northern States have been so paid. I made a very careful examination some years ago, and found that in 21 deficiency bills, either urgent or general, some 30 claims similar to this claim were paid.

Mr. SISSON. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. How much time does the gentleman from Mississippi require?

Mr. SISSON. Five minutes.

The SPEAKER. Unanimous consent is asked that the gentleman from Mississippi may proceed for five minutes. Is there objection?

There was no objection.

Mr. SISSON. It is not my purpose at this time to do otherwise than to state the reasons which prompted the House conferees in not agreeing to these amendments, in addition to what the gentleman from New York has said in reference to the propriety of their being on a deficiency bill. I did not have an opportunity to investigate the Oregon claim, and I state frankly that my information about the Oregon claim is very meager, but I did make some investigation of the Virginia claim and looked into the Texas claim a little. The claim of Virginia is in reference to the $120,000 advanced by the State of Virginia to the Federal Government in the erection of the buildings in the District of Columbia. The State of Maryland advanced $72,000 for that purpose. Whether this is the truth about the matter or not I am unwilling to state now, but it is contended that that $120,000 and the $72,000 was advanced with the understanding that the Capital of the United States should be located on the Potomac River, either in the State of Virginia or in the State of Maryland.

I have not time to go into the action of the commissioners, but shortly after this first advance was made Gen. Washington made a statement to the Assembly of Virginia and to the governor of Virginia that the $120,000 was not enough to erect the buildings in Washington and there was no money in the Federal Treasury. The State of Virginia, upon the indorsement of the commissioners, advanced to the Federal Government, first, $100,000, and shortly after that advanced, my recollection is, a second $100,000. Then the State of Virginia received payment in full for the two loans, and it was all paid, my recollection is, in 1808. The peculiar circumstance is that if this $120,000 now in controversy was an advance by the State of Virginia and in the nature of a loan, why is it that they did not pay the $120,000 when they paid the $200,000 borrowed? It looks as if that was considered at the time as a donation by the State of Virginia for the location of the Capital here in Washington.

I have not made an investigation of the original records, and I would not prejudice the claim of the gentleman from the State of Virginia [Mr. CARLIN] if he has a valid claim, but the limited time in which we have to make these investigations upon these items placed by the Senate in a deficiency bill would not warrant us in asking this House to pay the $120,000 at this late date.

So far as the Texas claims are concerned, they originated during several years. Under the old law the State militia of the States was relied upon by the States more absolutely than now. This claim arises from services rendered by the State of Texas soon after she was admitted into the Union. It does not appear, so far as I can find in the record, that the President of the United States ever requested the governor of Texas to perform this service for the Government. It seems to have been, so far as the record shows and so far as my investigation has permitted me to go, a voluntary service by the governor and the State of Texas for the protection of her own people and the protection of her own property.

I do not believe, if that is true, that the governor of Texas and the State of Texas, acting through the State military authorities, can directly or indirectly bind the Federal Government. So far as the investigation by the Secretary of War is concerned, it does not state this amount is due from the United States Government to the State of Texas. On the contrary, the resolution provided that the War Department should make an investigation of the amount of money which the State of Texas paid her rangers in protecting her borders and report back to Congress, and that is the only thing that the resolution does. It does not in any sense of the word bind Congress to pay it. It is not in any sense of the word an adjudicated claim. The only recommendation made under that resolution is that an investigation be made and ascertain what the State of Texas expended in the protection of her borders.

The Secretary simply complied with the resolution, and he leaves it absolutely with Congress to determine whether a legal liability exists, and if a legal claim against the Federal Government does exist the Committee on Claims ought to handle it and ascertain the amount due; and if Congress decides we ought to pay it, it might properly come in the deficiency bill.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. FITZGERALD. I yield the gentleman one more minute.

Mr. SISSON. Mr. Speaker, in reference to the Schofield Barracks, the reason the Committee on Appropriations asked for this matter is because $50,000 of the water of the Government was being used by a company, and if we could not put this legislation on this deficiency bill at this time, as a point of order was made against it in the sundry civil bill, it meant that the Federal Government would lose $50,000, so we protected the Treasury to that extent.

But the conferees on the part of the House, recognizing the universal rule, recognizing that the Senate had the right not to have legislation on an appropriation bill, receded, and the gentleman from Illinois [Mr. CANNON], who has been long a Member of this House, states that it has been the practice observed in the House and in the Senate that when legislation is placed upon an appropriation bill by one House and the other House objects to it, the House placing the legislation on the bill must recede, rather than to let the bill fail. These are the motives that moved us in not reporting these claims. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Oregon [Mr. LAFFERTY].

Mr. LAFFERTY. Mr. Speaker, it seems that as to these three State claims, Oregon has made out the best case of any of the three. In fact, the case that is made out by my very able colleague for the State of Oregon is conclusive and unanswerable [applause], the record showing that the military of the State was called into being and into action upon the request of the President. That the State bonded its own resources with which to perform this military service while the Regular troops were withdrawn from the Northwest makes it clear and absolute and gave an obligation upon the part of the United States to repay this money. The matter has, by proper resolution, been referred to the Court of Claims, has been finally adjudicated in favor of Oregon to the extent of only about one-half of her claim, and upon another resolution put through by my colleague the Secretary of the Treasury has reported that no part of these claims held to be due by the Court of Claims has been paid and has certified to the Committee on Appropriations the exact amount that is now included in these claims. For that reason, if no other gentleman moves to concur in amendment No. 34 I shall do so.

Now, just a word in regard to the parliamentary status of the bill and the amendment. I regret exceedingly that the distinguished gentleman from New York has taken the attitude that the three conferees from the other body have taken the position of coercion and insist that these three State claims be allowed or that the bill fail. I understand that those three conferees from the other end of the Capitol have merely stated that they will decline to recede from the Senate amendments. If the Senate should direct them to recede, of course they will recede. As conferees they have declined to recede. I see no coercion or demand for coercion in that action. If the House should now vote to adhere to its disagreement to all three of these amendments, it would only be binding until another report should come in. If the Senate directs its three conferees to adhere to their position, why, I do not see how either the House or Senate conferees could recede, but I do not think that either of the conferees should accuse the other of any attempt at coercion in the matter of these bills. I do not favor any statement of repudiation of debts due by this Nation. I say that the United States Government should pay its debts when they are due and proper to be paid the same as the individual should pay his debts. This smacks of repudiation when a bill

like the Oregon bill has been allowed by a tribunal of the United States, not a tribunal of Oregon, and certified and audited by the Treasurer of the United States and by the Secretary of War, and it is shown that just such debts as these have been paid 20 or 30 times upon deficiency bills. For that reason, Mr. Speaker, I move that the House concur in Senate amendment numbered 34. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. Mr. Speaker, I will try to get through in five minutes. I say to the House we have divided our jurisdiction; we have Committees on Claims, Military Affairs, Judiciary, Appropriations, and so forth. The jurisdiction of the House and the Senate, for that matter, is fixed by the rules. Now, gentlemen say that there is a report from the Secretary of the Treasury about the Texas claim, and the case was referred to the Secretary of the Treasury to report to the Congress. Why? For appropriation? No; for consideration. Now, gentlemen from the South, perhaps more than we from the North, understand about the Tucker Act. Why, there are hundreds, aye, thousands, of claims on resolutions of the House or Senate that have been referred to the Court of Claims. Why? To make findings and report to Congress for its consideration. They go to the Committee on Claims or War Claims.

Mr. CARLIN. Will the gentleman permit a question? I will not interrupt him but a minute. What is the value of the Court of Claims if, after getting a report from that, you put it in a pigeonhole and it is never acted on? Why not abolish the court?

Mr. CANNON. Why abolish the court? You can abolish it if you pass the law, but gentlemen understand about these omnibus claims bills. Every one of them substantially provides for findings of the Court of Claims. It is submitted to the Court of Claims. Why? To report and not render judgment, but for the consideration of Congress. So it was with the Texas claim in sending it to the Secretary of War. Now, touching Oregon. Some years ago I investigated the Oregon claim, and it is a claim pure and simple. As to the Northern States which the gentleman speaks of, New York and others, in pursuance of legislation and under the law the claims were investigated by the Treasury Department and audited, and the audit covers claims and amounts that are due under the law and are certified, entirely different from this matter.

Now, gentlemen, let us see about the propriety of it, and it is perfectly plain. Some years ago there was an act of Congress concerning disputes between Maryland and South Carolina, and, I believe, Georgia and Virginia, claims and counterclaims against the United States and against the States, and under that legislation not only as to South Carolina, but, I believe. Georgia, and certainly Virginia and Maryland, there was a complete settlement.

Mr. CARLIN. Will the gentleman permit an interruption there? I am sure the gentleman does not want to make that statement.

The SPEAKER. Will the gentleman from Illinois yield to the gentleman from Virginia?

Mr. CANNON. Certainly.

Mr. CARLIN. If the gentleman will look at that account it will be seen that neither in the settlement with Virginia or Maryland were the items here contended for included.

Mr. CANNON. It was a complete settlement of claims and counterclaims between the United States and the States named. I merely speak of that. The gentleman and I do not agree about it. I was on the committee that reported the appropriations that resulted in the payment of them.

Mr. CARLIN. The gentleman is certainly mistaken in regard to it.

Mr. CANNON. Gentlemen talk about a sovereign State and a claim that dates back almost to the time of the adoption of the Constitution, in favor of Virginia and Maryland, and many other States, and we do not agree about it. And yet against the rules of the Senate, against the rules of the House, they come and put these claims on a supply bill, and here we are.

The SPEAKER. The time of the gentleman has expired.

Mr. CANNON. I would like to have two or three minutes more.

Mr. FITZGERALD. I yield five minutes more to the gentleman.

Mr. CANNON. Here, after 1 o'clock in the morning, we are upon a bill carrying between $7,000,000 and $8,000,000, considering a law appropriating for the public service, thrashing out and disputing about the validity of claims that ought to have been investigated by the proper committee and thrashed out, standing upon their own merits. [Applause.]

Mr. CARLIN. I will say to the gentleman that the Virginia claims have been investigated by a dozen Congresses.

Mr. CANNON. And my recollection is that the Committee on Claims investigated this very claim of Virginia and reported unanimously against it.

Mr. CARLIN. The gentleman's recollection is absolutely at fault. It was never before the Court of Claims.

Mr. CANNON. I said the Committee on Claims, and Representative MILLER made the report.

Mr. CARLIN. That is the only committee in the history of Congress that ever did it.

Mr. CANNON. Oh, certainly; but that shows when it gets to the proper committee and they investigate and unanimously report against it—and it was not reversed—the impropriety of this proposed appropriation to pay these claims, the statement that the Government repudiates them, and all this, that, and the other.

Mr. CARLIN. Will the gentleman yield for a question?

Mr. CANNON. I would rather not.

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. CANNON. Now we have thrashed it out. The House refuses to recede and agree to these claims. Your conferees did. The Senate refuses to recede and come to a complete agreement, and we report the disagreement, and it is up to the House to say whether or no at the hour of half past 1 o'clock, with all these things in front of us, we are going to concur. If we do, why, we concur, and these claims are paid, or whether we will adhere. I am for adhering [applause] and sending it back to the Senate, and then it will be for the Senate to determine whether it will recede; and if they do not recede, this supply bill of nearly eight millions of dollars, covering all along the line of the public service from California to way down East, in Maine, carrying items that are authorized by law, will fail. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I yield to the gentleman from Illinois [Mr. MANN] five minutes.

Mr. MANN. Mr. Speaker, in the course of business we sent to the Senate a general deficiency bill carrying items necessary to pay expenses in the main incurred in the last fiscal year—ordinary items authorized by law. The Senate has added to that a number of claims. We have Claims Committees in the House. Any Member of this House can introduce a bill covering the items and have it referred to and considered by the committee of the House which considers claims. I do not object that the Senate has added these items as amendments to the bill.

They thereby present them for consideration to the House and to the House conferees. But we have no knowledge concerning the claims. They have not been acted upon by the proper committees. We are not ready to say that the claims ought to be allowed.

And what situation do we meet? The Senate says, "If you do not allow claims which you are not ready to allow we will not permit you to pay the just, unquestioned judgments of the Government." [Applause.] "Millions for defense, but not one cent for tribute"—even to the Senate of the United States. [Applause.]

There are people in the country who believe that the House of Representatives at times does not exist. Some of those gentlemen must be inhabitants of the body at the other end of the Capitol. [Applause.] And I am in favor of letting them know now, as well as in the future, that the House, while it is prepared to provide for the necessary expenses of the Government, will not be held up by the Senate, or held up on the street with a bludgeon. [Applause.]

Mr. LAFFERTY. Mr. Speaker, I make the point of order that the gentleman is out of order.

The SPEAKER. The Chair thinks the gentleman is within his rights. [Applause.]

Mr. MANN. If the gentleman from Oregon [Mr. LAFFERTY] had been here as long as I have been, he would know that we have had these contests with the Senate heretofore. That is what this is—a contest with the Senate over Senate amendments in the closing hours of Congress, when the threat is made to us that if we do not kneel and yield to demands that ought not to be presented we will be held up to the country as opposing the furnishing of the needed supplies of the Government. Let them take the responsibility for killing the bill, if they will. Let us say now, "We stand where we stand," and let them do what they please. [Applause and cries of "Vote!" "Vote!"]

Mr. FITZGERALD. Mr. Speaker, I move that the House adhere to its disagreement to the Senate amendments numbered 22, 33, 34, and 114.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York [Mr. FITZGERALD].

Mr. CARLIN. Mr. Speaker, just one second. I want to say to the Chair that so far as the Virginia and Maryland claims are concerned, we are not going to move to agree to the Senate amendments. I stated in my previous remarks that I would do so. It is perfectly apparent that there is not a quorum in the House and I am not willing to submit those claims to the judgment of the half dozen Members in the Chamber.

Mr. LAFFERTY. And Mr. Speaker, I withdraw my motion to agree.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves that the House adhere to its disagreement to the Senate amendments numbered 22, 33, 34, and 114. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to reconsider that vote and to lay that motion on the table.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] moves to reconsider the vote by which the House adheres to its disagreement and to lay that motion on the table. Without objection, that motion will be agreed to.

Mr. CURRY. I object.

Mr. CARLIN. Mr. Speaker, is not that motion unusual?

Mr. FITZGERALD. It is unusual, but it means that either the Senate recede or this bill fails to become a law.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

Mr. MANN. Mr. Speaker, what is the motion? I ask to have the motion stated.

The SPEAKER. The motion was to reconsider and lay on the table.

Mr. MANN. To lay the motion to reconsider on the table?

The SPEAKER. Yes; to lay the motion to reconsider on the table. The question is on agreeing to that motion.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair will ask the gentleman from New York if his motion included a request for a conference?

Mr. FITZGERALD. It did not.

HOUR OF FINAL ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I desire to offer a privileged resolution.

Mr. CANNON. I hope the gentleman will not do that until the bill is disposed of. We would thereby place ourselves at the mercy of the other side.

Mr. UNDERWOOD. I will state to the gentleman from Illinois that we have adhered, and I take it that the House means to adhere. This bill is enrolled, and it can be passed and become a law before 3 o'clock. There is no occasion for this House or this Congress to stay another day. If they do not pass this bill before 3 o'clock, the resolution is not effective.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

Mr. UNDERWOOD. Mr. Speaker, I understand that this general deficiency bill is enrolled along the line that the House has pointed out in its adherence to its disagreement to the Senate amendment.

I myself shall regret, and I have no doubt that my colleagues on this side of the House will regret, the failure of this bill to become a law, but it is not a supply bill. It is a claims bill. It may be embarrassing to some people that these claims are not paid, but there are many claims that come before Congress by which people are sought to be reimbursed, which claims are not paid. But the time has come, in my judgment, when this House has the right to assert its position. The conferees on the part of the House receded on the legislative provisions placed in this bill by the House. It was their duty to recede when the other House would not accept them.

The only points in dispute now are these claims that have no right whatever upon this bill. If the House desired to accept them, they could become a law; but irrespective of their merits there is not a man in this House who contends for a moment that the claims that are now in dispute between the two Houses are rightfully on this bill; and when the House declares its position that it will not allow these claims to remain on the bill, then if the Senate of the United States insists on violating not only the rules of this House, but those rules that have governed the managers of the conferences between the two Houses for many, many years, the responsibility for the failure of this bill to become a law will rest at the other end of the Capitol, and not upon us. [Applause.] We have completed the work of this legislative session. There is no reason for us to sit here an hour longer, except to give the Senate a chance to recede and send this bill to the President of the United States. I therefore call for the passage of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

NOTIFICATION OF THE PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, I have a further resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 709.

Resolved, That a committee of three Members be appointed by the Chair to join a similar committee appointed by the Senate to wait upon the President of the United States, to inform him that the two Houses have completed the business of the present session and are ready to adjourn, unless the President has some communication to make to them.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to; and the Speaker appointed as members of the committee on the part of the House Mr. UNDERWOOD, Mr. CANTRILL, and Mr. MANN.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution of the following title, when the Speaker signed the same:

H. J. Res. 362. Joint resolution amending the Army appropriation bill.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. J. Res. 108. Joint resolution authorizing the erection on the public grounds in the city of Washington of a joint memorial to Maj. Archibald W. Butt and Francis Davis Millet;

S. 2534. An act to extend the time for the completion of the Alaska Northern Railway, and for other purposes;

S. 7165. An act to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; and

S. 7409. An act to constitute a commission to investigate the purchase of American-grown tobacco by the governments of foreign countries;

S. 7410. An act to authorize the Carolina, Clinchfield & Ohio Railway to construct bridges across the Big Sandy River and the branches thereof in the States of Virginia and Kentucky; and

S. 7411. An act to authorize the Clinchfield Northern Railway, of Kentucky, to construct bridges across the Big Sandy River and the branches thereof in the States of Kentucky and Virginia.

STATEMENT OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, it has been customary at the close of each session for the chairman of the Committee on Appropriations to submit to the House a review of the appropriations made during the session of Congress.

The condition of the supply bills has been such that it has been impossible to prepare the totals of the various bills, or the statement, in time for presentation before the adjournment.

I ask unanimous consent that I may be permitted to place in the RECORD a statement reviewing the work of the Congress relative to the appropriations.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD.

Mr. FITZGERALD. I ask that the gentleman from Illinois [Mr. CANNON] may have the same privilege.

The SPEAKER. And also that the gentleman from Illinois [Mr. CANNON] have the same privilege.

Mr. FITZGERALD. I will say to the Members that we shall endeavor to give this statement to the press by Monday afternoon at the latest.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had agreed to the amendments of the House of Representatives to the joint resolution (S. J. Res. 134) appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

The message also announced that the President pro tempore announced the following appointments on the part of the

Senate on joint committee under the provisions of the Post Office appropriation bill (H. R. 21279):

On the committee to inquire into the subject of postage on second-class mail matter and compensation for transportation of the mails, Mr. BOURNE, Mr. RICHARDSON, and Mr. BANKHEAD.

On the committee to make inquiry into the subject of Federal aid in the construction of post roads, Mr. BOURNE, Mr. PENROSE, Mr. GRONNA, Mr. SWANSON, and Mr. OVERMAN.

On the committee to inquire into the advisability of the Government purchasing the pneumatic tubes, Mr. GUGGENHEIM and Mr. SMITH of Georgia.

On the committee to make further inquiry into the subject of parcel post, Mr. BRIGGS, Mr. BRISTOW, and Mr. BRYAN.

The message also announced that the President pro tempore had appointed Mr. MARTIN of Virginia, Mr. LODGE, and Mr. BRANDEGEE members on the part of the Senate, on a commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries, under the provisions of S. 7469.

SENATE JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled joint resolution of the following title:

S. J. Res. 134. Joint resolution appropriating money for the payment of certain claims on account of labor, supplies, materials, and cash furnished in the construction of the Corbett Tunnel.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for 30 minutes.

The motion was agreed to; accordingly (at 1 o'clock and 30 minutes a. m.) the House took a recess until 2 o'clock a. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker at 2 o'clock a. m.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 2 o'clock and 20 minutes a. m.

The motion was agreed to; accordingly the House stood in recess until 2 o'clock and 20 minutes a. m.

AFTER THE RECESS.

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 20 minutes a. m.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess until 2 o'clock and 30 minutes a. m.

The motion was agreed to; accordingly the House stood in recess until 2 o'clock and 30 minutes a. m.

AFTER THE RECESS.

The recess having expired, the House was called to order at 2 o'clock and 30 minutes a. m. by the Speaker.

PURCHASE OF AMERICAN TOBACCO BY FOREIGN COUNTRIES.

The SPEAKER announced the following members of the commission to investigate the purchase of American-grown tobacco by the Governments of foreign countries: Mr. FLOOD of Virginia, Mr. STEDMAN, and Mr. MCKINLEY.

ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 22 minutes a. m.) the House adjourned until Monday, August 26, 1912, at 12 o'clock noon.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk and referred to the several calendars therein named, as follows:

Mr. HAYDEN, from the Committee on Indian Affairs, to which was referred the bill (S. 4488) to authorize the setting aside of a tract of land for a school site and school farm on the Yuma Indian Reservation, in the State of California, reported the same with amendment, accompanied by a report (No. 1243), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Public Buildings and Grounds, to which was referred the joint resolution (H. J. Res. 289) in relation to a monument to commemorate the services and sacrifices of the women of the country to the cause of the Union during the Civil War, reported the same with amendment, accompanied by a report (No. 1244), which said joint resolution and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BULKLEY, from the Committee on Expenditures in the War Department, submitted a report (No. 1253) on the examination by said committee of the case of Maj. Beecher B. Ray, which report was ordered printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. RAKER: A bill (H. R. 26410) to make accessible to all the people the valuable scientific and other research work conducted by the United States through establishment of a national school of correspondence; to the Committee on Education.

By Mr. JOHNSON of Kentucky (by request of the Commissioners of the District of Columbia): A bill (H. R. 26411) fixing the punishment for cruelty to or abandonment of animals in the District of Columbia; to the Committee on the District of Columbia.

By Mr. CURRY: A bill (H. R. 26412) providing for a Delegate from the District of Columbia to the House of Representatives of the United States; to the Committee on the District of Columbia.

By Mr. STANLEY: A bill (H. R. 26413) to prohibit holding companies from engaging in interstate commerce and for other abuses; to the Committee on the Judiciary.

By Mr. GARDNER of Massachusetts: A bill (H. R. 26414) to authorize the formation and organization of corporations for the transaction and conduct of commerce among the several States and with foreign nations; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 26415) creating a United States corporation commission and providing for incorporation under the laws of the United States; to the Committee on the Judiciary.

By Mr. HEALD: A bill (H. R. 26416) to authorize a survey of Broadkill River Inlet; to the Committee on Rivers and Harbors.

By Mr. HOWELL: A bill (H. R. 26417) to amend section 2325 of the Revised Statutes of the United States, relating to mineral lands; to the Committee on Mines and Mining.

By Mr. McKINLEY: A bill (H. R. 26418) for the purchase of a site and the erection of a public building thereon at Monticello, Ill.; to the Committee on Public Buildings and Grounds.

By Mr. CAMPBELL: A bill (H. R. 26446) authorizing the enrollment of new-born members of the Choctaw and Chickasaw Tribes of Indians of Oklahoma; to the Committee on Indian Affairs.

By Mr. SIMS: A bill (H. R. 26447) to repeal that part of the act entitled "An act to provide for the opening, maintenance, protection, and operation of the Panama Canal, and the sanitation and government of the Canal Zone," approved August 24, 1912, which exempts vessels engaged in the coastwise trade from tolls at the Panama Canal; to the Committee on Interstate and Foreign Commerce.

By Mr. LOBECK: Resolution (H. Res. 708) authorizing the Committee on the District of Columbia or a subcommittee thereof to investigate the affairs of the Washington Gas Light Co., etc.; to the Committee on Rules.

By Mr. GRAY: Joint resolution (H. J. Res. 361) to provide for the invitation, reception, and entertainment of delegates from the parliaments and national legislative bodies of the world, and to authorize a peace assembly composed of such delegates, to be held in the United States; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26419) granting a pension to Mary E. Brock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26420) granting a pension to Fannie Comfort; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26421) granting a pension to Edward T. Evans; to the Committee on Pensions.

Also, a bill (H. R. 26422) granting a pension to Anna M. Quinlan; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26423) granting a pension to William H. Carey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26424) granting an increase of pension to Daniel Compton; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26425) granting an increase of pension to Freeling Brundage; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26426) granting an increase of pension to Jonathan D. Miller; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 26427) granting an increase of pension to Charles D. Root; to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 26428) for the relief of Sophia Herbert; to the Committee on Claims.

By Mr. COX of Ohio: A bill (H. R. 26429) granting a pension to Francis P. McCue; to the Committee on Pensions.

Also, a bill (H. R. 26430) granting a pension to Hale F. Hamilton; to the Committee on Pensions.

Also, a bill (H. R. 26431) granting a pension to James M. Ballard; to the Committee on Pensions.

Also, a bill (H. R. 26432) granting a pension to Thomas Miller; to the Committee on Pensions.

Also, a bill (H. R. 26433) granting a pension to Lionelle Gottschall; to the Committee on Pensions.

Also, a bill (H. R. 26434) granting a pension to Dock Leach; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26435) granting a pension to David Kauffman; to the Committee on Pensions.

Also, a bill (H. R. 26436) granting a pension to Fredrica Wurthner; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26437) granting an increase of pension to Horace W. Gear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26438) granting an increase of pension to Thomas Smith; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26439) granting an increase of pension to George W. Laughlin; to the Committee on Invalid Pensions.

Also, a bill (H. R. 26440) granting an increase of pension to Philip Zimmerman; to the Committee on Invalid Pensions.

By Mr. GARDNER of New Jersey: A bill (H. R. 26441) granting pensions to Henrietta Howell Ray and Maria Correll Ray; to the Committee on Pensions.

By Mr. HANNA: A bill (H. R. 26442) for the relief of Phillip McCormick; to the Committee on Military Affairs.

By Mr. HEALD: A bill (H. R. 26443) for the relief of Charles F. Taylor; to the Committee on Claims.

By Mr. TILSON: A bill (H. R. 26444) granting an increase of pension to Kate D. Linsley; to the Committee on Invalid Pensions.

By Mr. WHITACRE: A bill (H. R. 26445) granting an increase of pension to John Birkett; to the Committee on Invalid Pensions.

By Mr. DOREMUS: A bill (H. R. 26448) granting a pension to Nellie P. Dertinger; to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 26449) for the relief of Harvey W. Lane; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DYER: Petition of the International Typographical Union, at Cleveland, Ohio, against freighting second-class matter and increase in rates; to the Committee on the Post Office and Post Roads.

Also, petition of the Business Men's League of St. Louis, Mo., against passage of the Kenyon bill (S. 4043); to the Committee on the Judiciary.

By Mr. LEVY: Petition of Ferdinand Gutmann & Co., of New York, protesting against the passage of the Kenyon bill (S. 4043); to the Committee on the Judiciary.

Also, petition of the openers and packers of the United States appraisers' stores, port of New York, asking an increase in the salaries; to the Committee on Expenditures in the Treasury Department.

By Mr. MOORE of Pennsylvania: Papers to accompany House bill 26303, for the relief of the American Fire Insurance Co., of Philadelphia, Pa.; to the Committee on Claims.

By Mr. PALMER: Memorial of South Easton Council, No. 590, Junior Order United American Mechanics, of Easton, Pa., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. SULZER: Petition of the National Woman's Christian Temperance Union and Department of Peace and Arbitration of the National Woman's Christian Temperance Union, favoring passage of joint resolution 335, relative to peace conference in 1915; to the Committee on Foreign Affairs.

Also, petitions of the chambers of commerce of New Haven, Conn.; Seattle, Wash.; Sedalia, Mo.; Savannah, Ga.; San Jose, Cal.; Trenton, N. J.; Sacramento and Los Angeles, Cal.; Norfolk, Va.; and Washington, D. C.; and the governors of Kentucky, Arizona, Texas, Mississippi, South Carolina, Nebraska, Alabama, Alaska, Michigan, Colorado, Connecticut, Virginia, Ohio, and Wyoming, favoring passage of House bill 19224, relative to permanent exhibit of the resources of the States of the Union; to the Committee on Industrial Arts and Expositions.

Also, petition of Ferdinand Gutmann & Co., of New York City, against passage of the Kenyon bill (S. 4043); to the Committee on the Judiciary.

SENATE.

MONDAY, *August 26, 1912.*

The Senate met at 12 o'clock m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

Mr. GALLINGER took the chair as President pro tempore under the previous order of the Senate.

The Secretary proceeded to read the Journal of the proceedings of Saturday last.

Mr. LA FOLLETTE. I ask unanimous consent to dispense with the further reading of the Journal.

The PRESIDENT pro tempore. Is there objection?

Mr. SMOOT. I object.

The PRESIDENT pro tempore. The Senator from Utah objects. The reading will be continued.

The Secretary resumed and concluded the reading of the Journal, and it was approved.

SENATORS FROM WEST VIRGINIA.

Mr. LA FOLLETTE. Mr. President, I move that the Senate proceed to the consideration of Senate resolution 386.

Mr. WARREN. Mr. President, I understand the unfinished business before the Senate is the conference report on the deficiency appropriation bill, and that the pending motion is the motion of the Senator from Missouri [Mr. STONE] to recede from the Senate amendments. That motion has not yet been disposed of.

The PRESIDENT pro tempore. The pending business is really the morning business. The Chair thinks the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] is undoubtedly in order under the rules of the Senate.

Mr. WARREN. I only wanted to see that we did not lose track of the latter matter.

Mr. LA FOLLETTE. No.

The PRESIDENT pro tempore. Since making the suggestion, the Chair recalls the fact that there is a rule of the Senate to this effect:

RULE VII.

* * * * * * *

3. Until the morning business shall have been concluded, and so announced from the chair, or until the hour of 1 o'clock has arrived, no motion to proceed to the consideration of any bill, resolution, report of a committee, or other subject upon the calendar shall be entertained by the Presiding Officer, unless by unanimous consent; and if such consent be given the motion shall not be subject to amendment, and shall be decided without debate upon the merits of the subject proposed to be taken up.

Mr. LA FOLLETTE. When I rose, Mr. President, no Senator had claimed or sought to claim the floor for the purpose of introducing morning business; and I assumed, and I assume now, that there is no morning business to present.

The PRESIDENT pro tempore. It is the duty of the Chair, however, to call for morning business, if the Senator please, and under this rule of the Senate——

Mr. LA FOLLETTE. If there is any morning business, I withhold my motion until that is disposed of.

The PRESIDENT pro tempore. Petitions and memorials are in order; and the Chair presents a petition from the governor of West Virginia and certain other citizens of that State relating to the election of the Senators from West Virginia, which will be referred to the Committee on Privileges and Elections.

Mr. PENROSE. What is the nature of that petition, Mr. President?

The PRESIDENT pro tempore. That can only be developed by its reading.

Mr. PENROSE. Then, I ask to have it read.

The PRESIDENT pro tempore. The Senator from Pennsylvania asks that the petition be read. Is there objection? The Chair hears none, and the petition will be read.

The Secretary proceeded to read the petition.

Mr. WARREN. May I ask what is the paper which is being read?

The PRESIDENT pro tempore. It is a petition signed by the governor of West Virginia and other citizens of that State addressed to the Senate. The Senator from Pennsylvania [Mr. PENROSE] has asked that it be read, and unanimous consent was given for the reading.

Mr. WARREN. I was not making any objection. I simply wanted to know, as we went along, what was being done. My attention was diverted for the moment.

The Secretary resumed the reading of the petition.

Mr. PENROSE. Mr. President, when I inadvertently asked to have this document read, I did not know the subject to which it referred, and, to tell the truth, as is well known in the Senate, it was desired at this time to delay the proceedings a little until certain conferences might be held, with a view of having some of the difficulties incident to the deficiency bill adjusted in order to expedite the adjournment of Congress. I

now withdraw my request to have the document read and ask that it be not printed in the RECORD but be referred to the Committee on Privileges and Elections.

Mr. POINDEXTER. The reading of the document has almost been concluded. It has gone so far as to disclose the most serious charges against Members of this body. It seems to me the honor of the Senate would require that the reading be proceeded with and that the matter be investigated. I do not believe charges of this kind can be rendered harmless or be disposed of by being suppressed. They ought to be given publicity, and I request that the reading be continued—I understand it is almost completed—and that the document be printed in the RECORD.

Mr. OVERMAN. I should like to inquire of the Senator who presented that petition.

Mr. LA FOLLETTE. The governor of the State did.

Mr. OVERMAN. But the Senate is about to adjourn, and while I do not object to documents being presented——

Mr. PENROSE. I do not object to the document being read, of course, especially as its reading has been nearly completed. When I made my suggestion just now, I thought perhaps there was a good deal more of it.

Mr. LA FOLLETTE. Only now six or eight lines.

Mr. PENROSE. That is all right. I want to finish my explanation if the Chair will permit me.

The PRESIDENT pro tempore. The reading will be concluded.

Mr. PENROSE. May I conclude my statement?

I had been advised that the difficulties relating to the deficiency bill had been adjusted, and I simply rose to save the time of the Senate. If the reading of the document is nearly finished, let it be completed and let the document be referred to the committee, and, of course, investigated. I only wanted to explain to the Senate again that I know nothing of the document; I never heard of it before and would not have consumed the time of the Senate with its reading, which is not entirely regular, had it not been that I wanted to consume a little time until conferences could be completed, and thought some document would be good to read.

Mr. BAILEY. Mr. President, I should have objected to the reading of it and to its being printed in the RECORD if I had known its contents, because I do not believe that any man ought to be permitted to spread such accusations against a fellow man, Senator or not a Senator, upon the CONGRESSIONAL RECORD until he has presented some evidence in support of them. The orderly way would have been for this memorial to have gone to the committee, and after the committee had determined for itself whether there was any probability that these charges could be supported, then reported it to the Senate, either recommending an investigation or giving its opinion that an investigation was not necessary.

I think the Senate will set a dangerous precedent whenever it advertises to the world that the most reckless and irresponsible man may sit down and indict any Member of this body in language of the coarsest and most brutal kind and have it printed as a public record.

I want to say besides, Mr. President, without desiring to challenge the action of the Presiding Officer, that, in my opinion, no memorial can be presented to the Senate in the way this has been presented. My opinion is that a memorial can only be presented to the Senate by a Senator, and that John Smith or Bill Jones can not be permitted to vent their spleen against somebody by sending it to the Chair. If a Senator presents it he presents it on his responsibility as a Senator, as a matter of course. It seems to me that this is a grossly improper proceeding.

Mr. PENROSE. Mr. President, I only desire to add a word. Of course, I have no desire to suppress this or any other document. I simply wanted in a way to apologize to the Senate for having asked for a proceeding which is irregular and unnecessary, and to state that the reason therefor was to give a few minutes longer for a conference that was being held in the cloakroom. I understand that this document, as a matter of fact, has been given to the press or will be given to the press and there is no secrecy about it. It is simply a matter of maintaining the regular course of procedure.

Mr. BAILEY. It is a matter not in the ordinary course of business; there is not any justification for it. I want to say to the Senator from Pennsylvania that I have no desire to suppress any document which is supported by even a reasonable show of proof, but I would suppress an unwarranted attack upon the humblest citizen of the Republic.

Mr. PENROSE. I did not mean to imply for a moment that the Senator did not want a full investigation of the matter.

Mr. BAILEY. I would exclude this memorial until these memorialists can show that there is some reasonable expectation of supporting their charges. I do not believe in indiscriminate charges. I venture to say that there is not a Senator in this body against whom charges of misconduct have not been made, and in ninety-nine cases out of a hundred those charges were without foundation, or certainly in a large majority of the cases.

I have no interest in it, but with precedent established the Senate, if the present distemper of the public mind continues, will from day to day sit here and hear every Member arraigned in this way. If there are guilty ones they ought not to be protected, and I assume that the Committee on Privileges and Elections will not protect them, but I do insist that before any man, governor, as seems to be the case here, or anyone, shall be permitted to incorporate in the permanent records of this country a violent attack upon the character and integrity of his fellow man, he should first offer some proof in support of his charge.

The PRESIDENT pro tempore. In justification of the action the Chair took, the action of the Chair having been challenged and pronounced irregular——

Mr. BAILEY. Hardly challenged, but criticized.

The PRESIDENT pro tempore. The Chair calls attention to Rule VII, which says:

> After the Journal is read the Presiding Officer shall lay before the Senate messages from the President, reports and communications from the heads of departments, and other communications addressed to the Senate.

The Chair found a document, in the nature of a petition, before him addressed to the Senate of the United States, signed by the governor of a State and several other presumably reputable citizens, which was laid before the Senate that it might be referred to the committee.

Mr. BAILEY. As I said, I did not intend to challenge the action of the Chair, though I did venture to criticize it as unwarranted by the rule. I call the attention of the Chair to the fact that following the language which he has just read, the next sentence begins: "The Presiding Officer shall then call for, in the following order, the presentation of petitions and memorials." If petitions and memorials were included in the other, then they need not to have been enumerated in what follows, and I think the rule contemplates only that the Presiding Officer shall lay before the Senate such communications as are properly addressed to him.

Mr. WARREN. May I interrupt the Senator?

Mr. BAILEY. Certainly.

Mr. WARREN. I agree with what the Senator is saying about the propriety of printing, and I would not resist a motion to expunge it from the RECORD. I think, however, that it would excite more curiosity if it were left out than if it were printed in the RECORD.

Mr. BAILEY. I interpose only to protest against the practice. Enough has already been said to make it evident that the Senate is being used now merely to further a campaign of publicity. We have already been told that this matter has been given to the press. I think, however, the country will not omit to take notice of the fact that although these alleged occurrences took place two years ago, the honorable governor of the State, whose dignity has thus been outraged, waits not only two years, but waits until the very day before the Senate adjourns, and except for an extraordinary situation which arose Saturday night it would have been too late to have reached the Senate until after its adjournment.

The PRESIDENT pro tempore. The Chair thinks in justice to the Chair the statement made ought to be supplemented by the suggestion that this was in the nature of a communication addressed to the President pro tempore, and there are thousands of precedents to sustain the action of the Chair. The Chair hopes that the action taken will not be found to be either in violation of the rules of the Senate or the proprieties of the occasion. If the Chair had suppressed the document, it would have been a very serious matter, in the opinion of the Chair.

Mr. McCUMBER. Mr. President, as I understand the rule, it was the duty of the Chair to lay the matter before the Senate and have it referred to the proper committee. I think the Chair was not only justified in so doing but he was following the rules which he is bound himself to enforce.

But, Mr. President, I think the request for its reading was made under a misapprehension as to what it was, and I think there went into the RECORD certain matters that ought not to be printed in a public and permanent RECORD. Therefore I move that such portions of the matter as have been already read shall be expunged from the RECORD, and that the reading go no further.

Mr. BACON. And that the document be referred to the committee.

Mr. McCUMBER. Certainly. That was a part of the statement of the Chair, as I understood it.

The PRESIDENT pro tempore. The Senator from North Dakota moves that the entire matter be expunged from the RECORD?

Mr. McCUMBER. That is what I move. Of course, none of it would go into the RECORD in any case except what had been read.

The PRESIDENT pro tempore. The Senator from North Dakota moves that everything relating to this matter except the presentation of the document by the Presiding Officer and its reference to a committee be expunged from the RECORD. Is there objection?

Mr. LA FOLLETTE. Mr. President, I merely want to say that the statement I make is made from recollection, but I believe that the basis for the investigation in the Lorimer case was a communication signed by the president of a voters' league in the State of Illinois and that it was much more vague and indefinite than this communication from the governor of the State of West Virginia. I do not recall that it contained any specific statement of fact, but a general statement that the seat of the Senator from Illinois had been secured through corrupt influences. That is my recollection of it. I remember the senior Senator from Illinois [Mr. CULLOM] presented the communication to the Senate.

It seems to me that this document, Mr. President, coming as it does from the governor of the State, containing specific allegations, is a much more responsible document upon which to base a proceeding on the part of the Committee on Privileges and Elections than the document which was presented by the senior Senator from Illinois in the Lorimer case, and followed at once by a resolution for an investigation on the part of the committee.

I am corrected, Mr. President, in my recollection by the senior Senator from Illinois, who says that the Senator from Illinois, Mr. Lorimer, himself offered the resolution for the investigation upon the presentation of the charges made in that communication addressed to the senior Senator.

Mr. BACON. Mr. President, neither of the West Virginia Senators is present. The junior Senator [Mr. CHILTON] is sick and absent by leave of the Senate, and the senior Senator [Mr. WATSON] is absent and his absence was properly accounted for in the Senate by the announcement already made.

I simply rose to say that I am quite sure neither of the Senators will in the slightest manner endeavor to prevent any investigation which the Senate may desire to make as to the circumstances attending their election. On the contrary, I am very certain they will welcome anything of the kind, as there is nothing to be apprehended by them in the investigation.

The fact mentioned by the Senator from Texas [Mr. BAILEY] is one which I had previously risen to call to the attention of the Senate, and I will add only a word or two to what has already been stated by him. It is that these alleged occurrences are nearly 2 years old, and since then, during the last 20 months, the Senate has been in almost continuous session. With the exception of, I think, three months and a fraction the Senate has been in continuous session since last January a year ago; and while there were whisperings around about these matters, accompanied at that time by the expressions of these Senators that they were absolutely indifferent to any assaults of that kind which might be made and perfectly ready to receive them when made, and to answer them fully and effectually and conclusively, there has not been the slightest presentation of the matter to the Senate or the slightest movement in that direction until the last day of the present session, when the governor who now comes so courageously to the front knew they were both absent from the Chamber, and at a time when, unless there had been what really was almost an accident in the unforeseen development of differences between the two Houses Saturday night, the Senate would not have been in session at all. And now it is presented at a time when it is known absolutely and certainly to the author of the paper that an investigation would be an impossibility. It was manifestly the design to have these baseless and scandalous charges presented to the Senate and published to the country in such manner that there would be no opportunity to either answer them on the floor of the Senate or to have a committee of this body, by an investigation, brand them as false and malicious; and when——

Mr. BAILEY. Will the Senator permit me a moment?

Mr. BACON. Let me finish this sentence.

Mr. BAILEY. Certainly.

Mr. BACON. And when thus knowing it would be an absolute impossibility to make such investigation and make a finding and report, he could have had no motive but to spread this slander upon these Senators, upon the public records, and to scatter it in the public prints for the purpose of influencing an election in a coming campaign.

Mr. BAILEY. Now, if the Senator will permit me, I have just examined the date of it. I find it dated Charleston, W. Va., on the 26th day of August, which is to-day, obviously written and sent out on Sunday.

Mr. BACON. I have listened to the reading, it is true, but I could not catch it as accurately as I would do if I had it before me for reading with the eye, but according to the hearing which I was enabled to give it they are charges of the vaguest and most indefinite character. While they are broad, they are without any specifications whatever of anything which would amount to anything. There is no charge made of any corrupt vote received by either of these Senators and no charge of any corruption or knowledge of any corruption by either of them. It is a well-known fact that when these charges were made in West Virginia nearly two years ago the evidence presented to sustain them was recognized as not only false, but ridiculous. All the circumstances of the presentation of this memorial show beyond the shadow of a doubt that it is not made in good faith.

Can anybody who is a sane man believe that in a State like West Virginia, a closely contested political State, that if since last January a year ago, with the Senate in almost continuous session during all that time, there had been any ground for the belief that the seat of either Senator from West Virginia had been procured by bribery, that matter would have been permitted to have rested from then until this good day without agitation and without any effort whatever to have an investigation as to the truth of the charge?

Mr. President, not only is West Virginia a State closely contested between the two great national political parties, but it is also closely contested between factions of the Democratic Party of that State. We have some little mention in this memorial which makes some suggestions in regard to the fact that there are factions there in the Democratic Party. Does anybody believe for a moment that if there had been any foundation for these charges, with not only antagonisms and issues which arise between the great political parties, but with also the antagonisms and issues which arise between factions of the Democratic Party, that that matter would have been allowed to sleep until now? What possible purpose, Mr. President, could there be in the presentation of this paper, except to make use of it in a political campaign?

Mr. FLETCHER. Mr. President——

Mr. BACON. Pardon me a second. What purpose could possibly have been had in the presentation of this paper after this long silence in the presence of the known fact that in presenting it now, in the very hour of adjournment, nothing could be accomplished by its author except to spread slander and libel at a time when refutation by the Senate was not practicable, or when, at least, no such investigation could be given to it as would give opportunity for the answer of this body, which, I am sure, would be given, if I am correctly informed as to the facts and as to the utter falsity of these charges?

Mr. President, I would not myself vote to expunge the matter which has been read if so doing would keep it from the public, but we are told that the matter is already given in the press, so that there is no suppression of any allegations which would be made in regard to it. There is no need to suppress them, because, if the reports generally credited are true, the more public these charges may be made the more certainly will they be shown to be false and malicious.

I myself care very little as to the question of printing this memorial in the RECORD, except for our own credit as to whether we will permit slander and libel to be promoted by such means as those to which I have alluded, permitting them to be incorporated in the RECORD. Those who love muckraking will have ample opportunity to gratify their tastes by reading it in the papers, in which it will be published. That is the only motive I would have in excluding it, because, of course, I have no doubt the same motive which caused this paper to be sent here will cause it to be spread in all the newspapers of the country, and there is going to be no suppression either of the memorial or of any allegation of its being excluded from the CONGRESSIONAL RECORD.

The exclusion of this from the RECORD is not the purpose of my remarks. I wished only to emphasize the fact that this has been sent here under these circumstances on the last day of the session, and in the last hour, practically, of the session, when it was known absolutely and certainly by the author that an investigation was an impossibility, when he could have had no purpose to try to accomplish anything in the way of investigation, and when his sole purpose must have been simply to take advantage of the opportunity to put these foul and slanderous matters in a way to be used in a political campaign.

Mr. President, if I heard the reading correctly——

Mr. FLETCHER. Will the Senator yield to me for one moment?

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. Yes.

Mr. FLETCHER. I was going to suggest that possibly one purpose in presenting this matter at this time, or one thing that would be accomplished if it goes into the RECORD, is that it then becomes frankable and can be sent free broadcast over West Virginia and elsewhere in the country.

Mr. BACON. That may have been the purpose of sending it here on the last day of the session. That was doubtless one feature of the general scheme to use the presentation of the paper as a memorial for the purpose of using it to further a political campaign.

Mr. WORKS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Georgia yield to the Senator from California?

Mr. WORKS. I thought the Senator from Georgia had yielded the floor.

Mr. BACON. I will yield the floor, Mr. President, just with one word. All of us from every motive desire that any well-founded charge against any Member of this body should be sifted to the bottom and the truth ascertained, and nothing which I have said is to be construed to the contrary of that. These two Senators have been with us now for all this time. They are among our most useful and our most honored Members. They have been here standing all this time in a position to be challenged, if anybody knew aught against them personally or officially, and nothing has been said. I do not question the fact that the whole thing which has moved this has been the unworthy purpose to besmirch men's characters for the purpose of accomplishing political ends. There is no higher duty than to expose and condemn political corruption. But there is no fouler act than to falsely besmirch private or official character for the purpose of gaining political advantage.

Mr. WORKS. Mr. President, I think the Chair was not only justified but was required by the rules of the Senate to submit this question. I think it was a mistake that it should have been read to the Senate, but I think it would be a much greater mistake if we should now attempt to suppress it. The facts that are contained in the petition will go to the country; that can not be avoided; and if this action is taken, in addition to that it will go out to the country that the Senate of the United States undertook to suppress these charges by its action and to conceal them.

It is unfortunate that the Senators who are directly interested in this matter are not here to say for themselves what they desire with respect to it; but if it were I and these charges had been presented in the Senate and had been read, I should ask the Senate of the United States not to suppress or to expunge them from its record. Not only do I think it would be unjust to the Senators themselves to take that action, but I think it would be unjust to the Senate of the United States.

With the comments that have been made upon the presentation of this petition and the manner in which it is brought before the Senate, it is not so likely to injure the Senators who are directly interested in it as would the act that is now proposed, to suppress it entirely. I think, Mr. President, it would be a great mistake and an injustice to the Senators who are interested in this question and the charges that are made. I hope the Senate will not take that action.

Mr. McCUMBER. Mr. President, my motion is based upon my objection that our RECORD should be made the cesspool for the lodgment of the virus of all such political malcontents.

The Senator from California [Mr. WORKS] is greatly in error if he understands this to be a matter of suppression. I have not asked that the instrument itself be suppressed; but I do believe, Mr. President, that we should not make the CONGRESSIONAL RECORD the purveyor or the container of any scurrilous matter against any person on the initiative of some one outside of the Senate who might send it here until after the matter itself has been investigated. My motion does not suppress the article; it sends it to the proper committee; and if the proper committee shall find that there is any justification for an investigation along this line, then the matter will come back to the Senate and the whole thing will go upon record; but it ought not to be spread at length upon record until some reasonable case has been made after an investigation by a proper committee.

Mr. BAILEY. And anyone can then go to the committee room and get a copy of it. There is no possible suppression.

Mr. McCUMBER. It can be obtained if we want to make it public. My objection is not that the press of the country shall not get hold of it, but that this calumny shall not be placed upon the character of these men by printing it in the RECORD until we have some more evidence than a mere statement.

Mr. WORKS. Mr. President, I did not mean to intimate that the Senator from North Dakota was attempting improperly to suppress any part of the proceedings of the Senate or that the Senate itself was desirous of taking any such action; but we may say what we please, it will be so construed by the country. It has in fact by the action of the Senate now become a part of the records. Having become a part of the records by the action of the Senate, it can only be excluded from the RECORD by affirmative action of the Senate. That being so, it is an act of suppression, call it what we may; and I think it would be a very unfortunate thing to do.

The PRESIDENT pro tempore. The question is upon the motion made by the Senator from North Dakota [Mr. McCUMBER] that the matter be expunged from the records of the Senate.

Mr. POINDEXTER. Mr. President, in view of the fact that neither of the Senators from West Virginia is here, it seems to me that it would be doing them a great injustice to take any action whatever which even had the appearance of trying to avoid or evade or suppress the fact of these charges. The charges have been made, of course we know nothing about the proof which is capable of being produced to support them; but the investigation will disclose that.

The Senator from Georgia [Mr. BACON] and others have called attention to the circumstances under which the petition was introduced as tending to discredit it. If their suspicion is well founded, an investigation will disclose it. There is not a Senator here, I imagine, who, if these charges were presented against him, would not instantly ask for the fullest publicity and ask for an investigation. I have seen Members of the other House and of the Senate when informal charges and informal insinuations and newspaper editorials were brought to their notice, rise to questions of personal privilege and themselves read the charges into the RECORD and ask for an investigation. I know personally very well one of the Senators from West Virginia, and am on the friendliest terms with him—I refer to the Senator from West Virginia, Mr. CHILTON—and if he were here I am sure he would resent any attempt to suppress this petition or to keep it out of the RECORD or to prevent the fullest publicity. Believing so, I think the motion of the Senator from North Dakota ought not to be adopted.

Mr. MARTIN of Virginia. Mr. President, I merely desire to say a very few words. A petition of this sort, coming to the Senate under ordinary circumstances, should not only be presented but it ought to be read; but this petition comes here discredited; it comes here at a time and under circumstances when there is no possible escape from the conviction that it was sent here for ulterior purposes. It is intended for muckraking campaign purposes. I am sure that neither of the Senators from West Virginia desires to suppress anything. I think it is almost certain that if either one of them were here, he would demand that it be read, so far as he personally was concerned; but for my part, as a Member of this body, I object to thus dignifying a paper coming here under the circumstances and at the time this paper comes, when it is perfectly clear that it was sent for dishonest and improper purposes and designed as a slanderous attack on the reputation of Senators solely for political purposes. Therefore as a Member of this body I object to having a paper coming here discredited and under the circumstances attending its introduction dignified by being inserted in the RECORD and the RECORD being made a vehicle for the circulation of a vicious attack made under improper circumstances and for campaign purposes. For those reasons I hope the motion of the Senator from North Dakota will be adopted by the Senate.

Mr. McCUMBER. Just a word, Mr. President. Under the rules of the Senate no Senator here has any right to make a statement against the character and standing of another Senator. Has a person outside of the Senate any greater right than have Senators on the floor to put into the RECORD defamatory matter, without the right of a committee of the Senate to first pass upon that matter? I almost resent the appellation "suppression." No one has asked that anything be suppressed. All we have asked is that this indictment, coming from an outside source, should not be spread upon the records of the Senate until a committee can pass upon the propriety of making it a public record here.

The PRESIDENT pro tempore. The question is on the motion of the Senator from North Dakota that the matter be expunged from the RECORD.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, returned to the Senate the bill (S. 4862) for the relief of certain persons having supplied labor and materials for the prosecution of the work of constructing the Corbett Tunnel of the Shoshone irrigation project, and accompanying papers, it having failed to pass the House of Representatives over the veto of the President.

CAPT. JOSEPH HERRING—VETO MESSAGE (S. DOC. NO. 950).

The PRESIDENT pro tempore laid before the Senate the following message from the President of the United States, which was read:

To the Senate:

I return herewith, without approval, Senate bill No. 67, entitled "An act for the relief of Capt. Joseph Herring, United States Army, retired," for the reasons stated in the accompanying letters from the Secretary of War and memorandum of the Commissary General of the Army.

WM. H. TAFT.

THE WHITE HOUSE, *August 24, 1912.*

The PRESIDENT pro tempore. The question is, Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. McCUMBER. I move that the message and accompanying bill be referred to the Committee on Claims and printed.

The motion was agreed to.

LANDS AT OKANOGAN, WASH.

Mr. JONES. Mr. President, a bill was passed a short time ago and approved by the President on July 22. In a communication sent by the Department of the Interior describing the land, the words "township 23" were used instead of "township 33." The bill passed with the township designated in that way. It has since been found that there was an error on the part of the department. It should have been "township 33" instead of "township 23." I introduce a bill to amend the act that has been passed by striking out "twenty-three" and inserting "thirty-three." I ask unanimous consent for its present consideration. I will say that I have examined the records in the department and found that the mistake was made there.

The bill (S. 7500) to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912, was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912, be, and the same is hereby, amended by striking out in the first section thereof, in the description of the lands authorized to be sold, the word "twenty-three," after the word "township," and inserting in lieu thereof the word "thirty-three."

The PRESIDENT pro tempore. The Senator from Washington asks unanimous consent for the present consideration of the bill. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. McCUMBER introduced a bill (S. 7501) granting an increase of pension to Lurinda P. Barnes, which was read twice by its title and referred to the Committee on Pensions.

VIOLATIONS OF THE ANTITRUST ACT.

Mr. SMOOT, from the Committee on Printing, to which was referred the following House concurrent resolution (No. 63), reported it favorably, and it was considered by unanimous consent and agreed to:

Resolved by the House of Representatives (the Senate concurring), That 25,000 copies of the majority and minority reports of the committee authorized, under House resolution 148, to investigate violations of the antitrust act of 1890 and other acts be printed for the use of the House, 15,000 to be distributed through the folding room and 10,000 through the document room.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 15626) to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to House concurrent resolution 65 authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the President pro tempore:

S. 7500. An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public park purposes," approved July 22, 1912; and

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had, on the 26th instant, approved and signed the following act:

S. 7500. An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

HOUSE BILL REFERRED.

The following bill of the House of Representatives was read twice by its title and referred to the Committee on the District of Columbia:

H. R. 15626. An act to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation.

CAMPAIGN CONTRIBUTIONS.

The PRESIDENT pro tempore. Morning business is closed.

Mr. LA FOLLETTE. I move that the Senate proceed to the consideration of Senate resolution 386.

The motion was agreed to, and the Senate resumed the consideration of the resolution.

Mr. POINDEXTER. I ask leave to amend the resolution by striking out, on line 15, page 1, the words "Members of" and inserting in lieu thereof "Representatives in."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. POINDEXTER. I also ask unanimous consent to amend by inserting after the word "and," on the same page, the words "Members of."

The PRESIDENT pro tempore. Without objection, the amendment is agreed to.

Mr. PENROSE. Mr. President, it has been suggested to me that the amendment inserting the word "reputable," before the word "attorneys," might be construed by malicious persons as reflecting on the good faith and credit of the committee. Of course I had no such thought, and I ask to withdraw that amendment.

The PRESIDENT pro tempore. The Senator from Pennsylvania moves to amend by striking from the resolution the word "reputable," before the word "attorneys." The Chair is informed that that amendment has not been agreed to.

Mr. PENROSE. I rose to ask the Chair whether the several amendments offered by me on yesterday have yet been agreed to.

The PRESIDENT pro tempore. The Chair is informed—the Chair was laboring under a misapprehension—that the amendment has not been agreed to, and is now pending. The Senator modifies it by striking from the proposed amendment the word "reputable," and the amendment will be reported.

The SECRETARY. Strike out the word "attorney" and insert the word "attorneys."

The amendment was agreed to.

The SECRETARY. Add at the end of the resolution the following words:

And that any parties to the examination may be represented by attorneys if they so desire.

The amendment was agreed to.

Mr. PENROSE. I suggest that the whole resolution, which is rather an important one, be read.

The PRESIDENT pro tempore. Does the Senator ask that the resolution as amended be read?

Mr. PENROSE. Yes.

Mr. POINDEXTER. Looking at the line which was amended a moment ago, I think I prefer to leave in the word "and"; simply insert a comma between "Members of" and "and."

The PRESIDENT pro tempore. Without objection, that change will be made. The resolution as amended will be read.

The Secretary read as follows:

Resolved, That the statement made by the senior Senator from Pennsylvania, Mr. PENROSE, in the Senate on Wednesday, August 21, 1912, be, and is hereby, referred to the Committee on Privileges and Elections of the Senate, or any subcommittee thereof, appointed under S. Res. 79, agreed to on April 29, 1912.

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania, Mr. PENROSE, on the floor of the Senate, August 21, 1912; including all correspondence and financial transactions between John D. Archbold and George W. Perkins and Col. Theodore Roosevelt and Representatives in Congress and Members of the United States Senate from 1900 to the date of the investigation; and further, said committee is authorized and directed to investigate into and ascertain the amounts of money expended by or on behalf of any candidate seeking the nomination of any political party formed or in the process of formation for President during the year

1912, or by any committee or person acting for or on behalf of such candidate, or in the interest of such candidate or party; and to ascertain the names of all persons, firms, or corporations contributing to any of the purposes aforesaid, and the amounts paid or contributed, and how and when paid, including all sums of money used to secure the election of delegates to any national convention or to influence the actions of delegates at said convention.

Said committee or subcommittee is authorized to sit during the sessions of the Senate, and during any recess of the Senate or of Congress, and to hold sessions at such place or places as may be deemed most convenient for the purposes of the inquiry; to employ attorneys, stenographers, and such other clerical force as may be deemed necessary; to subpœna witnesses; send for persons, books, records, and papers; and to administer oaths, and any parties to the examination may be represented by attorneys if they so desire.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

Mr. CLAPP. I wish to call the attention of the Senator to a provision there that strikes me as liable to result in almost indefinite delay. I refer to the provision that parties in interest may be represented by attorneys. It is left to the committee to determine whether the committee shall employ attorneys or not, but if every witness the committee calls is entitled to have an attorney, considering the right of a witness with respect to time and likewise the convenience of attorneys, with no discretion in the committee, it strikes me that it will lead to a prolongation and indefinite enlargement of the record of the hearing. I simply make the suggestion. I do not propose to combat anything. I favor the general scope of the resolution.

Mr. PENROSE. This is not an uncommon practice. I believe there were attorneys in the Ballinger investigation and in many other investigations. I think, however, the committee can regulate the matter very well. It can pass rules and regulations as to how these attorneys shall appear, and in what number. It is largely under the control of the committee, I think.

Mr. CLAPP. That is the trouble. In other cases that have been before the Senate, at one time an official was involved, at another time it referred more especially to a particular person. In this resolution there is the right to every single witness to have an attorney.

Mr. PENROSE. I will modify it and say that parties to the examination may employ attorneys, subject to the rules and regulations of the committee.

Mr. CLAPP. "May be represented by attorneys."

Mr. PENROSE. Yes; subject to the rules and regulations which it may establish.

Mr. CLAPP. That would be all right.

Mr. CULBERSON. Mr. President, I invite the attention of the Senator from Minnesota, as he is chairman of the subcommittee, to the language of this resolution. The statement of the Senator from Pennsylvania [Mr. PENROSE] is referred to the "Committee on Privileges and Elections of the Senate or any subcommittee thereof appointed under Senate resolution 79, agreed to on April 29."

Now, then, follows the declaration—

The Committee on Privileges and Elections, or any subcommittee thereof, is hereby authorized and directed—

And so on.

Which subcommittee has authority; how many subcommittees have authority?

Mr. BAILEY. The subcommittee.

Mr. CLAPP. Of course I had observed that there was some confusion in the language, but I take it for granted that the resolution refers to the subcommittee appointed under Senate resolution 79.

Mr. CULBERSON. The resolution says this statement is referred to the full committee or any subcommittee. Which reference is it—to the full committee or the subcommittee?

Mr. CLAPP. Right there, it goes on to say, as I recall it—I have not a copy of it—or any subcommittee appointed under Senate resolution 79.

Mr. CULBERSON. Yes. All I wanted to do was to invite the attention of the chairman of the subcommittee to this confusion of language, so that it might be cleared up and made clear.

Mr. PENROSE. Will the Senator permit me? That portion of the resolution comprises the amendment of the Senator from Missouri. I recognize that the language, while not vague or obscure, was not such as it should be; but as it is his amendment, I did not want to interfere with it. I do not think there will be any trouble in conducting the investigation as the resolution is worded.

The PRESIDENT pro tempore. The modification of the Senator from Pennsylvania will be stated.

The SECRETARY. It is proposed to add, at the end of the resolution, the words:

And that parties to the examination may be represented by attorneys, subject to such rules and regulations as the committee may make.

The PRESIDENT pro tempore. *Without objection, that modification will be made.*

Mr. BAILEY. Mr. President, Saturday afternoon, in a brief statement to the Senate, I declared that I would not support this resolution in so far as it related to the election of presidential or vice presidential electors or the nomination of candidates for President or Vice President, because under the Constitution of the United States Congress has no power over the election of a President or Vice President and has no power to regulate the election of electors.

I do not believe any Senator has ventured on the floor of the Senate to challenge that construction of the Constitution. But Senators have suggested, in the cloakroom and elsewhere, that I must be in error in that contention, and I ask the indulgence of the Senate for only such time as will enable me to incorporate in the RECORD an extract from a decision of the Supreme Court of the United States. I incorporate that extract so that the Senate may see that if I am in wrong I have been misled by that great court.

Years ago, in the State of Virginia, a man by the name of Green was indicted for casting an illegal and corrupt ballot in the election of presidential and vice presidential electors. He sought to avoid a conviction under that indictment by challenging the law of the State and declaring that if he was indictable at all it was under the Federal law, as he had cast his vote for a Federal officer. That case came to the Supreme Court of the United States, and this is what the court said in answer to that contention:

Although the electors are appointed and act under and pursuant to the Constitution of the United States, they are no more officers or agents of the United States than are the members of the State legislatures when acting as electors of Federal Senators, or the people of the States when acting as electors of Representatives in Congress.

Subsequently, in the Michigan case, where it was contended that the law of Michigan providing for the election of electors by districts was in contravention of the Constitution of the United States, the court uses this language:

In short, the appointment and mode of appointment of electors belong exclusively to the States under the Constitution of the United States. They are, as remarked by Mr. Justice Gray in In re Green (134 U. S., 377, 379), "no more officers or agents of the United States than are the members of the State legislatures when acting as electors of Federal Senators, or the people of the States when acting as the electors of Representatives in Congress." Congress is empowered to determine the time of choosing the electors and the day on which they are to give their votes, which is required to be the same day throughout the United States; but otherwise the power and jurisdiction of the State is exclusive, with the exception of the provisions as to the number of electors and the ineligibility of certain persons, so framed that congressional and Federal influence might be excluded.

The question before us is not one of policy, but of power.

So, Mr. President, I submit that while it is entirely competent for the Senate to pursue the investigation with reference to Senators, and I think it is entirely competent for the House to pursue any investigation it chooses with respect to Members of the House, and it is certainly competent and proper for the Senate to call for any papers or documents which may tend to show the corrupt election of a Senator when he was chosen or his misconduct since he was chosen, so that it may exercise in the one case its power to determine whether or not he was duly elected and in the other case its power to expel him if his conduct justifies such action, I submit that so far as the presidential and vice presidential electors are concerned and so far as the nomination of presidential candidates is concerned, Congress is absolutely without any power.

I am not unmindful that the present corrupt-practices act prohibits certain contributions in elections where presidential and vice presidential electors are chosen. I was on the Committee on Privileges and Elections when that bill was before it and when it was reported, and I protested against the amendment which brought presidential and vice presidential electors into it. The bill was introduced by the Senator from South Carolina [Mr. TILLMAN] and when introduced contained no such provision. Without intending to impeach the motive of any man, because that is always a dangerous proceeding, for none of us can search the heart of a man and discern his motives, but disclaiming any intention to impeach the motive of any man, I have always believed that that amendment was forced into that bill in the hope of preventing its passage.

It is absolutely certain that when they forced that amendment into that bill they knew that they would force me to vote against it. I was compelled to vote against reporting it, and I would have voted against its passage but for the fact that it was called up in the Senate when I was occupied with other duties. Of course if the present law in that respect is valid, then this amendment, providing that this inquiry shall be extended to presidential and vice presidential candidates, would also be a lawful exercise of power. But just as I am absolutely certain that the present law, so far as it relates to presidential and vice presidential electors, is a nullity, so I am satisfied that this amendment, if adopted, would be a nullity.

I can understand the feeling of the Senator from Wisconsin [Mr. LA FOLLETTE]. His name having been presented for that great office, some question having been raised as to the use of

money, though it was not with reference to his own candidacy, I can understand how he would want the whole matter fully and thoroughly examined and the result of that examination laid before the American people. But we are limited in our actions here by the Constitution of the United States, and we are not permitted, no matter how much we might be disposed to oblige one of our associates, no matter how much we might desire to know whether it is true or not that these enormous sums were expended, and although our desire for that knowledge might not be, and I am sure is not, a matter of mere idle or political curiosity, to force any man to testify with relation to those matters.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. BAILEY. I will.

Mr. BACON. Conceding the soundness of the arguments presented by the Senator as to the relation the electors bear to the Federal Government, not endeavoring in any manner to minimize that, I want to suggest to the Senator that there is one contingency under which the election of President is not an election under officers of States.

Mr. BAILEY. No; that is in the House of Representatives.

Mr. BACON. Pardon me. The Senator has not permitted me to finish my question.

Mr. BAILEY. Excuse me. I thought I would answer it——

Mr. BACON. The fact is that there is a contingency in which the President may be elected by those who are not State officers. It is true that they are not in any technical term officers of the United States. Members of Congress are not; but still they are those who hold official station under the Federal Government. They are themselves a part of the Government. I presume the Senator will recognize that if this were an election in which the people at large chose a President, this legislation would not be subject to the criticisms which he is now making.

Mr. BAILEY. It would not be if the Constitution excluded that, but it would depend on the amendment of the Constitution submitting it to the people at large.

Mr. BACON. The Constitution now prescribes that if the majority of the electors shall fail to vote for one man for President and thereby secure his election, it shall go to the House of Representatives, and when it gets in the House of Representatives——

The PRESIDENT pro tempore. The hour of 1 o'clock having arrived, it is the duty of the Chair to lay before the Senate the unfinished business, which will be stated.

The SECRETARY. A joint resolution (S. J. Res. 78) proposing an amendment to the Constitution of the United States.

Mr. WORKS. At the request of the Senator from Iowa [Mr CUMMINS], who has the joint resolution in charge and who is necessarily absent, I ask that the unfinished business be temporarily laid aside.

The PRESIDENT pro tempore. The Senator from California asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection? The Chair hears none. The Senator from Georgia will proceed.

Mr. BACON. The point I wish to present to the Senator is that when the election goes into the House of Representatives by reason of the failure of the electors to make a choice in the mode prescribed by the Constitution, the House of Representatives is perfectly free to chose any one of the three men whose names were presented as candidates. They are not restricted to any party. They are under no moral obligation, we may say, as the elector is, because the elector is now, under the unwritten law, the mouthpiece of the voters. When it comes to the election by the House of Representatives any Member of the House is perfectly free to determine for whom he shall vote, or according as he thinks this, that, or the other man may be the best of the three men. He is authorized to vote against a man if he does not believe he is a model man. He is authorized to vote against him if he does not believe he has pursued proper methods in securing the votes he did secure. Therefore, it seems to me that the argument presented by the Senator against this bill might be a conclusive one granting his premises, but there would be still one feature to be considered in this matter which does not come within the scope of his argument.

Mr. BAILEY. Allowing all the Senator says, it would be for the House of Representatives to determine with respect to the President and not for the Senate, because the Senate has no power to elect the President. If the Senator will examine what I said on Saturday, he will find that I was careful to say that Congress has no power over the election of a President, and to-day I have said the Senate has no power. I was not, of course, forgetful of the conditions under which the Senate might be required to choose a Vice President and the House required to choose a President, but the Senate would have no more right to inquire into the candidates for the Presidency than the House would have to inquire into the candidates for the Vice Presidency.

But I do not stickle even on that. I go to the proposition that until it has been ascertained that the regular and ordinary method of electing a President has failed, Congress has no jurisdiction over the subject. There is an ordinary method of electing a President and there is an extraordinary method of electing a President. In the pursuance of the ordinary method Congress has no power, because he is to be chosen by electors, and those electors are to be appointe das the Constitution prescribes.

Mr. President, I believe I will read the rather remarkable language of Oliver P. Morton in an argument which he made to this body upon the appointment of these electors, and it is quoted with approval by Chief Justice Fuller in the Michigan case. It goes as far as I did the other day.

> The appointment of these electors is thus placed absolutely and wholly with the legislatures of the several States. They may be chosen by the legislature or the legislature may provide that they shall be elected by the people of the State at large or in districts, as are Members of Congress, which was the case formerly in many States; and it is, no doubt, competent for the legislature to authorize the governor or the supreme court of the State or any other agent of its will to appoint these electors.

I do not doubt that that is a correct statement of the law. The matter rests completely within the power of the State. Congress has no jurisdiction over it. Contemplating the remote possibility, and not so remote either in the present conjuncture, but contemplating a possibility that has occurred only once in the history of the Republic, the election of a Vice President by the Senate, we might inquire into the conduct of the candidates for the Vice Presidency by what I think would be a strained construction, but that is so remote a contingency that Democrats, at least, will hesitate before they predicate a power upon it.

The balance of this resolution, Mr. President, I would cordially support. I am not much inclined to engage in a mere excursion in the hope and expectation that something might be discovered, but when there is a challenge or a request by a Senator that allegations against him shall be investigated, I think the Senate ought promptly to respond to that challenge or request, and if there are charges against a Senator which he is reluctant to ask an investigation of, I think the Senate ought to be even more prompt in ordering an investigation.

As to the Senate itself, it can not make the investigation too all-embracing to suit me or to command my vote; and I confess to a very earnest desire to know where all this money was obtained with which these presidential aspirations were gratified or by which it was sought to gratify them. I should like to know how all of it was spent, but as a Senator in the Congress of the United States I have no power to inquire.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

Mr. SMOOT. I desire to offer an amendment. On page 2, line 2, after the word "investigation," I move to insert "relating to campaign contributions and the conduct of political campaigns."

I do that for this reason: The resolution provides that "the Committee on Privileges and Elections or any subcommittee thereof is hereby authorized and directed to investigate fully into all statements and questions of fact referred to in the statement of personal privilege made by the Senator from Pennsylvania, Mr. PENROSE, on the floor of the Senate August 21, 1912, and all correspondence." I think that should read "correspondence relating to campaign contributions and the conduct of political campaigns." If thousands and tens of thousands of letters were asked for and the subcommittee got a mass of letters they could hardly find what they wanted. I believe it should be confined to political contributions and the conduct of political campaigns.

The PRESIDENT pro tempore. The amendment submitted by the Senator from Utah will be read.

Mr. WILLIAMS. I wish to call the attention of the author of the resolution to one part of it that, it seems to me, ought to be corrected in the interest of good English. It reads:

> All correspondence and financial transactions between John D. Archbold and Members of Congress and the Senate of the United States.

The Senate is a part of the Congress of the United States, and Senators are Members of Congress, and there is no necessity——

Mr. SMOOT. That amendment has been made.

Mr. WILLIAMS. I understand it has been changed.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 2, line 2, after the word "investigation," insert "relating to political contributions and the conduct of political campaigns."

Mr. POINDEXTER. Mr. President, I hope this amendment will not be adopted, for the reason that it would leave out of inquiry the entire subject matter to be inquired into under the resolution as it was originally introduced by the Senator from Pennsylvania. The whole controversy in that entire matter and

the purpose on which the Senator from Pennsylvania rose to an expression of personal privilege was the very question as to whether it related to campaign expenses or whether it did not relate to campaign expenses. To limit the inquiry to merely campaign expenses would eliminate from the jurisdiction of the committee the subject matter which the Senator from Pennsylvania introduced.

Mr. SMOOT. I wish to assure the Senator that I do not want to limit the investigation in any way. All I want to do is this——

Mr. POINDEXTER. I appreciate the object that I think the Senator from Utah has in view, and I agree with him entirely that irrelevant correspondence not involving any financial transaction ought not to be inquired into. However the resolution is worded, of course the committee is necessarily invested with some discretion and it would not inquire into it. I think it would be a good deal better if the Senator would withdraw his amendment and leave that matter in the discretion of the committee.

Mr. SMOOT. I think that would be all right if the resolution did not give a direction. It directs the Committee on Privileges and Elections to do this. The Senator must know that public men have tens of thousands, and perhaps some of them hundreds of thousands, of letters. I do not see, unless it is arranged in some way, how it could be obviated.

Mr. POINDEXTER. It is limited in this way, perhaps: The Senator will remember an amendment, in line 14, page 1, of the resolution to transpose the language there so as to read "all financial transactions and correspondence relating thereto." That would limit it in the manner in which the Senator from Utah suggests.

Mr. SMOOT. I will accept that.

The PRESIDENT pro tempore. The Senator from Utah withdraws his amendment?

Mr. SMOOT. I will withdraw the amendment and accept the amendment suggested by the Senator from Washington.

The PRESIDENT pro tempore. Will the Senator from Washington state his proposed amendment?

Mr. POINDEXTER. It is to strike out the words in italics, in line 14, page 1, and insert in lieu thereof "and all financial transactions and all correspondence relating thereto."

Mr. SMOOT. That is all right, Mr. President.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 1, line 14, strike out the words "including all correspondence and financial transactions" and insert "all financial transactions and correspondence relating thereto."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

Mr. LA FOLLETTE. A suggestion has just been made to me by the Senator from Washington [Mr. JONES] that as so many Senators have returned to their homes it is unlikely that there can be a meeting of the Committee on Privileges and Elections after the resolution is passed, if it should be passed, and that therefore the resolution could not in any formal way be referred by the chairman of the committee or by the committee to the subcommittee. The suggestion has been made that for that reason the resolution ought to be so modified as to refer it directly by the Senate to the subcommittee that has charge of this investigation. I recall that when the Senator from Pennsylvania first offered the resolution he offered it in that form, and some objection was made here to its being passed in that form, but in view of the situation I am not certain but that it ought to be so modified.

Mr. PENROSE. I looked carefully into that matter in offering the resolution and became convinced that it was not necessary, for this reason: The chairman can refer any matter to a subcommittee of the full committee of the Committee on Privileges and Elections.

Mr. LA FOLLETTE. I think that meets the criticism.

The PRESIDENT pro tempore. The question is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

Mr. BRANDEGEE. I wish to call the attention of the author of the resolution that as the resolution reads——

The PRESIDENT pro tempore. The resolution has been agreed to.

Mr. BRANDEGEE. I did not understand that it had been agreed to. I thought the question was on agreeing to the resolution as amended. I think the language of the resolution on page 2, line 2, providing that they shall inquire "to the date of the investigation" is somewhat obscure. I was about to suggest that it read "to the date of the conclusion of the investigation."

The PRESIDENT pro tempore. The resolution is agreed to.

STATEMENT OF APPROPRIATIONS.

Mr. WARREN. Mr. President, it has been usual for many years, with the exception of last year, for the chairmen of the Senate and House Committees on Appropriations to prepare a comparative statement showing the total appropriations for the fiscal year, giving the appropriations of the year before, the estimates, and other information.

The present chairman of the Senate Committee on Appropriations has not arranged any prepared speech regarding the finances of the country, its incomes and expenditures, and he does not propose to make or undertake to make any political capital out of this statement, but to state the facts as he sees them. I want to say, and do so with great pleasure, that the President of the United States and his Cabinet have labored conscientiously to curtail expenditures to the lowest limit of safety. The estimates for this year were carefully prepared to be inside the estimated income by a safe margin.

The House of Representatives has, I must admit, endeavored to keep down the expenses of the Government—whether wisely or unwisely will be determined by the country; but I credit them with a desire to be economical and to keep expenses inside the estimates.

The total appropriations, regular, miscellaneous, and permanent, including every allowance of every nature for the year 1913, amount to $1,019,636,143.66. The total appropriations for the fiscal year 1912 were $1,026,682,881.72. The appropriations for 1913 are less than those for 1912 by $7,046,738.06.

The appropriations for this fiscal year are less than the estimates by $21,011,882.89. Of course supplemental estimates later made increased this difference. In order to keep that total of appropriations inside the limit of last year the House, in the first place, made a great many calculations for the coming year only, for the amount of money that will be exhausted between now and the 4th of March. Hence there will probably be, soon after we meet next winter, either a very large urgent deficiency appropriation bill or later a large general deficiency appropriation bill, or there will be in the regular appropriations permission for certain sums to be continued available.

The House, and rightly so, examined carefully the witnesses from the departments to know whether the money appropriated for last year and prior years had all been used or would be used before the end of the fiscal year 1912, thus to find out if there were margins which would go back into the Treasury. They discovered quite large surplus amounts, which goes to show, first, that preceding Congresses have endeavored to be liberal in appropriations, trusting to the capacity, honesty, and economy of the departments not to expend what might be to the credits of different accounts unless necessary, and to the everlasting credit of those who expend the money, there were found numerous and large surplus amounts.

These have all been taken into consideration and have caused smaller appropriations for the year 1913. That, of course, will not materially affect the future. There is also a short appropriation for the Panama Canal because it is nearing completion, and that will decrease still further.

As the Senate knows the canal was supposed to be built from money obtained from bonds, so that the present inhabitants of the United States should not be called upon to pay all the cost of it, but could allow those who may get the benefit of it years afterwards to have the privilege and duty of paying some portion of it. But we have only issued a comparatively small amount of bonds, and we have paid large sums each year, nearly $50,000,000 last year and more than half as much this year. The discontinuance of that will help to make the bills in the future smaller.

I want to say, however, that I do not believe, with the growth of this country, that we have any right to expect the next administration, be it Republican, Democratic, or otherwise, to expend or to appropriate very much less, if any, than our expenses are now running, unless, indeed, we propose to cut into the future and lower the first year at the expense of the others to follow. I am prophesying that in the next four years' run it will be found that the Government will expend annually a billion dollars, more or less—and I believe it will be more—at every session. These shortages, or what I think may be shortages, will of course be provided for, as usual, in deficiencies. I wish to say that in deficiencies the present Congress has been careful, and the preceding Congresses by their legislation have so far as possible wiped out the necessity of deficiencies.

The bills this year as they came from the House have, of course, been added to by the Senate, as has always been done heretofore. They sent the bills over here with that expectation. But we have added, with the single exception, perhaps, of the deficiency bill, only a small percentage, and we are clearly, with a wide margin, within our income; and in the future some provision, whether it may be made by customs

tariff or income tax or otherwise, will have to be made sufficient to cover these outgoes.

I send to the desk a prepared table—in fact, two tables—which I ask may go into the RECORD, with accompanying memoranda.

The PRESIDENT pro tempore. Without objection, that order is made.

The tables referred to are as follows:

Total appropriations, fiscal year 1912	$1,026,682,881.72
Total appropriations, fiscal year 1913	1,019,636,143.66
Total estimates, fiscal year 1913	1,040,648,026.55
The appropriations for 1913 are less than the same for 1912	7,046,738.06
The appropriations for 1913 are less than the estimates	21,011,882.89

Chronological history of appropriation bills, second session of the Sixty-second Congress; estimates and appropriations for the fiscal year 1912–13; and appropriations for the fiscal year 1911–12.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Titles.	Estimates, 1913.	Reported to the House. Date.	Reported to the House. Amount.	Passed the House. Date.	Passed the House. Amount.
		1912.		1912.	
Agriculture	$17,233,452.00	Jan. 29	$15,836,976.00	Mar. 12	$15,933,366.00
		do	(88,854,257.18)	Feb. 16	(87,777,257.18)
Army [1]	96,927,988.98	July 1	[2] 89,127,257.18	July 2	[2] 89,127,257.18
Diplomatic and consular	4,079,697.41	Feb. 1	3,427,491.41	Mar. 28	3,418,791.41
District of Columbia [3]	12,954,720.50	Jan. 11	10,302,208.00	Jan. 25	10,300,858.00
Fortification	7,218,899.00	Feb. 14	4,036,235.00	Feb. 27	4,036,235.00
Indian	8,517,440.00	Feb. 23	7,475,255.00	Apr. 9	7,516,255.00
		May 1	(33,519,594.06)	May 10	(33,782,854.06)
Legislative, etc. [1]	35,684,267.40	Aug. 16	(33,651,084.06)	Aug. 17	(33,651,084.06)
		Aug. 21	34,229,613.38	Aug. 21	34,229,613.38
Military Academy	1,894,928.63	May 11	1,033,860.26	May 31	1,034,260.26
Navy	126,186,943.46	May 15	118,809,337.76	May 28	118,551,437.76
Pension	152,687,750.00	Jan. 29	152,579,000.00	Feb. 2	152,579,000.00
Post office [4]	260,938,463.00	Mar. 4	262,200,999.00	May 2	263,073,749.00
River and harbor	[5] 17,345,450.00	Mar. 7	24,062,520.50	Mar. 19	24,062,520.50
Sundry civil	[6] 131,896,602.05	June 3	109,577,414.40	June 21	109,567,974.40
Total	873,566,602.43	.....	832,698,167.89	.....	833,431,317.89
		1911.		1911.	
Urgent deficiency, 1912, and prior years	[11] 19,200,000.00	Dec. 15	2,364,756.46	Dec. 16	2,364,756.46
		1912.		1912.	
Deficiency, 1912, and prior years		July 25	6,182,838.24	Aug. 8	6,185,238.24
Total	892,766,602.43	.....	841,245,762.59	.....	841,981,312.59
Miscellaneous	[11] 14,675,000.00	.....	.....	.....	.....
Total, regular annual appropriations	907,441,602.43	.....	.....	.....	.....
Permanent annual appropriations	[12] 133,206,424.12	.....	.....	.....	.....
Grand total, regular and permanent annual appropriations	1,040,648,026.55	.....	.....	.....	.....

Titles.	Reported to the Senate. Date.	Reported to the Senate. Amount.	Passed the Senate. Date.	Passed the Senate. Amount.	Law, 1912–13. Date.	Law, 1912–13. Amount.	Law, 1911–12. Amount.
	1912.		1912.		1912.		
Agriculture	May 2	$17,656,976.00	May 16	$18,111,976.00	Aug. 10	$16,651,496.00	$16,900,016.00
	Apr. 2	(95,314,710.98)	Apr. 12	(95,343,510.98)	Veto Aug. 15	(90,654,562.98)	
Army [1]	Aug. 2	[7] 95,392,630.98	Aug. 14	[2] 95,478,380.98	Aug. 24	[2] 90,483,403.16	93,374,755.97
Diplomatic and consular	Apr. 4	3,788,347.11	Apr. 12	3,790,847.41	Apr. 30	3,638,047.41	3,988,516.41
District of Columbia [3]	Mar. 2	12,068,014.50	Mar. 19	11,864,524.50	June 26	10,675,833.50	12,056,786.50
Fortification	Mar. 12	4,186,235.00	Mar. 27	4,186,235.00	June 6	4,036,235.00	5,473,707.00
Indian	May 29	12,436,197.99	July 17	14,600,294.06	Aug. 24	9,854,184.46	8,842,136.37
	June 1	(34,537,894.50)	June 14	(34,476,154.50)	Veto	(34,187,591.16)	
Legislative, etc. [1]	Aug. 19	(34,249,591.16)	Aug. 19	(34,187,591.16)	Aug. 15	(34,187,591.16)	35,378,149.85
	Aug. 22	34,229,613.38	Aug. 22	34,229,613.38	Aug. 21	34,229,613.38	
Military Academy	June 11	1,064,668.26	July 24	1,064,668.26	Aug. 9	1,064,668.26	1,163,424.07
Navy	June 7	133,609,674.28	July 5	133,590,174.48	Aug. 22	123,220,707.48	126,478,338.24
Pension	May 23	165,186,750.00	May 30	165,187,750.00	Aug. 17	165,146,145.84	153,682,000.00
Post Office [4]	July 23	273,159,820.00	Aug. 14	273,642,309.00	Aug. 24	271,429,599.00	259,134,463.00
River and harbor	May 4	31,853,530.50	May 9	31,883,530.50	July 25	[6] 31,059,370.50	[7] 23,855,342.00
Sundry civil	July 15	115,021,989.70	July 24	116,322,730.20	Aug. 24	[9] 112,039,184.40	[10] 142,265,044.14
Total	.....	899,654,447.70	.....	903,953,033.77	.....	873,528,488.39	882,592,679.55
	1911.		1911.		1911.		
Urgent deficiency, 1912 and prior years	Dec. 18	2,922,756.46	Dec. 19	3,186,627.46	Dec. 22	2,457,756.46	
	1912.		1912.		1912.		9,740,971.24
Deficiency, 1912 and prior years	Aug. 22	11,513,871.26	Aug. 23	11,700,845.75	Aug. 26	7,243,474.69	
Total	.....	914,091,075.42	.....	918,840,506.98	.....	883,229,719.54	892,333,650.79
Miscellaneous	.....	.....	.....	.....	.....	[11] 3,200,000.00	4,773,306.81
Total regular and annual appropriations	.....	.....	.....	.....	.....	886,429,719.54	897,106,957.60
Permanent annual appropriations	.....	.....	.....	.....	.....	[12] 133,206,424.12	129,575,924.12
Grand total, regular and permanent annual appropriations	.....	.....	.....	.....	.....	[13] 1,019,636,143.66	[14] 1,026,682,881.72

Amount of estimated revenues for fiscal year 1913	$667,000,000.00
Amount of estimated postal revenues for fiscal year 1913	260,938,463.00
Total of estimated revenues for fiscal year 1913	927,938,463.00

[1] The Army and the legislative bills for 1913, as originally passed, were vetoed by the President June 17 and Aug. 15 and 21, 1912, respectively. In order to preserve their history, the several dates of their consideration are noted, and amounts carried are indicated in parentheses, but the amounts of the vetoed bills are not included in any of the totals stated herein.

[2] This amount includes $1,350,000 appropriated in a joint resolution, approved July 8, 1912, for the Organized Militia, a like sum having been carried by the Army act which was vetoed, and omitted from the Army act finally approved.

[3] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1913 at $135,785), which are payable from the revenues of the water department.

[4] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[5] In addition to this amount the sum of $12,114,988, to meet contracts authorized by law for river and harbor improvements, is included in thesundry civil estimates for 1913.

[6] In addition to this amount the sum of $9,500,250, to meet contracts authorized by law for river and harbor improvement, is included in the sundry civil act for 1913.

[7] In addition to this amount the sum of $7,028,077 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1912.

[8] This amount includes $12,114,988 to carry out contracts authorized by law for river and harbor improvements, and $47,263,760.20 for construction and fortification of the Isthmian Canal for 1913.

[9] This amount includes $9,500,250 to carry out contracts authorized by law for river and harbor improvements, and $31,786,950 for construction of the Isthmian Canal for 1912.

[10] This amount includes $7,028,077 to carry out contracts authorized by law for river and harbor improvements, and $48,560,000 for the construction and fortification of the Isthmian Canal for 1912.

[11] This amount is approximated.

[12] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1913, the exact amount appropriated not being ascertainable until 2 years after the close of the fiscal year. This amount includes estimated amount of $60,650,000 to meet sinking-fund obligations for 1913.

[13] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the fortification act $371,400, by the naval act $20,140,000, by the river and harbor act $2,200,000; in all, $22,711,400.

[14] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the naval act $30,352,500, and by the river and harbor act $13,101,645; in all, $43,454,145.

Comparison of Appropriations, fiscal years 1912 and 1913.

Title of bill.	Fiscal year 1912.	Fiscal year 1913.	Increase 1913 over 1912.	Decrease 1913 under 1912.
Agriculture	$16,900,016.00	$16,651,496.00		$248,520.00
Army	93,374,755.97	90,483,403.16		2,891,352.81
Diplomatic and consular	3,988,516.41	3,638,047.41		350,469.00
District of Columbia	12,056,786.50	10,675,833.50		1,380,953.00
Fortification	5,473,707.00	4,036,235.00		1,437,472.00
Indian	8,842,136.37	9,854,184.46	$1,012,048.09	
Legislative, etc	35,378,149.85	34,229,613.38		1,148,536.47
Military Academy	1,163,424.07	1,064,668.26		98,755.81
Navy	126,478,338.24	123,220,707.48		3,257,630.76
Pension	153,682,000.00	165,146,145.84	11,464,145.84	
Post Office	259,134,463.00	271,429,599.00	12,295,136.00	
River and harbor	23,855,342.00	31,059,370.50	7,204,028.50	
Sundry civil	142,265,044.14	112,039,184.40		30,225,859.74
Total	882,592,679.55	873,528,488.39	31,975,358.43	41,039,549.59
Deficiencies	9,740,971.24	9,701,231.15		39,740.09
Miscellaneous	4,773,306.81	3,200,000.00		1,573,306.81
Total	897,106,957.60	886,429,719.54		1,613,046.90
Permanent annual appropriations	129,575,924.12	133,206,424.12	3,630,500.00	
Grand total	1,026,682,881.72	1,019,636,143.66	35,605,858.43	42,652,596.49

Mr. OVERMAN. Mr. President, the net saving to the taxpayers of this country in all the appropriations this year is over $7,000,000. I speak in round numbers. Not including the increase of pensions and rivers and harbors, the extraordinary increase in the post office, the net increase would be over $37,000,000. So, in addition to providing for an increase in pensions, the increase of $7,000,000 in rivers and harbors, and the various increases in the post-office appropriations—notwithstanding those great increases, we have saved more than $7,000,000 to the taxpayers of this country. The saving was on the agricultural appropriation bill $248,000 and on the Army appropriation $2,891,000. We saved in the diplomatic and consular appropriations $350,000 and on fortifications $1,380,000. We saved on the legislative appropriations $1,148,000, on the Military Academy $98,000, on the Navy $3,257,000, and on the sundry civil appropriation bill $30,000,000, or a grand total of $41,000,000 that we saved, the increases being in pensions and also in the post-office appropriations and the rivers and harbors.

Mr. President, I disagree with the Senator from Wyoming. I believe that with a proper economy in the Government we can save more than $100,000,000 without injuring the efficiency of the Government.

I will ask to put in the RECORD a table showing a comparison of the appropriations of the fiscal years 1912 and 1913. It will show the decreases and also the increases.

The table referred to is as follows:

Comparison of appropriations, fiscal years 1912 and 1913.

Title of bill.	Fiscal year 1912.	Fiscal year 1913.	Increase 1913 over 1912.	Decrease 1913 under 1912.
Agriculture	$16,900,016.00	$16,651,496.00		$248,520.00
Army	93,374,755.97	90,483,403.16		2,891,352.81
Diplomatic and consular	3,988,516.41	3,638,047.41		350,469.00
District of Columbia	12,056,786.50	10,675,833.50		1,380,953.00
Fortification	5,473,707.00	4,036,235.00		1,437,472.00
Indian	8,842,136.37	9,854,184.46	$1,012,048.09	
Legislative, etc	35,378,149.85	34,229,613.38		1,148,536.47
Military Academy	1,163,424.07	1,064,668.26		98,755.81
Navy	126,478,338.24	123,220,707.48		3,257,630.76
Pension	153,682,000.00	165,146,145.84	11,464,145.84	
Post Office	259,134,463.00	271,429,599.00	12,295,136.00	
River and harbor	23,855,342.00	31,059,370.50	7,204,028.50	
Sundry civil	142,265,044.14	112,039,184.40		30,225,859.74
Total	882,592,679.55	873,528,488.39	31,975,358.43	41,039,549.59
Deficiencies	9,740,971.24	9,701,231.15		39,740.09
Miscellaneous	4,773,306.81	3,200,000.00		1,573,306.81
Total	897,106,957.60	886,429,719.54		1,613,046.90
Permanent annual appropriations	129,575,924.12	133,206,424.12	3,630,500.00	
Grand total	1,026,682,881.72	1,019,636,143.66	35,605,858.43	42,652,596.49

Mr. OVERMAN. I also ask to put in the RECORD a table of appropriations by years from 1875 to 1912, showing in 1875 the total appropriations for the Government then were $325,000,000, whereas in 1912 it was $1,027,000,000. Even this appropriation, with this saving, is $562,000,000 more than the appropriations made in 1896, when the Democrats were in full control of this Government. In other words, when Cleveland went out of office, and the year before his successor was sworn in, the appropriations are now $562,000,000 more as compared with that date.

I also ask leave to insert a table showing that the per capita cost of the United States Government in 1850 was $2.60; in 1880 it was $7.30; in 1900 it was $10.78; in 1910 it was $12.10; and this year under our appropriations it will be, so far as I can ascertain, less than $11.

The PRESIDENT pro tempore. Without objection, the tables presented by the Senator from North Carolina will be printed in the RECORD.

The tables referred to are as follows:

Total appropriation by years.

1875	$325,666,791.89	1895	$459,925,178.62
1876	328,128,199.32	1896	457,088,344.72
1877	299,591,138.07	1897	469,494,010.41
1878	296,006,694.21	1898	485,002,044.72
1879	332,407,776.68	1899	862,682,487.06
1880	372,119,629.30	1900	690,667,188.54
1881	361,572,204.39	1901	719,278,826.89
1882	365,965,479.83	1902	757,607,464.72
1883	422,138,073.31	1903	796,633,864.79
1884	355,297,875.23	1904	736,578,402.76
1885	318,829,489.13	1905	732,197,853.84
1886	336,439,913.20	1906	765,553,620.06
1887	387,330,971.99	1907	871,041,847.40
1888	359,011,523.52	1908	918,362,329.07
1889	408,624,057.37	1909	1,008,397,543.56
1890	385,522,367.61	1910	1,044,401,857.12
1891	509,368,345.86	1911	1,027,901,629.18
1892	514,424,019.49	1912	1,026,682,881.72
1893	463,684,385.20		
1894	479,932,667.08	Total	22,451,668,979.87

Per capita cost of United States Government.

Year.	Expenses.	Population.	Per capita cost.
1850	$60,407,019	23,191,876	$2.60
1880	373,278,712	50,155,783	7.30
1900	819,318,953	75,994,575	10.78
1910	1,121,858,321	91,972,267	12.10

Mr. OVERMAN. I also ask to have printed in the RECORD a table showing the total appropriations for the fiscal year 1912, and a table of appropriations for the fiscal year 1913.

The appropriations for 1913 are less than the appropriations for 1912 by $7,046,738.06; and the appropriations for 1913 are less than the estimates by $21,011,882.89.

The PRESIDENT pro tempore. Without objection, the table referred to will be inserted in the RECORD.

The table referred to is as follows:

Total appropriations, fiscal year 1912	$1,026,682,881.72
Total appropriations, fiscal year 1913	1,019,636,143.66
Total estimates, fiscal year 1913	1,040,648,026.55
The appropriations for 1913 are less than the same for 1912	7,046,738.06
The appropriations for 1913 are less than the estimates	21,011,882.89

Mr. OVERMAN. Mr. President, I also ask leave to insert in the RECORD a comparative table, showing appropriations for the years 1896 and 1913, respectively. The year 1896 was the year the Democrats were in charge of this Government. I ask that these tables be printed in the RECORD.

The PRESIDENT pro tempore. Without objection, it will be so ordered.

The tables referred to are as follows:

Comparison of appropriations, fiscal years 1896 and 1913.

Title of bill.	Fiscal year 1896.	Fiscal year 1913.	Increase 1913 over 1896.	Decrease 1913 under 1896.
Agriculture	$3,303,750.00	$16,651,496.00	$13,347,746.00	
Army	23,252,608.09	90,483,403.16	67,230,795.07	
Diplomatic and consular	1,574,458.76	3,638,047.41	2,063,588.65	
District of Columbia	5,745,443.25	10,675,833.50	4,930,390.25	
Fortification	1,904,557.50	4,036,235.00	2,131,677.50	
Indian	8,762,751.24	9,854,184.46	1,091,433.22	
Legislative, etc	21,891,718.08	34,229,613.38	12,337,895.30	
Military Academy	464,261.66	1,064,668.26	600,406.60	
Navy	29,416,245.31	123,220,707.48	93,804,462.17	
Pension	141,381,570.00	165,146,145.84	23,764,575.84	
Post Office	89,545,997.86	271,429,599.00	181,883,601.14	
River and harbor		31,059,370.50	31,059,370.50	
Sundry civil	46,568,160.40	112,039,184.40	65,471,024.00	
Total	373,811,522.15	873,528,488.39	499,716,966.24	
Deficiencies	9,825,374.82	9,701,231.15		$124,143.67
Miscellaneous	297,667.37	3,200,000.00	2,902,332.63	
Total	383,934,564.34	886,429,719.54		
Permanent annual Appropriations	73,153,780.38	133,206,424.12	60,052,643.74	
Grand total	457,088,344.72	1,019,636,143.66	562,671,942.61	124,143.67

Net increase of appropriations made for the fiscal year 1913 over the same for the fiscal year 1896, $562,547,798.94.

Mr. BOURNE. Mr. President, during the recent discussion of the parcel-post provision of the Post Office appropriation bill a number of statements were made representing the parcel-post rates as unduly high when compared with existing express rates. I have no intention of occupying the time of the Senate with an extended discussion of this subject, but since a number of comparative tables of rates have been placed in the RECORD I deem it desirable to present for the same purpose some comparative figures I have prepared, based upon information secured from the records of the Interstate Commerce Commission.

First, however, I desire to demonstrate that even if it were true that the parcel-post rates are higher than express rates, yet they are so much lower than existing postage rates on fourth-class matter that the enactment of this law is fully justified by this reduction in charge for postal service. A comparison will show that the reduction is 25 per cent on the long-distance shipments, and that it varies for shorter distances, until we find a reduction of 88 per cent for the local and rural-route service. If nothing else were accomplished, this is a very considerable achievement in the interest of patrons of the postal service.

The following table shows the present postage charge on 5 pounds of fourth-class matter, the charge under the parcel-post law, the amount of reduction in cents and the per cent of the reduction by zones:

Distance.	5 pounds, present rate.	5 pounds, parcel-post rate.	Reduction.	Per cent of reduction.
Rural route and city delivery	$0.80	$0.09	$0.71	88
50-mile zone	.80	.17	.63	79
150-mile zone	.80	.22	.58	72
300-mile zone	.80	.27	.53	66
600-mile zone	.80	.32	.48	60
1,000-mile zone	.80	.37	.43	54
1,400-mile zone	.80	.46	.34	42
1,800-mile zone	.80	.51	.29	36
Over 1,800 miles	.80	.60	.20	25

The average haul of fourth-class matter is now 687 miles, with the flat rate favoring the long haul. Under the proposed zone rates the average haul will be much less than 600 miles. It is therefore apparent that the parcel-post law effects a reduction of 54 per cent under the present average distance and 60 per cent under the average distance under the new rates.

But the parcel-post rates do not suffer by comparison with express rates. In connection with the committee report upon the parcel-post provision I submitted some comparative tables, showing parcel-post rates for different distances and the express rates on shipments out of New York for similar distances. I took pains to explain that express rates out of New York are lower than in most sections of the country, but several who have reproduced those tables in part have failed to make this explanation and have in some instances shown only the rates on 11-pound parcels, in which case the comparison is, of course, most favorable to the express rates. In order to correct any erroneous impression that may have been given by such comparisons, I present a table showing rates from other points than New York, from which it will be seen that people in other sections of the country are paying considerably higher rates than the shippers from and to the American metropolis.

I would not be understood, Mr. President, as saying that any comparative table I present is absolutely accurate in showing relative rates. Owing to the complexity of the system of express charges, it is impossible to make an exact comparison with a parcel-post rate that applies the same between any two points the same distance apart and on all kinds of fourth-class matter. I believe, however, that by showing the lower rates and also some of the highest rates I am giving those who are interested as fair a basis of comparison as it is possible to do.

Rates given in the following order:

First presents express rates from New York.

Second presents express rates from another city, similar distance.

Third presents express rates from third city, similar distance.

Fourth presents rates established by Bourne bill.

Miles.	Pounds.										
	1	2	3	4	5	6	7	8	9	10	11
50 miles from New York	$0.25	$0.25	$0.25	$0.30	$0.30	$0.35	$0.35	$0.35	$0.35	$0.35	$0.35
San Francisco—Port Costa	.25	.25	.25	.25	.25	.30	.30	.30	.30	.30	.30
Seattle—Bandera, Wash	.25	.30	.30	.35	.40	.40	.40	.45	.45	.45	.45
Bourne bill	.05	.08	.11	.14	.17	.20	.23	.26	.29	.32	.35
100 miles from New York	.25	.30	.30	.30	.35	.35	.35	.40	.40	.40	.40
Ashford, Wash.—Bismarck, Wash	.25	.30	.30	.35	.40	.40	.40	.45	.45	.45	.45
Espanola, N. Mex.—San Antonio, N. Mex	.25	.30	.35	.40	.45	.50	.50	.55	.55	.55	.60
Bourne bill	.06	.10	.14	.18	.22	.26	.30	.34	.38	.42	.46
200 miles from New York	.25	.30	.35	.35	.40	.45	.45	.50	.50	.50	.55
Atlanta, Ga.—Etowah, Tenn	.25	.30	.35	.35	.40	.45	.45	.50	.50	.50	.55
Los Angeles—Ludlow, Cal	.25	.35	.45	.60	.65	.75	.75	.75	.75	.75	.90
Bourne bill	.07	.12	.17	.22	.27	.32	.37	.42	.47	.52	.57
300 miles from New York	.25	.30	.35	.40	.45	.50	.50	.55	.55	.55	.60
Minneapolis—Hope, S. Dak	.25	.30	.40	.45	.50	.55	.55	.60	.60	.60	.65
San Francisco—Truckee, Cal	.25	.35	.45	.60	.70	.80	.80	.90	.90	.90	1.00
Bourne bill	.07	.12	.17	.22	.27	.32	.37	.42	.47	.52	.57
400 miles from New York	.25	.30	.35	.40	.45	.50	.55	.55	.60	.60	.65
St. Louis—Parsons, Kans	.25	.35	.45	.55	.60	.70	.75	.75	.75	.75	.85
Espanola, N. Mex.—Placerville, Colo	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Bourne bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68
500 miles from New York	.25	.30	.40	.45	.50	.55	.55	.60	.60	.60	.65
New Orleans—Clayton, Miss	.25	.30	.40	.45	.50	.55	.55	.60	.60	.60	.65
Ashford, Wash.—St. Voe, Idaho	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Bourne bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68

Miles.	Pounds.										
	1	2	3	4	5	6	7	8	9	10	11
600 miles from New York	$0.25	$0.35	$0.45	$0.50	$0.55	$0.60	$0.60	$0.70	$0.70	$0.70	$0.75
Chicago—Topeka	.25	.35	.45	.60	.65	.75	.75	.80	.80	.80	.90
San Francisco—Palisade, Nev	.30	.35	.45	.60	.75	.90	1.00	1.10	1.10	1.25	1.25
Bourne bill	.08	.14	.20	.26	.32	.38	.44	.50	.56	.62	.68
700 miles from New York	.25	.35	.45	.55	.60	.70	.70	.75	.75	.75	.85
Baldwin, Wis.—Tamaroa, Ill	.25	.35	.45	.60	.65	.75	.75	.80	.80	.80	.90
San Francisco—Halsey, Oreg	.25	.35	.45	.60	.70	.85	.85	1.00	1.00	1.00	1.10
Bourne bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
800 miles from New York	.25	.35	.45	.55	.60	.70	.70	.75	.75	.75	.85
Chamblee, Ga.—Grassland, N. C	.25	.35	.45	.60	.70	.85	.85	1.00	1.00	1.00	1.10
San Francisco—Portland, Oreg	.25	.35	.45	.60	.70	.85	.85	1.00	1.00	1.00	1.10
Bourne bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
900 miles from New York	.25	.35	.45	.55	.60	.70	.70	.75	.75	.75	.85
Waynesboro, Va.—Athens, Ala	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Fairfield, Conn.—Frankfort, Ky	.25	.35	.45	.60	.70	.80	.80	.90	.90	.90	1.00
Bourne bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
1,000 miles from New York	.25	.35	.45	.60	.70	.80	.80	.90	.90	.90	1.00
Marthasville, Mo.—Katy, Ky	.25	.35	.45	.60	.70	.80	.80	.90	.90	.90	1.00
Waynesboro, Va.—Helena, Ark	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Bourne bill	.09	.16	.23	.30	.37	.44	.51	.58	.65	.72	.79
1,100 miles from New York	.25	.35	.45	.60	.70	.85	.85	1.00	1.00	1.00	1.10
National City, Cal.—Bernalillo, N. Mex	.30	.35	.45	.60	.80	.90	1.00	1.20	1.20	1.20	1.50
Bourne bill	.10	.19	.28	.37	.46	.55	.64	.73	.82	.91	1.00
1,200 miles from New York	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Minneapolis—Coram, Mont	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Baldwin, Wis.—Crystal Springs, Miss	.30	.35	.45	.60	.75	.90	1.00	1.10	1.10	1.10	1.25
Bourne bill	.10	.19	.28	.37	.46	.55	.64	.73	.82	.91	1.00
1,300 miles from New York	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Fairfield, Conn.—Athens, Ala	.30	.35	.45	.60	.75	.90	.90	1.10	1.10	1.10	1.25
Minneapolis—McComb, Miss	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Bourne bill	.10	.19	.28	.37	.46	.55	.64	.73	.82	.91	1.00
1,400 miles from New York	.30	.35	.45	.60	.75	.90	.90	1.00	1.00	1.00	1.15
Minneapolis—New Orleans	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Minneapolis—Bonners Ferry, Mont	.30	.35	.45	.60	.80	.90	1.00	1.20	1.25	1.25	1.50
Bourne bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,500 miles from New York	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Minneapolis—Camden, Wash	.30	.35	.45	.60	.80	.90	1.00	1.20	1.25	1.25	1.50
Fairfield, Conn.—Garland, Ala	.30	.35	.45	.60	.75	.90	1.00	1.15	1.15	1.15	1.35
Bourne bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,600 miles from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.20	1.20	1.50
San Francisco—Pueblo, Colo	.30	.35	.45	.60	.80	.90	1.00	1.20	1.20	1.20	1.50
Minneapolis—Wilson Creek, Wash	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.35	1.60
Bourne bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,700 miles from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.20	1.20	1.50
Denver—San Francisco	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.35	1.60
Bourne bill	.11	.21	.31	.41	.51	.61	.71	.81	.91	1.01	1.11
1,800 miles from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.25	1.25	1.50
Minneapolis—Seattle	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Bourne bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
2,500 miles from New York	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Los Angeles—Buffalo, 2,774 miles	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Los Angeles—Chicago	.30	.35	.45	.60	.80	.90	1.00	1.20	1.35	1.40	1.60
Bourne bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32
3,000 miles from New York	.30	.35	.45	.60	.80	.90	1.05	1.20	1.35	1.50	1.65
Ashford, Wash.—Campbellville, N. Y., 3,008 miles	.35	.40	.50	.65	.85	1.00	1.15	1.30	1.50	1.65	1.80
Bourne bill	.12	.24	.36	.48	.60	.72	.84	.96	1.08	1.20	1.32

As already indicated, I believe it unfair to compare charges on only the largest packages and ignore the low rates of the parcel post on the small packages. The rates on all sizes of packages should be taken into consideration, for the ordinary patron of the express or parcel-post service sends more small packages than large ones. In fact, experience in foreign countries shows that under an 11-pound weight limit the average size of the parcel is between 3 and 4 pounds. In an effort to show a comparison of rates on all sizes of packages for all distances I present a table showing the parcel-post and the express charges on 11 packages weighing from 1 to 11 pounds—the total weight of the 11 packages being 66 pounds—and also the charges on these 11 packages for each of the zone distances. I then make a total of all charges on all packages for all distances by each method of transportation, showing the difference in the total charges and the per cent of the difference. In this comparison I am using the express rates from New York as taken from the records of the Interstate Commerce Commission. In this connection, however, it must be remembered that the parcel-post service includes a delivery on a rural route, which the express service does not, so that even if the rates were the same the comparison would result favorably to the parcel-post service. I do not claim that this comparison is absolutely exact, but it is as fair as I know how to make it.

Pounds.	50-mile zone.		150-mile zone.		300-mile zone.		600-mile zone.		1,000-mile zone.		1,400-mile zone.		1,800-mile zone.		Over 1,800-mile zone.	
	Parcel post.	Express rate.	Parcel post.	Express rate.	Parcel post.	Express rate.	Parcel post.	Express rate.	Parcel post.	Express rate.	Parcel post.	Express rate.	Parcel post.	Express rate.	Parcel post.	Express rate.
1	$0.05	$0.25	$0.06	$0.25	$0.07	$0.25	$0.08	$0.25	$0.09	$0.25	$0.10	$0.30	$0.11	$0.30	$0.12	$0.30
2	.08	.25	.10	.30	.12	.30	.14	.30	.16	.35	.19	.35	.21	35	.24	.35
3	.11	.25	.14	.30	.17	.35	.20	.40	.23	.45	.28	.45	.31	.45	.36	.45
4	.14	.25	.18	.30	.22	.40	.26	.45	.30	.55	.37	.60	.41	.60	.48	.60
5	.17	.25	.22	.35	.27	.45	.32	.50	.37	.60	.46	.75	.51	.75	.60	.80
6	.20	.30	.26	.35	.32	.50	.38	.55	.44	.70	.55	.90	.61	.90	.72	.90
7	.23	.30	.30	.35	.37	.50	.44	.55	.51	.70	.64	.90	.71	1.00	.84	1.00
8	.26	.30	.34	.40	.42	.55	.50	.60	.58	.75	.73	1.00	.81	1.15	.96	1.20
9	.29	.30	.28	.40	.47	.55	.56	.60	.65	.75	.82	1.00	.91	1.15	1.08	1.35
10	.32	.30	.42	.40	.52	.55	.62	.60	.72	.75	.91	1.00	1.01	1.15	1.20	1.40
11	.35	.30	.46	.40	.57	.60	.68	.65	.79	.85	1.00	1.15	1.11	1.35	1.32	1.60
66	2.20	3.05	2.76	3.80	3.52	5.00	4.18	5.45	4.84	6.70	6.05	8.40	6.71	9.15	7.92	9.95

Comparison of aggregates.

	Parcel post.	Express rate.
50-mile zone	$2.20	$3.05
150-mile zone	2.76	3.80
300-mile zone	3.52	5.00
600-mile zone	4.18	5.45
1,000-mile zone	4.84	6.70
1,400-mile zone	6.05	8.40
1,800-mile zone	6.71	9.15
Over 1,800-mile zone	7.92	9.95
	38.18	51.50

Parcel-post rates—Reduction from present express charges.....per cent.. 25.67

ADVANCE IN PRICE OF FARM PRODUCTS.

Mr. SMOOT. I present a statement showing the exchange value of farm products from the year 1896 to 1911, and I ask that it be printed in the RECORD without reading.

The PRESIDENT pro tempore. The Senator from Utah asks unanimous consent that there be printed in the RECORD the statement presented by him. Is there objection? The Chair hears none, and it is so ordered.

The statement referred to is as follows:

THE ADVANCE IN THE PRICES OF FARM PRODUCTS DURING THE PERIOD FROM 1896 TO 1911.

With advancing prices the products of the farm show a much greater advance than do the commodities which the farmer purchases for consumption or for use on the farm.

The average prices of the principal farm products of the East, the South, the Middle West, and the Far West in December, 1911, and in December, 1896, show a remarkable change in conditions during that period. All prices used in the following tables are taken from Bulletin No. 39 and Bulletin No. 99 of the United States Bureau of Labor.

The table which follows shows the average price in December, 1911, and in December, 1896, and also the advance during the period between those dates for all articles except wheat, for which September prices are compared for the reason that, according to the reports of the United States Department of Agriculture, more wheat is marketed by the farmers during September than during any other one month of the year.

Average price in December, 1911, and in December, 1896, and the advance since December, 1896.

Article.	December, 1911.	December, 1896.	Advance since December, 1896.	
			Actual advance.	Per cent advance.
Corn, per bushel	$0.69	$0.23	$0.46	200
Wheat, per bushel	[1] 1.00	[1] .60	[1] .40	[1] 67
Cotton, per pound	.0936	.0730	.0230	28
Oats, per bushel	.46½	.17½	.29	166
Rye, per bushel	.92½	.39	.53½	137
Barley, per bushel	1.22½	.30	.92½	308
Hay, timothy, per ton	20.56	8.65	11.91	138
Hops, per pound	.56	.14½	.41½	286
Potatoes, per bushel	.84	.22	.62	282
Flaxseed, per bushel	1.94	.78	1.16	149
Cattle, choice extra steers, per 100 pounds	8.26	5.10	3.16	62
Hogs, heavy, per 100 pounds	6.31	3.22	3.09	96
Butter, dairy, per pound	.34½	.18½	.16	86
Eggs, fresh, per dozen	.47	.24½	.22½	90

[1] September.

The prices of the principal farm products above enumerated show phenomenal increases between the dates named, as follows:

	Per cent.
Corn advanced	200
Wheat advanced	67
Cotton advanced	28
Oats advanced	166
Rye advanced	137
Barley advanced	308
Hay advanced	138
Hops advanced	286
Potatoes advanced	282
Flaxseed advanced	149
Fat cattle advanced	62
Fat hogs advanced	96
Dairy butter advanced	86
Eggs advanced	90

EXCHANGE VALUES OF FARM PRODUCTS.

The exchange value of any article represents its real value, and the real worth of any article produced on the farm is measured by its value in exchange for articles which the farmer desires to purchase. No compilation of retail prices for 1911 and 1896 are available, but the retail price of any commodity follows, in a general way, the wholesale price. Without retail prices it is impossible to measure the exact purchasing power of farm products, but the proportionate change in purchasing power is practically the same when wholesale prices are used as when retail prices are used.

Ten bushels of corn equaled in value 46 pounds of Rio coffee in December, 1911, and 23 pounds in December, 1896.

Ten bushels of corn equaled in value 16 gallons of New Orleans molasses in December, 1911, and 7 gallons in December, 1896.

Ten bushels of corn equaled in value 7 barrels of salt in December, 1911, and 4 barrels in December, 1896.

Ten bushels of corn equaled in value 123 pounds of granulated sugar in December, 1911, and 56 pounds in December, 1896.

Ten bushels of corn equaled in value 110 yards of Amoskeag gingham in December, 1911, and 48 yards in December, 1896.

Ten bushels of corn equaled in value 85 yards of Fruit of the Loom shirtings in December, 1911, and 34 yards in December, 1896.

Ten bushels of corn equaled in value 74 gallons of refined petroleum in December, 1911, and 23 gallons in December, 1896.

Ten bushels of corn equaled in value 350 pounds of galvanized barbed wire in December, 1911, and 117 pounds in December, 1896.

Ten bushels of corn equaled in value 433 pounds of 8-penny wire nails in December, 1911, and 170 pounds in December, 1896.

Ten bushels of corn equaled in value 1,066 common brick in December, 1911, and 460 in December, 1896.

Ten bushels of corn equaled in value 5 barrels of Portland cement in December, 1911, and 1.2 barrels in December, 1896.

The tables which follow show the value in 1911 and at a corresponding date in 1896 of corn, wheat, cotton, oats, rye, barley, hay, hops, potatoes, flaxseed, fat cattle, fat hogs, dairy butter, and fresh eggs.

Value of 10 bushels of corn in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	46	23	23
Molasses, New Orleans, open kettle	Gallons	16	7	9
Rice, domestic, choice	Pounds	140	42	98
Salt, American	Barrels	7	4	3
Sugar, granulated	Pounds	123	56	67
Tea, Formosa, fine	do	28	8	20
Carpet, Brussels	Yards	5	2	3
Carpet, ingrain	do	13	5	8
Cotton flannel, 2¾ yards to the pound	do	69	35	34
Gingham, Amoskeag	do	110	48	62
Sheetings, bleached, 10/4, Pepperell	do	31	13	18
Sheetings, brown, 4/4, Pepperell	do	110	41	69
Shirtings, bleached, 4/4, Fruit of the Loom	do	85	34	51
Shoes, men's vici kid, Goodyear welt	Pairs	[2] 2	[2] 1	[2] 1
Suitings, clay worsted diagonal, 12-ounce	Yards	6	3	3
Coal, anthracite, stove	Bushels	39	15	24
Coal, bituminous, Georges Creek (New York Harbor)	do	64	23	41
Petroleum, refined, 150° water white	Gallons	74	23	51
Barb wire, galvanized	Pounds	350	117	233
Nails, wire, eightpenny	do	433	170	263
Brick, common, domestic	Bricks	1,066	460	606
Cement, Portland, domestic	Barrels	5	1 3/10	3 8/10
Lime, common	do	6	4	2
Oak, white, plain	Feet	127	63	64
Shingles, cypress	Thousand	1 3/10	3/10	1
Spruce	Feet	271	161	110

[1] With $1.63 remaining. [2] With $0.05 remaining. [3] With $1.58 remaining.

Value of 10 bushels of wheat in September, 1911, and in September, 1896, when measured by the wholesale prices of the following staple articles:

[According to the reports of the Department of Agriculture more wheat is marketed by the farmers in September than in any other month of the year.]

Article.	Unit.	September, 1911.	September, 1896.	Excess, 1911 over 1896.
Coffee Rio, No. 7	Pounds	74	56	18
Molasses, New Orleans, open kettle	Gallons	25	18	7
Rice, domestic, choice	Pounds	211	116	95
Salt, American	Barrels	11½	10 3/10	7/10
Sugar, granulated	Pounds	152	133	19
Tea, Formosa, fine	do	40	22	18
Carpet, Brussels	Yards	8	6	2
Carpet, ingrain	do	18	14	4
Cotton flannel, 2¾ yards to the pound	do	100	91	9
Gingham, Amoskeag	do	143	140	3
Sheetings, bleached, 10/4, Pepperell	do	41	34	7

Article.	Unit.	September, 1911.	September, 1896.	Excess, 1911 over 1896.
Sheetings, brown, 4/4, Pepperell	Yards	148	108	40
Shirtings, bleached, Fruit of the Loom	do	123	93	30
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 3	[2] 2	[3] 1
Suitings, clay worsted diagonal, 12-ounce	Yards	9	8	1
Coal, anthracite, stove	Bushels	57	41	16
Coal, bituminous, Georges Creek (New York Harbor).	do	93	61	32
Petroleum, refined, 150° water white	Gallons	108	59	49
Barb wire, galvanized	Pounds	459	321	138
Nails, wire, eightpenny	do	572	189	383
Brick, common, domestic	Bricks	1,637	1,323	314
Cement, Portland, domestic	Barrels	6½	3	3½
Lime, common	do	8	9	[4] 1
Oak, white, plain	Feet	182	164	18
Shingles, cypress	Thousand.	2	2 1/10	1/10
Spruce	Feet	417 1/10	417	0

[1] With $2.07 remaining.
[2] With $1.45 remaining.
[3] With $0.62 remaining.
[4] Less in 1911 than in 1896.

Value of 1 bale (500 pounds) of cotton in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	313	365	[1] 52
Molasses, New Orleans, open kettle	Gallons	110	121	[1] 11
Rice, domestic, choice	Pounds	947	678	269
Salt, American	Barrels	53	66	[1] 13
Sugar, granulated	Pounds	834	890	[1] 56
Tea, Formosa, fine	do	191	128	63
Carpet, Brussels	Yards	39	38	1
Carpet, ingrain	do	88	89	[1] 1
Cotton flannel, 2¾ yards to the pound	do	468	561	[1] 93
Gingham, Amoskeag	do	749	768	[1] 19
Sheetings, bleached, 10/4, Pepperell	do	212	208	4
Sheetings, brown, 4/4, Pepperell	do	749	663	86
Shirtings, bleached, 4/4, Fruit of the Loom	do	575	550	25
Shoes, men's vici kid, Goodyear welt	Pairs	17	16	1
Suitings, clay worsted diagonal, 12-ounce	Yards	43	51	[1] 8
Coal, anthracite, stove	Bushels	265	250	15
Coal, bituminous, Georges Creek (New York Harbor).	do	437	378	59
Petroleum, refined, 150° water white	Gallons	506	365	141
Barb wire, galvanized	Pounds	2,354	1,871	483
Nails, wire, eightpenny	do	2,925	2,703	222
Brick, common, domestic	Bricks	7,202	7,300	[1] 98
Cement, Portland, domestic	Barrels	35	18	17
Lime, common	do	43	60	[1] 17
Oak, white, plain	Feet	859	1,006	[1] 147
Shingles, cypress	Thousand.	13	14.6	[1] 1.6
Spruce	Feet	1,835	2,561	[1] 726

[1] Less in 1911 than in 1896.

Value of 20 bushels of oats in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	62	35	27
Molasses, New Orleans, open kettle	Gallons	21	11	10
Rice, domestic, choice	Pounds	188	65	123
Salt, American	Barrels	10	6	4
Sugar, granulated	Pounds	165	85	80
Tea, Formosa, fine	do	38	12	26
Carpet, Brussels	Yards	7	3	4
Carpet, ingrain	do	17	8	9
Cotton flannel, 2¾ yards to the pound	do	93	54	39
Gingham, Amoskeag	do	148	73	75
Sheetings, bleached, 4/4, Pepperell	do	42	20	22
Sheetings, brown, 4/4, Pepperell	do	148	63	85
Shirtings, bleached, 4/4, Fruit of the Loom	do	114	52	62
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 3	[2] 1	[3] 2
Suitings, clay worsted diagonal, 12-ounce	Yards	8	5	3
Coal, anthracite, stove	Bushels	52	24	28
Coal, bituminous, Georges Creek (New York Harbor).	do	86	36	50
Petroleum, refined, 150° water white	Gallons	100	35	65
Barb wire, galvanized	Pounds	470	180	290
Nails, wire, eightpenny	do	582	260	322
Brick, common, domestic	Bricks	1,432	702	730
Cement, Portland, domestic	Barrels	7	1 8/10	5 2/10
Lime, common	do	8	5	3
Oak, white, plain	Feet	170	96	74
Shingles, cypress	Thousand.	2½	1 4/10	1 1/10
Spruce	Feet	365	246	119

[1] With $1.36 remaining.
[2] With $1.26 remaining.
[3] With $0.10 remaining.

Value of 20 bushels of rye in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	124	78	46
Molasses, New Orleans, open kettle	Gallons	43	26	17
Rice, domestic, choice	Pounds	375	145	230
Salt, American	Barrels	21	14	7
Sugar, granulated	Pounds	330	190	140
Tea, Formosa, fine	do	75	27	48
Carpet, Brussels	Yards	15	8	7
Carpet, ingrain	do	35	19	16
Cotton flannel, 2¾ yards to the pound	do	185	120	65
Gingham, Amoskeag	do	296	164	132
Sheeting, bleached, 10/4, Pepperell	do	84	44	40
Sheetings, brown, 4/4, Pepperell	do	296	142	154
Shirtings, bleached, 4/4, Fruit of the Loom	do	227	117	110
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 6	[2] 3	[3] 3
Suitings, clay worsted diagonal, 12-ounce	Yards	17	11	6
Coal, anthracite, stove	Bushels	104	53	51
Coal, bituminous, Georges Creek (New York Harbor).	do	172	81	91
Petroleum, refined, 150° water white	Gallons	200	78	122
Barb wire, galvanized	Pounds	935	400	535
Nails, wire, eightpenny	do	1,157	578	579
Brick, common domestic	Bricks	2,850	1,562	1,288
Cement, Portland, domestic	Barrels	14	3 8/10	10 1/10
Lime, common	do	17	13	4
Oak, white, plain	Feet	339	215	124
Shingles, cypress	Thousand.	5 1/10	3 1/10	2
Spruce	Feet	726	548	178

[1] With $2.62 remaining.
[2] With $1.06 remaining.
[3] With $1.56 remaining.

Value of 20 bushels of barley in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	163	59	104
Molasses, New Orleans, open kettle	Gallons	57	19	38
Rice, domestic, choice	Pounds	495	111	384
Salt, American	Barrels	28	10	18
Sugar, granulated	Pounds	436	146	290
Tea, Formosa, fine	do	100	21	79
Carpet, Brussels	Yards	20	6	14
Carpet, ingrain	do	46	14	32
Cotton flannel, 2¾ yards to the pound	do	245	92	153
Gingham, Amoskeag	do	392	126	266
Sheetings, bleached, 10/4, Pepperell	do	111	34	77
Sheetings, brown, 4/4, Pepperell	do	392	108	284
Shirtings, bleached, 4/4, Fruit of the Loom	do	301	90	211
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 9	[2] 2	[3] 6
Suitings, clay worsted diagonal, 12-ounce	Yards	22	8	14
Coal, anthracite, stove	Bushels	138	41	97
Coal, bituminous, Georges Creek (New York Harbor).	do	228	62	166
Petroleum, refined, 150° water white	Gallons	264	59	205
Barb wire, galvanized	Pounds	1,237	307	930
Nails, wire, eightpenny	do	1,531	443	1,088
Brick, common, domestic	Bricks	3,769	1,198	2,571
Cement, Portland, domestic	Barrels	18	3	15
Lime, common	do	22	10	12
Oak, white, plain	Feet	449	165	284 4/10
Shingles, cypress	Thousand.	6 8/10	2 4/10	4
Spruce	Feet	960	420	540

[1] With $0.65 remaining.
[2] With $1.49 remaining.
[3] With $1.81 remaining.

Value of 1 ton of timothy hay in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	137	86	51
Molasses, New Orleans, open kettle	Gallons	48	28	20
Rice, domestic, choice	Pounds	416	160	256
Salt, American	Barrels	23	15	8
Sugar, granulated	Pounds	366	211	155
Tea, Formosa, fine	do	83	30	53
Carpet, Brussels	Yards	17	9	8
Carpet, ingrain	do	38	21	17
Cotton flannel, 2¾ yards to the pound	do	205	133	72
Gingham, Amoskeag	do	328	182	146
Sheetings, bleached, 10/4, Pepperell	do	93	49	44
Sheetings, brown, 4/4, Pepperell	do	328	157	171
Shirtings, bleached, 4/4, Fruit of the Loom	do	252	130	122
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 7	[2] 3	[3] 4
Suitings, clay worsted diagonal, 12-ounce	Yards	19	12	7
Coal, anthracite, stove	Bushels	116	59	57
Coal, bituminous, Georges Creek (New York Harbor).	do	191	89	[4] 102
Petroleum, refined, 150° water white	Gallons	222	86	136
Barb wire, galvanized	Pounds	1,038	443	595

[1] With $2.01 remaining.
[2] With $1.90 remaining.
[3] With $0.11 remaining.

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Nails, wire, eightpenny	Pounds	1,285	640	645
Brick, common, domestic	Bricks	3,163	1,730	1,433
Cement, Portland, domestic	Barrels	15	4 3/10	10 7/10
Lime, common	do	18	14	4
Oak, white, plain	Feet	377	238	139
Shingles, cypress	Thousand	5 7/10	3 4/10	2 3/10
Spruce	Feet	806	607	199

Value of 100 pounds of hops in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	374	145	229
Molasses, New Orleans, open kettle	Gallons	131	48	83
Rice, domestic, choice	Pounds	1,133	269	864
Salt, American	Barrels	64	26	38
Sugar, granulated	Pounds	998	353	645
Tea, Formosa, fine	do	228	50	172
Carpet, Brussels	Yards	46	15	31
Carpet, ingrain	do	106	35	71
Cotton flannel, 2¾ yards to the pound	do	560	223	337
Gingham, Amoskeag	do	896	305	591
Sheetings, bleached, 10/4, Pepperell	do	254	82	172
Sheetings, brown, 4/4, Pepperell	do	896	263	633
Shirtings, bleached, 4/4, Fruit of the Loom	do	688	218	470
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 21	[2] 6	[3] 14
Suitings, clay worsted diagonal, 12-ounce	Yards	52	20	32
Coal, anthracite, stove	Bushels	317	99	218
Coal, bituminous, Georges Creek (New York Harbor).	do	522	150	372
Petroleum, refined, 150° water white	Gallons	605	145	460
Barb wire, galvanized	Pounds	2,828	743	2,085
Nails, wire, eight penny	do	3,500	1,074	2,426
Brick, common, domestic	Bricks	8,615	2,900	5,715
Cement, Portland, domestic	Barrels	42	7	35
Lime, common	do	51	24	27
Oak, white, plain	Feet	1,027	400	627
Shingles, cypress	Thousand	15½	5 7/10	9 7/10
Spruce	Feet	2,196	1,017	1,179

[1] With $0.35 remaining. [2] With $1 remaining. [3] With $2 remaining.

Value of 20 bushels of potatoes in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	112	44	68
Molasses, New Orleans, open kettle	Gallons	39	14	25
Rice, domestic, choice	Pounds	340	82	258
Salt, American	Barrels	19	8	11
Sugar, granulated	Pounds	299	108	191
Tea, Formosa, fine	do	68	15	53
Carpet, Brussels	Yards	14	4	10
Carpet, ingrain	do	31	10	21
Cotton flannel, 2¾ yards to the pound	do	168	68	100
Gingham, Amoskeag	do	269	93	176
Sheetings, bleached, 10/4, Pepperell	do	76	25	51
Sheetings, brown, 4/4, Pepperell	do	269	80	189
Shirtings, bleached, 4/4, Fruit of the Loom	do	206	66	140
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 6	[2] 1	[3] 4
Suitings, clay worsted diagonal, 12-ounce	Yards	15	6	9
Coal, anthracite, stove	Bushels	95	30	65
Coal, bituminous, Georges Creek (New York Harbor).	do	157	45	112
Petroleum, refined, 150° water white	Gallons	181	44	137
Barb wire, galvanized	Pounds	849	227	622
Nails, wire, eight penny	do	1,051	320	731
Brick, common, domestic	Bricks	2,587	886	1,701
Cement, Portland, domestic	Barrels	12	2 3/10	9 7/10
Lime, common	do	15	7	8
Oak, white, plain	Feet	308	122	186
Shingles, cypress	Thousand	4 6/10	1 7/10	2 3/10
Spruce	Feet	659	310	349

[1] With $0.92 remaining. [2] With $2.18 remaining. [3] With $1.39 remaining.

Value of 10 bushels of flaxseed in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	129	78	51
Molasses, New Orleans, open kettle	Gallons	45	26	19
Rice, domestic, choice	Pounds	392	144	248
Salt, American	Barrels	22	14	8
Sugar, granulated	Pounds	345	190	155
Tea, Formosa, fine	do	79	27	52
Carpet, Brussels	Yards	16	8	8
Carpet, ingrain	do	36	19	17
Cotton flannel, 2¾ yards to the pound	do	194	120	74
Gingham, Amoskeag	do	310	164	146
Sheetings, bleached, 10/4, Pepperell	do	88	44	44
Sheetings, brown, 4/4, Pepperell	do	310	141	169
Shirtings, bleached, 4/4, Fruit of the Loom	do	238	117	121
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 7	[2] 3	[3] 3
Suitings, clay worsted diagonal, 12-ounce	Yards	18	11	7
Coal, anthracite, stove	Bushels	109	53	56
Coal, bituminous, Georges Creek (New York Harbor).	do	181	80	101
Petroleum, refined, 150° water white	Gallons	209	78	131
Barb wire, galvanized	Pounds	979	400	579
Nails, wire, eightpenny	do	1,212	577	635
Brick, common, domestic	Bricks	2,984	1,560	1,424
Cement, Portland, domestic	Barrels	14	3 4/10	10 7/10
Lime, common	do	17	13	4
Oak, white, plain	Feet	355	215	140
Shingles, cypress	Thousand	5 1/10	3 1/10	2 3/10
Spruce	Feet	760	547	213

[1] With $0.85 remaining. [2] With $1.05 remaining. [3] With $2.45 remaining.

Value of a 1,200-pound choice to extra steer in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	663	612	51
Molasses, New Orleans, open kettle	Gallons	233	204	29
Rice, domestic, choice	Pounds	2,007	1,137	870
Salt, American	Barrels	113	111	2
Sugar, granulated	Pounds	1,767	1,489	278
Tea, Formosa, fine	do	404	214	190
Carpet, Brussels	Yards	82	65	17
Carpet, ingrain	do	187	150	37
Cotton flannel, 2¾ yards to the pound	do	992	941	51
Gingham, Amoskeag	do	1,586	1,288	298
Sheetings, bleached, 10/4, Pepperell	do	450	349	101
Sheetings, brown, 4/4, Pepperell	do	1,586	1,112	474
Shirtings, bleached, 4/4, Fruit of the Loom	do	1,219	923	296
Shoes, men's vici kid, Goodyear welt	Pairs	37	27	10
Suitings, clay worsted diagonal, 12-ounce	Yards	92	86	6
Coal, anthracite, stove	Bushels	561	419	142
Coal, bituminous, Georges Creek (New York Harbor).	do	925	634	291
Petroleum, refined, 150° water white	Gallons	1,071	612	459
Barb wire, galvanized	Pounds	5,007	3,138	1,869
Nails, wire, eight penny	do	6,196	4,533	1,663
Brick, common, domestic	Bricks	15,253	12,240	3,013
Cement, Portland, domestic	Barrels	75	30	45
Lime, common	do	91	102	[1] 11
Oak, white, plain	Feet	1,819	1,688	131
Shingles, cypress	Thousand	27	24	3
Spruce	Feet	3,888	4,294	[1] 406

[1] Less in 1911 than in 1896.

Value of a 300-pound hog in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	126	96	30
Molasses, New Orleans, open kettle	Gallons	44	32	12
Rice, domestic, choice	Pounds	383	179	204
Salt, American	Barrels	21	17	4
Sugar, granulated	Pounds	337	235	102
Tea, Formosa, fine	do	77	33	44
Carpet, Brussels	Yards	15	10	5
Carpet, ingrain	do	35	23	12
Cotton flannel, 2¾ yards to the pound	do	189	148	41
Gingham, Amoskeag	do	302	203	99
Sheetings, bleached, 10/4, Pepperell	do	86	55	31
Sheetings, brown, 4/4, Pepperell	do	302	175	127
Shirtings, bleached, 4/4, Fruit of the Loom	do	232	145	87
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 7	[2] 4	[3] 2
Suitings, clay worsted diagonal, 12-ounce	Yards	17	13	4
Coal, anthracite, stove	Bushels	107	66	41
Coal, bituminous, Georges Creek (New York Harbor).	do	176	100	76
Petroleum, refined, 150° water white	Gallons	204	96	108
Barb wire, galvanized	Pounds	956	494	462
Nails, wire, eightpenny	do	1,183	714	469
Brick, common, domestic	Bricks	2,912	1,930	982
Cement, Portland, domestic	Barrels	14	4 6/10	9 3/10
Lime, common	do	17	16	1
Oak, white, plain	Feet	347	266	81
Shingles, cypress	Thousand	5 3/10	3 6/10	1 7/10
Spruce	Feet	742	677	65

[1] With $0.38 remaining. [2] With $0.65 remaining. [3] With $2.38 remaining.

Value of 20 pounds of dairy butter in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	46	37	9
Molasses, New Orleans, open kettle	Gallons	16	12	4
Rice, domestic, choice	Pounds	140	69	71
Salt, American	Barrels	7	6	1
Sugar, granulated	Pounds	123	90	33
Tea, Formosa, fine	do	28	13	15
Carpet, Brussels	Yards	5	4	1
Carpet, ingrain	do	13	9	4
Cotton flannel, 2¾ yards to the pound	do	69	57	12
Gingham, Amoskeag	do	110	78	32
Sheetings, bleached, 10/4, Pepperell	do	31	21	10
Sheetings, brown, 4/4, Pepperell	do	110	67	43
Shirtings, bleached, 4/4, Fruit of the Loom	do	85	56	29
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 2	[2] 1	[3] 1
Suitings, clay worsted diagonal, 12-ounce	Yards	6	5	1
Coal, anthracite, stove	Bushels	39	25	14
Coal, bituminous, Georges Creek (New York Harbor).	do	64	38	26
Petroleum, refined, 150° water white	Gallons	74	37	37
Barb wire, galvanized	Pounds	350	190	160
Nails, wire, eightpenny	do	433	275	158
Brick, common, domestic	Bricks	1,066	744	322
Cement, Portland, domestic	Barrels	5	1 1/10	3 1/10
Lime, common	do	6	6	
Oak, white, plain	Feet	127	102	25
Shingles, cypress	Thousand.	1 2/10	1 1/2	4/10
Spruce	Feet	271	261	10

[1] With $1.63 remaining. [2] With $1.47 remaining. [3] With $0.16 remaining.

Value of one case (30 dozen) of fresh eggs in December, 1911, and in December, 1896, when measured by the wholesale prices of the following staple articles:

Article.	Unit.	December, 1911.	December, 1896.	Excess, 1911 over 1896.
Coffee, Rio, No. 7	Pounds	94	74	20
Molasses, New Orleans, open kettle	Gallons	33	24	9
Rice, domestic, choice	Pounds	285	137	148
Salt, American	Barrels	16	13	3
Sugar, granulated	Pounds	251	180	71
Tea, Formosa, fine	do	57	26	31
Carpet, Brussels	Yards	11	8	3
Carpet, ingrain	do	26	18	8
Cotton flannel, 2¾ yards to the pound	do	141	114	27
Gingham, Amoskeag	do	225	156	69
Sheetings, bleached, 10/4, Pepperell	do	64	42	22
Sheetings, brown, 4/4, Pepperell	do	225	134	91
Shirtings, bleached, 4/4, Fruit of the Loom	do	173	111	62
Shoes, men's vici kid, Goodyear welt	Pairs	[1] 5	[2] 3	[3] 2
Suitings, clay worsted diagonal, 12-ounce	Yards	13	10	3
Coal, anthracite, stove	Bushels	79	50	29
Coal, bituminous, Georges Creek (New York Harbor).	do	131	76	55
Petroleum, refined, 150° water white	Gallons	152	74	78
Barb wire, galvanized	Pounds	712	380	332
Nails, wire, eightpenny	do	881	548	333
Brick, common, domestic	Bricks	2,169	1,482	687
Cement, Portland, domestic	Barrels	10	3 7/10	6 7/10
Lime, common	do	12	12	
Oak, white, plain	Feet	258	204	54
Shingles, cypress	Thousand.	3 9/10	2 9/10	1
Spruce	Feet	552	520	32

[1] With $0.85 remaining. [2] With $0.66 remaining. [3] With $0.19 remaining.

DEFICIENCY APPROPRIATION BILL.

Mr. WARREN. I now ask that the Senate take up the conference report on the deficiency appropriation bill.

The PRESIDENT pro tempore. The Senator from Wyoming asks unanimous consent that the Senate proceed to the consideration of the conference report on the deficiency appropriation bill. Is there objection? The Chair hears none.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

Mr. WARREN. Mr. President, I want to say, so as to have it before the Senate in proper form, that the Senator from Missouri [Mr. STONE], who had pending one or two motions to which several amendments had been offered by others, has asked me to consider his motion as withdrawn. I therefore now make the motion that the Senate recede from its amendments to the deficiency bill now in disagreement between the two Houses.

The PRESIDENT pro tempore. The motion submitted by the Senator from Missouri [Mr. STONE] will be considered as withdrawn. The Senator from Wyoming [Mr. WARREN] now moves that the Senate recede from its amendments now in disagreement between the two Houses.

Mr. CHAMBERLAIN. Mr. President, I am going to occupy the time of the Senate but a very few moments. Because of the position which I took the other morning in opposition to the conference report on the general deficiency appropriation bill, I feel it my duty to make a statement to the Senate that I propose to withdraw my opposition to its present consideration.

I feel, I realize, and I know, Mr. President, that any one Member of the Senate, or possibly any one Member of the House, might defeat the consideration of this bill. I have been induced by the solicitation of my friends here, who are also friends of the bill, to withdraw my opposition to it at this time; and I am induced to do so not only by those considerations, but by considerations of public policy as well.

In the first place, I know that there are many appropriations to pay for claims in that bill to go to men who are absolutely in need, and it is not in my heart, and never has been in my heart, to delay the payment of just claims which the Government owes to the individual employees of the Government.

In the second place, I am induced to withdraw my opposition to it, feeling that I could defeat it if I were so disposed, by the knowledge that within the provisions of that bill is a clause known as the Borah amendment for the relief of people within the reclamation projects. That amendment provides relief for men, women, and children within the reclamation projects of the West who absolutely need protection at the hands of this Government. So that induces me to withdraw my opposition to it.

I want to say, Mr. President, that I assume this attitude very reluctantly, and I think my associates who have united with me in a protest against the treatment of the several States withdraw their opposition somewhat reluctantly. I do so feeling and knowing that the claim of my State, as it has been established by the bureaus of the Government and by the Court of Claims, is absolutely just and ought to be paid; and I feel that, in withdrawing my objection to this bill at this time, we will place our claim at least in a better position for allowance next time.

I make this statement, Mr. President, because I do not want the Senate to feel, and I do not want the country to feel, that in withdrawing my opposition to the bill I recognize for a moment that there is any injustice in the claims asserted by any of the States.

I withdraw my opposition somewhat reluctantly, too, Mr. President, because there is a provision inserted in this bill for the payment of an extra salary to the employees of the Senate and the House. Of course, the Members of the Senate who live near by—those who live within rifle range almost of the Capitol—do not feel as we do about this; but take it in my own case. My secretary is compelled to travel 3,000 miles, and he ought to be paid a little different compensation from that which is paid to some one who lives close at hand.

The result is that in my own case—and I think the Senator from Utah is similarly situated, as are other Senators from the West, if we call for stenographic assistance in the West we must ourselves employ somebody or else pay for the traveling expenses of some one whom we have here. I feel that these employees, Mr. President, ought to be paid, and, but for a feling of patriotism that leads me to withdraw my opposition to this measure, I feel that I ought to stand here, as I said I would the other day, until doomsday or until justice was rendered by the Senate of the United States and by the House of Representatives of the United States to the people whom they justly owe.

With that statement, I want to say now, in all frankness, that I withdraw my opposition to this measure with very, very great reluctance.

Mr. MARTIN of Virginia. Mr. President, I shall not detain the Senate more than a few moments.

The parliamentary situation of the general deficiency appropriation bill is such that any one Senator can defeat it. In addition to that, I am perfectly satisfied that the majority of the Members of the Senate would be willing to vote against receding from the amendment we are considering, if that course were insisted on, certainly if by doing so there was any possible way of securing what was just and right.

Aside from the State claims, it must be remembered that the employees of the two Houses of Congress have been here for nine months. The rule as to Government employees is that they shall work eight hours. Our employees have been working on an average, I am sure, of 16 hours, working not only all day, but a good part of the night. I undertake to say, Mr. President,

there is not a reputable private employer in any large establishment in the United States who would have been willing to exact extra work which we have exacted from our employees, and not make a generous allowance—more than one month's additional pay—for the extra work required of them. I consider it most ungenerous, unjust, and unreasonable to deny them some allowance for that extra work.

But the allowance of the extra month's pay, Mr. President, is not in exactly the same category with the four State claims. We may defeat the general deficiency bill, but the defeating of it does not secure any recognition for the four State claims or any recognition of the extra work which has been performed by the employees of Congress. All we could do would be to get some revenge, if there be any satisfaction in revenge, on innocent people for what we consider an injustice to us. I am not willing, so far as I am concerned, to play that kind of a game.

I have, after careful consideration, reached the conclusion that there has not been a free and fair conference between the two Houses in respect to this matter; that such a conference has been denied; but that we have no remedy at this session of Congress, and I therefore unite with the chairman of the committee in saying that I am not willing to insist on a course that will do injury to others and accomplish no good for those who, I think, have been badly treated. I therefore say to the Senate very frankly that I think we ought to recede from these amendments.

Mr. POINDEXTER. Mr. President, as in part representing a State that at one time was a portion of the Oregon country I desire to say a word in appreciation of the attitude that has been taken in this matter by the Senator from Oregon [Mr. CHAMBERLAIN]. I feel that, in view of the parliamentary situation, he exercised good judgment in abandoning further obstructive tactics against this bill at this time, because, from all appearances, it would be practically impossible for the House of Representatives to recede from the position it has taken on these claims, even if the membership now in attendance upon the other House desired to do so.

A great portion of the amount going to make up the claim which the Senate provided for in favor of the State of Oregon in this bill was expended in the protection of what is now the State of Washington, and the people now occupying that great territory agree with the citizens of the present State of Oregon as to the justice of the claim of the State of Oregon in this regard, and they feel that the Senator from Oregon was justified in the position which, on Saturday night, he stated he would take in regard to this claim, when he said that he would exhaust the resources at his command in order to defeat the bill, if this claim were not agreed to by the two branches of Congress and included in the bill.

I only desired in these few words to put on record an indorsement of the attitude taken throughout this matter by the Senator from Oregon.

Mr. SMITH of Maryland. Mr. President, in common with the Senators who have been pushing the State claims, I want to say that I have agreed to recede, not that I feel that these claims are not just, not that I feel that the additional amount should not be paid to the employees of the House and the Senate, but I do so in view of the fact that I think not to do so would probably be an injustice to the Members of the Senate who have stayed by us, and it would be an injustice to those who are interested in the deficiency bill. For that reason, and that reason alone, I am willing to recede, but I still maintain that these claims are just and that the additional amount should be paid to the employees of the House and the Senate.

Mr. CULBERSON. Mr. President, it is not necessary for me to restate the facts upon which the claim of Texas, which is in this bill, rest. That was fully done, I think, or endeavored to be done in the remarks submitted by me on Saturday night last. Unlike some of the other claims, the claim of Texas had never previously been presented to the Congress and passed upon. All I wanted with reference to this claim was to have a thorough consideration of it and a full and free conference on the part of the conferees of the House of Representatives. As I stated Saturday night, that was denied, not even a consideration of the proposition having been given by the House conferees at that conference.

But, Mr. President, I desire to say, in addition to what has been said by Senators on the subject of the State claims, that, in comparison with one of the issues which is raised in this controversy, they are inconsequential. The State of Texas, as a State, cares very little about the $217,000 for performing the duties primarily devolving upon the Federal Government by the Constitution. Texas, unaided, won her independence against Mexico, surrounded, as she was then, by hostile savages and an alien race; and yet I do say that when this small claim was presented, after having been audited by the War Department of the United States, after having followed precedent after precedent in its presentation, it ought to have been adjusted and settled, or, at least, it ought to have been given that fair and generous consideration which Representatives of all the States owe to each State in this Union.

Mr. President, I desire to state, in addition to this and in addition to what has been stated by Senators on this side who have insisted upon the payment of these claims, that there is a larger question involved than the mere payment of these claims. I ask that the Secretary may read from the RECORD the marked paragraph which I send to the desk, from page 13016, in the debate in the House of Representatives.

The PRESIDENT pro tempore. Without objection, the Secretary will read.

The Secretary proceeded to read, and read as follows:

Mr. FITZGERALD. Mr. Speaker, I move the House adhere——

Mr. WILLIAMS. Mr. President, this is something which occurred in the House of Representatives, and if it is the purpose of the Senator to criticize it, I make the point of order that it is out of order under the rules. In neither House can any Member animadvert upon the conduct of the other House.

Mr. CULBERSON. Mr. President, I propose to have read the proceedings which I send to the desk and then to state the effect of those proceedings upon the bill and the possible action of the Senate of the United States. If that is a criticism of another branch of Congress, well and good; but I dare say it will not be treated broadly in that sense.

Mr. WILLIAMS. The rule, as I understand, Mr. President—I have not time to find it now—does not use the term "criticism" or even "hostile animadversion."

The PRESIDENT pro tempore. The Chair thinks it will be found in Jefferson's Manual, not in the rules of the Senate.

Mr. CULBERSON. Mr. President, Jefferson's Manual is not a part of the rules of the Senate, though it is quite persuasive, very persuasive, of what the rule should be.

Mr. WILLIAMS. It is not only in Jefferson's Manual, but I think the principle is repeated in the rules. I know that the principle is repeated in the rules of the House and I think in the rules of the Senate.

Mr. WARREN. Mr. President, I do not understand that the Senator from Texas means to criticize the House, but simply to state what happened in another place.

Mr. CULBERSON. I do not care to state in advance what I intend to say, Mr. President, in order to have a supposititious case presented to the Chair for ruling.

Mr. WILLIAMS. Mr. President, the Senator from Texas had already criticized the House and animadverted upon its motives, in a way, and then had asked that there be read a part of the procedure of the House. A Member of the House of Representatives can not be questioned elsewhere for what he says in the House of Representatives, nor can a Member of the Senate be questioned elsewhere for what he says in the Senate. At any rate, without taking the time to hunt up the particular language of the rule, but relying upon the knowledge of the Presiding Officer as to what it is, I make the point of order that the request of the Senator from Texas is out of order.

The PRESIDENT pro tempore. The Chair, in acting upon the point of order raised, is, unfortunately, not in possession of the nature of the extract which the Senator from Texas has asked to have read.

Mr. CULBERSON. Mr. President, what I have said——

Mr. WILLIAMS. I, unfortunately, can not find the rule just at this moment.

Mr. CULBERSON. What I have said here with reference to this matter amounts to this, in substance, that there is a question involved in this controversy above the mere allowance of claims on the part of the States of Virginia, Maryland, Oregon, and Texas, and I propose to state it, preliminary to which I asked that there might be read from the desk an extract from the proceedings of the House of Representatives.

The PRESIDENT pro tempore. The Chair always has been of opinion that Jefferson's Manual, so far as it is pertinent, is and has been recognized as a part of the rules of this body, and the Chair finds in Jefferson's Manual this statement:

It is a breach of order in debate to notice what has been said on the same subject in the other House, or to the particular votes or majorities on it there, because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other;

and the quoting of them might beget reflections leading to a misunderstanding between the two Houses.

While undoubtedly in debate in this body, and perhaps in the other body, that rule has not been strictly adhered to, yet, the point of order having been made, the Chair feels constrained to sustain it.

Mr. CULBERSON. Mr. President, on Saturday night, when this matter was before the Senate on the report of the conferees, at least for the time it appeared simply that there was a disagreement between the two Houses with reference to these matters and that they were presented to the House of Representatives by the conferees and such action taken by that body toward a further consideration by the conferees as might be deemed proper; but, instead of that, as I have been credibly informed, after a motion to continue the disagreement of the House to these amendments the extraordinary and unusual procedure was taken of moving to reconsider that action and laying that motion to reconsider on the table.

Now, Mr. President, I am not talking idly when I say that that affront was made to the Senate of the United States, not only denying a further consideration by the other body, but deliberately taking that step for the purpose of preventing the House itself, if it saw proper to do so, to have a continued and further consideration of these subjects by the conferees.

I want to read the statement upon which my information is based that that course was not only taken, but that it was extraordinary and unusual; and I have no doubt it was purposely intended to raise an issue between the Senate and the House of Representatives as to whether the Senate was a coordinate branch of Congress when it came to the making of appropriations.

Mr. WILLIAMS. Mr. President——

Mr. CULBERSON. It was said there:

This course is unusual——

Mr. WILLIAMS. Mr. President, I renew the point of order. As I understand, the Chair has ruled on my point of order, and yet the Senator from Texas is proceeding to read what occurred. I find this language in the Precedents and Decisions on Points of Order, Gilfry, page 866:

It is a breach of order in debate to notice what has been said on the same subject in the other House—

Necessarily by any Member of the other House—

or the particular votes or majorities on it there—

Of course, the words "or majorities" cover the rules of the House, with which we have nothing to do—

because the opinion of each House should be left to its own independency, not to be influenced by the proceedings of the other; and the quoting them might beget reflections leading to a misunderstanding between the two Houses.

In the Forty-seventh Congress, second session, Journal, page 439:

The President pro tempore (Mr. David Davis)—

Who is the only politically independent President who has ever presided over this body—

The President pro tempore (Mr. David Davis) decided that it was not in order to refer to any action had in the House of Representatives upon any question not officially communicated to the Senate; and the Senate refused to lay an appeal on the table; yeas 24, nays 26.

In that particular case, it is true, the question of order was withdrawn, but that is not the case here.

April 25, 1894, Mr. Dolph, while addressing the Senate, proceeded to read an extract from a speech delivered in the House of Representatives upon the pending bill.

Which is precisely this case.

Mr. Gray—

Senator Gray, of Delaware, I take it—

Mr. Gray raised a question of order, that it was not in order to quote and comment upon a speech made during the same Congress by a Member of the other House upon the same bill. The Vice President [Mr. Stevenson] sustained the point of order, and decided that it was out of order in debate to notice what had been said on the same subject in the other House upon the bill.

An appeal from the decision was laid on the table—yeas 43, nays 2.

There are other precedents, but those are all I can find on this short notice.

Mr. CULBERSON. Mr. President, I have expressed no opinion about the rules of the Senate on this subject except to say that Jefferson's Manual is not a part of the rules of this body.

Mr. WILLIAMS. I have quoted not only Jefferson's Manual, but the rulings of presiding officers and of the Senate itself.

Mr. CULBERSON. It may be that some presiding officer has so held; and I do not doubt that different presiding officers in this body have held variantly upon many questions; but aside from that, in view of the evidently obstructive policy of my friend, the Senator from Mississippi, I will not detain the Senate with endeavoring to read from the RECORD what was said in another body. However, I will state that from the public press I have observed that it was stated by the mover of the motion that it was not only unusual to do that, but that it was meant by that to say that the Senate either had to recede from its position or that there would be no deficiency appropriation bill.

So I repeat, the consideration of these claims may be put aside, but the other question presented here is whether the Senate of the United States should assert its right to a full and fair conference on the disagreeing votes of the two Houses, or whether it would have submitted to it the proposition that it must recede from its position or see this so-called supply bill fail of passage by the two Houses.

Now, Mr. President, notwithstanding this graver question, this question affecting the integrity and independence of this body, for reasons which have been stated by Senators who stood with me in this controversy, I will decline further to oppose the adoption of the conference report and will let it be adopted with the hope that some time in its history the Senate of the United States will be manly enough to assert its rights under the Constitution.

Mr. WARREN. Mr. President, before the vote is taken on this question I want to take the opportunity to thank the members of the Senate Committee on Appropriations on both sides of the Chamber who have served so faithfully, and I may say so strenuously, at this term for their loyal support of the chairman. I think I ought to thank the Senate as a body for the consideration it has shown the Committee on Appropriations. It is true that these large supply bills, which are sometimes passed in 30 to 60 minutes, have at this session been on the floor for two weeks each—sometimes more. But it has seemed always that the more inquiries made the better for the Senate itself and the country, for, on the part of the committee I may say, it has never brought a bill in here that we were not willing not only to sustain, but to explain fully to the Senate.

There has never been a session in the somewhat long service I have rendered where there was anything like the vexatious questions and the long-continued and strenuous sessions in the committee and on the floor that we have had to undergo in the very prolonged session which is to close to-day.

If at any time I have shown impatience in the presentation or consideration of bills, I want to make due apology, and I again want to thank the members of the committee for the good work they have done.

With respect to these claims which we now recede from, I want to say that every matter of that kind ought to have its day. I attach blame to no one, and I do not regret that we spend another day or two here to have the Senate and the country understand the situation. I hope the disputed matter will come up in due course and be settled in the right way hereafter and with the same final good feeling which has characterized the present consideration of it.

I hope the motion to recede will prevail.

The PRESIDENT pro tempore. The question is on agreeing to the motion made by the Senator from Wyoming that the Senate recede from the amendments in disagreement between the two Houses.

The motion was agreed to.

EXTRA COMPENSATION TO CONGRESSIONAL EMPLOYEES.

Mr. CHAMBERLAIN. I introduce a joint resolution and ask for its present consideration.

The joint resolution (S. J. Res. 138) to pay the officers and employees of the Senate and House of Representatives of the United States a sum equal to one-twelfth of their annual salaries in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress was read the first time by its title, and the Secretary proceeded to read it the second time at length.

The PRESIDENT pro tempore. Does the Senator from Oregon ask for the present consideration of the joint resolution?

Mr. CHAMBERLAIN. I do.

The Secretary resumed the reading of the joint resolution.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. CHAMBERLAIN. Senators will notice that I have changed the joint resolution, eliminating from it the employees of the House, because I assume that if the Senate favors it the House would not object to our handling this subject, so far as the Senate is concerned, as we see fit.

Mr. SMOOT. I will ask the Senator if he knows whether the House would object to including the House employees?

Mr. CHAMBERLAIN. We sent to them an amendment of that kind including the employees of the House, and they rejected it. It seems to me the Senate ought to have some rights that a white man is bound to respect at some time. If we adopt this joint resolution with respect to our own employees, I do not think the House would object. I know it ought not to.

Mr. SMOOT. I certainly feel that if our employees are so paid the House employees should be paid.

Mr. WILLIAMS. I did not observe the language of the joint resolution very closely. In order to accomplish the object the Senator from Oregon wants to accomplish, I suggest that he ought to make it payable out of the contingent fund of the Senate.

Mr. MARTIN of Virginia. That can not be done. There is a statute against it.

The PRESIDENT pro tempore. Will Senators please suspend? The joint resolution has not been read in full.

The Secretary read as follows:

Resolved, etc., That to enable the Secretary of the Senate to pay to the officers and employees of the Senate borne on the annual and session rolls on the 1st day of July, 1912——

Mr. CHAMBERLAIN. I was induced to confine it to the employees of the Senate because in the amendment which was adopted and embodied in the general deficiency bill we included the House employees as well. The House conferees objected to that, and I assume that they would not object to our determining the pay of the employees of the Senate, but would willingly leave it to us to determine.

Mr. WILLIAMS. Will the Senator from Oregon permit an interruption for just a moment?

Mr. CHAMBERLAIN. Certainly.

Mr. WILLIAMS. I think it is a very good thing that the Senator has put the joint resolution in that form. Being a joint resolution, it will have to be sent immediately to the House. I have an abiding confidence in the result. I think the House will offer to amend the resolution by making it apply to House employees also, and if they do and send it back to the Senate, of course we will be very glad to accept the amendment.

I want to express the hope that these people will be provided for. There are numbers of them here from way out West—Utah, and California, and Washington, and Oregon, and out at the base of the Rocky Mountains, and on the Pacific coast, who will have to borrow money to get home unless some sort of arrangement is made. There should be some sort of consideration for this geographical misfortune, or possibly geographical good fortune, I do not know which. I express the hope that the Senate will pass the joint resolution and that it will be amended here or elsewhere so as to include the House employees.

Mr. McCUMBER. Mr. President, first I should like to know whether the joint resolution as introduced includes House employees?

Mr. CULLOM. It does not.

Mr. CHAMBERLAIN. I prepared the joint resolution very much in the form it was originally submitted, and it was subsequently changed so as to include the House employees. I am entirely in favor of the proposition to include them, but inasmuch as the House conferees have turned down a measure for the relief of the employees of the House, I thought we would put it up to them to reimburse the Senate employees alone. If they want to, they can amend it so as to include the House employees, and I would be perfectly willing, as the Senator from Mississippi says, to have them included. In fact, I would be glad of it.

Mr. McCUMBER. If they turned down a proposition to pay the employees of both the House and the Senate, they would have much greater reason, would they not, to turn down a proposition that contained only the employees of the Senate? It seems to me the joint resolution ought to go over to the House just as it did before, with a proposition to pay the employees of both House and Senate, and then allow the House to vote on it. They can take it up on a single vote, and instead of sending it to conference we will be more likely to get a direct vote in the House on the proposition.

Mr. CHAMBERLAIN. I am perfectly willing, I will say, to include the employees of the House, and in omitting them I was merely trying to relieve the measure of embarrassment, if I could.

Mr. McCUMBER. I have very little doubt that if we send over a proposition to pay only the employees of the Senate and do not pay the House employees, the House will peremptorily turn it down, whereas, I think, if it contains both, there are some Members of the House who are in favor of paying these sums to their own employees who may have the courage to get up in the House and move the passage of the joint resolution without amendment, and I want them to have that opportunity.

Mr. CHAMBERLAIN. I suggest, then, that the Senator move to amend it.

Mr. McCUMBER. I move an amendment so that it shall include the employees of the House as well as of the Senate.

Mr. WILLIAMS. House employees and House Office Building employees?

Mr. McCUMBER. Yes.

The PRESIDENT pro tempore. Does the Senator from Oregon modify the joint resolution as indicated?

Mr. CHAMBERLAIN. I do.

The PRESIDENT pro tempore. The joint resolution as modified will be read.

The joint resolution as modified was read, as follows:

Resolved, etc., That to enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 30th day of June, 1912, including the employees on the maintenance rolls of the Senate and House Office Buildings, the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, in lieu of all transportation and other expenses in coming to and returning from Washington, for the first and second sessions of the Sixty-second Congress, a sum equal to one-twelfth of the annual compensation then paid them by law; and the sum necessary to carry out the provisions of the resolution is hereby appropriated out of any money in the Treasury not otherwise appropriated, the same to be immediately available.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

HOUR FOR FINAL ADJOURNMENT.

Mr. WARREN. I will ask the Presiding Officer to lay before the Senate the adjournment resolution.

The PRESIDENT pro tempore laid before the Senate the following concurrent resolution (H. Con. Res. 65), which was read and considered, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

Mr. WARREN. I wish to submit an amendment, so that it may be dated as of to-day and the hour be 4.30 o'clock.

The PRESIDENT pro tempore. The Senator from Wyoming moves to amend the concurrent resolution. The amendment will be stated.

The SECRETARY. Strike out the word "twenty-fifth" and insert "twenty-sixth," and strike out "3 o'clock a. m." and insert "4.30 o'clock p. m."

Mr. WARREN. I desire to ask a parliamentary question, and that is whether the Chair thinks it necessary to have appointed a committee to wait upon the President before the resolution is finally passed. I do not think it is necessary, but I want to ask what the rule is upon that point.

The PRESIDENT pro tempore. The Chair does not understand the Senator from Wyoming.

Mr. WARREN. The inquiry is whether the resolution should be passed before a committee has been nominated to wait upon the President and have returned and reported from the President.

The PRESIDENT pro tempore. The Chair is of the opinion that while ordinarily such action is first taken, it is not at all necessary.

Mr. WARREN. That is the thought I had. It is unusual, but the condition is unusual, and we are through; the work is brought up to the present moment. I understand the enrolling clerks have everything enrolled, except one or two matters that have passed very recently. I understand the Chief Executive of the Nation will not be far away, to meet the committee, and I understand consideration has been had of all measures except those passed this morning. Hence I assume we would be safe in passing the resolution at this time, so that the House may have notice of the amendment.

But the suggestion I made to the Chair was merely to make sure that we were proceeding in the orderly way, a course which, while not perhaps in pursuance of the practice of the Senate, is justified by the unusual circumstances.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wyoming.

The amendment was agreed to.

The concurrent resolution as amended was agreed to.

NOTIFICATION TO THE PRESIDENT.

Mr. CULLOM. I submit a resolution, for which I ask present consideration. I desire to state that I hope my name will not be considered in connection with the appointment of the committee.

The PRESIDENT pro tempore. The resolution will be read.

The resolution (S. Res. 387) was read, considered, and agreed to, as follows:

Resolved, That a committee of two Senators be appointed by the President pro tempore to join a similar committee appointed by the House of Representatives to wait upon the President of the United States, and inform him that the two Houses, having completed the business of the present session, are ready to adjourn, unless the President has some other communication to make to them.

The PRESIDENT pro tempore. The Senator from Illinois asks to be excused from serving on the committee, and the Chair will appoint the Senator from North Dakota [Mr. McCUMBER] and the Senator from Virginia [Mr. MARTIN] as the committee on the part of the Senate.

EXECUTIVE SESSION.

Mr. NELSON. It is necessary to have a brief executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 15 minutes spent in executive session the doors were reopened.

NOTIFICATION TO THE PRESIDENT.

At 3 o'clock and 45 minutes p. m. Mr. McCUMBER and Mr. MARTIN of Virginia appeared and—

Mr. McCUMBER said: Mr. President, the committee appointed by the Senate to act in conjunction with a similar committee on the part of the other House to wait upon the President and inform him that Congress has closed its labors and is ready to adjourn, unless the President should have some further communication to make to Congress, begs leave to report that it has performed that duty, and has been informed by the President of the United States that he has no further communication to make to Congress.

RECESS.

Mr. SMOOT. I move that the Senate take a recess until 4 o'clock and 10 minutes p. m.

The motion was agreed to, and (at 3 o'clock and 48 minutes p. m.) the Senate took a recess until 4 o'clock and 10 minutes p. m., when it reassembled.

EXTRA COMPENSATION TO SENATE EMPLOYEES.

Mr. McCUMBER. Mr. President, I have been informed—and, I assume, correctly—that one of the two great parties in the other House had a caucus some time ago, and in that caucus determined certain matters relating to the number and compensation of their employees. I concede the right of the House of Representatives to determine the number and compensation of their employees, but I think the Senate has the same control over its employees. I question the right, not of the House but the right of one party in the House, to dictate as to the employment or the compensation of employees of the Senate or as to the provision for mileage which the Senate may see fit to grant to its own employees. We have passed a joint resolution which covered both the employees of the House and of the Senate. That has not been acted upon by the House; and, as I am informed, it was not acted upon because the majority of the House considered that they were bound by their caucus agreement. Inasmuch, however, as the caucus agreement could only properly cover matters in the other House and could not apply to the Senate and in order that the matter may be brought before the two Houses as to the right of the Senate to pass upon the question of its own employees, I shall offer the joint resolution which we have already passed, but relating only to the employees of the Senate, with the hope that it may be immediately passed and go over to the House. If they do not act upon it at this session, at least it will be before them, so that it can be immediately acted upon at the beginning of the next session. I offer the joint resolution which I send to the desk, and I ask for its present consideration.

The joint resolution (S. J. Res. 139) to pay the officers and employees of the Senate of the United States a sum equal to one-twelfth of their annual salaries in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress was read the first time by its title and the second time at length, as follows:

Resolved, etc., That to enable the Secretary of the Senate to pay to the officers and employees of the Senate borne on the annual and session rolls on the 30th day of June, 1912, including the employees on the maintenance roll of the Senate Office Building, the Capitol police appointed by the Sergeant at Arms of the Senate, the official reporters of the Senate, and W. A. Smith, CONGRESSIONAL RECORD clerk, in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress a sum equal to one-twelfth of the annual compensation then paid them by law, and the sum necessary to carry out the provisions of this resolution is hereby appropriated, out of any money in the Treasury not otherwise appropriated; the same to be immediately available.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. FLETCHER. Mr. President, I simply desire to ask if it is not practicable to make this a Senate resolution? Why is it necessary to make it a joint resolution?

Mr. McCUMBER. Because, if it were a simple Senate resolution, the money could only be paid out of the contingent fund of the Senate, and we have not a sufficient amount in the contingent fund of the Senate to pay it.

Mr. CULBERSON. In addition to that, I understand a resolution of that kind would be void because it is against existing law.

Mr. WARREN. The Senator from Texas is correct. It could not be paid out of the Senate contingent fund for two reasons: There is not money enough available with which to pay it, and it would be against the law to do so except both Houses joined in a measure which acted as a waiver.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

THANKS TO THE VICE PRESIDENT.

Mr. SHIVELY. Mr. President, in submitting for the consideration of the Senate the resolution I am about to present I wish to avail myself of the opportunity to express the sincere regret of Senators on this side of the Chamber, and I am sure likewise those on the other, for the illness which has detained the Vice President from his place as Presiding Officer of this body, and to express the hope that he may be speedily restored to health.

I now offer the resolution, for which I ask immediate consideration.

The resolution (S. Res. 386) was read, considered by unanimous consent, and unanimously agreed to, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Hon. JAMES S. SHERMAN, Vice President of the United States and President of the Senate, for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

THANKS TO THE PRESIDENTS PRO TEMPORE.

Mr. NELSON. Mr. President, it had been my purpose to introduce a formal resolution extending the thanks of the Senate to the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Georgia [Mr. BACON], who have, during the absence of the Vice President, owing to an unfortunate illness, which we all most sincerely regret, respectively occupied the chair as President pro tempore of the Senate. I have, however, been advised that in the absence of the Vice President it would hardly be proper to introduce a formal resolution. I therefore take occasion in this informal manner to express, not only for myself, but I am sure I am warranted in saying in behalf of all my colleagues on both sides of this Chamber, their and my high appreciation for the kind, courteous, dignified, and impartial manner in which those Senators have respectively discharged the trying duties of the chair during the period when they have presided over the deliberations of the Senate.

I desire also, Mr. President, on behalf of myself and my associates in the Senate, to assure these distinguished gentlemen that they have our best wishes for their happiness and welfare, to wish them a safe return to their homes, and to express the hope that when Congress again reassembles they may return to their duties in vigorous and robust health. [Applause on the floor and in the galleries.]

FINAL ADJOURNMENT.

The hour of 4 o'clock and 30 minutes p. m. having arrived, the President pro tempore (Mr. GALLINGER) said:

Senators, the hour for final adjournment has arrived. Expressing the sincere hope that you may all reach your homes in safety, that you may have a pleasant vacation, and that upon the resumption of your duties there may be no vacancies in your ranks, I now declare the present session of the Senate adjourned without day.

NOMINATIONS.

Executive nominations received by the Senate August 26, 1912.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. William J. Nicholson, Seventh Cavalry, to be colonel from August 24, 1912.

(Under the provisions of an act of Congress approved Mar. 3, 1911, nominated for advancement in grade in accordance with the rank he would have been entitled to hold had promotion been lineal throughout his arm since the date of his entry into the arm to which he permanently belongs.)

Lieut. Col. Robert D. Read, Third Cavalry, to be colonel from August 24, 1912, vice Col. Edgar Z. Steever, Fourth Cavalry, appointed brigadier general.

Maj. Tyree R. Rivers, Cavalry (detailed inspector general), to be lieutenant colonel from August 24, 1912, vice Lieut. Col. Robert D. Read, Third Cavalry, promoted.

Capt. Charles D. Rhodes, Fifteenth Cavalry, to be major from August 26, 1912, vice Maj. John M. Jenkins, Fifth Cavalry, detailed as inspector general on that date.

FIELD ARTILLERY ARM.

Second Lieut. Louis R. Dougherty, Fifth Field Artillery, to be first lieutenant from August 22, 1912, vice First Lieut. John C. Maul, Fifth Field Artillery, detached from his proper command.

PROMOTIONS IN THE NAVY.

The following-named citizens to be assistant paymasters in the Navy from the 22d day of August, 1912, to fill vacancies created by the act of Congress approved that date:

William E. Moorman, a citizen of Pennsylvania;
Ernest H. Barber, a citizen of Kentucky;
Josiah G. Venter, a citizen of New York;
Harry T. Sandlin, a citizen of Massachusetts;
Oscar W. Leidel, a citizen of Illinois;
Arthur H. Eddins, midshipman, United States Navy;
Stanley M. Mathes, a citizen of South Dakota; and
Delos P. Heath, a citizen of Pennsylvania.

POSTMASTERS.

MINNESOTA.

Frederick W. Betz to be postmaster at Fairmont, Minn., in place of Edgar B. Shanks. Incumbent's commission expired March 14, 1910.

CONFIRMATIONS.

Executive nominations confirmed by the Senate August 26, 1912.

PROMOTIONS IN THE NAVY.

The following-named citizens to be assistant paymasters:

William E. Moorman.
Ernest H. Barber.
Josiah G. Venter.
Harry T. Sandlin.
Oscar W. Leidel.
Arthur H. Eddins.
Stanley M. Mathes.
Delos P. Heath.

PROMOTIONS IN THE ARMY.

CAVALRY.

Lieut. Col. Robert D. Read, to be colonel.
Lieut. Col. William J. Nicholson, to be colonel.
Maj. Tyree R. Rivers, to be lieutenant colonel.
Capt. Charles D. Rhodes, to be major.
Second Lieut. Louis R. Dougherty, to be first lieutenant.

POSTMASTERS.

ALABAMA.

Shipwith Coale, Jackson.

ARIZONA.

Harry C. Adams, Hayden.

MINNESOTA.

Frederick W. Betz, Fairmont.

TEXAS.

Dallas Harbert, Commerce.
Benjamin M. Sheldon, Rockport.

HOUSE OF REPRESENTATIVES.

MONDAY, *August 26, 1912.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Trusting in Thy loving kindness, O God, our Father, we draw near to Thee, not as we would, but, as we are able, we bring to Thee our devout offerings. Let Thy blessing, we beseech Thee, descend in full measure upon us now that these Thy servants may be guided by divine light in all the resolves and enactments of this day, that those whom they represent may be faithfully served to the honor and glory of Thy holy name. Amen.

The Journal of the proceedings of Saturday, August 24, 1912, was read and approved.

Mr. SAMUEL W. SMITH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SAMUEL W. SMITH. If a motion should be made to adjourn sine die and it developed there was no quorum, could the House adjourn?

The SPEAKER. Well, the emergency has not arisen. We will cross that bridge when we reach it.

QUESTION OF PERSONAL PRIVILEGE.

Mr. FOCHT. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. Before the gentleman proceeds with his question of personal privilege the Clerk will read the following telegram.

The Clerk read as follows:

MEADVILLE, PA., *August 26, 1912.*

Hon. CHAMP CLARK,
Speaker House of Representatives, Washington, D. C.

I respectfully ask leave of absence for the remainder of session on account of serious illness in family.

ARTHUR L. BATES.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

The SPEAKER. The gentleman from Pennsylvania rises to a question of personal privilege, which he will state.

Mr. JOHNSON of Kentucky. Mr. Speaker, this being District day, I desire to ask for the consideration of some District measures.

The SPEAKER. The Chair will recognize the gentleman later.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman from Pennsylvania may address the House for 15 minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the gentleman from Pennsylvania may address the House for 15 minutes. Is there objection?

Mr. CLAYTON. Mr. Speaker, reserving the right to object, may I inquire upon what subject the gentleman proposes to discourse?

Mr. MANN. It is in reply to a speech inserted in the RECORD by the gentleman from Alabama [Mr. BURNETT], who is here.

Mr. CLAYTON. Well, inasmuch as my colleague is here and amply able to take care of himself, I shall not object.

The SPEAKER. The Chair hears no objection.

Mr. RAKER. Mr. Speaker, reserving the right to object, I would like to ask unanimous consent to extend some remarks in the RECORD by myself relating to——

The SPEAKER. Let us get through with this other matter. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. FOCHT. Mr. Speaker, in the CONGRESSIONAL RECORD of Saturday last the gentleman from Alabama—I understand we are not to mention the names of Members in parliamentary discussions.

The SPEAKER. Oh, no; there is no such rule as that.

Mr. FOCHT. The gentleman from Alabama [Mr. BURNETT] inserted under leave to print an attack upon me. I say it was unworthy, because it was made by slipping it into the RECORD a few hours before what was supposed to be time for adjournment of the session, which ordinarily would have left no opportunity to meet this assault on the floor of the House. The remarks are dated June 19, more than two months ago, and that length of time before I ever uttered a word on this floor in criticism of the failure of the majority to take action on the immigration bills, and which criticism I only offered because I see everywhere in Pennsylvania the evils of too much immigration, and because I have been overwhelmed with the

evidence of the feeling among the people through the medium of communications from the Patriotic Order Sons of America, the Junior Order of American Mechanics, and the attitude of the American Federation of Labor. The assertions of the gentleman are unworthy of any Member of this body, not only because they vilify, but because the author has been caught in the act of attempting to fire and run away.

At no time have I ever indulged in personal invective on this floor, much less smuggle vituperation into the RECORD at the moment of supposed adjournment, nor will I now or at any time stoop to mudslinging which is approached in the alleged speech of the gentleman from Alabama. Language was quoted and imputed to me and the provisions of my immigration bill which will not be found in the measure as introduced.

Mr. CLAYTON. Mr. Speaker, may I interrupt the gentleman?

The SPEAKER. Does the gentleman yield?

Mr. FOCHT. No, sir.

The SPEAKER. The gentleman declines to yield.

Mr. FOCHT. This sort of posthumous speech, virtually smuggled into the RECORD, contains some rancor, but this I will not countenance in what I have to say; and instead of slipping a reply into the RECORD under unanimous consent, to be under cover until after adjournment, I have written a letter to the gentleman from Alabama, advising him of my intention to reply, so that he might be here to prove his assertions or observe the proprieties of this House and the duty of a gentleman and retract by expunging the injurious statements.

I submit the following letter, addressed to the gentleman, Mr. BURNETT, of Alabama:

[Sixty-second Congress. DAVID E. FINLEY, South Carolina, chairman; HENRY A. BARNHART, Indiana; BENJAMIN K. FOCHT, Pennsylvania.]

HOUSE OF REPRESENTATIVES, U. S.,
COMMITTEE ON PRINTING,
Washington, D. C., August 26, 1912.

Hon. JOHN L. B. BURNETT, M. C.,
Congress Hall Hotel, Washington, D. C.

SIR: I beg to inform you that I shall rise to a question of personal privilege to-day upon the convening of the House and call attention to your unwarranted remarks about me and the immigration bill I introduced and had referred to your committee.

Meanwhile, I beg to ask you to look into the provisions of my bill and the original immigration commission bill introduced in the Senate by Senator DILLINGHAM and see if either would have admitted the Chinese. I beg to call your attention to the fact that my bill, without qualification or limitation, excluded all persons ineligible to naturalization. The qualification you have in mind and whch you attribute to me and my bill was not contained in the bill I introduced or Senator DILLINGHAM introduced, but was an amendment put on in the Senate February 14 and further amended April 15. You are absolutely wrong in every one of your other statements as you are in the Chinese one.

Very truly, yours,

B. K. FOCHT.

The unanswerable and incontrovertible facts are these:

In the CONGRESSIONAL RECORD of Saturday, August 24, 1912 (pp. 756–758 of Appendix), is a "Speech of Hon. JOHN L. BURNETT, of Alabama, in the House of Representatives," purporting to have been delivered "Wednesday, June 19, 1912," or over two months ago, which contains personal statements about me and about a bill which I introduced last January and had referred to the Committee on Immigration and Naturalization, of which the gentleman from Alabama is chairman.

The words and sentences which I will quote could not have been in the gentleman's mind, and no words were further from his thought upon the 19th of June than were the unwarranted statements about me which he obsessed himself in Saturday's CONGRESSIONAL RECORD, and which were never spoken on this floor. Last Saturday was supposed to be the last legislative day. Every Member of this House expected it to be. By mere chance, the merest accident, the House did not adjourn without day last Saturday, and by the merest accident and the merest chance I happened to see yesterday what the gentleman from Alabama had slipped into Saturday's CONGRESSIONAL RECORD as a part of a purported speech delivered in this House two months ago.

I call the attention of the Speaker and the House to the following statements (p. 757 of Appendix):

Mr. FOCHT, of Pennsylvania, introduced one (immigration bill), which in many respects follows the Dillingham bill, but which for confusion and amateurishness is more of a joke than a real bill. It covered 53 pages and contained 39 sections. I doubt whether the author ever read it, but allowed some shrewd joker to impose upon him. He did not ask me for a hearing by our committee on this bill, and possibly only introduced it for home consumption. The last section of the bill also repeals the Chinese-exclusion act and if enacted would soon fill our country with Asiatics, who would drive every white laborer to the poorhouse. There are more than 400,000,000 Chinese in that Kingdom, and they could easily spare 200,000,000 of them. This would be more than twice the entire population of all America. It is unthinkable that any sane man would want to turn loose this great horde of "chinks" on our country.

And then the gentleman from Alabama goes on to comment:

What do you think of that? A medical examination to determine whether or not an alien can read and write. This is a fair sample of much of the Focht bill. Does he not himself need a medical examination?

In the first place, the gentleman from Alabama has inserted in fine print as part of the sentence he purports to quote from my bill, at line 19, on page 15, nine words which are not to be found in the bill. I suppose he will proffer the excuse that the nine words between the two dashes is the work of the printer and that they ought to have been put in larger type and distinguished.

The gentleman says he was made the victim of the printer. That is my answer to his ludicrous "competent medical examination" point. The bill which the gentleman does me the honor to call the Focht bill is identically the same, line for line and word for word, with the exception of seven interlineations, as the Dillingham or Immigration Commission bill. I took the identical bill Senator DILLINGHAM introduced—S. 3175—after it was printed in the Senate and introduced it in the House on January 19, with certain changes I thought desirable. The gentleman is far at sea when he says my bill differs from the original Dillingham bill. I presume attention was called to that typographical error by the agents and attorneys for the foreign steamship companies when he allowed them to come before his committee and express their fears that the Chinese-exclusion acts would be repealed, something they have been working for here in Washington and through the public press for years.

I say again, my bill is identical, word for word, line for line, page for page, and section for section, with the one exception of one section, section 31, which I added in order to repeal the present division of information and display, or employment bureau of aliens, and six little verbal changes. One of these, called attention to by the gentleman in connection with the phrase "competent medical examination," that did not connect with the printer, kept the precise phrase of the original bill prepared by the experts of the gentleman's Immigration Commission, instead of deciphering my interlineation, which was "medical or other competent examination."

The SPEAKER. The time of the gentleman has expired.

Mr. FOCHT. Have I used 15 minutes, Mr. Speaker?

The SPEAKER. The gentleman has.

Mr. FOCHT. Mr. Speaker, I ask to continue until I am through.

The SPEAKER. Is there objection?

Mr. CLAYTON. Mr. Speaker, I asked leave to interrupt the gentleman awhile ago, and I have got the veto power——

[Laughter.]

Mr. FOCHT. I surrender.

Mr. CLAYTON (continuing). And unless the gentleman agrees that I may interrupt him, I shall object.

Mr. FOCHT. I surrender.

Mr. CLAYTON. Well, then, I have no objection.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to continue to complete his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. May I interrupt the gentleman?

Mr. FOCHT. Well, I would like to complete this——

Mr. GARDNER of Massachusetts. Mr. Speaker, I will ask the gentleman if this is not a fact. I think there is a misunderstanding between him and the gentleman from Alabama. Both gentlemen are in favor of restricting immigration. I know that, and the House knows that I favor it. The fact is that the gentleman's bill was the Immigration Commission bill. He probably introduced it just as we all introduced our bills—as a foundation on which those who desire a restricted immigration might commence to work.

Mr. FOCHT. That is the way I introduced the bill; exactly as it came from the Senate. I mean to explain, having it all in chronological order.

The bill is a long one and instead of finding fault with any part of its construction, and especially since it was made by the experts of his own commission, the gentleman would be of more patriotic service to his country if he would have had passed some immigration legislation through this House this session. The gentleman dare not deny that there has not been an understanding with the chairman of the Rules Committee and the leaders of the House, for the correspondence published in the CONGRESSIONAL RECORD shows it to be so, that has resulted in the suppression of all immigration legislation this session, and may mean the ultimate defeat next winter. And this bill which passed the Senate four months ago has been in the hands of the gentleman from Alabama ever since. The fear that it

may be strangled in conference has been expressed by such able Democrats as Congressmen RODDENBERY and DIES, who have raised their voices in protest on this floor, which is something my friend from Alabama has not yet done.

Mr. BURNETT. Mr. Speaker——

Mr. FOCHT. I decline to yield.

Mr. BURNETT. It is my time next.

Mr. FOCHT. Very well. I challenge and brand as a misapprehension the statement made by the gentleman that I introduced this bill for "home consumption," a phrase worn out and indicating impoverishment of the power of expression. My bill would not repeal the Chinese-exclusion act and admit the "chinks" as he says it would. The gentleman must know his error. Section 3 of my bill contains a far better Chinese-exclusion act than the existing one. I call the gentleman's attention to section 3, where it says, page 7, that "all persons who are not eligible to become citizens of the United States by naturalization" are excluded. The gentleman must have been depending too much upon specious arguments for his information about the contents of my bill, for if he had ever read it he would have found that section 3 is far stronger than the existing Chinese-exclusion laws. The gentleman certainly knows that a Chinaman or person of the Asiatic or Mongolian race can not become a citizen by naturalization. Medical examinations are to be sought rather than to be abhorred. They are a good thing for literates and illiterates, and I do not object to the gentleman's statement about my favoring medical examinations for immigrants, for every one of them, and the gentleman knows that that is what quarantine is for, that and fumigation.

The gentleman's committee held hearings all last year and has been holding them all this year, and I find from a perusal of the published hearings of both years that practically the same persons appeared before the committee each time. Each time it was the same old line-up, with countenance and speech the same. The Senate committee went ahead and did business, while the gentleman's committee, under his direction, held hearings and did nothing at all effective. With all the time and opportunity offered they have not put a single bill through which looks to excluding undesirables, although promises have been profuse.

An apparently sincere fight was made two years ago, when the gentleman from Alabama abused Republicans, characterizing them as hypocrites and worse, but when he comes in full control himself, as indicated recently by the Democratic leader, he does nothing and gets nothing done in response to the call heard from every quarter of the country.

The misrepresentation of me, whether designedly or not, in regard to Chinese immigration is shown by the facts in the case. In section 3 of the bill I introduced is a provision which would have better excluded the Chinese than they are now. There is an illiteracy test in that section that could have been made to help do the work also. There are other provisions in that section as well as the one debarring absolutely all who can not be naturalized. The bill I introduced, which the gentleman in a far cry has tried to find a petty fault or two with, would have kept out the Chinese, and this has been so stated to me in correspondence I had with the State Department, but which, owing to the injunction of the department, I can not make public. However, I will be glad to show the letters to any Member who does not need "a guardian" and who does not listen to the whisperings of the foreign steamship companies and cheap labor importers and employers. The correspondence was started by the department. The Assistant Secretary wrote me at once, after I introduced the immigration commission bill, stating that he had correspondence with Senator DILLINGHAM and the Senate committee, and suggested that my bill went too far in excluding and keeping out the Chinese. He wrote the same kind of a letter to Senator DILLINGHAM about his bill. Mr. Speaker, in this connection I wish to say that I prefer the opinion of the State Department to that of the gentleman from Alabama, which seems to be the view and attitude held and argued by the agents and representatives of the foreign steamship companies and large cheap labor employers and alien interests.

I know the bill was recommitted in the Senate February 14, 1912, in order to change the phrase excluding all persons not eligible to naturalization in section 3 and soften it down, and on April 15 it was again recommitted to stiffen it up. The arguments of the steamship people about the changed wording being "involved" and "bungling" seems to have convinced some, but it did not convince the Senate committee or a majority of that body.

Mr. Speaker, I have here letters written by the attorneys for the American Federation of Labor, with regard to this Chinese matter. Copies of the letter of March 2, 1912, refer not to the original provision in the original bill or as contained in the bill reported to the Senate on January 18, but to the phrase "unless otherwise provided for by treaties, conventions, or by agreements as to passports":

RALSTON, SIDDONS & RICHARDSON,
ATTORNEYS AND COUNSELORS AT LAW,
Washington, D. C., March 2, 1912.

Mr. ARTHUR E. HOLDER,
Mr. JOHN A. MOFFITT,
Mr. J. D. PIERCE,
Legislative Committee American Federation of Labor.

GENTLEMEN: You have asked us as to the bearing of Senate bill No. 3175, entitled "To regulate the immigration of aliens to and the residence of aliens in the United States," upon the matter of the exclusion of Chinese from the country, and in reply we have to say:

The bill referred to, in its section 3, enumerating the persons or classes of persons to be excluded from admission to the United States mentions, among others, "persons who are not eligible to become citizens of the United States by naturalization, unless otherwise provided for by treaties, conventions, or by agreements as to passports." The same proposed bill, by its section 39, repeals "all laws relating to the exclusion of Chinese persons, or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens," and is to take effect from July 1, 1912. The provision relative to the naturalization of aliens and intended to be referred to in the proposed act is contained in section 14 of the act of May 6, 1882 (22 Stat. L., p. 58), and reads as follows:

"SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed."

The result of the foregoing is that if the admission of Chinese who are not eligible to become citizens of the United States is provided for by the treaties, they must be so admitted, all of our existing Chinese-exclusion laws being proposed to be repealed. Let us see, therefore, if the treaties provide for the admission of Chinese in the absence of express prohibitive language.

The Burlingame treaty of 1868 recognized the full right on the part of the Chinese to enter, travel, and reside in the United States, the articles controlling the matter being as follows:

"ART. V. The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from the one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

"ART. VI. Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most-favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon the subjects of China in the United States."

These provisions have never been abrogated by treaty, but have only been modified by the treaty of 1880, one of the recitals of which is as follows:

"Whereas the Government of the United States, because of the constantly increasing emigration of Chinese laborers to the territory of the United States and the embarrassments consequent upon such emigration, now desires to negotiate a modification of the existing treaties which shall not be in direct contravention of their spirit."

Article 1 explains the principal modification proposed, and the only one of importance so far as our present purposes are concerned. This reads as follows:

"Whenever, in the opinion of the Government of the United States, the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country, or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it. The limitation or suspension shall be reasonable and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse."

It will be noted, as a result of the foregoing, that, according to the treaties between the two countries—and the only right of exclusion given by a bill has to be in conformity with the treaties—Chinese laborers are given the right of free admission to the United States until and unless, in the opinion of the Government of this country, their coming or residence affects or threatens to affect the interests of this country, or to endanger its good order, or that of any locality within its territory, when, and in no other event, it is agreed that the Government of the United States "may regulate," limit, or suspend such coming or residence, but may not absolutely prohibit it.

When Congress passed the exclusion act in 1882, it introduced it with the following recital:

"Whereas, in the opinion of the Government of the United States, the coming of the Chinese laborers to this country endangers the good order of certain localities within the territory thereof," following, as will be seen, with exactness, the language of the treaty of 1880. The subsequent exclusion acts are simply a continuation of this act, the ones particularly extending or affecting the time of prohibition being those of May 5, 1892 (27 Stat. L., p. 25), and April 29, 1902 (32 Stat. L., pt. 1, p. 176).

With this state of facts as to the treaties and laws, the question before us is simple, and may be summed up as follows:

The treaties provide for the free admission of Chinese in the absence of certain specific findings of fact by the Government of the United States. It is proposed that the Congress shall repeal the laws containing such findings. Immediately upon this action being taken we

revert to the condition which existed immediately consequent upon the signing of the Burlingame treaty of 1868, the modification proposed to that treaty by the treaty of 1880 and itself dependent upon the action of the Government of the United States not being invocable because of the failure of the Government to act or, more strictly speaking, because of the revocation by the Government of the United States of its former action. The conclusion, therefore, is irresistible that if the pending bill becomes enacted in its present form, the right of Chinese to come to this country will be absolutely unrestricted.

We do not discuss the meaning of the qualifying words "unless otherwise provided for by treaties, conventions, or by agreements as to passports" in their relations to Japanese immigration. This for the reason that although it has become public property that passport understandings exist between the United States and Japan controlling the coming of Japanese laborers to the United States. Such passport agreements have never officially been made public property, and in this sense legislation with respect to them is legislation in the dark, so far as the general public may be concerned.

If, however, the idea is to remain in any shape, it might be embodied as follows:

"*Provided*, That the Secretary of Commerce and Labor may recognize the possession of Japanese passports as entitling the proper holder thereof to admission."

Very respectfully, yours,

RALSTON, SIDDONS & RICHARDSON.

This phrase is not to be found in my bill, as the gentleman would know if he had ever read it. I defy him to find the phrase. I challenge any Member of this House or any person to contend for a minute that my bill in excluding all persons ineligible to naturalization does not go further than existing exclusion acts. The gentleman from Alabama must himself be the victim of a joker or was confused when, in an amateurish way under the cover of a supposed dying congressional session, he fired his shot. When the gentleman talked, or rather wrote into his speech of June 19, published in the CONGRESSIONAL RECORD August 24, those words which were absolutely foreign to his argument on that 19th of June in favor of a larger immigration station at Baltimore in order that more immigrants might be brought in at a southern port—when he wrote those sentences into his remarks about me and my bill he was stating, what was to say the least, a misconception, for he said my bill would let in the Chinese.

He is woefully mistaken, and has predicated his attack not on my bill nor the original Senate bill, but on an amendment to the phrase excluding persons ineligible to become citizens, that provided: "Unless otherwise provided for by treaties, conventions, or by agreements as to passports." I admit that were such a phrase in my bill following the other it would result in repealing the law, so far as absolute exclusion is concerned, and place the discretionary power in the hands of the President to exclude or not to exclude. But there is no such phrase in my bill. It was some such phrase the State Department endeavored to have me accept as an amendment to my bill, but I wrote them in February saying I believed in Chinese exclusion, and that I did not believe in going halfway about it or giving the Executive any discretionary power in the premises, preferring to strengthen rather than to weaken our present exclusion laws. The gentleman from Alabama is altogether mistaken—is in absolute error—when he says my bill would let down the bars to the Chinese. It would not. It would put them up. He has evidently not read my bill. He has probably taken some one's suggestion without looking into the chronological order of this immigration legislation, with which he ought to be entirely familiar. I challenge the gentleman to find the phrase attributed to me and my bill. I call upon him to point it out now and here. He can not do it. I have the bills here. I have the bill I introduced. I have the bill that was reported to the Senate. I have the bill that was first introduced by Senator DILLINGHAM. I have the bill that was reported after it had been recommitted, February 14, and that is the amendment the gentleman is apparently talking and thinking about and under which he has covered his assaults upon me. That bill and the next reprint of it are the ones. The amendments in those bills are not contained in my bill, and correspondence with the State Department, had in January and February, shows that I refused to put or agree to have put in my bill the words which might have given the President discretion to let the bars down to the Chinese.

Mr. Speaker, I think I know what ails the gentleman from Alabama and why he inserted thoughts in his speech of June 19, which was published in Saturday's RECORD, which he did not have in the June remarks. Just one week ago to-day the gentleman assured me, in regard to an inquiry on this floor, which is in the RECORD, that the immigration bill, which he asked to have passed over and not considered, would be reached and considered this session. Mr. Speaker, I did not then believe it would be, and so intimated; and it has not. I secured permission to extend my remarks in the RECORD, and did extend them, criticizing the gentleman for his failure to press immigration legislation, and quoted Members on his side of the House to show that there was what amounted, in my opinion, to an understanding to suppress any consideration of immigration restriction this session and probably its ultimate defeat next session.

I was absolutely right in my opinion and the gentleman's assurance then given me has proved to be worthless and wrong. That arrangement may work and it may not. My Democratic friends may catch the foreign vote and they may not. To my mind, questions of state and one as transcendent as this should not turn on any such practical politics. This Democratic House should have had the courage and risen to the patriotic level that inspired and actuated the Republican Senate when on the 19th of last April it passed this Dillingham immigration commission bill. Two years ago the gentleman from Alabama was unsparing in his denunciation of the Republicans then in control of this House for not considering immigration legislation, even though the congressional commission, of which he was a member, had not finished its work, and said that he did not consider that fact or any other sufficient reason for not considering such legislation in view of the alarming immigration evils. No such excuse exists to-day. The commission of which he was a member has reported. The Senate has passed its bill, but the gentleman from Alabama, in charge of immigration affairs of this House, has not brought this bill up for consideration. He has not raised his voice with other Democratic Members of this body in criticism of the suppression of this legislation. Therefore my criticism directed to him as the responsible chairman, being free from any personal feeling or invective, was altogether warranted and did not justify the strictures indulged in by the gentleman in his retort. What is the influence or interest that has prevented the consideration of these bills? What is the mystery that envelops this whole business, anyway? I have seen some telegrams and other data which might in part explain, but I am not going into these matters now. But time will tell and the mysteries attending the stranglehold which has anchored these bills in committee or at the foot of the calendar will be unveiled.

The gentleman's assurance, given me in answer to my question a week ago, as to whether the immigration bill, then withdrawn, would be passed, was that in his opinion it would be. I do not think that I am guilty of going too far by saying that I was disappointed—I hope that is moderate enough—that the bill has not been passed. I only trust that the promises of the Democratic Party might be ultimately fulfilled next December, and that the gentleman from Alabama may have all credit for any labor and effort in behalf of this immigration legislation. No one will write a more exalted editorial for his newspaper than I will, or anybody who is interested in relieving this country of this awful condition.

I just recently received a letter from a brother in Connecticut—and I am sorry that my colleague from Connecticut [Mr. HILL], who has much to say on these questions, is not here. My brother in his letter told me he knew of a gentleman who had walked the streets of New Haven a distance of three squares, inquiring of every gentleman he met where the courthouse was, and no one could answer him in those three squares except a colored man, an American. I trust that gentlemen on the other side who are not familiar with conditions in Pennsylvania might enact this proposed legislation. I trust and want to believe that you are sincere, and that it may be a good thing for you to eliminate it from politics at the present time, and that next year the Dillingham bill, or the Burnett bill, or some bill, may go through promptly and without opposition, and that the results will be just as we anticipated and hoped for.

In conclusion, I trust I may always be the good-natured gentleman described by my friend from New York [Mr. MICHAEL E. DRISCOLL], and that no man may do more or try to do more in this cause than I; but at the same time I shall always resent the impeachment of anybody, either the gentleman from Alabama [Mr. BURNETT] or anybody else, if necessary to reach the truth, which is all I have been trying to do to-day. [Applause.]

Mr. BURNETT. Mr. Speaker, I would like to have unanimous consent for time to conclude my remarks.

The SPEAKER. The gentleman from Alabama [Mr. BURNETT] asks unanimous consent——

Mr. MANN. The gentleman had better fix a limit.

Mr. BURNETT. Say, 20 minutes. I have not prepared my speech on Sunday and have no essay to read, but will make it as brief as I can.

The SPEAKER. The gentleman from Alabama asks for 20 minutes. Is there objection?

There was no objection.

Mr. BURNETT. Mr. Speaker, I have listened to the essay of the gentleman from Pennsylvania [Mr. FOCHT] with a great deal of interest, and I am sorry that any gentleman made the

point of order as to the language that the gentleman from Pennsylvania [Mr. FOCHT] was using; because while I do not desire the name of one who bandies billingsgate with anyone versed in that line of argument, I would have been very glad to have had the opportunity at least to have replied in kind.

The gentleman has referred to the fact that on the 19th of June, in the discussion of the Baltimore immigration matter, I asked to extend my remarks in regard to this question of immigration. That is true, and perhaps the statements that I have made in regard to the gentleman's bill would not have appeared in my speech but for the fact that on the 19th day of this month he asked to extend his remarks in the RECORD, late in the session, as everybody knew, when the RECORD was cumbersome and cumbered, and it was not expected that people would read the RECORD much, and he slipped into the RECORD a speech by the unanimous-consent process that he has so much deprecated in me. Mr. Speaker, I desire to call the attention of the House to a few of the remarks of the gentleman in that speech which was never delivered, especially those directed against me. On page 12329 of the RECORD he says, in referring to the report of the Immigration Commission:

> The official investigating body created by Congress and composed of Congressmen, that was conducting its inquiry two years ago, has made its report, and that report is now available.
> The Republican Senate of this Congress has acted. Its Committee on Immigration reported the 18th of last January an excellent bill, 58 pages long, that had been drawn by the experts of that commission and which contained practically every piece of legislation recommended by that commission.

Now, I would like very much to have the gentleman inform me what expert of that commission drafted that bill. The commission expired last January a year ago. There were no experts that I knew anything about. If there has been experts, certainly as a member of that commission, if it is true that the experts drew the gentleman's bill, I ought to have had that action by the expert submitted to me, but the experts upon whom the gentleman relies never did that, and I do not know to this day that it is a bill drawn by any expert. I deny it, and I think when I read something from the bill you will say, Mr. Speaker and gentlemen, that it was an amateur who drew it and not an expert.

It was on the 18th of January that the Committee on Immigration of the Senate reported the bill. The gentleman complains of the committee of which I have the honor of being chairman about the delay that we made in the reporting of the Dillingham bill. That bill was never reported by the Senate until Congress had been in session a month and a half, and when it was reported, although our commission had recommended that the most feasible manner of restricting undesirable immigration was by the reading and writing test, and although there were two members of that commission on the Senate Committee on Immigration, in some way—I do not charge that the gentleman had anything to do with that—that bill was reported with the illiteracy test stricken out entirely, and for that reason it simply amounted to nothing, so far as its restrictive elements were concerned.

Now, how long did the Senate hold it? I desire to contrast the time within which our committee took action upon it and the time that the Senate itself took action. Although when the bill was passed there were only 8 or 10 against it, yet it was not until April 19 that that Senate bill passed, and on April 20 it came to our committee.

The gentleman states that we gave audience to representatives of steamship companies and others who were opposed to restriction of immigration. We gave three days to those who were opposing the Root amendment and to those who were in favor of the Root amendment and those who were opposed to a clause in the Dillingham bill which required that certificates should be provided to people upon their landing. I stated to the speakers before our committee, although occasionally they would break over, that already we had reported what was known as the Burnett bill, which stood straight by the illiteracy test, and that that question should not be discussed; and it seems to me that is the only way we could really do it, if they really desired to restrict immigration. Some months before that time the Burnett bill had been reported, on April 16.

Mr. COOPER. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. COOPER. What was the Root amendment, to which the gentleman made reference?

Mr. BURNETT. I have it here, but I will give the gentleman the amendment in substance. It was one which allowed the deportation of aliens who were in this country and who were trying to organize strenuous opposition to organized government. That is substantially it. There was much opposition to it. There were members of the committee who believed that if the Root amendment were adopted and people, without trial by jury or trial by courts, merely upon the ipse dixit of the immigration inspector, were deported, then the Russian rulers would have their spies all over this country, and they would trump up charges against people from that country, some of them probably splendid Jewish people, and without trial they would be deported for the purpose of having condign punishment meted out to them on the other side. There were many members of the committee who did not believe that amendment ought to be passed. The other proposition required that those who came to this country to land should be compelled to have an identification certificate. That was opposed by many people, and before us we had the distinguished commissioner of immigration from Ellis Island, where most of these people come. That gentleman stated, and it is in the RECORD, that if any such thing as that were required these people would lose the certificate before they got outside of the building, and it would be absolutely useless and perhaps make trouble for many a poor fellow who could not produce it. Those were the two things mainly on which we held the hearings. The gentleman says it was the representatives of the steamship company that appeared before us. I am not in touch or in the confidence of the steamship companies and hence can not say, as the gentleman seems to speak from knowledge or some information that he relies upon, that it was the steamship companies that appeared before us.

Let me read what he says in regard to it:

> The immigration committee of the Republican Senate industriously considered the bill, while the gentleman's committee as industriously pigeonholed the very same immigration bill which I myself introduced and had referred to the gentleman's committee seven months ago, as I have said, and where my measure still remains unconsidered and unreported to this day.

Mr. Speaker, I am going directly to call attention to the gentleman's bill and then see whether that committee did not do right, especially in view of the fact that the gentleman never thought enough of his bill to ask for a hearing upon it. He talked to me a time or two in regard to whether immigration legislation would be reported, but never cared enough for his bill to ask for its consideration. Already the bill which I introduced had been reported, and I immediately filed a resolution asking for a rule to have it considered by the House, and when the Dillingham bill was considered for several days, on motion of a gentleman—I shall not say who he was, though I do not think he would object—the unanimous opinion of those who were in favor of restriction was that the Dillingham bill should be stricken out, after the enacting clause, and the Burnett bill should be reported in its place.

Mr. GARDNER of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. GARDNER of Massachusetts. I presume the gentleman refers to me?

Mr. BURNETT. Yes.

Mr. GARDNER of Massachusetts. The gentleman is correct in his statement. I have no objection to his referring to me.

Mr. BURNETT. I thank the gentleman from Massachusetts. No one can question the sincerity or the interest of my friend from Massachusetts [Mr. GARDNER], who has fought with me for years and years to try and secure restrictive legislation. It seemed best, in order to expedite the legislation that all after the enacting clause of the Dillingham bill should be stricken out and that the Burnett bill should be reported. When that was done I again introduced a resolution before the Committee on Rules asking that what my distinguished friend has been kind enough to denominate the Burnett-Dillingham bill might be taken up in order that consideration might be given to it. I urged members of the Rules Committee to report the bill. There were gentlemen upon each side of the House, and I believe I am safe in saying as many Republicans as Democrats in proportion to the numbers of each, who asked me to allow the bill to be passed over until the next session of Congress. I said to them that I was in favor of passing the bill at this session, and I wanted the Committee on Rules to give me a rule, and that if my Committee on Immigration were reached on any Calendar Wednesday I would be there, as I have been here every Calendar Wednesday and stayed through until the gavel fell at the end of the day, for the purpose of trying to get that bill and place it upon its passage.

Mr. LAFFERTY. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Certainly.

Mr. LAFFERTY. Upon whom does the responsibility rest, if it may be termed responsibility, for failure to pass the Burnett bill during this session?

Mr. BURNETT. Mr. Speaker, I think that the responsibility rests just where it did two years ago, when there was a similar

failure, when the Republican Party was in power—upon the Rules Committee. We could not get a rule for its consideration.

Mr. LAFFERTY. Then the only difference is that at this time the responsibility is upon the Democratic Committee on Rules and that before it was upon the Republican Committee on Rules.

Mr. BURNETT. That is the way I look at it; yes. I am not defending the Committee on Rules, and I have not done so. Now, Mr. Speaker, let me read you along here again. The gentleman goes on and says——

Mr. RAKER. Will the gentleman yield?

Mr. BURNETT. Yes; if I can get more time.

Mr. RAKER. I do not want to inject any outside matter at this time, but I do wish to ask a question of the chairman of the committee at this time. I have been industrious and diligent in appearing before his committee, I have appeared most every time they met, and particularly before the subcommittee, upon a bill (H. R. 13500) having for its purpose the exclusion of all Asiatic laborers. That bill went to the immigration commissioner, and was reported back favorably with the exception, which stated that the general exclusion was a question of policy for the Government, but the adminstrative features of the bill were perfect. Now, I want to ask, if I am entitled to ask, upon whom does the responsibility rest that the subcommittee having in charge my bill, with whom I have so persistently worked that I almost became a bore to the committee, for its failure to report to the full committee or to the Congress upon that bill.

Mr. BURNETT. Mr. Speaker, I will answer the question of the gentleman. Mr. Speaker, there was a subcommittee——

Mr. CANNON. Mr. Speaker, I do not know anything about the bill or the committee to which the gentleman refers. I do not know who the subcommittee were, but I believe by the rules of this House a Member is prohibited from stating what happens in a committee.

The SPEAKER. There is certainly no doubt about that.

Mr. RAKER. Do I understand from that that I am not entitled to the information? If that is the case, of course I will not insist on an answer.

The SPEAKER. That is undoubtedly the rule.

Mr. RAKER. Mr. Speaker, that being the rule I am not going to ask to violate any rule of this House when I can avoid it.

Mr. BURNETT. Mr. Speaker, I will not undertake to shift any responsibility upon any member of a subcommittee or anyone else. I suppose it is permissible for me to state my views in regard to the matter without any reflection whatever on my part toward other gentlemen. The bill of which the gentleman speaks would exclude all Asiatics. We have a treaty that was made, I believe, in 1907 by which the Japanese are almost entirely being excluded. The records of the Commissioner General of Immigration show that within the last two years' time only about 2,000 Japanese have come in each year and more than 5,000 have gone out. That being true, I stated to the committee that I believed that at this time it would be better, unless that condition was acute or grew to be acute, when 3,000 had gone out in the last two years more than had come in, that it certainly was not an acute condition as far as they were concerned, and as we already had a Chinese-exclusion act which kept Chinese out, and the educational test would keep out a great many of the 2,000 coming in—I mean coming in lawfully; I am not talking about those smuggled over the border, because that is illegal, and it is not within the provision of the law as it stands now to permit them to come in—and hence I believe it would be better to postpone that legislation for a year or two, unless conditions were more acute, as far as the Japs were concerned.

Now, I want to read further from the gentleman's speech. He complains and uses harsh epithets, to which I should reply but for the fact that I have too much respect for gentlemen in this House and the rules of this House to violate the rules of the House by replying in terms as I would have done, perhaps, if it were not for those rules.

The SPEAKER. Well, it has been agreed that all these harsh epithets shall be stricken out of the speech of the gentleman from Pennsylvania.

Mr. BURNETT. I want to read what the gentleman said in criticism of Mr. POU, of the Rules Committee. He said:

> But I want to remind such gentlemen, and particularly the gentleman from North Carolina [Mr. POU], who is now on the Rules Committee, that his committee and the Immigration Committee are absolutely responsible for the failure of this House to consider immigration legislation.

Now, Mr. Speaker, I carry no brief in defense of the Rules Committee, or any other committee than my own, but any charge or insinuation that the Committee on Immigration has tried to stifle this legislation or prevent the passage of this legislation is untrue and unjustifiable and not based upon the facts. Mr. Speaker, when you go into a court of equity you ought to go in with clean hands. Why could not the gentleman have taken advantage of a Wednesday when he could have had an hour in which to have made the speech from which I have quoted.

When the bill to keep out deserting alien seamen was called, I asked that it be passed for the present. The gentleman from Illinois [Mr. MANN] asked for what reason. I said because it was thought that there may be serious conflict between it and the bill that was reported by the Committee on Merchant Marine and Fisheries and passed the House, in regard to imprisonment of seamen, and we wanted to look into that. We have secured an amendment. It is a close question, Mr. Speaker, and must be carefully considered and carefully revised, and not amateurishly revised, and we have been considering it, and believe we have reached what will be an amendment that will not be in conflict with that wise bill. And I would be glad to call it up if I could call that up and get it passed. Mr. MANN said the reason was proper.

The gentleman could have had his hour on that Wednesday if he had desired it, but he has slipped into the RECORD a charge that I and the committee over which I preside are responsible for the defeat of this legislation. I believe that his bill repeals the Chinese-exclusion act, and I want to call attention to that section of the bill. The last section of his bill does that. It is section 39:

> SEC. 39. That this act shall take effect and be enforced from and after July 1, 1912. The act of March 26, 1910, amending the act of February 20, 1907, to regulate the immigration of aliens into the United States; the act of February 20, 1907, to regulate the immigration of aliens into the United States, except section 34 thereof; the act of March 3, 1903, to regulate the immigration of aliens into the United States, except section 34 thereof—

Here comes what is a repeal of the Chinese exclusion law—

> all laws relating to the exclusion of Chinese persons or persons of Chinese descent, except such provisions thereof as may relate to the naturalization of aliens; and all other acts and parts of acts inconsistent with this act are hereby repealed on and after the taking effect of this act.

He says the provision in section 3 of his bill saves him from the criticism that I have made to it. Let us see if it does. It is the long section. It says:

> SEC. 3. That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, and insane persons.

And so forth.

A semicolon appears after all those classes. Going over on the next page, he says:

> All male aliens 16 years of age or over, who are physically capable of reading and writing, but who are unable to read and write in some language or dialect, such aliens to be tested in this regard in accordance with methods and rules to be prescribed by the Secretary of Commerce and Labor, but an admissible alien may bring in or send for his father or grandfather over 55 years of age, or a son not over 18 years of age, otherwise admissible, whether said father or grandfather or son are able to read and write or not.

Those are the excepted classes. Then comes a full stop—a period—and then there is a provision:

> This provision, however, shall not apply to citizens of Canada, Newfoundland, Cuba, the Bermudas, or Mexico, nor to alien residents of continental United States returning from foreign contiguous territory after a temporary sojourn therein, nor to aliens in continuous transit through the United States, nor to the inhabitants of the Philippine Islands, Guam, Porto Rico, or Hawaii except as hereinafter provided, nor to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii, but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent, the reading and writing requirement shall apply.

Those are the exceptions to it. Now he comes in after a semicolon, after a full stop before it, with—

> persons who are not eligible to become citizens of the United States by naturalization.

I would like to see any court give any other construction to this law that must be strictly construed. I would like to see an enunciation of those who should be kept out. It comes to a full stop, and then comes to a semicolon, and says:

> Aliens who are not citizens of the United States.

No court would say that that, disconnected as it is, has any reference to the fact that persons who are not eligible to become citizens of the United States by naturalization are excluded. Now, you take that, Mr. Speaker, in connection with the specific repeal of the Chinese-exclusion law, and in the last section of this the exclusion law is repealed. The gentleman can not escape the proposition.

[The time of the gentleman from Alabama [Mr. BURNETT] having expired, by unanimous consent he was granted 15 minutes additional.]

Mr. BURNETT. In my remarks, Mr. Speaker, I criticized the gentleman for this:

And if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was so affected or afflicted at the time of foreign embarkation, and that the existence of such mental or physical defect or inability to read and write might have been detected by means of a competent medical examination at such time, such person shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $200 for each and every violation of this provision.

They have to have a mental examination to determine whether they can read and write. What do you think of that?

But the gentleman pleads the baby act by saying the printers interlarded that expression, and says he has something in the bill that makes it clear. If that be true, the gentleman could have made that change there and reintroduced this bill and put it on the calendar, and not subjected himself to the criticism ever since January 19. He boasts how long it has been here; and certainly the gentleman has not read it since, until I called his attention to the fact that he was asking that people who were subjected to a physical examination to tell whether they could read or write or not.

Now, there is another thing that I want to call attention to The gentleman's bill would admit those coming in from Canada, the Bermudas, Cuba, and Mexico—that is, he excepts those who are citizens of those countries. I suppose the gentleman did not take the time to examine into the fact that there are 18,000 or 19,000 Mexicans coming in every year, many of them being of the most vicious class of immigrants and over 40 per cent of them unable to read and write. Yet the gentleman would keep out those coming from Germany, and England, and Ireland, Scotland, and Scandinavia—any person coming from there—although there would be but few of them, and let in the Mexican.

In the speech of which the gentleman complains I show that not more than 1 per cent of those from the British Isles, and less than 1½ per cent of those from Scandinavian countries, and not more than 2 per cent of the Jewish people from Russia, and not more than 2 per cent of the Bohemians, Jews, and French would be excluded.

The gentleman is willing that it shall be applied to them, but here Mexico sends some of the most vicious people who ever cross our borders, and the gentleman wants to throw open the gates of our country and let these people come in here and make war against organized government. [Applause.]

This is the bill of the gentleman. And not only that, but I do not suppose the gentleman knew the fact that Mexico allows the naturalization of the Chinese, and how easy, then, it would be for them to effect an entrance here! The gentleman rises in indignation against the imputation that his bill would let in the Chinese, and yet the laws of Mexico are such that Chinese may be naturalized there, and the gentleman by allowing the Chinese to come into Mexico and stay the requisite time for naturalization, would then allow them lawfully to come across our borders.

That is the gentleman's bill, Mr. Speaker. I do not care what attorney prepared it, I do not care whether it was the work of an expert or not. I deny that fact, because the members of the commission ought to have had some notice of the fact that such an enormity was attempted to be perpetrated upon them as this bill seeks to perpetrate. Those are the plain facts, and any lawyer who had ever looked into a law book ought to realize the danger of it and guard against it.

The framers of the Dillingham bill did realize the danger there, and there was inserted at the end of section 3, I believe, what is still an obscure statement of the fact that the Chinese are sought to be excluded from the operation of the provision applying to those who can come in at all. In other words, the repeal of the Chinese-exclusion law ought to be avoided.

Now, then, I am not here, Mr. Speaker, to defend the Senate. Those distinguished gentlemen who inserted in the Dillingham bill the exception that allows those to come in under the provisions of passports may be able to give their reason for doing that. As I said a moment ago, as far as the Japanese coming to this country are concerned, but few of them would be affected either way, and the illiteracy test, if that could be passed, which was left out in the committee of the Senate, would exclude, in my judgment, the greater part of them.

Mr. RAKER. Mr. Speaker, will the gentleman yield?

Mr. BURNETT. Yes.

Mr. RAKER. Is it not a fact that about 90 per cent of the Japanese that enter the United States can read and write?

Mr. BURNETT. I do not think the records show that.

Mr. RAKER. That is my understanding.

Mr. BURNETT. The reports of the commissioner general will show what the fact is.

Mr. CANDLER. Does the gentleman mean that they can read and write English?

Mr. BURNETT. No. No; they are not required to read and write English.

Mr. RAKER. As I understand, the Dillingham bill does not require that they shall be able to read and write English, but just that they shall be able to read and write some language. Is not that right?

Mr. BURNETT. Yes.

Now, Mr. Speaker, I believe that I have covered the ground. The gentleman from Pennsylvania [Mr. FOCHT] says that I never saw this in his bill until my attention was called to it by some attorney of a steamship company. Well, Mr. Speaker, I do not care where I got my information. His statement is not true to start with, and I will elaborate that after a little. But I am not so stolid or so set that I will not take information from any source, if it is correct information. The fact is that the gentleman's bill was never referred to during the time of the discussion of the Dillingham bill. No attorney, no agent, no individual ever made any reference to it, except that Judge SABATH at one time, realizing that the gentleman was in the room—I did not notice his presence up to that time—asked him if he had anything to say in regard to his bill, and he did not ask to be heard.

I think the gentleman comes in with poor grace, when he has attacked me in the manner that he has, and then attacked the manner in which I replied to him. He is unjust and incorrect in his attack. I would brand it with different language, Mr. Speaker, but for my reverence and respect for the rules of this House. I have stated the case. If the gentleman can make anything out of that, he is at liberty to make as much as he cares to, but those are the stern and stubborn facts, and there his bill stands and there the result will stand. [Applause.] Without doubt his bill repeals the Chinese exclusion act.

I thank the House for its attention.

Mr. MANN. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman from Alabama yield to the gentleman from Illinois?

Mr. BURNETT. Yes.

Mr. MANN. The gentleman, as chairman of the Committee on Immigration and Naturalization, reported the Senate bill quite a while ago?

Mr. BURNETT. Yes.

Mr. MANN. I do not remember the date.

Mr. BURNETT. I can give the gentleman the date. It was reported June 7.

Mr. MANN. And also reported his own bill, a House bill, on the same subject.

Mr. BURNETT. Prior to that.

Mr. MANN. The gentleman states, and I accept any statement which he makes, that he has made every diligent effort to get the bills up for consideration.

Mr. BURNETT. Yes.

Mr. MANN. Is the gentleman, then, thoroughly convinced that under the new reform rules of the House, which I see referred to nearly every day in some speech as having been reformed so that business can come before the House when gentlemen desire it to come—is the gentleman convinced that these reform rules have been so well reformed, when the chairman of an important committee of the House, with a very important bill in charge, is yet unable after the most diligent effort, extending over months, to get it before the House for consideration?

Mr. BURNETT. No; I think there ought to be some further reforms. [Applause.] I think what they have is a very great reform over what was the condition when the gentleman's party was in power.

Mr. MANN. In what respect, as to the immigration bill?

Mr. BURNETT. In regard to these Calendar Wednesdays, which came in perhaps by force of circumstances toward the end of the Republican control of this House, I believe it is wrong that one committee should have two days on Calendar Wednesday and then go on with indefinite debate afterwards. I believe there ouught to be some reform there in regard to Calendar Wednesday, so that one committee should not occupy that day for two Wednesdays and then continue indefinite debate afterwards. I think that is one of the reforms that is still needed.

Mr. MANN. Under the old rules of the House, and, for that matter, under the existing rules, it is in order every day to call the calendar of committees; in fact, that is the regular order under the rule. Since the reform of Calendar Wednesday was instituted it is not very often that the Speaker can possibly get the opportunity of proceeding to a call of the calendar. That has not worked very effectively in getting the gentleman's bill before the House.

Mr. GARDNER of Massachusetts. May I ask the gentleman from Alabama a question?

Mr. BURNETT. Certainly.

Mr. GARDNER of Massachusetts. Does not the gentleman think——

The SPEAKER. The time of the gentleman from Alabama has expired.

Mr. BURNETT. I ask for one minute more.

Mr. GARDNER of Massachusetts. I ask unanimous consent that the gentleman may have two minutes.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that the gentleman from Alabama may have two minutes. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. If this Calendar Wednesday rule were to be amended so as to allow only two hours' general debate on a separate bill, does not the gentleman think we then would have a true reform? I call the gentleman's attention to the fact that as the Calendar Wednesday rule was originally proposed to this House it provided that only three hours should be allowed in general debate on each bill and that I myself this year have introduced a resolution which is sleeping in the files of the Committee on Rules confining general debate on any bill brought up on any Calendar Wednesday to two hours.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. BURNETT. Answering that question, I will say I believe there ought to be some amendment. As to whether the two-hour rule would be the correct one or not, I am not here to say, but I think there ought to be some limit to it.

Mr. MANN. Does the gentleman think that even on as great a bill as the immigration bill, which is not by any means the greatest bill that has ever come before the House the House ought to be restricted in general debate to two hours or that upon some great measure the House ought to be restricted by the rules to two hours' debate, when if it is on the House Calendar that is the end of all debate, because there is no five-minute debate on bills on the House Calendar.

Mr. HENRY of Texas. Mr. Speaker, will the gentleman from Massachusetts yield?

Mr. GARDNER of Massachusetts. Yes.

Mr. HENRY of Texas. I want to correct the gentleman in one thing. His resolution is not sleeping in the Committee on Rules.

Mr. GARDNER of Massachusetts. I ought not to have stated that.

Mr. HENRY of Texas. I wish to say I am heartily in favor of the gentleman's resolution, and if there is any one reform that ought to be brought about in this House in regard to the rules it is the one limiting time for debating these bills on Calendar Wednesday, and I hope that both sides of the House, Republican and Democratic alike, will insist that debate be limited to two hours upon these bills on Calendar Wednesday, and then if very important matters come up upon that day, and more time be needed, we can always find a way to consider such a bill in some way.

Mr. MANN. How?

Mr. GARDNER of Massachusetts. Mr. Speaker, I have suggested in that rule to which the gentleman referred that by a two-thirds vote of the House the time for general debate may be extended. I think that safeguards the opportunity for reasonable debate. The gentleman from Illinois asked the gentleman from Alabama whether he did not think two hours much too short a time in which to consider the immigration bill. I call both gentlemen's attention to the fact that only three hours were allowed on June 25, 1906, when the great fight came upon immigration. This time was allowed not for general debate alone but for reading and debating the 45 sections of the bill as well.

Mr. MANN. Did the gentleman approve it?

Mr. GARDNER of Massachusetts. No.

Mr. MANN. And now the gentleman seeks to make it two hours.

Mr. GARDNER of Massachusetts. What I disapproved was the rule which made it impossible to get a yea-and-nay vote upon the amendments adopted.

Mr. MANN. There will be no yea-and-nay vote on amendments on a bill that is on the Union Calendar.

Mr. FITZGERALD. The fact is that on Calendar Wednesday now under the rule a majority of the House can terminate debate at any time.

The SPEAKER. All of this debate is out of order.

Mr. MANN. I ask unanimous consent that the time of the gentleman from Alabama be extended for five minutes.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Alabama be extended five minutes. Is there objection?

There was no objection.

Mr. FITZGERALD. Mr. Speaker, now that the time of the gentleman from Alabama has been extended, I desire to ask the gentleman from Massachusetts a question. Is it not a fact that under the rules of the House at the present time a majority of the House can close general debate or limit it to any time it desires on Calendar Wednesday?

Mr. GARDNER of Massachusetts. There has never been a time when a majority, if it wished to conceal its views on any particular question, could not do so by voting to consider something else. There is not a doubt that the Members of this House, by refusing to close debate, could conceal from their constituents the fact that they desired to avoid going on record on an awkward bill. That is what I object to.

Mr. FITZGERALD. That is not an answer to the question at all.

Mr. GARDNER of Massachusetts. I want to make the closure of debate automatic unless extended by a two-thirds vote of the House.

Mr. FITZGERALD. The gentleman wants an automatic rule limiting the time for debate on bills which under the rule now come up under special conditions, and, regardless of the merits or the conditions, he wants to have the most effective gag rule ever designed to force legislation through the House.

Mr. GARDNER of Massachusetts. Possibly, under certain circumstances. Here we have been for the last few weeks on Calendar Wednesday trying to avoid the consideration of the immigration bill. Why? Not because a majority of the House is opposed to the bill, but because a majority does not want the bill to come up. Whichever way men vote, they fear they may get into trouble.

Mr. FITZGERALD. The gentleman's purpose is to make it impossible to debate bills that Members wish to debate in order to make it possible to reach the bill which he insists a majority of the House is anxious to pass but does not want to consider.

Mr. GARDNER of Massachusetts. Members of the House avoid going on record for or against a particular bill by voting to consider some other bill.

Mr. FITZGERALD. Oh, I think the gentleman exaggerates matters. All the Members of this House act about the same.

Mr. GARDNER of Massachusetts. Yes; I plead guilty

Mr. FITZGERALD. Neither the gentleman nor myself conduct ourselves any differently on these matters from other gentlemen.

Mr. GARDNER of Massachusetts. Mr. Speaker, I ask unanimous consent for five minutes more.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. GARDNER of Massachusetts. For administrative reasons our immigration restrictions are relaxed as to either Canada or Newfoundland. We know that it would be highly inconvenient and probably of no practical effect to enforce an illiteracy test on passengers who travel daily on the ferryboats in and out of Detroit, for instance. Hundreds of trains cross the Canadian border every day. I have never believed and I do not now believe that it is wise to impose an illiteracy test against Canadians. Nevertheless, I raise no objection to including Canada in the operation of the illiteracy test, if that will help to pass the bill.

Mr. FITZGERALD. I think if the gentleman wants a bill of that sort he ought not to let in the illiterates from Canada, so as to continue the distressful and horrifying conditions in the New England mills we have been hearing so much about.

Mr. GARDNER of Massachusetts. Canada sends us practically no illiterates.

Mr. MANN. Mr. Speaker, I ask unanimous consent for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Illinois? [After a pause.] The Chair hears none.

Mr. MANN. There has been more or less said this morning in reference to a limitation of time of debate on Calendar Wednesday. Of course, you might as well limit it on every other day if you limit it on Calendar Wednesday, because you can call up on Calendar Wednesday any bill that is on the calendar which is not a revenue bill or an appropriation bill, practically speaking.

Here is a serious proposition urged by the gentleman from Massachusetts [Mr. GARDNER] apparently acquiesced in by the gentleman from Texas [Mr. HENRY], the chairman of the Com-

mittee on Rules, that there ought to be in the rules a limitation of debate upon great measures. The gentleman from Massachusetts himself just now is a living illustration of his opposition to closing debate when attacked in the last speech. He would not be willing to have two hours' only general debate upon the immigration bill if he could not have part of the time and somebody should attack his propositions on immigration. I have often noticed in the House that when gentlemen become thoroughly infatuated with some particular bill that they would like to close general debate until that bill is passed if they can control the time that is allowed on general debate on the bill. But I believe that the rules ought always to provide that a small minority of the House on great public questions should have the opportunity of being heard in general debate. The rules now authorize a majority of the House to close debate at once upon a House calendar bill by operation of the previous question, and whenever they please upon a Union Calendar bill by a vote of the House. Here we have had up this year or have on the calendar a bill for Philippine independence, a bill providing for a general government in the Philippine Islands, the immigration bill, and we will have the compensation bill, which is not yet on the calendar, although it ought to be, and a serious proposition being urged that the House shall limit debate by the rules for two hours, subject, of course, I believe, to two-thirds of the House giving a larger time, but absolutely foreclosing the right of a small minority to have any time in general debate. We have seen how that operates when we come to debate upon a question. The chairman of the committee or the gentleman in charge of a bill is entitled to the first hour. Nominally, somebody in opposition to the bill is entitled to the next hour. As a matter of fact, a member of the minority of the committee is recognized for the second hour; and if one member of it will state that he is opposed to the bill at all he is entitled to the hour under the practice of the House, and no outside Member is entitled to any time if the time is to be cut so short.

I do not believe in a reform of the rules which provides that the consideration of measures must take place in the distinguished body at the other end of the Capitol and can not take place in the House of Representatives. [Applause.] If there is any one thing that has largely destroyed the influence of the House of Representatives in the popular mind it is the fact that we pass bills of great public importance often with little or no debate, and then they go to the Senate, where they are often thoroughly debated, and generally in that respect changed entirely, and come back to the House, where we either send them to conference, and then have no debate upon the measures at all in the House, or agree to the Senate amendments with very little debate. There are many ways now of limiting debate. There are many ways of extending debate. Gentlemen may make rules from now until the end of time, and there never will be found a method of preventing delay where a majority of the House body desire delay. You may shut off general debate. You may do what you please in reference to that, but you will not expedite the consideration of measures to which a majority of the body is opposed in this or any other legislative body. I protest against the proposition that the House shall adopt a rule which will prevent proper consideration of great public measures.

Mr. CANNON. Mr. Speaker, I would like to take five minutes.

The SPEAKER. Without objection, the gentleman from Illinois [Mr. CANNON] is recognized for five minutes.

There was no objection.

Mr. CANNON. Mr. Speaker, I just came into the Chamber and directly or indirectly the subject of immigration seems to be talked about. It has been a good deal talked about in the last few years. I have very pronounced views upon it, and I have no desire to conceal them. I have no desire to avoid responsibility for any action as a Member of this House that I have ever taken heretofore or now.

There are about 350,000,000 people of our race—the Caucasian race—engaged in one occupation and another in Europe. My forebears, scattered around in various countries, finally landed in this country a litttle over a century ago. I am glad they came. I do not know whether they could read and write or not. Whatever this generation that I belong to of my family may amount to, for two generations at least they were people who lived in the sweat of their faces. They were Caucasians; they were good citizens; they contributed to the development and the betterment of our civilization.

Now, we have got less than 100,000,000 of people in the United States. When we are as thickly settled as Europe is, we will have from 400,000,000 to 500,000,000. Thus far we have just scratched the surface of this country. There come to this country about a million immigrants a year, those who are permitted to come. I have voted for Chinese exclusion because, with the habits of the Chinese and the manner of their living, we can not sustain our civilization and compete with them.

Mr. RAKER. Mr. Speaker, will the gentleman yield right there?

The SPEAKER pro tempore (Mr. JOHNSON of Kentucky). Does the gentleman yield?

Mr. CANNON. I would rather not, because I have only five minutes. I do not want to talk long.

Now, about a million, as I say, on the average, come every year, people of substantially our race, people who are willing to live in the sweat of their faces. I would rather have, if need be, a thousand or ten thousand men come that can not read and write who are willing to work and help matter assume shape that is useful to the human family, than to have a hundred come that can read and write and who seek to live by "black-hand" operations or otherwise in the sweat of somebody else's faces; and therefore I protest against that illiteracy qualification.

I can tell you how you can stop immigration to this country. You can do it by enacting laws that will cover all of the nearly 100,000,000 people in this country—laws that in their operation will decrease the wage or the compensation of the people, however employed, in the United States. This million a year comes—what for? For a better wage, for a better manner of living, for a better civilization; and the common schools take care of their children. The first generation, in the main, that works is pretty good, and the second generation is better, because they learn the language and learn our habits.

Now, if you will pursue the policy that will make it unprofitable for them to come they will not come. Now, as I am a little over a century old in this country—a little over, about a century and 12 years—I have no sympathy with the men who come in this generation from Europe, and in the second generation or any other generation will say, "We will pursue a policy that will stop immigration, because we want to get rid of that competition here. When you pursue that policy, you come into competition with 350,000,000 people, substantially of the Caucasian race. I would rather have a million a year, who labor in Europe and ship their products to this country, come as your forbears and my forbears came, and cast in their lot with us, shutting out the criminal, shutting out the dissolute, shutting out the diseased; I would rather have them come and help the coming generations to develop this country with liberty, and, as we increase in population, and as the hive swarms and goes out to other portions of North and South America, to work out their salvation; I would rather have them come than reduce our style of living and reduce our standard of compensation to the level of that of the Old World. Choose ye as your judgment warrants.

This is not a new doctrine for me. I have been attacked bitterly touching immigration. I have nothing to conceal. I have nobody to call hard names, but I do not see legislation as proper that other gentlemen do see. [Applause.]

EXTENSION OF REMARKS.

Mr. HAMILTON of West Virginia. Mr. Speaker, a few days ago, in connection with quite a number of Members of the House, I got permission to extend my remarks, but I find no mention of it in the RECORD. May I ask unanimous consent to extend my remarks?

The SPEAKER pro tempore. Without objection the gentleman will be permitted to extend his remarks in the RECORD.

There was no objection.

By unanimous consent, Mr. DYER was given leave to extend his remarks in the RECORD.

CERTAIN REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I desire to call up House bill 15626, to provide for the proper deed of conveyance to real estate in the District of Columbia when the United States contributes to its purchase or condemnation.

The SPEAKER pro tempore (Mr. RAKER). This does not require unanimous consent, does it?

Mr. JOHNSON of Kentucky. No; this is District of Columbia day.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read the title of the bill.

Mr. JOHNSON of Kentucky. I ask unanimous consent that the bill be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, let us have the bill reported.

The Clerk read the bill, as follows:

Be it enacted, etc., That hereafter whenever any real estate is acquired, whether by purchase or condemnation, to be used, in whole or in part, by the municipal government of the District of Columbia, or

any branch or department thereof, and the United States contributes to the purchase price thereof, the deed of conveyance therefor shall be made to the District of Columbia and the United States jointly, in the same proportion to which each has contributed toward its purchase or condemnation.

SEC. 2. That this act shall take effect upon its passage.

The SPEAKER pro tempore. The gentleman from Kentucky asks unanimous consent that this bill be considered in the House as in Committee of the Whole.

Mr. MANN. Reserving the right to object, I should like to have the bill reported.

Mr. JOHNSON of Kentucky. It has been read.

Mr. MANN. The Clerk read the original bill, but there is a committee amendment, and the bill is not reported until the committee amendment is reported.

The SPEAKER pro tempore. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

"That whenever any real estate heretofore or hereafter acquired by the District of Columbia toward the purchase price of which the United States contributed ceases to be used for the principal purpose for which it was acquired it shall be sold; and, when sold, the proceeds of sale shall be divided between the United States and the District of Columbia in the same proportion as each contributed to the purchase and improvement of same. Any improvements put upon any such real estate, as well as any fixtures or appurtenances thereunto belonging, shall be sold with the real estate, and the proceeds of sale shall be disposed of in exactly the same manner as the proceeds of sale of the real estate as above set out. The provisions of this act shall also apply to and include any property acquired as aforesaid, whether it be within or out of the said District of Columbia.

"The sale of said real property shall be made at public auction, in front of the Municipal Building, after having been advertised four times in a daily newspaper published in the District of Columbia, one week to intervene between each publication, the last publication to be made on the day before the sale, the sale to begin at 3 o'clock and 30 minutes in the afternoon; but the property shall not be knocked off or sold until 4 o'clock; that is, the sale is to be cried for 30 minutes. The property so sold shall be paid for as follows: One-third cash and the remainder in equal installments due 6 and 12 months after day of sale, the deferred payments to bear interest at the rate of 6 per cent per annum from day of sale until paid, a lien to be reserved upon the property to secure the deferred payments. Other than the newspaper advertising, the expenses of the sale and conveyance to the purchaser shall not exceed $50.

"The deferred payments herein mentioned shall be evidenced by promissory notes, the toal amount of which shall be divided between and executed to the United States and the District of Columbia according to the interest of each therein. The Secretary of the Treasury shall require such surety, in addition to the lien, upon the notes payable to the United States as he shall deem ample and sufficient; and the Commissioners of the District of Columbia shall in like manner pass upon the sufficiency of the surety upon the notes payable to the District of Columbia. The purchaser may, upon his election to do so, pay cash instead of executing the promissory notes, or he may take up any of the deferred payments before maturity.

"The Secretary of the Treasury shall make the settlement of such accounts between the United States and the District of Columbia, and this settlement made by him shall be final."

The SPEAKER pro tempore. Is there objection?

Mr. FITZGERALD. Reserving the right to object, Mr. Speaker, I call the attention of the gentleman from Kentucky to the fact that this is a very extraordinary bill. It gives unusual powers to an official. Under this bill the Secretary of the Treasury could sell most of the parks in the District of Columbia to whose purchase the United States has contributed if he were to determine that they were no longer required for park purposes. I do not think at this time in the session a bill like this should be passed.

Mr. JOHNSON of Kentucky. The gentleman from New York is entirely mistaken in saying that any executive officer should dispose of the parts under this bill. The gentleman says this is a most extraordinary bill; it is, because it is a most unusual bill. The United States for years and years has contributed to the purchase of real estate in the District of Columbia, to be used exclusively by the District of Columbia. The school property now in the District amounts to about $10,000,000. There is other property to the extent of perhaps more than $5,000,000, to the purchase of all of which the United States Government has contributed to the extent of one-half. Now, it would certainly seem that no man could offer a reasonable objection to the proposition that when this property ceases to be used for the purpose for which it was required it may be sold and the money be distributed between the United States Government and the District of Columbia in the same proportion in which it was contributed.

Mr. FITZGERALD. It might be most desirable to use the property for some other purpose. For instance, property may be used for a school for a good many years, and the school be abandoned, and then it might be highly desirable to erect a police station or an engine house upon the land.

Mr. JOHNSON of Kentucky. And Congress would have a perfect right to have that done.

Mr. FITZGERALD. But the Secretary of the Treasury could sell it.

Mr. JOHNSON of Kentucky. But for the Commissioners of the District of Columbia to get money from the Federal Government upon one guise and then use it in their discretion, without the interference of Congress, for another purpose, is wrong, and I say that somebody in Congress representing the interests of the United States Government in these matters should have the right to interpose.

Mr. FITZGERALD. The gentleman can prevent that practice by reporting a bill which will prohibit property acquired for one purpose from being used for any other purpose unless Congress specifically authorizes it. But to place in any one individual officer the power——

Mr. JOHNSON of Kentucky. This bill does not do that.

Mr. FITZGERALD. That is how I caught the reading of it.

Mr. JOHNSON of Kentucky. The gentleman from New York caught it wrong.

Mr. FITZGERALD. Then there is all the more reason why it should not be passed at this particular time under these circumstances.

Mr. BATHRICK. Mr. Speaker, will the gentleman yield?

Mr. JOHNSON of Kentucky. Yes.

Mr. BATHRICK. In the event this property in which the United States has an equal or certain proportion with the District of Columbia ceases to be used for the purpose originally intended, is it the purpose of the gentleman's bill to sell the property at auction?

Mr. JOHNSON of Kentucky. Yes; and divide the money between the two interests purchasing.

Mr. BATHRICK. In the proportion in which they were originally interested.

Mr. JOHNSON of Kentucky. Yes.

Mr. MANN. Mr. Speaker, I will ask the gentleman from Kentucky to yield long enough for me to ask unanimous consent to have laid before the House a bill which just came over from the Senate, in order that it may be considered.

Mr. JOHNSON of Kentucky. Would that interfere with the further consideration of this matter at this time?

Mr. MANN. Oh, no.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Stuart, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 7500. An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

OKANOGAN, WASH.

Mr. MANN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table and consider the bill (S. 7500) to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

The SPEAKER pro tempore (Mr. RAKER). The Clerk will report the bill.

The Clerk read the bill, as follows:

Be it enacted, etc., That an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation, in the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912, be, and the same is hereby, amended by striking out in the first section thereof, in the description of the lands authorized to be sold, the word "twenty-three," after the word "township," and inserting in lieu thereof the word "thirty-three."

The SPEAKER pro tempore. Is there objection?

Mr. MANN. Mr. Speaker, before consent is given, I desire to explain to the House what it is. Recently the House passed a bill authorizing the sale of certain lands to the town of Okanogan for public-park purposes. When the bill was introduced the Department of the Interior recommended an amendment, giving the description of the property, and in that description it reads "section 17, township 23 north." It was put in the bill in that way and it is now discovered that it should be township 33 instead of 23.

Mr. GARRETT. This is a Senate bill?

Mr. MANN. Yes; and this is to correct it by making it read township 33 instead of 23.

Mr. BUCHANAN. The description is to make it apply to the property in question?

Mr. MANN. To the property in question.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

CERTAIN REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. JOHNSON of Kentucky. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 15626) to provide for the proper deed of conveyance in real estate in the District of Columbia when the United States contributes to its purchase or condemnation.

The question was taken.

Mr. GARDNER of Massachusetts. Mr. Speaker, I demand a division.

The House divided; and there were—ayes 9, noes 3.

Mr. GARDNER of Massachusetts. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Massachusetts makes the point of order that there is no quorum present. The Chair will count.

Mr. GARDNER of Massachusetts (during the counting). Mr. Speaker, I withdraw the point of no quorum.

Mr. JOHNSON of Kentucky. Mr. Speaker, I renew it. I make the point that there is no quorum present.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for 30 minutes.

Mr. JOHNSON of Kentucky. Mr. Speaker, the House is not in session. I make the point of order that the House is not in session. Mr. Speaker, I withdraw the point of order that there is no quorum present.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent——

Mr. JOHNSON of Kentucky. I object, Mr. Speaker. Mr. Speaker, I renew my request that the bill be considered in the House as in the Committee of the Whole.

The SPEAKER. The gentleman from Kentucky asks unanimous consent that the bill H. R. 15626 be considered in the House as in Committee of the Whole. Is there objection? [After a pause.] The Chair hears none.

Mr. JOHNSON of Kentucky. Mr. Speaker, the bill has been reported.

The SPEAKER. Are there any amendments?

Mr. JOHNSON of Kentucky. The amendment also has been read.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. JOHNSON of Kentucky, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECESS.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for one hour.

Mr. LAFFERTY. Mr. Speaker, I make the point of order there is no quorum present.

The SPEAKER. The gentleman if he desires to do so can make the point.

Mr. LAFFERTY. I desire merely to speak for five minutes on the subject which has been discussed here.

Mr. UNDERWOOD. Mr. Speaker, I move that at the end of five minutes the House take a recess for one hour.

The SPEAKER. The gentleman from Alabama moves that at the end of five minutes the House take a recess for one hour.

Mr. LAFFERTY. I withdraw my point.

The motion was agreed to.

Mr. RAKER. Mr. Speaker, will the gentleman yield for one request?

Mr. LAFFERTY. I will.

Mr. RAKER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on H. R. 25738, H. R. 19344, and a bill which has just passed the Senate, S. 5068.

The SPEAKER. The gentleman from California asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none.

By unanimous consent, Mr. HAWLEY, Mr. SAMUEL W. SMITH, and Mr. BUCHANAN were granted leave to extend their remarks in the RECORD.

Mr. LAFFERTY. Mr. Speaker, I was very much interested and amused at the argument of the gentleman from Illinois [Mr. CANNON] on the subject of immigration. He recited that there are 350,000,000 people of the Caucasian race in Europe who would be competing with American labor except for the tariff wall between us; that we have in this country approximately 100,000,000 of people; that he is opposed to any reduction of the tariff, or any considerable reduction of the tariff, but desires conditions maintained better in this country than they are in Europe through the protective tariff.

Mr. CANNON. If the gentleman will allow me, I never mentioned the protective tariff. If the gentleman desires to put words in my mouth in regard to my statement, well and good; but I will say to him now, I am in favor of the Republican policy of protection, and high enough to protect.

Mr. LAFFERTY. I understand the gentleman's views, but his argument is the same as to say that if you have two watering troughs by the side of each other, connected by a tube at the bottom, that you can fill one of them full of water and the water will not run into the other. So long as the people from Europe can come to the United States without restriction and conditions are better in this country, they will come, and there is no way by which conditions of labor can be kept to a higher standard here in the future than in European countries without restriction upon European immigration. If you are going to have unrestricted immigration from European countries in this manner, you can not by artificial methods, by a protective tariff or otherwise, maintain better conditions for labor in the United States than anywhere else——

Mr. CANNON. Will the gentleman allow me? I am not in favor of unrestricted immigration, but the name of the gentleman harks back to the same country to which I hark back—that is, Ireland. I do not know how old the gentleman's forbears are in this country, but the Irish seem to be able to get to Congress within a generation, and I am not surprised——

Mr. NORRIS. They go on the police force in the first generation and get into Congress in the second generation.

Mr. LAFFERTY. I have not said I was in favor of any additional restrictions upon immigration, but I have said that I was amused at the gentleman's argument. It is an absolutely impossible and an illogical one——

Mr. CANNON. Thank you.

Mr. LAFFERTY (continuing). To say that you can keep labor conditions in this country better than they are in foreign countries and permit foreigners to come in practically without restriction.

Mr. CANNON. Will the gentleman allow me? A million of them do come. Three hundred and fifty million of them, with cheap transportation, send their products without a protective policy. Is one million greater than three hundred and fifty million?

Mr. LAFFERTY. I am in favor of maintaining better conditions in the United States than any foreign countries if possible to do so, and I favor a reasonable protective tariff upon competitive articles. I also favor more rigid exclusion laws for the same reason.

I now yield one minute to the gentleman from Virginia [Mr. CARLIN] if he is here.

Mr. BEALL of Texas. The gentleman evidently is not here. Yield it to me.

Mr. LAFFERTY. I will.

Mr. BEALL of Texas. Mr. Speaker, some time ago, when the sundry civil bill was up, I presented some statements in reference to the Department of Justice. I would like the privilege of extending my remarks in the RECORD so as to present a brief summary of the work of the Committee on Expenditures in that department.

The SPEAKER. Is there objection?

There was no objection.

Mr. MANN. In connection with the gentleman from Texas [Mr. BEALL] I ask also that the gentleman from Illinois [Mr. STERLING], my colleague, have unanimous consent to extend his remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. LAFFERTY. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

LARCENY IN INTERSTATE SHIPMENTS.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to consider in the House as in Committee of the Whole the bill H. R. 16450, reported from the Judiciary Committee unanimously, which is a bill to prevent larceny.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill to which he refers. The time has come under the motion of the gentleman from Alabama [Mr. UNDERWOOD] for a recess for one hour.

Mr. CARLIN. I ask unanimous consent that the House postpone that for one minute. This bill will not take longer than that.

Mr. MANN. It will take more than that. You can call it up after we meet again.

The SPEAKER. The gentleman can proceed after the recess.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent that I may call it up after the recess.

The SPEAKER. The Chair will grant it, if the deficiency bill is not here, without any motion about it now.

Mr. MANN. That is, by asking unanimous consent.

The SPEAKER. By asking unanimous consent.

AFTER RECESS.

The recess having expired, the House was called to order at 3.25 p. m. by the Speaker.

By unanimous consent, Mr. McCOY and Mr. DAVIS of West Virginia were granted leave to extend their remarks in the RECORD.

LARCENY IN INTERSTATE COMMERCE.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to consider in the House as in the Committee of the Whole the bill H. R. 16450.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill H. R. 16450. Is there objection?

Mr. MANN. Let us hear the bill reported.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 16450) to punish the unlawful breaking of seals of railroad cars containing interstate or foreign shipments, the unlawful entering of such cars, the stealing of freight and express packages or baggage or articles therefrom in process of transportation in interstate shipment, and the felonious exportation of such freight or express packages or baggage or articles therefrom into another district of the United States, and the felonious possession or reception of the same.

Be it enacted, etc., That whoever shall unlawfully break the seal of any railroad car containing interstate or foreign shipments of freight or express, or shall enter any such car with intent, in either case, to commit larceny therein; or whoever shall steal or unlawfully take, carry away, or conceal, or by fraud or deception obtain from any railroad car, station house, platform, depot, steamboat, barge, or wharf, with intent to convert to his own use any goods or chattels moving as, or which are a part of or which constitute, an interstate or foreign shipment of freight or express, or shall buy, or receive, or have in his possession any such goods or chattels, knowing the same to have been stolen; or whoever shall steal or shall unlawfully take, carry away, or by fraud or deception obtain, with intent to convert to his own use, any baggage which shall have come into the possession of any railroad company or other common carrier for transportation from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or to a foreign country, or from a foreign country to any State or Territory or the District of Columbia, or shall break into, steal, take, carry away, or conceal any of the contents of such baggage, or shall buy, receive, or have in his possession any such baggage or any article therefrom of whatsoever nature, knowing the same to have been stolen, shall in each case be fined not more than $5,000 or imprisoned not more than 10 years, or both, and prosecutions therefor may be instituted in any district wherein the crime shall have been committed. The carrying or transporting of any such freight, express, baggage, goods, or chattels from one State or Territory or the District of Columbia into another State or Territory or the District of Columbia, knowing the same to have been stolen, shall constitute a separate offense and subject the offender to the penalties above described for unlawful taking, and prosecutions therefor may be instituted in any district into which such freight, express, baggage, goods, or chattels shall have been removed or into which they shall have been brought by such offender.

Mr. MANN. Mr. Speaker, I would like to hear the amendments reported.

The SPEAKER. The Clerk will report the amendments.

The Clerk read as follows:

Page 2, line 3, strike out the word "barge" and insert the word "vessel" in lieu thereof.

Amend, page 2, lines 11 and 12, by striking out the words "railroad company or other."

On page 3, insert, after line 8, the following new section:

"SEC. 2. That nothing in this act shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof; and a judgment of conviction or acquittal under the laws of any State shall be a bar to any prosecution hereunder for the same act or acts."

The SPEAKER. Is there objection?

Mr. LAFFERTY. Mr. Speaker, reserving the right to object, I would like to ask the proponent of the bill a question.

Mr. CARLIN. With pleasure, sir.

Mr. LAFFERTY. This bill fixes the punishment, as I understand from the reading, at not more than 10 years in the penitentiary or not more than $5,000 fine. Does the bill fix the full amount of stolen goods?

Mr. CARLIN. No.

Mr. LAFFERTY. There is no minimum fixed?

Mr. CARLIN. No minimum. Therefore it leaves the minimum to be as small as possible for the penalty. The penalty for a small offense could be made a day in jail, or not a day in jail, or a dollar fine. It leaves that discretionary.

Mr. LAFFERTY. What is the necessity for this legislation?

Mr. CARLIN. Well, it grows out of this fact, that if a train be in transit, passing from one State to another, and a larceny be committed, the prosecution can not be successfully had in the State unless you can fix the jurisdictional point. For instance, along the line between Virginia and North Carolina, in the case of a train passing between two States, if a larceny were committed on a moving train it is impossible to have a conviction.

Mr. LAFFERTY. Well, Mr. Speaker, several States have already passed laws, as I understand it——

Mr. CARLIN. The gentleman is mistaken——

Mr. LAFFERTY. Providing that an offense committed on a railroad train may be prosecuted in any county in the State; and to pass a law now which would permit the defendant or the accused to be taken from one State to another State, or even across an intervening State would possibly work an injustice.

Mr. CARLIN. This law remedies that, and allows the State courts to take jurisdiction.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed with amendments the following resolution, in which the concurrence of the House of Representatives was requested:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution 63.

Resolved by the House of Representatives (the Senate concurring), That 25,000 copies of the majority and minority reports of the committee authorized under House resolution 148, to investigate violations of the antitrust act of 1890 and other acts, be printed for the use of the House, 15,000 to be distributed through the folding room and 10,000 through the document room.

The message also announced that the Senate had passed the following resolution:

S. J. Res. 138. To pay the officers and employees of the Senate and House of Representatives of the United States a sum equal to one-twelfth of their annual salaries in lieu of transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress.

Mr. MANN. There was applause on the floor on the other resolution. There ought to be applause in the galleries on this.

HOUR OF FINAL ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I ask that the resolution relating to adjournment may be laid before the House.

The SPEAKER. The Chair lays before the House a concurrent resolution in reference to the final adjournment, with Senate amendments, which the Clerk will report.

The Clerk read as follows:

House concurrent resolution 65.

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 25th day of August, 1912, at 3 o'clock a. m.

With the following amendments:

Line 5, strike out "twenty-fifth" and insert "twenty-sixth."

Lines 5 and 6, strike out "3 o'clock a. m." and insert "4.30 o'clock p. m."

Mr. UNDERWOOD. Mr. Speaker, I move that the Senate amendments to the resolution to adjourn be concurred in. I move to agree to the Senate amendments on the resolution to adjourn.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves that the House concur in the Senate amendments to the adjournment resolution. The question is on agreeing to that motion.

The question was taken, and the motion to concur in the Senate amendments was agreed to.

LARCENY IN INTERSTATE COMMERCE.

Mr. CARLIN. Now I will answer the question propounded by the gentleman from Oregon [Mr. LAFFERTY]. I will say for the gentleman's information that this bill does not extend the jurisdiction from one State to another, but limits the jurisdiction within the district in which the offense is committed; that is, the district within the State. It simply extends it to the counties, but not to the States.

Mr. LAFFERTY. That is, the Federal courts?

Mr. CARLIN. Yes; the Federal courts.

Mr. LAFFERTY. But it would not allow the Federal court in Illinois to try an offense committed in Missouri?

Mr. CARLIN. Yes; and it does not allow an offense committed in the western district of a State to be tried in the eastern district of the same State.

Mr. LAFFERTY. I understand.

Mr. CARLIN. Mr. Speaker, I suppose that there is no further objection to the bill, and I ask that it now be passed. I ask that it be considered in the House as in Committee of the Whole.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent to consider this bill in the House as in Committee of the Whole.

Mr. MANN. It is a House Calendar bill and does not require that.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the amended bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the title will be amended to conform to the text.

There was no objection.

On motion of Mr. CARLIN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ONE MONTH'S COMPENSATION—EMPLOYEES OF HOUSE AND SENATE.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry. I understood that the Senate had sent, together with the resolution to adjourn, an additional resolution, which provides for the payment of an additional month's pay to the employees of the House and the Senate. I ask that that resolution be taken up for consideration.

The SPEAKER. The gentleman from Virginia [Mr. CARLIN] asks unanimous consent for the present consideration of the Senate joint resolution.

Mr. CARLIN. Mr. Speaker, I withdraw that request for the present. I understand there is something under consideration with reference to it, which I did not know of when I made the request.

The SPEAKER. The gentleman withdraws his request.

EXCHANGE OF SCHOOL LANDS.

Mr. RAKER. Mr. Speaker, there is a Senate bill (S. 5068) on the Speaker's table. The House Committee on the Public Lands has made a unanimous report upon a similar bill. I ask unanimous consent to take the bill from the Speaker's table and that it be passed.

The SPEAKER. The Clerk will report the bill referred to by the gentleman from California.

The Clerk read the bill (S. 5068) to authorize the Secretary of the Interior to exchange lands for school sections within an Indian, military, national forest, or other reservation, and for other purposes, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, to make exchange of lands with the several States for those portions of the lands granted in aid of common schools, whether surveyed or unsurveyed, which lie within the exterior limits of any Indian, military, national forest, or other reservation, the said exchange to be made in the manner and form and subject to the limitations and conditions of sections 2275 and 2276 of the Revised Statutes, as amended by act of February 28, 1891 (26 Stats., 796), and any such exchange whether heretofore or hereafter approved shall restore full title in the United States to the base land, without formal conveyance thereof by the State: *Provided*, That upon completion of the exchange the lands relinquished, reconveyed, or assigned as base lands shall immediately become a part of the reservation within which they are situate, and in case the same shall be found within the exterior limits of more than one reservation they shall become a part of that reservation which was first established: *Provided further*, That this act shall not be construed to authorize the approval of selections embracing lands withdrawn as mineral under the act of June 25, 1910, entitled "An act to authorize the President of the United States to make withdrawals of public lands in certain cases" (36 U. S. Stat. L., pp. 847–848), until such lands have been found to be nonmineral and for that reason restored, but nothing herein contained shall prevent a limited approval, when the lands are within only a coal withdrawal, excluding from the approval coal deposits: *And provided further*, That the provisions of this act shall not apply to the State of Idaho.

Mr. BATHRICK. Reserving the right to object, what is this bill?

Mr. RAKER. Mr. Speaker, this is a bill permitting the State of California to adjust its rights. The Committee on the Public Lands have unanimously reported a similar bill.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. Is this a Senate bill?

The SPEAKER. Yes.

Mr. COOPER. Has a similar bill passed the House?

The SPEAKER. A similar bill has been reported favorably by the House committee.

Mr. COOPER. Has an identical bill been reported by the House committee?

The SPEAKER. The Chair can not tell.

Mr. RAKER. An identical bill is on the calendar, reported from the House committee with a favorable report.

Mr. COOPER. Is the bill identical?

Mr. RAKER. Identical, with one little amendment as to the discretion of the Secretary, and we saw the Secretary, and that amendment is satisfactory to him.

The SPEAKER. This bill must be considered in Committee of the Whole, anyway.

Mr. FITZGERALD. Mr. Speaker——

Mr. RAKER. I hope the gentleman from New York will not object.

Mr. FITZGERALD. This is a time when legislation ought to be watched.

Mr. WILLIS. Is not this the bill to which the gentleman from Illinois [Mr. MANN] objected the other day?

Mr. RAKER. When the House bill was on the Unanimous Consent Calendar the gentleman from Illinois objected and it went off the calendar. This bill has passed the Senate, and a similar bill has been unanimously reported by the Committee on the Public Lands. The matter has been gone into fully and thoroughly by the Public Lands Committee of the House. The bill is recommended by the Secretary of the Interior, the Commissioner of the General Land Office, the Attorney General of the United States, as well as the State attorney of California and the surveyor general.

Mr. COOPER. Mr. Speaker, I object to the consideration of any land-exchange bill at the tail end of this session.

The SPEAKER. The gentleman from Wisconsin objects.

SUITS IN UNITED STATES DISTRICT COURTS.

Mr. GARRETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 23186) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911.

The bill was read, as follows:

Be it enacted, etc., That section 28 of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, be, and the same is hereby, amended so as to read as follows:

"SEC. 28. That any suit of a civil nature, at law or in equity, arising under the Constitution or laws of the United States, or treaties made or which shall be made under their authority, of which the district courts of the United States are given original jurisdiction by this title which may now be pending or which may hereafter be brought in any State court may be removed by the defendant or defendants therein to the district court of the United States for the proper district. Any other suit of a civil nature at law or in equity of which the district courts of the United States are given jurisdiction by this title and which are now pending or which may hereafter be brought in any State court may be removed into the district court of the United States for the proper district by the defendant or defendants therein being nonresidents of that State. And when, in any suit mentioned in this section, there shall be a controversy which is wholly between citizens of different States and which can be fully determined as between them, then either one or more of the defendants actually interested in such controversy may remove said suit into the district court of the United States for the proper district. And where a suit is now pending or may hereafter be brought in any State court in which there is a controversy between a citizen of the State in which the suit is brought and a citizen of another State, any defendant being such citizen of another State may remove such suit into the district court of the United States for the proper district, at any time before the trial thereof, when it shall be made to appear to said district court that from prejudice or local influence he will not be able to obtain justice in such State court or in any other State court to which the said defendant may under the laws of the State have the right on account of such prejudice or local influence to remove said cause: *Provided*, That if it further appear that said suit can be fully and justly determined as to the other defendants in the State court without being affected by such prejudice or local influence and that no party to the suit will be prejudiced by a separation of the parties, said district court may direct the suit to be remanded so far as relates to such other defendants to the State court to be proceeded with therein. At any time before the trial of any suit which is now pending in any district court or may hereafter be entered therein and which has been removed to said court from a State court on the affidavit of any party plaintiff that he had reason to believe and did believe that from prejudice or local influence he was unable to obtain justice in said State court the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State court it shall cause the same to be remanded thereto. Whenever any cause shall be removed from any State court into any district court of the United States, and the district court shall decide that the cause was improperly removed and order the same to be remanded to the State court from whence it came, such remand shall be immediately carried into execution, and no appeal or writ of error from the decision of the district court so remanding such cause shall be allowed: *Provided further*, That no case arising under an act entitled 'An act relating to the liability of common carriers by railroad to their employees in certain cases,' approved April 22, 1908, or any amendment thereto, and brought in any State court of competent jurisdiction shall be removed to any court of the United States: *Provided further*, That no suit against a corporation or joint stock company brought in a State court of the State in which the cause of action arose shall be removed to any court of the United States on the ground that the parties are citizens of different States if the suit is brought in the county where the cause of action arose or within the county where the defendant is served with process and the plaintiff resides."

The SPEAKER. Is there objection?

Mr. COOPER. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Tennessee if he expects the House to consider and pass a bill of this complexity at this time in the session, after we have adopted a resolution for final adjournment?

Mr. GARRETT. I do not know what the House will do. I have made the request.

Mr. COOPER. Mr. Speaker, I can inform the gentleman that it will not consider that.

Mr. GARRETT. Will the gentleman permit me to make a statement in respect to it?

Mr. COOPER Certainly.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had receded from its amendments

Nos. 22, 33, 34, and 114 to the bill (H. R. 25970) making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

The message also announced that the Senate had passed the following resolution (S. Res. 387):

Resolved, That a committee of two Senators be appointed by the President pro tempore to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

In compliance with the foregoing resolution the President pro tempore appointed as said committee Mr. McCUMBER and Mr. MARTIN of Virginia.

REPORT OF COMMITTEE TO WAIT ON PRESIDENT.

Mr. UNDERWOOD. Mr. Speaker, the committee appointed by the House to join a like committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses had concluded their business and are ready to adjourn report that they have performed the duty, and the President says he has no further communication to make.

EXTENSION OF REMARKS.

By unanimous consent, leave to extend their remarks in the RECORD was granted to Mr. CANDLER and to Mr. WILSON of Illinois.

ENTRIES ON PUBLIC LANDS.

Mr. HAWLEY. Mr. Speaker, on February 28, 1912, I addressed the House on the subject of entries on the public lands. In the course of my remarks I referred to the confidential reports made by special agents of the General Land Office. These reports are of the greatest importance to entrymen and are the subjects of the liveliest interest to all concerned in the settlement of the public lands and to all the public-land States.

Since the delivery of that speech the following order has been issued by the General Land Office, and I print the same with pleasure:

ORDER.

1. Where the record of a hearing on a special agent's adverse report is referred by "P" to another division for adjudication, the confidential file will be detached therefrom and placed in the "P" file.

2. Where a record is referred to another division for any action, and thereafter to be returned to "P," the confidential file will be detached and placed in file "P." "P" will retain docket card and place in "Pending elsewhere" file.

The confidential or secret reports referred to can not be seen by the entrymen or by any person or persons in their behalf. The above order means that hereafter no confidential report of a special agent is to be considered when any entry is being finally passed upon, and that hereafter no statement adverse to any entryman, to which the entryman has not been given opportunity to submit evidence in his own behalf, will be considered by the department in determining the merits of an entry.

Referring again to the subject of my remarks upon "Entries on the Public Lands," I am more confident than ever that entrymen should have the right of appeal to the courts from the decisions of the Department of the Interior upon their entries. I have a bill pending for this purpose, and investigation gives me reason to believe that this legislation will be enacted into law, and I earnestly hope that this will be done at a very early date. It is legislation greatly needed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Curtiss, one of its clerks, announced that the Senate had passed the following joint resolution, in which the concurrence of the House of Representatives was requested:

S. J. Res. 139. Joint resolution to pay the officers and employees of the Senate of the United States a sum equal to one-twelfth of their salaries in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress.

SUITS IN UNITED STATES DISTRICT COURTS.

Mr. GARRETT. Mr. Speaker, if I may have the attention of the gentleman from Wisconsin [Mr. COOPER], I will state that this is the exact legislation which passed this House during the last Congress as an amendment to the revision on the judiciary title. This legislation prevents the removal of causes brought in State courts against corporations chartered under the laws of other States to the Federal court upon the ground of diversity of citizenship of the corporation only. It is legislation with which I know, if the gentleman will refresh his memory, he is thoroughly familiar, because I know he and I have discussed it before. It is the exact legislation which passed this House at the last Congress as an amendment to the judiciary title, and is in the exact language in which it was finally agreed upon by the conferees.

Mr. COOPER. Mr. Speaker, I have entire confidence, as has the whole membership of the House, in the word of my friend from Tennessee, and yet I can not consent to the consideration of so important a measure at this time.

Mr. GARRETT. Mr. Speaker, will the gentleman permit me to say this: It is reported unanimously by the Committee on the Judiciary. The gentleman from Illinois [Mr. MANN] will remember the legislation. The conferees on the revision bill fought over it here for two months and finally agreed upon it.

Mr. COOPER. Does the gentleman think that a proposition which necessitated a discussion between conferees extending over a period of two or three months should be taken up by this House with the very small membership that is here and passed in 5 or 10 minutes?

Mr. GARRETT. Oh, Mr. Speaker, it was not the gist of the legislation that the conferees discussed, but the form in which it should be put. This House almost unanimously passed the legislation.

The language which I am using is the language which the conferees agreed upon. This is the effect of it: It will simply prevent the removal of causes from State courts to Federal courts that are brought by corporations on the ground of diversity of citizenship.

Mr. COOPER. It is a subject of very great importance, and the bill itself is one that I do not remember ever to have read.

The SPEAKER. Is there objection?

Mr. COOPER. I object.

EXTRA MONTH'S PAY.

Mr. CARLIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate joint resolution 138, providing for an extra month's pay for the House and Senate employees.

The SPEAKER. If there objection?

Mr. FITZGERALD. Mr. Speaker, quite a number of Members of the House, on Saturday night, when the differences between the two Houses on the deficiency bill were before the House, inquired of me whether the amendment in the deficiency bill respecting the extra month's pay would be agreed to, and upon assurances that it would not be agreed to or that legislation of that character would not go through at this session of Congress, they left the city. Under the circumstances I shall have to object.

Mr. CANNON. Mr. Speaker, I do not desire in a Democratic House to say anything to embarrass anyone, but suspension of the rules is in order, and I want to say, without embarrassment to anyone, that after two sessions of Congress—almost a year, or over, if you count it that way—it does seem that simple justice would warrant this, without regard to what caucus action may have been taken under different conditions.

Mr. FITZGERALD. Mr. Speaker, the gentleman, of course, is very ingenious; but this resolution can not be passed under suspension of the rules at this time in the session. The employees of this House were appointed and accepted their positions with the knowledge that the compensation fixed by law was the compensation that would be paid them, and that there would be no extra compensation paid.

Mr. CARLIN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CARLIN. Would it be in order to move to suspend the rules and put the resolution upon its passage?

Mr. MANN. Not unless the gentleman is recognized for that purpose.

Mr. CARLIN. I am asking that question of the Speaker for information.

The SPEAKER. It would not do a particle of good to ask to suspend the rules, and it would not do any good for the Chair to recognize the gentleman, because here is the rule about suspensions:

No rule shall be suspended except by a vote of two-thirds of the Members voting, a quorum being present.

Of course the Chair will take official notice of the fact——

Mr. MANN. I hope the Chair will not make the announcement that there is no quorum present.

Mr. CARLIN. Mr. Speaker, I do not want to embarrass the situation, but I am very anxious to have the resolution considered, and would like to ask leave to suspend the rules and put it on its passage.

Mr. MANN. The gentleman recognizes that suspension is wholly within the control of the Chair. No man can move to suspend the rules unless and until he is recognized by the Chair for that purpose.

Mr. CARLIN. I understand that. I am now asking to be recognized for the purpose of making the motion to suspend the rules and put the resolution upon its passage.

Mr. UNDERWOOD. Mr. Speaker, I move that the House take a recess for 20 minutes.

Mr. CANNON. Will the gentleman withhold the motion for a moment?

Mr. CARLIN. Mr. Speaker, I was recognized, was I not?

Mr. BUCHANAN. But here is an amendment providing for 5 cents a mile each way——

The SPEAKER. That is not up for consideration at this particular time.

Mr. CARLIN. Mr. Speaker, I asked for recognition, and I had the floor ahead of everybody else.

Mr. MANN. And I was on my feet before the gentleman from Virginia.

Mr. CARLIN. I had never left the floor.

The SPEAKER. The gentleman from Illinois was up for some purpose, the Chair does not know what. [Laughter.]

STATEMENTS OF APPROPRIATIONS.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to give the House some information from the Committee on Appropriations concerning the appropriations made by Congress.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. FITZGERALD. Mr. Speaker, it is an evil day when the people are indifferent to the cost of their government. Such indifference begets prodigality, and the inevitable repentance results in burdens and inconveniences that are irksome to the country.

Thoughtful men have watched with alarm the rapid increase in the cost of government in the United States. This increase is not confined to the Federal Government, but it is apparent in the financial statements of every State and municipality.

The country has been passing through a wonderful period of prosperity. Manufactures have increased astonishingly, our fields have been yielding crops of extraordinary proportions, domestic trade has expanded to unanticipated dimensions, while the products of our farms and factories are displayed in every foreign mart and are utilized in the most remote and inaccessible places of our globe.

As recently pointed out by O. P. Austin, Chief of the Bureau of Statistics of the Department of Commerce and Labor, since 1870 our foreign commerce has grown from less than $1,000,000,000 to about $4,000,000,000; our internal commerce from $7,000,000,000 to $33,000,000,000. The production of corn has increased from 1,000,000,000 to nearly 3,000,000,000 bushels; of wheat from 235,000,000 to 650,000,000 bushels; of cotton from 3,000,000 bales to 12,000,000 bales; the value of animals on farms from $1,250,000,000 to over $5,000,000,000; the value of farm products from $2,000,000,000 to $8,500,000,000; the gross value of manufactures produced from $4,250,000,000 to $20,000,000,000.

Our people have enjoyed opportunities for the acquisition of knowledge through improved school systems and increased facilities for travel and intercourse with other peoples never before offered in the world's history. They have had unparalleled prosperity and have been furnished with conveniences of modern life which have greatly improved the standard of living and encouraged an indifference to certain governmental matters, which can not always be ignored and must eventually be considered and remedied.

An awakening has been experienced during recent years. The unprecedented increase in the cost of living grossly disproportionate to the increased return for labor, the real measure of values, has resulted in an intelligent inquiry into conditions so unsatisfactory to most of our citizens.

Two causes above all others seem to be conceded as responsible for many of our present evils:

One, the unfair and unjust system of taxation by which an undue share of the income of those whose circumstances in life are not considered more than reasonably comfortable is taken through our customs laws for the support of our Government; the other, the difficulty or inability to readjust our system of taxation, and to remove many taxes from the necessaries of life, so long as the Government is extravagantly conducted, or the instrumentalities provided for the conduct of the public service are either inefficient or are not utilized so as to render the most effective and comprehensive results.

The Democratic Party pledged itself, if intrusted with power, to do two things—to reduce tariff duties and to retrench public expenditures by the elimination of waste in administration and the abolition of useless, unnecessary, and inexcusable offices which hinder rather than advance efficiency in administration.

On August 22, 1911, just a year ago, I said on this floor:

> This House is pledged to reform the administration of public affairs and to retrench public expenditures. No legitimate activity of the Government is to be curtailed, but not a dollar will be appropriated which a careful investigation does not demonstrate should be expended in a wise, efficient, and effective administration of public affairs.

In discharging their duties the Committee on Appropriations have proceeded on the principle thus enunciated. To use the very words of Mr. Garfield, uttered in this House on March 5, 1874:

> They have attempted to ascertain what are the real and vital necessities of the Government; to find what amount of money will suffice to meet all its honorable obligations, to carry on all its necessary and essential functions, to keep alive those public enterprises which the country desires its Government to undertake and accomplish.

It has been generally recognized that imperative reforms in the administration of the Federal Government must be effected. For several years efforts have been made to accomplish many admittedly needed improvements in the public service, which have merely emphasized the necessity for a thorough overhauling of the various services of the Government. The report of the Secretary of the Treasury for the fiscal year 1911 discloses that in the estimates for the fiscal year 1912 a net total of 267 statutory positions in the offices of the Treasury in Washington had been eliminated and that for the present fiscal year—1913—it was proposed to drop 134 positions. That 141 positions had been eliminated in 1910, a total of 542 statutory places abolished since March 4, 1909, and the accompanying saving was accomplished without the separation of anyone from the public service. Deaths and resignations and a system of transfers have made possible the placing of those whose positions were abolished in other places in which vacancies occurred through normal causes.

In the field service during the same period 1,259 positions have been abolished, making a total reduction in the Treasury Department of 1,801.

Striking as these figures seem, demonstrating the contention that the public service has been shamefully overloaded with unnecessary employees, it was confirmed and emphasized by Maj. Gen. Wood, Chief of Staff of the Army. He assured this committee that his statement before the Committee on Expenditures in the War Department that the employees in the War Department in Washington were 25 per cent in excess of the number actually required was unquestionably correct. In his opinion the clerical force should be reduced 10 per cent a year until it reached a normal basis.

Conditions as imperatively requiring the attention of Congress undoubtedly exist in practically every executive department of the Government. From none of them, however, has any information, other than as mentioned herein, been furnished as a basis for action.

With the knowledge of the situation the work of improving the public service by improved methods, increased efficiency, and the elimination of unnecessary and useless employees and processes was begun.

This committee appreciated the force of the statement of President Taft in his message of January 17, 1912, that "Real economy is the result of efficient organization. By perfecting the organization the same benefits may be obtained at less expense. A reduction in the total of annual appropriations is not in itself a proof of economy, since it is often accompanied by a decrease in efficiency. The needs of the Nation may demand a large increase of expenditure, yet to keep the total appropriations within the expected revenue is necessary to the maintenance of public credit."

It was in this spirit that the important work of this committee was undertaken. Although the Executive and the Senate are politically hostile to the House, far-reaching reforms in public service have been initiated, while the House has reasserted more vigorously its constitutional prerogatives over the people's purse, and a successful move has been inaugurated to systematize and properly readjust the public service by which it will be immeasurably improved and hereafter conducted at much less expense.

REDUCTIONS MADE.

The estimates of appropriations for support of the Government submitted by the Executive to this session of Congress amount in all to **$1,040,648,026.55.**

The appropriations made at this session of Congress amount to **$1,019,636,143.66.**

The latter sum is a reduction of **$21,011,882.89** under the estimates and **$7,046,738.06** under the appropriations made at the last session of the last Congress, which body was controlled in both branches by the Republican Party.

Excluding the increase of **$12,500,000** made under the new law for pensions, the appropriations at this session show a reduction of **$19,546,738.06** under the appropriations of the last session of the last Congress and **$33,511,882.89** under the estimates approved and submitted by the Executive.

A further analysis of the history of appropriations at this session shows that the committees of the House charged with the preparation of the regular annual supply bills for the fiscal year 1913 reduced them **$40,868,434.54** under the estimates recommended to Congress.

The House in passing the bills reduced them **$40,135,284.54** under the regular annual estimates and **$49,161,361.66** under the appropriations of the previous session.

The Senate committees increased the bills as passed by the House to the extent of **$66,223,129.81**, or **$26,087,845.27** in excess of the total estimates.

The Senate itself in passing the bills further increased them until their aggregate as passed by the House was exceeded by **$70,521,715.88** and the estimates by **$30,386,431.34.**

The increases made by the Senate committees and by the Senate in acting on the bills after they left the House, it is proper to state, included **$12,500,000** for payment of pensions under legislation enacted after the House had passed the pension appropriation bill.

The final outcome in the conferences that reconciled the differences between the two Houses, or the increases by the Senate in the 13 regular annual appropriation bills, shows that, exclusive of the increase for pensions, the Senate yielded **$30,424,545.38** of the sums they proposed to add, and the House accepted only **$27,597,170.50.**

The general deficiency act carries a total of only **$7,243,474.69**, a sum, with one exception, considerably smaller than any similar act passed since 1886. The general deficiency and urgent deficiency acts appropriate a total of **$9,701,231.15**, a reduction of **$9,498,768.85** under the estimates submitted and recommended by the Executive. Deficiency acts have provided in the past not only for deficiencies arising legitimately under the law, but have been made to carry large sums supplemental to the regular appropriations and rendered necessary through reckless and extravagant administration. The elimination of all such appropriations in the bill this session accounts in very large measure for the considerable reduction of **$9,498,768.85** in the deficiency estimates submitted and approved by the Executive.

The appropriations made during the session in miscellaneous acts, and additional to the sums carried in the regular annual appropriation acts, deficiency acts, and under permanent annual appropriations, amount approximately to **$3,250,000**, which sum includes **$1,239,179.65** for the relief of sufferers from the floods of the Mississippi River, **$650,000** for emergency work in protecting the levees of that river, and **$300,000** for lifeboats and life-saving equipment for the transport service of the Army. The whole amount carried in these miscellaneous acts is **$1,573,306.81** less than was similarly appropriated at the last session and is more than **$20,000,000** less than was thus appropriated at the corresponding or long session of the last Congress.

The largest reduction made in any one of the annual supply bills is that made in the sundry civil bill; it is decreased from **$142,265,044.14** to **$112,039,184.40**, or **$30,225,859.74** less than was appropriated by the act for last year.

The fortification act shows a greater proportionate decrease than any of the other service acts. It is reduced **$1,437,742** from a previous total of **$5,473,707**, or more than **26** per cent.

The pension act is increased more than any other, namely, from **$153,682,000** to **$165,146,145.84.** This considerable increase grows out of the act passed at this session materially increasing the rates of pension to those who served in the Civil War and in the War with Mexico.

USELESS PENSION AGENCIES ABOLISHED.

In connection with the pension act a notable accomplishment was wrought in the abolition of the 18 pension agencies for the payment of pensions with salaries of $4,000 each. During Mr. Cleveland's last administration he sought, by Executive order under the authority still existing, to rid the Treasury of the burden of some of these useless and costly places by consolidating and reducing them from 18 to 9, but his Republican successor in office suspended the order before it could be placed in operation. Since that time many efforts have been made to abolish them outright, but without success, until the persistence of the House at this session was crowned with success. The annual saving that will follow the doing away with these sinecures, the consolidation of their 18 different clerical forces into one effective organization under the direction of the Pension Bureau in Washington, the elimination of rents and other needless expenses will speedily result in a saving of at least **$250,000** a year.

PENSION PAYMENTS EXPEDITED.

In addition an entirely new and modern system for the payment of pensions has been provided which will result in considerable saving to the pensioners and make more convenient the payment of the pension moneys.

Heretofore under the agency and voucher system within 15 days after the date the pension is due the pension agent prepared a voucher for every pensioner paid from the respective agencies. These vouchers were mailed to the pensioners. They had to be executed before notaries public and returned to the pension agent. Upon their receipt within a designated time the pension agent sent his check to the pensioner for the amount due. Much of the work done in the various agencies scattered throughout the country was necessarily duplicated in Washington.

PENSIONERS SAVED EXPENSE.

In connection with the abolition of the 18 agencies legislation was enacted to pay all pensions from Washington by means of the check voucher system. Hereafter on the date the pension is due the check for the amount of the pension, with a voucher attached, will be mailed to the pensioner. All that need be done to cash the check will be for the pensioner to indorse the check, which is also the receipt, and by having two of his neighbors sign as witnesses the check passes as any bankable paper. The necessity to have the services of a notary public is eliminated. When it is recalled that there are 892,078 persons drawing pensions, a very large number of whom are required to pay at least $1 a year for notary fees, besides the inconvenience that results from seeking notaries when needed, the advantage in money and comfort to the pensioner, in addition to the efficiency and economy in the administration of the Pension Service, can readily be calculated.

The post-office and river and harbor acts are also increased—the first from **$259,134,463** to **$271,429,599**, or **$12,295,136**, and the river and harbor act from **$23,855,342** to **$31,059,370.50**, or **$7,204,028.50.**

The naval act is decreased from **$126,478,338.24** to **$123,220,707.48**, a reduction of **$3,257,630.76**, while the Army act shows a still greater reduction of **$4,241,352.81**, being cut from **$93,374,755.97** to **$89,133,403.16.** This latter saving is not for one year only, but under the wise and radical administrative provisions in the act, initiated in the House and pressed to final enactment by the Committee on Military Affairs, the saving will be annual and will undoubtedly prove even larger during each of the next few years. The intervention of a presidential veto defeated other and equally meritorious legislation on this bill.

The act providing for the government of the District of Columbia shows a material reduction from **$12,056,786.50** to **$10,675,833.50**, or **$1,380,953**, a sum that will go far toward reimbursing the Treasury of the United States the balance due for large sums advanced to make up deficiencies in the District of Columbia revenues, occasioned by lavish and extravagant appropriations of the past few years.

The amount submitted by the Treasury as required under permanent appropriations and carried in the comparative statement of appropriations by this Congress is **$133,058,924.12**, as against **$129,575,924.12** for 1912, an increase of **$3,483,000**, for which of course the present Congress is in no way accountable. The chief items of increase indicated under permanent appropriations and which almost wholly account for the entire increase are the sums of **$1,175,000** for interest on the public debt increased by the issue of Panama Canal bonds and **$2,000,000**, the second annual sum required under the Appalachian Park law for which a sum is now for the first time stated under permanent appropriations.

The legislative, executive, and judicial act, carrying **$34,229,613.38** and providing for the great salary roll of the departmental service at Washington, is reduced from **$35,378,149.85**, or a saving of **$1,148,536.47**, and several hundred places are permanently dropped from the Government's pay rolls. This act as it passed the House and was subsequently vetoed because it abolished a useless and discredited court, made a reduction of **$2,374,355.79** under the total of like appropriations of the previous year, and also dropped **406** needless employees.

USELESS PUBLIC EMPLOYMENTS.

With an efficient, well-organized working force in the departments at Washington, the whole number of salaried places now provided for could and should be reduced many hundred more. This is very evident, as I have heretofore pointed out in references to the Treasury and War Departments. A provision in this act requires a further reduction in the Treasury Department of **164** statutory offices during this fiscal year in addition to other reductions, which will be discussed later.

ECONOMY IN THE HOUSE OF REPRESENTATIVES.

Substantially no new places are provided for by this act in any department; on the other hand, in addition to the reduction in the Treasury, 75 places are abolished, with salaries amounting to nearly **$100,000**, in the service of the House of Representatives under its present Democratic organization, and in the War Department it is provided that no vacancies shall be filled until the whole force shall have been reduced by 5 per cent.

NEW BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

Another reform feature effected in this act that will conduce to economy and to greatly increased efficiency by preventing duplication of work in a service vitally effecting the industrial and commercial interests of the country is the consolidation in

the Department of Commerce and Labor of the old Bureau of Manufactures and the Bureau of Statistics under a new and well-equipped bureau, with largely increased and well-defined powers and functions, to be known as the Bureau of Foreign and Domestic Commerce.

This bureau is destined to be one of the most important in the entire Government. Its creation will eventually be recognized as most gratifying constructive legislation. Many good meaning but thoughtless men have been enamored of a tariff board. They have been clamoring that the "tariff be taken out of politics"—as if such a thing were possible. What every sincere man desired was the establishment of some service through which might be obtained accurate information in systematized form relative to the infinite variety of matters affected by tariff legislation, without having such information filter through some intervening body to be colored, or modified, or affected by such a course. In the bureau now established there will be developed a force of statistical experts, apart from the political atmosphere, who will compile the facts upon which legislation may be intelligently based in accordance with the economic theory of the party in control of the Government.

CENTRAL DISTRIBUTION OF PUBLIC DOCUMENTS.

Still another measure of economy and increased efficiency provided for is one embraced in section 8, requiring that all of the work incident to the distribution of Government publications shall be made direct from the Government Printing Office. This change has been in contemplation and under discussion for quite a generation, having been suggested for the first time in 1882. The advisability has long been conceded, but for various reasons the reform was not effected. It was stoutly resisted at this session by many officials who disliked to surrender any of the control which they now exercise of this work. As finally worked out it is estimated a saving in expenses of not less than **$250,000** a year will result and the change will contribute in no small degree to increased efficiency and expedition in service.

Hereafter under this legislation there will be a central distributing plant in Washington from which departmental documents shall be shipped. Instead of handling documents several or many times, with large forces scattered through the various departments for such work, it shall all be done from a single office where the volume of business to be handled will make possible the organization and the development of a highly efficient force, and will justify the introduction of many labor and money saving devices which can not be used under the present methods.

CUSTOMS SERVICE TO BE REORGANIZED.

The sundry civil appropriation act, in addition to the large specific reduction of more than **$30,000,000**, which it shows under the last law, provides for the most comprehensive and important administrative reform proposed since the Civil War. It will result in an annual saving by a reduction of expenditures of at least **$700,000** per annum, and will insure an increased return from the more efficient administration of the customs service estimated at as high as **$20,000,000** yearly.

The present organization of the customs service is archaic. It dates practically from the beginning of the Government. The service has never been reorganized. As the country developed and expanded new ports and subports of entry have been established. Once established, no matter what the changed conditions, a port is never abolished. The expenses of maintenance is continued regardless of the necessity of the office. A former Assistant Secretary of the Treasury, noted for his capacity for organization, expressed the belief that with a proper organization probably 25 per cent of the present cost of the service could be saved. To illustrate the situation, in 1909 it cost twenty-two one-hundredths of a cent to collect a dollar of revenue at the port of New York, where 66 per cent of the customs are paid; at Annapolis, Md., it cost **$309.41**; in Alexandria, Va., it cost **$122.49**; in Natchez, Miss., it cost **$52.76**. In 38 ports it cost more than a dollar to collect a dollar.

At present Congress has practically no control over the expenditures for the collection of customs. Under the act of 1871, section 3687 of the Revised Statutes, **$2,750,000** is appropriated every six months to defray the expense of collecting the customs. This sum is so inadequate, however, that Congress has been appropriating **$5,000,000** additional for several years. For the last fiscal year it cost **$10,850,000.**

For many years Congress has been urged to repeal the permanent appropriation of **$5,500,000** annually, to make specific annual appropriations, as it does for almost every other service of the Government, and to reorganize the service by rearranging the districts, readjusting compensations, abolishing useless offices, and adopting modern and up-to-date methods in order that the very best results might be obtained with the least expenditure of money.

In the sundry civil act this has been done. Plenary power has been given to the President to reorganize the service so as to place it upon the most efficient basis possible. After careful investigation it was determined that such results could be accomplished with an expenditure of **$700,000** less than for last year, and a limitation has been placed upon the authority granted, requiring that the reorganized service shall not require an expenditure of more than **$10,150,000** annually.

This saving is not deducted from the appropriations made at this session for the current fiscal year. It will be gained in the next bill, while the Treasury will be further enriched by the increased efficiency in the administration of the customs law. As a part of this reform, the law making the permanent appropriations has been repealed and the submission of detailed estimates for the consideration hereafter by Congress required.

This same power over the internal-revenue districts and service was given to the President in section 3141 of the Revised Statutes. As a result the number of districts was cut in two. The internal revenues are collected, with better-paid officials in charge, for 2.02 per cent of the collections, while the customs duties, with poorer-paid officials in charge, costs 3.03 per cent of the collections, or 50 per cent more than the other service.

Other and equally meritorious, if less conspicuous, measures of reformatory legislation are carried in the general appropriation acts passed this session, namely:

In the legislative act, after surviving two presidential vetoes, the following:

CONGRESS TO CONTROL ESTIMATES FOR EXPENDITURES.

A final section prohibiting the preparation and submission of the annual estimates of appropriations except in the form, and at the time, prescribed by law. This provision was enacted on the well-grounded assumption that Congress knew best the character and extent of the information it desired in responding to the demands of the Executive for appropriations, and because it had enacted a score of well-considered statutes on the subject. It was believed, also, that it would not be wise for Congress to abdicate, even by implication, its prerogative in this matter. A message from the President had already laid before Congress a very full and luminous exposition of the proposed "national budget," and until it could be determined by careful and deliberate study of the scheme whether it should be accepted and adopted, it was not deemed wise or provident to have, as indicated in the public press, the time and energies of large numbers of the most capable persons in the several branches of the public service diverted to transforming the entire estimates for the next fiscal year into this new and unauthorized plan of a so-called national budget, to the neglect of their ordinary and pressing duties. Another consideration of no small moment was the fact that to print the estimates in the proposed new form would cost many thousands of dollars. The printing of the President's message submitting a mere sample of the new proposition alone cost nearly **$4,000.**

It was apparent, moreover, that those in the confidence of the President were not either familiar nor in sympathy with the congressional requirements and viewpoint. This is clear from the statement of the President in his message of June 27, 1912, that "the present law governing the preparation and submission of estimates, requiring them to be submitted each year in the same form as the year before, was passed without due consideration as to what information should be laid before Congress as a basis for action, the result being that the unsystematic and confused method before in use was made continuous."

On the contrary the act to which the President refers (June 22, 1906, Stat. L., vol. 34, p. 448) was passed after the most careful consideration. I have personal knowledge of the conditions which made its enactment imperative and I participated in its preparation. The reason for its enactment was to stop a vicious practice which had grown up in the departments of switching estimates in such a manner as to get consideration by committees deemed friendly to the project or service. If permitted to continue it would have placed the work of Congress in chaos and have resulted in a riot of extravagant appropriations that would have staggered an already overburdened Treasury.

DUPLICATION OF WORK PROHIBITED.

Another provision is one regulating the administrative audit of all accounts, under the so-called Dockery law of 1894, so as to break up the rapidly increasing duplication of work in the many disbursing offices. Under a system grown up in those offices, and naturally fostered by the ambitious chiefs thereof, it was disclosed that in one department the disbursing clerk had obtained an organization of upward of 100 clerks and employees with salaries of more than **$100,000** a year, while in another department, expending no less a sum of public money each year, the total force employed did not exceed 10 and their total an-

nual pay was less than $20,000, and this very office ranks as probably the most efficient of its class in Washington.

In another provision in the body of the act the number of internal-revenue collectors, having maximum salaries of $4,500 each, is reduced from 67 to 63, after October 1, 1912. The reduction was made because it was demonstrated that there were more than were necessary. The President could have abolished these offices, as he could have abolished the 18 pension agencies. He did not do so. Many messages were received by him upon the question of economy. Action was needed, not talk. "Where, where was Roderick then? One blast upon his bugle horn were worth a thousand men." One order of the President abolishing these useless offices would have had a more beneficial effect upon the public service than all the messages written by Presidents from the beginning of the Government.

INEFFICIENT EMPLOYEES TO BE DISMISSED AND OTHER ECONOMIES ENFORCED.

Section 3 of the act prohibits payment of salaries to persons in the public service incapacitated otherwise than temporarily for performing service, and forbids the payment of compensation out of lump appropriations to persons formerly receiving specific salaries in excess of the rate of such specific salaries. The latter provision is designed to break up an evil practice that has gradually been evolved under which the Government is made to compete against itself, by one department holding out to employees of another department the inducement of pay, out of some lump appropriation, in excess of that he may be receiving under some specific provision of law or appropriation.

Section 4 requires the establishment of three efficiency ratings in the classified service of the departments at Washington, failure to attain which in the first grade prevents promotion, in the second grade requires demotion, and in the third grade provides dismissal; and a severe penalty is provided for all who knowingly violate this law. A fair and honest execution of this law will speedily rid the departmental service of all incompetent persons, the presence of whom is now so frequently the subject of complaint.

Section 5 prescribes a penalty for violation of the act of 1882 prohibiting the employment of persons in the departments at Washington unless specific authority be granted for such employment. This law has been constantly violated and almost continuously so of late years. The hazard of imprisonment it is believed will effectively stop the practice and incidentally save no inconsiderable sum of money each year.

Section 6 prohibits the maintenance at public expense of telephones in private residences or private apartments. The need for such a law was urgently invited by the development of the fact that one high official of the Government at Washington indulged in the extravagance, out of the public purse, of two telephones in his private residence.

On the sundry civil act:

A provision repealing the so-called Tarsney Act, authorizing the employment of outside architects in the construction of public buildings. Experience under this law begot the well-founded criticism that construction was delayed, extravagance encouraged, and the American Institute of Architects required of its members that they charge the United States for services 1 per cent more on the total cost of buildings than was required of individuals.

The Government maintains a well-organized architect's office costing upward of $1,000,000 a year. In the judgment of three of the committees of the House there was no sound reason for the employment of outside talent under the conditions imposed by the architects by which they charged the United States 20 per centum more than they received from other clients. While the service of the best architectural talent at times is required by the Government, it should and, as experience has shown, can be had upon reasonable terms fair to the Government as well as attractive to the architects.

Another provision stops, until otherwise provided by law, any additional appointments of cadets or cadet engineers in the Revenue-Cutter Service. It costs about $2,700 per annum to maintain and educate each of the 27 cadets now in the school during the three-year period of their education. As there will be no need for additional officers for several years, this source of needless expense is stopped.

Another provision prohibits the filling of vacancies occurring by death or resignation in the membership of the several commissions in charge of national military parks. There are now 12 of these commissioners and they are paid each $3,600 per annum. As vacancies occur the duties will gradually be devolved upon the War Department. The administration will be efficient, the expense very much less than at present.

Under the Bureau of Engraving and Printing a permanent provision of law is enacted authorizing the extension of the use of power presses in the work of the bureau. It is estimated that this increased use of power presses will result in an immediate annual saving of $140,000, and within five years a total saving per annum of not less than $600,000. The gain made by this provision has not been taken from the current appropriations, but will be apparent in the next act.

Section 4 prohibits future payments for maintenance of Toro Point Light on the Isthmus of Panama. Such payments have amounted to about $40,000 per annum in the past. The light serves no useful purpose to our maritime interests. The proprietors of the light hold some sort of questionable or obsolete concession from the Republic of Colombia under which they levy tribute on commerce.

Section 5 provides for a division of records for the Panama Canal in order to preserve permanently the engineering records and history of the canal construction. The assembling and arrangement of these records at this time is a matter of the greatest importance and is indispensable to the future efficient operation and economical maintenance of the canal.

Section 6 requires the submission, following all lump-sum estimates for appropriations exceeding $250,000, of comparative statements disclosing the purposes for which previous like sums were expended and details of how the expenditures are intended to be made under the estimates. This will give not only to the committees charged with preparing appropriation bills but to the membership of the House and the entire public a graphic showing of expenditures made and those in contemplation.

Section 7 provides that no appropriation hereafter made by Congress shall be held to be continuing and expendable beyond the year for which it is made, unless it shall be so declared in explicit terms. By construction of acccunting officers many appropriations have in the past been defined as permanent and continuing when they were never so intended by Congress in making them. Permanent appropriations, even those designedly made, are not conducive to economy or efficiency in administration and, what is more important, to a reasonable knowledge on the part of Congress of how the public money is being expended each year.

Section 8 requires certain officers and employees of the United States to administer without additional pay oaths to expense accounts of public officials. This will retrench expenses about $60,000 per annum.

On the District of Columbia act:

Section 9 prohibits any expenditures for fees or dues of any officer or employee of the United States or of the District of Columbia for membership in any society or association or for expenses of attendance at any meeting of members of any society or association unless express provision is made for such expenditures. Except as to payment of fees or dues the provisions of this section are not to be operative during the current fiscal year. This is to permit the consideration of estimates at the next session so that provision may be made thereunder for specific cases where Congress may determine it proper and necessary to provide for expenses of attendance at meetings of the character in question.

Section 9 makes the provisions of the antideficiency law applicable to expenditures for the government of the District of Columbia. This law, as applied to the expenses of the General Government, has literally resulted in the saving of millions of dollars.

NO NEW AVENUES TO THE TREASURY.

It will be observed that the purpose of each and every one of these "substantive" provisions of law have for their chief objects economy in expenditures and the promotion of efficiency in the public service, and that none are designed to establish new or to enlarge and foster old avenues to the Treasury.

They are all provisions highly beneficial to the public service. Their enactment will save to the Treasury many millions annually, and very greatly improve the administration of the public service. They are all "legislation on appropriation bills," so much condemned by thoughtless, ignorant, or designing persons during this session of Congress.

As a result of their enactment, however, the Democratic House has been able to work many reforms in the public service, despite a hostile Senate and Executive, from whom it received no material aid and very slight encouragement.

A change in the method of printing the legislative, executive, and judicial, sundry civil, and general deficiency appropriation bills was instituted by the Committee on Appropriations at this session by expressing all sums of money in them in figures instead of spelling them out at length as heretofore. The change seems to have met with universal commendation. An estimate by the Public Printer shows that the new method has resulted in a saving of not less than $5,563.60 and a diminution of 134 pages in all of the four or more editions of the three bills and 67 pages of the volume of the Statutes at Large when it is published.

If this method is applied to the other 11 regular appropriation bills a total saving will result of not less than $10,000 per

annum and, what is even quite as desirable, the volume of the annual statutes will be reduced by quite 150 pages.

THE LAW OF ESTIMATES EVADED.

Under the act of March 4, 1909, the Secretary of the Treasury is required immediately after the receipt of the regular annual estimates of appropriations for the various branches of the public service to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year; and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues, he is commanded to transmit the estimates to Congress, as previously required by law, and *after* that to transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union, advise how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The President has never complied with this law in letter or in spirit. The Secretary of the Treasury, who is an officer of Congress and subject to its will, in a measure that does not apply to the head of any other executive department, has ignored it in a manner that deserves the severest criticism.

In order to make a showing of pretended economy on the part of the administration, an order has gone forth, written or verbal, that no estimate shall be transmitted to Congress, by its own officer, the Secretary of the Treasury, and notwithstanding the law to the contrary, until the same has been authorized by the President. Under this unlawful proceeding Congress has been denied the real estimates prepared by the departments; in some cases items have been wholly suppressed, in others estimates based upon ascertained legal requirements have been wantonly reduced, for the purpose of arbitrarily bringing the total of estimates within a certain amount. As proof of this assertion I quote from Secretary of the Navy Meyer's letter transmitting, after the regular annual estimates had been sent to this Congress, an estimate of **$1,000,000** for the Naval Service:

This item was not included in the original estimates submitted to you for transmission to Congress, as the department was desirous of keeping the total of estimates to as low a figure as possible.

Brig. Gen. Henry G. Sharpe, Commissary General of the Army, in appearing before the subcommittee of the Committee on Appropriations charged with the preparation of the general deficiency bill, made the following statements with reference to the estimates of appropriations for subsistence of the United States Army:

The CHAIRMAN. When you submitted your estimates for the current fiscal year for subsistence, did you give the number of rations on which you figured?

Gen. SHARPE. The number of rations is stated there.

The CHAIRMAN. And you estimated them at **21.87** cents each?

Gen. SHARPE. When we first submitted it, we figured the ration at **23** cents each; but we were directed to reduce the estimate by **$534,000**, and the only way to reduce was to reduce the price of the rations.

The CHAIRMAN. Why were you directed to reduce the estimate?

Gen. SHARPE. Those were the instructions of the Secretary of War. We were told to cut it down **$534,000.**

The CHAIRMAN. I remember the statement was made that the amount appropriated would be inadequate.

Gen. SHARPE. I made that statement, and it was inadequate. We will not have enough for next year, and I am coming up before you again next year, Mr. Chairman, for the same reason.

Brig. Gen. George R. Smith, Paymaster General of the Army, in appearing before the same subcommittee in support of estimates for a deficiency in the appropriations for the pay of officers and enlisted men of the Army, testified as follows:

The CHAIRMAN. You have a deficiency of $1,800,000?

Gen. SMITH. Yes, sir.

The CHAIRMAN. Your estimate was $44,959,442.95?

Gen. SMITH. Yes, sir.

The CHAIRMAN. And the appropriation was $44,625,042.95. What was your original estimate as transmitted to the Secretary?

Gen. SMITH. The original estimate was cut in the office of the Secretary of War $1,550,000.

The CHAIRMAN. Do you know why that was?

Gen. SMITH. No, sir.

The CHAIRMAN. What was your estimate based on?

Gen. SMITH. It was based on the strength of the Army.

The CHAIRMAN. And then Congress appropriated about $334,400 less than the estimate submitted by the Secretary?

Gen. SMITH. Yes, sir.

The CHAIRMAN. And that makes practically the $1,800,000 that you now need?

Gen. SMITH. Yes, sir.

* * * * * * *

Mr. BARTLETT. If the estimates from your office had been transmitted to Congress and that amount provided there would have been no deficiency?

Gen. SMITH. No, sir; I think we would have gotten through pretty nicely.

The Secretary of the Treasury, well aware of the established policy of Congress to make each year specific appropriations for construction of public buildings, submitted at the beginning of this session a lump sum of $3,000,000 coupled with the suggestion that he be clothed with the discretion to apply that sum, and all unexpended balances of previous specific appropriations for buildings, to such of the hundreds of authorized structures as he might designate. By this unwarranted and unusual method of submitting estimates a further apparent, but fictitious, reduction of $10,234,201.20 was made in the sum total of the estimates submitted at the beginning of the session, and to that extent he further contributed to the deception of the public as to the real amount of estimated expenditures proposed by the Executive.

Notwithstanding all of this avoidance of the plain intent of the law by the President and the Secretary of the Treasury, the former has, in another and more serious particular, failed to comply with a further important requirement of this enactment, namely, that he should in the event the estimated appropriations exceeded the estimated revenues—

advise the Congress how in his judgment the estimated appropriations could with least injury to the public be reduced so as to bring the appropriations within the estimated revenues or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

The annual estimates submitted to Congress as required by law in December last, even after shamefully juggling them as I have shown, amounted to **$1,006,773,026.55**; at the same time the total estimated revenues from all sources amounted to only **$927,938,463**, a discrepancy of **$78,834,563.55**, which, it was designed by the law, the President should aid the Congress with advice and counsel how to overcome by cutting down, or by laying new taxes, or borrowing money. Instead it remained for this House, controlled by the Democratic Party, by its own unaided efforts to solve in a large measure the problem by cutting the President's estimates **$40,135,284.54** in the annual bills as they were sent to a Republican Senate. Not only did the President fail in his lawful duty to aid this House in the weary task he set before them of reducing his excessive and extravagant estimates, but he added to the perplexity of the situation by thrusting upon them from time to time, with his written approval, supplemental estimates amounting to **$16,675,000** and deficiency estimates for **$19,200,000** more.

The action of the Executive in making arbitrary reductions in estimates of appropriations whose necessary amounts are so patently capable of actual computation before they are submitted to Congress is grossly misleading to the Congress and to the people of the country, and demonstrates most conclusively that it was made, not with a view of effecting economy in expenditures, but with the bold intention of misrepresenting to the Nation the amounts of its money which would be required for the support of the Government. The revelation of these facts will, I am sure, raise a doubt in the minds of the public at large as to the sincerity of the administration in its protestations of retrenchment.

It makes idle all discussion of a so-called "National Budget" when such practices are adopted, and the failure to obey the existing laws relative to the submission of estimates more than all else contributes to the difficulties of those charged with the responsibilities of preparing the supply bills.

GROWTH OF APPROPRIATIONS CHECKED.

It should be observed that the appropriations made at this session are materially less than the appropriations made at either of the last three regular sessions, namely:

Less than those of the last session in providing for the fiscal year 1912 by **$7,046,738.06.**

Less than those of the previous session in providing for the fiscal year 1911 by **$8,265,285.52.**

Less than those of the session which provided for the fiscal year 1910 by **$8,870,427.28.**

To have checked the abnormal and rapid growth of appropriations is in itself no mean achievement for this House, and to have made the indicated reductions with the encouragement that the lavish appropriations Republican Congresses had given to those seeking aid from the Federal Treasury was a task almost impossible of accomplishment.

In addition to the considerable excess of direct appropriations made at the last session of the last Congress over those of this session, contract obligations were also authorized at that time, for further expenditures, in the sum of **$43,454,145** as against **$22,711,400**, authorized at this session for similar contract liabilities, thus constituting another comparison favorable to this Congress as against its immediate Republican predecessor to the extent of **$20,742,745**, which, added to the reduction we have made in specific appropriations, makes a combined reduction under appropriations and liabilities of the last session of **$27,789,483.06.**

These contract authorizations are frequently made to satisfy the desires of those seeking legislation, but who are content to obtain the authority even if the appropriation be deferred. The result, however, is to burden succeeding Congresses with the obligation to appropriate to carry out these authorizations and frequently to cause criticism for results which were inevitable under laws previously enacted.

PLEDGES KEPT.

This review demonstrates that the pledges of the Democratic Party have been kept. Substantial reductions in expenditures have been made, and comprehensive reforms that will bring about substantial reductions hereafter and greatly improve the efficiency of the public service have been effected and many activities of the Government extended, while new services have been initiated, without denying to any service a single dollar required for its legitimate needs.

NAVAL EFFICIENCY MAINTAINED.

An attempt has been made to mislead the public into the belief that the economies effected have been at the expense of the Naval Establishment. Knowledge of the facts makes the attempt ridiculous. During this session more has been done to put the fleet upon an effective fighting basis than in any session of Congress in my service.

Congress provided 1 first-class battleship, 2 fuel ships, 6 torpedo-boat destroyers, 8 submarine torpedo boats, 1 tender to destroyers, 1 submarine tender, 4,000 additional enlisted men, 400 marines, 13 marine officers, 30 paymasters, authority to modernize the guns, projectiles, and other facilities of existing battleships so as to make them more effective. Provision was made to enlarge the dry dock in Hawaii, to establish a world-wide wireless system, to establish coal depots for the fleet, to organize a Dental Corps and a Medical Corps.

All of these matters are of the utmost importance if the ships and men already provided are to be effective as a fighting force.

During this session I have had the hearty cooperation of all of the members of this committee, for which I am very grateful. The best indication of the effectiveness of their work is the fact that, with the exception of the pension appropriation act, which carries more money than the act of last year because of the legislation granting liberal increases of pensions to Civil and Mexican War veterans, every other appropriation bill over which the Committee on Appropriations has jurisdiction when enacted into law carried, in a marked degree, less money than the preceding act.

What has been done this session is merely an illustration of what may be accomplished if the Democratic Party is given that opportunity which only comes with full control of the Government. What has been accomplished resulted from persistent efforts and unmeasured determination.

We ask an intelligent and impartial judgment upon accomplished results; we believe it justifies the continuance and the enlargement of our power in the Government.

The following table gives in the customary form a complete history of the appropriation bills for this session of Congress, beginning with the estimates submitted by the Executive and following the course of each bill through to its final approval:

History of appropriation bills, second session of the Sixty-second Congress; estimates and appropriations for the fiscal year 1912–13; and appropriations for the fiscal year 1911–12.

[Prepared by the clerks to the Committees on Appropriations of the Senate and House of Representatives.]

Title.	Estimates, 1913.	Reported to the House.	Passed the House.	Reported to the Senate.	Passed the Senate.	Law, 1912-13.	Law, 1911-12.
		Amount.	Amount.	Amount.	Amount.	Amount.	Amount.
Agriculture	$17,233,452.00	$15,836,976.00	$15,933,366.00	$17,056,976.00	$18,111,976.00	$16,651,496.00	$16,900,016.00
Army (vetoed)		(88,854,257.18)	(87,777,257.18)	(95,314,710.98)	(95,343,510.98)	(90,654,562.98)	
Army [1]	96,927,988.98	[1] 89,127,257.18	[1] 89,127,257.18	[1] 95,392,630.98	[1] 95,478,380.98	[1] 90,483,403.16	93,374,755.97
Diplomatic and consular	4,079,697.41	3,427,491.41	3,418,791.41	3,788,347.11	3,790,847.41	3,638,047.41	3,988,516.41
District of Columbia [2]	12,954,720.50	10,302,208.00	10,300,858.00	12,068,014.50	11,864,524.50	10,675,833.50	12,056,788.50
Fortification	7,218,899.00	4,036,235.00	4,036,235.00	4,186,235.00	4,186,235.00	4,036,235.00	5,473,707.00
Indian	8,517,440.00	7,475,255.00	7,516,255.00	12,436,197.99	14,600,294.06	9,854,184.46	8,842,136.37
Legislative (vetoed)		(33,519,594.06)	(33,782,854.06)	(34,537,894.50)	(34,476,154.50)	(34,187,591.16)	
Legislative (vetoed)		(33,651,084.06)	(33,651,084.06)	(34,249,591.16)	(34,187,591.16)	(34,187,591.16)	
Legislative, etc. [1]	35,684,267.40	34,229,613.38	34,229,613.38	34,229,613.38	34,229,613.38	34,229,613.38	35,378,149.83
Military Academy	1,804,928.63	1,033,860.26	1,034,260.26	1,064,668.26	1,064,668.26	1,064,668.26	1,163,424.07
Navy	126,186,943.46	118,809,337.76	118,551,437.76	133,609,674.28	133,590,174.48	123,220,707.48	126,478,338.24
Pension	152,687,750.00	152,579,000.00	152,579,000.00	165,186,750.00	165,187,750.00	165,146,145.84	153,682,000.00
Post Office [4]	260,938,463.00	262,200,999.00	263,073,749.00	273,159,820.00	273,642,309.00	271,429,599.00	259,134,463.00
River and harbor	[5] 17,345,450.00	24,062,520.50	24,062,520.50	31,853,530.50	31,883,530.50	[6] 31,059,370.50	[7] 23,855,342.00
Sundry civil	[8] 131,896,602.05	109,577,414.40	109,567,974.40	115,021,989.70	116,322,730.20	[9] 112,039,184.40	[10] 142,265,044.14
Total	873,566,602.43	832,698,167.89	833,431,317.89	899,654,447.70	903,953,033.77	873,528,488.39	832,592,679.55
Urgent deficiency 1912 and prior years	[11] 19,200,000.00	2,364,756.46	2,364,756.46	2,922,756.46	3,186,627.46	2,457,756.46	9,740,971.24
Deficiency 1912 and prior years		6,182,838.24	6,185,238.24	11,513,871.26	11,700,845.75	7,243,474.69	
Total	892,766,602.43	841,245,762.59	841,981,312.59	914,091,075.42	918,840,506.98	883,229,719.54	892,333,650.79
Miscellaneous	[11] 14,675,000.00					[11] 3,200,000.00	4,773,306.81
Total regular annual appropriations	907,441,602.43					886,429,719.54	897,106,957.60
Permanent annual appropriations	[12] 133,206,424.12					[12] 133,206,424.12	129,575,924.12
Grand total, regular and permanent annual appropriations	1,040,648,026.55					[13] 1,019,636,143.66	[14] 1,026,682,881.72

Amount of estimated revenues for fiscal year 1913	$667,000,000.00
Amount of estimated postal revenues for fiscal year 1913	260,938,463.00
Total of estimated revenues for fiscal year 1913	927,938,463.00

[1] The Army and the legislative bills for 1913 as originally passed were vetoed by the President June 17 and Aug. 15 and 21, 1912, respectively. In order to preserve their history, the several dates of their consideration are noted, and amounts carried are indicated in parentheses, but the amounts (in parentheses) of the vetoed bills are not included in any of the totals stated herein.

[2] This amount includes $1,350,000 appropriated in a joint resolution, approved July 8, 1912, for the Organized Militia, a like sum having been carried by the Army act which was vetoed, and omitted from the Army act finally approved.

[3] One-half of the amounts for the District of Columbia payable by the United States, except amounts for the water department (estimated for 1913 at $135,785), which are payable from the revenues of the water department.

[4] Includes all expenses of the postal service payable from postal revenues and out of the Treasury.

[5] In addition to this amount the sum of $12,114,988 to meet contracts authorized by law for river and harbor improvment is included in the sundry civil estimates for 1913.

[6] In addition to this amount the sum of $9,500,250 to meet contracts authorized by law for river and harbor improvements is included in the sundry civil act for 1913.

[7] In addition to this amount the sum of $7,028,077 was appropriated in the sundry civil act to carry out contracts authorized by law for river and harbor improvements for 1912.

[8] This amount includes $12,114,988 to carry out contracts authorized by law for river and harbor improvements, and $47,263,760.20 for construction and fortification of the Isthmian Canal for 1913.

[9] This amount includes $9,500,250 to carry out contracts authorized by law for river and harbor improvements, and $31,786,950 for construction of the Isthmian Canal for 1912.

[10] This amount includes $7,028,077 to carry out contracts authorized by law for river and harbor improvements, and $48,500,000 for the construction and fortification of the Isthmian Canal for 1912.

[11] This amount is approximated.

[12] This is the amount submitted by the Secretary of the Treasury in the annual estimates for the fiscal year 1913, the exact amount appropriated not being ascertainable until two years after the close of the fiscal year. This amount includes estimated amount of $60,650,000 to meet sinking-fund obligations for 1913.

[13] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the fortification act, $371,403; by the naval act, $20,140,000; by the river and harbor act, $2,200,000; in all, $22,711,400.

[14] In addition to this amount contracts are authorized to be entered into, subject to future appropriations by Congress, as follows: By the naval act, $30,352,500; and by the river and harbor act, $13,101,645; in all, $43,454,145.

Mr. CANNON. Mr. Speaker, appropriation bills have their origination in the House of Representatives. The Republican House at its last session in 1911 originated the appropriations for the public service for the fiscal year beginning July 1, 1911, and ending June 30, 1912. The Democratic House at this session of Congress originated appropriations for the year beginning July 1, 1912, and ending June 30, 1913. It is proper at this time to make a comparison between the appropriations for the two fiscal years.

Many have been the promises of economy, and much has been said on the floor of this House and elsewhere about the accomplishments of the Democratic Party with respect to its ability to reduce the annual running expenses of the Government.

In its Baltimore platform that party denounces what it terms the "profligate waste" of the people's money through "lavish appropriations" of Republican Congresses, and declares for a return to Democratic simplicity and the abolishment of useless offices.

APPROPRIATIONS EXCEED THOSE OF LAST YEAR.

The total amount, including permanent appropriations, granted at the last session of the last Congress when the Republican House had charge of appropriation bills, was $1,026,682,881.72.

The stated total amount, including permanents appropriated at this session by origination in a Democratic House, is $1,019,636,143.66.

In consideration of these two great totals it is proper to state that all money expended for the construction of the Panama Canal is reimbursable to the Treasury of the United States through the sale of bonds already authorized for that purpose, and since these sums are not a burden upon the revenues of the country they should, for purposes of comparison, be eliminated from the total amounts appropriated. A Republican House at the last session of Congress provided for this great canal the sum of $45,560,000, and through the requirements of the law making these appropriations continue available until they are finally expended, there remained in the Treasury at the end of the last year amounts of money exceeding $5,000,000 for canal construction, which made it possible for the Democratic House to reduce, as they have, the sums for the canal for next year to $28,980,000.

Therefore, deducting the $45,560,000 for canal construction from the total appropriations last year of $1,026,682,881.72, there remains an aggregate of $981,122,881.72, and deducting the $28,950,000 for canal construction from the total amounts made at this session there remains an aggregate of $990,656,143.66, a sum which exceeds the grand total of all appropriations made by the Republican House at the last session of last Congress by $9,533,261.94.

Mr. FITZGERALD. The gentleman thinks that those things that do not come out of the ordinary receipts of the Government should be eliminated?

Mr. CANNON. I think the Panama Canal should be.

Mr. FITZGERALD. Then, why not the Post Office expenditures? They are paid for out of the postal receipts. That would make a difference of $11,000,000.

Mr. CANNON. Oh, there is a permanent appropriation appropriating the post-office receipts. It is a part of the permanent appropriations, and has been for a quarter of a century.

Mr. FITZGERALD. Just one other thing: The gentleman, although he eliminates appropriations, incorporates over $1,000,000 additional of permanent appropriations, as the result of the sale of Panama bonds last year.

Mr. CANNON. Oh, no.

Mr. FITZGERALD. Oh, yes; and $2,000,000 of permanent appropriations for the Appalachian Park.

Mr. CANNON. Oh, no; the gentleman is mistaken. I eliminate the Panama proposition; and all other appropriations are either appropriations for the ordinary expenses or permanent appropriations authorized by law.

Now, having stated that much, lo and behold, what happened? I will print this statement in full, and I am merely explaining two or three things, hitting a dry place here and hitting a dry place there. Six million dollars is the amount of the deficiency bill to make up the deficiencies where the appropriations fell short—the appropriations that were made by the last Republican Congress. The gentleman from New York [Mr. FITZGERALD] states—and tells us the truth—that that is the smallest deficiency that has been passed since 1886. That is true. That shows how efficiently the work was done by the last session of the last Republican Congress. [Applause on the Republican side.]

Then there is another thing. The gentleman, although he may be chairman of the Committee on Appropriations—and I hope he will be, and he deserves to be, so long as you have the Democratic House [applause] for his intelligence, his industry, and his honesty and fidelity—although he might preside over that committee for years to come, he never would report as small a deficiency bill as he has reported this year. [Applause on the Republican side.] He has reported a deficiency bill this year that cares for all matters of deficiency of the past year.

Why, gentlemen, the regular estimate for pensions, made before the late pension legislation was enacted, was $153,000,000. That was given; but since that time new pension legislation has been enacted, and, in round numbers, 500,000 claims are now pending and are being rapidly, and will be more rapidly, disposed of, as the weeks come and go. Now, they increased the appropriation on that account from $153,000,000 to $165,000,000. There is enough money appropriated to pay pensions until after the election, and more than enough [laughter on the Republican side]; but the gentleman will report a bill carrying at least $20,0000,000 in addition to pay pensions for the present fiscal year.

There are various other matters of deficiency. I expect, if the Lord spares me, to be present at the last session of this Congress, to see the gentleman report a bill or bills before the 4th day of next March appropriating $30,000,000 for deficencies that ought to be carried by this bill. How? Why, the country grows. Thank God, it grows. We legislate for increasing appropriations. Thank God, we do so legislate. I never want to see the time when appropriations will drop back. I want to see them increase, to meet the necessities of a growing and an advancing civilization. [Applause on the Republican side.]

Mr. Speaker, my statement is in manuscript, and I resume the reading of the same at the point where I was interrupted by my friend from New York [Mr. FITZGERALD].

DEFICIENCIES IN PENSIONS AND OTHER APPROPRIATIONS WILL RESULT.

In presenting to the House the general deficiency bill, providing deficiencies for the fiscal year 1912, for which fiscal year appropriations had been made by a Republican Congress and approved by a Republican President, the chairman of the Committee on Apropriations stated that it was the smallest deficiency bill that had been presented to the House since 1886. The minority of this House is grateful to the chairman of that committee for the merited compliment that he has paid to the preceding Republican administration of the House. The fact that the general deficiency bill is the smallest in a quarter of a century is an evidence of the thoroughness with which the appropriation bills were prepared and considered by a Republican House and a tribute to the manner in which the public service has been handled and the money expended. One thing, more than any other, that has made possible this remarkable statement on the part of the chairman of the committee is the antideficiency law, initiated in 1906 by the then chairman of the Committee on Appropriations, Hon. James A. Tawney, and passed by a Republican House, and which for the first time in the history of our Government successfully raised a barrier against the expenditure of any money not authorized by law. It is well that he makes this statement at this time, for he is in the only position to make it he will ever be in.

It is fortunate indeed for him that his first general deficiency bill follows acts which judiciously provided for all branches of the public service, for when the appropriations made at this session have been allotted to the governmental departments and establishments they will fall so far short that in presenting to the next session of this Congress the bills providing for deficiencies he will be able to make the further remarkable statement that the deficiency bill is the largest ever brought into the House since 1886. I make this statement advisedly and call the attention of the House to the estimate of $152,687,750 for the payment of pensions, made prior to the enactment of the recent pension law. The appropriation made for the payment of pensions for this year is $165,146,145.84. Already under the legislation increasing pensions there have been filed, in round numbers, one-half million claims, which, it is hoped, will be rapidly adjudicated, and I have no doubt that it will increase the appropriation for pensions over and above the amount appropriated for this year by at least requiring a deficiency appropriation for pensions of $20,000,000.

The policy of the Democratic House has been to decrease the appropriations as largely as possible prior to the election in November next, and for the purpose of claiming Democratic

economy; but the legislation of this Congress, coupled with the growth of the country and the legitimate demands of the public service, will compel the gentleman from New York, chairman of the Appropriations Committee, when Congress meets in December next to report deficiency bills during that session to cover appropriations which should have been made at this session for at least $30,000,000 for the public service during this fiscal year, and which have been withheld for the purpose of establishing a fallacious claim of Democratic economy.

INSUFFICIENT FUNDS FOR ANTITRUST PROSECUTIONS.

The Democratic Party, in its platform adopted at Baltimore, announced to the country that it favored the vigorous enforcement of the criminal as well as civil law against trusts and trust officials. The CONGRESSIONAL RECORD is full of demands by Members on the Democratic side of the House during this session for the enforcement of the antitrust laws. The truth is that during this administration, and especially during this year, greater progress has been successfully made in the enforcement of the laws upon the statute books against trusts than since the enactment of the antitrust law in 1890. The last report of the Attorney General shows that during the fiscal year 1911 there was collected and paid into the Treasury in fines around $4,204,115.51, which is $980,341.62 more than was expended for that year for the Department of Justice and all the special attorneys employed in the various prosecutions. The estimate submitted by the Attorney General for the enforcement of these laws for this fiscal year was $300,000; the amount appropriated was $200,000. Professions are one thing; action is another thing.

In the appropriations for the enforcement of the commerce acts the necessary amount was decreased from $25,000 to $10,000.

HOWARD UNIVERSITY.

The Howard University, at Washington, is the only university supported in part by the Federal Treasury for the training of the colored race. It has done and is doing splendid work in educating and training practical young men and women who go out after their training for the instruction of those of their race. A new dormitory was shown to be, in my judgment, necessary and various improvements requiring Federal appropriations, and they were not made.

GOVERNMENT HOSPITAL FOR THE INSANE.

St. Elizabeth, the insane hospital, not only for the people of the District of Columbia but for the soldiers and sailors and veterans of the War of the Rebellion who are cared for in that great institution, needs appropriations for extension and for the security of patients there, and they were also withheld.

PUBLIC HEALTH SERVICE.

The Public Health and Marine-Hospital Service estimated $500,000 for the prevention of epidemics, and in view of our extended coast lines, the bubonic plague, the yellow fever, and other dangerous diseases, this amount should have been granted. The appropriation made was for $200,000 and every effort to increase the same was successfully combated by a Democratic House.

IMMIGRATION SERVICE.

Almost a million of immigrants come to this country annually, very largely from Europe. Necessary funds, especially for the immigration station at New York, were denied. This service is of vast importance for the security of the people of the United States and for the efficient enforcement of the law, and this, too, although the head tax that is collected from immigrants coming to the United States far exceeded the expenditures necessary for the service.

DEMOCRATIC FAILURE.

Time does not allow the further specifying of the failure of the Democratic House to appropriate properly for the public service, of which there are many scores of other instances that might properly be made, nor does the condition of the United States warrant the withholding of necessary appropriations. Under Republican revenue laws enacted by Republican Congresses the surplus revenues after the payment of all expenditures for the last fiscal year were $37,224,501.90, and the receipts so far this fiscal year justify me in predicting a surplus of $50,000,000 for the coming fiscal year. I make this prediction absolutely sure of fulfillment if the present production and prosperity of the country continues until the 1st day of July, 1913.

Mr. Speaker, verily, verily, say I unto you, the Democratic Party whenever given partial or complete power have heretofore and continue to thunder in the index and do not perform in the text.

ENROLLED BILLS SIGNED.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 7500. An act to amend an act entitled "An act authorizing the sale of certain lands in the Colville Indian Reservation to the town of Okanogan, State of Washington, for public-park purposes," approved July 22, 1912.

ENROLLED BILL PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. CRAVENS, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bill:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and for prior years, and for other purposes.

SENATE JOINT RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate joint resolutions of the following titles were taken from the Speaker's table and referred to the appropriate committees as indicated below:

S. J. Res. 138. Joint resolution to pay the officers and employees of the Senate and House of Representatives of the United States a sum equal to one-twelfth of their annual salaries in lieu of transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress; to the Committee on Appropriations.

S. J. Res. 139. Joint resolution to pay the officers and employees of the Senate of the United States a sum equal to one-twelfth of their salaries, in lieu of all transportation and other expenses in coming to and returning from Washington for the first and second sessions of the Sixty-second Congress; to the Committee on Appropriations.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message from the President of the United States by Mr. Latta, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On August 24, 1912:

H. R. 21279. An act making appropriations for the service of the Post Office Department for the fiscal year ending June 30, 1913, and for other purposes.

On August 26, 1912:

H. R. 25970. An act making appropriations to supply deficiencies in appropriations for the fiscal year 1912 and prior years, and for other purposes.

FINAL ADJOURNMENT.

The SPEAKER. The hour fixed in the concurrent resolution for final adjournment is about to arrive. The Speaker desires to congratulate the membership of the House on having reached the end of one of the longest and most laborious sessions in the history of Congress. There are a few sessions which have exceeded this in length, counting from the first Monday in December until the close, but I believe that a careful examination of the RECORD would show that Congress has been actually in session more days since the first Monday in December than any other Congress that ever sat. [Applause.]

The Speaker desires to thank all the Members of the House, on both sides of the big aisle, which, when he was sworn in to the office of Speaker, he said separates us politically but not as friends or patriots, for the uniform courtesy with which they have treated the Speaker. If the administration of that great office in the present Speaker's hands has been successful, it is largely due to the assistance he has received from the Members of this House.

I hope that we shall all reach home safely and find our loved ones well; that we shall all have an enjoyable vacation and return on the first Monday of next December refreshed and invigorated for the work that will lie before us. [Applause.]

And now, in accordance with the provisions of the concurrent resolution, I declare the second session of the Sixty-second Congress adjourned without day.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. AINEY: A bill (H. R. 26450) granting an increase of pension to Milton Trout; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 26451) for the relief of Daniel W. Smith; to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 26452) granting a pension to Sarah Whidden; to the Committee on Pensions.

By Mr. WILLIS: A bill (H. R. 26453) granting an increase of pension to Helen Grierson Davis; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BOWMAN: Petition of citizens of the State of Pennsylvania, favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.

By Mr. GOODWIN of Arkansas: Petition of the Calhoun County (Ark.) Farmers' Educational and Cooperative Union, relative to lands from which natural fertilizers can be mined; to the Committee on the Public Lands.

By Mr. STEPHENS of California: Petition of W. S. Hancock Council, No. 20, Junior Order United American Mechanics, of Los Angeles, Cal., favoring passage of bills restricting immigration; to the Committee on Immigration and Naturalization.